



The Corporation of the Town of Tecumseh

Development Services

To: Mayor and Members of Council

From: Brian Hillman, Director Development Services

Date to Council: March 8, 2022

Report Number: DS-2022-08

Subject: Official Plan and Zoning By-law Amendment
1613 Lesperance Road – Home Hardware
OUR FILE: D19 HO

Recommendations

It is recommended:

That DS-2022-08 entitled “Official Plan and Zoning By-law Amendment, 1613 Lesperance Road – Home Hardware”, **be received.**

Executive Summary

In 2018, Home Hardware Stores Limited (Owner) filed applications seeking amendments to the Sandwich South Official Plan (Sandwich South OP) and Zoning By-law 85-18 (Zoning By-law) for its store at 1613 Lesperance Road (subject property). The amendments request a revision to the current site-specific policy and zoning that applies to the southerly portion of the subject property in order to remove the clause which prohibits a driveway access onto Westlake Drive. Subsequent to a Public Meeting held in 2018, the applications were held in abeyance in order to resolve various site plan compliance issues. The Owner has now re-initiated the applications in order to facilitate the proposed driveway access onto Westlake Drive, along with the establishment of two new proposed areas that will be used for the display of goods/products.

This report is provided for Council's information as part of the associated March 8, 2022 Public Meeting to be held in accordance with the Planning Act in relation to the reinitiated amendment applications.

Background

Property Location and Surrounding Land Uses

The subject property comprises a 1.34 hectare (3.32 acre) L-shaped commercial property located on the southwest corner of the County Road 22/Lesperance Road signalized intersection (see Attachment 1). The Home Hardware store situated on the property includes indoor retail, outdoor storage areas for lumber and other building materials to the north, south and west of the store, outdoor display areas, a parking lot to the east of the store and a single access driveway connecting to Lesperance Road.

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 (Fairlane Towne Centre) 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 Westlake Drive and on the west side of Lesperance Road are situated to the south.
- West: Single unit detached residential uses fronting on Chernoby Crescent abut to the west.

Past Planning Applications

2003 Official Plan and Zoning By-law Amendment Applications

In 2003, Council approved amendments to the Sandwich South OP and Zoning By-law for the southern 0.23 hectares (0.56 acres) of the subject property at the intersection of Westlake Drive and Lesperance Road in order to accommodate the southerly extension of the Home Hardware parking lot on land that had been used for residential purposes.

The original applications proposed the installation of a driveway onto Westlake Drive as part of the parking lot expansion. The new driveway was to provide a second vehicular exit and entry point for 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 situated on the east side of Lesperance Road. Vehicles attempting to exit the subject property and turn northbound onto Lesperance Road were unable to make this movement as the traffic queue on Lesperance Road would often extend southerly from County Road 22 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 Home Hardware and Fairlane Towne Centre sites, together with the significant background traffic volumes, caused delays in the movement of traffic through the area and at the County Road 22 intersection; and
- iii. The proposed access onto Westlake Drive would have the potential of alleviating some of these traffic constraints by offering an alternative vehicular connection to the road network, thereby providing relief to the existing condition on Lesperance Road. It was asserted that this second driveway could improve both on and off-street conditions in the immediate vicinity along Lesperance Road.

Through the 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 consultation was held in order to review the public's concerns and provide a final recommended course of action to Council.

Ultimately, Dillon Consulting recommended a second driveway be constructed onto Westlake Drive in order to relieve traffic congestion at the existing Home Hardware driveway on Lesperance Road. In addition, Dillon Consulting noted that the proposed second driveway would result in a "normal" development scenario 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 that Council approve the proposed Official Plan and Zoning By-law amendments as submitted by the applicant. Council, however, adopted a revised version of the applications that permitted the southerly parking lot expansion but specifically prohibited the installation of a driveway access onto Westlake Drive, established a 12-metre (40-

foot) wide separation of the southerly parking lot from the single detached dwelling to the west and prohibited the outside storage or display of goods and materials in the vicinity of the southerly parking lot.

2018 Official Plan and Zoning By-law Amendment Applications

In 2018, after a series of expansions to the Home Hardware store, the Owner advised that there was a need to revisit the concept of a second driveway that would connect to Westlake Drive. Accordingly, the Owner 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 southerly portion of the subject property. Specifically, the applications proposed removing the clause prohibiting a driveway that would provide vehicular ingress/egress from/to Westlake Drive.

As part of the application, the Owner submitted a Traffic Impact Study (TIS) in support of the installation of the driveway onto Westlake. The TIS assessed the appropriateness of a new vehicular access to the site at Westlake Drive and analyzed the existing and proposed subject property 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 Drive and Lesperance Road. The TIS took into account the expansion to the Home Hardware building that was then 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 reviewed this study and found that its analysis and recommendations were sufficient to support consideration of the proposed application and to proceed with a formal public meeting. In addition, its findings appeared to be in line with the recommendations that were made by Dillon Consulting in 2003, when the original proposal for a Westlake Drive driveway was proposed.

A public meeting was held on November 13, 2018 to obtain public/agency comments on the proposed applications. Concerns related to traffic congestion and safety were once again raised. A request was also made to consult with the County of Essex with respect to the proposed new driveway and any potential operating issues of the County Road 22/Lesperance Road intersection.

Following the public consultation process, additional concerns related to site-plan compliance issues, including adverse effects from outdoor lighting on adjacent residential uses and the location of outdoor storage racks,) were brought to the Town's attention. In order to address these issues, the application was held in abeyance until such time that the issues could be rectified. The on-site deficiencies have either now been addressed (e.g. lighting shields) or are proposed to be brought into compliance through the proposed amendment to the Zoning By-law (e.g. location of outdoor storage racks). In addition, the County of Essex has confirmed that it has no concerns with the proposed new driveway onto Westlake Drive.

2022 Revised Official Plan and Zoning By-law Amendment Applications

Subsequent to the 2018 public meeting and application abeyance, the Sandwich South OP (against which the original 2018 applications were filed) was rescinded in 2021 with the Council adoption and County approval of the new Tecumseh Official Plan (Tecumseh OP). As well, the Owner advised that in addition to the installation of the proposed driveway onto Westlake Drive, it was desirable to identify additional areas on the site where the display of products (i.e. sheds) would be permitted, to revise the zoning to reflect the location of outdoor storage racks along the north face of the building and to establish a minimum number of parking spaces that would represent the current development scenario on-site.

In light of the foregoing and in consultation with the County Planner (who is the approval authority for all Official Plan amendments), the Owner submitted revised applications seeking the following:

1. Revised 2022 Official Plan Amendment Application

- update the Official Plan Amendment application to reflect that the Official Plan proposed to be amended is now the new Tecumseh OP. This application will be Official Plan Amendment No. 3 to the Tecumseh OP;
- the Official Plan Amendment will seek to delete both the prohibition of a driveway access from the parking lot to Westlake Drive and the prohibition of the outdoor display area of products on a portion of the current landscaped area west of the parking lot.

2. Revised 2022 Zoning By-law Amendment Application

- revise the C1-7 zone that currently applies to the southerly portion of the parking lot to remove the prohibition of a driveway access and to permit the outdoor display of goods and materials on a defined portion of the current landscaped area west of the parking lot, in accordance with an approved site plan control agreement. The outdoor display of goods and materials is proposed to be limited to garden sheds, seasonal displays and landscape items;
- revise the C1-2 zone that currently applies to the balance of the subject property in order to establish a minimum of 79 regular parking spaces and 2 barrier-free parking spaces within the combined C1-2 and C1-7 zone, in accordance with an approved site plan control agreement.

The Owner has provided a preliminary site plan (see Attachment 3) which depicts the following:

- a new driveway access on Westlake Drive; and
- two 4.5 metre by 12.1 metre (15 foot by 40 foot) concrete pads located on the existing landscaped area extending along the western side of the southerly parking lot that will be used as the base for the outdoor display of goods and materials. These display areas will be setback a distance of 5 metres (16.4 feet) from the shared lot line with the adjacent residential property to the west. It should be noted that extensive landscaping is proposed within this 5-metre setback between the adjacent property and the display areas through the required site plan control approval process.

Comments

Provincial Policy Statement

The subject property is within an urban settlement area, where the Provincial Policy Statement (PPS) directs and encourages growth and urban intensification. It is the opinion of the writer that the applications are consistent with the PPS.

County Official Plan

The subject property is within a Primary Settlement Area as identified in the County Official Plan (County OP). The County OP 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.”

It is the opinion of the writer that the applications are in conformity with the County OP.

Tecumseh Official Plan

The subject property is designated General Commercial in the Tecumseh OP (see Attachment 4), with a site-specific land use policy. This site-specific policy restricts the use of the southerly portion of the subject property for a parking lot, establishes parking lot setback and landscaping requirements for lands surrounding the southerly parking lot and specifically prohibits a driveway onto Westlake Drive.

Section 10.18, Amendment Procedures, of the Official Plan establishes that due regard shall be given to the following matters when contemplating amendments to the Tecumseh OP and Zoning By-law:

- i) the degree of conformity of the proposed amendment to the general intent and philosophy of this Plan, particularly the planning principles as set out in Section 2.3, and consistency with provincial policy;
- ii) the availability and suitability of land already designated for the proposed use, and the need for (or market feasibility of) the proposed use;
- iii) the compatibility of the proposal, or the adequacy of proposed mechanisms for achieving compatibility, with adjacent and planned uses;
- iv) the ability of the Town's infrastructure to accommodate the proposal;
- v) The adequacy of the transportation system to accommodate the proposal.

Subject to hearing input from stakeholders and based on the analysis provided earlier in this Report, the writer believes that the amendments conform to the preceding criteria.

Zoning By-law 85-18

As noted above, the subject property is in two site-specific General Commercial Zones (C1-2 and C1-7) (see Attachment 5). These two zones will be amended to facilitate the aforementioned changes to the property and to establish a minimum number of parking spaces.

Site Plan Control

The subject property is subject to Site Plan Control in accordance with the *Planning Act* and an existing site plan control agreement previously executed between the Town and the Owner. In the event the subject applications are approved, the Owner 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 and that proper landscaping is provided around the proposed display areas. It is believed that a properly designed commercial driveway with a municipal sidewalk crossing it 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

We believe that the proposed applications are consistent with the PPS and conform to both the County OP and the Tecumseh OP. Based on the foregoing, favourable consideration of the proposed amendments is warranted. The March 8, 2022 public meeting to consider the applications will provide an opportunity to hear concerns and

comments, if any, of neighbouring owners and public agencies. If issues arise at the Public Meeting that are not immediately resolved, a summary of the issues, along with a final recommendation on the applications will follow by way of a future Planning Report. If, however, all issues are resolved, by-laws amending the Tecumseh OP and Zoning By-law will be brought forward for Council's consideration at a subsequent Council Meeting.

Consultations

Public Works & Engineering 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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Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1.	Property Location Map
2.	Property Location and Surrounding Land Uses Map
3.	Preliminary Site Plan

4.	Official Plan Map
5.	Zoning Map