SUBJECT: Application for Approval of a Draft Plan of Subdivision, "Brook Meadows", and Change in Zoning for Lands Located at the East End of Old Mud Street (Stoney Creek) (PED06127) (Ward 9)

RECOMMENDATION:

(a) That approval be given to **Subdivision Application 25T-200524, by 1478551 Ontario Inc. (c/o Mike Bettiol), applicant**, to establish a draft plan of subdivision known as “Brook Meadows”, on lands located at the east end of Old Mud Street (Stoney Creek), as shown on Appendix “B” to Report PED06127, subject to the execution of a City Standard Form Subdivision Agreement, including the conditions contained in Appendix “C” to Report PED06127 and the following:

(i) Acknowledgement that there will be no City share for any municipal works related to this development;

(ii) 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 draft plan. The payment will be based on the value of the lands on the day prior to the day of the issuance of the 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 approval be given to Zoning Application ZAC-05-116, by 1478551 Ontario Inc. (c/o Mike Bettiol), applicant, for a change in zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R4-17” Zone and the Open Space “OS” Zone, for lands located at the east end of Old Mud Street (Stoney Creek), shown as Blocks “1” and “2” respectively, on Appendix “A” to Report PED06127, on the following basis:

(i) That the draft By-law, attached as Appendix “D” to Report PED06127, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law be added to Schedule “A”, Map No. 10, of Zoning By-law No. 3692-92.

(iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Official Plan of the City of Stoney Creek.

EXECUTIVE SUMMARY:

The purpose of the applications is for a change in zoning to permit the development of the lands for seven single detached dwellings and a public walkway in accordance with the proposed draft plan of subdivision known as “Brook Meadows”. Five of the proposed lots would have frontage on Old Mud Street and two lots would have frontage on Alkin Street. The block for a public walkway would provide a pedestrian connection between Old Mud Street and Alkin Street/Allanbrook Street (see Appendix “B”).

The proposal has merit and can be supported since it implements the “Residential” designation of the City of Stoney Creek Official Plan, the “Low Density Residential” designation in the West Mountain Planning District, Heritage Green Section Secondary Plan, and the “Low Density Residential” designation in the Albion Neighbourhood Plan. The proposed walkway is also consistent with the location of the walkway identified in the Albion Neighbourhood Plan. The proposed lots are compatible with existing and planned residential development in the area.
BACKGROUND:

Proposal

The purpose of the applications is for a change in zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R4-17” Zone (Block “1”) and the Open Space “OS” Zone (Block “2”), in accordance with proposed draft plan of subdivision “Brook Meadows”, to permit the development of seven lots for single detached dwellings and one block for a public walkway. The subject lands include a portion of the closed road allowance of Old Mud Street. The closure and sale of this untravelled road allowance was approved by Council through Road Closure Application PW06007 in January, 2006. The applicants have also requested zoning modifications to delete the lot coverage requirement and to permit a front yard setback of 3.0 metres with 6.0 metres to the face of the garage.

Application for Proposed Permanent Closure of a Portion of Old Mud Street Road Allowance, Stoney Creek (PW06007)

An application to permanently close a portion of the Old Mud Street road allowance was dealt with at the January 19, 2006, Public Works, Infrastructure, and Environment Committee Meeting and, subsequently, approved by Council. The portion of Old Mud Street closed is shown on Appendix “E” and the Real Estate Section was directed to sell this closed highway at fair market value. A portion of this closed road allowance is required to complete four lots within the proposed draft plan of subdivision (see Appendix “B”), and to complete the land assembly necessary for a public walkway. In addition, a portion of the road allowance is needed to complete an additional lot on Old Mud Street owned by the developer to the south, as well as additional lots around the intersection of Alkin Street and Allanbrook Street, also owned by the developer to the south. These lands are identified as Blocks 30 and 37, Plan 62M-1027, “Valleyview – Phase 2”. The Real Estate Section is currently working with both land owners to finalize the sale of the road allowance to each developer, as per the draft plan of subdivision designs.

**Location:** End of Old Mud Street (Stoney Creek)

**Owners:** 1478551 Ontario Inc. (c/o Mike Bettiol) and the City of Hamilton

**Applicant:** 1478551 Ontario Inc. (c/o Mike Bettiol)

**Agent:** A.J. Clarke and Associates Ltd. (c/o Steve Fraser)
**Property Description:**

- **Width:** Approximately 120m from west side of subject property to Alkin Street/Allanbrook Street
- **Depth:** Approximately 30m from Old Mud Street
- **Lot Area:** 0.425ha (including public walkway block)

**Servicing:**

Full municipal services

**EXISTING LAND USE AND ZONING:**

<table>
<thead>
<tr>
<th>Subject Lands</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tr>
<td></td>
<td>Vacant property and untravelled road allowance</td>
<td>Neighbourhood Development “ND” Zone</td>
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<td>Surrounding Lands</td>
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<tr>
<td>North</td>
<td>Single detached dwellings</td>
<td>Single Residential “R2” Zone</td>
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<td>South</td>
<td>Single detached dwellings and vacant land</td>
<td>Single Residential “R4” Zone and Neighbourhood Development “ND” Zone</td>
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<tr>
<td>East</td>
<td>Single detached dwellings</td>
<td>Single Residential “R2” Zone</td>
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<td>West</td>
<td>Single detached dwelling</td>
<td>Single Residential “R1” Zone</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.

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

   (iii) It conforms with and implements the “Residential” and “Low Density Residential” designation of the City of Stoney Creek Official Plan.
(iv) It conforms with and implements the “Low Density Residential” designation of the approved Albion Neighbourhood Plan, and the proposed public walkway is consistent with the location identified on the approved Albion Neighbourhood Plan.

(v) The proposed lots for single detached dwellings are compatible with existing and planned residential development in the surrounding neighbourhood, and the proposed Single Residential “R4” Zone is consistent with the zoning of lots for single detached dwellings on the south side of Old Mud Street adjacent to the subject lands.

2. In order to complete the proposed seven lots for single detached dwellings, the applicant must acquire a portion of the Old Mud Street road allowance (see Appendix “B”). Proposed Lots 1, 2, and 6 are completely located on private property with frontage on Old Mud Street and Alkin Street. However, Lots 3, 4, 5, and 7 require, in varying degrees, a portion of the Old Mud Street road allowance. The application for the closure of a portion of the Old Mud Street road allowance was approved by Council in January, 2006. The closure and sale of a portion of the road allowance is consistent with the approved Albion Neighbourhood Plan, which provides for Old Mud Street to end in a cul-de-sac with a public walkway connecting Old Mud Street to Alkin Street and Allanbrook Street (see Appendix “F”). The Real Estate Section is currently working with the applicant on finalizing the sale of the portion of closed road allowance needed to complete the proposed draft plan of subdivision. Final acquisition of the lands is a condition of draft plan approval (Development Planning Condition No. 18).

The applicants are also proposing to provide a public walkway as Block 9 (see Appendix “B”), which will be constructed at their cost to City standards. The land will also be dedicated to the City of Hamilton. In this regard, the Public Works Department (Open Space Development and Park Planning Section) has advised that the walkway location on the proposed draft plan of subdivision is acceptable. Walkways should be 4.5 to 6m wide (the proposed walkway is 6m wide), hard surfaced with bollards at both ends. The walkway must also be fenced on either side. Construction of the walkway is a condition of draft plan approval (Development Engineering Condition No’s. 12, 13, and 14). The proposed public walkway will also be rezoned to the Open Space “OS” Zone to be consistent with the zoning of other public walkways in Stoney Creek.

3. The applicants have requested modifications to the proposed Open Space “OS” Zone. The proposed modifications to the Open Space “OS” Zone would acknowledge a public walkway as a permitted use and delete certain zoning provisions pertaining to lot coverage, minimum yards, and landscaping. These zoning modifications are not required as a public park is a use permitted in all zones, and as no building or structure is proposed, the zone regulations would
The proposed change in zoning to the Open Space “OS” Zone is consistent with the “OS” zoning of other public walkways in Stoney Creek.

4. The applicants have also requested modifications to the proposed Single Residential “R4” Zone as follows:

**Modification to Lot Coverage**

To delete the requirement of a maximum lot coverage of 40%. By deleting this lot coverage requirement the maximum size of a dwelling unit would be regulated by the required yard setbacks of 1.25m side yards, 6.0m front yard, and 7.5m rear yard. The deletion of the lot coverage requirement is consistent with the City of Hamilton’s new Zoning By-law No. 05-200, which is in effect downtown, but not yet applied across the rest of the City. This By-law does not contain any lot coverage requirements as lot coverage can be adequately regulated through minimum setback requirements.

**Modification for Front Yard Setback**

To permit a front yard setback of 3.0m to the face of a dwelling and 6.0m to the face of a garage, whereas 6.0m is required. Staff is concerned that the requested modification is out of character with surrounding residential development. The applicant is aware of this concern and is no longer pursuing this requested zoning modification.

5. The proposed lots for single detached dwellings all have frontage on existing municipal roads and, as such, no new roads are required to be constructed as part of the proposed draft plan of subdivision. However, as noted above, the applicants must construct the public walkway and dedicate the land to the City of Hamilton. A number of infrastructure improvements are also required. These include the urbanization of Alkin Street to provide servicing, curbing, sidewalks, and street lighting to the proposed two lots on Alkin Street (Development Engineering Condition No. 10), and a sidewalk connection on Old Mud Street to connect existing sidewalks on the south side of Old Mud Street to the public walkway (Development Engineering Condition No. 8).

The sidewalk connection to the public walkway is identified in the Development Engineering Guidelines and Sidewalk Policies that were adopted by Council on April 23, 2003. Sidewalk Policy (i)(1) provides that sidewalks are required to connect to public walkways. In addition, the applicants must pay to the City any outstanding commutation charges (Development Planning Standard Condition No. 19), the proportionate share for the urbanization of Old Mud Street, and as a benefiting owner, towards the Montgomery Creek Storm Water Management System (Development Engineering Condition No’s. 9, and 16).
6. In accordance with the City of Hamilton’s Parkland Dedication and Cash-in-Lieu of Parkland By-law, the application is subject to a parkland dedication, or a Cash-in-Lieu of parkland dedication payment. The application would be subject to a dedication of five percent (5%) of the total land area of the subject property. However, given that the subject lands are not designated for a future park, the City does not require the inclusion of a land dedication from 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 the land, will be required prior to the issuance of each building permit for the lots within the plan. The City's Parkland Dedication Policies include a phase-in provision for Cash-in-Lieu of parkland requirements for residential plans of subdivision. A Cash-in-Lieu payment of four percent (4%) of the land value is required until December 31, 2006, and from January 1, 2007 and onward, a payment of five percent (5%) of the land value is required. The payment will be based on the value of the lands on the day prior to the day of the issuance of a building permit.

7. Approval of this Draft Plan of Subdivision will be subject to the conditions included in Appendix “C”, including several of the City’s standard conditions of approval. Several special conditions will also apply, many of which have already been referenced in the report or are referenced in the discussion of departmental/agency comments. In addition, conditions pertaining to providing payment in-lieu of providing Horizontal and Vertical Control Survey Monumentation and preparation of a geotechnical report will apply (Development Engineering Condition No's. 3, and 7). The applicant should also be aware that there will be no City share for municipal works associated with this proposed development.

8. The applications were precirculated to 109 property owners within 120 metres of the subject lands. Two letters were received from neighbouring property owners (see Appendix “G”). One letter expressed concerns with the impact of the proposed development on drainage and resulting flooding. In this regard, approval of the proposed subdivision is subject to a number of conditions of approval to ensure that grading and drainage does not impact abutting properties. Both the Development Engineering Section and the Hamilton Conservation Authority will be reviewing detailed lot grading plans. In addition, through the required Subdivision Agreement, the applicant is required to implement the approved drainage plan. Inspection of the grading would occur by the City, and the City will also retain securities to ensure the works are completed satisfactorily. This security is held by the City for a maintenance period during which time if any problems occur, they must be addressed prior to release of the Letter of Credit.
The other response was received from the landowner to the south of the subject lands, who is the developer of the subdivision on the south side of the cul-de-sac, “Valleyview Phase 2”, Plan 62M-1027. This owner does not have any objections to the subdivision but wants to ensure that fair share costs are received for services and improvements to Old Mud Street. This cost recovery has been addressed through Development Engineering Condition No. 9. In addition, the developer is seeking reimbursement for an easement purchased over lands to the west for servicing purposes. However, the easement in question is not over the subject property, but rather is located further to the west. This is an unrelated matter between two property owners that would not be appropriate to be addressed as a condition to this proposed draft plan of subdivision.

**ALTERNATIVES FOR CONSIDERATION:**

Should the proposed draft plan of subdivision and change in zoning be denied, the subject lands could be developed only in accordance with the Neighbourhood Development “ND” Zone, which permits only existing single detached dwellings and agricultural uses.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

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

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

The Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development. The proposal implements Policy 1.1.3.1 with respect to focusing growth in settlement areas and Policy 1.1.3.2 with respect to the efficient use of land and resources. In this regard, the proposal is consistent with the principles and policies of the Provincial Policy Statement.

However, Policy 2.6.2 of the Provincial Policy Statement (PPS) outlines that development and site alteration may be permitted on lands containing archaeological resources, or areas of archaeological potential, if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and
site alteration that maintains the heritage integrity of the site will be permitted. Therefore, clearance of an archaeological assessment from the Director of Development and Real Estate and the Ministry of Culture is required (Development Planning Standard Condition No. 10).

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 minimize risk to public health and safety. Due to the proximity of the subject lands to Mud Street West, a major arterial road, a noise assessment must be conducted to address this concern (Development Planning Standard Condition No’s. 8 and 9).

Hamilton-Wentworth Official Plan

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

City of Stoney Creek Official Plan

The subject property is designated “Residential” on Schedule ‘A’ – General Land Use Plan, and “Low Density Residential” on Schedule “A3” – West Mountain Planning District Heritage Green Section Secondary Plan in the City of Stoney Creek Official Plan. The proposal conforms with and implements the “Residential” and “Low Density Residential” designations in that single detached dwellings are permitted within this designation.

Neighbourhood Plan

The subject lands are designated “Low Density Residential” in the approved Albion Neighbourhood Plan (see Appendix “F”). The neighbourhood plan also identifies a public walkway connecting Old Mud Street to Alkin Street and Allanbrook Street. The proposal conforms with and implements the “Low Density Residential” designation, and the proposed location of the public walkway is consistent with the location of the walkway as identified in the neighbourhood plan.

RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

- Corporate Services Department (Budgets Section).
- Hamilton-Wentworth District School Board.
- Niagara Escarpment Commission.
Hamilton Conservation Authority has recommended approval of the application subject to preparation and implementation of an Erosion and Sediment Control Plan (Hamilton Conservation Authority Standard Condition No. 1). The applicants must also prepare and implement a Lot Grading Plan (Hamilton Conservation Authority Condition No. 20).

Public Works Department (Traffic Engineering and Operations Section) has advised that the applicant must finalize the application to close and purchase a portion of the Old Mud Street road allowance (Development Planning Condition No. 18), and that a detailed plan must be submitted for approval illustrating the location of access to Lots 2 through 5 to ensure the accesses to these lots do not encroach within road allowance over adjacent properties (Public Works Department (Traffic Engineering and Operations Section) Condition No. 19).

Public Works Department (Open Space Development Section) has advised that parkland dedication is required and that the inclusion of the walkway at the location indicated is supported (Development Engineering Condition No’s. 12, 13, and 14).

Hamilton Street Railway has advised that HSR operates routes #11 Parkdale and #43 Stone Church buses in the area; that in-fill development close to transit routes provides opportunity to generate additional ridership; and, that establishing a pedestrian path is transit supportive.

Public Works Department (Forestry Section) has advised there is a possible forestry conflict in that a tree may be located on the road allowance at the end of Old Mud Street. It is unclear at this time whether the tree is currently on private or municipal property, or will be part of private property once the closure and road allowance purchase is completed. A tree management plan must be submitted so that a final determination can be made (Development Engineering Condition No. 4).

Bell Canada has advised that adequate telecommunication facilities exist within the area but that paragraphs are to be included as conditions of draft plan approval requiring the Owner to provide any necessary easements and to enter into an agreement with Bell Canada complying with any underground servicing conditions imposed by the municipality (Bell Canada Standard Condition No’s. 1 and 3). In addition, a site-specific condition is required as the lots on Alkin Street are not serviced and may require a trench (Bell Canada Condition No. 21).

Public Consultation

In accordance with the new Public Participation Policy that was approved by Council on May 29, 2003, the application was circulated to 109 property owners within 120 metres of the subject property, and a Public Notice sign was erected on the property on January 16, 2006. Two responses were received from neighbouring property owners (see Appendix “G”) and an analysis of their concerns is contained in the
Analysis/Rational Section of this report. In addition, both property owners will be advised of the Public Meeting and mailed a copy of the staff report prior to the public meeting.

CITY STRATEGIC COMMITMENT:

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

Community Well-Being is enhanced. ☑ Yes ☐ No
Opportunities for physical activity are supported and enhanced in that the proposed public walkway will encourage pedestrian transportation.

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

Economic Well-Being is enhanced. ☑ Yes ☐ No
Compact development minimized 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

:GM
Attachs. (7)
Appendix “A” to Report PED06127

Location Map

File Name/Number: ZAC-05-116/25T-200524
Date: December 15, 2005
Appendix “A”
Scale: N.T.S
Planner/Technician: GM/NB

Subject Property
Part of Lot 31 - Concession 6 and Part of Road Allowance between Concession 6 and 7 and Parts of Aikin Street and Allanbrook Street.

Block 1 - Change in Zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R4-17” Zone.

Block 2 - Change in zoning from the Neighbourhood Development “ND” Zone to the Open Space “OS” Zone.
“Brook Meadows” – Conditions of Draft Approval

1. That this approval apply to “Brook Meadows”, dated November 10, 2005, prepared by B. J. Clarke, O.L.S., as shown in Appendix “B” to Report PED06127, showing a maximum of 7 lots for single detached dwellings (Lots 1 to 7), 1 block for future development (Block 8), and 1 block for a public walkway (Block 9), which will be dedicated to the City of Hamilton.

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

   (1) Development Engineering Condition No.’s 1, 2, 3, 14, 15, 16, 17, 21, 22, 23, 24, 25, 26, 27, and 29;
   (2) Development Planning Condition No.’s 3, 4, 5, 8, 9, 10, 17, 19, 20, and 21;
   (3) Bell Canada Condition No’s. 1 and 3;
   (4) Hamilton Conservation Authority Condition No. 1;

Development Engineering

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

4. That the owner agrees in writing that no clearing or grubbing of the subject lands commence until such time as a tree preservation plan prepared by a certified arborist or landscape architect at the owner’s expense has been approved to the satisfaction of the Manager of Forestry, Public Works Department, and all grading plans and siltation and erosion control plans, as part of the engineering submission, have been approved to the satisfaction of the Manager of Development Engineering.

5. That all storm drainage, siltation and erosion control, lot grading and noise control plans be implemented to the satisfaction of the Manager of Development Engineering.

6. That the final plan of subdivision for any phase of the draft approved plan not be registered until adequate storm and sanitary sewer outlets have been provided to the limit of each phase proposed for registration, to the satisfaction of the Manager of Development Engineering.
7. That the owner prepares a geotechnical report and implement the report’s recommendations, to the satisfaction of the Manager of Development Engineering.

8. That the owner makes arrangements with the owners of the lots on the south side of the Old Mud Street cul-de-sac to construct a concrete sidewalk from the limits of the existing sidewalk on Old Mud Street to the public walkway, adjacent to the existing curb. All associated costs will be borne by the owner of “Brook Meadows”.

9. That the owner pays to the City the owner’s proportionate share of the cost of urbanizing Old Mud Street (including sewers, watermains, roads, curbs, sodding and streetlighting) adjacent to the owner’s lands.

10. The owner agrees to reconstruct and complete the urbanization of Alkin Street including the installation of curb, sidewalks, sodding and streetlighting from Athenia Drive to Allanbrook Street. The owner further agrees to install from Athenia Drive to Allanbrook Street storm and sanitary sewers on Alkin Street all to the satisfaction of the Manager of Development Engineering. All associated costs will be borne by the owner. Further that the owner shall include a notice in all Purchase and Sale Agreements advising future homeowners on these sidewalk requirements.

11. That the owner shall prepare a plan showing the design and location of siltation and erosion control devices in accordance with the “Keeping Soils on Construction Sites” manual. The owner shall demonstrate how he will implement and monitor the plan to the satisfaction of the Manager of Development Engineering.

12. That the owner agrees to dedicate Block 9 to the City of Hamilton for the purposes of a 6.0m wide public walkway.

13. That the owner install a concrete public walkway in accordance with City policy within Block 9 (public walkway) to the satisfaction of the Manager of Development Engineering. All associated costs will be borne by the owner.

14. That the owner provides 1.5m high galvanized steel, 9mm gauge, 38mm mesh chain link fence on the north and south limit of Block 9 (Public Walkway), at the owner’s cost, and to the satisfaction of the Manager of Development Engineering.

15. That the owner agrees that no blasting will take place without a pre-blast survey completed and adequate monitoring conducted by a qualified consultant.
16. That the owner pay his proportionate share, as a benefiting owner, towards the Montgomery Creek Storm Water Management System in accordance with By-Law No. 01-057.

Development Planning

17. That the owner agrees in writing that Block 8 not be developed until such time as the land assembly has occurred with lands to the south.

18. That the owner finalizes the acquisition of all portions of the closed portion of the Old Mud Street road allowance needed to complete the draft plan of subdivision to the satisfaction of the Manager of Development Planning.

Public Works Department (Traffic Engineering and Operations Section)

19. That a detailed plan be submitted to the Traffic Engineering office for approval which illustrates the location of accesses to Lots 2, 3, 4, and 5. The accesses to these lots must be situated so as not to encroach within road allowance over the adjacent properties, all to the satisfaction of the Manager of Traffic Engineering and Operations.

Hamilton Conservation Authority

20. That the owner prepares and implements a lot grading plan, to the satisfaction of the Hamilton Conservation Authority.

Bell Canada

21. That the owner satisfies Bell Canada regarding any requirements to provide service to the proposed lots on Alkin Street.
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Lands Located at the East End of Old Mud Street

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Stoney Creek” and is the successor to the former Regional Municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS the Council of the City of Hamilton, in adopting Section ___ of Report 06-___ of the Planning and Economic Development Committee at its meeting held on the ___ day of __, 2006, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map No. 10 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended,
(a) by changing the zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R4-17” Zone, the lands comprised of Block “1”; and,

(b) by changing the zoning from the Neighbourhood Development “ND” Zone to the Open Space “OS” Zone, the lands comprised of Block “2”,

the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That Section 6.5.7, “Special Exemptions”, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special provision “R4-17”, to include the following:

   “R4-17  East End of Old Mud Street, Schedule “A”, Map No. 10

   That the provisions of Paragraph (g), Maximum Lot Coverage, of Subsection 6.5.3 Zone Regulations of the Single Residential “R4” Zone shall not apply to those lands zoned “R4-17” by this By-law.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Single Residential "R4" Zone provisions, subject to the special requirement referred to in Section 2.

4. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED and ENACTED this day of , 2006.

________________________________________________________________________
MAYOR                                    CLERK

ZAC-05-116/25T-200524
This is Schedule “A” to By-Law No. 06—

Passed the .................. day of .................., 2006

Clerk

Mayor

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Schedule “A”

Map Forming Part of By-law No. 06—

to Amend By-law No. 3692-92

Subject Property
Part of Lot 31 - Concession 6 and Part of Road Allowance between Concession 6 and 7 and Parts of Alkin Street and Allanbrook Street.

Block 1 - Change in Zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R4-17” Zone.

Block 2 - Change in zoning from the Neighbourhood Development “ND” Zone to the Open Space “OS” Zone.

Scale: Not to Scale
File Name/Number: ZAC-05-116/25T200524
Date: March 2006
Planner/Technician: MF/GM
Hi Greg

Thanks for your letter about the proposed subdivision on Old Mud Street.

I live on Lot # 173 at 216 Athenia Drive. As you can see, my lot backs on to proposed lot # 6 of the new development. Since the landscape behind my house has been exposed to digging and bulldozing, I have had a problem with flooding in my back yard and around the side of my property. I have contacted the city about this and have been advised to keep a journal of the dates and effects of run-off water.

Since my property is at a lower level than the proposed "Brook Meadows" developments, I am concerned about flooding. Will the developers be able to grade their land to prevent flooding of my yard?

Thanks for your time and consideration in this matter.

Regards

Steve Travale
216 Athenia drive
Stoney Creek, ON
L8J 1V8
November 24, 2005

Mr. Greg Macdonald  
Senior Planner  
City of Hamilton  
71 Main Street W,  
Hamilton, ON  
L8P 4Y5

Dear Sir,

We recently received a copy of a Draft Plan of Subdivision for "Brook Meadows" subdivision, from A.J. Clarke. We do not have any objections to the draft plan of subdivision. However, we request that the following conditions be addressed to our satisfaction at the Conditions of Draft Plan Approval stage.

1. During draft plan approval for Valleyview Phase 2, Silvestri Investments was forced to purchase an easement across the subject lands, for a proposed sanitary sewer outlet. It was later determined that the easement was not required. Therefore, we request the owner reimburse us for the $60,000 that we paid for the easement.

2. As part of draft plan approval for Valleyview Phase 2, Silvestri Investments front ended the costs to install underground services and road improvements across the subject lands. We request the proponent pay his fair share of the cost for servicing his lands. Cost sharing should include storm sewer, sanitary sewer, watermain and a minimum 50% share in the cost to construct the road, based on frontage.

If you should have any questions or comments in regards to the above, please contact this office.

Sincerely,

Paul Silvestri

World-wide commercial & residential developer