

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: Hamilton-Wentworth District School Board (HWDSB) Surplus Land - Located at 360 Frances Avenue, Described as Lot 15, Plan M-101, former Township of Saltfleet now City of Hamilton (PED11028) (Ward 10)	
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 Hamilton-Wentworth District School Board (HWDSB) that the City of Hamilton has no interest in acquiring their land located at 360 Frances Avenue, legally described as Lot 15, Plan M-101, former Township of Saltfleet, now City of Hamilton, as shown on Appendix "A" to Report PED11028 attached.
- (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 Hamilton-Wentworth District School Board (HWDSB) of the City's requirements to the development of the site as contained in the "Relevant Consultation" Section of Report PED11028.

SUBJECT: Hamilton-Wentworth District School Board (HWDSB) Surplus Land – Located at 360 Frances Avenue, Described as Lot 15, Plan M-101, former Township of Saltfleet, now City of Hamilton (PED11028) (Ward 10) - Page 2 of 7

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 HWDSB that the City of Hamilton has no interest in acquiring the surplus lands located at 360 Frances Avenue, legally described as Lot 15, Plan M-101, Stoney Creek, as shown on Appendix "A" to Report PED11028.

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.

City Council, on June 14, 2005, approved Item 6.2 of the Planning and Economic Development Committee Report 05-009. The recommendation in part, as approved by City Council, is as follows:

- (b) That the City of Hamilton not bid on any further HWDSB sites other than what has been committed in Table 1, due to the declining capital reserves from which these purchases are funded.
- (c) That the Real Estate Section of the Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to notify the HWDSB that the City of Hamilton has no interest in any additional sites which may be deemed surplus, other than those referred to in Table 1.

The sites referred to in Table 1 are as follows:

- Peace Memorial - Ward 6; completed June 2004;
- Fairfield Elementary School – Ward 4; completed November 2004;
- Tweedsmuir School – Ward 2; completed June 2005;
- Grange School – Ward 12; completed August 2005;

SUBJECT: Hamilton-Wentworth District School Board (HWDSB) Surplus Land – Located at 360 Frances Avenue, Described as Lot 15, Plan M-101, former Township of Saltfleet, now City of Hamilton (PED11028) (Ward 10) - Page 3 of 7

- University Gardens – Ward 13; parkette acquired as part of the subdivision process.

Notwithstanding the policy recommendations approved by City Council on June 14, 2005, that the City will not bid on any further HWDSB sites other than what had been committed due to declining capital reserves from which the purchases are funded, City Council at its meeting of December 10, 2008 directed staff to submit bonafide offers for 205 Berko Avenue and 00 DiCenzo Drive. These transactions had been completed in 2009.

City Council at its meeting of January 28, 2009 approved Item 11.1 of the Audit and Administration Committee Report 09-002. The item approved was an information update report on the City Parkland Dedication Reserve. The conclusion, as outlined in the report, is as follows:

- (a) The Parkland Dedication Reserve commitments include \$1.5 to \$2.0 million in annual funding towards the park development 10-year masterplan. This amount is the amount of discretionary funding available to Council should they wish to deviate from the priorities set in the park development masterplan. Staff continuously monitor reserve activities and forecasts, adjusting future commitments accordingly.
- (b) The Parkland Dedication Reserve cannot fund any of the existing deficiencies of parkland in older neighbourhoods. Any future significant purchases of parkland in deficient areas would have to be funded from other sources such as area rating, legacy reserves, etc.
- (c) The Province's Planning Act sets a cap on the rates municipalities charge for the creation of parkland. As the Tables in this document show, the City's standard for parkland is on the lower end of the scale and yet Provincial constraints will not allow full cost recovery.

The subject vacant parcel, having an area of approximately 2.03 ha (5.01 acres), is located at the northwest corner of Millen Road and Frances Avenue; its frontage measures approximately 238.68 metres (783.08 feet) along Frances Avenue.

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

SUBJECT: Hamilton-Wentworth District School Board (HWDSB) Surplus Land – Located at 360 Frances Avenue, Described as Lot 15, Plan M-101, former Township of Saltfleet, now City of Hamilton (PED11028) (Ward 10) - Page 4 of 7

POLICY IMPLICATIONS:

The internal circulation confirmed no municipal need for the subject property. As no municipal need has been identified for the subject property, Council's direction is, therefore, being sought to allow staff to advise the HWDSB 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:

Policy 1.7.1(e) of the Provincial Policy Statement (PPS) 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. Due to the proximity of the subject lands to the Queen Elizabeth Way, staff requests that should this site be developed a noise study shall be required to be conducted to address this concern.

The subject lands are located within 400m of a controlled access highway (Queen Elizabeth Expressway) which falls under the jurisdiction of the Ministry of Transportation (MTO). As such, any application should be circulated to the MTO for review and comment.

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 designed "Residential" on Schedule "A" and designated as "Lakeshore Protection Area" on Schedule "B" of the City of Stoney Creek Official Plan. Within the Lakeshore Neighbourhood Plan, the property is categorized as "Parkland". The property is zoned "IS" (Small Scale Institutional) in the City of Stoney Creek Zoning By-law No. 3692-92.

SUBJECT: Hamilton-Wentworth District School Board (HWDSB) Surplus Land – Located at 360 Frances Avenue, Described as Lot 15, Plan M-101, former Township of Saltfleet, now City of Hamilton (PED11028) (Ward 10) - Page 5 of 7

Development Engineering Section:

Prospective purchasers should be advised:

There are storm and sanitary sewers and a water main on Frances Avenue adjacent to the subject lands, however, we will require that a servicing study be prepared and submitted to this office for approval to determine if capacity is available for any proposed development.

The owner will be required to develop the subject lands through a draft plan of subdivision and enter into a Subdivision Agreement with the City of Hamilton to construct Frances Avenue to municipal standards.

Community Planning and Design Section:

Community Planning staff advise that the subject lands are within 2.5 kilometres of the Fruitland-Winona Secondary Plan study area. Prior to the sale of this land, Community Planning staff request that the HWDSB share the school requirement/surplus plan for the Stoney Creek area to ensure that school lands are appropriately allocated in the Fruitland-Winona Study Area.

Community Planning – Archaeology:

The subject property meets two of ten criteria used by the City of Hamilton and Ministry of Culture (MCL) for determining archaeological potential:

1. Within 300 metres of water or prehistoric water, or 200 metres of a secondary watercourse; and
2. On well-drained, sandy soil within a clay/stone matrix.

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 disturbance. Any potential owner is advised to conduct Stage 1 and 2 archaeological assessments 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 MCL. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to MCL.

SUBJECT: Hamilton-Wentworth District School Board (HWDSB) Surplus Land – Located at 360 Frances Avenue, Described as Lot 15, Plan M-101, former Township of Saltfleet, now City of Hamilton (PED11028) (Ward 10) - Page 6 of 7

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Culture (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).

Community Planning – Natural Heritage:

The subject property is located within the Lakeshore Protection Zone as identified on Schedule “B” within the City of Stoney Creek Official Plan. The Lakeshore Protection Zone identifies areas that require the establishment of shoreline protection works and an appropriate setback from the protection works. Any future land use changes would require the completion of a shoreline erosion study to determine the limits of development.

There are no additional natural heritage features located on the subject lands.

Building Services Division:

The property is zoned Small Scale Institutional and as such must be developed in accordance with the Zoning By-law regulations affecting this zone.

Our records indicate that the existing use is vacant land.

Environment and Sustainable Infrastructure Division:

Access to/from the subject lands to North Service Road will not be permitted.

The Lakeshore Neighbourhood plan prepared by the City of Stoney Creek indicates that Frances Avenue will extend from Green Road easterly and travel along the north limits of this property. Construction of this portion of Frances Avenue will be required either as a condition of development of the lands or prior to development of these lands (by developers other than potential purchasers).

There is an existing paved off-road trail that connects Green Road at Frances Avenue with Millen Road. This trail is part of the Ontario Waterfront Trail system, and was recently paved by the City to further promote its use by cyclists and pedestrians. It is our recommendation that this trail system, or on street bike lanes 1.8 metres in width, be maintained in the neighbourhood. Future developers will be required to engineer and construct one of the above cycling facilities in their design of the future Frances Avenue.

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10) - Page 7 of 7**

ANALYSIS / RATIONALE FOR RECOMMENDATION:

(include Performance Measurement/Benchmarking Data, if applicable)

Approval of the recommendation by Committee and Council is in keeping with the recommendation approved in 2005 and will authorize Real Estate staff to advise the HWDSB that the City of Hamilton has no interest in acquiring the surplus land.

ALTERNATIVES FOR CONSIDERATION:

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

HWDSB 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

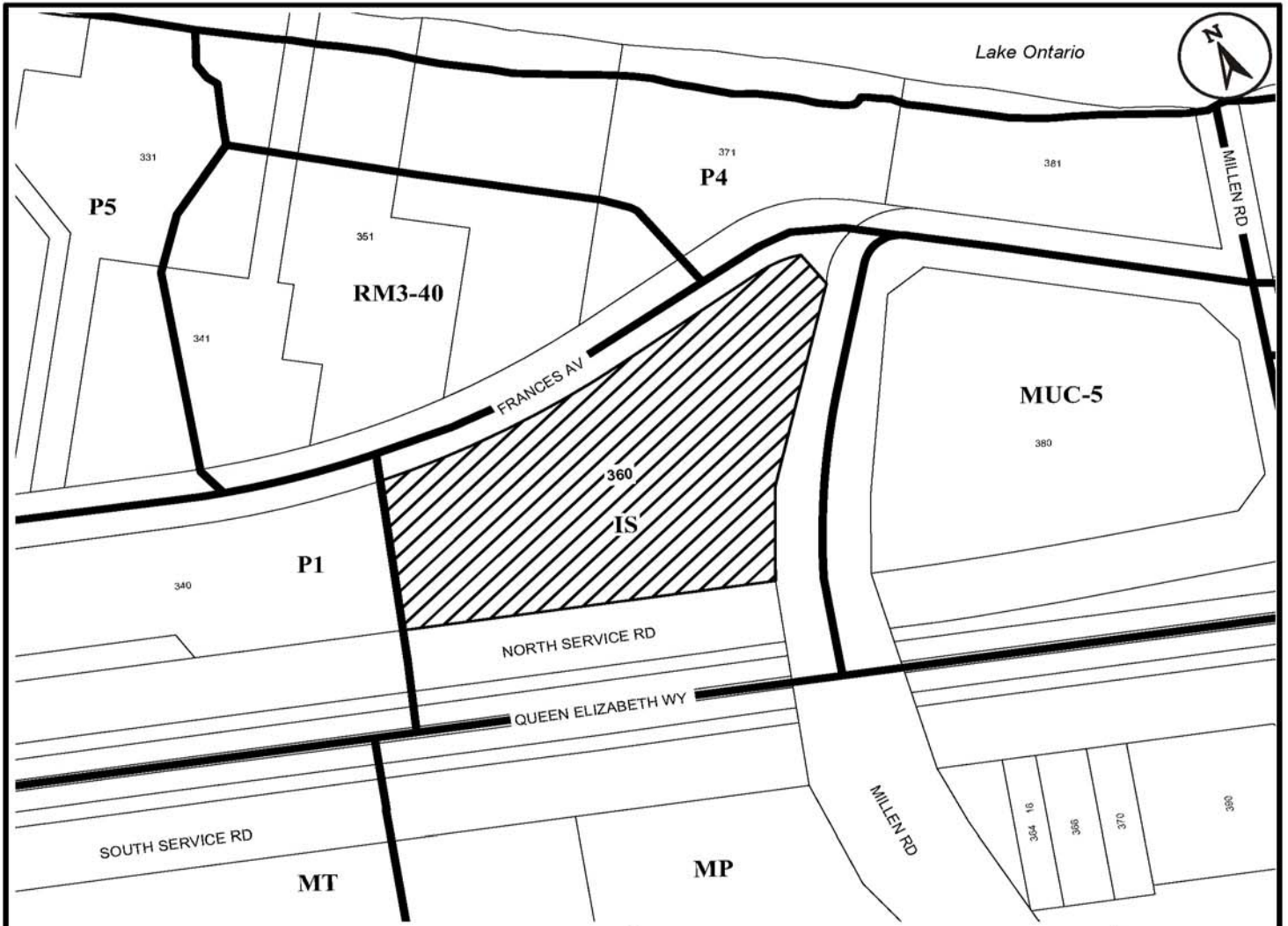
Intergovernmental Relationships

- ◆ Maintain effective relationships with other public agencies

APPENDICES / SCHEDULES

Appendix "A" to Report PED11028 – Location Map


DC/sd



● Site Location



Ward 10 Key Map

N.T.S. 

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
2009-005

Date:
January 19, 2011

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
DC / MB

Subject Property



360 Frances Avenue
Lot 15, Plan M-101