

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 11
COMMITTEE DATE: February 15, 2011	
SUBJECT/REPORT NO: Application for Approval of a Draft Plan of Condominium (Common Elements), by Multi-Area Developments Inc., for Lands Located on the East Side of Pelech Crescent, Part of Block 79, Registered Plan 62M-1143, and Part of Block 1, Registered Plan 62M-1103 (Glanbrook) (PED11020) (Ward 11)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Danielle Fama (905) 546-2424, Ext. 4148
SIGNATURE:	

RECOMMENDATION

That approval be given to **Condominium Application 25CDM-201013, by Multi-Area Developments Inc, Owner**, to establish a draft plan of condominium (Common Elements Condominium) to create a condominium road, visitor parking areas, amenity and landscaped areas, for 26 freehold block townhouse dwellings, on lands known legally as Part of Block 79, Registered Plan 62M-1143, and Part of Block 1, Registered Plan 62M-1103 (Glanbrook), as shown on the attached location map marked as Appendix "A" to Report PED11020, subject to the following conditions:

- (a) That this approval shall apply to the plan, prepared by A.J. Clarke and Associates and certified by B.J. Clarke, O.L.S., dated October 28, 2010, showing a common element road, visitor parking areas, amenity and landscaped areas, attached as Appendix "B" to Report PED11020.
- (b) That the Final Plan of Condominium shall comply with all of the applicable provisions of Zoning By-law No. 464.

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- (c) That the final plan of condominium shall comply, in all respects, with the approved Site Plan (DA-10-086), to the satisfaction of the Director of Planning.
- (d) That the owner shall receive final approval of Part Lot Control Application PLC-10-038, including the enactment and registration on title of the Part Lot Control Exemption By-law, to the satisfaction of the Manager of Development Planning.
- (e) That the owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed 26 freehold units has legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor.
- (f) That the owner shall include the following warning clause in the Condominium Agreement and all Purchase and Sale Agreements, and any rental or lease agreements required for occupancy:

“Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road.”
- (g) That the owner shall, to the satisfaction of Canada Post and Development Engineering, agree to include on all offers of purchase and sale, a statement that advises the purchaser:
 - (i) That the home/business mail delivery will be from a designated Centralized Mail Box; and,
 - (ii) That the developers/owners will be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- (h) That the owner shall, to the satisfaction of Canada Post and Development Engineering, agree to:
 - (i) Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision;

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- (ii) Install a concrete pad in accordance with the requirements of, and in locations to be approved by Canada Post and the Director of Development Engineering, to facilitate the placement of Community Mail Boxes;
 - (iii) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase; and,
 - (iv) Determine the location of all centralized mail receiving facilities in cooperation with Canada Post and the Director of Development Engineering, and to indicate the location of centralized mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- (i) That the owner shall provide the Manager of Design and Construction with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication service provider, approved by the Canadian Radio and Telecommunication Commission (CRTC), that adequate telecommunication service will be provided to the condominium, including 9-1-1 emergency calling service that identifies, at a minimum, the caller's name and location information.
 - (j) That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.
 - (k) That the owner shall agree to establish easements of an appropriate width in favour of Union Gas, if necessary.
 - (l) That the owner shall enter into, and register on title, the Condominium Agreement incorporating the approved plan of condominium and related conditions, to the satisfaction of the City Solicitor.

EXECUTIVE SUMMARY

The purpose of the application is to establish a draft plan of condominium (Common Elements Condominium) for a 26 unit freehold block townhouse development. The proposed draft plan of condominium has merit and can be supported since it is consistent with the Provincial Policy Statement, conforms to the Hamilton-Wentworth Official Plan and the Township of Glanbrook Official Plan, complies with Zoning By-law No. 464, and implements the approved plan of subdivision and Site Plan Control Application DA-10-086.

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Alternatives for Consideration - See Page 11.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: N/A.

Staffing: N/A.

Legal: As required under the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a Draft Plan of Condominium (Common Elements Condominium).

HISTORICAL BACKGROUND (Chronology of events)

Proposal

The purpose of the application is to establish a draft plan of condominium (Common Elements Condominium) to create the following condominium elements: a condominium road; visitor parking areas; and, amenity and landscaped area for 26 townhouse dwellings, as shown on the attached plan marked as Appendix "B". The condominium road would provide access to Pelech Crescent in one location. The 26 lots, with associated easements and the elements in common, will be created through Part Lot Control Application PLC-10-038.

CHRONOLOGY:

June 10, 2010: Submission of Application DA-10-086 by Multi-Area Developments.

June 17, 2010: Application DA-10-086 deemed complete and circulated to applicable departments and agencies.

August 6, 2010: Application DA-10-086 conditionally approved by the Manager of Development Planning.

October 29, 2010: Submission of Application PLC-10-038 by Multi-Area Developments.

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October 29, 2010: Submission of Application 25CDM-201013 by Multi-Area Developments.

November 8, 2010: Application PLC-10-038 is deemed complete and circulated to applicable departments and agencies.

November 8, 2010: Application 25DCM-201013 is deemed complete.

November 17, 2010: Circulation of Notice of Complete Application and Preliminary Circulation for Application 25CDM-201013 to all residents within 120 metres of the subject lands.

February 11, 2011: Circulation of Notice of Public Meeting for Application 25CDM-201013 to all residents with 120 metres of the subject lands.

Details of Submitted Application

Location: Block 75, Plan 62M-1143
(See Appendix "A")

Owner: Multi-Area Developments Inc.

Agent: A.J. Clarke and Associates

Property Description:

<u>Total Lot Area:</u>	8,651.19 square metres
<u>Total Lot Frontage:</u>	54.2 metres
<u>Lot Depth:</u>	84.35 metres

Servicing: Full Municipal Servicing

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EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant (To be developed as Block Townhouses)	Residential Multiple "RM3-253" Zone
<u>Surrounding Lands:</u>		
North	Proposed Single-Detached Dwellings	Residential "R4-252" Zone
	Park	Open Space "OS2" Zone
South	Hydro Corridor	Agriculture "A1" Zone
East	Street Townhouses	Residential "RM3-173(A)" Zone
West	Proposed Single-Detached Dwellings	Residential "R4-252" Zone

POLICY IMPLICATIONS

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development. The Planning Act requires that, in exercising any authority that affects planning matters, planning authorities shall be consistent with policy statements issued under the Act. The application is consistent with the Provincial Policy Statement, since Policy 1.1.3.1 states that Settlement Areas shall be the focus of growth, and their vitality and regeneration shall be promoted.

Growth Plan for the Greater Golden Horseshoe (Places to Grow)

The application is consistent with the growth management policies of the Growth Plan for the Greater Golden Horseshoe 2006. Section 2.2.2 indicates that population growth will be accommodated by building compact, transit-supportive communities in designated Greenfield areas. This application is consistent with the Growth Plan for the Greater Golden Horseshoe 2006, since it proposes to create a compact development within the Urban Area.

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Hamilton-Wentworth Official Plan

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 outlines that a wide range of uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020. The proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

Township of Glanbrook Official Plan

The subject lands are designated “Residential” on Schedule “A” - Land Use Plan, and “Low to Medium Density Residential” on Schedule “I” - Rymal Road Secondary Plan Land Use Plan.

The proposed freehold, townhouse units conform to the “Residential” and “Low to Medium Density Residential” policies of the Township of Glanbrook Official Plan. Therefore, the proposed plan of condominium to establish a common element roadway and associated visitor parking areas, amenity areas, and landscaping, conforms to the Township of Glanbrook Official Plan.

New Urban Hamilton Official Plan (Council Adopted)

The new Urban Hamilton Official Plan was adopted by Council on July 9, 2009. The Plan has been forwarded to the Province for approval, but is not yet in effect. The subject lands are designated as “Neighbourhoods” on Schedule E, Urban Structure Plan, and Schedule E-1, Urban Land Use Designations. The property is also designated as “Low Density Residential 2h” in the Rymal Road Secondary Plan. The “Low Density Residential 2h” designation permits street, block, and stacked townhouses at a density of 26-40 units per hectare. The proposed freehold, townhouse units conform to the new Urban Hamilton Official Plan.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections:

- Taxation Division, Corporate Services Department.
- Capital Budgets Section, Corporate Services Department.
- Traffic Engineering and Operations Section, Public Works Department.
- Communications Section, Hamilton Emergency Services.
- Hamilton Police Services.

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- Mountain Cable Vision.
- Hamilton-Wentworth Separate School Board.
- Hamilton-Wentworth District School Board.
- French Public School Board.
- French Catholic School Board.

The following Departments and Agencies submitted comments:

Canada Post

This draft plan of condominium will receive mail service to centralized mail facilities provided through our Community Mailbox Program. The owner shall, to the satisfaction of the Director of Engineering of the City of Hamilton and Canada Post:

- (a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i) That the home/business mail delivery will be from a designated Centralized Mail Box; and,
 - ii) That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations, prior to the closing of any home sales.

- (b) The owner further agrees to:
 - i) Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision;
 - ii) Install a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post, to facilitate the placement of Community Mail Boxes;
 - iii) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase; and,

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- iv) Determine the location of all centralized mail receiving facilities in co-operation with Canada Post, and to indicate the location of centralized mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- (c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility, at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor, or sheltered space.

The proposed condominium will not have a common lobby or indoor area, therefore, Condition (c) is not applicable. The requested Conditions (a) and (b) have been addressed through the inclusion of Conditions (g) and (h) in the Recommendation section of this Report.

Union Gas

Union Gas has requested easement rights over the various freehold components for each dwelling unit, as well as the common element, in order to install the gas mains in a joint utility corridor. This has been addressed through the inclusion of Condition (k) in the Recommendation section of this Report.

Forestry and Horticulture Section, Public Works Department, has advised that as the roads of this development are common element, the City of Hamilton will not accept a pay-out to assume responsibility of the Street Tree Planting.

A Landscape Plan was requested showing the installation of caliper trees, tree species selection should take into account cultural requirements, cultivars (fruitless, etc.) salt and heat tolerance, mature tree size, potential pest concerns, as well as the exposure (south west prevailing winds). A landscape plan has been reviewed through Site Plan Application DA-10-086, and has been cleared by the Forestry and Horticulture Section.

Public Consultation

In accordance with the new provisions of the Planning Act and Council's Public Participation Policy, 58 Notices of Complete Application and Preliminary Circulation were sent to property owners within 120 metres of the subject property on November 18, 2010, requesting comments or support for the application.

To date, no letters have been received from members of the public. Additionally, a Public Notice Sign was posted on the property on January 20, 2011, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

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ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

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.
 - (ii) It conforms with and implements the “Urban” designation of the Hamilton-Wentworth Regional Official Plan.
 - (iii) It conforms to the “Residential” and “Low to Medium Density Residential” policies of the Township of Glanbrook Official Plan.
 - (iv) The proposal implements the Rymal Road Secondary Plan Land Use Plan.
 - (v) The proposal is consistent with the new Urban Hamilton Official Plan.
2. The proposed draft plan of condominium (Common Elements Condominium) would be comprised of the following condominium elements: an internal road accessing Pelech Crescent; 10 visitor parking spaces; and, amenity and landscaped area. The condominium driveways are 6 metres wide and would provide legal vehicular access to the 26 townhouse dwellings. The amenity area and landscaped area will provide aesthetics, and will be maintained by the Condominium Corporation.
3. The land proposed for the common elements condominium and the 26 townhouses will be created through an exemption from Part Lot Control. In this regard, final approval and registration of the Common Elements Condominium cannot occur until such time as Part Lot Control Application PLC-10-038 is approved, and the By-law removing the lands from Part Lot Control has been passed, to the satisfaction of the Manager of Development Planning (Recommendation (d)).

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4. The applicant must also enter into a Development Agreement with the City of Hamilton as a condition of draft plan approval. This Agreement would ensure that the tenure of all the subject residential parcels become “tied” to the proposed draft plan of condominium (Common Elements 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 (Recommendation (e)).
5. The proposed condominium road will be privately owned and maintained. As a condition of approval, the applicant must include a warning clause in the Development Agreement and the Purchase and Sale Agreements to advise perspective purchasers of the following (Recommendation (f)):

“Purchasers are advised that the City of Hamilton will not be providing any maintenance or snow removal service for the private condominium road.”

ALTERNATIVES FOR CONSIDERATION

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

Should the Plan of Condominium (Common Elements Condominium) not be approved, the applicant/owner could only operate the development as a standard block condominium development. An application for standard condominium would be required.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Financial Sustainability

- ◆ Effective and sustainable Growth Management.

Social Development

- ◆ Everyone has a home they can afford that is well maintained and safe.

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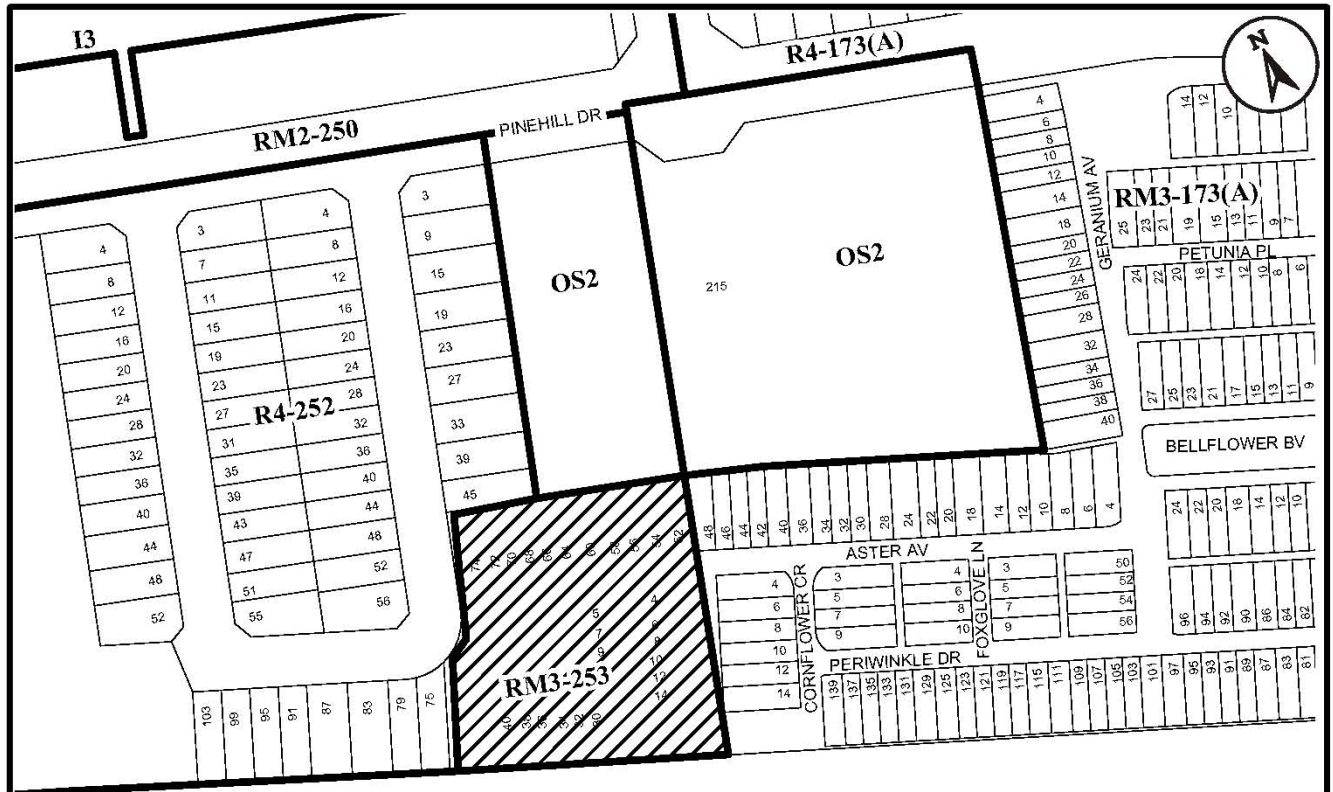
Healthy Community

- ◆ Plan and manage the built environment.
- ◆ Adequate access to food, water, shelter and income, safety, work, recreation and support for all (Human Services).

APPENDICES / SCHEDULES

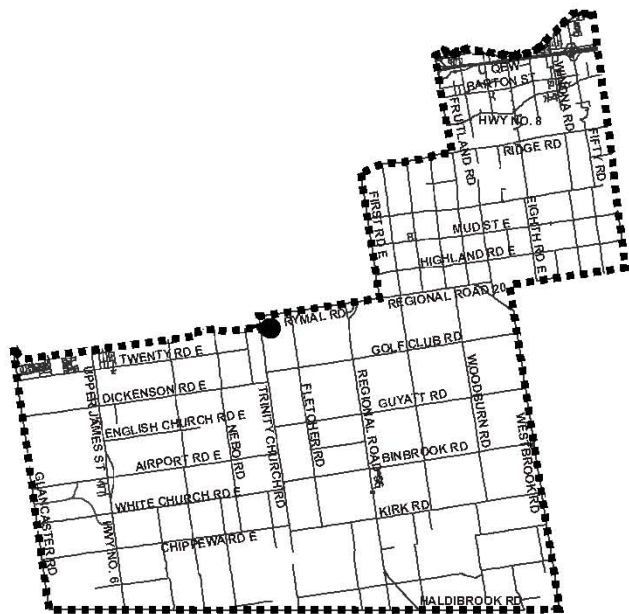
- Appendix "A": Location Map
- Appendix "B": Proposed Draft Plan of Condominium
- Appendix "C": Draft Reference Plan for Part Lot Control Application
- Appendix "D": Site Plan Application DA-10-086

:DF
Attachs. (4)



A1

● Site of the Application



Ward 11 Key Map

N.T.S.



Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
25CDM-201013

Date:
January 19, 2011

Appendix "A"

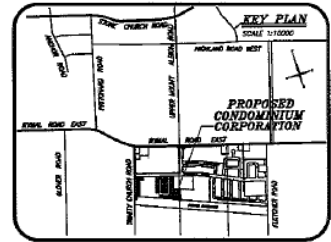
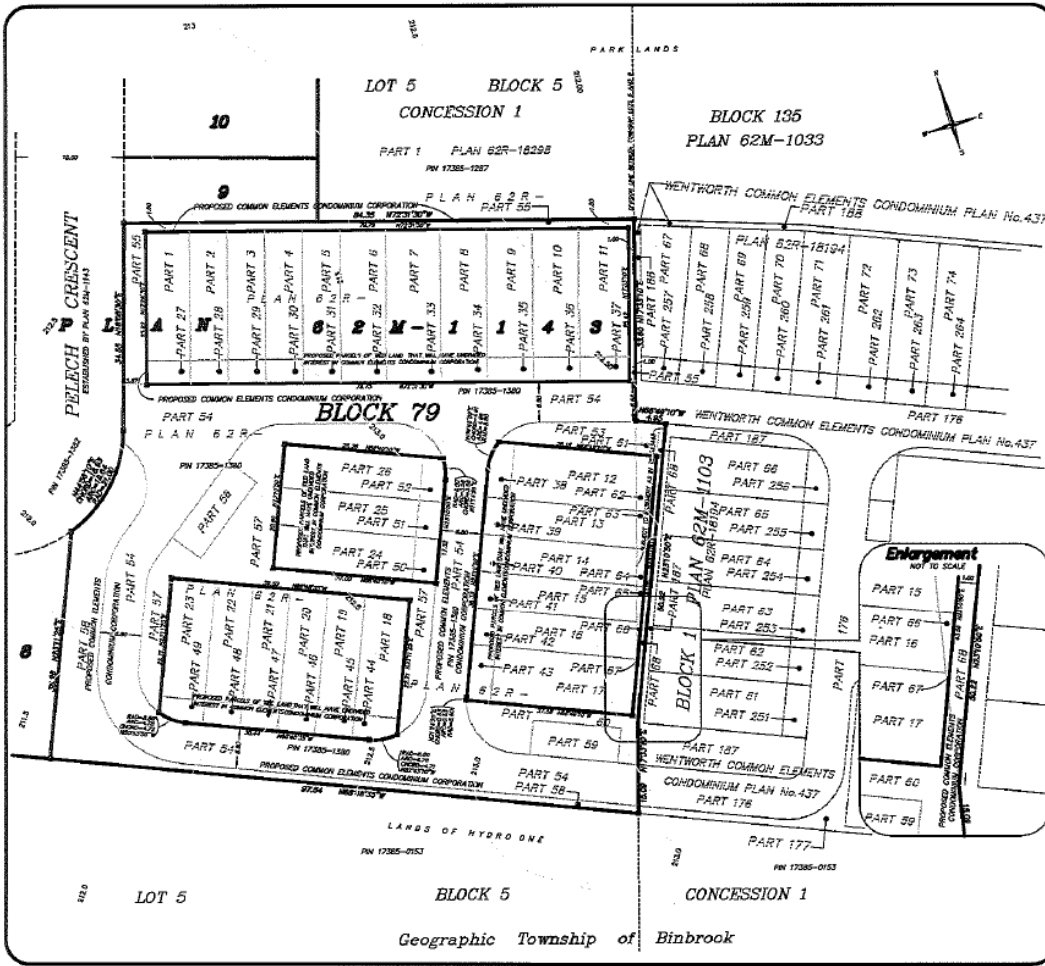
Scale:
N.T.S.

Planner/Technician:
DF/SW

Subject Property



Part of Block 79, Registered Plan 62M-1143
Part of Block 1, Registered Plan 62M-1103



DRAFT PLAN OF
The Gardens at
Summit Park-Phase 2
 BEING A PROPOSED COMMON ELEMENTS CONDOMINIUM CORPORATION OF
PART OF BLOCK 79-PLAN 62M-1143
PART OF BLOCK 1-PLAN 62M-1103
CITY OF HAMILTON
 SCALE 1:400
 B. J. CLARKE O.L.S.

NOTES: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

RE CHAPTER F.15 R.S.O. 1990 SECTION 51(1) OF THE PLANNING ACT AND SECTION 9 OF THE CONDOMINIUM ACT (1980)

A. SHOW ON PLAN
 B. SHOW ON PLAN
 C. SHOW ON PLAN
 D. SEE LAND USE SCHEDULE BY ZONING
 E. SHOW ON PLAN
 F. SHOW ON PLAN
 G. SHOW ON PLAN
 H. GENERAL POND WATER AVAILABLE
 I. CLAY LOAM
 J. SHOW ON PLAN
 K. MUNICIPAL SERVICES TO BE INSTALLED BY SEWERAGE
 L. SHOW ON PLAN

SUBDIVISION CERTIFICATE:
 I. CERTIFY THAT THE SUBDIVISION OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

OCTOBER 26, 2010
 DATE
 B. J. CLARKE
 CHARTERED LAND SURVEYOR

LAND USE SCHEDULE:
 PARTS 51,54,55,56,57,58,59,60,61 AND 58 ON PLAN 62M-1103-1033 COMMON ELEMENTS CONDOMINIUM CORPORATION

CONDOMINIUM DRAFT APPROVAL:
 THIS PLAN IS APPROVED UNDER SECTION 51 OF THE PLANNING ACT AND SECTION 9 OF THE CONDOMINIUM ACT (1980) THIS DAY OF _____, 2010, SUBJECT TO THE CONDITIONS, IF ANY, SET FORTH IN OUR LETTER DATED _____ 2010

CENTRAL MANAGER
 PLANNING AND ECONOMIC DEVELOPMENT
 CITY OF HAMILTON

A. J. Clarke and Associates Ltd.
 SURVEYORS - PLANNERS - ENGINEERS
 205 MAIN STREET WEST, SUITE 200
 HAMILTON, ONTARIO L8P 1R1, CANADA
 TEL. 905-528-8741 FAX 905-528-2289
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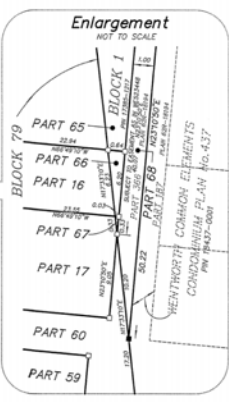
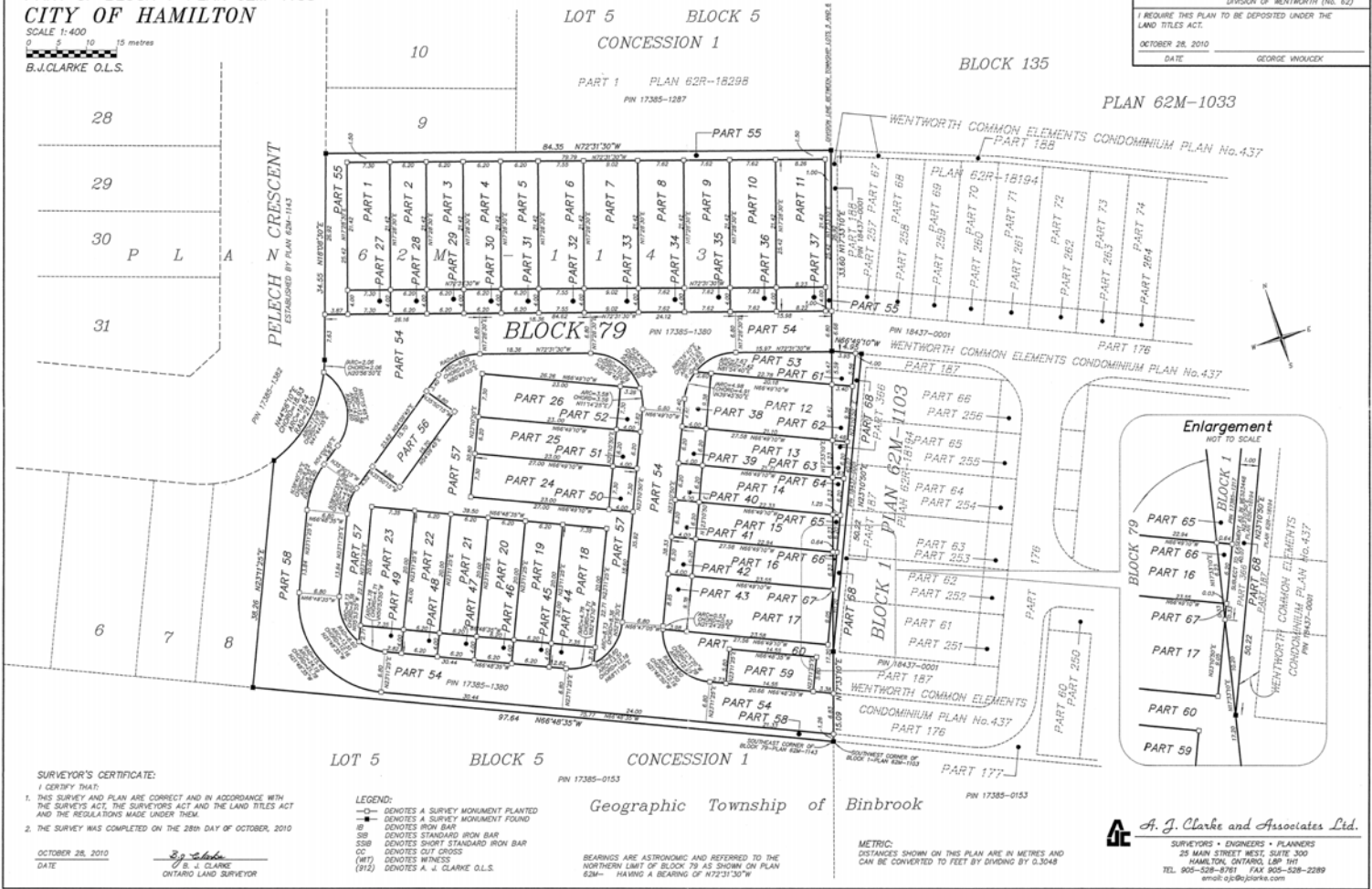
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Appendix "C" to Report PED11020
(Page 1 of 1)

PLAN OF SURVEY OF
BLOCK 79-PLAN 62M-1143
AND
PART OF BLOCK 1-PLAN 62M-1103
CITY OF HAMILTON
SCALE 1:400
0 5 10 15 metres
B.J. CLARKE O.L.S.

SCHEDULE			
PART	BLOCK	PLAN	ALL OF PIN
1 TO 60 (BOTH INCLUSIVE)	ALL OF 79	62M-1143	17385-1380
61 TO 68 (BOTH INCLUSIVE)	PART OF 11	62M-1103	17385-1217

PLAN 62R-
RECEIVED AND DEPOSITED:
DATE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 62)
I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.
OCTOBER 28, 2010
DATE GEORGE WLODAR



SURVEYOR'S CERTIFICATE:
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYOR'S ACT, THE SURVEYORS' ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 28th DAY OF OCTOBER, 2010
OCTOBER 28, 2010
DATE
B.J. CLARKE
ONTARIO LAND SURVEYOR

LEGEND:
—○— DENOTES A SURVEY MONUMENT PLANTED
—●— DENOTES A SURVEY MONUMENT FOUND
—|— DENOTES IRON BAR
—|— DENOTES STANDARD IRON BAR
—|— DENOTES SHORT STANDARD IRON BAR
—|— DENOTES CUT DROSS
(WT) DENOTES WITNESS
(S) DENOTES A. J. CLARKE O.L.S.

Geographic Township of Binbrook
BEARINGS ARE ASTRONOMIC AND REFERRED TO THE NORTHERN LIMIT OF BLOCK 79 AS SHOWN ON PLAN 62M-1143 HAVING A BEARING OF N72°31'30"W

METRIC:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

A. J. Clarke and Associates Ltd.
SURVEYORS • ENGINEERS • PLANNERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, L8N 1P1
TEL. 905-528-8781 FAX 905-528-2289
email: ajc@ajclarke.com

