

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO: Mayor and Members General Issues Committee	WARD(S) AFFECTED: WARD 11
COMMITTEE DATE: May 2, 2012	
SUBJECT/REPORT NO: Declaration of Surplus Property and Sale of Land - 36 Lakeside Drive, Hamilton (PED12074) (Ward 11)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Darlene Cole (905) 546-2424, Ext.7910
SIGNATURE:	

RECOMMENDATION:

- (a) That the property municipally known as 36 Lakeside Drive, legally described as Part of Lots 5 and 6, Plan 428, and designated as Parts 1,2,3 and 4 on Plan 62R-17506, comprising an area of 282 square metres (3,035 square feet) on the north limit of Lakeside Drive west of Jones Road, identified as PIN 17437-0160(LT) and Roll No. 251800303006200, shown in Appendix "A" attached to Report PED12074, be declared surplus to the requirements of the City of Hamilton; and,
- (b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to sell the subject lands at fair market value, in accordance with the "Procedural By-law for the Sale of Land, being By-law 04-299.

EXECUTIVE SUMMARY:

The purpose of this Report is to request City Council to declare the subject property surplus to the requirements of the City and to direct Real Estate staff to negotiate the

sale of the subject lands. As the property is not developable on its own, it would be sold to adjoining land owner(s) for assembly and expansion.

Alternatives for Consideration on Page 4

FINANCIAL / STAFFING / LEGAL IMPLICATIONS:

Financial: The subject parcel is to be sold at fair market value to adjoining owners.

Staffing: There are no staffing implications arising from this recommendation, other than Real Estate and Legal staff working together to complete the sale of the property.

Legal: Legal Services Division will be required to assist in the preparation of the necessary closing documents upon disposition.

HISTORICAL BACKGROUND:

The information and recommendation contained in this Report primarily affect Ward 5.

The subject is a rectangular lakefront lot with varying boundary dimensions; it was acquired by the former Township of Saltfleet in 1966. At one time this property was improved with a frame single-family dwelling but was razed by fire some time later. The property is now vacant and encumbered with an easement that supports an existing septic tank / field serving the neighbouring property at 38 Lakeside Drive.

City of Hamilton Zoning By-Law 3692-92 categorizes the property "R2 – Single Family Residential", requiring a minimum frontage of 15 metres (49.2 feet) and a minimum lot area of 460 square metres (4,951 square feet). The subject, with a frontage of only 9.145 metres (30 feet) and comprising 240 square metres (2,583 square feet), is short of the minimum requirements for a buildable lot. Furthermore, it fronts on an unserviced private roadway which does not meet municipal standards based on side yard requirements and sufficient lot size to accommodate another septic system; it is very unlikely this lot can be developed with a new single detached dwelling.

Lakeside Drive from Jones Road westerly to municipal number 50 is owned by Losani Homes. Policy C-3.1 of the Hamilton-Wentworth Regional Official Plan states that urban uses require full municipal services. In 2008-2009 a neighbourhood petition was launched for installation of sanitary sewers but Losani was not interested and the petition was abandoned.

The foregoing development constraints are compounded further by the Provincial planning framework which protects archaeological interests and shorelines. In this instance, the subject property meets certain criteria applied by the City and by the

Province for determining archaeological potential - being within 300 metres of a permanent water body; within an area of sandy soil, clay or stone, and, being within a pioneer settlement area.

With Lake Ontario frontage, the Ministry of Natural Resources and HRCA will need to comment on any future redevelopment proposal by future owners. Where shoreline works are not installed, the minimum yard shall be above, or as determined in consultation with the appropriate authority, but in no case less than 100 times the average annual erosion rate for the area.

These development constraints limit the property's marketability. Real Estate Section completed a circulation to all City Departments and no municipal interest was expressed. Recreation Division confirmed that the Bayview Planning area has a neighbourhood parkland surplus of 2.72 ha (6.72 ac) and that Waterford Park is within 290 metres (950 feet) of the subject property.

Staff is now moving forward to declare the lands surplus and dispose of the property at fair market value.

POLICY IMPLICATIONS:

As no municipal need has been identified for the subject property, Council's direction is being sought to allow staff to declare the subject property surplus and dispose of the lands, in accordance with the City's Real Estate Portfolio Strategy Plan.

RELEVANT CONSULTATION:

Real Estate staff has circulated the subject lands to relevant City of Hamilton staff and there were no objections to the sale of the lands. The comments and recommendations received from staff are found in Schedule "B" attached to Report PED12074.

Consultation was also carried out with staff in the following City Departments:

- Legal Services Division, Corporate Services Department
- Planning Division, Planning and Economic Development Department
- Public Works Department
- Ward Councillor

ANALYSIS / RATIONALE FOR RECOMMENDATION:

The City of Hamilton will receive a financial benefit from the sale of the subject lands. Upon its disposition, the property will generate additional property tax revenue and relieve the City from ongoing liability and maintenance.

ALTERNATIVES FOR CONSIDERATION:

Should Council decide not to declare the lands surplus and approve disposition, the parcel will remain in City ownership for an unknown period of time and continue to be a liability for the City of Hamilton.

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

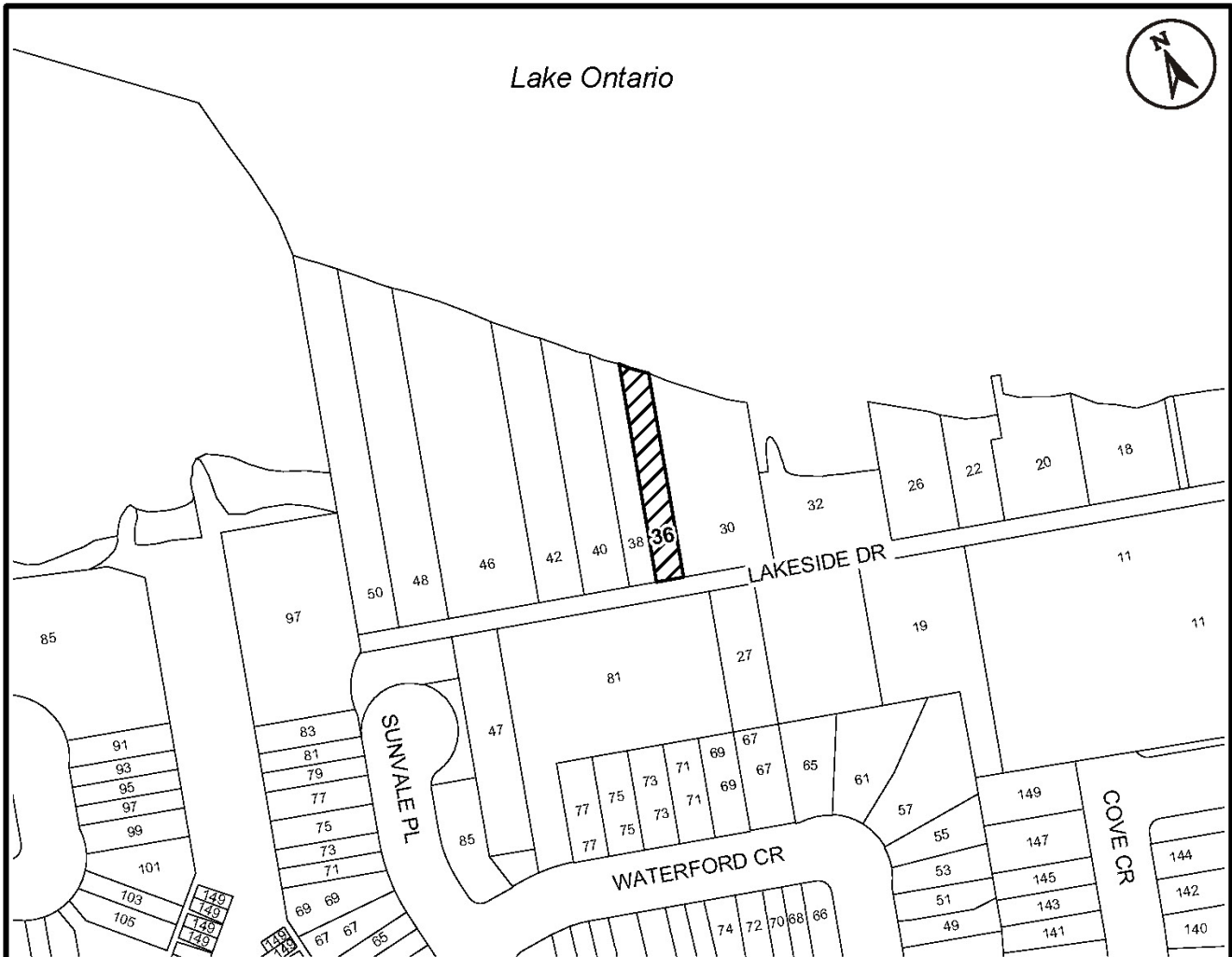
Financial Sustainability

- ◆ Financially sustainable City by 2020 and generate assessment growth.

APPENDICES / SCHEDULES

Appendix "A" to Report PED12074 - Location Map
Appendix "B" to Report PED12074 - Site Requirements

DC: sd



● Site Location

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
2012-017

Date:
April 3, 2012


Appendix "A"

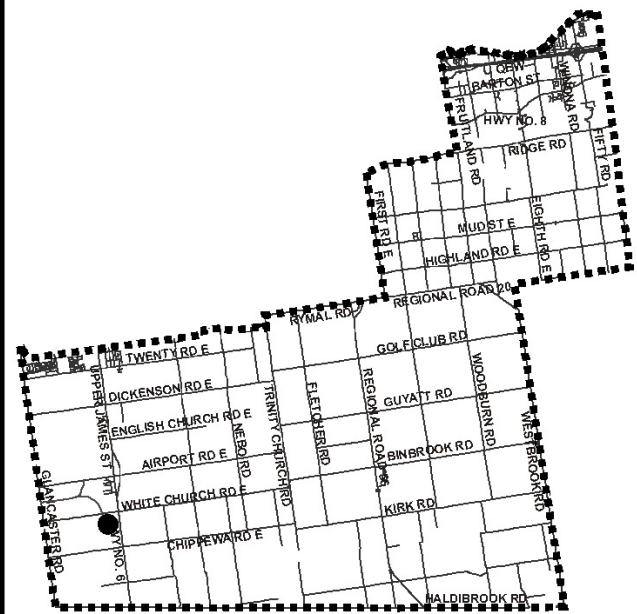
Scale:
N.T.S.

Planner/Technician:
DC/JAL


Subject Property

36 Lakeside Drive

 PARTS 1, 2, 3 & 4, Plan 62R-17506
PIN # 17347-0160 (LT)



Ward 11 Key Map

N.T.S. 

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 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.

The subject property is designated as Urban Area within the Hamilton-Wentworth Regional Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas.

The property is designated "Residential" on Schedule "A" – General Land Use Plan and identified as "Lakeshore Protection Area" on Schedule "B" – Stoney Creek Open Spaces & Natural Environment System in the City of Stoney Creek Official Plan.

The property is identified as "Low Density Residential" in the Bayview Neighbourhood Plan which was approved by Stoney Creek Council on June 14, 1988, as amended on October 22, 1991, and last updated on April 3, 1996.

The property is zoned Single Residential "R2" zone in Stoney Creek By-law No. 3692-92.

For information purposes only, the property is designated "Neighbourhoods" on Schedule "E" – Urban Structure and Schedule "E-1" – Urban Land Use Designations in the new Urban Hamilton Official Plan. Staff notes that the Urban Hamilton Official Plan has been approved by City Council and has received Ministerial approval, however, is not yet in full force and effect as it has been appealed to the Ontario Municipal Board.

Community Planning:

"Neighbourhood Plan Designation: Bayview – Low Density Residential

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

Archaeology

"The subject property meets three 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;
- 2) In an area of sandy soil in areas of clay or stone; and
- 3) In areas of pioneer Euro Canadian settlement.

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 lands are located along the shoreline of Lake Ontario and appear to have access on a road that does not meet municipal standards. The subject property is approximately 0.02 ha (land) in size and is located within Planning Unit 5273 – Bayview. The Bayview Planning Unit has a neighbourhood parkland surplus of 2.72 ha. The lands are within 290 metres of Waterford Park.

The property is designated "Neighbourhoods" in the Urban Hamilton Official Plan. The Neighbourhoods designation shall primarily consist of residential uses and complementary facilities and services intended to serve the residents. Given the size and location of the lands, the subject site is not considered well suited to meeting Recreation needs within the community. In addition, there is no need for additional parkland within this Planning Unit. Recreation Planning has no interest in this site."

Environment and Sustainable Infrastructure Division:

"Road widenings according to the City of Hamilton's New Urban Hamilton Official Plan referring to "Chapter C - City Wide Systems and Designations 4.5 Road Network Functional Classification 4.5.2 f) Local Roads (Lakeside Drive 20.117m).

Lakeside Drive from Jones Road westerly to municipal No. 50 is privately owned by Losani Homes (6 metre private road). In 2008/2009 there was a sanitary sewer petition requested for Lakeside Drive that failed. Losani Homes was not interested in the sanitary sewer petition which put the petition on hold."

Building Services Division:

1. "This property is currently zoned Single Residential (R2). This zone requires a minimum lot frontage of 15.0 metres and a minimum lot area of 460 square metres. This lot does not meet these minimum requirements. The parcel of land shows a minimum of 9.14 metres of frontage along Lakeside Drive, an area of approximately 240 square metres and does not conform.
2. Section 4.4.5 of the 3692-92 Stoney Creek Zoning By-Law states that: except as specifically provided elsewhere in this By-law, any legal existing lot, as defined in this By-law, which does not conform to the minimum lot area or minimum lot frontage requirements of the zone may be used for a use in conformity with the zone provided all other requirements of this By-law can be met.
3. To qualify as a lot, this property must meet the definition of a lot as defined in the Zoning By-law. The specific clause states that the lot must have

- existed as a separate parcel of land without any adjoining lands being owned by the same owner or owners as of August 23, 1963.
4. Based on the location of this property on the Lake Ontario Shoreline, section 4.13.2 will apply to this parcel. This section stipulates specific requirements for setbacks abutting the Lake Ontario shoreline. As such, Section 4.13.2 states the following:
 - (a) *Notwithstanding, any other yard provisions of this By-law, a minimum yard of 7.5 metres for all single detached dwellings, semi-detached dwellings or duplexes, from the top of the bank of the Lake Ontario shoreline shall be provided where lakeshore protection works have been installed in accordance with the requirements of the Province of Ontario. In no case shall shoreline protection works be constructed to an elevation of less than 78 metres Geodetic Survey of Canada unless otherwise agreed to by the Ministry of Natural Resources of the Province of Ontario, the Hamilton Region Conservation Authority and the City of Stoney Creek. A minimum yard of 30 metres shall be established for all other areas.*
 - (b) *In circumstances where shoreline protection works are not installed, the minimum yard shall be as above or as determined in consultation with the appropriate authority, but in no case less than 100 times the average annual erosion rate for the area.*
 5. Upon compliance with the Zoning By-law, the property is subject to a building permit in the normal manner for the construction of a single detached dwelling.