

To: Warden and Members of County Council

From: Director of Community Planning

Application for Draft Plan of Subdivision Approval SB 21-09-7 – Oxnard Potters Gate Inc.

RECOMMENDATION

1. That Oxford County Council grant draft approval to a proposed residential plan of subdivision, submitted by Oxnard Potters Gate Inc. (SB 21-09-7) prepared by G.D. Vallee Consulting Engineers, for lands described as Part Lot 24, Plan 1653, Parts 4, 5, & 6 of 41R-8458, 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 applications for draft plan of subdivision approval and zone change is to facilitate the development of 54 lots for single detached dwellings, 6 blocks for 25 street fronting townhouse dwellings, and a block for existing residential development, served by 3 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, 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 November 5, 2021 and notice of public meeting was issued on February 4, 2022. At the time of writing this report, two letters of objection were received from the public, and have been included as attachments to this report.

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: Oxnard Potters Gate Inc.
 9140 Leslie Street, Suite 210, Richmond Hill ON L4B 0A9

Agent: Eldon Darbyson, MCIP RPP, G. Douglas Vallee Limited
 2 Talbot Street North, Simcoe ON N3Y 3W4

Location:

The subject lands are described as Lot 24, Plan 1653, Parts 4, 5, & 6 of 41R-8458, in the Town of Tillsonburg. The lands are located on the southwest corner of the intersection of Potters Road and West Town Line, and are known municipally as 93 Potters Road, Tillsonburg.

County of Oxford Official Plan:

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:

Existing Zoning:	Future Development Zone (FD)
Proposed Zoning:	Special Low Density Residential Type 2 Zone (R2-sp) Special Low Density Residential Type 3 Zone (R3-sp)
Recommended Zoning:	Low Density Residential Type 2 Zone (R2) for proposed Block 8 Special Low Density Residential Type 2 Holding Zone (R2-sp (H)) Special Low Density Residential Type 3 Holding Zone (R3-sp (H))

Proposal:

The application for draft plan of subdivision approval proposes to create 54 lots for single detached dwellings, 6 blocks for 25 street fronting townhouse dwellings, and one block for existing residential development, served by 3 new local streets.

The zone change application proposes to rezone the lands from 'Future Development Zone (FD)' to 'Special Low Density Residential Type 2 Zone (R2-sp),' and 'Special Low Density Residential Type 3 Zone (R3-sp)' to facilitate the proposed draft plan of subdivision. The requested relief and special provisions are outlined under the 'Zoning By-Law' section of this report.

The applicants have also submitted a severance application (B21-60-7 & A21-14-7) to sever the existing dwelling on the subject property, shown as Block 8 on the proposed draft plan of subdivision. The proposed minor variance associated with the consent would permit a reduced lot depth of 26.7 m (86.9 ft) in lieu of the required 30 m (98.4 ft).

The subject lands comprise approximately 5.03 ha (12.4 ac) and contain a single detached dwelling, accessory structure, 2 barns, greenhouse, bunkhouse, and several concrete foundations and concrete pads. All buildings and structures save for the dwelling are proposed to be removed. Surrounding uses include existing low density residential uses to the south, west, and north fronting on Potters Road, with a previous subdivision phase (Potters Gate Phase 3) currently underway immediately adjacent to the site, to the south. Agricultural uses are present within the Township of Norwich on the east side of West Town Line.

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.

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

Comments

2020 Provincial Policy Statement (PPS)

The policies of Section 1.1 of the PPS state that healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential uses, including an appropriate affordable and market-based range, to meet long-term needs. 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. Within settlement areas, sufficient land shall be made available through intensification and redevelopment.

Section 1.1.3 states that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. Land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land, resources, infrastructure and public service facilities.

Section 1.1.3.3 further states that planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where it 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.

Section 1.4.3 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.

Section 1.4.3 also supports the establishment of 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 1.6.6.2 also states that intensification and redevelopment within settlement areas on existing municipal sewage and water services should be promoted, wherever feasible.

Official Plan

The subject lands are predominantly 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 23.5 units/ha (10.1 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, 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.

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.

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 applicant is proposing to rezone the townhouse blocks to 'Special Low Density Residential Type 3 Holding Zone (R3-sp)' which would permit street fronting townhouse dwellings. The single detached dwelling lots are proposed to be rezoned to 'Special Low Density Residential Type 2 Holding Zone (R2-sp)' to permit single detached dwellings.

Block 8 of the proposed draft plan, encompassing the existing single detached dwelling, is proposed to be rezoned 'Low Density Residential Type 2 Zone (R2)'. Applications for consent and minor variance have been submitted to sever the vacant residential land and retain the existing dwelling. The proposed minor variance would permit a reduced lot depth of 26 m (85.3 ft).

A number of site specific provisions are proposed to facilitate the development, as summarized below:

- Increased lot coverage;
- Reduced lot depth;
- Reduced exterior side yard width;
- Reduced lot frontage for dwellings on corner lots and townhouses on interior, end units, and corner lots;
- Reduced rear yard depth;
- Reduced interior side yard width for end townhouse units;
- Reduced amenity area for one townhouse block,
- Increased permitted projection for covered decks.

Agency Comments

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

- Proposed front yard depth for R3 Lots of 5.4 m may cause conflict with minimum parking stall provision of 5.5 m; therefore, minimum permitted front yard depth should not be less than 5.5 m.
- Designer to ensure that garage parking stalls meet minimum standards noted in Zoning By-Law Section 5.24.1.4.1.

The Town of Tillsonburg Engineering Services Department provided the following comments:

- Reduced minimum setback to rear lot line may not be possible if rear yard drainage swales and easements are required following detailed engineering design.
- Reduced front yard depth is not supported, due to sidewalk location that would preclude one vehicle on private property.
- 0.3 m reserve required for lots backotting on West Town Line.

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

- Cash-in-lieu of parkland will be required.
- Develop an overall Landscaping Plan depicting one (1) tree per lot, in accordance with Tillsonburg's Design Guidelines. Tree Species to be to the satisfaction of the Town.
- Chainlink Fencing required for both sides of pedestrian walkways.

Oxford County Public Works have provided draft plan conditions, included as an attachment to this report, and have commented that flow monitoring of the downstream sanitary sewers on Lorraine Avenue is required prior to the registration of this phase.

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 help meet increased market demand for housing and will result in increased residential growth for the community.

Oxford County Public Works have provided draft plan conditions, included as an attachment to this report, and have commented that the most recent Traffic Impact Study was completed in support of the North Street ESR (2013). The developer will need to update the Traffic Impact Study as part of this phase to address additional traffic on North Street.

Town of Tillsonburg Council

Town of Tillsonburg Council recommended support of the proposed draft plan of subdivision, and approved the proposed zoning by-law amendment 'in principle', at the Town Council meeting of February 22, 2022.

Planning Analysis

The purpose of the applications for draft plan of subdivision approval (and accompanying zone change) is to facilitate the development of 54 lots for single detached dwellings and 5 blocks for townhouses, and a walkway block, served by 3 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 development 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

With respect 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.

The proposed draft plan consists of 54 lots for single detached dwellings and 5 blocks for 25 street fronting townhouses, while retaining an existing single detached dwelling. Based on this, the proposed draft plan has a net residential density of 23.5 units per hectare, in keeping with the density target for Low Density Residential areas of 15 to 30 units per hectare. 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. 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.

Town staff have indicated that due to the shape and location of this development and the proposed subdivision design, that cash-in-lieu of parkland is preferred. A pedestrian walkway is proposed to connect to the existing pedestrian walkway in the subdivision to the south to provide opportunities for active transportation and walkability for future and current residents of this area of Town.

The proposed subdivision design will connect the plan via an existing planned road stub to Harvest Avenue, with another connection proposed to West Town Line. No direct access to Potters Road is proposed through this subdivision design, as was requested by Oxford County Public Works. The design of the subdivision development will integrate well with adjacent development to the south and west, and will remain compatible with existing low density uses on private services to the north as no lots (other than the existing former farm dwelling) will directly front on Potters Road. The proposed subdivision is not expected to negatively impact surrounding public services, and appropriate conditions of approval are proposed to ensure water and wastewater infrastructure and capacity are available to service the development.

The recommendations of the Noise and Vibration Study that was conducted indicated that dwelling units that back onto or face Potters Road are required to be equipped with central air conditioning to ensure that the noise levels stay within the recommended noise limits. The said study also recommended that warning clauses be included in the subdivision agreement to provide notice of potential noise impacts from the CP Railway.

An archaeological investigation has been carried out for the subject lands and concluded that no further archaeological investigations are required.

Within the proposed draft plan, Block 8, at the northeastern corner of the development that encompasses the existing single detached dwelling that is proposed to remain, is also the subject of severance application B21-60-7. The severance of this proposed block can be considered appropriate as any required conditions related to the development of this subdivision can be implemented through a severance agreement and associated conditions of approval.

It is recommended that this Block be excluded from the proposed draft plan once the consent application is approved. It is also recommended that Block 8 be zoned R2, as the Block will be compliant with the R2 zoning if the related minor variance to permit a reduced lot depth is approved by the County Land Division Committee.

Zoning

Staff are satisfied that the requested zoning provisions to provide for increased lot coverage, reduced lot depth, increased building footprint and reduced exterior side yard widths for corner lots for the proposed single detached dwellings within the development are generally appropriate. The Functional Servicing Report provided by the applicant indicated that the existing stormwater management pond can be modified to accommodate additional run-off resulting from the potential increased dwelling footprints. The requested relief is similar to relief previously granted for the subdivision development, Potters Gate Phase 3, immediately adjacent to the south.

The requested zoning provisions for the street-fronting townhouse blocks will provide for increased building envelopes and will facilitate a compact and more affordable housing type. The reduced exterior side yard width is not expected to impact traffic sightlines or safety as the lots will front on local streets. The reduced minimum lot area, lot depth, lot frontage, interior side yard, rear yard depth and increased lot coverage can be considered appropriate to facilitate the development of the proposed townhouse blocks. It has been recommended to Town Council that the proposal to reduce the front yard depth not be approved, as the proposed front yard depth (5.4 m) will not accommodate the required depth for a parking space (5.5 m) as required by the Town's Zoning By-law. Provided that the front yard depth is not reduced, the reduced lot frontage, lot area and interior side yard width will continue to allow for 2 parking spaces to be provided for each unit (1 in the driveway and one within the private attached garage). The requested relief is also similar to the relief granted to the townhouse blocks in Potters Gate Phase 3, directly to the south.

The development of the townhouse blocks will be reviewed by Building staff for zoning compliance at the time of building permit submission. The requested provisions will facilitate the future creation of separate conveyable lots, which will be completed in an anticipated subsequent application for exemption from Part Lot Control.

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 maintains the intent and purpose of the Official Plan. As such, staff are satisfied that the application 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	Public Comments
Attachment 5	Oxford County Public Work Comments
Attachment 6	Conditions of Draft Approval