



October 18, 2019

Sent via email

Robert Brown
Manager, Planning & Development Services
Town of Kingsville
2021 Division Road North
Kingsville, ON N9Y 2Y9

Dear Mr. Brown,

**Re: Planning Opinion Correspondence
Brotto Investments Inc.
Zoning By-law Amendment Application: Municipal File # ZBA/18/19**

Our File: BFH/KNV/19-01

Zelinka Priamo Ltd. has been retained by Brotto Investments Inc. with respect to their application for Zoning By-law Amendment for 183 Main Street E. (File # ZBZ/18/19). The purpose of this correspondence is to provide a planning opinion in support of the application.

The lands are located along the south side of Main Street E., between Spruce Street South to the west and Wigle Avenue in the east in the Town of Kingsville. The lands are known legally as PT LT 2 CON 1 EASTERN DIVISION GOSFIELD (KINGSVILLE) AS IN R1027697; KINGSVILLE (subject lands). The lands are irregularly shaped, have an area of 0.4269 HA and a frontage along Main Street E. of 42.4 m.

The subject lands are currently occupied by a vacant single detached residential dwelling (Figure 1). The lands have a single driveway access to Main Street E., and contain ancillary garages and workshops at the rear of the property. Large trees exist along the boundaries of the site and there is a municipal sidewalk along Main Street E.

The subject lands are bounded by Kingsville District High School to the north, open fields to the east and south, and an existing residential dwelling to the west at 171 Main Street E. which is a designated heritage property. In terms of the surrounding area, the lands are located approximately 680 m east of the main Kingsville intersection of Main Street and Division Street and approximately 375 m from the eastern boundary of the Kingsville Commercial Core at Spruce Street. Two large developments have recently been approved across the street from the subject lands at 200 & 141 Main Street E., consisting of medium and high density residential apartments and medical office uses.

Beyond Main Street E., the lands are surrounding by low density residential neighbourhoods to the north, south and east which include schools, parks and institutional uses. Highway Commercial uses are located further east of the subject lands.

We note the application was submitted on September 9, 2019 and we understand a Planning Advisory Committee Meeting is scheduled for November 19, 2019.



FIGURE 1: SUBJECT LANDS APPROXIMATE BOUNDARY

Proposed Development

Brotto Investments Inc. has applied for a Zoning By-law Amendment to change the zoning on subject lands from a Residential Zone 1 Urban (R1.1) Zone to Residential Zone 4 Urban (R4.1) Exception Zone. The Amendment would permit development of a 6 storey 28 unit condominium apartment building at the rear of the property together with 5 townhouses fronting onto Main Street E., as depicted in the Concept Plan dated September 6, 2019 prepared by Baird AE. Access will be provided via a private driveway on the eastern side of the site adjacent to the agriculture lands and opposite the dwelling at 171 Main Street E. to the west. The private driveway loops to the rear of the townhouses and to the surface level and indoor ground level apartment parking at the rear of the property.

The townhouse units would be accessed from the rear, with courtyards fronting onto Main Street E. The loading area for the apartment building is on the west side of the site. Landscaped open space is proposed at the north, west and south end of the apartment building. The Concept Site Plan allows for the possibility (if available) of a mutual access/driveway with the future lands to be

developed to the east. In such a case, the driveway at 183 Main St. E. would be closed off with a future 6th townhouse unit to be constructed in its place.

Brotto Investments Inc. submitted the following materials in support of the application:

Traffic Impact Assessment

Baird AE completed a Traffic Impact Assessment for the subject lands and concluded:

- The intersection of Main Street & Access Road / Kingsville School Access operate at acceptable level of service during the 2021, 2026 and 2031 future conditions.
- The intersection of Main Street & Wigle Avenue / Remark Drive operate at acceptable level of service during the 2021, 2026 and 2031 future conditions.
- The intersection of Main Street & Jasperson Drive / Square Mall Access Road operate at acceptable level of service during the 2021 condition. The level of service deteriorates in the 2026 and 2031 future conditions. Intersection improvements are required, as specified in the RC Spencer Associates Traffic Study, dated 2019 prepared for the Town of Kingsville. Once improvements are in place, the intersection operates at an acceptable level of service.

Heritage Impact Statement

A Heritage Impact Statement (HIS) was prepared in support of the proposed development at 183 Main Street East, Town of Kingsville Ontario. The HIS is required as the subject lands are adjacent to 171 Main Street East (Bon Jasperson Property), a property designated under Part IV of the Ontario Heritage Act.

The designating By-law for the Bon Jasperson property mainly focuses on interior attributes which will not have direct interaction with the proposed development. Any potential impacts to the exterior heritage attributes, tile bricks (from Kingsville's Broadwell Brick & Tile Yard) and the raised cut-fieldstone foundation are unlikely but can be readily managed. The setback between the proposed buildings and the existing adjacent structure (approximate 60 feet) eliminates any potential impacts to the exterior attributes of the Bon Jasperson property. Furthermore, the existing landscaping will continue to screen the view, to and from, the proposed development and the Bon Jasperson property.

Planning Summary

We have reviewed the relevant Provincial and Municipal policies and regulations governing the subject lands and offer the following comments with respect to the proposed development:

Provincial Policy Statements

The Provincial Policy Statements, 2014 (PPS) are issued under Section 3 of the *Planning Act*, and provide a consolidated statement of the Province's policies on land use planning. The PPS applies Province-wide and provides policy direction on key land use planning matters. Specifically, the PPS provides direction for the efficient use of land and resources and promoting cost-effective development patterns and standards to minimize land consumption and servicing costs. All County and Local Municipal Official Plans shall be consistent with the policies of the PPS.

Relevant PPS policies issued under Section 1.1 include the following:

1.1.1 *Healthy, liveable and safe communities are sustained by:*

- a. *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*

- e. *promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;*

1.1.2...*Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.*

1.1.3.2 *Land use patterns within settlement areas shall be based on:*

- a. *densities and a mix of land uses which:*
 - 1. *efficiently use land and resources;*
 - 2. *are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
 - 3. *minimize negative impacts to air quality and climate change, and promote energy efficiency;*
 - 4. *support active transportation;*
 - 5. *are transit-supportive, where transit is planned, exists or may be developed;*

The proposed development is consistent with the relevant PPS policies in Section 1.1. The redevelopment and intensification of the lands into a compact built form is an efficient use of land, infrastructure and public service facilities. The development will support alternative modes of transportation such as walking and cycling to the Commercial Core in Kingsville, thus promoting

energy efficiency and minimizing negative impacts on air quality. The development includes a storage room and will provide alternative forms of housing to the community. Being located along Main Street E. and just west of the Commercial Core of Kingsville, the subject lands are well positioned to accommodate higher densities.

Key PPS policies governing Housing include the following:

1.4.1 To provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents of the regional market area...

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

b. permitting and facilitating:

- 1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and*
- 2. all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;*

c. directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;

d. promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and

The proposed condominium apartment and townhouse development provides for an appropriate range and mix of houses for current and future residents. Furthermore, the proposed development is in a location with appropriate levels of infrastructure and public services. The development is an efficient use of land and is within cycling and walking distance of the downtown.

County of Essex Official Plan

The subject lands are located within the Kingsville Primary Settlement Area on Schedule "A-2" Settlement Area Structure Plan of the County of Essex Official Plan. All Local Municipal Official Plans and Planning Act applications must conform to the County Official Plan. The goals of the County Official Plan include:

a. To direct the majority of growth (including intensification and affordable housing), and investment (infrastructure and community services and facilities) to the County's Primary

Settlement Areas. These Primary Settlement Areas will serve as focal points for civic, commercial, entertainment and cultural activities.

e. To create more mixed use, compact, pedestrian-oriented development within designated and fully serviced urban settlement areas.

The proposed development conforms to the goal of directing growth and investment to the Primary Settlement Areas in a compact, pedestrian oriented built form. The proposed development is in a fully serviced urban settlement and supports Kingsville as a focal point for civic, commercial, entertainment and cultural activities.

Applicable County Official Plan Settlement Area goals includes:

2.8.4 Active Transportation

d) Mixed use development and higher densities are encouraged within the Primary Settlement Areas to promote/facilitate increased vitality and quality of life.

3.2.1 Settlement Areas General Directive

...it is the vision and purpose of this Plan to direct the majority of future growth and development into the Primary Settlement Areas in order to strengthen the County's settlement structure, focus public and private investment in fewer areas and to preserve the lands designated "Agricultural" and "Natural Environment" for the purposes outlined in the policies of this Plan. Local Official Plans will detail where within the "Settlement Areas" designations various types of land uses will be located; however, healthy community principles shall be incorporated into the long range planning and development review process.

3.2.2. Settlement Areas Goals

a) Support and promote public and private re-investment in the Primary Settlement Areas.

c) To promote development within Primary Settlement Areas that is compact, mixed-use, pedestrian oriented, with a broad range of housing types, services and amenities available for residents from all cultural, social and economic backgrounds.

i) Promote residential intensification within Primary Settlement Areas, and to a lesser extent, within full serviced Secondary Settlement Areas.

3.2.4.1 Primary Settlement Area Policies

a) Primary Settlement Areas shall be the focus of growth and public/private investment in each municipality.

b) Primary Settlement Areas shall have full municipal sewage services and municipal water services and stormwater management services, a range of land uses and densities, a healthy mixture of housing types including affordable housing options and alternative housing forms for special needs groups, and be designed to be walkable communities with public transit options (or long-term plans for same).

i) Cost effective development patterns and those which will minimize land consumption and reduce servicing costs are encouraged. Land use patterns which may cause environmental, heritage preservation or public health and safety concerns shall be avoided.

3.2.7 Settlement Areas Intensification & Redevelopment

...The County also specifically encourages residential intensification and redevelopment within Primary Settlement Areas in order to increase their vitality, offer a range of housing choices, efficiently use land and optimize the use of infrastructure and public service facilities.

The proposed development conforms to the Settlement Area goals and policies in the County Official Plan. Intensification along Main Street E. supports alternative forms of transportation and reduces development pressure on lands designated "Agriculture". The proposed development is an efficient land use in a serviced settlement area that will contribute to the range of housing available in the community. Furthermore, the proposed development is a significant investment into the Kingsville Primary Settlement Area, which will help increase vitality in one of the County's cultural and commercial centres.

Town of Kingsville Official Plan

The lands are designated Residential in Schedule "A-2" Land Use Plan of the Town of Kingsville Official Plan. The Town's Land Use Planning Principles Subsection 2.1.1 states:

- a) to create more compact development within designated and fully serviced urban settlement areas;*
- b) to provide a broad range of housing, employment and leisure opportunities for a growing and aging population;*
- c) to promote opportunities for intensification and redevelopment within built-up areas which are supported by the appropriate levels of infrastructure and public service facilities.*

The proposed development complies with the applicable land use planning principles in Subsection 2.1.1 as it is a compact built form and provides for a range of residential housing opportunities, including opportunities for a growing and aging population. The development is positioned to accommodate intensified land uses on full municipal services near public service facilities.

Section 2.6 of the Official Plan addresses matters related to buffering, noting that “*Adequate buffering will be required between all uses of land where there may be a conflict such that one use will detract from the enjoyment and/or functioning of the adjoining use. Such buffering may include landscaping using local native plantings, screening and greater separation distances between incompatible uses*”.

Specific details regarding buffering through additional landscaping, fencing and screening will be confirmed through a future Site Plan application process.

Section 2.8 of the Official Plan states that prior to the approval of any development, it shall be established to the satisfaction of Council that:

- a) *soil and drainage conditions are suitable to permit the proper sitting of buildings;*

The Municipality will have the ability to review information during the Site Plan application review.

- b) *the necessary services are available to adequately accommodate the proposed development;*

Municipal services are available from Main Street E.

- c) *no traffic hazards will result because of excess traffic generation or limited sight lines on curves or grades;*

The Traffic Impact Assessment prepared by Baird AE has concluded various intersections surrounding the proposed development will continue to operate at acceptable levels of services through 2031 without improvements required. Intersection improvements are required at Main Street E. and Jasperson Drive, however this is triggered by various developments in the surrounding area.

- d) *the land fronts on a public road which is of a reasonable standard of construction;*

The subject lands front onto Main Street E., which is of a reasonable standard of construction.

- e) *adequate measures will be taken to minimize adverse impacts that the proposed use may possibly have upon any proposed or existing adjacent use.*

The proposed development of 3 storey townhouses fronting on the south side of Main Street E. maintains the low profile form of single detached development on the south side of the street.

The proposed 6 storey apartment building is located at the rear of the subject lands. Landscaping, fencing and screening is proposed to maintain privacy in the rear yard of the abutting single-detached residential dwelling.

The adjacent uses to the east and south are agriculture and the proposed development is not expected to adversely affect future development. Indeed, the proposed development can be view as establishing an enviable standard for the abutting lands of both site and building design, site functionality, and a good example of effective and needed mixed housing development.

Section 3 of the Kingsville Official Plan states the goals and policies governing the Residential land use designation. Goals include:

3.6.1 *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.*

Goals:

- a) *provide areas in which residential development may occur in a controlled and progressive manner and to recognize existing residential development and areas presently designated for residential development;*
- c) *encourage infilling of the existing development pattern;*
- d) *encourage the development of a greater variety of housing types;*
- g) *provide opportunity to increase the housing supply through residential intensification...*
- j) *provide opportunity to increase the supply of affordable housing...*

The Town of Kingsville Official Plan goals encourage infilling into the existing development pattern through a variety of housing types and increasing the housing supply through intensification. The proposed development conforms to these goals. Specific policies governing residential development include the following:

g) residential infill development in areas of significant historical, architectural or landscape merit shall be encouraged provided:

i. sensitive to the existing scale, massing and pattern of the area;

ii. be consistent with the existing landscape and streetscape qualities; and

iii. will not result in the loss of any significant heritage resources.

The proposed 3 storey townhouses at the front of the subject lands are sensitive to the existing scale, massing and low profile pattern in the area. Townhouses are an appropriate transition to the higher density apartment use at the rear of the subject lands. The proposed development will not result in the loss of any significant heritage resource.

Additional policies governing residential development include:

h) areas for medium and high density residential development are not specifically identified in this Plan. It is the intent of the Plan that all types of residential development will be permitted throughout the area designated "Residential", subject to satisfying certain criteria. The Zoning By-law will zone only existing medium and high density residential uses as such. Any new medium or high density residential development or redevelopment proposal will require an amendment to the Zoning By-law. When considering the appropriateness of the amendment request, the following criteria shall be considered:

iii. High Density Residential The high density residential zone will permit multiple family dwellings such as single unit attached housing, townhouse dwellings, apartment buildings exceeding three storeys in height and all types of senior and other special interest and needs housing. The maximum density for this type of housing shall not exceed 124 units per gross hectare.

Delineation of future medium and high density residential areas are made through applications to amend the Zoning By-law. The proposed development is at a density of 77 units per gross hectare, which is considered high density residential in the Official Plan. In determining the appropriate locations for high density developments, the following policies apply:

i) 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;

The Official Plan Section 1.5.3 forecasts the future residential demand in the Town of Kingsville. The proposed development will help accommodate this future population growth in a manner consistent with the development principles established by the Municipality.

ii) the density and form of adjacent development;

The proposed location along Main Street E. is appropriate for high density residential development given the existing infrastructure and public services in the area. Furthermore, the subject lands are within 1 km of the Central Core and similar developments have recently been approved at 200 Main Street E. across the street from the subject lands.

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;

A future Site Plan application will be submitted for the subject lands which will address matters related to servicing.

iv) the adequacy of school, park and community facilities to serve the proposed development;

The subject lands are located within 1 km of the Central Core of Kingsville, with various hard and soft public services available in the immediate area.

v) the adequacy of off-street parking facilities to serve the proposed development;

The proposed development complies with all parking requirements.

vi) the provision of adequate buffering measures deemed necessary to protect and provide general compatibility with the adjacent land uses; and

The Municipality will have the ability through the Site Plan application process to ensure appropriate buffering measures are included for the adjacent land use to the west.

vii) accessibility in relation to the location of arterial and collector roads;

The subject lands front along Main Street E. an arterial road and just east of Wigle Road, a minor collector.

Zoning By-law Amendment

The Zoning By-law Amendment application is to change the zoning on subject lands from Residential Zone 1 Urban (R1.1) Zone to Residential Zone 4 Urban (R4.1) Exception Zone under By-law 1-2014. Table 1 depicts the relevant provisions of the R1.1 and R4.1 zones.

Table 1	Proposed	R1.1	R4.1
Permitted Buildings and Structure	Townhouse Dwelling; Apartment Building	One, single detached dwelling; Buildings and structures accessory to the Main use	One converted dwelling containing a maximum 10 residential units; Townhouse dwelling containing a maximum 10 dwelling units; Apartment building; One Group home; Nursing or Rest home; Buildings and structures accessory to the Main use.
Lot Area (Min)	4,269 m ²	500 m ²	950 m ²
Lot Frontage (Min)	42.4 m	15 m	25 m
Open Space (Min)	40%	30%	30%
Lot Coverage (Max)	38%	40%	45%
Front Yard Depth (Min)	7.6 m	5.5 m	8 m
Rear Yard Depth (Min)	3.5 m	7.5 m	18 m *
Interior Side Yard (Min)	2.2 m	1.5 m / 3 m	4.5 m
Main Building Height (Min)	18 m	11	11

**The rear yard setback is equal to the height of the building or a minimum of 10 m (33 ft), whichever is greater*

As indicated in the above table, the following Exceptions are requested:

- **Front Yard Depth of 7.6 m whereas R4.1 zone requires a depth 8 m**

The proposed front yard depth of 7.6 m is generally consistent with the required depth of 8 m in the R4.1 Zone. This is a technical adjustment to ensure the proposed apartment building and street fronting townhouses will fit on the subject lands. The proposed depth of 7.6 m will not detract from the Main Street E. streetscape and the frontage of adjacent properties.

- **Rear Yard Depth of 3.5 m whereas R4.1 Zone requires a depth of 18 m**

Zoning By-law 1-2014 calculates the rear yard setback in the R4.1 Zone as equal to the height of the building or a minimum of 10 m (33 ft), whichever is greater. The proposed apartment building is 18 m in height, therefore the required rear yard setback is 18 m

under the R4.1 Zone. We are of the opinion that this setback provision as constructed limits the ability to achieve the densities prescribed in the Official Plan for long narrow properties such as the subject lands, as it severely limits the development envelope of medium and higher density apartments. The lands to the rear of the subject lands are in agriculture protection, are designated for development and will be developed in the future. A rear yard setback of 3.5 m is appropriate and consistent with the objectives and policies of the Official Plan and is not expected to adversely affect future development to the south. This setback is only in the south-east corner due to siting a rectangular condominium apartment building on a parallelogram shaped property, which creates a pinch point. Appropriate landscaping, fencing and screening is proposed along all rear and interior side yards, details of which will be confirmed through the Site Plan application process.

- **Interior Side Yard of 2.2 m whereas R4.1 Zone requires a depth of 4.5 m**

The subject lands are irregularly shaped as a parallelogram. The reduction to the interior side yard is only requested at the north-west corner due to the siting of rectangular townhouses on a parallelogram shaped property, which creates a pinch point on the western townhouse unit. The apartment building is a minimum of 7 metres from the interior side lot lines. The exception will facilitate development at the densities and the built contemplated for the subject lands in the Official Plan while maintaining an appropriate buffer to the adjacent land use.

- **Main Building Height of 18 m whereas R4.1 Zone requires a height of 11 m**

A maximum building height of 18 m is proposed to accommodate the proposed 6 storey apartment building. The apartment building is proposed to be positioned at the rear of the subject lands and is proposed to be setback 7 m from the western side lot line. The proposed setback together with the proposed fencing, landscaping and screening will provide adequate buffering from the rear of the property at 171 Main Street E. High Density development is permitted up to 124 units per gross hectare in the Official Plan. The proposed development is 77 units per gross hectare. The increased building height will allow for this density while facilitating a built form and setbacks in conformity with the buffering policies in the Official Plan.

A total of 45 surface parking spaces are required by Zoning By-law 1-2014, whereas 47 parking spaces are provided in the September 6, 2019 Concept Plan.

Conclusion

The proposed Zoning By-law Amendment application is consistent with the relevant policies of the PPS, and is in conformity with the County of Essex Official Plan and Town of Kingsville Official Plan. The development provides appropriate residential intensification in an area with available

infrastructure and public services. The Heritage Impact Statement dated October 16, 2019, demonstrates that the proposed development has no negative impacts on the adjacent designated heritage property at 171 Main Street E. The application represents good planning and is in the public interest.

If you have any questions regarding the contents of this correspondence, please contact the undersigned.

Yours very truly,

ZELINKA PRIAMO LTD.



Jared Dykstra, MCIP, RPP

cc. Christian LeFave, Brotto Investments Inc.
Heather Garrett, Zelinka Priamo Ltd.
Greg Priamo, Zelinka Priamo Ltd.