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Date: September 28, 2020

To: Mayor and Council

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Town Planner

RE: Application for Zoning By-law Amendment File ZBA/10/20 by
617812 Ontario Limited (Owner)
Carlos Martens Braun (Purchaser)
1771 Talbot Road
Part of Lot 11, Concession 2 ED
Roll No. 3711 290 000 22200

Report No.: PS 2020-051

AIM

To provide the Mayor and Council with information regarding a Zoning By-law Amendment to add a church as an additional permitted use, on lands known as 1771 Talbot Road, in the Town of Kingsville.

BACKGROUND

The Town of Kingsville has received the above-noted application for lands located on the south side of Talbot Road, east of Elgin St. in the hamlet of Ruthven. The subject property is designated 'Hamlet' by the Official Plan and zoned 'Rural Commercial (C6)' under the Kingsville Comprehensive Zoning By-law.

The property in question has been recently sold due to the closing of the existing business, Empire Lanes bowling alley. The purchaser is proposing to convert the existing building into a church. In order to proceed with the new use a zoning by-law amendment will be necessary. The purchaser has asked that the current commercial zoning be retained and church be added as a permitted use. Extensive internal renovation will be necessary, as a result a change of use permit will be required. The property has a large existing parking area that contains 122 parking spaces with additional lands that can accommodate additional space, if necessary. The property does have an existing site plan agreement in place from 1988. Any changes to the site will require amendments to this plan.

DISCUSSION

1) Provincial Policy Statement

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 for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment."

Section 1.1.3.2 states that "Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment".

Comment: The proposed zoning is consistent with Provincial Policy as it encourages the redevelopment and reuse of existing building stock.

2) Town of Kingsville Official Plan

The Official Plan for the Town of Kingsville designates the subject properties as 'Hamlet'. Section 3.6.2 Hamlet, states that "The purpose of the "Hamlet" designation is to identify those rural service areas where low density residential, institutional, recreational, small scale commercial and dry, light industrial uses are permitted." The Goals and Policies support amendments to the zoning for new uses where:

"New residential, commercial, industrial, recreational and institutional uses may be allowed without an amendment to this Plan provided the Zoning By-law is amended where necessary and the proposed use satisfies the following criteria:

- i. the proposed use is generally compatible with existing uses in close proximity;
- ii. the existing roads can adequately serve the proposed use;
- iii. the existing services are adequate for the proposed use;
- iv. the off-street parking is adequate for the proposed use;
- v. the site plan requires adequate landscaping, buffering and building setbacks to protect the privacy of surrounding properties."

Comment: The applicant applied for a Zoning By-law Amendment in order to permit the change of use of the existing building and lot to a church. Since 1988 the property has had a site plan agreement. If there is any expansion of the existing structures or new construction, an amendment to the site plan agreement will be necessary. Therefore, this application meets the Goals and Policies of the Official Plan.

3) Town of Kingsville Comprehensive Zoning By-law

The subject parcel is currently zoned 'Rural Commercial (C6)' where there are several commercial uses permitted. The property has been used as a bowling alley since it originally developed. The applicant wishes to convert the existing building into a church and they plan to utilize the existing parking lot. If additional parking is required, there is

land to accommodate the development of additional parking spaces. The applicant would like a site-specific zone where a church is added to the currently permitted uses.

Comment: The proposed redevelopment of the existing commercial property (former bowling alley) into a church would be suitable for the lands. There is already a parking lot to accommodate the proposed new use. There are no setback issues as the existing building would be renovated to suit the church's needs. The purchaser of the land requested that the existing commercial zoning remain with the addition of church as a site-specific additional use. This request helps to retain the long-term viability of the property and does not remove already established commercial lands. Therefore, the proposed amendment has been determined to be good planning.

LINK TO STRATEGIC PLAN

To become a leader in sustainable infrastructure renewal and development.

FINANCIAL CONSIDERATIONS

Fees will be collected as part of the change of use and any associated building permit fees from the renovation of the building. The change in use will also result in a reassessment of the property. Qualifying uses, such as a church, are exempt from property taxes.

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. At the time of writing one comment had been received indicating that the zoning should be limited to the church use and the commercial zoning removed.

Agency & Administrative Consultation

In accordance with O. Reg 545/06 of the Planning Act, Agencies and Town Administration received the Notice of Public Meeting by mail and/or email. At the time of writing, the following comments have been received.

1) Essex Region Conservation Authority (ERCA)

- ERCA has no objection to the Application for a Zoning By-Law Amendment.
- See full comment in Appendix C.

2) Town of Kingsville Management Staff

- Change of use permit required prior to interior conversion begins
- Any expansion of existing building or new construction will require amendment to existing site plan agreement

3) Essex County

- No comments received

RECOMMENDATION

That Council:

Approve zoning by-law amendment application ZBA/10/20 to rezone the subject parcels, Part of Lot 11, Concession 2 ED, known as 1771 Talbot Road in the Town of Kingsville, from 'Rural Commercial (C6)' to 'Rural Commercial Exception 13 (C6-13)' to add a church as an additional site-specific permitted use, and adopt the implementing by-law.

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