

Appendix F

# PLANNING JUSTIFICATION REPORT

APPLICATION FOR  
ZONING BY-LAW AMENDMENT AND DRAFT PLAN OF SUBDIVISION  
FOR PROPOSED RESIDENTIAL DEVELOPMENT

195 Main Street East, Kingsville, Ontario

**July 14, 2023**

**Prepared by:**



Tracey Pillon-Abbs, RPP  
Principal Planner  
23669 Prince Albert Road  
Chatham, ON N7M 5J7  
226-340-1232  
[tracey@pillonabbs.ca](mailto:tracey@pillonabbs.ca)  
[www.pillonabbs.ca](http://www.pillonabbs.ca)

# Table of Content

1.0	INTRODUCTION	3
2.0	SITE AND SURROUNDING LAND USES	4
2.1	Legal Description and Ownership	4
2.2	Physical Features of the Site	5
2.2.1	Size and Site Dimension	5
2.2.2	Vegetation and Soils	5
2.2.3	Topography and Drainage	5
2.2.4	Other Physical Features	5
2.2.5	Municipal Services	5
2.2.6	Nearby Amenities	6
2.3	Surrounding Land Uses	6
3.0	PROPOSAL AND STUDIES	9
3.1	Development Proposal	9
3.2	Support Studies	12
3.2.1	Traffic	12
3.2.2	Servicing	13
3.2.3	Noise	13
3.2.4	Archaeology	14
3.2.5	Biology	14
3.2.6	Soil	14
4.0	APPLICATIONS AND CONSULTATION	16
4.1	Proposed Zoning By-Law Amendment	16
4.2	Proposed Draft Plan of Subdivision	16
4.3	Other Approvals	16
4.4	Public Consultation Strategy	17
5.0	PLANNING ANALYSIS	18
5.1	Policy and Regulatory Overview	18
5.1.1	Provincial Policy Statement (PPS), 2020	18

5.1.2 County of Essex Official Plan (COP)	25
5.1.3 Official Plan (OP)	32
5.1.4 Zoning By-law (ZBL)	41
6.0 SUMMARY AND CONCLUSION	46
6.1 Context and Site Suitability Summary	46
6.1.1 Site Suitability	46
6.1.2 Compatibility of Design	46
6.1.3 Good Planning	46
6.1.4 Natural Environment Impacts	46
6.1.5 Municipal Services Impacts	47
6.1.6 Social and/or Economic Conditions	47
6.2 Conclusion	47

# 1.0 INTRODUCTION

I have been retained by 770022 Ontario Limited (c/o Tony Youssef), the applicant and owner, to provide a land use Planning Justification Report (PJR) in support of a proposed residential development for 195 Main Street East (herein the “Site”) in the Town of Kingsville, County of Essex, Province of Ontario.

The Site is made up of one vacant 10.154 ha parcel of land with no structures or dwellings. The Site is currently being farmed.

A concept plan has been prepared consisting of 59 single detached dwelling units, 32 semi detached dwelling units, 6 storey apartment building (105 rental units total) and future mixed use building (total rental units to be confirmed).

Parkland and a stormwater management (SWM) facility is also proposed.

The applicant intends to develop the Site for residential in 3 phases.

The Site will provide additional housing within the existing settlement area of Kingsville.

There are already residential uses surrounding the Site, which allows an existing neighbourhood to expand.

A Zoning By-law Amendment (ZBA) and Draft Plan of Subdivision (SUBD) are required to support the proposed development for the single detached dwellings and semi detached dwellings. The County of Essex is the approval authority for the Draft Plan of Subdivision, and the Town of Kingsville is the approval authority for the ZBA.

The apartment and future mixed use buildings will be subject to Site Plan Control (SPC) approval.

Exemption from the Interim Control By-law 42-2021 is also requested as part of the Main Street East Secondary Plan Area, if required.

Prior to the construction of the proposed residential development, building permits will be applied for, as well as any other necessary permits and clearances.

The Town of Kingsville and the County of Essex provided pre-consultation comments to the applicant.

The purpose of this report is to review the relevant land use documents, including the Provincial Policy Statement (PPS) 2020, the County of Essex Official Plan (COP), the Town of Kingsville Official Plan (OP) and the Town of Kingsville Zoning By-law (ZBL) as it pertains to the proposed development.

This PJR will show that the proposed development is suitable, is consistent with the PPS, conforms with the intent and purpose of the County and Town OPs, complies with the intent of the Town ZBL and represents good planning.

## 2.0 SITE AND SURROUNDING LAND USES

### 2.1 Legal Description and Ownership

The Site has been owned by 770022 Ontario Limited (c/o Tony Youssef), the applicant and owner since 2010.

The Site is made up of one (1) parcel of land located on the south side of Main Street East, locally known as 195 Main Street East in the Town of Kingsville, County of Essex, Province of Ontario.

The Site is legally described as Part of Lot 2, Concession 1, Eastern Division, former Township of Gosfield (see Figure 1 – Air Photo).



Figure 1 – Air Photo (Source: ERCA GIS)

## **2.2 Physical Features of the Site**

### **2.2.1 Size and Site Dimension**

The Site is irregular shaped and consists of a total area of approximately 10.154 hectares. It has a frontage of 58.76 m along Main Street East, and an irregular depth.

### **2.2.2 Vegetation and Soils**

The Site is currently being farmed.

There are no mature trees on Site; however, there is a hedgerow abutting the east and west portion of the Site.

Soil is made up of Berrien Sandy Loan (Bel).

### **2.2.3 Topography and Drainage**

The Site is flat and outside the regulated area of the Essex Region Conservation Authority (ERCA).

The subject property is assessed to the East Jasperson Branch Drain No.1, and currently, it drains south to this drain.

The soil comprises Berrien Sandy Loam and is in the Hydrological soil group C.

The Site is outside of any Source Water Protection Zones.

### **2.2.4 Other Physical Features**

There is some fencing between abutting properties. The greenway (Chrysler Greenway) is located to the south of the Site.

There are 2 existing entrances off Main Street East.

### **2.2.5 Municipal Services**

The property has access to municipal water, storm and sanitary services.

There are fire hydrants, active transportation and streetlights nearby. The Site has access to regional transit.

Main Street East is a 2-lane 2-way roadway. There is a sidewalk located on both sides of Main Street East.

There are road stubs to the Site from Murray Street to the east and Walker Drive and Gladstone Ave to the west.

The subject property is in close proximity to a major transportation corridor, including Highway 3, as well as County Road 20.

### **2.2.6 Nearby Amenities**

There are schools located close to the Site, including St John de Brebeuf Catholic School and Kingsville District High School.

There are parks and recreation opportunities in close proximity, including Santos Park.

There are nearby commercial nodes, such as food service, personal service shops, gas stations, and retail.

There are also nearby employment lands, places of worship, trails, and local/regional amenities.

## **2.3 Surrounding Land Uses**

Overall, the Site is located within an existing residential area in the settlement area of Kingsville and close to nearby amenities. There are employment lands nearby as well.

A Site Visit was undertaken on December 19, 2021. Photos were taken by Pillon Abbs Inc.

**North** – The lands to the north of the Site are used for commercial (see Photo 1 – North).



Photo 1 – North



**East** – The lands east of the Site are used for employment lands with access from Wigle Ave (see Photo 2- East).



Photo 2 – East

**South** – The lands south of the Site is the greenway (see Photo 3 - South).



Photo 3 – South



**West** – The lands to the west of the Site are used for residential (see Photo 4 – West).



Photo 4 –West

# 3.0 PROPOSAL AND STUDIES

## 3.1 Development Proposal

It is proposed to develop the Site for residential in 3 phases (see Figure 2a – Concept Plan).

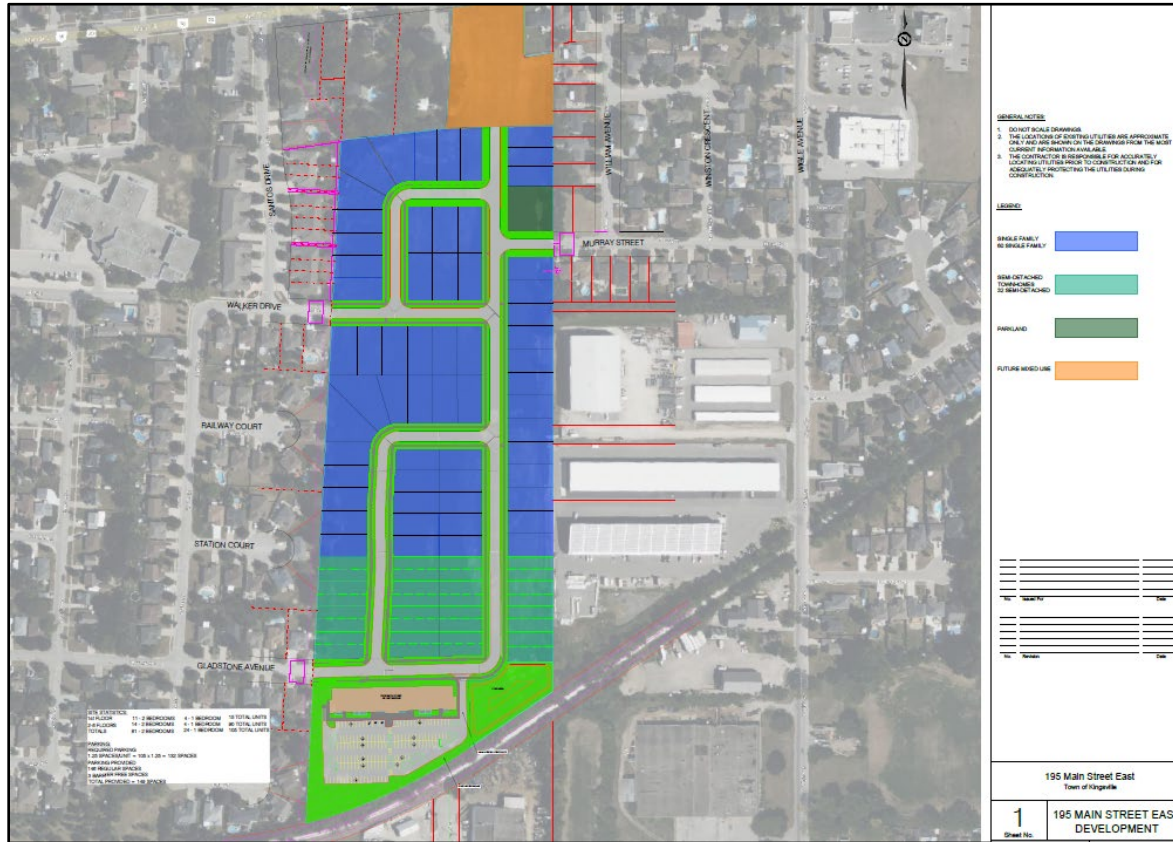


Figure 2a – Concept Plan

A concept plan has been prepared consisting of 59 single detached dwelling units, 32 semi detached dwelling units, 6 storey apartment building (105 rental units total) and future mixed use building (total rental units to be confirmed).





The apartment unit will be located on the south portion of the Site and will include on site parking, pavilion with gathering area, and loading area (see Figure 2c – Apartment).

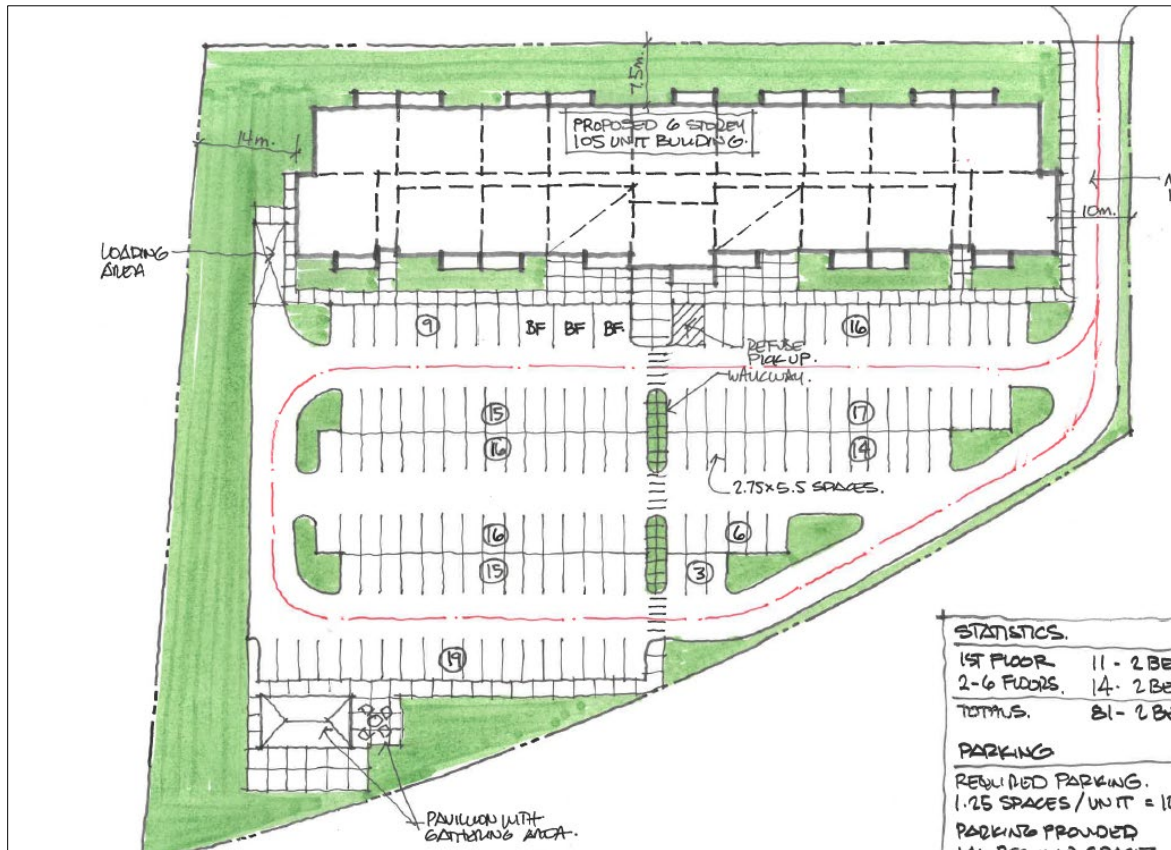


Figure 2c – Apartment

The apartment is proposed to be 6 storeys in height (22 m). It will have a total building area of 2,020m<sup>2</sup>. Access to will be from street 'A'. The Site will be professionally landscaped.

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.

No driveways or road connections are currently proposed to connect directly to Main Street East (County Road 20), at this time.

There will be accessible sidewalks included in the proposed development, per municipal standards.

The proposed development will be connected to full municipal services.

A stormwater management (SWM) facility is proposed to be located on the southeast corner of the Site.

A parkland block is also proposed.

During construction of all phases and after full build-out, the Site will collect all SWM and will direct water away from abutting lands (ie Train Court and Gladstone Ave).

Based on the size of the residential area (5.737 ha), the proposed development will result in a gross density of 16.036 units/ha.

It is expected that the proposed development will commence in 2023.

## **3.2 Support Studies**

The following is a summary of the support studies that have been required as part of this proposed development.

### **3.2.1 Traffic**

A Traffic Impact Study (TIS) was prepared by Dillon Consulting, dated December 2022.

The study was prepared to document the existing traffic operations. The study also assessed future traffic volumes.

The objective of the study was to determine the transportation impact of the development and whether or not any transportation infrastructure modifications are required to accommodate the future traffic volumes generated by the residential development.

The future traffic volumes considered both future background and total future conditions in both 2029 and 2034.

Within the future background traffic volumes, nine (9) other developments, at various stages of approvals, were considered in the 2029 and 2034 future background analysis.

The following was concluded:

- All signalized intersections are projected to continue operating.
- All stop-controlled approaches are projected to continue to function.

No improvements were recommended.

It was further noted that no driveways or road connections are proposed to connect directly to Main Street East (County Road 20). However, a scenario has been assessed whereby the north parcel has a sole access to Main Street East (County Road 20), generally opposite

the recently constructed driveway to 190/224 Main Street East. Under this scenario, the traffic generated by this parcel would be removed from the other streets in the neighbourhood (i.e., Santos Drive, William Avenue and Wigle Avenue). No additional infrastructure or traffic control would be warranted on Main Street East (County Road 20), if the northern parcel had direct access to it.

### 3.2.2 Servicing

A Stormwater Management (SWM) and Functional Servicing Report (FSR) was prepared by BairdAE architecture and engineering, dated October 14, 2022.

The report was prepared to provide an overview of existing conditions, and outlines future planning and servicing requirement, including Stormwater Management and storm drainage for the proposed development.

The following was concluded and recommended:

- **Sanitary** – a new 250mm diameter sanitary service will tie into the existing municipal sanitary sewer on Gladstone Ave. The proposed development will not have any negative impact on the existing sanitary sewer system located on Gladstone Ave. or the Trunk sewer on Lakeview Ave.
- **Watermain** – New water service will be provided to the proposed development through a tie-in into the existing 150mm watermain on Gladstone Ave. and Mill St. E. and a 150mm water main is tied into the existing 200mm watermain on Murray St through a 150mm reducer.
- **Storm** – All minor storms will be serviced through the proposed storm sewers. During the major storm events, the post-development peak flows from all events from the Site will be controlled to acceptable flooding levels on the major system as per WERSWMSM.

Therefore, no negative impact is anticipated.

### 3.2.3 Noise

A Road Traffic and Stationary Noise Impact Study was prepared by JJ Acoustic Engineering Ltd, dated May 27, 2021 and further revised on December 15, 2022.

JJ Acoustic Engineering was retained to complete the study for the proposed residential development.

It was concluded that the potential environmental impact from stationary noise sources is significant.

The study recommended that the noise impact from the neighboring buildings to the site were determined to be below noise limits with mitigation measures, including noise barriers to the east and southeast of the Site.



### **3.2.4 Archaeology**

A Stage 1 and 2 Archaeological Assessment was prepared by The Archaeologist Inc., dated June 26, 2021.

The purpose of the assessment was to determine whether the Site contained archaeological resources.

The Stage 1 background study concluded that the property exhibits archaeological potential.

The Stage 2 property assessment did not identify any archaeological resources within the subject property.

The assessment recommends that no further archaeological assessment of the property is required.

Ministry clearance was received on November 5, 2021.

### **3.2.5 Biology**

A Species at Risk Screening (SARS) was prepared by MTE, dated September 24, 2021.

The assessment did confirm that there is potential movement, foraging, and thermoregulation habitat for Eastern Foxsnake is present adjacent to the south of the Subject Lands, within the Chrysler Greenway.

Suitable habitat is not present within the development area, and the southern corridor will be unaffected.

To avoid impacts on species, the following mitigation measures are recommended:

- Training.
- Strategic clearing.
- Fencing.
- Equipment inspection.
- Reporting.

The SARS was submitted to the Ministry of the Environment, Conservation and Parks (MECP) for clearance.

### **3.2.6 Soil**

A Phase 1 Environmental Site Assessment (ESA) was completed by CT Soils and Materials Engineering Inc, Consulting Engineers, dated January 8, 2021.

The purpose of the assessment was to review the environmental condition of the Site based on its historic and current land use.

The conclusion of the report stated that based on the Phase I ESA findings, including site observations, the information provided by the site representative, 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.

## **4.0 APPLICATIONS AND CONSULTATION**

### **4.1 Proposed Zoning By-Law Amendment**

A site specific Zoning By-law Amendment (ZBA) is required in order to permit the proposed residential development.

The Town of Kingsville is the approval authority for the ZBA.

According to Map 72, Schedule “A” attached to the ZBL the Site is currently zoned “Residential (R1.1(h))” Zone and “Industrial (M1(h))” Zone.

It is proposed to change the zoning of the Site to the following Site specific zones:

- “Residential (R2.1)” to permit the single detached dwelling units and the semi detached dwelling units.
- “Residential (R4.1-XX)” with exception to permit the multiple dwellings (6 storey apartment building).
- “Residential (R4.1-XX)” with exception to permit the multiple dwellings (mixed use building).

All zone provisions are proposed to be complied with, except a request for from height and minimum front yard setback is requested for the 6 storey apartment.

Further analysis is provided in Section 5.1.4 of this PJR.

### **4.2 Proposed Draft Plan of Subdivision**

An application for Draft Plan of Subdivision (SUBD) is required in order to permit the proposed residential development.

The County of Essex is the approval authority for the SUBD.

The application will create the lots with a list of conditions that will be required to be met by the applicant.

A development agreement will be required.

Part Lot Control will also be used in order to create the freehold units.

### **4.3 Other Approvals**

Exemption from the Interim Control By-law 42-2021 is also requested which is part of the Main Street East Secondary Plan, if required.

The apartment and future mixed use buildings will be subject to Site Plan Control (SPC) approval.

Prior to the construction of the proposed residential development, building permits will be applied for, as well as any other necessary permits and clearances.

## **4.4 Public Consultation Strategy**

The *Planning Act* requires that the applicant submit a proposed strategy for public consultation with respect to an application as part of the complete application requirements.

As part of a public consultation strategy, the applicant proposes that the required public meeting will be sufficient as the size of the development is small scale.

An informal Public Information Centre (PIC) was held by the applicant meeting was held on Tuesday, February 28, 2023, from 6 pm to 8 pm, in Room B of the Kingsville Arena. A summary of comments was provided to the Municipality.

## 5.0 PLANNING ANALYSIS

### 5.1 Policy and Regulatory Overview

#### 5.1.1 Provincial Policy Statement (PPS), 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development providing for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environments.

The PPS is issued under Section 3 of the Planning Act and came into effect on May 1, 2020. It applies to all land use planning matters considered after this date.

The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The following provides a summary of the key policy considerations of the PPS as it relates to the proposed development.

PPS Policy #	Policy	Response
1.0	.....Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns.....	The proposed development provides a mix of housing choices.
1.1.1	<p>Healthy, liveable and safe communities are sustained by:</p> <p>a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;</p> <p>b) accommodating an appropriate affordable and market-based range and mix of residential types, employment, institutional, recreation, park and open space, and other uses to meet long-term needs;</p> <p>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</p>	<p>The proposed development is consistent with the policy to build strong, healthy and livable communities as it will provide for more housing in an existing settlement area.</p> <p>There are no environmental or public health and safety concerns as the area is well established.</p> <p>The development pattern does not require expansion of the settlement area.</p>

PPS Policy #	Policy	Response
	<p>d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;</p> <p>e) promoting.....cost-effective development patterns and standards to minimize land consumption and servicing costs;</p> <p>f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;</p> <p>h) promoting development and land use patterns that conserve biodiversity.</p>	<p>The Site has access to full municipal services and is close to nearby amenities.</p> <p>Public service facilities are available within the settlement area.</p> <p>A parkland block is also proposed.</p> <p>The development pattern is proposed to be an efficient use of an underutilized Site.</p>
1.1.2	<p>Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years.</p> <p>Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.</p>	<p>The proposed development will help the Town meet the full range of current and future residential needs through infilling.</p> <p>The infilling can be accommodated for the proposed development as the Site is an appropriate size.</p> <p>The Site is flat, making it conducive to vehicle maneuvering.</p> <p>The Site will provide for more housing options in an existing settlement area.</p>
1.1.3.1	Settlement areas shall be the focus of growth and development.	The proposal enhances the vitality of the Municipality, as the proposal is within the Town's settlement area,



PPS Policy #	Policy	Response
		is pedestrian friendly and close to nearby amenities.
1.1.3.2	<p>Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <ul style="list-style-type: none"> <li>a) efficiently use land and resources;</li> <li>b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;</li> <li>c) minimize negative impacts to air quality and climate change, and promote energy efficiency;</li> <li>d) prepare for the impacts of a changing climate;</li> <li>e) support active transportation;</li> <li>f) are transit-supportive, where transit is planned, exists or may be developed; and</li> <li>g) are freight-supportive.</li> </ul>	<p>The total density of the proposed development is considered appropriate.</p> <p>The Site offers an opportunity for infilling by creating more housing options in an existing settlement area.</p> <p>The infilling can be accommodated for the proposed development as it is an opportunity within an existing settlement area.</p> <p>There are already residential uses surrounding the Site, which allows an existing neighbourhood to expand.</p> <p>The design and style of the residential dwellings will be constructed to a high standard.</p> <p>The proposed dwellings will blend well with the dwellings in the area and will be of a similar scale and massing.</p> <p>The land area is sufficient to accommodate the proposed development.</p> <p>Adequate buffering and noise barriers from abutting land uses can be</p>

PPS Policy #	Policy	Response
		<p>provided as part of the proposed development.</p> <p>Residents will have immediate access to nearby amenities within the settlement area.</p>
1.1.3.3	<p>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.</p>	<p>Infilling can be accommodated for the proposed residential development as it is an appropriate use of the Site.</p>
1.1.3.4	<p>Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.</p>	<p>Infilling can be accommodated for the proposed development as it is a development opportunity within an existing settlement area.</p> <p>There will be no risks to the public.</p>
1.1.3.5	<p>Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.</p>	<p>The County has incorporated principles for intensification and determining and reviewing targets for their OPs. This development supports those principles and targets for providing additional housing.</p>
1.1.3.6	<p>New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities</p>	<p>The proposed development will allow for the efficient use of land, infrastructure and public services.</p>

PPS Policy #	Policy	Response
	that allow for the efficient use of land, infrastructure and public service facilities.	
1.4.1 - Housing	<p>To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:</p> <p>a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and</p> <p>b) maintain at all times where new development is to occur, land with servicing ..... sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.</p>	<p>The proposed development will provide for more housing options in an existing settlement area.</p> <p>The infilling can be accommodated for the proposed development as it is a development opportunity within an existing settlement area.</p> <p>The area is pedestrian friendly allowing people to access nearby amenities.</p> <p>Existing municipal services are available.</p>
1.4.3	<p>Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area.</p>	<p>The proposed development is compatible with the surrounding area and will provide infilling through the efficient use of the Site.</p> <p>The Site is close to nearby amenities.</p> <p>There is existing infrastructure.</p>
1.6.1	<p>Infrastructure and public service facilities shall be provided in an efficient manner</p>	<p>The development has access to existing municipal services.</p>

PPS Policy #	Policy	Response
	that prepares for the impacts of a changing climate while accommodating projected needs.	Access to major connecting roadways is in close proximity to amenities.
1.6.6.2	Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.	The proposed development will be serviced by existing municipal sewer, water and storm, which is the preferred form of servicing within existing settlement areas.
1.6.6.7	<p>Planning for stormwater management shall:</p> <ul style="list-style-type: none"> <li>a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;</li> <li>b) minimize, or, where possible, prevent increases in contaminant loads;</li> <li>c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;</li> <li>d) mitigate risks to human health, safety, property and the environment;</li> <li>e) maximize the extent and function of vegetative and pervious surfaces; and</li> <li>f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.</li> </ul>	There will be no risk to health and safety.

<b>PPS Policy #</b>	<b>Policy</b>	<b>Response</b>
1.6.7.1	Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.	The subject property is in close proximity to major transportation corridors.  Regional transit is also available.
1.6.7.2	Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.	The proposed development contributes to the Town's requirements for development within an existing built-up area.
1.6.7.4	A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.	The proposed development contributes to the Town's requirement for infilling within a built-up area.  The area is pedestrian friendly, allowing people to access nearby amenities.  The proposed density offers an opportunity to efficiently use existing municipal infrastructure.
1.8	Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns.	The proposed development supports a compact form within an existing built-up area of the Town.  The Site has access to local amenities, including the greenway.
2.1.1	Natural features and areas shall be protected for the long term.	There are no natural features that apply to this Site.
2.2.1	Planning authorities shall protect, improve or restore the quality and quantity of water.	Existing services connections are located near the Site and will be expanded for the additional capacity.

<b>PPS Policy #</b>	<b>Policy</b>	<b>Response</b>
2.6.1	Significant built heritage resources and significant cultural heritage landscapes shall be conserved.	There are no heritage resources that apply to this Site.
3.0	Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.	There are no natural or human-made hazards that apply to this Site.

Therefore, the proposed development is consistent with the PPS.

### **5.1.2 County of Essex Official Plan (COP)**

The County of Essex is the upper tier municipality to the Town of Kingsville. The County's Official Plan (COP) is dated February 19, 2014, as modified by the Ministry of Municipal Affairs and Housing (MMAH) on April 28, 2014.

The purpose of the COP is to implement the PPS. The COP provides a cross-boundary policy framework from which more detailed land use planning can be continued by the local municipalities. Local OPs will implement and be in conformity with the COP by providing more detailed strategies, policies, and land use designations for planning and development at the local level.



The subject lands are within the “Settlement Area” designation according to Schedule “A1” Land Use Plan attached to the COP (see Figure 3 – COP, Schedule “A1”).



Figure 3 – COP, Schedule “A1”

The lands are within the “Primary Settlement Areas” designation as shown on Schedule “A2” Settlement Structure Plan attached to the COP (see Figure 4 – COP, Schedule “A2”).



Figure 4 – COP, Schedule “A2”

The following provides a summary of the relevant COP policy considerations as it relates to the proposed application.

COP Policy #	Policy	Response
1.5 - Goals	<p>The long-term prosperity and social well-being of the County depends on maintaining strong, sustainable and resilient communities, a clean and healthy environment and a strong economy....</p> <p>c) To direct the majority of growth (including intensification and affordable</p>	<p>The proposed development will support the County’s goal of a “healthy county” by supporting a strong economy.</p> <p>Residents will have a choice to live, work and enjoy nearby amenities.</p> <p>The proposed development is within the existing</p>

COP Policy #	Policy	Response
	<p>housing), and investment (infrastructure and community services and facilities) to the County's Primary Settlement Areas.</p> <p>e) To create more mixed use, compact, pedestrian-oriented development within designated and fully serviced urban settlement areas.</p> <p>f) To provide a broad range of housing choices, employment and leisure opportunities for a growing and aging population.</p> <p>h) To create and maintain an improved balance between residential and employment growth in each of the Primary Settlement Areas, as detailed in Section 3.2 of this Plan, by increasing employment opportunities closer to where people live.</p>	<p>settlement area of Kingsville.</p> <p>There are similar styles of development in the Town, which blend well with the fabric of housing options.</p>
2.5.3	<p>Stormwater management reports/plans, acceptable to the County, local municipalities, local Conservation Authorities, and the Ministry of the Environment will generally be required in advance of draft approval of applications .....</p>	<p>Stormwater management area will be provided on Site.</p> <p>A Functional Servicing Plan for the proposed development has been prepared.</p>
2.7	<p>It is the policy of this Plan that the County will identify, recognize, and conserve archaeological and built heritage resources, and</p>	<p>Archeological Assessment has been completed for this Site.</p>

COP Policy #	Policy	Response
	cultural heritage landscapes.	
2.8	<p>Development proposals will be considered in the context of all forms of transportation subject to the following objectives and policies:</p> <p>a) To facilitate the safe, energy efficient and economical movement of people and goods throughout the County.</p> <p>f) To plan for and protect corridors for transportation, transit and infrastructure.</p>	<p>The Site will have access to a major transportation corridor.</p> <p>A TIS has been prepared.</p>
2.8.1 - Roads	<p>When considering matters of land use planning, the County shall:</p> <p>a) Take into consideration the need to improve regional traffic flow in the vicinity....</p>	A TIS has been prepared.
2.10	<p>The County encourages new development to proceed on the basis of full municipal sewage services and municipal water services and local municipalities are encouraged to co-ordinate their approach to, and timing of, the provision of municipal water and municipal sewage through the preparation of an overall servicing strategy.</p>	The development has access to full municipal services.
2.12	<p>Prior to permitting development that may be affected by noise, vibration and/or safety, a study may be required to assess the</p>	A noise study has been completed.

COP Policy #	Policy	Response
	impact of the noise, vibration and safety on proposed residential or other sensitive land uses	
2.13	...support energy efficiency, improved air quality, and the use of green infrastructure by considering the following during planning and development review functions....	The proposed development will be designed to incorporate compact form, efficient use of land and a mixture of uses and housing types.
3.2.2 – Settlement Areas	<p>b) To support and promote healthy, diverse and vibrant settlement areas within each of the seven Essex County municipalities where all county residents, including special interest and needs groups can live, work and enjoy recreational opportunities.</p> <p>c) To promote development within Primary Settlement Areas that is compact, mixed-use, pedestrian oriented, with a broad range of housing types, services and amenities available for residents from all cultural, social and economic backgrounds.</p> <p>e) To require the efficient use of land, resources, water and sanitary sewage treatment facilities, other infrastructure and public service facilities including schools as provided for in the growth management policies contained within this Plan.</p>	<p>The proposed development is within an existing settlement area of Kingsville.</p> <p>The land area is sufficient to accommodate the proposed development.</p> <p>The Site is generally level which is conducive to easier vehicular movements.</p> <p>The Site will be pedestrian friendly with access to nearby amenities.</p> <p>Full municipal services are available.</p>

COP Policy #	Policy	Response
	<p>f) To increase the opportunity for job creation within each local Municipality by attracting and maintaining industries and businesses closer to where County residents live.</p> <p>i) Promote residential intensification within Primary Settlement Areas, and to a lesser extent, within full serviced Secondary Settlement Areas.</p>	
3.2.4.1 – Primary Settlement Area	<p>The following policies apply to Primary Settlement Areas:</p> <p>a) Primary Settlement Areas shall be the focus of growth and public/private investment in each Municipality.</p> <p>b) Primary Settlement Areas shall have full municipal sewage services and municipal water services and stormwater management services, a range of land uses and densities, a healthy mixture of housing types including affordable housing options and alternative housing forms for special needs groups, and be designed to be walkable communities with public transit options (or long-term plans for same).</p>	<p>The Site is located within a primary settlement area.</p> <p>The proposed development will provide for new housing on full municipal services.</p>

COP Policy #	Policy	Response
	i) Cost effective development patterns and those which will minimize land consumption and reduce servicing costs are encouraged. Land use patterns which may cause environmental, heritage preservation or public health and safety concerns shall be avoided.	
3.2.7 – Intensification and Redevelopment	The County encourages well-planned intensification development projects in the “Settlement Areas” to encourage more efficient use of land and municipal infrastructure, renew urban areas and to facilitate economic and social benefits for the community.	The proposed residential development will create an opportunity to use a vacant and under-utilized parcel of land.  The Site will help provide infilling in an existing settlement area.
3.4.2 - Natural Environment	The County encourages and supports the enhancement of the natural heritage system. The natural heritage system contains potential linkages and corridors as well as expansions to the core existing natural heritage features.	A SARS was completed.  All information has been sent to the Ministry of Environment, Climate and Parks (MECP).

Therefore, the proposed development conforms to the COP and an amendment is not required.

### 5.1.3 Official Plan (OP)

The Town of Kingsville (OP) was adopted by Council in December 2011 and approved by the County of Essex on February 1, 2012.

The OP implements the PPS and COP and establishes a policy framework to guide land use planning decisions related to the development and the provision of infrastructure and community services throughout the Town.

The lands are designated “Residential” according to Schedule A2: Land Use attached to the OP for the Town of Kingsville (see Figure 5 – Town of Kingsville OP).



Figure 5 – Town of Kingsville OP

It is proposed to maintain the Residential designation of the Site.

The Town of Kingsville OP Five Year Update has been reviewed. The Site remains designated “Residential” in the draft document with a “Main Street Development Area” overlay area.

The designation for the mixed use building will need to be considered as part of the Town comprehensive OP review.



The following provides a summary of the key policy considerations of the OP as it relates to the proposed development.

OP Policy #	Policy	Response
1.4 Purpose of Plan	<p>a) to designate sufficient lands to encourage and accommodate future development proposals and to identify a desired land use pattern for such future development that ensures a basic compatibility between and among various land uses within the Town;</p> <p>b) to further enhance the Town as a place for living, working and leisure by helping to create a healthy, safe, attractive and convenient environment;</p> <p>d) to guide the location, type and sequence of all new development so that it may be provided with efficient public services based on reasonable and sound standards;</p> <p>e) to ensure that any development which may occur does so at a pace that is within the financial capabilities of the Town;</p>	<p>The proposed residential development supports one of the Town's overall development strategies of ensuring adequate land is designated for future development proposals.</p> <p>This development is in a settlement area, close to local amenities and encourages a community in a safe, attractive and convenient location.</p> <p>This development has access to full municipal services.</p> <p>This development will add to the assessment base and not put a strain on municipal infrastructure.</p>
2.1.1 Land Use Planning Principles	<p>a) to create more compact development within designated and fully serviced urban settlement areas;</p> <p>b) to provide a broad range of housing, employment and leisure opportunities for a growing and aging population;</p>	<p>The proposed residential development is located in an existing settlement area.</p> <p>The Site is sufficient in area to accommodate the proposed development.</p> <p>The Site offers appropriate infilling in the existing settlement area.</p>

OP Policy #	Policy	Response
	<p>c) to promote opportunities for intensification and redevelopment within built-up areas which are supported by the appropriate levels of infrastructure and public service facilities</p> <p>d) to discourage urban type development outside of the designated settlement areas of the Village of Cottam, the Hamlet of Ruthven and the Town of Kingsville;</p> <p>n) to formulate and adopt a growth management policy to protect and enhance important agricultural and natural resources of this area and direct future urban growth to the urban area;</p> <p>s) to direct development away from natural and manmade hazardous areas.</p>	<p>The area is pedestrian friendly, allowing people to access nearby amenities.</p> <p>The proposed density offers an opportunity to efficiently use municipal infrastructure.</p> <p>The Site is located within the designated settlement area.</p> <p>The land is not designated agriculture and would not be removing significant agricultural lands. The Site is surrounded by residential uses.</p> <p>The Site is outside of the ERCA regulated area.</p>
2.8 SITE SUITABILITY	<p>a) soil and drainage conditions are suitable to permit the proper siting of buildings;</p> <p>b) the necessary services are available to adequately accommodate the proposed development;</p> <p>c) no traffic hazards will result because of excess traffic generation or limited</p>	<p>A soil report has been completed with no identified concerns.</p> <p>Municipal services are available and will be expanded at the cost of the developer.</p> <p>A TIS has been completed with no concerns identified.</p>

OP Policy #	Policy	Response
	<p>sight lines on curves or grades;</p> <p>d) the land fronts on a public road which is of a reasonable standard of construction;</p> <p>e) adequate measures will be taken to minimize adverse impacts that the proposed use may possibly have upon any proposed or existing adjacent use.</p>	<p>The proposed development will be located with access to local roads.</p> <p>There are no adverse impacts identified, as the residential development would be the same as the majority of surrounding uses.</p> <p>There are similar styles of development in the Town, which blend well with the fabric of housing options.</p>
3.6 RESIDENTIAL	<p>a) provide areas in which residential development may occur in a controlled and progressive manner and to recognize existing residential development and areas presently designated for residential development;</p> <p>b) ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the Town;</p> <p>c) encourage infilling of the existing development pattern;</p> <p>d) encourage the development of a greater variety of housing types;</p> <p>f) encourage the provision of an adequate supply of draft approved and/or</p>	<p>There are no other significant residential developments occurring in the area. The development is reflective of the current surrounding uses.</p> <p>There are already residential uses surrounding the Site, which allows an existing neighbourhood to expand.</p> <p>The capacity of services has been reviewed and will be modified or expanded at the developer's expense.</p> <p>This development would be a similar development pattern to surrounding uses.</p> <p>This development allows for additional housing choices in close proximity to major</p>

OP Policy #	Policy	Response
	<p>registered lots and blocks on new plans of subdivision and/or registered lots which have been created in accordance with Section 7 of this Plan;</p> <p>g) provide opportunity to increase the housing supply through residential intensification. Residential intensification includes infilling, conversions and redevelopment, and will be encouraged in areas designated “Residential” as a means of increasing the supply of affordable rental and ownership accommodations.</p> <p>h) development standards for residential intensification, infilling, conversions and redevelopment shall be implemented through the zoning by-law and policies within the Town’s Development Standards Manual;</p> <p>i) encourage an adequate supply of new building lots to meet the anticipated demand for additional housing units over the next 20 year planning period.</p>	<p>transportation corridors and employment opportunities.</p> <p>This development would provide an additional supply of housing.</p> <p>This development would increase the housing supply through infilling and development of an underutilized site.</p> <p>This development will comply with relevant sections of the ZBL and Development Standards Manual.</p> <p>This development would assist in reaching the goal of increased and adequate housing supply.</p>
3.6.1 RESIDENTIAL	Areas designated “Residential” on Schedules “A-1” and “A-2” are either currently developed residentially or have	<p>The Site is designated “Residential” in the OP.</p> <p>The proposed development will provide for new housing</p>

OP Policy #	Policy	Response
	<p>previously been determined to be appropriate to accommodate future residential development. 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.</p>	<p>options which will support the 20 year planning period.</p> <p>The proposed development (Phase 1) is in keeping with the character of the area and nearby neighbourhoods.</p> <p>Full municipal services are available.</p>
	<p>The following goals for areas designated "Residential" on Schedules "A-1" and "A-2" of this Plan are to:</p> <ul style="list-style-type: none"> <li>a) provide areas in which residential development may occur in a controlled and progressive manner and to recognize existing residential development and areas presently designated for residential development;</li> <li>b) ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the Town;</li> <li>c) encourage infilling of the existing development pattern;</li> <li>d) encourage the development of a greater variety of housing types;</li> <li>e) provide older residential neighbourhoods with protection from non-residential redevelopment pressures;</li> </ul>	<p>The proposed development has been designed in an orderly manner taking into consideration access, roadways and lot layout.</p> <p>Services are available.</p> <p>New housing choices are proposed.</p> <p>The existing neighbourhood is protected.</p> <p>The Site is an opportunity for infilling.</p>

OP Policy #	Policy	Response
	<p>f) encourage the provision of an adequate supply of draft approved and/or registered lots and blocks on new plans of subdivision and/or registered lots which have been created in accordance with Section 7 of this Plan;</p> <p>g) provide opportunity to increase the housing supply through residential intensification. Residential intensification includes infilling, conversions and redevelopment, and will be encouraged in areas designated “Residential” as a means of increasing the supply of affordable rental and ownership accommodations. Within the 5 year period prior to the mandatory review of the Plan, the Town will work with the County of Essex to establish and implement minimum targets for intensification and redevelopment within built-up areas which are supported by the appropriate levels of infrastructure and public service facilities and this Plan will be amended to incorporate such targets;</p> <p>h) development standards for residential intensification, infilling, conversions and redevelopment shall be implemented through the zoning by-law and policies</p>	

OP Policy #	Policy	Response
	within the Town's Development Standards Manual;	
	<p>The following policies shall apply to those lands designated "Residential" on Schedule "A-1" and "A-2" of this Plan:</p> <p>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 <b>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></p> <p>e) the creation of new lots for residential purposes will occur in accordance with the land division policies contained within Section 7 of this Plan;</p> <p>f) a high standard of amenity shall be provided in all future residential development;</p> <p>g) residential infill development in areas of significant historical, architectural or landscape merit shall be encouraged provided:</p>	<p>Multiple dwellings, single detached dwellings, townhouse dwellings and semi detached dwellings are all permitted uses in the OP.</p> <p>The proposed development will be rezoned to permit the residential uses.</p> <p>The mixed use building will need to be considered as part of the Town comprehensive OP review.</p> <p>Lots and blocks will be created by way of Draft Plan of Subdivision and Part Lot Control.</p> <p>Appropriate buffering is proposed between land uses.</p> <p>A Noise assessment has been completed.</p> <p>The Site has access to nearby local amenities, including the greenway.</p>

OP Policy #	Policy	Response
	<ul style="list-style-type: none"> <li>i. sensitive to the existing scale, massing and pattern of the area;</li> <li>ii. be consistent with the existing landscape and streetscape qualities; and</li> <li>iii. will not result in the loss of any significant heritage resources.</li> </ul>	
4.2 NATURAL HERITAGE FEATURES	The Town of Kingsville encourages the protection and enhancement of natural heritage features	<p>There will be no adverse effect on natural heritage resources.</p> <p>A SARS has been completed.</p>
4.2.4 ENVIRONMENTAL IMPACT ASSESSMENT	The preparation of all Environmental Impact Assessments referred to in this Plan shall be the responsibility of the land owner and shall be carried out by a qualified environmental professional.	A Phase 1 ESA has been completed with no adverse effects identified.
6.3.1 SERVICING STANDARDS	All development within the Town of Kingsville shall be serviced in accordance with the Development Standards Manual...	The Development Standards Manual will be followed during development as per a development agreement.
6.3.2 SERVICING REQUIREMENTS	...Full municipal sewage services and municipal potable water services are the preferred form of servicing for all areas...	<p>The development will be on full municipal services.</p> <p>A SWM and FSR have been completed.</p>

Therefore, the proposed development conforms to the Town of Kingsville OP and an OPA is not required.

#### 5.1.4 Zoning By-law (ZBL)

The Town of Kingsville Zoning By-law (ZBL) 1-2014, as amended, was passed by Council on April 28, 2014. The latest office consolidation was completed on April 6, 2020.



A ZBL implements the PPS and the Town OP by regulating the specific use of the property and providing for its day-to-day administration.

According to Map 72, Schedule “A” attached to the ZBL the Site is currently zoned “Residential (R1.1(h))” Zone and “Industrial (M1(h))” Zone category (see Figures 6 – Town of Kingsville ZBL).



Figure 6 – Town of Kingsville Zoning

It is proposed to change the zoning of the Site to the following Site specific zones:

*“Residential (R2.1)” to permit the single detached dwelling units and the semi detached dwelling units.*

*“Residential (R4.1-XX)” with exception to permit the 6 storey multiple dwellings (apartment building) with relief from height and minimum front yard depth.*

*“Residential (R4.1-XX)” with exception to permit the multiple dwellings (mixed use building with commercial units on the main floor and residential units above).*

All other zone provisions are intended to be complied with.

A review of the R4.1 zone provisions as it pertains to the proposed 6 storey apartment, as set out in Section 6.4.1c) of the ZBL is as follows:

Zone Regulations	Required R4.1 Zone	Proposed	Compliance and/or Relief Requested with Justification
Permitted Uses	One converted dwelling containing a maximum 10 residential units; Townhouse dwelling containing a maximum 10 dwelling units; <b>Apartment building</b> ; One Group home; Nursing or Rest home; Buildings and structures accessory to the Main use.	Apartment	Will comply, subject to the ZBA.
Min Lot Area	Multiple unit apartment building - 950 m2 (10,225 ft2)	11,169.32 m2	Complies
Min Lot Frontage	Multiple unit apartment building - 25 m (80 ft)	125.53 m	Complies
Min Open Space	30 %	Lot – 11,169.32 m2 Open Space – 3,686.68 m2  33 %	Complies
Max Lot Coverage	45 %	Lot – 11,169.32 m2 Apartment – 2,020m2  18%	Complies
Min Front Yard Depth	8 m (26 ft)	<b>7.5 m</b>	Relief is required to decrease the minimum front yard depth.  A reduction of 0.5 m is requested.

Zone Regulations	Required R4.1 Zone	Proposed	Compliance and/or Relief Requested with Justification
			<p>Relief will allow the building to be pushed closer to the front lot line in order to provide the required parking at the rear of the proposed apartment.</p> <p>The lot is also an irregular shape.</p>
Min Rear Yard Depth	<p>The rear yard setback is equal to the height of the building or a minimum of 10 m (33 ft), whichever is greater.</p> <p><b>= 22 m (height of the building)</b></p>	22 m	Complies
Min Interior Side Yard Width	4.5 m (14.5 ft)	<p>West – 14 m</p> <p>East – 10 m</p>	Complies
Min Exterior Side Yard Width	4.5 m (14.5 ft)	N/A	Complies
Max Main Building Height	11 m (36 ft.)	<b>22 m (75.178 ft)</b>	<p>Relief Request to increase the maximum main building height to 22 m.</p> <p>This is a relief of 11 m.</p> <p>Relief will allow an opportunity to provide for more housing.</p> <p>The location of the proposed apartment is appropriate and will be</p>

Zone Regulations	Required R4.1 Zone	Proposed	Compliance and/or Relief Requested with Justification
			compatible with the surrounding area.
Parking Spaces Required (Table 4)	Dwelling, Apartment building - 1.25 spaces/unit 0.25 spaces of the required spaces shall be dedicated for visitor parking in a building containing 4 or more dwelling units.  <b>105 x 1.25 = 131.258 parking spaces</b>	149 total  146 plus 3 barrier free parking spaces	Complies

Therefore the following relief is required for the proposed 6 storey apartment:

- a) *Decrease the required front yard setback from 8 m to 7.5 m, and*
- b) *Increase the required height from 11 m to 22 m.*

## **6.0 SUMMARY AND CONCLUSION**

### **6.1 Context and Site Suitability Summary**

#### **6.1.1 Site Suitability**

The Site is ideally suited for development for the following reasons:

- The land area is sufficient to accommodate the proposed development,
- There are already residential uses surrounding the Site, which allows an existing neighbourhood to expand,
- The Site has existing municipal water, storm and sewer systems,
- There are no anticipated traffic or noise concerns,
- There are no environmental concerns, and
- There are no man-made hazards.

#### **6.1.2 Compatibility of Design**

The Site is compatible with the surrounding area in terms of scale, massing, height and use.

The location of the proposed development is appropriate in that it will blend well with the residential uses in the surrounding settlement area.

The Site is flat, making it conducive for vehicle maneuvering.

Buffering is proposed.

#### **6.1.3 Good Planning**

The proposal represents good planning as it addresses the need for the Town to provide new housing in an existing settlement area.

Residential uses on the Site represent an efficient development pattern that optimizes the use of land on full municipal services.

There are similar styles of development in the Town, which blend well with the fabric of housing options.

#### **6.1.4 Natural Environment Impacts**

The proposal does not have any negative natural environment impacts, as there are no natural heritage features on the Site.

### **6.1.5 Municipal Services Impacts**

The proposed development will be serviced by existing municipal sewer, water and storm, which is the preferred form of servicing within existing settlement areas.

### **6.1.6 Social and/or Economic Conditions**

The proposed development does not negatively affect the social environment as the Site is in close proximity to major transportation corridors and nearby amenities.

Adding additional residential units in an existing residential settlement area contributes toward the goal of 'live, work and play' where citizens share a strong sense of belonging and a collective pride of place.

The proposed development promotes efficient development and land use pattern, which sustains the financial well-being of the Municipality.

The proposal does not cause any public health and safety concerns. The proposal represents a cost-effective development pattern that minimizes land consumption and servicing costs.

There will be no urban sprawl as the proposed development is within the existing settlement area and is an ideal development opportunity.

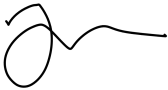
## **6.2 Conclusion**

The proposed development on the Site for residential and mixed use is appropriate and should be approved by the Town of Kingsville.

This PJR has shown that the proposed development is suitable for residential use (for all 3 phases), provides for infilling, is consistent with the PPS, conforms with the intent and purpose of the County and Town OPs, complies with the intent of the Town ZBL and represents good planning.

**Planner's Certificate:**

I hereby certify that this report was prepared by Tracey Pillon-Abbs, a Registered Professional Planner, within the meaning of the Ontario Professional Planners Institute Act, 1994.



**Tracey Pillon-Abbs, RPP  
Principal Planner**

