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**Date:** July 24, 2020

**To:** Mayor and Council

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

**RE:** Application for Zoning By-law Amendment ZBA/07/2020 &  
Site Plan Amendment SPA/05/2020 by  
Jeremy Capussi  
140 Main St. E.  
Pt. Lot 1, Concession 1, ED, Parts 1 & 2, RP 12R 14569

**Report No.:** PS 2020-024

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## **AIM**

To provide the Mayor and Council with details regarding a zoning by-law amendment to remove the permitted commercial uses in favour of additional residential dwelling units and approve the associated site plan for the initial phase of development.

## **BACKGROUND**

In November of 2018 a partial rezoning was approved on the subject lands for the initial stage of development that would include a mixed use commercial/residential building. The ground floor would be split equally between commercial and residential space, the second and third floor would be completely residential and a partial fourth floor would be used for private amenity space. The zoning permitted a total of 24 dwelling units, 705 sq. m (7,590 sq. ft.) of commercial space and a partial fourth floor limited to 50% of the total foot print of the building. The final design was the result of approximately 18 months of work which included an open house held by the developer, presentation of the final design to the Planning Advisory Committee and eventual approval by Council.

With the zoning in place the next step in the development of the property is to submit the final plans for site plan approval. As part of the final review the owner is, seeking to make some changes to the final plan. They would like to eliminate the ground floor commercial space and the partial fourth floor and limit the development to a three storey, multiple unit residential building with 30 rather than 24 residential units. The proposed plan is attached as Appendix A.

## **DISCUSSION**

In order to proceed with site plan approval of the revised development a zoning amendment is required to remove the permitted commercial space, increase the number of permitted dwelling units from 24 to 30 and update the height limitation consistent with the current plans.

### **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.

Comment: Multiple unit development 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. 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 3 to 4 year supply, based on the current growth rate and development of only low density residential. The addition of 30 residential units 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 indicated the building will be of a condominium tenure 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 Wigle Ave has been an area of interest and area of transition for sometime. The density and form of adjacent development is mixed, at best, including single detached homes, vacant land, mixed use commercial, a seniors' home, KDHS and Migration Hall.

- 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: Sanitary sewer capacity and Town water supply have been confirmed for the site. An acceptable storm water management plan was also completed and reviewed by Municipal Services.

- 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: The proposed 30 units require a total of 38 parking spaces, including visitor spaces, 40 spaces are provided on-site in compliance with the applicable zoning requirements.

- 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. A full detailed landscape plan has been prepared and is attached as Appendix B.

Buffering also becomes important with multiple storey buildings from a privacy and shadowing standpoint. The initial plan proposed a slightly higher building. A shadow

case study was completed that did indicate some impact to the residential lot immediately to the west however this was limited to late winter and early spring during the morning. The building height is shown as 9.9 m (32.4 ft.). The height permitted under the amended zoning was 11.2 m (36.75 ft.) which was actually only a minor increase of less than 1 ft. over what was permitted prior to the zoning change in 2018. In order to provide no question moving forward with the revised Phase 1 plans it is recommended that the zoning amendment be set with a permitted height at 10 m (32.8 ft.).

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 which included the overall development of the entire site. When the plan was revised in 2018 the study was updated to reflect the direct impact of the single mixed use building. A further revision was completed in 2020 to show the new traffic impact of the current plan.

The study outlined that the mixed use development from 2018 would generate 24 vehicle trips per hour at the AM peak, 45 at the PM peak and 51 during Saturday peak. The 2020 assessment concludes those numbers will be reduced by more than 50% at 11 for the AM peak, 14 for the PM peak and 19 for the Saturday peak time. The conclusion in 2017 was that, '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 C)

The addition of any development along Main St. E. will add traffic to what is clearly a busy street. The purpose of traffic studies is not about impact but rather to determine if the road network will continue to function as designed. The other factor to consider is the location of the development is that it is very supportive of walkability being centrally located between the downtown to the west and large format commercial to the east. This does not mean that walking is the sole mode of transportation for the developments residents. It means that residents have the option to walk to everyday conveniences and perhaps even work. 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: Revised final plans and elevations have been prepared and included for review. (Appendix D)

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

The portion of the subject property which is under consideration is zoned Residential Zone 4 Urban, Exception 5 (R4.1-5). The balance of the property remains within the Residential Zone 1 Urban, holding (R1.1(h) until future plans are assessed. The intended amendment would make the following revisions:

- i) Permit one apartment building, reducing the number of storeys from 4 to 3, and increase the maximum dwelling units from 24 to 30 total;
- ii) Remove neighborhood commercial, maximum commercial floor area and reference to mixed use residential commercial;
- iii) Maintain the front yard setback of 8 m (26 ft.) as outlined in the standard R4.1;
- iv) Limit the permitted height to 10 m (32.8 ft.).

## **5) Proposed Site Layout**

The attached Phase One plan and elevations (Appendix A & D) shows the proposed location of the building, parking, landscaping and access points. The parking area connection to Cherry Lane is not for use as a day-to-day entrance or exit. It will be limited to secondary emergency access only. Flexible bollards and signage will be in place to block access.

As noted in the 2018 review process the Town will require a road widening along the frontage of the property.

## **LINK TO STRATEGIC PLAN**

Manage residential 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**

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
- Although not within a natural heritage feature the applicant did undertake a species at risk review of the property
- See full comment in Appendix E.

## **Bell Canada**

- Bell Canada requested wording in the site plan agreement for the granting of any necessary easements to service the property

## **Town of Kingsville Management Staff**

- Comments provided to the applicant by Municipal Service have been addressed
- Water capacity is available for the development
- Sanitary capacity will be in place prior to completion of the building.

## **Public Consultations**

In accordance to O. Reg 545/06 of the *Planning Act*, property owners within 120 m of the subject site boundaries must receive the Notice of Public meeting. The actual circulation included all property owners within 350 m who were provided the Notice of Public meeting via direct mail. The notice was also post to the Town website with a link to the site plan details. Comments received as of August 4, 2020 are attached as Appendix F.

## **RECOMMENDATION**

That Council:

Approve zoning by-law amendment application ZBA07/2020 to amend the site-specific Residential Zone 4 Urban Exception 5, 'R4.1-5' to:

limit the proposed apartment building to three (3) stories;

permit a maximum of 30 residential dwelling units;

maintain the front yard setback requirement of 8 m (26 ft.), and

limit the maximum height of the building to 10 m (32.8 ft.), and adopt the implementing by-law.

Approve site plan approval application SPA/05/2020 for the development of a three storey, 30 unit multiple unit apartment dwelling, subject to the terms and conditions of the associated site plan agreement and authorize the Mayor and Clerk to sign the agreement and register said agreement on title.

*Robert Brown*

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Manager, Planning Services

*Jennifer Astrologo*

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