



Date: March 17, 2025

To: Mayor and Council

Author: Vitra Chodha, Planner

RE: Official Plan and Zoning By-law amendment (OPA & ZBA-2025-1) for 197 Lansdowne Avenue

RECOMMENDED ACTION

That the Official Plan Amendment application OPA & ZBA-2025-1, to amend the Official Plan for the Town of Kingsville, on the subject property municipally known as 197 Lansdowne Avenue from “Industrial” to “Commercial”, **be approved;**

And that the Zoning By-law Amendment application OPA & ZBA-2025-1, to amend the Comprehensive Zoning By-law 1-2014 for the Town of Kingsville, on the subject property municipally known as 197 Lansdowne Avenue from ‘Light Industrial with Exception 4 (M1-4)’ to ‘General Commercial with Exception 9 (C4-9)’ with the site-specific exception providing for a reduction of parking requirements to 42 spaces; and to exempt the turning radius for trucks and trailers from hard surfacing requirements **be approved;**

And that corresponding By-law 16-2025 and By-law 17-2025, **be adopted** during the By-law stage of the Council Agenda.

BACKGROUND

The Town of Kingsville has received the above-noted applications for lands located on the east side of Lansdowne Avenue, south of 197 Lansdowne Avenue, as seen in Appendix A. The subject property is designated ‘Industrial’ by the Official Plan and zoned ‘Light Industrial with exception 4 (M1-4)’ under the Kingsville Comprehensive Zoning By-law.

The subject property has a total area of 20,072.41 m² (4.96 ac) and a frontage of 104.42 m (342.58 ft). The subject property contains an existing building that is being modified to accommodate a furniture retail business. The applicant seeks to change the Official Plan designation from “Industrial” to “Commercial” to align the subject lands with the proposed retail use.

Additionally, the applicant seeks to change the zoning of the subject site from 'Light Industrial with Exception 4 (M1-4)' to 'General Commercial with Exception 9 (C4-9)'. This amendment includes a site-specific exception (-9) to allow for reduced parking provisions, permitting 42 parking spaces, and to exempt the turning radius for trucks and trailers from hard surfacing requirements.

The exceptions for parking provisions and the turning radius hard surfacing only apply to the existing building that will be retrofitted as necessary. Any expansion of the existing building, addition of new buildings or structures, or change of use to something other than furniture retail will need to comply with all provisions of the zoning by-law, including parking and hard surfacing requirements. In addition, any development or future Planning Act application affecting the North portion of the property will require a Record of Site Condition (RSC).

DISCUSSION

1) Provincial Policy Statement (PPS), 2024

The Provincial Policy Statement requires planning authorities to plan for, protect and preserve 'employment areas' for current and future uses. PPS defines employment areas as "lands designated for business and economic activity including manufacturing, research and development in connection with manufacturing, warehousing, goods movement, associated retail and office, and ancillary facilities".

Further, Section 2.8.2 of the PPS requires planning authorities to assess and update employment areas to ensure that this designation is appropriate to the planned function of employment areas and shall maintain land use compatibility, or the long-term operational and economic viability of the planned uses and functions of these areas.

Though the proposed amendments will redesignate industrial lands, based on the PPS definition, the proposed use of the lands (commercial warehouse and retail) meets the definition of 'employment areas' and as such is supported by PPS policies. The amendments to the Town's Official Plan and Zoning By-law does not eliminate employment from the area; rather, the proposed furniture sales business is unique in that most of the retail space also serves as a warehouse.

The proposed employment land use, along with other permitted uses within the Commercial Designation and Zoning, are also more compatible to the more sensitive residential land uses in the area. The redesignation will also not negatively impact adjacent employment lands as the required infrastructure for the proposed retail and warehousing use is available on-site. The intent of employment lands is to

protect areas that provide local employment, and the proposed applications will not affect the employability of the subject site.

2) County of Essex Official Plan, 2014

The subject property is located within a primary settlement area. The proposed changes to the Town of Kingsville Official Plan and Zoning by-law amendment are in compliance with the County of Essex Official Plan particularly section 3.2.4.1. In section 3.2.4.1 h), the County of Essex encourages all types on land use subject to the local Official Plans.

3) Town of Kingsville Official Plan, 2023

The subject property is currently designated as “Industrial” on the Town of Kingsville Official Plan. Industrial lands are generally considered employment lands. Section 3.3.2.b) of the Kingsville Official Plan states that amenities of adjacent non-employment areas shall be safeguarded, and employment development shall not be allowed to adversely affect the surrounding area from, but not necessarily limited to, traffic, noise, odor, dust, vibration and lighting.

Considering that the subject site backs onto sensitive residential land use and is adjacent and separated from other adjacent industrial lands by lands designated at “Parks and Open Space”, the change in designation will increase compatibility with adjacent land use while retaining the employment capacity of the site.

The Official Plan does not strictly prohibit other commercial uses but makes note that an amendment to the zoning by-law will be required in Section 3.3.2.e). The application for Official Plan amendment is brought forward in conjunction with an application for Zoning by-law amendment.

4) Town of Kingsville Comprehensive Zoning By-law, 2014

The subject site is currently zoned as ‘Light Industrial with Exception 4 (M1-4)’. This zoning allows for certain aspects of the proposed development, including a warehouse with a retail component. As a large part of the building will serve as retail space for furniture sales, the applicant is looking to rezone the property from ‘Light Industrial with Exception 4 (M1-4)’ to ‘General Commercial with Exception 9 (C4-9)’.

This amendment also includes a site-specific exception to allow for reduced parking provisions, permitting 42 parking spaces for the existing building on site, and to exempt the turning radius for trucks and trailers from hard surfacing requirements.

The proposed furniture retail use is unique in the sense that it does not require the same parking allotment as a traditional retail store or warehouse, as is provided for in the Zoning By-law. The administration reviewed parking relief for a similar furniture retail business located at 100 Malden Road (intersection of Highway 3 and County Road 23). Site-specific zoning for that location permits the same number of parking spaces proportional to the floor area of the building.

FINANCIAL CONSIDERATIONS

Industrial lands are taxed at a higher rate than commercial lands, however, the improvements to the site and future improvements to the commercially designated and zoned property will increase the assessed value of the lands and the overall revenues from the property.

ENVIRONMENTAL CONSIDERATIONS

The proposed development does not result in any significant environmental consideration. Any development or future Planning Act application affecting the North portion of the property will require a Record of Site Condition (RSC).

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) Technical Advisory Committee

- The comments received from the Technical Advisory Committee did not address concerns relating to the Official Plan Amendment and Zoning by-law amendment applications. The concerns will be addressed with the Site Plan Control application.

2) Ministry of Transportation (Appendix C)

- The Ministry of Transportation does not have any concerns with the proposed Zoning and Official Plan amendment.

3) External agencies were circulated for comments based on requirements of the *Planning Act* (e.g. all utilities, school boards, etc.)

PREPARED BY:



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