

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 10
COMMITTEE DATE: February 14, 2011	
SUBJECT/REPORT NO: Ontario Realty Corporation (ORC) Surplus Land - Project 8192 - Located at 84 Lakeview Drive, Described as Part of Lots 18,19,20 and 21, Plan 673, Former Township of Saltfleet, now City of Hamilton (PED11019) (Ward 10)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Darlene Cole (905) 546-2424, Ext. 7910
SIGNATURE: <div style="border-top: 1px solid black; height: 20px; width: 100%;"></div>	

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 84 Lakeview Drive, described as Part of Lots 18, 19, 20 and 21, Plan 673, in the former Township of Saltfleet, now City of Hamilton, as shown on Appendix "A" attached to Report PED11019.
- (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 PED11019.

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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 84 Lakeview Drive, described as Part of Lots 18, 19, 20 and 21, Plan 673, in the former Township of Saltfleet, now City of Hamilton as shown on Appendix "A" to Report PED11019.

Alternatives for Consideration - Page 7

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 10.

The subject is a vacant, irregular parcel of land comprising 2.90 ha (7.19 acres) in the north-west quadrant of the QEW and Fruitland Road, immediately east of Bayview West Park. Generally, the property is situated on the north limit of the QEW between the Fruitland Road south-bound ramp to QEW (Toronto-bound) and the North Service Road. Lakeview Drive marks the northerly boundary; however, the frontage is broken by the presence of five residential dwellings. The property is described as Part of Lots 18, 19, 20 and 21, Plan 673 and forms PIN 17347-0840, and Roll No. 251800303029000.

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 QEW off and on ramps, North Service Road and Fruitland Road. As such, should the subject lands to be sold be used for residential purposes, staff advise that the following noise warning clause be included in any purchase and sale agreements for the subject lands:

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 Queen Elizabeth Expressway (QEW) and portions of the subject lands are within the Ministry of Transportation's (MTO) control Access Highway Areas. Further, staff advise that any development taking place on the

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subject lands may require the issuance of a permit from the MTO and the MTO should be contacted prior to any development taking place.

The property is designated “Highway Commercial” on Schedule “A” – General Land Use Plan and 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 zoned Highway Commercial (Holding) “HC(H)” Zone in Stoney Creek Zoning By-law No. 3692-92. As such, development of the subject lands would require the holding (H) provision to be lifted via a Zoning By-law Amendment Application. Additionally, development of the subject lands for commercial purposes would require a Site Plan Control application in accordance with the City’s Site Plan Control By-law.

Development Engineering recommends the following:

- ❖ There is a municipal sanitary sewer, storm water and a municipal water main on Lakeview 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:

Secondary Plan Designation:

- Schedule “A4” – Urban Lakeshore – Institutional

Neighbourhood Plan Designation:

- Fifty Point - Institutional

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;
- 2) In an area of sandy soil in areas of clay or stone; and
- 3) Along historic transportation routes.

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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 between the subject lands and Frances Avenue (higher) and considered 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, which permits 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 and 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.

Building Services Division:

The lands known municipally as 84 Lakeview Drive and 96 Lakeview Drive have merged in title and are now under PIN 17347-0840.

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The current zoning of the lands is “HC-H” (Highway Commercial – Holding). A successful application for a rezoning to remove the “H” (Holding) provision is required to permit development of the lands.

The lands are subject to Site Plan Control. As such, development or redevelopment may require application to the Planning and Development Division. For further information, please contact 905-546-2424, ext. 1355. The property is subject to the issuance of a building permit in the normal manner for construction of new buildings. There are no outstanding work orders.

Environment and Sustainable Infrastructure:

The horizontal curvature of North Service Road significantly restricts the potential for access from the subject lands to the roadway within the limits of the “S” curve. Access to Lakeview Drive is considered a location to consider; however, the existing properties under separate ownership do not permit access in an appropriate location mid-block between Fruitland Road and the first curve to the west.

There is an existing agricultural access within the “S” curve; however, future purchasers must not consider that access as an appropriate location for any intensification of the site.

Potential purchasers should be advised of the following Traffic Engineering requirements for the subject property:

- ❖ A Traffic Impact Study will be required for any intensification of the subject lands. The City has guidelines available online for traffic studies. A meeting with Traffic staff is required prior to initiating the study.
- ❖ A driver sight-line review for potential access will be required for any intensification of the subject lands. The review must follow Transportation Association of Canada guidelines and traffic impact study guidelines noted in (1). The sight-line review will identify if safe access locations are available, if access restrictions are necessary (right turn in/right turn out only), and also identify if turning lanes on North Service Road are required for sight line purposes. A meeting with staff is required prior to initiating the study.

ANALYSIS / RATIONALE FOR RECOMMENDATION:

(include Performance Measurement/Benchmarking Data, if applicable)
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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.

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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.

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

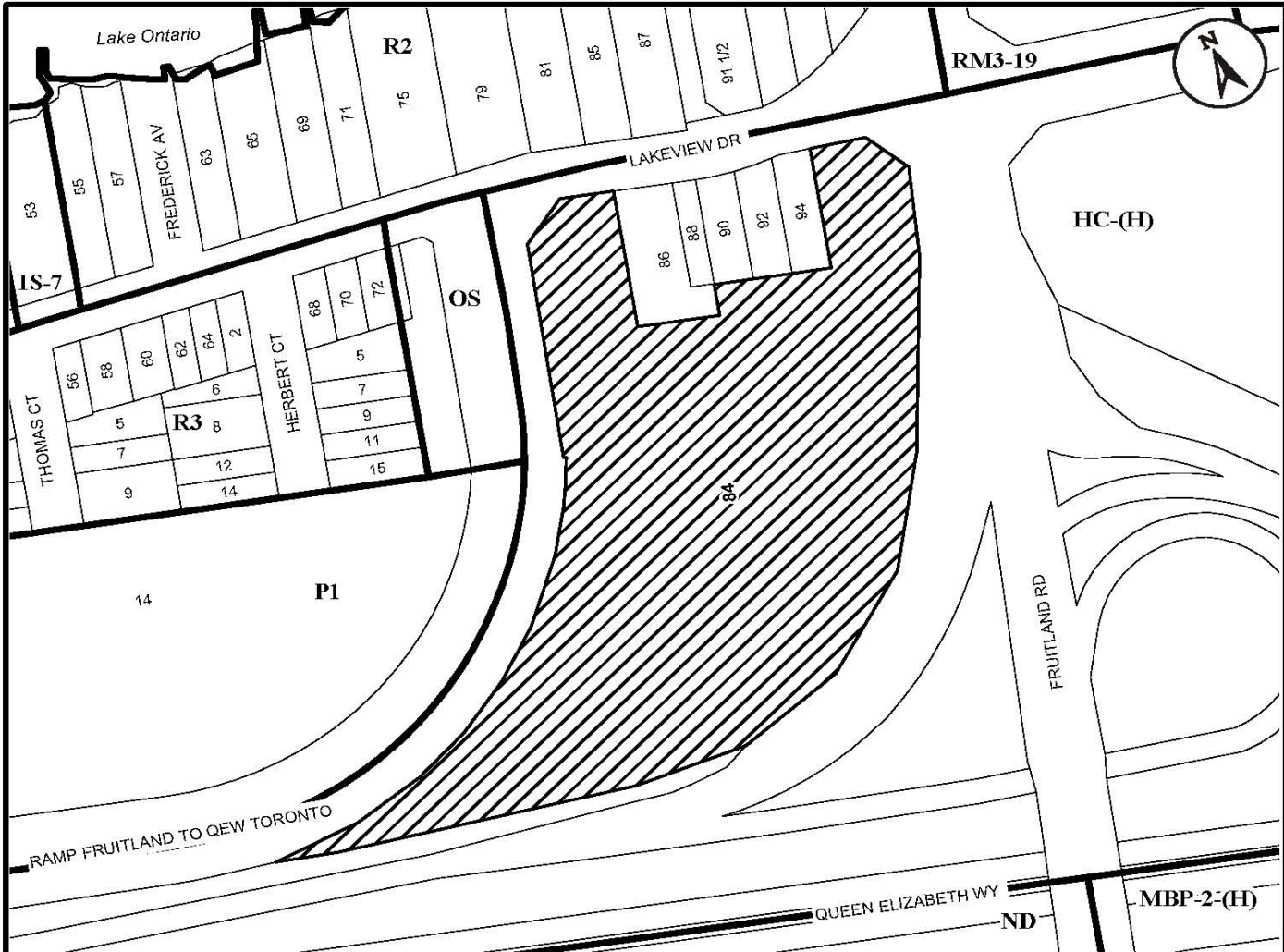
Intergovernmental Relationships

- ◆ Maintain effective relationships with other public agencies.

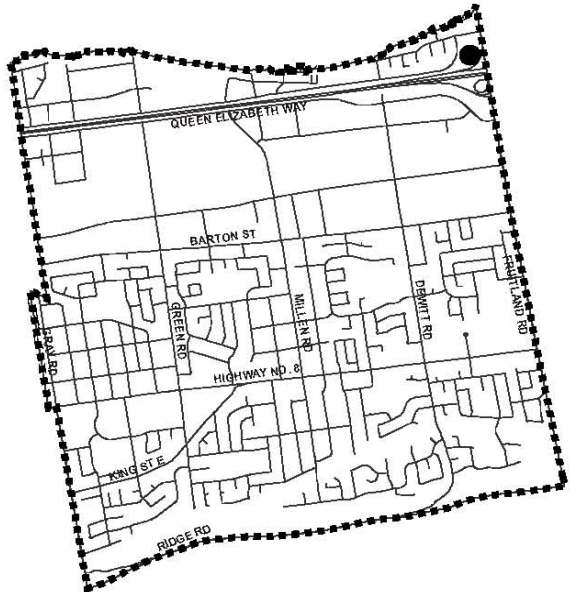
APPENDICES / SCHEDULES

Appendix "A" to Report PED11019 – Location Map

DC/sd



● Site Location



Ward 10 Key Map

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
2010-106

Date:
December 9, 2010

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
DC/SW

Subject Property



84 Lakeview Drive, Stoney Creek.