

Special Conditions for Draft Plan of Subdivision Approval

For "Battlefield Vista" 25T-201510

That this approval apply to the Draft Plan of Subdivision, 25T-201510, prepared by URBEX Engineering Limited and certified by Dan McLaren, O.L.S., dated, October 26, 2015, consisting of 27 lots for single detached dwellings (Lots 1 – 27), two blocks for 11 street townhouse units (Block 28 and Block 29), two blocks for future residential uses (Block 30 and Block 31), one block for a 0.30 metres road reserve (Block 32), and the extension of Tilden Avenue, subject to the owner entering into a standard Form Subdivision Agreement, received, and approved by City Council with the following special conditions.

Development Planning, Heritage and Design

1. That, **prior to registration**, the owner / applicant agrees to include the following warning clauses for Block 28, in all purchase and sale and / or lease agreements, and registered on title to the satisfaction of the Director of Planning and Chief Planner:

Warning Clause "A":

"Purchasers / tenants are advised that sound levels due to the increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the City of Hamilton's and the Ministry of the Environment and Climate Change."

Warning Clause "B":

"This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air condition by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound levels limited of the City of Hamilton's and the Ministry of Environment and Climate Change."

2. That, **prior to occupancy**, the owner / applicant shall certify, to the satisfaction of the Chief Building Officer, the noise control measures have been property installed and constructed.
3. That, **prior to registration**, the Owner provide a copy of the letter from the Ministry of Tourism, Culture and Sport indicating that the Stage 1 - 2 archaeological assessment (P384-0245-2014) has been reviewed and that Provincial interest, with respect to the archaeological assessment, has been addressed, to the satisfaction of the Director of Planning and Chief Planner.

4. That, **prior to registration**, the owner / applicant shall provide a Landscape Plan that has been prepared by a Landscape Architect showing the placement of trees on internal / external City property, and shall be submitted to the satisfaction of the City of Hamilton, Manager of Forestry and Horticulture.
5. That, **prior to registration**, the owner / applicant, agrees to include the following clauses in all purchase and sale and / or lease agreements, and registered on title to the satisfaction of the Senior Director, Growth Management Division and Canada Post Corporation:
 - a) That the home / business mail delivery system will be from a designated Centralized Mail Box (CMB); and,
 - b) That the developer / owner be responsible for officially notifying the purchasers of the exact Centralized Mail Box (CMB) locations prior to the closing of any home sales.
6. That, **prior to preliminary grading**, the owner shall provide the locations of the replacement Barn Swallow nests to the satisfaction of the Director of Planning and Chief Planner.
7. That, **prior to preliminary grading**, the owner shall submit a Tree Protection Plan (TPP) prepared by a tree management professional (i.e. certified arborist, registered professional forester or landscape architect) showing the location of drip lines, edges of existing plantings, the location of all existing trees and the methods to be employed in retaining trees to be protected, to the satisfaction of the Director of Planning and Chief Planner.
8. That, **prior to registration**, the owner shall prepare a Landscape Plan prepared by a certified Landscape Architect showing the placement of compensation trees for any tree removals, completed in accordance with the Tree Preservation Plan, to the satisfaction of the Director of Planning and Chief Planner.

Development Engineering

9. That, **prior to registration**, the final plan of subdivision include a block showing sufficient lands to be dedicated to the City of Hamilton as public highway by the Owner's certificate on the plan, to establish the widened limit of First Road West at 43 feet (13.11 metres) from the center line of the original road allowance, to the satisfaction of the Senior Director, Growth Management Division.
10. That, **prior to registration**, the final plan of subdivision shall include a block showing sufficient lands to be dedicated to the City of Hamilton as public highway by the Owner's certificate on the plan, to establish the widened limit of future Bedrock Drive at 10.0 metres from the center line of the original road allowance, to the satisfaction of the Senior Director, Growth Management Division.

11. That, **prior to registration**, the final plan of subdivision include a block showing sufficient lands to be dedicated to the City of Hamilton as public highway by the Owner's certificate on the plan, to establish the widened limit of Bradshaw Drive at 20.0 metres from the east street line established on Registered Plan 62M-1206, to the satisfaction of the Senior Director, Growth Management Division.
12. That, **prior to registration**, the final plan of subdivision shall include a block showing sufficient lands to be dedicated to the City of Hamilton as public highway by the Owner's certificate on the plan, to provide for the future extension of Tilden Avenue, to the satisfaction of the Senior Director, Growth Management Division.
13. That, **prior to registration**, the Owner shall establish to the satisfaction of the Senior Director of Growth Management;
 - a) A 15.0m by 15.0m (maximum) daylight triangle on the plan of subdivision at the widened limits of First Road West and future Bedrock Drive; and,
 - b) 4.5m x 4.5m daylight triangles on the plan of subdivision at the intersection of all local streets.
14. That, **prior to registration**, the Owner shall pay his proportionate share for the future urbanization of First Road West adjacent to Blocks 28 and 30 based on the City's "New Roads Servicing Rate" in effect at the time of payment, to the satisfaction of the Senior Director, Growth Management Division.
15. That, **prior to registration**, the Owner shall pay their proportionate share of the actual cost, less over-sizing, for existing sewers and watermain and road works on Bedrock Drive adjacent to the south property line of the draft plan, to the satisfaction of the Senior Director, Growth Management Division.
16. That, **prior to registration**, the shall Owner secure their proportionate share, less over-sizing, of the estimated cost of future sewers, watermains and road costs adjacent to the east limit of Block 29 and Block 31, of the draft plan, to the satisfaction of the Senior Director, Growth Management Division.
17. That, **prior to registration**, the Owner shall secure 100% of the costs, less over-sizing, of the estimated cost of sewers, watermains and road, for the future extension of Tilden Avenue, adjacent to Lots 12 and 13 and Blocks 30 and 31 of the draft plan, to the satisfaction of the Senior Director, Growth Management Division.
18. That, **prior to preliminary grading**, the Owner shall demonstrates that the existing rural services within the draft plan lands have been decommissioned, to the satisfaction of the Senior Director, Growth Management Division.

19. That, ***prior to preliminary grading***, the Owner shall demonstrate that a suitable outlet is available for Tilden Avenue and for the rear yards of the lots and blocks within the draft plan lands, to the satisfaction of the Senior Director, Growth Management Division.
20. That, ***prior to preliminary grading***, the Owner shall prepare a Groundwater Study, which shall assess the impact the proposed development would have on the water supply and the sewage disposal systems on the adjacent properties. Pending the outcome of the study, the Owner shall propose appropriate mitigation measures to address the concerns and provide municipal water and sewer services, as required at the developer's expense, to any property that may be negatively impacted, to the satisfaction of the Senior Director, Growth Management Division.
21. That, ***prior to servicing***, the Owner shall agree to demonstrate that the location of the driveway aprons for the end units on Block 28 and 29 are to the satisfaction of the Senior Director, Growth Management Division.
22. That, ***prior to the issuance of a building permit***, the Owner shall agree to include in the building construction provision for the minimum depth of clayey silt soil between the highest groundwater elevation and basement foundation for all lots within 500 metres of the Operating and Closed Landfills and provide certificate for completed works by a qualified professional engineer, stating that the required clayey silt soil layer depth has been placed, compacted and graded for all lots/blocks within 500 metres of the Operating and Closed Landfills, at their cost, to the satisfaction of the Senior Director, Growth Management Division.
23. That, ***prior to servicing***, the Owner shall agree to include in the engineering design and the cost estimate schedule provision to install a 1.5m wide sidewalk along the north side of Bedrock Drive, at their expense, and to the satisfaction of the Senior Director, Growth Management Division.
24. That, ***prior to servicing***, the Owner shall agree to show that the driveway to Block 28 will be relocated from the existing First Road West location to Bedrock Drive to accommodate the intersection construction (with a single lane roundabout) at First Road West and Bedrock Drive to the satisfaction of the Senior Director, Growth Management Division.

Hamilton Conservation Authority (HCA)

25. That, ***prior to grading***, the Owner agrees to prepare an Erosion and Sediment Control Plan for the subject property, to the satisfaction of the Hamilton Conservation Authority (HCA).
26. That, ***prior to grading***, the Owner agrees to prepare a Lot Grading Plan to the satisfaction of the Hamilton Conservation Authority (HCA).

27. That, ***prior to grading***, the Owner agrees to prepare a Storm Water Management Brief for the subject property, to the satisfaction of the Hamilton Conservation Authority (HCA).

COST SHARING

There is no City cost share for completion of the proposed works for the draft plan lands.

NOTES TO DRAFT PLAN APPROVAL

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