SUBJECT: Application for Approval of a Draft Plan of Subdivision, "Lawfield Heights", and Change in Zoning for the Property Located at 50 Lawson Street (Hamilton) (PED05206) (Ward 7)

RECOMMENDATION:

(a) That approval be given to Subdivision Application 25T-200519, by Adisco Limited, applicant, to establish a draft plan of subdivision known as “Lawfield Heights”, as redline revised, on lands located at 50 Lawson Street (Hamilton), as shown on Appendix “B” to Report PED05206, subject to the execution of a City Standard Form Subdivision Agreement, including the conditions contained in Appendix “C” to Report PED05206 and the following:

(i) Acknowledgement that there will be no City share for any municipal works related to this development, except for any applicable cost sharing for fencing;

in accordance with the Financial Policies for Development, as approved by Council.

(ii) That upon registration of the Subdivision Agreement, the Lawfield Neighbourhood Plan be amended to reflect the change in designation from “Civic & Institutional” to “Single & Double Residential” and to revise the road pattern to add a new road shown as Court “A”.

(iii) That the proposed draft plan of subdivision is in conformity with the Hamilton-Wentworth Official Plan, and the Official Plan of the City of Hamilton.
That Zoning Application ZAC-05-81, by Adisco Limited, applicant, for a change in zoning from the “C” (Urban Protected Residential, Etc.) District to the “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified, to permit a lot for a semi-detached dwelling fronting onto Lawson Street, for a portion of the property located at 50 Lawson Street (Hamilton), as shown on Appendix “A” to Report PED05206, be DENIED for the following reason:

(i) The proposal is contrary to the intent of the Official Plan, in that approval of the application would result in an indiscriminate mix of residential land uses, provides for an inappropriate lot pattern, does not create an attractive streetscape, and does not conform to the minimum lot frontage requirement of Subsection 10(4)(ii) of Zoning By-law No. 6593.

EXECUTIVE SUMMARY:

The purpose of the applications is for approval of a draft plan of subdivision, “Lawfield Heights,” consisting of 45 lots for single detached dwellings, 1 lot for a semi-detached dwelling, 1 block for a future lot for a single detached dwelling, and to construct a new road shown as Court “A” (see Appendix “B”); and for a change in zoning only to permit the semi-detached lot. The proposed draft plan of subdivision can be supported since residential uses are permitted within the “Major Institutional” designation of the City of Hamilton Official Plan, the proposed subdivision implements the existing “C” (Urban Protected Residential, Etc.) District zoning, the proposed lots for single detached dwellings are consistent in size with existing residential development in the area, and the proposal is compatible with existing development in the surrounding area.

However, the proposed change in zoning to permit one semi-detached dwelling cannot be supported since the proposed lot is undersized, out of character with existing residential development in the area, and would not integrate well with the proposed abutting single detached dwellings to the north and south with respect to maintaining an attractive streetscape and protecting residential amenity, which is contrary to the intent of the Official Plan.
SUBJECT: Application for Approval of a Draft Plan of Subdivision, "Lawfield Heights", and Change in Zoning for the Property Located at 50 Lawson Street (Hamilton) (PED05206) (Ward 7) - Page 3 of 12

BACKGROUND:

Proposal

The purpose of the applications is for approval of a draft plan of subdivision and change in zoning to develop the subject lands for:

- 45 lots for single detached dwellings in accordance with the existing “C” (Urban Protected Residential, Etc.) District (38 lots would front on proposed Court “A” and 7 lots would front on Edwina Place).

- 1 lot with a frontage of 16m on Lawson Street for a semi-detached dwelling subject to a change in zoning to the “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified.

- 1 block for a future single detached dwelling having frontage on Edwina Place upon completion of land assembly with lands to the north.

Location: 50 Lawson Street (Hamilton)

Owners: Hamilton-Wentworth Catholic District School Board

Applicant: Adisco Limited

Agent: Urbex Engineering Limited

Property Description:

<table>
<thead>
<tr>
<th>Width</th>
<th>122.338m (along Lawson Street)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Depth</td>
<td>203.573m (measured along south property line)</td>
</tr>
<tr>
<td>Lot Area</td>
<td>2.629ha</td>
</tr>
</tbody>
</table>

Servicing: Full municipal services.

EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Lands</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vacant Elementary School</td>
<td>&quot;C&quot; (Urban Protected Residential, Etc.) District</td>
<td></td>
</tr>
<tr>
<td>Verne Ames and Lawfield Public Schools and Single detached dwellings</td>
<td>&quot;C&quot; (Urban Protected Residential, Etc.) District</td>
<td></td>
</tr>
<tr>
<td>Single detached dwellings</td>
<td>&quot;C&quot; (Urban Protected Residential, Etc.) District</td>
<td></td>
</tr>
</tbody>
</table>
ANALYSIS/RATIONALE:

1. The proposed draft plan of subdivision, as redline revised (see Appendix “B”), has merit and can be supported for the following reasons:

   (i) It is consistent with the Provincial Policy Statement.

   (ii) It conforms with the “Urban Area” designation of the Hamilton-Wentworth Official Plan.

   (iii) It conforms with the “Major Institutional” designation of the City of Hamilton Official Plan.

   (iv) It conforms with and implements the existing “C” (Urban Protected Residential, Etc.) District zoning of City of Hamilton Zoning By-law No. 6593.

   (v) The proposed lots for single detached dwellings are consistent/compatible with existing residential development in the area.

2. The proposed draft plan of subdivision consists of 45 lots for single detached dwellings, 1 lot for a semi-detached dwelling, and 1 block for a future single detached dwelling upon completion of land assembly with a portion of lands to the north (see Appendix “B”). All of the proposed lots for single detached dwellings conform to the existing zoning with respect to lot area (minimum 360 square metres) and frontage requirements (minimum 12 metres). The subject lands currently contain an elementary school that will be demolished. Of the proposed lots, 38 have frontage on a new road (Court A), 7 lots and 1 future lot have frontage on Edwina Place, and 1 lot for a semi-detached dwelling has frontage on Lawson Street.

The plan has been redline revised to delete the semi-detached dwelling lot, and to ensure that Block 46 (as redline revised to reflect new lot numbering), which will be developed for a single detached dwelling upon completion of land assembly with lands to the north, has frontage on Edwina Place. As a condition of draft plan approval, Block 46 must be developed with lands to the north (Development Planning Condition No. 9). The applicant has advised that negotiations are underway with the Hamilton-Wentworth District School Board in order to acquire a small piece of land to complete this lot. The plan of...
subdivision has also been redline revised to reflect a minor revision to the cul-de-sac design to reduce the amount of paved area and to provide a walkway.

3. The Public Works Department (Open Space Development Section) and the Public Health and Community Services Department (Culture and Recreation Division) have advised that a walkway should be provided to link the proposed development to Lawfield Park to the west. This walkway is important, as without the connection, residents of the lots on proposed Court “A” must walk east to Lawson Street, south to Folkstone Avenue, and then west on Folkstone Avenue to access Lawfield Park. This walkway connection would also provide a connection to the elementary schools to the north. Appendix “D” is a copy of the Master Plan for the redevelopment of Lawfield Park. This plan shows a potential future walkway along the east side of the park. The walkway from the subdivision would connect to this walkway at the northeast side of Lawfield Park. The Master Plan also highlights how the park can be connected to the schools to the north.

Therefore, the proposed draft plan of subdivision has been redline revised to introduce a 6.0m wide walkway between Lots 20 and 21. The walkway must be designed to the satisfaction of the Public Works Department (Open Space Development Section), including constructing the walkway with a hard surface, any applicable landscaping, bollards at both ends, and fencing on either side, and dedicated to the City of Hamilton (Public Works Department (Open Space Development Section) Condition No’s. 11 and 12). By introducing a 6.0m walkway block between Lots 20 and 21, the applicant must also revise the draft plan of subdivision to ensure that all of the lots maintain a minimum 12.0m frontage.

4. The applicants have applied for a change in zoning in order to permit a lot for a semi-detached dwelling with a frontage of 16m on Lawson Street. Staff recommends that the proposed Zoning By-law Amendment be denied and the proposed draft plan of subdivision be redline revised to delete Lot 39. The lot area from Lot 39 would then be redistributed between Lots 40 to 42 to the north and Lots 36 to 38 to the south. The proposed Zoning By-law Amendment should be denied because the proposed lot for a semi-detached dwelling is contrary to the intent of the Official Plan, in that approval would result in an indiscriminate mix of residential land uses, provides for an inappropriate lot pattern, does not create an attractive streetscape, and does not conform to the minimum lot frontage requirement of Subsection 10(4)(ii) of Zoning By-law No. 6593.

5. The Development Engineering Guidelines and Sidewalk Policies were adopted by Council on April 23, 2003. In this regard, Sidewalk Policy (i)(1) provides that sidewalks shall be required on one side of all local residential streets, including cul-de-sacs containing more than 30 units, and that the sidewalk must connect to a pedestrian link or walkway to external community facilities such as schools and parks. In this regard, a sidewalk is required to be provided along the south
6. As a condition of draft plan approval, a warning clause should be included in all offers of purchase and sale for Lots 15 to 22 warning that Lawfield Park is located to the west, which may on occasion cause a nuisance from noise, due to the use of the park for various recreational uses. (Public Works Department (Open Space Development) Condition of Approval No. 10).

7. Approval of this Draft Plan of Subdivision will be subject to the conditions included in Appendix “C”, including several of the City’s standard conditions of approval. Several special conditions will also apply, many of which have already been referenced in the report. In addition, conditions pertaining to providing payment in-lieu of providing Horizontal and Vertical Control Survey Monumentation, preparation of a geotechnical report, and fencing will apply (Development Engineering Condition Nos. 3, 5, and 7). The applicant should also be aware that there will be no City share for municipal works within or adjacent to this proposed development, except for any applicable cost sharing for fencing.

ALTERNATIVES FOR CONSIDERATION:

Should the proposed draft plan of subdivision and change in zoning be denied, the subject lands could be developed only for one single detached dwelling, residential care facility, or retirement home, or for an institutional or public use permitted within the “C” (Urban Protected Residential, Etc.) District.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial - N/A.

Staffing - N/A.

Legal - As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a Draft Plan of Subdivision and change in Zoning.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development. The Planning Act requires that, in exercising any authority that affects planning matters, planning authorities shall be consistent with policy statements issued under the Act. The applications are consistent with the Policy 1.1.3.1, which focuses growth in settlement areas. Policy 1.1.1(c) and 3.2.2 outline that communities are sustained by avoiding development that may cause
public health and safety concerns and that contaminated sites shall be remediated as necessary. Therefore, due to the former use of the site for a major institutional use and the age of the building, the applicant must submit a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE). The RSC must be to the satisfaction of the City of Hamilton, including an acknowledgement of receipt of the RSC by the MOE (Development Planning Standard Condition No.’s 6 and 7).

Hamilton-Wentworth Official Plan

The subject lands are designated “Urban Area” in the Hamilton-Wentworth Official Plan. The proposed residential subdivision conforms with the policies of the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan

The subject property is designated “Major Institutional” on Schedule “A” – Land Use Concept. The “Major Institutional” designation permits residential uses provided they are compatible with the surrounding area and are in keeping with the Residential policies set out in Subsections A.2.1 and C.7. The following policies from Subsections A.2.1 and C.7 of the City of Hamilton Official Plan, among others, are applicable to the proposed development:

"A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2

A.2.1.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services.

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or
physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview; (O.P.A. No. 128)

v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;"

Based on the foregoing, the proposed draft plan of subdivision, as redline revised, conforms to the Official Plan, in that residential uses are permitted within the “Major Institutional” designation and the proposed lots for single detached dwellings are consistent with existing residential development in the Lawfield Neighbourhood. However, as previously noted, the proposed change in zoning to permit a lot for a semi-detached dwelling is contrary to the intent of the Official Plan, in that the proposal does not have sufficient regard to lot frontages, mass, setbacks, privacy and overview and provides for an indiscriminate mix of land uses.

Neighbourhood Plan

The subject lands are designated “Civic and Institutional” in the approved Lawfield Neighbourhood Plan. The proposed residential subdivision does not conform with this designation and an amendment to the “Single & Double Residential” designation is required.

RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

- Public Works Department (Forestry and Horticulture Section).
- Corporate Services Department (Budgets Section).

Hamilton Conservation Authority has recommended approval of the application subject to completion of a Stormwater Management Report, and preparation and implementation of an Erosion and Sediment Control Plan (Hamilton Conservation Authority Standard Conditions No.’s 1 and 2). The applicants must also prepare and implement a Lot Grading Plan (Hamilton Conservation Authority Condition No. 13).

Public Works Department (Traffic Engineering and Operations Section) has advised that access to the lots adjacent to Edwina Place should be perpendicular, as opposed to angled as originally proposed. The current draft plan of subdivision has been revised to reflect this comment and all driveway locations must be provided as part of the detailed engineering design (Development Engineering Condition No. 4). In addition, a traffic study was completed and it was determined that the development would not have a significant impact on traffic (see Public Consultation Section below).
Public Works Department (Open Space Development Section) has advised that if parkland dedication is required, that a portion of land along the west property line be dedicated to the City of Hamilton to add to Lawfield Park, and that a pedestrian walkway be constructed from the proposed Court “A” between Lots 20 and 21, hard surfaced with bollards at both ends, and fencing to City standards. No parkland dedication applies to this development as parkland dedication was already dedicated for Block “A”, Plan 62M-097 through the dedication of Block “B”, Plan 62M-148. However, a walkway block must be dedicated to the City of Hamilton (Public Works Department (Open Space Development Section) Condition No’s. 11 and 12).

Public Health and Community Services Department (Culture and Recreation Division) has advised that the draft plan, as presented, cannot be supported as at the end of a long cul-de-sac a walkway access into the school and park must be provided. This walkway connection has been provided through Public Works Department (Open Space Development Section) Condition No’s. 11 and 12.

Hamilton Police Services has advised that the use of mixed density does fit into the current approved concept for healthier cities, but that the proposed lot for a semi-detached unit may result in a traffic safety concern in that sightlines could be impacted if anyone parks in front of the residence.

Hamilton-Wentworth District School Board has no objections to the applications except, that as a condition of approval, a fence must be provided along the property line where the developer’s property abuts the Hamilton-Wentworth District School Board property (Development Engineering Condition No. 7).

Bell Canada has advised that adequate telecommunication facilities exist within the area, and does not require any easement or lease, but that a paragraph is to be included as a condition of draft plan approval requiring the Owner to enter into an agreement with Bell Canada complying with any underground servicing conditions imposed by the municipality (Bell Canada Standard Condition No. 1).

Public Consultation

In accordance with the new Public Participation Policy that was approved by Council on May 29, 2003, the application was circulated to 85 property owners within 120 metres of the subject property, and a Public Notice sign was erected on the property on October 14, 2005. One response was received from a neighbouring property owner in support of the application as long as the lands remain zoned “C” (Urban Protected Residential, Etc.) District (see Appendix “F”). In addition, a neighbourhood meeting was held on October 3, 2005. At this meeting, residents raised a number of concerns, including the following:
Loss of Parkland

A number of area residents commented that the subject lands should be developed for a City park and they were unaware the lands were sold to a private owner. The subject property is located immediately to the east of Lawfield Park and is not designated in the Official Plan or Neighbourhood Plan as a future park, and is zoned to permit single detached dwellings. In addition, the Official Plan permits lands designated as “Major Institutional” to be developed for residential uses. When the property was deemed surplus to the needs of the Hamilton-Wentworth Catholic District School Board, the City of Hamilton and other public agencies were offered first right of purchase. However, School Boards are not obligated to consult with the public for the sale of surplus properties. The potential for acquiring the property for park purposes, and a review of the need for additional parkland, was conducted by the Public Works Department (Open Space Development Section) and the Planning and Economic Development Department (Community Planning and Design Section) in 2004. Based on this review, it was determined that the property should not be acquired by the City of Hamilton for the following reasons:

- Lack of available funding.
- Other priority parkland deficient neighbourhoods.
- That the Lawfield Neighbourhood has sufficient parkland.

Loss of Toboggan Hill

Many area residents were concerned over the removal of a small hill on the property that has functioned as a toboggan hill during winter months. It must be noted that the property the hill is located on is not a City of Hamilton park, but was owned by the Hamilton-Wentworth District School Board, and now by a private land owner, and any use of the property for recreational uses was not sanctioned by the Hamilton-Wentworth Catholic District School Board.

The Public Works Department (Open Space Development Section) is currently finalizing a Master Plan for improvements to Lawfield Park. A number of meetings with the community have occurred and the final Master Plan (see Appendix “D”) includes a number of recreational uses promoted by the community including: additional parking to alleviate on-street parking concerns, multi-purpose courts, water play area, junior soccer pitch, bocce courts, and walkway connections to the elementary schools to the north. The Ward Councillor has been involved in consultation with the public regarding the park redevelopment and indicated at the neighbourhood meeting that should the community feel strong enough that a toboggan hill is of utmost importance, then the community can work with the Ward Councillor and the Public Works Department (Open Space Development Section) to review the Master Plan to potentially include a toboggan hill within Lawfield Park. However, this could result in the loss of other recreational uses planned within the park, and any decision must take into account community safety and the liability of maintaining a toboggan hill on City of Hamilton property. Any potential for relocation of the toboggan hill cannot be addressed through conditions of approval of the proposed draft plan of subdivision.
Density

A number of the residents attending the neighbourhood meeting indicated that while they are not opposed to residential development of the lands, that the proposed development is too dense and should be reduced by at least 10 lots. In this regard, a review of lot sizes was undertaken in the immediate vicinity of the development. The proposed lot sizes have minimum frontages of 12m and depths ranging from 30m to approximately 40m. The lots for single detached dwellings on the north side of Folkstone Avenue, abutting the subject property to the south, are approximately 13m in frontage and 36.5m in depth, a size consistent with the dwellings proposed on Court “A”. In addition, existing lots for single detached dwellings on Edwina Place to the north of the subject property are approximately 12m in frontage and 30m in depth, again, consistent with the proposed development. Therefore, the proposed residential development is of the same density as the existing development in the area.

Servicing and Drainage

A number of area residents expressed concerns regarding the capacity of the existing sewers and watermains in the area to service the proposed development, and that by approving additional development basement flooding or other capacity related concerns could occur. In this regard, the application has been reviewed to ensure that the proposed development would not overburden existing services. The preliminary servicing report submitted by the applicants is being peer-reviewed by external consultants, and a number of conditions of approval are required to ensure all resident’s concerns are addressed. These conditions include requiring a detailed Storm Water Management report that could result in on-site Storm Water Management being required (Development Engineering Standard Condition No’s. 5, 8, 10 and 12), and requiring the applicant’s, at their expense, to upgrade, as necessary, all services and infrastructure which, as a result of the development, could be negatively impacted (Development Engineering Condition No. 8).

Traffic

Many area residents were concerned about the increase in traffic in the neighbourhood, and resulting problems when accessing Upper Gage Avenue, Edwina Place and Lockton Crescent. In this regard, the Public Works Department (Traffic Engineering and Operations Section) completed a traffic study to review the impact of the development, and to compare the proposed development with the former use of the property as an elementary school. For the purpose of the study, the proposal was considered at 50 single detached dwellings, whereas the total number of dwellings will actually be 46 (with the deletion of the lot for a semi-detached dwelling and completion of land assembly for Block 47). As such, the actual trip generation will be slightly less than assumed for the purpose of the study.
The study reviewed the impact of the development on surrounding streets including Lawson Street, Edwina Pace, and Lockton Crescent, and their connections to Upper Gage Avenue during the A.M. and P.M. peak hours. The study concluded that a subdivision with 50 single detached dwellings would only generate a minor amount of additional traffic in certain directions, whereas the former elementary school actually generated more traffic in certain other directions. In addition, 24 hour volume counts were reviewed for Edwina Place/Thorley Place and Lockton Crescent, and it was determined that these streets are well under capacity, and queues at Upper Gage and Edwina Place, and Upper Gage and Lockton Crescent, are very small with minimal delays. The final recommendation of the study concluded that upgrades to the intersection of Edwina Place and Upper Gage Avenue, as well as Lockton Crescent and Upper Gage Avenue, will not be needed and the proposed development did not generate additional traffic than St. Cecilia Elementary School by no more than 15 vehicles in any direction during the A.M. or P.M. peak hours. All of the existing roads can handle the traffic and are not at or will be over capacity.

**CITY STRATEGIC COMMITMENT:**

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
Opportunities for physical activity are supported and enhanced in that sidewalks will be provided and the proposed subdivision will be linked to a park. Public participation, including a neighbourhood information meeting, has ensured that input from the public has been considered in reviewing the applications.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Ecological function and the natural heritage system are protected.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Hamilton’s high-quality environmental amenities are maintained and enhanced.

Does the option you are recommending create value across all three bottom lines?
☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?
☐ Yes ☑ No
Subject Property
50 Lawson Street, Hamilton

Change in Zoning from the “C” (Urban Protected Residential, Etc.) District to the “D” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District.
“Lawfield Heights” – Conditions of Draft Approval

1. That this approval apply to “Lawfield Heights”, dated June 15, 2005, prepared by S. D McLaren, O.L.S., as shown in Appendix “B” to Report PED05206, as redline revised, showing a maximum of 45 lots (Lots 1 to 45) for single detached dwellings, 1 block for a future single detached dwelling (Block 46), and 1 block for a 6.0m wide walkway to be dedicated to the City (Block 47). Court “A” will be dedicated to the City as a public highway.

2. That the following standard conditions of draft plan approval from Appendix “A” of Report PD01184 (Streamlining and Harmonization of Subdivision, Condominium and Part Lot Control Approvals and Administration Processes) shall apply;

   (1) Development Engineering Condition No.'s 1, 2, 5, 7, 8, 10, 14, 15, 16, 17, 21, 22, 23, 24, 25, 26, 27, 28, and 29;

   (2) Development Planning Condition No.'s 2, 3, 4, 5, 6, 7, 16, 17, 20, and 21;

   (3) Bell Canada Condition No. 1;

   (4) Hamilton Conservation Authority Condition No’s 1 and 2;

Development Engineering

3. That the owner agree in writing to make a cash payment to the City in-lieu of providing Horizontal and Vertical Control Survey Monumentation.

4. That as part of the detailed engineering design, the grading plan shall indicate all proposed driveway locations for all lots within the subdivision.

5. That the owner provides a geotechnical report prepared by a qualified professional Engineer prior to final engineering design.

6. That the owner agree in writing to construct a sidewalk on the south side of Court “A” from Lawson Street to the north limit of Lot 20, in order to connect with the public walkway to be constructed between Lots 20 and 21. Further, that the Owner shall include a notice in all Purchase and Sale Agreements advising future home owners of these sidewalk requirements.

7. That the owner agrees in writing to install a 1.5 metre high, 9 gauge, 38 mm mesh galvanized chain link fence along the rear and side yard of any lot or block created by registration of the draft approved plan which rear or side yard abuts parklands, school lands, or public walkways.
8. That the owner, subject to final review and approval of the Subdivision Servicing Study, be required to upgrade at their expense, as necessary, all services and infrastructure which as a result of the development will be negatively impacted.

Development Planning

9. That the owner agrees in writing that Block 46 not be developed until such time that land assembly has occurred with lands to the north.

Public Works Department (Open Space Development Section)

10. That the owner agrees to include the following warning clause in all offers of sale and purchase or lease for Lots 15 to 22 or any other lot abutting Lawfield Park:

   “Future residents are advised that Lawfield Park is located on the property immediately to the west and as a result there is potential for noise and other nuisances associated with the recreational and sporting activities in the park”.

11. That the owner agrees in writing to dedicate Block “47” to the City of Hamilton for a public walkway connection between Court “A” and Lawfield Park, at no cost and free of encumbrance.

12. That the owner agrees in writing to construct a pedestrian walkway on Block “47”, including hard surfacing, bollards, fencing, and landscaping, to the satisfaction of the Manager of Open Space Development (Public Works Department).

Hamilton Conservation Authority

13. That the owner prepares and implements a lot grading plan, to the satisfaction of the Hamilton Conservation Authority.
Greg Macdonald
Senior Planner
City of Hamilton
Planning & Development Dept
Development and Real Estate Div. (E)
71 Main Street West
Hamilton, ON L8P 4Y5

Karl Lapins, P.Eng.
Kate Lapins
17 Edwing Place,
Hamilton, ON
L8V 4E1

RECEI...D SEP 3 0 2005

Sept 23, 2005

Re: Your File No ZAC-05-81/257-2005/19

Dear Sir:

We have no objections to the re-zoning of the one proposed residential lot on Lawson Street from "C" to "D" zoning.

Furthermore, we do not object to the development of the rest of the proposed subdivision as long as these lands remain in the present single family residential "C" zoning in the future, that is without any further re-zoning manipulations.

Yours truly,

Kate Lapins