

**CITY OF HAMILTON**

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

|   |  |
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| <b>TO:</b> Chair and Members<br>Planning Committee  | <b>WARD(S) AFFECTED:</b> WARD 12                                   |
| <b>COMMITTEE DATE:</b> November 6, 2012   |  |
| <b>SUBJECT/REPORT NO:</b><br>Application for Approval of a Draft Plan of Condominium (Vacant Land) (25CDM-201205) for Lands Known as 3-35 Greenleaf Lane (Formerly 306 Woodworth Drive) (Ancaster) (PED12199) (Ward 12) |  |
| <b>SUBMITTED BY:</b><br>Tim McCabe<br>General Manager<br>Planning and Economic Development<br>Department  | <b>PREPARED BY:</b><br>Kate Mihaljevic<br>(905) 546-2424 Ext. 4424 |
| <b>SIGNATURE:</b>   |  |

**RECOMMENDATION**

That approval be given to **Condominium Application 25CDM-201205, Schuit Homes Inc., Owner**, to establish a Draft Plan of Condominium (Vacant Land) to create a vacant land condominium for 9 single-detached dwelling units, a common element road and natural area, and a 3.0m public access across the property, subject to an easement in favour of the City of Hamilton, on lands known as 3-35 Greenleaf Lane (formerly 306 Woodworth Drive) (Ancaster), as shown on the attached location map marked as Appendix "A" to Report PED12199, subject to the following conditions:

- (a) That this approval shall apply to the plan, prepared by A.J. Clarke and Associates Ltd., and certified by B.J. Clarke, O.L.S., dated May 25, 2012, as red-lined revised, showing the residential dwelling lots as Units 1-9, common elements, including Part 1 as a 3.0m access easement for public use, attached as Appendix "B" to Report PED12199.

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- (b) That the Final Plan of Condominium shall comply with all of the applicable provisions of Ancaster Zoning By-law No. 87-57 and By-law 09-064 as amended.
- (c) That prior to the registration of the final plan, the owner shall provide the Senior Director of Growth Management with a copy of the Condominium Declaration Document detailing the maintenance requirements and obligations of the Condominium Corporation with respect to the common element road, constructed with the Hanson Aquapave permeable pavement system; and the owner shall further provide that the Condominium Corporation shall obtain the necessary approvals from the City of Hamilton for any change in construction material with respect to the common element road.
- (d) That prior to the registration of the final plan, the owner shall provide the Senior Director of Growth Management with a copy of the Condominium Declaration Document detailing the City of Hamilton's interest in Part 1 of the draft plan for the purposes of providing an easement exclusively for public use.
- (e) That the owner shall enter into a Development Agreement to ensure that each of the proposed 9 condominium units has legal interest, in common, to the Vacant Land Condominium, to the satisfaction of the City Solicitor.
- (f) That the owner shall agree to include in all Agreements of Purchase and Sale, and any rental or lease agreements required for occupancy, the following warning notices advising perspective buyers/tenants:
  - (i) "Purchasers/Tenants are advised that the future Condominium Corporation is responsible for all aspects of on-going maintenance, repair, and replacement, as need be, of all sewers, rear yard and street catch basins, and stormwater management systems located on the property and which service more than one unit, in accordance with the approved Site Plan (DA-11-072), along with any and all applicable maintenance schedules included with the Condominium Declaration Document."
  - (ii) "Purchasers/Tenants are advised that the future Condominium Corporation is responsible for all aspects of on-going maintenance, repair, and replacement, as need be, of all trees, shrubs, and other vegetative plantings, decorative walls, pergolas, arbours, and visual barriers within the common elements of the property, in accordance with the approved Site Plan (DA-11-172)."

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- (iii) “Purchasers/Tenants are advised that the erection or use of any building or structure (permanent or temporary) and fencing, the removal of any existing vegetation, and any maintenance, including the mowing of lawns or trimming of trees, within the 10.0m common element natural area provided at the rear of Units 6-9, and referenced in the approved Site Plan (DA-11-172), is prohibited, without the written approval of both the City of Hamilton and the Hamilton Conservation Authority.”
- (iv) “Purchasers/Tenants are advised that the 3.0m easement connecting Robina Road to Perth Park, referenced in the approved Site Plan (DA-11-172), shall be provided in favour of the City of Hamilton exclusively for public use, and shall be maintained in accordance with the easement documents.”
- (v) “Purchasers/Tenants are advised that large truck/vehicular movement will be limited throughout the approved condominium. As a result, municipal garbage collection vehicles will not enter the site. Garbage pick-up will, therefore, be co-ordinated and executed through the Condominium Agreement.”
- (vi) “Purchasers/Tenants are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road.”
- (vii) “Purchasers/Tenants are advised that parking shall be provided in designated areas only, and that no obstruction to the fire route is permitted.”
- (g) That the owner shall provide the Manager of Design and Construction with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication service provider, approved by the Canadian Radio and Telecommunication Commission (CRTC), that adequate telecommunication service will be provided to the condominium, including 9-1-1 emergency calling service that identifies, at a minimum, the caller’s name and location information.
- (h) That the owner shall complete the following, to the satisfaction of the Senior Director of Growth Management and Canada Post:
  - (i) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:

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- (1) That the home/business mail delivery will be from a designated Centralized Mail Box.
  - (2) That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations, prior to the closing of any home sales.
- (ii) The owner further agrees to:
- (1) Work with the Senior Director of Growth Management and Canada Post to determine and provide temporary suitable Centralized Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the condominium.
  - (2) Install a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post and the Senior Director of Growth Management, to facilitate the placement of Community Mail Boxes.
  - (3) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of condominium.
  - (4) Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and the Senior Director of Growth Management, and to indicate the location of the centralized mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- (i) That prior to registration, the owner shall agree that the lands, as shown in the draft plan, are subject to the conditions and undertaking of the final approved Site Plan (DA-11-172). The owner shall further agree that this information shall also be included in all Purchase and Sale and/or Lease/Rental Agreements for all units within the Vacant Land Condominium.
- (j) That the owner shall agree to deed, free and clear to the City of Hamilton, any easements that may be required for utility purposes.
- (k) That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

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- (l) That the owner shall enter into and register on title the Condominium Agreement incorporating the approved plan of condominium and related conditions.

**EXECUTIVE SUMMARY**

The purpose of the Draft Plan of Condominium application is to establish a vacant land condominium for 9 single detached dwellings, common element road, and natural area, as well as an easement exclusively for public use, shown as Part 1 of the attached plan (see Appendix “B”), as per approved Site Plan Control Application DA-11-172. This Condominium application will provide the requested form of tenure for the single detached dwellings for the purposes of custom built homes. The proposed Draft Plan of Condominium has merit, and can be supported, since it is consistent with the Provincial Policy Statement, conforms to the Hamilton-Wentworth Official Plan, the Town of Ancaster Official Plan, and the Town of Ancaster Zoning By-law No. 87-57.

*Alternatives for Consideration - See Page 10.*

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS**

**Financial:** None.

**Staffing:** None.

**Legal:** As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a Vacant Land Draft Plan of Condominium.

**HISTORICAL BACKGROUND**

**Proposal**

The subject property is approximately 0.78 hectares in area, and is located east of Robina Drive on the north side of Woodworth Drive, in the former Town of Ancaster (see Appendix “A”). The subject lands are irregular in shape. The property fronts onto Woodworth Drive, and has 11.3m of frontage. The abutting lands consist of the proposed Perth Park to the east, single detached residential to the west and south, and the existing Hamilton Golf and Country Club to the north. The purpose of the Draft Plan of Condominium application is to provide the appropriate tenure for the proposed 9 single detached dwellings and corresponding common elements (see Appendix “B”) previously approved through City Initiated Zoning By-law Amendment CI-06-K.

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**Background**

In 2006, the City of Hamilton initiated a rezoning application (CI-06-K) to amend the Town of Ancaster Zoning By-law following the acquisition of the former Grange Elementary School at 306 Woodworth Drive. The proposal was to sever a portion of the school lands for residential development, and to redevelop the balance of the lands for the purposes of a neighbourhood park. Council approved a change in zoning to facilitate the development of 9 single detached dwellings on a private road on April 1, 2009. By-law No. 09-064 was appealed by third parties to the Ontario Municipal Board (OMB). On September 23, 2009, the appeals were dismissed, and By-law 09-064 was deemed to be in full force and effect. The lands were, subsequently, purchased by Schuit Homes Inc., subject to a purchase and sale agreement, which articulated various conditions, including the submission of a Site Plan Control Application consistent with a concept plan provided to the OMB.

The applicant came forward with a Site Plan Application (DA-11-172) on December 8, 2011, which was conditionally approved on May 8, 2012. On May 23, 2012, the applicant received approval to construct a model home on the subject lands.

**Chronology:**

- June 8, 2012: Application for Vacant Land Condominium received.
- July 3, 2012: Application 25CDM-201205 deemed complete.
- July 11, 2012: Notice of complete application mailed to all land owners within 120m of the subject property.
- October 19, 2012: Notice of Public Meeting mailed to all land owners within 120m of the subject property.

**Details of Submitted Application**

**Location:** 3-35 Greenleaf Lane (formerly 306 Woodworth Drive)

**Owner/Applicant:** Schuit Homes Inc.

**Agent:** A.J. Clarke and Associates

**Property Description:**

|                   |                     |
|-------------------|---------------------|
| <u>Frontage:</u>  | 11.3m               |
| <u>Lot Depth:</u> | 147.87m (irregular) |
| <u>Area:</u>      | 0.78 hectares       |

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**EXISTING LAND USE AND ZONING:**

|                              | <b><u>Existing Land Use</u></b> | <b><u>Existing Zoning</u></b>                       |
|------------------------------|---------------------------------|---|
| <b><u>Subject Lands:</u></b> | Vacant                          | Residential Multiple<br>"RM4-585"<br>Zone, Modified |
| <b>North</b>                 | Golf Course                     | Private Open Space<br>"O1" Zone                     |
| <b>South</b>                 | Single Detached<br>Residential  | Existing Residential<br>"ER" Zone                   |
| <b>East</b>                  | Vacant                          | Neighbourhood Park<br>"P1" Zone                     |
| <b>West</b>                  | Single Detached<br>Residential  | Existing Residential<br>"ER" Zone                   |

**POLICY IMPLICATIONS**

**Provincial Growth Plan for the Greater Golden Horseshoe (Places to Grow)**

The application has been reviewed with respect to the Provincial Growth Plan for the Greater Golden Horseshoe (Places to Grow). The application is consistent with policies that direct new growth to the built up areas, as per the Policies contained in Sections 2.2.2 and 2.2.3 of the Places to Grow Plan. The proposal maintains the intent to develop and create complete communities, which provide for housing opportunities. Therefore, the application is consistent with the Places to Grow Growth Plan for the Greater Golden Horseshoe.

**Provincial Policy Statement**

The application is consistent with the Provincial Policy Statement, where it promotes growth in Settlement Areas, and implements Policies 1.1.1, 1.1.3.2, and 1.4.1 with respect to the provision of densities that efficiently use land and provide a mix of housing types. Based on the foregoing, the Condominium application is consistent with the Provincial Policy Statement.

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**Hamilton-Wentworth Official Plan**

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 outlines that a wide range of uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020. The Condominium application conforms to the Hamilton-Wentworth Official Plan.

**Town of Ancaster Official Plan**

The subject lands are designated “INSTITUTIONAL” on Schedule “A” - Land Use Plan - Urban Area of the Town of Ancaster Official Plan. This designation permits residential development in accordance with Policy 4.7.9, which states:

“Notwithstanding the policies set out above, in areas designated Institutional, residential uses may be permitted without amendment to this Plan provided they are compatible with the surrounding area and are in keeping with the policies of this Plan.”

The subject lands have been previously rezoned, as per By-law 09-064, to permit 9 single detached dwellings. Therefore, the proposal conforms to the Official Plan.

**New Urban Hamilton Official Plan**

The new Urban Hamilton Official Plan received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011. However, the Urban Hamilton Official Plan has been appealed and is currently before the Ontario Municipal Board.

The new Urban Hamilton Official Plan designated the subject lands as “Neighbourhoods” on Schedule “E-1” Urban Land Use designations. This designation permits single family dwellings and, therefore, the proposal would conform to the New Urban Hamilton Official Plan.

**RELEVANT CONSULTATION**

The following Departments and Agencies had no comments or objections:

- Budgets and Finance Division, Corporate Services Department.
- Traffic Engineering Section, Public Works Department.
- Urban Forestry, Public Works Department.
- Parking Services, Planning and Economic Development Department.
- Hydro One.



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**Waste Management Division (Public Works Department):**

The subject property is eligible for waste collection, subject to compliance with the City's Solid Waste Management By-law. However, staff advises that a turning radius of 13m is required for collection vehicles, and that the length of the T-turnaround illustrated on the site plan is insufficient - there must be at least 17m of road length on either side of the "T". Therefore, as a condition of draft plan of condominium, perspective buyers/tenants will be advised that waste will be collected by a private contractor, as per Condition (f) (v).

**Bell Canada:**

Prior to the commencement of any work, the Developer must confirm that sufficient telecommunications infrastructure exists to service the proposed development. Bell Canada requested the inclusion of a condition of draft plan of condominium to grant the said company any easements that may be required for telecommunication services. Condition (g) is a standard condition referencing that any telecommunication service provider, approved by the Canadian Radio and Telecommunication Commission (CRTC), shall demonstrate that adequate telecommunication services will be provided to the condominium.

**Canada Post:**

This plan of condominium will receive mail service to a centralized mail facility provided through Canada Post's Community Mailbox Program. Condition (h) addresses the conditions of draft plan of condominium, as requested by Canada Post.

**PUBLIC CONSULTATION**

In accordance with the new provisions of the Planning Act and Council's Public Participation Policy, 222 Notices of Complete Application and Preliminary Circulation were sent to property owners within 120m of the subject property on July 11, 2012, requesting public input on the application. To date, no comments have been received.

Further, Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement, and conforms with the Places to Grow Plan.

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- (ii) It conforms to the Hamilton-Wentworth Regional Official Plan, Town of Ancaster Official Plan, and would conform to the New Hamilton Urban Official Plan.
2. The purpose of the Vacant Land Condominium application is to facilitate the form of tenure for the proposed custom built single detached dwellings and common elements. The application has already received comprehensive reviews through the previous City Initiative CI-06-K and Site Plan Control Application DA-11-172, both of which have received approval from Council and staff, respectively.
3. The proposal is subject to an easement to connect a public walkway from Robina Road to the proposed Perth Park (see Appendix “B”). The easement will be in favour of the City of Hamilton exclusively for public access, and will be maintained by the City in perpetuity. The easement is required as a result of discussions from the OMB hearing regarding the previously discussed Zoning By-law Amendment, and was included on the Concept Plan appended to the Purchase and Sale Agreement between the City of Hamilton and Schuit Homes Inc. Planning and Legal staff are satisfied with this approach, as the alternative - a dedication of land to the City - would create a natural severance through the subject lands and, ultimately, compromise the existing development proposal.

### **ALTERNATIVES FOR CONSIDERATION**

If the Draft Plan of Condominium application is denied, the applicant may apply for approval of a standard condominium.

### **CORPORATE STRATEGIC PLAN**

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

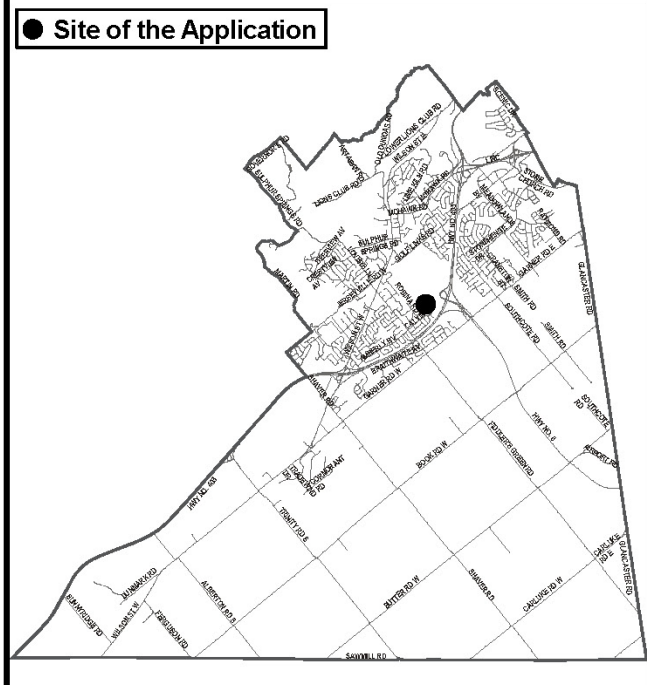
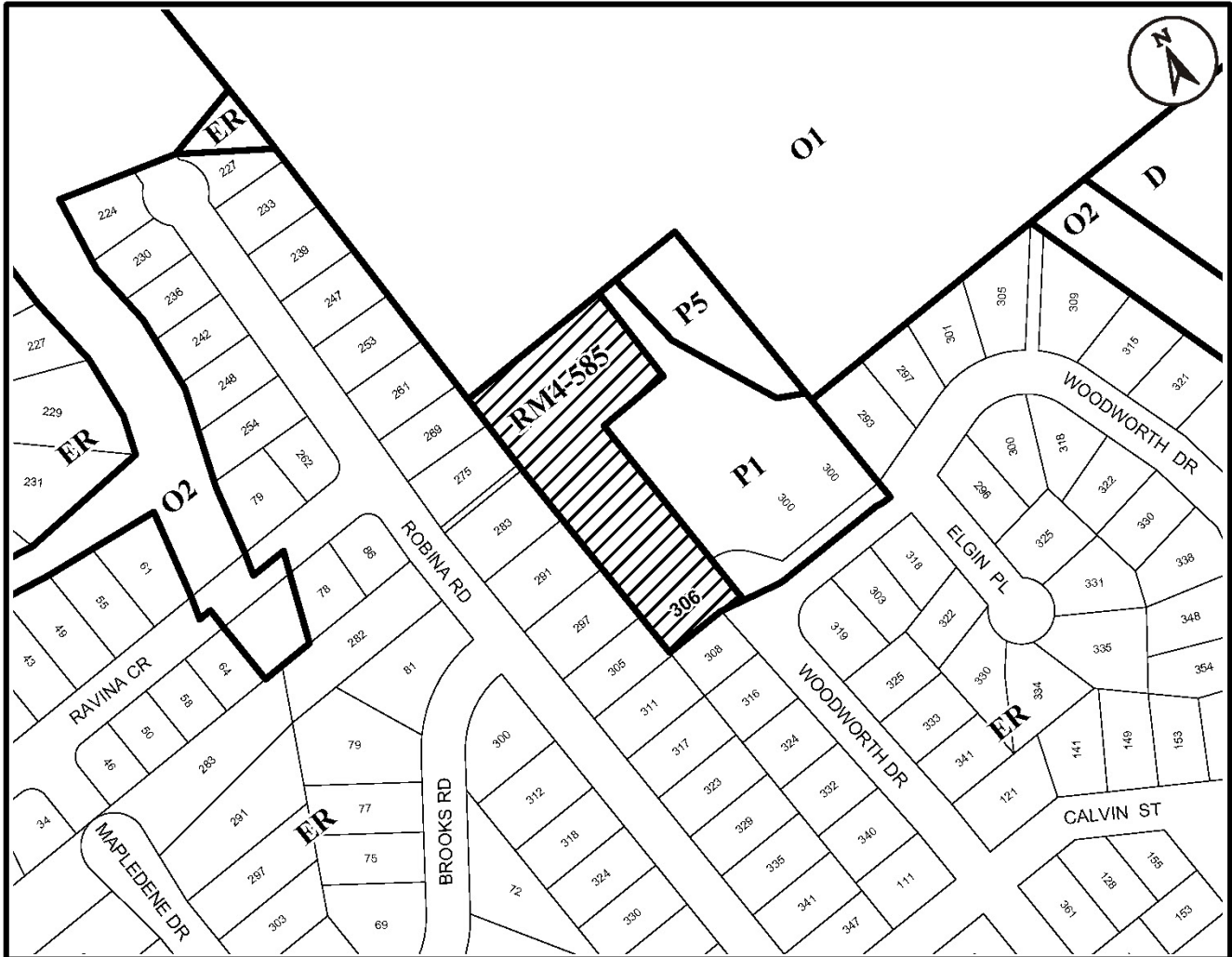
#### **Healthy Community**

- ◆ Plan and manage the built environment.

### **APPENDICES / SCHEDULES**

- Appendix “A”: Location Map
- Appendix “B”: Draft Plan (Red-lined)

:KM - Attachs. (2)



## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
25CDM-201205

Date:  
June 28, 2012

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
KM/AL

### Subject Property

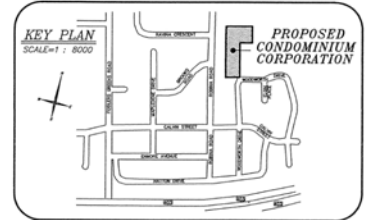
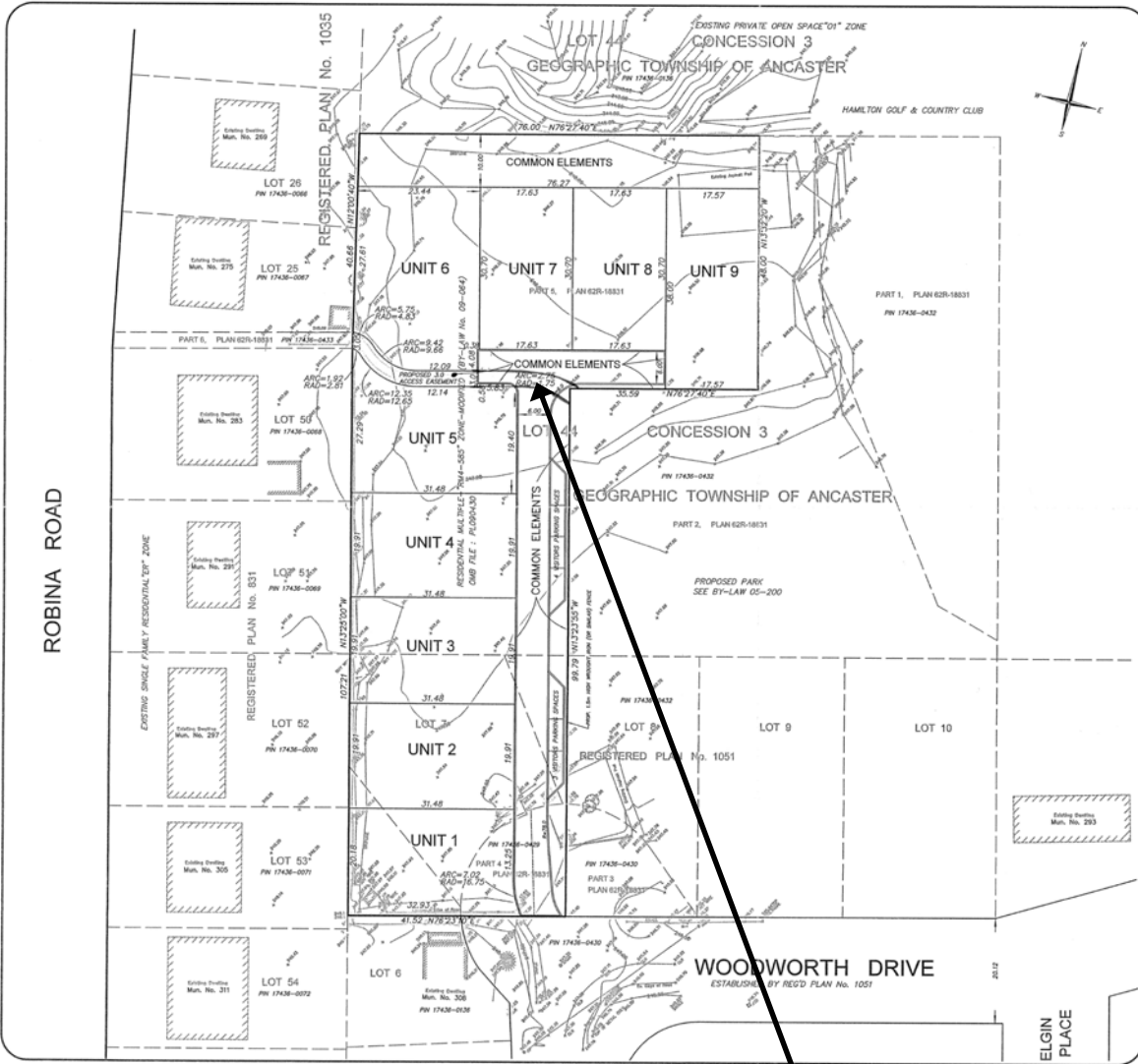


Greenleaf Lane, formerly the westerly portion of  
306 Woodworth Drive

Ward 12 Key Map

N.T.S.





**DRAFT PLAN OF**  
**Perth Park**

BEING A PROPOSED VACANT LAND CONDOMINIUM CORPORATION OF  
LOT 7, PART OF LOTS 6 AND 8  
PART OF WOODWORTH DRIVE  
CLOSED BY BY-LAW 9623 AS NOTED IN PL120893  
REGISTERED PLAN No. 1051  
AND  
PART OF LOT 44-CONCESSION 3  
GEOGRAPHIC TOWNSHIP OF ANCASTER  
CITY OF HAMILTON

SCALE: 1 : 500  
B. J. CLARKE O.L.S.

**NOTE:** THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

**METRIC:** DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**RE: CHAPTER P. 13 R.S.O. 1990 SECTION 51(1) OF THE PLANNING ACT AND SECTION 9 OF THE CONDOMINIUM ACT (1998)**

A. SHOWN ON PLAN  
B. SHOWN ON PLAN  
C. SHOWN ON PLAN  
D. SEE LAND USE SCHEDULE  
E. SHOWN ON PLAN  
F. SHOWN ON PLAN  
G. SHOWN ON PLAN  
H. MUNICIPAL PIPED WATER SUPPLY AVAILABLE  
I. CLAY EDGM  
J. SHOWN ON PLAN  
K. MUNICIPAL SERVICES TO BE INSTALLED BY SUBDIVIDER  
L. NONE

**SURVEYOR'S CERTIFICATE**  
I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

MAY 25, 2012  
DATE  
B. J. CLARKE  
ONTARIO LAND SURVEYOR

**LAND USE SCHEDULE:**  
AREA OF UNITS=5728.5 m<sup>2</sup> - SINGLE FAMILY RESIDENTIAL  
AREA OF COMMON ELEMENTS=2091.3 m<sup>2</sup>

**CONDOMINIUM DRAFT APPROVAL:**  
SUBJECT TO THE CONDITIONS, IF ANY, SET FORTH IN OUR LETTER DATED 2012 THIS PLAN IS APPROVED UNDER SECTION 51 OF THE PLANNING ACT AS AMENDED BY THE GENERAL MANAGER OF PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT OF THE CITY OF HAMILTON UNDER THE AUTHORITY OF BY-LAW 07-323.

THIS DAY OF \_\_\_\_\_, 2012.

GENERAL MANAGER  
PLANNING AND ECONOMIC DEVELOPMENT  
CITY OF HAMILTON

**A. J. Clarke and Associates Ltd.**  
SURVEYORS • PLANNERS • ENGINEERS  
25 MAIN STREET WEST, SUITE 300  
HAMILTON, ONTARIO L8P 1H1, CANADA  
TEL: 905-528-8761 FAX: 905-528-2289  
email: ajc@ajclarke.com

**Redlined Revision:**  
Extension of 3.0 Easement in favour of the City of Hamilton over Common Elements