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Date: March 16, 2020

To: Mayor and Council

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Manager, Planning Services

RE: Application for Zoning By-law Amendment ZBA/05/16 & Site Plan
Approval SPA/08/16 by
Liovas Holding Ltd.
Part of Lots 5 to 8, 23 & 24, Plan 296, Part 3 RP 12R 23274

Report No.: PS 2020-021

AIM

To provide the Mayor and Council with information regarding a proposed Zoning By-law Amendment and Site Plan Approval for lands located in the northwest corner of the intersection of Maple and Lansdowne Avenue, in the Town of Kingsville.

BACKGROUND

The subject property is a vacant 2,446 sq. m (26,330 sq. ft.) residential parcel with 118.28 m (388.06 ft.) of frontage along Maple St. In 2016 the owner brought an application forward to rezone the parcel to permit the development of four semi-detached dwellings and a 6-unit storage building. (Appendix A) The application was presented to the Planning Advisory Committee and several comments were received from the abutting neighbours. The main concern with the development was the status of the lot related to its former use and the presence of contamination.

The site had undergone testing and monitoring by Golder and Associates between 2004 and 2007 as well as clean-up by the Town. A final Record of Site Condition (RSC) was never submitted. Follow-up review was completed in May 2016 for the purpose of preparing to submit a RSC and clear the property for residential redevelopment. A report from CT Soils concluded that the site be classified as having low to a moderately low probability of containing significant quantities of environmentally impacted soils or groundwater. This information was forwarded to Ministry of Environment, Parks and Conservation (MECP). The MECP has confirmed receipt of the information and accepted

its conclusions, the letter of confirmation attached as Appendix B is the required RSC. The full detail of the CT Soils review is attached as Appendix B-1.

DISCUSSION

1) 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: The vitality of all areas of the Town is important for growth, however, it has become increasingly important to promote new and the intensification of residential uses in the core area of Kingsville. This helps to keep older existing areas active that may have not had any significant new development in many years. The type of housing development adds to the mix of housing types available in the Town. Redevelopment of such an underutilized property will lead to the development of more attainable housing for the community.

2) County of Essex Official Plan

The County Official Plan includes the subject property within a Settlement Area. 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 land is designated 'Residential' within the Official Plan for the Town of Kingsville. The proposed development would be considered medium density residential and the applicant intends to market the units for rent.

Section 6.3.1 states, "It is the intent of this Plan that a broad range of residential types be permitted on lands designated "Residential" in order to meet the needs of all households anticipated during the 20 year planning period of this Plan."

Section 3.6.1 Policies outlines the following:

a) a variety of housing types and densities are permitted subject to conformity and compliance with the Zoning By-law. The types of residential units permitted include single unit detached dwellings, two unit dwellings, three unit dwellings, single unit attached dwellings, townhouses, apartments and seniors' housing including retirement homes and nursing homes and other housing designed to accommodate special needs or interests;

Comment: Implementing the proposed semi-detached units would conform to the above statement by increasing the diversity of housing forms available in the Town. Therefore, the requested Zoning By-law Amendment conforms to the relevant policies of the Official Plan for the Town of Kingsville.

4) Comprehensive Zoning By-law

The subject property is zoned Residential Zone 1 Urban Exception 21 (R1.1-21). The proposed zoning would be a site-specific Residential Zone 2 Urban Exception 17 (R2.1-17) which would permit four, two-unit residential semi-detached dwellings and a separate 6-unit storage accessory garage structure.

The site-specific zoning will also address the following:

- i) individual requirements if the units are subdivided in the future;
- ii) reduced rear yard setback applicable to the easterly residential building;
- iii) reduction in the side yard setback from 1.5 m (5 ft.) to 1.22m (4 ft.), and
- iv) increased lot coverage of the easterly most residential building.

LINK TO STRATEGIC PLAN

Manage residential growth through sustainable planning.

FINANCIAL CONSIDERATIONS

The development will result in a significant increase in assessment on the property once development is completed. Building permit fees and development charges will also be due at the permitting stage.

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.

There has been no comment at the time of writing based on the recent notice circulation however there was a number of comments from the 2016 PAC meeting. The minutes of the meeting are attached as Appendix C. A summary of the concerns are as follows:

- i) uncertainty of the status of the clean-up on the site;

Comment: When the Town acquired the property clean-up of the site was undertaken and a considerable amount of soil removed from the site and replaced with clean fill. This clean-up work was based on testing at the time and once completed the site was cleared. Unfortunately, no RSC was submitted to the MECP which is the final step in site clean-up and remediation. The Applicant has had this work completed and received the final RSC from the MECP. (Appendix B)

- ii) could contamination have leached to neighbouring properties;

Comment: Test pits were excavated on the site and mapped out to determine a remediation plan. The reports prepared as part of the review and clean-up on the site indicated that the area of concern was the easterly half of the site where the original tobacco building was located and burned down. Testing along the westerly side of the site indicated that this area was not contaminated. As such leaching onto the westerly residential lots is unlikely.

- iii) use of the land as park space;

Comment: At the time the property was owned by the Town it was determined that it was not required and sold to a third party. There are no plans at present for the Town to purchase the property for park space.

- iv) use of the storage garages;

Comment: The garages are intend for the use of the residents of the development.

- v) traffic volume

Comment: The proposed development is residential of a higher density than the existing single detached residents in the area, however would not generate a significant increase in traffic beyond that which is typical of a local road.

- vi) parking availability

Comment: Each dwelling unit will provide the minimum required parking of two spaces. There is no street parking on the north side of Maple St. so this will not impact existing availability. The street as a whole has space for 10 to 12 vehicles on the south side which are available to all residents.

Planning Advisory Committee

PAC -09-2016

Moved by Gord Queen, seconded by Shannon Olsen that the Planning Advisory Committee not endorse support of the proposed rezoning to Council at this time.

Comment: As noted the PAC recommendation was based on feedback from the neighbours and the principle concern regarding confirmation of the site clean-up. The RSC has been submitted and confirmation received from the MECP. Neighbouring property owner comment has been noted and provided to Council.

Agency & Administrative Consultations

Town of Kingsville Management

- Ensure lot size meets minimum zoning requirements, set-backs and applicable law

- Provide lot grading plans by a professional that clearly indicates how storm water is managed and not affect adjoining properties
- Ensure all building services are contained within existing property lines and do not cross over into newly established lines
- Ensure newly created property obtains municipal address/911 signage as required
- No cross property border services
- All new services to be installed by an approved Town contractor, under the supervision of a Town endorsed engineer, and that a complete set of “As Constructed” drawings are prepared and submitted as record documents to be incorporated into GIS
- Encroachment Permits by parcel required for driveway access, and servicing
- Sidewalk is required from Lansdowne westerly to end of existing sidewalk, completed to the satisfaction of Municipal Services during construction
- Existing utilities to be shown on submitted plan to determine sufficient separation as determined by utilities and Municipal Services

Each of the noted items above has been addressed via the requested zoning amendment or in the attached site plan drawings.

The application was re-circulated to management staff to advise that it was moving forward again. The only change to the development is the submission and confirmation of the Record of Site Condition. Management is supportive of the application as it helps to utilize the property which has sat vacant for some time.

Essex Region Conservation Authority (ERCA)

- ERCA expressed no objection to the proposed zoning amendment but has requested that the applicant erect a 5 foot chain link fence with no access gates along the north property line as part of the Site Plan Control Agreement. This is shown on the attached site plan. (Appendix D)

RECOMMENDATION

That Council:

Approve zoning by-law amendment application ZBA/05/16 to rezone the subject lands to permit four (4) semi-detached dwellings, an accessory storage building, establish site-specific regulations and adopt the implementing by-law.

Approve site plan approval application SPA/08/16 for the development of four (4) semi-detached dwellings detailed on the attached site plan along with an accessory storage building subject to the conditions outlined in the site plan agreement, and

Authorize the Mayor and Clerk to sign the site plan agreement and register said agreement on title.

Robert Brown

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Manager, Planning Services

Jennifer Astrologo

Jennifer Astrologo
Director, Corporate Services