

ISSUE DATE:

Nov. 8, 2006

DECISION/ORDER NO:

3143



Ontario Municipal Board

Commission des affaires municipales de l'Ontario

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CITY OF GUELPH
LEGAL DEPARTMENT

Dennis Murr, Laura Murr and Douglas Johnson have appealed to the Ontario Municipal Board under subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the City of Guelph to approve Proposed Amendment No. 26 to the Official Plan for the City of Guelph.

Municipal File No. OP0301

OMB File No. O050062

Dennis Murr, Laura Murr and Douglas Johnson have appealed to the Ontario Municipal Board under subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, against Zoning By-law (2005)-17698 of the City of Guelph

OMB File No. R050073

Dennis Murr, Laura Murr, Douglas Johnson and others have appealed to the Ontario Municipal Board under subsection 51(39) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the City of Guelph to approve a proposed plan of subdivision on lands composed of Part Lot 16-20, Concession 4, Part Lot 16-19, Concession 5, in the City of Guelph

Subdivision No. 23T-03501

OMB File No. S050015

APPEARANCES:

Parties

Stradiotto Brothers Holdings Limited and
Belmont Equity Group Inc.
and Stanford Snyder

Kortright Hills Community Association

City of Guelph

St. Mary's Cement Inc. (Canada)

Cox Construction Limited and
Phelan Farm Trust and Estate of
Edward Ignatius Phelan

Counsel

John Valeriote

Eric Gillespie

Peter Pickfield

Jonathan Kahn

Robin-Lee Norris

DECISION DELIVERED BY S.W. LEE AND ORDER OF THE BOARD

Having received minutes of settlement and supplementary minutes of settlement with respect to these matters and received uncontroverted *viva voce* and documentary

evidence from Ms Astrid Clos, a registered Professional Planner, and having heard submissions from all counsel consenting to the approval of the applications before the Board in this matter in accordance with the following order, the Board hereby allows the appeals in this matter in part and orders that:

1. Revised Amendment No. 26 to the City of Guelph Official Plan in the form attached as Tab A to Exhibit 1, being the document book *Minutes of Settlement and Planning Approval Documents*, October 27, 2006, is hereby approved;
2. Zoning By-law 2005-17698 of the City of Guelph is hereby amended in accordance with the revised amending zoning by-law for the Hanlon Creek Business Park in the form attached as Tab B to Exhibit 1, being the document book *Minutes of Settlement and Planning Approval documents*, October 27, 2006.
3. Draft Plan Approval for the Plan of Subdivision for the Hanlon Creek Business Park in the form attached as Tab C, subject to Draft Plan conditions in the form attached as Tab D to Exhibit 1, being the document book *Minutes of Settlement and Planning Approval Documents*, October 27, 2006, is hereby granted; and
4. Pursuant to Section 51(56.1) of the *Planning Act* R.S.O. 1990, c. P.13, as amended, the City of Guelph shall have the authority to clear conditions of draft approval and to administer final approval of the plan of subdivision for the purposes of subsection 51(58) of the *Act*.

The Board notes that the final forms to these entrustments have been agreed to by all the parties.



S.W. LEE
EXECUTIVE VICE-CHAIR