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**Date:** November 16, 2018

**To:** Mayor and Council

**Author:** Robert Brown, H. Ba, MCIP, RPP  
Manager, Planning Services

**RE:** Application for Zoning By-law Amendment ZBA/25/18 by  
Jeremy Capussi  
140 Main St. E, Pt. of Lot 1, Concession 1 ED, Pts. 1 & 2, RP 12R 14569

**Report No.:** PDS 2018-058

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## **AIM**

To provide the Mayor and Council with information regarding a proposed Zoning By-law Amendment request on lands located at 140 Main St. E owned by Jeremy Capussi.

## **BACKGROUND**

The subject lands is a 1.45 ha (3.6 acre) located on the north side of Main St. E., east of Spruce St. N. The applicant is proposing a multiple phase development on the site. Phase 1 would be a mixed commercial residential building, three storey with the front half of the ground floor used for medical related commercial uses. The balance of the ground floor and the two upper floors would be residential (24 units). A partial fourth floor would be used for amenity space for the residential tenants. Phase 2 would be an additional multi storey (up to six) residential building with a total of 36 units. The final phase would be reserved for future low density residential but would require plans on abutting lands to be formalized prior to proceeding as the lots would need street frontage for access. Phase 1 and 2 would require a zoning amendment to permit the proposed development and set specific regulations for the site. Phase 3 would remain in the current zone. (Appendix A)

At the October 23, 2018 meeting of the Planning Advisory Committee the proposal was presented and public comment received. As a result PAC only endorsed the approval of Phase 1 with additional detail being required prior to any endorsement of future phases.

The applicant had no objection to proceeding forward to Council for approval of Phase 1 only at this time as such in order to proceed with the development the following approvals would be required:

- i) A zoning amendment (Phase 1 lands only) to:
  - a. permit a mixed use commercial residential building with up to 24 residential units, maximum four-storeys;
  - b. establish site-specific zoning regulations for the proposed uses.
- ii) Site Plan approval of each of the proposed phases.

The applicant has indicated that they would like to secure the zoning on the property prior to finalizing the site plan as there may be additional feedback from the public and Council which would lead to changes to the concept plan. Ideally, it is always preferred to approve zoning and site plan together. However, with the recent change to Town policy notice will be provided to surrounding landowners when significant site plan approvals come forward. This will allow for continued consultation and input on the final plan as part of the final approval process.

## **DISCUSSION**

### **Provincial Policy Statement (PPS), 2014:**

PPS, Section 1.1.3.1 states that, "Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted." Section 1.1.3.3 further outlines 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.

Comment: Multiple unit development, such as that proposed, has been very limited for quite some time making the availability of this particular type of housing in short supply. The subject lot has been vacant for some time. Proposed higher density residential is generally common and best suited to locations along arterial roads such as Main St. E. The lot will also not require extension of services and takes advantage of existing lands within the Kingsville Settlement area.

### **2) County of Essex Official Plan**

The County OP is very similar to that of PPS in terms of applicable policies and encouragement of intensification of development within the Settlement Area boundaries. The proposed development would be consistent with the County Official Plan.

### **3) Town of Kingsville Official Plan**

The subject lands are designated Residential and permit all forms of residential development along with commercial development which is supportive of the residential area. The applicant has completed a Planning Justification Report. The text portion of the document is included as Appendix 'B'.

Comment: There are several examples of commercial develops along Main St. E. now including doctor, dentist and professional offices. Much of the higher density residential development in Kingsville is also located along the main corridors either Division St. or Main St. E.

At full build out (including Phase 1 and 2) the density would be 60 units per hectare which is at the low end of the 124 unit maximum per hectare considered high density residential.

Section 3.6.1 Residential – Goals item d) states “encourage the development of a greater variety of housing types.

Comment: This is one of the more important points in the assessment of this proposal as much of the development in Kingsville in the last ten years has been generally low density single detached, semi-detached and townhouse development. Although Kingsville does have a good stock of designated residential lands, the inventory of serviced, shovel ready property is limited to approximately a 4 to 5 year supply, based on the current growth rate and development of only low density residential. The addition of up to 60 residential units in a mixed commercial/residential setting expands the variety of housing and does not impact on the current supply of serviced residential lands.

Section 3.6.1 Policies item i) outlines the following, “when considering applications to amend the Zoning By-law to permit a medium or high density residential development, the Town shall have regard to the following:

- i) the need for the proposed development as identified through an analysis of housing supply and demand;

Comment: It is important to provide opportunities for the construction of all forms of housing. There has only recently been limited construction of condominium type development in Kingsville and there has been little to no rental housing construction in the last 20 years. This has resulted in a very low vacancy rate and generating a significant demand. The primary form of housing in Kingsville has been singles, semis and limited townhouses with the majority being individual freehold ownership. The applicant has not indicated the units will be rental or condo however regardless it provides additional housing stock variety which is very limited at present.

- ii) the density and form of adjacent development;

Comment: The subject parcel is located in the heart of Kingsville along one of its two main corridors. The area between Spruce St. N and Wagle Ave has been an area of interest or area of transition for sometime as is evident by the presence of mixed uses including, multiple residential, institutional (KDHS) mixed commercial residential and standalone professional commercial. Phase One attempts to maintain setback from existing residential to the west. The future Phase Two and Three will also be developed in respect of their abutting land uses.

- iii) the adequacy of, and extent of uncommitted reserve capacity in the municipal potable treatment and supply system, the municipal sanitary

sewage treatment and collection system, storm drainage and roads to service the proposed development;

Comment: A storm water management plan has been submitted for Phase One of the development however knowing the general potential for full build out and concerns express as part of the public consultation the Town will require that the plan consider storm water for the full build out as part of the final site plan approval. It is equally important that water and sanitary capacity are confirmed prior to development.

- iv) the adequacy of school, park and community facilities to serve the proposed development;

Comment: There is no lack of school, parks or community facilities within walking or short driving distance of the property.

- v) the adequacy of off-street parking facilities to serve the proposed development;

Comment: All required parking for the new development will be provided on-site in the form of at grade spaces in compliance with the applicable zoning requirements for the proposed mix of uses.

- vi) the provision of adequate buffering measures deemed necessary to protect and provide general compatibility with the adjacent lands uses; and

Comment: The development has been laid out in such a way to either maintain separation from abutting sensitive uses or provide buffering by way of landscaping or fencing or a combination of both.

- vii) accessibility in relation to the location of arterial and collector roads;

Comment: The property is located on Main Street E. which is the Town's main arterial road. A traffic study was completed in 2017 as part of the original commercial proposal which anticipated higher traffic volumes. Weekday AM peak hour resulted in 103 two-way trips for the site, weekday PM peak hour generated 232 two-trips and Saturday peak resulted in 71 two-way trips. This volume also included anticipated growth from other pending projects in the area and growth through to 2022. The authors of the study have provided a memo of revision (Appendix C) to note that with the reduced commercial component and increased residential the overall traffic volumes will actually decrease.

The study concludes that the, 'site-related traffic will have a negligible impact upon the study area intersections and that the road network will be able to adequately accommodate the increase in traffic resulting from the development proposal.' (See Appendix D)

The addition of any development along Main St. E. will add traffic to what is clearly a busy street. The development was assessed based on full build out so there will be the ability to assess a lesser impact prior to any approval of future phases. The other factor to consider is the location of the development is very supportive of walkability being centrally located between the downtown to the west and large format commercial to the east. Kingsville is a small community and very walkable.

This is something that planning policy strongly supports and encourages and I believe helps to maintain that small community feeling that is so dear to the existing residents and the principle reason for continuing to attract residents to Kingsville.

Item j) further states that all medium and high-density residential development will be subject to site plan control pursuant to the Planning Act;

Comment: A revised Phase One (Appendix E) only plan has been prepared and reviewed.

#### **4) Comprehensive Zoning By-law**

The subject property is zoned Residential Zone 1 Urban, holding (R1.1(h)). The intended amendment would be to rezone Phase One to a site-specific Residential Zone 4 Urban to permit the following:

- i) One apartment building, 4 storey, maximum 24 units total);
- ii) Neighborhood Commercial which is defined as uses supportive of, compatible with and required in close proximity to residential use and may include but not be limited to a bank, clinic, day nursery, office, personal service establishment, convenience store or commercial plaza;
- iii) Revision of the required R4.1 front yard setback from 8 m (26 ft.) to 3.9 m (12 ft.);
- iv) Reduction of the required R4.1 easterly side yard setback from 4.5 m (14.5 ft.) to 2.8 m (9 ft.);
- v) Addition of site-specific provision to permit a total height of three storey, plus one additional storey for enclosed amenity space.

It is recommended that the uses permitted be refined to exclude commercial plaza and convenience store and replaced with medical clinic and accessory pharmacy which would be similar to what was permit at 200 Main St. E. to the east. The zoning will apply to Phase One only. Phase Two and Three will remain in its current zone until final development plans for those lands are determined.

#### **5) Proposed Site Layout**

The attached Phase One concept plan and elevations (Appendix E & E2) shows the proposed location of the building, parking, landscaping and access points. The applicant is seeking only approval of Phase One consistent with the Planning Advisory Committee's endorsement. Final site plan submission will be provided once the requested zoning is approved and any final comment addressed to the satisfaction of the Town and residents.

During the public consultation it was noted that the Town should consider possible road widening in this area given the proposed front yard setback of the building. In reviewing this suggestion it was discovered that the road allowance width in this area is actually about 2.4 m (8 ft.) less than the standard 20 m (66 ft.). As such it will be a requirement

of the site plan approval that the applicant convey lands along the frontage of the subject property to the Town to increase the road allowance width.

## **LINK TO STRATEGIC PLAN**

Manage growth through sustainable planning.

## **FINANCIAL CONSIDERATIONS**

Development on the property will increase assessment once complete. The construction itself will also generate permit fees and development charges.

## **CONSULTATIONS**

### **Public Consultations**

In accordance to O. Reg 545/06 of the *Planning Act*, property owners within 120m of the subject site boundaries received the Notice of Public meeting by mail. The Planning Advisory Committee notice was also posted in the Kingsville Reporter. When the applicant first proposed development on the site they held a public open house in June of 2017 at the Kingsville Arena. The development at that time was primarily commercial. The feedback related to this included:

- What will the traffic impact be
- Height of the buildings
- Impact to view
- Shading from the buildings
- Service capacity
- Details of proposed uses
- Timing
- Lighting
- Type of landscaping

Since June 2017 the applicant has reviewed the plans for the site and moved toward a more residential focused development with a smaller commercial footprint limited to the front portion of the property along Main St. E. There have been additional comments and questions about the revised plan. Many of the comments are similar in nature to the June 2017 proposal but also included several questions of a more construction impact nature such as noise, dust, property damage to abutting lands etc.

The public comment received to date is attached as Appendix F.

Comment was received from the Greater Essex County District School Board regarding the proposed setbacks along the easterly lot line and the potential shadow impact on the school board lands. The Boards concern is impact on the property not as it sits today but rather what impact the proposal could have on the sale and development of the property in the future once KDHS is relocated.

Comment: A shadow cast study was completed and is attached as Appendix G. There is some additional buffering along the easterly side as the result of lands owned and used by

Hydro One. Shadow cast on the property for Phase One only impacts on the parking lot area at present. Phase Two, with the taller building would have some added impact but again it would only impact on either Migration Hall or the open space at the rear. The Future development of the school site is a consideration however, it is anticipated as higher density residential and it is assumed that Migration Hall would remain in place.

### **Planning Advisory Committee (PAC)**

A PAC meeting was held October 23, 2018. Public comment echoed many of the same issues that have been raised with development along Main St. E. including traffic impact, effect on abutting residential properties, service capacity and storm water management.

### **PAC – 05 – 2018**

Moved by, Gord Queen seconded by Murray McLeod that the Planning Advisory Committee endorse Phase One only of the multiple phase development moving forward to Council for consideration of the requested zoning by-law amendment on the site known as 140 Main Street East.

### **Agency & Administrative Consultations**

In accordance with O. Reg 545/06 of the *Planning Act*, Agencies and Town Administration received the Notice of Public Meeting by email.

<b>Agency or Administrator</b>	<b>Comment</b>
Essex Region Conservation Authority Watershed Planner	<ul style="list-style-type: none"><li>• ERCA comment is attached as Appendix 'H'. The applicant has completed work on the site to address species at risk. (Lower probability of SAR)</li></ul>
Town of Kingsville Management Team	<ul style="list-style-type: none"><li>• The property will require new service connections, at the applicant's expense sized appropriately to the proposed use</li><li>• Storm water management is required</li><li>• The final building design will be subject review under the Building Code Act</li><li>• A fire safety plan and lock box will be required for the building</li><li>• Information of the required service connections has been provided to the Town.</li><li>• The Phase One storm water management plan has been reviewed and is acceptable to the Town.</li><li>• A road widening across the frontage of the property will also be required at the site plan approval stage</li></ul>

## RECOMMENDATION

It is recommended that Council approve zoning amendment application ZBA/25/18 to rezone a portion of the lands (Phase One) located at 140 Main St E. from Residential Zone 1 Urban – holding 'R1.1(h)' to a site-specific Residential Zone 4 Urban Exception 5 'R4.1-5' to permit:

One apartment dwelling, maximum 3 storey, maximum 24 units with a partial fourth storey amenity area;

Permit a reduced front yard setback of 3.9 m (12 ft.);

Permit a reduced easterly side yard setback of 2.8 m (9 ft.), and

adopt the implementing by-law.

*Robert Brown*

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Manager, Planning Services

*Peggy Van Mierlo-West*

Peggy Van Mierlo-West, C.E.T.  
Chief Administrative Officer