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Date: February 27, 2023
To: Mayor and Council
Author: George Robinson, MCIP, RPP
Manager of Planning
RE: Zoning By-law Amendment for 111 Queen Street

RECOMMENDED ACTION

1. That Zoning By-law amendment application ZBA/21/2022 to amend the text of the site-specific Residential Zone 1 Urban Exception 29, "R1.1-29" on the subject parcel to increase the maximum number of students attending a private school from 20 to 35 **BE DENIED**.

BACKGROUND

The Town of Kingsville has received the above-noted application for lands located on the east side of Queen Street, south of Mill Street and north of Elm Street (see location map attached as Appendix A). The subject parcel is designated 'Residential' by the Official Plan and is zoned 'Residential Zone 1 Urban Exception 29 (R1.1-29)' under the Kingsville Comprehensive Zoning By-law.

The subject land contains a dwelling occupied as a private school, detached garage and accessory structure (see site plan attached as Appendix B). The applicant is proposing a zoning bylaw amendment to the urban exception to allow a change in the maximum number of students attending a private school from 20 to 35. This will require amendment to the zoning to amend the exception to the zoning provisions.

DISCUSSION

1) Provincial Policy Statement (PPS), 2020:

The PPS includes policies that settlement areas shall be the focus of growth and development. PPS states that "Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment" (Section 1.1.3.2).

The subject lands are located in the 'Residential' designation in the Official Plan and are part of the Kingsville settlement area. Employment uses are encouraged subject to policy set out in Section 1.3 of the PPS.

Comment: PPS does not speak directly to the provision of or location of education facilities either public or private. Schools in Kingsville, with the exception of Jack Miners and Gosfield North are located within residentially designated areas and incorporated as part of the community at large. How location is determined then becomes a matter of compatibility and scale which are more specifically addressed in the Town's Official Plan and Zoning By-law. The proposed use can be considered consistent with Provincial Policy Statement.

2) Town of Kingsville Official Plan

The subject property is designated 'Residential' and subject to the policies under Section 3.6.1 of the Official Plan for the Town of Kingsville. Institutional uses are permitted in the 'Residential' designation.

The applicant obtained a zoning amendment in 2020 for a site-specific addition to the current R1.1 zoning, limited to the addition of a private school with a limited student capacity.

The applicant has provided their own review of the proposal and some background information about the school and letters of support (attached as Appendix C). The proposal does offer an alternative to the traditional school setting and is well located to access a number of resources in the area. The owner states it is centrally located so it can be accessed for walking students and the roadway can accommodate drop off with limited impact to traffic on Queen St.

In the Policies section of Section 3.4 Institutional Uses, the following criteria are established for official plan and zoning bylaw amendments:

- a) new and existing institutional uses shall be appropriately zoned in the implementing Zoning By-law and physical expansions to existing institutional uses which are limited to the confines of the current zoning shall be permitted; however expansions into the "Agriculture" designation would require an amendment to this Plan;

Comment: No physical changes being proposed. The purpose of the application is to amend the zoning to permit a private school to expand.

- b) adequate precautions shall be taken to ensure that the permitted uses minimize adverse impacts on adjacent land uses;

Comment: Scope and scale of proposed use exceeds current zoning exemption. Increased capacity appears to be inconsistent with residential

land uses in the surrounding neighbourhood.

- c) adequate parking, vehicular access, tree planting, landscaping using local native plantings, buffering and site and building design will be required to create an attractive appearance and ensure compatibility with surrounding land uses;

Comment: As noted earlier the applicant is not planning to alter the outside of the dwelling but rather would like to preserve the residential exterior. The site has an existing driveway which can accommodate teacher parking. Although Queen Street has parking on the east side of the road and can accommodate drop-off without blocking traffic, there is no on-site drop off zone. The applicant would need to inform parents on appropriate drop-off so that children are not crossing the road. Though potentially only at specific times, increased school traffic and parking needs are inconsistent with the residential area.

Administration is concerned that the proposed rezoning does not comply with policies in the Official Plan relating to minimizing adverse impacts on adjacent land uses, adequate parking, and vehicular access to the site.

3) Comprehensive Zoning By-law

The current zoning for 111 Queen Street is 'Residential Zone 1 Urban Exception 29 (R1.1-29)'. The zoning amendment application would, if considered, amend the text of the site-specific Residential Zone 1 Urban Exception 29, "R1.1-29" on the subject parcel to increase the maximum number of students attending a private school from 20 to 35.

The original zoning by-law amendment to allow a school with 20 occupants (file ZBA-03-20, By-law 78-2020 attached as Appendix D) was processed as an exemption to the existing residential zoning. Due to the size of the parcel and retention of the existing building, an exemption to the existing zone was chosen over using an 'Education (EG)' zone.

Comment: a school located in the 'Education (EG)' zone requires a minimum lot area of 2,000 m² (21,530 sqft), where this parcel is approx. 928 m² (9988 sqft). If Council decides to approve this zoning by-law amendment, it would continue to be processed as an exemption to the existing residential zoning.

FINANCIAL CONSIDERATIONS

There may be an increase in assessment with the addition of the permitted use in the existing building.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental considerations associated with this application.

CONSULTATIONS

Public Consultations

In accordance to O. Reg 545/06 of the *Planning Act*, property owners within 120m of the subject site boundaries received the Notice of Public Meeting by mail. The applicant has also submitted letters of support from some of the surrounding residents.

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 no comments have been received from circulated agencies.

Town of Kingsville Technical Advisory Committee

The following comments have been submitted by Town departments:

- **Building Department:** A building permit is required to increase the occupant load of the school (assembly occupancy). The design of the building is required to be completed by an Ontario Licensed Architect and a Professional Engineer. Provide completed Ontario Building Code data matrix and all applicable drawings, specifications, etc.
- **Public Works:** Parking both on street and on-site is insufficient to accommodate existing and additional students / staff. There are no designated parking spaces on Queen, the east side street is not signed "No Parking." Larger schools have designated collection and drop-off areas separate from the traffic lane. Concerns with traffic and the associated safety concerns with increasing the number of drop-offs at this location.
- **Fire Department:** Correspondence provided identifies actions taken at time original occupant load was permitted however additional Ontario Fire Code requirements may apply with an increase in occupant load.

Larger schools provide sufficient access around the building for firefighting purpose and sufficient onsite outdoor space for evacuation of staff and students. This is not the case on this parcel. I appreciate the current neighbors are accommodating with evacuation mustering and there is limited parking being used however I don't feel the access for firefighting purposes and evacuation measures for an increased capacity has been adequately addressed.

PREPARED BY:

A handwritten signature in black ink, appearing to read 'G Robinson', written in a cursive style.

George Robinson, MCIP, RPP
Manager of Planning

REVIEWED BY:

A handwritten signature in black ink, appearing to read 'R Wyma', written in a cursive style.

Richard Wyma, CSLA
Acting CAO/ Director of Community and Development Services