



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

|                             |   |
|-----------------------------|---|
| <b>TO:</b>                  | Chair and Members<br>Planning Committee   |
| <b>COMMITTEE DATE:</b>      | February 2, 2016  |
| <b>SUBJECT / REPORT NO:</b> | Application for Approval of Draft Plan of Condominium (Common Element), for Lands Located at 86 and 90 Raymond Road (Ancaster) (PED16028) (Ward 12) |
| <b>WARD(S) AFFECTED:</b>    | Ward 12   |
| <b>PREPARED BY:</b>         | Melanie Schneider<br>Planner<br>(905) 546-2424 Ext. 1224<br><br>Stephen Robichaud<br>Director of Planning and Chief Planner                         |
| <b>SUBMITTED BY:</b>        | Jason Thorne<br>General Manager<br>Planning and Economic Development Department   |
| <b>SIGNATURE:</b>           |   |

**RECOMMENDATION**

That approval be given to **Draft Plan of Condominium Application 25CDM-201516, by T. Johns Consulting Group Ltd. (c/o Patrick Vusir), Agent, on behalf of Winzen Ancaster Homes (c/o Raymond Zenkovich), Owner**, to establish a Draft Plan of Condominium (Common Element) to create a condominium road, a sidewalk on portions of the condominium road, an open space amenity area, and 21 visitor parking spaces, on lands located at 86 and 90 Raymond Road (Ancaster), as shown on Appendix "A" to Report PED16028, subject to the following conditions:

- a) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-201516 applies to the plan prepared by A.T. McLaren Ltd., certified by S.D. McLaren, dated April 23, 2015, and consisting of a condominium road, a sidewalk on portions of the condominium road, an open space amenity area, and 21 visitor parking spaces attached, as Appendix "B" to Report PED16028;

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- b) That the conditions of Draft Plan of Condominium Approval provided as Appendix “C” to Report PED16028 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 for a 35-unit townhouse development, as shown on Appendix “B”:

- An internal condominium roadway with two driveway access points from Raymond Road;
- A 1.5 m sidewalk on the south side of the condominium road;
- An open space 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).

The proposed Draft Plan of Condominium will conform to Zoning By-law No. 87-57, as amended by By-laws 05-240 and 06-048, and approved under Minor Variance Application AN/A-14:166, is consistent with the Registered Plans of Subdivision 62M-1158 “Ancaster Meadows, Phase 1” and 62M-1159 “Meadowlands of Ancaster, Phase 9” (attached as Appendix “D”), and will implement final approved Site Plan Control Application DA-14-006, as per Condition (ii) of Appendix “C”.

***Alternatives for Consideration – See Page 17***

**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:**

- August 14, 2014: Minor Variance Application AN/A-14:166 approval Final and Binding.
- April 27, 2015: Site Plan Control Application DA-14-006 is granted Final Approval.
- September 2, 2015: Condominium Application 25CDM-201516, “Ancaster Meadows Phase 1 – Block 309” and “Meadowlands of Ancaster, Phase 9 – Block 175”, is deemed complete.
- September 24, 2015: Circulation of Notice of Complete Application and Preliminary Circulation for Condominium Application 25CDM-201516 sent to 145 property owners within 120 m of the subject lands.
- September 29, 2015: Public Notice Sign is placed on the subject lands.
- January 6, 2016: Public Notice Sign updated to indicate Public Meeting date.
- January 15, 2016: Notice of Public Meeting circulated to all property owners within 120 m of the subject lands.

### **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 Raymond Road;
- A 1.5 m sidewalk on the south side of the condominium road;
- An open space amenity area; and,
- 21 visitor parking spaces.

The proposed 35 lots associated with the Draft Plan of Condominium will be created through a future Part Lot Control Application, and shall be developed in accordance with final approved Site Plan Control Application DA-14-006, as per Conditions (ii) and (iii) of Appendix “C”.

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**Details of Submitted Application:**

**Location:** 86 and 90 Raymond Road (Ancaster)  
(see Location Map attached as Appendix “A”)

**Owner / Applicant:** Winzen Ancaster Homes, c/o Raymond Zenkovich

**Agent:** T. Johns Consulting Group Ltd., c/o Patrick Vusir

**Property Description:** Lot Frontage: 119.91 m (Raymond Road)  
Lot Depth: 67.54 m (North to South)  
Lot Area: 0.96 ha (approximately)

**Servicing:** Full Municipal Services

**EXISTING LAND USE AND ZONING**

|                                  | <b><u>Existing Land Use</u></b>                                       | <b><u>Existing Zoning</u></b>  |
|----------------------------------|---|--|
| <b><u>Subject Lands:</u></b>     | Townhouse Dwelling Units<br>(currently under construction)            | Residential Multiple 4 “RM4-527” Zone, Modified;<br>Residential 5 “R5-525” Zone,<br>Modified |
| <b><u>Surrounding Lands:</u></b> |   |  |
| <b>North</b>                     | Hydro One Networks Inc.<br>Corridor; and Single Detached<br>Dwellings | Agricultural “A” Zone; and,<br>Residential 5 “R5-525” Zone,<br>Modified                      |
| <b>South</b>                     | Single Detached Dwellings   | Residential 5 “R5-525” Zone,<br>Modified; and Residential 4<br>“R4-519” Zone, Modified       |
| <b>East</b>                      | Single Detached Dwellings   | Residential 5 “R5-525” Zone,<br>Modified   |
| <b>West</b>                      | Hydro One Networks Inc.<br>Corridor                                   | Agricultural “A” Zone  |

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Staff note that the principal land use and corresponding zoning regulations were previously implemented by City of Hamilton By-laws 05-240 and 06-048, Committee of Adjustment Minor Variance approval for AN/A-14:166, and the registered “Meadowlands of Ancaster – Phase 9” and “Ancaster Meadows – Phase 1” Plans of Subdivision (62M-1159 and 62M-1158).

### **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.

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 two larger developments, known as “Ancaster Meadows – Phase 1” and “Meadowlands of Ancaster – Phase 9” Plans of Subdivision (62M-1158 and 62M-1159, respectively), 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-14-006. As such, the proposal seeks to implement a compact, vibrant, and complete community. It

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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.

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 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 UHOP. 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.”

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.
  
- 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.

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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 “Meadowlands of Ancaster – Phase 9” and “Ancaster Meadows – Phase 1” Subdivisions (62M-1159 and 62M-1158, respectively). 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 semi-detached and single-detached dwelling types.

Furthermore, the following additional policy applies:

“E.3.4.5 For low density residential areas, the maximum height shall be three storeys.”

The maximum proposed height of two storeys for the townhouses 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.
- 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.”

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The “Meadowlands of Ancaster – Phase 9” and “Ancaster Meadows – Phase 1” Registered Plans of Subdivision (62M-1159 and 62M-1158) 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 (including character, scale, appearance and design features). The proposed development also includes logical extensions of available municipal services. 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. As part of the Ancaster Meadows subdivision, Stage 1-2 (PIF# P117-013), Stage 3 (PIF# P117-027) and Stage 4 (PIF# P117-047) archaeological reports for the eastern portion of the property were submitted to the Ministry of Tourism, Culture and Sport. The Province signed off on the reports for compliance with licensing requirements in a letter dated October 20, 2005. A Stage 1-3 archaeological report for the lands including 86 Raymond Road was also submitted to the City of Hamilton. Staff do not have any record of Ministry of Tourism, Culture and Sport sign-off for compliance with licensing requirements. However, as the approval authority, Planning staff concur with the recommendations made in the report, and the municipal interest in archaeology of the subject property has been satisfied.

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 3b” on Map B.2.6-1 of the Meadowlands IV Secondary Plan (Volume 2). Accordingly, the following policies, amongst others, apply:

“B.2.6.1.4            Low Density Residential Designations Notwithstanding Section E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the Low Density Residential designations identified on Map B.2.6-1 – Meadowlands Neighbourhood IV – Land Use Plan:

b) In the Low Density Residential 3b designation:

- i) the density shall be a maximum of 50 units per net residential hectare;
- ii) predominantly town house dwellings and innovative attached housing dwelling forms shall be permitted; and,



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iii) generally located at the periphery of residential neighbourhoods adjacent to or close to arterial and/or collector roads.”

The proposal is being developed in accordance with the approved Site Plan Control application DA-14-006, which includes townhouse dwellings and a density of 37 units per hectare. The lands are located adjacent to Raymond Road, being a collector road. Accordingly, the subject proposal complies with the policies of the Meadowlands IV Secondary Plan.

**Town of Ancaster Zoning By-law 87-57:**

The subject lands are zoned Residential Multiple “RM4-527” Zone, Modified and Residential “R5-525” Zone, Modified, in the Town of Ancaster Zoning By-law 87-57, amended by City of Hamilton By-laws 05-240 and 06-048. The parent Residential Multiple (RM4) Zone allows for block townhouse and dwellings and accessory uses and structures. The site-specific zoning added stacked townhouse dwellings as permitted uses. The parent Residential (R5) Zone permits single detached dwellings. Staff note that the lands located within the Residential (R5) Zone are used solely for the purpose of drainage and landscaping while the proposed townhouse units are located within the Residential Multiple (RM4-527) Zone, Modified.

The subject lands also received Minor Variance Approval from the Committee of Adjustment under application AN/A-14:166. The Minor Variance Approval facilitated the proposal by allowing for minor reductions in landscaping, side yards, privacy areas, separation distances between buildings, and visitor parking provisions.

The proposal has been developed in accordance with approved Site Plan Control Application DA-14-006, granted final approval on April 27, 2015, and complies with the applicable provisions and requirements of By-law No. 87-57, as amended by By-laws No. 05-240 and 06-048, and facilitated by Minor Variance Application AN/A-14:166. Condition (i) of Appendix “C” has been included to ensure the proposal is developed in accordance with these approvals.

**RELEVANT CONSULTATION**

The following departments and agencies had no comments or objections:

- Taxation, Corporate Services Department;
- Infrastructure Planning, Public Works Department;
- Forestry and Horticulture, Public Works Department; and,
- Corridor Management, Public Works Department.

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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)).

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

- “1. Construction material will not be collected: collection arrangements must be made with a private contractor.
2. Road layout must be designed to permit the continuous forward movement of collection vehicles, including the radius of a cul-de-sac turning circle.
3. A drive through access route, a 13 metre radius turning circle or a turnaround area allowing for a maximum three-point turn of not more than one truck length are all acceptable options for accommodating continuous forward movement.
4. Internal roads must have a pavement width not less than 6.0 metres.
5. Adequate manoeuvring space for the collection vehicle must be provided exclusive of any on-site parking spaces and stored snow.
6. The City of Hamilton is committed to providing safe and effective waste collection service and will fully comply with the Ontario Occupational Health and Safety Act's (OHSA) regulations at all times. Regulation 213/91 section 104(1) of the 2012 OHSA Consolidated Edition states: “Every project shall be planned and organized so that vehicles, machines and equipment are not operated in reverse or are operated in reverse as little as possible”.
7. A site visit by City staff is required prior to the start of waste collection service. The City will not grant municipal waste collection if the design criterion is not met and the site is determined to be inaccessible for our waste collection vehicles to maneuver safely on site.
8. The City of Hamilton will provide waste collection service in a development only when Consistent Service can be offered.
9. 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 City (905-546-2489) to request the start of waste collection service.

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10. Prior to the commencement of Municipal waste collection service, the developer is responsible for the collection of all waste (garbage, recycling, organics, etc.) from any and all occupied units.
11. Participation in the City's waste diversion programs – recycling and organics is mandatory. Recycling is unlimited.
12. 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.”

Staff note that these recommendations were addressed through the associated Site Plan Application DA-14-006. Accordingly, staff are satisfied that the site can safely accommodate waste collection vehicles as required above.

Hamilton Municipal Parking Services (HMPS) (Planning and Economic Development Department) note that there is little opportunity for overflow parking. As such, it is recommended that a clause be placed in the purchase and sale agreement stating that the garages are for the purposes of parking and that owners are responsible for ensuring the spaces meet their parking needs. Sample wording is as follows:

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

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

Healthy Living Division (Public Health Department) provided the following recommendations:

- “Provide option for cycling via on-site secure bike parking; and,
- Provide only the minimum required parking spaces and / or explore ways to reduce parking via other transportation demand management strategies, such as parking for carpooling.”

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Staff note that these recommendations were addressed through the associated Site Plan Application DA-14-006 and the Urban Design Brief provided with the Site Plan. The Minor Variance Approval AN/A-14:166 also allowed for a reduced visitor parking standard from 0.66 parking spaces per residential unit to 0.6 spaces per residential unit. Accordingly, staff are satisfied that the recommendations provided by the Healthy Living Division have been addressed.

Hydro One Networks Inc. has identified a transmission corridor directly adjacent to the subject lands and has provided the following to be included as Conditions of Draft Approval:

- “1. Prior to final approval, copies of the lot grading and drainage plan, showing existing and final grades, must be submitted to HONI in triplicate for review and approval. Drainage must be controlled and directed away from OILC/HONI transmission corridor.
2. Temporary fencing must be installed along the edge of the transmission corridor *prior to the start of construction* at the developer’s expense.
3. Permanent 1.5 metre fencing must be installed along the mutual property line after construction is completed at the developer’s expense.
4. ORC/HONI transmission corridor is not to be used without the express written permission of Hydro One Networks Inc. on behalf of OILC. During construction there will be no storage of materials or mounding of earth, snow or other debris on the transmission corridor. The proponent will be responsible for restoration of any damage to the transmission corridor or HONI facilities thereon resulting from construction of the condominium.
5. The conditions contained therein should in no way be construed as permission for or an endorsement of proposed location(s) for any road crossing(s) contemplated for the proposed development. This permission may be specifically granted by OILC under separate agreement(s). Proposals for any secondary land use including road crossings *on the transmission corridor* are processed through the Provincial Secondary Land Use Program (PSLUP). HONI, as OILC's Service Provider, will review detailed engineering plans for such proposals separately, in order to obtain final approval. Should approval for a road crossing be granted, the subdivider shall then make arrangements satisfactory to OILC/HONI for the dedication and transfer of the proposed road allowance directly to the City of Hamilton. Access to, and road construction on the OILC/HONI transmission corridor is not to occur until the legal transfer(s) of lands or interests are completed.

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6. The costs of any relocations or revisions to HONI facilities that are necessary to accommodate this condominium will be borne by the developer.
7. If the proposed development is within close proximity to a Transmission or Distribution station the following applies:

“The Developer hereby confirms and agrees that every agreement of purchase and sale heretofore and hereafter entered into by the Developer with any purchaser(s) of any unit or proposed unit in the Development contains the following notice / warning provisions (or clauses substantially similar thereto in all respects), namely: “Each unit purchaser and / or lessee specifically acknowledges and agrees that the development of the Lands upon which this Development is being (or has been) constructed, will be (or has been) undertaken and completed in accordance with any requirements that may be imposed from time to time by any Governmental Authorities, and that the proximity of this Development to facilities, installations and / or equipment owned and / or operated by HONI may result in noise, vibration, electro-magnetic interference and stray current transmissions (hereinafter collectively referred to as the “Interferences”) to this Development, and despite the inclusion of control features within this Development, Interferences from the aforementioned sources may, occasionally interfere with some activities of the occupants in this Development. Notwithstanding the above, each unit purchaser and / or lessee agrees to indemnify and save HONI and harmless, from and against all claims, losses, judgments or actions arising or resulting from any and all of the Interferences. In addition, it is expressly acknowledged and agreed that HONI does not, and will not, accept any responsibility or liability for any of the Interferences in respect of this Development and / or its occupants. Furthermore, there may be alterations and / or expansions by HONI to its facilities and / or transformer station which may temporarily affect the living environment of the residents notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the Development. HONI will not be responsible for any complaints or claims or any kind howsoever arising from use, expansion and / or alterations of such facilities and / or operations on, over or under its transformer station. Furthermore, each unit purchaser and / or lessee acknowledges and agrees that an electro-magnetic, stray current and noise-warning / vibration clause similar to the foregoing shall be inserted into any succeeding or subsequent sales agreement, lease or sublease, and that this requirement shall be binding not only on the Purchaser hereunder but also upon the Purchaser’s respective heirs, estate trustees, successors and permitted assigns, and shall not cease or terminate on the closing of this purchase and sale transaction with the Vendor / Declarant.”

8. The following be added as a Note to the Conditions of Draft Approval:

“The transmission lines abutting this condominium operate at 500,000, 230,000 or 115,000 volts. Section 188 – Proximity – of the Regulations for Construction Projects in the *Occupational Health and Safety Act*, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the proponent’s responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the *Act*. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.”

This has been included as Condition (viii) and Note (b) in Appendix “C”.

Canada Post has indicated that the lands will be serviced by mail delivery through a central delivery box. They have recommended that the box be placed within the Common Element, across from Unit 28 on the Draft Plan of Condominium (see Appendix “B”). Canada Post advises the applicant that the excavation date for foundation works and date of the mailbox installation should be provided to Canada Post. Condition (vi) has been included to ensure future purchasers are aware of the mail delivery box location (see Appendix “C”).

## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and Council’s Public Participation Policy, 145 Notices of Complete Application and Preliminary Circulation were sent to all property owners within 120 m of the subject property on September 24, 2015, requesting comments on the application.

Furthermore, a Public Notice Sign was posted on the property on September 29, 2015 and updated on January 6, 2016 with the Public Meeting date. Finally, Notice of the Public Meeting was given on January 15, 2016, in accordance with the requirements of the *Planning Act*.

To date, one public submission has been received, requesting to be informed on future developments on the subject lands. Concerns from the resident were related to information within the Public Notice of Complete Application, compensation for removal of five mature trees, and clarification regarding the removal of naturalized land (see Appendix “F”). The issues and concerns in the correspondence are discussed in the Analysis and Rationale for Recommendation Section of this Report (see Appendix “F”).

## **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 Town of Ancaster Zoning By-law No. 87-57, amended by City of Hamilton By-laws No. 05-240 and 06-048, and the “Meadowlands of Ancaster – Phase 9” and “Ancaster Meadows – Phase 1” Plans of Subdivision (62M-1159 and 62M-1158). It will implement the final approved Site Plan Control Application DA-14-006, 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, open space amenity area, and 21 visitor parking spaces as shown on the attached plan marked as Appendix “B”. The condominium road will provide access to Raymond Road. 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. Thirty-five 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. In this regard, final approval and registration of the common element condominium cannot occur until such time as a Part Lot Control Application has been submitted and approved and the By-law removing lands from Part Lot Control has been passed by Council (Condition (iii)).
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)).

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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) and (vi)).
6. The applicant has identified several 7.0 m wide easements in favour of the Condominium Corporation for the purposes of maintaining services on the subject lands. In addition, there is an easement abutting the edges of the property to the north, east and south in favour of the City for the purposes of overland water flow (see Appendix “B”). Staff note that one portion of the easement in favour of the City is also subject to an easement in favour of the Condominium Corporation for the purpose of maintenance of privately owned services. To ensure the drainage easement is consistent with the Final Approved Site Plan, Condition (ix) has been included (see Appendix “C”).
7. Growth Management Staff have indicated that as required by Section 51 (17) of the *Planning Act*, existing contours and exact municipal services intended to be available should be shown on the 62M-1158 and 62M-1159 plans. In addition, they 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 added to the Draft Approval Conditions under Appendix “C” of this Report as Note (a).
8. The circulation of the application to consider a Draft Plan of Condominium application has resulted in the submission of correspondence from one area resident (see Appendix “F”).

Notice of Complete Application

The resident submitted concerns regarding the information included in the Notice of Complete Application circulated to property owners within 120 m of the subject lands. Staff have advised the resident that the purpose of the application is to establish tenure for Common Elements associated with the townhouse development approved under Site Plan Control Application DA-14-006. The



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resident has been encouraged to contact staff should they have any further questions or concerns regarding the purpose of the subject application.

Removal of Trees

The resident raised concerns regarding compensation for the loss of five mature trees on the subject lands. Staff note that through the Site Plan review process, a Tree Management Plan and Landscape Plan prepared by Adesso Design Inc. was approved by the Manager of Development Planning, Heritage and Design. The Plans evaluated any trees scheduled for removal and provided compensation by additional trees on site all in accordance with the City's policies on tree removal.

Removal of Naturalized Land

The resident raised concerns regarding the removal of naturalized land for the development of 35 townhouses with associated roadways and parking areas. Staff note that the lands are designated for the approved townhouse development and not designated as Natural Heritage System. As noted above, the applicant has submitted a Tree Management Plan and Landscape Plan to the satisfaction of City staff. The approved Landscape Plan proposes landscape and planting strips along Raymond Road.

**ALTERNATIVES FOR CONSIDERATION**

Should the proposed Plan of Condominium (Common Element) 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 and 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.

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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
- Appendix “E”: Final Approved Site Plan
- Appendix “F”: Public Comments

MS/th