



## The Corporation of the Town of Tecumseh

Development Services

**To:** Mayor and Members of Council

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

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

**Report Number:** DS-2022-34

**Subject:** Zoning By-law Amendment  
205-227 Lesperance Road  
Results of Public Meeting and Final Recommendation  
OUR FILE: D19 205LES

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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 0.38 hectare (0.94 acre) parcel of land situated at the southwest corner of the Lesperance Road/Dillon Drive intersection (205-227 Lesperance Road) from “Residential Zone 3 (R3)” to “Residential Zone 3 (R3-22)” in order to facilitate the construction of a residential development consisting of four, 2.5 storey, six-unit dwellings and establish site-specific lot, building and yard provisions in keeping with DS-2022-34, **be adopted**.

### Executive Summary

A Zoning By-law amendment application was submitted by Suburban Construction & Management Ltd. (“the Owner”) to facilitate the redevelopment of a 0.38 hectare (0.94 acre) parcel of land situated at the southwest corner of the Lesperance Road/Dillon Drive intersection (205-227 Lesperance Road). The Owner is proposing a residential development consisting of four, 2.5 storey, six-unit dwellings. [DS-2022-18](#) was received by Council at the May 10, 2022 Regular Council Meeting and at the June 28, 2022 Public Meeting. This Report summarizes comments received as part of the public

consultation process and focuses on any matters that were not specifically responded to at the Public Meeting, by providing administrative responses to those comments along with relevant planning analysis, 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 0.38 hectare (0.94 acre) parcel of land ("subject property") situated at the southwest corner of the Lesperance Road/Dillon Drive intersection (205-227 Lesperance Road) (see Attachment 1). The proposed amendment would facilitate the redevelopment of the subject property for four, 2.5 storey, six-unit dwellings (see Attachments 2, 3A and 3B).

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

On June 28, 2022, Council held a virtual/electronic public meeting in accordance with *The Planning Act* to hear comments on the proposed application.

Concerns were raised by abutting property owners with respect to compatibility/site design, building height and privacy. Written comments were also provided by the Essex Region Conservation Authority. A number of the issues 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.

## **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, like the subject proposal, is a built form and land use mix that currently exists to the immediate south of the subject property, and along other portions of Lesperance Road (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/positioning, building design, site design, buffering, landscaping and appropriate setbacks – all of which have been addressed through the subject proposal.

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, as noted above, will be adequately addressed through the site plan control approval process.

### **Issue Raised – Location of Proposed Parking Lot in Relation to Existing Residential Rear Yards to the West**

The proposed location of the parking lot could result in an unsafe condition whereby vehicles would travel from the proposed parking lot into the rear yards of the existing residential properties located to the west.

#### **Administration’s Response**

The proposed location of the parking lot is a common design and is frequently seen throughout other developments in the Town where residential and commercial development with parking lots abut low density residential uses. As is the case with these existing developments, the proposed parking lot will be delineated by six-inch curbing (in accordance with the Ontario Provincial Standard Drawing for Concrete Barrier Curbs, OPSD 600.100) and a combination of landscaping, including trees, and privacy fencing. In addition, this proposal has the benefit of having a 3.0 metre (10 foot) municipal lane situated between the subject property’s proposed parking lot and the existing residential development to the west. Administration believes that the location of the proposed parking lot with the proposed design features will result in an appropriate and safe design.

### **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 in Report DS-2022-18. The following is a summary of the planning analysis provided in that report.

### **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.

To ensure compatibility and the implementation of proper urban design features, the subject property will require 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-2021-18, 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 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 proposed 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.

Prepared by:

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Reviewed by:

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Reviewed by:

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Director Development Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP  
Chief Administrative Officer

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



<b>Attachment Number</b>	<b>Attachment Name</b>
3A.	Preliminary Architectural Renderings 1
3B.	Preliminary Architectural Renderings 2