

PLANNING ADVISORY COMMITTEE FEBRUARY 16, 2021 @ 7:00 P.M. ELECTRONIC PARTICIPATION – VIA ZOOM

A. CALL TO ORDER

Chairperson Laura Lucier called the Meeting to order at 7:02 p.m. with the following persons in attendance:

MEMBERS OF PLANNING ADVISORY COMMITTEE:

MEMBERS OF ADMINISTRATION:

Deputy Mayor Gord Queen Councillor Laura Lucier Lorrie Mensch Wayne Latam Manager of Planning Services, Robert Brown Town Planner, Kristina Brcic Chief Administrative Officer, John Norton Administration, Stephanie Coussens

B. DISCLOSURE OF PECUNIARY INTEREST

Chairperson Laura Lucier reminded the Committee that any declaration is to be made prior to each items being discussed and to identify the nature of the conflict, if any, as the agenda items come forward.

C. MINUETS OF THE PREVIOUS MEETING

Review and adoption of minutes of the January 16th, 2021 Planning Advisory Meeting.

PAC - 04 - 2021

Moved by Gord Queen, seconded by Wayne Latam that the Planning Advisory Committee Meeting Minutes dated January 16th, 2021 be adopted.

CARRIED

D. ITEMS FOR DISCUSSION

1. OPA/01/2021 and ZBA/01/2021 - 2610349 Ontario Ltd. - 45 & 49 Division St N

Introduction of the proposal by Manager of Planning Services, Robert Brown presented his report dated February 5th, 2021 with information regarding a proposed Official Plan Amendment OPA/01/21 and Zoning By-law Amendment ZBA/01/21 for lands, located at 45 & 49 Division St N, in the Town of Kingsville.

The Town of Kingsville has received the above-noted applications for lands located on the east side of Division St. North, between Pulford St. and Beech St. The subject property is designated 'Central Commercial' (45 Division St. N) and 'Residential' (49 Division) by the Official Plan (see Official Plan Map attached) and zoned 'General Commercial Exception 4 (C4-4)' (45 Division St. N) and 'Residential Zone 1 Urban (R1.1)' (49 Division St. N) under the Kingsville Comprehensive Zoning By-law. (see attached Zoning Map attached)

Together the subject lands are 2,302 sq. m (24,779 sq. ft.) in area with 40.37 m (132.4 ft.) of frontage. Each of the properties contain single detached dwellings. The dwelling at 45 Division St N is used as an engineering office (N. J. Peralta Engineering Ltd.) with the one at 49 Division St N a vacant residence. The applicant is proposing to remove both buildings and redevelop the lot with a two storey office building, being 8 m (26 ft.) in height and 553 sq. m (5,952 sq. ft.) in area, with associated parking area (see Appendix A).

The proposed development does not raise any technical concerns for the Town. Servicing is available to the property and storm water management will be required as part of the site plan approval process. The intensity of the use is not proposed to increase to a level that would impact on the ongoing function of Division St North. The design and placement of the building have attempted to take into consideration the impact on abutting uses while maximizing open space and providing the necessary parking to support the use.

From the policy side the requested Official Plan Amendment would permit a minor expansion of the Central Commercial area, the rationale for which has been provided. The zoning amendment request will rezone both lots to a new consolidated site-specific General Commercial classification that will permit the development and address the requested reduction in the side yard setback on the north side. Site plan control applies to commercial development which will help to further mitigate potential impact on abutting properties. The current residential zoning on 49 Division St N permits residential development which does not require site plan approval and does not afford neighbouring landowners any level of input if the lot is redeveloped for a permitted use.

Mr. Brown introduced the Applicants, Tony Peralta and Heide Mikkelsen of N. J. Peralta Engineering Ltd; and Agent, Jackie Lassaline of Lassaline Planning Consultants. Ms. Lassaline presented a slide show of the proposed development, in more detail for the residents. Explaining the vision of her client.

Larry and Karen Harrison, 57 Division St N. Written comment was provided to the committee members and is attached as part of Appendix A to these minutes.

The agent, Ms. Lasaline responded to Mr. Harrison's concerns of the setback, landscaping, as well as the Heritage interest of the home. The home at 49 Division St. N is not in habitable form, the Heritage committee will evaluate the request for demolition. Ms. Lasaline explained the benefit of the professional office as a passive commercial development, explaining the perfect transitional use between the residential existing and the active commercial we see with the Red Apple store South of the properties. This proposal is a very appropriate use to the adjacent residential properties. With the re-zoning By-law additional commercial uses will be appropriate and will be supportive of the existing residential surrounding properties.

The applicant, Tony Peralta, asked the Manager of Planning Services, Robert Brown to clarify a few different situations if this application is denied. Mr. Brown, explained what the current height and set back requirements on both parcels could permit large homes with less setback as currently zoned. By re-zoning the properties, the applicant is actually seeking less than half of what is allowed in the current zoning.

Manager of Planning Services, Robert Brown also commented on Mr. Harrison's comments of the Official Plan amendment, it is not unusual to amend an Official Plan even after it is new; The Official Plan is a living document. As part of the review process we did not include land supply, which will be a separate review. Land supply is driven at the County level, they provide population projections, the County determines land supply, how large a municipality will grow. Minor amendments such as this proposal is not uncommon, when you have two abutting land use designations. It is unusual to see a downtown core expand. It is encouraging to see the expansion of the downtown core. Encompassing one additional lot immediately next to an existing is not unusual. Mr. Brown commented on the property at 9 Pulford St, he is aware that the property was for sale, and it may have sold. Mr. Brown is not aware of any commercial proposals. If and when the application does not influence the success or failure of that application in the future, if an application is made.

Chairperson, Laura Lucier commented to keeping the conversation focused on the property at hand, and not speculate about other properties.

Mr. Harrison responded to Tony Peralta, regarding the set back of the commercial building asking if there will be negotiation of the acceptable setback, moving the setback to 15 feet instead of 10 feet.

The applicant, Heide Mikkelsen spoke to the proposal of shifting the building to the South. The space would be used as an amenity space. Mr. Mikkelsen shared some slides of the proposed building, highlighting the architectural notch that has been incorporated in the design to reduce any impact to the Harrison's view of the streetscape. The alternative proposal would be to mirror the site to the South of the property, to allow for the 6 meter setback. This would put the parking lot next to the residential properties, this proposal would require more buffering between the parking lot and residential properties to maintain the same level of enjoyment to the neighbours. Mr. Tony Peralta spoke to the correspondence and conversations between the Harrison's are the most effected neighbours for this property. In speaking with the Harrison's it was understood that they did not want the traffic and parking lot next to their nome. Peralta Engineering felt this proposal was the most accommodating to their requests.

Mr. Harrison, spoke to the understanding of if they move to the South. Mr. Harrison would rather see the amenity space between his home and the commercial building, instead of the 10 foot proposed setback. Mr. Harrison would like the consideration of the setback to be looked at.

Committee member Wayne Latam, asked regarding the current office space versus the new space, what is the difference / type of business / activity? Regarding the amenity space being placed on the North side of the building, Mr. Latam foresees it being an inconvenient location for the employees; however it would not get used as much, only be used during lunch hour and breaks so it would be a good compromise for the residential property. Mr. Latam does have an issue with the applicant asking for a rezoning and then asking for a minor variance right away. Mr. Latam would prefer to see the applicant design their development so that it complies with the requested zoning. Mr. Latam does not believe that the building should or could be used as a buffer between the residential and commercial designation.

Mr. Peralta spoke to the compromise of moving the building to the South, to the 4.5 meter or 15 feet. The Harrisons would need to let them know if they would rather have the amenity space or a clear space that is not used by staff.

David Harrison, 171 Division St N. Written comment was provided to the committee members and is attached as part of Appendix A to these minutes.

Mr. Peralta responded to the concerns of Mr. Harrison, discussing the site lines that will be maintained with what is currently existing. Regarding the height of building, it will appear to be more inline, as the new build will have a flat roof. The Harrison's home is 20 feet high, the new build will be 26 feet high. The difference should not dwarf the Harrison's home. Regarding the window height, the intent of the design is that the windows will be at 6 to 7 feet high in the second floor of the building.

Mr. Harrison brought up the property on Pulford that was recently purchased; if a proposal of commercial is presented to the Town, it would box in 57 Division St N. It does need to be considered as what is becoming of the neighbourhood in general.

Helen Noels; 63 Division St N. Written comment was provided to the committee members and is attached as part of Appendix A to these minutes.

Mr. Peralta, commented on the height of 63 Division St N, being higher than the proposed new build. Mr. Peralta explained that the sunlight and shadow should not affect the property at 63 Division St N, and with the windows intended to be placed higher in the design, if an employee is sitting in the office, they would be looking up in the air and will not see into anyone's back yard. The neigbouring residents will still be able to enjoy their backyards. Chairperson Laura Lucier asked if a shadow study has been conducted on this site. Mr. Brown explained that this request has not been made, as it primarily has to do with the orientation of the building. The proposed orientation of the building; there should not be a shadow impact on the neighbouring properties because of the orientation.

Helen Noels, spoke to the uninhabitable of the house at 49 Division St N. Ms. Noels indicated that there was a family living in the home up until December 2020. Tony

Peralta, spoke to the efforts made to repair the property and helping the tenant find a new home. The building is not financially feasible to be repaired.

Chairperson Laura Lucier reminded the public and committee that consultation of the Heritage committee has been requested. The information will be provided by a report to Council prior to a decision being made, if the application proceeds.

Bruce Durward, 71 Division St N. Written comment was provided to the committees and is attached as part of Appendix A to these minutes.

The agent, Ms. Lassaline, spoke to the Official Plan being a living document, constantly under review. A municipality isn't static, it is always evolving. The Official Plan is constantly under push and pull pressure. Ms. Lassaline explained the transition of the neighbourhood, seeing changes to the neighbourhood. The application is not to expanding the commercial area, it is a minor adjustment of the designation. It is a property that will have duel designation, which is very challenging to administer. From an administrative point of view; from a policy application and a regulatory application of the by-law, you need to have a property that is a unified zone; with homogeneous policy.

Mr. Brown, understands the concerns of the public with changes to the Official Plan or changes to the Zoning By-law. Mr. Brown agrees these documents are not static documents, they do change. The Town of Kingsville's Official Plan for instance was originally adopted in 2012, it was the bringing together of the former Kingsville, as well as Gosfield North and Gosfield South. It has not been amended considerably since that time despite the growth of the community. It's important to keep in mind that there are existing professional offices in the down core; accountants' doctors, real estate and insurance offices that all help support the downtown area, and keep it vibrant, not just for the commercial entity, but the surrounding residents. Having the core of businesses in the downtown helps to support the off season, very heavily tourist orientated, in the off season having that core of business, people living and people working in a downtown is what keeps it vibrant. That seems to be very important to the residents of Kingsville. Growth in a downtown area of this nature, should be taken into consideration, keeping in mind potential for impact to the neighbours. Mr. Brown feels that the property owners are taking into consideration the concerns of the neighbours and will have a little bit of work to do before this application moves forward.

Chief Administrative Officer, John Norton, introduced himself to the committee. Mr. Norton thanked the committee and the public for helping bring the different perspectives of the community.

Committee member, Lorrie Mensh spoke to the applicant regarding the concern of having the driveway access of two commercial properties adjacent to each other.

Applicant, Heide Mikkelsen, explained that the site plan is preliminary, and the final plan will show an aligned access at a 90 degree angle. It is not intended to have the access point merged with the Red Apple entrance. The access will be better aligned in the final site plan.

Applicant Tony Peralta; made a concluding presentation to the committee and public. In summary; Mr. Tony Peralta and Mr. Heide Mikkelsen have been partners and owners of Peralta Engineering since 2015. Both are longtime residents of Kingsville, over 25

years each. Mr. Peralta spoke to the evolution of the business. Operating in the location for the past 35 years (1980s). Peralta Engineering believes that being part of the growth is something to proud of. Peralta Engineering specializes in drainage and municipal infrastructure, close ties to environmental aspects of engineering. The owners and employees of Peralta Engineering are very proud citizens of this community and a big part of the community, in volunteering, sponsorship, etc. Peralta Engineering has considered many different options, different locations, and even more cost-effective ways to meet the needs of the growing firm. There is more diversity in the Town of Kingsville commercial and residential buildings than some would realize. Diversity is good for the community. Peralta Engineering is a civil engineering firm with close ties to natural elements such as water, earth, concrete and greenery; these elements best represent what this firm does and who they are. These elements were included in the design of the proposed development, plenty of windows to allow for natural sunlight lighting, natural stone and concrete facade, landscaping, and water features. Peralta Engineering looks forward to continuing to invest in the Town of Kingsville.

Committee member Lorrie Mensch, commented on the presentation. Ms. Mensch appreciates Peralta Engineering having discussions with the neighbours and appreciates the openness with the community.

Deputy Mayor Gord Queen, appreciated the presentation from the applicant and comments from the neighbourhood. Mr. Queen appreciates the work that Peralta Engineering has done in the Town of Kingsville. Adding to the charm and history of the Town of Kingsville. Mr. Queen first looked at the site plan, he asked why would they put the building so close to the property line on the North; guestioning why not flip the building to the South side of the property to be closer to Red Apple. One benefit in terms of the presentation tonight is the placement of the windows being high, is a great compromise for the neighbouring properties. We are told that 49 Division St N is not habitable. Mr. Queen would like to hear the report of the Heritage committee. Mr. Queen does not support a residential property changed to commercial. Regarding parking, which is a concern in all of the Town of Kingsville; we have a 2 hour parking limit sign in front of the building at Peralta Engineering, and we see the firm's staff parking on the street for an excess of more than 2 hours on a regular basis. Mr. Queen does appreciate the firm parking behind 49 Division St N as an extension of their parking, instead of on the road. Mr. Queen is not convinced that this is a minor adjustment and is not in support. Mr. Queen loves to see the old houses in town become office buildings or repurposed not torn down.

Committee member Wayne Latam, supports the building design, would bring a nice change. Mr. Latam does have a concern with the lack of a buffer between commercial and residential. Would be in support if the building was moved away from the North property line.

Manager of Planning Services, Robert Brown explained the options of the committee.

Lorrie Mensch made a motion for the applicant to revise the site plan and have further discussion with the property owner to the North.

<u>PAC – 05 – 2021</u>

Moved by Lorrie Mensch, seconded by Wayne Latam that the applicant makes amendments to the proposal and provides a new site plan proposal to the Planning Advisory Committee at the next scheduled meeting.

CARRIED

E. NEW BUSINESS

F. NEXT MEETING DATE

The next meeting of the Planning Advisory Committee shall take place on March 16th, 2021 via Zoom @ 7:00 PM p.m.

G. ADJOURNMENT

PAC - 06 - 2021

Moved by Gord Queen, seconded by Wayne Latam to adjourn this Meeting at 8:41 p.m.

CARRIED

CHAIR, Laura Lucier

RECORDING SECRETARY, Robert Brown

APPENDIX A

From: Larry Harrison Robert Brown Subject: Re: Advisory Committee Open House Rezoning and Official Plan Amendment for 45 & 49 Division St. North Applicant: 2610349 Ontario Ltd. Friday, February 5, 2021 2:22:43 PM Date:

ZONING BY-LAW AMENDMENT - ZBA/01/2021 Section 34 of the Planning Act, R.S.O.1990, C.P.13)

OFFICIAL PLAN AMENDMENT APPLICATION OPA/01/2021 (Section 22 of the Planning Act R.S.O. 1990, C.P.13)

Applicant: 2610349 ONTARIO LTD

Location of Property: 45 & 49 DIVISION ST. N.

COMMENTS SUBMITTED BY: Larry and Karen Harrison, current residents of 57 Division Street North, Lot No. 8 in accordance with Registered Plan No. 184/185

To: Robert Brown, Manager, Planning Services

Our main objections are:

To:

- 1. If the rezoning is approved what guarantee do we have that the proposed project would go ahead. Once this property is zoned commercial, it could be used for anything that would impede us from enjoying our property even more.
- 2. The proposed building does not enhance the neighborhood. The removal of two houses replaced with a two storey, 5,952 square foot professional office building does nothing in keeping with the original footprint. The facade of this building would have been more appropriate in keeping with the towne of Kingsville's alure if it was designed to look like a victorian home instead of the more modernistic design they have in their proposal.
- 3. The proposed greenspace directly to the North of this office building is 3.08m at the front and 3.74m at the rear. In reality this is an unacceptable 10 feet from our property line. There have already been privacy issues in the past which required the construction of a 7 foot fence along the property line to the north, paid for by Peralta Eng. When this project was first brought to my attention some time ago, the buffer zone was to be 20 feet. What are the town of Kingsville's requirements before any amendments are considered? Our biggest concern with a two storey office building abutting our property line is not feeling dwarfed by the building as we exit our side door. We feel that anything less than 20 feet of buffering will not achieve the separation required to alleviate the conflict that will distract from the enjoyment and or functioning of the adjoining property whether it includes any form of landscaping or screening. Anything less than a twenty-foot buffer would interfere with our enjoyment of the open green space we currently have.

- 4. The proposed office building shows a number of windows (5) on the north side adjacent to our property looking directly into our backyard creates a privacy issue. One of the main reasons we purchased this home seven years ago, was the distance from neighboring houses. We feel that such a large building on these two small lots would tower over the existing homes within this block.
- 5. Kingsville's reputation of a family friendly town has been changing constantly with these larger than life buildings and looking at this one as you drive into Kingsville would be another deterent. One only has to look at the recent Medical Center that went up on Mainstreet, east of the high school, to see how they change the allure of Kingsville.

I, Larry Harrison, wish to request time to speak during the meeting in regards to the above noted applications. My email address is <u>LHarrison49@Cogeco.ca</u>.

APPENDIX A

From:DavidTo:Robert BrownSubject:To speak on matter by phoneDate:Wednesday, February 10, 2021 2:57:53 PM

Zoning By-law amendment ZBA/01/2021

Official plan amendment application OPA/01/2021

Hello, I am a resident of Kingsville and the executor of the estate of 57 Division st north. I have concerns and questions about the development at the addresses of 49 and 45 Division ST North . I would like to speak on this by phone on the February 16th zoom meeting.

My concerns and questions are:

- imposing height of a building that seems to tower over neighbouring properties

- building proximity to front sidewalk/road blocks visibility from neighboring house and driveway

-building proximity to neighboring property line is too close

-second floor north side windows have view into neighboring property drastically reducing privacy

-building design "sticks out like a store thumb" compared to neighboring properties -49 Division st north is listed as a heritage home and I would not like to see heritage homes being destroyed rather I would like them preserved and maintained

Thank you for your time Sincerely David Harrison Phone:(519)990-6824

APPENDIX A

To: Robert Brown Planning Advisory Committee From: Don & Helen Noels 63 Division Street North, Kingsville

February 9, 2021

<u>Re: Zoning By-Law Amendment – ZBA/01/2021 & Official Plan Amendment Application OPA/01/2021</u> <u>49 Division Street North, Kingsville</u> - Notice received by mail on February 2, 2021 and dated January 28th, 2021.

We are profoundly disappointed that we only received 1 week to respond to this application in order to have our input included in the printed reports sent to PAC members and to be added to the agenda as a speaker. Considering that the Rezoning Application had to be submitted by December 9th to be eligible for presentation at the February 16th PAC meeting, the lack of preparation time accorded to neighbouring residents is unconscionable! The fact that we are under lockdown and not permitted to gather provided no time for affected families to confer on this all-important rezoning request. A delay until the next PAC meeting was requested but fell on deaf ears leaving residents who are impacted by this zoning issue to feel railroaded. *We sincerely hope this is not how this process will be handled moving forward.*

Regardless, this letter serves to register our **vehement opposition** to the rezoning of 49 Division Street North from Residential to Commercial for the following reasons:

- The 5 Year Review of the Town Official Plan dated September 2020 states: "Based on past commercial development activity and with recent amendments, it is estimated that there are adequate lands currently designated for commercial development to meet the needs of existing and projected residents." If this rezoning from residential to commercial were essential wouldn't the Official Plan reflect that?
- Rezoning 49 Division St North would eliminate any buffering from the downtown Commercial Zone that current residents depended on when purchasing their properties. The Land Use Plan and Town Official Plan made no mention of this changing in 2015, when we purchased 63 Division St. North, nor was it anticipated in the Town's September 2020 review. It begs the question, why did the Town make the investment to develop an Official Plan and pay to amend it in 2020 if it can be tweaked at will?
- The section of Division Road North in question currently has a residential streetscape and a small-town vibe, quite remarkable and unusual considering the volume of traffic on this main artery. Removal of the two properties at 45 and 49 would destroy that. Residential properties and the people in them are what help keep downtown cores vibrant, friendly, and safe. There are over 14 families and their properties directly impacted by this decision and numerous others in the immediate vicinity.





Commercial Zoning of 49 Division St N. will infringe on the lifestyles and outdoor enjoyment of current residents. Families living closest to 49 Division St. N. have pools and backyards that are all frequently used relaxation and entertainment areas. The development proposed with this rezoning application is a 2-story structure set along the entire lot line of the neighbouring property, overlooking all of these backyard oases.

The Town Official Plan states: 2.6 BUFFERING Adequate buffering will be required between all uses of land where there may be a conflict such that one use will detract from the enjoyment and/or functioning of the adjoining use. Such buffering may include landscaping using local native plantings, screening, and greater separation distances between incompatible uses. The site plan included with this zoning application allows for only 10 feet between the properties.

- Regardless of the design of any commercial development that may be approved, for the families who live here there are all kinds of unwanted pollution that are inherent with large commercial properties:
 - Noise The incessant beeping of the car horns of visitors and employees entering and exiting their vehicles along with the noise of their engines. HVAC systems also add noise pollution depending on where they are placed. There will also be the coming and going of snow removal vehicles, landscaping vehicles, and waste management trucks at all hours of the day and night with their compulsory back-up beeping indicators blaring.
 - Light Light standards will illuminate parking areas and pathways from dusk to dawn and there will also be light pollution from the offices spilling down onto neighbouring yards along with any security lighting.
 - Air Division Street North is already a busy thoroughfare and increased business activity will mean more vehicles coming and going throughout the day.
 - \circ Visual
 - The architecture style of the early 20th century is evident across all properties in the immediate vicinity currently. The streetscape is residential regardless of the activities taking place inside. The houses on the applicant's property were built in the 1880's and the 1920's. If the zoning is approved and commercial development is to move forward, it is hoped it would fit with the neighbourhood.
 - Large, old trees have already been removed from this property and more will have to be eliminated to
 accommodate any development. Most notable is one of the towns sycamore trees that will require removal
 to make way for a driveway. This loss is not only visually offensive but results in the loss of needed
 photosynthesis, shading and cooling, and wildlife habitats. Trees are critical to downtown neighbourhoods
 in order to help offset all of the paving and concrete inherent with commercial development.
 - Vermin Garbage storage location and pick-up protocols can lead to unwanted vermin, particularly in more urban settings. No doubt litter will be even more of a problem than it already is.
- Security is undoubtedly an issue since this enterprise will not necessarily be occupied 24/7. It is no small comfort to homeowners in knowing that your neighbours are there and watching out for their property and the neighbourhood. With Commercial Zoning this will not be the case.
- If the Rezoning is approved families here will be vulnerable as there is no guarantee that site plans will not be sought that impinge even further on our enjoyment of our own property or in loss of the equity in our homes. Where will this end for residents? The Town Official Plan states: 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. What if the applicant decides to build a 3-story building, an apartment building, a drive-thru restaurant, a strip mall, a carwash or even sell the property to someone else? Once the zoning has been changed, all of these are possible.

Surely it is feasible that Peralta Engineering could operate anywhere as, by its own account, it principally services Windsor-Essex Towns with Municipal Engineering & Drainage Contracts, Greenhouse Development, and Agriculture. If their business needs to expand why not move to a larger facility as most Kingsville taxpayers and families would have to or build in an area that is already zoned commercial? Peralta does not depend on walk in traffic nor the public at large for their survival so why do they need to expand their business in the middle of a residential neighbourhood?

Ordinary people determine the character of a town not buildings and businesses. We implore this committee to take seriously our concerns as taxpayers of the Town of Kingsville, 14+ families who live in the in the immediate vicinity and will be adversely affected by the aspirations of 2 Engineering Partners. We live downtown rather than in a subdivision because we enjoy the proximity of the various amenities that we can avail ourselves of and the uniqueness of the neighbourhood. However, we did not sign up to be overwhelmed by a commercial building. Would you want this next door to your home?