

## Appendix C



**REPORT:** **PLANNING RATIONALE REPORT (PRR)**

**MUNICIPALITY:** TOWN OF KINGSVILLE

**MUNICIPAL ADDRESS:** 45 AND 49 DIVISION ST NORTH

**OWNER:** **2610349 ONTARIO LTD.**  
Tony Peralta and Heide Mikkelsen

**DEVELOPMENT:** OPA AND ZBA

**DATE:** FEBRUARY 24, 2021

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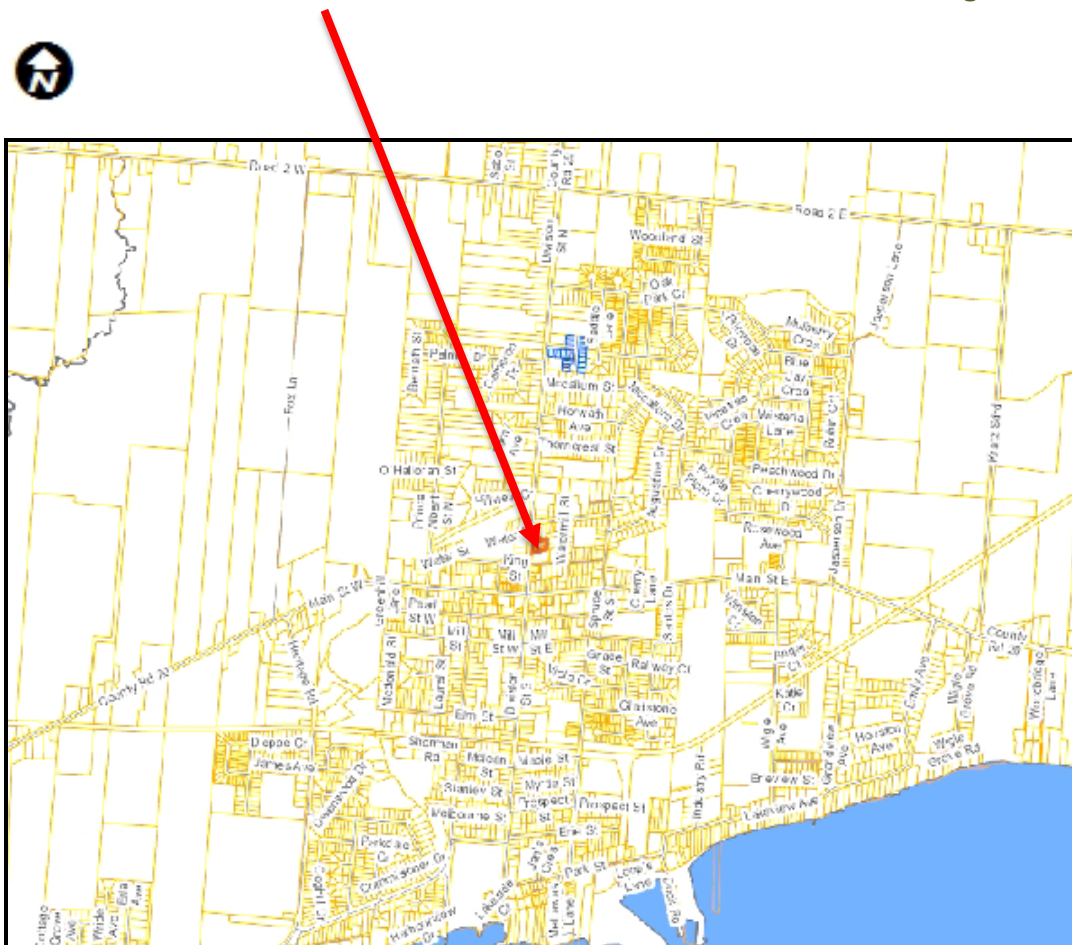
#### **APPENDIX B – CZBL 1-2014: ‘General Commercial (C4)’**

## 1.0 INTRODUCTION

Lassaline Planning Consultants (LPC) has been retained to undertake a planning rationale report regarding the feasibility of an Official Plan Amendment (OPA) and Zoning Bylaw Amendment (ZBA) for lands known as 45 and 49 Division Street North. The rezoning will accommodate the construction of a new professional office for Peralta Engineering.

A pre-consultation was held between Peralta Engineering (Heide Mikkelsen and Tony Peralta), Town of Kingsville (Robert Brown, Manager of Development Services) and Lassaline Planning Consultants (Jackie Lassaline, Principal Planner). Jackie Lassaline, BA MCIP RPP has prepared this planning rationale to support, explain and justify the requested Official Plan Amendment (OPA) and Zoning Bylaw Amendment (ZBA).

**FIGURE 1 - LOCATIONAL MAP – 45 and 49 Division Street North, Kingsville:**



## 1.1 PURPOSE OF THE REPORT

The subject property is presently comprised of two separate parcels with two different designations and two different zoning categories applied to the property. A consolidation of these lands will occur to create one cohesive parcel in conjunction with the OPA and ZBA.

45 Division Street North is presently the professional office of Peralta Engineering and is designated 'Central Commercial' in the Town of Kingsville Official Plan (OP) and are zoned as 'General Commercial Exception 4 (C4.4)' in the Comprehensive Zoning Bylaw 1-2014 (CZB) for the Town of Kingsville.

49 Division Street North presently contains a single, detached residence that is presently rented and is designated 'Residential' in the OP and zoned 'Residential Urban 1 (R1.1)' in the CZB for the Town of Kingsville.

With the proposed new professional office, the subject site requires a re-designation of the subject lands to 'Commercial' to create a cohesive policy framework for the entire parcel and a re-zoning to 'General Commercial Exception # (C4.#)' to establish a regulatory framework for the entire parcel to facilitate the re-establishment of the professional office for Peralta Engineering.

This planning rationale report will demonstrate the consistency of the proposal with the Provincial Policy Statement 2020 and how the development is consistent with employment and healthy community policies of the province.

The requested Official Plan Amendment (OPA) and Zoning Bylaw Amendment (ZBA) will be examined in context of the Official Plan (OP) policies for the County of Essex as well as the policy framework of the OP for the Town of Kingsville. Commercial policies will be used to determine the conformity of the requested OPA with the two Official Plans.

Significantly, this rationale report will examine the requested ZBA change of the applicable regulatory framework from 'Residential Urban 1 (R1.1)' zone and the existing site specific regulatory framework of 'General Commercial Exception 4 (C4.4)' zone to a new site specific 'General Commercial Exception # (C4.#)' in context of the Comprehensive Zoning Bylaw 1-2014.

## 1.2 45 and 49 DIVISION STREET N, KINGSVILLE

FIGURE 2 – AERIAL PLAN: 45-49 DIVISION STREET N

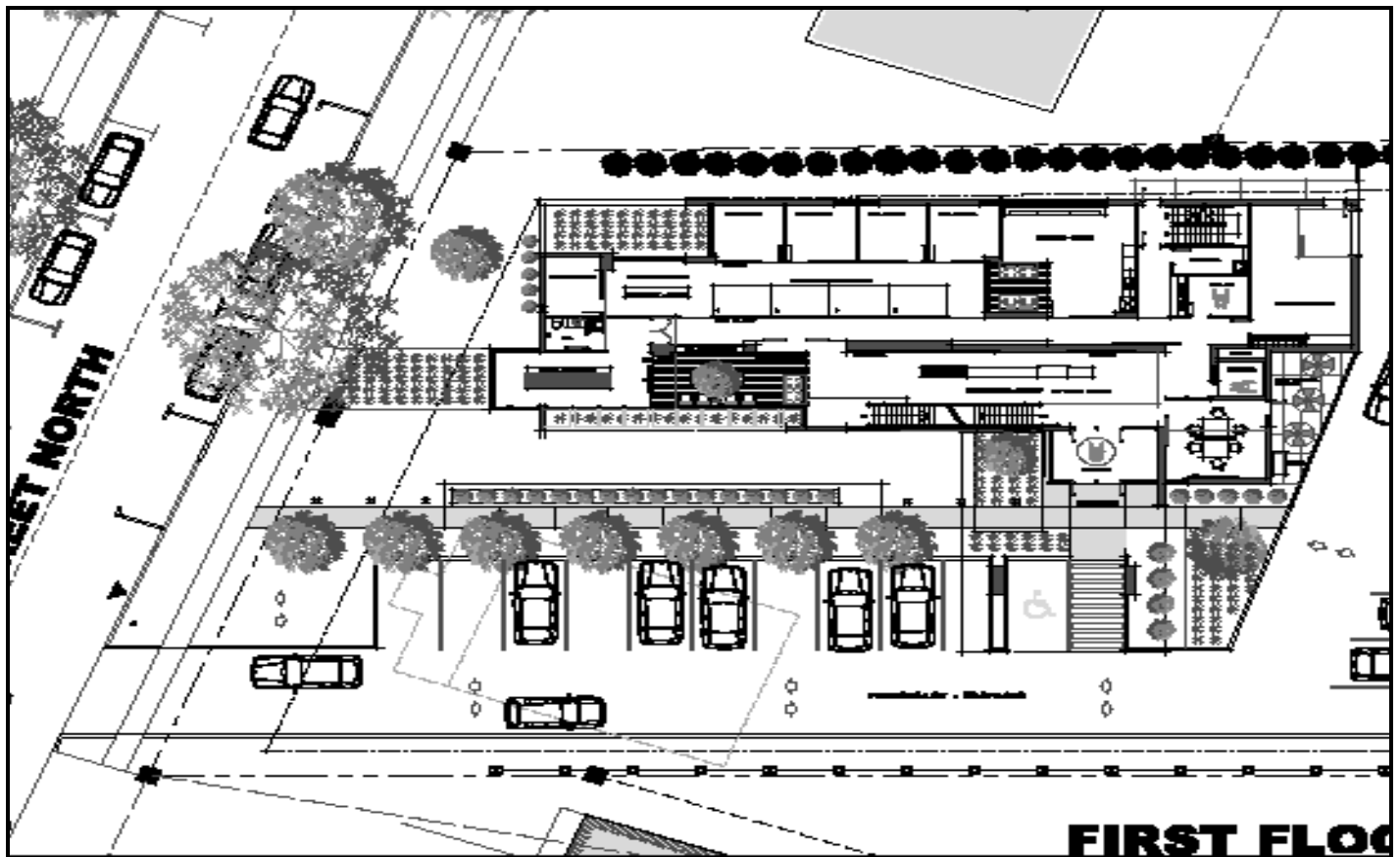


The subject site has a lot area of 2,300 m<sup>2</sup> with 40 m frontage along Division Street North. 45 Division Street North contains an older, storey and half, single detached residence used for the professional office of Peralta Engineering. 49 Division Street North, adjacent lands to the north, presently has an older, 2 storey single detached residence that is used as a rental house. Neither residences are considered historically significant and are not located on the Town of Kingsville Heritage Registry or designated under the Heritage Act.



### 1.3 PROPOSED DEVELOPMENT

FIGURE 3 – DRAFT SITE PLAN:



The owners will be completing a consolidation of the title of both 45 Division St. N and 49 Division St. N. and will be removing both existing residence and the existing professional office. The clearing of the site will provide for the development of the site for a new, two storey professional office replacing the existing professional office.

Peralta Engineering is presently over-crowded in the existing professional office with approximately 150 m<sup>2</sup> main floor and half storey with approximately 80 m<sup>2</sup> in the basement for 19 staff members. As Peralta Engineering Services expands and provides for more extensive professional engineering services to the county, there is a greater need for staff accommodations, equipment storage, larger office facilities and meeting facilities.

The new facility is proposed as a two storey building with 488 m<sup>2</sup> GFA for a reception area, team room, manager's offices, boardroom and meeting room. The second floor will be comprised of offices, storage, boardroom. The basement will be utilized for document storage and equipment storage.

Architecturally the building will be significant, and the site will be developed with extensive landscaping, on site amenities such as a gathering place, and parking as well as bike parking for the professional office. The building will create a positive, gateway to the downtown commercial core of the municipality.

Significantly, with the increase of professional office space, Peralta will be able to accommodate more staff and provide for additional employment opportunities.

## 1.4 NEIGHBOURHOOD LAND USES TO THE SUBJECT PROPERTY:

Please refer below to **NEIGHBOURHOOD MAP:**

- a) **North** - residential
- b) **East** - residential
- c) **South** - commercial (The Red Apple)
- d) **West** - commercial and institutional (auto repair shop, post office, day care, church)

The subject lands are located in the northern portion of the CBD for the Town of Kingsville. To the west and south of the subject lands are retail commercial, service commercial and general commercial uses. To the north and east of the subject lands are predominately residential with some home occupation/minor commercial activities occurring within the neighbourhood. The subject site is located within an urban block of transitional uses from the downtown commercial main uses to residential uses.

**FIGURE 4 – NEIGHBOURHOOD MAP:**





## 1.5 PROPOSED OPA and ZBA:

A professional office exists on the southern portion of lands while a residence is located on the northern portion of the lands. The present consolidation of parcels would effectively create a dual designated and dual zoned parcel.

An Official Plan Amendment (OPA) and Zoning Bylaw Amendment (ZBA) is required to apply one homogenous policy and regulatory framework to the entire parcel. The application of 'Central Commercial' policies and a site-specific regulatory framework of 'General Commercial Exception # (C4.#)' will facilitate in the existing professional office being re-built, re-established, and growing in place.

## 2. PROVINCIAL POLICY STATEMENT (PPS 2020)

When reviewing a planning application to determine if the requested Official Plan Amendment (OPA) and Zoning Bylaw Amendment (ZBA) makes sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statements (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. It (PPS) recognizes that the wise management of development may involve directing, promoting or sustaining growth. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns."

***"Section 1.1.1 Healthy, liveable and safe communities are sustained by:***

***a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;***

**COMMENT:**

Subject lands are located within the urban settlement area of the municipality. The lands are also located within the downtown commercial area and in transition to the residential neighbourhood surrounding the downtown in the Town of Kingsville. The requested OPA/ZBA will support the re-establishment of a professional office and allow it to grow in place, supporting the PPS direction of promoting efficient and effective development.

***b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, 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;***

**COMMENT:**

The dual designated parcel is a transitional parcel between the downtown commercial and the existing residential area and is proposed to be developed for a professional office use, a quiet use that is appropriate for compatibility with both the commercial and the residential uses within the mixed-use neighbourhood. In my professional opinion, the use is an appropriate transitional use for the location and compatible with the existing neighbourhood.

- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*

**COMMENT:**

The subject lands are developed with an existing professional office and located within the urban centre of the municipality without the evidence of Species at Risk; natural features, or environmental constraints. The re-development of the subject lands will not be creating environmental, public health or safety concerns.

- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*

**COMMENT:**

The subject lands are located within the central commercial area of the urban settlement area of the Town of Kingsville. In my professional opinion, the requested OPA and ZBA allows for the proposed re-development of the subject lands and supports the efficient and effective growth of the Municipality.

- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*

**COMMENT:**

The proposed re-development of the subject lands for a professional office located on the periphery of the central commercial area and adjacent to existing residential neighbourhoods supports the use of public transit, pedestrian traffic, and work and live initiatives of the province and municipality. The re-development will provide for the re-use of existing lands and re-connection of municipal services. The proposed redevelopment with the two storey building replacing the in-efficient existing building, in my professional opinion, minimizes land consumption and servicing costs.

- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*

**COMMENT:**

Presently the existing professional office is in-accessible as a raised 1 ½ storey converted residence to an office. With the new constructed office building at two storeys, the building will be accessible and in compliance with the OBC for accessibility.

- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs*

**COMMENT:**

The requested OPA/ZBA will facilitate the redevelopment of the existing subject lands. Services and infrastructure are existing with service capacity available for the re-build of the professional office.

- h) promoting development and land use patterns that conserve biodiversity; and*

**COMMENT:**

The redevelopment of the existing site within an existing mixed-use neighbourhood will effectively promote land use patterns that conserve biodiversity.

- i) Preparing for the regional and local impacts of a changing climate.*

**COMMENT:**

The professional office is in close proximity and walking distance to amenities and supportive commercial uses and residential uses that provide for work/live initiatives and the walkable, healthy community. The location supports biking, use of public transit, and walking for commuting to work, walking downtown for meals or meetings, and walking for access to banking/shopping.

***“Section 1.1.3.2 Land use patterns within settlement areas shall be based on:***

***a) densities and a mix of land uses which:***

- 1. efficiently use land and resources;*
- 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- 4. prepare for the impacts of a changing climate;*
- 5. support active transportation;*
- 6. are transit-supportive, where transit is planned, exists or may be developed; and*
- 7. are freight-supportive; and*

***b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.”***

**COMMENT:**

As noted above, the proposed OPA/ZBA supports the re-development and re-establishment of a professional office located within a mixed-use neighbourhood. The use is an appropriate transitional use between the existing residential uses and the downtown commercial/retail uses.

The new office will be an efficient and effective use of existing infrastructure.

The location of the professional office building will support the work/live and the walking, biking and healthy community initiatives of the municipality.

The building at 2 storeys, comparable to the height and massing of adjacent buildings.

A privacy fence will provide for separation from existing residences.

Landscaping will be provided to ensure the re-development of the site will be elevated aesthetically and to assist with adapting the new building to the neighbourhood.



***“1.3.1 Planning authorities shall promote economic development and competitiveness by:***

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed-uses to meet long-term needs;*
- b) 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;*
- c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;*
- d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and*
- e) ensuring the necessary infrastructure is provided to support current and projected needs.”*

**COMMENT:**

In my professional opinion, the re-development for the professional engineering office of Peralta Engineering will provide for an appropriate transitional use between the retail commercial of the CBD and the existing residential uses in the mixed-use neighbourhood.

The professional office will provide for employment opportunities within the municipality while the re-developed building is larger providing for the growth of the employment opportunities of the professional business.

In my professional opinion, the OPA and ZBA will facilitate the re-development of the subject lands with an efficient, effective new building with a use that is appropriate for the mixed-use neighbourhood.

**COMMENT:**

**In my professional opinion, the requested OPA and ZBA is consistent with the 2020 PPS by supporting the sound and efficient development of the subject lands for the re-development of the property for a new professional office. The OPA and ZBA are consistent with the 2020 PPS for supporting sound development in a mixed-use neighbourhood. The proposed development supports the healthy community initiatives of the PPS.**

### 3. COUNTY OF ESSEX OFFICIAL PLAN:

#### ***“Section 3.2.1 Land Use Policies: General Directive***

*It is the vision and purpose of this Plan to direct the majority of future growth and development into the Primary Settlement Areas in order to strengthen the County’s settlement structure, focus public and private investment in fewer areas and to preserve the lands designated “Agricultural” and “Natural Environment” for the purposes outlined in the policies of this Plan.”*

#### **COMMENT:**

The lands subject to the OPA and ZBA are located within the settlement area of the Primary Settlement area of the Town of Kingsville. In my professional opinion, the subject lands are located in the appropriate primary settlement area of the municipality and conforms with the policy direction of the County of Essex Official Plan.

#### ***“Section 3.2.2 Land Use Policies: Goals***

*The following goals are established for those lands designated as “Settlement Areas” on Schedule “A1”:*

- f) To increase the opportunity for job creation within each local municipality by attracting and maintaining industries and businesses closer to where County residents live.”*

#### **COMMENT:**

The existing professional office is inadequate for the needs of the engineering company utilizing a small, inaccessible facility. The subject lands are proposed to be redeveloped with a new, two storey professional office that will provide for an efficient and effective office space that will provide for the professional office to grow in place.

#### ***“3.2.4.1 Land Use: Policies***

- f) Downtown/Uptown areas should maintain and/or enhance the existing character of these areas. Mixed-use development and an accessible pedestrian oriented streetscape are encouraged. The preparation of Community Improvement Plans are also encouraged.”*

#### **COMMENT:**

The professional office is an appropriate use within the mixed-use neighbourhood and is particularly appropriate as a quiet use adjacent to the existing residential uses within the neighbourhood.

**COMMENT:**

**In my professional opinion, the requested OPA AND ZBA conforms with relevant policies of the County of Essex Official Plan.**

#### 4. TOWN OF KINGSVILLE OFFICIAL PLAN:

The subject lands are comprised of two parcels with 45 Division Street North presently the location for the professional office of Peralta Engineering and is designated 'Central Commercial' while 49 Division Street North presently contains a single, detached residence and is designated 'Residential' in the OP for the Town of Kingsville. The parcels will be consolidated and are proposed to be developed with a new, two storey professional office. In order to facilitate the proposed development, an OPA and ZBA are required to establish a comprehensive policy and regulatory framework for the site.

The OPA will apply the 'Commercial' policies presently on a portion of the parcel be cohesively applied to the entirety of the parcel. The following will examine the development policies as well as the commercial policies of the Town of Kingsville Official Plan to determine conformity of the proposal.

***"2.1.1 Land Use Planning Principles:***

*a) to create more compact, mixed-use, and pedestrian oriented development within designated and fully serviced urban settlement areas;*

**COMMENT:**

The requested OPA and ZBA will support the re-development of the fully serviced subject lands for employment uses with a compact built form while providing for additional employment opportunities with a larger work space for the professional business.

*b) to support and promote healthy, diverse and vibrant settlement areas, where all residents can live, work and enjoy recreational opportunities;*

**COMMENT:**

The proposed development supports the healthy community by providing for employment opportunities within a mixed-use neighbourhood, supporting the live-work initiative provided in this policy. By providing for an expanded facility, the professional office will provide for more employment opportunities for residents within the community.

- c) to provide a broad range of housing types, services and amenities, employment and leisure opportunities for a growing and aging population;*

**COMMENT:**

The requested OPA and ZBA will support the re-development of the subject lands for professional office as an employment uses. With the re-development and construction of a new, more efficient, larger facility, the employment opportunities will be both supported and increased. The OPA and ZBA will create a homogenous policy and regulatory framework for the entire parcel, consistent with the planning principle stated above supporting the use of the new facility for a professional office as provided in the existing site specific bylaw.

- d) to promote the creation of public spaces within all neighbourhoods and settlements that foster a sense of community pride, well-being, and create a sense of place;*

**COMMENT:**

The commercial development provides an improved quality of work environment with on-site amenities and supports the healthy community. Extensive landscaping will be provided for both aesthetics as well as providing gathering spaces for the staff to enjoy outdoor living spaces.

- e) to require the efficient use of land, resources, water and sanitary sewage treatment facilities, other infrastructure and public service facilities to accommodate growth, in a fiscally appropriate manner;*

**COMMENT:**

The OPA and ZBA supports the re-development of the site with a larger, more efficient building that will re-connect to the existing municipal infra structure. The re-development of the site will unify the property and the services presently under two services by unifying them to one parcel and one connection for the municipal infrastructure.

- f) to promote opportunities for intensification and redevelopment within Primary Settlement Areas which are consistent with the existing built form of the area, in order to increase their vitality, offer a range of housing choices, efficiently use land and optimize the use of infrastructure and public service facilities;*



**COMMENT:**

The existing professional office is a quiet, unobtrusive use that has existed on site in this neighbourhood without conflict for over 50 years. The requested OPA and ZBA will provide for the re-development of the consolidated parcel with a new, efficient professional office. The new professional building will be consistent with the neighbourhood-built form and massing with a low profile, two storey building consistent with the two storey residence adjacent and located in the mixed-use neighbourhood. The existing privacy fence and landscaping will provide for an aesthetically high level property while providing for buffering from existing uses.

- i) to create and maintain an improved balance between residential and employment growth by increasing the opportunity for job creation, and maintaining and attracting industries and businesses;*

**COMMENT:**

The OPA and ZBA will provide for the re-development of the site to accommodate a replacement professional office. The new, efficient facility will support an expansion of the professional office that will provide for more space for the present staff as well as provide for more space for future additional staff. Also, the new facility will provide for amenities both inside (kitchen and lunch room, meeting spaces) as well as outside gathering spaces that will benefit the staff and provide for a positive work environment.

- j) to maintain and enhance the uptown area of Kingsville and the commercial area of Cottam as focal points where a broad range of community and commercial facilities and services and housing and employment opportunities are available at higher densities in a mixed-use environment;*

**COMMENT:**

The subject site is within the main commercial area of the CBD for the Town of Kingsville. The new facility will enhance the commercial area of the CBD and will act as a gateway to the downtown area of the Town.

**COMMENT:**

In my professional opinion, the requested OPA and ZBA conforms with the intent of the principal policy directions of the OP.

## ***“2.8 SITE SUITABILITY:***

*Prior to the approval of any development or amendments to this Plan and/or the Town’s Zoning By-law, Council shall be satisfied that:*

- a) the proposed development has demonstrated that all necessary services are available to adequately accommodate the proposal;*

### **COMMENT:**

The subject site is a consolidation of two existing serviced parcels with development on both 45 Division St. N and 49 Division St. N. The consolidated parcel will provide for a reduction of the municipal services from two connections to one connection. Capacity is available for the proposed development.

- b) development be required to connect to sanitary sewer services and demonstrate that adequate unreserved capacity is available. Development in close proximity to sanitary sewer service shall be encouraged to connect, where feasible, and where unreserved capacity is available;*

### **COMMENT:**

Connection of all municipal services and sewer capacity is available to the proposed new facility.

- c) development demonstrate appropriate, safe access to the local and County Street network capable of supporting the type and volume of vehicular traffic generated by the proposed development;*

### **COMMENT:**

Presently, the existing facility is legal non-complying with the CZB for the driveway access, driving aisle, parking setbacks, and number of parking spaces. With the reduced parking on site, on street parking is utilized but results in reduction of visibility for the driveway access. The new facility will be developed in compliance for access, driving aisle, parking setback and parking spaces. Significantly the new facility will provide for on-site parking, eliminating the need for on street parking and providing for a free and clear access point without reduced visibility due to parking congestion to the front of the building/driveway access.

- d) development provide on-site storm water quantity and quality management and demonstrate no negative impact to approved drainage outlet(s);*

**COMMENT:**

Peralta Engineering will provide a storm water management plan for the site during site plan review that will demonstrate no negative impact on municipal services or drainage concerns for the neighbourhood.

- e) development make best efforts to incorporate best management practices and the utilize low impact storm water management systems;*

**COMMENT:**

Lot coverage for the site has been designed at 25% coverage, providing for substantial landscaping and outdoor amenity space with permeable lands providing for storm water. The SWMR will identify best engineering practices for storm water management.

- f) development with limited lot frontage be required to demonstrate to the satisfaction of the Town how the subject site can be accessed without impact to abutting sensitive land uses. Minimum lot frontage requirements are more specifically outlined in the implementing Zoning By-law;*

**COMMENT:**

The subject lands meet the standards of the (C4) zone for lot frontage. The site specific bylaw is requesting a reduced side yard. The reduced side yard will be mitigated with the low profile of the building, the maintenance of the wood privacy fence, provision of landscaping for buffering and the implementation of architectural mitigation measures to reduce visibility between the professional office use and the existing residence. The quiet professional office will provide for a positive transitional commercial use between the main commercial core and the existing adjacent residential use.

- g) development located to the rear of existing sensitive land uses be required to demonstrate a higher standard of separation and buffering through the site plan approval process;*

**COMMENT:**

The proposed development will be to the rear of 50 and 56 Watermill St. Please refer to Figure 4 Neighbourhood Aerial. There is substantial separation distance between the proposed building and 56 Watermill St. The property at 50 Watermill St. has a substantial accessory building providing buffering between the existing residence and the proposed building. To the rear of the new building is a parking lot between the two uses. In addition, there is a wood privacy fence and landscaping that will assist with noise and visibility buffering between the uses.

*h) development be designed and oriented as to maximize buffering between it and sensitive land uses to minimize or mitigate adverse effects as defined in Provincial Policy Statement and detailed in ERCA's Environmental Impact Assessment Guidelines. Generally, "adverse effect" can be summarized as impairment of the quality of the natural environment; injury or damage to property, plant, or animal life; harm or material discomfort to any person; an adverse effect on the health of any person; impairment of the safety of any person; rendering any property or plant or animal life unfit for human use; loss of enjoyment of normal use of property; and interference with normal conduct of business."*

**COMMENT:**

The subject lands are located within the main central commercial area of the Town that have been developed for over a hundred years. There are no natural features, species at risk or regulated area by ERCA located on the subject lands or adjacent lands.

**COMMENT:**

The requested OPA and ZBA will facilitate the redevelopment of a consolidated parcel within the main central commercial area of the municipality. In my professional opinion, the OPA and ZBA conforms with the policy direction providing guidance on amendments.

**"2.9 VISUAL AMENITY**

*The visual amenity of the Town will be preserved and enhanced wherever possible. This will be achieved by efforts to place telephone and power distribution lines underground wherever financially feasible, by enforcing minimum property standards, by the regulation of signs and by encouraging good landscape design and tree planting."*

**COMMENT:**

The site can be considered a gateway to the significant main central commercial area of the municipality. The building has been designed with an architectural significant profile and landscaping that will create an enhanced entrance to the main commercial area of town.

***“3.2.1.2 Commercial Policies***

*The following policies shall apply to those lands designated “Central Commercial” on Schedules “A-1” and “A-2” of this Plan:*

- a) the predominant use of land in the “Central Commercial” designation shall be for the buying, selling, and provision of goods and services. The permitted uses shall include retail and service commercial stores, banks and other financial institutions, business and professional offices, restaurants, taverns, clubs, recreational establishments, public buildings, parking lots, places of entertainment and amusement, places of worship, institutional uses, and similar type uses. Residential apartment type uses will also be permitted in the “Central Commercial” designation in accordance with the policies in this subsection;”*

**COMMENT:**

The existing Peralta Engineering provides for professional engineering services. The new facility will provide for an efficient professional office space to accommodate Peralta Engineering in a new, organized work space with building and site amenities to the advantage of the staff. In my professional opinion, the OPA and ZBA will allow for the appropriate continuation of the professional office in the main central commercial area of the Town.

***“3.2.1.2 Commercial Policies:***

- b) it is the policy of this Plan to maintain the “Central Commercial” designation as the primary focus of commercial and civic uses, while accommodating highway commercial type uses within appropriately designated areas. In considering proposals for development within the “Central Commercial” designation, regard shall be given to the following:*
- i. where possible, the development of vacant sites and the redevelopment of existing areas within the “Central Commercial” designation shall be encouraged;*
  - ii. it is generally intended that adequate parking in clearly defined areas will be required for all new development and redevelopment. The number of parking spaces required for various types of commercial uses will be contained in the implementing Zoning By-law. All parking areas shall be attractively designed and landscaped to enhance their appearance in keeping with the character of the Town;*
  - iii. the retention, renewal and conservation of commercial built resources of historical and architectural merit will be encouraged if they are affected by an application for*



*development or redevelopment. The impact of such development plans on the character of the surrounding area shall be considered.*

**COMMENT:**

In my professional opinion, the OPA and ZBA will support the re-development of the property in compliance with relevant OP policies and regulations for the main central commercial area. A site specific adjustment for the interior side yard is required to facilitate the siting of the building, driving aisle, parking and amenity space for staff. The professional building is an appropriate use of the subject lands in the mixed-use neighbourhood with buffering to be provided to lands adjacent to the existing residence.

***“3.2.1.2 Commercial Policies:***

*c) adequate building height, density, massing, buffering and setback distances shall be provided to ensure compatibility and provide an appropriate transition between the “Central Commercial” uses and adjacent residential uses;”*

**COMMENT:**

As noted above, the site has been designed to provide significant landscaping, buffering, and architectural features to provide buffering and ensuring compatibility with the neighbourhood. It is my professional opinion that the professional office will provide An appropriate transitional use between the downtown commercial uses and the existing residences to the north.

***“3.2.1.2 Commercial Policies:***

*d) it shall be the policy of this Plan to encourage, by all means possible, the aesthetic and physical improvement of the “Central Commercial” areas.”*

**COMMENT:**

The requested OPA and ZBA will support the re-development of the property with an architecturally significant building, significant landscaping while providing for physical improvements of the site including on site parking, amenity spaces, parking, and bike racks.

***“3.2.1.2 Commercial Policies:***

*g) development within the “Central Commercial” designation will be subject to site plan control pursuant to the Planning Act and the policies of this Plan; “*

**COMMENT:**

Site Plan Control will apply and an application will be submitted after the policy and regulatory framework of the OPA and ZBA is established to ensure compliance of the plan.

***“3.2.1.2 Commercial Policies:***

h) full municipal sewage (sanitary and storm) and municipal potable water services are the means of servicing within the “Central Commercial” designation;”

**COMMENT:**

The new facility will be connected to all available municipal services including water, sewer and storm water.

***“3.2.1.2 Commercial Policies:***

i) The height, massing, orientation and layout of buildings within the “Central Commercial” designation will promote the creation of a pedestrian scaled environment and reinforce the character of the downtown area. The Town may prepare and implement Urban Design Guidelines to provide further guidance on built form requirements within the “Central Commercial” designation.”

**COMMENT:**

The building and siting have been designed to be complimentary in massing and in scale with the neighbourhood. Landscaping, on-site amenities and the design of the building provides for ‘up-scaled’ design and will create a positive gateway site to the downtown commercial core.

**“3.2.1.2 Commercial Policies:**

- j) any application to enlarge or expand the extent of the “Central Commercial” designation shall require an amendment to this Plan. In considering an amendment to this Plan, the Town shall be satisfied that:
- i. where deemed necessary, the applicant has prepared a market potential study to justify the proposed use. The need should be substantiated by adequate market research which will include not only the viability of the proposal but also assess the impact the proposed use may have on the existing commercial uses within the municipality;
  - ii. municipal services, including sanitary sewage, potable water and stormwater management are available and have the necessary capacity to satisfy any increased demands as a result of the proposed use, in accordance with Section 6.3 of this Plan;
  - iii. the uncommitted reserve sewage system and/or reserve water system capacity of the Town’s sanitary sewage and potable water systems can adequately accommodate the expansion of the designation;
  - iv. if the expansion of the designation necessitates an expansion of the approved municipal sanitary sewage and/or potable water service areas, the expansion of the service areas is undertaken, all in accordance with the requirements of the Environmental Assessment Act.
  - v. no serious traffic impacts will result from the proposed use, the applicant has made reasonable efforts to obtain available space in the existing vacant and/or underutilized areas designated “Central Commercial”, or has demonstrated why it is not feasible to locate in these areas; and vii. the proposed use will not adversely affect existing adjacent uses.

**COMMENT:**

The consolidated parcel will create a minor adjustment of the downtown commercial designation with the inclusion of 49 Division Street in the Official Plan Amendment and Zoning Bylaw Amendment. The inclusion will provide for the re-development of the two parcels (one residential and one professional office) under the central commercial designation.

The OPA and ZBA will effectively remove the one residential use and create a unified single use property. The connections to municipal services will be reduced from two connections to one connection. There is sufficient capacity to support the re-development of the site for the professional office.

As noted above, the re-development of the site will improve on-site parking and access. Bike racks will be provided and will support the healthy community initiative of the municipality.

As a professional office, the land use is a perfect quiet use as a transitional use between the downtown commercial and the residential.

In my professional opinion, the minor adjustment of the central commercial designation is appropriate and the OPA and ZBA will establish a sound policy and regulatory framework for the consolidated property.

*k) For any new commercial developments, secure bicycle storage is required in accordance with the rates outlined in the implementing Zoning By-law.*

**COMMENT:**

Bike racks will be provided on site to support both staff or public who attend the professional office.

**COMMENT:**

**In my professional opinion, the requested OPA AND ZBA conforms with relevant policies of the general principles, 'Central Commercial' designation, and development policies of the Official Plan for the Town of Kingsville.**

## 5.0 ZONING BY-LAW REGULATIONS

45 Division Street North is presently zoned 'General Commercial Exception 4 (C4.4)' in the Comprehensive Zoning Bylaw 1-2014 (CZB) for the Town of Kingsville.

49 Division Street North is presently zoned 'Residential Urban 1 (R1.1)' in the CZB for the Town of Kingsville.

A ZBA has been requested to rezone the subject site to one, site specific 'General Commercial Exception # (C4.#)' to facilitate the re-development of the site for a new professional office for Peralta Engineering.

The following is a review of the CZB for the 'General Commercial (C4)' zone provisions with a highlight of the special provisions for the proposed re-development.

Please refer to **APPENDIX B – 'GENERAL COMMERCIAL (C4)' zone regulations.**

PROVISION	SUBJECT SITE	(C4.4) REGULATIONS
PERMITTED USES	Professional office	Professional office
LOT AREA	2,300 m <sup>2</sup>	
LOT FRONTAGE	40 m	
LOT COVERAGE	25 %	60 %
FRONT YARD SETBACK	5.5 m	4 m
INTERIOR SIDE YARD	3 m	6m
REAR YARD	11.5 m	6 m
PARKING SPACES	24 spaces	24 spaces with 488 m2 GFA
BIKE PARKING SPACES	20 spaces	0 req'd



**COMMENT:**

To support, encourage and provide for climate change initiatives, and to support the reduction of the use of the automobile, and because of the ability to work/live within the community neighbourhoods, bike parking will be provided on site to encourage both staff and the public to walk or bike.

**COMMENT:**

The 'General Commercial (C4)' zone requires an interior side yard of 6m. With the lot configuration for the new building, gathering places and on-site amenities designed for the site, and extensive landscaping provided for the aesthetic appeal and to improve staff's quality of work environment, as well as providing for driving aisle and parking, the building has been located 3 m from the interior side yard.

The height of the building will only be two storeys to minimize the massing of the structure and to compliment the neighbourhood buildings. With the minimizing height, the GFA was increased and the interior side yard has therefore been reduced.

The side of the building with the reduced side yard has been designed with interior features to minimize the impact of the reduced side yard: high windows in offices to provide for natural light while reducing staff viewing neighbours; offices and non-liveable spaces on the interior side yard; and kitchen and conference rooms located on the non-interior sides of the building.

An existing board fence will remain between the new building and the existing residence on the reduced interior side yard.

In my professional opinion, the proposed building with the measures noted above will provide for privacy and support the reduced interior side yard requested. The side yard makes sound planning for the efficient and effective development of the site.

**COMMENT:**

**The requested site specific by-law amendment, in my professional opinion, will support the re-establishment of the professional office on the subject lands. In my professional opinion the requested ZBA, after adoption, will comply with the intent of the CZB.**

## 6.0 CONCLUSIONS

In my professional opinion, the requested Official Plan Amendment (OPA) and Zoning Bylaw Amendment (ZBA) will provide a new site specific policy and regulatory framework to support the appropriate re-development of the subject lands. The re-establishment of the professional office on site will provide for a quiet, transitional use adjacent existing residences and in a mixed-use neighbourhood. The OPA and ZBA will facilitate the establishment of the architecturally significant building and site that will be a gateway to the central commercial area of the Town.

In my professional opinion, the OPA and ZBA makes sound planning by providing for the re-development of the site for an appropriate, compatible use that will provide for the professional office to grow in place.

In my professional opinion the requested OPA and ZBA:

- 1) is consistent with the policies of the 2020 Provincial Policy Statements;
- 2) conforms with relevant policies of the County of Essex Official Plan;
- 3) maintains the intent of the Town of Kingsville OP and when the OPA is passed, it will establish the policy framework required for the development to conform with the OP;
- 4) maintains the intent of the Town of Kingsville CZB and when the ZBA is passed, it will establish the regulatory framework required for the development to comply with the CZB;
- 5) makes sound planning.

I hereby certify that this report was prepared by Jackie Lassaline RPP MCIP, a Registered Professional Planner within the meaning of the Ontario Professional Planners Institute Act, 1994.

Lassaline Planning Consultants Inc.



Jackie Lassaline BA MCIP RPP  
Principal Planner Owner

## APPENDIX A – OP SCHEDULE A

## APPENDIX B – ‘General Commercial (C4)’