

SCHEDULE 1

As authorized by By-law No. 07-323, I, Guy Paparella, hereby approve draft plan of Subdivision located at 1125-1143 Wilson Street West, Trinity Development Group (Louis Zurini), owner, for lands located in the City of Hamilton (Ancaster) under File No. 25T201005, subject to the following conditions:

- 1) That this approval apply to the Draft Plan of Subdivision, 25T201005, prepared by IBI Group, and certified by B.J. Clarke, O.L.S., dated July 23, 2010, as Red Lined Revised, showing 4 Blocks for Commercial Development (Blocks 1-3 and Block 10), 4 Blocks for Future Development (Blocks 4-7), 2 Blocks for Road Widening (Blocks 8 and 9), and the extension of Portia Drive (Street "A"), subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the following special conditions.

Growth Management:

- 2) That, **prior to the servicing of the draft plan of subdivision**, the owner shall submit and complete the following, to the satisfaction of the Senior Director of Growth Management:
 - i) The owner shall submit a detailed Stormwater Management Report, prepared by a qualified professional engineer, to demonstrate how quality and quantity control criteria will be achieved in accordance with the MOE Stormwater Management Planning and design Manual - 2003, the Ancaster Industrial Park (Drainage Areas 1 and 2) and Tradewind Drive Municipal Class Environmental Assessment and any subsequent analysis or updates, and the City of Hamilton Stormwater Management policies;

The Report shall identify the potential downstream drainage impacts and mitigation measures, including those purported south of the Ancaster Industrial Park, and the potential for the use of Low Impact Development (LID) techniques to provide partial stormwater management quantity and quality control on site. A Water Budget and Soils Analysis will be required as supporting documentation for any Low Impact Development strategy proposed;
 - ii) Pond design geometry shall be as per the City of Hamilton Stormwater Management Design Criteria 2007, and pond landscaping shall be as per the City of Hamilton Landscape Design Guidelines for Stormwater Management Facilities (May 2009);
 - iii) Inspect and monitor the stormwater management facility upon commencement of construction or pre-grading of the Land;
 - iv) Produce and submit an operation and maintenance manual, and keep detailed logs concerning stormwater management facility performance

- and maintenance, including costs for cleaning and removal of sediment, and submit such logs to the City during pre-grading and construction activities in accordance with the operational manual;
- v) Construct, operate, and maintain, at the owner's expense, the stormwater management facility in a manner acceptable to the City, and include any changes to conditions of the MOE's approval throughout the servicing of all stages of draft plan registration and development of all registered lots and blocks, or until such time as determined by the Senior Director of Growth Management;
 - vi) Remove sediment from the stormwater management facility attributed to development, carry out a bathymetric survey, and verify volumetric capacity of the stormwater management facility, prior to release of the owner's operation and maintenance responsibilities for the stormwater management facility; and,
 - vii) Submit an operation and maintenance manual, as per City of Hamilton Operation and Maintenance Report for Stormwater Management Facilities (May 2009), prior to release of the owner's operation and maintenance responsibilities for the stormwater management facility.
- 3) That, **prior to servicing**, the owner shall submit a Hydrogeological Report to the City, prepared by a qualified professional, to assess impacts, identify any significant recharge and discharge zone, and provide recommendations to mitigate the groundwater impacts during servicing of the subdivision, and to undertake the works, as recommended, including monitoring. The Report shall also provide a groundwater contingency plan to ensure that an appropriate mitigation strategy is available to be implemented in the case whereof: i) an aquifer is breached during excavation; ii) groundwater is encountered during servicing within the subdivision; and, iii) water supply and sewage disposal systems and any surface and groundwater related infrastructure are negatively impacted.
- 4) That, **prior to servicing**, the owner shall agree to provide a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision, including buildings. This document will also include, first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works, as well as the contractor/agent contact information, so that the City can direct works be completed, as necessary.
- 5) That, **prior to servicing**, the owner shall provide written confirmation from Hydro-One Networks Inc. as to the status of the transmission line traversing the property within an easement registered as Instrument No. 22014ANC, and make the necessary arrangements to either abandon or re-locate the transmission line. Any works associated with Hydro One recommendations shall be at no cost to the City.

- 6) That, **prior to servicing**, the owner shall include in the engineering design and cost estimate schedules, provisions for the construction of a modern roundabout and any interim traffic control measures required to allow registration of the subject lands, at the owner's cost, at the intersection of Wilson Street and McClure Road. The roundabout must be designed by a qualified roundabout engineering specialist, to the satisfaction of the Manager of Traffic Engineering.
- 7) That, **prior to servicing**, the owner shall include in the engineering design and cost estimate, schedule provisions for the construction of a raised centre median at, the owner's cost, on Wilson Street from the west leg of McClure Road (from the tip of the west leg splitter) to the west property line of the additional lands of Owner B (Red Lined Revised to Block 10), to facilitate the requirement that proposed access B (as per the Traffic Study) to Wilson Street functions for right turn-in and right turn-out movements only, to the satisfaction of the Manager of Traffic Engineering and the Senior Director of Growth Management.
- 8) That, **prior to servicing**, the owner shall include in the engineering design and cost schedules, provisions for the development of the adjacent lands to the east, including but not limited to, municipal servicing and municipal roadway access to McClure Road Extension, to the satisfaction of the Senior Director of Growth Management.
- 9) That, **prior to servicing**, the owner shall provide a Pavement Marking and Traffic Signs Plan for the extensions of Portia Drive and McClure Road. The Plan must be in accordance with the City of Hamilton Traffic Signal and Pavement Markings Design Manual 2009, and submitted to the Traffic Section in Microstation V8, to the satisfaction of the Manager of Traffic Engineering.
- 10) That, **prior to registration of the final plan of subdivision**, provisions for the construction of Mason Drive and Portia Drive within the adjacent development to the west, known as "Duff's Corners Corporate Business Park" (25T-91005), be secured with full municipal services to the western boundary of the subject lands, to the satisfaction of the Senior Director of Growth Management.
- 11) That, **prior to registration of the final plan of subdivision**, the owner will be required to convey, and acquire, if necessary, sufficient lands to the City for road widening and daylight triangles, to accommodate the construction of the roundabout and any interim traffic control measures within the intersection of Wilson Street and McClure Road, to the satisfaction of the Senior Director of Growth Management.
- 12) That, **prior to registration of the final plan of subdivision**, a 9 metre by 9 metre daylight triangle shall be established on the final plan of subdivision at the intersection of Portia Drive Extension and McClure Road Extension, to the satisfaction of the Manager of Traffic Engineering and the Senior Director of Growth Management.

- 13) That, **prior to registration of the final plan of subdivision**, the road allowance width of the north leg of the roundabout shall be established at a minimum 26 metres, to the satisfaction of the Senior Director of Growth Management.
- 14) That, **prior to registration of the draft plan**, if required, the owner shall convey a 9m storm sewer easement from Wilson Street over the additional lands of Owner (B) of the draft plan, to the existing watercourse, to the satisfaction of the Senior Director of Growth Management.
- 15) That, **prior to registration of the final plan of subdivision**, the final plan of subdivision shall include a block showing sufficient lands to be dedicated to the City of Hamilton as public highway, by the owner's certificate on the plan, to establish Wilson Street road allowance width at 45.72m, to the satisfaction of the Senior Director of Growth Management.
- 16) That, **prior to registration of the final plan of subdivision**, the owner shall pay their proportionate share for the future urbanization of Wilson Street abutting the lands of the draft plan based on the City's "New Roads Servicing Rate" in effect at the time of payment.
- 17) That the owner shall agree, in writing, to construct concrete sidewalks in the locations listed below:
 - i) Street A (Portia Drive Extension) Both sides.
 - ii) McClure Road Extension Both sides from Wilson Street to Portia Drive Extension.
- 18) That the owner shall agree, in writing, to include a clause in all agreements of purchase, sale, or lease advising that provisions for on-site stormwater management quantity and quality controls may be required as a condition of Site Plan approval in accordance with the approved stormwater management plan for the area.
- 19) That the owner shall agree, in writing, to include a clause in agreements of purchase, sale, or lease advising that access to Block 3 will not be permitted from McClure Road or Wilson Street, and access to Block 4 will not be permitted to Wilson Street. Further, as shown in the Traffic Study, prepared for Trinity Development Group Inc., dated July, 2010, Access D shall be located a minimum 70m west of McClure Road, and Access C from Portia Drive must be located a minimum 35m east of the private driveway Access B.
- 20) That, **prior to servicing**, the owner shall include in the engineering design and cost estimate schedules, provisions for the construction of Portia Drive Extension as a 3-lane cross-section from the west limits of the subject lands to McClure Road Extension, including an east bound travel lane, a west bound travel lane, and a continuous two-way left turn lane, to the satisfaction of the Manager of Traffic Engineering and the Senior Director of Growth Management.

- 21) That the owner shall agree that reciprocal rights-of-way be established on title between Blocks 1 and 2 via driveway access B (as per the Traffic Impact Study), to the satisfaction of the Manager of Traffic Engineering and the Senior Director of Growth Management.
- 22) That the owner shall agree that financial contribution by the City for external stormwater management facilities, including land cost, is subject to the financial policies, as set out in the Development Charges By-law and Background Study.
- 23) That, **prior to registration**, the owner shall demonstrate that sufficient easements have been established between Block 3, Block 7, and the abutting lands known as 'Additional Lands of Owner (B)' (Red Lined Revised to Block 10), for the purposes of vehicular and pedestrian access, to the satisfaction of the Senior Director of Growth Management and the Director of Planning

Grand River Conservation Authority

- 24) That, **prior to servicing**, the Developer shall carry out the works identified, recommended within the Environmental Impact Statement and subsequent Addendum Report, prepared by Dougan and Associates, in July, 2010, and March, 2011, respectively, to the satisfaction of the Grand River Conservation Authority and the City of Hamilton, Director of Planning.

Development Planning

- 25) That, **prior to registration**, the owner/applicant shall agree, in writing, that they shall investigate the noise levels on site if deemed necessary through the review of the development at Site Plan Stage, and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment's recommended sound level limits. If required, 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. 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.
- 26) That, **prior to registration**, the owner/applicant shall agree to provide a right-of-way and/or frontage on a public highway for the purposes of access for lands located north of Block 1 (ESA lands), to the satisfaction of the City of Hamilton, Director of Planning.
- 27) That, **prior to servicing**, the owner shall agree 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. The Guidelines shall include a pedestrian route analysis for the public and private realm that will allow sidewalks along the lot line and adjacent to the Portia Drive extension.

- 28) That, **prior to registration**, the owner shall agree, in writing, that should Portia Drive be reduced in width from the proposed 20 metre Right-of-Way, that the whole development will shift to the south in order to increase the buffer width, as detailed in the Environmental Impact Study, prepared by Dougan & Associates, by a comparable amount, to the satisfaction of the City of Hamilton, Director of Planning.
- 29) That, **prior to servicing**, the owner shall submit a detailed Planting Plan, including implementation details and securities for the works, for both the buffer area and the ESA area. Planting stock in the ESA area should be at least 2 metres in height to ensure it can compete with regenerating shrubs and to protect it from deer browsing, to the satisfaction of the City of Hamilton, Director of Planning.
- 30) That, **prior to servicing**, the Developer shall provide written confirmation from the owner of the ESA lands that the proposed Planting Plan (to take place on lands to be retained by the landowner and not Trinity Developments) is acceptable and will be implemented within the ESA, to the satisfaction of the City of Hamilton, Director of Planning.
- 31) That Future Development Blocks 4, 5, 6, and 7 only be developed in conjunction with adjacent lands, to the satisfaction of the City of Hamilton, Director of Planning.

Director of Growth Planning

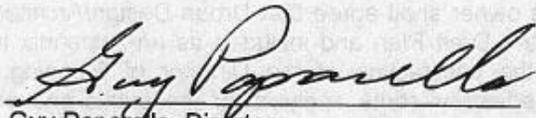
- 32) Prior to the signing of the final plan, the Director of Growth Planning must be satisfied that conditions 2) to 31) inclusive, have been carried out to his satisfaction with a brief but complete statement indicating how each condition has been satisfied.

NOTES: 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.

Cost Sharing

Cost sharing shall be as per Recommendation #21. There will be no other cost sharing for this development.

Signed:



Guy Paparella, Director
Growth Planning

Date: July 29, 2011

