



**Date:** September 11, 2023

**To:** Mayor and Council

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

**RE:** ZBA-09-22 and SUB-03-22 - Applications for Zoning By-law  
Amendment and Draft Plan of Subdivision by 770022 Ontario  
Limited (Tony Youssef)

195 Main Street

**Roll No.:** 3711-210-000-00600

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## **RECOMMENDED ACTION**

1. That Zoning By-law amendment application ZBA-09-22 to amend the zoning on the subject parcel in the Town of Kingsville from "Residential Zone 1 Urban (R1.1(h))" and "Light Industrial (M1(h))" to:
  - i) "Residential Zone 2 Urban (R2.1)" to permit Single and semi-detached dwellings,
  - ii) "Residential Zone 4 Urban (R4.1-9)" to permit one 6 storey apartment building on the south side of the parcel (105 rental units total), and;
  - iii) "Residential Zone 4 Urban - holding (R4.1(h))" to permit a mixed use building on the north side abutting Main Street (subject to approval of future Main Street Corridor Official Plan and Zoning By-law amendments);
  - iv) "Public Utilities/Facilities (MG)" for the storm water management pond; and
  - v) "Parkland (PG)" for the proposed park parcel;

### **BE APPROVED.**

2. **By-law 55-2023** 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 south side of Main Street (location map attached as Appendix A). The subject property is designated Residential by the Official Plan and zoned “Residential Zone 1 Urban (R1.1(h))” and “Light Industrial (M1(h))” under the Kingsville Comprehensive Zoning By-law.

The subject land is a 10.15 ha (25.08 ac.) vacant parcel currently farmed. The land owner, 770022 Ontario Limited (Tony Youssef), is proposing a residential plan of subdivision consisting of:

- 59 single detached dwelling units
- 32 semi detached dwelling units
- One 6 storey rental apartment building on the south side of the parcel (105 rental units total)
- Future mixed use building on the north side abutting Main Street (total rental units to be confirmed)
- Local road connections to Walker Drive, Murray Street, and Gladstone Avenue shown as Street ‘A’ on the draft plan of subdivision
- New local roads shown as Streets ‘B’ and ‘C’ on the draft plan of subdivision
- A park parcel to be added to the abutting William Avenue Park
- A storm water management facility abutting the Greenway

The concept plan for the subdivision is attached as Appendix B, and the draft plan of subdivision prepared by Verhaegen Land Surveyors is attached as Appendix C.

In order to facilitate this development, the applicant has applied for a Zoning By-law Amendment (ZBA-09-22) and approval for a Plan of Subdivision (SUB-03-2022). The requested zoning amendment is to establish the necessary regulations for the proposed development (as shown on the draft Plan of Subdivision), including:

- Permitted building and structures: single detached and semi-detached units, one apartment building (105 units), and a mixed use block
- Site-specific provision to allow a six storey (22 m) apartment building

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 (attached as Appendix D).

## **DISCUSSION**

### **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 and is in the centre of the community of Kingsville and provides a logical rounding out of the development pattern in the immediate area. There is existing water distribution and sanitary collection service available to the development. Storm water management is being co-ordinated with the Greenway drain and a new storm water retention facility on the south part of the parcel.

### **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 - A Stage 1 and 2 Archaeological Assessment was completed for the property by The Archaeologists Inc. 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 study - A traffic impact study was requested given the location of the parcel in a central part of town. The subdivision is proposed to have three road connections to the surrounding road network. The first connection would be an easterly extension of Walker Drive, located to the immediate east of the Walker

Drive and Santos Drive intersection. The second connection would be an easterly extension of Gladstone Avenue, located east of the Gladstone Avenue and Walker Drive intersection. The third connection would be a westerly extension of Murray Street, located to the immediate west of the William Avenue and Murray Street intersection. The study was completed by Dillon Consulting and reviewed by Town Engineering.

iii) Storm water management plan - The stormwater management criteria for this development are based on the requirements of the Town of Kingsville and ERCA guidelines. The requirement includes:

- Stormwater quantity controls are required for the site to control the peak of the proposed condition flows up to 100-year storm to the allowable release rate.
- Water quality control is to be provided for the site to a "Normal Protection level" as per Ministry of Environment (2003) guidelines.
- Erosion and sediment control measures are to be provided.

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 under the proposed roadways and collected in a retention pond. Outlet of the pond is then into the greenway 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 - The applicants had the subject site reviewed by a qualified ecologist (MTE) who has provided a Species At Risk (SAR) screening report. They also engaged a consulting engineer (CT Soils and Materials Engineering Inc) to prepare a Phase I Environmental Site Assessment (ESA).

The ecologist advised that based on site investigations and a review of all background data, ESA concerns on the subject lands are limited to incidental encounters with Eastern Foxsnake during construction activities. Standard mitigation measures have been recommended. The consulting engineer reported that based on the Phase I ESA findings, including site observations, information provided by the owner, the review of environmental databases, previous reports and available historical information, the no potential environmental concerns which would warrant a Phase II ESA were identified.

## **Town of Kingsville Official Plan**

The subject parcel is designated 'Residential' within the Official Plan for the Town of Kingsville. Section 3.6.1 states, that the goals for the Residential designation include "provide areas in which residential development may occur in a controlled and progressive manner" and to "encourage infilling of the existing development pattern."

Comment: The proposed development is consistent with the goals outlined in Section 3.6.1 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 relevant Policies for the Residential designation go on to outline that:

- a) a variety of housing types and densities are permitted subject to conformity and compliance with the Zoning By-law. The types of residential units permitted include single unit detached dwellings, two unit dwellings, three unit dwellings, single unit attached dwellings, townhouses, apartments and seniors' housing including retirement homes and nursing homes and other housing designed to accommodate special needs or interests
- b) Other uses which are complementary to residential areas such as schools, parks, churches, day-care centres, home occupations, may also be permitted.
- d) the regulations and provisions for the uses permitted in the "Residential" designation shall be established in the Zoning By-law;

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. There is also a six storey apartment block, and a mixed use commercial and residential block included in the subdivision. A variety of housing types are proposed. The block at the north end of the site will be subject to future Official Plan and Zoning By-law amendments related to the Main Street Development Corridor project.

## **Comprehensive Zoning By-law**

The subject property is zoned "Residential Zone 1 Urban (R1.1(h))" and "Light Industrial (M1(h))" under the Kingsville Comprehensive Zoning By-law. The proposed zoning change would remove the holding symbol, and would amend the zoning on the subject parcel from "Residential Zone 1 Urban (R1.1(h))" and "Light Industrial (M1(h))" to:

- "Residential Zone 2 Urban (R2.1)" to permit Single and semi-detached dwellings;
- "Residential Zone 4 Urban - holding (R4.1(h))" to permit a mixed use building on the north portion of the site abutting Main Street (subject to Official Plan and Zoning By-Law Amendments related to the Main Street Corridor);

- “Residential Zone 4 Urban (R4.1-9)” to permit one 6 storey multiple dwelling building (105 rental units proposed, maximum building height of 22 m) on the south side of the parcel and allow for a minor reduced front yard depth from 8 m to 7.5 m;
- “Public Utilities/Facilities (MG)” for the storm water management pond; and
- “Parkland (PG)” for the proposed park parcel.

The holding provision for the north portion of the site abutting Main Street (identified as a future mixed use block in Appendix B Concept plan and Block 76 in Appendix C Draft Plan of Subdivision) is proposed to be in place until a site plan approval which confirms acceptable servicing and vehicular access not directly to Main Street (from the proposed road to the south) is provided in accordance with Section 2.10 of the Zoning By-law. This site is subject to Official Plan and Zoning By-Law Amendments related to the Main Street Corridor project which are scheduled for a future public meeting of Council.

### **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 development. Local road connections to Walker Drive, Murray Street, and Gladstone Avenue form a modified grid layout, with new local roads shown as Streets ‘A’, ‘B’ and ‘C’ laid out in an east-west, north-south format. In keeping with recommendations from the Main Street Development Review Committee, and the proposed Main Street Corridor Official Plan and Zoning By-law amendments, there is no new access to Main Street.

The lands abut existing residential lots to the west along Walker Road, Railway Court, Station Court, Gladstone Avenue, and Train Court which contain single detached dwellings. There are existing townhouse dwellings to the west of the subject site along Santos Drive. On the east side of the site, there are existing single detached dwellings along Williams Avenue and Murray Street, and light industrial uses which have access from Wile Avenue.

A phasing plan is attached as Appendix E. Phasing of the development will proceed from the south end of the parcel adjacent to the greenway to the north end abutting Main Street. The storm water pond as well as local road connections to Murray Street, Walker Drive, and Gladstone Avenue are proposed in phase 1. The park parcel as well as new internal roads are proposed in phase 2. The mixed use parcel adjacent to Main Street is proposed to be built out last in phase 3.

The proposed lot sizes for the 59 single detached dwelling lots:

- Frontage – range from 15.98 m to 20.15 m (52.4 ft to 66 ft.)
- Depth – range from 35.15 m to 43.32 m (115 ft. to 142 ft.)

The semi-detached dwelling lots are:

- Frontage – range from 20 m to 22.4 m (65 ft to 73 ft.)
- Depth – range from 35.15 m to 39.75 m (115 ft. to 130 ft.)

Block 76 is designated for a future mixed use development. This parcel was part of the corridor that was reviewed by the Main Street Development Committee and will be subject to future Official Plan and Zoning by-law Amendments that are proposed to implement Council direction from Committee of the Whole. The applicant has indicated that they are awaiting further policy direction from the Town prior to finalizing plans for this block, hence it is in Phase 3 of the applicant's proposed phasing plan. In keeping with recommendations from the Main Street Development Review Committee, and the proposed Main Street Corridor amendments, this block will be mixed-use and will not have access to Main Street.

Block 77 is designated for apartments, and the applicant has requested zoning to permit a 105 unit, six storey (22 m) building. This block will be subject to site plan control once the Plan of Subdivision is approved. In keeping with recommendations from the Main Street Development Review Committee, and the proposed Main Street Corridor amendments, the apartment was relocated to the rear of the property with potential links to the Greenway to facilitate access to Main Street amenities.

Two Blocks are anticipated to be conveyed to the Town for municipal services or parkland:

- Block 78 will be lands conveyed to the town as a storm water pond, and
- Block 79 will be lands dedicated to the town for a park. The *Planning Act* and the Town's Official Plan require 5% of lands dedicated for parks purposes, or 5% of appraised value of the lands as cash-in-lieu, or a mix of dedicated lands and cash-in-lieu. For this project, Administration proposes that Block 79, which is adjacent to the existing William Avenue Park, be conveyed to the town for parks purposes. This will add 1,342 m<sup>2</sup> (0.33 acres) to the existing William Avenue Park for a combined 2,497 m<sup>2</sup> (0.62 acres). Block 79 represents approximately 1.4% of the 24-acre subdivision lands. Any additional parklands required above and beyond dedicated lands is proposed to be cash-in-lieu, calculated at a rate in accordance with the *Planning Act* (i.e. 5% of appraised value of lands). It is intended that cash-in-lieu be used to support park development, or development of parks to be used by residents of the subdivision.

The applicant has provided a Planning Justification Report prepared by Tracey Pilon-Abbs, RPP, which is attached as Appendix F. The justification report reviews provincial, county, and town policy as well as site suitability criteria.

## **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. As well, subject to ERCA approval, connection to the Greenway will facilitate access to Main Street amenities and active transportation for residents.

A park parcel adjacent to the existing William Avenue Park at the corner of Williams Avenue and Murray Street is proposed which will add 1342 m<sup>2</sup> (0.33 acres) to the existing 1155m<sup>2</sup> (0.29 acre) park, for a new combined 2497m<sup>2</sup> (0.62 acre) park parcel. The required parkland conveyance over the land dedicated is proposed to be cash-in-lieu, calculated at a rate in accordance with the *Planning Act*, which may be used to improve existing area parks.

## **CONSULTATIONS**

### **Public Information Centre**

Property owners within 120m of the subject site boundaries were invited to a Public Information Centre held at the Kingsville Arena on Tuesday, February 28, 2023, from 6 pm to 8 pm. According to the sign-in sheets, there were a minimum of 29 members of the public who attended the meeting. A report from the applicant listing the comments received as well as their responses to the comments is attached as Appendix G.

### **Public Notice**

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.

No public comments have been received to date. Any comments received before September 11, 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.



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 H.

Technical Advisory Committee

The Technical Advisory Committee has reviewed several versions of this subdivision and provided feedback to the applicant in developing the final plan before Council. TAC issues raised during pre-consultation (stormwater, traffic, drainage, servicing and associated water/sanitary capacity, noise impact) were reported on during the application process, and results incorporated into the revised plans as referenced above).

**PREPARED BY:**



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**REVIEWED BY:**



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