



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 16, 2018
SUBJECT/REPORT NO:	Application for Approval of Draft Plan of Condominium (Common Element), for lands located at 1890 Rymal Road East (Glanbrook) (Ward 11) (PED18006)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Michael Fiorino (905) 546 2424 Ext. 4424
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Draft Plan of Condominium Application 25CDM-201711, by Glen Schnarr & Associates Inc., on behalf of Branthaven Dakota Inc., Owner,** to establish a Draft Plan of Condominium (Common Element) to create a condominium road network, sidewalks, landscaped areas, 51 visitor parking spaces and centralized mailboxes, on lands located at 1890 Rymal Road East (Glanbrook), as shown on Appendix “A” attached to Report PED18006, be **APPROVED** subject to the following conditions:

- (a) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-201711 applies to the plan prepared by A.T. McLaren Limited, certified by S. D. McLaren, and dated August 31, 2017, consisting of a condominium road network, sidewalks, landscaped areas, 51 visitor parking spaces and centralized mailboxes, in favour of 194 townhouse dwelling units, attached as Appendix “B” to Report PED18006; and,
- (b) That the conditions of Draft Plan of Condominium Approval 25CDM-201711, attached as Appendix “C” to Report PED18006, 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: a condominium road network,

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sidewalks, landscaped areas, 51 visitor parking spaces and centralized mailboxes. The condominium road will provide access to Rymal Road East and Dakota Boulevard. The subject lands are to be developed for 194 townhouse dwelling units, fronting onto a private condominium road, by way of Part Lot Control Application PLC-17-028.

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 Township of Glanbrook Zoning By-law No. 464, as amended by By-law No. 05-374 and Minor Variance Application GL/A-16:199. Further, it is consistent with and will implement the final approved Site Plan Control Application DA-16-059.

Alternatives for Consideration – See Page 11

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by 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: a condominium road, sidewalks, landscaped areas, 51 visitor parking spaces and centralized mailboxes, as approved under final approved Site Plan Control Application DA-16-059, attached as Appendix “D” to Report PED18006. The private condominium road will provide access to Rymal Road East and Dakota Boulevard and will be tied to 194 townhouse dwelling units.

Chronology:

September 15, 2017: Condominium Application 25CDM-201711 “Block 112 – Summit Park – Phase 2” is received.

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- October 5, 2017: Condominium Application 25CDM-201711 “Block 112 – Summit Park – Phase 2” is deemed complete.
- October 16, 2017: Circulation of Notice of Complete Application and Preliminary Circulation for Condominium Application 25CDM-201711 sent to 192 property owners within 120 m of the subject lands.
- October 31, 2017: Public Notice Sign placed on the subject lands.
- December 6, 2017: Public Notice Sign updated to indicate Public Meeting date.
- December 15, 2017: Notice of Public Meeting circulated to 192 property owners within 120 m of the subject lands.

Details of Submitted Application:

Location: 1890 Rymal Road East (Glanbrook)
(See Appendix “A” to Report PED18006)

Owner / Applicant: Branthaven Dakota Inc.,

Agent: Glen Schnarr & Associates Inc.

Property Description: Lot Frontage: ± 272.50 m (Rymal Road East)
Lot Depth: ± 155.74 m (North to South)
Lot Area: 1.051 ha

Servicing: Full Municipal Services

EXISTING LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Townhouse dwellings under construction	Neighbourhood Commercial (C1-205) Zone, Modified
<u>Surrounding Lands:</u>		
North	Single detached dwellings and Personal Service Commercial	Residential “R1” Zone

South	Townhouses	Residential Multiple “RM2-173” Zone, Modified,
	Single Detached Dwelling	Residential “R4-173(B)” Zone, Modified
East	Single Detached Dwellings	General Agricultural “A1” Zone, and Single Residential “R4-173(B)” Zone, Modified
West	Hamilton Wentworth Catholic District School Board Secondary School	Major Institutional (I3) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (PPS 2014):

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use, balanced growth and environmental protection) are reviewed and discussed in the Urban Hamilton Official Plan (UHOP) analysis that follows.

As the application for a Draft Plan of Condominium complies with the UHOP, it is staff's opinion that the application is:

- consistent with Section 3 of the *Planning Act*, and,
- consistent with the Provincial Policy Statement (2014).

Growth Plan for the Greater Golden Horseshoe (2017)

The following policies, amongst others, from the Growth Plan for the Greater Golden Horseshoe are applicable to the proposal:

- “2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:
- a) the vast majority of growth will be directed to settlement areas that:
 - i. have a delineated built boundary;
 - ii. have existing or planned municipal water and wastewater systems; and,
 - iii. can support the achievement of complete communities.
 - c) within settlement areas, growth will be focused in:
 - iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and,
 - iv. areas with existing or planned public service facilities.”

The subject lands are located within a settlement area, outside of the built boundary, as shown on Appendix “G” – Boundaries Map of the Urban Hamilton Official Plan (UHOP). The lands are located on the south side of Rymal Road East, beside an existing secondary school and located less than 500 metres from existing commercial uses, in order to contribute to a complete community and an area with existing public service facilities. The lands are also located along the S Line of the BLAST network, which is serviced by HSR Route #44, ensuring that the location is serviced by planned and existing transit. As part of the Draft Plan of Subdivision Application 25T-200207 and Site Plan Control Application DA-16-059, planned municipal water and wastewater systems were reviewed to ensure that sufficient municipal systems were in place to support the proposal. Accordingly, the proposal conforms to the Growth Plan for the Greater Golden Horseshoe (2017).

Urban Hamilton Official Plan (UHOP):

The subject lands are identified as a “Secondary Corridor” on Schedule “E” – Urban Structure, and designated “District Commercial” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The subject lands are also

designated “District Commercial” on Map B.5.2-1 – Land Use Plan of the Rymal Road Secondary Plan.

Through Site Plan Control Application DA-16-059, it was identified that the subject lands contain a Core Area (part of the Eramosa Karst Area of Natural and Scientific Interest (ANSI)). A Karst is a landscape commonly developed on limestone, characterized by sink holes, sinking streams, closed depressions, subterranean drainage and caves. Within the UHOP, Volume 3 policy USC-1 1.0 c) indicates that no development shall occur within the Feeder Area unless it can be shown that development may occur through technical studies to the satisfaction of the City, the Province and the Conservation Authority. To satisfy this policy, a Karst Assessment was prepared by Terra-Dynamics Consulting Inc. through the review of the Site Plan Control Application process (DA-16-059). Based on this assessment, it was identified that there were no natural hazards (sinkholes or other karst features) observed on the property.

Rymal Road Secondary Plan:

The subject lands are designated “District Commercial” on Map B.5.2-1 – Rymal Road Secondary Plan.

“5.2.3.3 District Commercial Designation

Notwithstanding Policies E.4.7 – District Commercial Designation of Volume 1, the following policies shall apply to the lands designated District Commercial on Map B.5.2-1 – Rymal Road – Land Use Plan:

- b) Permitted uses shall include a range of retail stores including a supermarket (but excluding a department store) as well as service commercial uses, restaurants, and community and institutional uses. Medium Density Residential 2c uses may also be permitted in a co-ordinated development format.”

Policy 5.2.3.3 b) of the Rymal Road Secondary Plan states that “Medium Density Residential 2c” uses may also be permitted in a co-ordinated development format” within the “District Commercial” designation. Policy 5.2.2.4 b) of the “Medium Density Residential 2c” designation states that “permitted uses shall be apartments, townhouses, stacked townhouse dwellings and other forms of multiple attached dwellings as a single form or mixed form development in a mid-rise housing form (up to nine storeys).” As multiple townhouse forms are permitted within the designation, and as the proposal is for a block townhouse development, the proposal complies with the intent of the above policy of the UHOP.

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As identified above, policy 5.2.3.3 of the District Commercial Designation permits “Medium Density Residential 2c” designation uses within the designation.

The subject property is located along the periphery of a residential area, and has been developed consistent with the surrounding built form to enhance compatibility. Townhouses are permitted within the “Medium Density Residential 2c” designation, and as the proposal is for a block townhouse development, the proposed use complies with the intent of the above policies of the UHOP. Furthermore, Minor Variance Application GL/A-16:199 approved the increase in the number of dwelling units from a maximum of 80 dwelling units to a maximum of 194 dwelling units. The Minor Variance was required as there were discrepancies between applicable provisions, including density requirements and real number unit requirements. As the UHOP permits townhouses on the subject site, and as the density requirement of 50 units per hectare (embedded in the implementing Zoning By-law) pre-dates the minimum of 60 units per hectare density requirement of the Rymal Road Secondary Plan, the proposal is considered legal non-complying.

Based on the foregoing, staff are of the opinion that the proposal complies with the Urban Hamilton Official Plan.

Glanbrook Zoning By-law No. 464:

The subject lands are zoned Neighbourhood Commercial “C1-205”, Zone, Modified, in the Town of Glanbrook Zoning By-law No. 464. The Neighbourhood Commercial “C1-205”, Zone, Modified permits residential uses in accordance with the provisions of the Residential Multiple “RM3-175” Zone, Modified which permits various forms of multiple dwellings including block townhouse dwellings. A Minor Variance Application (GL/A-16:199), was required as a result of the development proposal units. The Minor Variance Application permits the following:

- The boundary of part of Block 112 according to the Registered Plan of Subdivision 62M-1050 being Part 2 on Reference Plan 62R-20295 shall be deemed to be the lot lines for this purpose and the regulations of the “RM3-175” Zone;
- That individual dwelling unit lots within a block townhouse development may be created by registration of a condominium plan or created by Part Lot Control and shall be permitted to front on a private condominium road rather than a street;
- A maximum of one hundred and ninety-four (194) dwelling units;
- A reduction for minimum front yard setback from 4.5 metres to 2.4 metres;

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- A minimum privacy area of 9.4 square metres be provided for dwelling units 7 to 13, 93 to 99 and 183 to 218 (Blocks 1, 2 and 15 to 18) instead of a minimum privacy area of 30 square metres per townhouse dwelling unit;
- A parking space size of 2.6m wide x 5.5m long shall be provided for the visitor parking; and,
- A minimum parking space size of 3.9m wide x 5.5m long shall be provided for accessible parking.

The proposal has been developed in accordance with approved Site Plan Control Application DA-16-059, granted final approval on December 23, 2016, and conforms with the applicable provisions and requirements of By-law No. 464 and the site specific Neighbourhood Commercial “C1-205” Zone, Modified, as further amended by Minor Variance Application GL/A-16:199. Conditions 1 and 2 of Appendix “C” to Report PED18006 have 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:

- Forestry and Horticulture Section, Public Works Department;
- Hamilton Conservation Authority; and,
- Hydro One.

Recycling & Waste Disposal Section (Public Works Department) have advised and requested that the following note be added to the plan:

“This property is eligible for weekly collection of garbage, recycling, organics and leaf and yard waste through the City of Hamilton subject to compliance with specifications indicated by the Public Works Department and subject to compliance with the City’s Solid Waste Management By-law 09-067, as amended.”

Staff note that this notation was addressed through the approval of Site Plan Control Application DA-16-059. Condition 5 to Appendix “C” Report PED18006 has been included as the service for the collection of waste on private property requires an “Agreement for on-site Collection of Municipal Solid Waste” prior to the commencement of Municipal collection.

Transit Planning (Public Works Department) have advised that the subject lands are served by HSR route #44 operating daily and along the future S Line rapid transit corridor. Pedestrian access from the subject land to Rymal Road has been provided

through the common element sidewalks throughout the site which will provide opportunity for residents to utilize planned public transportation along Rymal Road.

Transportation Management (Public Works Department) have advised that the development must consider the needs of pedestrians with disabilities, ensure sidewalks are a minimum of 1.5 metres and that the Transit Oriented Development (TOD) guidelines be implemented. Staff note that these comments and the Transportation Demand Management Options Report were addressed through Site Plan Control Application DA-16-059 which was granted final approval on December 23, 2016.

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 Glanbrook Zoning By-law No. 464 and the site specific Neighbourhood Commercial “C1-205” Zone, Modified, as further amended as amended by Minor Variance Application GL/A-16:059. It will implement the approved Site Plan Control Application DA-16-059, which provides for a form of development that is compatible with surrounding land uses.
2. The proposed Draft Plan of Condominium (Common Element) is comprised of the following common elements: a condominium road, sidewalks, landscaped areas, 51 visitor parking spaces and centralized mailboxes as shown on the attached plan, marked as Appendix “B” to Report PED18006. The condominium road will provide access to Rymal Road East and Dakota Boulevard. All units will hold an interest in the Condominium Corporation to benefit from the common visitor parking spaces and landscaped areas. One hundred and ninety-four townhouse dwelling units will have access from the private condominium road and will hold an interest in the common element condominium corporation.
3. The applicant must ensure that the final Plan of Condominium complies with the final approved Site Plan Control Application DA-16-059, approved on December 23, 2016, to the satisfaction of the Director of Planning and Chief Planner (Condition 2 of Appendix “C” to Report PED18006).

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4. The land proposed for the common element condominium and the lots for all of the townhouse dwelling units will be created through Part Lot Control Application PLC-17-028. 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 the lands from Part Lot Control has been passed by Council (Condition 3 of Appendix "C" to Report PED18006). The applicant has submitted a Part Lot Control Application, PLC-17-028 which is currently under review.
5. 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 will ensure that the tenure of the proposed common elements (as shown on the Draft Plan of Condominium included in Appendix "B" to Report PED18006) 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 4 of Appendix "C" to Report PED18006).
6. 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 or lease agreements to advise perspective purchasers that the City of Hamilton will not provide maintenance or snow removal and that the provided garages are for parking (including that on-street, overflow parking may not be available and cannot be guaranteed in perpetuity) (Conditions 6 (i) and (iii) of Appendix "C" to Report PED18006).
7. As a private underground Cultec stormwater Chamber (281.8 m³) has been shown on the servicing drawing for this property prepared by Urbantech West, Development Engineering has advised that the tank manufacturer's maintenance recommendations must be adhered to. This has been addressed through Condition 13 of Appendix "C" to Report PED18006.
8. Development Engineering has advised that all issues pertaining to the grading, drainage and servicing have been reviewed as per approved Site Plan Control Application DA-16-059 and are subject to the terms and conditions therein. Furthermore, Development Engineering has advised that it is the responsibility of the Condominium Corporation to ensure that the maintenance and repair of all utilities within the Common Elements be maintained at the Corporations own expense. The above comments have been included as Conditions 2, 6 (ii) and 12 of Appendix "C" to Report PED18006.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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9. Canada Post has reviewed the development through Site Plan Control Application DA-16-059 and advised that this development will receive mail service through a Centralized Community Mail Box (CMB). Furthermore, the Developer / Owner shall consult with Canada Post for suitable permanent locations for the CMB and identify on appropriate servicing plans. As such, the standard Canada Post conditions have been included as Conditions 6 (iv), 7, 8, 9, 10 and 11.
10. The owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton (Condition 14 in Appendix “C” to Report PED18006).

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 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Proposed Draft Plan of Condominium
- Appendix “C”: Recommended Conditions of Approval
- Appendix “D”: Approved Site Plan Control Application DA-16-059