

Planning Justification Report

183 Main Street East
Brotto Investments Inc.



August 10, 2023



Zelinka Priamo Ltd.

LAND USE PLANNERS

TABLE OF CONTENTS

INTRODUCTION	3
BACKGROUND	3
SUMMARY	4
1.0 – Site Analysis	5
1.1 SUBJECT LANDS OVERVIEW	5
1.2 SITE SPECIFIC SPATIAL ANALYSIS	6
1.3 SPATIAL ANALYSIS & NEIGHBOURHOOD CHARACTER	8
1.4 GOALS & OBJECTIVES	9
2.0 – Proposed Development	10
2.1 ESTHER JASPERSON CAMPBELL HOUSE	10
2.2 SITE DESIGN	12
2.3 BUILT FORM, MASSING & ARTICULATION	13
2.4 ARCHITECTURAL TREATMENT	14
2.5 LIGHTING	14
2.6 LOADING/SERVICING	14
2.7 PUBLIC REALM	14
3.0 – Planning Act Applications	16
3.1 ZONING BY-LAW AMENDMENT	16
4.0 – Policy Analysis & Response	17
4.1 PROVINCIAL POLICY STATEMENT	17
4.1.1 Policy Analysis & Response	17
4.2.1 Land Use Designations	18
4.2.2 Policy Analysis & Response	19
4.3 TOWN OF KINGSVILLE OFFICIAL PLAN	21
4.3.1 Land Use Designations	21
4.3.2 Policy Analysis & Response	22
4.4.1 Zoning	29
4.4.2 Zoning By-law Amendment	30

4.4.3 Existing & Proposed Regulations	30
5.0 – Supporting Submission Materials	35
5.1 FUNCTIONAL SERVICING REPORT (UPDATED)	35
5.2 HERITAGE IMPACT ASSESSMENT (UPDATED)	35
6.0 – Conclusion	36

INTRODUCTION

On behalf of the Brotto Investments Inc. (“Brotto”), Zelinka Priamo Ltd. has submitted an application to the Town of Kingsville to amend Comprehensive Zoning By-Law 1-2014 on the lands known municipally as 183 Main Street East (the “subject lands”). The purpose of this application is to facilitate the conservation of an existing heritage building through its preservation, restoration, and relocation on the property, together with the construction of a new commemorative parkette, and a six-storey apartment building. The proposed development contains a total of 42 apartment dwelling units (plus one detached dwelling) and 55 surface parking spaces.

The purpose of the following Planning Justification Report is to provide details on the proposed development and evaluate the proposed Zoning By-law Amendment within the context of applicable land use policies and regulations.

BACKGROUND

Zelinka Priamo Ltd., on behalf of the Brotto, submitted a Zoning By-law Amendment (ZBA) Application to the Town of Kingsville in September 2019, proposing the demolition of the existing structure and construction of five townhouse units with attached garages at the front (north) of the subject lands and a six-storey, 28-unit condominium building with at-grade parking at the rear (south). The ZBA Application was presented to the Town of Kingsville Planning Advisory Committee on November 12, 2019, and was revised multiple times thereafter to address concerns raised with respect to the scale of the proposed development, vehicular traffic impacts, and the retention of the existing detached dwelling which received heritage designation during the review of the application.

A ZBA resubmission was made on February 9, 2021, proposing to retain the existing detached dwelling on a separate parcel, and to develop the remainder of the subject lands for a three-storey, 22-unit apartment building. In order to facilitate the proposed form of development, Zelinka Priamo Ltd. also submitted a Consent (Severance) Application on April 8, 2021, and a Site Plan Approval (SPA) Application on June 22, 2021. Each of these three applications were refused by the Town, and the decisions were subsequently appealed to the Ontario Land Tribunal (OLT).

The OLT issued its Final Order on October 11, 2022, granting approval for provisional consent, Zoning By-law Amendment, and Site Plan Approval to facilitate the development of a three-storey apartment building containing 22 dwelling units on a portion of the subject lands. The existing single-detached dwelling would remain as a stand-alone use on the portion of the lands to be severed from the apartment development.

The subject lands are designated “Residential” in the Town of Kingsville Official Plan and are zoned *Residential Zone 4 Urban Exceptions 6 (R4.1-6)* and “Residential Zone 1 Urban (R1.1)” under Town of Kingsville Comprehensive Zoning By-law 1-2014, as amended, per the OLT Order issued on October 11, 2022

Subsequent to the above-noted approvals, Brotto is proposing to retain the existing single-detached dwelling and incorporate it into the overall development that would also include a taller apartment building (6 storeys) with increased number of dwelling units (42). The approved provisional consent application to sever the lands is no longer being pursued.

SUMMARY

This report concludes that the proposed development and requested Zoning By-law Amendment is appropriate and desirable for the following reasons:

- The proposed Zoning By-Law Amendment is consistent with the 2020 Provincial Policy Statement, the County of Essex Official Plan, and the Town of Kingsville Official Plan;
- The proposed amendments will permit an appropriate density and building height given the subject lands proximity to: existing, under construction, and approved higher density development; commercial areas, including downtown Kingsville; public recreation areas and parks; institutions, such as schools and places of worship; and, existing infrastructure and servicing;
- The proposed development provides for the conservation of an existing heritage building, designated under Part IV of the *Ontario Heritage Act*, through its preservation, restoration, and relocation on the property. This heritage asset (and an accompanying commemorative parkette) will serve as the centrepiece of the overall site design;
- A high degree of architectural and landscape design will be provided, contributing to a compatible relationship between the proposed apartment building and existing Esther Jasperson Campbell House (and the adjacent Bon Jasperson House at 171 Main Street East);
- Appropriate separation and buffering will be provided between the proposed six-storey apartment building and surrounding development;
- The subject lands are sufficiently separated from low-density residential development to the west, and the proposed six-storey building is designed to limit adverse impacts and perceptions of height and mass; and,
- The technical submission materials submitted as part of this application support the development as proposed.

1.0 – Site Analysis

1.1 SUBJECT LANDS OVERVIEW

The subject lands consist of a single, parallelogram-shaped parcel, located on the south side of Main Street East, between Santos Drive to the west and William Avenue to the east, in the Town of Kingsville. The lot area is approximately 0.43ha (1.05ac), with a frontage along Main Street East measuring 42.6m (139.4ft). An aerial view of the subject lands is shown below in Figure 1.

Figure 1 – The subject lands (outlined in red) and surrounding area



The subject lands are currently occupied by a two-storey single detached dwelling and associated private outdoor amenity space. The existing dwelling, known as the Esther Jasperson Campbell House, is a designated heritage building under Part IV of the *Ontario Heritage Act* (Figures 2-3). Areas not occupied by buildings are maintained as landscaped open space, including lawns, shrubs, and trees. The topography of the subject lands is mostly flat.

Figure 2 – The subject lands and Esther Jasperson Campbell House (left), and 171 Main Street East (right)

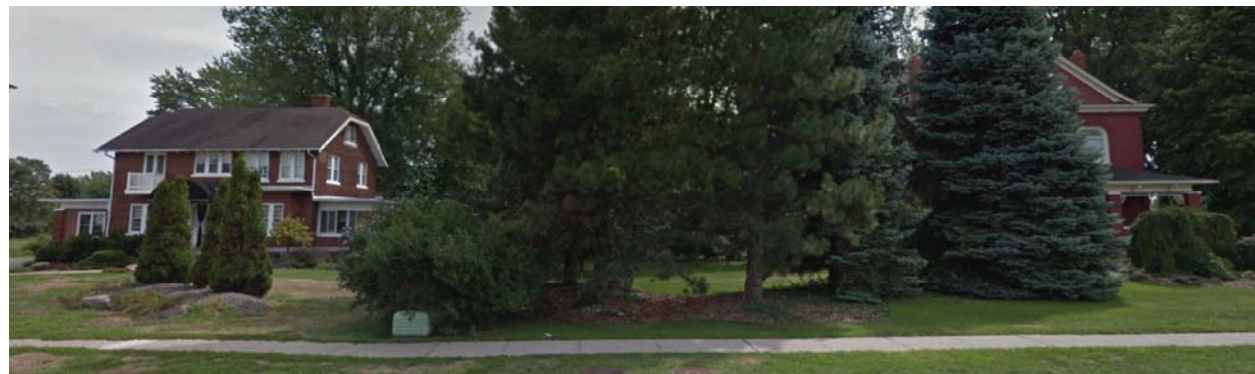


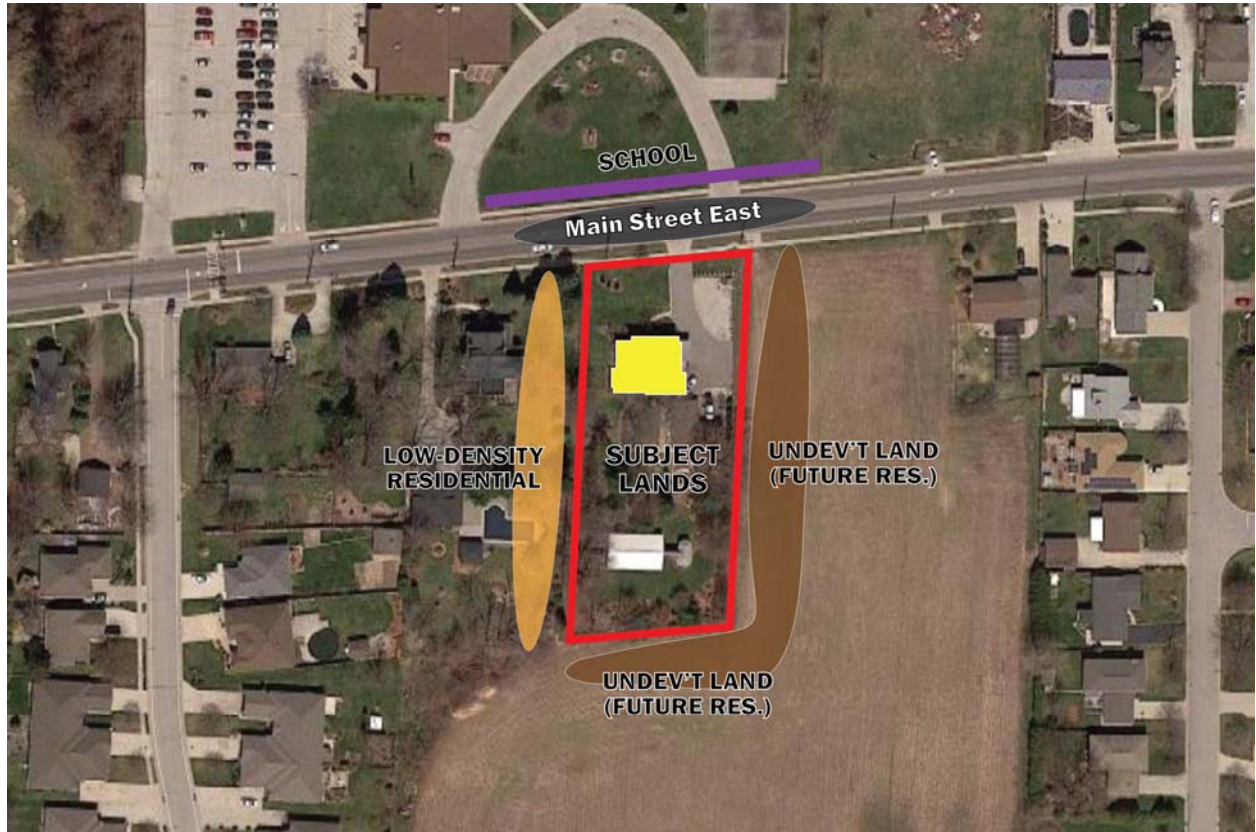
Figure 3 – The subject lands and heritage-designated house (centre), and 195 Main Street East (left and rear)



1.2 SITE SPECIFIC SPATIAL ANALYSIS

Site-specific development considerations for the subject lands are shown below in Figure 4.

Figure 4 – Site-Specific Spatial Analysis



The subject lands are currently occupied by a designated heritage structure (Esther Jasperson Campbell House), denoted in yellow on the figure above. Any redevelopment of the subject lands must provide for its conservation through preservation and restoration and should enhance visibility and public access to this heritage asset.

The subject lands have public frontage along Main Street East, shown in black on Figure 4. This right-of-way provides direct vehicular and pedestrian access to the subject lands. Any proposed redevelopment should contribute to an improved streetscape and outward appearance along this frontage, including enhanced landscaped areas and an improved/restored heritage asset.

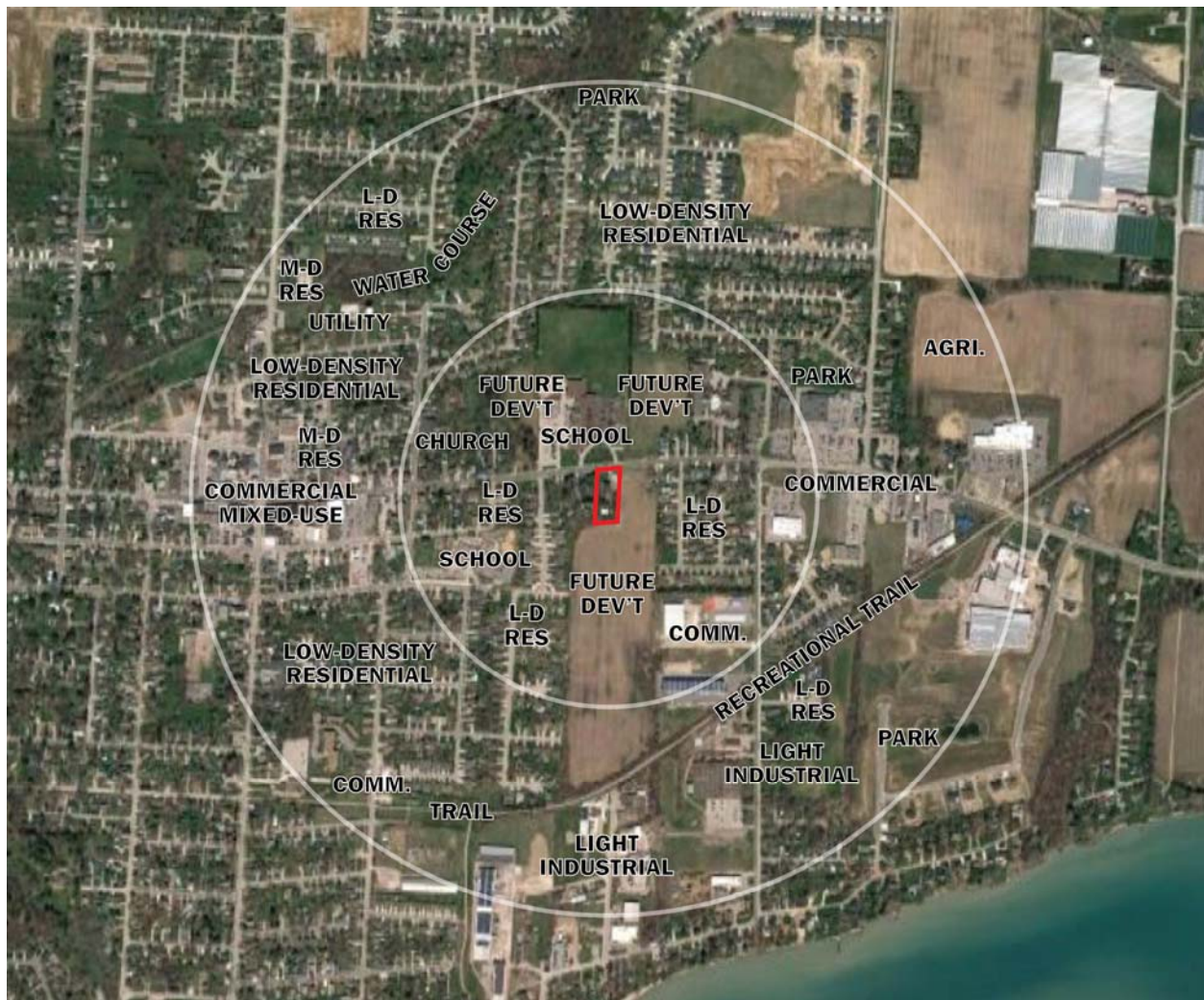
The parcel north of the subject lands, opposite Main Street East, is owned by Greater Essex County District School Board (shown in purple). The existing Kingsville District High School is to be relocated and the old school and its land will be repurposed for other uses. Lands immediately west of the school contain a three-storey building containing 30 dwelling units. Lands to the east of the school consist of several buildings approved and under construction, including a medical building and 2, 6-storey buildings consisting of 58 and 55 dwelling units.

To the west, the parcel at 171 Main Street East is occupied by a heritage-designated single-detached dwelling (shown in orange). Setbacks, buffering, and height transitions along the interior side lot line must minimize potential adverse impacts. Areas abutting the lands to the south and east (shown in brown), known municipally as 195 Main Street East, consist of cultivated fields located within the designated settlement boundary that are currently zoned for residential (R1.1(h)) and light industrial (M1(h)) development. These lands are subject to a planning application that includes mixed-use development along Main Street East, and a mixture of low- and mid-density residential development on the remainder of the lands. Site features along this interface must not compromise future development of adjacent lands and should be set back in accordance with zoning standards to be determined in consultation with Municipal Staff.

1.3 SPATIAL ANALYSIS & NEIGHBOURHOOD CHARACTER

Figure 5 shows notable features and land uses within 800m of the subject lands. This radius represents a ten-minute walking distance, although due to sidewalk networks and other barriers, they may not represent true walking times. The subject lands are located along a “Municipal Road” Street Classification (Main Street East) which provides one vehicular lane in each direction, a shared left turn lane, and sidewalks in its current configuration.

Figure 5 – Spatial Analysis



The surrounding neighbourhood is characterized primarily by low density residential development to the north, south, and east – including new residential and mixed-use developments proposed near the subject lands with heights up to six storeys (140 & 190, & 195 Main Street East). These areas also include public parks, including nearby Santos Park and the Chrysler Greenway recreational trail. The 800m study area also includes some medium-density residential development in the form of cluster dwellings and townhouses.

Non-residential development within the 800m study area is concentrated along Main Street East. These uses include institutional development (schools, places of worship), office (medical clinic), highway commercial (retail, service, restaurants), and some light industrial uses along the Chrysler Greenway, a former railway corridor.

1.4 GOALS & OBJECTIVES

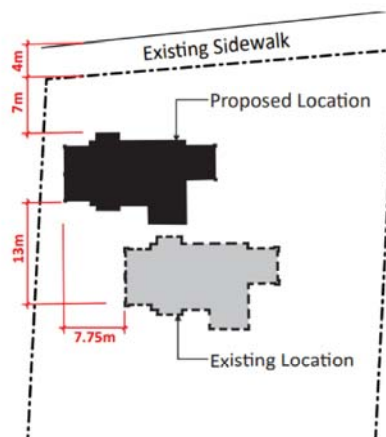
The subject lands are proximate to established residential areas and an increasing amount of new residential development at a range of densities. The neighbourhood is well-served by public open space, commercial areas, existing transportation infrastructure, and community institutions, including schools. Given these considerations and the size of the parcel (0.43ha), the subject lands are underutilized in their current state. The lands present an opportunity for residential intensification (at a limited scale), as long as it is compatible with adjacent low-density residential development and the heritage assets on and adjacent to the subject lands. As such, the goals and objectives for the redevelopment of the subject lands are as follows:

- Provide a form of infill development that makes efficient use of the subject lands for purposes that are: reflective of current and projected land use needs; permitted under the current Official Plan policy framework; compatible with/complementary to development in the area; and, appropriate for available and planned services, infrastructure, and transportation facilities;
- Ensure the proposed development is compatible with, complimentary to, and distinguishable from, in accordance with the Standards and Guidelines for the Conservation of Historic Places in Canada, the heritage-designated Esther Jasperson Campbell House (located on the subject lands) and the heritage-designated Bon Jasperson House (located to the immediate west of the subject lands at 171 Main Street East). Any development proposed for the subject lands should have a minimal impact on these heritage features and should contribute greater visibility and public access to the Esther Jasperson Campbell House;
- Apply appropriate design standards that result in compatibility with adjacent lands and the surrounding neighbourhood, specifically addressing matters such as siting, scaling, massing, materiality, and buffering;
- Locate quality landscape treatments and architectural features proximate to the front lot line to support a desirable public interface and image; and,
- Ensure parking and service areas are well-screened/buffered from abutting parcels and public rights-of-way.

Figure 7 – Relocated Esther Jasperson Campbell House & Commemorative Parkette, six-storey apartment (left)



Figure 8 – Existing (grey) and proposed (black) locations for the Esther Jasperson Campbell House



It is recognized that the front yard setback is identified as a heritage attribute; however, the reduction of the depth of the setback will still appropriately conserve this character-defining element. Additionally, the relocation of the house closer to Main Street East will improve the relationship between the Esther Campbell Jasperson House and the streetscape, while also enhancing its communication with the adjacent designated heritage building, the Bon Jasperson House at 171 Main Street East. The relocation will also provide an opportunity to introduce new landscape elements and materials that are common to the overarching character of Kingsville's heritage fabric, allowing for the recontextualization of the building in its historic setting. Allowing for greater visibility, the heritage asset will be more readily enjoyed by the public, who will also engage with the property via the addition of the commemorative parkette.

Further information is provided in the Heritage Impact Assessment, prepared by ERA Architects Inc. With the guidance of ERA Architects Inc., the proposed development has been designed to ensure that the new construction is compatible with, distinguishable from, and subordinate to the Esther Jasperson Campbell House. Further details regarding the use of complementary materials, historically and contextually appropriate landscaping, and the commemorative parkette will be detailed through a future Conservation Plan which will be prepared by ERA Architects Inc.

2.2 SITE DESIGN

The proposed development is designed around the relocated Esther Jasperson Campbell House and the six-storey apartment building. Both buildings are arranged in a linear orientation on the western portion of the subject lands with a shared driveway along the east. The heritage house will define the outward appearance of the subject lands, occupying approximately 15.1m (35%) of the frontage. The remainder of the frontage will be occupied by the driveway (6.1m width) and landscape areas, including lawns, low vegetation, stone piers, and sections of hardscape. A commemorative parkette will be located between the house and driveway, providing space for seating and the display of historical information on the Esther Jasperson Campbell House.

The proposed six-storey apartment building is setback from adjacent parcels and rights-of-way in accordance with the following dimensions:

- 24.0m setback at the (north) front yard;
- 16.3m setback at the east interior side yard;
- 5.1m setback at the west interior side yard; and,
- 20.2m at the (south) rear yard.

And the relocated Esther Jasperson Campbell House will be setback as follows:

- 4.1m setback at the (north) front yard (post road widening);
- 21.1m setback at the east interior side yard;
- 2.3m setback at the west interior side yard; and,
- 83.3m at the (south) rear yard.

Pedestrian access to the proposed apartment building will be located at the east side of the building, facing the driveway and a paved forecourt area. Secondary points of entry/egress are provided along other sides of the building, as shown in the site plan. The relocated Esther Jasperson Campbell House has two entrances: a main entrance, facing the public sidewalk; and, a side entrance, facing the parking area. The proposed site design includes pedestrian paths that will connect the public sidewalk with building entrances, amenities, parking areas, and a loading/service space.

Vehicular access is provided along the eastern portion of the Main Street East frontage. A shared driveway will provide access to the loading/servicing space and parking areas. Vehicular parking is provided at a rate of 1.25 spaces per apartment dwelling unit ($42 \times 1.25 = 53$) and 2 spaces for the single detached dwelling for a total of 55 spaces. No parking spaces abut the existing single-

detached dwelling to the west at 171 Main Street East. Indoor bicycle storage will be provided on the ground floor of the apartment building to promote less reliance on vehicular traffic.

A common outdoor amenity pavilion will be located between the house and apartment building, and a common amenity patio is proposed for the rear yard. Private amenity areas will also be provided for individual dwelling units in the form of balconies or patios for ground-level units. Screening/fencing will be provided around the amenity pavilion and along interior side lot lines to maintain privacy and comfort.

2.3 BUILT FORM, MASSING & ARTICULATION

The proposed six-storey apartment is massed and oriented to minimize impacts on adjacent lands and heritage assets. Step-backs and height transitions are provided along the north (front) elevation above the fifth storey, contributing to an appropriate interface with the Esther Jasperson Campbell House. This design will also minimize perceptions of height/mass and reduce adverse impacts on surrounding properties (i.e., shade, loss of privacy). The overall building height is 19.2m.

Vertical projections/recessions are provided along the building elevations, supporting a varied appearance that breaks down massing. Balconies (and ground-level patios) are located in the recessed areas of the façade and are integrated with the appearance of the building. Figure 9 (below) shows a view of the proposed apartment building from the east, demonstrating the design elements described here.

Figure 9 – View of the proposed apartment building facing west, heritage structure at right of frame



2.4 ARCHITECTURAL TREATMENT

The conceptual cladding strategy includes 'heavier,' tactile materials such as brick, stone, or masonry veneer on lower levels to establish a strong relationship with the ground level. These materials will also support compatibility with the abutting Esther Jasperson Campbell House. Above the second storey, 'lighter' materials such as glass, EFFIS/stucco, or architectural panels will provide a varied appearance while limiting perceptions of bulk and mass.

Conceptual fenestration patterns support a rhythm of solid-void that corresponds with entrances and balcony locations, contributing to a cohesive appearance. A higher proportion of glazing will be provided at and above the main entrance to emphasize this feature. A canopy is also proposed above the main building entrance.

With the guidance of ERA Architects Inc., the proposed development has been designed to ensure that the new construction is compatible with, distinguishable from, and subordinate to the Esther Jasperson Campbell House. Further details regarding the use of complementary materials, historically and contextually appropriate landscaping, and the commemorative parkette will be detailed through a future Conservation Plan.

2.5 LIGHTING

A photometric plan detailing the proposed lighting design and demonstrating impacts on adjacent parcels will be provided during the Site Plan Approval process.

2.6 LOADING/SERVICING

Principal functional servicing requirements for the proposed development (beyond municipal infrastructure) consist of refuse removal and loading/delivery. The proposed loading space, located between the apartment building and Esther Jasperson Campbell House, will provide for all servicing, loading, and delivery needs. This space is buffered from the public street and adjacent single-detached dwelling (171 Main Street East) in order to mitigate adverse impacts.

2.7 PUBLIC REALM

The proposed development will enhance the public realm along Main Street East. The proposed relocation of the Esther Jasperson Campbell House will provide a community benefit by better integrating the preserved, restored, and relocated house with the streetscape and heritage assets on adjacent lands (Bon Jasperson House). The proposed site design includes a landscaped commemorative parkette adjacent to the public sidewalk, providing a space for seating and a display of historical information on the Esther Jasperson Campbell House. Figure 10 (following page) shows a view of the proposed public realm along Main Street East, including a landscape area (left), driveway and pedestrian access (centre), and the relocated house and proposed commemorative parkette (right).

Figure 10 – View of the proposed development, facing southwest from Main Street East



The proposed site design also supports a desirable public realm by: increasing the supply of housing and density in the Main Street Corridor (within walking distance of downtown Kingsville); supporting a strong pedestrian realm by clearly demarcating pedestrian paths/building entrances and minimizing the width of curb cuts; and, providing a variety of landscape features throughout the subject lands.

Overall, the proposed development will have a positive impact on the public realm and Main Street East streetscape.

3.0 – Planning Act Applications

3.1 ZONING BY-LAW AMENDMENT

As the proposed development is not permitted under current regulations and permissions, a Zoning By-Law Amendment application is required to extend the current R4.1-6 Zone permissions across the remaining portion of the subject lands currently zoned “*Residential Zone 1 Urban (R1.1)*”, together with site specific, special regulations to permit the relocation of the existing single-detached dwelling, and a taller apartment building with increased dwelling units.

The site specific, special provisions sought are as follows:

- Add an *Existing Single-Detached Dwelling* as a permitted use and structure;
- Add a *Converted Existing Single-Detached Dwelling* as a permitted use and structure, to allow a mix of residential and neighbourhood commercial uses;
- Add *Commercial, Neighbourhood* as a permitted use within a *Converted Existing Single-Detached Dwelling*;
- Minimum front yard setback of 4.0m for an *Existing or Converted Single-Detached Dwelling* (whereas 8.0m is required under the standard R4.1 Zone);
- Minimum west interior side yard setback of 2.2m for an *Existing or Converted Single-Detached Dwelling* (whereas 4.5m is required under the standard R4.1 Zone);
- Maximum of 42 dwelling units within an apartment dwelling (whereas a maximum of 22 dwelling units are permitted);
- Maximum building height of 19.5m for an apartment dwelling (whereas a maximum of 12.2m is permitted); and,
- Minimum rear yard setback of 19.5m for an apartment dwelling (whereas a minimum of 7.5m is required).

The site-specific development standards are to be confirmed and refined subject to a review of the application by City Staff through the approvals process.

4.0 – Policy Analysis & Response

4.1 PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement, 2020 (PPS), issued under the authority of Section 3 of *The Planning Act* “provides policy direction on matters of provincial interest related to land use planning”. Specifically, the PPS provides direction for the efficient use of land and resources and promoting cost-effective development patterns and standards to minimize land consumption and servicing costs. All planning applications, including Zoning By-Law Amendment applications are required to be consistent with these policies.

4.1.1 Policy Analysis & Response

The proposed redevelopment and intensification of the subject lands will contribute to “healthy, livable and safe communities” in accordance with Sections **1.1.1**, **1.1.3.2**, and **1.1.3.3** of the PPS. The proposal will provide a compact built form at a location within the existing settlement boundary with immediate access to public infrastructure and service facilities, minimizing municipal servicing costs. By introducing new residential units within walking distance of central Kingsville and other points of interest, the development will support alternative modes of transportation, promoting energy efficiency and minimizing negative impacts on air quality. Finally, the proposal does not demonstrate any cause for environmental or public health and safety concerns and will be accessible to persons with disabilities.

In accordance with Sections **1.1.3.1** and **1.1.3.6** of the PPS, the proposed development is located within a designated settlement area, adjacent to a mix of uses and a variety of lot sizes. Given its location along Main Street East and within walking distance of central Kingsville, the subject lands are well positioned to accommodate compact forms of development at higher densities.

The proposed six-storey apartment building will broaden the range of residential dwelling types available in Kingsville, introducing accessible apartment units that can support ageing in-place and downsizing. Furthermore, the proposed development will direct residential intensification to a location with appropriate levels of infrastructure and public services that is also within cycling and walking distance of central Kingsville (Section **1.4.3**).

The “long-term economic prosperity” of Kingsville will also be supported by the proposed development, in accordance with Section **1.7.1** of the PPS. The proposed six-storey apartment building will broaden the range of housing types available in the town without requiring any expansion of the urban settlement boundary or infrastructure/servicing areas. The proposed development will support the vitality and viability of Kingsville’s historic commercial core by adding 42 dwelling units within easy walking distance (> 500m) of this district. Finally, the proposed restoration and relocation of the Esther Jaspersen Campbell House will enhance public visibility and access to a character defining element, encouraging a “sense of place” in accordance with subsection e). The positioning of the proposed apartment building to the rear of the designated heritage building will preserve the heritage character of this asset while maintaining its visual prominence along the streetscape

In accordance with Section 2.6.3, a Heritage Impact Statement has been prepared in relation to the proposed development and the Esther Jasperson Campbell House, which is designated under Part IV of the Ontario Heritage Act. The conclusion of the assessment is that the proposed development would not compromise the heritage defining features and the proposed relocation and restoration of this heritage asset is desirable and appropriate.

Overall, the proposed development is consistent with the 2020 Provincial Policy Statement and will support the efficient use of resources and cost-effective development patterns while minimizing land consumption and servicing requirements.

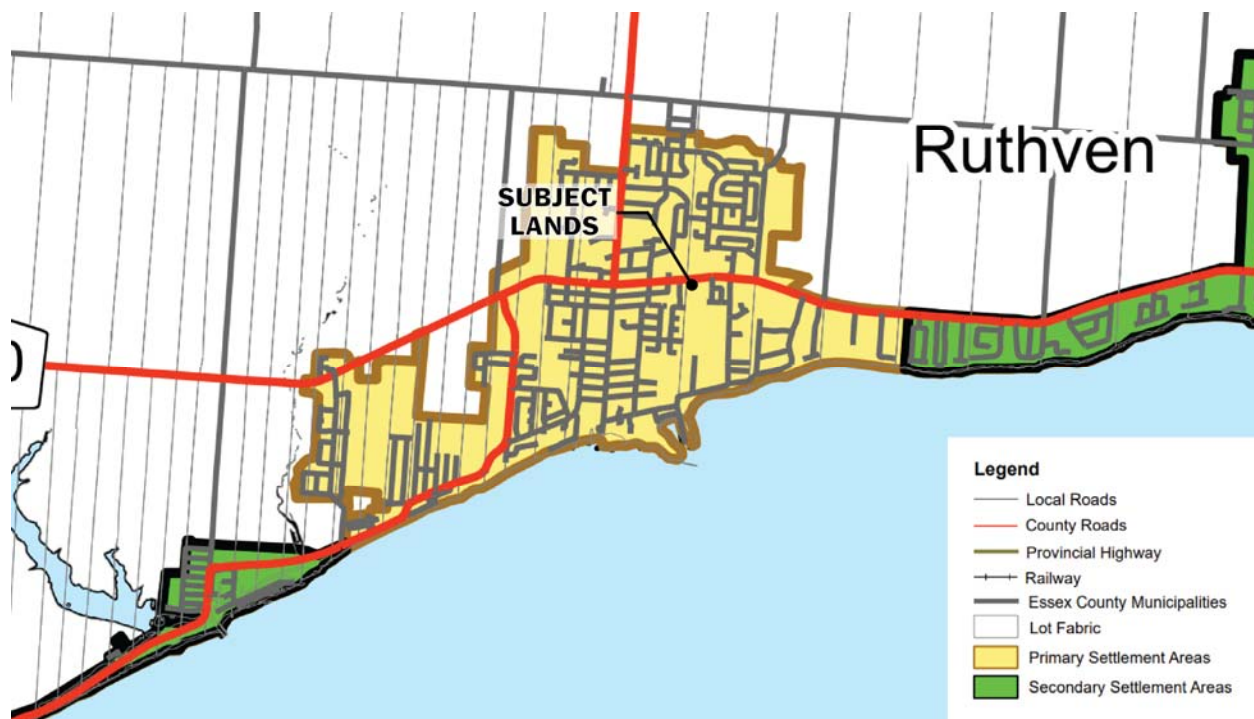
4.2 COUNTY OF ESSEX OFFICIAL PLAN

The County of Essex Official Plan is a comprehensive planning document that sets out long-term goals and objectives to guide the development of the County. The Plan was adopted by County Council on February 19, 2014, and approved by the Province of Ontario on April 28, 2014. It contains specific land use policies for designated “Settlement Areas,” including the Town of Kingsville.

4.2.1 Land Use Designations

The subject lands are within a “Primary Settlement Area” designation along a “County Road” according to Schedule ‘A2’ – Settlement Structure Plan of the County of Essex Official Plan (Figure 11). The Official Plan states that “Primary Settlement Areas” shall be the focus of growth in order to strengthen the County’s settlement structure, focus public and private investment and to preserve lands designated for “Agricultural” and “Natural Environment” purposes.

Figure 11 – County of Essex Official Plan, Schedule ‘A2’ (excerpt) – Settlement Structure Plan



Section 3.2.2 of the Official Plan sets out goals for designated “*Settlement Areas*.” Specifically, the County will promote residential intensification and development that is “compact, mixed-use, pedestrian oriented, with a broad range of housing types, services and amenities” (c/i). The plan also supports the creation of spaces “that foster a sense of community pride” and create a sense of place (d).

4.2.2 Policy Analysis & Response

The following policy analysis and response (Table 4.2.2) will demonstrate how the proposed development meets the goals as well as the specific policies of the County of Essex Official Plan. Policies relating to designated “*Settlement Areas*” will be considered as well as any general development policies contained in the County Official Plan.

Table 4.2.2: Applicable policy sections, text excerpts, and responses/justifications.

Policy	Text	Response
2.2	<i>Future growth is directed to these “Settlement Areas”, and specifically the Primary Settlement Areas identified on Schedule “A2”.</i>	The proposed development directs growth and investment to a “ <i>Primary Settlement Areas</i> ” in a compact, pedestrian oriented built form.
2.8.1	<i>When considering matters of land use planning, the County shall: h) Encourage safe, convenient, and visually appealing pedestrian facilities, where appropriate, along the Provincial and County Road systems. i) Ensure that development proposals that are likely to generate significant traffic are accompanied by a traffic impact study addressing the potential impact on the Provincial and County Road systems and the surrounding land uses and how to minimize any identified negative impact.</i>	<p>The proposed development will support safe, convenient, and visually appealing pedestrian facilities along Main Street East by minimizing curb cuts (one shared driveway) and providing a commemorative parkette and seating area adjacent to the public sidewalk (h).</p> <p>A Traffic Impact Assessment was submitted and approved as part of the previous (3-storey) application. An updated Assessment has not been deemed to be required for the proposed development (i).</p>
2.8.4	<i>c) At the time of the review or update of local Official Plans as well as during the development review process, the County encourages active transportation friendly (pedestrian and cyclist) streetscaping, urban design and active transportation oriented land development.</i>	The proposed development will support active transportation by providing a bike storage room on the ground floor, and pedestrian-oriented elements such as: building entrances directly accessible from the public sidewalk; safe and direct pedestrian paths; and, a commemorative parkette and seating area located adjacent to the public sidewalk (c).

<p>Cont'd</p>	<p><i>d) Mixed use development and higher densities are encouraged within the Primary Settlement Areas to promote/facilitate increased vitality and quality of life.</i></p>	<p>The proposed development will provide a greater intensity of use at a location within the “Primary Settlement Area” that is proximate to transportation infrastructure, parks, public institutions/services, and commercial areas. Neighbourhood commercial uses are proposed as added permitted uses within the existing single-detached dwelling to support a mix of uses on the subject lands (d).</p>
<p>3.2.4.1</p>	<p><i>The following policies apply to Primary Settlement Areas:</i></p> <p><i>a) Primary Settlement Areas shall be the focus of growth and public/private investment in each municipality.</i></p> <p><i>d) All new development within Primary Settlement Areas shall only occur on full municipal water services and municipal sewage services</i></p> <p><i>f) Downtown/Uptown areas should maintain and/or enhance the existing character of these areas. Mixed-use development and an accessible pedestrian oriented streetscape are encouraged.</i></p> <p><i>i) Cost effective development patterns and those which will minimize land consumption and reduce servicing costs are encouraged.</i></p>	<p>The proposed development represents a significant investment in the Kingsville “Primary Settlement Area,” which will support the vitality of this cultural and commercial centre (a).</p> <p>The subject lands are in a fully serviced urban settlement area with access to water supply and sanitary sewers (d).</p> <p>The proposed development is within walking and cycling distance of downtown Kingsville and will support the pedestrian function and economic vitality of this centre, enhancing its function as a focal point for civic, commercial, entertainment, and cultural activities (f).</p> <p>The proposed development represents an efficient, cost-effective use of serviced land that will reduce development pressure on lands outside of the Settlement Areas (i).</p>

<p>3.2.7</p>	<p><i>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.</i></p> <p><i>The County also specifically encourages residential intensification and redevelopment within Primary Settlement Areas in order to increase their vitality, offer a range of housing choices, efficiently use land and optimize the use of infrastructure/public service facilities.</i></p> <p><i>Where possible, new development in older established areas of historic, architectural, or landscape value shall be encouraged to develop in a manner consistent with the overall character of these areas.</i></p>	<p>The proposed development will support the efficient use of land and infrastructure by directing intensification to an established “Primary Settlement Area.” The development will also benefit the Town by intensifying an underdeveloped site within the settlement boundary proximate to central Kingsville.</p> <p>The proposed development will contribute to the intensification and growth targets set out in the County Official Plan, bringing new investment and economic vitality while improving the quantity and range of housing choices available to residents in the county.</p> <p>The proposed development is compatible with surrounding development and complementary to existing built form design in the surrounding area. The subordinate positioning, compatible materiality, and distinguishable design of the apartment building, alongside the introduction of appropriate landscaping, will maintain the historical and visual significance of the Esther Jasperson Campbell House along the Main Street East streetscape.</p>
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Based on the above, the proposed ZBA is consistent with the policies of the County Official Plan.

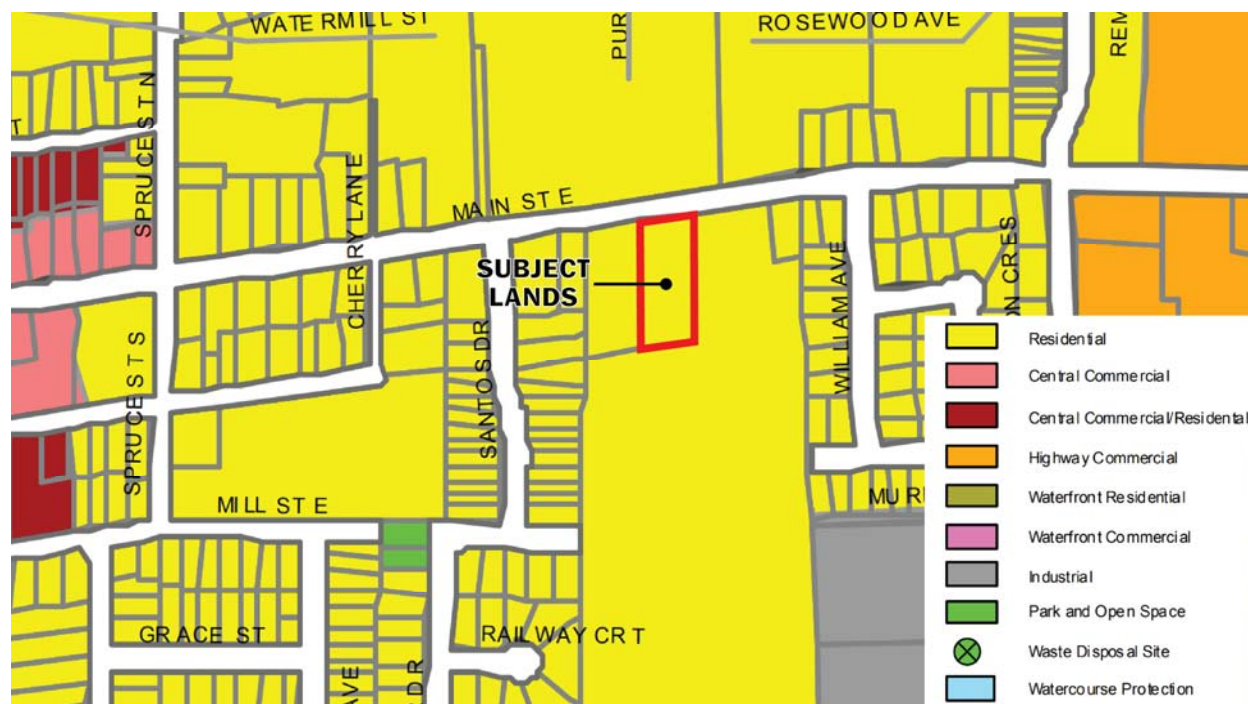
4.3 TOWN OF KINGSVILLE OFFICIAL PLAN

The Town of Kingsville Official Plan was adopted by Town Council on December 19, 2011, and received approval from the County of Essex on February 1, 2012. The intent of the Town of Essex Official Plan is to: create more compact development within fully serviced settlement areas; provide a broad range of housing for a growing and aging population; and, promote opportunities for intensification and redevelopment in built-up areas (2.1.1). This section of the report will provide details as to how the proposed development complies with these planning principles.

4.3.1 Land Use Designations

The subject lands are within the “Residential” land use designation according to Schedule ‘A-2’ – Land Use Plan of the Town of Kingsville Official Plan (Figure 12, following page). Areas designated “Residential” are either currently developed residentially or have been determined as appropriate locations for future residential development. A range of housing types are permitted, including single-detached units and apartments. Note: The lands are not subject to any designations relating to Natural Heritage (Schedule ‘B’) or Natural Hazards (Schedule ‘C’).

Figure 12 – Town of Essex Official Plan, Schedule ‘A-2’ (excerpt) – Land Use Plan



The Town of Kingsville Official Plan sets out a number of goals for development in designated “Residential” areas, including the following: ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the Town; encourage infilling of the existing development pattern; encourage the development of a greater variety of housing types; and, provide opportunity to increase the housing supply through residential intensification (including infilling and redevelopment).

4.3.2 Policy Analysis & Response

The following policy analysis and response (Table 4.3.2) will demonstrate how the proposed development will contribute to the goals established in the Official Plan. Policies for the “Residential” Place Type, including those relating to residential intensification, will be considered as well as the general development policies of the Official Plan.

Table 4.3.2: Applicable policy sections, text excerpts, and responses/justifications.

PURPOSE OF THE PLAN		
Policy	Text	Response
1.4 b)	<i>The Plan's purpose is: to further enhance the Town as a place for living, working and leisure by helping to create a healthy, safe, attractive and convenient environment.</i>	The proposed development will contribute to a desirable built environment by providing a restored heritage building, public commemorative parkette, 42 new residential units, and provisions for indoor bicycle storage along a significant corridor within walking and cycling distance of downtown.

1.4 i)	<p><i>The Plan's purpose is to ensure all cultural heritage resources, including archaeological resources, built heritage resources and cultural heritage landscapes are managed in a manner which perpetuates their functional use while maintaining their heritage value, integrity and benefit to the community.</i></p>	<p>The proposed six-storey apartment building will be situated behind the existing designated heritage building, which will be restored and made more visible and accessible to the public as part of the proposed development. This design will maintain and enhance the streetscape presence of the Esther Jasperson Campbell House. The proposed apartment building will also be designed to respect the existing character of the surrounding area through appropriate setbacks, articulation, and material selection.</p>
BARRIER FREE DESIGN		
2.3	<p><i>Barrier free design should be considered in any development or redevelopment of properties, whether in draft plans of subdivision or in site plan applications. Kingsville recognizes the importance of providing accessibility for persons with disabilities and the elderly throughout the built landscape.</i></p>	<p>Architectural Design Associates Inc. has confirmed that all sidewalks and connections from the street to the building will comply with current AODA standards, and that the building is barrier free compliant with all current OBC requirements.</p> <p>Barrier-free accessible units will also be provided within the proposed apartment building, increasing the supply of accessible units in Kingsville.</p>
BUFFERING		
2.6	<p><i>Adequate buffering will be required between all uses of land where there may be a conflict such that one use will detract from the enjoyment and/or functioning of the adjoining use. Such buffering may include landscaping using local native plantings, screening and greater separation distances between incompatible uses. Required distance separations shall be established in the Zoning By-law that reflect the Ministry of the Environment guidelines regarding appropriate separation distances and buffering between industrial and sensitive land uses.</i></p>	<p>The subject lands currently abut a single detached dwelling to the west. Lands to the east and south are currently vacant and are zoned for future residential development. The proposed setbacks for the six-storey apartment building conform to the standard requirements of the R4.1 zone, and the site-specific R4-1.6 Zone. Of note, the west interior side yard and rear yard setbacks have been increased in comparison to the approved site plan for the 3-storey apartment building. In addition, step-backs are proposed above the fifth storey to minimize shadow impacts and perceptions of height. The site design also includes landscape screening (trees, planting beds, shrubs) that will buffer the proposed apartment building from the abutting single-detached dwelling.</p>

Cont'd		A fence is proposed along the interior side lot lines to separate surface parking and patio/amenity areas from the parcels to the east and west. Specific details regarding buffering through landscaping, fencing, and screening will be confirmed through a future SPA process.
SITE SUITABILITY		
2.8 a)	<i>Prior to the approval of any development... it shall be established to the satisfaction of Council that: soil and drainage conditions are suitable to permit the proper sitting of buildings.</i>	No significant soil or drainage concerns are anticipated at this time. Town of Kingsville Staff will have the ability to review detailed information during the Site Plan Application review process.
2.8 b)	<i>Prior to the approval of any development... it shall be established to the satisfaction of Council that: the necessary services are available to adequately accommodate the proposed development.</i>	Sufficient municipal services are available from Main Street East.
2.8 c)	<i>Prior to the approval of any development... it shall be established to the satisfaction of Council that: no traffic hazards will result because of excess traffic generation or limited sight lines on curves or grades.</i>	A Transportation Impact Assessment prepared by Baird AE was submitted and approved as part of the previous Zoning By-law Amendment process to permit a 3-storey apartment building. An updated Assessment has not been required by the Town for the proposed development,
2.8 d)	<i>Prior to the approval of any development... it shall be established to the satisfaction of Council that: the land fronts on a public road which is of a reasonable standard of construction.</i>	The subject lands front onto a public road (Main Street East), which is of a reasonable standard of construction with two vehicle lanes, a shared left turn lane, sidewalks, and municipal services.
2.8 e)	<i>Prior to the approval of any development... it shall be established to the satisfaction of Council that: adequate measures will be taken to minimize adverse impacts that the proposed use may possibly have upon any proposed or existing adjacent use.</i>	The proposed six storey apartment building is located at the rear of the subject lands, behind the Esther Jasperson Campbell House, in order to preserve the existing streetscape appearance and prominence of the designated heritage buildings. The proposed apartment building is setback from all lot lines in accordance with the minimum zoning requirements (including the west interior side yard, abutting an existing detached dwelling).

<p>Cont'd</p>		<p>For the relocated Esther Jasperson Campbell House, a reduced minimum front yard (8.0m required, 4.0m proposed) and a reduced minimum west interior side yard (4.5m required, 2.2m proposed) are being sought through the proposed Zoning By-law Amendment. Of note, the standard zone for single-detached dwellings (R1.1) requires a minimum interior side yard width of 1.5m on one side of the main building and 3.0m on the other. The relocated dwelling would comply with the typical interior side yard standards for single-detached dwellings.</p> <p>The setback reductions will only apply to the existing single-detached dwelling and will support a more efficient use of the site. The proposed relocation (and setback reductions) will support a stronger relationship between the Esther Jasperson Campbell House and its streetscape, particularly the neighbouring Bon Jasperson House. Landscape features, fences, and screening elements will be provided along the shared lot line (and throughout the site) to support comfort and privacy on adjacent parcels.</p> <p>Adjacent lands to the east and south are currently used for agriculture (future residential) and the proposed development is not expected to prohibit or impact future development opportunities.</p>
<p>VISUAL AMENITY</p>		
<p>2.9</p>	<p><i>The visual amenity of the Town will be preserved and enhanced wherever possible. This will be achieved by efforts to place telephone and power distribution lines underground wherever financially feasible, by enforcing minimum property standards, by the regulation of signs and by encouraging good landscape design and tree planting.</i></p>	<p>Careful consideration has been given to providing a well-designed built form that supports a desirable visual appearance and respects the character of the surrounding area.</p> <p>The proposed restoration and relocation of the Esther Jasperson Campbell House will preserve and enhance the historic character of the Main Street East streetscape, providing opportunities for the community to view and appreciate the heritage attributes. The relocated house and public commemorative parkette will define the</p>

<p>Cont'd</p>		<p>outward appearance of the lands, supporting Kingsville's rich heritage character.</p> <p>The proposed six-storey apartment building is designed with a complementary appearance that is also compatible with the character of buildings in the surrounding area. The height of the proposed building is consistent with projects that have been approved, built, or are currently under construction (190 & 195 Main Street East) in the vicinity of the subject lands.</p> <p>Finally, a range of landscape features (including trees, where feasible) will be planted in strategic locations throughout the site. These features will support a pleasant streetscape along Main Street East and will provide screening between the proposed development and neighbouring uses.</p>
<p>RESIDENTIAL</p>		
<p>3.6.1 d)</p>	<p><i>Encourage the development of a greater variety of housing types.</i></p>	<p>Much of the development in Kingsville in the last 15 years has been low-density (single-detached, semi-detached, townhouse) development. Although Kingsville does have a good stock of designated residential lands, the inventory of serviced lands is limited, based on the current growth rate and the prevalence of low-density residential. The proposed development will expand the supply and variety of housing in the Town of Kingsville.</p>
<p>3.6.1.2 b)</p>	<p><i>Other uses which are considered necessary and complimentary to serve residential areas, such as schools, places of worship, and institutional uses of a similar scale, neighbourhood-scale commercial uses, and essential buildings and structures for public utilities, may be permitted where they are compatible with the residential area and located on an arterial or collector road.</i></p>	<p>Neighbourhood commercial uses are proposed as permitted uses within the existing single-detached dwelling to allow for a wider range and mix of uses within the dwelling, should market conditions warrant. The dwelling's location along Main Street (arterial road) makes it an ideal candidate for alternative uses that are small scale and compatible with the surrounding area.</p>

<p>3.6.1.2 f)</p>	<p><i>A high standard of amenity shall be provided in all future residential development.</i></p>	<p>A high standard of amenity will be provided for the proposed development, in the form of private outdoor amenity space for each unit and shared outdoor amenity space to the north and south of the proposed six-storey apartment building.</p> <p>A public amenity area is also proposed for the front yard. This commemorative parkette will contribute to a desirable outward appearance while providing space for seating and historical interpretation of the subject property, allowing for a greater public realm enjoyment of the heritage asset.</p>
<p>3.6.1.2 g)</p>	<p><i>Residential infill development in areas of significant historical, architectural or landscape merit shall be encouraged provided:</i></p> <p><i>i. sensitive to the existing scale, massing and pattern of the area;</i></p> <p><i>ii. be consistent with the existing landscape and streetscape qualities; and,</i></p> <p><i>iii. will not result in the loss of any significant heritage resources.</i></p>	<p>i. The proposed six-storey apartment building is designed with step-backs above the fifth storey along the north elevation (facing Main Street East and existing heritage buildings). Building setbacks are consistent with (and often exceed) the minimum requirements of By-law 1-2014.</p> <p>ii. The proposed relocation of the Esther Jasperson Campbell House will improve its relationship with the public street and the neighbouring heritage house at 171 Main Street East. The proposed site design provides a high proportion of landscaped open space, including: a public parkette, commemorating the history of the Esther Jasperson Campbell House; stone piers; and, low plantings framing a restored heritage structure. Finally, the proposed apartment building is designed with brick and masonry at lower levels, providing a high-quality, tactile appearance that relates to heritage assets in the area.</p> <p>iii. The Esther Jasperson Campbell House will be conserved through on-site preservation, restoration, and relocation as part of the proposed development.</p>

<p>3.6.1.2 h) iii.</p>	<p><i>The high density residential zone will permit multiple family dwellings such as... apartment buildings exceeding three storeys in height. The maximum density for this type of housing shall not exceed 124 units per gross hectare.</i></p>	<p>The proposed development will have a height of six storeys, and a density of 100 units per hectare (UPH), less than the maximum density permitted in the Official Plan (124 UPH). There is no restriction on building height for apartment buildings within the high density residential zones.</p>
<p>3.6.1.2 i)</p>	<p><i>When considering applications to amend the Zoning By-law to permit a medium or high density residential development, the Town shall have regard to the following:</i></p> <ul style="list-style-type: none"> <i>i) the need for the proposed development as identified through an analysis of housing supply and demand;</i> <i>ii) the density and form of adjacent development;</i> <i>iii) the adequacy of, and extent of uncommitted reserve capacity in the municipal potable treatment and supply system, the municipal, sanitary sewage treatment and collection system, storm drainage and roads to service the proposed development;</i> <i>iv) the adequacy of school, park and community facilities to serve the proposed development;</i> <i>v) the adequacy of off-street parking facilities to serve the proposed development;</i> <i>vi) the provision of adequate buffering measures deemed necessary to protect and provide general compatibility with the adjacent land uses;</i> 	<ul style="list-style-type: none"> i) The proposed development will help accommodate the population growth forecast (Section 1.5.3) while providing opportunities for the construction of all forms of housing in the Town. Given the limited supply of apartment-style dwellings in Kingsville, the proposed development will satisfy a significant demand. ii) The subject lands have frontage on Main Street East which is an appropriate location for high density residential development with access to existing infrastructure and services. Furthermore, the subject lands are proximate to the densest areas in the Town, including downtown and lands that are planned to be developed for new buildings up to six storeys in height. iii) A future SPA application will address matters related to servicing. An updated Functional Servicing Report is provided with this application. iv) The subject lands are located within walking distance of the commercial core of Kingsville, as well as multiple recreation areas/parks, public and private institutions, and community facilities. v) The proposed development complies with all parking requirements set out in the Zoning By-law. vi) The Town will have the ability through the Site Plan Approvals process to ensure appropriate buffering measures are provided. The proposed apartment building is setback in excess of the standard zoning requirement, and other features (step-backs, fencing, and landscaping) will support compatibility with adjacent lands.

Cont'd	<i>vii) accessibility in relation to the location of arterial and collector roads.</i>	vii) The subject lands have frontage on Main Street East, an arterial road. Site-related traffic will not reduce the functionality of the surrounding road network as detailed in the accompanying Transportation Impact Assessment.
CULTURAL HERITAGE AND ARCHAEOLOGICAL RESOURCES		
4.1.1	<i>Development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been assessed and evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. Mitigating measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration.</i>	The accompanying Heritage Impact Assessment prepared by ERA Architects Inc. supports the development as proposed and concludes that all defining attributes of the heritage asset will be preserved and restored. The proposed redevelopment will be compatible with, complementary to, and distinguishable from the Esther Jasperson Campbell House. The heritage asset will be conserved on site through its relocation, preservation, and restoration, providing an opportunity to resituate the house within its historic context, introducing appropriate landscaping, materials, and site features that will contribute greater visibility and enjoyment from the public realm.

Based on the above, the proposed Zoning By-law Amendment is consistent with the policies of the Town of Kingsville Official Plan.

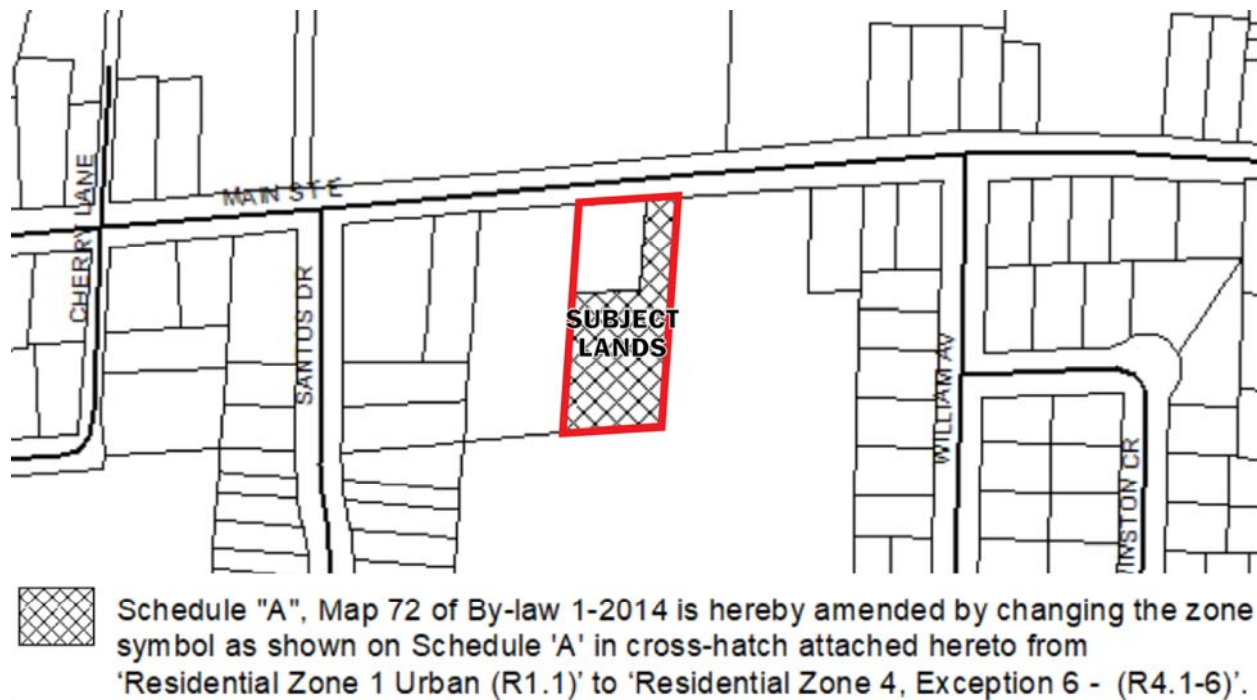
4.4 TOWN OF KINGSVILLE COMPREHENSIVE ZONING BY-LAW 1-2014

The Town of Kingsville Comprehensive Zoning By-Law 1-2014 was approved by Town Council on April 28, 2014, and was last consolidated on March 6, 2023. This document implements the objectives and policies of the Town of Kingsville Official Plan and provides a precise legal framework for managing land use and future development.

4.4.1 Zoning

As shown in Figure 13 (following page), the subject lands are currently zoned “*Residential Zone 4 Urban Exceptions 6 (R4.1-6)*” and “*Residential Zone 1 Urban (R1.1)*” under Town of Kingsville Comprehensive Zoning By-law 1-2014, as amended, as per OLT Order issued on October 11, 2022. The intent of the R4.1-6 Zone is to facilitate the development of a three-storey apartment building containing 22 dwelling units. The intent of the R1.1 Zone is to regulate and permit low-density residential development in Kingsville centre. This zone permits one single-detached dwelling per lot. Apartment buildings are not permitted in the R1.1 zone.

Figure 13 – Schedule 'A' to By-law 29-2021, being a By-law to amend Zoning By-law 1-2014



4.4.2 Zoning By-law Amendment

As the proposed development is not permitted under current regulations and permissions, a Zoning By-Law Amendment application is required to extend the R4.1-6 Zone permissions across the entire subject lands, and add site specific, special regulations within the “Residential Zone 4 Urban Exceptions (R4.1-6)” parent zone.

4.4.3 Existing & Proposed Regulations

Table 4.3.3 (following page) provides a breakdown of the existing regulations for the “Residential Zone 4 Urban Exceptions (R4.1-6)” zone, the proposed regulations of the “Residential Zone 4 Urban Exceptions (R4.1-X)” zone, as well as a comparison to the built form regulations exhibited in the Concept Plan (Figure 6). The site specific, special provisions sought for the “R4.1-X” zone are to be confirmed and refined subject to a review of the application by Staff through the approvals process.

Table 4.3.3: Existing and proposed zoning regulations, and proposed concept plan dimensions, etc. Bold text denotes where a special policy is required.

	Existing Regulations By-law 1-2014	Proposed Regulations By-law Amendment	Concept Plan
	R4.1/R4.1-6	R4.1-X	
Use	<ul style="list-style-type: none"> Apartment Dwelling 	<ul style="list-style-type: none"> Apartment Dwelling One (1) Existing Single-Detached Dwelling Commercial, Neighbourhood within Converted Single-Detached Dwelling 	<ul style="list-style-type: none"> Apartment Dwelling One (1) Existing Single-Detached Dwelling
Buildings and Structures	<ul style="list-style-type: none"> Apartment Dwelling (max. 22 units) Accessory Bldgs 	<ul style="list-style-type: none"> Apartment Dwelling (max. 42 units) Accessory Bldgs Existing Single-Detached Dwelling Converted Single-Detached Dwelling 	<ul style="list-style-type: none"> Apartment Dwelling (42 units) Existing Single-Detached Dwelling
Lot Area (Min.)	950.0m ²	950.0m ²	4,207.5m ²
Lot Frontage (Min.)	25.0m	25.0m	42.6m
Front Yard Setback (Min.)	8.0m	<ul style="list-style-type: none"> Apartment Bldg: 8.0m Existing/Converted Dwelling: 4.0m 	<ul style="list-style-type: none"> Apartment Bldg: 24.0m Existing Dwlg: 4.1m
Rear Yard Setback (Min.)	19.5m (a)	<ul style="list-style-type: none"> Apartment Bldg: 19.5m Existing/Converted Dwelling: 7.5m 	<ul style="list-style-type: none"> Apartment Bldg: 20.2m Existing Dwlg: 83.3m
East Interior Side Yard Setback (Min.)	4.5m	<ul style="list-style-type: none"> Apartment Bldg: 4.5m Existing/Converted Dwelling: 4.5m 	<ul style="list-style-type: none"> Apartment Bldg: 16.3m Existing Dwlg: 21.1m
West Interior Side Yard Setback (Min.)	4.5m	<ul style="list-style-type: none"> Apartment Bldg: 4.5m Existing/Converted Dwelling: 2.2m 	<ul style="list-style-type: none"> Apartment Bldg: 5.1m Existing Dwlg: 2.3m
Landscaped Open Space (Min.)	30%	30%	31.6%
Lot Coverage (Max.)	45%	45%	26.9%
Building Height (Max.)	12.2m	<ul style="list-style-type: none"> Apartment Dwelling: 19.5m Existing Dwelling: Existing 	<ul style="list-style-type: none"> Apartment Bldg: 19.2m Existing Dwlg: Existing
Vehicular Parking (Min.)	54 (b)	54	55
Barrier Free Parking (Min.)	2 (c)	2	2
Loading Spaces (Min.)	1	1	1

-
- (a) - The required minimum rear yard setback is equal to the equal to the height of the building (19.5m) or a minimum of 10.0m, whichever is greater. Therefore, a minimum rear yard setback of 19.5m is required for an Apartment Dwelling.
- (b) - 1.25 spaces required per unit in an “Apartment Building” (42 units x 1.25 = 53) plus 1 space for the single-detached dwelling unit. Therefore, 54 off-street parking spaces are required (53 + 1 = 54).
- (c) - 2 barrier-free parking spaces are required where the total number of parking spaces provided is between 51 and 99. 55 parking spaces are provided on the conceptual site plan.
-

Generally, the zone regulations proposed in the *R4.1-X* zone components are standard, except for specific regulations relating to recognition and continuation of a permitted use; permissions for neighbourhood commercial uses within the existing single-detached dwelling; minimum required setbacks (existing single-detached dwelling); maximum building height (apartment building); and maximum number of dwelling units (apartment dwelling), as discussed below:

Recognition and Continuation of a Permitted Use

The proposed development includes the preservation, restoration, and relocation of the heritage-designated Esther Jasperson Campbell House on-site as a single-detached dwelling. As single-detached dwellings are not permitted in the current R4.1-6 zone, an amendment will be required to permit an “Existing Single-Detached Dwelling” use and building on the subject lands. Given the status of the Esther Jasperson Campbell House and the cultural heritage the policies in the County of Essex Official Plan and Official Plan for the Town of Kingsville, the proposed site-specific amendment is desirable, appropriate, and required for the house to be restored on the subject lands.

Neighbourhood Commercial – Permitted Use Within Converted Single-Detached Dwelling

Neighbourhood commercial uses are being sought as an additional permitted use within the existing single-detached dwelling, either as a stand-alone use, or in combination with a dwelling unit on the first or second floor.

“Commercial, Neighbourhood” is defined in the Zoning By-law as, the use of lands or buildings for a purpose supportive of, compatible with and required in close proximity to residential uses and may include but not limited to a bank, clinic, day nursery, office, personal service establishment, convenience store or commercial plaza.

Sections 3.6.1 and 3.6.1.2 b) of the Town of Kingsville Official Plan permit neighbourhood-scale commercial uses that are considered necessary and complimentary to serve the needs of the residential community. A “Converted Single-Detached Dwelling” is also being requested as a permitted building to allow neighbourhood commercial uses as stand-alone, or combined with residential, uses.

The ability to have neighbourhood commercial uses within the existing single-detached dwelling located along an arterial road (Main Street East) is consistent with the Official Plan policies in terms of scale and compatibility, and will allow for more efficient use of the building as market conditions warrant.

Minimum Front Yard Setback for an Existing Single-Detached Dwelling

The proposed front yard setback for the relocated Esther Jasperson Campbell House is 4.1m, whereas 8.0m is standard under the base *R4.1-6* zone. A zoning regulation permitting a minimum front yard setback of 4.0m is proposed in order to afford flexibility for any revisions required through the Site Plan Approval process. The proposed reduction is required to permit the proposed relocation of the house – 13.0m north and 7.75m west of its current location. The relocation will support a more efficient use of the subject lands, providing space for a commemorative parkette and enhanced pedestrian realm, while strengthening the relationship between the Esther Jasperson Campbell House and the adjacent Bon Jasperson House. Notably, the proposed front yard setback reduction is reflective of built standards in the area, specifically the depths of nearby front yards, and will not result in any adverse impacts relating to privacy or traffic operations. All functional requirements, such as door swings, can be accommodated within the proposed yard depth.

Minimum Interior Side (West) Yard Setback for an Existing Single-Detached Dwelling

The proposed interior side (west) yard setback for the relocated Esther Jasperson Campbell House is 2.3m, whereas 4.5m is standard under the *R4.1-6* zone. A zoning regulation permitting a minimum interior side (west) yard setback of 2.2m is proposed in order to afford flexibility. Similar to the proposed front yard setback regulation, a reduction is required to permit the proposed relocation and will not compromise the character of the Esther Jasperson Campbell House, as detailed in the accompanying Heritage Impact Assessment. The proposed yard reduction will not result in any public health impacts or unacceptable loss of privacy. Landscape features, including fencing and plantings, are proposed along the east interior side lot line, providing buffering and separation between the subject lands and the adjacent parcel.

Of note, the *R1.1* Zone (standard zone for single-detached dwellings) requires a minimum interior side yard width of 1.5m on one side of the main building and 3.0m on the other side when there is no attached garage or carport. The relocated dwelling would comply with the typical interior side yard standards for single-detached dwellings.

Maximum Building Height

The proposed building height is 19.2m (6 storeys), whereas 12.2m is the current standard under the *R4.1-6* zone. A zoning regulation permitting a maximum height of 19.5m is proposed in order to afford flexibility in the final building design. The difference would not result in any additional storey (maximum six-storeys) and would only serve the purpose of accommodating changes in average grade or architectural features such as a parapet. The analysis in this report concludes that taller, more intensive forms of development are appropriate for the subject lands due to their proximity to the downtown and other sites where higher-density developments have been approved or are under construction. Furthermore, the subject lands have excellent access to municipal servicing, high-order roads, schools, public recreation areas, and commercial nodes. Given these factors, and the approved developments nearby (including buildings up to six-storeys in height), it is logical that a maximum height of 19.5m should be permitted on the subject lands.

The proposed design of the six-storey apartment building seeks to limit adverse impacts resulting from the proposed height increase by providing: setbacks that meet or exceed the standard requirements of the *R4.1/R4.1-6* Zone; step-backs above the fifth-storey along the north (front) elevation, facing Main Street East and the Esther Jaspersen Campbell House; and, desirable architectural and landscape design throughout the site, including a high proportion of masonry and glazing.

The *Residential* designation permits “apartment buildings exceeding three storeys in height” within high density residential zones; as such, a 6-storey building is considered appropriate for the subject lands, as per the rationale provided above and throughout this Report. Similar 6-storey developments have been constructed near the subject lands at 190 & 195 Main Street with no known unacceptable impacts on surrounding lands.

Maximum Number of Dwelling Units

The proposed maximum number of 42 dwelling units within an apartment dwelling exceeds the permitted maximum of 22 dwelling units in the *R4.1-6* Zone. As noted, the density of the proposed development is 100 units per hectare, which is within the density range for high density residential development (between 50 to 124 units per hectare), according to the Town Official Plan. Section 3.6.1.2 i) provides criteria that high density residential developments shall have regard for. Section 4.3 of this Report provides rationale for the increased density, as per the criteria in Section 3.6.1.2 i) of the Official Plan.

The proposed design of the six-storey apartment building seeks to limit adverse impacts resulting from the proposed density increase by providing building setbacks that meet or exceed the standard requirements of the *R4.1/R4.1-6* Zone. The proposed development is also in compliance with the General Provisions set out in Comprehensive Zoning By-law 1-2014, as amended, specifically those relating to: planting strip requirements (4.30) and parking and municipal services (5).

Based on the above, the requested “*Residential Zone 4 Urban Exceptions (R4.1-X)*” zone is an appropriate implementing zone for the proposed development and associated Zoning By-law Amendment. The requested amendments are consistent with the intent and purpose of the 2020 Provincial Policy Statement, the County of Essex Official Plan, and the Town of Kingsville Official Plan.

5.0 – Supporting Submission Materials

This planning justification report relies, in part, on the supporting submission materials as outlined below. The supporting submission materials were prepared in accordance with the submission requirements identified by Municipal Staff in the Record of Pre-Consultation.

5.1 FUNCTIONAL SERVICING REPORT (UPDATED)

The Functional Servicing Report, prepared by Aleo Associates Inc. (July 24, 2023), provided the following conclusions and recommendations:

- Water servicing for the development can be provided by the existing 200 mm diameter municipal watermain along Main Street East;
- The building sewage will drain to an existing 250 mm diameter municipal sanitary sewer through a new 200 mm private sanitary connection. The report anticipates that any impacts on the downstream municipal sanitary sewer system will be negligible; and,
- Stormwater runoff from the site will drain to the existing 600 mm diameter concrete pipe municipal storm sewer along Main Street East utilizing an existing 150 mm dia. PVC private storm sewer connection. A pre-development release rate of 21 L/s will be used, and stormwater management design shall follow the latest Windsor/Essex Stormwater Management Standards Manual.

5.2 HERITAGE IMPACT ASSESSMENT

The Heritage Impact Assessment (“HIA”), prepared by ERA Architects Inc. (August 2023), evaluates the following:

- Status, attributes, and condition of the subject lands (183 Main Street East) and the property to the west (171 Main Street East), both of which are designated under Part IV of the *Ontario Heritage Act*;
- Impacts of the development on the designated heritage resources;
- Engineering considerations regarding the proposed relocation of the Esther Jasperson Cambell House; and,
- Proposed mitigation measures and conservation strategies.

Overall, the HIA finds that the proposed development will conserve and enhance the described cultural heritage value of the on-site heritage resource. The proposed development prioritizes the preservation and restoration of the Esther Jasperson Cambell House to ensure that it is situated prominently on Main Street East, reinforcing its significance to Kingsville’s heritage character.

6.0 – Conclusion

The proposed development detailed in this Planning Justification Report will revitalize a prominent site along Main Street East, contributing to a distinct neighbourhood character that effectively blends an existing heritage structure with new public space and forty-two new housing units. The centrepiece of the proposed development is the conserved, preserved, and restored Esther Jasperson Campbell House. This heritage asset will be relocated within the subject lands, providing new opportunities for the introduction of historically appropriate landscaping and materials, as well as potential for increased public realm enjoyment of the heritage asset and greater understanding of the history of the subject lands via the commemorative parkette, both of which will be publicly accessible from the Main Street East sidewalk.

The six-storey apartment building, located to the rear of the subject lands, is designed to be compatible with its unique and sensitive context, taking material cues from the Esther Jasperson Campbell House and providing appropriate setbacks and building articulation to ensure that the proposed development is subordinate to, compatible with, and distinguishable from the heritage asset, per best practices in heritage conservation as outlined in the *Standards and Guidelines for the Conservation of Historic Places in Canada*. This understanding of the value of the Esther Jasperson Campbell house, not only within the subject lands, but also to the broader context of heritage properties in Kingsville will ensure that the heritage asset remains a prominent and celebrated frontispiece to the development. As such, the proposed development provides opportunities to integrate heritage assets sensitively within new developments that allow for targeted increased density and the growth of Kingsville with respect to its historic past.

The proposed development will provide appropriate transitions between: low- and high-density areas; new development and heritage elements; and, between the subject lands and adjacent parcels. Notably, the forty-two units proposed for the subject lands will broaden the supply and variety of housing available Kingsville, densifying and promoting a walkable neighbourhood and parcel that is proximate to the downtown as well as existing municipal services, institutions, commercial areas, public recreation areas, and other points of interest. Overall, the proposal will leverage the central location of the subject lands and the unique and important features currently located on-site, achieving a form of development that is desirable and appropriate for an area with great locational and historic significance.

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.