

ISSUE DATE:

April 18, 2006

DECISION/ORDER NO:

1127



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

APR 19 2006

PL021057

DiGregorio Investments Limited has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Town of Orangeville to redesignate the Institutional designation of land located at 15 Elizabeth Street to permit Business or Professional Office uses, in addition to the uses already permitted in the existing building.

Approval Authority File No. OPZ 4/01

O.M.B. File No. O021057

B E F O R E:

S.D. ROGERS
MEMBER

) Thursday, the 13th day of
)
) April, 2006

THIS MATTER having come on for a public hearing and the Board having withheld its Order until this day to await the completion of the requirements as stated in the Board's Decision/Order No. 1027 of June 9, 2004;

AND THE BOARD having received confirmation from the Town of Orangeville that the requirements have been completed to the satisfaction of the Board's Decision/Order No. 1027 of June 9, 2004;

THE BOARD ORDERS that the appeal is allowed and the Official Plan for the Town of Orangeville, as filed with the Board as Exhibit 4, is approved.

SECRETARY

ISSUE DATE:

JUNE 09, 2004

DECISION/ORDER NO:

1027



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PL021057

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O.M.B. File No. 0021057

APPEARANCES:

Parties

DiGregorio Investments Ltd.

Town of Orangeville

Brett Cybulski

Ann Chambers

Patricia Bus

Counsel

B. Horosko

Wm. Stutz

MEMORANDUM OF ORAL DECISION DELIVERED BY S. D. ROGERS ON MAY 17, 2004

DiGregorio Investments Ltd. owns a two-storey, 26 unit office building at 15 Elizabeth Avenue at the northwest corner of Elizabeth Avenue and Faulkner Road in the Town of Orangeville. It was originally constructed and zoned to operate as a medical office building, as it was conveniently located just one block west of the old Orangeville Hospital. That hospital has since moved to the easterly end of the Town, some distance away from the property. A new medical clinic has also been constructed near to the hospital. As a result many of the units in the office building are vacant.

The site is designated and zoned for Institutional Uses. Medical offices are permitted. DiGregorio has applied to the Town for an Official Plan Amendment and zoning by-law amendment to permit, in addition to the existing uses, professional and business offices. The application was refused by the Town, and DiGregorio appealed to this Board.

At the commencement of the hearing of this matter, the Board was advised that the Town and the owner had resolved their differences through a site plan agreement, and that the Board would be asked to approve the Official Plan Amendment and zoning by-law amendment. There were, however, residents who wished to address the Board to voice their concerns.

The Board was advised by counsel at the hearing that the zoning by-law amendment application had been appealed to the Board and that notice had been issued in respect to that appeal. The hearing was held on that basis. The Board was advised subsequently that there was no appeal of the zoning by-law application before this Board. The decision delivered by this Board at the hearing therefore, is amended to respond to that fact.

The Board heard from Mr. Young, the Director of Planning for the Town of Orangeville. He confirmed that the site is designated under the Official Plan and zoned as Institutional, and that medical offices are a permitted use. He advised the Board that the site is one block west of the old Orangeville Hospital, which is now a seniors residence, and across the street from an old warehouse, currently used as an indoor skateboarding park. Across the road to the south of the property is a Hall, and one block to the east is the County Court House and the County Offices. Otherwise the site is surrounded by predominantly single family residential dwellings.

He indicated that the existence of this office building is a historic anomaly. He gave the opinion that it made sense, in view of the current circumstances, to ensure the building can be put to use, with minimal impact on the surrounding residential area. Professional and business offices are appropriate given the existence of the courthouse and county offices just down the street. He also confirmed that the definition of Professional and Business Offices in the zoning by-law, precluded the establishment of

any retail or personal service shops. He offered the opinion that the proposal constituted good planning, and conformed to the general policies of the Official Plan.

Mr. Young also reviewed the concerns expressed by the residents during the processing of the application, most of which related to the on-site and off-site parking, and the ongoing maintenance and management of the property. In order to address the concerns, the Town required the owner to enter into a site plan agreement. The site plan agreement addresses issues such as the redesign of the parking lot, landscaping, loading, and garbage.

The Board heard from three residents who expressed concern about the management of the property and raised additional issues which had not been directly addressed in the site plan agreement.

Based on the evidence of Mr. Young, the Board finds that the use proposed in the new Official Plan Amendment will not create any adverse impact on the adjacent residential neighbourhood, provided the zoning by-law filed with this Board as Exhibit 5 and the site plan agreement filed with this Board as Exhibit 4 is implemented. The Board finds that the amendment constitutes good planning in view of the location of the property, and the evolving nature of the neighbourhood. The proposal, with the requirements contained in the site plan agreement, will permit a building to be constructively used with minimal impact on the residents.

The Board will therefore approve the Official Plan Amendment filed with this Board as Exhibit 4. The Board will, however, withhold its order in this regard pending completion of the following:

1. The Board is advised in writing by the Town of Orangeville that the zoning by-law amendment filed with the Board as Exhibit 5 is passed by the Town of Orangeville and the requisite appeal period has elapsed.
2. The Site Plan Agreement filed as Exhibit 3 is amended as follows:
 - To include a provision that will prohibit any neon signs anywhere on the premises.

- To amend the site plan attached to the agreement to indicate that the parking space for deliveries and loading is to be located in the space just north of the space located in front of the garbage bin.
- To include a provision that requires the owner to post signs at the garbage bin prohibiting parking in front of that bin and indicating that cars will be towed.

3. The Board has received a copy of the amended site plan agreement executed by the owner and the Town, together with notification in writing from the Director of Planning that the owner has completed all of the works required to be completed under the site plan agreement.

The Board also notes that there may be occasion in future when the owner may apply to the Town to construct some form of signage on the property. The Board expects, given the circumstances and the unique location of this property in a residential area, that the Town will notify those residents who have participated in this hearing of any such application when it is received so that they can be made aware of the nature of the application and have input.

"Susan D. Rogers"

SUSAN D. ROGERS
MEMBER

**THE OFFICIAL PLAN
FOR THE
TOWN OF ORANGEVILLE
AMENDMENT NO. 90**

The attached explanatory text and map, constituting Amendment Number 90 to the Official Plan for the Town of Orangeville, was adopted by the Council of the Corporation of the Town of Orangeville, under the provisions of Section 21 of the Planning Act, R.S.O., 1990, c. P.13.

Drew Brown
Mayor

Cheryl Johns
Clerk

The Ontario Municipal Board issued approval for
Amendment No. 90 on June 9, 2004.
OMB Case No. PL21057, Decision Order No. 1027
and issued on April 18, 2006, Decision Order No. 1127

**THE OFFICIAL PLAN
FOR THE
TOWN OF ORANGEVILLE
AMENDMENT NO. 90**

PART A - THE PREAMBLE

1. Purpose of the Amendment

The purpose of the amendment is to permit Business and Professional Offices in addition to the permitted Medical Offices use at 15 Elizabeth St.

2. Basis of the Amendment

The subject 0.39 hectare property is located on the northwest corner of Elizabeth and Faulkner Streets (see Schedule "A"). The property is occupied by a two-storey medical centre with 26 units.

The property comprises approximately 49m (161 ft.) of frontage on Faulkner Street and approximately 80m (262 ft.) of flankage along Elizabeth Street. The site is bounded on the north by residential uses, on the south across Elizabeth Street by residential uses and an assembly hall, on the east across Faulkner Street by an institutional/indoor recreational building and the Lord Dufferin Centre and on the west by residential uses.

The subject property is designated Institutional by the Official Plan and zoned Institutional (INST) by the By-Law. Business and Professional Offices are not permitted by either the Official Plan or the Zoning By-law. The owner has applied to redesignate and re-zone these lands to permit Business or Professional Office uses, in addition to the uses already permitted.

The proposed Business or Professional Office would not appear to be out of character with the local area, and would allow the owner a greater opportunity to lease the 10 units that are currently vacant in the 26 unit building

PART B - THE AMENDMENT

The Official Plan for the Town of Orangeville is amended as follows:

1. Schedule "B" to the Official Plan is hereby amended in accordance with Schedule "A" hereto.
2. The Official Plan is hereby amended by adding the following text thereto:

"E8.58 Notwithstanding the Institutional designation, Business or Professional Offices are also permitted".

SCHEDULE "A" TO OFFICIAL PLAN AMENDMENT 90

