To: Mayor and Members of Tillsonburg Council
From: Eric Gilbert, Senior Planner, Community Planning

Application for Draft Plan of Condominium and Exemption from Draft Plan Approval
CD 19-03-7 – Escalade Property Corporation

REPORT HIGHLIGHTS

- The purpose of this report is to consider the approval of a draft plan of condominium and exemption from the draft approval process to facilitate condominium ownership of a multi-storey apartment building, consisting of 49 residential units.
- No concerns were raised as a result of agency circulation.
- The proposal is consistent with the relevant policies of the Provincial Policy Statement, maintains the general intent of the County Official Plan, and complies with the provisions of the Town’s Zoning By-law.

DISCUSSION

Background

OWNER: Escalade Property Corporation
Box 37, Lambeth ON N6P 1P9

AGENT: Barbara G. Rosser, MCIP RPP
Box 96, 4688 Elginfield Road, Alisa Craig ON N0M 1A0

LOCATION:

The subject lands are described as Part Lot 382 & 383, Lot 383, Plan 500, Parts 2 & 3 of 41R-3006, in the Town of Tillsonburg. The lands are located on the northwest corner of Concession Street East and Maple Lane, and are municipally known as 136 Concession Street East.
COUNTY OF OXFORD OFFICIAL PLAN:

Schedule “T-1”    Town of Tillsonburg Land Use Plan    Residential
Schedule “T-2”    Town of Tillsonburg Residential Density Plan    High Density Residential

TOWN OF TILLSONBURG ZONING BY-LAW 3295:

Existing Zoning:    High Density Residential Zone (RH)

PROPOSAL:

An application has been received for approval of a plan of condominium and exemption from the draft approval process. The application will facilitate condominium ownership of an apartment building, consisting of 49 apartment dwelling units.

For Council’s information, a zone change application (ZN 7-18-07) was approved by Town Council in 2018, for the purpose of facilitating the proposed development. Subsequent to this, the owner obtained site plan approval for the proposed apartment building from the Town in April 2019 (TSPC 7-195). The approved site plan includes a five storey apartment building with 49 apartment dwelling units, consisting of 11 one bedroom apartments and 38 two bedroom apartments.

The exemption from draft plan approval of condominium process can only occur if site plan approval has been granted, and all requirements of the Town and County have been met.

The subject property is approximately 5145 m² (55 380 ft²) and contains a multi-storey apartment building that is under construction.

Surrounding land uses include service commercial uses to the west and north (Tillsonburg Curling Club & warehousing uses), and medium density townhouse development to the south and east. Single detached dwellings are to the southeast, and multiple unit dwellings are present to the east fronting on Maple Lane, south of the Canadian Pacific Railway.

Plate 1, Existing Zoning and Location Map, provides the location of the subject property and the existing zoning in the immediate vicinity.

Plate 2, Approved Site Plan, shows the approved site plan for the development.

Plate 3, Proposed Draft Plan of Condominium, shows the proposed units, parking areas and access, and exclusive use and common elements.

Application Review

Provincial Policy Statement

The 2014 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Under Section 3 of the Planning Act, where
a municipality is exercising its authority affecting a planning matter, such decisions “shall be consistent with” all policy statements issued under the Act.

Section 1.1.1 provides that healthy liveable and safe communities are sustained by accommodating an appropriate range and mix of residential (including second units, affordable housing, and housing for older persons) to meet long-term needs, and promoting cost-effective development that minimizes land consumption and servicing costs.

Section 1.4.3 directs that planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents by permitting and facilitating all forms of housing required to meet the social, health, and well-being requirements of current and future residents, including special needs requirements and increasing the supply of affordable housing, and utilizing existing infrastructure and public service facilities.

Section 1.1.3.1 of the PPS states that Settlement Areas will be the focus of growth and their vitality and regeneration shall be promoted. Land use patterns within settlement areas shall be based on:

- densities and mix of land uses which are appropriate for, and efficiently use the infrastructure and public service facilities which are planned or available;
- support active transportation;
- efficiently use land and resources;
- 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.

Official Plan

The subject property is designated High Density Residential as per Schedule T-2, Residential Density Plan for the Town of Tillsonburg, as contained in the Oxford County Official Plan.

The policies contained within Section 8.2.2.2 – Tenure Mix, provides that Town Council shall encourage the creation of housing opportunities that may result in a mix of tenure forms, such as ownership, rental, and cooperative, throughout the Town. Such encouragement will include the provision of opportunities for the development of a variety of housing forms in newly developing areas and by permitting sensitive infilling and accessory apartments in built-up areas.

Policies contained within Section 8.2.2.5 – Residential Intensification and Redevelopment, promote residential intensification in appropriate locations to make more efficient use of existing land, infrastructure, and public services. Residential intensification is permitted in appropriate locations within the Residential and Central Areas of the Town, subject to complying with the policies of the associated land use designations pertaining to the density, form and scale of residential development being proposed.

High Density Residential areas are those lands primarily developed or planned for a limited range of intensive large-scale, multiple unit forms of residential development. The height and density limitations applicable to the various forms of development allowed in the High Density Residential area shall be determined on the basis of the nature, character and scale of adjacent land uses. Height and density limitations will be specified in the Zoning By-law and may vary from location to location. Unless there are specific site or area characteristics which favour higher limits, net residential densities will normally not exceed 111 units per hectare (45 units per acre). Under no
circumstance will development within a High Density Residential area be less than 63 units per hectare (26 units per acre) net residential density without amendment to the Official Plan.

Any new buildings or additions will respect the height, bulk, scale and setbacks of adjacent residential uses and shall not adversely impact adjacent residential uses in terms of light, views, privacy or traffic.

When considering a specific proposal for High Density Residential development, Town Council will be satisfied that the policies of Section 8.2.7 are adequately addressed. The review criteria contained within Section 8.2.7 include consideration of driveways and parking areas, pedestrian activity, landscaping, play/recreational opportunities, utilities and operational facilities, and safety and comfort.

**ZONING BY-LAW:**

The subject property is currently zoned ‘High Density Residential Zone (RH)’, according to the Town of Tillsonburg Zoning By-law. The RH zone permits an apartment building, subject to the RH zone provisions contained in Section 10.2 of the By-Law.

The provisions of the High Density Residential Zone (RH) require a minimum lot area of 90 m\(^2\) (968.8 ft\(^2\)) per dwelling unit, and permit a maximum lot area of 160 m\(^2\) (1,772.3 ft\(^2\)), and requires a minimum lot frontage of 30 m (98.4 ft). The subject property complies with these provisions.

The approved site plan complies with the other provisions of the zoning by-law, including required landscaped open space, maximum permitted lot coverage, required amenity area, required front yard depth and exterior side yard width, interior side yard width, and rear yard depth provisions of the RH zone.

Section 5.24.2.1 of the Zoning By-Law requires 1.5 parking spaces per dwelling unit, or 74 parking spaces for the 49 proposed apartment dwellings, including 3 accessible parking spaces. Parking areas are required to be at least 1.5 m (5 ft) from the street line. The applicant’s proposal satisfies the parking requirements.

**AGENCY REVIEW:**

The Town of Tillsonburg Building Services Department and County Public Works Department indicated that they have no comments or concerns regarding the application.

The Tillsonburg District Chamber of Commerce provided the following comments:

- since there are two Condo Corporations in the immediate area, it should not be an issue to change the zoning to allow them to become a Condominium; assuming all their bylaws are in compliance with Town bylaws.
- since Affordable Housing is an issue, it would be positive for our community if these units were ‘affordable’ so that our area can attract people to live here and work here.
Planning Analysis

Applications for condominium approval can be dealt with in one of two ways, in accordance with the Condominium Act. The first method generally involves a process similar to an application for draft plan of subdivision where, after appropriate circulation, a proposal receives 'draft' approval which is contingent on the applicant satisfying a number of conditions prior to final approval and registration.

The second process is where the approval of the condominium is exempt from the draft or 'conditional' approval stage and proceeds directly to final approval. The exemption process is intended to apply to proposals that have previously undergone a complete evaluation (i.e. site plan approval) and no further conditions of approval are required by the municipality for the development to proceed.

As noted, the proposed development was subject to a zoning amendment that was approved by Town in 2018. The development received site plan approval from the Town in April 2019, and is subject to the conditions of the development agreement that was entered into with the Town of Tillsonburg as part of the site plan approval process. In light of this, the requested exemption can be considered appropriate.

As the proposal will facilitate the creation of an alternative form of housing to meet the long term social needs of current and future residents in a designated Settlement Area, Planning staff are of the opinion that the proposal is consistent with the policies of the PPS.

The proposal complies with the policies contained within Section 8.2.2.2 that encourage the creation of housing opportunities that may result in a mix of tenure forms, such as ownership, rental, and cooperative, throughout the Town. The proposal is also consistent with the policy direction within Section 8.2.2.5 that promotes residential intensification in appropriate locations to make more efficient use of existing land, infrastructure, and public services.

Based on a review of the draft plan of condominium, it would appear that the proposed development will meet the relevant provisions of the ‘RH’ Zone.

In light of the foregoing, Planning staff are of the opinion that the proposal is consistent with the relevant policies of the Provincial Policy Statement, maintains the general intent of the County Official Plan, and complies with the provisions of the Town’s Zoning By-law. As such, the application for draft plan of condominium and exemption from the draft approval process can be supported from a planning perspective.
RECOMMENDATIONS

That the Council of the Town of Tillsonburg advise County Council that the Town supports the application for draft approval of a proposed condominium submitted by Escalade Property Corporation, (File No. CD 19-03-7), prepared by MTE Ontario Land Surveyors, dated November 20, 2019, for lands described as Part Lots 382 & 384, and all of Lot 383, Plan 500, in the Town of Tillsonburg;

And further, that the Council of the Town of Tillsonburg advise County Council that the Town supports the application for exemption from the draft plan of condominium approval process, submitted by Escalade Property Corporation, (File No. CD 19-03-7), prepared by MTE Ontario Land Surveyors, dated November 20, 2019, for lands described as Part Lots 382 & 384, and all of Lot 383, Plan 500, in the Town of Tillsonburg, as all matters relating to the development have been addressed through the Site Plan Approval process and a registered site plan agreement with the Town of Tillsonburg.

SIGNATURES

Authored by: Eric Gilbert, MCIP, RPP
Senior Planner

Approved for submission: Gordon K. Hough, RPP
Director
Report Approval Details

<table>
<thead>
<tr>
<th>Document Title:</th>
<th>CD19-03-7_rpt-tbrg.docx</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attachments:</td>
<td>- Plate 1.pdf</td>
</tr>
<tr>
<td></td>
<td>- Plate 2.pdf</td>
</tr>
<tr>
<td></td>
<td>- Plate 3.pdf</td>
</tr>
<tr>
<td>Final Approval Date:</td>
<td>Feb 4, 2020</td>
</tr>
</tbody>
</table>

This report and all of its attachments were approved and signed as outlined below:

Kyle Pratt - Feb 4, 2020 - 7:10 AM