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Date: November 12, 2020

To: Mayor and Council

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

RE: Draft Plan of Condominium POC/01/2020 by
2661288 Ontario Ltd.
140 Main St. E.
Pt. of Lot 1, Concession 1 ED, Part 1 & 2, RP 12R 14569

Report No.: PS 2020-062

AIM

To provide the Mayor and Council with details of the request for approval of a draft plan of condominium for the approved three storey, 30-unit residential building located at 140 Main St. E.

BACKGROUND

In August of 2020 a zoning by-law amendment to permit 30 residential dwelling units in a three storey building was approved by Council. Site Plan approval was also granted to outline the specific detail of the development. (Appendix A) The eventual ownership structure of the development was proposed as condominium. The draft plan of condominium has been completed and submitted to the County. The County planner has in turn submitted a letter to the Town requesting that the holding of public meeting as per Section 51(21) of the Planning Act be undertaken.

DISCUSSION

In order to sell each of the 30 proposed units in the approved building a plan of condominium is required. The County of Essex, similar to plans of subdivision, is the approval authority. A final public meeting is required prior to the County granting approval. A draft plan of condominium is very similar to a plan of subdivision, the main difference being the lots, or in this case, units, are the item for sale with the halls and common areas acting much the streets and parks of a residential subdivision.

1) Provincial Policy Statement (PPS), 2020:

Section 1.1.3.1 outlines that, “Settlement areas shall be the focus of growth and development.” Section 1.1.3.6 indicates that, “New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.”

Comment: The intended development of the property is for condominium development that both intensifies the use of the existing property and provides an additional form of housing close to the main core of the Town. The lands in question also have additional development potential, subject to future approval, and may include additional housing types.

2) County of Essex Official Plan

Section 3.2 Settlement Areas, Subsection 3.2.2 Goals item e) states, “To require the efficient use of land, resources, water and sanitary sewage treatment facilities, other infrastructure and public service facilities including schools as provided for in the growth management policies contained with this Plan.”

Comment: The proposed site will utilize existing services and land within the settlement area that is considered part of the County Growth Management Plan.

3) Town of Kingsville Official Plan

The Official Plan for the Town of Kingsville designates the subject property ‘Residential’ and is subject to the policies outline in Section 3.6. The proposed development is considered medium density residential. The proposed condo development/multiple storey building is permitted in the ‘Residential’ designation, and was subject to site plan control.

4) Comprehensive Zoning By-law

The subject property is zoned ‘Residential Zone 4 Urban Exception 5 (R4.1-5)’ under the Kingsville Comprehensive Zoning By-law. The requested plan of condominium does not require any amendment and permits a total of 30 residential dwelling units in the proposed three-storey (10 m high) apartment building.

5) Site Plan Control & Agreement

Plan of condominium and plan of subdivision approvals share many of the same characteristics with one notable difference. Plan of condominium approvals are typically subject to site plan approval but can also be subject to a development agreement. The difference is often based on timing of construction. If construction begins prior to establishing the plan of condo then a site plan agreement is required. In this case the plan of condo has been completed in advance of the construction but after site plan approval was granted. As such the details of the site plan approval will be forwarded into a development agreement that will address all of the same items outlined in a standard site plan agreement. This approach will avoid duplication through a site plan agreement and development agreement.

6) Plan of Condominium

Attached as Appendix 'B' is the proposed plan layout. There are a total of three residential floors. Each level will have ten units including storage and a balcony. All parking for the development is at grade with a total of 40 spaces covering both required and visitor parking.

LINK TO STRATEGIC PLAN

Manage residential growth through sustainable planning.

FINANCIAL CONSIDERATIONS

Building permit fees and development charges will be due at the time construction proceeds. There will also be a significant increase in assessment at the time of completion.

CONSULTATIONS

All property owners within 120 m of the subject property were provided with the required notice of public meeting. Comment was received from a neighbouring resident on Cherry Lane requesting confirmation of fencing and the installation of barriers on the emergency access. This item has been updated on the approved site plan and will be specifically noted in the development agreement.

The Technical Advisory Committee (TAC) was counseled on the plan of condominium however there were no additional comments. All technical issues were outlined as part of the site plan approval review and will be carried forward to the development agreement.

The County circulated external agencies on September 29, 2020 for comment. No concerns were forwarded to the Town. All of the external agencies are noted in the development agreement should there be specific requirements moving forward.

RECOMMENDATION

That Council:

Support the draft plan of condominium, County of Essex File No. 37-CD-20003 for the proposed 30 unit residential condominium located at 140 Main St. E., Part of Lot 1, Concession 1, ED, Parts 1 and 2 RP 12R 14569, in the Town of Kingsville;

Direct administration to advise the approval authority, the Manager of Planning Services for the County of Essex, that Council is in support of the draft plan of condominium approval subject to the imposition of satisfactory conditions by the County including conformity with the approved site plan and entering into a development agreement with the Town

Prepared by:

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