

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario

15-302
Attachments 1-5



ISSUE DATE: December 29, 2015

CASE NO(S):

PL090779
PL110331
PL101381
PL120574

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, C. P. 13, as amended

Appellants: See Schedule "1"
Subject: Official Plan Amendment No. 35 to the Region of Hamilton-Wentworth Official Plan
Municipality: City of Hamilton
OMB Case No.: PL090779
OMB File No.: PL090779 (See Schedule "1")

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, C. P. 13, as amended

Appellants: See Schedule "1"
Subject: Official Plan Amendment No. 128 to the Town of Ancaster Official Plan (PL090780);
Official Plan Amendment No. 18 to the Town of Dundas Official Plan (PL090781);
Official Plan Amendment No. 118 to the Town of Flamborough Official Plan (PL090782);
Official Plan Amendment No. 75 to the Township of Glanbrook Official Plan (PL090783);
Official Plan Amendment No. 220 to the City of Hamilton Official Plan (PL090784);
Official Plan Amendment No. 149 to the City of Stoney Creek Official Plan (PL090785)
Municipality: City of Hamilton
OMB Case No.: PL090779
OMB File Nos.: PL090780-PL090785 (See Schedule "1")

PROCEEDING COMMENCED UNDER subsection 17(40) of the *Planning Act*, R.S.O. 1990, C. P. 13, as amended

Appellant: See Schedule "2"
 Subject: Failure of the Minister of Municipal Affairs and Housing to announce a decision respecting the City of Hamilton Urban Official Plan
 Municipality: City of Hamilton
 OMB Case No.: PL101381
 OMB File No.: PL101381 (See Schedule "2")

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, C. P. 13, as amended

Appellants: See Schedule "3"
 Subject: The new City of Hamilton Urban Official Plan
 Municipality: City of Hamilton
 OMB Case No.: PL110331
 OMB File No.: PL110331 (See Schedule "3")
 OMB Case Name: Artstone Holdings Limited v. Hamilton (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Auburn Developments Inc.
 Subject: Application to amend Zoning By-law 6593 – Refusal of application by the City of Hamilton
 Existing Zoning: "J" (Light and Limited Heavy Industrial, etc.) District
 Proposed Zoning: "E-3" (High Density Multiple Dwellings) District
 Purpose: To permit a 10 storey student residential building
 Property Address/Description: 17 Ewen Road
 Municipality: City of Hamilton
 Municipal File No.: ZAC-07-062
 OMB Case No.: PL120574
 OMB File No.: PL120574

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Auburn Developments Inc.
 Subject: Request to amend the Official Plan – Refusal of request by the City of Hamilton
 Existing Designation: “Industrial”
 Proposed Designation: “High Density Residential”
 Purpose: To permit a 10 storey student residential building
 Property Address/Description: 17 Ewen Road
 Municipality: City of Hamilton
 Approval Authority File No.: OPA-07-016
 OMB Case No.: PL120574
 OMB File No.: PL120575

Schedule “1”

Appellants to the amendments to the in-force Official Plans of the former Region of Hamilton-Wentworth, Towns of Ancaster, Dundas and Flamborough, Township of Glanbrook and Cities of Hamilton and Stoney Creek (OMB Case No. PL090779)

OMB FILE NO.	APPELLANT NAME
PL090784	Shawcor Ltd.

Schedule “2”

Appellants to the failure of the Minister of Municipal Affairs and Housing to announce a decision respecting the City of Hamilton Urban Official Plan (OMB Case No. PL101381)

OMB FILE NO.	APPELLANT NAME
PL101381	A. DeSantis Developments Ltd.
	LIUNA Group Corp.
	St. Joseph’s Villa

Schedule “3”

Appellants to the new City of Hamilton Urban Official Plan (OMB Case No. PL110331)

OMB FILE NO.	APPELLANT NAME
PL110331	2000963 Ontario Inc.
	2051206 Ontario Inc.
	2084696 Ontario Inc.
	2188410 Ontario Inc.
	456941 Ontario Ltd., 1263339 Ontario Ltd., and Lea Silvestri

	909940 Ontario Inc.
	Artstone Holdings Limited
	City of Hamilton
	Corpveil Holdings Limited
	Freeland Developments Limited
	Lynmount Developments Limited
	Mondelēz Canada Inc. (formerly Kraft Canada Inc.)
	Mud and First Inc.
	Multi-Area Developments Inc.
	Norman Vartanian
	Paletta International Corporation
	Paletta International Corporation (re: Elfrida)
	Spallacci & Sons Limited
	Sullstar Twenty Limited
	Twenty Road Developments Inc.
	Waterdown Bay Ltd.

IN THE MATTER OF subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: City of Hamilton
Subject: Failure of Ministry of Municipal Affairs and Housing to announce a decision respecting Proposed Official Plan Amendment No. 25-OP-2009

Municipality: City of Hamilton
OMB Case No.: PL131287
OMB File No.: PL131287

BEFORE:

SUSAN de AVELLAR SCHILLER)
VICE-CHAIR)
) Tuesday, the 22nd
) day of December, 2015

THESE MATTERS having come on for public hearing, and the Board in its Decision issued December 3, 2014 ("Decision") having withheld its order to enable Paletta to make the agreed upon rezoning application and the Board having been notified that the application has been filed;

THE BOARD ORDERS that the appeal by Paletta International Corporation regarding 0 Rymal Road East and 212 Glover Road is allowed in part and the City of Hamilton Official Plan is modified in accordance with Attachments 1-5 to the Decision.

A handwritten signature in black ink, appearing to read "Janne Hogg". The signature is written in a cursive, flowing style.

SECRETARY

If there is an attachment referred to in this document,
please visit www.eltto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.eltto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1

Case No. PL110331



Legend

 UH-4

Urban Hamilton Official Plan
Volume 3 : Map H-8
Area Specific Policies



Not To Scale

Date: Sep. 23, 2014



Hamilton

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ATTACHMENT 2

Settlement
Paletta International Corporation
Urban Hamilton Official Plan (PL110331) – Group 2

0 Rymal Road and Part of 212 Glover Road

Volume 3, Chapter B – Area Specific Policies

“UH-4 Lands located on Part of 0 Rymal Road and 212 Glover Road, former City of Hamilton and Former Town of Glanbrook

1.0 Area Specific UH-4, shown on Map H-8 includes the lands located at 0 Rymal Road East identified as Parcels A and A1 and lands located on part of 212 Glover Road and identified as Parcel B. The following policies shall apply to UH-4:

Area A

- a) In addition to Policy E.4.8.2 of Volume 1, and notwithstanding Policy E.4.8.3 b) and d) of Volume 1, the following uses shall be permitted on Area A:
 - i) retail stores;
 - ii) hardware stores, beer stores, LCBO stores and drugstores;
 - iii) banks, financial institutions and personal services;
 - iv) offices;
 - v) food stores;
 - vi) stores primarily selling apparel, housewares, electronics, sporting goods, or general merchandise.
- b) The maximum total combined gross floor area of retail uses in a) i), v) and vi) above shall not exceed 10,000 square metres on Area A.
- c) Office uses on Area A permitted in a) iv) above shall not exceed a combined total of 2,000 square metres of gross floor area.

Area A1

- d) A zoning by-law amendment application for commercial uses for any portion of lands within Area A1 shall not be deemed complete, and no official plan amendment shall be undertaken, until the studies for Area B described in j) have been completed and approvals received in accordance with k) below. The purpose of these studies is for determining the total developable area on Area B (part of 212 Glover Road).

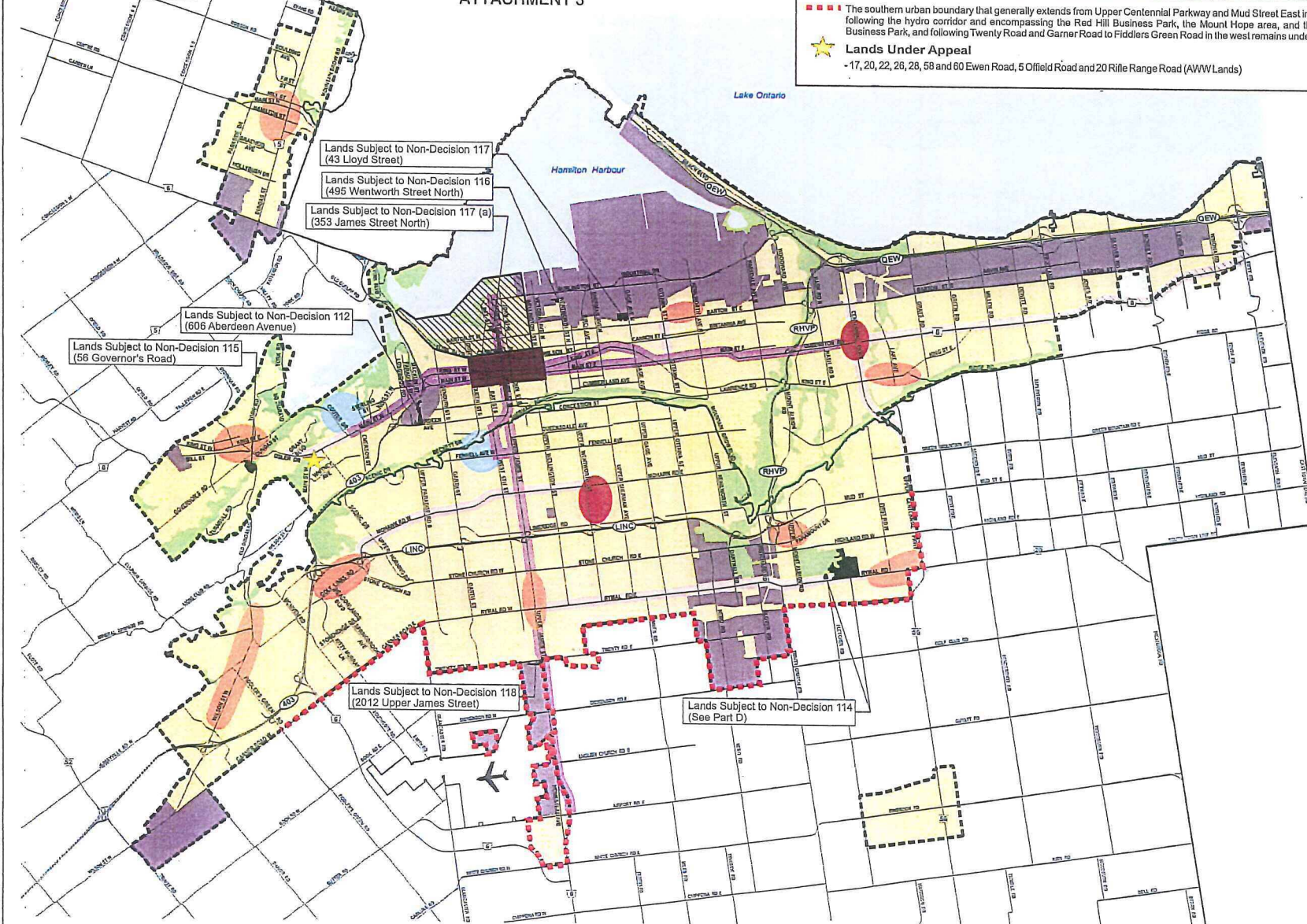
Settlement
Paletta International Corporation
Urban Hamilton Official Plan (PL110331) – Group 2

- e) In the event that the developable lands on Area B is in excess of the developable area of Area A, additional lands on Area A1 shall be re-designated to "Arterial Commercial" on Volume 1, Schedule E-1 – Urban Land Use Designations through an administrative amendment to create a developable Arterial Commercial designation equivalent to the developable area on Area B.
- f) Redesignation of lands on Area A1 from "Employment-Business Park" to "Arterial Commercial" shall not be considered conversion of employment lands and shall not require a *Municipally Initiated Comprehensive Review*.
- g) If the developable area on Area B is greater than the combined land area of Areas A and A1, the total area to be designated "Arterial Commercial" shall be no larger than the combined areas of Areas A and A1.
- h) The permitted uses on any lands designated "Arterial Commercial" on Area A1 shall be those uses listed in a) above.
- i) The cap on total combined retail area specified in b) above shall be applied across the combined lands designated "Arterial Commercial" on Areas A and A1.

Area B

- j) Studies on Area B are required to determine the total developable area for Area B. Prior to deeming any development application for Area A1 complete, studies, investigations and/or reports on Area B lands shall be required by the City. These studies may generally include but may not be limited to the following:
 - i) Floodplain mapping
 - ii) Mender belt assessment
 - iii) Headwater tributary assessment
 - iv) Environmentally Sensitive Areas buffer assessment
 - v) Karst assessment
 - vi) Stormwater management report
 - vii) Fisheries setback
 - viii) Species at Risk assessment
- k) The studies completed in j) above shall be to the satisfaction of the City."

■ ■ ■ The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the east, following the hydro corridor and encompassing the Red Hill Business Park, the Mount Hope area, and the Airport Business Park, and following Twenty Road and Garner Road to Fiddlers Green Road in the west remains under appeal.
★ **Lands Under Appeal**
 - 17, 20, 22, 26, 28, 58 and 60 Ewen Road, 5 Offield Road and 20 Rifle Range Road (AWW Lands)



- Legend**
- Urban Structure Elements**
- Neighbourhoods
 - Employment Areas
 - Major Activity Centres
 - Major Open Space
- Nodes**
- Downtown Urban Growth Centre
 - Sub Regional Service
 - Community
- Corridors**
- Primary
 - Secondary
 - Potential Expansion of Secondary Corridor
- Other Features**
- Rural Area
 - John C. Munro Hamilton International Airport
 - Niagara Escarpment
 - Urban Boundary
 - Municipal Boundary
 - Lands Subject to Non Decision 113 West Harbour Selling Silt

Council Adoption: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

Urban Hamilton Official Plan
Schedule E
Urban Structure



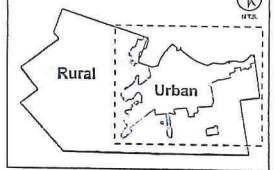
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ATTACHMENT 4

APPEALS

- - - - - The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the east, following the hydro corridor and encompassing the Red Hill Business Park, the Mount Hope area, and the Airport Business Park, and following Twenly Road and Garner Road to Fiddlers Green Road in the west remains under appeal.
★ **Lands Under Appeal**
 - 17, 20, 22, 26, 28, 58 and 60 Ewen Road, 5 Ofield Road and 20 Rifle Range Road (AWW Lands)

Key Map



Note: For Rural Land Use Designations, refer to Schedule D of the Rural Hamilton Official Plan.

Legend

- Neighbourhoods
 - Open Space
 - Institutional
 - Utility
- Commercial and Mixed Use Designations
 - Downtown Mixed Use Area
 - Mixed Use - High Density
 - Mixed Use - Medium Density
 - District Commercial
 - Arterial Commercial
- Employment Area Designations
 - Industrial Land
 - Business Park
 - Airport Business Park
 - Shipping & Navigation
- Other Features
 - Rural Area
 - John C. Munro Hamilton International Airport
 - Niagara Escarpment
 - Urban Boundary
 - Municipal Boundary
 - Lands Subject to Non Decision 113 West Harbour Selling Soil

Council Adoption: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

Urban Hamilton Official Plan
Schedule E-1
Urban Land Use Designations

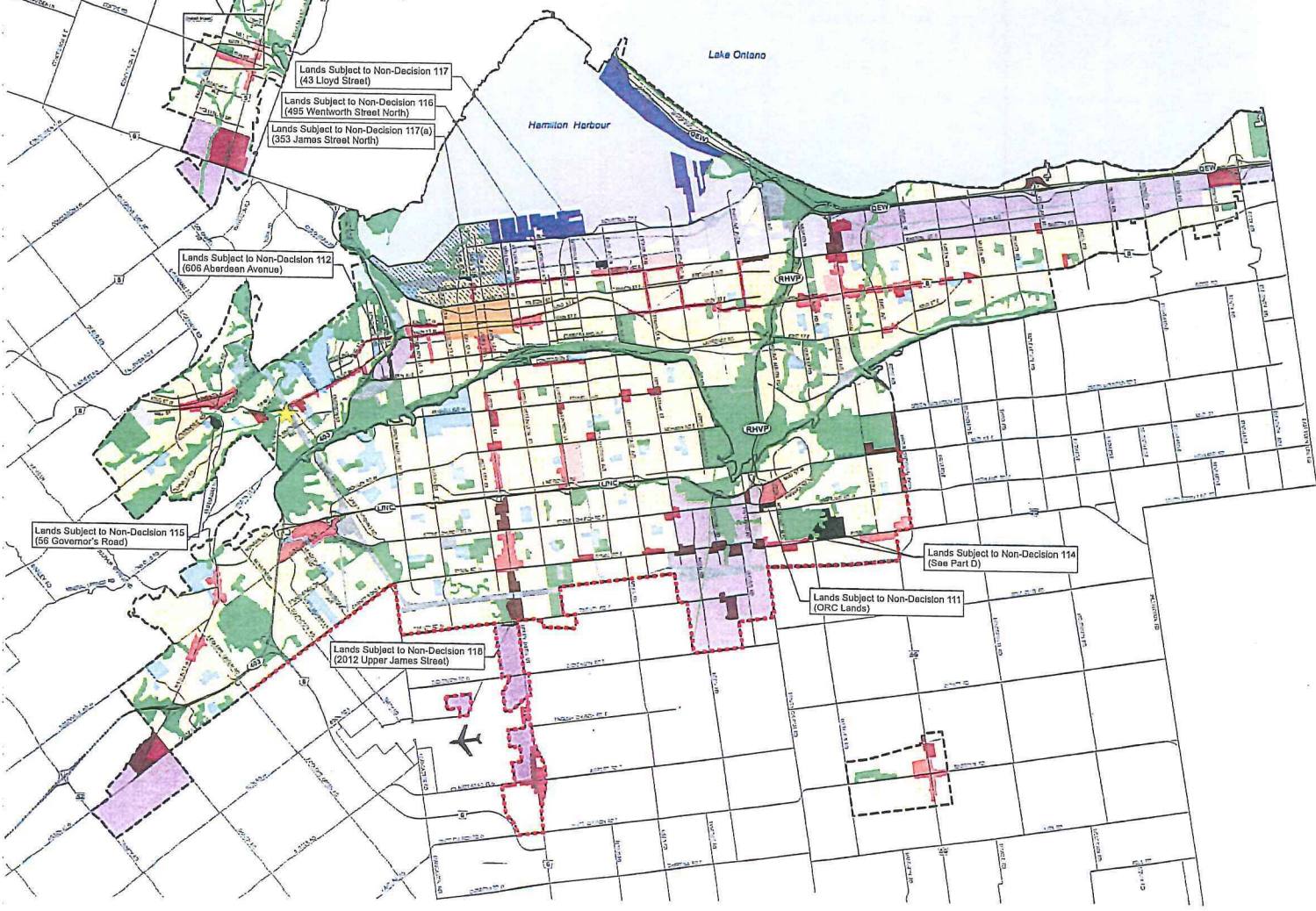
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Date: Sep. 23, 2014

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Lands Subject to Non-Decision 117 (43 Lloyd Street)

Lands Subject to Non-Decision 116 (495 Wentworth Street North)

Lands Subject to Non-Decision 117(a) (353 James Street North)

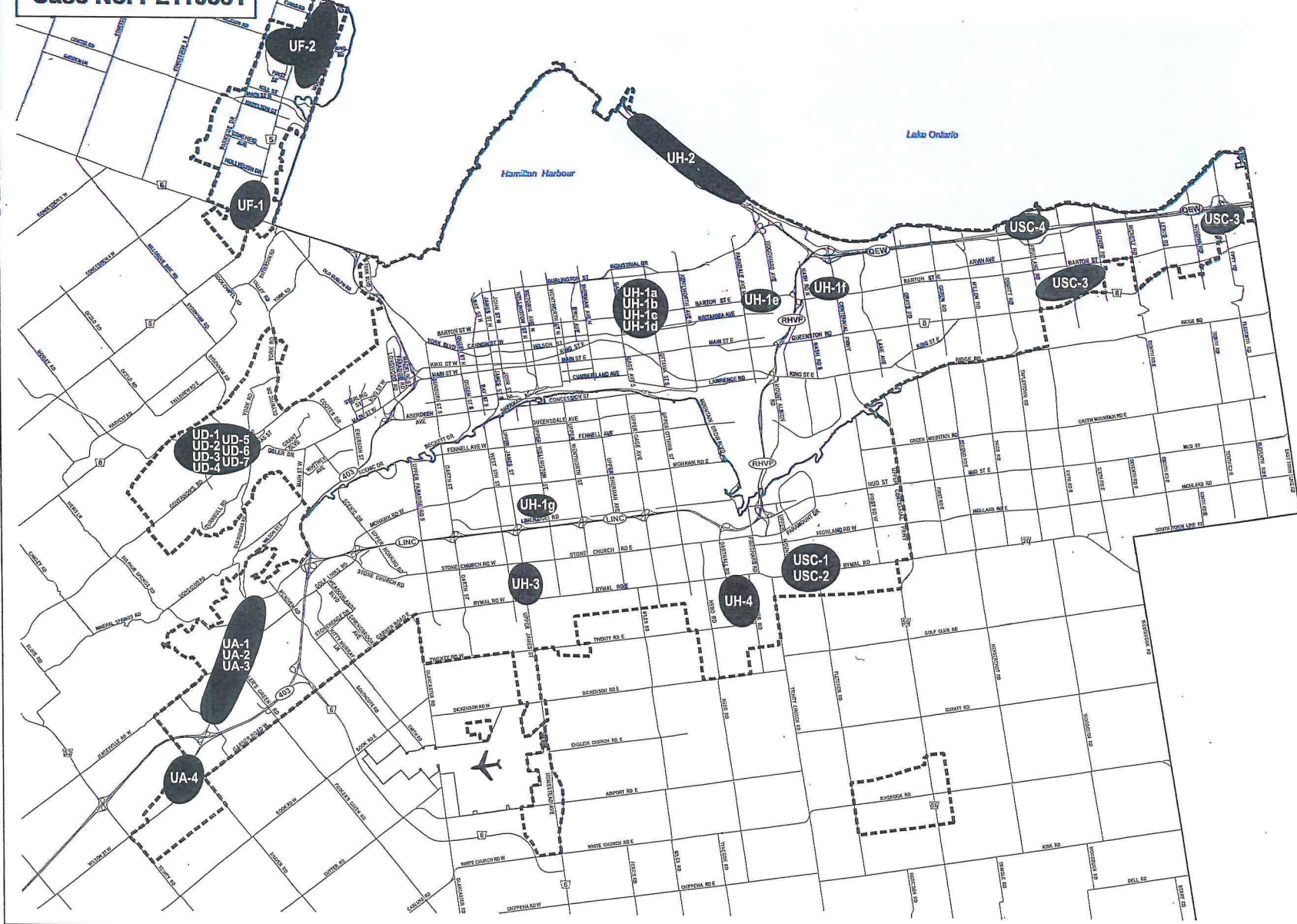
Lands Subject to Non-Decision 112 (606 Aberdeen Avenue)

Lands Subject to Non-Decision 115 (56 Governor's Road)

Lands Subject to Non-Decision 110 (2012 Upper James Street)





Lands Subject to Non-Decision 111 (ORC Lands)

Lands Subject to Non-Decision 114 (See Part D)



The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the east, following the hydro corridor and encompassing the Red Hill Business Park, the Mount Hope area, and the Airport Business Park, and following Twenty Road and Garner Road to Fiddlers Green Road in the west remains under appeal – see illustration on Schedules E and E-1, Volume 1

Legend

-  Refers to Urban Area Specific Policy Area #, Volume 3, Chapter B
- Other Features**
-  Rural Area
-  John C. Munro Hamilton International Airport Niagara Escarpment
-  Urban Boundary
-  Municipal Boundary

Council Adoption: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

**Urban Hamilton Official Plan
 Volume 3: Map 1
 Area Specific Policies Key Map**

Map 1-2-2010
 Date: Sept. 18/14

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ATTACHMENT 6

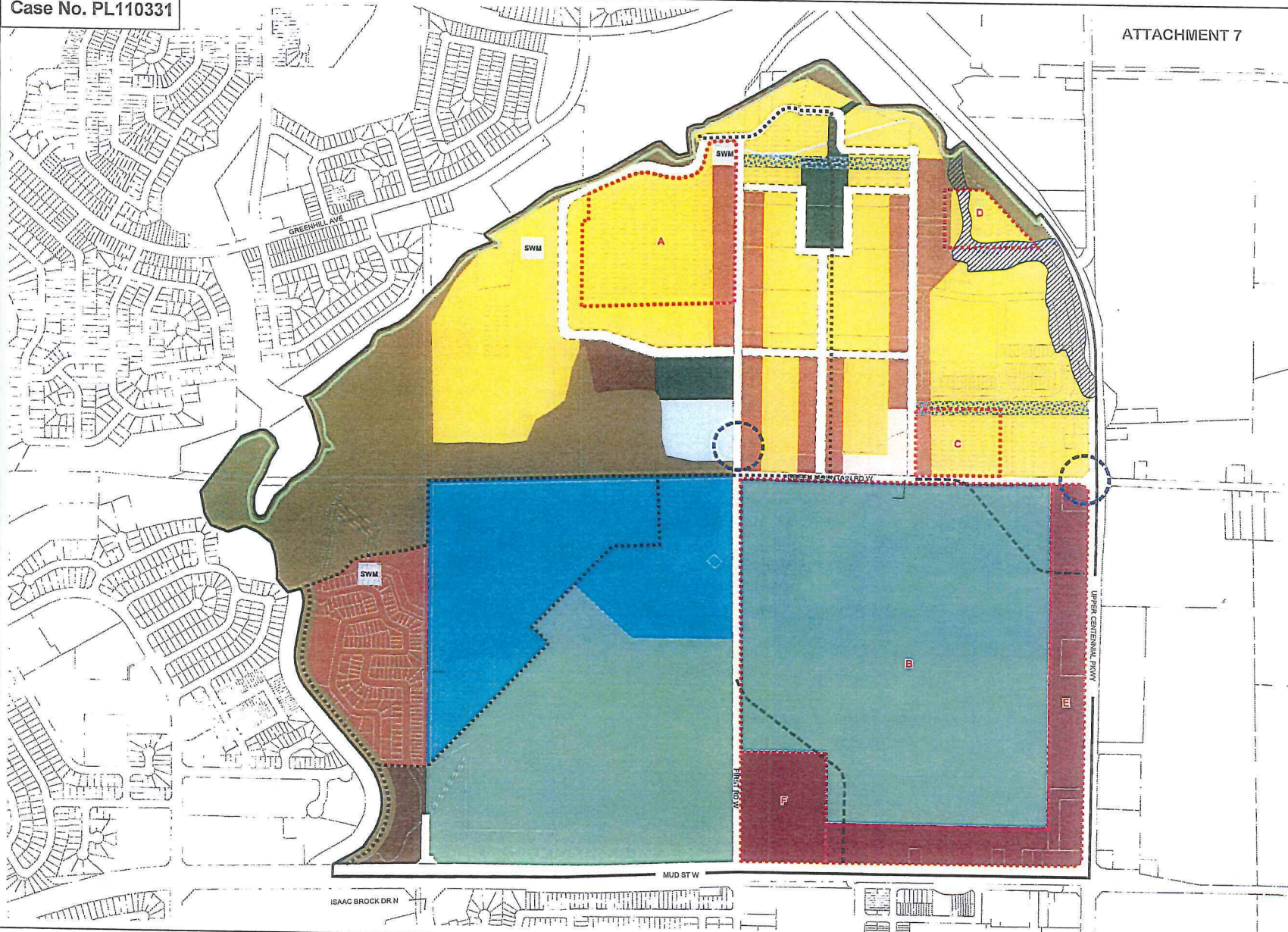
Settlement
Paletta International Corporation
Urban Hamilton Official Plan (PL110331) – Group 2

272 First Road West

Volume 2, Chapter B – Secondary Plans, Section B.7.5 – Nash Neighbourhood

“Site Specific Policy - Area F

- 7.5.14.6 For lands shown as Site Specific Policy - Area F on Map B.7.5-1 – Nash Neighbourhood – Land Use Plan, the following policies shall apply:
- a) In addition to the uses permitted in Section E.4.8 of Volume 1, District Commercial uses specified in Policy E.4.7.2 shall also be permitted.
 - b) In addition to a) above, libraries shall be permitted.
 - c) Notwithstanding Volume 1, Policy E.4.8.2 c), theatres shall be permitted.
 - d) The provisions of Volume 1, Section E.4.7 shall apply to District Commercial uses.
 - e) Volume 1, Policy E.4.7.2 b) shall not apply.”



Legend

- Residential Designations**
 - Low Density Residential 2
 - Low Density Residential 2h
 - Medium Density Residential 2
 - Medium Density Residential 3
- Commercial and Mixed Use Designations**
 - Local Commercial
 - Arterial Commercial
- Parts and Open Space Designations**
 - Neighbourhood Park
 - Community Park
 - General Open Space
 - Natural Open Space
- Other Designations**
 - Institutional
 - Utility
- SWM** Storm Water Management
- Other Features**
 - Area or Site Specific Policy
 - Flood Plains
 - Hodge Row
 - Gateway
 - Trail Links
 - Proposed Road Realignment
 - Escarpment
 - Proposed Roads
 - Secondary Plan Boundary

Council Adopted: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

Urban Hamilton Official Plan
 Nash Neighbourhood
 Secondary Plan
 Land Use Plan
 Map B.7.5-1




Plan No. 22-2014
 Date: May 22, 2014

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