

Public Council Meeting Agenda

Tuesday, February 11, 2020, 5:00 pm
Tecumseh Arena - Horwood Room, 1st Floor
12021 McNorton Street
Tecumseh, ON N8N 3C7

Pages

- A. Roll Call
- B. Call to Order
- C. Disclosure of Pecuniary Interest
- D. Introduction and Purpose of Meeting

The purpose of the second public meeting is to receive comments on the revised **Official Plan and Zoning Bylaw amendment applications** for the 0.66 hectare (1.63 acre) **parcel of land located on the northeast corner of the County Road 42 and Lesperance Road intersection**. The subject property is currently designated “Neighbourhood Commercial” in the Sandwich South Official Plan. The revised Official Plan amendment application proposes to redesignate the subject property to a “Medium Density Residential” designation with a site-specific policy that would allow for the construction of a residential development consisting of four six-unit, three-storey multi-unit dwellings, for a total of 24 dwelling units. The purpose of the associated Zoning By-law amendment was to change the zoning pertaining to the subject property from “General Commercial Zone (C1)” to a site-specific “Residential Zone 2 (R2)” to permit the proposed residential uses and establish site-specific zone provisions, such as minimum yard depths and height.

This second public meeting is to review the revised proposal and to summarize how issues identified at the first public meeting are proposed to be addressed.

- E. Delegations
- F. Communications

- 1. Notice of Public Meeting No. 2

Re: Proposed Official Plan Amendment and Zoning By-Law Amendment

2. County of Essex Letter dated January 31, 2020 4 - 5

Re: Proposed Official Plan Amendment and Zoning By-Law Amendment,
2023324 Ontario Inc., Part Lot 152, Concession 3, Parts 2 & 3, 12R-
20271, Municipal No. 12300, North Side of County Road No. 42

G. Reports

1. PBS-2020-06 D19 BASHI, Results of Public Meeting No. 1 and Proposed
Revisions to Applications 6 - 19

H. Adjournment

TOWN OF TECUMSEH
NOTICE OF PUBLIC MEETING NO. 2
PROPOSED OFFICIAL PLAN AMENDMENT AND ZONING BY-LAW AMENDMENT

TAKE NOTICE that the Council of the Corporation of the Town of Tecumseh will hold a second public meeting **Tuesday, February 11th, 2020 at 5:00 p.m.** in the **Horwood Room, located in the Tecumseh Arena** at 12021 McNorton Street to review the status of issues that arose at the first public meeting, along with changes that have been made to the proposed development.

Council held an initial public meeting on September 25th, 2018 regarding applications for Official Plan and Zoning By-law amendments for the northerly 0.48 hectares (1.2 acres) of a 0.66 hectare (1.63 acre) parcel of land located on the northeast corner of the County Road 42/Lesperance Road intersection (see Key Map below). The subject property is currently designated “Neighbourhood Commercial” in the Sandwich South Official Plan. The purpose of the original proposed Official Plan amendment was to redesignate the subject property to a “Medium Density Residential” designation with a site-specific policy that would allow for the construction of a residential development consisting of three six-unit, three-storey multi-unit dwellings, for a total of 18 dwelling units. The purpose of the associated Zoning By-law amendment was to change the zoning pertaining to the subject property from “General Commercial Zone (C1)” to a site-specific “Residential Zone 2 (R2)” to permit the proposed residential uses and establish site-specific zone provisions, such as minimum yard depths and height.

Subsequent to the first public meeting, the applicant revised the proposed development and associated applications to redesignate and re-zone the entire 0.66 hectare (1.63 acre) parcel of land permit four six-unit, three-storey multi-unit dwellings, for a total of 24 dwelling units. The proposed residential development would front Lesperance Road and County Road 42 with access from Lesperance Road only. The purpose of the second public meeting is to review the revised proposal and to summarize how issues identified at the first public meeting are proposed to be addressed. A Planning Report summarizing the revised development and the issues identified at the first public meeting will be presented at the second public meeting.

ANY PERSON may attend the public meeting and/or make written or verbal representation either in support of or in opposition to the proposed Official Plan amendment and/or Zoning By-law amendment.


If a person or public body does not make oral submissions at a public meeting or make written submissions to the Corporation of the Town of Tecumseh before the Official Plan amendment is adopted, the person or public body is not entitled to appeal the decision of the County of Essex (the Approval Authority) to the Local Planning Appeal Tribunal (LPAT).

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Corporation of the Town of Tecumseh before the Zoning By-law amendment is passed, the person or public body is not entitled to appeal the decision of the Council of the Corporation of the Town of Tecumseh to the Local Planning Appeal Tribunal (LPAT).

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Corporation of the Town of Tecumseh before the Official Plan amendment is adopted or the Zoning By-law amendment is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal (LPAT) unless, in the opinion of the LPAT, there are reasonable grounds to do so.

KEY MAP



 Lands Subject to Proposed Amendments

If you wish to be notified of the decision of the Council of the Corporation of Town of Tecumseh on the proposed Zoning By-law amendment or on the adoption of the proposed Official Plan amendment, or of the refusal of a request to amend the Official Plan, **you must make a written request** to the Corporation of the Town of Tecumseh, c/o Laura Moy, Clerk, at the mailing address noted below.

ADDITIONAL INFORMATION and any associated reports/documents relating to this matter are available for review during regular office hours at the Town Municipal Office on Lesperance Road.

The Public Meeting Agenda regarding these applications will be available on the Town’s website (www.tecumseh.ca/home/agendas) on Friday, February 7, 2020.

DATED AT THE TOWN OF TECUMSEH
THIS 10TH DAY OF JANUARY, 2020.

LAURA MOY, CLERK
TOWN OF TECUMSEH
917 LESPERANCE ROAD
TECUMSEH, ONTARIO, N8N 1W9



January 31, 2020

Ms. Laura Moy
Town of Tecumseh
917 Lesperance Road
Tecumseh, Ontario
N8N 1W9

AMENDED

Dear Ms. Moy:

**Re: Proposed Official Plan Amendment and Zoning By-Law Amendment,
2023324 Ontario Inc., Part Lot 152, Concession 3, Parts 2 & 3, 12R-20271,
Municipal No. 12300, North Side of County Road No. 42**

Please be advised that the County of Essex has reviewed the aforementioned application and the comments provided are engineering related only. This application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 42. The Applicant will be required to comply with the following County Road regulation:

County By-Law 2480 – A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent To County Roads.

Permits are necessary for any changes to existing structures, or the construction of new structures. The County of Essex is requesting a Traffic Assessment of proposed concept and how it would impact the intersection at Lesperance Road and County Road No. 42. A setback from proposed widening limit to closest building will be 14m. . The County has future road improvements on County Road no. 42 which will require the widening to be transferred to the County of Essex along with the 15m daylight corner. Transfer of this property will be further addressed in the Site Plan Agreement.

No new access will be permitted on County Road No. 42, access will be permitted from Lesperance Road and far from the intersection at the northerly limit of the property. We are requesting a copy of the Decision of the aforementioned application. Thank you for your assistance and cooperation in this matter.

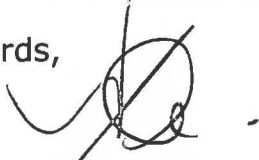
519-776-6441
TTY 1-877-624-4832

360 Fairview Ave. W.
Essex, ON N8M 1Y6

countyofessex.ca

Should you require further information, please contact the undersigned by email at kbalallo@countyofessex.ca or by phone at extension 1564.

Regards,



Kristoffer Balallo
Engineering Technician



The Corporation of the Town of Tecumseh

Planning & Building Services

To: Mayor and Members of Council

From: Brian Hillman, Director Planning & Building Services

Date to Council: February 11, 2020

Report Number: PBS-2020-06

Subject: Results from Public Meeting No. 1 and Proposed Revisions to Applications
Proposed Official Plan Amendment and Zoning By-Law Amendment
F&S Enterprises Multi-Unit Residential Development
12300 County Road 42
Our File: D19 BASHI

Recommendations

It is recommended:

That PBS-2020-06, “Results from Public Meeting No. 1 and Proposed Revisions to Applications, Proposed Official Plan Amendment and Zoning By-Law Amendment, F&S Enterprises Multi-Unit Residential Development, 12300 County Road 42, **be received**;

And further that, subject to the input received during the second public meeting, draft Official Plan Amendment and Zoning By-law Amendment documents **be prepared** for consideration for adoption at a future Regular Council Meeting.

Executive Summary

In 2018, applications were filed with the Town to amend the Sandwich South Official Plan and Zoning By-law 85-15 for a 0.66 hectare (1.63 acre) vacant parcel of land located on the northeast corner of the County Road 42/Lesperance Road intersection to permit a residential and commercial development.

A public meeting was held in September of 2018 with respect to the applications. A number of issues were raised by those in attendance at this meeting. In discussions between the

Applicant and the County of Essex Infrastructure Services (IS) shortly after the public meeting, concerns were raised related to access to the subject property relative to County Road 42. These public comments and County concerns prompted a meeting to be held among the Town, County IS and the Applicant's planning and traffic engineering consultants. As a result of that meeting, the proponent revised its development proposal and is now proposing a residential development for the entire property which includes four six-unit, three-storey dwellings for a total of 24 dwelling units. The revised proposal includes an access drive that meets the County's requirements.

A review of the revised development proposal along with a summary of and response to the issues raised at the public meeting are provided in this Report.

Background

Initial Development Proposal

F&S Enterprises, "the Applicant", filed applications with the Town to amend the Official Plan and Zoning By-law 85-15 for the northerly 0.48 hectares (1.2 acres) of a 0.66 hectare (1.63 acre) vacant parcel of commercially designated and zoned land located on the northeast corner of the County Road 42/Lesperance Road intersection (see Attachment 1). The proposed amendments at that time facilitated the construction of a residential development consisting of three six-unit, three-storey multi-unit dwellings, for a total of 18 dwelling units. The residential development was to be located on the northerly 0.48 hectares (1.2 acres) of the property. The remaining 0.18 hectare (0.43 acre) southern portion of the property was to be retained for future commercial uses, as currently permitted (see Attachment 2).

On September 25, 2018, Council held a public meeting in accordance with *The Planning Act* to hear comments on the aforementioned applications. The public meeting was attended by the applicant, its planning consultant and residents from the surrounding neighbourhood. Three residents spoke at the public meeting raising concerns regarding traffic and the availability of municipal servicing capacity for the proposed development. Council ultimately directed that a second public meeting be held in order to provide an opportunity to consider these comments and for Town Administration to formally prepare a report summarizing the issues and commenting on same.

Subsequent to the initial public meeting, and in response to issues raised by the County of Essex IS, a meeting was held amongst the Town, the County of Essex IS and the Applicant's planning and traffic engineering consultant. The County expressed concerns regarding proposed commercial building setbacks from County Road 42 as well as the proximity of the proposed the Lesperance Road access to the subject property relative to County Road 42. The required setback from County Road 42 and access restrictions made it difficult to reasonably integrate the commercial component with the proposed residential development on the northern portion of the property.

Revised Development Proposal

As a result of the aforementioned restrictions regarding access and commercial building setbacks, the Applicant decided to remove the commercial component entirely and submitted the following revised development proposal (see Attachment 3):

- the redesignation and re-zoning of the entire 0.66 hectare (1.63 acre) parcel of land from Commercial to Residential to permit residential development and removal any future commercial component on the property;
- the addition of one additional six-unit, three-storey dwelling resulting in a total of four, six-unit, three-storey dwellings, for a total of 24 dwelling units. The proposed residential development would front Lesperance Road and County Road 42 with access from Lesperance Road only. It should be noted that the revised development will result in a decrease in the overall lot density of the development from the originally proposed 38 units per hectare to 36 units per hectare.
- the addition of a 41-space parking lot to the rear of the dwellings, serviced by a driveway access located to the far north of the property. The final location of the driveway access was arrived at through consultation with the County of Essex and Town Administration, along with confirmation from the applicant's Traffic Engineer, through the completion of a Traffic Impact Study (TIS) that was prepared in in order to address concerns raised at the initial public meeting (refer to Comments section for additional discussion on the TIS).

Revised Official Plan and Zoning By-law Amendment Applications

In support of the revised development proposal, the proponent has revised its Official Plan and Zoning By-law amendment applications. The Applicant has also provided additional supporting documents that address the proposed revisions to the application and address concerns related to traffic that were identified at the initial public meeting and subsequent meeting with the Town and County Engineering.

In order to permit the proposed revised development, the Applicant is requesting that the entire property be:

- i. redesignated from "Neighbourhood Commercial" to "Medium Density Residential" with a site-specific policy establishing a maximum density of 36 units per hectare; and
- ii. rezoned from "General Commercial Zone (C1)" to a site-specific "Residential Zone 2 (R2-5)". The new site-specific R2 zone would permit the proposed residential uses, establish the maximum number of dwelling units, and establish other lot/building requirements such as minimum yard depths/widths, landscaping, parking spaces/sizes and maximum building height, lot coverage, and landscaping.

Comments

Issues/Concerns Raised at Public Meeting

The concerns/issues that were raised at the September 25, 2018 Public Meeting are summarized below and are followed by Town Administration's response.

Issue No. 1 – Traffic

The proposed development will generate additional traffic and will cause traffic safety concerns at the Lesperance Road/County Road 42 intersection.

Administration's Response

In response to the concern raised, the applicant retained RC Spencer Associates to prepare a Traffic Impact Study (TIS), for the originally-proposed residential/commercial development scenario. The original TIS concluded:

"A commercial and residential development has been proposed for vacant lands located in the Town of Tecumseh, at the northeast corner of the County Road 42 and Lesperance Road signalized intersection. It consists of a 4,983 square foot commercial building and a 7,371 square foot residential development.

Using recent traffic counts and the best available trip generation and distribution data, an analysis was completed to measure the operational impact of the development on conditions at the signalized intersection of County Road 42 and Lesperance Road. The results indicate that the intersection will continue to operate at a very good level of service under full site development, even with growth of 2% per year above existing for 5- and 10-year horizons.

The anticipated queue lengths for all approaches under full development and future traffic do not impact on the proposed location of the driveway access from the residential / commercial complex to Lesperance Road; therefore, no operational concerns may be anticipated.

Lesperance Road will continue to operate at an acceptable level of service with the existing geometry and into the future, and its operation is not impeded by this development. Sight lines were assessed, and there are no apparent conflicts with existing geometric features. However, as a result of the proposed geometries, the developer should ensure that all boulevard areas adjacent to the roadway are clear of obstructions for both left turn and right turn movements."

As noted above, after review with the County of Essex and the Town, the proposed development was amended to include four, six-unit dwellings with no commercial component. To address this change from a traffic impact perspective, the Applicant's consultant prepared

an updated TIS. The updated TIS reassessed traffic trip generation, traffic projections, traffic synchronization and sight line analysis based on the revised proposal. The revised TIS states:

“After review with the County of Essex and the Town of Tecumseh, the proposed site plan (Appendix A) was amended from 18 to 24 units, and the commercial use was eliminated. As a result of these changes to the site plan, the traffic impact can be summarized as follows:

- The total number of trips generated by the amendment to the site plan have been reduced from 13 trips in the AM peak hour and 15 trips in the PM peak hour to 12 trips in the AM peak hour and 13 trips in the PM peak hour, as calculated in Appendix B;
- Using the previous report’s traffic counts and the new trip generation values, the resulting projections from Appendix C were re-inputted into the Synchro 10 program in order to quantify the traffic impact resulting from the changes to the site plan;
- The resulting Synchro reports are available in Appendix D; typical traffic operations continue to be anticipated at the proposed driveway access to the site;
- Sight lines were reviewed to ensure safe traffic operations at the revised site access, as calculated and illustrated in Appendix E; sight lines are typical and largely unobstructed;
- Therefore, it is the engineers’ opinion that the newly proposed site plan will not have any adverse traffic operations impact on the peripheral traffic network; the conclusions from our December 2018 report remain unchanged.”

Town Administration has reviewed the both the original and revised TIS and has no concerns with their analysis and conclusions.

Issue No. 2 – Municipal Servicing Constraints

The proposed development will tax existing municipal services where flooding has already occurred.

Administration’s Response

Public Works and Environmental Services has reviewed the proposal and has no concerns with the provisions of sanitary and water services for the proposed development. In addition, the capacity of the sanitary sewer infrastructure for the proposed development has been confirmed by way of a peer-review of the proposed sanitary servicing requirements by Dillon Consulting through a sanitary flow modeling analysis.

An administrative response to stormwater management was provided directly at the public meeting. It was noted that a stormwater management report, addressing both quality and quantity, will be a requirement through the future site plan control agreement that would be required prior to development proceeding.

Issue No. 3 – Opportunity of Abutting Owners to Develop Land

Residents of the properties that abut the subject property inquired into the potential opportunity to develop the vacant rear portion of their lands as part of the subject development.

Administration's Response

Administration met with the neighbouring property owners to review the potential of developing the vacant portions of their properties. It was determined that other options are available to these property owners that would allow for the future development of their lands. The development potential of the neighbouring property owners and the development of the subject property are not dependent on one another and, in fact, there would be significant challenges involved in developing them together. Ultimately, the neighbouring property owners advised that they would seek alternative options for the potential development of their lands.

Issue No. 4 – Compatibility

Proposed multi-unit residential uses are not compatible with surrounding single-unit residential properties and will cause privacy, security and "short-term tenant" concerns. In addition, the lands should be used for single-unit dwellings.

Administration's Response

It is a commonly held planning principle that being "compatible with" is not the same thing as being the same as or even being similar to. Being "compatible with" fundamentally implies nothing more than being capable of existing together in harmony.

As a general tenet of planning, residential uses are compatible with other residential uses. Multi-unit/multi-storey residential development adjacent to single unit detached dwellings, such as the subject proposal, is a built form and land use mix that currently exists within the Town and is a common land use pattern in urban areas. It is acknowledged that issues such as privacy (i.e. intrusive overlook), shadow effects, noise and lighting may arise when due regard is not given to differences in scale, massing and positioning of buildings on abutting residential properties. Mitigation of these potential compatibility issues commonly occurs in the form of building orientation, building design, site design, buffering and appropriate setbacks.

Given their three-storey height, significant setbacks, and positions relative to adjacent dwellings, the proposed multi-unit dwellings do not create any of the aforementioned compatibility concerns. The proposed multi-unit dwellings are setback significantly from the single-unit dwellings that abut to the north and east. The northern-most of the four proposed multi-unit dwellings is setback approximately 17.7 metres (58 feet) from the closest abutting

residential property whereas the eastern-most dwelling is setback approximately 3.6 metres (12 feet) from the abutting property to the east.

As a comparison, the current commercial zoning of the property would permit a commercial building to be constructed as close as 10.5 metres (34.5 feet) from the nearest residential property at a height of 10.5 metres (34.5 feet). In addition, a commercial development would have a greater propensity to create compatibility issues with surrounding residential areas than would the proposed multi-unit residential development.

Potential issues related to the access drive and parking areas, such as lighting and odour related to the refuse bin, can be addressed and mitigated through site plan control measures such as landscaping and/or fencing and refuse enclosures.

Based on the foregoing, it is Administration's opinion that the proposed Official Plan and Zoning By-law amendments will result in development that is compatible with the surrounding land uses.

Planning Analysis

In support of the foregoing revised planning applications, the Applicant submitted a revised Planning Justification Report (PJR) prepared by Tracey Pillon-Abbs, RPP, Planning Consultant dated November 24, 2019. The revised PJR updated the July 8, 2018 PJR that was submitted in support of the original application with its findings summarized in previous report PBS-2018-27.

Similar to the original PJR, the revised PJR evaluated the revised proposal and land uses against the Provincial Policy Statement (PPS), the County of Essex Official Plan and the Town's Official Plan and concluded that:

"The proposal to use the Site for multi unit residential dwellings is appropriate and should be approved by the Town of Tecumseh as it:

- is consistent with the PPS 2014;
- conforms with the intent and purpose of the COP;
- conforms with the intent and purpose of the Town OP;
- complies with the intent and regulations of the Town ZBL;
- is a site that is physically suitable;
- does not negatively impact the private use and enjoyment of area residents;
- will not have any negative natural environmental impacts;

- will not create any traffic issues;
- will not have any negative impacts on municipal services;
- will not have any negative social or economic impacts; and
- will have a favourable positive impact on the Town of Tecumseh.

In summary, for the above reasons, it would be appropriate for the County of Essex to approve the application for Official Plan amendment and the Town of Tecumseh to adopt the application for Official Plan amendment and approve the application for Zoning By-law amendment to remove the commercial area and permit multi unit residential dwellings on the Site as it is appropriate for development and will compliment the area.

This PJR has shown that the proposed development is suitable intensification of affordable residential, is consistent with the Provincial Policy Statement, conforms with the intent and purpose of the County of Essex Official Plan, conforms with the intent and purpose of the Town of Tecumseh Official Plan and represents good planning.”

Town Administration has reviewed the revised PJR and is satisfied that its analysis and recommendations are sufficient to support consideration of the proposed revised development.

A detailed planning analysis by the Planning Department addressing the policies contained within the Provincial Policy Statement, the County of Essex Official Plan and the Sandwich South Official Plan was provided by way of PBS-2018-27. This Report was received and reviewed by Council at its August 14, 2018 Regular Council Meeting and at the subsequent Public Meeting on September 25, 2018. The planning analysis contained in that report remains relevant in the context of the revised development proposal.

With respect to the removal of the commercial component of the development, Town Administration believes sufficient commercially-designated lands exist within close proximity of the subject property to provide for future additional commercial uses the surrounding area would require. In addition, the increase in population/residents as a result of the proposed residential development would provide additional residents that would support and strengthen the existing surrounding commercial establishments and could potentially lead to increased demand for new commercial development on other existing vacant commercial properties nearby. It is the Applicant’s opinion along with its planning consultant, and one that is shared by Town Administration, that the commercial needs for the surrounding area can be adequately met by the remaining commercial lands on County Road 42 in the vicinity of Lesperance Road and existing commercial node at Manning Road and County Road 42.

Summary

The foregoing information is provided for Council's consideration and for further public comment and input. The second public meeting will provide an opportunity to present the revised proposal to and receive feedback/comments from interested stakeholders. It is recommended that, subject to the input received during the second public meeting, draft Official Plan Amendment and Zoning By-law Amendment documents be prepared for consideration for adoption at a future Regular Council Meeting.

Consultations

County of Essex

Financial Implications

None

Link to Strategic Priorities

| Applicable | 2019-22 Strategic Priorities |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers. |
| <input checked="" type="checkbox"/> | Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making. |
| <input type="checkbox"/> | Integrate the principles of health and wellness into all of Tecumseh's plans and priorities. |
| <input type="checkbox"/> | Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses. |
| <input type="checkbox"/> | Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals. |

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
Junior Planner

Reviewed by:

Chad Jeffery, MA, MCIP, RPP
Manager Planning Services

Reviewed by:

Brian Hillman, MA, MCIP, RPP
Director Planning & Building Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

| Attachment Number | Attachment Name |
|------------------------------|---|
| 1 | Subject Property Map |
| 2 | Original Development Proposal Site Plan |
| 3 | Revised Development Proposal Site Plan |



Prepared By:
Tecumseh Planning and
Building Services Department

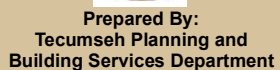


Legend:



Subject Property

Attachment 1
Official Plan and Zoning By-law Amendments
12300 County Road 42
Subject Property



18

