

# **PLANNING JUSTIFICATION REPORT**

## **ZONING BY-LAW AMENDMENT (ZBA/14/17) FOR RESIDENTIAL DEVELOPMENT**

**169 Prince Albert Street North  
Town of Kingsville, Ontario**

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## 1.0 INTRODUCTION

I have been retained by the applicant, 1552843 Ontario Ltd to provide a land use Planning Justification Report (PJR) in support of a proposed residential infilling development located at 169 Prince Albert Street North (herein the “Site”) in the Town of Kingsville in the County of Essex.

The purpose of this report is to review the relevant land use documents including Provincial Plan Statements (PPS), County of Essex Official Plan (OP), the Town of Kingsville Official Plan (OP) and Town of Kingsville Zoning By-law (ZBL).

A Zoning By-law Amendment (ZBA) is required in support of the proposed residential development.

A pre-consultation meeting was held by the applicant with Town Staff. A Public Meeting was held with the Town of Kingsville Planning Advisory Committee (PAC) on June 20, 2017. Comments received have been incorporated into the proposed concept plan.

Since the Public Meeting the proposed development has been modified. The multiple unit dwellings have been reduced in size from 27 residential units to 16 and the proposed single detached dwellings have been reduced from 3 to 2 residential lots.

## 2.0 SITE AND SURROUNDING LAND USES

### 2.1 Legal Description and Ownership

The Site is owned by 2085621 Ontario Inc. There is an offer to purchase the lands by the applicant 1552843 Ontario Limited.

The property is legally described as Part of Lots 1 & 2, Concession 1 WD. The property is locally known as 169 Prince Albert Street North (see Figure 1 – Property Location).



Figure 1 – Property Location

### 2.2 Physical Features of the Site

#### 2.2.1 Size and Site Dimension

The Site consists of a total area of approximately 1.39 hectares (3.43 acres). It has approximately 71.30 m (233.92 feet) of frontage on Prince Albert Street North and is approximately 195.18 m (640.35 feet) deep (see Figure 2 – Site Dimensions).



Figure 2 – Site Dimensions

### 2.2.2 Structures

There is currently one single detached dwelling on the Site, which is currently unoccupied.

The accessory structure shown on the air photos has been demolished (see Figure 3 – Air Photo).

### 2.2.3 Vegetation

There is wood land at the east end of the Site and some mature trees to the west. The balance of the Site is manicured grass with ornamental trees.

There is an existing row of cedar tree hedges along the southern property line abutting the neighbouring residential use.

### 2.2.4 Topography

The Site is generally level. There is a minor swale feature towards the rear of the Site. The soil type is Brookston Clay.

The rear portion of the Site falls within the Essex Region Conservation Authority (ERCA) regulated area of the Palmer Drain.

The Site also is adjacent to significant valleyland, significant wildlife habitat and species at risk, according to ERCA.

### 2.2.5 Other Physical Features

There is a paved driveway approach located at the front of the existing single detached dwelling to access Prince Albert Street North.



Figure 3 - Air Photo

### 2.2.6 Municipal Services

The property is serviced by a new 200mm diameter municipal watermain, an oversized municipal storm sewer and 200mm diameter sanitary.

There is a fire hydrant located to the north of the Site. There are street lights on the west side of Prince Albert Street North.

Prince Albert Street North has been recently rebuilt and provides curbs and gutter on both sides of the street and a combined bicycle path and sidewalk on the east side.

## 2.3 Surrounding Land Uses

**North** – The majority of the lands north of the Site are used for low density residential.

There are three single detached dwellings, a community parkette and a multiple unit dwelling fronting onto Prince Albert Street North (see Photo 1 - North).

There is a newer residential subdivision currently under construction at the north end of Prince Albert Street North where it intersects Palmer Drive.





Photo 1 - North

**South** – The majority of the lands south of the Site are used for low density residential. There are older and newer single detached dwellings fronting onto Prince Albert Street North (see Photo 2 - South).



Photo 2 - South



**East** – To the east of the Site is wood land.

Behind the wood land is Fern Avenue and Ivy Lane with several low density single detached dwellings located on two (2) cul-de-sacs (see Photo 3 - East).



Photo 3 - East

**West** – The majority of the lands west of the Site are used for residential. There are several older single detached dwellings fronting onto Prince Albert Street North (see Photo 4 - West).



Photo 4 - West

### 3.0 SITE HISTORY

For several years, the south portion of the Site has been used for residential and the balance of the land has been left grassed leaving the wood land to the east undeveloped.

According to Town Staff, the current owner undertook some brushing of a portion of the wood land without consideration for the natural heritage features.

The current owners also undertook a pre-consultation meeting with the Town and ERCA regarding the possibility of splitting the large property into three (3) single detached dwelling lots.

## 4.0 DEVELOPMENT PROPOSAL

### 4.1 Description of Proposal

The applicant proposes to develop the Site for residential, include single detached dwellings and multiple unit dwellings. The existing single detached dwelling will be demolished to accommodate the proposed development.

By way of consent, the applicant will apply to sever two (2) single detached dwelling lots with 25.83 m (84.75 ft) of frontage on Prince Albert Street North and develop three (3) multiple unit dwellings on the retained portion with approximately 20.12 m (66 ft) of frontage on Prince Albert Street North.

The proposed multiple unit dwellings will consist of either 5 or 6 1 storey units per complex with a total of sixteen (16) units. Each unit will be approximately 89.19 sq m (960 sq ft) in size and have its own 4.6 m (15 ft) driveway, providing a minimum total of approximately 32 parking spaces (2 spaces per unit). Each unit will have a concrete patio at the rear of the units.

The multiple unit dwellings will be designed to provide the option to subdivide and sell each unit as individual lots in the future. At this time, they will be rental units.

Access to all three (3) lots will be from Prince Albert Street North. The proposed roadway will have a cul-de-sac and be constructed to municipal standards and will serve each of the units. In the future, the roadway may be conveyed to the Municipality.

A (6 ft) high vinyl-coated chain link fence will be constructed to the east of the Site in order to providing buffering between the residential uses and the wood land.

A 158.5 sq m (520 sq ft) attached storage unit will be constructed on the west side of the six (6) unit multiple dwelling to accommodate for any maintenance equipment and centralized indoor garbage collection for all the multiple unit dwellings.

Given that the lands are not currently zoned appropriately for the proposed multiple unit dwellings, a rezoning application is necessary for that portion of the Site. A copy of the conceptual plan is included in this report (see Figure 4 - Concept Plan). The applicant will then proceed with an application for site plan control, to regulate the overall development layout of the Site for the proposed multiple unit dwellings. At that time, the applicant will finalize the concept plan in order to address access design and alignment details, landscaping, parking layout (including barrier free spaces), fencing, lighting, fire route, fire protection, garbage collection, natural areas restoration plan, pedestrian linkage to multi use path, postal box location and construction plan (site maintenance and access during build out).





## 5.0 POLICY AND REGULATORY FRAMEWORK

### 5.1 Provincial Policy Statement 2014

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development providing for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environments.

The PPS is issued under Section 3 of the Planning Act and came into effect on April 30, 2014. It applies to all land use planning matters considered after this date.

The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The following provides a summary of the key policy consideration of the PPS as it relates to the proposed development.

Policy 1.0 of the PPS states that Ontario's long-term prosperity, environmental health and social well being depend on wisely managing change and promoting efficient land use and development patterns.

Policy 1.1.1 of the PPS states that healthy, livable communities are sustained by an “appropriate range and mix” of residential, employment, institutional and recreational uses through the promotion of “cost-effective land use patterns” that minimize land consumption and servicing costs.

Subsection 1.1.3.1, requires that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. Subsection 1.1.3.5 states that planning authorities shall establish and implement minimum targets for intensification and redevelopment within build-up areas, based on location conditions. Subsection 1.1.3.6 states 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.

Subsection 1.6.6.2 establishes that Municipal sewage services and *municipal water services* are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.

Section 2.1 sets out the policies for Natural Heritage. Subsection 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. Subsection 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.

Justification for the proposed development in terms of the PPS is provided in Section 7.1.1 of this report.

## 5.2 County Official Plan

The County of Essex is the upper tier municipality to the Town of Kingsville. The County's Official Plan (OP) is dated February 19, 2014 as modified by the Ministry of Municipal Affairs and Housing (MMAH) April 28, 2014.

The purpose of the County OP is to implement the PPS. The County OP provides a cross-boundary policy framework from which more detailed land use planning can be continued by the local municipalities. Local OPs will implement and be in conformity with the County OP by providing more detailed strategies, policies, and land use designations for planning and development at the local level.

The Site is within the "Settlement Areas" designation according to Schedule "A1" Land Use Plan attached to the County OP (see Figure 5 - County OP Schedule "A1").

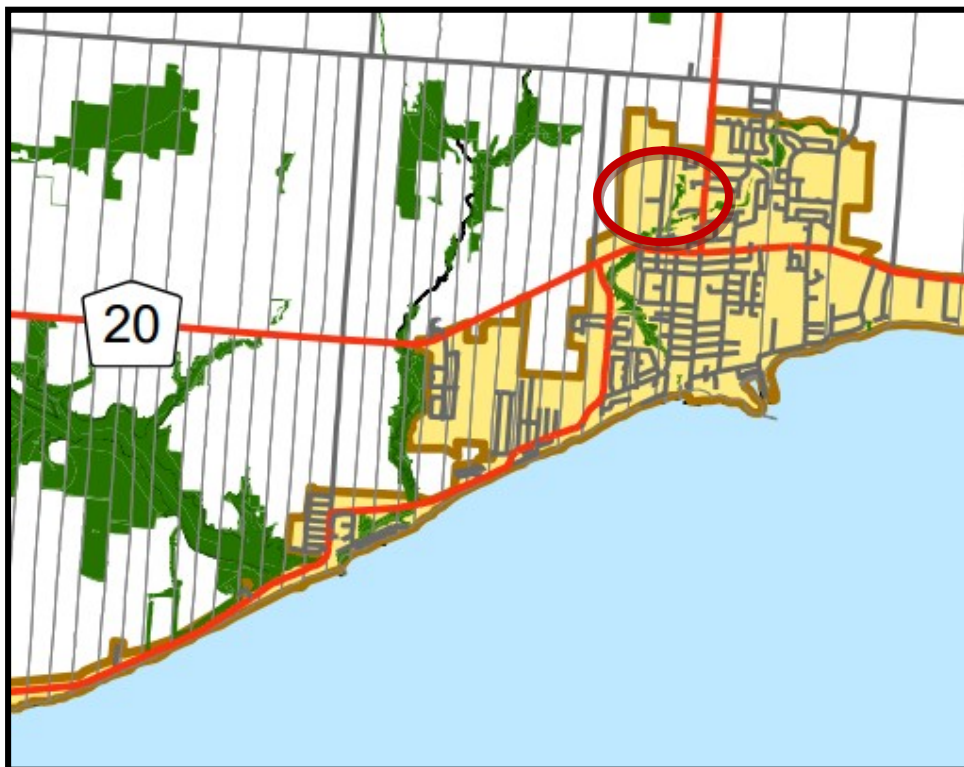


Figure 5 - County OP Schedule "A1"

The Site is within the "Primary Settlement Areas" designation as shown on Schedule "A2" Settlement Structure Plan attached to the County OP (see Figure 6 - County OP Schedule "A2").

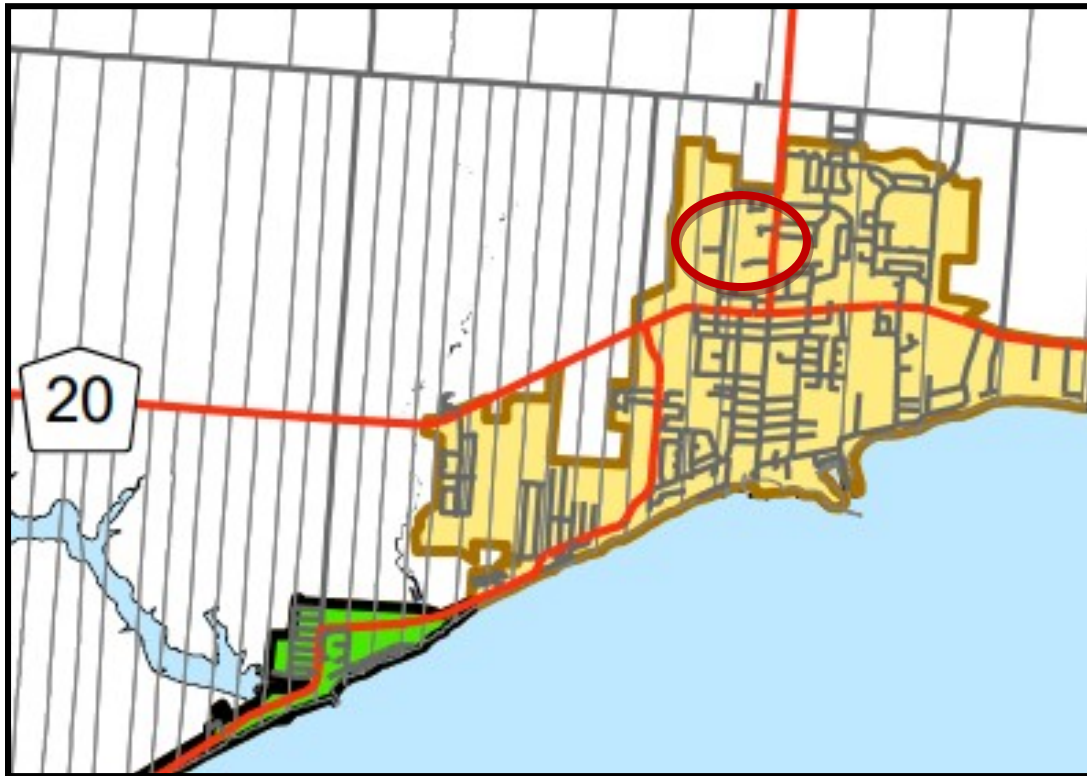


Figure 6 - County OP Schedule "A2"

The following provides a summary of the relevant County OP policy considerations as it relates to the proposed development.

Subsection 1.5 of the County OP sets the "Overall" goals to create a healthy County. It depends on maintaining strong, sustainable and resilient communities, a clean and healthy environment and a strong economy. Policies that achieve this goal, as it relates to this Site, are;

- to protect and enhance the natural heritage system by increasing the amount of core natural area and natural buffers where possible, particularly through restoration efforts.
- by directing the majority of growth (including intensification and affordable housing) and investment to the County's Primary Settlement Areas. These Primary Settlement Areas will serve as focal points for civic, commercial, entertainment and cultural activities.

- to create a more mixed use, compact, pedestrian-oriented development with designated and fully serviced urban settlement areas.
- to provide a broad range of housing choices, employment and leisure opportunities for a growing and aging population.

Section 2.2 of the County OP directs future growth to “Settlement Areas” as part of growth management.

The “Regulated Areas under the Conservation Authorities Act” crosses the east of the property as shown on Schedule “C2” Regulated Areas map attached to the OP for the County of Essex (see Figure 7 - County OP Schedule “C2”).

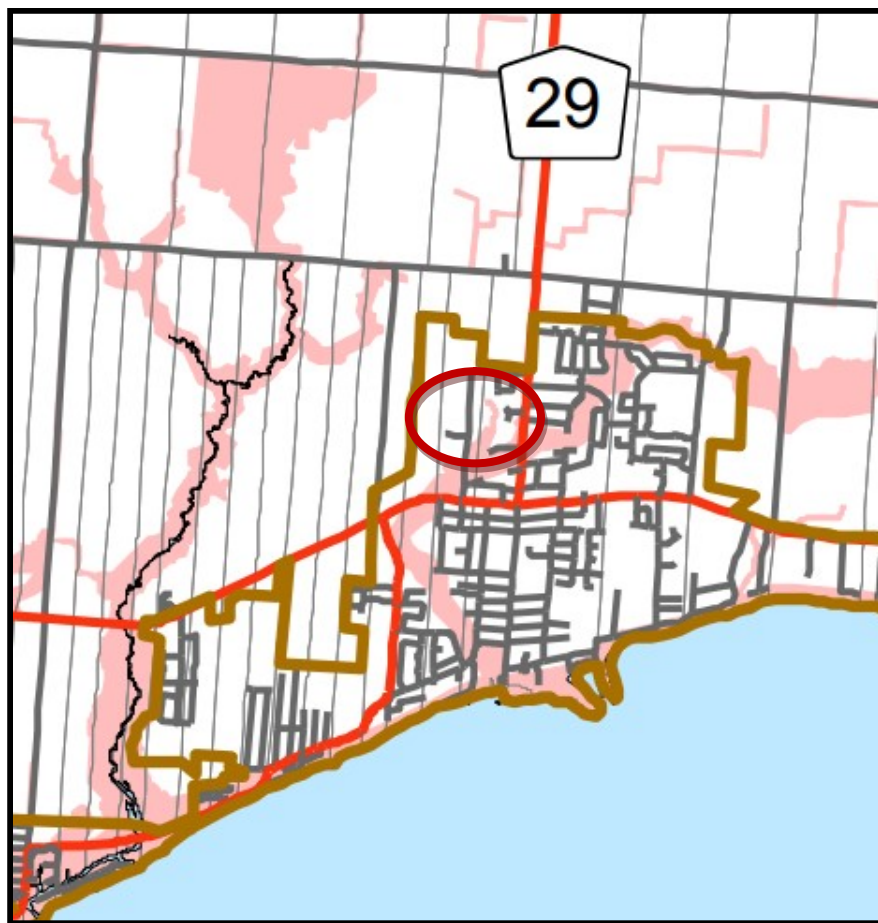


Figure 7 – County OP Schedule “C2”

Prince Albert Street North is designated a “Local Road” according to Schedule “D1” Road System Plan attached to the OP for the County of Essex.

In Subsection 2.10 Sewage and Water Systems, it notes that the County promotes efficient and environmentally responsible development which is supportable on the basis of appropriate types and levels of water supply and sewage disposal consistent with the PPS.

The County encourages new development to proceed on the basis of full municipal sewage services and municipal water services and local municipalities are encouraged to co-ordinate their approach to, and timing of, the provision of municipal water and municipal sewage through the preparation of an overall servicing strategy.

The following servicing policies apply:

- a) Full municipal sewage services and municipal water services are the preferred form of servicing for all settlement areas.

Subsection 3.2.1 is the “Land Use” vision and purpose of the County OP which is to direct the majority of future growth and development into the Primary Settlement Areas in order to strengthen the County’s settlement structure. Local OPs will detail where within the “Settlement Areas” designations various types of land uses will be located; however, healthy community principles shall be incorporated into the long range planning and development review process.

Subsection 3.2.2 indicates that the goals of the County OP, as it pertains to this Site, are to;

- promote development within Primary Settlement Areas that is compact, mixed use, pedestrian oriented, with a broad range of housing types, services and amenities available for residents from all cultural, social and economic backgrounds.
- Promote residential intensification within Primary Settlement Areas.
- Promote affordable housing within Primary Settlement Areas.

Subsection 3.2.4 notes that Primary Settlement Areas are the largest and traditional centres of settlement and commerce in the County. Protection of these communities by focusing growth and investment is a priority of the County.

3.2.4.1 sets out policies for Primary Settlement Areas and, as it pertains to this Site, notes that;

- a) Primary Settlement Areas shall be the focus of growth and public/private investment in each municipality.
- b) Primary Settlement Areas shall have full municipal sewage services and municipal water services and stormwater management services, a range of land uses and densities, a healthy mixture of housing types including affordable housing options and alternative housing forms for special needs groups, and be designed to be walkable communities with public transit options (or long-term plans for same).

d) all new development within Primary Settlement Areas shall only occur on full municipal water services and municipal sewage services.

Subsection 3.2.7 addresses policies for intensification and redevelopment. The County OP requires 15 % of all new development within each local municipality occur by way of residential intensification and redevelopment. Subsection 3.2.8 further states that the County OP requires that each local municipality achieve a minimum affordable housing target of 20 % for all new development.

Regarding, the “Natural Environment Overlay”, the proposed development touches the east portion of the lands as shown on Schedule “B2” Natural Heritage System Plan attached to the County OP.

A portion of the “Primary (3-5)” area encroaches onto the east portion of the subject lands as shown on Schedule “B3” Natural Heritage System Restoration Opportunities Overlay plan attached to the OP for the County of Essex.

Subsection 3.4.1 provides the general directive for the “Natural Environment Overlay” for Priority and Secondary restoration opportunity areas is to promote opportunities to enhance the County’s natural heritage system through policy, stewardship and education.

Subsection 3.4.2 sets out the goals, which, as it pertains to the proposed development, is g) to recognize that vegetated buffers along municipal drains enhances the natural heritage system and to identify options for implementation of restoration opportunities adjacent to streams and municipal drains.

Subsection 3.4.5 sets out the policies for Restoration Opportunity Overlay. The following policies apply to those lands identified as being a High Priority or Secondary Priority Restoration Opportunity as identified on Schedule “B3” to this Plan, and outlined in the Essex Region Natural Heritage System Strategy (ERNHSS) prepared by the Essex Region Conservation Authority. The “Restoration Opportunities Overlay” applies to lands that do not contain existing natural heritage features; however, they have been identified as potential areas to enhance the fragmented system in the County.

a) Prior to the approval of any local OPs, OP amendments or Secondary Plans, Zoning By-law Amendments, plans of subdivision/condominium, or during the preparation of any Environmental Assessment for infrastructure, an Environmental Impact Assessment (EIA) shall be undertaken that evaluates the following:

- i) Opportunities to restore and enhance the natural heritage features in the area, including the establishment of linkages.
- ii) The incorporation of Low Impact Development elements into the project.
- iii) Opportunities to establish buffers into the project design that would promote the natural restoration of an area.



- iv) Opportunities to set aside strategic areas for restoration and enhancement.
  - v) Opportunities for local stewardship, naturalization, and education about the benefits of enhancing the area's natural heritage system.
  - vi) Public acquisition.
  - vii) If lands are not acquired then the lands will be placed in a protected designation and zone.
- b) Prior to the construction of any new municipal drains or any work completed under Section 78 of the Drainage Act within the "Restoration Opportunities Overlay" as shown on Schedule "B3" of this Plan, a Drainage Report shall be prepared in accordance with the Drainage Act that includes the establishment of vegetated buffers to enhance the natural heritage system.

Justification for the proposed development in terms of the County of Essex OP is provided in Section 7.1.2 of this report.

## **5.3 Town Official Plan**

### **5.3.1 Town of Kingsville Official Plan**

The Town of Kingsville Official Plan (OP) was adopted by Council on December 19, 2011 and approved by the County of Essex on February 1, 2012.

The OP implements the PPS and the County OP and establishes a policy framework to guide land use planning decisions related to development and the provision of infrastructure and community services throughout the Town.

The following provides a summary of the relevant Town of Kingsville OP policy considerations as related to the proposed development.

The lands are designated "Residential" according to Schedule "A-2" Land Use Plan attached to the OP for the Town of Kingsville (see Figure 8 - Town of Kingsville OP, Schedule "A-2").

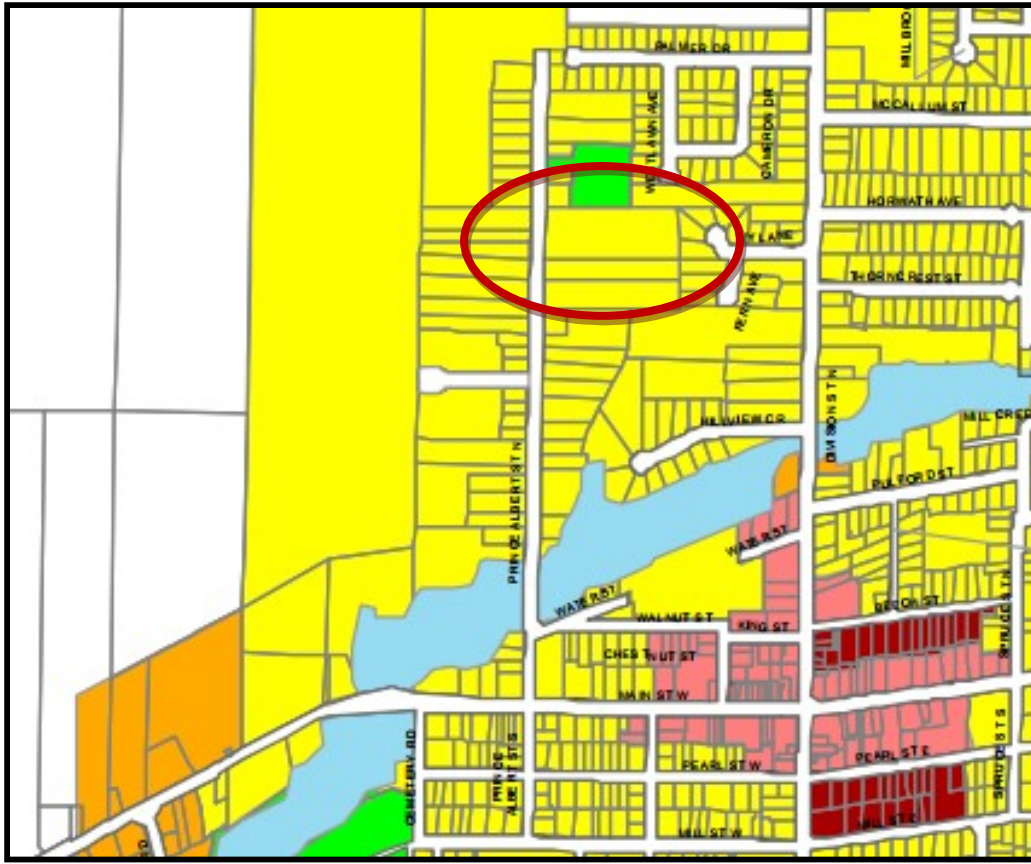


Figure 8 - Town of Kingsville OP, Schedule "A-2"

Subsection 3.6 – Residential Areas section in the OP notes that the Town provides areas in which residential development may occur in a controlled and progressive manner, recognizes existing residential development, encourages infilling of existing development pattern and encourages the development of a greater variety of housing types.

The policies set out in the OP, which apply to this Site include:

- a) variety of housing types and densities are permitted subject to conformity and compliance with the Zoning By-law. The types of residential units permitted include single detached dwellings, two unit dwellings, three unit dwellings, single unit attached dwellings, townhouses, apartments and seniors' housing including retirement homes and nursing homes and other housing designed to accommodate special needs or interests;
- e) the creation of new lots for residential purposes will occur in accordance with the land division policies contained within Section 7 of this Plan;

g) residential infill development in areas of significant historical, architectural or landscape merit shall be encouraged provided:

- i. sensitive to the existing scale, massing and pattern of the area;
- ii. be consistent with the existing landscape and streetscape qualities; and
- iii. will not result in the loss of any significant heritage resources.

h) areas for medium and high density residential development are not specifically identified in this Plan. It is the intent of the Plan that all types of residential development will be permitted throughout the area designated “Residential”, subject to satisfying certain criteria. The Zoning By-law will zone only existing medium and high density residential uses as such. Any new medium or high density residential development or redevelopment proposal will require an amendment to the Zoning By-law. When considering the appropriateness of the amendment request, the following criteria shall be considered:

- i. Low Density Residential The low density residential zone will permit single detached dwellings, two unit dwellings and three unit dwellings at a maximum density of 20 units per gross hectare.
- ii. Medium Density Residential The medium density residential zone will permit single detached dwellings, two unit dwellings, three unit dwellings, single unit attached housing, townhouse dwellings, apartment buildings not 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 50 units per gross hectare.
- iii. High Density Residential The high density residential zone will permit multiple 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.
- iv. Redevelopment of Older Neighbourhoods Proposals to locate medium and high density residential development in older established residential neighbourhoods will be discouraged if they involve the extensive redevelopment of existing single detached dwellings;
- i) when considering applications to amend the Zoning By-law to permit a medium or high density residential development, the Town shall have regard to the following:
  - i) the need for the proposed development as identified through an analysis of housing supply and demand;
  - ii) the density and form of adjacent development;

iii) the adequacy of, and extent of uncommitted reserve capacity in the municipal potable treatment and supply system, the municipal, sanitary sewage treatment and collection system, storm drainage and roads to service the proposed development;

iv) the adequacy of school, park and community facilities to serve the proposed development;

v) the adequacy of off-street parking facilities to serve the proposed development;

vi) the provision of adequate buffering measures deemed necessary to protect and provide general compatibility with the adjacent land uses; and

vii) accessibility in relation to the location of arterial and collector roads;

j) all medium and high density residential development will be subject to site plan control pursuant to the Planning Act;

The east portion of the lands are designated “Environmentally Significant Area” according to Schedule “B” Natural Heritage Features attached to the OP for the Town of Kingsville (see Figure 9 - Town of Kingsville OP, Schedule “B”).

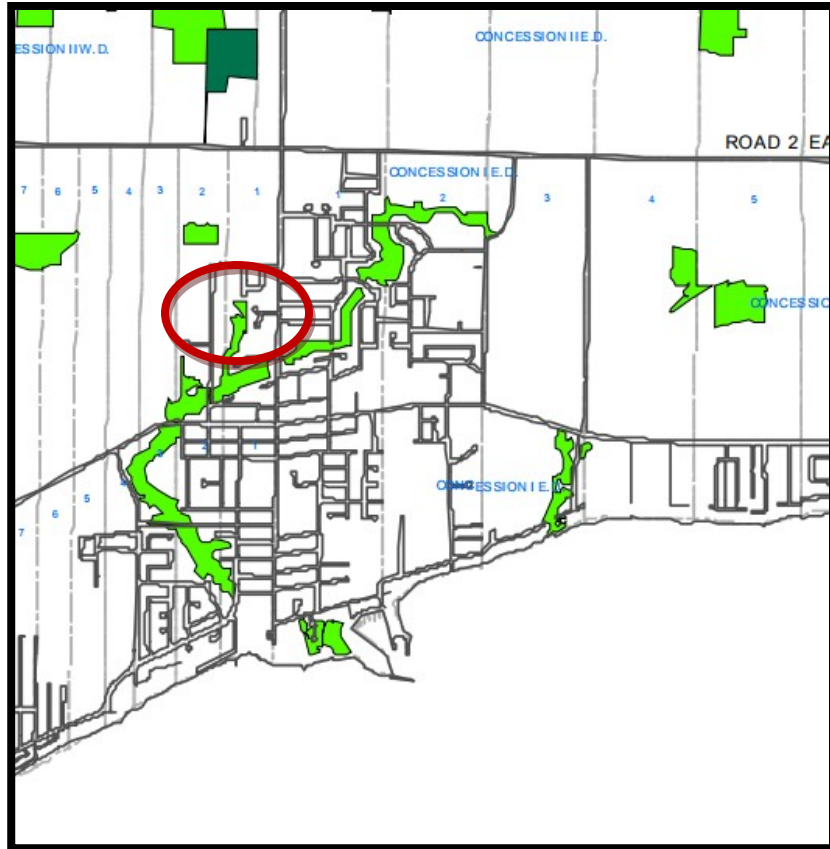


Figure 9 - Town of Kingsville OP, Schedule "B"

Section 4.2 of the OP encourages the protection and enhancement of natural heritage features. The "Environmentally Significant Areas" apply to this Site and are generally those lands within 120 metres of a natural heritage feature as shown on Schedule "B" of the OP. Assessment of negative impact is to be determined by conducting an Environmental Impact Assessment (EIA) in accordance with Appendix "A" and the MNR's Natural Heritage Reference Manual and will normally be required prior to consideration of any Planning Act application.

The east portion of the lands are designated "Watercourses/Municipal Drain" according to Schedule "C" Natural Hazards attached to the OP for the Town of Kingsville (see Figure 10 - Town of Kingsville OP, Schedule "C").



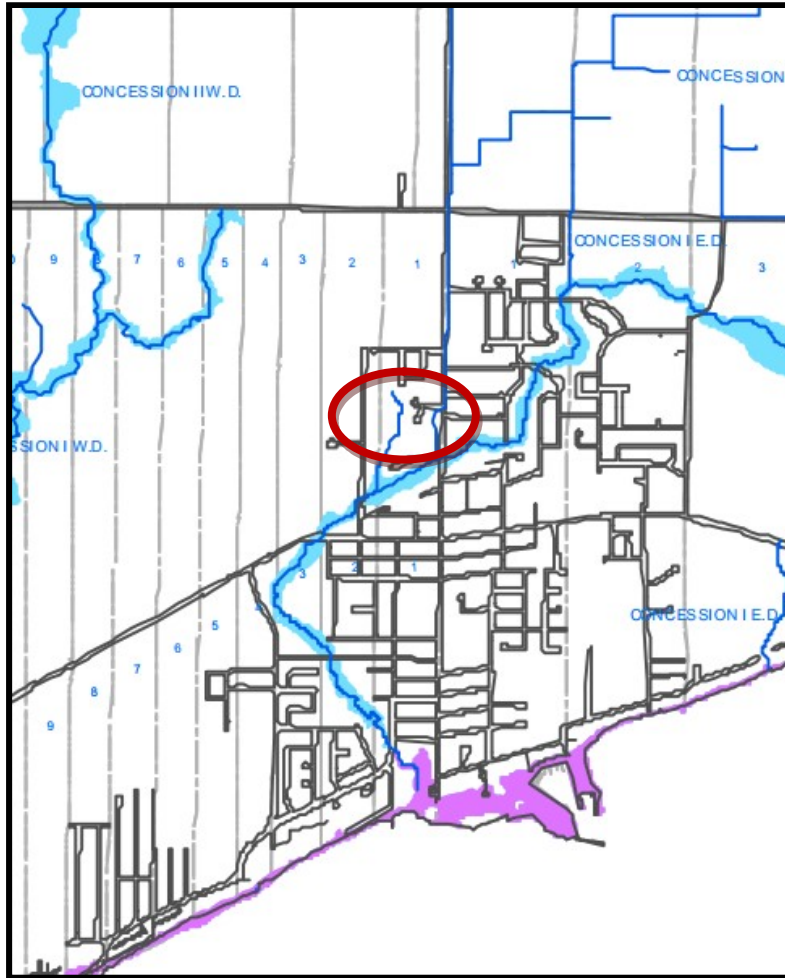


Figure 10 - Town of Kingsville OP, Schedule "C"

Subsection 4.5.1 of the OP sets out principles which apply to development located along watercourse. As it relates to this development, the following applies:

- a) If possible, natural stream bank vegetation should be maintained;
- b) grassed slopes, in natural vegetation, or other suitable erosion control methods are the preferred alternative;
- c) construction of tile outlets should not contribute to erosion along watercourses;
- d) tree planting should occur along watercourses, where possible to enhance the natural corridor function, cool water temperatures and protect watercourse banks;
- e) best management practices and interim measures shall be utilized during construction projects to reduce sedimentation and erosion;

f) an setback from the top of bank for all new and expansions to development will be required in order to prevent erosion, improve water quality, enhance wildlife corridors and protect fish habitat.

Further, section 5.2 sets out that the Town, in consultation with Essex Region Conservation Authority (ERCA), shall incorporate appropriate building setbacks from the top of bank into the zoning by-law.

## **5.4 Zoning By-Law**

The Town of Kingsville Zoning By-Law (ZBL) was approved by the Town of Kingsville on February 8, 2016.

A ZBL implements the PPS, the County OP and the Town OP by regulating the specific use of property and provide for its day-to-day administration.

According to Schedule “A”, Map 65 attached to the ZBL the land is within two (2) zoning categories as follows (see Figures 11 - Zoning Map 65):

- The front portion of the Site is within the Residential Zone 1 Urban (R1.1) category, to a depth of approximately 58 m (190 ft); and
- The balance of the Site is within the Residential Zone 1 Urban (R1.1(h)) holding category.

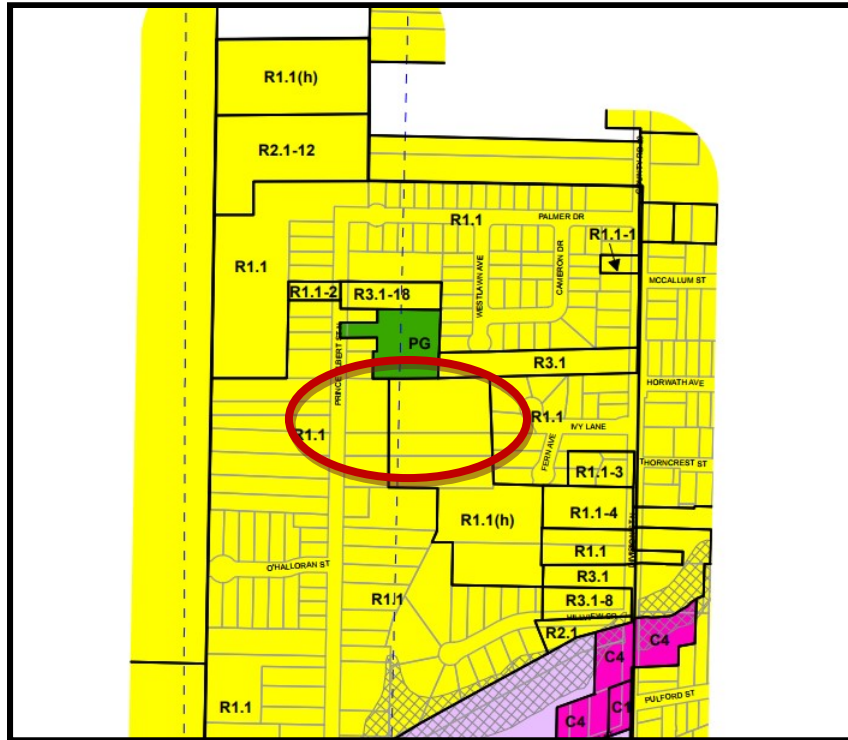


Figure 11 - Town of Kingsville Zoning Map 65

According to Subsection 6.1.1 of the Town of Kingsville ZBL permitted uses for the Residential Zone 1 Urban (R1.1) category include residential use, rest homes, nursing homes or group homes.

Permitted buildings and structures include one, single detached dwelling and buildings and structures accessory to the main use.

Zone regulations require that all lot and building requirements shall be in accordance with the following regulations:

Zone Regulations	Existing R1.1
Min Lot Area	500 sq m (5,300 sq ft)
Min Lot Frontage	15 m (50 ft)
Min Open Space	30 %
Max Lot Cov	40 %

Min Setbacks (main building)	
Front Yard	5.5 m (18 ft)
Rear Yard	7.5 m (25 ft)
Int Side Yard	1.5 m (5 ft) with an attached garage or carport; or 1.5 m (5ft) on one side of the main building and 3.0m (10 ft) on the other side when there is not attached garage or carport
Ext Side Yard	4.5 m (15 ft)
Max Building Height	11 m (36 ft)

The (h) holding is in place until such time a site plan control agreement is executed to ensure the Site is properly serviced by storm and water.

The Zoning By-law Amendment is detailed in Section 6.0 of this report.

## 6.0 ZONING BY-LAW AMENDMENT

The proposed development requires a site specific Zoning By-law Amendment (ZBA) and associated map change.

The proposed single detached dwelling lots would remain as Residential Zone 1 Urban (R1.1) as shown on Map 65.

The balance of the Site is proposed to be changed from Residential Zone 1 Urban (R1.1) and Residential Zone 1 Urban Holding (R1.1(h)) to a site specific Residential Zone 3 Urban (R3.1-XX) and Residential Zone 3 Urban Holding (R3.1(h)-XX) as shown on Map 65.

Permitted uses would be subject to Section 6.3.1 (a) of the ZBL. Permitted building and structures for the site specific zone are proposed to include a maximum of 3 multiple unit dwellings (single unit attached) with a maximum of 16 multiple dwelling units.

Zone provisions would be as follows:

<b>Zone Regulations</b>	<b>Existing R3.1 (converted or Multiple unit building)</b>	<b>Proposed R3.1-XX</b>
Min Lot Area	450 sq m (4,844 sq ft)	217 sq m (2,340 sq ft)
Min Lot Frontage	16 m (53 ft)	7.62 m (25 ft)
Min Open Space	30 %	30 %
Max Lot Cov	50 %	50 %
Min Setbacks (main building)		
Front Yard	5.5 m (18 ft)	5.5 m (18 ft)
Rear Yard	7.5 m (25 ft)	7.5 m (25 ft)
Int Side Yard	1.5 m (5ft) on both side yards with an attached garage or carport; or 1.5 m (5 ft) on one side of the main building and 3.0 m (10 ft) on the other side when there is no attached garage or carport.	1.5 m (5ft)



Ext Side Yard	4.0 m (13 ft)	
Max Building Height	11 m (36 ft)	11 m (36 ft)

Parking provisions (Table 4 of the ZBL) requires 2 spaces per unit for townhouses. No reduction is requested as 2 spaces per unit are proposed for the multiple unit dwellings. If the developer includes a garage, then additional parking spaces will be provided.

The creation of Lots 1, 2 & 3 will be subject to consent approval and the balance of the Site will be subject to Site Plan Control.

The proposed ZBA to permit the multiple unit dwelling development would include the holding provision until such time as an acceptable site plan was complete and corresponding agreement executed which would address all servicing work and background studies necessary.

Further consideration can be given to applying a Natural Environment (NE) Zone to the wood lands or the registration of a conservation easement in favour of ERCA. This approach could help mitigate any required buffering or barrier requirements.

## 7.0 PLANNING ANALYSIS

### 7.1 Policy and Regulatory Overview

#### 7.1.1 Provincial Policy Statement (PPS), 2014

The proposed development is consistent with the PPS and the Province's vision for long-term prosperity and social well-being. Implementation of that vision depends on planning for strong, sustainable and resilient communities for people of all ages, a clean and healthy environment, and a strong and competitive economy.

The proposed residential development is consistent with the PPS in that the municipality has directed growth to this area where the Site is located which will contribute positively to meeting the full range of current and future needs.

The proposed development is consistent with the policy to build strong healthy communities. The Site is close to local parks, churches, community centres and schools.

The proposal represents an efficient and resilient development and land use pattern, and is supportive of PPS subsection 1.1.1 as the single and multiple unit dwellings will accommodate for an appropriate range and mix of residential uses.

The proposal enhances the vitality of the municipality, in accordance with PPS policy 1.1.3. More specifically subsection 1.1.3.1, as the Site is within the Town's urban settlement area. Residents will have immediate access to local shopping, employment, recreation and education.

The proposal is consistent with PPS subsection 1.6.6.2 as it will be serviced by municipal sewer, water and storm, which is the preferred form of serving for settlement areas.

Regarding Section 2.1 of the Natural Heritage policies, the applicant has arranged to have the necessary studies completed by an ecological consultant to recommend ways to ensure that there will be no negative impact on the natural feature at the rear of the Site as a result of the proposed development. Mitigation measures include:

- An ecologically appropriate buffer/set back from the edge of the feature, recognizing the current condition of the feature and considering the proposed adjacent land use;
- Barrier fencing intended to prevent pedestrian access to the feature and discourage dumping along the edge of the feature;
- No dumping signs on the barrier fence;
- Habitat enhancement, and
- Dedication of the natural feature to ERCA.

Given that the proposal is in keeping with many aspects of the PPS, municipal approval of the proposal is consistent with the PPS.

### **7.1.2 County Official Plan (OP)**

The proposed development conforms to the County of Essex OP as it supports the County's vision towards a healthy County, long term economic prosperity and responsible growth management.

The Site is within the "Primary Settlement Area" which directs growth to occur in order to help promote residential intensification and redevelopment. This development will assist the Town in achieving the 15% affordable housing target.

By designating the lands "Primary Settlement Area" in its OP the County has acknowledged the subject lands as being appropriate and suitable for residential development as is being proposed.

The proposed development supports the County's goal to create a more mixed use, compact, pedestrian-oriented development. There is currently a sidewalk along Prince Albert Street North which can easily access a nearby church and parkette.

The County OP also supports providing a broad range of housing choices. The proposed development will compliment the current mix of existing housing stock. Prince Albert Street North is predominately a residential street with a mix of old and new single detached dwellings in addition to an existing multiple unit dwellings north of the Site.

The County encourages new development to proceed on the basis of full municipal sewage services and municipal water service, which are both available for the Site.

Affordable housing within Primary Settlement Areas is also a policy of the County and this proposed development will be supportive as the units will be rented at an affordable rate.

The proposed development supports the policies regarding the "Natural Environment Overlay" as there will be no alterations to the wood lands and additional buffering will be constructed to protect the area from any disturbances. The municipal drain will also be protected as there will be a significant setback from the top of back to any buildings or structures. The applicant is not proposing any encroachment into the natural feature and it shall be retained intact along with habitat enhancement. The regulated areas under ERCA can be addressed through permits.

### **7.1.3 Town Official Plan (OP)**

The proposed development conforms to the Town of Kingsville OP. The proposed use is for residential development and is consistent with the "Residential" policies and permitted uses.

The proposed development supports the policies set out in the Town's OP as it promotes infilling of existing development pattern and encourages the development of a greater variety of housing types.

The creation of the two (2) residential lots will be subject to the Town's land division policies contained in Section 7 of the OP.

Based on the density requirements for "Medium Density Residential", the medium density residential zone will permit single detached dwellings and townhouse dwellings to a maximum of 50 units per gross hectare. A total of 19.28 units per gross hectare are proposed for this Site. The proposed density is below the medium density threshold and remains low density when considering both the multiple unit dwellings and the single detached dwellings.

Similar to the County OP, the proposed development is supportive of the Town OP policies regarding the "Environmentally Significant Area" and "Watercourses/Municipal Drain" as there will be no alterations to the wood lands and additional buffering will be constructed to protect the area from any disturbances. The municipal drain will also be protected as there will be a significant setback from the top of back to any buildings or structures. Mitigation measures are set out by the applicant's ecological consultant report to ensure no negative impacts on the natural heritage feature.

Therefore, an amendment to the current OP is not required to facilitate the proposed development.

## **7.2 Context and Site Suitability**

### **7.2.1 Site Suitability**

The site is ideally suited for infill residential development for the following reasons:

- The land area is sufficient to accommodate the proposed development with adequate landscape buffer areas from the abutting wood land and residential uses,
- The Site is generally level which is conducive to easier vehicular movements,
- The Site will be able to accommodate municipal water, storm and sewer systems, as set out in the applicant's engineering consultant report, as there is sufficient capacity available in the existing systems on Prince Albert Street North to accommodate for the proposed development,
- There is sufficient physical separation between the proposed development and neighbouring residences, as no relief is being requested from the setback requirements of the zoning by-law.
- The Site provides for drainage,
- There are no traffic concerns, as set out by the applicant's transportation consultant, as the low volume of traffic generated will have no impact on the existing streetscape,

- There are no environmental concerns, as set out by the applicant's ecological consultant, and
- The location of the proposed development is appropriate in that it is in close proximity to similar residential uses in the surrounding area.

### **7.2.2 Compatibility of Design**

The proposed development will be strategically located to provide efficient ease of access.

Each new single detached dwelling will have a private driveway and a new roadway, built to municipal standards, will function as the primary access for the proposed multiple unit dwellings in addition to private driveways to each unit.

The proposed multiple unit dwellings will be set back from the Prince Albert Street North, behind the single detached dwellings and will be limited to an appropriate density for the Site.

The proposed land use is compatible between existing uses in the area. There is a parkette to the north, wood lands to the east and residential uses on the other sides of the Site.

### **7.2.3 Good Planning**

The proposal represents good planning as it addresses the need for the Town to provide infilling and affordable development.

A mix of residential uses on the Site represents an efficient development pattern that optimizes the use of land.

There are similar styles of development in the Town of Kingsville which blend well with the fabric of housing options. This type of development will accommodate for young professionals, families and seniors. It also provides for low maintenance and high quality living.

The fact that the proposal is supported by provincial, county and municipal planning policy, and the Site is suitable for the intended use on a number of criteria attests that the proposal represents good planning.

### **7.2.4 Natural Environment Impacts**

The proposal will include mitigation measures to ensure no negative impact on the natural environment, as identified in the applicant's ecological consultant report.

A Stage 1 (information request) has been initiated by the applicant's ecological consultant with the Ministry of Natural Resources and Forestry (MNRF) for a species at risk screening.

There are no constraints regarding the regulated areas, source water protection zones or natural environment as the area to the east of the Site is minor and will not be affected.

Further, any work on the drain will be included in a stormwater management report, prior to development.

### **7.2.5 Municipal Services Impacts**

There will be no negative impact on the municipal system as the residential development is limited to an appropriate density and will not add to the capacity in a significant way, as set out in the applicant's engineering consultant report.

The topography, soil and environmental characteristics of the Site are able to accommodate an appropriate development that will mitigate environmental impacts.

### **7.2.6 Social and/or Economic Conditions**

The proposed development does not negatively affect the social environment as the Site is in close proximity to major transportation corridors, community services and where many people live, work and play.

The proposed development promotes efficient development and land use pattern which sustains the financial well-being of the Town of Kingsville.

The proposal will mitigate any environmental or public health and safety concerns, as set out in the applicant's ecological consultant report.

The proposal represents a cost effective development pattern that minimizes land consumption and servicing costs, as set out in the applicant's transportation and engineering consultant reports.

There will be limited sprawl as the proposed development is inside the existing settlement area.



## 8.0 SUMMARY AND CONCLUSION

I have been retained by the applicant, 1552843 Ontario Ltd to provide a land use Planning Justification Report (PJR) in support of a proposed residential infilling development which requires a Zoning By-Law Amendment (ZBA).

The proposal to use the Site for two (2) single detached dwellings and three (3) multiple unit dwellings on Prince Albert Street North is appropriate and should be approved by the Town of Kingsville as it:

- is consistent with the PPS 2014;
- meets the intent and purpose of the OP for the County of Essex;
- meets the intent and purpose of the OP for the Town of Kingsville;
- is a site that is physically suitable;
- does not negatively impact the private use and enjoyment of area residents;
- will implement mitigation measures to ensure no negative natural environment impacts;
- will not create any traffic issues;
- will not have any negative impacts on municipal services;
- will not have any negative social, environmental or economic impacts; and
- will have a favourable positive impact on the Town of Kingsville.

In summary, for the above reasons, it would be appropriate for the Town of Kingsville to approve a site specific Zoning By-law Amendment to permit residential development at 169 Prince Albert Street North as it is currently designated and zoned for Residential Uses and is appropriate for infilling development.

This report has shown that the proposed development is suitable intensification and represents good planning.

### **Planner's Certificate:**

This Planning Justification Report was written by Tracey Pillon-Abbs a Registered Professional Planner (RPP) within the meaning of the *Ontario Professional Planners Institute Act 1993*.

Planning Justification Report prepared by:

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**Tracey Pillon-Abbs, RPP**  
Planning Consultant