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Date: July 8, 2019

To: Mayor and Council

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Town Planner

RE: Application for Zoning Amendment ZBA/09/19 and
Site Plan Approval SPA/09/19 by
Olivito Dentistry Prof. Corp (Owner) and
Amanda Woolgar (Authorized Applicant)
87 Main Street E and 17 Spruce Street, Part of Lot 1, Conc 1, ED

Report No.: PS 2019-029

AIM

To provide the Town of Kingsville Council with information regarding a proposed Zoning By-law Amendment (ZBA) and Site Plan Approval (SPA) for expansion of the existing dental clinic's parking area.

BACKGROUND

The subject lands include 87 Main Street E. which is a 1,001.1 sq. m (10,776 sq. ft.) commercial lot with an existing dental clinic and parking lot and 17 Spruce Street which is a 1008.7 sq. m (10,858 sq. ft.) residential lot with an existing dwelling. At the June 18th 2019 Committee of Adjustment meeting, the applicant received conditional approval to convey a portion of 17 Spruce Street to the 87 Main Street E. as a lot addition for the purposes of expanding the on-site parking area and improving the accessibility of the building entrance. In order to accommodate the proposed development a zoning amendment is necessary to re-zone the lot addition lands to match the existing zoning on 87 Main St. E. and re-zone the parcel at 17 Spruce Street to recognize a reduced rear yard setback and

DISCUSSION

1) Provincial Policy Statement (PPS), 2014:

When reviewing a planning application to determine if it represents sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statement (PPS): “The Provincial Policy Statement provides policy direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment.”

Comment: The area in which the subject property is located is adjacent to primarily a mix of other commercial uses along Main Street to the west, residential uses to the north, east and south. There are no issues of Provincial significance raised as a result of the rezoning and site plan approval.

2) Town of Kingsville Official Plan

The Official Plan for the Town of Kingsville designates the subject properties as ‘Residential’. Uses that are considered to be ancillary or necessary to serve the needs of a residential community may also be permitted in the “Residential” designation in accordance with the policies of the Official Plan (Section 3.6 on page 38).

Comment: This application meets the Goals and Policies of the Official Plan.

3) Comprehensive Zoning By-law – Town of Kingsville

The existing dental clinic at 87 Main Street is currently zoned ‘Residential Zone 1 Urban Exemption 14 (R1.1-14)’, and the single detached house at 17 Spruce Street is zoned ‘Residential Zone 1 Urban (R1.1)’. At the June 18th 2019 Committee of Adjustment meeting, the applicant received conditional approval to convey a portion of the abutting lot to the south located at 17 Spruce Street to the subject parcel as a lot addition for the purposes of expanding the on-site parking area and improving the accessibility of the building entrance. As a result of the addition to the parking area, that part of the site needs to be rezoned to ‘Residential Zone 1 Urban Exemption 14 (R1.1-14)’.

This application will also allow for the rear setback of the dwelling at 17 Spruce Street to be 1.67m instead of the 7.5m required under the current zoning. The lot is addressed to Spruce Street, but as per the definition in the Zoning Bylaw, the front lot line is the one that abuts Pearl Street. The following new Exception would be created:

6.1.1.28 ‘Residential Zone 1 Urban Exception 28 (R1.1-28)’

For lands shown as R1.1-28 on Map 72 Schedule “A” of this By-law.

a) ***Permitted Uses***

Those uses permitted under Section 6.1 Residential Zone 1 Urban (R1.1).

b) ***Permitted Buildings and Structures***

- i) Those *buildings and structures* permitted in Section 6.1
- ii) *Buildings and structures* accessory to the *permitted uses*.

c) ***Zone Provisions***

All lot and building requirements shall be in accordance with the following:

- i. Provisions of the (R1.1) Section 6.1 shall apply to the lands Zoned (R1.1-28);
- ii. Notwithstanding the Zone provisions of Section 6.1, the following additional provisions shall apply to lands Zoned (R1.1-28):
 - a) Minimum Rear Yard – 1.5m;
 - b) Minimum Exterior Side yard – 2.0m.

4) Site Plan

The applicant received conditional approval of a consent to add a portion of 17 Spruce Street to the parcel for 87 Main Street East from the Committee of Adjustment at their June 18th 2019 meeting. The existing parking area is to be redesigned, from 13 parking spaces to 17 (including 1 accessible space). The parking area will be hard surfaced with curbing along the edges and storm water catch basins. There will be a new accessible ramp, upgraded stair access, and new landscaping. A row of trees will be added along the east side of the parking area to provide a buffer to abutting residential. A new 1.8m solid screen fence will be constructed between the parking area and the existing dwelling at 17 Spruce Street.

LINK TO STRATEGIC PLAN

Support growth of the business community and to manage growth through sustainable planning.

FINANCIAL CONSIDERATIONS

The site plan approval will result in building permit fees, and an increase in assessment once construction is completed.

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. Applicable agencies and Town Administration were circulated for comment by email.

Agency or Administrator	Comment
Essex Region Conservation Authority Watershed Planner	<ul style="list-style-type: none">• No concerns or objections.• See Appendix D.
Town of Kingsville Management Team	<ul style="list-style-type: none">• Once approved the owner/contractor shall apply for a building permit for any barrier free ramp work.• Lot grading plan will be required.• New construction will have to comply with Ontario Building Code.

ELK Energy	<ul style="list-style-type: none"> E.L.K. has a registered easement, instrument number 1217992, that runs along the North lot line of the severed lands containing existing E.L.K. electrical plant (as shown on applicants sketch, Appendix C).
Bell Canada	<ul style="list-style-type: none"> Additional 1.5m easement required to protect Bell infrastructure, condition of consent approval (B/07/19). See Appendix E.

RECOMMENDATION

It is recommended that Council:

Approve zoning by-law amendment application ZBA/09/19 to rezone the subject lands at 87 Main Street E, Part of Lot 1, Concession 1 ED in the Town of Kingsville, from 'Residential Zone 1 Urban (R1.1)' to 'Residential Zone 1 Urban Exemption 14 (R1.1-14)' and adopt the implementing by-law;

Approve zoning by-law amendment application ZBA/09/19 to rezone the subject lands at 17 Spruce Street, Part of Lot 1, Concession 1 ED in the Town of Kingsville, from 'Residential Zone 1 Urban (R1.1)' to 'Residential Zone 1 Urban Exemption 28 (R1.1-28)' and adopt the implementing by-law; and

Approve site plan application SPA/09/19 for the proposed parking lot development, subject to the conditions outlined in the site plan agreement and authorize the Mayor and Clerk to sign the site plan agreement and register said agreement on title.

George Robinson

George Robinson, BFA, BURPI, CPT
Town Planner

Robert Brown

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

Peggy Van Mierlo-West

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