SUBJECT: Applications for Approval of a Draft Plan of Subdivision, “Valley View 3”, and for Changes in Zoning for Lands Located on the Southwest Corner of Allanbrook Street and Alkin Street, Stoney Creek (PED07297) (Ward 9)

RECOMMENDATION:

(a) That approval be given to Subdivision Application 25T-200705, by 1322285 Ontario Ltd., c/o Paul Silvestri, Owner, to establish a draft plan of subdivision known as “Valley View 3”, on lands located on the southwest corner of Allanbrook Street and Alkin Street, as shown on Appendix “A” to Report PED07297, subject to the following conditions:

(i) That this approval apply to “Valley View 3”, as redline revised, prepared by MTE, and certified by S.J. Balaban, O.L.S., dated April 10, 2007, showing six lots (Lots 1-6) for single detached dwellings, one block (Block 7) for a future single detached dwelling and one block (Block 8) for a 0.3m reserve, attached as Appendix “B” to Report PED07297, subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by City Council and with the Special Conditions attached as Appendix “E” to Report PED07297;

(ii) Acknowledgement that there will be no City share for any municipal works associated with this development; and,
(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit for the lots within the plan. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit; all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

(b) That approval be given to Zoning Application ZAC-06-028, by 1322285 Ontario Ltd., c/o Paul Silvestri, Owner, for changes in zoning from the Single Residential “R2” Zone to the Single Residential “R3” Zone (Block 1), and from the Neighbourhood Development “ND” Zone to the Single Residential “R3” Zone (Block 2) on lands located at the southwest corner of Allanbrook Street and Alkin Street (Stoney Creek), as shown on Appendix “A” to Report PED07297, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED07297, 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 changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the City of Stoney Creek Official Plan.

(c) That the Manager, Traffic Engineering & Operations, Public Works Department, be authorized and directed to initiate a By-law to permanently close and sell the remnant section of the old Mud Street road allowance at the rear of No. 38 Allanbrook Street and Nos. 17, 18 and 19 Foxhound Court.

Tim McCabe
General Manager
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

The applicants have applied for the approval of a draft plan of subdivision and changes in zoning in order to permit the development of six lots for single detached dwellings, one block for a future single detached dwelling and one block for a 0.3m reserve (see Appendix “B”).
The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement, and it conforms to the Hamilton-Wentworth Official Plan and the City of Stoney Creek Official Plan. The proposal is considered to be compatible with the existing and proposed development in the surrounding neighbourhood.

**BACKGROUND:**

**Proposal**

The purpose of the applications is for the approval of a draft plan of subdivision (see Appendix “B”) to develop the subject lands for:

- 6 lots for single detached dwellings having frontage on Allanbrook Street (Lots 1-6);
- 1 block for a future single detached dwelling having frontage on Allanbrook Street (Block 7); and,
- 1 block for a 0.3 metre reserve (Block 8).

The six lots and one block for single detached dwellings are to be rezoned to the Single Residential “R3” Zone.

The proposed lots for single detached dwellings are consistent with the requirements of the Single Residential “R3” Zone, in that they have a minimum lot frontage of 12.0 metres, and have lot areas of 630 square metres to 1,450 square metres which are all in excess of the minimum requirement of 370 square metres for an interior lot.

**Details of Submitted Application**

**Owner:**
1322285 Ontario Ltd., c/o Paul Silvestri

**Applicant:**
WEBB Planning Consultants, c/o James Webb

**Location:**
Part of Lot 31, Concession 7, and Part of the Original Road Allowance between Concessions 6 and 7, Township of Saltfleet, and all of Block 35 Plan 62M-396 and all of Block 37 Plan 62M-1027

**Description:**
- **Frontage:** +/- 87 metres
- **Depth:** various depths from +/- 40.2m to +/- 63.9m
- **Lot Area:** +/- 0.623 hectares
EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th></th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tr>
<td><strong>Subject Lands</strong></td>
<td>Vacant</td>
<td>Single Residential “R2” Zone and Neighbourhood Development “ND” Zone</td>
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<tr>
<td><strong>Surrounding Lands</strong></td>
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<td><strong>North</strong></td>
<td>Public Walkway and</td>
<td>Open Space “OS” Zone,</td>
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<td></td>
<td>Single detached dwellings</td>
<td>Single Residential “R4-17” Zone and Single Residential “R2” Zone</td>
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<tr>
<td><strong>South</strong></td>
<td>Single detached dwellings</td>
<td>Single Residential “R2” Zone</td>
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<td><strong>East</strong></td>
<td>Single detached dwellings</td>
<td>Single Residential “R2” Zone</td>
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<td><strong>West</strong></td>
<td>Single detached dwellings</td>
<td>Single Residential “R4” 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” designations in the City of Stoney Creek Official Plan.
   (iv) It conforms with and implements the “Low Density Residential” designation of the approved Albion Neighbourhood Plan.
   (v) The proposed lots for single detached dwellings are considered to be compatible with the existing residential development in the immediate area.

2. The approval of this application represents an opportunity for residential infilling and will make use of existing services. Further, the approval of this application will allow for the extension of services and the urbanization of Allanbrook Street and Alkin Street.
SUBJECT: Applications for Approval of a Draft Plan of Subdivision, “Valley View 3”, and for Changes in Zoning for Lands Located on the Southwest Corner of Allanbrook Street and Alkin Street, Stoney Creek (PED07297) (Ward 9) - Page 5 of 11

3. The proposed draft plan is comprised of six lots (Lots 1-6), one block (Block 7) for a future single detached dwelling, and one block (Block 8) for a 0.3m reserve, as shown on Appendix “B”. The proposed Zoning By-law Amendment (Appendix “C”) allows the lands to be developed in accordance with the proposed draft plan of subdivision, “Valley View 3”, and is consistent with the requirements of the Single Residential “R3” Zone.

4. The proposed draft plan has identified that Block 7 will be unsuitable for building until such time as it has merged with the adjacent lands to the north (Included as Special Condition No. 9 – Appendix “E”). Furthermore a 0.3m reserve, identified as Block 8, has been red-lined on the draft plan (see Appendix “B”) to ensure that no building permit is obtained until Block 7 is merged with the adjacent lands to the north.

5. In accordance with the City of Hamilton’s Parkland Dedication and Cash-in-Lieu of Parkland By-law, the application is subject to parkland dedication, or Cash-in-Lieu of parkland dedication payment. Since a park is not included within the lands of the draft plan of subdivision, the applicant will be required to make a cash payment in-lieu of 5% parkland dedication prior to the issuance of each building permit for the lots within the plan. This requirement has been included in Recommendation (a) (iii).

6. In accordance with the City’s Sidewalk Policy, a sidewalk will be provided on the west side of Alkin Street and the south side of Allanbrook Street (included as Special Condition No. 7 – Appendix “E”).

7. Approval of this Draft Plan of Subdivision will be subject to the special conditions included in Appendix “E”, including the applicable City’s Standard Form Subdivision Agreement. Several special conditions have already been addressed in this report. In addition, conditions relating to payment for survey monumentation, required daylight triangles, and servicing costs have also been included.

8. In response to the Public Consultation Process, a total of nine responses were received from six households (see Appendix “D”). The concerns raised included: the existing asphalt path; flooding and grading; density; property values; and, tree preservation.

Existing Asphalt Path

This concern was with respect to the existing asphalt path that currently runs through the subject site and goes east towards the intersection of Mud Street and Paramount Drive. This existing asphalt path appears to be the remaining sidewalk within the road allowance of the previously travelled Mud Street. The
concerns over this path involved issues related to safety of this area, crime, lighting of the area, remoteness of this area, closure of the path creating a dead end situation, dumping ground, maintenance and the loss of a valuable link for the neighbourhood. The residents concerns are mainly with regard to a portion of land outside of this subdivision, just to the east, bounded by the rear yards of Allanbrook Street and Foxhound Court, and the new Mud Street West. This remnant parcel has existed as a City owned road allowance and until recently has had a connection to Allanbrook Street. Through a formal public process, the City's Public Works Department closed a portion of this previously travelled road allowance (see Appendix “F”) and has since sold it to the adjacent land owners, one of which is the applicant of this subdivision proposal. However, seeing as only the lands incorporated into this subdivision and the previously approved subdivision to the west were officially closed, the remainder of this road allowance to the east of the subject site is still within the City’s ownership. Therefore, it would be appropriate for the City to initiate a By-law to permanently close and sell the remnant section of the old Mud Street road allowance at the rear of No. 38 Allanbrook Street, and Nos. 17, 18 and 19 Foxhound Court, to alleviate the neighbourhood concerns. This is included in Recommendation (c).

There is a concern over the loss of a pedestrian connection in a community that strives to be a walkable community. However, in reviewing the West Mountain Planning District Heritage Green Section Secondary Plan in the City of Stoney Creek Official Plan, and the Council adopted Albion Neighbourhood Plan, both of which were established through a formal public process, it is apparent that the appropriate walkway connections have been considered and adopted throughout the entire neighbourhood, without any mention of this existing asphalt path. This existing asphalt path is hidden from Mud Street by a berm and runs behind the rear lot lines of several residential homes, which creates a safety hazard and may contribute to many of the concerns the residents have voiced. Therefore, it is important to properly plan for public walkways that are highly visible and that create linkages throughout an entire neighbourhood. The loss of this existing walkway will not create undue hardship for pedestrian connections within this neighbourhood, as a local street (Atlas Street) runs parallel to this existing path and is only approximately 11 properties further north. It should also be noted that a planned public walkway will be established directly north of the subject property, joining Old Mud Street to Alkin Street (see Appendix “B”).

**Flooding and Grading**

The second concern is with regards to flooding and grading. Through the approval process, the City of Hamilton and the Hamilton Conservation Authority will be reviewing detailed engineering plans that include grading, erosion and sediment control, servicing, and stormwater management. The Standard Form
Subdivision Agreement and Special Conditions No. 1, 4, 5 and 11 (see Appendix “E”), requires all such matters to be fully addressed in order to ensure that all post-development overland stormwater flows match the pre-development flows, and that the grading will not adversely affect adjacent land owners.

**Density**

The third concern raised was with regards to the number of units for this subdivision. The density of this development is 11.2 units per hectare, which conforms to the “Low Density” designation of the Stoney Creek Official Plan, as discussed below. The proposed lots have 12 metre frontages, whereas the existing neighbourhood to the east has 15 metre frontages, and the new subdivision to the west has 10 metre frontages. Furthermore, the proposed lot sizes are considerably larger than both the new subdivision to the west and the existing residential lots to the east. Therefore, the proposed lots are considered to be compatible with the existing residential area.

**Impact on Property Values**

Concerns were raised with respect to impact on property values. Staff is unaware of any information or data to support this concern.

**Tree Preservation**

A tree preservation plan has been submitted and reviewed by the City. It appears that many of the trees on the subject site are in poor or poor-fair condition and will be removed. However, every effort will be made to retain healthy trees as part of this development.

**ALTERNATIVES FOR CONSIDERATION:**

The subject lands are zoned Single Residential “R2” Zone and Neighbourhood Development “ND” Zone in Stoney Creek Zoning By-law No. 3692-92. Should the proposed draft plan of subdivision and change in zoning be denied, the subject lands could be developed for only one single detached dwelling within the Single Residential “R2” Zone, and only in accordance with the existing Neighbourhood Development “ND” Zone, which only permits 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 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 1.7.1(e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as transportation corridors) 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 noise assessment must be conducted and is addressed through Special Condition No. 12 of Appendix “E”.

Lastly, Policy 3.2.2 states that contaminated sites shall be remediated, as necessary, prior to any activity of the site associated with the proposed use such that there will be no adverse effects. A portion of the subject lands was a former travelled transportation corridor and, therefore, a Record of Site Condition (RSC) is required to satisfy this concern. This is addressed as Special Condition No. 13 in Appendix “E”.

Hamilton-Wentworth Official Plan

The subject lands are designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through the Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. As well, the Urban Areas are intended to accommodate approximately 96% of new residential housing units in the City to the year 2020. Additionally, Policy B-2.3 states that the identification of contaminated sites is essential. Redevelopment must not occur until it has been demonstrated that a proposal will not put people in significant risk. A Record of Site Condition (RSC) has been identified through Special Condition No. 13 in Appendix “E” and will address this concern. Therefore, as the nature of the application is seeking approval of a residential plan of subdivision on full municipal services, the proposal conforms to the Hamilton-Wentworth Official Plan policies.
City of Stoney Creek Official Plan

The subject lands are 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.

Policy A.1.2.12 identifies that the “Low Density Residential” designation within the respective Secondary Plans shall permit single family detached, duplex and semi-detached dwellings at a density range of 1 to 29 units per Net Residential Hectare. Since the proposed density of this development is 11.2 units per Net Residential Hectare, this policy has been met.

Therefore, this proposal for single residential development conforms with and implements the “Residential” and “Low Density Residential” designations within the City of Stoney Creek Official Plan.

Albion Neighbourhood Plan

The subject lands are designated “Low Density Residential” in the approved Albion Neighbourhood Plan. Neighbourhood Plans do not form part of the Stoney Creek Official Plan, but guide the development and redevelopment of urban neighbourhoods and reflect Council’s intention regarding ultimate development.

The proposed draft plan conforms to the Neighbourhood Plan in terms of land use designation.

RELEVANT CONSULTATION:

Agencies/Departments Having No Objection

- Forestry and Horticulture Section, Operations and Maintenance Division, Public Works Department.
- Culture and Recreation Division, Community Services Department.
- Strategic and Environmental Planning Division, Public Works Department.
- Hamilton-Wentworth District School Board.
- Horizon Utilities Corporation.
Roads and Traffic Section, Operation & Maintenance Division, Public Works Department.

The Roads and Traffic Division has no comments pertaining to the rezoning of these lands, but advise that the driveway locations on Lots 1-3 (see Appendix “B”) be located to the satisfaction of the Supervisor of Traffic Planning. This has been addressed through Special Condition No. 10 of Appendix “E”, which also includes Block 7.

Hamilton Conservation Authority

The Hamilton Conservation Authority (HCA) has reviewed the draft plan of subdivision, lot grading plan, servicing plan and preliminary servicing brief prepared for the application by MTE. The HCA has no concerns with the proposed grading or servicing of the site. However, the applicant should confirm that a major overland flow route exists on Allanbrook Street, as the major overland flow route is not identified on the grading plan. They have also noted that sediment and erosion control information or detail must be included on the lot grading and drainage plan.

Therefore, based on the above noted comments, the Hamilton Conservation Authority’s concerns will be addressed through the Standard Form Subdivision Agreement Conditions Nos. 3.3a) and 4.1c), and Special Condition No. 1 in Appendix “E”.

Bell Canada

Bell Canada has requested that conditions be imposed to ensure that sufficient wire-line communication/telecommunication infrastructure will be available within the proposed development, and should any easement be required, that the owner grants Bell such easement. These conditions will be addressed through the Standard Form Subdivision Agreement Condition No. 2.6.

Public Consultation

In accordance with the Council approved Public Participation Policy, this application was pre-circulated to all property owners (a total of 89) within 120 metres of the subject lands. In addition, a Public Notice sign was placed on the subject lands. To date, staff has received a total of nine responses from six households (see Appendix “D”), which have been addressed in the Analysis/Rationale Section of this Report. Notice of the Public Meeting was provided in accordance with the requirements of the Planning Act.
CITY STRATEGIC COMMITMENT:

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

Community Well-Being is enhanced. ☑ Yes ☐ No
The public are involved in the definition and development of local solutions.

The public has participated in this process as they were invited to submit comments as part of the pre-circulation of the applications to property owners within 120 metres of the subject lands.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Existing services will be used as part of this development.

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

:TH
Attaches. (6)
Location Map

File Name/Number: ZAC-07-028/25T-200705
Date: May 25, 2007
Scale: N.T.S.
Planner/Technician: TH/IF

Subject Property
Part of Lot 21, Concession 7, and Part of the Original Road Allowance between Concessions 6 and 7, Township of Saltfleet, and all of Block 35 Plan 62M-306 and all of Block 37 Plan 62M-1027

- Block 1 - Change in Zoning from the Single Residential "R2" Zone to the Single Residential "R3" Zone
- Block 2 - Change in Zoning from the Neighbourhood Development "NOD" Zone to the Single Residential "R3" Zone.

Ward 9 Key Map N.T.S.
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Southwest corner of Alkin Street and Allanbrook Street (Valley View 3)

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 07- ___ of the Economic Development & Planning Committee at its meeting held on the ___ day of ___, 2007, 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 as follows:

   (a) by changing from the Single Residential “R2” Zone to the Single Residential “R3” Zone, the lands comprising “Block 1”; and,

   (b) by changing from the Neighbourhood Development “ND” Zone to the Single Residential “R3” Zone, the lands comprising “Block 2”,

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

2. 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 "R3" Zone provisions.

3. 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 , 2007.

________________________________________  ______________________________________
Fred Eisenberger                              Kevin C. Christenson
MAYOR                                        CLERK

ZAC-07-028
Appendix "C" to Report PED07297
(Page 3 of 3)

This is Schedule "A" to By-Law No. 07-
Passed the ........... day of ................., 2007

Schedule "A"
Map Forming Part of
By-Law No. 07-____
to Amend By-law No. 3692-92

Subject Property
Part of lot 31, Concession 7, and Part of the Original Road
Allowance between Concessions 6 and 7, Township of Saltfleet
and all of Block 35 Plan 62M-396 and all of Block 37 Plan 62M-1027

- Change in Zoning from the Single Residential "R2" Zone to the Single Residential "R3" Zone.

- Change in Zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R3" Zone.

Scale: N.T.S.
Date: May 29, 2007

File Name/Number: ZAC-07-028/25T-200705
Planner/Technician: TH/F
Horzelenberg, Trevor

From: D FEARNSIDE
Sent: Thursday, June 14, 2007 7:40 PM
To: Horzelenberg, Trevor
Subject: "Valley View 3"

Dear Sir:

We are contacting you with some concerns re the "Valley View 3" proposed Subdivision (File # ZAC-07-028 and 25T-200705). The proposed zoning by-law amendments would see the development of 7 new residential lots with frontage off of Allanbrook Street.

One of our concerns with this development is the fact that the proposed housing would see the existing walkway running West-East between Allanbrook Street and the Paramount/Mud intersection being truncated, leaving what would amount to as a "dead space" behind those yards currently fronting on Foxhound Court, of which ours is #18.

As this "walkway" is presently unlit and unwatched, it has been a draw for criminal activity such as drinking and illegal fireworks use to name a few. To cut off its western access (on to Allanbrook), would be to create a substantially large open field to the East, from the proposed "Lot 6" to Paramount, that would run behind the homes on Foxhound Court, and -- due to the lack of foot traffic -- would mean an even greater draw for persons looking for an unsupervised, remote, dark area.

We would like to know what plans are in place for the area mentioned above, including the walkway -- which has always been a concern -- and the open field --which, if cut off, would cause even more potential problems.

Please contact us ASAP.

Yours truly

Don and Mira Fearnside

6/18/2007
Horzelenberg, Trevor

From: Tom Johnson
Sent: Saturday, June 16, 2007 10:38 AM
To: Horzelenberg, Trevor
Cc: Clark, Brad
Subject: Allanbrook/Alkin application ZAC-07-02B & 25T-200705

Trevor

Re: ZAC-07-02B & 25T-200705

Received the notice in the mail for the application to create the seven lot subdivision versus the original 6 lots at the Alkin and Allanbrook intersection.

We would like to note our objection to this lot being added in Block 1 on the drawing supplied.

This lot or space currently provides access to the paved sidewalk area behind the homes on Foxhound Court and is used often as a passage way for those walking and biking in the area. Putting a lot in this Block 1 location would shut off access to this useful walkway. If the lot were allowed, the issue then becomes that we have a used walkway that dead-ends and the subsequent issues that come are that the dead-end area then becomes a hangout or meeting location for the adolescents and children in our neighbourhood, which can lead to all sorts of issues with respect to crimes such as easy access for theft to our homes, drugs, drinking and other items.

Across the street from this Block 1 Lot is a planned Open Space walkway that allows those from Old Mud Street area to walk through to access Alkin/Allanbrook and beyond, it would make sense that this open access be extended or continued, so those in the neighbourhood still have the ability to walk through to the lights at Mud and Paramount or the Valley Park Recreation area. Why have the foresight to have this Old Mud Street walkway and not keep the current one open. If this area is not a public piece of property at this time then it needs to be purchased by the City so as to avoid the problems that would come with putting a building lot or house there.

Regards
Tom & Diana Johnson
14 Foxhound Court
Stoney Creek ON
L8J 2G1
Horzelenberg, Trevor

From: Tom Johnson
Sent: Thursday, August 02, 2007 10:57 PM
To: Horzelenberg, Trevor
Subject: Valley View Application ZAC-07-02B & 25T-200705

Trevor
As a followup to our conversation last week on this application I just wanted to confirm that with this 7 lot development requested and my arguments to you about the current walkway through to Mud and Paramount staying in place somehow, I think that there needs to be some compromise brought about. We are not necessarily opposed to development but then again we would be opposed if it make the walkway disappear. These seven lots that you mentioned on the drawing are shown with 12 metre frontage, the space originally I would expect was for alot fewer lots than what is now being proposed, more like 4 lots I suspect. So if the 6 metre walkway was installed on the last lot then that would leave room for 6 lots and they would then go to 13 metres wide.
We need to work out a compromise solution and this I propose is a place to start but I wanted to let it be known that myself and others would be arguing strongly to go back to the original plan if the developer can’t see that compromise on giving space for a walkway could move things forward much easier.

Regards
Tom Johnson
14 Foxhound Court
Stoney Creek
Horzelenberg, Trevor

From: Tom Johnson
Sent: Tuesday, September 11, 2007 9:00 PM
To: Horzelenberg, Trevor
Cc: Clark, Brad
Subject: Walkable Communities & Valley View application
Follow Up Flag: Follow up
Flag Status: Flagged

Trevor
As a follow up to our telecon today on the buzz word "Walkable Communities" I did a bit of web looking after we talked and found a chap named Dan Burden who has made it his life's work to get out and spread the work about designing communities that are pedestrian and bike riding friendly. Items which are part of the concepts I have mentioned on this application to have a walkway maintained beside these new lots. This chap has done workshops all over North America and many parts of Canada. As a matter of fact he was here in Hamilton on November 20 2006 and did a work shop with people in the area plus his office in the US told me he met with Councillors Bratina and McHattie and even toured parts of the City.

I've attached a Spectator article on his visit, possibly you may have met him as well. The article quotes the manager of the City's Strategic and Environmental Planning dept Mary Lou Tanner who you may know, who says (if I can paraphrase things) that the emphasis is now shifting towards doing those planning things to make people walk and cycle more. So with that said I'm sure we all want to do the right thing here for making sure the flow of people through the Albion Estates area is maintained and improved over what it is already.

Look forward to seeing your report and attending this meeting.

Regards
Tom Johnson
14 Foxhound Court
Stoney Creek

PS
I also saw a web page on the same subject about walking as promoted by local Ontario cities called www.walkon.ca and funny thing here is that all the communities around Hamilton are shown on their map as members of this program except for Hamilton
The Spectator - Hamilton, On.
Author: Paul Wilson
Date: Nov 20, 2006

He's on the road 340 days a year. It has been that way for a long time.

He flies from town to town, but when he lands, Dan Burden does what he must. He walks. "Walking," he says, "is the absolute essence of life."

Burden, 62, head of Walkable Communities Inc., a nonprofit corporation based in Florida, has ambled around hundreds of towns and cities across North America.

He has lots of walkable favourites. In the States, he likes Chicago and Milwaukee and Seattle and New York and places you've never heard of, like Bozeman and Big Fork.

Burden's list of walkable cities in Canada: Halifax, Quebec City, Montreal, Ottawa, Toronto, Vancouver and his favourite anywhere, Victoria.

Hamilton is not on his list because he has never been to the city with a Mountain in the middle.

But Burden is here now. As you read this, he's walking or talking. He's doing a walkabout of Westdale this morning. Tomorrow morning, it's the North End.

And in between, this afternoon and this evening, the gregarious Mr. Burden is the star attraction at the city's groundbreaking Pedestrian Workshop.

A notice appeared in the paper advising citizens they were welcome to attend the event, a step in building the city's Transportation Master Plan.

About 100 signed up -- people from neighbourhood organizations, McMaster types, ordinary walkers.

The idea is to incorporate walking and biking into all planning decisions from now on. It's a major shift here, where the numbers tell a grim story.

Hamilton is the fifth largest of Canada's urban areas. It's fifth lowest in share of employees who walk, cycle or take public transit to work. It's second highest in fuel use per person.

So there's good reason to get everybody in a room and see if we can turn this beast around.

Host of today's event at the Convention Centre is Mary Lou Tanner, the city's manager of strategic and environment planning. She has been in planning with the city since 1988.

She says city hall embarked on "a real philosophical change" a couple of years ago. With the highway through Red Hill nearly done, the focus can shift to alternatives to the almighty car.

Tanner says there's already progress. New developments now always get sidewalks on both sides of the street. A pedestrian bridge for the North End's Mary Street is in the works because people walk to the supermarket across the tracks. There are new trails on the waterfront. New stairs have gone up the Escarpment in Rosedale. There's serious talk of bringing back the incline railway at Wentworth Street.

Two years ago Tanner went to a conference in Portland, saw Dan Burden in action and decided to coax him here.

I reached him by cell the other day in Boulder, Colo., a place where cycling is so highly regarded that sometimes the city plows the Boulder Creek bike path before they plow the streets.

Burden is at the breakfast table. He pays his bill, gets up and walks as we talk. He's in front of the Boulder Theatre. And downtown's Pearl Street Mall. And now he's passing a bank with five drive-through windows.
He actually doesn't mind that installation. The bank has managed to do it without scaring the streetscape. Burden recognizes that it's hard for a young mother to park, unbuckle the kids and drag them into a line at the bank.

Burden says most cities have some areas that are walkable. "You can live in a town that is sprawling itself to death and still lead a healthy life in several great neighbourhoods."

The idea, he says, is to keep neighbourhoods healthy so they can meet the needs of those who live there. People may still get into their cars, but they drive four blocks, not four miles.

He says that in San Diego they've now decided not to build one more mile of highway. Instead, they're going to work on the city's 38 neighbourhoods. Are there two kinds of people in this world, those who like to walk and ride and hike and those who just don't?

"Yes, there are," Burden says. "This is not for everyone, but if only 20 per cent used their legs like nature intended, it would be an incredible improvement."

StreetBeat appears Monday, Wednesday and Friday.

[ ]
Horzelenberg, Trevor

From: Caroline [Redacted]
Sent: Monday, June 18, 2007 7:38 PM
To: Horzelenberg, Trevor
Cc: Clark, Brad
Subject: Fw: Allanbrook/Akin application ZAC-07-02B & 25T-200705

---- Original Message ----
From: Caroline
To: 
Cc: bclark@hamilton.ca
Sent: Monday, June 18, 2007 3:15 PM
Subject: Allanbrook/Akin application ZAC-07-02B & 25T-200705

RE: ZAC-07-02B & 25T-200705

We received the notice in the mail for the application to create the seven lot subdivision versus the original 6 lots at the Akin and Allanbrook intersection.

WE WOULD LIKE YOU TO NOTE OUR OBJECTION TO THIS LOT BEING ADDED IN BLOCK 1 ON THE DRAWING SUPPLIED

This lot currently provides access to the paved sidewalk area behind our homes on Foxhound Court and is used often as a bike and walking path. This space also provides access to our via the same path. If the sidewalk is closed than the area becomes deadend. Than the area will become a hangout for adolescents which can lead to all sorts of issues like drugs and drinking and bush parties.

Our backyard backs on to the sidewalk. Sometimes we already have youth hanging out in this area.

regards

Caroline and Perry DeNardis
15 Foxhound Court
Stoney Creek, ON
L8J 2G1
Horzelenberg, Trevor

From: Caroline
Sent: Monday, June 18, 2007 6:31 PM
To: Horzelenberg, Trevor
Cc: Clark, Brad
Subject: Allanbrook/Alkin application ZAC-07-02B & 25T-200705

RE: ZAC-07-02B & 25T-200705

We received the notice in the mail for the application to create the seven lot subdivision versus the original 6 lots at the Alkin and Allanbook intersection.

WE WOULD LIKE YOU TO NOTE OUR OBJECTION TO THIS LOT BEING ADDED IN BLOCK 1 ON THE DRAWING SUPPLIED

Our backyard is effected by the sidewalk currently. Up to this point we have had minor instances. Our greatest concern is that closing off this sidewalk which is currently used by residents in the area for either a walkway or bike trail will know become a major problem. Along with currently we have a back gate which we currently store our utility trailer up to this point we have had access to the sidewalk to go in and out to use our trailer. The only other way would be thru the church property and they do not want us driving on their grass. Causing a dead like this will be the beginning of problem with youth having their bush parties with drug and alcohol parties. This will start decreasing the property value of the homes in the area. Causing such a dead-end will increase the crime in our area and our concern is that the youth will have easier access for theft to our homes. At times this pathway is used to chase a criminal in the area and we have seen the police use their SUV’S to apprehend a criminal. Closing this pathway will make it more difficult for the police to apprehend these criminals.

It would only make sense to keep the walkway that allows those from Old Mud street area to walk through to access Alkin/Allanbrook and beyond from this Block 1 Lot as planned Open Space. It only makes sense to keep this open access be extended and continued so those in our neighborhood still have the ability to walk through to the lights at Mud and Paramount or the Valley Park Recreation area. Closing this off may also mean that the City will no longer take care of the property behind our home. We currently have issues with weeds and garbage being thrown in the open space closing this off will only cause major problems to me as a homeowner. This will be come a dumping ground for garbage and for a hang out for the youth in the area. We were under the understanding that the sidewalk and the property was the property of the City as they have indicated to us time and time again that they own this property we ask that if not then the City should purchase it and maintain this property so as to avoid the problem that would come about with putting a lot or house there.

Regards

Caroline and Perry DeNardis
15 Foxhound Court
Stoney Creek, ON
L8J 2G1
Horzelenberg, Trevor

From: J Chong  [Redacted]
Sent: Monday, July 02, 2007 10:12 PM
To: Horzelenberg, Trevor
Subject: Valleyview 3
Follow Up Flag: Follow up
Flag Status: Flagged

Attn: Mr. Horzelenberg

I have some questions and concerns regarding the proposed 7 properties to be developed in Valleyview 3 where Allanbrook St. meets Alkin St. in Stoney Creek:

- Currently, there are 2 houses being built on Alkin St. I understand that construction vehicles must access Alkin St. via the adjoining footpath connecting Alkin and Allanbrook to Old Mud St. since those streets are fully residential. However, the "second" last house on the Old Mud St. cul-de-sac will be complete within the week. The remaining Old Mud St. property, adjacent to the footpath has not been developed. Block 7 (from the Valleyview 3 schedule) is directly behind this undeveloped lot and is adjacent the footpath as well. What is the reason Block 7 is being held back from development? Is the intention to allow construction vehicles to continue using this go-through path or will the builder access the Allanbrook properties directly or from behind via Mud St.? If the builder developing these 7 properties is the same as that developing the 2 properties on Alkin St. (and some on Old Mud,) I am concerned that the development time period will drag out over years as evident in the Old Mud St. properties developed by them. I am heavily opposed to continued use of Old Mud St. as a way fair for construction vehicle traffic.
- There is currently an asphalt trail tracing the back of the existing properties on Allanbrook. This is the quickest and easiest way for anyone on my side of Valleyview to access the Valley Park Recreational Centre and the Shoppers Drug Mart plaza. Will this path be redirected between 2 of the Allanbrook properties or be eliminated? The schedule shows that the new properties will completely block the current path.
- Will any of the currently existing trees in the development zone be preserved?

Thank you for your attention on these concerns.

Jeff Chong
341 Old Mud St., Stoney Creek
Horzelenberg, Trevor

From: Horzelenberg, Trevor
Sent: Wednesday, August 01, 2007 1:20 PM
To: Clark, Brad; jmossop.mpp.co@liberal.on.ca
Cc: Horzelenberg, Trevor
Subject: Re: ZAC-07-028 and 25T200705 - Valley View 3 subdivision and rezoning

Follow Up Flag: Follow up
Flag Status: Flagged

Trevor,

I am writing you regarding some concerns myself, several neighbours and my wife have with the above mentioned subdivision and rezoning. Firstly is the idea of making seven lots in a measured area that in our current housing only 4 homes could fit. You advised that one reason is because of it being on a corner. The first 2 homes that are already built are on a straight part of the road, and are extremely closer than our homes that have been here since this area was developed. There has been no consideration as to the look and layout of this area and it could turn into the loss of value for our homes in the future. We feel the developing company is only interested in making as much money as possible and not interested in the way this area was first built by the previous developer.

Secondly, if you look at the planning layout, my house is beside the proposed development, someone in planning has given the developer a small piece of land that runs behind my property and is of no real use to them and for what reason I am not sure, when I called Silvestri development they were ready to sell me that piece of property no problem?? Now I have a problem with that! To give you a back ground on this area, when I purchased this home at 38 Allanbrook 13 years ago, the old mud street ran just on the other side of my fence. I checked with Stoney Creek planning before I bought this home and they advised Mud st will be closed and the new mud will be built and a bump would be built for noise. This happened and the Linc was opened. I also asked about the land behind my house and that I would be interested in purchasing the land for a minimal fee. They advised it would definitely happen! I have seen Stoney Creek planning become Hamilton Planning and have called every year since, and the response being "I will be notified when this is a zoning change" as no one for sometime even wanted the land as there was a sewer and a road underneath the dirt and grass. We even asked about purchasing the block that was beside us, as we were going to put an addition on our home as an inlaw suite, but couldn't do that as the city advised a block couldn't be rezoned!!

To make a long story short, this land behind and beside has been terrible, they built a temporary walkway behind my house and it has been a dumping ground for people and a teen party spot, we have had everything from beer bottles, big macs, and get this bags of dog doo, they pick up there dogs mess and then toss it in our pool, I don't get that one?? The city has also been very tardy with regard to grass cutting and the weeds blow into my pool and filter daily and have done so since the Linc has been open. On special occasions wedding anniversaries myself and my boys have cut the grass ourselves as it was an eyesore and embarrassing to have people over in our back yard.

Now when I finally noticed some action regarding building around us, I contacted the city once again and was given to Darlene Cole after talking to several other people, to be quite honest she was not helpful and quite condescending to my concerns. She advised I would have to apply to have the road closed and this procedure itself would take a year and a half to do I
28/1/2007 2:48 PM

Horzelienberg, Trevor
understand there are procedures in place but I have been trying to do so for 13 YEARS!!! Also Trevor advised me that if I apply for this closure I would have to pay full market value for a piece of land that really for 1. Is no good to anyone else but the houses that back onto it. 2. Is not big enough for a park. 3. Would have to be cleaned up, sod would be needed, it would have to be looked after, and that is a lot of work, but anything is better than the weeds, garbage and eggs thrown at my house, every week for the past 13 YEARS!!

Please take the time to have a look if you can and feel free to call,

My wife and I have been supporters of Brad and Jennifer, we are good Hamiltonians are whole lives and most importantly are Tax Payers!!

Thank you

Robin Ridgewell
Owner 38 Allanbrook st.
Stoney Creek
FROM: REV. G.E. BETONY
364 OLD MUD ST.
STONEY CREEK, ONT.
L8J 1X1

TO: ① HAMILTON CITY COUNCIL
② CITY PLANNING DEPT.
③ BRAD CLARK

7 JUL 07

To Those Concerned:

This letter concerns the By-law and Zoning changes (FILE NO. 5 ZAC-07-028 and 25T-200705) to Allanbrook Street.

It is ludicrous presumption to suggest that such a plan currently submitted should be met with anything but sanguineous opposition. The construction which has been allowed in this area over the last few years has been a debacle of incompetent engineering and make-shift planning which has graced our home of forty-five years with basement flooding, a growing pool of mud at the end of the drive,
and a questionable view from our living room of the basement windows of the house now immediately across the street; basement windows on a level with our ground floor! This is a most obvious testimony to the haphazard quality of our new grading meeting existing drainage systems; a bad job which we shall suffer repercussions for years to come. This is abominable and unwarranted.

And now it is suggested to add injury to injury by exacerbating an untimely, and unresolved, problem with further "shoe-horn" development at the other end of the field in question. It should not be required to remind such well-schooled minds that community means more than seeing how many houses might be crammed into existing cubby-holes. A great deal of community resides in the reconciliation of the new with the old. And with the current track record being what it is, I see no reason to
subject the residents of Allambrook Street to any of this same demeaning, destructive and slipshod construction being practiced in our area under the guise of "development".

Further, at the Council Meeting of July this year past it was made plain that the only decent proposal at that time was a walkway to connect Old Mud St with the existing walkway beginning at Allambrook. This allows for a five (5) minute walk to the shops and stores at Heritage Green. I see no allowance for this walk in the proposed plan. Without access for such a walkway that five minute walk becomes a 30 to 40 minute trek. Such detriment to pedestrian traffic is a blow which many of our elderly shall find hard to live with and reflects the inadequate foresight of such labyrinthine thinking which seems apparently to be the mindset of our Planning Dept...such twisted development must be stopped.
As it stands, this survey is become a disaster from which we may not emerge for many years to come. He should not even contemplate any further so-called "development" in this area until the current mess be cleansed and its ramifications be maturely and conscientiously dealt with.

Oh, one thing more, I wonder: will there actually be legal permits or are we going to see another bad plan simply pushed through?

\[\text{Sincerely,}\]

REV. G.E. BETONY M.R.
Special Conditions of Draft Plan of Subdivision Approval for “Valley View Phase 3”

1. That the owner agrees to submit a plan, prepared by a qualified professional engineer in accordance with the “Erosion & Sediment Control Guidelines for Urban Construction December 2006” manual, showing the design and location of siltation and erosion control devices on the lands of the draft plan, to the satisfaction of the Director of Development Engineering and the Hamilton Conservation Authority.

2. That the owner agrees, in writing, to remove all dead or diseased trees within the City’s road allowance as required by reconstruction on existing streets and pay all costs for replacement of such street trees, to the satisfaction of the Director of Development Engineering.

3. That the owner agrees, in writing, that in the event groundwater is encountered during any construction within the subdivision, including but not limited to house construction, the owner will submit a Hydrogeological report to the City, prepared by a qualified professional, to assess impacts, to identify any significant recharge and discharge zone, to provide recommendations to mitigate the groundwater impacts and to undertake the works as recommended including monitoring, all to the satisfaction of the Manager of Design & Construction.

4. 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 Director of Development Engineering.

5. That the owner agrees to install storm and sanitary sewers on Allanbrook Street, to the satisfaction of the Director of Development Engineering.

6. That the owner agrees to reconstruct and complete the urbanization of Allanbrook Street and Alkin Street including, but not limited to, the installation of curb, sidewalks, sodding, asphalt and street lighting, including all restoration works, as required, at the owner’s expense, to the satisfaction of the Manager of Design & Construction.

7. That the owner agrees to install 1.5m sidewalks in accordance with City policy on the west side of Alkin Street and the south side of Allanbrook Street, to the satisfaction of the Director of Development Engineering.
8. That the owner agrees to pay the proportionate share of costs for the sidewalk, sodding, fencing and watermain relocation within the lands identified as Proposed Walkway Block north of Block 7, as outlined in the Subdivision Agreement for Brook Meadows Plan 62M-1079, to the satisfaction of the Director of Development Engineering.

9. That Block 7 be declared unsuitable for building until such time as it is merged with the adjacent lands to the north, to the satisfaction of the Manager of Design & Construction.

10. That the Final Plan not be registered until driveway locations for Lots 1 to 3, inclusive, and Block 7, have been shown on the engineering drawings and have been approved, to the satisfaction of the Manager of Traffic Engineering and Operations and the Manager of Design & Construction.

11. That the owner, through a qualified consultant, shall: maintain and monitor the existing siltation/erosion control; provide monthly reports until the completion of sodding, to the satisfaction of the Manager of Design & Construction.

12. That the owner, prior to final approval of the plan, shall investigate noise levels on the site and determine the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment’s recommended sound level limits. An acoustical report, prepared by a qualified Professional Engineer, containing the recommended control measures, shall be submitted to the City of Hamilton and, if necessary, control measures shall be implemented through the Subdivision Agreement, to the satisfaction of the City of Hamilton, Director of Planning. That the owner shall construct noise control measures, at the owner’s expense, as recommended in the approved Noise Impact Study, to the satisfaction of the Manager of Design & Construction.

13. That the owner, prior to final plan approval of the plan, shall submit a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE), to the satisfaction of the Manager of Development Planning, including an acknowledgement of receipt of the RSC by the MOE, and the submission of the City of Hamilton’s current RSC administration fee.
CITY OF HAMILTON

PUBLIC WORKS DEPARTMENT
Operations & Maintenance Division

Report to: Chair and Members
Public Works,
Infrastructure &
Environment Committee

Submitted by: Scott Stewart, C.E.T.
General Manager
Public Works Department

Date: December 19, 2005
Prepared by: Marilyn Preston
Extension 4298

SUBJECT: Proposed Permanent Closure of a Portion of Old Mud Street Road Allowance, Stoney Creek (PW06007) - (Ward 9)

RECOMMENDATION:

(a) That the application to permanently close a portion of the road allowance of Old Mud Street (the highway), in the former City of Stoney Creek, now in the City of Hamilton, be approved.

(b) That the City Solicitor be authorized and directed to prepare a By-law to permanently close the highway.

(c) That the appropriate by-law be introduced and enacted by Council.

(d) That the Real Estate Division, Planning and Economic Development Department be authorized and directed to sell this closed highway at fair market value and in accordance with the Procedural By-law for the Sale of Land, By-law No. 04-299 and that the funds be used by the City for property purchases and sales.

(e) That the City Solicitor be authorized and directed to register a certified copy of the by-law permanently closing the highway in the proper land registry office.

(f) That the by-law permanently closing the highway does not take effect until a certified copy of the by-law is registered in the proper land registry office.

(g) That should any archaeological assessments be required as a result of construction, all relevant legislation will be adhered to at the expense of the purchaser and be submitted to the Planning and Economic Development Department.

Scott Stewart, C.E.T.
General Manager
Public Works
SUBJECT: Proposed Permanent Closure of a Portion of Old Mud Street Road Allowance, Stoney Creek (PW06007) - (Ward 9) - Page 2 of 3

EXECUTIVE SUMMARY:
An application has been received to permanently close a portion of Old Mud Street in the former City of Stoney Creek. The closure limits would be from the east end of Valleyview Subdivision to the new Mud Street, east and west of Allanbrook Street. The lands are required to facilitate two new housing developments. Should the closure be approved, the Development and Real Estate Division advises that as the lands are within 250 metres of a registered archaeological site, a Stage 1 and 2 archaeological assessment should be undertaken prior to any soil disturbance. The Building and Licensing Division advises that a portion of the road is zoned Neighbourhood Development and must be rezoned to permit development. As the majority of neighbours support this request, this Department is in favour of the permanent closure and sale of this road allowance.

BACKGROUND:
The information/recommendations contained within this report primarily affect Ward 9.

A request has been received to permanently close a portion of Old Mud Street in the former City of Stoney Creek to facilitate TWO new housing developments. The proposed closure limits are from the east end of Valleyview Subdivision to the new Mud Street, east and west of Allanbrook Street.

Notice was circulated to all affected municipal departments and public utilities and the results are as follows:

The Development and Real Estate Division advises that as the lands are within 250 metres of a registered archaeological site, any archaeological assessments required should be undertaken by the purchaser at the expense of the purchaser. The Building and Licensing Division advises that a portion of the Road Zoned Neighbourhood Development must be rezoned to permit development.

Notice was circulated to a 400’ radius of the neighbourhood and the results are as follows:

Number Circulated: 79  In favour: 3  Opposed: 1  No comment: 75

The resident who is opposed was concerned about the possibility of the lands being closed and sold for commercial development. However, the proposed use of the land is single family homes.

As there were no objections received from staff or public utilities, this Department is in favour of the permanent closure and sale of the lands.

ANALYSIS/RATIONALE:

Notice was circulated to a 400’ radius of the neighbourhood and all affected municipal departments and public utilities.

ALTERNATIVES FOR CONSIDERATION:
The road allowance could remain open, however the City would not benefit financially from the sale of the lands at fair market value.
SUBJECT: Proposed Permanent Closure of a Portion of Old Mud Street Road Allowance, Stoney Creek (PW06007) - (Ward 9) - Page 3 of 3

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The applicant has paid the required user fee. The lands will be sold at fair market value, as determined by the Real Estate Division.

POLICIES AFFECTING PROPOSAL:

The lands must be permanently closed under the Municipal Act in order to be transferred. An Environmental Assessment is not required.

RELEVANT CONSULTATION:

Meetings have been held with the applicant and Planning and Economic Development and Public Works staff to ensure all relevant legislation is adhered to.

CITY STRATEGIC COMMITMENT:

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

Community Well-Being is enhanced. ☐ Yes ☐ No
The closing of the roadway will allow for additional housing which will enhance the development of the neighbourhood.

Environmental Well-Being is enhanced. ☐ Yes ☐ No

Economic Well-Being is enhanced. ☒ Yes ☐ No
The closing of the roadway will allow for additional residential units to be developed utilizing the existing infrastructure.

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
Appendix "F" to Report PED07297
(Page 4 of 6)

KEY MAP

LOCATION PLAN
PROPOSED ROAD ALLOWANCE CLOSURE:
PART OF OLD MUD STREET IN STONEY CREEK
CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT

LEGEND

SUBJECT ROAD

SCALE: NOT TO SCALE
DATE: 2006-01-11
REFERENCE FILE NO: PW06007
Appendix "F" to Report PED07297
(Page 5 of 6)

Bill No. 170

CITY OF HAMILTON

BY-LAW NO. 06-170

BEING A BY-LAW TO PERMANENTLY CLOSE AND SELL PART OF OLD
MUD STREET ROAD ALLOWANCE (NOT TRAVELLED), being PART OF THE
ROAD ALLOWANCE between CONCESSIONS 6 AND 7, (GEOGRAPHIC
TOWNSHIP OF SALTLEET), DESIGNATED AS PART 1 ON PLAN
62R-17499, CITY OF HAMILTON

WHEREAS the Council of the City of Hamilton is empowered under Section 34 of
the Municipal Act, 2001, S.O. 2001, c.25 as amended, to permanently close any
highway or part of a highway;

AND WHEREAS the Council of the City of Hamilton on January 25, 2006, in
adopting Item 6 of the Public Works, Infrastructure and Environment Committee
Report 06-001, authorized the City to permanently close and sell part of Old Mud
Street Road Allowance (Not travelled), being part of the Road Allowance
between Concessions 6 and 7, (Geographic Township of Saltfleet), designated
as Part 1, Plan 62R-17499, City of Hamilton.

AND WHEREAS the road is a highway under the jurisdiction of the City of
Hamilton;

AND WHEREAS notice of the City's intention to pass this By-law has been
published pursuant to the Municipal Act, 2001, S.O. 2001, c.25 as amended;

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

1. That the part of the unopened road allowance, set out as:

   Old Mud Street Road Allowance (Not travelled),
   being part of the Road Allowance between Concessions 6 and 7, in the
   Geographic Township of Saltfleet, now in the City of Hamilton, designated
   as Part 1, Plan 62R-17499

   is hereby permanently closed.
2. That the soil and freehold of Part 1 on Plan 62R-17499, hereby permanently closed, be sold to 1478551 Ontario Inc. for the sum of Thirty-Two Thousand Eight Hundred Dollars ($32,800.00).

3. That this by-law shall come into force and effect on the date of its registration in the Land Registry Office for the Land Titles Division of Wentworth (No. 62).

PASSED AND ENACTED on this 28TH day of June, 2006.