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Date: June 14, 2019

To: Mayor and Council

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Town Planner

RE: Application for Official Plan Amendment OPA/01/19 and
Zoning Amendment ZBA/08/19 by
Ray Wall and Scott Shilson
289 Main Street W
Part of Lots 4 & 5, Concession 1 WD

Report No.: PDS 2019-028

AIM

To provide the Town of Kingsville Council with information regarding a proposed Official Plan Amendment (OPA) to change the land use designation to allow commercial development, and a Zoning By-law Amendment (ZBA) to zone the proposed lot to an appropriate commercial classification.

BACKGROUND

The subject land totals 0.5 ha (1.238 ac.) and is located at what is considered the easterly limit of the Primary Settlement Area boundary for Kingsville (see Appendix A). The former dwelling and detached accessory building were converted for retail use in 2016. The prospective purchaser (applicant) currently operates a fitness centre located at 106 Wigle Ave. They are proposing to relocate to the subject property, constructing an addition to the existing accessory building to accommodate their fitness centre, renovate the former dwelling from the current retail use to office space, and expand the parking lot (see Appendix B).

In order to proceed with the development several planning approvals are required as follows:

- 1) an Official Plan Amendment to designate the entire property from its current mix of Highway Commercial, Residential, and Agriculture to Highway Commercial;

- 2) a zoning by-law amendment to change the area currently zoned 'Residential Zone 1 Urban - holding (R1.1(h))' to 'General Commercial (C4)' and establish any required site-specific regulations.

The property does not currently have an approved site plan in place so if the requested amendments are approved the next step would be approval of a site plan for the proposed addition and development of the parking area.

DISCUSSION

1) Provincial Policy Statement (PPS), 2014:

Part V Policies Section 1.1.1(b) supports "accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs."

Section 1.3.1(c): "Planning authorities shall promote economic development and competitiveness by providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses."

The Provincial Policy Statement encourages creation of new employment uses in the settlement areas and appropriate employment uses compatible with adjacent residential uses.

Comment: The area in which the subject property is located is adjacent to primarily a mix of other commercial uses. There is one remaining residential use to the east and residential to the southeast. There is a good distance buffer from the proposed use, however the zoning and site plan are structured to include additional safeguards.

2) County of Essex Official Plan

The County of Essex is the final approval authority for all Official Plan amendments. As the lands on which the proposed are inside a primary settlement area, Section 3.2 of the Official Plan applies. The County Official Plan Section 3.2.1.1 encourages a mix of uses on municipal water and sewer services, which are available at this site. The application meets the Goals and Policies of the County Official Plan.

3) Town of Kingsville Official Plan

The Official Plan for the Town of Kingsville designates the subject property 'Highway Commercial,' under Section 3.2.3 and 'Residential' under Section 3.6.1 and Agriculture under Section 3.1. The proposed Official Plan Amendment will designate the entire property to 'Highway Commercial' to allow for the rezoning and more comprehensive development of the site.

The lands designated Agriculture occupy a small portion of the property, approx. 214 sq. m (2,300 sq. ft.), in the northwest corner abutting County Road 20. While this portion of the property is simply front yard area and not being developed it is recommended that this portion of the property also be amended to the 'Highway Commercial' designation as the extent of the designation is approximate and currently does not correspond with a lot line.

Section 8.11.1 outlines the Amendment Procedures for consideration of an application for an Official Plan Amendment. The subject site is already a commercial use, and the requirements of the amendment criteria have been met. This application meets the Goals and Policies of the Official Plan.

4) Comprehensive Zoning By-law – Town of Kingsville

The site is currently zoned 'General Commercial (C4)', 'Residential Zone 1 Urban - holding (R1.1(h))' and 'Agriculture, (A1)'. The application for a Zoning Bylaw Amendment (ZBA/08/19) proposes to change the area of the site currently zoned 'Residential Zone 1 Urban - holding (R1.1(h))' and 'Agriculture (A1)' to 'General Commercial (C4)' resulting in one zone across the site.

The 'General Commercial (C4)' zone contains a diversity of uses and is intended to ensure the commercial needs of town residents are met. This application is an expansion of the existing zoning of the site to facilitate an addition to an existing building. The applicant is proposing to use the site for a fitness centre, which is a permitted use in the zone.

While the portion of the property that is being proposed for redesignation and rezoning abuts existing residential development to the east, there is a significant buffer already in place on those lands. The use of the subject property in this particular area will be a portion of the new building addition, rear yard space, and potential parking, if needed.

Considering the abutting Residential zoned lands and concern for potential noise issues, the following zoning regulation is proposed:

Openings (detailed in an approved site plan) on the east and south sides of a structure within 15.24 m (50 ft) of a Residential zone shall be limited to:

- i) fixed pane windows and/or;
- ii) fire exits as required by the Ontario Building Code.

Since the site consists of a mix of uses on an irregular shaped lot with existing buildings, and considering the need for buffering from abutting Residential zoned lands, the following zoning regulation is proposed:

Notwithstanding Section 5.17 Table 5, the minimum number of *parking spaces* required for this site shall be 30 spaces.

Through the site plan approval process appropriate screening can be included to minimize any impact on the abutting residential lands.

LINK TO STRATEGIC PLAN

Manage growth through sustainable planning.

FINANCIAL CONSIDERATIONS

The development of this lot will result in an increase in assessment value.

CONSULTATIONS

In accordance to O. Reg 545/06 of the *Planning Act*, property owners within a minimum 120m of the subject site boundaries received the Notice of Public Meeting by mail. Information of the proposed amendment was also posted to the Town website.

Planning Advisory Committee (PAC)

The application was reviewed by PAC at their May 21st 2019 meeting. The meeting was attended by the applicant and neighbouring residents who had concerns regarding drainage, traffic, and noise. The site is subject to drainage review under a required Site Plan Agreement. The existing Noise Bylaw 28-2006 would apply the same as any other site. The applicant was able to address the concerns and Administration has noted that many of the items can be addressed through the site plan approval process. As noted in the Zoning Bylaw Amendment section of this report, two site-specific regulations are proposed to address concerns raised at PAC. The committee moved a recommendation that the application move forward for Council's consideration:

PAC – 08 – 2019

Moved by, Lorrie M seconded by Wayne Lattam that the Planning Advisory Committee supports the Official Plan Amendment to designate the entire property from its current mix of Highway Commercial, Residential and Agriculture to Highway Commercial as well to re-zone to change the area currently zoned 'Residential Zone 1 Urban - holding (R1.1(h))' to 'General Commercial (C4)' and establish any required site-specific regulations to the subject property, on lands known at 289 Main Street West, and recommend to move forward to Council for consideration of the requested Official Plan and Zoning By-law amendment.

CARRIED

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">• No concerns or objections.• See Appendix C.

County of Essex	<ul style="list-style-type: none"> • The County as the Official Plan amendment approval authority was circulated but did not raise any concerns. • See Appendix D.
Town of Kingsville Management Team	<ul style="list-style-type: none"> • Site Plan Agreement required for new building. • Lot grading plan will be required. • New construction will have to comply with Ontario Building Code. • Property is not a designated heritage property, but is on the heritage inventory as a property of interest.

RECOMMENDATION

It is recommended that Council:

Adopt Official Plan Amendment No. 10 (OPA 10) to redesignate the 'Agriculture' and 'Residential' portions of the subject parcel to Highway Commercial on the property currently known as 289 Main Street W, Part of Lots 4 & 5, Concession 1, in the Town of Kingsville and direct administration to forward the amendment to the County of Essex for final approval.

Approve Zoning By-law amendment application ZBA/08/19, to implement OPA 10, rezone the 'Agricultural, A1' and 'Residential Urban Zone 1, holding, R1.1(h)' portion of the subject parcel to 'General Commercial (C4)' and adopt the implementing by-law subject to final approval of OPA 10 by the County of Essex.

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Robert Brown

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