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Date: February 13, 2017

To: Mayor and Council

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

RE: Zoning By-law Amendment ZBA/02/17 & Site Plan Approval SPA/01/17
M & M Farms Ltd.
1755 Road 4 E (County Rd. 18)
Part of Lot 11, Concession 3 ED

Report No.: PDS-2017-005

AIM

To provide the Town of Kingsville Council with information regarding the requested Zoning By-law Amendment and Site Plan Approval request for lands known as 1755 Road 4 E (County Road 18).

BACKGROUND

The subject land is a 14.6 ha (36.25 ac.) vacant farm parcel. The applicant is proposing a new 2 phase 9.8 ha (24.34 ac.) greenhouse complex with associated support facilities. Phase 1 will be 4.8 ha (12 ac.) with a warehouse, bunkhouse, hot water storage and boiler/ irrigation room. To proceed with the proposed development site plan approval is required. In addition a zoning amendment is necessary as a portion of the property along the easterly side is zoned 'Extractive Industrial, (M4)' This zoning does not permit the proposed greenhouse use as such an amendment is required to rezone the lands to an appropriate Agricultural classification.

DISCUSSION

1) Provincial Policy Statement (PPS), 2014:

Section 2.3.1 states that, 'Prime agricultural areas shall be protected for long-term use for agriculture.'

Comment: Greenhouse operations are an agricultural use and permitted in prime agricultural areas.

The subject area is also in a known area of aggregate resources and under Section 2.5.2.5, 'known deposits of mineral aggregate resources and on adjacent land, development and activities which would preclude or hinder the establishment or new operations or access to the resources shall only be permitted if:

- a) resource use would not be feasible; or
- b) the proposed land use or development serves a greater long-term public interest; and
- c) issues of public health, public safety and environmental impact are addressed.

Comment: Much of the feasible aggregate resources have been mined out in this particular area. The subject property represents the westerly limit of the resources in this area and further extraction would be minimal making the prime agricultural land of a higher value in the long-term use of the property.

2) County of Essex Official Plan

The County OP is very similar to that of PPS in terms of applicable policies. The proposed development would be consistent with the County Official Plan.

3) Town of Kingsville Official Plan

The subject property is designated 'Agriculture' and subject to the policies under Section 3.1 of the Official Plan for the Town of Kingsville. The easterly side of the parcel is also within an extractive industrial overlay (primary). However, based on the lack of feasibility of extraction in such a small area the long-term use of the property is best suited to agriculture. The proposed use is permitted in the agricultural area. With approval of the recommended zoning amendment the proposed site plan and associated agreement to establish will conform to the Official Plan.

4) Comprehensive Zoning By-law – Town of Kingsville

The subject property is split zoned 'Agriculture (A1)' and 'Extractive Industrial (M4)'. The attached site plan has been reviewed and the proposed new development will be in full compliance with the provisions of the Town of Kingsville Zoning By-law 1-2014 upon approval of the requested zoning amendment to rezone the 'Extractive Industrial (M4)' lands to an appropriate Agriculture (A1) classification.

5) Site Plan

The development of the site will occur in two phases. The initial phase will include 4.8 ha (12 ac.) of greenhouse along with a 1,394 sq. m (15,003 sq. ft.) warehouse, 2,562 sq. m (27,574 sq. ft.) irrigation/boiler support facility, hot water storage tank and a 447 sq. m (4,806 sq. ft.) bunkhouse. Phase 2 of the development will add an additional 5.0 ha (12.34 ac.) of greenhouse space and expand the warehouse by an additional 1,150 sq. m (12,350 sq. ft.). At full build out the development will have a lot coverage of approximately 70.5% which is within the 80% limit of the Agriculture (A1) Zone. Storm water management will be

accommodated by a new pond which has already been constructed along the easterly side of the farm parcel and is designed for both of the proposed phases of development. The storm water pond outlets toward the rear of the property and not to County Road 18. As with most greenhouse operations a standby generator will be on-site. Due to the proposed location of the generator the site plan agreement will require the applicant to maintain a limit on the level of noise generation to the property line of 1775 Road 4 E of no greater than 60 dBa. The generator itself will be located inside and with properly design exhaust will be able to maintain this requirement. This will insure that the noise level at the house remains at an acceptable level for the rural residential setting. Pictures of the subject parcel at attached at Appendix ‘C’.

LINK TO STRATEGIC PLAN

The Strategic Plan specifies under Objective, Priorities and Projects, Subsection III:

“To Develop an economic vision based on our strengths and opportunities that will retain existing and attract new businesses.”

The requested site plan agreement will achieve this Objective of the Strategic Plan by allowing the establishment of a new greenhouse operation.

FINANCIAL CONSIDERATIONS

Building permit fees will be acquired at the time of the building permit issuance. There will also be an increase in assessment as the development builds out.

CONSULTATIONS

| Agency or Administrator | Comment |
|---|--|
| Essex Region Conservation Authority Watershed Planner | <ul style="list-style-type: none"> • Full comment is attached as Appendix ‘A’; • Storm water management will be required along with the addition of three specific conditions which have been incorporated into the site plan agreement as per ERCA’s request. • ERCA – completion of a Risk Management Plan for the on-site fuel storage is not required as the property is not within an event based area. |
| Town of Kingsville Management Team | <ul style="list-style-type: none"> • No concerns with the requested site plan. • The proposed building needs to comply with the requirements of the OBC. • Municipal Services has reviewed the storm water management plan and has no objection to the proposed development moving forward subject to conditions outlined in the agreement. • Municipal Services and Corporate Services are also in the process of finalizing an agreement with the applicant for provision of municipal water to the subject property at the applicant’s cost |

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| County of Essex | <ul style="list-style-type: none"> An entrance permit has been issued for the proposed development. |
| Ministry of Transportation (MTO) | <ul style="list-style-type: none"> Storm water management and the site plan are subject to MTO review and approval and a permit will be required for construction prior to issuance of Town permits. MTO has also requested inclusion of specific wording in the site plan agreement to cover their requirements. MTO comment is attached at Appendix 'B' |

RECOMMENDATION

It is recommended that Council:

- 1) approve zoning amendment application ZBA/02/17 to rezone a portion of the subject property from 'Extractive Industrial (M4)' to 'Agriculture Zone 1 (A1)', and adopt the implementing by-law.
- 2) approve the proposed site plan, subject to the conditions outlined in the site plan agreement, for a two phase 9.8 ha (24.34 ac.) greenhouse with auxiliary warehouse and supporting facilities and authorize the Mayor and Clerk to sign the site plan agreement and register said agreement on title.

Robert Brown

Robert Brown, H. Ba, MCIP, RPP
 Manager, Planning & Development Services

Peggy Van Mierlo-West

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