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**Date:** June 19, 2017

**To:** Mayor and Council

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

**RE:** Zoning By-law Amendment (ZBA/15/17) &  
Site Plan Approval (SPA12/17)  
Kingsville Distributors Ltd. (Mark Muzzan)  
140 Park St., Part of Lot 1, Concession 1 ED

**Report No.:** PDS-2017-030

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## **AIM**

To provide the Mayor and Council with information on a requested zoning by-law amendment to increase the size of a micro-brewery as defined by the Kingsville Zoning By-law and site plan approval to outline the details of the proposed outdoor patio and parking area for the micro-brewery within the existing warehouse.

## **BACKGROUND**

The property in question is a 5.1 ha (12.7 ac.) commercial/industrial lot located on the north side of Park St. The portion of the property subject to the requested applications for approval is approx. 0.83 ha (2 ac.) and contains a large warehouse building approx. 2,137 sq. m (23,000 sq. ft.) in size and a smaller accessory structure. The applicant is proposing to establish a mix of uses in the building which would include a micro-brewery, warehouse, retail for the brewery and a large licensed patio with a limited food menu. Each of the uses is permitted in the current zoning however, the applicant is looking to have the micro-brewery occupy approximately 604 to 650 sq. m (6,500 to 7,000 sq. ft.) This exceeds the limit outlined in the definition of micro-brewery which is capped at 300 sq. m (3,230 sq. ft.). Therefore the applicant is seeking an amendment to the by-law to permit the larger micro-brewery. Because of the location and extent of the proposed development site plan approval was also recommended as part of the approval process as additional parking spaces will be required along with potential buffering for the patio and storm water management with the addition of hard surfacing. An initial site plan layout is included for review.

## **DISCUSSION**

### **1) Provincial Policy Statement (PPS), 2014:**

There are not issues of Provincial significance raised by the requested site plan approval or zoning by-law amendment.

### **2) County of Essex Official Plan**

There are no issues of County significance raised by the subject applications.

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

The subject property is designated 'Waterfront Mixed Use Neighbourhood'. The designation was established in this particular area with the goals of:

- a) promoting the development of a mix of land uses in the waterfront area;
- b) promoting the waterfront area as a destination in the Town. The policies encourage and support the development of welcoming, inviting, intrinsically interesting and an aesthetically appealing area both for visitors coming from the harbor, residents to live in the area and provide for walking or driving through the area, as well as supporting and encouraging new business operators in the area of the waterfront;

Comment: The proposed use is the redevelopment of an existing legal non-conforming use (warehouse) to a conforming use. The micro-brewery use, retail, patio and any associated food service are all the types of permitted and encouraged uses. With the trend in and explosion of micro-brewery development this particular location in close proximity to the waterfront, dock, Lakeside Park and the downtown will be ideally located and supportive of the designation. As such the proposed development, subject to the conditions outlined in the site plan approval, will conform with the Official Plan.

### **4) Comprehensive Zoning By-law – Town of Kingsville**

The portion of the subject property in question is zoned 'Waterfront Commercial, '(C5)' similar to the lands to the east and west. The balance of the property is zoned 'General Industrial, (M1)' and no change is proposed and no new development is occurring on this portion of the property. The zoning amendment itself is seeking to increase the size of a micro-brewery as defined in the by-law. The definition currently limits a micro-brewery to 300 sq. m (3,230 sq. ft.) the applicant would like to increase that to a maximum of 650 sq. m (7,000 sq. ft.). It is also being recommended that the required parking, excluding accessible spaces, for the use be a dust controlled gravel surface versus paving. This too will need to be addressed as part of the amending by-law.

Comment: Micro-breweries, for the Canadian Revenue Agency, are considered breweries which produce less than 40,000,000 litres per year but more than 300,000 litres. In Ontario there are over 110 communities with craft breweries. There are a total of 180 operations and it is estimated another 50 in the planning stages. This segment of the economy

employees thousands of people both directly and indirectly and have an overall economic impact of 600 million annually. Kingsville itself has two such operations. Like wineries, micro/craft breweries have become a significant draw for tourists to a community.

The size limit of a micro-brewery was established as a starting point as the location of micro-breweries can vary from downtown to commercial to industrial areas all of which have different considerations. In reviewing different communities often there is a limit included in the definition much for the same reason.

The subject location is a former industrial building, currently used as a warehouse (legal non-conforming) which the applicant is proposing to retrofit and use to establish their operation. The proposed increase is limited to 650 sq. m (7,000 sq. ft.) maximum and applies specifically to the brewing operation portion of the business. This does not include warehouse, the retail space, patio or the bottling area. Since the proposal is within an existing industrial building and not something new or out of scale with the general area the requested increase would be in keeping with the intent of a mixed use area and would maintain the intent of the limit outlined in the definition.

Impact to the area would include added vehicle traffic though this is consistent with the goal of making the area a destination and tourist draw in the community. However, the location of the proposal is in close proximity to access to the greenway, Lakeside Park, downtown, access to the docks and ferry all of which are walkable points to or from the subject site. There will be truck traffic to the business however it would not exceed the level that would have already been generated by the existing warehouse use. The addition of the patio will lead to the removal of the existing loading dock and certainly provide an aesthetic improve to the front of the former warehouse. Dwellings to the west and south are situated a minimum of 33 m (110 ft.) from the patio area. The dwelling to the west is also partially buffered by the trail from Park St. north to the Chrysler Greenway. The use would be subject to the Town noise by-law and noise limitations can be included in the proposed site plan agreement as an extra measure. Enhanced landscaping around the patio would also be a wise addition.

## **5) Site Plan**

The development of the site consists of the construction of an outdoor patio in the area of the former loading dock location at the front of the existing warehouse, establishment of parking for employees and customers and formalization of the access points to the property along Park St. (See Appendix 'A') These improvements will help to soften the current industrial look on the front of the property and be a welcome update, complementing the Park St. reconstruction. All internal changes will be reviewed as part of the change of use permit and building permit process.

The access points and accessible parking spaces will be paved at the front of the property however it is recommended that the bulk of the parking area remain a dust controlled gravel surface to minimize overall impact to storm water run-off. The applicant is aware of the pending Park St. reconstruction and there will need to be co-ordination of the access improvements. Municipal Services has also been made aware of the proposed development and will make the necessary adjustments to the access plans for this property.

## LINK TO STRATEGIC PLAN

The Strategic Plan specifies under Objective, Priorities and Projects, Subsection III:

“To Develop an economic vision based on our strengths and opportunities that will retain existing and attract new businesses.”

The requested site plan agreement will achieve this Objective of the Strategic Plan by allowing the establishment of a new business and tourist draw.

## FINANCIAL CONSIDERATIONS

There may be some increase in assessment with the proposed improvements to the property.

## 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 Open House/ Public Meeting by mail.

Comment to-date has been limited to one question regarding the possible paving of a Town owned parcel which provides access to the rear of the subject parcel at the end of Lakeview Ave. There are currently no plans for this work to be completed and is not part of this application.

### Agency & Administrative Consultations

In accordance with O. Reg 545/06 of the *Planning Act*, Agencies and Town Administration received the Notice of Public Meeting by email.

Agency or Administrator	Comment
Essex Region Conservation Authority Watershed Planner	<ul style="list-style-type: none"><li>• Full comment is attached as Appendix 'A';</li><li>• ERCA has noted that the subject parcel is not in a regulated area</li><li>• They have expressed no concerns with the application but recommend that storm water management be reviewed</li></ul>
Town of Kingsville Management Team	<ul style="list-style-type: none"><li>• Any proposed building changes will need to comply with the requirements of the OBC including possible change of use permitting</li><li>• Existing storm water management will need to be reviewed and an addition to hard surfacing addressed</li><li>• There is only a single ¾ in water service to the property, the applicant would be responsible for any cost associated with upgrading the connection for either the change in use or fire suppression. This would also need to be done prior to completion of the Park St reconstruction</li></ul>

## RECOMMENDATION

It is recommended that Council:

- 1) approve zoning amendment application ZBA/15/17 to amend the zoning of the subject property to a site specific 'Waterfront Commercial Exception 3 (C5-3)' to increase the permit size of a micro-brewery as per the By-law definition and permit the required parking to be gravel surface and adopt the implementing by-law.
- 2) approve the proposed site plan, subject to the conditions outlined in the site plan agreement, for the construction of a 16.3 m x 16.3 m (53.5 ft. x 53.5 ft.) patio, drive way modification and parking area and authorize the Mayor and Clerk to sign the site plan agreement and register said agreement on title.

*Robert Brown*

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

*Peggy Van Mierlo-West*

Peggy Van Mierlo-West, C.E.T.  
Chief Administrative Officer