

ISSUE DATE:

August 15, 2012



PL101392

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Ainley Group
Subject: By-law No. 2010-116
Municipality: Town of Collingwood
OMB Case No.: PL101392
OMB File No.: PL101392

APPEARANCES:

Parties

Ainley Group
Town of Collingwood

Counsel

S. Mahadevan
L. Longo

MEMORANDUM OF ORAL DECISION DELIVERED BY K. J. HUSSEY ON JULY 19, 2012 AND ORDER OF THE BOARD

At the request of the parties, the Board convened a settlement hearing by telephone conference call. After considering the affidavit evidence of Trevor Houghton, senior planner for the Town of Collingwood, and the submissions of counsel, the Board in an oral decision allowed in part the appeal by Ainley Group against the Town of Collingwood's Amending Zoning By-law 2010-116.

Zoning By-law 2010-116 amends the Town's Comprehensive Zoning By-law 2010-040 as amended, and rezones a large portion of the Ainley property located at 280 Pretty River Parkway, to a new Highway Commercial (C5) zone. A small portion of the Ainley property is zoned Environmental Protection (EP). Ainley's concern is the scope of the medical office use in the Highway Commercial (C5) zone, particularly in the context of the two other medical related uses, a medical clinic and medical building. The Town and Ainley Group executed minutes of settlement in which it is agreed that Zoning By-law 87-61 as amended, and Zoning By-law 2010-040, as amended, be further amended by

the Board, in the manner set out in the affidavit of land use planner Trevor Houghton, filed as Exhibit "1" in these proceedings.

The Board accepts the opinion evidence of Trevor Houghton that the proposed amendments to Zoning By-law No. 87-61 as amended, and the Zoning By-law No. 2010-040 as amended, have proper regard to matters of provincial interest, are consistent with the Provincial Policy Statement, conform to the Growth Plan, conform with the County of Simcoe and the Town of Collingwood Official Plans, and represent good planning.

Accordingly, the Board Orders that the appeal is allowed in part and Amending Zoning By-law No. 2010-116 is amended as set out in Attachment "1" to this Order. In all other respects, the appeal is dismissed.

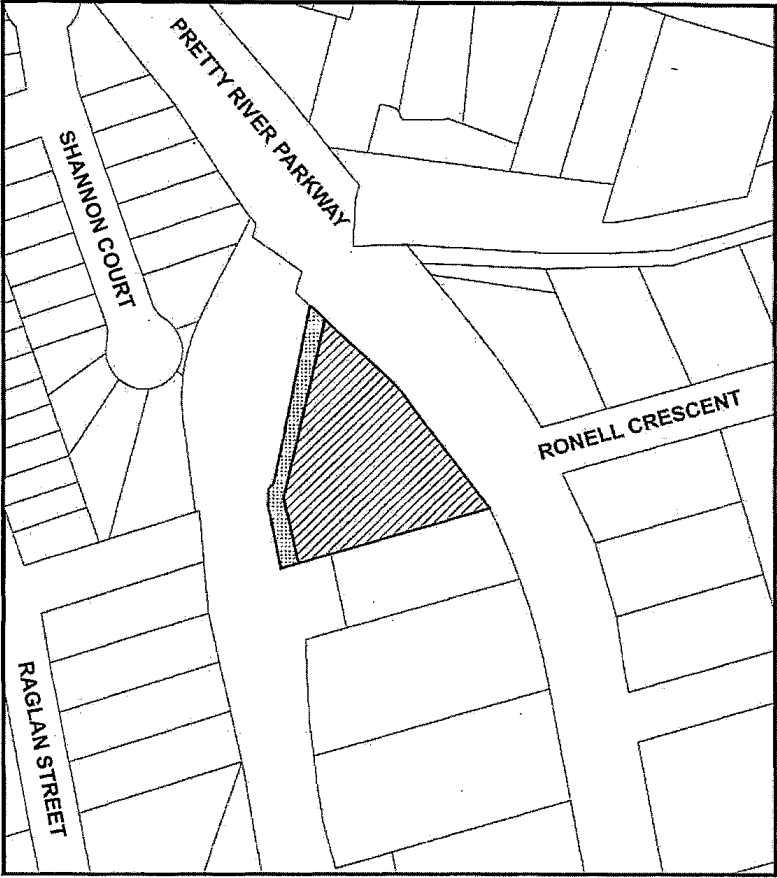
This is the Order of the Board.

"K. J. Hussey"

K. J. HUSSEY
VICE-CHAIR

ATTACHMENT "1"

Schedule 1
OMB Case No. PL101392
Minutes of Settlement (Ainley Group)
280 Pretty River Parkway, Collingwood



LEGEND	
Lands to be zoned Highway Commercial Exception Eight (C5-8).	1:1,500
Lands to be zoned Environmental Protection (EP).	TOWN OF COLLINGWOOD Planning Services DWG DATE: May 30, 2012 (RS)

Exhibit No. 3
OMB Case No. PL101392
Appellant: Ainley Group
Applicant: Town of Collingwood
Property Location: 280 Pretty River Parkway

WHEREAS Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, permits the Council of local municipalities to pass Zoning By-laws for prohibiting the use of land or the erection of buildings or structures except for such purposes as may be set out in the By-law;

AND WHEREAS Collingwood Zoning By-law No. 2010-040 is the governing By-law of the Corporation of the Town of Collingwood and such was finally passed by the Council of the Town of Collingwood on April 12, 2010;

AND WHEREAS the Council of the Town of Collingwood is desirous of removing certain lands from the jurisdiction of the Collingwood Zoning By-law No. 87-61 and placing these lands into the jurisdiction of the Collingwood Zoning By-law No. 2010-040;

AND WHEREAS Zoning By-law No. 2010-116 was enacted for this purpose, and as such was finally passed by the Council of the Town of Collingwood on October 18th, 2010;

AND WHEREAS the Ainley Group (the "Appellant") did file with the Board its Appeal (the "Appeal") as an objection to Zoning By-law No. 2010-116;

AND WHEREAS the Town of Collingwood and the Appellant have successfully negotiated a settlement to said Appeal as described in the executed Minutes of Settlement;

NOW THEREFORE THE BOARD ORDERS AS FOLLOWS:

1. **THAT** Schedule "F" to the Town of Collingwood Zoning By-law No. 87-61, as amended, is hereby further amended, as it pertains to lands shown more particularly on Schedule "1" affixed hereto, by removing said lands from the jurisdiction of the Town of Collingwood Zoning By-law No. 87-61.
2. **THAT** Schedule "A" of the Collingwood Zoning By-law No. 2010-040, as amended, is hereby further amended as it pertains to lands shown more particularly on Schedule "1" affixed hereto, by adding said lands into the jurisdiction of the Collingwood Zoning By-law No. 2010-040.
3. **THAT** Schedule "A" of the Collingwood Zoning By-law No. 2010-040, as amended, is hereby further amended as it pertains to those lands shown more particularly on Schedule "2" affixed hereto, by placing said lands into the HIGHWAY COMMERCIAL EXCEPTION EIGHT (C5-8) ZONE and the ENVIRONMENTAL PROTECTION (EP) ZONE.
4. **THAT** Section 7.5 titled COMMERCIAL EXCEPTION ZONES of Collingwood Zoning By-law No. 2010-040, as amended, is hereby amended by adding thereto the following new paragraph titled HIGHWAY COMMERCIAL EXCEPTION EIGHT (C5-8) ZONE in proper sequence to read as follows:

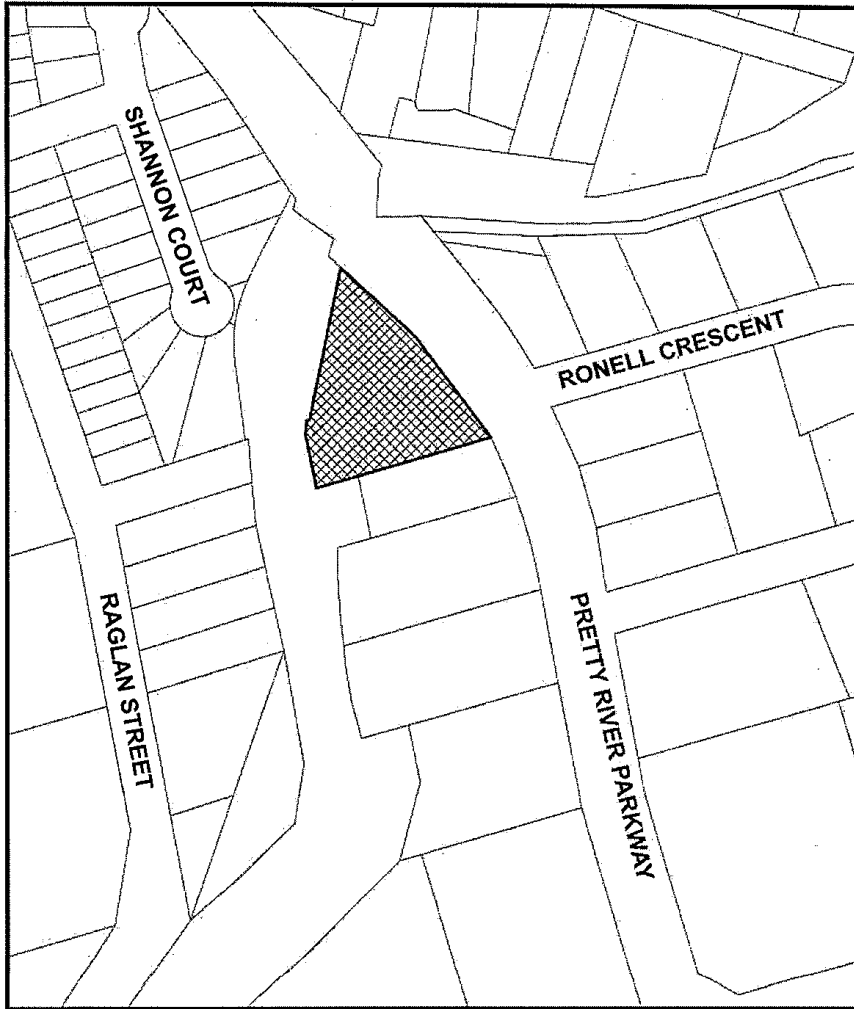
"HIGHWAY COMMERCIAL EXCEPTION EIGHT - C5-8 ZONE

In the C5-8 zone a medical office shall have the following definition:

The use of land or building in which one or more persons are employed in the management, direction or conducting of a business or where professionally-qualified persons and their staff serve patients who seek advice, consultation or treatment. The number of medical doctors, including physicians, dentists, chiropractors and therapists practicing in any one medical office shall be limited to two (2)."

5. **THAT** Collingwood Zoning By-law No. 87-61 and Collingwood Zoning By-law No. 2010-040 are hereby amended to give effect to the foregoing, but that Collingwood Zoning By-law No. 87-61 and Collingwood Zoning By-law No. 2010-040 shall in all other respects remain in full force and effect.

Exhibit No. 3
Schedule 1
OMB Case No. PL101392
Ainley Group
280 Pretty River Parkway, Collingwood





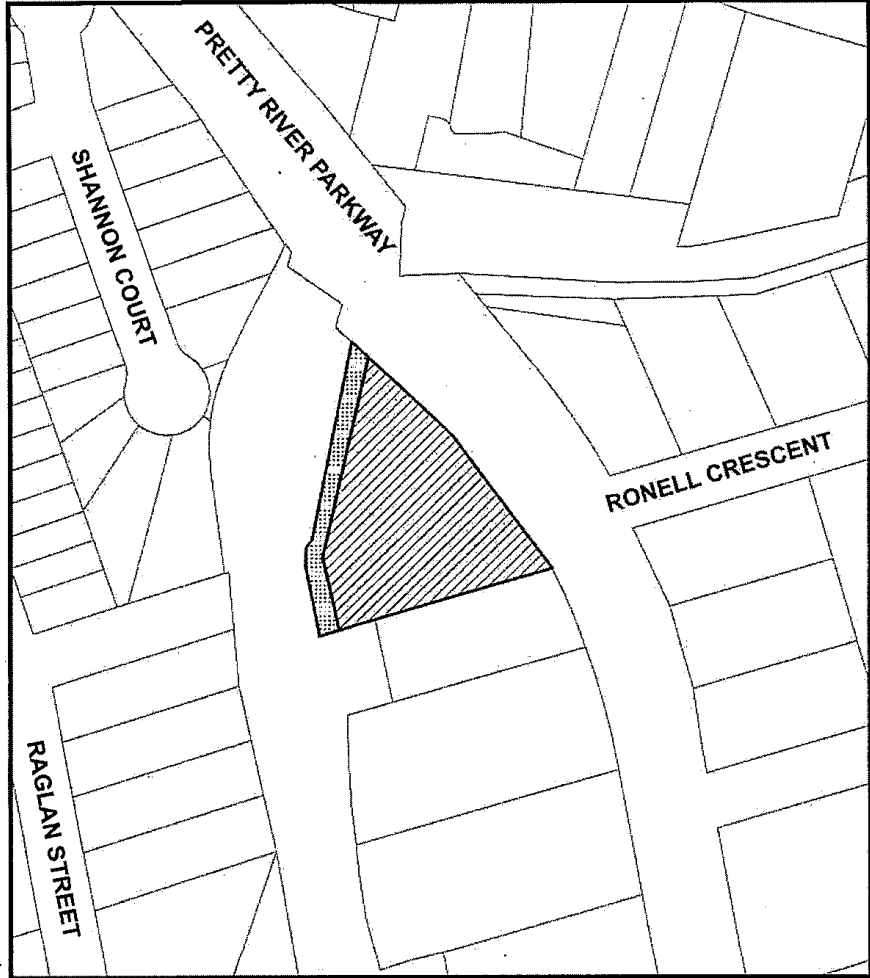



<p>LEGEND</p> <p> Lands to be removed from the jurisdiction of the Town of Collingwood Zoning By-law No. 87-61, as amended, and placed into the jurisdiction of the Town of Collingwood Zoning By-law No. 2010-040, as amended.</p>	<p>N</p>  <p>1:2,000</p> <p>TOWN OF COLLINGWOOD Planning Services DWG DATE: June 20, 2012 (RS)</p>
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Exhibit No. 3
Schedule 2
OMB Case No. PL101392
Ainley Group
280 Pretty River Parkway, Collingwood



<p>LEGEND</p> <p> Lands to be zoned Highway Commercial Exception Eight (C5-8).</p> <p> Lands to be zoned Environmental Protection (EP).</p>	<p>N</p>  <p>1:1,500</p> <p>TOWN OF COLLINGWOOD Planning Services DWG DATE: June 20, 2012 (RS)</p>
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