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**Date:** August 9, 2021

**To:** Mayor and Council

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Manager, Planning Services

**RE:** Application for Draft Plan of Subdivision SUB/01/2021 (County File #37-T-21002 & Zoning By-law Amendment Application ZBA/08/2021 by 1646322 Ontario Ltd. V/

**Report No.:** PS 2021-035

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## RECOMMENDED ACTION

That Council:

Approve zoning amendment application ZBA/08/2021 to:

amend the zoning on the subject lands as outlined in the amending by-law to reflect the revised layout of the draft plan of subdivision, and

amend the Lakeshore Residential Exception 32 (holding), (LR-32(h)) to reduce the required lot frontage for a semi-detached dwelling on a corner lot from 11.8 m to 10.3 m, reduce the required lot frontage for a townhouse on end units from 8.8 m to 8.5 m and corner lots from 11.8 m to 10.3 m.

Approve a resolution in support of the draft plan of subdivision, County File No. 37-T-21002, subject to the conditions outlined by the County in the draft approval and approval of a development agreement with the applicant to the satisfaction of the Town.

Direct administration to forward the resolution of support to the County Planner for final approval of the draft plan of subdivision.

## **BACKGROUND**

The Town of Kingsville has received the above-noted applications for lands located on the south side of County Road 20 which extend south toward Heritage Road and abuts the Golfside subdivision to the west and Cottage Grove subdivision to the east. The subject property is designated Lakeshore Residential West by the Official Plan and zoned Lakeshore Residential Exception 31 & 32 (h), Parkland (PG) and Neighbourhood Commercial Exception 2 – holding (C1-2(h) under the Kingsville Comprehensive Zoning By-law.

The subject land is a 51.6 ha (127.5 ac.) vacant parcel (currently farmed). A zoning amendment was brought forward to Council in 2012 however was refused. The County of Essex, as the approval authority for plans of subdivision, failed to make a decision on the draft plan of subdivision. As such, the applicant appealed the non-decision and refusal to the Ontario Municipal Board (OMB) now the Local Planning Appeal Tribunal (LPAT), which subsequently granted the draft approval for up to 750 lots (Appendix A) along with the requested zoning by-law amendment. The County issued final approval as ordered by the OMB however that approval lapsed in 2018. This has required the applicant to resubmit for draft plan approval. The approved zoning remains in place however there are some minor amendments needed to reflect adjustments to the plan and address lot frontage requirements for the semi-detached and townhouse development.

## **DISCUSSION**

### **1) 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.

Section 1.1.3.6 goes on to say, “New development taking place in designated growth areas should occur adjacent to the existing built-up area 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 development of the subject lands is infill between two existing plan of subdivision, the older area of around Cottage Grove to the east and the newer development of Golfside to the west. The proposed development will include a range

of housing, single detached, semi-detached and townhouses, along with parkland and a commercial lot at the subdivision entrance on County Road 20.

## **2) County of Essex Official Plan**

The County Official Plan includes the subject property within a Settlement Area. 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.

Both the Town and County require a number of background studies to be completed as part of all subdivision development and include the following:

i) Planning Justification Report

Comment: The applicant had a report prepared that is attached as Appendix B.

ii) Archaeological screening

Comment: A Phase 1 and 2 archaeological assessment has been completed on the subject lands and clearance received from the applicant ministry. (Appendix C)

iii) Traffic impact assessment

Comment: A traffic impact assessment was requested by the County of Essex given that access to the development is directly off County Road 20 and indirectly off Heritage Road via Lake Drive. The study was completed by Baird AE and reviewed by County Infrastructure. The County noted that no improvements would be required to County Road 20 or Heritage as a result of the development's initial phases however has noted that updates will be required to the TIS every three years as the development builds out. The County planner has outlined that draft approval of the plan would be granted for the entire subdivision however individual final approval will only be given on a phased basis.

iv) Storm water management plan

Comment: A plan was prepared for the development. Storm water will be collected via road drains and rear yard catch basins designed in accordance with the Town's development standards. The system will outlet to the Linden Beach Relief Drain which then outlets to Wigle Creek.

The Town requests that the applicant provide details on the intended drainage and grading between the proposed development and the existing lots to the east and west to ensure that there is no interim impact as a result of construction. This is in addition to the standard submission of individual lot grading plans required as part of the building permit process.

v) Environmental Impact Assessment

Comment: The applicant had the subject site reviewed by a qualified ecologist who in turn provided that information to the Ministry of Environment, Conservation and Parks (MECP). The Ministry has provided clearance to the development based on the ecologist's review. (Appendix D) it was noted that an area along the south end of the proposed park should incorporate improvements that would support Eastern Fox snake habitat. Mature trees should be retained where possible and appropriate precautions be taken prior to construction on the site to avoid erosion into the Linden Beach Relief Drain. It was also recommended that the area along the drain be retained as a buffer. The Town has already extended a pathway along the north side of the drain. There no additional works plan for this and the south side of the drain will remain as is save and except general maintenance.

**3) Town of Kingsville Official Plan**

The subject parcel is designated 'Lakeshore Residential West' within the Official Plan for the Town of Kingsville. Section 3.6.4 states, "The purpose of the "Lakeshore Residential West" designation is to recognize the residential development south of County Road 20 along the Lake Erie shoreline and west of the Town's main urban centre. This area of the municipality is currently serviced with full municipal services."

Comment: The proposed development is consistent with the goals outlined in Section 3.6.4 as required servicing is or will be available in the short-term, is infilling and provides a greater variety of housing type.

Section 3.6.4 Policies go on to outline that:

- a) residential development shall consist primarily of single unit dwellings but may also include single unit detached, two-unit and single unit attached dwellings.

Comment: The proposed development is low density residential (12.8 units per ha) and will include a mix of single detached, semi-detached and townhouse dwellings. The mix of housing is located in such a way to provide transition between the existing single detached to the east and west and the proposed semi-detached and townhouse development in the core of the new subdivision.

Provincial Policy, the County Official and Town Official Plan all speak to the provision of affordable housing. The proposed subdivision does not directly address or propose affordable housing as defined by the Province. What it does do, which is supportive of the location, is provide a mix of lower density buffer, single detached homes, and higher density, semi-detached and town houses.

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

The subject property is zoned 'Lakeshore Residential Exception 31 (holding), (LR-31(h))' Lakeshore Residential Exception 32 (holding), LR-32(h))', 'Parkland (PG)' and 'Neighbourhood Commercial Exception 2 (C1-2)'. This mix of zoning will remain however as a result of the modification to the plan there are minor adjustments required to both residential zones and location and footprint of the parkland. Overall, the adjustments do not result in any net gain or loss of a particular use just relocation. The specific details are shown on Schedule 'A' of the amending by-law.

The applicant has also requested an adjustment of the required lot frontage for a semi-detached dwelling on a corner lot from 11.8 m to 10.3 m, an adjustment of the required townhouse lot frontage for end units from 8.8 m to 8.5 m and corner lots from 11.8 m to 10.3 m. This adjustment is based mainly on the existing reduction in the exterior side yard setback from 4.5 m to 3 m. With this reduction the need for larger corner lots is removed. These changes do not result in more units but do provide for greater consistency with current corner lot setbacks. This adjustment is applicable only to the Lakeshore Residential Exception 32 (holding), (LR-32(h)) zone.

#### **5) Plan of Subdivision Layout**

This development has been undergoing review for several years leading up to the plan that is now under consideration. The initial plan generated concerns with the size, impacts to existing subdivisions to the east and west, access to County Road 20 and the type of housing. The revised plan developed as part of the settlement agreed to by the Town to resolve the OMB appeal was scaled back in size however had not really addressed all of the concerns.

In October of 2017, after significant discussion between the Town and developer, a new draft plan was presented to the public at an open house as an alternative to the OMB settlement which better addressed concerns with the development in general and reduced the scale. Feedback from this open house was generally positive and most of the residents in attendance preferred the new plan.

The revised draft plan that has been submitted proposes a total of 642 lots with a mix of single detached (149), semi-detached (434) and townhouse dwellings (59). The plan also includes the original commercial block abutting County Road 20, 0.527 ha (1.3 ac.) and a total of 6.45 ha (15.94 ac.) of parkland in two blocks. (Appendix E)

The proposed lot fabric and road pattern have been developed in consultation with the Town and took many of the suggestions from the public open house in October of 2017. The applicant has also had a number of meetings with individual landowners to address questions on boundary locations.

What are the main changes to the plan?

- i) Fewer lots 642 versus 750;
- ii) Realignment of internal streets to provide traffic calming between the existing subdivisions;
- iii) Timing of connections can be addressed via development agreement
- iv) Fewer phases – meaning quicker build out to County Road 20
- v) Agreement that a temporary construction access is required to County Rd 20;
- vi) Wider north/south collector road;
- vii) Shifted northerly park lot;
- viii) Agreed to boundary conveyances along abutting lots in the Cottage Grove area.

## **LINK TO STRATEGIC PLAN**

Manage residential growth through sustainable planning.

### **Link to Council 2021-2022 Priorities**

- COVID-19 and the health and safety of the community
- Customer Service: Training, Technology, Staff, Review Standards/Level of service
- Housing: Affordability (lot sizes, developer incentives, second dwellings, density, etc.)
- Greenhouse: lights & dark sky, odours (site plan compliance, bylaws, other tools)
- Programming Increase: Youth and Seniors
- A development plan for Downtown Kingsville / Main Street
- Financial savings: Schools closings, Migration Hall
- Economic Development: strengthen tourism/hospitality
- COVID - economic recovery
- Communications: Strategy – Policy (social media), Website refresh and other tools, Public engagement
- Housing: Migrant Worker Housing – Inspections (Building/Fire), regulate, reduce, or increase
- Committees / Boards: Review and Report
- Policy Update: Procedural Bylaw
- Economic Development: diversify the economy, create local jobs, industrial, Cottam
- Infrastructure (non-Municipal): Union Water expansion & governance
- Infrastructure (Municipal): Asset Management Plan update, the infrastructure funding deficit
- No direct link to Council priorities

## **FINANCIAL CONSIDERATIONS**

If approved the development will result in an increase in assessment, collection of development charges and building permit fees.

## **CONSULTATIONS**

### **Public Consultations**

A Planning Advisory Committee (PAC) meeting was held on June 22. PAC was provided with a report outlining the details of the subdivision and requested zoning amendment. Comment was also received from several residents. (Appendix F). While PAC hear comment from the public and also had comments itself no motion or direction to Council was provided.

Property owners within 200m (120 m is the required buffer) of the subject site boundaries received the Notice of Public meeting by mail (sent July 13). The notice was also posted on the Town website and social media.

### **Public Comment To Date**

Additional comments received since the June 22<sup>nd</sup> PAC meeting are included as Appendix F-1 The concerns from both are as follows:

#### Traffic Impact

Comment: This was the number one issue raised by many of the residents in the subdivisions to the east and west. Traffic impact is both a concern at the construction phase and the final build out. There is no question that the addition of 642 dwellings lots represents a significant addition to the Town regardless of the location. With limited frontage on County Road 20 to the north and only Lake Drive to the south access remains a challenge. The County has indicated to the Town and developer that it expects updates to be undertaken to the traffic review, every three years, as the subdivision moves forward.

The bulk of the traffic concern is related to construction. This is addressed through a number of directions including a revised phasing plan, quicker south to north development, and provision for a dedicated construction access route until Phase 5, connection to County Road 20, is completed. Based on ongoing public comment this is not seen as fully addressing the issue. This is further addressed through the timing of connections to the existing subdivision which is discussed in more detail below.

As the subdivision builds out there will of course be additional new resident traffic. There is also concern that the eventual connections to Cottage Grove and Golfside will both add traffic to these areas and possibly alter existing traffic flows. Both of these existing subdivisions have either no sidewalks or limited sidewalks.

## Connection Timing

Comment: It is clear from the existing street pattern in the Cottage Grove area and the Golfside subdivision that future connections were planned to the subject lands. This does not mean that the connections are necessary immediately once construction begins. The Town determines when and if a street connection is made and bases this on the Town's Development Standards. The specific details on the timing of these connections will be outlined in the development agreement. One potentially viable option is suggested as follows:

- 1) Once approved the initial phase of construction will involve the installation of sanitary sewers including connection to the existing lines on Lake Drive and Championship Way. Water service will need to be extended into the subdivision from County Road 20 and will also need to be looped into the existing system. Much of this work will take place on the subject lands and access will be from County Road 20. However, there will need to be some access from Lake Drive and Championship Way to make connection to the existing systems. All work related to the storm water system are on-site and do not require off-site connections. The bulk of the initial construction will not require access from the neighboring lands.
- 2) Street construction will occur on site and access can be limited to the proposed construction access from County Road 20. Like the water and sewer there will need to be connections made, as part of Phase 1, to Lake Drive and Championship Way. This does not mean that these access points will be opened as this point.
- 3) Once all of the necessary servicing is completed and the Town has accepted the initial Phase(s) on maintenance building permits will be available to begin house construction. What is suggested is for access to continue to be limited to the temporary construction access from County Road 20 however once occupancy of the new homes begins at least one access point to an open Town street must be provided. Much of Phase 1 and possibly Phase 2 could be developed with a single access however only if emergency access can be provided via the temporary construction access and only if the emergency services is in agreement. If this is not the case then connection the Championship Way will need to be opened. However, this does not mean that access is being opened for construction purposes. The develop will need to provide signage on County Road 20 and within the abutting subdivision to direct construction traffic. It is important to keep in mind that the Town, County or both may require the connection to County Road 20 be completed earlier than Phase 5 if access or traffic concerns warrant.

## Lot Alignment

Comment: The majority of the single detached lots that abut the existing lots in Cottage Grove and Golfside will align with the existing lots. This is however is not the case in all

areas. This is in part because of inconsistent lot patterns or different home types. This does not represent a significant compatible or design issue and is not uncommon in many other subdivisions around Kingsville. The main concern was expressed by a Essex Street resident however it is worth noting that the developer has agreed to convey lands along the backs of several of the Essex Street lots which currently encroach on the subject lands.

### Construction Impacts

Comment: The proposed development represents a significant amount of construction over what will likely be several years. Residents in the existing subdivisions will be impacted by noise, dust and the view of construction. This is the side effect of infill development.

### Impact to the Nature Environment

Comment: As part of all subdivision development an environmental assessment has to be completed to determine what floral and fauna are present and if there are any species at risk. The assessment has been completed, reviewed and a clearance issued by the Ministry of Natural Resources and Forestry. As noted earlier in the report the developer is required to take steps to safeguard certain locations on the property and make best efforts to maintain, where possible any mature trees.

### Loss of Agricultural Lands

Comment: The Ontario Federation of Agriculture has recently expressed concern with the ongoing loss of productive agricultural lands to residential development. Most notable is the fact that single detached housing development is the single largest impacting force on agricultural land loss. That said, the subject lands were lost to residential development the day they were designated for residential use in the current Official Plan. As the Town moves forward, and if growth continues, it will be important to focus on maximizing the use of the existing lands within the settlement area and encouraging higher density development.

### Service Capacity

Comment: From the onset of this development there has been concern for the existing capacity of the water and sanitary sewer to accommodate what is proposed. Sanitary sewer capacity is available for the development. Water capacity, although initial available to the subject property has gradually decreased as other development in the area built out. This has result in the need to upgrade water service to the remaining residential areas on the west side of Kingsville. Those works have been approved and design work is being completed for a new water line extension.

Storm water management is always a concern with new development particularly when it is located between two existing subdivisions. The proposed development is required to prepare a storm water management plan that will collect, store and direct its water to

an appropriate outlet. That plan has been prepared and reviewed by the Town and ERCA.

### **Agency & Administrative Consultations**

Both internal and external agencies have been provided with the detail of the project.

#### **1) Essex Region Conservation Authority (ERCA)**

ERCA has not indicated any objection to the proposed development but has noted that requirements incorporated as part of the OMB approved plan may still be applicable and will need to be included in the development agreement. The full comment has been attached as Appendix G.

#### **2) Technical Advisory Committee**

The overall plan is seen as a positive improvement over the original OMB approved layout. TAC did comment that the main north-south collector road should incorporate a roundabout at the midpoint to act as a traffic calming measure while retaining function as a collector road. The proposed semi-detached development along the collector will also need to take into consideration parking needs, as there will be limited space along this main street for on-street parking.

Servicing of the subdivision has been reviewed. The proposed storm water management is acceptable and there is adequate capacity in the sanitary sewer system to accommodate the development. Municipal water however remains in limited supply to the area. Infrastructure upgrades to increase supply to the west have been approved however still require installation prior to the subdivision moving forward.

*Robert Brown*

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