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**Date:** November 30, 2017

**To:** Mayor and Council

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

**RE:** Zoning By-law Amendment ZBA/20/17  
Edward Remark & Sons Limited – owner  
The Corporation of the Town of Kingsville - applicant  
VL ES Jasperson Drive  
Part of Lot 3, Concession 1 ED  
Part 4, RP 12R 6302

**Report No.:** PDS 2017-053

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## **AIM**

To provide the Mayor and Council with information regarding a proposed Zoning By-law Amendment (ZBA) for lands owned by Edward Remark & Sons Limited, located on vacant lands located on the east side of Jasperson Drive, north of Main St. E., in the Town of Kingsville.

## **BACKGROUND**

The subject land is a 16.2 ha (40 ac.) vacant lot. In June of 2014 Council supported a draft residential plan subdivision for the property that would result in 191 additional residential dwellings in a mix of single detached and semi-detached dwellings. The County of Essex conditionally approved the draft plan on November 9, 2017. The last date of the appeal was November 29, 2017.

The Town then entered into discussion with the owner of the subject property to acquire a portion of property at the north end, approximately 10 ha (25 ac.) as a potential location of a new institutional use. The Town would like to start the necessary amendment process to rezone the lands to an appropriate classification should the 25 acre site be chosen in the near future.

## **DISCUSSION**

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

Provincial Policy does not speak directly to institutional use locations however, Section 1.1.3.6 states that, “New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.”

Comment: The subject lands are located adjacent to a developing residential area on the easterly edge of the Kingsville settlement area. The lands are also south of the Town's principle recreational facilities, which lends itself well to potential joint usage. Servicing for the property is available and upgrading of Jasperson Drive is currently a proposed capital project in the short-term.

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

Section 3.2 Settlement Areas, Subsection 3.2.2 Goals item e) states, “To require the efficient use of land, resources, water and sanitary sewage treatment facilities, other infrastructure and public service facilities including schools as provided for in the growth management policies contained with this Plan.”

Comment: The proposed site will utilize existing services and land within the settlement area that is considered part of the County Growth Management Plan. The facility itself would service areas beyond the urban boundary of the community of Kingsville.

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

There are no lands within Kingsville which are designated for Institutional Uses including the existing educational facilities in Kingsville and surrounding area. It is rare for smaller communities to have lands specifically designated and set aside for any institutional uses as the Official Plans often permit these uses in all designations save and except agricultural areas. The subject lands are designated Residential which does permit institutional uses subject to the provisions of Section 3.4. which include the following:

- a) New and existing institutional uses shall be appropriately zoned in the implementing Zoning By-law and physical expansions to the existing institutional uses which are limited to the confines of the current zoning shall be permitted;

Comment: The purpose of the application is to rezone the northerly 10 ha (25 ac.) of the property to permit an institutional use.

- b) Adequate precautions shall be taken to ensure that the permitted uses minimize adverse impacts on adjacent land uses;

Comment: Site plan approval will be required which will need to address potential impact from the final proposed layout.

- c) Adequate parking, vehicular access, tree planting, landscaping using local native plantings, buffering and site and building design will be required to create an attractive appearance and ensure compatibility with surrounding land uses;

Comment: This is also something to be addressed at the site plan phase. Based on the scale and location of the use there will be a high level of importance placed on each of these items. As part of the site plan approval process it will be recommended that the proponent undertake public engagement in the form of at least one or more open houses to help guide the final design.

- d) Suitable arrangements will be made for potable water supply, sanitary sewage treatment and disposal, storm drainage and all other similar services;

Comment: There are no servicing issues with the proposed location.

- e) No other suitable location within the Town serviced by municipal potable water and municipal sanitary sewage and storm drainage services are available; and

Comment: While there are other locations within the Town that may have access to available services this is not the sole consideration for a suitable site.

- f) The retention, renewal and conservation of institutional built resources such as schools, churches, jails, monuments, courthouses and other buildings of historic or architectural merit will be encouraged if they are affected by an application of development or redevelopment. The impact of such development plans on the character of the surrounding area will also be considered; and

Comment: Any proposed new facility on the subject lands will potentially leave existing facilities open to potential redevelopment. Any future plans for these sites will be considered at that time, as well as the historic or architectural merit.

- g) New institutional and emergency service facilities will not be permitted to locate within Natural Hazard Areas.

Comment: A portion of the site is located within an ERCA regulated area. ERCA has provided input as to areas of the property that will not be available for building development and this has been passed along to the proponent for consideration during the design process.

#### **4) Comprehensive Zoning By-law**

The subject property is zoned 'Residential Zone 2 Urban Exception 13, holding, R2.1-13(h)' to permit the approved plan of subdivision subject to completion of a development agreement. This zoning will remain in place on the southerly 6 ha (15 ac.). The northerly 10 ha (25 ac.) will be placed in a site-specific 'Education, EG' zone to permit the proposed institutional use. The zoning will also establish that a minimum setback of 7.5 m (25 ft.) be required abutting the existing residential lots on Jasperson Drive. This would exclude any form of development other than passive landscaped open space and buffering.

## **5) Proposed Site Layout**

There are no details on the proposed development of the site at this time. Site plan approval will be required and will need to address several details including landscaping, buffering, fencing, access, parking, building details, vehicle and drop-off lanes.

### **LINK TO STRATEGIC PLAN**

Manage growth through sustainable planning.

### **FINANCIAL CONSIDERATIONS**

Building permit fees will apply to the proposed development.

### **CONSULTATIONS**

#### **Public Consultations**

In accordance to O. Reg 545/06 of the *Planning Act*, property owners within 120 m of the subject site boundaries received the Notice of Open House/ Public Meeting by mail. The actual direct notice buffer was expanded to 250 m. The notice was also posted in the Kingsville Reporter.

#### **Public Comment**

There is written comment attached as Appendix 'C'. The feedback at the PAC meeting was generally regarding details of the proposed development such as:

Road improvements

Comment: Jaspersion in the area of the subject property will require improvement along with the planned realignment of the north portion of the road behind the arena and out to Road 2 E.

Traffic levels, traffic routing

Comment: The addition of a new education facility in almost any location within Kingsville will increase traffic levels. A traffic study will need to be completed to help outline the level of traffic and what improvements will best address this. With the planned improvements to Jaspersion Drive the intent is that out of town traffic and bus traffic will be routed from Road 2 E.

Entrance location and design

Comment: This is a detail that will be available once the site plan approval phase is started. It will also be impacted by the results of the traffic study.

## Servicing detail

Comment: Service extensions were planned for the approved residential development and will also be necessary for any new development. The sanitary connection will be routed toward the end of Woodycrest. The water will be extended from just north of Peachwood Drive to the subject site.

Site Selection: With the location of any new facility such as this a site selection process is undertaken based on a number of basic criteria, accessibility, size and topography of the site, surrounding uses, serviceability, cost etc. Of the known locations reviewed this site was best suited to the future use.

## **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.

<b>Agency or Administrator</b>	<b>Comment</b>
Essex Region Conservation Authority Watershed Planner	<ul style="list-style-type: none"><li>• ERCA originally outlined support of the residential subdivision on the site. Additional comment was received at the time of the current zoning noting that additional information would need to be provided to the proponent on the location of the flood plain limits on the site so as not to conflict with any proposed siting of any development. (Appendix 'A')</li></ul>
Town of Kingsville Management Team	<ul style="list-style-type: none"><li>• All items related to the development will be addressed through the site plan approval process</li></ul>
County of Essex	<ul style="list-style-type: none"><li>• As part of the original plan of subdivision approval the County provided draft conditions. In these conditions are items that will remain requirements.</li><li>• Items 18 &amp; 19 of the Notice of Decision (ESA/MNRF)</li><li>• Items 21 &amp; 22 of the Notice of Decision (Archaeological requirements from MTCS) See Appendix 'B'</li></ul>

## **RECOMMENDATION**

It is recommended that:

Council approve zoning amendment application ZBA/20/17 to rezone a portion of the subject lands from Residential Zone 2 Exception 13, holding 'R2.1-13(h)' to a site-specific Education Zone, 'EG-1' and adopt the implementing by-law.

Council direct administration to require that the site plan approval process to be completed for the development of the site include a minimum of one information open house and that once the application is scheduled for Council consideration that a notice of that meeting be circulated to same property owners circulated for the December 11, 2017 Council meeting and post notice in the Kingsville Reporter.

*Robert Brown*

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Manager, Planning Services

*Peggy Van Mierlo-West*

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