

Public Council Meeting Agenda

Date: Tuesday, April 27, 2021, 5:00 pm

Location: Electronic meeting live streamed at: <https://video.isilive.ca/tecumseh/live.html>.

Pages

A. Roll Call

B. Call to Order

C. Disclosure of Pecuniary Interest

D. Introduction and Purpose of Meeting

The purpose of the meeting is to hear public comment on the proposed amendment to rezone a 0.47 hectare (1.16 acre) property situated on the west side of the 11th Concession Road, approximately 120 metres (393 feet) south of its intersection with County Road 42 (3425 11th Concession Road), from “Agricultural Zone (A)” to a site-specific “Residential Zone 1 (R1-19)” in order to establish specific minimum lot area and frontage provisions to facilitate the creation of three new residential lots and the future construction of three single-unit dwellings. The subject property is designated “Residential” in the recently-adopted Town of Tecumseh Plan.

E. Delegations

F. Communications

- | | | |
|----|--|-------|
| 1. | Notice of Public Meeting dated April 6, 2021 | 3 - 3 |
| | Re: ZBA 3425 11th Concession Road | |
| 2. | CN Rail dated April 6, 2021 | 4 - 4 |
| | Re: CN Proximity | |
| 3. | Essex Region Conservation Authority dated April 21, 2021 | 5 - 6 |
| | Re: ZBA 3425 11th Concession | |

G. Reports

1. PBS-2021-14 Zoning By-law Amendment, 3425 11th Concession,
Scheduling of Public Meeting

7 - 20

H. Adjournment

**TOWN OF TECUMSEH
NOTICE OF VIRTUAL/ELECTRONIC PUBLIC MEETING
PROPOSED ZONING BY-LAW AMENDMENT**

TAKE NOTICE that the Council of the Corporation of the Town of Tecumseh will hold a virtual/electronic public meeting **Tuesday, April 27, 2021 at 5:00 p.m.** to consider a proposed Zoning By-law amendment pursuant to the provisions of the *Planning Act, R.S.O. 1990*. Please see below for information on how to provide comments or participate in the virtual/electronic public meeting.

The purpose of the proposed amendment is to rezone a 0.47 hectare (1.16 acre) property situated on the west side of the 11th Concession Road, approximately 120 metres (393 feet) south of its intersection with County Road 42 (3425 11th Concession Road) (see Key Map below for location), from “Agricultural Zone (A)” to a site-specific “Residential Zone 1 (R1-19)” in order to establish specific minimum lot area and frontage provisions to facilitate the creation of three new residential lots and the future construction of three single-unit dwellings. The subject property is designated “Residential” in the recently-adopted Town of Tecumseh Plan.

Provisional consent for the severance of three new residential lots from the subject property was granted by the Committee of Adjustment at its March 22, 2021 meeting (Applications B-04-06/21). As a condition of severance, the subject Zoning By-law amendment is required.

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

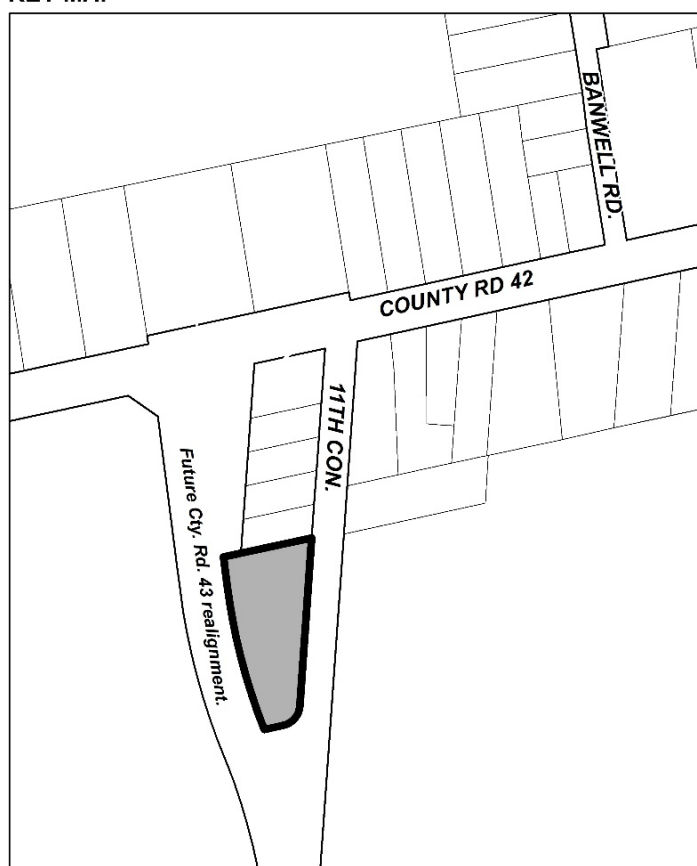
If a person or public body does not make oral submissions at a public meeting or make written submissions to the Corporation of the Town of Tecumseh before the Zoning By-law amendment is passed, the person or public body is not entitled to appeal the decision of the Council of the Corporation of the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

How to Provide Comments or Participate in an Electronic Public Meeting

Due to the COVID-19 declared emergency, Public Meetings are being held virtually through electronic means and live-streamed on the Town’s website. Any person who wishes **to make oral submissions** during the electronic Public Meeting **must register as a delegate**. To register as a delegate, persons may use the online registration form on the Town’s website at www.tecumseh.ca/delegations or by providing their contact information (name, address, email and phone number) to the Town Clerk **by 12:00 p.m. (noon) on Thursday, April 22, 2021**. Registered delegates will receive the necessary log-in details to the meeting. By registering as a delegate persons are consenting to their image, voice and comments being recorded and available for public viewing on the Town’s website. **Written submissions** may also be provided to the Clerk by noon on **Thursday, April 22, 2021**.

KEY MAP



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, **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 this application will be available on the Town’s website (<https://calendar.tecumseh.ca/meetings>) on Friday, April 23, 2021.

DATED AT THE TOWN OF TECUMSEH
THIS 6TH DAY OF APRIL, 2021.

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

0 50 100 200
Metres

 Lands Subject to
Proposed Amendment

From: Ashkan Matlabi **On Behalf Of** Proximity
Sent: April 6, 2021 12:30 PM
To: Enrico De Cecco
Subject: FW: Notice of Public Meetings - Town of Tecumseh - April 27, 2021

Hello Enrico,

Thank you for circulating CN the zoning amendment mentioned in subject. This is to confirm that we have reviewed the information and CN Rail does not have any comments or objections to this amendment.

Regards

Ashkan Matlabi, Urb. OUQ.

Urbaniste sénior / Senior Planner (CN Proximity)
Planning, Landscape Architecture and Urban Design
Urbanisme, architecture de paysage et design urbain



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360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

April 21, 2021

Mr. Enrico De Cecco
Town of Tecumseh, Junior Planner
917 Lesperance Road
Tecumseh, Ontario, N8N 1W9

Dear Mr. De Cecco:

RE: Zoning By-Law Amendment ZBA
3425 11 CONC 3425 11 CONC
ARN 374456000003511; PIN: 752380375
Applicant: AZAR DANA

The following is provided as a result of our review of Zoning By-Law Amendment ZBA 3425 11 CONC. The purpose of the proposed amendment is to rezone a 1.16 acre property situated on the west side of the 11th Concession Road, approximately 120 metres south of its intersection with County Road 42 (3425 11th Concession Road) from "Agricultural Zone (A)" to a site-specific "Residential Zone 1 (R1-19)" in order to establish specific minimum lot area and frontage provisions to facilitate the creation of three new residential lots and the future construction of three single-unit dwellings.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES ASSOCIATED WITH THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the *Planning Act* as well as our regulatory role as defined by Section 28 of the *Conservation Authorities Act*.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the *Conservation Authorities Act*). As a result, a permit is not required from ERCA for issues related to Section 28 of the *Conservation Authorities Act*, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservations Authorities Act*, (Ontario Regulation No. 158/06).

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

Mr. De Cecco
April 21, 2021

SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the *Planning Act*. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

FINAL RECOMMENDATION

With the review of background information and aerial photograph, ERCA has no objection to this application for Zoning By-Law Amendment.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Vitra Chodha, E.P
Resource Planner
/vc





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: March 23, 2021

Report Number: PBS-2021-14

Subject: Zoning By-law Amendment
Dana Azar
3425 11th Concession Road, Parts 1-4, 12R-25489
Scheduling of a Public Meeting
OUR FILE: D19 AZAR11

Recommendations

It is recommended:

That the scheduling of a public meeting, on April 27, 2021 at 5:00 p.m., in accordance with the *Planning Act*, for the application submitted by Dana Azar to amend the Sandwich South Zoning By-law 85-18 by rezoning a 0.47 hectare (1.16 acre) property situated on the west side of the 11th Concession Road, approximately 120 metres (393 feet) south of its intersection with County Road 42 (3425 11th Concession Road), from “Agricultural Zone (A)” to a site-specific “Residential Zone 1 (R1-19)” in order to establish specific minimum lot area and frontage provisions to facilitate the creation of three new residential lots and the future construction of three single-unit dwellings, **be authorized.**

Executive Summary

A zoning by-law amendment application has been filed in order to change the zoning pertaining to the 0.47 hectare (1.16 acre) property situated on the west side of the 11th Concession Road/County Road 43 from “Agricultural Zone (A)” to a site-specific “Residential Zone 1 (R1-19)” in order establish site-specific minimum lot area and frontage provisions. The subject property is also the subject of Consent Applications B-04-06/21, which seek to sever three lots from the subject property with each lot intended to be occupied by a single-unit residential dwelling. The Consent application is scheduled to be heard by the Committee of

Adjustment at its March 22, 2021 meeting. This Report is requesting the scheduling of a public meeting related to the proposed zoning by-law amendment in accordance with the requirements of the *Planning Act*.

Background

Dana Azar (“the Applicant”) owns a 0.47 hectare (1.16 acre) property situated on the west side of the 11th Concession Road/County Road 43 (“11th Concession Road”), approximately 120 metres (393 feet) south of its intersection with County Road 42 and having a municipal address of 3425 11th Concession Road (subject property). The subject property is currently occupied by a single-unit residential dwelling. Single-unit residential uses abut to the north, fronting the west side of the 11th Concession Road, with additional single unit residential uses located to the northeast fronting on the south side of County Road 42. To the east of the subject property across the 11th Concession Road are agricultural lands. Agricultural uses are located to the west.

The subject property is the remnant area of land remaining after the County of Essex purchased the land to the immediate west that will facilitate the future realignment of Banwell Road/County Road 43 in the vicinity of County Road 42 (see Attachment 1).

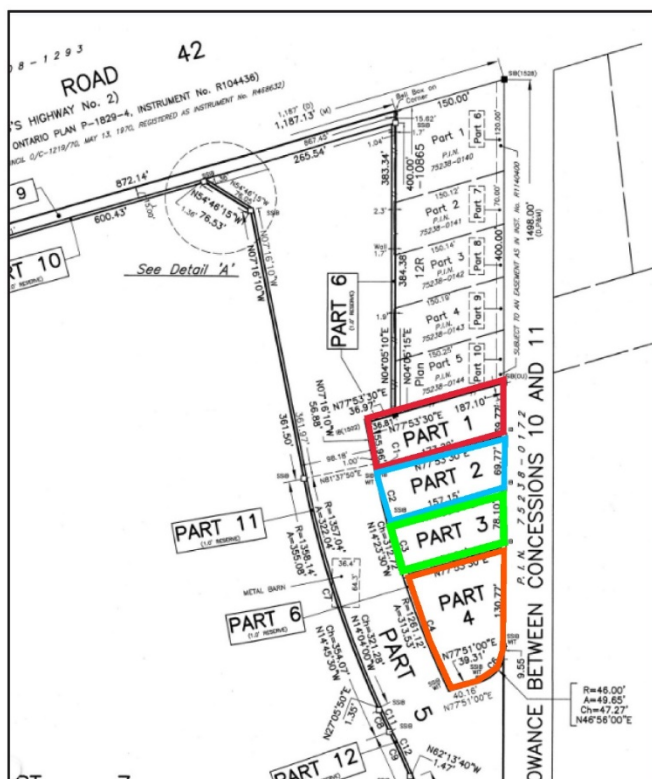
Committee of Adjustment Consent Application

Consent Applications B-04-06/21 have been filed with the Town by the Applicant in order to divide the property into four separate parcels. This application is scheduled to be heard by the Committee of Adjustment at its March 22, 2021 meeting. The purpose of the consent applications is to:

- i) sever a vacant residential lot having a frontage of approximately 21.26 metres (69.77 feet), an irregular depth and a lot area of 1121.89 square metres (12,076 square feet) (Part 1 outlined in red in Figure 1 below);
- ii) sever a vacant residential lot having a frontage of approximately 23.8 metres (78.1 feet), an irregular depth and a total area of 1020.54 square metres (10,985 square feet) (Part 3 outlined in green in Figure 1 below).
- iii) sever a vacant residential lot having a frontage of approximately 39.85 metres (130.77 feet); an irregular depth and a lot area of 1531.32 square metres (16,483 square feet) (Part 4 outlined in orange in Figure 1 below); and
- iv) retain a residential lot containing an existing dwelling having a frontage of approximately 21.26 metres (69.77 feet), an irregular depth and a lot area of 1121.89 square metres (12,076 square feet) (Part 2 outlined in blue in Figure 1 below).

The lands are designated Residential in the newly-adopted Town of Tecumseh Official Plan (“new Official Plan”) and zoned Agricultural (A) in the Sandwich South Zoning By-law. If

Figure 1 – Sketch of Proposed Consent Application



Based on the foregoing, the Applicant has filed an application with the Town to amend the Sandwich South Zoning By-law 85-18 for the subject 0.47 hectare (1.16 acre) property in order to rezone the property from “Agricultural Zone (A) to a site-specific “Residential Zone 1 (R1-19)” in order establish specific lot area and frontage provisions to facilitate the future construction of one single-unit detached dwelling on each of the three newly created lots on full municipal services. The Applicant retained a professional planner that has prepared a Planning Justification Report (PJR) in support of the application. A copy of the PJR will be made available as part of the Agenda associated with the requisite statutory public meeting.

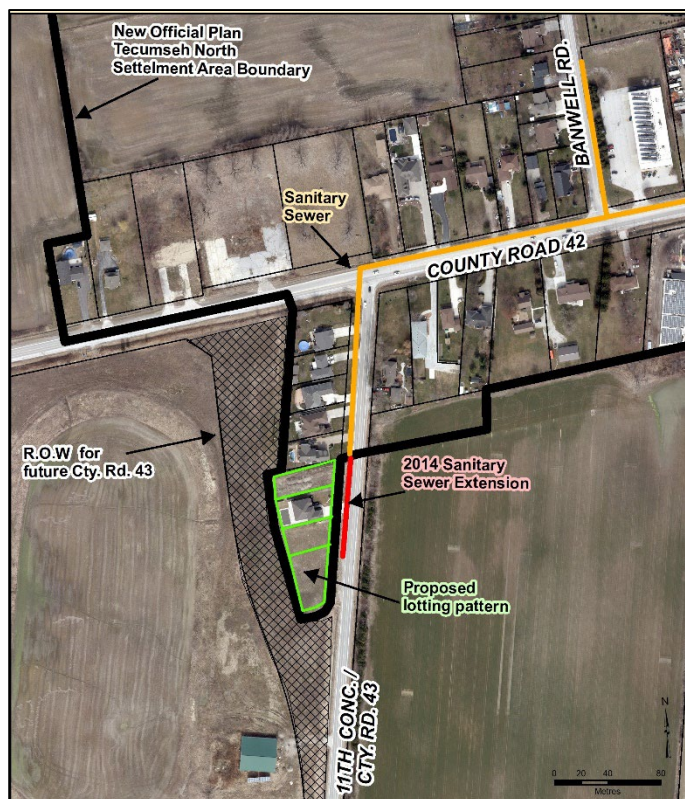
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former farm lot into two parcels – a smaller farm parcel to the west of the proposed realigned County Road 43 right-of-way and the subject property to the east of this proposed right-of-way.

A single unit dwelling was subsequently proposed for the subject property at that time. As part of that proposal, the former owner sought approvals from the Town to extend the municipal sanitary sewer in the 11th Concession Road southerly from its termination just north of the subject property so as to provide sanitary connections to the subject property. At this time, the subject property abutted the southerly limit of the Tecumseh Hamlet Settlement Area in the Sandwich South Official Plan. The sanitary extension was proposed in anticipation of the future possibility of the subject property being added to the settlement area and re-designated to “Residential” as part of the Town’s new Official Plan.

The previous owner retained the services of a Professional Engineer and undertook the analysis and steps required to ensure sanitary sewage conveyance capacity could be made available to the subject property to the satisfaction of the Town. This facilitated the southerly extension of the 11th Concession Road sanitary sewer and the construction of the existing dwelling in 2014 and accommodates the severances being proposed by the current Consent applications. The preceding servicing arrangement was recommended by Town Administration and approved by Town Council in 2014 by way of Public Works Report No. 12/14. An illustration depicting the subject property and proposed new lots in relation to the sanitary sewer is provided in Figure 2 below.

Figure 2 – Proposed Development Concept Plan



Comments

Provincial Policy Statement

The *Planning Act* establishes that Council, when making decisions that affect a planning matter, “shall be consistent with” the 2020 Provincial Policy Statement (“PPS”) issued under the *Planning Act*.

There are a number of policies within the PPS that support the applications for the proposed residential development. The following are the relevant excerpts from the PPS:

“1.1.3 Settlement Areas

- 1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.
- 1.1.3.2 Land use patterns within settlement areas shall be based on a mix of land uses which:
 - a) efficiently use land and resources;
 - b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
 - c) minimize negative impacts to air quality and climate change, and promote energy efficiency;

1.4 Housing

- 1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

...

- b) permitting and facilitating:

- 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and

- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs.”

In summary, the PPS encourages and supports development on lands that are identified for urban growth in approved settlement areas. It also establishes that the Town should be supporting and promoting residential infill development that results in compact built form and makes more efficient use of existing services while offering a range of housing forms/types to meet expected needs. Based on the foregoing, it is the opinion of the writer that the application for the proposed residential development is consistent with the PPS.

County of Essex Official Plan

The subject lands are situated on the southerly fringe of the Primary Settlement Area identified in the County Official Plan. As with the PPS, the County Official Plan directs that future urban development be directed to fully serviced settlement areas.

It is the opinion of the writer that the proposed development meets the intent of the County of Essex Official Plan. Administration has reviewed the aforementioned planning applications with the County of Essex and they are in agreement on the land-use planning aspects of the proposal.

Tecumseh Official Plan

The subject property is located in the Tecumseh North Settlement Area and is designated “Residential” on Schedule “B-1” of the new Official Plan (see Attachment 2). The single-unit residential dwellings being proposed by the Zoning By-law amendment application are permitted by the “Residential” designation.

Based on the foregoing, the uses contemplated by the proposed Zoning By-law amendment application conform to the new Official Plan.

Sandwich South Zoning By-law

The subject property is currently zoned “Agricultural Zone (A)” in the Sandwich South Zoning By-law 85-18 (see Attachment 3). The Applicant is proposing to rezone the property into a site-specific “Residential Zone 1 (R1-19)” in order to establish site specific minimum lot area and frontage provisions to facilitate the severances proposed through the aforementioned Consent applications. The R1-19 zone would facilitate the development of the lands in accordance with the policies of the new Official Plan.

Zoning By-law Amendment Procedures in the Official Plan

Section 10.18, Amendment Procedures, of the new Official Plan establishes that due regard shall be given to the following matters when contemplating a Zoning By-law Amendment:

- i) the degree of conformity of the proposed amendment to the general intent and philosophy of this Plan, particularly the planning principles as set out in Section 2.3, and consistency with provincial policy;

As noted above, the proposed amendment is in keeping with the policies of the Official Plan and has the effect of directing development to fully serviced areas within an identified settlement area.

- ii) the availability and suitability of land already designated for the proposed use, and the need for (or market feasibility of) the proposed use;

The subject lands are designated to permit the uses proposed by the application. The rezoning simply implements the policies of the Official Plan.

- iii) The compatibility of the proposal, or the adequacy of proposed mechanisms for achieving compatibility, with adjacent and planned uses;

The proposed single-unit dwelling uses will round-out the existing development pattern that exists on the west side of the 11th Concession Road and are compatible with existing and proposed uses in the area. The ability of the Town's infrastructure to accommodate the proposal.

The subject property was pre-serviced with four separate sanitary connection and a water and storm connection for the existing dwelling. The three additional water and storm connections for the proposed three new lots will be required as a condition of the consent approval.

- iv) The adequacy of the transportation system to accommodate the proposal;

The construction of three additional single-unit dwellings will not create any adverse impacts on the operation of the abutting roadway network.

Site Suitability in the Official Plan

In addition to the foregoing criteria set out in Section 10.18, Section 3.2, Site Suitability, of the Official Plan establishes that prior to the approval of any development or amendment to the Plan or the Zoning By-law, it shall be established to the satisfaction of Council and all other bodies having jurisdiction that:

- "i) soil and drainage conditions are suitable to permit the proper siting of buildings;

- ii) the services and utilities, whether they be municipal or private, can adequately accommodate the proposed development;
- iii) the road system is adequate to accommodate projected increases in traffic;
- iv) the land fronts on a public road which is of a reasonable standard of construction; and
- v) adequate measures will be taken to alleviate or prevent any adverse effects that the proposed use may possibly have upon any existing or proposed adjacent use.”

The proposed development is able to satisfy each of the preceding criteria, some of which are similar in nature to those set out in Section 10.18 of the Official Plan and addressed in the preceding section of this Report.

Summary

The proposed zoning by-law amendment is consistent with the Provincial Policy Statement and conforms to both the County of Essex Official Plan and new Tecumseh Official Plan. Based on the foregoing, consideration of the proposed zoning by-law amendment is warranted. A public meeting to consider the rezoning in accordance with the requirements of the *Planning Act* will provide an opportunity to hear concerns and comments, if any, of neighbouring owners and public agencies. If concerns are received that cannot be addressed at the public meeting, a follow-up report will be provided to Council. Otherwise, the proposed by-law amendment will be brought forward at a subsequent Council meeting for its consideration.

It is important to note that the proposed zoning by-law amendment will include appropriate language in its recital section to establish that the by-law will only come into effect with the approval of the new Official Plan by the County of Essex (the Approval Authority) in accordance with the provisions of the Planning Act. This ensures that the development only proceeds once the new Official Plan has been approved.

Consultations

Public Works & Environmental Services
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:

Phil Bartnik, P.Eng.
Director Public Works & Environmental 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	Property Location Map
2	Official Plan Map
3	Zoning Map



Prepared By:
Tecumseh Planning and
Building Services Department

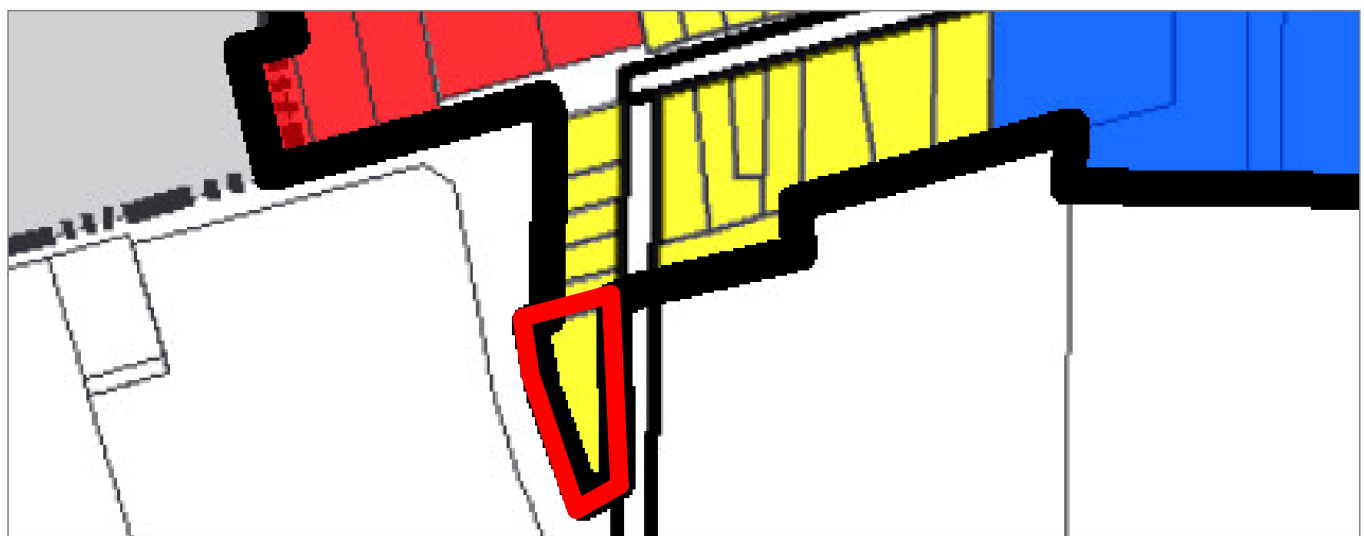
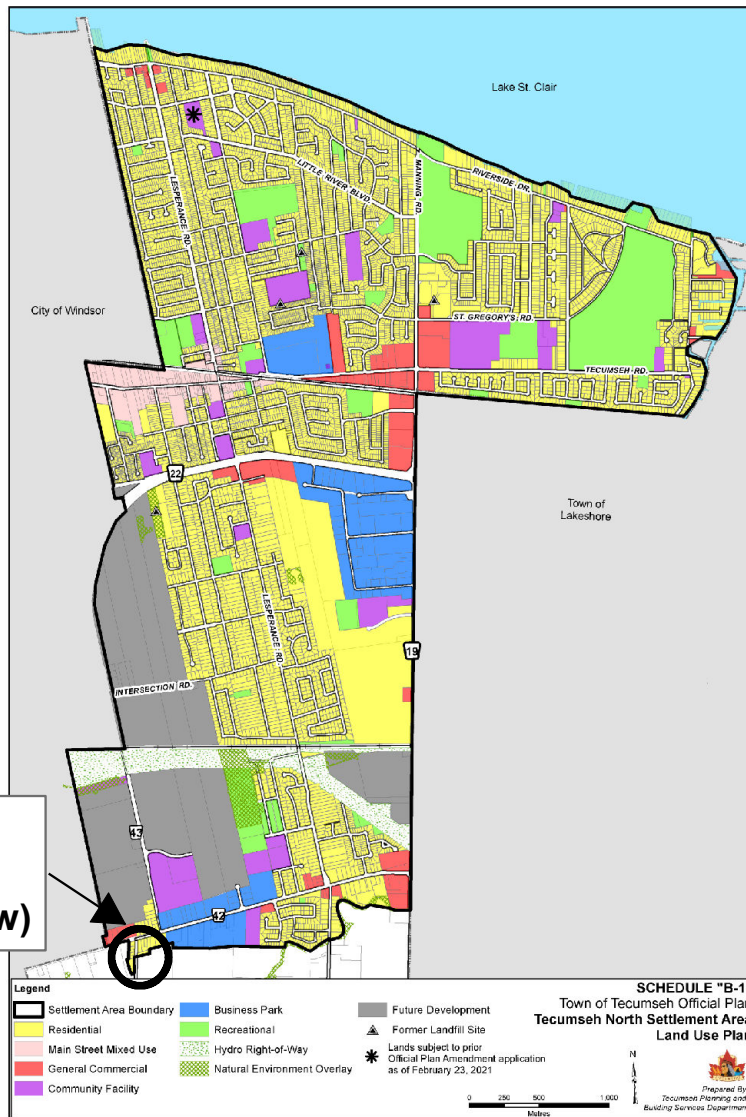


Legend:



Subject
Property

Attachment 1
Zoning By-law Amendment
Ms. Dana Azar
3425 11th Concession– Parts 1-4, 12R-25489
Property Location Map

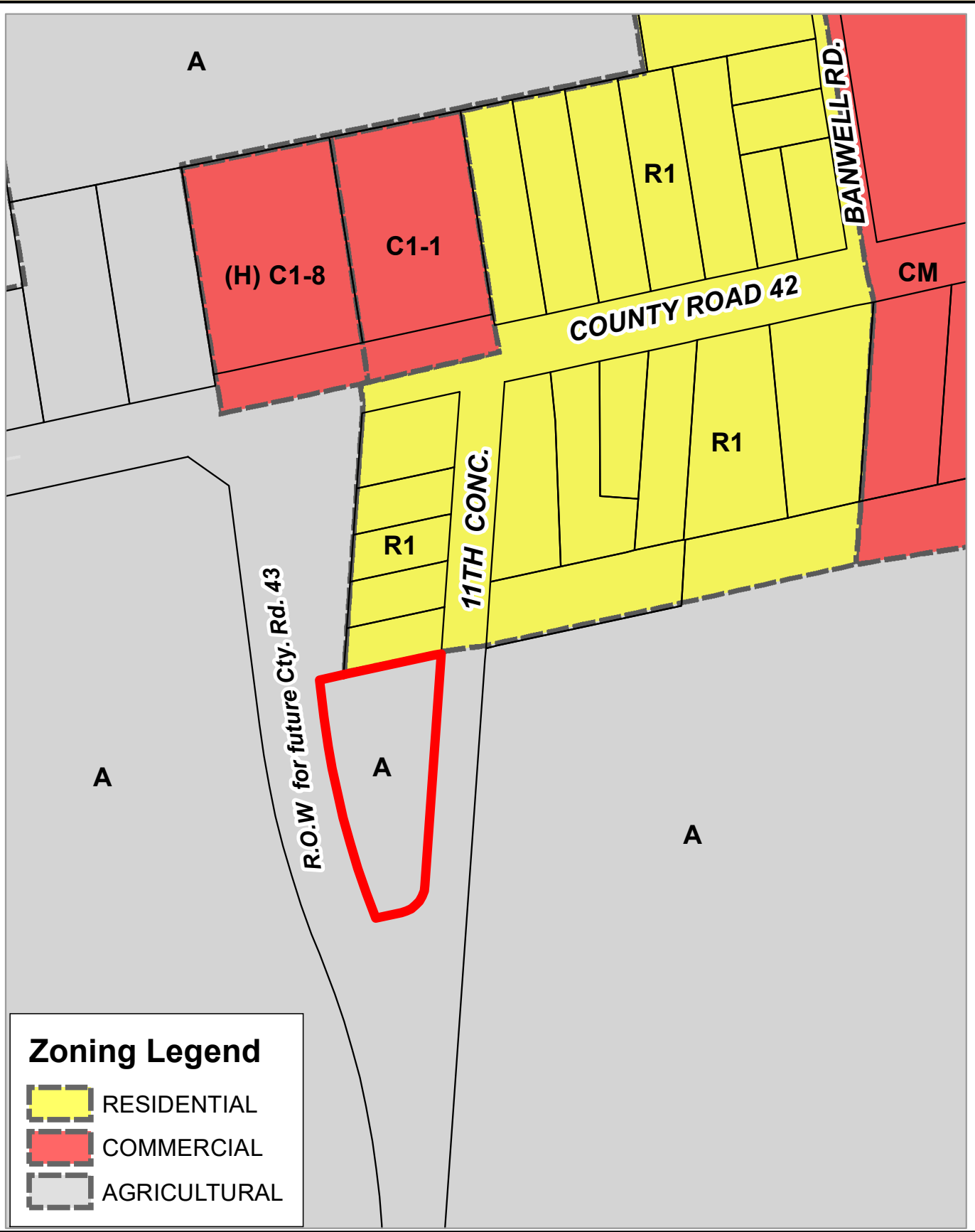


Prepared By:
Tecumseh Planning and
Building Services Department



Subject Property

Attachment 2
Zoning By-law Amendment
Ms. Dana Azar
3425 11th Concession– Parts 1-4, 12R-25489
Official Plan



Zoning Legend

-  RESIDENTIAL
-  COMMERCIAL
-  AGRICULTURAL



Prepared By:
Tecumseh Planning and
Building Services Department

LEGEND:



Subject Property



Attachment 4
Zoning By-law Amendment
Ms. Dana Azar
3425 11th Concession– Parts 1-4, 12R-25489
Zoning