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**L. Mottram
39T-07506**

TO:	CHAIR AND MEMBERS BUILT AND NATURAL ENVIRONMENT COMMITTEE
FROM:	D.N. STANLAKE DIRECTOR OF DEVELOPMENT PLANNING D. AILLES MANAGING DIRECTOR OF DEVELOPMENT APPROVALS
SUBJECT:	REQUEST FOR EXTENSION OF DRAFT APPROVAL APPLICATION BY: FUTURESTREETS INC. 1480 HAMILTON ROAD MEETING ON OCTOBER 31, 2011

RECOMMENDATION

That, on the recommendation of the Director of Development Planning and the Managing Director of Development Approvals, the following actions be taken with respect to the application of Futurestreets Inc. relating to lands located at 1480 Hamilton Road, legally described as Part of Lot 4, Concession "A" in the City of London:

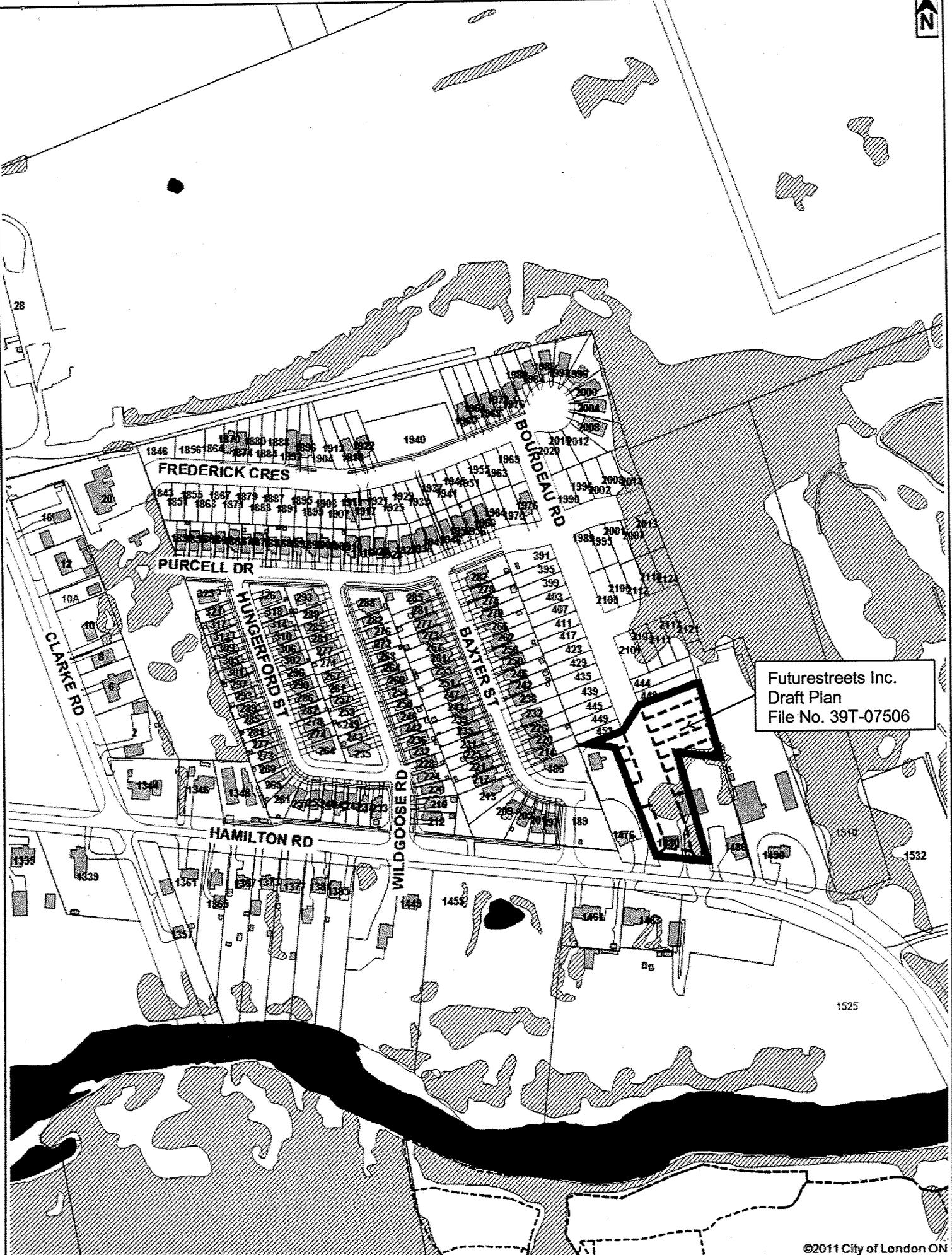
- (a) the Approval Authority **BE REQUESTED** to approve a three (3) year extension to Draft Plan Approval for the residential plan of subdivision submitted by Futurestreets Inc., File No. 39T-07506, as red-line amended, **SUBJECT TO** the revised conditions contained in the attached Appendix "A" 39T-07506; and
- (b) the applicant **BE ADVISED** a breakdown of estimated claims and revenues information has been prepared and is contained in the attached Appendix "B" 39T-07506.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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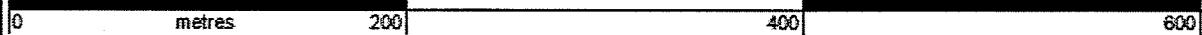
March 17, 2008 - Report to Planning Committee - Public Participation Meeting on a draft plan of subdivision, conditions of draft approval, and amendments to the Official Plan and Zoning By-law (Agenda Item #15) (File No. 39T-07506 / OZ-7421).

RATIONALE

1. A three year extension is recommended as it is the first request for an extension since the subdivision was draft approved in 2008. Much of the original draft plan has already been registered. This remaining portion represents the final phase which will provide for a planned permanent access to Hamilton Road.
2. The land use pattern and road alignments in this subdivision phase comprise an integral part of the overall Futurestreets Inc. plan and an extension can be supported, provided the conditions of draft approval are updated to reflect current City standards and regulatory requirements.



Futurestreets Inc.
Draft Plan
File No. 39T-07506



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LOCATION MAP

Subject Site: 1480 Hamilton Road
Applicant: Futurestreets Inc.
File Number: 39T-07506
Planner: L. Mottram
Created By: LM
Date: 2011-10-12
Scale: 1:3700

LEGEND

-  Subject Site
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers



Applicant: Futurestreets Inc.
File No: 39T-07506
Municipality: City of London
Subject Lands: 1480 Hamilton Road

Date of Decision: May 16, 2008
Date of Notice: May 16, 2008
Last Date of Appeal: June 6, 2008
Lapsing Date: ~~May 16, 2011~~
 NOVEMBER 16, 2011

ORIGINAL DRAFT APPROVED PLAN

DRAFT PLAN OF PROPOSED SUBDIVISION
 PART OF LOT 4 CONCESSION 'A' IN THE CITY OF LONDON COUNTY OF MIDDLESEX

APPROVED BY: *[Signature]*
 APPROVAL AUTHORITY: City of London

KEY PLAN

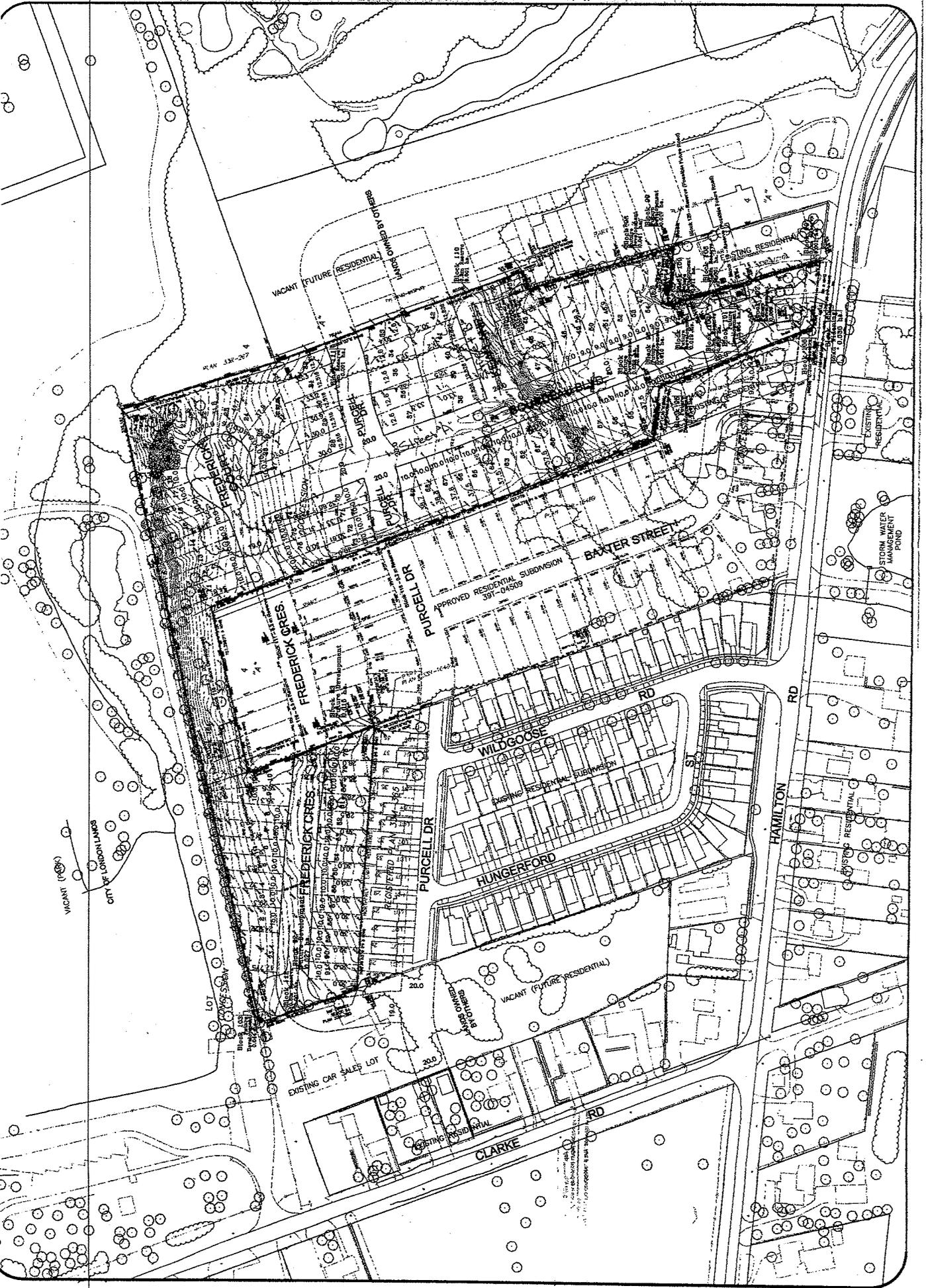
ADDITIONAL INFORMATION REQUIRED UNDER SECTION 81(7) OF THE PLANNING ACT:

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RECEIVED BY: 100 13 3077 OFFICE OF ENGINEERING

39T-07506

FILE COPY



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L. Mottram
39T-07506

BACKGROUND

This request is for a three (3) year extension of Draft Approval for the Futurestreets Inc. subdivision (39T-07506) located at 1480 Hamilton Road, north side, east of Wildgoose Road; legally described as Part of Lot 4, Concession "A" in the City of London, having an area of 3.59 ha (8.87 ac). The plan of subdivision, which was draft approved on May 16, 2008, shows 91 single detached dwelling lots, 15 future development blocks, 1 park block, 2 possible future street blocks and several road widening and reserve blocks all served by the extension of Purcell Drive, Baxter Street, Frederick Crescent and two new streets. Most of the lots and blocks within the draft-approved plan are registered now as Plan 33M-606, which was registered on June 24, 2009.

On March 25, 2011, the owner submitted a request for a further three (3) year extension in order to have more time to satisfy the draft plan conditions and submit a final plan for approval for the remaining lands closest to Hamilton Road which are not yet registered. The expiry date of this draft approval was May 16, 2011. A 180 day extension was granted by the Approval Authority in accordance with Section 2.2(p) of the Subdivision and Condominium Delegation and Approval By-law, with the new lapse date being November 16, 2011.

The applicant is not proposing any revisions to the draft approved plan as part of this application. The original draft approved plan is shown on Page 3.

History

The application for Draft Plan of Subdivision Approval was accepted on August 23, 2007. It was circulated to the required agencies and municipal departments on September 5, 2007 and advertised in the London Free Press Civic Corner on September 8, 2007. A Notice of Public Meeting was advertised in the London Free Press on March 1, 2008, and a Notice of Public Meeting was sent out to area residents on March 5, 2008. The Public Meeting was held on March 17, 2008.

On March 31, 2008, Municipal Council passed a resolution with respect to the Futurestreets Inc. application. This action resulted in adoption of amendments to the Official Plan and zoning by-law, and a request to the Approval Authority to approve the draft plan of subdivision as submitted, subject to conditions and red-line revisions. The Official Plan Amendment changed the land use designation from Open Space to Low Density Residential on the southerly portion of the site and revised the floodplain mapping. These lands were proposed to be raised above the regulatory flood elevation by placing fill similar to what was done with the subdivision to the west. The zoning amendment resulted in changes to the zoning from Urban Reserve and Open Space (OS5) to a mix of Residential R1 Zones and Open Space (OS1) Zones.

The proposed draft plan was recommended by staff on the basis that the plan was generally consistent with the area road pattern endorsed by Planning Committee when it recommended approval of the draft plan on adjacent lands to the west (39T-04509). It allowed for the extension of existing and draft approved streets, it enlarged a proposed park block, and provided a second permanent safe access for the entire neighbourhood to Hamilton Road. Upon reconstruction of Hamilton Road, the planned access to Hamilton Road will be dry.

In order for the lands to be developed as proposed, fill must be placed on the southern portion of the site, similar to the subdivision to the west. The proposed filling activity was evaluated against the policies of the Official Plan and the recommended conditions of draft plan approval will ensure development does not take place until the necessary steps are taken to ensure the lands are appropriate for residential development and in conformity with the policies of the Official Plan.

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The request to permit single detached dwellings was found to be appropriate; however, a broad range of residential (R1) zones was recommended which reflected the nature of lots shown on the proposed plan. In addition, several holding provisions were recommended to ensure potential noise impacts are addressed as well as development does not take place on future development blocks until combined with other lands outside this plan. Zoning of the draft approved lands is appropriate and no change to the zoning has been requested with this extension.

1510 Hamilton Road – OMB Appeal

The Council Resolution of March 31, 2008 also included a direction to the General Manager of Planning and Development to initiate the necessary studies to determine the significance of the woodlands on abutting lands to the east (at 1510 Hamilton Road) and, if recommended by the studies, initiate an Official Plan Amendment. In November of 2008 and February of 2009 Planning Staff conducted a landscape level assessment of the woodlands which led to a report to Planning Committee on December 7, 2009 recommending an Official Plan and Zoning By-law amendment for 1510 Hamilton Road. The purpose and effect of the recommended action was to recognize a significant woodland on a portion of the site and to apply an Open Space designation and Open Space (OS5) zoning to the subject lands. Municipal Council passed the Official Plan and Zoning By-law amendment on January 18, 2010.

On February 17, 2010, Futurestreets Inc. appealed the decision of Municipal Council to the Ontario Municipal Board. The OMB held a pre-hearing conference to identify a list of issues to be deliberated at the hearing. In summary, the issues to be considered include if the subject lands constituted a significant woodland, were the boundaries of the woodland correctly established, was the applicant required to provide services to the subject lands in anticipation of future residential development and are these lands so serviced, was the applicant required to provide temporary turning circles in his subdivision plan and was consideration given to the consequences should these temporary turning circles become permanent.

On July 26, 2010, Municipal Council directed Civic Administration and the City Solicitor to hold “without prejudice” discussions with Futurestreets Inc. regarding certain provisions of the subdivision agreement for registered plan 33M-606 as it relates to the OMB appeal concerning 1510 Hamilton Road. Discussions have been on-going amongst the parties to the appeal in hopes of a settlement which has not yet been reached.

Draft Approved Plan:

The applicant has not proposed any changes to the lotting configuration, road pattern or zoning that applies to the draft approved plan. The red-line revisions that have previously been applied to this draft approved plan are proposed to continue and no changes are being recommended as a result of the current review by staff.

Estimated Costs and Revenues:

The estimated costs and revenues information has been broken down in the chart below and is also attached as Appendix “B” to this report. Estimated costs of \$38,000 reflect 2008 costs for street lights and sidewalk on Hamilton Road. Estimated claims are based on information provided by the applicant. Actual claims will be determined in conjunction with the subdivision agreement and the applicable by-law. No major servicing works are required. The estimated revenues are calculated in accordance with the Development Charges By-law which came into force on August 4th, 2009.

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Related Estimated Costs and Revenues

Estimated Costs – Developer Built	
Urban Works Reserve Fund – General	\$38,000**
Urban Works Reserve Fund - Stormwater Management	Nil
Capital Expense	Nil
Other	Nil
Total	\$38,000**
Estimated Revenues	
CSRF	\$174,229
UWRF	\$70,191
Total	\$244,420

** Estimated Costs of \$38,000 reflect 2008 costs for street lights and sidewalk on Hamilton Road

NOTE:

1. Estimated revenues are calculated using current rates for engineering services and the information is reported all in accordance with the Development Charges By-Law (C.P.-1473-212) and any amendments thereto.
2. Estimated claims are based on information provided by the applicant. Actual claims will be determined in conjunction with the subdivision agreement and the applicable by-law.
3. The Owner should take note that there are currently significant delays in payment of claims from the Urban Works Reserve Fund.
4. Major works previously constructed to service this subdivision are not shown in this statement.

Conditions of Draft Approval:

The draft approval conditions issued on May 16th, 2008 have been re-circulated with municipal departments and agencies to determine their relevance within the context of current regulatory requirements. As a result, there are minor wording modifications and revisions reflecting current job titles and protocols, as well as a number of new clauses added reflecting current municipal standards and requirements. A number of clauses are also being deleted as the draft plan condition was satisfied prior to final approval and registration of the first phase of the subdivision as registered plan 33M-606.

Public Notice:

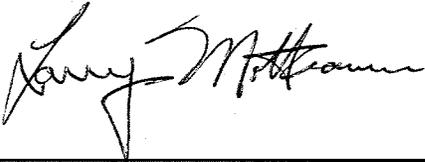
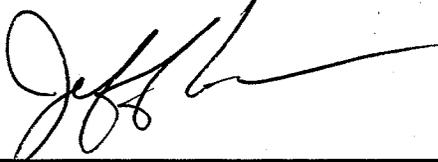
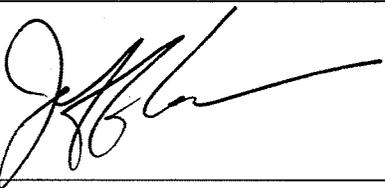
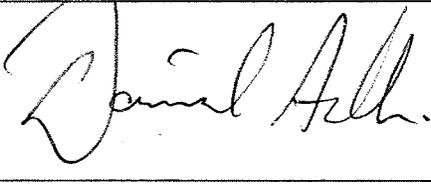
Notice was not circulated to the public regarding the request for extension of draft approval given that no revisions are being proposed to the zoning, lotting pattern or roadway alignments in the draft approved plan. In accordance with Section 50(45) of the *Planning Act* notice will be provided to the applicant, as well as any persons or public bodies who are prescribed under the Act and anyone who previously requested notification.

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CONCLUSION

The attached Appendix includes several revisions and new conditions that reflect current municipal requirements and servicing standards. These revisions and new conditions will provide for a single comprehensive set of updated conditions that reflect current municipal standards. Conditions that dealt only with the previously registered phase are also recommended to be deleted. The original zoning, road alignments and lotting pattern are not affected by the modified conditions and a three year extension is being recommended to allow sufficient time for the registration of this plan. The recommended conditions of draft approval are attached to this report as Appendix "A" 39T-07506.

PREPARED BY:	SUBMITTED BY:
	
LARRY MOTTRAM MCIP, RPP SENIOR PLANNER	JEFF LEUNISSEN MCIP, RPP MANAGER – DEVELOPMENT PLANNING
RECOMMENDED BY:	RECOMMENDED BY:
	
D.N. STANLAKE DIRECTOR OF DEVELOPMENT PLANNING	DAVID AILLES, P.Eng MANAGING DIRECTOR, DEVELOPMENT APPROVALS BUSINESS UNIT

for

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**Appendix "A" 39T-07506
Conditions of Draft Approval**

THE CORPORATION OF THE CITY OF LONDON'S CONDITIONS AND AMENDMENTS TO FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T-07506 ARE AS FOLLOWS:

* Denotes Revised or New Condition

NO.	CONDITIONS
1.	This draft approval applies to the draft plan submitted by Futurestreets Inc., prepared by MHBC planning, certified by Laura Gibson (Ontario Land Surveyor) File No. 39T-07506, drawing no. N:/Y383'A'/DP_FEB52007.DWG, dated FEB 5, 2007, as red-lined , which shows a total of 91 single detached dwelling lots, 15 future development blocks, 1 park block, 2 possible future street blocks and several road widening and reserve blocks all served by the extension of Purcell Drive, Baxter Street, Frederick Crescent and two new streets.
2.*	This approval of the draft plan applies for a period of three (3) years from the date of draft approval and if final approval is not given by that date, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.
3.	The road allowances included in this draft plan shall be shown on the face of the plan and dedicated as public highways.
4.*	The Owner shall require that streets shall be named to the satisfaction of the Manager of Subdivision and Special Projects Director of Development Planning.
5.*	The Owner shall request that municipal addresses shall be assigned to the satisfaction of the Manager of Subdivision and Special Projects Director of Development Planning.
6.	Prior to final approval, the Owner shall submit to the Approval Authority a digital file of the plan to be registered in a format compiled to the satisfaction of the City of London and referenced to NAD83UTM horizon control network for the City of London mapping program.
7.	Prior to final approval appropriate zoning shall be in effect for this proposed subdivision.
8.*	DELETE The Owner shall satisfy all the requirements, financial and otherwise, of the City of London including, but not limited to, surfacing of roads, installation and maintenance of services, drainage and grading, tree planting and tree preservation.
	REPLACE WITH The Owner shall satisfy all requirements, financial and otherwise, of the City of London, in order to implement the conditions of this draft approval.
9.	The subdivision agreement between the Owner and the City of London shall be registered against the lands to which it applies.
10.*	DELETE The Owner shall grant to the appropriate authorities such easements as may be required for road, utility or drainage purposes.

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REPLACE WITH

In conjunction with the registration of the plan, the Owner shall provide to the appropriate authorities such easements as may be required for all municipal works and services associated with the development of the subject lands, such as road, utility, drainage or stormwater management (SWM) purposes, to the satisfaction of the City Engineer and at no cost to the City.

- 11.* ~~DELETE If required, the subdivision agreement between the Owner and the City of London shall contain phasing arrangements to the satisfaction of the General Manager of Planning and Development and the City Engineer.~~

REPLACE WITH

Phasing of this subdivision (if any) shall be to the satisfaction of the Director of Development Planning and City Engineer.

- 12.* ~~DELETE The Owner shall construct temporary measures to control silt entering the storm drainage system to the specifications outlined in the Guidelines on Erosion and Sediment Control for Urban Construction Sites (May 1987) prepared by the Ministry of Natural Resources. These measures are to be approved by the City Engineer and installed prior to commencing any construction on this subdivision, and are to remain in place until construction as required under an agreement has been completed to the specifications of the City Engineer. The Owner shall have its professional engineer monitor the erosion and sediment control measures installed in accordance with the above noted Guidelines and submit to the City Engineer monitoring reports with a log of dates when the facilities were inspected, the condition of the facilities at that time, and what remedial action, if any, was needed and taken. The monitoring reports are to be submitted to the City Engineer by April 1, July 1 and November 1 of each year until all works and services in this Plan are assumed by the City.~~

REPLACE WITH

In conjunction with the Design Studies submission, the Owner shall develop an erosion/sediment control plan (ESCP) that will identify all erosion and sediment control measures for the subject lands in accordance with City of London and Ministry of the Environment standards and requirements, all to the satisfaction of the City Engineer. This Plan is to include measures to be used during all phases of construction. Prior to any work on the site, the Owner shall submit these measures as a component of the Functional SWM and/or Drainage Servicing Report for these lands and shall implement these measures satisfactory to the City Engineer. The Owner shall correct any deficiencies of the erosion and sediment control measures forthwith.

- 13.* ~~DELETE Prior to the submission of engineering drawings, the Owner shall have a report prepared by a qualified consultant, and if necessary a detailed hydro geological investigation carried out by a qualified consultant, to determine the effects of the construction associated with this subdivision on the existing ground water elevations and domestic or farm wells in the area, to the satisfaction of the City Engineer. If necessary, the report shall also address any contamination impacts that may be anticipated or experienced as a result of the said construction. Any recommendations outlined in the report shall be reviewed and approved by the City Engineer, included in the pertinent agreement(s) with the City of London prior to any work on the site. Should any remedial works be recommended in the report, the Owner shall complete these works to the satisfaction of the City, at no cost to the City.~~

REPLACE WITH In conjunction with the Design Studies submission, the Owner shall have a report prepared by a qualified consultant, and if necessary, a detailed hydro geological investigation carried out by a qualified consultant, to determine the effects of the construction associated with this subdivision on the existing ground water elevations and domestic or farm wells in the area, to the satisfaction of the City Engineer. If necessary,

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the report is to also address any contamination impacts that may be anticipated or experienced as a result of the said construction. Any recommendations outlined in the report are to be reviewed and approved by the City Engineer, prior to any work on the site. Any remedial works recommended in the report shall be constructed or installed by the Owner, prior to the issuance of a Certificate of Conditional Approval, to the satisfaction of the City Engineer, at no cost to the City.

- 14.* ~~DELETE The Owner shall dedicate and construct as public highways, satisfactory terminations within this plan of the existing streets, to the approval of the City Engineer and at no cost to the City of London. The Owner shall as part of the submission of engineering drawings shall have its engineer submit to the City Engineer for review and approval, detailed plans showing proposed turnaround facilities complete with provisions for snow piling, the configuration of the turnaround facilities must accommodate maintenance and emergency vehicles.~~
- 15.* Prior to the issuance of a Certificate of Conditional Approval for Block 102 the Owner shall submit to the ~~Manager of Subdivisions and Special Projects~~ **Director of Development Planning** an update to the HGC Engineering Noise Impact Study accepted for 39T-04509 which identifies noise mitigation measures required for this subdivision from the adjacent arterial road. The accepted recommendations of this report shall be constructed by the Owner and may be included as a provision or set of provisions in the subdivision agreement, entered into between the Owner and the municipality.
- 16.* ~~DELETE Prior to the submission of engineering drawings for Lots 1 and 2 and Blocks 89, 90, 91 and Block 92 the Owner shall submit a noise assessment report in accordance with Ministry of Environment and City of London standard which assess noise impacts from existing tub grinder and Transfer Station at 25 Clarke Road. The accepted noise mitigation measures, if any, shall be constructed by the Owner and may be included as a provision or set of provisions in the subdivision agreement, entered into between the Owner and the municipality.~~
- 17.* ~~DELETE The Owner shall dedicate Block 104 as red line in this plan and Lot 59 in draft approved plan 39T-04509 to the City of London in fulfillment of their 5% parkland dedication.~~
- 18.* ~~DELETE The Approval Authority shall amend the conditions of draft approval for 39T-04509. The amended condition shall state Lot 59 shall be dedicated to the City of London in partial fulfillment of their 5% parkland dedication for plan 39T-07506.~~

REPLACE WITH

The 5% parkland dedication requirement for this draft plan has been satisfied by Block 98 in Registered Plan 33M-606.

- 19.* ~~DELETE The Owner shall construct a 1.5 m high chain link fence where Block 104 abuts lots in this plan and plan 39T-04509 at no cost to the City.~~
- 20.* ~~DELETE Prior to the initial submission of engineering drawings, the Owner shall prepare a detailed Tree Preservation Plan be completed and accepted by the General Manager of Planning and Development for Lots 21-24 both inclusive, 32-34 both inclusive, and 41-47 both inclusive. Where lot grading conflicts arise in the subdivision, the grading as recommended in the detailed Tree Preservation Plan shall be implemented where possible to the satisfaction of the City Engineer and the General Manger of Planning and Development.~~
- 21.* ~~DELETE The subdivision agreement between the Owner and the City of London shall contain a provision stating Blocks 94 to 102 both inclusive and Block 113 to 115 both inclusive shall not be developed except in conjunction with adjacent lands.~~

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- 22.* ~~DELETE Any dead ends and open sides of road allowances created by this draft plan, or by phasing of this plan, shall be terminated in 0.3 meter reserves to be conveyed to the City of London until required for the future production of such road allowance.~~
- 23.* ~~DELETE The Owner shall permanently cap any abandoned water wells located on the property, in accordance with the Ontario Water Resources Act and the Ministry of Environment guidelines. A copy of the well capping report shall be filed with the Planning Division.~~

REPLACE WITH Prior to any work on the site, the Owner shall determine if there are any abandoned wells in this Plan and shall decommission and permanently cap any abandoned wells located in this Plan, in accordance with current provincial legislation, regulations and standards. It is the responsibility of the Owner to determine if any abandoned wells exist in this Plan.

In the event that an existing well in this Plan is to be kept in service, the Owner shall protect the well and the underlying aquifer from any development activity.

- 24.* ~~DELETE Prior to the initial submission of engineering drawings, the Owner shall hire a qualified professional to prepare and file with the Ministry, in accordance with the latest "Guidelines for Use at Contaminated Sites in Ontario", established by the Ministry of Environmental, a report containing "Schedule A - Record of Site Condition" including "Affidavit of Consultant" which summarizes the site assessment and restoration activities carried out at a contaminated site up to the property line. The Owner shall submit a copy of the report to the City or alternatively, should the site be free of contamination, the geotechnical engineer shall provide certification to this effect to the City.~~
- 25. The Owner shall remove and dispose of any garbage or contamination encountered during construction of services within this plan to the satisfaction of the City Engineer, all at its own cost. In addition, the owner shall also restore all affected areas to the satisfaction of the City Engineer, all at its own cost.
- 26.* ~~DELETE The Owner shall implement appropriate methane or other gas migration measures if required by and to the satisfaction of the City Engineer.~~
- 27.* ~~DELETE The Owner shall design and construct a leachate collection system which connects the abutting landfill site to sanitary sewers in this subdivision. Sanitary sewers in this plan shall be sized to accommodate the leachate flows. The leachate collection system and sanitary sewers shall designed and constructed be to the satisfaction of the City Engineer.~~
- 28.* ~~DELETE The Owner may submit a claim against the City's Capital Works Budget (Environmental Programs and Customer Relations Division) for the reimbursement of the Capital Works Budget share of the cost of the connection and oversizing of sanitary sewers to connect the leachate system to the sanitary sewer system in this plan, including easement, limited to a maximum amount of \$50,000.00 upon completion of these works.~~
- 29.* ~~DELETE The Owner shall connect the proposed sanitary sewers to serve this plan to an existing municipal sewer system, namely, the 200 mm (8") sanitary sewer on Purcell Drive and the 250 mm (10") sanitary sewer on Hamilton Road.~~

REPLACE WITH The Owner shall construct sanitary sewers to serve this plan and connect them to the existing municipal sewer system, namely, the existing 200 mm (8") diameter sanitary sewer on Bourdeau Road.

- 30.* ~~DELETE The Owner shall provide sanitary sewer stubs at the east limit of this subdivision~~

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on Purcell Drive, Baxter Street and Street 'B' to accommodate the external lands.

- 31.* ~~DELETE The Owner shall connect the proposed storm sewer to serve this plan to an existing municipal sewer system, namely, the 750 mm (30") storm sewer in Plan 33M-571.~~

REPLACE WITH The Owner shall construct storm sewers to serve this plan and connect them to the existing municipal sewer system, namely, the existing 450 mm (18") diameter storm sewer on Bourdeau Road.

32. The Owner shall have its consulting professional engineer design and construct the proposed storm/drainage servicing system for these lands, all to the specifications and satisfaction of the City Engineer and according to the requirements of the following:
- i) The SWM targets and criteria for the South Thames Subwatershed Study
 - ii) The approved storm drainage and SWM servicing Functional Report and Stormwater Management Plan for this plan
 - iii) The approved Functional SWM Report for the existing SWM facility
 - iv) The City's Drainage and Waste Discharge By-law, lot grading standards, policies, requirements and practices
 - v) The Ministry of the Environment's SWM Practices Planning and Design Manual (2003); and
 - vi) All applicable Acts, Policies, Guidelines, Standards and Requirements of the City, the Ministry of the Environment and all other relevant agencies.
33. Prior to the initial submission of engineering drawings or prior to any work on the site, the Owner professional engineer shall submit a Functional Storm/Drainage Servicing Report for these lands to the City Engineer and the Upper Thames River Conservation Authority. The Functional Storm/Drainage Servicing Report shall contain an erosion/sediment control plan that will identify all erosion and sediment control measures for the subject lands in accordance with City of London and Ministry of the Environment standards and requirements for all phases of construction on the subject site, all to the specifications and satisfaction of the City Engineer.
- 34.* ~~DELETE The Owner shall connect the proposed watermains to serve this plan to the existing municipal 200 mm (8") diameter water main on Purcell Drive, the existing municipal 200 mm (8") diameter watermain on Baxter Street and the existing municipal 150 mm (6") diameter watermain on Hamilton Road all to the satisfaction of the City Engineer.~~
- REPLACE WITH The Owner shall construct watermains to serve this plan and connect them to the existing municipal watermain system, namely, the existing 200 mm (8") diameter watermain on Bourdeau Road and the existing 150 mm (6") diameter watermain on Hamilton Road.**
- 35.* ~~DELETE The Owner shall have its professional engineer deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development is proposed to proceed beyond 80 units.~~
36. The Owner shall comply with all City of London standards, guidelines and requirements in the design of this draft plan and all engineering drawings, to the satisfaction of the City Engineer. Any deviations from the City's standards, guidelines or requirements shall be satisfactory to the City Engineer.
37. The Owner shall verify the adequacy of the decision sight distance on Hamilton Road at Street 'A'. If the sight lines are not adequate, this roadway is to be relocated and/or work undertaken to establish adequate decision sight distance including removal of the row of evergreen trees that create a view obstruction. No Certificate of Conditional Approval shall be granted for this plan until adequate decision sight distance is established.

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- 38.* The Owner shall construct a 1.5 metre (5') sidewalk on one side of the following streets when determined warranted by the City Engineer:
- i) Hamilton Road – along the frontage of this plan of subdivision extending westerly across lands outside this plan, to temporary standards, connecting to the existing sidewalk being constructed as part of Plan M-571.
 - ii) Street 'A' – east boulevard
 - iii) ~~Purcell Drive – south boulevard~~
 - iv) ~~Frederick Crescent – north boulevard and extending across lands outside this plan, File No. 39T-04509, to connect both sections of Frederick Crescent in this plan.~~
 - v) Baxter Street – north boulevard, east of Street 'A'

39. The Owner shall construct a temporary left turn lane on Hamilton Road at Street 'A' with sufficient storage and taper to accommodate the traffic demand anticipated as a result of the full build out of the area.

40.* The Owner shall be required to make minor boulevard improvements on Hamilton Road adjacent to this plan to the specifications of the City Engineer and at no cost to the City, consisting of clean-up, grading and sodding as necessary. The Owner shall have the common property line of Hamilton Road graded in accordance with the City of London Standard "Subdivision Grading Along Arterial Roads", at no cost to the City.

Further, the grades to be taken as the centreline line grades on Hamilton Road are the future centreline of road grades as determined by the Owner's professional engineer, satisfactory to the City Engineer. From these, the Owner's professional engineer is to determine the elevations along the common property line which will blend with the reconstructed road, all to the satisfaction of the City Engineer.

41.* ~~The Owner shall dedicate Block 105 to the City and Block 105 shall be sufficient to widen Hamilton Road to 18.0 metres (59.06') from the centerline of the original road allowance and contain 6.0 m x 6.0 m "daylighting triangles" at the intersection of Street 'A' Bourdeau Road with Hamilton Road.~~

42. The Owner shall direct all construction traffic to access this subdivision directly from Hamilton Road.

43. The Owner shall install street lighting along Hamilton Road abutting this subdivision as determined to be warranted by and to the specifications of the City Engineer.

44. The Owner shall dedicate all 0.3 m reserve blocks shown on the draft approved plan to the City of London.

45.* ~~DELETE The Owner shall construct temporary turning facilities to the specifications of the City Engineer at the following locations:~~

- i) ~~Frederick Crescent – west limit~~
- ii) ~~Purcell Drive – east limit~~
- iii) ~~Street 'B' – east limit~~

46.* The Owner shall design and construct ~~Street 'A'~~ Bourdeau Street at Hamilton Road to accommodate the future reconstruction of Hamilton Road at its ultimate elevation above the regulatory flood elevation identified by the Upper Thames River Conservation Authority.

47.* ~~DELETE The Owner shall not construct the westerly section of Frederick Crescent in this plan until the section of Frederick Crescent through lands outside this plan under File No. 39T-04509 has been completed to Granular 'B'.~~

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48. Prior to the initial submission of engineering drawings, and prior to any regrading or soil disturbance, Owner shall obtain all necessary approvals from the Upper Thames River Conservation Authority.
- 49.* The Owner shall prepare and deliver a Homeowners Information Package to the satisfaction of the Approval Authority informing future residents of possible best practice stormwater management at source.
- 50.* ~~DELETE Prior to the submission of building permits, (occupancy), the temporary full access to Hamilton Road will be completed to the satisfaction of the City Engineer.~~
51. Prior to final approval of this plan and subject to the satisfaction of the London District Catholic School Board, the Owner shall include in the subdivision agreement a suitable warning clause advising future purchasers of residential units that students may be accommodated in temporary facilities and/or bused outside the neighbourhood for their education.
52. Prior to final approval of this plan and subject to the satisfaction of the Thames Valley District School Board, the Board may require the Owner shall include in the subdivision agreement a suitable clause to advise future purchasers that this area has been designated a "Holding Zone" for school accommodation purposes and students will be accommodated at a "Holding School".
- 53.* The Owner shall as part of the submission for engineering drawings design an on-street parking plan, to the satisfaction of the ~~General Manager of Planning and Development Director of Development Planning~~. The approved parking plan required for each registered phase of development and will form part of the subdivision agreement for the registered plan.
- 54.* Prior to final approval, the Owner shall submit a street tree plan to the City. The street tree plan shall show one street tree per lot or a minimum spacing of one per 15 metres (49.2 feet), whichever is the lesser, except where it can be demonstrated that the location of driveways and underground utilities necessitates a greater separation. If there are long stretches where boulevard street trees are not possible because of driveways and utilities, the Owner shall provide street trees in alternate locations including flanking lots, front yards of lots and blocks, and window street landscaping areas all to satisfaction of the ~~General Manager Planning and Development Director of Development Planning~~.
55. The possible future road Blocks 119 and 120 shall be conveyed to and held in reserve by the City until such time it is determined whether redevelopment is permitted on the lands to the east. If new development is permitted on the lands to the east, Block 119 and 120 shall be dedicated as a public highway. If new development is not permitted on the lands to the east, Blocks 119 and 120 shall be returned to the Owner at no cost to the City.
- 56.* For the purpose of satisfying any of the conditions of draft approval herein contained, the Owner shall file, with the City, complete submissions consisting of all required studies, reports, data, information or detailed engineering drawings, all to the satisfaction of the ~~General Manager of Planning and Development Managing Director of Development Approvals Business Unit~~ and the City Engineer. The Owner acknowledges that, in the event that a submission does not include the complete information required by the ~~General Manager of Planning and Development Managing Director of Development Approvals Business Unit~~ and the City Engineer, such submission will be returned to the Owner without detailed review by the City.
57. The Owner shall address the issues around the variation in grade between the subject property and the property located at 1476 Hamilton Road to the satisfaction of the City Engineer.

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- 58.* ~~DELETE The Owner in consultation with the LTC, shall indicate on the approved engineering drawings the possible 'Future Transit Stop Areas'. The Owner shall install signage as the streets are constructed, indicating "Possible Future Transit Stop Area" in the approximate stop locations. The exact stop locations shall be field located as the adjacent sites are built, at which time the developer shall install a 1.5 metre wide concrete pad between the curb and the boulevard at the finalized stop locations.~~
59. Prior to the issuance of a Certificate of Conditional Approval for Lots 48 to 58, both inclusive, issues surrounding the Secondary Flowpath as identified on Exhibit 3 of the MRC Report (2004) be addressed to the satisfaction of the Upper Thames River Conservation Authority and the City Engineer.

NEW CONDITIONS

- 60.* Prior to registration of this plan, the Owner shall obtain consent from the City Engineer to reserve capacity at the Pottersburg Pollution Control Plant for this subdivision. This treatment capacity shall be reserved by the City Engineer subject to capacity being available, on the condition that registration of the subdivision agreement and the plan of subdivision occur within one (1) year of the date specified in the subdivision agreement.

Failure to register the plan within the specified time may result in the Owner forfeiting the allotted treatment capacity and, also, the loss of his right to connect into the outlet sanitary sewer, as determined by the City Engineer. In the event of the capacity being forfeited, the Owner must reapply to the City to have reserved sewage treatment capacity reassigned to the subdivision.

- 61.* Throughout the duration of construction within this draft plan of subdivision, the Owner shall undertake measures within this draft plan to control and prevent any inflow and infiltration and silt from being introduced to the sanitary sewer system during and after construction, satisfactory to the City Engineer, at no cost to the City.
- 62.* Following construction of the sanitary sewers, the Owner shall have it's consulting engineer confirm that the sanitary sewers meet allowable inflow and infiltration levels as per OPSS 410 and OPSS 407. Also, if requested, the Owner shall permit the City to undertake smoke testing of the system at any time prior to assumption of the subdivision.
- 63.* Prior to the issuance of a Certificate of Conditional Approval for lots and blocks in this plan, all storm/drainage and stormwater management (SWM) works, including major and minor storm flow routes, shall be constructed and operational in accordance with the approved design criteria and accepted drawings, all to the standards and specifications of the City.
- 64.* Prior to final approval, the Owner's consulting engineer shall certify that increased and accelerated stormwater runoff from this subdivision will not cause damage to downstream lands, properties or structures beyond the limits of this subdivision. Notwithstanding any requirements of the City, or any approval given by the City Engineer, the Owner shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from this subdivision.
- 65.* In conjunction with Design Studies submission, the Owner shall promote the implementation of SWM soft measure Best Management Practices (BMP's) within the Plan, where possible, to the satisfaction of the City Engineer. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this Plan and the approval of the City Engineer.

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- 66.* In conjunction with Design Studies submission, the Owner's professional engineer shall identify major and minor storm flow routes for the subject lands, to the satisfaction of the City Engineer.
- 67.* In conjunction with the Design Studies submission, the Owner shall have it's professional engineer determine if there is sufficient water turnover to ensure water quality and determine how many homes need to be built and occupied to maintain water quality in the water system. If the water quality cannot be maintained in the short term, the Owner shall install automatic blow offs, where necessary, to the satisfaction of the City Engineer, or make suitable arrangements with Water Operations for the maintenance of the system in the interim.
- 68.* In the event any work is undertaken on an existing street, the Owner shall establish and maintain a Traffic Management Plan (TMP) in conformance with City guidelines and to the satisfaction of the City Engineer for any construction activity that will occur on existing public roadways. The Owner shall have it's contractor(s) undertake the work within the prescribed operational constraints of the TMP. The TMP will be submitted in conjunction with the subdivision servicing drawings for this plan of subdivision.
- 69.* Prior to the issuance of a Certificate of Conditional Approval for each construction stage of this subdivision, all servicing works for the stage must be completed and operational, all to the specification and satisfaction of the City Engineer.
- 70.* Prior to final approval, the Owner shall make arrangements with the affected property owner(s) for the construction of any portions of services situated on private lands outside this plan, and shall provide satisfactory easements over the sewers, as necessary, all to the specifications and satisfaction of the City Engineer.
- 71.* The Owner shall connect to all existing services and extend all services to the limits of the draft plan of subdivision, at no cost to the City, all to the specifications and satisfaction of the City Engineer.
- 72.* In the event that relotting of the plan is undertaken, the Owner shall relocate and construct services to standard location, all to the specifications and satisfaction of the City Engineer.
- 73.* The Owner shall advise the City in writing at least two weeks prior to connecting, either directly or indirectly, into any unassumed services constructed by a third party, and to save the City harmless from any damages that may be caused as a result of the connection of the services from this subdivision into any unassumed services.

Prior to connection being made to an unassumed service, the following will apply:

- i) In the event discharge is to unassumed services, the unassumed services must be completed and conditionally accepted by the City;
- ii) The Owner must provide a video inspection on all affected unassumed sewers;

Any damages caused by the connection to unassumed services shall be the responsibility of the Owner.

- 74.* The Owner shall pay a proportional share of the operational, maintenance and/or monitoring costs of any affected unassumed sewers or SWM facilities (if applicable) to third parties that have constructed the services and/or facilities to which the Owner is connecting. The above-noted proportional share of the cost shall be based on design

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flows, to the satisfaction of the City Engineer, for sewers or on storage volume in the case of a SWM facility. The Owner's payments to third parties shall:

- i) commence upon completion of the Owner's service work, connections to the existing unassumed services; and
- ii) continue until the time of assumption of the affected services by the City.

75.* With respect to any services and/or facilities constructed in conjunction with this Plan, the Owner shall permit the connection into and use of the subject services and/or facilities by outside owners whose lands are served by the said services and/or facilities, prior to the said services and/or facilities being assumed by the City.

76.* If, during the building or constructing of all buildings or works and services within this subdivision, any deposits of organic materials or refuse are encountered, the Owner shall report these deposits to the City Engineer and Chief Building Official immediately, and if required by the City Engineer and Chief Building Official, the Owner shall, at his own expense, retain a professional engineer competent in the field of methane gas to investigate these deposits and submit a full report on them to the City Engineer and Chief Building Official. Should the report indicate the presence of methane gas then all of the recommendations of the engineer contained in any such report submitted to the City Engineer and Chief Building Official shall be implemented and carried out under the supervision of the professional engineer, to the satisfaction of the City Engineer and Chief Building Official and at the expense of the Owner, before any construction progresses in such an instance. The report shall include provision for an ongoing methane gas monitoring program, if required, subject to the approval of the City engineer and review for the duration of the approval program.

If a permanent venting system or facility is recommended in the report, the Owner shall register a covenant on the title of each affected lot and block to the effect that the Owner of the subject lots and blocks must have the required system or facility designed, constructed and monitored to the specifications of the City Engineer, and that the Owners must maintain the installed system or facilities in perpetuity at no cost to the City. The report shall also include measures to control the migration of any methane gas to abutting lands outside the Plan.

77.* In conjunction with the Design Studies submission, the Owner shall have it's professional engineer provide an opinion for the need for an Environmental Assessment under the Class EA requirements for the provision of any services related to this Plan. All class EA's must be completed prior to the submission of engineering drawings.

78.* The Owner shall not commence construction or installations of any services (eg. clearing or servicing of land) involved with this Plan prior to obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, unless otherwise approved by the City in writing (eg. Ministry of the Environment Certificates, City/Ministry/Government permits: Approved Works, water connection, water-taking, crown land, navigable waterways, approvals: Upper Thames River Conservation Authority, Ministry of Natural Resources, Ministry of the Environment, City, etc.)

79.* The Owner shall have it's professional engineer notify existing property owners in writing, regarding the sewer and/or road works proposed to be constructed on existing City streets in conjunction with this subdivision, all in accordance with Council policy for "Guidelines for Notification to Public for Major Construction Projects".

80.* All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.

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- 81.* The Owner shall decommission any existing infrastructure affected by the development of this site, at no cost to the City, including cutting the water service and capping it at the watermain, as required by and to the specifications of the City Engineer.
- 82.* The Owner shall remove any existing temporary turning circles on Bourdeau Road on the adjacent plan of subdivision lands and restore the road, including sidewalks, to the satisfaction of the City Engineer, at no cost to the City.
- 83.* The Owner shall remove any temporary works when no longer required and restore the land, at no cost to the City, to the specifications and satisfaction of the City Engineer.
- 84.* In conjunction with the Design Studies submission, the Owner shall ensure that Bourdeau Road will be built to the elevation of a dry access, to the satisfaction of the Upper Thames River Conservation Authority and the City of London.

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Appendix "B" 39T-07506

Related Estimated Costs and Revenues

Estimated Costs – Developer Built	
Urban Works Reserve Fund – General	\$38,000**
Urban Works Reserve Fund - Stormwater Management	Nil
Capital Expense	Nil
Other	Nil
Total	\$38,000**
Estimated Revenues	
CSRF	\$174,229
UWRF	\$70,191
Total	\$244,420

**** Estimated Costs of \$38,000 reflect 2008 costs for street lights and sidewalk on Hamilton Road**

NOTE:

1. Estimated revenues are calculated using current rates for engineering services and the information is reported all in accordance with the Development Charges By-Law (C.P.-1473-212) and any amendments thereto.
2. Estimated claims are based on information provided by the applicant. Actual claims will be determined in conjunction with the subdivision agreement and the applicable by-law.
3. The Owner should take note that there are currently significant delays in payment of claims from the Urban Works Reserve Fund.
4. Major works previously constructed to service this subdivision are not shown in this statement.