

To: Warden and Members of County Council

From: Director of Community Planning

Application for Redline Amendment to Draft Plan of Subdivision 32T-07006 – Performance Communities Realty Inc. & Lindprop Corporation

RECOMMENDATIONS

1. That Oxford County Council approve the application for redline amendments to the draft approved plan of subdivision File No. 32T-07006, submitted by Performance Communities Realty Inc & Lindprop Corporation, for lands legally described as Lot 5, Concession 10 (Dereham), Parts 1-6 of 41R-10049 in the Town of Tillsonburg, subject to the conditions attached to this report as Schedule “A” being met prior to final approval.

REPORT HIGHLIGHTS

- The purpose of the redline amendment to the Draft Plan of Subdivision and zone change applications is to facilitate the development of 71 single detached dwellings, 45 lots for 202 street fronting townhouse dwellings, one stormwater management block, two park blocks and two pedestrian walkway blocks, served by 5 new local streets.
- The proposal is consistent with the relevant policies of the Provincial Policy Statement and maintains the intent and purpose of the Official Plan.

Implementation Points

The application will be implemented in accordance with the relevant 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

In accordance with the requirements of the Planning Act, notice of complete application was provided to surrounding property owners on May 18, 2021 and notice of public meeting was issued on June 7, 2021.

Strategic Plan (2020-2022)

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DISCUSSION

Background

Owners: Performance Communities Realty Inc & Lindprop Corporation
 1 Barrie Boulevard, St Thomas ON N5P 4B9

Agent: Will Hayhoe, Performance Communities Realty Inc
 1 Barrie Boulevard, St Thomas ON N5P 4B9

Location:

The subject lands are described as Part Lot 5, Concession 10 (Dereham), PARTS 1-6 of 41R-10049, in the Town of Tillsonburg. The lands are located on the north side of North Street East, between Huntley Avenue and Tillson Avenue, and are known municipally as 78 & 84 North Street East, Tillsonburg.

County of Oxford Official Plan:

Existing:

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|----------------|-------------------------------------------------|---------------------------|
| 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 3295:

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| Existing Zoning: | 'Future Development Zone (FD)' |
| Proposed Zoning: | 'Special Low Density Residential Type 1A Holding Zone (R1A-26 (H))' 'Special Low Density Residential Type 2 Holding Zone (R2-25 (H))' 'Special Low Density Residential Type 3 Holding Zone (R3-20 (H))' 'Passive Use Open Space Zone (OS1)' 'Active Use Open Space Zone (OS2)' |

Proposal:

The application for redline amendment to the existing draft plan of subdivision approval will modify the existing draft approved plan of subdivision to facilitate the development of 71 single detached dwellings, 45 lots for 202 street fronting townhouse dwellings, one stormwater management block, two park blocks and two pedestrian walkway blocks, served by 5 new local streets.

For Council's information, a previous draft plan of subdivision was approved for these lands by the Town and County in 2007, consisting of 142 lots for single detached dwellings, 17 lots for 34 semi-detached dwellings, 1 commercial block, 3 greenway blocks, 3 walkway blocks and 1 parkland block. The draft plan approval was extended in 2010, 2013, 2016, 2018 and 2020, and has a lapsing date of October 22, 2021. The zoning was never finalized for the proposed draft plan of subdivision.

The original proponent, Lindprop Corporation, severed a portion of the draft approved plan of subdivision generally encompassing the lands west of Braun Avenue, subject to a condition that a severance agreement be registered on title of the property. The severance agreement requires the applicant to obtain a redline revision to the draft plan to reflect that the approved draft plan now has two owners.

The subject lands comprise approximately 16.25 ha (40.2 ac), are currently vacant and are in agricultural production. Surrounding uses include existing low density residential uses to the south and west, with a municipal drain and proposed park to the north and the Ontario Southland Railway line to the north and east.

Plate 1, Location Map with Existing Zoning, indicates the location of the subject site and the existing zoning in the immediate vicinity.

Plate 2, 2015 Aerial Map, provides an aerial view of the subject property.

Plate 3, 2015 Aerial Map with Existing Draft Approved Plan, provides the layout of the existing draft approved plan of subdivision.

Plate 4, Proposed Draft Plan of Subdivision, provides the layout of the proposed amended draft plan of subdivision.

Comments

2020 Provincial Policy Statement

The 2020 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 additional 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), 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 (Housing) 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, among other matters, facilitating all forms of housing to meet social, health and well-being requirements of current and future residents and promoting densities for new housing which efficiently uses land, resources, infrastructure and public service facilities.

Official Plan

The subject lands are designated ‘Low Density Residential’, according to the Town of Tillsonburg Land Use Plan & Residential Density Plan. Low Density Residential Areas are those lands that are primarily developed or planned for a variety of low rise, low density housing forms including single-detached dwellings, semi-detached, duplex or converted dwellings, quadraplexes, townhouses and low density cluster development.

In these areas, it is intended that there will be a mixing and integration of different forms of housing to achieve a low overall density of use. It is not intended that the full range of housing will be permitted in every individual neighbourhood or development.

The maximum net residential density in the Low Density Residential Designation is 30 units/ha (12 units/ac) and the minimum net residential density is 15 units / ha (6 units/ac). The proposed development has a net residential density of 29.6 units / ha (11.8 units/ac).

The policies of Section 10.3.3 (Plans of Subdivision and Condominium) provide that County and Town Council will evaluate applications for a plan of subdivision on the basis of the requirements of the Planning Act, as well as criteria including, but not limited to conformity with the Official Plan, availability of municipal services and community facilities, the accommodation and/or mitigation related to natural resources and hazards and the reduction of negative effects on surrounding land uses.

As a condition of draft plan approval, County Council will require an applicant to satisfy conditions prior to final approval and registration of the plan. The applicant will be required to meet the conditions of the draft approval within the specified time period, failing which, draft plan approval may lapse. Additionally, to provide for the fulfillment of these conditions, and for the installation of services according to municipal standards, County Council shall require the applicant to enter into a subdivision agreement with the area municipality and, where necessary, the County, prior to final approval of the plan.

Zoning By-Law

The subject lands are currently zoned 'Future Development Zone (FD)' according to the Town's Zoning By-law. The 'Future Development Zone (FD)' permits a farm, existing buildings and structures, and a seasonal fruit and vegetable outlet.

The Zone Change application proposes to rezone the lands from 'Future Development Zone (FD)' to 'Special Low Density Residential Type 1A Holding Zone (R1A-26 (H)), Special Low Density Residential Type 2 Holding Zone (R2-25 (H)), Special Low Density Residential Type 3 Holding Zone (R3-20 (H)), Passive Use Open Space Zone (OS1), and Active Use Open Space Zone (OS2) to facilitate the amended draft plan of subdivision.

Permitted uses within the 'Passive Use Open Space Zone (OS1)' include a passive use park, conservation project, or a public use including stormwater management facility.

Agency Comments

The application was circulated to various agencies considered to have an interest in the proposal. Comments from Town Building Department, Engineering Department, Town Director of Recreation, Culture & Parks, and Oxford County Public Works Department have been included as an attachment to this report.

The Town of Tillsonburg Fire and Rescue Services Department indicated that they had no concerns with the proposal.

Enbridge Gas requested that the Owner/developer provide the necessary easements and/or agreements required by Enbridge Gas as a condition of draft approval.

The Town Development Commissioner indicated that they are supportive of this proposed plan of subdivision, which helps meet increased market demand for housing and will result in increased residential growth for the community.

Town of Tillsonburg Council

Town of Tillsonburg Council recommended support of the proposed redline amendment to the draft approved plan of subdivision, and approved the proposed zoning by-law amendment in principle, at the Town's regular meeting of June 21, 2021.

Planning Analysis

The subject application for redline amendment to draft plan of subdivision approval proposes to amend an existing draft approved plan of subdivision to facilitate the development of 71 single detached dwellings, 45 lots for 202 street fronting townhouse dwellings, one stormwater management block, two park blocks and two pedestrian walkway blocks, served by 5 new local streets.

It is the opinion of staff that the proposal is consistent with the relevant policies of the Provincial Policy Statement. The proposed development is considered to be a form of infilling that promotes a mix of housing types and represents an efficient use of lands, municipal services and infrastructure within a designated settlement area, which is consistent with Sections 1.1.1, 1.1.3.1, 1.1.3.2, 1.1.3.3 and 1.4.3 of the PPS.

With regard to the policies of Section 10.3 of the Official Plan (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 and integration with surrounding developments, staff note that the required studies and reports have been received and reviewed through this Office and other required reports can be satisfactorily addressed through the inclusion of appropriate conditions of draft approval.

Planning staff are of the opinion that the revised draft plan is an improvement from the original draft plan approved in 2007, as the proposed redline amendments will offer increased opportunities for active transportation and connectivity to trail networks within the Town and a greater mix and choice of housing forms for current and future residents of the Town.

The proposal is in keeping with the Plan of Subdivision policies of Section 10.3.3, and the policies of the Low Density Residential designation. The proposed draft plan has a net residential density of 29 units per hectare, in keeping with the density range/target, being 15 to 30 units per hectare. In addition, the proposed draft plan provides a range of lot sizes and a mix of housing types that are integrated throughout the development, which is in keeping with low density residential policies.

Due to the length of time that has elapsed since the original draft plan approval in 2007, and the dual ownership of the lands within the draft approved plan of subdivision, it is recommended that the conditions of draft approval be updated to reflect current practices respecting the allocation of water and wastewater treatment capacity, current practices respecting parkland development, Town efforts to increase tree canopy cover, requirements from Canada Post for community mailboxes, and an updated lapsing date of two years to provide sufficient time to work toward registration of the proposed plan of subdivision.

Conclusions

In light of the foregoing, Planning staff are satisfied that the proposed development is consistent with the policies of the Provincial Policy Statement and meets the relevant policies contained in the Official Plan. As such, staff are satisfied that the application can be given favourable consideration.

SIGNATURES

Report Author:

Eric Gilbert, RPP, MCIP
Senior Planner

Departmental Approval:

Gordon K. Hough, RPP
Director of Community Planning

Approved for submission:

Michael Duben, B.A., LL.B.
Chief Administrative Officer

ATTACHMENTS

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|---------------|-------------------------------------------------------------|
| Attachment 1: | Plate 1 – Location Map with Existing Zoning |
| Attachment 2 | Plate 2 – 2015 Aerial Map |
| Attachment 3: | Plate 3 – 2015 Aerial Map with Existing Draft Approved Plan |
| Attachment 4: | Plate 4 – Proposed Draft Plan of Subdivision |
| Attachment 5: | Agency Comments |
| Schedule A: | Conditions of Draft Approval |