



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

Date: May 16, 2017

To: Mayor and Council

Author: Kristina Brcic MSc, BURPI
Town Planner

RE: ZBA/01/17 - Zoning By-law Amendment
SPA/07/17 – Site Plan Amendment
1933892 Ontario Inc.
6 Park Street
Part of Lot 1, Concession 1 ED
Roll No. 3711 180 000 02500

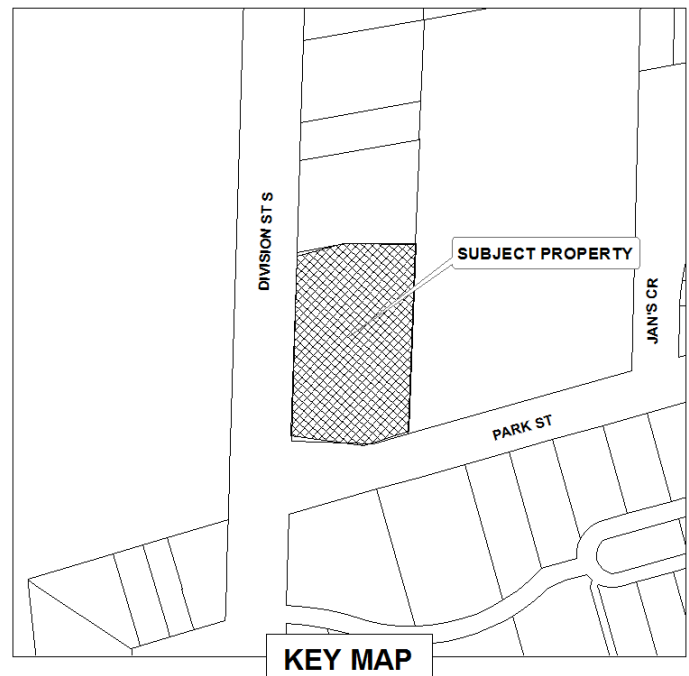
Report No.: PDS-2017-022

AIM

To provide the Town of Kingsville Council with information regarding the requested Zoning By-law Amendment and Site Plan Amendment for lands known as 6 Park Street, in the Town of Kingsville.

BACKGROUND

The subject land is a 27,394.4 ft² (2,544.94 m²) residential lot on the corner of Park St and Division St S (See Appendix A for a location map). The applicant was granted site plan approval in 2015 to develop a 6 storey condominium development with a total of 31 units with the majority of the parking for the building to be located below grade under the building. The ground floor was to consist of townhouse style, two-storey walk-up units (6 in total) along with loft units on the upper floor with the remaining floors containing more traditional apartment style condos. Site-specific zoning approval was granted for this type of development a number



of years ago. A minor variance was also approved as part of the 2015 site plan approval to address the final design of the building.

The applicant has had no interest in the two-storey walk-up units or the top floor loft units. The general demand has been for the smaller single storey apartment style condo units as such the applicant is seeking an amendment to the existing zoning to permit a reworking of the townhouse and loft unit space which would result in an increase from 31 units (current zoning permits up to 32 units) to 39 units. The overall size and height of the building remains similar to what was approved in the 2015 site plan however, the proposed amendment will also need to address a technical increase in the height due to the altered roof style and to address minor setback reductions along Park St. and Division St. S. The original approved site plan agreement from 2015 was never full executed by the applicant as such the amendment request is to that original agreement rather than a registered agreement. The amended agreement will include all sections of the site plan agreement from 2015 with the inclusion of the applicable amended sections and all updated drawings. An application for plan of condominium still remains the final step prior to construction of the proposed development.

DISCUSSION

When considering a request for a Zoning By-law Amendment, it is important to review the request on the basis of the following documents to determine whether the request is appropriate:

1) Provincial Policy Statement (PPS), 2014:

There are no issues of Provincial significance raised by this application as this application is not changing the approved use of the property.

2) County of Essex Official Plan

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

3) Town of Kingsville Official Plan

Section 3.6 of the Official Plan for the Town of Kingsville designates the subject property 'Residential'. The proposed development would be considered high density residential. The proposed condo development/multiple storey building is permitted in the 'Residential' designation, and is subject to site plan control.

The applicant has addressed the Town's concerns regarding sewage allocation and density in a planning justification report attached in Appendix C. The sewage allocation is addressed in greater detail under the Site Plan section of the report. The increased density was reviewed in greater detail by undertaking a broader overview of the surrounding area. While the density on the subject lot is greater than that outlined in the high density residential policies of the Official Plan the overall density of the area in question, even with the addition of the proposed development, remains well under the low density mark. As outlined in the justification report, Planning staff are in general

agreement with the flexible interpretation of the high density residential development maximum density requirements in the Official Plan. In addition the applicant indicated that the overall population of the building was unlikely to increase significantly based on the change in the style of units available. For example the current approved 31 units made up of 12 townhouse and loft style units (2.5 to 3 people per unit) and 19 traditional condo units (1.5 to 2 people per unit) would likely house about 59 to 74 people. The change to 39 traditional units would result a very similar range of 59 to 78 people. Therefore, both the zoning by-law amendment and the site plan amendment conform to the overall intent of the Official Plan.

4) Comprehensive Zoning By-law – Town of Kingsville

The subject property is zoned 'Residential Zone 3 Urban Exception 13 (R3.1-13)' under the Kingsville Comprehensive Zoning By-law. The applicant has requested a number of changes to the approved zoning and adjustment of the variances granted in 2015.

The following is an outline of the current regulations and proposed changes:

	R3.1-13 Zoning	Granted Minor Variance A/19/15	Proposed Zoning By-law Amendment (44-2017)
# of units	up to 32	n/a	39
Lot Coverage	35%	n/a	40%
Building Height	19 m	n/a	20.7 m
Front Yard Setback	8.5 m	4.7 m	3.72 m
Rear Yard Setback	7.5 m	6.1 m	6.75 m
Interior Yard Setback	12 m	11.5 m	12 m
Exterior Yard Setback	6 m	4.2 m	4.03 m
Parking Spaces	40 (including 10 visitor spaces)	n/a	49 (including 13 visitor spaces)

The proposed setbacks do not include the underground parking, exterior stair cases and balconies and architectural features of the building. The proposed amendment will also need to address a technical increase in the height due to the altered roof style. The proposed building modifications require a zoning by-law amendment of the existing R3.1-13 zone.

5) Site Plan

The requested amendment has been submitted to address the building modifications to the proposed condo building which had previously been granted site plan approval in 2015. The applicant is proposing to change the type of units to be constructed on the upper and lower floors due to an increased demand for smaller condo-style units. As a result of constructing these smaller units opposed to the originally planned lofts and townhouse style units, there is an increase in proposed units. The original approval was reviewed based on an allocation of sanitary sewer service for up to 32 units, as per the zoning. As a result of the increase the applicant will need to make provisions for a controlled release of the proposed additional units sanitary flows. The applicant is proposing on-site collection with timed off-peak release. The issue at hand is not one of treatment capacity but rather collection capacity in the area. The timed release will address that issue to the satisfaction of Municipal Services.

Since the 2015 site plan approval and associated agreement were not executed the required amendments are to that original approval and agreement which have been revised and are attached as Appendix G.

LINK TO STRATEGIC PLAN

The Strategic Plan specifies under Objective, Priorities and Projects, Subsection III:

“To Develop an economic vision based on our strengths and opportunities that will retain existing and attract new businesses.”

The requested zoning by-law amendment and the site plan agreement will achieve this Objective of the Strategic Plan by allowing for new development in the Town.

FINANCIAL CONSIDERATIONS

Building permit fees will be acquired at the time of the building permit issuance along with the collection of development charges. There will also be an increase in the assessment of the property as a result of the application once the proposed development is completed.

CONSULTATIONS

1) Public Consultations

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.

To date, comments have been received from a surrounding resident, Bruce Pottle from 30 Mettawas Lane who phoned in with concerns regarding the increase in units resulting in more people thus causing concern for adequate parking. Additional comments were emailed from Mr. Pottle and have been attached as Appendix D.

Comment: Parking for the proposed development in 2015 was based on the current Kingsville Zoning By-law parking provisions which are the same provisions in place today. A condo or apartment requires a total of 1.25 parking spaces per unit with 0.25 of those

spaces devoted to visitor parking. The expanded use requires a total of 49 parking spaces which are provided mostly in the parking garage (45 spaces) with the remaining required spaces at grade (4).

Traffic volume to and from the property during AM peak times would be approx. 20 vehicles per hour with PM peak of 28 vehicles movements per hour. The proposed increase from 31 to 39 units would result in an increase of approx. 4 to 5 vehicle movements per hour at peak times however that must also be considered in the context of the revised unit design and likelihood of no significant increase in people living in the building.

Parking on street in the area is permitted along Division St. South but not on Park St. I do not believe, based on the per unit sale price, that buyers will not purchase a space due in part to the general limited supply and uncertain availability of on-street parking.

Refuse is collected and stored in the building as shown on the attached site plan.

2) 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.

Agency or Administrator	Comment
Essex Region Conservation Authority Watershed Planner	<ul style="list-style-type: none">• Full comment is attached as Appendix 'E';• That the municipality ensure that the release rate for this development is controlled to the capacity available in the existing storm sewers/drains• No objections.
Town of Kingsville Management Team	<ul style="list-style-type: none">• No concerns with the requested site plan.• The proposed building needs to comply with the requirements of the OBC.• Municipal Services requires that sanitary sewer flows for the additional units is controlled. The applicant has noted that on-site storage and off-peak release will be used to address this item.
County of Essex	<ul style="list-style-type: none">• No comments expected.

RECOMMENDATION

That Council approve zoning amendment application ZBA/01/17 to amend the current zone 'Residential Zone 3 Urban Exception 13 (R3.1-13)' to permit changes in the number of units, building height, lot coverage and setbacks, and adopt the implementing by-law.

That Council approve the proposed site plan amendment to the 2015 site plan agreement, subject to the conditions outlined in the site plan revised agreement, for a 6 storey, 39-unit condominium development and authorize the Mayor and Clerk to sign the site plan agreement and register said agreement on title.

Kristina Brcic

Kristina Brcic, MSc, BURPI
Town Planner

Robert Brown

Robert Brown, H.Ba, MCIP, RPP
Manager, Planning & Development Services

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer