CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development and Real Estate Division

<table>
<thead>
<tr>
<th>TO:</th>
<th>Chair and Members</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Economic Development and Planning Committee</td>
</tr>
<tr>
<td>WARD(S) AFFECTED:</td>
<td>WARD 9</td>
</tr>
<tr>
<td>COMMITTEE DATE:</td>
<td>February 2, 2010</td>
</tr>
<tr>
<td>SUBJECT/REPORT NO:</td>
<td>Ontario Realty Corporation (ORC) Surplus Land - Project 8034 - Located at 512 Highland Road West, Described as Part of Lots 33 and 34, Concession 7, Former Township of Saltfleet, now City of Hamilton (PED10025) (Ward 9)</td>
</tr>
<tr>
<td>SUBMITTED BY:</td>
<td>Tim McCabe</td>
</tr>
<tr>
<td></td>
<td>General Manager</td>
</tr>
<tr>
<td></td>
<td>Planning and Economic Development Department</td>
</tr>
<tr>
<td>PREPARED BY:</td>
<td>Darlene Cole</td>
</tr>
<tr>
<td></td>
<td>(905) 546-2424, Ext. 7910</td>
</tr>
<tr>
<td>SIGNATURE:</td>
<td></td>
</tr>
</tbody>
</table>

**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 the intersection of Upper Mount Albion Road and Stone Church Road, legally described as Part of Lots 33 and 34, Concession 7, in the former Township of Saltfleet, now City of Hamilton, as shown on Appendix "A" to Report PED10025.

(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 PED10025.
SUBJECT: Ontario Realty Corporation (ORC) Surplus Land - Project 8034 - Located at 512 Highland Road West, Described as Part of Lots 33 and 34, Concession 7, Former Township of Saltfleet, now City of Hamilton (PED10025) (Ward 9) - Page 2 of 9

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 the intersection of Upper Mount Albion Road and Stone Church Road, legally described as Part of Lots 33 and 34, Concession 7, in the former Township of Saltfleet, as shown on Appendix “A” to Report PED10025.

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 vacant parcel, having an area of approximately 4.7 ha (11.63 acres), is situated in the southwest corner of Upper Mount Albion Road and Stone Church Road.

The property is currently zoned “ND” Neighbourhood Development in Stoney Creek Zoning By-law No. 3692-92, and designated “Service Commercial”, “Neighbourhood Park” and “Medium-High Density Residential” in the Stoney Creek Official Plan.

Applications to change the Official Plan and Zoning By-law submitted to the City by ORC were supported but held in abeyance until the lands required for the Trinity Church Road extension are conveyed to the City. ORC is proposing to change the Official Plan designations to “Mixed Use” and “Medium-High Density Residential”, and rezone its lands to Mixed Use Commercial (Holding) “MUC-2(H)”, “MUC-3(H)”, and Multiple Residential (Holding) “RM3-34(H)” zones.

The Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department circulated the 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 for the subject property, Council’s direction is, therefore, 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:

*Industrial Parks and Airport Development Section:*

“The subject property is located adjacent to our Hamilton Mountain and North Glanbrook Business Park. The west limit of this property abuts the proposed Trinity Church Road corridor which extends south of Rymal Road East and into the North Glanbrook Business Park.

Before the property is disposed by the Ontario Realty Corporation (ORC), we would recommend the following:

(a) that all lands required to accommodate the future Trinity Church Road extension road allowance including daylight triangles be transferred to the City of Hamilton; and,

(b) that the following advisory note be included in the Purchase and Sale Agreement:

“The subject lands are located within close proximity to the Hamilton Mountain and North Glanbrook Business Parks. As such, ORC is advised that the City of Hamilton, as a condition of development, will be requiring all residential developers and home builders to include noise warning clauses in all purchase and sale agreements, development agreements, land use billboard signs, subdivision promotional materials and to display in all model homes and presentation centres a notice advising all future home owners that business
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

parks are located in close proximity to their homes, with the potential of having noise and traffic impacts as a result of 24/7 operations of area industries."

Environment and Sustainable Infrastructure Division:

“We would advise that these lands may exhibit significant karst environments which may limit future uses.”

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 and in accordance with those policies advise of the potential studies/information which may be required as part of future Planning Act applications for the subject lands:

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 Stone Church Road East, Upper Mount Albion Road and Highland Road West and are in close proximity to the Red Hill Valley Parkway. As such, Staff advises that any future development proposal for the subject lands which contemplates a sensitive land use on the lands may trigger the requirement for a noise study as follows:

“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.”

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. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.
The subject lands are currently designated “Service Commercial”, “Neighbourhood Park” and “Medium-High Density Residential” in the Stoney Creek Official Plan and zoned Neighbourhood Development “ND” in Stoney Creek Zoning By-law No 3692-92.

Applications to change the Official Plan and Zoning By-law have been made by ORC and were considered at a Public Meeting at the Economic Development and Planning Committee on August 10, 2009. While the applications were supported, the amendments were held in abeyance until such time as the City and Province enter into an agreement to transfer the lands for the Trinity Church Road extension to the City. The lands are proposed to be designated “Mixed Use” and “Medium-High Density Residential”, and zoned Mixed Use Commercial (Holding) “MUC-2(H)” and “MUC-3(H)”, and Multiple Residential (Holding) “RM3-34(H)” zones.

**Development Engineering Section:**

“A report (PED09220) was prepared and approved by Council on August 13, 2009 concerning the subject lands. The submitted Development Engineering comments in the report are as follows:

(a) We recommend that a “H” Holding Provision be placed on the zoning of the subject lands until such time that the following six (6) conditions have been satisfied to the satisfaction of the Manager of Engineering Design and Construction prior to the development of any portion of the subject lands.

(i) Highland Road West must be urbanized from Upper Mount Albion Road to Pritchard Road including the installation of storm and sanitary sewers between Upper Mount Albion Road and the Trinity Church Road extension.

(ii) Stone Church Road East must be urbanized from the Trinity Church Road extension to Pritchard Road including the installation of storm and sanitary sewers and the extension of the 400mm watermain.

(iii) Upper Mount Albion must be urbanized from Stone Church Road East to Highland Road West including the installation of storm and sanitary sewers.

(iv) The Trinity Church Road extension is proposed to extend southerly through the subject lands from Stone Church Road East. Any improvements to these roads will be subject to the recommendations of the Class EA and must be implemented as part of the development process for these lands.

(v) In accordance with the best efforts cost recovery requirements in the subdivision agreement for Heritage Green, the owner agrees to pay their
share of the services installed on Stone Church Road East between the
Trinity Church Road extension and Upper Mount Albion Road.

(vi) In accordance with the best efforts cost recovery requirements in the
subdivision agreement for Heritage Green, the owner agrees to pay their
share of the stormwater management facility located at the southwest corner
of Winterberry Drive and Mud Street.

(b) There are municipal watermains on Highland Road West, Upper Mount Albion
Road and Stone Church Road East available to service the subject lands. The
existing 400mm watermain which currently terminates at the intersection of Stone
Church Road East and Pritchard Road must be extended easterly to the existing
400mm watermain on the south side of Stone Church Road East, east of the
future Trinity Church Road extension or the proponent must contribute to the cost
of it if it is being extended by others.

Generally, there is sufficient flow available for the land use however pressure is
at the lower end of the City’s delivery range and therefore some specific land
uses may need to provide on-site private boosting to meet their requirements.
Depending on the ultimate form of the development the proponent may have to
produce a plan for backfeeding to/from Pritchard Road. If the parcel is
developed as a single block the proponent may have to satisfy the Fire
Department through installation of sufficient private hydrants that there is
adequate coverage.

The Servicing Report dated December 14, 2007 prepared by A.J. Clarke and
Associates Ltd. indicates that the subject lands are divided into four sub-
catchment areas being the Northwest, Northeast, Southwest and Southeast.

There exist storm and sanitary sewers available on Highland Road West to
service the lands within the Southwest sub-catchment area. Development within
this sub-catchment area is subject to the requirements of the Central Mountain
Stormwater Management Class EA and the Hannon Creek Subwatershed Study.
The Hannon Creek study is ongoing and has not been finalized to date.

The Northwest sub-catchment area can be serviced for sewers by extending the
existing storm and sanitary sewers located at the intersection of Stone Church
Road East and Pritchard Road easterly to the future Trinity Church Road
extension. Development within this sub-catchment area is subject to the
requirements of the Central Mountain Stormwater Management Class EA and
the Hannon Creek Subwatershed Study.
The lands within the Northeast sub-catchment area can be serviced for storm and sanitary sewers once the sewers have been constructed on Stone Church Road East as part of the Heritage Green subdivision. Development within this sub-catchment area is subject to the conclusions and recommendations of the Davis Creek Subwatershed Study (October 2009) prepared for Philips Engineering and the final Stormwater Management Report for Heritage Green Commercial and Residential Development prepared by MTE Consultants Inc.

Currently there are no storm and sanitary sewers available to service the Southwest sub-catchment area. A stormwater management pond known as “Highland” is proposed to be constructed in the future on the lands south of Highland Road West and west of Upper Mount Albion Road. Development within this sub-catchment area is subject to the conclusions and recommendations of the Davis Creek Subwatershed Study (October 2006) prepared by Philips Engineering.

At the development stage the owner will be required to submit detailed comprehensive engineering reports addressing storm and sanitary sewer servicing, storm water management and water servicing for the subject lands.

(c) The City is in the process of completing the Trinity Church East Road Extension Class EA which will also provide recommendations for road improvements on Stone Church Road East.

The Trinity Church Road extension is proposed to extend southerly through the subject lands from Stone Church Road East. Any improvements to these roads will be subject to the recommendations of the Class EA and must be implemented as part of the development process for these lands. Comments from the Traffic Engineering and Operations Section of the Public Works Department should be considered with respect to the future Trinity Church Road extension.

(d) The designated road allowance width of Highland Road West and Upper Mount Albion Road is 26.21 metres (86 feet). Therefore, at the development stage the owner will be required to dedicate sufficient lands 3.048 metres (10 feet) to the City to establish both road allowances to their ultimate widths.

The designated road allowance width of Stone Church Road East is 30.48 metres (100 feet). Therefore, no further road allowance widening is anticipated on Stone Church Road East.

At the development stage the owner will be required to dedicate sufficient lands to the City to establish 12 x 12 metre (39.37 x 39.37 feet) daylight triangles at the...
intersection of Highland Road West, Upper Mount Albion Road, Stone Church Road East and Upper Mount Albion Road.

(e) Development of the subject lands requires that Highland Road West, Upper Mount Albion Road and Stone Church Road East be urbanized."

**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 PED10025
Location Map

File Name/Number: 2009-099  
Date: December 22, 2009

Appendix "A"  
Scale: N.T.S.  
Planner/Technician: DC/KA

Subject Property

- Part of 512 Highland Road West
- PIN#: 16932-0004
- Area: 4.7 HA (11.63 AC)

Ward 9 Key Map  
N.T.S.