<table>
<thead>
<tr>
<th>TO: Chair and Members Economic Development and Planning Committee</th>
<th>WARD(S) AFFECTED: WARD 11</th>
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<tr>
<td>COMMITTEE DATE: October 5, 2010</td>
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<td>SUBJECT/REPORT NO: Application for Approval of a Draft Plan of Condominium (Common Elements) for Lands Known as Block 69, Registered Plan 62M-1142, “Binbrook Heights”, South Side of Fall Fair Way (Glanbrook) (PED10217) (Ward 11)</td>
<td></td>
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<tr>
<td>SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department</td>
<td>PREPARED BY: Alvin Chan (905) 546-2424, Ext 1334</td>
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<td>SIGNATURE:</td>
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**RECOMMENDATION:**

That approval be given to **Condominium Application 25CDM-201002, by Rob Geoff Properties Limited (Owner)**, to establish a Draft Plan of Condominium (Common Elements), “Fair Way Heights”, to create an internal road and visitor parking area for 28 townhouse units within Block 69 of Registered Plan 62M-1142, located at Fall Fair Way and Garinger Crescent (Glanbrook), as shown on the attached location map marked as Appendix “A” to Report PED10217, subject to the following conditions:

(a) That this approval apply to the redline revised plan prepared by A.J. Clarke and Associates Ltd., and certified by B. J. Clarke, O.L.S., dated December 11, 2009, showing a common element roadway and visitor parking area, attached as Appendix “B” to Report PED10217.

(b) That the Final Plan of Condominium shall comply with all of the applicable provisions of Zoning By-law No. 464.
(c) That the owner shall finalize the submitted Part Lot Control Application (File No. PLC-10-016), to the satisfaction of the Director of Planning.

(d) That the owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed 28 freehold units has legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor.

(e) That the Final Plan of Condominium shall comply, in all respects, with the Registered Plan of Subdivision, “Binbrook Heights”, 62M-1142, to the satisfaction of the Director of Planning.

(f) That prior to registration of the final plan, the owner shall agree to register an easement for drainage purposes over Block 69 of the Registered Plan of Subdivision, 62M-1142, in favour of the future Condominium Corporation, to the satisfaction of the Director of Development Engineering.

(g) That the owner shall pay the required amount of Municipal Act Watermain Best Effort Recovery Charge of $5,937.48 and $192,473.00 for the Binbrook Stormwater Management Pond, By-law #607-00, to the Budgets and Finance Division, Corporate Services Department, City Hall.

(h) 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.

(i) That the owner shall agree to include the following warning clause(s) in the Development Agreement and all offers of purchase for sale and/or lease agreements:

   i) “Purchasers/tenants are advised that on-street parking will not be permitted on the municipal roadway known as Fall Fair Way.”

   ii) “Purchasers/tenants are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium roadway.”

(j) That the owner shall apply for and receive approval of an Access Permit from the City of Hamilton, Traffic Engineering Section, Public Works Department.
(k) That the owner apply for and receive final approval of a site servicing plan to the satisfaction of the Director of Engineering.

(l) That the owner shall agree to deed, free and clear to the City of Hamilton, any easements that may be required for utility purposes.

(m) That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

EXECUTIVE SUMMARY

The “Binbrook Heights” Subdivision, Registered Plan 62M-1142, which was registered on June 28, 2010, includes a street townhouse block, Block 69 (see Appendix “C”). The purpose and effect of the application is to establish a plan of condominium within Block 69, with a common element roadway and associated visitors parking area to facilitate the proposed 28 freehold street townhouse units (see Appendix “B”).

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

Financial: N/A.

Staffing: N/A.

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

HISTORICAL BACKGROUND (Chronology of events)

Binbrook Heights Plan of Subdivision 62M-1142: Official Plan Amendment No. 77 to the Township of Glanbrook; and Zoning By-law Amendment 10-025:

On June 28, 2010, the revised “Binbrook Heights” Draft Plan of Subdivision was registered as Plan 62M-1142, which included: 68 single-detached lots (Lots 1-68), 1 block for street townhouses (Block 69), 4 blocks for commercial purposes (Blocks 70-73), 1 block for block townhouses (Block 74), 2 blocks for street widening purposes (Blocks 75 and 76), and 1 block for a 0.3m reserve (Block 77) (see Appendix “C”).
Concurrent with the Plan of Subdivision application, Official Plan Amendment and Zoning By-law Amendment applications were also submitted and approved by Council through By-law Nos. 10-024 and 10-025, which are final and binding.

It is noted that the purpose and effect of Official Plan Amendment No. 77 was to re-designate the subject lands (Block 69) from the “Low Density Residential” to the “Medium Density Residential” designation. Block 69 was also rezoned to a site-specific Residential Multiple “RM2-229” Zone, in order to facilitate the proposed 28 street townhouse units.

Proposal:

The purpose and effect of the subject application is for the creation of a common element condominium roadway and visitors parking area within Block 69, in order to facilitate the proposed 28 street townhouse units (see Appendix “B”).

It is noted that development details such as, but not limited to, grading, servicing, and landscaping were previously addressed under the Plan of Subdivision, “Binbrook Heights”, 62M-1142, and accordingly, the proposed 28 freehold street townhouse units which will front onto the proposed roadway and visitor parking area will not require a future Site Plan Control application.

Details of Submitted Application

Location: Block 69, Registered Plan 62M-1142, South Side of Fall Fair Way (see Appendix “A”)

Applicant/Owner(s): Rob Geoff Properties Limited

Agent: A.J. Clarke and Associates Ltd. (c/o Stephen Fraser)

Property Description: Total Lot Area: 2,497.51m²
Total Lot Frontage: Approximately 124.32 metres
Lot Depth: Approximately 22.56 metres

EXISTING LAND USE AND ZONING:

<table>
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<tr>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
<td>Vacant</td>
<td>Residential Multiple “RM2-229” Zone</td>
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<tr>
<td>To be developed as Street Townhouses</td>
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Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
Surrounding Lands:

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<thead>
<tr>
<th>Direction</th>
<th>Land Use</th>
<th>Zoning</th>
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</thead>
<tbody>
<tr>
<td>North</td>
<td>Vacant</td>
<td>Residential Multiple “RM3-231” Zone</td>
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<tr>
<td></td>
<td>To be Developed as Block Townhouses</td>
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<tr>
<td>South</td>
<td>Vacant</td>
<td>Residential “R4-228” Zone and Holding - Residential “H-R4-228” Zone</td>
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<tr>
<td></td>
<td>To be Developed as Single-Detached Residential</td>
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<tr>
<td>East</td>
<td>Vacant</td>
<td>Residential “R4-228” Zone</td>
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<td></td>
<td>To be Developed as Single-Detached Residential</td>
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<tr>
<td>West</td>
<td>Vacant</td>
<td>Residential “R4-228” Zone</td>
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<td></td>
<td>To be Developed as Single-Detached Residential</td>
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POLICY IMPLICATIONS

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

The application has been reviewed with respect to the Provincial Growth Plan for the Greater Golden Horseshoe (Places to Grow). The application is consistent with policies that direct new growth to the built up areas, as per the policies contained in Sections 2.2.2 and 2.2.3 of the Places to Grow Plan. The proposal also maintains the intent to develop and create complete communities which provide for various housing opportunities. Based on the foregoing, the proposed Draft Plan of Condominium is consistent with the Places to Grow Growth Plan for the Greater Golden Horseshoe.

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application is consistent with the policies that focus growth in Settlement Areas 1.1.3.1, and implements Policies 1.1.1, 1.1.3.2, and 1.4.1, which speak to the provision of densities that efficiently use land and provide a mix of housing types. The proposal is, therefore, consistent with the policies of the Provincial Policy Statement.
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. As the nature of the application is for the establishment of a common element roadway and visitors parking area to facilitate the proposed street townhouse development, where full municipal services will be available, the proposal conforms to the Hamilton Wentworth Official Plan.

Township of Glanbrook Official Plan

The subject lands are designated “Residential” on Schedule “A” - Land Use Plan, and as “Medium Density Residential” on Schedule “B” - Binbrook Village Secondary Plan, as amended by Official Plan Amendment No. 77, in the Township of Glanbrook Official Plan.

The proposed freehold street townhouse units conform to the “Residential” and “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’s parking area with landscaping conforms to the Township of Glanbrook Official Plan and the Binbrook Village Secondary Plan, and is supportable.

New Urban Hamilton Official Plan

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. Upon Official Plan Amendment No. 77 to the Township of Glanbrook Official Plan receiving final and binding status, staff was directed, as per Recommendation (e) of Report PED10007, to request the Minister of Municipal Affairs and Housing to appropriately modify the New Urban Hamilton Official Plan to implement Council’s decision. Based on the foregoing, the proposed freehold street townhouse units conform to the New Urban Hamilton Official Plan.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections:

- Hydro One.
Traffic Engineering Section, Public Works Department:

The owner/applicant is advised that in addition to the required Access Permit, attached as Condition (j), the minimum standard approach for this type of development is 7.5m in width at the road allowance, with a 6m curve radii. Note that these are standard requirements and may need to be larger to accommodate garbage/delivery/emergency vehicles. Lastly, any side yard privacy fencing shall be set back a minimum of 2.0m from the road allowance.

Infrastructure and Source Water Planning Section, Public Works Department:

In review of the proposed Draft Plan of Condominium, there are no further comments or concerns; however, the Development Engineer may require the extension of distribution network on Fall Fair Way from the existing 400 watermain dead-end GE05S015 to Regional Road 56 and Maggie Johnson Drive Intersection.

In speaking with the Development Engineering Section, no extension is required and, therefore, there are no further comments or concerns from the Public Works Department, Infrastructure and Source Water Planning Section with regard to the proposed Draft Plan of Condominium.

Capital Budgets Section, Corporate Services Department:

As requested by the Corporate Services Department, and as incorporated in Condition (g), the owner/applicant will be required to pay the required amount of Municipal Act Watermain Best Effort Recovery Charge of $5,937.48 and $192,473.00 for the Binbrook Stormwater Management Pond, By-law #607-00, to the Budgets and Finance Section, Corporate Services Department, City Hall.

Canada Post:

Canada Post has requested that their standard conditions and warning clauses for centralized mail facility through the community mailbox program be included. However, as these requirements have already been addressed as Conditions 81-83 of the Binbrook Heights Plan of Subdivision, 62M-1142, staff is satisfied that no additional conditions will be required through the subject Draft Plan of Condominium application.

Bell Canada:

Bell Canada has requested that their standard conditions with regard to communication/telecommunication services be included. Staff has included the standard condition with regards to telecommunication as Condition (h).
Public Consultation

In accordance with the new provisions of the Planning Act and Council’s Public Participation Policy, 86 Notices of Complete Application and Preliminary Circulation were sent to property owners within 120 metres of the subject property on April 1, 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 April 6, 2010, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

ANALYSIS / RATIONALE FOR RECOMMENDATION

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

   (i) It is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe, Places to Grow Plan.

   (ii) It conforms with and implements the “Urban” designation of the Hamilton-Wentworth Regional Official Plan.

   (iii) It conforms to the “Residential” and “Medium Density Residential” policies of the Township of Glanbrook Official Plan.

   (iv) The proposal implements the Binbrook Village Secondary Plan, as amended by Official Plan Amendment No. 77 to the Township of Glanbrook Official Plan.

   (v) The proposal is consistent with the New Urban Hamilton Official.

2. The purpose of the Draft Plan of Condominium (Common Element) is to approve the proposed condominium road and visitor parking that will facilitate the proposed 28 freehold street townhouse units.

   As the proposed development is consistent with the Provincial Policy Statement, and conforms to the Provincial Growth Plan for the Greater Golden Horseshoe (Places to Grow Plan), Hamilton-Wentworth Official Plan, and Township of Glanbrook Official Plan, and as the proposed condominium road and visitor parking complies with the Residential Multiple “RM2-229” Zone provisions of the Township of Glanbrook Zoning By-law No. 464, the proposed Draft Plan of Condominium is supportable.
3. Development Engineering has advised that the proposed future servicing, grading, fencing, curbing, street trees, road works, landscaping, etc., for this townhouse condominium block have been shown on the “Binbrook Heights” subdivision engineering drawings. Securities for the completion of the required works were included with the cost schedule submitted with the subdivision drawings. However, detailed on-site servicing for the individual units will be subject to further review, and as such, the applicant will be required to apply for and receive final approval of a site servicing plan.

4. Traffic Engineering has advised that the subject development will require an access permit and inclusion of a warning clause prohibiting on-street parking on Fall Fair Way (Condition (i)).

In addition, the owner/applicant is hereby advised that a standard approach for this development is 7.5m in width at the road allowance, with a 6m curve radii. These are standard requirements and may need to be enlarged in order to accommodate garbage/delivery/emergency vehicles. Lastly, should any side yard privacy fencing be required, it shall be set back a minimum of 2.0m from the road allowance.

5. Infrastructure and Source Water Planning has advised that the development may require the extension of distribution network on Fall Fair Way from the existing 400 watermain dead-end GE05S015 to Regional Road 56 and Maggie Johnson Drive Intersection, subject to confirmation by Development Engineering.

In review, Development Engineering has confirmed that no extension is required and, therefore, there are no further comments or concerns with regard to the proposed Draft Plan of Condominium.

**ALTERNATIVES FOR CONSIDERATION:**
(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

Should the Plan of Condominium not be approved, the applicant/owner may develop the block as a Standard Condominium or as rental units with frontage on a private road.
CORPORATE STRATEGIC PLAN  (Linkage to Desired End Results)


Financial Sustainability

- Effective and sustainable Growth Management.
- Generate assessment growth/non-tax revenues.

Social Development

- Everyone has a home they can afford that is well maintained and safe.
- The proposal for Street Townhouses provides for a component of the various housing types that will be available within the “Binbrook Heights” Plan of Subdivision.

Healthy Community

- Plan and manage the built environment.

APPENDICES / SCHEDULES

- Appendix “A”: Location Map
- Appendix “B”: Proposed Draft Plan of Condominium
- Appendix “C”: Plan of Subdivision 62M-1142 (Binbrook Heights)

:AC
Attachs. (3)