



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: August 11, 2020

Report Number: PBS-2020-27

Subject: Gateway Tower Inc. (Valente Development Corporation)
11870 Tecumseh Road
Draft Plan of Condominium Approval (County File No. 37-CD-20002)
OUR FILE: D11 VALTEC

Recommendations

It is recommended:

That the granting of Draft Plan of Condominium Approval by the County of Essex (the Approval Authority) for the application filed by Gateway Tower Inc. (County of Essex File No. 37-D-20002) for a six-storey, 99-unit condominium dwelling on a 1.08 hectare (2.68 acre) parcel of land situated at the northeast corner of the Tecumseh Road/Southfield Drive intersection (11870 Tecumseh Road), **be supported**, subject to the inclusion of appropriate conditions as noted in PBS-2020-27;

And that the County of Essex **be advised** of Council's support for County of Essex File No. 37-D-20002, along with the associated requested conditions of draft Plan of Condominium approval.

Background

The subject 1.08 hectare (2.68 acre) vacant property is located at the northeast corner of the Tecumseh Road/Southfield Drive intersection (11870 Tecumseh Road) (see Attachment 1).

Previous Planning Application Approvals

In July of 2019, Council adopted by-laws having the effect of amending the Tecumseh Official Plan and Tecumseh Zoning By-law 1746 to permit the use of the property for a six-storey

apartment building containing up to 97 dwelling units (see Attachment 2). The Official Plan Amendment (OPA No. 40), which introduced site-specific policies within the “Commercial” designation was subsequently approved by the County of Essex (the Approval Authority for Official Plan Amendments). The zoning was changed from “General Commercial Zone (C3)” to “General Commercial Zone (C3-15)” which, in addition to establishing the maximum height and number of units, set out site-specific minimum yard requirements.

In January 2020, the Owner applied for a minor variance (Application A-01-20) requesting relief that would permit the increase in total dwelling units from 97 to 99. The Owner advised that the increase of two additional units was as a result of interior modifications to the floor layouts. The Committee of Adjustment granted the minor variance at its January 27, 2020 meeting.

In May 2020, Council approved a site plan control agreement pertaining to the proposed development of the subject property. The approved site plan agreement contains stipulations regarding the construction of the proposed apartment building as well as the provision all on-site works such as parking, landscaping, buffering from the adjacent railway and all municipal servicing requirements. It also contains provisions related to the development and conveyance of a municipal parkette located adjacent to the southwest corner of the proposed apartment building.

Current Draft Plan of Condominium Approval Application

Gateway Tower Inc. (“the Applicant”) has applied to the County of Essex for Draft Plan of Condominium approval. The Applicant is proposing condominium ownership of the subject property and proposed apartment development. The Plan of Condominium approval process is a method of subdividing buildings, parking structures and/or land similar in nature to the Plan of Subdivision process. It involves the creation of drawings and legal documents that formalize the dimensions and location of each individual condominium dwelling unit and associated amenities as well as common areas that will ultimately be owned by the condominium corporation. The condominium corporation becomes a legal entity once a plan of condominium and information setting out how the condominium corporation is owned are registered with the Land Registry Office. Ultimately, the condominium dwelling units can be sold to individuals who become shareholders in the condominium corporation that is responsible for the ongoing maintenance of the building, land, parking/access areas and other on-site services or amenities. It is currently the intention of the Applicant that the condominium corporation will be under a single ownership and all units will be rented to tenants for a minimum period of ten years.

The proposed Draft Plan of Condominium (see Attachment 3) includes:

- A total of 99 residential units;
- 132 parking spaces reserved for individual unit owners (104 uncovered and 29 covered) and 14 parking spaces reserved as visitor parking spaces;

- 57 storage areas located inside the building that are associated with the individual dwelling units; and
- 16 exclusive-use patio areas associated with 16 residential units located on the first floor of the proposed building.

The County, in accordance with the *Planning Act*, requested the Town hold a public meeting on its behalf. Accordingly, a public meeting was scheduled for August 11, 2020 in order to solicit stakeholder input on the proposed Plan of Condominium. A record of this public meeting will be forwarded to the County of Essex as part of its consideration of the approval of the Plan of Condominium. The County has also requested that the Town submit comments and requested conditions of approval for the proposed draft Plan of Condominium.

Comments

Planning Comments

A detailed planning analysis of the Official Plan and Zoning By-law amendments that were ultimately adopted by Council (and approved by the County of Essex) to permit the use of the land for the proposed apartment building and accessory uses was provided by way of planning reports PBS-2019-11 and PBS-2019-22. These reports assessed the proposed uses in the context of the policies contained in the Provincial Policy Statement, the County of Essex Official Plan, the Tecumseh Official Plan and the Tecumseh Road Mainstreet Community Improvement Plan. In addition, as noted above, Council approved the site plan control agreement for the proposed development by way of planning report 2020-02. The Owner is now simply taking one of the steps to facilitate the proposed development from an ownership perspective. It is the opinion of the writer that the Plan of Condominium is consistent with and conforms to the relevant Provincial, County and local site-specific policies now in effect.

The Draft Plan of Condominium is also in compliance with the site-specific zoning that applies to the subject property.

Municipal Services

The proposed development will be serviced by full municipal services. The Public Works and Environmental Services Department has reviewed the sanitary, storm and water servicing requirements for the proposed development and has advised that there are no servicing capacity concerns for the subject property or to the municipal system. The Applicant's engineering consultants, along with Town Administration, have finalized all municipal servicing design requirements through the completed site plan control approval process noted above.

Requested Conditions and Notes of Draft Plan of Condominium Approval

Based on Administration's review of the proposed Plan of Condominium, and pending any potential new concerns being identified at the August 11, 2020 Public Meeting, Administration

recommends that Town Council support Draft Plan of Condominium Approval of County File No. 37-CD-20002, subject to the County of Essex providing the following conditions:

1. That prior to final approval by the Approval Authority, the Approval Authority is to be advised by the Town that the Owner has entered into a site plan control agreement with the Town of Tecumseh wherein the Owner agrees to satisfy all the requirements, design, engineering, financial and otherwise, of the Town concerning but not limited to the payment of development charges, driveway access, surface parking, sidewalks, landscaping details, fencing details, lighting details, installation of services, sanitary sewerage collection system, water distribution system, utilities and stormwater management facilities for the development of the lands, including those works required off-site;
2. That prior to final approval by the Approval Authority, the Approval Authority is to be advised by the Town that the Owner has engaged the services of a qualified engineer to complete a Stormwater Management Study to address stormwater quantity and quality to the satisfaction of the Town and that the site plan control agreement between the Owner and the Town, where required, contains a provision requiring the construction of the works by the Owner as identified in the Stormwater Management Study; and
3. That prior to final approval by the Approval Authority, the Approval Authority is to be advised by the Town that this proposed Plan of Condominium conforms to the Zoning By-law in effect.

In addition, the following note of Draft Plan approval is recommended:

4. That prior to the approval and registration of the Plan of Condominium, two (2) copies and one (1) diskette of the Plan prepared by an Ontario Land Surveyor, on NAD-83 format, UTM Zone 17, which has been numbered, dated, signed and registered be submitted to the Town.

Summary

In summary, the proposed Draft Plan of Condominium is in accordance with the current site-specific land use policies of the Official Plan and will comply with all of the requirements of the site-specific zoning in effect for the subject property. Administration supports the layout and design of the proposed development and, subject to hearing any new issues at the August 11, 2020 Public Meeting, believes all detailed site design matters have been addressed through the required site plan agreement that has been finalized and executed by Council.

Based on the foregoing, it is appropriate that the draft Plan of Condominium application be supported, subject to the inclusion of appropriate conditions as noted in PBS-2020-27

Consultations

Fire & Emergency 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.

Prepared by:

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Reviewed by:

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

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Property Location with Proposed Building Footprint Map
2	Architectural Renderings
3	Draft Plan of Condominium, Detail View