

To: Mayor and Members of Tillsonburg Council

From: Heather St. Clair, Development Planner, Community Planning

Application for Zone Change ZN 7-18-12 – 2370392 Ontario Ltd. (Jush Matheson)

REPORT HIGHLIGHTS

- The application for zone change proposes to rezone the subject property from 'Entrepreneurial Zone (EC)' to 'Special Entrepreneurial Zone (EC-sp)' to permit several new uses in the former First Baptist Church, including a dance studio, a brewery, a restaurant, an assembly hall and warehousing storage units.
- Planning staff are generally supportive of the proposal, as it is consistent with the policy direction of the Provincial Policy Statement and County Official Plan respecting economic diversification in the Central Area, but staff are recommending approval-in-principle, until such time as the applicant provides a survey sketch to allow for the necessary amending by-law schedule to be prepared.

DISCUSSION

Background

OWNER/ APPLICANT: 2370392 Ontario Ltd. (Jush Matheson)
62 Pine Street, Tillsonburg ON, N4G 0A2

AGENT: a+Link Architecture Inc.
126 Wellington Road, London ON, N6C 4M8

LOCATION:

The subject property is described as Lots 885 & 886, Plan 500, Town of Tillsonburg. The lands are located on the southwest corner of Bidwell Street and Washington Grand Avenue and are municipally known as 101 Bidwell Street in the Town of Tillsonburg.

COUNTY OF OXFORD OFFICIAL PLAN:

Schedule "T-1"

Town of Tillsonburg
Land Use Plan

Entrepreneurial District

TOWN OF TILLSONBURG ZONING BY-LAW NO.3295:

Existing Zoning: Entrepreneurial Zone (EC)

Proposed Zoning: Special Entrepreneurial Zone (EC-sp)

PROPOSAL:

The applicant is proposing to rezone the subject lands from 'Entrepreneurial Zone (EC)' to 'Special Entrepreneurial Zone (EC-sp)' to allow for the conversion of the former First Baptist Church to a number of new commercial type uses. Specifically, the applicant is proposing to add a dance studio, an assembly hall, a restaurant, a brewery and storage units to the list of permitted uses in the 'EC' zone.

The subject property is approximately 2,070 m² (22,275 ft²) in size, with approximately 41 m (135 ft) of frontage on Bidwell Street. The subject lands contain the former First Baptist Church, an existing single detached dwelling and a parking lot. The applicant has indicated that they intend to sever the dwelling from the subject lands while retaining the former church building and the parking lot. According to information provided by the applicant, once severed, the subject lands would be able to accommodate approximately 17 parking spaces.

The subject lands are located at the southwest corner of Washington Grand Avenue and Bidwell Street and surrounding land uses are predominately central commercial type uses to the east, with a variety of office, residential and institutional uses to the north, south and west.

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

Plate 2, Close-up of Subject Lands (2015 Air Photo), provides an aerial view of the subject property.

Plate 3, Applicant's Sketch, provides a site plan of the subject lands, as submitted by the applicant.

Application Review

PROVINCIAL POLICY STATEMENT:

The 2014 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 1.1.3.1 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 a mix of land uses which efficiently use land and resources and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available and avoid the need for their unjustified and/or uneconomical expansion. Land use patterns shall also accommodate a range of uses and opportunities for intensification and redevelopment.

Section 1.1.3.3 of the PPS states that Planning authorities shall identify 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 and appropriate development standards should be promoted which facilitate intensification, redevelopment and compact urban form.

Further, Section 1.3 of the Provincial Policy Statement provides that Planning authorities shall promote economic development and competitiveness by providing for an appropriate mix and range of employment uses to meet long term needs and provide for opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses and take into account the needs of existing and future business. Planning authorities shall also encourage compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities.

OFFICIAL PLAN:

The subject lands are designated as Entrepreneurial District, according to the Land Use Plan for the Town of Tillsonburg, as contained in the County Official Plan. The Entrepreneurial District is located within the Central Area of the Town of Tillsonburg.

The Central Area of the Town is intended to be the most functionally diverse area of the Town that will serve as the primary business, cultural and administrative centre and includes complementary use sub-areas. This functional diversity will be pursued to promote stability and the health of the downtown area, especially in the Central Area.

It is an objective of the Plan to promote the Central Area as a place of employment and focus of economic activity for the Town. In order to support this objective, Town Council shall facilitate small business opportunities by designating an Entrepreneurial District within the Central Area which will permit the conversion of residences for offices, businesses, health care and personal services, cottage industries and similar types of uses while continuing to permit residential uses. These objectives also include the promotion of major office, cultural and public administration buildings in the Central Area and the limitation of this type of use outside the Central Area through the Zoning By-law.

The policies for lands designated Entrepreneurial District are contained in Section 8.3.2.3.2 of the Official Plan. These policies states that permitted uses in existing buildings include residential uses, commercial uses including offices, personal services, business supply services and repair and service shops as well as clinics, studios, galleries and commercial schools. Additional permitted uses include small-scale business uses, limited distribution and assembly uses as well as minor institutional uses, and it is the intent of the Plan that such uses be located in existing buildings in the Entrepreneurial District in order to preserve and maintain many of the large single family dwellings of an earlier era through renovation and recycling of the buildings.

The subject property contains the former First Baptist Church, which was originally established in 1853. This building has been identified in the County Official Plan as a property of historical or architectural interest and it is an objective of the Plan to provide for the protection, improvement, utilization and management of such heritage resources.

Section 8.3.2.3.2.1 of the Plan provides for the conversion of existing buildings in the Entrepreneurial District and states that it is intended that the business use shall be small-scale in terms of floor area and number of employees and shall not significantly alter the residential character of the neighbourhood. This will be accomplished by restricting non-residential uses primarily to existing dwellings and structures and through site design on an individual basis by requiring all proposal be subject to site plan control.

It is also an objective of the Official Plan to provide a safe, convenient, efficient and integrated transportation system which will promote cycling and walking in the Central Area while continuing to provide adequate facilities to meet vehicular needs in the area. Except where exempted in the Zoning By-law, parking for cars and bicycles will be required when considering development in the Central Area. When reviewing development proposals in the Central Area, Town Council will ensure that the various functions of the Central Area is appropriate, yet encourages the increase use of bicycles and walking. In this regard, Town Council will consider shared parking arrangements involving the joint use of parking facilities by various uses. It is also noted that a cash-in-lieu by-law to permit a cash payment to the Town in lieu of all, or part of the Zoning By-law requirements for parking may be permitted, as per the Planning Act. Money generated shall be used for the payment of interest and principal on any municipal debenture for parking facilities, acquisitions of land and/or the provision of additional municipal parking or for improvements to existing municipal parking facilities.

Within the Entrepreneurial District, it is recognized that existing building locations and access points may contain the ability to provide driveway widths, loading areas and parking spaces in accordance with the provisions of the Zoning By-law. As such, Town Council may establish reduced or altered standards for driveways, loading and parking areas and may consider flexible parking arrangement such as tandem parking for employees, off-site parking or other similar measures provided that such measure do not effect nearby residential uses or interfere with the functionality of the site.

Within the Entrepreneurial District, site plan control will be applied to the conversion of existing buildings, as well as new development, to ensure compatibility with adjacent residential uses. Considerations for design will include the needs of the elderly, persons with disabilities and other special needs groups, parking areas and driveways and signage and lighting is to be controlled in terms of height, size and orientation to minimize the effect on adjacent residential uses. Further, vegetative buffering and the retention of mature vegetation will be encouraged as much as possible.

TOWN OF TILLSONBURG ZONING BY-LAW:

The subject property is currently zoned 'Entrepreneurial Zone (EC)' in the Town Zoning By-law. Permitted uses in the 'EC' zone include a wide range of residential uses, as well as a variety of compatible commercial uses such as a business office, a commercial school, a daycare centre, a medical centre, a personal service establishment, a place of worship and a studio (including a dance studio).

Zone provisions for non-residential uses are provided in Table 12.2B, while parking standards are provided in Section 5.24. Parking requirements are based on use and, in most instances are calculated based on the area dedicated to the proposed use. For example a studio (which would include the proposed dance studio) would require one parking space per 20 m² (215.3 ft²) of gross floor area.

The applicant is proposing to rezone the subject lands to allow for a dance studio, an assembly hall, a brewery, a restaurant and storage units. Based on the submitted site sketch, it appears that approximately 17 parking spaces are available on the subject lands. The applicant has indicated that the gross floor area of the building is approximately 1,600 m² (17,222 ft²) and that approximately 60% of this space would be dedicated to an assembly use, while the remaining 40% would be utilized for the proposed storage units. This would result in approximately 960 m² (1,033 ft²) of area dedicated to the assembly use (a dance studio), requiring a minimum of 48 parking spaces, while the storage units may require an additional 16 spaces, for an estimated total parking requirement of 64 spaces, based on assumed calculations of proposed uses.

AGENCY COMMENTS:

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

The County of Oxford Public Works Department has commented that the applicant will be required to comply with the County's Sewer-Use By-law (which is expected to be updated in the near future). The subject lands appear to have only one sanitary sewer service that serves both 97 Bidwell Street and 101 Bidwell Street and each building appears to have separate water services, however both appear to be along the frontage of 97 Bidwell Street. As part of the anticipated future severance, re-servicing to ensure independent services to each proposed lot will be required.

The Town of Tillsonburg Chief Building Official has commented that, if approved, a change of use permit and compliance with the Ontario Building Code will be required prior to the establishment of the proposed uses, and that an assembly use would not be permitted in the same building as a brewery use unless a firewall is installed in accordance with the Ontario Building Code. This Department also commented that the existing parking on the subject lands is deficient, based on the current use, and that the proposed uses shall not result in further non-compliance with the parking requirements of the Zoning By-law.

The Town of Tillsonburg Engineering Services Department indicated that an encroachment agreement will be required to recognize the encroachment of the existing building upon municipal property. No further encroachments will be permitted.

The Town of Tillsonburg Fire Chief has commented that they have no concerns with the proposal, but that the change in use will require a building permit and that some potential occupancies proposed by the applicant will require an approved Fire Safety Plan prior to occupancy.

The Tillsonburg Development Commissioner has commented that they are in support of the proposal, as it will facilitate the conversion of a single-use building into a multi-use building with the potential to add significant elements to the downtown. The Town's Economic Development Strategy identifies the future desirable state of the Downtown as:

“...stores and business locations in downtown Tillsonburg are occupied with a dynamic mix of activities occurring...Tillsonburg has become the region's most significant commercial and retail centre possessing a unique and attractive identity”

This speaks to the need to allow business uses in the Entrepreneurial Zone to expand, which would in turn enable the growth of the downtown. Moreover, permitting these uses will result in the further animation of the downtown, especially in the evenings, both of which are

desirable. Unique developments such as this will also help the Downtown to become the region's most unique core area.

Tillsonburg's Community Strategic Plan identifies the Goal (2.2) of providing diverse retail services in the downtown and approving these changes will support that goal. Further, the potential microbrewery will support Local Food initiatives already underway throughout the County and add to the vitality of our community.

The Tillsonburg District Chamber of Commerce has commented that considerations should be given to the proposed parking situation, stating that there is a lack of parking in the area.

PUBLIC CONSULTATION:

Notice of complete application and notice of public meeting regarding this application were circulated to surrounding property owners on January 11, 2019 and January 28, 2019.

One letter of concern was received from a neighbouring business owner regarding the amount of parking in the area. This letter also indicated that there is a likelihood that the existing structure contains asbestos.

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 Official Plan and can therefore be supported from a planning perspective.

The proposal is consistent with the Provincial Policy Statement direction to provide for an appropriate range and mix of employment uses to meet long term needs and staff are of the opinion that the proposal represents compact and compatible development that will aid in diversifying the economic base of the downtown core.

The subject lands are designated as Entrepreneurial District in the County Official Plan, which is located within the Central Area of the downtown commercial core. It is the opinion of staff that approval of the applicant's request can be considered in keeping with the policy direction for lands designated Entrepreneurial District. Staff are satisfied that the proposed uses will have the effect of diversifying economic opportunities in the downtown core and because the proposed uses will be contained within an existing building, approval of the applicant's request is not anticipated to compromise the character of the existing area or the architectural features of the building. To this end, while it is noted that the building on the subject lands is not considered a heritage resource, it has been identified as having heritage interest and as such, Planning staff are of the opinion that utilizing the existing structure is in keeping with the policy direction of the Official Plan to promote the re-use of the existing building, rather than have it be replaced by new development.

With respect to the Town Zoning By-law, the applicant has indicated that sufficient area exists to accommodate 17 parking spaces on the subject lands which, based on preliminary estimates by staff will be insufficient to accommodate the proposed uses on the site. While it is the intent of the Official Plan to promote bicycle and pedestrian traffic in the Central Area, appropriate measures should also be undertaken to accommodate vehicular traffic and off-street parking. As indicated by the Town Chief Building Official, a change of use permit will be required to facilitate the proposed development, at which time a detailed review of parking requirements will be undertaken. Based on information provided by the applicant, it is assumed that the available parking on the subject lands will not be sufficient to maintain the requirements of the Zoning By-

law and as such, staff are recommending that the applicant enter into an agreement with the Town to provide a cash-in-lieu fee to compensate for the lack of available parking on the site.

While staff are generally supportive of the applicant's proposal to facilitate the above-noted uses, the applicant has indicated that they intend to sever the existing dwelling from the subject lands which will result in a re-configuration of the existing lot lines. This reconfiguration may have additional impact on the provisions of the Zoning By-law with respect to such standards as lot coverage and interior side yard setbacks. As the applicant has not provided staff with the exact location of the proposed lot line, Planning staff are recommending that the applicant's proposal be approved, in principle, until such time as additional information is provided with respect to the proposed severance of the property and the exact location of the proposed lot lines, at which time an accurate by-law schedule can be drafted for an amending By-law.

In light of the foregoing, it is the opinion of this office that the applicant's proposal to add a brewery, a restaurant (eating establishment) and warehousing (indoor storage units) to the list of permitted uses in the 'Entrepreneurial Zone' are acceptable from a planning perspective and can be given favourable consideration.

RECOMMENDATION

1. It is recommended that the Council of the Town of Tillsonburg approve-in-principle the zone change application submitted by 2370392 Ontario Ltd. (Jush Matheson), whereby the lands described as Lots 885 & 886, Plan 500, Town of Tillsonburg, known municipally as 101 Bidwell Street are to be rezoned from 'Entrepreneurial Zone (EC)' to 'Special Entrepreneurial Zone (EC-sp)' to permit the establishment of a restaurant, a brewery and warehousing within an existing building.

SIGNATURES

Authored by:

Heather St. Clair, MCIP RPP,
Development Planner

Approved for submission:

Eric Gilbert, MCIP, RPP
Senior Planner

Report Approval Details

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This report and all of its attachments were approved and signed as outlined below:



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