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Date: August 25, 2020

To: Mayor and Council

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RE: Application for Zoning By-law Amendment File ZBA/09/20 and
Minor Development Agreement File AGR/03/20 by
1185609 Ontario Inc.
1473 Wellington Union Ave
Lots 3-6, Part of Lots 1 & 2
RP 30, Pt Lot 9, Conc. 1 ED
Roll No. 3711 300 000 02700

Report No.: PS 2020-045

AIM

To provide the Mayor and Council with information regarding a Zoning By-law Amendment to address a reduced frontage along Buona Vista Dr, removal of the holding (h) symbol, and a minor development agreement, on lands known as 1473 Wellington Union Ave, in the Town of Kingsville.

BACKGROUND

The Town of Kingsville has received the above-noted applications for lands located on the west side of Wellington Union Avenue, with frontage also on Buona Vista Drive. The subject parcel is designated 'Lakeshore Residential East' by the Official Plan and is zoned 'Lakeshore Residential (holding), (LR (h))' under the Kingsville Comprehensive Zoning By-law.

The parcel is a 2.43 ha (6 ac.) residential parcel with approximately 17.98 m (324.5 ft.) of frontage on Wellington Union Avenue and 13.29 m (43.60 ft.) of frontage on Buona Vista Drive. The property currently contains one dwelling and three outbuildings. On July 21st, 2020, the Committee of Adjustment granted the applicant provisional consent (File B/15/18) to create two lots from the subject parcel. The conditions included a required zoning amendment to address the reduced frontage for the new parcel (shown as Part 2 on Appendix B), as well as removal of the holding (h) symbol from the entire subject lands. The property contains an area identified as an Environmentally Significant Area, shown on

Appendix A. The applicant was required to conduct an EIA (Environmental Impact Assessment) which was reviewed by ERCA. The Authority provided the applicant and Town Staff with several recommendations (see Appendix C) to minimize any impact on the Environmentally Significant Area as a result of the proposed residential development. As a condition of consent, the applicant is to enter into a development agreement with the Town in which these recommendations, as well as a buildable area will which is shown on the applicant's sketch (see Appendix B).

DISCUSSION

1.0 Provincial Policy Statement

When reviewing a planning application to determine if it represents sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statement, 2020 (PPS):

"The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system." The following excerpts are significant to this application.

1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification, redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.

Comment: The application supports this statement by creating two new lots in an area where there is more than adequate land space to do so.

2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

Comment: There is an Environmentally Significant Area overlying the subject property. Much of the severed parcel (Part 2) and the western portion of Part 1 are within this area as shown on Appendix A. ERCA provided the applicant with recommendations which must be adhered to, to allow for the proposed development with no negative impacts on the natural heritage features.

The recommendations provided for the applicant are primarily focused on the construction phase. The Authority recommended that the Town require site plan approval in order to direct and limit development within an approved building envelope, and to provide a landscape plan.

Comment: Site plan approval can be applied to any development in the Town but is generally not applied to individual residential lots. Site plan control also requires Council approval and amendment for changes or additions to the original approval.

The overall goal that ERCA is seeking to achieve is the limitation on where development is placed on Part 2 not necessarily the fine detail. This control can also be achieved via a development agreement that is registered on title and would include the site plan reviewed by ERCA, the requirement for the landscape plan and all other conditions outlined in the ERCA comment. This same approach was utilized during a consent application in 2013 and achieved the intended outcome.

2.0 Official Plan

The Official Plan for the Town of Kingsville designates the subject property 'Lakeshore Residential East'. Section 3.6.3 encourages infilling and states that "residential development shall consist only of single unit dwellings".

The majority of Part 2 (shown on the Applicants Sketch in Appendix B) falls within the Natural Heritage Feature. As per the requirements of Section 4.2. the applicant was required to conduct an EIA (Environmental Impact Assessment). On May 26, 2020 ERCA (Essex Region Conservation Authority) provided a review of the EIA (attached as Appendix C). The recommendations provided in the review are to ensure no negative impact on the natural heritage feature. Therefore, a minor development agreement has been proposed in order to implement the ERCA recommendations regardless of property ownership.

Section 8.7.1 pertains to lands within a Holding Zone in the Town of Kingsville. The Official Plan states that the use of the Holding zone is to ensure that servicing is adequate for all types of development, including residential. Additional conditions may be imposed on the property prior to removal of the holding symbol. In this instance, servicing the subject lots has been assessed, as well as concerns addressing the Natural Heritage Feature through a minor development agreement.

Therefore, the proposed zoning amendment and minor development agreement are consistent with the policies of the Official Plan.

3.0 Comprehensive Zoning By-law – Town of Kingsville

The subject parcel is currently zoned 'Lakeshore Residential (holding) (LR (h))'.

The holding symbol on most lands along the Lake are in place to provide opportunity for review of servicing, consideration of any natural heritage features and formulation of proper development plans. Servicing is available to the lots in question in the form of municipal water. Sanitary will be provided via private septic which can be achieved on the proposed lots. The completion and approval of the EIA has addressed the natural heritage features review. The formal development plan will result in two new residential lots. As such, the applicant has requested an amendment of the zoning to remove the holding symbol (h) from the property. In addition, the zoning amendment will recognize the reduced frontage at Buona Vista Drive for Part 2 from 24 m (78.5 ft.) to 13.29 m (43.60 ft.)

LINK TO STRATEGIC PLAN

Manage residential growth through sustainable planning.

FINANCIAL CONSIDERATIONS

As a result of the additional two lots and the completion of new residential development on the lands, there will be an increase in assessment value.

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. At the time of writing no comments had been received from members of the public. All outside agencies also received the Notice of Public Meeting by mail and/or email.

Agency & Administrative Consultation

Essex Region Conservation Authority (ERCA)

- No objections to the proposed lot creation subject to the conditions recommendations outlined
- recommendations, mostly concerning construction phase
- Development should be subject to site plan control
- Full comment attached as Appendix C

Town of Kingsville Management Staff

- Ensure new development water run-off does not adversely affect adjoining properties
- Future development of residential dwellings will require a lot grading plan by an Ontario Land Surveyor prior to a permit being issued.
- Ensure all building code requirements are met

RECOMMENDATION

That Council:

Approve zoning by-law amendment application ZBA/30/18 to:

remove the holding (H) symbol, on the subject lands known as, Lots 3-6, Part of Lots 1 & 2, RP 30, Pt Lot 9, Conc. 1 ED, in the Town of Kingsville;

and rezone a portion of the subject parcel (the area shown as Part 2 on the Applicants Sketch), from 'Lakeshore Residential (LR)' to 'Lakeshore Residential Exception 34 (LR-34)'; to:

- i. Recognize the reduction of the required lot frontage from 24 m (78.5 ft.) to 13.29 m (43.60 ft.);

and adopt the implementing by-law.

Approve the proposed minor development agreement application AGR/03/20 to administer the ERCA recommendations and building envelope over Part 2 in the Applicants Survey on the subject lands known as, Lots 3-6, Part of Lots 1 & 2, RP 30, Pt Lot 9, Conc. 1 ED, in the Town of Kingsville and authorize the Mayor and Clerk to sign the minor development agreement and register said agreement on title.

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