



Date: March 6, 2023

To: Mayor and Council

Author: George Robinson, MCIP, RPP
Manager of Planning

RE: ZBA-06-22 – Zoning By-law Amendment for Vacant Land on Maple Street by Liovas Holdings Ltd.

RECOMMENDED ACTION

1. That zoning by-law amendment application ZBA/06/2022 to amend the text of the site-specific zoning for the subject parcel on Maple Street from Residential Zone 2 Urban Exception 18 (R2.1-18) to allow a townhouse as an additional permitted use with supplemental regulations **BE APPROVED**; and
2. **By-law 16-2023** being a by-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

BACKGROUND

The Town of Kingsville has received the above-noted application for lands located on the north side of Maple Street, west of Lansdowne Avenue, and south of the ERCA Chrysler Greenway (see location map attached as Appendix A). The subject property is designated Residential by the Official Plan and zoned Residential Zone 2 Urban Exception 18, (R2.1-18) under the Kingsville Comprehensive Zoning By-law.

The subject land has a total lot area of 2,446.14 m² (26,330 ft²) and a combined frontage of 118.28 m (388.06 ft.). There are currently a total of four semi-detached dwellings (8 units) under construction on the site. In 2020 a zoning amendment was approved to permit this development (By-law 27-2020) along with site plan approval. In addition to the four semi-detached buildings it was proposed that a storage building with six individual units was to be constructed at the east end of the lot to provide storage space to each dwelling unit. The applicant is now proposing to alter the plan to include a three unit townhouse as an alternative to the storage building. The existing site plan approval requires an amendment, and the site specific zoning need to be amended to remove the garage and replace it with the proposed townhouse, and to adjust the required rear yard setback (site plan attached as Appendix B). The site underwent a Phase I and II environmental review because of past contamination on the site. A

Record of Site condition was completed and filed with the appropriate Ministry, and no further site remediation is required.

DISCUSSION

1) Provincial Policy Statement (PPS), 2020:

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 (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 PPS includes policies that settlement areas shall be the focus of growth and development. PPS states that “Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment” (Section 1.1.3.2).

Comment: The subject property is located within the Town of Kingsville settlement area. Section 1.1.3.1 of the PPS states that “Settlement Areas” shall be the focus of growth and development.

2) Town of Kingsville Official Plan

The subject lands are within the ‘Residential’ designation of the Town’s Official Plan. No change to the land use designation is required. Section 7.3 of the Official Plan states that new lots may be created by the consent, provided that the proposed use is permitted in the Plan, the Town is satisfied that a plan of subdivision is not required, adequate access can be provided, adequate potable water and sanitary sewage treatment can be supplied, disposal and stormwater management can be provided in accordance with the Plan and all the proposed lots comply with the Zoning By-law.

Comment: The development is considered infilling and utilization of a currently underutilized lot. The property has access to full municipal services.

3) Comprehensive Zoning By-law

The Town’s Comprehensive Zoning By-Law includes a set of guidelines and provisions for lands within the Town that must conform to the Official Plan.

The subject parcel is currently zoned Residential Zone 2 Urban Exception 18, (R2.1-18). This application will add an exception to allow the development of additional permitted uses including Semi-Detached and Townhouse dwellings.

Comment: The parcel meets other regulations for Residential Zone 2 Urban Exception 18, (R2.1-18). The zoning change does not create any zoning non-compliance.

FINANCIAL CONSIDERATIONS

There may be an increase in assessment with the addition of the permitted use and a new building.

ENVIRONMENTAL CONSIDERATIONS

The Essex Region Conservation Authority (ERCA) has requested that the following condition be included in the Site Plan Control Agreement to satisfy their concerns: that the applicant be required to erect a 5 foot chain link fence with no access gates along the north property line of the subject site in order to prevent illegal entry to private lands and create a barrier from future illegal access points on the Greenway.

CONSULTATIONS

Public 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.

Agency & Administrative Consultation

In accordance with O. Reg 545/06 of the Planning Act, Agencies and Town Administration received the Notice of Public Meeting by mail and/or email. At the time of writing, the following comments have been received from circulated agencies.

Town of Kingsville Technical Advisory Committee

There are no technical objections to the proposed zoning amendment.

PREPARED BY:



George Robinson, MCIP, RPP
Manager of Planning

REVIEWED BY:



Richard Wyma, CSLA
Director of Community and Development Services