



## MUNICIPALITY OF THAMES CENTRE

### PLANNING & DEVELOPMENT SERVICES

**REPORT NO:** PDS-047-23

**FILE:** 39T-TC2022 & Z17-22

**TO:** Mayor and Members of Council

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

**MEETING DATE:** August 14, 2023

**RE: REVISED APPLICATIONS FOR DRAFT PLAN OF SUBDIVISION  
AND ZONING BY-LAW AMENDMENT  
1319776 ONTARIO INC. (OWNER)  
AUBURN DEVELOPMENTS (AGENT)**

#### 1. PURPOSE

The purpose of this report is to provide Council with background information regarding this revised proposal which is scheduled to be heard at a public meeting of Municipal Council on August 14/23 to solicit community feedback.

The original proposal was heard at a public meeting on September 19/22 by the previous Council where concerns were raised by the consultation process. Considering those concerns, Auburn Developments has revised their proposal, which is now subject to further consultation. The revised proposal has been circulated, consistent with statutory requirements, as well as to residents who commented on the original proposal.

In addition to the public meeting, an open house is scheduled for Wednesday, September 6/23 from 3 pm to 6 pm at the Flight Exec. Centre (Blue Line Room) where residents are invited to review development plans and ask questions. Auburn Developments will be in attendance as well as municipal staff. Following the public meeting and open house, 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)

Having a total area of 44 ha (109 ac), the subject lands are located on the east and west sides of Richmond, on the south side of Marion Street and north of the CN railway line which bisects the village of Dorchester. On the west side of the site, the property is adjacent to Linwood Drive which is to be extended to tie into the proposed subdivision. There is also an existing open-ditch in the form of a municipal drain (Hunt Drain) which

runs parallel with Richmond Street and then perpendicular closer to Marion Street. On the east side of the site, the property is adjacent to Eva Street and Ida Street which are both to be extended to tie into the proposed subdivision.

The subject property appears to contain a number of farm buildings which will need to be removed to facilitate the residential development of the lands. Municipal services in the area are limited to potable water. Considering there are generally no sanitary sewers in Dorchester on the north side of the Thames River, existing development is accommodated by individual septic systems.

Under the Thames Centre Official Plan, the subject lands are designated Residential with two notable exceptions. Lands located at the southwest corner of Marion Street and Richmond Street are designated Neighbourhood Commercial whereas there are two (2) small wooded areas on the east side of the lands designated Protection Area. Under the Thames Centre Comprehensive Zoning By-law, the lands are zoned Future Development (FD), except for those wooded areas zoned Environmental Protection (EP).

Surrounding land uses include: residential uses in the form of single detached dwellings to the west on Linwood Drive and Amber Drive; a farm industrial use in the form of an equine crematorium at 4844 Marion Street; residential uses in the form of single detached dwellings to the north on Marion Street; a wooded area to the northeast; residential uses in the form of single detached dwellings to the southeast on Ida Street and Eva Street followed by an industrial use in the form of a bulk sales establishment at 130 Minnie Street. Lands to the south contain a railway line under CNR jurisdiction.

### **3. REVISED PROPOSAL**

The purpose of the proposed (attached) revised plan of subdivision is to facilitate the development of the subject lands for the following purposes (*compared to the original attached proposal*):

- 300 lots to support single-detached residential development with lot frontages ranging generally from 15 metres to 16 metres (*Originally 200 lots*);
- Three (3) blocks to support low density residential development (Block 303) and medium-density residential development including clustered single detached dwellings, rest home, nursing home, retirement home (Blocks 304 & 305) (*Originally nine (9) blocks*);
- Eight (8) blocks for eco park (naturalized open space) (Block 306 & 307), parkland (Blocks 308 to 313) and environmental protection (Block 314) (*Originally nine (9) blocks*);
- One (1) block for stormwater management (Blocks 315) (*No change*);
- Nine (9) new streets (*Originally seven (7) streets*);
- Existing streets are to tie into the proposed subdivision including Linwood Drive on the west side of this development as well as Ida Street and Eva Street on the east side of this development. (*No change*)

The effect of the proposed plan would generally facilitate residential development and related amenity areas, all serviced by municipal water and municipal sanitary sewers. Recognizing that there are no municipal sewers on the north side of the Thames River in Dorchester, this will require front-end financing through the pre-payment of development charges.

There are six (6) studies/reports that have been provided in support of the subject proposal, namely: planning justification; conceptual stormwater management strategy; environmental impact; preliminary servicing; archaeological; and, hydrogeological. As part of the revised proposal, supplementary information has been submitted with respect to the hydrogeological assessment and the conceptual stormwater management strategy.

The lands are currently zoned Future Development (FD) which effectively freezes the development of the land and only allows uses that were in place at the time of the passing of the Zoning By-law, including agricultural in the form of field crop production and residential in the form of the existing single detached dwelling. The zoning also does not permit any new buildings and structures to be constructed.

To allow the proposed subdivision, a revised Zoning By-law Amendment has been submitted concurrently to rezone the subject lands into the following categories:

<b>Site-specific Residential First Density (R1-#) Zone</b> for the proposed single detached lots (shown as Lots 1 to 302) subject to the following special provisions in conjunction with the parent R1 Zone:	
Lot Area	Lots with both municipal water and sanitary sewer service 500 m <sup>2</sup>
Front and Exterior Side Yard Depth	4.5 metres to the house 6.0 metres for the garage
Interior Side Yard Width	1.2 metres
Rear Yard Depth	6 metres
Building Height (maximum)	11 metres
Lot Coverage (maximum)	45% of lot area
Landscaped Open Space	20% of lot area

**\*all standards are minimum requirements unless noted otherwise.**

<b>Site-specific Residential Third Density (R3-#) Zone</b> limited to Blocks 304 & 305 subject to the following standards* in addition to the regulations associated with the parent R3 Zone:	
Additional Permitted Uses	a. Single detached dwelling (cluster housing/condo) b. Home for the aged/ rest home c. Nursing home d. Retirement home/lodge
Lot Area	150 m <sup>2</sup> for each unit
Front and Exterior Side Yard Depth	4.5 metres to the house 6 metres to the garage
Interior Side Yard Width	1.2 metres
Rear Yard Depth	6 metres
Lot Coverage (maximum)	45% of the lot area
Landscaped Open Space	20% of the lot area
Building Height (maximum)	12 metres

**\*all standards are minimum requirements unless noted otherwise.**

<b>Site-specific Residential Third Density (R3-#) Zone</b> limited to Block 303 subject to the following standards* in addition to the regulations associated with the parent R3 Zone:	
Permitted Uses	a. Single floor detached dwelling (Cluster Housing/ Condo) b. Single floor townhouses (Cluster Housing/ Condo)
Front and Exterior Side Yard Depth (minimum)	4.5 metres to the house 6.0 metres to the garage
Interior Side Yard Width (minimum)	1.2 metres
Rear Yard Depth	6 metres
Lot Coverage (maximum)	45% of the lot area
Landscaped Open Space	20% of the lot area
Building Height (maximum)	6 metres

**\*all standards are minimum requirements unless noted otherwise.**

**Open Space (OS) Zone** limited to Blocks 306 to 307 to accommodate eco park uses being naturalized open space areas, Blocks 308 to 313 to accommodate parkland and Block 315 to accommodate the stormwater management facility.

**Environmental Protection (EP) Zone** limited to Block 314.

### 3.1 Agency Comments

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

#### 3.1.1 Upper Thames River Conservation Authority

Given the absence of flood modeling and a feature-based Water Balance, along with the outstanding technical concerns noted in their letter dated June 7/23 to Middlesex County, the UTRCA recommends that this proposal be **deferred** to provide the applicant with the opportunity to complete the following, to the satisfaction of the UTRCA:

- a Flood Study;
- a preliminary feature-based Water Balance Analysis; and
- a Slope Stability Assessment and/or Meander Belt Assessment.

The UTRCA is satisfied that the remaining concerns can be addressed through draft plan conditions, however we are not in a position to release draft conditions until the above studies have been completed to the satisfaction of the UTRCA.

#### 3.1.2 Canadian National Railway (CN):

CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:

1. Safety setback of principal buildings from the railway rights-of-way to be a minimum of 30 metres in conjunction with a safety berm. The safety berm shall be adjoining and parallel to the railway rights-of-way with returns at the ends, 2.5 metres above grade at the property line, with side slopes not steeper than 2.5 to 1.
2. The Owner shall install and maintain a chain link fence of minimum 1.83 metre height along the mutual property line.
3. The Owner shall engage a consultant to undertake an analysis of noise. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.
4. Ground-borne vibration transmission to be evaluated in a report through site testing to determine if dwellings within 75 metres of the railway rights-of-way will be impacted by vibration conditions in excess of 0.14 mm/sec RMS between 4 Hz and 200 Hz. The monitoring system should be capable of measuring frequencies between 4 Hz and 200 Hz,  $\pm 3$  dB with an RMS averaging time constant of 1 second. If in excess, isolation measures will be

- required to ensure living areas do not exceed 0.14 mm/sec RMS on and above the first floor of the dwelling.
5. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way: "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."
  6. The storm water management facility must be designed to control storm water runoff to pre-development conditions including the duration and volume of the flow and accordingly have no impacts on CN right of way, including ditches, culverts and tracks. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from CNR and be substantiated by a drainage report to the satisfaction of the Railway.
  7. The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the safety berm, fencing and vibration isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
  8. The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
  9. The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

CN anticipates the opportunity to review a detailed site plan, a N&V study and a storm water management report taking into consideration CN development guidelines.

3.1.3 Canada Post:

Canada Post: Mail delivery for the subdivision is to be provided through centralized Community Mail Boxes (CMBs). Should this subdivision be approved, Canada Post wishes to be notified of new civic addresses as soon as possible. Canada Post is also requesting the implementation of standard developer requirements.

3.1.4 Hydro One: No comment.

3.1.5 Chief Building Official:

A building permit is required for the demolition of the existing single detached dwelling. The existing on-site sewage system shall be decommissioned/removed to the satisfaction of the Chief Building Official. Any potable well on-site will also need to be decommissioned in accordance with current Ministry regulations. All buildings including foundations shall be demolished and completely removed from the property.

3.1.6 Public Works Director: A traffic impact study should be required to assess the effects of this development on the existing road network.

3.1.7 Drainage Superintendent: No comment.

**3.2 Public Comments**

In the circulation of the notice of public meeting to surrounding property owners, the following responses have been received:

3.2.1 Albert Fountain:

There is concern with the construction traffic into the subdivision. As you may or may not know, there was a fatality in this area when a little girl was killed. There are young children here playing outside riding bikes, running, mingling. There should be signs posted for NO heavy equipment to enter the subdivision onto Linwood or Amber in that the entrance should be off Marion or Richmond. The entrance to the Tiner Subdivision is restricted with a large sign stating no construction traffic which enters from Dorchester Road or Donnybrook Drive. This practice should be followed here. As members of Dorchester planning we hope this will be a concern of high priority. I don't think you will want another fatality to happen again. P.S. how many homes built on a bog.

### 3.2.2 Renée Nikkel:

I am still concerned and opposed to the high rate of development in Thames Centre, especially Dorchester. I chose to live in Dorchester because I wanted to live in a small town, with quiet streets, surrounded by nature. The intensity of the development of Ontario's farmland is concerning to me. Farmland and natural areas, once developed, are permanently gone.

However, I appreciate the revision of this plan, which includes no high-density housing and has several eco parks and natural areas. The move away from high-density housing will preserve in part the quieter neighbourhood that we already enjoy, although the subdivision will still strongly affect the community. The high-density housing that was originally proposed does not make sense in this more remote area, as there are no amenities, public transport, or services nearby. The parklands and eco-parks are also important additions: protecting Dorchester's natural environment and ecosystems is important not only for the present residents to enjoy but also for future generations. There are also no public parklands and environmentally protected areas north of the railway, so these areas will be an added benefit to the current residents as well.

### 3.2.3 Amy Thomson:

While I continue to be opposed to the development of the lands in question (for all of the reasons cited in the letter we submitted last fall), if the lands are to be developed I would ask and sincerely hope for consideration toward having the entrances / exits of these new subdivisions coming off of Richmond and/or Marion streets (which are already busier roads where pedestrian traffic is limited), rather than extending the current quiet streets as proposed. At the same time, I would re-raise the issue of needing sidewalks along Richmond and Marion - which was raised a couple of years ago and I thought approved; but then the changes were completely ineffective.

The streets of Amber and Linwood are quiet streets frequented by walkers and cyclists, including many children. The quietness of the streets is why most of us purchased homes where we did. I have serious concerns with adding dump truck and other construction traffic to our quiet streets and then adding to the regular traffic once the developments are completed.

#### **4. RECOMMENDATION**

**THAT** Report No. PDS-047-23 with respect to Revised Applications for Draft Plan of Subdivision (39T-TC2202) and Zoning By-law Amendment (Z17-22) for lands known municipally as 1598 Richmond Street and submitted by Auburn Developments on behalf of 1319776 Ontario Inc., be received for information;

**AND THAT** following the public meeting and open house, that the Director of Planning and Development Services provide a subsequent report evaluating the said Applications, reviewing 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: David Barrick, Chief Administrative Officer