



The Corporation of the Town of Tecumseh

Planning & Building Services

To: Mayor and Members of Council

From: Chad Jeffery, Manager Planning Services

Date to Council: October 9, 2018

Report Number: PBS-2018-35

Subject: Official Plan Amendment and Zoning By-Law Amendment
2593430 Ontario Limited (Petretta Construction)
14328 & 14346 Tecumseh Road (Former Pud's Marina)
Review of Public Consultation Process, Administrative Response and
Final Recommendations
Our File: D19 PETTEC

Recommendations

It is recommended:

1. **That** a by-law having the effect of amending the St. Clair Beach Official Plan land use designation for a 1.3 hectare (3.2 acre) parcel of land located on the north side of Tecumseh Road, approximately 45 metres east of its intersection with Brighton Road (14328 & 14346 Tecumseh Road), from "Commercial" to "Medium Density Residential" with a site-specific policy establishing a maximum density of 51 units per hectare and permitting a five-storey, 65-unit condominium apartment building, limited ground-floor commercial uses and marina uses, in keeping with PBS-2018-35, **be adopted**;
2. **And that** a by-law having the effect of amending the St. Clair Beach Zoning By-law 2065 for a 1.3 hectare (3.2 acre) parcel of land located on the north side of Tecumseh Road, approximately 45 metres east of its intersection with Brighton Road (14328 & 14346 Tecumseh Road), from "General Commercial Zone (C1-5)" to a site-specific "Holding - Residential Type Three Zone (H) R3-13" which will establish site-specific zoning regulations in order to facilitate the development of the lands for a five-storey, 65-unit condominium apartment building, limited ground-floor commercial uses and marina uses, in keeping with PBS-2018-35, **be adopted**.

Background

Subject Proposal

2593430 Ontario Limited (Petretta Construction), "the Applicant", has filed applications with the Town to amend the St. Clair Beach Official Plan and Zoning By-law 2065 for a 1.3 hectare (3.2 acre) property located on the north side of Tecumseh Road, approximately 45 metres east of its intersection with Brighton Road (14328 and 14346 Tecumseh Road) (see Attachment 1). The proposed amendments would facilitate the construction of a five-storey, 65-unit condominium apartment building with limited ground-floor commercial uses. The subject property is the location of the former Pud's Marina – a privately owned marina that closed in 2017.

In order to permit the proposed development, the applicant is requesting that the subject property be:

- i. redesignated from "Commercial" to "Medium Density Residential" with a site-specific policy establishing a maximum density of 51 units per hectare and permitting the aforementioned commercial and marina uses; and
- ii. rezoned from "General Commercial Zone (C1-5)" to a site-specific "Residential Type Three Zone (R3-13)". The new site-specific zone would permit the proposed residential uses, establish the maximum number of apartment-style (65) dwelling units, permit a limited range and area of ground floor commercial uses and the accessory marina, as well as establish other lot/building requirements such as yard setbacks, lot coverage, landscaping requirements and minimum number of parking spaces and parking space sizes.

The applicants engaged the services of various professionals to provide reports in support of these applications. These reports were summarized in Planning Reports PBS-2018-03 and PBS-2018-31.

Public Consultation Process

i) Proponent-Driven Public Information Session (PIS)

Prior to the formal submission of the proposed Official Plan and Zoning By-law amendment applications to the Town, the applicant organized and held a Public Information Session (PIS) on November 2, 2017. The intent of the PIS was to introduce the proposed development and receive preliminary comments from neighbouring property owners/residents. The Applicant and his architects were in attendance to answer questions and gather feedback. Town Administration also attended to review what was being proposed and presented to those in attendance. Primary issues that were identified at the PIS centred around building height and related issues such as obstructed views and rear yard privacy for abutting residents and those along Aloha Drive.

ii) Initial Public Meeting

On March 13, 2018, Council held a public meeting in accordance with *The Planning Act* to hear comments on the aforementioned applications. The public meeting was attended by the Applicant, its consultants and residents from the surrounding neighbourhood. A number of residents spoke at the public meeting raising concerns over loss of marina access for boaters, density, compatibility, traffic, servicing and environmental issues. Council ultimately directed that a second public meeting be held in order to provide an opportunity to consider the various comments and for Town Administration to formally prepare a report summarizing the issues and commenting on same.

In an attempt to address the concerns raised at the first public meeting, the Applicant submitted a revised development proposal. The revisions included:

- reducing the number of units from 71 to 65;
- “stepping down” the north-south wing such that a portion of it is now proposed to be three stories and removing the northeast unit on the fifth floor of the east-west wing; and
- architectural changes to the façade of the apartment building.

iii) Second Public Meeting

A second public meeting was held on September 11, 2018. At that meeting, the issues raised during the first public meeting were summarized. In addition, an update was provided through PBS-2018-31 as to how these issues were proposed to be addressed by the Applicant along with professional comments from Town Administration in response to the various issues raised.

Prior to the second public meeting, the Town received correspondence from area residents both opposed and in support of the proposed development. The written comments from those opposing the proposed amendments are summarized as follows:

- not a good fit for the area – five-storey development is not in keeping with current neighbourhood of mostly single dwelling residences;
- reduction in privacy for residents of Aloha Drive;
- increased traffic from the development cannot be supported;
- municipal services cannot accommodate the development;
- views from existing houses on Aloha Drive are impeded;
- should consider reducing the proposed building to three stories; and
- should remain a marina.

The foregoing issues were previously addressed through Planning Report PBS-2018-31.

The supportive correspondence raised the following matters:

- the developer has a strong reputation as a quality builder;
- the proposed apartment building will provide options for seniors to remain in the Town;
- the proposed development will significantly improve the look of the area and increase the value of surrounding properties (as compared to the prior use of the property);
- other businesses/services will be attracted to the area;
- the proposed development provides a waterfront condo complex in Tecumseh for residents who wish to downsize from a single family residence to a condo;
- the proposed development will bring vibrancy to the area; and
- an acknowledgement that change is always difficult but the proposed development is a good use of land. There is a need for higher density residential.

The issues verbally raised at the second public meeting are summarized as follows:

- the developer has listened to the community to the best of his ability and it is the best use of the site. This support for the development is conditional on the Town addressing **traffic conditions at Brighton/Tecumseh Road intersection** and **noise pollution** associated with increased traffic;
- not opposed to the development but concerned over increased traffic from **transient marina slips**;
- concern over **lack of water access** for residents who own boats;
- **light pollution** from the development; and
- support for the development as it could accommodate this person's desire to downsize and there are currently limited options in the Town.

The purpose of this Report is to summarize the process to date, comment on issues raised at the September 11, 2018 public meeting and recommend a course of action with respect to the revised proposed Official Plan and Zoning By-law amendment applications.

Comments

Response to Issues/Concerns Identified through the Second Public Meeting

The following table provides a response to the new issues that were raised at the second public meeting:

| Issue | Response |
|---|---|
| <p>Traffic</p> <p>The proposed development will generate additional traffic that will exacerbate the traffic congestion at Brighton Road and Old Tecumseh Road and will generate more noise.</p> | <ul style="list-style-type: none"> • The applicant prepared a Traffic Impact Study and an Addendum to address this concern. These reports concluded that no operational issues should be expected as a result of the proposed development. • The issues related to speeding and traffic related noise will continue to be monitored by the Town and, if warranted, traffic calming measures and/or alternative traffic controls may be considered for implementation. |
| <p>Boat Traffic from Transient Marina Slips</p> | <ul style="list-style-type: none"> • There will be 10 slips dedicated for transient boaters. These slips will be for day use only and for the purpose of visiting the residents of the condominium and the café. Given the limited number of transient boater slips and the scope of their use, there are no negative impacts anticipated. |
| <p>Light Pollution</p> | <ul style="list-style-type: none"> • All exterior lighting (on the building and in the associated parking, marina and open space areas) will be designed to prevent emissions onto abutting residential properties and roadways. • This requirement will be implemented through the requisite site plan control agreement. |

Compatibility

The principle concern identified throughout the public consultation process was the compatibility or “fit” of the proposed development in relation to the low rise/low density residential uses situated in the vicinity. In light of this, Town Administration offers the following additional comments.

As noted in Report No. PBS-2018-31, to be compatible, it is not necessary that something be “the same as”, but that it be capable of “existing together in harmony”. Given this understanding, it is entirely possible to achieve compatibility between a five-storey apartment building and surrounding low density residential uses. Compatibility, however, will be dependent on the proper integration of the building into the surrounding neighbourhood. Proper integration necessitates taking into consideration a number of factors including: adequate separation, buffering, massing, building design/architecture and context. As noted previously, the proponent has made revisions to the proposal addressing massing (i.e. the stepping back of the north-south wing) and architectural design concerns.

In terms of separation distance from nearby low density residential areas, the proposed five-storey apartment building is situated in a manner that provides the following separation from surrounding residential dwellings (see Attachment 2):

- North - 245 feet from the stepped back north-south wing and 350 feet from five-storey east-west wing of the building to the single unit dwellings fronting on Aloha Drive;
- East - 300 feet from the townhouse dwellings on the east side of East Pike Creek Road in the Town of Lakeshore;
- South - 280 feet from the single unit dwellings on the west side of East Pike Creek Road in the Town of Lakeshore and 640 feet from the single unit dwellings on Mei-Lin Crescent;
- West - 150 feet from the nearest dwelling fronting on Brighton Road and approximately 390-400 feet from the semi-detached/townhouse dwellings on Caritas Court. It should be noted that at its closest point to the dwelling on Brighton Road, the proposed apartment building has been stepped down to three stories.

These setback distances are deemed appropriate in order to provide the necessary mitigation of issues related to privacy, shadow effect, light pollution and visual impact. As further support for the proposed setback distances, a review of similar residential development scenarios (multi-storey apartment buildings situated adjacent to and in close proximity to low density/low profile residential development) in other areas of Tecumseh and Essex County municipalities was undertaken.

Attachments 3A to 3C depict various multi-storey developments in other areas of Tecumseh as well as Leamington, LaSalle and Kingsville. These examples represent development

scenarios similar in nature to the subject proposal with separation distances from abutting low density residential areas ranging from six-storey buildings located 50 feet from single unit dwellings to 10-storey buildings located 110 feet from single unit dwellings. The majority of these development scenarios involved apartment buildings that were taller and had much lower setbacks than the ones proposed by the subject development. This type of development scenario is relatively common in fully serviced urban areas.

It should also be reiterated that the proposed five-storey building height is currently permitted by the Official Plan. The associated Official Plan and Zoning By-law amendments contain site-specific Official Plan policies and site-specific zoning regulations that ensure this built form and can be further enforced through the required site plan control agreement.

Taking into account the preceding and the analysis contained in PBS-2018-31, it is the conclusion of the writer that the proposed development will be compatible with surrounding uses.

Planning Analysis

A detailed planning analysis addressing the policies contained within the Provincial Policy Statement, the County of Essex Official Plan and the St. Clair Beach Official Plan was provided by way of PBS-2018-03. This Report was received and reviewed by Council at its February 13, 2018 Regular Council Meeting and at the subsequent Public Meeting on March 13, 2018.

A summary of the aforementioned planning analysis is provided below:

i) Provincial Policy Statement (PPS)

It is appropriate and desirable for the Town to support and promote higher density development that results in compact built form and makes more efficient use of existing services while offering a range of housing forms/types to meet expected needs, such as those of the growing senior cohort of the Town's population. The PPS supports the development of a broad range of housing types and tenures. It also encourages residential intensification within identified urban areas and where such areas have appropriate levels of servicing.

In accordance with the foregoing policies, the proposal for a 65-unit condominium dwelling on the subject lands is consistent with the PPS. The proposal provides an alternative form of housing type and tenure 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. The subject lands are also within the Tecumseh Transit system service area (i.e. within 400 metres or a five-minute walk of a bus stop).

ii) 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. The subject lands are within an identified settlement area

of the County Official Plan. The goals and policies of the County of Essex Official Plan encourage a range of residential development and intensification 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 of Essex Official Plan.

iii) St. Clair Beach Official Plan

The goals and policies of the "Medium Density Residential" designation encourage the development of housing types other than single unit dwellings as a means of offering a variety of ownership options, such as condominium, that can be appropriately integrated with the existing and proposed development pattern. Subsection 8.13 of the Plan, Amendment Procedures, establishes those matters that need to be considered when contemplating an amendment to the Official Plan.

In addition, Subsection 4.2.2 c) of the Official Plan establishes various issues are to be considered when reviewing the appropriateness of applications to amend the Zoning By-law to permit medium density residential uses.

PBS-2018-03 and PBS-2018-31 reviewed the development in the context of the relevant criteria contained in the aforementioned subsections and concluded that this proposal adequately addresses the various issues. Accordingly, it is the opinion of the writer that the proposed development meets the policies of the Official Plan.

Summary and Recommendations

In summary, it is the opinion of the writer, along with Town Administration, that the concerns/issues raised by those in attendance at the prior public meetings and through written correspondence to the Town have been adequately addressed. Detailed site design issues will be addressed through the required site plan control agreement that will be finalized and approved by Council at a future date.

In addition, it is proposed that the Holding symbol (H) be placed on the subject property as part of the proposed rezoning, the removal of which will be contingent upon the execution and registration of the noted site plan control agreement. The site plan control agreement will ensure that the proposed development is constructed and designed in accordance with the site-specific Official Plan designation policies and zoning that will apply to the property and in accordance with the revised concepts plans that were developed and presented to the public as a result of the public consultation process.

Accordingly, it is the opinion of the writer that the proposed Official Plan and Zoning By-law Amendments are consistent with the Provincial Policy Statement, conform to the County of Essex Official Plan and St. Clair Beach Official Plan policies, take into account the comments received through the public consultation process and will result in appropriate development that is based on sound land use planning principles.

On the basis of all of the foregoing, Town Administration recommends that Council pass by-laws amending the St. Clair Beach Official Plan and the St. Clair Beach Zoning By-law 2065 permitting the proposed development.

Consultations

Planning & Building Services
Public Works & Environmental Services

Financial Implications

None

Link to Strategic Priorities

| Applicable | 2017-18 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 the Town of 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 the Town of Tecumseh's plans and priorities. |
| <input type="checkbox"/> | Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses. |
| <input type="checkbox"/> | Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals. |

Communications

Not applicable ☒

Website ☐ Social Media ☐ News Release ☐ Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Chad Jeffery, MA, MCIP, RPP
Manager Planning Services

Reviewed by:

Phil Bartnik, P.Eng.
Director Public Works & Environmental Services

Reviewed by:

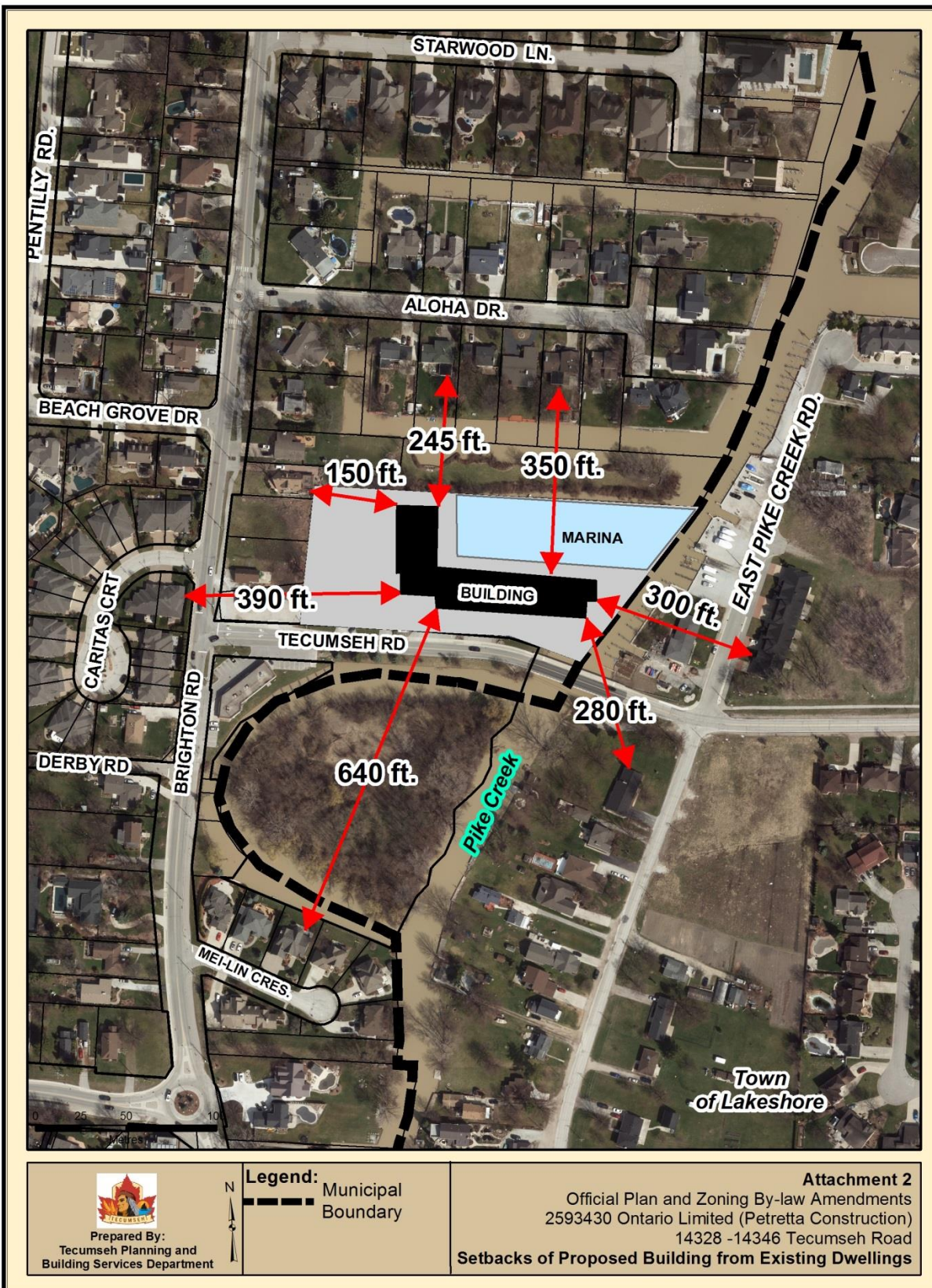
Brian Hillman, MA, MCIP, RPP
Director Planning & Building Services

Recommended by:

Tony Haddad, MSA, CMO, CPFA
Chief Administrative Officer

| Attachment Number | Attachment Name |
|------------------------------|---|
| 1 | Subject Property Map |
| 2 | Setbacks of Proposed Building from Existing Dwellings Map |
| 3A | Multi-Storey Developments - Tecumseh |
| 3B | Multi-Storey Developments - Leamington |
| 3C | Multi-Storey Developments – LaSalle and Kingsville |







Prepared By:
 Tecumseh Planning and
 Building Services Department

Legend



Vantage Point
 of Photo

Attachment 3A

Official Plan and Zoning By-law Amendments
 2593430 Ontario Limited (Petretta Construction)
 14328 -14346 Tecumseh Road
Multi-Storey Developments - Tecumseh



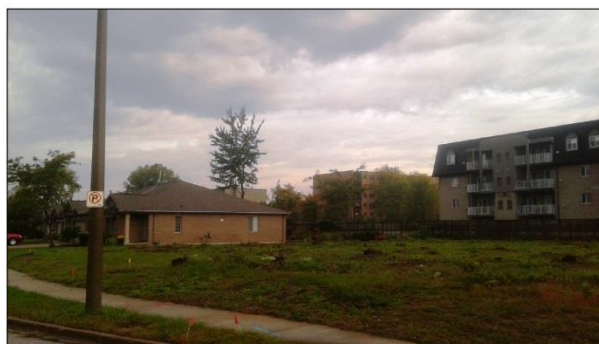
Prepared By:
 Tecumseh Planning and
 Building Services Department

Legend



Vantage Point
 of Photo

Attachment 3B
 Official Plan and Zoning By-law Amendments
 2593430 Ontario Limited (Petretta Construction)
 14328 - 14346 Tecumseh Road
Multi-Storey Developments - Leamington



Prepared By:
 Tecumseh Planning and
 Building Services Department

Legend



Vantage Point
 of Photo

Attachment 3C
 Official Plan and Zoning By-law Amendments
 2593430 Ontario Limited (Petretta Construction)
 14328 -14346 Tecumseh Road
Multi-Storey Developments - LaSalle and Kingsville