



Staff Report for Committee of the Whole Meeting

Date of Meeting: December 4, 2017

Report Number: SRPRS.17.178

Department: Planning and Regulatory Services

Division: Development Planning

Subject: **SRPRS.17.178 – Request for Approval – Draft Plan of Condominium – Carrville South Development Corp. – Town File D05-16011 (19CDM(R)-16011)**

Owner:

Carrville South Development Corp.
14 Connie Crescent, Unit 17
Vaughan, Ontario
L4K 2W8

Agent:

M. Behar Planning and Design Inc.
25 Valleywood Drive, Unit 23
Markham, Ontario
L3R 5L9

Location:

Legal Description: Part of Lots 13 and 14, Registered Plan 1960
Municipal Addresses: 5, 6, 7, 8, 9, 10, 11 and 12 Sombrero Lane and 31, 33, 35, 37, 39, 43, 45, 47 and 49 Stallibrass Lane (previously 715, 719 and 725 Carrville Road)

Purpose:

A request for approval of a draft Plan of Condominium to establish common element condominium tenure for a townhouse development currently under construction on the subject lands.

Recommendation:

- a) That the proposed draft Plan of Condominium submitted by Carrville South Development Corp. for lands known Part of Lots 13 and 14, Registered Plan 1960, (Municipal addresses: 5, 6, 7, 8, 9, 10, 11 and 12 Sombrero Lane and 31, 33, 35, 37, 39, 43, 45, 47 and 49 Stallibrass Lane) (previously 715, 719 and 725

Carrville Road), Town File D05-16011 (19CDM(R)-16011), be draft approved subject to the following condition:

- i) that draft approval be subject to the conditions as set out in Appendix “A” to SRPRS.17.178.**

Contact Person:

Simone Fiore, Planner II – Subdivisions, phone number 905-771-2479 and/or
Denis Beaulieu, Manager of Development, Subdivisions, phone number 905-771-2540

Report Approval:

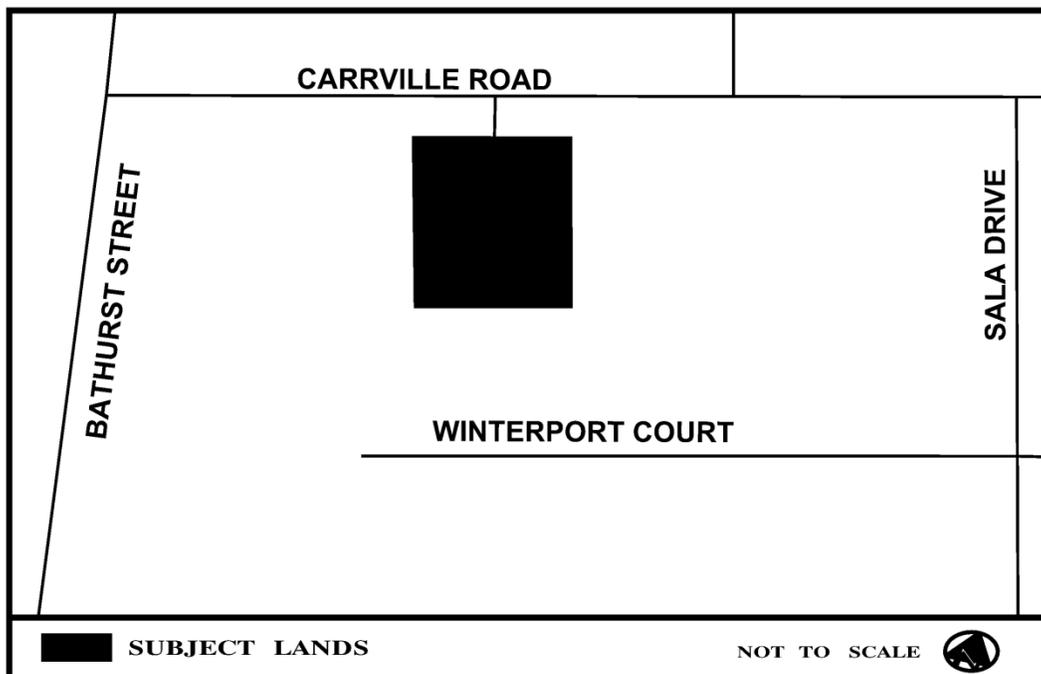
Submitted by: Kelvin Kwan, Commissioner of Planning and Regulatory Services

Approved by: Neil Garbe, Chief Administrative Officer

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), Town Solicitor (as required), Commissioner, and Chief Administrative Officer. Details of the reports approval are attached.

Location Map:

Below is a map displaying the property location. Should you require an alternative format call the person listed under “Contact Person” above.



Background

The subject draft Plan of Condominium application was received by the Town on November 18, 2016 and deemed complete on November 29, 2016. The application was subsequently circulated to Town departments and external agencies for review and comment. The purpose of the draft Plan of Condominium application is to establish common element condominium tenure for a townhouse development currently under construction on the subject lands. The common element areas include the roads, visitor parking spaces and landscape buffers along Carrville Road. The purpose of this report is to seek Council's approval of the applicant's draft Plan of Condominium.

Summary Analysis

Site Location and Adjacent Uses

The subject lands are located on the south side of Carrville Road, east of Bathurst Street and have a total lot area of approximately 0.4 hectares (0.99 acres). The lands support a residential development that is currently under construction and abut Carrville Road to the north and low-rise residential dwellings to the south, east, and west (refer to Maps 1 and 2).

Owner's Request

The owner of the subject lands is requesting approval of a draft Plan of Condominium pursuant to Section 51 of the *Planning Act*, R.S.O. 1990 in order to facilitate the establishment of a common element condominium over the roads, visitor parking spaces and landscape buffers along Carrville Road to accommodate seventeen (17) townhouse dwelling units on its land holdings (refer to Map 5).

Official Plan and Zoning

The subject lands are designated **Neighbourhood** in accordance with Schedule A2 – Land Use of the Town's Official Plan. The **Neighbourhood** designation generally permits low and medium density residential uses subject to specific policies in the Official Plan. In this regard, townhouses are permitted along arterial streets in the **Neighbourhood** designation.

The subject lands are currently zoned **Multiple Residential One (RM1) Zone** under By-law 2523, as amended by By-law 95-14, with site specific development standards to permit the approved townhouse development (refer to Map 3).

Development Proposal

The owner is presently finalizing the construction of seventeen (17) townhouse dwellings with common element condominium roads, visitor parking spaces and landscape buffers along Carrville Road on its land holdings. The following is a summary of the pertinent statistics for the subject development:

- **Site Area: 0.4 hectares (0.99 acres)**
- **Number of Buildings: 4**
- **Number of Units: 17**
- **Number of Storeys: 3**
- **Density: 42.5 units per hectare (17.2 units per acre)**
- **Total Gross Floor Area: 4,290.0 square metres (46,177.2 square feet)**
- **Lot Coverage: 43%**
- **Paved Area: 26%**
- **Landscaped Area: 31%**
- **Resident Parking: 34**
- **Visitor Parking: 5**

Planning Analysis

Site Plan Approval for the subject development was granted by the Town on September 24, 2015. A Site Plan Agreement has been executed by the owner and the Town and Building Permits have been issued. The Agreement will be registered on title following the Region of York's execution of the Agreement. Registration of the Site Plan Agreement will be required in fulfillment of the conditions of draft approval (refer to Appendix "A").

Staff Report SRPRS.14.011 (considered at the February 18, 2014 Committee of the Whole meeting) identified that the applicant's private road design could facilitate the extension of Lane "B" (Stallibrass Lane) if and when the abutting lands develop to the east and west of the subject lands. The Town acknowledged the need for the conveyance of easements for rights of access to abutting lands through conditions of approval for the draft Plan of Condominium application. Given staff's recommendation in SRPRS.14.011, a condition has been included which speaks to the creation of access easements (refer to Appendix "A"). Further, staff notes that the eastern property has been developed as a semi-detached dwelling as per Council's approval of By-law 120-16. An access easement is still being sought over the lands in the event that these lands redevelop in the future.

Planning staff has reviewed the applicant's draft Plan of Condominium (refer to Map 5) and notes that the submitted draft Plan is in keeping with the approved Site Plan for the subject development. In this regard, staff has no objection to the approval of the proposed draft Plan of Condominium, subject to the conditions outlined in Appendix "A" of this report.

Financial/Staffing/Other Implications

The recommendations of this report do not have any financial, staffing or other implications.

Relationship to Strategic Plan

The application would achieve **Goal Two** of the **Town's Strategic Plan – Better Choice in Richmond Hill** by enhancing the housing and tenure options available for residents within the Town. The proposal would also align with **Goal Four – Wise Management of Resources in Richmond Hill** in representing efficient use of available land.

Conclusions

The applicant is seeking Council's approval of a draft Plan of Condominium to establish common element condominium tenure for a townhouse development on the subject lands. The common element areas include the roads, visitor parking spaces, and the landscape buffer along Carrville Road. Staff is recommending that the applicant's request be approved subject to the conditions set out in Appendix "A" to this report.

Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format please call contact person listed in this document.

- Appendix A, Schedule of Draft Conditions
- Map 1 Aerial Photograph
- Map 2 Neighbourhood Context
- Map 3 Existing Zoning
- Map 4 Approved Site Plan
- Map 5 Draft Plan of Condominium

Appendix “A”

Schedule of Conditions “Common Element Condominium” Draft Plan of Condominium

**Carrville South Development Corp.
Part of Lots 13 and 14, Registered Plan 1960
Town of Richmond Hill**

Town File: D05-16011 (19CDM(R)-16011)

The conditions of the Council of the Town of Richmond Hill to be satisfied prior to the release for registration of Plan of Condominium 19CDM(R)-16011, Town of Richmond Hill, are as follows:

Town of Richmond Hill

Planning and Regulatory Services Department (Development Planning Division)

1. Approval shall relate to a draft Plan of Condominium prepared by Ertl Surveyors, Ontario Land Surveyors, Project No.: 12222, dated October 21, 2016.
2. The Owner shall fulfill Site Plan provisions pertaining to a related Site Plan Agreement between the Owner, the Town and the Regional Municipality of York dated September 24, 2015 (Town File D06-10084) to the satisfaction of the Commissioner of Planning and Regulatory Services, and shall agree that prior to final approval, the Site Plan shall be fully executed and registered by the Town in the Land Registry Office of the Land Titles Division of York Region.
3. The Owner shall enter into a Condominium Agreement, if required to do so by the Town which shall be registered on title and to the satisfaction of the Town Solicitor, in priority to all other claims or interest.
4. The Owner shall submit plans of Condominium pre-approved by the Land Registry Office, satisfactory to the Town, prior to final approval of the Plan of Condominium.
5. Prior to final approval, the Owner shall, if required to do so by the Town, submit to and obtain the approval of the Town for the form and content of the Condominium Description and Declaration and the Owner shall incorporate into

the Plan and Declaration under Section 7 of the *Condominium Act*, 1998, all right(s)-of-way and easements for vehicular access, on-site traffic circulation, municipal servicing or utility servicing to the satisfaction of the Town.

6. The Owner shall agree to create a non-exclusive surface easement (the "**Easement**") over the interior private roadways, to be known as Sombrero Lane and Stallibrass Lane, to be constructed upon a portion of the grade level of the Subject Lands, in favour of the adjacent property located to the east of the Subject Lands, legally described as Part of Lot 15, Plan 1960, Vaughan, designated as Part 1 on Plan 64R-8598, Town of Richmond Hill, being all of PIN 03215-0663, and municipally known as 711 Carrville Road, Richmond Hill and 713 Carrville Road, Richmond Hill (the "**East Benefitting Lands**") and in favour of the adjacent properties located to the west of the Subject Lands, legally described as Part of Lot 1, Plan 1960, Vaughan; and Part of Lot 2, Plan 1960, as in Instrument No. R628783; Town of Richmond Hill, being all of PIN 03215-0369, municipally known as 737 Carrville Road, Richmond Hill (the "**West Benefitting Lands**") for the purpose of sharing the access to Carrville Road and of providing vehicular interconnection and pedestrian and vehicular ingress and egress between the Subject Lands, the East Benefitting Lands and the West Benefitting Lands. The Easement shall be a surface easement, which shall be created pursuant to section 20 of the *Condominium Act, 1998 (Ontario)* by describing the Easement in the condominium declaration and description. The Easement shall be in a form and location satisfactory to the Commissioner and the Owner shall be responsible for the preparation of any and all Reference Plan(s) necessary for the creation or conveyance of the Easement and for all other costs related to such creation or conveyance.

Planning and Regulatory Services Department (Regulatory Services Division)

7. Prior to final approval of the Plan, the Owner shall provide the Town with evidence in the form of an Architect's Certificate or other certification, satisfactory to the Town, stating that all buildings are substantially completed to the extent that all boundaries of the units to be created have been constructed.
8. Prior to final approval of the Plan, the Owner shall provide the Town with evidence in the form of an Ontario Land Surveyor's Certificate stating that all buildings have been located on the ground in accordance with the Site Plan contained in the said Site Plan Agreement between the Owner and the Town dated September 24, 2015.
9. Prior to final approval of the Plan, the Owner shall have fully complied with all orders issued pursuant to the *Building Code Act*, 1992 and shall have completed all work necessary to correct any building deficiencies related to said order to the satisfaction of the Town.

Planning and Regulatory Services Department (Development Engineering Division)

10. Prior to final approval of the Plan, the Owner shall provide the Town with evidence in the form of Engineer's Certificate stating that all grading, drainage, above and below ground services, asphalt paving, concrete works and demarcation of parking spaces within the Common Element Condominium area, and any other matters required to support the development of the lands within the Plan, including but not limited to, any retaining walls, low impact development features that are to be located within the Parcels of Tied Land and are to be secured with easements in favour of the Condominium Corporation, have been substantially completed in accordance with the plans and conditions in the said Site Plan Agreement. To guarantee completion of aforesaid work, the letter of credit secured through the Site Plan Agreement will be kept in full force by the Town.
11. The Owner shall file with the Town, if required to do so by the Town, certification from a Professional Engineer or Ontario Land Surveyor or Solicitor authorized to practice in the Province of Ontario that all necessary easements required to service the lands and buildings within the Plan and any adjoining lands (if such adjoining lands were, at any time, a single parcel of land with the lands within the Plan) for, but not limited to, access, parking, street lighting, water, sanitary sewer, storm sewer, structural support grading, retaining walls, low impact development features, amenity areas, access and maintenance purposes, have been lawfully created or will be lawfully created upon the registration of the Declaration referred to in Condition 5.

Planning and Regulatory Services Department (Parks and Natural Heritage Planning Section)

12. The Owner shall complete all required landscape works and the undertaking of any maintenance in the manner specified in the Site Plan Agreement.
13. The Owner shall agree within the Condominium Declaration to make provisions for the ongoing maintenance of all landscaped areas.

Corporate & Financial Services

14. Prior to final approval, the Owner shall pay the applicable Release Fees to the satisfaction of the Town.
15. The Owner shall pay any outstanding taxes owing to the Town.

16. The Owner shall pay any outstanding Local Improvement charges owing against the subject lands.

Canada Post

17. Prior to final approval, the Owner shall satisfy the requirements of Canada Post with respect to the proposed condominium development on the subject lands.

Enbridge Gas Distribution

18. Prior to final approval, the Owner shall satisfy the requirements of Enbridge Distribution with respect to the proposed condominium development on the subject lands.

Regional Municipality of York

19. Prior to final approval, the Owner shall provide confirmation that all conditions of the Site Plan Approval issued for the subject property on August 10, 2015 under Regional File No. SP-R-011-11, have been satisfied.
20. Prior to final approval, the Owner shall execute all Regional Agreements and obtain all of the necessary permits required as part of the Site Plan Approval for the subject property issued on August 10, 2015 under Regional File No. SP-R-011-11.
21. Prior to final approval, the Owner shall confirm that all of the works within the Carrville Street right-of-way have been completed to the satisfaction of the Region or that the Region holds sufficient securities to cover the cost of any outstanding works. Should there be insufficient security to cover the cost of the remaining works, the Owner shall arrange for the deposit of additional securities in an amount sufficient to cover the costs of all outstanding works.
22. Prior to final approval, the Owner shall provide confirmation that all transfers of obligations have been completed where Regional Agreements require responsibility to change from the Owner to the Condominium Corporation.

Clearance Conditions

23. The Town shall advise that Conditions 1 to 16 have been satisfied. The clearance letter shall include a brief statement detailing how each condition has been met.
24. Canada Post shall advise that Condition 17 has been satisfied. The clearance letter shall include a brief statement detailing how the condition has been met.

25. Enbridge Gas Distribution shall advise that Condition 18 has been satisfied. The clearance letter shall include a brief statement detailing how the condition has been met.
26. The Regional Municipality of York shall advise that Conditions 19 to 22 have been satisfied. The clearance letter shall include a brief statement detailing how each condition has been met.

In accordance with Section 51 of the *Planning Act*, R.S.O. 1990, the decision to approve the draft Plan of Condominium, subject to the above conditions, is deemed to have been made on _____.

Kelvin Kwan
Commissioner of Planning and Regulatory Services

DATED at Richmond Hill this _____ day of _____, 20**.

NOTE: WHERE FINAL APPROVAL FOR REGISTRATION HAS NOT BEEN GIVEN WITHIN THREE (3) YEARS AFTER THE DATE UPON WHICH APPROVAL TO THE PROPOSED PLAN OF CONDOMINIUM WAS GIVEN, THE TOWN OF RICHMOND HILL MAY, IN ITS DISCRETION AND PURSUANT TO THE *PLANNING ACT*, R.S.O. 1990, WITHDRAW ITS APPROVAL TO THIS PROPOSED PLAN OF CONDOMINIUM, UNLESS APPROVAL HAS BEEN SOONER WITHDRAWN, BUT THE TOWN OF RICHMOND HILL MAY, FROM TIME TO TIME, EXTEND THE DURATION OF THE APPROVAL.

Report Approval Details

Document Title:	SRPRS.17.178 - Request for Approval - Draft Plan of Condominium .docx
Attachments:	- MAP_1_AERIAL_PHOTOGRAPH.pdf - MAP_2_NEIGHBOURHOOD_CONTEXT_S516011.pdf - MAP_3_EXISTING_ZONING_S516011.pdf - MAP_4_APPROVED_SITE_PLAN.pdf - MAP_5_DRAFT_PLAN_OF_CONDOMINIUM_19CDM(R)-16011.pdf
Final Approval Date:	Nov 21, 2017

This report and all of its attachments were approved and signed as outlined below:

Gus Galanis - Nov 20, 2017 - 5:30 PM

Kelvin Kwan - Nov 21, 2017 - 10:48 AM

Neil Garbe - Nov 21, 2017 - 10:54 AM