

Public Council Meeting
Agenda

Tuesday, November 13, 2018, 5:00 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 hear public comment on the application for Official Plan and Zoning By-law amendments filed with the Town of Tecumseh for the southerly 0.56 acre portion of a 3.32 acre parcel of land located on the southwest corner of County Road 22 and Lesperance Road intersection. The portions of land subject to the applications is currently designated "General Commercial" with a site-specific policy in the Sandwich South Official Plan. This site specific policy permits the existing parking area associated with the Home Hardware Store and also prohibits a vehicular driveway access onto Westlake Drive. The purpose of the proposed Official Plan amendment is to revise the site-specific policy in order to remove the clause containing this prohibition and thereby facilitating the installation of a new driveway access onto Westlake Drive. The proposed new driveway will serve as a second vehicular ingress/ egress access point for the existing Home Hardware.

The purpose of the associated Zoning By-law amendment is to revise the current "General Commercial Zone" (C1-7) zone which prohibits a vehicular driveway access to Westlake Drive in order to remove the noted prohibition.

5. Delegations

6. Communications

a. Notice of Public Meeting

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Re: Proposed Official Plan and Zoning By-law Amendment, southwest corner of County Road 22 and Lesperance Road intersection.

7. Reports

a. PBS-2018-36 Official Plan and Zoning By-law Amendment, 1613 Lesperance Rd., Home Hardware

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8. 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, November 13th, 2018 at 5:00 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*.

Applications for Official Plan and Zoning By-law amendments have been filed with the Town of Tecumseh for the southerly 0.23 hectare (0.56 acre) portion of a 1.34 hectare (3.32 acre) parcel of land located on the southwest corner of the County Road 22/Lesperance Road intersection (see Key Map below). The portion of land subject to the applications is currently designated “General Commercial” with a site-specific policy in the Sandwich South Official Plan. This site-specific policy permits the existing parking area associated with the Home Hardware Store and also prohibits a vehicular driveway access onto Westlake Drive. The purpose of the proposed Official Plan amendment is to revise this site-specific policy in order to remove the clause containing this prohibition and thereby facilitating the installation of a new driveway access onto Westlake Drive. The proposed new driveway will serve as a second vehicular ingress/egress access point for the existing Home Hardware Store.

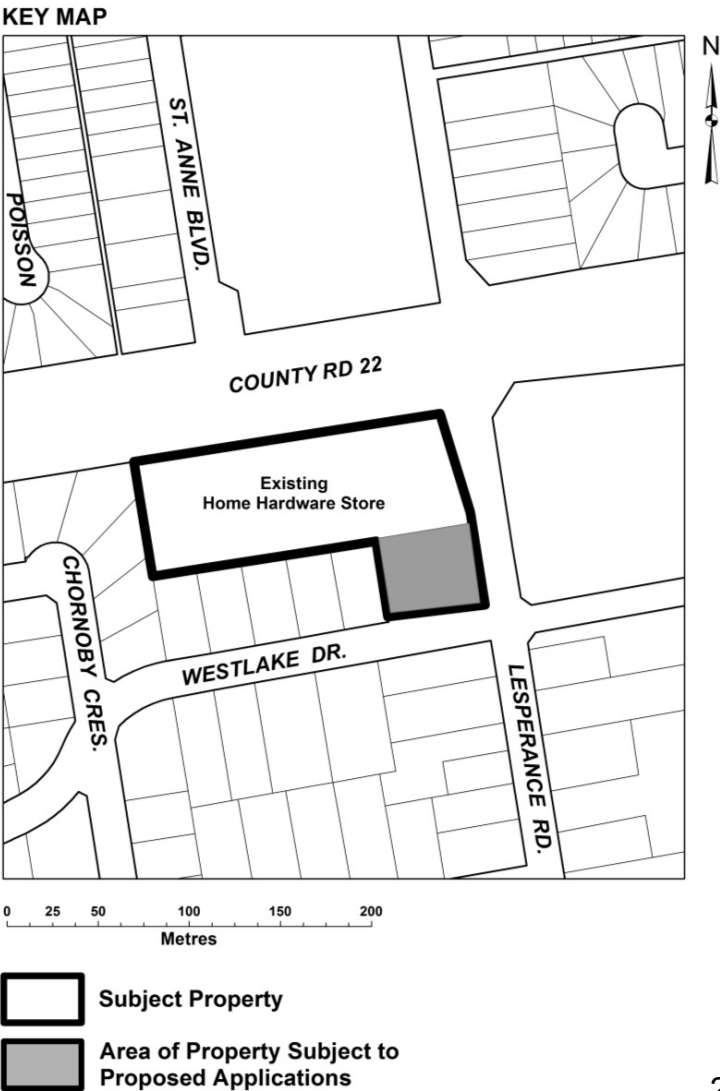
The purpose of the associated Zoning By-law amendment is to revise the current “General Commercial Zone (C1-7)” zone which prohibits a vehicular driveway access to Westlake Drive in order to remove the noted prohibition.

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

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

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

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



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

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

The Public Meeting Agenda regarding these applications will be available on the Town’s website (www.tecumseh.ca/home/agendas) on Friday, November 9th, 2018.

DATED AT THE TOWN OF TECUMSEH
THIS 17TH DAY OF OCTOBER, 2018.

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



The Corporation of the Town of Tecumseh

Planning & Building Services

To: Mayor and Members of Council

From: Chad Jeffery, Manager Planning Services

Date to Council: October 9, 2018

Report Number: PBS-2018-36

Subject: Official Plan and Zoning By-law Amendments
Home Hardware Stores Limited – 1613 Lesperance Road
Scheduling of a Public Meeting
Our File: D19HO

Recommendations

It is recommended:

1. **That** the scheduling of a public meeting to be held on November 13, 2018 at 5:00 p.m., for the applications submitted by Home Hardware Stores Limited to amend the Sandwich South Official Plan and Zoning By-law 85-18 for the southerly 0.23 hectares (0.56 acres) of a 1.34 hectare (3.32 acre) parcel of land located on the southwest corner of the County Road 22/Lesperance Road intersection, which applications propose to:

- i) revise the current site-specific “General Commercial” land use policy that prohibits a vehicular driveway access to Westlake Drive; and

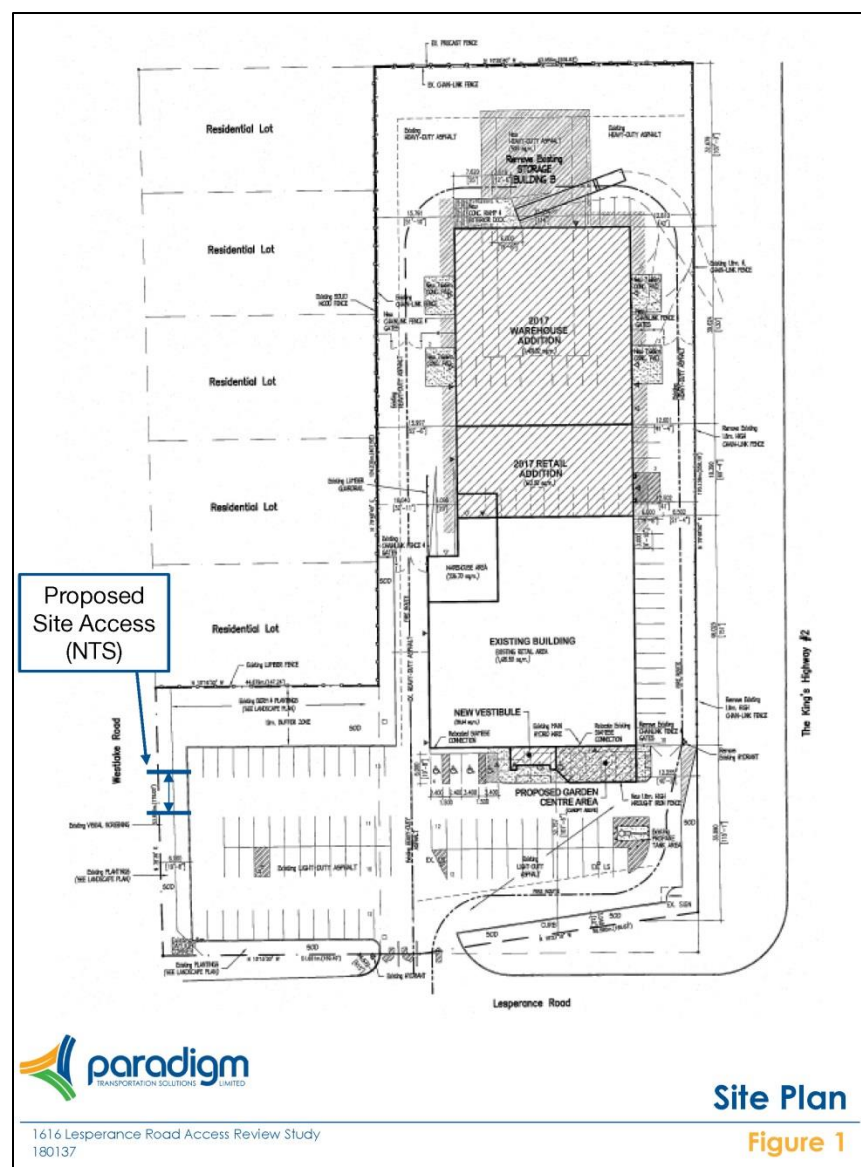
- ii) revise the current “General Commercial Zone (C1-7)” zone that prohibits a vehicular driveway access to Westlake Drive;

to remove the noted prohibition and allow for the installation of a vehicular driveway access onto Westlake Drive that will serve as a second vehicular ingress/egress access point for the existing Home Hardware Store, **be authorized**.

Background

Property Location and Surrounding Land Uses

Home Hardware Stores Limited, “the Applicant”, has filed applications with the Town to amend the Sandwich South Official Plan and Zoning By-law 85-15 for the southerly 0.23 hectares (0.56 acres) of the 1.34 hectare (3.32 acre) subject property located on the southwest corner of the County Road 22/Lesperance Road intersection (see Attachment 1). The proposed amendments would facilitate the installation of a vehicular driveway access onto Westlake Drive that will serve as a secondary access point for the existing Home Hardware Store. Figure 1 below identifies the conceptual location of the proposed driveway entrance. The existing sidewalk on the north side of Westlake Drive would traverse the property driveway. The exact location of the driveway access will be determined through the required site plan control amendment that will ultimately be approved by Town Council at a later date.



The lands surrounding the subject property (see Attachment 2) are as follows:

- North: County Road 22 forms the northerly boundary of the subject property with St. Anne's Cemetery situated on the north side of County Road 22.
- East: A commercial plaza is situated to the east across Lesperance Road. Residential lots fronting on Lesperance Road are located to the southeast.
- South: Single unit detached residential uses fronting on the south side of Westlake Drive and on the west side of Lesperance Road are situated to the south.
- West: Single unit detached residential uses fronting on Westlake Drive abut to the west.

Past Planning Approvals

In 2003, Council approved amendments to the Sandwich South Official Plan and Zoning By-law 85-18 for the 0.23 hectares (0.56 acres) subject property in order to accommodate the southerly extension of the Home Hardware parking lot. Prior to these amendments, the lands were designated and zoned residentially. As part of these amendments, a dwelling that once occupied this portion of the property was demolished.

The original applications proposed the installation of a vehicular access drive onto Westlake Road as part of the parking lot expansion. The new driveway was to provide a second access point to the Home Hardware site. At that time, it was noted that a second access point onto Westlake Drive could be contemplated as:

- i. Existing traffic conditions on Lesperance Road from County Road 22 south to Westlake Drive were prone to conflicts in the vicinity of the Lesperance Road entrance of Home Hardware and to Fairlane Towne Centre commercial plaza that abuts on the east side of Lesperance Road. Vehicles attempting to turn north-bound onto Lesperance Road were unable to make this movement as the traffic queue on Lesperance Road would often extend southerly past the Home Hardware entrance. As a result, traffic on Home Hardware property would become backed-up as no second means of egress was available.
- ii. The two aforementioned commercial uses fronting onto Lesperance, combined with the significant traffic volumes, caused delays in the movement of vehicular traffic through the area and at the County Road 22 intersection.
- iii. The proposed access onto Westlake Drive would have the potential of improving these traffic constraints by offering a second outlet, therefore providing relief to the existing condition on Lesperance Road. It was asserted that this second access could improve both on and off-street conditions in the immediate vicinity along Lesperance Road.

Through the public meeting/public consultation process, concerns related to increased speeding, traffic congestion and decreased safety of school children/pedestrians on Westlake Drive were raised by area residents.

In light of these concerns, and as part of the application review process, the Town engaged the services of Dillon Consulting to conduct a review of the proposed secondary access driveway onto Westlake Drive as it related to any potential traffic-impacts, pedestrian safety and to assess its merits. Additional public consultations were held with Town Administration and Dillon Consulting in order to review the public's concerns and provide a final recommended course of action to Council.

Ultimately, Dillon Consulting recommended a secondary driveway access point be constructed onto Westlake Drive in order to relieve traffic congestion at the existing Home Hardware driveway entrance on Lesperance Road. In addition, Dillon Consulting noted that the proposed second access driveway would be deemed normal for the subject property and would result in only a marginal increase in traffic onto Westlake Drive. No concerns related to pedestrian safety were identified.

Taking into account the comments of Dillon Consulting, Administration recommended to Council that the proposed Official Plan and Zoning By-law amendments submitted by the applicant be approved. Council, however, approved a modified version of the applications that permitted the parking lot expansion but specifically prohibited the installation of a driveway access onto Westlake Drive.

Proposed Development

Since 2003, the Home Hardware property has gone through multiple expansions and additions, the most recent of which is currently nearing completion. Based on this growth/expansion, the Applicant has advised that it wishes to revisit the concept of a second driveway access onto Westlake Drive. Based on the foregoing, the Applicant has filed applications seeking amendments to the Official Plan and Zoning By-law that would revise the current site-specific policy and zoning that applies to the noted southerly portion of the subject property. Specifically, the applications seek to remove the clause which specifically prohibits the driveway access that would provide vehicular ingress/egress to Westlake Drive.

Supporting Documents

The following document has been prepared by the Applicant and submitted to the Town in support of the applications:

- i. **Traffic Impact Study, Access Review Study – 1613 Tecumseh Road, Paradigm Transportation Solutions Limited, August 2018**

During early discussions with the Applicant regarding the potential introduction of a driveway access onto Westlake Drive, Town Administration identified that the preparation of an updated Traffic Impact Study (TIS) would be required in order to assist with the assessment of the proposal from a traffic generation/traffic conflict perspective.

Accordingly, the Applicant retained the services of Paradigm Transportation Solutions Limited to prepare a TIS.

The TIS assessed the acceptability of a new vehicular access to the site on Westlake Drive and analyzed the existing and proposed site driveways, the operation of the traffic control signal at Lesperance Road and County Road 22 (as it relates to queuing for the northbound movements), and the unsignalized intersection of Westlake Road and Lesperance Road. The TIS took into account the expansion to the Home Hardware building that is nearing completion.

The TIS concluded that:

- The northbound queue at the Lesperance Road and County Road 22 intersection extends beyond the existing Home Hardware driveway during AM, PM, and weekend peak hour conditions;
- The northbound queue at the Lesperance Road and County Road 22 intersection extends beyond the Lesperance Road and Westlake Drive intersection under existing PM peak hour conditions; and
- The building expansion is forecasted to generate an additional 45 and 210 vehicles in the PM and weekend peak hours respectively.

Based on the above-noted peak hour conditions, the TIS concluded that:

- The existing site entrance is blocked by the northbound Lesperance Road queue under existing peak hour conditions;
- The proposed site entrance onto Westlake Drive will improve the ability for vehicles destined for the Lesperance Road and County Road 22 intersection to complete a turning maneuver during the AM and weekend peak hours;
- The proposed site entrance onto Westlake Drive will provide a bypass around most of the northbound queue for vehicles destined for the site during peak hours; and
- Vehicles exiting the site through the proposed site entrance on Westlake Drive will still face delays when travelling northbound on Lesperance Road during PM peak hour conditions.

Town Administration has reviewed this study and is satisfied that its analysis and recommendations are sufficient to support consideration of the proposed application and to proceed with a formal public meeting. In addition, its findings appear to be in line with the recommendations that were made by Dillon Consulting in 2003, when the original proposal for a Westlake Drive entrance was proposed.

Comments

The following summary of relevant goals and policies is provided to assist Council in understanding the scope of the issues and the matters requiring consideration as this proposal advances through the planning process.

Provincial Policy Statement, 2014

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*. The PPS encourages and supports development on lands identified for urban growth in settlement areas. Relevant excerpts include:

- “1.3.2.1 Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.”

County of Essex Official Plan, 2014

The subject property is within a Primary Settlement Area as identified in the County Official Plan. The County Official Plan encourages urban development within identified settlement areas.

The following goals and policies of the County Official Plan are of relevance in the assessment of the subject proposal:

“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.
- f) To increase the opportunity for job creation within each County municipality by attracting and maintaining industries and businesses closer to where County residents live.”

Sandwich South Official Plan

As noted above, the portion of the subject property subject to the applications is designated General Commercial (see Attachment 3), with a site-specific policy. This site-specific policy establishes the permitted use of the area for a parking lot, establishes landscaping requirements and also specifically prohibits a driveway access onto Westlake Drive.

Based on the foregoing, an amendment to the Official Plan in order to revise the existing policy that applies to the property is required. Subsection 6.17 of the Official Plan, Amendment Procedures, establishes that, when contemplating an amendment to the Official Plan, due regard shall be had to the following matters:

- i) the physical suitability of the land to be used for the proposed use;
- ii) the adequacy of all required services;
- iii) the adequacy of the road system to accommodate the projected traffic volume increases;
- iv) the compatibility of the proposed use with existing and potential future uses in the surrounding area;
- v) the need for additional land to accommodate the proposed use/facilities.

Any decision of Council regarding the proposed Official Plan Amendment should have adequate regard to the preceding matters.

Sandwich South Zoning By-law 85-18

As noted above, the portion of the subject property subject to the applications is in a site-specific General Commercial Zone (C1-7) (see Attachment 4). The C1-7 zone permits the existing parking lot, establishes setback and landscaping requirements and also specifically prohibits a driveway access onto Westlake Drive.

Subsection 6.17 of the Official Plan, Amendment Procedures, as noted above, also applies when reviewing the appropriateness of applications to amend the Zoning By-law. Any decision of Council regarding the proposed Zoning By-law Amendment should also have adequate regard to the matters contained in this subsection.

Site Plan Control

The subject property is subject to Site Plan Control in accordance with the *Planning Act*. In the event the subject applications are approved, the Applicant will be required to apply for a site plan control amending agreement in order to ensure that the proposed access driveway onto Westlake Drive is located, designed and constructed to the Town's satisfaction. It is believed that a properly designed commercial driveway crossing a sidewalk as proposed is a relatively normal condition for an urban area and can exist in a manner that is safe for those using the sidewalk on Westlake Drive.

Summary

In summary, it is the opinion of the writer, along with Town Administration, that the proposed applications warrant further consideration. A public meeting to consider the proposed official plan and zoning by-law amendments, in accordance with the requirements of the *Planning Act*,

will provide an opportunity to hear any concerns and comments 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

Planning & Building Services
 Public Works & Environmental Services
 Fire & Emergency Services

Financial Implications

None

Link to Strategic Priorities

Applicable	2017-18 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 the Town of 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 the Town of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☐

Website ☒ Social Media ☐ News Release ☐ Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Enrico DeCecco, BA (Hons), MCIP, RPP
Junior Planner

Reviewed by:

Chad Jeffery, MA, MCIP, RPP
Manager Planning Services

Reviewed by:

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

Recommended by:

Tony Haddad, MSA, CMO, CPFA
Chief Administrative Officer

Attachment Number	Attachment Name
1	Subject Property Map
2	Subject Property and Surrounding Land Uses Map
3	Official Plan Map
4	Zoning Map

