



The Corporation of the Town of Tecumseh

Planning & Building Services

To: Mayor and Members of Council

From: Brian Hillman, Director Planning & Building Services

Date to Council: March 26, 2019

Report Number: PBS-2019-08

Subject: Del Duca Property Post-OMB Decision
North-East Corner of 8th Concession/North Talbot Road Intersection
Development of an Alternative Land Use Plan in accordance with
Ontario Municipal Board's Decision – Case No. PL160967
OUR FILE: D19 DELDUC

Recommendations

It is recommended:

1. **That** PBS-2019-08 **be received**;
2. **And that** the planning process described in PBS-2019-08 be approved in relation to an alternative land use plan for the 21.6 hectare property situated at the north-east corner of the 8th Concession/North Talbot Road intersection (Del Duca lands) and in relation to the associated Ontario Municipal Board decision (Case NO. PL 160967) dated January 17, 2018, **be authorized**.

Background

2016 Official Plan and Zoning By-law Amendment Applications

In 2016, Del Duca Industrial Park Ltd. (the "Owner") applied for Official Plan and Zoning By-law Amendments to amend the Sandwich South Official Plan and Zoning By-law to facilitate the development of an industrial subdivision/business park on the 21.6 hectare property situated at the north-east corner of the 8th Concession/North Talbot Road intersection (see Attachment No. 1 and Attachment No. 2).

On September 13, 2016, Town Council adopted the Official Plan Amendment No. 14 and passed Zoning By-law Amendment 2016-67 to facilitate the development. Council's decision was subsequently appealed to the Ontario Municipal Board (OMB) by local residents who are an unincorporated group known as the Friends of Oldcastle Development (FOOD Group).

2017 OMB Hearing

An OMB Hearing was held in November of 2017 to hear the aforementioned appeals. On January 17, 2018, the OMB issued a decision that upheld the appeal and denied the amendments. However, the OMB also withheld its Order to allow the Parties to explore an alternative development scenario in accordance with the decision.

In its decision, the OMB indicated that it envisaged the potential for an alternative form of development (discussed later in this Report) from that which had been contemplated by the amendments. To this end, the OMB member withheld issuing the Order and seized herself for one year (until January 17, 2019) to allow the parties (Town, Del Duca, FOOD Group) to explore alternative development proposals. The OMB established that an extension to this time limit would be considered upon request if additional time was required and matters were moving toward resolution.

Extension of OMB Withholding the Issuing of an Order to July 17, 2019

Subsequent to the OMB decision, detailed discussions were held exclusively between Del Duca and FOOD Group. Progress was made in these discussions towards a potential alternative form of development that was believed consistent with that envisaged by the OMB. However, further work was needed with respect to the form of proposed development and a suitable process to review the final proposal (i.e. potential for public and agency consultation).

Accordingly, in late 2018, Council supported a request for a six-month extension for the OMB to continue to withhold the issuance of an Order (to July 17, 2019). All Parties supported this request, which was then granted by the OMB. If necessary, a further extension could be requested.

Comments

Meetings held with Owner, FOOD Group and Town Administration

Subsequent to the OMB granting the aforementioned extension, the Town, the Owner and FOOD Group attended multiple meetings in an attempt to arrive at a mutually agreed upon alternative land use plan for the subject property. More specifically, the following Parties participated in the meetings:

1. **Owner:** Vince Del Duca (owner), Tiziano Zaghi (Professional Planner);

2. **FOOD Group:** Judy Wellwood-Robson (representative), Perry Burford (appellant), Emile Nabbout (appellant); and
3. **Town:** Brian Hillman (Director Planning & Building Services), Chad Jeffery (Manager Planning Services), Ed Hooker (Solicitor).

These meetings were held in order to arrive at an agreed-upon land use plan that was in keeping with the OMB decision. Specifically, the OMB identified in its decision that:

"[52] ...The Board wishes to note, however, that it can envision an alternative proposal, as described by some of the residents that could be consistent with the PPS. A mixed-use type of development, incorporating employment uses that would have no adverse impact on surrounding uses, with a residential component could achieve the balancing anticipated by the PPS, and from a good planning perspective, could serve as an effective connecting link between the existing residential clusters. The Board of course recognizes that this was not the proposal before it and will address this notion further in its disposition.

"[69] The Board is mindful that Ms. Wellwood-Robson and other residents took care to note that they are not opposed to development on the subject property, even suggesting a type of mixed commercial-residential development that could act as a better transition from the existing industrial area to the residential clusters and Weston Park. While the Board heard no evidence on such a proposal, it can, as described earlier, envision such a proposal that could be consistent with the PPS. The Board, having heard extensive evidence about Oldcastle Hamlet and the policies relevant to development there, is prepared to withhold its Order to allow the parties to explore such an alternative."

Alternative Development Land Use Plan

In light of the OMB's comments identified above, a number of alternative land use proposals were discussed over the period of four meetings. Much of the discussion centred around the issue of determining an appropriate and viable transition use along the 8th Concession Road, which forms the westerly border of the subject property. Ultimately, the Parties arrived at consensus and a determination that the land use plan envisaged by the OMB could be achieved via the proposed alternative land use plan attached to this Report as Attachment 3. Specifically, the proposed alternative land use plan depicts:

- approximately 20.5 hectares (50.6 acres) of land identified for residential uses offering a range of housing types, including single unit dwellings, semi-detached and multi-unit dwellings and retirement homes. It is important to note that the area identified for residential uses also includes a potential stormwater management pond and stormwater drainage corridor, the details of which are discussed below;

- an approximate 0.75 hectare (1.85 acre) commercial parcel situated at the north-east corner of the 8th Concession Road/North Talbot Road intersection. This parcel could accommodate commercial uses in a building having a footprint of approximately 1,200 square metres (13,000 square feet), with associated on-site parking. The types of uses to be permitted include retail, eating establishments, financial institutions, day nursery, adult day care centre, general and professional offices, personal service shop and accessory uses;
- a 30 metre (98 foot) wide strip of land along the western boundary of the property adjacent to the 8th Concession Road and extending fully from the commercial block to the northern limit of the subject property. The purpose of this strip of land, which is proposed to be conveyed to the Town, is to provide adequate separation from the industrial uses on the west side of the 8th Concession Road and the proposed residential use of the balance of the subject property. It is intended that the 30 metre (98 foot) strip of land will comprised three components:
 - a) a berm with appropriate tree plantings on the top to assist with visual screening;
 - b) a 3 metre (10 foot) multi-use pathway, which would ultimately extend to North Talbot Road and potentially along the northerly limit of the proposed residential lands;
 - c) a drainage feature/swale for the conveyance of stormwater;

Specific details with respect to the preceding will be given further consideration as development details progress, including consideration of the 30 metre strip being finished in a low-maintenance natural state, confirmation of the preferred stormwater management scheme for the subject property, tree planting details etc;

- a stormwater drainage corridor along the northern extent of the property and along the north-eastern portion of the property where it abuts the former railway lands. This stormwater drainage corridor, if deemed acceptable in relation to the stormwater management scheme yet to be approved for the subject property, would also include a multi-use pathway; an area of land identified for a stormwater management pond at the easterly extent of the subject property, where it abuts the existing Weston Park. This stormwater management pond would be designed as an amenity and would incorporate multi-use pathway linkages to adjacent lands (including Weston Park, potential future multi-use pathway on former railway lands, potential multi-use pathways on the subject property and along the north side of North Talbot Road;

- a multi-use pathway along the north side of North Talbot Road that would ultimately provide connectivity to existing homes and Weston Park to the east and other proposed multi-use pathways in the vicinity.

Based on the foregoing, the Parties believe that the proposed alternative land use plan includes the key elements identified by the OMB which envisioned a development proposal that could be consistent with the PPS. That vision was of a mixed-use development that:

- i. includes employment uses that would have no adverse impact on surrounding uses;
- ii. includes a residential component;
- iii. serves as an effective connecting link between the existing residential clusters; and
- iv. acts as a better transition from the existing industrial area to the residential clusters and Weston Park.

Next Steps

In its decision, the OMB established that Town Council would determine the appropriate planning process to facilitate consideration of an alternative proposal on the subject property. This process began with Council consenting to Town Administration facilitating and attending the preceding meetings. Given the result that has been arrived at to date, it is now appropriate to give consideration to the preferred method of broad public consultation with respect to the proposed alternative land use plan. The issue of public consultation was also discussed at the preceding meetings and the following is recommended as an appropriate planning process:

1. Open House

It is recommended that an Open House be scheduled in April 2019 in order to offer an informal venue for the public and any other interested parties or agencies to review the proposed alternative land use plan, which will include more detailed drawings regarding the 30-metre (98 foot) strip of land along the 8th Concession Road. This Open House will be attended by Town Administration, the Owner and FOOD Group. It is also recommended that the Open House be held at the Ciociaro Club. It is further recommended that notice be provided as follows:

- i) To persons/agencies that were circulated and/or commented on the matter prior to Council's original decision on the Del Duca OPA/ZBA and/or at the Del Duca OMB Hearing;
- ii) To persons/agencies who would otherwise receive notice in accordance with the Planning Act; and
- iii) By mail, signage on property, local newspapers, Town website and social media.

2. Public Meeting

Subsequent to the Open House, it is recommended that a formal Public Meeting be held by Council at Town Hall in May with notice provided consistent with that given for the Open House.

3. Decision of Council

Subsequent to consideration of the public and agency input, a Report will be provided to Council summarizing issues raised and ultimately recommending a course of action with regard to the proposed alternative land use plan. Ultimately, it is anticipated that an Official Plan Amendment and Zoning By-law Amendment will be presented for consideration of Council having the effect of implementing a proposed alternative land use plan.

4. Consideration by OMB

If Council supports an alternative land use plan and associated Official Plan and Zoning By-law Amendments, and with the concurrence of the Parties, the Town's Legal Counsel would reach out to the OMB to provide an update and request its direction on obtaining OMB approval.

Consultations

Planning & Building Services
Town Solicitor
Del Duca Industrial Park Ltd. (Owner)
Friends of Oldcastle Development (FOOD Group)

Financial Implications

There will be ongoing legal costs in relation to advancing this matter.

Link to Strategic Priorities

Applicable	2017-18 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐ Social Media ☐ News Release ☐ Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Brian Hillman, MA, MCIP, RPP
Director Planning & Building Services

Recommended by:

Tony Haddad, MSA, CMO, CPFA
Chief Administrative Officer

Attachment Number	Attachment Name
1	Location in Oldcastle Hamlet Map
2	Airphoto of Subject Property
3	Proposed Alternative Land Use Plan



