



MUNICIPALITY OF THAMES CENTRE

PLANNING & DEVELOPMENT SERVICES

REPORT NO: PDS-007-24

FILE: 39T-TC-CDM2301

TO: Mayor and Members of Council

FROM: Marc Bancroft, Director of Planning and Development Services

MEETING DATE: January 29, 2024

**RE: APPLICATION FOR DRAFT PLAN OF CONDOMINIUM;
PUTNAM ROAD HOLDINGS INC. (APPLICANT); ZELINKA
PRIAMO LTD. (AGENT); 3174 PUTNAM ROAD**

1. PURPOSE

The purpose of this report is to provide an evaluation of the subject application to facilitate the development of an industrial vacant land condominium. This proposal was presented at a public meeting of Municipal Council on November 27, 2023. This report includes a summary of the public and agency consultation process along with a recommendation for Council's consideration.

2. BACKGROUND (see attached map)

The subject property is a 13.2 hectare (32.7 ac) lot situated east of Putnam Road (County Road 30), on the south side of Breen Road and north of Highway 401. Along Putnam Road, the lands are separated by an existing railway line owned by Canadian Pacific Railway and operated by Ontario Southland Railway. The lands are primarily used for farming purposes through the cultivation of field crops and contain a single detached dwelling, a barn and a detached garage with a laneway access across the railway line to Putnam Road (County Road 30). The dwelling is privately serviced by a well and septic system. The lands are affected by the Adam Drain which bisects the property and as such are regulated under the Conservation Authorities Act. The property is designated Rural Industrial according to the Thames Centre Official Plan and zoned General Industrial (M1).

The lands are subject to Applications for Consent (File No. B16-22 & B17-22) conditionally approved by Municipal Council on January 30, 2023 to sever a parcel of land having a frontage of approximately 84 metres (275 ft) along Breen Road and an area of approximately 2.68 hectares (6.6 ac) to support a truck terminal permitted under the current zoning. The balance of the lands is subject to this vacant land condominium proposal to provide individual lots (units) for industrial uses without the need for a plan of subdivision and a municipal road to facilitate internal access.

Surrounding land uses are generally industrial in nature. Lands to the east are used for farming purposes for the cultivation of field crops. Existing and future industrial uses are located north of the subject lands whereas Highway 401 is located immediately to the south.

3. PROPOSAL

The purpose of the proposed plan of condominium, as shown on the attached plan, is to facilitate the development of the subject lands for the following purposes:

- a total of three (3) lots (units) to support industrial development opportunities in the form of truck terminal uses;
- lots (units) ranging in size from 2.2 hectares (5.4 ac) to 6 hectares (14.8 ac);
- accessible by a private road being a shared common element feature;
- serviced by private individual wells and private individual sewage disposal systems, considering full municipal services are not available in the area; and
- all existing buildings and structures would be removed from the site.

Similar to plans of subdivision, the County of Middlesex is the delegated approval authority for plans of condominium. Before the County is in a position to make a decision, this application must first be considered by Thames Centre Council and subject to agency and community engagement.

This application was deemed complete by the County and although no supportive studies were required as part of the subject application, the requirement for studies is capable of being addressed through conditions of draft plan approval. This is not unusual considering the number of units and the straightforward nature of this proposal.

The County of Middlesex has retained an outside consultant to undertake a study for recommended road improvements to address potential hazards associated with the railway line in proximity to the intersection of Putnam Road (County Road 30) and Breen Road based on anticipated traffic as result of future industrial development. Recommended road improvements would be cost shared amongst the property owners in the area subject to future development plans including the applicant.

4. AGENCY AND PUBLIC CONSULTATION SUMMARY

4.1 Agency Comments

In the circulation of application to prescribed agencies, the following comments were received:

4.1.1 County Engineer:

The applicant will be required to contribute to intersection improvements at Breen Road and Putnam Road including traffic signals and railway crossing improvements. The Municipality and County are completing preliminary design and costs which will be appropriated at the time the estimated costs of the improvements are determined.

4.1.2 Ministry of Transportation:

The Ministry of Transportation (MTO) has completed a review of the application for Draft Plan of Condominium, 39T-TC-CDM2301, dated November 7th, 2023. The plan was reviewed in accordance with the requirements of the *Public Transportation and Highway Improvement Act*, MTO's highway access control policies and all other related MTO policy.

The following are MTO's Conditions of Draft Approval to be included in the draft agreement:

- a) That prior to final approval, the owner shall submit a stormwater management report along with grading/drainage plans for the proposed development for review and approval.
- b) That prior to final approval, the applicant shall submit to the Ministry of Transportation for review and approval, a copy of a Traffic Impact Study indicating the anticipated traffic volumes and their impact on the Provincial Highway network.
- c) That prior to final approval, Highway improvements identified from the Ministry of Transportation's review and analysis of the Traffic Impact Study will be the financial responsibility of the applicant and a Legal Agreement will be required to be entered into between the applicant and the Ministry of Transportation.
- d) That prior to final approval, any lands that are deemed to be required for the purposes of Highway improvements are to be dedicated to the MTO as public Highway and designated as controlled access highway on the Owners certificate of the Final Plan.
- e) That prior to final approval, arrangements shall be made to the satisfaction of the Ministry of Transportation for the erection of a security fence, offset 0.3m

from the property line where it abuts Ministry of Transportation owned lands along Highway 401.

- f) That Prior to final approval, the owner shall submit to the Ministry of Transportation for review and approval a Draft Plan of Condominium.
- g) That prior to final approval, the owners shall provide the Ministry of Transportation for review and approval, the Conditions of Draft Plan Approval to ensure Ministry requirements have been incorporated.

Notes to Draft Plan Approval - Conditions of MTO permits

The owner should be made aware that under the *Public Transportation and Highway Improvement Act*, Ministry of Transportation permits are required prior to development of the subject property. The owner shall submit site plans, site-servicing plans, grading plans, and drainage plans for proposed development to MTO for review and approval.

- i. MTO Building and Land Use permits will be required prior to any grading.
- ii. MTO Building and Land Use permits for individual site plans (Site Plan Applications) will be required. For each of these Blocks, the owner shall submit a site plan, site-servicing plan, grading plan, and drainage plan for the proposed development to MTO for review and approval.
- iii. MTO will require that any construction deemed necessary to the continued viability of the development including buildings and structures, stormwater management facilities, loading docks, drive-isles, parking shall be setback a minimum of 14.0m from our highway property limit. MTO reserves the right to request an enhanced setback beyond the minimum.
- iv. The owner shall submit an illumination plan to MTO for review and approval.
- v. MTO Sign permits are required for any sign visible within 400m of Highway 401.

4.1.3 Upper Thames River Conservation Authority:

The UTRCA is generally satisfied with the proposed Draft Plan of Condominium and is of the opinion that the UTRCA's concerns can be addressed as part of the conditions of approval and through the Site Plan Approval process. We offer the following conditions of draft plan approval:

- a) The Applicant shall submit a Flood Modeling Assessment for the Adam Drain to the satisfaction of the UTRCA.
- b) The Applicant shall classify if the erosion hazard associated with the Adam Drain is part of a confined or unconfined system and delineate the extent of the erosion hazard based on the Technical Guide River & Stream Erosion Hazard Limit (MNR, 2002). For confined portions of the system a Slope Stability Assessment is required. For unconfined portions of the system a Meander Belt Analysis is required. The appropriate report shall be completed to the satisfaction of the UTRCA.
- c) The Applicant shall submit a Concept Plan which clearly delineates the extent of the flood and erosion hazards on the subject lands as determined through the site-specific assessments. The Concept Plan must demonstrate that the hazard lands are contained within one unit (block) and that there is a suitable building envelope outside of the hazard lands for future development and related infrastructure to the satisfaction of the UTRCA.
- d) Access to all units (blocks) shall be dry during a regulatory storm, and shall not result in any downstream and upstream impacts. If access to Unit (Block) 3 cannot be obtained south of the Adam Drain the Applicant shall submit detailed designs for an Adam Drain crossing. As part of the design the applicant shall review the entirety of the drain to assess alternative locations for the crossing/access to the satisfaction of the UTRCA.
- e) In accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the Conservation Authorities Act, the Owner shall obtain the necessary permits/approvals from the UTRCA prior to undertaking any site alteration or development within the UTRCA Regulated Areas including filling, grading, construction, site alteration to watercourse and/or interference with a wetland.

As part of the application for Site Plan Approval the following documents / drawings will be required:

- i. A Functional Servicing Report/Stormwater Management Report to the satisfaction of the UTRCA; and
- ii. A detailed Grading Plan, and Erosion and Sediment Control (ESC) drawings supported by notes, guidelines, standards, inspection, monitoring and reporting signed, sealed, and dated by P.Eng, to the satisfaction of the UTRCA.

The UTRCA encourages that the applicant pre-consult with the UTRCA and the municipality prior to the preparation and submission of technical report(s).

4.1.4 Hydro One: No comment.

4.1.5 Enbridge:

It is Enbridge Gas Inc.'s request that as a condition of final approval that the owner/developer provide to Enbridge the necessary easements and/or agreements required by Enbridge for the provision of gas services for this project, in a form satisfactory to Enbridge.

4.1.6 Public Works Director:

An entrance permit will be required to be submitted and approved by the Municipality. This development shall be required to comply with the recommendations of study being undertaken to facilitate road improvements related to the Breen Road / Putnam Road / CN Rail intersection.

The Owner should be responsible to have the existing on-site potable water well decommissioned as per Ontario Regulation 903 by a qualified well technician and a copy of the MECP water well record confirming the said decommissioning be provided to the Municipality.

4.1.6 Drainage Superintendent: Drainage reassessments will be required.

4.1.7 Chief Building Official: No comment.

4.2 Public Comments

In the circulation of the notice of public meeting to surrounding property owners, the following comment was received:

4.2.1 NGL Supply Co. Ltd.

On behalf of the Putnam Terminal Company located at 4300 Breen Road, we have reviewed and take no exception. The development is low density industrial and is consistent with the calculated TSSA hazard distances regarding the propane storage at the Putnam Terminal.

4.3 Excerpts of Minutes of the Public Meeting of Municipal Council held on November 27, 2023

The Director of Planning & Development Services presented Report No. PDS-072-23.

The Director of Planning & Development Services advised that comments received from circulated agencies and staff at the time of the writing of the report have been summarized in the planning report.

The Director of Planning & Development Services advised that one public comment was received after the writing of the report from NGL Supply Co. Ltd, a propane storage facility on a neighbouring property, stating they have no concerns and are satisfied this proposal is consistent with calculated T.S.S.A. hazard distances regarding propane storage.

Matt Campbell of Zelinka Priamo Ltd., Agent, was in attendance and provided additional information.

There were no members of the public in attendance.

There were no questions from Council.

5. ANALYSIS

Although the subject lands lie within the Agricultural Areas designation under the County of Middlesex Official Plan, the subject lands do not contemplate the removal of agricultural land since they were previously removed from agriculture, from a policy standpoint, given the current Rural Industrial designation that applies under the Thames Centre Official Plan. The same applies to the Provincial Policy Statement.

Through the Rural Industrial designation, the proposed industrial vacant land condominium would be consistent with the Municipality's vision for the development of the lands. Staff is satisfied that the proposed development is appropriate for the area and would require private servicing on a per unit basis given the absence of full municipal services.

The Thames Centre Official Plan provides policy direction for the conveyance of lands including by plan of condominium which may require that the applicant enter into appropriate agreements registered on title to ensure the proper and orderly development of the lands. Recommended draft plan conditions are attached for Council's consideration which would generally be implemented through an agreement with the applicant. All comments received have been considered and have been generally addressed or can be appropriately generally addressed as conditions of draft plan approval, or through a future site plan application which shall be required on per unit basis.

The proposed units would conform to the minimum lot frontage and minimum lot area requirements under the Rural Industrial (M2) Zone, except Unit 3. The M2 zone requires a minimum frontage of 30 metres (98 ft) whereas Unit 3 would have a deficient frontage of 16.095 metres (52.8 ft) on the private common element road. Such deficiency can be remedied through a minor variance approval and as such, wording to that effect has been included as a condition of draft plan approval.

6. RECOMMENDATION

THAT the Municipality of Thames Centre recommends the issuance of draft plan of condominium approval to the County of Middlesex for Draft Plan of Condominium (File No. 39T-TC-CDM2301) requested by Zelinka Priamo Ltd. on behalf of Putnam Road Holdings Inc. for lands known municipally as 3174 Putnam Road and subject to the conditions attached to Report No. PDS-007-24.

Prepared by: Marc Bancroft, Director of Planning & Development Services

Reviewed by: David Barrick, Chief Administrative Officer