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Date: July 30, 2019

To: Mayor and Council

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Town Planner

RE: Application for Site Plan Agreement (SPA/12/19) by
Ray Wall and Scott Shilson
289 Main Street W
Part of Lots 4 & 5, Concession 1 WD

Report No.: PDS 2019-032

AIM

To provide the Town of Kingsville Council with information regarding a proposed Site Plan Agreement to develop a commercial site for a fitness centre use.

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. At the June 24th 2019 meeting, Council approved:

- 1) an Official Plan Amendment to designate the entire property from a mix of Highway Commercial, Residential, and Agriculture to Highway Commercial;
- 2) a zoning by-law amendment to change the areas previously zoned 'Residential Zone 1 Urban - holding (R1.1(h))' and 'Agriculture (A1)' to 'General Commercial Exception 6 (C4-6)' and establish site-specific regulations.

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 of Essex Official Plan.

3) Town of Kingsville Official Plan

Official Plan Amendment Number 10 (Bylaw 63-2019) was passed by Council on June 24th, 2019. The Official Plan Amendment designates the entire property to ‘Highway Commercial’ to allow for the rezoning and more comprehensive development of the site. This application meets the Goals and Policies of the Town of Kingsville Official Plan.

4) Comprehensive Zoning By-law – Town of Kingsville

On June 24th, 2019 Council approved Bylaw 64-2019 to rezone the subject property to ‘General Commercial Exception 6 (C4-6)’.

The ‘General Commercial (C4)’ zone contains a diversity of uses and is intended to ensure the commercial needs of town residents are met. The applicant is proposing to use the site for a fitness centre, which is a permitted use in the zone.

While the property 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 of the site will be a portion of the new building addition, rear yard space, and parking.

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

a) 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 was included:

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 is proposed to minimize any impact on the abutting residential lands.

5) Site Plan

The applicant proposes to retain the existing former farmhouse which was changed to a retail use in 2016, and convert it to office space. The existing accessory building which was expanded and upgraded in 2017 will have an addition to increase the floor area and be used as a fitness centre. The existing asphalt surface parking lot will be expanded and upgraded to accommodate additional spaces, and a gravel staff parking area is to be added behind the new fitness centre addition on the south side of the site. The existing 1.8 m solid privacy fence on the east side of the site will be retained. Landscaped buffering will be required and is proposed between the front lot line and the proposed parking area in the front yard, as well as along the east lot line for the portion of the lot that abuts a residential use. Surface drainage improvements including additional catch basins in the parking lots will be constructed, and a storm water management plan has been received (see Appendix B and Appendix C).

LINK TO STRATEGIC PLAN

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.

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 were included 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 D.
County of Essex	<ul style="list-style-type: none">• The County objected to an initial plan to drain into the roadside drain, which was resolved with a revised storm water management plan.
Town of Kingsville Management Team	<ul style="list-style-type: none">• New construction will have to comply with Ontario Building Code.• Lot grading plan will be required.• Property is not a designated heritage property, but is on the heritage inventory as a property of interest.

RECOMMENDATION

It is recommended that Council approve site plan amendment application SPA/12/19 for the proposed fitness centre, 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 amended 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