

MINUTES OF SETTLEMENT

- Between -

DURAND NEIGHBOURHOOD ASSOCIATION INC.
(hereinafter called "Durand")

- and -

LATCO (1986) DEVELOPMENTS LIMITED
(hereinafter called "the developer")

- and -

THE CORPORATION OF THE CITY OF HAMILTON
(hereinafter called "the city")

The parties hereby noted above agree to settle Ontario Municipal Board File No. Z940041 on the following terms which will be included in a site-specific by-law similar to By-law No. 92-197 (The Carter Square By-law in that the building envelopes and building setbacks are specifically defined in the zoning by-law.)

1. Maximum Gross Floor Area

The building fronting onto Robinson Street (hereinafter the Robinson building), the building fronting onto Charlton Avenue (hereinafter the Charlton building) and the remaining Thistle Club building as at 9 January, 1995 shall cumulatively be permitted to have a maximum gross floor area (hereinafter G.F.A.) ratio of 2.25 times the lot coverage (approximately 17,490 sqm or 188,270 sqft.).

2. Maximum Heights

The Robinson Street Building shall have no more than 8 floors. The Charlton Avenue Building shall have a central section of no more than 7 floors and a combination of 3/4/5/4 storey graduation along Charlton Avenue as shown on Schedule "A".

3. Dwelling Unit Cap

The sum total of the dwelling units in both the Robinson Street Building and the Charlton Avenue Building will not exceed 200. If 200 dwelling units are included in one of the buildings, it follows that the other building cannot be constructed.

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4. Thistle Club Site

The land upon which the Thistle Club stands after the development of the Robinson Street Building, hereinafter referred to as the "Thistle Club site", can be redeveloped upon demolition of the then building as follows:

- (a) a building of a maximum G.F.A. of 2,545 sqm (27,395 sqft) can be constructed provided that the maximum G.F.A. ratio, for the entire development site (i.e. those lands upon which the Robinson Street Building and the Charlton Avenue Building are to be constructed and the Thistle Club site) does not exceed 2.25 times lot coverage;
- (b) the maximum height of the new building on the Thistle Club site shall not exceed 4 storeys;
- (c) permitted uses in accordance with the "E" District and "RT-20" District will be permitted on the Thistle Club site;
- (d) set backs for any construction on the Thistle Club site shall be accordance with the building envelope shown on attached Schedule "A";
- (e) parking for the Thistle Club site will be permitted on the lands upon which the Robinson Street building and the Charlton Avenue building are constructed.

5. Amenity Space for the Charlton Avenue and Robinson Street Buildings

- (a) for the purposes of these Minutes of Settlement, Amenity Area shall be the same as that described in section 2.(2)H.(ia) of By-law 6593 as of January 9, 1995 with a modification such that landscaping, patios and balconies are not included. Landscaping, patios and balconies shall not be considered as amenity area for the purposes of these Minutes of Settlement;
- (b) in regard to the Charlton Avenue Building the developer must provide 4,000 sqft of amenity space. Amenity space to a maximum of 4,000 sqft will not be included in the G.F.A. calculation for the Charlton Avenue Building;
- (c) in regard to the Robinson Street Building the developer must provide 3,000 sqft of amenity space. Amenity space to a maximum of 3,000 sqft will not be included in the G.F.A. calculation for the Robinson Street Building;
- (d) with respect to the Charlton Avenue building where balconies are enclosed, the resultant increase in G.F.A. will be excluded to a maximum of 9,000sqft. It is understood that no G.F.A. bonus will be given for a particular balcony unless it is enclosed;

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- (e) with respect to the Robinson Street building where balconies are enclosed, the resultant increase in G.F.A. will be excluded to a maximum of 7,500 sqft. It is understood that no G.F.A. bonus will be given for a particular balcony unless it is enclosed;
- (f) a site specific by-law will be prepared in a form similar to By-law No. 92-197 (the Carter Square By-law);
- (g) the building setbacks do not include the balconies of each of the buildings in the calculations.

6. Traffic

The developer will provide the services of professional transportation engineers, at the developer's cost, to a maximum of \$7,500.00 to assist Durand in conducting an analysis of through traffic on Charlton Avenue with a view to making recommendations to the City regarding improvement in those patterns on Charlton Avenue.

7. Site Plan Agreements

The developer agrees that it will enter into one or more Site Plan Agreements with the City in the City's standard form.

8. Site Plan Consultation

The Developer undertakes that in the site plan design stage it will do the following:

- (a) provide the Durand with a copy of its proposed Site Plan at the time it is filed with the City and consult in good faith with the Durand on the Site Plan during the site plan process;
- (b) obtain and reasonably consider professional advice regarding the potential of the building design to cause wind shear or cyclonic impacts at the ground level of the Robinson building.

9. Existing By-law 88-261

That which is permitted under By-law 88-261 will continue to be permitted. It must be noted that the developer will have two options for the site; one being that which is permitted under By-law 88-261; and the other option being that which is permitted under these Minutes of Settlement. A hybrid of the two options will not be permitted by By-law 88-261 or the By-law enacted further to these Minutes of Settlement.

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10. Severances

Durand agrees that it will not oppose subsequent applications by the developer for severances to implement the proposed property lines shown on the attached Schedule B for the construction only of one or more of the buildings each described in these Minutes of Settlement as Schedule A .

11. Authorization

The authorization for these Minutes of Settlement from the Council for the City of Hamilton is contained within the Fourth Report of the Planning and Development Committee, as adopted by City Council, at its meeting held 1995 January 10 (copy attached as Schedule "C").

12. Subsequent Owners

The developer agrees to bind subsequent owners to enter into Assumption Agreements concerning these Minutes of Settlement with the Durand and the City.

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DATED at the City of Hamilton this 11th day of Jan 1995.

DURAND NEIGHBOURHOOD ASSOCIATION
INC.

"Durand"

Helen Fallon, President of above
Maurice Sheppard, Secretary

DATED at the City of Hamilton this 3rd day of Jan. 1995.

We have the authority to build the corporation

LATCO (1986) DEVELOPMENTS LIMITED

"the developer"

DATED at the City of Hamilton this 19th day of JAN 1995.

THE CORPORATION OF THE CITY OF
HAMILTON

"the City"

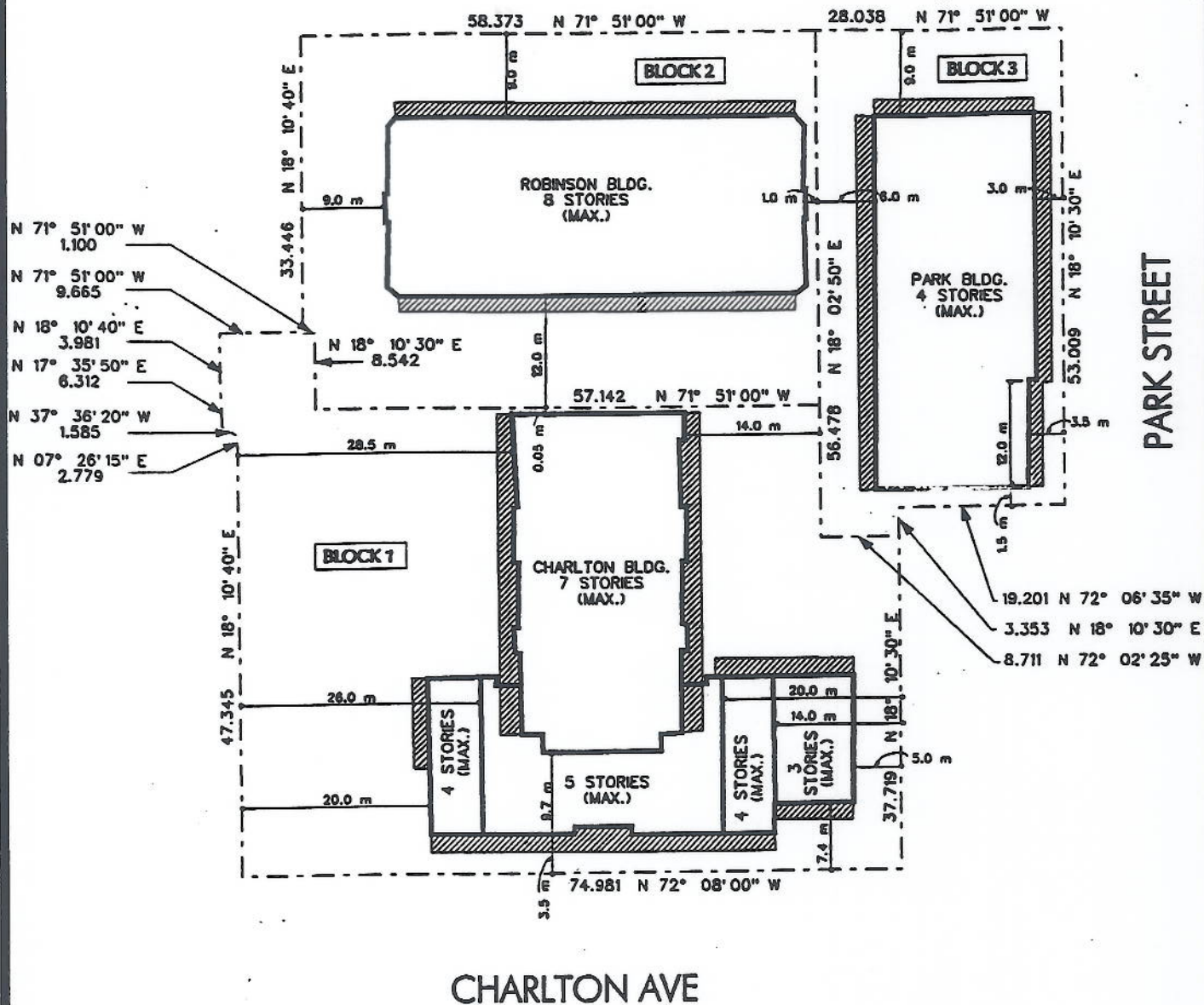
[Signature]
ROBERT M. MORROW, MAYOR
ALDERMAN D. DRURY, ACTING MAYOR

[Signature]
JOSEPH J. SCHATZ, CITY CLERK



(dynamain.stl)

ROBINSON STREET



SCHEDULE A

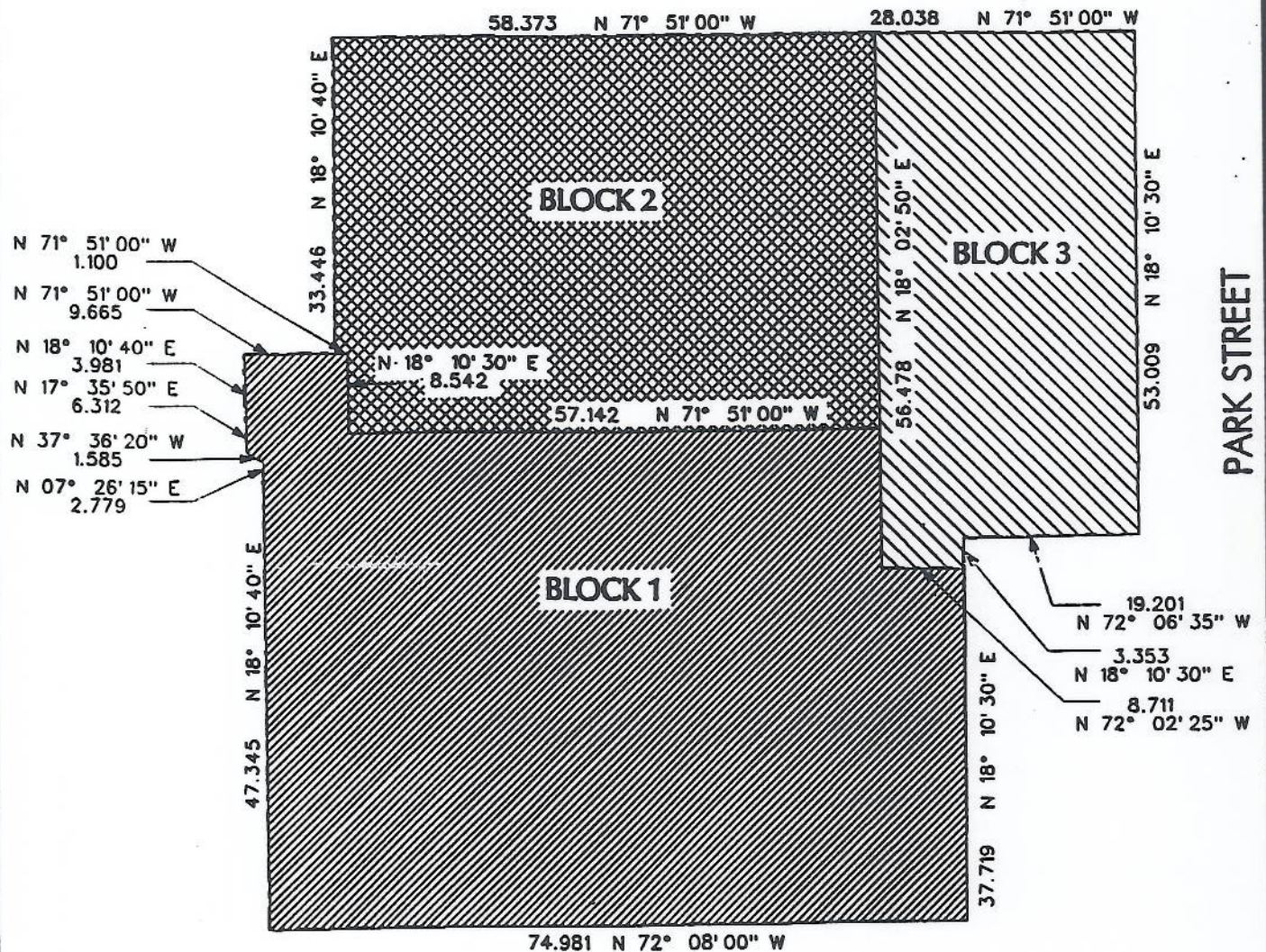
TO THE MINUTES OF SETTLEMENT
AS AGREED TO BETWEEN:

The Durand Neighbourhood Association
Latco (1986) Developments Ltd.
The Corporation of the City of Hamilton

RE: ONTARIO MUNICIPAL BOARD FILE No. Z940041

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ROBINSON STREET



CHARLTON AVE

SCHEDULE B

TO THE MINUTES OF SETTLEMENT
AS AGREED TO BETWEEN:

The Durand Neighbourhood Association
 Latco (1986) Developments Ltd.
 The Corporation of the City of Hamilton

RE: ONTARIO MUNICIPAL BOARD FILE No. Z940041

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SCHEDULE C

TO THE MINUTES OF SETTLEMENT AS AGREED TO BETWEEN:

**The Durand Neighbourhood Association
Latco (1986) Developments Ltd.
The Corporation of the City of Hamilton**

RE: ONTARIO MUNICIPAL BOARD FILE No. Z940041

1995 January 10

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **FOURTH** Report for 1995 and respectfully recommends:

1. The compromise reached with respect to amended Zoning Application ZAC-93-17, Latco (1986) Developments Limited, owner, for lands located at 85 Robinson Street (Thistle Club), as shown on the attached map marked as appendix "A", between the owner (Latco (1986) Developments Limited) and the Durand Neighbourhood Association can be supported on the following basis:
 - the existing By-law No. 88-261 is to be amended so that the developer has two individual options for the development of the property:
 - the first option would be to allow that which is permitted under By-law No. 88-261;
 - the second option would allow for:
 - (a) two apartment buildings, one fronting onto Robinson Street and one fronting onto Charlton Avenue, and the remaining Thistle Club building with a maximum gross floor area ratio of 2.25 times lot coverage (approximately 17,490 m² or 188,270 feet²);
 - (b) if/when the remaining Thistle Club building is demolished, the vacant lands would be redeveloped on the following basis:
 - (i) maximum gross floor area of 2545 m² (27,395 feet²);
 - (ii) maximum height of 4 stories;
 - (iii) minimum yard requirements: as per attached Appendix "B";
 - (iv) permitted uses in accordance with the "E" District regulations; and townhouses, street townhouses and maisonettes in accordance with the "RT-20" District regulations;
 - (v) maximum gross floor area ratio, including two apartment buildings in Part (a) above, would not exceed 2.25;

- (vi) parking will be permitted on the lands upon which the building facing Robinson Street and the building facing Charlton Avenue are to be constructed;
- (c) the following will be established with respect to amenity area:
 - (i) "amenity area" be defined as "an area on the same lot accessory to a residential use, including communal areas such as swimming pools, lounges, and recreation areas";
 - (ii) amenity area will be provided on the following basis:

Building facing Robinson Street - a minimum of 278.7 m² (3000 feet²); and,

Building facing Charlton Avenue - a minimum of 371.6 m² (4000 feet²);
 - (iii) required amenity area will not be calculated as part of the gross floor area ratio of 2.25 up to maximums as set out below:

Building facing Robinson Street:
Amenity area to a maximum of 278.7 m² (3000 feet²) will not be included in the gross floor area calculation;

Where balconies are enclosed, the resultant increase in gross floor area will be excluded up to a maximum of 696.75 m² (7500 feet²);

Building facing Charlton Avenue:
Amenity area to a maximum of 371.6 m² (4000 feet²) will not be included in the gross floor area calculation;

Where balconies are enclosed the resultant increase in gross floor area will be excluded up to a maximum of 836.1 m² (9000 feet²);
- (d) not more than 200 dwelling units in the building facing Robinson Street and the building facing Charlton Avenue combined (not including the remaining Thistle Club lands);
- a site specific by-law be prepared in a form similar to By-law No. 92-197 (the Carter Square by-law);

1995 January 10

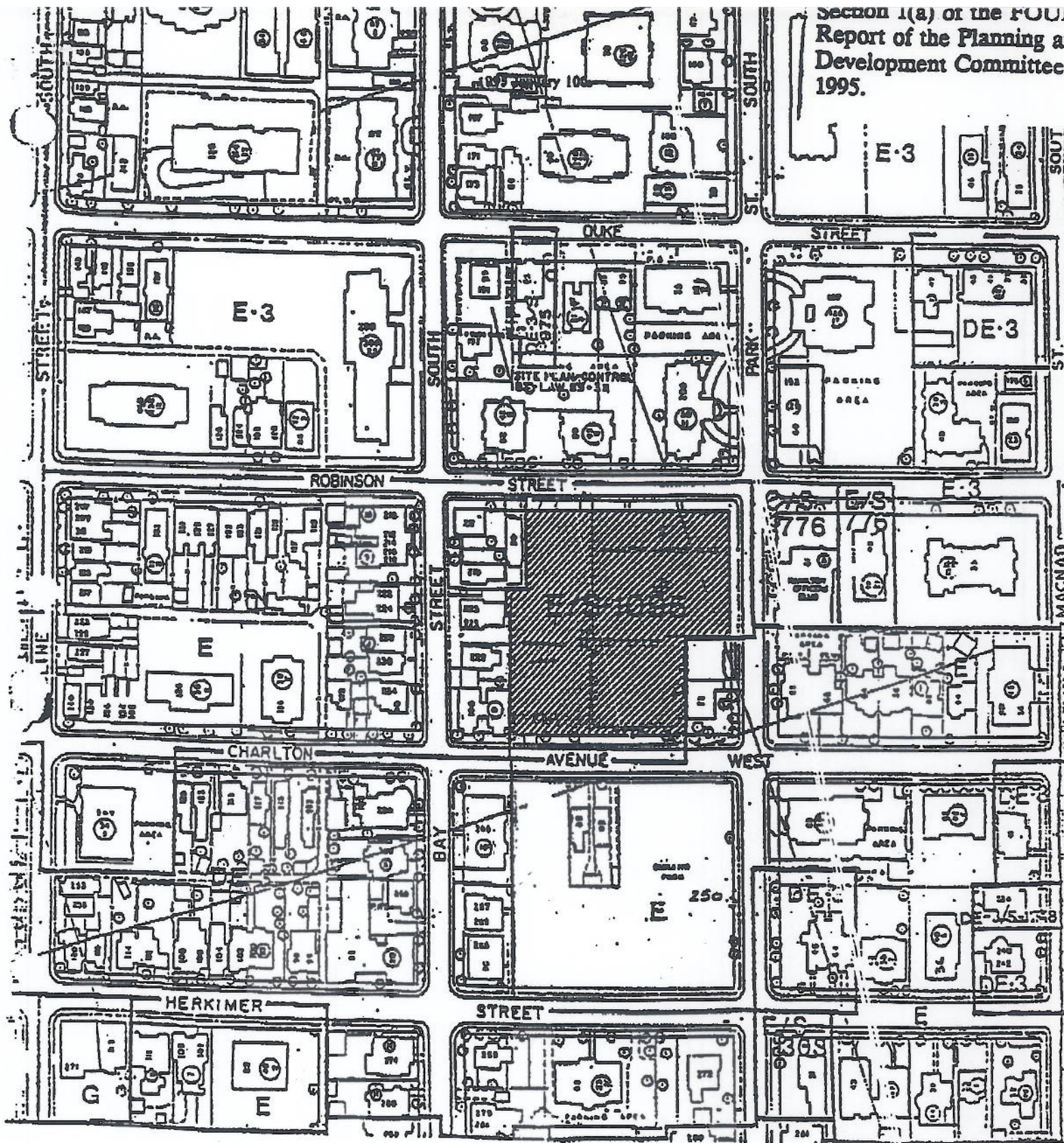
- the applicant will engage traffic engineers to work with the Durand Neighbourhood Association and make recommendations to the City Traffic Department concerning the traffic impacts on Charlton Avenue; and,
 - the applicant will provide an undertaking to:
 - provide the Durand Neighbourhood Association with a copy of its proposed Site Plan at the time it is filed with the City and consult in good faith with Durand on the Site Plan during the site plan process; and,
 - obtain and reasonably consider professional advice regarding the potential of the building design to cause wind shear or cyclonic impact at the ground level of the building facing Robinson Street.
2. That staff be directed to advise the Ontario Municipal Board that the City supports the compromise as set out in Recommendation No. 1.

RESPECTFULLY SUBMITTED,

**ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT
COMMITTEE**

**Stella Glover
Secretary**

1995 January 10



Legend

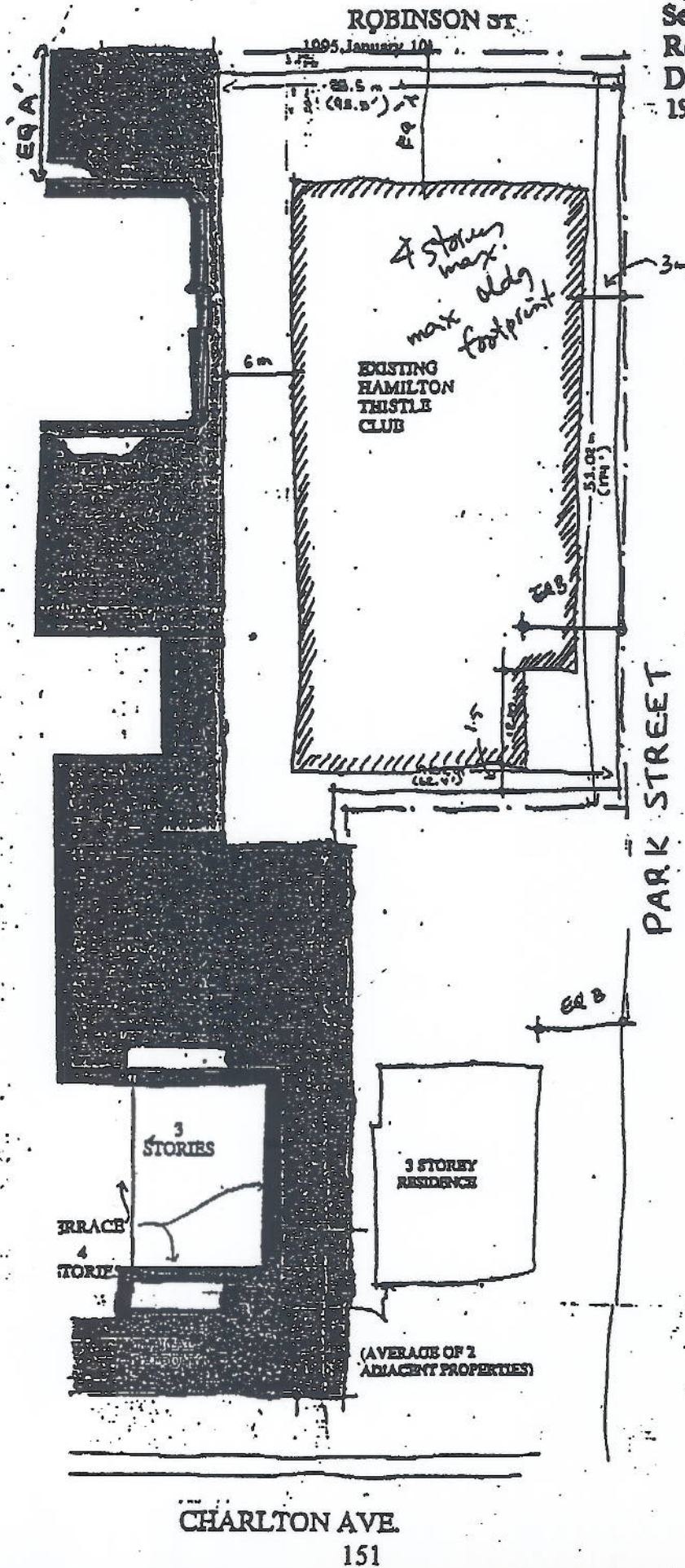


Site of the Application
150

ZAC 93.17

APPROVED

Appendix "B" referred to in
 Section 1(b)(iii) of the FOURTH
 Report of the Planning and
 Development Committee for
 1995.



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 APPENDIX B