



## **PLANNING COMMITTEE**

### **REPORT 16-012**

**9:30 a.m.**

**Tuesday, June 14, 2016**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

**Present:** Councillors B. Johnson (Chair), M. Pearson (1st Vice-Chair), A. Johnson (2nd Vice Chair), J. Farr, C. Collins, D. Conley R. Pasuta, J. Partridge and D. Skelly.

**Absent with regrets:** Councillors M. Green, City Business

### **THE PLANNING COMMITTEE PRESENTS REPORT 16-012 AND RESPECTFULLY RECOMMENDS:**

#### **1. Urban Hamilton Official Plan Administrative Amendment (PED16060(a)) (City Wide) (Item 5.1)**

That approval be given to Official Plan Amendment No. XX to the Urban Hamilton Official Plan (UHOP) (CI-16-A) to amend policies, schedules and maps, to implement revised mapping and policies for the Parent Plan contained in Volume 1, Secondary Plans contained in Volume 2 and Area and Site Specifics of Volume 3 of the UHOP, on the following basis:

- (a) That the draft Official Plan Amendment (OPA), attached as Appendix "A" to Report PED16060(a), be adopted by Council;
- (b) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe.

#### **2. Rabies Update – Animal Services (PED16137) (City Wide) (Item 5.2)**

That Report PED16137 respecting Rabies Update – Animal Services be received.

**3. Funding of External Consultant(s) for an Ontario Municipal Board Hearing Regarding 449 Stone Church Road West – Appeal of Refusal of Rezoning Application – ZAC-15-007 (LS160016) (Ward 8) (Item 5.3)**

- (a) That the City Solicitor be authorized to retain such External Consultants as may be necessary to provide expert advice and evidence to the Ontario Municipal Board respecting the applicant/owner's appeal to the Ontario Municipal Board of Council's refusal to pass a Zoning By-Law Amendment for a change in zoning from the "B" (Suburban Agriculture and Residential, etc.) District to the "DE-3/S-1721" (Multiple Dwellings) District, Modified, for lands know as 449 Stone Church Road West (Ward 8);
- (b) That the amount required to retain any such external consultants be funded through the Tax Stabilization Reserve, account 110046.

**4. Application for Approval of a Draft Plan of Condominium (Common Elements), by WEBB Planning Consultants Inc., on behalf of Losani Homes (1998) Limited, for Lands known as 35 John Fredrick Drive (Ancaster) (PED16128) (Ward 12) (Item 6.1)**

That approval be given to Redline Revised Draft Plan of Condominium Application 25CDM-201514, by WEBB Planning Consultants Inc., on behalf of Losani Homes (1998) Limited, to establish a Draft Plan of Condominium (Common Elements Condominium) to create a condominium road, sidewalks, landscaped areas, visitor parking areas and centralized mailboxes in favour of 70 townhouse dwelling units, on lands located at 35 John Fredrick Drive (Ancaster), as shown on Appendix "A" to Report PED16128, subject to the following conditions:

- (a) That this approval for Draft Plan of Condominium (Common Elements) Application 25CDM-201514 applies to the plan prepared by A.T. McLaren Limited, certified by S. D. McLaren, and dated April 23, 2015, consisting of a common element road, sidewalks, landscaped areas, visitor parking areas and centralized mailboxes, attached as Appendix "B" to Report PED16128; and,
- (b) That the conditions of Draft Plan of Condominium Approval 25CDM-201514 attached as Appendix "D" to Report PED16128, be approved by City Council.

**5. Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at the Rear of 3385 Binbrook Road, Glanbrook (PED16134) (Ward 11) (Item 6.2)**

- (a) That approval be given to Urban Hamilton Official Plan Amendment Application UHOPA-16-005, by Empire Communities (Binbrook) Ltd., to amend the Urban Hamilton Official Plan (UHOP) in order to establish a site specific policy within the Binbrook Village Secondary Plan to permit single detached dwellings within the "Low Density Residential 2h" designation, at the rear of 3385 Binbrook Road (Glanbrook), as shown on Appendix "A" to Report PED16134, on the following basis:
  - (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED16134, be adopted by City Council; and,
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014), and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow).
- (b) That approval be given to Zoning By-law Amendment Application ZAR-15-057, by Empire Communities (Binbrook) Ltd., for a change in Zoning from the Restricted Agricultural "A2" Zone to the Residential "R4-294" Zone, Modified, with a Special Exception, in order to permit four lots for single detached dwellings, for lands located at the rear of 3385 Binbrook Road, Glanbrook (as shown on Appendix "A" to Report PED16134) on the following basis:
  - (i) That the draft By-law, attached as Appendix "C" to Report PED16134, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and is in conformity with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. [REDACTED]

**6. Applications for a Zoning By-law Amendment and for Approval of a Draft Plan of Subdivision known as "Fields of Springbrook", for Lands Located at 388 – 476 Springbrook Avenue (Ancaster) (PED16135) (Ward 12) (Item 6.3)**

- (a) That approval be given to amended Zoning Application ZAC-12-062R by Springbrook West Developments Inc., 1356719 Ontario Ltd., Emidio and Maria Casimirri, and 2178368 Ontario Inc., Owners, for changes in zoning

from the Agricultural “A” Zone to the Residential “R4-563” Zone, Modified (Block 1); from the Agricultural “A” Zone to the Residential “R4-562” Zone, Modified (Blocks 2 & 3); from the Agricultural – Holding “H-A-654” Zone, Modified to the Residential “R4-562” Zone, Modified (Block 4); from the Agricultural – Holding “H-A-654” Zone to the Residential “R4-563” Zone, Modified (Block 5); from the Residential – Holding “H-R4-548” Zone, Modified to the Residential “R4-562” Zone, Modified (Blocks 6 & 8); and, from the Residential – Holding “H-R4-548” Zone, Modified to the Residential “R4-563” Zone, Modified (Block 7) for the lands known as 388 – 476 Springbrook Avenue, as shown on Appendix “A” to Report PED16135, on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED16135, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
  - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and comply with the Urban Hamilton Official Plan.
- (b) That approval be given to Revised Draft Plan of Subdivision Application 25T-201205(R) by Springbrook West Developments Inc., 1356719 Ontario Ltd., Emidio and Maria Casimirri, and 2178368 Ontario Inc., Owners, to establish a Draft Plan of Subdivision known as the “Fields of Springbrook”, on lands known as 388 – 476 Springbrook Avenue (Ancaster), as shown on Appendix “A” to Report PED16135, subject to the following conditions:
  - (i) That this approval apply to the Draft Plan of Subdivision “Fields of Springbrook”, 25T-201205(R), as revised, prepared by Urbex Engineering Limited, and certified by Dan McLaren, O.L.S., dated March 11, 2015, showing a maximum of 89 units comprised of: 89 single detached dwelling units (Blocks 1 - 89); eight blocks for future residential (Blocks 90 - 97); three blocks for 0.3 m reserves (Blocks 98 - 100); and, two proposed streets, shown as “Klein Circle” and “Sharp Road”, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions, attached as Appendix “A”, to Report 16-012, as amended, to include two warning clauses; one that the abutting landowner to the vacant lots next to this property is Redeemer College University and there may be future development and the other that gates are prohibited on any fences to be built on the rear and / or side yards of lots 65 – 79, 82 – 89, and Blocks 90 – 92.

- (ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the following items:
  - (1) the proportionate share of the actual cost for the design and construction of Springbrook Avenue, including but not limited to, storm and sanitary sewers from the north limits of Lot 1 to the south side of Lockman Drive (limits of Meadowlands Phase 10 reconstruction), including Sharp Road;
  - (2) the proportionate share of the costs of the Traffic Study required for the Garner Road East and Springbrook Avenue intersection; and the proportionate share of the necessary Garner Road East and Springbrook Avenue intersection improvement costs, based on its proportionate share between Meadowlands Phase 8, Meadowlands Phase 10, and Springbrook Meadows East and West; and,
  - (3) the share of the costs for the urbanization of Springbrook Avenue, in accordance with the financial policies for development. Also, the cost of sewers on Springbrook Avenue for the existing residents in accordance with OMB decision No. 1493.
- (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the building permit stage.

**7. Flamborough Baptist Church, 41 Concession 5 East (Item 9.1)**

WHEREAS, the lands located at 41 Concession 5 East have received Conditional Site Plan Approval (SPA-15-146) for an addition to the Flamborough Baptist Church, which includes a parking area;

WHEREAS, Zoning By-law No. 05-200 requires a parking lot (5 or more parking spaces) to be asphalt or other hard surface; and

WHEREAS, the Conservation Authority will not approve a paved parking lot for the church as they require a permeable surface;

THEREFORE, BE IT RESOVED:

That staff be directed to waive the City of Hamilton fee for the required Minor Variance application to permit a parking area consisting of gravel for the lands located at 41 Concession 5 East.

**8. First Road West south of Mud Street and the West Mountain Green Secondary Plan (Item 9.2)**

WHEREAS, at the time of adoption of the West Mountain Green Secondary Plan (1989), the closure of First Road West south of Mud Street was anticipated and a policy was put in place recognizing the need for traffic analysis prior to any closure;

WHEREAS, to date, no studies have taken place indicating the need to close the road and there are no plans in place to close First Road West; and

WHEREAS, a Municipal Class Environmental Assessment would be required to justify a closure and no closure would take place without Council approval;

THEREFORE BE IT RESOLVED:

- (a) That First Road West south of Mud Street remain open;
- (b) That as part of the next Five-year Review and update of the Urban Hamilton Official Plan, staff be directed to remove the policy reference to the closure of First Road West south of Mud Street in the West Mountain Heritage Green Secondary Plan (UHOP Volume 2, Policy B.2.6.7.2).

**9. Illegal Businesses in Agricultural Areas in Ward 11 (Item 9.3)**

WHEREAS, there are on-going, significant problems associated with the large number of illegal businesses operating on agricultural lands in Ward 11;

WHEREAS, illegal businesses operate with unfair advantages over legal businesses including, but not limited to the fact that they do not pay the same property taxes; and

WHEREAS, a concentrated, proactive enforcement effort and a unique enforcement skill set is required to address the significant problem of illegal businesses operating on agricultural lands in Ward 11;

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to undertake an 18 month pilot program, including hiring a temporary Zoning Enforcement Officer to proactively enforce illegal businesses in the agricultural areas of Ward 11;
- (b) That the cost of the 18 month pilot (estimated to be \$170,000 for employee related expenses and a vehicle) be funded as follows:

- (i) \$145,000 in employee related expenses from the Tax Stabilization Reserve;
- (ii) \$25,000 for a one-time vehicle cost from unallocated capital;
- (c) That staff be directed to report back with terms of reference including key performance measures and expectations before initiating the pilot program.

**FOR THE INFORMATION OF COUNCIL:**

**(a) CHANGES TO THE AGENDA (Item 1)**

The Committee Clerk advised of the following changes:

**ADDED WRITTEN COMMENTS**

- 6.3(i) Alfred Mazereeuw, Director of Physical Plant & Security at Redeemer University College, 777 Garner Rd East, Ancaster, respecting Item 6.3 the Applications for a Zoning By-law Amendment and for Approval of a Draft Plan of Subdivision known as “Fields of Springbrook”, for Lands Located at 388 – 476 Springbrook Avenue (Ancaster) (PED16135) (Ward 12)

The agenda for the June 14, 2016 meeting was approved as amended.

**(b) DECLARATIONS OF INTEREST (Item 2)**

None declared.

**(c) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 3)**

**(i) May 31, 2016 (Item 3.1)**

The Minutes of the May 31, 2016 meeting were approved.

**(d) DELEGATIONS/PUBLIC HEARING (Item 6)**

- (i) **Application for Approval of a Draft Plan of Condominium (Common Elements), by WEBB Planning Consultants Inc., on behalf of Losani Homes (1998) Limited, for Lands known as 35 John Fredrick Drive (Ancaster) (PED16128) (Ward 12) (Item 6.1)**

In accordance with the provisions of the *Planning Act*, Chair B. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Draft Plan of Condominium (Common Elements) the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No members of the public came forward.

The staff presentation was waived.

Michael Commerford from Losani Homes (the applicant), was in attendance to respond to any questions. He indicated that they are in support of the staff report.

The public meeting was closed.

For disposition of this matter refer to Item 4.

Chair B. Johnson relinquished the Chair to Vice-Chair Pearson prior to the following Item:

**(ii) Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at the Rear of 3385 Binbrook Road, Glanbrook (PED16134) (Ward 11) (Item 6.2)**

In accordance with the provisions of the *Planning Act*, Vice Chair Pearson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Urban Hamilton Official Plan and Zoning By-law Amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No members of the public came forward.

The staff presentation was waived.



The public meeting was closed.

George Zajac of Armstrong Planning and Project Management representing the applicant was in attendance to respond to any questions. He indicated that they are in support of the staff report.

For disposition of this matter refer to Item 5.

Chair B. Johnson assumed the Chair.

**(iii) Applications for a Zoning By-law Amendment and for Approval of a Draft Plan of Subdivision known as “Fields of Springbrook”, for Lands Located at 388 – 476 Springbrook Avenue (Ancaster) (PED16135) (Ward 12) (Item 6.3)**

In accordance with the provisions of the *Planning Act*, Chair B. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment and Draft Plan of Subdivision the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

**Written Comments**

6.3(i) Alfred Mazereeuw, Director of Physical Plant & Security at Redeemer University College, 777 Garner Rd East, Ancaster

The added written comments Item 6.3(i) were received.

No members of the public came forward.

The staff presentation was waived.

The public meeting was closed.

The applicant, Angelo Cameracci and his agent, Liam Doherty of Liam Doherty Planning and Design, were in attendance. They indicated that they are in support of the staff report.

Committee discussed the letter submitted by Redeemer College University regarding the privacy fence and staff responded that they have added two

additional Special Conditions to the Subdivision Agreement to address the concerns outlined in the letter.

The amendments to the Special Conditions of the Subdivision Agreement were approved.

For disposition of this matter refer to Item 6.

**(e) MOTIONS (Item 9)**

**(i) First Road West south of Mud Street and the West Mountain Green Secondary Plan (Item 9.2)**

This Item CARRIED on the following Standing Recorded Vote:

Yeas:	B. Johnson, Skelly, Collins, Farr, A. Johnson, Conley, Pearson, Pasuta and Partridge
Total:	9
Nays:	0
Absent:	Green
Total:	1

**(ii) Illegal Businesses in Agricultural Areas in Ward 11 (Glanbrook) (Item 9.3)**

Chair B. Johnson relinquished the Chair to Vice Chair Pearson to present her motion respecting Illegal Businesses in Agricultural Areas in Ward 11.

The motion was amended by removing all references to Glanbrook as follows:

**Re: Illegal Businesses in Agricultural Areas of Ward 11  
(~~Glanbrook~~)**

WHEREAS, there are on-going, significant problems associated with the large number of illegal businesses operating on agricultural lands in Ward 11 (~~Glanbrook~~);

WHEREAS, illegal businesses operate with unfair advantages over legal businesses including, but not limited to the fact that they do not pay the same property taxes; and

WHEREAS, a concentrated, proactive enforcement effort and a unique enforcement skill set is required to address the significant

problem of illegal business operating on agricultural lands in Ward 11 (~~Glanbrook~~);

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to undertake an 18 month pilot program, including hiring a temporary Zoning Enforcement Officer to proactively enforce illegal businesses in the agricultural areas of Ward 11 (~~Glanbrook~~);
- (b) That the cost of the 18 month pilot (estimated to be \$170,000 for employee related expenses and a vehicle) be funded as follows:
  - (i) \$145,000 in employee related expenses from the Tax Stabilization Reserve;
  - (ii) \$25,000 for a one-time vehicle cost from unallocated capital;
- (c) That staff be directed to report back with terms of reference including key performance measures and expectations before initiating the pilot program.

For disposition of this matter refer to Item 9.

Chair B. Johnson assumed the Chair.

**(f) GENERAL INFORMATION/OTHER BUSINESS (Item 11)**

**(i) Outstanding Business List (Item 11.1)**

The following new due date was approved:

Item "EE" - Staff to report back with periodic updates regarding progress on capturing illegal businesses and increasing licensed businesses.

Due Date: June 14, 2016

New due date: December 5, 2017

**CARRIED**

**(g) ADJOURNMENT (Item 13)**

There being no further business, the Planning Committee adjourned at 10:22 a.m.

**CARRIED**

Respectfully submitted,

Councillor B. Johnson  
Chair, Planning Committee

Ida Bedioui  
Legislative Co-ordinator  
Office of the City Clerk

That this approval apply to the Revised Draft Plan of Subdivision, 25T-201205R, prepared by Urbex Engineering Limited and certified by Dan McLaren, O.L.S., dated, March 11, 2015, consisting of 89 blocks for single detached dwellings (Blocks 1 – 89), 8 blocks for residential reserves (Blocks 90 - 97), 3 blocks for 0.3 m reserves (Blocks 98 - 100), and two public roads (the extension of Klein Circle and the construction of Sharp Road) subject to the owner entering into a standard Form Subdivision Agreement, received, and approved by City Council with the following special conditions.

### **Development Planning, Heritage and Design**

1. That **prior to grading**, the Owner 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 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 and Chief Planner. 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 and Chief Planner.

### **Hamilton Conservation Authority (HCA)**

2. That the applicant obtain a permit from the HCA under its *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04* prior to any construction and / or grading activities associated with the construction of the stormwater management facility and any watercourse alteration within the HCA's regulated area.
3. That the applicant prepares and implements an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Conservation Authority. The approved plan should include the following notes:
  - a) All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been revegetated;
  - b) All erosion and sediment control measures shall be inspected after each rainfall to the satisfaction of Authority staff;

- c) Any disturbed area not scheduled for further construction within 45 days will be provided with a suitable temporary mulch and seed cover within seven days of the completion of that particular phase of construction; and,
  - d) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction.
4. That the applicant prepares and implements a lot grading plan to the satisfaction of the HCA.

### Development Engineering

5. That, **prior to registration**, the Owner agrees to pay its proportionate share of the actual cost for the design and construction of Springbrook Avenue, including but not limited to, storm and sanitary sewers from the north limits of Lot 1 to the south side of Lockman Drive (limits of Meadowlands Phase 10 reconstruction), including Sharp Road to the Satisfaction of the Senior Director of Growth Management.
6. That, **prior to registration**, the Owner includes 0.3m reserves across the frontages of Lots 1 to 21 inclusive, and flankages of Lots 7 and 8. Further, that the reserves shall remain until such time as Springbrook Avenue has been fully urbanized.
7. That, **prior to registration**, the Owner agrees to urbanize Springbrook Avenue from south side of Lockman Drive to the south limit of 480 Springbrook Avenue. The owner shall fully connect existing dwellings at 446, 460 and 480 Springbrook Avenue to municipal services including fully decommissioning existing septic tanks, all of the above to the satisfaction of the Senior Director of Growth Management.
8. That, **prior to registration**, the Owner agrees to cost share with the existing residents 446, 460, and 480 Springbrook Avenue for a substantial portion of the sanitary sewer cost and sanitary sewer private drain connections for urbanization of Springbrook Avenue as per Ontario Municipal Board (OMB) Decision No. 1493 to the satisfaction of the Senior Director of Growth Management.
9. That, **prior to registration**, the owner shall agree in the Subdivision Agreement to pay their proportionate share of the costs of the Traffic Study required for the Garner Road and Springbrook Avenue intersection and will provide the City sufficient securities for its proportionate share of the necessary Garner Road and Springbrook Avenue intersection improvement costs, based on its proportionate share between

Meadowlands Phase 8, Meadowlands Phase 10, and Springbrook Meadows East and West to the satisfaction of the Manager of Traffic Engineering and Operations.

10. That, **prior to registration**, the owner dedicates sufficient lands to the City of Hamilton by certificate on the final plan in order to establish 7m x 7m daylight triangles on future Sharp Road at the intersection of Springbrook Avenue to the satisfaction of the Senior Director of Growth Management.
11. That, **prior to registration**, sanitary sewers, storm sewers and road access are available to service the lands of the draft plan or alternatively, the Owner acquires the necessary land or easements and pays the full cost, less over-sizing, to construct sanitary sewers, storm sewers or road access to service the lands of the draft plan to the satisfaction of the Senior Director of Growth Management.
12. That, **prior to preliminary grading**, the Owner shall include in the engineering design and cost estimate schedule suitable transition grading when matching into existing properties, further the use of retaining walls will only be permitted, if agreed upon and to the satisfaction of the Senior Director of Growth Management.
13. That, **prior to preliminary grading**, the Owner shall submit a revised grading plan demonstrating that drainage parameters for the subject lands are consistent with those used for the Dussin Estates Stormwater Management plan and external drainage from the Redeemer lands will be adequately, to the satisfaction of the Senior Director of Growth Management.
14. That, **prior to Registration**, the Owner shall contribute a proportionate share for maintenance responsibilities of the receiving stormwater management facility in Dussin Estates Subdivision including the removal of deposited solids to the satisfaction of the Senior Director of Growth Management.
15. That, **prior to servicing**, the owner shall submit a water distribution analysis of the water system to determine whether the existing water system can adequately service the proposed development, to the satisfaction of the Senior Director of Growth Management. The Report shall also focus on the following issues:

- 1) Tabularize the expected occupancy;

- 2) Generate residential and institutional water demand and fire flow, and the necessary calculation for this development;
  - 3) Demonstrate how the proposal fits with GRIDS numbers;
  - 4) Confirm the water servicing layout based on field information, as well as hydraulic models; and,
  - 5) Provide the new hydrant locations on the Water Distribution Plan.
16. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate installation of a minimum 1.5 m high chainlink fence along the rear and / or side yards of lots 65 to 79, lots 82 to 89, and Blocks 90 – 92, which rear and / or side yards abut Redeemer University Lands to the satisfaction of the Senior Director of Growth Management.
17. That, **prior to registration**, the Owner / applicant agrees to include the following warning clauses in all purchase and sale and / or lease agreements and registered on title for lots 65 – 79, 82 – 89, and Blocks 90 – 92, that abut Redeemer University, to the satisfaction of the Director of Planning and Chief Planner:
- a) *While the lands abutting the rear and / or side yards of this property is currently vacant, they are owned by Redeemer University and as such may be developed in the future for any number of uses, including but not limited to: educational buildings, recreational facilities and / or student housing.*
  - b) *For the fences to be built on the rear and / or side yards of lots 65 – 79, 82 – 89, and Blocks 90 – 92, gates shall be prohibited.*
18. That, **prior to servicing**, the Owner shall submit a Hydrogeological report to the City, prepared by a qualified professional, to assess impacts, identify any recharge and discharge zone, and provide recommendations to mitigate the groundwater impacts during any construction within the subdivision, including but not limited to house construction, 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



where: i) an aquifer is breached during excavation; ii) groundwater is encountered during any construction within the subdivision, including but not limited to house construction; iii) sump pumps are found to be continuously running; iv) water supply and sewage disposal systems and any surface and groundwater related infrastructure are negatively impacted, all to the satisfaction of the Senior Director of Growth Management.

19. 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. To address any concerns, study shall propose appropriate mitigation measures to be implemented by the Owner, to the satisfaction of the Senior Director of Growth Management.
20. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate provisions for the construction and removal of any required temporary turning circles to the satisfaction of the Senior Director of Growth Management.
21. That, **prior to servicing**, the owner shall include in the engineering design and cost estimates, provision to install municipal sidewalks, in accordance with the current City of Hamilton Policy in following locations:
  - i. From the north limit to the south limit of subdivision on Springbrook Avenue;
  - ii. Sharp Road full length both sides;
  - iii. East Klien Circle west side only full length; and,
  - iv. West Klien Circle east side only full length,to the satisfaction of the Senior Director of the Growth Management.
22. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedules, the provision for a detailed sump pump design which shall include a secondary relief / overflow on surface and back-up power unit. The pump design shall consider the weeping tile inflow based on both the groundwater and severe wet weather conditions, to the satisfaction of the Senior Director of Growth Management.

23. That, **prior to servicing**, the Owner shall provide a driveway location / on-street parking plan showing the following, to the satisfaction of the Senior Director of Growth Management:

- i) the location of driveways based on the premise of achieving on-street parking for 40% of the total dwelling units;
- ii) driveway ramps and curb openings for all lots;
- iii) the pairing of driveways;
- iv) where lots in the subdivision abut a park entrance or a public walkway; and;
- v) the location of transit pads, community mailbox pads, and fire hydrants, where the location has been determined by the appropriate authorities.

#### CITY COST SHARING

Acknowledgement by the City of Hamilton that cost sharing within this development shall be in accordance with the City's financial policy as approved by the Senior Director of Growth Planning, subject to the following:

#### City Share

1. There is the City share for the proportionate share of the actual cost for the design and construction of Springbrook Avenue, including but not limited to, storm and sanitary sewers from the north limits of Lot 1 to the south side of Lockman Drive (limits of Meadowlands Phase 10 reconstruction), including Sharp Road.
2. There is the City share for the proportionate share of the costs of the Traffic Study required for the Garner Road and Springbrook Avenue intersection; and the proportionate share of the necessary Garner Road and Springbrook Avenue intersection improvement costs, based on its proportionate share between Meadowlands Phase 8, Meadowlands Phase 10, and Springbrook Meadows East and West.
3. There is the City share for the costs for the urbanization of Springbrook Avenue, in accordance with the financial policies for development.

4. The City will be participating in the cost of sewers on Springbrook Avenue for the existing residents, in accordance with OMB decision No. 1493.

#### NOTES TO DRAFT PLAN APPROVAL

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

This property is eligible for weekly collection of Garbage, Recycling, Organics, and Leaf and Yard Waste through the City of Hamilton subject to compliance with specifications indicated by the Public Works Department and subject to compliance with the City's Solid Waste Management By-law 09-067.