

APPENDIX C – PLANNING JUSTIFICATION REPORT

**Prince and Associates
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April 28th, 2017

Robert Brown, H. Ba., MCIP, RPP
Manager of Planning & Development Services
The Corporation of the Town of Kingsville
2021 Division Road North
Kingsville, Ontario
N9Y 2Y9

Dear Mr. Brown:

**Re: 285-289 Division Street South
Residential Condominium Development Proposal
Official Plan and Sewage Allocation Issues**

1.0 Summary & Overview

A Planning Justification Letter was submitted February 24th, 2017 for the above noted project. This letter outlined a number of revisions to the original building design which precipitated a zoning by-law amendment request as well as a site plan amendment. Since that time, the owner has been made aware through consultation by the Municipality, of two additional development issues which impact the subject property and the development as now proposed. The two issues of concern are related to the official plan policy establishing a maximum density, as well as a sewage allocation constraint.

This letter, which should be read in conjunction with the previously submitted letter dated February 24th, 2017, has been prepared to address the new issues that have been brought forward.

2.0 Density Policy Contained Within the Municipal Official Plan

The Town of Kingsville's Official Plan (2012) document stipulates certain policies for properties considered High Density Residential. The following policy applies to the subject property:

The high density residential zone will permit multiple family dwellings such as single unit attached housing, townhouse dwellings, apartment buildings exceeding three storeys in height and all types of senior and other special interest and needs housing. The maximum density for this type of housing shall not exceed 124 units per gross hectare.

The subject property is 0.256 hectares in area. Accordingly, the maximum density requirement in terms of allowable units calculates to 32 units. The revised development concept proposes a total of 32 units but 7 of the 32 units are considered "flex units" meaning that they have been designed to be split into two units each in the event that the market cannot absorb all of the larger units contained within the design. The reason the "flex units" are of particular importance is that this project has now been out to market two times in the past two years and two other times prior to that. It seems that there may not be sufficient

economic interest in the larger number of larger units. For that reason, the design has been changed so that as many as seven units can be split into two units. The market to date has suggested that there may be a greater interest in the smaller, less expensive units.

Accordingly, the reason for the zoning by-law amendment being requested is to ensure that the development has the required flexibility to respond to the market demand. It is important to note that the revised building design actually has a slightly smaller volume or gross floor area and it is expected that the total population residing within the building may even be slightly less even though the number of units may increase. The explanation for this is that the revised design has eliminated the townhome option (which did not receive any interest in the market). The townhomes were projected to have an average of 3.5 people per unit while the apartment style condos proposed to replace them have a projected average of 1.8 to 2 people per unit. Therefore it is expected that notwithstanding the requested change in zoning will provide for a greater number of units, the actual size of the building will be slightly smaller and the number of people projected to reside within the building will be the same or slightly lower.

When one considers a slightly smaller building and the same or fewer residents in the context of the Official Plan's Interpretation clause, it can be argued that the zoning request is in conformity with the policy direction of the Official Plan. More specifically, the municipal Official Plan, in section 8.11.2 states that:

The intent of the Plan shall, in all cases, be considered flexible, and no strict interpretation of any figure or policy statement is intended. Appropriate variations may be made to these and to the other statements herein where, in the opinion of Council, they are deemed to be necessary for the desirable development of the planning area, provided that the general intent of the Plan is maintained.

Creating these "flex-units" within the building means that the development proposal ultimately complies with the official plan policy for high density residential development wherein the maximum density requirement is satisfied. It is our planning opinion that the concept behind these "flex-units" and their relationship to the maximum density requirement can be justified when considered against the interpretation policy of the official plan. This variation can be considered necessary for the desirable development of the overall planning area, which is exactly what the interpretation policy seeks to allow.

3.0 Sanitary Sewage Collection Constraint

The applicant has also been made aware that there is a sanitary sewage collection constraint as it relates to this project. The sewage allocation that was originally given to the site allocated appropriate sewage reserve for a total of 32 units. As previously discussed in the letter submitted to the Municipality on February 24th, 2017, the revised building design includes a maximum potential of 39 units. However, it is important to note that while the unit count may increase, the total number of people projected to occupy the building stays the same given the proposed elimination of the previously approved townhome units.

Having said that, the actual revised unit count slightly exceeds the committed sewage allocation for the site. It has been confirmed that the constraint is solely related to pipe size and not treatment plant capacity. Accordingly, the building design will be altered to include on-site sanitary storage which will be pumped during off-peak hours.

To mitigate this issue, the owner is proposing to construct an underground storage tank onsite for sanitary retention. This tank will be sized appropriately relative to the building's capacity, and will control the release rate of sewage effluent at certain off-peak times. This solution has functioned effectively in other developments. It is proposed to provide 48 hours of retention for the seven proposed potential units.

4.0 Conclusion

In recent consultation with the Municipality, an issue regarding an official plan policy as well as a sewage allocation concern were raised as it relates to the development proposal for 285-289 Division Street South. This letter, which is to be read in conjunction with the letter previously submitted to the Municipality on February 24th, 2017, provides justification for why these two issues raised by the Town are in fact issues that can be effectively mitigated.

The official plan policy with respect to high density residential development stipulates a maximum density requirement of which the current development proposal slightly exceeds. However, when the concept of “flex-units” are applied, in conjunction with the interpretation policy listed within the official plan, it is our planning opinion that an argument for general conformity with the plan can be made.

The sewage allocation issue presented can be easily mitigated by controlling the release rate into the sanitary system through an on-site retention tank. This tank will restrict the release rate of sewage effluent during off-peak times, so that it does not exceed the committed sewage allocation for the property.

We are happy to discuss the planning justification outlined within this letter in further detail should that be your preference. If you have any additional questions or concerns regarding the development proposal please do not hesitate to contact the undersigned.

Yours very truly,

A handwritten signature in black ink, appearing to read 'D. Prince', with a stylized, sweeping flourish extending to the right.

D. Cindy Prince
PRINCIPAL PLANNER