



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	May 6, 2014
SUBJECT/REPORT NO:	Application for Approval of a Draft Plan of Condominium (Common Element) (25CDM-201302) Affecting Lands Located at 421 Kitty Murray Lane (Ancaster) (PED14078) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Timothy Lee (905) 546-2424 Ext. 1249
SUBMITTED BY:	Neil Everson Acting General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That approval be given to **Condominium Application 25CDM-201302, by Springbrook West Development Inc., Owner**, to establish a Draft Plan of Condominium (Common Element) to create a common element condominium road for 28 townhouse dwelling units on lands known as 389 Garner Road West (Ancaster), as shown on the attached location map marked as Appendix "A" to Report PED14078, subject to the following conditions:

- (a) That this approval shall apply to the plan, prepared by B.A. Jacobs Surveying Limited, and certified by Byran Jacobs, O.L.S., dated January 11, 2011, showing the condominium road labelled as Part 29 and residential dwelling lots as Parts 1-28, attached as Appendix "B" to Report PED14078;
- (b) That the final plan of condominium shall comply with all of the applicable provisions of Ancaster Zoning By-law No. 87-57, as amended by Zoning By-law 12-157;
- (c) That the final plan of condominium shall comply, in all respects, with the approved Site Plan (DA-12-091), to the satisfaction of the Director of Planning;

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- (d) That the owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed freehold townhouse dwellings having frontage on the condominium road has legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor;
- (e) That the owner shall agree to include in all offers of purchase and sale, a statement that advises the purchaser:
 - (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) This property is ineligible for municipal collection of Garbage, Recycling, Organics, and Leaf and Yard Waste. Collection of Garbage, Recycling, Organics, and Leaf and Yard Waste must be provided through a Private Waste Hauler(s). Recycling is strongly encouraged.”
- (f) That the owner shall agree to:
 - (i) 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.
 - (ii) 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) Provide the centralized mail facility at their own expense, as per Canada Post’s multi-unit policy, which will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.
- (g) That the owner provide evidence to the satisfaction of the Senior Director of Growth Management, that the Condominium Approval Agreement and Condominium Agreement contains appropriate wording requiring the future Condominium Corporation to be responsible for maintenance, repair and/or replacement of all common elements including, but not limited to, maintaining landscaping and fencing, as well as, the grading and drainage in accordance with the engineering drawings and other drawings approved through Site Plan application DA-12-091;

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- (h) 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;
- (i) That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

EXECUTIVE SUMMARY

The purpose of this application is to establish a Draft Plan of Condominium (Common Elements) for 28 townhouse dwellings. The common element would consist of an internal condominium road, a visitor parking area, and open space, identified as Part 29 of the draft Plan of Condominium (see Appendix “B”). The proposed Draft Plan of Condominium has merit and can be supported since it is consistent with the Provincial Policy Statement 2014 (PPS 2014), conforms with Places to Grow Growth Plan and the Urban Hamilton Official Plan (UHOP), complies with the Ancaster Zoning By-law No. 87-57 and implementing Zoning By-law 12-175, and implements Site Plan Control Application DA-12-091 (see Appendix “C”).

Alternatives for Consideration – See Page 8

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: None

Staffing: None

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

HISTORICAL BACKGROUND

Proposal:

The subject property is located on the southeast corner of Kitty Murray Lane and the entrance to Redeemer College (see Appendix “A”). The college abuts the subject lands to the north and east, and an existing residential use to the south. The purpose of the application is to establish a Draft Plan of Condominium (Common Elements), identified as Part 29 of the draft Plan of Condominium (see Appendix “B”) to create the following condominium elements: a private condominium road, a visitor parking area, and open space for 28 townhouse dwellings, as shown on the attached plan marked as Appendix “B”. The condominium driveway will provide access to Kitty Murray Lane Street at two ingress/egress points.

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Chronology:

- September 4, 2012: Site Plan Application DA-12-091 is deemed complete.
- April 5, 2013: Condominium Application 25CDM-201302 is deemed complete.
- January 24, 2014: Site Plan Application DA-12-091 is final approved.
- February 7, 2014: Revised Plan of Condominium submitted to staff to reflect final approved Site Plan Application DA-12-091.
- February 28, 2014: Circulation of Notice of Complete Application and Preliminary Circulation of Application to all residents within 120 m. of the subject lands.
- April 8, 2014: Public Notice sign updated.
- April 17, 2014: Circulation of Notice of Public Meeting to all residents within 120 m. of the subject lands.

Details of Submitted Application:

Location: 411-421 Kitty Murray Lane (Ancaster)

Owner/Applicant: Springbrook West Development Inc.

Property Description: Lot Frontage: 85.51 m.
Lot Depth: 91.44 m.
Total Lot Area: 7,819 sq. m.

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	Multiple Residential "RM2-651" Zone, Modified
<u>Surrounding Lands:</u>		
North	Redeemer College	Institutional "I" Zone
South	Redeemer College, Single Detached Dwelling	Institutional "I-H" Zone, with a Holding Provision, Existing Residential "ER-588" Zone, Modified

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East	Redeemer College	Institutional "I" Zone
West	Single Detached Dwelling	Residential "R4-589" Zone, Modified

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with Policy 1.1.3.1, which focuses growth in Settlement Areas. It also implements Policies 1.1.3.2, 1.1.3.4, and 1.4.3, which are related to the promotion of densities which efficiently use land and resources, and consider appropriate intensification and redevelopment. Based on the foregoing, the proposed Plan of Condominium conforms to the policies of the PPS.

Places to Grow Plan:

The subject lands are located within a designated Greenfield area, as defined by *Places to Grow*. Policy 2.2.7.1 states that development will be designed to contribute to complete communities; to create densities that encourage an early integration and sustained viability of public transit. Policy 2.2.7.2 also requires a minimum density target not less than 50 residents per hectare (but measured over the entire designated Greenfield area of Hamilton). The proposed density meets the growth target. Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow).

Urban Hamilton Official Plan:

The UHOP is now in force and effect, except for site-specific appeals. Policies that remain under appeal are subsequently reviewed as direction only.

The subject lands are designated as "Neighbourhoods" on Schedule "E-1" – Land Use Designations, which permits residential and local commercial uses, as identified in Policy E.3.2.3. As such, the proposed townhouse development is permitted. Based on the above policy, the proposed plan of condominium complies with the UHOP.

Meadowlands Neighbourhood III Secondary Plan

The subject lands are designated "Medium Density Residential" which was facilitated through an Official Plan Amendment (OPA-11-011), and was approved by Council on July 12, 2012. As the proposed townhouse residential use is permitted under the designation, the plan of condominium conforms to the Meadowlands Neighbourhood III Secondary Plan.

RELEVANT CONSULTATION

The following internal Departments and external Agencies had no concerns or objections to the proposed applications.

- Hydro One.
- Bell Canada.
- Corridor Management, Public Works Department.
- Taxation, Corporate Services Department.
- Hamilton Conservation Authority.
- Hamilton – Wentworth District School Board.
- Hamilton – Wentworth Separate School Board.
- French Public School Board.
- French Catholic School Board.

Urban Forestry (Public Works Department): There are no municipal trees located on the road allowance in front of the subject lands, and therefore there are no potential urban forestry tree conflicts. In addition, a Landscape Plan and a Tree Management Plan was submitted to staff during the Site Plan application stage (DA-12-091), and all concerns have been addressed.

Hamilton Municipal Parking System (HMPS): The applicant should be ensured that all parking spaces are suitably dimensioned and meet the minimum parking space dimensions in the Ancaster Zoning By-law 87-57. Parking in front of mailboxes is prohibited. The applicant should also be ensured that all existing and future parking requirements are met on-site.

Waste Management (Public Works Department): The amended proposed development will be ineligible for weekly collection of Garbage, Recycling, Organics, and Leaf and Yard Waste through the City of Hamilton. Collection of Garbage, Recycling, Organics, and Leaf and Yard Waste must be provided through a Private Waste Hauler. This has been included as Recommendation (e)(ii).

Union Gas: It has been requested that a condition to the final approval of the plan of condominium be included, that the owner/developer provide to Union Gas the necessary easements and/or agreements required by Union Gas Limited for the provision of gas services for this project. This is included as Recommendation (h).

Canada Post has advised that this development will receive mail service to centralized mail facilities provided through their Community Mailbox Program. Canada Post requires standard conditions pertaining to offers of purchase and sale, to advise purchasers of the community mailboxes, and for requirements to provide the community

mailboxes within the development. The conditions requested by Canada Post are included as Recommendation (f).

Public Consultation:

In accordance with Council's Public Participation policy the Zoning By-law Amendment, application was circulated as part of the Notice of Complete Application to 56 residents with 120 m. of the subject lands on February 28, 2014. No letters of objections have been received by staff.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal can be supported for the following reasons:
 - (i) It is consistent with the PPS (2014), which supports economic growth and provides for employment opportunities;
 - (ii) It conforms to the Urban Hamilton Official Plan and the Meadowlands Neighbourhood III Secondary Plan; and,
 - (iii) The proposal implements condominium tenure for a form of development, as previously approved by Council through Official Plan Amendment Application OPA-11-011 and Zoning By-law Amendment Application ZAC-11-056, and by staff through Site Plan Control Application DA-12-091, and provides for a townhouse development that is compatible with the surrounding land uses.
2. The proposed Draft Plan of Condominium (common element) would be comprised of an internal private condominium road that will loop around the subject lands, with two ingress/egress points at Kitty Murray Lane; visitor parking for 14 visitor parking spaces; and, an open area, as identified as Part 29 of the draft Plan of Condominium (see Appendix "B"). All 28 of the proposed townhouse dwelling units have frontage onto the condominium road.
3. The applicant must also enter into a Development Agreement with the City of Hamilton as a condition of draft plan approval. This Agreement would ensure that the tenure of all the subject residential parcels become "tied" to the proposed Draft Plan of Condominium (Common Elements). This will have the effect of ensuring that individual townhouse lots are not sold until the condominium has been registered as the Common Elements Condominium under the Condominium Act (see Recommendation (e)).
4. All issues pertaining to grading, drainage, and services have been addressed through Site Plan Control Application DA-12-091. In addition, a condition to Draft

Plan of Condominium approval has been included, requiring that a Condominium Approval Agreement and Condominium Agreement be entered into, which requires that the Condominium Corporation be responsible for maintenance, repair, and/or replacement of all common elements such as landscaping and fencing, as well as grading and drainage, in accordance with approved drawings through Site Plan Control Application DA-12-091.

ALTERNATIVES FOR CONSIDERATION

Should the Plan of Condominium (Common Elements) not be approved, the applicant/owner could develop the lands as a standard block condominium development or as a rental development. A change in tenure from the proposed common element condominium to a standard form condominium, would require a new or revised condominium application.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.
- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Draft Plan of Condominium
- Appendix “C”: Final Approved Site Plan DA-12-091

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