

**MUNICIPALITY:** Town of Kingsville

MUNICIPAL ADDRESS: 342 Main Street East, and

20, 24 and 28 Jasperson

**DEVELOPMENT**: King's Villa Condos

**APPLICATIONS:** Official Plan Amendment

Zoning By-law Amendment

**DATE:** October 26, 2016

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#### 1.0 INTRODUCTION

Lassaline Planning Consultants (LPC) has been retained to undertake a planning justification review and report on the feasibility of an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) for lands known as 342 Main Street East, 20 Jasperson Dr. 24 Jasperson Dr., and 28 Jasperson Dr. The subject property is comprised of these four parcels that are in the processes of being merged in title to create one parcel to be known as 342 Main Street East.

The amendments are proposing to establish a site specific policy in the Official Plan and a regulatory framework in the Comprehensive Zoning By-law to allow for a mixed-use development on the subject lands. The amendments will affectively provide for a 9 storey building with commercial main floor and the remaining floors used for residential. Please refer to APPENDIX A – Locational Map showing the location of the subject properties.

A pre-consultation meeting was held with the Manager of Planning Services, Director of Public Works, and Manager of Public Services for the Town of Kingsville on March 24, 2016.

Lassaline Planning Consultants (LPC) has prepared this justification report to support, explain and justify the requested Official Plan Amendment and Zoning By-law Amendment.

## 1.1 Existing Status

## **Existing Official Plan and Zoning:**

Presently the subject lands are designated in the Official Plan and zoned in the Comprehensive Zoning By-law 1-2014 with multiple categories:

- i) Southern portion of 342 Main St. East is designated 'Highway Commercial' and zoned 'General Commercial (C4)';
- ii) Northern portion of 342 Main St. East is designated 'Agriculture' and zoned 'Agriculture (A1)';
- iii) 20 Jasperson Dr., 24 Jasperson Dr. and 28 Jasperson Dr. are designated 'Residential' and zoned 'Residential Zone 1 Urban (R1.1)'.

## **Existing Land Uses:**

The southern portion of 342 Main St. East as well as the lands known as 20, 24, and 28 Jasperson Dr. are currently used for residential purposes while the northern portion of 342 Main St. East is being farmed and used for agricultural purposes.



## 1.2 PROPOSED DEVELOPMENT

342 Main Street East has a total lot area of approximately 21,400 m $^2$  (5.3 acres) and 52 m (170 ft) frontage on Main Street. The subject parcel has approximately 8,948.6 m $^2$  (2.2 acres) area allocated for the new commercial/residential condominium while the remaining northern 12,400 m $^2$  (3.06 acres) area of the property will remain as agriculture land use.

20, 24, and 28 Jasperson Dr. each have a lot area of 850 m² and 15.6 m frontage on Jasperson Dr. These lands will not be developed with a building but will provide for parking and access to Jasperson Drive as well as landscaped buffer area. The parcels fronting on Jasperson Drive have been merged in title with 342 Main Street East to create one contiguous parcel that will retain the municipal address of 342 Main Street East. For the purposes of this report, unless defined specifically, references to 342 Main Street East will refer to the subject parcel of 8,948.6 m² area with 52.7 m frontage on Main Street East and 47 m frontage on Jasperson Drive.

The applicant is proposing the construction of a 9 storey building comprising 6 main floor commercial condo units and 8 storey residential condo consisting of 95 residential units. The ground floor area of the building is proposed with 1,254.2 m<sup>2</sup> (13,500 ft<sup>2</sup>) GFA.

The 1,254.2 m² (13,500 ft²) GFA condo building is to be located on the 8,948.6 m² (2.2 acres) area southern portion of 342 Main Street East resulting in 18% total lot coverage for the subject parcel. Ingress/egress has been provided from Main Street and ingress/egress has also been provided from Jasperson Drive. The remainder of the subject parcel will be used for landscaping, parking, driving aisle, and other site amenities associated with the mixed-use development.

342 Main Street also has a portion of the subject lands outside of the settlement area that is used for agricultural purposes. The subject parcel presently used for agriculture will remain in agriculture.

Please refer to APPENDIX G - Draft Site Plan.

#### 1.3 PURPOSE OF THE REPORT

Presently the subject lands have three designations applying to the subject property: 'Residential' designation applied to the lands fronting on Jasperson; 'Highway Commercial' designation applied to the southern portion of the lands fronting on Main Street East; and 'Agriculture' designation applied to the area outside of the settlement boundary.



The subject property has multiple zone categories applied to the property: 342 Main Street East is presently zoned 'General Commercial (C4)' while lands fronting on Jasperson Drive are zoned 'Residential Zone 1 Urban (R1.1)' and the northern portion of lands are zoned 'Agriculture (A1)' in the Town of Kingsville Comprehensive Zoning By-law 1-2014.

The applicant is requesting an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) to establish a site specific policy direction under the 'Highway Commercial' designation and to establish a site specific regulatory framework under the 'General Commercial (C4)' zone for these lands.

The southern portion of 342 Main Street East will retain the 'Highway Commercial' designation with the Official Plan Amendment providing a site specific policy identifying the proposed condominium development.

The portion of the subject parcel lands fronting Jasperson Drive will be redesignated from the existing 'Residential' designation to 'Highway Commercial' designation. The site specific special policy will be applied to the subject lands to ensure a consistent policy direction applied to the entirety of the property.

The northern portion of 342 Main Street East will remain designated 'Agriculture' in the Official Plan and 'Agriculture (A1)' zone in the Comprehensive Zoning By-law. These northern lands are outside of the settlement area of the Town of Kingsville and will remain undeveloped.

An amendment to the Comprehensive Zoning By-law is necessary to establish a new, site specific regulatory framework under the 'Highway Commercial (C4)' zone to be applied to the entire parcel to permit residential uses as well as the commercial uses in the 'Highway Commercial (C4)' Zone. The zoning by-law amendment will ensure the regulations of the new (C4) zone are consistent with the new Official Plan policy direction.



The following chart details each parcel:

Portion of lot location and size	Current Zoning	Proposed Zoning	
342 Main Street E (subject lot) - 8,948.6 m <sup>2</sup> (2.2 acres)	Highway Commercial (C4)	Highway Commercial Exception (C4-#)	
Agricultural lands - 12,400 m <sup>2</sup> (3.06 acres)	Agricultural (A1)	Agriculture (A1)	
20 Jasperson Dr. - 850 m2	Residential (R1.1)	Highway Commercial Exception (C4-#)	
24 Jasperson Dr. - 850 m2	Residential (R1.1)	Highway Commercial Exception (C4-#)	
28 Jasperson Dr.	Residential (R1.1)	Highway Commercial Exception (C4-#)	

#### 1.4 LOCATION OF THE SUBJECT LANDS

The subject property has frontage on Main Street East as well as Jasperson Drive at the junction of these two streets. The property is located on the east side of the Town of Kingsville within the urban settlement area of the Town. The subject lands are surrounded by residential to the north-west, agricultural lands to the north, and commercial to the east, the south and the south-west.

#### 1.5 NEIGHBOURHOOD/ ADJACENT USES AND COMPATIBILITY

# A) North -'Agricultural Zone (A1)' and 'Residential Zone 2 Urban Exception 13 Holding (R2.1-13h)

The northern portion of the subject lands, which will not be used for the purpose of this development, is used for agricultural purposes, particularly cash cropping.

On lands adjacent to the subject lands to the north is proposed for a residential plan of subdivision known locally as the Remark Plan of Subdivision. The plan has a mix of residential housing types of single detached and semi-detached residences with approximately 132 residential lots.

The northern portion of the subject lands will remain as cropland. This portion of the subject lands are located outside the boundary of the settlement area for the Town of Kingsville. This portion of lands cannot be included in the Town's settlement area until an extensive Secondary Plan is completed.



## B) East- 'General Commercial (C4)' and 'General Commercial Exception 1 (C4-1)'

To the immediate east of the subject property are vacant lands owned by the Otis Development Group. These vacant lands are known as Phase 2 of 3 phases of development proposed for the site. Adjacent to the east is Phase 1 lands that have been developed for a commercial mall including a Freshco, the LCBO, etc. The Chrysler Greenway also traverses to the east of the lands.

## C) South- 'General Commercial (C4)'

Directly to the south of the subject lands is a commercial development including restaurants, a gas station and retail store.

The properties to the south-east of the subject lands include a residential development known as Timbercreek Estates (50 acres, 75 single-family residential lots). To the south-east there is also some commercial development and the Chrysler Greenway navigates through these lands.

## D) West- 'Residential Zone 1 Urban (R1.1) and General Commercial (C4)'

Directly to the west of the subject property is a financial institution known as 'Libro Credit Union.' To the west along Jasperson Dr. are a series of single, detached residences. Three existing residential properties have been acquired by the applicant for the purpose of access onto Jasperson Drive from the subject lands. The three properties will be merged on title.

#### **COMMENT:**

The Official Plan Amendment and Zoning By-law Amendment and subsequent implementing development of the subject site for a mixed use building with commercial main floor and residential condos in my professional opinion can be considered appropriate development for the site and is compatible with the neighbourhood with necessary buffering.



### 2.0 RESIDENTIAL DEVELOPMENT LAND SUPPLY

In the 2011 Canada Census report, the Town of Kingsville has been identified with approximately 7715 residential units within the municipality. These are a mixture of singles, semi-detached, condos, townhouses and apartment residential units within the urban area of the municipality.

Table 1: Population, Household and Land Area Data

Municipality	2011 Population	2011 Households	2011 Persons Per Household	Land Area	Vacant Land Designated for Urban Purposes
Amherstburg	21,556	8,120	2.65	18 796 ha	835 ha
Essex	19,600	7,790	2.51	28 734 ha	367 ha
Kingsville	21,362	7,715	2.76	24 464 ha	352 ha
Lakeshore	34,546	12,330	2.80	52 841 ha	1,439 ha
LaSalle	28,643	9,905	2.89	6 561 ha	947 ha
Leamington	28,403	9,865	2.87	26 440 ha	681 ha
Tecumseh	23,610	8,655	2.72	9,469 ha	782 ha
Essex County	177,891	64,380	2.76	172 031 ha	5,649 ha

Source: Information compiled from statistics contained within a variety of Census Canada documentation and the Population and Employment Foundation Report.

Table 2: 20 Year Population Projections to 2031

Local Municipality	2011 Census Population	Projected 2031 Population	Allocated Growth
Ambarathura		25 950	12%
Amherstburg	21,556	25,860	
Essex	19,600	22,150	7%
Kingsville	21,362	24,400	9%
Lakeshore	34,546	41,000	18%
LaSalle	28,643	35,470	20%
Leamington	28,403	33,490	15%
Tecumseh	23,610	30,140	19%
Total Essex County	177,891	212,810	100%

Based on Table 2 above included in the County of Essex Official Plan, the proposed/approved geometric population rates (population rates, etc) for the Town of Kingsville is estimated to grow approximately 3,038 residents over the next 20 years, or approximately 151 increase in population per year. Based on Table 1 above with a rate of 2.76, this equates to approximately 55 new residential units per year to support the population growth. The proposed condominium building will provide housing alternatives to existing residents within the Town as well as provide for housing for new residents to Kingsville and support the in-migration that supports vibrant and healthy community growth.

#### COMMENT:

According to The Town of Kingsville Building Activity Summary Report specifies the following <u>number of building permits issued annually for new single, residential units:</u>

2015 - 91 dwellings with 99 dwelling units

2014 - 44 dwellings with 49 dwelling units

2013 - 51 dwellings with 77 dwelling units

2012 - 69 new dwellings

2011 - 50 new dwellings

2010 - 56 new dwellings



The proposed development consists of a 9 storey, mixed use development that will contain 95 residential units and 6 main floor commercial units. The construction of the building is proposed in 2017.

According to the trend shown through historical building permit data, the number of units to be constructed will provide for a continuation of the steady, managed growth experienced by the Town of Kingsville. The growth will not be an anomaly but rather will be consistent within the trending range.

The proposed projected growth rate of 3,038 residents over a 20 year time period equates to Kingsville growing with approximately 151 new residents per year. This rate of growth for Kingsville reflects that portion of the County's growth that has been identified as a sustainable, manageable growth for the community of Kingsville within the County.

The proposed development will provide for managed, appropriate growth that will allow for growth within the recommended projected population range.

#### **COMMENT:**

Table 2 identifies a proposed, managed growth for Kingsville in the range of a 9% growth of the County's Total Population Growth Rate.

The majority of development within the Town is in the form of single, detached residences. There are only a few buildings in Town considered medium to high density development and these units comprise rental units, not ownership in the form of condominiums.

The proposed development will create 95 residential condominiums and 6 commercial condominiums within the Town. The proposed condominium development will provide for needed, alternative residential development consisting of high density residential condos and large commercial condos. The proposed condominium building will provide housing alternatives to both existing residents within the Town as well as provide for housing for new residents to Kingsville and support managed and healthy community growth. The residential condominium building will be the first high density building with condominium ownership as an alternative to apartment living in the Town of Kingsville



The proposed Official Plan Amendment and Zoning By-law Amendment will support the development of the subject lands for a mixed use condominium building. The OPA and ZBLA will support the development of an alternative form of residential ownership while supporting the wise use and management of the urban lands.



#### 3.0 PROVINCIAL POLICY STATEMENT

When reviewing a planning application to determine if it is sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statements (PPS): "The Provincial Policy Statement provides policy direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. It (PPS) recognizes that the wise management of development may involve directing, promoting or sustaining growth. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns."

The vision for Ontario's Land Use Planning System states:

"The Provincial Policy Statement focuses growth within settlement areas and away from significant or sensitive resources and areas which may pose a risk to public health and safety. It recognizes that the wise management of development may involve directing, promoting or sustaining growth. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns."

"Subsection 1.1.1 Healthy, liveable and safe communities are sustained

#### **COMMENT:**

The portion of the lands proposed for development are located within the Settlement Area for the Town of Kingsville and identified as Settlement Area on Schedule 'B' under the County of Essex Official Plan.

The northern portion of 342 Main Street East, identified as lands outside of the settlement area, will remain designated 'Agriculture' in the Official Plan, zoned 'Agriculture (A)' and will remain undeveloped.

The southern portion of 342 Main St East is identified in the Official Plan for growth and development.

The OPA and ZBLA will support the development of an alternative form of residential ownership to the standard single detached residence typically available for purchase in Town. As well, the development will consist of commercial uses that are complimentary to the neighbourhood and residential units above: professional office space, retail commercial, café or specialty bake shop, medical clinic or pharmacy. Retail, office and personal service uses provide for employment opportunities as well as supporting the residential and commercial components of the neighbourhood.

The OPA and ZBLA will allow for managed, appropriate growth that is sustainable and makes sound planning.



#### by:

b) accommodating an appropriate range and mix of residential, employment including industrial, commercial and institutional uses, recreational and open space uses to meet long-term needs;

### **COMMENT:**

The proposed development will contain 95 residential condominium units as well as 6 commercial condominiums. The mixed-use development will provide for an alternative style of residential living and ownership from the typical single detached residences available in Town. The commercial units will be focused on retail and personal service uses that will support the residents within the building and within the neighbourhood. The mixed use building and neighbourhood will create a vibrant, active neighbourhood and community while providing for managed, appropriate growth for the Town of Kingsville.

f) improving accessibility for persons with disabilities and the elderly by removing and/or preventing land use barriers which restrict their full participation in society."

#### **COMMENT:**

The proposed development will accommodate accessibility and support the reduction of barriers. The proposed condominium will have an elevator, under-ground parking, barrier free parking, ramp access, ground level amenity spaces and designed with barrier free provisions to support accessibility.

The modern amenities within the building and on the site will improve accessibility for the condominium owners and the public.



"Subsection 1.1.3.6 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:

342 Main Street E. is located within the urban, built-up area of the settlement area of the Town of Kingsville.

The subject lands are within a mixed use neighborhood and will be surrounded by existing development: Zehr's Grocery store to the west; Libro Centre on adjacent property to the west; a proposed 132 lot residential plan of subdivision to the north; existing single, detached residences to the west; the Freshco commercial mall adjacent to the east; and a commercial mall and a multi-storey commercial building across Main Street to the south.

342 Main Street E. will be infilling development on an existing lot within a mixed use neighborhood. Specifically, the development will begin with the removal of an older, single detached residence on the 8,948.6 m² parcel and replacing it with the more efficient and effective use of the land with a new 9 storey condominium building with 6 commercial main floor units and 95 residential condo units. The proposed mixed-use building consists of a ground floor area of 1,254.2 m² (13,500 ft²) resulting in a lot coverage of approximately 18%.

A shadow study was completed and is attached as APPENDIX I – Shadow Study. The study shows that the proposed 9 storey building is an efficient and effective infrastructure for the lands and will not have a negative impact on adjacent uses. The only impact is a minor shadow projected on the adjacent commercial bank for a couple of hours in the morning. There are no adjacent residences that will be impacted from the construction of the proposed 9 storey residential condominium.

Municipal infrastructure is available for connection to service the subject development. Municipal water capacity and flow have been shown to be available for both potable water and for fire-fighting purposes. Municipal storm and sanitary sewers have capacity for the proposed units. There will not be a demand for expansion of the municipal services to service the subject building.

Developable lands within the urban area of the Town of Kingsville are very limited and in short supply with most lands being designed for low to medium density plans of subdivision. The proposed condominium building will provide for a high density building, an appropriate alternative form of housing and density for the Town of Kingsville.

The density provides for an efficient and effective use of the subject lands, infrastructure and public services available.



"Subsection 1.4.3 Planning authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- b) permitting and facilitating:
  - 1. All forms of housing required to meet the social and health and well-being requirements of current and future residents, including special needs requirements; and
  - 2. All forms of residential intensification and redevelopment in accordance with policy 1.1.3.3

#### **COMMENT:**

The proposed high density condo mixed-use development is a unique housing style to Kingsville. Typical, majority of housing in Kingsville is in the form of single detached residences. The condominium building will provide for a high-rise condominium lifestyle not available presently in the Town.

As a mixed-use building, the commercial main floor component will provide for commercial retail and personal service commercial to support the residents within the the building and within the neighbourhood. As well, the commercial uses within the building may provide an opportunity for the resident to live/work in the same facility.

King's Villa Condos will consist of a mixed use condominium building while providing for a residential style of home ownership presently not available in the Town. The provision of condos in Kingsville in a market that does not presently have high rise condos will satisfy the needed diversity of residential home ownership while providing for a significantly unique development to the Town and County.

c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be

#### COMMENT:

Please refer to APPENDIX H – Functional Servicing Report: the Functional Servicing Report indicates that there is capacity and sufficient infrastructure for potable water, sewer, and storm sewer to accommodate the proposed development.

A water flow test was undertaken of two hydrants in close proximity to the building that will be servicing the new facility in the case of fire emergency. The Functional Servicing Report indicates that there is sufficient water to accommodate the 9 storey building.

Main Street East is considered an arterial road while Jasperson is considered a collector road. A Traffic Impact Study was completed for the proposed development. Please refer to attached APPENDIX J - Traffic Impact Study for the complete report. In summation, King's Villa Condos October/2016 from Main Street East is viable as an ingress/egress right turn.

Jasperson Drive will be comprised of right and left turns for both ingress and edges.

d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of alternative transportation modes and public transit in areas where it exists or is to be developed;"

#### **COMMENT:**

The proposed mixed use condominium will provide a high rise condo unit ownership of a residential unit, a form of housing presently not available in the Town. High rise condo living provides for lifestyle and accommodation that is a desirable alternative to a single detached residence, a typical housing ownership presently available in Town.

Municipal transit services are available to the property including an integrated bike pathway system along Main Street and the Chrysler Greenway multi-use trail system in close proximity and available to the property. Bike racks for storage and parking of bicycles have been provided on site to support the integrated CWATS biking network and the healthy community initiative of the province and municipality.

#### COMMENT:

The Official Plan Amendment will provide a site specific policy statement to permit a mixed use development of both commercial and residential condominium development. The high rise condominium development will provide for an alternative home ownership that is presently not available in the Town of Kingsville, supporting the diversification of the housing market.

The proposed development, in my professional opinion, will create an appropriate mixed use development that will effectively and efficiently utilize and connect with existing municipal services. Ingress and egress have been addressed in the traffic impact study and provide for an appropriate level of access for both residential and commercial use of the property.

The proposed development will be supporting the provincial initiative of a healthy, balanced and sustainable community with the provision of both residential units and commercial business and employment opportunities, supporting the live work initiative.

Please refer to APPENDIX H – Functional Servicing Report.

King's Villa Theos requested Official Plan Amendment and Zoning By-law Amendment is consistent with the Provincial Policy Statements and makes sound planning.



### 4.0 COUNTY OF ESSEX OFFICIAL PLAN REVIEW

The newly adopted County of Essex Official Plan outlines the general parameters to consider when amending the Official Plan and Zoning By-law within a community. Some important policies to consider within the County's Official Plan include:

#### 3.2 Settlement Area:

#### "3.3.2 Goals

a) Support and promote public and private re-investment in the Primary Settlement Areas.

#### **COMMENT:**

The subject property is located within the urban area of the primary settlement area for the Town of Kingsville. The Town of Kingsville has a few high density residential units within the Town in the form of apartment rental units. The proposed condominium will be providing for a unique housing and ownership style for the Town. 342 Main Street E. will satisfy the market demand for high density residential units through condominium ownership rather than the typical single, detached residential unit.

The proposed development will be creating commercial condo units on the main floor of the building with residential units above the commercial. The commercial condo units are intended as a primary use within the designation of 'Highway Commercial'. The requested Official Plan Amendment will not be eliminating or reducing the commercial use of these lands but rather will be permitting residential use as an additional use within the building. The mixed use building with commercial on the main floor and residential above is a wise use and development of the subject lands.



b) To support and promote healthy, diverse and vibrant settlement areas within each of the seven Essex County municipalities where all county residents, including special interest and needs groups can live, work and enjoy recreational opportunities.

#### **COMMENT:**

The subject lands are located within the urban area of the Town with associated municipal amenities in close proximity such as the Chrysler Greenway, the bike trail along Main Street connecting to the County Road and CWATS (County Wide Active Transportation System).

The mixed use commercial-residential condo will consist of commercial uses that are complimentary to the residential units above: professional office space, retail commercial, café or specialty bake shop, medical clinic or pharmacy. Retail, office and personal service uses provide for employment opportunities as well as supporting the residential and commercial components of the neighbourhood. With commercial main floor, residents may be able to own their residential units while owning and working in the same building. Conversely, the residents are in a mixed use neighbourhood where they may be able to live in the building while walking/biking to work within the neighbourhood.

Significant municipal recreational facilities are within walking distance of the proposed development: Town hockey arena, multiple soccer fields, baseball diamonds, running tracks, CWATS, and the Chrysler Greenway multi-use trail (biking, walking, hiking, etc) are all within close proximity to the proposed development.



c) 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.

#### **COMMENT:**

The development will provide for a compact built high rise form within the urban area of a primary settlement area for the Town of Kingsville. 342 Main Street will provide for an alternative housing, compact, high density residential development with a main floor commercial mixed use building. The mixed use development will be unique to Kingsville by providing an alternative housing ownership while adding to the range of housing and commercial opportunities within Kingsville.

The floor above the 9<sup>th</sup> floor of the condo building will provide recreational and social amenity space for residents. There will be multi-purpose room available for social gatherings for the residents, a weight room and an indoor swimming pool for use by the the residents in the building and their guests.

As a component of the commercial condominium development, an outside patio is proposed as an amenity space. This outdoor café will provide for an amenity space and will provide for a gathering place for residents within both the development and the community.

The high rise building has been designed within the historical architecture of Kingsville. The design has a heritage component that will allow the building to be a positive attribute to the skyline of the Town while supporting the cultural heritage prevalent in the Town.

In addition, there is extensive amenity space proposed for the residents of the condominium in the rear of the building. A gathering place has been designed for the use by the residents that includes benches, landscaping and garden space. An arbor area has been provided for both visual amenity and to assist with buffering and separation between the proposed use and the existing residential use on Jasperson Dr.



f) To increase the opportunity for job creation within each County municipality by attracting and maintaining industries and businesses closer to where County residents live.

#### **COMMENT:**

The proposed development will provide for main floor commercial condominiums. The units have been designed as commercial space units (each approximately 2,600 ft<sup>2</sup>) with different commercial uses proposed that are complimentary to the residential units above: professional office space, retail commercial, café or specialty bake shop, medical clinic or pharmacy.

Retail, office and personal service uses provide for employment opportunities for the condominium residents as well as supporting the residential and commercial components of the neighbourhood. The proposed building will be located in close proximity to existing commercial businesses that will also provide both commodities or services to the neighbourhood but may also provide employment opportunities to the condo residents. The location of the building will support the live/work policy of the Province to provide residential in close proximity to work, providing opportunities to reduce dependency on the car.

g) To support long term economic prosperity by providing infrastructure and public service facilities to accommodate projected growth."

#### **COMMENT:**

The proposed condominium development will include both residential and commercial units providing for needed commercial and residential infrastructure within the urban area of the Town of Kingsville.

New residential condominium units will support the projected residential growth of over 3,000 new residents within a 20 year profile.

The commercial condominium infrastructure is anticipated to provide services and commodities to support the residential growth anticipated for the community as well as the neighbourhood growth.



The proposed mixed use, high density residential condominium will provide for alternative housing style to the single detached residence typical to the housing market of the Town of Kingsville. The building design is supportive of the cultural heritage valued and existing in the Town. The commercial and residential style will provide amenities and features to benefit the residents within the building as well as residents within the Town of Kingsville. The density and building design provides for a wise and efficient use of existing municipal services and infrastructure.

An Official Plan Amendment (OPA) to the Town of Kingsville Official Plan and Zoning Bylaw Amendment (ZBA) to the Town of Kingsville Comprehensive Zoning By-law are required to facilitate the proposed development. The Official Plan Amendment will continue to recognize commercial use as a permitted use on the main floor and provide for residential as an additional use to the commercial use within a site specific policy in the 'Highway Commercial' designation.

The proposed development conforms with the relevant policies of the Official Plan for the County of Essex. An amendment to the policies for the County of Essex are not required to accommodate the proposed development.



### 5.0 TOWN OF KINGSVILLE OFFICIAL PLAN

## 5.1 Current Land Use Designation

The subject property at 342 Main Street is presently designated 'Highway Commercial' on the southern portion while the northern portion of the property is designated 'Agricultural'. 20, 24, and 28 Jasperson Dr. are designated 'Residential' in the Official Plan for the Town of Kingsville.

## 5.2 Mixed Use Development

The southern portion of 342 Main Street East will retain the 'Highway Commercial' designation. The portion of the subject parcel fronting Jasperson Drive will be redesignated from the existing 'Residential' designation to 'Highway Commercial' designation. A site specific special policy will be applied to the subject lands to ensure a consistent policy direction is applied to the entirety of the property.

The northern portion of 342 Main Street East will remain designated 'Agriculture' in the Official Plan and 'Agriculture (A1)' zone in the Comprehensive Zoning By-law. These northern lands are outside of the settlement area of the Town of Kingsville and will remain undeveloped.

#### 5.3 Residential OP Policies

"Subsection 3.6.1 Residential policies

a) 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 unit 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;

#### **COMMENT:**

A portion of the lands are designated 'Residential' however the majority of the subject lands are designated 'Highway Commercial'. The Official Plan Amendment is proposing to designate the 'Residential' lands to 'Highway Commercial' and to apply a site specific policy to address the proposed development.

The policies of Subsection 3.6.1 provide a guide to the residential use proposed for the development. A high density residential building is identified as a permitted style of housing in the Town of Kingsville.



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

Please refer to APPENDIX E and APPENDIX F – Elevations.

The Town of Kingsville has a rich cultural and built heritage. The built heritage has been regarded during the design of the structure with subtle heritage components implemented to create a heritage sensitive and supportive building design.

Please refer to APPENDIX I - Shadow Study

A shadow study was undertaken of the proposed 9 storey structure. There are no adjacent residential uses that will be affected by the height of the building. Only 1 commercial building, adjacent Libro Centre to the west of the condos, will be affected by the height of the building with a shadow cast early in the morning on the structure. This shadow will be eliminated as the sun rises during the morning.

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:

### iii) High Density Residential

The high density residential zone will permit multiple family dwellings such as single unit attached housing, townhouse dwellings, apartment buildings exceeding three stories 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.



For high density residential development, the Official Plan states that the residential portion of the development should not exceed more than 124 units per gross hectare. The applicant is proposing 95 residential condominium units in the building.

The subject property has a proposed size of 0.895 ha. The proposed density calculates to a proposed residential density of 110 units per hectare. Therefore, the designed building conforms with the Official Plan policy directing that housing shall not exceed 124 units per gross hectare.

- 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;"

#### **COMMENT:**

The proposed condominium will be providing a residential style of housing that is an alternative form of housing to the typical single detached residential development that occurs within Kingsville. There are very few apartment style buildings and only a couple of condominium style buildings within Kingsville. In addition, most apartment buildings within Town have a maximum height of 6 storeys.

The proposed condominium building will be built with 9 storeys with 95 residential units on a 0.98 ha parcel and a density of 110 units per hectare, well under the threshold of allowable and supported density of 124 units per hectares in the Official Plan 'Residential designation.

Please refer to attached APPENDIX H – Functional Site Servicing Report. The report confirms the availability of capacity and connections of municipal services; potable water, sanitary sewer, storm sewer, and hydro connections are available for utilization by the proposed development.

The requested amendment will provide for the development of a high density condominium development with 95 units, below the density permitted in the Official Plan; is a wise use of residential lands; and will provide for an efficient and effective use of these lands.



After consulting with local Real Estate Agents and analyzing various real estate market studies (Rental Market Report-Windsor CMA), it can be concluded that the vacancy rates in Leamington and Kingsville are almost nil. Presently, Kingsville has approximately 130 condominium and apartment units in different housing facilities, very few are available to purchase or rent.

A healthy and viable community has a vacancy rate of approximately 6-8% of units available for rent or purchase. Residential development market is thriving in the Town of Kingsville (77 new residential development permits issued in Kingsville in 2013), however the majority of these are single detached residences. The Town has not had a multiple unit building built in over 12 years.

The proposed building has been designed to 9 storey height in order to provide for additional value added amenities such as a swimming pool, conference room, etc. The design supports an efficient and effective scale of development and density that wisely uses municipal services and valuable urban land.

#### 5.4 Official Plan Amendment

"Section 8.1 Official Plan - 8.11.1 Amendment Procedures

Should changing conditions necessitate the need for an amendment of the Official Plan or the Zoning By-law, in accordance with the Planning Act, due regard shall be given to the following criteria:

a) the need for the proposed use;

#### COMMENT:

As discussed previously, the Town of Kingsville is a growing community with a need to provide alternative housing to the single detached residential form of housing that is prevalent in the Town. The proposed condominium development will provide this alternative residential ownership and housing style.

The building is proposed as a high density mixed use building that will support the live work initiative of the province and the municipality while providing for commercial services to support the residential units and neighbourhood residential.

Direction is provided by the province that development should be appropriately intensified with a wise use of municipal services. The Town of Kingsville is constrained in its capacity to expand into the agricultural area due to the social and economic value of the prime agricultural lands and greenhouses within the urban fringe, making the urban lands valuable and warranting a higher density. The high rise condominium will be an efficient, effective and responsible form of development for the subject site.



b) the extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development;

## **COMMENT:**

The proposed building and land use will be an infilling development of a mixed use commercial and residential building within a neighbourhood of existing commercial and residential uses. The new building will provide for a complimentary and supportive land use to the existing neighbourhood.

Municipal infrastructure, services and capacity are available to accommodate the proposed development. The connection of the development will not have a negative fiscal impact on these services, rather will utilized these services to a designed, appropriate capacity.

The neighbourhood has extensive recreational and cultural activities to support the proposed residential component of the proposed development: soccer fields, running tracks, Chrysler Greenway, CWATS bike trail, community ice rink, baseball fields, etc.

There are educational and cultural facilities within the neighbourhood to support the residents within the condo: Migration Hall and the Kingsville High school.

The proposed commercial development will be a complimentary and supportive use to the neighbourhood residents within the residential subdivision across Jasperson Dr., within the proposed Remark Subdivision to the north, or Timbercreek to the south. The commercial development will support the residents within the condominium.

- c) the physical suitability of the land for such proposed use, and in the case of lands exhibiting a potential hazard, consideration shall be given to:
  - i) the existing environment and/or physical hazards;
  - ii) the potential impacts of these hazards; and
  - iii) the proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices;

#### **COMMENT:**

There are no physical or environment hazards associated with the property. A Species at Risk property analysis was completed and the property was determined to be clear of both sensitive and significant Species.

Extensive landscaping has been provided to provide for visual and sound mitigation between existing uses and the proposed development. Of particular, note the extensive landscaping and separation distance provided between the proposed entrance and the existing residence to the north of the subject lands on Jasperson Drive.



- d) the location of the area under consideration with respect to:
  - i) the adequacy of the existing and proposed highway system in relation to the development of such proposed areas;

The subject development will front and acquire ingress and egress from Main Street East, an arterial road as well as Jasperson Drive, a local collector road. Please refer to attached APPENDIX J – Traffic Impact Study.

ii) the convenience and accessibility of the site for vehicular and pedestrian traffic, and the traffic safety in relation thereto; and

#### **COMMENT:**

A Traffic Impact Study has been completed and is attached hereto (APPENDIX J) and confirms adequate ingress and egress for the proposed development with the anticipated volume of both residential and commercial traffic.

There will be connection to municipal sidewalks with both frontages containing sidewalks. In addition, the ERCA trail is located in close proximity. In addition, bike parking has been provided for users accessing the bike trail along the Main Street frontage.

iii) the adequacy of the potable water supply and distribution system, sanitary sewage collection and treatment facilities, stormwater management facilities, and other municipal services in view of the policies contained in this Plan;

#### **COMMENT:**

Please refer to attached APPENDIX H – Functional Site Servicing report by Bruce Crozier, P.Eng. reporting on the provision of services for the development and connection to municipal services.

Municipal infrastructure services for water, sewer and storm are available to the property for connection to service the proposed development.

Storm sewer service, water service and sewer capacity are available for the development.

A Storm Water Management Report and Site Servicing Report will be submitted with this file to confirm the appropriate details associated with the necessary connections to municipal services.



e) the compatibility of the proposed use with uses in adjoining areas;

#### **COMMENT:**

The neighbourhood adjacent to the subject property is comprised of a mix of residential, general commercial, service commercial and highway commercial uses. Proposed uses for the main floor commercial are also intended to be a scoped list of general commercial uses, compatible with the existing commercial uses in the neighbourhood.

To support compatibility of the commercial component of the development with the neighbourhood, it is recommended that the new zoning for the site be refined to permit a site specific list of permitted uses that are deemed acceptable in the neighbourhood: eg: retail commercial, a café, professional office, medical and dental office, etc. The site specific zoning will provide for mitigating factors to allow for greater buffer and setbacks between the existing uses and the proposed development.

the impact of such proposed use on the surrounding areas with respect to any possible depreciating or deteriorating effects;

#### **COMMENT:**

There are no residential buildings or adjacent commercial buildings that will be negatively impacted by shadow affect created by the height of the building. A shadow elevation plan has been prepared and does not show any impact by the height of the building on adjacent land uses.

g) the potential effect of the proposed use on the financial position of the Town and its capacity to provide proper municipal services;

#### **COMMENT:**

The site can be considered infilling between adjacent, existing development. Municipal services are available to the site and there is capacity for the proposed development to connect to the municipal services. The proposed development will not have a negative impact on the municipality or the municipal provision of services.

h) the potential effect of the proposed use in relation to the intent and implementing regulations of the Environmental Protection Act, Ontario Resources Act, Pesticides Act, Safe Drinking Water Act and Environmental Assessment Act;



i) the regulations of the Essex Region Conservation Authority;

#### **COMMENT:**

The subject property is not within a regulated (permitted) area of ERCA. A Species at Risk screening letter has been provided to the MNRF/ERCA. No occurrence of threatened or endangered species was found on the subject lands. Clearance for the subject site has been issued by MNRF.

- j) compliance with the general development policies and the more specific and relevant land use policies of this Plan, as well as the specific requirements for the particular use in the Zoning By-law;
- k) conformity with the County Official Plan and Provincial Policy; Proposals for expansions to designated settlement areas or for alterations to employment areas for non-employment uses will require an amendment to this plan and shall require a Comprehensive Review in accordance with the provisions the Provincial Policy Statement.

#### **COMMENT:**

The 'Highway Commercial' policy framework does not preclude mixed-use development with commercial main floor and residential units above. The policies within the 'Highway Commercial' designation focus on the development of the property for commercial land uses. The designation allows for commercial and accessory residential.

The applicant has requested a site specific Official Plan Amendment that will keep the lands within the 'Highway Commercial' designation while establishing a policy to permit the mixed-use of commercial and residential land use. Commercial use will continue to be permitted on the main floor with residential uses on the subsequent floors as a permitted, main use.

#### COMMENT:

The requested Official Plan Amendment and Zoning By-law Amendment conform to the policy directions for the Official Plan for the Town of Kingsville.



#### **6 ZONING BY-LAW REGULATIONS**

The subject property has multiple zone categories applied to the property: 342 Main Street East is presently zoned 'General Commercial (C4)' while lands fronting on Jasperson Drive are zoned 'Residential Zone 1 Urban (R1.1)' and the northern portion of lands are zoned 'Agriculture (A1)' in the Town of Kingsville Comprehensive Zoning By-law 1-2014.

An amendment to the Comprehensive Zoning By-law is necessary to establish a new, site specific regulatory framework under the 'Highway Commercial (C4)' zone to be applied to the entire parcel to permit residential uses as well as the commercial uses in the 'General Commercial (C4)' Zone. The zoning by-law amendment will ensure the regulations of the new (C4) zone are consistent with the new Official Plan policy direction.

## 6.1 'General Commercial (C4)' Zone

The following list of permitted uses will be edited with the proposed uses for the subject condominium development highlighted in the following list of 'General Commercial (C4)' provisions:

#### "Main use

automobile gas stations
automobile, RV, farm/garden equipment
sales and service;
automatic car wash and automobile
detailing facility;
bulk sales;
coin operated car wash;
commercial education facility;
commercial self storage;
contractor's yard;
convenience stores;
drive-through facility (restaurant, bank);
financial institutions;
fitness centre;

Assembly hall, convention centre

fitness centre; funeral home or rest home; garden centre and landscaping supply; grocery stores; home building and supply stores; home supply specialty shop (tiles, carpeting); hotels and motels; long term care facilities; lumber yards and building supply outlet; micro brewery; minor commercial centre personal service shops;

personal service shops; pharmacy;

laundromats:

place of amusement, entertainment facilities; private and public recreation;

professional offices; retail establishments;

establishments:

recreation or community centres; restaurant, taverns, outdoor patios; retirement homes and senior's homes; roadside stand; taxi office and dispatch; trade school; warehousing and wholesale



#### Accessory use

Secondary Residential *Units*Outside display and sale of goods and materials
Outdoor *patio accessory* to a restaurant/bar
Accessory uses"

#### COMMENT:

The provisions within the 'General Commercial Zone (C4)' are consistent with the proposed development. Additional residential regulations will be provided to the site specific zoning by-law amendment to recognize the proposed mixed use development.

Site-specific provisions will be applied to the property: greater setback of buildings, parking, and driveway from the proposed residential use; landscape buffer adjacent to the commercial use; list of permitted uses to include 'medical office'; lot area and lot frontage; minimum floor area restrictions; maximum commercial area restrictions; and lot coverage.

Site plan control will be required for the new development.

## **6.2 Parking Provisions:**

Parking is proposed to be provided both below grade under the building and above grade. The below grade parking spaces are associated with both the commercial and residential condominium units. The above grade parking will support the commercial uses as well as additional parking for the residential uses.

The commercial on-site parking will be placed at grade level. For the purpose of the required parking, 13,489 ft<sup>2</sup> (1253.17m<sup>2</sup>) net was used. Based on this space and the commercial parking provision, 80 spaces would be necessary (if 1 of 6 commercial units is delegated as a medical office.)

The amenities level of the building consists of a common room, place of entertainment or assembly. This level would require 12 parking spaces.

There is a total of 95 residential units proposed in the building. Based on the provisions above for residence and visitors parking, 119 residential parking spaces would be required. The proposed development is providing 112 spaces on grade and 112 spaces below grade totaling 224 spaces.

The by-law also addresses the parking provisions for bicycle parking, which promotes a healthy and active lifestyle supporting the healthy community initiative of the municipality and the province. The provisions indicate that 3 spaces would be required on grade based on the commercial space however the applicant is proposing 10 bicycle spaces.



The parking requirements for the barrier-free by-law indicate that for the purpose of this development, a total of 3 spaces would be required on grade (commercial and visitors parking) and 3 spaces would be required underground to accommodate the residential space.

## **Summary**

Use	Required Parking (CZBL 50-2014)	Provided Parking
Commercial/Retail Space (1018.67m²)	51 spaces	52 spaces
Medical Office (234.5m <sup>2</sup> )	29 spaces	29 spaces
Common Space (428.3m <sup>2</sup> )	12 spaces	14 spaces
Residential Units (95 units)	119 spaces	121 spaces
Barrier Free Parking	3 grade and 3 below-grade	3 grade and 3 below-grade
Bicycle Parking	3 spaces	10 spaces
TOTAL VEHICLE PARKING	211 spaces	222 spaces

#### **COMMENT:**

Based on the proposed site plan, the site specific parking provisions will be addressed and in compliance for the development. An abundance of parking is being provided to accommodate the residential units, the need for visitor parking, as well as the commercial owners and users.

## 6.3 Loading Space Requirements

Section 5.16 of the CZBL (1-2014) for the Town of Kingsville indicated that loading spaces must be in compliance with the following provisions:

- a) A minimum of one (1) loading space shall be required for a building with 300 m<sup>2</sup> floor area;
- b) An additional loading space shall be required for each additional 2,000 m<sup>2</sup> of gross floor area for any non-residential use, or fraction thereof, up to 4,300 m<sup>2</sup> of gross floor area.
- d) Loading spaces shall not be required for residentially zoned properties with the exception of an apartment building containing a minimum of 10 units where a minimum of 1 loading space is required for each residential building.
- e) The loading space shall not be less than 3.5 m wide with 13.5 m in length and 4.5 m in height for clearance purposes."



A loading space is defined in the Comprehensive Zoning By-law for the Town of Kingsville as:

"Loading Space: shall mean a space or bay located on a lot which is used or intended to be used for the temporary parking of any commercial, industrial or institutional vehicles while loading or unloading persons, animals, goods, merchandise or materials used in connection with the main use of the lot or any building thereon, and which has unobstructed access to a street or lane."

#### **COMMENT:**

The proposed development will be rezoned to 'General Commercial (C4)' in the new CZBL (8-2016) with site-specific provisions recognizing the uniqueness of the proposed development. An appropriate site specific provision will be the requirement for 1 loading space for the commercial main floor use to be shared with the residential use when necessary.

#### **COMMENT:**

The proposed condominium development of commercial main floor and residential will require a site specific Zoning By-law Amendment to recognize the unique aspects of the mixed use development.

Rezoning 342 Main Street to 'General Commercial Exception (C4-#)' zone complies with the intent of the Comprehensive Zoning By-law 8-2016.



### 7 CONCLUSION

Provincial Policy Statements direct that new development shall provide for a range and mix of residential and commercial uses within the settlement area of the municipality to ensure a healthy, liveable, vibrant community. The proposed residential and commercial condominium development will provide for new, high density infrastructure as an alternative housing style within the urban area of the Town.

Site amenities and landscaping have been designed to support and provide for a positive infilling development and support the live and work environment proposed by the condominium development. The commercial condominiums will provide for employment opportunities for residents within the residential condominiums or within the neighbourhood. Conversely, the mixed use neighbourhood will provide commercial commodities and employment opportunities for the neighbourhood or the Town.

Direction is provided by the province that development should be appropriately intensified with a wise use of municipal services. The Town of Kingsville is constrained in its capacity to expand into the agricultural area due to the social and economic value of the prime agricultural lands and greenhouses within the urban fringe, making the urban lands valuable and warranting a higher density. The high rise condominium will be an efficient, effective and responsible form of development for the subject site.

342 Main Street is located in the urban area of the Town of Kingsville in a mixed use neighbourhood on the edge of the urban lands in the Town. Agricultural land use in Kingsville in areas around the urban settlement area bound the settlement area with prime agricultural lands as well as agricultural greenhouse structures. Both policy restrictions as well as physical restrictions associated with greenhouse buildings curtail expansion beyond the urban boundary, supporting the need for higher density and more efficient use of urban settlement lands.

Recreation and sports activities are plentiful within the neighbourhood and will provide for a positive lifestyle for the residents of the proposed condominium: a bike trail along Main Street, Chrysler Greenway multi-use trail system, Kingsville Arena, soccer fields and baseball fields. In addition, a pool, conference room and recreation room have been provided on the top storey of the building for use by the residents.

The OPA will create a designation that will apply a consistent policy to the property. The zoning by-law amendment will establish a site specific regulatory framework for the proposed development and use of the property.



In my professional opinion, the requested Official Plan Amendment and Zoning By-law Amendment:

- 1) are consistent with Provincial Policy Statements (PPS);
- 2) are in conformity with the Official Plan policies of the Town of Kingsville;
- 3) are in compliance with the Comprehensive Zoning By-law 1-2014;
- 4) can be considered sound planning.

**Lassaline Planning Consultants** 

Jackie Lassaline BA MCIP RPP Owner & Principal Planner

# **APPENDIX A - Locational Map**



## **APPENDIX B - Aerial plan**



# **APPENDIX C - Kingsville Official Plan Schedule A**



# **APPENDIX D - Kingsville Comprehensive Zoning By-law Schedule A**



## **APPENDIX E – Front Elevation**



## **APPENDIX F – Rear Elevation**



## **APPENDIX G - Draft Site Plan**



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# **APPENDIX H – Functional Servicing Report, B. Crozier P.Eng.**



## APPENDIX I – Shadow Study



# **APPENDIX J – Traffic Impact Study**

