SUBJECT: Application for Approval of a Draft Plan of Subdivision for Lands Located at 200 Chester Avenue (Hamilton) (PED07288) (Ward 8)

RECOMMENDATION:

(a) That approval be given to Subdivision Application 25T200707, “Moonbeam Drive Extension”, 1419690 Ontario Inc. (Avalon), on behalf of the Hamilton-Wentworth District School Board, Owner, as redlined revised, to establish a draft plan of subdivision comprising four lots for single detached dwellings, one block for future development and a portion of Moonbeam Court, on lands known municipally as 200 Chester Avenue, as shown on Appendix “A” to Report PED07288, subject to the following conditions:

(i) That this approval apply to the Draft Plan of Subdivision 25T200707, entitled “Moonbeam Drive Extension”, as redlined revised, prepared by A.J. Clarke and Associates Ltd., and certified on June 19, 2007, by B. J Clarke, O.L.S., showing four lots for single detached dwellings (Lots 1-4), one block for future development (Block 5), and a portion of Moonbeam Court, attached as Appendix “B” to Report PED07288, subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by City Council and with the Special Conditions attached as Appendix “D” to Report PED07288;

(ii) Acknowledgement that there will be no City share for any municipal works associated with this development; and,

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit for the lots within the plan. The calculation of the Cash-in-Lieu payment shall 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-law, as approved by Council.
(b) That the subject lands in the Gourley Neighbourhood Plan be redesignated from “Civic and Institutional” to “Single and Double” Residential.

Tim McCabe
General Manager
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

The purpose of the application is for approval of a draft plan of subdivision to permit the development of the subject lands for four lots for single detached dwellings, one block for future development (with lands to the north) and the completion of Moonbeam Court (Appendix “B”). An amendment to the Gourley Neighbourhood Plan is also required to reflect the proposal.

The proposal has merit and can be supported since the draft plan of subdivision is consistent with the Provincial Policy Statement, and implements the intent of the Hamilton-Wentworth Official Plan and the Hamilton Official Plan. The proposal is compatible with surrounding residential uses, and is an appropriate infill development that will make efficient use of existing services.

**BACKGROUND:**

Proposal

The purpose of the application is for approval of a draft plan of subdivision to permit the development of a portion of the lands located at 200 Chester Avenue, for four lots for single detached dwellings (Lots 1-4), one block for future development (Block 5) with the lands to the north, and the completion of Moonbeam Court (Appendix “B”). The proposed arrangement of the lots would create four lots with access to Moonbeam Court. The applicant is required to dedicate a portion of Moonbeam Court to the City, which will be constructed through this subdivision application.

The proposed draft plan of subdivision can be implemented as the lands are currently within an “I1” (Neighbourhood Institutional) Zone, which permits single detached dwellings with a minimum lot area of 330 square metres (360 square metres for a corner lot) and a minimum lot width of 12 metres, as of right. The widths of the lots, as detailed in the proposed draft plan of subdivision, range from 13.84m to 16.22m, and lot areas range from 486.10 sq.m. to 570.13 sq.m.

An amendment to the Gourley Neighbourhood Plan to redesignate the lands from “Civic and Institutional” to “Single and Double” Residential is required to accommodate the proposal.
Background/Other Applications

The subject lands are part of the James MacDonald School site and have been declared surplus by the Hamilton-Wentworth District School Board (HWDSB). In early 2006, City departments identified no municipal interest in acquiring the subject lands (Report PED06060) and Council directed staff to advise the HWDSB of the same.

The lands subject to this application were also previously subject to applications under the Planning Act for consents to divide the lands into five parcels, similar to the subject application. The applications were denied by the Committee of Adjustment on June 6, 2007, (File Nos. HM/B-06:202, HM/B-06:203 and HM/B-06:204), on the basis that, among other reasons, the development should be by way of a Plan of Subdivision (Appendix “E” - #4).

Owner: Hamilton-Wentworth District School Board

Applicant: 1419690 Ontario Inc. (Avalon)

Agent: Sarah Knoll on behalf of Starward Development Services Ltd.

Location: 200 Chester Avenue, Hamilton

Description: Total Area: 0.2 hectares

Width: 42.35 metres along Appleblossom Drive

Depth: 60.19 metres (maximum)

Details of Submitted Application

EXISTING LAND USE AND ZONING:

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<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tr>
<td>Subject Lands</td>
<td>School Site – Playground</td>
<td>“I1” (Neighbourhood Institutional) Zone</td>
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<td>North</td>
<td>Vacant</td>
<td>“R4” (Small Lot Single Family Dwelling) District</td>
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<td>East</td>
<td>Vacant and Residential</td>
<td>“C” (Urban Protected Residential, etc.) District</td>
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<td>(Single Detached Dwellings)</td>
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<tr>
<td>South</td>
<td>School Site – Playground</td>
<td>“I1” (Neighbourhood Institutional) Zone</td>
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<td>West</td>
<td>School Site – Playground/</td>
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<td>Baseball Diamonds</td>
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ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:
   
   i) It is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan and the Hamilton Official Plan.

   ii) It is compatible with the type and form of residential development in the surrounding neighbourhood.

   iii) It is an appropriate infill development that will make use of existing and adequate services presently available to the site.

2. The proposed lots would be compatible with the lots approved to the north and east in terms of character. No modifications to the "I1" Zone would be required in order to accommodate the proposed Draft Plan of Subdivision.

   The minimum lot width required by the “I1” Zone for single detached dwellings is 12 metres, and the minimum lot area is 330 square metres (360 square metres for a corner lot). The applicant has proposed lots ranging in width from 13.84 metres to 16.22 metres, and areas from 486.10 square metres to 570.13 square metres. The surrounding zoning (“R-4” District and “C” District) requires lot widths ranging from an average lot width of not less than 10 metres, with no one lot being less in width than 9 metres (“R-4” District), to a minimum width requirement of 12 metres (“C” District). Lot area requirements range from an average area of not less than 306 square metres, with no single lot area being less than 278 square metres (“R-4” District), to no lot less than 360 square metres (“C” District).

   Accordingly, the proposal is compatible with the surrounding area and conforms to the “Residential” policies of the Official Plan (Section 2.1.1), which allows for various types of dwellings and the locating of similar densities of development together.

   In considering the impact of the proposed subdivision upon the existing streetscape, it must be noted that the dwellings proposed would be accessed off a new public road (Moonbeam Court). The frontages on these lots would be viewed as forming part of a new cul-de-sac streetscape.

   It is staff’s opinion that the streetscape character of the neighbourhood will be maintained because in addition to the proposed lotting, the existing zoning requires a built form, maximum height, minimum setbacks and a scale of development that is compatible with that existing and permitted by the zoning in the surrounding area.
3. As the subdivision application will result in the creation of one block (Block 5) for future development with the lands to the north, the applicant will be required to merge Block 5 of the proposed Draft Plan of Subdivision with the abutting lands to the north, known as Block 111 of Plan 62M-1040 (Avalon Phase 3) to avoid the creation of an un-developable remnant parcel. (Special Condition 5 – Appendix “D”)

4. The City of Hamilton currently owns Blocks 117 and 119, Plan 62M-1040, which will be established as a Public Highway (Moonbeam Court) once the draft plan of subdivision is registered and the municipal services are constructed. The owner will be required to dedicate sufficient lands for road purposes by certificate on the final plan of subdivision to establish the remainder of Moonbeam Court as a Public Highway. Building Permits will not be issued, until such time as this is completed (Special Condition 4 – Appendix “D”).

5. Staff notes there is an existing watermain, sanitary sewer and a storm sewer, available at the limit of this draft plan on Moonbeam Drive to service this proposal directly. There will be no City share for the construction of municipal services required for this development. The owner will be required to construct the roadway extension of Moonbeam Drive, with all services through the subject subdivision application and pay their proportionate share of the actual costs, less over-sizing, for existing sewers, water mains and roads on Appleblossom Drive from the north limit to the south limit of the draft plan (Special Condition 1 – Appendix “D”).

6. The application was reviewed by the Hamilton Conservation Authority (HCA) who noted that the Authority had concerns with regard to stormwater management, grading and sediment and erosion control contained in the submitted “Preliminary Engineering Report”, prepared by A.J. Clarke and Associates, dated July 2007. Conditions within the Standard Form Subdivision Agreement will ensure that the appropriate controls, measures and studies will be submitted/implemented, to the satisfaction of the Hamilton Conservation Authority and the City of Hamilton, to address the concerns. Geotechnical concerns will be reviewed through the submission of a geotechnical report to the City, prepared by a qualified professional engineer, prior to submission of the final engineering design (Special Condition 3 – Appendix “D”).

7. The subject lands are currently owned by the Hamilton-Wentworth District School Board (HWDSB). There are five ball diamonds, independent play lot items with swings, an outdoor skating rink and a small concession stand/storage building within proximity to the site. For the most part, these amenities are maintained by the City of Hamilton. Adjacent to the HWDSB lands to the south-west is the City owned Gourley Park, which contains a woodlot and a creative play structure with swings, two tennis courts, a spray pad and a concession/meeting room/washroom/storage building.
The sale and development of the subject lands for residential purposes will not have a negative impact on the current layout of the School Board’s amenities. A pathway was constructed through the Board’s lands extending from Brigadoon Drive to Appleblossom Drive. The City is aware that the Gourley Park Community Association worked diligently for the construction of the pathway and that they have concerns regarding the loss of the pathway with the sale and development of the lands in question. However, during the initial review of the School Board’s proposal to sell the lands in question, Open Space Development staff in the Public Works Department concluded that the development of the lands for residential purposes would not have an affect on, or impact, the current layout of the School Board amenities.

The owner will be required to install a 1.8 metre high chain link fence at the rear of the proposed lots (Special Condition 6 – Appendix “D”), and include a warning clause relating to the proximity to recreational facilities in all Purchase and Sale or Lease Agreements for the lots within the proposed subdivision (Special Condition 7 – Appendix “D”).

8. The application was pre-circulated to 67 property owners within 120 metres of the subject lands and six responses were received (attached as Appendix “C”). The issues/concerns raised by the public with respect to this application are essentially the same as those raised at the Committee of Adjustment hearing and are summarized below.

Two letters requested a copy of the final staff report. In keeping with Council’s Public Participation Policy, all respondents will be mailed copies of the report prior to the Public Meeting. The issues raised in the other letters are as follows:

- Permanent loss of neighbourhood parkland and green space surrounding the school.

- Loss of a safe location for students to congregate during fire drills.

- Loss of natural area used by students to collect specimens for science class.

- Creation of a safety risk to young children entering the school due to the proposed construction.

- James MacDonald student population growth warrants the preservation of the land for school purposes.

- Loss of space for exercise and play for children.

- Park space needed to accommodate the recent development of houses and influx of families in the area as a result.
• Creation of a safety hazard due to the proximity of baseball diamonds to the proposed homes and possible loss of a diamond as a result and concern that a 1.8 metre high fence will not appropriately protect users of the park and homeowners of the proposed dwellings from incidents associated with sports activities.

• Lack of community input in the decision to declare the land surplus (by the Hamilton-Wentworth District School Board).

• Lack of community input in the City decision not to purchase the surplus HWDSB lands.

• Lands are at the heart of the neighbourhood’s active and passive recreation space.

• Loss of park ambiance and presence of dwellings in the heart of the park area.

• Creation of lots will jeopardize the prospect of attaining the deficit parkland in the Gourley neighbourhood.

In response to the concerns raised by area residents, staff notes the following:

**Loss of Parkland**

The subject lands are not currently parkland, but owned by the Hamilton-Wentworth District School Board (HWDSB) and have been used for school purposes. Notice was received from the Hamilton-Wentworth District School Board that the subject lands had been deemed surplus to its needs and, therefore, not needed for fire drills, specimen collections, school expansion or play area. This is a process not governed by the City of Hamilton.

On March 1, 2006, Council resolved to advise the HWDSB that the City of Hamilton has no municipal interest in acquiring the site (Report PED06060).

It has been determined that Gourley Park is 5.48 hectares in size, but 4.45 hectares is woodlot and not included in the neighbourhood’s parkland calculation, leaving 1.03 hectares of active parkland. Based on Official Plan policies, the required allocated space for neighbourhood park use is 2.29 hectares.

Although the neighbourhood is presently deficient in parkland space, the 0.2 hectare size of the subject site does not meet the minimum 0.5 hectare size for a neighbourhood park and is not contiguous to existing park space. Therefore, it is not appropriate in size and configuration for municipal purposes.
Construction Safety Hazard

As concern has been raised with respect to a construction safety hazard for school children, the City has asked for temporary fencing to clearly delineate the construction site from the school lands in addition to normal best practices for construction safety that the developer must adhere to. This is addressed in Special Condition 8 (Appendix “D”).

Proximity of Sports Fields

Staff recommends that the owner install fencing at the rear of the lots of the subject lands (Special Condition 6 – Appendix “D”), which should be adequate in mitigating interference between the sports facilities in close proximity to the site and the subject lands.

To ensure that the future owners or tenants of the proposed lots are aware of the proximity of the proposed dwellings to the recreational facilities, staff has required the owners of the subject lands to include a warning clause in all Purchase and Sale or Lease Agreements (Special Condition 7 – Appendix “D”).

9. The Traffic Engineering and Operations Section has provided comments regarding this application and raise no objections. They note that as a condition of subdivision approval, all the driveway locations must be shown on approved engineering drawings and be located to the satisfaction of the Supervisor of Traffic Planning. This is addressed in the Special Condition 2 (Appendix “D”).

10. In accordance with the City of Hamilton’s Parkland Dedication and Cash-in-Lieu of Parkland By-law, the application is subject to a Cash-in-Lieu of parkland dedication payment. Given that the subject lands are not designated for a future park, the City does not require the inclusion of parkland dedication into the draft plan of subdivision.

Therefore, in accordance with City By-laws, a cash payment to the City of Hamilton, in-lieu of the conveyance of 5% for the total land, will be required prior to the issuance of each building permit for the lots within the plan. This requirement has been included in Recommendation (a) (iii).

11. Due to the proximity of the lots to the Lincoln M. Alexander Parkway, the Owner is required to include a noise warning clause in Purchase and Sale and Lease Agreements (Special Condition 9 – Appendix “D”).

12. A red-line revision (to the street name from “Drive” to “Court”), shown on Appendix “B”, has been recommended.
SUBJECT: Application for Approval of Draft Plan of Subdivision for Lands Located at 200 Chester Avenue (Hamilton) (PED07288) (Ward 8) - Page 9 of 13

ALTERNATIVES FOR CONSIDERATION:

If the application is denied, the subject property can only be used in conjunction with the remaining School Board lands for the range of uses that are currently permitted under the existing “I1” Zone.

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.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS) and is consistent with this statement. Staff recognizes that the application shows proper regard towards focusing growth in settlement areas, as per Policy 1.1.3.1.

In addition, Policy 1.7.1 (e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities), and sensitive land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, noise and other contaminants, and to minimize the risk to public health and safety. Due to the proximity of the subject lands to the Lincoln M. Alexander Parkway, the owner must include a noise warning clause in all Offers to Purchase and Sale and/or Lease Agreements. This is addressed in Special Condition 9 (Appendix “D”).

Hamilton-Wentworth Official Plan

The subject lands are designated as “Urban Area” within the Hamilton-Wentworth Official Plan. Policy 3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020. Therefore, as the nature of the application is for the development of residential lots on full municipal services, the proposal conforms with the policies of the Hamilton-Wentworth Official Plan.
City of Hamilton Official Plan

The subject lands are designated “Major Institutional” in the City of Hamilton Official Plan. The following policies of the City of Hamilton Official Plan, among others, are applicable to the proposed development:

“A.2.6.5 Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL, Residential uses may be permitted provided that they are compatible with the surrounding area and are in keeping with the Residential policies set out in Subsections A.2.1 (Residential Uses) and C.7 of this Plan.

A.2.1.1 The primary uses permitted in the areas designated on Schedule “A” as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

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.”

The City of Hamilton Official Plan permits residential development in areas designated “Major Institutional” provided that the development is compatible with the surrounding area. The proposal represents an appropriate example of development which will implement the road network of the neighbourhood plan and ensure that the existing character of the neighbourhood will be maintained. The application conforms to the Official Plan for the City of Hamilton.

Gourley Neighbourhood Plan

The subject lands are designated “Civic and Institutional” in the approved Gourley Neighbourhood Plan. Approval of the application will require an amendment to the Neighbourhood Plan to redesignate the lands to “Single and Double” Residential.
RELEVANT CONSULTATION:

Agencies/Departments Having No Comment or Objections

- Strategic and Environmental Planning Section, Public Works Department.
- Forestry Section, Operations and Maintenance Division, Public Works Department.
- Budgets and Finance Division.
- Taxation Division.
- Hamilton Municipal Parking System.
- Hamilton-Wentworth District School Board.
- Hamilton-Wentworth Separate School Board.
- French Public School Board.
- French Catholic School Board.
- Municipal Property Assessment Corporation.
- Source Cable Wireless.
- Union Gas.
- Horizon Utilities Corporation.
- Canada Post.

Open Space Development and Park Planning Section, Capital Planning and Implementation Division, Public Works Department, has reviewed this proposal and has the following comments:

No park block has been identified in the plan of subdivision; consequently, the City is entitled to parkland dedication in the form of Cash-in-Lieu. The amount will be determined by the Planning and Economic Development Department prior to the issuance of Building Permits. This is addressed in Recommendation (a) (iii).

Traffic Engineering and Operations Section, Public Works Department, has reviewed the application and has the following comments:

As a condition of Subdivision Approval, staff will require that the driveway locations be located to the satisfaction of the Supervisor of Traffic Planning. The driveway locations to these lots must be shown on approved engineering drawings submitted with the registered Subdivision Agreement. This is addressed in Special Condition 2 (Appendix “D”).

Bell Canada has reviewed this proposal and has the following comments:

The developer is hereby advised that prior to commencing any work within the plan, the developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the developer is hereby advised that the developer may be required to pay for the connection and/or extension of the existing
communication/telecommunication infrastructure. If the developer elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the developer shall be required to demonstrate to the municipality that sufficient alternate communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e. 911 Emergency Services). This matter is addressed in the Standard Form Subdivision Agreement.

**Hamilton Conservation Authority** has reviewed the proposal and has the following comments:

The applicant must prepare and implement 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 re-vegetated.

(b) All erosion and sediment control measures shall be inspected after each rainfall, to the satisfaction of the Authority staff.

(c) Any disturbed area not scheduled for further construction within 45 days will be provided with suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction.

(d) All disturbed areas shall be re-vegetated with permanent cover immediately following completion of construction.

The applicant must also prepare and implement a lot grading plan, to the satisfaction of the Hamilton Conservation Authority. All concerns of the Hamilton Conservation Authority are addressed in the Standard Form Subdivision Agreement.

**Public Consultation**

In accordance with Council’s Public Participation Policy, the subject application was pre-circulated to 67 property owners and 6 responses were received (Appendix “C”), which are discussed in the Analysis/Rational Section of this report.

Notice of the Public Meeting for this subdivision application will be given in accordance with the requirements of the **Planning Act**.
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
The public are involved in the definition and development of local solutions.

Environmental Well-Being is enhanced. ☑ Yes □ No
Human health and safety are protected.

Economic Well-Being is enhanced. ☑ Yes □ No
Infrastructure and compact, mixed use development minimize land consumption and servicing costs.

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

:LB
Attachs. (5)
Appendix "A" to Report PED07288 (Page 1 of 1)

Location Map

File Name/Number: 25T-200707
Date: October 22, 2007
Appendix "A"
Scale: N.T.S.
Planner/Technician: LB/LMM

Subject Property

- 200 Chester Avenue (portion of)

Ward 8 Key Map N.T.S.
Appendix "B" to Report PED07288 (Page 1 of 1)
August 30, 2007

City of Hamilton
Planning and Economic Development Department, Planning Division
Development Planning – West Section
City Hall, 71 Main Street West, 7th Floor
Hamilton, Ontario L8P 4Y5

Re: File 25T-200707

I have received a copy of a letter dated August 1, 2007 from your department regarding the Plan of Subdivision by 1419690 Ontario Inc. for the approval of a Plan of Subdivision for a portion of the lands located at 200 Chester Avenue.

I was present at the initial hearing for the previous application on June 6, 2007 and voiced my concerns about the proposed housing development. I am currently the co-chair of the School Council at James MacDonald School. Over the past six years that my children have attended the school we have seen an erosion of green space surrounding the school. The area in question is dangerously close to our Junior and Senior Kindergarten entrance area. The construction that has been proposed will present a safety risk to the young children entering the school near the area in question.

Not only is the proposed development a safety hazard, it also depletes more green space surrounding the school. The proposed site in question is often used by students during science class to collect bug specimens. We have also used the area as a safe location for students to congregate during fire drills.

A recent article in the August 29, 2007 Spectator by Rob Faulkner indicates that the new city bylaw that allows housing on former school sites was brought to light due to falling enrolment and the construction of larger schools. This is contrary to what James MacDonald is experiencing. This year, James MacDonald School’s attendance has grown by approximately 10%. James MacDonald School is not a "former" school site; it is a growing population that deserves the preservation of as much land as possible.

Thank you for the opportunity to forward my comments.

Best regards,

Brenda Vardy
948 West 5th St.
Hamilton, ON L9C 3R7
August 31, 2007

City of Hamilton
Planning & Economic Development Dept
Development Planning – West Section

Re: Subdivision Appeal
FILE NO 25T200707

As long time residents of the Gourley Park area, we the under-signed, wish to protest the possible development of a portion of the Lands at 200 Chester Avenue, Hamilton.

We firmly believe that this land should be designated as parkland to accommodate the recent development, which has seen a huge influx of families.

This green space is of great importance to our community, and as such we feel that we must strongly oppose the builders application.

The potion of lands would be an enhancement for Gourley park, and with the City’s campaign to make Hamilton a great community to live, the residents of this area deserve to enjoy more green space for their children to exercise and play.

John Cook
Sylvia Cook

Teresa Nader

cc: Councillor Terry Whitehead, Ward 8
Aug 27, 2007

Appeals

Subdivision Application (File No. 2ST 2007 07)

To: City of Hamilton

Planning and Economic Development Planning Division
West Section, City Hall, 71 Main Street West, 2nd Floor, Hamilton, N1A 4K8

Re: Application for approval of a plan of subdivision

for a portion of lands known as 200 Chester Avenue.

From: RICHARD MARTIN, 4 Fiona Crescent, Hamilton, Ontario L9C 6V9

I am a citizen of the City of Hamilton living adjacent to Gorley Park and the proposed subdivision for a portion of the lands known as 200 Chester Avenue, Hamilton.

From my deck I look directly out on Gorley Park and the proposed subdivision. As I watch baseball games I see many baseballs hit into the proposed subdivision and often times fielders lay standing behind the walkway leading to James Macdonald Public School directly in the area where the 1.8 meter (6 feet) fence is proposed to be built. There are many balls that would be hit directly over the proposed fence and into backyards and through these proposed homes. This is not only a safety hazard but will possibly eventually mean that a baseball diamond will be lost in the process. Children play soccer in this area directly beside the proposed subdivision and building these homes will greatly reduce the play area. As this area grows this area is more used by children playing other sports and for people walking pets and passive recreational pursuits. I work as a Recreation Therapist at St. Joseph’s Healthcare and have a degree in Recreation, Bachelor of Arts at the University of Waterloo. This area is vital to the park and a

Request for a plan of subdivision should be denied.

Sincerely, Richard Martin

4 Fiona Crescent, Hamilton, Ontario L9C 6V9 (F) 905 546 8588 Email: Blederlake6@yahoo.com
208 Montgomery Dr.
Hamilton, Ontario.
L8K 5H1


Director of Planning Division,
Planning and Economic Development Dept.
71 Main St. West.
Hamilton, Ontario, L8P 4Y5.

Dear Sir:

Re: Subdivision Application File No. 257200707

Kindly inform me of the decision of the City of Hamilton in respect of the above application for subdivision.

Sincerely,

[Signature]
For our recent phone conversation, + the Notice of Application for Subdivision Approval, this is my request to appear + speak briefly at the relevant meeting of the Planning + Economic Development Committee where this application will be heard + to receive notice of that meeting + a copy of the staff report prior to that meeting.

Staff would already have a copy of my comments, as I handed them to the Secretary of the Committee of Adjustment at its Feb. 7/07 meeting.

Basically, I wish to raise two concerns:

- Lack of opportunity for community input in advance.
- Permanent loss of neighborhood parkland.

When it's known, could you let me know meeting time + place, + confirm for me the opportunity to speak?

Thanks,
Bob Hardman
J. Meragan
208 Montgomery Dr.
Hamilton, Ontario
L8K 5H1
August 29, 2007

City of Hamilton
Planning and Economic Development Dept.
Development Planning - West Section
City Hall, 71 Main St West

To whom it may concern:

Re: File: 25T-200707

I wish to state that the City may have erred in accepting Subdivision Application File No. 25T-200707. If not an error, this was at least an inappropriate process for seeking a severance for four lots. The City's actions, to date, clearly attest to this fact. I will, however, without prejudice to my views, submit the following comments.

I Background.
(a) This severance does NOT involve a school closure in which there is an urgency to dispose of property that is no longer in use. MacDonald School and surrounding grounds are functioning today more than 50 years after it opened.

Present MacDonald students use the grounds for many, various activities.
I (b) The Hamilton-Wentworth District School Board

The citizens of Gowerly neighbourhood are taxpayers and hence stakeholders in the affairs of the HWDSB.

They were not notified in an appropriate manner in the fall of 2005 of the Board's intention to sell part of MacDonald School lands.

MacDonald parents council was led to believe that monies from the sale of the four lots would go towards building a pull-off lane for school buses. Board officials ought to have known that this was against the Education, Statute, and Regulations of Ontario.

(c) The City of Hamilton.

Similarly, that all taxpayers of the Gowerly neighbourhood should have been given the opportunity for input into the city's decision not to purchase the lands in question. A neighborhood notice and subsequent meeting would have been sufficient.
I would like to comment on the impacts of the plan of subdivision on
(a) the HWDSB
(b) Starward Development Services
(c) the Gourley neighbourhood.

(a) The HWDSB

The Board's budget has been reported as being $448 million and the income from the sale of the four lots to the applicant as $600,000. (Both figures from the Hamilton Spectator) Other sources point out that $300,000 is a more accurate estimate of the value of the 4 lots.

The Board has not explained why there is such an urgent need for the $300,000 and what the impact would have on their operations.

(b) Starward Development Services

A Starward brochure indicates that there are over 100 homes in this subdivision. They have not as yet explained why they need to build four additional homes on sensitive parkland.

(c) The Gourley Neighbourhood

Gourley Park and the MacDonald school land are probably the single greatest determinant of the quality of life in the Gourley neighbourhood. Situated at the centre of the neighbourhood, the lands are the HEART of the area's active and passive recreation, used extensively by
people of all ages during every day of the year. The rapidly increasing population approaching 4,500 magnifies their importance as parklands. Many volunteers make use of the park to promote a more livable, vibrant and healthy neighborhood.

1) The four severed lots represents a loss of 0.494 acres of parkland. However, the real loss of parkland should include a further one quarter of an acre — the area which is about 30 feet outside the boundary of the four lots — the area which is unsuitable for activities involving running.

2) There are a set of soccer goal posts located 3 yards from the path which is adjacent to one of the four lots to be severed. This area is used extensively by many teenagers practicing soccer skills. The worn out grass area under the goal post is evidence of this activity. Should the plan of subdivision be approved, these goal posts will have to be removed.

3) One of the four main baseball diamonds will almost certainly have to be removed to accommodate the four severed lots. Batters consistently hit the ball into one of the four lots. A 1.8 m fence (six feet) as recommended by planner Lavelle Brooks in her April 2007
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Report (file ZAC-06-109) will not be sufficient according to reports from adjacent neighbors. What studies were done to support a 180 feet? Was the liability issue, when players run into the fence, addressed?

4) With an ever-increasing population, Cowley’s parkland is used more and more. As an example, an ultimate frisbee league of four levels with 6 to 8 teams per level and 12-15 players per team has begun using the parkland this year.

5) Ambiance and Park Symmetry

There are presently buffer areas of at least 30 to 50 feet between adjacent homes at the south, west, and the north sides of the parkland. The proposed sewage area has ten small trees and is presently an excellent buffer zone. If homes were built in this area, it would severely impact the baseball field and intrude into the heart of the park. It would be impossible to maintain this buffer zone that now exists to the north of the park if development is allowed. Planting a row of trees 30 ft from the proposed development would not even been considered. (See diagram)

Park ambiance has been severely impacted by the high new homes which have been
built recently adjacent to the parklands. Although these homes are in character with adjoining homes, they are totally out of character with the adjoining park. They detract significantly from the peaceful, tranquil park atmosphere that existed two years ago. The proposed plan of subdivision's impact will be much greater than those homes, because they will be located in the former parkland.

Lawrence Brooks report of April 29, 1977 (file 28C-06-M) makes no mention of mitigating features, including home designs, buffer zones and other planning suggestions.


At the June 15, 1977 Committee of Adjustment meeting which denied the severance of the applicant's plans, the president of the MacDonald School Council expressed concern for the safety of the students, especially at dismissed and at the beginning of the school day when parent cars and buses line both sides of the street. It was mentioned that the proposed development would reduce visibility and increase the possibility for accidents.

The Kindergarten area of the school is located next to the proposed development and smaller children sometimes plant out in traffic more frequently than more mature students.
7. Neighbourhood Park Deficit

According to Bill Janssen, Manager of Community Planning and Design, there is a park deficit of 1.56 hectares (or 3.852 acres) in the Counley neighbourhood. This deficit does not include the projected population growth from at least 150 new homes and 40-50 townhouses from 800 meters away. A true deficit, based on city formula of 0.7 hectares per 1000 population, would be 2.12 hectares or 5.2 acres.

The only space in the Counley neighbourhood that can accommodate this parkland deficit is the Mac Donald school lands. Allowing an increase in population at this time and could jeopardize the prospect of ever getting all or part of the deficit parkland.
For the aforementioned reasons, I am opposed to granting the applicant permission for the plan of subdivision. It is not in the community's best interest.
Special Conditions of Draft Plan Approval for “Moonbeam Drive Extension”

1. That the Owner pays their proportionate share of the actual costs, less oversizing for existing sewers, watermains and roads on Appleblossom Drive from the north limit to the south limit of the draft plan.

2. That as part of the detailed engineering design, the grading plan shall indicate all proposed driveway locations for all lots. Driveways for Lots 1 to 4, inclusive, and Block 5, shall not overlap and will have a minimum 1.0m separation at the curb line, all to the satisfaction of the Director of Development Engineering and to the satisfaction of the Supervisor of Traffic Planning. The driveway for Lot 1 is to be located on the west side of the Lot.

3. That the Owner provides a geotechnical report, prepared by a qualified professional engineer, prior to final engineering design, to the satisfaction of the Director of Development Engineering.

4. That no Building Permits be issued for Lots 1 to 4, inclusive, and Block 5, until such time as Moonbeam Court and Block 117 on Plan 62M-1040 have been established as a Public Highway.

5. That the Owner shall agree within the required Subdivision Agreement to merge Block 5 of the proposed Draft Plan of Subdivision with the abutting lands to the north, known as Block 111 of Plan 62M-1040.

6. That the Owner be required to install a 1.8m high chain link fence at the rear of the lots and Block 5 of the subject lands, at the Owner’s sole expense.

7. That the Owner includes in all Purchase and Sale or Lease Agreements for all lots within the subject lands, the following warning clause:

   “Purchasers/tenants are advised that despite any existing vegetation and possible future addition of vegetation on private property of the lands of the Hamilton-Wentworth District School Board, baseballs from the adjacent recreational facility may enter the subject lands and cause a potential hazard to owners, occupants or visitors and potential damage to property.”

8. That the Owner provides sufficient fencing adjacent to the school lands in order to provide a clear delineation between the subject lands and the school site during construction, to the satisfaction of the Director of Development Engineering.

9. That the Owner includes in all Purchase and Sale or Lease Agreements for all lots within the subject lands, the following noise warning clause:

   “Purchasers/tenants are advised that sound levels due to increasing road traffic (Lincoln M. Alexander Parkway) may occasionally interfere with some activities of the dwelling occupants, as the sound levels may exceed the Municipality’s and the Ministry of the Environment’s noise criteria.”
COMMITTEE OF ADJUSTMENT
MOTION FORM (CONSENT)

DATE: June 6/87
MOVED BY: Drury
APPLICATION NO: HMB-06:202
SECONDED BY: Lewis

THE DECISION OF THE COMMITTEE IS:

That the application be DENIED for the following reasons:

1. The proposal does not comply with the Severance Policies of the City of Hamilton Official Plan.
2. The proposal does not appear to be in the interest of proper planning and development for the area.
3. The proposal does not comply with the requirements of the Zoning By-law.
4. The development should be by way of a Plan of Subdivision.
5. The proposal does not comply with Section 51(24) of The Planning Act.

[Signatures]

Chairman
COMMITTEE OF ADJUSTMENT
MOTION FORM (CONSENT)

DATE: June 16/07
MOVED BY: Denny
APPLICATION NO: HM/R-06-203
SECONDED BY: Lewis

THE DECISION OF THE COMMITTEE IS:

That the application be DENIED for the following reasons:

1. The proposal does not comply with the Severance Policies of the City of Hamilton Official Plan.
2. The proposal does not appear to be in the interest of proper planning and development for the area.
3. The proposal does not comply with the requirements of the Zoning By-law.
4. The development should be by way of a Plan of Subdivision.
5. The proposal does not comply with Section 51(24) of The Planning Act.

Chairman
COMMITTEE OF ADJUSTMENT
MOTION FORM (CONSENT)

DATE: June 3, 1977
MOVED BY: [Signature]
APPLICATION NO: HM/B-06-204
SECONDED BY: [Signature]

THE DECISION OF THE COMMITTEE IS:

That the application be DENIED for the following reasons:

1. The proposal does not comply with the Severance Policies of the City of Hamilton Official Plan.
2. The proposal does not appear to be in the interest of proper planning and development for the area.
3. The proposal does not comply with the requirements of the Zoning By-law.
4. The development should be by way of a Plan of Subdivision.
5. The proposal does not comply with Section 51(24) of The Planning Act.

[Signatures]

Chairman