

**To: Mayor and Members of Tillsonburg Council**

**From: Eric Gilbert, Senior Planner, Community Planning**

## **Applications for Consent & Minor Variance B20-32-7; A20-05-7– Oxford Lofts Inc.**

### **REPORT HIGHLIGHTS**

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- The purpose of the application for consent is to sever a vacant lot for a future multi-residential development and retain a lot encompassing an existing multi-residential building, within the Central Area of Tillsonburg.
- The application for minor variance proposes to permit a reduced rear yard depth, reduced planting strip width, and location of parking areas to provide for shared parking facilities for the existing development on the retained lands, and future development on the severed parcel.
- Planning staff are recommending approval of the applications, as they are consistent with the Provincial Policy Statement and generally maintain the intent and purpose of the Official Plan respecting development within the Central Area of the Town of Tillsonburg.

### **DISCUSSION**

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#### **Background**

OWNERS: Oxford Lofts Inc.  
61 Flanders Drive, Waterdown ON L8B 0G6

APPLICANT: Andrew Teeple  
Athlon Construction and Development Corporation  
164 Herbert Street, Waterloo ON N2J 1T4

LOCATION:

The subject property is described as Lot 761 and Part of Lots 763 & 764A, Plan 500, save and except Parts 1, 2, 3, Reference Plan 41R-9352, in the Town of Tillsonburg. The lands are located on the west side of Rolph Street, between Brock Street West and Washington Grand Avenue and are municipally known as 83 Rolph Street.

COUNTY OF OXFORD OFFICIAL PLAN:

Schedule "T-1"	Town of Tillsonburg Land Use Plan	Entrepreneurial District and Environmental Protection
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TILLSONBURG ZONING BY-LAW NO. 3295:

Existing Zoning:

Lands to be Severed: Special Entrepreneurial Zone (EC-9), with EP2 Overlay  
Residential Entrepreneurial Area Holding Zone (EC-R H)

Lands to be Retained: Special Entrepreneurial Zone (EC-9), with EP2 Overlay

SERVICES: Lots to be Severed & Retained: municipal water and sanitary sewers

ACCESS: Paved, municipal road (Rolph Street)

PROPOSAL:

	<u>Severed Lot</u>	<u>Retained Lot</u>
Area	10,466.57 m <sup>2</sup> (2.6 ac)	8,968.34 m <sup>2</sup> (2.2 ac)
Frontage	68.74 m (225 ft)	74.12 m (243 ft)
Avg. Depth	127.71 m (419 ft)	151.15 m (496 ft)

The application for consent proposes to create one new lot for a future multi-residential development and retain a lot encompassing an existing multi-residential apartment building development that fronts on Rolph Street. The owner has also applied for a partial discharge of mortgage.

The proposed lot to be severed will cover an area of approximately 10,466.57 m<sup>2</sup> (2.6 ac), and will have approximately 68.74 m (225 ft) of frontage on Rolph Street. A single detached dwelling currently exists but is proposed to be removed for a future multi-residential development. The lot to be retained will have an area of approximately 8,968.34 m<sup>2</sup> (2.2 ac), frontage of 74.12 m (243 ft) on Rolph Street, and contains a multi-residential apartment building, consisting of 46 apartment dwelling units.

The owner has also requested the following relief from the provisions of the Town's Zoning By-law:

- Section 12.2, EC Zone Provisions, Required Rear Yard Depth, to reduce the rear yard depth from 12.5 m (41 ft) to 4.7 m (15.42 ft);
- Section 12.2, EC Zone Provisions, Planting Strip Width, to reduce the required planting strip width from 1.0 m (3.3 ft) to nil;
- Section 5.24.3- Location and Setback of Parking Areas, to permit parking with a 0 m setback from the street line and interior side lot line.

The subject property is approximately 1.8 ha (4.5 ac) and contains the former Rolph Street Public School. The western portion of the property consists of ravine lands and a former playground proposed for parking purposes is located on the southern boundary of the site, fronting on Rolph Street. The subject property also includes a parking lot, containing 14 spaces, located on the west side of Valleyview Lane.

Surrounding land uses to the north, south and east include office and residential (single detached dwellings and duplexes, triplexes, and apartments) uses fronting on Rolph Street, Ridout Street West, Edgewood Drive, and Valleyview Lane. Ravine and valleylands bordering Stony Creek are present to the west.

Plate 1, Location Map with Existing Zoning, shows the location of the subject lands and the existing zoning in the immediate vicinity.

Plate 2, 2015 Aerial Map, provides an aerial view of the subject lands and immediate vicinity.

Plate 3, Applicant's Sketch, depicts the proposed configuration of the lands to be severed and retained.

Plate 4, Applicant's Sketch, depicts the location of the existing sanitary sewer on the lands to be severed and retained.

Following the review of this application, Planning staff note that an access easement will also be required over the lot to be severed, in favour of the lot to be retained, for the purpose of accessing the parking spaces that will be present on the retained lands. The applicant also originally requested relief of the required number of parking spaces for the retained parcel but has since revised the proposal to include a shared parking area on the severed lands.

## **Application Review**

### PROVINCIAL POLICY STATEMENT:

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

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.

Section 1.1.3.3 of the PPS directs that planning authorities shall identify appropriate locations and promote opportunities for 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.

Further, Section 1.4.3 of the PPS directs that planning authorities shall provide for an appropriate mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- Establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households;
- Permitting and facilitating all forms of residential intensification and redevelopment and all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements;
- 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;
- Promoting densities for new housing which efficiently uses land, resources, infrastructure and public service facilities, and support the use of active transportation and transit areas where it exists or is to be developed; and
- 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.

Section 1.7.1 of the PPS states that long-term economic prosperity should be supported by maintaining and, wherever possible, enhancing the vitality and viability of downtowns and main streets.

**OFFICIAL PLAN:**

The Official Plan states that Entrepreneurial District areas are those lands, which feature a range of commercial and business development opportunities through the conversion of existing residential dwellings and new development or redevelopment. It is intended that development in this District will result in a mixture of residential and non-residential land uses.

The vision for the Central Area is articulated in Section 8.3.2.1. In the future, the Central Area of the Town of Tillsonburg will remain as the most functionally diverse area of the Town and will serve as the primary business, cultural and administrative centre. The commercial core of the

Central Area will remain a viable regional retail shopping district capable of meeting the day to day and specialty needs of residents of the Town as well as serving the southern part of Oxford County and portions of Elgin and Norfolk Counties. At the same time the Central Area will increasingly serve as a people place and will have increased day and night activity through the introduction of residential development within and near the Central Area and through better integration of the Central Area with the wider community.

A strategic objective of the Official Plan is to increase the residential population living within and in the vicinity of the Central Area. The creation of mixed use buildings and residential intensification is supported.

Section 8.3.2.3.2.2- POLICIES FOR REDEVELOPMENT AND NEW DEVELOPMENT OF VACANT LAND provides review criteria for development proposals on vacant land within the Entrepreneurial District. Review criteria include:

- Low and medium density residential development shall be in accordance with the policies of Sections 8.2.4 & 8.2.5. Notwithstanding the provisions of Section 8.2.5, new Medium Density Residential development may be located throughout the Entrepreneurial District on a site specific basis subject to any restriction as outlined within the 'Special Development Policies' outlined below:
- Appropriate buffering measures shall be incorporated into the development to minimize potential incompatibilities with adjacent residential uses.
- Existing municipal services and community facilities shall be adequate to accommodate the development.
- New development in the Entrepreneurial District designation will comply with the Environmental Resource Protection policies and the Environmental Constraint policies of Section 3.2.
- Adequate off-street parking shall be provided.
- Within the Entrepreneurial District site plan control will be applied to the conversion of existing buildings, redevelopment and new development to ensure compatibility with adjacent residential uses.

Residential intensification and compact urban form shall be facilitated through appropriate zoning standards and Town Council may consider the use of reduced municipal infrastructure requirements and lot standards on a site or area specific basis, provided that such standards are still in keeping with the overall objectives of the Official Plan.

Medium density residential development is permitted within the Entrepreneurial District. The maximum residential density for medium density residential development is 62 units per hectare (25 units per acre).

TOWN OF TILLSONBURG ZONING BY-LAW:

The lands to be severed are zoned 'Special Entrepreneurial Zone (EC-9)' and 'Residential Entrepreneurial Area Holding Zone (EC-R H)'. The EC-RH zone permits a wide variety of residential uses. The purpose of the Holding Provisions is to ensure that development or redevelopment takes a form compatible with adjacent uses, site plan approval will be required prior to any redevelopment. Permitted interim uses included residential uses with 3 or fewer dwelling units.

The lands to be retained are zoned 'Special Entrepreneurial Zone (EC-9)'. This zone permits a wide variety of residential uses, including an apartment dwelling, business/professional offices, and small scale business uses outlined in Section 12.1. A site specific provision for the subject lands was approved by Town Council in May 2017 to allow dwelling units to be located in a basement that has a floor level not more than 1.6 m (5.2 ft) below the adjacent finished grade.

The 'EC-9' zone also establishes a number of development standards with respect to lot area, frontage and depth based on use. The use of the subject lands for an apartment dwelling appear to meet these provisions.

The 'EC-9' zone requires apartment dwellings to have a minimum dwelling unit area of 55 m<sup>2</sup> (592 ft<sup>2</sup>) per unit. This is to ensure that dwelling unit sizes are acceptable and comfortable for a variety of occupancy arrangements. A minor variance was obtained in 2018 to reduce this to permit 9 of the proposed residential apartment units to be a minimum size of 39.76 m<sup>2</sup> (428 ft<sup>2</sup>).

The subject lands are also effected by the Environmental Protection 2 Overlay. Development within or adjacent to (within 50 m) of lands identified within the EP2 Overlay is generally prohibited, unless an Environmental Impact Study is provided. In this instance, no new development is proposed beyond the extent of the existing building, and therefore an EIS is not required to for the proposed consent.

The future development of the lot to be severed for a multi-residential development will be subject to further planning applications, including applications for zone change and applications for site plan approval.

TOWN OF TILLSONBURG CENTRAL AREA DESIGN STUDY:

The subject property is located in the Residential/Institutional Area as identified in the Central Area Design Study, which was adopted by Town Council in 2012. These areas are characterized by single family detached dwellings, semi-detached dwellings, seniors housing, and other multi-unit residential buildings. The residential areas have potential to accommodate additional residential development in more compact building forms.

Priority recommendations for new development within Residential Areas include respecting and complementing the heritage character of the downtown, with heritage elements being retained and/or refurbished.

Under the Private Realm & Architectural Control Guidelines, the design study identifies the Rolph Street Public School as a property with identified heritage character, and provides suggestions for any additions, signage, or redevelopment of the site, to ensure that any additions or exterior modifications undergo a rigorous process of design review in order to ensure they contribute to the character of heritage architecture.

AGENCY COMMENTS:

The application was circulated to various agencies considered to have an interest in the proposal.

The Town of Tillsonburg Chief Building Official provided the following comments:

- Existing site plan for the retained lands will need to be amended to reflect new property lines and proposed shared parking arrangements;
- Conditional upon shared parking agreement/easements;
- Applicant to provide a limiting distance / spatial separation report for the proposed reduced side yard and rear yard requests for the lot to be retained. All remedial work will require the issuance of a building permit, and all work must be completed prior to finalization of consent application.

The Town of Tillsonburg Engineering Services Department indicated that a preliminary lot grading plan is required for the lots to be severed and retained to demonstrate that stormwater and drainage from the retained parcel will not traverse the severed parcel.

The County of Oxford Public Works Department provided the following comments:

- Water and sanitary services shall not cross one property to service another;
- As a condition of severance, all financial requirements of the Oxford County Public Works Department must be complied with in respect to the provision of water and wastewater service connections for the lots to be severed and retained.
- An easement over the existing sanitary sewer traversing the property shall be transferred in favour to the County of Oxford, at no cost to the County, free of all encumbrances.
- At time of site plan approval for future development on the severed parcel, further discussion will be provided with respect to site servicing and waste collection.

Union Gas has commented that their agency does have service lines running within the area, which may or may not be affected by the proposed severance. Should the proposed severance impact these services, it may be necessary to terminate the gas service and relocate the link according to the new property boundaries, which would be at the expense of the property owner.

The Tillsonburg and District Chamber of Commerce indicated that they are supportive of higher density in the downtown core as it is very important to the economic health of our downtown. The Chamber also indicated that they support the proposed parking arrangement, provided that appropriate parking easements are registered on title, and the required site plan agreements would be in place to show the shared parking arrangements, to ensure they are legally binding and any future owners have notice of such.

#### PUBLIC CONSULTATION:

Notice of the applications for consent and minor variance was provided to the public and surrounding property owners on September 8, 2020 in accordance with the requirements of the Planning Act. To date, no comments or concerns have been received from the public.

## **Planning Analysis**

The application for consent proposes to create one new lot for a future multi-residential development within the Central Area of Town, while retaining a lot containing the former Rolph Street Public School multi-residential development. An application minor variance has also been

received to permit reduced rear yard depths, reduced planting strip width and reduced setback of parking areas to street lines and interior lot lines.

Planning staff are of the opinion that the proposal is generally consistent with the Provincial Policy Statement and the County's Official Plan regarding residential intensification within a designated and serviced settlement area.

Additionally, staff are of the opinion that this proposal will assist in providing a mix of housing types and tenures as the proposal will create a new lot for future multi-residential development within the Central Area, which will maintain the strategic goal of the Official Plan to support the planned function of the downtown by facilitating increased residential development within the Central Area as per Section 8.3.2.1 of the Official Plan.

Official Plan policies respecting development in the Entrepreneurial District permit the redevelopment and development of vacant lots for new uses, and these policies also recognize that Town Council may establish reduced or altered standards for driveways, parking areas, loading spaces and may consider flexible parking arrangements such as tandem parking for employees, off-site parking or similar measures provided that such measures do not affect other nearby residential uses or interfere with the functionality of the site. In this instance, the proposed shared parking arrangement between the existing development on the retained lands and a future development on the severed lands will provide a flexible parking arrangement to maximize the use of existing parking areas.

The original application did not include an easement over the severed parcel in favour of the retained parcel for the purpose of accessing the parking spaces that are on the south and west sides of the multi-residential building. Planning staff recommend that an access easement be included in the proposal. In the event that the application is given favourable consideration, recommended conditions of approval include the requirement to enter into a site plan agreement to identify the number and location of shared parking areas.

With respect to the requested minor variances to the rear yard depth, Planning staff note that the reduced rear yard to 4.7 m (15.42 ft) is only required for a small portion of the existing building on the retained lands at the southwest corner of the building. The remainder of the rear yard depth increases moving northward. The applicant has submitted a spatial separation report to demonstrate how the existing building will satisfy the spatial separation distances of the Ontario Building Code, and appropriate conditions of approval have been included to ensure the remedial work is completed prior to the finalization of the consent.

The proposed relief of the planting strip requirements and location and setback of parking areas can be considered minor and appropriate as the new interior lot line is proposed to be located within the existing parking area, and the existing parking areas near Rolph Street and Valleyview Lane are already at the streetline. The requested relief is in keeping with the general intent of the Town's Zoning By-Law to ensure that parking areas do not impact adjacent residential properties. The requested relief is considered desirable as the relief will facilitate the use of the lands for multi-residential development that is considered a permitted use by the Entrepreneurial District Designation of the Official Plan.

The Central Area Design Study promotes the maintenance and enhancement of existing heritage characteristics in the Central Area, particularly for buildings such as the former Rolph Street Public School which is designated under the Ontario Heritage Act. The subject property is identified in



the design study as being within the 'Residential/Institutional Area', and the proposed development is consistent with the principles and objectives of the study for renovations of existing heritage character buildings. The proposed consent will not impact the appearance or character of the existing development. Additionally, the future development of the severed lands for a multi-residential development will need to be consistent with the guidelines of the Central Area Design Study for new development adjacent to areas with historical significance.

The future development of the lot to be severed will be subject to future planning applications including a zone change and site plan approval application where the proposed use and design will be evaluated.

In light of the foregoing, Planning staff are satisfied that the consent application is consistent with the policies of the PPS and is in keeping with the County Official Plan. As such, Planning staff are satisfied that the applications can be given favourable consideration, subject to the appropriate conditions, as noted below.

## **RECOMMENDATIONS**

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**It is recommended that Tillsonburg Council advise the Land Division Committee that the Town supports Minor Variance Application A20-05-7, for lands described as Lot 761 and Part of Lots 763 & 764A, Plan 500, in the Town of Tillsonburg, municipally known as 83 Rolph Street, Town of Tillsonburg as it relates to:**

- 1. Section 12.2, EC Zone Provisions, Required Rear Yard Depth, to reduce the rear yard depth from 12.5 m (41 ft) to 4.7 m (15.42 ft);**
- 2. Section 12.2, EC Zone Provisions, Planting Strip Width, to reduce the required planting strip width from 1.0 m (3.3 ft) to nil;**
- 3. Section 5.24.3- Location and Setback of Parking Areas, to permit parking with a 0 m setback from the street line and interior side lot line.**

**As the proposed variances are;**

- (i) minor variances from the provisions of the Town of Tillsonburg Zoning By-law No. 3295;**
- (ii) desirable for the appropriate development or use of the land;**
- (iii) in keeping with the general intent and purpose of the Town of Tillsonburg Zoning By-law No. 3295; and**
- (iv) in keeping with the general intent and purpose of the County Official Plan.**

**AND FURTHER, it is recommended that Tillsonburg Council advise the Land Division Committee that the Town supports the proposal to sever the subject property, subject to the following conditions:**

1. The Owner shall satisfy all requirements of the Ontario Building Code with respect to spatial separation and complete all required remedial work to the satisfaction of the Town Chief Building Official.
2. The Oxford County Public Works Department advise the Secretary-Treasurer of the Oxford County Land Division Committee that all financial requirements of the County of Oxford with respect to the provision of water and sewer services to the subject property has been complied with, to the satisfaction of the County Public Works Department.
3. The Owner shall obtain a site plan amendment for the approved site plan for the development on the lot to be retained, to the satisfaction of the Town Chief Building Official.
4. The Clerk of the Town of Tillsonburg advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town, financial, services and otherwise, have been complied with.

## **SIGNATURES**

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**Authored by:**

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**Approved for submission:**

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Director