



Date: June 19, 2024

To: Mayor and Council

Author: Richard J.H. Wyma CSLA
Director of Planning and Development

RE: Application for Redline Amendment SUB 2022-5 and Application for Rezoning ZBA 2024-12 of Heritage Estates Subdivision by 1552843 Ontario Ltd. (Noah Homes)

RECOMMENDED ACTION

1. A resolution in support of the Redline Amendment of the approved Draft Plan of Subdivision, County File No. 37-T-23003, for a revised total of 29 lots and a mix of 15 single family and 28 semi-detached dwellings (43 residential units total) **BE APPROVED** subject to any additional conditions that may be outlined by the County in its approval, and
2. That Zoning By-law Amendment application ZBA 2024-12 to amend the current Lakeshore Residential West Exception 35 – holding (LR-35 (h)) zoning on the subject parcel in the Town of Kingsville **BE APPROVED** to include the following:
 - a. Lot frontages in Lots 11 – 25 for single family residential use reduced from 18m (59 ft) to 12.5 m (42 feet);
 - b. Minimum lot areas in Lots 11 - 25 for single family residential use reduced from 557 m² (5,995 ft²) to 440 m² (4,736 sq.ft.);
 - c. Maximum lot coverage, where there are no legal Additional Dwelling Units, be increased from 40% to 50%;
 - d. Maximum lot coverage, where there are legal Additional Dwelling Units, be increased from 40% to 60%;
 - e. Maximum lot coverage for accessory buildings and structures for the purposes of building a legal Additional Dwelling Units, be increased from 12% to 15%
 - f. Front yard depth be reduced from 6, (20 ft.) to 5.5m (18 ft.)
 - g. Interior side yard depth for main buildings with an attached garage be reduced from 1.5m (5 ft) to 1.2 m (4 ft)
3. By-law 51-2024 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.

4. The Registered Development Agreement (CE1173875) between the applicant and Town be amended to reflect the Redline Amendment and the associated rezoning, and to reflect that the development will be completed in one phase;
5. That By-Law 54-2024, being a by-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville to remove the Holding symbol (h) on the subject lands be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

BACKGROUND

On June 12, 2023, Council approved a Draft Plan of Subdivision for Heritage Gardens. The approved Draft Plan included a total of 25 lots for 50 semi-detached dwellings. The subject lands are located on the west side of Heritage Road (County Road 50), south of James Avenue. The subject property is designated Lakeshore Residential Exception 35 (LR-35) under the Kingsville Comprehensive Zoning By-law. The Exception allowed for:

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

On May 7, 2024, Kingsville received a request from the County of Essex to bring forward the redline amendment to the approved Draft Plan of Subdivision to Kingsville Council for a resolution of support.

The Redline Amendment (see Appendix A) proposes to eliminate the 11 semi-detached lots (22 units) in Phase Two and replace them with 15 single family dwelling units.

To implement this change, the proposed amendment requires changes to the lot and block plan (see Appendix A) in approved zone provisions as follows:

- a. a reduction in lot frontages for single-family residential (Lots 11-25) from 18 m (59 ft) to 12.5 m (42 ft). The proposed 12.5 m frontage is on a cul-de-sac, and is the minimum lot frontage shown on the attached redlined draft plan. Lot frontage for the remainder of the lots is 13.72m (45 ft.).
- c. a corresponding reduction in minimum lot area for single family residential (Lots 11-25) from 557 m² (5,995 ft²) to 440 m² (4,736 ft²)

Administration has encouraged developers to consider smaller lots as a means of increasing housing affordability.

At the same time, the applicant is requesting amendments to zoning to facilitate the construction or inclusion of Additional Dwelling Units in both Phase 1 and Phase 2, which will require:

- a. an increase in maximum lot coverage for single and semi-detached residential dwellings from 40% to 50% where there are no legal Additional Dwelling Units
- b. an increase in maximum lot coverage for single and semi-detached residential dwellings from 40% to 60% where there are legal Additional Dwelling Units as provided for in provincial legislation. This includes lot coverage for any accessory building and structure.
- c. Maximum lot coverage for accessory buildings and structures for the purposes of building a legal Additional Dwelling Units, be increased from 12% to 15%.
- d. a reduction in front yard depth from 6m (20 ft) to 5.5 m (18 ft); and
- e. a reduction in interior-side yard depth for lots with an attached garage from 1.5m (5 ft.) to 1.2m (4 ft).

These proposed changes will provide opportunity for additional dwelling units to be constructed as part of the initial buildings or would be available only if an ADU is added at a later date (i.e. a single family house without an ADU would be limited to 50% lot coverage, which is typical in Kingsville).

DISCUSSION

The approval of the current Draft Plan of Subdivision and associated zoning was reviewed based on Provincial Policy Statement, County of Essex Official Plan, Town of Kingsville Official Plan, and the Town of Kingsville Comprehensive Zoning By-law. In addition, the development of the Draft Plan of Subdivision included a number of background studies to be completed as part of all subdivision development and including archaeological screening, traffic impact assessment, storm water management planning, and environmental impact screening.

The proposed changes to the Draft Plan of Subdivision and Zoning do not impact that earlier review or change any of the technical studies that were required as part of that approval process, or any of the conditions of County approval, other than the plan of subdivision layout.

The applicant has proposed the changes, in large part, to respond to market changes, a renewed provincial, county and local emphasis on housing affordability, and a renewed interest in providing additional dwelling units as a means of addressing both housing affordability for the homeowner and resident and providing options for mixed generation and/or multi-family housing.

As noted above, administration encourages developers to consider reduced lot sizes and associated with that, smaller homes, to increase affordability. Administration also encourages inclusion of additional dwelling units to provide for a broader suite of housing options for residents.

Administration supports the proposed revisions which reflect earlier discussions regarding zoning changes to address the housing crisis. Those discussions include

smaller lot frontages, changes to setbacks, and finding creative ways to facilitate additional dwelling units through lot coverages or other similar zoning incentives.

If approved, the applicant will be required to amend their Functional Servicing Reports to reflect changes in the draft plan of subdivision. That, in turn, will require amendments to the approved Development Agreement related to layout, servicing, and zoning.

Development Agreement

In December 2023, Council approved the Development Agreement for the subdivision. The Agreement was registered in March 2024. At the owner's request, Section 5, and Schedule B-1 of the Agreement confirms that the owner was to develop the subject lands over two phases. The Agreement also directs that all site servicing plans, designs and drawings, securities and any other requirements deemed necessary by the town be submitted prior to the initiation of each of the phases.

During discussions regarding the Redline Amendment, installation of infrastructure and servicing, it became clear that it would be beneficial to build the development over a single phase rather than two phases.

Town Engineering and Infrastructure have worked with the Owner's to ensure all necessary site servicing plans and drawings are in place; and have accepted securities in full for both phases of development. Administration has no objection to completing the development in one phase, rather than two phases. The Term of the Agreement will remain five-years from the original date of approval of the Agreement.

Removal of Holding

In 2017, the Town Commissioned Stantec to undertake an assessment of water capacity in the Southwest Service Area. That study identified, at that time, that there was insufficient unreserved capacity to support any future development without having a detrimental impact on the water distribution system, until system improvements can be implemented.

The Study recommended that 150 Heritage Road, which is within the Study Area though serviced through the Tower Service Area, be rerouted to the Southwest Service Area once improvements are implemented. That being the case, the hold on development of this site, can be removed as the property is serviced; and will be rerouted to the Southwest Service Area once improvements are implemented.

FINANCIAL CONSIDERATIONS

As development of the lands begins, there will be an ongoing increase in assessment value. Each lot will also be subject to building permit fees and the collection of development charges.

The Town has received the required securities for the development of the full subdivision.

ENVIRONMENTAL CONSIDERATIONS

The subject parcel is well located within the Town to provide a residential development in close proximity to a wide variety of services that could promote walkability and avoid the need for day-to-day vehicle use for accessing many nearby necessities.

CONSULTATIONS

In accordance with standard practice for review of redline amendments and development agreement applications applicable external agencies and internal departments have been circulated. The following comment has been provided.

1) Essex Region Conservation Authority (ERCA)

ERCA had no objection to the original draft plan of subdivision subject to an acceptable stormwater management plan, which was approved.

2) Town of Kingsville Technical Advisory Committee

No additional comments from TAC regarding zoning or changes to draft plan of subdivision. Administration will work with the developer and the developer's on-site engineer to ensure any existing infrastructure that was installed without full municipal oversight as contemplated in the town's Development Manual will be reviewed to ensure it complies fully with development guidelines and requirements.

PREPARED BY:



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

REVIEWED BY:

A handwritten signature in black ink, appearing to read 'John Norton', written in a cursive style.

John Norton
CAO