



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: February 25, 2020

Report Number: PBS-2020-07

Subject: Site Plan Control
Lilly Jean Daniher
5355 Manning Road
OUR FILE: D11 DANIHER

Recommendations

It is recommended:

That a by-law authorizing the execution of the “Lilly Jean Daniher” site plan control agreement, satisfactory in form to the Town’s Solicitor, which allows for the construction of a 572 square metre (6,157 square foot) pole barn and associated on-site services/works on 4.8 hectare (11.8 acre) parcel of land situated on the west side of Manning Road (5355 Manning Road), approximately one kilometre south of its intersection with Highway 401, **be adopted**, subject to the following occurring prior to the Town’s execution of the Agreement:

- i) final stormwater management design and stormwater management calculations, and associated drawings being approved by the Town;
- ii) the Owner executing the site plan control agreement; and
- iii) the Owner posting security for performance pursuant to paragraph 6.1 of the agreement;

And that the execution of such further documents as are called for by the site plan control agreement approved above including, but not limited to, the execution of the acknowledgement/direction required to register the site plan control agreement on title to the lands and such other acknowledgements/directions for any related transfers or

real property registrations contemplated by the site plan control agreement, by the Mayor and Clerk, **be authorized.**

Background

Property Location

The subject 4.8 hectare (11.8 acre) parcel of land is situated on the west side of Manning Road (5355 Manning Road), approximately one kilometre south of its intersection with Highway 401 (see Attachment 1). Daniher Topsoil, which supplies topsoil and various landscaping mulch products, has been operating from the property for several decades.

Proposed Development

The property is subject to site plan control approval in accordance with Section 41 of the *Planning Act, R.S.O. 1990*. Lilly Jean Daniher (“the Owner”) has filed an application for site plan control in order to facilitate the construction of a 572 square metre (6,157 square foot) pole barn that is proposed to be located on the northern end of the property. Approximately one-quarter of the proposed pole barn will house a top-soil bagging facility, with the remainder of the building being used for maintenance and servicing of equipment and trucks associated with the business. A gravelled maneuvering area and associated stormwater management swales are also proposed to accommodate the pole barn construction. In addition, an existing 300 square metre (3,200 square foot) showroom/greenhouse that is located at the far southeast corner of the property will be demolished as part of this development proposal.

More specifically, the proposed site plan drawing (see Attachment 2) depicts:

- All existing buildings and structures associated with the permitted use, along with the identification of the building proposed to be demolished;
- The proposed 572 square metre (6,157 square foot) pole barn, gravelled maneuvering area and associated stormwater management swales at the northern end of the property;
- The location of all existing outdoor storage areas of aggregate, topsoil and other landscaping materials; and
- Existing vehicular access lanes that are used to access the various outdoor storage areas on the property.

The corresponding site plan agreement establishes the following site-specific requirements:

- A maximum height of 7.6 metres (25 feet) for all outdoor storage piles; and

- The Owner agrees to relocate the existing piles of soil (currently on the abutting agricultural property to the west) so that they are located wholly within the limits of the subject property.

Comments

Official Plan and Zoning

The proposed development and corresponding site plan conform to the Agricultural land use policies contained in the Official Plan. In addition, the site plan complies with all regulations established by the property's site-specific "Agricultural Zone (A-13)" zone (see Attachment 3).

Servicing

A Stormwater Management Study and associated drawings, which includes quantity and quality control measures, has been reviewed by Town Administration. As a result, revisions are currently being finalized by the Owner's consultant. The site plan control agreement establishes that the Stormwater Management Study and associated drawings shall be finally approved by the Town prior to the issuance of a building permit. Public Works and Environmental Services has advised that it has no concerns with the proposed development.

Summary

In summary, it is the opinion of the writer, along with Town Administration, that the proposed site plan control agreement will result in appropriate development that is based on sound land use planning principles. Town Administration has reviewed the proposed site plan agreement and is prepared to recommend approval of the document and the attached drawing. Wolf Hooker Law Firm (Town Solicitor) has drafted the attached amending agreement (see Attachment 4, with site plan drawing attached thereto as Schedule B) which facilitates the subject development. As has been the practice of the Town to date, the agreement establishes that a security deposit in the amount of \$5,000 (cash or letter of credit) is required as a condition of approval to ensure all performance obligations of the Owner are fulfilled.

Consultations

Public Works & Environmental Services
Town Solicitor

Financial Implications

None

Link to Strategic Priorities

Applicable	2019-22 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 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 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:

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Reviewed by:

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Manager Planning Services

Reviewed by:

Phil Bartnik, P.Eng.
Director Public Works & Environmental Services

Reviewed by:

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

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Subject Property Map
2	Proposed Site Plan, Detail View
3	Zoning Map
4	Site Plan Control Agreement