



## The Corporation of the Town of Tecumseh

Development Services

**To:** Mayor and Members of Council

**From:** Brian Hillman, Director Development Services

**Date to Council:** November 28, 2023

**Report Number:** DS-2023-23

**Subject:** Draft Plan of Subdivision Approval  
Cedarhurst Avenue Business Park Subdivision  
County of Essex File No. 37-T-23009  
South Side of County Road 42  
OUR FILE: D12 SYL42

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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 851381 Ontario Limited (County of Essex File No. 37-T-23009) for a 2.9 hectare (7.3 acre) parcel of land located on the south side of County Road 42, approximately 385 metres (1,263 feet) east of its intersection with Banwell Road (County Road 43) which proposes the creation of a business park subdivision consisting of five commercial/industrial blocks and one block for a stormwater management facility, all of which front on a new municipal road extending south from County Road 42, **be supported**, subject to the inclusion of appropriate conditions as noted in Report DS-2023-23;

**And that** the County of Essex **be advised** of Council's support for County of Essex File No. 37-T-23009 along with the associated requested conditions of draft plan approval.

## **Executive Summary**

851381 Ontario Limited (“the Owner”) owns a 2.9 hectare (7.3 acre) parcel of land located on the south side of County Road 42, approximately 385 metres (1,263 feet) east of its intersection with Banwell Road (County Road 43). 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 business park subdivision consisting of five commercial/industrial blocks and one block for a stormwater management facility, all of which will front onto a new municipal road extending south from County Road 42. A recommendation on the proposed application with the associated requested Town conditions of draft plan approval is provided in this Report.

## **Background**

### **Draft Plan of Subdivision Approval**

851381 Ontario Limited (“the Owner”) has filed an application with the County of Essex for Draft Plan of Subdivision Approval for a 2.9 hectare (7.3 acre) parcel of land located on the south side of County Road 42, approximately 385 metres (1,263 feet) east of its intersection with Banwell Road (County Road 43) (see Attachment 1).

The County, as part of its approval function and in accordance with the *Planning Act*, has requested the Town notify the public and relevant agencies of receipt of the application for Draft Plan of Subdivision on its behalf, which has been completed. The County has also requested that the Town provide a resolution of support for the application and provide its requested conditions of draft approval.

### **Proposed Draft Plan**

The proposed Draft Plan of Subdivision depicts the creation of five commercial/industrial blocks fronting on the east and west side of a new municipal road (Cedarhurst Avenue) extending south from County Road 42 (see Attachment 2 and 3). The five commercial/industrial blocks range in size from 0.3 hectares to 0.57 hectares (0.74 acres to 1.40 acres) and approximately 42 metres to 76 metres (138 feet to 239 feet) in frontage. The proposed stormwater management facility (Block 6) will be located west of the cul-de-sac bulb at the south end of the new municipal road.

All development will be on full municipal services and sidewalks will be provided on both sides of the proposed new roadway to provide pedestrian connectivity to County Road 42. 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 by the Owner, including water, wastewater and stormwater infrastructure, roads, sidewalks, street trees and street lighting along with requiring appropriate performance and maintenance security.

## **Comments**

### **Provincial Policy Statement**

The Provincial Policy Statement, 2020 (“PPS”) establishes that settlement areas shall be the focus of growth and development. It also indicates that the Town should be supporting and promoting development that results in compact built form and makes more efficient use of existing services. Finally, the PPS establishes that municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize risks to human health and safety.

### **County Official Plan**

The proposed subdivision is within an identified settlement area of the County Official Plan (“County OP”). The goals and policies of the County OP encourage a range of commercial/industrial development within identified settlement areas such as the fully serviced urban areas of the Town of Tecumseh. In addition, the County OP establishes that the plan of subdivision process is required where new lots are proposed to front upon a new road.

### **Tecumseh Official Plan**

The lands proposed for the five commercial/industrial blocks are designated “Business Park” in the Tecumseh Official Plan (“Tecumseh OP”) and zoned “Holding – Commercial/Industrial Zone (H) CM-1” in Zoning By-law 85-15. The designation and zoning permit the proposed business park subdivision and the range of lot sizes proposed comply with Zoning By-law 85-18. The lands proposed for the stormwater management facility are designated “Agricultural” in the Tecumseh OP and zoned “Agricultural Zone (A)” in Zoning By-law 85-15. The Agricultural designation and Zoning By-law 85-15 permit stormwater management facilities and public service uses of this nature on agricultural lands. It should be noted that the “Holding (H)” symbol will be removed at a future date by way of Council By-law upon Council approval of the subdivision agreement.

The Tecumseh OP provides policy direction with respect to approvals of Plan of Subdivision applications. The following policies are to be considered regarding such applications:

#### “6.1 General Policies

The following policies shall apply to all designations within the Town:

- i) the division of land will generally occur by way of a registered plan of subdivision...;
- ii) the division of land will only be allowed if the proposed lots conform to the policies of this Official Plan and comply with the provisions of the Zoning By-law for the Town which shall establish minimum lot frontages and areas in accordance with Provincial and Municipal requirements established at the time of approval of this Plan. Where any by-law amendment or minor variance is necessary, it shall be a condition of the consent or plan of subdivision approval;

...

#### 6.2 Plans of Subdivision

In considering applications for proposed plans of subdivision, Council shall have regard to the policies of this Plan, the policies of the County of Essex Official Plan and to the Provincial Policy Statement, as well as those matters outlined in Section 51(24) of the Planning Act, R.S.O. 1990, as amended, and to the following policies:

- i) the proposed subdivision can be adequately supplied with municipal infrastructure and services in an economic manner;
- ii) the proposed subdivision has been designed to integrate with transit, and the broader transportation system, adjacent existing and planned land uses, and both the natural heritage system and cultural heritage resources;
- iii) the plan of subdivision has been designed so there are no negative impacts on the natural heritage features or areas or hazard land areas;
- iv) the proposed development addresses issues of energy conservation and sustainability;

- v) the proposed subdivision is necessary, timely and in the public interest; and
- vi) the design of the proposed plan of subdivision meets accepted design principles and standards of the Town, and has had adequate regard for any urban design guidelines, land acquisition programs, or other policy initiatives that are relevant to the area.

#### 6.2.2 Draft Approval Conditions

Draft approval of plans of subdivision will generally include conditions which must be satisfied prior to final approval of the plan of subdivision by the County of Essex. Such conditions may be required to be satisfied within a specified time period (a maximum of three years) or draft approval may be withdrawn, and any servicing capacity may be re-allocated. Draft approval can be extended prior to lapsing, based on municipal re-assessment and Council support. Conditions of approval may be changed prior to final approval in accordance with the policies of the *Planning Act*.

#### 6.2.3 Development Agreement

Prior to final approval of a plan of subdivision, the Owner will be required to enter into a development agreement with the Town and to file necessary financial securities to the satisfaction of the Town to ensure that conditions of approval are fulfilled.”

The proposed Draft Plan of Subdivision application is in conformity with the policies of the Official Plan and complies with all the requirements of the zoning in effect for the subject property, subject to the future removal of the Holding (H) symbol.

### **Municipal Services**

The proposed development will be serviced with full municipal services (water, sanitary and storm). There is adequate water and sanitary sewage conveyance and treatment capacity to serve the development. Detailed servicing issues will be addressed as part of the subdivision approval process and, more particularly, the associated subdivision agreement.

## **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 Administration's review, 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, street lights), street trees, construction vehicle access, performance and maintenance security and any additional concerns that may be identified to the County by the public and agencies.

Based on Administration's review of the proposed Draft Plan of Subdivision, Administration recommends that Town Council support Draft Plan of Subdivision Approval of County File No. 37-T-23009, 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, payment of cash-in-lieu 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; and
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 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 consistent with the PPS, is in conformity with the policies of the County OP and Tecumseh OP and complies with all the requirements of the zoning in effect for the subject property. Administration confirms that the layout and design of the subdivision is appropriate 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 37-T-23009 subject to the Town's conditions of draft approval as noted in this Report and subject to no new concerns being raised through the public/agency circulation process.

## **Consultations**

Community Safety  
Public Works & Engineering Services



## Financial Implications

None.

## Link to Strategic Priorities

| Applicable                          | 2023-2026 Strategic Priorities  |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Sustainable Growth: Achieve prosperity and a livable community through sustainable growth.                                |
| <input type="checkbox"/>            | Community Health and Inclusion: Integrate community health and inclusion into our places and spaces and everything we do. |
| <input type="checkbox"/>            | Service Experience: Enhance the experience of Team Tecumseh and our citizens through responsive and respectful service.   |

## 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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Recommended by:

Margaret Misek-Evans, MCIP, RPP  
Chief Administrative Officer

| <b>Attachment Number</b> | <b>Attachment Name</b>                    |
|--------------------------|---|
| 1.                       | Property Location Map                     |
| 2.                       | Property Location with Draft Plan Overlay |
| 3.                       | Proposed Draft Plan of Subdivision        |