



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 3, 2015
SUBJECT/REPORT NO:	Application for Approval of a Draft Plan of Condominium (Common Elements), by 2268329 Ontario Inc. (c/o Albion Developments), for Lands Known as 201, 207, 209, 211, 213, 215, 217, 219, 221, 225, 227, 229, 231, 233 and 235 Westbank Trail, (Stoney Creek) (PED15008) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	Joe Muto Senior Planner (905) 546-2424 Ext. 7859 Stephen Robichaud Director of Planning and Chief Planner Planning Division
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That approval be given to **Draft Plan of Condominium Application 25CDM-201403, by 2268329 Ontario Inc. (c/o Albion Developments), Owner**, to establish a Draft Plan of Condominium (Common Elements) to create a condominium road, visitor parking areas consisting of 38 parking spaces, landscaped and passive open space areas including a pathway and sidewalks for 18 townhouse dwelling units and 56 maisonette dwelling units, on lands located at 201, 207, 209, 211, 213, 215, 217, 219, 221, 225, 227, 229, 231, 233 and 235 Westbank Trail, (Stoney Creek), as shown on Appendix "A" to Report PED15008, subject to the following conditions:
- (i) That this approval shall apply to the plan, prepared by A.T. McLaren Limited, and certified by S. D. McLaren, dated July 28, 2014, showing a common element road, visitor parking areas, landscaped and passive

SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Elements), by 2268329 Ontario Inc. (c/o Albion Developments), for Lands Known as 201, 207, 209, 211, 213, 215, 217, 219, 221, 225, 227, 229, 231, 233 and 235 Westbank Trail, Stoney Creek (PED15008) (Ward 9) - Page 2 of 13

open space areas including a pathway and sidewalks, attached as Appendix "B" to Report PED15008;

- (ii) That the final plan of condominium shall comply with all of the applicable provisions of Zoning By-law No. 3692-92, as amended by By-law No. 12-161 and by By-law No. 05-200, or in the event the City of Hamilton has repealed and replaced By-law No. 3692-92 with By-law No. 05-200, the final plan of condominium shall apply with all the applicable provisions of the Zoning By-law in force and effect at the time of registration of the draft plan of condominium;
- (iii) That the final plan of condominium shall comply, in all respects, with the approved Site Plan (DA-12-154), to the satisfaction of the Director of Planning and Chief Planner;
- (iv) That the owner shall receive final approval of Part Lot Control Application PLC-14-023, including the enactment and registration on title of the Part Lot Control Exemption By-law, to the satisfaction of the Director of Planning and Chief Planner;
- (v) 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;
- (vi) That the owner shall include the following in all offers of purchase and sale and rental leases and in the Development Agreement, and any rental or lease agreements required for occupancy, to the satisfaction of the Senior Director of Growth Management:
 - (1) Purchasers/tenants are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road;
 - (2) Purchasers/tenants are advised that garages are provided for the purpose of parking a vehicle. It is the responsibility of the owner/tenant to ensure that their parking needs (including those of visitors) can be accommodated on-site. On-street, overflow parking may not be available and cannot be guaranteed in perpetuity;
 - (3) Purchasers/tenants are advised that this property is eligible for weekly collection of garbage, recycling, organics, and leaf and yard

SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Elements), by 2268329 Ontario Inc. (c/o Albion Developments), for Lands Known as 201, 207, 209, 211, 213, 215, 217, 219, 221, 225, 227, 229, 231, 233 and 235 Westbank Trail, Stoney Creek (PED15008) (Ward 9) - Page 3 of 13

waste through the City of Hamilton subject to compliance with specifications indicated by the Public Works Department and subject to compliance with the City's Solid Waste Management By-law 09-067;

- (4) Purchasers/tenants are advised that home/business mail delivery will be from a designated centralized mailbox.
- (vii) That the owner agree in writing as part of the Development Agreement to notify purchasers of the exact centralized mailbox locations, prior to the closing of any home sales;
- (viii) That the owner agree to 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;
- (ix) That the owner install a concrete pad in accordance with the requirements of, and in locations to be approved by the Senior Director of Growth Management and Canada Post, to facilitate the placement of community mailboxes;
- (x) That the owner identifies 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;
- (xi) That the owner determine the location of all centralized mail receiving facilities to the satisfaction of the Senior Director of Growth Management and Canada Post, and to indicate the location of 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;
- (xii) 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, to the satisfaction of Senior Director of Growth Management;

SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Elements), by 2268329 Ontario Inc. (c/o Albion Developments), for Lands Known as 201, 207, 209, 211, 213, 215, 217, 219, 221, 225, 227, 229, 231, 233 and 235 Westbank Trail, Stoney Creek (PED15008) (Ward 9) - Page 4 of 13

- (xiii) 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 to ensure that the owner is committed to establish a drainage easement, in favour of the Condominium Corporation, over the front and rear yards of the units within the plan of condominium; and,
 - (xiv) That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.
- (b) That, the owner be advised of the following:

NOTES TO DRAFT PLAN APPROVAL

Pursuant to Section 51(32) of the Planning Act, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if a written request is received before the draft approval lapses;

EXECUTIVE SUMMARY

The purpose of the application is to establish a Draft Plan of Condominium (Common Elements) to create the following condominium elements: an internal condominium roadway, two visitor parking areas with a total of 38 spaces, and landscaped and passive open space areas including sidewalks and a pathway along the east side of the Felker Channel, as shown on the attached plan marked as Appendix “B”. The condominium road will provide access to Westbank Trail at two locations. The proposed Draft Plan of Condominium (Common Elements) has merit and can be supported since it is consistent with the Provincial Policy Statement (PPS), conforms with Places to Grow, and upon the City’s housekeeping Urban Hamilton Official Plan (UHOP) amendment being finalized will bring the development into conformity with the UHOP. The proposed Draft Plan of Condominium (Common Elements) conforms with Zoning By-law No. 3692-92, and is consistent with the Registered Plan of Subdivision 62M-1204, “Paramount” (see Appendix “C”), and implements Site Plan Control Application DA-12-154 (see Appendix “D”).

Alternatives for Consideration – See Page 13

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Elements), by 2268329 Ontario Inc. (c/o Albion Developments), for Lands Known as 201, 207, 209, 211, 213, 215, 217, 219, 221, 225, 227, 229, 231, 233 and 235 Westbank Trail, Stoney Creek (PED15008) (Ward 9) - Page 5 of 13

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

HISTORICAL BACKGROUND

Chronology:

- November 7, 2012: Conditional approval of Site Plan Control Application DA-12-154 granted by the Manager of Development Planning, Heritage and Design.
- October 25, 2013: One year extension of conditional Site Plan Approval granted.
- June 23, 2014: Final clearances issued for Site Plan Control Application DA-12-154.
- August 9, 2014: Condominium Application 25CDM-201403, "Paramount Block 148", is received.
- August 14, 2014: Condominium Application 25CDM-201403, "Paramount – Block 148", is deemed complete.
- September 12, 2014: Circulation of Notice of Complete Application and Preliminary Circulation for Condominium Application 25CDM-201403 sent to 58 residents within 120 m of the subject lands.
- October 9, 2014: Public Notice Sign placed on the subject lands.
- January 7, 2014: Public Notice Sign updated to indicate Public Meeting date.
- January 16, 2014: Notice of Public Meeting circulated to all residents within 120 m of the subject lands.

Proposal:

The purpose of the application is to establish a Draft Plan of Condominium (Common Elements) to create the following condominium elements: an internal condominium roadway, two visitor parking areas with a total of 38 spaces, and landscaped and passive open space areas including sidewalks and a pathway along the east side of the

SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Elements), by 2268329 Ontario Inc. (c/o Albion Developments), for Lands Known as 201, 207, 209, 211, 213, 215, 217, 219, 221, 225, 227, 229, 231, 233 and 235 Westbank Trail, Stoney Creek (PED15008) (Ward 9) - Page 6 of 13

Felker Channel, as shown on the attached plan marked as Appendix "B". The condominium road will provide access to Westbank Trail at two locations. The proposed elements in common will be created once Part Lot Control Application PLC-14-023 is approved and the By-law is passed and registered on title. This is anticipated sometime in February, 2015.

Details of Submitted Application:

Location: 201, 207, 209, 211, 213, 215, 217, 219, 221, 225, 227, 229, 231, 233 and 235 Westbank Trail (Stoney Creek) (see Appendix "A")

Owner/Applicant: 2268329 Ontario Inc. (c/o Albion Developments)

Agent: A.J. Clarke and Associates, c/o S. Fraser, MCIP, RPP

Property Description:

<u>Lot Frontage:</u>	170.38 m
<u>Lot Depth:</u>	17.625 m
<u>Lot Area:</u>	0.49 ha

Servicing: Full Municipal Services

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Townhouse and Maisonette Dwellings (under construction)	Residential Multiple "RM3-46" Zone, Modified and Conservation/Hazard Land "P5" Zone
<u>Surrounding Lands:</u>		
North	Single Detached Dwellings	Residential "R3-33" Zone, Modified, Conservation/Hazard Land "P5" Zone
South	Single Detached Dwellings	Residential "R6-6" Zone, Modified

SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Elements), by 2268329 Ontario Inc. (c/o Albion Developments), for Lands Known as 201, 207, 209, 211, 213, 215, 217, 219, 221, 225, 227, 229, 231, 233 and 235 Westbank Trail, Stoney Creek (PED15008) (Ward 9) - Page 7 of 13

East	Single Detached Dwellings and Street Townhouse Dwellings	Residential “R6-6” Zone, Modified, Residential “R3-33” Zone, Modified and Residential Multiple “RM2-29” Zone, Modified
West	Felker Channel	Conservation/Hazard Land “P5” Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (PPS):

The application has been reviewed with respect to the Provincial Policy Statement (PPS) (2014). The application is consistent with the policies that direct growth to Settlement Areas (Policy No. 1.1.3.1). It also implements Policy Nos. 1.1.3.2, 1.1.3.4, and 1.4.3 with respect to the promotion of densities which efficiently use land and resources, and encourages a compact form of development that provides for a mix of housing types to meet the projected requirements of current and future residents. The proposed development provides for a mix of maisonettes and block townhouse dwelling units and is therefore consistent with the PPS.

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

The subject lands are located within a Designated Greenfield Area, as defined by the Growth Plan for the Greater Golden Horseshoe (Places to Grow). Policy No. 2.2.7.1 states that development will be designed to contribute to the creation of complete communities, create densities and an urban form that supports active transportation, and provides for a diverse mix of land uses. The proposed development provides for a mix of maisonettes and block townhouse dwelling units. Policy No. 2.2.7.2 also requires a minimum density target not less than 50 residents per hectare (measured over the entire Designated Greenfield Area of Hamilton). The proposed density of 63 units per hectare meets the growth target. Furthermore, the proposed sidewalks within the development link to existing municipal sidewalks, strengthening the active transportation network in the neighbourhood.

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow).

SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Elements), by 2268329 Ontario Inc. (c/o Albion Developments), for Lands Known as 201, 207, 209, 211, 213, 215, 217, 219, 221, 225, 227, 229, 231, 233 and 235 Westbank Trail, Stoney Creek (PED15008) (Ward 9) - Page 8 of 13

Urban Hamilton Official Plan (UHOP):

The subject lands are designated “Neighbourhoods” on Schedule “E” - Urban Structure and Schedule “E-1” - Urban Land Use designations.

On July 12, 2012, Council approved staff recommendations (as amended) for a change in zoning, official plan amendment, and draft plan of subdivision in support of the proposed development. At the time, the former Stoney Creek Official Plan was in force and effect and the UHOP was under appeal. The application to amend the Official Plan also required an amendment to the corresponding land use designations in the Nash Neighbourhood Secondary Plan. The corresponding UHOP amendment was to be held in abeyance until a final decision on the UHOP was made. The purpose of the UHOP amendment was to redesignate the lands from “Medium Density Residential 2” to “Medium Density Residential 3”. On August 16, 2013 the UHOP was approved, in part, by the Ontario Municipal Board (OMB). Staff are now preparing a City-wide housekeeping amendment in order to comprehensively incorporate all of the necessary approvals required for the previous development applications in the City as they relate to the UHOP amendments when the Plan was not in force and effect.

The subject lands are currently designated as “Medium Density Residential 2” on Map B.7.5-1 – Nash Neighbourhood Secondary Plan which permits quadrplex buildings, street townhouse and block townhouse dwelling units. This designation allows for a density range between 30 and 49 units per net residential hectare and provides for a maximum height of three storeys. The proposed development density is 63 uph and is composed of maisonettes and would therefore not comply with the “Medium Density Residential 2” policies, however, the recently constructed dwelling units comply with the UHOP as per the Implementation Policy below. However, once the housekeeping amendments to the UHOP are finalized, the development will conform with the UHOP.

The Implementation Section of the UHOP provides policy direction with respect to “Existing, Non-Complying and Non-Conforming Uses.” Policy F.1.12 states:

“It is recognized there are some previously existing land uses that do not presently comply with the goals and objectives set out in this Plan. This Plan, while endeavouring to achieve a high degree of land use compatibility for new development, recognizes there is a degree of diversity in land use for existing areas where time and custom have achieved an acceptable level of tolerance. Many of these uses have been established for a considerable number of years. In some cases, it is recognized such situations exist and they can be continued in the interim. In other cases, there are some existing uses that not only do not comply with the Official Plan or

SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Elements), by 2268329 Ontario Inc. (c/o Albion Developments), for Lands Known as 201, 207, 209, 211, 213, 215, 217, 219, 221, 225, 227, 229, 231, 233 and 235 Westbank Trail, Stoney Creek (PED15008) (Ward 9) - Page 9 of 13

conform to the Zoning By-law, and are incompatible with surrounding land uses.”

This policy provides clarification for the recognition of existing land uses that do not presently comply with the goals and objectives set out in the Plan. Further, this policy states that existing uses can continue in the interim. Pursuant to Policy F.1.12.9, Council may approve a change to a legal non-complying use provided the general intent and purpose of the UHOP and Zoning By-law is maintained. Since the subject lands comply with the approved implementing Zoning By-law, the recently constructed units are considered legal non-complying. However, the application is to facilitate a form of tenure, not to establish or change the land use. As such, the general intent of the UHOP and Zoning By-law is maintained. Furthermore, once the housekeeping amendments to the UHOP are finalized, the application will comply with the UHOP.

Stoney Creek Zoning By-law No 3692-92:

On July 12, 2012 Council approved By-law No. 12-161, which reflected the proposed form of development for the subject lands. This By-law rezoned the subject lands to the Multiple Residential “RM3-46” Zone which permits the following uses: maisonettes, street townhouses, townhouses, apartment dwellings, a home occupation and uses, and buildings or structures accessory to a permitted use. This zone modified some of the parent zone provisions relating to lot area, frontage, yard setbacks, maximum density, building height, lot coverage, privacy area, landscape open space, parking stall dimension, permitted encroachments, maximum number of units within a townhouse block, and minimum distance between buildings on the same lot/block. The zone regulations were implemented through the approved Site Plan (DA-12-154). The development conforms with the “RM3-46” Zone and other applicable provisions of Zoning By-law No. 3692-92, as amended by Zoning By-law No. 12-161.

RELEVANT CONSULTATION

The following departments and agencies had no comments or objections:

- Geomatics and Corridor Management Section, Public Works Department;
- Hydro One;
- Hamilton Municipal Parking System;
- Forestry and Horticulture Section, Public Works Department;
- Recreation, Community Services;
- Horizon Utilities; and,
- Hamilton Conservation Authority.

SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Elements), by 2268329 Ontario Inc. (c/o Albion Developments), for Lands Known as 201, 207, 209, 211, 213, 215, 217, 219, 221, 225, 227, 229, 231, 233 and 235 Westbank Trail, Stoney Creek (PED15008) (Ward 9) - Page 10 of 13

The following departments and agencies submitted comments:

Strategic Planning Section (Public Works Department) has advised that the property is eligible for municipal waste collection provided that a notation be placed on the draft plan of condominium (see Recommendation (a)(vi)(3)). Furthermore, they advise that the following specifications are required:

1. Road layout must be designed to permit the continuous forward movement of collection vehicles, including the radius of a cul-de-sac turning circle. Continuous forward movement must be provided exclusive of any parking spaces and stored snow.
2. Waste collection service will commence when the development is substantially completed and there is free and clear access. The developer or owner is required to contact the Public Works Department to request the start of waste collection service.
3. Prior to the commencement of City waste collection service, the developer is responsible for the collection of all waste (garbage, recycling, organics, etc.) from any and all occupied units.
4. Construction material will not be collected; collection arrangements must be made with a private contractor.
5. A site visit by Public Works staff is required prior to the start of waste collection service.
6. For collection of waste on private roads, an Agreement for On-Site Collection of Municipal Solid Waste must be executed and submitted to the City prior to the start of service.
7. On collection day, the collection area shall be in an accessible location, free and clear of any construction debris and vehicles.
8. Individual waste containers, blue boxes, and green carts will be collected curbside in front of each property.

These specifications have been addressed through both the Subdivision Agreement and the Undertaking Agreement requirements resulting from the Site Plan Control process.

Canada Post has advised that this development will receive mail service to centralized mail facilities provided through their Community Mailbox Program. Canada Post

SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Elements), by 2268329 Ontario Inc. (c/o Albion Developments), for Lands Known as 201, 207, 209, 211, 213, 215, 217, 219, 221, 225, 227, 229, 231, 233 and 235 Westbank Trail, Stoney Creek (PED15008) (Ward 9) - Page 11 of 13

requires standard conditions to be included in all 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 Recommendations (a)(4)(vii),(viii),(ix),(x), and (xi).

Bell Canada has requested that the Draft Plan of Condominium be subject to a standard condition of approval to provide Bell Canada any necessary easements or agreements for the provision of wire-line communication/telecommunication infrastructure services for this project. This condition is included as Recommendation (xii).

Hamilton Public Health Services has echoed their previous comments put forward for the Draft Plan of Subdivision known as “Paramount” (File No. 25T-201108). Their concerns relate to the landfill assessment, dust mitigation and warning clauses. They have all been addressed through the respective draft plan of subdivision conditions and the subdivision agreement and are not required as conditions for approval of the Draft Plan of Condominium.

PUBLIC CONSULTATION

In accordance with the provisions of the Planning Act and Council's Public Participation Policy, 58 Notices of Complete Application and Preliminary Circulation were sent to all property owners within 120 m of the subject property on September 12, 2014, requesting comments on the application. Furthermore, a Public Notice Sign was posted on the property on October 9, 2014. Finally, Notice of the Public Meeting was given on January 7, 2015, in accordance with the requirements of the Planning Act. To date, one email has been received requesting clarification on the proposed height. Staff responded to the resident and they were satisfied with the clarification.

ANALYSIS AND 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 to the Growth Plan for the Greater Golden Horseshoe (Places to Grow);
 - (ii) Once the applicable housekeeping amendments are finalized, it will bring the development more into conformity with the Urban Hamilton Official Plan; and,
 - (iii) The proposal implements condominium tenure for a form of development, previously approved by Council through Zoning By-law No. 12-161 and

SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Elements), by 2268329 Ontario Inc. (c/o Albion Developments), for Lands Known as 201, 207, 209, 211, 213, 215, 217, 219, 221, 225, 227, 229, 231, 233 and 235 Westbank Trail, Stoney Creek (PED15008) (Ward 9) - Page 12 of 13

Draft Plan of Subdivision Approval known as “Paramount” 25T-201108, and by staff through Site Plan Control Application DA-12-154, and provides for a form of development that is compatible with surrounding land uses.

2. The proposed Draft Plan of Condominium (Common Elements) would be comprised of the following common elements: an internal road accessing Westbank Trail with sidewalks; two visitor parking areas for a total of 38 parking spaces; and, landscaped and open space area for passive recreation including a pathway and sidewalks. The 42 proposed maisonette dwelling units would have frontage onto the condominium road, while 14 have direct frontage onto Westbank Trail. The 18 townhouse dwellings would front onto the private condominium road. All of the common elements, including the open space areas, would be maintained by the future Condominium Corporation.
3. The land proposed for the common elements condominium and the lots for townhouses and maisonettes will be created through an exemption from Part Lot Control. Part Lot Control Application PLC-14-023 has been submitted and is currently under review. In this regard, final approval and registration of the common elements condominium cannot occur until such time as the Part Lot Control Application is approved and the By-law removing the lands from Part Lot Control has been passed (see Recommendation (iv)).
4. 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 a Common Elements Condominium under the Condominium Act (see Recommendation (v)).
5. The proposed condominium road will be privately owned and maintained. As a condition of approval, the applicant must include warning clauses in the Development Agreement and all Purchase and Sale Agreements to advise perspective purchasers that the City of Hamilton will not provide maintenance or snow removal, and that the provided garages are for parking (including that on-street, overflow parking may not be available and cannot be guaranteed in perpetuity) (see Recommendation (a)(vi),(1) and (2)). An acknowledgement clause is also included to advise purchasers of the centralized mailboxes (see Recommendations (a)(4)(vii),(viii),(ix),(x) and (xi)).

SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Elements), by 2268329 Ontario Inc. (c/o Albion Developments), for Lands Known as 201, 207, 209, 211, 213, 215, 217, 219, 221, 225, 227, 229, 231, 233 and 235 Westbank Trail, Stoney Creek (PED15008) (Ward 9) - Page 13 of 13

6. The site grading and drainage plans were reviewed through the draft plan of subdivision process and it was determined by Development Engineering staff that in order to protect the approved grading from unauthorized alterations by individual property owners, that a requirement be imposed on the Condominium Corporation to be solely responsible for maintaining the terms of the approved grading plan in these areas by the way of drainage easements. Therefore, prior to the registration of the plan, the owner is required to demonstrate that a drainage easement will be provided in favour of the Condominium Corporation over the front and rear yards of the units within the plan of condominium (see Recommendation (xiii)).

ALTERNATIVES FOR CONSIDERATION

Should the proposed Plan of Condominium (common elements condominium) 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": Final Approved Site Plan
- Appendix "C": Proposed Draft Plan of Condominium
- Appendix "D": Registered Plan of Subdivision

:JM/th