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Date: November 19, 2018

To: Mayor and Council

Author: Kristina Brcic, Town Planner

RE: Application for Zoning Amendment - ZBA/20/18 by
Robert & Barbara Dick & Helena Koop – Owners
Heather Scott – Authorized Applicant
101 Mill St. W
Part of Lot 1 & 2, Concession 1 WD
Roll No. 3711 160 000 02710

Report No.: PDS 2018-060

AIM

To provide the Mayor and Council with information regarding a proposed Zoning By-law Amendment request on lands located at 101 Mill Street West.

BACKGROUND

The Town of Kingsville has received the above-noted application for lands located in the southwest corner of the intersection of Mill St. W and Laurel St. The subject parcel is designated 'Residential' by the Official Plan and is zoned 'Residential Zone 1 Urban Exception 20 (R1.1-20)' under the Kingsville Comprehensive Zoning By-law.

The parcel is a 1.12 ha (2.77 ac.) residential lot with a large unique single detached dwelling and a detached garage/carriage house. The property was rezoned many years ago to permit an inn, assembly hall, banquet facility and gift shop. Although it has operated as an inn, the other uses have not materialized. A prospective purchaser is looking to buy the property with the hope of operating a day spa and holistic wellness centre in the main dwelling with some activities located on the lawn, while residing in the garage/carriage house. (Full details of the proposal can be found in Appendix D).

In order to proceed with the proposal two approvals are required as follows:

- i) a zoning amendment to address the addition of the proposed uses, and
- ii) site plan approval to address parking, outline any specific locations for the outdoor uses and any additional structures on the property.

DISCUSSION

1) Provincial Policy Statement (PPS), 2014

PPS, Section 1.1.3.1 states that, "Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted." Section 1.1.3.3 further outlines that, " Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs." Section 1.1.3.6 states 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: The property was rezoned many years ago to permit an inn, assembly hall, banquet facility and gift shop but has since only ever operated as an inn. The prospective purchasers see great potential in both the property and existing heritage buildings to establish a holistic health centre. The requesting zoning amendment would allow for the adaptive reuse of this unique property, which is currently on the heritage inventory list.

2) County of Essex Official Plan

The County OP is very similar to that of PPS in terms of applicable policies and encouragement of intensification of development within the Settlement Area boundaries. The proposed development would be consistent with the County Official Plan.

3) Town of Kingsville Official Plan

The subject lands are designated Residential and permit all forms of residential development along with commercial development which is supportive of the residential area. The applicant has submitted a Business Proposal Report, found in Appendix D, outlining the proposed adaptive reuse of the property.

Section 3.6.1 Residential - Policies item b) states that "other uses which are considered necessary and complimentary to serve residential areas, such as schools, parks, churches, day care centres, home occupations and essential buildings and structures for public utilities, may be permitted where they are compatible with the residential area;".

Comment: The prospective owner of the property plans to live in the carriage house while the main house will be utilized for the holistic wellness centre and accessory gift shop, as mentioned in the Business Proposal Report. The proposed uses are more in line with home occupations that may be found in the surrounding neighbourhood, compared to some of the existing permitted uses of the property, such as an assembly and banquet hall. Adaptive reuse of such heritage buildings are common practice and lead to continued maintenance of the heritage property and grounds. The subject property will in fact retain a residential quality to it with the prospective owner planning to reside in the existing carriage house, located to the west of the main dwelling. Planning Staff have recommended that the existing permitted uses cannot coincide with the proposed holistic health centre, as that would diminish the residential quality of the property and surrounding neighbourhood. As such, it was explained to the prospective owners that the property may be utilized in either the former use or the newly proposed holistic health centre. Therefore, the proposed zoning amendment would be compatible with the residential area.

4) Comprehensive Zoning By-law

The subject property is zoned 'Residential Zone 1 Urban Exception 20 (R1.1-20)'. The intended amendment would be to amend the current site-specific zone to make the following changes:

R1.1-20	Current	Proposed
Permitted Uses	<ul style="list-style-type: none"> i) Those <i>uses permitted</i> under Section 6.1 Residential Zone 1 Urban (R1.1); ii) An <i>inn</i>, an <i>assembly hall</i>, a banquet and a gift shop. 	Holistic Health Centre and an accessory gift shop
Permitted Buildings and Structures	<ul style="list-style-type: none"> i) Those <i>buildings and structures permitted</i> under Section 6.1 in the (R1.1) zone; ii) One <i>dwelling unit</i> above a <i>garage</i>; iii) One <i>single detached dwelling</i>; iv) <i>Buildings and structures accessory to the permitted uses</i>. 	
Zone Provisions	<ul style="list-style-type: none"> i) All <i>lot and building requirements</i> for the <i>permitted buildings and structures shall</i> be in accordance with Section 6.1.; ii) Notwithstanding the provisions of Section 6.1, an <i>inn</i>, an <i>assembly hall</i> and a <i>facility shall have minimum front, rear, interior side</i> and an <i>exterior side yard</i> dimension of 15 m. 	<p>Shall not change the residential character of the existing dwelling. Meet minimum parking requirements for the permitted uses.</p> <p>The owner of the property must live on site.</p> <p>Cannot be combined with any other home occupation.</p>

The proposed amendment will allow either the existing Permitted Uses, or the proposed Holistic Health Centre with an accessory gift shop in order to govern the scale of uses on the property. Having these uses occurring simultaneously would not be suitable for this neighbourhood or zone. The owner will be required to enter into a site plan agreement with the Town to address parking and storm water drainage on the property. To keep the residential component of the property, it will be required that the owner reside on the property and that any additional home occupations will not be permitted. Furthermore, the owner of the property will be required to maintain the residential character of the existing dwelling and all other provisions of the By-law must be in compliance.

The proposed amendment to the Town of Kingsville Comprehensive Zoning By-law 1-2014 will include the addition of a definition for *Holistic Wellness Centre* under section 3.6.19.1 and will read as follows:

3.6.19.1 Holistic Wellness Centre – shall mean a building or part thereof, in which facilities or offices are provided for the practice of alternative and traditional medical treatments and may include, but not be limited to, Yoga, Chiropractic, Podiatrist, Chiropodist, Meditation Classes, Reflexology, Massage, Chinese Medicine, Naturopathy, Acupuncture, Iridology, Homeopathy and Shamanism.

In addition to the proposed zoning amendment a technical correction is being undertaken for the lands known as 74 Laurel Street. The property was severed from 101 Mill St. W in 2014, at which time a minor variance was approved as a condition of the consent to only permit the standard 'Residential Zone 1 Urban (R1.1)' uses. This is not a sustainable method of regulating permitted uses as there is no readily accessible reference, such as a zoning map, to the minor variance approval. Since the zoning on 101 Mill St W. is under consideration, it presented an opportunity to update this and the owners of 74 Laurel are in agreement.

LINK TO STRATEGIC PLAN

Manage growth through sustainable planning.

FINANCIAL CONSIDERATIONS

There may be some increase in assessment depending on the scale of proposed uses on the site.

CONSULTATIONS

Public Consultations

In accordance to O. Reg 545/06 of the *Planning Act*, property owners within 120m of the subject site boundaries received the Notice of Public meeting by mail. To date comments were received in both support and against the proposed zoning by-law amendment.

The public comment received to date is attached as Appendix E.

Agency & Administrative Consultations

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

Agency or Administrator	Comment
Essex Region Conservation Authority Watershed Planner	<ul style="list-style-type: none">• ERCA comment is attached as Appendix 'C'.• No objections
Town of Kingsville Management Team	<ul style="list-style-type: none">• Change of use will be required for any use changes.• Site plan Approval required to establish parking requirements and stormwater drainage.• Property is listed on the Inventory of Heritage Properties of Interest but is not currently designated

RECOMMENDATION

It is recommend that Council approve zoning amendment application ZBA/20/18 to amend the current 'Residential Zone 1 Urban Exception 20 (R1.1-20)' zoning of the lands known as 101 Mill Street West, in the Town of Kingsville, to revise the permitted uses as follows:

The existing uses as follows:

Those uses permitted under Section 6.1 Residential Zone 1 Urban (R1.1);
An inn, an assembly hall, a banquet facility and a gift shop.

OR;

The proposed use as follows:
A holistic health centre and an accessory gift shop;

and adopt the implementing by-law.

Kristina Brcic

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Town Planner

Robert Brown

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Manager, Planning Services

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer