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Date: September 27, 2017

To: Mayor and Council

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Manager, Planning Services

RE: Zoning By-law Amendment ZBA/19/17
1552843 Ontario Ltd.
150 Heritage Road
Part of Lot 4, Concession 1, WD

Report No.: PDS 2017-044

AIM

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

BACKGROUND

The subject parcel is approximately 2.6 ha (6.5 ac.) in area and currently vacant and used for agricultural purposes. The applicant received zoning approval in the spring 2015 which was to permit the property to be developed as a residential subdivision containing single detached, semi-detached and townhouse dwellings. The property was also placed into a Holding zone until a plan of subdivision and associated development agreement were completed. More recently in July of 2017 the applicant proposed the development of the site for 23 semi-detached dwellings (46 units total) under a single ownership. The proposal was not approved by Council.

The applicant is still proposing to develop the property for residential purposes but has scaled the project back to a two-phase proposal. Phase 1 would be the construction of a street (Municipal standard) from Heritage Road. A total of 16 dwelling units in a mix of semi-detached and townhouse style under one ownership. The remaining lands, Phase 2, would be a total of 17 single detached residential lots on a new street connected to the existing stub from Normandy Ave. (See Appendix A) This portion would be developed through the plan of subdivision process over the next 12 to 24 months.

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

- i) A Zoning By-law Amendment to amend the current Lakeshore Residential Exception 30 - holding (LR-30(h) to a new classification that would permit a total of 16 dwelling units in a mix of semi-detached and townhouse style on one lot and establish site-specific regulations, and
- ii) Site Plan Approval which will outline the details and full requirements of the overall build-out of Phase 1 if zoning is approved.

DISCUSSION

1) Provincial Policy Statement (PPS), 2014:

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

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

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

2) County of Essex Official Plan

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

municipality occur by way of residential intensification and redevelopment.’ Section 3.2.8 Affordable Housing further states that, ‘The County requires that each local municipality achieve a minimum affordable housing target of 20 percent of all new development.

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

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

3) Town of Kingsville Official Plan

The subject lands are a designated Lakeshore Residential West by the Official Plan. The goals of the designation include to encourage infilling of the existing development pattern and to provide the opportunity for the provision of affordable housing in accordance with Provincial Policy. The proposed development will have a density of 12.7 units per hectare which is well below the low density maximum of 20 units per hectare in the Official Plan. Therefore the proposed development would conform with the Kingsville Official Plan

Comment: The proposed reworking of the plan for the area significantly reduces the density of development and provides for a break between much of the existing single detached development and the proposed Phase 1. It will continue to abut three lots along James Ave and the lots along Heritage Road however buffer is being provided by way of fencing and landscaping. With the splitting of the development into two phases it also continues to address one of the original concerns from 2015 that connection to Heritage was required. The reduced number of single detached dwelling lots will exit to Normandy then James while the Phase 1 lands will exit to Heritage. Based on the original traffic assessment that was completed this is actually a compromise to the original plan of no connection Heritage.

4) Comprehensive Zoning By-law

The subject property is zoned Lakeshore Residential Exception 30 – Holding (LR-30(h) and does currently permit semi-detached and townhouse residential development however that zoning was anticipated on the basis of one semi-detached or townhouse dwelling per block and one dwelling unit per lot. Therefore, in order to provide clarity moving forward the existing zoning for Phase 1 would be amended to permit the mix of semi-detached and townhouse development up to a maximum of 16 units. The zoning on the Phase 2 lands will remain unchanged including the use of the H, Holding provision until such time as a plan of subdivision is approved.

5) Proposed Site Layout

The proposed street layout is consistent with the Town's Development Manual and provide full 20 m (66 ft.) wide road allowances regardless of ownership type. Specifics for the Phase 1 development will be outlined in the site plan approval to follow including fencing and landscape details and sidewalks.

6) Site Plan Approval

Since Phase 1 of the development is proposed as a single residential complex under one ownership site plan approval is the approach that will be used to specifically outline the requirements of the development in the same manner that a development agreement would be part of a plan of subdivision. The roads and services will be required to be designed consistent with the Town's Development Manual. Storm water management will be through the existing storm water pond on Normandy Ave. with upgrade to the existing outlet, the cost of which will be the responsibility of the developer.

As a private residential complex the owner will also be responsible for snow removal, garbage collection, recycling and general ongoing maintenance of the roadway, services, grounds and buildings. Since there is only development on the west side of the Phase 1 street it is recommended that sidewalks be included only on that side leading out to Heritage Road.

LINK TO STRATEGIC PLAN

Manage residential growth through sustainable planning.

FINANCIAL CONSIDERATIONS

There will be an increase in the assessment value of the property once development is completed.

CONSULTATIONS

1) Public Consultations

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

There has been limited feedback to date on the proposal however public comment from the zoning amendment in 2015 was reviewed again and comment from the July 2017 meeting was also taken into consideration.

Public Concerns:

- i. Form of tenure, rental versus individual ownership

Comment: Ownership is not controlled through the zoning of a property. Any property within the Town can be individually owned or rented for its permitted use. The concern however, I believe, relates to 'pride of ownership' i.e. an individual is more likely to make an effort to maintain a property they own.

ii. Location of the development

Comment: All forms of housing are needed in all areas of the Town including suburbs and rural areas.

iii. Water Pressure Impacts

Comment: The serviceability of this property was reviewed particular in terms of the Town water. Stantec Consulting outlined that the property could be serviced with an extension of the water main from the end of Woodlawn Cres. Property owners in the area had expressed concern that there are existing pressure issues that will be made worst as a result of the proposed development. In consultation with Municipal Services it was indicated that the pressure in this area is a result of the system servicing the area and would not be negatively impacted as a result of the added development, i.e. if pressure is 35 to 45 psi now it will be 35 to 45 psi after.

iv. Property Values

Comment: It is very common for the development of affordable or rental housing to cause concerns for abutting proper owners that the value of their property is negatively impacted as a result of certain types of development. There has been a considerable amount of research undertaken on this very subject with little to no evidence that property values are impacted.

v. Social Impacts

Comment: The PAC hear from a member of the public what the potential issues could be if affordable housing where to be developed. However, their comments were related to social housing rather than affordable housing which can be considerably different. The program that the applicant potentially receives funding under provides residents who have a source of income, although limited or fixed and assistance is needed to afford housing. For example an individual is retired with a fixed income or an individual works full time but at minimum wage and needs help to afford their housing.

A Planning Advisory Committee meeting was held on Sept 19, 2017 with the following motion:

PAC-14-2017

Moved by Shannon Olson, seconded by Murray McLeod, that the Planning Advisory Committee endorse the requested Zoning By-law Amendment to move forward to Council.

**MOTION CARRIED
(3 TO 2)**

2) 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">• The subject lands are not located in a regulated area and ERCA expressed no objection to the proposed planning approvals. It has been recommended that storm water management be part of the final approval requirement
Town of Kingsville Management Team	<ul style="list-style-type: none">• Service capacity has been reviewed and the lands can be provided with both Town water and sanitary sewer• Upgrading of the existing Dieppe subdivision storm water pond outlet will be a requirement of the development moving forward• All roads and services to be designed and installed in accordance with the Town's Development Manual• Any conveyance of the roads and services in the future will require inspection and correction of deficiencies at the developers expense
County of Essex	<ul style="list-style-type: none">• Connection to Heritage Road will require permits from the County and must be designed in accordance with County Standards• All structures are to be located a minimum of 85 ft. from the centreline of Heritage Road
Other	<ul style="list-style-type: none">• A Species at Risk assessment is not necessary• An archaeological screening was completed and concluded that no issues were present. A letter of clearance from the applicable Ministry should also be submitted for the Town's records• A traffic impact assessment was completed in late 2014 for a total of 44 units and concluded no issues however that study recommended no connection to Heritage Road. With the development in two Phases traffic will be split between Heritage Road and the existing subdivision affectively achieving a similar result to that of two connections.

Conclusions

The requested zoning amendment does not seek to permit uses that are not currently permitted under the existing LR-30(h) zoning. What it does request is clarification that development of a maximum of 16 dwelling units (in a mix of semi-detached and townhouse style) will be permitted as a development on one lot and develop any necessary site-specific regulations. As noted above the zoning on the Phase 2 portion of the property will remain unchanged.

RECOMMENDATION

It is recommended that Council approve zoning amendment application ZBA/19/17 to rezone the Phase 1 portion of the subject property known at 150 Heritage Road from Lakeshore Residential Exception 30, holding (LR-30(h) to Lakeshore Residential Exception 33, (LR-33) and adopt the implementing by-law.

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