



## The Corporation of the Town of Tecumseh

Planning & Building Services

**To:** Mayor and Members of Council

**From:** Brian Hillman, Director Planning & Building Services

**Date to Council:** February 11, 2020

**Report Number:** PBS-2020-06

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

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### Recommendations

It is recommended:

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

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

### Executive Summary

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

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

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

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

## **Background**

### **Initial Development Proposal**

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

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

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

## **Revised Development Proposal**

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

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

## **Revised Official Plan and Zoning By-law Amendment Applications**

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

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

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

## **Comments**

### **Issues/Concerns Raised at Public Meeting**

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

#### **Issue No. 1 – Traffic**

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

#### **Administration's Response**

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

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

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

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

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

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

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

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

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

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

## **Issue No. 2 – Municipal Servicing Constraints**

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

### **Administration’s Response**

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

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

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

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

#### **Administration's Response**

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

### **Issue No. 4 – Compatibility**

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

#### **Administration's Response**

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

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

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

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

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

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

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

## **Planning Analysis**

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

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

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

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

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

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

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

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

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

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



## Summary

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

## Consultations

County of Essex

## Financial Implications

None

## Link to Strategic Priorities

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

## Communications

Not applicable ☐

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

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

Prepared by:

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Recommended by:

Margaret Misek-Evans, MCIP, RPP  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
1	Subject Property Map
2	Original Development Proposal Site Plan
3	Revised Development Proposal Site Plan