



2021 Division Road North
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Date: April 26, 2021

To: Mayor and Council

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Town Planner

RE: Application for Consent B/07/21 and Zoning By-law Amendment
ZBA/02/21 by
Chris Malott Farming Enterprises Inc.
432 County Rd 34 W
Part Lot 276, CON NTR
Roll No. 3711 610 000 00600

Report No.: PS 2021-027

RECOMMENDED ACTION

That Council:

Approve Consent Application B/07/21 to create three (3) lots, shown as Parts 1, 2 & 3 on the applicants' sketch, each being 0.35 ha (0.86 ac.) in area with 39.62 m (130 ft.) of frontage on County Rd 34 W, from Part Lot 276 Con NTR, known as 432 County Rd 34 W, in the Town of Kingsville, subject to the following conditions:

That a reference plan be deposited in the registry office, both an electronic and paper copy of the registered plan is to be provided to the Town.

That any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or Municipal Act be paid in full along with all municipal taxes.

That the applicants obtain the necessary permit for and install a new access to the retained farm parcel at the applicant's expense and to the satisfaction of the Town and/or County;

That as a result of the severance, owners shall become liable by way of up front monies for the assessment and taxation of their properties for any waterworks or sanitary sewer systems affecting their properties, in accordance with the Fees By-law in effect on the date of certification of the deed.

That the necessary deed(s), transfer or changes be submitted in triplicate, signed and fully executed (no photocopies), including a copy of the reference plan, prior to certification.

That the newly created lots (Parts 1, 2 & 3) each obtain a water service connection from the Town.

That cash-in-lieu of parkland in the total amount of \$4,500, be paid to the Town.

The zoning of the newly created lots be amended to 'Rural Residential (RR)', prior to certification (ZBA/02/21).

The conditions imposed above shall be fulfilled by July 12, 2022 or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

Approve zoning by-law amendment application ZBA/02/21 to rezone the proposed new lots, in Part Lot 276 Con NTR, known as 432 County Rd 34 W, in the Town of Kingsville, from 'Agriculture (A1)' to 'Rural Residential (RR)', and adopt the implementing by-law.

BACKGROUND

The Town of Kingsville has received the above-noted application for lands located on the north side of County Rd 34 W, and west of Cameron Side Road (see location map in Appendix A). The subject property is partially designated 'Rural Residential adjacent to County Rd 34 W, with the remainder of the property designated 'Agriculture' by the Official Plan and zoned 'Agricultural (A1)' under the Kingsville Comprehensive Zoning By-law.

The subject land is approximately 19.93 ha (49.25 ac.) in area with 274.62 m (901 ft.) of frontage along County Rd 34 W. The property currently contains one single detached dwelling as well as 2 farm buildings and grain storage bins. As shown on the location map, the dwelling has its own driveway access to the road and the farm operation has 2 dedicated driveways to the road. The owner is proposing to create 3 identical new residential lots (see Applicant's Sketch in Appendix B), each with 39.62 m (130 ft.) of frontage on County Rd 34 W and each with 0.35 ha (0.86 ac.) in area. As shown on the applicant's sketch, these three new lots will be located to the west of the existing farm buildings/driveways.

As a condition of the consent, an application to rezone the newly created lots from 'Agricultural (A1)' to 'Rural Residential (RR)' to match the existing residential properties along County Rd 34 will be heard concurrently under File ZBA/02/2021.

DISCUSSION

1) Provincial Policy Statement (PPS), 2020:

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 policy direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment.”

The application is consistent with the PPS in that there are no livestock operations in close proximity, which would prohibit the construction of dwellings, and that the property is designated Rural Residential.

2) Town of Kingsville Official Plan

The proposed three lots, while within a prime agricultural area, are within a band of land designated Rural Residential running along the north side of County Rd 34 W. The proposed lots are consistent with rural residential lands found along County Rd 34. Also, the Official Plan permits the creation of a maximum of three lots via Consent. Therefore, the creation of these three lots conforms to the Town’s Official Plan.

3) Comprehensive Zoning By-law

The subject property is zoned ‘Agriculture (A1)’ which permits the current uses. As a result of the proposed consent application to create three new lots, they will be required to obtain a zoning amendment to rezone the properties (Parts 1, 2 & 3 on the Applicant’s Sketch) from A1 to RR zone. The amendment of the zoning will match other similar properties existing along County Rd 34 W. The retained farm parcel will maintain A1 zoning.

The severed parcels and the retained parcel will conform to their respective zone performance standards as a result of the consent and zoning by-law applications.

LINK TO STRATEGIC PLAN

Manage residential growth through sustainable planning.

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 an increase in the assessment with the creation of three new lots and further increases once a house is constructed.

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. At the time of writing, no comments were received.

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.

1) Essex Region Conservation Authority (ERCA)

- No concerns with regards to the application.
- See full comment in Appendix C.

2) County of Essex

- No objections or concerns, comments are engineering related only.
- See full comment in Appendix D.

3) **Town of Kingsville Technical Advisory Committee**

- Building Dept. indicated no objection to the proposal
- Drainage apportionment
- Establish an access for each newly created lot
- Water connection for each newly created lot
- Newly created lots must manage and contain stormwater within their property boundary
- Park fee required for each new lot required
- The property completed an archeological assessment registered with the province and cleared for consent and potential development. The Ministry clearance is attached as Appendix E.

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Robert Brown

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