

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Development and Real Estate Division

Report to: Chair and Members Planning and Economic Development Committee	Submitted by: Lee Ann Coveyduck General Manager Planning and Economic Development Department
Date: March 17, 2006	Prepared by: David Samis
File #: CI-05-L	(905) 546-2424, Ext. 6663

SUBJECT: City Initiative for an Official Plan Amendment and Change in Zoning for Lands Located on Part of Lot 18, Concession 4, South of Highway 8 on the West side of Woodhill Road (Flamborough) (PED06100) (Ward14)

RECOMMENDATION:

- (a) That approval be given to **City Initiative CI-05-L, City of Hamilton, owner**, for an Official Plan Amendment to change the designation in the Flamborough Official Plan from “Extractive Industrial” to “Rural”, to permit a single detached dwelling for lands located on Part of Lot 18, Concession 4, on Woodhill Road, as shown on Appendix “A” to Report PED06100.
- (b) That approval be given to **City Initiative CI-05-L, City of Hamilton, owner**, for a change in zoning from “EI” (Extractive Industrial) Zone to “A” (Agricultural) Zone, to permit one single detached dwelling for lands located on Part of Lot 18, Concession 4, Woodhill Road (Flamborough), as shown on Appendix “A” to Report PED06100, on the following basis:
- (i) That the subject lands be rezoned from the “EI” (Extractive Industrial) Zone to the “A” (Agricultural) Zone.
 - (ii) That the draft By-law, attached as Appendix “B” to Report PED06100, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
 - (iii) That the proposed change in zoning will be in conformity with Official Plan for the Town of Flamborough upon finalization of proposed Official Plan Amendment No. ____.

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- (c) That the lands legally described as Part of Lot 18, Concession 4, former Township of Beverly, now in the City of Hamilton, as shown on Appendix "A" to Report PED06100, be declared surplus to the requirements of the City of Hamilton in accordance with the "Procedural By-law for the Sale of Land", being By-law No. 04-299.
- (d) That the Real Estate Section of the Development and Real Estate Division, be authorized and directed to sell the subject lands in accordance with the "Procedural By-law for the Sale of Land", being By-law No. 04-299.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The purpose of the City initiated Official Plan Amendment and Zoning By-law Amendment is to permit the future development of a single detached dwelling. These amendments are required in order to facilitate the sale of the subject lands to the private sector, as they are no longer needed for municipal purposes.

The proposal has merit and can be supported as it is consistent with the Greenbelt Plan and the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan. The proposal is compatible with existing and planned development in the area.

BACKGROUND:

The subject property is currently vacant and is located in the former Town of Flamborough, on the south side of Highway 8 and on the west side of Woodhill Road, as shown on Appendix "A". The purpose of this City Initiative is to change the Official Plan designation in the Flamborough Official Plan from "Extractive Industrial" to "Rural", and to change the zoning from the "EI" (Extractive Industrial) Zone to the "A" (Agricultural) Zone. This would permit the future development of one single detached dwelling.

The subject property is irregularly shaped and partially occupied by a body of water (formerly an area of quarry extraction). The area of the property is 2.67 hectares (6.59 acres).

The former Township of Flamborough used the property as a quarry. The property has been left vacant for over twenty years with no extractive activities taking place. There has been interest from potential purchasers for the property.

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Details of Submitted Application

Owner/Applicant: City of Hamilton

Property Size Frontage: 59.44 metres (195 feet)
 Depth: 306.32 metres (1,005 feet)
 Area: 2.67 hectares (6.59 acres)

EXISTING LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands:	Vacant Land	“EI” (Extractive Industrial) Zone
Surrounding Lands:		
North	Vacant Land	“A” (Agricultural) Zone
South	Vacant Land	“A” (Agricultural) Zone
East	Vacant Land	“A” (Agricultural) Zone
West	Vacant Land (Wood lot)	“A” (Agricultural) Zone and “CM” (Conservation Management Zone)

ANALYSIS/RATIONALE:

1. This Initiative for an Official Plan Amendment and Zoning By-law Amendment has merit and can be supported for the following reasons:
 - (i) They are consistent with the Provincial Policy Statement and the Greenbelt Plan, and they conform to the policies of the Hamilton-Wentworth Official Plan.
 - (ii) They will allow development compatible with existing and planned uses in the surrounding area.
 - (iii) They will allow for an adaptive reuse of a former quarry site.
2. The permitted uses for the proposed “Agricultural” zone include: open storage, agriculture, conservation, one medical office located in a single detached dwelling, a seasonal fruit stand, a help house or a single detached dwelling. The property would be suited for a single detached dwelling as it is too small in size to make it a

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viable farm parcel, and the depth of the overburden on the property would not make cropping a viable option.

3. The lot meets the minimum lot area (2,000 square metres) and minimum lot frontage (30 metres) requirements of the “A” (Agricultural) Zone.
4. The property is no longer suitable for a quarry as the site was depleted. Quarry activities ceased on the property in the 1970’s, and since that time, the site has revegetated. The depth of extraction ranged from 3 metres to 4.5 metres. The license for the quarry was surrendered on July 16, 1998.
5. It is unlikely the City will find a purchaser for the lands under the current “EI” (Extractive Industrial) zoning. The lands are no longer required as they do not serve any core municipal need. The recommendation to declare the subject property surplus to the City’s needs and the disposal of the subject property are consistent with the City’s goal to dispose of under-utilized Real Estate assets. In declaring the subject property surplus to the needs of the City, the subsequent disposal of the property will become taxable at the appropriate property tax rate and will eliminate the ongoing need for the City of Hamilton to maintain the lands to suitable standards.
6. Staff received only one comment via email for this initiative from a neighbouring property owner as part of the pre-circulation of the applications. The author was uncertain about the intent of the applications and the proposed use, and also indicated that the property should be continued to be used as a quarry. The site can no longer be used as a quarry as the license was surrendered to the Ministry of Natural Resources and the quarry is exhausted of materials (see Comment 3). Staff replied to the property owner’s inquiry and, subsequently, no further comments or correspondence was received.
7. The Traffic Section has advised that the site access for the property must be relocated and an access permit is required before development. This concern will be addressed as a condition in the purchase and sale agreement, and will be completed prior to the sale of the property closing.
8. The property was previously licensed under the Pits and Quarries Control Act. Discussions with Ministry of Natural Resources staff have revealed that a sufficient rehabilitation strategy for the property would include ensuring the zoning and Official Plan designation for the property are returned to the former “Agricultural” or “Rural” designations to be compatible with the surrounding land uses.
9. The property will be serviced by private municipal and water services.

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ALTERNATIVES FOR CONSIDERATION:

The use of the property as a vacant residential building lot is the best option for this property.

Should the applications be denied, then the lands may only be used in accordance with the “EI” (Extractive Industrial) Zone provisions.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: The net proceeds of the sale will be contributed to the Reserve for Property Purchases (Account 47702- 3560150200).

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider applications for an Official Plan Amendment and Zoning By-law Amendment.

POLICIES AFFECTING PROPOSAL:

Greenbelt Plan

The subject lands are within the “Protected Countryside” area of the Greenbelt Plan. The Greenbelt Plan designates the lands as “Rural” via the Hamilton Wentworth Official Plan.

Section 4.5.3 of the Greenbelt Plan states: “Outside of settlement areas, expansions to existing buildings and structures, accessory structures and uses, and/or conversions of legally existing uses which bring the use more into conformity with this Plan, are permitted subject to a demonstration that new municipal services are not required and the use does not expand into key natural heritage features and key hydrologic features, unless there is not another alternative in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure.” This City Initiative satisfies the criteria of this section and will bring the use of the property more into conformity with the Greenbelt Plan. The policies in the plan also permit a single detached residence and the other uses of the “A” Agricultural Zone in the rural areas of the Greenbelt Plan.

Provincial Policy Statement

Section 1.1.4 contains policies in regard to land uses in rural areas. Permitted uses and activities are to relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses. Development is to be appropriate to the infrastructure planned.

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The application is consistent with the Provincial Policy Statement (PPS) as the application makes use of a former quarry, complies with the permitted range of uses, and the method of servicing is appropriate for the location in the rural area.

Hamilton-Wentworth Official Plan

The subject lands are designated as “Rural Area/Stone Aggregates” within the Hamilton-Wentworth Official Plan. The subject property was a former quarry, which has ceased to exist for some time.

Policy 2.2.6 of the Plan outlines that the Region will consider a change in the designation of an extractive operation where the license for the operation has been cancelled and rehabilitation is being, or has been, undertaken to the satisfaction of the Region, Area Municipality and affected agencies. The rural areas are intended to accommodate approximately 4% of new households.

The Hamilton-Wentworth Regional Official Plan does not need to be amended for the proposed rezoning as the lands are designated as “Rural”. As the license has been surrendered and the nature of the applications are to amend the Local Official Plan and Zoning By-law by allowing the same use as the surrounding lands, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

Town of Flamborough Official Plan

The subject site is designated “Extractive Industrial – Mineral Aggregate Resource Area” by the Town of Flamborough Official Plan. The Extractive Industrial Policies would not permit the range of uses in the proposed zoning and an Official Plan Amendment is required. Section C.5 of the Flamborough Official Plan contains the following policies, which are applicable to the application:

- “C.5.1 Council recognizes that there are significant MINERAL AGGREGATE RESOURCE lands existing in the Town, as indicated on Schedule ‘J’. In this regard, when considering an application to amend the Plan, for a use other than mineral extraction, Council shall consult with the Ministry of Natural Resources with regard to:
- (i) The feasibility of extraction in the area.
 - (ii) Whether the proposed development or use serves a greater long term public interest than does the mineral aggregate extraction.
 - (iii) The anticipated impact of the proposed development or use on the future availability of the aggregate resource.

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C.5.2 Uses permitted within the MINERAL AGGREGATE RESOURCE AREAS will be restricted to existing uses plus, agricultural, open space, and conservation and forestry uses which do not involve significant new buildings or structures. Council shall not permit the establishment of uses or activities whose presence would either prevent or conflict with the possible development of a pit or quarry extraction operation.”

Staff from the Ministry of Natural Resources were consulted on this application and advised that the license for the former quarry was surrendered in 1998, as at that point the quarry was exhausted for extractive purposes. Further, since the license was surrendered, it would be an appropriate rehabilitation plan to redesignate and rezone the property to a use similar to the surrounding lands and dispose of the property.

The former quarry on the property has not been used for over 20 years. The subject property would be better utilized for a rural residential lot. An amendment is required to redesignate the subject lands from “Extractive Industrial” to “Rural”.

RELEVANT CONSULTATION:

Agencies/Departments Having No Comment or Objections

- Public Works Department, Capital Planning and Implementation Division.
- Hamilton Municipal Parking System, Downtown Renewal Division.
- Hamilton-Wentworth District School Board.
- Union Gas.
- Hamilton Street Railway.
- Corporate Services.
- Open Space and Park Planning.

Traffic Engineering and Operations Section, Public Works Department

Woodhill Road has two horizontal curves along the frontage of this property. Staff from this section has advised that an access permit should be obtained before any development occurs so that an optimum site access location can be determined. Woodhill Road is a designated truck route with a posted speed of 80 km/hr. and a minimum sightline distance of 170 metres looking north and south on Woodhill Road is required. This issue will be addressed in the purchase and sale agreement.

Ministry of Transportation

MTO staff advised that the proposed development falls within MTO’s permit control area. The purchasers of the property are advised that Ministry Building/Land Use permits for all buildings and structures within 46 metres (150 feet) from the Highway No. 8 property limit and 183 metres from the intersection of Highway No. 8 and Woodhill

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Road will be required prior to any grading. The purchasers will be made aware of this in the purchase and sale agreement.

PUBLIC CONSULTATION:

In accordance with the Public Participation policy approved by Council on May 29, 2003, notice of these applications and Public Meeting was circulated to eight property owners within 120 metres of the subject lands, and a sign was posted on the subject lands.

Written comments in the form of an email were received from one area resident (see Appendix "C"). These are discussed in the Analysis/Rationale Section of this report.

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

Shelter, care and satisfying employment are accessible to all Hamiltonians.

The public are involved in the definition and development of local solutions.

Environmental Well-Being is enhanced. Yes No

Human health and safety are protected.

Ecological function and the natural heritage system are protected.

Economic Well-Being is enhanced. Yes No

Investment in Hamilton is enhanced and supported.

A City that spends wisely and invests strategically.

Does the option you are recommending create value across all three bottom lines?

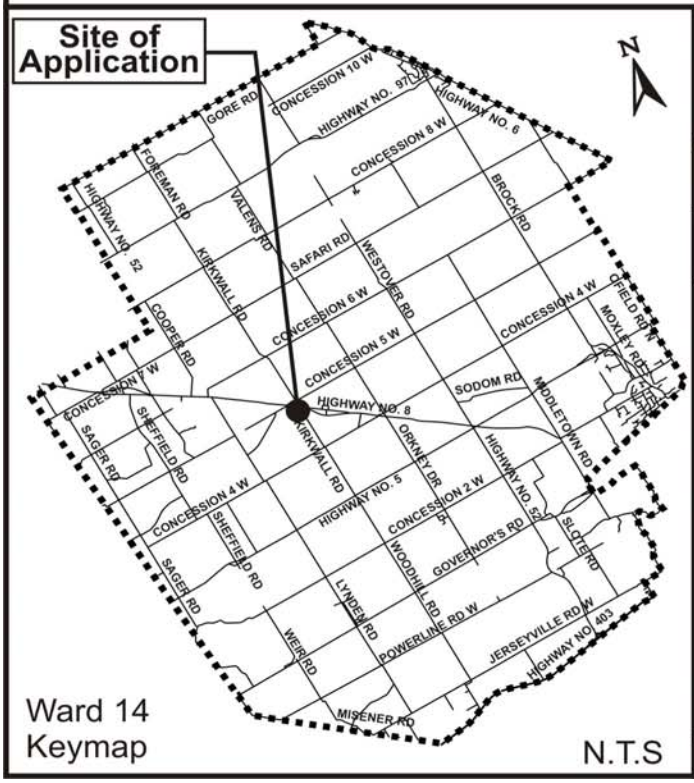
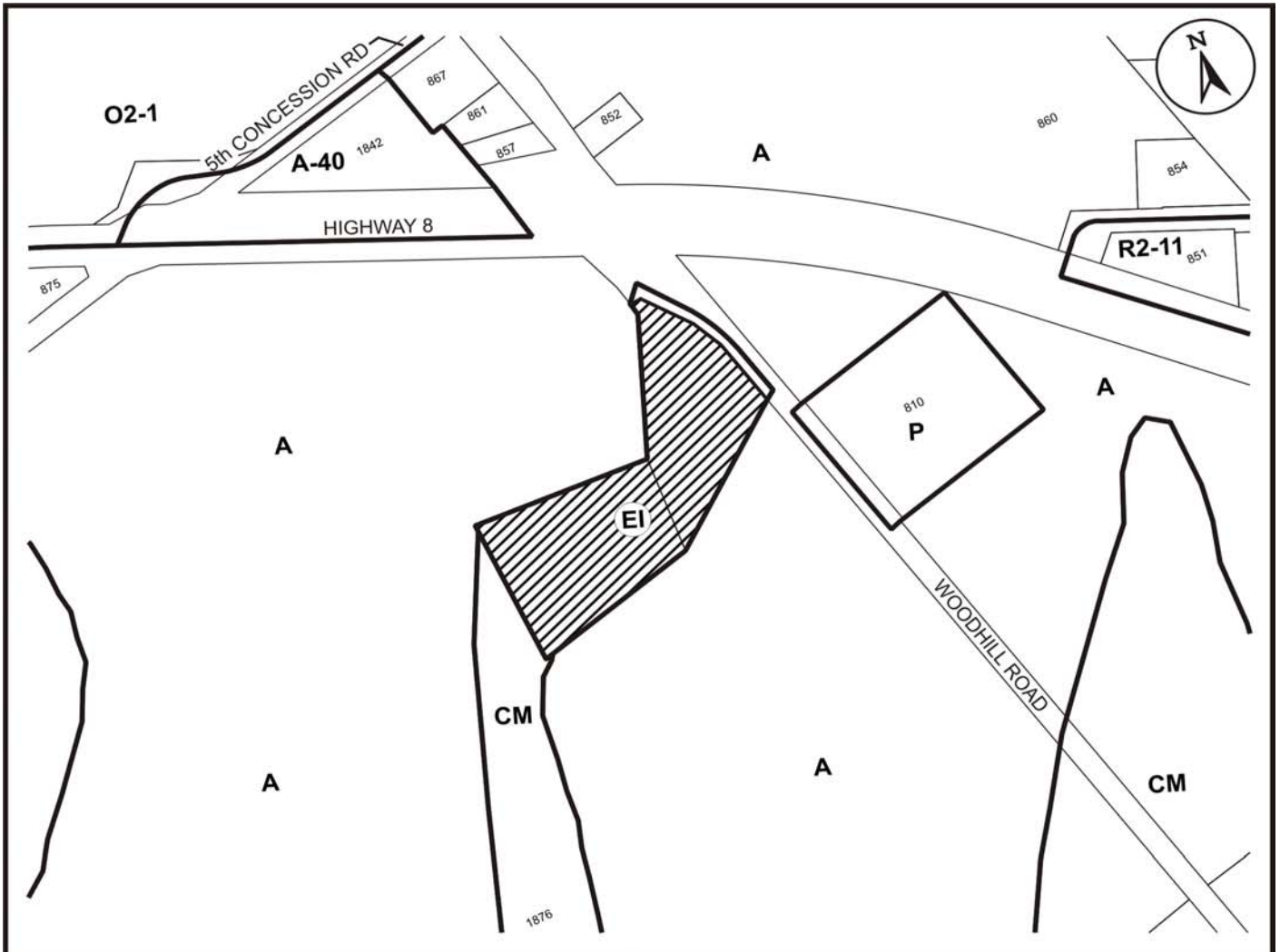
Yes No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?

Yes No

:DS

Attachs. (3)



Planning and Economic Development Department
 Hamilton

Location Map

File Name/Number: CI-05-L	Date: November 21, 2005
Appendix "A"	Scale: N.T.S
Planner/Technician: DS/MC	

Subject Property
 Official Plan Amendment from "Extractive Industrial" to "Rural Residential"

 Zoning By Law Amendment from "Extractive Industrial" to "Estate Residential"

Ward 14 Keymap N.T.S

T&C File Name: N:\1T&c\Location_Maps\2005\November\1\Core\CI-05-L.cdr

Authority: Item , Planning and Economic
Development Committee
Report 06 -- (PED06100)
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

**To Amend Zoning By-law No. 90-145-Z (Flamborough) Respecting Land Located
on Part of Lot 18, Concession 4 (former Town of Flamborough)**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as the "The Corporation of the Town of Flamborough" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 90-145-Z (Flamborough) was enacted on the 5th day of November 1990, and approved by the Ontario Municipal Board on the 21st day of December 1992;

AND WHEREAS the Council of the City of Hamilton, in adopting Section _____ of Report _____ of the Planning and Economic Development Committee at its meeting held on the day of _____, 2006, recommended that Zoning By-law No. 90-145-Z (Flamborough), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton, as amended by Official Plan Amendment No.____ to the former Official Plan of the Town of Flamborough, proposed by the Council of the City of Hamilton, but not yet approved in accordance with the provisions of the Planning Act.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Schedule "A-21" of Zoning By-law No. 90-145-Z (Flamborough), is hereby amended:

(a) by changing from the "EI" (Extractive Industrial) Zone to the "A" (Agricultural) Zone;

the lands, the extent and boundaries of which are shown on Schedule "A" annexed hereto and forming part of this by-law.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used nor shall any land be used, except in accordance with the "A" (Agricultural) Zone provisions.

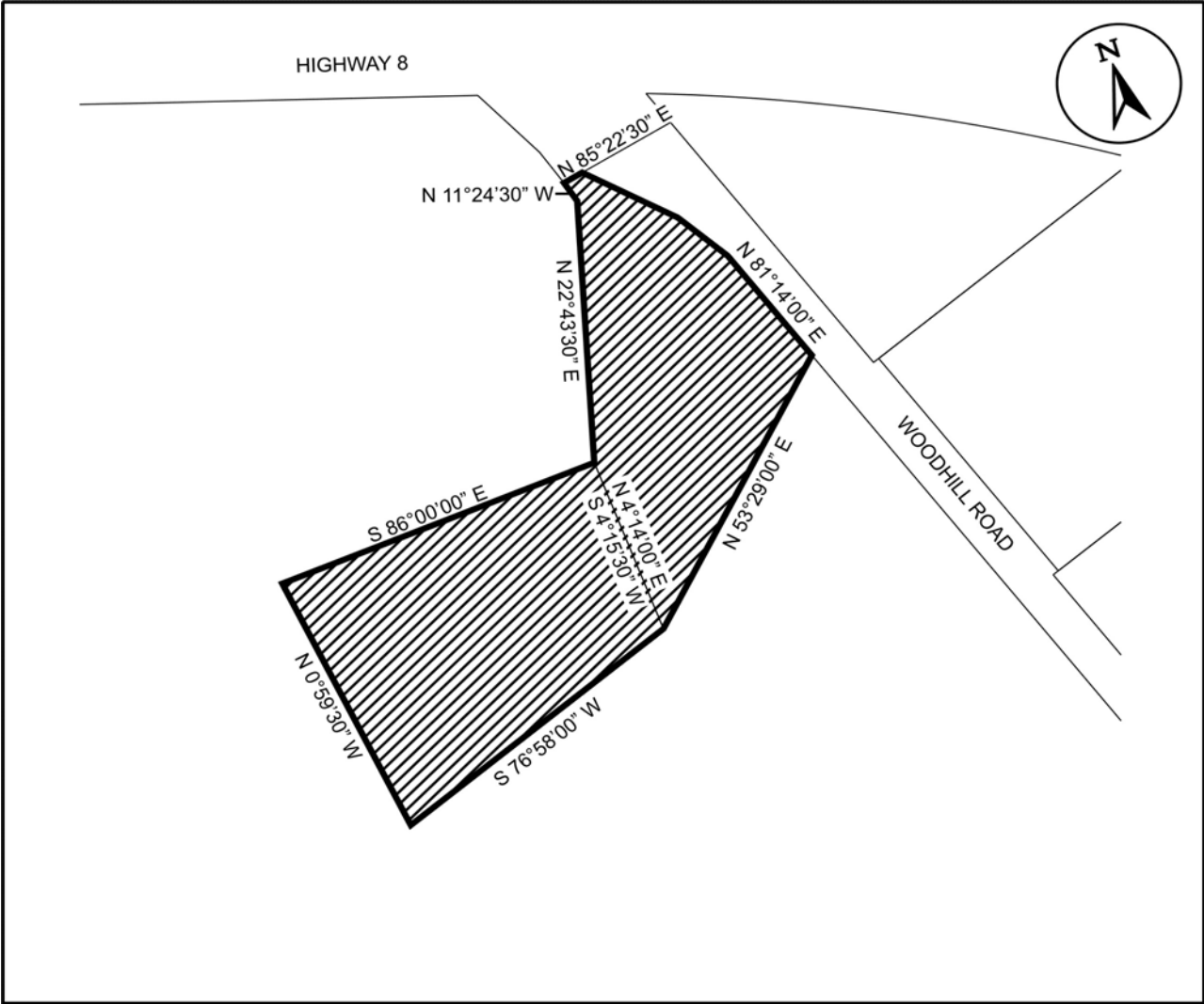
3. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this day of , 2006.

MAYOR

CLERK

CI-05-L



This is Schedule "A" to By-Law No. 05—

----- Clerk

Passed the day of, 2005

----- Mayor

Schedule "A"

Map Forming Part of
By-Law No. 05-____
to Amend By-Law No. 90-145-Z



Subject Property

Official Plan Amendment from "Extractive Industrial" to "Rural Residential"

Zoning By Law Amendment from "Extractive Industrial" to "Estate Residential"



Scale:
Not to Scale

File Name/Number:
CI-05-L

Date:
November 21, 2005

Planner/Technician:
DS/MC

December 12, 2005
David Samis, Senior Planner
City of Hamilton

Dear Sir,

Please consider this letter as opposing the zone change from Extractive Industrial to Estate Residential, file #CI-05-L (it may be C1-05-L).

These properties, roll #3014 10638 00 C4 PT 18 composed of 2.5 acres and roll #3014 10640 00 composed of 4.09 acres should be combined under one property.

This property was an old quarry used by the Township of Beverly. If owned by a private gravel company, it has a good face to continue the extracting process.

Adjacent properties have the same zonings, Extractive Industrial, therefore a gravel company may want to acquire these properties and continue the extraction process due to the fact that there is a demand for good gravel.

The existing quarry unfortunately has water in it year-round.

I trust you will keep me up to speed on this matter.

Yours Truly,

Alex McIntyre
Representative for the Estate of Harold S. McIntyre

1876 5th Concession Rd W
RR #2
Branchton, ON
N0B 1L0

c.c. Councillor Dave Braden (Ward 14)