



The Corporation of the Town of Tecumseh

Planning & Building Services

To: Mayor and Members of Council

From: Brian Hillman, Director Planning & Building Services

Date to Council: March 24, 2020

Report Number: PBS-2020-14

Subject: Results from Public Meeting No. 2 and Final Recommendation
Proposed Official Plan Amendment and Zoning By-Law Amendment
F&S Enterprises Multi-Unit Residential Development
12300 County Road 42
Our File: D19 BASHI

Recommendations

It is recommended:

That a by-law having the effect of amending the Sandwich South Official Plan land use designation for a 0.66 hectare (1.63 acre) parcel of land located on the northeast corner of the County Road 42/Lesperance Road intersection (12300 County Road 42) from “Neighbourhood Commercial” to “Medium Density Residential” with a site-specific policy establishing a maximum density of 36 units per hectare, in order to facilitate the development of the lands for four, six-unit, three-storey dwellings, for a total of 24 dwelling units and in keeping with PBS-2018-27, PBS-2020-06 and PBS-2020-14, **be adopted;**

And that a by-law having the effect of amending the Sandwich South Zoning By-law 85-15 for a 0.66 hectare (1.63 acre) parcel of land located on the northeast corner of the County Road 42/Lesperance Road intersection (12300 County Road 42) from “General Commercial Zone (C1)” to a new site-specific “Residential Zone 2 (R2-5)”, in order to facilitate the development of the lands for four, six-unit, three-storey dwellings, for a total of 24 dwelling units and in keeping with PBS-2018-27, PBS-2020-06 and PBS-2020-14, **be adopted.**

And further that a by-law placing the 0.66 hectare (1.63 acre) parcel of land located on the northeast corner of the County Road 42/Lesperance Road intersection (12300

County Road 42) under site plan control in accordance with Section 6.4.3 of the Sandwich South Official Plan, **be adopted**.

Background

Application Submission

In 2018, applications were filed by F&S Enterprises (“the Applicant”) 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 (see Attachment 1). The proposed amendments at that time proposed the construction of a residential development consisting of three six-unit, three-storey multi-unit dwellings, for a total of 18. 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.

A Report reviewing the original proposal, along with a planning analysis by the Planning and Building Services 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.

Public Meeting No. 1

On September 25, 2018, Council held a public meeting in accordance with *The Planning Act* to hear comments on the aforementioned applications. Issues raised at the first public meeting were related to traffic, the availability of municipal servicing capacity for the proposed development, opportunity for abutting property owners to develop unused portions of their lands and compatibility. Council ultimately directed that Administration prepare a report commenting on the issues raised for consideration at a second public meeting.

Subsequent to the first public meeting, the County of Essex Infrastructure Services Department (“County IS”) advised of concerns related to access to the subject property relative to County Road 42. Based on the issues raised at the public meeting and the County concerns related to access, a meeting was 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 to a residential development for the entire property which included four six-unit, three-storey dwellings for a total of 24 dwelling units (see the revised preliminary site plan at Attachment 2). The revised proposal for exclusively a residential development was driven by the need to accommodate the County’s requirements regarding the location of a driveway to the property, which due to its location would not reasonably support the proposed commercial component of the development.

Public Meeting No. 2

On February 11, 2020, a second public meeting was held to review the revised proposal along with providing a response to the issues raised at the first public meeting. A Report reviewing the revised proposal, along with an Administrative response to the issues raised at the first public meeting, was provided by way of PBS-2020-06. This Report was received and reviewed by Council at the second Public Meeting on February 11, 2020.

At the February 11, 2020 Public Meeting, Mr. Jeff Sylvestre (representing James Sylvestre Enterprise) indicated general support for the proposal, however he expressed concern with respect to the capacity of the sanitary sewers to accommodate the development. He indicated that his interest is driven by a separate vacant property owned by the Sylvestres (under corporate name 851381 Ontario Ltd.) located on the south side of County Road 42 approximately 800 metres west of the subject property, which is in the same sanitary service area as the Applicant's property. Specific sanitary servicing details regarding this Sylvestre property are discussed later in this Report.

Mr. Sylvestre suggested that the Applicant's proposed development should be done in phases if the sanitary sewer would be experiencing larger flows than originally anticipated.

Comments

Response to Issue Raised at Public Meeting No. 2

In response to the concern raised at the second public meeting, the Director Public Works & Environmental Services indicated at the public meeting that he had previously met with Mr. Sylvestre to discuss the current status of the Town's Sanitary Sewer Model Update, as well as the sanitary sewer works the County of Essex is proposing as part of the larger County Road 42 Improvement Project. It was indicated that the Applicant's proposed development was reviewed by a third party, where the sanitary sewers were analyzed to determine the effects on the Hydraulic Grade Line (HGL) for dry and wet weather flows. The analysis confirmed that the dry flows were contained within the sanitary sewers and that the effect on the wet weather HGL was an increase between 2mm-3mm, which is negligible and deemed acceptable. A copy of the third party analysis is attached to this report as Attachment 3.

February 11, 2020 Letter Submitted

A letter dated February 11, 2020 was received from James and Jeannette Sylvestre representing James Sylvestre Developments Ltd. ("Sylvestres"), which also requested a phased approach to the proposed development (see Attachment 4). It also more specifically raised details of a separate issue being discussed with Administration with respect to the timing and process for the removal of the 2013 Sewage Capacity Reallocation Agreement ("Agreement") registered on title on their vacant 'Commercial Property' located on the south

side of County Road 42, the same property referenced by Mr. Jeff Sylvestre at the second public meeting.

As background, the Sylvestres had approached the Town in 2013 requesting that the County Road 42 property's sewage allocation be "frozen" and reallocated to one of their other properties that was outside of the sanitary service area. This request was ultimately formalized by way of the execution of the Agreement by the Sylvestres and the Town which had the effect of reallocating sanitary sewage capacity from the property on County Road 42 to another of their properties which was located outside of the sanitary service area and came to be known as the Strawberry Ridge Phase 4 residential development. This transfer of sanitary allocation permitted the residential development of these lands, which development has since been built-out.

The Agreement is clear as to the timing and process for its removal from the title of the property on County Road 42, specifically Section 3.4 Amendment or Release/Removal, which states:

"At such time in the future as the Town upgrades its sewage capacity so as to allocate capacity to a portion of the Commercial/Industrial lands, as confirmed in writing by the Town, either party may initiate a necessary amendment to the Agreement to confirm the change in allocation."

The necessary upgrades have not been completed to allow the Town to allocate capacity to the noted County Road 42 property at this time and therefore the terms of the Agreement remain in effect. As previously noted, the Town continues to undertake work with respect to the Town's Sanitary Sewer Model Update, as well as the sanitary sewer works the County of Essex is proposing as part of the larger County Road 42 Improvement Project as potential means to securing sewage capacity for allocation to the County Road 42 property. Once such capacity is available, the necessary steps will be taken to provide for its re-allocation to the noted property.

Administrative Recommendation

Based on the results of the third party engineering analysis conducted, it is the opinion of the Director Public Works & Environmental Services that the impacts on the wet weather HGL are acceptable and that there are no concerns with allowing the Applicant's proposed development to proceed. Accordingly, there is no need to phase the development of the subject property as adequate sewage capacity is available. It is important to note that, as the owner-operator of the municipal sanitary system, it is within the authority and responsibility of the Town to manage the system and determine the level of service to be provided to those properties within the service area.

Site Plan Control

Subsection 6.4.3 of the Sandwich South Official Plan establishes that new medium density residential developments shall be subject to site plan control. Accordingly, Administration recommends that a by-law be passed to make the lands subject to site plan control, thereby ensuring that all site design and servicing issues are adequately addressed prior to the development proceeding.

Summary

In summary, it is the opinion of the writer, along with Town Administration, that the concerns/issues raised by those in attendance at the prior public meetings and through written correspondence to the Town have been adequately addressed. Detailed site design issues will be addressed through the required site plan control agreement that will be brought forward to Council for approval at a future date. It is the opinion of the writer that the proposed Official Plan and Zoning By-law Amendments are consistent with the Provincial Policy Statement, conform to the County Official Plan and Town Official Plan policies and will result in appropriate development based on sound land use planning principles.

Accordingly, Town Administration recommends that Council pass by-laws amending the Sandwich South Official Plan and the Sandwich South Zoning By-law 85-18 permitting the proposed residential development. In addition, it is recommended that Council pass a by-law making the subject property subject to site plan control, in accordance with the Sandwich South Official Plan.

Consultations

Public Works & Environmental Services

Financial Implications

None

Link to Strategic Priorities

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

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

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

Prepared by:

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

Reviewed by:

Chad Jeffery, MA, MCIP, RPP
Manager Planning Services

Reviewed by:

Phil Bartnik, P.Eng.
Director Public Works & Environmental Services

Reviewed by:

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

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Subject Property Map
2	Revised Preliminary Site Plan
3	Third-Party Analysis of Development Proposal
4	February 11, 2020 letter from James and Jeannette Sylvestre