

PLANNING JUSTIFICATION REPORT

APPLICATION FOR OFFICIAL PLAN AMENDMENT AND ZONING BY-LAW AMENDMENT FOR PROPOSED RESIDENTIAL DEVELOPMENT

**12300 Essex County Road 42
Tecumseh, Ontario**

July 29, 2018

Prepared by:

Tracey Pillon-Abbs, RPP

Planning Consultant

tpillonabbs@gmail.com

p. 519-776-9214 c. 226-340-1232

Table of Contents

1.0	INTRODUCTION	3
2.0	SITE AND SURROUNDING LAND USES	4
2.1	Legal Description and Ownership	4
2.2	Physical Features of the Site	4
2.2.1	Size and Site Dimension	4
2.2.2	Structures	5
2.2.3	Vegetation and Soil	5
2.2.4	Topography	5
2.2.5	Other Physical Features	5
2.2.6	Municipal Services	5
2.3	Surrounding Land Uses	6
3.0	DEVELOPMENT PROPOSAL	10
4.0	POLICY AND REGULATORY FRAMEWORK	14
4.1	Provincial Policy Statement, 2014 (PPS)	14
4.2	County of Essex Official Plan	17
4.3	Town of Tecumseh Official Plan (Sandwich South)	21
4.4	Town of Tecumseh Official Plan Review	26
4.5	Town of Tecumseh Hamlet Secondary Plan	26
4.6	Town of Tecumseh Zoning By-Law (Sandwich South)	27
5.0	PROPOSED APPLICATION	29
5.1	Official Plan Amendment	29
5.2	Zoning By-Law Amendment	29

6.0	PLANNING ANALYSIS	32
6.1	Policy and Regulatory Framework	32
6.1.1	Provincial Policy Statement, 2014 (PPS)	32
6.1.2	County of Essex Official Plan	33
6.1.3	Township of Sandwich South Official Plan	33
6.1.4	Town of Tecumseh Official Plan Review	34
6.1.5	Town of Tecumseh Hamlet Secondary Plan	35
6.1.6	Township of Sandwich South Zoning By-law	35
6.2	Context and Site Suitability	36
6.2.1	Site Suitability	36
6.2.2	Compatibility of Design	36
6.2.3	Good Planning	36
6.2.4	Natural Environment Impacts	37
6.2.5	Municipal Services Impacts	37
6.2.6	Social and/or Economic Conditions	37
7.0	SUMMARY AND CONCLUSION	38

1.0 INTRODUCTION

I have been retained by the owner/applicant, F&S Enterprises Inc. to provide a land use Planning Justification Report (PJR) in support of a proposed residential and commercial development located at 12300 Essex County Road 42 (herein the “Site”) in Tecumseh, Ontario.

The purpose of this report is to review the relevant land use documents including Provincial Plan Statements (PPS), the County of Essex and the Town of Tecumseh (Sandwich South) Official Plans (OP) and the Town of Tecumseh (Sandwich South) Zoning By-law (ZBL).

The applicant has attempted to market the property for commercial development since 2003 with no success.

It is requested to permit a reduction in the existing commercial area and create a new residential area as a permitted use as the applicant has determined that there is a market and need for a smaller commercial area and a multi unit residential development in this area.

A Concept Plan has been provided in order to illustrate how the property could be developed. Discussions are on-going with the Town of Tecumseh and the County of Essex regarding the final plan.

The commercial and residential uses would compliment and support each other as the corner of Essex County Road 42 and Lesperance Road is considered part of a planned commercial node.

There are no proposed changes to the reduced commercial area on the Site as the OP and ZBL would permit the proposed use.

It is proposed to change the land use designation in the OP and the zoning category in the ZBL to permit the multi unit residential.

In order to accommodate for residential development on the Site, an application for an Official Plan Amendment (OPA) to the County of Essex and Zoning By-law Amendment (ZBA) to the Town of Tecumseh is required, as the approval authorities.

A pre-consultation meeting was held by the applicant with Town Staff. Comments were received and have been incorporated into the proposed Concept Plan and the PJR.

2.0 SITE AND SURROUNDING LAND USES

2.1 Legal Description and Ownership

The Site is made up of one (1) parcel (see Figure 1 – Air Photo) located on the northeast corner of Essex County Road 42 and Lesperance Road.

The property is legally described as Part of Lot 152, Concession 3, Petite Cote in the former Township of Sandwich South, now a portion of the Town of Tecumseh, and locally known as 12300 Essex County Road 42 (Roll Number 37445700000080100000).

The site is currently vacant. The property was purchased by F&S Enterprises Inc. in 2003.



Figure 1 – Air Photo

2.2 Physical Features of the Site

2.2.1 Size and Site Dimension

The Site has a total lot area of approximately 0.6 ha (1.4 ac) with 56.40 m (185.04 ft) of frontage on Essex County Road 42 and an irregular depth along Lesperance Road.

2.2.2 Structures

The property was used for a commercial motel building in the late 1940s until demolishing. The Site has been vacant since approximately 1986.

There is one private sign located on the parcel indicating the property is for lease.

2.2.3 Vegetation and Soil

Currently, the Site is a vacant maintained grassed field with some mixed shrubs and trees.

There are remnants of previous landscaping on the north and east sides, which provides a vegetative buffer between the site and the existing single detached residential development.

Soil type is Brookston Clay.

A Phase I/Limited Phase II Environmental Site Assessment was completed on the Site by AMEC Earth & Environmental Limited on January 2003.

2.2.4 Topography

Generally, the Site is flat with a gentle surface slope to the south.

2.2.5 Other Physical Features

The perimeter of the Site is partially fenced on the north and east sides.

Electrical service is supplied to the Site by Essex Power via overhead cables located along the surrounding streets.

2.2.6 Municipal Services

The property has access to municipal water, sewer and storm. Storm water drains to ditches along Lesperance Road.

Sidewalks are proposed on the south side of the Site on Essex County Road 42.

2.3 Surrounding Land Uses

North – The lands to the north of the Site are single detached residential units which is part of a residential development (see Photo 1 - North).



Photo 1 - North

South – The lands south of the Site is Essex County Road 42 with a mix of residential and commercial uses (see Photo 2 - South).



Photo 2 – South

East – The lands to the east of the Site are single detached residential units which is part of a residential development (see Photo 3 - East).



Photo 3 - East

West – The lands west of the Site is Lesperance Road with commercial uses (see Photo 4 - West).



Photo 4 – West

3.0 DEVELOPMENT PROPOSAL

The applicant proposes to develop the Site for commercial and residential purposes.

A Concept Plan has been prepared to demonstrate how the property could be developed (see Figure 2a –Concept Plan).

Discussions are on-going with the Town of Tecumseh and the County of Essex regarding the final plan.

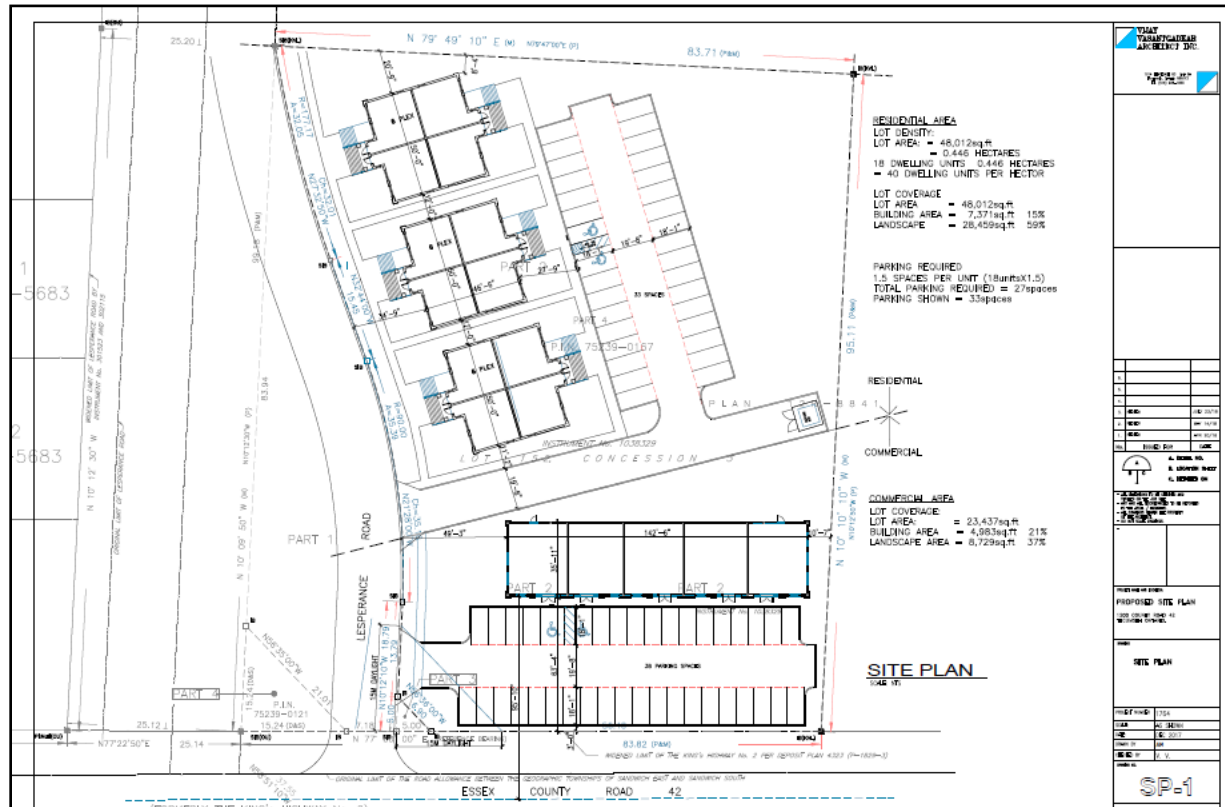


Figure 2a –Concept Plan

The Concept Plan proposes to use the property on the north side for three (3) multi unit dwellings and the south side for one (1) commercial plaza.

The residential area has a lot area of approximately 4,460.46m² (48,012 ft²) and the commercial area has a lot area of 2,177.37 m² (23,437 ft²).

Each multi unit dwelling will be made up of six (6) units which is also referred to as a 6 Plex on the Concept Plan.

The approximate size of each 6 Plex will be approximately 213.67 sq m (2,300 sq ft) in size. Each multi unit dwelling will have three (3) floors. This will include a lower floor under ground and half above ground plus two upper storeys. The units will face Lesperance Road. The total height will be 10 m (32.80 m) (see Figure 2b –Elevation).

The total number of units proposed on the Site is eighteen (18) and will be available as rental units. Each unit will have its own entrance (see Figure 2c –Floor Plans).

Open space will be located on the east of the Site. Access to the Site will be from Lesperance Road on the south side of the multi unit dwellings.

Parking will be located between the multi unit dwellings and the open space. A total of thirty three (33) spaces are proposed, two (2) of which are barrier free.

Sidewalks from the parking area will be construction to allow for pedestrian access to the multi unit dwellings.

A refuse bin is proposed to be located to the east of the site for communal garbage drop off and pick up.

The commercial plaza will be made up of five (5) custom built units which is shown on the Concept Plan. Each unit will be approximately 92.35 sq m (994 sq ft) in size.

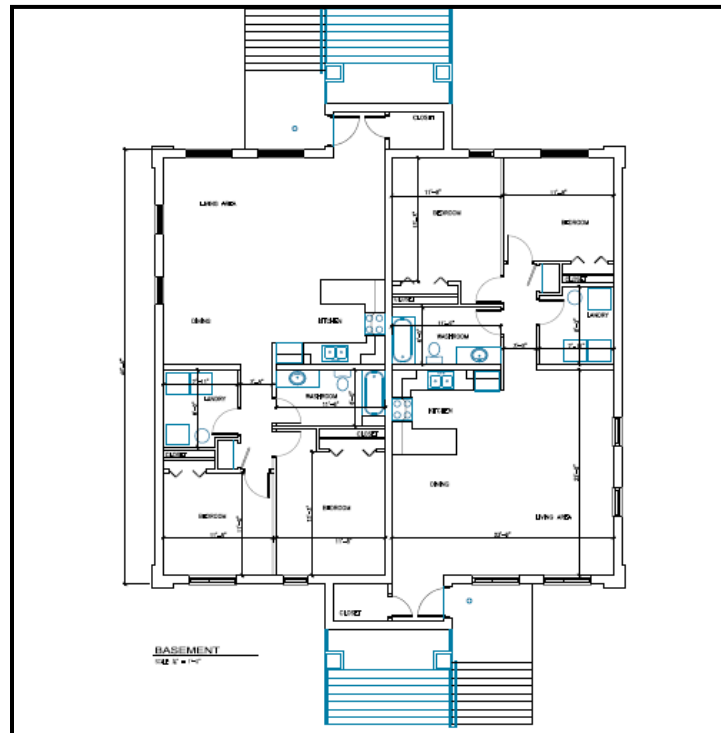
Access to the Site will be from Lesperance Road on the south side of the commercial plaza.

Parking will be located to the south of the plaza. A total of 39 spaces are proposed, two (2) of which are barrier free.

Proposed development will be subject to site plan control prior to the required building permits are issued.



Figure 2b –Elevation



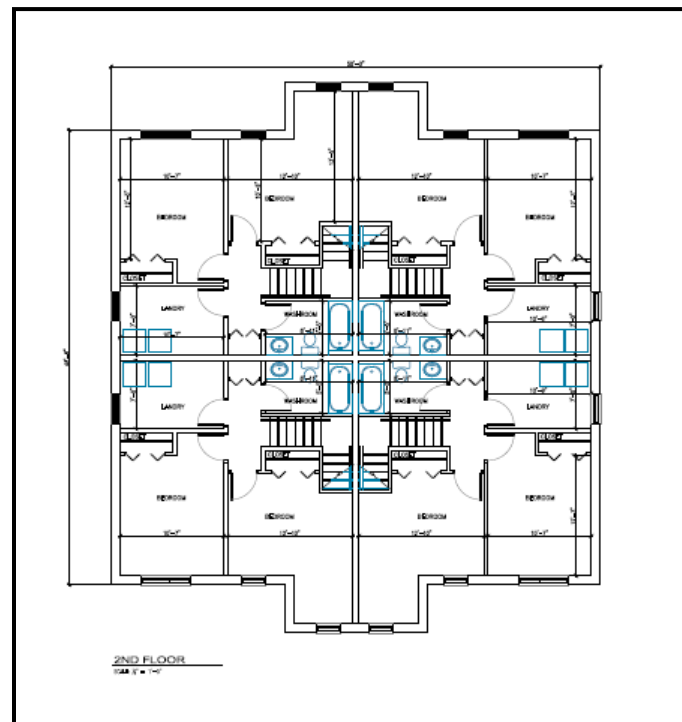
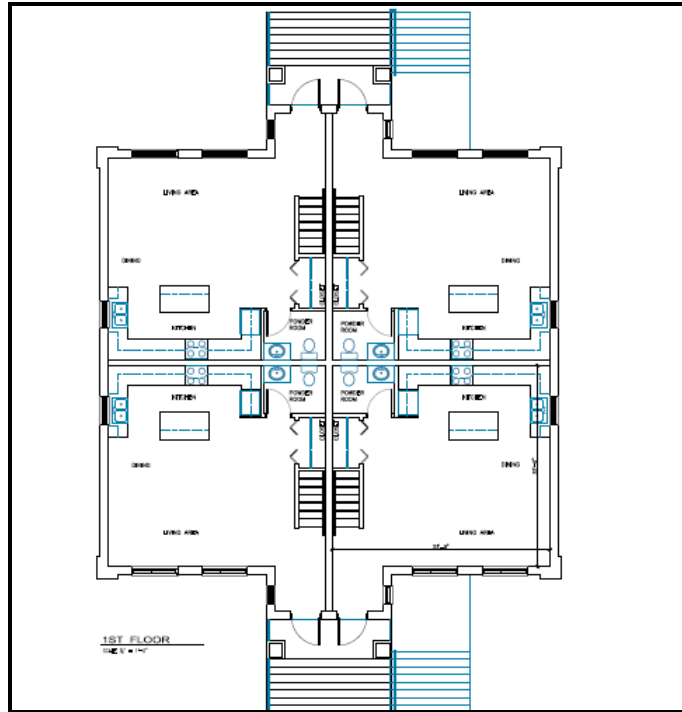


Figure 2c –Floor Plans

4.0 POLICY AND REGULATORY FRAMEWORK

4.1 Provincial Policy Statement, 2014 (PPS)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development providing for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environments.

The PPS is issued under Section 3 of the Planning Act and came into effect on April 30, 2014. It applies to all land use planning matters considered after this date.

The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The following provides a summary of the key policy consideration of the PPS as it relates to the proposed development.

Policy 1.0 of the PPS states that Ontario's long-term prosperity, environmental health and social well being depend on wisely managing change and promoting efficient land use and development patterns.

Policy 1.1.1 of the PPS states that healthy, livable communities are sustained by an "appropriate range and mix" of residential, employment, institutional and recreational uses through the promotion of "cost-effective land use patterns" that minimize land consumption and servicing costs.

The following policies should be considered in the evaluation of the Site:

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*

- e) *promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;*
- f) *improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;*
- g) *ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet current and projected needs; and*
- h) *promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate.*

1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 20 years. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a provincial plan, that time frame may be used for municipalities within the area.

Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within settlement areas shall be based on:

a) densities and a mix of land use which:

- 1. efficiently use land and resources;*
- 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- 4. support active transportation;*
- 5. are transit-supportive, where transit is planned, exists or may be developed; and*
- 6. are freight-supportive; and*

b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.

1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;

b) permitting and facilitating:

1. all forms of housing required to meet the social, health and wellbeing requirements of current and future residents, including special needs requirements; and

2. all forms of residential intensification, including second units.

1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.

Justification for the proposed development in terms of the PPS is provided in Section 6.1.1 of this report.

4.2 County of Essex Official Plan

The County of Essex is the upper tier municipality to the Town of Tecumseh. The County's Official Plan (OP) is dated February 19, 2014 as modified by the Ministry of Municipal Affairs and Housing (MMAH) April 28, 2014.

The purpose of the County OP is to implement the PPS. The County OP provides a cross-boundary policy framework from which more detailed land use planning can be continued by the local municipalities.

Local OPs will implement and be in conformity with the County OP by providing more detailed strategies, policies, and land use designations for planning and development at the local level.

The following provides a summary of the relevant County OP policy considerations as it relates to the proposed development.

Policy 1.5 sets out goals for a healthy County and states that:

The long-term prosperity and social well-being of the County depends on maintaining strong, sustainable and resilient communities, a clean and healthy environment and a strong economy.

Within the land use policies, the Site is within the "Settlement Areas" designation according to Schedule "A1" Land Use Plan attached to the County OP (see Figure 3 - County OP Schedule "A1").

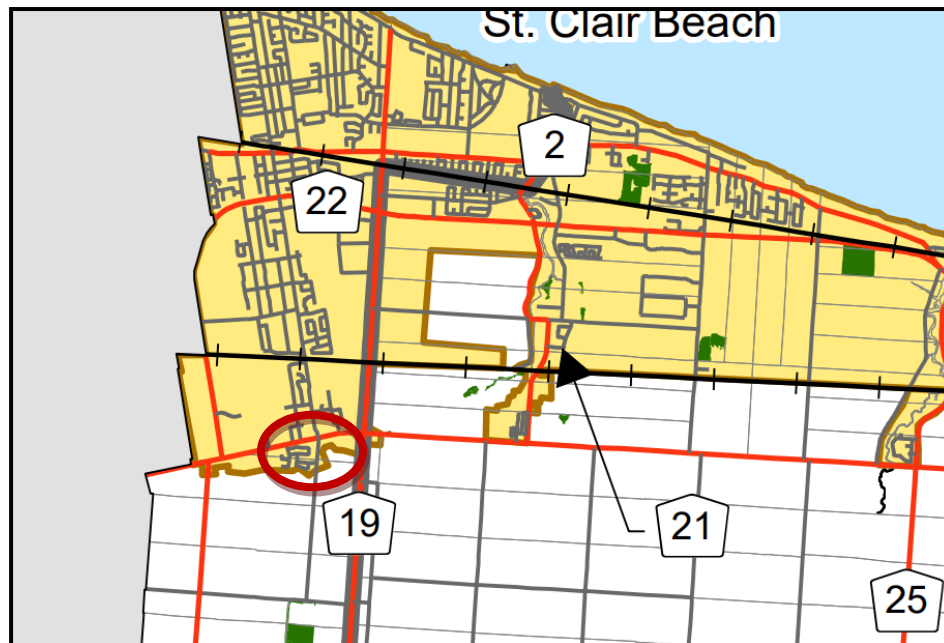


Figure 3 - County OP Schedule "A1"

The Site is within the “Primary Settlement Areas” designation as shown on Schedule “A2” Settlement Structure Plan attached to the County OP (see Figure 4 - County OP Schedule “A2”).

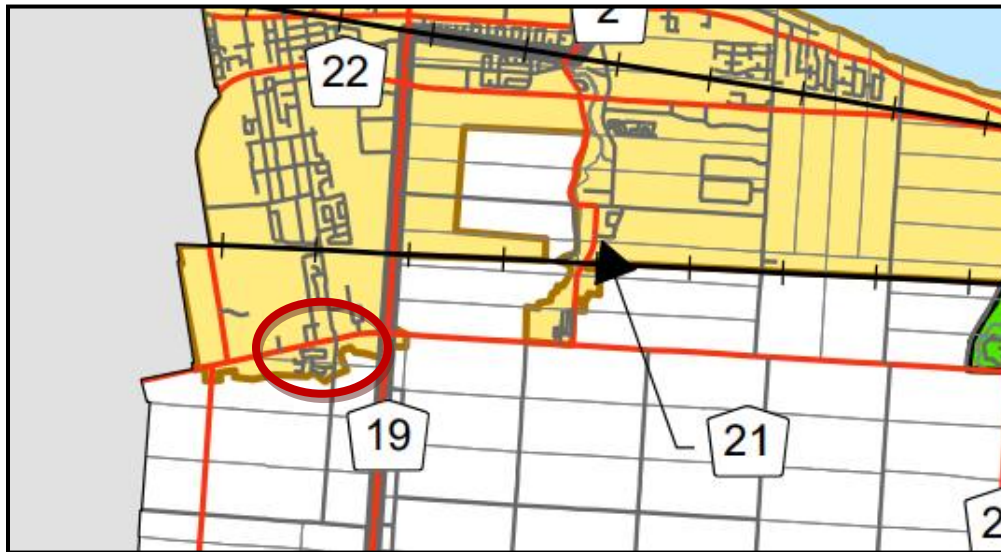


Figure 4 - County OP Schedule “A2”

Policy 2.10 Sewage and Water Systems, notes that the County promotes efficient and environmentally responsible development which is supportable on the basis of appropriate types and levels of water supply and sewage disposal consistent with the PPS.

The County encourages new development to proceed on the basis of full municipal sewage services and municipal water services and local municipalities are encouraged to co-ordinate their approach to, and timing of, the provision of municipal water and municipal sewage through the preparation of an overall servicing strategy.

Policy 3.3.2 sets out the goals for land designated as “Settlement Areas” and include the following:

- a) Support and promote public and private re-investment in the Primary Settlement Areas.*
- b) To support and promote healthy, diverse and vibrant settlement areas within each of the seven Essex County municipalities where all county residents, including special interest and needs groups can live, work and enjoy recreational opportunities.*
- c) To promote development within Primary Settlement Areas that is compact, mixed-use, pedestrian oriented, with a broad range of housing types, services and amenities available for residents from all cultural, social and economic backgrounds.*

- d) To promote the creation of public places within all neighbourhoods that foster a sense of community pride and well-being and create a sense of place.*
- e) To require the efficient use of land, resources, water and sanitary sewage treatment facilities, other infrastructure and public service facilities including schools as provided for in the growth management policies contained within this Plan.*
- f) To increase the opportunity for job creation within each local municipality by attracting and maintaining industries and businesses closer to where County residents live.*
- g) To support long term economic prosperity by providing infrastructure and public service facilities to accommodate projected growth.*
- h) To provide locations where natural habitat restoration can be accommodated to ensure an increase in the amount of core natural area and linkages amongst natural areas.*
- i) Promote residential intensification within Primary Settlement Areas, and to a lesser extent, within full serviced Secondary Settlement Areas.*
- j) Promote affordable housing within Primary Settlement Areas, and to a lesser extent, within full serviced Secondary Settlement Areas.*
- k) Encourage each local municipality to undertake a Local Comprehensive Review of their “Settlement Areas” with the goal of re-allocating growth to the most appropriate locations that meet the intent of this Plan. The County encourages the Local Comprehensive Review to be undertaken at the time of the five-year review of the local Official Plan; however, local municipalities may initiate a Local Comprehensive Review at any time.*
- l) Encourage employment opportunities on lands within “Settlement Areas” that are in proximity to rail corridors.*

Policy 3.2.4.1 of the County OP sets out that, in Primary Settlement Area:

- a) Primary Settlement Areas shall be the focus of growth and public/private investment in each municipality.*
- b) Primary Settlement Areas shall have full municipal sewage services and municipal water services and stormwater management services, a range of land uses and densities, a healthy mixture of housing types including affordable housing options and alternative housing forms for special needs groups, and be designed to be walkable communities with public transit options (or long-term plans for same).*
- c) Local municipal Official Plans shall establish appropriate land uses in accordance with the policies of this Plan.*
- d) All new development within Primary Settlement Areas shall only occur on full municipal water services and municipal sewage services, unless there are interim servicing policies in the local Official Plan that are in effect at the time of approval of this Plan.*

e) Expansions of the boundaries of a Primary Settlement Area shall only occur in accordance with the Local Comprehensive Review policies in Section 3.2.3.1 of this Plan. An amendment to this Plan and the local Plan shall be required to alter the boundary of any "Settlement Area".

f) Downtown/Uptown areas should maintain and/or enhance the existing character of these areas. Mixed-use development and an accessible pedestrian oriented streetscape are encouraged. The preparation of Community Improvement Plans are also encouraged.

g) The County encourages the redevelopment of brownfield properties.

h) All types of land use are permitted within the "Settlement Areas" designation subject to the specific land use policies of the local Official Plans.

i) Cost effective development patterns and those which will minimize land consumption and reduce servicing costs are encouraged. Land use patterns which may cause environmental, heritage preservation or public health and safety concerns shall be avoided.

j) The County supports universal physical access and encourages the building industry to incorporate such features into new structures.

There is no Natural Heritage System or Natural Environment Designation that affected the Site, as set out in Schedules "B1", "B2" or "B3" of the OP for the County of Essex.

The Site is not within the "Areas Susceptible to Flooding", according to Schedule "C1" or "Regulated Areas", according to Scheduled "C2".

The Site is not affected by the "Intake Protection Zones" as shown on Schedule "C3", "Significant Groundwater Recharge Area", according to Schedule "C5" or the "Highly Vulnerable Aquifers", according to Schedule "C4", attached to the OP for the County of Essex.

Essex County Road 42 is designated as a "County Road" and Lesperance Road is designated as a "Local Road" according to Schedule "D1" Road System Plan attached to the OP for the County of Essex.

There is a required setback from County Road, which is 25.91 m (85 ft) from the centre of the right-of-way.

Justification for the proposed development in terms of the County of Essex OP is provided in Section 6.1.2 of this report.

4.3 Town of Tecumseh Official Plan (Sandwich South)

The Town of Tecumseh is guided by three (3) Official Plans (OP). The OP that represents the Site is the Township of Sandwich South, which existed separately prior to the January 1, 1999 amalgamation and consolidated on August 13, 2013 and approved by the County of Essex on October 16, 2013.

The OP implements the PPS and the County of Essex OP. It establishes a policy framework to guide land use planning decisions related to development and the provision of infrastructure and community services throughout the Town.

The following provides a summary of the relevant Township of Sandwich South OP policy considerations as related to the proposed development.

Overall, according to Policy 2.1, new development within the township is generally encouraged within the urban areas.

Policy 2.2 establishes criteria for site suitability and includes the following:

- a) soil and drainage conditions are suitable to permit the proper siting of buildings;*
- b) the services and utilities, whether they be municipal or private, can adequately accommodate the proposed development;*
- c) the road system is adequate to accommodate projected increases in traffic;*
- d) the land fronts on a public road which is of a reasonable standard of construction;*
- e) adequate measures will be taken to alleviate or prevent any adverse effects that the proposed use may possibly have upon any existing or proposed adjacent use.*

The lands are designated “Neighbourhood Commercial” according to Schedule “A-1” Tecumseh Hamlet Urban Area Land Use Plan attached to the OP for the Township of Sandwich South (see Figure 5 – Township of Sandwich South OP).

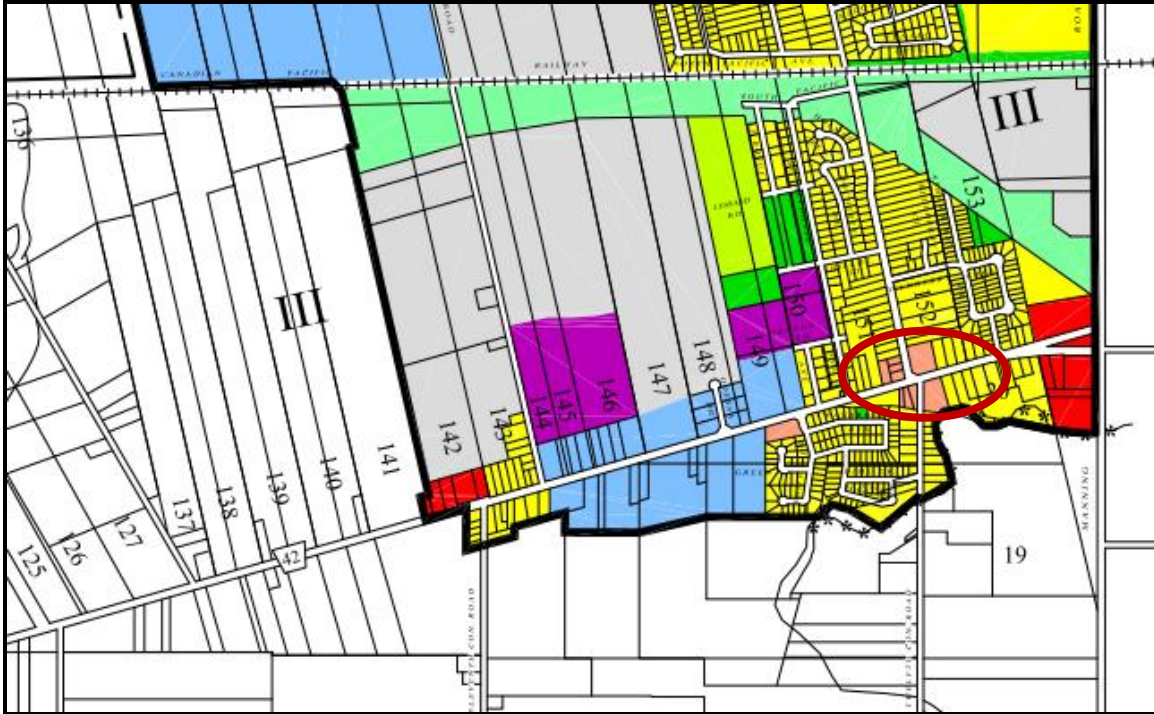


Figure 5 - Township of Sandwich South OP

Policy 3.3.1 sets out the goals for the Medium Density Residential designations and includes;

- i) *to encourage the development of a greater variety of housing types, tenures, and prices in the township to meet the future housing needs of all households, including households with low and moderate income levels, and to meet the provincial housing objectives as set out in the Cabinet approved Provincial Policy Statement;*
- ii) *to support both public and private sector residential development plans which are innovative in nature, exhibit a high standard of architectural and site design, and satisfy evolving market needs;*
- iii) *to facilitate the provision of affordable housing within the township, in keeping with the requirements prescribed by the Cabinet approved Provincial Policy Statement, and to promote and support new housing forms that will meet the needs of households with special needs.*

Policy 3.3.2 sets out;

The following policies shall apply to those lands designated "Medium Density Residential" on the Land Use Schedules of this Plan:

- i) *the predominant use of lands designated Medium Density Residential shall be for townhouse, low-rise apartment buildings, and other multi-unit dwelling types, at a density that does not exceed 30 units per gross hectare of land. Gross hectare of land includes lands to be used for residential building lots and the associated road allowances, but excludes lands to be used for open space, commercial and other non residential purposes;*
- ii) *nursing homes, rest homes and retirement homes may also be permitted, provided they do not exceed three stories in height;*
- iii) *day care centres may also be permitted within the Medium Density Residential designation;*
- iv) *group homes shall also be permitted in accordance with the policies in subsection 3.2.2(vii) of this Plan;*
- v) *home occupations may be permitted, provided they do not alter the residential character and amenity of the area;*
- vi) *the creation of new lots for residential purposes will primarily occur by plan of subdivision. However, consents for residential lots will be permitted in accordance with the policies contained in Section 4 of this Plan;*
- vii) *the township will encourage the provision of sufficient residential land in order to satisfy future housing needs in terms of type, tenure, size, location and cost, taking into account household size and income in accordance with the Provincial Policy Statement, and will provide for a wide range and mix of housing types;*
- viii) *some of the undeveloped lands that are designated Medium Density Residential, and have servicing constraints, shall be placed in a holding zone in the implementing zoning by-law. The holding symbol will be removed when appropriate sewage, water and any other necessary municipal infrastructure is available to the satisfaction of the township and the Ministry of Environment and Energy and a plan of subdivision is approved, where required. Existing uses and agricultural uses shall be permitted in the interim;*
- ix) *it is the intent of this Plan to avoid intrusions of commercial activities into the residential areas. Therefore, new commercial uses, with the exception of day care centres, shall not be permitted in the Medium Density Residential designation;*

Policy 3.5.1 sets out the goals for the Neighbourhood Commercial designation and includes;

- i) *to ensure that the local retail and service commercial needs of the residents of the township are met at locations which are convenient and possess the necessary locational characteristics for such uses, without adversely impacting the surrounding residential neighbourhood they are intended to serve.*

Policy 3.5.2 sets out;

- i) *the uses permitted shall be limited to those commercial uses which provide for the sale of goods and services to meet the daily needs of the surrounding community in foods, drugs, sundries and personal services and may also include eating establishments, video rental establishments, offices, financial institutions, laundry and dry cleaning establishments, gas bars, service stations and other similar uses;*
- ii) *the development of Neighbourhood Commercial areas may take place in the form of a small shopping centre owned and operated as a unit, or as one or more free-standing buildings;*
- iii) *adequate parking facilities shall be provided for all permitted uses and access points to such parking shall be limited in number and designed in a manner that will minimize the danger to both vehicular and pedestrian traffic.*
- iv) *adequate buffering shall be provided between the commercial use and any adjacent residential areas and such buffer area may include provision of grass strips and appropriate planting of trees and shrubs;*
- v) *the Neighbourhood Commercial uses shall be sited so as to minimize their effect on adjacent residential uses;*
- vi) *the building or buildings containing the Neighbourhood Commercial uses and any lighting or signs shall be designed and arranged so as to blend in with the character of the adjacent residential uses;*
- vii) *no open storage of goods or materials shall be permitted;*
- viii) *the Neighbourhood Commercial uses shall be included in a separate zoning classification in the comprehensive zoning bylaw;*
- ix) *new development may be subject to site plan control pursuant to Section 41 of the Planning Act, R.S.O. 1990;*

Essex County Road 42 is designated as an “Arterial (County) Road” and Lesperance Road is designated as a “Local Road” according to Schedule “D1” Road System Plan attached to the OP.

Section 6.17 sets out amendment procedures. *All proposed amendments to this Official Plan or the implementing zoning by-law shall be processed in accordance with the provisions of Sections 21 and 34 of the Planning Act, R.S.O. 1990, and due regard shall be given to the following matters:*

- i) the physical suitability of the land to be used for the proposed use;*
- i) the adequacy of all required services;*

iii) the adequacy of the road system to accommodate the projected traffic volume increases;

iv) the compatibility of the proposed use with existing and potential future uses in the surrounding area;

v) the need for the additional land to accommodate the proposed use/facilities.

Justification for the proposed development in terms of the Township of Sandwich South OP is provided in Section 6.1.3 of this report.

4.4 Town of Tecumseh Official Plan Review

The Municipality is currently undertaking a comprehensive review of the Official Plan.

As part of the development of the new Plan, Council received a report entitled “Commercial Development Discussion Paper, June 2015”.

The discussion paper provided a review of trends, emerging policy issues and factors that influence commercial development.

A summary of key findings were included in the discussion paper. The key findings that impact this Site include the following:

- *factors including commercial development include population, transportation and commercial trends;*
- *main commercial areas in the Town include Lesperance Road and County Road 22 Commercial area;*
- *there is more than adequate supply of commercial land in the Town,*
- *the City of Windsor undertook a Residual Market Demand and Impact Analysis in 2008 and concluded that the region as an oversupply of commercial space,*
- *good design is relevant to the success of commercial areas; and*
- *parking areas should be logically organized, convenient and safe.*

Justification for the proposed development in terms of the Official Plan comprehensive review is provided in Section 6.1.4 of this report.

4.5 Town of Tecumseh Hamlet Secondary Plan

The Tecumseh Hamlet Secondary Plan area is the Town’s mid to long term development area plan, which is nearing completion, including a planning and servicing study process.

Town residents and stakeholders were invited to attend a two-day planning event in October of 2011 for two on-going planning studies; the Tecumseh Hamlet Secondary Plan and the Tecumseh Road Community Improvement Plan (CIP).

A commercial land supply analysis was undertaken to determine the amount and type of commercial development that could be supported by the anticipated future population of the area.

The draft Secondary Plan establishes a commercial structure. The Site has been identified as a possible “Key Node and Gateway Opportunities Area”.

Justification for the proposed development in terms of the Hamlet Secondary Plan is provided in Section 6.1.5 of this report.

4.6 Town of Tecumseh Zoning By-Law (Sandwich South)

The Town of Tecumseh is governed by three (3) Zoning By-Laws (ZBL). The ZBL that represents the Site is the Township of Sandwich South, which existed separately prior to the January 1, 1999 amalgamation and consolidated on January 24, 2017 by Council by-law No. 2017-03.

A Zoning By-Law implements the PPS, the County OP and the Town OP by regulating the specific use of property and provide for its day-to-day administration.

According to Schedule “A”, Map 3 attached to the Town of Sandwich South ZBL the lands are within the C1 – General Commercial Zone category (see Figures 6 - Zoning Maps 3).

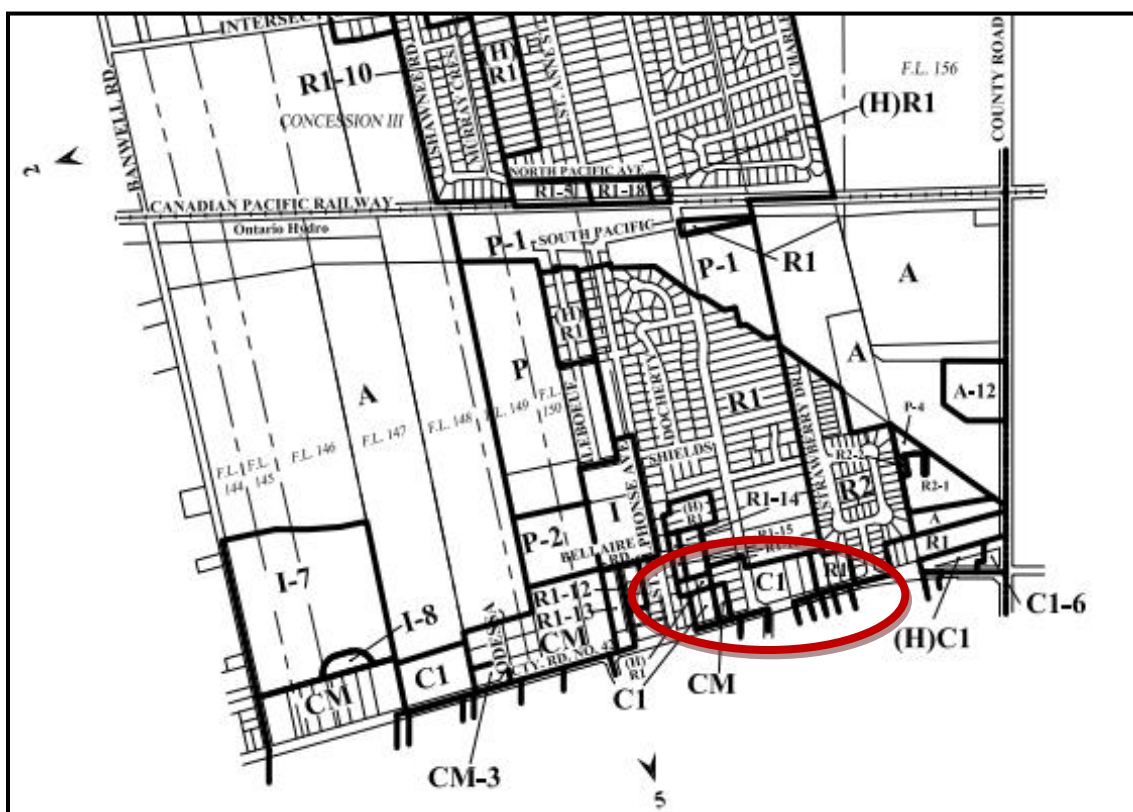


Figure 6 – Town of Sandwich South Zoning Map 3

Section 8 sets out the regulations for the General Commercial Zone (C1). The Zoning By-law analysis is detailed in Section 6.1.5 of this report.

5.0 PROPOSED APPLICATION

5.1 Official Plan Amendment

In order to permit residential development on the Site, a site specific Official Plan Amendment (OPA) is required.

It is proposed to keep the existing commercial lands designated as Neighbourhood Commercial in the Township of Sandwich South OP. The commercial lands will be subject to Section 3.5 of the OP, which permits commercial users such as the sale of goods and service to meet the daily needs of the surrounding community.

The lands proposed for residential require a land use change from Neighbourhood Commercial to Medium Density Residential.

The residential lands will be subject to Section 3.5 of the OP, and includes low-rise apartment buildings at a density that exceeds 30 units per gross hectare of land.

The proposed multi unit residential dwellings are considered medium density forms of housing. The maximum density is 30 units per hectare and, based on the lot area of the residential portion of the Site (0.446 ha), a total of 13.38 units are permitted and 18 units are proposed (Policy 3.3.2).

The change in land use will require a map change to the Township of Sandwich South OP Schedule "A-1". No text change would be required.

5.2 Zoning By-Law Amendment

The proposed development requires a site specific Zoning By-Law Amendment (ZBA) with exceptions.

It is proposed to keep the commercial lands zoned as General Commercial Zone (C1) in the Township of Sandwich South ZBL. The commercial lands will be subject to Section 8 of the ZBL, which permits a variety of commercial uses.

Parking for the commercial use is subject to Section 5.33. Based on retail and office space, a minimum of one (1) parking space per 18.5 sq m (199 sq ft) of floor area is required. A total of 27 parking spaces are required for the proposed area and 33 spaces are provided.

Section 5.33a sets out the requirements of barrier free parking. Based on 33 parking spaces provided, a minimum of 2 parking spaces are to be barrier free, which is what is being proposed.

The lands proposed for residential require a zone category change from General Commercial Zone (C1) to Residential Zone 1 (R1-XX) Defined Zone. The residential lands will be subject to Section 6.3 with the addition of a new exception section (Section 6.3.X) for the Site.

There are currently no zones in the Township of Sandwich South ZBL that would permit this type of development. Further, there is no parking requirement set out in Section 5.33 for this type of development.

The new defined zone in Section 6.3 of the ZBL for the Site will include the proposed multi unit residential uses (three 6 Plex) as a permitted use, serviced by a public water supply, sanitary sewerage system and storm sewer system. This is similar terminology used in the Town of Tecumseh ZBL, under the Residential Zone 3 (R3) regulation.

Permitted buildings and other structures would include multi unit dwellings (low-rise apartment) and accessory buildings and structures for the permitted uses.

Other regulations would include the following:

Minimum lot area	0.5 ha (1.24 acres)
Minimum lot frontage	22.8 m (74.80 ft)
Maximum Lot Coverage	50 percent
Minimum Landscaped Open Space	20 percent
Maximum Building Height	10.6 m (34.78 ft)
Minimum Front Yard	9.14 m (30 ft)
Minimum Side Yard - interior	2.44 m (8 ft)
Minimum Side Yard - exterior	9.14 m (30 ft)
Minimum Rear Yard	6.09 m (20 ft)
Parking Requirement	1.5 space per unit

Also, a map change is required for the site from General Commercial Zone (C1) to Residential Defined Zone 1 (R1-XX) to correspond with the proposed Specific Use Regulation to Section 6.3 (see Figure 7 – Township of Sandwich South Zoning Map 3).

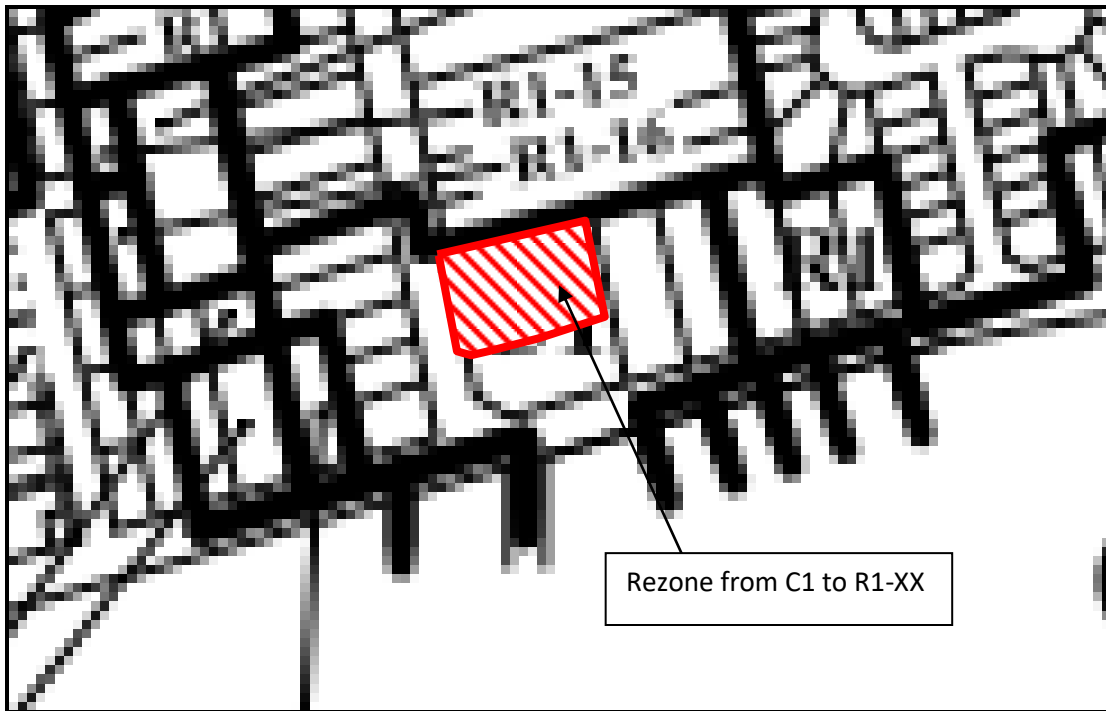


Figure 7 – Township of Sandwich South Map 3

6.0 PLANNING ANALYSIS

6.1 Policy and Regulatory Framework

6.1.1 Provincial Policy Statement, 2014 (PPS)

The proposed development is consistent with the PPS and the Province's vision for long-term prosperity and social well-being.

The Town has directed growth where the Site is located. The proposed development is an opportunity which will contribute positively to promoting efficient land use and development patterns (Policy 1.0).

The proposed development is consistent with the policy to build strong healthy and livable communities. This form of multi unit dwelling unit is not currently found in this area and will provide a mix of housing choices. There are no environmental or public health and safety concerns. The development pattern does not require expansion of the settlement area. The Site has access to full municipal services and is close to existing local parks, churches, trails and schools (Policy 1.1.1).

The proposed development will help the Town meet the full range of current and future residential needs through affordable intensification as the units will be available for rent (Policy 1.1.2).

The proposal enhances the vitality of the municipality, as the proposal is within the Town's settlement area. Residents will have immediate access to shopping, employment, recreational areas and institutional uses (Policy 1.1.3.1).

The density of the proposed development is appropriate as most of the surrounding area to the north is residential within a mix of commercial land uses. The Site also offers an opportunity for intensification as multi unit residential can be accommodated on the Site. The Site is located both a local road and a County road (Policy 1.1.3.2).

The intensification can be accommodated for the proposed development as it is a redevelopment opportunity within an existing land use pattern. The parcel has been vacant for several years and has a completed Environmental Site Assessment (Policy 1.1.3.3).

The proposed development will be built with a high standard of construction, will be in a compact form and will mitigate risks to public health and safety through the use of appropriate setbacks (Policy 1.1.3.4).

The Town has established targets for intensification and redevelopment. The proposed development will assist in meeting those targets as the Site is located within an existing built-up area and close to amenities (Policy 1.1.3.5).

The proposed development does have a compact form. The density will allow for the efficient use of land, existing infrastructure and public services. The proposed residential will complement the commercial node. There are other commercial nodes nearby, making this area sub standard and suitable for residential development (Policy 1.1.3.6).

This form of residential development is not currently found in this area will assist the Town in providing a mix of affordable housing choices (Policy 1.4.3).

The proposal is consistent with the PPS as it will be serviced by existing municipal sewer, water and storm, which is the preferred form of serving for settlement areas (Policy 1.6.6.2).

Given that the proposal is in keeping with aspects of the PPS, municipal approval of the proposal is consistent with the PPS.

6.1.2 County of Essex Official Plan

The proposed development conforms to the County of Essex OP and supports the goals as the Site is suited for residential and will help promote community sustainability (Policy 1.5) and promotes efficient and environmentally responsible development by using existing infrastructure (Policy 2.10).

The Site is within the “Primary Settlement Areas” which will support and promote healthy, diverse and vibrant opportunities to live, work and play. The proposed development is compact, pedestrian oriented and in close proximity to amenities (Policy 3.3.2).

The Site will offer full municipal services and contribute toward a cost effective development pattern within the Town (Policy 3.2.4.1).

Therefore, the proposed multi residential development conforms to the County OP.

6.1.3 Township of Sandwich South Official Plan

While residential uses are currently not permitted within the Commercial designation, the Township of Sandwich South OP contains a number of policies that encourage property redevelopment and intensification while ensuring compatibility with existing surrounding land uses.

It is the policy of the Town that new development is generally encouraged within the urban areas, which includes this Site (Policy 2.1).

Regarding site suitability, the soil is Brookston Clay, which offers good drainage conditions to permit the proper siting of buildings. Municipal services are available which will allow the proposed development to be constructed to municipal standards. Essex County Road 42 is a County Road and Lesperance Road is a local road which is adequate to accommodate increased traffic. Finally, adequate safeguards have been taken into account to ensure the

proposed development is in harmony with existing such as the use of appropriate setbacks and density (Policy 2.1).

The proposed amendment conforms to the policies set out in the OP for residential development. The proposed use will blend well with the scale and size to the existing low density residential uses to the east and north of the Site while offering affordable housing options. The Site has adequate servicing. The road system is adequate to accommodate the projected traffic. It is understood that Lesperance has recently been changed and is classified to be a 'minor arterial road' (Policy 3.3.1).

The proposed multi unit residential dwellings are considered medium density forms of housing. The maximum density is 30 units per hectare and, based on the lot area of the residential portion of the Site (0.446 ha), a total of 13.38 units are permitted and 18 units are proposed (Policy 3.3.2).

The proposed residential uses represent intensification and redevelopment within the built-up area, which will assist the Town of Tecumseh in meeting its intensification targets and policy objectives regarding the creation of complete community that efficiently use land and resources (Section 6.17).

Therefore, an amendment to the Town of Sandwich South OP is required to facilitate the proposed development.

6.1.4 Town of Tecumseh Official Plan Review

Based on the information available regarding the comprehensive review of the Official Plan, the Site supports the key finding of the Commercial Development Discussion Paper regarding the existing commercial node.

The existing commercial area consists of a small node and will be reduced slightly to permit the residential development. The proposed residential area will complement and strengthen the existing commercial node.

There are other commercial nodes nearby, such as Tecumseh Road and Manning Road that are much larger and more appropriate for large scale development, making this area sub standard and suitable for residential development.

There is a need for mixed use residential development in the area which helps the Town of Tecumseh achieve its intensification and affordable housing targets.

Therefore the reduction in the commercial area will not have a significant impact of the overall commercial development in the area.

6.1.5 Town of Tecumseh Hamlet Secondary Plan

Based on the OP, the Town has experienced a steady residential growth. Although there has been steady population and residential growth, there appears to have been only a marginal increase in commercial uses indicating that there is an oversupply of commercial land within the region.

A scoped analysis indicates that it does not appear to be feasible to continue to promote the use of the Site for commercial development. The Site has been vacant with no success in finding an interested developer. The reduction in the size of the commercial area will help attract a more suitable tenant that supports the neighbourhood needs as oppose to a large scale development.

The proposed development will result in the addition of approximately 18 new rental units which will provide a type of affordable housing choice that is currently not found in the area.

The additional residential uses, adjacent to the planned commercial node, will compliment the area allowing an appropriate mix of uses within the small-scale commercial retail area at the corner of Essex County Road 42 and Lesperance Road.

6.1.6 Township of Sandwich South Zoning By-law

The proposed residential development does not comply with the Township of Sandwich South Zoning By-law (ZBL).

It is proposed to keep the commercial lands zoned as General Commercial Zone (C1) in the Township of Sandwich South ZBL. Parking for the commercial use is subject to Section 5.33 and 5.33a.

The lands proposed for residential require a zone category change from General Commercial Zone (C1) to Residential Zone 1 (R1-XX) Defined Zone. The residential lands will be subject to Section 6.3 with the addition of a new exception section (Section 6.3.X) for the Site. There are currently no zones in the Township of Sandwich South ZBL that would permit this type of development. Further, there is no parking requirement set out in Section 5.33 for this type of development.

Therefore, an amendment to the Township ZBL is required to facilitate the proposed development in addition to a map Schedule change to Map 3 of Schedule "A" of the ZBL (see Section 5.2 of the PJR for amendment details).

6.2 Context and Site Suitability

6.2.1 Site Suitability

The Site is ideally suited for residential development for the following reasons:

- The land area is sufficient to accommodate the proposed development.
- The Site is generally level which is conducive to easier vehicular movements.
- The Site will be able to accommodate municipal water, storm and sewer systems.
- The Site provides for drainage.
- There are no anticipated traffic concerns.
- There are no anticipated environmental concerns.
- The location of the proposed development is appropriate in that it is an infilling opportunity and will blend well with the residential uses in the surrounding area.

6.2.2 Compatibility of Design

The proposed development will be strategically located to provide efficient ease of access.

The proposed residential development will be limited to medium density development, which is compatible with the surrounding neighbourhood.

The layout of each 6 Plex will be oriented with the facade of the buildings facing Lesperance Road with pedestrian access to the front and rear of the units.

The proposed commercial development will be designed providing high urban design standards with a parking area that is accessible.

6.2.3 Good Planning

The proposal represents good planning as it addresses the need for the Town to provide compact residential development which contributes toward intensification and the provision of affordable housing.

Residential uses on the Site represent an efficient development pattern that optimizes the use of land. The Site blends well with the fabric of housing to the north and east of the Site.

It does not appear to be feasible to continue to promote the use of the Site for commercial development. The Site has been vacant with no success in finding an interested developer.

The reduction in commercial area will provide a better opportunity to market to tenants that will serve the needs of the neighbourhood.

The proposed residential will complement the commercial node. There are other commercial nodes nearby, making this area sub standard and suitable for residential development.

The proposed development is compatible with the surrounding commercial and residential land uses as it is consistent in size, massing and density.

The fact that the proposal is supported by provincial, county and municipal planning policy, and the Site is suitable for the intended use on a number of criteria attests to the fact that the proposal represents good planning.

6.2.4 Natural Environment Impacts

The proposal does not anticipate any negative natural environment impacts. There are no constraints regarding the Site as it is flat and the grass is currently being maintained.

The topography, soil and environmental characteristics of the Site are able to accommodate an appropriate development that will minimize adverse environmental impacts.

6.2.5 Municipal Services Impacts

There will be anticipated impact on the municipal services, however the residential development is limited to medium density and will not add to the capacity in any significant way.

6.2.6 Social and/or Economic Conditions

It is not anticipated that the proposed development will negatively affect the social environment as the Site is in close proximity to major transportation corridors, open space, community amenities and where many people live, work and play.

The proposed development offers an affordable housing option and promotes efficient development and land use pattern which sustains the financial well-being of the municipality.

The proposal will not cause any public health and safety concerns. The proposal represents a cost effective development pattern that minimizes land consumption and servicing costs.

There will be no sprawl as the proposed development is inside the existing settlement area and is an ideal location for a redevelopment opportunity.

7.0 SUMMARY AND CONCLUSION

The PJR has outlined support of an Official Plan amendment and Zoning By-law amendment for the proposed residential development and the decrease in commercial area.

The proposal to use the Site for multi unit residential dwellings is appropriate and should be approved by the Town of Tecumseh as it:

- is consistent with the PPS 2014;
- conforms with the intent and purpose of the COP;
- conforms with the intent and purpose of the Town OP;
- complies with the regulations of the Town ZBLA;
- is a site that is physically suitable;
- does not negatively impact the private use and enjoyment of area residents;
- will not have any negative natural environmental impacts;
- will not create any traffic issues;
- will not have any negative impacts on municipal services;
- will not have any negative social or economic impacts; and
- will have a favourable positive impact on the Town of Tecumseh.

In summary, for the above reasons, it would be appropriate for the County of Essex to approve the application for Official Plan amendment and the Town of Tecumseh to adopt the application for Official Plan amendment and approve the application for Zoning By-law amendment to reduce the commercial area and permit multi unit residential dwellings on the Site as it is appropriate for development and will compliment the planned commercial node within a mixed-use area.

This PJR has shown that the proposed development is suitable intensification of affordable residential, is consistent with the Provincial Policy Statement, conforms with the intent and purpose of the County of Essex Official Plan, conforms with the intent and purpose of the Town of Tecumseh Official Plan and represents good planning.

Planner's Certificate:

This Planning Justification Report was written by Tracey Pillon-Abbs a Registered Professional Planner (RPP) within the meaning of the *Ontario Professional Planners Institute Act 1993*.


Tracey Pillon-Abbs, RPP
Planning Consultant

