

ISSUE DATE:

October 18, 2011

By-law No. 12-009



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL100327

St. Joseph's Villa 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 City of Hamilton to establish a new Exception to Schedule B-1 Exceptions of the Town of Dundas Official Plan for land at 56 Governor's Road to permit two 10 storey apartment buildings with some commercial use

Approval Authority File No. OPA-08-015

OMB File No. PL100327

St. Joseph's Villa has appealed to the Ontario Municipal Board under subsection 34(11) 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 Zoning By-law 3581-86 (Dundas) of the City of Hamilton to rezone lands respecting 56 Governor's Road from PPS/S-90, RM4/S-62, PPS-FP, R1-FP and OS to H-RM4 and P5 Zone to permit the development of two 10 storey apartment buildings with some commercial use

OMB File No. PL100328

BEFORE:

J. de P. SEABORN
VICE-CHAIR

) Friday, the 14th
)
) day of October, 2011

THESE MATTERS having come on for public hearing, and the Board in its Decision issued June 28, 2011 having withheld its Order pending receipt of certain documents in a form agreed to by all parties, and said documents having now been filed with the Board;

THE BOARD ORDERS that the appeal in respect to the Official Plan Amendment is allowed in part as it relates to Building B and the Official Plan for the City of Hamilton is modified as set out in Attachment 1 to this Order, and as modified is approved;

AND THE BOARD ORDERS that the appeal in respect to the Official Plan Amendment is dismissed as it relates to Building A;

AND THE BOARD ORDERS that the appeal in respect to the proposed zoning by-law is allowed as it relates to the Building B, and By-law 3581-86 (Dundas) is hereby amended in the manner set in Attachment 2 to this Order. The Board authorizes the municipal clerk to assign a number to this by-law for record keeping purposes;

AND THE BOARD ORDERS that the appeal in respect to the proposed zoning by-law is dismissed as it relates to Building A.

A handwritten signature in black ink, appearing to read "Jeanne Hogg". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

SECRETARY

Attachment 1

Schedule "1"

Amendment No. ____ to the Official Plan for the former Town of Dundas

The following text, together with Schedule "A", "Land Use – Town of Dundas Official Plan", and Schedule "B-1", "Exceptions" of the Official Plan of the former Town of Dundas, attached hereto, constitute Official Plan Amendment No. ____."

Purpose:

The purpose of this Amendment is to modify the existing "Residential Neighbourhoods" designation for the subject lands on Schedule "A", Land Use – Town of Dundas Official Plan, and "Exception" on Schedule "B-1" Exceptions" in order to permit the development of one 10 storey (32m) mixed use building.

Location:

The lands affected by this Amendment are known municipally as 56 Governor's Road.

Basis:

The intent of the amendment is to permit a 10 storey (32m) mixed use building, within the lands known municipally as 56 Governor's Road. The basis for the amendment is as follows:

- The proposed development is consistent with the Provincial Policy Statement.
- The proposed development offers an opportunity for infill development within the built-up area consistent with the intent of the Places to Grow Plan.
- The proposed development conforms to the Region of Hamilton-Wentworth Official Plan.
- The proposed development is compatible with the existing and planned development in the immediate area, and is in keeping with the character of the surrounding neighbourhood.
- It is an appropriate development appropriate development that will reinforce Dundas' economic vitality by strengthening existing uses and facilitating the creation of new employment and economic development opportunities.

Actual Changes:

1. Schedule "A", Land Use –Town of Dundas Official Plan, be revised by identifying the subject lands as OPA NO. _____, as shown on the attached Schedule "A" to this Amendment.
2. The following Policy Be added:

Policy ____ - Exceptions

Notwithstanding the Policies of 3.1.3, the following site specific policies shall pertain to the redevelopment of the lands consisting of an area of approximately 0.47 hectares situated on the southwest corner of Governor's Road and Ogilvie Street and identified on Schedule "B-1" as Exception _____, for one 10 storey (32m) mixed use building.

(a) the only permitted uses will be as follows:

- (i) those uses existing on the subject lands at the date of passing of OPA No. _____;
 - (ii) one 10 storey (32m) mixed use building (consisting of a maximum of 3500m² of office/retail space)
 - (iii) accessory buildings and structures
3. Schedule "B-1", "Exceptions" – Town of Dundas Official Plan, be revised by designating the subject lands "Exception _____", and identify the subject lands as OPA No. _____, as shown on the attached Schedule "B" to this Amendment.

Implementation:

An implementing Zoning By-law Amendment will give effect to the intended use on the subject lands. A site plan will be prepared to develop the mixed use building.













This is Schedule "1" to By-law No. _____, passed on the _____ day of _____ 2011.


**The
City of Hamilton**

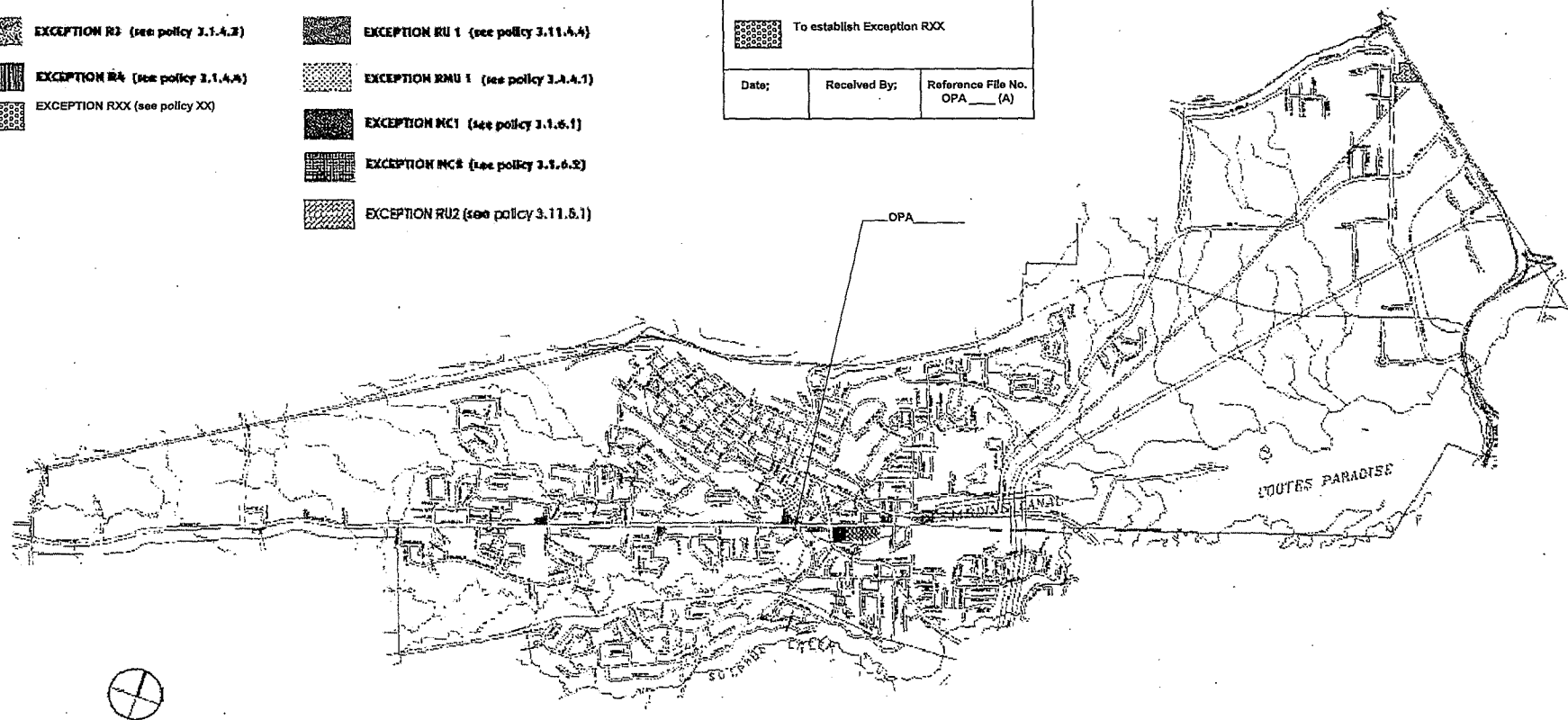
R. Bratina
Mayor

Rose Caterini
Clerk

LEGEND

	EXCEPTION R1 (see policy 3.1.4.1)		EXCEPTION KMU 1 (see policy 3.7.4.1)
	EXCEPTION R2 (see policy 3.1.4.2)		EXCEPTION KMU 2 (see policy 3.7.4.2)
	EXCEPTION R3 (see policy 3.1.4.3)		EXCEPTION RU 1 (see policy 3.11.4.4)
	EXCEPTION R4 (see policy 3.1.4.4)		EXCEPTION RMU 1 (see policy 3.1.4.1)
	EXCEPTION RXX (see policy XX)		EXCEPTION MC1 (see policy 3.1.5.1)
			EXCEPTION MC2 (see policy 3.1.5.2)
			EXCEPTION RU2 (see policy 3.11.5.1)

<p align="center">Schedule A Draft Amendment No. _____ to the Official Plan for the former Town of Dundas</p>		
<p align="center">Legend</p> <p> To establish Exception RXX</p>		
Date:	Received By:	Reference File No. OPA _____ (A)



SCHEDULE B-1
EXCEPTIONS
Town of Dundas Official Plan