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To: Mayor and Council

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Manager, Planning & Development Services

RE: Official Plan Amendment OPA/02/16 &
Zoning By-law Amendment ZBA/07/16
Guillermo & Rossana Moavro (King's Villa Condo)
342 Main St. E, 20, 24 & 28 Jasperson Dr.

Report No.: PDS 2017-033

AIM

To provide the Town of Kingsville Council with information regarding a proposed Official Plan Amendment (OPA), Zoning By-law Amendment (ZBA) and Site Plan Approval (SPA) for lands owned by Guillermo & Rossana Moavro, located at 342 Main St. E and 20, 24 & 28 Jasperson Dr., in the Town of Kingsville.

BACKGROUND

The subject lands consist of four lots; all containing single detached dwellings. The total lot area is 2.185 ha (5.4 ac.) with frontage of 52.65 m (172.7 ft.) on Main St. E. and 47.15 m (154.69 ft.) along Jasperson Dr. The applicant is proposing to remove all buildings, consolidate the lots and construct a multiple storey, 95 unit residential & 6 unit commercial condominium building. In order to proceed with development on the property there are three approvals that are required as follows:

- i) An Official Plan Amendment to:
 - a) redesignate the residential lots on Jasperson to Highway Commercial to match the Highway Commercial on the front proportion of 342 Main St. E.; and
 - b) permit residential as an additional main use within the now combined portion of the property in the Highway Commercial designation.

- ii) A Zoning By-law Amendment to rezone the highway commercial designation portion of all of the properties to an appropriate residential/commercial classification and establish site-specific regulations;
- iii) Site Plan Approval which will outline the details and full requirements of the overall build-out of the proposal.

DISCUSSION

1) Provincial Policy Statement (PPS), 2014:

PPS, 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." Section 1.1.3.3 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.

Comment: Multiple unit development, such as that proposed, has been very limited for quite some time making the availability of this particular type of housing in short supply. The subject area has been under active development for many years, transitioning from a mix of residential and smaller commercial to primarily larger format commercial to service the growing community. Proposed high density residential such as what is proposed is generally common in areas between commercial and residential areas. The combination of commercial on the ground floor and residential on the upper floors will retain commercial space while offering an additional form of housing not readily available at present.

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

Comment: The County Planner did note during initial pre-consultation with the applicant that solely residential development would not be supportable as it would impact the limited inventory of commercial lands, hence the revised mix of commercial and residential in the proposal.

3) Town of Kingsville Official Plan

The subject lands are a mixed designation, Residential on the lots along Jasperson and Highway Commercial for the front one-third portion (approx. 132 m depth) of the Main St. E. address. The balance of the lands to the north, are and will remain in the Agriculture designation.

The proposed amendment (See Appendix A) will include a minor adjustment to the limit of the Highway Commercial designation by adjusting the boundary 9 m (30 ft.) to the north to align with rear lot line of 28 Jasperson Dr. Section 8.11.2, Interpretation states, '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. Amendments to the Plan are not required in order to make minor adjustments to the land use boundaries provided the intent of the plan is preserved and the land use does not exceed the boundaries of the established settlement area.'

Comment: The boundary of the highway commercial designation was not established in connection with a property line, or rigid physical feature making for some degree of reasonable flexibility in its location.

The density based on the proposed 95 residential units would be approximately 106 units per hectare which is less than the upper limit of 124 units per hectare considered high density residential.

Applicable Sections of the Kingsville Official Plan included the following:

Section 1.4 f) 'The Plan's purpose is to ensure that transportation facilities required for the efficient movement of people and goods within, to and from the Town are appropriate or will be available to serve the varied land use pattern proposed by this Plan.

Comment: Traffic volumes, traffic movement and ongoing development pressure have all focused renewed attention on the area around the Main St. E. and Jasperson Drive intersection. The area is the main commercial centre for the community and also services as the main corridor between Kingsville, Leamington and the surrounding area to the east and west. The general expectation is for the area to move a large volume of traffic on a daily basis and have certain peak time frames where traffic is heavier and movements to and from properties in the area may experience delay.

Recently Municipal Services presented a report to Council (June 12, 2017) outlining the issues and what possible solutions could be undertaken to address the traffic flow in the area. Most notable was that the Transportation Master Plan outlined that a right-turn lane from Main St E to Jasperson Drive (in front of Libro) is planned for budget consideration in 2018. It was also suggested as part of the Traffic Impact Assessment prepared by the applicant's traffic engineer that a right-turn lane from Jasperson to Main St. E (southbound) could have some direct benefit on the area as well.

Section 2.2 Air Quality, 'It is the policy of this Plan to attempt to reduce air pollution by preparing and adopting a 'Smog Action Plan' and by having regard to the following when reviewing development proposals:

- a) whether the proposal includes opportunities for non-automotive forms of transportation such as walking and cycling;
- b) whether the proposal has the potential to increase air pollution and, if so what remedial measures are proposed;
- c) locating various land uses in such a manner that reduces distance and vehicle trips; and
- d) whether the proposal protects and improves trees and natural areas.

Comment: Higher density, multiple storey developments in a commercial area with a wide variety of supportive services along with allowance of supportive commercial development in the proposed building would support this policy.

Section 2.8 c) 'no traffic hazards will result because of excess traffic generation or limited sight lines on curves or grades'

Comment: From the initial onset of the applications for the proposed development the focus has been on traffic impact and the location of the main access to the property. The intention is and has continued to be a right-in, right-out only on Main St. E with the main access off Jaspersen Drive to a signalized intersection. A traffic assessment has been completed and peer reviewed (See Appendix B1, B2 and C) and concluded that the traffic from the subject site would not cause a significant reduction in functioning of the existing intersections in the area. The use will add to the traffic volume as it will add residential units and limited commercial space. The study also clearly identified that the existing circumstances (existing commercial accesses) are not designed properly and do create delays. The principle resolution to this will be through the ongoing improvement of and sharing of access points on these existing parcels. This will only happen with the co-operation of the existing land owners and the Town through development proposals or improvements on these lands.

Section 3.6.1 Residential – Goals item d) states “encourage the development of a greater variety of housing types.

Comment: This is one of the more important points in the assessment of this proposal as much of the development in Kingsville in the last ten years has been generally low density single detached, semi-detached and townhouse development. Although Kingsville does have a good stock of designated residential lands, the inventory of serviced, shovel ready property is limited to approximately a 4 to 5 year supply, based on the current growth rate and development of only low density residential. The addition of up to 95 residential units in a mixed commercial/residential setting expands the variety of housing and does not impact on the current supply of serviced residential lands while at the same time not taking away from the stock of serviced commercial property.

Section 3.6.1 Policies item i) outlines the following, “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;

Comment: There is very little rental/condominium type development available in Kingsville as a result of little to no development of these forms of housing in the last 20 years. This has resulted in a very low vacancy rate and generating a significant demand. This form of housing has been a growing type of development in smaller communities as our population ages. The primary form of housing in Kingsville has been singles, semis and townhouses with the majority being individual freehold

ownership. With condo development, while the initial intent is ownership, it can also offer investment opportunity which can generate rental units.

- ii) the density and form of adjacent development;

Comment: The subject parcels are surrounded by a mix of uses, commercial to the south, east and west with residential (single detached) to the north. The area in question is what would be considered a transition area as it has evolved from a mix of commercial, residential and agriculture to primarily commercial. Higher density development in Kingsville is not exclusively centred in one area and is actually often found near a mix of commercial/residential or within low density residential areas or older residential areas as an infill 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;

Comment: Water capacity has been reviewed and confirmed. Sanitary sewer capacity in the area is limited and will require the applicant to have storage capacity on site to allow for non-peak discharge into the sewer system. This will be a requirement outlined in the site plan agreement. A storm water management plan is a requirement of site plan approval. A traffic study has been completed and outlined that the existing roads servicing the property will continue to function at a good level of service.

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

Comment: Although condo development is generally geared toward the non-family or retired population there is no lack of schools in the area. Parks and community facilities are also within walking or short driving distance.

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

Comment: All required parking for the new development will be provided on-site in the form of at grade and underground spaces in compliance with the applicable zoning requirements for the proposed mix of uses.

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

Comment: The area of concern with the proposed development will be its interaction and impact on the single detached residential to the north. The entirety of 28 Jasperson Dr. is shown as a landscaped buffer area between the parking and entrance from Jasperson Dr. The building itself is in close proximity to Main St. E. keeping it approximately 49 m (160 ft.) from the rear of the nearest residential lot and over 60 m (200 ft.) from the nearest dwelling on Jasperson Dr. A shadow cast study (Appendix "A") was also undertaken with a limited amount of impact on a small area of the closest residential lot to the north and only a minimal impact on the commercial property to the west for a limited time during the early morning between 8 am to 10 am.

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

Comment: The property is located on Main Street E. which is the Town's main arterial road. A traffic study was completed and concluded that the intersection and entrances will function at a good level of service, however it was noted that during peak hours there would be some impact on the left turn lane from Jasperson Dr. to Main St. E. that could back the left turn lane up and delay traffic entering or existing the Libro or Zehr's property on Jasperson Dr. The traffic engineer has been asked to elaborate on the degree of impact in terms of the potential delay. To minimize impact to Main St. E. the entrance on Main St. E., will be limited to a right-in, right out design. The traffic engineer did however note that this design does not always prevent all left turn attempts and that monitoring of the area would be needed in case additional improvements became necessary.

As development in this area continues and intensifies there may be a need to install a traffic island along Main St. E. leading to the Jasperson Dr. intersection to prevent all left turn movements. The traffic engineer has also been asked to consider improvements that might be required in this area. As part of the site plan approval and associated agreement there may be a need to incorporate a financial contribution clause to cover future improvements.

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

Comment: The plan of condominium process can be utilized to address all of the same items as site plan approval however with a development of this significance it is important to have a high level of detail to provide basis for any approval decision and more importantly provide a context for how the proposed building will be incorporated into the existing area. The applicant has provided a number of elevations to provide some prospective on this particular item.

4) Comprehensive Zoning By-law

The subject property is zoned Residential Zone 1 Urban (R1.1), General Commercial (C4) and Agricultural (A1) none of which permit an apartment type use. The proposed zoning would be a site-specific General Commercial (C4) (See Appendix D) which would continue to permit a modified list of the commercial uses currently permitted along with an apartment. The commercial uses would include:

- i) Commercial education facility
- ii) Financial institutions
- iii) Fitness centre
- iv) Personal service shops
- v) Pharmacy
- vi) Office
- vii) Retail establishment
- viii) Restaurants, tavern, outdoor patios

A portion of the property currently zoned Agricultural (A1) is being rezoned consistent with the limits of the commercial designation in the Official Plan. The remaining lands

will not be rezoned as they are not within the urban boundary and are designated Agriculture.

The proposed building will require two amendments to the General Commercial (C4) provisions including an increase in the permitted height from 16.5 m (54 ft.) to 36 m (118 ft.) and a reduction in the interior side yard abutting a commercial use from 11 m (36 ft.) to 4.5 m (14.7 ft.). In addition, to help maintain the Jasperson buffer a setback of 45m from a residential zone is also incorporated into the amending by-law.

5) Proposed Site Layout (Appendix F1 & F2)

There are two birds' eye views shown of the proposed arrangement of the development on the site, the basic site plan and a concept layout which shows the proposed landscaping of the site. The building itself is located away from the residential lands to the north, close to Main St. E. Entrance off Main St. E. will be limited to right-in, right out movements only. The three existing residential lots along Jasperson Dr. will accommodate parking, full movement entrance and exit along with a significant landscaped buffer. In addition to the proposed accesses we have encouraged the property owner to engage in discussions with the neighbouring commercial property owner to the east regarding vehicle and pedestrian connection between the two properties. With both properties having commercial uses and the subject property having potential customers for the businesses on the neighbouring property it can provide potential for reducing some traffic on Main St. E. between the two parcels. There is a second phase of the development that may occur in the future on the lands to the east and this same request will occur at that time with that property owner. For the subject property the site plan agreement will contain provisions to plan for a potential future connection point.

The location of the development has many advantages in terms of proximity to not just commercial services but recreational as well. It adds a higher density residential use, retains potential for commercial space on the ground floor and minimizes impact on lower density residential areas.

While a significant development of this nature does present several advantages it is also important to acknowledge that it does represent a significant building in this location. The site will generate additional traffic both residential and commercial which will continue to put pressure on what is a very busy section of Main St. E. Although sanitary service to the property can be accommodated it does focus attention on an area that will require capacity expansion in the future to accommodate ongoing growth.

Planning Justification Report (Appendix E & E2)

The applicant's planner has provided a planning justification report that is on file with the Town. I generally concur with the conclusions drawn by the report in support of the proposed development.

LINK TO STRATEGIC PLAN

Manage residential growth through sustainable planning.

FINANCIAL CONSIDERATIONS

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

CONSULTATIONS

Public Consultations

In accordance to O. Reg 545/06 of the *Planning Act*, property owners within 120m of the subject site boundaries received the Notice of Open House/ Public Meeting by mail. Enhanced notification was also undertaken which increased the mail circulation to 180 m and a notice of the meeting was also included in the Kingsville Reporter.

There have been two Planning Advisory Committee meetings (November 22, 2016 & February 28, 2017) related to the proposed development. PAC has not endorsed the proposal to date. The principle concerns for PAC and the public have been the question of traffic, the height of the building and need to consider both existing development approvals (yet to build) and pending planning approvals in the Town and surrounding area that will also impact the community. (See Appendix G1 & G2 – PAC Minutes)

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.

| Agency or Administrator | Comment |
|---|--|
| Essex Region Conservation Authority Watershed Planner | <ul style="list-style-type: none">• ERCA expressed no objection to the proposed planning approvals but has recommended that storm water management be part of the final approval requirement |
| Town of Kingsville Management Team | <ul style="list-style-type: none">• Consolidation of the four lots will be a requirement of the final approval• The property will require new service connections, at the applicant's expense sized appropriately to the proposed use• Storm water management is under review• The final building design will be subject review under the Building Code Act• A fire safety plan and lock box will be required for the building• A traffic impact assessment was completed and peer reviewed with the general conclusion that the proposed development would continue to function as a good level of service |
| County of Essex | <ul style="list-style-type: none">• There has been no comment to date on the proposed development |
| Other | <ul style="list-style-type: none">• A Species at Risk assessment has been completed and a letter of clearance is pending• An archaeological screening was completed in house which resulted in a low archaeological potential as such no assessment is required |

CONCLUSIONS

All of the previous development of multiple unit dwellings (apartments or condos) have generally not exceeded the three to four storey range but also date back some 25 plus years. More recently a six storey development was approved so the previous height limit of three storey was increased. The location of the building has many positive attributes as it provides a wide range of service accessibility to its potential residents without impacting, from a compatibility standpoint, on an existing residential neighbourhood. The proposed development is also supportive of many different policies at the local, County and Provincial level.

We, like many other communities across Ontario, face significant infrastructure cost pressures. The construction of more and more infrastructure for ever expanding subdivisions has and will continue to be less and less sustainable. We want to grow but we have to grow in a manner that seeks to reduce the need for new infrastructure and maximizes the use of the existing. Even in areas of low density development, singles, semis and townhouses, the trend has been toward increases in density and smaller lots.

The public comment, through both of the PAC meetings, raised a number of important points about long-term planning and keeping in mind what approvals are currently in place and what other potential development is yet to occur. Many of the concerns either directly or indirectly, in some way relate to traffic along Main St. E. As with most new development on arterial roads traffic impact assessments are requested. The assessment concluded, along with the Town requested peer review, that with the addition of the proposed development, based on the main entrance to Jasperson and limited right-in, right-out to Main St. E, that traffic would continue to flow at an acceptable level. The assessment also made suggestions on potential improvements at the Main St. E. and Jasperson Dr. intersection to improve the longer-term operation of the intersection and this was also outlined in the report to Council on June 12 from Municipal Services.

RECOMMENDATION

That Council:

Adopt Official Plan Amendment No. 6 (OPA 6) to establish a site-specific policy area to permit residential as an additional permitted main use on the property currently known as 342 Main St. E, 20, 24 & 28 Jasperson Drive and direct administration to forward the policies to the County of Essex for final approval; and

Adopt the zoning by-law amendment, to implement OPA 6 once final approval is granted by the County of Essex and establish site-specific regulations for the development of a multiple storey, up to 95 unit residential condominium with ground floor commercial space.

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Peggy Van Mierlo-West

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