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**Date:** November 12, 2019  
**To:** Chairman Lein and Planning Advisory Committee  
**From:** Robert Brown, H. Ba, MCIP RPP  
Manager, Planning Services  
**RE:** Application for Zoning By-law Amendment ZBA/18/19 by  
Brotto Investments Inc.  
183 Main St. E.,  
Part of Lot 2, Concession 1 ED  
  
Roll No. 3711 210 000 00700

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### **Aim**

To provide the Town of Kingsville Planning Advisory Committee (PAC) with information regarding a proposed Zoning By-law Amendment (ZBA) for lands, located at 183 Main St. E, in the Town of Kingsville.

### **Background**

The parcel is a 0.43 ha (1.05 ac.) residential lot with an existing single detached dwelling and a detached garage. The property has been for sale for quite some time and the owners now have a third party interested in purchasing the land. The applicant is proposing to remove the existing buildings and construct a new combined residential development. At the front of the property would be a total of five to six townhouse units with attached garages accessed from the rear. On the balance of the property the proposal is for a six storey 28 unit condominium with grade level parking located on the ground floor. (Appendix 'A') A zoning amendment is required in order to permit the proposed use along with site plan approval.

In order to proceed with the development the following approvals would be required:

- i) A zoning amendment to:
  - a. permit townhouse dwellings with up to 6 residential units,
  - b. permit an apartment dwelling with up to 28 residential units, maximum six storeys, and
  - c. establish site-specific zoning regulations for the proposed uses.
- ii) Site Plan approval (separate application and approval process) to establish the specific details of the build out.

### **Discussion**

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

The proposed development on the subject lands is supportive of a number of policies in PPS as follows:

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 1.1.3.2 Land use patterns within settlement areas shall be based on:

- a) Densities and a mix la land uses which:
  - 1. Efficiently use land and resources;

Comment: Much of the development in Kingsville in recent years has been fringe development on greenfield sites that have provided a limited mix of housing and utilize a significant amount of land and resources. Development within the core area of the Town close to existing services both infrastructure and day-to-day (shopping, dining, health care, recreational) intensifies the use on existing lands.

2. Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;

Comment: There is no expansion of Town services required as a result of this development. Main St. is both a Town arterial road and connecting link for two County Roads. Its current traffic volumes and function have been reviewed multiple times by each new development. The Town also undertook a more comprehensive review of Main St. E. as part of the pending new school development. Main St. E. continues to function at an acceptable level however both the development specific reviews and the Town review have highlighted areas of concern that will require updates, expansion or provision of alternative routing to continue to function at an acceptable level.

There are two main points regarding traffic on Main St. E. The first is whether the proposed development will negatively impact the flow of traffic to and from the site. The second is one of a more cumulative nature.

The traffic assessment completed by the applicant (Appendix 'B') concluded that traffic to and from the site would not negatively impact on Main St. E. However, it did note that the intersection to the east at Jasperson and Main will require improvements in the future. This is a conclusion that is not new to Main St. E and was also noted in reference to another apartment style development along Main St. E.

Traffic on Main St. is a side effect of current development that was approved 10 to 15 years ago and in some cases longer. That development is ongoing and will continue to add to traffic flow regardless of what occurs along Main St. The reason being is that all of that development is vehicle dependent. There is no option or opportunity for people living in those areas to get to the day-to-day services they need. Higher density development in centralized locations between the downtown core and highway commercial area provide choice to residents. The subject lands are located in an area that has been underdeveloped for a long time. It is well suited to higher density development because it is within walking distance of a very wide variety of daily services from grocery to health care, recreational to a variety of dining

3. Minimize negative impacts to air quality and climate change, and promote energy efficiency;

Comment: This particularly point has reached a time where there is no longer a choice to encourage. All communities in Essex County and across Ontario will be required to take constructive actions on climate change, air quality and energy efficiency. One of the key steps that is hardly new is the reduction of vehicle usage. Higher density development, compact form, low impact storm water management, renewable energy sources will have to become common place. Low density, vehicle dependent residential development has passed the point of sustainability.

4. Support active transportation;

Comment: Kingsville has been very supportive of active transportation i.e CWATS, sidewalks and multiple use path installations and of course support of the Chrysler Greenway. These are steps that are moving in the right direction but will require acceleration. Higher density development with smaller foot prints and centralized walkable areas is a direction that is consistent with PPS.

5. Are transit-supportive, where transit is planned, exists or may be developed; and
6. Are freight-supportive; and

Comment: item 5 and 6 are not applicable in this case.

- b) A range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3 where this can be accommodated.

Section 1.1.3.3 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. Proposed higher density residential is generally common and best suited to locations along arterial roads such as Main St. E. The lot also does not require extension of services and takes advantage of existing lands within the Kingsville Settlement area.

Section 1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Comment: Appropriate development standards are based in part of zoning provisions established for a particular development and site plan approval. Redevelopment and intensification often occurs in areas of existing and mixed development that may present a need for added sensitivity to surrounding uses.

Section 1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.

Comment: The County of Essex Official Plan requires that municipalities provide 15% of all new residential development through intensification. While this requirement has technically been achieved or overachieved annually based past high density approves only one of those approval has actually been constructed.

Section 1.1.3.6 New development taking place in designated growth areas should occur adjacent to 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: The area where the subject property is located has attached a number of higher density proposals, of varying sizes, that will be located next to existing built areas and will have a compact form and densities. All of the development are utilizing existing infrastructure.

Section 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

Comment: The applicant was required to prepare a Heritage Impact Statement regarding the neighbouring property at 171 Main St. E. which is designated under Part IV of the Ontario Heritage Act. (See Appendix 'C') The conclusion of the assessment was that the proposed development would not negatively impact on the heritage features of 171 Main St. E.

It is also important to note that the subject property, while not designated is listed as a property of heritage interest in the Kingsville Official Plan. The Kingsville Heritage Committee was circulated for comment and it is outlined in Appendix 'C-1'

The comment from the Heritage Committee outlines one impact (streetscape) that likely needs clarification from the Committee based on a study it had completed in 2016 as part of the Division St South Conservation District. That assessment concluded that Division St. South, an area of considerable historical background, was a dynamic evolving district. This meant that the area had a wide variety of styles of development including residential and non-residential and should be allowed to continue to evolve. Main St. E shares many of those same characteristics with an even broad range of uses.

## 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. As noted under the PPS section the plan is inline with Section 3.2.7 which states, “The County requires that 15 percent of all new residential development within each local municipality occur by way of residential intensification and redevelopment...” The proposed development conforms with the County Official Plan.

## 3) Town of Kingsville Official Plan

The subject lands are designated Residential and permit all forms of residential development. The applicant has also had a Planning Justification Report prepared. The document is included as Appendix ‘D’.

A total of 34 dwelling units are proposed on the site. The density of the development would be 79 units per hectare which in the mid range of the 124 unit maximum per hectare considered high density residential.

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 15 years has been 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 3 to 5 year supply, based on the current growth rate and development of only low density residential. The addition of up to 34 residential units expands the variety of housing and does not impact on the current supply of serviced residential lands.

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: It is important to provide opportunities for the construction of all forms of housing. There has only recently been limited construction of condominium type development in Kingsville and there has been little to no rental housing construction in the last 20 years. This has resulted in a very low vacancy rate and generating a significant demand. The primary form of housing in Kingsville has been singles, semis and limited townhouses with the majority being individual freehold ownership. Regardless of the type of ownership it provided additional housing stock variety which is very limited at present.

- ii) the density and form of adjacent development;

Comment: The subject parcel is located in the heart of Kingsville along one of its two main corridors. The area between Spruce St. N and Wigle Ave has been an area of interest or area of transition for sometime as is evident by the presence of mixed uses including, multiple residential, institutional (KDHS) mix commercial residential and standalone professional commercial.

- 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: Service capacity will require confirmation for the entire development including water and sanitary sewer. Storm water management will also be a requirement for the development.

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

Comment: There is no lack of school, parks or community facilities within walking or short driving distance of the property.

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 spaces in compliance with the applicable zoning requirements for the proposed uses. This is an area of focus with all new development as climate change forces much more serious consideration of low impact storm water management, walkability, open space, reduction of CO<sup>2</sup> and more sustainable development. The provision of parking or over parking does not move in a supportive direction on any of these considerations.

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

Comment: The development will require attention to the maintenance and protection of the mature trees on the abutting lands as those trees provide a considerable visual screening from the condo portion of the development.

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 specific to the proposed use. Traffic generated from the site daily would a total 233 trips with 17 two-way trips as AM peak time and 21 two-way trips at PM peak time. This volume also included anticipated growth from other pending projects in the area and growth through to 2031.

The study concludes that the site-related traffic will not have a negative impact upon the study area intersections and that the road network will be able to adequately accommodate the increase in traffic resulting from the development proposal.' (See Appendix 'B'). The Baird report does also reference the RC Spencer report that was completed by the Town along Main St. E. as part of the pending school development. Improvement to the intersection of Main St. E and Jasperson are anticipated to improve intersection function at this location.

The addition of any development along Main St. E. will add traffic to what is clearly a busy street. There are a number of proposed developments that are approved or partially approved and will happen overtime. There are anticipated improvements and upgrades that will be necessary. Contribution to the improvements is a mix of basic improvements that are required over time, factored into capital expenditures and subject to budgetary consideration. Development also contributes to road improvements and intersection upgrades based on anticipated impact to a given road.

While there is disagreement on this point there must be consideration given to the fact that the location of the development is very supportive of walkability being centrally located between the downtown to the west and large format commercial to the east. Kingsville is a small community and very walkable. This is something that planning policy strongly supports and encourages and I believe helps to maintain that small community feeling that is so dear to the existing residents and the principle reason for continuing to attract residents to Kingsville.

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: A final full detailed site plan is being developed and will incorporate comment and feedback provided through the Planning Advisory Committee meeting and ongoing public input.

#### 4) Comprehensive Zoning By-law

The subject property is zoned Residential Zone 1 Urban, (R1.1). The intended amendment would be to rezone to a site-specific Residential Zone 4 Urban to permit the following:

i) Apartment building (maximum 28 units, maximum 6 storey)

ii) Establish site-specific regulations to:

a) address a minor reduction in the front yard setback from 8 m to 7.6 m;

Comment: this may require refinement as the Town will be requesting a road widening across the frontage of the lot.

b) reduce the rear yard setback to 3.5 m;

Comment: part of the rationale for this reduction is the orientation of the development versus the orientation of the lot. The setback is at minimum 3.5 m and increases from east to west to 7.3 m.

c) reduce the side yard setback for the town house dwelling to 2.2 m;

Comment: This like the rear yard setback increases north to south for the townhouse dwelling. The minimum setback for the apartment building will be 7 m for the entire building.

d) increase the permit height from 11m to 18 m.

## 5) Proposed Site Layout

The preliminary site plan layout along with elevations of the condo building and townhouses is included for review and reference. If the requested zoning amendment is approved a final detailed site plan including, lighting, landscaping, servicing, lot grading and storm water detail will be necessary for final approval by Council. As there is significant interest in the final form of the development on the parcel notice of any meeting to consider this approval will be provided to the same property owners which received notice of this application.

### Public Consultations

In accordance to O. Reg 545/06 of the *Planning Act*, property owners within 120m, minimum of the subject site boundaries received the Notice of Open House/PAC meeting by mail. Staff increase the circulation distance to 250 m given the interest in the development. Since that circulation was released there has been a number of comments and feedback received. The full comments are provided in Appendix (E). In summary much of the feedback is similar to what has been provided on both of the other application for similar development on the north side of Main St. E. including:

What will the cumulative effect of all these developments on traffic volumes on Main St.?

What impact does this development have on the heritage designation at 171 Main St.?

Existing dwelling should be preserved

Height of the building

Reduction or increasing of setbacks

Lack of parking

Lack of green space

Lack of consideration in the design to be consistent with Kingsville's history

## **Agency & Administrative Consultations**

In accordance with O. Reg 545/06 of the *Planning Act*, Agencies and Town Administration received the Notice of Public Meeting by email.

<b>Agency or Administrator</b>	<b>Comment</b>
Essex Region Conservation Authority Watershed Planner	<ul style="list-style-type: none"><li>• ERCA comment is attached as Appendix 'F'.</li></ul>
Town of Kingsville Management Team	<ul style="list-style-type: none"><li>• The property will require new service connections, at the applicant's expense sized appropriately to the proposed use</li><li>• Storm water management is required</li><li>• The final building design will be subject review under the Building Code Act</li><li>• A fire safety plan and lock box will be required for the building</li><li>• Municipal Services will continue to review the final site plan details and storm water management prior to presentation to Council</li></ul>

## **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 proceeds.

## **Conclusions**

The proposed development has been reviewed in detail by all internal and external agencies. There are additional clearances that are required however no objections have been expressed. It is consistent with Provincial Policy, the County and Town Official Plans. The purpose of the Planning Advisory Committee is to provide the public and PAC the opportunity to review and discuss the plans with feedback to the applicant and direction to Council.

## **Recommendation**

Based on the information present in this report, by the applicant and feedback from the public the Planning Advisory Committee can consider one of the following recommendations such as:

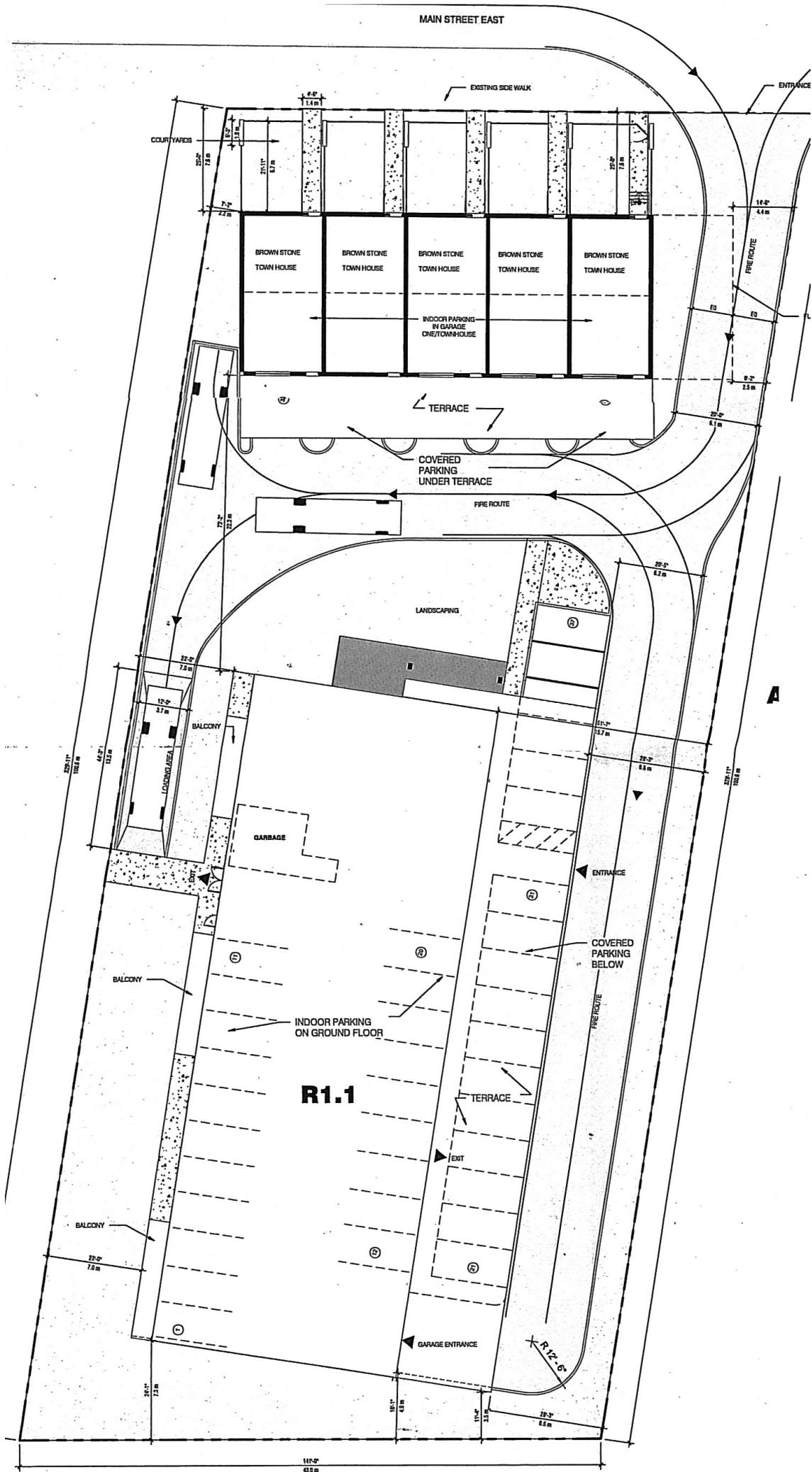
- i) the application be endorsed and move forward to Council;
- ii) the application be refused with reasons;
- iii) the application be deferred until specific items and/or information are provided;
- iv) the application be endorsed if the concerns articulated by the public, commenting agencies, staff or PAC are appropriately addressed.

Prepared By:



Robert Brown, H. Ba., MCIP, RPP  
Manager, Planning Services

# Appendix A Proposed Site Layout



# Townhouse Elevation from Main St. E.



MAIN ST. KINGSVILLE CONDOMINIUMS



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# Condo East Elevation



**Appendix B**  
**Traffic Impact**

**Appendix C**  
**Heritage Impact Statement**

**Appendix C-1**  
**Heritage Committee Comment**

**Appendix D**  
**Applicant Planning Justification**

**Appendix E**  
**Public Feedback**

**Appendix F**  
**ERCA Comment**