



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	October 6, 2015
<b>SUBJECT / REPORT NO:</b>	Application for Approval of Draft Plan of Condominium (Common Element), by A.J. Clarke and Associates, on behalf of Multi-Area Developments Inc., for Lands Known as 1-100 Bloom Crescent, 1-11 Ladybell Lane, and 1-12 Laureloak Lane (Glanbrook) (PED15148) (Ward 11)
<b>WARD(S) AFFECTED:</b>	Ward 11
<b>PREPARED BY:</b>	Madeleine Giroux Planner (905) 546-2424 Ext. 2664  Lindsay King Planner (905) 546-2424 Ext. 2222  Stephen Robichaud Director of Planning and Chief Planner
<b>SUBMITTED BY:</b>	Jason Thorne General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That approval be given to **Draft Plan of Condominium Application 25CDM-201508, by A.J. Clarke and Associates (c/o Stephen Fraser), Agent, on behalf of Multi-Area Developments Inc. (c/o Aldo DeSantis), Owner**, to establish a Draft Plan of Condominium (common element) to create a condominium road, a sidewalk on portions of the condominium road, an 866.97 square metre amenity area, and 21 visitor parking spaces, on lands located at 1-100 Bloom Crescent, 1-11 Ladybell Lane, and 1-12

**SUBJECT: Application for Approval of Draft Plan of Condominium (Common Element), by A.J. Clarke and Associates, on behalf of Multi-Area Developments Inc., for Lands Known as 1-100 Bloom Crescent, 1-11 Ladybell Lane, and 1-12 Laureloak Lane (Glanbrook) (PED15148) (Ward 11) – Page 2 of 19**

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Laureloak Lane (Glanbrook), as shown on Appendix “A” to Report PED15148, subject to the following conditions:

- (i) That this approval for Draft Plan of Condominium (common element) application 25CDM-201508 applies to the plan prepared by A.J. Clarke and Associates, certified by B.J. Clarke, and dated January 26, 2015, consisting of a condominium road, a sidewalk on portions of the condominium road, an 866.97 square metre amenity area, and 21 visitor parking spaces attached as Appendix “B” to Report PED15148;
- (ii) That the conditions of Draft Plan of Condominium Approval provided as Appendix “C” to Report PED15148 be received and endorsed by City Council.

## **EXECUTIVE SUMMARY**

The purpose of the application is to establish a Draft Plan of Condominium (common element) to create the following common elements, as shown on Appendix “B”:

- An internal condominium roadway with two driveway access points from Bellagio Avenue;
- A 1.5-metre sidewalk on the south side of the east-west condominium road;
- A 1.5-metre sidewalk on the east side of the westerly north-south condominium road;
- A 1.5-metre sidewalk on the west side of the easterly north-south condominium road;
- An 866.97 square metre amenity area; and,
- 21 visitor parking spaces.

The proposed Draft Plan of Condominium has merit and can be supported as it is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe, and complies with the Urban Hamilton Official Plan (UHOP).

Prior to registration, the proposed Draft Plan of Condominium will conform to Zoning By-law No. 464, as amended by By-law 13-226, is consistent with the Registered Plan of Subdivision 62M-1210 “Summit Park, Phase 8” (attached as Appendix “D”), and will implement the required final approved Site Plan Control Application DA-14-040, as per Condition (ii) of Appendix “C”.

## **Alternatives for Consideration – See Page 18**

**SUBJECT: Application for Approval of Draft Plan of Condominium (Common Element), by A.J. Clarke and Associates, on behalf of Multi-Area Developments Inc., for Lands Known as 1-100 Bloom Crescent, 1-11 Ladybell Lane, and 1-12 Laureloak Lane (Glanbrook) (PED15148) (Ward 11) – Page 3 of 19**

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## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

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 element).

## **HISTORICAL BACKGROUND**

### **Chronology:**

<u>June 6, 2014:</u>	Site Plan Control Application DA-14-040 is granted Conditional Approval.
<u>June 10, 2015:</u>	Site Plan Control Application DA-14-040 is granted a 90-day extension on Conditional Approval.
<u>May 6, 2015:</u>	Condominium Application 25CDM-201508, “Summit Park, Phase 8 – Block 189”, is received.
<u>June 15, 2015:</u>	Condominium Application 25CDM-201508, “Summit Park, Phase 8 – Block 189”, is deemed complete.
<u>July 17, 2015:</u>	Circulation of Notice of Complete Application and Preliminary Circulation for Condominium Application 25CDM-201508 sent to 44 residents within 120 metres of the subject lands.
<u>July 10, 2015:</u>	Public Notice Sign is placed on the subject lands.
<u>July 30, 2015:</u>	Site Plan Control Application DA-14-040 is granted Final Approval.
<u>September 9, 2015:</u>	Public Notice Sign updated to indicate Public Meeting date.
<u>September 18, 2015:</u>	Notice of Public Meeting circulated to all property owners within 120 m of the subject lands.

**SUBJECT: Application for Approval of Draft Plan of Condominium (Common Element), by A.J. Clarke and Associates, on behalf of Multi-Area Developments Inc., for Lands Known as 1-100 Bloom Crescent, 1-11 Ladybell Lane, and 1-12 Laureloak Lane (Glanbrook) (PED15148) (Ward 11) – Page 4 of 19**

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**Proposal:**

The purpose of the application is to establish a Draft Plan of Condominium (common element) to create the following common elements, as shown on Appendix “B”:

- An internal condominium roadway with two driveway access points from Bellagio Avenue;
- A 1.5-metre sidewalk on the south side of the east-west condominium road;
- A 1.5-metre sidewalk on the east side of the westerly north-south condominium road;
- A 1.5-metre sidewalk on the west side of the easterly north-south condominium road;
- An 866.97 square metre amenity area; and,
- Visitor parking spaces.

The proposed lots will be created through Part Lot Control Application PLC-15-020, and shall be developed in accordance with final approved Site Plan Control Application DA-14-040, as per Conditions (ii) and (iii) of Appendix “C”.

It is noted that the block of townhouse units fronting Bellagio Avenue (labelled as Parts 71 to 76, inclusive) on the Draft Plan of Condominium do not form part of the subject Plan of Condominium application and have no interest in the common elements established through this application.

**Details of Submitted Application:**

**Location:** 1-100 Bloom Crescent, 1-11 Ladybell Lane, and 1-12 Laureloak Lane (Glanbrook)  
(See Location Map attached as Appendix “A”)

**Owner / Applicant:** Multi-Area Developments Inc., c/o Aldo DeSantis

**Agent:** A. J. Clarke and Associates, c/o Stephen Fraser

**Property Description:**    Lot Frontage:            193.83 m (Bellagio Avenue)  
  
                                 Lot Depth:                84.18 m (North to South)  
  
                                 Lot Area:                 1.65 ha (approximately)

**Servicing:** Full Municipal Services

**SUBJECT: Application for Approval of Draft Plan of Condominium (Common Element), by A.J. Clarke and Associates, on behalf of Multi-Area Developments Inc., for Lands Known as 1-100 Bloom Crescent, 1-11 Ladybell Lane, and 1-12 Laureloak Lane (Glanbrook) (PED15148) (Ward 11) – Page 5 of 19**

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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 “RM3-173(B)” Zone, Modified
<b><u>Surrounding Lands:</u></b>		
<b>North</b>	Chaston Bart Water Haulage Company (located at 2062 Rymal Road East); and, Farmer Al’s Market	General Agricultural “A1” Zone; and, Rural Commercial “C6-026” Zone, Modified
<b>South</b>	Single Detached Dwellings; Vacant Lands to be developed as per Registered Plan of Subdivision 62M-1210	Residential Multiple “RM2-173” Zone, Modified; and, Residential “R4-173(D)” Zone, Modified
<b>East</b>	Vacant lands to be developed as per Registered Plan of Subdivision 62M-1210	Neighbourhood Commercial “H-C1-182” Zone, Modified with a Holding Provision; and, Residential Multiple “RM2-182” Zone, Modified
<b>West</b>	Townhouse Dwellings	Residential Multiple “RM2-173” Zone, Modified

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Staff note that the principal land use and corresponding zoning regulations were previously implemented by City of Hamilton By-law 13-226, and the registered “Summit Park, Phase 8” Plan of Subdivision (62M-1210).

### **Provincial Policy Statement (PPS):**

The Provincial Policy Statement, 2014 (PPS) provides overall policy direction on matters of provincial interest related to land use and development in Ontario, and applies to the subject property.

**SUBJECT: Application for Approval of Draft Plan of Condominium (Common Element), by A.J. Clarke and Associates, on behalf of Multi-Area Developments Inc., for Lands Known as 1-100 Bloom Crescent, 1-11 Ladybell Lane, and 1-12 Laureloak Lane (Glanbrook) (PED15148) (Ward 11) – Page 6 of 19**

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The application has been reviewed with respect to the PPS. The application is consistent with Policy 1.1.3.1 that directs growth to Settlement Areas and implements Policies 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. Staff note that the Draft Plan of Condominium and the corresponding residential units, form part of a larger development, known as “Summit Park, Phase 8” Plan of Subdivision (62M-1210), which is consistent and complementary to the existing neighbourhood, while also providing for additional tenures for the area through the subject application.

The application has also been reviewed against Policy 1.2.6.1, which outlines that “long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety.”

The subject lands are located adjacent to Rymal Road East and as part of the previous Site Plan Control application for the subject lands (DA-14-040), a noise study was required. As such, a noise study was prepared by HGC Engineering, and was reviewed and approved by staff.

Based on the foregoing, the proposal is consistent with the policies of the PPS.

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

The subject lands are located within the Greater Golden Horseshoe Growth Plan Area.

Section 1.2.2 of the Growth Plan sets out the guiding principles for growth. Specifically, the principles require new development to be compact, vibrant, and to create complete communities. Further, they require a planned and managed form of growth that supports a strong and competitive economy while protecting, conserving, enhancing, and wisely using the valuable natural resources of land for current and future generations. They also require optimizing the use of existing and new infrastructure to support growth in a compact, efficient form, thereby establishing a compact, vibrant, and complete community.

The subject Draft Plan of Condominium application is to establish common elements of a development that was approved through Site Plan Control application DA-14-040. As such, the proposal seeks to implement a compact, vibrant, and complete community. It further proposes to extend existing services into the site in an effort to capitalize on

**SUBJECT: Application for Approval of Draft Plan of Condominium (Common Element), by A.J. Clarke and Associates, on behalf of Multi-Area Developments Inc., for Lands Known as 1-100 Bloom Crescent, 1-11 Ladybell Lane, and 1-12 Laureloak Lane (Glanbrook) (PED15148) (Ward 11) – Page 7 of 19**

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current infrastructure investment and introduces a different type of tenure, utilizing land in an efficient manner.

Further, the application conforms to Sections 2.2.2 and 2.2.3 of the Growth Plan, which direct new growth to the built-up areas. Based on the foregoing, the proposed development of the Draft Plan of Condominium conforms to the Growth Plan for the Greater Golden Horseshoe.

**Urban Hamilton Official Plan (UHOP):**

**Volume 1 – Parent Policies**

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure, and are designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations of the Urban Hamilton Official Plan. The following policies, amongst others, apply to this application:

- “B.3.2.4.1     The development of a full range of housing forms, types, and densities shall be provided for and promoted throughout the City of Hamilton through residential intensification and new development. A full range of housing forms, types and densities means the full spectrum of physical housing types including single detached dwellings, semi-detached dwellings, duplexes, townhouses of various types (street, block, stacked), apartments and other forms of multiple dwellings, and lodging houses, built at a range of densities.
- B.3.3.1.5     Ensure that new development is compatible with and enhances the character of the existing environment and locale.
- B. 3.3.3.1     New development shall be located and organized to fit within the existing or planned context of an area as described in Chapter E – Urban Systems and Designations.”

Further, the following policies apply as they relate to the “Neighbourhoods” designation:

- “E.2.6.4     The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including affordable housing and housing with supports.
- E.3.1.3     Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.

**SUBJECT: Application for Approval of Draft Plan of Condominium (Common Element), by A.J. Clarke and Associates, on behalf of Multi-Area Developments Inc., for Lands Known as 1-100 Bloom Crescent, 1-11 Ladybell Lane, and 1-12 Laureloak Lane (Glanbrook) (PED15148) (Ward 11) – Page 8 of 19**

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- E.3.1.4 Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution.
- E.3.1.5 Promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods.
- E.3.2.1 Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities, as well as supporting uses intended to serve the local residents.
- E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
  - a) Residential dwellings, including second dwelling units and housing with supports.”

The subject lands form part of the registered “Summit Park, Phase 8” Subdivision (62M-1210). As such, the proposed development is consistent with the planned neighbourhood character, and incorporates a range of housing types and densities into an area that is comprised of existing townhouse, semi-detached and single-detached dwelling types.

Additionally, upon review of “Low Density Residential” policies within Section E.3.4 of Volume 1, the following policies apply:

- “E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.
- E.3.4.2 Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade.
- E.3.4.3 Uses permitted in low density residential areas include single-detached, semi-detached, duplex, triplex, and street townhouse dwellings.”

The development is located within the interior of the neighbourhood, with lower profile grade-oriented townhouse and maisonette dwellings on a private condominium road and indirect access to Rymal Road East, which complies with the policies noted above.



**SUBJECT: Application for Approval of Draft Plan of Condominium (Common Element), by A.J. Clarke and Associates, on behalf of Multi-Area Developments Inc., for Lands Known as 1-100 Bloom Crescent, 1-11 Ladybell Lane, and 1-12 Laureloak Lane (Glanbrook) (PED15148) (Ward 11) – Page 9 of 19**

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Furthermore, the following additional policies apply:

- “E.3.4.4 For low density residential areas the maximum net residential density shall be 60 units per hectare.
- E.3.4.5 For low density residential areas, the maximum height shall be three storeys.”

The proposal will implement a net residential density below 60 units per hectare (approximately 46.1 units per hectare). Further, the maximum proposed height of three storeys falls within the policy parameter, as denoted above.

- “E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:

- a) Direct access from lots adjacent to major or minor arterial roads shall be discouraged.
- b) Backlotting along public streets and in front of parks shall be discouraged.

The City supports alternatives to backlotting, such as laneway housing and window streets, to promote improved streetscapes and public safety, where feasible.

- c) A mix of lot widths and sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features; shall be encouraged.

Development shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility.

- d) Development, including the creation of infill lots involving the creation of new public streets or extensions, shall generally proceed by way of plan of subdivision. Such plans shall achieve the logical and sequential extension of streets and municipal services and an efficient lotting pattern.”

The “Summit Park, Phase 8” Registered Plan of Subdivision (62M-1210) provides for a mixture of lot widths and sizes compatible with streetscape character, and a mix of

**SUBJECT: Application for Approval of Draft Plan of Condominium (Common Element), by A.J. Clarke and Associates, on behalf of Multi-Area Developments Inc., for Lands Known as 1-100 Bloom Crescent, 1-11 Ladybell Lane, and 1-12 Laureloak Lane (Glanbrook) (PED15148) (Ward 11) – Page 10 of 19**

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dwelling unit types and sizes compatible in exterior design (including character, scale, appearance and design features). Therefore, the Plan of Condominium complies with the above noted policies.

Finally, as per Appendix “F-4” of Volume 1, the subject lands have been identified for archaeological potential. Staff note that a Stage 1-3 Archaeological Assessment Report (P.I.F P017-068-2005) and a Stage 4 Archaeological Assessment Report (P.I.F P017 074-2005) were submitted to the City of Hamilton and the Ministry of Tourism, Culture, and Sport. The Archaeological Assessment was accepted by the Ministry on September 20, 2007, and as such, staff are satisfied that the archaeological concerns on the property have been met.

Based on the foregoing, Staff are of the opinion that the subject application complies with the policies of Volume 1 of the UHOP.

Volume 2 – Secondary Plans

The subject property is designated “Low Density Residential 2h” on Map B.5.2-1 of the Rymal Road Secondary Plan (Volume 2). Accordingly, the following policies, amongst others, apply:

- |                   |  |
|-------------------|--|
| “B.5.2.2          | The residential policies shall define the location and scale of each type of residential use, and shall help ensure that a variety of residential types are provided to meet the needs of all area residents.  |
| B. 5.2.2.3.b) i)  | The permitted uses shall be low rise apartments (up to three storeys) single detached dwellings, multiple attached dwelling unit types including street and block townhouse dwellings, and/or other forms of multiple dwellings such as semi-detached, duplexes, triplexes, stacked townhouses and low rise apartment buildings. |
| B. 5.2.2.3.b) ii) | Mixing of unit types shall be encouraged, and the implementing Zoning By-law may contain provisions to allow for a mixing of units.  |
| B. 5.2.2.3.b) v)  | Multiple dwellings shall be encouraged to locate adjacent to or in the nearby vicinity of the arterial and collector roads within and adjacent to the Secondary Plan area.”  |

Since the Plan of Condominium application seeks to implement the development approved under Site Plan Control application DA-14-040, which included a mixture of townhouse and maisonette dwelling types, and since the subject lands are located

**SUBJECT: Application for Approval of Draft Plan of Condominium (Common Element), by A.J. Clarke and Associates, on behalf of Multi-Area Developments Inc., for Lands Known as 1-100 Bloom Crescent, 1-11 Ladybell Lane, and 1-12 Laureloak Lane (Glanbrook) (PED15148) (Ward 11) – Page 11 of 19**

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adjacent to and in the nearby vicinity of Rymal Road East, Second Road West, and Fletcher Road, the subject proposal complies with the policies of the Rymal Road Secondary Plan.

Volume 3 – Special Policy Areas

The subject lands are partially within “USC-1” on Map SC-1 of Volume 3 – Area Specific Policies.

A portion of the property has been identified as a Core Area on Schedule B – Natural Heritage Systems, and Schedule B-7 – Detailed Natural Heritage Features Earth Science ANSI. In this case, the Core Area has been identified as the Eramosa Karst Area of Natural and Scientific Interest (ANSI). Block 189 is located within the Karst Feeder Area, which encompasses the drainage catchments for several streams that flow into the Core Area. Accordingly, the following policy applies:

- “B.1.a) The Eramosa Karst Area of Natural and Scientific Interest (ANSI) has been divided into various zones, with different levels of protection. The Core Area includes the highest density of significant features and has been identified as a Core Area in the Natural Heritage System. The Feeder Area includes all of the watersheds for streams that contribute flow to the provincially significant karst systems in the Core Area. The Feeder Area provides water flows which are important to the continued functioning and development of the karst features within the Core Area.
- B.1.b) Notwithstanding Section C.2.0 – Natural Heritage System of Volume 1, the Feeder Area shall be afforded a level of protection to ensure that:
- i) The flows of the creeks into the Core Area are substantially maintained (i.e. stream discharge including low flow and high flow characteristics and discharge response to runoff events);
  - ii) Water quality is improved (i.e. primarily a reduction in sediment load); and,
  - iii) Protective measures are employed to reduce the risk of contamination of surface streams by substances that would significantly impact groundwater and the karst.
- B.1.c) Notwithstanding Section C.2.0 – Natural Heritage System of Volume 1, no development shall occur within the Feeder Area unless it can be shown, through technical studies completed to the satisfaction of the City, the Province and the Conservation Authority, that these objectives shall be

**SUBJECT: Application for Approval of Draft Plan of Condominium (Common Element), by A.J. Clarke and Associates, on behalf of Multi-Area Developments Inc., for Lands Known as 1-100 Bloom Crescent, 1-11 Ladybell Lane, and 1-12 Laureloak Lane (Glanbrook) (PED15148) (Ward 11) – Page 12 of 19**

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met. Individuals who review these studies must have expertise in environmental hydrology and geomorphology, and civil engineering.”

A Karst Assessment was completed through Site Plan Control Application DA-14-040 for the subject lands, and it is the opinion of staff that the Feeder Area will not be further negatively impacted by the proposal.

Based on the foregoing, the proposal complies with the above-noted policies of the “Neighbourhood” designation of Volume 1, the “Low Density Residential 2h” designation of Volume 2, and the Special Policy Area “USC-1” of Volume 3. As such, the proposed Draft Plan of Condominium complies with the policies of the UHOP.

**Township of Glanbrook Zoning By-law 464:**

The subject lands are zoned Residential Multiple “RM3-173(B)” Zone, Modified, in the Township of Glanbrook Zoning By-law 464, amended by City of Hamilton By-law 13-226. The parent Residential Multiple 3 (RM3) Zone allows for block townhouse dwellings and accessory uses and structures. The site-specific zoning added block townhouse dwellings, street townhouse dwellings, maisonette dwellings, and semi-detached dwellings as permitted uses.

The proposal has been developed in accordance with approved Site Plan Control application DA-14-040, granted final approval on July 30, 2015, and complies with the applicable provisions and requirements of By-law No. 464, as amended by By-law No. 13-226.

**RELEVANT CONSULTATION**

The following departments and agencies had no comments or objections:

- Canada Post;
- Development Engineering, Planning and Economic Development Department; and,
- Source Water Protection, Public Works Department.

The following departments and agencies submitted comments:

**Operations Support, Business Programs, Operations Division (Public Works Department)** has advised that the property is eligible for municipal waste collection (garbage, recycling, organics, and leaf and yard waste, etc.) provided that a notation be placed on the Draft Plan of Condominium (Condition (v)(c)).

**SUBJECT: Application for Approval of Draft Plan of Condominium (Common Element), by A.J. Clarke and Associates, on behalf of Multi-Area Developments Inc., for Lands Known as 1-100 Bloom Crescent, 1-11 Ladybell Lane, and 1-12 Laureloak Lane (Glanbrook) (PED15148) (Ward 11) – Page 13 of 19**

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Furthermore, Operations Staff advise that the following specifications are required for municipal collection of waste:

- “1. Construction material is prohibited from collection and arrangements must be made with a private contractor for its collection and disposal;
2. Waste collection service will commence when the site 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 services;
3. A site visit by Public Works staff is required prior to the start of waste collection service. Although this development is eligible for municipal waste collection, it may not be serviceable if it does not meet design criteria for municipal waste collection; and,
4. If continuous forward movement cannot be provided for the collection vehicle, and the site lacks sufficient space for the collection vehicle to safely turn around, waste cannot be collected by municipal forces and a private waste hauler must be utilized.”

**Geomatics and Corridor Management Section (Public Works Department)** were unable to locate an Access Permit issued for this site. As a condition of approval, the applicant / owner will need to apply for and receive an Access Permit from the Public Works Department. Accordingly, staff have included Condition (viii) of Appendix “C” to this Report.

**Forestry and Horticulture Section (Public Works Department)** requires that a detailed Landscape Planting Plan prepared by a Certified Landscape Architect, showing the placement of trees on internal / external City property be provided.

The City of Hamilton's Street Tree Planting Policy per the Tree By-Law 06-151 requires new developments to provide payment of \$450 per tree for road allowance street trees as approved through the review of a proposed street tree planting scheme. The Forestry and Horticulture Section shall be notified post construction when final grade has been achieved for the street tree planting to be completed.

The Landscape Plan should specifically outline full planting details, including the size and species of trees to be planted, as well as hard surface and soft surface area percentages on the site. Trees can define and humanize a thoroughfare, and one of the Conditions of Approval will be the submission of a Landscape Planting Plan.

**SUBJECT: Application for Approval of Draft Plan of Condominium (Common Element), by A.J. Clarke and Associates, on behalf of Multi-Area Developments Inc., for Lands Known as 1-100 Bloom Crescent, 1-11 Ladybell Lane, and 1-12 Laureloak Lane (Glanbrook) (PED15148) (Ward 11) – Page 14 of 19**

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Tree species selection should take into account cultural requirements, cultivars (fruitless etc.) salt and heat tolerance, mature tree size, public visibility and daylight triangles, potential pest concerns as well as the exposure (south west prevailing winds). Spacing guidelines for trees are ten metres on centre.

Staff note that the foregoing was addressed as a condition of Site Plan Control Application DA-14-040, and that the condition was satisfied by the Manager of Development Planning, Heritage and Design on July 30, 2015.

**Hamilton Municipal Parking Services (HMPS) (Planning and Economic Development Department)** has advised that it appears the applicant may be short in meeting the minimum number of visitor parking spaces to meet the Zoning By-law. A parking plan with a reduced number of parking spaces will require a justification for the parking reduction to demonstrate that the site can effectively function with the reduced amount of parking spaces, and that the reduced parking numbers will be sufficient to accommodate future parking demands.

HMPS Staff advise that the applicant should ensure that on-site parking spaces and garages are suitably dimensioned without encumbrances, to ensure the continued use of these facilities for parking purposes. Driveway locations should be spaced such that on-street parking can be maximized by allowing a minimum of 6.5 metres between two residential driveways. The applicant should ensure that all parking requirements are met on-site.

Planning staff note that the proposed Plan of Condominium includes the required visitor parking as a common element as per Appendix “B” of this Report, and the individual units will be reviewed at the building permit stage to ensure adequate parking as part of the required applicable law review. The proposal was also subject to final approved Site Plan Control Application DA-14-040, where it was confirmed that all Zoning By-law provisions were met.

**Growth Management (Planning and Economic Development Department)** have indicated that as required by Section 51 (17) of the *Planning Act*, existing contours should be shown on the plan, and the legal description should indicate the 62M-1210 plan number.

Growth Management has also required that the following notation be added to the Draft Approval Conditions:

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

**SUBJECT: Application for Approval of Draft Plan of Condominium (Common Element), by A.J. Clarke and Associates, on behalf of Multi-Area Developments Inc., for Lands Known as 1-100 Bloom Crescent, 1-11 Ladybell Lane, and 1-12 Laureloak Lane (Glanbrook) (PED15148) (Ward 11) – Page 15 of 19**

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This note has been included in the conditions of Draft Plan of Condominium approval (Appendix “C”).

**Bell Canada** has advised that prior to commencing any work within the Plan, the Developer must confirm that sufficient wire-line communication / telecommunication infrastructure is currently available within the proposed development to provide communication / telecommunication service to the proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that the Developer may be required to pay for the connection to and / or extension of the existing communication / telecommunication infrastructure. If the Developer elects not to pay for such connection to and / or extension of the existing communication / telecommunication infrastructure, the Developer shall be required to demonstrate to the municipality that sufficient alternative communication / telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication / telecommunication services for emergency management services (i.e., 911 Emergency Services).

Other standard conditions relating to Bell Canada have been included as Conditions (ix) and (x) in Appendix “C”.

**Union Gas** has advised that the following condition be included:

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

This has been included as Condition (xi) in Appendix “C”.

## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and Council’s Public Participation Policy, 44 Notices of Complete Application and Preliminary Circulation were sent to all property owners within 120 metres of the subject property on July 17, 2015, requesting comments on the application.

Furthermore, a Public Notice Sign was posted on the property on July 10, 2015 and updated on September 9, 2015 with the Public Meeting date. Finally, Notice of the Public Meeting was given on September 18, 2015, in accordance with the requirements of the *Planning Act*.

To-date, no public submissions have been received.

## **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) It complies with the policies of the Urban Hamilton Official Plan; and,
  - (iii) The proposal establishes condominium tenure for a form of development permitted under the Township of Glanbrook Zoning By-law No. 464, amended by City of Hamilton By-law No. 13-226, and the “Summit Park, Phase 8” Plan of Subdivision (62M-1210). It will implement the final approved Site Plan Control Application DA-14-040, which provides for a form of development that is compatible with surrounding land uses.
2. The proposed Draft Plan of Condominium (common element) would be comprised of the following common elements: a condominium road, a sidewalk on portions of the condominium road, an 866.97 square metre amenity area, and 21 visitor parking spaces as shown on the attached plan marked as Appendix “B”. The condominium road will provide access to Bellagio Avenue. All of the common elements, including the condominium road, sidewalk, amenity area, and the visitor parking areas would be maintained by the future Condominium Corporation. Forty-six townhouse dwellings and 24 maisonette dwellings would have frontage on the private condominium road and would hold an interest in the common element condominium corporation.
3. Six townhouse dwelling units would have frontage onto Bellagio Avenue (labelled as Parts 71 to 76, inclusive). These units are entirely freehold in nature and do not have an interest in the common element condominium corporation. As such, these units require a separate community mailbox facility located on lands not contained within the common element condominium (as per Condition (vii) in Appendix “C”).
4. The common element condominium contains 21 surface visitor parking spaces to be shared among 70 dwelling units. The remaining six units fronting onto Bellagio Avenue, not holding an interest in the common element condominium, will not be permitted to utilize these spaces unless they make private arrangements with the condominium corporation.
5. The land proposed for the common element condominium and the lots for all of the townhouses will be created through an exemption from Part Lot Control. Part



**SUBJECT: Application for Approval of Draft Plan of Condominium (Common Element), by A.J. Clarke and Associates, on behalf of Multi-Area Developments Inc., for Lands Known as 1-100 Bloom Crescent, 1-11 Ladybell Lane, and 1-12 Laureloak Lane (Glanbrook) (PED15148) (Ward 11) – Page 17 of 19**

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Lot Control Application PLC-15-020 has been submitted and is under review. In this regard, final approval and registration of the common element condominium cannot occur until such time as the Part Lot Control Application is approved and the By-law removing lands from Part Lot Control has been passed by Council (Condition (iii)).

6. The applicant must also enter into a Development Agreement with the City of Hamilton as a condition of Draft Plan of Condominium approval. This Agreement would ensure that the tenure of the proposed common elements (as shown on the Draft Plan of Condominium included in Appendix “B”) becomes “tied” to the proposed Draft Plan of Condominium. 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* (Condition (iv)).
7. 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 and Rental Leases to advise prospective 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). An acknowledgement clause is also included to advise purchasers of the centralized mailboxes (Conditions (v) and (vi)).
8. A noise study, prepared by HGC Engineering, was reviewed and approved by staff. Accordingly, in order to implement the findings of the noise study, staff will require the fulfilment of the conditions stated below:

That the following warning clauses shall be included within all Purchase and Sale Agreements and Rental Lease for all units:

Noise Warning Clauses:

- a. Purchasers / tenants are advised that despite the inclusion of noise control features in the development, sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling unit occupants as the sound levels exceed the Ministry of Environment’s noise criteria (as per Condition (v)(e) of Appendix “C”).

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- b. Purchasers / tenants are advised that due to the proximity of Farmer Al's, sound levels from the facility may at times be audible (as per Condition (v)(f) of Appendix "C").

**Forced Air Ventilation:**

- c. This dwelling unit has been fitted with a forced air heating system and the ducting etc., was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of Environment's (MOE) noise criteria. (Note: the location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and comply with the criteria of the MOE publication NPC-216 Residential Air Conditioning Device) (as per Condition (v)(g) of Appendix "C").

**ALTERNATIVES FOR CONSIDERATION**

Should the proposed Plan of Condominium (common element 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 Draft Plan of 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).

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**APPENDICES AND SCHEDULES ATTACHED**

- Appendix “A”: Location Map
- Appendix “B”: Proposed Draft Plan of Condominium
- Appendix “C”: Recommended Conditions of Approval
- Appendix “D”: Registered Plan of Subdivision
- Appendix “E”: Final Approved Site Plan

TLK/mg/mah