



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	July 7, 2020
<b>SUBJECT/REPORT NO:</b>	Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 315 Dalgleish Trail, Glanbrook (PED20091) (Ward 9)
<b>WARD(S) AFFECTED:</b>	Ward 9
<b>PREPARED BY:</b>	Elyse Meneray (905) 546-2424 Ext. 6360
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That **Draft Plan of Condominium Application 25CDM-201906, by A.J. Clarke and Associates Ltd. on behalf of 1356715 Ontario Inc., Owner** to establish a Draft Plan of Condominium (Common Element) to create a private road, sidewalks, landscaped areas, an amenity area and 65 visitor parking spaces for 216 townhouse units on lands located at 315 Dalgleish Trail (Glanbrook), as shown on Appendix “A”, attached to Report PED20091, be **APPROVED** subject to the following conditions:

- (a) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-201906 applies to the plan prepared by A.J. Clarke and Associates Ltd., certified by Nicholas P. Muth, and dated March 24, 2020 consisting of a private road, sidewalks, landscaped areas, an amenity area and 65 visitor parking spaces for 216 townhouse units, attached as Appendix “B” to Report PED20091;
- (b) That the conditions of Draft Plan of Condominium Approval 25CDM-201906, attached as Appendix “C” to Report PED20091, be received and endorsed by City Council.

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## **EXECUTIVE SUMMARY**

The subject property is municipally known as 315 Dalglish Trail. The Owner has applied for approval of a Draft Plan of Condominium (Common Element) to create:

- A private road, sidewalks, landscaped areas, an amenity area and 65 visitor parking spaces for 216 townhouse units.

The subject lands are to be developed as townhouse units fronting onto a private condominium road network, by way of Part Lot Control Application PLC-19-035, currently being processed. The private road will access onto Dalglish Trail.

The proposed development is final approved under Site Plan Control application DA-17-065. The proposed Draft Plan of Condominium conforms to the Glanbrook Zoning By-law No. 464, as amended by By-law No. 16-083.

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

- It is consistent with the Provincial Policy Statement (2020) (PPS);
- It conforms to the A Place to Grow (2019) (Growth Plan); and,
- It complies with the Urban Hamilton Official Plan (UHOP) and the Rymal Road 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, an amenity area and 65 visitor parking spaces for 216 townhouse units to be developed on the subject lands in

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accordance with final approved Site Plan Control application DA-17-065, attached as Appendix "D" to Report PED20091. The private road will provide access to Dalgleish Trail.

By-law No. 16-083

In 2016, Council passed By-law No.16-083 rezoning the subject lands from General Agriculture "A1" Zone to the Multiple Residential "RM4-289" Zone, Modified. The effect of this by-law was to add the following uses to the Residential Multiple "RM4" Zone":

- Block townhouse dwellings; 
- Street townhouse dwellings;
- Maisonette dwellings;
- Semi-detached dwellings in accordance with the provisions of site-specific Residential Multiple "RM3-173(B)" Zone;
- Uses permitted in subsection 25.1(a) of By-law No. 464, on the ground floor of buildings permitted with a height of three storeys or more for units abutting Bellagio Avenue or Swayze Road;
- Live-work units within the stacked and street townhouses for units having frontage on Bellagio Avenue, Terryberry Road, or Swayze Road; and,
- Uses, buildings, and structures accessory to the uses permitted pursuant to the provisions of Subsection 7.13 of By-law No. 464.

There were also several site specific modifications including, but not limited to, minimum lot frontage, maximum lot area, maximum lot coverage, density, minimum front yard, minimum side and rear yards and minimum parking.

Site Plan Control Application DA-17-065

Site Plan Control application DA-17-065 was final approved on February 7, 2020 (see Appendix "D" to Report PED20091). The Site Plan Control application was for the development of 216 townhouse units and conforms to the requirements of the Glanbrook Zoning By-law No. 464, per amending By-law 16-083.

Part Lot Control Application PLC-19-035

The land proposed for the common element condominium and the lots for all of the dwelling units will be created through Part Lot Control Application PLC-19-035. Final approval and registration of the common element condominium cannot occur until such time as the future Part Lot Control Application is approved and the By-law removing the lands from Part Lot Control has been passed by Council (Condition No. 3 of Appendix "C" to Report PED20091). Part Lot Control Application PLC-19-035 is currently under review.

**Report Fact Sheet**

<b>Application Details</b>	
Owner:	1356715 Ontario Inc.
Agent:	A.J. Clarke and Associates Ltd.
File Number:	25CDM-201906
Type of Application:	Draft Plan of Condominium (Common Element)
Proposal:	To create a private road, sidewalks, landscaped areas, an amenity area and 65 visitor parking spaces for 216 townhouse units.
<b>Property Details</b>	
Municipal Address:	315 Dalglish Trail
Lot Area:	5.14 ha
Servicing:	Full Municipal Services
Existing Use:	Vacant Land
<b>Documents</b>	
Provincial Policy Statement (PPS)	Proposal is consistent with the PPS
A Place to Grow:	Proposal conforms to A Place to Grow
Official Plan Existing:	<ul style="list-style-type: none"> <li>• Community Node on Schedule “E” – Urban Structure and Neighbourhoods on Schedule “E-1” – Urban Land Use Designations in the UHOP</li> <li>• “Medium Density Residential 2b” in the Rymal Road Secondary Plan of Volume 2, which permits:               <ul style="list-style-type: none"> <li>○ Street and block townhouses;</li> <li>○ A maximum density of 35 to 70 units per hectare; and,</li> </ul> </li> <li>• Site Specific Policy – Area E in the Rymal Road Secondary Plan of Volume 2, which permits:               <ul style="list-style-type: none"> <li>○ Maisonettes; and,</li> <li>○ A density range of 30 to 70 units per net residential hectare.</li> </ul> </li> </ul>

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Official Plan Proposed:	No proposed amendment
Zoning Existing:	Multiple Residential “RM4-289” Zone, Modified
Zoning Proposed:	No proposed amendment
Modifications Proposed:	N/A
<b>Processing Details</b>	
Received:	September 10, 2019
Deemed Complete:	September 24, 2019
Notice of Complete Application:	Sent to 62 property owners within 120 m of the subject property on October 1, 2019
Public Notice Sign:	October 21, 2019 and updated on June 10, 2020
Notice of Public Meeting:	June 19, 2020
Public Consultation:	N/A
Public Comments:	To date, staff have not received any public submissions through this circulation.
Processing Time:	301 days

**EXISTING LAND USE AND ZONING**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Vacant	Multiple Residential “RM4-289” Zone, Modified
<b><u>Surrounding Lands:</u></b>		
<b>North</b>	Commercial Plaza	Mixed Use Medium Density (C5, 338) Zone
	Stormwater Management Pond	Agriculture “A1” Zone

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<b>South</b>	Townhouses	Residential Multiple “RM3-173(b)” Zone, Modified
	Stormwater Management Pond	Public Open Space “OS2-173” Zone, Modified
<b>East</b>	Industrial	Rural Industrial Business Park “M6” Zone
<b>West</b>	Vacant	Neighbourhood Commercial “C1-173” Zone, Modified

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Policy Framework:**

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 application has been reviewed with respect to the Provincial Policy Statement (PPS), which came into force and effect on May 1, 2020.

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, environmental protection and sensitive land uses) are reviewed and discussed in the Official Plan analysis that follows.

### **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 1-3 assessment report (P035-305-2008) was completed as part of the Draft Plan of Subdivision application (25T-201309) and accepted by the Ministry of Heritage, Sport, Tourism and Culture Industries. The Province accepted the report for compliance with the licensing requirement in a letter dated November 20, 2009. Staff agree with the recommendations made in the report that the archaeological resources on the subject

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property have been adequately documented, and there is no longer an interest in the subject property with respect to archaeology.

As the application for a Draft Plan of Condominium complies with the Official Plan and the relevant policies in the PPS, 2020, it is staff's opinion that the application is:

- consistent with Section 3 of the *Planning Act*;
- consistent with the Provincial Policy Statement (2020); and,
- conforms to A Place to Grow (2019).

**Urban Hamilton Official Plan (UHOP)**

The subject lands are identified as "Community Node" on Schedule "E" – Urban Structure, designated as "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations in the UHOP, and, "Medium Density Residential 2b" and "Site Specific Policy Area E" in the Rymal Road Secondary Plan of Volume 2. The following Secondary Plan policies, amongst others, are applicable to the subject application:

"B.5.2.2.4 Notwithstanding Policies E.3.5.2 and E.3.5.7 of Volume 1, the following policies shall apply to the Medium Density Residential designations identified on Map B.5.2-1 – Rymal Road – Land Use Plan.

- a) Medium Density Residential 2b designation:
- i) The permitted uses shall be comprised of predominately a variety of low rise (up to four storeys) multiple attached dwelling unit types including street and block townhouses, and other forms of multiple dwellings such as semi-detached, duplexes, triplexes, stacked townhouses and low rise apartments.
  - ii) Retirement homes and long term care facilities are also permitted provided they are contained within a building form permitted in Policy B.5.2.2.4 a) i).

**Site Specific Policy – Area E (OPA 52)**

B.5.2.14.5 For those lands located at Part of Lots 1, 2 and 3 – Block 4 – Concession 1, identified as Site Specific Policy Area E on Map B.5.2-1 – Rymal Road Secondary Plan – Land Use Plan, and designated Medium Density 2b, the following policies shall apply:

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- a) In addition to Policy B.5.2.2.4 a) i), the following uses and provisions shall be permitted:
  - i) maisonettes;
  - ii) residential building heights up to six storeys may be permitted; and,
  - iii) limited commercial uses on the ground floor of an apartment building.
- b) Notwithstanding Policy B.5.2.2.4 a iii), the density range shall be from 30 to 70 units per net residential hectare.”

The subject proposal complies with the above UHOP policies as block townhouse units and maisonettes are permitted uses within the Medium Density Residential 2b designation and Site Specific Policy Area E. The proposal, at a density of 42 dwelling units per hectare complies with the permitted density range.

**Glanbrook Zoning By-law No. 464**

The subject lands are zoned Multiple Residential “RM4-289” Zone, Modified in the Glanbrook Zoning By-law No. 464, as amended by By-law No. 16-083. The “RM4-289” Zone, Modified permits the proposed form of development, being 216 townhouse units. The proposal conforms to the Glanbrook Zoning By-law No. 464, as amended by By-law No. 16-083. Condition No. 1 of Appendix “C” to Report PED20091 has been included to ensure the proposal is developed in accordance with the Zoning By-law.

**Site Plan Control Application DA-17-065**

Site Plan Control application DA-17-065 received final approval on February 7, 2020. 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 PED20091).

**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>	
Hydro One Niagara Peninsula Conservation Authority Alectra Utilities	No Comments



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	<b>Comment</b>	<b>Staff Response</b>
Hamilton Public Health	A Dust Management Plan is required to identify all potential sources of dust generation.	This was addressed through the Site Plan Control application DA-17-065.
Health Hazard & Vector Borne Disease Program, Healthy Environments Division	A Pest Control Plan focusing on rats and mice during the construction phase of the development proposal is required.	This was addressed through the Site Plan Control application DA-17-065.
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 was addressed through the Site Plan Control application DA-17-065.
Forestry and Horticulture	A Landscape Plan depicting the street tree planting scheme for the proposed development is required.	This was addressed through the Site Plan Control application DA-17-065.
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	All issues pertaining to grading, drainage, fencing, curbing, roadworks, landscaping, etc. as well as servicing and SWM reports have been dealt with under the engineering review for the Summit Park Phase 10 subdivision and Site Plan DA-17-065 applications. Grading and drainage shall be maintained in accordance with	Development Engineering and Source Water Protection comments were addressed through Site Plan Control application DA-17-065.  The notice requirements are addressed through Condition No. 10 of Appendix "C" to Report PED PED20091.

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	<p>the approved engineering plans for the site.</p> <p>Source Protection Planning reviewed the Water Well Survey Report and required more information including private well monitoring, dewatering information and potential impacts.</p> <p>Recommended the inclusion of a notice regarding surface drainage and rear yard catch basins.</p>	
Growth Management	The standard note regarding lapsing should be added to the Draft Plan of Condominium Conditions as Note 1.	The note has been included in Appendix "C" to Report PED20091.
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. 4 (i) and (iii) in Appendix "C" to Report PED20091.
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. 4 (ii) and 5 to 9 in Appendix "C" to Report PED20091.
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. 11 in Appendix "C" to Report PED20091.

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Bell Canada	At the time of writing the report, Bell Canada had not provided comments, however Staff included their standard condition.	The standard condition has been included as Condition No. 12 in Appendix “C” to Report PED20091.
<b>Public Consultation</b>		
	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 Glanbrook Zoning By-law No. 464 as amended by By-law No 16-083. It will implement final approved Site Plan Control Application DA-17-065, 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, an amenity area and 65 visitor parking spaces for 216 townhouse units, as shown on the attached plan, marked as Appendix “B” to Report PED20091. The private condominium road will provide two accesses to Dalglish Trail. 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. 13 in Appendix “C” to Report PED20091).

**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

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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**

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**Healthy and Safe Communities**

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**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

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