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**Date:** July 4, 2017

**To:** Mayor and Council

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**RE:** Zoning By-law Amendment - ZBA/12/17  
1552843 Ontario Ltd. – 150 Heritage Road  
Part of Lot 4, Concession 1 WD

**Report No.:** PDS-2017- 032

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## **AIM**

To provide the Town of Kingsville Council with information regarding a proposed Zoning By-law Amendment (ZBA) for lands owned by 1552843 Ontario Ltd., located at 150 Heritage Road (County Road 50)., in the Town of Kingsville.

## **BACKGROUND**

The subject parcel is approximately 2.6 ha (6.5 ac.) in area and currently vacant and used for agricultural purposes. The applicant received zoning approval in the spring 2015 which was to permit the property to be developed as a residential subdivision containing single detached, semi-detached and townhouse dwellings. The property was also placed into a Holding zone until a plan of subdivision and associated development agreement were completed. The applicant is still proposing to develop the property for residential purposes but not via plan of subdivision. The proposal is for 23 semi-detached dwellings (46 units total) to be built as a single residential development on private streets. The applicant has submitted a funding request to the County of Essex to develop affordable housing and is seeking approval to prepare the subject property from a zoning standpoint if that funding is awarded. Under the terms of the funding the units are to be affordable rental units and must remain as such for a period no less than 20 years. The zoning amendment is necessary to permit the 23 dwellings on one parcel, site plan control is necessary to regulate the overall development layout in much the same way that a development agreement would. The attached plan shows the proposed street configuration and potential lot pattern in the event that once the 20 year time limit of the funding expires a plan of subdivision could be overlaid on the development and units sold off separately.

In order to proceed with development on the property there are two approvals that are required as follows:

- i) A Zoning By-law Amendment to amend the current Lakeshore Residential Exception 30 - holding (LR-30(h) to permit a total of 23 semi-detached dwellings (46 dwelling units) on one lot and establish site-specific regulations;
- ii) Site Plan Approval which will outline the details and full requirements of the overall build-out of the proposal including phasing, if necessary.

## **DISCUSSION**

### **1) Provincial Policy Statement (PPS), 2014:**

The proposed development is consistent with a number of policies in PPS as follows:

- i) Section 1.1.1, Healthy, livable and safe communities are sustained by:
  - b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons)...;
  - e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;
- ii) Section 1.1.3.1 states that, 'Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.' The Section further outlines that, " Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.'
- iii) Section 1.1.3.5 states that, 'Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions...'
- iv) Section 1.1.3.6 state that, 'New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Comment: In review of the policies in the context of the proposed development type and layout it is consistent with Provincial Policy Statement.

### **2) County of Essex Official Plan**

The County OP is very similar to that of PPS in terms of applicable policies and encouragement of intensification of development within the Settlement Area boundaries. Specifically, under Section 3.2.7 Intensification & Redevelopment, 'The County requires that 15 percent of all new residential development within each local municipality occur by way of residential intensification and redevelopment.' Section

3.2.8 Affordable Housing further states that, 'The County requires that each local municipality achieve a minimum affordable housing target of 20 percent of all new development.

Comment: Since the implementation of the current Kingsville Official Plan the Town has generally been on target with Section 3.2.7 in terms of meeting the 15 percent goal under residential intensification and redevelopment via infilling of existing lots and intensification on existing parcels via semi-detached and townhouse development. However, the 20 percent goal of Section 3.2.8 for affordable housing continues to fall short, on average, over the last four years at around 10% or lower. Based on the current rate of development for 2017 a project of this nature would achieve both the intensification and affordable target.

Therefore the proposed development would be consistent with the County Official Plan.

### 3) Town of Kingsville Official Plan

The subject lands are a designated Lakeshore Residential West by the Official Plan. The goals of the designation include to encourage infilling of the existing development pattern and to provide the opportunity for the provision of affordable housing in accordance with Provincial Policy. The proposed development will have a maximum density of 17.7 units per hectare which would be considered low density by the Official Plan. Therefore the proposed development would conform with the Kingsville Official Plan

**Comment:** The proposed development will abut existing single detached dwelling lots along James Ave., Normandy Ave., and Heritage Road. While the proposed development is semi-detached and will be higher in density the lot to lot comparison is not significantly increased. For example the eight abutting lots on James Ave. will abut ten individual units in the new development. Along Normandy Ave. the eight existing single detached lots will abut the same number of individual semi-detached units. Along Heritage Road the seven single detached lots will actually abut only four semi-detached units.

The street layout and access points have also been designed in such a way to accommodate the request from the Dieppe subdivisions residents that there be a connection to Heritage Road and not just to the existing subdivision as such traffic will not solely flow into the existing subdivision.

Similar examples of multiple units or multiple building residential development currently exist in Kingsville as follows:

- i) Prospect St. – semi-detached
- ii) Landsdowne Ave. – townhouse/apartment complex (Legion Seniors Housing)
- iii) Millbrook Creek – townhouse complex
- iv) Crosswinds – semi-detached & townhouses

While it may be more common to have residential complexes in the form of townhouses or low-rise apartments, generally to achieve high densities, a development

utilizing semi-detached dwellings is equally possible to help provide the necessary mix of housing in a community.

#### **4) Comprehensive Zoning By-law**

The subject property is zoned Lakeshore Residential Exception 30 – Holding (LR-30(h) and does currently permit semi-detached residential development however that zoning was anticipated on the basis of one semi-detached dwelling per block and one dwelling unit per lot granted the zoning does not specifically say this. Therefore, in order to provide clarity moving forward the existing zoning would be amended to provide that clarity. In reviewing the specific setbacks for the development, should it be subdivided in the future, there are existing requirements in place as part of the LR-30(h) which have been reviewed and appear to remain workable. Based on the public feedback a minimum gross floor area of 170 sq. m for a semi-detached dwelling has been included or 85 sq. m per unit. The issue of height concern with the proposed development is not as straightforward as there is a current limit of 10.6 m under the LR-30(h) which is equal to the limit of the abutting residential lands. The existing development consists mainly of raised ranch style homes. Most semi-detached development is single storey or raised ranch. In the past developments have been limited in height but generally only if the existing development was also single storey. The suggested adjustment to the existing zoning would limit semi-detached and townhouse development to 7.62 m (25 ft.). The single detached height limit would remain unchanged at 10.6 m (35 ft.).

At present the zoning requires completion of a plan of subdivision and associated development agreement in order to proceed with removal of the H-Holding. In order to maintain flexibility in the final development on the property the current zoning provisions would remain for development at a plan of subdivision. Provisions would also be added to permit development at one lot with removal of the H- Holding provision in that case being subject to submission and approval of an acceptable site plan and associated agreement including consultation and circulation with the affected property owners.

#### **5) Proposed Site Layout**

The proposed street layout is consistent with one of the original concept street patterns proposed at the time of the original zoning. (See Appendix 'A') It provides full cul-de-sac design a 50 ft. wide road allowance with 8 ft. service easement corridors on each side which is consistent with the Town's Development Manual. The Dieppe subdivision will be connected via Street 'A' and a connection to Heritage Road is proposed and required by the Town.

Based on feedback from the abutting neighbour at 136 Heritage Road (at the end of the cul-de-sac) the final design of the road way will require an allowance for snow storage in order to prevent damage to an existing fence in the rear yard of 136. This can be accommodated with some limited adjustment at the end of the street.

#### **6) Site Plan Approval**

Since the development is proposed as a single residential complex under one ownership site plan approval is the approach that will be used to specifically outline the

requirements of the development in the same manner that a development agreement would be part of a plan of subdivision. The roads and services will be required to be designed consistent with the Town's Development Manual. Storm water for the area was originally proposed into the existing storm water pond in the Dieppe subdivision as it has the necessary capacity however the pond outlet is to an existing drain which needs to be upgraded. An application under the Drainage Act was made and a design for the upgraded outlet and connecting pipe was presented to the affected owners. The owner to the immediate south had requested that the existing drain be relocated however this request would have resulted in that owner incurring 100% of the cost of relocation which the owner was not supportive of. The developer stepped forward at that time to volunteer to cover that cost and is still supportive of that undertaking as such a storm water management outlet is available and a detailed plan can be developed as part of the site plan approval process.

As a private residential complex the owner will also be responsible for snow removal, garbage collection, recycling and general ongoing maintenance of the roadway and services. At minimum it is recommended that sidewalks be provided on one side of the new street between Heritage Road and Normandy Ave. and along the west side of the new north/south street. The sidewalk like the roads would be constructed as per the Town Development Manual.

If in the future the development is subdivided into individual lots it will be required that all of the traditional services that would be conveyed to the Town would need to be inspected and deficiencies addressed prior to conveyance to the Town. It is also a possibility that at that time the site plan agreement would be released on the property in place of a new development agreement.

## **LINK TO STRATEGIC PLAN**

- V. *To encourage leadership and management that will provide the direction to achieve our goals and maximize the effectiveness of our strategies.*
- *Ensure that Council receives adequate and appropriate information that will assist both Council and Administration in making the right decision based on facts and up to date information.*

## **FINANCIAL CONSIDERATIONS**

There will be an increase in the assessment of the property as a result of the application if the proposed development is completed.

## **CONSULTATIONS**

In accordance to O. Reg 545/06 of the *Planning Act*, property owners within a minimum of 120 m of the subject site boundaries received the Notice of Open House/ Public Meeting by mail. The actual buffer distance used in this case was extended to 200 m.

Concern at that time of the original development proposal was about the development of multiple unit type dwellings, storm water management, traffic and the provision of parkland in the development.

**Comment:** The zoning removed the ability to construct multiple dwellings (four-plexes or larger). A storm water management plan including the installation of the upgraded outlet will be requirements of the site plan approval. The drain outlet will need to be installed prior to development proceeding. The Traffic issue primarily centered around a single connection to the Dieppe subdivision via Street 'A'. Through both feedback from the neighbours and insistence on the part of the Town a connection to Heritage Road will also be necessary. The parkland component remains unchanged as there is existing park space in proximity to the development. The developer would however still be required to pay cash-in-lieu of parkland as a result of the development.

At the June 20 Planning Advisory Committee (PAC) meeting there were a number of issues raised by several of the members of the public in attendance and PAC members including:

- Concern for the type of housing (affordable)
- Reduction of property values for abutting land owners
- Style of the development (cookie-cutter versus variety)
- Lack of detail on what is proposed (size, style design)
- Storm water management
- Current lack of water pressure in the area
- Poor location for this type of housing (proximity to services)
- This type of housing is needed for people in the community
- Why are lower income individuals not equally entitled to opportunities to live within the community
- Design is not consistent with Town Development Manual
- Water pressure issue need to be address prior to moving forward

**Comment:** One of the key pieces of information to keep in mind is the current zoning on the subject property does permit a mix of housing styles including single detached, semi-detached and townhouses. The total number proposed back in 2015 was up to 44 mixed units. The current proposal is for a total of up to 23 semi-detached dwellings (46 units). The style, size and demographic of who the housing is for has no bearing on the planning rationale used in the assessment. The current zoning also does not outline design requirements nor does it have a minimum gross floor area requirement. Based on the proposal the size of each dwelling (building) would be 167 to 186 sq. m (1,800 to 2,000 sq. ft.) and include a single car garage. The semi-detached dwellings along Dieppe and Normandy Ave. have a footprint of approx. 260 sq. m (2,800 sq. ft.) and include at least a single car garage. The homes in the area have an average footprint of approx. 167 to 214 sq. m (1,800 to 2,300 sq. ft.). Lastly, the lot fabric that is proposed for the semi-detached dwellings and individual units is consistent with much of the existing semi-detached development in and around Kingsville.

Based on the comment from the public the other crucial aspect was perhaps a misunderstanding of what constitutes 'affordable housing'. The Ministry of Housing defines affordable as follows:

*a) in the case of ownership housing, the least expensive of:*

1. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or
2. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area;

b) in the case of rental housing, the least expensive of:

1. a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or
2. a unit for which the rent is at or below the average market rent of a unit in the regional market area.

The Ministry of Housing further reinforces the importance of the provision of affordable housing as follows:

*'Affordable housing is one of the major factors in creating attractive, livable and competitive communities. Among other things, the availability of affordable housing makes it easier to attract and retain people to a community. For many communities, the need for affordable housing is a priority issue. Planning authorities are routinely challenged to find solutions for housing needs, especially as the population increases and ages, and as household size decreases.*

*A lack of affordable housing effectively limits economic growth and can lead to inferior housing or homelessness. This can place tremendous pressure on individuals and families, and on health and social services. Moreover, affordable housing and support services for those in need helps create stable living conditions, increased self-esteem and better financial stability. Affordable housing also costs less than accommodation in group homes and other institutions for homeless people, who are often in poor health.*

*Having a place to call home provides an important base and anchor in our lives. A home nurtures and supports individuals and families as they go about their daily lives, allowing them to contribute positively to the economy and society.'*

The style of housing that is developed in any subdivision or complex is generally not controlled by the Town. Some basic items can be outlined through zoning such as single storey, minimum gross floor area, variation of front yard setbacks and, with the agreement of the developer, a mixing of unit styles. Development of affordable housing is rarely a for-profit undertaking and is one of the key factors that make the provision of affordable housing so difficult. It typical occurs when one of the following happened:

- a) a socially minded developer or community group undertakes a proposal;
- b) government sponsored programs are available;
- c) local planning authorities strictly enforce the provision of affordable housing policies on private developers;
- d) Provincial or Federal levels of government provide financial incentives to private individuals;

Storm water management for the development has been reviewed and can be provided with the assistance of the developer in the upgrading and/or realignment of the existing outlet from the existing storm water pond in the Dieppe subdivision.

The Kubinec (Dieppe) subdivision is currently being serviced by the former Kingsville system with a pressure range of 40 to 45 psi. Municipal Services requested a review of the capability of the water service in the area of the proposed development prior to the June 20<sup>th</sup> PAC meeting. Stantec Consulting undertook this review and concluded that there were two options, connection, temporarily into the existing service on Normandy with a tie into the line on Heritage or connection into the existing water line on Woodlawn. It was indicated that based on the size of the proposed development that there would be no major impact on the water service in the area. It is however noted that additional water system upgrading is necessary to continue to support development in the southwest area of Kingsville.

As noted at the June 20<sup>th</sup> PAC meeting the Town does not have public transit which brings into question the location of the subject property in relation to Town services and basic needs such as groceries, health care, personal services and recreation. As with all small communities this can be problematic, locations and circumstances do not always present themselves to provide housing that is always ideally located for all services. There is agreement that a location closer to downtown or closer to the east end commercial area would be more ideal from a walkability standpoint. However, Kingsville still remains a relatively compact community and alternative transportation does exist to assist those without vehicles.

It was noted that the proposed street design was not consistent with what Council has approved in the past related to road allowance width and the provision of sidewalks. While it is recognized that the road allowance is not the typical 20 m (66 ft.) outlined in the Town Development Manual Municipal Services has not expressed concern with the proposed design as it is consistent with the other option in the Development Manual which outlines a 15 m (50 ft.) road allowance with 2.4 m (8 ft.) easements on either side. One advantage to the proposed design is the ability to provide a larger rear yard area and increase the buffer between the proposed and existing development.

The proposed conceptual layout does not show sidewalks in the subdivision. The suggested plan would be to require, at minimum sidewalks on one side of the new east/west street and one side of the new north/south portion of the L-shaped street. This was based on the development as private and not a road allowance being conveyed to the Town. Should the provision of sidewalks on both sides be a requirement, if the road allowance is conveyed at a later date, it can certainly be outlined in the site plan agreement and future development agreement.

## **Agency & Administrative Consultations**

In accordance with O. Reg 545/06 of the *Planning Act*, Agencies and Town Administration received the Notice of Public Meeting by email.

<b>Agency or Administrator</b>	<b>Comment</b>
Essex Region Conservation Authority Watershed Planner	<ul style="list-style-type: none"><li>• The subject lands are not located in a regulated area and ERCA expressed no objection to the proposed planning approvals. It has be recommended that storm water management be part of the final approval requirement</li></ul>
Town of Kingsville Management Team	<ul style="list-style-type: none"><li>• Service capacity has been reviewed and the lands can be provided with both Town water and sanitary sewer</li><li>• Upgrading of the existing Dieppe subdivision storm water pond outlet will be a requirement of the development moving forward</li><li>• All roads and services to be designed and installed in accordance with the Town's Development Manual</li><li>• Any conveyance of the roads and services in the future will require inspection and correction of deficiencies at the developers expense</li></ul>
County of Essex	<ul style="list-style-type: none"><li>• Connection to Heritage Road will require permits from the County and must be designed in accordance with County Standards</li><li>• All structures are to be located a minimum of 85 ft. from the centreline of Heritage Road</li></ul>
Other	<ul style="list-style-type: none"><li>• A Species at Risk assessment is not necessary</li><li>• An archaeological screening was completed and concluded that no issues were present. A letter of clearance from the applicable Ministry should also be submitted for the Town's records</li><li>• A traffic impact assessment was completed in late 2014 for a total of 44 units and concluded no issues however that study recommended no connection to Heritage Road. This was concluded by Municipal Service, and PDS is in agreement, that development should be connected to Heritage with the intersection aligned with Woodlawn Cres.</li></ul>

## RECOMMENDATION

It is recommended that Council approve zoning amendment application ZBA/12/17 to amend the existing 'Lakeshore Residential Zone Exception 30, holding (LR-30(h) on the subject property to permit up to 23 semi-detached dwellings (46 units) on one lot, update the required conditions for removal of the H- Holding provision and adopt the implementing by-law.

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