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**Date:** July 27, 2020

**To:** Mayor and Council

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Manager, Planning Services

**RE:** Application for Draft Plan of Subdivision Approval SUB/01/2020  
(37-T- 20002) & Zoning By-law Amendment ZBA/06/2020 by  
Wobocorp Ltd. & David Armstrong Farms Inc.  
V/L NE side County Rd E, Part of Lot 269, Concession NTR,  
Parts 1 & 2, RP 12R 26017 and Part 2, RP 12R 26659

**Report No.:** PS 2020-022

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## **AIM**

To provide the Mayor and Council with details of a proposed residential subdivision and the associated zoning by-law amendment to permit a mix of residential uses.

## **BACKGROUND**

The subject property is a 4.143 ha (10.24) irregular shaped vacant lot. The applicants are proposing a new residential subdivision consisting of 22 lots for single detached dwellings and 10 blocks for semi-detached dwellings (20 units). (Appendix A) The development will have access to County Road 34 E and eventual connect to the Woodside Estates subdivision to the northeast. Storm water will be directed to the northeast, with agreement of the neighbouring developer. Sanitary servicing will be connected to an existing service line located at the rear of the lots fronting on County Rd 34 E with connection to the main line on County Road 27 W. Water service will be from County Road 34 E.

## **DISCUSSION**

### **1) Provincial Policy Statement (PPS), 2020:**

PPS, Section 1.1.3.1 states that, "Settlement areas shall be the focus of growth and development."

Section 1.1.3.3 further outlines that, “Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through 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.

Section 1.1.3.6 goes on to say, “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.

Comment: The development of the subject lands is a combination of both infill and new development. It has existing residential development on three sides but is also on the edge of the community of Cottam and is a logical rounding out of the area. There is existing water distribution and sanitary collection service available to the development. Capacity in the lagoon system is being expanded and will need to be completed prior to commencement of construction. Storm water management is being co-ordinated with the abutting new development to the northeast and will utilize one new retention pond reducing Town maintenance on multiple facilities.

## **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.

Both the Town and County require a number of background studies to be completed as part of all subdivision development and include the following:

### **i) Archaeological screening**

Comment: The Ministry of Tourism, Culture and Sport provides a screening checklist which help to provide guidance on if full assessment is required. The result of that screening in this case did not support further assessment.

### **ii) Traffic impact assessment**

Comment: A traffic impact assessment was requested by the County of Essex given the main access to the development is off County Road 34 E. The study was completed by RC Spencer and Associates and reviewed by County Infrastructure. The County noted that no improvements would be required to either County Road 34 E or County Road 27 W as a result of the development and had no objection to the project moving forward as presented. (see TIS and County comment as Appendix B and B-1)

### **iii) Storm water management plan**

Comment: A plan was prepared for the development. Storm water will be collected via road drains and rear yard catch basins designed in accordance with the Town's development standards. The system will connect to the storm sewer system on the abutting lands being developed to the northeast and collected in a retention pond. Outlet of the pond is then into the Smith Newman drain.

The Town also requested that the applicants provide details on the intended drainage and grading between the proposed development (Appendix C) and the existing lots along County Road 27. As with all development water must be contained on a lot by lot basis. Each lot will require a rear yard catch basin along with a lot grading plan prepared by a qualified individual.

iv) Environmental impact screening

Comment: The applicants had the subject site reviewed by a qualified ecologist who in turn provided that information to the Ministry of Environment, Conservation and Parks (MECP). The Ministry advised that based on the ecologists review there was a low probability for species at risk (SAR) given the state of the lands and use as agricultural. Correspondence related to this is attached as Appendix D.

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

The subject parcel is designated 'Residential' within the Official Plan for the Town of Kingsville. Section 3.6.1 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."

Comment: The proposed development is consistent with the goals outlined in Section 3.6.1 as it is being done in a controlled manner, required servicing is or will be available in the short-term, is infilling, provides a greater variety of housing type and will encourage the provision of additional draft approved lots and blocks.

Section 3.6.1 Policies go on to outline that:

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: The proposed development would be considered low density residential (9.4 ha per ha) and will include a mix of single detached and semi-detached dwellings. The latter is a form of housing not currently available in the community of Cottam.

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

The subject property is zoned Residential Zone 2 Rural/Urban (R2.2). The proposed zoning would not alter the permitted uses on the subject lands. It would however establish regulations for subdividing the semi-detached dwellings into individual semi-

detached dwelling units for individual sale consistent with current standards for similar development.

The site-specific zoning will address the following:

- i) increase lot coverage from 35% to 45%;
- ii) reduce the exterior side yard setback (corner lots) from 4.5 m to 3 m;
- iii) establish the minimum frontage for a semi-detached dwelling at 18 m, and
- iv) establish a minimum lot frontage for a semi-detached dwelling unit at 9 m

## **5) Plan of Subdivision Layout**

The overall layout of the subdivision is based on the irregular shape of the property. The main road and connection to County Road 34 E will extend northeast and eventually connect with Belleview Drive in the Woodside Estates subdivision (under construction) The secondary street on the plan will run northwest from the main road and around to eventually connect with an extension of Redwood Ave. There will be no cul-de-sac or dead end roads. The lands abut existing residential lots along County Road 27 W and Country Road 34 E will contain single detached dwellings. The semi-detached development will be located on the interior of the subdivision and not abut any existing development.

The proposed lot size for the single detached dwellings range from 15.24 m to 18.89 m (50 ft. to 62 ft.) of frontage, 42 m to 48.5 m (138 ft. to 159 ft.) of depth and areas of 692 sq. m to 916 sq. m (7,450 sq. ft. to 9,860 sq. ft.) The semi-detached dwelling lots are each 22.25 m x 48.15 m (73 ft. x 158 ft.) for an area of 1,071.5 sq. m (11,534 sq. ft.).

Block 34 and 35 will be conveyed to the Town as green space. This will partially address the required parkland conveyance. The remaining amount will be addressed as cash-in-lieu. A servicing easement will also be established over Lot 31 for connection into the existing sanitary service easement along the rear of lots 29, 30 and 31.

## **LINK TO STRATEGIC PLAN**

Manage residential growth through sustainable planning.

## **FINANCIAL CONSIDERATIONS**

Development of the subject lands will result in an increase in assessment along with the collection of building permit fees and development charges.

## **CONSULTATIONS**

### **Public Consultations**

In accordance to O. Reg 544/06 and 545/06 of the Planning Act, property owners within 250 m of the subject site boundaries received the Notice of Public Meeting by mail.

There has been some feedback and question on the development related to the following:

Drainage impact of proposed development on existing farm and residential lands.

Comment: As noted in the report storm water management is a requirement of all new development. Water will be collected from the subject lands and directed to the existing storm water retention pond constructed on the abutting subdivision to the northeast. Individual lots will be graded to contain and direct water to rear yard catch basins. In addition to the final system installation it is recommended that the developer outline an interim grading plan to be implemented prior to the beginning of servicing. This should include temporary swales, berms and or slit fencing to safeguard abutting lands.

Removal of existing private surface drain.

Comment: Along the south side of the subject land and the lands to the northeast is or was a private surface drain that collected surface water and directed it to the Branch of the Smith Newman drain. As this drain is private, not a municipal drain and not required to drain the subject or abutting lands it is being removed in favour of the formal storm water management system. Any abutting lands that have had the indirect benefit of draining into the surface drain may need to take corrective action to redirect and drain overland flow.

Traffic impact of development on County Road 34.

Comment: This was addressed under the Essex County Official Plan discussion.

Sanitary sewer capacity related to the lagoon system

Comment: upgrades to the lagoon treatment system are in process and will be completed within approximately 12 months of the start of construction. Any release of permits on the subject lands will not proceed until the upgrades have been commissioned. Service installation on the subject lands can proceed in the meantime. The holding symbol currently in place on the existing zoning will also remain in place on the amending zoning until the development agreement is approved.

General density and type of development: introduction of semi-detached dwellings into the development mix in Cottam.

Comment: The development is arranged in such a way that all the single detached dwelling lots will abut other existing single detached lots or the abutting farm land to the south. All lot area and frontage requirements meet the standard requirements laid out in the existing R2.2 zoning.

Semi-detached dwellings are a permitted use under the R2.2 zoning, which is the predominate zoning in Cottam. There is little if any current semi-detached development in this area. Although a permitted use the zoning does lack full regulation for the subdividing of semi-detached dwellings into individual free hold units. The proposed amendment that has been requested will address this need.

The overall density level of the development is 9.4 units per hectare which is will under the 20 units per ha. considered to be low density residential development.

Fencing of existing the retention pond on development to the east and can fencing be required between farm land and back of residential lots.

In the Kingsville Development Standards manual fencing of storm water management ponds is not required. The existing pond was approved as part the abutting development and fencing was not a requirement of either the existing approval from the 90s nor was it added to the revised approval from earlier this year.

Fencing related to other issues such as boundary demarcation and protection of environmentally sensitive areas have been requirements in the past but are also problematic to maintain in the long-term. In this case the fencing request was related to prohibiting access to the farm field from the proposed residential lots. This becomes an issue of the Town trying to police potential future trespassing. Property owners, regardless of fencing, must respect private property rights and insure they respect property lines. Even in cases where the Town has required fencing to be installed residents have later removed the fencing or added gates for access to the abutting lands.

### **Agency & Administrative Consultation**

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

### **Essex Region Conservation Authority (ERCA)**

- The parcel is not within a regulated area.
- ERCA has no objection to the proposed development but has asked that conditions be included in the development agreement regarding storm water management
- See full comment in Appendix E.

### **County of Essex**

- County Infrastructure provided comment regarding the traffic review
- County Planner has requested that the statutory public meeting be held and a resolution of Council be provided if the Town is in support of the proposed draft plan (Appendix F)

### **Town of Kingsville Management Staff**

- Much of the remaining specific details of the servicing and storm water management will be part of the development agreement
- Water capacity is available for the development
- Sanitary capacity is pending upgrades

## RECOMMENDATION

That Council:

Approve zoning amendment application ZBA/06/2020 to amend the Residential Zone 2 Rural/Urban, holding (R2.2(h)) to establish regulations for the subdivision of permitted semi-detached dwellings into individual freehold units.

Approve a resolution in support of the draft plan of subdivision, County File No. 37-T-20002, and subject to conditions outlined by the County in the draft approval and subject to approval of the necessary development agreement between the applicant and Town.

Direct administration to forward the resolution of support to the County Planner for final approval.

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