



## **MUNICIPALITY OF THAMES CENTRE**

### **PLANNING & DEVELOPMENT SERVICES**

**REPORT NO:** PDS-059-23

**FILE:** 39T-TC2201

**TO:** Mayor and Members of Council

**FROM:** Marc Bancroft, Director of Planning and Development Services

**MEETING DATE:** October 16, 2023

**RE: APPLICATION FOR DRAFT PLAN OF SUBDIVISION  
1045 DONNYBROOK INC. (C/O BAV MALHI & STEPHEN  
MAYCHER)  
ZELINKA PRIAMO LTD. (AGENT)**

#### **1. PURPOSE**

The purpose of this report is to provide an evaluation of the subject application to facilitate the development of a plan of subdivision for industrial purposes. This proposal was presented at a public meeting of Municipal Council on September 19, 2022. 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 lands are a 22.2 hectare (54.8 ac) vacant property located on the south side of Donnybrook Drive (County Road 78) between Stardust Drive and Dorchester Road (County Road 32) and backing onto Highway 401. The property is also west of the Silver Moon Subdivision, accessible by Starlight Lane and Moonlight Way which terminate at the subject lands. The property is currently used for agricultural purposes in the form of field crop cultivation. The Newton Capstick Drain, being a closed/tile drain, extends along the east side of the property.

According to the Thames Centre Official Plan, the subject lands are designated Rural Industrial and zoned Rural Industrial - Holding (M2-H) under the Thames Centre Comprehensive Zoning By-law. Since there are no municipal services in the area, only dry-industrial uses are permitted according to the Official Plan.

Surrounding land uses generally include residential uses to the northeast in the form of single detached dwellings located on the south side of Donnybrook Drive and an agricultural use to the northwest in the form of field crop cultivation. Lands to the northeast also contain an industrial use (warehousing) with a single detached dwelling (1103 Donnybrook Drive) whereas lands to the southeast contain vacant commercial lands adjacent to the Highway 401 and Dorchester Road (County Road 32) interchange. Lands to the south include Highway 401. An industrial/quasi-residential development lies to the west known as the Silvermoon Subdivision, which generally permits commercial/industrial uses (with a residential use as an accessory use) including a contractor's yard or shop, industrial use (non-effluent producing), office use, service shop and veterinary clinic, along with accessory retail. This subdivision is a residential area which also accommodates a number of businesses.

### **3. REVISED PROPOSAL**

Based on comments raised during the agency and public consultation process, the attached revised plan of subdivision has been submitted to facilitate the development of the subject lands for the following purposes (*compared to the original proposal*):

- Eight (8) blocks to support industrial development to be privately serviced with individual wells and septic systems (*originally 7 blocks*), with blocks ranging in size from 1.5 hectares (3.8 ac) to 2.2 hectares (5.44 ac), with the exception of a larger block having an area of 4.1 hectares (10.2 ac) located at the entrance of the subdivision.
- A new road off Donnybrook Drive (County Road 78) with a cul-de-sac with a future road connection mid-block for the lands to the west (Block 11). (*originally, the plan's road pattern included the extension of Starlight Lane and Moonlight Way to tie into the adjacent Silvermoon Subdivision*).
- A stormwater management block and a channel ditch block to facilitate the conveyance of stormwater management (*generally no change*).
- Two (2) blocks along Donnybrook Drive (County Road 78) to facilitate widening dedications and 0.3 metre reserves to prohibit direct access to satisfy the County of Middlesex. (*not included originally*)

Five (5) studies/ reports have been provided in support of the subject proposal, namely: planning justification; stormwater management report; noise report; archaeological; and geotechnical investigation.

The County of Middlesex is the delegated approval authority for plans of subdivision. Before the County is able to render a decision on this matter, this application must first be considered by Thames Centre Council and subject to community and agency engagement.

The lands are currently zoned Rural Industrial subject to a holding provision (M2-H), which effectively freezes any new uses of the lands except those in place at the time of the passing of the Zoning By-law, being the cultivation of field crops. The zoning also does not permit any buildings and structures to be constructed until such time that the holding is removed. The prerequisite for the removal of holding is that a subdivision agreement be entered into with the Municipality to allow the development of the lands on private services and site plan approval. Standards of the M2 zone are outlined below:

<b>Rural Industrial (M2) Zone</b>		
Permitted uses	Abattoir Agricultural service and supply establishment Bulk sales establishment Contractor' s yard or shop Factory outlet Feed mill Flour mill Food processing plant Industrial use Office support Processed goods industry	Propane transfer facility Raw material processing industry Saw mill Service shop Trademan's shop Truck terminal Vehicle repair garage Vehicle service shop Warehouse Warehouse, public self-storage
Lot Area	4, 000 square metres	
Lot Frontage	50 metres	
Front Yard Depth	25 metres	
Exterior Side Yard Width	25 metres	
Interior Side Yard Width	5 metres adjacent to an industrial zone; 18 metres for all other cases	
Rear Yard Depth	10 metres adjacent to an industrial zone; 18 metres for all other cases	
Building Height (maximum)	12 metres	
Lot Coverage (maximum)	35%	
Open Storage (maximum)	10%	
Landscaped Open Space	10%	

Note - all standards are minimum requirements unless noted otherwise.

#### **4. AGENCY AND PUBLIC CONSULTATION SUMMARY**

##### **4.1 Agency Comments**

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

#### 4.1.1 Ministry of Transportation (MTO)

As conditions of draft approval and prior to final approval, MTO requires the following to apply:

1. Prior to final approval the owner shall submit to MTO a Stormwater Management Report for review and acceptance.

For a comprehensive set of MTO drainage related documentation requirements, the owner's consultant should refer to the following websites:

<http://www.mto.gov.on.ca/english/publications/drainage-management.shtml>.

2. Prior to final approval the owner shall submit a draft copy of the M-Plan to MTO for final review and approval.
3. A security fence shall be erected along MTO's property limits. The security fence shall be a minimum of 1.8 metres in height, shall be offset a minimum 0.3 metres away from the existing designated highway property limit, and shall be clearly identified on all plans.

#### Permit Requirements

1. An MTO Building and Land Use Permit is required. As a condition of MTO permits, the following will be required:
  - The Proponent shall submit an acceptable Site Plan, Grading Plans, Drainage Plan and Site Servicing Plan for MTO review and approval. These plans shall clearly identify all structures/works and parking.
  - MTO requires all buildings, structures and features integral to the site to be located a minimum of 20 metres from the highway property limit, inclusive of landscaping features, fire-lanes, parking and stormwater management facilities.
2. Any/all signage visible from Highway 401, including temporary development signs, must be identified on the plans, must conform to MTO policies and guidelines, and will require a valid MTO Sign Permit before installation.
3. Any encroachments and works identified within the Highway 401 property limits are subject to MTO conditions, approval and permits, prior to construction. All provincial highway property encroachments are strictly regulated and must meet all conditions set out by MTO.

4. Each individual parcel will require an MTO Building and Land Use Permit prior to any development taking place.

#### 4.1.2 County Engineer:

The owner will be required to dedicate lands up to 18 metres from the centerline of construction of County Road 78 (Donnybrook Drive) to the County of Middlesex for the purposes of road widening if the right of way is not already to that width.

The owner will be required to dedicate 0.3 metres (one foot) reserves along the common property boundary of County Road 78 (Donnybrook Drive) to the County of Middlesex save and except for the proposed road access.

The owner will be required to construct left and right turn lanes at the access to this development at County Road 78 (Donnybrook Drive). All costs associated with the design and construction of these turning lanes will be the responsibility of the owner. An entrance permit issued by the County will be required.

The County would also request engineering drawings and studies including storm water management and site grading plans for approval.

#### 4.1.3 Bell Canada:

The following paragraphs should be included as a condition of approval:

“The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.”

The Owner is advised to contact Bell Canada at [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca) during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada’s existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

4.1.4 Enbridge:

As a condition of final approval, the owner/developer shall be required to provide Enbridge the necessary easements and/or agreements required by Enbridge for the provision of gas services for this project.

4.1.5 Hydro One: No concerns.

4.1.6 Sun-Canadian Pipeline: They confirmed that they do not have any facilities in the area.

4.1.7 Director of Public Works: No concerns.

4.1.8 Drainage Superintendent:

No concerns with the revised plan provided the following condition of draft plan approval applies:

That prior to final approval, the applicant shall be required to submit a request to improve the municipal drainage works associated with the Newton Capstick Drain and that all stormwater infrastructure required for the subject lands be recognized as drainage works under the Drainage Act; and that all costs associated with the foregoing shall be the responsibility of the applicant.

4.1.9 Chief Building Official:

The applicant will need to retain a professional engineer to complete a soils investigation to ensure each lot can be privately serviced (well and septic).

**4.2 Excerpt of Minutes of the Public Meeting of Municipal Council held on September 19, 2022**

The Director of Planning & Development Services presented Report No. PDS-046-22.

The Director of Planning & Development Services summarized the comments received from circulated agencies and staff within the planning report. Written submissions received have been appended to the planning report.

Mayor Warwick advised on the public meeting process.

Katelyn Crowley, Agent, was in attendance remotely and provided additional information.

The following members of the public were in attendance and provided oral submissions:

Garry Hansford

- Flooding issues
- Location of drainage area

Henry Klinger

- Industrial development in residential area
- Proposed berm for separation
- Traffic

Christina Leschied

- Traffic
- No streetlights or sidewalks
- Children and small animals

Jack Baribeau

- Traffic

Sarah Beierling

- Traffic
- Grading
- Loss of property view
- Noise

There was some discussion.

The following member of the public was in attendance remotely and provided an oral submission:

Brent Jackson

- Drainage and grading
- Impact provisions for increased sulfur in water
- Traffic

Questions were answered by the Agent and Municipal Staff.

Members of Council had no questions.

### 4.3 Public Comments

In the circulation of the notice of public meeting to surrounding property owners, written submissions received in response to the original proposal are attached to this report. The concerns raised during the public consultation process are summarized in the table below along with a staff response.

Comment / Concern	Staff Response
<p><b><u>Traffic &amp; Safety</u></b></p> <ul style="list-style-type: none"> <li>• Concerns for children &amp; small animals on street and traffic increases since there are no sidewalks, street lighting etc. with respect to this proposed subdivision tying into the Silvermoon Subdivision.</li> <li>• Access to Moonlight way / Stardust and the use of these streets as thoroughfares is concerning.</li> <li>• Residents would like a dead-end road into 1045 Donnybrook Dr with a truck turn around similar to Hudson Drive Industrial Park</li> </ul>	<ul style="list-style-type: none"> <li>• It is not appropriate from a public safety perspective to have local streets shared for residential and industrial uses. To alleviate this conflict, the draft plan has been revised to eliminate any road connection to the adjacent Silvermoon Subdivision.</li> <li>• The revised draft plan also includes a cul-de-sac to ensure industrial traffic is directed away from the adjacent Subdivision.</li> <li>• To support future development opportunities to the east, a future road connection is provided considering those lands are designated for commercial purposes.</li> </ul>
<p><b><u>Privacy &amp; Noise</u></b></p> <ul style="list-style-type: none"> <li>• Privacy concerns for Silvermoon residents adjacent to the subject lands.</li> <li>• Would like to see trees planted and a privacy wall put up to screen the industrial businesses and decrease noise.</li> </ul>	<ul style="list-style-type: none"> <li>• A noise study has been conducted to assess the potential noise impacts on neighbouring residential uses including proposed mitigation measures. This study remains under review by a third party retained by the Municipality.</li> </ul>



<ul style="list-style-type: none"><li>• Requesting an earthen berm with evergreen trees between the industrial park &amp; adjacent residential properties</li></ul>	<ul style="list-style-type: none"><li>• Although there is no detailed layout for each block, the study assumes the lands will accommodate truck terminals and service shops. Any approved mitigation measures would be implemented at the site plan approval stage on a per lot basis. The Municipality reserves the right to request a noise study addendum at the site plan approval stage on a per site basis, depending on the nature of the proposed use.</li><li>• To minimize land use conflicts, site plan approval requirements shall apply on a per site basis to include such matters as landscaping, screening, and fencing.</li></ul>
<p><b><u>Other Concerns</u></b></p> <ul style="list-style-type: none"><li>• Light pollution</li><li>• Flooding issues in the area, location of drainage area</li><li>• Grading</li><li>• Impact on potable water</li></ul>	<ul style="list-style-type: none"><li>• Through site plan approval, the Municipality regulates exterior lighting to ensure there is no lighting directed onto neighbouring lands or streets.</li><li>• A stormwater management plan shall be required to ensure post-development flows do not exceed pre-development flows to ensure proper drainage. The plan shall also ensure qualitative measures are in place with respect to stormwater being discharged into receiving streams.</li><li>• A soils investigation shall be required to ensure soil conditions are capable of supporting individual septic systems and having regard to neighbouring wells to ensure conformity with the Ontario Building Code.</li></ul>

This summary has been circulated to members of the public who submitted written submissions or provided their contact information to be further informed in this process.

## 5. ANALYSIS

Although the subject lands lie within the Agricultural Areas designation under the County 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 under the Thames Centre Official Plan. The same applies to the Provincial Policy Statement.

Through the Rural Industrial designation, the proposed industrial subdivision would be consistent with the Municipality's vision for the development of the lands. Staff is satisfied that the proposed development would contemplate an efficient use of land and infrastructure subject to private servicing.

The Thames Centre Official Plan provides policy direction for the draft plan of subdivision process which requires the applicant enter into an agreement to be 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 the site plan approval process.

With the lands being zoned Rural Industrial - Holding (M2-H), the minimum lot frontage and area requirements are 50 metres (164 ft) and 4,000 square metres (1 ac), respectively, the proposed blocks are generally capable of meeting these requirements. The only exception is Block 5 situated off the cul-de-sac which appears to be deficient and should be enlarged to ensure lot frontage zoning compliance.

Under the Planning Act, parkland dedication is required at a rate of 2% of the total draft plan area in the case of industrial development. With a total area of 22.2 hectare (54.8 ac), the amount of parkland required is 0.44 hectares (1.09 ac). Considering parkland dedication is more desirable in a residential setting, the Municipality can accept cash-in-lieu to fund the purchase of additional parkland at another location or fund parks related capital costs. Cash-in-lieu would be based on 2% of the value of the property based on a land appraisal being conducted by a qualified professional.

## **6. RECOMMENDATION**

**THAT** the Municipality of Thames Centre recommends the issuance of draft plan of subdivision approval to the County of Middlesex for Application for Draft Plan of Condominium (File No. 39T-TC2201) requested by Zelinka Priamo Ltd. on behalf of 1045 Donnybrook Inc. (c/o Bav Malhi & Stephen Maycher) and subject to the draft plan conditions attached to Report No. PDS-059-23, provided the draft plan of subdivision is revised to ensure Block 5 meets the 50 metre minimum frontage requirement.

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

Reviewed by: David Barrick, Chief Administrative Officer

# APPLICATION FOR PROPOSED PLAN OF SUBDIVISION (39T-TC2201)



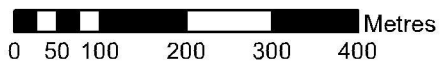
Applicant: 1045 Donnybrook Inc. c/o Bav Malhi & Stephen Maycher  
Agent: Zelinka Priamo Ltd. c/o Katelyn Crowley  
Location: South side of Donnybrook Drive (County Road 78), east of Stardust Drive

**Municipality of Thames Centre**  
*Together we grow.*



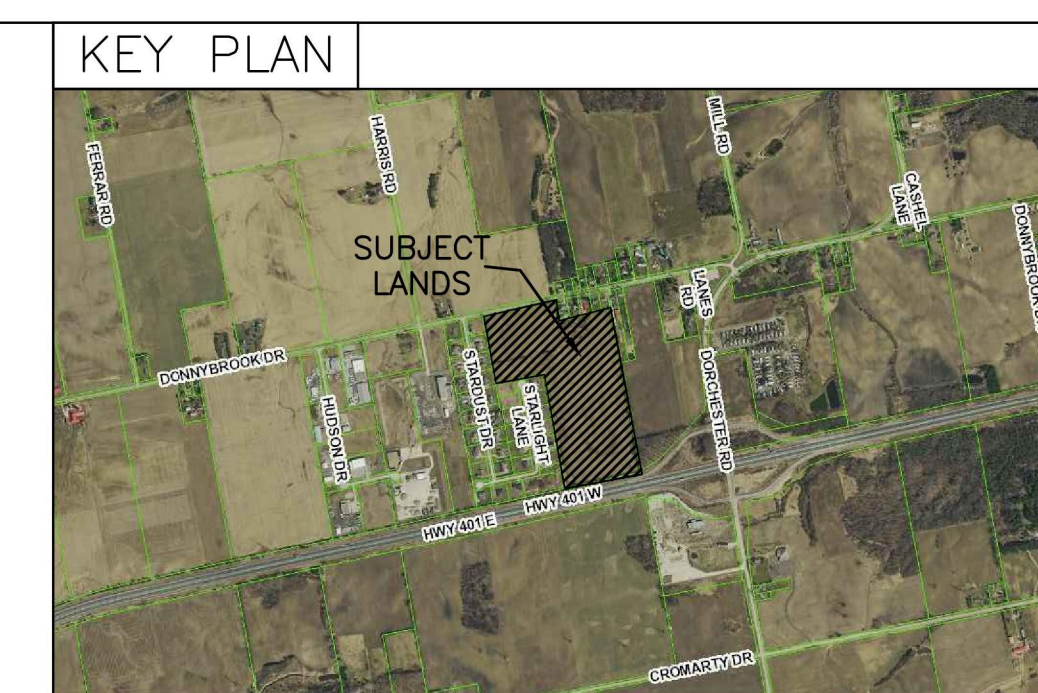
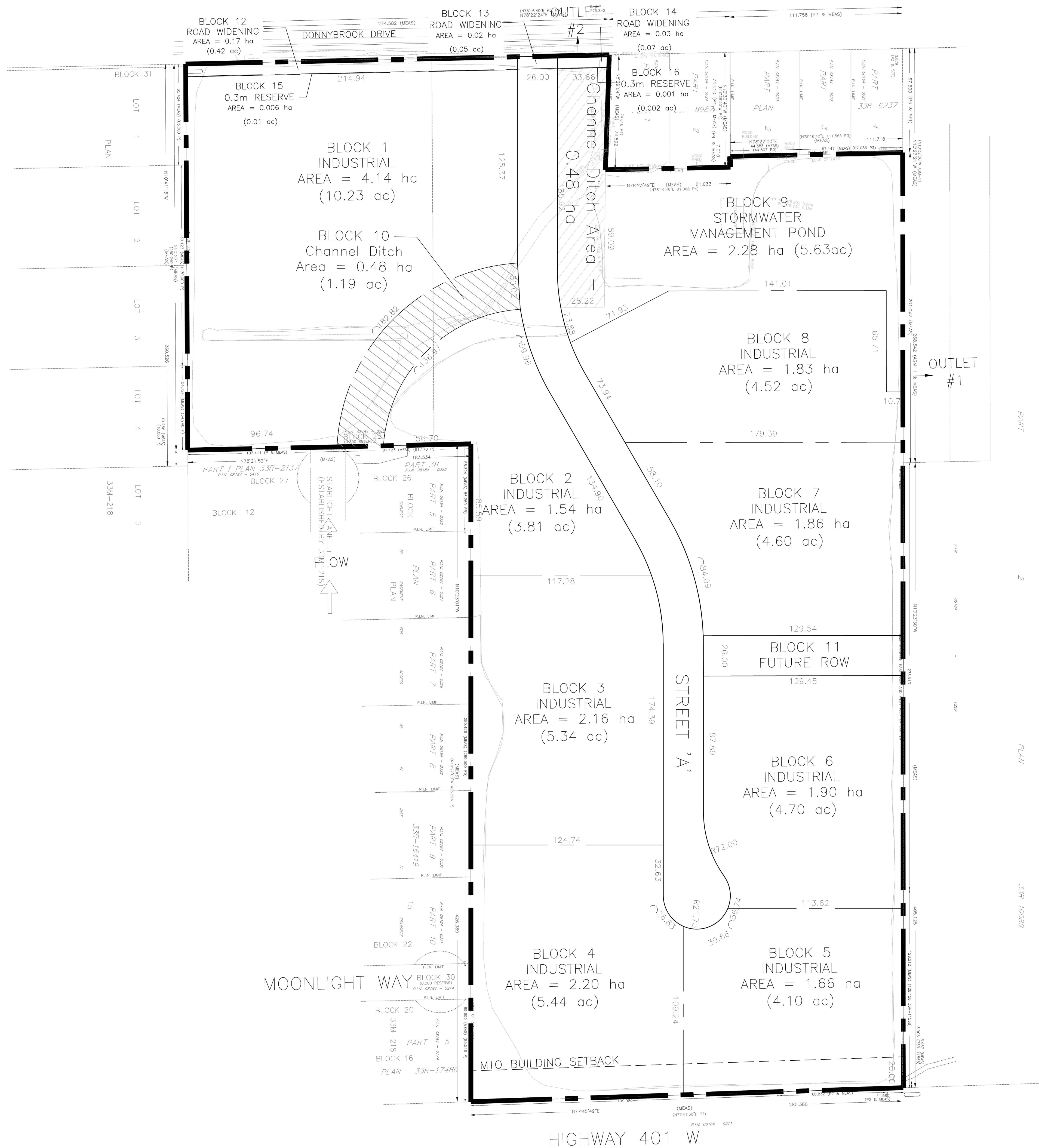
 **SUBJECT LANDS**

1:8,800



ORTHOPHOTOGRAPHY: SWOOP 2020

*Disclaimer: This map is for illustrative purposes only. Do not rely on it as being a precise indicator of routes, locations of features, nor as a guide to navigation.*



# DRAFT PLAN OF SUBDIVISION

OF PART OF  
**CON 1 SRT PT LOTS 19,20**

TOWN OF DORCHESTER  
COUNTY OF MIDDLESEX

### INFORMATION REQUIRED UNDER SECTION 51 (17) OF THE PLANNING ACT

- |                    |   |
|--------------------|---|
| A) As shown        | G) As shown                               |
| B) As shown        | H) Municipal water supply available       |
| C) As shown        | I) Mix of Silty Sand & Silty Clay         |
| D) As listed above | J) As shown                               |
| E) As shown        | K) All municipal services to be available |
| F) As shown        | L) As shown                               |

### PROPOSED LAND USES AND AREAS

INDUSTRIAL (BLOCKS 1-8)	17.29ha
STORMWATER MANAGEMENT (BLOCKS 9 & 10)	2.76 ha
RIGHT OF WAY	1.90 ha
ROAD WIDENINGS (BLOCKS 12-14)	0.22 ha
RESERVES (BLOCKS 15 & 16)	0.007 ha
<b>TOTAL</b>	<b>22.17 ha</b>

### OWNER'S CERTIFICATE

LANTERN CAPITAL  
HEREBY CONSENTS TO THE FILING OF THIS PLAN IN DRAFT FORM

\_\_\_\_\_  
LANTERN CAPITAL, OWNER

\_\_\_\_\_  
DATED

### SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY SHOWN ON THIS PLAN.

\_\_\_\_\_  
ONTARIO LAND SURVEYOR

\_\_\_\_\_  
DATED

NO.	REVISION	DATE	INITIAL

	<p>1045 DONNYBROOK DRIVE</p> <p>LANTERN CAPITAL</p>
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<p><b>ZELINKA PRIAMO LTD</b> A Professional Planning Practice</p> <p>318 Wellington Road, London, Ontario N6C 4P4 Tel: (519) 474-7137 Fax: (519) 474-2284 e-mail: zp@zpplan.com</p>
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DRAWN BY KC	PROJECT NO. LNT/THC/21-01
DATE APRIL 2023	SCALE 1:1,350

## Recommended Conditions of Draft Plan Approval

The conditions and amendments to final plan of approval for registration of this Subdivision as provided by the County of Middlesex are as follows:

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No.	Conditions
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1. That this approval applies to the draft plan of subdivision prepared by and signed by \_\_\_\_\_, OLS dated \_\_\_\_\_ and showing:
  - eight (8) blocks to support industrial developments (Blocks 1 to 8).
  - one (1) block for a stormwater management pond (Block 9)
  - one (1) block for a channel ditch (Block 10)
  - one (1) block for a future right-of-way (Block 11)
  - three (3) blocks for road widening dedications (Blocks 12 to 14)
  - two (2) blocks for 0.3 metre reserves (Blocks 15 and 16)
2. That the street shown on the draft plan be dedicated as a public highway and shall be named and the blocks addressed to the satisfaction of the Municipality in consultation with the County of Middlesex.
3. That the Owner convey 0.3 metres reserves Blocks 15 and 16 to the County of Middlesex to prevent direct access along the south side of Donnybrook Drive (County Road 78).
4. That the Owner dedicate a road widening measured up to 18 metres from the centreline of Donnybrook Drive (County Road 78) to the County of Middlesex.
5. That the Owner be required to construct left turn and right turn lanes on Donnybrook Drive (County Road 78) at the intersection of Street "A" to the satisfaction of the County of Middlesex. All costs with regards to the design and construction of these lanes shall be borne by the Owner and an entrance permit shall be required prior to any construction work within the County road allowance.
6. That all grading and stormwater management plans be to the satisfaction of the County.
7. That the Owner convey Blocks 9 and 10 to the Municipality for stormwater management purposes.
8. That the Owner convey Block 11 to the Municipality as a future road allowance.
9. That the Owner provide cash-in-lieu of parkland dedication to the Municipality pursuant to the Planning Act equal to 2% of the value of the land based on a real estate appraisal conducted by a qualified professional.

10. That the Owner enter into an agreement with the appropriate service providers for the installation of underground communication / telecommunication utility services to enable, at a minimum, the effective delivery of the broadband internet services and communication / telecommunication services for 911 Emergency Services.
11. That the Owner and the Municipality enter into a Subdivision Agreement pursuant to Section 51(26) of the Planning Act to be registered on title of the lands to which it applies prior to the plan of subdivision being registered. Further that the Subdivision Agreement shall include provisions that it will also be registered against the lands to which it applies once the plan of subdivision has been registered.
12. That the Subdivision Agreement between the Owner and the Municipality shall satisfy all requirements of the Municipality related to financial (including property taxes), legal, planning and engineering matters including but not limited to the provision of roads, turning circles, grading, drainage, street trees, provision of community mailboxes, street lights and other amenities; the installation of underground utilities and other matters of the Municipality respecting the development of this land.
13. That prior to final approval, the Owner shall submit for the review and approval of the Municipality, a final stormwater management plan and sediment and erosion control plan incorporating necessary measures to enhance the quality of stormwater discharges and to control erosion and sedimentation during and after construction. The final stormwater management plan and sediment and erosion control plan, and final detailed servicing and grading plans shall identify drainage and sediment and erosion control strategies. The final stormwater management plan shall also provide details with respect to the monitoring and maintenance of the stormwater management facilities.
14. That the development shall occur on the basis of private individual wells and private individual septic systems subject to approval by the Municipality based on a subsurface investigation and sewage impact assessment undertaken for the subject lands by a qualified person to the satisfaction of the Municipality.
15. That the Owner enter into an agreement with Canada Post Corporation for the installation of community mailboxes.
16. That prior to final approval, the applicant shall be required to submit a request to improve the municipal drainage works associated with the Newton Capstick Drain and that all stormwater infrastructure required for the subject lands be recognized as drainage works under the Drainage Act; and that all costs associated with the foregoing shall be the responsibility of the applicant.
17. That such easements as may be required for utility, servicing, or drainage purposes shall be granted to the appropriate authority.

18. That prior to final approval, arrangements shall be made to the satisfaction of the Municipality for the relocation of any utilities required for the development of the Plan, which relocation shall be undertaken and provided at the expense of the Owner.
19. That prior to final approval, the Owner shall submit a final Geotechnical Assessment for review and approval by the Municipality.
20. That prior to final approval, the Owner shall retain a qualified person to undertake a noise study to satisfaction of the Municipality to determine noise impacts from the proposed industrial uses of the lands on adjacent residential uses and any recommended and approved noise mitigation measures shall be implemented through site plan approval on a site-by-site basis.
21. That prior to final approval, the Owner shall satisfy the Ministry of Transportation with respect to the following matters:
  - a. The Owner shall submit to the Ministry of Transportation a Stormwater Management Report and a draft copy of the M-Plan for review and acceptance / approval.
  - b. The Owner shall install a security fence a minimum of 1.8 metres in height and offset a minimum of 0.3 metres away from the existing designated highway property limit which shall be clearly identified on all plans.
  - c. The Owner shall submit the Stormwater Management Plan required under Condition 12 for review and acceptance.
22. That prior to final approval, the Owner shall obtain a Section 28 permit under the Conservation Authorities Act from the Upper Thames River Conservation Authority prior to the commencement of any development or site alteration.
23. That prior to final approval, the County is to be advised in writing by the Municipality how conditions 1 to 20 have been satisfied.
24. That prior to final approval, the County is to be advised in writing by the County Engineer how conditions 3, 4, 5 and 6 have been satisfied.
25. That prior to final approval, the County is to be advised in writing by the Ministry of Transportation how condition 21 have been satisfied.
26. That prior to final approval, the County is to be advised in writing by the Upper Thames River Conservation Authority how condition 22 has been satisfied.





## MUNICIPALITY OF THAMES CENTRE

### PLANNING & DEVELOPMENT SERVICES

**REPORT NO:** PDS-046-22

**FILE:** 39T-TC2201

**TO:** Mayor and Members of Council

**FROM:** Marc Bancroft, Director of Planning and Development Services

**MEETING DATE:** September 19, 2022

**RE: APPLICATION FOR DRAFT PLAN OF SUBDIVISION  
1045 DONNYBROOK INC. (OWNER - C/O BAV MALHI &  
STEPHEN MAYCHER)  
ZELINKA PRIAMO LTD. (AGENT)  
SOUTH**

#### 1. PURPOSE

The purpose of this report is to provide Council with background information regarding the subject proposal which is scheduled to be heard at a public meeting of Municipal Council on September 19, 2022.

This proposal has been circulated to property owners within 120 metres (400 ft) of the subject lands and to prescribed agencies under the Planning Act. The purpose of the public meeting is to facilitate feedback from the community. Following the public meeting, staff will consider all public and agency comments and provide an evaluation report including a recommendation for Council's consideration at a future meeting.

#### 2. BACKGROUND (see attached map)

The subject property is a 22.2 hectare (54.8 ac) vacant parcel of land located on the south side of Donnybrook Drive (County Road 78) between Stardust Drive and Dorchester Road (County Road 32) and backs onto Highway 401. The property is also west of the Silver Moon Subdivision, accessible by Starlight Lane and Moonlight Way which terminate at the subject property. The subject lands are currently used for agricultural purposes in the form of field crop cultivation. The Newton Capstick Drain, being a closed/tile drain, extends along the east side of the property.

According to the Thames Centre Official Plan, the subject lands are designated Rural Industrial and zoned Rural Industrial – Holding (M2-H) under the Thames Centre Comprehensive Zoning By-law. Since there are no municipal services in the area, only dry-industrial uses are permitted according to the Official Plan.

Surrounding land uses generally include residential uses to the northeast in the form of single detached dwellings, an agricultural use to the northwest in the form of field crop cultivation. Lands to the northeast contain an industrial use (warehousing) with a single detached dwelling (1103 Donnybrook Drive) whereas lands to the southeast contain vacant commercial lands. Lands to the south include Highway 401. An industrial/quasi-residential development lies to the west known as the Silvermoon Subdivision, which generally permits commercial/industrial uses (with a residential use as an accessory use) including a contractor's yard or shop, industrial use (non-effluent producing), office use, service shop and veterinary clinic, along with accessory retail.

### **3. PROPOSAL**

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

- Seven (7) blocks to support industrial development to be privately serviced with individual wells and septic systems.
- A new road off Donnybrook Drive (County Road 78) that would connect to Moonlight Way.
- A stormwater management block and a channel ditch block to facilitate the conveyance of stormwater management.

Five (5) studies/reports have been provided in support of the subject proposal, namely: planning justification; stormwater management report; noise report; archaeological; and, geotechnical investigation.

The lands are currently zoned Rural Industrial subject to a holding provision (M2-H), which effectively freezes any new uses of the lands except those in place at the time of the passing of the Zoning By-law, being the cultivation of field crops. The zoning also does not permit any buildings and structures to be constructed until such time that the holding is removed. The prerequisite for the removal of holding is that a subdivision agreement be entered into with the Municipality to allow the development of the lands on private services. Standards of the M2 zone are outlined below:

<b>Rural Industrial (M2) Zone</b>		
Permitted uses	Abattoir Agricultural service and supply establishment Bulk sales establishment Contractor's yard or shop Factory outlet Feed mill Flour mill Food processing plant Industrial use Office support Processed goods industry	Propane transfer facility Raw material processing industry Saw mill Service shop Tradesman's shop Truck terminal Vehicle repair garage Vehicle service shop Warehouse Warehouse, public self-storage
Lot Area	4,000 square metres	
Lot Frontage	50 metres	
Front Yard Depth	25 metres	
Exterior Side Yard Width	25 metres	
Interior Side Yard Width	5 metres adjacent to an industrial zone; 18 m for all other cases	
Rear Yard Depth	10 metres adjacent to an industrial zone; 18 m for all other cases	
Building Height (maximum)	12 metres	
Lot Coverage (maximum)	35%	
Open Storage (maximum)	10%	
Landscaped Open Space	10%	

\*all standards are minimum requirements unless noted otherwise

### 3.1 Agency Comments

In the circulation of the notice of public meeting to prescribed agencies, the following comments were received:

#### 3.1.1 County of Middlesex Engineer:

The owner will be required to dedicate lands up to 18 metres from the centerline of construction of County Road 78 (Donnybrook Drive) to the County of Middlesex for the purposes of road widening if the right of way is not already to that width.

The owner will also be required to dedicate a 0.3 metre reserves along the common property line so that access is restricted to the proposed service road.

The owner will be required to construct left and right turn lanes at the entrance to the development. All costs with regards to the design and construction of these lanes will be the responsibility of the owner.

The County would also require a stormwater management plan, grading plan and any other relevant engineering plans to be reviewed and approved by this office.

3.1.2 Enbridge:

Request that as a condition of final approval that the developer provide the necessary easements and/or agreements required for the provision of gas services for this project to the satisfaction of Enbridge.

3.1.3 Bell Canada:

Request that as a condition of draft plan approval, that the following standard clauses be included:

The Owner acknowledged and agrees to convey any easements as deemed necessary by Bell Canada to service this new development and at no cost to Bell Canada. The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current or valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

3.1.4 Hydro One: no comment or concerns.

3.1.5 Sun Canadian Pipeline:

Sun Canadian Pipeline does not have any facilities in the area described in the notice.

3.1.6 Public Works Director:

Public Works have the following concerns:

- Northern limits of existing Starlight Lane ROW to be looped/connected to proposed roadway;
- Moonlight Way to be extended to the easterly limits of the property to allow for future development of adjacent property.
- Eliminate "Ditch Channel"
- Industrial Cross Section be applied which is a 26.1m ROW, 9.7m roadway – urbanized cross section c/w curb and gutter as per Thames Centre Standards

From a Drainage standpoint, the following comments apply:

- Each lot should be responsible for their own stormwater management rather than a community SWM facility. (We do not collect storm fees from properties outside the urban boundaries and keeping this pond maintained to service only several lots is not an efficient or acceptable use of our storm water

reserves). This allows us to remain consistent with the industrial requirements already being practiced in this area.

- All stormwater components of this drainage system should be governed under Municipal Drain status, (which will require a request for drainage works under the Drainage Act, Section 4). This will ensure that any future repairs/maintenance to the storm system will be charged back to the users that contribute stormwater to the drainage system.
- The existing Newton-Capstick Municipal Drain which runs through the easternly limits of the subject lands, will very likely cause restraints on how these lots can be developed. Our Bylaw states a 10m buffer either side of the drain must be given.
- If any alterations to the Newton-Capstick Drain need to occur, a Request for Drainage Improvements under the Drainage Act, Section 78, will be required to improve the existing system to fill the developing land's needs.

### **3.2 Public Comments**

In the circulation of the notice of public meeting to surrounding property owners, written submissions received are appended to this report.

To date, the only key area of concern includes proposed noise mitigation requirements for this development most specifically on the west side of the subject property adjacent to the Silvermoon subdivision.

## **4. RECOMMENDATION**

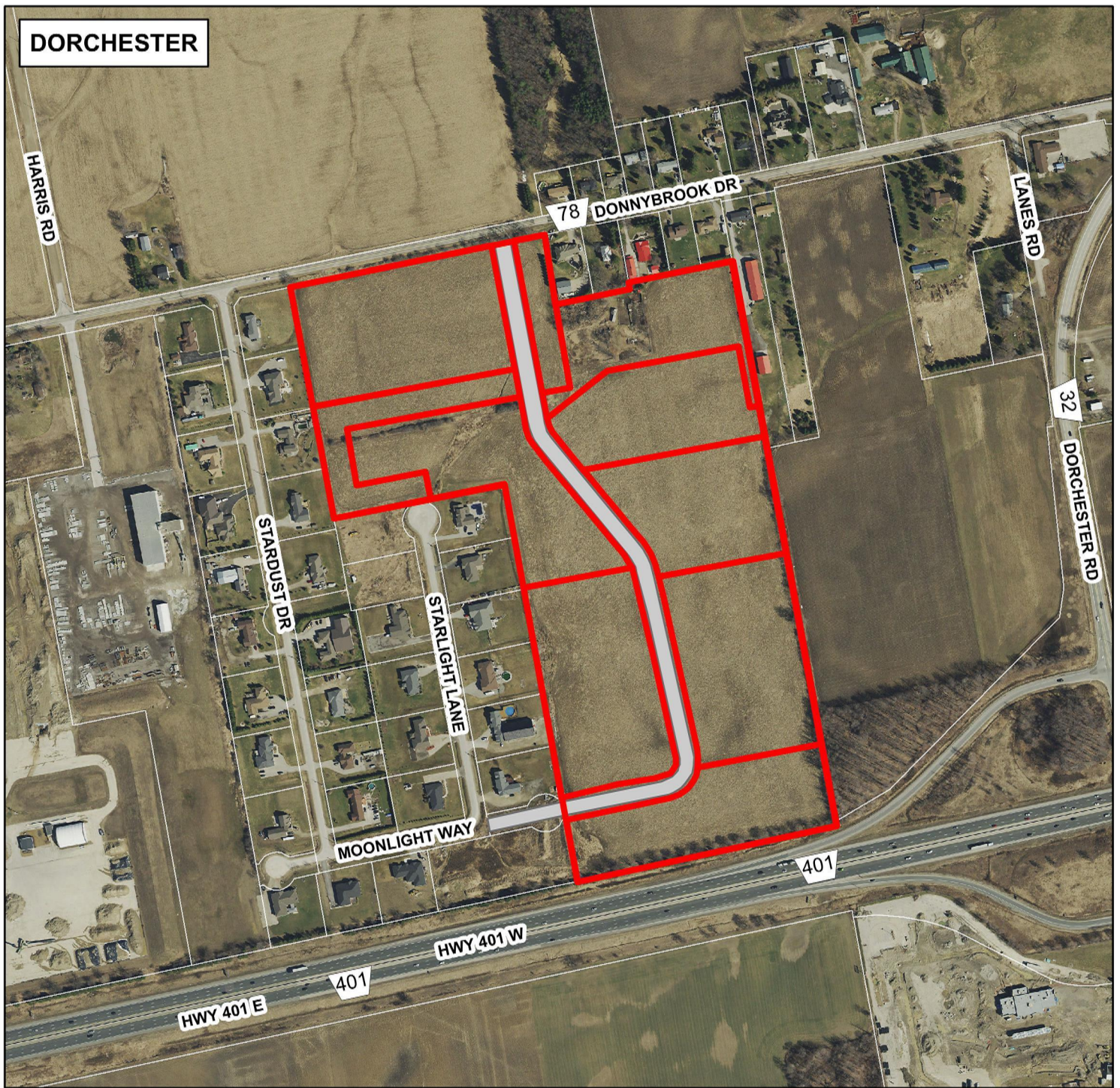
**THAT** Report No. PDS-046-22 dated September 19, 2022 related to Application for Draft Plan of Subdivision (39T-TC2201) for lands described as Part of Lots 19 and 20, Concession 1, SRT (geographic Township of North Dorchester), Municipality of Thames Centre and owned by 1045 Donnybrook Inc., be received;

**AND THAT** the Director of Planning and Development Services provide a subsequent report evaluating the said Application, taking into account all public and agency comments received, with a recommendation for Council's consideration at a future meeting.

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

Reviewed by: Mike Henry, Chief Administrative Officer

**DORCHESTER**



**LOCATION MAP**

Description:  
DONNYBROOK SUBDIVISION  
DRAFT PLAN OF SUBDIVISION  
MUNICIPALITY OF THAMES CENTRE

File Number:  
39T-TC2201

Prepared by: Planning Department  
The County of Middlesex, May 05, 2022.



**LEGEND**

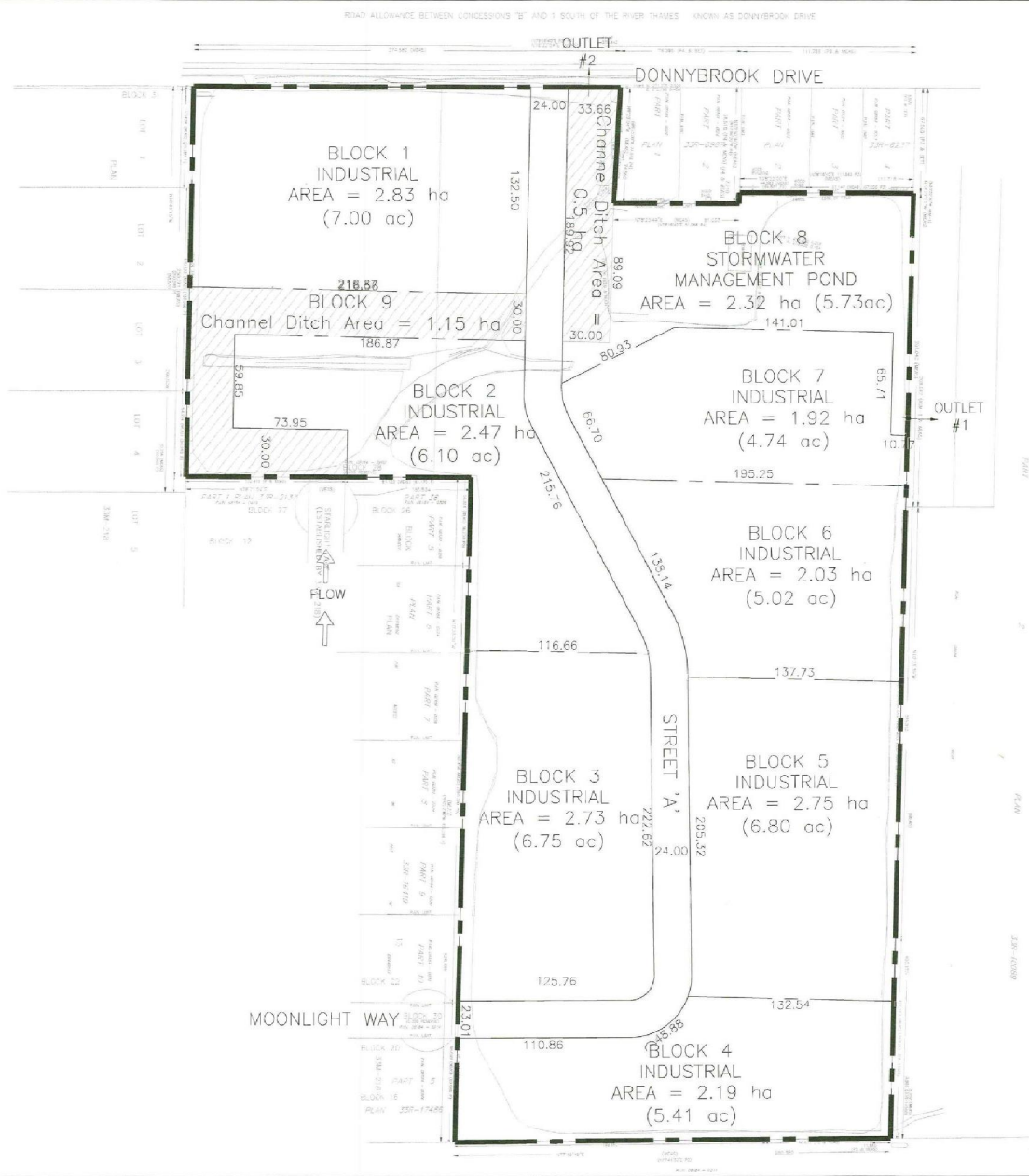
 SUBJECT LANDS



1:6,000

0 140 280

Meters



KEY PLAN



**DRAFT PLAN OF SUBDIVISION**  
OF PART OF  
**CON 1 SRT PT LOTS 19, 20**

TOWN OF DORCHESTER  
COUNTY OF MIDDLESEX

INFORMATION REQUIRED UNDER SECTION 51 (17) OF THE PLANNING ACT

- |                    |   |
|--------------------|---|
| A) As shown        | G) As shown                               |
| B) As shown        | H) Municipal water supply available       |
| C) As shown        | I) Mix of Silty Sand & Silty Clay         |
| D) As listed above | J) As shown                               |
| E) As shown        | K) All municipal services to be available |
| F) As shown        | L) As shown                               |

PROPOSED LAND USES AND AREAS

INDUSTRIAL (BLOCKS 1-11)	17.26 ha
STORMWATER MANAGEMENT (20413)	3.07 ha
ROADS	1.29 ha

TOTAL 21.62 ha

OWNER'S CERTIFICATE  
LANTERN CAPITAL  
HEREBY CONSENTS TO THE FILING OF THIS PLAN IN DRAFT FORM

*Ben Walks* April 28th, 2022  
LANTERN CAPITAL OWNER DATE

SURVEYOR'S CERTIFICATE  
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY SHOWN ON THIS PLAN.

*P. R. ...* *Paul ...*  
ONWARD LAND SURVEYOR DATE

NO.	REVISION	DATE	INITIAL

	1045 DONNYBROOK DRIVE
	LANTERN CAPITAL

**ZELINKA PRIMO LTD**  
A Professional Planning Practice  
318 Wellington Road, London, Ontario N6C 4P4  
Tel: (519) 474-7137 Fax: (519) 474-2284 e-mail: zp@zoplan.com

DRAWN BY KC	PROJECT NO. LNT/THC/21-01
DATE JANUARY 2022	SCALE 1:1,350