



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

**Date:** July 26, 2017

**To:** Mayor and Council

**Author:** Robert Brown, H. Ba, MCIP, RPP

**RE:** Zoning By-law Amendment ZBA/14/17  
1552843 Ontario Ltd. – Applicant  
2085621 Ontario Inc. - Owners  
169 Prince Albert St. N.  
Part of Lots 1 & 2, Concession 1 WD

**Report No.:** PDS-2017- 035

---

## **AIM**

To provide the Mayor and Council with information regarding a proposed Zoning By-law Amendment (ZBA) for lands located at 169 Prince Albert St. N., in the Town of Kingsville.

## **BACKGROUND**

The subject parcel is approximately 1.4 ha (3.45 ac.) in area with approximately 71.6 m (235 ft.) of frontage and currently contains a single detached dwelling. The applicant is proposing to redevelop the subject property with the creation of 2 single detached dwelling lots along the frontage of Prince Albert St. N. These lots would be approximately 35 m (115 ft.) deep with a minimum frontage of 15.24 m (50 ft.). The remaining lands, not including the wooded area and any required buffer area are proposed for the development of up to 16 dwelling units which could include a mix of townhouses and semi-detached.

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 zoning of the parcel to permit up to a total of 16 dwelling units and establish site-specific regulations which would continue to permit single detached dwellings. The wooded area and any required buffer area would be rezoned to a natural environment zone which would prohibit development of the area and outline any necessary protection measures;

- ii) Site Plan Approval which will outline the details and full requirements of the overall build-out of the proposal including phasing, landscaping, lighting, access design, buffering, fencing and address any traffic, natural heritage feature and/or Species at Risk elements.

## **DISCUSSION**

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

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

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;

#### Section 1.1.3 Settlement Areas

- i) 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.'
- ii) 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...'
- iii) 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 it is consistent with Provincial Policy Statement.

#### Section 2.1 Natural Heritage

- i) Section 2.1.5 states that, 'Development and site alteration shall not be permitted in significant wood lands, valleylands or significant wildlife habitat unless it has been demonstrated that there will be no negative impact on the natural features or their ecological functions.

- ii) Section 2.18 states that, 'Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.'

**Comment:** When the property in question was initially listed for sale the owners undertook a pre-consultation meeting with the Town regarding the possibility of splitting the large property into three single detached dwelling lots. With the presence of the wooded area at the rear pre-consultation contact was made by the Town with ERCA staff as how best to proceed to address any possible issues related to natural heritage. The initial concept was to secure a conservation easement in favour of ERCA over the wooded area in question. The owners did not consider this a preferred option as such it was suggested by Town staff that the lands be rezoned to a natural environment classification which would prohibit development in the area and could also address any required buffering or barrier requirements. ERCA considered this a viable option if the application for severance was forthcoming.

With the change in proposed development and in light of activities that have occurred in the wooded area a follow up meeting was held on site with Town and ERCA staff and the applicant to review what would be required as part of the new development proposal. It was concluded that whether an Environmental Impact Assessment was necessary would be in part dependent on the extent of the development. If no development is proposed within the feature and an appropriate setback and/or physical barrier provided no assessment would be required. If development was to be located within the feature then assessment would have to demonstrate no negative impact. Specific at Risk review will be necessary regardless of the scale along with a possible restoration plan to restore parts of the feature that have been removed. The applicant has indicated and the Town is in agreement that an assessment will be completed regardless of the scale of or proximity of the proposal.

Completion of the assessment work and clearance will be necessary for the development to be considered consistent with PPS.

## **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. This has primarily been achieved through 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.

A number of questions have been forthcoming from the public seeking some clarification on certain aspects of the intensification and affordable housing policies. In light of this Staff has undertaken consultation with the Ministry of Municipal Affairs which administers PPS for that clarification.

The Ministry has indicated that both of the goals, the 15% intensification and 20% affordable housing, are targets established by the local approval authority and while strongly encouraged to meet these targets, there are no punitive impacts on the Town if these goals or targets are not specifically met each year. It is always important for the Town to strive to meet this target but often it is dependent on the housing market and availability of funding.

The other question asked was why have other subdivisions not been held to this same standard or why are these subdivisions not being used for development of this nature. The answer is simply that no proposal for this type of development has been presented, to-date, in these subdivisions.

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

### **3) Town of Kingsville Official Plan**

The subject lands are a designated Residential 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 overall density for the 16 dwelling units and 2 potential single detached dwellings would be 12.8 units per hectare or 19.1 units per acre if you exclude the wooded area. This is within the low density threshold of 20 units in the Official Plan. Therefore the proposed development would conform with the Kingsville Official Plan.

**Comment:** The proposed development is located in an area of primarily single detached dwelling development on a mixed lot pattern. Townhouse development is not new to the area first occurring in the early 70's. The most recent was approved in 2015 and just recently completed. The Bernath Gardens subdivision is also approved for a mix of semi-detached and single detached dwelling development. Much of the development in this quadrant of the Town has taken place over many years, consisting of infilling and intensification. Large parcels such as the subject lot lend themselves to higher density development and help to support the intensification in the Town which helps to avoid unnecessary expansion onto greenfield sites, costly expansion and extension of infrastructure and more compact walkable development.

Prince Albert Street has been under constant change since amalgamation with six different developments along Prince Albert, all of which would be considered infilling or intensification, all of which have raised objection to some degree regardless of the type of housing.

#### **4) Comprehensive Zoning By-law (Appendix G)**

The subject property is zoned Residential Urban Zone 1(R1.1) along the front of the lot to a depth of approximately 58 m (190 ft.) with balance of the lot Residential Urban Zone 1 – Holding (R1.1(h)). The assumption is that the holding is in place given the size of the lot and potential for additional development which would need further consideration in terms of traffic, storm water and servicing needs. With this in mind any proposed zoning amendment to permit the development would also include the holding provision until such time as an acceptable site plan was completed and any necessary servicing work and background studies are completed. The suggested zoning would be a site-specific R3.1 Zone which would cap the number of dwelling units at a maximum of 16. Since the final lot configuration is not known the amending zoning would be structured to also continue to permit single detached dwellings on individual lots.

As a point of clarification in moving forward with any proposed zoning change it is important to note that zoning cannot be used to control ownership and has no relation to whether housing is affordable or market, rental or ownership. The one aspect that can be implemented is the establishment of a minimum gross floor area for each of the proposed dwelling units which is suggested at 88 sq. m (950 sq. ft.).

#### **5) Site Plan Approval**

The plan included in the public circulation and report to Council has been significantly refined and potentially much closer to what the potential end layout would be. (See Appendix 'A') There could be additional work on the design detail to be completed. Further public comment on the site plan will be possible through the notice of intention that would be circulated as part of the Holding provision removal.

Added details that will require further information or refinement may include:

- 1) Access design and alignment details in relation to neighbouring access & homes;
- 2) Landscaping & possible tree retention plan;
- 3) Parking layout;
- 4) Fencing;
- 5) Lighting;
- 6) Fire route;
- 7) On-site fire protection (hydrant if required);
- 8) Garbage collection;
- 9) Natural area restoration plan;
- 10) Pedestrian linkage to multi use path;
- 11) Postal box location;
- 12) Construction plan (site maintenance and access during build out)

## **LINK TO STRATEGIC PLAN**

Manage residential growth through sustainable planning.

## **FINANCIAL CONSIDERATIONS**

There will be an increase in assessment on the subject property once development is completed.

## **CONSULTATIONS**

In accordance to O. Reg 545/06 of the *Planning Act*, property owners within 200m of the subject site boundaries received the Notice of Open House/ Public Meeting by mail.

There was considerable feedback from the area residents at the June 20<sup>th</sup> PAC meeting regarding a number of concerns including traffic, need for the development, impact to the character of the area, reduction in property values, is there a limit to intensification, protection of the wooded area and species habitat, service capacity and storm water management. PAC did not endorse the requested zoning change. The draft minutes of the meeting have been attached as Appendix H. They have been reviewed and awaiting formal adoption at the August 15<sup>th</sup>, Planning Advisory Committee meeting.

Comment: There continues to be considerable feedback from the public related to many of the same items however the applicant has undertaken a number of changes to the original plan which was circulated to the neighbours as part of the renotification and presented at a public open house hosted by the applicant on August 3 at the Unico Centre.

Planning and Development Services also requested that a number of items be prepared in advance of the August 14<sup>th</sup> meeting including:

- i) Detailed site plan (Appendix A)

Comment: The applicant has provided a revised and more detailed site plan of the proposed development including fewer units and the proposed location of the single detached dwelling lots along Prince Albert.

- ii) Traffic impact assessment (Appendix B)

Comment: A traffic review was completed by FR Berry & Associates detailing the peak hour traffic volume at up to 13 vehicles. The review also indicated that at full build out of the Bernath subdivision that peak traffic volume past the subject site would not exceed 75 vehicles. In summary the review concluded that, 'the low volume of traffic generated by the proposed residential development would have no measureable impact on traffic operation and safety on Prince Albert Street.'

iii) Servicing capacity confirmation (Appendix C)

Comment: The applicant retained Dillon Consulting to review the service capacity on Prince Albert Street. The conclusion, in consultation with Municipal Services, was there is adequate capacity in both the water and sanitary sewer. Storm water run-off will need to be managed on-site with the flows limited to pre-development rates.

iv) Planning justification report for the proposed location (Appendix D)

Comment: Tracey Pillon-Abbs, a professional planner, has prepared a PJR for the proposed development which outlines many of the same points outlined in the report to Council.

v) Confirmation that a biologist has been retained and the Terms of Reference for the environmental assessment provided by ERCA (Appendix E)

Comment: Goodban Ecological Consulting has been retained by the applicant to complete a Scoped EIS report based on the terms of reference provided by ERCA. A Species at Risk review will also be prepared for submission to the Ministry of Natural Resources & Forestry. This will be one of several requirements to be satisfactorily completed prior to removal of the H – Holding.

**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 partially located in a regulated area. ERCA has expressed the need to address the natural heritage feature elements and the full comment is attached as Appendix 'F'</li></ul>
Town of Kingsville Management Team	<ul style="list-style-type: none"><li>• Service capacity has been reviewed by Dillon Consulting in consultation with Municipal Services and there is sufficient capacity for the proposed development</li><li>• A storm water management plan will be required for the residential development</li><li>• Traffic impact assessment has been completed</li><li>• Servicing drawing are required prior to development</li><li>• Photometric plan for townhouse is required</li></ul>

## CONCLUSIONS

Much of the concern with the proposal is what impact the development will have on the character of Prince Albert St. and that continued approval of townhouse development in this area will lead to more such proposals as there are additional lots in the area that could support this form of development. However, based on the planning merits and review of the Provincial, County and Kingsville development policies this proposal does merit approval as it helps to provide a mix of housing both in type and affordability.

## RECOMMENDATION

Council approve zoning amendment application ZBA/14/17 to Rezone the subject property from 'Residential Zone 1 Urban, holding (R1.1(h))' and 'Residential Zone 1 Urban, R1.1' to a site-specific 'Residential Zone 3 Urban Exception 23, holding (R3.1-23(h))' which will permit a maximum of 16 dwelling units (semi-detached or townhouse), establish site-specific regulations including minimum gross floor area per unit of 88 sq. m (950 sq. ft.), outline the required conditions for removal of the h- holding provision, and continue to permit a single detached dwelling on each of the lots to be created along Prince Albert Street North subject to the provisions of the existing R1.1 Zone; and

Council approve the rezoning of the rear wooded portion of the property from 'Residential Zone 1 Urban, holding (R1.1(h))' to 'Natural Environment, (NE)', and adopt the implementing by-law.

*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