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Town of Tecumseh
Public Council Meeting
Tuesday, November 24, 2015
5:30 PM
Tecumseh Town Hall

MEETING:

I. CALL TO ORDER

II. ROLL CALL

III. DISCLOSURE OF PECUNIARY INTEREST

IV. INTRODUCTION AND PURPOSE OF MEETING

The purpose of the meeting is to consider a proposed Zoning By-law amendment to change the zoning on a 0.38 hectare (0.95 acre) property situated on the north-west corner of the County Road 34/County Road 19 intersection (13072 County Road 34), from “Rural Commercial Zone (CR-10)” to an appropriate site-specific commercial zone that would permit the proposed conversion of the former funeral home establishment to an art gallery/studio and retail hobby shop, legally recognize the existing single-unit residential dwelling that is also located on the subject property, and permit a broader range of commercial uses that are contemplated by the Official Plan. The subject property is designated “Neighbourhood Commercial” in the Sandwich South Official Plan.

V. DELEGATIONS

VI. COMMUNICATIONS

- A. Notice of Public Council Meeting, October 28, 2015
- B. Manager Planning Services/Senior Planner, October 19, 2015, Report No. 32/15
Re: Zoning Bylaw Amendment, 1277165 Ontario Ltd., c/o Laura and Mark Williams, 13072 County Road 34
- C. Essex Region Conservation Authority, November 9, 2015

VII. ADJOURNMENT

**TOWN OF TECUMSEH
NOTICE OF PUBLIC MEETING
PROPOSED ZONING BY-LAW AMENDMENT**

TAKE NOTICE that the Council of the Corporation of the Town of Tecumseh will hold a public meeting **Tuesday, November 24th, 2015 at 5:30 p.m.** in the Town Municipal Office Council Chambers at 917 Lesperance Road to consider a proposed Zoning By-law amendment pursuant to the provisions of the *Planning Act, R.S.O. 1990*.

The purpose of the proposed Zoning By-law amendment is to change the zoning on a 0.38 hectare (0.95 acre) property situated on the north-west corner of the County Road 34/County Road 19 intersection (13072 County Road 34) (see Key Map for location), from "Rural Commercial Zone (CR-10)" to an appropriate site-specific commercial zone that would permit the proposed conversion of the former funeral home establishment to an art gallery/studio and retail hobby shop, legally recognize the existing single-unit residential dwelling that is also located on the subject property, and permit a broader range of commercial uses that are contemplated by the Official Plan. The subject property is designated "Neighbourhood Commercial" in the Sandwich South Official Plan.

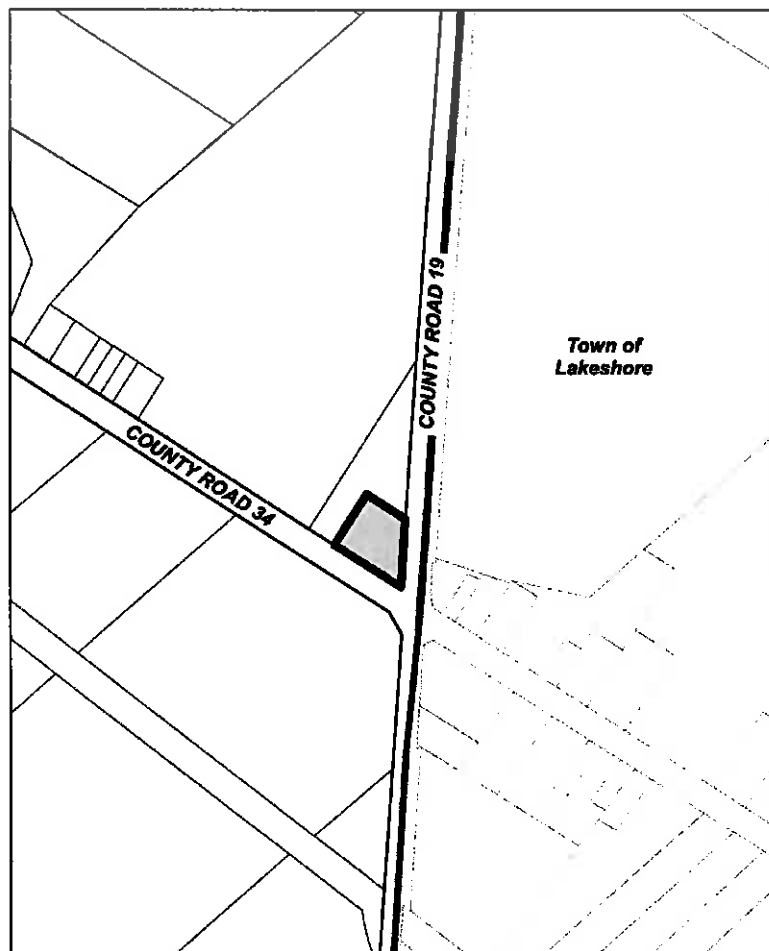
ANY PERSON may attend the public meeting and/or make written or verbal representation either in support of or in opposition to the proposed Zoning By-law amendment.

If a person or public body does not make oral submissions at the public meeting or make written submissions to the Corporation of the Town of Tecumseh before the Zoning By-law amendment is passed, the person or public body is not entitled to appeal the decision of the Council of the Corporation of the Town of Tecumseh to the Ontario Municipal Board.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Corporation of the Town of Tecumseh before the Zoning By-law amendment is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

ADDITIONAL INFORMATION relating to this matter is available for review during regular office hours at the Town Municipal Office on Lesperance Road.

KEY MAP



DATED AT THE
TOWN OF TECUMSEH THIS
28TH DAY OF OCTOBER, 2015.

LAURA MOY, CLERK
TOWN OF TECUMSEH
917 LESPERANCE ROAD
TECUMSEH, ONTARIO
N8N 1W9

0 25 50 100 150 200
Metres

 Lands Affected By
Proposed Application



**THE CORPORATION OF THE
TOWN OF TECUMSEH**

**PLANNING AND BUILDING SERVICES
DEPARTMENT
Report No. 32/15**

TO: Mayor and Members of Council

FROM: Chad Jeffery, MA, MCIP, RPP
Manager, Planning Services / Senior Planner

DATE: October 19, 2015

DATE TO COUNCIL: October 27, 2015

SUBJECT: Zoning By-Law Amendment
1277165 Ontario Ltd. c/o Laura and Mark Williams
13072 County Road 34
OUR FILE: D19 13072C34

RECOMMENDATIONS:

It is recommended that:

1. The scheduling of a public meeting, to be held on Tuesday, November 24, 2015 at 5:30 p.m., in accordance with *The Planning Act* for a Zoning By-law Amendment application seeking to amend the Sandwich South Zoning By-law 85-18 by rezoning a 0.38 hectare (0.95 acre) property situated on the north-west corner of the County Road 34/County Road 19 intersection (13072 County Road 34), from "Rural Commercial Zone (CR-10)" to an appropriate site specific commercial zone to permit the proposed conversion of the former funeral home establishment to an art gallery/studio and retail hobby shop, legally recognize the existing single-unit residential dwelling that is also located on the subject property, and permit a broader range of commercial uses that are contemplated by the Neighbourhood Commercial designation in the Official Plan, be authorized.

BACKGROUND:

Mr. & Mrs. Williams ("the Applicants") have filed an application with the Town to amend the Sandwich South Zoning By-law 85-18 for a 0.38 hectare (0.95 acre) property situated on the north-west corner of the County Road 34/County Road 19 intersection (13072 County Road 34). The irregular shaped lot has a frontage of 69.2 metres (227 feet) on County Road 19 and extends 79.5 metres (261 feet) along County Road 34. The existing building is oriented towards County Road 34 which is



Planning and Building Services Report 32/15
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also the road from which the site is accessed. The property is occupied by the recently-closed Secord & Smith Funeral Home. The applicants are the prospective new owners of the property and wish to convert the former funeral home establishment to an art gallery/studio and retail hobby shop, along with legally recognizing the existing single-unit residential dwelling that is also located on the subject property (see Attachment 1). The proposed amendment will facilitate the aforementioned proposed uses on the property.

The subject property is situated within the Maidstone Hamlet Urban Area and is surrounded primarily by agricultural lands. A residential dwelling (on agriculturally-zoned lands) abuts the property to the immediate north. To the east, on the north-eastern corner of the County Road 19/County Road 34 intersection within the Town of Lakeshore, is situated a restaurant/produce outlet. A residential dwelling occupies the south-eastern corner of this intersection, also within the Town of Lakeshore and another residence is located on the southwest corner. Vacant commercially-zoned lands abut the property to the immediate west. These existing uses combine to form a small node of development at this signalized intersection.

A strip of residential dwellings fronting onto County Road 34 are located approximately 200 metres to the west. These dwellings represent the easterly extent of the built-up area of the Maidstone Hamlet (see Attachment 2). It should be noted that the lands within the Town immediately surrounding the subject property are designated for residential or commercial purposes in the Sandwich South Official Plan (as designated through the Maidstone Hamlet Secondary Plan process completed in 2007). The majority of these lands are zoned Agricultural (A) and will remain so until such time that development proposals come forward and servicing issues are addressed.

Proposal Details

As noted above, the applicants propose to use the former funeral home building as an art studio/gallery, a retail hobby shop and other art-based accessory uses. In addition, the applicants are proposing to move into the existing residential dwelling that is located on the property to the immediate north of the former funeral home building.

The current "Rural Commercial Zone (CR-10)" that applies to the property permits only the former funeral home along with the uses permitted in the general Rural Commercial Zone (CR), which consist of commercial uses associated with the agricultural community (farm chemical sales, farm equipment sales, farm produce outlets, farm supplies, grain/feed merchants, etc.).

Accordingly, a rezoning application has been filed with the Town seeking to rezone the lands into a site specific commercial zone that would permit the proposed uses along with a broader range of commercial uses that are contemplated by the Neighbourhood Commercial designation in the Official Plan.

COMMENTS:

Provincial Policy Statement, 2014

The *Planning Act* requires that municipal councils, when making decisions on planning matters, "shall be consistent with" with the 2014 Provincial Policy Statement ("PPS").

Section 1.1.3 of the PPS outlines the goals that municipalities shall follow when dealing with employment areas. Relevant excerpts include:

“1.1.3 Settlement Areas

1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within settlement areas shall be based on:

b) 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.”

Given that the PPS encourages and supports redevelopment on lands identified for urban growth in settlement areas, the proposed rezoning would be in keeping with the policy direction outlined in the PPS.

County of Essex Official Plan, 2014

The subject lands are within a Secondary Settlement Area as identified in the County Official Plan. The County Official Plan encourages urban development within identified settlement areas.

The following goals and policies of the County Official Plan are most relevant in the assessment of the subject proposal:

“3.2.2 Goals

The following goals are established for those lands designated as Settlement Areas on Schedule “A1”:

- b) To support and promote healthy, diverse and vibrant settlement areas within each of the seven Essex County municipalities where all county residents, including special interest and needs groups can live, work and enjoy recreational opportunities.*
- f) To increase the opportunity for job creation within each County municipality by attracting and maintaining industries and businesses closer to where County residents live.*

3.2.5 Secondary Settlement Areas

The County recognizes the diversity among the many different Secondary Settlements Areas and accordingly has established the following policy framework that recognizes this diversity.

- e) All types of land uses are permitted within the “Secondary Settlement Areas” designation subject to the specific land use policies of the local Official Plans.*

3.2.6 General Settlement Area Policies

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

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

Sandwich South Official Plan

As noted previously, the subject property is located within the Maidstone Hamlet Urban Area and is currently designated "Neighbourhood Commercial" in the Sandwich South Official Plan (see Attachment 3). The Official Plan encourages a variety of commercial uses that meet the needs of the surrounding community, are at locations that are convenient and can be appropriately integrated with the existing and proposed development pattern by meeting the applicable policies of the Plan.

Section 1.5.6 of the Sandwich South Official Plan establishes the basis of the Plan as it relates to the Maidstone Hamlet Secondary Plan area. Excerpts that are relevant to the proposed application include the following:

- "xii) *provide opportunities for commercial development (including uses such as retail, office uses, gas station, restaurant) at locations that:*
- *have least impact on residential character/integrity of the community;*
 - *create gateway features to the community;*
 - *meet the daily needs of the community as well as respond to some of the needs of the traveling public at strategic locations (e.g. intersection of County Roads) which are less suitable for residential-type uses"*

In addition, when evaluating a proposed zoning by-law amendment, Section 6.17 of the Sandwich South Official Plan establishes the following criteria:

- i) *the physical suitability of the land to be used for the proposed use;*

The subject property's location and size, along with the existing structures that occupy it are suitable for the proposed uses. In addition, the subject property has a large asphalt parking area that can accommodate the traffic anticipated to be generated by the uses.

- ii) *the adequacy of all required services;*

The subject property is serviced by municipal water and private septic facility that may require upgrades or a complete replacement, in accordance with the Ontario Building Code. The applicants have been advised of this potential requirement. Municipal sanitary sewers in this vicinity are not available to the subject property and are not anticipated within the foreseeable future.

Stormwater servicing is being provided by the existing Pike Creek municipal drain that runs along the south side of County Road 34, as well as the West Townline and Mooney Creek municipal drain that runs along the west side of County Road 19.

- iii) *the adequacy of the road system to accommodate the projected traffic volume increases;*

The subject property is located on the northwest corner of the signalized intersection of County Roads 34 and 19. Accordingly, it is not anticipated that the additional traffic associated with the proposed addition will adversely affect the function of either of these roadway or the intersection. The County of Essex will be provided notice of the proposed application in order to offer comments and identify any potential concerns or issues. The applicants have been made aware that they will have to address any issues raised by the County through this rezoning process.

- iv) *the compatibility of the proposed use with existing and potential future uses in the surrounding area;*

As noted earlier in this report, with the exception of the small development node at the intersection of County Roads 19 and 34, the majority of the broader area surrounding the subject property is currently agricultural in nature. However, as noted, the abutting lands in Maidstone Hamlet are all identified for future urban uses in the Official Plan. Specifically, the lands abutting to the immediate north, south and west are also designated "Neighbourhood Commercial" in the Official Plan. This designation would permit uses that are similar in nature to those proposed for the subject property. It is the opinion of the writer that the proposed uses are compatible with the current and potential future uses in the surrounding area.

- v) *the need for the additional land to accommodate the proposed use/facilities.*

No additional land will be required for the proposed uses.

Accordingly, it is the opinion of the writer that based on a preliminary review the proposed rezoning is in keeping with the intent of the "Neighbourhood Commercial" designation and conforms to the policies of the Sandwich South Official Plan.

Sandwich South Zoning By-law 85-18

As noted above, the subject property is currently zoned "Rural Commercial Zone (CR-10)" on Schedule "A", Map 13 of Tecumseh Zoning By-law 1746 (see Attachment 4). The proposed zoning by-law amendment will place the lands into an appropriate site specific commercial zone that will permit the proposed uses along with a broader range of commercial uses that are contemplated by the Neighbourhood Commercial designation in the Official Plan. In addition, the proposed amendment will establish site-specific zone provisions for the property.

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13072 County Road 34
OUR FILE: D19 13072C34
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Building Services / Fire and Emergency Services

Building Services has advised that the proposed conversion may require an application to the Building Department to ensure all requirements of the Ontario Building Code and the Ontario Fire Code are satisfied. Fire and Emergency Services has advised that it has no concerns with the proposed re-use of the property.

Engineering / Municipal Services

Public Works and Environmental Services has advised that it has no concerns with the redevelopment of the property for the proposed uses.

Conclusion

Having regard to the range, location and nature of surrounding uses, the geographic location of the proposed development, the suitability of the subject property, the historic commercial-type use of the property, along with current Provincial, County and local land use policies, it is believed that there is merit in considering the requested rezoning to permit the proposed uses. Accordingly, it is recommended that a public meeting be scheduled in accordance with the provisions of the *Planning Act* as a means to seek public input. A public meeting to consider the proposed Zoning By-law amendment in accordance with the requirements of *the Planning Act* 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 applications.

CONSULTATIONS:

The application was reviewed at recent Planning Staff Review meeting(s) by:

Public Works and Environmental Services
Fire and Emergency Services

FINANCIAL IMPLICATIONS

There are no financial implications.

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LINK TO STRATEGIC PRIORITIES

No.	2015-16 Strategic Priorities	Applicable
1.	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.	✓
2.	Ensure that the Town of Tecumseh’s current and future growth is built upon the principles of sustainability and strategic decision-making.	✓
3.	Integrate the principles of health and wellness into all of the Town of Tecumseh’s plans and priorities.	
4.	Steward the Town’s “continuous improvement” approach to municipal service delivery to residents and businesses.	
5.	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

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13072 County Road 34
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This report has been reviewed by senior Administration as indicated below and recommended for submission by the CAO.

Prepared by:



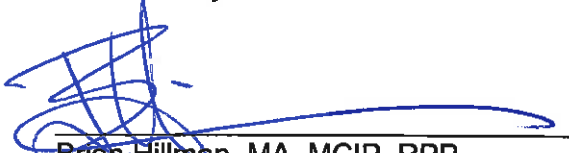
Enrico De Cecco, BA (Hons.), MCIP, RPP
Junior Planner

Prepared by:



Chad Jeffery, MA, MCIP, RPP
Manager, Planning Services/Senior Planner

Reviewed by:



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

Recommended by:



Tony Haddad, MSA, CMO, CPFA
Chief Administrative Officer

ED



- Attachment(s):
1. Subject Property Map
 2. Property Location and Surrounding Area Map
 3. Official Plan Map
 4. Zoning Map

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Planning and Building Services Report 32/15
Zoning By-Law Amendment
1277165 Ontario Ltd. C/O Laura and Mark Williams
13072 County Road 34
OUR FILE: D19 13072C34
October 19, 2015




Prepared By:
Tecumseh Planning and
Building Services Department



Legend:
 Subject Property
 Municipal Boundary

Attachment 1
Zoning By-law Amendment
Mr. and Mrs. Williams
13072 County Road 34
Subject Property

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13072 County Road 34
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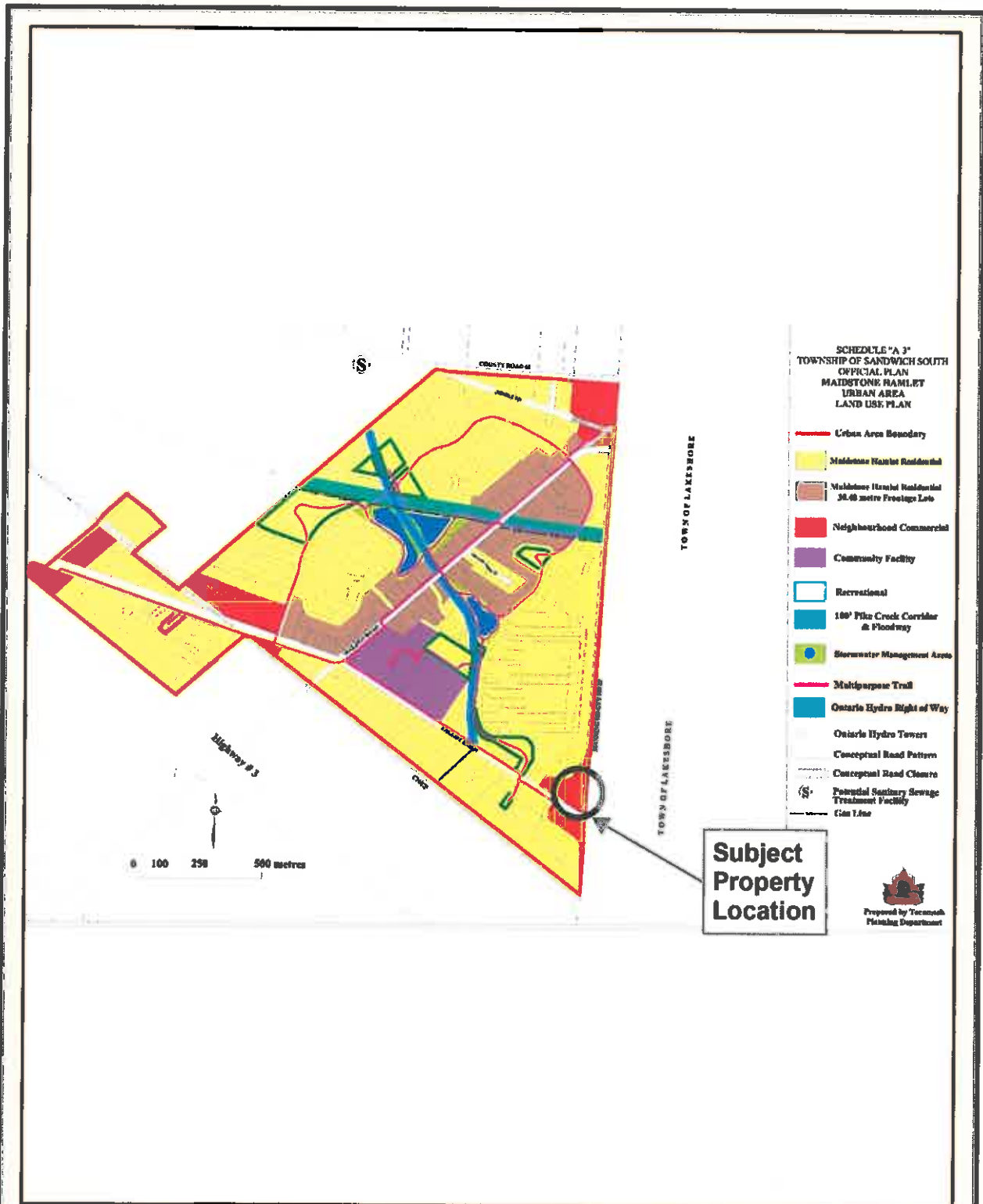



Prepared By:
Tecumseh Planning and
Building Services Department

Legend:
 Subject Property
 Municipal Boundary

Attachment 2
Zoning By-law Amendment
Mr and Mrs Williams
13072 County Road 34
Property Location and Surrounding Area

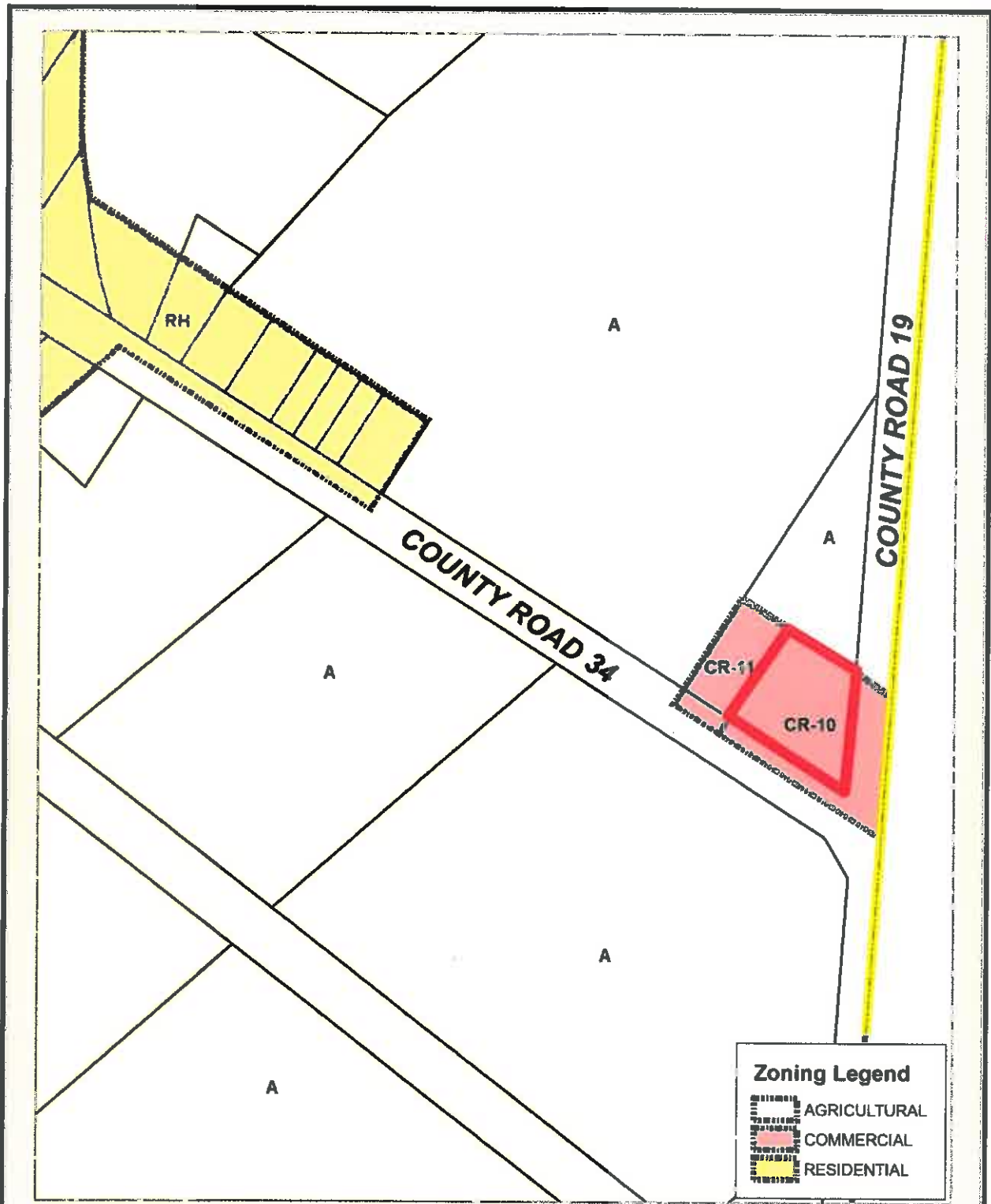
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 1277165 Ontario Ltd. C/O Laura and Mark Williams
 13072 County Road 34
 OUR FILE: D19 13072C34
 October 19, 2015




 Prepared By
 Tecumseh Planning and
 Building Services Department

Attachment 3
 Zoning By-law Amendment
 Mr. and Mrs. Williams
 13072 County Road 34
 Official Plan

Planning and Building Services Report 32/15
Zoning By-Law Amendment
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Zoning Legend

- AGRICULTURAL
- COMMERCIAL
- RESIDENTIAL

Prepared By
Tecumseh Planning and
Building Services Department

Legend:

- Subject Property
- Municipal Boundary

Attachment 4
Zoning By-law Amendment
Mr. and Mrs. Williams
13072 County Road 34
Zoning



Partner Municipalities

November 09, 2015

Town of Amherstburg

Town of Essex

Town of Kingsville

Town of Lakeshore

Town of Lasalle

Municipality of
Leamington

Township of Pelee

Town of Tecumseh

City of Windsor

Ms. Laura Moy, Clerk
Town of Tecumseh
917 Lesperance Road
Tecumseh, ON N8N 1W9

Dear Ms. Moy :

RE: Zoning By-Law Amendment ZBA I3072 COUNTY 34 RD
ARN 374448000000100; PIN: 750150053
Applicant: I277165 ONTARIO LTD

The following is provided for your information and consideration as a result of our review of the above referenced Zoning By-Law Amendment ZBA. We understand that this amendment is to change the zoning from "Rural Commercial Zone (CR-10) to a site specific commercial zone to permit the proposed conversion of a former funeral home to an art gallery/studio and retail hobby shop. It will also recognize the single unit residential dwelling that is also located on the subject site.

SECTION 28 CONSERVATION AUTHORITIES ACT

For the owner's information, we note that the above noted lands **are** subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the *Conservation Authorities Act*, (Ontario Regulation No. 158/06). The subject parcel falls within the regulated area of the West Townline and Mooney Creek Drain. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations.

We also note that the Department of Fisheries and Oceans (DFO) drain classification system may also be applicable should future works be proposed in the vicinity of the existing watercourse, such as the installation of a culvert or drainage outlet. These types of proposals would need to be reviewed in accordance with the Fisheries Act and may need Federal Authorization with respect to potential fish habitat issues, depending on the proposal. We note that previous partnership agreements between the Department of Fisheries and Oceans (DFO) and Conservation Authorities have lapsed. DFO and Conservation Ontario are now working to develop a new Memorandum of Understanding for a partnership under the new Fisheries Protection Program. In the interim, projects will need to be self-assessed by the proponent through the DFO website available at www.dfo-mpo.gc.ca/new-ppe/index-eng.html. Through the self-assessment process, you will be able to determine in any proposed works require a formal authorization under the federal *Fisheries Act*.



Ms. Moy
November 09, 2015

Upon review of this amendment we note that we have no objections to this application with regards to Section 28 of the Conservation Authorities Act.

WATER RESOURCES MANAGEMENT

Our office has reviewed the proposal and has no concerns relating to stormwater management.

NATURAL HERITAGE POLICIES OF THE PPS, 2014

We note that the subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance under the Provincial Policy Statement (PPS). Based on our review, we have no objections to the applications with respect to natural heritage policies.

If you should have any questions or require any additional information, please do not hesitate to contact the ERCA Watershed Planner, Michael Nelson by phone at (519) 776-5209 ext. 347 or by e-mail at mnelson@erca.org.

Thank you.

Sincerely,



Michael Nelson, *Watershed Planner*
/cor

