

**To: Mayor and Members of Tillsonburg Council**

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

## **Application for Zone Change ZN 7-19-05 – Oxford Lofts Inc.**

### **REPORT HIGHLIGHTS**

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- The application for zone change proposes to amend the existing site specific 'Special Entrepreneurial Zone (EC-9)' zoning that applies to the subject lands to reduce the minimum required gross floor area for a residential dwelling unit from 39.7 m<sup>2</sup> (428 ft<sup>2</sup>) to 26.6 m<sup>2</sup> (286 ft<sup>2</sup>). The proposed reduction has been requested to facilitate the construction of 47 residential dwelling units in the former Rolph Street Public School.
- The subject lands were rezoned in 2017 (ZN 7-17-3) to permit the conversion of the property from the former school to residential dwelling units. This rezoning also included a site specific provision to permit the development of apartment dwelling units in the basement of the building, at a finished grade that is 1.6 m (5.2 ft) lower than permitted. A minor variance was also granted by the Town Committee of Adjustment in 2018 (A01-18) to permit a reduction to the minimum required gross floor area for a dwelling unit from 55 m<sup>2</sup> (512 ft<sup>2</sup>) to 39.5 m<sup>2</sup> (428 m<sup>2</sup>) for 9 of the proposed units at that time.
- The applicant is now proposing to increase the number of apartment dwelling units from 45 to 47, (1 of which will be used as a guest suite) and based on a preliminary floor plan provided by the applicant, it appears as though 3 of the proposed apartment dwelling units do not meet the reduced minimum gross floor area of 39.5 m<sup>2</sup> (428 ft<sup>2</sup>), and as such require relief of the zoning provisions prior to development.
- No comments of concern were received from the public agencies or surrounding property owners notified.
- Planning staff are recommending that the application be supported, as it maintains the strategic goal of the Official Plan to increase residential density in the Central Area.

### **DISCUSSION**

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#### **Background**

**OWNER:**

Oxford Lofts Inc.  
61 Flanders Drive, Waterdown ON, L8B 0G6

**AGENT:**

Andrew Teeple, Athon Construction & Development Corporation  
164 Herbert Street, Waterloo ON N2J 1V8

LOCATION:

The subject property is described as Lot 761 and Part of Lots 763 & 764A, Plan 500, in the Town of Tillsonburg. The lands are located on the west side of Rolph Street, lying between Brock Street West and Washington Grand Avenue, and are municipally known as 83 Rolph Street.

COUNTY OF OXFORD OFFICIAL PLAN:

Schedule "T-1"

Town of Tillsonburg  
Land Use Plan

Entrepreneurial District &  
Environmental Protection

TOWN OF TILLSONBURG ZONING BY-LAW NO.3295:

Existing Zoning: Special Entrepreneurial Zone (EC-9), with EP2 Overlay

Proposed Zoning: Amended Special Entrepreneurial Zone (EC-9), with EP2 Overlay

PROPOSAL:

The purpose of the application for Zone Change is to increase the maximum number of permitted units and to permit a reduction to the minimum required floor area for a residential dwelling unit to facilitate the conversion of the former Rolph Street Public School for residential use.

The existing 'EC-9' zoning that applies to the subject lands was established in 2017 and permitted the conversion of the subject lands to permit the residential use, as well as a site specific provision to permit the development of apartment dwelling units in the basement of the building. A minor variance has also been granted for the subject lands to reduce the minimum required floor area/unit for 9 of the proposed units from 55 m<sup>2</sup> (592 ft<sup>2</sup>) to 39.7 m<sup>2</sup> (428 ft<sup>2</sup>).

The applicant is now proposing a further reduction to the required floor area/unit provision to permit 3 additional undersized units, ranging in size from 26.6 m<sup>2</sup> (286 ft<sup>2</sup>) to 36.3 m<sup>2</sup> (391 ft<sup>2</sup>) and is proposing an increase to the number of proposed units from 45 to 47. The proposed apartment building will also contain common amenity areas, a gym and a barrier free wing to accommodate for accessible dwelling units.

The subject property is approximately 1.8 ha (4.5 ac) in area and contains the former Rolph Street Public School. The western portion of the property consists of ravine lands and a former playground proposed for parking purposes is located on the southern boundary of the site, fronting on Rolph Street. The subject property also includes a parking lot, containing 14 spaces, located on the west side of Valley View Lane.

Surrounding land uses to the north, south and east include office and residential (single detached dwellings and duplexes, triplexes, and apartments) uses fronting on Rolph Street, Ridout Street West, Edgewood Drive, and Valley View Lane. Ravine and valleylands bordering Stony Creek are present to the 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, 2015 Aerial Map with Existing Zoning, provides an aerial view of the subject property.

Plate 3, Approved Site Plan for the Subject Property, identifies the approved site plan for the subject lands and the location of the existing and proposed features on the site.

## **Application Review**

### PROVINCIAL POLICY STATEMENT:

Section 1.1.2 of the Provincial Policy Statement (PPS) directs that sufficient land shall be made available through intensification, redevelopment and if necessary, designated growth areas, to accommodate an appropriate range and mix of employment opportunities, housing and other land uses to meet projected needs for a time horizon of up to 20 years.

Section 1.4.1 of the PPS sets out policies which are intended to provide for an appropriate range of housing types and densities required to meet projected needs of current and future residents. To accommodate this, planning authorities shall maintain at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification, redevelopment and if necessary, lands which are designated and available for residential development.

Further, Section 1.4.3 of the PPS directs that planning authorities shall provide for an appropriate 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, including special needs requirements;
- 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 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.

Section 1.6 of the PPS also directs municipalities to efficiently utilize existing infrastructure and public service facilities prior to the establishment of new facilities.

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 1.7.1 of the PPS states that long-term economic prosperity should be supported by maintaining and, wherever possible, enhancing the vitality and viability of downtowns and main streets.

OFFICIAL PLAN:

The Official Plan states that Entrepreneurial District areas are those lands which feature a range of commercial and business development opportunities through the conversion of existing residential dwellings and new development or redevelopment. It is intended that development in this District will result in a mixture of residential and non-residential land uses.

The vision for the Central Area is articulated in Section 8.3.2.1. In the future, the Central Area of the Town of Tillsonburg will remain as the most functionally diverse area of the Town and will serve as the primary business, cultural and administrative centre. The commercial core of the Central Area will remain a viable regional retail shopping district capable of meeting the day to day and specialty needs of residents of the Town as well as serving the southern part of Oxford County and portions of Elgin and Norfolk Counties. At the same time the Central Area will increasingly serve as a people place and will have increased day and night activity through the introduction of residential development within and near the Central Area and through better integration of the Central Area with the wider community.

A strategic objective of the Official Plan is to increase the residential population living within and in the vicinity of the Central Area. The creation of mixed use buildings and residential intensification is supported.

Section 8.3.2.3.2.1- POLICIES FOR CONVERSION OF EXISTING BUILDINGS provides review criteria for development proposals to convert existing buildings within the Entrepreneurial District, as contemplated by this application. Review criteria include:

- Form of development - it is intended that any business uses 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 that all proposals be subject to site plan control;
- Alterations including building additions, enlargement of parking areas and landscaping will be based on the proposed use, neighbouring uses and lot size and configuration, and will be designed and oriented in such a manner as to blend into the existing residential character of the neighbourhood. In order to ensure that the use does not have an adverse effect on the residential character of the area, Town Council shall establish maximum lot coverage and parking provisions in the Zoning By-Law;
- It is recognized that within the Entrepreneurial District, existing building locations and access points may constrain the ability to provide driveway widths, loading areas and parking spaces in accordance with the provisions of the Town Zoning By-law. As such, Town Council may establish reduced or altered standards for driveways, loading and parking areas, and may consider flexible parking arrangements such as tandem parking for employees, off-site parking or similar measures provided that such measures do not effect nearby residential uses or interfere with the functionality of the site. In order to

minimize traffic disruption on major roads, new access points will generally be discouraged within the Entrepreneurial District.

Residential intensification and compact urban form shall be facilitated through appropriate zoning standards and Town Council may consider the use of reduced municipal infrastructure requirements and lot standards on a site or area specific basis, provided that such standards are still in keeping with the overall objectives of the Official Plan.

Medium density residential development is permitted within the Entrepreneurial District. The maximum net residential density for medium density residential development is 62 units per hectare (25 units per acre), exclusive of open space areas. The development as proposed has an approximate net residential density of 59 units per hectare (24 units per acre).

TOWN OF TILLSONBURG ZONING BY-LAW:

The subject property is currently zoned 'Special Entrepreneurial Zone (EC-9)', with an Environmental Protection 2 Overlay. Permitted uses within the 'Entrepreneurial Zone (EC)' include a wide variety of residential uses, including an apartment dwelling, and business/professional, medical offices, and small scale business uses outlined in Section 12.1. A special provision applies to the subject lands to allow for the development of dwelling units below grade, to a maximum of 1.6 m (5.2 ft) below finished grade, and a minor variance was also granted to the subject lands in 2018 to permit a reduction to the minimum required floor area for 9 of the proposed dwelling units, from 55 m<sup>2</sup> (512 ft<sup>2</sup>) to 39.5 m<sup>2</sup> (428 ft<sup>2</sup>).

The rear portion of the subject lands are zoned as 'Environmental Protection 2 Overlay Zone (EP2 2)'. Development within or adjacent to (within 50 m) of lands identified within the EP2 Overlay is generally prohibited, unless an Environmental Impact Study is required. In this instance, the development is proposed within the existing building and the former playground area and an EIS is not required to for the proposed floor area reduction.

AGENCY COMMENTS:

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

Town Building Services Department provided the following comments:

- 47 suites are identified in the proposed plans; one of which is identified as a guest suite (Unit # 005) but should be included in the total count.
- Suites #005 (286 ft<sup>2</sup>), #006 (391 ft<sup>2</sup>) & #009 (391 ft<sup>2</sup>) are less than the minimum dwelling unit size of 428 ft<sup>2</sup> as per the approved minor variance for this property and will need to be resized to comply or additional zoning relief will need to be requested.

PUBLIC CONSULTATION:

Notice of complete application and notice of public meeting regarding this application were circulated to surrounding property owners on April 1, 2019 and April 8, 2019, in accordance with the Planning Act. To date, no comments of concern have been received from the public.

## **Planning Analysis**

The application for zone change has been requested to allow for a reduction to the minimum floor area for an apartment dwelling to facilitate the conversion of the former Rolph Street Public School into an apartment building, consisting of 47 proposed residential dwelling units (including one guest suite). Specifically, the applicant is proposing to reduce the minimum required floor area per unit from the required 39.7 m<sup>2</sup> (428 ft<sup>2</sup>) to allow for 3 of the proposed 47 units to be constructed with a minimum gross floor area between 26.57 m<sup>2</sup> (286 ft<sup>2</sup>) and 36.32 m<sup>2</sup> (391 ft<sup>2</sup>). The remaining units would range in size from 39.9 m<sup>2</sup> (429 ft<sup>2</sup>) to 104.1 m<sup>2</sup> (1,120 ft<sup>2</sup>), and will include bachelor suites, as well as 1, 2 and 3 bedroom units. The developer is also proposing a number of amenity areas within the building, and on the subject lands, and is proposing the construction of a barrier free area to accommodate for accessible units.

Planning staff are of the opinion that the requested relief, which will facilitate the development of 47 dwelling units in the downtown core, can be considered an efficient use of the lands and existing municipal services and infrastructure. Further, this Office is of the opinion that the proposal is consistent with the housing, intensification, and redevelopment policies of the PPS, and that the proposal will assist in providing a mix of housing types and tenures in the Central Area, which is consistent with the policy direction of the County's Official Plan.

While, the proposal supports the planned function of the downtown as per Section 8.3.2.1 of the Official Plan to increase the residential density of the Central Area, the requested floor area reduction will also assist in preserving the façade of the Rolph Street Public School, which is designated and protected by a Heritage Designation, which is in keeping with the Central Area Design Study.

The Central Area Design Study promotes the maintenance and enhancement of existing heritage characteristics in the Central Area, particularly for buildings such as the Rolph Street Public School which is designated under the Ontario Heritage Act. In this respect, staff are of the opinion that approval of the applicant's request to reduce the floor area/unit will result in the development of the required number of units to make the development economically feasible for the applicant, without compromising the character of the building by way of an addition or alteration, which is in keeping with the intent of the Heritage policies of the Official Plan. The applicant is not proposing any exterior additions or alterations to the existing façade facing Rolph Street, apart from some minor changes to accommodate HVAC equipment for the apartment dwellings, and any modifications to the heritage façade will require the approval from the Town.

The extent of the subject lands are comprised of approximately 1.8 ha (4.5 ac), while the developable portion comprises approximately 0.8 ha (1.98 ac). The applicant's proposal is to develop 47 residential dwelling units on the site, within the existing classrooms, gymnasium and library of the former school, and will result in a net residential density of 59 units per hectare (24 per acre), which is consistent with the Medium Density residential targets on lands designated Entrepreneurial District, as provided by the Official Plan.

Town Council approved a zone change in 2017 to rezone the subject lands to permit the conversion of the former Public School to an apartment dwelling. The subject lands are zoned 'Special Entrepreneurial Zone (EC-9)'. This zone permits a wide variety of residential uses, including an apartment dwelling, business/professional offices, and small scale business uses outlined in Section 12.1. A site specific provision for the subject lands was approved by Town Council in May 2017 to permit uses typical of the Entrepreneurial Zone (noted above) and to allow dwelling units to be located in a basement that has a floor level not more than 1.6 m (5.2 ft) below the adjacent finished grade.

For residential dwelling units, the 'EC-9' zone requires a minimum dwelling unit area of 55 m<sup>2</sup> (592 ft<sup>2</sup>) per unit. This is to ensure that dwelling unit sizes are acceptable and comfortable for a variety of occupancy arrangements. A minor variance was approved in 2018 to reduce the minimum floor area for an apartment dwelling to 39.7 m<sup>2</sup> (428 ft<sup>2</sup>) for 9 of the proposed dwelling units on the subject lands.

The 'EC-9' zone also establishes a number of development standards with respect to lot area, frontage and depth based on use. The use of the subject lands for an apartment dwelling appears to be in keeping with the above provisions.

With respect to the applicant's request for a reduction to the required floor area/unit, staff are of the opinion that a limited number of smaller dwelling units can be considered appropriate, as this will satisfy a market demand for people who desire smaller living spaces during certain stages of life, and the development will provide additional amenity space in the form of indoor and outdoor common recreation areas. Further, no comments of concern have been received from any of the agencies circulated or any of the neighbouring property owners and as these three undersized units will represent only a small portion of the entire proposal and they will meet Ontario Building Code standards, staff are satisfied that the proposal will maintain the intent of the Zoning By-law and are acceptable from a planning perspective.

In light of the foregoing, this Office is satisfied that the applicant's proposal to rezone the subject lands to reduce the minimum gross floor area requirement for apartment dwellings from 55 m<sup>2</sup> (592 ft<sup>2</sup>) to 26.6 m<sup>2</sup> (286 ft<sup>2</sup>) on the subject lands, to facilitate the development of 3 undersized dwelling units, in an apartment building, with a total of 47 dwelling units, in the former Rolph Street Public School, is consistent with the PPS and supports the strategic objectives and general intent and purpose of the Official Plan and can therefore be given favourable consideration.

## **RECOMMENDATION**

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**It is recommended that the Council of the Town of Tillsonburg approve the zone change application submitted by Oxford Lofts Incorporated, whereby the lands described as Lot 761 and Part of Lots 763 & 764A, Plan 500, known municipally as 83 Rolph Street, are to be rezoned to amend the provisions of the 'Special Entrepreneurial Zone (EC-9)' to reduce the required minimum gross floor area per unit for 3 dwelling units to 26.6 m<sup>2</sup> (286 ft<sup>2</sup>) to facilitate the residential conversion of the former Rolph Street Public School.**

## **SIGNATURES**

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Senior Planner



**Report Approval Details**

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



**David Calder - Apr 15, 2019 - 11:25 AM**