

To: Warden and Members of County Council

From: Director of Community Planning

Applications for Official Plan Amendment & Plan of Subdivision OP 21-11-7; SB 21-06-7 – George & Clara Ambrus

RECOMMENDATIONS

1. That Oxford County Council approve Application No. OP 21-11-7, submitted by George and Clara Ambrus, for lands legally described as Part of Lot 4, Concession 10 (Dereham), in the Town of Tillsonburg, to redesignate the subject lands from 'Medium Density Residential' to 'Low Density Residential', to facilitate a draft plan of subdivision consisting of lots for 49 single detached dwellings, a neighbourhood commercial block and a stormwater management block;
2. And further, that Council approve the attached Amendment No. 262 to the County of Oxford Official Plan;
3. And further, that the necessary by-law to approve Amendment No. 262 be raised;
4. And further, that Oxford County Council grant draft approval to a proposed residential subdivision, submitted by George and Clara Ambrus, for lands legally described as Part of Lot 4, Concession 10 (Dereham), in the Town of Tillsonburg, consisting of 49 lots for single-detached dwellings, one block for neighbourhood commercial purposes, a stormwater management block, and one new local street, subject to the conditions attached to this report as Schedule "A" being met prior to final approval.

REPORT HIGHLIGHTS

- The intent of the Official Plan Amendment is to redesignate the subject lands from 'Medium Density Residential' to 'Low Density Residential' to facilitate the development of a residential draft plan of subdivision.
- The proposed draft plan of subdivision will facilitate the creation of 49 lots for single detached dwellings, 1 block for future neighbourhood commercial uses and one block for stormwater management purposes, served by 1 new local street.
- The proposal is consistent with the relevant policies of the 2020 Provincial Policy Statement and supports the strategic initiatives and objectives of the County 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 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 August 13, 2021 and notice of public meeting was issued on October 14, 2021. At the time of writing this report, no comments have been received from the public.

Strategic Plan (2020-2022)

					
<i>WORKS WELL TOGETHER</i>	<i>WELL CONNECTED</i>	<i>SHAPES THE FUTURE</i>	<i>INFORMS & ENGAGES</i>	<i>PERFORMS & DELIVERS</i>	<i>POSITIVE IMPACT</i>
		3.ii			

DISCUSSION

Background

Owners: George and Clara Ambrus

Agent: Andrew Gilvesy, P. Eng, Cyril J. Demeyere Limited
261 Broadway, Tillsonburg ON N4G 4H8

Location:

The subject lands are described as Part Lot 4, Concession 10 (Dereham), in the Town of Tillsonburg. The lands are located on the west side of Cranberry Road, between North Street East and Keswick Road, and are known municipally as 33 Cranberry Road, Tillsonburg.

County of Oxford Official Plan:

Existing:

Schedule 'C-3'	County of Oxford Settlement Strategy Plan	Large Urban Centre
Schedule 'T-1'	Town of Tillsonburg Land Use Plan	Residential Open Space
Schedule 'T-2'	Town of Tillsonburg Residential Density Plan	Medium Density Residential

Proposed:

Schedule 'T-2'	Town of Tillsonburg	Low Density Residential
----------------	---------------------	-------------------------

Town of Tillsonburg Zoning By-law 3295:

Existing Zoning:	Future Development Zone (FD)
Proposed Zoning:	Special Low Density Residential Type 2 Holding Zone (R2-sp (H)) Neighbourhood Commercial Zone (NC) Passive Use Open Space Zone (OS1)

Proposal:

The application for Official Plan Amendment proposes to redesignate the subject property from Medium Density Residential to Low Density Residential to facilitate the proposed residential development, consisting of single detached dwellings.

The application for Draft Plan of Subdivision will facilitate the creation of 49 lots for single-detached dwellings, one block for neighbourhood commercial purposes, a stormwater management block, served by one new local street in a new draft plan of subdivision.

The applicant also proposes to rezone the lands from 'Future Development Zone (FD)' to 'Special Low Density Residential Type 2 Holding Zone (R2-sp (H))', 'Neighbourhood Commercial Zone (NC)', and 'Passive Use Open Space Zone (OS1)' to facilitate the above noted Draft Plan of Subdivision.

Within the proposed zoning, the applicant intends to reduce the minimum required exterior side yard width from 6 m (19.69 ft) to 4.5 m (14.76 ft), increase the maximum permitted lot coverage from 40% to 50%, reduce the minimum required rear yard depth from 7.5 m (24.6 ft) to 6 m (19.6 ft), and reduce the lot depth from 30 m (98.4 ft) to 29 m (95 ft) for one lot abutting the stormwater management block.

Relief has also been requested to permit an existing accessory building to remain on proposed Lot 4, and to permit the dwelling and oversized accessory building on Lot 43 to remain.

The subject lands comprise approximately 4.45 ha (11 ac) and contain a single detached dwelling, former implement shed (approximate area of 61 m²), workshop (approximate area of 87 m²), with the remaining lands in agricultural production. An existing stormwater management area is located at the southwest corner of the property. Surrounding uses include the Trans-Canada Trail to the west, a convenience store to the south, and existing residential development fronting on Cranberry Road and North Street 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, 2020 Aerial Map, provides an aerial view of the subject property and surrounding area.

Plate 3, Proposed Draft Plan, provides the layout of the proposed draft plan of subdivision.

Comments

2020 Provincial Policy Statement

The policies of Section 1.1 of the PPS direct that healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential uses to meet long-term needs. Within settlement areas, sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs and such land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

Section 1.1.3.1 directs that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. Furthermore, Section 1.1.3.2 directs that land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources, existing infrastructure and public service facilities.

Section 1.1.3.3 also directs that planning authorities shall identify appropriate locations and promote opportunities for 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.

As per Section 1.4.1, to provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:

- a) Maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment; and,
- b) Maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.

Section 1.4.3 of the PPS directs that planning authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area by, among other matters, establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and permitting and facilitating all forms of residential intensification and redevelopment and all forms of housing required to meet the social, health and well-being requirements of current and future residents. Further, the PPS supports the development of new housing in locations where appropriate levels of infrastructure and public service facilities are or will be available and promotes densities for new housing which efficiently use land, resources, infrastructure and public service facilities and support the use of active transportation.

Official Plan

The subject lands are designated 'Medium Density Residential', according to the Town of Tillsonburg Land Use Plan and Residential Density Plan. Medium Density Residential areas are those lands that are primarily developed or planned for low profile multiple unit development that exceed densities established in Low Density Residential Districts. Residential uses within Medium Density Residential areas include townhouses, cluster houses, converted dwellings, and apartment buildings.

Prior to considering any proposal to redesignate any Medium Density Residential areas identified on Schedule T-2 for any other purpose, Town Council and County Council will be assured that the Town has adequate Medium Density Residential land supplies relative to expected growth. In general, proposals to redesignate lands identified for Medium Density Residential for Low Density Residential purposes will be discouraged.

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 Low Density Residential development proposed has a net residential density of 16.7 units/ha (6.8 units/ ac).

The policies of Section 10.3.3 (Plans of Subdivision and Condominium) provide that County and Town Councils 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, the following:

- Conformity with the Official Plan;
- The availability of community services such as roads, water, storm and sanitary sewers, waste disposal, recyclable collection, public utilities, fire and police protection, parks, schools and other community facilities;
- The accommodation of Environmental Resources and the mitigation of environmental and human-made constraints;
- The reduction of any negative effects on surrounding land uses, transportation networks or significant natural features;
- The design of the plan can be integrated into adjacent developments, and;
- The design of the plan is to be compatible with the natural features and topography of the site, and proposals for extensive cut and fill will be discouraged.

Town Council will support the provision of services and amenities that enhance the quality of the residential environment within lands designated as Residential Area on Schedule T-1 by permitting neighbourhood serving uses to be established. Neighbourhood serving uses include land uses such as schools, churches, libraries, parks, community centres, day care facilities, convenience shopping facilities and community support services which primarily serve a local residential neighbourhood by providing everyday goods and services or fulfilling cultural and social needs.

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 application for zone change proposes to rezone the subject lands to 'Special Low Density Residential Type 2 Zone (R2-sp)', 'Neighbourhood Commercial Zone (NC)', and 'Passive Use Open Space Zone (OS1)'.

The applicants propose to reduce the minimum required exterior side yard width from 6 m (19.69 ft) to 4.5 m (14.76 ft), increase the maximum permitted lot coverage from 40% to 50%, reduce the minimum required rear yard depth from 7.5 m (24.6 ft) to 6 m (19.6 ft), and reduce the lot depth from 30 m (98.4 ft) to 29 m (95 ft) for one of the lots abutting the stormwater management block.

Relief has also been requested to permit an existing accessory building to remain on proposed Lot 4, and to permit the dwelling and oversized accessory building on Lot 43 to remain.

Permitted uses within the 'Neighbourhood Commercial Zone (NC)' include an ATM, a convenience store, a daycare centre, a dry cleaning depot, an eating establishment, a fitness club, a personal service establishment, a postal outlet, a public library, and a studio.

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

This application has been reviewed by a number of public agencies. The following comments were received.

Town of Tillsonburg Building & By-Law Services provided the following comments:

- Provide appropriate fencing as per the Town's Pool Enclosure By-Law around Block 51 for Lots 18 and 19 and 7' solid board fence required between Block 50 and Lot 28;
- Relief of accessory building size required for Lot 43;
- Relief required for accessory building size on proposed Lot 4, and to permit the standalone building without a principal use.

The Town of Tillsonburg Recreation Culture and Parks Department provided the following comments:

- The owner shall provide 1 tree per residential lot, to the satisfaction of the Town;
- The Town will request Cash-in-lieu of parkland for this development;
- The Developer shall retain, at their cost, a Certified Landscape Architect to work jointly with the Town to develop a Landscape plan for the Subdivision;
- Appropriate fencing will be required along the boundary of Town owned lands and private lands.

The Town of Tillsonburg Engineering Services Department provided draft plan conditions, included at the end of this report, and provided following comments:

- Road widening on Cranberry Road required.
- Sidewalks will be required on the west, south, and north side of Street A, and west side of Cranberry Road.
- Provide daylighting triangles for Lots 1, 27, 35, 44 & 29.

Oxford County Public Works have provided draft plan conditions, included as an attachment to this report, and have commented that the Town of Tillsonburg has indicated that they will design and reconstruct Cranberry Road (including extensions of underground services) fronting the development. The Owner should be aware that connection to municipal services is not available until Cranberry Road reconstruction is complete. The functional servicing report should be revised to include detailed water usage (average day, max day, and max hour), fire flow requirements (per FUS) and sanitary generation rates for County review and comment.

Enbridge Gas has requested that as a condition of final approval, that the owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Enbridge.

Comments from the Long Point Region Conservation Authority indicated that the proposed development will require the CA's written comment and any associated permits, as well as for the Stormwater Management facility and review of the geotechnical reports and supporting studies.

Town of Tillsonburg Council

Town of Tillsonburg Council recommended support of the proposed Official Plan amendment and draft plan of subdivision, and approved the proposed zoning by-law amendment 'in principle', at the Town Council meeting of November 1, 2021.

Planning Analysis

The subject applications for Official Plan amendment, draft plan of subdivision approval and zone change propose to facilitate the creation 49 lots for single detached dwellings, 1 block for neighbourhood commercial purposes, and one stormwater management block served by one new local street in the Town of Tillsonburg.

Provincial Policy Statement

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.

Official Plan Amendment & Subdivision

The applicant proposes to re-designate portions of the site from 'Medium Density Residential' to 'Low Density Residential'. With respect to the supply and demand for residential land, the Phase One Comprehensive Review completed by Hemson Consulting Limited (March 2020) indicates that over the 20 year planning period from 2019-2039 the Town of Tillsonburg is expected to have a potential surplus of 66 ha of vacant residential land, representing an estimated 1462 residential units beyond the 1650 forecasted unit growth. Additionally, the 2019 Vacant Land Study estimated that Tillsonburg had 96 net hectares of developable land, estimated to represent 2112 residential units. Of the 96 net hectares, 13 hectares is designated for medium density purposes; the proposed redesignation of 3.8 hectares is expected to represent 82 medium density units that would be removed from the supply of Medium Density development. The forecasted demand for row houses from 2021-2046 is 180 additional units, and the forecasted demand for apartments for this period is 490 additional units, based upon this it would appear that there is sufficient lands designated for Medium Density development and the re-designation of the subject lands for Low Density residential development will not compromise the supply of Medium Density residential lands.

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, cultural resources, transportation networks and integration with surrounding developments, staff note that the required studies and reports have been received and reviewed through this Office and the recommendations of these reports can be satisfactorily addressed through the inclusion of appropriate conditions of draft approval.

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 16.7 units/ha (6.8 units/ ac), in keeping with the density parameters set out in the Plan, being 15 to 30 units per hectare. The proposed street layout is an efficient development pattern for the subject lands which are irregularly shaped. Appropriate linkages to the Trans-Canada Trail on Cranberry Road and North Street East will be provided through a proposed pedestrian connection within the stormwater management block and sidewalks on Cranberry Road and Street A.

Through the circulation process, comments were provided by Town staff indicating that due to the irregular shape of the lands, and the proximity of other greenspace, parks, and parks under development, that Town staff recommend that cash-in-lieu of parkland be required rather than a parkland dedication.

Zoning

Staff are satisfied that the requested zoning provisions to provide for reduced exterior side yard widths for corner lots, and increased maximum permitted lot coverage within the development are generally appropriate. Town Engineering staff have indicated that adequate space remains for daylighting triangles to ensure that there are no impacts to sightlines or traffic movements, and through the review of the detailed engineering design for the subdivision the stormwater management will be required to be sized appropriately to accommodate the proposed runoff generated by the increased lot coverage.

With respect to the reduced rear yard depth of 6 m (19.6 ft), Planning staff have recommend to Town Council that this only apply to lots 13-18 which are impacted by a reduced lot depth due to the presence of the existing slope and natural area that includes part of Block 51. The other lots in the development have generous lot depths ranging from 30 m (108 ft) to 42 m (138 ft) that will provide sufficient building envelopes.

It is recommended that Block 51 be zoned 'Passive Use Open Space' to recognize the use of the lands for stormwater management purposes and to ensure that the existing slope and wooded areas to the rear of lots 12-18 remain undisturbed.

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 supports the strategic initiatives and objectives of the Official Plan. As such, staff are satisfied that the applications can be given favourable consideration.

SIGNATURES

Report Author:

'original signed by'

Eric Gilbert, MCIP, RPP
Senior Planner

Departmental Approval:

'original signed by'

Gordon K. Hough, RPP
Director of Community Planning

Approved for submission:

'original signed by'

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

ATTACHMENTS

Attachment 1	Plate 1, Location Map with Existing Zoning
Attachment 2	Plate 2, 2020 Aerial Map
Attachment 3	Plate 3, Proposed Draft Plan of Subdivision
Attachment 4	LPRCA Comments
Attachment 5	Conditions of Draft Approval
Attachment 6	Official Plan Amendment No. 262