



## The Corporation of the Town of Tecumseh

Development Services

**To:** Mayor and Members of Council

**From:** Brian Hillman, Director Development Services

**Date to Council:** April 26, 2022

**Report Number:** DS-2022-12

**Subject:** Zoning By-law Amendment  
1401-1029 Lesperance Road  
Results of Public Meeting and Final Recommendations  
OUR FILE: D19 1415LES

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### Recommendations

It is recommended:

**That** a by-law having the effect of amending the Tecumseh Zoning By-law 1746 by rezoning a 0.29 hectare (0.71 acre) parcel of land situated on the southwest corner of the Lesperance Road/Arbour Street intersection (1401-1429 Lesperance Road) from “Residential Zone 2 (R2)” and “Residential Zone 2 (R2-25)” to “Residential Zone 3 (R3-21)” in order to facilitate the construction of a residential development consisting of three, 2.5 storey, six-unit dwellings and establish site-specific lot, building and yard provisions in keeping with DS-2022-12, **be adopted**.

### Executive Summary

A Zoning By-law amendment application was submitted by Deerbrooke Andrew J. Smith Real Estate Inc. and 2312205 Ontario Limited (“the Owner”) to facilitate the redevelopment of a 0.29 hectare (0.71 acre) parcel of land situated on the southwest corner of the Lesperance Road/Arbour Street intersection (1401-1429 Lesperance Road). The Owner is proposing a residential development consisting of three, 2.5

storey, six-unit dwellings. [DS-2022-02](#) was received by Council at the January 25, 2022 Regular Council Meeting and at the February 22, 2022 Public Meeting. In accordance with the direction of DS-2022-02, this Report summarizes the comments received at the Public Meeting through the requisite consultation process, provides Administrative responses to those comments along with relevant planning analysis, reviews changes the Owner has proposed to the development in response to comments received and makes a final recommendation to adopt the associated Zoning By-law amendment.

## **Background**

### **Planning Application and Property Location**

The Owner filed an application with the Town to amend the Zoning By-law 1746 for a 0.29 hectare (0.71 acre) parcel of land (“subject property”) situated on the southwest corner of the Lesperance Road/Arbour Street intersection (1401-1429 Lesperance Road) (see Attachment 1). The proposed amendment would facilitate the redevelopment of the subject property for three, 2.5 storey, six-unit dwellings.

### **Issues Raised Through Public Consultation Process**

On February 22, 2022, Council held a virtual/electronic public meeting in accordance with *The Planning Act* to hear comments on the proposed application. Supporting comments centred around the provision of alternative housing choices for Town residents and the resulting revitalization, both residentially and commercially, of the area surrounding the subject property.

Concerns were raised by abutting property owners with respect to: compatibility/site design, density, building height, traffic/parking, stormwater and property values. A number of the concerns were addressed directly by Administration and the Applicant at the public meeting. The purpose of this Report is to comment on those issues that remained outstanding at the end of the public meeting and required further consideration by Administration and the Owner.

Following the public meeting, the Owner met with the abutting property owners to further discuss the outstanding concerns and, as a result, has made a number of revisions to the proposal and has submitted a revised site plan and landscaping plan that addresses the concerns (see Attachments 2 and 3). The site plan and landscaping plan identify the following:

- A southerly extension of the existing six-foot high wood privacy fence along the west lot line as per the abutting owners’ request;

- A new five-foot high wood privacy fence along southern lot line, as per abutting owner's request;
- A relocation of the southerly building's refuse bins from the south side of the building to the north side of the building;
- The addition of a decorative wall to shield the air conditioning units located on the south side of the southern building as per the abutting owner's request; and
- Enhanced landscaping including the planting of 23 new trees and over 270 ornamental shrubs/evergreens.

Administration has reviewed and supports the preceding revisions.

## **Comments**

The outstanding issues raised by the public and Administration's comments are as follows:

### **Issue Raised - Compatibility/Site Design**

The proposed development is not compatible with surrounding land uses.

### **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 similar to implies having a resemblance to another thing; they are like one another, but not completely identical. Being "compatible with" fundamentally implies being capable of existing together in harmony. As a general tenet of planning, residential uses by their very nature are compatible with other residential uses. Multi-unit residential development adjacent to single unit detached dwellings, such as the subject proposal, is a built form and land use mix that currently exists only 70 metres (230 feet) to the north of the subject property (and is a common land use pattern in urban areas). Compatibility is achieved by addressing differences in scale and massing of abutting residential properties through building orientation, building design, site design, buffering and appropriate setbacks – all of which have been addressed through the subject proposal and subsequent revisions.

Administration has also reviewed the proposed development in the context of Section 3.18 Land Use Compatibility of the Town's Official Plan and has determined that the resultant form, function and use of land are compatible with surrounding land uses. Site

design issues will be adequately addressed through the site plan control approval process.

### **Issue Raised - Density**

The proposed density is too high.

### **Administration's Response**

The "Residential" designation in the Tecumseh Official Plan establishes that high density is considered to be greater than 50 units per gross hectare. The density of the proposed development is 62 units per hectare. The OP sets out criteria to be met when determining appropriate locations for high density development including: availability of municipal services and on-site parking; protection of adjacent low density residential areas; and proximity to commercial areas, Arterial Road/Commercial Main Street (Lesperance Road/Tecumseh Road), public transit and parkland. The proposed development conforms to the foregoing criteria.

The key consideration with respect to density is to ensure the proposed development can be properly integrated into the surrounding area without creating traffic and servicing problems. By way of a comparison, the two, six-unit buildings located on the southeast corner of the intersection of Lesperance Road and Lanoue Street (St. Anne's Arms) equate to 63 units per hectare. Despite its density, this development has been well integrated into the surrounding neighbourhood, with low-density single unit dwellings to the east and south, and has been well-received by the community in general.

Appropriately integrated intensification is encouraged in all areas where it can be adequately serviced, projected traffic generation can be accommodated by the existing transportation network and compatibility between uses can be achieved. The issue of compatibility has been addressed in the preceding section and servicing and transportation issues are addressed later in this Report.

It should also be noted that the Tecumseh Transit Service route includes two stops in close vicinity to the subject property – another commonly accepted locational consideration for greater density intensification. Further, the Tecumseh Road CIP area, which includes numerous personal service/commercial uses is within walking distance of the subject property that will be strengthened by the addition of new residents in close proximity.

In summary, it is the opinion of the writer that the density proposed is appropriate at this location and will result in a suitable form of intensification and appropriate form of development.

## **Issue Raised - Building Height**

The proposed buildings are taller than other structures in the area.

### **Administration's Response**

The proposed buildings, as illustrated in the renderings provided by the applicant at the public meeting (see Attachment 4) are 2.5 storeys in height (i.e. the first storey is partially underground). The proposed dwellings are within the maximum building height of 10.6 metres (35 feet) established in all three residential zones within the Zoning By-law 1746. The current zoning that applies to the property would permit a residential dwelling to be constructed on the subject property at a greater height than what is being proposed.

The surrounding neighbourhood contains a mix of one and two storey dwellings. In addition, St. Anne's Arms situated to the northeast comprises 2.5 storey buildings. It is the opinion of the writer that the subject proposal, with its 2.5 storey dwellings, represents an appropriate height.

## **Issue Raised - Traffic/Parking Impact**

Traffic and parking problems in the area will be made worse.

### **Administration's Response**

The proposed development will provide 28 on-site parking spaces thereby exceeding the standard of 1.5 spaces per dwelling unit (which equates to 27 spaces) established in the Zoning By-law. Accordingly, parking demand for the three six-unit dwellings should be adequately accommodated by the amount of spaces proposed. In fact, it is believed that the 1.5 spaces per dwelling unit standard may be high for the type of household for which the housing is being designed and marketed – singles, young couples and empty-nesters.

In the rare occasion where unique circumstances could result in parking overflow, the surrounding area provides enough opportunities in the form of street parking, municipal parking lots and other parking areas to reasonably accommodate such overflow. The proposed development will also be serviced by a Tecumseh Transit bus stop that abuts the property to the immediate south and other bus stops within a short walking distance along Tecumseh Road.

In addition, the Owner has provided expert traffic analysis that has been peer reviewed by a traffic engineering consultant on behalf of the Town. Administration is satisfied that the existing transportation network is adequate to accommodate the anticipated increase in traffic resulting from the proposed development.

Based on all of the foregoing, Administration believes that the proposed development will not cause an unacceptable increase in traffic flow nor parking deficiencies on nearby streets.

### **Issue Raised – Storm Water**

Development will cause flooding issues to abutting properties.

### **Administration’s Response**

As part of the requisite site plan control approval process, the Owner will be required to submit stormwater management drawings and a study that will identify storm water quality and quantity measures including how on-site drainage will be addressed in order to prevent any run-off onto abutting properties. Town Administration has no concerns with the proposed development’s ability to address stormwater drainage.

### **Issue Raised - Property Values**

Proposed development will devalue the abutting properties.

### **Administration’s Response**

There is no professional evidence supporting this assertion nor is it an accepted independent variable used in professional land use planning analysis. It is appropriate, however, to consider issues of compatibility, good urban design and proper integration in the process of evaluating potential impacts. It continues to be our professional planning opinion that the proposed residential development is compatible with the surrounding land uses, represents good urban design and can be properly integrated into the surrounding area.

### **Planning Policy 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 DS-2022-02. A summary of aforementioned planning analysis provided in that report 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.

### **Tecumseh Official Plan**

The Official Plan provides broad support for the type of residential development proposed. The subject property is currently designated "Residential" in the Tecumseh Official Plan. The type of dwellings proposed are contemplated by this designation provided they can be appropriately integrated with the existing and proposed development pattern by meeting the applicable policies of the Plan.

The proposed development conforms to the criteria established by the Official Plan in with respect to high-density development and meets the intent of the compatibility criteria and urban design guidelines.

In order to ensure compatibility and the implementation of proper urban design features, the subject property will require Council approval of a Site Plan Control Agreement prior to any development taking place.

### **Amendment Procedures in the Tecumseh Official Plan**

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

- 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;

- as noted earlier in this Report, it is the opinion of the writer that the proposed amendment is consistent with the PPS. Further, the proposed amendment conforms to the general intent and philosophy of the Tecumseh Official Plan by directing development to an identified settlement area and by supporting the concept of creating mixed-use, compact and pedestrian-oriented development within designated and fully serviced settlement areas. The proposed residential use of the property would be in keeping with relevant policies of the Official Plan.
- ii) the availability and suitability of land already designated for the proposed use, and the need for (or market feasibility of) the proposed use;
- the subject lands are designated Residential which permits high density residential development subject to meeting prescribed criteria. It has been demonstrated earlier in this Report that these criteria have been met. Accordingly, this rezoning would have the effect of implementing the policies of the Official Plan.
- iii) the compatibility of the proposal, or the adequacy of proposed mechanisms for achieving compatibility, with adjacent and planned uses;
- as noted earlier in this Report, the proposed development on the subject property is compatible with the surrounding neighbourhood
- iv) the ability of the Town's infrastructure to accommodate the proposal;
- as noted in DS-2021-02, the following comments have been provided by Town Administration related to municipal infrastructure:
    - i) the proposed development will be serviced with full municipal services. A sanitary assessment was completed for the proposed development which confirmed that the proposed development can be accommodated within the existing sanitary sewer system. Public Works and Engineering Services indicates that it has no concerns with the development of the property for the proposed use. Municipal sanitary sewers and water services are currently available to the property and can accommodate the proposed development;
    - ii) in terms of stormwater services, stormwater management will be required for quality and quantity control, the details of which will be addressed through the site plan control process.
- v) The adequacy of the transportation system to accommodate the proposal;



- Town Administration has reviewed the Traffic Impact Study submitted in support of the applications and is satisfied with its findings.

## **Conclusion**

In summary, it is the opinion of the writer that the proposed Zoning By-law Amendment to allow the proposed residential development is consistent with the PPS, conforms to the County OP and Tecumseh OP and will result in appropriate development that is based on sound land use planning principles. 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.

Accordingly, Town Administration recommends that Council pass a by-law amending Zoning By-law 1746 permitting the development of the subject property for the aforementioned residential use.

## **Consultations**

Public Works & Engineering Services

## **Financial Implications**

There are no financial implications.

## 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 checked="" 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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Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
1.	Property Location Map
2.	Revised Site Plan

<b>Attachment Number</b>	<b>Attachment Name</b>
3.	Landscape Plan
4.	Architectural Renderings