



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

**Date:** September 15, 2020

**To:** Mayor and Council

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

**RE:** Application for Site Plan Approval SPA/12/2020 by  
Amico Properties Inc.  
V/L east side Division Rd N  
Part of Lot 1, Concession 1 ED  
Parts 2, 3, 4 & 5, RP 12R 20470 and S/T ROW and Easement

**Report No.:** PS 2020-043

---

## **AIM**

To provide the Mayor and Council with details regarding a request for site plan approval on a portion of the subject lands located in the southeast corner of the intersection of Division Rd N and Road 2 E.

## **BACKGROUND**

The subject land is a 2.31 ha (5.72 ac.) vacant commercial lot which was the remnant parcel of an earlier severance. The lands to the south of the subject parcel were developed in 2003 with the construction of the Chartwell long-term care facility. The applicant, under a separate application for consent, is proposing to subdivide the vacant lands into four lots with shared access and servicing easements for leasing and or sale to individual businesses. A site plan approval application has been submitted for the development of one of the lots fronting on Division Rd N. (Part 6 on the attached draft R-Plan) Appendix A. The proposal would be on a 0.75 ac. lot and contain a new drive-thru/eat-in restaurant. The full site layout is shown on Appendix B.

## **DISCUSSION**

### **1.0 Provincial Policy Statement**

There are no issues of Provincial significance raised by this application.

## **2.0 Official Plan**

The subject property is designated 'Highway Commercial' and subject to the policies under Section 3.2.3 of the Official Plan for the Town of Kingsville. The proposed use is permitted in the highway commercial area. The property has been assessed under the Site Suitability criteria of Section 2.8 and conforms or will conform through the site plan process. The development of this property as a whole helps in moving toward the decentralization of commercial use which has partially lead to some of the traffic volume issues along Main St. E.

## **3.0 Comprehensive Zoning By-Law – Town of Kingsville**

The subject property is zoned 'Rural Commercial, (C6-7)'. The attached site plan has been reviewed and the proposed new development will be in compliance with all setback regulations of the Town of Kingsville Zoning By-law 1-2014. Other items of interest include 12 required stacking spaces in the drive-thru, a total of 36 parking spaces including barrier free and a sizable setback from both Division Rd N and the existing open drain. The by-law also notes a requirement that if an outdoor intercom (order board) is within 60 m of a residential use such as that on the Chartwell property that a noise study must be completed. The order board in this location will be located over 80 m from the abutting use. Landscaped area for the property is 34.9% including the proposed patio area.

## **4.0 Site Plan**

The applicant has provided an overall development plan for the entire site which includes the subject development under consideration along with four other commercial units, a gas bar and accessory carwash. This provides the full build out concept and where the subject parcel fits within that. Site plan approval in this case will only apply to the proposed drive thru/eat in restaurant. Additional Council approval will be required once plans for the other developments are finalized.

The current proposal by the prospective purchaser of the subject lot is a 213 sq. m (2,290 sq. ft.) building with a drive-thru lane, outdoor patio area and associated parking and garbage enclosure. The site will be fully serviced with Town water and sanitary sewer. Storm water is managed on the site with the parking area and underground storage.

Because the overall site is intended to function as a single development each lot will require interconnection for access purposes. The developer will be servicing the entire site to provide water and sanitary services. An internal service road will be constructed to provide connection to each of the proposed lots and act as a servicing corridor. The main entrance to the site will be limited to the existing shared entrance between the Chartwell property and the vacant lands. The proposed internal service road will also provide a shared access from Road 2 E.

As noted in the Background section there is a pending severance application on the property to create lots for each of the proposed developments including a lot for the subject use. This approval gives additional review ability for the Town to address any ongoing items. The pending severance will also include a condition that any

items still under review, related to the site plan, be completed to the satisfaction of the Town prior to finalization of the severance. The applicant has indicated that they would like to begin construction no later than mid October for an early opening date in the spring.

## **LINK TO STRATEGIC PLAN**

Support growth of the business community.

## **FINANCIAL CONSIDERATIONS**

Direct financial considerations of the development will include development charges, building permit fees and an increase in assessment value at build out. Indirect considerations are the creation of a new business in the Town along with new employment opportunities.

## **CONSULTATIONS**

### **Agency and Administration**

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

### **Public Consultation**

A notice of meeting was provide to all property within 60 m of the subject site.

<b>Agency or Administrator</b>	<b>Comment</b>
Essex Region Conservation Authority Watershed Planner	<ul style="list-style-type: none"> <li>• Full comment is attached as Appendix 'C';</li> <li>• Storm water management will be required along with any necessary permits.</li> <li>• ERCA has requested wording for the site plan agreement that addresses its requirements.</li> </ul>
Town of Kingsville Management Team	<ul style="list-style-type: none"> <li>• The proposed building needs to comply with the requirements of the OBC.</li> <li>• Municipal Services is reviewing the storm water management plan for capacity, design and quality of discharge standards.</li> <li>• An overall service plan has been submitted for review</li> <li>• A traffic assessment has been submitted and was under review at the time of writing</li> </ul>
County of Essex	<ul style="list-style-type: none"> <li>• The County requested a copy of the traffic impact for the development but did not have specific comment for the proposal</li> </ul>

## RECOMMENDATION

That Council:

Approve site plan application SPA/12/2020 for a 213 sq. m (2,290 sq. ft.) drive-thru/dine-in restaurant on lands located in the southeast corner of the intersection of Division Rd. N and Road 2 E, subject to the conditions and requirements outlined in the site plan agreement and authorize the Mayor and Clerk to sign the agreement and register said agreement on title.

*Robert Brown*

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

*John Norton*

John Norton, B.A., M.A., LL.B.  
Chief Administrative Officer