



Date: June 12, 2023

To: Mayor and Council

Author: George Robinson, MCIP, RPP
Manager, Planning Services

RE: Applications for Zoning By-law Amendment (ZBA-2023-8) and Draft
Plan of Subdivision (SUB-05-2022) by
1552843 Ontario Limited (Noah Homes)
150 Heritage Road
Roll #: 3711-270-000-31204

RECOMMENDED ACTION

1. That Zoning By-law amendment application ZBA-2023-8 to amend the zoning on the subject parcel in the Town of Kingsville from Lakeshore Residential - holding "LR (h)" to a site-specific Lakeshore Residential Exception 35, "LR-35" to permit single and semi-detached dwellings **BE APPROVED** with the following:
 - a) semi-detached dwellings be permitted as an additional use;
 - b) rear yard setback requirement reduced from 7.5 m (25 ft) to 6 m (19.7 ft);
 - c) exterior side yard setback requirement reduced from 4.5 m (15 ft) to 1.5 m (5 ft); and,
2. **By-law 43-2023** 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.
3. A resolution in support of the draft plan of subdivision, County File No. 37-T-23003, **BE APPROVED** subject to conditions outlined by the County in the draft approval and subject to approval of the necessary development agreement between the applicant and Town.
4. Administration **BE DIRECTED** to forward the resolution of support to the County Planner for final approval.

BACKGROUND

The Town of Kingsville has received the above-noted applications for lands located on the west side of Heritage Road (County Road 50), south of James Avenue (location map attached as Appendix A). The subject property is designated Lakeshore Residential West by the Official Plan and zoned Lakeshore Residential - holding (LR (h)) under the Kingsville Comprehensive Zoning By-law.

The subject land is a 2.21 ha (5.464 ac.) vacant parcel (currently farmed). The land owner, 1552843 Ontario Limited (Noah Homes), is proposing a residential plan of subdivision consisting of:

- Forty four (44) units of semi-detached dwellings
- One (1) single detached dwelling
- A local road connecting Normandy Avenue to County Road 50 (Heritage Road) shown as Street 'A' on the draft plan of subdivision
- A cul-du-sac street shown as Street 'B' on the draft plan of subdivision

In order to facilitate this development the applicant has applied for a Zoning By-law Amendment (ZBA-2023-8) and approval for a Plan of Subdivision (SUB-05-2022).

The requested zoning amendment is to establish the necessary regulations for the proposed development, including:

- Permitted building and structures: single detached and semi-detached units
- Reduction in required rear yard setback to 6 m (19.7 ft)
- Reduction in required exterior side yard setback to 1.5 m (5 ft)

The background studies for the subdivision have been completed, application filed with the County of Essex, and the County Planner has requested that the statutory public meeting be held (Appendix C).

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 a combination of both infill and new development. It has existing residential development on three sides but is also on the edge of the community of Kingsville and is a logical rounding out of the area. There is existing water distribution and sanitary collection service available to the development. Storm water management is being co-ordinated with the abutting new development to the west and will utilize an existing retention pond reducing Town maintenance on multiple facilities.

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) Archaeological screening

Comment: A Stage 1 and 2 Archaeological Assessment was completed for the property by Mayer Archaeological Consultants which included an on-site review and assessment. No artifacts or other archaeological resources were found. No additional assessment is needed and the Ministry of Tourism, Culture, and Sport has accepted the conclusions of the assessment.

ii) Traffic impact assessment

Comment: A traffic impact assessment was requested by the County of Essex given the main access to the development is off County Road 50 (Heritage). The study was completed by FR Berry and Associates and reviewed by County Infrastructure. The County noted that no improvements would be required to either County Road 50 as a result of the development and had no objection to the project moving forward as presented (TIS attached as Appendix D).

iii) 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 connect to the storm sewer system on the

abutting lands and collected in a retention pond. Outlet of the pond is then into the Morley Wigle drain.

The Town also requested that the applicants provide details on the intended drainage and grading between the proposed development and the existing lots abutting the parcel which was provided on site plan. As with all development water must be contained on a lot by lot basis. Each lot will require a rear yard catch basin along with a lot grading plan prepared by a qualified individual.

iv) Environmental impact screening

Comment: The applicants 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 advised that based on the ecologists review there was a low probability for species at risk (SAR) given the state of the lands and use as agricultural, and recommended some minor mitigation measures. Correspondence related to this is attached as Appendix E.

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 it is being done in a controlled manner, required servicing is or will be available in the short-term, is infilling, provides a variety of housing type and will encourage the provision of additional draft approved lots and blocks.

Section 3.6.1 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. Other uses which are complementary to residential areas such as schools, parks, churches, day-care centres, home occupations, may also be permitted;

Comment: The proposed development would include a mix of single detached and semi-detached dwellings, which would both be permitted uses in the proposed zoning. This is comparable to the existing built up areas abutting the site.

4) Comprehensive Zoning By-law

The subject property is zoned Lakeshore Residential - holding (LR (h)). The proposed zoning change would remove the holding symbol, and would add semi-

detached dwellings as an additional permitted use on the subject lands. It would also establish regulations for subdividing the semi-detached dwellings into individual semi-detached dwelling units for individual sale consistent with current standards for similar development.

The site-specific zoning will address the following:

- a) semi-detached dwellings be permitted as an additional use;
- b) rear yard setback requirement reduced from 7.5 m (25 ft) to 6 m (19.7 ft);
- c) exterior side yard setback requirement reduced from 4.5 m (15 ft) to 1.5 m (5 ft);

5) Plan of Subdivision Layout

The overall layout of the subdivision is based on the shape of the property, in the context of being surrounded by existing housing on three sides. The main road and connection to County Road 50 (Heritage) will extend east-west to Normandy Avenue to the west of the site (existing). The secondary street on the plan will run north from the main road and turn into a cul-de-sac. The lands abut existing residential lots along County Road 50 (Heritage), James Avenue, and Normandy Avenue which contain single detached dwellings. There is existing semi-detached development to the west of the subject site along Dieppe Crescent.

The proposed lot size for the single detached dwelling shows 31.07 m (101 ft.) of frontage, 15.24 m to 35.01 m (50 ft. to 115 ft.) of depth and an areas of 473.5 sq. m (5,096.78 sq. ft.) The semi-detached dwelling lots are each 21.34 m x 33.62 m (70 ft. x 110 ft.) for an area of 717.45 sq. m (7,722.57 sq. ft.).

No Blocks are anticipated to be conveyed to the Town for municipal services or parkland. The required parkland conveyance is proposed to be cash-in-lieu, calculated at a rate in accordance with the *Planning Act*.

FINANCIAL CONSIDERATIONS

There will be an increase in the assessment of the property as a result of the application once the proposed development proceeds. Once the plan of subdivision is finalized and individual lots are developed, Development Charges and Parkland Cash-in-Lieu will be payable to the Town.

ENVIRONMENTAL CONSIDERATIONS

The site is currently farmed, although has been designated for residential development since before the passing of the current official plan in 2012. There are no natural heritage features present and the location is considered an opportunity to infill the existing development pattern to take advantage of existing municipal services. Tree planting will be required as a condition of the required development agreement to be signed following draft subdivision approval.

CONSULTATIONS

In accordance to O. Reg 544/06 and 545/06 of the Planning Act, property owners within 120 m of the subject site boundaries received the Notice of Public Meeting by mail.

Public Consultations

Property owners within 120m of the subject site boundaries were invited to a Public Information Centre on held at the Kingsville Arena on November 17th. The applicant has provided the below summary of the communications with the public:

- Rear yard setbacks/lot sizes are less than existing lots and may reduce property value
- Snow removal/disposal at end of the proposed cul-de-sac
- Sidewalks should be on each side of the street
- Street parking too congested on James street. Suggest no parking on new proposed street.
- Request to retain large deciduous trees where they can be retained
- Water pressure and rear yard drainage

Public Comment To Date

No public comments have been received to date. Any comments received before June 12, 2023 will be provided for review on the date of the Public Meeting.

Agency & Administrative Consultations

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.

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

1) Essex Region Conservation Authority (ERCA)

The conservation authority has been involved in the review of this application from an early stage. Final comments are attached as Appendix F.

2) Technical Advisory Committee

- Need to confirm that fire department has access to buildings in accordance with OBC
- Water supply for fire protection, including fire hydrants, to be determined and confirmed by Engineer/Architect Designer.
- Fire noted that the cul-du-sac street shown as Street "B" may require access restrictions to homes in that area in a fire emergency.
- Development Agreement conditions will be required assuming Zoning is approved.

- Site servicing drawings required.
- SWM Plan / Report required - Specifically identifying impacts / upgrades required to the existing Normandy Pond and Morley Wigle Drain.
- Functional Servicing Report required. Water delivery may be subject to SWWSA upgrades. Modelling required to confirm. Sanitary analysis required.
- Photometric Plan required.
- Rear yard drainage easements and daylight corner easements required
- Traffic Impact, SAR/EIA may be required to be updated to reflect changes

PREPARED BY:



George Robinson, MCIP, RPP
Manager of Planning

REVIEWED BY:



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