TO: Chair and Members
   Economic Development and Planning Committee

WARD(S) AFFECTED: WARD 12

COMMITTEE DATE: September 7, 2010

SUBJECT/REPORT NO:
Application for Approval of a Draft Plan of Condominium (Common Element) (25CDM-201005) for Lands known as 309-369 Stonehenge Drive (Ancaster) (PED10195) (Ward 12)

SUBMITTED BY:
Tim McCabe
General Manager
Planning and Economic Development Department

PREPARED BY:
Kate Mihaljevic
(905) 546-2424, Ext. 4424

SIGNATURE:

RECOMMENDATION:

That approval be given to Condominium Application 25CDM-201005, Landmart Homes, Owner, to establish a Draft Plan of Condominium (Common Element) to create a common element condominium road and rear maintenance access for 28 freehold townhouse dwelling units on Blocks 34-36 of approved Draft Plan of Subdivision 25T-200902 “Stonehenge Drive”, located at 309-369 Stonehenge Drive (Ancaster), as shown on the attached map marked as Appendix “A” to Report PED10195, subject to the following conditions:

(a) That this approval applies to the plan prepared by A.J. Clarke and Associates Ltd., and certified by B.J. Clarke, O.L.S., dated March 8, 2010, showing the window road and rear maintenance access labeled as Blocks 34-36, attached as Appendix “B” to Report PED10195.
(b) That the owner proves that the final plan of subdivision for “Stonehenge Drive” (25T-200902) has been registered, inclusive of Blocks 34-36, and the required cash and securities for construction of Stonehenge Drive Extension and installation of municipal services under the Subdivision Agreement for the above noted development are provided to the City.

(c) That the owner obtains a site servicing permit from the City of Hamilton for installation of the private watermain and sewers to service the proposed townhouse development.

(d) That the Final Plan of Condominium complies with all of the applicable provisions of Zoning By-law No. 87-57.

(e) That the owner enters 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.

(f) That the owner includes the following warning clause in the Development Agreement, 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 agrees to deed, free and clear to the City of Hamilton, any easements that may be required for utility purposes.

(h) That the owner satisfies all conditions, financial or otherwise, of the City of Hamilton.

**EXECUTIVE SUMMARY**

The purpose of the Draft Plan of Condominium application is to establish a common element condominium road and rear maintenance access, to the benefit of 28 freehold townhouse dwelling units proposed on the approved Draft Plan of Subdivision 25T-200902. The proposed window road will be established following the extension of Stonehenge Drive.

*Alternatives for Consideration - See Page 8.*
FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: None.

Staffing: None.

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

HISTORICAL BACKGROUND

The subject property is approximately 0.28 hectares in area, and is located between Meadowlands Blvd. and Raymond Road (see Appendix “A”). The subject lands are contained within the limits of the approved Draft Plan of Subdivision “Stonehenge Drive” 25T-200902. The owner is in the process of satisfying Draft Plan Conditions in order to register the Plan of Subdivision. Upon registration of the subdivision, the owner can proceed with registering the Draft Plan of Condominium.

The applicant submitted a Draft Plan of Subdivision (25T-200902) and a Zoning By-law Amendment (ZAC-09-008) in conjunction with the Roman Catholic Episcopal Corporation of the Diocese of Hamilton to permit a block for Institutional purposes, a block for Group Townhouses, 28 lots for Freehold Townhouses, 3 blocks for common elements, a block for a public right-of-way, 2 blocks for a public walkway, and 5 single detached residential lots. The Draft Plan was approved on February 23, 2010, and the Zoning By-law Amendment was in full force and effect on January 11, 2010.

The Plan of Condominium application is for the establishment of a Common Element condominium road and rear maintenance access (see Appendix “B”), which will be developed to benefit the proposed 28 townhouse dwelling units located at 309-369 Stonehenge Drive.

Details of Submitted Application

Location: 309-369 Stonehenge Drive

Owner/Applicant: Landmart Homes
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

SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) (25CDM-201005) for Lands Located at 309-369 Stonehenge Drive (Ancaster) (PED10195) (Ward 12) - Page 4 of 8

Property Description:

Frontage: 218.52m (On future Stonehenge Drive extension)
Lot Depth: 46.68m (Block 35)
Area: 0.281 ha.

EXISTING LAND USE AND ZONING:

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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 maintains the intent to develop and create complete communities which provide for housing opportunities.
Therefore, the application is consistent with the Places to Grow Growth Plan for the Greater Golden Horseshoe.

**Provincial Policy Statement:**

The application is consistent with the Provincial Policy Statement where it promotes growth in settlement areas, 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.

**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.

**Town of Ancaster Official Plan:**

The subject lands are designated “Residential” on Schedule ‘B’, Land Use - Urban Area in the Town of Ancaster Official Plan, and are located within the Meadowlands V Secondary Plan area. The proposed residential development that will be associated with the condominium road as part of the Draft Plan of Condominium application will permit townhouse dwellings. As such, the proposal conforms to the Town of Ancaster Official Plan.

**Meadowlands Neighbourhood V Secondary Plan**

The subject lands are designated “Medium Density Residential I (29 u.p.h.)” and “Special Policy Areas C” in the Meadowlands Neighbourhood V Secondary Plan.

With regard to “Special Policy Area C”, individual, separate access onto the collector road (extension to Stonehenge Drive) is not permitted to/from the Medium Density 1 Residential units fronting onto the collector road. Establishing the common element window road will satisfy this requirement and will provide access to the freehold townhouse dwellings. Therefore, the proposal conforms to the Secondary 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 “Neighbourhoods” on Schedule E - Urban Structure and Schedule E-1 - Urban Land Use Designations of the New Urban Hamilton Official Plan.

The proposed townhouse dwelling units that are associated with the proposed common element condominium road and rear maintenance access conform to the “Neighbourhoods” designation policies of the New Urban Hamilton Official Plan.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections:

- Budgets and Finance Division, Corporate Services Department.
- Traffic Planning, Public Works Department.
- Parking and By-law Services Division, Planning and Economic Development Department.
- Hydro One.

Canada Post

Canada Post provided comments addressing installation of a centralized mailing area. Since the proposal is for the approval of a common element condominium road, Canada Post’s comments would have been addressed through the Draft Plan Conditions for the “Stonehenge Drive” Subdivision (25T-200902). Canada Post was contacted by staff and advised as such. No further comments were received by Canada Post.

Environment and Sustainable Infrastructure (E & SI), Public Works Department

E & SI provided comments pertaining to erosion and sediment control and stormwater management due to the increase in impervious surface from the common element condominium road. The proposed road was anticipated as part of the approved Draft Plan of Subdivision, therefore, all engineering related works will be addressed via the approved Draft Plan Conditions. E & SI have been contacted by staff and advised as such. No further comments were received.
Public Consultation

In accordance with Council’s Public Participation Policy, the application was circulated as part of the Notice of Complete Application to 122 residents within 120 metres of the subject lands on June 14, 2010. As a result of the pre-circulation, no letters were received expressing concerns on the applications.

Notice of the Public Meeting will be given in accordance with the requirements of the Planning Act through circulation to property owners within 120 metres of the subject lands. In addition, a Public Notice Sign was posted on the property on July 7, 2010.

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 the 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” designation of the Town of Ancaster Official Plan.
   
   (iv) The proposal implements the intent of the Meadowlands Neighbourhood V Secondary Plan.
   

2. The proposal is intended to facilitate the approved Draft Plan of Subdivision 25T-200902 “Stonehenge Drive” by providing adequate access to the proposed freehold townhouse dwelling units from Stonehenge Drive. Upon completion of the Stonehenge Drive extension, the proposed townhouses will be deemed to have legal frontage on Stonehenge Drive.

3. The proposed townhouse dwelling lots draft approved under 25T-200902 (see Appendix “C”) will not be subject to Site Plan Control. Due to the nature of the common element condominium road, and its orientation to the proposed Stonehenge Extension, the dwellings will be deemed to be street townhouses. Street Townhouses are not subject to Site Plan Control.
ALTERNATIVES FOR CONSIDERATION:

If the Draft Plan of Condominium application is denied, the proposed street townhouse dwellings will become rental units with frontage on a private road.

CORPORATE STRATEGIC PLAN


Financial Sustainability

• Effective and sustainable Growth Management.
• Delivery of municipal services and management capital assets/liabilities in a sustainable, innovative, and cost-effective manner.
• Generate assessment growth/non-tax revenues.

Healthy Community

• Plan and manage the built environment.

APPENDICES / SCHEDULES

• Appendix “A”: Location Map
• Appendix “B”: Draft Plan of Condominium
• Appendix “C”: Draft Plan of Subdivision

:KM
Attachs. (3)
Location Map

File Name/Number: 25CDM-201005
Date: June 4, 2010

Appendix "A" Subject Property

Block 34-36 of approved Draft Plan of Subdivision 25T-200902 "Stonehenge Drive"

Ward 12 Key Map N.T.S.