

To: Mayor and Members of Tillsonburg Council

From: Laurel Davies Snyder, Development Planner, Community Planning

Application for Zone Change ZN 7-23-02

REPORT HIGHLIGHTS

- The application for zone change proposes to remove the holding provisions from thirty-seven (37) lots for single detached dwellings and two (2) blocks for medium-density residential development in Phase I of the Westwinds Draft Plan of Subdivision (File SB 20-06-7). Removal of the holding provisions will allow for the issuance of building permits.
- Planning staff are recommending approval of the application, as sufficient water and wastewater capacity is available for the development, and all necessary development agreements have been completed.

DISCUSSION

Background

OWNERS: Southside Construction Management Ltd.
75 Blackfriars Street, London, ON N6H 1K8

AGENT: Zelinka Priamo Ltd.
318 Wellington Road, London, ON N6C 4P5

LOCATION:

The subject lands are described as Part of Lot 8, Concession 11 (Dereham) in the Town of Tillsonburg. The lands are located on the southwest corner of the intersection of North Street West and Quarter Town Line, and are known municipally as 97 North Street West.

COUNTY OF OXFORD OFFICIAL PLAN:

Schedule "T-1"	Town of Tillsonburg Land Use Plan	Residential
Schedule "T-2"	Town of Tillsonburg Residential Density Plan	Low Density Residential Medium Density Residential

TOWN OF TILLSONBURG ZONING BY-LAW NO. 3295:

Existing Zoning: Special Low Density Residential Holding Zone (R2-24 (H))
Special Medium Density Residential Holding Zone (RM-8 (H))

Proposed Zoning: Special Low Density Residential Zone (R2-24)
Special Medium Density Residential Zone (RM-8)

PROPOSAL:

The purpose of the zone change application is to remove holding provision from the subject lands to allow for the development of 37 single detached dwellings and 2 blocks for medium density residential use (Blocks 38 and 39) as illustrated on Plate 2. The proposal represents Phase I of lands commonly referred to as the Westwinds Subdivision. The required development agreements have been executed and the owners have requested that the holding provision on the lands be lifted to allow for the issuance of building permits.

Surrounding uses include:

- North Low Density Residential
- East Low Density Residential and Place of Worship
- South Open Space, Low Density Residential, Place of Worship
- West Vacant land (future residential development)

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

Plate 2, Applicant's Sketch, shows the proposed lots and blocks subject to this application.

Application Review

2020 PROVINCIAL POLICY STATEMENT (PPS):

Section 1.1.1 of the PPS provides that healthy liveable and safe communities are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long-term needs; and avoiding development and land use patterns which may cause environmental or public health and safety concerns. 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.

Section 1.4 – Housing, 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 of the regional market area by, among other matters, facilitating all forms of housing to meet social, health and well-being requirements of current and future residents and promoting densities for new housing which efficiently uses land, resources, infrastructure and public service facilities.

OFFICIAL PLAN:

The subject lands are designated 'Low Density Residential' and 'Medium Density Residential' according to the Town of Tillsonburg Residential Density Plan.

Low Density Residential Areas are those lands that are primarily developed or planned for a variety of low rise, low density housing forms including single detached dwellings, semi-detached, duplex or converted dwellings, quadraplexes, townhouses, and low density cluster development.

Medium Density Residential areas are those lands that are primarily developed or planned for low to medium 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 policies of Section 8.2 (Town of Tillsonburg Housing Development and Residential Areas) promote the accommodation of 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.

TOWN OF TILLSONBURG ZONING BY-LAW:

The subject lands are currently zoned 'Special Low Density Residential Holding Zone R2-24 (H))' and 'Special Low Density Residential Type 2 Holding Zone (RM-8 (H))' according to the Town of Tillsonburg Zoning By-law.

Once the holding provisions are removed, permitted uses are as follows:

- R2-24 Zone: converted dwelling; duplex dwelling; group home; home occupation, public use; semi-detached dwelling; single detached dwelling.
- RM-8 Zone: apartment dwelling; boarding or lodging house; converted dwelling containing two or more dwelling units; home occupation; group home; multiple unit dwelling; public use; single detached dwelling converted dwelling, duplex dwelling, semi detached dwelling; special needs home; street fronting townhouse.

The intent of a holding provision is to ensure that all appropriate development agreements are in place, required easements have been provided, and payment for servicing has been provided in advance of issuing building permits.

Section 36 of the Planning Act governs the use of Holding Provisions. Holding provisions are typically used to ensure that technical or administrative matters are addressed prior to the intended use of a property being permitted. Removal of holding provisions does not require public notice or circulation of the application, and the only right to appeal lies with the applicant.

In this instance, holding provisions were applied to ensure that adequate water and wastewater capacity was assigned to the development prior to the construction of dwelling units. The applicant proposes to remove the holding provision to facilitate the development of Phase I of the development, as described previously in this report.

AGENCY COMMENTS:

The application was circulated to various public agencies considered to have an interest in the proposal. The Town Building Services Department and Town Engineering Services Department indicated that they have no concerns with the request to remove the holding provision from the lands. The Oxford County Public Works Department indicated that they have no objection to the request, as there is adequate water and wastewater treatment capacity to service the proposed development.

Planning Analysis

It is the opinion of this Office that the proposed zoning application is consistent with the policies of the Provincial Policy Statement and maintains the intent and purpose of the Official Plan, and can therefore be supported from a planning perspective.

Oxford County Public Works Department have confirmed that there is sufficient water and wastewater capacity available to service the proposed development and Town staff have indicated that they have no objection to the removal of the holding provision as the appropriate development agreements have been completed and will be registered on the lands.

It is the opinion of Planning staff that the request to remove the holding provisions in Phase I of the Westwinds Subdivision to allow for residential development in the form of single detached dwellings and medium density residential development is appropriate from a planning perspective and can be given favourable consideration.

A copy of the draft amending By-law is attached for Council's consideration.

RECOMMENDATION

It is recommended that the Council of the Town of Tillsonburg approve the zone change application submitted by Southside Construction Management, for lands legally described as Part of Lot 8, Concession 11 (Dereham), in the Town of Tillsonburg, to remove the Holding Provision from the lands as identified on Plates 1 and 2 of Report No. CP 2023-195.

SIGNATURES

Authored by:

"original signed by"

Laurel Davies Snyder, RPP, MCIP
Development Planner

Approved for submission by: *"original signed by"*

Gordon K. Hough, RPP
Director