

Tuesday, March 28, 2017, 6:00 pm
Tecumseh Town Hall
www.tecumseh.ca

Pages

1. CALL TO ORDER

2. ROLL CALL

3. DISCLOSURE OF PECUNIARY INTEREST

4. INTRODUCTION AND PURPOSE OF MEETING

The purpose of the meeting is to consider proposed Official Plan and Zoning By-law amendments pursuant to the provisions of the *Planning Act, R.S.O. 1990*. The vacant 0.37 hectare (0.9 acre) subject property is situated on the south side of Tecumseh Road approximately 50 metres west of its intersection with Shawnee Road. The Official Plan currently designates the northern portion of the subject property General Commercial and the southern portion Residential. The proposed Official Plan amendment introduces a site-specific policy pertaining to the General Commercial land use designation that would allow for a five-storey condominium apartment building on the northerly portion of the lot comprising 43 dwelling units and one live-work unit (a dwelling unit that will double as a commercial work space) on the first floor of the building, fronting Tecumseh Road. An associated 65-space on-site parking lot is proposed to occupy the southerly portion of the subject property with access from a driveway proposed along the west side of the property.

The proposed Zoning By-law amendment changes the zoning pertaining to the subject property from "General Commercial Zone (C3)" to "General Commercial Zone (C3-13)". The proposed C3-13 zone would permit the proposed apartment building and establish site-specific zone provisions, such as minimum yard requirements.

5. DELEGATIONS

6. COMMUNICATIONS

- | | | |
|----|---|---|
| a. | Notice of Public Meeting | 2 |
| | Re: ZBA 11597 Tecumseh Road | |
| b. | Manager, Planning Services, Report No. 02/17 | 3 |
| | Re: Official Plan and Zoning By-Law Amendments, 11957 Tecumseh Road - Proposed Five-Storey/44-Unit Apartment Building | |

7. ADJOURNMENT

**TOWN OF TECUMSEH
NOTICE OF PUBLIC MEETING
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 public meeting **Tuesday, March 28th, 2017 at 6:00 p.m.** in the Town Municipal Office Council Chambers at 917 Lesperance Road to consider proposed Official Plan and Zoning By-law amendments pursuant to the provisions of the *Planning Act, R.S.O. 1990*.

The vacant 0.37 hectare (0.9 acre) subject property is situated on the south side of Tecumseh Road approximately 50 metres west of its intersection with Shawnee Road (see Key Map below). The Official Plan currently designates the northern portion of the subject property General Commercial and the southern portion Residential. The proposed Official Plan amendment introduces a site-specific policy pertaining to the General Commercial land use designation that would allow for a five-storey condominium apartment building on the northerly portion of the lot comprising 43 dwelling units and one live-work unit (a dwelling unit that will double as a commercial work space) on the first floor of the building, fronting Tecumseh Road. An associated 65-space on-site parking lot is proposed to occupy the southerly portion of the subject property with access from a driveway proposed along the west side of the property.

The proposed Zoning By-law amendment changes the zoning pertaining to the subject property from “General Commercial Zone (C3)” to “General Commercial Zone (C3-13)”. The proposed C3-13 zone would permit the proposed apartment building and establish site-specific zone provisions, such as minimum yard requirements.

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 Ontario Municipal Board.

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 Ontario Municipal Board.

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 Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

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.

KEY MAP



ADDITIONAL INFORMATION relating to this matter is available for review during regular office hours at the Town Municipal Office on Lesperance Road.

DATED AT THE TOWN OF TECUMSEH
THIS 15TH DAY OF FEBRUARY, 2017.

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



**THE CORPORATION OF THE
TOWN OF TECUMSEH**

**PLANNING AND BUILDING SERVICES
DEPARTMENT
Report No. 02/17**

TO: Mayor and Members of Council

FROM: Chad Jeffery, MA, MCIP, RPP
Manager Planning

DATE OF REPORT: February 9, 2017

DATE TO COUNCIL: February 14, 2017

SUBJECT: Official Plan and Zoning By-Law Amendments
2253246 Ontario Inc. (Mr. Carl Bernat)
11957 Tecumseh Road
Proposed Five-Storey/44-Unit Apartment Building
OUR FILE: D19 BERNAT

RECOMMENDATIONS

It is recommended that:

1. The scheduling of a public meeting, to be held on Tuesday, March 28, 2017 at 6:00 p.m., in accordance with *The Planning Act* for applications submitted by 2253246 Ontario Inc. (Mr. Carl Bernat) for a 0.37 hectare (0.91 acre) parcel of land situated on the south side of Tecumseh Road (11957 Tecumseh Road), approximately 50 metres west of its intersection with Shawnee Road, to amend the Tecumseh Official Plan and Tecumseh Zoning By-law 1746 by:
 - i. Establishing a new site-specific policy in the “General Commercial” designation; and
 - ii. Rezoning the subject property from “General Commercial Zone (C3)” to a new site-specific “General Commercial Zone (C3-13)” zone;

to facilitate the development of the lands for a five-storey apartment building consisting of 43 residential dwelling units and one live/work unit, be authorized.

BACKGROUND

Property Location and Surrounding Land Uses

2253246 Ontario Inc. (Mr. Carl Bernat - “the Owner”) owns a 0.37 hectare (0.91 acre) parcel of land situated on the south side of Tecumseh Road (11957 Tecumseh Road), approximately 50 metres west of its intersection with Shawnee Road (see Attachment 1).

The subject property is situated within the Tecumseh Road Mainstreet Community Improvement Plan (“CIP”) Area. The relative narrowness and significant depth of the subject property present challenges to its development. It and the surrounding area are an illustration of why Council

undertook the CIP – it is an area that has underutilized lands, fragmented ownership, is pedestrian unfriendly, possesses a poor quality of urban design, contains inappropriate land uses for a mainstreet context and lacks north-south connectivity. In summary, the area has many of the characteristics of one that is in a state of “transition”.

Abutting the subject property to the east are two automobile-related commercial uses (a repair garage and a tire shop) (see Attachment 1A). The abutting auto repair garage also contains a residential dwelling that is located on the northern portion of that lot close to Tecumseh Road. This commercial use has spilled over onto the subject property to the extent that it occupies the easterly side yard and the rear portion of the subject property for the storage of automobiles. Farther to the east, at the southwest corner of Tecumseh and Shawnee Roads, is a restaurant while a bowling alley occupies the southeast corner of this intersection. This intersection and surrounding commercial uses represent the beginning of a transition to predominately commercial uses as one moves easterly along Tecumseh Road.

A tier of single unit detached residential dwelling lots exists along both sides of Shawnee Road south of the tier of commercial uses fronting Tecumseh Road. The rear of one of these residential lots abuts the rear (southerly) lot line of the subject property. Vacant or underutilized residentially designated lands exist to the southwest of the subject property. Farther to the south is a multi-unit dwelling owned by the Windsor-Essex Housing Authority with frontage on and access to/from Arbour Street.

Abutting the subject property to the west is a single unit dwelling on a large, but relatively narrow and deep lot. The lot to the west of this dwelling is also relatively narrow and deep and contains a single unit dwelling and a restaurant. Farther to the west are two high density apartment buildings – a seven storey building containing 99 units and a six storey building containing 149 units.

Directly across Tecumseh Road to the north is a mix of commercial and residential uses including a used car sales establishment lot, some specialty retail, a single unit dwelling, a Bell station and a Canada Post office. Farther to the west, on the north side of Tecumseh Road, is another apartment dwelling containing 53 units within six storeys with commercial uses occupying the ground floor. These commercial uses have no relationship to the street; rather they are facing the on-site parking lot along the side of the building.

Proposed Use and Proposed Amendments

Over the past several months, Town Administration has participated in various meetings with the Owner and his agent regarding the potential development of the subject property for an apartment style condominium building with a live/work unit on the ground floor facing Tecumseh Road. The live/work unit offers an opportunity for the building to have a “commercial” interaction at the street level with the pedestrian. It assists in providing a more animated and vibrant street condition. There had been discussion regarding the possibility for the first storey containing exclusively commercial uses at the street, however, the Owner advised that current conditions did not support more commercial floor space and Administration accepts this position. A live/work unit offers an opportunity for flexible space and can more easily support small-scale, upstart business initiatives. It is therefore deemed a reasonable use in this instance.

Several iterations of the design concept were developed by the Owner's architect with input and direction from Town Administration. This review process culminated in a draft concept plan and architectural renderings of the proposed development (see Attachments 2, 2A, 3A, 3B and 3C) depicting the following:

- i) A five-storey building, having a building footprint of 1,210 square metres (13,027 square feet) comprising 43 dwelling units, one live-work unit (a dwelling unit that will double as a commercial work space) and a lobby/commons area that will occupy the balance of the front of the first floor of the building at Tecumseh Road. The ground floor contains five dwelling units and the live-work unit and common room while the second to fourth floors each contain 11 dwelling units. These floors will extend over a portion of the parking area. The fifth floor has only five units with the northerly and southerly units recessed to reduce building massing along Tecumseh Road and to minimize the impact of the height on the residential areas to the south. The 44 dwelling units range in size from 950 square feet to 1,200 square feet and result in a density of approximately 119 units per hectare (48 units per acre);
- ii) A 67-space parking area (including two barrier-free spaces) occupies the southern/rear portion of the property, with direct access onto Tecumseh Road via an 18-foot wide driveway. The northerly portion of this parking area (20 spaces) is either fully or partially covered by the second to fourth floors of the multi-unit dwelling;
- iii) Pedestrian sidewalk access from Tecumseh Road. This pedestrian access will be delineated from the balance of the access drive through different pavement treatments and bollards (as opposed to a barrier curb) with final details to be resolved during the site plan approval process; and
- iv) Associated landscaped areas primarily within the easterly side yard.

The current Official Plan designations applying to the property ("General Commercial" for the northern half of the property and "Residential" for the southern half), contemplate apartment buildings of this nature, however, based on the policies, design standards and density figures currently established for these designations, an amendment to the Official Plan is required. The current "General Commercial Zone (C3)" which applies to the subject property also permits this type of development, however it establishes minimum yard requirements that are different from those being proposed. For example, the C3 Zone establishes a minimum front yard depth of 12 metres whereas the proposed development has no front yard setback – in keeping with a main street built form and the objectives of the CIP.

Based on the foregoing, the Owner has now filed applications with the Town to amend the Tecumseh Official Plan and the Tecumseh Zoning By-law 1746 in order to place the property into a site-specific designation to establish proper Official Plan land use policies and into a site-specific zone in order to establish specific lot and yard provisions and to establish the type of commercial uses that may be permitted within the proposed live/work unit of the proposed development.

The subject applications are summarized as follows:

Proposed Official Plan Amendment

The purpose of the application is to establish a new site-specific policy in the “General Commercial” designation to facilitate the development of the lands for a five-storey apartment building consisting of 43 residential dwelling units and one live/work unit.

Proposed Zoning By-law Amendment

The purpose of the application is to rezone the subject property from “General Commercial (C3)” to a site-specific “General Commercial Zone (C3-13)” to permit the proposed five-storey apartment building consisting of 43 residential dwelling units and one live/work unit and to establish site-specific zone provisions.

Additional Planning Approvals

In addition to the aforementioned planning applications, it should also be noted that approval of a Plan of Condominium by the County of Essex and the execution of a site plan control agreement with the Town will be required prior to the proposed development proceeding. These applications will only proceed if the subject property is successfully redesignated and rezoned to permit the proposed apartment building.

COMMENTS

Provincial Policy Statement

The Planning Act establishes that Council, when making decisions that affect a planning matter, “shall be consistent with” the 2014 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 *Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns*

1.1.1 *Healthy, liveable and safe communities are sustained by:*

- a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) *accommodating an appropriate range and mix of residential ...;*
- e) *promoting cost-effective development patterns and standards to minimize land consumption and servicing cost.*

- 1.1.2 *Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 20 years...*

Within settlement areas, sufficient land shall be made available through intensification and redevelopment ...

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) *densities and a mix of land uses which:*
 - 1. *efficiently use land and resources;*
 - 2. *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; and*
 - 3. *minimize negative impacts to air quality and climate change, and promote energy efficiency;*
 - 4. *support active transportation; and*
 - 5. *are transit-supportive, where transit is planned, exists or may be developed*
- b) *a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.*

- 1.1.3.3 *Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*

- 1.1.3.4 *Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.*

1.4 Housing

- 1.4.3 *Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:*

- b) *permitting and facilitating:*
 - 1. *all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and*

2. *all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;*

c) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and*

d) *establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.*

1.6.7 Transportation Systems

1.6.7.4 *A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.*

1.7 Long-Term Economic Prosperity

1.7.1 *Long-term economic prosperity should be supported by:*

c) *maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;*

d) *encouraging a sense of place, by promoting well-designed built form...*

1.8 Energy Conservation, Air Quality and Climate Change

1.8.1 *Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns which:*

a) *promote compact form and a structure of nodes and corridors;*

b) *promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;*

6.0 Definitions

Residential intensification: means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

a) *redevelopment, including the redevelopment of brownfield sites;*

b) *the development of vacant or underutilized lots within previously developed areas;*

c) *infill development;"*

In summary, the PPS encourages and supports development on lands identified for urban growth in 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. The PPS also supports the development of a broad range of housing types and tenures and encourages residential intensification within identified urban areas where such areas have appropriate levels of servicing.

The subject proposal is in a location and of a form of residential development that achieves all of the foregoing policy objectives. It provides an alternative form of housing type and at a density that provides for a more compact built form. The proposed development is also considered to be intensification in accordance with the definition contained in the PPS. Based on the foregoing, it is the opinion of the writer that the applications for the proposed residential development are consistent with the PPS.

County of Essex Official Plan

The subject lands are within an identified Primary Settlement Area of the County Official Plan. The goals and policies of the County of Essex Official Plan encourage a range of residential development within identified settlement areas such as the fully serviced urban areas of the Town of Tecumseh. The following goals and policies of the County Official Plan are most relevant in the assessment of the subject proposal:

“3.2 SETTLEMENT AREAS

3.2.2 Goals

The following goals are established for those lands designated as settlement areas on Schedule “A1”:

- a) *Support and promote public and private re-investment in the Primary Settlement Areas*
- b) *To support and promote healthy, diverse and vibrant settlement areas within each of the seven Essex County municipalities where all county residents, including special interest and needs groups can live, work and enjoy recreational opportunities.*
- c) *To promote development within Primary Settlement Areas that is compact, mixed-use, pedestrian oriented, with a broad range of housing types, services and amenities available for residents from all cultural, social and economic backgrounds.*
- i) *Promote residential intensification within Primary Settlement Areas, and to a lesser extent, within full serviced secondary settlement areas.*

3.2.4 Primary Settlement Areas

Primary Settlement Areas are the largest and traditional centres of settlement and commerce in the County. Protection of these communities by focusing growth and investment is a priority of the County.

3.2.4.1 Policies

The following policies apply to Primary Settlement Areas:

- f) *Downtown/Uptown areas should maintain and/or enhance the existing character of these areas. Mixed-use development and an accessible pedestrian oriented streetscape are encouraged. The preparation of Community Improvement Plans are also encouraged.*

3.2.6 General Settlement Area Policies

The following policies apply to all "Settlement Areas" identified on Schedule "A1" of this Plan:

- a) *Local Official Plans are encouraged to establish land requirement needs based on the provision of sufficient land for industrial, commercial, residential, recreational, open space and institutional uses to promote employment opportunities and for an appropriate range and mix of housing, to accommodate growth projected for a time horizon of up to 20 years.*
- b) *The County supports residential intensification within Primary Settlement Areas.*
- e) *Local Official Plans are encouraged to provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area as outlined below:*
 - i) *Maintaining at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification, redevelopment and if necessary, lands which are designated and available as defined by Provincial Policy.*
 - ii) *Maintaining at all times, where new development is to occur, at least a 3 year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.*
 - iii) *Permitting and facilitating all forms of housing, including special needs housing, required to meet the social, health and well-being requirements of current and future residents.*

- f) *Local Official Plans are encouraged to provide opportunities for redevelopment, intensification and revitalization in areas that have sufficient existing or planned infrastructure.*
- g) *It is the policy of this County Official Plan to ensure long term economic prosperity by encouraging local Official Plans to:*
 - v) *Maintain the well-being of downtowns and mainstreets.*

3.2.7 Intensification & Redevelopment

The County encourages well-planned intensification development projects in the Settlement Areas to encourage more efficient use of land and municipal infrastructure, renew urban areas and to facilitate economic and social benefits for the community.

The County also specifically encourages residential intensification and redevelopment within Primary Settlement Areas in order to increase their vitality, offer a range of housing choices, efficiently use land and optimize the use of infrastructure and public service facilities."

In accordance with the aforementioned goals and policies, the proposed development conforms to the County of Essex Official Plan.

Tecumseh Official Plan

The subject property is currently designated "General Commercial" and "Residential" in the Tecumseh Official Plan (see Attachment 4). This type of split land use designation does create some complexities in evaluating the proposal, however it is fair and reasonable to summarize that both of these designations contemplate higher density residential developments that can be appropriately integrated with the existing and proposed development pattern by meeting the applicable policies of the Plan.

The following sections of the Official Plan provide broad-based support for the type of residential development proposed:

"1.4 BASIS OF THE PLAN

(b) Housing Demand Forecasts

...A more balanced mix of housing types and tenures will be required in the Town of Tecumseh over the next two decades in order to meet the existing and anticipated future needs of an aging population with smaller average household sizes, and varying housing needs.

2.11 RESIDENTIAL OBJECTIVES

- b) *To encourage new residential development to occur in such a manner which makes the most efficient use of municipal infrastructure and services, in keeping with the capacity of the*

existing services available and the financial ability of the municipality to provide the required additional infrastructure and services.

- d) *To broaden the range of housing options available to existing and future residents of the Town, by encouraging the continued production of a diverse and affordable mix of housing that is capable of meeting the needs of all households – including low and moderate income households and households with special needs. The provision of a mixture of housing forms, sizes, tenures and affordable housing types, including both public and private sector sponsored housing are to be encouraged.”*

When considering the relevant Official Plan land use policies, it is noted that the proposed apartment building in its entirety is situated within the General Commercial designation, while the associated parking area is the only use within the Residentially designated land.

More particularly, it is noted that the northerly approximately two-thirds of the subject property is designated General Commercial in the Official Plan. This designation contemplates “Multiple Storey Apartment Residential”, subject to an Official Plan amendment. Accordingly, it is appropriate that the land owner has filed an application to amend the Official Plan to clearly permit the proposed 5-storey, 44-unit apartment building. Consequently, particular regard shall be given to Section 3.5 (a) General Commercial, which states the following with respect to Multiple Storey Apartment Residential uses:

“3.5 COMMERCIAL

(a) GENERAL COMMERCIAL

Multiple Storey Apartment Residential

- a) *Multiple Storey Apartment Residential uses may be permitted in areas designated General Commercial subject to an official plan amendment;*
- b) *Multiple storey apartments may be permitted up to a level of six storeys and the first floor or any portion thereof may be used for commercial purposes. The commercial uses shall be restricted to those outlined in Section 3.5 (a) i) above;*
- c) *Site standards for apartment uses shall be implemented through the Restricted Area By-law and a site plan agreement;*
- d) *Council, in reviewing apartment proposals in General Commercial areas, shall have regard to the following:*
- 1) *the adequacy of municipal services;*
 - 2) *the adequacy of parking facilities;*

- 3) *the adequacy of the landscape plan accompanying the proposal;*
- 4) *the general siting and height of the proposal in relation to adjacent existing developments;*
- e) *Council, in reviewing apartment proposals in General Commercial areas near major roadways and/or railroad tracks, shall consult with the Ministry of the Environment about noise affecting the site and the provisions of noise attenuation measures."*

Based on the foregoing, it is apparent that the Official Plan contemplates multiple storey apartment residential uses in the General Commercial area subject to the review, evaluation and public consultation process that would be undertaken as part of the required Official Plan Amendment process.

As noted above, the southerly approximate one-third of the subject property is currently designated Residential in the Official Plan. The following policies are deemed to have particular relevance in relationship to the subject applications:

"3.3 RESIDENTIAL

3.3.1 *The lands designated Residential shall be used primarily for residential purposes. Various types of residential dwellings shall be permitted within this designation, provided they meet all of the applicable policies of this Plan. The regulations and zone provisions of the town's comprehensive zoning by-law implementing this Plan shall be in accordance with the following:*

(iii) High Density Residential Uses

The maximum permitted density within any High Density Residential Zone shall be 75 units per net hectare. Permitted residential uses shall consist of townhouse dwellings and low-rise and mid-rise apartment buildings, up to 7 storeys in height.

Council will utilize the following criteria in the creation and application of medium and high density residential zone categories in the Town of Tecumseh:

- a) *medium and high density residential uses should have frontage and/or access driveways onto an arterial or collector road;*
- b) *proposals will not be approved which would result in substantial traffic flow increases on local streets serving single-unit residential development;*

- c) *apartment proposals of more than 3 stories should be separated from adjacent dwellings by a distance sufficient to maintain the privacy, amenity and value of surrounding residential properties.*

In considering applications to amend the town's comprehensive zoning by-law to establish a medium or high density residential use, Council will also have regard to the following:

- *the need for the proposed development as identified through an analysis of housing supply and demand;*
- *the density and form of adjacent development;*
- *the adequacy of the municipal water supply, sanitary sewers (and associated treatment plant capacity), storm drainage, and roads to serve the proposed development;*
- *the adequacy of schools, parks, and community facilities to serve the proposed development;*
- *the adequacy of off-street parking facilities to serve the proposed development; and*
- *the provision of adequate buffering standards deemed necessary to protect the residential amenities of adjacent land uses.*

Based on the foregoing, the Official Plan establishes that higher density residential uses are permitted, subject to the consideration of a number of criteria which will be addressed later in this Report.

Tecumseh Road/Main Street Community Improvement Plan

The subject property is within the Tecumseh Road/Main Street Community Improvement Plan (CIP) (see Attachment 5). The CIP identifies the importance of additional residential development in order to facilitate the rejuvenation of the entire CIP area. The CIP encourages the development of higher density residential uses within the CIP area, including duplexes, townhomes and apartment dwellings.

One of the objectives of the CIP is to:

“Encourage a diverse mix of housing in order to provide options for seniors and young people in more urban housing forms, and allow for housing in mixed use developments, to ensure the street is active and alive all days of the week, and all times of the day.”

Furthermore, the CIP has identified ten “Big Moves” that will form the basis for the proposed Urban Design Guidelines and Implementation Strategies. These “Big Moves” are the key design elements that will support the Vision and Guiding Principles, and define the CIP Concept. One of these “Big Moves” includes the creation of:

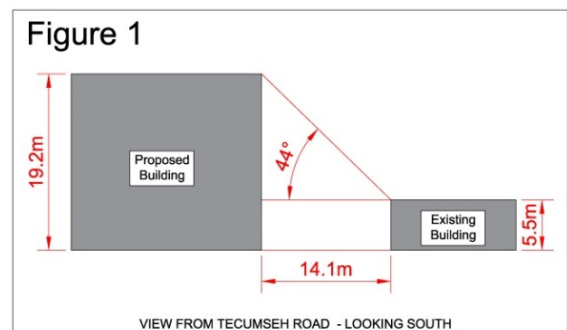
“higher density residential neighbourhoods north and south of main street with integrated public and private open spaces, road access, and pedestrian linkages.”

The CIP also contains land use recommendations that are intended to guide redevelopment and establish the basis of the policy framework needed to achieve the CIP vision. The land use categories recommended by the CIP establish a split designation of Main Street Commercial (which applies to the majority of the property including where the building is proposed to be located) and Town Centre Residential 1 (which applies to the southerly third of the subject property which is proposed for parking). The Main Street Commercial designation establishes a maximum Floor Space Index (FSI - gross floor area of building divided by lot area) of 3.0 and a maximum height of 13.5 metres (four storeys). The proposed multi-unit dwelling results in an FSI of approximately 1.5 but its height is five storeys (although it is important to note that the fifth storey is proposed to be “stepped-back from the front and rear main walls of the building, resulting in an appearance from the street of a four-storey building).

Despite these recommended restrictions, the CIP establishes that consideration may be provided to permit additional height or density subject to the Official Plan and Urban Design Policies of the CIP area. Given its location within close proximity to the three existing higher density apartment buildings which are six to seven storeys in height, it is believed that this site represents a good transitional zone to lower profile, more commercial-oriented buildings along the Tecumseh Road corridor to the east. The proposal is generally consistent with the land use and urban design policy standards of the CIP. It is believed that it will be a critical development towards achieving some of the important overarching, broad-based objectives for the area pertaining to encouraging higher density residential uses and increasing the residential population. Moreover, the subject proposal will assist in the strengthening of the CIP area by introducing additional residents to the area who will work/live/play/shop.

In terms of the architecture of the proposed multi-unit dwelling, the renderings provided to date (see attachments 3A to 3C) appear to meet the CIP guidelines for architectural building materials and features. It should be noted that, ultimately, these guidelines would have to be met in order to qualify for any available financial incentives offered through the CIP.

The CIP also identifies the dwelling to the west of the subject property (11941 Tecumseh Road) as a Heritage Character Building and, as such, encourages its conservation as part of the existing heritage fabric. To assist in achieving this goal, it establishes guidelines related to the transition of new buildings in relation to heritage resources to ensure they are in harmony with one another and do not detract, hide from view or impose in a negative way on existing heritage buildings. More specifically, it states that new



buildings must transition from the adjacent contributing buildings with a maximum 45 degree angular plane starting from the top of the contributing building. It also establishes that the setback between buildings must be at least half the building height. Figure 1 illustrates that the proposed apartment building, at a height of 19.2 metres, a separation distance of 14.1 metres, and an angular plane of 44 degrees, meets this CIP guideline concerning the transition of new buildings from existing heritage buildings.

Tecumseh Zoning By-law 1746

The subject property is currently zoned “General Commercial Zone (C3)” on Schedule “A”, Map 1 of Tecumseh Zoning By-law 1746 (see Attachment 6). As noted above, the current zoning contemplates multi-unit residential uses in the C3 zone however the provisions are written in a manner that seemingly only apply to existing buildings and accessory residential dwelling units above commercial uses. The proposed zoning by-law amendment would place the subject property into a site specific “General Commercial Zone (C3-13)” that would facilitate the proposed development.

The proposed zoning will establish a minimum front yard of zero and a minimum easterly side yard of 5.0 metres (16.3 feet), a minimum westerly side yard of 6.0 metres (20 feet) and a minimum rear yard of 43 metres (141 feet). In addition, the proposed zoning will permit an apartment building containing not greater than 43 dwelling units, along with one live-work unit at the front of the building. The proposed zoning would also establish restrictions to ensure that the fifth floor of the building was restricted to five units and that they are to be setback from the front and rear main wall of the second to fourth stories by a distance of 9.1 metres (30 feet) and 18.3 metres (60 feet), respectively.

Site Plan Control/Plan of Condominium

As previously noted, the subject property is subject to Site Plan Control. Council approval of a site plan control agreement will be required prior to any development occurring on-site.

In addition, the applicant will be required to obtain Plan of Condominium approval from the County of Essex for the condominium-ownership being proposed. The applicant has been advised of these requirements. Further public and Council involvement will be required during this process.

Evaluation of the Proposal in Context of Official Plan Policies

The following is a preliminary assessment of the proposed apartment building in the context of the range of matters to have regard to as established by a number of Official Plan policies:

1) Subsection 3.5 a) e) establishes the matters that Council shall have regard to in reviewing apartment proposals in General Commercial areas:

i) the adequacy of municipal services

The proposed development will be serviced with full municipal services. Public Works and Environmental Services indicates that it has no concerns with the development of

the property for the proposed use. An engineering analysis was undertaken at the time of the development of the CIP to identify necessary improvements to accommodate full build-out of this area. Its findings confirmed the adequacy of services for the proposed development and identified the need for a service corridor along the west side of the subject property to accommodate the future redevelopment and intensification of lands farther to the south in accordance with the CIP.

ii) the adequacy of parking facilities

Parking at a ratio of 1.5 spaces per dwelling unit is proposed, which is the minimum established in the Zoning By-law and is deemed appropriate for this type of residential development. It is further noted that the changing demographics and car-ownership patterns may justify even fewer on-site parking spaces. This combined with the fact that on-street parking is proposed at some time in the future leads us to conclude that parking is not a concern.

iii) the adequacy of the landscape plan accompanying the proposal

It is acknowledged that the proposal is more of an “urban” design that will rely upon high design standards in terms of exterior finishing details and materials, both with respect to the building and the associated features (pedestrian corridors, parking areas, laneway). There will be landscaping treatments provided along the easterly side yard and consideration will be given for the inclusion of fencing to provide a visual screening of the parking area from adjacent properties. Further details will be provided at the site plan approval stage.

iv) the general siting and height of the proposal in relation to adjacent existing developments

Although the lands surrounding the subject property to the north, east and west are commercially-zoned, there are existing single unit residential dwellings to the immediate east and west. The property to the immediate east also includes an automobile repair garage, which due to the nature of the use, currently dominates the site. Through the design evolution of the proposed concept, the Owner increased the easterly side yard to provide additional depth, totalling 5.0 metres (16.3 feet), in consideration of the easterly lot. It should be noted that due to the articulation of the easterly wall of the building, a majority of the proposed dwelling will be setback 5.8 metres (19 feet), with significant portions of the wall setback 7.3 metres (24.1 feet). The 5.0 metre side yard accommodates small balcony bump-outs from the main wall.

The dwelling on the property abutting to the immediate east has an approximate side yard depth of 4.2 metres (14 feet), thereby resulting in a separation distance of approximately 9.3 metres (30.4 feet) between the two buildings. It is important to note that this is an area in transition and it is reasonable to expect that the long term use of the property to the east is likely to be something other than a single unit dwelling (i.e. conversion to a commercial use and/or some form of residential intensification).

The westerly side yard, which includes the access laneway, is proposed to be 6.0 metres (20 feet). This combined with the position of the westerly house results in a total separation of 14.1 metres (46.3 feet).

Town Administration has conducted a review of minimum side yard requirements from other municipalities throughout Ontario for the type of development being proposed. This review has revealed a range of 4.5 metres (15 feet) on the lower end to 15 metres (49.2 feet) for more restrictive approaches that are more representative of suburban design standards. These ranges are dependent on the standard the community wants to establish as well as the neighbourhood context (i.e. main street commercial-residential mix vs strictly residential or urban vs suburban). Some municipalities establish a minimum interior side yard relative to the height of the building such as 1.2 metres (4.0 feet) per floor or one-half the building height. Under these scenarios, the minimum side yard for the subject property would be 6.0 to 7.5 metres (20 to 25 feet). It appears that establishing lower side yard requirements is becoming more common in order to accommodate residential intensification and create more compact, walkable communities. The side yard depths proposed are in line with the more urban standards established for this type of built form throughout Ontario.

The five-storey apartment building is situated on the northerly portion of the property, with the north face of the building being situated at the front lot line (this being the front lot line after the 3.0 metre/10 foot road-widening land dedication from the Owner to the Town that will occur at the time of site plan approval). This results in the massing of the building being situated on the northerly portion of the property. The lands immediately east of the proposed apartment building are predominantly commercial. Residential uses fronting on Shawnee Road are farther to the east and are separated from the proposed apartment building by a commercial property. This will provide, in our opinion, adequate separation between the proposed apartment building (and the associated parking lot) and these residential uses.

Uses in the immediate vicinity of the subject property are ground-oriented (i.e. one to two stories). However, there are a number of apartment buildings to the west which range in height from six to seven storeys. A five-storey building is a step down from those buildings and is generally consistent with the vision expressed in the CIP.

As a final note, the subject property and adjacent lands are currently zoned General Commercial C3, which permits a zero side yard. Accordingly, there is already an inherent opportunity for the lands to develop commercially in a very intensive manner.

In summary, we believe that the proposed development of the subject property, though having significantly more building mass and height relative to the surrounding lands, will appropriately integrate into the neighbourhood and not adversely affect the enjoyment and use of adjacent properties.

2) Other Matters for Council to Consider

i) *Density*

The General Commercial designation permits multi-storey apartment buildings subject to an amendment to the Official Plan. Although it establishes a maximum height of six stories, it does not establish a maximum density. It simply states that site standards for apartment uses shall be implemented through the Restricted Area By-law and a site plan agreement and establishes matters for Council to have regard to (adequacy of services, parking, landscaping, and siting and height relative to adjacent lands). Accordingly, the scale/density of the development is regulated more as a function of limitations due to a maximum number of stories combined with the need to have access to adequate municipal services, provide adequate on-site parking and landscaping while having regard to adjacent lands. These were discussed in the previous section.

Nevertheless, there is merit in considering how the proposed density compares to the maximum density stated for lands designated Residential as well as providing a comparison to a number of the existing apartment developments in the immediate vicinity of the subject property.

The Official Plan establishes that the maximum permitted density within any High Density Residential Zone shall be 75 units per net hectare and the maximum height shall be up to seven storeys. The proposed 5 storey apartment building contains 44 total units and results in a density of 119 units per hectare.

Although the proposed density exceeds the maximum established for lands designated Residential, there are factors that warrant the consideration of an amendment to the Official Plan. As noted earlier in this Report, residential development of a form and density similar to that which is being proposed exists to the west of the subject property, summarized as follows:

11886 Tecumseh Road – 53 dwelling units, 8 commercial units, 57 units/ha;
 11873 Tecumseh Road – 149 dwelling units, 62 units/ha; and
 11917 Tecumseh Road – 99 dwelling units, 51 units/ha.

Although these densities are lower than the proposed development, the lots on which they are situated contain a significant amount of land that is not actively used in conjunction with the buildings. In fact, these lands were identified in the CIP as being opportunities for residential intensification. When these land areas are factored out of the density calculation, the corresponding density figures are more similar to the proposed development, as follows:

11886 Tecumseh Road – 71 units/ha
 11873 Tecumseh Road – 83 units/ha; and
 11917 Tecumseh Road – 113 units/ha.

It should also be noted that the dwelling units within the proposed apartment building are anticipated to have a lower persons-per-household (pph) yield than that which the Official Plan density limits were based on. This smaller yield is due to the changing demographics (trending to smaller household sizes due to aging population, smaller family sizes) and the fact that they will be only two-bedroom units. Accordingly, the increase in the number of total residents will not have a significant impact on servicing demands and will result in lower traffic generation than it would if it consisted of units designed to accommodate a higher pph.

In summary, it is our opinion that the density is reasonable and appropriate given the proposed developments ability to satisfy the criteria for apartment buildings in the General Commercial area.

ii) Traffic

The subject property fronts Tecumseh Road - an arterial road as defined in the Official Plan. The road was given a unique status in the Town's recently approved Transportation Master Plan as a Commercial Main Street, which is an acknowledgement of the unique purpose of this important road which is intended to move large volumes of traffic while having regard to a more pedestrian-friendly and mixed-used environment. This is a unique designation, applicable only to Tecumseh Road through the CIP area. Direct access to the road is proposed along a 20-foot wide access drive (comprising a 17-foot driveway plus a 3-foot designated walkway with differentiated surface treatment and use of bollards) on the west side of the subject property.

A traffic study conducted by Dillon Consulting on behalf of the Town during the preparation of the CIP concluded that the study area could be intensified as projected and that the road would be able to accommodate the increase in traffic flow. We are of the opinion that the proposed development will not adversely impact traffic conditions on Tecumseh Road.

It is further noted that the CIP recommends a public road/laneway access between Harbour Street and Tecumseh Road in line with the location of the proposed driveway for this development. The purpose of this public road/laneway is two-fold:

- to provide improved connectivity to enable the intensification of lands to the west, south and southwest;
- to provide a public corridor for infrastructure (water, wastewater and storm pipes) that will be required to connect these developable lands to the south and southwest to the trunk facilities along Tecumseh Road.

The applicant is aware of the foregoing objectives and has designed the site in a manner that could accommodate these design requirements. Further dialogue is required with the applicant to determine the means by which these objectives can best be realized (e.g. conveyance of easement or municipal right-of-way, cross-access agreement, design details, etc). The site specific Official Plan policies being considered for the

subject property should re-affirm these objectives, which will ultimately be negotiated at the time of the Plan of Condominium Approval and associated Site Plan Agreement. Again, it is important at this time to note that the current proposed site design can accommodate these objectives without adversely affecting the developability of the subject property.

iii) *Transit*

The subject property is ideally located in relation to transit services. Tecumseh Road is the main east-west spine of the Tecumseh Transit Service (TTS). There are two TTS bus stops in close proximity to the subject property. One of these stops is for outbound trips westerly to the Tecumseh Mall where riders can access the City of Windsor transit system through a major transit hub location at this mall. The other stop, along Tecumseh Road, takes riders eastbound along the Tecumseh Road corridor and Manning Road commercial areas and other Town destinations.

iv) *Compatibility with Adjacent Uses*

Much of the preceding discussion relates to various elements that collectively help one to determine the level of compatibility of the proposed apartment building with surrounding lands. Although it is a residential use, it can have differing impacts on surrounding land uses as a function of its size, massing and scale. It is acknowledged that the proposed apartment building does comprise a different form of housing from that which currently exists on abutting properties and is a use that has a higher intensity than the range of surrounding land uses. Nevertheless, it is consistent with the cluster of apartment buildings to the west of the subject property. We believe that the building is of a size and location that it will be compatible with the surrounding land uses. There is sufficient separation from the stable, low density residential development situated along Shawnee Road by virtue of the intervening commercial properties to the immediate east of the subject property. Analysis earlier in this Report leads us to conclude that the proposed apartment building will be compatible with the existing homes at the front of the properties to the east and west. As has been stated previously, the subject property is part of a broader area that is in a state of transition and one that has been identified as suitable for intensification. We believe that the proposed use and existing surrounding commercial uses will be compatible.

Transitional areas bring challenges as the final form of development in the entire area is typically not realized for many years and the new development that is introduced frequently occurs incrementally and sporadically across different segments of the area. It is currently our opinion, however, that the subject proposal will be compatible with the existing uses and the anticipated future uses. Input from surrounding property owners and stakeholders will assist in fully considering the issue of compatibility.

v) *Market Need*

There has been growing interest from the development community for the construction of this type of development along Tecumseh Road in the CIP. The Owner has advised

that his research indicates that market demand exists in the area for the type of development being proposed. Anecdotally, the recent Phase 2 apartment building (also of condominium ownership) by Petretta Construction at 300 Manning Road was very quickly absorbed by the market. Further, the Town is continually being approached by residents inquiring about alternative forms of housing that would involve smaller units with less maintenance. It is this type of housing that is necessary to allow seniors/retirees/empty nesters to comfortably remain in this community, while also being desirous by millennials.

This trend is further validated in the Housing and Residential Intensification Discussion Paper prepared to support the development of policy in the Town's new Official Plan. It concluded that in order to address current and future housing needs, a wider range of housing options will be needed, both in terms of house form and tenure. It also noted that over the 20-year planning horizon, there will be a growing demand for housing options for older adults as the baby boomer generation reaches retirement age. Many will want to downsize into smaller dwelling units including semis, townhouses and apartments.

vi) *Adequacy of Schools/Parks/Community Facilities*

A municipal park, Southfield Park, is located on the east side of Southfield Road within walking distance to the southwest of the subject property (see Attachment 1A). Access to this park will be enhanced over time as connections to the south and west are acquired through the redevelopment of this area in accordance with the CIP. There are a number of elementary schools within the Town serving this area, some of which are within walking distance of the subject property. Many of the Town's major community facilities are also within walking distance of the subject property. Again, it should be noted that the site is serviced by the Tecumseh Transit Service. Town Administration has no concerns with the adequacy of these facilities.

vii) *Adequacy of Buffering/Landscaping Abutting Residential Uses*

A preliminary site plan submitted with the Official Plan and Zoning By-law amendment applications focuses more on the issue of building placement, access routes and parking lot layout. It currently depicts a landscaped area between the proposed building and the easterly lot line. Details that will be required in order to ensure the adequacy of the buffering/landscaping abutting residential uses (and other adjacent uses) include specific landscape features/planting details, adequate fencing around the parking areas, final hard surface treatments across the front of the building and along the access driveway/pedestrian walkway, external lighting that does not adversely project onto adjacent land and so on. Site plan control will be used to ensure adequate design details are implemented to properly integrate the proposed development with adjacent land uses.

Based on all of the foregoing, the proposed development is generally in keeping with the aforementioned objectives and policies of the Tecumseh Official Plan in terms of broadening the range of housing types and encouraging intensification. It is also in keeping with the objectives of

the CIP. As has been previously stated, the proposed development is contemplated on lands designated General Commercial, subject to an Official Plan amendment. We believe that the criteria to which Council is to have regard for such an amendment have been addressed and that input from the public would assist in fully evaluating the proposal.

Accordingly, it is the opinion of Administration that, based upon our preliminary review, the proposed development generally conforms to the Tecumseh Official Plan subject to the finalization of proper design details. The ultimate design will need to ensure that adequate buffering standards are provided in order to enhance compatibility with adjacent land uses and the access/servicing corridor issue along the west side is adequately addressed in order to ensure proper integration with the existing neighbourhood and intensification opportunities on adjacent lands.

Conclusion

Having regard to the range, scale, location and nature of surrounding uses, the geographic location of the proposed development along with current policy initiatives encouraging standards that support more compact and efficient development, it is believed that there is merit in considering the requested applications to permit residential intensification vis-à-vis a 5-storey, 44-unit apartment building on the subject property. Accordingly, it is recommended that a public meeting be scheduled in accordance with the provisions of the *Planning Act* as a means to seek public input. A public meeting to consider the proposed amendments will provide an opportunity to hear concerns and comments, if any, of neighbouring owners and other interested stakeholders/agencies. It is important that the concerns and comments of these stakeholders be taken into consideration as part of the full evaluation of the applications.

CONSULTATIONS

The application was reviewed at recent Planning Staff Review meeting(s) by:

Public Works and Environmental Services
Fire and Emergency Services

FINANCIAL IMPLICATIONS

There are no financial implications.

Planning and Building Services Report 02/17
 Official Plan and Zoning By-Law Amendments
 2253246 Ontario Inc. (Mr. Carl Bernat)
 11957 Tecumseh Road
 Proposed 5-Storey/44-Unit Apartment Building
 OUR FILE: D19 BERNAT
 February 14, 2017

LINK TO STRATEGIC PRIORITIES

No.	2015-16 Strategic Priorities	Applicable
1.	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.	✓
2.	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.	✓
3.	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.	
4.	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.	
5.	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 ☐

Planning and Building Services Report 02/17
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This report has been reviewed by senior Administration as indicated below and recommended for submission by the CAO.

Prepared by:

Chad Jeffery, MA, MCIP, RPP
Manager Planning

Reviewed by:

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

Recommended by:

Tony Haddad, MSA, CMO, CPFA
Chief Administrative Officer

Attachment(s):

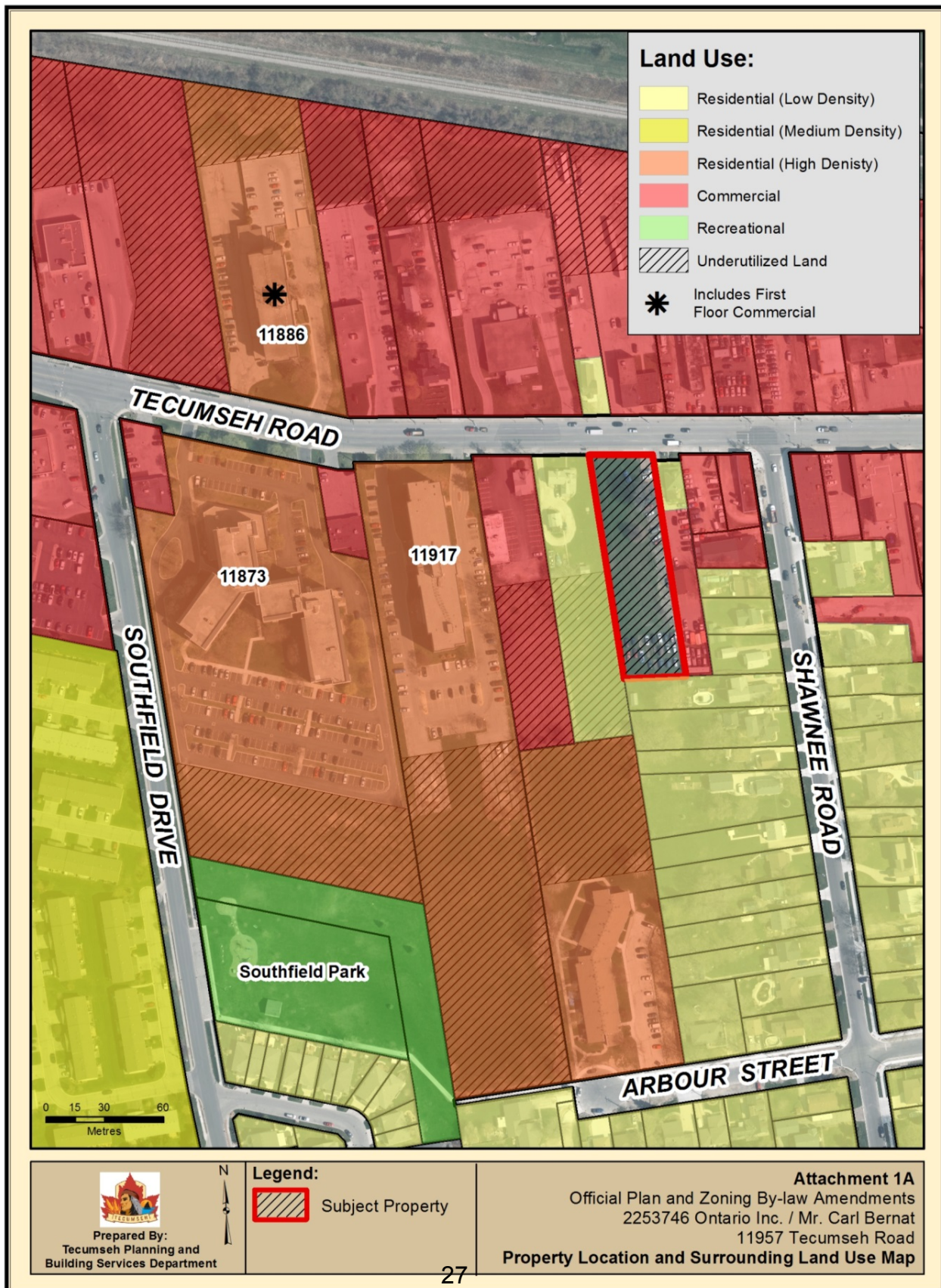
1. Property Location, with Site Plan Overlay Map
- 1A. Property Location and Surrounding Land Use Map
2. Proposed Site Plan
- 2A. Proposed Site Plan, Detail View
- 3A. Proposed Architectural Rendering 1
- 3B. Proposed Architectural Rendering 2
- 3C. Proposed Architectural Rendering 3
4. Official Plan Map
5. Property Location in Relation to
Tecumseh Road Main Street CIP Area Zoning Map
6. Zoning Map

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Planning and Building Services Report 02/17
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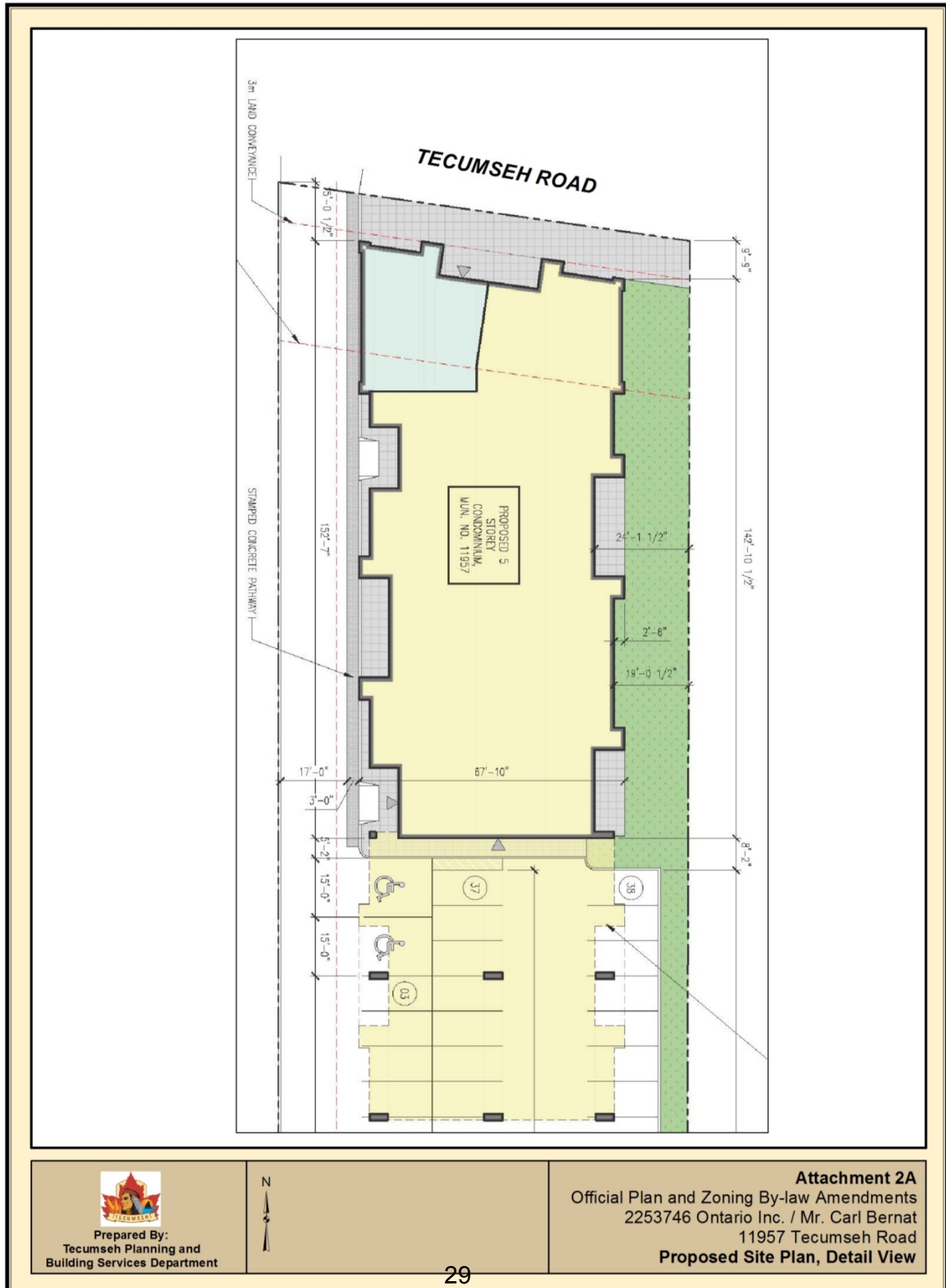


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 Official Plan and Zoning By-Law Amendments
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Planning and Building Services Report 02/17
 Official Plan and Zoning By-Law Amendments
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View from Tecumseh Road (looking south).



Prepared By:
 Tecumseh Planning and
 Building Services Department

Attachment 3A
 Official Plan and Zoning By-law Amendments
 2253746 Ontario Inc. / Mr. Carl Bernat
 11957 Tecumseh Road
Architectural Rendering 1

Planning and Building Services Report 02/17
 Official Plan and Zoning By-Law Amendments
 2253246 Ontario Inc. (Mr. Carl Bernat)
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 OUR FILE: D19 BERNAT
 February 14, 2017

 <p>Prepared By: Tecumseh Planning and Building Services Department</p>		<p align="right">Attachment 3B Official Plan and Zoning By-law Amendments 2253746 Ontario Inc. / Mr. Carl Bernat 11957 Tecumseh Road Architectural Rendering 2</p>
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D design

A associates
 inc. architect

PROPOSED COMMERCIAL/ RESIDENTIAL DEVELOPMENT
 11957 TECUMSEH ROAD EAST, TECUMSEH ONTARIO

Aerial View from Tecumseh Road (looking south-east).

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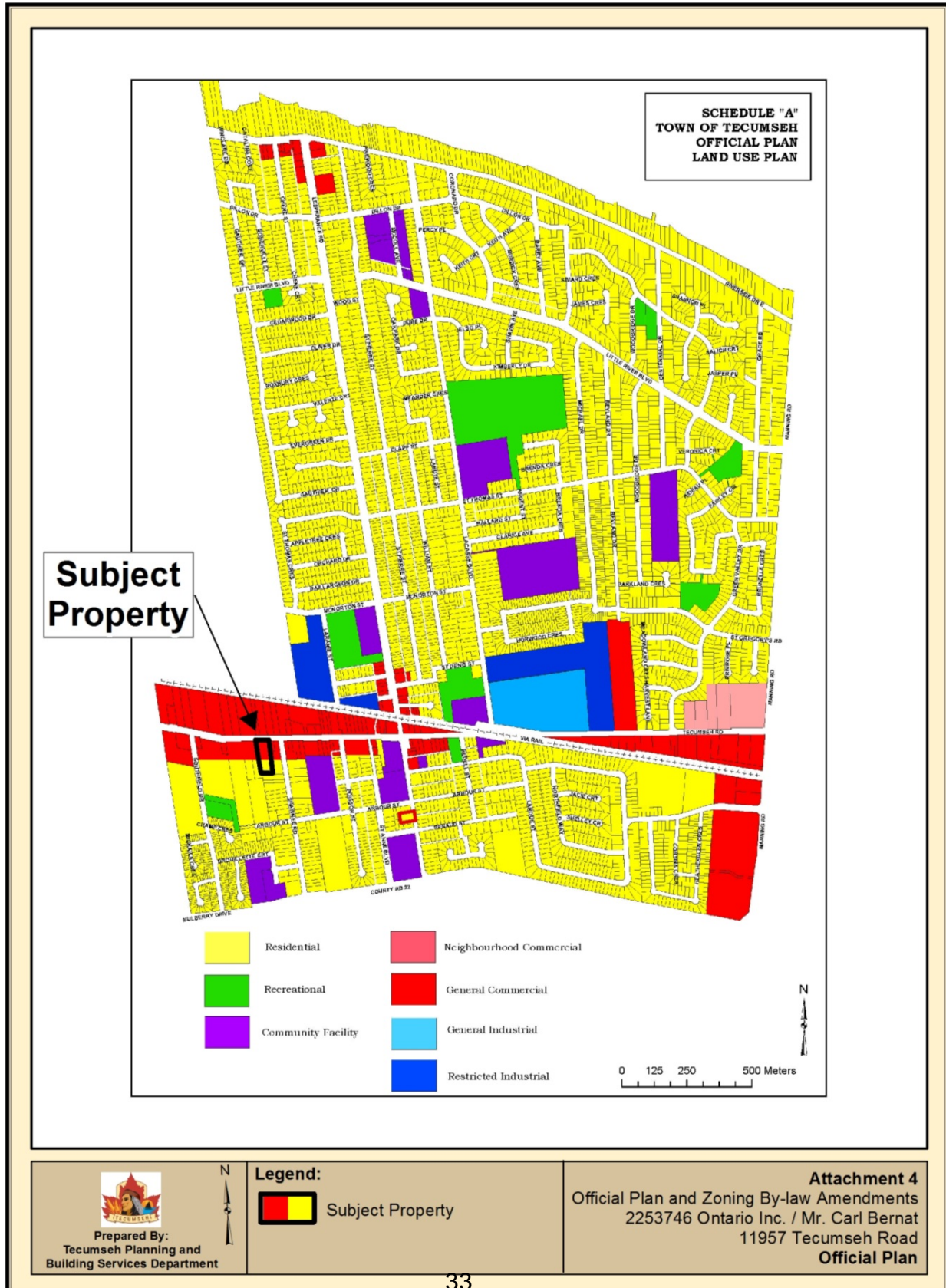
View from property to the east (looking north-west).



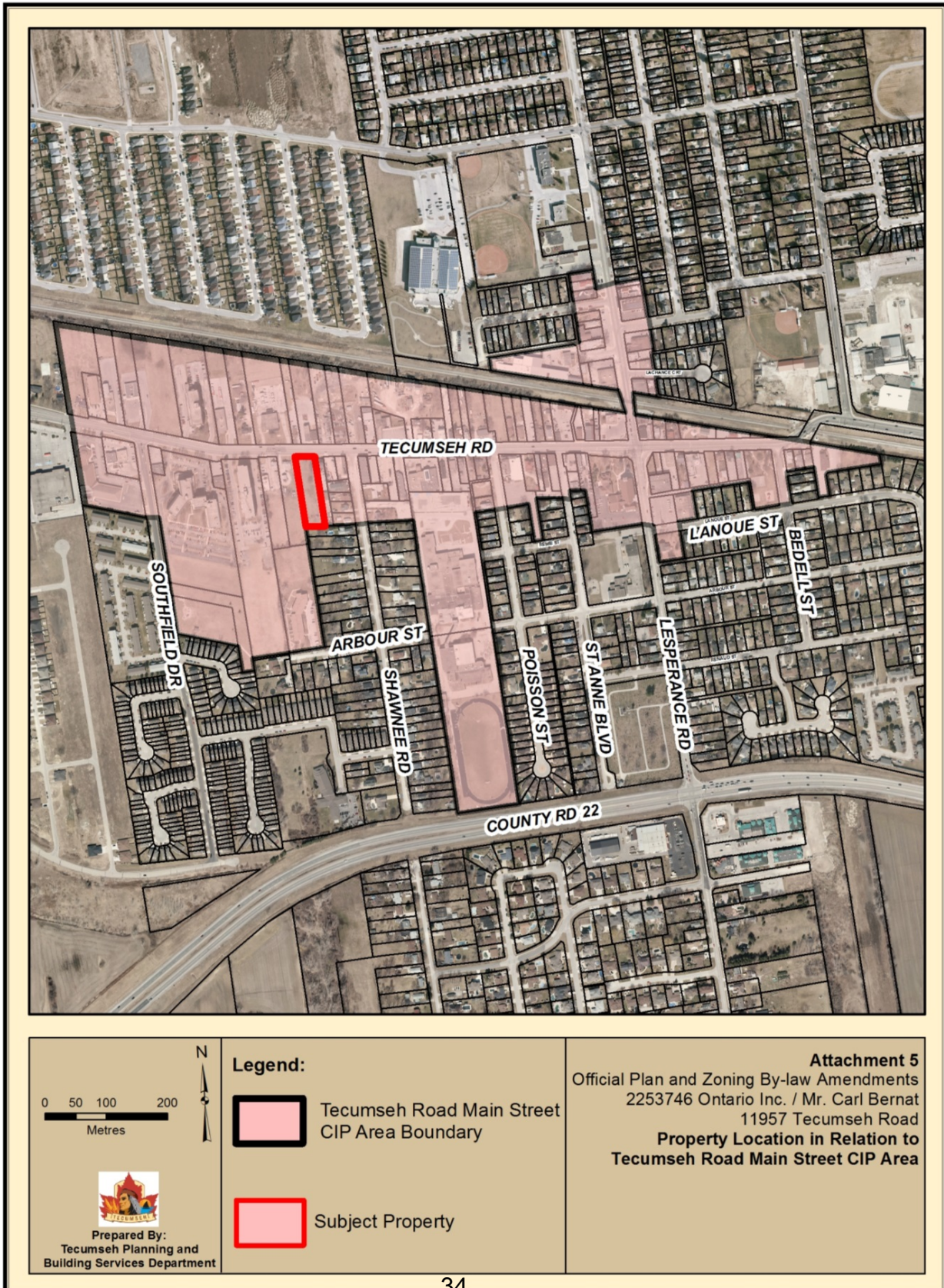
Prepared By:
 Tecumseh Planning and
 Building Services Department

Attachment 3C
 Official Plan and Zoning By-law Amendments
 2253746 Ontario Inc. / Mr. Carl Bernat
 11957 Tecumseh Road
Architectural Rendering 3

Planning and Building Services Report 02/17
 Official Plan and Zoning By-Law Amendments
 2253246 Ontario Inc. (Mr. Carl Bernat)
 11957 Tecumseh Road
 Proposed 5-Storey/44-Unit Apartment Building
 OUR FILE: D19 BERNAT
 February 14, 2017



Planning and Building Services Report 02/17
 Official Plan and Zoning By-Law Amendments
 2253246 Ontario Inc. (Mr. Carl Bernat)
 11957 Tecumseh Road
 Proposed 5-Storey/44-Unit Apartment Building
 OUR FILE: D19 BERNAT
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Planning and Building Services Report 02/17
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