



## 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-2020-13

**Subject:** Comments from Public Meeting and Final Recommendation  
Proposed Official Plan and Zoning By-law Amendments  
Skyline Real Estate Holdings  
11873 and 11917 Tecumseh Road  
Proposed 150-Unit, Four-Storey Apartment Building  
OUR FILE: D19 SKY

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### Recommendations

It is recommended:

**That** a by-law having the effect of amending the Tecumseh Official Plan land use designation for a 4.4 hectare (10.9 acre) area of land situated southeast of the Tecumseh Road/Southfield Drive intersection (11837 and 11917 Tecumseh Road), by redesignating the subject property from “General Commercial” and “Residential” to a new site-specific policy in the “Residential” designation, in order to recognize the two existing apartment buildings located on the northern portion of the property and to facilitate the development of the southern portion of the property for a 150-unit, four-storey apartment building, and in keeping with PBS-2019-39 and PBS-2020-13, **be adopted;**

**And that** a by-law having the effect of amending the Tecumseh Zoning By-law 1746 for a 4.4 hectare (10.9 acre) area of land situated southeast of the Tecumseh Road/Southfield Drive intersection (11837 and 11917 Tecumseh Road), by rezoning the subject property from “General Commercial Zones (C3) and (C3-1)” and “Residential Zone 2 (R2)” to site-specific zones “Residential Zone 3 (R3-16), “Residential Zone 3 (R3-17)” and “Residential Zone 3 (R3-18)”, in order to recognize the two existing apartment buildings located on the northern portion of the subject area and to facilitate

the development of the southern portion of the subject area for a 150-unit, four-storey apartment building, and in keeping with PBS-2019-39 and PBS-2020-13, **be adopted**.

## Executive Summary

In 2019, applications were filed with the Town to amend the Tecumseh Official Plan and Tecumseh Zoning By-law 1746 for a 4.4 hectare (10.9 acre) area of land situated southeast of the Tecumseh Road/Southfield Drive intersection (11837 and 11917 Tecumseh Road) in order to recognize the two existing apartment buildings located on the northern portion of the property and to facilitate the development of the southern portion of the property for a 150-unit, four-storey apartment building.

A public meeting was held in January of 2020 with respect to the applications. A number of issues were raised by those in attendance at this meeting. A summary of and response to the issues raised at the public meeting, an evaluation of the proposed development against relevant policies of the Official Plan and a final recommendation on the proposed applications are provided in this Report.

## Background

On January 14, 2020, Council held a public meeting in accordance with *The Planning Act* to hear comments on proposed applications to amend the Tecumseh Official Plan and Zoning By-law to permit development on the southern portion of a 4.4 hectare (10.9 acre) area of land situated southeast of the Tecumseh Road/Southfield Drive intersection (11837 and 11917 Tecumseh Road, see Attachment 1).

The proposed development comprised two four-storey apartment buildings totalling 150 dwelling units (a 71-unit apartment and a 79-unit apartment) connected by a single storey common area. From a technical perspective, given that the two proposed apartment buildings are physically attached, the proposal is more accurately described as being one 150-unit apartment building, designed such that it has two four-storey wings (71 units in one wing and 79 units in the other wing), which wings extend from a single-storey common area.

One wing of the proposed apartment building extends along the northern side of Southfield Park while the other wing extends along the eastern side of Southfield Park. The proposed development also includes an outdoor patio area, two pickle ball courts and an expansion to the existing parking area resulting in an additional 220 surface parking spaces, six of which are to be barrier-free (see preliminary proposed site plan at Attachment 2).

Vehicular and pedestrian access to the existing and proposed buildings and parking areas will be from Tecumseh Road and Southfield Drive. Further details regarding access is discussed later in this Report.

The subject applications are summarized as follows:

1. Proposed Official Plan Amendment (“OPA”)

The purpose of the application is to redesignate the subject area from “General Commercial” and “Residential” to “Residential” and introduce a new site-specific policy to:

- i) recognize the two existing apartment buildings located on the northern portion of the subject area; and
- ii) facilitate the development of the southern portion for a 150-unit, four-storey apartment building and to establish maximum height limits for the existing and proposed buildings.

2. Proposed Zoning By-law Amendment (“ZBA”)

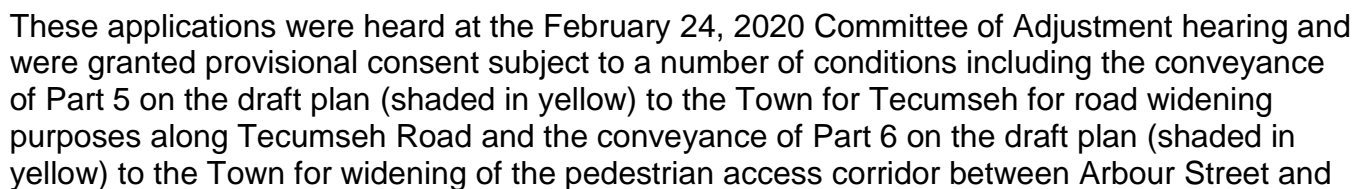
The purpose of the application is to rezone the subject area from “General Commercial Zones (C3) and (C3-1)” and “Residential Zone 2 (R2)” to three site-specific “Residential Zone 3” zones to:

- i) recognize the existing apartment building and parking area located on the north western portion of the subject area;
- ii) recognize the existing apartment building and parking area located on the north eastern portion of the subject area; and
- iii) permit the development of the southern portion of the subject area for a four-storey apartment building containing 150 dwelling units and to introduce site-specific lot and building provisions.

## **Committee of Adjustment Applications**

Subsequent to the public meeting regarding the OPA/ZBA applications, the Applicant submitted consent applications to the Committee of Adjustment requesting the following (see draft plan on following page):

- severance of Part 3 (outlined in red) containing a 7-storey apartment building municipally known as 11917 Tecumseh Road;
- severance of the vacant area described as Parts 2 and 4 (outlined in blue);
- retention of Part 1 (outlined in green) containing a 6-storey apartment building municipally known as 11873 Tecumseh Road; and
- creation of a blanket easement across the three resulting parcels for the purpose of drainage, servicing and vehicular and pedestrian access.



Southfield Park. A five percent cash-in-lieu of parkland was also a condition of the severance creating the vacant, developable property.

The OPA and ZBA will be prepared in a manner that contemplates these new lotting patterns. The Applicant has advised that it is moving to finalize these severances in an expeditious manner.

This Report summarizes the nature of the comments received through the public consultation process and recommends a course of action with respect to the proposed OPA and ZBA applications. For ease of reference, the comments are written in the context of the subject land being subdivided in accordance with the three lots provisionally created by the Committee of Adjustment.

## **Comments**

### **Comments Received Through Public Consultation Process**

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

The concerns/issues that were raised at the January 14, 2020 Public Meeting are summarized below and are followed by Town Administration's response.

#### **Issue No. 1 – Inappropriate Activity at Southfield Park**

Loitering and inappropriate activity in Southfield Park is claimed to be common due to the remote and confined nature of the entrance to the park from Arbour Street and the current lack of natural surveillance given the extent of vacant land to the north and east of the park.

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

The current amenities within and access to Southfield Park have been reviewed by Town Administration. Administration agrees that improvements to the park's amenities and to the trail access into and through the park are warranted. To this end, the Applicant has committed to conveying a 5.0-metre (16.4-foot) strip of land to the Town for the purpose of widening the current 3.0-metre (9.8-foot) wide linear access to the park from Arbour Street. This will result in a widened access corridor of 8.0 metres (26.2 feet). The Applicant has also agreed to improving and landscaping this area of land, the implementation of which will be made a requirement of the requisite site plan control agreement.

In addition to the gratuitous conveyance of the land, the consent was granted conditional to a five percent cash-in-lieu of parkland contribution to the Town for the vacant severed lot in accordance with the Planning Act. This park fee will be based on the appraised value of the severed vacant land on which the four-storey apartment is proposed and could be directed towards the cost of implementing a range of improvements in the park. The scope and timing

of improvements will be detailed in a future report to Council from the Parks and Recreation Department. These improvements are encouraged to be aligned with the construction of the proposed apartment.

In addition to the improved design of the pedestrian access and the introduction of improvements to Southfield Park, the proposed development will assist in providing natural surveillance of the park and surrounding area. Administration believes that this natural surveillance combined with an improved park design will enhance safety in the area and result in a reduction in loitering and inappropriate activity.

## **Issue No. 2 – Speeding and Traffic along Southfield Drive**

The proposed development will aggravate the traffic and speeding conditions on Southfield Drive as well as at its intersections with Tecumseh Road and Mulberry Road.

### **Administration's Response**

In response to the public concerns raised, along with questions identified by the Town through a peer review of the Traffic Impact Study that was prepared as part of the application submission, the Applicant's traffic consultant, Paradigm Transportation Solutions, provided a subsequent analysis that addressed the noted concerns and questions. Paradigm's comments on these issues and Administration's response follows:

#### **i) Traffic southbound on Southfield to Mulberry**

Paradigm noted that the trips generated by the proposed development will form less than 2% of the 2024 total daily trips along Southfield Drive and, as such, traffic is not expected to significantly increase. Further, the improvements the City of Windsor has planned for Banwell Road and the intersection at Mulberry/Wildwood Drive, identified through the Banwell EA and anticipated to be completed in 2026, will encourage more traffic to use Banwell Road thereby reducing traffic on Southfield Drive.

Administration is also recommending additional boulevard tree planting along Southfield Drive to provide greater "friction" and reduce vehicular speeds. Planting trees to create friction is an accepted traffic calming measure and has been identified as an option in the Town's Speed Mitigation Guideline that is currently being prepared. It is also important to note that the Town has previously taken actions to help mitigate the concerns for speeding in this corridor by means of reducing the speed limit to 40 km/hr and designating Southfield Drive as a Community Safety Zone. Conditions on this road will continue to be monitored over time to determine if additional actions are required to address speeding issues.

ii) Removal of driveway entrances onto Tecumseh

Paradigm concluded that the reduction of the four existing driveways to two and the consolidation of turning movements in and out of the subject property would provide benefits in relation to the operation of traffic on Tecumseh Road. In addition, it is noted that there will be inter-connectivity between the existing parking lots and the proposed new parking area that will have a driveway onto Southfield Road. The end result of the driveway consolidations and internal inter-connectivity is an anticipated reduction in conflict points and driver confusion along Tecumseh Road and better distribution of vehicular trips to and from these lands.

Administration believes that traffic related issues have been adequately considered and addressed. It is noted that improvements to the existing driveways and their respective consolidations along Tecumseh Road along with interconnectivity of existing and new parking areas will be fully addressed by the future site plan control agreement that will be required prior to development proceeding.

To address current concerns regarding speeding on Southfield Road, Administration also alerted the OPP who followed up with additional enforcement measures in this area.

### **Issue No. 3 – Adequacy of Municipal Services/Flooding Concerns**

Concerns regarding flooding and the adequacy of the Town's municipal services to accommodate the proposed development.

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

Public Works & Environmental Services has reviewed the proposal and has no concerns with the provisions of sanitary and water services for the proposed development.

An Administrative response to the sanitary services was provided at the public meeting. The Director of Public Works & Environmental Services (PWES) had identified that the draft Functional Servicing Report previously completed for the Tecumseh Road CIP Area recommended improvements to the sanitary sewer system on Tecumseh Road between Lesperance Road and Southfield Drive. This was due in part in order to support the anticipated intensification in this area and the limited capacity of the existing sanitary sewer. As part of the PWES 5-year capital works plan, the installation of a larger sanitary sewer on Tecumseh Road (Lesperance to Southfield) to increase capacity was approved for construction in early 2020. To date that project has been tendered and is the subject of a Council report for the award of tender on March 24th.

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.

## **Planning Analysis**

An overview of the relevant planning policies contained within the Provincial Policy Statement, the County of Essex Official Plan and the Tecumseh Official Plan was provided by way of PBS-2019-39. This Report was received and reviewed by Council at its November 26, 2019 Regular Council Meeting and at the subsequent Public Meeting on January 14, 2020. It was noted in that report that a more detailed planning analysis would be prepared following the public meeting. The aforementioned planning analysis is provided below:

### **Provincial Policy Statement (PPS)**

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/tenures to meet expected demands such as those of the growing senior cohort of the Town's population.

The proposed residential development is consistent with the foregoing policies. 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 a means of achieving 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**

Any amendment to a local official plan must be in conformity with the policy direction contained in the County of Essex Official Plan (County OP). The subject lands are within an identified settlement area of the County OP. The goals and policies of the County OP encourage a range of residential development within identified settlement areas such as the fully serviced urban areas of the Town of Tecumseh.

Accordingly, the proposed development conforms to the goals and policies of the County OP.

### **Official Plan and Evaluation of the Proposal in Context of Official Plan Policies**

The Tecumseh Official Plan contemplates multiple storey apartment residential uses in both the General Commercial and Residential areas subject to the review, evaluation and public/stakeholder consultation process that would be undertaken as part of the required Official Plan Amendment process. The Plan also encourages a variety and varying densities of

residential uses that can be appropriately integrated with the existing and proposed development pattern.

Subsection 3.3.1 iii) of the Official Plan establishes that Council will utilize the following criteria in the creation of high-density residential zone categories in the Town:

**a) High density residential uses should have frontage and/or access driveways onto an arterial or collector road;**

The proposed development will have frontage and access to both an arterial (Tecumseh Road) and a collector road (Southfield Drive). Tecumseh Road is 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.

**b) Proposals will not be approved which would result in substantial traffic flow increases on local streets serving single-unit residential development;**

As noted above, the traffic generated by the proposed development will be dispersed between an arterial (Tecumseh Road) and a collector road (Southfield Drive). Administration does not anticipate a substantial increase in traffic flow on local streets as a result of the proposed development.

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

The proposed four-storey apartment building will be separated from the adjacent residential dwellings that are located to the east, south and southwest by distances ranging from 36.5 metres (120 feet) to 103 metres (338 feet). Administration believes these setback distances provide adequate separation from the existing residential dwellings and the proposed development. In summary, we believe that the proposed development of the subject property will be appropriately integrated into the neighbourhood and not adversely affect the enjoyment and use of adjacent properties.

Subsection 3.1.1 iii) of the Official Plan also establishes that when considering applications to amend the Zoning By-law for high density residential use, Council will have regard to the following:

- **the need for the proposed development as identified through an analysis of housing supply and demand;**

The Applicant has advised that his research indicates that market demand exists in the area for the type of development being proposed. There has been growing interest from the development community for the construction of this type of development along Tecumseh Road in the CIP. 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 Tecumseh.

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.

- **the density and form of adjacent development;**

The subject property is already occupied by a six-storey and a seven-storey apartment building. In addition, an existing apartment building and a recently approved six-storey apartment building (11870 Tecumseh Road) are located to the north across Tecumseh Road. Also, a three-storey apartment building is proposed to the east at 11957 Tecumseh Road. Directly abutting the subject development to the east is a two-storey, 38-unit apartment building owned by Windsor-Essex Community Housing. At the westerly terminus and on the south side of Arbour Street are single unit detached dwellings and to the southwest of the proposed development is Southfield Park beyond which are situated semi-detached dwellings. Across Southfield Drive to the west of the subject development is an area of medium density residential development comprising townhouse style dwelling units.

To have regard for the lower density and lower profile built form of the development to the south, the proposed building has been reduced to four storeys providing a reasonable transition from the existing six- and seven-storey buildings to the north. In addition, the presence of Southfield Park creates sufficient separation from the lower profile residential development situated to the east, south and west.

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. The proposed addition of a 150-unit apartment building will result in an overall lot density of 90 units per hectare when the existing two apartment buildings located on the subject area are included. When the subject development is considered in the context of its own separate lot, its density becomes 83 units per hectare. This density is similar to other development proposals in the area that have been recently approved by Council including:

11870 Tecumseh Road (Gateway Tower, to be built) – 99 dwelling units, 92 units/ha;

11941 Tecumseh Road (site-specific zoning permits) – 51 units, 119 units/ha; and

11957 Tecumseh Road (Ryegate, to be built) – 32 dwelling units, 86 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). 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 and form of adjacent development is reasonable and appropriate given the proposed development's ability to satisfy the criteria for apartment buildings in the Residential area.

- **the adequacy of municipal water supply, sanitary sewers, storm drainage and roads to serve the proposed development;**

The proposed development will be serviced with full municipal services. Public Works & Environmental Services indicates that it has no concerns with the development of the property for the proposed use. As noted earlier in this Report, Administration is satisfied that the surrounding road network will not be adversely impacted.

- **the adequacy of schools, parks and community facilities to serve the proposed development;**

Southfield Park abuts the subject property to the south and west (see Attachment 1). As noted earlier in the Report, Administration is recommending that the design of this park be enhanced and that its amenities be improved. 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. In addition, 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.

- **the adequacy of off-street parking facilities to serve the proposed development;**

The amount of parking proposed for the entire three-building subject area is 1.3 parking spaces per dwelling unit, which is slightly less than the Town requirement of 1.5 spaces per dwelling unit. This has been justified through the Traffic Impact Study which was completed by the Applicant's consultant. Administration has reviewed the justification provided as it relates to the average parking ratio proposal of 1.3 spaces per dwelling

unit and deems this ratio appropriate for this type of residential development. There will be site specific parking ratios for each of the individual properties established in the implementing zoning by-law which may deviate slightly from the 1.3 average as the existing buildings have historically provided slightly less parking than that which will be provided in conjunction with the proposed new apartment building.

The recently granted consent application providing for shared parking will assist in ensuring a more efficient use of the parking areas related to all three buildings (the two existing apartment buildings and the proposed apartment building) through their inter-connection. It is noted that the lower parking standard currently applying to the existing apartment buildings has not resulted in parking deficiencies to date. It is further noted that the changing demographics and car-ownership patterns may justify even fewer on-site parking spaces. Ultimately, Administration is satisfied that adequate off-street parking will be provided to serve the proposed development.

- **the provision of adequate buffering standards deemed necessary to protect the residential amenities of adjacent uses.**

As discussed previously, the residential development to the south is largely buffered by Southfield Park. Details regarding the interface between and integration of the park and the proposed apartment building will be reviewed through the site plan control process. As noted earlier in this Report, the access to Southfield Park from Arbour Street is being widened and enhanced through landscaping to be introduced by the Applicant. A preliminary site plan submitted with the Official Plan and Zoning By-law amendment applications depicts a landscaped buffer strip between the proposed new parking area and the easterly lot line. Additional details regarding specific landscape features/planting details within this buffer will be required as part of the site plan control process. Further, the site plan control process will be used to ensure external lighting does not adversely impact adjacent uses. Administration concludes that adequate buffering standards will be provided to protect the residential amenities of adjacent uses.

Based on all of the foregoing, it is Administration's opinion that the proposed development is in keeping with the policies of the Tecumseh Official Plan. We believe that the criteria to which Council is to have regard for such an amendment have been adequately addressed.

### **Tecumseh Road Main Street Community Improvement Plan**

The subject property is within the Tecumseh Road Main Street Community Improvement Plan (CIP). PBS-2019-39 provided specific details on the CIP and its policies as it relates to this development. In summary, the CIP identifies the importance of additional residential development in order to facilitate the rejuvenation of the entire CIP area. It encourages the development of higher density residential uses particularly in the west end where the subject property is situated.

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.

## **Site Plan Control**

As detailed in PBS-2019-39 and in this Report, the subject property is subject to Site Plan Control. Council approval of a site plan control agreement will be required under a future Report prior to any development occurring. The applicant has been advised of this requirement.

## **Conclusion**

In summary, it is the opinion of the writer, along with Town Administration, based on the results of the public consultation process, that the proposed Official Plan and Zoning By-law applications are supportable. Detailed site design issues will be addressed through the required Site Plan Control agreement that will be finalized and recommended for execution by Council at a future date.

On the basis of the foregoing, it is the opinion of the writer that the proposed Official Plan and Zoning By-law Amendments to allow the proposed residential development are consistent with the Provincial Policy Statement, conform to the County Official Plan and Tecumseh Official Plan policies and will result in appropriate development that is in keeping with the character of the surrounding lands and is based on sound land use planning principles.

Accordingly, Town Administration recommends that Council pass by-laws amending the Tecumseh Official Plan and the Tecumseh Zoning By-law 1746 permitting the development of the subject property for a 150-unit, four-storey apartment building in keeping with PBS-2019-39 and PBS-2020-13.

## **Consultations**

Parks & Recreation Services  
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.

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Recommended by:

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Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
1	Subject Property Map with Proposed Building Footprint
2	Proposed Site Plan, Detail View