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**Date:** September 27, 2021

**To:** Mayor and Council

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

**RE:** Application for Zoning By-law Amendment by  
Cibulka Martin Ltd.  
1172 County Road 20, Pt. Lot 10, Concession S 4 WD

**Report No.:** PS 2021-065

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## RECOMMENDED ACTION

That Council:

Approve zoning amendment application ZBA/20/2021 to rezone property located at 1172 County Road 20 from Education, (EG) to a site-specific Rural Commercial, C6-14 to permit a veterinary clinic and other limited uses, and adopt the implementing by-law.

## BACKGROUND

The subject parcel is a 1,254 sq. m (13,494 sq. ft.) lot with an existing building formerly used by the local Knights of Columbus. The applicant recently purchased the property with the intention of converting the building into a new veterinary clinic. To do so the zoning on the property would need to be amended to a site-specific rural commercial. The applicant has been advised of the need to establish an appropriate septic system on the lot, undertake consultation with ERCA as the property is adjacent to a Provincially Significant Wetland and determine if the County of Essex will request modification of the exiting free-for-all access point to the property. (See Appendix A – Site Layout)

## DISCUSSION

### 1) Provincial Policy Statement

When reviewing a planning application to determine if it represents sound planning, it is imperative that the proposed development is consistent with the Provincial Policy

Statement (PPS): “The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.”

Section 2.3.1 states that “Prime agricultural areas shall be protected for long-term use for agriculture”.

Comment: There are a variety of lots similar to the subject property located throughout the Town in the agricultural area that have been used for both agriculture, agriculture related and non-agriculture uses. Many of the non-agriculture uses included church lots, businesses that at one time supported the residents in the surrounding area and community halls or clubs. These lots are often small or have acquired a certain value that makes returning them to agricultural use impractical. The demand for agriculture related lots is also very low making repurposing difficult. The proposed veterinary clinic is something that can be located in either a rural or urban setting and often a veterinary clinic may support rural and urban clients including livestock operations. The conversion of this lot and building to the proposed vet clinic will not negatively impact the agricultural area and can operate with minimal impact to the abutting existing rural residential lots. Therefore, the application is consistent with the Provincial Policy Statement.

## **2) Town of Kingsville Official Plan**

The Official Plan for the Town of Kingsville designates the subject property as ‘Agriculture’. Based on the parcels former use the property would be considered a legal non-conforming use under the Agriculture designation. Under Section 8.7.2 Non-conforming land uses, it is assumed that such uses would cease in the long-term. However, much like Provincial Policy there is recognition such uses can continue or even be enlarged.

Comment: The use of the property for the hall has ceased however the current Education (EG) zoning would permit the property to be reused for other uses. Many of those permitted uses would have similar characteristics to that being proposed as such no new compatibility issues resulting.

## **3) Town of Kingsville Comprehensive Zoning By-law**

The subject parcel is currently zoned ‘Education (EG)’ which permitted the former use given its direct associated with the Catholic church. A veterinary clinic is listed as a permitted use under the standard Central Commercial (C2) zone however given the rural location of the property it is suggested that the property be rezoned to a site-specific Rural Commercial (C6) to permit the following also permitted in the C6.

- Veterinary clinic
- Personal Service Shop
- Farm produce outlet

Comment: Additional uses have been included with the long-term future of the property in mind. Although it is understood why a property may be limited to single use it is also not in the long-term best interest of any property to not consider what other limited uses it can accommodate. For clarity purposes, it is also worth noting that veterinary clinics do include facilities for overnight accommodation. They do not permit boarding of non-treatment related clients. Therefore, the proposed amendment has been determined to be a good reuse of the subject parcel.

## **LINK TO STRATEGIC PLAN**

Support growth of the business community.

### **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**

There will be a change in assessment with the change in use and zoning on the property.

## **CONSULTATIONS**

### **Agency & Administrative Consultation**

In accordance with O. Reg 545/06 of the Planning Act, Agencies and Town Administration received the Notice of Public Meeting by mail and/or email. At the time of writing, the following comments have been received from circulated agencies. No public comment has been received.

#### **1) Essex Region Conservation Authority (ERCA)**

- ERCA had originally requested an Environmental Impact Assessment (EIA) due to the proximity of the use to a Provincially Significant Wetland. After consultation with the applicant and review of the planned conversion of the existing building ERCA provided follow-up comment that an EIA was not required and they have no objection to the Application for a Zoning By-Law Amendment.
- See full comments in Appendix B & B-1.

#### **2) Town of Kingsville Management Staff**

- Permitting will be required for the change of use for the building.
- Confirmation of a functioning septic system is required – application has been filed with the Town for the installation of a new system.

#### **3) Essex County**

- The County has no objection to the zoning amendment but did request a review of the new uses' potential traffic impact on the County Road. Full comment is attached as Appendix C and the Traffic report is attached Appendix C-1.
- Access to the property will need to be reworked to County entrance standards.

*Robert Brown*

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