

To: Mayor and Members of Tillsonburg Council

From: Eric Gilbert, Senior Planner, Community Planning

Application for Draft Plan of Condominium and Exemption from Draft Plan Approval CD 19-02-7 – JMR Properties Inc.

REPORT HIGHLIGHTS

- The purpose of this report is to consider the approval of a draft plan of condominium and exemption from the draft approval process to facilitate condominium ownership of a mixed use building, consisting of 28 residential units and 1 commercial unit.
- The residential component consists of 28 apartment dwelling units (six 1 bedroom units and twenty-two 2 bedroom units), each with 1 covered parking space. The commercial unit consists of a 364.73 m² (3926 ft²) commercial space, proposed to be used as a dental office, with 12 covered parking spaces devoted to the commercial use.
- No concerns were raised as a result of agency circulation.
- The proposal is consistent with the relevant policies of the Provincial Policy Statement, maintains the general intent of the County Official Plan, and complies with the provisions of the Town's Zoning By-law.

DISCUSSION

Background

OWNER: JMR Properties Inc.
200 Hespeler Road, Cambridge ON, N1R 3H3

SOLICITOR: Michael H. Clifton, CK Legal
12 Northumberland Street, Ayr ON, N0B 1E0

LOCATION:

The subject lands are described as Lot 944, 9452, Plan 500, Parts 4, 5, & 8 of 41R-6262, in the Town of Tillsonburg. The lands are located on the southwest corner of Broadway and Venison Street West, and are municipally known as 253 Broadway.

COUNTY OF OXFORD OFFICIAL PLAN:

Schedule "T-1"	Town of Tillsonburg Land Use Plan
	Entrepreneurial-Special Policy Area permitting increased residential density

TOWN OF TILLSONBURG ZONING BY-LAW 3295:

Existing Zoning: Special Entrepreneurial Zone (EC-8)

PROPOSAL:

An application has been received for approval of a plan of condominium and exemption from the draft approval process. The application will facilitate condominium ownership of a proposed mixed use development, consisting of 28 apartment dwelling units and 1 commercial unit.

For Council's information, an Official Plan amendment and zone change application (OP 15-06-7 & ZN 7-15-06) were approved by County & Town Councils in 2016, for the purpose of facilitating the proposed development. Subsequent to this, the owner obtained site plan approval for the proposed condominium from the Town in January 2018 (TSPC 7-168). The approved site plan includes a three storey mixed use building with 40 covered parking spaces and the dental office on the ground floor. The 28 residential apartments are to be housed on the second and third storeys.

The exemption from draft plan approval of condominium process can only occur if site plan approval has been granted, and all requirements of the Town and County have been met.

As indicated by the applicant, each apartment dwelling unit and 1 covered parking space at the ground floor level, will be for the exclusive use of individual owners. The commercial unit will also own 12 covered parking spaces. All areas outside of the individual units including parking aisles, landscaped areas, walkways, elevator, hallways, common rooms, rooftop patio, and other outside elements will be held in common ownership.

The subject property is approximately 1757.7 m² (18 920 ft²) and contains a mixed use building that is under construction.

Surrounding land uses to the north include office and residential uses fronting on Venison St W. and Broadway Street. Lower density residential uses are to the west, and Kelsey's Restaurant is located adjacent to the south. A funeral home, Canadian Tire store, and the Tillsonburg Town Centre are located to the east and southeast. A municipal parking lot is located to the southwest, adjacent to Fox Alley.

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

Plate 2, Revised Site Plan, shows the approved site plan for the development.

Plate 3-5, Proposed Draft Plan of Condominium, shows the proposed units, parking areas and access, and exclusive use and common elements.

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 1.1.1 of the PPS directs that healthy, liveable and safe communities are sustained, in part, by accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs.

According to Section 1.1.3.1, settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. Further, 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, as well as a range of uses and opportunities for intensification and redevelopment.

Further, Section 1.4.3 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:

- 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;
- 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 in 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 1.3.1 of the PPS states that planning authorities shall promote economic development and competitiveness by:

- providing an appropriate mix and range of employment to meet long-term needs;
- providing opportunities for a diversified economic base, including the maintenance of 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 businesses;
- planning for, protecting and preserving employment areas for current and future uses;
- ensuring the necessary infrastructure is provided to support current and projected needs.

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 subject property is designated 'Entrepreneurial - Special Policy Area' according the Town of Tillsonburg Land Use Plan, as contained in the County Official Plan.

The Special Policy Area provides that on the subject lands, the maximum net residential density for a mixed use development shall be 159 units per hectare (64 units per acre).

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 8.3.2.3.2.2- POLICIES FOR REDEVELOPMENT AND NEW DEVELOPMENT OF VACANT LAND provides review criteria for new development proposals within the Entrepreneurial District, as contemplated by this application. Review criteria include:

- compatibility-appropriate buffering measures are incorporated into the development to minimize potential incompatibilities with adjacent residential uses;
- existing municipal services and community facilities are adequate to accommodate the development;
- adequate off-street parking shall be provided.

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.

Within the Central Business District, medium and high density residential development is permitted.

Section 8.2.2.2 of the Official Plan also contains policies where Town Council can encourage the creation of housing opportunities within the Town that may result in a mix of tenure forms, such as ownership, rental and cooperative units.

ZONING BY-LAW:

The subject lands are located within the 'Special Entrepreneurial District Zone (EC-8)' in the Town of Tillsonburg Zoning By-law. A medical centre and apartment dwelling are permitted uses within the EC-8 Zone.

The EC-8 zone contains a number of site specific zoning provisions with respect to required interior side yard width, minimum required rear yard depth, maximum permitted lot coverage, minimum required landscaped open space and amenity area, required parking spots, location of parking areas, loading zone spaces and planting strip.

The applicant entered into a cash-in-lieu of parking agreement with the Town of Tillsonburg for the parking deficiencies onsite.

The proposed draft plan appears to be compliant with the EC-8 zoning that applies to the property.

AGENCY REVIEW:

The Town of Tillsonburg Engineering Services Department, Town of Tillsonburg Building Services Department, and County Public Works Department indicated that they have no comments or concerns regarding the application.

Planning Analysis

Applications for condominium approval can be dealt with in one of two ways, in accordance with the Condominium Act. The first method generally involves a process similar to an application for draft plan of subdivision where, after appropriate circulation, a proposal receives 'draft' approval which is contingent on the applicant satisfying a number of conditions prior to final approval and registration.

The second process is where the approval of the condominium is exempt from the draft or 'conditional' approval stage and proceeds directly to final approval. The exemption process is intended to apply to proposals that have previously undergone a complete evaluation (i.e. site plan approval) and no further conditions of approval are required by the municipality for the development to proceed.

As noted, the proposed development was subject to an Official Plan amendment and zoning amendment that was approved by Town and County Council in 2016. The development received site plan approval from the Town in January 2018, and is subject to the conditions of the development agreement that was entered into with the Town of Tillsonburg as part of the site plan approval process. In light of this, the requested exemption can be considered appropriate.

As the proposal will facilitate the creation of an alternative form of housing to meet the long term social needs of current and future residents in a designated Settlement Area, Planning staff are of the opinion that the proposal is consistent with the policies of the PPS.

Additionally, staff are of the opinion that this proposal will assist in providing a mix of housing types and tenures, while maintaining the strategic goal of the Official Plan to concentrate employment and retail uses within the Central Area. The proposal also supports the planned function of the downtown as per Section 8.3.2.1 of the Official Plan as it will increase the residential density of the Central Area and provide medical office space, reinforcing the strategic goal to locate commercial and offices uses primarily in the Central Area.

Based on a review of the draft plan of condominium, it would appear that the proposed development will meet the relevant provisions of the 'EC-8' Zone.

In light of the foregoing, Planning staff are of the opinion that the proposal is consistent with the relevant policies of the Provincial Policy Statement, maintains the general intent of the County Official Plan, and complies with the provisions of the Town's Zoning By-law. As such, the application for draft plan of condominium and exemption from the draft approval process can be supported from a planning perspective.

RECOMMENDATIONS

That the Council of the Town of Tillsonburg advise County Council that the Town supports the application for draft approval of a proposed condominium submitted by Rego Management Inc., (File No. CD 19-02-7), prepared by MacDonald Tambllyn Lord Surveying, dated February 20, 2019, for lands described as Lot 944 & 945, Plan 500, Parts 4, 5, & 8 of 41R-6262, in the Town of Tillsonburg;

And further, that the Council of the Town of Tillsonburg advise County Council that the Town supports the application for exemption from the draft plan of condominium approval process, submitted by Rego Management Inc., (File No. CD 19-02-7), prepared by MacDonald Tambllyn Lord Surveying, dated February 20, 2019, for lands described as Lot 944 & 945, Plan 500, Parts 4, 5, & 8 of 41R-6262, in the Town of Tillsonburg, as all matters relating to the development have been addressed through the Site Plan Approval process and a registered site plan agreement with the Town of Tillsonburg.

SIGNATURES

Authored by:

Eric Gilbert, MCIP, RPP
Senior Planner

Approved for submission:

Gordon K. Hough, RPP
Director

Report Approval Details

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Final Approval Date:	Sep 16, 2019

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

A handwritten signature in black ink, appearing to be 'Ron Shaw', with a long horizontal stroke extending to the right.

Ron Shaw - Sep 16, 2019 - 6:13 PM