

REPORT TO COUNTY COUNCIL

Application for Official Plan Amendment OP 23-13-7 – Harvest Ave Inc.

To: Warden and Members of County Council

From: Director of Community Planning

RECOMMENDATIONS

1. That Oxford County Council approve Application OP 23-13-7, submitted by Harvest Ave Inc. for lands described as Part Lot 24, Plan 1653, 41R-8458 Town of Tillsonburg, to redesignate the subject lands from ‘Service Commercial’ to ‘High Density Residential’ with special provisions to allow a maximum density of 126 units/ha (51 units/ac) and service commercial uses on the subject lands;
2. And further, that Council approve the attached Amendment No. 317 to the County of Oxford Official Plan, and that the necessary By-law to approve Amendment No. 317 be raised.

REPORT HIGHLIGHTS

- The purpose of the Official Plan Amendment is to redesignate the subject lands from ‘Service Commercial’ to ‘High Density Residential’ to facilitate the development of four apartment dwellings comprising up to 506 new residential units, together with approximately 789 m² (8,500 ft²) of commercial space within the building nearest to Simcoe Street, indoor and outdoor amenity space, and on-site parking for the residential and commercial uses.
- The proposal is consistent with the relevant policies of the Provincial Policy Statement and supports the strategic initiatives and objectives of the Official Plan and can be supported from a planning perspective.

IMPLEMENTATION POINTS

This application will be implemented in accordance with the relevant objectives, strategic initiatives and policies contained in the Official Plan.

Financial Impact

The approval of this application will have no financial impact beyond what has been approved in the current year’s budget.

Communications

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 January 9, 2024, and April 8, 2024, respectively. As of the date of the writing of this report, no comments had been received.

2023-2026 STRATEGIC PLAN

Oxford County Council approved the [2023-2026 Strategic Plan](#) on September 13, 2023. The Plan outlines 39 goals across three strategic pillars that advance Council’s vision of “working together for a healthy, vibrant, and sustainable future.” These pillars are: (1) *Promoting community vitality*, (2) *Enhancing environmental sustainability*, and (3) *Fostering progressive government*.

The recommendations in this report support the following strategic goals:

Strategic Plan Pillars and Goals

PILLAR 1	PILLAR 2	PILLAR 3
		
Promoting community vitality	Enhancing environmental sustainability	Fostering progressive government
<p>Goal 1.1 – 100% Housed</p> <p>Goal 1.2 – Sustainable infrastructure and development</p> <p>Goal 1.3 – Community health, safety and well-being</p>		

See: [Oxford County 2023-2026 Strategic Plan](#)

DISCUSSION

Background

Owner: Harvest Ave Inc. (c/o Albert Meyer)
44 Muir Line, RR#2, Harley, ON N0E 1E0

Agent: GSP Group Inc. (c/o Brandon Flewwelling)
72 Victoria Street Soth, Suite 201, Kitchener, ON N2G 4Y9

Location:

The subject lands are identified as Part Lot 24, Plan 1653, 41R-8458, Town of Tillsonburg. The lands are located on the north side of Simcoe Street, west of Westtown Line and are bordered to the north by Harvest Avenue.

County of Oxford Official Plan:

Existing:

Schedule "T-1"	Tillsonburg Land Use Plan	Residential (north section) Service Commercial (south section)
Schedule "T-2"	Tillsonburg Residential Density Plan	High Density Residential (north section)

Proposed

Schedule "T-1"	Tillsonburg Land Use Plan	Residential
Schedule "T-2"	Tillsonburg Residential Density Plan	High Density Residential

Town of Tillsonburg Zoning By-Law No. 3295:

Existing Zoning:	Service Commercial Zone (SC) (south section)
	Future Development Zone (FD) (north section)
Proposed Zoning:	Special High Density Residential (RH-sp) Zone
	Special High Density Residential Holding Zone (RH-sp (H))

Proposal

The County of Oxford and the Town of Tillsonburg have received applications for an Official Plan Amendment and Zone Change to facilitate the development of four apartment dwellings comprising up to 506 new residential units, together with approximately 789 m² (8,500 ft²) of commercial space within the building nearest to Simcoe Street.

Most of the amenity area will be in a central location on the site, located between Buildings C and D, with additional amenity area surrounding Building A and within Building D. The proposed development will be phased over time, and the general layout of the site is illustrated on Plates 4 and 5, as submitted by the applicant. The proposed phasing, heights, and number of units per building are as follows:

Phase 1	Building A	8 storeys; up to 132 units
Phase 2	Building D	5 storeys; up to 76 units and 789m ² (8,493 ft ²) commercial space
Phase 3	Building B	9 storeys; up to 149 units
Phase 4	Building C	9 storeys; up to 149 units

The applicant proposes to redesignate the subject lands to 'High Density Residential' with special provisions that would include the noted commercial space and allow for a residential density on the entire site of approximately 126 units/ha (51 units/acre).

The applicant further proposes to rezone the subject lands from 'Service Commercial Zone (SC)' and 'Future Development Zone (FD)' to 'Special High Density Residential Zone (RH-sp)' with the following proposed modifications to the standard provisions of the RH Zone as contained in the Town's Zoning By-law:

- reduce the Minimum Lot Area from 90 m²/unit (968.8 ft²/unit) to 79.9 m²/unit (860 ft²/unit);
- reduce the Minimum Amenity Area from 40 m²/unit (430.6 ft²/unit) to 38 m²/unit (409 ft²/unit);
- reduce the Minimum Front Yard Depth from 15.8 m (51.9 ft) to 15.27 m (50 ft);
- reduce the Minimum Parking Standard from 1.5 spaces per residential unit to 1.26 spaces per unit;
- reduce the Commercial Parking requirement from 40 spaces to 39 spaces;
- increase the Maximum Building Height from 22 m (72.17 ft) to 31.65 m (104 ft); and,
- include special provisions to allow for all commercial uses permitted in the Service Commercial (SC) Zone.

Subsequent to the issuance of the public notice for this proposal, the applicant modified the proposed relief from the parking standard to 1.4 spaces per unit (increasing it from the 1.26 spaces per unit noted above). Further, and to ensure that water and wastewater servicing capacity for the development is appropriately managed, an H – holding provision will be applied to Phases 2, 3 and 4 (proposed phasing illustrated on Plate 5). The Holding provision will also be utilized to review parking requirements for Phase 4 with a view to determining if further parking relief to accommodate that phase of development is warranted.

The subject property is approximately 4.0 ha (10 ac) in area and currently vacant. Surrounding land uses include Service Commercial uses and vacant land to the west, institutional uses to the north (Place of Worship and four-storey Retirement Community buildings), the Tillsonburg Community Cemetery to the south), and vacant land to the immediate east designated for residential and service commercial use.

A Phase I Environmental Site Assessment, Landscape Plan, Planning Justification Report (PJR), Transportation Impact Brief, Noise and Vibration and Land Use Compatibility Study, Functional Servicing and Stormwater Management Report, and Servicing Report were completed in support of the applications.

Plate 1 – Location Map and Existing Zoning illustrates the location of the subject lands and the existing zoning in the immediate vicinity.

Plate 2 – 2020 Aerial Map provides an aerial image of the subject lands and the surrounding area.

Plate 3 – Location Map and Existing Designation illustrates the location of the subject lands and the existing designation in the immediate vicinity.

Plate 4 - Applicant's Sketch, illustrates the proposed concept for the site, as submitted by the Applicant.

Plate 5 – Applicant's Sketch – Proposed Phasing Plan, illustrates the proposed concept for the site with proposed phasing, as submitted by the Applicant.

Comments

Provincial Policy Statement (2020)

Section 1.1.1 of the Provincial Policy Statement (PPS) directs 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 affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment, institutional, recreation, park and open space and other uses to meet long-term needs.

Section 1.1.2 of the PPS directs that sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines.

Section 1.1.3.4 directs that appropriate development standards shall be promoted which facilitate intensification, redevelopment, and compact form, while avoiding or mitigating risks to public health and safety.

Section 1.4, Housing, and specifically Subsection 1.4.3 states 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;

- Permitting and facilitating all types of residential intensification, including additional residential units and redevelopment, in accordance with policy 1.3.3.3;
- 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.

Official Plan

The northerly portion of the subject lands are currently designated 'High Density Residential' while the southerly portion, abutting Simcoe Street, are designated 'Service Commercial' according to the Land Use Plan for the Town of Tillsonburg.

To facilitate the development of four apartment dwellings, one with the noted commercial uses in Building D (building closest to Simcoe Street), the applicant has applied to redesignate the subject lands from 'High Density Residential' and 'Service Commercial' to 'High Density Residential' with special provisions to include commercial space, and to allow for a residential density on the site of approximately 126 units/hectare (51 units/acre).

Section 8.2.2.5, Residential Intensification and Redevelopment, states that residential intensification in appropriate locations is promoted and permitted to make more efficient use of existing land, infrastructure, and public services. Furthermore, that a minimum target of 15 percent shall be established as the proportion of all new residential dwelling units to be developed through residential intensification within built-up areas in the Town of Tillsonburg. This section also outlines that residential intensification is subject to conforming with the policies of the associated land use designation pertaining to the density, form, and scope of residential development being proposed. 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 Plan.

As per Section 8.2.6, High Density Residential areas are primarily developed or planned for a limited range of intensive large-scale, multiple unit forms of residential development. This designation is typically applied in site-specific manner and in locations where high density, high-rise development can result in the preservation of features of the natural environment, efficient use of land, act as community landmarks or reference points, and/or support the viability and functionality of the Central Area.

The height and density limitations for development applicable in the High Density Residential Area shall be determined based on the nature, character, and scale of adjacent land uses. Height and density limitations will be specified in the Zoning By-law and may vary from location to location. Current policies of the Official Plan generally limit the maximum density of new high density development to 111 units/ha (45 units/acre), and under no circumstances will development within a High Density Residential area be less than 63 units per hectare (26 units per acre).

Lower height and/or density limits permitted by this Plan may be warranted for specific areas based on the following criteria:

- sanitary sewage, water or storm drainage constraints;
- the limitations related to municipal fire protection;
- protection of significant or scenic views or vistas;
- to minimize the effect of development and required parking on significant natural features;
- where adjacent low profile residential land uses may be adversely affected in terms of sunlight, traffic or privacy.

In addition to areas predominantly composed of existing or planned High Density Residential development as designated on Schedule T-2, any further designations will be consistent with the following location criteria:

- sites which abut arterial or collector roads will have direct access to the arterial or collector road;
- on vacant or under-utilized sites adjacent to development which is already built at medium or high densities;
- close to shopping, recreation, cultural and community facilities;
- within or near the periphery of the Central Area in accordance with the policies of Section 8.3.4.

Section 8.2.6 also directs that any lands proposed for High Density Residential development not identified on Schedule T-2 will require an amendment to the Official Plan, and when considering proposals to designate lands for High Density Residential development, Town and County Councils will be guided by site specific criteria, including:

- the size, configuration and topography of the site is such that there is sufficient flexibility for site design to mitigate adverse effects on the amenities and character of any adjacent residential development through adequate setbacks, buffering and screening;
- the development results in a gradual transition from low profile residential buildings to higher profile residential buildings and vice versa;
- the location of vehicular access points and the likely effects of traffic generated by the proposal on public streets have been assessed and are acceptable;
- adequate hard service capacity including water distribution, sanitary and storm sewers, power and gas distribution facilities is or will be available to accommodate the proposed development;
- adequate off-street parking and outdoor amenity areas can be provided;
- the effect of the proposed development on environmental resources or the effect of environmental constraints on the proposed development will be addressed and mitigated as outlined in Section 3.2.

Section 8.3.3 of the Official Plan sets out policies regarding Service Commercial Areas. Areas designated Service Commercial provide locations for a broad range of commercial uses that, for the most part, are not suited to locations within the Central Area because of their site area, access, or exposure requirements or due to compatibility conflicts with residential development. Generally, service commercial uses cater to vehicular traffic and single purpose shopping trips where customers are typically generated from passing traffic or a wide ranging market area. Uses permitted within the Service Commercial designation include hotels, motels, hotel/conference facility, automotive sales and services, furniture warehouses, farm implement sales, personal services, convenience commercial uses, video rental establishments, automobile service stations, gas bars, car wash facilities, retail sales of automobile supplies, automated teller

machines or kiosks, tourism information outlets or kiosks, recreation and entertainment uses, restaurants and fast food outlets, retail food stores, uses which require large areas for on-site storage of goods or vehicles and other types of commercial uses that offer service to the travelling public, business and industry.

Section 8.3.3.1 states that the scale of uses within the Service Commercial designation will generally range from 325 m² (3,500 ft²) to 4,645 m² (50,000 ft²) and that uses of less than 325 m² (3,500 ft²) will be encouraged to locate in the Central Area, where appropriate.

Section 8.3.3.2 states that Service Commercial areas will generally be located with direct access - or access via a service road - to arterial and collector roads. Access points to arterial or collector roads shall be limited to the minimum number necessary for the functioning of the Service Commercial Area and that adequate lot frontage and setback requirements will generally be applied through the Zoning By-law to provide for development of free-standing buildings and on-site parking.

To achieve a consistent approach to the positioning of buildings, parking and landscaped areas, Site Plan Control will be used. Site Plan Control will also be used to ensure compatibility with adjacent residential uses and, where appropriate, to provide for pedestrian integration between the commercial and residential land uses. Several site design criteria will be evaluated prior to the approval of site plans including loading areas, access and internal traffic, parking, landscaping, lighting, drainage, barrier-free design, signage, buffering, and integration with residential uses.

Agency Comments

Town of Tillsonburg Building Services Department has indicated that a decreased parking ratio of 1.4 parking spaces per residential unit is reasonable, and that the project is subject to Site Plan Approvals.

Town of Tillsonburg Engineering Services Department:

- there are no concerns with the Official Plan Amendment;
- there are no concerns with reducing the required parking ratio from 1.5 spaces/unit to 1.4 spaces / unit; and,
- applying 'Holding' provisions to Phases 2, 3, and 4 to ensure appropriate servicing capacity is appropriate.

Town of Tillsonburg Economic Development and Marketing:

- The proposal does appear to be a significant and desirable development in the Town of Tillsonburg. In terms of the redesignation/rezoning of these lands to high density residential, the proposed development does appear to be supportable for these lands and in this location.
- The loss of more Service Commercial lands within the Town could be a concern as vacant commercial lands for development within the Town are quite limited; however, the inclusion of 789 m² of commercial space within the property is desirable and appropriate. When looking at the density of commercial development on this part of Simcoe Street, the proposed commercial space is being provided at a similar ratio (and larger on an absolute basis). Hence, based on the overwhelming need for residential housing of all types, the utilization of all the practically available space within the Building D main floor footprint for commercial

space, and current demand for commercial space within Southwestern Ontario, I am satisfied that this conversion can be supported.

- Access for the development off Simcoe St is important for the commercial space in terms of attractiveness to tenants.

Town of Tillsonburg Fire and Rescue Services:

- The fire route and any issues will be addressed at the Site Plan Approval stage to ensure that the fire routes conform to Ontario Building Code (OBC) and Fire and Rescue Services requirements.
- The County Official Plan currently restricts building height and would require public consultation to amend the County Official Plan as well as amendments to the Town's Zoning By-law.
- The Fire and Rescue Services' ladder height does not dictate the maximum building height in a community. There are a number of buildings in the community where the aerial ladder would not reach due to access.
- High building(s) greater than 18 m are subject to more restrictive building codes and measures for fire protection requirements including building construction, multiple exits, pressurized stairways, HVAC, fire service elevators, and other fire protection features (i.e. alarm systems, standpipes, sprinklers, auto door closers for fire protection).
- Many communities across Ontario permit high buildings greater than 18 m to maximize land usage, infill and density targets and are becoming more common across the Ontario communities.
- Fire and Rescue Services is not opposed to increased building height in Tillsonburg.

Oxford County Public Works:

- Holding provisions should apply to Phase 2, Phase 3, and Phase 4.
- The Tillsonburg Fire Official should provide written acceptance that the proposed Fire Access Route for Phase 1 is satisfactory.
- A watermain will run through the site from Harvest Avenue to Simcoe Street to provide a looped system. The County will have a 5.0 m wide easement along the watermain loop. As such, when Phase 2 is being constructed, the internal road and watermain should be connected to Phase 1 (through proposed Phase 3).

Oxford County Public Works also provided additional comments to be addressed at the Site Plan Approval Application stage including phasing of the development / site, servicing, access, and garbage and recycling collection.

Oxford County Source Protection Program commented that the applications do not have source water implications under S.59.

Tillsonburg Chamber of Commerce commented that there are no major concerns.

Canada Post commented that the project adheres to the multi-unit policy and will be serviced by developer/owner installed Lock Box Assembly, which is to be provided by, installed by, and maintained by the developer/owner at the owner's expense. There will be no more than one mail delivery point to each unique address assigned by the Municipality and any existing postal code may not apply and the owner should contact Canada Post to verify postal codes for the project.

Ministry of the Environment, Conservation and Parks (MECP) commented that based on the existing site conditions and review of provincial Species at Risk (SAR) data, there are likely no concerns under the Endangered Species Act, 2007 with the proposal and noted that this is an initial response, and the absence of an element occurrence does not indicate the absence of species.

Town of Tillsonburg Council

Town of Tillsonburg Council recommended support of the proposed Official Plan Amendment and approved the proposed Zoning By-law amendment 'in principle', at the Town's regular meeting of Council on April 22, 2024.

Planning Analysis

The northerly portion of the subject lands are currently designated for High Density Residential (HDR) use. The application proposes to redesignate the southerly portion of the lands from Service Commercial to HDR with site specific policies that will allow for increased residential density across the whole of the site and to permit commercial use in Building D, closest to Simcoe Street.

The application further proposes to rezone the subject lands from 'Service Commercial Zone (SC)' and 'Future Development Zone (FD)' to 'Special High Density Residential Zone (RH-sp)' with modifications to the standard provisions of the RH Zone, as previously outlined in this report.

As illustrated on Plate 4, the proposed applications for Official Plan Amendment and Zone Change will provide an opportunity for the development of an existing site to allow for new housing and commercial opportunities in the form of four apartment dwellings comprising up to 506 new residential units and approximately 789 m² (8,500 ft²) of commercial space. Construction of Phase 1 - Building A, is proposed to commence in September 2024, with occupancy in December 2025. The proposed phasing of the development is illustrated in Plate 5.

Planning staff are of the opinion that the proposal is consistent with and supports the relevant policies of the Provincial Policy Statement (PPS). Specifically, the proposed development is an efficient use of municipal services and lands within a designated settlement area. In addition, the proposed development contributes to an overall mix of housing types to accommodate current and future residents of the broader market area and will provide an additional market-based rental housing option in the Town of Tillsonburg. Further, while the southerly portion of the subject lands are being redesignated from Service Commercial to HDR, the inclusion of commercial floor space will assist in providing for an appropriate range of employment use within a mixed-use development to meet the long-term needs of the Town in this regard.

It is the opinion of Planning staff that the Official Plan criteria respecting the designation of 'High Density Residential' areas have been satisfactorily addressed, and that the subject proposal supports the strategic initiatives and objectives of the Official Plan with respect to the designation of High Density Residential areas within the Town. Staff are of the opinion that, as per the policies in Section 8.5.2.1 of the Official Plan, the location of the subject lands is suitable for high density residential development. Specifically, the lands have direct access to Simcoe Street, an arterial road that can accommodate the expected traffic generated by the lands.

Harvest Avenue, which forms the northerly border of the lands, is identified as a collector road which will provide access to Westtown Line (also a collector road) and to Simcoe Street. The site is located in an area of mixed residential, service commercial, and institutional land uses. These uses are considered compatible with the uses proposed in these applications.

Staff is also of the opinion that the proposed concept for the subject lands, illustrated on Plates 4, 5, and 6, adequately considers compatibility with adjacent uses and is appropriate for the area with respect to the character and scale of adjacent uses. The proposed site plan situates the highest buildings, being Buildings B and C (9 storeys), in the middle of the site, and locates the one 8 storey building (Buildings A) and the one 5 storey building (Building D) at the periphery of the site. Staff are of the opinion that, as this site design and configuration of buildings orients much of the building massing to the middle of the site and provides adequate setbacks, it provides appropriate transition from the adjacent residential development to the north. Furthermore, the design of the site is such that it incorporates parking areas and amenity space in a manner that also serves to buffer the development from surrounding uses and no significant shadowing impacts are anticipated.

It is also the opinion of Planning staff that the proposed increase in the maximum density of the site (from 111 units/ha to 126 units/ha) is appropriate at this location. The site is of a suitable size and configuration to accommodate and support the proposed density without significantly compromising the functionality of the site and the ability to provide parking and amenity space to meet the needs of the use. Furthermore, the proposal has been considered with a view to traffic and access, site design, and compatibility with surrounding uses.

It is also the opinion of Planning Staff that permitting a portion of the lands to be used for Service Commercial purposes (specifically in Building D, in closest proximity to Simcoe Street) is consistent with the policies in Section 8.3.3, and specifically in terms of compatibility of use, access, and scale. The southerly portion of the subject lands are currently designated 'Service Commercial' and continuing to permit commercial uses on the site will maintain and support the continuity of commercial uses along Simcoe Street and be complimentary to the existing commercial development to the west of the lands. Retaining space within the proposed residential development for commercial use would also provide for an appropriate mix of uses that supports residential development while facilitating commercial development in keeping with the current planned function of the area. The proposed amendment includes specific policies to ensure that the commercial development remains a secondary element relative to the residential apartment building (Building D).

To ensure that the lands are developed in an orderly manner, the proposed amendment includes specific policies regarding the phasing of development with a view to ensuring that matters related to municipal servicing and parking for future phases of development are reviewed prior to development proceeding and directs that the Town and/or County will use restrictive zoning (i.e. holding provisions) and any other land use tools deemed appropriate.

As Site Plan Control is required for a residential development of this scale, detailed matters including, but not limited to lot grading, access, stormwater management, landscaping, fire route(s), and servicing will be addressed through the site plan approval process, to the satisfaction of the Town and County.

CONCLUSIONS

In light of the foregoing, Planning staff are of the opinion that the proposal is consistent with the policies of the Provincial Policy Statement and supports the strategic initiatives and objectives of the Official Plan with respect to providing for the land requirements and the need for housing and commercial options for current and future residents of the Town. As such, staff are satisfied that the applications can be given favourable consideration.

SIGNATURES

Report Author:

Original Signed By _____

Laurel Davies Snyder, RPP, MCIP
Development Planner

Departmental Approval:

Original Signed By _____

Gordon K. Hough, RPP
Director of Community Planning

Approved for submission:

Original Signed By _____

Benjamin R. Addley
Chief Administrative Officer

ATTACHMENTS

- Attachment 1 - Plate 1, Location Map and Existing Zoning
- Attachment 2 - Plate 2, 2020 Aerial Map
- Attachment 3 - Plate 3, Location Map and Existing Designation
- Attachment 4 - Plate 4, Applicant's Sketch
- Attachment 5 - Plate 5, Applicant's Sketch – Proposed Phasing Plan
- Attachment 6 - Official Plan Amendment No. 317