SUBJECT: Application for Revisions to Previously Approved Draft Plan of Subdivision, “Summerlea West”, and Amendments to the Glanbrook Official Plan and Zoning By-law No. 464, for Lands Located Within Lot 3, Concession 4, and Known as 3385 Binbrook Road, Former Township of Glanbrook (Binbrook) (PED09046) (Ward 11)

RECOMMENDATION:

(a) That approval be given to Subdivision Application 25T-200605(R) by Empire Communities (Binbrook) Ltd., Owner, to revise the draft plan of subdivision for “Summerlea West”, subject to the following conditions:

(i) That this approval apply to “Summerlea West Redline Revision Draft Plan of Subdivision”, Revision 9, as further red-line revised, prepared by Armstrong Hunter & Associates, and certified by Bryan Jacobs, OLS, dated June 17, 2008, showing 117 single detached residential lots (Lots 1-117), 27 single detached residential blocks (Blocks A1-A18, A19-A26 and A30), 7 street townhouse blocks (Blocks A27-A29 and A31-A34), a mixed use block (Block D), a neighbourhood park block (Block G), an open space corridor (Block I), a stormwater management pond (Block H), a walkway/easement block (Block N), drainage channels (Blocks K and O), the creation of 14 new internal public roads (Streets A through J, and the extension of Voyager Pass, Whitwell Way, Gowland Drive, and Windwood Drive), two road widening blocks (Blocks B and C), and 5 blocks to be assembled for future development (Blocks E, F, J, L, M), attached as Appendix “C” to PED09046, subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “G”.
SUBJECT: Application for Revisions to Previously Approved Draft Plan of Subdivision, “Summerlea West”, and Amendments to the Glanbrook Official Plan and Zoning By-law No. 464, for Lands Located Within Lot 3, Concession 4, and Known as 3385 Binbrook Road, Former Township of Glanbrook (Binbrook) (PED09046) (Ward 11) - Page 2 of 14

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

(1) That the City will cost share 50% for the equivalent of a 1.5m high galvanized fence that abuts City parkland, to be paid from the Development Charge Reserve.

(2) That there will be a City Development Charge contribution for the land component and construction costs of the Stormwater Management Pond, as identified in the Development Charges Background Study to the pre-determined upset limit amount.

(3) Any pavement widths greater than 8.0 metres within the subdivision limits.

(4) Any municipal works adjacent to the frontage of the park.

(5) Any watermain oversizing greater than 300 millimetres.

(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 the maximum permitted density for Blocks A1-A34, and 2% for the commercial block, minus the land credit related to the conveyance of Block G;

(b) That the conditions of draft plan approval of Draft Plan of Subdivision Application 25T-200605(R) by Empire Communities (Binbrook) Ltd., Owner, be revised by repealing the conditions of draft plan approval originally considered by Council as Report PED07148, and adopted May 30, 2007, and replacing with the conditions of draft plan approval shown in Appendix “G” to Report PED09046.

(c) That approval be given to Official Plan Amendment Application OPA-08-005, by Empire Communities (Binbrook) Ltd., Owner, for Official Plan Amendment No.____, to amend Schedule “B”, Binbrook Village Secondary Plan Land Use Plan of the Official Plan for the Township of Glanbrook, from “Institutional (Elementary School)” to “Neighbourhood Park”, from “Neighbourhood Park” to “Low Density Residential”, and from “Medium Density Residential” to “Low Density Residential”, on lands located within Lot 3, Concession 4 (Binbrook), on the following basis:
SUBJECT: Application for Revisions to Previously Approved Draft Plan of Subdivision, “Summerlea West”, and Amendments to the Glanbrook Official Plan and Zoning By-law No. 464, for Lands Located Within Lot 3, Concession 4, and Known as 3385 Binbrook Road, Former Township of Glanbrook (Binbrook) (PED09046) (Ward 11) - Page 3 of 14

(i) That the draft Official Plan Amendment, attached as Appendix “D” to Report PED09046, be adopted by City Council.

(d) That approval be given to Zoning Application ZAC-08-014, by Empire Communities (Binbrook) Ltd., Owner, for changes in zoning from the Residential Multiple “RM3-219” Zone to the Residential Multiple “RM2-194” Zone (Blocks 1 and 3, Schedule “A” of Appendix “E”); from the Residential Multiple “RM3-219”, Residential “R4-220” and Open Space “OS2” Zones to the Residential “R4-218” Zone (Blocks 2, 4, 6 and 7, Schedule “A” of Appendix “E”); from the Institutional “I” Zone to the Neighbourhood Park (P1) Zone (Block 5, Schedule “A” of Appendix “E”); from the Residential “R4-218” Zone to the Open Space (P4) Zone (Block 8, Schedule “A” of Appendix “E”); from the Open Space “OS2” Zone to the Open Space (P4) Zone (Block 9, Schedule “A” to Appendix “E”); and from the Open Space “OS2” Zone to the Conservation/Hazard Land (P5) Zone (Block 10, Schedule “A” of Appendix “E”), as shown on Schedule “A” of Appendices “E” and “F” to Report PED09046, on the following basis:

(i) That the draft By-laws, attached as Appendices “E” and “F” to Report PED09046, 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 Glanbrook upon finalization of Official Plan Amendment No. ___.

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Tim McCabe
General Manager
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

The original “Summerlea West” development proposal, which consisted of an Official Plan Amendment, Zoning By-law Amendment and draft plan of subdivision application, was approved in May 2007.
The new applications request 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 road layout and distribution of land uses now that it has been determined that the school block is no longer required. The lands previously zoned for a school site are intended to be used as a public park and, in turn, the lands previously zoned for the public park are to be used for low density residential purposes. The revisions will result in the relocation of the park block, the reconfiguration of numerous proposed internal public roads, and the addition of approximately 72 single detached dwelling unit lots, as more particularly shown on the revised draft plan included as 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.

**BACKGROUND:**

**History**

In May 2007, 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”. Among other features and land uses, the previously approved draft plan proposed the inclusion of a 2.31 hectare school block and a 1.92 hectare park block, as envisioned in the Binbrook Village Secondary Plan.

**Details of Submitted Applications**

- **Location:** Lot 3, Concession 4, 3385 Binbrook Road (see Appendix “A”)
- **Owners:** Empire Communities (Binbrook) Ltd.
- **Agent:** Armstrong & Hunter Associates Ltd. (Paul Moore)
- **Property Size:**
  - Area: 33.26 hectares
  - Frontage: 301.73 metres (Binbrook Road)
  - Depth: 838.15 metres
- **Servicing:** Full Municipal Servicing
SUBJECT: Application for Revisions to Previously Approved Draft Plan of Subdivision, “Summerlea West”, and Amendments to the Glanbrook Official Plan and Zoning By-law No. 464, for Lands Located Within Lot 3, Concession 4, and Known as 3385 Binbrook Road, Former Township of Glanbrook (Binbrook) (PED09046) (Ward 11) - Page 5 of 14

Existing Land Use and Zoning:

<table>
<thead>
<tr>
<th>Surrounding Land</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>North</strong></td>
<td>Open Space / Woodlot</td>
<td>Public Open Space “OS2-161” Zone</td>
</tr>
<tr>
<td><strong>West</strong></td>
<td>Single Detached Dwelling / Agricultural</td>
<td>Restricted Agricultural “A2” Zone</td>
</tr>
<tr>
<td><strong>South</strong></td>
<td>Vacant / Agriculture</td>
<td>General Agricultural “A1-236” Zone</td>
</tr>
<tr>
<td><strong>East</strong></td>
<td>Residential</td>
<td>Residential “R4-192” and “R4-193” Zones, and Residential Multiple “RM2-202” and “RM3-195” Zones</td>
</tr>
</tbody>
</table>

Plan of Subdivision (25T-200605(R))

The purpose of this application is to revise a draft plan of subdivision that was previously draft approved on July 6, 2007 (Appendix “B”). The revisions include the removal of the school block, relocation of the park block, and reconfiguration of numerous proposed internal public roads which result in the changes noted below, and more particularly found on the attached proposed draft plan revision found in Appendix “C”:

<table>
<thead>
<tr>
<th>Previously Approved Draft Plan</th>
<th>Proposed Revised Draft Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Detached Residential @ 9.2 m. frontage</td>
<td>53 lots and 24 blocks permitting up to 387 units</td>
</tr>
<tr>
<td>Single Detached Residential @ 11.0 m frontage</td>
<td>39 lots permitting 39 units</td>
</tr>
<tr>
<td>Medium Density Residential</td>
<td>2 blocks permitting up to 190 units</td>
</tr>
<tr>
<td>Elementary School Block</td>
<td>2.31 ha.</td>
</tr>
<tr>
<td>Neighbourhood Park</td>
<td>1.92 ha.</td>
</tr>
<tr>
<td>Open Space Block</td>
<td>2.86 ha.</td>
</tr>
<tr>
<td>Stormwater Management Block</td>
<td>2.18 ha.</td>
</tr>
<tr>
<td>Drainage Channel</td>
<td>0.57 ha.</td>
</tr>
<tr>
<td>Mixed Use Block</td>
<td>0.93 ha. permitting up to 140 units</td>
</tr>
</tbody>
</table>
Official Plan Amendment (OPA-08-005)

The purpose of the Official Plan Amendment is to amend Schedule “B”, Binbrook Village Secondary Plan Land Use Plan of the Township of Glanbrook Official Plan by:

- Redesignating a portion of the subject lands, as shown on the attached draft Official Plan amendment found in Appendix “D”, from “Institutional (Elementary School)” to “Neighbourhood Park”;

- Redesignating a portion of the subject lands, as shown on the attached draft Official Plan amendment found in Appendix “D”, from “Medium Density Residential” to “Low Density Residential”; and,

- Redesignating a portion of the subject lands, as shown on the attached draft Official Plan amendment found in Appendix “D”, from “Neighbourhood Park” to “Low Density Residential”.

The effect of the proposed Official Plan Amendment is to provide a policy basis for allowing lands previously designated for a school site to be used as a public park, and lands previously designated for a public park to be used for low density residential purposes. In addition, a small portion of lands fronting onto the northerly portion of Street “G” is proposed to be used for single detached dwelling lots rather than street townhouses.

Zoning By-law Amendment (ZAC-08-014)

The Zoning By-law Amendment is being sought by the applicant to:

- Change the zoning of Blocks 1 and 3 (Appendix “A”) from Residential Multiple “RM3-219” to the Residential Multiple “RM2-194” Zone, to allow townhouses similar in form to the existing houses located along the southern side of Windwood Drive, east of Bradley Avenue;

- Change the zoning of Block 2 from Residential Multiple “RM3-219”, Block 4 from Residential “R4-220”, Blocks 6 and 7 from Public Open Space “OS2” to the Residential “R4-218” Zone, to allow single detached dwelling lots with the site-specific regulations that are the same as those of the surrounding residential lands (see Appendix “A”);

- Change the zoning of Block 5 (Appendix “A”) from Institutional “I” to Neighbourhood Park (P1) Zone, to remove the school site and relocate the proposed public park; and,
SUBJECT: Application for Revisions to Previously Approved Draft Plan of Subdivision, “Summerlea West”, and Amendments to the Glanbrook Official Plan and Zoning By-law No. 464, for Lands Located Within Lot 3, Concession 4, and Known as 3385 Binbrook Road, Former Township of Glanbrook (Binbrook) (PED09046) (Ward 11) - Page 7 of 14

- Change the zoning of Block 8 (Appendix “A”) from Residential “R4-218” Zone to the Open Space (P4) Zone to relocate a public walkway, and to implement the new Zoning By-law regulations.

In addition to these amendments, Planning staff is recommending using this rezoning application as a house-keeping opportunity to change the dated zoning categories that apply to the proposed Stormwater Block (Block 9, Schedule “A” to Appendix “E”) and Open Space Block (Block 10, Schedule “A” to Appendix “E”) to the zoning categories used in the more recent Zoning By-law No. 05-200. This zoning category change is administrative only, and is considered a housekeeping amendment.

ANALYSIS/RATIONALE:

1. The proposed Official Plan Amendment, changes in zoning, and revised 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 settlement areas.

(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.

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

2. Subsection B.2.2.3.4 of the Township of Glanbrook Official Plan notes that “surplus” lands deemed not to be required by the pertinent school boards may be used for low density or medium density residential development or other new institutional development such as churches and day nurseries. Such alternative developments require a Zoning By-law Amendment, but may proceed without the need for an Official Plan Amendment provided the use is compatible with the character of the surrounding area. As the proposed block is proposed to be used for a public park, a use not envisioned in the Secondary Plan, an Official Plan Amendment is required.

Staff has consulted with representatives from the pertinent school boards and has been advised that the school site is indeed surplus to their needs and may be used for another use.

Although the school site is proposed to be used for public park purposes and, as a result, necessitates an Official Plan Amendment, the cumulative effect of changing the use of the school site to parkland and the previously designated
park block for additional residential lots is such that a school block is lost and replaced with residential uses. As the additional residential development realized by the removal of the school block is to be low density single detached residential lots, staff is satisfied that the proposal maintains the intent of the Official Plan. It is on this basis that staff supports the Official Plan Amendment request to redesignate the school site to a “Neighbourhood Park” and the former park block to “Low Density Residential”.

3. The Zoning By-law Amendment will result in:

- Changing the zoning of the former park block to Residential “R4-218” (Block 6 on Schedule “A” of Appendix “E”) and lands north of the park block from Residential “R4-220” to “R4-218” (Block 4 on Schedule “A” of Appendix “E”), which is the zoning category of the surrounding residential lands previously dealt with by Council;

- Changing the zoning of the former school site from Institutional “I” to Neighbourhood Park (P1) (Block 1 on Schedule “A” of Appendix “F”) to relocate the proposed public park;

- Changing the zoning at the northwest corner of the subdivision to allow medium density residential uses on Block 1 and single detached dwelling lots on Block 2 of Schedule “A” of Appendix “E”;

- Changing the zoning to allow the relocation of a link to the southerly open space block along the row of single detached lots fronting on the proposed extension to Voyager Pass (Blocks 7 and 8 on Schedule “A” of Appendix “E”); and;

- Changing the zoning of Blocks 2 and 3 (Schedule “A” of Appendix “F”) to Conservation/Hazard Lands (P5) and Open Space (P4) Zones, respectively, in order to implement the open space zoning categories found in By-law No. 05-200.

As these revisions will result in uses and zoning regulations that comply with the intent of the Official Plan and are similar to those zoning categories approved when the application was originally considered by Committee, Planning staff supports these amendments to the Zoning By-law. As the proposal is predominantly a lotless plan where individual lots will be created by exemption from part lot control, the proposed “R4-218” zoning will provide flexibility by allowing a range of lot sizes in one consistent zoning category for all single detached lots.
While a portion of the property found at Block 2 of Appendix “A” is being redesignated from “Medium Density Residential” to “Low Density Residential”, and converted from a “RM3-219” zone to a “R4-218” zone, this redesignation will only result in a small reduction in unit yield over the total frontage of 90 metres of this block considering the frontage of a street townhouse would have been 6.0 metres, whereas the proposed single detached dwelling lots will have a frontage of 9.2 metres. In addition, there were concerns expressed by Traffic Division staff, during the review of the original draft, about vehicular traffic access from the medium density block onto Street “G” that are overcome by reducing the unit yield in this particular block.

4. Revised Road Configuration

The relocation of the park block to the surplus school site has resulted in the ability to reconfigure the layout of the subdivision by connecting the north-south running roads on both sides of the former park block to create through roads that enhance the grid-road pattern, and allow the relocated park block to have a prominent central location within the subdivision. In addition, the revised plan creates a window road abutting Binbrook Road West and straightens out Windwood Drive. Staff has no objection to the revised road alignment. However, the previous conditions of draft plan approval require revisions to address the new subdivision layout. Such revisions include:

- Administrative changes, such as amending the street references in the conditions of draft plan approval; and,
- Clarifying that no access will be available to Binbrook Road West from Street “J”.

5. The fundamental stormwater management arrangements were accepted by staff and Council when the original draft plan was approved. Further, conditions of draft plan approval were included to ensure that stormwater management features were installed to the satisfaction of the City of Hamilton and the Niagara Peninsula Conservation Authority (NPCA). While the overall stormwater management scheme remains unchanged, the revised plan proposes to reduce the size of the stormwater management Block “H” from 2.18 hectares to 2.1.2 hectares, and the width of drainage channel Block “K” from 33.21 metres to 30.0 metres. Both City staff and NPCA staff are satisfied with these revisions, provided additional conditions of draft plan approval are included to ensure that: 1) the drainage channel has a meandering course satisfactory to the NPCA; 2) sound channel stabilizing techniques are used; and, 3) landscape planting and buffering are installed, to the satisfaction of the City and NPCA. The previous conditions of draft plan approval have been modified to include these conditions.
6. 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 2.09 hectares (Block “G” on Appendix “C”). Since the proposed development includes lot-less blocks, the remaining contribution shall be required prior to the proposed registration of the plan, and the calculation of the payment will be based on the final unit count, as provided by the applicant (see Condition Nos. 5 and 6 of Appendix “G”).

The proposed development 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, inclusive. As proposed, the density is between 20 and 75 dwelling units per net residential hectare, and the resulting land dedication rate is higher than if calculated using the 5% of land area calculation.

At the rate of 5% of the total area, 1.66 hectares of land would be required to be dedicated. At the rate of 1 hectare per 300 dwelling units, 2.43 hectares are required to be dedicated. We would note that at the time of writing this report, the City’s Parkland Dedication By-law is under review for possible comments by City Council.

7. The previous draft plan of subdivision was approved with a number of conditions, most of which have been carried forward for this proposal unaltered. Other conditions have been reworded to coincide with the current Subdivision Agreement administration process and/or to reflect a change in the numbering/naming of lots, blocks and proposed roads. In addition, a number of new conditions have been added to address the following matters:

a. The preparation of an archaeological assessment (Condition 2, Appendix “G”);

b. The preparation of a noise impact assessment for lands located in close proximity to Binbrook Road (Condition 3, Appendix “G”);

c. A dedication of land along Binbrook Road for road widening purposes (Condition 29, Appendix “G”);

d. Centre line road alignments of the existing Royal Winter Drive on the north side of Binbrook Road West and Street “G” (Condition 46, Appendix “G”);

e. The dedication of an easement over Block “N” (Condition 47, Appendix “G”);
f. The construction of temporary turning circles at the western limits of Gowland Drive and Whitwell Way (Condition 48, Appendix “G”); and,
g. The preparation of a street parking plan (Condition 49, Appendix “G”).

**ALTERNATIVES FOR CONSIDERATION:**

The lands are zoned, designated, and draft plan approved to allow a plan of subdivision. 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.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

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 and Zoning By-law, and for approval of a Draft Plan of Subdivision.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement:**

These applications have been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application is consistent with policies that focus growth in Settlement Areas 1.1.3.1.

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 will be required to submit an archaeological assessment for the entire property, as required in the New Standard Form Subdivision Agreement and noted in Condition 2 of Appendix “G”.

Policy 1.7.1 (e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as 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 Binbrook Road, a noise assessment is required to address this concern. The applicant will be required to submit a Noise Study, as required in the New Standard Form Subdivision Agreement and noted in Condition 3 of Appendix “G”.

**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.

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 revised draft plan of subdivision, the proposal conforms to the general intent of the Hamilton-Wentworth Official Plan provided an archaeological assessment is undertaken, as per the New Standard Form Subdivision Agreement, and Condition 2 of Appendix “G”.

**Township of Glanbrook Official Plan:**


The applicant has applied to change some of the land use designations, as previously noted in this report, and to reconfigure the local road pattern. The proposed amendments will still maintain the general intent of the Secondary Plan, and will permit a form of development that it is consistent with and complimentary to the planned and existing development in the immediate area.
SUBJECT: Application for Revisions to Previously Approved Draft Plan of Subdivision, “Summerlea West”, and Amendments to the Glanbrook Official Plan and Zoning By-law No. 464, for Lands Located Within Lot 3, Concession 4, and Known as 3385 Binbrook Road, Former Township of Glanbrook (Binbrook) (PED09046) (Ward 11) - Page 13 of 14

RELEVANT CONSULTATION:

Agencies/Departments Having no change in Comments from Previous Application

- Hamilton Street Railway.
- Budget and Finance.
- Hydro One.
- Recreation.
- Hamilton-Wentworth Separate School Board.
- Public Works Department (Forestry and Horticulture Section, Capital Planning and Implementation Division, Strategic and Environmental Planning Section, Open Space Development and Park Planning Section).

Hamilton-Wentworth District School Board

HWDSB staff has advised that they no longer have an interest in the designated elementary school block within the subdivision.

Public Works Department, Traffic Engineering and Operations Section

Staff had previously commented on traffic matters as part of the previously approved draft plan of subdivision. Revised conditions of draft plan approval addressing traffic issues associated with the revised plan have been included in the Special Conditions of Draft Plan approval found in Appendix “G”.

Niagara Peninsula Conservation Authority

Niagara Peninsula Conservation Authority staff had generally supported the previously approved draft plan of subdivision. The revised draft plan subject to this application included the reduction in the width of the temporary drainage channel from 33.24 metres to 30.0 metres. This reduction can be supported by NPCA staff, provided the watercourse within the drainage block meanders, the banks of the channel are appropriately stabilized, and appropriate landscaping is installed. These requirements are included as special conditions of draft plan approval in Appendix “G”.
PUBLIC CONSULTATION

In accordance with new provisions of the Planning Act and the Public Participation Policy that was approved by Council, Notice of Complete Application was pre-circulated to all property owners within 120 metres of the subject property. A total of 139 notices were circulated, and one additional notice was requested by a landowner outside of the 120 metres. As a result of this notice, staff did not receive any correspondence from the public on these applications. In addition, a Public Notice Sign was also posted on the subject lands 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 subject application promotes community well-being as it provides a choice of shelter types and new recreational/parkland opportunities.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
The subject application is not anticipated to have any negative effects on the environment. The stormwater channel will be naturalized and stormwater quality will be maintained.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported through growth.

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
Amendment
to the

Former Township of Glanbrook Official Plan

The following text together with Schedule “A” - Land Use Plan and Schedule “B”- Binbrook Village Secondary Plan, attached hereto, constitute Official Plan Amendment No. to the Official Plan of the former Township of Glanbrook.

Purpose:

The purpose of the Amendment is to redesignate portions of Schedule “B” - Binbrook Village Secondary Plan from “Institutional (Elementary School)” to “Neighbourhood Park”, from “Neighbourhood Park” to “Low Density Residential”, and from “Medium Density Residential” to “Low Density Residential”, as well as realign portions of the Local Roads to permit the development of a draft plan of subdivision.

Location:

The lands affected by this Amendment are Part of Lot 3, Block 4, Concession 4, located south of Binbrook Road and east of Fletchers Road, within the Binbrook Village Secondary Plan, known municipally as 3385 Binbrook Road West.

Basis:

The basis for the Amendment is as follows:

- The proposed Amendment conforms to the Regional Municipality of Hamilton-Wentworth Official Plan, and meets the general intent and the residential development objectives of the Binbrook Village Secondary Plan.

- Although the existing designated school site is proposed to be used for public park purposes and, as a result, necessitates an Official Plan Amendment, the cumulative affect of changing the use of the school site to parkland and the previously designated park block for additional residential lots is such that a school block is replaced with residential uses. As the additional residential development realized by the removal of the school block is to be low density single detached residential lots, the redesignation maintains the intent of the Official Plan.
The revision to allow “Low Density Residential” uses on lands currently designated for “Medium Density Residential” only affects a small portion of lands at the northerly entrance to the subject lands. Given its size and small difference in lot yield, the revision represents a negligible impact on the over-all development density of the property, and maintains the general intent of the Official Plan with respect to residential density and population targets.

The proposed development is compatible with the existing and planned uses in the immediate area.

The revision of the road pattern on the subject lands will not result in any negative impact on the neighbourhood design or the planned and existing flow of traffic.

Actual Changes

Schedule Changes:

1) Schedule “B”, Binbrook Village Secondary Plan, is hereby revised by redesignating a portion of the subject lands from “Institutional (Elementary School)” to “Neighbourhood Park”, from “Neighbourhood Park” to “Low Density Residential”, and from “Medium Density Residential” to “Low Density Residential”, as shown on Schedule “A” attached to this Amendment.

Implementation:

This policy will be implemented by the adoption of an accompanying Zoning By-law Amendment and draft plan of subdivision.

This is Schedule "1" to By-law No. ____, passed on the ___ day of ____, 2009.

The City of Hamilton

_______________________                               __________________________
Fred Eisenberger      Kevin C. Christenson
Mayor         Clerk
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 464 (Glanbrook), Respecting the Property Located at 3385 Binbrook Road, Former Township of Glanbrook (Binbrook)

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 Section ______ of Report 09-____ of the Economic Development and Planning Committee at its meeting held on the ______ day of ______, 2009, 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 (formerly the Township of Glanbrook Official Plan), upon the approval of Official Plan Amendment No. ______;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:
1. That Schedule “H”, appended to and forming part of By-law No. 464 (Glanbrook) is hereby amended as follows:

   (a) by changing the zoning from the Residential Multiple “RM3-219” Zone to the Multiple Residential “RM2-194” Zone, the lands comprised of “Blocks 1 and 3”;

   (b) by changing the zoning from the Residential Multiple “RM3-219” Zone to the Residential “R4-218” Zone, the lands comprised of “Block 2”;

   (c) by changing the zoning from the Residential “R4-220” Zone to the Residential “R4-218” Zone, the lands comprised in “Block 4”; and,

   (d) by changing the zoning from the Public Open Space “OS2” Zone to the Residential “R4-218” Zone, the lands comprised in “Blocks 6 and 7”;

   the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. 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 “RM2-194” Zone on Blocks 1 and 3 and the Residential “R4-218” Zone on Blocks 2, 4, 6 and 7.

3. 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 ______, 2009.

_________________________________________  _______________________________________
FRED EISENBERGER                                KEVIN C. CHRISTENSON
MAYOR                                              CLERK

ZAC-08-014/OPA-08-005
Schedule "A"

Map Forming Part of By-Law No. 09-____
to Amend By-law No. 464

Subject Property

Part of Lot 3, Block 4, Concession 4

Block 1 & 3 - Change in Zoning from the Residential Multiple "RM2-19" Zone to the Residential Multiple "RM2-194" Zone.

Block 2 - Change in Zoning from the Residential Multiple "RM3-219" Zone to the Residential "R4-218" Zone.

Block 4 - Change in Zoning from the Residential "R4-220" Zone to the Residential "R4-218" Zone.

Block 5 - Refer to By-law 05-2010.

Block 6 & 7 - Change in Zoning from the Public Open Space "CS2" to the Residential "R4-218" Zone.

Block 8-10 - Refer to By-law 05-2010.
To Amend Zoning By-law No. 05-200, Respecting Lands Located at 3385 Binbrook Road, Former Township of Glanbrook (Binbrook)

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, S.O. 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 Zoning By-law No. 05-200 was enacted on the 25th day of May, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [ ] of Report [ ] of the Economic Development and Planning Committee, at its meeting held on the [ ] day of [ ] , 2009, 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 (formerly the Township of Glanbrook Official Plan), upon approval of Official Plan Amendment No. [ ];

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

1. That Map No. 1933 of Schedule “A” to Zoning By-law No. 05-200, is amended by incorporating additional Neighbourhood Park (P1) 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 Map Nos. 1933 and 1955 of Schedule “A” to Zoning By-law No. 05-200, is amended by incorporating additional Conservation/Hazard Lands (P5) Zone boundaries for the applicable lands, the extent and boundaries of which are shown as Block 2 on a plan hereto annexed as Schedule “A”;

3. That Map Nos. 1933 and 1955 of Schedule “A” to Zoning By-law No. 05-200, is amended by incorporating additional Open Space (P4) Zone boundaries for the applicable lands, the extent and boundaries of which are shown as Block 3 on a plan hereto annexed as Schedule “A”;

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.

5. 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 , 2009.

__________________________________________
Fred Eisenberger
Mayor

__________________________________________
Kevin C. Christenson
Clerk

ZAC-08-014/OPA-08-005
Schedule "A"

Map Forming Part of By-Law No. 09-____
to Amend By-law No. 05-200

Subject Property

- Part of Lot 3, Block 4, Concession 4
- Block 1 - Lands to be zoned Neighbourhood Park "PI" Zone.
- Block 2 - Lands to be zoned Conservation Hazard Land "P5" Zone.
- Block 3 - Lands to be zoned Open Space "P4" Zone.
Special Conditions of Draft Plan of subdivisions Approval for “Summerlea West”

1. 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 or semi-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.

2. That, **prior to preliminary grading or servicing**, the Owner carry out and complete an archaeological assessment over the entire lands of the draft plan, to the satisfaction of the City and the Ministry of Citizenship, Culture and Recreation, and mitigate through preservation or resource removal and documentation adverse impacts to significant archaeological resources found, all prior to demolition, grading, or soil disturbances on the land.

3. That, **prior to preparation of a Subdivision Agreement by the City**, the Owner submit 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.

4. That the Owner enter into a standard form Subdivision Agreement with the City of Hamilton.

5. That the Owner **agree, in writing**, to transfer title of lands described as Block G, on the draft plan, to the City by deed, for public park.

6. That in accordance with the City’s Parkland Dedication By-law No. 03-199, a dedication of land for municipal park purposes is required as a condition of approval of the proposed development. In this instance, 2.09 hectares of land is needed for the park, which is less than the total land 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 upon the unit count, as shown on the Final M Plan, and the maximum permitted density for Blocks A1 - A34, inclusive, and 2% for the commercial block. The development may be subject to the alternate dedication rate of 1 hectare per 300 dwelling units if the density of development is between 20 and 75 dwelling units per hectare, inclusive, all in accordance with the City’s Parkland Dedication By-law in effect at the time of registration of the plan.
7. That the Owner agree that prior to the registration of the draft plan of subdivision that Urban Design/Architectural Guidelines be approved for the draft plan and included as an Appendix to the Subdivision Agreement, to the satisfaction of the Director of Planning.

8. That the Owner agree to retain a qualified Urban Designer/Architect, to administer architectural development standards for those lots subject to architectural control prior to the issuance of building permits, to the satisfaction of the Director of Planning. Furthermore, that the Owner agree to adhere to those lots identified in the Urban Design/Architectural Guidelines, and submit building plans for the lots to the City’s Urban Designer/Architect for review and approval prior to the issuance of a building permit.

9. That the Owner, at their expense, place adequate signage on site based on Hamilton-Wentworth District School Board specifications advising that students from this development are likely to be redirected to schools outside of the area with available capacity and that students may be transported as governed by the Board’s Transportation Policy, unless granted exception.

10. That the Subdivision Agreement include a Notice to purchasers advising that students are likely to be redirected to schools outside of the area with available capacity, as governed by the Board’s Transportation Policy.

11. That any rental or lease agreement required for occupancy include in all agreements to renters or leasers, a clause advising that students from this development are likely to be redirected to schools outside of the area with available capacity.

12. That a warning clause be included in the Subdivision Agreement advising purchasers that students of the Hamilton-Wentworth District Public School Board System are likely to be redirected to schools outside the area with available capacity, as governed by the Board’s Transportation Policy.

13. That the Owner agree that the draft plan of subdivision not be registered until such time as the intersection of Fall Fair Way and Highway No. 56 has been constructed, and is operational, to the satisfaction of the Manager of Traffic Engineering and Operations, Public Works Department.

14. That the Owner agree to construct a westbound left turn lane on Binbrook Road at Street “G” with a minimum length of 15 metres. A storage length of 15 metres must also be provided on the eastbound approach to this intersection for the future north leg collector road, to the satisfaction of the Manager of Traffic Engineering and Operations, Public Works Department.
15. That the Owner agree to construct neighbourhood roundabouts at the intersections of Street “G” and Whitwell Way, and at Street “G” and Windwood Drive. The applicant must submit engineering drawings prior to the finalization of the frontage requirements and driveway locations of adjacent lots. The drawings must demonstrate that the proposed roundabout designs accommodate all road users and provide the necessary road allowance area for utilities, pedestrian crossings and access locations, all to the satisfaction of the Manager of Traffic Engineering and Operations, Public Works Department and to the satisfaction of the Manager of Development Engineering.

16. That the Owner agree to dedicate a minimum of 12 metre by 12 metre daylight triangle from the intersections of Street “G” and Whitwell Way, and Street “G” and Windwood Drive to facilitate roundabout construction, all to the satisfaction of the Manager of Traffic Engineering and Operations, Public Works Department.

17. That the applicant must provide a centreline profile of Binbrook Road throughout the frontage of the property and extending as far to the west as required to ensure the required sightline standards have been met, to the satisfaction of the Manager of Traffic Engineering and Operations, Public Works Department.

18. That the Owner agree to participate, in conjunction with the City, in the development and implementation, and to the satisfaction of the City, of a multi-use pathway trail system, as prepared by a full member, in good standing of the Ontario Association of Landscape Architects (OALA). The trail system will be developed both off and on road along the proposed residential streets, with linkages through the Hydro One easement, stormwater management ponds, schools and park blocks.

19. That in conjunction with the above condition, the Owner agrees to provide pedestrian easements for user access and to accommodate City emergency and service vehicles. The width of the pedestrian easements shall be a minimum of 4.5 metres with a maximum slope of 8%. That the Owner agrees to provide hard surfaced treatment, sodding, pathway lighting, 1.5 metre high chainlink fence and removal bollards, all to the satisfaction of the City.

20. That, prior to registration, sanitary sewers, storm sewers, watermain and road access are available to service the lands of the draft plan, to the satisfaction of the Director of Development Engineering.

21. That, prior to servicing, the Owner include in the engineering design installation of: a) a 1.5m high galvanized chain link fence along the east limit of the Stormwater Management Pond identified as Block “H”, which abuts the residential lots; b) a 1.5 metre high galvanized chainlink fence along the sideyards of Blocks A19 and A20, which sideyards abut City public walkway
identified as Block “I” Open Space Corridor; c) a 1.5 metre high galvanized chainlink fence along the sideyards of Lots 43, 44, 90 and 91, which sideyards abut City public walkway identified as Block “N”, all to the satisfaction of the Director of Development Engineering.

22. That, prior to servicing, the Owner submit a servicing report to the Director of Development Engineering for review and approval. This report will also confirm that there are adequate domestic pressure and fire flows to support the development in absence of watermain looping.

23. 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.

24. That, prior to registration, 15.0 metre by 15.0 metre daylight triangles be established on the final plan of subdivision at the widened limits of Street “G” and Binbrook Road West, to the satisfaction of the Director of Development Engineering.

25. That, prior to registration, 12.0 metre by 12.0 metre daylight triangles be established on the final plan of subdivision at the intersection of Windwood Drive and Street “G”; at the intersection of Whitwell Way and Street “G” and at the intersection of Gowland Drive and Street “G” all to the satisfaction of the Director of Development Engineering.

26. That, prior to registration, 7.0 metre by 7.0 metre daylight triangles be established on the final plan at the intersections of: Windwood Drive and Street “A”; Windwood Drive and Street “B”; Windwood Drive and Street “F”; Windwood Drive and Voyager Pass; Street “G” and Street “C”; Street “G” and Street “D”; Street “G” and Street “E”; Street “G” and Street “H”; Street “G” and Street “I”, all to the satisfaction of the Director of Development Engineering.

27. That, prior to registration, 4.5 metre by 4.5 metre daylight triangles be established on the final plan of subdivision at the intersections of: Voyager Pass and Street “B”; Street “A” and Street “C”; Street “A” and Street “H”; Street “B” and Gowland Drive; Street “B” and Whitwell Way; Street “B” and Street “D”; Street “B” and Street “E”; Street “F” and Whitwell Way; Street “F” and Street “C”; Street “F” and Street “D”; Street “F” and Street “E”; Street “F” and Street “I”; Street “J” and Gowland Drive; Windwood Drive and Cleghorn Drive, to the satisfaction of the Director of Development Engineering.
28. That, prior to registration, 4.5 metre by 4.5 metre daylight triangles be established on the final plan of subdivision at the “L” shaped bends on Voyager Pass, to the satisfaction of the Director of Development Engineering.

29. That, prior to registration, the final plan of subdivision include a block showing sufficient lands to be dedicated to the City of Hamilton as public highway, by Owner’s certificate on the plan, to establish the widened limit of Binbrook Road West at 15.24 metres from centerline of the original road allowance, to the satisfaction of the Director of Development Engineering.

30. That, prior to registration, the Owner agree to urbanize Binbrook Road West from Fall Fair Way to the west limit of the draft plan lands including the installation of sewers and sidewalks, all to the satisfaction of the Director of Development Engineering.

31. That, prior to registration, the Owner pay to the City any outstanding commutation charges assessed against the lands in the draft plan, which represents the Owner’s share of the Binbrook Village Stormwater Management Pond in accordance with a sewer rate established by the City for the Binbrook Village Urban Drainage Area under By-law No. 607-00.

32. That, prior to servicing, the Owner includes in the engineering design the installation of: 2.0 metre wide sidewalks on both sides of Windwood Drive and 2.0 metre wide sidewalks on both sides of Street “G”; 1.5 metre sidewalks on: a) the north side of Gowland Drive; b) the north side of Street “H”; c) the south side of Whitwell Way; d) the south sides of Streets “C”, “D”, “E” and “I”; e) the east side of Street “B” between Whitwell Way and Windwood Drive; f) the east side of Streets “A” and “F”; and g) the outer loop of Voyager Pass. All of the above installations shall be done at the Owner’s expense, in accordance with City policy, all to the satisfaction of the Director of Development Engineering.

33. 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. If any problems arise, they must be appropriately addressed by the Owner, to the satisfaction of the Director of Development Engineering.

34. 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 report 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 on the Director of Development Engineering.

35. That, prior to registration of the draft plan, the Owner agrees to convey sufficient lands (Block “H”) to the City of Hamilton for the purposes of an adequately sized Stormwater Management (SWM) Facility and agrees to pay all associated construction costs, all to the satisfaction of the Director of Development Engineering.

36. That, prior to registration of the draft plan, the Owner agrees to convey sufficient lands (Blocks “K” and “O”) to the City of Hamilton for the purposes of constructing a storm water management channel abutting the west limit of the subdivision and agrees to pay all associated construction costs, all to the satisfaction of the Director of Development Engineering.

37. That, prior to servicing, the developer provide to the the Niagara Peninsula Conservation Authority (NPCA) for their review and approval, design drawings and/or support calculations prepared by a qualified professional that:

   i) Shows an appropriate meander pattern for the realigned watercourse within Blocks “K” and “O”, to the satisfaction of the NPCA;

   ii) Incorporates sound channel stabilization techniques to ensure both the short term and long term stability of the channel, to the satisfaction of the NPCA; and,

   iii) Includes a detailed landscape and planting plan for the re-aligned channel prepared by a qualified professional.

38. That, prior to servicing, the Owner prepare a storm water management report that addresses the requirements for storm water management for the area in accordance with the criteria and requirements of the approved Binbrook Urban Settlement Area Master Stormwater Management Report, all to the satisfaction of the Director of Development Engineering.

39. That, prior to registration, the Owner agree to monitor drainage across the lands adjacent to the south limit of the development including the Hydro One easement to ensure the existing lands are not negatively impacted by the development. The monitoring will occur throughout the construction of the subdivision until all lots/blocks within the draft approved plan are fully developed. In the event that a problem arises, the Owner further agrees to take the necessary remedial action, all to the satisfaction of the Director of Development Engineering.
40. That, **prior to servicing**, the Owner agrees to operate, maintain and monitor in an acceptable manner, storm water management facilities through the construction of the subdivision until all lots/blocks within the draft approved plan are fully developed or until a time to be established by the Director of Development Engineering. An operation manual, prepared by the Owner’s engineer, shall be provided to the Director of Development Engineering at the point of assumption of the stormwater management facilities by the City, the timing of which is to be established by the Director of Development Engineering. This manual should provide guidance for future inspection, monitoring and maintenance of the pond.

41. That, **prior to servicing**, the Owner prepare a geotechnical report and implement the report’s recommendations, to the satisfaction of the Director of Development Engineering.

42. That, **prior to registration**, the Owner agree that City will only pay its proportionate share of costs for works adjacent to future parkland based on the originally approved Binbrook Village Secondary Plan dated February 2, 2000.

43. That, **prior to registration of the draft plan**, there is sufficient sanitary sewer capacity available including, but not limited to, upgrades to the Binbrook Sanitary Sewer Pumping Station, all to the satisfaction of the Director of Development Engineering.

44. That, **prior to registration**, the Owner agree to demonstrate that there is sufficient sanitary capacity at the Sewage Treatment Plant, to the satisfaction of the Director of Development Engineering.

45. That, **prior to servicing**, the Owner include in the engineering design a street design plan which provides “on street parking” for approximately 30 to 50 vehicles, all to the satisfaction Director of Development Engineering and the Manager of Traffic Engineering and Operations.

46. That, **prior to registration**, Street ‘G’ centerline on the south side of Binbrook Road West aligns to centerline of “Royal Winter Drive” on the north side of Binbrook Road West, to the satisfaction of the Director of Development Engineering.

47. That, **prior to registration**, a 9.0m easement (including a 1.5m wide walkway) identified as Block ‘N’ on the draft plan be conveyed to the City Of Hamilton, all to the satisfaction of the Director of Development Engineering.

48. That, **prior to registration**, the Owner shall, at his expense, construct temporary turning circles with minimum asphalt radius R=13.0m, minimum outside radius R=18.0 at the west limits of Gowland Drive and Whitwell Way. Any blocks affected by these temporary turning circles shall be declared
unsuitable for building until such time as Gowland Drive and Whitwell Way are extended westerly as public road allowances, all the satisfaction of the Director of Development Engineering.

49. That, prior to servicing, the Owner prepare a street parking plan, to the satisfaction of the Director of Development Engineering.

50. That the Owner agree, in writing, that no vehicular access will be granted from Street “J” to Binbrook Road, in a form satisfactory to the Manager of Traffic Engineering and Operations, Public Works Department.

51. That the Owner agree, in writing, that driveway access to municipal roads on corner lots will now be located in the daylight triangle dedications, in a form satisfactory to the Manager of Traffic Engineering and Operations, Public Works Department.

52. That, prior to servicing, the Owner include in the engineering design curb bump outs on Street “G” at Street “H”, to the satisfaction of the Manager of Traffic Engineering and Operations, Public Works Department.

53. That each stage of the plan of subdivision not be registered until the Owner submits an “M” Plan showing the final lot layout for all lots and lot-less blocks, to the satisfaction of the Director of Planning.