



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 15, 2021
SUBJECT/REPORT NO:	Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 15 Picardy Drive, Stoney Creek (PED21121) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	Charlie Toman (905) 546-2424 Ext. 5863
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Draft Plan of Subdivision application 25T-201903, by IBI Group, on behalf of Trillium Housing Highbury Non-Profit Corp., Owner** to establish a Draft Plan of Subdivision on lands located at 15 Picardy Drive (Stoney Creek), as shown on Appendix “A”, attached to Report PED21121, be **APPROVED** subject to the following conditions:
- (i) That this approval applies to the Draft Plan of Subdivision application 25T-201903 prepared by A.T. McLaren Ltd., and certified by S.D. McLaren, O.L.S., dated March 8, 2019, consisting of two development blocks (Blocks 1 and 2) and one block (Block 3) that will be used for the future condominium road, visitor parking, landscaped areas and will be subject to an easement in favour of the lands to the east at 56 Highland Road West for shared sanitary, storm and water services in addition to shared vehicular and pedestrian access, attached as Appendix “B” to Report PED21121;

SUBJECT: Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 15 Picardy Drive, Stoney Creek (PED21121) (Ward 9) - Page 2 of 22

- (ii) That the Special Conditions of Draft Plan of Subdivision Approval 25T-201903, attached as Appendix “C” to Report PED21121, be received and endorsed by City Council;
 - (iii) That payment of Cash-in-Lieu of Parkland be required, pursuant to Section 51 of the *Planning Act*, with the calculation of parkland payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, and in the case of multiple residential blocks, prior to the issuance of the first building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council; and,
 - (iv) That the Owner enter into a Standard Form, Subdivision Agreement, with Special Conditions attached as Appendix “C” to Report PED21121.
- (b) That **Draft Plan of Condominium application 25CDM-201903, by IBI Group, on behalf of Trillium Housing Highbury Non-Profit Corp., Owner** to establish a Draft Plan of Condominium (Common Element) to create a condominium road network, sidewalks, landscaped area, outdoor amenity areas, and centralized mailboxes, on lands located at 15 Picardy Drive (Stoney Creek), as shown on Appendix “A”, attached to Report PED21121, be **APPROVED** subject to the following conditions:
- (i) That this approval applies to the Draft Plan of Condominium application 25CDM-201903 prepared by A.T. McLaren Ltd., certified by S.D. McLaren, O.L.S., dated June 18, 2020, consisting of a private road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas and centralized mailboxes in favour of 28 maisonette dwellings and 43 townhouse dwellings, attached as Appendix “D” to Report PED21121; and,
 - (ii) That the conditions of Draft Plan of Condominium (Common Element) Approval 25CDM-201903, attached as Appendix “E” to Report PED21121, be received and endorsed by City Council.
- (c) That upon approval of the Draft Plan of Subdivision and the Draft Plan of Condominium, the subject lands be re-designated from “Low Density Residential” to “Medium Density Residential” in the Felker Neighbourhood Plan.

EXECUTIVE SUMMARY

The subject property is municipally known as 15 Picardy Drive, Stoney Creek.

SUBJECT: Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 15 Picardy Drive, Stoney Creek (PED21121) (Ward 9) - Page 3 of 22

The purpose of the Draft Plan of Subdivision application (25T-201903) is to create two development blocks (Blocks 1 and 2) that will consist of 28, three storey maisonette dwellings and 43, three storey townhouse dwellings and one block (Block 3) that will be used for the future condominium road, visitor parking, landscaped areas and will be subject to an easement in favour of the lands to the east at 56 Highland Road West for shared sanitary, storm and water services in addition to shared vehicular and pedestrian access.

The purpose of the Draft Plan of Condominium application (25CDM-201903) is to create the following common elements: a private condominium road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas and centralized mailboxes in favour of 71 Parcels of Tied Land (POTL), as final approved under Site Plan Control application DA-18-181. Subsequent to the registration of the Plan of Subdivision, the POTL's will be created through Part Lot Control Applications.

The proposed Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) have merit and can be supported as they are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and comply with the Urban Hamilton Official Plan (UHOP).

Alternatives for Consideration – See Page 21

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 Subdivision and a Draft Plan of Condominium (Common Element).

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Applicant/Owner:	Trillium Housing Highbury Non-Profit Corporation
Agent:	IBI Group (c/o Tracy Tucker)

SUBJECT: Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 15 Picardy Drive, Stoney Creek (PED21121) (Ward 9) - Page 4 of 22

File Number:	25T-201903/25CDM-201903
Type of Applications:	Draft Plan of Subdivision and Draft Plan of Condominium (Common Element)
Proposal:	<p>The Draft Plan of Subdivision proposes to create three development blocks. Blocks 1 and 2 will consist of 43 townhouse dwellings and 28 back to back townhouse dwellings for a total of 71 units. Block 3 will consist of a future condominium road, visitor parking, landscaped areas and will be subject to an easement in favour of the lands to the east at 56 Highland Road West for shared sanitary, storm and water services in addition to shared vehicular and pedestrian access.</p> <p>The Draft Plan of Condominium (Common Element) will establish a private condominium road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas and centralized mailboxes in favour of 71 POTL's.</p>
Property Details	
Municipal Address:	15 Picardy Drive
Lot Area:	1.21 ha.
Servicing:	Full Municipal Services.
Existing Use:	Vacant Land (under construction).
Proposed Uses:	28 maisonettes and 43 street townhouse dwelling units with 26 visitor parking spaces and a 618 sq m parkette.
Documents	
Provincial Policy Statement (PPS)	The proposal is consistent with the PPS.
A Place to Grow:	The proposal conforms to A Place to Grow.
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.

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SUBJECT: Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 15 Picardy Drive, Stoney Creek (PED21121) (Ward 9) - Page 5 of 22

	<ul style="list-style-type: none"> • “Low Density Residential 3c” within the West Mountain Area (Heritage Green) Secondary Plan
Official Plan Proposed:	No proposed amendment.
Zoning Existing:	Multiple Residential (Holding) “RM3-68-H” Zone, Modified
Zoning Proposed:	No proposed amendment.
Processing Details	
Received:	May 6, 2019
Deemed Complete:	June 6, 2019
Notice of Complete Application:	Sent to 68 property owners within 120 m of the subject property on May 29, 2019.
Public Notice Sign:	June 10, 2019, sign updated on May 19, 2021.
Notice of Public Meeting:	May 28, 2021
Public Consultation:	Public meeting notice provided in accordance with the requirements of the <i>Planning Act</i> .
Public Comments:	No comments were received.
Processing Time:	785 Days

EXISTING LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands:	Townhouse Dwellings (under construction)	Multiple Residential (Holding) “RM-63-H” Zone, Modified
Surrounding Lands:		
North	Townhouse Dwellings	Multiple Residential Two “RM2-23” Zone, Modified

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SUBJECT: Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 15 Picardy Drive, Stoney Creek (PED21121) (Ward 9) - Page 6 of 22

South	Single Detached Dwellings	Multiple Residential “R3-11” Zone, Modified
East	Vacant	Multiple Residential (Holding) “RM3-68-H” Zone, Modified
West	Saltfleet High School	Community Institutional (“I2”) Zone

BACKGROUND

Official Plan Amendment (OPA NO. 105, By-law No. 18-166) and Zoning By-law Amendment (By-law No. 18-167) Applications

In 2016, applications for an Official Plan Amendment and Zoning By-law Amendment were made to the City of Hamilton. The purpose of the applications was to permit a 71 unit residential development consisting of 28, three-storey maisonette units and 43, three-storey street townhouse dwelling units on a private (condominium) road and 26 visitor parking spaces. Seven of the maisonettes will front onto Picardy Drive, while the remaining units will be on a private condominium road.

The applications also requested specific modifications for permitted uses, lot area, lot frontage, side yard, front yard, rear yard, minimum privacy area, visitor parking, dimensions of parking spaces, minimum distance of a parking space to a dwelling unit, location of unitary equipment, maximum lot coverage, maximum density and maximum building height and landscaped open space to reflect the freehold tenure on a private condominium road.

A Holding Provision was included to require the owner to demonstrate that the existing sanitary sewer of Lormont Boulevard at Picardy Drive can be adequately upsized to provide sufficient capacity to meet City standards and to share in the upgrade costs for development greater than 40 dwelling units, to the satisfaction of the Senior Director, Growth Management. The Zoning By-law Amendment allowed for the development of 31 units while the Holding Provision is in place. Accordingly, the final approved Site Plan has been phased with Phase 1 receiving final approval for 31 units on July 3, 2020.

The subject development is to be affordable units in accordance with the City of Hamilton’s Municipal Housing Facilities By-law No. 18-233, in that the proposed units are to be at least 10% below the median resale price for a similar unit in the City. The City of Hamilton will enter into a municipal housing project facility agreement with the applicant and the agreement may provide assistance as provided for in subsection

SUBJECT: Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 15 Picardy Drive, Stoney Creek (PED21121) (Ward 9) - Page 7 of 22

110(3) of the *Municipal Act*, 2001 or tax exemptions as provided for in subsection 110(6) of the *Municipal Act*, 2001.

The applications were approved at the June 5, 2018 Planning Committee. By-law No. 18-167 implemented the site specific Multiple Residential (Holding) “RM3-63-H” Zone, Modified, which was passed by Council on June 27, 2018.

Site Plan Control Application DA-18-181

On July 3, 2020, Site Plan Control application DA-18-181 received final approval for the development of 28 maisonette, 12 block townhouse dwellings, 26 visitor parking spaces and a 618 square metre parkette with a future phase for 31 block townhouse dwellings.

The proposed Draft Plan of Condominium (Common Element) and Draft Plan of Subdivision applications conform to Zoning By-law No. 3692-92, as amended by By-law No. 18-167 and conform to the final approved Site Plan Control application DA-18-181.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020) (PPS):

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020) (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) 2019, as amended.

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 (LPAT) 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.

The following policies are applicable as they relate to archaeological and cultural heritage resources:

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.”

SUBJECT: Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 15 Picardy Drive, Stoney Creek (PED21121) (Ward 9) - Page 8 of 22

In accordance with the above policy, the applicant submitted an Archaeological Assessment, entitled, Stage 1 & 2 Archaeological Assessment (P018-071), dated November 4, 2004 and the Ministry of Heritage, Sport, Tourism, and Culture Industries clearance letter was provided August 29, 2005. Staff are the opinion that the municipal interest in the archaeology of this portion of the site has been satisfied.

Noise

“3.6.3.1 *Development of noise sensitive land uses*, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railways lines, railway yards, airports, or other uses considered to be noise generators, shall comply with all applicable provincial and municipal guidelines and standards.”

At the Site Plan Control review stage, a noise study, entitled “Environmental Noise Impact Study”, by Melissa Mclean, dated November 2018 concluded that no additional noise attenuation measures were required.

As the application for a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) comply with the UHOP, which implements Provincial policy and planning direction, it is staff’s opinion that the applications are:

- consistent with Section 3 of the *Planning Act*;
- consistent with the PPS (2020); and,
- conform to the Growth Plan.

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, “Low Density Residential 3c” within the West Mountain Area (Heritage Green) Secondary Plan. The following Secondary Plan policies, amongst others, are applicable to the subject applications.

“B.7.3.1.6 Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the lands designated Low Density Residential 3c on Map B.7.6-1 – West Mountain Area – Land Use Plan:

a) Low Density Residential 3c designation:

- i) the permitted uses shall include townhouse dwellings and low rise apartments; and,

SUBJECT: Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 15 Picardy Drive, Stoney Creek (PED21121) (Ward 9) - Page 9 of 22

- ii) the density shall be approximately 30 to 49 units per net residential hectare.

Site Specific Policy – Area H (OPA 105)

7.6.8.24

Notwithstanding Policy 7.6.2.2 b) ii) of Volume 2, for the lands located at 15 Picardy Drive, designated “Low Density Residential 3c”, and identified as Site Specific Policy – Area “H” on Map B.7.6-1 – West Mountain Area (Heritage Green) Secondary Plan – Land Use Plan, the density shall range from 30 to 59 units per net residential hectare.”

Through By-law No. 18-166, an amendment to the West Mountain Area (Heritage Green) Secondary Plan was required to change the designation from the “Low Density Residential 2b” to the “Low Density Residential 3c” designation to permit the proposed development, as well as the proposed net density of 59 units per hectare.

The subject proposal complies with the above UHOP policies as townhouse dwellings and maisonettes (back to back townhouses) are permitted uses within the Secondary Plan. The propose density of 59 units per hectare also complies with the net residential density range of 30 to 59 units per net residential hectare, as per Site Specific Policy – Area H (OPA 105).

Plan of Subdivision

“F.1.14.1.2 Council shall approve only those plans of subdivision that meet the following criteria:

- a) the plan of subdivision conforms to the policies and land use designations of this Plan;
- b) the plan of subdivision implements the City’s staging of development program;
- c) the plan of subdivision can be supplied with adequate services and community facilities;
- d) the plan of subdivision shall not adversely impact upon the transportation system and the natural environment;
- e) the plan of subdivision can be integrated with adjacent lands and roadways;

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SUBJECT: Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 15 Picardy Drive, Stoney Creek (PED21121) (Ward 9) - Page 10 of 22

- f) the plan of subdivision shall not adversely impact municipal finances; and,
- g) the plan of subdivision meets all requirements of the *Planning Act*, R.S.O., 1990 c. P.13.”

The proposed Draft Plan of Subdivision complies with the Urban Hamilton Official Plan and the West Mountain Area (Heritage Green) Secondary Plan and meets all the requirements of the *Planning Act*. It is consistent with the Criteria for Staging of Development as the subject lands can be adequately serviced using existing infrastructure, subject to the proposed Draft Plan conditions. This proposal will not adversely impact the natural environment or transportation system and will be integrated with the adjacent lands and roads and does not impact municipal finances. Based on the above, the proposed Draft Plan of Subdivision and Draft Plan of Condominium comply with the UHOP.

Felker Neighbourhood Plan

The subject lands are currently designated “Low Density Residential” in the Felker Neighbourhood Plan. A redesignation to “Medium Density Residential” is required to reflect the proposal. As the proposal complies with the Urban Hamilton Official Plan, staff are supportive of the redesignation to “Medium Density Residential”.

Stoney Creek Zoning By-law No. 3692-92

The subject lands are zoned Multiple Residential (Holding) “RM3-68-H” Zone, Modified, in the Stoney Creek Zoning By-law No. 3693-92, as amended by By-law No. 18-167. This Zone permits the proposed form of development, being 71 townhouse units (43 townhouse units and 28 back to back townhouses also known as maisonettes). The proposal conforms to the Stoney Creek Zoning By-law No. 3692-92, as amended by By-law No. 18-167. Condition No.1 of Appendix “E” to Report PED21121 has been included to ensure the proposal will be developed in accordance with the Zoning By-law.

The Zoning By-law Amendment allowed for the development of 31 units while the Holding Provision is in place. Accordingly, the final approved Site Plan has been phased with Phase 1 receiving final approval for 31 units on July 3, 2020. The Holding Provision remains in place for Phase 2 of the development which is for the remaining 40 units. The Holding Provision can be removed conditional upon the owner demonstrating that the existing sanitary sewer on Lormont Boulevard at Picardy Drive can be adequately upsized to provide sufficient capacity to meet City standards and to share in the upgrade costs for development greater than 40 dwelling units.

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SUBJECT: Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 15 Picardy Drive, Stoney Creek (PED21121) (Ward 9) - Page 11 of 22

RELEVANT CONSULTATION

Departments and Agencies		
	<ul style="list-style-type: none"> • Hydro One Networks Inc; • Recreation Division, Healthy and Safe Communities Department; and, • Hamilton Conservation Authority. 	No Comment
	Comment	Staff Response
Canada Post	Identified that the site will be serviced by a centralized mailbox. The applicant will need to locate the mailbox on site per Canada Post standard requirements.	Associated warning clauses regarding this requirement have been included as Condition Nos. 7 and 8 in Appendix “C” to Report PED21121 and Condition Nos. 8 (v) and 9 to 13 in Appendix “E” to Report PED21121.
Union Gas	Requires that the applicant provide necessary easements and/or agreements for the provision of gas services, in a form satisfactory to Union Gas.	This has been included as Condition No. 9 in Appendix “C” to Report PED21121 and Condition No. 14 in Appendix “E” to Report PED21121.
Bell Canada	Requires the owner to provide any easements that may be necessary for communication/telecommunication infrastructure.	This is included as Condition No. 6 in Appendix “C” and Condition No. 15 in Appendix “E” to Report PED21121.
Recycling and Waste Disposal, Public Works Department	The site is eligible for municipal waste collection subject to meeting the City’s requirements.	An Agreement for On-Site Collection of Municipal Solid Waste will be required in order to begin waste collection on private property. Note No. 2 in Appendix “C” of Report PED21121 informs the owner that waste collection is subject to the City’s Solid Waste Management By-law No. 09-067, and Condition No. 8 i) in

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SUBJECT: Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 15 Picardy Drive, Stoney Creek (PED21121) (Ward 9) - Page 12 of 22

		Appendix “E” to Report PED21121 warns purchasers that City Waste Management may not be available to residents.
Forestry & Horticulture Section, Environmental Services Division, Public Works Department	<p>A landscape plan is required depicting the street tree planting scheme for the proposed development.</p> <p>Tree By-Law No. 15-125 requires new developments to provide payment of \$644.89 plus HST per tree for road allowance street trees.</p>	<p>A Landscape Plan was submitted, reviewed and approved through Site Plan Control application DA-18-181.</p> <p>The payment for street trees is a standard requirement of the City’s Subdivision Agreement.</p>
Hamilton Water, Public Works Department	There are no sanitary or storm sewer servicing concerns.	The requirement of a watermain design and approval was addressed through Site Plan Control application DA-18-181.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<p>Have indicated that if the road widening block and the public road will be transferred by registered subdivision, both will need to be identified as blocks and part of the “Subject Lands” on the Draft Plan of Subdivision.</p> <p>The Draft Plan of Subdivision and Draft Plan of Condominium will require signing by the surveyor.</p> <p>The adjacent land uses to the east of the subject lands are required to be indicated per Section 51(17)(e) of the <i>Planning Act</i>.</p> <p>Require a note to be included in the Draft Approval Conditions:</p>	<p>The Draft Plan of Subdivision has been revised, to satisfy Growth Planning requirements.</p> <p>The right-of-way widening was dedicated by R-Plan through Site Plan Control application DA-18-181.</p> <p>Note No. 1 of Appendices “C” and “E” of Report PED21121 addresses the requirement for a note with respect to lapsing within three years.</p> <p>Staff add that standard conditions addressing land titles registration, mailing address unit numbers, and registration of condominium agreements are included as Conditions Nos. 2 to</p>

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SUBJECT: Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 15 Picardy Drive, Stoney Creek (PED21121) (Ward 9) - Page 13 of 22

	<p>NOTES: Pursuant to Section 51(32) of the <i>Planning Act</i>, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if a written request is received two months before the draft approval lapses.</p>	<p>4 of Appendix “E” to Report PED21121.</p>
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department</p>	<p>As a Condition of Servicing, sidewalks are to be constructed as per Council approved Pedestrian Mobility Plan which calls for sidewalks to be minimum 2.0 m.</p> <p>The municipal sidewalk must be continuous through the driveway approach and any driveway curbing must end behind the municipal sidewalk.</p> <p>For two-way operation onto municipal roads, the driveway access width(s) must be a minimum 7.5 m at the ultimate property line and curve radii minimum 6.0 m. All are to be identified and dimensioned on the plan.</p> <p>A private internal road/driveway width of 6.0 m (minimum) and 12.0 m (minimum) radii must be maintained throughout the site to permit a two-way operation.</p> <p>The applicant is to verify if an internal fire route is required.</p> <p>The applicant should determine snow removal and storage for this site. There may not be sufficient room for snow storage within the limited</p>	<p>The Transportation Planning requirements were addressed through Site Plan Control application DA-18-181.</p>

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SUBJECT: Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 15 Picardy Drive, Stoney Creek (PED21121) (Ward 9) - Page 14 of 22

	<p>space; using parking spaces for snow storage is not acceptable.</p>	
<p>Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department</p>	<p>The applicant will be required to enter into a Subdivision Agreement with the City.</p> <p>The Draft Plan consists of an easement in favour of lands to the east.</p> <p>The proposed development will be phased as follows:</p> <p>Phase 1: the development of 28 maisonette units, 12 block townhouse dwellings, 26 visitor parking spaces, internal road network, and a 618 sq metre parkette.</p> <p>Phase 2: the development of 31 block townhouse dwellings fronting onto the internal road network.</p> <p>The Owner will be responsible for the reconstruction of Picardy Drive for the entire width of the road for approximately 60 m for the proposed site access towards the south (Highland Road West).</p> <p>The Owner will be responsible for restoration of existing curb, sidewalk and boulevard areas on Picardy Drive.</p> <p>Sanitary Servicing</p> <p>There is an existing 450 mm diameter sanitary sewer on Picardy Drive.</p> <p>The Site Plan design proposes to construct a sanitary sewer within the</p>	<p>The External Works Agreement was addressed through Site Plan Control application DA-18-181.</p> <p>Reconstruction of Picardy Drive was required as part of Site Plan Control application DA-18-181 through the External Works Agreement.</p> <p>A joint use agreement was required through Site Plan Control application DA-18-181 so as to ensure that all services (sanitary, storm and water) in addition to shared vehicular and pedestrian access are shared with the residential development to the east (56 Highland Road West). Staff have included a standard condition being Condition No. 8 (iii) of Appendix "E" to Report PED21121. This condition informs purchasers/tenants/leases that there is an easement in place.</p> <p>Staff have included a standard condition being Condition No. 8 (ii) of Appendix "E". This condition informs purchasers/tenants/leasees that there is an approved grading plan and that the purchaser/tenant/leasee agrees not to alter the approved grading plan without approval from the City of Hamilton. Additionally, no</p>

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SUBJECT: Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 15 Picardy Drive, Stoney Creek (PED21121) (Ward 9) - Page 15 of 22

	<p>proposed easement up to the east property line to service 56 Highland Road West. The proposed sanitary sewer shall be designed to convey the appropriate sanitary discharge from 56 Highland Road West in accordance with the 198 First Road West Phase 1 Sanitary Drainage Area Plan, prepared by Metropolitan Consulting Inc. and correspondence with the City of Hamilton.</p> <p>There are existing sanitary capacity constraints limiting the allowable sanitary discharge from the site. As such, the applicant will phase the development to allow “Phase 1” development to proceed until such time that capacity for “Phase 2” development is available downstream.</p> <p>As per the Picardy Drive Townhouse Development – Functional Servicing and Stormwater Management Report, “the sanitary sewer capacity constraint is expected to be alleviated in the near future once the truck sanitary sewer along Upper Centennial Parkway is completed and the sanitary flows from the existing development adjacent to the Rymal Road East corridor are diverted from the existing system”.</p> <p>The Site Plan design proposes to remove the existing 250 mm diameter sanitary service to the subject lands.</p>	<p>grade alteration within 0.45 m of the property line will be permitted including retaining walls, walkways, curbs, etc.</p> <p>The applicant has demonstrated a suitable outlet for the sanitary sewer which was addressed as part of Site Plan Control application DA-18-181 through the External Works Agreement.</p> <p>The costs associated with the external works was addressed as part of Site Plan Control application DA-18-151 through the External Works Agreement.</p> <p>Block 3 in the Draft Plan of Subdivision will consist of a future condominium road, visitor parking, landscaped areas and will be subject to an easement in favour of the lands to the east at 56 Highland Road West for shared sanitary, storm and water services in addition to shared vehicular and pedestrian access.</p> <p>Condition No. 5 of Appendix “C” to Report PED21121 states that the applicant is required to demonstrate that an adequate easement in favour of the property at 56 Highland Road West, to provide for installation of sewers and watermain as well as for vehicular and pedestrian access to Picardy Drive, is established.</p>
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SUBJECT: Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 15 Picardy Drive, Stoney Creek (PED21121) (Ward 9) - Page 16 of 22

	<p>Storm Servicing</p> <p>There is an existing 1050 mm diameter storm sewer on Picardy Drive. As per the 198 First Road West Phase 1 Storm Drainage Area Plan, prepared by Metropolitan Consulting Inc., storm drainage for the subject site has been accounted for at a runoff coefficient (C-value) of 0.60. The Site Plan design has indicated that on-site quantity and quality controls will be required. The Site Plan design proposes to construct a storm sewer within the proposed easement up to the east property line to service 56 Highland Road West. The proposed storm sewer shall be designed to convey the appropriate storm discharge from 56 Highland Road West in accordance with the 198 First Road West Phase 1 Storm Drainage Area Plan, prepared by Metropolitan Consulting Inc., and correspondence with the City of Hamilton.</p> <p>The Site Plan design proposes to remove the existing 525 mm diameter storm service to the subject lands.</p> <p>The applicant shall provide additional information on the engineering plans to demonstrate the existing drainage patterns within the rear yards of adjacent properties to the south.</p> <p>The proposed design shall ensure that an adequate emergency overland flow route has been established for storm drainage from 56 Highland Road West.</p>	
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SUBJECT: Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 15 Picardy Drive, Stoney Creek (PED21121) (Ward 9) - Page 17 of 22

	<p>Water Servicing</p> <p>There is an existing 400 mm diameter watermain on Picardy Drive. Watermain hydraulic analysis has been provided under the Site Plan application process.</p> <p>The applicant will be required to demonstrate that the watermain hydraulic analysis for the development has accounted for an adequate assumption for the water demands of 56 Highland Road West. The Site Plan design proposes to remove the existing 200 mm diameter water service to the subject lands.</p> <p>Joint Service Agreement</p> <p>The Owner will be required to enter into a Joint Service Agreement with the Owner of 56 Highland Road West.</p> <p>Easement</p> <p>The owner will be required to demonstrate that an adequate access easement has been provided through the subject lands in favour of 56 Highland Road West.</p> <p>External Works</p> <p>The applicant has commenced the process of preparing an External Works Agreement with the City of Hamilton. The applicant shall indicate if they wish to proceed with the preparation of the External Works Agreement. Please note that the</p>	
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SUBJECT: Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 15 Picardy Drive, Stoney Creek (PED21121) (Ward 9) - Page 18 of 22

	<p>Subdivision Agreement will replace the External Works Agreement.</p> <p>The applicant is responsible for 100% of the costs associated with the external works, reconstruction and restoration on Picardy Drive.</p> <p>Any external grading works will require the permission of the affected adjacent landowners.</p> <p>Cost Sharing</p> <p>There is no City share for this development.</p>	
Public Consultation		
	Comment	Staff Response
		No public comments were received for this application.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and Council’s Public Participation Policy, Notices of Complete Application and Preliminary Circulation were sent to 68 property owners within 120 m of the subject property on June 6, 2019, requesting comments on the Draft Plan of Subdivision and the Draft Plan of Condominium (Common Element) applications.

A Public Notice Sign was posted on the property on June 10, 2019, and updated on May 19, 2021, with the Public Meeting date. Finally, Notice of the Public Meeting was given on May 28, 2021, in accordance with the requirements of the *Planning Act*.

At the time of preparing this report, no comments have been received.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:

SUBJECT: Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 15 Picardy Drive, Stoney Creek (PED21121) (Ward 9) - Page 19 of 22

- (i) It is consistent with the PPS (2020) and conforms to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
 - (ii) It complies with the policies of the Urban Hamilton Official Plan and the West Mountain Area (Heritage Green) Secondary Plan;
 - (iii) It provides for dwelling units in an area where full municipal services are available, making efficient use of the land and infrastructure; and,
 - (iv) The proposal establishes condominium tenure for a form of development permitted under the City of Stoney Creek Zoning By-law No. 3692-92 as amended by By-law No. 18-167 and it will implement the approved Site Plan Control application DA-18-181, which provides for a form of development that is compatible with surrounding land uses.
2. In review of Sub-section 51(24) of the *Planning Act*, to assess the appropriateness of the proposed subdivision, staff advise that:
- (a) It is consistent with the Provincial Policy Statement, A Place to Grow Plan, and complies with the Urban Hamilton Official Plan and the West Mountain Area (Heritage Green) Secondary Plan;
 - (b) The proposal represents a logical and timely extension of existing development and services and is in the public interest;
 - (c) It complies with the applicable policies of the Urban Hamilton Official Plan and the West Mountain Area (Heritage Green) Secondary Plan;
 - (d) The subject lands can be appropriately used for the purposes for which it is to be subdivided and will not negatively impact natural heritage features;
 - (e) The proposed subdivision will be compatible with the existing road network and block pattern of the surrounding neighbourhood;
 - (f) The proposed subdivision can be adequately serviced by the current road network;
 - (g) The dimensions and shapes of the proposed lots conform to the Zoning By-law and are sufficient to accommodate the proposed development of townhouse dwellings and maisonette townhouse dwellings;

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SUBJECT: Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 15 Picardy Drive, Stoney Creek (PED21121) (Ward 9) - Page 20 of 22

- (h) Restrictions and regulations for the development of the subdivision are included in the conditions of draft plan approval and Subdivision Agreement;
 - (i) Adequate utilities and municipal services are available to service the proposed blocks within the subdivision, the particulars of which will be determined as part of the conditions of draft approval and Subdivision Agreement; and,
 - (j) The application will not have any negative impact on the City's finances. Based on the above, staff are supportive of the Draft Plan of Subdivision and recommend its approval.
3. The proposed Draft Plan of Condominium (Common Element) is comprised of the following common elements: a condominium road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas, and centralized mailboxes, as shown on the attached plan, marked as Appendix "D" to Report PED21121. The private condominium road will provide access to a public right of way (Picardy Drive) which will connect with Highland Road West. All 71 dwelling units will hold an interest in the Condominium Corporation to benefit from the common visitor parking spaces, landscaped area and outdoor amenity areas and all units will have access from the private condominium road network. The applicant will be required to demonstrate zoning conformity prior to registration of the Draft Plan of Condominium (Common Element) as provided by Condition No. 1 of Appendix "E" to Report PED21121. Staff are supportive of the Draft Plan of Condominium (Common Element) and recommend its approval.
- The Site Plan Control application has been phased with Phase 1 receiving final approval for 31 units on July 3, 2020. The Holding Provision remains in place for the remaining 40 units, being Phase 2 of the development. The Holding Provision can be removed conditional upon the owner demonstrating that the existing sanitary sewer on Lormont Boulevard at Picardy Drive can be adequately upsized to provide sufficient capacity to meet City standards and to share in the upgrade costs for development greater than 40 dwelling units.
4. The Plan of Condominium shall be developed in accordance with the final approved Site Plan Control application DA-18-181 (Condition No. 5 of Appendix "E" to Report PED21121).
5. The land proposed for the common element condominium and the lots for all of the townhouse dwelling units will be created through a Part Lot Control application. In this regard, final approval and registration of the Common Element

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SUBJECT: Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 15 Picardy Drive, Stoney Creek (PED21121) (Ward 9) - Page 21 of 22

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. 6 of Appendix “E” to Report PED21121). To date a Part Lot Control application has not been submitted.

6. The applicant must also enter into a Development Agreement with the City of Hamilton as a condition of Draft Plan of Condominium (Common Element) approval. This Agreement will ensure that the tenure of the proposed common elements (as shown on the Draft Plan of Condominium (Common Element) included in Appendix “D” to Report PED21121) 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 Element Condominium under the Condominium Act (Condition No. 4 of Appendix “E” to PED21121).
7. The proposed condominium road will be privately owned and maintained. As a condition of approval, the applicant must include warning clauses 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, which have been included as Condition No. 8 i) and iv) of Appendix “E” to Report PED21121.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Draft 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. Should the Draft Plan of Subdivision not be approved, the applicant / owner could not apply for a Part Lot Control application and would require Consent applications to create the individual lots.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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

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Our People and Performance

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SUBJECT: Applications for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 15 Picardy Drive, Stoney Creek (PED21121) (Ward 9) - Page 22 of 22

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map

Appendix "B" – Draft Plan of Subdivision

Appendix "C" – Special Conditions of Draft Plan of Subdivision

Appendix "D" – Draft Plan of Condominium (Common Element)

Appendix "E" – Recommended Conditions of Draft Plan of Condominium

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