



## 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:** June 25, 2019

**Report Number:** PBS-2019-18

**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  
Summary of Comments Received at May 28, 2019 Public Meeting and  
Final Recommendation  
OUR FILE: D19 DELDUC

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### Recommendations

It is recommended:

**That PBS-2019-18, be received;**

**And that** the Revised Part B of Official Plan Amendment No. 14 to the Tecumseh Official Plan, for those lands within the former Township of Sandwich South (Sandwich South Official Plan), having the effect of amending the Sandwich South Official Plan for a 21.6 hectare (53.4 acre) parcel of land situated at the north-east corner of the 8th Concession/North Talbot Road intersection, from "Hamlet Development" to "Low Density Residential" designation with a site-specific policy and "General Commercial" designation, in order to facilitate the development of the lands for a mixed residential and commercial development, **be supported;**

**And further that** the Revised Zoning By-law Amendment 2016-67, having the effect of amending the Sandwich South Zoning By-law 85-18 for a 21.6 hectare (53.4 acre) parcel of land situated at the north-east corner of the 8th Concession/North Talbot Road intersection, from "Agricultural Zone (A)" to "Holding Residential Zone 2 (H)R2-4", "Holding General Commercial Zone (H)C1-9", and "Holding Parks and Open Space

Zone (H)P-5", in order to facilitate the development of the lands for a mixed residential and commercial development, **be supported**;

**And furthermore that** their submission to the OMB for Approval in furtherance of the OMB's visioning process as outlined in the prior OMB Decision (Issue Date: January 17, 2018, OMB Case No.: PL160967, OMB File No.: PL160967, OMB File No.: PL161195), **be supported**.

## Background

### Past Applications and OMB Appeal

As more extensively detailed in PBS-2019-08, 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 8<sup>th</sup> Concession/North Talbot Road intersection (see Attachment No. 1 and Attachment No. 2).

Council's approval of these applications was subsequently appealed to the Ontario Municipal Board (OMB). In 2018, the OMB issued a decision that upheld the appeal and denied the amendments. However, the OMB also withheld its Order to provide an opportunity for the Owner, the appellants (known as FOOD Group) and the Town to explore an alternative development scenario in accordance with the OMB's decision. In its decision, the OMB indicated that it envisaged the potential for an alternative form of development consisting of a mixed commercial-residential development that could act as a better transition from the existing industrial area to the residential clusters and Weston Park.

### Alternative Land Use Plan

As detailed more extensively in PBS-2019-14, in light of the OMB's decision and after a number of meetings between the Owner, FOOD Group representatives and the Town, a proposed alternative land use plan was arrived at which contemplated (see Attachment 3):

- 20.5 hectares (50.6 acres) of land for residential uses offering a range of housing types, including single unit dwellings, semi-detached and multi-unit dwellings and multi-storied retirement buildings;
- 0.75 hectare (1.85 acre) commercial parcel situated at the north-east corner of the 8<sup>th</sup> Concession Road/North Talbot Road intersection;
- areas identified for a potential stormwater management pond and stormwater drainage corridor;

- a 30-metre (98-foot) wide strip of land along the western boundary of the property adjacent to the 8<sup>th</sup> 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 would be conveyed to the Town, would be to provide adequate separation from the industrial uses on the west side of the 8<sup>th</sup> Concession Road and the proposed residential use of the balance of the subject property; and
- 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.

## **April 29, 2019 Open House**

In accordance with the Council approved planning process as more specifically detailed in PBS-2019-08, a public Open House was held at the Ciociaro Club on the afternoon and evening of April 29, 2019. The Open House offered an informal venue for the public and any other interested parties or agencies to review the proposed alternative land use plan. There was broad support expressed for the proposed alternative land use plan by those attending the Open House. A detailed summary of the public comments received was provided in PBS-2019-14.

The purpose of this Report is to summarize the nature of the comments received at the May 28, 2019 Public Meeting held by Council and to provide a final recommendation with respect to the proposed Official Plan and Zoning By-law amendments that will have the effect of implementing the proposed alternative land use plan for consideration by the OMB.

## **Comments**

Written comments from the public received in advance, and verbal comments provided at the Public Meeting, were all in favour of the proposed alternative land use plan. A question was raised with respect to the proposed 15.24 metre (50 foot) minimum lot frontage for single-unit dwelling lots. Administration indicated at the meeting that this was a relatively standard minimum for residential lots in fully serviced developments and is required in order to ensure there is an opportunity for the introduction of a range of housing types and sizes in accordance with various policy objectives and the goals of the owner, FOOD Group representatives and the Town. There were no comments provided from any agencies.

## **Recommendation**

Having now completed the planning process established by Council, we can summarize that there has been a strong expression of public support for the proposed alternative land use plan and the associated Official Plan and Zoning By-law amendments that would have the effect of facilitating the implementation of the proposed alternative land use plan. Further, there is

consensus among the Owner, FOOD Group representative and Town Administration with respect to these matters and it is believed that the alternative proposal envisioned by the OMB as stated in its decision has been successfully realized through this process.

In addition, it is noted that the OMB, with the support of the Parties, granted a six-month extension for the OMB to continue to withhold the issuance of an Order (to July 17, 2019).

On the basis of the foregoing, it is recommended that Council pass a resolution supporting:

1. the Revised Part B of Official Plan Amendment No. 14 to the Tecumseh Official Plan, for those lands within the former Township of Sandwich South (Sandwich South Official Plan), having the effect of amending the Sandwich South Official Plan for a 21.6 hectare (53.4 acre) parcel of land situated at the north-east corner of the 8th Concession/North Talbot Road intersection, from "Hamlet Development" to "Low Density Residential" designation with a site-specific policy and "General Commercial" designation, in order to facilitate the development of the lands for a mixed residential and commercial development (see Attachment 4); and
2. the Revised Zoning By-law Amendment 2016-67, having the effect of amending the Sandwich South Zoning By-law 85-18 for a 21.6 hectare (53.4 acre) parcel of land situated at the north-east corner of the 8th Concession/North Talbot Road intersection, from "Agricultural Zone (A)" to "Holding Residential Zone 2 (H)R2-4", "Holding General Commercial Zone (H)C1-9", and "Holding Parks and Open Space Zone (H)P-5", in order to facilitate the development of the lands for a mixed residential and commercial development (see Attachment 5);

and their submission to the OMB for Approval in furtherance of the OMB's visioning process as outlined in the prior OMB Decision (Issue Date: January 17, 2018, OMB Case No.: PL160967, OMB File No.: PL160967, OMB File No.: PL161195).

## **Next Steps**

If Council passes the recommended resolution of support, and with the concurrence of the Parties, the Town's Legal Counsel will contact the OMB to provide an update and request its direction on obtaining OMB approval and final issuance of an Order.

## **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.

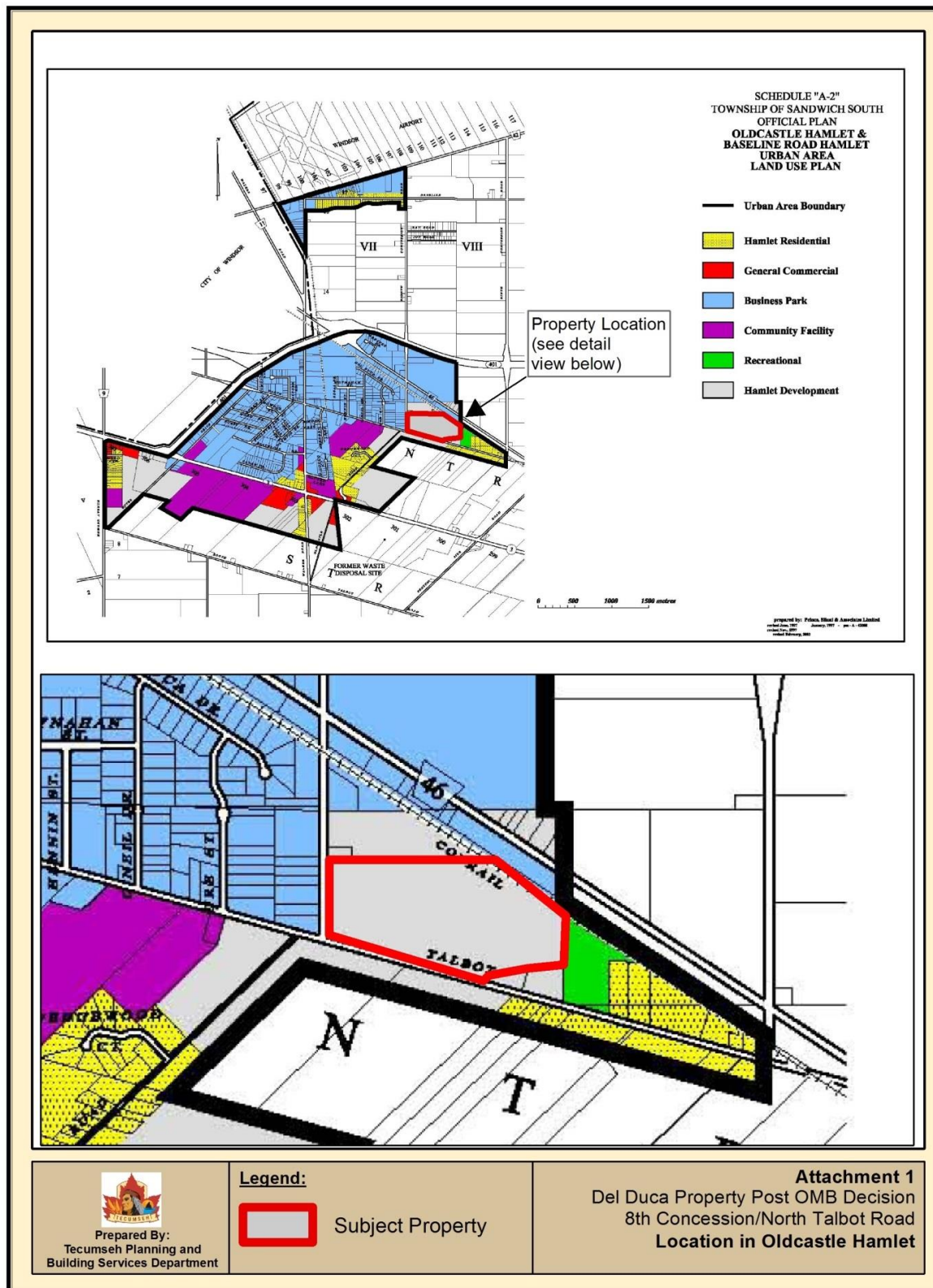
Prepared by:

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

Recommended by:

Margaret Misek-Evans, MCIP, RPP  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
1	Location in Oldcastle Hamlet Map
2	Airphoto of Subject Property
3	Proposed Alternative Land Use Plan
4	Revised Part B of Official Plan Amendment No. 14
5	Revised Zoning By-law Amendment 2016-67





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