



2021 Division Road North  
Kingsville, Ontario N9Y 2Y9  
(519) 733-2305  
www.kingsville.ca  
kingsvilleworks@kingsville.ca

**Date:** November 21, 2019

**To:** Mayor and Council

**Author:** Robert Brown, H. Ba, MCIP, RPP  
Manager, Planning Services

**RE:** Application for Site Plan Amendment by  
Tay Inc.  
190 Main St. E., Part of Lot 1, Concession 2 ED  
Part 2, RP 12R 26799

**Report No.:** PS 2019-060

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## **AIM**

To provide the Mayor and Council with information on a request to amend the existing site plan approval at 190 Main St. E. to include a new elevation showing a two-storey building for a medical clinic.

## **BACKGROUND**

In March of 2016 development plans for the subject lands first started. A severance application was submitted and approved to subdivide the existing parcel into two lots. In October of that same year the applicant received zoning approval on the subject lands to permit development of a medical clinic on the subject property and two-six storey apartment dwellings on the lot to the north.

Final plans were developed for the site and submitted for site plan approval in February of 2018. A foundation permit application was submitted late fall of 2018 and construction of the medical clinic began in November. In June application was submitted for a shell permit for the construction of the building itself.

## **DISCUSSION**

Site plan approval is a requirement for all new commercial development in Kingsville. The purpose of this approval is to review the proposed layout of a development in the context of the zoning by-law requirements and outline things such as access design, storm water management, landscaping, grading, service locations, fencing, lighting, loading and

parking. Much of the review relies on a two-dimensional overhead view of the layout. Elevations of a development are often included to help in the review process but may not always form part of the actual agreement itself. This, in part, is not done because there are limitations on site plan approval regarding exterior design and finish. In its simplest form site plan approval provides an approved building envelope in which you can put your development.

All building permits for new construction or additions to an existing building are reviewed by Planning staff for compliance with zoning and, if applicable, their approved site plan. Staff stamp the drawings and forward to the CBO who assigns an inspector to review the plans for Building Code compliance.

Early in 2018 the applicant and their architect had contacted the Town to inquire about increasing the building from one-storey to two-storey. Staff followed up on the inquiry in March and it was initially indicated that the second story plans were no longer in play. However, about a week later that changed and staff outlined that an amendment would be required along with a number of updates to background work done for the original approval such as traffic, revised drawings and shadow impact. No amendment application was submitted.

The building permit application plans (foundation) submitted and approved in November of 2018 for the medical clinic at 190 Main St. E. included two levels however that was interrupted as the ground floor and basement. The second permit submission for the building itself included the now two-storey elevation on the cover page however this permit submission was not recirculated as the foot print remained unchanged from the original foundation plan. As noted earlier elevation plans or changes to them are not typically a trigger for review as part of a permit application unless there is a question about height. Building Services has provided its outline of the permit submissions that detail a similar understanding of what occurred.

Despite the absence of review the second storey plans still remained in compliance with the zoning requirements. Where the issue arises is with the site plan agreement which, in this case, did include the elevation plans as part of the registered agreement with the Town. As such changes to the building height would require amendment of the plan to attach revised elevations. The original site plan and revised plan are attached as Appendix A and B, respectively. The original elevation and revised elevations are attached as Appendix C and D, respectively.

### **1) Provincial Policy Statement (PPS), 2014:**

There are no new issues of provincial interest raised as result of the site plan amendment request that were not addressed as part of the initial approval.

### **2) County of Essex Official Plan**

The proposed development remains 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.

### **4) Comprehensive Zoning By-law**

The subject property is zoned Residential Zone 4 Urban, Exception 2 (R4.1-2) which permits the following uses:

- i) Apartment building (maximum 2 buildings, 6 stories each, 120 units)
- ii) A Medical Clinic
- iii) Office
- iv) Personal Service Shop
- v) Accessory Retail or Pharmacy

Site-specific regulations were also established to consider Part 1 and Part 2 as one lot for the purpose of zoning. This is done in order to allow for ongoing connectivity, joint use of parking as well as servicing access and storm water management. This zoning is also consistent with the goal of the development to provide a centralized residential complex close to all services especially health care needs.

The increase in the height of the building is in compliance with the standard residential zoning which permit a height of up to 11 m (36 ft.). All other setbacks remain unchanged and in full compliance with the zoning. As part of the change to the building the applicant was required to review parking requirements for the use. A medical clinic is based on the number of practitioners in the building. The clinic will supply 45 spaces which is only two less than the original plan. Therefore the building can support up to 7 practitioners.

### **5) Site Plan Layout**

The approved foot print of the development remains the same as that approved in February of 2018. One requested change, in addition to the elevation change (second storey) is a covered entrance area at the rear of the building. This simply adds a protected area for people to drop off or pickup patients attending the clinic. This addition would not impact on storm water management as it is located over hard surface area that was in the original plan.

The change in the development raises the following questions:

- i) How does the increase in height impact the residential neighbour to the immediate east?

Comment: There will be some shading impact to the lot in the late afternoon. There could also be some impact to privacy however based on the use it is less likely as the medical clinic will be equally conscious of privacy of its patients. Hours of operation are also likely to differ from that of hours of use particularly during the weekend that should

minimize this. It is also our understanding that the applicant has been in discussion with the neighbour on the possible purchase of the property.

ii) What impact is there to the streetscape along Main St. E.?

Comment: Main St. E. is a mix of building types, setbacks and building styles. The applicant has not altered the intended Victorian theme of the build only the height from one storey to two storey which is within the maximum permitted height. At present the building is unfinished and not landscaped so it is difficult to envision the end result particularly since the lot has been vacant for a considerable amount of time.

iii) Does the increase in size impact on the original traffic impact assessment?

Comment: A traffic impact assessment was completed as part of the original plan. An update was required with the increase in square footage. The assessment was completed by the same consultant that completed more comprehensive work on Main St. E so the information is based on current counts and volumes. There was a marginal decrease in AM peak trips and marginal increase in PM peak with the change in the development. It is important to note that the development, at full build out, will have supplementary access off the end of Woodycrest.

## **LINK TO STRATEGIC PLAN**

Support growth of the business community.

## **FINANCIAL CONSIDERATIONS**

As a result of the increase in the height of the building there will be an additional increase in the assessment on the property versus that of the original single storey building.

## **CONSULTATIONS**

### **Public Consultation**

A notice of meeting was circulated to the same properties owner circulated at the time of the original approval. Information including the site plan and elevation were also post of the Town website.

**Agency & Administrative Consultations**

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

<b>Agency or Administrator</b>	<b>Comment</b>
Town of Kingsville Management Team	<ul style="list-style-type: none"><li>• No concerns with the requested site plan.</li><li>• Municipal Service noted that the storm water management would need to be revised if hard surface area was increasing.</li></ul>

**RECOMMENDATION**

It is recommended that:

Council approve site plan amendment application SPA/24/19 to:

replace the existing single story elevation drawings with the new two storey elevation drawings included as Appendix C;

replace the existing site plan drawing for the medical clinic with a revised site plan drawing Appendix B, showing the increase square footage, increase in height and addition of the covered entrance at the rear of the building,

subject to the conditions outlined in the amended site plan agreement, and authorize the Mayor and Clerk to sign the amended agreement and register said agreement on title.

*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