



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: July 9, 2019

Report Number: PBS-2019-20

Subject: 2593430 Ontario Limited/Petretta Construction
Harbour Club Condominium, 14328-14346 Tecumseh Road
Draft Plan of Condominium Approval (County File No. 37-CD-19001)
OUR FILE: D11 PETTEC

Recommendations

It is recommended:

That the granting of Draft Plan of Condominium Approval by the County of Essex (the Approval Authority) for the application filed by 2593430 Ontario Limited (County of Essex File No. 37-D-19001) for a five-storey, 64-unit condominium dwelling on a 1.3 hectare (3.2 acre) property located on the north side of Tecumseh Road (14328-14346 Tecumseh Road), approximately 45 metres east of its intersection with Brighton Road, **be supported**, subject to the inclusion of appropriate conditions as noted in PBS-2019-20;

And that the County of Essex **be advised** of Council's support for County of Essex File No. 37-D-19001, along with the associated requested conditions of draft Plan of Condominium approval.

Background

Recent Official Plan and Zoning By-law Amendments

In October of 2018, after extensive public consultation, Council adopted Official Plan and Zoning By-law amendments to permit a five-storey, 65-unit apartment and associated marina and accessory uses on a 1.3 hectare (3.2 acre) property located on the north side of Tecumseh Road (14328-14346 Tecumseh Road), approximately 45 metres east of its

intersection with Brighton Road (see Attachments 1 and 1A). The Official Plan Amendment (OPA No. 15) re-designated the subject property to a “Medium Density Residential” designation with site specific policies permitting/establishing:

- a maximum building height of no more than 65 feet and no more than five storeys;
- a maximum of 65 dwelling units;
- an accessory marina;
- that the height of the north-south wing of the building be stepped back to mitigate potential impacts on properties to the north; and
- that commercial uses be permitted on the first floor.

The corresponding “Holding Residential Type Three (H) R3-13 implemented the foregoing policy direction and established site-specific lot and building requirements. OPA No .15 was subsequently approved by the County of Essex (the Approval Authority for Official Plan Amendments) in January of this year.

Current Draft Plan of Condominium Approval Application

2593430 Ontario Limited (“the Applicant”) is proposing condominium ownership of the subject property and proposed apartment development. The Plan of Condominium approval process is a method of subdividing buildings and/or land similar in nature to the Plan of Subdivision process. It involves the creation of drawings and legal documents that formalize the dimensions and location of each individual condominium dwelling unit and associated amenities as well as common areas that will ultimately be owned by the condominium corporation. The condominium corporation becomes a legal entity once a plan of condominium and information setting out how the condominium corporation is owned are registered with the Land Registry Office. Ultimately, the condominium dwelling units can be sold to individuals who become shareholders in the condominium corporation that is responsible for the ongoing maintenance of the building, land, parking/access areas and other on-site services or amenities.

In accordance with the requirements of the County Official Plan, a formal pre-consultation meeting to review the proposal and to determine the scale and scope of all necessary supporting studies was held in May of this year with the County of Essex (the approval authority for Plans of Condominium), the Town and the Applicant. Following that meeting, an application for Draft Plan of Condominium Approval was submitted to the County. The proposed Draft Plan of Condominium (see attachment 2) includes:

- A total of 64 residential units;
- 73 underground parking spaces reserved for individual unit owners;

- 20 boat slips for the exclusive use of individual unit owners;
- 70 storage areas associated with the individual dwelling units; and
- Common areas associated with the condominium development such as landscaped areas, walkways, 76 aboveground parking spaces, two underground barrier-free parking spaces, fitness centre, multi-purpose room, lounge and lobby area.

It should be noted that the proposed development does not include any commercial uses on the first floor as originally planned.

At the pre-consultation meeting, the applicant was informed that the following technical studies would be required to support the proposed Draft Plan of Condominium application:

- Environmental Impact Assessment;
- Stage 1 and 2 Archaeological Assessments;
- Traffic Impact Study;
- Site Servicing Study; and
- Phase 2 Environmental Site Assessment.

Upon completion of these studies, the County, in accordance with the *Planning Act*, requested the Town hold a public meeting on its behalf. Accordingly, a public meeting was scheduled for July 9, 2019 in order to solicit stakeholder input on the proposed Plan of Condominium. A record of this public meeting will be forwarded to the County of Essex as part of its consideration of the approval of the Plan of Condominium. The County has also requested that the Town submit comments and requested conditions of approval for the proposed draft Plan of Condominium.

Comments

Planning Comments

A detailed planning analysis of the Official Plan and Zoning By-law amendments that were ultimately adopted by Council (and approved by the County of Essex) to permit the use of the land for the proposed five-storey, 64-unit residential apartment and associated marina and accessory uses was provided by way of planning reports PBS-2018-03, PBS-2018-31 and PBS-2018-35. These reports assessed the proposed uses in the context of the policies contained in the Provincial Policy Statement, the County of Essex Official Plan and the St. Clair Beach Official Plan and provided responses to issues raised at the two public meetings held with respect to this proposal. The Owner is now simply taking one of the steps to facilitate the proposed development from an ownership perspective. It is the opinion of the writer that

the Plan of Condominium is consistent with and in conformity with the relevant Provincial, County and local site specific policies noted earlier in this Report.

The Draft Plan of Condominium is also in compliance with the “Holding-Residential Type Three Zone (H)R3-13” that applies to the subject property. The proposed development meets the minimum building setbacks, on-site parking spaces and minimum landscaped open space as well as the maximum building height and lot coverage.

It should be noted that the removal of Holding symbol (H) that applies to the subject property will be contingent upon the execution and registration of a 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 apply to the property and in accordance with the building elevation plans that were developed and presented to the public as a result of the public consultation process. Administration anticipates a Planning Report will be brought forward for Council’s consideration regarding the Site Plan Control agreement at an upcoming Council meeting in summer of 2019.

Municipal Services

The proposed development will be serviced by full municipal services. The Public Works and Environmental Services Department has reviewed the sanitary, storm and water servicing requirements for the proposed development and has advised that there are no servicing capacity concerns for the subject property or to the municipal system. The Applicant’s engineering consultants, along with Town Administration, are currently finalizing all municipal servicing design requirements through the associated Site Plan Control approval process.

Requested Conditions and Notes of Draft Plan of Condominium Approval

Based on Administration’s review of the proposed Plan of Condominium, and pending any potential new concerns being identified at the July 9, 2019 Public Meeting, Administration recommends that Town Council support Draft Plan of Condominium Approval of County File No. 37-CD-19001, subject to the County of Essex providing the following conditions:

1. That the Owner enter into a site plan control agreement with the Town of Tecumseh wherein the Owner agrees to satisfy all the requirements, design, engineering, financial and otherwise, of the Town concerning but not limited to the payment of development charges, driveway access, surface parking, sidewalks, landscaping details, fencing details, lighting details, installation of services, sanitary sewerage collection system, water distribution system, utilities and stormwater management facilities for the development of the lands, including those works required off-site;
2. That the Owner engage the services of a qualified engineer to complete a Stormwater Management Study to address stormwater quantity and quality to the satisfaction of the Town and that the site plan control agreement between the Owner and the Town, where

required, contain a provision requiring the construction of the works by the Owner as identified in the Stormwater Management Study; and

3. That prior to final approval by the Approval Authority, the Approval Authority is to be advised by the Town that this proposed Plan of Condominium conforms to the Zoning By-law in effect.

In addition, the following note of Draft Plan approval is recommended:

1. That prior to the approval and registration of the Plan of Condominium, two (2) copies and one (1) diskette of the Plan prepared by an Ontario Land Surveyor, on NAD-83 format, UTM Zone 17, which has been numbered, dated, signed and registered be submitted to the Town.

Summary

In summary, the proposed Draft Plan of Condominium application is in accordance with the current site-specific "Medium Density Residential" land use policies of the Official Plan and will comply with all of the requirements of the R3-13 zoning in effect for the subject property once the holding symbol is removed. Administration supports the layout and design of the proposed development and, subject to hearing any new issues at the July 9, 2019 Public Meeting, believes all detailed site design matters will be addressed through the required site plan agreement that will be finalized and recommended for execution by Council at an upcoming Council meeting.

Based on the foregoing, it is appropriate that the Plan of Condominium application be supported conditional to the execution of a site plan control agreement to address site design details, appropriate landscape details, servicing, fencing and other design issues that were identified through the past public meeting process associated with the Official Plan and Zoning By-law amendment approval.

Consultations

Public Works & Environmental Services
Fire & Emergency 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:

Enrico DeCecco, BA (Hons), MCIP, RPP
Junior Planner

Reviewed by:

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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:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Subject Property with Site Plan Overlay Map
1A	Proposed Elevations
2	Draft Plan of Condominium





View looking north-east from Tecumseh Road



View looking north-west from Tecumseh Road



View looking south-west from Pike Creek



Prepared By:
Tecumseh Planning and
Building Services Department

Attachment 1A
Draft Plan of Condominium Approval
2593430 Ontario Limited (Petretta Construction)
14328 -14346 Tecumseh Road
Proposed Architectural Renderings

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