



The Corporation of the Town of Tecumseh

Development Services

To: Mayor and Members of Council

From: Brian Hillman, Director Development Services

Date to Council: December 10, 2024

Report Number: DS-2024-43

Subject: Old Castle Heights Residential Subdivision – Phase 1
Placing of Services on Maintenance/Release of Building
Permits and Part Lot Control Exemption for Lots 1-6 and Blocks
71-89 on Plan 12M-709 for Creation of Individual Lots for Semi-
detached and Townho

Recommendations

It is recommended:

That Report DS-2024-43, titled “Old Castle Heights Residential Subdivision – Phase 1, Placing of Services on Maintenance/Release of Building Permits and Part Lot Control Exemption for Lots 1-6 and Blocks 71-89 on Plan 12M-709 for Creation of Individual Lots for Semi-detached and Townhouse Units”, **be received;**

And that Council **authorize the placement** of the municipal services on maintenance and **the release** of building permits for Phase 1 of the Old Castle Heights Residential Subdivision, in accordance with the requirements of the registered Old Castle Heights Inc. Development Agreement;

And further that By-law 2024-101, having the effect of removing certain parcels of lands, more particularly described as Lots 1-6 and Blocks 71-89 on Plan 12M-709, as registered in the Registry Office for the Registry Division of Essex (12), from the provisions of part lot control under Section 50(5) of the *Planning Act*, which By-law shall expire three years from its date of adoption, and in accordance with Section 50(7.3) of the *Planning Act*, **be adopted;**

And further that By-law 2024-101 **be forwarded** to the County of Essex, the Approval Authority, for its consideration and final approval, in accordance with Section 50(7.1) of the *Planning Act*;

And further that upon approval of By-law 2024-101 by the County of Essex, that it **be registered** on title in accordance with Section 50(28) of the *Planning Act*.

Background

Plan of Subdivision and Development Agreement Approvals

In February of 2022, the County of Essex issued draft plan approval for the Old Castle Heights Residential Subdivision (Plan 12M-709), located at the northeast corner of the 8th Concession/North Talbot Road intersection (see Attachment 1). The subdivision, comprising 157 blocks/lots, is to be developed in two phases (see Attachments 1 and 2). The first phase, which generally encompasses the westerly portion of the subdivision, includes:

- 64 detached dwellings units;
- 12 semi-detached units (six semi-detached dwellings);
- 76 attached dwelling units (one 3-unit townhouse dwelling, one 5-unit townhouse dwelling and 17 4-unit townhouse dwellings); and
- 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 subdivision and includes the remaining 68 lots for single unit detached dwellings.

Council authorized the execution of the Old Castle Heights Inc. Development Agreement (“Development Agreement”) with the Owner in May of 2022. That agreement established that building permits could be issued once the required services were accepted and placed on maintenance by the Town via a resolution of Council upon the recommendation of the Town’s Public Works & Engineering Services department (PWES). The developer has completed the construction of works and services for Phase 1 and is now seeking to place the works on maintenance and permit the release of building permits in accordance with the Development Agreement.

Part Lot Control Exemption Application

It is the Owner's intent that the lands in Phase 1 be further subdivided such that each semi-detached and townhouse dwelling unit along with its associated yard may be separately conveyed and owned (i.e. freehold ownership). To achieve this, the Owner has applied for Part Lot Control Exemption approval for Blocks 1-6 and Blocks 71-89 on Plan 12M-709 (see Attachment 2). A Part Lot Control Exemption By-law, once adopted by Council, is then submitted to the County of Essex (the Approval Authority) for final approval. The by-law does not come into force until it is approved by the Approval Authority.

Once approved, the by-law is returned to the Town for registration purposes. A Part Lot Control Exemption By-law typically contains a provision establishing that it expires after a specific period of time. This time period is deemed long enough to allow for the new lots to be transferred which, in this instance, is recommended to be three years. Once expired, part lot control would once again apply to the lands in question. Council may repeal parts or all of the By-law prior to the expiry date, provided the repealing By-law is registered on title.

Comments

Development Agreement – Maintenance Period and Release of Building Permits for Phase 1

In November of 2024, the Owner's consulting engineer notified the Town that all the required works/services for Phase 1 of the subdivision were completed in accordance with the approved Development Agreement. Therefore, the Owner has requested that Phase 1 of the development be placed onto maintenance by the Town so that full building permits can be made available. A final walkthrough with Town Administration was also conducted and no significant deficiencies were identified.

Public Works and Engineering Services has reviewed this request and is satisfied that the construction of roads and services and the remittance of all payments required by the Development Agreement for Phase 1 of the development has been completed to the point where building permits can be released and the services placed on maintenance. The Town will continue to retain sufficient security to assure completion of any outstanding obligations or repair of any outstanding deficiencies during the maintenance period. As outstanding works and the remaining obligations stipulated in the Development Agreement are fulfilled, securities will be reduced in accordance with the provisions noted in the Development Agreement. Accordingly, the Director of Public Works and Engineering Services recommends that Council pass a resolution allowing

the release of building permits and the placing of services on maintenance for Phase 1 of this development.

Part Lot Control Exemption Process

The *Planning Act* establishes that only whole lots/blocks within a registered Plan of Subdivision can be conveyed – not part of lots or blocks. In order to convey parts of a block (i.e. for each semi-detached or townhouse unit), Section 50 (7) of the *Planning Act* enables municipalities to pass a by-law removing Part Lot Control from all or part of lands that are identified in Registered Plans of Subdivision. The By-law is then forwarded to the County of Essex for approval and is ultimately registered on the land.

As noted above, the land subject to the proposed Part Lot Control Exemption By-law are Lots 1-6 and Blocks 71-89 on Plan 12M-709. Draft Reference Plans (12R Plans) have been prepared by a surveyor identifying each individual unit/lot where the building foundations/dividing walls for each of the townhouse and semi-detached dwelling units will be constructed. These 12R Plans are consistent with the blocks on Plan 12M-709 and the recently completed municipal servicing of the property.

Once the draft 12R Plans are registered and all individual units/lots have been transferred to different owners, Part Lot Control will be re-instituted on the lands, thus prohibiting any further division of land. This ultimately has the effect of creating the individual lots upon which each dwelling unit of the proposed semi-detached and townhouse units are situated.

When considering the appropriateness of a request for Part Lot Control Exemption for a parcel of land, the following matters are considered:

1. Conformity with the Official Plan

The subject land is designated “Residential” in the Town’s Official Plan and the development proposed is in conformity with the associated policies.

2. Compliance with the Zoning By-law regulations

The subject lands are zoned “Residential Zone 2 (R2-4)” in the Tecumseh Zoning By-law 85-15. The R2-4 zone establishes minimum lot frontages, areas and interior side yard widths, depending on the type of dwelling (single, semi-detached or townhouse) being constructed and whether the unit is an interior or end unit. The proposed lots will comply with the minimum lot frontages and minimum lot areas established in the Zoning By-law.

3. Availability of municipal services (water, sanitary, storm)

As noted above, the subject property has been serviced by municipal water supply and municipal sanitary and storm sewers to accommodate all the lots being proposed. The servicing of the lands, including individual service connections for each of the proposed new lots, has been done in accordance with the requirements of the Development Agreement and Plan 12M-709.

4. Whether a more thorough review process should be taken based on the lotting pattern being proposed (i.e. is a new Plan of Subdivision or Consent Application required).

Subsequent to a detailed planning approval process, the lands being proposed for Part Lot Control Exemption have been given Plan of Subdivision Approval by the County of Essex. As noted above, the proposed lotting pattern is consistent with the Development Agreement approved by Town Council in 2022.

Summary

Administration recommends that Council pass a resolution approving the placing of services on maintenance and the release of building permits for Phase 1 of the Old Castle Heights Subdivision. It is also recommended that Council adopt a By-law having the effect of removing Blocks 1-6 and Blocks 71-89 on Plan 12M-709 from the provisions of part lot control under Section 50(5) of the *Planning Act*, which by-law shall expire three years from its date of adoption, and in accordance with Section 50(7) of the *Planning Act*.

In addition, it is recommended that the By-law be forwarded to the County of Essex for its consideration and final approval, in accordance with Section 50 (7.1) of the *Planning Act* and, that upon approval, the By-law be registered on title.

Consultations

Public Works & Engineering Services
County of Essex

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 checked="" 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:

Enrico DeCecco, BA (Hons), MCIP, RPP
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Reviewed by:

Chad Jeffery, MA, MCIP, RPP
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Reviewed by:

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

Reviewed by:

Brian Hillman, MA, MCIP, RPP
Director Development Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1.	Property Location Map
2.	Plan 12M-709