



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

Date: September 24, 2021

To: Mayor and Council

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

RE: 2791854 Ontario Inc.
9 Pulford St., Lot 3 & Pt. Lot 4, Plan 1182, Pt. Lots 5 & 6, W/S Water
Mill St, Pt. Lots 8 & 9, E/S Division Line Street & Pt. 1, RP 12 R 22657

Report No.: PS 2021-064

RECOMMENDED ACTION

That Council:

Deny zoning amendment application ZBA/19/2021 as the requested scale of the home occupation – professional office in the proposed location does not conform to the residential policies of Official Plan for the Town of Kingsville.

BACKGROUND

The subject parcel is a 1,641.3 sq. m (17,667.4 sq. ft.) residential parcel with an existing dwelling and outbuildings. The applicant is currently operating a professional office that provides staffing (Plan A Long Term Care Staffing & Recruitment) for the health care industry. A professional office is not a permitted use. A home occupation is permitted under all zones throughout the Town however the scale and number of employees at the location currently and as proposed exceeds this limitation. The Town has advised the owner of the compliance issue and ordered that the business be discontinued until such time as an application for a zoning amendment is submitted for consideration. A location map and lot layout are respectively attached as Appendices A and B.

DISCUSSION

1) Provincial Policy Statement (PPS), 2020:

Part V Policies

Section 1.1.2: Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning

exercise or a provincial plan, that time frame may be used for municipalities within the area.

Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

Comment: Within what is often a limited inventory of commercial lands in smaller communities there may also be properties that are not well suited or properly located for a given use. More recently, with the change in how many commercial businesses operate and the increase in remote working, commercial space availability may see an increase in availability however it may also see a change in how it is used as demand changes.

1.1.3.1 Settlement areas shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall also be based on 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: The proposed use is within the settlement area of Kingsville and near the downtown core. Often areas such as this can experience a shift in use or mix of use. However, a shift in this area may be pre-mature at this time, in part, due to the location within a primarily residential area, not on a main arterial or collector street.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Comment: The proposed business is intended to be owner-occupied so it will maintain the residential use while integrating a new 9 to 5 business within existing building stock. We have been advised that the principal of the business is intending to relocate to this home, but may not be residing there currently. Some renovations have been completed to support business use.

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Comment: Home occupations provisions are generally established in municipalities to limit the scale of business within a home. Overall the proposed development does facilitate intensification by having a mix of uses it may lead to increased traffic to and from the site not typical of all residential uses. With an increase in traffic within a residential area comes some potential for safety hazards.

1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Comment: The proposed professional use, home occupation, meets those parameters by utilizing the existing dwelling for a broader, more intensive mix of uses. However, the location of the proposal is not appropriate given the predominant residential use on the surrounding lands.

2) County of Essex Official Plan

Section 3.2.2 Goals of the Official Plan outline the following under item 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.

Section 3.2.4 Primary Settlement Areas outlines 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 proposal is supportive of Section 3.2.2 as Kingsville's long-term health care businesses would utilize the services of the Plan A. The use on the property will continue to be residential in nature as the owner intends to live in the home while operating the business during the day, though the principal has not yet relocated to this home. Its location close to downtown does offer benefits to the employees however again the location is not appropriate based on the existing make up of the area.

3) Town of Kingsville Official Plan

The Official Plan for the Town of Kingsville designates the property at 9 Pulford St. as 'Residential.' The designation under Section 3.6.1 Policies item b) does provided that, "other uses which are considered necessary and complimentary to serve residential areas, such as schools, parks , churches , day care, home occupations and essential buildings and structures for public utilities, may be permitted where they are compatible with the residential area."

Comment: There are examples of this policy in action particularly along arterial and collector roads such as Main St. and Division St. These include primarily medical and professional offices. Many of these uses have been located in residential dwellings while others are standalone developments specific to a particular use. The challenge with this particular policy is the aspect of 'necessary and complimentary to serve residential areas.' The particular use in question does serve a need in the broader community but is not necessary specifically to this residential area.

The applicant was required to provide an independent Planning Rationale Report (Appendix C). Staff have reviewed the report and while there is agreement with some of

the points outlined in the report the location of the business in a residential neighbourhood on a local street remains unsupportable.

Section 2.1.1 Land Use Planning Principles outlines the following applicable items:

- a) to create more compact development within designated and fully serviced urban settlement areas;
- b) to provide a broad range of housing, employment and leisure opportunities for a growing and aging population;
- c) to promote opportunities for intensification and redevelopment within built-up areas which are supported by the appropriate levels of infrastructure and public service facilities;
- d) to discourage urban type development outside of the designated settlement areas of the Village of Cottam, the Hamlet of Ruthven and the Town of Kingsville;
- e) to create and maintain an improved balance between residential and employment growth;
- f) 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;
- m) to accommodate future job creation and employment opportunities in an environmentally sustainable and cost effective manner;

Comment: The proposed professional office – home occupation does support many of the above noted principles however its location on a local street is not appropriate based on the scale of the use proposed.

Section 3.6.1 e) provide older residential neighbourhoods with protection from non-residential redevelopment pressures;

Comment: The area in question is an older area of the community with residential as the primary use along Pulford St. but is not exclusively residential given its proximity to the downtown. While the use may not exclusively place pressure on the area as a mix of residential and non-residential it could lead to additional consideration of conversions to non-residential uses leading to redevelopment pressures.

4) Comprehensive Zoning By-law – Town of Kingsville

The subject lands is zoned 'Residential Zone 1 Urban (R1.1)'. The zoning amendment application would, if considered, add a site-specific provision to the existing zoning to permit an expanded home occupation-professional office and outline the total number of employees (up to 4, the current home occupation limit is 1 in addition to the owner) and

total percentage of floor area of the existing home to be used for the professional office. (35%, the current limit is 25%).

Discussion Conclusions

The application presents a mix of challenges. The business itself is not large scale, operates, generally, on a 9 to 5 basis, has parking available and does not have any significant daily traffic to and from the office beyond the staff themselves.

The location, although near to Division Street N and the downtown, is still within a residential neighbourhood on a local street. With this in mind there is potential for similar requests in the future and pressure to expand beyond even the limited requests made in this application.

As such, it is not recommended that the zoning amendment be approved.

LINK TO STRATEGIC PLAN

Manage growth through sustainable planning.

Link to Council 2021-2022 Priorities

- ☐ COVID-19 and the health and safety of the community
- ☐ Customer Service: Training, Technology, Staff, Review Standards/Level of service
- ☐ Housing: Affordability (lot sizes, developer incentives, second dwellings, density, etc.)
- ☐ Greenhouse: lights & dark sky, odours (site plan compliance, bylaws, other tools)
- ☐ Programming Increase: Youth and Seniors
- ☐ A development plan for Downtown Kingsville / Main Street
- ☐ Financial savings: Schools closings, Migration Hall
- ☐ Economic Development: strengthen tourism/hospitality
- ☐ COVID - economic recovery
- ☐ Communications: Strategy – Policy (social media), Website refresh and other tools, Public engagement
- ☐ Housing: Migrant Worker Housing – Inspections (Building/Fire), regulate, reduce, or increase
- ☐ Committees / Boards: Review and Report
- ☐ Policy Update: Procedural Bylaw
- ☐ Economic Development: diversify the economy, create local jobs, industrial, Cottam
- ☐ Infrastructure (non-Municipal): Union Water expansion & governance
- ☐ Infrastructure (Municipal): Asset Management Plan update, the infrastructure funding deficit
- ☒ No direct link to Council priorities

FINANCIAL CONSIDERATIONS

With the proposed mix of residential and commercial home occupation there should be an increase in assessment value on the subject property

CONSULTATIONS

Agency & Administrative Consultations

Outside agencies are circulated at the time the application is submitted. Comments received are included below. In accordance with O. Reg 545/06 of the Planning Act, Agencies also received the Notice of Public Meeting by email.

1) Essex Region Conservation Authority (ERCA)

ERCA has expressed no objection to the proposed zoning amendment. Their full comment is attached as Appendix D

2) Technical Advisory Committee

If approval is granted the use would need to be reviewed from a technical standpoint to determine if any permits were required to accommodate the use. TAC is not in support of the proposed establishment of the expanded home occupation- professional office.

Robert Brown

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