



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 31, 2023
SUBJECT/REPORT NO:	Application for Revised Draft Plan of Subdivision for Lands Located at 74, 78, 90 and 96 Parkside Drive, Flamborough (PED23023) (Ward 15)
WARD(S) AFFECTED:	Ward 15
PREPARED BY:	Charlie Toman (905) 546-2424 Ext. 5863
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Revisions to Draft Approved Plan of Subdivision 25T-201507R, by MHBC Planning on behalf of Flamborough Power Centre Inc. (Owner)** to remove the extension of Street B on the subdivision known as “Flamborough Power Centre North Business Park” and located at 74, 78, 90 and 96 Parkside Drive, Flamborough, as shown on Appendix “A”, attached to Report PED23023, be **APPROVED** subject to the following conditions:

- (a) That the approval applies to the Draft Plan of Subdivision application “25T-201507R” prepared by J.D. Barnes Limited, and certified by R. S. Querubin, O.L.S, dated June 1, 2022, consisting of one block for employment uses (Block 20), one block for Conservation / Hazard Land (Block 21), dedicated road widening for Enterprise Crescent (Blocks 8 and 9) and 0.30 metre reserves (Blocks 18 and 19), subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with Special Conditions as attached to Appendix “F” to Report PED23023;
- (b) In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual (2017) there will be no cost sharing for this subdivision;

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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- (c) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-laws, as approved by Council.

EXECUTIVE SUMMARY

The application is for a revision to a Draft Approved Plan of Subdivision 25T-201507, known as Flamborough Power Centre North Business Park and attached as Appendix "B" to Report PED23023, to remove the extension of a public road (Street B), municipally known as Enterprise Crescent, is to accommodate larger employment land parcels in response to shifting market demands. Street B, as shown on the existing draft plan of subdivision, is internal to the subject lands. The approved Draft Plan of Subdivision included Street B to facilitate the development of smaller land parcels which were reflective of market conditions at the time.

Draft Plan of Subdivision 25T-201507 was approved in 2018 to facilitate the development of employment land uses covering 38.2 ha. The subdivision is being registered in two phases with Phase 1, approximately 26.5 ha in area, being registered in January 2021 as Plan 62M-1270 (see Appendix "C" attached to Report PED23023). Phase 1 of the subdivision included the registration of approximately 20 metres of Street B ending with a temporary cul-de-sac until Phase 2 was completed.

The proposed revision to the Draft Approved Plan of Subdivision would result in Phase 2 establishing one block (Block 20) for employment uses and one block (Block 21) dedicated to the City as Conservation / Hazard Land and associated road widening and 0.3 metre reserves.

Should this application be approved, the existing temporary cul-de-sac at the end of Enterprise Crescent would become permanent. The owner would be required to submit a future Consent, Part Lot Control or Draft Plan of Subdivision application to create smaller employment land lots within Block 20 fronting onto Clappison Avenue, Enterprise Crescent, or Parkside Drive.

The proposed revision will provide for the orderly development of employment uses. The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the Urban Hamilton Official Plan (UHOP).

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Alternatives for Consideration – See Page 14

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: The *Planning Act* does not require Council to hold a Public Meeting to consider a revision (Major or Minor) to a Draft Approved Plan of Subdivision.

HISTORICAL BACKGROUND

Application Details	
Owner:	Flamborough Power Centre Inc.
Applicant/Agent:	MHBC Planning Limited (c/o Gerry Tischer)
File Number:	25T-201507R
Type of Application:	Revisions to Draft Approved Plan of Subdivision
Proposal:	To delete a public road (extension of Street B known as Enterprise Crescent) to create one employment land block (Block 20) and one block for Conservation / Hazard Land (Block 21).
Property Details	
Municipal Address:	74, 78, 90 and 96 Parkside Drive (see Appendix “A” to Report PED23023)
Lot Area:	± 9.29 ha (irregular)
Servicing:	Full municipal services.
Existing Use:	The lands within Phase 2 of Draft Plan of Subdivision 25T-201507 are vacant.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

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Documents	
Official Plan Existing:	“Employment Areas” on Schedule E – Urban Structure and “Business Parks” on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	No amendment proposed.
Zoning Existing:	General Business Park (M2) Zone, Prestige Business Park (M3) Zone, Prestige Business Park (M3, 388) Zone, Prestige Business Park (M3, 437) Zone, and Conservation / Hazard Land (P5) Zone.
Zoning Proposed:	No amendment proposed.
Processing Details	
Received:	August 3, 2022
Deemed Complete:	August 11, 2022
Processing Time:	173 days

Previous Applications

The subject lands were subject to an Urban Hamilton Official Plan Amendment application (UHOPA-18-12), Zoning By-law Amendment application (ZAC-15-039) and Draft Plan of Subdivision application (25T-201507), as shown on Appendix “B” to Report PED23023 for the purpose of developing the subject lands, known as the Flamborough Power Centre North Business Park, for employment uses. The effect of these applications was to permit the development of:

- Six blocks (Blocks 1, 3, 4, 7, 8, 9) for employment and limited ancillary uses;
- Two blocks (Blocks 6 and 10) for Conservation / Hazard Lands;
- One block (Block 3) for a Stormwater Management Facility;
- Three proposed streets (extension of Clappison Avenue, proposed Street A and Street B);
- One block (Block 12) for a Road Widening; and,
- Two blocks (Blocks 11 and 13) for 0.3 m reserves.

Phase 1 of Draft Plan of Subdivision 25T-201507, as shown on Appendix “C” attached to Report PED23023, was registered in January 2021 and the City has issued Site Plan Approval for several employment developments, including Stryker Medical (DA-16-165), Lincoln Electric (DA-19-178) and XYZ Automation (DA-21-103). A subdivision agreement has been registered between the applicant and the City.

EXISTING LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands:	Vacant	General Business Park (M2) Zone, Prestige Business Park (M3) Zone, Prestige Business Park (M3, 388) Zone and Conservation / Hazard Land (P5) Zone.
Surrounding Land Uses:		
North	Agricultural, car wash (under construction)	Rural (A2) Zone and Prestige Business Park (M3, 469) Zone.
South	Borers Creek, Commercial uses, Vacant Land	Conservation/Hazard Land (P5) Zone and General Business Park (M2) Zone.
East	Low Density Residential, Belmont Park	Urban Residential (Semi-Detached & Link) "R4" Zone and Neighbourhood Park (P1) Zone.
West	Employment Uses	General Business Park (M2) Zone, Prestige Business Park (M3) Zone, and Prestige Business Park (M3, 288) Zone.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020) (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) 2019, as amended.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and Ontario Land Tribunal (OLT) approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework.

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As the application complies with the UHOP, it is staff's opinion that the application is:

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the Provincial Policy Statement (2020); and,
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

Urban Hamilton Official Plan

The subject lands are identified as "Employment Areas" on Schedule E - Urban Structure and designated "Business Parks" on Schedule E-1 - Land Use Designations. The original draft plan of subdivision was reviewed and found to conform to the applicable Urban Hamilton Official Plan through PED18133, including natural heritage and archaeology policies.

The following policies, amongst others, apply to the proposed revision:

Employment Areas

"E.2.7 Employment Areas are the primary employment generators in the City and the location of diverse areas of employment. These employment areas range from the historic, heavy industrial, and port employment areas to planned business parks.

E.2.7.7 Employment Areas shall be planned and designed to maximize access to goods movement corridors and the efficiency of goods movement within the Employment Areas. Goods movement includes maximizing access to the highway network, the port, and the airport.

Employment Area – Business Park Designation

E.5.4 Business Parks are planned for a broad range of employment uses compatible with the design policies for business parks. These areas are well served by roadway infrastructure and are generally more able to accommodate proper buffering from sensitive land uses."

The proposed revision to the draft approved plan of subdivision will not impact the planned function of the Flamborough Power Centre North Business Park as the subject lands have sufficient access to Clappison Avenue and Enterprise Crescent. Removal of Street B from the Draft Plan of Subdivision will increase the amount of land

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available for employment uses within Block 20, as shown on Appendix “D” to Report PED23023, by approximately 0.86 hectares.

Transportation

- “C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way-widths:
- f) Local Roads, subject to the following policies:
 - iv) Local roads ending in cul-de-sacs shall generally be discouraged, except under the following criteria:
 1. Where the road extension would have to cross a railway right-of-way or any other utility corridor;
 2. Where it has been determined by the City that public street connectivity is not essential to the street circulation network or the underground services and utility grid network of the adjacent area; or,
 3. Where the local road network is arranged such that connections for pedestrians and cyclists are direct and continuous.”

Street B, known as Enterprise Crescent, is a local road and the proposed revision to the draft approved plan of subdivision would result in the temporary cul-de-sac constructed as a condition of the first phase of the subdivision becoming permanent. Street B was planned to facilitate creation of smaller lots within the business park and is internal to the subject lands. Based on technical studies provided by the applicant, including a Transportation Impact Study addendum, staff are satisfied that the proposed revision to end Street B in a cul-de-sac will not negatively impact the broader street circulation nor will it affect the development opportunities or any adjacent lands within the business park.

Infrastructure

- “C.5.3.12 Water and wastewater systems shall be designed and constructed in accordance with the specifications and standards of the City, provincial guidelines, and other applicable standards, regulations and guidelines.
- C.5.3.15 The City shall be satisfied that adequate infrastructure services can be provided prior to any development or intensification proceeding and,

where technically and economically possible, the City shall require such services to be located underground.”

Staff are satisfied that the proposed subdivision revision can be adequately serviced by existing water and wastewater systems subject to the submission of a Watermain Hydraulic Analysis and Water Quality Analysis which are recommended as Condition No. 46 in Appendix “F” attached to PED23032.

Plan of Subdivision

“F.1.14.1.2 Council shall approve only those plans of subdivision that meet the following criteria:

- a) The plan of subdivision conforms to the policies and land use designations of this Plan.
- b) The plan of subdivision implements the City’s staging of development program;
- c) The plan of subdivision can be supplied with adequate services and community facilities;
- d) The plan of subdivision shall not adversely impact upon the transportation system and the natural environment;
- e) The plan of subdivision can be integrated with adjacent lands and roadways;
- f) The plan of subdivision shall not adversely impact municipal finances; and,
- g) The plan of subdivision meets all requirements of the Planning Act, R.S.O., 1990 c. P.13.”

As has been previously discussed, the proposed revision to the Draft Approved Plan of Subdivision complies with the UHOP and meets all requirements of the *Planning Act*.

The proposed revision to the Draft Approved Plan of Subdivision is consistent with the Criteria for Staging of Development as the site can be adequately serviced using existing infrastructure, subject to the recommended Draft Plan Conditions. The development will not adversely impact the transportation system or natural environment. The application will not adversely impact municipal finances as removal of the extension of Street B reduces the amount of public road that would be dedicated and maintained by the City, while increasing the amount of assessed employment lands.

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Based on the foregoing, staff are of the opinion that the proposed development complies with the policies of the Urban Hamilton Official Plan.

City of Hamilton Zoning By-law No. 05-200

The subject lands are currently zoned General Business Park (M2) Zone, Prestige Business Park (M3) Zone, Prestige Business Park (M3, 388) Zone, Prestige Business Park (M3, 437) Zone, and Conservation / Hazard Land (P5) Zone. The boundaries of these zones are depicted in Appendix “A” to Report PED23023.

The General Business Park (M2) Zone and General Business Park (M3) Zone permits a range of employment uses including Manufacturing, Research and Development Establishment and Warehouses. The General Business Park (M3, 388) Zone includes a modification to the minimum yard abutting a street and landscaped area regulations of the General Business Park (M3) Zone. The Prestige Business Park (M3, 437) Zone includes a modification to allow a Fitness Club and Medical Clinic in addition to the standard uses permitted in that zone.

The Conservation / Hazard Land (P5) Zone applies to the lands within the pipeline corridor and limits permitted uses to conservation, flood and erosion control facilities and passive recreation.

Should the revision to the subdivision be approved, Block 20 would be split zoned between General Business Park (M2) Zone, Prestige Business Park (M3) Zone, Prestige Business Park (M3, 388) Zone, and Prestige Business Park (M3, 437) Zone. Section 2.6 f) of Zoning By-law No. 05-200 states “Where a lot is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions of this By-law for each of the applicable zones”. The applicant will be required to demonstrate compliance with the applicable zoning by-law regulations prior to development of the subject lands through Site Plan Control.

RELEVANT CONSULTATION

Departments and Agencies	
<ul style="list-style-type: none">• Hamilton Conservation Authority;• Ministry of Transportation; and,• Commercial Districts and Small Business Section, Corporate Real Estate Office, Economic Development Division, Planning and Economic Development Department.	No Comment.

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Departments and Agencies		
	<ul style="list-style-type: none"> Heritage & Urban Design Section, Planning Division, Planning and Economic Development Department; and, Alectra Utilities. 	No Comment.
	Comment	Staff Response
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<p>In accordance with the New Developments Tree Planting Policy, the city of Hamilton collects cash in lieu of Trees for residential subdivisions; the Forestry & Horticulture Section will provide clearance of a Street Tree Planting condition upon receipt of a plan depicting new trees and a cash payment as shown in item 2.8 of the completed Subdivision Agreement. The remittance is to be made payable directly to the Forestry & Horticulture Section.</p> <p>There are no municipal tree assets on site; therefore, no Tree Management Plan is required.</p>	The applicant has already entered into a Subdivision Agreement with the City which includes provisions respecting Street Trees.
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<p>Can support the proposed revision to the Draft Plan of Subdivision subject to the following conditions being included as part of the Draft Plan Approval:</p> <p>1. That the Owner shall utilize the existing 300mmØ watermain stub at the end of Enterprise Court for servicing and provide adequate flushing velocities in the watermain on Enterprise Court as a result of this development. This must be demonstrated through a Watermain Hydraulic Analysis. If the average demands from the development do not result in adequate flushing velocities within the watermain on Enterprise Court, then a looped watermain connection will need to be provided to Clappison Avenue through the development with the required easements in place.</p>	<p>Approval of a Watermain Hydraulic Analysis or a requirement for a looped watermain connection is required as Condition No. 46 of Appendix "F" attached to Report PED23023.</p> <p>Approval of the Stormwater Management Brief is required as Condition No. 45 of Appendix "F" attached to Report PED23023</p> <p>Requirement for a Subdivision Agreement Addendum respecting assumption of the watermain has been included as Condition No. 47 of Appendix "F" attached to Report PED23023.</p>

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	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department Continued	<p>2. Prior to registration, the owner agrees that a stormwater management brief (SWM brief) will require for the proposed development on Block 20 to demonstrate how onsite stormwater quantity and quality controls will be handled in accordance with the technical memo ('Stormwater Management Technical Memorandum' prepared by SLA, dated: June 10, 2022) and approved SWM Report for Flamborough Power Centre North (prepared by SLA; dated: August 2017).</p> <p>3. The Owner agrees to enter into a Subdivision Agreement Addendum with the City agreeing that the City of Hamilton will not assume the watermains for the Flamborough Power Centre subdivision until Block 20 has been developed and the Owner submits a water quality analysis.</p>	
Legislative Approvals Section, Growth Management Division, Planning and Economic Development Department	Request that a draft plan condition be added to finalize street naming and municipal addressing for the individual Lots and Blocks.	This is addressed through Condition No. 48 of Appendix "F" attached to Report PED23023.
Hamilton Conservation Authority (HCA)	No concerns with the proposed revision or additional conditions required.	Noted.
Landscape Architectural Services, Strategic Planning Division, Public Works Department (LAS)	Noted that the Recreational Trails Master Plan identifies a trail planned (Initiative 15-3) along the corridor connecting Parkside Drive to the existing Borer's Creek Trail and Belmont Park to the south.	The applicant has not indicated an interest in entering into a Parkland Development Financing Agreement with the City.

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	Comment	Staff Response
Landscape Architectural Services, Strategic Planning Division, Public Works Department (LAS) Continued	Requested that the applicant consider entering into a Parkland Development Financing Agreement with the City to construct this trail segment but noted that this was not a condition of the existing draft approved plan of subdivision for the subject lands.	
Recycling and Waste Disposal Section, Environmental Services Division, Public Works Department	This development is an industrial property which is ineligible for municipal waste collection as outlined in the City of Hamilton's Solid Waste Management By-law No. 20-221. A private waste hauler must be arranged for the removal of all waste materials.	This is included as a Note 2 of Appendix "F" attached to Report PED23023.
Transportation Planning Section, Planning and Economic Development Department	Transportation Planning staff have reviewed the Transportation Impact Study addendum letter, prepared by BA Group and dated July 13, 2022, and advise that the overall increase in trip generation is projected to be relatively low and will not significantly affect the surrounding road network. A revised pavement marking, signage and infrastructure plan shall be provided reflecting the revised cross-section of Clappison Avenue (five lane roadway with centre left-turn lane) following the removal of the two un-built sections of Street B (Enterprise Crescent). The design shall indicate and illustrate the proposed lane configuration, additional supplementary pavement markings and infrastructure to be included within the municipal right-of-way.	The requirement for a revised pavement markings, signage and infrastructure plan is addressed through Condition No. 49 of Appendix "F" to Report PED23023.

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	Comment	Staff Response
Ministry of Transportation	Have no concerns with the proposed revision but note that development of each block/parcel within the draft plan of subdivision will require a full MTO development review and permits.	MTO permits will be addressed at the future site plan control stage for each development block / lot.

Public Engagement

The *Planning Act* and Public Participation policies in the Urban Hamilton Official Plan do not require a statutory public meeting or written notification to surrounding properties of an application for a revision (minor or major) to a Draft Approved Plan of Subdivision.

The *Planning Act* does require that written notice of changes of draft approval shall be provided to any public body that made a submission during the statutory public meeting.

During the statutory public meeting to consider the original draft plan of subdivision, the City received one public submission from an abutting land owner at 32 Parkside Drive requesting that the applicant be required to extend full municipal services along their frontage on Parkside Drive and that the subdivision does not impact their drainage. Staff note that special condition 23 of draft plan approval for the subdivision, see Appendix “E” to Report PED23023, is for the owner to enter into an agreement with the City respecting the extension of municipal services on Parkside Drive across the frontage of the subject lands.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The application is for Revision to Draft Plan of Subdivision to remove a section of Street B, municipally known as Enterprise Crescent. The proposal has merit and can be supported for the following reasons:

- i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- ii) It provides for larger employment land parcels in response to shifting market demands;
- iii) It makes efficient use of land and infrastructure; and,
- iv) The proposed development is compatible with the existing development in the immediate area with respect to use, size and scale.

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1. The subject lands are part of Phase 2 of the subdivision known as “Flamborough Power Centre North Business Park” and located at 74, 78, 90 and 96 Parkside Drive (Flamborough). The subject application (25T-201507R) is to remove the extension of a public road (Street B), municipally known as Enterprise Crescent, to accommodate larger employment land parcels in response to shifting market demands.

In reviewing of Sub-section 51(24) of the *Planning Act*, to assess the appropriateness of the proposed subdivision revision, staff advise that:

- i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- ii) It complies with the applicable policies of the Urban Hamilton Official Plan;
- iii) The proposed subdivision revisions will be compatible with the existing road network and block pattern of the surrounding area;
- iv) The dimensions and shapes of the proposed lots conform to the Zoning By-law and are sufficient to accommodate development of employment lands;
- v) Restrictions and regulations for the development of the subdivision are included in the conditions of draft plan approval;
- vi) Adequate utilities and municipal services are available to service the proposed blocks within the subdivision, the particulars of which will be determined as part of conditions of draft approval; and,
- vii) The application will not have any negative impact on City’s finances.

Therefore, staff are supportive of the Draft Plan of Subdivision revision and recommend its approval.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the lands would be developed in accordance with the existing Draft Plan approval which includes the extension of Street B, municipally known as Enterprise Crescent, back to Clappison Avenue.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Built Environment and Infrastructure

Hamilton is supported by state-of-the-art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED23023 – Location Map

Appendix “B” to Report PED23023 – Original Draft Plan of Subdivision 25T-201507

Appendix “C” to Report PED23023 – Registered Plan of Subdivision 62M-1270

Appendix “D” to Report PED23023 – Proposed Draft Plan of Subdivision 25T-201507R

Appendix “E” to Report PED23023 – Special Conditions of Draft Plan of Subdivision Approval (25T-201507)

Appendix “F” to Report PED23023 – Draft Plan of Subdivision Special Conditions

CT:sd