

To: Warden and Members of County Council

From: Director of Community Planning

Applications for Official Plan Amendment & Plan of Subdivision OP 20-09-7; SB20-02-7 – 2407774 Ontario Limited

RECOMMENDATIONS

1. That Oxford County Council approve Application No. OP 20-09-7, submitted by 240774 Ontario Limited, for lands legally described as Part Lot 1594, Plan 500, Parts 1, 2, 5 & 6 of 41R-8700, Parts 1 & 2 of 41R-7400, in the Town of Tillsonburg, to redesignate the subject lands from 'Open Space' to 'Low Density Residential', to facilitate a draft plan of subdivision consisting of 65 lots for single detached dwellings, and 7 blocks for street-fronting townhouses, totaling 24 units;
2. And further, that Council approve the attached Amendment No. 266 to the County of Oxford Official Plan;
3. And further, that the necessary by-law to approve Amendment No. 266 be raised;
4. And further, that Oxford County Council grant draft approval to a proposed residential subdivision, submitted by 2407774 Ontario Limited (SB 20-02-7) prepared by CJDLC Consulting Engineers, for lands described as Part Lot 1594, Plan 500, Parts 1, 2, 5 & 6 of 41R-8700, Parts 1 & 2 of 41R-7400, 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 intent of the Official Plan Amendment is to redesignate the subject lands from 'Open Space' 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 65 lots for single detached dwellings, 7 blocks for townhouse dwellings (24 units), served by 2 new local streets.
- 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 originally provided to surrounding property owners on two occasions, August 4, 2020 and October 6, 2021. Notice of public meeting was issued on October 18, 2021. At the time of writing this report, several letters of concern from the public have been received. This correspondence has been included as an attachment to this report for Council's consideration.

Strategic Plan (2020-2022)

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

DISCUSSION

Background

Owners: 240774 Ontario Limited &
Town of Tillsonburg

Applicant: Tillsonburg Developments Inc.
P.O. Box 158, 2 Esseltine Drive, Tillsonburg ON, N4G 4H5

Location:

The subject lands are described as Part Lot 1594, Plan 500, Parts 1, 2, 5 & 6 of 41R-8799, Parts 1 & 2 of 41R-7400, in the Town of Tillsonburg. The lands are located on the south side of Baldwin Street, north side of John Pound Road, and west side of Borden Crescent in the Town of 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	Environmental Protection Open Space

Proposed:

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

Town of Tillsonburg Zoning By-law 3295:

Existing Zoning:	Active Use Open Space Zone (OS2)
Proposed Zoning:	Active Use Open Space Zone (OS2) Special Low Density Residential Type 2 Holding Zone (R2-sp (H)) Special Low Density Residential Type 3 Holding Zone (R3-sp (H)) Passive Use Open Space (OS1) Active Use Open Space Zone (OS2)

Proposal:

The intent of the applications for Official Plan Amendment, Draft Plan of Subdivision approval and zone change is to facilitate the creation of 7 blocks for street-fronting townhouses, totaling 24 units, and 65 lots for single-detached dwelling houses in a new draft plan of subdivision.

The application for Official Plan Amendment proposes to re-designate the lands subject to the proposed draft plan of subdivision from Open Space and Environmental Protection to Low Density Residential.

The application for Zone Change proposes to rezone the lands from 'Active Use Open Space (OS2)', to 'Special Low Density Residential Type 2 Holding Zone (R2-sp (H))', and 'Special Low Density Residential Type 3 Holding Zone (R3-sp (H))', and 'Passive Use Open Space (OS1)' to facilitate the above noted Draft Plan of Subdivision.

The intent of the requested zoning provisions is to provide reduced rear yard depth, increased lot coverage, reduced exterior side yard width, and reduced interior side yard width for the proposed street fronting townhouse dwellings.

The subject lands comprise approximately 22.4 ha (55 ac) and are presently used as part of the Tillsonburg Bridges Golf Course. A clubhouse, maintenance building and several small outbuildings are present on the subject property. Surrounding uses include existing low density residential development to the northwest fronting on Bridle Path, and low density residential uses present on the north side of Baldwin Street. Borden Crescent is to the east, an industrially designated property is located at the northeast corner of Borden Crescent and John Pound Road with John Pound Road to the south and Big Otter Creek to the south of John Pound Road. The area proposed to be redeveloped for residential purposes comprises approximately 11.99 ha (29.6 ac).

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 and surrounding area.

Plate 3, Official Plan Designation, depicts the current Official Plan Designations applying to the site.

Plate 4, Proposed Draft Plan of Subdivision, 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.

Further, Section 1.4.3 of the PPS directs that planning authorities shall provide for an appropriate 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 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, including special needs requirements. The PPS also supports the development of new housing in locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs and promotes densities for new housing which efficiently uses land, resources, infrastructure and public service facilities, and support the use of active transportation and transit areas where it exists or is to be developed; and

Section 2.1 of the PPS directs planning authorities to protect natural features and areas for the long term. Section 2.1.5 also states that development and site alteration shall not be permitted in significant wetlands. Furthermore, Section 2.1.8 does not permit development or site alteration on lands adjacent to the aforementioned features, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

Official Plan

The subject lands are designated 'Open Space' & 'Environmental Protection', according to the Town of Tillsonburg Land Use Plan, as contained within the Oxford County Official Plan.

Open Space areas within Settlements include lands identified as being regulatory flood plan areas, public lands, pathways and linkages between natural heritage features. In this instance, the open space designation reflects the long-standing use of the lands as a golf course.

The presence of the Environmental Protection designation is reflective of significant valleylands that are identified on the subject lands. The Environmental Protection Area designation applies to significant natural features and areas. Where these features are known, an Environmental Protection designation has been applied. Development within or adjacent to Environmental Protection Areas require Environmental Impact Studies to assess the sensitivity of the area and

its functions and ensure that possible development or site alteration activities will not detrimentally impact the area. County Council and Area Councils will strive to achieve net environmental gain through the protection and conservation of existing natural features, the maintenance of existing ecological functions and the creation of new environmental features wherever possible.

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 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, 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 to 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.

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.

Section 8.6.2.3 of the Official Plan provides that Town Council will acquire lands for use as parkland or leisure through conditions of draft approval of plan of subdivision. Land conveyed to the Town as part of the required parkland dedication will be expected to meet minimum standards for drainage, grading, landscaping, fencing and shape in accordance with the intended function and will be located in appropriate locations.

Section 3.3.3 of the Official Plan identifies that the presence of human-made constraints (defined as man-made characteristics of the land, water or air which may adversely affect people and property both on and off-site) may render an area unsuitable for active use and/or may require specific studies and mitigative measures to mitigate the identified constraint to development. Human-made constraints include sites of potential environmental contamination; former waste disposal sites; lands subject to noise, vibration and emission impacts; and improperly rehabilitated oil and gas well sites.

The development of noise sensitive land uses will not be permitted within 20 m (65 feet) of an existing or proposed Class 1 industrial facility.

Notwithstanding the minimum separation distance, the County and/or Area Municipality may reduce the requirement for the minimum separation distance from industrial facilities and waive the requirement for feasibility and/or noise studies where infilling or redevelopment for residential or mixed use is proposed on existing lots of record provided that the proposed development is no closer to the zoned and designated industrial lands or facilities than existing sensitive land uses in the immediate area, and existing industrial uses within the prescribed minimum separation distances are notified of the proposed development and have been provided with the opportunity to comment and the composition of the industrial use is relatively stable and/or there is evidence that these areas are undergoing transition to other more compatible uses.

Zoning By-law

The subject lands are currently zoned “Active Open Space Zone (OS2)’ according to the Town’s Zoning By-law. The current zoning on the property is reflective of the use of the lands for a golf course.

The applicant is proposing to rezone the proposed townhouse blocks ‘Special Low Density Residential Type 3 Zone (R3-sp)’ and the single-detached dwelling lots ‘Special Low Density Residential Type 2 Zone (R2-sp)’, to facilitate the proposed draft plan of subdivision. The portion of the proposed residential lots that is within the recommended geotechnical setback is proposed to be rezoned to ‘Passive Use Open Space Zone (OS1)’ to preclude any development in these areas.

Relief has been sought to permit a reduced exterior side yard width of 4.5 m (14.76 ft), a reduced interior side yard width of 1.2 m (3.9 ft), reduced rear yard depth of 6 m (19.6 ft), and increased permitted lot coverage of 50%.

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 indicated that golf course mitigation, consisting of fencing/screening will need to be identified and provided.

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 Town will review the Insurance Agreement for the continued use of the 'Toboggan Hill' by the public.

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

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

- Proposed cul-de-sac at the end of Fairway Drive to be designed in accordance with the Town's Design Criteria;
- Subdivision access to John Pound Road will need to be aligned and constructed at an appropriate grade to the satisfaction of the Town Engineering Services Department.

Oxford County Public Works have provided draft plan conditions, included as an attachment to this report, and have commented that as recommended in the TIS prepared by RC Spencer; The Developer shall ensure the following: The reconfiguration of the existing golf course driveway for access into the Eagle's Nest cul-de-sac should be completed in accordance with best practices as outlined in the TAC Geometric Design Guide for Canadian Roads (2017).

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, for all future phases located within the LPRCA's Regulation Limit, as well as for Stormwater Management and review of the geotechnical reports and supporting studies.

The Town Development Commissioner provided comments which are included as an attachment to this report.

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 proposed applications for Official Plan amendment, draft plan of subdivision and Zone Change propose to redevelop a portion of the Bridges at Tillsonburg Golf Course to create 65 lots for single detached dwellings, and 7 blocks for street-fronting townhouses, totaling 24 units, in a new residential plan of subdivision served by 2 new local streets.

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. The impact of the proposal on surrounding natural heritage features has also been evaluated in accordance with Section 2.1.8 of the PPS.

Official Plan Amendment & Subdivision

The applicant proposes to re-designate portions of the site from 'Open Space' to 'Low Density Residential' to facilitate the proposed residential subdivision. An Environmental Impact Study was provided and peer-reviewed to examine whether there are significant natural features on site, and whether they will be impacted by the proposed development. The Environmental Impact Study concluded that the vegetation removal that is proposed to occur on the golf course lands proposed for residential use does not represent significant wetlands, or significant woodlands and the presence of the vegetation communities is reflective of the golf course or altered drainage patterns as a result of other municipal infrastructure. The EIS did identify opportunities for net environmental gain through reforestation opportunities within the proposed storm water management block adjacent to the significant valleyland to provide an opportunity for an improved wildlife corridor. The study also concluded that the proposed geotechnical setback (and the preclusion of any development in these areas) from the top and bottom of slopes would limit the potential impacts on adjacent significant valleylands. The EIS recommended a tree-saving plan be prepared once the overall grading design has been finalized to identify the impact on individual trees and vegetation for each lot to ensure that vegetation loss is minimized wherever possible. It is recommended that a condition of draft approval be included to ensure that recommended mitigation measures and other recommendations be implemented as appropriate.

The Open Space designation is reflective of the current and historic use of the lands for golf course purposes and Planning staff are of the opinion that the re-designation of portions of the site is appropriate and in-keeping with the Official Plan's strategic goals and objectives.

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.

Although the proposed draft plan has a net residential density of 12.5 units/ha (5.1 units/ ac), less than the minimum density parameters set out in the Plan, being 15 to 30 units per hectare, planning staff are of the opinion that the proposed density in this particular instance is appropriate. The reduced density is compounded by the generous lot depth of the proposed residential lots that reflect topographical constraints and setbacks to natural heritage features that have been recommended, which limits the developable lands and number of units within the development. In addition, there are concerns about increasing the number of units on the two cul-de-sac streets which have separate entrances and are not interconnected save for an emergency access road.

Increasing the number of units on each street with only a single entrance was identified as a concern by the Town Fire and Rescue Services Department.

Planning staff have reviewed the proposal and the proximity of the Class I industrial use located to the east and north fronting on John Pound Road and Borden Crescent and are of the opinion that a noise and feasibility study is not required as the dwellings located closest to the industrial use will be located almost 100 m (328') from the industrial use and will have significant separation and noise attenuation due to the difference in elevation and the presence of the wooded slope. The industrial use is also located significantly closer to existing residential development on George Street than the residential development proposed through this application.

Through the circulation process, comments were provided by Town staff indicating that due to the presence of the golf course and private greenspace and amenity areas that Town staff recommend that cash-in-lieu of parkland be required rather than a parkland dedication. The stormwater management pond in this instance will be privately owned and maintained, with the Town requiring easements for long-term access and maintenance purposes.

Proposed conditions of approval are also included to ensure that the recommendations of the Traffic Impact Study are implemented, and to ensure that some mitigation measures are included in the final design of the development or the reconfiguration of the golf course to ensure that stray golf balls do not pose a significant threat to the residential properties or the public right-of-ways.

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 the relief will only apply to a couple of lots in the development, and 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 facility 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 note that although the lots proposed have generous lot depths, many of the lots will contain a geotechnical setback that is proposed to be rezoned to 'Passive Use Open Space (OS1)' that precludes the construction of any buildings or structures. Section 5.16 of the Zoning By-Law provides that as the proposed lots will be divided into more than one zone, the rear yard depth is to be calculated to the limit of the OS1 Zone, and as such, the proposed relief to the required rear yard depth can be considered appropriate. Adequate area will remain for amenity purposes, and no buildings will be permitted within the required geotechnical setback that is intended to ensure that the slope remains undisturbed and sufficient access remains for any required remediation activities.

The proposed reduced interior side yard width for street fronting townhouse dwellings of 1.2 m in lieu of the required 3 m can be considered appropriate as the reduced setback between end units of buildings will still provide adequate room for maintenance, access, and can accommodate required drainage easements or swales. The design of the townhouse blocks must be compliant with the provisions of the Ontario Building Code respecting spatial separation between buildings

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, 2015 Aerial Map
Attachment 3	Plate 3, Official Plan Designation
Attachment 4	Plate 4, Proposed Draft Plan of Subdivision
Attachment 5	Circulation Comments
Attachment 6	Conditions of Draft Approval
Attachment 7	Public Comments Received
Attachment 8	Official Plan Amendment No. 266