



COMMITTEE MINUTES

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

A. CALL TO ORDER

Chairperson Laura Lucier called the Meeting to order at 7:05 p.m. with the following persons in attendance:

MEMBERS OF PLANNING ADVISORY COMMITTEE:

Deputy Mayor Gord Queen
Councillor Laura Lucier
Lorrie Mensch
Wayne Latam

MEMBERS OF ADMINISTRATION:

Manager of Planning Services, Robert Brown
Town Planner, Kristina Brcic
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. MINUTES OF THE PREVIOUS MEETING

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

PAC – 07 – 2021

Moved by Gord Queen, seconded by Wayne Latam that the Planning Advisory Committee Meeting Minutes dated February 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

Re-Introduction of the proposal by Manager of Planning Services, Robert Brown; presented his report dated March 9th, 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).

At the February 16th meeting of the Planning Advisory Committee (PAC) several comments were provided and reviewed, and a number of residents spoke in opposition to the project. One particular issue of concern for the neighbour to the immediate north was the placement of the proposed building in close proximity to their lot and use of the northerly side yard. At the direction of PAC the applicant and the neighbour at 57 Division St N meet to discuss both an acceptable setback and the use of the space between the proposed office building and their lot. What resulted from that discussion was an agreement that the building would maintain a minimum setback of 4.5 m (15 ft.) and that the northerly side yard space would not be used for any type of active use such as an outdoor patio for employees. The revised sketch reflect the 4.5 m (15 ft.) northerly side yard setback and no amenity area. (Appendix A).

Mr. Brown followed up on a few items that came out of the February 16th, 2021 meeting. Residents raised a number of issues, mainly consideration of the actual applications themselves; the Official Plan Amendment and the Zoning By-law Amendment. One of the biggest concerns with any approval is that it will establish a precedent, either in this particular area or municipal wide. All planning decisions set some level of potential precedent that must be considered. All rate payers should be given the same level of consideration. Fairness to everyone in the municipality. That being said, it is equally rare to find two proposals and two locations that are identical, where a planning decision to approve should be automatic because the same project was already approved at a similar location. Mr. Brown explained that each proposal is different; no two planning applications are identical. Mr. Brown discussed the unique characteristics of this location. The existing use at 45 Division St N contains a single detached dwelling that has been used as a professional office for 30 plus years. At 49 Division St N is a single detached dwelling, which is currently vacant but had been used as a rental property in the past. 45 Division St N, has an official plan designation of Central Commercial, which is similar to the down town area and has a Highway Commercial zoning of C4-4, a similar designation as the West end of Main St where you can find Home Hardware, and the Easterly end of Main St, where you can find Taco Bell, Tim Hortons, FreschCo, etc. At 49 Division St N the Official Plan designation is Residential and zoning is R1.1 which is limited to single detached dwellings. In order to combine the two properties and permit the development, an amendment is required to the official plan, to change the designation from its current residential classification to a commercial classification, and also change the zoning from the Residential R1.1 to a commercial zone. Mr. Brown

explained limitations and permissions set on a property through zoning and official plan amendment.

Approval of this project does not establish a precedent that would subject all residential lands within the Town to potential change. One key consideration for all Official Amendments is 'Why here?' Official Plan amendments require a significantly higher level of consideration from a planning stand point. One question that is asked in this consideration is 'Can this development go somewhere else?' Commercial land designation is not something that is in surplus supply in small towns, including the Town of Kingsville. A large percentage of the professional office space in Kingsville is in the downtown core. Supporting the growth of an existing business in its existing location helps preserve commercial lands in other locations that are better suited to different uses. Mr. Brown noted that the Heritage consideration on the property at 49 Division St N is being heard at the Heritage Committee meeting, being held on March 17th, 2021. Clarification will follow that meeting, the loop will be closed as part of the review taking place.

Chairperson Laura Lucier; asked if there were any questions or comments from the committee.

Committee member Wayne Latam, asked if we could hear from the public. Mr. Latam asked the Manager of Planning, Robert Brown to give the committee a sense of the goals in the Official Plan (OP), in particular the central commercial designation and the residential zoning. Mr. Latam has found some issues; he understands the intent of the OP is to intensify, enhance and encourage commercial growth in the commercial designated area, and the same in residential surrounding areas, and the transition between both is highlighted in the OP as a priority, to provide a buffer, so that one land use does not encroach or effect the adjoining land use. In the OP, Section 3.2.1 Policies, Central Commercial, a number of items that council was to be satisfied with should this land use application go before council. Any application to enlarge the Central Commercial area is to demonstrate why it is not feasible to use existing lands and intensify the current downtown commercial area. Mr. Latam asked Mr. Brown if all the commercial land has been exhausted. Secondly, referring to Section 3.6.1 under the residential, R1 under goals, to provide older residential neighbourhoods with protection from non-residential development pressure, could Mr. Brown explain the intent of this section of the Official Plan. Manager of Planning Services, Robert Brown, explained the balancing act, of lands that are available, as buildable and lands that are available, for sale. Applicants do look at other locations but are not always feasible. Do we support growth where they are at, where they can accommodate parking, and a new building? Or do we insist that they look to a new location, one that may not service their needs, one that may not be feasible to retrofit, etc. If this proposal wasn't abutting the commercial district we would have a different response. It is easier to support growth on an existing property. Commercial inventory is not out there for this particular development. Mr. Brown feels the applicant has satisfied this requirement. In order to protect the older neighbourhoods, there is a transitional zone around the core commercial area.

Resident Helen Noels, 63 Division St N. Ms. Noels asked the applicant why Peralta needs to be downtown, why is this location essential? Ms. Noels feels that Peralta does not rely on walk in clients, or the neighbourhood to run their business. Applicant, Tony Peralta noted that the business has been in this location for over 35 years. The location of being close to the downtown core helps Peralta draw employees because of the

walkable nature and presence in the downtown. Heide Mikkelsen of N. J. Peralta Engineering Ltd responded to Mr. Latam's concern of intensifying the commercial use, Mr. Mikkelsen feels that is exactly what Peralta is trying to do, with its existing use, and utilizing the neighbouring property.

Resident Bruce Durward, 71 Division St N received the notice of public meeting for the February 16th, 2021 meeting to amend the zoning at 49 Division St N from residential to commercial. The February 16th, 2021 meeting seemed to be more the focus on the proposed building height, setbacks, etc. which is not permitted until the property is zoned commercial. In December 2020, the Official plan was amended and these properties were not included in that amendment. As per the Province of Ontario website, you may not apply for an application to amend an Official Plan if an approval has been granted in the past two years. Mr. Durward feels if this application is passed it will create uncertainty to the residents of Kingsville, not feeling protected to be able to invest in their properties.

Manager of Planning Services, Robert Brown explained the uniqueness of each property. The recent 5 Year Official Plan review is still under review with the County. It has not been officially approved. A comprehensive land inventory was not part of this review; primary focus of this 5 Year review was on policy updates as a result of changes to both the Planning Act and Provincial Policy Statement. There were no suggested land use changes or amendments as part of this process. Council did approve a local comprehensive review, which will be a 2 year undertaking as it is a very detailed analysis. At present this review is on hold until background work being undertaken at the County level has at the very least gotten underway. Mr. Brown spoke to the history of Official Plan amendments, noting that only 11 amendments have been submitted to the County since adoption in 2014. Of the 11 approved amendments, three (3) applications were for policy updates, mandated from the provincial or county level. Three (3) actual amendments for land use changes, and the balance were site-specific policy adjustments that didn't change the land use, but allowed for some expansion of what was being done on that property. Some of the specifics for the balance include; Waterfront land use; Minor highway commercial expansion on Seaciff Dr, to the East of the greenway; Medical Marijuana in 2014; 2 amendments were done for the Kingsville Golf Course due to development plans evolving; Secondary Dwelling Units; consolidations of properties (housekeeping); and Council's adoption of the 5 year Official Plan review amendment. Mr. Brown explained that the Town is not the approval authority on the Official Plan Amendment. The County will be reviewing and making the decision regarding the Official Plan.

Helen Noels, 63 Division St N, asked the Manager of Planning Services, Robert Brown to explain Section 8.7.1 of the Official Plan, Existing Land Uses and Buildings Item a) the use does not interfere with the desirable development or enjoyment of the adjacent area Ms. Noels feels that this proposal will affect residential properties on three sides of the building. Mr. Brown showed the aerial photo of the property in question. Showing the different uses around the property. Mr. Brown confirmed that discussion with the neighbour to the north has been had in terms of interaction with their parcel, as they are directly impacted by this proposal. Mr. Brown spoke to the consideration the applicant has had for all surrounding properties.

The applicant, Tony Peralta, addressed the audience to let them know that he did have several conversations with the neighbour to the north, as well as with the church across the street, Al's Auto, neighbours to the back of the development, Paul Langlois and all

were in support. Mr. Peralta felt it was important to have discussion with each property owner that would be immediately impacted by the proposal.

Chairperson Laura Lucier, thanked the applicants for reaching out to the neighbours to come up with solutions.

Heide Mikkelsen of N. J. Peralta Engineering Ltd added that conversations were also had with the Red Apple to the South of the proposal.

Chairperson Laura Lucier, explained the roll of the committee is to make a recommendation to move forward with a presentation to Council. Committee member Wayne Latam would like the residents to understand that the support to move forward with the presentation to Council, does not mean support of the change of land use; that is not the duty of the committee. Mr. Latam is in support of this application being presented to Council, along with all of the additional correspondence and comments.

Deputy Mayor Gord Queen, appreciates Mr. Latam motion. Mr. Queen is opposed to conversion of any residential space to commercial. Housing stock within the municipality is low. Mr. Queen appreciates the work that N. J. Peralta Engineering Ltd has done within our community. Mr. Queen appreciated the support of the Church, Al's Auto, etc. but Mr. Queen would like to focus on protecting our residential properties.

PAC – 08 – 2021

Moved by Wayne Latam, seconded by Lorrie Mensch that the applications presented be forwarded to Council for consideration.

CARRIED

E. NEW BUSINESS

F. NEXT MEETING DATE

The next meeting of the Planning Advisory Committee shall take place on April 20th, 2021 via Zoom @ 7:00 PM p.m.

G. ADJOURNMENT

PAC – 09 – 2021

Moved by Lorrie Mensch seconded by Wayne Latam to adjourn this Meeting at 8:00 p.m.

CARRIED

CHAIRPERSON, Laura Lucier

**RECORDING SECRETARY,
Robert Brown**