

To: Mayor and Members of Tillsonburg Council

From: Laurel Davies Snyder, Development Planner, Community Planning

Supplementary Report Applications for Official Plan Amendment and Zone Change OP23-14-7 and ZN7-23-11 Southside Construction Management Ltd.

REPORT HIGHLIGHTS

- To address feedback received at the June 12, 2024 Public Meeting, the Applicant submitted a revised proposal which relocates the proposed apartment building further from the intersection of North Street West and Quarter Town Line (2 m (6.6 ft) south and 4 m (13.1 ft) west of the original proposed location) and lowers the apartment building through a revised grading design. A Revised Shadow Study, Renderings, and a Revised Site Plan were submitted in support of these revisions.
- The revised application for amendment to the Zoning By-law no longer includes the requested relief for reduced front yard depth and exterior side yard depth for the proposed apartment building.
- Planning staff recommend that Town of Tillsonburg Council support the proposal as it is consistent with the Provincial Policy Statement (PPS) and supports the strategic initiatives and objectives of the Official Plan with respect to providing residential development within large urban centres.

DISCUSSION

Background

APPLICANT/OWNER:

Southside Construction Management
75 Blackfriars Street, London, ON N6H 1K8

AGENT:

Zelinka Priamo (c/o Casey Kulchycki)
318 Wellington Road, London, ON, N6C 4P4

LOCATION:

The subject lands are identified as Block 38, Plan 41M-392, Town of Tillsonburg. The lands are located on southwest corner of North Street West and Quarter Town Line and are municipally known as 97 North Street West, Tillsonburg.

COUNTY OF OXFORD OFFICIAL PLAN:

Existing

Schedule "T-1" Tillsonburg Land Use Plan – Residential

Schedule "T-2" Tillsonburg Residential Density Plan – Medium Density Residential

Proposed

Schedule "T-2" Tillsonburg Residential Density Plan – High Density Residential

TOWN OF TILLSONBURG ZONING BY-LAW NO. 3295:

Existing Zoning: 'Special Medium Density Residential Zone (RM-8)'

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

Background:

The County of Oxford and the Town of Tillsonburg received applications for an Official Plan Amendment and Zoning By-law Amendment to facilitate the development of one apartment dwelling comprising up to 105 new residential units, a 4-unit townhouse block, and a 6-unit townhouse block for a total of up to 115 new residential units, outdoor amenity space, and on-site parking for all residential uses.

At the June 12, 2024, Public Meeting, the Town of Tillsonburg Council passed resolution #2024-279 deferring the applications to Staff to request that the Applicant review the setbacks and potentially relocate the apartment on the subject lands to address feedback regarding the proposed apartment building.

Following this direction of Council and to address items raised at the Public Meeting, the Applicant submitted a revised proposal with the following two modifications supported by a Revised Shadow Study, Revised Site Plan (Plate 3), and Renderings (Plate 4).

1. **Increased setbacks for the proposed apartment:** The revised proposal as depicted in Plate 3, relocates the proposed apartment 2 m (6.6 ft) south and 4 m (13.1 ft) west of the original proposed location, which results in the building being set back further from North Street West, further from Quarter Town Line, and therefore, further from the intersection.

This increases both the front yard depth and exterior side yard depth to 10 m (32.8 ft) respectively, which comply with 'High Density Residential (RH)' zoning provisions. Therefore,

no special provisions are required in relation to the proposed apartment building, and the previously requested relief from these provisions were removed from the application.

2. **Grading modifications:** As part of the redesign, the grading design was modified. Instead of a retaining wall at the corner of North Street West and Quarter Town Line and minimizing the height of this wall, the building now sits below the grade of the intersection (by approximately 4 m (13.1 ft)).

From the North Street streetscape, the building now appears to be 4.5-5 storeys in height instead of 6 storeys. This further pulls the shadows back from the houses on the north side of North Street West and as per the Revised Shadow Study, it does not appear that the homes across the street will ever be in shadow from the proposed apartment building.

As the revised location of the proposed apartment building complies with the 'High Density Residential (RH)' zoning provisions, the revised Zoning By-law Amendment application requests the following modifications to the standard provisions of the 'RH' zone:

- a special provision to allow for 'Multiple Unit Dwelling' as an additional permitted use in the 'RH' zone to allow for the two Multiple Unit Dwellings (i.e. townhouse blocks);
- to reduce the Exterior Yard Width from 7.5 m (24.6 ft) to 6.0 m (19.6 ft) for the Multiple Unit Dwellings; and,
- to reduce the Rear Yard Depth from 10.5 m (34.4 ft) to 3.0 m (9.8 ft) for the Multiple Unit Dwellings.

A Revised Proposed Building Shadow Study, Renderings, and a Revised Site Plan were submitted by the Applicant in support of the proposed revisions.

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

Plate 2 – 2020 Aerial Map shows an aerial view of the subject lands and surrounding properties.

Plate 3 – Applicant's Sketch – Revised Site Plan illustrates the proposed development as submitted by the Applicant.

Plate 4 - Applicant's Sketch – Renderings illustrates the proposed development as submitted by the Applicant.

Agency Comments

The revised proposal and supporting information (revised Site Plan, revised Shadow Study, Renderings) was circulated to Oxford County Public Works, the Town of Tillsonburg Engineering Department, and the Town of Tillsonburg Building Services Department for their review and comment. Comments are provided below and have been provided to the Applicant for their information.

Town of Tillsonburg Building Services Department staff reviewed the revised proposal and commented that the 'RM-8' zoning should be updated to reflect the proposed changes. Additional comments will be provided during the Site Plan Application process.

Town of Tillsonburg Engineering Services Department staff reviewed the revised proposal and commented that the proposed retaining wall must be entirely located on private property. Additional comments will be provided during the Site Plan Application process.

Oxford County Public Works staff have indicated that they do not have any additional comments at this time and that comments will be provided during the Site Plan Application process.

Public Consultation

Notice of Complete Application and Notice of Public Meeting regarding the applications for Official Plan Amendment and Zone Change were provided to surrounding property owners in accordance with the requirements of the Planning Act on March 13, 2024, and July 29, 2024, respectively. This information was also posted on the Oxford County website. As of the date of the writing of this report, Planning staff had received one email requesting an update regarding the proposal which was followed up by the letter attached to this report as 'Appendix A', and one telephone call requesting the details of the revised proposal.

Planning Analysis

[Report CP 2024-157](#) provided a comprehensive analysis concluding that the original proposal was consistent with the policies of the Provincial Policy Statement (2020), supported the strategic initiatives and objectives of the Oxford County Official Plan, and, that the requested relief was in keeping with the intent of the Town's Zoning by-law.

Staff are of the opinion that the revised proposal satisfactorily addresses the Town of Tillsonburg Council Resolution #2024-279. The revised grading design and relocation of the proposed apartment building will result in the proposed apartment building being located further from North Street West, Quarter Town Line, and the intersection; appearing to be 4.5-5 storeys in height from the street instead of 6 storeys; and having reduced shadow impact on adjacent properties. Based on the site plan submitted by the applicant, the apartment building would appear to comply with the provisions of the 'RH' zone.

Increasing the distance between the proposed apartment and the sidewalks and arterial roads provides greater opportunity for landscaping to enhance compatibility with the surrounding uses, enhance the pedestrian environment, and assist with limiting the visual impact of the proposed apartment building. The relocation of the proposed apartment building remains consistent with required and appropriate sightlines for pedestrians, cyclists, and drivers.

The Applicant provided a Revised Shadow Study in support of the revised proposal to demonstrate the expected solar shadow impact on abutting residential areas relative to the proposed apartment building. While 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 (e.g. City of Waterloo Shadow Study Guidelines), Planning staff can support the findings of the Revised Shadow Study as submitted by the applicant as shadowing appears to be in-keeping with that considered acceptable for this type of development.

The Revised Shadow Study submitted by the Applicant concluded that by moving the proposed apartment building further back from North Street West and Quarter Town Line and lowering the building through the revised grading design, the shadow impact will still be internal to the subject lands for the majority of the time and the shadow impact on surrounding buildings and properties will be reduced. Regarding external impacts, the Revised Shadow Study notes that during winter

months, there will be shadow impacts on the front yards of some of the properties, but it does not appear that any of the dwellings to the north of the subject lands will be in shadow. There will be some spring and autumn shadow impact on the properties to the east of the proposed development (6 pm time interval). With respect to potential shadow impact on adjacent buildings and properties, this is in-keeping with that considered acceptable for this type of development (i.e. meeting minimal shadow criteria) and the proposed apartment dwelling is considered compatible in this regard.

Planning Staff are of the opinion that the revised proposal is consistent with the policies of the Provincial Policy Statement and supports the strategic initiatives and objectives of the Official Plan. This office is also of the opinion that the proposed Zoning By-law amendment is appropriate and can be given favourable consideration.

RECOMMENDATIONS

- **It is recommended that the Council of the Town of Tillsonburg advise County Council that the Town supports the application to amend the Official Plan (File No. OP 23-14-7) as submitted by Southside Construction Management for lands legally described as Block 38, Plan 41M-392, Town of Tillsonburg, to redesignate the lands from Medium Density Residential to High Density Residential;**

- **And further, it is recommended that the Council of the Town of Tillsonburg approve in-principle Zone Change Application (ZN 7-23-11), submitted by Southside Construction Management, whereby the lands legally described as Block 38, Plan 41M-392, Town of Tillsonburg are to be rezoned from ‘Special Medium Density Residential Zone (RM-8)’ to ‘Special High Density Residential Zone (RH-sp), as described in Report CP 2024-236.**

SIGNATURES

Authored by:

"Original Signed by"

Laurel Davies Snyder, RPP, MCIP
Development Planner

Approved for submission: *"Original Signed by"*

Eric Gilbert, RPP, MCIP
Manager of Development Planning