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Date: November 8, 2017

To: Mayor and Council

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

RE: Zoning By-law Amendment ZBA/17/17
Vince Mocerì Holdings Inc.
2071 Road 3 E
Part of Lot 13, Concession 2 ED
Part 2, RP 12R 12742

Report No.: PDS 2017-049

AIM

To provide the Town of Kingsville Mayor and Council with information regarding a proposed Zoning By-law Amendment (ZBA) for lands owned by Vince Mocerì Holdings Inc., located at 2071 Road 3 E, in the Town of Kingsville.

BACKGROUND

The subject land is a 4.1 ha (10.2 ac.) vacant heavy industrial lot. The applicant is proposing the development of a recycling and waste transfer station similar to the one they currently operate in Windsor (Windsor Disposal Service). In order to proceed with the waste transfer portion of the development a zoning amendment is required to add a waste transfer station as an additional permitted use. Site plan approval will also be necessary for the actual development of the building and support facilities. A waste transfer station will also require an Environmental Compliance Approval (ECA) from the Ministry of Environment and Climate Change (MOECC) prior to beginning operations as such it will be recommended the zoning include the H – Holding provision which would only permit the waste transfer portion of the facility once the (ECA) is received. A preliminary site plan has been included outlining the potential location of the building and surrounding yard area.

DISCUSSION

1) Provincial Policy Statement (PPS), 2014:

PPS, Section 1.2.6.1 states that, “Major facilities and sensitive land use should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.

Comment: Waste management systems are considered to be a major facility. Through the combination of the site plan approval process and use of the H-Holding provision, the operation will have to have its ECA in place and develop a comprehensive site plan design and layout to adequately address the proximity of agriculture or rural residential dwellings to the north and east. WDS provides waste collection services to the Town and the location is intended for the collection of waste and loading on larger trucks for transport to landfill. It is not intended as a waste storage location which will help to mitigate impacts and all activities related to the transfer of waste are confined to the proposed building.

2) County of Essex Official Plan

The County OP Section 2.9 states, “There may be a need during the planning period of this Plan to establish new waste management related facilities, such as transfer stations, within the County of Essex. This Plan supports the development of such facilities, when required, provided all applicable statutory approvals from the Ministry of the Environment are obtained, and the facilities are located in accordance with the land use policies contained within this Plan and the local Official Plan, or amendments are obtained where necessary.”

Comment: As noted under PPS a Certificate of Approval from MOECC is required prior to operations starting at the site. WDS is currently a licenced waste hauler in the County of Essex. With the regionalization of landfill sites the need for additional transfer stations within local areas is an effort to reduce transportation costs to the regional facilities.

3) Town of Kingsville Official Plan

The subject lands are designated Industrial. Section 3.3 Industrial Policies item b) outlines the following, “It is a basic policy of this Plan that the amenities of adjacent non-industrial areas shall be safeguarded and industrial development shall not be allowed to adversely affect the surrounding areas from, but not necessarily limited to, noise, odour, dust, vibration and lighting. All industries shall meet the requirements of, and where necessary, obtain the statutory approval(s) of the Ministry of the Environment with respect to: water intaking, provision of potable water, waste water/sanitary sewage disposal, storm drainage, solid waste disposal and all emissions to the natural environment, including air, noise and vibration.

Comment: There are two main requirements that will help to address and mitigate any issues that may be a factor for the proposed development; 1) the requirement for an

ECA from MOECC and 2) the requirement for site plan control which will address setback requirements, buffering, screening and access locations.

4) Proposed Site Layout

The applicant has provided a site layout of the proposed building and surrounding yard area. (Appendix 'B') The building will be used for the sorting and transfer of waste/recyclables from smaller local collection trucks and contractors into larger semi-trucks for transportation to the Windsor/Essex landfill. The surrounding yard area will contain empty disposal bins used for collection by WDS and the parking of trucks used in the day-to-day operations in the Kingsville area. The building is located approximately 80 metres from the existing dwelling at 2082 Road 3 E and 100 m from the existing dwelling at 2068 Road 3 E. There is existing tree/bush cover along much of the frontage of the lot and it is recommended that this remain, be maintained and supplemented where needed to provide continued screening. As part of the PAC direction the applicant will need to provide specifics on how issues raised at the PAC meeting and from ongoing public input will be addressed at the site plan approval stage.

5) Comprehensive Zoning By-law

The subject property is zoned Heavy Industrial '(M3)' and a site specific Heavy Industrial Exception 1 '(M3-1)'. The M3-1 zoning was carried forward from the former Gosfield South Zoning By-law however it is no longer necessary as the standard M3 would permit a transfer station for the storage, crushing and recycling of asphalt, concrete, brick and tile, an asphalt plant and accessory uses. The M3-1 did however contain special provisions specific to location and screening which will be reviewed for possible inclusion in the amendment. The proposed zoning would reuse the existing site-specific M3-1 for the entire property and would permit the addition of the proposed waste transfer station and establish appropriate setbacks from existing dwellings and any required operational guidelines. The zoning will also include the use of the H – Holding provision which will remain in place until such time as the required ECA from MOECC is issued. Since it may not be possible to address all concerns raised as part of the proposed zoning amendment it is suggested that removal of the H Holding symbol also be conditional on submission of a satisfactory site plan specific to the waste transfer use.

Planning Justification Report (PJR)

The applicant's planner has provided a planning justification report that is attached as Appendix 'C'. Appendix A-5 of the PJR provides a detailed description of the proposal and operations that are planned for the site.

LINK TO STRATEGIC PLAN

To become a leader in sustainable infrastructure renewal and development.

FINANCIAL CONSIDERATIONS

There will be an increase in assessment for the subject property once development is completed subject to site plan approval.

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 Open House/ Public Meeting by mail. The actual circulation was expanded to 150 m to ensure that all properties with residential uses in the immediate area were notified.

Planning Advisory Committee (PAC)

A PAC meeting was held October 17, 2017 and was attend by several of the abutting landowners. The concerns expressed included the following:

- i) Type of waste to be accepted at the facility

Comment: the site will accept non-hazardous solid waste, no greenhouse waste such as vines or growing material,

- ii) Reduction of neighbouring property values

Comment: The zoning on the property is Heavy Industrial, M3 and M3-1. This permits a wide variety of uses that could have an impact on surrounding lands. Many of these uses do not require an ECA and would only be subject to site plan approval.

- iii) Impact to sensitive orchard crops on abutting lands

Comment: The operations on the site will be indoors which should minimize impact to the abutting orchard. The orchard is currently also down wind of the Kingsville transfer station which has outdoor storage and composting on the site that this site will not have.

- iv) Smell, rodents, increased traffic & noise

Comment: Because the operation of the site is as a transfer station to collect, sort and redirect waste to the landfill there will be very little waste on site for more than 24 hours. The applicant has indicated that there will be additional truck traffic to and from the site however as noted above the site is intended for heavy industrial uses and the area as a whole is industrial and already generates traffic and noise.

- v) Impact on the natural environment on the property

Comment: As part of the initial pre-consultation process for this application, the applicant was advised that a review of the property from an environmental impact and

species at risk standpoint was advisable. This work has been completed and a letter of clearance issued by MNRF.

vi) Storm water management

Comment: As with all new development on green field sites there is concern expressed regarding how storm water will be addressed. Site plan approval is required for any development on the site, regardless of zoning and this will need to be addressed as part of that approval process. It is my understanding that the existing drain along the front of the property may not be the outlet point for the property.

The direction from the Planning Advisory Committee was as follows:

PAC 17-2017

Moved by, Gord Queen seconded by Murray McLeod that the Planning Advisory Committee approve the recommendation to move the application to Council for a decision with detailed information to be provided on how the concerns raised will be addressed through Site Plan Control.

A letter of objection was received from an abutting property owner and is attached to this report.

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">• ERCA expressed no objection to the proposed planning approvals related to storm water, natural heritage or species at risk.(Appendix 'A')
Town of Kingsville Management Team	<ul style="list-style-type: none">• No concerns at this stage, site plan approval will require storm water management and construction of appropriate access to Road 3 E
County of Essex	<ul style="list-style-type: none">• The Essex-Windsor Solid Waste Authority indicated that there was no objection to the proposed facility
Other	<ul style="list-style-type: none">• MNRF – has provided clearance for the proposed use (attached with Appendix 'D')• MOECC – an ECA will be required prior to operation of the waste transfer station and for removal of the H-Holding provision

RECOMMENDATION

It is recommended that Council approve zoning amendment application ZBA/17/17 to rezone the subject property at 2071 Road 3 E from 'Heavy Industrial, M3' and 'Heavy Industrial Exception 1, M3-1' to an amended site-specific 'Heavy Industrial Exception 1, holding, M3-1(h)' to add a waste transfer station as an additional permitted use and adopt the implementing by-law.

Robert Brown

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Peggy Van Mierlo-West

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