



**Date:** April 24, 2023

**To:** Mayor and Council

**Author:** George Robinson, MCIP, RPP  
Manager of Planning

**RE:** ZBA-2023-9 – Zoning By-law Amendment for 54 Spruce Street North  
Augustine Villas  
Roll number: 3711-140-000-06201

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## RECOMMENDED ACTION

1. That Zoning By-law amendment application ZBA-2023-9 to amend the zoning on the subject parcel in the Town of Kingsville from Residential Zone 3 Urban, “R3.1” to a site-specific Residential Zone 3 Urban Exception 23, “R3.1-23” to permit two Townhouse dwellings **BE APPROVED** with the following:
  - a) a Retirement Home be permitted as an additional use;
  - b) two Townhouse dwellings with a maximum of 6 Townhouse dwelling units each (12 units total);
  - c) minimum parking space requirement for the site is 58 spaces; and,
2. **By-law 31-2023** 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 west side of Spruce Street North, north of Beech Street (see location map attached as Appendix A). The subject parcel is designated ‘Residential’ by the Official Plan and is zoned ‘Residential Zone 3 Urban (R3.1)’ under the Kingsville Comprehensive Zoning By-law.

The subject parcel is approximately 7,972 m<sup>2</sup> (1.97 Acres) in size and contains an existing retirement/rest home. The applicant is proposing a zoning by-law amendment to allow the construction of two townhouse structures with six dwellings each (total of 12 townhouse units), in two phases as shown on the applicant’s proposed site plan (attached as Appendix B). As part of this amendment application, the applicant is seeking to set parking requirements for the site at 58 spaces.

## 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).

Section 1.4.3 states that:

*“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;”*

Comment: There are no issues of Provincial significance raised as a result of the proposed zoning-by law amendment and permitting such development is encouraged.

### 2) Town of Kingsville Official Plan

The Official Plan for the Town of Kingsville designates the subject properties as ‘Residential’. Section 3.6.1 Residential, states that “*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.*” The Goals and Policies strongly encourage residential infilling and intensification where it is determined appropriate and where servicing is available. The Plan also encourages increasing the housing and rental supply by including a variety of housing types.

Comment: The applicant applied for the Zoning By-law Amendment in order to create two townhouse buildings, which would be supported in the Residential

designation. The area mainly consists of residential uses with some institutional uses and commercial uses along Main Street. Therefore, this application meets the Goals and Policies of the Official Plan.

### 3) Comprehensive Zoning By-law

The subject parcel is currently zoned 'Residential Zone 3 Urban (R3.1)' which permits a variety of multiple dwelling uses including Nursing or Rest homes, smaller Townhouse buildings, or a triplex. The applicant wishes to change the zoning to allow the construction of two townhouse structures with six dwellings each. The Townhouse use is already permitted in this zone, but only up to three units.

The applicant is also asking that a Retirement Home be permitted as an additional permitted use. The existing building was likely considered as a Nursing or Rest Home when the last building permit was issued. A Retirement Home better reflects the current operation of Augustine Villas, definitions noted below:

**3.8.30 Nursing Home:** *shall mean any premises maintained and operated for persons requiring nursing care or in which such care is provided to two or more unrelated persons but does not include any premises falling under the jurisdiction of the Charitable Institutions Act, the Children's Mental Health Services Act, the Children's Residential Services Act, the Homes for the Aged and Rest Homes Act, the Mental Hospitals Act, the Private Hospitals Act, or the Public Hospitals Act.*

**3.10.13 Retirement Home:** *means a facility that provide accommodation primarily to retired persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and where common lounges, recreation rooms and medical care and personal service facilities may be provided.*

The applicant is also seeking that notwithstanding the parking requirements of the zoning by-law, the site has a parking requirement of 58 spaces which matches what they are able to provide on their site plan.

As per Table 5 of the Zoning By-law, a Retirement home / long term care facility / nursing home requires 0.5 spaces/bed. If existing occupancy is 99 beds, a total of 50 spaces are required for the retirement home. The addition of 12 townhouse dwellings at 1 space per dwelling would bring the required parking to a total of 62 spaces, where the applicant is requesting to provide 58 spaces.

Comment: The surrounding neighbourhood is a mix of dwelling types, primarily of single detached houses and duplexes, with some smaller apartment buildings and institutional uses in close proximity. Offering different types and sizes of residential buildings have been both desirable and successful in meeting the goals and policies

of both the Official Plan and Provincial Policy Statement. Thus, permitting townhouse dwellings with more units would be appropriate for the lands.

Further, adding the Retirement Home use as a permitted use clarifies the existing operations of the site and removes any confusion if the owners apply for a future building permit to upgrade or renovate the facility.

Regarding the parking spaces set to 58 (a deficiency of 4 spaces from Table 5 requirements), a Traffic Impact Statement will be requested as part of the Site Plan Control application that will be required subsequent to the zoning by-law amendment. The applicant has indicated that 58 spaces will be able to accommodate the parking use of the site, including requirements for shift change. They report that many of their existing residents do not have private vehicles, and do not anticipate that the future residents of the townhouse units will have vehicles.

## **FINANCIAL CONSIDERATIONS**

The construction of additional buildings on this site is anticipated to increase its assessed value.

## **ENVIRONMENTAL CONSIDERATIONS**

Intensification of an already developed and serviced site is a more sustainable growth pattern than building in a greenfield setting. Proposed site plan meets building setbacks which provide space for landscaping.

## **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.

The applicant held a public information centre on April 5<sup>th</sup> at the Kingsville Arena. The applicant's consultant spoke to neighbouring residents and answered questions they had about the proposal for approximately 40 minutes in a formal question and answer format, followed by a more casual setting for reviewing the information boards for the development. Attendance was estimated at 15 non-applicant related participants, plus the design team for the project, and the board of directors for Augustine Villas. A report from the applicant's consultant is attached as Appendix C.

### **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**

The application was circulated for review by the Town of Kingsville Technical Advisory Committee. The TAC Committee identified a number of technical issues which are primarily related to Site Plan, rather than zoning. If the Zoning By-law amendment is approved, the proposed development will be subject to Site Plan approval, where the applicant will be required to address the technical comments received as noted below:

- Building Department:
  - Please obtain a qualified designer to provide drawings. Provide a building code data matrix for this project.
  - Insufficient information provided at this time, requirements will be coordinated through future Site Plan Control and Building Permit submissions.
  
- Public Works and Engineering:
  - Comments to be primarily addressed through future site plan application.
  - Functional Servicing Report (FSR) required for Sanitary, Water and Storm. SWM required.
  - Parking is an issue. TIS impacting Spruce St, Pulford, and Spruce at Main St min.
  - Comprehensive photometric plan required. Existing and new to be full cut off / dark sky compliant.
  - 360 degree access (Fire) not provided. Singular site access is not ideal. Pinch points identified. Insufficient setbacks noted.
  - Buffer to adjacent residential, provide vegetative / fencing detail.
  - Snow storage area should be identified.
  - Waste bin storage not shown.
  
- Fire Department:
  - Comments to be primarily addressed through future site plan application and Building Permit submissions.
  - Confirm that the fire access route will be identified, remain clear and accessible at all times.
  - Confirm the water supply identified for fire protection is sufficient for firefighting purposes.
  - For early detection we would like to see the dwelling units be tied into the existing retirement home fire alarm panel.

If the Zoning By-law amendment is approved, the proposed development will be subject to Site Plan approval, where the majority of the technical comments received can be addressed.

PREPARED BY:



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**Manager of Planning**

REVIEWED BY:



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Richard J.H. Wyma, CSLA  
**Director of Community and Development Services**