TO:  Chair and Members
   Economic Development and Planning Committee

WARD(S) AFFECTED:  WARD 12

COMMITTEE DATE:  April 20, 2010

SUBJECT/REPORT NO:
Application for Approval of a Draft Plan of Condominium (Common Element) (25CDM-200905) for Lands Located at 625 Garner Road East (Ancaster) (PED10092) (Ward 12)

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

PREPARED BY:  Tim Lee
   (905) 546-2424, Ext.1249

SIGNATURE:

RECOMMENDATION:

That approval be given to **Condominium Application 25CDM-200905, Mattamy (Southcote), Mattamy Homes Limited, (Jenn Morrison), Owner**, to establish a Draft Plan of Condominium (Common Element) to create an internal road network and visitor parking for 52 townhouse dwelling units within Block 1 of Registered Plan 62M-1135, located at 625 Garner Road East (former Town of Ancaster), as shown on the attached map marked as Appendix "A" to Report PED10092, subject to the following conditions:

(a) That this approval applies to the plan prepared by A.T. McLaren Limited, and certified by S.D. McLaren, O.L.S., dated August 31, 2009, showing the internal road network and visitor parking, attached as Appendix "B" to Report PED10092.

(b) That the Final Plan of Condominium complies in all respects, including finalization of the Site Plan Approval, related to this development.

(c) That the Final Plan of Condominium complies with all of the applicable provisions of the applicable Zoning By-law.

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EXECUTIVE SUMMARY

The purpose of the Draft Plan of Condominium application is to establish a common element condominium road and visitor parking lot with 13 visitor parking spaces that is to be developed in association with 52 townhouse dwellings within Registered Plan 62M-1135. The common element condominium road and visitor parking lot will provide for pedestrian and vehicular access for the 52 townhouse dwellings.

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 0.24 hectares (0.58 acres) in area, and is located on the north side of Garner Road East and east of Southcote Road (see Appendix “A”). Lands to the north of the subject property include registered Plan of Subdivision 62M-1135, and consist of low and medium density residential uses to be built as part of the Mattamy Ancaster Arbor subdivision. To the west of the subject lands is an existing auto-body shop. To the east of the subject lands is an existing EMS Station.

The applicant submitted a Draft Plan of Subdivision (25T-200711), a Zoning By-law Amendment (ZAC-07-072), and an Official Plan Amendment (OPA-07-018) to permit 275 lots for single detached dwellings and 40 street townhouses. The application was draft approved on July 15, 2008, and the Official Plan Amendment and the Zoning By-
law Amendment were given final approval on July 22, 2008. The applicant submitted a Site Plan Application (DA-08-111) in August 2008, and was given conditional approval on September 3, 2008, to permit 39 townhouse dwelling units, an internal condominium road, and ten visitor parking spaces.

The applicant submitted a revised Draft Plan of Subdivision (25T-200711(R)) to revise the previous draft approved plan of subdivision to permit 220 lots for single detached dwellings, 52 street townhouses on a future condominium road, 54 townhouse dwellings fronting onto a public street, and a Catholic Elementary School. A related Zoning By-law Amendment (ZAC-09-002) and Official Plan Amendment (OPA-09-01) were also submitted as part of the revised Draft Plan of Subdivision. The revised application was draft approved on August 26, 2009, and the revised Official Plan Amendment and the revised Zoning By-law Amendment were given final approval on August 13, 2009. The lands were registered as Plan 62M-1135 on January 13, 2010, and the subject lands are shown as Block 1 of 62M-1135, and are located on the south end of the subdivision fronting onto Garner Road East (see Appendix “C”). A revised Site Plan Application (DA-08-111(R)) was submitted in July 2009, and was given final approval on February 5, 2010, to permit the construction of 52 townhouse dwelling units, a condominium road, and 13 visitor parking spaces, including 1 barrier-free parking space (see Appendix “D”).

The Plan of Condominium application is for the establishment of a Common Element condominium road and visitor parking lot (see Appendix “B”), which will be developed in association with 52 townhouse dwelling units within Block 1 of 62M-1135 (see Appendix “C”), located at 625 Garner Road East. The application will be to implement the final approved Site Plan Application DA-08-111(R). The Common Element measures approximately 91.3 metres in length and 7.9 metres in combined frontage along Emick Drive, and approximately 17 metres at the base of the subject lands. The subject lands are in a “U” shape configuration, and follow the configuration of the proposed condominium road and visitor parking lot.

**Details of Submitted Application**

**Location:** 625 Garner Road East

**Owner/Applicant:** Mattamy Homes Ltd.

**Property Description:**
- **Frontage:** 16.7m. (approximately)
- **Lot Depth:** 91.3m.
- **Area:** 0.236 ha.
EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<td>Residential Multiple “RM2-593” Zone, Modified</td>
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<tr>
<th>Surrounding Lands:</th>
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<tr>
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<td>Residential Multiple “RM2-593” Zone, Modified</td>
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<tr>
<td>North</td>
<td>Vacant</td>
<td>Residential “RM2-594” Zone, Modified; Residential “R4-592” Zone, Modified</td>
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<tr>
<td>East</td>
<td>Fire Station</td>
<td>Public “P” Zone</td>
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<tr>
<td>South</td>
<td>Agricultural</td>
<td>Agricultural “H-A-455, Zone, Modified, with a Holding Provision</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 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 which 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 III Secondary Plan area. The types of residential development that are permitted within the “Residential” designation is outlined in Section 4.4.2, and includes single detached dwellings, semi-detached dwellings, townhousing, low-rise apartments, and innovative forms of attached housing which are not to exceed three occupied storeys entirely above grade.

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, which will have a maximum height of 13 metres and three storeys in height, as outlined in the zoning regulations of the implementing Zoning By-law (Residential Multiple “RM2-593” Zone, Modified).

The proposed townhouse dwelling units that are associated with the proposed condominium road and visitor parking conform to the policies of the Ancaster Official Plan.

Meadowlands Neighbourhood III Secondary Plan:

The subject lands are designated “Medium Density Residential” in the Meadowlands Neighbourhood III Secondary Plan, which was amended by Official Plan Amendment OPA-09-01, and permits street townhouses and block townhouses with a maximum density of 50 units per hectare.

The proposed townhouse dwelling units that are associated with the proposed condominium road and visitor parking conform to the policies of the Meadowlands Neighbourhood III Secondary Plan.

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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 condominium road and visitor parking 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:

- Corporate Services Department, Budgets and Finance Division.
- Public Works Department, Traffic Planning.
- Hydro One.

Public Works Department (Urban Forestry) - There are no urban forestry concerns with the proposed common element roadway with visitor parking spaces. There are no trees located on the current road allowance fronting the subject lands. No Tree Management Plan has been requested. A Landscape Plan with Details, which was a requirement of the now final approved Site Plan Application, was given final approval.

Corporate Services - That the application/owner pays the Best Effort charges for sanitary sewers of $105,138.00, and watermains of $155,189.30, payable at site plan, severance, and/or subdivision application stage. These fees have been received by the City of Hamilton under the approved Draft Plan of Subdivision 25T-200711 in December, 2009.

Canada Post - Canada Post has requested that the Owner shall complete, to the satisfaction of the Director of Development Engineering of the City of Hamilton and Canada Post, the following:

(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.
(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 of the plan of subdivision.

(iv) Determine the location of all centralized mail receiving facilities in cooperation with Canada Post, and to indicate the location of the 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 required 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.

These concerns have been addressed at the Draft Plan of Subdivision (25T-200711(R)) and Site Plan (DA-08-111(R)) stage.

Public Consultation

In accordance with Council’s Public Participation Policy, the application was circulated as part of the Notice of Complete Application to 29 residents within 120 metres of the subject lands on October 23, 2009. 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 in late October, 2009.
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 III Secondary Plan.

2. The purpose of the Draft Plan of Condominium (Common Element) is to approve the proposed condominium road and visitor parking that will implement Site Plan Application DA-08-111(R), which was approved on February 5, 2010. The final approved Site Plan is shown in Appendix “D”. The Site Plan proposes 52 townhouse dwelling units within Block 1 of Registered Plan 62M-1135, and includes an internal road network in a horseshoe configuration, which provides for direct vehicular and pedestrian access to the townhouse dwelling units, and 13 visitor parking spaces, including one barrier-free parking space.

3. The proposed common element visitor parking spaces will be located on the south side of the subject lands, and meet the requirements of the Zoning By-law. In addition, the parking space dimensions of the visitor parking spaces, including the barrier-free parking spaces, conform to the required dimensions of a parking stall. The proposed condominium road and visitor parking conform to the Ancaster Zoning-By-law.

ALTERNATIVES FOR CONSIDERATION:

If the Common Element Draft Plan of Condominium application is denied, then the applicant could proceed with a Standard Draft Plan of Condominium.
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