TO: Chair and Members  
   Economic Development and Planning Committee  

WARD(S) AFFECTED: WARD 9

COMMITTEE DATE: July 5, 2010

SUBJECT/REPORT NO:  
Ontario Realty Corporation (ORC) Surplus Land - Project 8117 - Located at 0 Highbury Drive, Described as Part 2, Plan 62R-17214, Former Township of Saltfleet, now City of Hamilton (PED10151) (Ward 9)

SUBMITTED BY:  
Tim McCabe  
General Manager  
Planning and Economic Development Department

PREPARED BY:  
Darlene Cole  
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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 that the City of Hamilton has no interest in acquiring their land located at 0 Highbury Drive, legally described Part 2, Plan 62R-17214, in the former Township of Saltfleet, now City of Hamilton, as shown on Appendix “A” attached to Report PED10151.

(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 of the City of Hamilton requirements to the development of the site as contained in the “Relevant Consultation” Section of Report PED10151.
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 0 Highbury Drive, legally described as Part 2, Plan 62R-17214, in the former Township of Saltfleet, as shown on Appendix “A” to Report PED10151.

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

Financial: There are no identified financial implications arising out of the recommendation.

Staffing: There are no identified staffing implications arising out of the recommendation.

Legal: There are no identified legal implications arising out of the recommendation.

HISTORICAL BACKGROUND (Chronology of events)

The information and recommendation contained in this report primarily affect Ward 9.

The subject is a vacant, rectangular parcel having an area of approximately 1.21 ha (2.99 acres), situated on Highbury Drive north of Highland Road West, with a frontage of approximately 81.46 metres (267 feet). This parcel is described as Part 2 on Plan 62R-17214, identified as PIN 17090-0136, and Roll Number 251800365030800.

The current planning framework that applies to the property was established through the West Mountain Planning District – Heritage Green secondary planning process. The general intent of this secondary plan is to provide a mix of uses, a variety of housing types and tenures, and to permit a form of development consistent with and complementary to planned and existing development in the immediate area. 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.

Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.
Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
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, 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 within approximately 42 metres (137.7 feet) from Highland Road West and 215 metres (705.3 feet) from Upper Centennial Parkway. As such, any future development applications for the subject lands which contemplate a sensitive land use will 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’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 note that the subject lands are located within an area of archaeological potential. As such, please refer to the comments provided by Community Planning staff 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 property is designated “Residential” on Schedule “A” General Land Use Plan, and “Low Density Residential” and “Medium Density Residential” on Schedule “A-3” Secondary Plan West Mountain Planning District (Heritage Green) in the Stoney Creek Official Plan.

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

Staff advises that Highbury Drive is an unassumed road at this time. Development plans to the north (Paletta) which are currently before the OMB, will require that the road be upgraded and opened to full municipal standards.”

**Development Engineering Section:**

“Prospective purchasers should be advised that as a condition of development approval, the owner will be required to enter into a Development Agreement with the City of Hamilton in order to service the subject lands with a sanitary sewer, to the satisfaction of the Manager of Development Engineering.

The future applicant / owner will be required to pay their fair share of the urbanization costs on Highbury Drive, adjacent to the subject lands.”

**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 – Residential

Secondary Plan designation (pending):
Schedule “A-3” – Heritage Green – Low Density Residential

Neighbourhood Plan designation:
Felker – Low Density Residential

Community Planning - Archaeology:

“The subject property meets 4 of the 10 criteria used by the City of Hamilton and Ontario Ministry of Culture (MCL) for determining archaeological potential:

1) Within 250 metres of known archaeological sites;
2) 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;
3) In areas of pioneer EuroCanadian settlement; and
4) 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:

“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.

This parcel is within the City urban boundary but it has no municipal water or sanitary services in front of the property.”

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)

If staff does not respond to ORC within the allotted time period, it will be treated as a negative response.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)


Skilled, Innovative & Respectful Organization

• n/a

Financial Sustainability

• n/a

Intergovernmental Relationships

• Maintain effective relationships with other public agencies
Growing Our Economy

- n/a

Social Development

- n/a

Environmental Stewardship

- n/a

Healthy Community

- n/a

APPENDICES / SCHEDULES

Appendix “A” to Report PED10151