

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO: Mayor and Members General Issues Committee	WARD(S) AFFECTED: WARD 15
COMMITTEE DATE: June 6, 2012	
SUBJECT/REPORT NO: Hamilton-Wentworth Catholic District School Board (HWCD SB) Surplus Land - Located at 70 Barton Street, described as Part of Lot 38, Plan M-12, formerly Waterdown, now City of Hamilton (PED12105) (Ward 15)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Darlene Cole (905) 546-2424, Ext. 7910
SIGNATURE:	

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 the Hamilton-Wentworth Catholic District School Board (HWCD SB) that the City of Hamilton has no interest in the property located at 70 Barton Street in the former Town of Waterdown, described as Part of Lot 38, Plan M-12, as shown on Appendix "A" attached to Report PED12105.
- (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 Hamilton-Wentworth Catholic District School Board (HWCD SB) of the City of Hamilton's development requirements for the site as set out in Appendix "B" attached to Report PED12105.

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Surplus Land - Located at 70 Barton Street, described as Part of Lot
38, Plan M-12, formerly Waterdown, now City of Hamilton (PED12105)
(Ward 15) - Page 2 of 4**

EXECUTIVE SUMMARY

The subject property is the site of the former St. Thomas the Apostle Catholic Elementary School situated in the Waterdown Neighbourhood planning unit, south of Highway 5, fronting on the east side of Hamilton Street South.

The Real Estate Section of the Economic Development Division of the Planning and Economic Development Department is seeking Council's direction to advise the HWCDSB that the City of Hamilton has no interest in acquiring the surplus land located at 70 Barton Street, legally described as Part of Lot 39, Plan M-12, in the former Town of Waterdown.

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 15.

The subject parcel, having an area of approximately 2.16 ha (5.34 ac), is improved with the former St. Thomas the Apostle Catholic Elementary School building which has a gross floor area of about 2,767 square metres (29,784 square feet). The site has an irregular shape with approximate frontages of 125 m (413 feet) on Barton Street and 129 m (425 feet) along Hamilton Street South, with a depth of about 171 m (562 feet); this parcel is approximately 78 metres (255 feet) from Highway 5. The legal description for the property is Part of Lot 83, Plan M-12, City of Hamilton, and further identified as all of PIN 17500-0096 and Roll No. 251830333009300.

Although the subject is situated within the Niagara Escarpment Plan Area designated as "Urban Area", it is outside of the development control area of the NEC. This property is partially regulated by the Conservation Authority. Zoned "I1" – Institutional in the new Hamilton Zoning By-law 05-200, permitted uses include single and semi-detached dwellings and institutional. Surrounding uses include a mix of high-rise, non-profit, and single detached residential units. Higher density development would require a rezoning

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38, Plan M-12, formerly Waterdown, now City of Hamilton (PED12105)
(Ward 15) - Page 3 of 4**

of the subject lands to the appropriate zone of the 05-200 By-law or Town of Flamborough Zoning By-law 90-145-Z.

POLICY IMPLICATIONS

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.

RELEVANT CONSULTATION

Since the internal circulation confirmed no municipal need for the subject property, Council's direction is being sought to allow staff to advise the HWCDSB that the City of Hamilton has no interest in acquiring the this site.

It was noted that there are a number of school sites that will be declared surplus over the next 5 years. The City will need to prioritize which sites to purchase as the Parkland Reserve funding is insufficient to acquire all the sites. Acquisition of surplus school properties will need to be balanced with other parkland purchases such as those that fulfill Secondary and Neighbourhood Plan requirements.

ANALYSIS / RATIONALE FOR RECOMMENDATION

Approval of Recommendation (a) by Committee and Council will authorize Real Estate staff to advise HWCDSB that the City of Hamilton has no interest in acquiring the surplus school lands known as St. Thomas the Apostle Catholic Elementary School at 70 Barton Street, in the former Town of Waterdown.

ALTERNATIVES FOR CONSIDERATION

HWCDSB 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.

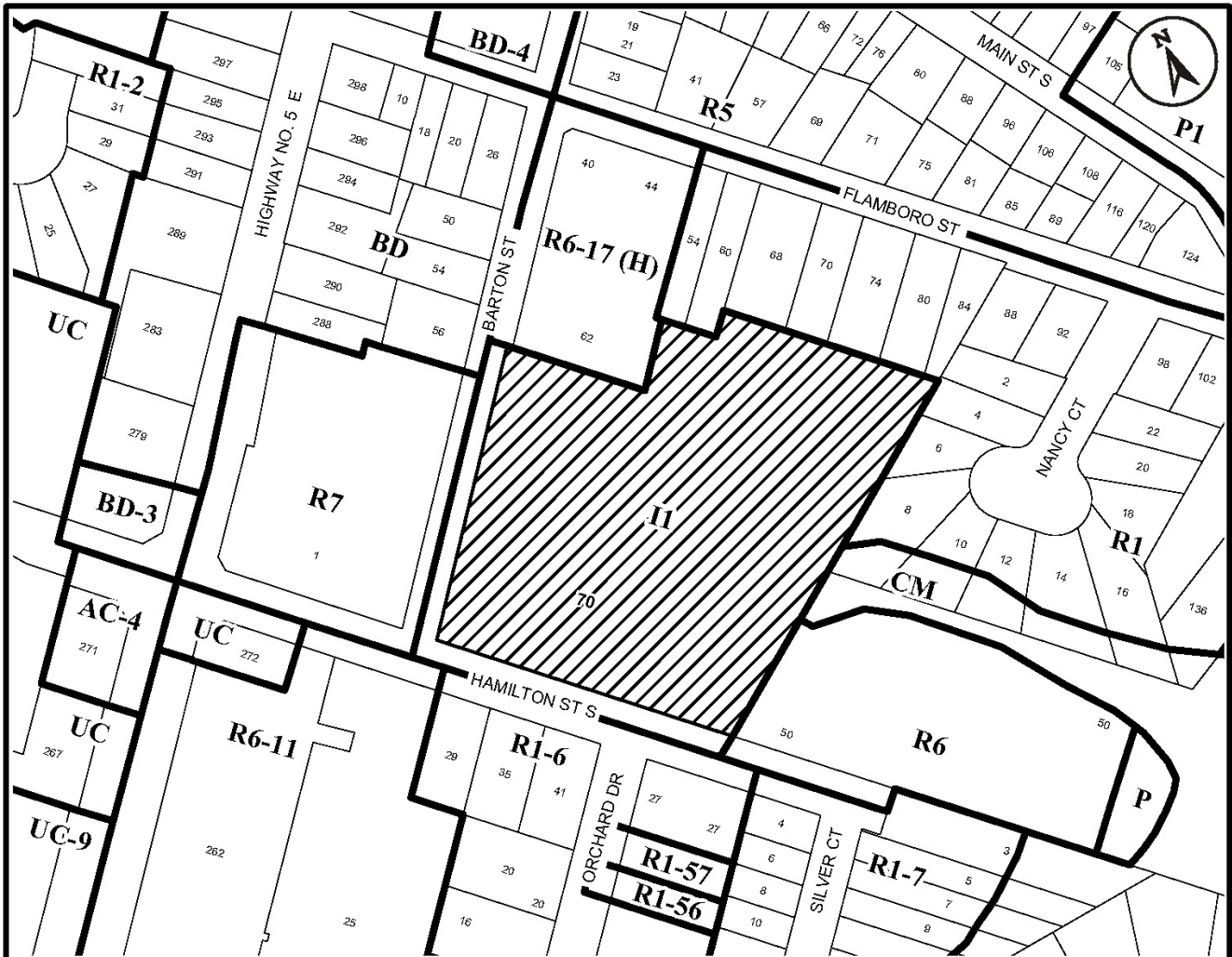
**SUBJECT: Hamilton-Wentworth Catholic District School Board (HWCDSB)
Surplus Land - Located at 70 Barton Street, described as Part of Lot
38, Plan M-12, formerly Waterdown, now City of Hamilton (PED12105)
(Ward 15) - Page 4 of 4**

APPENDICES / SCHEDULES

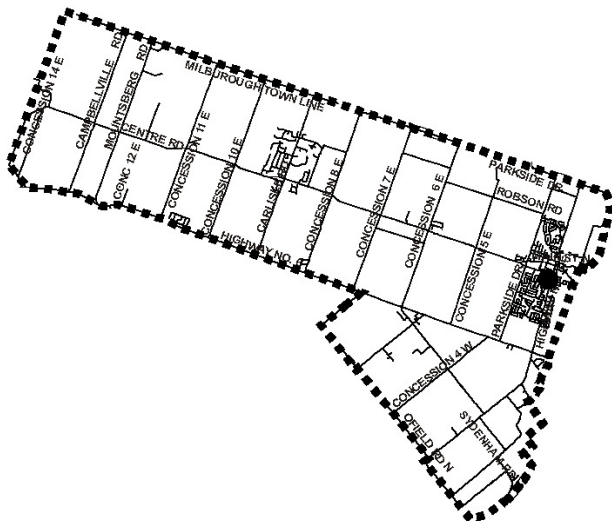
Appendix "A" to Report PED12105 - Location Map

Appendix "B" to Report PED12105 - Site Requirements

DC/sd



● Site Location



Ward 15 Key Map

N.T.S.

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
2012-018

Date:
May 8, 2012

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
DC/JAL

Subject Property



70 Barton Street
PIN # 17500-0096

SITE REQUIREMENTS

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 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 78 metres from **Highway 5**. As such, a future development application for the subject lands which contemplates a sensitive land use may 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.

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 lands are located within the Niagara Escarpment Plan Area and are designated as "**Urban Area**". Staff further note that the lands appear to be outside of the Niagara Escarpment Commission's (NEC) Development Control Area. The NEC should be contacted in this regard.

A portion of the subject lands are within the Conservation Authority Regulated Area. As such, Conservation Halton should be contacted in this regard.

The subject property is designated as "**Urban Area**" within the Hamilton-Wentworth Regional Official Plan. Policy 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 subject lands are designated Urban Institutional in the Town of Flamborough Official Plan. In accordance with Section A.4.4, Residential Uses are permitted within the Urban Institutional designation.

The subject lands are zoned Neighbourhood Institutional (I1) in the new Hamilton Zoning By-law 05-200. The existing zoning permits institutional uses, single and semi-detached dwellings. Higher density development would require a rezoning of the subject lands to the appropriate zone of the 05-200 By-law or the Town of Flamborough Zoning By-law 90-145-Z. "

Development Engineering Section:

"At development stage we would take a minimum 7x7m daylight triangle."

Building Services Division:

"The lands are within an "I1 (Neighbourhood Institutional) Zone. Any development/use of the property shall be in accordance with the requirements of the "I1" Zone of the Hamilton By-law 05-200.

The lands are subject to Site Plan Control. As such, development or redevelopment may require application to the Planning and Development Division."

Community Planning & Design Section:

- There are no approved Secondary or Neighbourhood Plans.

"Community Planning staff advise that the subject property is within the Waterdown Node Secondary Plan area."

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 EuroCanadian settlement.

These criteria define the property as having 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 Site-specific Assessment and Stage 4 Mitigation of Development Impacts 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

“The subject property is adjacent to 68 Flamboro Street, a property included in the City’s *Inventory of Buildings of Architectural and/or Historical Interest* and any development on the subject lands should be sympathetic to the adjacent heritage property. The policies of the City of Hamilton Official Plan with respect to cultural heritage resources apply to any applications under the Planning Act.”

Environment and Sustainable Infrastructure Division:

Surveys Section

“Road widening upon development commencing will be required.”

Traffic Planning

“Should the property develop as a commercial property then we recommend that access be directed to Hamilton Street South, and that the access align with Orchard Drive. Should the lands develop as block or single family residential then access can be provided to both adjacent streets. Development of the lands must consider a minimum driveway setback of 20 m from the intersection of Hamilton Street South and Orchard Drive.”