

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development and Real Estate Division

TO: Mayor and Members General Issues Committee	WARD(S) AFFECTED: WARD 5
COMMITTEE DATE: February 14, 2011	
SUBJECT/REPORT NO: Ontario Realty Corporation (ORC) Surplus Land - Project 8193 - Located at 560 Grays Road, Described as Parts 1 and 2, Plan 62R-15557, Former Township of Saltfleet, now City of Hamilton (PED11018) (Ward 5)	
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 Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to advise the Ontario Realty Corporation (ORC) that the City of Hamilton has no interest in acquiring their land located at 560 Grays Road, legally described as Parts 1 and 2, Plan 62R-15557, in the former Township of Saltfleet, now City of Hamilton, as shown on Appendix "A" attached to Report PED11018.
- (b) That the Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to advise the Ontario Realty Corporation (ORC) of the City of Hamilton requirements to the development of the site as contained in the "Relevant Consultation" Section of Report PED11018.

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EXECUTIVE SUMMARY:

The Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department is seeking Council's direction to advise the ORC that the City of Hamilton has no interest in acquiring the surplus lands located at 560 Grays Road, legally described as Parts 1 and 2, Plan 62R-15557, in the former Township of Saltfleet, now City of Hamilton as shown on Appendix "A" to Report PED11018.

Alternatives for Consideration - Page 6

FINANCIAL / STAFFING / LEGAL IMPLICATIONS: (for Recommendation(s) only)

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND: (Chronology of Events)

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

The subject is a vacant, irregular parcel having an area of approximately 0.45 ha (1.12 acres), situated on the Queen Elizabeth North Service Road immediately east of Confederation Park at Grays Road. The parcel is bounded to the north by Frances Avenue and to the east by Drakes Drive. With frontage along Grays Road measuring 102.55 metres (336.45 feet) and on the Queen Elizabeth Way North Service Road, 69.7 metres (228.67 feet), the site's location lends good visibility. The property is described as Parts 1 and 2, Reference Plan 62R-15557; and forms PIN 17330-0017, and Roll No. 251805048108820.

Zoning and Official Plan designations specific to the subject parcel are described in the *Relevant Consultation* section of this Report.

The Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department circulated ORC'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 the ORC 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.

The following comments were received:

Legislative Approvals Section:

"The Provincial Policy Statement (PPS) provides policy direction of 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 statements issued under the Act. Staff notes the following PPS policies:

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 the Queen Elizabeth Expressway (QEW). As such, should the subject lands be used for residential purposes, the following noise warning clause would likely be associated with the property:

Purchasers are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality's and the Ministry of the Environment's noise criteria.

The subject lands are located adjacent to the QEW and the subject lands are located within the Ministry of Transportation's (MTO) control Access Highway Areas. Further, staff advise that any development taking place on the subject lands may require the issuance of a permit from the MTO and the MTO should be contacted prior to any development taking place.

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Part 1, Plan 62R-15557 is in the former City of Hamilton, while Part 2 lies within the former City of Stoney Creek. The westerly portion of the property is designated as “Open Space” in the Hamilton Official Plan and the easterly portion is designated “Highway Commercial” on Schedule “A” - General Land Use Plan, and is identified as “Lakeshore Protection Area” on Schedule “B” - Stoney Creek Open Spaces and Natural Environment System in the Stoney Creek Official Plan.

The property is dually zoned “AA” (Agricultural) District in Hamilton Zoning By-law No. 6593 and zoned Highway Commercial (Holding) “HC(H)” in Stoney Creek Zoning By-law No. 3692-92, and is also identified as “Highway Commercial” in the Lakeshore Neighbourhood Plan. Permitted uses in the HC category includes bus depots, car washing establishments, convenience food stores not exceeding 150 square metres in gross floor area, gasoline bars, hotels, motels, motor vehicle parts and accessories retail, motor vehicle dealerships, motor vehicle service stations, nursery garden centres, permanent fruit and vegetable stands, places of entertainment or recreation, recreational vehicle sales, and restaurants (convenience, fast food, outdoor patio or standard).

Development Engineering:

- ❖ There is a municipal sanitary sewer and a municipal water main on Grays Road adjacent to the subject lands;
- ❖ The applicant/owner will be required to enter into a Development Agreement with the City of Hamilton to address issues including grading, drainage, servicing and stormwater management.

Community Planning:

The following planning framework also applies to the subject property:

Neighbourhood Plan Designation:

- Lakeshore – Low Density Residential Highway Commercial

Community Planning - Archaeology:

The subject property meets 3 of the 10 criteria used by the City of Hamilton and Ontario Ministry of Culture (MCL) 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;

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2. In an area of sandy soil in areas of clay or stone; and
3. 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 an archaeological assessment should be conducted 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 Testing and Stage 4 Mitigation may be required as determined by the MCL. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the MCL.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MCL should be notified immediately (416-314-7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MCL and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416-326-8392)."

Environment and Sustainable Infrastructure Division:

Access to the property will not be available from North Service Road but can be considered from Drakes Drive. There is a grade change (higher) between the subject lands and Frances Avenue considered as unfavourable for driveway access. The distance on Frances Avenue between Grays Road and Drakes Drive is approximately 85 metres (278.87 feet) which is not considered ideal for full access. Grays Road, Frances Avenue and Drakes Drive are part time designated truck routes in the City, permitting heavy vehicles between 7 am and 7 pm.

Potential purchasers should be advised that a Traffic Impact Study will be required for any proposed development of the subject lands. The City has guidelines available online for traffic studies which would include current traffic count data, trip generation, access location, design, identification of impacts on the adjacent road network, and the need for roadway upgrades such as turning lanes. Consultation with Traffic staff is required prior to initiating studies.

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Building Services Division:

This property is located within both Hamilton and Stoney Creek and is therefore subject to the requirements of both Hamilton Zoning By-law 6593 and Stoney Creek Zoning By-law 3692-92. In accordance with Section 3(9) of Hamilton Zoning By-law 6593, a building or structure may be erected, altered, extended or enlarged within one or more districts applicable to a lot or tract of land where,

- (a) the use is permitted in each of the districts; and
- (b) the lot or tract of land complies with the least stringent width and area requirements of the district containing the requirements; and,
- (c) except as provided in clause (b), the building or structure complies with all other requirements of each of the districts applicable to the lot or tract of land.

As per Section 3.8 of Stoney Creek Zoning By-law 3692-92, and pertaining to the portion of this property within the “HC (H)” Zone, until the “H” provision is removed from the lands through a By-law amendment approved by the Corporation, the applicable uses of the lands shall be restricted to the uses existing on the date of passage of this By-law. Upon the removal of the “H” by the Corporation, the lands may be used in accordance with the provisions of the zone applicable to the subject lands.

The lands are subject to Site Plan Control. As such, development shall require application to the Development Planning Division (East Section).

Upon the property approvals, all development is subject to the issuance of a building permit from Building Services Division in the normal manner.

ANALYSIS / RATIONALE FOR RECOMMENDATION:

(include Performance Measurement/Benchmarking Data, if applicable)

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

ALTERNATIVES FOR CONSIDERATION:

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

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

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CORPORATE STRATEGIC PLAN: (Linkage to Desired End Results)

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

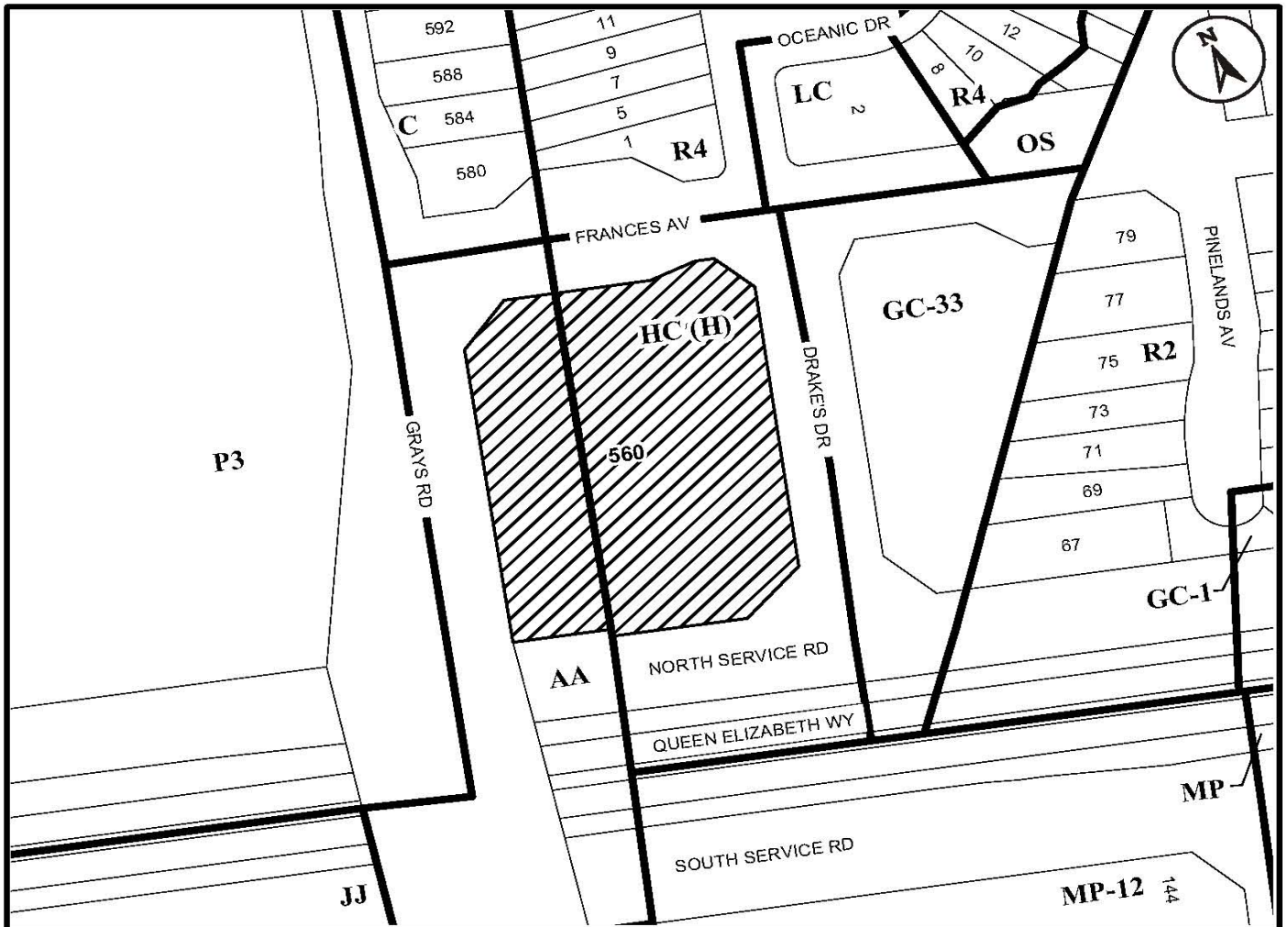
Intergovernmental Relationships

- ◆ Maintain effective relationships with other public agencies

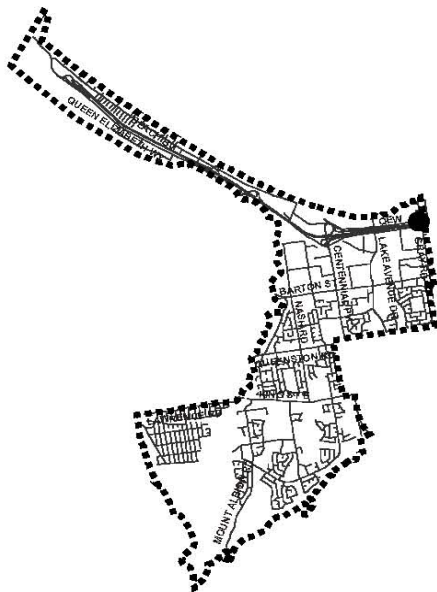
APPENDICES / SCHEDULES:

Appendix "A" to Report PED11018 – Location Map

DC/sd



● Site Location



Ward 5 Key Map

N.T.S.

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
2010-105

Date:
December 9, 2010

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
DC/SW

Subject Property



560 Grays Road
Parts 1 & 2, 62R-15557