



Date: September 11, 2023

To: Mayor and Council

Author: George Robinson, MCIP, RPP
Manager of Planning

RE: OPA-2023-1 – Official Plan Amendment for 1478 Road 2 E and
Vacant Land Road 2 E – Mivita Estates (Walter Branco)

Roll numbers: 3711-300-000-24203 and 3711-300-000-24300

RECOMMENDED ACTION

1. That Official Plan Amendment No. 15 (OPA 15) to re-designate lands located at 1478 Road 2 E in the Town of Kingsville, from 'Agricultural' to 'Hamlet', and from 'Hamlet' to 'Agriculture' **BE APPROVED**; and,
2. That Administration **BE DIRECTED** to forward the amendment to the County of Essex for final approval.

BACKGROUND

The Town of Kingsville has received the above-noted application for lands located on the north side of Road 2 East, on the east side of Peterson Road. The subject properties are designated 'Agricultural' (vacant land on Road 2 E) and 'Hamlet' (1478 Road 2 E) by the Official Plan (see Official Plan Map attached as Appendix A) and zoned 'Agriculture (A1)' under the Kingsville Comprehensive Zoning By-law (see attached Zoning Map attached as Appendix B).

Together the subject lands are 12.2 hectares (30.22 acres) in area with approximately 217 m (711 ft.) of frontage along Road 2. Both properties are currently actively used for agricultural purposes.

The applicant is proposing to swap 1.071 acres of land between the Agricultural designation and the Secondary Settlement Area (Hamlet) designation to reconfigure the Secondary Settlement Area boundary. The amendment was requested to support the design of a future plan of subdivision application (see proposed plan attached as Appendix C). There will be no additional lands added to the Secondary Settlement Area designation.

A Zoning By-law Amendment and Plan of Subdivision application will be required in the future to approve the subdivision plan, these items will also require Council approval and will be the subject of a future public meeting. The County of Essex has also received an application to amend the settlement area boundary in line with the proposal to the Town of Kingsville (County file OPA-4).

DISCUSSION

Provincial Policy Statement (PPS), 2020:

Part V Policies

- Section 1.1.2: Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. ... Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

Comment: This application is seeking to re-allocate designated area within the same site to allow the future development of a Plan of Subdivision. Any future expansion of the secondary settlement area will need to comply with PPS, County Official Plan, and Town Official Plan.

- Section 1.1.3.1 Settlement areas shall be the focus of growth and development.
- Section 1.1.3.2 Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

Comment: The proposed use is within a secondary settlement area of Kingsville.

- Section 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Comment: Transit service is not offered in Ruthven at this time, but the development is adjacent to existing built areas and represents a contiguous form of development that does not require a long extension or municipal services.

- Section 1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Comment: The area to the east of the subject property is residential and takes full advantage of the existing infrastructure. The new development will not introduce a new use to the area but will provide additional housing options.

County of Essex Official Plan

The County of Essex is the final approval authority for all Official Plan amendments. The subject lands are within a secondary settlement area. The County of Essex has also received an application to amend the settlement area boundary in line with the proposal to the Town of Kingsville (County file OPA-4).

2) Town of Kingsville Official Plan

The Official Plan for the Town of Kingsville designates the subject site as 'Agricultural' (vacant land on Road 2 E) and 'Hamlet' (1478 Road 2 E). The applicant is proposing to shift the portion of the site that is currently designated as 'Hamlet' in the Official Plan to allow a proposed plan of subdivision application to proceed (see proposed plan attached as Appendix C).

- Section 2.1.1 Land Use Planning Principles outlines the following applicable items:
 - a) to create more compact development within designated and fully serviced urban settlement areas;
 - b) to provide a broad range of housing, employment and leisure opportunities for a growing and aging population;
 - c) to promote opportunities for intensification and redevelopment within built-up areas which are supported by the appropriate levels of infrastructure and public service facilities;
 - d) to discourage urban type development outside of the designated settlement areas of the Village of Cottam, the Hamlet of Ruthven and the Town of Kingsville;
 - e) to create and maintain an improved balance between residential and employment growth;
 - f) to maintain and enhance the uptown area of Kingsville and the commercial area of Cottam as focal points where a broad range of community and commercial facilities and services and housing and employment opportunities are available at higher densities in a mixed use environment;
 - m) to accommodate future job creation and employment opportunities in an environmentally sustainable and cost effective manner;

Comment: The proposed swap of the designated land conforms with many of the above noted items.

- Section 3.6 includes goals and policies related to residentially designated lands. Section 3.6.2 provides additional guidance on the 'Hamlet' designation.

Comment: new development is a mix of smaller lot single and semi-detached residential development. The proposed swap of the designated land conforms with the goals and policies of the 'Hamlet' designation.

- Section 8.11.1 Amendment Procedures

Should changing conditions necessitate the need for an amendment of the Official Plan or the Zoning By-law, in accordance with the Planning Act, due regard shall be given to the following criteria:

- a) the need for the proposed use;
- b) the extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development;
- c) the physical suitability of the land for such proposed use, and in the case of lands exhibiting a potential hazard, consideration shall be given to:
 - i) the existing environment and/or physical hazards;
 - ii) the potential impacts of these hazards; and
 - iii) the proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices;
- d) the location of the area under consideration with respect to:
 - i) the adequacy of the existing and proposed highway system in relation to the development of such proposed areas;
 - ii) the convenience and accessibility of the site for vehicular and pedestrian traffic, and the traffic safety in relation thereto; and
 - iii) the adequacy of the potable water supply and distribution system, sanitary sewage collection and treatment facilities, stormwater management facilities, and other municipal services in view of the policies contained in this Plan;
- e) the compatibility of the proposed use with uses in adjoining areas;
- f) the impact of such proposed use on the surrounding areas with respect to any possible depreciating or deteriorating effects;
- g) the potential effect of the proposed use on the financial position of the Town and its capacity to provide proper municipal services;
- h) the potential effect of the proposed use in relation to the intent and implementing regulations of the Environmental Protection Act, Ontario Resources Act, Pesticides Act, Safe Drinking Water Act and Environmental Assessment Act;
- i) the regulations of the Essex Region Conservation Authority;
- j) compliance with the general development policies and the more specific and

- relevant land use policies of this Plan, as well as the specific requirements for the particular use in the Zoning By-law;
- k) conformity with the County Official Plan and Provincial Policy;

Proposals for expansions to designated settlement areas or for alterations to employment areas for non-employment uses will require an amendment to this plan and shall require a Comprehensive Review in accordance with the provisions the Provincial Policy Statement.

- Section 8.11.2 Interpretation

The intent of the Plan shall, in all cases, be considered flexible, and no strict interpretation of any figure or policy statement is intended. Appropriate variations may be made to these and to the other statements herein where, in the opinion of Council, they are deemed to be necessary for the desirable development of the planning area, provided that the general intent of the Plan is maintained.

Amendments to the Plan are not required in order to make minor adjustments to the land use boundaries provided the intent of the Plan is preserved and the land use does not exceed the boundaries of the established settlement area.

Comment: The proposed swap of the designated land conforms with the amendment procedures. After review with the County it was determined that a formal amendment to change the area of the designated 'Hamlet' lands was required as this is not a minor boundary adjustment and results in the re-designation of an additional parcel. The lands to be swapped are exchanged at a one-to-one ratio, resulting in no net increase in the secondary settlement area.

Comprehensive Zoning By-law – Town of Kingsville

The subject lands are zoned 'Agriculture (A1)' under the Kingsville Comprehensive Zoning By-law.

If the requested official plan amendment is approved the applicant will also be required to submit for a Zoning By-law Amendment and Plan of Subdivision approval consistent with the plans included for review with this report. These future applications will also require Council approval and will be the subject of a future public meeting.

A Planning Justification Report prepared by Oakview Land Use Planning (Robert Brown, MCIP, RPP) is attached as Appendix D. In the Justification report, Mr. Brown reviews the policy context and provides planning rationale to support the application.

FINANCIAL CONSIDERATIONS

No financial impact from the change in the land use designations are anticipated. If the future Plan of Subdivision application is approved, the proposed development will result in an increase in assessment. Development charges and building permit fees will be collected at the permit stage.

ENVIRONMENTAL CONSIDERATIONS

No environmental impacts are anticipated as a direct result of this application. Additional reports regarding Species at Risk and an Environmental Site Assessment will be required at the future Plan of Subdivision application stage.

CONSULTATIONS

Public Consultations

In accordance to O. Reg 545/06 of the Planning Act, property owners within a minimum of 120m of the subject site boundaries received the Notice of Public Meeting (dated August 17th 2023) by mail. The Notice was also posted to the Town's website on the same date.

Agency & Administrative 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.

Essex Region Conservation Authority (ERCA)

ERCA has expressed no objection to the proposed official plan amendment. They will be circulated on future Plan of Subdivision application and will review the Storm Water Management Plan.

Technical Advisory Committee

The Technical Advisory Committee has been involved in reviewing multiple iterations of the development plans, and will continue to be involved in the future Plan of Subdivision application. Administration will also review the Storm Water Management Plan, Functional Servicing Report and other reports as part of review of future Plan of Subdivision application.

PREPARED BY:



George Robinson, MCIP, RPP
Manager of Planning

REVIEWED BY:



Richard J.H. Wyma CSLA
Director of Growth and Development