



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 14, 2020
SUBJECT/REPORT NO:	Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 185 Bedrock Drive, Stoney Creek (PED20001) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	Elyse Meneray (905) 546-2424 Ext. 6360
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Draft Plan of Condominium Application 25CDM-201905, by Armstrong Planning & Project Management on behalf of Empire (Red Hill) Ltd., owner** to establish a Draft Plan of Condominium (Common Element) to create a private road, sidewalks, landscaped areas and visitor parking for 83 townhouse units on lands located at 185 Bedrock Drive (Stoney Creek), as shown on Appendix "A", attached to Report PED20001, be **APPROVED** subject to the following conditions:

- (a) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-201905 applies to the plan prepared by A.T. McLaren Limited, certified by S.D. McLaren, and dated April 10, 2019, consisting of a private road, sidewalks, landscaped areas and visitor parking for 83 townhouse units, attached as Appendix "B" to Report PED20001;
- (b) That the conditions of Draft Plan of Condominium Approval 25CDM-201905, attached as Appendix "C" to Report PED20001, be received and endorsed by City Council.

EXECUTIVE SUMMARY

The subject property is municipally known as 185 Bedrock Drive. The Owner has applied for approval of a Draft Plan of Condominium (Common Element) to create:

- A private road, sidewalks, landscaped areas and visitor parking for 83 townhouse units.

The proposed development is conditionally approved under Site Plan Control application DA-18-220. The private road will access onto Bedrock Drive. The proposed Draft Plan of Condominium conforms to the Stoney Creek Zoning By-law No. 3692-92, as amended by By-law No. 15-259.

The proposed Draft Plan of Condominium has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2014) (PPS);
- It conforms to the Growth Plan for the Greater Golden Horseshoe (2017) (Growth Plan); and,
- It complies with the Urban Hamilton Official Plan (UHOP) and Nash Neighbourhood Secondary Plan.

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 a private road, sidewalks, landscaped areas and visitor parking for 83 townhouse units to be developed on the subject lands in accordance with conditionally approved Site Plan Control application DA-18-220, attached as Appendix “D” to Report PED20001. The private road will provide access to Bedrock Drive.

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By-law No. 15-259

In 2015, Council passed By-law No. 15-259 rezoning the subject lands from Neighbourhood Development "ND" Zone to the Multiple Residential "RM2-54" Zone, Modified. The effect of this by-law was to allow for the development of up to 84 townhouse units comprised of 16 rear lane townhouse units and 68 block townhouse units.

Site Plan Control Application DA-18-220

On February 8, 2019, Site Plan Control application DA-18-220 was conditionally approved. This Site Plan Control application implemented the proposal reviewed under Zoning By-law Amendment application ZAC-13-005(R) and Draft Plan of Subdivision application 25T-201301(R) for the development of Block 24 of up to 84 townhouse units comprised of 16 rear lane townhouse units and 68 block townhouse units.

Report Fact Sheet

Application Details	Applicant/Owner:	Empire (Red Hill) Ltd.
	File Number:	25CDM-201905
	Type of Application:	Draft Plan of Condominium (Common Element)
	Proposal:	To create a private road, sidewalks, landscaped areas and visitor parking for 83 townhouse units.
Property Details	Municipal Address:	185 Bedrock Drive (Stoney Creek)
	Lot Area:	1.71 ha
	Servicing:	Full Municipal Services
	Existing Use	Vacant Land
Documents	Provincial Policy Statement (PPS)	Proposal is consistent with the PPS
	A Place to Grow:	Proposal conforms to A Place to Grow

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	Official Plan Existing:	<ul style="list-style-type: none"> • Neighbourhoods on Schedule “E” – Urban Structure and on Schedule “E-1” – Urban Land Use Designations in the UHOP • “Medium Density Residential 2” in the Nash Neighbourhood Secondary Plan of Volume 2, which permits: <ul style="list-style-type: none"> ○ street and block townhouses; ○ a maximum density of 30 to 49 units per hectare; and, ○ a maximum building height of 3 storeys
	Official Plan Proposed:	No proposed amendment
	Zoning Existing:	Multiple Residential “RM2-54” Zone, Modified
	Zoning Proposed:	No proposed amendment
	Modifications Proposed:	N/A
Processing Details	Received:	August 21, 2019
	Deemed Complete:	September 16, 2019
	Notice of Complete Application:	Sent to 3 property owners within 120 m of the subject property on September 23, 2019
	Public Notice Sign:	September 26, 2019 and updated on December 4, 2019
	Notice of Public Meeting:	December 13, 2019
	Public Consultation:	N/A
	Public Comments:	To date, staff have not received any public submissions through this circulation.
	Processing Time:	146 days

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

EXISTING LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	Multiple Residential “RM2-54” Zone, Modified
<u>Surrounding Lands:</u>		
North	Vacant, to be developed for single detached dwellings	Single Residential “R4-32” Zone, Modified
South	Woodlot	Conservation / Hazard Lands (P5) Zone
East	Vacant, to be developed into a Neighbourhood Park	Neighbourhood Park (P1) Zone
West	Woodlot, vacant land to be developed for single detached dwellings	Conservation / Hazard Lands (P5) Zone and Single Residential “R4-32” Zone, Modified

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). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to the Growth Plan for the Greater Golden Horseshoe (A Place to Grow 2019).

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Local Planning Appeal Tribunal 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.

Archaeology

- “2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

A Stage 1-2 assessment report (P058-260-2007 & P058-310-2008) and Stage 3 site specific archaeological assessments were completed as part of the Draft Plan of Subdivision application (25T-201305R) and accepted by the Ministry of Heritage, Sport, Tourism and Culture Industries. Staff are requesting a copy of the approval letter from the Ministry when available. This is being implemented through the Site Plan Control application DA-18-220.

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*;
- consistent with the Provincial Policy Statement (2014); and,
- conforms to A Place to Grow (2019).

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure, designated as "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations in the UHOP, and, "Medium Density Residential 2" in the Nash Neighbourhood Secondary Plan of Volume 2. The following Secondary Plan policies, amongst others, are applicable to the subject application:

"B.7.5.4.2 In addition to Section E.3.5 – Medium Density Residential of Volume 1, the following policies shall apply to lands designated Medium Density Residential 2 and Medium Density Residential 3 as shown on Map B.7.5-1 – Nash Neighbourhood – Land Use Plan:

- a) Medium Density Residential 2 Designation:
 - i) Multiple dwellings such as street and block townhouses, duplexes, triplexes and quadraplexes shall be permitted.
 - ii) Notwithstanding Policy E.3.5.4 of Volume 1, the density of development shall be in the range of 30 to 49 units per net residential hectare.
 - iii) Notwithstanding Policy E.3.5.8 of Volume 1, the maximum height of dwelling units shall be three storeys.
 - vi) Individual driveways shall not be permitted to directly access the public street. Individual vehicular access shall be provided by either a private lane parallel to the public road in front of the buildings separated from the public street by an

enhanced continuous landscape strip, or by a private lane behind the buildings.”

The subject proposal complies with the above UHOP policies as block and street townhouse units are a permitted use within the Medium Density Residential 2 designation. The proposal complies with the maximum net residential density of 49 dwelling units per hectare, maintains a maximum building height of three storeys and provides access to a public road (Bedrock Drive) through a private road.

Stoney Creek Zoning By-law No. 3692-92

The subject lands are zoned Multiple Residential “RM2-54” Zone, Modified in the Stoney Creek Zoning By-law No. 3692-92, as amended by By-law No. 15-259. The “RM2-54” Zone, Modified permits the proposed form of development, being 83 townhouse units (16 rear lane townhouses and 67 standard townhouses). The proposal conforms to the Stoney Creek Zoning By-law No. 3692-92, as amended by By-law No. 15-259. Condition No. 1 of Appendix “C” to Report PED20001 has been included to ensure the proposal is developed in accordance with the Zoning By-law.

Site Plan Control Application DA-18-220

Site Plan Control application DA-18-220 received conditional approval on February 8, 2019. The proposed Draft Plan of Condominium will be required to comply with the final approved Site Plan (see Condition No. 2 of Appendix “C” to Report PED20001).

RELEVANT CONSULTATION

Departments and Agencies		
	Comment	Staff Response
Transportation Planning Hydro One	No Comment	N/A
Hamilton Public Health	A Dust Management Plan is required to identify all potential sources of dust generation.	This will be addressed through the Site Plan Control application DA-18-220.
Health Hazard & Vector Borne Disease	A Pest Control Plan focusing on rats and mice during the construction phase of the	This will be addressed through the Site Plan Control application DA-18-220.

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Program, Healthy Environments Division	development proposal is required.	
Healthy Environments Division, Healthy and Safe Communities Department.	Recommended that the development include opportunities for urban agriculture, provide pedestrian infrastructure and shorter blocks to minimize walking distance and provide well-lit, short term bicycle parking.	This will be addressed through the Site Plan Control application DA-18-220.
Forestry and Horticulture	A Landscape Plan depicting the street tree planting scheme for the proposed development is required.	This will be addressed through the Site Plan Control application DA-18-220.
Recycling and Waste Disposal Section, Public Works Department	The site is eligible for municipal waste collection.	Prior to Occupancy, the future residents will be required to enter into an Agreement for On-Site Collection of Municipal Solid Waste in order to begin waste collection on private property.
Engineering Approvals	Recommended the inclusion of conditions for the on-going maintenance and / or replacement costs for any structures within the condominium lands and a drainage easement within the backyards of property owners adjacent to public lands to ensure that drainage patterns established in the approved grading plan are maintained.	These requirements are addressed through Condition No. 9 of Appendix "C" to Report PED20001
Growth Management	A warning clause should be included in the Purchase and Sales agreement notifying some residents that their unit has a	These requirements are addressed through Condition Nos. 12 and 13 in Appendix "C" to Report PED20001.

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	<p>visibility triangle and that there are planting restrictions associated with this triangle.</p> <p>The owner shall submit a plan indicating the mail address unit number of each residential unit.</p> <p>The standard note should be added to the Draft Plan of Condominium Conditions as Note 1.</p>	The note has been included in Appendix "C" to Report PED20001.
Development Planning	Warning clauses will be included in all purchase and sale agreements and rental or lease agreements 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).	These requirements are addressed through Condition No. 3 (i) and (iii) in Appendix "C" to Report PED20001.
Canada Post Corporation	The site will be serviced by a centralized mailbox. The applicant will need to locate the mailbox on site per standard requirements.	Associated warning clauses regarding this requirement have been included as Condition Nos. 3(ii) and 4 to 8 in Appendix "C" to Report PED20001.
Bell Canada	Necessary easements and / or agreements for the provision of communication / telecommunication infrastructure for this project is required.	This has been included as Condition No. 11 in Appendix "C" to Report PED20001.
Union Gas Ltd.	Requires that the applicant provide necessary easements and/or agreements for the provision of gas services for this project.	This has been included as Condition No. 10 in Appendix "C" to Report PED20001.

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Niagara Escarpment Commission	The lands are designated as Urban Area by the Niagara Escarpment Plan but are outside of the NEC's area of development control and given the distance of the proposed development from the Escarpment Brow, there are no visual impact concerns.	A NEC Development Permit is not required.
Public Consultation		
	Comment	Staff Response
	To date, staff have not received any public submissions through this circulation.	

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 A Place to Grow Plan for the Greater Golden Horseshoe;
 - (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 Stoney Creek Zoning By-law No. 3692-92 as amended by By-law No 15-259. It will implement the conditionally approved Site Plan Control Application DA-18-220, 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: private road, sidewalks, landscaped areas and visitor parking for 83 townhouse units, as shown on the attached plan, marked as Appendix "B" to Report PED20001. The private condominium road will provide two accesses to Bedrock Drive. All units will be accessed from the private condominium road.
3. The owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton (Condition No. 14 in Appendix "C" to Report PED20001).

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

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

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.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

Appendix “B” – Draft Plan of Condominium

Appendix “C” – Draft Plan Conditions of Approval

Appendix “D” – Site Plan