

REPORT TO COUNTY COUNCIL

Applications for Draft Plan of Subdivision and Plan of Condominium Exemption SB 24-01-5 and CD 24-01-5 Hogg Excavating & Construction Ltd.

To: Warden and Members of County Council

From: Director of Community Planning

RECOMMENDATIONS

1. That Oxford County Council grant draft approval to the proposed residential plan of subdivision, Application SB 2-01-05 submitted by Hogg Excavating & Construction Ltd., for lands described as Part Lots 5, 6 & 7, Park Lot 8, Registered Plan 45, Part of Lot 22, Concession 1 (North Dorchester), and municipally known as 183 Brock Street, in the Village of Thamesford, subject to the conditions attached to this report as Schedule "A" being met prior to final approval;
2. And further, that Oxford County Council approve Application CD 24-01-5, submitted by Hogg Excavating & Construction Ltd., for lands described as Part Lots 5, 6 & 7, Park Lot 8, Registered Plan 45, Part of Lot 22, Concession 1 (North Dorchester), and municipally known as 183 Brock Street, in the Village of Thamesford for draft approval of a proposed condominium;
3. And further, that Council approve the application for exemption from the draft plan of condominium approval process submitted by Hogg Excavating & Construction Ltd. (File No. CD 24-01-5), prepared by MacAulay, White & Muir for lands described as Part Lots 5, 6 & 7, Park Lot 8, Registered Plan 45, Part of Lot 22, Concession 1 (North Dorchester), and municipally known as 183 Brock Street, in the Village of Thamesford, as all development matters have been addressed through the site plan approval process.

REPORT HIGHLIGHTS

- The application for draft plan of subdivision proposes the creation of 10 residential lots for townhouse dwellings and 1 block for a private condominium road.
- The proposal is consistent with the relevant policies of the 2020 Provincial Policy Statement and maintains the intent and purpose of the Official Plan and can be supported from a planning perspective.

IMPLEMENTATION POINTS

These applications 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 impacts beyond what has been approved in the current year's budget.

Communications




In accordance with the requirements of the Planning Act, notice of complete application regarding this proposal was provided to surrounding property owners on March 12, 2024 and the notice of public meeting was issued on June 5, 2024.

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 supports 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: Hogg Excavating & Construction Ltd.
 216 Milton Street, Thamesford, ON, N0M 2M0

Location:

The subject lands are described as Pt. Lots 5, 6 & 7, Park Lot 6, Registered Plan 45, Part of Lot 22, Concession 1 (North Dorchester). The lands are located on the southeast corner of the intersection of Brock and Middleton Street, and are municipally known as 183 Brock Street, Thamesford in the Township of Zorra.

County of Oxford Official Plan:

Schedule 'Z-1'	Township of Zorra Land Use Plan	'Settlement'
Schedule 'Z-2'	Village of Thamesford Land Use Plan	'Village Core'

Township of Zorra Zoning By-law No. 35-99:

Existing Zoning: 'Special Residential Type 3 Zone (R3-11)'

Proposed Zoning: 'Amended Special Residential Type 3 Zone (R3-11)'

Proposal:

Applications have been received for a draft plan of subdivision, approval for draft plan of condominium and exemption from draft approval to facilitate the creation of 10 residential lots for attached townhouse dwellings and 1 block for a private condominium road (Block 11). Overall the development proposed the creation of 10 new residential dwelling units on the subject lands.

Access to Block 11 will be provided from Brock Street. The Township has granted site plan approval for the development and is satisfied with the proposed private road intended for access for each unit within the 10-unit development.

The subject lands are currently zoned 'Special Residential Type 3 Zone (R3-11)' in the Township Zoning By-law. An amendment to the Township Zoning By-law has been approved in principle by Township Council at its June 19, 2024 meeting. Details of the amendment are as follows:

- Increased lot coverage to 56%;
- Minimum front yard depth of 6 m (19.7 ft);
- Minimum rear yard depth of 7.5 m (24.6 ft);
- Exterior side yard width of 4.5 m (14.7 ft);
- Interior side yard width of 3 m (9.8 ft);
- Frontage on a private condominium road.

The subject lands are approximately 0.92 ac (3,735 m²) in size and are currently under construction with the 10-unit townhouse development. The applicant is proposing that each of the units within the development will be served by one future (private) road. It is proposed that the units would be established as freehold units, and the application for Site Plan Control, approved in 2023, established the general size of each future lot in accordance with the current 'R3-11' zone provisions. Amended special provisions, noted above, have been endorsed by Township Council on June 19, 2024. A total of 20 parking spaces are being proposed for the development, providing two (2) spaces per dwelling unit (beyond the 1.5 spaces required by the Township Zoning By-law).

Surrounding uses consist of a variety of housing forms and types, including medium density townhouse development to the immediate south (Kingwood Phase 1A and 1B), low density residential to the immediate west and a number of other 'Village Core' uses to the north and east, including the Township of Zorra's Municipal Office (c. 2024). It is anticipated that the broader area will continue to develop in the near future as part of the redevelopment of the former Maple Leaf property.

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

Plate 1b, Approximate Development Plan, shows the general area of the proposed dwelling units as well as the common element (condominium) road.

Plate 2, Aerial Photo (2020), shows an aerial view of the subject lands, as they existed in 2020, with indicators to reflect current developments underway and/or completed.

Plate 3, Proposed Plan of Subdivision, shows the configuration of the proposed units as well as the location of the private driveway, parking areas and exclusive use and common elements (the private road) for the development.

Plate 4, Proposed Draft Plan of Condominium, shows the extent of the private condominium road, subject to the condo exemption being requested, as provided by the applicant.

Comments

2020 Provincial Policy Statement

The 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 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, employment, institutional, recreation, park and open space, and other uses to meet long-term needs;
- avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas; and,
- promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

The policies of Section 1.1.3.1 state that settlement areas shall be the focus of growth and development. Further, according to Section 1.1.3.2, land use patterns in settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources, are appropriate for, and efficiently use, infrastructure and public service facilities.

Section 1.1.3.3 further states that planning authorities shall identify appropriate locations and promote opportunities within transit-supportive development, accommodating a significant supply and range of housing options through 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.

Furthermore, Section 1.4.3 states that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs 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 options required to meet the social, health, economic 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 1.5.1 of the PPS states that healthy, active communities should be promoted by:

- planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity;
- planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources; and
- recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.

Section 1.6.1 notes that infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs.

Official Plan

The subject lands are located within the Village of Thamesford, which is a 'Serviced Village' according to the Settlement Strategy Plan for the County of Oxford. The subject lands are also located within the 'Village Core' designation according to the Township of Zorra Land Use Plan.

The Village Core represents a compact area of predominantly commercial uses that have historically functioned as a downtown pedestrian shopping district. It is intended that the Village Core will continue to be the most intensive and dominant business area within the settlement serving both village residents and those in the wider rural area.

Permitted uses within the Village Core include a full range of retail, office, administrative, public utility, cultural, entertainment, recreational and institutional uses. Residential dwelling units including low and medium density residential development, accessory dwelling units within a non-residential use and converted dwellings may also be permitted where adequate servicing exists.

With regard to the policies of Section 10.3 (Plans of Subdivision and Condominium) which require the developer to address a series of standard review criteria concerning the adequacy of servicing, environmental impacts, transportation networks, integration with surrounding developments, these have been addressed or can be addressed via imposition of standard and site-specific conditions of draft plan approval and the development agreement.

Township of Zorra Zoning By-law

The subject lands are zoned 'Special Residential Type 3 Zone (R3-11)' in the Township Zoning By-law, which permits an apartment dwelling, a multiple-unit dwelling and a street fronting townhouse. The 'R3-11' zone permits a maximum lot coverage of 42%, a minimum front yard depth of 7.5 m (24.7 ft), a minimum rear yard depth of 7.5 m (24.7 ft), a minimum exterior side yard width of 4.5 m (14.7 ft) and an interior side yard width of 3 m (9.8 ft).

For context, the 'R3-11' zone was established in 2021 for the subject lands to ensure the proposed development conformed to the proposed provisions, as the lands were developed on a singular lot. Now that the proposed development is to be further subdivided (10 individual lots), the provisions are proposed to be amended to reflect the site-specific needs of each lot within the development.

It is proposed that the definition of a street-fronting townhouse dwelling be amended for the subject lands to permit the proposed townhouse-style dwellings to front on a private road. It is noted that currently, as one block, the subject property has frontage on Middleton Street and Brock Street but through the subdivision and condominium approvals the legal frontage will be the private road.

The requested amended 'R3-11' that would apply to the subject lands proposes the following special provisions:

- Frontage on a private condominium road;
- Permit a minimum front yard depth of 6 m (19.7 ft);
- Permit a minimum rear yard depth of 7.5 m (24.6 ft)
- Permit an exterior side yard of 4.5 m (14.7 ft)
- Permit an interior side yard of 3 m (9.8 ft)
- Permit a maximum lot coverage of 56%;

Agency Comments

The County of Oxford Public Works Department has commented that the condominium corporation shall assume ownership of water and sanitary infrastructure within the private road right-of-way.

Canada Post and the Township of Zorra Manager of Emergency Services have indicated they have no comments or concerns with the proposal.

Township of Zorra Public Works Department provided comment that a sidewalk shall be established around the entirety of the subject property, to the satisfaction of the Township as part of the subject development.

Township of Zorra Council

Township of Zorra Council recommended support of the proposed draft plan of subdivision and plan of condominium approval and exemption at the Township's regular meeting of Council of June 19, 2024.

Planning Analysis

As noted, applications for plan of subdivision approval, draft plan of condominium and exemption from the draft plan of condominium approval process have been received to facilitate the development of a 10 unit residential development in the serviced village of Thamesford.

Overall, staff are generally satisfied that the proposal is consistent with the policy direction of the Provincial Policy Statement and the Official Plan, as the request will facilitate forms of housing to assist in meeting the needs of current and future residents. Further, staff are of the opinion that the proposal complies with the development criteria provided in the Official Plan, which was reviewed in detail as part of the Township's site plan approval process.

The subdivision application itself represents a logical infilling of an existing site within the 'Village Core' of Thamesford. The establishment of 10 lots for street fronting townhouses is an efficient use of land and will provide an alternative housing type within the Village of Thamesford, is in close proximity to a number of services and amenities and is not anticipated to introduce negative impacts on traffic or transportation networks, nor is it anticipated to negatively impact the surrounding area which is comprised of both low and medium density housing as well as other 'Village Core' type uses including the Township Municipal Office and several commercial uses to the immediate north along Dundas Street. It is the opinion of staff that the proposed lots are an efficient form of development within the 'Village Core' of Thamesford and are surrounded by an area undergoing rapid development (including the recent development of the townhouses to the immediate south, the development of the new Township Municipal Office to the immediate east, and the anticipated development of the balance of the former Maple Leaf lands).

One comment was received from the County Public Works Department with respect to the water service arrangement, which will be addressed as a provision in the associated subdivision conditions to the satisfaction of the County of Oxford prior to final registration of the plan.

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. This 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 site plan approval, which was approved by the Township in December of 2023. Development of the subject lands is subject to the conditions of the development agreement from that process and construction of the 10 townhouse dwellings have been commenced. The proposed private (condominium) road is intended to service each of the 10 units within the development, has been approved through site plan by the Township, and is to be maintained by the condominium corporation. In light of this and given that the condominium exemption is for the purpose of the access road only, staff are of the opinion that the requested exemption can be considered appropriate.

CONCLUSIONS

Planning staff are satisfied that the proposed development is consistent with the policies of the PPS and are in keeping with the intent and purpose of the Official Plan. As such, staff are satisfied

that the applications can be given favorable consideration. Staff and agency comments have been addressed in the recommended conditions of draft approval, where appropriate and are provided for Council's consideration.

SIGNATURES

Report Author:

Original Signed By

Spencer McDonald, MCIP, RPP
Development Planner

Departmental Approval:

Original Signed By

Eric Gilbert, MCIP, RPP
Manager of Development Planning

Original Signed By

Paul Michiels
Director of Community Planning

Approved for submission:

Original Signed By

Benjamin R. Addley
Chief Administrative Officer

ATTACHMENTS

- Attachment 1 - Plate 1a, Location Map & Existing Zoning
- Attachment 2 - Plate 1b, Approximate Development Plan
- Attachment 3 - Plate 2, Aerial Map (2020)
- Attachment 4 - Plate 3, Proposed Plan of Subdivision
- Attachment 5 - Plate 4, Proposed Draft Plan of Condominium
- Attachment 6 - Schedule "A" Conditions of Draft Approval