



Hamilton

**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> December 5, 2012	
<b>SUBJECT/REPORT NO:</b> Infrastructure Ontario (IO) Surplus Land - Project 8874 - Located at 2 Zellens Road, Described as Lot 8, Plan 836, in the Former Town of Dundas, now City of Hamilton (PED12236) (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>	

**RECOMMENDATIONS:**

- (a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise Infrastructure Ontario that the City of Hamilton has **no** interest in acquiring their land located at 2 Zellens Road, described as Lot 8, Plan 836, in the former Town of Dundas, now City of Hamilton, as shown on Appendix "A" attached to Report PED12236;
- (b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise Infrastructure Ontario of the City of Hamilton's requirements to the development of the site identified in Appendix "B", attached to Report PED12236.

**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 Infrastructure Ontario (IO) that the City of Hamilton has no interest in acquiring the surplus lands located at 2 Zellens Road, within the Pleasant View neighbourhood of Dundas.

*Alternatives for Consideration – See Page 3*

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS:**

**Financial:** N/A.

**Staffing:** N/A.

**Legal:** N/A.

**HISTORICAL BACKGROUND:**

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

The subject is an improved, irregular parcel of land comprising 0.412 ha (1.02 ac), situated on the south limit of Zellens Road. The Sisters of St. Joseph Convent / Retreat Centre and a HONI utility corridor adjoin this property's east boundary, and to the north and west are older residential buildings, some of which date back to the origins of the Pleasant View settlement. This site has a frontage of 34.05 metres (111.72 feet) and a depth of approximately 121.92 metres (400 feet) and is described as Lot 8, Plan 836. It forms all of PIN 17495-0129(LT) and is further identified as Roll No. 251826027025800.

Zoning and Official Plan designations specific to the subject parcel are described in the Site Requirements, attached as Appendix "B" to Report PED12236.

The Real Estate Section of the Economic Development Division of the Planning and Economic Development Department circulated IO's information internally to determine if there was municipal interest in acquiring the lands, and no interest was expressed.

**POLICY IMPLICATIONS:**

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

**SUBJECT: Infrastructure Ontario (IO) Surplus Land - Project 8874 - Located at 2 Zellens Road, Described as Lot 8, Plan 836, in the Former Town of Dundas, now City of Hamilton (PED12236) (Ward 13) - Page 3 of 3**

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**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.

**ANALYSIS / RATIONALE FOR RECOMMENDATION:**

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

**ALTERNATIVES FOR CONSIDERATION:**

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

**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

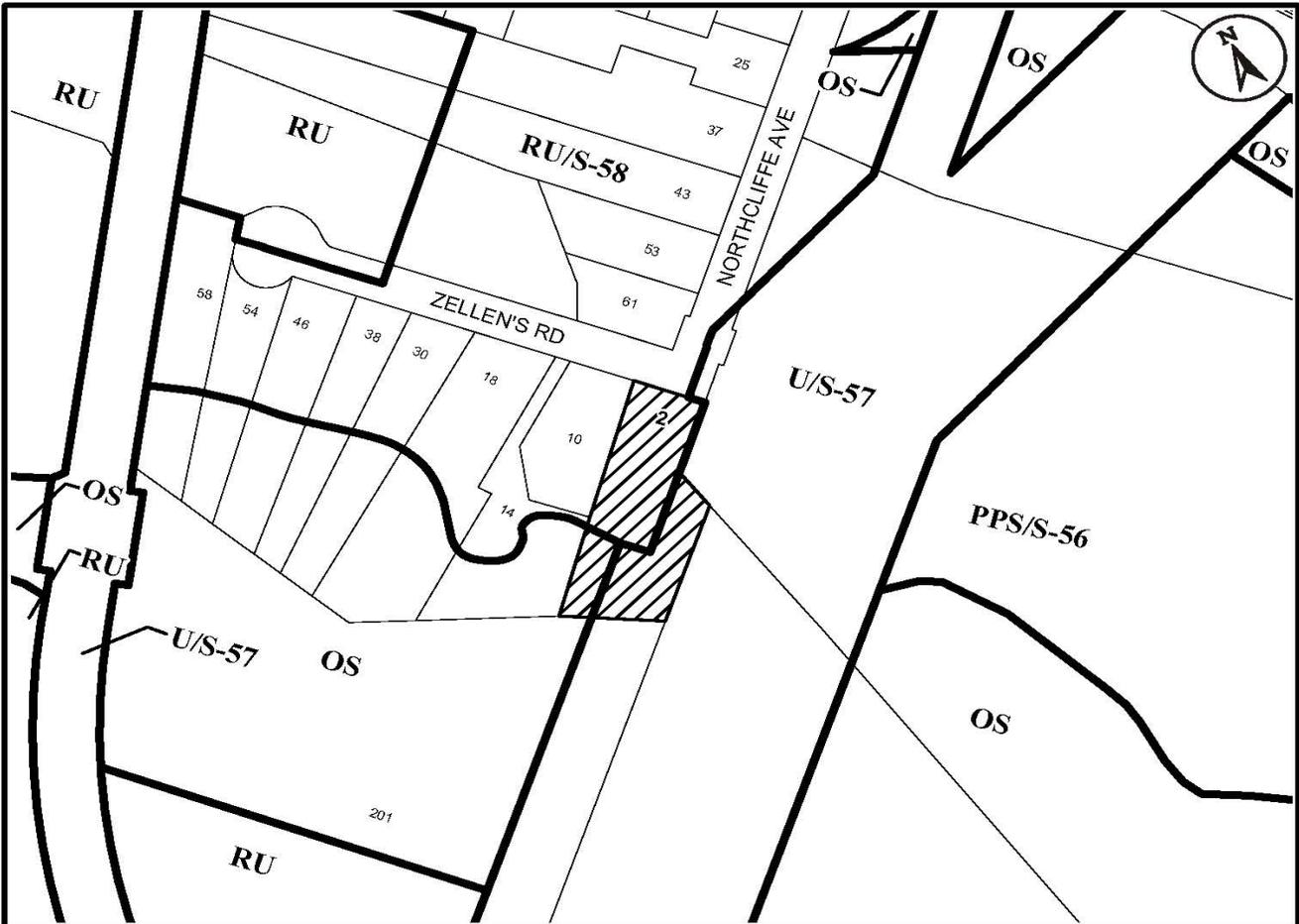
***Intergovernmental Relationships***

- ◆ Maintain effective relationships with other public agencies.

**APPENDICES / SCHEDULES:**

Appendix "A" to Report PED12236 - Location Map  
Appendix "B" to Report PED12236 - Site Requirements

DC/sd



Ward 13 Key Map N.T.S. 

## Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



<b>File Name/Number:</b> 2012-089	<b>Date:</b> October 23, 2012
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<b>Appendix "A"</b>	<b>Scale:</b> N.T.S.	<b>Planner/Technician:</b> DC/AL
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**Subject Property**  
 2 Zellen's Road

 Lot 8, Plan 836  
 PIN# 17495-0129

## 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 approximately 100 metres from **Highway 6** and 79 metres from a **Canadian Pacific Railway Corridor**. As such, any future development application for the subject lands which contemplates a sensitive land use will require the fulfilment of 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."*

In addition, Policy 2.1.6 outlines that development shall not be permitted on adjacent lands to the natural heritage feature identified unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. Staff note that a portion of the subject property is located within the **Coote's Paradise Environmentally Significant Area (ESA #429)**. As such, please refer to any comments provided by Community Planning, Natural Heritage Staff in this regard.

Finally, 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 restrictions in the Dundas Zoning By-law below.

The subject property is designated as “**Special Policy Area A - Pleasant View**” within the Rural Hamilton Official Plan. Policy 1.1 states the following:

- “1.1 Notwithstanding Section C.1.3.1 or any other applicable policies in Volume 1 of this Plan, the lands identified as Special Policy Area A on Map A - Special Policy Areas, remain subject to provisions of the Official Plan of the former Town of Dundas as set out by the Ontario Municipal Board Decision (dated June 28, 1995). Following completion of a comprehensive growth management study known as GRIDS (Growth Related Integrated Development Strategy), Council has approved SPA A to remain as a part of the Rural Area. To reflect the unique circumstances of these lands and permanently resolve their status under the Provincial Parkway Belt West Plan and ensure Greenbelt Plan conformity, the City shall conduct future studies, prepare Secondary Plan policies and undertake community consultation to adopt a future amendment to this Plan for SPA A in conformity with applicable provincial plans and policies.”

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 property is affected by three zones: the “RU/S-58” Rural Zone, the “OS” Open Space – Conservation Zone, and the “U/S-57” Public Utilities Zone of the Town of Dundas Zoning By-law 3581-86. Permitted uses within the “RU/S-58” Rural Zone includes single detached dwellings that legally existed as of August 14, 1998, or single detached dwellings that received building permits, site plan approval, or amendments to O.Reg. Nos. 484/73 or 486/73 before August 14, 1998. The “U/S-57” Zone, which affects the southerly portion of the subject lands, permits public utilities installation and facilities required by public utility agencies; however, waste treatment facilities are prohibited. Finally, the westerly portion of the subject property, which is zoned “OS” Open Space – Conservation Zone, is intended to remain in a natural state.

The subject properties are within an area regulated by the Hamilton Conservation Authority (HCA). Comments from the HCA should be sought in this regard.

***Community Planning:***

There are no approved Secondary or Neighbourhood Plans.

**Archaeology:**

The subject property meets one 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 water body, 200 metres of a secondary watercourse or seasonal water body, or 300 metres of a prehistoric watercourse or permanent water body.

This criterion defines the property as having archaeological potential. Infrastructure Ontario should be advised of the archaeological potential of the property and, if Real Estate staff determines that the property is appropriate for acquisition, any Department/Division of the City responsible for the property should be advised of the following:

"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)."

**Natural Heritage:**

Although the subject property is located within the Pleasant View neighbourhood, it has not been identified as a property to secure as part of the Cootes to Escarpment Parks System.

It should however be noted that the subject property is located within the Rural Hamilton Official Plan and a portion of the property has been identified as a Core Area (Cootes Paradise Environmentally Significant Area, Significant Woodland and Watercourse). The portion of the property that includes these natural features has also been identified as being within the Greenbelt Natural Heritage System. New development or site

alteration is not permitted within a key natural heritage feature within the Greenbelt Natural Heritage System. An Environmental Impact Statement (EIS) is required, if new development or site alteration is proposed adjacent to (within 120 metres) key natural heritage features within the Greenbelt Natural Heritage System.

A portion of the property is also located within Conservation Halton's (CH) regulation limit. If new development or site alteration is to occur on this property, CH should be contacted to ensure that the proper permits are obtained.

***Building Services Division:***

Our records indicate that the last recognized use is single detached dwelling. The lands are within a "RU/S-58" (Rural – Modified) Zone, "U/S-57" (Public Utilities – Modified) Zone and "OS" (Open Space – Conservation) Zone. Any development/use of the property shall be in accordance with the requirements of the RU/S-58, U/S-57 and OS Zones of Dundas Zoning By-law 3581-86.

Tenant improvements, changes of use, renovations, alterations, additions and new buildings are subject to the issuance of a building permit in the normal manner.

***City Wide Services – Recreation Division:***

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. Accordingly, the existing residential use is considered to be the highest and best use of the site.

The subject property is approximately 0.4 ha in size and is located within Planning Unit 2106 – Guelph, where the neighbourhood park deficiency is 0.0931 ha (0.23 ac). The lands are not adjacent to an existing park or school, and the existing planning context may constrain possible recreational development opportunities. As such, the subject surplus lands are not recommended for purchase by the City as a means to satisfy recreation deficiencies.