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Date: March 4, 2021

To: Mayor and Council

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Manager, Planning Services

RE: Application for Zoning By-law Amendment ZBA/18/19 by
Brotto Investments Inc.
183 Main St. E.
Part of Lot 2, Concession 1 ED

Report No.: PS 2021-015

AIM

To provide the Mayor and Council with information regarding a proposed Zoning By-law Amendment for lands, located at 183 Main St. E, in the Town of Kingsville.

BACKGROUND

The subject land is a 0.43 ha (1.05 ac.) residential lot with an existing single detached dwelling and detached garage. A redevelopment proposal was presented to the public at the November 19, 2019 meeting of the Planning Advisory Committee. Based on feedback from that meeting and recommendation that the existing dwelling be heritage designated the applicant has prepared a revised submission.

The applicant (prospective purchaser) is proposing to leave the existing dwelling on a separate lot (to be severed at a later date) remove the existing outbuilding and develop the balance of the lot as shown on the attached sketch. The proposal would include a three-storey, 22-unit apartment building (condo tenure) and associated parking.

A zoning by-law amendment would be required to:

- i) amend the existing R1.1 zoning to a site-specific R4.1-6 to permit an apartment dwelling with 22 dwelling units;
- ii) permit a reduction of the required lot frontage for the parcel to be developed;

- iii) permit a reduction in the required rear yard setback from 12.2 m to 7.5 m, and
- iv) increase the permitted height from 11 m to 12.2 m to permit a pitched roof consistent with other development along Main St. E. (See Applicant Options)

The zoning for the proposed lot for the existing dwelling will not be amended and remain R1.1. If approved the project would then require site plan approval to finalize the full details of the build out. The proposed layout and elevations are attached as Appendix A and B

DISCUSSION

Provincial Policy Statement (PPS), 2014:

The proposed development on the subject lands is supportive of a number of policies in PPS as follows:

Section 1.1.3.1 states that, "Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted."

Comment: The subject area is centrally located within the settlement area of Kingsville. The area contains a mix of uses and a variety of lot sizes that lend themselves well to both new and supplementary develop.

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

a) Densities and a mix la land uses which:

1. Efficiently use land and resources;

Comment: Much of the development in Kingsville in recent years has been fringe development on greenfield sites that have provided a limited mix of housing and utilize a significant amount of land and resources. Development within the core area of the Town close to existing services both infrastructure and day-to-day (shopping, dining, health care, recreational) intensifies the use on existing lands.

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;

Comment: There is no expansion of Town services required as a result of this development. Main St. is both a Town arterial road and connecting link for two County Roads. Its current traffic volumes and function have been reviewed multiple times by each new development. The Town also undertook a more comprehensive review of Main St. E. as part of the pending new school development. Main St. E. continues to function at an acceptable level however both the development specific reviews and the Town review have highlighted areas that will require updates, expansion or provision of alternative routing to continue to function at an acceptable level.

There are two main points regarding traffic on Main St. E. The first is whether the proposed development will reduce the flow of traffic to an unacceptable level. The second is relates to the overall volume of traffic on Main St. E.

The traffic assessment completed at the request of the Town (Appendix C) concluded that the intersection of the proposed access and Main St E will operate at an acceptable level. As the development has been updated with fewer dwelling units a letter of update (Appendix C-1) was provided from the consultant confirming that the conclusions of the review remain valid. However, it did note that the intersection to the east at Jasperson and Main will require improvements in the future. This is has been noted in the past and improvement to the intersection are planned once other improvements are completed to hopefully reduce the impact that construction will have.

Traffic on Main St. has increased as development throughout Kingsville has continued. Traffic counts completed by the Town in several different areas along Main St. over the years confirm this however the increase in volume has been consistent with the level of growth at about 1% in most areas. It is also important to keep in mind that traffic on Main St is not solely generated by development in Kingsville but also by traffic passing through the Town as it is a connecting link to two County Roads.

It is clear that improvement is required to help spread the overall volume of traffic over more than one main route. Residents have seen the start of improvement with the reconstruction of Main St W from Heritage to Queen this past year and the upgrading of a portion of Jasperson Drive to the new school site. Additional planned improvements include the realignment of Jasperson Dr. to Road 2 E, the improvement of Road 2 E from Union to Kratz Side Road and eventually to Division Road and the ongoing review and consideration of a west side collector route from the intersection of Heritage Road and County Road 20 to Road 2 E. Once completed all of these improvements and upgrades will have a significant impact on overall traffic volume on Main St. These improvements are significant projects, take time and rely heavily on continuing development to generate revenue to fund the improvements.

What can be done to improve traffic volumes in all areas of the Town is to provide housing options that are less dependent on the use of vehicles. Kingsville has supported and invested in active transportation and continues to do so. However, active transportation is not solely about providing residents a place to walk and bike but also an alternative to vehicle use in their daily lives. Higher density development in centralized locations between the downtown core and highway commercial area provides an option to reduce daily vehicle use. It does not eliminate vehicle need or use but helps to add choice and hopefully encourage improvement moving forward. The subject lands are located in an area that has been underdeveloped for a long time. It is well suited to higher density development because it is within walking distance of a very wide variety of daily services from grocery to health care, recreational to a variety of dining.

3. Minimize negative impacts to air quality and climate change, and promote energy efficiency;

Comment: Each of the three listed items above are the topic of existing and ongoing policy development. All communities in Essex County and across Ontario have to take constructive actions on climate change, air quality and energy efficiency. One of the key steps that is hardly new is the reduction of vehicle usage. Higher density development, compact form, low impact storm water management, renewable energy sources will have to become commonplace. Low density, vehicle dependent residential development has passed the point of sustainability.

4. Support active transportation;

Comment: Kingsville has been very supportive of active transportation i.e CWATS, sidewalks and multiple use path installations and of course support of the Chrysler Greenway. These are steps that are moving in the right direction but will require acceleration. Higher density development with smaller footprints and centralized walkable areas is a direction that is consistent with PPS.

5. Are transit-supportive, where transit is planned, exists or may be developed; and

6. Are freight-supportive; and

Comment: item 5 and 6 are not applicable in this case.

- b) A range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3 where this can be accommodated.

Section 1.1.3.3 outlines that, "Planning authorities shall identify appropriate locations and promote opportunities for 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, such as that proposed, has been very limited for quite some time making the availability of this particular type of housing in short supply. Proposed higher density residential is generally common and best suited to locations along arterial roads such as Main St. E. The lot also does not require extension of services and takes advantage of existing lands within the Kingsville Settlement area.

Section 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: Appropriate development standards are based in part of zoning provisions established for a particular development and site plan approval. Redevelopment and intensification often occurs in areas of existing and mixed development that may present a need for added sensitivity to surrounding uses.

Section 1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.

Comment: The County of Essex Official Plan requires that municipalities provide 15% of all new residential development through intensification. While this requirement has technically been achieved annually, based on past high density approvals, only one of those approvals has actually been constructed.

Section 1.1.3.6 New development taking place in designated growth areas should occur adjacent to existing built-up areas 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 area where the subject property is located has attracted a number of higher density proposals, of varying sizes, that will be located next to existing built areas and will have a compact form and densities. All of the developments are utilizing existing infrastructure.

Section 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

Comment: The applicant was required to prepare a Heritage Impact Statement regarding the neighbouring property at 171 Main St. E., which is designated under Part IV of the Ontario Heritage Act. (See Appendix D) The conclusion of the assessment was that the proposed development would not negatively impact on the heritage features of 171 Main St. E.

It is also important to note that the subject property, while not designated is listed as a property of heritage interest in the Kingsville Official Plan. The Kingsville Heritage Committee was circulated for comment and it is outlined in Appendix D-1.

Since the November 19th, 2019 PAC meeting Council refused a request for a demolition permit on the subject site and supported the designation of 183 Main St. E. The applicant appealed both decisions and the appeals are currently pending before the applicable Board/Tribunal. The application before Council proposes to preserve the existing dwelling on a separate lot (to be severed at a later date).

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. As noted under the PPS section the plan is inline with Section 3.2.7 which states, "The County requires that 15 percent of all new residential development within each local municipality occur by way of residential intensification and redevelopment..." The proposed development conforms with the County Official Plan.

3) Town of Kingsville Official Plan

The subject lands are designated Residential and permit all forms of residential development. The applicant has provided a Planning Justification Report. The document is included as Appendix E along with an update letter resulting from the change in the proposal as Appendix E-1.

A total of 22 dwelling units are proposed on the site. The density of the development would be 73.3 units per hectare which is in the mid range of the 124 unit maximum per hectare considered high density residential.

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 15 years has been 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 becoming very limited, based on the current growth rate and development of only low density residential. The addition of up to 22 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 higher density 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. Regardless of the type of ownership, this development 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 or area of transition for sometime as is evident by the presence of mixed uses including, multiple residential, institutional (KDHS) mix commercial residential and standalone professional commercial.

- 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: Service capacity will require confirmation for the entire development including water and sanitary sewer. Storm water management will also be a requirement for the development.

- 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: All required parking for the new development will be provided on-site in the form of at grade spaces in compliance with the applicable zoning requirements for the proposed uses. This is an area of focus with all new development as climate change forces much more serious consideration of low impact storm water management, walkability, open space, reduction of CO² and more sustainable development. The provision of parking or over parking does not move in a supportive direction on any of these considerations.

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

Comment: The development will require attention to the maintenance and protection of the mature trees on the abutting lands as those trees provide a considerable visual screening from the condo portion of the development.

- 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 specific to the proposed use. Traffic generated from the site daily would total 233 trips with 17 two-way trips at AM peak time and 21 two-way trips at PM peak time. This volume also included anticipated growth from other pending projects in the area and growth through to 2031.

The study concludes that the site-related traffic will not reduce the functionality of 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 'B'). The Baird report does also reference the RC Spencer report that was completed by the Town along Main St. E. as part of the pending school development. Improvement to the intersection of Main St. E. and Jasperson are anticipated to improve intersection function at this location.

The addition of any development along Main St. E. will add traffic to what is clearly a busy street. There are a number of proposed developments that are approved or partially approved and will happen overtime. There are anticipated improvements and upgrades that will be necessary. Contribution to the improvements is a mix of basic improvements that are required over time, factored into capital expenditures and subject to budgetary consideration. Development also contributes to road improvements and intersection upgrades based on anticipated impact to a given road.

While there is disagreement on this point there must be consideration given to the fact that the location of the development is very supportive of walkability being centrally located between the downtown to the west and large format commercial to the east. Kingsville is a small community and very walkable. This is something that planning policy strongly supports and encourages. This 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: A final full detailed site plan is being developed and will incorporate comment and feedback provided through ongoing public input.

4) Comprehensive Zoning By-law

The subject property is zoned Residential Zone 1 Urban, (R1.1). The intended amendment would be to rezone to a site-specific Residential Zone 4 Urban to permit the following:

- i) An apartment building (maximum 22 units, maximum 3 storey)
- ii) Establish site-specific regulations to:
 - a) a reduction in the rear yard setback from 12.2 m to 7.5 m;
 - b) increase the permitted maximum height from 11 m (36 ft.) to 12.2 m (40ft.);
 - c) reduce the required lot frontage of the apartment parcel from 25 m (82 ft.) to 16 m (52.5 ft.);

5) Proposed Site Layout

The revised site plan shows the overall layout of the proposed development. The plan will be reviewed again at the site plan approval application stage to address any additional items such as access design, landscaping, lighting and storm water management. Feedback from the public as part of the proposed zoning amendment will also be taken into consideration at that time.

LINK TO STRATEGIC PLAN

Manage residential growth through sustainable planning.

FINANCIAL CONSIDERATIONS

There will be a significant increase in assessment as a result of the proposed development. Development charges and building permit fees will be due at the time of construction.

CONSULTATIONS

Public Consultation

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 (dated March 2nd) by mail. The Notice was also posted to the Town's website on the same date. Supplementary to the mandatory circulation the notice was also posted to the Town's social media page on March 10th. Public comment from both the November 19th PAC meeting and comment from the circulation for the March 22, 2021 meeting of Council are included as Appendix F and F-1

A Planning Advisory Committee meeting was held on November 19, 2019 with the following motion:

PAC Motion 14-2019:

Moved by Gord Queen, seconded by Laura Lucier to receive the report as presented and to provide the information and comment that was presented at the PAC meeting to all of Council.

Minutes of the PAC meeting are also included (Appendix G) outlining the full public comment. Although the development has changed in scale and the removal of the existing dwelling is not proposed much of the comment, in general, has not changed.

Agency & Administrative Consultation

Outside agencies are circulated at the time the application is submitted. Comments received are included below. In accordance with O. Reg 545/06 of the Planning Act, Agencies also received the Notice of Public Meeting by email.

1) Essex Region Conservation Authority (ERCA)

ERCA comment has not changed from the 2019 comment and is attached as Appendix H.

2) Technical Advisory Committee

Building Services will review the plans for items related to the Building Code at the permit stage.

Infrastructure and Engineering Services (IES) will require a full storm water management plan and servicing drawing at the site plan approval stage for review and comment.

Fire Department has indicated that safe ladder access will need to be demonstrated along the westerly side of the building. The applicant has revised the plan to include gate access to each ground level court yard. This item will be reviewed again at the site plan stage and as part of any building permit

RECOMMENDATION

That Council:

Approve zoning amendment application ZBA/18/19 to rezone a portion of the lands located at 183 Main St. E from Residential Zone 1 Urban, R1.1 to a site-specific Residential Zone 4 Urban R4.1-6 to:

Permit an apartment building with a maximum of 22 dwelling units;

Reduce the required rear yard setback from 12.2 m to 7.5 m;

Reduce the required lot frontage of the land to be retained as a result of the severance of the existing single detached dwelling from 25 m to 16 m, and

Increase the permitted maximum height from 11 m to 12. 2 m

Robert Brown

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