



**Date:** May 23, 2023

**To:** Mayor and Council

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

**RE:** ZBA-27-21 – Zoning By-law Amendment for 1666 and 1678 Division Road North - Jim Liovas  
Roll numbers: 3711-350-000-01000 and 3711-350-000-00900

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## RECOMMENDED ACTION

1. That the zoning by-law amendment application ZBA/27/21 **BE APPROVED**; to amend the zoning for the subject parcel(s) at 1666 and 1678 Division Road North in the Town of Kingsville, from Residential Zone 1 Urban 'R1.1' to a site-specific Residential Zone 4 Urban Exception 8 'R4.1-8' to permit:
  - i) A 100-unit multiple dwelling building
  - ii) Reduce required parking ratio from 1.25 to 1.2 spaces per unit
  - iii) Increase required side yard (north) from 4.5m (14.5 ft.) to 9 m (29.5 ft.)
  - iv) Increase permitted maximum height from 11m (36 ft.) to 12.2m (40 ft.)
2. By-law 38-2023 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 east side of Division Street North, between Cranberry St. and Sandybrook Way (see location map attached as Appendix A). The subject property is designated 'Residential' by the Official Plan and is currently zoned 'Residential Zone 1 Urban (R1.1)' under the Kingsville Comprehensive Zoning By-law.

The subject lands are a 1.42 ha (3.51 acre) parcel consisting of two former residential lots, currently vacant. The applicant is proposing a four-storey 100-unit multiple dwelling structure (condominium tenure) and parking area, as shown on the applicant's site plan (attached as Appendix B) and elevation plans (attached as Appendix C). The subject site provides frontage on Division Street North and Holly Street. The applicant is seeking approval to change the zoning to a site-specific Residential Zone 4 Urban (R4.1-8) which includes the following site-specific zoning by-law regulations:

- i) Permit a 100-unit multiple dwelling building
- ii) Reduce required parking ratio from 1.25 to 1.2 spaces per unit
- iii) Increase required side yard (north) from 4.5m (14.5 ft.) to 9 m (29.5 ft.)
- iv) Increase permitted maximum height from 11m (36 ft.) to 12.2m (40 ft.)

## **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. The proposed new multiple dwelling will provide a housing option currently both in demand, and in short-supply, in the Kingsville settlement-area housing market, while at the same time making use of existing lots of record, and the hard and social services currently afforded to those lots. The applicant has submitted a planning support letter, the text portion of the document is included as Appendix D.

### **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. The proposed development would be consistent with the County Official Plan.

### **3) 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.

The applicant has submitted a planning support letter, the text portion of the document is included as Appendix D. Administration concurs with the analysis provided in this report.

Comment: The applicant is proposing a 4-storey 100 multiple dwelling unit building. There is both need and demand for all types of residential development at the current time. In the applicant's planning justification report, they proposition that "although Kingsville does not appear as a line-item in the CMHC vacancy rate chart / data, Leamington does, and I feel that it is reasonable to suggest that the Kingsville market shares a similar vacancy rate, or perhaps lower due to the smaller number of completed / occupied medium and high-rise apartment dwellings – the most recent reported vacancy rate being 2.0 % (October 2022 data). A healthy vacancy rate is considered to be between 3 to 4 %, with 2 % being deficient."

### **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 (R4.1) to permit the following:

- i) Permit a 100-unit multiple dwelling building
- ii) Reduce required parking ratio from 1.25 to 1.2 spaces per unit
- iii) Increase required side yard (north) from 4.5m (14.5 ft.) to 9 m (29.5 ft.)
- iv) Increase permitted maximum height from 11m (36 ft.) to 12.2m (40 ft.)

Administration has reviewed the plans submitted with the application and there are no additional zoning deficiencies identified at this time. The application, though four storeys, exceeds the permitted building height by 1.2 m (4 feet). In addition, as part of the application the proponent will be enclosing the existing open drain along Division Road North, mitigating the need for a setback from the drain.

## **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**

The applicant held a public information centre on March, 22<sup>nd</sup> 2023 at the Kingsville Arena. The feedback related to this included:

- Traffic – unacceptable increase in traffic on both Division Street North and Cranberry / Holly Streets
- Privacy – four-storey windows allow for unrestricted views into neighbouring back yards
- Decrease in property values – new condominium seen as a detractor the neighbourhood property values
- Building Scale

The applicant has provided additional information on the public information centre in their Planning Justification Report attached as Appendix D. The public comment received to date is attached as Appendix E.

Further, 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.

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

The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act. ERCA comments attached as Appendix F.

## **Town of Kingsville Technical Advisory Committee**

The application was circulated for review by the Town of Kingsville Technical Advisory Committee.

### Public Works and Engineering

- Landscape, Grading, and Functional Servicing Plans required prior to final site plan approval. The applicant will be required to enclose the drain along Division St. North as part of the Site Plan.
- Marque signage not shown on site plan. Not to be backlit or LED. Must be full cut off / dark sky compliant if lit.
- Other technical matters to be resolved prior to final site plan approval.

### Building Department

- Will comment more fully on Site Plan application, building permit drawings, and other required documentation.
- Limiting distance and exposed building face will be required, where reduced setbacks are noted.
- OLS lot grading plan to address storm water as described herein. It is recommended that the designer who designs the lot grading plans ensures that the new lot(s) on the new development can maintain and manage their own storm water on each lot and note if any additional measures such as swales or retaining walls, etc. are required. Any existing property issues adjacent to the area of work should be put in writing to be forwarded to the appropriate properties to address.
- All building services must be contained within existing property lines and do not cross over into newly established lines.

### **PREPARED BY:**



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

### **REVIEWED BY:**



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