



The Corporation of the Town of Tecumseh

Planning & Building Services

To: Mayor and Members of Council

From: Brian Hillman, Director Planning & Building Services

Date to Council: July 23, 2019

Report Number: PBS-2019-23

Subject: 2593430 Ontario Limited/Petretta Construction
Harbour Club Condominium, 14328-14346 Tecumseh Road
Execution of Site Plan Control Agreement
OUR FILE: D11 PETTEC

Recommendations

It is recommended:

That a by-law authorizing the execution of the “2593430 Ontario Limited (Petretta Construction)” site plan control agreement, satisfactory in form to the Town’s Solicitor, which allows for a five-storey, 64-unit condominium dwelling, along with associated underground parking, at-grade parking, boat slips, landscaping, outdoor amenity areas and on-site services/works 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 adopted**, subject to the following occurring prior to the Town’s execution of the Agreement:

- i) the final stormwater management design and stormwater management calculations and associated site service drawings and supporting documentation being approved by the Town;
- ii) the final photometric lighting plan being approved by the Town;
- iii) the Owner executing the site plan control agreement; and
- iv) the Owner posting security for performance pursuant to paragraph 6.1 of the agreement.

And that the execution of such further documents as are called for by the site plan control agreement approved above including, but not limited to, the execution of the acknowledgement/direction required to register the site plan control agreement on title to the lands and such other acknowledgements/directions for any related transfers or real property registrations contemplated by the site plan control agreement, by the Mayor and Clerk, **be authorized**;

And further that the giving of notice of intent to pass a by-law to remove the Holding (H) symbol in accordance with the provisions of the *Planning Act* for the subject lands to change the zoning from “Holding Residential Type Three (H) R3-13” to “Residential Type Three (R3-13) upon execution of the site plan control agreement by the Owner, **be authorized**.

Background

Property Location

The 1.3 hectare (3.2 acre) subject property is located on the north side of Tecumseh Road (14328-14346 Tecumseh Road), approximately 45 metres east of its intersection with Brighton Road (see Attachment 1).

Recent Planning Approvals

Official Plan and Zoning By-law Amendments

In October of 2018, after extensive public consultation, Council adopted Official Plan and Zoning By-law amendments that were filed by 2593430 Ontario Limited (“the Owner”) to permit a five-storey, 65-unit apartment and associated marina and accessory uses on the subject property. 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 (but not required) 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 2019.

Draft Plan of Condominium Approval Application

On July 9, 2019, a Public Meeting to review a Draft Plan of Condominium proposal for the subject development was held by the Town on behalf of the County of Essex (the approval authority on Plan of Condominium application). PBS-2019-20, which was presented at the July 9, 2019 Public Meeting, provided detailed analysis on the Plan of Condominium approval application and recommended support of the application.

Based on the results of the Public Meeting, Town Council supported the Draft Plan of Condominium Approval of County File No. 37-CD-19001, subject to the County of Essex providing the following conditions as part of Draft Plan of Condominium Approval:

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.

These requested conditions and PBS-2019-20 were forwarded to the County of Essex as part of its consideration of the approval of the Plan of Condominium. The Town is currently awaiting issuance of Draft Plan of Condominium Approval by the County of Essex.

Proposed Development

Based on the foregoing, and in accordance with Condition 1 of the above-noted requested conditions of Draft Plan of Condominium approval, the Owner has filed an application for site plan control approval for the subject development. The property is subject to site plan control approval in accordance with Section 41 of the *Planning Act, R.S.O. 1990*.

The proposed site plan (see Attachment 2) depicts:

- a 64-unit condominium apartment building which also contains accessory first floor amenities including a fitness centre, main lobby, lounge and multi-purpose room;
- 151 on-site parking spaces consisting of 75 underground (including two handicap spaces) and 76 at-grade paved parking spaces (including two handicap spaces) located along the western side of the subject property;
- one driveway access from Tecumseh Road, located at the westerly end of the property;
- a new boardwalk along the northerly and easterly perimeter of the building, connecting to the existing sidewalk on the north side of Tecumseh Road;
- 20 new large-format marina boat slips for exclusive use of individual unit owners and 12 transient marina boat slips; and
- a large landscaped area, comprising ground-oriented treatments along with tree plantings, is focused along Tecumseh Road in front of the proposed condominium apartment building.

In addition, the Owner has submitted building elevation drawings that will be referenced in and attached to the agreement. These elevation drawings depict the height of the north-south wing of the building being stepped back and the agreement contains language that ensures that the building will be constructed in accordance with these elevation plans.

Comments

Zoning

The subject property is zoned “Holding Residential Type Three (H) R3-13” in the St. Clair Beach Zoning By-law 2065 (see Attachment 3). The site plan control agreement, once executed and registered, ensures that the proposed development is constructed and designed in accordance with the site-specific R3-13 zoning that applies 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. Accordingly, the Owner has concurrently applied for the Holding (H) symbol removal anticipating Council approval of the site plan control agreement. It is therefore recommended that the Holding symbol (H) be removed upon execution of the site plan control agreement.

Servicing

The proposed development will be on full municipal services (sanitary, water and stormwater drainage). 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 based on the information and analysis provided to date.

The Applicant's engineering consultants, along with Town Administration, are currently finalizing the site service drawings and photometric lighting plan. The site plan control agreement requires that final approval of the Stormwater Management Study, associated servicing drawings and supporting documentation and photometric plan, to the satisfaction of the Town, shall be required prior to the issuance of a building permit. Public Works and Environmental Services has advised that it has no concerns with the proposed development.

It is confirmed that a permit will be required from the Essex Region Conservation Authority (ERCA) prior to development proceeding and it is our understanding that ERCA is currently reviewing the applicant's submission.

Summary

In summary, it is the opinion of the writer, along with Town Administration, that the proposed site plan control agreement will result in appropriate development that is compatible with the surrounding land uses, is in conformity with the associated site specific Official Plan policies and Zoning By-law regulations and is based on sound land use planning principles.

Town Administration has reviewed the proposed site plan agreement and is prepared to recommend approval of the document and the attached drawings. Wolf Hooker Law Firm (Town Solicitor) has drafted the attached agreement (see Attachment 4, with site plan drawing attached thereto as Schedule B) which facilitates the development. As has been the practice of the Town to date (for developments of this scale), the agreement establishes that a security deposit in the amount of \$20,000 (cash or letter of credit) is required as a condition of approval to ensure all performance obligations of the Owner are fulfilled.

In addition, Town Administration recommends that Council authorize the giving of notice of intent to pass a by-law to remove the Holding (H) symbol currently applying to the subject property in accordance with the provisions of the *Planning Act*.

Consultations

Planning & Building Services
Public Works & Environmental Services
Fire & Emergency Services
Town Solicitor

Financial Implications

None

Link to Strategic Priorities

Applicable	2019-22 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 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 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
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Reviewed by:

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Manager Planning Services

Reviewed by:

John Henderson, P.Eng.
Manager Engineering 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
2	Proposed Site Plan, Detail View
3	Zoning Map
4	Draft Site Plan Control Agreement





