

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

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| TO: Chair and Members Planning Committee | WARD(S) AFFECTED: WARD 11 |
| COMMITTEE DATE: November 20, 2012 | |
| SUBJECT/REPORT NO: Application for Approval of a Draft Plan of Condominium (Common Elements) for Lands Located at 107 Padua Crescent, being Part of Block 19, Registered Plan 62M-1170, "Trillium Gardens - Phase 2" (Stoney Creek) (PED12201) (Ward 11) | |
| SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department | PREPARED BY: Alvin Chan (905) 546-2424 Ext 1334 |
| SIGNATURE: | |

RECOMMENDATION

That approval be given to **Draft Plan of Condominium Application 25CDM-201206, by DiCenzo Construction Company, Owner**, to establish a common element condominium for, but not limited to, a private internal roadway, visitor's parking area, and landscaped area, on the property located at 107 Padua Crescent (Stoney Creek), as shown on Appendix "A" to Report PED12201, subject to the following conditions:

- (a) That this approval shall apply to the plan, prepared by Barich Grenkie Surveying Ltd., and certified by Edward J Grenkie, O.L.S., dated July 26, 2012, showing common elements for, but not limited to, a private internal roadway, visitor's parking area, and landscaped area, attached as Appendix "B" to Report PED12201.
- (b) That the Final Plan of Condominium shall comply with all of the applicable provisions of Stoney Creek Zoning By-law No. 3692-92, as amended.

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- (c) That the owner/developer shall provide to Union Gas Limited the necessary easements and/or agreements required by Union Gas Limited for the provision of gas services for this project, in a form satisfactory to Union Gas Limited.
- (d) That the owner shall include the following warning clauses in the Development Agreement and all Purchase and Sale and/or any Rental or Lease Agreements required for occupancy:
 - (i) Purchasers/Tenants are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road.
 - (ii) Home/business mail delivery shall be from a designated Centralized Mail Box.
 - (iii) The developer/owner shall be responsible for officially notifying the purchasers of the exact Centralized mail Box locations prior to the closing of any home sales.
- (e) That the owner/developer shall work with 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, to the satisfaction of the Senior Director of Growth Management of the City of Hamilton and Canada Post.
- (f) That the owner/developer shall install a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post, to facilitate the placement of Community Mail Boxes, to the satisfaction of the Senior Director of Growth Management of the City of Hamilton and Canada Post.
- (g) That the owner/developer shall identify the pads above on 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, to the satisfaction of the Senior Director of Growth Management of the City of Hamilton and Canada Post.
- (h) That the owner/developer shall determine the location of all centralized mailing facilities in co-operation with Canada Post, 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, to the satisfaction of the Senior Director of Growth Management of the City of Hamilton and Canada Post.

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- (i) That Canada Post's Multi-Unit Policy, which requires that the owner/developer provide the centralized mail facility, at their own expense, will be in affect for buildings and complexes with a common lobby, common indoor, or sheltered space.
- (j) That the owner shall include the following warning clause in the Development Agreement and all Purchase and Sale and/or any Rental or Lease Agreements required for occupancy as related to the rear yard catchbasins to be constructed at the rear of 11, 31, 55, 73, and 85 Padua Crescent:

"Lot grading and drainage of these lands has been designed to require a rear yard catchbasin at the rear of this lot, with a connection to the mainline sewer. It is the sole responsibility of the owner of this lot to maintain and operate the rear yard catchbasin and its connection. The owner of this lot shall in no way interfere with, alter, change, or remove the rear yard catchbasin or its connection to the mainline sewer."
- (k) That the owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed 34 freehold, semi-detached residential units has legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor.
- (l) That the owner shall receive final approval of Part-Lot Control Application PLC-12-019 for the establishment of the respective building lots and/or any necessary easements and/or parts.
- (m) That the final plan of condominium shall comply, in all respects, with the approved Site Plan (DA-11-162), to the satisfaction of the Director of Planning.
- (n) That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

EXECUTIVE SUMMARY

The proposed Draft Plan of Condominium is to permit the establishment of the respective common elements, such as, but not limited to, an internal private condominium road, visitor's parking areas, and landscaped areas, to facilitate the development of 34 semi-detached, residential units, as approved under Site Plan Control Application DA-11-162.

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It is noted that the site plan implemented the development concept that was submitted and presented to Council as part of Zoning By-law Amendment Application ZAC-02-075, as approved by Hamilton City Council on March 5, 2003, through By-law Number 03-050.

The plan of condominium application has been submitted to facilitate tenure, in that the subject lands are being developed as freehold, semi-detached units, fronting onto a condominium road. The subject lands will be further subdivided into individual lots and associated common elements, by way of Part Lot Control Application PLC-12-019, which is currently being processed.

The subject application is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), the Region of Hamilton-Wentworth Official Plan, the City of Stoney Creek Official Plan, and the Urban Lakeshore Secondary Plan. Furthermore, the proposal is compatible with the existing and planned development within the Trillium Neighbourhood Plan. Based on the foregoing, staff supports the subject application.

Alternatives for Consideration - See Page 14.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

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 Draft Plan of Condominium (Common Elements).

HISTORICAL BACKGROUND (Chronology of events)

Chronology:

March 5, 2003: Approval of Zoning By-law Amendment Application ZAC-02-075 (By-law No. 03-050) for lands located at Galileo Drive and Pisa Drive.

April 1, 2003: Draft Approval of Subdivision Application 25T-200018, "Trillium Gardens - Phase 2".

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January 6, 2012: Conditional Approval of Site Plan Control Application DA-11-162.

February 9, 2012: Registration of Plan 62M-1170, "Trillium Gardens - Phase 2".

August 14, 2012: Submission of Subject Draft Plan of Condominium Application 25CDM-201206.

August 16, 2012: Draft Plan of Condominium Application 25CDM-201206 deemed complete.

August 27, 2012: Circulation of Notice of Complete Application and Preliminary Circulation for 25CDM-201206 to all residents within 120m of the subject lands.

August 30, 2012: Public Notice Sign was erected on the subject lands.

November 2, 2012: Circulation of Notice of Public Meeting to all residents within 120m of the subject lands, and all residents who provided written comments.

Proposal:

The applicant/owner has applied for Approval of a Draft Plan of Condominium in order to establish common elements such as, but not limited to, a private internal roadway, visitor's parking area, and landscaped area to facilitate the development of 34 semi-detached, residential units fronting the private internal roadway, as approved under Site Plan Control Application DA-11-162.

Details of Submitted Application:

Location: 107 Padua Crescent - Part of Block 19, Registered Plan 62M-1170, "Trillium Gardens - Phase 2" (see Appendix "A")

Owner(s): DiCenzo Construction Company (c/o Anthony DiCenzo)

Applicant/Agent: A.J. Clarke and Associates Ltd. (c/o Stephen Fraser)

Property Description: Total Lot Area: 0.34 hectares

Total Lot Frontage: 26.71m

Lot Depth: 70.63m

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Servicing: Existing municipal water, storm, and sanitary services from Galileo Drive proposed to be extended to Padua Crescent.

EXISTING LAND USE AND ZONING:

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|----------------------------------|---|--|
| <u>Subject Lands:</u> | Vacant Lands (Future Semi-Detached Dwellings) | Residential “R6-2” Zone |
| <u>Surrounding Lands:</u> | | |
| North | Future Single Detached Residential Dwellings | Single Residential “R2-50” Zone |
| South | Existing and Future Street Townhouse Dwellings | Multiple Residential “RM2” Zone |
| East | Single Detached Residential and Stormwater Management Facility | Single Residential “R3-22” Zone and Open Space “OS” Zone |
| West | Single Detached Residential | Single Residential “R3” Zone |

POLICY IMPLICATIONS

Provincial Policy Statement:

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application is consistent with the policies that focus growth in Settlement Areas 1.1.3.1. The proposed Draft Plan of Condominium application is consistent with the policies of the Provincial Policy Statement.

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Places to Grow: Growth Plan for the Greater Golden Horseshoe:

The subject application is consistent with the Guiding Principles, Section 1.2.2, and the Managing Growth policies of the Plan, through a planned and managed growth that supports a strong and competitive economy, while protecting, conserving, enhancing, and wisely using the valuable natural resources of land, air, and water for current and future generations; optimizing the use of existing and new infrastructure to support growth that is in a compact, efficient form; and establishing a built compact, vibrant, and complete community. Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow Plan).

Region of Hamilton-Wentworth Official Plan:

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban 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.

Based on the foregoing, as the proposed development is within the “Urban Area”, where full municipal services are available, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

City of Stoney Creek Official Plan:

The subject lands are designated as “Residential” on Schedule “A” - General Land Use Plan, and as “Low Density Residential” on Schedule “A4” - Urban Lakeshore Area Secondary Plan - Trillium Neighbourhood, in the City of Stoney Creek Official Plan.

As per Policy A.1.2.1, the primary uses permitted in areas designated on Schedule "A" as RESIDENTIAL shall be for dwellings. The location and type of residential densities within these areas, however, shall conform with the relevant Secondary Plan provisions, as specified under this Sub-section, Sub-section A.13, F.3, and other relevant policies of the City of Stoney Creek Official Plan.

The proposal is for a Common Elements Plan of Condominium to facilitate 34 semi-detached, residential units within the Urban Area, where full municipal services are available. The Urban Lakeshore Secondary Plan policies for the Trillium Neighbourhood are analysed below. Based on the foregoing, the proposed Plan of Condominium conforms to the “Residential” policies of the Stoney Creek Official Plan.

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Urban Lakeshore Area Secondary Plan:

The subject land is designated as “Low Density Residential” on Schedule “A4” - Urban Lakeshore Area Secondary Plan, and is subject to Policy Section A.13.4. This policy section provides direction for residential development to account for noise mitigation requirements, shoreline protection against flooding and erosion, adequate servicing, complementary streetscape, and designs.

The Secondary Plan defers to the general policy of Section A.1.2.12 for “Low Density Residential”, which shall be approximately 1 to 29 units per net residential hectare, and predominantly comprised of single family detached, duplex, and semi-detached dwellings. These types of dwellings are to be generally located at the interior of Residential Neighbourhoods, adjacent to local roads.

It should be noted that the “Low Density Residential” designation for the Registered Plan of Subdivision, 62M-1170, “Trillium Gardens - Phase 2” also includes the 18 single detached, residential lots along Copes Lane, which do not form part of the subject Draft Plan of Condominium, but shall be included for the purpose of density calculations.

The proposed development will provide an approximate density of 29 units per net residential hectare of a low density, residential housing form within the interior of the residential neighbourhood, with a private condominium road fronting Galileo Drive.

Therefore, as the subject proposal conforms to the “Low Density Residential” policies, and has received final approval of Site Plan Control Application DA-11-162, which has addressed the above noted concerns, staff is satisfied that the application conforms with the Urban Lakeshore Area Secondary Plan.

Trillium Neighbourhood Plan:

The subject lands are identified as “Low Density Residential” in the Trillium Neighbourhood Plan. As mentioned above, the proposal is for the development of semi-detached dwellings within the interior of the residential neighbourhood in accordance with the “Low Density Residential” designation.

Urban Hamilton Official Plan:

The Urban Hamilton Official Plan received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011, and, therefore, can no longer be modified. The final decision on the Urban Hamilton Official Plan has been appealed.

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The subject lands are designated “Neighbourhoods” on Schedule E - Urban Structure and Schedule E-1 - Urban Land Use Designations, and “Low Density Residential 2b” on Map B.7.3-1 - Urban Lakeshore Area Secondary Plan Land Use Plan, in the Urban Hamilton Official Plan.

The “Neighbourhoods” designation permits residential dwellings, as per Policy E.3.2.3(a). Section E.3.4 of Volume 1 provides policy with respect to “Low Density Residential” development, which permits semi-detached developments with a maximum 3-storeys in height, and a maximum density of 60 units per net residential hectare, generally to be developed through a Draft Plan of Subdivision within the interior of the neighbourhood, providing for a mix of lot and dwelling unit types, sizes, and widths compatible with the existing streetscape through Zoning By-law regulations.

The proposed development forms part of Block 19 of Registered Plan 62M-1170, “Trillium Gardens - Phase 2”, and is subject to the Residential “R6-2” Zone provisions, as established through By-law No. 03-050, which restricts development to a maximum height of 11m (approximately 2 to 2-½ storeys) for the dwelling forms, and a mix of lot and dwelling unit types and sizes, which are compatible with the existing streetscape, as prescribed by Policy Section E.3.4 of Volume 1, and as approved through Site Plan Control Application File DA-11-162. Based on the foregoing, the subject application conforms to the “Neighbourhoods” and “Low Density Residential” policies of Volume 1 of the Urban Hamilton Official Plan.

With respect to the Urban Lakeshore Secondary Plan, as regulated through Policy Section B.7.3 of Volume 2, Sub-section B.7.3.3 provides policy direction for lands designated “Low Density Residential 2b”; in particular:

“Notwithstanding E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the lands designated as Low Density Residential 2b on Map B.7.3-1 - Urban Lakeshore Area - Land Use Plan:

- (a) The permitted uses shall be single, semi-detached, duplex, link dwellings, and cluster homes; and,*
- (b) The density shall range from 20 to 40 units per net residential hectare”.*

As the proposed form of development is for semi-detached dwellings, with a density of approximately 29 units per net residential hectare, the application conforms with the policies of the Urban Lakeshore Secondary Plan.

Based on the foregoing, the subject application conforms to the “Neighbourhood”, “Low Density Residential” and “Low Density Residential 2b” policies of the Urban Hamilton Official Plan.

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RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections, as it pertains to the subject Draft Plan of Condominium application:

- Traffic Engineering Section, Public Works Department.
- Hamilton Municipal Parking System.
- Hamilton Conservation Authority.
- Hydro One Networks Inc.
- Ministry of Transportation.

Operations and Waste Management Division (Public Works Department) initially had concerns regarding the road design for waste collection services; however, upon more detailed review, it was confirmed that the design of the roadway was deemed satisfactory and staff, therefore, has no further comments and/or concerns.

Canada Post:

This Draft Plan of Condominium will receive mail service to centralized mail facilities provided through our Community Mailbox Program.

The owner shall complete, to the satisfaction of the Senior Director of Growth Management of the City of Hamilton and Canada Post:

- (i) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - (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 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 subdivision.

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- (2) Install a concrete pad, in accordance with the requirements of, and in locations to be approved by, Canada Post, 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 subdivision.
 - (4) Determine the location of all centralized mail receiving facilities in co-operation with Canada Post, 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.
- (iii) Canada Post's Multi-Unit Policy, which requires that the owner/developer provide the centralized mail facility, at their own expense, will be in affect for buildings and complexes with a common lobby, common indoor, or sheltered space.

Should the description of the project change, Canada Post would appreciate an update in order to assess the impact of the change to mail services.

Accordingly, staff has included the required conditions under Recommendation (d) to (i) of this Report.

Union Gas:

In review of the application, Union Gas has requested the following condition of approval:

“That the owner/developer provide to Union Gas Limited, the necessary easements and/or agreements required by Union Gas Limited for the provision of gas services for this project, in a form satisfactory to Union Gas Limited.”

Accordingly, staff has included the above condition under Recommendation (c) above, and is satisfied that the above concern has been addressed.

PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and the Council-Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 71 property owners within 120m of the subject property on August 27, 2012.

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A Public Notice sign was also posted on the property on August 30, 2012, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act on November 2, 2012. To date, no public responses have been received.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the policies of the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow).
 - (ii) It conforms to the Hamilton-Wentworth Official Plan and the City of Stoney Creek Official Plan.
 - (iii) It conforms to the intent and purpose of the new Urban Hamilton Official Plan.
2. The policies of the Provincial Policy Statement focus growth in Settlement Areas, Policy 1.1.3.1. As the nature of the application is for the development of 34 semi-detached dwelling units within the “Urban Area”, where full municipal services will be available, the proposal is consistent with the policies of the Provincial Policy Statement.
3. The proposal provides for intensification in a built-up area providing a compact, vibrant, and complete community optimizing the use of existing and new infrastructure, and conserving and enhancing the valuable natural resources for future generations. The proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow).
4. Since the proposed residential development is within the “Urban Area”, which is intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020, where full municipal services will be available, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.
5. The subject lands are designated as “Residential” on Schedule “A” - General Land Use Plan, and as “Low Density Residential” on Schedule “A4” - Urban Lakeshore Area Secondary Plan - Trillium Neighbourhood, in the City of Stoney Creek Official Plan.

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As the proposed development application is to facilitate the residential development of a “Low Density Residential” form of development, the proposal conforms to the policies of the City of Stoney Creek Official Plan.

6. The proposed development application facilitates the approved land use; in particular, the uses as prescribed by the “Neighbourhoods” designation on Schedule E - Urban Structure and Schedule E-1 - Urban Land Use Designations, as well as, the “Low Density Residential 2b” designation on Map B.7.3-1 - Urban Lakeshore Area Secondary Plan Land Use Plan, of the Urban Hamilton Official Plan. As the proposal is for the establishment of semi-detached, residential development, as permitted by the above noted designations, the application conforms to the policies of the Urban Hamilton Official Plan.
7. Engineering Approvals advise the owner/applicant that the proposed servicing, grading, etc. for this block was reviewed under Applications DA-11-162 and 25T-200018 (Trillium Gardens - Phase 2 Subdivision). The subject lands have been serviced under permit from this office, Permit Number 12-2224-SW, issued June 09, 2012.

It should be noted that there are rear yard catchbasins to be constructed at the rear of 11, 31, 55, 73, and 85 Padua Crescent. Appropriate warning clauses shall be included within the Purchase and Sale and/or Lease Agreements required for occupancy in order to ensure the owner/tenants of lots equipped with rear yard catchbasins are advised of their required maintenance, and to ensure the drainage swale is not obstructed.

In particular, the following warning clause shall be required as a condition of approval for 11, 31, 55, 73, and 85 Padua Crescent of the proposed Draft Plan of Condominium:

“Lot grading and drainage of these lands has been designed to require a rear yard catchbasin at the rear of this lot, with a connection to the mainline sewer. It is the sole responsibility of the owner of this lot to maintain and operate the rear yard catchbasin and its connection. The owner of this lot shall in no way interfere with, alter, change, or remove the rear yard catchbasin or its connection to the mainline sewer.”

Accordingly, staff has included the above requested warning clause, applicable to the respective units equipped with rear yard catchbasins, as Recommendation (j) above. Based on the foregoing, the proposal is supportable.

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ALTERNATIVES FOR CONSIDERATION

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

If the application is not approved, the applicant/owner could develop the lands as a standard condominium in accordance with the approved Site Plan, or would have to apply for consent applications to create the individual lots.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

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

Financial Sustainability

- ◆ Effective and sustainable Growth Management.
- ◆ Delivery of municipal services and management capital assets/liabilities in a sustainable, innovative, and cost-effective manner.
- ◆ Generate assessment growth/non-tax revenues.

Social Development

- ◆ Everyone has a home they can afford that is well maintained and safe.

Environmental Stewardship

- ◆ Natural resources are protected and enhanced.

Healthy Community

- ◆ Plan and manage the built environment.

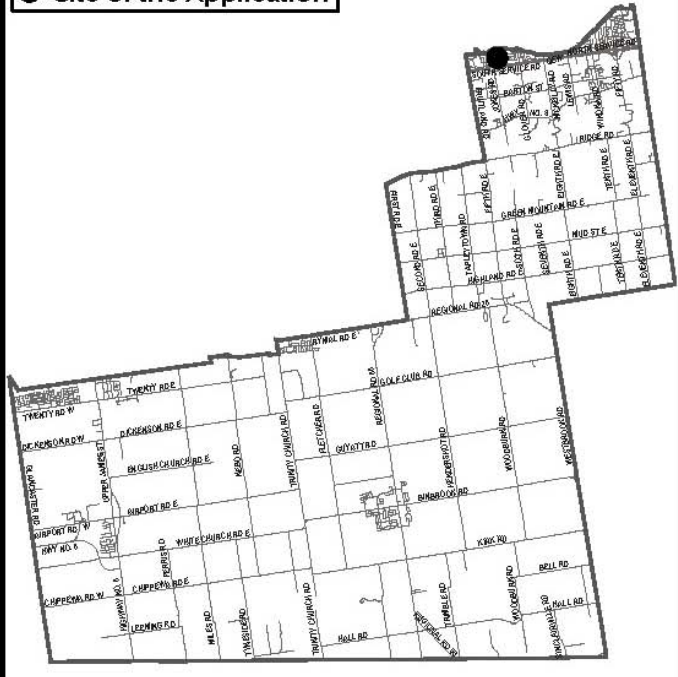
APPENDICES / SCHEDULES

- Appendix “A”: Location Map
- Appendix “B”: Draft Plan of Condominium
- Appendix “C”: Conditionally Approved Site Plan Control Application DA-11-162

:AC
Attachs. (3)



● Site of the Application



Ward 11 Key Map

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
25CDM-201206

Date:
August 17, 2012

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
AC/NB

Subject Property

107 Padua Crescent, Stoney Creek

