

To: Mayor and Members of Tillsonburg Council

From: Eric Gilbert, Senior Planner, Community Planning

Application for Zone Change- Removal of Holding Provision ZN 7-19-03 – Oxnard Developments Inc.

REPORT HIGHLIGHTS

- The application for zone change proposes to remove the holding provision from Phase 2 of the Potters Gate development. The appropriate servicing works have been completed and development agreements have been signed. Removal of the holding provision will allow for the issuance of building permits.
- Phase 2 consists of 3 blocks for semi-detached dwellings and street fronting townhouse dwellings.
- Planning staff are recommending approval of the application, as appropriate development agreements have been signed, and sufficient water and wastewater capacity is available for the development.

DISCUSSION

Background

OWNER: 2385667 Ontario Limited
9140 Leslie Street, Unit 210, Richmond Hill, ON L4B 0A9

LOCATION:

The subject properties are legally described as Blocks 6, 7, 9 of Plan 41M-272, Town of Tillsonburg. The blocks front on Harvest Avenue, and are located south of Potters Road and east of the Ontario Southland Railway, north of Simcoe Street.

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

TOWN OF TILLSONBURG ZONING BY-LAW NO.3295:

Existing Zoning: Special Low Density Residential Type 2 Holding Zone (R2-16H)

Proposed Zoning: Special Low Density Residential Type 2 Zone (R2-16)

PROPOSAL:

The purpose of the Application for Zone Change is to remove a holding provision on the subject lands to allow for the development of single detached dwellings and street fronting townhouse dwellings.

The subject properties are 3 existing blocks within Registered Plan 41M-272. Block 9 is located at the southeast corner of the Harvest Avenue and Potters Road intersection and has an area of 2866 m² (30,849 ft²). Block 7 is located on the east side of Harvest Avenue, south of block 9 and a future road connection to the lands to the east, and has an area of 3796 m² (40,860 ft²). Block 6 is located on the west side of Harvest Ave, south of the regional storm water management pond and adjacent to the Ontario Southland Railway, and has an area of 5512 m² (59,331 ft²).

Appropriate development agreements have been signed by the developer and the Town and County and the owner has now requested that the holding provision on the lands be lifted to allow for the issuance of building permits for the lands within this 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, 2015 Aerial Map, provides an aerial view of the subject property.

Plate 3, Applicant's Sketch, shows the proposed layout and dwelling types.

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. Section 1.1.1 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.

OFFICIAL PLAN:

The subject lands are designated 'Low Density Residential' according to the Official Plan. Within the 'Low Density Residential' designation, permitted land uses are primarily low density housing forms including single detached dwellings, duplexes and street fronting town houses and accessory uses. The use of the lands for semi-detached dwellings, street fronting townhouses and accessory uses thereto conforms to the 'Low Density Residential' policies of the Official Plan.

TOWN OF TILLSONBURG ZONING BY-LAW:

The subject property is currently zoned 'R2-16(H)' according to the Town of Tillsonburg Zoning By-law.

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 appropriate development agreements are in place, recommendations of the Noise and Vibration Study have been satisfactorily implemented, and adequate water and wastewater capacity is assigned to the development prior to the construction of dwelling units.

The applicant proposes to remove the holding provision to allow the lands to be used for residential purposes.

The R2-16 zoning permits single detached dwellings, semi-detached dwellings, duplex dwelling, and a street fronting townhouse dwelling. The R2-16 zone also has a number of varied development standards relating to reduced lot frontage, exterior side yard width, front yard depth, and interior side yard width for street fronting townhouse dwellings and semi-detached dwellings.

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 is in keeping with the policies of the County 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 the Town Engineering Department has indicated that they have no objection to the removal of the holding provision as the appropriate development agreements are in place. All recommendations of the Noise and

Vibration Study have been implemented through engineering design of the subdivision and appropriate clauses in the subdivision agreement.

It is Planning staff's opinion that the request to remove the holding provision within Phase 2 of Potters Gate to allow for residential development in the form of semi-detached dwellings and street fronting townhouses 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

That the Council of the Town of Tillsonburg approve the zone change application, File No. ZN 7-19-03, as submitted by Oxnard Developments Inc., for lands described as Blocks 6,7 & 9, Plan 41M-272, Town of Tillsonburg, to rezone the subject lands to remove the Holding Provision from properties within Phase 2 of Potters Gate.

SIGNATURES

Authored by:

"original signed by"

Eric Gilbert, MCIP RPP,
Senior Planner

Approved for submission: *"original signed by"*

Gordon K. Hough, RPP
Director

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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