

ISSUE DATE:

June 26, 2007

DECISION/ORDER NO:

1771



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL060075

3597041 Canada Inc. and 1559930 Ontario Limited have appealed to the Ontario Municipal Board under subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the County of Simcoe to approve Proposed Amendment No. 29 to the Official Plan for the Town of New Tecumseth

(Approval Authority File No. NT-OPA-29)

OMB File No: O060021

1559930 Ontario 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 New Tecumseth to redesignate land at the southwest corner of Highway 89 and Addison Road from rural commercial to Urban General Commercial to permit a supermarket and a range of retail, commercial and institutional uses

(Approval Authority File No. DEV 226.OP.1.Z6/05)

OMB File No: O060146

1559930 Ontario Limited 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 2003-132 of the Town of New Tecumseth to rezone lands respecting Part Lot 7, Concession 15 from "Rural Highway Commercial (RHC)" to "Urban Highway Commercial (UHC)" to permit the development of a supermarket and a range of retail, commercial and institutional uses

OMB File No: Z060011

3597041 Canada Inc. 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 New Tecumseth to redesignate land on the south side of Highway 89 east of Addison road from Urban General Commercial to Special Urban General Commercial* (UGC*) to permit the development of a retail commercial development

OMB File No: O060191

3597041 Canada Inc. 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 No. 96-103 of the Town of New Tecumseth to rezone lands respecting 6365 Highway 89 and 6448 15th Line from "Rural Industrial (RM)" and "Rural Highway Commercial (RHC)" to "Shopping centre Commercial Exception (SCC_*)" to permit a range of retail/commercial uses and to modify setback, driveway width and lot regulations.

OMB File No: Z060125

APPEARANCES:

<u>Parties</u>	<u>Counsel</u>
1559930 Ontario Limited (Atavus)	M. Flynn-Guglietti / Scott Oldewening / Christian Piersanti
3597041 Canada Inc. (Smart Centres Inc.)	Dennis Wood / Sharmini Mahadevan
Town of New Tecumseth	James Feehely
County of Simcoe	M. Green
Zellers Inc.	Stanley Stein

DECISION OF THE BOARD DELIVERED BY R. ROSSI AND ORDER OF THE BOARD

All Parties have reached settlements in the case at hand. The earlier appeal of Loblaw Limited was withdrawn after successful Board mediation efforts. Zellers Inc. has withdrawn its appeal. The contentious issue with wording of Section 6 of Schedule “A” (in Exhibit 14 and part of the Attachments) – “Urban General Commercial, part c”, has been resolved and the new wording reflected in the revised documents.

Planner John Stevens provided uncontradicted expert planning evidence that these amendments represent good planning, reflect the appropriate modifications to OPA 29, maintain the basic policy thrust and should be approved.

Planner Scott Arbuckle provided similar evidence in respect of the site-specific OPA and ZBA for Atavus. James Tate provided supporting market evidence for the subject area.

In respect of the Applicant/Appellant 1559930 Ontario Limited (Atavus), the Board approves the site-specific amendment to the Official Plan and the site-specific amendment to the Zoning By-law contained in Exhibit 11 (attached to this Order as Attachment “1”). The Board acknowledges that for consistency in the documents, the Town will revise slightly these two items to include reference to the Holding Provisions

as mentioned in Zoning By-law 96-103 of the Town of New Tecumseth. The remaining appeals of Official Plan Amendment No. 29 by the Applicant/Appellant were withdrawn.

In respect of the Applicant/Appellant 3597041 Canada Inc. (Smart Centres Inc.), the Board approves the site-specific amendment to the Official Plan and the site-specific amendment to the Zoning By-law contained in Exhibit 15 (attached to this Order as Attachment "2").

The Board attaches Schedule "A": Appealed Provisions of OPA 29, as modified (Exhibit 14), as Attachment "3". The Board also attaches the full and final text of "Official Plan Amendment No. 29, including proposed modifications" (Exhibit 16) as Attachment "4" (for reference purposes as requested by the Town).

The Board so Orders.

"R. Rossi"

R. ROSSI
MEMBER