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

Application for Zone Change
ZN 7-20-17 – 2563557 Ontario Inc

REPORT HIGHLIGHTS

- The application for Zone Change proposes to rezone the subject property from ‘Medium Density Residential Zone (RM)’ & ‘Low Density Residential Type 1A Zone (R1A)’ to ‘Special Medium Density Residential Zone (RM-7)’ & ‘Special Neighbourhood Commercial Zone (NC-6)’ to facilitate the creation of a townhouse development, consisting of 104 units and a 2 storey commercial plaza. The applicant has indicated that the development will be held in condominium ownership.

- A number of special provisions have been requested to facilitate the proposed development, including increasing the building height, increased maximum number of townhouse dwellings per block, reduced front yard depth, reduced lot frontage, and reduced parking requirements for the proposed commercial block.

- Planning staff are recommending that the application be supported, as it is generally consistent with the policies of the Provincial Policy Statement and complies with the relevant policies of the Official Plan respecting intensification and development within Medium Density Residential Areas.

DISCUSSION

Background

OWNERS: 2563557 Ontario Inc.
183 Tillson Avenue, Tillsonburg ON N4G 3B1

LOCATION:

The subject lands are legally described as Blocks 21, 22, 23, 24, Plan M-155, Daisy Court & Daffodil Avenue, in the Town of Tillsonburg. The subject lands are located on the west side of Quarter Town Line, south of Southridge Road, and north of Trillium Drive, and are municipally known as 361 Quarter Town Line, Tillsonburg.
COUNTY OF OXFORD OFFICIAL PLAN:

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

TOWN OF TILLSONBURG ZONING BY-LAW NO. 3295:

Existing Zoning: Medium Density Residential Zone (RM)
Low Density Residential Type 1A Zone (R1A)
Proposed Zoning: Special Medium Density Residential Zone (RM-sp)

PROPOSAL:

The applicant proposes to rezone the subject lands from 'Medium Density Residential Zone (RM)' and 'Low Density Residential Type 1A Zone (R1A)' to 'Special Medium Density Residential Zone (RM-sp)' to permit the development of a phased condominium development consisting of 104 townhouses (76 stacked townhouses and 28 street fronting townhouses), and a 2 storey commercial plaza with an approximate gross floor area of 1,168 m² (12,580 ft²).

The following special provisions are requested for the proposed Special Medium Density Residential Zoning:

- Increased building height of 12 m (39.4 ft) in lieu of maximum 11 m (36 ft);
- Relief of maximum number of multiple unit dwellings per block, to permit 12 units in one block rather than the maximum 8;
- Permit a reduced front yard depth of 5.9 m (19.3 ft) in lieu of required 7.5 m (24.6 ft);
- Permit a reduced rear yard depth of 10 m (32.8 ft) in lieu of required 10.5 m (34.4 ft);
- Permit a reduced interior side yard width of 3 m (9.8 ft) in lieu of required 3 m (9.8 ft) on one side and 4.5 m (14.7 ft) on the other;
- Provide for the recognition of Quarter Town Line as the frontage of the development;
- Provide relief of Section 9.2.1 - Distance between Multiple Unit Dwellings on one Lot;
- Provide for multiple unit dwellings and street fronting townhouses to front on a private condominium street;
- a reduced parking requirement for the commercial plaza, to permit 41 parking spaces in lieu of the required 52 parking spaces;
- Commercial uses permitted within the Neighbourhood Commercial Zone;
- Provide for internal lot lines created through phased condominium approval to not be construed as internal lot lines for the purpose of interpreting the zoning.

The subject lands have an approximate area of 2.1 hectares (5.2 ac) and are currently vacant. The lands include former road allowances for Daisy Court and Daffodil Drive that were deemed surplus by the Town of Tillsonburg and transferred to the developer.

Surrounding land uses include low density residential uses consisting of single detached dwellings to the south and north, townhouses to the west, a medium density townhouse development to the east, with Southridge Public School and parkland to the north.

Plate 1, Existing Zoning and Location Map, shows the location of the subject property and the existing zoning in the immediate vicinity.
Plate 2, 2015 Aerial Map, provides an aerial view of the subject property.

Plate 3, Applicants’ Sketch, depicts the proposed location and site design of the development.

The applicant has submitted a site plan approval application for the proposed development which is currently under review.

Application Review

2020 PROVINCIAL POLICY STATEMENT:

The 2020 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 housing (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 servicing 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 1.1.3.4 directs that appropriate development standards shall be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Further, Section 1.4 Housing, specifically ss. 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 property is designated Medium Density Residential as per Schedule T-2, Residential Density Plan for the Town of Tillsonburg, as contained in the Official Plan.

Medium Density Residential areas are those lands that are primarily developed or planned for low profile multiple unit development that exceed densities established in Low Density Residential Districts. Residential uses within Medium Density Residential areas include townhouses, cluster houses, converted dwellings, and apartment buildings.

The maximum net residential density in the Medium Density Residential Districts is 62 units per hectare (25 units per acre) and no building shall exceed four storeys in height at street elevation.

Section 8.2.1 of the Official Plan (Housing Development and Residential Areas - Strategic Approach) identifies a number of strategies "to provide present and future residents of Tillsonburg with a choice of adequate and affordable housing which meets their needs".

The strategies developed to achieve this goal include:

- Accommodating the present and future demand for housing in Tillsonburg through the efficient use of vacant residentially-designated lands, underutilized parcels in built-up areas and existing housing stock in all neighbourhoods, with the objective of also reducing energy consumption, decreasing the financial burden of underutilized municipal services, and relieving pressure for development of natural areas and open spaces;
- Facilitating a choice of housing type, tenure, cost and location that meets the changing needs of all types of households by providing for a variety and mix of housing throughout the Town;
- Increasing the supply of affordable housing by integrating adequate housing for low and moderate income households and those with special needs throughout the Town and establish and monitor minimum affordable housing targets to ensure that the percentage of affordable housing is maintained or enhanced;
- Promoting and facilitating the provision of affordable housing through the co-operative efforts of all levels of government, the private sector and volunteer interest groups through such means as technical assistance, land conveyances, joint ventures, regulatory measures, and incentives.

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.

All proposals for medium density residential development shall be subject to site plan control. When considering any specific proposal for medium density residential development, Town Council will be satisfied that the criteria of Section 8.2.5 are adequately addressed.

TOWN OF TILLSONBURG ZONING BY-LAW:

The subject property is currently zoned ‘Medium Density Residential Zone (RM)’ & ‘Low Density Residential Type 1A Zone (R1A)’, according to the Town of Tillsonburg Zoning By-law. The R1A Zone permits a single detached dwelling and home occupation, and the RM zone permits an apartment dwelling, converted dwelling, group home, multiple unit dwelling, public use, and street fronting townhouse.
The applicant is proposing to rezone the subject property to ‘Special Medium Density Residential Zone (RM-sp)’ to permit 104 townhouses and 1 two-storey commercial building with reduced parking requirements. The special provisions requested for the proposed Medium Density residential portion of the development have been detailed previously in this report.

The proposed development includes street fronting townhouses and stacked townhouses, both of which are considered multiple unit dwellings.

Section 9.2.1 of the Medium Density Residential zone requires a minimum distance of 12.5 m (41 ft) between the exterior walls of two multiple unit dwellings, or 12 m (39.4 ft) where either or both walls contain a window to a habitable room, or 3.6 m (11.8 ft) where neither wall contains a window to a habitable room.

For a street fronting townhouse, the RM zone permits a maximum of 8 units per block, requires a minimum lot area of 150 m² (1,614 ft²) per dwelling unit or 240 m² (2,583.4 ft²) for an end unit, a maximum lot area of 320 m² (3,445 ft²) per dwelling unit, lot frontage of 5 m (16.4 ft) for an interior unit, 8 m (26.2 ft) for an end unit, lot depth of 30 m (98.4 ft), front yard depth of 6 m (19.7 ft), exterior side yard width of 6 m (19.7 ft), rear yard depth of 7.5 m (24.6 ft), interior side yard width of 3 m (9.8 ft) for end units, setback of 20.5 m (67.3 ft) from the centreline of an arterial road (Quarter Town Line), and maximum building height of 11 m (36.1 ft).

For a multiple unit dwelling, the RM zone permits a maximum of 8 units per building, requires a minimum lot area of 160 m² (1,722 ft²) per dwelling unit, a maximum lot area of 320 m² (3,445 ft²) per dwelling unit, lot frontage of 20 m (65.5 ft), lot depth of 30 m (98.4 ft), front yard depth of 7.5 m (24.6 ft), rear yard of 10.5 m (34.4 ft), interior side yard width of 4.5 m (14.8 ft) and 3 m (9.8 ft), setback of 20.5 m (67.3 ft) from the centreline of an arterial road (Quarter Town Line), and maximum building height of 11 m (36.1 ft).

Section 5.24.2.1 of the Zoning By-Law requires 1.5 parking spaces per multiple unit dwelling, or 114 parking spaces for the 76 proposed multiple unit dwelling units. The 1.5 spaces per dwelling unit includes visitor parking requirements. Street fronting townhouses are required to have 2 spaces per unit, or 56 parking spaces for the 28 proposed street fronting townhouses. The attached garages can accommodate one of the required spaces. Based on this, the development appears to provide the required parking for the residential uses.

Permitted uses within the Neighbourhood Commercial Zone include a convenience store, daycare centre, dry cleaning depot, eating establishment (excluding a drive through facility), fitness club, personal service establishment, postal outlet, public library, public use, studio, and accessory dwelling unit in the upper storey of a building containing a permitted non-residential use.

The parking requirements for the proposed commercial building are based on the floor area and the proposed uses. A personal service establishment, convenience store, library, and studio require 1 parking space per 20 m² (215.3 ft²). An eating establishment requires 1 parking space per 9 m² (96.9 ft²); all other uses permitted in the NC zone require 1 parking space per 40 m² (430 ft²). Depending on the use of the building, the parking requirements could vary from 30-60 spaces for business/institutional uses to 130 spaces if the commercial building was solely occupied by an eating establishment.
AGENCY COMMENTS:

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

Town of Tillsonburg Building Services provided the following comments:

- Quarter Town Line to be identified as the front lot line;
- Commercial uses should comply with parking requirements as contained in the Zoning By-Law due to internal streets being designated as a fire route with no parking permitted and the potential parking generation of the proposed permitted uses.

Oxford County Public Works Department indicated that they had no comments on the zoning by-law amendment.

The Town Development Commissioner provided the following comments:

Tillsonburg Town Council approved the conveyance of the public roadways formerly included in this plan of subdivision at their April 14, 2020 meeting based on a request from the current owner who indicated that, since the property was first planned to be developed in the 1990s, market conditions and demand have changed quite substantially. The current developer has adjusted the development plan for the property in order to meet current market needs.

The proposed conveyance back to the developer provided a number of potential benefits:

- Reduced service requirements for the Town in terms of future maintenance and rehabilitation;
- Elimination of a roadway access point into a school zone on South Ridge Avenue while maintaining pedestrian access;
- Elimination of roadways in an area already surrounded by secondary roadways; etc.

The proposed conveyance will also provide for dual access into a private development with access points onto both Quarter Town Line and Trillium Drive, while not providing a throughway for other traffic.

The revision of the development plan allows the repurposing of the lands to meet current market demands for lower cost housing through increased intensification. While the Town is currently seeing an increase in higher density housing, it is still primarily a “ground based” development community.

I initially had some concerns about the Commercial Development Units not fronting on Quarter Town Line, but in reviewing further, locating the commercial units internally will help avoid traffic congestion on Quarter Town Line. The commercial units will presumably provide neighbourhood services for the development and wider area and can be accessed via Trillium Dr and off Quarter Town Line. The introduction of commercial units at the north end of the Town is desirable and will help provide amenities to a much larger area that is largely unserviced at this time (except for grocery at Sobeys, auto dealers, etc) and will be convenient for north bound traffic on Quarter Town Line as well.

Tillsonburg District Chamber of Commerce indicated that they are in support of the application with the following comments:
• Concerns about overflow parking as it seems most driveways only have room for 1 vehicle and the roadways within the condominium development are too narrow for parking;
• Has there been consideration where visitors and those with second vehicles would park? Visibility can be an issue with young children walking to/from school.

PUBLIC CONSULTATION:

Notice of complete application and notice of public meeting regarding this application were circulated to surrounding property owners within 120 m (400’) on two occasions, November 26, 2020 & January 5, 2021, in accordance with the requirements of the Planning Act.

Planning Analysis

The applicant proposes to rezone the subject property to ‘Special Medium Density Residential Zone (RM-7)’ to facilitate the development of 76 stacked townhouses, 26 street fronting townhouse units and a two storey commercial building, served by private streets with access to Quarter Town Line Road and Trillium Drive.

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 housing option in the Town of Tillsonburg.

It is the opinion of this office that the subject application is consistent with the policies for Medium Density Residential areas within the Town. The Medium Density Residential designation is intended to support low profile multiple unit development, including townhouses, converted dwellings and apartment buildings. The site has been zoned for Medium Density Residential uses since 1994 and is located in an area that is surrounded by existing medium density residential development to the east and northeast, and a mix of low density uses to the south, north and west consisting of townhouses and single detached dwellings. 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. Further to this, staff are satisfied that the proposed number of units is also consistent with the medium density designation requirements.

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

The area currently zoned R1A that is proposed to be rezoned for medium density purposes is proposed to be used for a sidewalk and pedestrian connection to Southridge Road and Southridge Public School; no further development is proposed for this area.

With respect to the applicant’s request for site specific zoning to permit the street fronting townhouses and stacked townhouses (defined as multiple unit dwellings) to front on a private street, staff are of the opinion that it would be appropriate to include a zoning provision applying to the whole of the lands that ensures appropriate setbacks from lot lines created through future phases of the condominium.

To assist in interpreting the zoning for this development, staff recommend that the lot frontage be defined as the easterly lot line adjacent to Quarter Town Line Road; other frontage that is present on Trillium Drive and Southridge Road will not have any buildings fronting to the street.
The proposed reduction to the front yard depth is considered appropriate in this instance as the front yard depth will actually function as a rear yard and amenity area as the proposed vehicular access is from the west side of the townhouse blocks. This arrangement will be beneficial to the streetscape of Quarter Town Line as the buildings will address the street rather than be an expanse of backlotted rear yards.

The other zoning requests reduced rear yard depth, interior side yard width, and for reduced separation between multiple unit dwelling buildings and relief of maximum number of buildings per block have also been considered appropriate as the proposal will be required to be compliant with all provisions of the Ontario Building Code, including provisions relating to spatial separation between buildings. The increased building height is also considered appropriate for the type of housing form contemplated, being a stacked townhouse, and will be appropriate for the proposed commercial building.

The proposed development is currently under review through the site plan approval process to ensure matters such as building location, lighting, parking, accessibility, grading, stormwater management, landscaping, privacy screening and garbage collection will be addressed to minimize impacts on surrounding residential uses.

With respect to the proposed commercial uses, Planning staff note that neighbourhood serving uses are considered permitted uses within the Medium Density Residential designation and can be considered appropriate as the proposed uses will largely serve the residents of this development and the surrounding neighbourhood.

Staff do not have concerns with the proposed uses, but recommend that no parking relief be granted for the commercial block at this time. The actual parking requirements cannot be calculated until the proposed uses are determined, and staff concur with the comments provided by the Town Building Department that all required parking should be provided, particularly given that the no parking is permitted on any of the private streets within the development. Some of the permitted uses, such as a daycare centre, may have significant peak parking demand and could conflict with other commercial uses that may cause congestion and parking difficulties. Staff would be better able to determine if parking relief is warranted once the proposed tenants of the commercial space are determined to see if there are peak parking demand conflicts or other considerations that warrant parking relief.

In light of the foregoing, Planning staff are satisfied that the proposal is consistent with the policies of the Provincial Policy Statement and maintains the intent and purpose of the Official Plan. As such, staff are satisfied that the application can be given favourable consideration.

An amending by-law will be brought forward once the necessary amending by-law schedules have been prepared.
RECOMMENDATION

It is recommended that the Council of the Town of Tillsonburg approve-in-principle the zone change application submitted by 2563557 Ontario Inc, whereby the lands described Blocks 21, 22, 23, 24, Plan M-155, Daisy Court & Daffodil Avenue, in the Town of Tillsonburg known municipally as 361 Quarter Town Line are to be rezoned from ‘Low Density Residential Type 1A Zone (R1A)’ & ‘Medium Density Residential Zone (RM)’ to ‘Special Medium Density Residential Zone (RM-7)’ & ‘Special Neighbourhood Commercial Zone (NC-6) to facilitate the development of a residential development consisting of 104 dwelling units and a neighbourhood commercial block.

SIGNATURES

Authored by: Eric Gilbert, MCIP RPP
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Approved for submission: Gordon K. Hough, RPP
Director