SUBJECT: Applications for Approval of a Revised Draft Plan of Subdivision, “Highgate Meadow”, and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, for Lands Located Within Part of Lot 25, Concession 8 (Saltfleet), Former City of Stoney Creek (PED10014) (Ward 9)

RECOMMENDATION:

(a) That approval be given to Subdivision Application 25T-200801(R), by Black Sail SC Ltd., Owner, to revise the draft plan of subdivision for “Highgate Meadow”, for lands located within Part of Lot 25, Concession 8, on the west side of Upper Centennial Parkway, as shown on Appendix “A” to Report PED10014, subject to the following conditions:

(i) That this approval apply to the Revised Draft Plan of Subdivision, 25T-200801(R), “Highgate Meadow”, prepared by the Odan/Detech Group, and certified by David Wilton, O.L.S., dated November 27, 2009, showing 38 lots (Lots 1 - 38) for single detached dwellings, 8 blocks for 52 street townhouse dwellings (Blocks 39 - 46), 4 blocks (Blocks 47 - 50) for 0.3 metre reserves, the extension of Highgate Drive and the creation of one street (Street “A”), attached as Appendix “B” to Report PED10014, subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “E” to Report PED10014;
(ii) Acknowledgement that there will be no City share for any municipal works associated with this development; and,

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit for the lots within the plan (Lots 1 - 38). The calculation for the Cash-in-Lieu shall be based on the value of the lands on the day prior to the issuance of the building permit. With regard to Blocks 39 - 46, payment of Cash-in-Lieu of Parkland will be calculated in accordance with the City’s Parkland Dedication By-law, currently at a rate of 0.6 hectare for each 300 dwelling units proposed. The calculation for the Cash-in-Lieu shall be based on the value of the lands on the day prior to the issuance of the first building permit;

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

(b) That approval be given to Official Plan Amendment Application OPA-09-010, by Black Sail SC Ltd., Owner, for Official Plan Amendment No. to amend Schedule “A3”, Secondary Plan - West Mountain Planning District (Heritage Green), from “Low Density Residential” to “Medium Density Residential” of the Stoney Creek Official Plan, for lands located within Part of Lot 25, Concession 8, on the west side of Upper Centennial Parkway, as shown on Appendix “A” to Report PED10014, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “C” to Report PED10014, be adopted by City Council.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan.

(c) That approval be given to Zoning Amendment Application ZAC-09-037, by Black Sail SC Ltd., Owner, for a change in zoning from the Single Residential “R4-21” Zone to the Multiple Residential “RM2-22” Zone with a Special Exception, to permit the development of 52 street townhouse dwellings, for lands located within Part of Lot 25, Concession 8, on the west side of Upper Centennial Parkway, as shown on Appendix “A” to Report PED10014, on the following basis:

(i) That the draft By-law, attached as Appendix “D” to Report PED10014, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
SUBJECT: Applications for Approval of a Revised Draft Plan of Subdivision, “Highgate Meadow”, and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, for Lands Located Within Part of Lot 25, Concession 8 (Saltfleet), Former City of Stoney Creek (PED10014) (Ward 9) - Page 3 of 16

(iii) That the amending By-law be added to Schedule “A”, Map No. 16 of Zoning By-law No. 3692-92.

(iv) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the City of Stoney Creek Official Plan upon finalization of Official Plan Amendment No. [Insert].

(d) That upon finalization of Official Plan Amendment No. [Insert], and the implementing Zoning By-law, the approved Highland Neighbourhood Plan be amended to reflect the change in designation from “Low Density Residential” to “Medium Density Residential”.

(e) That staff be directed to request the Minister of Municipal Affairs and Housing to appropriately modify the Urban Hamilton Official Plan to implement Council’s decision once Official Plan Amendment No. [Insert] in Recommendation (b) is final and binding.

Tim McCabe
General Manager
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

The purpose of these applications is for amendments to the Official Plan and Zoning By-law in order to permit the development of 52 street townhouse dwellings on a portion of the subject lands. In addition, the applicant has requested a revision to the “Highgate Meadow” Draft Plan of Subdivision to permit a total of 38 single-detached dwellings and 52 street townhouse dwellings, whereas the existing draft approved plan is for a total of 70 single-detached dwellings.

The proposal has merit and can be supported since the applications are consistent with the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe, and conform to 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. The proposed development also represents good planning by, among other things, providing a compact urban form with a range of housing types and densities close to amenities.
BACKGROUND:

Previous Applications (25T-200801, OPA-08-001 and ZAC-08-006)

Applications for Draft Plan of Subdivision and amendments to the Stoney Creek Official Plan and Zoning By-law were submitted in January 2008, which proposed to create a total of 70 single detached lots on an 18.0 metre crescent road (see Appendix “H”). An amendment to the Official Plan was required to redesignate a portion of the lands from “Shopping Centre” to “Residential”, and amendments to the Zoning By-law were required to rezone the subject lands to a site-specific Single Residential “R4-21” Zone to permit the lands to be developed for single-detached lots, as per the draft plan of subdivision. The Plan of Subdivision and amendments to the Official Plan and Zoning By-law were approved by Council on June 25, 2008.

Proposal

The applicant has submitted an application for a revision to the draft approved plan of subdivision, known as “Highgate Meadow”, in order to change the number and type of dwelling units proposed on a portion of the subject lands (see Appendix “A”). The applicant is proposing to permit the development of 52 street townhouse dwellings, whereas previous approvals permitted the development of 32 single-detached dwelling lots (see Appendix “B”). The balance of the subject lands will be developed for 38 single detached dwellings.

In order to implement the revised draft plan of subdivision, an Official Plan Amendment is required to redesignate the subject lands from “Low Density Residential” to “Medium Density Residential”, and a Zoning By-law Amendment is required to change the subject lands from the site-specific Single Residential “R4-21” Zone to a site-specific Multiple Residential “RM2” Zone. A number of site-specific zoning modifications are proposed, including modifications to side yard setback for end units, reduced setbacks to the daylight triangle, and encroachments of unenclosed porches into the required side yard for corner units. The zoning modifications will also include provisions to require the inclusion of wrap-around porches, bay windows, and side entrances on corner units. With the agreement of the applicant, staff has included the above modifications in order to enhance the streetscape, as encouraged by the City’s Site Plan Guidelines.

Details of Submitted Applications:

Location: Part of Lot 25, Concession 8 (Saltfleet), on the west side of Upper Centennial Parkway between Highgate Drive and Rymal Road East, Stoney Creek.

Owners: Black Sail SC Limited
SUBJECT: Applications for Approval of a Revised Draft Plan of Subdivision, “Highgate Meadow”, and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, for Lands Located Within Part of Lot 25, Concession 8 (Saltfleet), Former City of Stoney Creek (PED10014) (Ward 9) - Page 5 of 16

Agent: The Odan/Detech Group Inc. (Drago Smardzic)

Property Size: Area: 1.078 ha
Frontage: Approximately 60.0 metres
Depth: Approximately 180.0 metres

Servicing: Full Municipal Services

EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Lands</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Vacant</td>
<td>Single Residential “R4-21” Zone</td>
</tr>
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</table>

| Surrounding Lands | | |
|-------------------|--------------------------|
| North:            | Future Single Detached Dwellings | Single Residential “R4-21” Zone |
| West:             | Future Townhouse Dwellings and Cemetery | Multiple Residential “RM3-35” Zone; and, Open Space (P4) Zone |
| South:            | Future Single Detached Dwellings | Single Residential “R4-21” Zone |
| East:             | Upper Centennial Parkway, Automobile Salvage Yard | Agricultural “A” Zone |

ANALYSIS/RATIONALE:

1. The proposed applications have merit and can be supported for the following reasons:

   (i) They are consistent with the Provincial Policy Statement, and conform to the Growth Plan for the Greater Golden Horseshoe (Places to Grow).

   (ii) They conform to the policies of the Hamilton-Wentworth Official Plan.

   (iii) They conform to the “Residential” policies of the Stoney Creek Official Plan.
SUBJECT: Applications for Approval of a Revised Draft Plan of Subdivision, “Highgate Meadow”, and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, for Lands Located Within Part of Lot 25, Concession 8 (Saltfleet), Former City of Stoney Creek (PED10014) (Ward 9) - Page 6 of 16

(iv) The proposed development is considered to be compatible with the existing and planned development in the immediate area.

(v) The proposed development represents good planning by providing for a compact urban form that provides a greater mix of housing types and densities in the neighbourhood.

2. The applicant has applied for a revision to a portion of the previously draft approved plan of subdivision in order to permit the development of street townhouse dwellings, whereas current approvals permit the development of single-detached dwellings. The proposed subdivision revision will consist of eight blocks (Blocks 39 - 46) containing a total of 52 street townhouse dwellings (see Appendix “B”). The proposed development provides a net residential density of 48 units per hectare, which falls within the “Medium Density Residential” range. As such, an amendment to the Official Plan is required to implement the proposed revision to the draft plan of subdivision. An amendment to the Stoney Creek Official Plan, to redesignate the subject lands from “Low Density Residential” to “Medium Density Residential” on Schedule “A3” - Secondary Plan - West Mountain Planning District (Heritage Green), was submitted along with a Zoning By-law Amendment Application to rezone the subject lands to the Multiple Residential “RM2” Zone, which permits street townhouse dwellings.

The Official Plan provides policy direction for evaluating proposals related to both infill development and multiple family residential developments. The policy framework includes: ensuring there are adequate school and commercial facilities; that the proposed built form does not conflict with existing or planned development; that appropriate off-street parking, landscaping, and protection of abutting residential uses is accommodated; and, that access to the property will minimize traffic hazards. The proposed development of the subject lands meets the objectives of the Official Plan, as the proposed built form is compatible with the existing and planned development in the area, the proposed medium density development is located on the periphery of the neighbourhood, is adjacent to an arterial road, and the increase in density assists in achieving a compact urban form where amenities are located in close proximity.

The Highland Neighbourhood is characterized mainly by low density development in the form of single-detached dwellings, with pockets of medium density developments that include both street and block townhouse developments. Existing block townhouse developments are located north of the subject lands on the north side of Highgate Drive. There is also a proposed townhouse development to the west of the subject lands (Mountain Gardens), which includes both street and block townhouses. There are two existing elementary schools (St. Mark and Gatestone) in the immediate neighbourhood,
and an existing secondary school (Saltfleet) on the north side of Highland Road. Staff did not receive comments from either School Board to indicate concern with the proposal. The subject lands are also located in close proximity to a large commercial node that is located at the northwest corner of Upper Centennial Parkway and Rymal Road East, as well as on the south side of Rymal Road East. Staff also notes that there are recreational opportunities in close proximity to the subject lands, as well as a neighborhood park (Cline Park) located northwest of the subject lands, which is accessible from Highgate Drive. The subject lands are also in close proximity to two transit routes; route #44, which runs weekday service connecting Eastgate Square to the Ancaster Business Park along Upper Centennial and Rymal Road, as well as route #43, which runs weekday and Saturday service connecting Upper Stoney Creek to the Ancaster Meadowlands Power Centre along Stone Church Road.

Based on the foregoing, staff supports the proposed Official Plan Amendment.

3. The applicant has submitted a concept plan (Appendix “F”), and has requested a number of modifications to the Stoney Creek Zoning By-law No. 3692-92 in order to implement the development of the subject lands for 52 street townhouse dwellings. Staff has also included a number of modifications in order to ensure the development is consistent with the City’s Site Plan Guidelines. The proposed modifications are as follows:

- Reduce the minimum side yard for an end unit from the required 2 metres to a minimum 1.8 metres;

- Permit an unenclosed porch to project into any required side yard of a corner unit, a distance of not more than 1.5 metres;

- Reduce the minimum setback from a daylight triangle from 3.0 metres to 1.5 metres for an unenclosed porch; and,

- Require the inclusion of unenclosed porches, bay windows, and side entrances for corner units.

**Minimum Side Yard Setbacks**

The applicant has requested a reduction to the minimum side yard for an end unit from the required 2 metres to a minimum of 1.8 metres. The general intent and purpose is to ensure that side yard widths are adequate for access, drainage, privacy, and maintenance purposes. Staff supports the proposed side yard reduction since adequate setback is still being provided, the reduction will not
have any adverse affect on the adjacent lands, and the reduction is minor in nature.

Yard Encroachments and Setbacks to the Daylight Triangle

The applicant has requested that an unenclosed porch be able to project into the required side yard of a corner unit, a distance of not more than 1.5 metres, and to be setback 1.5 metres from the hypotenuse of the daylight triangle. The dwelling unit will still maintain the minimum 3.0 metre setback to the hypotenuse of the daylight triangle, and the porch will maintain an appropriate setback. The daylight triangle will remain free and clear of any visual encumbrances. Staff supports the proposed modifications since they will provide for an appropriate form of development which addresses the streetscape.

Staff notes that the Site Plan Guidelines recommend that end units should take advantage of the side yards with porches, windows, and entrances on the side elevation, where appropriate, to add variety to the streetscape. Therefore, a modification has been included in the amending By-law to require the inclusion of unenclosed porches, bay windows, and side entrances for corner units. The applicant is agreeable to the proposed modifications, and has submitted Building Elevations which clearly shows the inclusion of the above mentioned items (see Appendix “F”, Page 2).

4. In accordance with the City’s Parkland Dedication and Cash-in-Lieu of Parkland By-law, the proposal is subject to parkland dedication or Cash-in-Lieu requirements. As no parkland is being dedicated, the proposed development is subject to a Cash-in-Lieu of parkland dedication payment. Payment for Cash-in-Lieu of Parkland will be recalculated at a rate of 0.6 hectare for each 300 dwelling units proposed for Blocks 39 - 46, due to the change in unit type and increase in density. The calculation results in a parkland dedication requirement of 0.104 ha, and shall be based on the value of the lands on the day prior to the issuance of a building permit. The 38 single-detached dwellings will be subject to a Cash-in-Lieu of parkland dedication payment at the Building Permit Stage. This requirement is included in Recommendation (a)(iii), and as Condition 1.6 in the Standard Form Subdivision Agreement.

5. An Environmental Noise Assessment Report was submitted with the original plan of subdivision application. Staff previously reviewed the noise study and provided clearance in November 2008. However, as the lot configuration for the draft plan of subdivision has been revised, an addendum to the noise study is required (see Appendix “E” - Condition No. 3).
6. The previous draft plan of subdivision was approved with a number of special conditions, the majority of which are still applicable for the proposed development (see Appendix “G”). However, it is necessary to revise some of the conditions to reflect a change in the numbering/naming of lots and blocks, including Conditions 21, 23 and 25 (see Appendix “E”). Condition No. 3 is being revised to reflect updated wording and to require the preparation of an addendum to the Noise Study to reflect changes in lot configuration. Condition No. 7 is being revised to address comments received from the Hamilton Conservation Authority with regards to the Storm Water Management report. In addition, a number of new conditions have been added to address the following matters:

- The preparation of an amendment to the servicing report to verify that there is adequate sanitary, stormwater, and watermain capacity resulting from the increase in density (Condition No. 26); and,

- The preparation of an on-street parking plan (Condition No. 27).

**ALTERNATIVES FOR CONSIDERATION:**

If the applications are denied, the lands could be developed in accordance with the current Single Residential “R4-21” Zone, which permits single-detached dwellings, uses, buildings or structures accessory to a permitted use, and a home occupation.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial - N/A.

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 and Zoning By-law, and for approval of a draft plan of subdivision.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

The Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development. The Planning Act requires that, in exercising any authority that affects planning matters, planning authorities shall be consistent with policy statements issued under the Act. These applications are consistent with Policy 1.1.3.1 of the Provincial Policy Statement, which focuses growth in settlement areas.
Policy 1.7.1(e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) 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 the risk to public health and safety. Due to the proximity of the subject lands to Upper Centennial Parkway, a noise study is required. This study was carried out and cleared by staff as part of the original subdivision application, however, given the changes in lot configuration, an addendum to the noise study is required (Appendix “E” - Condition No. 3).

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 resources must be preserved on site, only development and site alteration, which maintains the heritage integrity of the site, may be permitted. An archaeological assessment was submitted as part of the original subdivision application. The archaeological assessment satisfied Provincial interest, and the Ministry of Culture signed off on the archaeological assessment on February 27, 2008. Staff’s interest in the archaeological potential of the subject land has also been satisfied.

Based on the foregoing, the proposal is consistent with the policies of the Provincial Policy Statement.

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

Section 1.2.2 of the Growth Plan for the Greater Golden Horseshoe 2006 provides guiding principles to achieve the vision of the Plan. These guiding principles seek 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 applications are consistent with these principles, as they propose to build a more compact community by proposing a development which will intensify the development potential on the subject lands. The application also proposes to increase residential density in an area where adequate commercial, recreational, and transportation opportunities are available.

The subject lands are located within a designated ‘Greenfield Area’, as defined in the Places to Grow Plan. Policy 2.2.7.2 states that the designated ‘Greenfield Area’ of each upper or single-tier municipality will be planned to achieve a minimum density target that is not less than 50 residents and jobs combined per hectare. Staff notes that the draft approved “Highgate Meadow” subdivision is located within the designated ‘Greenfield Area’. The proposed subdivision revision, which includes 38 of the draft approved
single-detached lots and the proposed 52 street townhouse dwellings, will achieve a density target of approximately 72 residents and jobs combined per hectare. Based on the foregoing, the proposal is consistent with the Plan.

**Hamilton-Wentworth Official Plan**

The subject property is designed “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. As the nature of the application is to permit intensified residential development of the property, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

Policy B-9.2 states that the City shall consider the 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 will be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection. As outlined earlier, an archaeological assessment was submitted as part of the original subdivision application. The archaeological assessment satisfied Provincial interest, and the Ministry of Culture signed off on the archaeological assessment on February 27, 2008. Staff’s interest in the archaeological potential of the subject land has also been satisfied.

**City of Stoney Creek Official Plan**

The subject property is designated “Residential” on Schedule “A” - General Land Use Plan, and “Low Density Residential” on Schedule “A3 - Secondary Plan - West Mountain Planning District (Heritage Green), in the City of Stoney Creek Official Plan. As previously mentioned, the applicant is proposing to redesignate the subject lands from “Low Density Residential” to “Medium Density Residential” to permit the development of 52 street townhouse dwellings.

The following policies of the City of Stoney Creek Official Plan, among others, are applicable to the proposed development:

“A.1.2.9 Council shall encourage the provision of a full range of housing types and prices throughout the municipality, and where appropriate, residential intensification will be encouraged subject to Policies A.1.2.18, A.1.2.20, A.1.2.21, and A.1.2.22, and other policies of the Plan.”
A.1.2.12 The Residential Densities within the respective Residential land use designations identified by the SECONDARY PLANS shall be as follows:

b) MEDIUM DENSITY - approximately 30 to 49 units per Net Residential Hectare. This designation permits predominantly townhouse dwellings and walk-up apartments. Generally, these types of dwellings are to be located at the periphery of the Residential Neighbourhoods adjacent to arterial roads and/or collector roads.

A.1.2.17 In the evaluation of any proposal for multiple family residential development (triplex, fourplex, sixplex, attached housing, and apartment dwellings), the relevant Secondary Plan policies of this Plan shall apply. In addition, Council shall be satisfied that:

(a) Schools and neighbourhood commercial facilities will be adequate for the increased residential density resulting from the proposal;

(b) The height, bulk, and arrangement of buildings and structures will achieve harmonious design and will not conflict with the existing and/or expected development of the surrounding area. In this regard, Council may require the developer to submit evidence that wind and shadows will not have a harmful effect upon adjacent areas;

(c) Appropriate off-street parking, landscaped areas, protection for abutting residential uses where warranted, and other accepted site planning features can be satisfactorily accommodated on the proposed site; and,

(d) Ingress and egress to the property will be so designed as to minimize traffic hazards and congestion on surrounding streets.

A.1.2.19 In the development of new residential areas, and as far as practical in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of residential amenity:

(a) Provision and maintenance of adequate off-street parking;

(b) Provision, improvement and/or maintenance of on-site landscaping; and,
As discussed in the Analysis/Rationale section of this report (see Pages 6 - 7), the proposal meets the intent of the “Residential” designation of the Official Plan, as it is located on the periphery of the neighbourhood adjacent to an arterial road and in an area where there are adequate amenities. The proposed development is compatible with existing and proposed development in the neighbourhood in terms of built form and lot configuration. The proposed street townhouses provide similar setbacks to the single detached dwellings proposed across Bankfield Crescent. Adequate off-site parking will be provided as each unit will have two parking spaces, one of which will be located within the garage. Finally, traffic hazards will be minimized as no direct access will be provided from Upper Centennial Parkway, and all access will be via Highgate Drive.

Neighbourhood Plan

The subject lands are designated “Low Density Residential” on the approved Highland Neighbourhood Plan. Upon finalization of the Official Plan Amendment and Zoning Amendment, an amendment to the Neighbourhood Plan will be required to reflect the revised designation to “Medium Density Residential”.

New Urban Hamilton Official Plan

The New Urban Hamilton Official Plan was adopted by Council on July 9, 2009. The subject lands are designated “Neighbourhoods” on Schedule ‘E-1’ Urban Land Use Designations, which permits residential dwellings, open space and parks, local community facilities/services, and local commercial uses. In addition, the lands are designated “Low Density Residential 2b” on Map B.7.6-1, West Mountain Area (Heritage Green) Secondary Plan, which only permits single-detached dwellings, duplex and semi-detached dwellings, at a density of not more than 29 units per net residential hectare. As the proposed development would not conform to the Secondary Plan, a modification to the Urban Hamilton Official Plan would be required, as per Recommendation (e) of this report (see Page 3).
The following Departments and Agencies had no comments or objections:

- Environmental Planning Section, Public Works Department.
- Taxation Division, Corporate Services Department.
- Water & Wastewater Division, Public Works Department.
- Waste Management Division, Public Works Department.
- Hamilton Police Services.
- Emergency Services.
- Hamilton-Wentworth District School Board.
- Hamilton-Wentworth Separate School Board.
- French Public School Board.
- French Catholic School Board.
- Bell Canada.
- Horizon Utilities.

The Hamilton Conservation Authority has indicated that the subject lands are located within the Stoney Creek subwatershed area that drains into Lake Ontario. The proposed development will require the implementation of Normal (Level 2) stormwater quality control, as well as stormwater quantity control. According to the Highgate Meadow Estates Plan of Subdivision Stormwater Pond Retrofit to Quality/Quantity Pond report, prepared by Odan/Detech Group Inc., dated March 3, 2009, the subject property drains into an existing dry pond facility located at the southwest corner of Upper Centennial Parkway and Highland Road West, which was designed to attenuate post development flows to pre-development levels prior to outlet. The report indicates that the existing pond can be retrofitted with a combined forebay for the north and southwest pond inlets in order to provide the required quantity and quality control. HCA requests that the Draft Plan Conditions acknowledge that detailed Stormwater Management Report and engineering drawings, including site grading, site servicing, and sediment and erosion control plans be submitted for review and approval. Staff notes that the special conditions requested by the HCA were included in the original draft plan conditions (see Appendix “G” - Condition No. 19). Condition No. 7 (see Appendix “G”) will also be revised to include clearance of the Stormwater Management report, to the satisfaction of the HCA (see Appendix “E” - Condition 7).

The Hamilton Street Railway (Public Works Department) has indicated that HSR currently runs route #44 Rymal buses along Upper Centennial Parkway and the route #43 Stone Church buses along Highland Road, with no planned changes in service.
SUBJECT: Applications for Approval of a Revised Draft Plan of Subdivision, “Highgate Meadow”, and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, for Lands Located Within Part of Lot 25, Concession 8 (Saltfleet), Former City of Stoney Creek (PED10014) (Ward 9) - Page 15 of 16

The Traffic Engineering and Operations Section (Public Works Department) has no comments for the proposed OPA and ZBA, however, has asked for the inclusion of an on-street parking plan as an additional condition of approval (see Appendix “E” - Condition No. 27).

The Hamilton Municipal Parking System has indicated that all existing and future parking requirements are met on-site. All on-site parking spaces, including those within garages, are to be suitably dimensioned to ensure continued use of these facilities for parking purposes. Driveways are to be aligned in such a way that will maximize the availability of on-street parking, by allowing a minimum of 6.5 metres of curb space between driveway approaches. This will be reviewed, in detail, through the submission of an on-street parking plan, as required by the Traffic Engineering and Operations Section (see Appendix “E” - Condition No. 27).

The Forestry and Horticulture Section (Public Works Department) has identified that there are no Municipal Tree Assets located on the Upper Centennial Parkway road allowance. The clearance of a Street Tree Planting Plan condition will be provided upon receipt of a plan depicting new trees and a cash payment. This requirement is included in the Standard Form Subdivision Agreement (Clause 2.8).

The Recreation Division (Community Services Department) advised that due to the increase in density, the Parkland Dedication should be re-evaluated and the alternate to 5% should be utilized. This requirement is included in the Standard Form Subdivision Agreement (Clause 1.6), and as Recommendation (a)(iii).

The Open Space and Park Planning Section (Public Works Department) has commented that parkland dedication, with payment in the form of Cash-in-Lieu, is required for the proposed development as no parkland is shown to be dedicated on the draft plan of subdivision. This requirement is included in the Standard Form Subdivision Agreement (Clause 1.6), and as Recommendation (a)(iii).

The Strategic Planning Section (Public Works Department) has commented that the proponent should be aware that this area is a possible future Rapid Transit Route, and should be advised of the ongoing Stoney Creek/Battlefield Creek Class EA Study. Recommendations of the City of Hamilton Stormwater Master Plan for source and conveyance control should be incorporated into the servicing plans.

Canada Post has indicated that the subdivision will receive mail service to centralized mail facilities provided through the Community Mailbox program. Previous conditions of draft approval were cleared by Canada Post, however, due to the proposed increase in the number of lots within the subdivision, the applicant will be required to provide an amended plan showing the location of the centralized mailboxes, to the satisfaction of Canada Post. As such, the standard condition of approval, which is included in the
Subject: Applications for Approval of a Revised Draft Plan of Subdivision, “Highgate Meadow”, and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, for Lands Located Within Part of Lot 25, Concession 8 (Saltfleet), Former City of Stoney Creek (PED10014) (Ward 9) - Page 16 of 16

Standard Form Subdivision Agreement (Clause 1.22), will have to be cleared again by Canada Post.

Public Consultation

In accordance with the new provisions of the Planning Act and Council’s Public Participation Policy, Notice of Complete Application and Preliminary Circulation was circulated to 113 property owners within 120 metres of the subject property on October 16, 2009. To date, no formal responses have been received.

Further, a Public Notice sign was posted on the property on October 23, 2009, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
The proposed development promotes community well-being, as it provides compact residential development in close proximity to adequate commercial, educational, recreational, and transportation opportunities.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
The proposed development applies the principles of densification and best use of available land since the development provides for the creation of 52 new residential dwellings.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported since the proposal provides for increased tax revenues.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☐ Yes ☑ No

:JH
Attachs. (8)
Appendix "A" to Report PED10014

Change in Designation from "Low Density Residential" to "Medium Density Residential".

Change in Zoning from Single Residential "R4-21" Zone to Multiple Residential "RM2-22" Zone, Modified.
Amendment No. [Redacted]

to the

Official Plan for the former City of Stoney Creek

The following text, together with Schedule “A”, Schedule “A” - General Land Use Plan and Schedule “B”, Schedule “A3” - Secondary Plan - West Mountain Planning District (Heritage Green), of the Official Plan of the former City of Stoney Creek, attached hereto, constitute Official Plan Amendment No. [Redacted].

Purpose:

The purpose of this Amendment is to redesignate the subject lands from “Low Density Residential” to "Medium Density Residential" on Schedule “A3” Secondary Plan - West Mountain Planning District (Heritage Green), to permit the subject land to be developed for street townhouses.

Location:

The lands affected by this Amendment are located on the west side of Upper Centennial Parkway, north of Rymal Road East and South of Highgate Drive, in the former City of Stoney Creek.

Basis:

The intent of the Amendment is to permit a medium density residential development in the form of street townhouse dwellings. The basis for the redesignation is as follows:

- The proposed Amendment is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe.

- It conforms with and implements the “Urban Area” designation of the Hamilton-Wentworth Official Plan.

- It conforms with the “Residential” designation, and implements the intensification policies of the City of Stoney Creek Official Plan, which also supports the provision of a full range of housing types.

- The use is compatible with the existing and proposed residential character of the surrounding neighbourhood.

- The proposed development is located at the periphery of the residential neighbourhood, and is adjacent to an arterial road.
**Actual Changes:**

1. Schedule “A”, General Land Use Plan, be revised by identifying the subject lands as O.P.A. No. [redacted], as shown on the attached Schedule “A” to this Amendment.

2. Schedule “A3”, Secondary Plan - West Mountain Planning District (Heritage Green), be revised by redesignating the subject lands from “Low Density Residential” to “Medium Density Residential”, and identifying the subject lands as O.P.A. No. [redacted], as shown on the attached Schedule “B” to this Amendment.

**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. [redacted], passed on the [redacted] day of [redacted], 2010.

The

**City of Hamilton**

__________________________________________  _________________________________________
Fred Eisenberger                  Kevin C. Christenson
Mayor                           Clerk
Appendix “D” to Report PED10014   (Page 1 of 3)

Authority: Item [redacted], Economic Development and Planning Committee
Report: 10- [redacted] (PED10014)
CM: [redacted]

Bill No.

CITY OF HAMILTON

BY-LAW NO. [redacted]

To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting the Lands Located on the west side of Upper Centennial Parkway, south of Highgate Drive, and known as Part of Lot 25, Concession 8, Stoney Creek

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 City of Stoney Creek” 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. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [redacted] of Report 10- of the Economic Development and Planning Committee, at its meeting held on the day of [redacted], 2010, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

AND WHEREAS this by-law will be in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan) upon approval of Official Plan Amendment No. [redacted];

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

1. That Map No. 16 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended by changing the zoning from the Single Residential “R4-21” Zone to the Multiple Residential “RM2-22” Zone on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”. 
2. That Subsection 6.9.6, “Special Exemptions”, of Section 6.9 Multiple Residential “RM2” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, “RM2-22”, as follows:

“RM2-22” - Part of Lot 25, Concession 8, Schedule “A”, Map No. 16

Notwithstanding the provisions of Paragraph (d) of Section 6.9.3, “Zone Regulations” of Zoning By-law No. 3692-92, on those lands zoned “RM2-22” by this by-law, the following shall apply:

(d) Minimum Side Yard
    End Unit - 1.8 metres

In addition to the provisions of Section 6.9.3, “Zone Regulations” and Section 4.19, “Yard Encroachments” of Zoning By-law No. 3692-92, on those lands zoned “RM2-22” by this By-law, unenclosed porches, bay windows, and side entrances shall be provided and maintained for all corner units.

In addition to the regulations of Section 4.19 “Yard Encroachments”, unenclosed porches, including porch foundation walls, may project into any required side yard of a corner unit, a distance of not more than 1.5 metres.

Notwithstanding Section 4.13.1, “Special Setbacks - Daylight Triangles”, any lot located at the intersection of two or more roads will require a minimum yard to the hypotenuse of the daylight triangle of 1.5 metres for an unenclosed porch, including porch foundation walls.

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 Multiple Residential “RM2” Zone provisions, 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.

______________________________   ______________________________
FRED EISENBERGER              KEVIN C. CHRISTENSON
MAYOR                         CLERK

ZAC-09-037
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.3692-92

Subject Property

Change in zoning from Single Residential
"R4-21" Zone to Multiple Residential
"RM2-22" Zone, modified.
Special Conditions of Draft Plan of Subdivision Approval for revision to “Highgate Meadow”

That Condition No. 1 of Schedule 1 to the draft plan of subdivision “Highgate Meadow” be replaced with the following:

1. That this approval apply to Revised Draft Plan of Subdivision, 25T-200801(R), “Highgate Meadow”, prepared by the Odan/Detech Group, and certified by David Wilton, O.L.S., dated November 27, 2009, showing 38 lots (Lots 1 - 38) for single detached dwellings, 8 blocks for 52 street townhouse dwellings (Blocks 39 - 46), 4 blocks (Blocks 47 - 50) for 0.3 metre reserves, the extension of Highgate Drive and the creation of one street (Street “A”), subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the following special conditions.

That Condition No. 3 of Schedule 1 to the draft plan of subdivision “Highgate Meadow” be replaced with the following:

3. That the owner/applicant shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environments recommended sound level limits. An addendum to the acoustical report, dated January 2008 (revised January 15, 2009), prepared by a qualified Professional Engineer containing the recommended control measures, shall be submitted, to the satisfaction of the City of Hamilton, Director of Planning. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner/applicant, and shall be submitted, to the satisfaction of the City of Hamilton, Director of Planning.

That Condition No. 7 of Schedule 1 to the draft plan of subdivision “Highgate Meadow” be replaced with the following:

7. That prior to servicing, the owner shall submit 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, to the satisfaction of the Director of Development Engineering, the Hamilton Conservation Authority, and all other appropriate agencies.

That Condition No. 21 of Schedule 1 to the draft plan of subdivision “Highgate Meadow” be replaced with the following:

21. That prior to registration of the plan of subdivision, 4.5 metre x 4.5 metre daylight triangles be established on the final plan of subdivision, at the corner of Blocks 42 and 43, at the “L” shaped bends on Street “A”.
That Condition No. 23 of Schedule 1 to the draft plan of subdivision “Highgate Meadow” be replaced with the following:

23. That prior to the registration of the plan of subdivision, the driveway locations for Lots 18 and 19 have been shown on the engineering drawings, and have been approved, to the satisfaction of the Manager of Traffic Engineering and Operations, and the Manager of Engineering Design and Construction.

That Condition No. 25 of Schedule 1 to the draft plan of subdivision “Highgate Meadow” be replaced with the following:

25. That the Owner agrees, in writing, that access to Lots 1 and 70 and corner units of Blocks 39 and 46 will be from Street “A”, and that driveway accesses to corner lots be situated outside of the daylight triangles.

That Condition No. 26 of Schedule 1 to the draft plan of subdivision “Highgate Meadow” be renumbered to Condition No. 29.

29. That prior to the signing of the final plan, the Director must be satisfied that the above conditions have been carried out to his satisfaction, with a brief but complete statement indicating how each condition has been satisfied.

That the following conditions be added as Conditions 26 - 27 of Schedule 1 to the draft plan of subdivision “Highgate Meadow”:

26. That, prior to registration of the plan of subdivision, the owner will be required to provide an amendment to the servicing report to verify that there is adequate sanitary, stormwater, and watermain capacity resulting from the increase in density due to the revised land use, to the satisfaction of the Manager of Engineering Design and Construction.

27. That, prior to registration of the plan of subdivision, the owner prepare an on-street parking plan based on the premise of achieving on-street parking for 40% of the total number dwelling units, to the satisfaction of the Manager of Traffic Engineering and Operations.
SCHEDULE 1

As authorized by By-law No. 07-323, I. P. Mallard, hereby approve draft plan of Subdivision, "Highgate Meadow", Loblaw Properties Ltd. and Black Sail SC Ltd., owners, for lands located in the City of Hamilton (Stoney Creek) under File No. 25T200801, subject to the following conditions:

1) That this approval apply to "Highgate Meadow", 25T-200801, prepared by the Odan/DeTech Group., and certified by David Wilton, OLS, dated January 15, 2008, showing 70 lots (Lots 1-70) for single detached dwellings, 2 landscape buffer blocks (Blocks 71 and 72), the extension of Highgate Drive and the creation of one street (Street "A"), subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the following special conditions.

2) That prior to registration the final plan of subdivision include a final lotting design for all blocks within the draft plan in which single detached lots are permitted by the City’s Zoning By-law at a density not to exceed the maximum density approved by the City for this draft plan.

3) That the Owner shall investigate the noise levels on the site and determine the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment’s recommended sound level limits. An acoustical report, prepared by a qualified Professional Engineer containing the recommended control measures, shall be submitted to the satisfaction of the City of Hamilton, Director of Planning.

4) That the Owner agrees in writing to construct noise control measures, at the Owner’s expense, as recommended in the approved Noise Impact Study, to the satisfaction of the Director of Development Engineering.

5) That the Owner agrees in writing that all required noise control measures will be located on land that will remain under private ownership following registration of the plan.

6) That the Owner agrees in writing to:

   i) operate and maintain, in an acceptable manner, the storm water management facility(s) throughout the construction of all stages of draft plan registration, or until a time as established by the Director of Development Engineering, and monitor such operation and effects thereof; and,

   ii) submit an operation and maintenance manual at the time of assumption of the storm water management facility(s) by the City.

7) That prior to servicing the owner shall submit 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, to the satisfaction of the Director of Development Engineering, and all other appropriate agencies.
8) That prior to servicing the Owner agrees to prepare a detailed stormwater management report to address quality and quantity control. The report shall address the 5-year and 100-year storm, including provisions for a major overland flow route. Further, with respect to quality control, the report shall determine the retrofit requirements for the existing stormwater pond located at the southwest corner of Highland Road and Upper Centennial Parkway, identified in the City of Hamilton Stormwater Master Plan, to the satisfaction of the Director of Development Engineering.

9) That the Owner agrees in writing to design and construct the retrofit for the existing stormwater management quantity pond located at the southwest corner of Highland Road and Upper Centennial Parkway to address quality control requirements as recommended in the City of Hamilton Stormwater Master Plan, including new requirements for Level 1 treatment. Further, the Owner agrees to front end the works in absence of an approved Capital budget source. The City agrees to reimburse the Owner for the works at such time as the approved City funds are available.

10) That prior to servicing the owner shall prepare 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.

11) That prior to servicing the Owner agree in writing that in the event groundwater is encountered during any construction within the subdivision, including but not limited to house construction, the owner will submit a Hydrogeological Study to the City, prepared by a qualified professional, to assess impacts, to identify any significant recharge and discharge zone, to provide recommendations to mitigate the groundwater impacts, and to undertake the works as recommended including monitoring, all to the satisfaction of the Director of Development Engineering.

12) That prior to servicing the Owner, through a soil consultant or other qualified consultant, shall: check existing wells which provide potable water supply to other properties located within a reasonable distance of the subject lands to establish the existing depth of water within wells prior to the commencement of construction; monitor these wells during construction; and check wells for a period of one year after the completion of construction. Where, in the opinion of the City, if any problems arise, they must be appropriately addressed by the owner, to the satisfaction of the Director of Development Engineering.

13) That prior to servicing the Owner shall include in the engineering design for the draft plan lands installation of 1.5m wide sidewalks, in accordance with City policy, on the inner loop of Street "A" and on both sides of Highgate Drive.

14) That the Owner agrees in writing to construct a temporary watermain connection for looping purposes along the southern boundary of City parkland between Highgate Drive and Highbury Drive, if required. The cost of installation and future abandonment will be at the Owner’s expense.
15) That prior to servicing the Owner prepares a geotechnical report and implement the report’s recommendations, to the satisfaction of the Manager of Design and Construction.

16) That the Owner agrees in writing through a qualified consultant to: maintain and monitor the existing siltation/erosion control; and provide monthly reports until the completion of sodding, to the satisfaction of the Manager of Design and Construction.

17) That prior to registration of the plan of subdivision the Owner shall remove and dispose of, at his expense, the existing temporary turning circle located at the existing south limit of Highgate Drive. The Owner agrees to reinstate Highgate Drive to full municipal standards, and also agrees to reinstate the existing City parkland, including the placement of topsoil and sod, to the satisfaction of the Manager of Design and Construction.

18) That prior to servicing the Owner agrees that no blasting will take place without a pre-blast survey being completed, and that adequate monitoring will be conducted by a qualified consultant.

19) That the Owner agrees:

a) To show all erosion and siltation control features in detail on a Grading and Drainage Control Plan, hereinafter described in Section 18 (b); to the satisfaction of the Director of Development Engineering and the Hamilton Conservation Authority; and to implement all such erosion and siltation control measures. The Owner further agrees to maintain all such measures, to the satisfaction of the City’s Manager of Engineering Design and Construction, until the site has been fully developed as determined by the City’s Manager of Development Planning.

b) To prepare a detailed Grading and Drainage Control Plan, including infiltration of rooftop runoff where soil conditions and By-law conditions permit, (a Stormwater Management Report prepared by a qualified engineer must be submitted to support design), showing drainage details for the subject property, abutting properties and public right-of-ways so as to ensure compatible drainage, and to show thereon all existing and proposed connections to the municipal stormsewer, and all detailed erosion and siltation control features; to the satisfaction of the City’s Director of Development Engineering and the Hamilton Conservation Authority.

c) To submit, to the satisfaction of the City’s Manager of Design and Construction, detailed engineering design for stormwater management, or to receive from the said Manager, an exemption from this requirement.

20) That prior to registration of the plan of subdivision 7.0 metre by 7.0 metre daylight triangles be established on the final plan of subdivision at both intersections of Highgate Drive and Street “A”.
21) That prior to registration of the plan of subdivision 4.5 metre x 4.5 metre daylight triangles be established on the final plan of subdivision at the corner of Lots 19 and 50 at the “L” shaped bends on Street “A”.

22) That prior to registration of the plan of subdivision the owner provide documentation clarifying that the rights-of-way along the rear of Lots 1 through 18, for access to the existing cemetery on the westerly side of the proposed Highgate Drive extension, have been removed, to the satisfaction of the City’s Manager of Development Planning.

23) That prior to the registration of the plan of subdivision the Final Plan not be registered until driveway locations for Lots 18 and 51 have been shown on the engineering drawings and have been approved, to the satisfaction of the Manager of Traffic Engineering and Operations, and the Manager of Engineering Design and Construction.

24) That prior to registration of the plan of subdivision the owner provide a landscaping plan illustrating significant trees, heavy landscaping and/or visual barrier fencing be provided along the easterly limits of Street “A”, to the satisfaction of the Manager of Traffic Engineering and Operations, the Manager of Engineering Design and Construction, and the Manager of Development Planning.

25) That the Owner agrees in writing that access to Lots 1, 34, 35 and 70 will be from Street “A”.

**Director of Planning**

26) That prior to the signing of the final plan, the Director must be satisfied that the above conditions have been carried out to his satisfaction with a brief but complete statement indicating how each condition has been satisfied.

**NOTE:** Pursuant to Section 51(32) of the Planning Act, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received before the draft approval lapses.

Signed: [Signature]  
Date: July 10, 2008  
Paul Mallard, Director  
Planning Division