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Date: June 22, 2018

To: Mayor and Council

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Manager, Planning Services

RE: Application for Official Plan Amendment OPA/02/18 & Zoning By-law
Amendment Application ZBA/11/18 by Pratt, Finch & Jones Ltd.
436 County Road 27 E
Part of Lot 13, Concession 11

Report No.: PDS 2018-037

AIM

To provide the Town of Kingsville Council with information regarding a proposed Official Plan Amendment (OPA) to add site-specific policies to permit the creation of a single rural residential lot and a Zoning By-law Amendment (ZBA) to zone the proposed lot to an appropriate rural residential classification matching the surrounding lands.

BACKGROUND

The subject land totals 63.6 ha (157.2 ac.) and are currently used as a golf course. The applicant is proposing to create one new 0.3 ha (0.75 ac.) rural residential lot with frontage along Road 11 immediately west of 257 Road 11. Under the Parks & Open Space designation policies, Subsection 3.5 (f) lands under private ownership can be considered for redevelopment subject to re-designation of the lands. There are currently 24 lots backing onto the subject lands (golf course) along either Road 11 or County Road 27 E. These lots are designated Agriculture however are zoned Rural Residential. Since the Parks and Open Space designation is not intended for the development of residential lots it is necessary to change the designation or establish a site-specific policy on the subject lands to permit the proposed lot creation. A zoning amendment is required to both implement the policies of any proposed Official Plan change and to rezone the proposed new lot to an appropriate classification similar to its surrounding uses.

DISCUSSION

1) Provincial Policy Statement (PPS), 2014:

With any type of lot creation in a non-residential classification it is important to determine what if any impact there will be on the lands from which the lot is being created and on the larger surrounding area. The applicant was required to prepare a Planning Justification Report (PJR) see Appendix B. Planning is in general agreement with the conclusion of the report.

The key points for the application are as follows:

Does the lot creation impact on the retained golf course lands?

Comment: The lands are not used as part of the golf course and their location does not lend themselves to future use by the golf course from a logical standpoint. As such they have become surplus to the needs of the course.

Does the lot creation impact on the agricultural area to the south?

The proposed location of the lot actually does not impact directly on agricultural uses to the south as there is a low lying wooded area and a rural residential lot. In addition the existing dwellings to the east and west have been located in this area for some time with little impact on the agricultural lands to the south.

Does the lot meet the MDS requirements?

The property is not within 500 m of a livestock operation. Any establishment of a livestock operations on surrounding lands would already be impacted by the existing dwellings and golf course use.

With this mind and the detailed outlined in the attached PJR it can be concluded that the proposed lot creation is consistent with Provincial Policy.

2) County of Essex Official Plan

The County of Essex is the final approval authority for all Official Plan amendments. As the lands on which the proposed lot creation is occurring are not designated agriculture the proposed lot creation would conform with the County Official Plan.

3) Town of Kingsville Official Plan

The subject property is designated 'Parks & Open Space by the Kingsville Official Plan.' Subsection 3.5 (f) of the designation policies permits the Town to consider a re-designation of lands that are under private ownership and no longer required for Parks or Open Space purposes. As noted earlier the lands are not part of the functional golf course and not needed in the future. The proposed location would be a rounding out of the existing strip of lots on Road 11. An amendment to the Official Plan is required to permit the creation of a single lot in the Parks and Open Space designation. Although the existing

lots along County Rd 27 E and Road 11 are located in the Agriculture designation it is recommended that the proposed lot not be placed in that designation as it would then be subject to the policies of the Agriculture designation which would not permit lot creation and would potentially establish a bad precedent.

4) Comprehensive Zoning By-law – Town of Kingsville

The subject property is zoned 'Recreational, (RG)'. The proposed amendment would place the lands in the 'Rural Residential, (RR)' the same as the existing lots to the east and west. The new lot (Appendix A) will meet the minimum standards for both lot area (2,000 m²) and frontage (30 m).

LINK TO STRATEGIC PLAN

Manage growth through sustainable planning.

FINANCIAL CONSIDERATIONS

The creation of the new lot will result in an increase in assessment value

CONSULTATIONS

In accordance to O. Reg 545/06 of the *Planning Act*, property owners within a minimum 120m of the subject site boundaries received the Notice of Public Meeting by mail. Information of the proposed amendment was also posted to the Town website.

Comment was received from one abutting landowner questioning why the lots could be created on the golf course and what would stop additional lot creation. The owner was advised that the Official Plan

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">• Comment is attached as Appendix C• ERCA advised the applicant to reconfigure the original location of the west lot line to maintain setback from the Belle River Drain and the existing flood limits
County of Essex	<ul style="list-style-type: none">• The County as the Official Plan amendment approval authority was circulated but did not have any comment
Town of Kingsville Management Team	<ul style="list-style-type: none">• There was no objection to the proposed lot• Items such as service connections and access will be addressed as requirement at the severance stage

RECOMMENDATION

It is recommended that Council:

Adopt Official Plan Amendment No. 8 (OPA 8) to establish a site-specific policy area to permit the creation of one (1) new rural residential lot on the property currently known as 436 County Road 27 E, Part of Lot 13, Concession 11, in the Town of Kingsville and direct administration to forward the policies to the County of Essex for final approval.

And That Council approve Zoning By-law amendment application ZBA/11/18, to implement OPA 8, once final approval is granted by the County of Essex, and rezone the lands to be severed to an appropriate 'Rural Residential, (RR)' classification.

Robert Brown

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Peggy Van Mierlo-West

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