



The Corporation of the Municipality of Leamington

Public Meeting Agenda

Zoning By-law Amendment

Monday, January 4, 2016

Commencing at 6:05 PM

In Leamington Council Chambers

Item for Consideration:

1. **Zoning By-law Amendment #91 for Destiny Estates Subdivision - Phases 2 and 3**
 - a. Notice of Public Meeting dated December 16, 2015
Pages 2 to 3
 - b. Report PLA-56-15 dated November 16, 2015 regarding Zoning By-law Amendment ZBA #91, Larry Santos Construction Ltd., Phases 2 and 3 - Destiny Estates Plan of Subdivision, 37-T-11002 (ARN 390-00100) and Council Resolution C-362-15 (previously presented to Council on December 14, 2015)
Pages 4 to 12



THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON
NOTICE OF A COMPLETE APPLICATION AND PUBLIC MEETING
TO CONSIDER A ZONING BY-LAW AMENDMENT

ZBA #91 - Destiny Estates Subdivision - Phases 2 and 3

TAKE NOTICE that the Council of The Corporation of the Municipality of Leamington will hold a public meeting concerning a proposed zoning by-law amendment under the provisions of the Planning Act, R.S.O. 1990 on **Monday, January 4, 2016, at 6:00 pm** in the Council Chambers at the Municipal Building.

THE APPLICATION applies to lands within the Destiny Estates Subdivision, located on the north side of Robson Road between Malibu Drive and the Erie Shores Golf Course (see inserted key map). Destiny Estates Subdivision was approved by the County of Essex in 2012 and includes 79 lots to be developed as single detached and semi-detached dwellings.

THE PURPOSE of the proposed zoning amendment application is to establish site specific Residential Zone (R3) provisions for the semi-detached dwelling lots located within Phases 2 and 3 of the Destiny Estates Plan of Subdivision to permit an increase in maximum lot coverage from 40% to 50%, a reduction in the minimum front yard setback from 6 m (19.68 ft.) to 5.49 m (18 ft.), and the minimum exterior side yard setback from 4.5 m (14.76 ft.) to 4.19 m (13.74 ft.)

ANY PERSON may attend the public meeting and/or make written or verbal representation either in support of or in opposition to the proposed zoning by-law amendment.

IF A PERSON or public body does not make oral submissions at the Public Meeting or make written submissions to The Corporation of the Municipality of Leamington before the by-law is passed, the person or public body is not entitled to appeal the decision of Council of The Corporation of the Municipality of Leamington to the Ontario Municipal Board.

IF A PERSON or public body does not make oral submissions at the Public Meeting or make written submissions to The Corporation of the Municipality of Leamington before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.




ADDITIONAL INFORMATION relating to this matter is available for review at the Municipal Office for The Corporation of the Municipality of Leamington, during regular office hours. Please contact Brian Nagata, Development Planner, for further information.

DATED at the Municipality of Leamington this 16th day of December, 2015.

TRACEY PILLON-ABBS
DIRECTOR OF COMMUNITY & DEVELOPMENT SERVICES
MUNICIPALITY OF LEAMINGTON
111 ERIE STREET NORTH
LEAMINGTON, ONTARIO N8H 2Z9
TELEPHONE: (519) 326-5761



Legend

-  ZBA #124
-  DESTINY ESTATES SUBDIVISION
-  Municipal Drains

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THIS IS NOT A LEGAL PLAN OF SURVEY & IS NOT TO SCALE.

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 All efforts have been made to ensure accuracy and completeness, however no guarantees can be made.
 Provided by the: Municipality of Leamington - GIS Services
 111 Erie Street North, Leamington, Ontario N8H 2Z9
 TEL: (519) 326-5761 FAX: (519) 326-2481

Inter-Office Memo

To: Director of Community & Development Services Tracey Pillon-Abbs
Manager of Planning Services Danielle Truax
Development Planner Brian Nagata

Cc: Planning Services Assistant Carol Derksen

From: Clerk/Manager of Legislative Services Brenda Percy

☒ For Your Information

☒ Requires Your Attention

☐ Legislative Services will forward

☐ Please forward agreement to Legal Services

☒ Please forward copy of Public Meeting Notice to Legislative Services

As per Confirming By-law 527-15

Please be advised that the Council of The Corporation of the Municipality of Leamington, at its meeting held Monday, December 14, 2015 enacted the following resolution:

No. C-362-15

That Zoning By-law Amendment Application ZBA #91 to establish site specific Residential Zone (R3) provisions for lots located within Phases 2 and 3 of the Destiny Estates Plan of Subdivision to permit an increase in maximum lot coverage from 40% to 50%, a reduction in the minimum front yard setback from 6 m (19.68 ft.) to 5.49 m (18 ft.), and the minimum exterior side yard setback from 4.5 m (14.76 ft.) to 4.19 m (13.74 ft.) was reviewed and deemed to be complete pursuant to the requirements of the Planning Act;

And that Administration be directed to schedule the required Public Meeting (Report PLA-56-15).

Report

To: Mayor and Members of Council
From: Brian Nagata, Development Planner
Date: November 16, 2015
Re: Zoning By-law Amendment ZBA #91
Larry Santos Construction Ltd.
Phases 2 & 3 - Destiny Estates Plan of Subdivision
37-T-11002 (ARN 390-00100)

Aim:

To provide Council and the public with information regarding an application to amend Zoning By-law #890-09 to establish site specific Residential Zone (R3) provisions for lots located within Phases 2 and 3 of the Destiny Estates Plan of Subdivision which will:

- Permit an increase in the maximum lot coverage from 40% to 50%;
- Permit a reduction in the minimum front yard setback from 6 m (19.68 ft.) to 5.49 m (18 ft.);
- Permit a reduction in the minimum exterior side yard setback from 4.5 m (14.76 ft.) to 4.19 m (13.74 ft.).

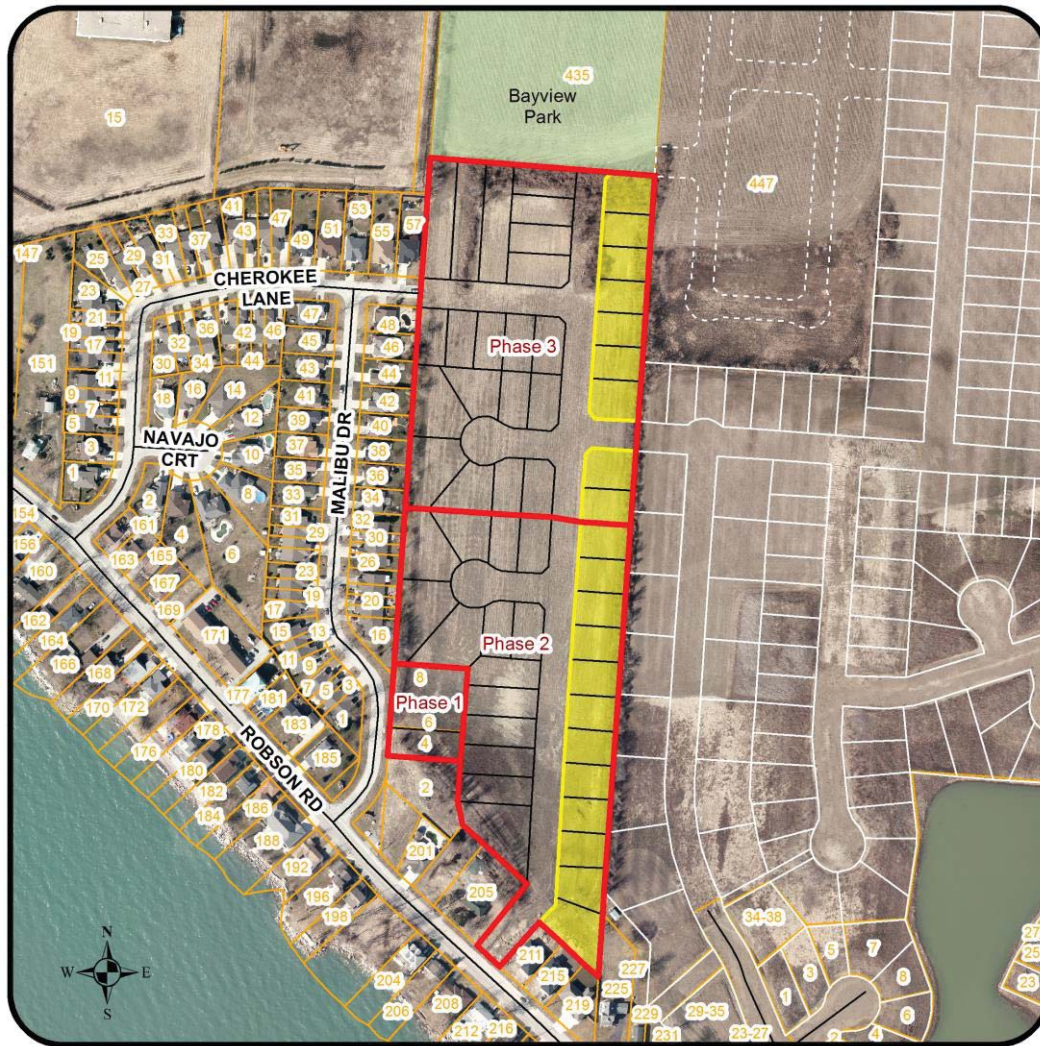
Background:

Administration has received a request to amend the zoning for the semi-detached dwelling lots on the east side of Destiny Drive, located in Phases 2 and 3 of the Destiny Estates Plan of Subdivision (see inserted key map).

The plan of subdivision is located in an area that is on full municipal services. The surrounding area consists predominately of existing low density residential uses, farmland pending development as subdivisions and the golf course.

The semi-detached dwelling lots are designated Residential in the Official Plan (OP) on Schedule A-6E and zoned Residential Holding Zone (R3(h)) under Zoning By-law #890-09, as shown on Map 61.

Council recently approved concurrent requests from the applicant to remove the Holding (H) Symbol applied to the residential zoning of the lots in Phase 2 and to make a minor amendment to the lot line between Lots 38 and 39 in Phase 2 (PLA-56-15).



Key Map of Semi-Detached Dwelling Lots - Destiny Estates Plan of Subdivision

Proposal:

The proposed zoning amendment application seeks to obtain an increase in the maximum lot coverage provision of Residential Zone (R3) from 40% to 50%, obtain relief from the minimum front yard setback provision of Residential Zone (R3) from 6 m (19.68 ft.) to 5.49 m (18 ft.), and obtain relief from the minimum exterior side yard setback provision of Residential Zone (R3) from 4.5 m (14.76 ft.) to 4.19 m (13.74 ft.) for the semi-detached dwelling lots on the east side of Destiny Drive.

A Site Plan illustrating the layout of the semi-detached dwelling unit based on the requested zone provisions has been attached.

The increase in the maximum lot coverage, reduction in minimum front yard setback and minimum exterior side yard setback has been requested by the owner to permit larger semi-detached dwellings on smaller lots.

Comments:

Provincial Policy Statement

The subject property is located within an identified settlement area as shown in the planning documents for the County of Essex and the Municipality of Leamington. The proposed amendment will allow for the efficient use of lands in a manner that provides for an appropriate mix of land uses which can be adequately serviced. The application does not seek to enlarge the settlement area, is not removing lands from the agricultural area and does not impact a natural environment resource.

The proposed zoning amendment is consistent with the direction of the Provincial Policy Statement, including Section 1.4.1 regarding the provision of an appropriate range and mix of housing types and densities.

County Official Plan

The subject lands are within the Primary Settlement Area on Schedule “A2” of the County Official Plan. The land use goals of the County Official Plan support and promote healthy, diverse and vibrant settlement areas. The policies of the plan also encourage compact, mixed-use, pedestrian oriented development within the Primary Settlement Area.

The proposed amendment conforms to the land use policies within the Primary Settlement Area, as contained within the County of Essex Official Plan.

Leamington Official Plan

The proposed zoning amendment maintains the general intent and purpose of the Official Plan for lands designated Residential, being a residential use on lots within a draft approved plan of subdivision.

Zoning By-law #890-09

The proposed zoning by-law amendment meets the general intent and purpose of the Residential Zone (R3) provisions of the Zoning By-law with respect to maximum lot coverage, minimum front yard setbacks, and exterior side yard setbacks.

Increase to Maximum Lot Coverage

The applicant is requesting an increase in the maximum lot coverage provision of Residential Zone (R3) from 40% to 50%, to allow the construction of larger semi-detached dwellings on smaller lots. The requested increase will allow for more of the lot area to be covered, resulting in the increased floor area for the dwelling.

The purpose of lot coverage is to:

- Ensure that overcrowding of buildings and structures on a property is avoided;
- Building massing remains consistent with or is complimentary to buildings in the surrounding area; and
- Adequate landscaped open space is provided for the respective use and to manage and retain stormwater in an efficient manner.

Administration is of the opinion that the requested increase meets the general intent and purpose of the Zoning By-law in respect to lot coverage. The following points represent Administration's planning opinion:

- The requested increase will not result in the overcrowding of buildings and structures on the property.
 - The requested increase is not seeking a reduction to the minimum interior side yard setback or rear yard setback, meaning that the buildings will not be coming any closer to the side yard or rear yard property lines which would result in overcrowding.
 - It should also be noted that decks and accessory structures such as sheds are included in the lot coverage calculation. Based on the proposed floor plan provided, decks and sheds would not be permitted on any of the lots where it would result in the maximum lot coverage to be exceeded, preventing overcrowding within the rear yard.
- The requested increase is consistent with a new building trend to provide larger one storey semi-detached and townhouse dwellings with covered porches on smaller lots resulting in less landscaped open space to maintain.
 - The massing of the semi-detached dwellings will be complimentary to that of the single detached dwellings and townhomes proposed within the surrounding area.
- The requested increase will continue to provide adequate landscaped open space for the residential uses.
 - The provision of landscaped open space in the rear yard will remain unchanged.
 - The provision of landscaped open space in the front yard will be decreasing marginally to account for the requested increase in lot coverage and a reduction in the minimum front yard setback, however the space will still remain functional for the residential use and maintain an appropriate balance between the areas that are driveway.
 - The Site Plan illustrates interior side yard setbacks greater than the minimum required, providing more landscaped open space and greater separation between the proposed semi-detached dwellings.

Engineering comments will address any stormwater management issues resulting from the requested increase to the maximum lot coverage.

The resulting impact of the requested increase is a development with more building on a lot, resulting in a slightly smaller front yard. The type of semi-detached dwelling being proposed is typically built to the rear and side yard setbacks, meaning that with or without the requested increase there would be no change to the size of the rear yard or side yards. These semi-detached dwellings are often built to the maximum lot coverage as well, which prohibits the construction of accessory structures and decks within the rear and side yards, keeping the spaces clear and unobstructed.

Decrease to Minimum Front Yard Setback

The applicant is requesting a reduction in the minimum front yard setback provision of Residential Zone (R3) from 6 m (19.68 ft.) to 5.49 m (18 ft.). The requested reduction will

allow the semi-detached dwellings to come closer to the extent of the right-of-way.

The purpose of the front yard setback is to:

- Ensure that a consistent built line is maintained;
- Views of neighbouring property owners, pedestrians and vehicular operators are not obstructed;
- Where driveways are provided, there is sufficient space to accommodate a vehicle without blocking the sidewalk or pathway; and
- Overcrowding of buildings and structures on a property is avoided.

Administration is of the opinion that the requested reduction meets the general intent and purpose of the Zoning By-law in respect to front yard setback. The following points represent Administration's planning opinion:

- The Site Plan illustrates front yard setbacks which will provide a consistent built line along Destiny Drive.
- The proposed reduction in front yard setback provides sufficient space to safely park a vehicle without blocking any proposed sidewalks or pathways, obstructing the views of vehicular operators or pedestrians, and encroaching on the Destiny Drive right-of-way.
 - The requested reduction is the maximum that can be considered before the above noted factors start to become an issue.
 - The width of the proposed semi-detached dwelling unit lots can accommodate a two-car driveway to provide the required number of parking spaces.
- The proposed reduction in front yard setback will not result in the overcrowding of buildings within the front yard setback.
 - The lots on the west side of Destiny Drive are approved for single detached dwellings, representing a less compact form of residential development providing separation between each dwelling. This avoids the creation of a tunnel like affect, established when two compact developments are constructed along either side of a right-of-way creating an uninviting space bordered by a near contiguous wall of buildings.

The resulting impact of the requested reduction is a development where buildings are allowed to come closer to the extent of a public right-of-way than the standard 6 m (19.68 ft.), front yard setback established for low density residential development in the Residential zones of the Zoning By-law. This results in a smaller, however still adequate and functional front yard.

Decrease to Minimum Exterior Side Yard Setback

The applicant is requesting a reduction in the minimum exterior side yard setback provision of Residential Zone (R3) from 4.5 m (14.76 ft.) to 4.19 m (13.74 ft.). The requested reduction will allow the semi-detached dwellings to come closer to the extent of the right-of-way.

The purpose of the exterior side yard setback is to:

- Ensure that a consistent built line is maintained;
- Overcrowding of buildings and structures on a property is avoided; and
- Views of neighbouring property owners, pedestrians and vehicular operators are not obstructed.

Administration is of the opinion that the requested reduction meets the general intent and purpose of the Zoning By-law in respect to exterior side yard setback. The following points represent Administration's planning opinion:

- The proposed reduction in exterior side yard setback will not result in the overcrowding of buildings within the exterior side yard setback;
 - Adequate space is still provided on either side of the Inverness Drive right-of-way, avoiding the creation of a tunnel like affect.
 - Additionally, Administration has determined that the minimum exterior side yard setback for low density residential development within the Residential zones of the Zoning By-law is more than sufficient and will be considering its reduction in the upcoming comprehensive review of the Zoning By-law.
- The proposed reduction in exterior side yard setback will not restrict the views of abutting property owners, pedestrians, and vehicular operators (especially pedestrians and vehicular operators entering the proposed intersection of Destiny Drive and Inverness Drive).

The resulting impact of the requested reduction is a development where buildings are allowed to come closer to the extent of a public right-of-way than the standard 4.5 m (14.79 ft.) exterior side yard setback established for low density development in the Residential zones of the Zoning By-law. This results in a smaller, however still adequate and functional exterior side yard.

Conclusion:

The overall impact of the requested zoning by-law amendment is a development consisting of more building, less front and exterior side yard, and a higher ratio of lot coverage to landscaped open space. The zoning by-law amendment also represents a change in residential development standards for the area.

The change in development standards reflects a new building trend common in the area, involving the construction of one storey semi-detached dwellings with covered porches, resulting in less landscaped open space to be maintained and additional gross floor area on the ground floor.

Development standards are the rules established by the Municipality for promoting and facilitating orderly development within the municipality. The Municipality's development standards are conveyed through the Zoning By-law in the form of provisions that control the use of land, where buildings and structures can be located, the types of buildings that are permitted and how they may be used, lot sizes and dimensions, parking requirements, and building heights and setbacks.

The provisions of the Zoning By-law are amended from time to time to reflect new building trends, planning policies, and site specific conditions where it is demonstrated that it is appropriate, necessary, and represents good planning.

Administration notes that the owner did not provide any professional planning justification in support of the requested zoning by-law amendment, however is of the opinion that it is appropriate, its impact will not negatively effect the orderly development of the area, and it meets the general intent and purpose of the Residential Zone (R3) provisions of the Zoning By-law.

Notice of the public meeting will be circulated to commenting agencies, municipal departments, all abutting landowners within 120 m (400 ft.) of the subject property and published in the local newspaper. All information pertaining to the application will be made available to the public and commenting agencies for review prior to the public meeting. It is anticipated a public meeting can be scheduled for Monday, January 4, 2016 at 6:00 pm.

Administration will prepare a further report subsequent to the public meeting to be presented to Council, identifying any concerns raised at the public meeting and providing a recommendation for the requested zoning amendments.

Financial Impact:

There are no financial impacts to the Municipality as a result of the proposed amendment.

Recommendation:

That Zoning By-law Amendment Application ZBA #91 to establish site specific Residential Zone (R3) provisions for lots located within Phases 2 and 3 of the Destiny Estates Plan of Subdivision to permit an increase in maximum lot coverage from 40% to 50%, a reduction in the minimum front yard setback from 6 m (19.68 ft.) to 5.49 m (18 ft.), and the minimum exterior side yard setback from 4.5 m (14.76 ft.) to 4.19 m (13.74 ft.) was reviewed and deemed to be complete pursuant to the requirements of the *Planning Act*,

And that Administration be directed to schedule the required Public Meeting.

(Report PLA-56-15)

Respectfully submitted,

Brian Nagata

Digitally signed by Brian Nagata
DN: cn=Brian Nagata, o=Municipality of
Leamington, ou=Development Planner,
email=bnagata@leamington.ca, c=CA
Date: 2015.12.03 08:56:08 -05'00'

Brian Nagata
Development Planner

Danielle Truax
Manager of Planning Services

Tracey Pillon-
Abbs, Director
of Community
& Development
Services
Tracey Pillon-Abbs

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Tracey Pillon-Abbs,
Director of
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Development Services
Date: 2015.12.03
11:41:00

Director of Community and Development Services

:bn

attachments

Peter Neufeld,
CAO

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Date: 2015.12.10 14:09:34 -05'00'

T:\Planning\Council Reports\2015\PLA 56 15 - ZBA 91 - Destiny Estates Subdivision - Lots 38-58

Site Plan Proposed Lot Layout

