SUBJECT: Ontario Realty Corporation Surplus Land Located North of Highway 403, Described as Parts 1, 2, 3, 4 & 5 on Registered Plan 62R-14848, in the Township of Ancaster, Now in the City of Hamilton (PED06132) (Ward 12)

RECOMMENDATION:

(a) That the Real Estate Section of the 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, legally described as Part of Lots 44 and 45, Concession 3, in the former Township of Ancaster, now in the City of Hamilton, more particularly described as Parts 1, 2, 3, 4 and 5 on Registered Plan 62R-14848, as shown on Appendix “B” to Report PED06132.

(b) That the Real Estate Section of the Development and Real Estate Division be authorized and directed to advise the Ontario Realty Corporation of the City of Hamilton’s requirements relating to the development of the subject ORC owned site.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The Real Estate Section of the Development and Real Estate Division of the Planning and Economic Development Department is seeking Council’s direction to advise the Ontario Realty Corporation that the City of Hamilton has no interest in acquiring the surplus lands described as Parts 1, 2, 3, 4 and 5 on Registered Plan 62R-14848 and to advise the Ontario Realty Corporation of the City of Hamilton’s requirements relating to the development of the site.

BACKGROUND:

The information and recommendation contained in this report primarily affect Ward 12.

The subject vacant land holding, having an area of approximately 6.94 hectares (17.16 acres), is located approximately .85 kilometres (.52 miles) east of Fiddler’s Green Road, north of Highway 403, adjacent to the Hamilton Golf and Country Club, as shown on Appendix “A” to Report PED06132. It is staff’s understanding that the land is intended to be sold to the adjacent owner, the Hamilton Golf and Country Club. The exact development plan is unknown at this time.

The subject land is designated “Low Density Residential” in the Town of Ancaster Official Plan and is zoned “D” (Deferred Development) in the Town of Ancaster Zoning By-law. The “D” (Deferred Development) Zone states that no person shall use any land, or erect, alter or use any building or structure except for such purposes and in accordance with the following provision:

Permitted Uses

(a) Agricultural uses excluding the erection of new buildings or the enlargement of existing buildings.

(b) Dwellings existing at the date of the passing of this By-Law and enlargement thereof and uses, buildings and structures accessory thereto.

Based on the current zone regulations, any redevelopment plans for the subject land will, therefore, require an amendment to the zoning.

The Real Estate Section of the Development and Real Estate Division of the Planning and Economic Development Department circulated the Ontario Realty Corporation’s information to all City Departments and City Councillors, requesting comments in order to determine if there was a municipal interest in acquiring the lands. The circulation identified that there was no interest in acquiring the surplus land.
ANALYSIS/RATIONALE:

Approval of the recommendation by Committee and Council will authorize Real Estate staff to advise the Ontario Realty Corporation that the City of Hamilton has no interest in the surplus land.

ALTERNATIVES FOR CONSIDERATION:

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

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

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.

POLICIES AFFECTING PROPOSAL:

A circulation to various City Departments failed to identify a 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 Ontario Realty Corporation that the City of Hamilton has no municipal 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:

Development Engineering Section:

• “Purchasers should be advised that as a condition of development approval the owner will be required to submit a servicing study that will address engineering requirements including, but not limited to: stormwater, sanitary, water, roads, noise and traffic.”
Development Planning Section:

- The subject lands are within proximity to the Hamilton Golf and Country Club Environmentally Sensitive Area. Studies may be required to determine the extent of any potential development on the subject lands as it relates to this Environmentally Sensitive Area.

- Any potential development considered for the lands will be circulated to the Ministry of Transportation for comment and review. The Ministry of Transportation has a 14 metre setback policy which applies from their property line to all above and below ground structures, including but not limited to the following items: building and structures, stormwater detention ponds, fire routes, internal roads, essential parking spots, utility ducts and sewers, and noise attenuation berms. In the event the Ministry of Transportation has identified a future right-of-way, a 14 metre setback shall be measured from the future right-of-way and not the existing one."

Community Planning and Design Section:

Archaeology

"On the basis of current site conditions, it is noted that the subject property is adjacent to a tributary Ancaster Creek, within an area comprising a concentration of archaeological sites. As a result, these criteria define the property as having high archaeological potential. Heritage staff advises as follows:

- The subject property has been determined to be of high archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any soil disturbance and any development proponent be advised that a Stage 1 and 2 archaeological assessment be undertaken prior to soil disturbance in order to address these concerns.

- Should deeply buried archaeological remains be found on the property during soil disturbance the Ontario Ministry of Culture (MCL) should be notified immediately (519.675.7742). In the event that human remains are encountered during construction, the applicant/landowner should immediately contact both MCL and the Registrar or Deputy Registrar of the Cemeteries Regulations Unit of the Ministry of Government Services. (416.326.8392). "

Natural Heritage

- "The site is located within Environmentally Significant Area (ESA #40), the Hamilton Golf and Country Club, in the Regional Official Plan. The Regional and Ancaster Tee Cutting By-laws apply to the property. Proposed tree cutting must comply with the requirements of these By-laws. "
PUBLIC WORKS DEPARTMENT

Strategic and Environmental Planning

“We have determined that there is no need of the land for transportation and there are no future plans for the City to construct municipal services in the area at this present time.

- The future property owner will be required to submit stormwater studies to show that the proposed usage does not affect the drainage of the area downstream of the development.

- Access to the property will probably require a bridge crossing of the creek and, therefore, the Conservation Area should be notified for comments.

- As there is only one access into this development, the number of residential units should not exceed the guidelines of residential development in cul-de-sacs.

- Due to the proximity of this property to the 403 Highway, noise studies will also be required, and noise walls will likely be required.”

Capital Planning & Implementation

- “The Calvin Street Sanitary Sewage Pumping Station was not originally designed to accommodate the development of the MTO surplus lands and there may be no capacity at the Station to accept any more sanitary sewerage from the MTO lands.

- Any future purchasers must satisfy themselves as to the development land use and servicing capabilities of the lands.”

The above comments should be considered by ORC to advise any future purchasers that they shall satisfy themselves as to the development potential and servicing capabilities of the land.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No

A City of Growth and Opportunity.
Subject: Ontario Realty Corporation Surplus Land Located North of Highway 403, Described as Parts 1, 2, 3, 4 & 5 on Registered Plan 62R-14848, in the Township of Ancaster, Now in the City of Hamilton (PED06132) (Ward 12) - Page 6 of 6

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Municipal decision-making, land use and zoning by-law controls are in place to identify and protect significant natural areas.

Economic Well-Being is enhanced. ☑ Yes ☐ No
A City that spends wisely and invests strategically. Investment in Hamilton is enhanced and supported.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☑ Yes ☐ No

:HM
Attachs. (2)