



## 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:** November 9, 2021

**Report Number:** PBS-2021-50

**Subject:** Draft Plan of Subdivision Approval  
Old Castle Heights Inc.  
County of Essex File 37-T-21004  
Northeast Corner of 8th Concession/North Talbot Road  
OUR FILE: D12 OLD

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### Recommendations

It is recommended:

**That** the granting of draft plan of subdivision approval by the County of Essex (the Approval Authority) for the application filed by Old Castle Heights Inc. (County of Essex File No. 37-T-21004) for a residential subdivision consisting of a total of 157 blocks/lots which are identified for 132 detached dwellings units, 12 semi-detached units (six semi-detached dwellings), 76 attached units (one 3-unit townhouse dwelling, one 5-unit townhouse dwelling and 17 4-unit townhouse dwellings) and 10 blocks identified for buffer areas/passive open space/multi-purpose pathways, stormwater corridors and a stormwater pond on a 20.7 hectare (51.3 acre) parcel of land described as Part Lot 11, Concession 8 and situated on the northeast corner of the North Talbot Road/8<sup>th</sup> Concession Road intersection, subject to the inclusion of appropriate conditions as noted in the PBS-2021-50, **be supported**;

**And that** the County of Essex **be advised** of Council's support for County of Essex File No. 37-T-21004 along with the associated requested conditions of draft plan approval.

## **Executive Summary**

Old Castle Heights Inc. ("the Owner") owns a 20.7 hectare (51.3 acre) parcel of land described as Part Lot 11, Concession 8 and situated on the northeast corner of the North Talbot Road/8<sup>th</sup> Concession Road intersection. The Owner has filed an application with the County of Essex for Draft Plan of Subdivision Approval for the subject property to facilitate the development of the lands for a residential subdivision in accordance with the alternative land use plan approved by the Ontario Municipal Board in 2019 and in conformity with the Tecumseh Official Plan and Zoning By-law 85-18. A summary of previous planning approvals for the subject lands, details of the proposed development, and a final recommendation on the proposed application are provided in this Report.

## **Background**

### **Past Planning Applications and Ontario Municipal Board Decision**

In 2016, Town Council approved Official Plan and Zoning By-law Amendments for a 20.7 hectare (51.3 acre) parcel of land described as Part Lot 11, Concession 8 and situated on the northeast corner of the North Talbot Road/8<sup>th</sup> Concession Road intersection to facilitate the development of an industrial subdivision/business park (see Attachment No. 1).

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 prior 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 existing residential clusters and Weston Park.

Through a subsequent negotiation process in 2019 between the prior Owner, the appellants and the Town, an alternative land use plan was developed, which was put out for public input and subsequently supported by Town Council. The alternative land use plan contemplated (see Attachment 2):

- 20.5 hectares (50.6 acres) of land for residential uses encompassing a range of housing types including single unit dwellings, semi-detached and multi-unit dwellings and multi-storied retirement buildings;
- a 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 was subsequently

severed from the subject lands by way of consent approval and is not part of the lands subject to the current Draft Plan of Subdivision Approval application.

- 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 8th Concession Road extending 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 and buffering 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; and
- a multi-use pathway along the north side of North Talbot Road that would ultimately provide connectivity to Weston Park and the existing homes to the east as well as to proposed multi-use pathways to the north along 8<sup>th</sup> Concession Road and to the west along North Talbot Road.

Subsequent to and in accordance with the foregoing, the OMB issued an Order approving revised Official Plan and Zoning By-law amendments that introduced site-specific policies and zoning consistent with the agreed upon alternative land use plan.

## **Draft Plan of Subdivision Approval**

The current Owner of the property, Old Castle Heights Inc., has filed an application with the County of Essex for Draft Plan of Subdivision Approval for the subject property. The County, as part of its approval function and in accordance with the *Planning Act*, has requested the Town hold a public meeting on its behalf. Accordingly, a public meeting has been scheduled for November 9, 2021 in order to solicit stakeholder input on the proposed Draft Plan of Subdivision. A record of this public meeting, along with all comments received, will be forwarded to the County of Essex as part of its consideration of the approval of the Draft Plan of Subdivision.

## **Proposed Draft Plan**

The proposed Draft Plan of Subdivision (see Attachments 3 and 4) depicts the creation of 157 blocks/lots to be developed in two phases. The first phase, which encompasses the westerly portion of the subject lands as well as the stormwater management corridors along the north connecting to the stormwater pond to the east, includes:

- 64 detached dwellings units;
- 12 semi-detached units (six semi-detached dwellings);

- 76 attached units (one 3-unit townhouse dwelling, one 5-unit townhouse dwelling and 17 4-unit townhouse dwellings); and
- 8 blocks identified for buffer areas/passive open space/multi-purpose pathways, stormwater corridors and a stormwater pond.

The second phase encompasses the easterly portion of the subject lands and includes 68 lots for single unit detached dwellings along with two blocks for multi-purpose pathway/green space purposes.

The proposed residential dwellings will front on new municipal roads that will connect to North Talbot Road at five locations. In order to maintain the integrity of the buffer area along the western side of the subject property, no municipal road access is proposed to the 8<sup>th</sup> Concession Road, which is consistent with the alternative land use plan approved by the OMB. A multi-purpose pathway is to be constructed around the perimeter of the subject lands with a connection to Weston Park to the east (it should be noted that although the Draft Plan of Subdivision rendering in Attachment 4 depicts a gap in the southeasterly portion of this perimeter pathway, its connection will be secured through the requisite subdivision agreement subject to determining its ultimate route taking into consideration design issues and appropriate setbacks from the conservation boundary adjacent the municipal drain). Sidewalks on the interior streets will provide pedestrian connectivity to the homes throughout the proposed subdivision as well as to the multi-purpose pathway.

All development will be on full municipal services and Council approval of a subdivision agreement will be required at a future date prior to the development proceeding. The subdivision agreement and associated drawings will fully detail the works to be constructed/provided by the Owner as part of this development, including water, wastewater and stormwater infrastructure, roads, sidewalks, pathways, street trees, street lighting and berming along with requiring appropriate performance and maintenance security.

The subject property is designated "Residential" with site specific policies in the Tecumseh Official Plan and zoned "Holding - Residential Zone 2 (H)R2-4" and "Holding - Parks and Open Space Zone (H)P-5" in Zoning By-law 85-15. The designation and zoning permit the construction of the proposed residential subdivision, including the designated buffer area along the 8<sup>th</sup> Concession Road and the stormwater management corridor and pond, subject to the removal of the "Holding (H)" symbol.

## Comments

## Planning Analysis

As noted above, the proposed residential subdivision is in accordance with the OMB Order issued in 2019 and the agreed-upon alternative land use plan. The subject lands are within an identified settlement area of the County OP. The goals and policies of the County OP

encourage a range of residential development within identified settlement areas such as the fully serviced urban areas of the Town of Tecumseh.

Further, as noted above, the lands are designated Residential in the Town of Tecumseh Official Plan and are subject to the site-specific OMB-approved land use policy which permits the proposed subdivision. The range of housing types and lot sizes proposed comply with the site-specific R2-4 zoning that was approved by the OMB. Blocks 160 and 161 form a 30-metre (98-foot) wide strip of land that, in conjunction with the commercial block to the south which was previously severed from the subject property, forms a buffer between the industrial uses on the west side of the 8<sup>th</sup> Concession Road and the proposed residential uses to the east in the draft plan of subdivision.

## **Municipal Services**

The proposed development will be serviced with full municipal services (water, sanitary and storm). Servicing issues will be addressed in greater detail as part of the subdivision approval process and, more particularly, the associated subdivision agreement. During the pre-consultation process, the formal submission of the draft plan to the County was delayed so that the Town could undertake analysis as part of its Oldcastle Storm Drainage Master Plan process to ensure the stormwater management solution implemented in this draft plan of subdivision was consistent with the long term objectives of the Town and Essex Region Conservation Authority (ERCA). Subsequent to minor revisions to the subdivision's stormwater management solution, it has been confirmed that the Owner's proposed stormwater management facility location and design is appropriate and in keeping with longer-term stormwater solutions to be implemented in the Oldcastle area through the Master Plan process and that the design solution is acceptable to ERCA.

## **Matters to Have Regard to Under the *Planning Act***

Subsection 51 (24) of the *Planning Act* establishes the following matters to have regard to in considering a draft plan of subdivision:

### **"Criteria**

(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- (b) whether the proposed subdivision is premature or in the public interest;

- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided;
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- (f) the dimensions and shapes of the proposed lots;
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006."

Based on our review and understanding of the proposal to date, it is believed that adequate regard has been given to the foregoing items and that the subdivision meets accepted design principles and standards of the Town. The County of Essex, as the approval authority, formally engages with all external agencies and ensures that their respective issues are adequately addressed. This is typically achieved through the introduction of appropriate conditions of draft plan approval by the County, which often leads to specific language in the associated subdivision agreement that will be executed between the Owner and the Town at a future date.

## **Conditions of Draft Plan Approval**

Based on all of the foregoing, it is appropriate that the Draft Plan of Subdivision application be supported conditional to the execution of a subdivision agreement to address site design details such as servicing (water, wastewater, stormwater, streets, sidewalks, multipurpose pathways, street lights), street trees, construction vehicle access, performance and maintenance security and any additional concerns that may be identified through this current public consultation process.

Based on Administration's review of the proposed Draft Plan of Subdivision, and pending any potential new concerns being identified at the November 9, 2021 Public Meeting, Administration recommends that Town Council support Draft Plan of Subdivision Approval of County File No. 37-CD-21004, subject to the County of Essex providing the following conditions:

1. That the Owner enter into a development agreement with the Town of Tecumseh wherein the Owner agrees to satisfy all the requirements, design, engineering, financial and otherwise, of the Town concerning but not limited to the payment of development charges, provision of parkland, landscaping and planting of trees, fencing, provision of roads, provision or easements conveyances, installation of services, sanitary sewerage collection system, water distribution system, utilities and stormwater management facilities for the development of the lands, including those works required off-site;
2. That the Owner engage the services of a qualified engineer to complete a Stormwater Management Study to address stormwater quantity and quality to the satisfaction of the Town and the Essex Region Conservation Authority and that the subdivision agreement between the Owner and the Town, where required, contain a provision requiring construction of the works by the Owner as identified in the Stormwater Management Study. The Stormwater Management Study shall also address the conveyance and management of stormwater through the subject lands from the commercial block located at the northeast corner of the 8<sup>th</sup> Concession Road/North Talbot Road intersection;
3. That prior to final approval by the Approval Authority, the Approval Authority is to be advised by the Town that this proposed subdivision conforms to the Zoning By-law in effect.

In addition, the following note of Draft Plan approval is recommended:

1. That upon approval and registration of the Plan of Subdivision, two (2) copies and one (1) diskette of the Plan prepared by an Ontario Land Surveyor, on NAD-83 format, UTM Zone 17, which has been numbered, dated, signed and registered be submitted to the Town.

## **Conclusion**

In summary, the proposed Draft Plan of Subdivision application is in accordance with the site-specific land use policies of the Official Plan and complies with all of the requirements of the site-specific zoning in effect for the subject property. Administration confirms that the layout and design of the subdivision conforms to the alternative land use plan approved by the OMB and believes detailed site design matters can be addressed through the required subdivision agreement that will be finalized and recommended for execution by Council at a future meeting.

Based on the foregoing, Administration recommends that the County be notified of the Town's support for the proposed Draft Plan of Subdivision subject to the Town's conditions of draft approval as noted in this Report and subject to no new concerns being raised at the November 9, 2021 public meeting that would require further consideration.

## **Consultations**

Fire Services  
Public Works & Environmental Services  
County of Essex  
Essex Region Conservation Authority (ERCA)

## **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.

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<b>Attachment Number</b>	<b>Attachment Name</b>
1.	Property Location Map
2.	Alternative Land Use Plan Approved by OMB
3.	Draft Plan of Subdivision
4.	Draft Plan of Subdivision Rendering