



## CITY OF HAMILTON

### PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT Economic Development Division

<b>TO:</b> Mayor and Members General Issues Committee	<b>WARD(S) AFFECTED:</b> WARD 13
<b>COMMITTEE DATE:</b> May 2, 2012	
<b>SUBJECT/REPORT NO:</b> Ministry of Transportation (MTO) Surplus Land - Located at 724 York Road, Described as Lot 1, Plan 1058, former Town of Dundas, now City of Hamilton (PED12070) (Ward 13)	
<b>SUBMITTED BY:</b> Tim McCabe General Manager Planning and Economic Development Department	<b>PREPARED BY:</b> Darlene Cole (905) 546-2424, Ext. 7910
<b>SIGNATURE:</b>	

#### RECOMMENDATION:

- (a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Ministry of Transportation that the City of Hamilton has no interest in acquiring their land located at 724 York Road, in the former Town of Dundas, now City of Hamilton, as shown on Appendix "A", attached to Report PED12070; and,
- (b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Ministry of Transportation of the City of Hamilton's requirements for development of the site as identified in Appendix "B", attached to Report PED12070.

**EXECUTIVE SUMMARY:**

The Real Estate Section of the Economic Development Division of the Planning and Economic Development Department is seeking Council's direction to advise MTO that the City of Hamilton has no interest in acquiring the surplus lands located at 724 York Road, described as Lot 1, Plan 1058, in the former Town of Dundas, now City of Hamilton, as shown on Appendix "A" to Report PED12070.

*Alternatives for Consideration - Page 3*

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS:**

**Financial:** N/A.

**Staffing:** N/A.

**Legal:** N/A.

**HISTORICAL BACKGROUND:**

The information and recommendations contained in this Report primarily affect Ward 13.

The subject is a vacant, rectangular parcel of land comprising 0.13 ha (0.34 acres) within the Pleasant View neighbourhood, fronting on York Road, south of Highway 6 in Dundas. Following demolition of a residential building, the property is now a vacant lot with a frontage of 22.61 metres (74.21 feet) by a depth of 60.96 metres (200 feet); it forms all of PIN 17495-0089 and Roll No. 251826027015000.

Pleasant View Neighbourhood, unique for its geography and history, covers an area of approximately 985 acres of land of which about 600 acres is held primarily by private investment (corporate and residential), about 85 acres of natural conservation land, and the remaining 300 acres is absorbed with utilities, roads, railways and institutional uses. Implementation of the Parkway Belt West Plan in 1974 by the Provincial government placed Pleasant View Neighbourhood in the "Special Complementary Use" designation within the "Escarpment Link", wherein all official plans, development agreements, plans of subdivision, subdivision agreements, and zoning and other by-laws would ensure that development and redevelopment would conform with certain goals and objectives of the Parkway Belt West Plan. Subsequently, the Greenbelt Plan was implemented by the Province, further regulating Pleasant View with natural heritage system policies.

**SUBJECT: Ministry of Transportation (MTO) Surplus Land - Located at 724 York Road, Described as Lot 1, Plan 1058, former Town of Dundas, now City of Hamilton (PED12070) (Ward 13) - Page 3 of 4**

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This resulted in a complex planning regime of mixed provincial and municipal planning policies and regulations which, for some time, left Pleasant View with scattered residential development, unfinished roadways, inadequate municipal services and an erratic ownership pattern, with numerous small parcels owned by individuals unable to build due to the absence of certain basic services (water, sewage, roads).

Following adoption of Zoning and Official Plan documents covering this area, development activity takes place primarily on assembled parcels since the “lot of record” definition does not apply in Pleasant View. This restriction was implemented to control development on small lots which could not support septic systems.

**POLICY IMPLICATIONS:**

An internal circulation has confirmed there is no municipal need for the subject property at this time. As no municipal need has been identified, Council’s direction is being sought to allow staff to advise MTO that the City of Hamilton has no interest in acquiring the lands.

**RELEVANT CONSULTATION:**

Pursuant to the City of Hamilton Real Property Sale Procedural By-law 04-299, the Real Estate Section circulated the request to all City Departments. No municipal uses were identified for the subject property.

Please see Appendix “B”, attached to Report PED12070, for the City’s requirements to the development of the site.

**ANALYSIS / RATIONALE FOR RECOMMENDATION:**

Approval of the recommendation by Committee and Council will authorize Real Estate staff to advise MTO that the City of Hamilton has no interest in acquiring the surplus land at this time.

**ALTERNATIVES FOR CONSIDERATION:**

MTO requires either a confirmation of interest or, in the alternative, a declination. In this instance, the City has no interest in acquiring the property at this time.

**CORPORATE STRATEGIC PLAN:**

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

***Intergovernmental Relationships***

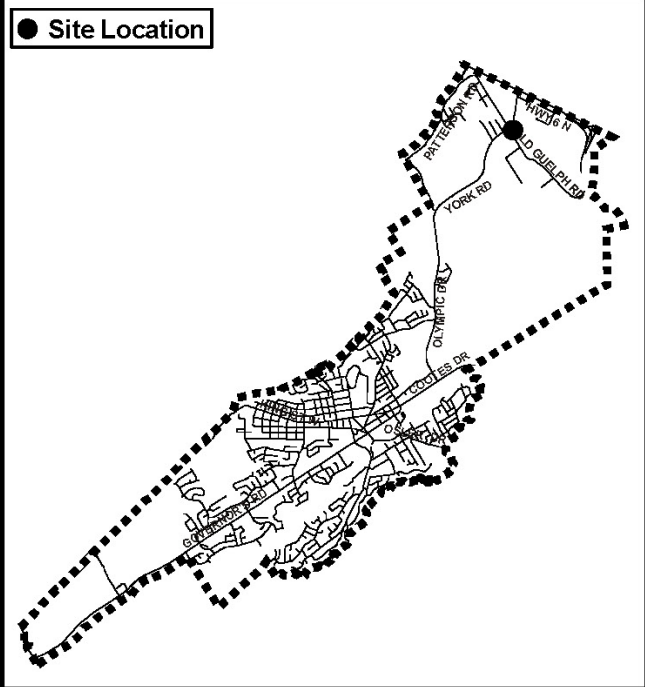
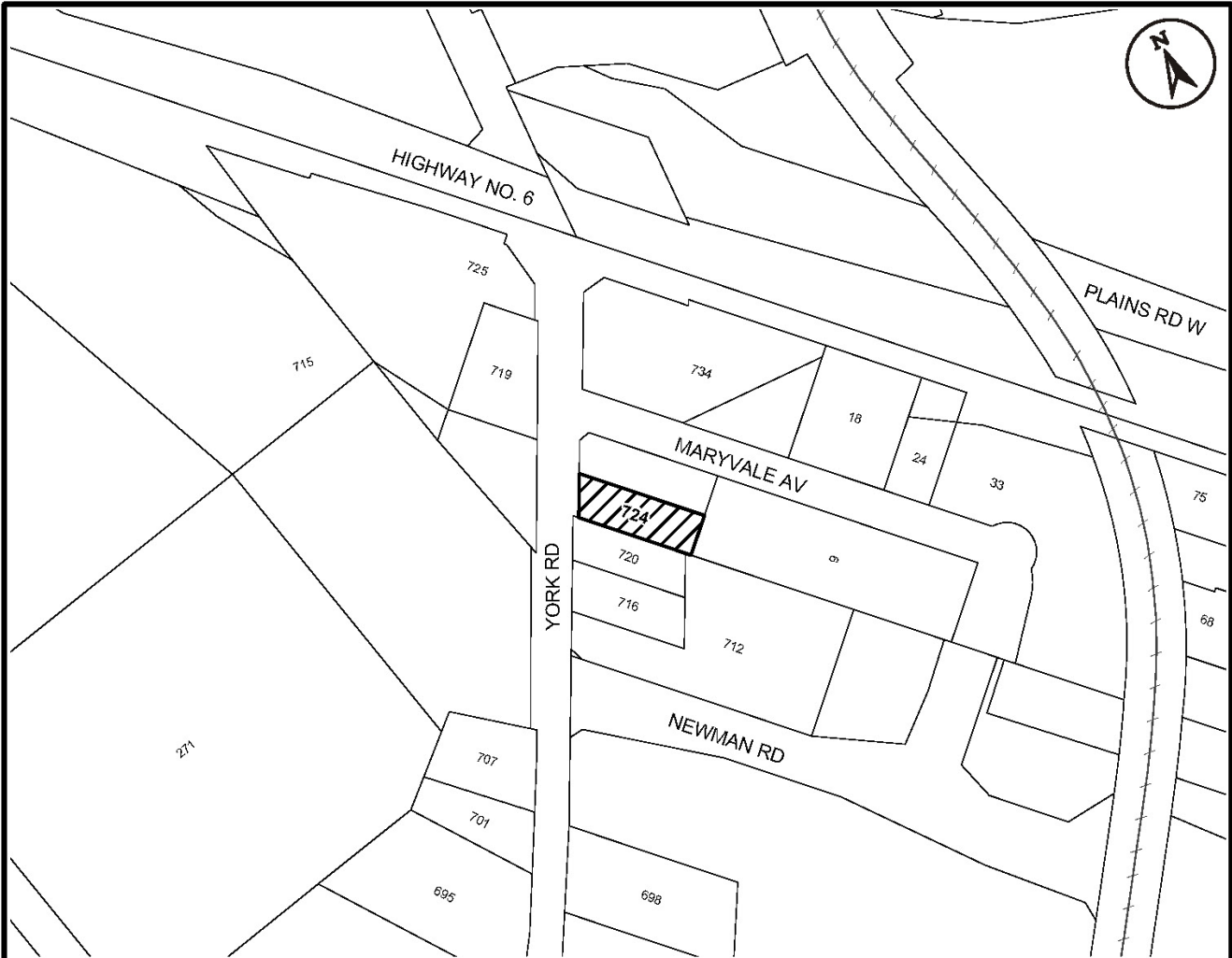
- ◆ Maintain effective relationships with other public agencies.

**APPENDICES / SCHEDULES**

Appendix "A" to Report PED12070 – Location Map

Appendix "B" to Report PED12070 – Site Requirements

DC/sd



Ward 13 Key Map N.T.S.

## Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



<b>File Name/Number:</b> 2012-025	<b>Date:</b> April 3, 2012
<b>Appendix "A"</b>	<b>Scale:</b> N.T.S.
<b>Planner/Technician:</b> DC/AL	

**Subject Property**  
724 York Road

PARTS 6 and 28  
LOT 1, PLAN 1068

PIN # 17495-0089

## SITE REQUIREMENTS

### Legislative Approvals Section:

"The Provincial Policy Statement (PPS) provides policy direction for provincial interest related to land use planning and development. The Planning Act requires that, in exercising any authority that affects planning matters, planning authorities shall be consistent with policy statement issued under the Act. In reviewing the PPS, staff provides the following comments:

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. Staff note that the subject lands are located adjacent to Highway 6 and are within 215 metres of a Canadian Pacific Railway Corridor. As such, any future development application for the subject lands which contemplates a sensitive land use may require the submission of a noise study as per the following condition:

*That the owner/applicant shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner/applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning.*

Further, Policy 2.6.2 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 which maintain the heritage integrity of the site may be permitted. Staff note that the subject lands are located within an area of archaeological potential. As such, please refer to any comments provided by Community Planning, Cultural Heritage Staff in this regard.

The subject property is designated as a "Special Complementary Use Area" within the Parkway Belt West Plan. This designation permits existing uses, public uses, additions to uses, and one single family residence on an existing vacant lot provided that certain criteria are met. However, please note the following restrictions in the Dundas Zoning By-law.

The subject property is designated as "Parkway Belt West Policy Area" within the Hamilton-Wentworth Regional Official Plan. Policy C.1.6 states that the policies of the Parkway Belt West Plan apply within this area.

The lands fall within an area that was deleted from the Town of Dundas Official Plan. Instead, the lands remain subject to OPA#23 to the former Town of Dundas Official Plan, amended by the OMB, under the previous 1992 Official Plan. Notwithstanding, it falls within the Parkway Belt West Plan.

The subject lands are zoned Rural "RU/S-58" Zone in the Town of Dundas Zoning By-law. This zone permits dwellings that legally existed as of August 14, 1998, or dwellings that received building permits, site plan approval, or amendments to O-Reg. Nos. 484/73 or 486/73 before August 14, 1998. For such dwellings, a number of site-specific regulations apply. The provisions of the RU/S-58 Zone have been attached for reference."

### **Community Planning:**

**"There is no Neighbourhood Plan or Secondary Plan for this property.**

Community Planning staff has no comments. (MS/SB 2012 02 29)"

### **Archaeology**

"The subject property meets two of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,
- 2) Along historic transportation routes.

The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances and any proponent is advised to conduct an archaeological assessment prior to such impacts in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation may be required as determined by the Ontario Ministry of Tourism, Culture and Sport. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism, Culture and Sport.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Tourism, Culture and Sport (MTCS) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392)."

### **Built Heritage**

No Comments. (JM 2012 02 29)

### **Cultural Heritage Landscapes**

No Comments. (JM 2012 02 29)

### **Natural Heritage**

No comments. (CP 2012 03 09)

### **Urban Design**

No Comments. (MS 2012 02 29)

### ***Community Services – Recreation:***

"The subject property is approximately 0.14 ha in size and is located within Planning Unit 2106 - Guelph. The Guelph Planning Unit has a neighbourhood park deficiency of 0.0931 ha. The lands are located in close proximity to the Hwy. 6 / York Road interchange. Valley Community Centre Park is within 200 metres of the site which serves the recreation needs of the surrounding community.

The property is designated "Rural" in the Rural Hamilton Official Plan. The primary use of these lands is for rural residential or agricultural uses. Given the size, location and designation of the lands, the subject site is not considered well suited to meeting Recreation needs within the community. Recreation Planning has no interest in the subject site."

### ***Development Engineering:***

"The road allowance width of the abutting section of York Road is designated in both the new Official Plan as well as the current Town of Flamborough Official Plan as being 26.213 metres (86 feet). The present width is only 21.4 metres (70 feet) and a 3.048 metre (10 foot) widening was previously taken on the south side adjacent to the subject property. Therefore a minimum future road allowance widening dedication to the City of approximately 0.914 metres (3 feet) will be a requirement of any future development application."



***Environment and Sustainable Infrastructure Division:***

"The City of Hamilton's new Urban Hamilton Official Plan in Schedule C-2 – Future Road Widening, identifies the need to widen York Road to 26.213 metres.

Previously Traffic Engineering staff was asked to review this property after the MTO rebuilt the residential driveway due to the new Hwy. 6 interchange. There were drainage issues, steep driveway grades and minimal sightlines available for home owners exiting the driveway. We recommend that access to the subject lands not be provided off York Road. If possible, access should be provided to Maryvale Ave. If that is not feasible then the lands should be offered to adjacent property owners to add to their existing holdings."

***Building Services Division:***

1. "Building Services Division records indicate that the land at 724 York Road in Dundas is vacant.
2. Please note that land at 724 York Road, Dundas is zoned "RU/S-58" which does not permit development on the lot. Therefore a successful application for a rezoning will be required in order to permit future use and development. Please contact the Development Planning Division (West Team) at (905) 546-2424 extension 2799 for further information.
3. This lot is outside of the urban area boundary and may be subject to the regulations contained within the Greenbelt Protection Act, 2004. For information on how this Act may affect this property, please contact the Development Planning Division (West Team) at (905) 546-2424 extension 2799.
4. This property is subject to a building permit in the normal manner for new buildings. Be advised that Ontario Building Code regulations may require specific setback and construction types."