Mayor and Members of Council
C/O the Office of the City Clerk
City of Hamilton
City Centre
77 James Street North, Suite 220
Hamilton, Ontario, Canada L8R 2K3

March 30, 2010

Re: PED09164(c) - Urban Hamilton Official Plan Draft Modifications from the Ministry of Municipal Affairs and Housing
Implementation of Council Decision regarding Official Plan Amendment and Zoning By-law Amendment Applications for Provincial Land at the Northwest Corner of Highland Road and Upper Mount Albion Road (Stoney Creek) (City File Nos. OPA-07-036 & ZAC-07-112)

Dear Mayor and Members of Council,

ORC has reviewed the staff report dated March 23, 2010, as it relates to Provincial land bounded by Stone Church Road to the north, Upper Mount Albion Road to the east, Highland Road West to the south, and the planned extension of the Trinity Church Road to the west (referred to as “Parcel B – east”). See attached Map 1.

On August 13, 2009, applications for an Official Plan Amendment and Zoning By-law Amendment to the Stoney Creek Official Plan and Zoning By-law were approved by Council redesignating the property from “Service Commercial”, “Open Space” and “Residential” to “Mixed Use” and “Residential”.

In its decision, Council directed that the OPA and Zoning By-law be held in abeyance until an agreement had been entered into between the City and the Province for the transference of the Trinity Church Corridor lands. Staff were also directed to request MMAH to appropriately modify the Urban OP to implement Council’s decision once the OPA is final and binding (see attached an excerpt from August 13, 2009 Council minutes).

The Order in Council authorizing provincial transfer of the land has not occurred yet. Given Council’s decision, the designations on the various Urban OP Schedules as they relate to the Parcel B- East lands should be deferred pending:

1. The Province and City entering into an agreement to transfer the Trinity Church Road; and,
2. The Official Plan Amendment from the August 2009 Council decision becoming final and binding. We request that Council consider the above in identifying modifications to the Urban Official Plan to the Minister of Municipal Affairs and Housing.

Thank you for your consideration of this request.

Yours truly,

Ontario Realty Corporation

Anil Wijesooriya, M.C.I.P., R.P.P.
General Manager
Planning, Survey, Appraisal, Accessibility

/enclosures

C:
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Eric Saulesleja, Associate, GSP Group
Andrew Salem, Fraser Milner Casgrain LLP
Peter Reed, Senior Planner, ORC
Appendix "A" to Report PED09220 (Page 1 of 1)

Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAC-07-112/OPA-07-036
Data: February 20, 2009

Appendix "A"
Scale: N.T.S.
Planner/Technician: DW/SL

Subject Property

Change in Designation from "Stevens Commons" (Schedule X) and Schedule "AF" Secondary Plan to "Isolated Use" (Schedule "A" and Schedule "AF" Secondary Plan)

Change in Designation from "Berkley Commons" (Schedule X) and Schedule "AF" Secondary Plan to "Residential" (Schedule "A" and Schedule "AF" Secondary Plan)

Change in Designation from "Carr's Island" (Schedule X) and "Neighborhood Plan" (Schedule "AF" Secondary Plan to "Residential" (Schedule "A" and Schedule "AF" Secondary Plan)

Change in Designation from "Quin Spaces" (Schedule X) and "Neighborhood Plan" to "Residential" (Schedule "A" and Schedule "AF" Secondary Plan)

Change in Designation from "Estate" (Schedule X) and "Medium High Density Residential" (Schedule "A" and Schedule "AF" Secondary Plan to "Isolated Use" (Schedule "A" and Schedule "AF" Secondary Plan)

Lands to remain designated "Residential" (Schedule X) and "Medium High Density Residential" (Schedule "AF" Secondary Plan)

Additional lands owned by the applicant, please refer to Church Road easement
(ii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

(b) That upon finalization of the implementing By-law, the East Mountain Industrial-Business Park Neighbourhood Plan be amended to redesignate the subject lands from "Restricted Industrial - Commercial" to "Restricted Industrial".

CARRIED

35. Applications for an Amendment to the Stoney Creek Official Plan and Changes in Zoning for Lands Located on the Northwest Corner of Highland Road and Upper Mount Albion Road (Stoney Creek) (PED09220) (Ward 9) (Item 6.11) (Clark/Ferguson)

(a) That approval be given to amended Official Plan Amendment Application OPA-07-036, by the Ministry of Energy and Infrastructure, Owner, for Official Plan Amendment No. 2007-001, to amend Schedule 'A', General Land Use Plan, from "Service Commercial", "Open Space" and "Residential" to "Mixed Use" and "Residential", and Schedule 'A3', Secondary Plan - West Mountain Planning District (Heritage Green), from "Service Commercial", "Neighbourhood Park" and "Medium-High Density Residential" to "Mixed Use" and "Medium-High Density Residential", on the lands located at the northwest corner of Highland Road and Upper Mount Albion Road, known as Part of Lot 33, Concession 7, in the former Township of Sallifleet (Stoney Creek), as shown on Appendix "A" to Report PED09220, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix "C" to Report PED09220, be held in abeyance until such time as the City of Hamilton and the Ministry of Energy and Infrastructure have entered into an agreement for the transfer of the Trinity Church Road Corridor lands, to the satisfaction of the Directors of Planning and Development Engineering.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan.

(b) That approval be given to amended Zoning Application ZAC-07-112, by the Ministry of Energy and Infrastructure, Owner, for changes in Zoning from the Neighbourhood Development "ND" Zone to the Mixed Use Commercial (Holding) "MUC-2 (H)" Zone, with a Special Exception (Block 1), the Mixed Use Commercial (Holding) "MUC-3 (H)" Zone, with a Special Exception (Block 2), and the Multiple Residential (Holding) "RM3-34 (H)" Zone, with a Special Exception (Block 3), to permit future mixed

Council – August 13, 2009