



Date: October 23, 2023

To: Mayor and Council

Author: George Robinson, MCIP, RPP
Manager of Planning

RE: ZBA-2023-14 – Application for Zoning By-law Amendment for 183
Main Street – Christian LeFave

Roll No. 3711-210-000-00700

RECOMMENDED ACTION

1. That zoning by-law amendment application ZBA-2023-14 **BE APPROVED**; to amend the zoning for the subject parcel(s) at 183 Main Street East in the Town of Kingsville, from Residential Zone 1 Urban (R1.1) and Residential Zone 4 Urban Exception 6 (R4.1-6), to an amended site-specific Residential Zone 4 Urban Exception 6 (R4.1-6) to permit:
 - i) A 42-unit multiple dwelling building
 - ii) The relocation of the existing historic single detached dwelling with a 5.5m (18 ft.) front setback and side yard of 2.2m (7.22 ft.)
 - iii) Neighbourhood commercial uses in the existing single detached dwelling
 - iv) Parking for the permitted uses in the interior (east) side yard and the rear yard
 - v) Increase permitted maximum height from 12.2m (40 ft.) to 19.5 m (64 ft.)
 - vi) Increase the minimum rear yard setback from 7.5m (24.5 ft.) to 19.5m (64 ft.)
2. **By-law 64-2023** 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. That alterations to the Esther Jasperson Campbell House, a designated property under Part IV of the Ontario Heritage Act, **BE APPROVED** under Part 33 of the Ontario Heritage Act, subject to the following conditions:

- i) That a Heritage Conservation Plan and appropriate securities be included in any future Site Plan Agreement to ensure the long term protection of the Esther Jasperson Campbell House.
- ii) That the relocation and stabilization of the Esther Jasperson Campbell House be completed prior to any construction of the 42-unit multiple dwelling building.

BACKGROUND

The Town of Kingsville has received the above-noted application for lands located on the south side of Main Street East, between Santos Drive and William Avenue (see location map attached as Appendix A). The subject property is designated 'Residential' by the Official Plan and is currently zoned 'Residential Zone 1 Urban (R1.1)' and 'Residential Zone 4 Urban Exception 6 (R4.1-6)' under the Kingsville Comprehensive Zoning By-law.

The subject lands are a 4330 m² (1.07 acre) parcel consisting of the historically designated Esther Jasperson Campbell House (By-law 100-2021). An application for a previous Zoning By-law Amendment (ZBA/18/19), consent to sever (B/11/21), and site plan approval (SPA/24/21) was approved at the Ontario Land Tribunal (OLT case number OLT-21-001696). The approval included severing off the Esther Jasperson Campbell House at the front of the parcel, and rezoning the rear portion to permit a 12.2m apartment dwelling building with a maximum of 22 units.

The applicant is proposing to move the house to the north of the parcel (towards Main Street) to secure its foundation and preserve its heritage values, and construct a six-storey 42-unit multiple dwelling structure and parking area, as shown on the applicant's site plan (attached as Appendix B) and project renderings (attached as Appendix C) to the rear of the new house location. The applicant is seeking approval to change the zoning to an amended site-specific Residential Zone 4 Urban (R4.1-6) which includes the following site-specific zoning by-law regulations:

- i) Allow a 42-unit multiple dwelling building
- ii) The relocation of the existing historic single detached dwelling with a 5.5m (18 ft.) front setback and side yard of 2.2m (7.22 ft.)
- iii) Allow neighbourhood commercial uses in the existing single detached dwelling
- iv) Allow parking for the permitted uses in the interior (east) side yard and the rear yard
- v) Increase permitted maximum height from 12.2m (40 ft.) to 19.5m (64 ft.)
- vi) Increase the minimum rear yard setback from 7.5m (24.5 ft.) to 19.5m (64 ft.)

A heritage conservation plan will be required as part of any future site plan application.

DISCUSSION

1) Application Timeline

Main Street Development was set as one of Council’s three short-term priorities for 2023, along with Attainable Housing, and a Facilities Assessment – all related, in part, to Main Street.

On September 25th 2023, Administration brought forward Official Plan 16 and Zoning By-law Amendments (Town file OPA & ZBA-2023-1) for the Main Street Corridor that recommended changes to the existing Official Plan designation and zoning regulations that would apply to the corridor, including 183 Main Street. Council’s decision permits up to four stories (14.5 m) within the section of Main Street where 183 Main Street is located.

This decision was different from the recommendations of Committee of the Whole on April 17, 2023 that proposed building heights be allowed for a maximum of three stories (11m) on Main Street and allowances for greater building heights stepping back at a 45 degree angle to a maximum of six stories (22m).

Date	Item
April 17, 2023	Main Street Report presented to Committee of the Whole (COTW).
June 6, 2023	Applicant presented concept plan to Heritage Committee. Committee requested the applicant prepare a Heritage Impact Assessment (HIA) and return to the Committee.
August 18, 2023	Application paid and deemed complete
August 22, 2023	Applicant held a public information centre at the Grovedale.
September 5, 2023	The HIA was reviewed by the Heritage Committee and the committee voted to recommend approval of the heritage alterations to Council.
September 25, 2023	Official Plan 16 and Zoning By-law Amendments (Town file OPA & ZBA-2023-1) for the main street corridor approved as amended at Council meeting.
October 4, 2023	Notice of Passing for the Main Street amendments.
October 24, 2023	Appeal period for Main Street zoning amendments closing.

Administration published the required Notice of Passing for the Main Street amendments on October 4th 2023, with the appeal period closing on October 24th 2023. As of the date of writing this report, the Main Street corridor zoning amendments are not yet in effect, thus a site-specific Residential Zone 4 Urban (R4.1-6) which includes the required site-specific zoning by-law regulations is recommended.

The County of Essex is the approval authority for Official Plan Amendments for the Town of Kingsville. At the time of writing this report, the County have not approved the Main Street corridor amendments and they are not in effect.

Comment: It is the Manager of Planning’s opinion that Council should review the application against the Official Plan policies in effect on the date that this application was deemed complete, August 18, 2023, which currently remain in effect as of the

date of writing this report. Council **may have regard for** the new policies that were passed but not yet in effect, as well as any deputations that were made at the September 25th Council meeting when OPA 16 was discussed.

Analysis and commentary in the report is largely based on the Official Plan and Zoning By-law in effect at the time that the application was made and at the time this report was written.

The subject property is located in the proposed 'Main Street Neighbourhood' sub area in OPA 16 (By-law 57-2023), and proposed zoning is 'Main Street Neighbourhood (MS2)' (By-law 58-2023). The amendments passed by Council at the September 25th meeting would impose a 14.5 m (4 storey) height limit on this property. Other policy components contained in OPA 16 such as the preservation of heritage resources and urban design policies such as the minimum 45-degree angular plane applied from the front property line, beginning at the height of the top of the third storey are proposed to be met under the new proposal.

2) Provincial Policy Statement (PPS), 2020:

When reviewing a planning application to determine if it represents sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statement (PPS): "The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment."

The PPS includes policies that settlement areas shall be the focus of growth and development. PPS states that "Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment" (Section 1.1.3.2).

Section 1.4.3 states that:

"Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

b) Permitting and facilitating:

- 1. All forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and*
- 2. All forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;"*

Comment: There are no issues of Provincial significance raised as a result of the proposed zoning-by law amendment and permitting such redevelopment is encouraged. The proposed new multiple dwelling will provide a housing option

currently in demand in the Kingsville settlement-area housing market, while at the same time making use of an existing lot, and the hard and social services currently afforded to this property. The applicant has submitted a planning justification report, included as Appendix D which provides additional analysis.

3) County of Essex Official Plan

The County OP is very similar to that of PPS in terms of applicable policies and encouragement of intensification and redevelopment within the Settlement Area boundaries. The proposed development would be consistent with the County of Essex Official Plan.

4) Town of Kingsville Official Plan

The Official Plan for the Town of Kingsville designates the subject properties as 'Residential'. Section 3.6.1 Residential, states that "*It is the intent of this Plan that a broad range of residential types be permitted on lands designated "Residential" in order to meet the needs of all households anticipated during the 20 year planning period of this Plan.*" The Goals and Policies strongly encourage residential infilling and intensification where it is determined appropriate and where servicing is available. The Plan also encourages increasing the housing and rental supply by including a variety of housing types.

The applicant has submitted a planning justification report, included as Appendix D. The Manager of Planning concurs with the analysis provided in this report.

Comment: The applicant is proposing a 6-storey 42 unit multiple dwelling building. There is demand for all types of residential development at the current time. In the applicant's planning justification report, they proposition that "The proposed Zoning By-law Amendment is appropriate and is consistent with the 2020 Provincial Policy Statement, the County of Essex Official Plan, and the Town of Kingsville Official Plan; will not create unacceptable adverse impacts on surrounding lands; and represents sound land use planning principles."

5) Comprehensive Zoning By-law

The subject property is zoned 'Residential Zone 1 Urban (R1.1)' and 'Residential Zone 4 Urban Exception 6 (R4.1-6)'. The intended amendment would be to rezone the entire site to an amended site-specific and 'Residential Zone 4 Urban Exception 6 (R4.1-6)' to permit the following:

- i) Allow a 42-unit multiple dwelling building
- ii) The relocation of the existing historic single detached dwelling with a 5.5m (18 ft.) front setback and side yard of 2.2m (7.22 ft.)
- iii) Allow neighbourhood commercial uses in the existing single detached dwelling
- iv) Allow parking for the permitted uses in the interior (east) side yard and the rear yard

- v) Increase permitted maximum height from 12.2m (40 ft.) to 19.5m (64 ft.)
- vi) Increase the minimum rear yard setback from 7.5m (24.5 ft.) to 19.5m (64 ft.)

Comment: Administration has reviewed the plans submitted with the application and there are no additional zoning deficiencies identified at this time.

The previous Ontario Land Tribunal decision on file ZBA/18/19 required the applicant to convey 3.0 m along the frontage for future road widening of Main Street. The requirement for this conveyance is not identified in either the Official Plan or the Comprehensive Transportation Master Plan and is not included in this current application. The applicant is proposing a 5.5 metre front setback for the revised location of the Esther Jasperson Campbell House. This reflected in the proposed site-specific zoning and would leave space for a road widening in the future if required.

6) Heritage Alterations

The property included the historically designated Esther Jasperson Campbell House (By-law 100-2021). The applicant is proposing to move the house to the north of the parcel (abutting Main Street) to accommodate the new multiple dwelling building to the rear of the house.

Alterations to a designated heritage property require the approval of Council in accordance with the Ontario Heritage Act. The applicant consulted with the Kingsville Municipal Heritage Advisory Committee at an early stage by bringing a proposed concept plan to the June 6th, 2023 meeting of the Committee. At that meeting, the committee voted to support the project in principle, and asked the applicant to prepare a Heritage Impact Assessment for review.

The applicant has engaged ERA Architects to prepare a Heritage Impact Assessment (HIA), attached as Appendix E. The HIA outlines the heritage attributes of the designated house and reviews the impacts of the proposed development from a heritage perspective. The HIA was reviewed by the Heritage Committee at their September 5th, 2023 meeting and the committee voted to recommend approval of the heritage alterations to Council and to recommend that Council require that the forthcoming Conservation Plan as cited in the Heritage Impact Assessment for the Esther Jasperson Campbell House be part of any future Site Plan Control application (included in the recommendations of this report). Under Site Plan Control powers of the Planning Act and By-law 5-2023, the Town has the authority to require securities as a condition of site plan approval and would propose to determine, and require appropriate securities through the site plan process.

FINANCIAL CONSIDERATIONS

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

ENVIRONMENTAL CONSIDERATIONS

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

CONSULTATIONS

Public Consultations

The applicant held a public information centre on August 22nd 2023 at the Grovedale. The feedback related to this included:

- Building scale and design
- Access to Main Street
- Setback of heritage home to Main Street
- Interest in amenities of proposed building

The applicant has provided additional information on the public information centre in their report attached as Appendix F.

Further, in accordance to O. Reg 545/06 of the *Planning Act*, property owners within 120m of the subject site boundaries received the Notice of Public meeting by mail. The public comment received to date is attached as Appendix G.

Agency & Administrative Consultation

In accordance with O. Reg 545/06 of the Planning Act, Agencies and Town Administration received the Notice of Public Meeting by mail and/or email. At the time of writing, the following comments have been received from circulated agencies.

Town of Kingsville Technical Advisory Committee

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

Public Works and Engineering

- Landscape, Grading, and Lighting Plans required prior to final site plan approval.
- Other technical matters to be resolved prior to final site plan approval.

Building Department

- Will comment more fully on Site Plan application, building permit drawings, and other required documentation.
- Limiting distance and exposed building face will be required, where reduced setbacks are noted.

PREPARED BY:



George Robinson, MCIP, RPP
Manager of Planning

REVIEWED BY:



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