



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 12, 2016
SUBJECT / REPORT NO:	Application for Approval of Draft Plan of Condominium (Common Element), by Webb Planning Consultants Inc., on behalf of Losani Homes Ltd., for Lands Known as 247 Festival Way (Glanbrook) (PED16009) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Madeleine Giroux Planner (905) 546-2424 Ext.2664 Stephen Robichaud Director of Planning and Chief Planner
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That approval be given to **Draft Plan of Condominium Application 25CDM-201511, by Webb Planning Consultants Inc. (c/o James Webb), Agent, on behalf of Losani Homes Ltd. (c/o Fred Losani), Owner**, to establish a Draft Plan of Condominium (Common Element) to create a condominium road, an amenity area and 14 visitor parking spaces on lands located at 247 Festival Way (Glanbrook), as shown on Appendix "A" to Report PED16009, subject to the following conditions:

- (i) That the approval for Draft Plan of Condominium (Common Element) Application 25CDM-201511 applies to the plan prepared by A. T. McLaren Ltd., certified by S. D. McLaren, OLS, and dated March 11, 2015, consisting of a condominium road, an amenity area and 14 visitor parking spaces attached as Appendix "B" to Report PED16009;
- (ii) That the conditions of Draft Plan of Condominium Approval provided as Appendix "C" to Report PED16009 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 one driveway access point from Grandstand Drive and one driveway access point from Festival Way;
- A 175.17 sq m amenity area; and,
- Fourteen 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).

The proposed Draft Plan of Condominium conforms to the Town of Glanbrook Zoning By-law No. 464, as amended by By-law 14-026, and as approved through Minor Variance applications GL/A-14:339 and GL/A-15:176. Further, it is consistent with the Registered Plan of Subdivision 62M-1149 “Fairgrounds East, Phase 2” and the Registered Plan of Subdivision 62M-1214 “Fairgrounds West” (attached as Appendices “D” and “E”), and will implement the required final approved Site Plan Control Application DA-14-120 (Conditions (i) and (ii) of Appendix “C”).

Alternatives for Consideration – See Page 16

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

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”:

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- An internal condominium roadway with one driveway access point from Grandstand Drive and one driveway access point from Festival Way;
- A 175.17 sq m amenity area; and,
- Fourteen visitor parking spaces.

The proposed lots will be created through Part Lot Control Application PLC-15-032, and shall be developed in accordance with final approved Site Plan Control Application DA-14-120, as per Conditions (ii) and (iii) of Appendix “C”. The Part Lot Control application is currently under review and the implementing By-law is expected to be considered at the February 10, 2016 Council meeting.

Site Plan Control Application DA-14-120

The property is subject to Site Plan Control Application DA-14-120, which was granted final approval on August 19, 2015, and which complies with the requirements of Zoning By-law No. 464, as amended by By-law 14-026, and as approved through Minor Variance applications GL/A-14:339 and GL/A-15:176.

Four townhouse blocks were approved through the above-noted Site Plan Control application (as shown on Appendix “F”). Blocks A and B are three storeys in height, and Blocks C and D are two storeys in height. The approval also includes an internal roadway accessed from Grandstand Drive and Festival Way, 14 visitor parking spaces and 175.17 sq m of amenity area. The amenity area includes the proposed location for the required Canada Post Community Mailbox (as discussed in the Relevant Consultation section, below).

Chronology:

- | | |
|---------------------------|---|
| <u>February 3, 2015:</u> | Site Plan Control Application DA-14-120 was granted Conditional Approval. |
| <u>February 5, 2015:</u> | Minor Variance Application GL/A-14:339 was granted approval by the Committee of Adjustment. |
| <u>February 26, 2015:</u> | Minor Variance Decision GL/A-14:339 became Final and Binding. |
| <u>July 8, 2015:</u> | Condominium Application 25CDM-201511, “Fairgrounds East, Phase 2 – Block 99”, was received. |
| <u>July 9, 2015:</u> | Minor Variance Application GL/A-15:176 was granted approval by the Committee of Adjustment. |

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- July 27, 2015: Condominium Application 25CDM-201511, “Fairgrounds East, Phase 2 – Block 99”, is deemed complete.
- July 30, 2015: Minor Variance Application GL/A-15:176 became Final and Binding.
- August 19, 2015: Circulation of Notice of Complete Application and Preliminary Circulation for Condominium Application 25CDM-201511 sent to 80 residents within 120 m of the subject lands.
- August 19, 2015: Site Plan Control Application DA-14-120 is granted Final Approval.
- August 28, 2015: Public Notice Sign is placed on the subject lands.
- December 9, 2015: Public Notice Sign updated to indicate Public Meeting date.
- December 18, 2015: Notice of Public Meeting circulated to all property owners within 120 m of the subject lands.

Details of Submitted Application:

- Location:** 247 Festival Way (Glanbrook)
(See Location Map attached as Appendix “A”)
- Owner / Applicant:** Losani Homes Ltd., c/o Fred Losani
- Agent:** Webb Planning Consultants Inc., c/o James Webb
- Property Description:**
- | | |
|----------------------|--|
| <u>Lot Frontage:</u> | 56.9 m (Festival Way)
56.0 m (Grandstand Drive) |
| <u>Lot Depth:</u> | 81.4 m (westerly north / south boundary)
84.3 m (easterly north / south boundary) |
| <u>Lot Area:</u> | 4,755 sq m (approximately) |
- Servicing:** Full Municipal Services

EXISTING LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Lands currently being developed for 23 townhouse dwelling units	Residential Multiple “RM3-223” Zone, Modified
<u>Surrounding Lands:</u>		
North	Single-Detached Dwellings as per Fairgrounds East, Phase 2, Registered Plan of Subdivision 62M-1194	Residential “R4-222” Zone, Modified and Residential “R4-279” Zone, Modified
South	Single-Detached Dwellings as per Fairgrounds East, Phase 2, Registered Plan of Subdivision 62M-1194	Residential “R4-222” Zone, Modified
East	Single-Detached Dwellings as per Fairgrounds East, Phase 2, Registered Plan of Subdivision 62M-1194	Residential “R4-222” Zone, Modified
West	Single-Detached Dwellings as per Fairgrounds West, Registered Plan of Subdivision 62M-1214	Residential “R4-279” 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 14-026, the Committee of Adjustment Decisions for GL/A-14:339 and GL/A-15:176, and the registered “Fairgrounds East, Phase 2” Plan of Subdivision (62M-1194) and “Fairgrounds West” Plan of Subdivision (62M-1214).

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.

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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. Further, the application 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 two larger developments, known as “Fairgrounds East, Phase 2” Plan of Subdivision (62M-1194) and “Fairgrounds West” Plan of Subdivision (62M-1214), which are consistent and complementary to the existing neighbourhood, while also providing for additional tenures for the area through the subject application.

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-14-120. 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 current infrastructure investment and introduces a different type of tenure, utilizing land in an efficient manner.

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

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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, amongst others, applies as it relates 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.
- 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.”

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The “Fairgrounds East, Phase 2” Registered Plan of Subdivision (62M-1194) and the “Fairgrounds West” Registered Plan of Subdivision (62M-1214) provide for a mixture of lot widths and sizes compatible with streetscape character, and a mix of dwelling unit types and sizes compatible in exterior design. Therefore, the Plan of Condominium complies with the above noted policies.

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.5.1-1 of the Binbrook Village Secondary Plan (Volume 2). Accordingly, the following policies, amongst others, apply:

- “B.5.1.4.1.a) Establish residential neighbourhoods which are diverse in population, scaled for the pedestrian, can accommodate cars and transit, and have a well-defined public realm;
- B.5.1.4.1.c) Create safe, efficient, and attractive residential neighbourhoods consisting of a range and mix of housing types and densities;
- B.5.1.4.1.g) Ensure new residential development considers and is sensitive to existing residential uses and other existing and permitted uses in Binbrook Village.”

The subject proposal is to implement a compact, efficient, and street-oriented form of residential development with a continuous street edge. The pedestrian realm on this Block is proposed to be a shared interest among residents, and accordingly, the proposal to establish tenure of the common elements for the approved built form satisfies the above policies.

- “B.5.1.4.3 In addition to Section E.3.0 – Neighbourhoods Designation of Volume 1, the following general policies apply to all residential land use designations identified in Map B.5.1-1 – Binbrook Village Land Use Plan:
 - a) Residential development in Binbrook Village shall have a compact urban form to enhance the liveability of the community, provide for cost efficiencies, and support environmental sustainability.
 - b) Each neighbourhood shall contain the following elements:
 - i) Compact and well-defined urban form;

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- ii) A variety and balance of dwelling types;
 - iii) Accessible elementary schools and parks;
 - iv) Community design that encourages walking and socializing; and,
 - v) A clearly defined public realm (streets, open spaces, etc.)
- c) A range and mix of housing types shall be permitted, including single-detached, semi-detached, duplexes, townhouses, quattroplexes, and apartment (multiple) dwellings, as well as housing with supports.”

The subject proposal seeks to establish tenure for the townhouse development approved through final approved Site Plan Control application DA-14-120. The proposal implements the mixture of housing types and densities, as well as the compact form and community design envisioned on the “Fairgrounds East, Phase 2” Registered Plan of Subdivision (62M-1194) and the “Fairgrounds West” Registered Plan of Subdivision (62M-1214). As such, the proposal satisfies the above policies.

“B.5.1.4.5.c) Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the lands designated Low Density Residential 2h on Map B.5.1-1 – Binbrook Village – Land Use Plan:

- i) The permitted uses shall consist primarily of multiple dwelling unit types including street, block, and stacked townhouse dwellings. Duplexes and triplexes may also be permitted.
- ii) The density range shall be from 26 to 40 units per net hectare.”

The Plan of Condominium application seeks to implement the development approved under Site Plan Control application DA-14-120, which included townhouse dwellings of two and three storeys. The approved development has a net residential density of approximately 48.0 units per hectare, and while this density is not within the prescribed density targets outlined in the Secondary Plan, the proposal complies with the Residential Multiple 3 “RM3-223” Zone, Modified, as amended through Minor Variance applications GL/A-14:339 and GL/A-15:176.

As the Zoning By-law is the implementing tool of the Official Plan and Secondary Plan in terms of dwelling types and performance standards, staff are satisfied that the proposal meets the intent of the Secondary Plan.

Township of Glanbrook Zoning By-law 464:

The subject lands are zoned Residential Multiple “RM3-223” Zone, Modified, in the Township of Glanbrook Zoning By-law 464, amended by City of Hamilton By-law 14-026. The parent Residential Multiple 3 “RM3” Zone allows for block townhouse dwellings and accessory uses and structures. The site-specific zoning permits townhouses on a common element road and provides for site-specific performance standards, including front, side, and rear yard setback, encroachment, and parking stall size and location provisions.

Minor Variance application GL/A-14:339 was granted on February 5, 2015, and became final and binding on February 26, 2015. This application had the effect of defining lot lines. It also permitted townhouse dwelling units to be considered block townhouses instead of street townhouses, whereas they front onto a private road that had been deemed a public road for the purposes of the By-law. It further permitted a public street width of 6.0 m instead of the 18.0 m required for a public right-of-way, and provided for further site specific front yard setback requirements, landscaping provisions, and privacy screen provisions.

Minor Variance application GL/A-15:176 was granted on July 9, 2015, and became final and binding on July 30, 2015. This application had the effect of increasing maximum building heights, as well as reducing the required distance between the boundary of a transmission pipeline right-of-way and the proposed development.

The proposal has been developed in accordance with approved Site Plan Control application DA-14-120, granted final approval on August 19, 2015, and complies with the applicable provisions and requirements of By-law No. 464, as amended by By-law No. 14-026 and Minor Variance applications GL/A-14:339 and GL/A-15:176.

RELEVANT CONSULTATION

The following departments and agencies had no comments or objections:

- Niagara Peninsula Conservation Authority; and,
- Hydro One.

The following departments and agencies submitted comments:

Canada Post advised that mail delivery service to the development will be provided through centralized Community Mailboxes (CMBs). Given the number and the layout of the lots in the development, Canada Post has determined that two CMBs will be required.

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Canada Post stipulated the following requirements:

- “1. The developer will indicate these locations on the appropriate servicing plans, and provide Canada Post with a copy of this service plan.
2. The developer agrees, prior to offering any units for sale, to display a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post.
3. The developer agrees to include in all offers of purchase and sale a statement which advises the purchaser that mail will be delivered via Community Mail Box. The developer also agrees to note the locations of all Community Mail Boxes within the development, and to notify affected homeowners of any established easements granted to Canada Post to permit access to the Community Mail Box.
4. The developer will provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading are completed at the permanent Community Mail Box locations. Canada Post will provide mail delivery to new residents as soon as the homes are occupied.
5. The developer agrees to provide the following for each Community Mail Box site and to include these requirements on the appropriate servicing plans:
 - A concrete pad(s) (consult Canada Post for detailed specifications); and,
 - Any required curb depressions for wheelchair access, with an opening of at least 2.0 m (consult Canada Post for detailed specifications).”

The above conditions were addressed in Section 1.22 of the Subdivision Agreement for the related Registered Plans of Subdivision.

Canada Post further requires that the Developer provide them with the excavation date for the first foundation / first phase as well as the date that development work is scheduled to begin. The Developer is also required to provide the expected installation date(s) for the CMBs, as included in Appendix “C” as Condition (vii). Further warning clauses to inform property owners about the centralized mailboxes are included as conditions of Draft Plan approval (Appendix “C”, Conditions (v)(d) and (vi)).

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)).

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Furthermore, Operations staff advise the following:

- “1. Waste collection service will commence when the site is substantially completed and there is free and clear access. The developer / owner is required to contact the City (905-546-2489) to request the start of waste collection service.
2. 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.
3. A site visit by City staff is required prior to the start of waste collection service.
4. 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 waste collection service.”

Geomatics and Corridor Management Section (Public Works Department) advised that the proposed access points are adjacent to single detached Lots 164 and 126 (on Plan 62M-1214). Staff could not confirm where the driveways are proposed for Lots 164 and 126, however, they wanted to ensure that the single detached driveway was not directly against the board fence that is to be constructed along the west lot line of the townhouse development. The fence could create a sight line obstruction for a driver leaving their driveway at both lots. Staff reviewed the Site Plan drawing that was previously reviewed and there was no information or identification that there would be a building lot with a driveway against the west lot line fronting onto Festival Way or onto Grandstand Drive. Staff therefore recommended that the board fence along the west lot line not be constructed up to the road allowance limit of Festival Way and Grandstand Drive, and recommend that the board fence be set back a minimum of 1.0 m from both road allowance limits. Ideally if the applicant could provide a landscape plan or site plan showing the municipal sidewalks, driveways for Lots 164 and 126, and the board fence for this development, staff could confirm the exact fence setback.

To address this concern, the applicant has confirmed that the driveways for Lots 164 and 126 on Registered Plan 62M-1214 are not directly adjacent to the fenced property line and will provide some sight line clearance. Accordingly, Corridor Management staff are satisfied with the driveway configuration.

Corridor Management staff indicated that they had a similar concern with driveways to Lots 60 and 66 (on 62M-1194); however it appeared that those lots would have driveways fronting onto Royal Winter Drive, and therefore, the board fence on the east property line would not impact those property owners' sight lines exiting their driveways.

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As a condition of Site Plan Approval the applicant / owner is required to apply for and receive an Access Permit from the Public Works Department for the driveway approach ramps.

Forestry and Horticulture Section, Public Works Department note that there are no Municipal Tree Assets located on the road allowance of the proposed development site, and therefore, a Tree Management Plan will not be required. Further, they note that a Landscape Plan is approved with no amendments required, as per Site Plan Control application DA-14-120. Finally, staff note that the Street Tree Planting condition will be cleared upon receipt of a cash payment as shown in Item 2.8 of the completed Subdivision Agreement.

Hamilton Municipal Parking Services (HMPS), Planning and Economic Development Department has advised that the applicant should ensure that barrier-free parking spaces have a minimum width of 4.4 m.

Planning staff note that while 4.4 m is the standardized width toward which the City is moving (through the implementation of the consolidated City of Hamilton Zoning By-law No. 05-200), the Township of Glanbrook Zoning By-law No. 464 requires a minimum width of 3.9 m for accessible spaces, and the Site Plan was approved on that basis.

Further, it is recommended that a clause be placed in the condominium agreement stating that the garages are for the purposes of parking and that owners are responsible for ensuring the spaces meet their parking needs.

Accordingly, the following condition has been included as Condition (v)(b) in Appendix “C”:

“Garages are provided for the purpose of parking a vehicle. It is the responsibility of the owner to ensure that their parking needs can be accommodated on site. On-street, over flow parking may not be available and cannot be guaranteed in perpetuity.”

Finally, the HMPS indicated that the applicant should ensure that all existing and future parking requirements are met on-site.

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

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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 (viii) and (ix) in Appendix “C”.

Union Gas has advised that it does have service lines running through the area which may or may not be affected by the proposed development. Should the proposed plan impact these services, it may be necessary to terminate the gas service and relocate the line. Any service relocation required would be at the cost of the property owner.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and Council’s Public Participation Policy, 80 Notices of Complete Application and Preliminary Circulation were sent to all property owners within 120 m of the subject property on August 19, 2015, requesting comments on the application.

Furthermore, a Public Notice Sign was posted on the property on August 28, 2015 and updated on December 9, 2015 with the Public Meeting date. Finally, Notice of the Public Meeting was given on December 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. 14-026 and Minor Variance applications GL/A-14:339 and GL/A-15:176, and the “Fairgrounds East, Phase 2” Plan of Subdivision (62M-1194), and the “Fairgrounds West” Plan of Subdivision (62M-1214). It will implement the final approved Site Plan Control application DA-14-120, which provides for a form of development that is compatible with surrounding land uses.

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2. The proposed Draft Plan of Condominium (Common Element) would be comprised of the following common elements: a condominium road, a 175.17 sq m amenity area and 14 visitor parking spaces as shown on the attached plan marked as Appendix “B.” The condominium road will provide access to Festival Way and Grandstand Drive. All of the common elements, including the condominium road, amenity area, and the visitor parking areas would be maintained by the future Condominium Corporation. Twenty-three townhouse dwellings would have frontage on the private condominium road and would hold an interest in the common element condominium corporation.
3. 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 Lot Control application PLC-15-032 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) of Appendix “C”).
4. 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) of Appendix “C”).
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 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)(a) to (d) of Appendix “C”).
6. Growth Management, Planning and Economic Development staff have indicated that as required by Section 51 (17) of the *Planning Act*, buildings within or adjacent to the land proposed to be subdivided should be shown.

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 (3) years. Extensions will be considered if a written request is received before the draft approval lapses.”

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

7. The owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton (Condition (x) 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).

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 62M-1149
- Appendix “E”: Registered Plan of Subdivision 62M-1214
- Appendix “F”: Final Approved Site Plan

:MG/th