

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 9
COMMITTEE DATE: March 22, 2011	
SUBJECT/REPORT NO: Ontario Realty Corporation (ORC) Surplus Land - Project 8093 - Located at 1831 Rymal Road East / 99 Highland Road West, Described as Part of Lots 33 and 34, Concession 8, Former Township of Saltfleet, now City of Hamilton (PED11039) (Ward 9)	
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 1831 Rymal Road East / 99 Highland Road West, legally described Part of Lots 33 and 34, Concession 8, in the former Township of Saltfleet, now City of Hamilton, as shown on Appendix "A" attached to Report PED11039.
- (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 ORC of the City of Hamilton requirements to the development of the site as contained in the "Relevant Consultation" Section of Report PED11039.

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EXECUTIVE SUMMARY:

Site selection for Pan Am facilities was in progress when ORC offered the City an opportunity to acquire the subject parcel. Although an internal circulation determined there was no departmental need for the property, Council directed staff to refer the property back to the Planning and Economic Development Department, pending the Pan Am Stadium needs analysis. Recently, Council narrowed its focus to the West Harbour and to the current stadium site, Ivor Wynne. Accordingly, ORC's parcel is no longer considered a candidate site for the Pan Am games.

Accordingly, the Real Estate Section of the Economic Development 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 1831 Rymal Road East / 99 Highland Road West, legally described as Part of Lots 33 and 34, Concession 8, in the former Township of Saltfleet, as shown on Appendix "A" to Report PED11039.

Alternatives for Consideration - Page 9

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 recommendations contained in this Report primarily affect Ward 9.

This vacant, irregular parcel of land spans from Highland Road West to Rymal Road East and over to Upper Mount Albion Road; the east limit of the proposed Trinity Church Road extension marks the west limit of this parcel. The land area comprises approximately 34.7 hectares (86 acres) with a frontage of about 329.7 metres (1,081 feet) on Highland Road West. The property is described as Part of Lots 33 and 34, Concession 8, and forms part of PIN 169332-0017, and Roll No. 251800385091200.

The property lies within the west portion of the Trinity Neighbourhood which has been divided into two, East and West, due to the Karst Feeder area to the east of the

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Eramosa Karst Conservation Area. Zoning and Official Plan designations specific to the subject property 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:

The internal circulation confirmed 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 notes that the subject lands are located adjacent to Highland Road West, Rymal Road East and Upper Mount Albion Road and stationary noise sources (Red Hill Business Park). As such, any future development applications for the subject lands which contemplate a sensitive land use will require the fulfilment of the following condition:

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Located at 1831 Rymal Road East / 99 Highland Road West,
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Township of Saltfleet, now City of Hamilton (PED11039) (Ward 9) -
Page 4 of 9**

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's 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 notes that the subject lands are located adjacent to an area of archaeological potential. As such, please refer to any comments provided by Community Planning staff in this regard.

The subject property is designated as "Urban Area" within the Hamilton-Wentworth Regional Official Plan, for the northern and southern portions respectively. 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 property is designated "Service Commercial", "Residential" and "Open Space" on Schedule "A" General Land Use Plan, and "Service Commercial", "Low Density Residential", "Medium Density Residential" and "General Open Space" on Schedule "A-3" Secondary Plan West Mountain Planning District (Heritage Green) in the Stoney Creek Official Plan.

The property is zoned Neighbourhood Development "ND" Zone in Stoney Creek Zoning By-law No. 3692-92.

Within the proposed Trinity West Secondary Plan, the property is proposed to be designated "Low Density Residential 1", "Low Density Residential 2", "Medium Density Residential 2", "Medium Residential 3", "Natural Open Space", "Neighbourhood Park", "General Open Space", "Mixed Use – Medium Density" and "Utility (Storm Water Management)".

OPA-07-038 was submitted by the ORC and circulated, but no position was taken by staff since the Secondary Plan was in progress."

Development Engineering:

“Prospective purchasers should be advised of the following conditions for development approval:

- 1) Road allowance widenings from the subject lands adjacent to Highland Road West and Upper Mount Albion Road in order to establish the property lines 13.11 metres (43 feet) from the centre of the original road allowance of Highland Road West and Upper Mount Albion Road;
- 2) A 12.19 metre by 12.19 metre (40 feet x 40 feet) daylight triangle from the widened limits of Highland Road West and Upper Mount Albion Road;
- 3) Road allowance widening from the subject lands adjacent to Rymal Road East may be required in order to establish the property line 18.29 metres (60 feet) from the centre of original Rymal Road East;
- 4) A 12.19 metre by 12.19 metre (40 feet x 40 feet) daylight triangle from the widened limits of Rymal Road East and Upper Mount Albion Road;
- 5) The owner will be required to enter into a Development Agreement with the City of Hamilton in order to service the subject lands with municipal sewers to the satisfaction of the Manager of Development Engineering;
- 6) Land may be required from the subject property to facilitate the new Trinity Church Road corridor;
- 7) A storm water management pond is proposed to be located on the subject lands; and,
- 8) The following warning clause be included in all Purchase and Sale Agreements to advise prospective purchasers and homeowners of the proximity of this property to the Red Hill Business Park:

Purchasers and or tenants/lessees are advised that the subject property is located within close proximity to the Red Hill Business Park. Traffic noise and noise related to existing and future businesses in the area may occasionally interfere with some activities of the residents.”

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Located at 1831 Rymal Road East / 99 Highland Road West,
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Township of Saltfleet, now City of Hamilton (PED11039) (Ward 9) -
Page 6 of 9**

Community Planning:

“The following planning framework also applies to the subject property:

Urban Hamilton Official Plan designation (Council Adopted):
Schedule “E-1” – Urban Land Use – Neighbourhoods

Stoney Creek Official Plan designation:
Schedule “A” – General Land Use – Service Commercial

Secondary Plan designation (pending):
Trinity West Secondary Plan proposes: Medium Density Residential 2, Medium Density Residential 3, Low Density Residential 1, Low Density Residential 2, Mixed Use-Medium Density, Neighbourhood Park, Utility, General Open Space, and Natural Open Space.

The ORC has also submitted a draft plan of subdivision application for these lands.”

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 the vicinity of distinctive or unusual landforms; 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.

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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).”

Community Planning – Natural Heritage:

“The subject property is located adjacent to the Eramosa Karst Earth Science Area of Natural and Scientific Interest (ANSI). As revealed in studies completed by the ORC, karst features (buried Eramosa escarpment, springs, and sinkholes) were found on this property. There are policies in the Trinity West Secondary Plan which address the karst features, and require study and mitigation to protect these features and their function.”

Community Planning – Open Space:

“The East Mountain Trail Loop is slated to pass through these lands from East to West crossing the proposed Trinity Church Road Extension as well. Trail development will be co-ordinated with the Trinity West Secondary Plan process in accordance with the Planning Act. The alignment of this trail corridor is crucial as it must align with the trail connection at the Conservation Authority lands to the east and City owned lands to the west. The East Mountain Trail Loop concept and alignment was approved by Council as part of the Open Space Replacement Strategy (Council Report PW-04-051, PW-04-051A).

Dedication of road allowance and daylight triangles for Trinity Church Road Extension, Upper Mount Albion Road and Highland Road West, and additional land is required on the east side of the property at Upper Mount Albion at Rymal Road East for traffic signal related pavement widening. Development of the lands will occur in accordance with the proposed Trinity West Secondary Plan.”

Community Services – Recreation Division:

“The Recreation Division recognizes these lands as being part of the Trinity West Secondary Plan, including residential development and that a block of parkland has been identified. We support the Secondary Plan covering this site and will accept 5% in parkland as identified.”

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Environment and Sustainable Infrastructure Division:

“We have expressed concerns in the past with the development of lands in these areas prior to a regional karst evaluation program. As mentioned before, the lands are in an area with significant karstification, the interconnectedness of these features are important to their continued preservation. When the lands are divided and studied at the local site scale, the broader regional interdependence is not obvious. It is, therefore, recommended that these lands be retained by a public body until such time as a regional karst evaluation has been completed and consideration of the overall system is available.”

Building Services Division:

“The current zoning for the portion of the parcel situated in Hamilton is zoned “A” (Conservation, Open Space, Park and Recreation) and “M-12”, “M-13” and “M-14” (Prestige Industrial).

Development of the lands may require rezoning for a portion or all 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.

Subject to the issuance of a building permit in the normal manner for construction of new buildings and a demolition permit for demolition of existing buildings.”

Budgets & Finance, Corporate Services:

“Best Efforts Sanitary Sewer cost of \$5,000 is payable upon site plan, severance, subdivision and permit application.”

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.

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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

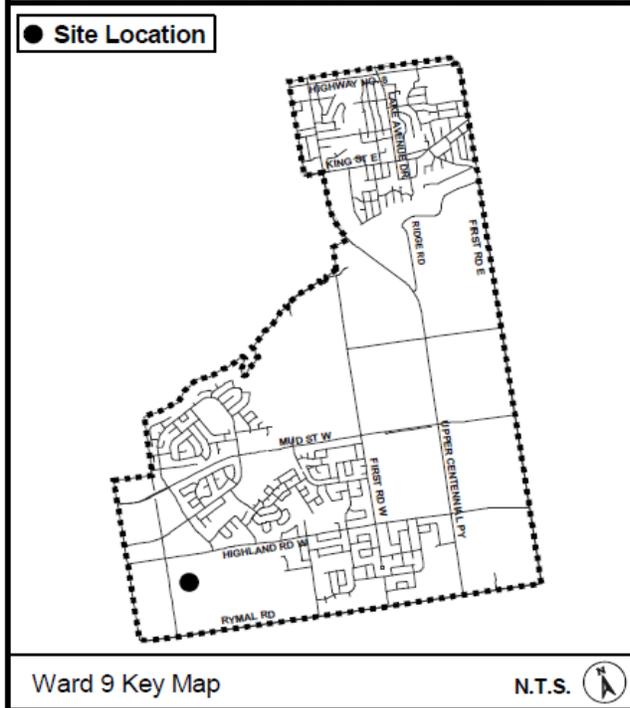
Intergovernmental Relationships

- ◆ Maintain effective relationships with other public agencies

APPENDICES / SCHEDULES:

Appendix "A" to Report PED11039 – Location Map

DC/sd



Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT


Hamilton

File Name/Number: 2010-049	Date: July 5, 2010
Appendix "A"	Scale: N.T.S.
Planner/Technician: DC/NS	

Subject Property

 1831 Rymal Road
99 Highland Road
Part of Lots 33 & 34, Concession 8
City of Hamilton
(former Township of Saltfleet)

PIN # 16932-0017(LT)

Area: 34.7 HA (86 AC)

N.T.S. 