TO: Chair and Members  
Economic Development and Planning Committee  
WARD(S) AFFECTED: WARD 11  
COMMITTEE DATE: April 6, 2010  
SUBJECT/REPORT NO:  
Application for Approval of Revisions to a Draft Plan of Subdivision Known as “Summit Park - Phase 5”, and Amendments to the Glanbrook Official Plan and Zoning By-law 464, for Lands Located Within Part of Lot 5, Block 5, Concession 1, Geographic Township of Binbrook, and Block 136, Registered Plan 62M-1033, in the Former Township of Glanbrook (PED10083) (Ward 11)  
SUBMITTED BY:  
Tim McCabe  
General Manager  
Planning and Economic Development Department  
PREPARED BY:  
Chris Bell  
(905) 546-2424, Ext. 1262  
RECOMMENDATION:  
(a) That approval be given to Subdivision Application 25T-200716(R), by Multi-Area Developments, Owner, to revise the previously approved draft plan of subdivision for “Summit Park - Phase 5”, subject to the following conditions:  
(i) That this approval apply to “Summit Park - Phase 5”, prepared by A.J. Clarke & Associates Ltd., and certified by B.J. Clarke, OLS, dated January 19, 2010, showing 1 block for a secondary school (Block 143), 1 block for local commercial uses (Block 144), 2 blocks for street townhouses (Blocks 141 and 142), 138 lots (Lots 1-138) for single detached dwellings, 1 block (Block 139) for low to medium density residential, 1 neighbourhood park block (Block 140), road widening blocks along Rymal Road East and Trinity Church Road, together with the creation of 4 new streets (the

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extension of Pinehill Drive, Pelech Crescent, Whitworth Terrace, and Hyslop Avenue), attached as Appendix “C” to Report PED10083, subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “D”.

(ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the following items:

(1) Any oversizing of the Pinehill Drive watermain;

(2) Any road oversizing of Pinehill Drive and Trinity Church Road; and,

(3) That the City will cost share 50% for the equivalent of a 1.5m high galvanized fence that runs along the north side of Block 139 and the east side of Lots 57 to 65, adjacent to the proposed City Park Block 140.

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, prior to the registration of the plan. The calculation of the Cash-in-Lieu payment shall be based upon the unit count, as shown on the Final M Plan, and 2% for the commercial block, minus the land credit related to the conveyance of Block 140;

all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

(b) That the conditions of draft plan approval of Draft Plan of Subdivision Application 25T-200716(R), by Multi-Area Developments, Owner, be revised by repealing the conditions of draft plan approval, originally considered by Council as Report PED08249, and adopted November 12, 2008, and replacing with the conditions of draft plan approval shown in Appendix “D” to Report PED10083.

(c) That approval be given to Official Plan Amendment Application OPA-09-012, by Multi-Area Developments, Owner, for Official Plan Amendment No. __, for a change in designation from “Medium to High Density Residential” to “Institutional” (Block 1 on Schedule “A” of Appendix “E” to Report PED10083), and to amend the policy associated with the “Local Commercial” designation to allow a maximum gross leasable floor area of 2,500 square metres for any group
of local commercial uses, and a maximum gross leasable floor area of any individual commercial establishment of not more than half of the total gross leasable floor area provided on the site; and from “Medium to High Density Residential” to “Low to Medium Density Residential” (Blocks 2 and 3 on Schedule “A” of Appendix “E” to Report PED10083) on the lands located within Part of Lot 5, Block 5, Concession 1, Geographic Township of Binbrook, and Block 136, Registered Plan 62M-1033, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “E” to Report PED10083, be adopted by City Council.

(d) That approval be given to Zoning Application ZAC-09-048, by Multi-Area Developments, Owner, for changes in zoning from General Agricultural “A1” Zone to the General Commercial “C3-249” Zone (Block 1, Schedule “A” of Appendix “F” to Report PED10083); from the Residential Multiple “RM4-251” Zone and the Residential Multiple “RM2-250” Zone to the Major Institutional “I3” Zone (Block 1, Schedule “A” of Appendix “G” to Report PED10083); from the Residential Multiple “RM4-251” Zone to the “RM2-250” Zone (Block 2, Schedule “A” of Appendix “F” to Report PED10083); and to revise the site-specific special provisions for the general Commercial “C3-249” Zone by allowing a maximum gross leasable floor area of 2,500 square metres for any group of local commercial uses, and a maximum gross leasable floor area of any individual commercial establishment of not more than half of the total gross leasable floor area provided on the site, on lands located within Part of Lot 5, Block 5, Concession 1, Geographic Township of Binbrook, and Block 136, Registered Plan 62M-1033, as shown on Schedule “A” of Appendices “F” and “G” to Report PED10083, on the following basis:

(i) That the draft By-laws, attached as Appendices “F” and “G” to Report PED10083, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan for the Township of Glenbrook upon finalization of Official Plan Amendment No. ____.
EXECUTIVE SUMMARY

The original “Summit Park - Phase 5” development proposal, which consisted of an Official Plan Amendment, Zoning By-law Amendment, and draft plan of subdivision application, was approved by Hamilton City Council in November, 2008.

Through the new applications, the owner is requesting further amendments to the Township of Glanbrook Official Plan and Zoning By-law, and revisions to the previously approved draft plan of subdivision (see Appendix “B”), to change the lot layout and land use policies and regulations affecting the lands north of the Pinehill Drive extension to allow for a substantial portion of the lands to be used for a secondary school. In addition, the proponent is seeking to allow lands located southeast of the intersection of Rymal Road and Trinity Church Road to be used for Local Commercial purposes, with a total gross floor area of all uses not exceeding 2,500 square metres and no single use being more than half the floor area of all the uses combined. Finally, the proponents are seeking to add a row of street townhouse dwellings on the north side of the proposed Pinehill Drive extension. The proposed plan of subdivision is more particularly shown on Appendix “C”.

The proposal has merit and can be supported since the applications are consistent with the Provincial Policy Statement and conform with the Hamilton-Wentworth Official Plan. The proposed development is considered to be compatible with and complementary to the existing and planned development in the immediate area.

Alternatives for Consideration - See Page 25.

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

Financial: The City’s financial share of this development is identified in Recommendation (a) (ii).

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider applications for Amendments to the Official Plan, Zoning By-law, and for approval of a Draft Plan of Subdivision.
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HISTORICAL BACKGROUND (Chronology of events)

Details of Submitted Applications

Location: Part of Lot 5, Block 5, Concession 1, Geographic Township of Binbrook, and Block 136 - Registered Plan 62M-1033

Owners: Multi-Area Developments Inc.

Agent: A.J. Clarke and Associates (Stephen Fraser)

Property Size: Area: 18.029 hectares

Frontage: 352.25 metres (Binbrook Road)

340.87 metres (Trinity Church Road)

Depth: Varies

Servicing: Full Municipal Servicing

EXISTING LAND USE AND ZONING:

<table>
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<tr>
<th>Subject Land:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<td>Existing Vacant Dwelling and Temporary Stormwater Management Pond</td>
<td>Local Commercial (C3-249) Zone, Multiple Residential (RM2-250) Zone, Multiple Residential (RM4-251) Zone</td>
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<th>Surrounding Land:</th>
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<tbody>
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<td>North</td>
<td>Vacant and Single Detached Residential Lots</td>
<td>Service Commercial “CS-1” Zone, Single Residential “R1” Zone, Neighbourhood Development “ND” Zone</td>
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</tbody>
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On November 12, 2008, City Council previously considered and approved amendments to the Official Plan policies and Zoning regulations that applied to the property together with a Draft Plan of Subdivision application. These development applications were intended to facilitate the development of the lands in the manner illustrated on the plan attached as Appendix “B”. The proposal consisted of 138 single detached dwelling lots, one 0.838 ha. low to medium density residential block (Block 139), one 0.614 ha. neighbourhood park block (Block 140), three medium to high density residential blocks ranging in size from 0.773 ha. to 5.889 ha. (Blocks 141, 142, and 143), and one 0.612 ha. local commercial block (Block 144), together with the extension of Pinehill Drive, and the creation of five new public roads (Streets ‘A’ through ‘E’).

Since the previous application was approved, the Hamilton Wentworth Catholic District School Board (HWCDSB) has expressed a desire to purchase a portion of the lands within the “Summit Park - Phase 5” subdivision for a new secondary school to service the Stoney Creek mountain area. This current proposal is intended to allow for lands identified as Block 143 on Appendix “C” to be conveyed to the HWCDSB, and provide policies and regulations for it to be used for secondary school purposes. Additionally, the reconfiguration of the land holding associated with the school block has brought on
the need to also reconsider the development form on surrounding lands. The owner is, therefore, seeking to rezone and redesignate the lands fronting onto the north side of the extension of Pinehill Drive to permit street townhouse dwelling units.

In addition, the owners have more recently purchased the lands at 21 Trinity Church Road. These lands were not owned by the applicant during the consideration of the previous development applications and were, therefore, neither included in the previous draft plan of subdivision application nor rezoned in accordance with the “Local Commercial” policies of the Rymal Road Secondary Plan. Therefore, the proponent is using these development applications as an opportunity to rezone and redesignate the lands to allow “Local Commercial” uses at 21 Trinity Church Road, and provide additional policies to the designated local commercial lands to allow a total gross floor area of all uses not exceeding 2,500 square metres, with no single use being more than half the floor area of all the uses combined.

The current applications only affect lands north of the proposed Pinehill Drive extension. No changes are being sought to the previous planning approvals that apply to lands south of Pinehill Drive. In fact, the owners continue to move forward with the first phase of development consisting of 138 single detached dwelling lots south of Pinehill Drive.

POLICY IMPLICATIONS

Provincial Policy Statement:

These applications have been reviewed to confirm compliance with the Provincial Policy Statement (PPS). Staff has determined that the application is consistent with the policies found in Subsection 1.1.3.1. of the PPS respecting growth in Settlement Areas. Policy 2.6.2 outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resource must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted. The applicant has provided a Stage 1 and 2 archaeological assessment for the entire property, which determined that no further archaeological work is required. The Ministry of Culture (MoC) has issued its clearance advising that there are no further concerns with respect to archaeological resources.
Policy 1.7.1 (e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports and transportation corridors) and sensitive land uses are appropriately designed, buffered, and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. Due to the proximity of the subject lands to John C. Munro Airport and Rymal Road East, a noise assessment is required to address this concern. The applicant has submitted a Noise Study with their application demonstrating that the proposed development is feasible. However, a condition of draft plan approval will be included to ensure that any control measures to be dealt with at a stage closer to development are properly implemented (Special Condition No. 1 in Appendix “D”).

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

Section 1.2.2 of the Growth Plan for the Greater Golden Horseshoe 2006 indicates that some of the guiding principles of the Plan are to “build compact, vibrant, and complete communities”, and to “optimize the use of existing and new infrastructure to support growth in a compact efficient form”. The application is consistent with these principles as it proposes to build a more compact community by allowing a development which will maximize the development potential of the site.

Hamilton-Wentworth Official Plan:

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban 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.

Policy B-9.2 requires that the City consider protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and redevelopment. Where possible, these attributes are to be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection.

Therefore, as the nature of the applications is for amendments to the Official Plan and Zoning By-law to permit the development of a draft plan of subdivision with various urban uses, the proposal conforms to the general intent of the Hamilton-Wentworth Official Plan as the proponent has received clearance from the Ministry of Culture (MoC) that all archaeological resource concerns have been addressed.
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Township of Glanbrook Official Plan:

The subject lands are designated as “OPA 36, Rymal Road Planning Area” on Schedule “A”, Land Use Plan in the Township of Glanbrook Official Plan. Further, these lands are designated “Low to Medium Density Residential”, “Medium to High Density Residential”, “Public Park”, “Service Recreational Commercial”, “Stormwater Management Area”, and “Local Commercial”, on Schedule “I”, Rymal Road Secondary Plan Land Use Plan.

The relevant policies for each of these designations are found below:

“B.3.2.2 Residential Designations

Residential development in the Rymal Road Planning Area will have a compact urban form. Lands designated ‘Residential’ shall be developed in accordance with Schedule I - Rymal Road Secondary Plan Land Use Plan and the following policies:

B.3.2.2.1 General Policies for all Residential Designations

(a) Housing opportunities shall be responsive to a variety of housing needs in order to make housing accessible to a range of persons. Council is committed to encouraging a variety of housing opportunities suitable to a wide range of housing needs through a variety of tenure options, housing prices, and housing forms, including innovative housing ideas.

(b) Adult lifestyle development is permitted within each residential designation provided it is contained in a housing form permitted by the respective designation, and provided that:

i. The predominant use of these lands shall be for residential dwellings. Other accessory uses may be permitted including recreational uses, local commercial uses, storage facilities, and administration and sales office(s), which are designed to exclusively serve the needs of the residents of the adult lifestyle community, and are compatible with the residential development.
ii. The provision of open space areas within the adult lifestyle developments through the clustering of the residential units shall be encouraged, as well as other innovative site planning designs which satisfy the policies of this Plan and the regulations of the implementing Zoning By-law.

iii. These areas shall be zoned on a site-specific basis in the implementing Zoning By-law. The site-specific zoning shall identify specific permitted uses and establish regulations which may include such matters as minimum setback distances; maximum building heights; separation distances between separate and/or blocks of dwelling units; minimum landscaping and buffering requirements; on-site recreational and commercial uses; minimum parking and open space requirements; and other matters deemed necessary by Council.

iv. All development within these areas is subject to Site Plan Control pursuant to Section 41 of the Planning Act and Section G.8 of the Official Plan.

v. Such adult lifestyle development shall be limited to the lands west of Fletcher Road.

(c) Notwithstanding Section B.2.1.2 of the Glanbrook Official Plan, commercial development will not be permitted in the Residential Designations of the Rymal Road Secondary Plan except for local commercial uses in conjunction with adult lifestyle developments.

(d) Council shall encourage the provision of housing for persons with special housing needs. As such, group homes, residential care facilities, and nursing homes shall be permitted in all residential designations and subject to specific provisions of the Zoning By-law. The size and scale of such facilities shall be similar to and oriented to the built form permitted in each designation. In the low density residential designation, these facilities shall be permitted in converted dwellings or in a similar built form on lots up to 0.4 ha.
(e) Small scale Institutional uses, such as private schools, churches, day nurseries and other related community and institutional uses, shall be permitted in all residential designations on lots up to 0.4 ha. without an amendment to this Plan, subject to appropriate Zoning By-law Amendments and Site Plan Control approvals.

(f) The mitigation of the protrusion of garages shall be encouraged to foster streets as interactive outdoor space for pedestrians. The implementing Zoning By-law shall contain provisions restricting the extent of garage protrusions.

(g) Direct access to individual dwelling units along Arterial Roads shall not be permitted except for infill development or other similar situations where the City has determined that no other alternative access options are available.

(h) Direct access to individual street townhouse units along Collector Roads shall be discouraged, and the use of common access or rear lane arrangements will be encouraged.

(i) Reverse frontage lotting patterns shall be discouraged and may only be permitted in short reaches, or where the owner satisfies the City that no other alternative development form or street patterns are feasible. The use of long reaches of acoustical walls adjacent to Arterial Roads shall also be discouraged.

(j) 90% of all residential units shall be within approximately a 400 metre walking distance from a public transit stop. …

“B.3.2.2.3 Low-Medium Density Residential

(a) Low-Medium Density Residential areas shall permit low rise (up to 3 storeys) single detached dwellings, multiple attached dwelling unit types including street and block townhouse dwellings, and/or other forms of multiple dwellings such as semi-detached, duplexes, triplexes, stacked townhouses, and low rise apartment buildings. Mixing of unit types shall be encouraged, and the implementing Zoning By-law may contain provisions to allow for a mixing of units.
(b) Retirement homes and long term care facilities are also permitted provided they are contained within a building form permitted in B.3.2.2.3 a. above.

(c) The density range for Low-Medium Density Residential areas shall be from 24 to 50 units per net residential hectare (approximately 9.7 to 20 units per net acre). The net residential density may be averaged over each plan of subdivision within the designation.

(d) Multiple-residential housing forms shall be encouraged to locate adjacent to or in the nearby vicinity of the arterial and collector roads within and adjacent to the Secondary Plan Area.

(e) A variety of housing elevations shall be encouraged within each residential block to provide an interesting streetscape. Where town housing is proposed, a mix of long and short townhouse blocks on public and private streets is encouraged to provide variety to the streetscape. The massing of long townhouse blocks can be broken down so that a single monotonous elevation is not created. The Zoning By-law may contain standards controlling this circumstance.

“B.3.2.5 Commercial Designations

The Rymal Road Secondary Plan provides for four Commercial designations, including General Commercial areas to serve the more occasional shopping needs of surrounding residential areas; Neighbourhood Commercial areas to serve the weekly and daily needs of residential neighbourhoods; Local Commercial areas to serve the convenience needs of the nearby residents and the pass-by travelling public; and Service Commercial (Recreational) areas which provide private and public recreational uses, banquet facilities, restaurants, service commercial uses, and offices. …”

“B.3.2.5.3 Local Commercial

(a) Lands designated Local Commercial are intended to provide the convenience of shopping amenities for the surrounding residents, as well as to the pass-by travelling public.
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(b) Permitted uses shall include a limited range of convenience retail, personal services, professional offices, and restaurant uses.

(c) The maximum gross leasable floor area of any individual commercial establishment shall be 500 sq.m., and the maximum gross leasable floor area of any group of Local Commercial uses shall be 1,500 sq.m.

(d) Sections B.3.2.5.1 (d) to (h), inclusive, also apply to the development of Local Commercial areas.

(f) Notwithstanding Sections B.2.1.2.c and B.3.2.5.3.c, the following shall apply to the lands located at the southeast corner of Rymal Road East and Fletcher Road:

The maximum gross leasable floor area of any group of Local Commercial uses shall be 2,500 square metres. The maximum gross leasable floor area of any individual commercial establishment shall be not more than half of the total gross leasable floor area provided on the site.”

The proposed amendments will still maintain the general intent of the Secondary Plan to provide a mix of uses, a variety of housing types and tenures, and a variety of small scale local commercial establishments to serve the convenience needs of the nearby residents and the pass-by travelling public. In addition, they will permit a form of development that it is consistent with and complementary to the planned and existing development in the immediate area.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections:

- City of Hamilton Strategic Planning and Rapid Transit Division.
- City of Hamilton Forestry and Horticulture Division.
- Hydro One.
City of Hamilton Parking Services advised that all existing and future parking and loading requirements are to be met on site for the secondary school. For the subdivision, on-site parking spaces and garages are to be suitably dimensioned to ensure their use for parking spaces and driveways are to be aligned to maximize the availability of on-street parking by allowing a minimum of 6.5m of curb space between driveway approaches. These concerns will be addressed either through the consideration of a future site plan application for the school site, or through the conditions of draft plan approval for the lands in the remainder of the subdivision.

City of Hamilton Budget and Finance Division advised that the owner is responsible for sanitary sewer mainline fees of $5,000 for 21 Trinity Church Road, and the main line fee of $5,000 and connection charge of $6,063.38 for 1824 Rymal Road East, totalling $16,063.38.

The Hamilton Street Railway advises that:

- HSR operates the Route #44 Rymal buses along Rymal Road, with no planned changes in service.
- HSR supports the inclusion of high quality pedestrian amenities at this development like walkways, lighting etc. These are appreciated by transit customers and are especially handy for those using personal mobility devices.
- Street orientation and pedestrian entrances are important. Direct short walking distances between dwellings and transit service are preferable.
- HSR supports walkways on at least one side of all streets to and from this development to Rymal Road.

The City of Hamilton Landscape Architectural Services Division advised that Cash-in-Lieu of Parkland, in combination with the dedication of parkland, is appropriate in this case. Conditions concerning parkland dedication are contained in Appendix “D” (see Condition 3).

The City of Hamilton Traffic Engineering Division advised that in their previous review of the “Summit Park - Phase 5” development, a phasing plan of 138 residential units was approved for the 2012 horizon year. This revised application proposes a secondary school (interim 700 students), 26,910 sq. ft. of commercial, and 84 residential units for the 2012 horizon year, and an additional 159 units in the 2014 horizon year.
Traffic staff expressed concern that the revised proposal generates additional traffic above the original approved level without the planned road infrastructure in place, namely Trinity Church Extension roadway. As has been discussed previously, the majority of “Summit Park” generated traffic will use Upper Mount Albion Road, which is providing a traffic function beyond its rural design and lack of pedestrian facilities. It is Traffic staff’s understanding that Rymal Road East reconstruction will occur prior to the 2012 horizon year, which is a recommended requirement.

The level of service anticipated for the intersection of Rymal Road East at Upper Mount Albion Road/Dakota Boulevard in 2012 (based on existing cross-section on all roads) results in a level of service that exceeds Traffic Engineering’s Council approved guidelines. Specific concern is Upper Mount Albion Road in both the AM and PM peak, and the through traffic flow on Rymal Road East in the PM peak.

The Applicant, in their submitted traffic impact study, provided additional calculations that incorporate a roadway widening on Upper Mount Albion Road to provide a separate southbound left turn lane rather than the combined one lane approach that exists today. The analysis was completed for the worse case 2014 horizon year, and an improvement is realized so that if widening were completed for the 2012 horizon, there should also be an improved level of service.

Traffic staff acknowledge that the widening of Rymal Road East, anticipated within the 5-year timeframe, will improve the level of service for the intersection; however, until the Trinity Church Extension Road is available to provide the north-south connection rather than Upper Mount Albion Road, it is recommended that a revised phasing plan be prepared that minimizes the traffic generation on that roadway and results in level of service calculations that conform to the City’s standards. The requirement to prepare a phasing plan, to the satisfaction of the Director of Planning and the Director of Development Engineering, is included in the City’s Standard Form Subdivision Agreement referred to in Recommendation (a)(i) of this report.

Traffic staff recommends, as a condition of subdivision approval, that this development be phased such that the 2012 horizon year traffic impact on Upper Mount Albion Road, and at the intersection of Upper Mount Albion Road at Rymal Road East, conforms to Traffic Engineering standards. The proposed 2012 horizon year, as noted in the traffic impact study submitted by Paradigm Transportation Solutions Ltd., namely a secondary school (assumed initial enrolment of 700 students), 26,910 sq. ft. local commercial, and 84 residential units results in level of service rates that exceed acceptable maximums.
Traffic staff recommend that Full Build Out - 2014 not proceed until the planned north-south infrastructure (Trinity Church Extension) has been constructed, or the construction timing of that road confirmed and intersection operations at Upper Mount Albion Road/Dakota Boulevard re-evaluated.

The reconstruction of Rymal Road East along the frontage of the subject lands is proposed within the 5-year time-frame. It is desirable to upgrade Rymal Road East prior to the initial build out of “Summit Park - Phase 5” by 2012.

The current lane alignment of Upper Mount Albion Road at the signalized intersection with Dakota Boulevard/Rymal Road East requires a pavement widening to provide optimal traffic flow and improve intersection capacity for the initial 2012 build out of “Summit Park - Phase 5”. Intersection upgrades at this intersection are also dependent on the status of the Trinity Church Extension construction project, and ultimate plans to eliminate through traffic on Upper Mount Albion Road.

Rymal Road East is a controlled access roadway, and we note that full movement access to the local Commercial Block 2 will not be permitted to Rymal Road East given the existing two lane cross-section or ultimate build out of Rymal Road East. Additional details will be provided at the site plan stage. We do advise that access points to this site from both Rymal Road East and Trinity Church Road must provide a minimum of 70m separation to the intersection.

We note for information that the City has not included the installation of a traffic signal at Rymal Road East and existing Trinity Church Road in our near future work plan, as it is currently not warranted. We will continue to monitor traffic flows through this intersection.

As a result of comments received from the Traffic Engineering Division, Conditions 27 to 37 have been included in the Conditions of Draft Plan approval found in Appendix “D”.

In addition to the aforementioned comments, comments received by agencies during the review of the original draft plan of Subdivision 25T-200716 were also considered. Where agencies or departments had originally requested conditions of draft plan approval to address their respective issues, those previous conditions of draft plan approval have been carried forward into the conditions contained in Appendix “D”. A more detailed description of the retained, modified, and new conditions of draft plan approval are found in the “Analysis/Rational For Recommendation” section of this report.
Public Consultation

In accordance with the Bill 51 changes to the Planning Act and Council’s Public Participation Policy, a first Notice of Complete Application and Preliminary Circulation of the applications was circulated to 67 property owners within 120 metres of the subject property on October 16, 2007. A Public Notice Sign was also posted on the subject lands at that time.

Finally, Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

1. The proposed Official Plan Amendment, changes in zoning, and revisions to the draft plan of subdivision have merit and can be supported for the following reasons:

   (i) They are consistent with the Provincial Policy Statement, as they represent an opportunity for growth in a settlement area;

   (ii) They conform to the Hamilton-Wentworth Official Plan;

   (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area; and,

   (iv) The proposed development represents good planning by providing a compact urban form.

2. OFFICIAL PLAN AMENDMENT:

The applicant is seeking the following amendments to the Township of Glanbrook Official Plan:

- Change the designation of Block 1 on Schedule “A” of Appendix “E” from “Medium to High Density Residential” to “Institutional”.

- Amend the policy associated with the “Local Commercial” designation at the southeast corner of the intersection of Rymal Road East and Trinity
Church Road to allow a maximum gross leasable floor area of 2,500 square metres for any group of local commercial uses, and a maximum gross leasable floor area of any individual commercial establishment of not more than half of the total gross leasable floor area provided on the site.

- Change the designation of Blocks 2 and 3 on Schedule “A” of Appendix “E” from “Medium to High Density Residential” to “Low to Medium Density Residential”. The portion currently designated “Low to Medium Density Residential” will remain unchanged.

The amendments are sought in order to provide a policy basis to allow a secondary school on Block 1, a group of local commercial uses at the southeast corner of Rymal Road and Trinity Church Road, and street townhouses on Blocks 2 and 3. An analysis of the proposed amendments to the Official Plan is presented below.

3. OFFICIAL PLAN CHANGE: “Medium to High Density Residential” to “Institutional”.

Additional Institutional Designation:

The medium density residential designation permits a range of residential unit types and tenures, including apartments, townhouses, stacked townhouses, and other forms of multiple attached dwellings. As this designation does not permit secondary schools as an alternative use, an Official Plan Amendment is required to redesignate the lands to "Institutional".

There are lands currently designated “Institutional” within the Rymal Road Secondary Plan area. These lands were designated at the time the Secondary Plan was adopted and earmarked for a public elementary school, a public secondary school, and a catholic elementary school. Further, the “Institutional” policies of the Rymal Road Secondary Plan note that the particular user of the school sites are not intended to be absolute (i.e. public or separate school).

Notwithstanding the forethought during the secondary planning exercise to identify potential locations for school sites, the particular locations do not fulfill the objectives of the HWCDSB with respect to facilities planning. For example, all but the identified secondary school site are too small for secondary school
purposes. Secondly, although ideally located at the secondary plan level, the schools are not ideally located in terms of School Board catchment areas.

Finally, the HWCDSB has advised that they have received funding to construct a new secondary school site to accommodate their student growth projections. However, the designated school sites within the Rymal Road Planning Area are not advanced enough from a timing perspective to fulfil the project delivery requirements of the School Board to have the site available for occupancy by 2012. The School Board has advised that the site within the “Summit Park - Phase 5” subdivision represents the most likely candidate for fulfilling their locational and timing requirements to receive provincial funding.

Conversion of Residential Lands to Institutional:

The original designation of the subject lands for “Medium to High Density” residential uses was intended to assist in fulfilling the objectives of the Rymal Road Secondary Plan to accommodate a population of 9,700 residents. Staff acknowledges that the change of use from “Residential” to “Institutional” will impact the unit yield and population projection objectives of the Rymal Road Secondary Plan area.

However, the School Board advised that it is prepared to abandon its position that a secondary school site is required in the northerly adjacent Trinity West Secondary Plan should this site become available. Therefore, any unit yield and population reduction within the Rymal Road Secondary Plan may be off-set through the alternative use of the proposed school site in the Trinity West Secondary Plan area for residential purposes.

4. OFFICIAL PLAN CHANGE: Amend policy associated with the “Local Commercial” designation.

The intent of the “Local Commercial” policy is to encourage the development of a variety of small scale local commercial establishments within the Rymal Road Secondary Plan Area to serve the convenience needs of the nearby residents and the pass-by travelling public. This policy is articulated by providing specific direction that limits each individual store to 500 square metres in order to provide for a multi-tenant building with a variety of uses within the commercial establishment, and was based on the local commercial policies for the Heritage Green Area that were adopted in the early 1990's.
Through the site-specific Official Plan Amendment, the proponents are seeking to permit a maximum gross leasable floor area of 2,500 square metres for the site. This will, in turn, allow for a single local commercial use to occupy up to 1,250 square metres of floor space. Staff is of the opinion that allowing a unit size of not more than half of the total gross leasable floor area will still maintain the intent of the “Local Commercial” designation to encourage a variety of small scale local commercial establishments to serve the convenience needs of the nearby residents and the pass-by travelling public.

5. OFFICIAL PLAN CHANGE: “Medium to High Density Residential” to “Low to Medium Density Residential”.

These blocks represent the remaining lands north of Pinehill Drive, net of the school lands and Local Commercial block. Given their frontage onto Pinehill Drive and 30 metre depth, Planning staff is of the opinion that they are most conducive to freehold-type street townhouse units and, therefore, most appropriately designated “Low to Medium Density Residential”.

6. REVISED PLAN OF SUBDIVISION:

The proposed revisions to the previously draft approved plan of subdivision will result in changes to the lands north of the proposed Pinehill Drive extension. Block 143 is to be used as a secondary school site, Block 144 will continue to be used for Local Commercial purposes, and Blocks 141 and 142 are proposed to be used for street townhouses. There will no longer need to be any internal public roads north of Pinehill Drive.

The lands south of Pinehill Drive will continue to include 138 single detached dwelling lots accessed by the 26 metre wide extension of Pinehill Drive and new internal crescent/grid roads with a right-of-way width of 18.0 metres. At the southeast corner of the subdivision, a 0.838 hectare block is proposed for a group townhouse development that is consistent with a similar townhouse development constructed to the immediate east. A 0.614 hectare park block is proposed south of Pinehill Drive as an extension to the park block created in an earlier phase of the “Summit Park” lands.

7. Development Engineering staff has advised that the proposed commercial and school blocks are readily serviceable from the Rymal Road East sanitary sewer system. Servicing of the Townhouse blocks on the north side of the Pinehill Drive extension will require the extension of a sanitary sewer system on Trinity
Church Road, from Rymal Road East southerly, then easterly on the future Pinehill Drive. The owner will be responsible to ensure that the average equivalent population density associated with the changes to the land uses between Rymal Road East and the future Pinehill Drive don’t exceed the capacity provisions made in the existing Rymal Road East sanitary sewer system.

8. Access to Trinity Church Road from Pinehill Drive will not be permitted in the initial phase of development. Therefore, a temporary turning circle will be required to be constructed at the west limit of Pinehill Drive. This may inhibit development of some of the lots on either one or both sides of this street, depending upon the configuration of the temporary turning circle.

9. Staff has had consideration for the criteria contained in Subsection 51 (24) of the Planning Act to assess the appropriateness of the proposed subdivision and advise that:

(a) It complies with the Provincial Policy Statement;

(b) With the imposition of conditions of draft plan approval respecting phasing, it will be a logical and timely extension of existing development and services, and is in the public interest;

(c) It conforms/will conform with the policies of the Official Plan;

(d) The lands can be appropriately used for the use for which it is to be subdivided;

(e) The proposed roads will adequately service the proposed subdivision and can connect with the current road system;

(f) The dimensions and shape of the lots are appropriate;

(g) Restrictions and regulations for the development of the subdivision may be included in the implementing Zoning By-law Amendment, conditions of draft plan approval, and Subdivision Agreement;

(h) No substantial natural resources are evident on site, and flood control will be addressed through stormwater management plans that will be required as a standard condition of draft plan approval;
SUBJECT: Application for Approval of Revisions to a Draft Plan of Subdivision Known as “Summit Park - Phase 5”, and Amendments to the Glanbrook Official Plan and Zoning By-law 464, for Lands Located Within Part of Lot 5, Block 5, Concession 1, Geographic Township of Binbrook, and Block 136, Registered Plan 62M-1033, in the Former Township of Glanbrook (PED10083) (Ward 11) - Page 22 of 26

10. As noted earlier in this report, the revised plan and land uses have an impact on traffic generation. As a result, Traffic Department staff has requested additional conditions of draft plan approval. Of particular importance, Traffic staff had noted during the review of the original application that full build out of the subject lands will be dependent on improvements to the road network. There are planned future infrastructure improvements that will accommodate traffic capacity for the subject lands. However, in the event that the owner, or subsequent owners, wish to proceed in advance of these capital improvements, the owner will be responsible to undertake their own traffic improvements, at their cost, to the satisfaction of the City.

For example, to accommodate the additional traffic generated by the proposed school site, it will be necessary to reconstruct the Rymal Road / Upper Mount Albion Road / Dakota Boulevard intersection to include a southbound left turn lane, and a southbound through/right-turn lane prior to the opening of the school. This requirement has been included as Condition 31 of the proposed conditions of draft plan approval in Appendix “D”. Other similar traffic-related conditions also include:

(a) The installation of reduced speed limit zone solar beacons (Condition 32);
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(b) The reduction in the speed limit along Dakota Boulevard to 40 km/h (Condition 33);

(c) The reconstruction of Trinity Church Road to an urban cross section with bike lanes and a southbound left turn lane at Pinehill Drive (Condition 34); and,

(d) The construction of a separate left-turn lane and right-turn lane on Trinity Church Road at Rymal Road East (Condition 35).

11. A condition of draft plan approval has been included in Appendix “D” as Condition 15, requiring that the proponent provide a parking plan, to the satisfaction of the Director of Development Engineering, showing parking on 40% of the available curb frontage, or an alternative that achieves the same end. Achieving this target will likely also require that some lots include dwellings with double car garages to provide excess parking on-site and other locations where driveways are situated side-by-side to provide longer lengths of undisturbed curb in-between the driveways.

12. The previous draft plan of subdivision was approved with a number of conditions, 38 of which (Conditions 1-12, 14, 16-30, and 39-48) have been carried forward for this proposal, unaltered.

13. Conditions that have already been satisfied by the applicant as part of the original draft plan approval dealing with the dedication of road widenings and daylight triangles at intersections have been removed.

14. Conditions 13 and 15 have been reworded to reflect the fact that a number of roads north of Pinehill Drive have been removed from the draft plan of subdivision, and the roads south of Pinehill Drive have been assigned street names.

15. ZONING BY-LAW AMENDMENT:

The Zoning By-law Amendment will result in:

- Changing the zoning of a portion of Block 1 on Schedule “A” of Appendix “F” from “General Agriculture (A1)” to “Local Commercial (C3-249)”, and include additional site-specific special provisions to all of Block 2 to allow a maximum gross leasable floor area of 2,500 square metres for any group
of local commercial uses, and a maximum gross leasable floor area of any individual commercial establishment of not more than half of the total gross leasable floor area provided on the site.;

- Changing the zoning of Block 1 on Schedule “A” of Appendix “G” from “Multiple Residential (RM2-250)” and “Multiple Residential (RM4-251)” to “Major Institutional (I3)”; and,

- Changing the zoning on a portion of the lands in Blocks 2 and 3 on Schedule “A” of Appendix “G” from the “Multiple Residential (RM4-251)” Zone to the “Multiple Residential (RM2-250)” Zone.

As the revisions to the Institutional “I3” Zone will implement regulations to allow for the use of the site for a secondary school, Planning staff supports the amendments to the Zoning By-law for the same reasons noted in the analysis of the proposed Official Plan Amendment.

The revisions to the “Local Commercial (C3-249)” zoning include adding the lot at the corner of Rymal Road and Trinity Church Road to the same zoning category of the previously zoned “C3-249” lands, and amending the site-specific provisions as noted above. With the site-specific amendments to the Rymal Road Secondary Plan noted earlier, the zoning regulations will be in compliance with Secondary Plan policy.

The “Multiple Residential (RM2-250)” zoning was previously applied to the majority of lands fronting onto the north side of the Pinehill Drive extension as a result of the previous development approvals of November, 2008. These provisions, which permit street townhouses with 5.5m frontages on interior lots, are proposed to be extended to apply to the remainder of the lands fronting onto the Pinehill Drive extension.

16. In accordance with the City’s Parkland Dedication and Cash-in-Lieu of Parkland By-law, the proposed development is subject to a partial land dedication and Cash-in-Lieu of parkland dedication payment for the remaining required contribution. The development includes a parkland dedication of 0.614 hectares (Block “140” on both Appendices “B” and “C”).

The townhouse blocks (Blocks 139, 141, and 142 on Appendix “C”) may be subject to the alternate dedication rate of 1ha per 300 dwelling units if the net density of development is between 20 and 75 dwelling units per hectare,
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inclusive. With densities above 75 dwelling units per hectare, parkland is dedicated at a rate of 0.6 hectares for each 300 dwelling units proposed.

As the unit count is not currently finalized, the final amount of land to base the calculation for the required Cash-in-Lieu of parkland cannot currently be determined. The calculation of the payment will be based upon 5% of the value of the lands proposed for single detached dwelling lots and institutional use, the unit count for the townhouse blocks, as shown on the final M Plan, and also based on the highest permitted density for Blocks, plus 2% of the value of the Commercial block, minus the land credit realized by the conveyance of the park block (Block 140). Therefore, in accordance with City By-laws, a cash payment to the City of Hamilton, in-lieu of the conveyance of the land, will be required prior to the registration of the final plan. This requirement has been included in Recommendation (a) (iii), and through Special Condition 3 of Appendix “C”.

17. Staff is satisfied that the Zoning By-law Amendments, together with site-specific special provisions, are appropriate for the subject lands. The development regulations being sought through the Zoning By-law Amendment application will ensure the continuation of the built form previously established in earlier phases of “Summit Park” located to the immediate east, and will be used as a tool to implement the principles contained in the Summit Park Urban Design Guidelines. The continuation of the “Summit Park” neighbourhood will be further strengthened by the extension of a similar grid road pattern, the implementation of the Urban Design Guidelines that are consistent with those approved as part of earlier phases, and the connectivity of the proposed park block with the existing park block located to the immediate east.

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

The lands are zoned, designated, and draft plan approved to allow a plan of subdivision consisting of 138 single detached dwelling lots, one 0.838 ha. low to medium density residential block, one 0.614 ha. neighbourhood park block, three medium to high density residential blocks ranging in size from 0.773 ha. to 5.889 ha. and one 0.612 ha. local commercial block, together with the extension of Pinehill Drive, and the creation of five new public roads. Also, within the largest Medium-High Density Residential Block, there is an opportunity for live/work units by permitting limited commercial uses on the ground floor of any medium-high density building of 3-storeys or higher. The applicant
could proceed to develop the plan in accordance with existing regulations, including the development of low or medium density development on the designated school site, in a manner consistent with current Official Plan policy.

**CORPORATE STRATEGIC PLAN** (Linkage to Desired End Results)


**Financial Sustainability**

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

**Intergovernmental Relationships**

- Acquire greater share of Provincial and Federal grants (including those that meet specific needs).
- Maintain effective relationships with other public agencies.

**Environmental Stewardship**

- Aspiring to the highest environmental standards.

**Healthy Community**

- Plan and manage the built environment.

**APPENDICES / SCHEDULES**

Appendix “A”: Location Map
Appendix “B”: Previously Draft Approved Plan of Subdivision
Appendix “C”: Proposed Revised Plan of Subdivision
Appendix “D”: Special Conditions of Draft Plan of Subdivision Approval
Appendix “E”: Proposed Official Plan Amendment
Appendix “F”: Proposed Amendment to Zoning By-law 464
Appendix “G”: Proposed Amendment to Zoning By-law 05-200

:CB - Attachs. (7)
Development Planning:

1. That, prior to preparation of a Subdivision Agreement by the City, the Owner submits a noise/vibration study, prepared by a qualified professional, for review and approval by the City, which includes the findings from an investigation of noise/vibration levels impacting the lands of the draft plan, as well as recommended measures proposed for noise/vibration control.

2. That, prior to the registration of any phase of the draft plan affecting Lots 1 to 16 and/or Block 143, the Official Plan Amendment associated with City Initiated File CI-08-K be finalized, to the satisfaction of the Manager of Development Planning.

3. That, prior to registration, the Owner agrees to convey Block 140 to the City of Hamilton, as provided for under Section 51 of the Planning Act and in accordance with the City’s Parkland Dedication By-law No. 09-086, as partial contribution toward the parkland dedication requirement, to the satisfaction of the Director of Planning. In this instance, 0.614 hectares of land is needed for the park, which is less than the total area required to be dedicated. Consequently, the remainder of the land dedication is to be satisfied by payment of Cash-in-Lieu of parkland dedication. The Cash-in-Lieu payment shall be required prior to the registration of the plan, and the calculation of the payment is based on 5% of the value of the lands proposed for single detached dwelling lots and institutional use, the unit count for the townhouse blocks, as shown on the final M Plan, and also based on the highest permitted density for Blocks, plus 2% of the value of the Commercial block, minus the land credit realized by the conveyance of the park block (Block 140). The development may be partially subject to the alternate dedication rate of 1 hectare per 300 dwelling units if the net density of Blocks 139, 141, and 142 is between 20 and 75 dwelling units per hectare, inclusive, or 0.6 hectares per 300 dwelling units if the net density is over 75 dwelling units per hectare. Cash-in-Lieu of parkland dedication shall be based on the highest permitted density in the multiple residential blocks.

4. That, prior to registration of the plan of subdivision, the Owner pays the commutation amount of $11,063.38 for the Rymal Summit Trunk Sewer, Summit Park.

5. That the “Summit Park - Phase 5 Urban Design Guidelines”, prepared by GSP Group, and dated August 2008, be included as an appendix to the Subdivision Agreement.
6. That the City of Hamilton may undertake periodic review of the development of the subdivision to ensure compliance with the Urban Design Guidelines. Where inadequate compliance is evident, the City of Hamilton may, at the discretion of the Manager of Community Planning and Design, retain a “Control Architect”, at the Owner’s expense, whose function shall be:

i) To ensure, among other matters, the appropriate development of each lot with respect to siting, built form, materials, colours and landscaping in compliance with the approved Urban Design Guidelines; and,

ii) To certify, through stamping and signing, all drawings for the development of each lot and/or block subject to the architectural guidelines prior to the issuance of a building permit(s).

Development Engineering:

7. That, prior to registration of the draft plan, the Owner pays their proportionate share for the future urbanization of Rymal Road East adjacent to Blocks 143 and 144, based on the City’s “New Roads Servicing Rate” in effect at the time of payment.

8. That, prior to registration of the draft plan, the Owner is responsible for the design and construction of the stormwater management quality and quantity control facility west of Glover Road and north of Rymal Road East (quarry pond), and for the design and construction of storm sewers on Trinity Church Road, from the south limit of the subject lands to Rymal Road East, and on Rymal Road East westerly to the SWM.

9. That, prior to registration, the Owner constructs sanitary sewers on Trinity Church Road from Rymal Road East to the south limit of Lot 1.

10. That, prior to registration, the Owner urbanizes Trinity Church Road, at their expense, from Rymal Road East to the south limit of Lot 1, to the satisfaction of the Director of Development Engineering.

11. That, prior to servicing, the Owner prepares a Groundwater Study, which shall assess the impact that the proposed development would have on the water supply and the sewage disposal systems on the adjacent properties. Pending the outcome of the Study, the Owner shall propose appropriate mitigative measures to address the concerns, to the satisfaction of the Director of Development Engineering.

12. That, prior to servicing, the Owner indicates all driveway locations on the engineering drawings for all lots, and further, that the driveway for Lot 16 be established on the east side of the lot, the driveway for Lot 20 be established on the west side of the lot, the driveways for Lots 65, 76, 77, 101, 102, 126, and 127 be established on the south side of the lots, and the driveways for Lots 66, 88, 89, 114, 115, and 138 be established on the north side of the lots.
13. That, as part of the subdivision servicing, the Owner constructs municipal sidewalks on both sides of Pinehill Drive, on one side of Whitworth Terrace (east side), on one side of Hyslop Avenue (west side), and on one side of Pelech Crescent (west, south, and east sides).

14. That, prior to servicing, Pinehill Drive from Trinity Church Road to Dakota Boulevard, be designed in accordance with the approved Neighbourhood Secondary Plan, including traffic calming features and parking requirements consistent with the existing section of Pinehill Drive between Dakota Boulevard and Fletcher Road.

15. That, prior to servicing, the Owner prepares an on-street parking plan for Pinehill Drive, Whitworth Terrace, Hyslop Avenue, and Pelech Crescent based on the premise of achieving on-street parking for 40% of the available curb frontage, to the satisfaction of the Director of Development Engineering.

16. That, prior to servicing, the Owner agrees that if blasting or hoe-ramming is required, they will provide the City of Hamilton with a satisfactory pre-construction survey.

17. That, prior to servicing, the Owner agrees to engage a qualified professional to investigate and determine whether Karst features exist in relation to the subject lands. In the event that a Karst feature or sinkhole is determined to exist or otherwise be encountered, appropriate construction techniques to stabilize the area to avoid negative impacts shall be undertaken, to the satisfaction of the Director of Development Engineering, and the Hamilton Conservation Authority.

18. That, as part of the subdivision servicing, the Owner shall install a minimum 1.5m high chain link fence along the rear yards of Lots 57 to 65, inclusive, and along the north side of Block 139, adjacent to the proposed City Park Block 140.

19. That, prior to servicing, the Owner submits a detailed Storm Water Management report. Sufficient back-up information will be required to verify that the area designated for the SWM facility will accommodate the proposed facility designed in accordance with current/applicable Storm Water Management Guidelines and the approved Hannon Creek Subwatershed - North Glanbrook Industrial Business Park Master Drainage Plan, to the satisfaction of the Director of Development Engineering, and all other appropriate agencies.

20. That the Owner agrees to maintain base flow levels to the Hannon Creek tributary west of Trinity Church Road, and south of Rymal Road East, and furthermore, storm flows from the subject development being directed to the tributary must be treated for water quality.

21. That, prior to servicing, the Owner agrees to provide, to the satisfaction of the Director of Development Engineering, a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision, including homes. This document will also include first point of contact, a schedule for regular cleaning of streets that is
specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works, as well as the contractor/agent contact information so the City can direct works be completed, as necessary.

22. That, prior to servicing, the Owner demonstrates how storm drainage from the external lands to the south will be accommodated, including the location of any necessary storm drainage easements/blocks, and the Owner further agrees to identify how the overland flow route will be accommodated, to the satisfaction of the Director of Development Engineering.

23. That, as part of the engineering design, the Owner agrees that surface drainage from larger width abutting lots will not be permitted to drain through adjacent narrow width lots, to the satisfaction of the Director of Development Engineering.

Hamilton Conservation Authority:

24. That the permanent stormwater management facility be dedicated to the City of Hamilton for ownership and maintenance.

25. That the Owner prepares and implements a landscaping plan for the stormwater management facility, to the satisfaction of the Hamilton Conservation Authority.

26. That the Subdivision Agreement includes a clause, and identifies on the grading and drainage plans, requirement for a permit to be obtained from the Hamilton Conservation Authority under its Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04, prior to the initiation of any grading works associated with the construction of the stormwater management pond.

Traffic:

27. That prior to the registration of the draft plan, the Owner agrees in a manner satisfactory to the Manager of Traffic Engineering and Operations that access to Lot 16 at Pinehill Drive and Trinity Road must be situated outside of the daylight triangle dedication.

28. That prior to registration of the draft plan, engineering drawings must be submitted and approved by the Manager of Traffic Engineering and Operations illustrating access locations to Lots 31 to 34, and Lot 56.

29. That the Owner agrees in a manner satisfactory to the Manager of Traffic Engineering and Operations that:

i) On-street parking will not be permitted on Trinity Church Road;

ii) A warning clause advising future purchasers that no parking will be permitted on Trinity Church Road be registered on title;
iii) The frontages for Lots 1 to 15 on Trinity Church Road should be wide enough to accommodate double car garages; and,

iv) The Owner will pay for the required signage and administration, including changes to the relevant By-law.

30. That the Owner will revise the centreline profile of Trinity Church Road to provide improved sightlines at the intersection at Pinehill Drive and also Lots 1-15, in accordance with TAC standards and to the approval of the Manager of Traffic Engineering and Operations.

31. That the Owner reconstructs the intersection of Rymal Road East at Upper Mount Albion Road/Dakota Boulevard to provide a southbound left-turn lane and southbound through/right-turn lane, to the satisfaction of the Manager of Traffic Engineering and Operations. That the Owner further acknowledges that said reconstruction is required to be completed prior to receiving final approval of a subsequent site plan application for the school site.

32. That the Owner installs a reduced speed limit flashing school zone solar beacon on Rymal Road East at a location satisfactory to the City and the School Board.

33. That the speed limit on Dakota Boulevard between Rymal Road East and Pinehill Drive be reduced to a permanent 40 km/h.

34. That the Owner reconstructs Trinity Church Road to an urban cross-section with bike lanes and a southbound left-turn lane at Pinehill Drive. The length of the left-turn lane may increase once the formal Site Plan for the Secondary School has been submitted, access to Trinity Church road confirmed, and the potential need to extend the southbound left-turn lane to the school access reviewed.

35. That the Owner constructs a separate left-turn lane and right-turn lane on Trinity Church Road at Rymal Road, to the satisfaction of the Manager of Traffic Engineering and Operations.

36. That the Owner acknowledges, in writing, that City of Hamilton Traffic staff will not initiate base road surveying, engineering, traffic signal redesign, or pavement marking design for development related projects. At the Owner’s expense, a Traffic Engineering Consultant, approved by the City, will be contracted to complete the design. The City would monitor the design, and once the design is close to completion, City staff would finalize the details. Traffic signal and intersection pavement marking design drawings must be approved and signed by the Manager of Traffic Engineering.

37. That the existing cross-section of Pinehill Drive to the east be maintained through this portion of the development, including sidewalks on both sides, boulevards, bike lanes, two travelled lanes, and a parking bay, where feasible.
Finance Requirements:

38. That, prior to registration of the final plan of subdivision, the Owner pays the best efforts charges for sanitary sewer mainline fee of $5,000, and connection charge of $6,063.38 for 1824 Rymal Road East.

Hydro One:

39. That prior to registration of the plan, a copy of the lot grading and drainage plan, showing existing and proposed grades, must be submitted to Hydro One for review and approval. Drainage must be controlled and directed away from the Hydro One corridor.

40. That temporary fencing be installed along the edge of the Hydro One right-of-way prior to the start of construction, at the developer’s expense.

41. That prior to servicing, the Owner includes in the engineering design for the draft plan lands, installation of permanent fencing along Hydro One owned lands, at the developer’s expense.

42. That the Owner agrees, in writing, that Hydro One property not be used without the express written permission of Hydro One Network’s Inc. During construction, there will be no storage of materials or mounding of earth or other debris on the right-of-way. The proponent will be responsible for restoration of any damage to the right-of-way resulting from construction of the subdivision.

43. That the Owner agrees, in writing, that the costs of any relocations or revisions to Hydro One facilities, which are necessary to accommodate this subdivision, will be borne by the developer.

Horizon Utilities:

44. That the Owner agrees, in writing, to not excavate within two metres of hydro poles and anchors.

45. That the Owner agrees, in writing, that excavation within one metre of underground hydro plant is not permitted unless approval is granted by a Horizon Utilities representative, and is present to provide direct supervision. Costs associated with this task shall be at the Owner’s expense.

46. That the Owner acknowledges Horizon Utilities must be contacted if the removal, isolation, or relocation of existing plant facilities is required, and all costs associated with this work will be at the Owner’s expense.
Bell Canada:

47. That the Owner agrees that prior to commencing any work within the Plan, the Owner must confirm that sufficient wire-line communication / telecommunication infrastructure is currently available within the proposed development to provide communication / telecommunication service to the proposed development. In the event that such infrastructure is not available, the Owner is hereby advised that the Owner may be required to pay for the connection to and/or extension of the existing communication / telecommunication infrastructure. If the Owner elects not to pay for such connection to and/or extension of the existing communication / telecommunication infrastructure, the Owner shall be required to demonstrate to the municipality that sufficient alternative communication / telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication / telecommunication services for emergency management services.

48. That the Owner agrees to grant Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the owner/developer shall be responsible for the relocation of such facilities or easements.

NOTES TO CONDITIONS OF DRAFT PLAN APPROVAL

HYDRO ONE:

The transmission lines abutting this subdivision operate at 500,000, 230,000, or 115,000 volts. Section 186 - Proximity - of the Regulations for Construction Projects in the Occupational Heath and Safety Act requires that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance of 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the proponent’s responsibility to be aware, and to make all personnel on the site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.
Amendment
to the

Former Township of Glanbrook Official Plan

The following text, together with Schedule “A” - Rymal Road Secondary Plan, Land Use Plan, attached hereto, constitutes Official Plan Amendment No. of the Official Plan of the former Township of Glanbrook.

Purpose:

The purpose of this Amendment is to:

- Redesignate Block 1 from “Medium to High Density Residential” to “Institutional”.
- Redesignate Blocks 2 and 3 from “Medium to High Density Residential” to “Low to Medium Density Residential”.
- Include policy to permit an increase to the maximum gross leasable floor area of any individual commercial establishment, and the maximum gross leasable floor area of any group of local commercial uses, for the lands currently designated “Local Commercial” at the southeast corner of the intersection of Rymal Road East and Trinity Church Road.
- Remove policy respecting Live / Work units on the lands that are being redesignated from “Medium to High Density Residential”.

Location:

The property affected by the Amendment is located within the Rymal Road Secondary Plan, in the former Township of Glanbrook. The subject lands are located to the Southeast of the intersection of Trinity Church Road and Rymal Road East, to the West of Dakota Blvd., and to the North of the Hydro Corridor.

Basis:

The intent of the Amendment is to permit a development consisting of low-medium residential, a secondary school site, and local commercial land uses as part of the Subdivision known as “Summit Park - Phase 5”.

--DRAFT--
The basis for the redesignations is as follows:

- The proposed amendment is consistent with the Provincial Policy Statement, 2005 and Places to Grow Growth Plan objective to encourage compact urban development.

- The proposed amendment maintains the general intent of the Regional Official Plan and local Glanbrook Official Plan - Rymal Road Secondary Plan to provide a mix of uses, opportunity for a variety of housing types, and tenures.

- The proposed amendment is considered to be consistent with, and complementary to, the planned and existing development in the immediate area.

Redesignation to Institutional from Medium to High Density Residential:

- The particular locations of other designated Institutional lands within the secondary plan area do not fulfil the objectives of the Hamilton-Wentworth District School Board (HWDSB) with respect to facilities planning. Further, the designated school sites within the Rymal Road Planning Area are not advanced enough, from a timing perspective, to fulfil the project delivery requirements of the HWDSB. The HWDSB has advised that the site within the "Summit Park - Phase 5" subdivision represents the most likely candidate for fulfilling their locational and timing requirements to receive provincial funding.

Redesignation to Low to Medium Density Residential from Medium to High Density Residential:

- Blocks 2 and 3 represent the remaining lands north of Pinehill Drive, net of the school lands and Local Commercial block. Given their frontage onto Pinehill Drive and 30 metre depth, they are most conducive to freehold-type street townhouse units and, therefore, most appropriately designated “Low to Medium Density Residential”.

The basis for the policy changes is as follows:

Removal of Reference to Live/Work Units:

- As the “Medium to High Density” designation to which the live/work unit policies apply are being redesignated to “Institutional”, policies permitting live/work units are no longer necessary and are, therefore, being removed for housekeeping purposes.
Local Commercial Floor Area Size Policies:

- The intent of the "Local Commercial" policy is to encourage the development of a variety of small scale local commercial establishments within the Rymal Road Secondary Plan Area to serve the convenience needs of the nearby residents and the pass-by travelling public. Allowing a unit size of not more than half of the total gross leasable floor area will maintain this intent of the "Local Commercial" designation.

Actual Changes

Map Changes:

1. That Schedule "I", Rymal Road Secondary Plan Land Use Plan, be revised by:
   - Redesignating Block 1 from "Medium to High Density Residential" to "Institutional", as shown on the attached Schedule "A" to this Amendment.
   - Redesignating Blocks 2 and 3 lands from "Medium to High Density Residential" to "Low to Medium Density Residential", as shown on the attached Schedule "A" to this Amendment.

Text Changes:

1. That Section B.3.2.5.3 (f), Local Commercial, be amended by adding "and the southeast corner of Rymal Road East and Trinity Church Road" following "Fletcher Road", so that the Subsection reads:

   "(f) Notwithstanding Sections B.2.1.2.c and B.3.2.5.3.c, the following shall apply to the lands located at the southeast corner of Rymal Road East and Fletcher Road and the southeast corner of Rymal Road East and Trinity Church Road:

   The maximum gross leasable floor area of any group of Local Commercial uses shall be 2,500 square metres. The maximum gross leasable floor area of any individual commercial establishment shall be not more than half of the total gross leasable floor area provided on the site."

2. That Section B.2.2.1 General Policies for all Residential Designations, be amended by removing "and limited opportunities for Live/Work housing units on residentially designated lands on the east side of Trinity Church Road and the west side of Dakota Boulevard." at the end of Subsection B.2.2.1.(c).

3. That Section B.3.2.2.5 Medium-High Density Residential, be amended by deleting Subsection B.3.2.2.5 (f) in its entirety.
Implementation:

An implementing Zoning By-law Amendment will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. passed on the day of, 2010.

The City of Hamilton

Fred Eisenberger
Mayor

Kevin C. Christenson
Clerk
CITY OF HAMILTON

BY-LAW NO. 

To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands Located on Part of Lot 5 - Block 5 - Concession 1, Geographic Township of Binbrook and Block 136 - Registered Plan 62M-1033, in the former Township of Glanbrook Owned By Multi-Area Developments Inc.

WHEREAS the City of Hamilton Act. 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Township of Glanbrook" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act. 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

AND WHEREAS the Council of the City of Hamilton, in adopting Item of Report 10- of the Planning and Economic Development Committee, at its meeting held on the day of , 2010, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS this by-law will be in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Township of Glanbrook) upon approval of Official Plan Amendment No. ;
AND WHEREAS it is intended to change the zoning of the lands hereinafter referred to, and to amend Section 44 of By-law No. 464 (Glanbrook), passed on the 16th day of March 1992 and approved by the Ontario Municipal Board by Order dated the 31st day of May 1993;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Schedule “J” - Rymal Road Planning Area, appended to and forming part of By-law No. 464 (Glanbrook), be amended as follows:
   (a) by changing from the General Agricultural “A1” Zone to the site-specific General Commercial “C3-249” Zone, the lands comprised of Block “1”;
   (b) by changing from the Residential Multiple “RM4-251” Zone to the Residential Multiple “RM2-250” Zone, the lands comprised of Block “2”;

2. That Section 44, “Exceptions to the Provisions of this By-law”, of Zoning By-law No. 464, be amended by deleting Subsections (b) (iv) and (v) of Special Exemption “C3-249”, and replacing it with the following:
   
   (iv) Maximum Gross Leasable Floor Area of Any Individual Commercial Establishment: Not more than ½ of the total gross leasable floor area provided on the site.

   (v) Maximum Gross Leasable Floor Area of any Group of Local Commercial Uses: 2,500 sq. metres

3. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the “RM2-250” Zone and “C3-249” Zone, subject to the special requirements referred to in Section 2.

4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.
PASSED and ENACTED this _____ day of _____, 2010.

The City of Hamilton

__________________________  __________________________
Fred Eisenberger            Kevin C. Christenson
Mayor                      Clerk
This is Schedule "A" to By-Law No. 10-
Passed the .......... day of ...................., 2010

Schedule "A"

Map Forming Part of By-Law No. 10-______
to Amend By-law No.464

Subject Property

Block 1: Change in Zoning from the General Agricultural "A1" Zone to the General Commercial "C3-249" Zone

Block 2: Change in Zoning from the Residential Multiple "RM4-281" Zone to the Residential Multiple "RM2-200" Zone

Refer to By-law No. 05-200

Scale: N.T.S.
Date: March 11, 2010
File Name/Number: ZAC-09-2480-PA-60-012/25T-200716(f)
Planner/Technician: CB/AL

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 05-200 Respecting Lands Located at Part of Lot 5 – Block 5 – Concession 1, Geographic Township of Binbrook and Block 136 – Registered Plan 62M-1033, in the former Township of Glanbrook Owned By Multi-Area Developments Inc.

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, Statutes of Ontario, 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

AND WHEREAS it is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS the first stage of the Zoning By-law, being By-law No. 05-200, came into force on May 25, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item ___ of Report 10-___ of the Economic Development and Planning Committee at its meeting held on the ___ day of ____, 2010, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Township of Glanbrook) upon approval of Official Plan Amendment No. ___;
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map Nos. 1548 and 1593 of Schedule “A” to Zoning By-law No. 05-200 are amended by incorporating additional Major Institutional (I3) Zone boundaries for the applicable lands, the extent and boundaries of which are shown as Block 1 on a plan hereto annexed as Schedule “A”;

2. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the Planning Act.

3. That this By-law No. shall come into force and be deemed to come into force in accordance with Subsection 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Subsection.

PASSED and ENACTED this day of , 2010.

______________________________  ______________________________
Fred Eisenberger                  Kevin C. Christenson
Mayor                            Clerk

ZAC-09-012
This is Schedule "A" to By-Law No. 10-
Passed the .......... day of ...................., 2010

Schedule "A"
Map Forming Part of By-Law No. 10-____
to Amend By-law No. 05-200

Subject Property

Block 1: Lands to be zoned Major Institutional "13" Zone

 Refer to By-law No. 464