To: Mayor and Members of Tillsonburg Council

From: Eric Gilbert, Senior Planner, Community Planning

Applications for Official Plan Amendment & Zone Change
OP 20-13-7 & ZN 7-20-14 – Escalade Property Corporation & 1822094 Ontario Inc.

REPORT HIGHLIGHTS

- The intent of the Official Plan Amendment is to redesignate the subject lands from ‘Service Commercial’ to ‘High Density Residential’ to facilitate the development of two 5 storey apartment buildings, each consisting of 49 apartment dwelling units.

- The application for Zone Change proposes to rezone the lands from ‘Service Commercial Holding Zone (SC-H)’ to ‘Special High Density Residential Zone (RH-5)’ to facilitate the proposed development and to provide site specific zoning provisions to permit a reduced interior side yard width between the two buildings, and to provide for a parking area to be within an exterior side yard for the southerly building.

- The proposal is consistent with the relevant policies of the Provincial Policy Statement and is in-keeping with the strategic initiatives and objectives of the County Official Plan and can be supported from a planning perspective.

DISCUSSION

Background

OWNERS: 1822094 Ontario Inc & Escalade Property Corporation
Box 37, Lambeth ON, N6P 1P9

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

LOCATION:

The subject lands are described as Part of Lots 293, 341, 423-426, Lots 420-422, Plan 500, in the Town of Tillsonburg. The lands are located on the east side of King Street, north side of First Street, and west side of Tillson Avenue, and are municipally known as 98 King Street and 143 Tillson Avenue, Tillsonburg.
COUNTY OF OXFORD OFFICIAL PLAN:

Existing:
Schedule ‘T-1’ Town of Tillsonburg Land Use Plan Service Commercial

Proposed:
Schedule ‘T-1’ Town of Tillsonburg Land Use Plan Residential
Schedule ‘T-2’ Town of Tillsonburg High Density Residential Plan

TOWN OF TILLSONBURG ZONING BY-LAW 3295:

Existing Zoning: Service Commercial Holding Zone (SC-H)

Proposed Zoning: Special High Density Residential Zone (RH-5)

PROPOSAL:

Applications have been received by the County of Oxford and the Town of Tillsonburg for amendments to the Official Plan and Zoning By-law to redesignate and rezone the subject lands to facilitate the development of two 5-storey apartment buildings, each consisting of 49 apartment dwelling units. Each building is proposed to contain 38 two bedroom apartment units, and 11 one bedroom apartment units.

The following studies/reports were provided in support of the proposal:
- Planning Justification Report prepared by Barbara Rosser, MCIP RPP;
- Environmental Noise and Vibration Assessment Report prepared by Strik Baldinelli Moniz;
- Train Vibration Study prepared by OZA Inspections Limited;
- Servicing Feasibility Study, prepared by Strik Baldinelli Moniz;
- Traffic Impact Study prepared by Strik Baldinelli Moniz;
- Solar Shadow Impact Study prepared by Strik Baldinelli Moniz;
- Phase 1 & 2 Environmental Site Assessment prepared by EXP Services Inc.

The subject lands have a total area of 1.1 ha (2.6 ac), and are currently vacant. Surrounding uses include a medium density townhouse condominium development to the west, a daycare use to the north, a service commercial plaza to the north, and service commercial uses fronting on Tillson Avenue to the west. Vacant service commercial lands are to the south, with single detached dwellings to the northeast and southeast beyond the service commercial uses. The CPR Railway is adjacent to the subject lands on the north.

For Council’s information, the applicant submitted two applications for consent (B20-51-7 & B20-52-7) that proposed minor boundary adjustments to create a more regular interior lot line between the two proposed buildings. The applications were approved by the County Land Division Committee at their meeting of December 3, 2020.
Plate 1, Location Map with Existing Zoning, indicates the location of the subject site and the existing zoning in the immediate vicinity.

Plate 2, 2015 Aerial Map, provides an aerial view of the subject property and surrounding area.

Plate 3, Applicant's Proposed Site Plan, provides the layout of the proposed buildings, parking and access.

Plate 4, Main Floor Plan, provides the layout of the main floor of the proposed building.

Plate 5, Typical Floor Plan, provides the layout of the floors 2-5 of the proposed building.

Plate 6, South Elevation, depicts the appearance of the proposed building from the south.

Plate 7, North Elevation, depicts the appearance of the proposed building from the north.

Plate 8, East & West Elevations, depicts the appearance of the proposed building from the east and west.

Application Review

PROVINCIAL POLICY STATEMENT

The policies of Section 1.1 of the Provincial Policy Statement direct that sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for the planning period. Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

The policies of Section 1.1.3 state that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. Section 1.1.3.3 states 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.

The policies of Section 1.1.3.6 state that new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Further, Section 1.4.3 states 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 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 housing required to meet the social, health and well-being requirements of current and future residents;
• 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 use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in 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.

**OFFICIAL PLAN**

The subject lands are designated ‘Service Commercial’ as per Schedule ‘T-1’ of the Official Plan. Areas designated for Service Commercial use are intended to provide for a broad range of commercial uses that, for the most part, are not suited to locations within the Central Area because of their site area, access or exposure requirements or due to incompatibility or land use conflicts with residential development.

Generally, Service Commercial uses cater to vehicular traffic and single-purpose shopping trips where customers are typically generated from passing traffic or a wide ranging market area. Service Commercial uses will have access to an arterial or collector road.

As noted, the applicant proposes to re-designate the subject lands to ‘Residential’ & ‘High Density Residential’ to permit the development of two apartment buildings, each consisting of 49 dwelling units.

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. 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.

The proposed net residential density of the development is 92 units per hectare (37 units per acre) for the northerly property (98 King Street), and 94 units per hectare (39 units per acre) for the southerly property (143 Tillson Avenue).

In addition to the requirement for compliance with the locational policies, when considering proposals to designate lands for high density residential development, Town Council and County Council will be guided by the following:

- Sites which abut arterial or collector roads or will have direct access to the arterial or collector road;
- On vacant or under-utilized sites adjacent to development which is already built at medium or high densities;
- Close to shopping, recreation, cultural and community facilities;
- Within or near the periphery of the Central Area in accordance with the policies of Section 8.3.4.
Any lands proposed for high density residential development will require an amendment to the Official Plan. In addition to the locational policies identified, when considering proposals to designate lands for High Density Residential development, Town and County Councils will be guided by the following site specific criteria:

- The size, configuration and topography of the site is such that there is sufficient flexibility for site design to mitigate adverse effects on the amenities and character of any adjacent residential development through adequate setbacks, buffering and screening;
- The development results in a gradual transition from low profile residential buildings to higher profile residential buildings and vice versa;
- The location of vehicular access points and the likely effects of traffic generated by the proposal on public streets have been assessed and are acceptable;
- Adequate hard service capacity including water distribution, sanitary and storm sewers, power and gas distribution facilities is available or will be available to accommodate the proposed development;
- Adequate off-street parking and outdoor amenity areas can be provided;
- The effect of the proposed development on environmental resources or the effect of environmental constraints on the proposed development will be address and mitigated as outlined in Section 3.2.

All proposals for high density residential development shall be subject to site plan control. When considering any specific proposal for high density residential development, Town Council will be satisfied that the criteria of Section 8.2.7 are adequately addressed.

ZONING BY-LAW

The subject lands are currently zoned ‘Service Commercial Holding Zone (SC-H)’, which permits existing uses and buildings.

The purpose of the Holding Provision in this instance is to ensure that orderly development of land identified by the Ministry of the Environment as contaminated lands is remediated in accordance with site hydrogeological studies, site investigations, and remediation plans, and/or a Record of Site Condition, is filed against the title of the subject property. Removal of the “H” symbol will occur once Ministry of the Environment approvals are received, and the owner of the subject land and the Town of Tillsonburg has entered into a Site Plan Agreement consistent with Section 41 of the Planning Act.

The applicant proposes to rezone the subject lands to ‘Special High Density Residential Zone (RH-5)’ permit two 5 storey apartment buildings, each containing 49 dwelling units. Special provisions have been requested to permit a reduced interior side yard width of 6.5 m (21.3 ft) in lieu of the required 10.5 m (32.8 ft) between the proposed apartment buildings and the shared interior lot line. Special provisions are also sought to permit parking within the exterior side yard, and to recognize King Street as the front lot line for the northerly lot, and Tillson Avenue as the front lot line for the southerly lot.

Based on the applicant’s proposed site plan, the proposal appears to comply with the other relevant provisions of the RH zone. The applicant’s proposed site plan also provides all required parking for the 49 apartment dwelling units on each lot.
AGENCY COMMENTS

The applications were reviewed by a number of public agencies. The following comments were received.

The Town of Tillsonburg Building Services Department indicated that a Record of Site Condition should be provided prior to passing of the zoning amendment, and that site specific development comments will be reviewed and provided through the site plan process.

Town Engineering Services Department indicated that the project will be subject to site plan control where matters such as lot grading, drainage and storm water management will be reviewed.

The Town Director of Recreation, Culture and Parks indicated that cash in lieu of parkland will be required at time of site plan approval.

Oxford County Public Works Department indicated that they had no comment respecting the applications for Official Plan amendment and zone change. Comments respecting water and wastewater servicing and waste collection will be provided upon review of the required site plan application.

Tillsonburg Fire & Rescue Services indicated they had no comment respecting the applications.

The Tillsonburg District Chamber of Commerce indicated that they are in support of the application and appreciate the continued development of apartment style units in Tillsonburg. They suggest that the parking lots be interconnected between the buildings to assist with street traffic flow and to allow for less confusion/faster response times for emergency services, food delivery, etc.

The Town Development Commissioner provided the following comments:

The proposed developments will provide an additional 98 rental units to the Tillsonburg rental market, which will be a significant increase in the supply of rental housing and support greater choice in the market while contributing to population growth in the Town. As of the latest rental market statistics, Tillsonburg is estimated to have a vacancy rate of 1%, which is among the lowest in the Province. The addition of 98 units will increase the existing supply by approximately 11% (existing base of 896 rental units)! Considering the low vacancy rates and the significant increase in supply, this project will have a significant impact and benefit to the community.

It is important to recognize that the existing CP Rail owned (OSR operated) spur line is currently operating and is anticipated to continuing to operate for the foreseeable future. While the Train Vibration Study indicated no concerns, I do agree with the inclusion of the suggested text in the planning approvals. Rail service is critical to Tillsonburg.

In terms of the change in use from commercial to residential, this is a concern as there is limited commercial lands of any type available for development in Tillsonburg with only a handful of existing sites. This change will further reduce the number of available commercial development sites. However, based on the critical need for housing in our community along with the low vacancy rates, I support the redesignation and rezoning of these two properties. Further, the potential for significant impacts to commercial/retail space demand due to the ongoing impacts of the pandemic suggests that demand for commercial development sites will be reduced in the
short term. I note that the supply of commercially zoned lands remains a concern in the medium to long term planning horizons as has been noted multiple times in the recent past.

Canada Post provided the following comments:

Canada Post has reviewed the proposal for the above noted Development Application and has determined that the project adheres to the multi-unit policy and will be serviced by internal Lock Box Assembly which is to be provided by, installed and maintained by the developer/owner at the owner’s expense.

PUBLIC CONSULTATION

Notice of complete application was provided to surrounding neighbours on October 1, 2020, and notice of public meeting was issued on January 5, 2021, in accordance with the requirements of the Planning Act. At the time of writing this report, no comments have been received from surrounding property owners.

Planning Analysis

The applicant proposes to redesignate the subject lands to ‘High Density Residential’ to facilitate the development of two 5-storey apartment buildings, each consisting of 49 apartment dwelling units. Additionally, the applicant is proposing site-specific High Density zoning for the subject lands to permit a reduced interior side yard width for the two buildings, and to permit parking within the exterior side yard, and to define the front lot line for each building.

It is the opinion of staff that the proposed amendments are consistent with the relevant policies of the PPS as the proposed development is compact, cost-effective, and an efficient land use pattern that minimizes land consumption and servicing costs. The proposed development also contributes to an overall mix of housing types to accommodate current and future residents of the regional market area and will provide an additional market-based rental housing option in the Town of Tillsonburg. The proposal also represents an efficient use of existing brownfield lands.

The applicant proposes to re-designate the site from ‘Service Commercial’ to ‘High Density Residential’. With respect to the supply and demand for residential land, the Phase One Comprehensive Review completed by Hemson Consulting Limited (March 2020) indicates that over the 20 year planning period from 2019-2039 the Town of Tillsonburg is expected to have a potential surplus of 66 ha of vacant residential land, representing an estimated 1462 residential units. Although sufficient residential land is available within the Town, other vacant areas identified for high density residential use (being areas on Cranberry Road at the northern Town limit and areas fronting on the south side of Concession Street West at the western Town limit) do not currently have adequate servicing in place to support the high density residential development. Given this, planning staff are satisfied that the proposed re-designation is appropriate and this proposal will contribute to increasing the supply to satisfy the current demand for High Density residential development.

The subject proposal also represents an appropriate residential intensification in accordance with Section 8.2.2.5 of the Official Plan as the proposal will redevelop an existing brownfield site that has remained vacant since the 1970s for residential intensification, and will make efficient use of existing municipal services and is an appropriate use of an underutilized site.
Planning staff are of the opinion that the subject lands are suitable for high density residential development as the lands have frontage on Tillson Avenue, an arterial road that is capable of accommodating the expected additional traffic. While access to the site will be via local streets rather than directly from an arterial road, direct entrances on Tillson Avenue were deemed undesirable due to potential sight line issues with the railway crossing on Tillson Avenue. The proposed access from local streets is appropriate in this instance as the traffic from the proposed development will not be directed through low density residential areas and the distance from Tillson Ave is minimal. In support of the application, the applicant provided a traffic impact study which concluded that the existing conditions on Tillson Avenue can accommodate the expected development without any required road improvements. Oxford County Public Works have indicated that they are satisfied with the findings of the Traffic Impact Study.

The site is located on the periphery of an area that is surrounded medium density residential development to the west, with institutional and service commercial uses to the north, east, and south. Due to the mix of uses in the area, it is the opinion of staff that the proposed development is appropriate for the area with respect to the nature, character and scale of adjacent uses. The existing and permitted service commercial uses in the vicinity are compatible with the proposed high density residential use.

The applicant has provided a Solar Shadow Study in support of the applications, to demonstrate what the expected solar shadow impact will be with the proposed apartment buildings. Although the Oxford County Official Plan does not have specific requirements or criteria for the review of shadow impact studies, by using the criteria for similar types of studies required in other jurisdictions (City of Waterloo Shadow Study Guidelines), planning staff can support the findings of the study as the shadowing appears to be in-keeping with that considered acceptable for this type of development. The study concluded that minimal impacts are expected to residential properties to the north east beyond the commercial uses on Tillson Ave, and no residential properties are anticipated to have any shading on more than 50% of their property for more than 2 hours. The peak shadow impact is expected to be present during the winter solstice (Dec 21) from 4pm-sunset (approximately 4:50 pm). The predicted shadow impacts are within the acceptable limits of the City of Waterloo Shadow Study Guidelines that planning staff have used to assess the impact of the development on existing low density residential development.

With respect to the former service commercial uses of the subject lands, the applicant has provided Environmental Site Investigation reports and noise and vibration assessments to demonstrate that any potential contamination has been remediated, and that the presence of the adjacent railway will not negatively impact the planned residential use of the lands. The Noise Study concluded that the outdoor amenity areas and indoor living areas will marginally exceed the maximum sound limits, and as a result, warning clauses are required to be registered on title and the construction of the buildings, particularly the building closest to the railway lands will require the use of building components with noise isolation. For the north and east walls, masonry construction will be required within the installation of double glazed windows, with provision for air conditioning. The implementation of the recommended mitigation measures will be completed through the site plan agreement process, with the requirement for an acoustical engineer to certify that the recommended measures have been implemented.

The applicant intends to submit the completed studies for a Record of Site Condition once the related consent applications have been completed and the revised property boundaries have been established.
It is the opinion of this office that the subject application is consistent with the policies for High Density Residential areas within the Town. The High Density Residential designation is intended for intensive large-scale, multiple unit forms of residential development. The proposed apartment buildings are considered to be a compatible form of development with the surrounding and planned development in the area as the subject site is bounded by 3 streets and the railway right of way and limited impacts are expected to adjacent properties. Further to this, staff are satisfied that the proposed number of units is also consistent with the high density designation requirements.

The site can provide the required off-street parking and is located in an area where services and amenities such as schools, leisure facilities, shopping and parks are within a reasonable distance and adequate municipal services are available to service the site.

With respect to the applicant’s request for site specific zoning to permit the apartment buildings to have a reduced interior side yard width, staff are of the opinion that the reducing the required interior side yard from 10.5 m (32.8 ft) to 6.5 m (21.3 ft) is appropriate as the reduced setback will be to a common interior lot line and will not impact any other properties. The request to identify King Street as the front lot line for the northerly parcel and Tillson Avenue for the southerly parcel will aid in the interpretation of zoning provisions, and will create a more effective site layout compliant with the zoning provisions.

The request to permit parking within the exterior side yard is considered appropriate as the parking area will remain 5.5 m (18 ft) from the exterior lot line and will not create any sightline issues and will continue to provide ample opportunity for landscaping. All of the other relevant zoning provisions with respect to setbacks, amenity space, building height, landscape open space, lot coverage and parking are in compliance with the Town’s zoning provisions.

The proposed residential development will be subject to the site plan approval process by the Town of Tillsonburg. Through this review process matters such as lighting, parking, accessibility, grading, stormwater management, landscaping, privacy screening and garbage collection will be addressed.

In light of the foregoing, Planning staff are satisfied that the proposal is consistent with the policies of the Provincial Policy Statement and is in-keeping with the strategic initiatives and objectives of the County Official Plan. As such, staff are satisfied that the applications can be given favourable consideration.
RECOMMENDATIONS

1. That the Council of the Town of Tillsonburg support the application to amend the County Official Plan (File No. OP 20-13-7), submitted by 1822094 Ontario Inc & Escalade Property Corporation, for lands legally described as Part of Lots 293, 341, 423-426, Lots 420-422, Plan 500, in the Town of Tillsonburg, to redesignate the subject lands from ‘Service Commercial’ to ‘High Density Residential’, to facilitate the development of two 5-storey, 49 unit apartment buildings on the said lands; and

2. That the Council of the Town of Tillsonburg approve in principle the zone change application (File No. ZN 7-20-14) submitted by 1822094 Ontario Inc & Escalade Property Corporation, for lands legally described Part of Lots 293, 341, 423-426, Lots 420-422, Plan 500, in the Town of Tillsonburg, to rezone the lands from ‘Service Commercial Holding Zone (SC-H)’ to ‘Special High Density Residential Zone (RH-5)’ to facilitate the development of two 5-storey, 49 unit apartment buildings on the subject lands.

SIGNATURES

Authored by: Original signed by
Eric Gilbert, RPP, MCIP
Senior Planner

Approved for Submission: Original signed by
Gordon K. Hough, RPP
Director