

To: Warden and Members of County Council

From: Director of Community Planning

Application for Official Plan Amendment **OP 22-23-8 – 1666144 Ontario Ltd. and 5034133 Ontario Ltd.**

RECOMMENDATIONS

1. That Oxford County Council approve Application OP 22-23-8, submitted by 1666144 Ontario Ltd. and 5034133 Ontario Ltd., for lands legally described as Pt. Block A, Plan 160, Concession 1 (East Oxford), Part Lots 7, 8, 11 and 12, north side of Henry Street, Plan 212, City of Woodstock, to designate the subject lands to Service Commercial with special provisions to facilitate the development of a mixed use commercial and residential development comprising potentially two buildings located on separate parcels containing first floor commercial units and a maximum of 30 dwelling units per building on the subject lands;
2. And further, that Council approve the attached Amendment No. 299 to the County of Oxford Official Plan and that the necessary by-law to approve Amendment No. 299 be raised.

REPORT HIGHLIGHTS

- The amendment to the Official Plan proposes to re-designate the lands from Traditional Industrial to Service Commercial with special provisions to facilitate the development of a mixed use commercial and residential development comprising potentially two buildings located on separate parcels containing first floor commercial units and a maximum of 30 dwelling units per building on the subject lands.
- Planning staff are recommending approval of the application, as it is consistent with the policies of the PPS and supports the strategic initiatives and objectives of the Official Plan.

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 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 regarding this proposal was provided to surrounding property owners on December 2, 2022, and a notice of public meeting was issued on July 6, 2023. No comments have been received from the public in association with this application.

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: 1666144 Ontario Ltd. and 5034133 Ontario Ltd.
594464 Highway 59 S., Woodstock, ON N4S 7V8

Agent: Monteith Brown Planning Consultants
610 Princess Ave., London, ON N6B 2B9

Location:

The subject lands are legally described as Pt. Block A, Plan 160, Concession 1 (East Oxford), part lots 7, 8, 11 and 12, north side of Henry Street, Plan 212, in the City of Woodstock. The lands are located at the northeast corner of Henry Street and Victoria Street North in the City of Woodstock, immediately south of the CN rail line.

County of Oxford Official Plan:

Existing Designation:

Schedule "W-1"	City of Woodstock Land Use Plan	Traditional Industrial
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Proposed Designation:

Schedule "W-1"	City of Woodstock Land Use Plan	Special Service Commercial
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City of Woodstock Zoning By-law 8626-10:

Existing Zoning: Special Highway Commercial Zone (C4-52) and
Special Traditional Industrial Zone (M4-11)

Proposed Zoning: Amended Special Highway Commercial (C4-52)

Proposal:

The proposed Official Plan amendment will re-designate the subject property from Traditional Industrial to Service Commercial with special provisions to facilitate the development. A related zone change application (ZN 8-22-17) proposes to rezone the subject property from Special Highway Commercial (C4-52) and Special Traditional Industrial (M4-11) to amended Special Highway Commercial (C4-52) to facilitate the construction of the above-noted mixed-use commercial and residential building.

The subject lands are currently being consolidated via the consent process, and will comprise areas of 0.36 ha (0.9 ac) for the eastern lot and 0.46 ha (1.1 ac) for the western lot. The western lot currently contains a brick structure that was most recently a bar, and the eastern lot is vacant.

Surrounding land uses include a mix of low and medium density residential uses to the south, commercial and light industrial uses to the east, the Via Rail station to the west and a rail line immediately to the north.

A planning justification and noise study were submitted in support of the applications.

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, Applicant's Sketch, provides the layout of the proposed development, as provided by the applicant.

Comments

2020 Provincial Policy Statement

The policies of Section 1.1 of the Provincial Policy Statement (PPS) direct that sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for the planning period. Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

The policies of Section 1.1.3 direct that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. Section 1.1.3.3 states 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.

The policies of Section 1.1.3.5 state that planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas based on local conditions.

The policies of Section 1.1.3.6 state that new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Further, Section 1.3.1 directs that planning authorities shall provide a mix and range of employment, institutional and broader mixed uses to meet long-term needs.

Section 1.7.1 states that long-term economic prosperity should be supported by:

- Encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;
- Encouraging a sense of place, by promoting well-designed built form and cultural planning and by conserving features that help define character.

The policies of Section 1.3.2.4 of the PPS state that lands within existing employment area may be converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally significant by a regional economic development corporation and subject to the following:

- There is an identified need for the conversion and the land is not required for employment purposes over the long term;
- The proposed uses would not adversely affect the overall viability of the employment area; and
- Existing infrastructure and public service facilities are available to accommodate the proposed uses.

Official Plan

The subject lands are currently designated 'Traditional Industrial' according to the Land Use Plan for the City of Woodstock, as contained in the County Official Plan.

Section 7.4.2 identifies that the Traditional Industrial designation is intended to include those lands that consist of existing industrial uses and lands which are planned for the full range of industrial type activity including light, medium and heavy industrial uses. Permitted uses within the Traditional Industrial designation include assembling, manufacturing, fabricating, processing, repair and recycling activities, environmental industries, warehousing, distribution, indoor and outdoor storage facilities, construction uses, utilities, transportation and storage uses and research and technological service industries.

The application to amend the Official Plan, as submitted by the applicant, proposed to redesignate the subject lands to a 'Special Traditional Industrial' designation; however, staff recommend that the subject lands be re-designated to 'Special Service Commercial' to better reflect the proposed main-floor commercial uses and upper floor residential uses. A special provision in the Service Commercial designation for this site is required to recognize a significant number of residential units (up to 30 per building), where the policy typically permits only accessory dwelling units to a principal commercial use. The application proposes approximately 702 m² (7,556.3 ft²) of ground floor commercial space and 3,510 m² (37,781.3 ft²) of floor area dedicated to residential use.

As per Section 7.3.4, Service Commercial areas are intended to provide a broad range of commercial uses that, for the most part, are not suited to locations within the Central Area or within Shopping Areas because of their site area, access or exposure requirements or due to incompatibility or land use conflicts. Service Commercial designations that are in close proximity to existing or planned residential development will restrict the range of permitted uses to those which avoid nuisance effects.

New uses within the Service Commercial designation include video rental establishments, commercial recreational establishments, automotive service stations, gas bars, car wash facilities, retail sales of automobile supplies, automated teller machines or kiosks, tourist information outlets or kiosks, hotels, motels, automotive services, automotive dealerships, building supply outlets and hardware stores, sale of seasonal produce, furniture stores and home furnishing stores, nurseries and garden centres, animal hospitals and boarding kennels, assembly halls and private clubs, personal and business services, convenience commercial uses, retail food stores, recreation and entertainment uses, restaurants and fast food outlets, uses which require large areas for on-site storage of goods or vehicles and other types of commercial uses that offer a service to the traveling public, business and industry. Further, the Service Commercial designation may permit accessory residential dwelling units.

Section 7.3.6.3 recognizes that certain traditional industrial areas may experience pressures to convert to alternative uses, and establishes criteria for Council to consider a land use change to protect against impacts from incompatible uses. Most relevant, where a redevelopment proposal involves a change in land use from industrial to residential, Council will require an environmental assessment and site clean up be undertaken where it has been established that the present or formal industrial use is or was the site of potential environmental contamination. Further, prior to considering proposals to redesignate industrial land for non-industrial purposes, where a comprehensive review is not warranted, City Council and County Council shall ensure:

- That the land proposed to be re-designated is located adjacent to compatible land uses and does not have the effect of re-designating isolated parcels surrounded by industrially designated lands;
- An adequate supply of unconstrained industrial land with a variety of lot sizes will remain to accommodate employment forecasts and to meet the needs of industry;
- That there is an adequate supply of immediately serviceable industrial land;
- That there is sufficient industrial land available in proximity to major transportation facilities including railway facilities, major expressways and arterial roads in the City;
- That there are traditional industrial locations which provide visibility and public exposure to the major road system in the City for industries and businesses desiring such locations.

Zoning By-law

The subject lands are currently zoned 'Special Highway Commercial Zone (C4-52)' and 'Special Traditional Industrial Zone (M4-11)' according to the City's Zoning By-law. The C4-52 Zone was recently established by the applicant to permit the range of commercial activities associated with the C4 Zone with alternative setbacks for parking areas. These parking area setbacks have been carried forward in the proposed amended C4-52 Zone. The M4-11 Zone permits more than 40 specific commercial, institutional and industrial uses in addition to alternative setbacks for parking areas that have also been carried forward in this proposal.

The applicant is proposing to amend the text of the C4-52 Zone to permit all of the non-residential uses of the C4 Zone, a maximum of 30 dwelling units per lot, a maximum principal building height of 23 metres (75.5 ft) and an accessory structure with a maximum area of 155 m² (1,668.5 ft²) in addition to the previously permitted parking setbacks to facilitate a mixed use commercial and residential building on each lot.

The applicant is proposing the special provisions listed in the table below to accommodate the proposed development.

Provision	Required/Permitted	Proposed
Residential Uses	A dwelling unit in the second storey of a non-residential building	A maximum of 30 dwelling units <u>not</u> located in the basement or first floor of a structure.
Maximum Height	11 m (36.1 ft)	23 m (75.5 ft)
Setbacks for Parking Areas Interior Side Lot line	1.5 m (4.9 ft)	*For lot line shared with property zoned C4-52: nil
Setbacks for Parking Areas Street Line	4.5 m (14.8 ft)	*Nil
Accessory Structure Maximum Area (to be accessory to residential uses only)	75 m ² (807.3 ft ²)	155 m ² (1,668.5 ft ²)

*provisions that have been carried forward from the previous special provisions on the subject lands.

A number of outstanding issues prevent immediate development of the subject lands and staff recommend that a Holding provision be placed on the property until these outstanding issues

have been remedied. Prior to the removal of the Holding provision staff recommend that severances relating to the consolidation of the subject lands (B20-44-8, B20-45-8, B17-26-8) be completed and registered with the Land Registry Office to the satisfaction of Oxford County. Staff also recommend that a record of site condition be completed and registered with the Province of Ontario to the satisfaction of the City of Woodstock and that CN Rail review and approve mitigation measures to buffer the development from CN property, including measures, as necessary, such as crash walls, berms and development setbacks.

Agency Comments

The City of Woodstock Engineering Department (Building Division) provided the following comments:

1. A previous zone change was completed to rezone the two proposed parcels of land to C4-52 where an existing former restaurant/hotel building stands. The zone change recognized the existing building and gives relief for nil parking area setbacks. The proposed easterly lot was rezoned to M4-11 and provided provisions for a proposed 3 storey commercial building giving relief to reduced parking area setbacks to the lot lines. A residential use was not considered at this time. Also the shared parking aisles were to be recognized through an application of consent for easement and required through the site plan process.
2. The subject lands are considered commercial/industrial. Introducing a residential use is a change of use in respect to the requirements for a record of site condition (RSC). The applicant should be aware a residential use should not be approved through zoning and a building permit would not be issued until the RSC process has been completed.

East parcel

1. Based on the proposed site plan a six storey building is proposed consisting of main floor commercial and industrial uses and 5 floors of residential. Typically a C4 zoning only permits residential in the second floor of a building. Historically this may be considered accessory to the commercial uses.
2. Comparing the development to the R4 zone provisions may not be practicable and may be more comparable to a residential product in the C3 or C5 zone. The proposal is a mass of building and parking.
3. One concern is the requirements from CN Rail. We are assuming a buffer will be required from the Rail property. This should be verified as adjustments to the plan may be required.
4. The required amount of parking should be provided on each lot. Parking is based on gross floor area, the main level is 701.77m². Parking calculations should be confirmed.
5. The number of parking spaces required for 30 residential apartments is 30x1.5 plus 10% visitor which equals 50 spaces.
6. We are agreeable to the reduced parking area setbacks noted in the current zoning but encourage more landscaped space for the residential use.

The City of Woodstock Engineering Department (Development Division) provided the following comments.

1. If approved, site plan approval will be required where grading, servicing, SWM, site lighting, landscaping, noise attenuation, etc. will be reviewed in further detail.

2. A future consent application will be required to create a shared access easement (and possibly also for shared parking, to be determined) between the two noted properties; likely required to be in place prior to final site plan approval.

The Oxford County Public Works Department provided the following comments:

The County will require a single water connection for the site. A water meter chamber will be required just inside of property line to split flows between buildings on site.

Approval of CN railway for the proposed building so close to their railway will be required by County for site plan application.

Canada Post has provided the following comments:

Multi-unit buildings and complexes (residential and commercial) with a common lobby, common indoor or sheltered space, require a centralized lock box assembly which is to be provided by, installed by, and maintained by the developer/owner at the owner's expense.

There will be no more than one mail delivery point to each unique address assigned by the Municipality.

Any existing postal coding may not apply, the owner/developer should contact Canada Post to verify postal codes for the project.

Southwestern Public Health provided the following comments:

The applicant must ensure that the proposed residential pool and any commercial businesses (food premises or personal service settings) that will eventually be established on the main floor comply with all the regulations under the Health Protection and Promotion Act.

The applicant will need to submit site plans for the residential pool prior to construction for Public Health review.

City of Woodstock Council

City Council adopted resolutions supporting the Official Plan Amendment and approving the zone change 'in-principle' at the June 15, 2023 regular meeting of Council.

Planning Analysis

The subject applications propose to re-designate and rezone the subject lands to facilitate the development of two 6-storey, 30 unit mixed use residential and commercial buildings. Additionally, the applicant requires a zone change to permit the residential uses, the maximum height, the reduced setbacks for parking areas and a proposed accessory structure.

It is the opinion of staff that the proposed development is a form of mixed use development including commercial and residential uses. The development is also considered to be an efficient use of lands, municipal services and infrastructure within a designated settlement area.

Planning staff are of the opinion that the subject proposal is consistent with the policies of the PPS as the development is an efficient use of land and services within a settlement area. The development also contributes to housing types and densities required to meet the projected requirements of current and future residents of the City and the broader regional market area.

With respect to the PPS policies that address sensitive land uses and compatibility with major facilities, given the location of the subject lands being adjacent to low density residential development to the south, staff are of the opinion that the proposed re-designation for residential purposes is more favourable than the introduction of industrial uses adjacent to the residential neighbourhood. Further, the limited area of the industrial lands is not suited to many modern industrial uses.

To satisfy the requirements of the PPS, as well as the Official Plan policies relating to the conversion of employment lands to non-employment lands, Planning staff have relied on the population projections and land need analysis from the Oxford County Phase 1 Comprehensive Review prepared by Hemson Consulting. The findings of the report were approved by the City and County Councils in April 2020 as an unbiased and appropriate indication of the growth potential of the City and County over the 20 year planning horizon.

Since the Hemson report was prepared and approved, the PPS has been amended to direct municipalities to ensure that sufficient land is made available to accommodate a 25 year planning period (2020-2045). As such, estimates prepared by our office, based on the forecasts and land need methodology contained in the Hemson report have determined that 320 gross ha (790 ac) of land designated for residential purposes is required to accommodate the forecasted growth in Woodstock for the next 25 years.

Based on the same studies and methodology, Planning staff have determined that Woodstock has a potential employment land shortage of 562 gross ha (1,388.6 ac). That said, in January 2018, the City of Woodstock incorporated approximately 620 ha (1,531.9 ac) of land from the Township of Norwich for employment purposes. Further, on March 9, 2022, County Council approved the South-East Woodstock Secondary Plan and OP 20-05-8 to redesignate 204 ha (504 ac) for employment purposes.

In light of the recent annexation and approval of OP 20-05-8, staff are satisfied that re-designating the subject lands for residential/mixed use purposes will not impact the City's availability of employment lands. Further, staff are of the opinion that based on the proximity of the lands to existing residential development, the subject lands are not suitable or attractive for industrial development and are better suited for mixed use purposes including residential and other non-industrial employment development.

The proposal is generally supportive of the strategic initiatives and objectives of the Official Plan as a broad range of commercial uses are permitted within the Service Commercial designation. Further, residential dwelling units are permitted ancillary to the commercial uses. The subject lands comprise two properties; the eastern property, (at such time as the previously noted severances are completed) will be approximately 0.36 ha (0.9 ac) in lot area and the western

parcel will be approximately 0.46 ha (1.1 ac). The applicant is proposing a mixed use commercial and residential building with first floor commercial and a maximum of 30 residential units per building. Although the Service Commercial designation contemplates accessory residential uses, the significant number of proposed residential units is such that the residential component of the development is not considered to be secondary and accessory to the principal commercial uses. As such, a Special Service Commercial Designation is proposed to support a maximum of 30 residential units per building.

The number of potential dwelling units is equal to densities permitted in Medium (western parcel) and High Density (eastern parcel) Residential designations. With respect to the locational criteria for Medium and High Density Residential designations, Planning staff note that access to the site is proposed from Henry Street which becomes Wellington Street immediately to the west. Wellington Street is a Collector Road according to the Official Plan. Staff note that based on the type of housing proposed, as well as the relatively small nature of the development, minimal vehicle traffic is projected. In light of the foregoing, County and City staff are of the opinion that the proposed development will not have a significant impact on traffic in the area.

Staff are satisfied that the configuration and location of the site will provide sufficient flexibility to mitigate adverse impacts on the character of Low Density residential uses to the south. The site is large enough to provide adequate buffering and screening from nearby low density residential uses and the proposed development is not anticipated to have a negative impact on traffic movement or pedestrian access along Henry Street. Staff also note that sufficient amenity space will be provided for each unit, and no environmental features are present on the subject site.

The policies of Section 7.1.1 promote the development of housing types to meet the needs of low and moderate income households. In this regard, the applicant is proposing to develop potentially 60 housing units in an existing built-up portion of the City, which will promote residential intensification, contribute to the attainable housing stock, and promote of a mix of tenure forms throughout the City.

Additionally, the Official Plan requires that City Council will require an environmental assessment and site clean up be undertaken where it has been established that the present or former industrial use is or was the site of potential environmental contamination. As a condition of the removal of the Holding provision proposed by staff, it is recommended that a record of site condition be provided and registered to the satisfaction of the City. Further, the proposal will be compatible with surrounding land uses and will not be isolated within industrially designated lands, and an adequate supply of unconstrained industrial lands remains within the City, particularly the eastern area, to accommodate current employment forecasts.

With respect to the comments that were received, staff note that the development proposal is also subject to site plan approval. Details regarding servicing, drainage and fire routes will be further addressed by the City of Woodstock at that time.

Conclusions

This Office is of the opinion that the proposed amendment to the Official Plan to accommodate the proposed development of the subject lands is consistent with the Provincial Policy Statement and supports the strategic initiatives and objectives of the Official Plan and can be given favourable consideration.

SIGNATURES

Report Author:

Original Signed By

Justin Miller
Development Planner

Departmental Approval:

Original Signed By

Gordon K. Hough, RPP
Director of Community Planning

Approved for submission:

Original Signed By

Benjamin R. Addley
Chief Administrative Officer

ATTACHMENTS

Attachment 1 - Plate 1, Location Map with Existing Zoning
Attachment 2 - Plate 2, 2020 Aerial Map
Attachment 3 - Plate 3, Applicant's Sketch
Attachment 4 - Official Plan Amendment No. 299