



The Corporation of the Town of Tecumseh

Development Services

To: Mayor and Members of Council

From: Brian Hillman, Director Development Services

Date to Council: September 10, 2024

Report Number: DS-2024-31

Subject: Zoning By-law Amendment
Petretta Residential Proposal
Northerly Portion of Manning Road Secondary Plan Area
Scheduling of a Public Meeting
Our File: D19 PETMRSPA

Recommendations

It is recommended:

That Report DS-2024-41 entitled “Zoning By-law Amendment: Petretta Residential Proposal, Northerly Portion of Manning Road Secondary Plan Area, Scheduling of a Public Meeting” **be received**;

And that the scheduling of a public meeting, to be held on Tuesday, October 8, 2024 at 5:30 p.m., in accordance with the *Planning Act* for a zoning by-law amendment application submitted for an approximate 9.5 hectare (23.5 acre) portion of a 10.2 hectare (25.4 acre) parcel of land located on south of County Road 22, east of Lesperance Road which is within the Manning Road Secondary Plan Area, seeking to amend Zoning By-law 85-18 by rezoning the subject portion of property from “Agricultural Zone (A-33)” to a site-specific “Holding - Residential Zone 2 (H) R2-7” to permit the future construction of a 332 unit residential development consisting of two 4-6 storey apartment buildings, each containing 166 units, **be authorized**.

Executive Summary

A zoning by-law amendment application has been filed to change the zoning pertaining to an approximate 9.5 hectare (23.5 acre) portion of a 10.2 hectare (25.4 acre) parcel of land located on south of County Road 22, east of Lesperance Road which is within the Manning Road Secondary Plan Area, in order to facilitate the future construction of a 332 unit residential development consisting of two 4-6 storey apartment buildings, each containing 166 units, with associated surface parking and indoor/outdoor amenity areas. The proposed rezoning will also establishes site-specific lot, building, yard and parking provisions. This Report is requesting the scheduling of a public meeting related to the proposed zoning by-law amendment in accordance with the requirements of the *Planning Act*.

Background

Subject Property

Mr. Davide Petretta, on behalf of the Owners (Petcon Realty GP Inc. and Fairlane Developments Inc.) (“the Applicant”), has submitted a Zoning By-law amendment application for an approximate 9.5 hectare (23.5 acre) portion of a 10.2 hectare (25.4 acre) parcel of land located on south of County Road 22, east of Lesperance Road and within the Manning Road Secondary Plan Area (“subject lands”) (see Attachment 1).

For clarity, the subject lands are the vacant lands located south of the future Westlake/Sylvestre Drive roadway extension and are identified for residential development in the Tecumseh Official Plan.

Past Planning Approvals

The subject lands were also subject to a severance application (Severance Application B-10-24) which received conditional approval from the Committee of Adjustment at its August 26, 2024 meeting.

The purpose of Application B-10-24 was to sever a 2.45 hectare (6.05 acre) vacant agricultural parcel of land, (outlined in red on Attachment 2) and add it to the abutting agricultural property to the east (shaded in pink on Attachment 2), resulting in a new consolidated lot having a total lot area of approximately 10.2 hectares (25.4 acres). The retained parcel (outlined in green on Attachment 2), contains a commercial plaza and a daycare establishment.

The lot addition severance, when complete, will bring the 10.2 hectare parcel of land under the ownership of Petcon Realty GP Inc. and will facilitate the future development of these lands in accordance with the existing land use designations of the Official Plan.

Proposed Zoning By-law Amendment

The Applicant is proposing to amend Zoning By-law 85-18 by rezoning the subject lands from “Agricultural Zone (A-33)” to a site-specific “Holding - Residential Zone 2 (H) R2-7” to permit the future construction of a 332-unit residential development consisting of:

- i. two L-shaped apartment buildings, each containing 166 units, occupying the central portion of the subject lands (see preliminary Site Plan on Attachments 3A and 3B and Architectural Renderings on Attachments 4A and 4B);
- ii. each building will have a height of four storeys for the north-south wing and six storeys for the east-west wing and a building footprint of 2719 square metres (29,270 square feet) and will include:
 - 35 studio units each with a floor area of 33 square metres (350 square feet);
 - 92, 1-bedroom units with floor areas ranging from 49 to 65 square metres (525 to 700 square feet);
 - 27, 2-bedroom units with floor areas ranging from 65 to 98 square metres (700 to 1,050 square feet);
 - 12, 3-bedroom units each with a floor area of 102 square metres (1,100 square feet); and
 - indoor common areas which will include a community dining room with lounge, golf simulator room, bike storage room, yoga studio and fitness centre;
- iii. two surface parking areas to the north and south of the apartment buildings totalling 405 parking spaces (16 of which are barrier free) and two loading spaces. The parking areas will have direct access to the existing westerly limit of Sylvestre Drive through a temporary private drive. Ultimately, these parking areas will connect to the future Westlake/Sylvestre Drive extension via two new north-south municipal roads extending along the east and west sides of the proposed apartment building as identified on Attachments 3A and 3B; and

- iv. private outdoor amenity areas located centrally between the two buildings that will include features such as a community garden, dog park, bocce courts and passive outdoor recreational areas.

The proposed development will occupy 3.3 hectares (8.2 acres) of the central portion of the subject lands, with the balance remaining undeveloped pending future planning approvals, including a plan of subdivision and further zoning by-law amendment. Based on the portion of land containing the proposed development, the total of 332 dwelling units will result in a density of approximately 100 units per hectare (41 units per acre). The Tecumseh Official Plan (“Tecumseh OP”) establishes this to be high density, which includes any development having a density above 50 units per hectare.

The current A-33 zone that applies to the subject lands permits all uses in the Agricultural (A) zone with the exception of greenhouses, livestock intensive uses and mushroom farms.

Overview of Proposed Residential Structures

The proposed apartment buildings will be constructed using a new “Z-Modular” method of construction that involves connecting prefabricated modular units. The applicant has provided the following details related to this method of construction:

- Z-Modular is the only fully integrated developer of high-quality, affordable multi-unit housing;
- Z-Modular projects utilize proprietary product lines that are continually optimized to improve cost, schedule predictability, and the tenant experience;
- The units are constructed in off-site manufacturing facilities;
- The building process uses patented connection systems; and
- A similar development has been built in Lucan, Ontario (north of London) and another has been approved for construction in Port Elgin (Town of Saugeen Shores).

This form of construction is relatively new to the Ontario market. Accordingly, the Applicant arranged for Town Building officials to attend both the manufacturing plant in Kitchener and the apartment building in Lucan to help them gain a better understanding of the building process in relation to Ontario Building Code compliance.

One of the challenges currently facing the Applicant is that the modular units have been constructed and delivered to our region and, due their volume and size, are being

stored outside, exposing them to potential deterioration. Accordingly, a timely consideration for approval is being sought by the Applicant to facilitate construction/connection of the units on the subject lands in the form of the two apartment buildings.

Surrounding Land Uses

The land uses surrounding the subject property can be summarized as follows (see Attachment 5):

- North: Between the subject lands and County Road 22 are vacant lands identified for the future extension of Westlake/Sylvestre Drive to the north of which are lands designated for future commercial development and a hotel that is currently under construction. To the northwest is a commercial plaza and to the northeast is an auto dealership.
- East: Vacant lands identified for future residential development that form part of MRSPA, beyond which is the Sylvestre Business Park.
- South: Vacant lands identified for future residential development that form part of MRSPA.
- West: Single unit dwellings on deep lots which front on the east side of Lesperance Road. The only exception is a day care centre on the south side of Westlake Drive.

Additional Planning Approvals

In addition to the rezoning application, the approval of a site plan control agreement will be required prior to the development taking place. A detailed summary of those additional approvals is provided in the “Comments” section below.

Supporting Documents

During pre-consultation discussions regarding the future development of the subject lands, Town Administration identified that a Traffic Impact Study (TIS), Functional Servicing Report and a Sanitary Assessment would be necessary to properly assess the proposal from a traffic and servicing perspective and to consider the applications complete.

Below is a summary of the findings of the aforementioned reports/studies:

- 1) Traffic Impact Study – Fuze Residential Development Letter of Support, RC Spencer Associates Inc., August 2024

The TIS evaluated the proposed development and potential traffic impacts to the surrounding area and concluded the following:

“RC Spencer Associates Inc. is currently undertaking a comprehensive are-wide traffic impact study for area development bounded by County Road 22, the rail corridor, Lesperance Road, and Manning Road. The report will explore closure of the Desro Drive intersection with County Road 19, as already recommended in historical planning documents, the signalization of the Jamsyl Drive at Manning Road intersection, the connection of Westlake Drive to Sylvestre Drive, and internal road configurations. All site generated traffic would then be effectively rerouted according to the origin-destination internal path of least resistance.

Upon completion of the above technical review, it is the engineer’s opinion that, until area traffic network improvements are made, the approved and proposed developments could altogether add approximately 2.5 vehicles per minute (in the critical PM peak hour) to the eastbound stop-controlled site access at Desro Drive. During the critical PM peak hours, it will be increasingly challenging to egress via Desro Drive; however, since historical planning documents already recommend closure of the Desro Drive intersection with Manning Road (County Road 19) and an extension of Westlake Drive to meet Sylvestre Drive, it is the engineers’ opinion that the proposed rezoning (to accommodate the residential subdivision) 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 **not fully reviewed** the TIS and will provide formal comments by way of a future report at the October 8, 2024, public meeting, including consideration of comments from the County Transportation department given the proximity of the site to the Sylvester Fly-off from County Road 22.

- 2) Servicing and Stormwater Management Report – Z Modular, Fuze Tecumseh, WalterFedy, August 2024

WalterFedy was retained by the Applicant to complete a Servicing and Stormwater Management Report in support of the residential development. The Servicing and

Stormwater Management Report identifies how the proposed apartment development will be serviced, including water, sanitary, and storm connections to the municipal infrastructure. The report also reviews existing and proposed servicing conditions surrounding the site to determine how it will accommodate the development.

The results of the Servicing and Stormwater Management Report are as follows:

“Based on the analysis presented in this report it is concluded that:

- A 250-mm-diameter sanitary sewer within the future right-of-way is adequate to service the proposed development. In the Interim condition, private 200-mm diameter sanitary sewers will convey the sanitary flow from buildings toward the existing 450-mm-diameter trunk sewer located in Westlake Drive.
- Pressure requirements for the water service connection are met with a 200-mm-diameter service. The proposed 250-mm-diameter municipal watermain is expected to have sufficient capacity to support the development as the site was accounted for in the MRSPA. Booster pumps may be required to reach the upper floors of the buildings. In the interim condition, a 200-mm-diameter water connection to the existing watermain in Sylvestre Drive is sufficient so service the site.
- It has been assumed that new municipal hydrants within the future right-of-way will provide fire protection for the proposed development in the ultimate condition. Proposed private hydrants are designed in the interim condition to provide adequate coverage to the Fire Department Connections for both buildings.
- The ultimate proposed 750-mm-diameter storm sewer intended to service the site is sufficient to convey the remaining stormwater runoff from the site towards the ultimate stormwater basin. In the interim condition, a private dry pond, stormwater pumping station, and associated enhanced grass outlet swale will meet stormwater management requirements.

- Site grading will allow for a major overland flow path to the future road right-of-way, ensuring that surface ponding does not exceed 30 cm.
- Perimeter silt fence, silt fence at the base of all stockpiles, silt sacs in catchbasins, and construction access mud mats can provide erosion and sediment control. These will be included in detailed design in coordination with the proposed construction staging plan.”

Town Administration has **not fully reviewed** this document and will provide formal comments by way of a future report at the October 8, 2024, public meeting.

Comments

Provincial Policy Statement

This rezoning application is being assessed against the 2020 Provincial Policy Statement (PPS) as the new 2024 Provincial Planning Statement does not come into effect until October 20, 2024. The *Planning Act* establishes that Council, when making decisions that affect a planning matter, “shall be consistent with” the PPS issued under the *Planning Act*. The following excerpts are relevant to and supportive of the application for the proposed residential development:

“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:

- 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 affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons)...uses to meet long-term needs;

...

- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and

infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs

- 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 25 years...

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

1.1.3 Settlement Areas

- 1.1.3.1 Settlement areas shall be the focus of growth and development.
- 1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:
- a) efficiently use land and resources;
 - b) 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;
 - c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
 - d) prepare for the impacts of a changing climate;
 - e) support active transportation; and
 - f) are transit-supportive, where transit is planned, exists or may be developed

Land use patterns within settlement areas shall also be based on 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 transit-supportive development,

accommodating a significant supply and range of housing options through 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.

1.1.3.6 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.

1.4 Housing

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

...

b) permitting and facilitating:

1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and
2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3

c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;

- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and
- e) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

1.6.7 Transportation Systems

- 1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

1.8 Energy Conservation, Air Quality and Climate Change

- 1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:
 - a) promote compact form and a structure of nodes and corridors;
 - b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;
 - ...
 - e) encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;

6.0 Definitions

Residential intensification: means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) redevelopment, including the redevelopment of brownfield sites;

- b) the development of vacant or underutilized lots within previously developed areas;
- c) infill development;
- d) development and introduction of new housing options within previously developed areas.”

In summary, the PPS encourages and supports development on lands that are identified for urban growth in approved settlement areas. It also establishes that the Town should be supporting and promoting residential intensification and a broad range of housing types and tenures that result in a compact built form within identified urban areas where such areas have appropriate levels of servicing.

The subject proposal is in a location and of a form of residential development that achieves all the foregoing policy objectives. Based on the foregoing, it is the opinion of the writer that the application for the proposed residential development is consistent with the PPS.

County of Essex Official Plan

The subject lands are within an identified Primary Settlement Area of the County of Essex Official Plan (County OP). The goals and policies of the County OP encourage a range of residential development within identified settlement areas such as the fully serviced urban areas of the Town of Tecumseh. The following goals and policies of the County OP are most relevant in the assessment of the subject proposal:

“3.2 SETTLEMENT AREAS

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.

...

- i) Promote residential intensification within Primary Settlement Areas

...

3.2.4 Primary Settlement Areas

Primary Settlement Areas are the largest and traditional centres of settlement and commerce in the County. Protection of these communities by focusing growth and investment is a priority of the County.

3.2.6 General Settlement Area Policies

The following policies apply to all “Settlement Areas” identified on Schedule “A1” of this Plan:

...

- b) The County supports residential intensification within Primary Settlement Areas.

...

- e) Local Official Plans are encouraged to provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area as outlined below:

- i) Maintaining at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification, redevelopment and if necessary, lands which are designated and available as defined by Provincial Policy.
- ii) Maintaining at all times, where new development is to occur, at least a 3-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.
- iii) Permitting and facilitating all forms of housing, including special needs housing, required to meet the social, health and well-being requirements of current and future residents.

- f) Local Official Plans are encouraged to provide opportunities for redevelopment, intensification and revitalization in areas that have sufficient existing or planned infrastructure.

3.2.7 Intensification and Redevelopment

The County encourages well-planned intensification development projects in the Settlement Areas to encourage more efficient use of land and municipal infrastructure, renew urban areas and to facilitate economic and social benefits for the community.

The County also specifically encourages residential intensification and redevelopment within Primary Settlement Areas in order to increase their vitality, offer a range of housing choices, efficiently use land and optimize the use of infrastructure and public service facilities.”

In accordance with these goals and policies, it is the opinion of the writer that the proposed application conforms to the County OP.

Tecumseh Official Plan

The subject lands are currently designated “Residential” in the Tecumseh Official Plan (Tecumseh OP) (see Attachment 6).

The Tecumseh OP provides broad support for the type of residential development proposed through the following goals and policies:

“4.2.1 Goals

The following goals are established for the Residential area:

...

- ii) to encourage the development of a greater variety of housing types in the Town to meet the future housing needs of all households, and to meet the provincial housing objectives as set out in the Provincial Policy Statement and County of Essex Official Plan;
- iii) to ensure that new residential development occurs in a manner in keeping with the capacity of the services available and the financial capability of the municipality;

- iv) to encourage the infilling and rounding out of the existing development pattern in urban areas of the Town where a full range of municipal infrastructure (including a piped sanitary sewer system), community facilities, and goods and services can be provided in a cost-effective and environmentally sound manner;
- v) to ensure that existing and new residential areas are walkable and, to the greatest extent possible, are supported by all modes of transportation;
- vi) to promote and encourage residential intensification activities in areas of the Town where a full range of municipal infrastructure, community facilities, and goods and services are readily available. Residential intensification includes infilling, ARUs, conversions and redevelopment;

4.2.2 Policies

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

- i) the use of lands designated Residential shall be for all forms of housing, including special needs housing, in accordance with subsections 4.2.2.1, 4.2.2.2 and 4.2.2.3;
- ...
- v) the intensification of residential lands shall be encouraged and standards of development that will assist in achieving this objective shall be a priority for the Town. A minimum of 15 percent of all new housing within the Town should be provided through residential infill and/or intensification, as identified as a target in the County of Essex Official Plan. Residential intensification shall be defined as a net increase in residential units or accommodation within a given property, site or area and includes:
 - a. redevelopment, including the redevelopment of brownfield sites;
 - b. the development of vacant or underutilized lots within previously developed areas;
 - c. infill development.”

The Tecumseh OP contemplates the type of residential development being proposed and encourages the intensification of residential areas where appropriate.

With respect to the evaluating the proposed development's high density against relevant criteria, the Tecumseh OP states the following:

“4.2.2.3 High density residential land uses shall be subject to a Zoning By-law amendment and shall include apartments, nursing homes, rest homes and retirement homes. The maximum height for high density residential buildings shall be six storeys.

The residential goals and policies contained subsection 4.2 of this Plan shall apply to high density residential development. In addition, the following policies shall apply to all high density residential development:

- i) the density range for high density is above 50 units per gross hectare;
- ii) when considering any new high density residential land uses by way of a Zoning By-law amendment, the following criteria shall apply:
 - a. availability of adequate municipal services;
 - b. availability of adequate outdoor amenity areas, which may include public recreation areas, common areas and/or private areas to the satisfaction of the Town;
 - c. adequate on-site parking for each residential unit and for visitors, either in surface parking areas, individual driveways and garages, or in above or below grade parking structures, as the Town deems appropriate;
 - d. protection of adjacent low density residential areas from adverse effects;
 - e. adjacent to, or in close proximity to, commercial areas;

- f. on or within close proximity to an Arterial Road or Commercial Main Street;
 - g. in close proximity to public transit; and
 - h. in close proximity to parkland or open space;
- iii) new high density residential developments must address the criteria of Section 3.18 Land Use Compatibility and the Urban Design policies of Section 7 of this Plan, which refer to such matters as siting and designing the building to be compatible with adjacent land uses in terms of function and design, and avoidance of undue adverse effects on adjacent land uses; and
- iv) all new high density residential development shall be subject to site plan control pursuant to Section 41 of the Planning Act, R.S.O. 1990.”

The land use compatibility criteria referenced in the preceding policy at subsection 4.2.2.2 iii), against which the proposed development is to be evaluated, are contained in Section 3.18 of the Tecumseh OP, which reads as follows:

“3.18 Land Use Compatibility

In order to foster a sustainable development pattern, some land uses need to inter-relate while others are best separated. Further development and redevelopment in the Town will be guided by principles of land use compatibility that respect the quality and stability of existing areas and provide for suitable transition between areas of differing use, sensitivity, urban design treatment and intensity in order to avoid or mitigate adverse effects. Land use compatibility does not mean “the same as” but to coexist harmoniously with one another.

3.18.1 Matters to be Assessed

Development and/or land use change must demonstrate that the resultant form, function and use of land are compatible with surrounding land uses. The demonstration of compatible development and land use change must consider the potential for impacts related to the character, planned

function and/or ecological integrity of an area as well as the health and safety of humans. Where there exists a potential for negative impacts, the following land use compatibility matters shall be assessed:

- i) shadowing;
- ii) loss of privacy due to intrusive overlook;
- iii) increased levels of light pollution, noise, odour, dust or vibration;
- iv) increased level of traffic that can disrupt the intended function or amenity of a use or area or cause a decrease in the functionality of active transportation or transit;
- v) reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas or setting;
- vi) visual intrusion that disrupts the streetscape or buildings;
- vii) built form in terms of scale and massing; and
- viii) the loss or impairment of significant views of natural features and areas to residents.

3.18.2 Mitigation Measures

Mitigation Measures Mitigation measures may be used to achieve development and land use compatibility. Such measures may include one or more of the following:

- i) ensuring adequate setbacks and minimum yard requirements;
- ii) establishing appropriate transition in building heights, coverage and massing;
- iii) requiring fencing, walls, landscaping or berming to create a visual screen;

- iv) designing the building in a way that minimizes adverse effects;
- v) maintaining mature vegetation and/or adding new landscaping features;
- vi) controlling access locations, driveways, service areas and activity areas; and
- vii) regulating location, treatment and size of accessory uses and structures, lighting, parking areas, garbage storage facilities and signage.

Planning Act tools including Zoning By-law standards, site plan control, development agreements and other measures will be used to implement mitigative measures that achieve compatible land use change and development.”

Based on an initial review of the preliminary site plan, the proposed development appears to meet the intent of the compatibility criteria. Further analysis by way of a future report will be provided in the event specific compatibility concerns are identified through the public consultation process that are unable to be addressed directly at the public meeting.

Based on the foregoing, the Tecumseh OP contemplates the type of residential development being proposed for the subject lands, subject to the review, evaluation and public/stakeholder consultation process being undertaken as part of the required Zoning By-law Amendment process.

Zoning By-law 85-18

As noted earlier in this Report, the subject land is currently zoned “Agricultural Zone (A-33)” (see Attachment 7), which permits all uses in the Agricultural (A) zone except for greenhouses, livestock intensive uses and mushroom farms. The proposed Zoning By-law amendment changes the zoning on the subject property from “A-33” to a site-specific “Holding - Residential Zone 2 (H) R2-7” to facilitate the future construction of the proposed residential development and establish site-specific lot, building and yard provisions.

Amendments to the Zoning By-law shall be subject to Subsection 10.18 of the Official Plan, Amendment Procedures, which establishes that due regard shall be given 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 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, the Applicant is proposing interim municipal servicing solutions that may be implemented by the Applicant 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 lands. The proposed interim servicing solutions continue to be under review by Town Administration. Although municipal sanitary sewers and water services are currently available to the property via Sylvestre Drive and Westlake Drive, their suitability is subject to confirmation by the Town.

Site derived storm water management (“SWM”) facilities may be required as an interim solution until such time as the development of the remaining MRSPA lands takes place and the ultimate SWM pond is available. The subject lands will be required to make a financial contribution towards the ultimate SWM pond solution once details related thereto are finalized.

The associated site plan control agreement is proposed to include terms that require a financial contribution from the Applicant to support the construction of the Westlake/Sylvestre Drive extension, the timing of which construction shall be at the discretion of the Town. This will ensure the developability of the balance of the MRSPA lands in a timely manner.

Site Plan Control Agreement and (H) Zone Removal

The execution of a future site plan control agreement with the Town will be required prior to any development proceeding on the lands. The site plan control agreement will address matters such as:

- i) timing of construction of Westlake/Sylvestre Drive extension through the subject lands which will also require the execution of a cost-sharing agreement amongst the Owner, Town and County of Essex. In addition, terms will be included regarding the ultimate servicing solutions to be placed in the Westlake/Sylvestre Drive extension ROW (sanitary, water, storm, utilities etc);
- ii) interim servicing (municipal sanitary, water and stormwater) prior to the long-term servicing for the full build-out of the entire MRSPA lands being finalized; and
- iii) hard-surfacing and curbing of parking areas, landscaping details, outdoor lighting and fencing.

The Owner has been advised of this requirement. Once this occurs, the Holding (H) zone will be formally removed by Council in accordance with the *Planning Act*.

Future Plan of Subdivision

In addition, future approvals for Draft Plan of Subdivision will be required to facilitate the development of the remnant lands that provides for and interconnects with adjacent lands within the MRSPA. As currently designed, we believe the proposed development will not adversely affect the overall layout/development of the balance of the subject lands in the future nor its ability to have future municipal roads connecting to adjacent development lands. It is anticipated that residential development will surround the currently-proposed high-density residential development along the perimeter of the subject lands, fronting on new municipal roads. Accordingly, it is believed that the full build-out of the subject property will not affect its ability to be properly integrated into the balance of the surrounding lands within the MRSPA.

Conclusion

The proposed interim stormwater management solution should not be viewed as a precedent for the development of other lands in MRSPA. The current proposal is viewed as an exception, necessitated by the unique form of residential development and building construction circumstances outlined in this Report. Administration would not support other interim stormwater management solutions in MRSPA. We are continuing to work with the major developers in MRSPA towards implementation of a final stormwater management solution.

Having regard to all the preceding, including the range, scale, location and nature of surrounding uses, the location of the proposed development along with the current policy environment encouraging standards that support more compact and efficient development, it is believed that there is merit in considering the requested application to permit the proposed residential development on the subject lands.

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 amendments 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, a Zoning By-law amendment by-law will be brought forward for Council's consideration at a subsequent Council Meeting.

Consultations

Public Works & Engineering Services

Financial Implications

None

Link to Strategic Priorities

Applicable	2023-2026 Strategic Priorities
<input checked="" type="checkbox"/>	Sustainable Growth: Achieve prosperity and a livable community through sustainable growth.
<input checked="" type="checkbox"/>	Community Health and Inclusion: Integrate community health and inclusion into our places and spaces and everything we do.
<input type="checkbox"/>	Service Experience: Enhance the experience of Team Tecumseh and our citizens through responsive and respectful service.

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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Director Development Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1.	Property Location Map
2.	Committee of Adjustment Sketch

Attachment Number	Attachment Name
3A.	Preliminary Site Plan
3B.	Preliminary Site Plan with Air Photo Overlay
4A.	Preliminary Architectural Renderings 1
4B.	Preliminary Architectural Renderings 2
5.	Property Location and Surrounding Land Uses
6.	Official Plan Map
7.	Zoning Map