



The Corporation of the Town of Tecumseh

Development Services

To: Mayor and Members of Council

From: Brian Hillman, Director Development Services

Date to Council: May 23, 2023

Report Number: DS-2023-11

Subject: Zoning By-law Amendment
Petcon Realty Corp.
South Side of County Road 22 (West of Sylvestre Drive)
Scheduling of a Public Meeting
OUR FILE: D19 PETHOT

Recommendations

It is recommended:

That Report DS-2023-11 entitled “Zoning By-law Amendment, Petcon Realty Corp., South Side of County Road 22 (West of Sylvestre Drive), Scheduling of a Public Meeting”, **be received**;

And that the scheduling of a public meeting, to be held on Tuesday, June 27, 2023 at 6:30 p.m., in accordance with the *Planning Act* for the application submitted by Petcon Realty Corp. to amend Zoning By-law 85-15 by rezoning the northern 1.75 hectare (4.33 acre) portion of a 6.77 hectare (16.72 acre) property of land situated on the south side of County Road 22, from “Agricultural Zone (A-33)” to a site-specific “Holding General Commercial Zone (H) C1-10, in order to facilitate the construction of a commercial development consisting of up to a six-storey hotel and a separate commercial/retail building, **be authorized**.

Executive Summary

Petcon Realty Corp. (“the Owner”) owns a 6.77 hectare (16.72 acre) property situated on the south side of County Road 22, immediately west of the Sylvestre Drive terminus. The northern 1.75 hectare (4.33 acre) portion of the property is currently designated “General Commercial” in the Official Plan, while the balance is designated “Residential”. The entire property is currently zoned “Agricultural Zone (A-33)” in Zoning By-law 85-18 (reflecting the current agricultural status of the land). It is the Owner’s intention to construct a hotel up to six stories in height and 170 rooms, with an approximate footprint of 1,707 square metres (18,374 square feet) along with a separate 1,003 square metre (10,800 square foot) commercial/retail building on the northerly portion of the property. A Zoning By-law amendment application has been submitted for the northern 1.75 hectare (4.33 acre) portion of the property (vacant lands abutting the south of County Road 22, immediately west of the Sylvestre Drive terminus). The application proposes to rezone these northerly lands into an appropriate site-specific “Holding General Commercial Zone (H) C1-10 to facilitate construction of the proposed commercial development, along with establishing site-specific zone provisions. This Report is requesting the scheduling of a public meeting related to the proposed amendments in accordance with the requirements of the *Planning Act*.

Background

Property Location and Proposed Application

The Applicant owns a 6.77 hectare (16.72 acre) property situated on the south side of County Road 22, immediately west of the Sylvestre Drive terminus (see Attachment 1). The Owner is proposing to rezone the northern 1.75 hectare (4.33 acre) portion of the parcel (“the subject area”) from “Agricultural Zone (A-33) to a site-specific “Holding General Commercial Zone (H) C1-10. The proposed change in zoning would permit the construction of a hotel up to six stories in height and 170 rooms with an approximate footprint of 1,707 square metres (18,374 square feet) along with a separate 1,003 square metre (10,800 square foot) commercial/retail building on the subject area, along with establishing site-specific zone provisions. The subject area is designated General Commercial in the Official Plan.

Proposed Development

Along with the rezoning application, the Owner has submitted a proposed preliminary site plan and architectural rendering (see Attachments 2 and 3) depicting:

- a 142-room, five-storey hotel having a building footprint of 1,707 square metres (18,374 square feet) occupying the eastern portion of the subject area. The hotel will include on-site amenities such as a pool and fitness facilities. In addition to the hotel, a 1,003 square metre (10,800 square foot) one-storey commercial building that will occupy the westerly portion of the subject area is proposed.
- vehicular access from the westerly terminus of Sylvestre Drive by way of a private driveway. In the future, with the broader development of the Manning Road Secondary Plan area ("MRSPA"), Westlake Drive is proposed to be extended easterly across the full frontage of the subject area, connecting with the current westerly terminus of Sylvestre Drive (see Attachment 1). Accordingly, the subject area will then gain direct access from this future road extension, which is consistent with the recommendations of the County Roads 19 and 22 Municipal Class EA.
- 215 on-site parking spaces, along with loading areas associated with the proposed hotel and commercial building.

The Owner has advised that final design and layout of the proposed hotel has not been determined and may result in a building height of six storeys rather than the currently illustrated five storeys.

Surrounding Land Uses

The land uses surrounding the subject area are as follows (see Attachment 4):

- North: County Road 22, beyond which are single unit dwellings and townhouse dwellings.
- East: An automobile sales/service establishment, beyond which are additional commercial properties on the north side of Sylvestre Drive.
- South: Vacant lands currently being used for agricultural purposes that are designated "Residential" in the Official Plan and subject to future development applications
- West: Vacant lands currently being used for agricultural purposes that are designated "General Commercial" in the Official Plan and subject to future development applications. The Tecumseh Town Centre Plaza is located farther to the west on the south-east corner of the Lesperance Road and County Road 22 intersection.

Supporting Document

The following document has been submitted to the Town in support of the application:

i) **Traffic Impact Letter, Hotel/Commercial Development, Tecumseh ON. – RC Spencer Associates Inc., March 2023**

To assess the impacts of traffic generated by the proposed use on the surrounding road network, the Owner engaged the services of a qualified consultant to prepare a Traffic Impact Letter (TIL).

The study provided an evaluation/analysis of the existing traffic operations, as well as future traffic conditions with and without the proposed development. The objective of the TIL was to determine the traffic impact of the development and whether any operational issues would arise as a result of the development during the interim roadway scenario (i.e. the development gaining access from terminus of Sylvestre Drive) in advance of a full roadway connection via the extension of Westlake Drive to Sylvestre Drive. It should be noted that the TIL did not consider nor make recommendations with regards to the Westlake Drive extension. Such recommendations, including the appropriate timing of the Westlake Drive extension, will be the subject of future analysis as part of the consideration of development applications for the balance of the MRSPA lands.

The TIL concluded that:

“It is observed that the proposed development will generate the highest number of trips in the critical Saturday peak hour; the site generated trips will primarily utilize the right-in-only access from County Road 22 and the eastbound stop-controlled tee intersection of Desro Drive at Manning Road (County Road 19). Since it is likely that the majority of ingressing trips will originate from the area around or within the City of Windsor, a significant portion of the “entering” trips are expected to utilize the right-in-only access from County Road 22. Most trips from the site are expected to be left turns onto Manning Road; these vehicles will most likely turn northbound toward the signalized intersection of County Road 22 at Manning Road (County Road 19) and proceed westward towards the City of Windsor.

...

Upon completion of the above technical review, it is the engineers’ opinion that, until the area traffic network improvements are made,

the proposed development could add approximately 1.5 vehicles per minute (in the critical peak hours) to the eastbound stop-controlled site access at Desro Drive. Since historical planning documents already suggest the closure of the Desro Drive intersection with Manning Road (County Road 19) an extension of Westlake Drive to meet Sylvestre Drive, it is the engineers' opinion that the proposed rezoning (to accommodate a hotel and commercial pad) will not adversely impact area traffic operations. However, as traffic network modifications are made in conjunction with area residential development proposals, supplemental traffic impact studies should be provided to the road authorities."

Town Administration has reviewed the TIL and is satisfied that its analysis and recommendations are sufficient to support consideration of the proposed application and to proceed with a formal public meeting. In addition, the County of Essex was consulted with respect to the TIL. The County Transportation Planning Department has advised that it has no issues with the proposed hotel moving forward, with the understanding that site access at this time will be from County Road 22 via Sylvestre Drive and County Road 19 via Sylvestre Drive. The County agreed that a future Traffic Impact Study will be required to determine the requirements and timing of traffic infrastructure improvements in the MRSPA area required to accommodate development beyond the proposed hotel, including the Westlake Drive extension. The County is willing to work with the Town and the owners of the adjacent development lands in coordinating such a study.

Comments

Provincial Policy Statement

The *Planning Act* establishes that Council, when making decisions that affect a planning matter, "shall be consistent with" the 2020 Provincial Policy Statement ("PPS") issued under the *Planning Act*.

The following are the relevant excerpts from the PPS:

"1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable and safe communities are sustained by:

...

b) accommodating ... employment (including industrial and commercial)... and other uses to meet long-term needs.

1.1.3 Settlement Areas

1.1.3.1 Settlement areas shall be the focus of growth and development.

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

In summary, the PPS encourages the proposed use within fully serviced, designated settlement areas. The proposed development is consistent with the PPS.

County of Essex Official Plan

The subject property is within an identified Primary Settlement Area of the County Official Plan (“County OP”). The goals and policies of the County OP encourage a range of urban development within identified settlement areas. The following are the relevant excerpts from that document:

“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;

...

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.

...

- 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.

3.2.4.1 Policies

The following policies apply to Primary Settlement Areas:

- a) Primary Settlement Areas shall be the focus of growth and public/private investment in each municipality;
- ...
- 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.
- ...
- 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."

In accordance with the foregoing goals and policies, the proposed development conforms to the County of Essex Official Plan.

Tecumseh Official Plan

As noted previously, the subject area is designated "General Commercial" on Schedule "B1" of the Tecumseh Official Plan (see Attachment 5). The land uses proposed through the application are permitted by the Official Plan.

Zoning By-law

As noted previously, the subject property is currently zoned "Agricultural Zone (A-33) in Zoning By-law 85-18, which reflects the historical use of the lands for agricultural purposes. The A-33 zone permits all agricultural uses except for greenhouses, mushroom farms and agricultural livestock intensive uses. Accordingly, a zoning by-law amendment is necessary to rezone the subject area into an appropriate site-specific commercial zone to reflect the Official Plan designation and associated policies. The balance of the Owner's property to the south will remain in the current A-33 zone until

such time as development applications are brought forward to develop it for residential uses as contemplated by the Official Plan.

Amendments to the Zoning By-law shall be subject to Subsection 10.18 of the Official Plan, Amendment Procedures. This subsection establishes that, when contemplating an amendment to the Official Plan, due regard shall be had to the following matters:

- 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; and
- v) the adequacy of the transportation system to accommodate the proposal.

Based on our preliminary review, it is the opinion of Administration that the application can satisfy the preceding items. It is acknowledged, however, that the requisite public meeting will provide an opportunity for stakeholder input, which will assist in fully evaluating the application. Following the public meeting, if any concerns are identified with respect to the above-noted matters that cannot be addressed directly at the public meeting, a more detailed analysis of the application in the context of the relevant Official Plan policies will be provided to Council by way of a future report.

Municipal Services

The proposed development will be serviced with full municipal services. It is noted the proposed development is within an area subject to the following documents:

- i) the Manning Road Secondary Plan Area, Stormwater Management Class Environmental Assessment (EA) Addendum, December 2014; and
- ii) the Town of Tecumseh Functional Servicing Report – DRAFT, Manning Road Secondary Plan Area, February 2023.

The infrastructure necessary to facilitate the development of the subject area in accordance with the preceding documents is currently not in place (e.g., the stormwater management pond proposed on the southern portion of the MRSPA area is not

constructed nor are the sanitary sewers or watermain proposed for construction within the Westlake Drive extension right of way). However, there are appropriate interim municipal servicing solutions that may be implemented by the Owner to permit the development to proceed at this time, with the understanding that as the preferred servicing scheme is introduced with the future development of the balance of the MRSPA lands, the subject area will be required to interconnect with those services.

Details regarding servicing will be incorporated in the associated site plan control agreement, which will be required prior to development proceeding on the subject area. In the interim, Public Works and Environmental Services indicates that it has no concerns with the development of the property for the proposed use under an interim servicing solution. Municipal sanitary sewers and water services are currently available to the property via Sylvestre Drive and can accommodate the proposed development. Site derived storm water management ("SWM") facilities will be required as an interim solution until such time the development of the remaining MRSPA lands takes place and the ultimate SWM pond is available.

Additional Planning Approvals

In addition to the Zoning By-law amendment application and as previously noted, approval of a site plan control agreement will be required prior to the proposed development proceeding. The agreement will address matters such as site design, vehicular access, parking areas, sidewalks, lighting, landscaping, site services, SWM and drainage, along with any off-site servicing requirements.

Summary

The proposed Zoning By-law amendment is consistent with the PPS, conforms to the County OP and Town OP and upon a preliminary review, satisfies the matters to be considered in the Town's OP when contemplating a Zoning By-law amendment.

Accordingly, it is recommended that a public meeting be scheduled in accordance with the provisions of the *Planning Act* to seek public input. A public meeting to consider the proposed amendment will provide an opportunity to hear concerns and comments, if any, of neighbouring owners and other interested stakeholders/agencies. It is important that the concerns and comments of these stakeholders be taken into consideration as part of the full evaluation of the application. If issues arise at the Public Meeting that are not immediately resolved, a summary of the issues, along with a final recommendation on the application will follow by way of a future Planning Report. If, however, all issues are resolved or none are raised, a Zoning By-law amendment by-law will be brought forward for Council's consideration at a subsequent Council Meeting.

Consultations

Community Safety
Public Works & Engineering Services
County of Essex

Financial Implications

None.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
☒	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
☒	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
☐	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
☐	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
☐	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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Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1.	Property Location Map
2.	Preliminary Site Plan

Attachment Number	Attachment Name
3.	Preliminary Architectural Rendering
4.	Property Location and Surrounding Land Uses Map
5.	Official Plan Map
6.	Zoning Map