



**TOWN OF KINGSVILLE
REGULAR MEETING OF COUNCIL
AGENDA**

Monday, September 11, 2023, 6:00 PM

Council Chambers

2021 Division Road N

Kingsville, Ontario N9Y 2Y9

View Livestream at the time of the proceedings at <https://www.kingsville.ca/livestream>

For information pertaining to this agenda or to arrange for any additional accessibility needs please contact the Clerk at pparker@kingsville.ca

Pages

A. CALL TO ORDER

B. CLOSED SESSION

Recommended Action

Pursuant to Section 239(2) of the Municipal Act, 2001, Council will enter into Closed Session at 5:00pm to address the following items:

Item I - Code of Conduct - Section 239 (3.1) - education and training;

Item II - Significant Weather Events - Section 239(2)(f) - advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

C. LAND ACKNOWLEDGEMENT

We acknowledge the Three Fires Confederacy (Ojibwe, Potawatomie and Odawa) and the Traditional ancestral, unceded territory of Caldwell First Nation; the original people of Point Pelee, Pelee Island and its surrounding waters. We recognize and respect the First Nations who are stewards of the land and waters of Turtle Island and who have embraced this stewardship since time immemorial. We would also like to acknowledge all the moccasins who have walked lands of Turtle Island.

D. MOMENT OF SILENT REFLECTION AND NATIONAL ANTHEM

E. AMENDMENTS TO THE AGENDA

F. MAYOR'S WELCOME AND REMARKS

G. DISCLOSURE OF PECUNIARY INTEREST

When a member of Council has any pecuniary interest, direct or indirect, in any matter which is the subject of consideration at this Meeting of Council (or that was the subject of consideration at the previous Meeting of Council at which the member was not in attendance), the member shall disclose the pecuniary interest and its general nature, prior to any consideration of the matter.

H. REPORT OUT OF CLOSED SESSION - August 14 2023

Pursuant to section 239(2) of the Municipal Act, 2001, Council entered into Closed Session at 8:33 pm on August 14, 2023 to address the following items:

Item I - Personnel Matters heard under Section 239(2)(b). There is nothing further to report on this matter.

Item II - New Designs, 23/25 Division Street heard under Section 239(2)(c) and Section 239(2)(f). There is nothing further to report on this matter.

Item III - EWSWA heard under Section 239(2)(f) and Section 239(2)(k). There is nothing further to report on this matter.

I. RECOGNITION

John Carruthers, Kingsville resident, inductee into Contract Bridge Hall of Fame

J. MATTERS SUBJECT TO NOTICE

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

1

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.

2. **ZBA-09-22 and SUB-03-22 - Applications for Zoning By-law Amendment and Draft Plan of Subdivision by 770022 Ontario Limited (Tony Youssef)**

29

Recommended Action

1. That Zoning By-law amendment application ZBA-09-22 to amend the zoning on the subject parcel in the Town of Kingsville from "Residential Zone 1 Urban (R1.1(h))" and "Light Industrial (M1(h))" to:

- i. “Residential Zone 2 Urban (R2.1)” to permit Single and semi-detached dwellings,
- ii. “Residential Zone 4 Urban (R4.1-9)” to permit one 6 storey apartment building on the south side of the parcel (105 rental units total), and;
- iii. “Residential Zone 4 Urban - holding (R4.1(h))” to permit a mixed use building on the north side abutting Main Street (subject to approval of future Main Street Corridor Official Plan and Zoning By-law amendments);
- iv. “Public Utilities/Facilities (MG)” for the storm water management pond; and
- v. “Parkland (PG)” for the proposed park parcel; **BE APPROVED.**

2. **By-law 55-2023** being a by-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

3. A resolution in support of the draft plan of subdivision, County File No. 37-T-23003, **BE APPROVED** subject to conditions outlined by the County in the draft approval and subject to approval of the necessary development agreement between the applicant and Town.

4. Administration **BE DIRECTED** to forward the resolution of support to the County Planner for final approval.

K. REPORTS - GROWTH AND DEVELOPMENT SERVICES

1. Migration Fall Festival and Fantasy of Lights Updates

102

Recommended Action

That the following road closures to vehicle traffic on Saturday, October 21, 2023, for the Migration Fall Festival Parade **BE APPROVED**;

- Staging area at 8 am: Wigle Avenue from Main Street to Lakeview Avenue
- Parade route at 9:30 am heading north on Wigle Avenue, turning west onto Main Street East, turning south onto Division Road South, turning east onto Park Street
- De-staging area to be closed based on the number of parade entries; Park Street from Division Road to 103 Park Street (Grovedale Arts & Culture Centre)

That the following road closures to vehicle traffic on Saturday, November 18, 2023, for the Fantasy of Lights Parade **BE APPROVED**;

- Staging area 2:00 pm: Wigle Avenue from Main Street to Lakeview Avenue

- Parade route at 5:00 pm: heading north on Wigle Avenue, turning west onto Main Street East, turning south onto Division Road South, turning east onto Park Street
- De-staging area to be closed based on the number of parade entries; Park Street from Division Road to 103 Park Street (Grovedale Arts & Culture Centre)

2. Site Plan Approvals: January 1, 2023 to August 1, 2023

107

Recommended Action

1. That the Director of Growth and Development **BE DIRECTED** to report on approved Site Plans annually.

L. REPORTS - FINANCIAL, INFORMATION TECHNOLOGY AND CUSTOMER SERVICE

1. External Audit Services - Award of Contract

110

Recommended Action

1. That By-law 54-2023 to appoint HMID LLP as the auditors for The Corporation of the Town of Kingsville for the fiscal years of 2023 through 2026 be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

M. REPORTS - FIRE SERVICES

No reports.

N. REPORTS - PUBLIC OPERATIONS

1. Watermain Relocation- Division Road at Highway 3

114

Recommended Action

1. That the Watermain Relocation- Division Road at Highway 3 Tender **BE AWARDED** to SheaRock Construction Group Inc. in the amount of \$990,000.00 (excluding HST) and the Mayor and Clerk **BE AUTHORIZED** to execute the requisite agreement.

O. REPORTS - LEGAL, BUILDING AND BY-LAW SERVICES

No reports.

P. REPORTS - CAO's OFFICE

No reports.

Q. CONSENT AGENDA

- | | | |
|----|---|-----|
| 1. | Regular Meeting Minutes - August 14 2023 | 118 |
| 2. | Regular Closed Session Meeting Minutes - August 14 2023 | |
| 3. | Special Meeting Minutes - August 24 2023 | 125 |
| 4. | Fantasy of Lights Minutes - June 20 2023 | 127 |
| 5. | Fantasy of Lights Minutes - July 18 2023 | 131 |
| 6. | Committee of Adjustment Minutes - July 18 2023 | 135 |
| 7. | Heritage Advisory Committee Minutes - August 1 2023 | 144 |

R. NOTICES OF MOTION

1. Hydro One Update - Deputy Mayor DeYong

The Deputy Mayor DeYong moves:

That Council request Hydro One to attend a Council Meeting, at their earliest availability, to provide an update on regional upgrades and service reliability.

S. UNFINISHED BUSINESS AND ANNOUNCEMENTS

T. BYLAWS

That By-law 59-2023 be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

- | | | |
|----|-----------------------|-----|
| 1. | By-law 59-2023 | 148 |
|----|-----------------------|-----|

Being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its September 11, 2023 Meeting of Council.

U. ADJOURNMENT

Recommended Action

That Council adjourns this Regular Meeting at p.m.



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

1478 Road 2 East & VL Road 2 East



Legend

Essex Municipalities

- <all other values>
- Kingsville

Street

- Kingsville Assessment

Official Plan

- Agricultural
- Central Commercial
- Central Commercial/Residential
- Hamlet
- Highway Commercial
- Industrial
- Lakeshore Residential East
- Lakeshore Residential West
- Park and Open Space
- Recreational
- Residential
- Rural Residential
- Special Residential
- Water Course
- Waterfront Mixed Use Neighbourho

Notes

Official Plan Designation - Hamlet & Agriculture

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Copyright the Corporation of the County of Essex, 2012. Data herein is provided by the Corporation of the County of Essex on an 'as is' basis. Assessment parcel provided by Teranet Enterprises Inc. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

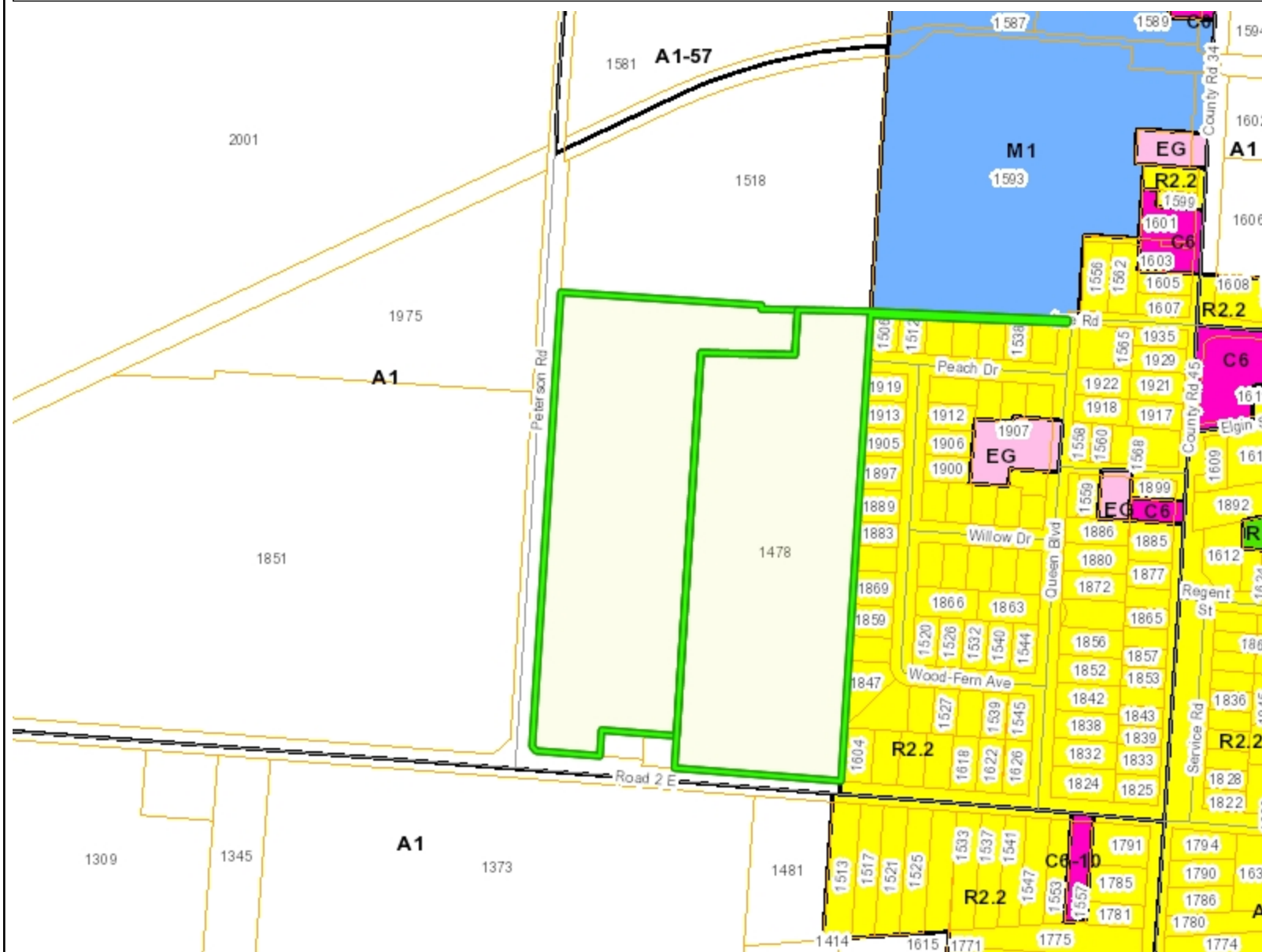
0 92.19 184.4 Meters

1: 5,531



8/11/2023

1478 Road 2 East & VL Road 2 East



Legend

Essex Municipalities

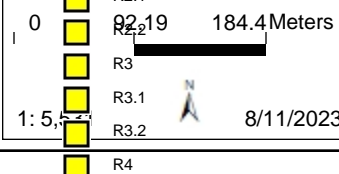
- <all other values>
- Kingsville

Street

- Kingsville Assessment

Zoning

- A1
- A2
- C1
- C2
- C3
- C4
- C5
- C6
- CG
- EG
- LR
- M1
- M2
- M3
- M4
- MG
- P
- PG
- R1
- R1.1
- R1.2
- R2
- R2.1
- R2.2
- R3
- R3.1
- R3.2
- R4



Notes

Zoning Designation - A1

THIS MAP IS NOT TO BE USED FOR NAVIGATION
Copyright the Corporation of the County of Essex, 2012. Data herein is provided by the Corporation of the County of Essex on an 'as is' basis. Assessment parcel provided by Teranet Enterprises Inc. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

SECTION 7 Agriculture Zone Provisions

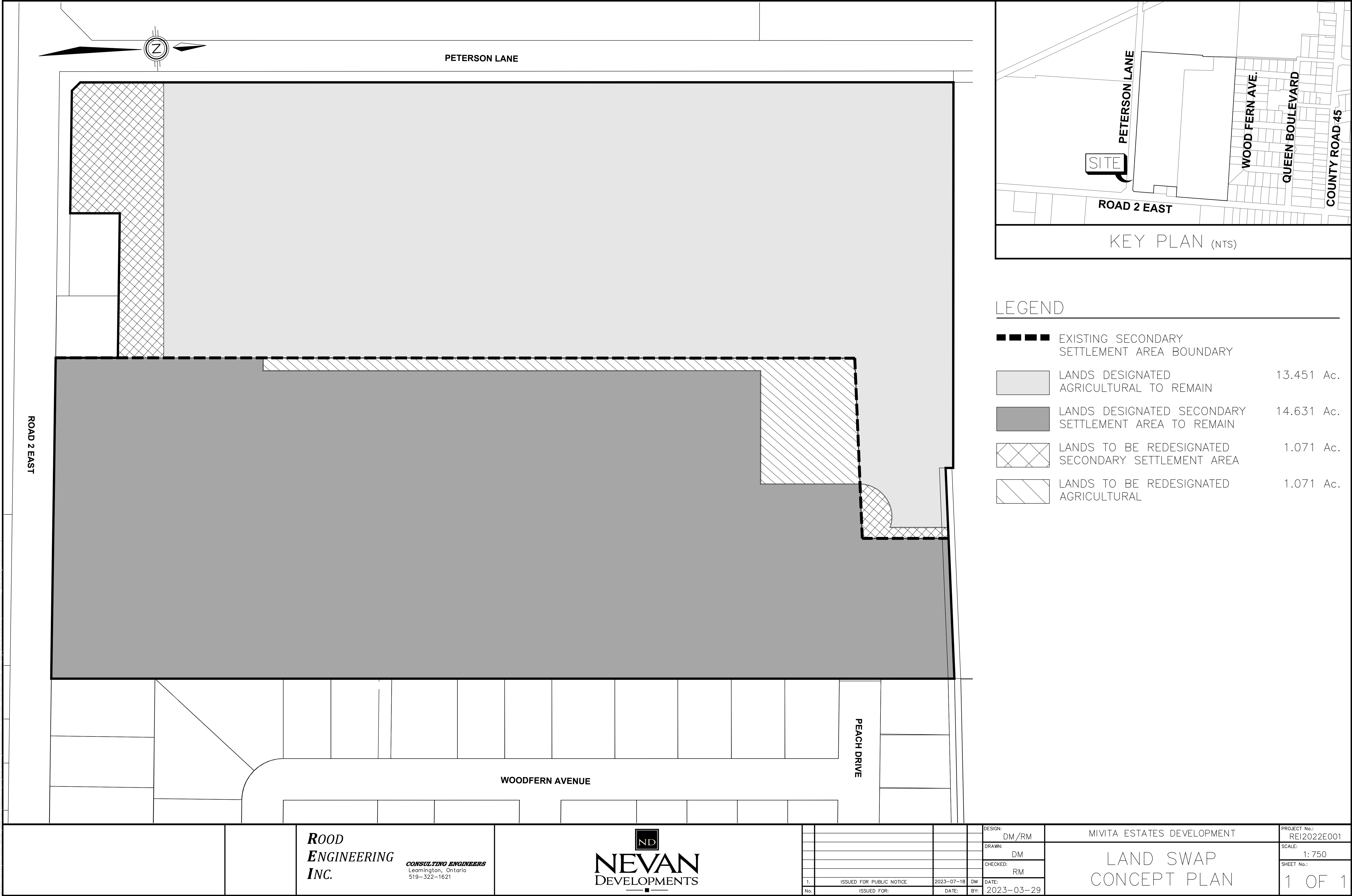
SUBSECTION 7.1		AGRICULTURE (A1) (general agricultural zone)	
a) Permitted Uses			
	Agricultural Uses	Rural Residential	Specialty Crops/All other Uses
i) Main use	Agriculture Agricultural related service Agriculture research stations Agriculture co-op Agricultural operations Agricultural operations, intensive Agriculture produce storage, packaging, processing facility and/or shipping Aquaculture Dog kennel Farm produce outlet Farm machinery/equipment sales, rental, storage facility, parts and servicing facility Fish farm Forestry Use Fruit/vegetable processing facility Garden centres Greenhouses in compliance with Section 7.1 d) Hunting/gaming/wildlife preserve Landing strip and flying clubs Mushroom farm in compliance with subsection 7.1 d) Nursery or landscaping facility Orchards Riding stables Specialty crop Telecommunication tower Tree farms Wayside pits and quarries Winery	Rural Residence	Aquaculture Farm produce outlet Fish farm Forestry use Greenhouses in compliance with 7.1 d) Hunting/gaming/wildlife preserve Orchards Specialty crop as defined by Provincial Evaluation procedures Telecommunication tower Tree farms Wayside pits and quarries Winery
ii) Accessory use	Accessory uses Aviary or establishment for the raising/breeding of fish, poultry or fur bearing animals Boarding, lodging, and rooming – house Agricultural; Contractor’s yard, office and shop Farm produce outlet One Bed and breakfast One Home industry One Home occupation Residential use Retail component Roadside stand Tradesman’s yard and shop	Accessory uses Boarding, lodging, and rooming – house Agricultural; Contractor’s office/shop Horse farm One greenhouse in compliance with 7.1 d) i) Agricultural operation exclusive of a Livestock Intensive Agricultural Use One roadside stand One Bed and breakfast One Home occupation Tradesman’s yard and shop	Accessory uses Aviary or establishment for the raising/breeding of fish, poultry or fur bearing animals Boarding, lodging, and rooming – house Agricultural; Roadside stand One Bed and breakfast One Home industry One Home occupation Residential use

b) Permitted Buildings and Structures			
	Agricultural Regulations	Rural residential	Specialty Crops/All Other Uses
i) Permitted Buildings and Structures	<i>Accessory structures</i> <i>Agricultural buildings</i> <i>Dog kennels</i> <i>Enclosed storage</i> <i>Farm produce outlet</i> <i>Fruit/vegetable processing facility</i> <i>Greenhouses</i> <i>Oil doreys</i> <i>Roadside stand</i> <i>A single detached dwelling</i> <i>Outdoor storage</i>	<i>Accessory structures</i> <i>greenhouse</i> <i>One single detached dwelling</i>	<i>Accessory structures</i> <i>Agricultural buildings</i> <i>Enclosed storage</i> <i>Farm produce outlet</i> <i>Road side stand</i> <i>Greenhouses</i> <i>Oil doreys</i> <i>A single detached dwelling</i> <i>Outdoor storage</i> <i>Roadside stand</i>
c) Regulations			
	Agricultural Regulations	Rural residential	Specialty Crops/All Other Uses
i) Lot area (minimum)	40 ha (100 ac)	c) 2,000 m ² (21,500 ft. ²) if residence is not connected to all 3 municipal services (water/sewer/storm); d) 1,400 m ² (15,070 ft. ²) for a residence on full municipal services.	16 ha (39.5 ac.) or 2 ha (5 ac.) for an <i>existing</i> greenhouse operation where a <i>minimum</i> of 0.4 ha of greenhouse exists
ii) Lot frontage (minimum)	30 m (100 ft.)	25 m (82 ft.)	25 m (82 ft.)
iii) Interior Side Yard (min.)	3 m (10 ft.)		
iv) Front Yard Setback (min.)	15 m (49 ft.)		
v) Exterior Side Yard (minimum)	4.5 m (15 ft.)		
vi) Rear Yard (minimum)	15 m		
vii) Lot coverage (maximum)	10% including all <i>accessory buildings and structures</i>	30% including all <i>accessory buildings and structures</i>	80% including all <i>accessory buildings and structures</i>
viii) Main building height (max)	15 m	10.5 m	15 m
ix) Accessory structure height (max)	14.5 m	See Section 4.2 (h)	15 m

d) Supplemental Regulations

- i) Notwithstanding any other provisions of the By-law to the contrary, the following provisions shall also apply to a greenhouse facility:
- a) *Lot frontage*: 60 m or as shown on an approved site plan demonstrating adequate setbacks and buffering from abutting sensitive land uses but at no time less than 30 m, minimum;
 - b) *Front yard*: 20 m, minimum
 - c) *Interior side yard*: 3 m or equal to the height of the sidewall of the greenhouse, whichever is greater, when abutting a sensitive land use 15 m, minimum;
 - d) *Rear yard*: 5 m;
 - e) *Lot coverage (maximum)*: 80%;
 - f) *Landscaped Open Space*: 25%, minimum of the required front yard setback area
- ii) Notwithstanding any other *yard* or *setback* provision of this By-law to the contrary, no residential, institutional, *commercial*, industrial or recreational *use* located on a separate *lot* and other wise *permitted* by this By-law, *shall* be established and no *building* or *structure* for such *use shall* be *erected* or altered unless it complies with the requirements of *Minimum Distance Separation I* as outlined in the Implementation Guidelines administered by the Ontario Ministry of *Agriculture*, Food and Rural Affairs.
- iii) Notwithstanding any other *yard* or *setback* provision of this By-law to the contrary, no livestock *facility* or manure storage *facility shall* be *erected* or expanded unless it complies with the requirements of *Minimum Distance Separation II* as outlined in the Implementation Guidelines administered by the Ontario Ministry of *Agriculture*, Food and Rural Affairs.
- vi) Prohibited *uses*, *structures* and *buildings*: *mobile homes* and RV's for the purpose of living accommodations;
- v) 60 % of the goods and materials sold in the *roadside stand* or *farm produce outlet* are grown on the property where the road side stand or *farm produce outlet* is placed.
- vi) a new mushroom farm *shall* not locate within 500 m of an *existing* residence.
- vii) Each *dwelling shall* be connected to full municipal services (storm water services, potable water services, sanitary services) and electrical services where available and as approved by The *Corporation* or any other authority having jurisdiction.
- viii) *Dog kennels shall* be *permitted* in any Agricultural *Zone* as identified in Subsection 7.1 of this By-law provided that no part of a kennel *shall* be *permitted* closer than 300 m to any *existing dwelling* on a *lot* other than the *lot* on which such kennel is located.
- ix) The following supplementary regulations *shall* also apply to lands *zoned* (A1):
- Subsection 3: Definitions
 - Subsection 4: General Regulations (ie: *Home occupations*)
 - Subsection 5: Parking Regulations
 - xi) Subsection 4.15 *Floodplain Development Control Area shall* apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A":
 - 1. *Natural Environment Zone* – Subsection 11.1;
 - 2. *Wetland Zone* – Subsection 11.2,&
 - 3. *ERCA Floodplain Development Control Area*

By-law
89-2019



KEY PLAN (NTS)

LEGEND

- EXISTING SECONDARY SETTLEMENT AREA BOUNDARY
- LANDS DESIGNATED AGRICULTURAL TO REMAIN 13.451 Ac.
- LANDS DESIGNATED SECONDARY SETTLEMENT AREA TO REMAIN 14.631 Ac.
- LANDS TO BE REDESIGNATED SECONDARY SETTLEMENT AREA 1.071 Ac.
- LANDS TO BE REDESIGNATED AGRICULTURAL 1.071 Ac.

ROOD
ENGINEERING
INC.
CONSULTING ENGINEERS
Leamington, Ontario
519-322-1621

NEVAN
DEVELOPMENTS

			DESIGN:	DM/RM
			DRAWN:	DM
			CHECKED:	RM
1.	ISSUED FOR PUBLIC NOTICE	2023-07-18	DATE:	2023-03-29
No.	ISSUED FOR:	DATE:	BY:	

MIVITA ESTATES DEVELOPMENT		PROJECT No.: REI2022E001
LAND SWAP CONCEPT PLAN		SCALE: 1:750
		SHEET No.: 1 OF 1



6 Royal Cres
PO Box 188
Pain Court, Ontario N0P 1Z0
(519) 809-4539
rbrown@oakviewlup.com

Date: July 6, 2023

To: Town of Kingsville, Planning Services
Attn: George Robinson, MCIP, RPP

RE: Planning Justification Report for
Proposed Application for Official Plan Amendment
1478 Road 2 E, Pt. of Lot 9, Concession 2 ED
Parts 2 & 3, RP 12R 21660
Roll # 3711 300 000 24300

Author: Robert Brown, H. Ba, MCIP, RPP

Purpose

To provide an overview of the related land use planning considerations in support of a reconfiguration of the existing land use designation (secondary settlement area boundary adjustment) on the subject lands.

Background

The applicant, Nevan Developments, is proposing a residential subdivision on an irregular shaped 6.644 ha (16.4 acre) vacant parcel located on the north side of Road 2 E, just west of Union Road (County Road 45). (See Appendix A)

The development of the lands is proposed in phases and would include a mixture of single detached and semi-detached lots and one large block abutting Road 2 E for future multi residential, most likely in the form of townhouses. A total of 30 single detached lots are proposed along the easterly edge of the subject parcel abutting the existing single detached development along Woodfern Ave. The east side of the development would accommodate a total of 36 semi-detached dwellings or 72 individual dwelling units. There are no specific plans for the remaining 0.512 ha (1.265 ac.) multi-unit block at this stage. (See Appendix B – Block 103)

The westerly edge of the subject property serves as the settlement boundary for the Secondary Settlement Area of Ruthven. To efficiently utilize the subject property and maximize the number of dwellings the applicant is seeking two adjustments.

Part 1 is for the reconfiguration of the westerly edge of the property to remove 1.071 ac. (shown in orange on Appendix B) of land from the Secondary Settlement Area (Hamlet designation) and place it in the Agriculture designation.

Part 2 (A & B) of the applicant's request is to bring two areas of land into the settlement area as follows:

- i) Part 2 A is a 0.118 ac. portion (shown in pink on Appendix B) located at the proposed extension end of Peach Drive which would be used for construction of the new cul-du-sac and partially accommodate one additional semi-detached dwelling, and;
- ii) Part 2 B is a 0.953 ac. portion (shown in blue on Appendix B) located in the southwest corner of the abutting parcel to the west of the current town sanitary sewer pump station and Enbridge natural gas facility. These lands would be used for a stormwater management facility.

Both of these proposed adjustments would required amendment to both the Town of Kingsville and County of Essex Official Plans. Collectively this would result in no net increase in the lands currently designated Hamlet within the Ruthven secondary settlement area. The lands shown in grey on Appendix B are not within the secondary settlement area and are not proposed to be developed at this time. They are only shown as potential future development should policy change resulting in these lands being considered for expansion.

Planning Rationale

1) Provincial Policy Statement (2020)

The proposed subdivision, for the most part, is located within the Hamlet designation of the Kingsville Official Plan. In order to address both the reconfiguration in the northwest corner and the inclusion of the lands for the stormwater management facility we need to look at Section 1.1.3.8 and 1.1.3.9 of the PPS.

Section 1.1.3.8 outlines that, "a planning authority may identify a settlement area or allow the expansion of a settlement area boundary only at the time of a comprehensive review and only where it has been demonstrated that..." a number of criteria are met. However, PPS also acknowledges under Section 1.1.3.9 that, "Notwithstanding policy 1.1.3.8, municipalities may permit adjustments of settlement area boundaries outside a comprehensive review provided:

- a) There would be no net increase in land within the settlement areas:

Comment: As shown on Appendix B the proposed adjustments to the current settlement area boundary will result in no net increase in residentially designation lands.

- b) The adjustment would support the municipality's ability to meet intensification and redevelopment targets established by the municipality;

Comment: The proposed development is located along the easterly edge of the former hamlet of Ruthven and is one of the last significant residential parcels available for development in this area. The proposed settlement area adjustment results in an efficient use of the lands, maximizes the total number of units and will not impact on future expansion, if possible, in the future.

- c) Prime agricultural areas are addressed in accordance with 1.1.3.8 (c), (d) and (e); and

Comment: The lands in question are not speciality crop lands and generally support just regular field crops. (See Appendix C). Since most of southwestern Ontario is considered prime agricultural lands, it is generally not possible to avoid prime agricultural lands. There are no alternatives on lower priority lands that would efficiently service the development. There are no MDS consideration as there is no livestock located within close proximity to the subject parcel.

- d) The settlement area to which lands would be added is appropriately serviced and there is sufficient reserve infrastructure capacity to service the lands.

Comment: Both municipal water and sanitary sewer serving are available to the lands in question. The stormwater management facility is best located, as proposed, as this is the lowest point for the overall development with access to an outlet which is available along Peterson Road. Road 2 E was also recently reconstructed and will accommodate any potential increase in traffic resulting from the development of the subject lands.

2) Official Plan – County of Essex

The bulk of the lands in question are located within a secondary settlement area designation. (See Schedule A-2) This permits development such as that being proposed. The settlement area adjustment as illustrated on Appendix B is in conformity with the County Official Plan as it results in no net increase to the secondary settlement area of Ruthven as outlined on Schedule A2 of the County of Essex Official Plan and can be considered a minor adjustment.

3) Official Plan – Town of Kingsville

The subject property is shown on Schedule A Land Use Plan (see Subject Area) Section 8.11.2, Interpretation in the Kingsville Official Plan, is similar to the County Official Plan which allows for minor adjustments to the settlement area boundary as long as the adjustment does not go beyond the current settlement area boundary. The requested amendment would adjust the current settlement area boundary keeping the proposed development within the Secondary settlement area. As such the requested shift in the settlement area boundary will be in conformity with the Kingsville Official Plan.

Although not anticipated in the immediate future there is potential for additional residential development to the west should legislative changes remove the need for comprehensive review. The layout of the proposed development is being done in such a way that additional development can easily be incorporated in the future.

Conclusions

The proposed adjustment to the location of the secondary settlement area boundary for Ruthven will result in no net increase to the lands designated residential. The adjustment also helps to facilitate a location for the stormwater management facility that is topographically ideal as this is the lowest point in the subject area and adjacent to the required outlet for the pond. This location is north of existing infrastructure that services Ruthven and the surrounding area and is easily accessed for future maintenance. The pond can also be expanded if future development beyond the current settlement area limits is permitted in the future.

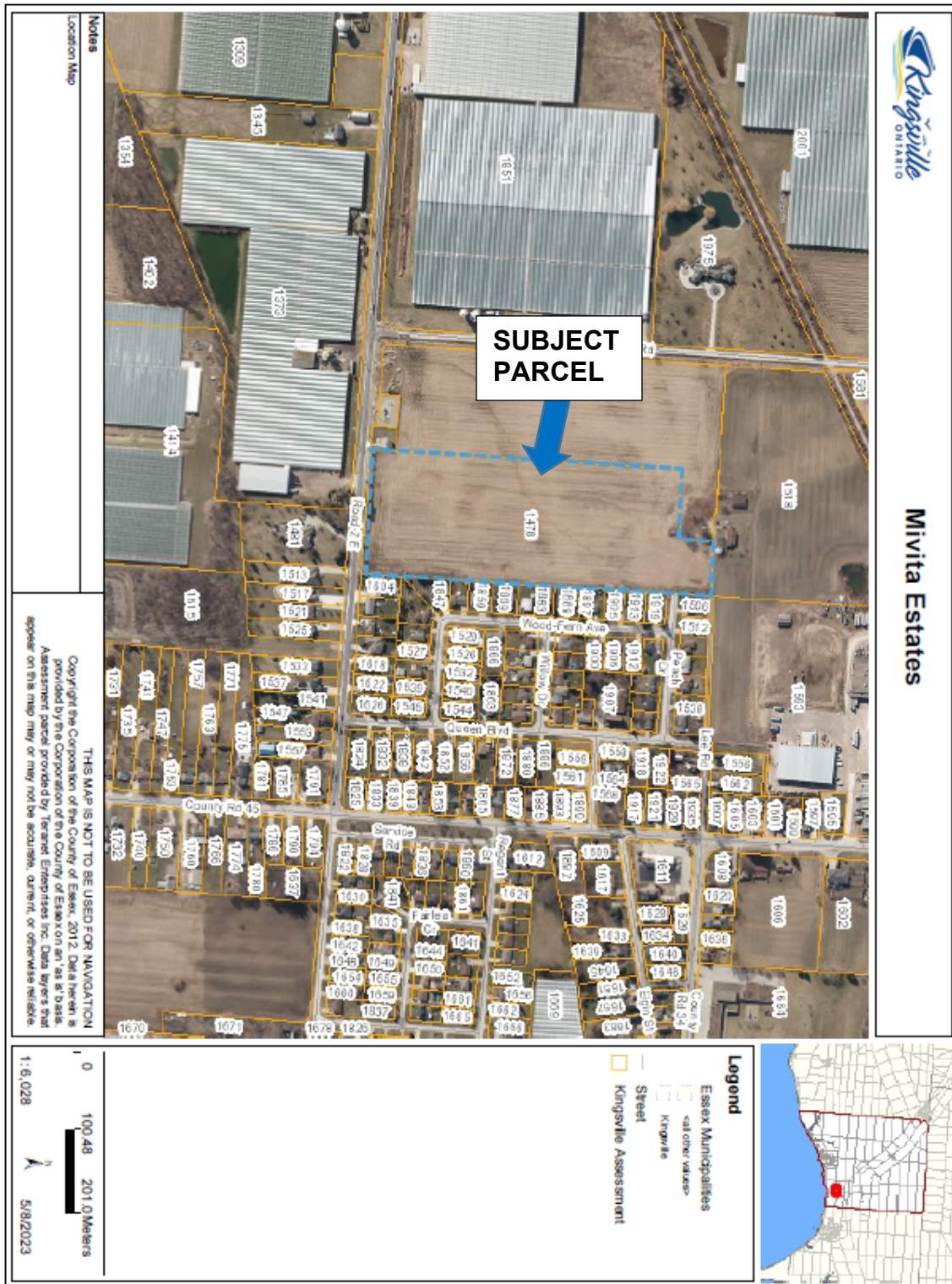
As such it is my professional opinion that the requested Official Plan amendments to the Town of Kingsville and County Essex Official Plans to adjust the location of the secondary settlement area boundary for the proposed development is consistent with PPS and conforms with the County and Town Official Plans.

Prepared by:

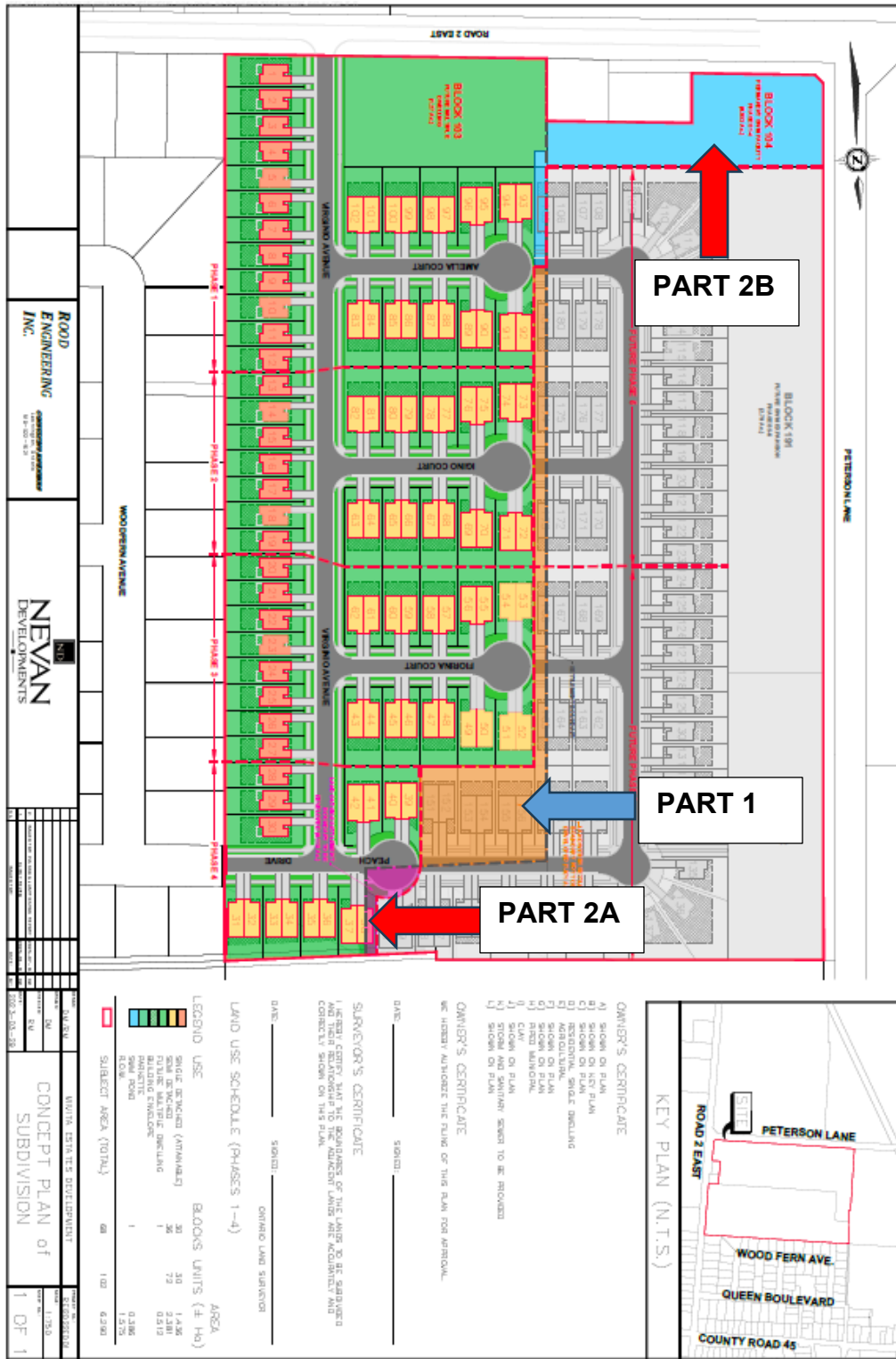
A handwritten signature in black ink, appearing to read 'Robert Brown', with a long horizontal line extending to the right.

Robert Brown, H, Ba, MCIP, RPP
Principal Planner
Oakview Land Use Planning

Appendix A – Location Map



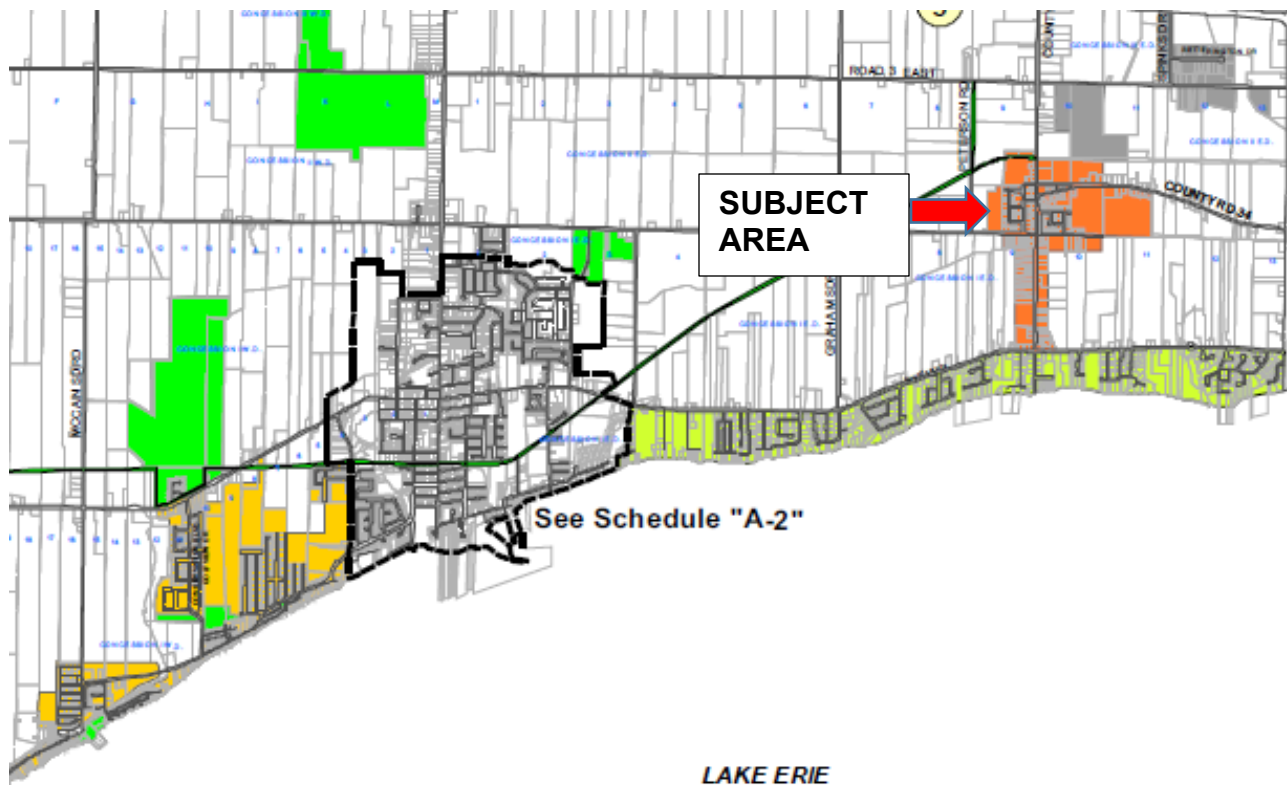
Appendix B – Subdivision Detail



County of Essex Official Plan Schedule A-2



Town of Kingsville Official Plan Schedule A



SCHEDULE "A" OFFICIAL PLAN TOWN OF KINGSVILLE LAND USE PLAN



- | | |
|--|----------------------------|
|  | Agricultural |
|  | Rural Residential |
|  | Lakeshore Residential East |
|  | Lakeshore Residential West |
|  | Special Residential |
|  | Hamlet |
|  | Industrial |
|  | Parks and Open Space |

August 20, 2010

22

Farm & Field Name	Mivita Estates
911 Location	1478 Road 2 E
Upper Tier Municipality	COUNTY OF ESSEX
Lower Tier Municipality	TOWN OF KINGSVILLE
Geotownship	GS
Roll Number	
Lot	9
Concession	2
Notes	
Site Assessment Performed By	R Brown
Site Assessment Date	May 8, 2023
Is the field tile drained	Yes
Tile inlets	Yes
Tile outlets	Yes
Surface water	Yes
Drilled wells	No
Other wells	No
Municipal wells	No
Areas where soil depth is < 30cm	No
Rock outcrops	No
Areas subject to ponding	No
Location of non-agricultural land uses	No

0 0.3 km

Map Created : 5/8/2023
Map Center: 42.0519 N, -82.67506 W

© King's Printer for Ontario and its licensors.
May Not Be Reproduced without Permission.
THIS IS NOT A PLAN OF SURVEY.

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 56-2023

Being a By-law to amend the Official Plan of the Town of Kingsville

WHEREAS the Town of Kingsville Official Plan is the Town's policy document that contains objectives and policy direction established by Council to provide guidance for the physical development of the Town while providing for the future pattern of development for the Town;

WHEREAS the Council of the Corporation of the Town of Kingsville deems it expedient and in the best interest of proper planning to amend the Official Plan;

NOW THEREFORE the Council of the Corporation of the Town of Kingsville, in accordance with the provisions of Section 17 and 21 of the Planning Act R.S.O. 1990, c.P. 13 hereby enacts as follows:

1. That the attached amendment to the Town of Kingsville Official Plan is hereby adopted as Official Plan Amendment No. 15 (OPA 15); and,
2. This By-law shall come into force and take effect on the day of the final approval thereof by the County of Essex.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 11th DAY OF SEPTEMBER, 2023.

MAYOR, Dennis Rogers

CLERK, Paula Parker



CORPORATION OF THE TOWN OF KINGSVILLE

AMENDMENT NO. 15

TO THE TOWN OF KINGSVILLE OFFICIAL PLAN

Location: The subject property is the entire corporate limits of the Town of Kingsville.

Date: September 11, 2023

AMENDMENT NO. 15

To the Official Plan for the Town of Kingsville

PART “A” - THE PREAMBLE

Part 'A' is the preamble to Amendment No. 15 to the Kingsville Official Plan. Part 'A' does not constitute part of the amendment. It provides general introductory information on the purpose, location and basis of the amendment.

PART “B” – THE AMENDMENT

Part 'B', consisting of the Details of the Amendment, and Schedule A, together constitutes Amendment No. 15 to the Kingsville Official Plan.

Part “A” – PREAMBLE

1.0 PURPOSE

The purpose of this amendment is 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. There will be no additional lands added to the Secondary Settlement Area designation.

2.0 LOCATION

The subject site is located on the north side of Road 2 East, on the east side of Peterson Road.

3.0 BASIS

To facilitate the development of a residential subdivision, and specifically the provision of stormwater facilities, the following re-designation to 1.070 ac. of lands on the subject property is approved:

- a) To remove 1.071 ac. of land from the Secondary Settlement Area (Hamlet designation) and re-designate it as Agricultural'
- b) To add a 0.0118 ac. parcel of land at the end of Peach Drive into the settlement area and re-designate it Hamlet
- c) To add a 0.953 ac. parcel of land located east of the intersection of Road 2 E. and Peterson Lane and west of the current town sanity sewer pump station and Enbridge natural gas facility on Road 2 E. and re-designate it Hamlet.

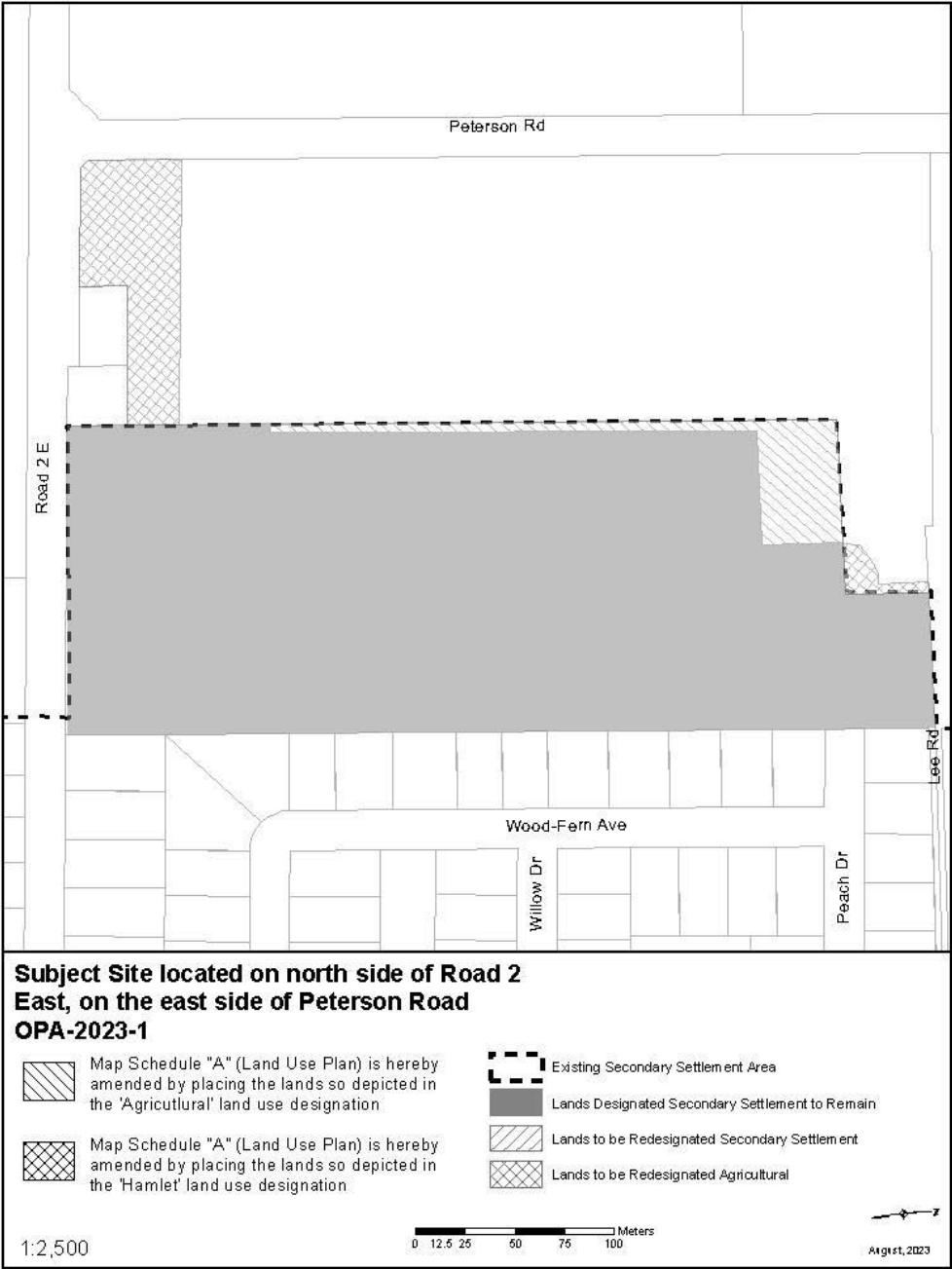
Part B - The Amendment

1.0 Details of the Amendment

The document known as the Official Plan for the Town of Kingsville is hereby amended:

- a. By re-designating lands identified as Secondary Settlement Area (Hamlet) in Schedule A of the Official Plan, and as shown on Schedule “A” of this Amendment, to ‘Agricultural’
- b. By re-designating lands identified as ‘Agricultural’ in Schedule A of the Official Plan, and as shown on Schedule “A” of this Amendment, to Secondary Settlement Area (Hamlet)

Schedule 'A'



Schedule 'A'



**Subject Site located on north side of Road 2
East, on the east side of Peterson Road
OPA-2023-1**



Map Schedule "A" (Land Use Plan) is hereby amended by placing the lands so depicted in the 'Agricultural' land use designation



Map Schedule "A" (Land Use Plan) is hereby amended by placing the lands so depicted in the 'Hamlet' land use designation



Existing Secondary Settlement Area



Lands Designated Secondary Settlement to Remain

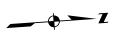
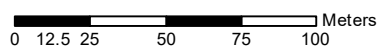


Lands to be Redesignated Secondary Settlement



Lands to be Redesignated Agricultural

1:2,500



August, 2023

Date: September 11, 2023

To: Mayor and Council

Author: George Robinson, MCIP, RPP
Manager of Planning

RE: ZBA-09-22 and SUB-03-22 - Applications for Zoning By-law
Amendment and Draft Plan of Subdivision by 770022 Ontario
Limited (Tony Youssef)

195 Main Street

Roll No.: 3711-210-000-00600

RECOMMENDED ACTION

1. That Zoning By-law amendment application ZBA-09-22 to amend the zoning on the subject parcel in the Town of Kingsville from "Residential Zone 1 Urban (R1.1(h))" and "Light Industrial (M1(h))" to:
 - i) "Residential Zone 2 Urban (R2.1)" to permit Single and semi-detached dwellings,
 - ii) "Residential Zone 4 Urban (R4.1-9)" to permit one 6 storey apartment building on the south side of the parcel (105 rental units total), and;
 - iii) "Residential Zone 4 Urban - holding (R4.1(h))" to permit a mixed use building on the north side abutting Main Street (subject to approval of future Main Street Corridor Official Plan and Zoning By-law amendments);
 - iv) "Public Utilities/Facilities (MG)" for the storm water management pond; and
 - v) "Parkland (PG)" for the proposed park parcel;

BE APPROVED.

2. **By-law 55-2023** being a by-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.
3. A resolution in support of the draft plan of subdivision, County File No. 37-T-23003, **BE APPROVED** subject to conditions outlined by the County in the draft approval and subject to approval of the necessary development agreement between the applicant and Town.

4. Administration **BE DIRECTED** to forward the resolution of support to the County Planner for final approval.

BACKGROUND

The Town of Kingsville has received the above-noted applications for lands located on the south side of Main Street (location map attached as Appendix A). The subject property is designated Residential by the Official Plan and zoned “Residential Zone 1 Urban (R1.1(h))” and “Light Industrial (M1(h))” under the Kingsville Comprehensive Zoning By-law.

The subject land is a 10.15 ha (25.08 ac.) vacant parcel currently farmed. The land owner, 770022 Ontario Limited (Tony Youssef), is proposing a residential plan of subdivision consisting of:

- 59 single detached dwelling units
- 32 semi detached dwelling units
- One 6 storey rental apartment building on the south side of the parcel (105 rental units total)
- Future mixed use building on the north side abutting Main Street (total rental units to be confirmed)
- Local road connections to Walker Drive, Murray Street, and Gladstone Avenue shown as Street ‘A’ on the draft plan of subdivision
- New local roads shown as Streets ‘B’ and ‘C’ on the draft plan of subdivision
- A park parcel to be added to the abutting William Avenue Park
- A storm water management facility abutting the Greenway

The concept plan for the subdivision is attached as Appendix B, and the draft plan of subdivision prepared by Verhaegen Land Surveyors is attached as Appendix C.

In order to facilitate this development, the applicant has applied for a Zoning By-law Amendment (ZBA-09-22) and approval for a Plan of Subdivision (SUB-03-2022). The requested zoning amendment is to establish the necessary regulations for the proposed development (as shown on the draft Plan of Subdivision), including:

- Permitted building and structures: single detached and semi-detached units, one apartment building (105 units), and a mixed use block
- Site-specific provision to allow a six storey (22 m) apartment building

The background studies for the subdivision have been completed, application filed with the County of Essex, and the County Planner has requested that the statutory public meeting be held (attached as Appendix D).

DISCUSSION

Provincial Policy Statement (PPS), 2020:

PPS, Section 1.1.3.1 states that, “Settlement areas shall be the focus of growth and development.” Section 1.1.3.3 further outlines that, “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.

Section 1.1.3.6 goes on to say, “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 development of the subject lands is a combination of both infill and new development. It has existing residential development on three sides and is in the centre of the community of Kingsville and provides a logical rounding out of the development pattern in the immediate area. There is existing water distribution and sanitary collection service available to the development. Storm water management is being co-ordinated with the Greenway drain and a new storm water retention facility on the south part of the parcel.

County of Essex Official Plan

The County Official Plan includes the subject property within a Settlement Area. The County OP is very similar to that of PPS in terms of applicable policies and encouragement of intensification of development within the Settlement Area boundaries. The proposed development would be consistent with the County Official Plan.

Both the Town and County require a number of background studies to be completed as part of all subdivision development and include the following:

- i) Archaeological screening - A Stage 1 and 2 Archaeological Assessment was completed for the property by The Archaeologists Inc. which included an on-site review and assessment. No artifacts or other archaeological resources were found. No additional assessment is needed and the Ministry of Tourism, Culture, and Sport has accepted the conclusions of the assessment.
- ii) Traffic impact study - A traffic impact study was requested given the location of the parcel in a central part of town. The subdivision is proposed to have three road connections to the surrounding road network. The first connection would be an easterly extension of Walker Drive, located to the immediate east of the Walker

Drive and Santos Drive intersection. The second connection would be an easterly extension of Gladstone Avenue, located east of the Gladstone Avenue and Walker Drive intersection. The third connection would be a westerly extension of Murray Street, located to the immediate west of the William Avenue and Murray Street intersection. The study was completed by Dillon Consulting and reviewed by Town Engineering.

iii) Storm water management plan - The stormwater management criteria for this development are based on the requirements of the Town of Kingsville and ERCA guidelines. The requirement includes:

- Stormwater quantity controls are required for the site to control the peak of the proposed condition flows up to 100-year storm to the allowable release rate.
- Water quality control is to be provided for the site to a "Normal Protection level" as per Ministry of Environment (2003) guidelines.
- Erosion and sediment control measures are to be provided.

A plan was prepared for the development. Storm water will be collected via road drains and rear yard catch basins designed in accordance with the Town's development standards. The system will connect to the storm sewer system under the proposed roadways and collected in a retention pond. Outlet of the pond is then into the greenway drain.

The Town also requested that the applicants provide details on the intended drainage and grading between the proposed development and the existing lots abutting the parcel which was provided on site plan. As with all development water must be contained on a lot by lot basis. Each lot will require a rear yard catch basin along with a lot grading plan prepared by a qualified individual.

iv) Environmental impact screening - The applicants had the subject site reviewed by a qualified ecologist (MTE) who has provided a Species At Risk (SAR) screening report. They also engaged a consulting engineer (CT Soils and Materials Engineering Inc) to prepare a Phase I Environmental Site Assessment (ESA).

The ecologist advised that based on site investigations and a review of all background data, ESA concerns on the subject lands are limited to incidental encounters with Eastern Foxsnake during construction activities. Standard mitigation measures have been recommended. The consulting engineer reported that based on the Phase I ESA findings, including site observations, information provided by the owner, the review of environmental databases, previous reports and available historical information, the no potential environmental concerns which would warrant a Phase II ESA were identified.

Town of Kingsville Official Plan

The subject parcel is designated 'Residential' within the Official Plan for the Town of Kingsville. Section 3.6.1 states, that the goals for the Residential designation include "provide areas in which residential development may occur in a controlled and progressive manner" and to "encourage infilling of the existing development pattern."

Comment: The proposed development is consistent with the goals outlined in Section 3.6.1 as it is being done in a controlled manner, required servicing is or will be available in the short-term, is infilling, provides a variety of housing type and will encourage the provision of additional draft approved lots and blocks.

Section 3.6.1 relevant Policies for the Residential designation go on to outline that:

- a) a variety of housing types and densities are permitted subject to conformity and compliance with the Zoning By-law. The types of residential units permitted include single unit detached dwellings, two unit dwellings, three unit dwellings, single unit attached dwellings, townhouses, apartments and seniors' housing including retirement homes and nursing homes and other housing designed to accommodate special needs or interests
- b) Other uses which are complementary to residential areas such as schools, parks, churches, day-care centres, home occupations, may also be permitted.
- d) the regulations and provisions for the uses permitted in the "Residential" designation shall be established in the Zoning By-law;

Comment: The proposed development would include a mix of single detached and semi-detached dwellings, which would both be permitted uses in the proposed zoning. This is comparable to the existing built up areas abutting the site. There is also a six storey apartment block, and a mixed use commercial and residential block included in the subdivision. A variety of housing types are proposed. The block at the north end of the site will be subject to future Official Plan and Zoning By-law amendments related to the Main Street Development Corridor project.

Comprehensive Zoning By-law

The subject property is zoned "Residential Zone 1 Urban (R1.1(h))" and "Light Industrial (M1(h))" under the Kingsville Comprehensive Zoning By-law. The proposed zoning change would remove the holding symbol, and would amend the zoning on the subject parcel from "Residential Zone 1 Urban (R1.1(h))" and "Light Industrial (M1(h))" to:

- "Residential Zone 2 Urban (R2.1)" to permit Single and semi-detached dwellings;
- "Residential Zone 4 Urban - holding (R4.1(h))" to permit a mixed use building on the north portion of the site abutting Main Street (subject to Official Plan and Zoning By-Law Amendments related to the Main Street Corridor);

- “Residential Zone 4 Urban (R4.1-9)” to permit one 6 storey multiple dwelling building (105 rental units proposed, maximum building height of 22 m) on the south side of the parcel and allow for a minor reduced front yard depth from 8 m to 7.5 m;
- “Public Utilities/Facilities (MG)” for the storm water management pond; and
- “Parkland (PG)” for the proposed park parcel.

The holding provision for the north portion of the site abutting Main Street (identified as a future mixed use block in Appendix B Concept plan and Block 76 in Appendix C Draft Plan of Subdivision) is proposed to be in place until a site plan approval which confirms acceptable servicing and vehicular access not directly to Main Street (from the proposed road to the south) is provided in accordance with Section 2.10 of the Zoning By-law. This site is subject to Official Plan and Zoning By-Law Amendments related to the Main Street Corridor project which are scheduled for a future public meeting of Council.

Plan of Subdivision Layout

The overall layout of the subdivision is based on the shape of the property, in the context of being surrounded by existing development. Local road connections to Walker Drive, Murray Street, and Gladstone Avenue form a modified grid layout, with new local roads shown as Streets ‘A’, ‘B’ and ‘C’ laid out in an east-west, north-south format. In keeping with recommendations from the Main Street Development Review Committee, and the proposed Main Street Corridor Official Plan and Zoning By-law amendments, there is no new access to Main Street.

The lands abut existing residential lots to the west along Walker Road, Railway Court, Station Court, Gladstone Avenue, and Train Court which contain single detached dwellings. There are existing townhouse dwellings to the west of the subject site along Santos Drive. On the east side of the site, there are existing single detached dwellings along Williams Avenue and Murray Street, and light industrial uses which have access from Wile Avenue.

A phasing plan is attached as Appendix E. Phasing of the development will proceed from the south end of the parcel adjacent to the greenway to the north end abutting Main Street. The storm water pond as well as local road connections to Murray Street, Walker Drive, and Gladstone Avenue are proposed in phase 1. The park parcel as well as new internal roads are proposed in phase 2. The mixed use parcel adjacent to Main Street is proposed to be built out last in phase 3.

The proposed lot sizes for the 59 single detached dwelling lots:

- Frontage – range from 15.98 m to 20.15 m (52.4 ft to 66 ft.)
- Depth – range from 35.15 m to 43.32 m (115 ft. to 142 ft.)

The semi-detached dwelling lots are:

- Frontage – range from 20 m to 22.4 m (65 ft to 73 ft.)
- Depth – range from 35.15 m to 39.75 m (115 ft. to 130 ft.)

Block 76 is designated for a future mixed use development. This parcel was part of the corridor that was reviewed by the Main Street Development Committee and will be subject to future Official Plan and Zoning by-law Amendments that are proposed to implement Council direction from Committee of the Whole. The applicant has indicated that they are awaiting further policy direction from the Town prior to finalizing plans for this block, hence it is in Phase 3 of the applicant's proposed phasing plan. In keeping with recommendations from the Main Street Development Review Committee, and the proposed Main Street Corridor amendments, this block will be mixed-use and will not have access to Main Street.

Block 77 is designated for apartments, and the applicant has requested zoning to permit a 105 unit, six storey (22 m) building. This block will be subject to site plan control once the Plan of Subdivision is approved. In keeping with recommendations from the Main Street Development Review Committee, and the proposed Main Street Corridor amendments, the apartment was relocated to the rear of the property with potential links to the Greenway to facilitate access to Main Street amenities.

Two Blocks are anticipated to be conveyed to the Town for municipal services or parkland:

- Block 78 will be lands conveyed to the town as a storm water pond, and
- Block 79 will be lands dedicated to the town for a park. The *Planning Act* and the Town's Official Plan require 5% of lands dedicated for parks purposes, or 5% of appraised value of the lands as cash-in-lieu, or a mix of dedicated lands and cash-in-lieu. For this project, Administration proposes that Block 79, which is adjacent to the existing William Avenue Park, be conveyed to the town for parks purposes. This will add 1,342 m² (0.33 acres) to the existing William Avenue Park for a combined 2,497 m² (0.62 acres). Block 79 represents approximately 1.4% of the 24-acre subdivision lands. Any additional parklands required above and beyond dedicated lands is proposed to be cash-in-lieu, calculated at a rate in accordance with the *Planning Act* (i.e. 5% of appraised value of lands). It is intended that cash-in-lieu be used to support park development, or development of parks to be used by residents of the subdivision.

The applicant has provided a Planning Justification Report prepared by Tracey Pillon-Abbs, RPP, which is attached as Appendix F. The justification report reviews provincial, county, and town policy as well as site suitability criteria.

FINANCIAL CONSIDERATIONS

There will be an increase in the assessment of the property as a result of the application once the proposed development proceeds. Once the plan of subdivision is finalized and

individual lots are developed, Development Charges and Parkland Cash-in-Lieu will be payable to the Town.

ENVIRONMENTAL CONSIDERATIONS

The site is currently farmed, although has been designated for residential development since before the passing of the current official plan in 2012. There are no natural heritage features present and the location is considered an opportunity to infill the existing development pattern to take advantage of existing municipal services. Tree planting will be required as a condition of the required development agreement to be signed following draft subdivision approval. As well, subject to ERCA approval, connection to the Greenway will facilitate access to Main Street amenities and active transportation for residents.

A park parcel adjacent to the existing William Avenue Park at the corner of Williams Avenue and Murray Street is proposed which will add 1342 m² (0.33 acres) to the existing 1155m² (0.29 acre) park, for a new combined 2497m² (0.62 acre) park parcel. The required parkland conveyance over the land dedicated is proposed to be cash-in-lieu, calculated at a rate in accordance with the *Planning Act*, which may be used to improve existing area parks.

CONSULTATIONS

Public Information Centre

Property owners within 120m of the subject site boundaries were invited to a Public Information Centre held at the Kingsville Arena on Tuesday, February 28, 2023, from 6 pm to 8 pm. According to the sign-in sheets, there were a minimum of 29 members of the public who attended the meeting. A report from the applicant listing the comments received as well as their responses to the comments is attached as Appendix G.

Public Notice

In accordance to O. Reg 544/06 and 545/06 of the Planning Act, property owners within 120 m of the subject site boundaries received the Notice of Public Meeting by mail.

No public comments have been received to date. Any comments received before September 11, 2023 will be provided for review on the date of the Public Meeting.

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 mail and/or email.

Both internal and external agencies have been provided with the detail of the project.

Essex Region Conservation Authority (ERCA)

The conservation authority has been involved in the review of this application from an early stage. Final comments are attached as Appendix H.

Technical Advisory Committee

The Technical Advisory Committee has reviewed several versions of this subdivision and provided feedback to the applicant in developing the final plan before Council. TAC issues raised during pre-consultation (stormwater, traffic, drainage, servicing and associated water/sanitary capacity, noise impact) were reported on during the application process, and results incorporated into the revised plans as referenced above).

PREPARED BY:



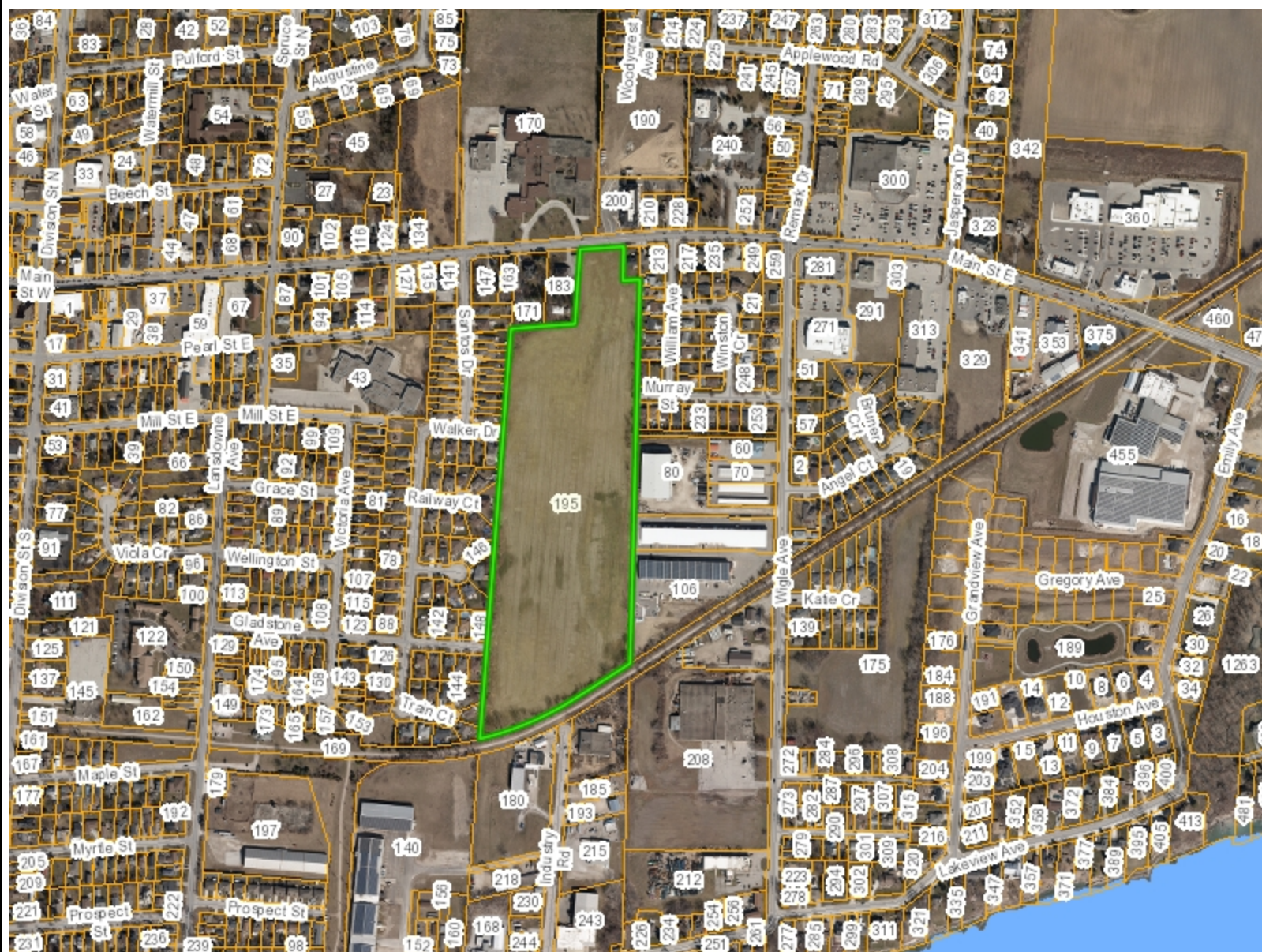
George Robinson, MCIP, RPP
Manager of Planning

REVIEWED BY:



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

Appendix A - 195 Main Street East



Notes

Location Map

THIS MAP IS NOT TO BE USED FOR NAVIGATION
Copyright the Corporation of the County of Essex, 2012. Data herein is provided by the Corporation of the County of Essex on an 'as is' basis. Assessment parcel provided by Teranet Enterprises Inc. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



Legend

Essex Municipalities

<all other values>

Kingsville

Street

Kingsville Assessment

0 133.44 266.9 Meters

1: 8,006



4/29/2022



SITE STATISTICS:
1st FLOOR 11 - 2 BEDROOMS 4 - 1 BEDROOM 15 TOTAL UNITS
2-6 FLOORS 14 - 2 BEDROOMS 4 - 1 BEDROOM 90 TOTAL UNITS
TOTALS 81 - 2 BEDROOMS 24 - 1 BEDROOM 105 TOTAL UNITS

PARKING:
REQUIRED PARKING
1.25 SPACES/UNIT = 105 x 1.25 = 132 SPACES
PARKING PROVIDED
146 REGULAR SPACES
3 BARRIER FREE SPACES
TOTAL PROVIDED = 149 SPACES

GENERAL NOTES:

1. DO NOT SCALE DRAWINGS.
2. THE LOCATIONS OF EXISTING UTILITIES ARE APPROXIMATE ONLY AND ARE SHOWN ON THE DRAWINGS FROM THE MOST CURRENT INFORMATION AVAILABLE.
3. THE CONTRACTOR IS RESPONSIBLE FOR ACCURATELY LOCATING UTILITIES PRIOR TO CONSTRUCTION AND FOR ADEQUATELY PROTECTING THE UTILITIES DURING CONSTRUCTION.

LEGEND:

SINGLE FAMILY
60 SINGLE FAMILY

SEMI-DETACHED
TOWNHOMES
32 SEMI-DETACHED

PARKLAND

FUTURE MIXED USE

No.	Issued For	Date
No.	Revision	Date

195 Main Street East
Town of Kingsville

1 Sheet No.	195 MAIN STREET EAST DEVELOPMENT
Scale: NTS	Drawn By: TY
Date: MARCH 17, 2023	Checked By: TY

Appendix C



DRAFT PLAN OF SUBDIVISION OF PART OF LOT 2, CONCESSION 1 EASTERN DIVISION GEOGRAPHIC TOWNSHIP OF GOSFIELD SOUTH NOW IN THE TOWN OF KINGSVILLE COUNTY OF ESSEX, ONTARIO VERHAEGEN LAND SURVEYORS, A DIVISION OF J.D. BARNES LTD.

SCALE = 1:750
0 12.50 25.00 37.50 50.00 METRES

"METRIC" DISTANCES AND COORDINATES SHOWN ON THIS PLAN
ARE IN METRES AND CAN BE CONVERTED TO FEET BY
DIVIDING BY 0.3048

NOTES
BEARINGS ARE UTM GRID DERIVED FROM OBSERVED REFERENCE POINTS "A" AND "B" BY
REAL TIME NETWORK OBSERVATIONS.

DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING
BY THE COMBINED SCALE FACTOR OF 0.999828

LEGEND
DENOTES SURVEY MONUMENT FOUND PB DENOTES PLASTIC BAR
DENOTES SURVEY MONUMENT SET MT DENOTES WITNESS
DENOTES STANDARD IRON BAR M DENOTES MEASURED
DENOTES SHORT STANDARD IRON BAR S DENOTES SET
DENOTES IRON BAR

ALL SET SIB AND PB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN
AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH
SECTION 11 (4) OF O.R.G. 525/91.
(S/P) DENOTES SET PROPORTIONALLY (OU) DENOTES ORIGIN UNKNOWN
(P) DENOTES PLAN 12R-XXXXX
(1744) DENOTES VERHAEGEN STUBBERFIELD HARTLEY BREWER BEAIRE INC., O.L.S.
(1194) DENOTES JOHN B. SWEETON, O.L.S.
(1201) DENOTES CLARKE SURVEYORS INC., O.L.S.
(JOB) DENOTES J.D. BARNES LIMITED, O.L.S.
(1040) DENOTES WILLIAM J. SETTERINGTON, O.L.S.

SITE INFORMATION:
SINGLE FAMILY DWELLINGS = 59 UNITS
SEMI-DETACHED DWELLINGS = 32 (16x2)
TOTAL AREA OF SUBDIVISION = 10.154 HECTARES (25.091 ACRES)
TOTAL RESIDENTIAL AREA = 5.603 HECTARES (14.176 ACRES)
RESIDENTIAL DENSITY = 16.241 UNITS PER HECTARE

ADDITIONAL INFORMATION
REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT (R.S.O. 1990)
(A) AS SHOWN ON PLAN (C) AS SHOWN ON PLAN
(B) AS SHOWN ON PLAN (H) PIPED MUNICIPAL
(D) AS SHOWN ON PLAN (I) SILTY SAND WITH TRACE CLAY DEPOSITS
(E) RESIDENTIAL (J) AS SHOWN ON PLAN
(F) REFER TO KEY PLAN (K) ALL SERVICES TO BE PROVIDED
(G) AS SHOWN ON PLAN (L) AS SHOWN ON PLAN

ELEVATIONS:
ELEVATIONS SHOWN ON THE PLAN ARE IN METRES TO CANADIAN
GEODETIC DATUM

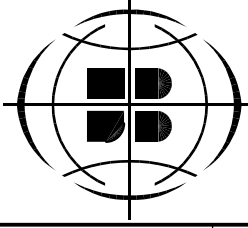
SITE BENCHMARK:
AS SHOWN ON FACE OF PLAN

CURVE SCHEDULE				
CURVE	RADIUS	ARC	CHORD	CHORD BEARING
C1	23.00	36.13	32.53	N46°23'40"E
C2	23.00	34.95	31.68	N47°52'10"E
C3	23.00	7.29	7.26	N13°25'40"E
C4	23.00	9.38	9.32	N34°11'20"E
C5	23.00	11.64	11.52	N60°22'10"E
C6	23.00	6.64	6.61	N83°07'50"E
C7	420.98	37.00	36.99	N01°41'20"E
C8	420.98	5.68	5.68	N02°26'40"W
C9	420.98	18.49	18.49	N01°12'10"E
C10	420.98	12.83	12.83	N02°30'00"E
C11	496.72	45.65	45.63	N02°40'10"E
C12	496.72	12.82	12.82	N04°46'40"E
C13	496.72	20.01	20.01	N02°40'10"E
C14	496.72	12.82	12.81	N04°33'50"E
C15	516.72	47.47	47.45	N02°39'10"E
C16	516.72	14.01	14.01	N04°30'20"E
C17	516.72	20.01	20.01	N02°37'10"E
C18	516.72	13.45	13.45	N04°46'00"E
C19	400.98	35.37	35.35	N01°40'30"E
C20	400.98	3.99	3.99	N00°34'00"W
C21	400.98	17.44	17.44	N00°57'50"E
C22	400.98	13.94	13.94	N03°12'20"E
C23	3.00	4.56	4.13	N47°52'10"E
C24	3.00	4.64	4.19	N45°41'50"E
C25	23.00	35.57	32.13	N45°41'50"E
C26	23.00	27.74	26.09	N55°27'00"E
C27	23.00	7.83	7.79	N11°08'50"E
C28	23.00	11.71	11.59	N15°58'50"E
C29	23.00	11.83	11.70	N45°17'50"E
C30	23.00	12.59	12.44	N75°42'40"E

INTEGRATION DATA			
OBSERVED REFERENCE POINTS (ORP): UTM ZONE 17 NAD83 (CSRS) (2010.0).			
COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF O.R.G. 216/10.			
POINT ID	NORTHING	EASTING	
ORP-A	4654833.54	356594.81	
ORP-B	4655383.51	356636.59	
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.			

OWNER'S CERTIFICATE
I HEREBY AUTHORIZE THE FILING OF THIS DRAFT PLAN FOR APPROVAL.
770022 ONTARIO LIMITED
DATE: July 18, 2023
I HAVE AUTHORITY TO BIND THE CORPORATION"

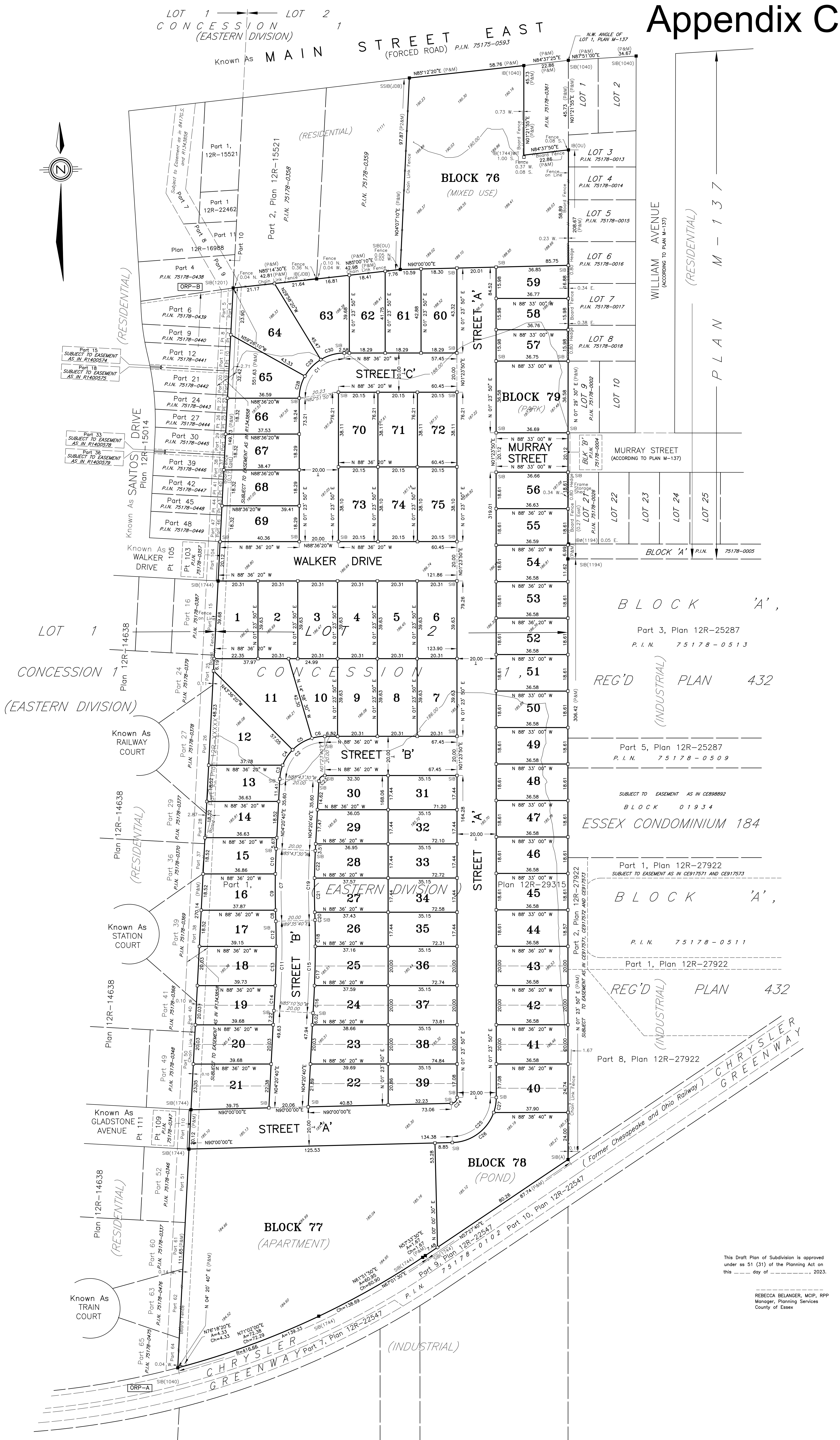
SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP
TO THE ADJACENT LANDS HAVE BEEN ACCURATELY AND CORRECTLY SHOWN.
DATE: JULY 18th, 2023
ALEX S. MANTHA
ONTARIO LAND SURVEYOR



VERHAEGEN
LAND SURVEYORS
A Division of
J. D. Barnes Limited
187 TALBOT ST. E. LEAMINGTON, ON N8H 1L8
T: (519) 322-2375 F: (519) 322-2675 www.jdbarnes.com

DRAWN BY: ASM / CMM
CHECKED BY: OLS
CAD Date: July 18th, 2023
CAD File: 20-48-297-05.1.dwg

REFERENCE NO.: 20-48-297-05.1
FILE NO.: E-QOS, S-1 ED-2



August 8, 2023

Appendix D

VIA EMAIL ONLY

Town of Kingsville
Attention: Ms. Paula Park, Clerk
2021 Division Road North
Kingsville, ON N9Y 2Y9

**Subject: Notice of an Application and
Request to Notify the Public and Public Bodies
Municipality: Town of Kingsville
Location: PT LT 2, CON 1 Eastern Division, Former Gosfield South
Applicant: 770022 Ontario Ltd. c/o Tony Youssef
County of Essex File No.: 37-T- 23007 (195 Main St E Plan of Subdivision)**

Dear Ms. Parker:

Pursuant to Subsection 51(19.1) of the Planning Act, the County of Essex advises the Town of Kingsville that the attached proposed draft plan of subdivision, County of Essex File No. 37-T-23007 has been deemed complete.

It is also requested that you give Notice of the Application in accordance with Subsection 51(19) of the Planning Act and Subsection 4 of Ontario Regulation 544/06 as amended by Regulation 298/19. The regulation provides that the approval authority may require the local municipality to provide public notice of the receipt of an application on its behalf.

Notice of the application shall be given to the public and identified agencies in accordance with Subsection 4 of Ontario Regulation 544/06. The public notice shall include the below information:

- (i) include a description of the proposed plan of subdivision;
- (ii) include a description of the subject land or a key map showing the location of the land proposed to be subdivided;
- (iv) indicate where and when additional information regarding the proposed plan of subdivision will be available to the public for inspection;
- (v) if applicable, a request that the notice be posted by the owner of any land that contains seven or more residential units in a location that is visible to all of the residents;
- (vii) include the following statement:

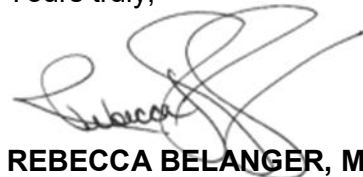
For more information about this matter, including the information about preserving your appeal rights, contact the Manager, Planning Services, County of Essex, 360 Fairview Avenue West, Essex, ON, N8M1Y6, indicating the County of Essex file number.

Further, based on Subsection 51(22) Notice of the application should also advise that “any person or public body may make written submissions to the approval authority before the approval authority makes its decision under subsection (31) of the Act”.

We would also request that this application be brought to an upcoming Council Meeting seeking a resolution of support and provide the same to the County, along with any requested conditions of approval as in Subsection 51(25) of the Planning Act.

Thank you for your assistance in this matter.

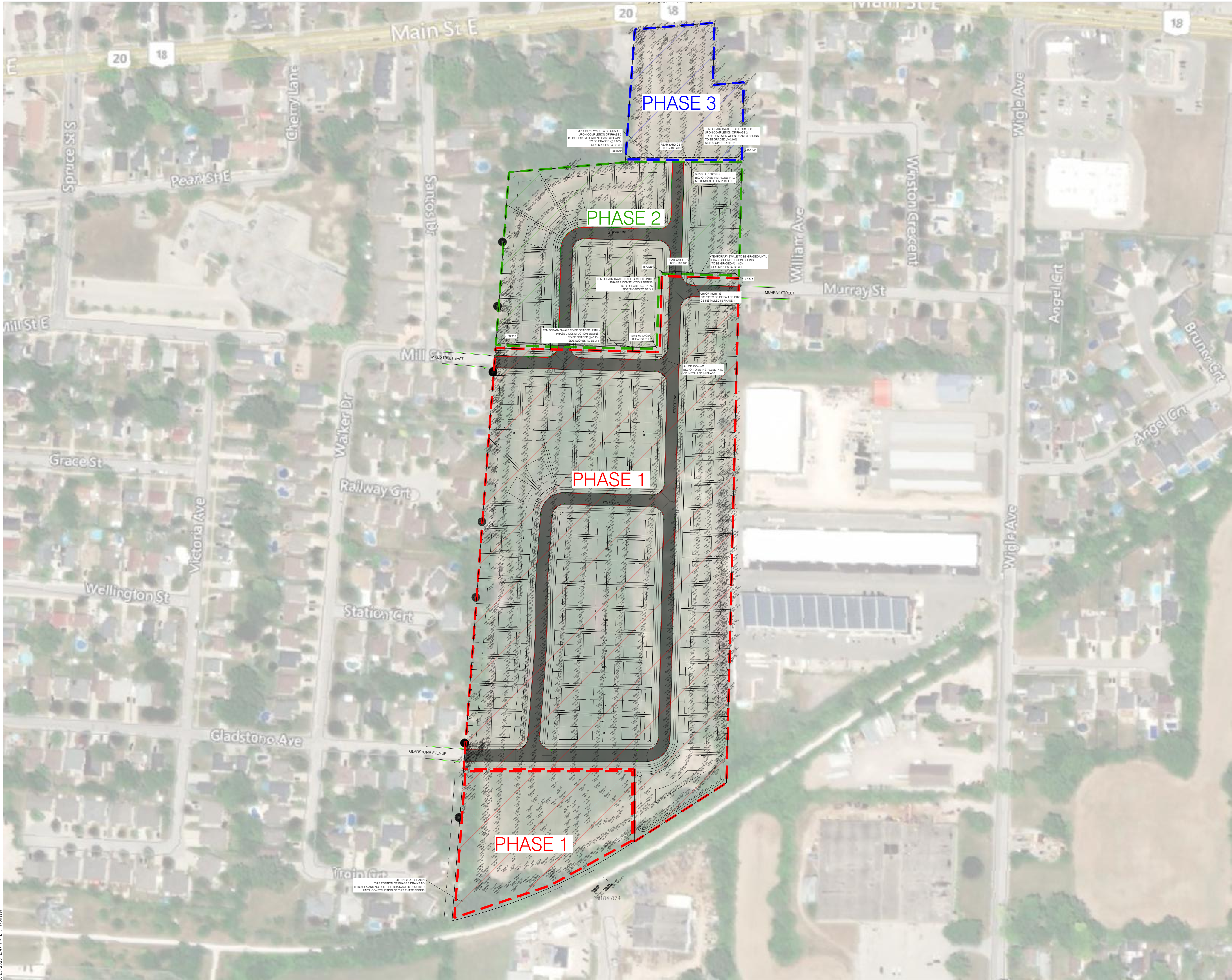
Yours truly,



REBECCA BELANGER, MCIP, RPP
Manager, Planning Services

c.c. George Robinson

Tony Youssef



- GENERAL NOTES:
- DO NOT SCALE DRAWINGS.
 - THE LOCATIONS OF EXISTING UTILITIES ARE APPROXIMATE ONLY AND ARE SHOWN ON THE DRAWINGS FROM THE MOST CURRENT INFORMATION AVAILABLE.
 - THE CONTRACTOR IS RESPONSIBLE FOR ACCURATELY LOCATING UTILITIES PRIOR TO CONSTRUCTION AND FOR ADEQUATELY PROTECTING THE UTILITIES DURING CONSTRUCTION.
 - ALL WORK SHALL CONFORM TO THE TOWN OF KINGSVILLE AND THE ONTARIO PROVINCIAL STANDARDS AS APPLICABLE.

BENCHMARKS

BENCHMARK #1
TOP NUT OF EXISTING FIRE HYDRANT
LOCATED IN FRONT OF MB#213 MURRAY STREET
ELEVATION 188.689m

BENCHMARK #2
TOP OF NAIL HEAD IN WOOD HYDRO POLE
LOCATED IN FRONT OF MB#149 WALKER DRIVE
ELEVATION 187.073m

D	ISSUED FOR APPROVAL	AUG 23, 2023
C	TOWN, ERCA, & MOE REVIEW	FEB 15, 2023
B	TOWN, ERCA, & MOE REVIEW	NOV 9/22
A	TOWN REVIEW	APRIL 5/22
No.	Issued For	Date
B	INCLUSION OF PARKLAND	AUG 23, 2023
A	ERCA COMMENTS	FEB 15, 2023
No.	Revision	Date



195 MAIN STREET EAST DEVELOPMENT
Town of Kingsville

2	OVERALL SITE PHASING
Sheet No.	
Scale: 1:1250	Drawn By: TW
Date: NOVEMBER 9, 2022	Checked By: TY

Appendix F

PLANNING JUSTIFICATION REPORT

APPLICATION FOR
ZONING BY-LAW AMENDMENT AND DRAFT PLAN OF SUBDIVISION
FOR PROPOSED RESIDENTIAL DEVELOPMENT

195 Main Street East, Kingsville, Ontario

July 14, 2023

Prepared by:



Tracey Pillon-Abbs, RPP
Principal Planner
23669 Prince Albert Road
Chatham, ON N7M 5J7
226-340-1232
tracey@pillonabbs.ca
www.pillonabbs.ca

Table of Content

1.0	INTRODUCTION	3
2.0	SITE AND SURROUNDING LAND USES	4
2.1	Legal Description and Ownership	4
2.2	Physical Features of the Site	5
2.2.1	Size and Site Dimension	5
2.2.2	Vegetation and Soils	5
2.2.3	Topography and Drainage	5
2.2.4	Other Physical Features	5
2.2.5	Municipal Services	5
2.2.6	Nearby Amenities	6
2.3	Surrounding Land Uses	6
3.0	PROPOSAL AND STUDIES	9
3.1	Development Proposal	9
3.2	Support Studies	12
3.2.1	Traffic	12
3.2.2	Servicing	13
3.2.3	Noise	13
3.2.4	Archaeology	14
3.2.5	Biology	14
3.2.6	Soil	14
4.0	APPLICATIONS AND CONSULTATION	16
4.1	Proposed Zoning By-Law Amendment	16
4.2	Proposed Draft Plan of Subdivision	16
4.3	Other Approvals	16
4.4	Public Consultation Strategy	17
5.0	PLANNING ANALYSIS	18
5.1	Policy and Regulatory Overview	18
5.1.1	Provincial Policy Statement (PPS), 2020	18

5.1.2 County of Essex Official Plan (COP)	25
5.1.3 Official Plan (OP)	32
5.1.4 Zoning By-law (ZBL)	41
6.0 SUMMARY AND CONCLUSION	46
6.1 Context and Site Suitability Summary	46
6.1.1 Site Suitability	46
6.1.2 Compatibility of Design	46
6.1.3 Good Planning	46
6.1.4 Natural Environment Impacts	46
6.1.5 Municipal Services Impacts	47
6.1.6 Social and/or Economic Conditions	47
6.2 Conclusion	47

1.0 INTRODUCTION

I have been retained by 770022 Ontario Limited (c/o Tony Youssef), the applicant and owner, to provide a land use Planning Justification Report (PJR) in support of a proposed residential development for 195 Main Street East (herein the “Site”) in the Town of Kingsville, County of Essex, Province of Ontario.

The Site is made up of one vacant 10.154 ha parcel of land with no structures or dwellings. The Site is currently being farmed.

A concept plan has been prepared consisting of 59 single detached dwelling units, 32 semi detached dwelling units, 6 storey apartment building (105 rental units total) and future mixed use building (total rental units to be confirmed).

Parkland and a stormwater management (SWM) facility is also proposed.

The applicant intends to develop the Site for residential in 3 phases.

The Site will provide additional housing within the existing settlement area of Kingsville.

There are already residential uses surrounding the Site, which allows an existing neighbourhood to expand.

A Zoning By-law Amendment (ZBA) and Draft Plan of Subdivision (SUBD) are required to support the proposed development for the single detached dwellings and semi detached dwellings. The County of Essex is the approval authority for the Draft Plan of Subdivision, and the Town of Kingsville is the approval authority for the ZBA.

The apartment and future mixed use buildings will be subject to Site Plan Control (SPC) approval.

Exemption from the Interim Control By-law 42-2021 is also requested as part of the Main Street East Secondary Plan Area, if required.

Prior to the construction of the proposed residential development, building permits will be applied for, as well as any other necessary permits and clearances.

The Town of Kingsville and the County of Essex provided pre-consultation comments to the applicant.

The purpose of this report is to review the relevant land use documents, including the Provincial Policy Statement (PPS) 2020, the County of Essex Official Plan (COP), the Town of Kingsville Official Plan (OP) and the Town of Kingsville Zoning By-law (ZBL) as it pertains to the proposed development.

This PJR will show that the proposed development is suitable, is consistent with the PPS, conforms with the intent and purpose of the County and Town OPs, complies with the intent of the Town ZBL and represents good planning.

2.0 SITE AND SURROUNDING LAND USES

2.1 Legal Description and Ownership

The Site has been owned by 770022 Ontario Limited (c/o Tony Youssef), the applicant and owner since 2010.

The Site is made up of one (1) parcel of land located on the south side of Main Street East, locally known as 195 Main Street East in the Town of Kingsville, County of Essex, Province of Ontario.

The Site is legally described as Part of Lot 2, Concession 1, Eastern Division, former Township of Gosfield (see Figure 1 – Air Photo).

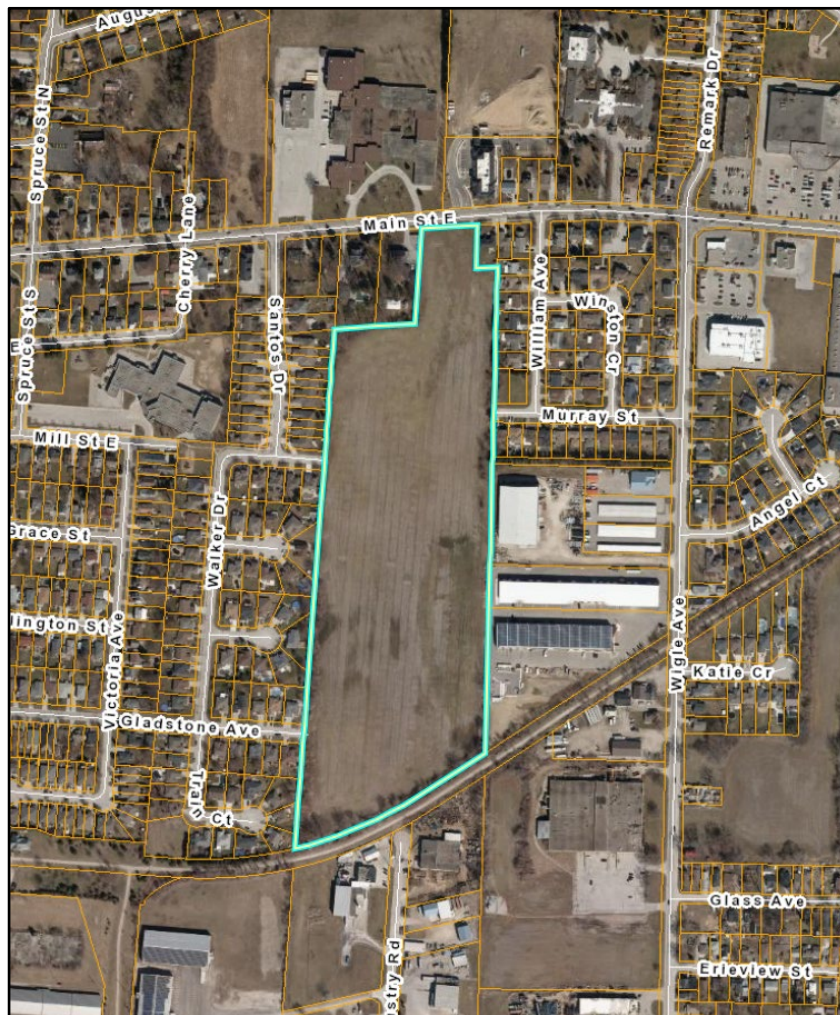


Figure 1 – Air Photo (Source: ERCA GIS)

2.2 Physical Features of the Site

2.2.1 Size and Site Dimension

The Site is irregular shaped and consists of a total area of approximately 10.154 hectares. It has a frontage of 58.76 m along Main Street East, and an irregular depth.

2.2.2 Vegetation and Soils

The Site is currently being farmed.

There are no mature trees on Site; however, there is a hedgerow abutting the east and west portion of the Site.

Soil is made up of Berrien Sandy Loam (Bel).

2.2.3 Topography and Drainage

The Site is flat and outside the regulated area of the Essex Region Conservation Authority (ERCA).

The subject property is assessed to the East Jasperson Branch Drain No.1, and currently, it drains south to this drain.

The soil comprises Berrien Sandy Loam and is in the Hydrological soil group C.

The Site is outside of any Source Water Protection Zones.

2.2.4 Other Physical Features

There is some fencing between abutting properties. The greenway (Chrysler Greenway) is located to the south of the Site.

There are 2 existing entrances off Main Street East.

2.2.5 Municipal Services

The property has access to municipal water, storm and sanitary services.

There are fire hydrants, active transportation and streetlights nearby. The Site has access to regional transit.

Main Street East is a 2-lane 2-way roadway. There is a sidewalk located on both sides of Main Street East.

There are road stubs to the Site from Murray Street to the east and Walker Drive and Gladstone Ave to the west.

The subject property is in close proximity to a major transportation corridor, including Highway 3, as well as County Road 20.

2.2.6 Nearby Amenities

There are schools located close to the Site, including St John de Brebeuf Catholic School and Kingsville District High School.

There are parks and recreation opportunities in close proximity, including Santos Park.

There are nearby commercial nodes, such as food service, personal service shops, gas stations, and retail.

There are also nearby employment lands, places of worship, trails, and local/regional amenities.

2.3 Surrounding Land Uses

Overall, the Site is located within an existing residential area in the settlement area of Kingsville and close to nearby amenities. There are employment lands nearby as well.

A Site Visit was undertaken on December 19, 2021. Photos were taken by Pillon Abbs Inc.

North – The lands to the north of the Site are used for commercial (see Photo 1 – North).



Photo 1 – North

East – The lands east of the Site are used for employment lands with access from Wigle Ave (see Photo 2- East).



Photo 2 – East

South – The lands south of the Site is the greenway (see Photo 3 - South).



Photo 3 – South

West – The lands to the west of the Site are used for residential (see Photo 4 – West).



Photo 4 –West

3.0 PROPOSAL AND STUDIES

3.1 Development Proposal

It is proposed to develop the Site for residential in 3 phases (see Figure 2a – Concept Plan).

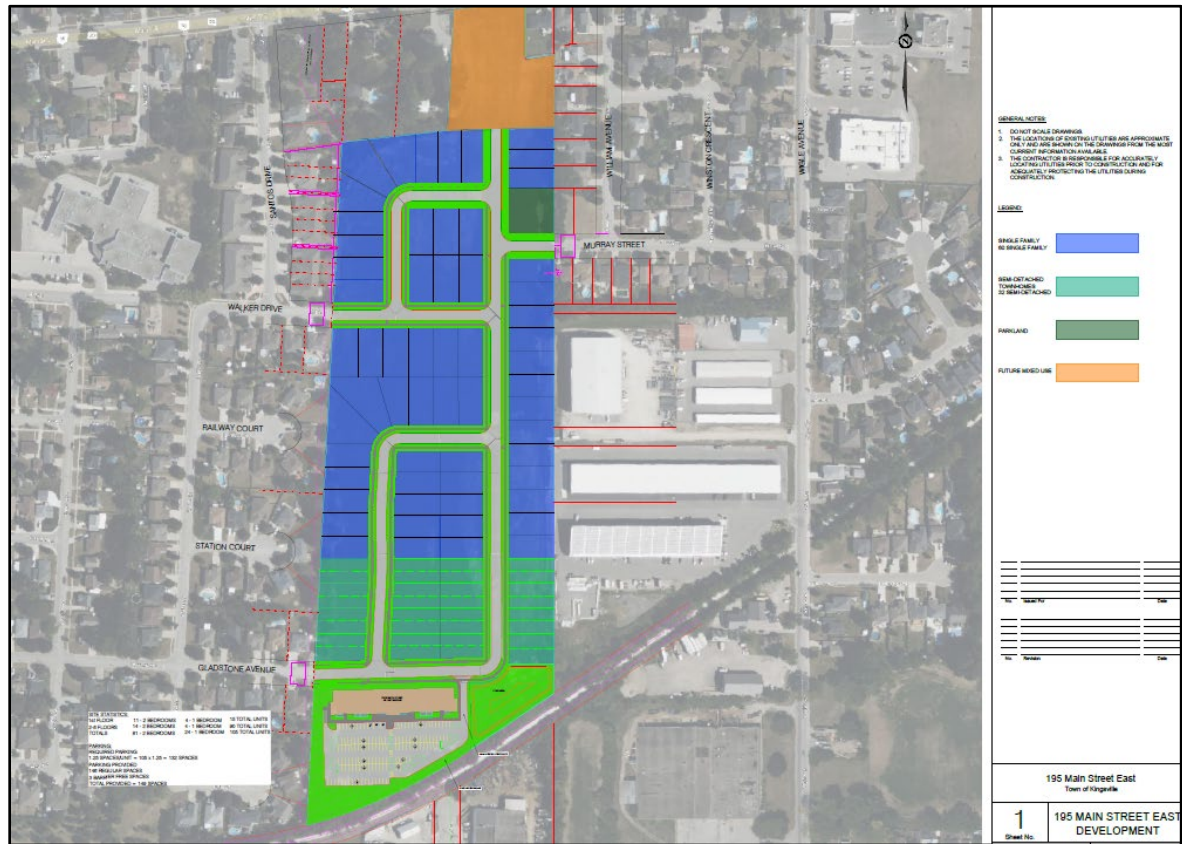


Figure 2a – Concept Plan

A concept plan has been prepared consisting of 59 single detached dwelling units, 32 semi detached dwelling units, 6 storey apartment building (105 rental units total) and future mixed use building (total rental units to be confirmed).

A draft plan has been prepared (see Figure 2b – Draft Plan).

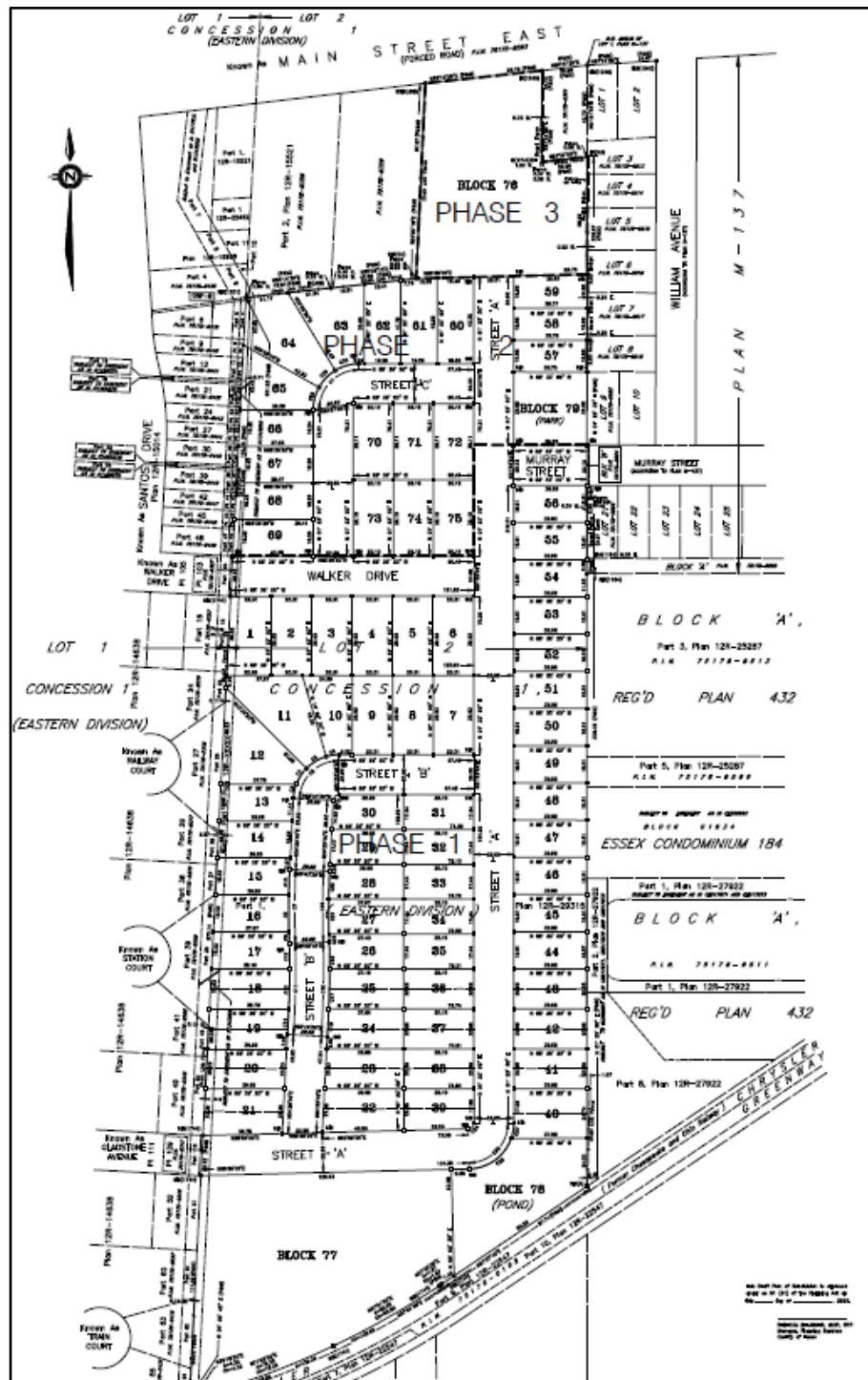


Figure 2b – Draft Plan

The apartment unit will be located on the south portion of the Site and will include on site parking, pavilion with gathering area, and loading area (see Figure 2c – Apartment).

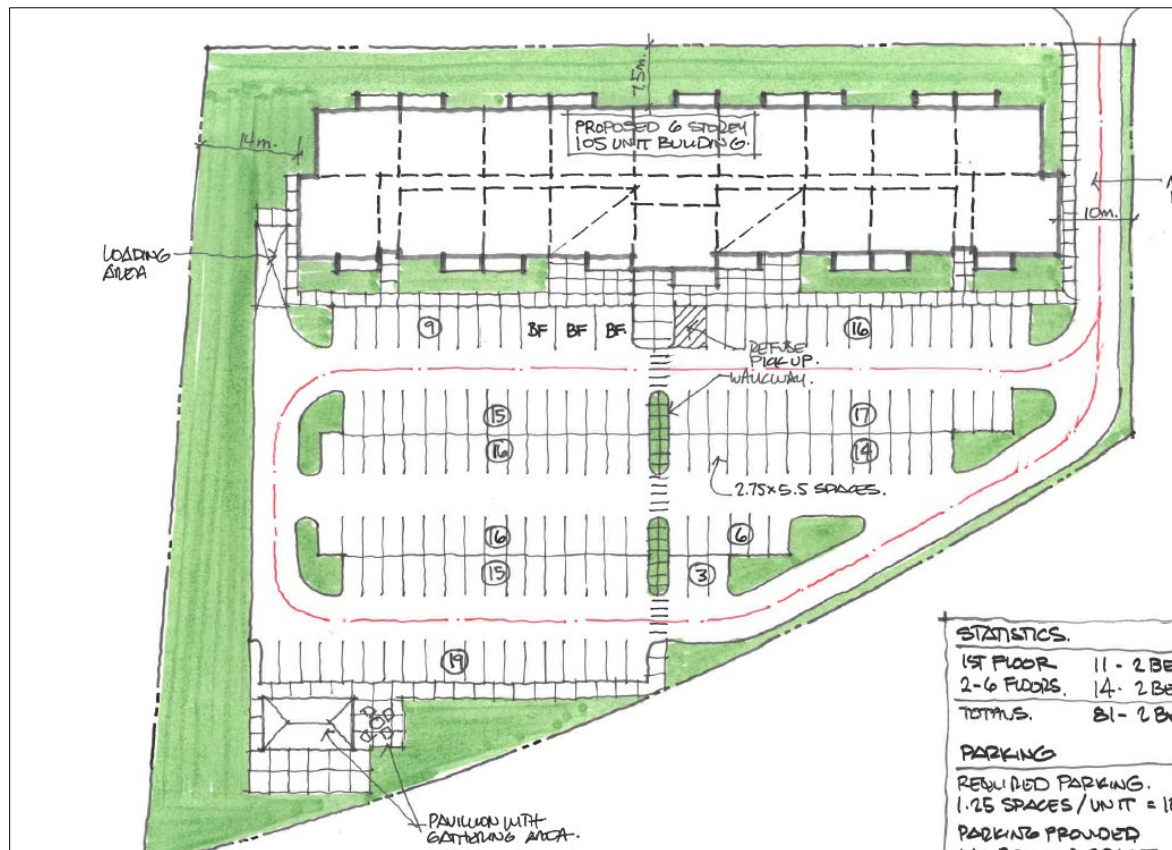


Figure 2c – Apartment

The apartment is proposed to be 6 storeys in height (22 m). It will have a total building area of 2,020m². Access to will be from street 'A'. The Site will be professionally landscaped.

The subdivision is proposed to have three road connections to the surrounding road network. The first connection would be an easterly extension of Walker Drive, located to the immediate east of the Walker Drive and Santos Drive intersection. The second connection would be an easterly extension of Gladstone Avenue, located east of the Gladstone Avenue and Walker Drive intersection. The third connection would be a westerly extension of Murray Street, located to the immediate west of the William Avenue and Murray Street intersection.

No driveways or road connections are currently proposed to connect directly to Main Street East (County Road 20), at this time.

There will be accessible sidewalks included in the proposed development, per municipal standards.

The proposed development will be connected to full municipal services.

A stormwater management (SWM) facility is proposed to be located on the southeast corner of the Site.

A parkland block is also proposed.

During construction of all phases and after full build-out, the Site will collect all SWM and will direct water away from abutting lands (ie Train Court and Gladstone Ave).

Based on the size of the residential area (5.737 ha), the proposed development will result in a gross density of 16.036 units/ha.

It is expected that the proposed development will commence in 2023.

3.2 Support Studies

The following is a summary of the support studies that have been required as part of this proposed development.

3.2.1 Traffic

A Traffic Impact Study (TIS) was prepared by Dillon Consulting, dated December 2022.

The study was prepared to document the existing traffic operations. The study also assessed future traffic volumes.

The objective of the study was to determine the transportation impact of the development and whether or not any transportation infrastructure modifications are required to accommodate the future traffic volumes generated by the residential development.

The future traffic volumes considered both future background and total future conditions in both 2029 and 2034.

Within the future background traffic volumes, nine (9) other developments, at various stages of approvals, were considered in the 2029 and 2034 future background analysis.

The following was concluded:

- All signalized intersections are projected to continue operating.
- All stop-controlled approaches are projected to continue to function.

No improvements were recommended.

It was further noted that no driveways or road connections are proposed to connect directly to Main Street East (County Road 20). However, a scenario has been assessed whereby the north parcel has a sole access to Main Street East (County Road 20), generally opposite

the recently constructed driveway to 190/224 Main Street East. Under this scenario, the traffic generated by this parcel would be removed from the other streets in the neighbourhood (i.e., Santos Drive, William Avenue and Wgle Avenue). No additional infrastructure or traffic control would be warranted on Main Street East (County Road 20), if the northern parcel had direct access to it.

3.2.2 Servicing

A Stormwater Management (SWM) and Functional Servicing Report (FSR) was prepared by BairdAE architecture and engineering, dated October 14, 2022.

The report was prepared to provide an overview of existing conditions, and outlines future planning and servicing requirement, including Stormwater Management and storm drainage for the proposed development.

The following was concluded and recommended:

- **Sanitary** – a new 250mm diameter sanitary service will tie into the existing municipal sanitary sewer on Gladstone Ave. The proposed development will not have any negative impact on the existing sanitary sewer system located on Gladstone Ave. or the Trunk sewer on Lakeview Ave.
- **Watermain** – New water service will be provided to the proposed development through a tie-in into the existing 150mm watermain on Gladstone Ave. and Mill St. E. and a 150mm water main is tied into the existing 200mm watermain on Murray St through a 150mm reducer.
- **Storm** – All minor storms will be serviced through the proposed storm sewers. During the major storm events, the post-development peak flows from all events from the Site will be controlled to acceptable flooding levels on the major system as per WERSWMSM.

Therefore, no negative impact is anticipated.

3.2.3 Noise

A Road Traffic and Stationary Noise Impact Study was prepared by JJ Acoustic Engineering Ltd, dated May 27, 2021 and further revised on December 15, 2022.

JJ Acoustic Engineering was retained to complete the study for the proposed residential development.

It was concluded that the potential environmental impact from stationary noise sources is significant.

The study recommended that the noise impact from the neighboring buildings to the site were determined to be below noise limits with mitigation measures, including noise barriers to the east and southeast of the Site.

3.2.4 Archaeology

A Stage 1 and 2 Archaeological Assessment was prepared by The Archaeologist Inc., dated June 26, 2021.

The purpose of the assessment was to determine whether the Site contained archaeological resources.

The Stage 1 background study concluded that the property exhibits archaeological potential.

The Stage 2 property assessment did not identify any archaeological resources within the subject property.

The assessment recommends that no further archaeological assessment of the property is required.

Ministry clearance was received on November 5, 2021.

3.2.5 Biology

A Species at Risk Screening (SARS) was prepared by MTE, dated September 24, 2021.

The assessment did confirm that there is potential movement, foraging, and thermoregulation habitat for Eastern Foxsnake is present adjacent to the south of the Subject Lands, within the Chrysler Greenway.

Suitable habitat is not present within the development area, and the southern corridor will be unaffected.

To avoid impacts on species, the following mitigation measures are recommended:

- Training.
- Strategic clearing.
- Fencing.
- Equipment inspection.
- Reporting.

The SARS was submitted to the Ministry of the Environment, Conservation and Parks (MECP) for clearance.

3.2.6 Soil

A Phase 1 Environmental Site Assessment (ESA) was completed by CT Soils and Materials Engineering Inc, Consulting Engineers, dated January 8, 2021.

The purpose of the assessment was to review the environmental condition of the Site based on its historic and current land use.

The conclusion of the report stated that based on the Phase I ESA findings, including site observations, the information provided by the site representative, the review of environmental databases, previous reports and available historical information, the no potential environmental concerns which would warrant a Phase II ESA were identified.

4.0 APPLICATIONS AND CONSULTATION

4.1 Proposed Zoning By-Law Amendment

A site specific Zoning By-law Amendment (ZBA) is required in order to permit the proposed residential development.

The Town of Kingsville is the approval authority for the ZBA.

According to Map 72, Schedule “A” attached to the ZBL the Site is currently zoned “Residential (R1.1(h))” Zone and “Industrial (M1(h))” Zone.

It is proposed to change the zoning of the Site to the following Site specific zones:

- “Residential (R2.1)” to permit the single detached dwelling units and the semi detached dwelling units.
- “Residential (R4.1-XX)” with exception to permit the multiple dwellings (6 storey apartment building).
- “Residential (R4.1-XX)” with exception to permit the multiple dwellings (mixed use building).

All zone provisions are proposed to be complied with, except a request for from height and minimum front yard setback is requested for the 6 storey apartment.

Further analysis is provided in Section 5.1.4 of this PJR.

4.2 Proposed Draft Plan of Subdivision

An application for Draft Plan of Subdivision (SUBD) is required in order to permit the proposed residential development.

The County of Essex is the approval authority for the SUBD.

The application will create the lots with a list of conditions that will be required to be met by the applicant.

A development agreement will be required.

Part Lot Control will also be used in order to create the freehold units.

4.3 Other Approvals

Exemption from the Interim Control By-law 42-2021 is also requested which is part of the Main Street East Secondary Plan, if required.

The apartment and future mixed use buildings will be subject to Site Plan Control (SPC) approval.

Prior to the construction of the proposed residential development, building permits will be applied for, as well as any other necessary permits and clearances.

4.4 Public Consultation Strategy

The *Planning Act* requires that the applicant submit a proposed strategy for public consultation with respect to an application as part of the complete application requirements.

As part of a public consultation strategy, the applicant proposes that the required public meeting will be sufficient as the size of the development is small scale.

An informal Public Information Centre (PIC) was held by the applicant meeting was held on Tuesday, February 28, 2023, from 6 pm to 8 pm, in Room B of the Kingsville Arena. A summary of comments was provided to the Municipality.

5.0 PLANNING ANALYSIS

5.1 Policy and Regulatory Overview

5.1.1 Provincial Policy Statement (PPS), 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development providing for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environments.

The PPS is issued under Section 3 of the Planning Act and came into effect on May 1, 2020. It applies to all land use planning matters considered after this date.

The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The following provides a summary of the key policy considerations of the PPS as it relates to the proposed development.

PPS Policy #	Policy	Response
1.0Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns.....	The proposed development provides a mix of housing choices.
1.1.1	<p>Healthy, liveable and safe communities are sustained by:</p> <p>a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;</p> <p>b) accommodating an appropriate affordable and market-based range and mix of residential types, employment, institutional, recreation, park and open space, and other uses to meet long-term needs;</p> <p>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</p>	<p>The proposed development is consistent with the policy to build strong, healthy and livable communities as it will provide for more housing in an existing settlement area.</p> <p>There are no environmental or public health and safety concerns as the area is well established.</p> <p>The development pattern does not require expansion of the settlement area.</p>

PPS Policy #	Policy	Response
	<p>d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;</p> <p>e) promoting.....cost-effective development patterns and standards to minimize land consumption and servicing costs;</p> <p>f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;</p> <p>h) promoting development and land use patterns that conserve biodiversity.</p>	<p>The Site has access to full municipal services and is close to nearby amenities.</p> <p>Public service facilities are available within the settlement area.</p> <p>A parkland block is also proposed.</p> <p>The development pattern is proposed to be an efficient use of an underutilized Site.</p>
1.1.2	<p>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.</p> <p>Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.</p>	<p>The proposed development will help the Town meet the full range of current and future residential needs through infilling.</p> <p>The infilling can be accommodated for the proposed development as the Site is an appropriate size.</p> <p>The Site is flat, making it conducive to vehicle maneuvering.</p> <p>The Site will provide for more housing options in an existing settlement area.</p>
1.1.3.1	Settlement areas shall be the focus of growth and development.	The proposal enhances the vitality of the Municipality, as the proposal is within the Town's settlement area,

PPS Policy #	Policy	Response
		is pedestrian friendly and close to nearby amenities.
1.1.3.2	<p>Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <ul style="list-style-type: none"> a) efficiently use land and resources; b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; c) minimize negative impacts to air quality and climate change, and promote energy efficiency; d) prepare for the impacts of a changing climate; e) support active transportation; f) are transit-supportive, where transit is planned, exists or may be developed; and g) are freight-supportive. 	<p>The total density of the proposed development is considered appropriate.</p> <p>The Site offers an opportunity for infilling by creating more housing options in an existing settlement area.</p> <p>The infilling can be accommodated for the proposed development as it is an opportunity within an existing settlement area.</p> <p>There are already residential uses surrounding the Site, which allows an existing neighbourhood to expand.</p> <p>The design and style of the residential dwellings will be constructed to a high standard.</p> <p>The proposed dwellings will blend well with the dwellings in the area and will be of a similar scale and massing.</p> <p>The land area is sufficient to accommodate the proposed development.</p> <p>Adequate buffering and noise barriers from abutting land uses can be</p>

PPS Policy #	Policy	Response
		<p>provided as part of the proposed development.</p> <p>Residents will have immediate access to nearby amenities within the settlement area.</p>
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.	Infilling can be accommodated for the proposed residential development as it is an appropriate use of the Site.
1.1.3.4	Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.	<p>Infilling can be accommodated for the proposed development as it is a development opportunity within an existing settlement area.</p> <p>There will be no risks to the public.</p>
1.1.3.5	Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.	The County has incorporated principles for intensification and determining and reviewing targets for their OPs. This development supports those principles and targets for providing additional housing.
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	The proposed development will allow for the efficient use of land, infrastructure and public services.

PPS Policy #	Policy	Response
	that allow for the efficient use of land, infrastructure and public service facilities.	
1.4.1 - Housing	<p>To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:</p> <p>a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and</p> <p>b) maintain at all times where new development is to occur, land with servicing sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.</p>	<p>The proposed development will provide for more housing options in an existing settlement area.</p> <p>The infilling can be accommodated for the proposed development as it is a development opportunity within an existing settlement area.</p> <p>The area is pedestrian friendly allowing people to access nearby amenities.</p> <p>Existing municipal services are available.</p>
1.4.3	Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area.	<p>The proposed development is compatible with the surrounding area and will provide infilling through the efficient use of the Site.</p> <p>The Site is close to nearby amenities.</p> <p>There is existing infrastructure.</p>
1.6.1	Infrastructure and public service facilities shall be provided in an efficient manner	The development has access to existing municipal services.

PPS Policy #	Policy	Response
	that prepares for the impacts of a changing climate while accommodating projected needs.	Access to major connecting roadways is in close proximity to amenities.
1.6.6.2	Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.	The proposed development will be serviced by existing municipal sewer, water and storm, which is the preferred form of servicing within existing settlement areas.
1.6.6.7	<p>Planning for stormwater management shall:</p> <ul style="list-style-type: none"> a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term; b) minimize, or, where possible, prevent increases in contaminant loads; c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure; d) mitigate risks to human health, safety, property and the environment; e) maximize the extent and function of vegetative and pervious surfaces; and f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development. 	There will be no risk to health and safety.

PPS Policy #	Policy	Response
1.6.7.1	Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.	The subject property is in close proximity to major transportation corridors. Regional transit is also available.
1.6.7.2	Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.	The proposed development contributes to the Town's requirements for development within an existing built-up area.
1.6.7.4	A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.	The proposed development contributes to the Town's requirement for infilling within a built-up area. The area is pedestrian friendly, allowing people to access nearby amenities. The proposed density offers an opportunity to efficiently use existing municipal infrastructure.
1.8	Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns.	The proposed development supports a compact form within an existing built-up area of the Town. The Site has access to local amenities, including the greenway.
2.1.1	Natural features and areas shall be protected for the long term.	There are no natural features that apply to this Site.
2.2.1	Planning authorities shall protect, improve or restore the quality and quantity of water.	Existing services connections are located near the Site and will be expanded for the additional capacity.

PPS Policy #	Policy	Response
2.6.1	Significant built heritage resources and significant cultural heritage landscapes shall be conserved.	There are no heritage resources that apply to this Site.
3.0	Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.	There are no natural or human-made hazards that apply to this Site.

Therefore, the proposed development is consistent with the PPS.

5.1.2 County of Essex Official Plan (COP)

The County of Essex is the upper tier municipality to the Town of Kingsville. The County's Official Plan (COP) is dated February 19, 2014, as modified by the Ministry of Municipal Affairs and Housing (MMAH) on April 28, 2014.

The purpose of the COP is to implement the PPS. The COP provides a cross-boundary policy framework from which more detailed land use planning can be continued by the local municipalities. Local OPs will implement and be in conformity with the COP by providing more detailed strategies, policies, and land use designations for planning and development at the local level.

The subject lands are within the “Settlement Area” designation according to Schedule “A1” Land Use Plan attached to the COP (see Figure 3 – COP, Schedule “A1”).



Figure 3 – COP, Schedule “A1”

The lands are within the “Primary Settlement Areas” designation as shown on Schedule “A2” Settlement Structure Plan attached to the COP (see Figure 4 – COP, Schedule “A2”).



Figure 4 – COP, Schedule “A2”

The following provides a summary of the relevant COP policy considerations as it relates to the proposed application.

COP Policy #	Policy	Response
1.5 - Goals	<p>The long-term prosperity and social well-being of the County depends on maintaining strong, sustainable and resilient communities, a clean and healthy environment and a strong economy....</p> <p>c) To direct the majority of growth (including intensification and affordable</p>	<p>The proposed development will support the County's goal of a “healthy county” by supporting a strong economy.</p> <p>Residents will have a choice to live, work and enjoy nearby amenities.</p> <p>The proposed development is within the existing</p>

COP Policy #	Policy	Response
	<p>housing), and investment (infrastructure and community services and facilities) to the County's Primary Settlement Areas.</p> <p>e) To create more mixed use, compact, pedestrian-oriented development within designated and fully serviced urban settlement areas.</p> <p>f) To provide a broad range of housing choices, employment and leisure opportunities for a growing and aging population.</p> <p>h) To create and maintain an improved balance between residential and employment growth in each of the Primary Settlement Areas, as detailed in Section 3.2 of this Plan, by increasing employment opportunities closer to where people live.</p>	<p>settlement area of Kingsville.</p> <p>There are similar styles of development in the Town, which blend well with the fabric of housing options.</p>
2.5.3	<p>Stormwater management reports/plans, acceptable to the County, local municipalities, local Conservation Authorities, and the Ministry of the Environment will generally be required in advance of draft approval of applications</p>	<p>Stormwater management area will be provided on Site.</p> <p>A Functional Servicing Plan for the proposed development has been prepared.</p>
2.7	<p>It is the policy of this Plan that the County will identify, recognize, and conserve archaeological and built heritage resources, and</p>	<p>Archeological Assessment has been completed for this Site.</p>

COP Policy #	Policy	Response
	cultural heritage landscapes.	
2.8	<p>Development proposals will be considered in the context of all forms of transportation subject to the following objectives and policies:</p> <p>a) To facilitate the safe, energy efficient and economical movement of people and goods throughout the County.</p> <p>f) To plan for and protect corridors for transportation, transit and infrastructure.</p>	<p>The Site will have access to a major transportation corridor.</p> <p>A TIS has been prepared.</p>
2.8.1 - Roads	<p>When considering matters of land use planning, the County shall:</p> <p>a) Take into consideration the need to improve regional traffic flow in the vicinity....</p>	A TIS has been prepared.
2.10	The County encourages new development to proceed on the basis of full municipal sewage services and municipal water services and local municipalities are encouraged to co-ordinate their approach to, and timing of, the provision of municipal water and municipal sewage through the preparation of an overall servicing strategy.	The development has access to full municipal services.
2.12	Prior to permitting development that may be affected by noise, vibration and/or safety, a study may be required to assess the	A noise study has been completed.

COP Policy #	Policy	Response
	impact of the noise, vibration and safety on proposed residential or other sensitive land uses	
2.13support energy efficiency, improved air quality, and the use of green infrastructure by considering the following during planning and development review functions....	The proposed development will be designed to incorporate compact form, efficient use of land and a mixture of uses and housing types.
3.2.2 – Settlement Areas	<p>b) To support and promote healthy, diverse and vibrant settlement areas within each of the seven Essex County municipalities where all county residents, including special interest and needs groups can live, work and enjoy recreational opportunities.</p> <p>c) To promote development within Primary Settlement Areas that is compact, mixed-use, pedestrian oriented, with a broad range of housing types, services and amenities available for residents from all cultural, social and economic backgrounds.</p> <p>e) 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 within this Plan.</p>	<p>The proposed development is within an existing settlement area of Kingsville.</p> <p>The land area is sufficient to accommodate the proposed development.</p> <p>The Site is generally level which is conducive to easier vehicular movements.</p> <p>The Site will be pedestrian friendly with access to nearby amenities.</p> <p>Full municipal services are available.</p>

COP Policy #	Policy	Response
	<p>f) To increase the opportunity for job creation within each local Municipality by attracting and maintaining industries and businesses closer to where County residents live.</p> <p>i) Promote residential intensification within Primary Settlement Areas, and to a lesser extent, within full serviced Secondary Settlement Areas.</p>	
3.2.4.1 – Primary Settlement Area	<p>The following policies apply to Primary Settlement Areas:</p> <p>a) Primary Settlement Areas shall be the focus of growth and public/private investment in each Municipality.</p> <p>b) Primary Settlement Areas shall have full municipal sewage services and municipal water services and stormwater management services, a range of land uses and densities, a healthy mixture of housing types including affordable housing options and alternative housing forms for special needs groups, and be designed to be walkable communities with public transit options (or long-term plans for same).</p>	<p>The Site is located within a primary settlement area.</p> <p>The proposed development will provide for new housing on full municipal services.</p>

COP Policy #	Policy	Response
	i) Cost effective development patterns and those which will minimize land consumption and reduce servicing costs are encouraged. Land use patterns which may cause environmental, heritage preservation or public health and safety concerns shall be avoided.	
3.2.7 – Intensification and Redevelopment	The County encourages well-planned intensification development projects in the “Settlement Areas” to encourage more efficient use of land and municipal infrastructure, renew urban areas and to facilitate economic and social benefits for the community.	<p>The proposed residential development will create an opportunity to use a vacant and under-utilized parcel of land.</p> <p>The Site will help provide infilling in an existing settlement area.</p>
3.4.2 - Natural Environment	The County encourages and supports the enhancement of the natural heritage system. The natural heritage system contains potential linkages and corridors as well as expansions to the core existing natural heritage features.	<p>A SARS was completed.</p> <p>All information has been sent to the Ministry of Environment, Climate and Parks (MECP).</p>

Therefore, the proposed development conforms to the COP and an amendment is not required.

5.1.3 Official Plan (OP)

The Town of Kingsville (OP) was adopted by Council in December 2011 and approved by the County of Essex on February 1, 2012.

The OP implements the PPS and COP and establishes a policy framework to guide land use planning decisions related to the development and the provision of infrastructure and community services throughout the Town.

The lands are designated “Residential” according to Schedule A2: Land Use attached to the OP for the Town of Kingsville (see Figure 5 – Town of Kingsville OP).



Figure 5 – Town of Kingsville OP

It is proposed to maintain the Residential designation of the Site.

The Town of Kingsville OP Five Year Update has been reviewed. The Site remains designated “Residential” in the draft document with a “Main Street Development Area” overlay area.

The designation for the mixed use building will need to be considered as part of the Town comprehensive OP review.

The following provides a summary of the key policy considerations of the OP as it relates to the proposed development.

OP Policy #	Policy	Response
1.4 Purpose of Plan	<p>a) to designate sufficient lands to encourage and accommodate future development proposals and to identify a desired land use pattern for such future development that ensures a basic compatibility between and among various land uses within the Town;</p> <p>b) to further enhance the Town as a place for living, working and leisure by helping to create a healthy, safe, attractive and convenient environment;</p> <p>d) to guide the location, type and sequence of all new development so that it may be provided with efficient public services based on reasonable and sound standards;</p> <p>e) to ensure that any development which may occur does so at a pace that is within the financial capabilities of the Town;</p>	<p>The proposed residential development supports one of the Town's overall development strategies of ensuring adequate land is designated for future development proposals.</p> <p>This development is in a settlement area, close to local amenities and encourages a community in a safe, attractive and convenient location.</p> <p>This development has access to full municipal services.</p> <p>This development will add to the assessment base and not put a strain on municipal infrastructure.</p>
2.1.1 Land Use Planning Principles	<p>a) to create more compact development within designated and fully serviced urban settlement areas;</p> <p>b) to provide a broad range of housing, employment and leisure opportunities for a growing and aging population;</p>	<p>The proposed residential development is located in an existing settlement area.</p> <p>The Site is sufficient in area to accommodate the proposed development.</p> <p>The Site offers appropriate infilling in the existing settlement area.</p>

OP Policy #	Policy	Response
	<p>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</p> <p>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;</p> <p>n) to formulate and adopt a growth management policy to protect and enhance important agricultural and natural resources of this area and direct future urban growth to the urban area;</p> <p>s) to direct development away from natural and manmade hazardous areas.</p>	<p>The area is pedestrian friendly, allowing people to access nearby amenities.</p> <p>The proposed density offers an opportunity to efficiently use municipal infrastructure.</p> <p>The Site is located within the designated settlement area.</p> <p>The land is not designated agriculture and would not be removing significant agricultural lands. The Site is surrounded by residential uses.</p> <p>The Site is outside of the ERCA regulated area.</p>
2.8 SITE SUITABILITY	<p>a) soil and drainage conditions are suitable to permit the proper sitting of buildings;</p> <p>b) the necessary services are available to adequately accommodate the proposed development;</p> <p>c) no traffic hazards will result because of excess traffic generation or limited</p>	<p>A soil report has been completed with no identified concerns.</p> <p>Municipal services are available and will be expanded at the cost of the developer.</p> <p>A TIS has been completed with no concerns identified.</p>

OP Policy #	Policy	Response
	<p>sight lines on curves or grades;</p> <p>d) the land fronts on a public road which is of a reasonable standard of construction;</p> <p>e) adequate measures will be taken to minimize adverse impacts that the proposed use may possibly have upon any proposed or existing adjacent use.</p>	<p>The proposed development will be located with access to local roads.</p> <p>There are no adverse impacts identified, as the residential development would be the same as the majority of surrounding uses.</p> <p>There are similar styles of development in the Town, which blend well with the fabric of housing options.</p>
3.6 RESIDENTIAL	<p>a) provide areas in which residential development may occur in a controlled and progressive manner and to recognize existing residential development and areas presently designated for residential development;</p> <p>b) ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the Town;</p> <p>c) encourage infilling of the existing development pattern;</p> <p>d) encourage the development of a greater variety of housing types;</p> <p>f) encourage the provision of an adequate supply of draft approved and/or</p>	<p>There are no other significant residential developments occurring in the area. The development is reflective of the current surrounding uses.</p> <p>There are already residential uses surrounding the Site, which allows an existing neighbourhood to expand.</p> <p>The capacity of services has been reviewed and will be modified or expanded at the developer's expense.</p> <p>This development would be a similar development pattern to surrounding uses.</p> <p>This development allows for additional housing choices in close proximity to major</p>

OP Policy #	Policy	Response
	<p>registered lots and blocks on new plans of subdivision and/or registered lots which have been created in accordance with Section 7 of this Plan;</p> <p>g) provide opportunity to increase the housing supply through residential intensification. Residential intensification includes infilling, conversions and redevelopment, and will be encouraged in areas designated "Residential" as a means of increasing the supply of affordable rental and ownership accommodations.</p> <p>h) development standards for residential intensification, infilling, conversions and redevelopment shall be implemented through the zoning by-law and policies within the Town's Development Standards Manual;</p> <p>i) encourage an adequate supply of new building lots to meet the anticipated demand for additional housing units over the next 20 year planning period.</p>	<p>transportation corridors and employment opportunities.</p> <p>This development would provide an additional supply of housing.</p> <p>This development would increase the housing supply through infilling and development of an underutilized site.</p> <p>This development will comply with relevant sections of the ZBL and Development Standards Manual.</p> <p>This development would assist in reaching the goal of increased and adequate housing supply.</p>
3.6.1 RESIDENTIAL	<p>Areas designated "Residential" on Schedules "A-1" and "A-2" are either currently developed residentially or have</p>	<p>The Site is designated "Residential" in the OP.</p> <p>The proposed development will provide for new housing</p>

OP Policy #	Policy	Response
	<p>previously been determined to be appropriate to accommodate future residential development. It is the intent of this Plan that a broad range of residential types be permitted on lands designated "Residential" in order to meet the needs of all households anticipated during the 20 year planning period of this Plan.</p>	<p>options which will support the 20 year planning period.</p> <p>The proposed development (Phase 1) is in keeping with the character of the area and nearby neighbourhoods.</p> <p>Full municipal services are available.</p>
	<p>The following goals for areas designated "Residential" on Schedules "A-1" and "A-2" of this Plan are to:</p> <p>a) provide areas in which residential development may occur in a controlled and progressive manner and to recognize existing residential development and areas presently designated for residential development;</p> <p>b) ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the Town;</p> <p>c) encourage infilling of the existing development pattern;</p> <p>d) encourage the development of a greater variety of housing types;</p> <p>e) provide older residential neighbourhoods with protection from non-residential redevelopment pressures;</p>	<p>The proposed development has been designed in an orderly manner taking into consideration access, roadways and lot layout.</p> <p>Services are available.</p> <p>New housing choices are proposed.</p> <p>The existing neighbourhood is protected.</p> <p>The Site is an opportunity for infilling.</p>

OP Policy #	Policy	Response
	<p>f) encourage the provision of an adequate supply of draft approved and/or registered lots and blocks on new plans of subdivision and/or registered lots which have been created in accordance with Section 7 of this Plan;</p> <p>g) provide opportunity to increase the housing supply through residential intensification. Residential intensification includes infilling, conversions and redevelopment, and will be encouraged in areas designated "Residential" as a means of increasing the supply of affordable rental and ownership accommodations. Within the 5 year period prior to the mandatory review of the Plan, the Town will work with the County of Essex to establish and implement minimum targets for intensification and redevelopment within built-up areas which are supported by the appropriate levels of infrastructure and public service facilities and this Plan will be amended to incorporate such targets;</p> <p>h) development standards for residential intensification, infilling, conversions and redevelopment shall be implemented through the zoning by-law and policies</p>	

OP Policy #	Policy	Response
	within the Town's Development Standards Manual;	
	<p>The following policies shall apply to those lands designated "Residential" on Schedule "A-1" and "A-2" of this Plan:</p> <p>a) a variety of housing types and densities are permitted subject to conformity and compliance with the Zoning By-law. The types of residential units permitted include single unit detached dwellings, two unit dwellings, three unit dwellings, single unit attached dwellings, townhouses, apartments and seniors' housing including retirement homes and nursing homes and other housing designed to accommodate special needs or interests;</p> <p>e) the creation of new lots for residential purposes will occur in accordance with the land division policies contained within Section 7 of this Plan;</p> <p>f) a high standard of amenity shall be provided in all future residential development;</p> <p>g) residential infill development in areas of significant historical, architectural or landscape merit shall be encouraged provided:</p>	<p>Multiple dwellings, single detached dwellings, townhouse dwellings and semi detached dwellings are all permitted uses in the OP.</p> <p>The proposed development will be rezoned to permit the residential uses.</p> <p>The mixed use building will need to be considered as part of the Town comprehensive OP review.</p> <p>Lots and blocks will be created by way of Draft Plan of Subdivision and Part Lot Control.</p> <p>Appropriate buffering is proposed between land uses.</p> <p>A Noise assessment has been completed.</p> <p>The Site has access to nearby local amenities, including the greenway.</p>

OP Policy #	Policy	Response
	i. sensitive to the existing scale, massing and pattern of the area; ii. be consistent with the existing landscape and streetscape qualities; and iii. will not result in the loss of any significant heritage resources.	
4.2 NATURAL HERITAGE FEATURES	The Town of Kingsville encourages the protection and enhancement of natural heritage features	There will be no adverse effect on natural heritage resources. A SARS has been completed.
4.2.4 ENVIRONMENTAL IMPACT ASSESSMENT	The preparation of all Environmental Impact Assessments referred to in this Plan shall be the responsibility of the land owner and shall be carried out by a qualified environmental professional.	A Phase 1 ESA has been completed with no adverse effects identified.
6.3.1 SERVICING STANDARDS	All development within the Town of Kingsville shall be serviced in accordance with the Development Standards Manual...	The Development Standards Manual will be followed during development as per a development agreement.
6.3.2 SERVICING REQUIREMENTS	...Full municipal sewage services and municipal potable water services are the preferred form of servicing for all areas...	The development will be on full municipal services. A SWM and FSR have been completed.

Therefore, the proposed development conforms to the Town of Kingsville OP and an OPA is not required.

5.1.4 Zoning By-law (ZBL)

The Town of Kingsville Zoning By-law (ZBL) 1-2014, as amended, was passed by Council on April 28, 2014. The latest office consolidation was completed on April 6, 2020.

A ZBL implements the PPS and the Town OP by regulating the specific use of the property and providing for its day-to-day administration.

According to Map 72, Schedule “A” attached to the ZBL the Site is currently zoned “Residential (R1.1(h))” Zone and “Industrial (M1(h))” Zone category (see Figures 6 – Town of Kingsville ZBL).

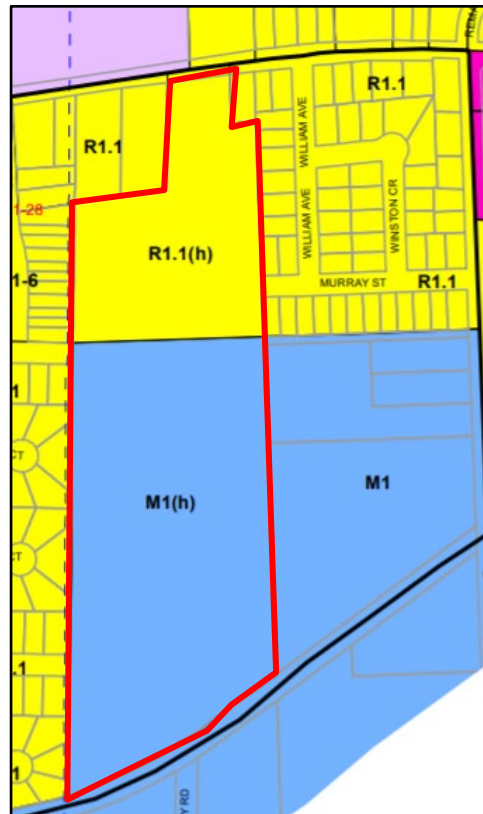


Figure 6 – Town of Kingsville Zoning

It is proposed to change the zoning of the Site to the following Site specific zones:

“Residential (R2.1)” to permit the single detached dwelling units and the semi detached dwelling units.

“Residential (R4.1-XX)” with exception to permit the 6 storey multiple dwellings (apartment building) with relief from height and minimum front yard depth.

“Residential (R4.1-XX)” with exception to permit the multiple dwellings (mixed use building with commercial units on the main floor and residential units above).

All other zone provisions are intended to be complied with.

A review of the R4.1 zone provisions as it pertains to the proposed 6 storey apartment, as set out in Section 6.4.1c) of the ZBL is as follows:

Zone Regulations	Required R4.1 Zone	Proposed	Compliance and/or Relief Requested with Justification
Permitted Uses	One converted dwelling containing a maximum 10 residential units; Townhouse dwelling containing a maximum 10 dwelling units; Apartment building ; One Group home; Nursing or Rest home; Buildings and structures accessory to the Main use.	Apartment	Will comply, subject to the ZBA.
Min Lot Area	Multiple unit apartment building - 950 m2 (10,225 ft2)	11,169.32 m2	Complies
Min Lot Frontage	Multiple unit apartment building - 25 m (80 ft)	125.53 m	Complies
Min Open Space	30 %	Lot – 11,169.32 m2 Open Space – 3,686.68 m2 33 %	Complies
Max Lot Coverage	45 %	Lot – 11,169.32 m2 Apartment – 2,020m2 18%	Complies
Min Front Yard Depth	8 m (26 ft)	7.5 m	Relief is required to decrease the minimum front yard depth. A reduction of 0.5 m is requested.

Zone Regulations	Required R4.1 Zone	Proposed	Compliance and/or Relief Requested with Justification
			<p>Relief will allow the building to be pushed closer to the front lot line in order to provide the required parking at the rear of the proposed apartment.</p> <p>The lot is also an irregular shape.</p>
Min Rear Yard Depth	<p>The rear yard setback is equal to the height of the building or a minimum of 10 m (33 ft), whichever is greater.</p> <p>= 22 m (height of the building)</p>	22 m	Complies
Min Interior Side Yard Width	4.5 m (14.5 ft)	<p>West – 14 m</p> <p>East – 10 m</p>	Complies
Min Exterior Side Yard Width	4.5 m (14.5 ft)	N/A	Complies
Max Main Building Height	11 m (36 ft.)	22 m (75.178 ft)	<p>Relief Request to increase the maximum main building height to 22 m.</p> <p>This is a relief of 11 m.</p> <p>Relief will allow an opportunity to provide for more housing.</p> <p>The location of the proposed apartment is appropriate and will be</p>

Zone Regulations	Required R4.1 Zone	Proposed	Compliance and/or Relief Requested with Justification
			compatible with the surrounding area.
Parking Spaces Required (Table 4)	Dwelling, Apartment building - 1.25 spaces/unit 0.25 spaces of the required spaces shall be dedicated for visitor parking in a building containing 4 or more dwelling units. 105 x 1.25 = 131.258 parking spaces	149 total 146 plus 3 barrier free parking spaces	Complies

Therefore the following relief is required for the proposed 6 storey apartment:

- a) *Decrease the required front yard setback from 8 m to 7.5 m, and*
- b) *Increase the required height from 11 m to 22 m.*

6.0 SUMMARY AND CONCLUSION

6.1 Context and Site Suitability Summary

6.1.1 Site Suitability

The Site is ideally suited for development for the following reasons:

- The land area is sufficient to accommodate the proposed development,
- There are already residential uses surrounding the Site, which allows an existing neighbourhood to expand,
- The Site has existing municipal water, storm and sewer systems,
- There are no anticipated traffic or noise concerns,
- There are no environmental concerns, and
- There are no man-made hazards.

6.1.2 Compatibility of Design

The Site is compatible with the surrounding area in terms of scale, massing, height and use.

The location of the proposed development is appropriate in that it will blend well with the residential uses in the surrounding settlement area.

The Site is flat, making it conducive for vehicle maneuvering.

Buffering is proposed.

6.1.3 Good Planning

The proposal represents good planning as it addresses the need for the Town to provide new housing in an existing settlement area.

Residential uses on the Site represent an efficient development pattern that optimizes the use of land on full municipal services.

There are similar styles of development in the Town, which blend well with the fabric of housing options.

6.1.4 Natural Environment Impacts

The proposal does not have any negative natural environment impacts, as there are no natural heritage features on the Site.

6.1.5 Municipal Services Impacts

The proposed development will be serviced by existing municipal sewer, water and storm, which is the preferred form of servicing within existing settlement areas.

6.1.6 Social and/or Economic Conditions

The proposed development does not negatively affect the social environment as the Site is in close proximity to major transportation corridors and nearby amenities.

Adding additional residential units in an existing residential settlement area contributes toward the goal of 'live, work and play' where citizens share a strong sense of belonging and a collective pride of place.

The proposed development promotes efficient development and land use pattern, which sustains the financial well-being of the Municipality.

The proposal does not cause any public health and safety concerns. The proposal represents a cost-effective development pattern that minimizes land consumption and servicing costs.

There will be no urban sprawl as the proposed development is within the existing settlement area and is an ideal development opportunity.

6.2 Conclusion

The proposed development on the Site for residential and mixed use is appropriate and should be approved by the Town of Kingsville.

This PJR has shown that the proposed development is suitable for residential use (for all 3 phases), provides for infilling, is consistent with the PPS, conforms with the intent and purpose of the County and Town OPs, complies with the intent of the Town ZBL and represents good planning.

Planner's Certificate:

I hereby certify that this report was prepared by Tracey Pillon-Abbs, a Registered Professional Planner, within the meaning of the Ontario Professional Planners Institute Act, 1994.



Tracey Pillon-Abbs, RPP
Principal Planner



195 Main Street East – PIC REPORT

A Public Information Center (PIC) meeting was held on Tuesday, February 28, 2023, from 6pm to 8pm, in Room B of the Kingsville Arena. The purpose of the meeting was to provide an opportunity for the residents of the community to learn about the proposed development located at 195 Main Street East and to speak with the developer. The meeting was attended by several members of the community and a sign-in sheet was used to track attendance. However, not all attendees signed in.

A copy of the sign in sheet is attached to this report.

During the meeting, several comments/questions were brought up by attendees and are included below.

My responses at the meeting are in green and included below:

- Concerns were raised regarding the size and type of homes in the proposed development. Attendees suggested keeping lot sizes at 60 ft. or larger and not including small lot sizes and making all homes single detached dwellings (This was received several times, 60 ft. lots minimum).

Most of the lots are 60 feet wide, no lots currently are proposed to be smaller. To include only single family lots is not feasible as there needs to be some diversity in the lots. Semi-detached are included as an option for those who do not want a single family home, and the apartment offers rental units for those who would be looking for a rental option. A good mix of options are available at this development.

- Attendees requested the inclusion of affordable housing in the development.

Although we are not labeling this development as affordable housing, the lot sizes are not considered estate size lots where you would typically see homes over a million-dollars.

- Questions were raised regarding zoning amendments and the M1(h) designation, including the timeframe and notice requirements.

I did not receive this comment personally. However, as the developer we will continue to work with the Town to ensure the correct process is followed.

- Attendees suggested moving the location of the apartment complex closer to Main Street.

This comment was received a couple times and the apartment was overall well received. The reason the apartment was placed near the rear of the property was to ensure minimal impact to most of the residents. Additionally, an interim control by-law is in place on the north section of the property as the Town reviews its options.

- To alleviate traffic, attendees suggested using 58 Walker Drive (Town Park) as a road access through Walker Drive to Mill St E.

Although a good comment, it was mentioned that this would not alleviate traffic enough for the Town to consider it as a viable solution. Additionally, a traffic impact study was completed for the

development and the surrounding area and it indicates that the surrounding streets will still operate at an acceptable service level.

- Concern with lack of playgrounds for youth, noting that park space is only included in lands currently outside the subdivision proposal.

I did mention that my discussions with the Town are ongoing with this topic. However, there is a park directly adjacent (Murray Street) to this property that is currently not being utilized. There is a potential to utilize that space as green space for this development with developer's (195 Main) help.

- Access trail onto the greenway.

ERCA was not open to another access point on the greenway. This can be discussed with the Town moving forward.

- Traffic in general and on Main Street, including multiple residents wanting direct access to Main Street.

Since this was raised multiple times, my position remained the same. A traffic impact study was completed for the proposed development and the surrounding area. The study concluded that the surrounding roads will continue to operate at an acceptable service level.

Additionally, due to the interim control by-law, access to Main Street is not accepted at this time.

Therefore, any development to the north of the site will be required to exit to the south.

Although this may change in the future, we are continuing to progress with no access to Main Street.

- Concern with Hydro Right of Way over rear of existing properties; and how Hydro will access hydro lines should there be problems or servicing needs.

The Hydro easement has been established for many years. This development will not encroach on the existing Hydro easement. Hydro will continue to access their lines through the easement as this is what the easement is for.

- Parkland off Murray use for Parkland designation.

A few residents mentioned it would make sense to use the Murray St. open space as a park for this development and I confirmed I would discuss this with the Town.

- Phasing and anticipated timelines.

Phasing was discussed which are included in the design drawings, and a timeline of around a year was presented to the residents. I also mentioned that market trends may impact construction scheduling.

- Height of the proposed apartment in terms of privacy.

The current proposal is for 6 stories and some residents feel it may be too high. I mentioned I will continue to work with the Town and ensure I maintain the zoning provisions to ensure that it will be built as per Town standards.

I also mentioned from a financial standpoint that it would be less cost effective to be below six stories and they understood.

I offered that the units on the west side of the upper floors may not have a balcony to overlook the residential homes to the west. This was also well received.

Overall, the apartment was well received with some minor comments as mentioned above.

- Concerns regarding stormwater management (mainly on Train Court).

I spoke to a few residents regarding SWM and mentioned that a SWM plan was completed for the development. I also mentioned a grading plan has been completed to ensure the site will be responsible for maintaining its own stormwater through sewers and catchbasins.

- Concern related to dust control during development due to winds from Agricultural lands.

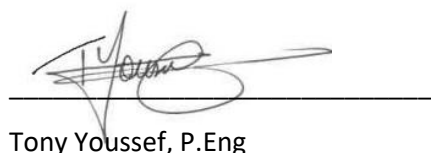
This comment was not received directly, however, normal construction practices will take place to complete the development. Water trucks will most likely be used to ensure the surrounding streets remain free of dirt and dust.

The meeting was successful in providing residents with an opportunity to learn about the proposed development and to ask questions to the developer. The developer was able to address the concerns raised by attendees and provide reassurances about the project's potential benefits.

The feedback received during the meeting will be considered as the development progresses. The developer will continue to engage with the Town throughout the project's construction and will provide updates as appropriate.

Overall, the PIC meeting was a positive and productive event, providing valuable insights into the concerns of the community about the proposed development located at 195 Main Street East. The developer will continue to work with the Town to ensure that the project is completed in a way that benefits the entire community.

Trusting you find the above satisfactory, however, should you have any comments or questions please contact the undersigned accordingly.



Tony Youssef, P.Eng
770022 Ontario Limited



Appendix H

August 10, 2023

Rebecca Belanger

Manager, Planning Services

County of Essex

360 Fairview Avenue West, Suite 302

Essex, Ontario N8M 1Y6

planning@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West

Suite 311, Essex, ON N8M 1Y6

Dear Ms. Belanger:

**RE: Request for Conditions for Draft Plan of Subdivision
County File 37-T-23007
195 MAIN STREET E, KINGSVILLE (195 Main St Subdivision)
PT LT 2, CON 1 ED (Gosfield South)
ARN 371121000000600; PIN: 751780360
Applicant: 770022 ONTARIO LIMITED**

Our office has reviewed this proposal based on the mandate of the Essex Region Conservation Authority and we provide the following comments.

The draft plan of subdivision proposes to subdivide and create new lots and blocks that would allow the creation of approximately seventy-five (75) lots, for the construction of approximately fifty-nine (59) single detached dwelling units and thirty-two (32) semi-detached dwelling units, one (1) apartment block, one (1) mixed-use block, one (1) block for parkland and one (1) block for a stormwater management pond.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES ASSOCIATED WITH THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the *Provincial Policy Statement* of the *Planning Act* as well as our regulatory role as defined by Section 28 of the *Conservation Authorities Act*.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the *Conservation Authorities Act*). As a result, a permit is not required from ERCA for issues related to Section 28 of the *Conservation Authorities Act*, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservations Authorities Act*, (Ontario Regulation No. 158/06).

Ms. Belanger
August 10, 2023

CONSERVATION AUTHORITIES AS LANDOWNERS

The parcel is adjacent to a property which is owned by the Essex Region Conservation Authority. Prior to any construction or site alteration activities adjacent to this property, or for general information regarding this property, please contact Kevin Money, Director of Conservation Services at (519) 776-5209 ext. 351.

FINAL RECOMMENDATION

We therefore request the following draft conditions for inclusion in the Notice of Decision and implementing Subdivision Agreement:

1. That the subdivision agreement, between the Owner and the Municipality, contain provisions, to the satisfaction of the Municipality and the Essex Region Conservation Authority, that stipulates, that prior to obtaining final approval, for any and all phases of the development, that the Owner will finalize an engineering analysis, to identify stormwater quality and quantity measures, as necessary to control any increase in flows in downstream watercourses, in accordance with the *Windsor-Essex Region Stormwater Management Standards Manual* and any other relevant municipal/provincial, standards or guidelines, in consultation, with the ERCA;
2. That the subdivision agreement between the Owner and the Municipality contain provisions that require that the Owner install the stormwater management measures, for each phase of the development, identified in the final engineering analysis completed, as part of the development for the site and undertake to implement the recommendations contained therein, to the satisfaction of the Municipality and the Essex Region Conservation Authority;
3. That prior to final approval, the Essex Region Conservation Authority shall require a copy of the fully executed subdivision agreement between the Owner and the Municipality, in wording acceptable to the Essex Region Conservation Authority, containing provisions to carry out the recommendations of the final plans, reports and requirements noted above and to obtain a Development Review Clearance for each phase or phases seeking final approval;
4. That prior to undertaking construction or site alteration activities, any necessary permits or clearances be received from the Essex Region Conservation Authority, in accordance with Section 28 of the *Conservation Authorities Act*. If the works are located within an area not regulated by Section 28 of the *Conservation Authorities Act*, then a Development Review Clearance must be obtained from the Essex Region Conservation Authority, prior to undertaking construction or site alteration activities.



Ms. Belanger
August 10, 2023

5. That the subdivision agreement between the Owner and the Municipality states the following, that the subdivision's Stormwater Management Facility (SWMF) is proposed to outlet into the existing municipality infrastructure via a 675 mm sewer, which is planned to cross the ERCA owned greenway. As the development is utilizing Town infrastructure for its immediate discharge, the Town has reviewed and approved the development's release rate. ERCA requires the condition that an *Easement* be registered on title in perpetuity, between the Town of Kingsville and the Essex Region Conservation Authority, to address this encroachment.
6. That the subdivision agreement between the Owner and the Municipality states the following, that exclusionary fencing be installed by the developer prior to the transfer of lots, to prevent any future encroachments, dumping of lawn waste, etc., onto ERCA property by neighbouring residents, and that there be no new access points created to the ERCA owned greenway.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Alicia Good

Watershed Planner

/ag



THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 55-2023

Being a By-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville

WHEREAS By-law No. 1-2014 is the Town's Comprehensive Zoning By-law to regulate the use of land and the character, location and use of buildings and structures in the Town of Kingsville;

AND WHEREAS the Council of the Corporation of the Town of Kingsville deems it expedient and in the best interest of proper planning to further amend By-law No. 1-2014 as herein provided;

AND WHEREAS the application conforms to the Official Plan of the Town of Kingsville;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1. That Subsection 6.4.1 e) RESIDENTIAL ZONE 4 URBAN (R4.1) EXCEPTIONS is amended with the addition of the following new subsection:

6.4.1.9 'RESIDENTIAL ZONE 4 URBAN EXCEPTION 9 (R4.1-9)'

For lands shown as R4.1-9 on Map 72 Schedule "A" of this By-law.

a) *Permitted Uses*

- i) Those uses permitted under Section 6.4.1 Residential Zone 4 Urban (R4.1).

b) *Permitted Buildings and Structures*

- i) Those *buildings and structures permitted* in Section 6.4.1;
- ii) *Buildings and structures accessory to the permitted uses.*

c) *Zone Provisions*

- i) All lot and building requirements shall be in accordance with the provisions of the (R4.1) Section 6.4.1 for the lands Zoned (R4.1-9);
 - ii) Notwithstanding the Zone provisions of Section 6.4.1, for lands zoned (R4.1-9) the following regulations shall apply:
 - i) Minimum front yard depth – 7.5 m
 - ii) Minimum westerly side yard – 14 m
 - iii) Maximum main building height – 22 m
 - iv) Maximum number of dwelling units for a permitted apartment building shall be 105
2. Schedule "A", Map 72 of By-law 1-2014 are hereby amended by changing the zone symbol on lands, known municipally as 195 Main Street, Concession 1 Eastern Division, Part of Lot 2, as shown on Schedule 'A' in cross-hatch attached hereto from "Residential Zone 1 Urban (R1.1(h))" and "Light Industrial (M1(h))" to "Residential Zone 4 Urban - holding (R4.1(h))", "Residential Zone 2 Urban (R2.1)", "Residential Zone 4 Urban Exemption 9 (R4.1-9)", "Public Utilities/Facilities (MG)", and "Parkland (PG)" in accordance with Schedule "A" attached to this by-law.
 3. For lands zoned "Residential Zone 4 Urban - holding (R4.1(h))" the zoning may be amended under Section 36 of the Planning Act to '(R4.1)' once:

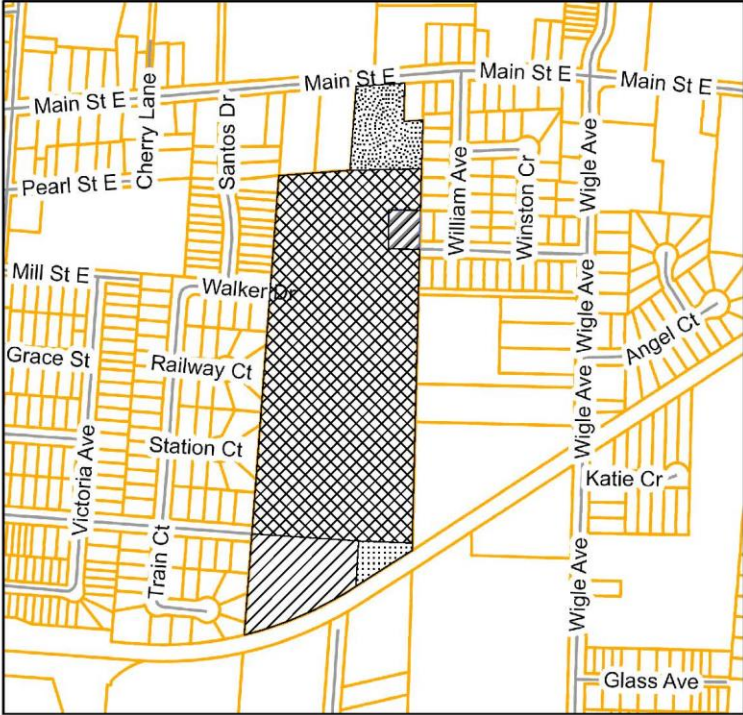
- a. A site plan and associated site plan agreement are prepared to the satisfaction of the Town, and
 - b. The proposed public right-of-way to the south of the subject parcel has been constructed to the satisfaction of the Town to provide vehicular access to the parcel.
4. This by-law shall come into force and take effect from the date of passing by Council and in accordance with Section 34 of the Planning Act.

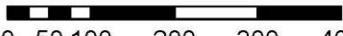





READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 11th DAY OF SEPTEMBER, 2023.

MAYOR, Dennis Rogers

CLERK, Paula Parker

Schedule A



195 Main Street			
Part of Lot 2, Concession 1, ED		0 50 100 200 300 400 Meters	
ZBA-2023-15			
	Schedule "A", Map 72 of By-law 1-2014 is hereby amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'Light Industrial - holding (M1 (h))' to a site-specific 'Residential Zone 4 Urban Exception 9 (R4.1-9)'		
	Schedule "A", Map 72 of By-law 1-2014 is hereby amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'Light Industrial - holding (M1 (h))' to 'Public Utilities/Facilities (MG)'		
	Schedule "A", Map 72 of By-law 1-2014 is hereby amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'Residential Zone 1 Urban (R1.1(h))' to 'Parkland (PG)'		
	Schedule "A", Map 72 of By-law 1-2014 is hereby amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'Residential Zone 1 Urban (R1.1(h))' to 'Residential Zone 4 Urban - holding (R4.1(h))'		
	Schedule "A", Map 72 of By-law 1-2014 is hereby amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'Residential Zone 1 Urban (R1.1(h))' to 'Residential Zone 2 Urban (R2.1)'		

Date: August 24, 2023

To: Mayor and Council

Author: Karen Loney, MA
Manager of Recreation Programs and Special Events

RE: Migration Fall Festival and Fantasy of Lights Updates

RECOMMENDED ACTION

1. That the following road closures to vehicle traffic on Saturday, October 21, 2023, for the Migration Fall Festival Parade **BE APPROVED**;
 - a. Staging area at 8 am: Wigle Avenue from Main Street to Lakeview Avenue
 - b. Parade route at 9:30 am heading north on Wigle Avenue, turning west onto Main Street East, turning south onto Division Road South, turning east onto Park Street
 - c. De-staging area to be closed based on the number of parade entries; Park Street from Division Road to 103 Park Street (Grovedale Arts & Culture Centre)
2. That the following road closures to vehicle traffic on Saturday, November 18, 2023, for the Fantasy of Lights Parade **BE APPROVED**;
 - a. Staging area 2:00 pm: Wigle Avenue from Main Street to Lakeview Avenue
 - b. Parade route at 5:00 pm: heading north on Wigle Avenue, turning west onto Main Street East, turning south onto Division Road South, turning east onto Park Street
 - c. De-staging area to be closed based on the number of parade entries; Park Street from Division Road to 103 Park Street (Grovedale Arts & Culture Centre)

BACKGROUND

Migration Fall Festival

For the 54th year, the Migration Fall Festival is hosted by the Migration Festival Committee of Council (Committee) and supported by the Recreation Programs and Special Events Manager and staff. The event will be held from Thursday, October 19, to Sunday, October 22, 2023.

Due to COVID and limited volunteers, the Migration Parade has not been hosted in the past four years. The Committee is excited to bring the tradition of the parade back to

Kingsville, and it will be held on Saturday, October 21, at 10 am. The parade theme is Fall and Harvest, with a 'shout-out' to Jack Miners Migratory Bird Sanctuary. Community members, school or service groups and businesses are encouraged to enter the parade.

Other activities that will be occurring include the following.

Thursday, October 19, 2023

- 'En Plein' Artists Around Town

Friday, October 20, 2023

- 'En Plein' Artists Around Town
- Migration Fall Festival Kick-off

Saturday, October 21, 2023

- 10 am - Migration Fall Festival Parade
- 10 am to 12 p.m. - Quick Paint Competition at Mettawas Park
- 11 am to 3 pm - Children's Activities at Lion's Park
- 12 pm to 3 pm - Pumpkin Carving with the OPP
- 11 am to 4 pm Migration Festival Fall Market
- 10 am to 12 pm Bike Tour
- Events at Jack Miner Migratory Bird Sanctuary, Fish Pond

Sunday, October 22, 2023

- Breakfast, Car Show at Jack Miner Migratory Bird Sanctuary
- 1 pm to 4 pm Art Show & Sale Grovedale
- 1 pm to 3 pm Bike Tour

Registration for the parade, market and further details can be found at www.migrationfestival.ca

Fantasy of Lights

For 30 years, the Fantasy of Lights Christmas Festival has been a community event that has included celebrating the season and lighting up the Town. The Fantasy of Lights Committee of Council (Committee) supports this event while working with the Recreation Programs and Special Events manager and staff.

The Fantasy of Lights parade is one of the signature events for children and adults of all ages as they watch Santa arrive in Kingsville. The 2023 Fantasy of Lights Parade is scheduled for Saturday, November 18· starting at 5:00 pm.

The theme of the parade for 2023 is Holiday Magic. Following the parade, everyone is invited to Lakeside Park to watch the Lighting of the Lights Ceremony, free hot chocolate and cookies, live music, and a visit from Santa and Mrs. Clause. The Fantasy of Lights season will continue with the following events.

November 24 – December 23 (Weekends)

- Fantasy Express Train Rides
- Hot Chocolate, Cookies, Music

December 1 - 25

- Light Up the Town - Decorate your house or business

December 2 and 3

- Christmas Artisan Market
- Music & Bonfires

December 5

- Paws & Claus - Bring your four-legged friends for a picture with Santa

December 8, 15, and 22

- Free Christmas Concerts by Kingsville Music Society

December 10

- Crafts with Santa by the Optimist Club of Kingsville

December 31 (New Year's Eve at the Kingsville Arena)

- Closing of Fantasy of Lights
- Free Skating
- Fireworks

Registration for the parade, market and further details can be found at www.fantasyoflights.ca.

DISCUSSION

After the 2022 Fantasy of Lights Parade, an internal de-brief meeting occurred to review what went well and areas for improvements. Kingsville OPP identified that the corner of Jasperson Street and Main Street is one of the busiest corners in Kingsville and is increasingly challenging to manage during a parade. This is consistent with the Comprehensive Transportation Master Plan which also noted the challenges at this intersection. The area has several large or active businesses with multiple entrances and exits which makes it challenging to ensure cars are not entering the parade route when they exit the businesses. One business experienced the challenge that once the parade started their customers had to wait up to 40 minutes to be able to exit their parking lot.

When it was determined that there would be an additional parade in 2023, a meeting was held with Kingsville Fire and Rescue Services and Public Works to identify how to mitigate parade route safety concerns, minimize disruptions to local businesses and ease traffic congestion. From this meeting, it was proposed to use Wigle Avenue as the

staging area and start the parade route for the Migration Fall Festival and Fantasy of Lights Parade (see attached).

To confirm this recommendation, a Special Events and Review Team (SERT) meeting was held where input from Kingsville OPP, Windsor/Essex EMS, Kingsville Fire and Rescue and multiple internal departments. It was collectively agreed that the 2023 parade route for both events should begin at Wigle Avenue, heading north to turn West on Main Street, the turn south on Division Road South, with the official end of the Parade at the intersection of Herrington Road at Lakeside Park. De-staging for the parade will continue to occur either on Lansdowne Avenue, the Grovedale Arts and Culture Centre, or, with permission, at one of the businesses on Park Street.

FINANCIAL CONSIDERATIONS

There are no financial considerations outside of the 2023 budget.

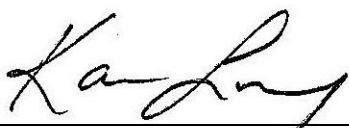
ENVIRONMENTAL CONSIDERATIONS

All events strive to abide by the single-use plastic policy implemented by the Town.

CONSULTATIONS

- SERT Committee – including OPP, EMS, Fire, Public Works, and internal departments
- Fantasy of Lights Committee
- Migration Festival Committee
- Shelby Wye, Coordinator of Programs and Special Events
- SMT

PREPARED BY:



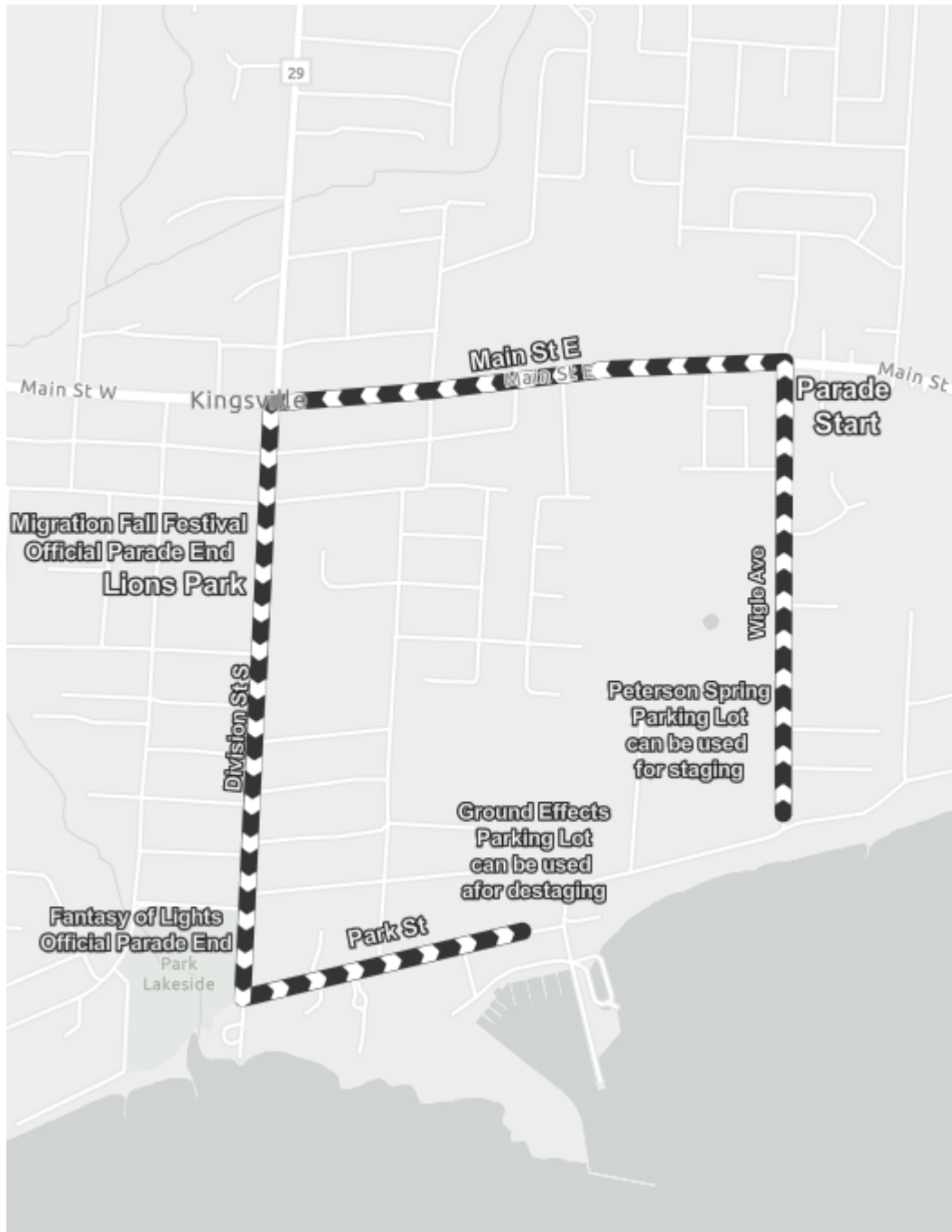
Karen Loney, MA
Manager of Recreation Programs and Special Events

REVIEWED BY:



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

Proposed Parade Route for Migration Fall Festival Parade and the Fantasy of Lights Santa Claus Parade –
DRAFT AUGUST 30



Date: August 28, 2023

To: Mayor and Council

Author: Richard J.H. Wyma, CSLA
Director of Growth and Development

RE: Site Plan Approvals: January 1, 2023 to August 1, 2023

RECOMMENDED ACTION

1. That the Director of Growth and Development **BE DIRECTED** to report on approved Site Plans annually.

BACKGROUND

On March 30, 2022, the Province of Ontario introduced the More Homes for Everyone Plan and tabled *Bill 109: More Homes for Everyone Act, 2022*, with the stated goal to create more housing options for homeowners and renters by accelerating development timelines to get more homes built faster. The legislation is aimed at reducing 'red tape', accelerating the development application review timelines, and streamlining approvals processes, primarily at the municipal level.

The Amendments included the requirement that the authority to approve Site Plan applications be delegated to Administration. Further, the amendments added requirements for plans to be approved within 60/90/120 days with fees to be refunded 50%/75% or 100% if those timelines are not met. Penalties will take effect on January 1, 2023.

Administration brought forward report to Council recommending that the authority to approve Site Plan applications be delegated to the Director of Community and Development Services, upon receiving a recommendation from the Manager of Planning and any other applicable Town departments.

Council further directed that every ninety (90) days, Council be made aware of any Site Plans that Administration has approved. Administration will provide quarterly reports to Council in January, April, July, and October.

DISCUSSION

In keeping with Council Direction, on recommendation from the Manager of Planning, the Director of Community and Development Services has approved the following Site Plan Agreements between October 1, 2022 and December 31, 2022.

File No.	Date Approved	Agreement	Address
SPA-2022-5	January 24, 203	1741033 Ontario Limited	2025 Spinks Drive
SPA-2022-3	March 6, 2023	CSH Royal Oak LTC Inc.	1750 Division Rd. N.
SPA-01-22	March 31, 2023	Division Road 2 Holdings Inc.	1788 Division Rd. N.
SPA-2023-2	May 10, 2023	1797465 Ontario Limited (Randy Knight)	34 DiMar Drive (Lot 25)
SPA-04-22	July 6, 2023	8 DiMar Management Inc.	12 DiMar Drive 8 DiMar Drive 4 DiMar Drive
SPA -14-20	July 14, 2023	Allegro Acres Inc.	80 Wigle Avenue

The above noted site plans have been or are being submitted to the Land Registry Office to be registered.

Administration proposes that rather than quarterly reporting, Site Plan approvals be reported on annually, as part of the Town's annual reporting on building permits, value of construction, planning applications, etc.. This will provide a more comprehensive look at planning and development in Kingsville.

FINANCIAL CONSIDERATIONS

Each Site Plan Approval includes securities that are required to be provided prior to approval.

ENVIRONMENTAL CONSIDERATIONS

Each Site Plan Approval includes requirements related to storm water (quality and quantity), landscaping, natural heritage, night-sky compliant lighting, servicing, lot grading, and other conditions that have to be met or completed prior to issuance of building permit.

CONSULTATIONS

- George Robinson, Manager of Planning
- Town of Kingsville Technical Advisory Committee
- Senior Management Team

PREPARED BY:



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

REVIEWED BY:

Name

John Norton
Chief Administrative Officer

Date: September 11, 2023

To: Mayor and Council

Author: Ryan McLeod, Director of Financial Services, Information Technology and Customer Service

RE: External Audit Services - Award of Contract

Report No.: FS-2023-11

RECOMMENDED ACTION

1. That By-law 54-2023 to appoint HMID LLP as the auditors for The Corporation of the Town of Kingsville for the fiscal years of 2023 through 2026 be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

BACKGROUND

As per section 296 of the Municipal Act, every municipality is required to appoint an auditor licensed under the *Public Accounting Act, 2004* to perform an annual audit of the accounts and transactions of the municipality and to express an opinion on its financial statements.

The Town's current Auditor, BDO Canada LLP, was appointed in 2012 for an initial five year term. As BDO proposed only modest fee increases beyond their initial term, and Administration was generally pleased with their level of service, BDO continued to perform the annual audit until 2022.

To ensure audit services are in line with current market prices and service levels, Administration published a Request for Proposal (RFP) on the Town's Bid and Tenders website on June 30, 2023.

The deliverables included in the RFP was to provide an audit opinion on the Consolidated Financial Statements for the Corporation of the Town of Kingsville and the Cemetery Trust Financial Statements for the fiscal periods ending December 31, 2023 through December 31, 2026.

DISCUSSION

Five firms submitted qualifying proposals in response to the Town's RFP. This included; BDO Canada LLP, Grant Thornton LLP, KPMG LLP, Melo LLP and HMID LLP.

Each proposal was evaluated by the Director of Financial Services and the Manager of Financial Services based on the following criteria:

CRITERIA	MAXIMUM SCORE
Qualifications & Experience of Key Team Members	20
Municipal / Public Sector audit experience	15
Project Understanding & Work Plan	20
Transition Plan for first year audit	5
Phase 1	60
Fee Proposal	30
Value Added Services	5
Phase 2	95
Interview / References*	10
Total Points	105

*As specified in the RFP, only the top 2 candidates were selected for an interview.

The top 2 scores were as follows;

FIRM	FINAL SCORE
HMID LLP	85
KPMG LLP	72

HMID LLP is based in Leamington and currently performs the financial statement audits for the Municipality of Leamington, Union Water Supply System and the Township of Pelee. Administration contacted the Director of Finance and Business for the Municipality of Leamington regarding HMID's past performance, and favourable comments were received.

Based on our review of their proposal and the responses provided during the interview phase of the evaluation, Administration recommends the appointment of HMID LLP as auditors for the Town of Kingsville for the fiscal years of 2023 through 2026.

FINANCIAL CONSIDERATIONS

HMID LLP's bid for the 4-year audit engagement amounted to \$101,075 plus HST, which equates to an annual average of \$25,269.

For reference, the financial statement audit in the Town's 2023 budget was \$28,500.

ENVIRONMENTAL CONSIDERATIONS

None

CONSULTATIONS

RFP References included the Town of Tecumseh, County of Essex and Municipality of Leamington

PREPARED BY:



Ryan McLeod, CPA, CA

Director of Financial Services, Information Technology and Customer Service

REVIEWED BY:



John Norton

Chief Administrative Officer

THE CORPORATION OF THE TOWN OF KINGSVILLE
BY-LAW 54-2023

Being a By-law to appoint a Municipal Auditor

WHEREAS sections 296 of the *Municipal Act, 2001* S.O. 2001 provides that a municipality shall appoint for a term of five years or less an auditor licensed under the *Public Accounting Act, 2004* who is responsible for,

- (a) annually auditing the accounts and transaction of the municipality and its local boards and expressing an opinion on the financial statements of these bodies based on the audit; and
- (b) performing duties required by the municipality or local board.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

- 1. THAT the firm of HMID LLP is hereby appointed as the Town's external auditors for the fiscal periods of 2023 through 2026.
- 2. By-law 128-2012 is hereby repealed effective September 11th, 2023.
- 3. That this By-Law shall come into force and effect upon the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 11th DAY OF SEPTEMBER, 2023.

MAYOR,

CLERK, Paula Parker

Date: September 11, 2023

To: Mayor and Council

Author: Shaun Martinho, Manager of Public Works and Environmental Services

RE: Watermain Relocation- Division Road at Highway 3

RECOMMENDED ACTION

1. That the Watermain Relocation- Division Road at Highway 3 Tender **BE AWARDED** to SheaRock Construction Group Inc. in the amount of \$990,000.00 (excluding HST) and the Mayor and Clerk **BE AUTHORIZED** to execute the requisite agreement.

BACKGROUND

On February 5th, 2021, the Town received notification from the Ministry of Transportation (MTO) of a watermain that conflicts with the planned widening and realignment of Highway 3. The watermain is a major feed for the Northwest portion of the Union Water Supply System (UWSS) and it supplies water to Cottam, Essex, and Lakeshore. Currently, the watermain crosses under the Highway along Division Road (County Road 29), but its current depth of bury places it in conflict with the new infrastructure required for the highway expansion. Administration has been working with UWSS and MTO representatives to plan for this project and during the 2023 budget deliberations, \$1.1 million was approved to complete the required watermain relocation.

DISCUSSION

The tender for this project was advertised on July 26, 2023 and closed on August 9, 2023. The four (4) bids (excluding HST), that were received are as follows:

Contractor / Vendor Name	Bid Amount
SheaRock Construction Group Inc.	\$990,000.00
D'Amore Construction(2000) Ltd.	\$1,125,000.00
GIP Paving Inc.	\$1,202,530.00
Sherway Contracting (Windsor) Limited	\$1,267,890.00

SheaRock Construction Group Inc. is able to satisfy requirements relating to experience with similar projects, bonding, and insurance while providing the lowest cost proposal. Therefore, the recommendation is to proceed with this vendor. RC Spencer and

Associates has also endorsed this recommendation (see the Appendix for their tender review letter). If approved, construction would commence at the end of the month and last approximately eight (8) weeks.

FINANCIAL CONSIDERATIONS

The 2023 capital budget included \$1.1 Million to relocate the watermain under the Highway. The table below provides a summary of project costs (excluding HST):

Description	Cost
Construction Costs	\$890,000.00
Contingency	\$100,000.00
TOTAL	\$990,000.00

Given the importance of this critical asset, the Town, in partnership with UWSS, will take the lead on this project. However, a formal agreement has been reached by which the MTO will pay for all the required watermain work. Payment conditions include 50% of the estimated project cost upfront, with the remaining paid for after substantial completion.

ENVIRONMENTAL CONSIDERATIONS

Not Applicable

CONSULTATIONS

Union Water Supply System
Legal, Building, and By-law Enforcement
Financial and IT Services

PREPARED BY:



Shaun Martinho, HBSc., MBA
Manager of Public Works and Environmental Services

REVIEWED BY:



John Norton
Chief Administrative Officer



14 August 2023
File No. 22-1288

The Corporation of Kingsville
2021 Division Road North
Kingsville, Ontario
N9Y 2Y9

Attention: Mr. Shaun Martinho
Manager of Public Works & Environmental Services

Re: Watermain Replacement – Division Road at Highway 3
Tender Results

Dear Shaun:

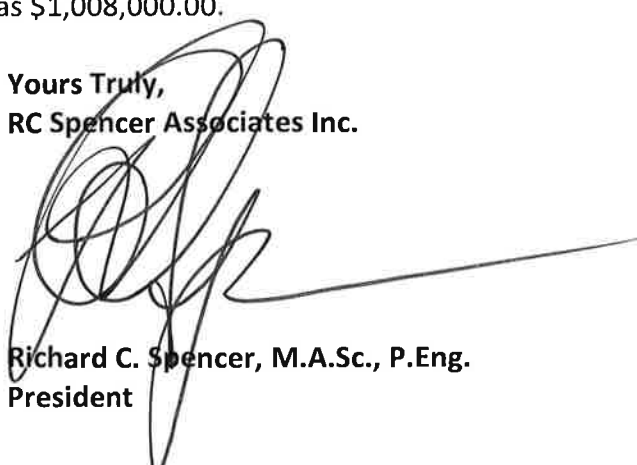
Tenders for the above project were received on Friday, August 11, 2023.
The results are listed below in ascending order:

<u>Contractor</u>	<u>Bid</u> (excluding H.S.T.)
1. SheaRock Construction Group	\$990,000.00
2. D'Amore Construction (2000) Ltd.	\$1,025,000.00
3. GIP Paving Inc.	\$1,202,530.00
4. Sherway Contracting (Windsor) Limited	\$1,267,890.00

We recommend that you accept the low tender submitted by SheaRock Construction Group, in the amount of **\$990,000.00** plus H.S.T.

Our final budget estimate for this project was \$1,008,000.00.

Yours Truly,
RC Spencer Associates Inc.


Richard C. Spencer, M.A.Sc., P.Eng.
President

Cc: Ahmed Hef





**REGULAR MEETING OF COUNCIL
MINUTES**

**Monday, August 14, 2023
6:00 PM
Council Chambers
2021 Division Road N
Kingsville, Ontario N9Y 2Y9**

PRESENT

Mayor Dennis Rogers
Deputy Mayor Kimberly DeYong
Councillor Tony Gaffan
Councillor Debby Jarvis-Chausse
Councillor Sheri Lowrie
Councillor Thomas Neufeld
Councillor Larry Patterson

John Norton, CAO
Paula Parker, Clerk

A. CALL TO ORDER

Mayor Rogers called the Regular Meeting to order at 6:03 p.m.

B. LAND ACKNOWLEDGEMENT

Mayor Rogers acknowledged the Three Fires Confederacy (Ojibwe, Potawatomie and Odawa) and the Traditional ancestral, unceded territory of Caldwell First Nation; the original people of Point Pelee, Pelee Island and its surrounding waters. We recognize and respect the First Nations who are stewards of the land and waters of Turtle Island and who have embraced this stewardship since time immemorial. We would also like to acknowledge all the moccasins who have walked lands of Turtle Island.

C. MOMENT OF SILENT REFLECTION AND NATIONAL ANTHEM

Mayor Rogers invited everyone to stand for a moment of silent reflection and the national anthem.

D. AMENDMENTS TO THE AGENDA

There were no additions to the agenda.

E. MAYOR'S WELCOME AND REMARKS

Mayor said a few words of welcome.

Open streets is in full swing in Kingsville and we have received a lot of great feedback on the event. Cottam residents really enjoyed the Open Streets in Cottam on July 22.

We welcomed Hogs for Hospice riders on Aug 5. With over 2000 bikes in our downtown core. Thanks to the team and businesses.

This past weekend we welcomed Kingsville Music Society's Greenway Jam to Mettawas Park and Grovedale Arts and Culture Centre. The set up and facilities were great.

F. DISCLOSURE OF PECUNIARY INTEREST

Mayor Rogers reminded Council that any declaration is to be made prior to each item being discussed and to identify the nature of the conflict, if any, as the agenda items come forward.

G. REPORT OUT OF CLOSED SESSION

Pursuant to section 239(2) of the Municipal Act, 2001, Council entered into Closed Session at 7:05 pm on July 10, 2023 to address the following items:

Item I – Employee Policies heard under Subsection 239(2)(b) and (d). There is nothing further to report on this matter.

H. PRESENTATIONS

1. EWSWA - Regionalization of Waste Collection

Michelle Bishop, General Manager, EWSWA; Sandra Zwiers, CAO, County of Essex; and David Sundin, Solicitor, County of Essex were in attendance and provided an overview of the proposed regionalization of waste collection.

180-08142023

Moved By Deputy Mayor DeYong

Seconded By Councillor Patterson

That Administration BE DIRECTED to bring back a report regarding community engagement for service level of waste collection.

For (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

CARRIED (7 to 0)

I. DELEGATIONS

1. Gord Queen - Facilities Review

Mr. Queen addressed Council with respect to decisions regarding the Facilities Review.

2. Bill Jamieson - Lighting By-law

3. Starr Livingstone - Lighting By-law

Mr. Jamieson and Mr. Livingstone addressed Council with respect to the proposed lighting by-law.

J. MATTERS SUBJECT TO NOTICE

1. ZBA-2023-12 – Town-wide Parks and Open Space Zoning By-law Update

181-08142023

Moved By Councillor Patterson

Seconded By Councillor Jarvis-Chausse

- 1. That the establishment of the 'Environmental Reserve District' (ERD) as described in this report and the amending by-law BE APPROVED;**

2. That Zoning By-law Amendment ZBA-2023-12 to update the zoning of multiple environmental, park, and open space parcels in the Town of Kingsville BE APPROVED; and,
3. By-law 49-2023 being a by-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville, be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

For (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

CARRIED (7 to 0)

K. REPORTS - COMMUNITY AND DEVELOPMENT SERVICES

1. Application for Extension for Queens Valley Subdivision Approval - County of Essex File No.: 37-T-13002

182-08142023

Moved By Councillor Patterson

Seconded By Councillor Gaffan

1. That the request for an extension of subdivision approval for County file 37-T13002 for a period of two years BE SUPPORTED; and,
2. That Administration BE DIRECTED to forward a copy of this resolution to the County of Essex for their approval.

For (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

CARRIED (7 to 0)

2. Lions Park Inclusive Playground

183-08142023

Moved By Councillor Gaffan

Seconded By Deputy Mayor DeYong

1. That the Town Treasurer BE AUTHORIZED to transfer \$80,000 from the Park Reserves for the Lions Park Inclusive playground.

For (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

CARRIED (7 to 0)

L. REPORTS - FINANCIAL SERVICES AND INFORMATION TECHNOLOGY

There were no reports.

M. REPORTS - FIRE SERVICES

There were no reports.

N. REPORTS - INFRASTRUCTURE AND ENGINEERING SERVICES

1. Drainage Appointment for Highway 3 Widening Project

184-08142023

Moved By Councillor Patterson

Seconded By Councillor Neufeld

- 1. That Dillion Consulting Limited BE APPOINTED as the consulting engineer for drainage works required for the Highway 3 Widening Project as specified in Appendix A.**

For (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

CARRIED (7 to 0)

O. REPORTS - LEGAL, BUILDING AND BY-LAW SERVICES

1. Lighting By-law Report - August 14 2023

185-08142023

Moved By Councillor Neufeld

Seconded By Councillor Patterson

- 1. That By-law 52-2023, being a by-law to amend Property Standards By-law 31-1999, be read three times and finally passed and the Mayor and Clerk be authorized to sign same.**

For (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

CARRIED (7 to 0)

P. REPORTS - CAO's OFFICE

1. Code of Conduct – Council, Committees and Local Boards

186-08142023

Moved By Deputy Mayor DeYong

Seconded By Councillor Gaffan

- 1. That the Code of Conduct BE DEFERRED until the Integrity Commissioner can provide clarity and training.**

For (6): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld

Against (1): Councillor Patterson

CARRIED (6 to 1)

2. July 17 2023 Committee of the Whole

187-08142023

Moved By Councillor Lowrie

Seconded By Councillor Patterson

- 1. That the actions recommended by Committee of the Whole on July 17, 2023 be brought back to Council for consideration after strategic planning.**

For (2): Councillor Lowrie, Councillor Patterson

Against (5): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Neufeld

LOST (2 to 5)

188-08142023

Moved By Deputy Mayor DeYong

That the original motion from Carnegie BE APPROVED:

- 1. Provide the BIA with location for their storage unit, secure the BIA's downtown speaker system, and assume costs of internet and phone;**
- 2. Make space in the lower level available for community use, including the BIA Board Meetings and;**
- 3. That the Committee of the Whole recommendation from the July 17, 2023 COTW regarding the Carnegie is NOT APPROVED.**

For (2): Deputy Mayor DeYong, Councillor Jarvis-Chausse,

Against (5): Mayor Rogers, Councillor Gaffan, Councillor Neufeld, Councillor Lowrie, Councillor Patterson

LOST (2 to 5)

189-08142023

Moved By Councillor Gaffan

Seconded By Councillor Patterson

- 1. That the actions recommended by Committee of the Whole on July 17, 2023 BE APPROVED.**

For (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

CARRIED (7 to 0)

Q. CONSENT AGENDA

190-08142023

Moved By Deputy Mayor DeYong

Seconded By Councillor Neufeld

That Consent Agenda items 1 to 6 and 8 BE RECEIVED

- 1. Expense Update - 2023 Winter Ice Storm**
- 2. Regular Council Meeting Minutes - July 10 2023**

3. Migration Festival Minutes - May 30 2023
4. Kingsville BIA Minutes - June 13 2023
5. Committee of Adjustment Minutes - June 20 2023
6. Heritage Advisory Committee Minutes - July 4 2023
7. Violence Against Women Coordinating Committee Windsor-Essex -
Declaring IPV an Epidemic
8. Sebastien Schmoranz - Letter of Support for Facilities Review

CARRIED

191-08142023

Moved By Councillor Lowrie

Seconded By Councillor Patterson

That Consent Agenda item 7 BE RECEIVED.

CARRIED

R. NOTICES OF MOTION

There were none.

S. UNFINISHED BUSINESS AND ANNOUNCEMENTS

There were none.

T. BYLAWS

1. By-law 51-2023

2. By-law 53-2023

192-08142023

Moved By Deputy Mayor DeYong

Seconded By Councillor Patterson

That By-laws 51-2023 and 53-2023 be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

CARRIED

U. CLOSED SESSION

193-08142023

Moved By Councillor Lowrie

Seconded By Councillor Jarvis-Chausse

Pursuant to section 239(2) of the Municipal Act, 2001, Council will enter into Closed Session at 8:33 pm to address the following items:

Item I - Personnel Matters - Section 239(2)(b) - personal matters about identifiable individuals, including municipal or local board employees.

Item II - New Designs, 23/25 Division Street - Section 239(2)(c) - acquisition or disposition of land; and (f) - advice that is subject to solicitor-client privilege, including communications necessary for that purpose

Item III - EWSWA - Section 239(2)(f) - advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, Section 239(2)(k) - a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board

CARRIED

V. ADJOURNMENT

194-08142023

Moved By Deputy Mayor DeYong

Seconded By Councillor Gaffan

That Council adjourn at 10:47 p.m.

CARRIED

MAYOR, Dennis Rogers

CLERK, Paula Parker



**SPECIAL MEETING OF COUNCIL
MINUTES**

Thursday, August 24, 2023

6:00 PM

Council Chambers

2021 Division Road N

Kingsville, Ontario N9Y 2Y9

PRESENT

Mayor Dennis Rogers
Deputy Mayor Kimberly DeYong
Councillor Tony Gaffan
Councillor Debby Jarvis-Chausse
Councillor Sheri Lowrie
Councillor Larry Patterson

John Norton, CAO
Stephanie Olewski, Acting Deputy Clerk

ABSENT

Councillor Thomas Neufeld

A. CALL TO ORDER

Mayor Rogers called the Special Meeting to order at 6:00 p.m.

B. DISCLOSURE OF PECUNIARY INTEREST

Mayor Rogers reminded Council that any declaration is to be made prior to each item being discussed and to identify the nature of the conflict, if any, as the agenda items come forward.

C. CLOSED SESSION

195-08242023

Moved by Councillor Patterson

Seconded by Councillor Lowrie

Pursuant to Section 239(2) of the *Municipal Act, 2001*, Council will enter into Closed Session at 6:03 pm to address the following item:

Item I - EWSWA Regionalization of Waste Collection - Section 239(2)(f) - advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, Section 239(2)(k) - a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board

CARRIED

D. REPORT OUT OF CLOSED SESSION

Pursuant to Section 239(2) of the *Municipal Act, 2001*, Council entered into Closed Session at 6:03 pm to address the following item:

Item I - EWSWA Regionalization of Waste Collection heard under Section 239(2)(f) and Section 239(2)(k).

As a result of that discussion, the following motion is before Council for consideration:

196-08242023

Moved by Councillor Patterson

Seconded by Councillor Lowrie

That the Town of Kingsville is OPPOSED to giving the upper tier the power to collect solid waste.

For (6): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, and Councillor Patterson

CARRIED (6-0)

F. ADJOURNMENT

197-08242023

Moved by Councillor Jarvis-Chausse

Seconded by Councillor Lowrie

That Council adjourn this Special Meeting at 6:53 p.m.

CARRIED

MAYOR, Dennis Rogers

ACTING DEPUTY CLERK, Stephanie Olewski



COMMITTEE MINUTES

FANTASY OF LIGHTS COMMITTEE JUNE 20, 2023 @ 5:00 P.M. Kingsville, Arena – Room C

PRESENT: Chair K. Sanecki
M. Edwards
J. Willoughby
L. Pittendreigh
K. Loney, Staff Liaison
S. Wye, Staff Liaison
G. Willemsma, Guest

ABSENT: Clr. T. Gaffan
D. Laman

A. CALL TO ORDER

Chair K. Sanecki called the Meeting to order at 5:04 P.M.

B. DISCLOSURE OF PECUNIARY INTEREST

Chair K. Sanecki reminded the committee that is any member of the Committee has any pecuniary interest, direct or indirect, in any matter which is the subject of consideration at this Meeting of the Committee (or that was the subject of consideration at the previous Meeting of the Committee at which the member was not in attendance), the member shall disclose the pecuniary interest and its general nature, prior to any consideration of the matter.

C. AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

D. STAFF REPORTS

1. K. Loney, Manager of Recreation Programs and Special Events

K. Loney updated the committee on best practices of minutes and agenda creation. K Loney informed the committee that Kingsville Ministerial Group is interested in volunteering to drive the Fantasy of Lights express.

E. MINUTES OF THE PREVIOUS MEETING

1. Adoption of Fantasy of Lights Committee Minutes – dated May 16, 2023.

Moved by Chair K. Sanecki

Seconded by L. Pittendreigh

That the minutes of the Fantasy of Lights Committee Minutes dated May 16, 2023 be received.

CARRIED

F. NEW AND UNFINISHED BUSINESS

1. Planning for 2023

a. Parade

There was a discussion by the committee regarding potential parade participants. The theme of the parade is Holiday Magic.

The committee reviewed the parade route which was proposed by the Kingsville Fire Department. This route would begin on Wigle Ave, heading north to Main St. Participants would turn left and head west on Main St. to Division St. Then the parade will travel south on Division St. to Lakeside Park. A de-staging route will be east down Park St.

Moved by Chair K. Sanecki

Seconded by L. Pittendreigh

That the Fantasy of Lights committee agrees to the proposed parade route which starts heading north on Wigle Ave, continues west on Main St., south on Division St., to Lakeside Park, with the de-staging area to be further east on Park St.

CARRIED

b. Opening Ceremonies – Music

The committee discussed potential musical entertainment for the opening ceremonies.

c. Crafts with Santa/Collaboration with Optimist Club – Lakeside

Leading committee member not present, no discussion had.

d. Artisan Market

Leading committee member not present, no discussion had.

e. Lights – review of the condition, repairs, updates

The committee reviewed the list of the Fantasy of Lights lights inventory that is so far-completed. The committee will review the list in more detail and return with feedback on which lighting installations are their priorities. The committee members investigate potential makers of light installations.

Moved by Chair K. Sanecki

Seconded by M. Edwards

That the committee will recognize Kingsville District High School students and faculty who have helped create the Fantasy of Lights installations via a sign to be installed at Lakeside Park over the course of the event.

CARRIED

Moved by Chair K. Sanecki

Seconded by J. Willoughby

That the committee will direct the Staff Liaisons to reach out to the Parks and Recreation staff to aid in the development for a layout for the light installations.

CARRIED

Moved by Chair K. Sanecki

Seconded by M. Edwards

That the Staff Liaisons will create a list to identify potential suppliers of light installations (including the high school and other metalworkers), and review the process of approval and creation of a new light installation by these makers.

CARRIED

f. Glow Party

The committee did not get any interest in the Glow Party concept. They agreed to stop pursuing this idea.

g. Open Streets – FOL Kick-off planning



COMMITTEE MINUTES

The Fantasy of Lights Kick-Off is planning for July 29 during the Open Streets events. The committee reviewed the rack card to be printed for the event.

h. Other ideas

The committee agreed to review the ordering of custom ornaments for Fantasy of Lights for the 2024 season.

2. Meeting Cancellation

Moved by J. Willoughby

Seconded by L. Pittendreigh

That the Fantasy of Lights committee will not meet in August and will resume with the September schedule

CARRIED

G. NEXT MEETING DATE

July 18th, 2023 at 5:00 P.M.

H. ADJOURNMENT

Moved by Chair K. Sanecki

Seconded by L. Pittendreigh

That the Fantasy of Lights committee adjourns at 6:23 P.M.

CARRIED

CHAIR,

S. Wye
RECORDING SECRETARY,



COMMITTEE MINUTES

FANTASY OF LIGHTS COMMITTEE
Wednesday, July 18, 2023 at 5 P.M.
Kingsville Arena – Room C
1741 Jasperson Drive, Kingsville

PRESENT: Janet Willoughby
Leslie Pittendreigh
Maria Edwards
Glenda Willemsma
Councillor Tony Gaffan

Shelby Wye, Staff Liaison
Claire Buxton, Summer Student

ABSENT: Chair Kristina Sanecki
Dave Laman

A. CALL TO ORDER

Vice-Chair, J. Willoughby called the meeting to order at 5:05 P.M.

B. DISCLOSURE OF PECUNIARY INTEREST

Vice Chair J. Willoughby reminded the Committee of their duty to disclose any pecuniary interests as they arise.

C. AMENDMENTS TO THE AGENDA

Kingsville Optimist Club donation added to the agenda for discussion by M. Edwards

D. STAFF REPORTS

1. C. Buxton, Summer Student

C. Buxton gave an update on the Fantasy of Lights' participation in the Christmas in July Open Streets, being held Saturday, July 29. The Fantasy Express Train is confirmed.

The committee will highlight the sponsors so far for the Christmas on the Fantasy Express Train and use the remaining spots to say that they are still seeking sponsors.

E. MINUTES OF THE PREVIOUS MEETING

1. Fantasy of Lights Committee Meeting Minutes—June 20, 2023

Moved by Councillor Gaffan
Seconded by L. Pittendreigh

THAT the minutes of the Fantasy of Lights Committee dated June 20, 2023 BE RECEIVED.

CARRIED

F. NEW AND UNFINISHED BUSINESS

1. Christmas Artisan Market

L. Pittendreigh updated the committee on details about the Christmas Artisan Market being held at Lakeside Park Pavilion. The two-day market, being held Saturday, December 2 from 2 P.M. to 8 P.M. and Sunday, December 3, from 10 a.m. to 4 P.M., will include only vendors who have hand-made their items.

L. Pittendreigh said the Kingsville Scouts have been asked to come to provide food items, and that the committee should look into the possibility of having s'mores ingredients over the available fire pits at the park.

The committee discussed the logistics of music at the vendor market, and agreed on Bluetooth speakers with a tablet and downloaded playlist of holiday music.

2. Parade

The logistics of the parade was discussed by the committee. To avoid floats being trapped by street closures, the committee said to change marketing to include a stipulation that floats need to be at the staging area an hour before start time (staging for 4 P.M., parade begins at 5 P.M.).

Radio protocol for emergencies will be reviewed and added to the volunteer manual for the event.



COMMITTEE MINUTES

The committee notes that Herrington St. needs to be closed for the Parade.

The committee will approach the Kingsville Lions Club to see if they are interested in driving the Fantasy Express Train after it returns to the park after the parade.

3. Crafts with Santa/Collaboration with Optimist Club – Lakeside

M. Edwards confirms the collaboration with the Optimist Club is established and will be hosted at Lakeside Park.

4. Lights – review of the condition, repairs, updates

Canada Flag installation to be top priority for the repair process.

Moved by Councillor Gaffan

Seconded by G. Willemsma

THAT the motion to seek permission from council to erect the Fantasy of Lights installations before Remembrance Day, to avoid interruptions/delays due to inclement weather or short-staff due to holidays, but will not turn them on until the opening ceremonies on November 18th BE CARRIED.

CARRIED

5. New Business – Optimist Club Donation

The Kingsville Optimist Club would like to donate a photo opportunity prop to the Fantasy of Lights committee, with the stipulation that a “donated by Kingsville Optimist Club” signage is included when it is erected. This will be at no cost to the town, but the town will be responsible for storage, set up, and take down of the prop.

Moved by M. Edwards

Seconded by Councillor Gaffan

That the Fantasy of Lights committee moves to accept the offer of the Kingsville Optimist Club, on the basis the condition of storage and installation is approved by the Manager of Recreation, Programs, and Special Events Karen Loney.

CARRIED



COMMITTEE MINUTES

G. INFORMATION ITEMS - NONE

H. NEXT MEETING DATE

September 19, 2023 at 5 P.M. at the Kingsville Arena – Room C

I. ADJOURNMENT

Moved by G. Willemsma
Seconded by M. Edwards

THAT the meeting adjourn at 6:18 PM

CARRIED

VICE CHAIR, Janet Willoughby

S. Wye
RECORDING SECRETARY, Shelby Wye



COMMITTEE MINUTES

**Committee of Adjustment & Appeals
July 18th, 2023, 6:00 p.m.
Town Hall, Council Chambers
2021 Division Road North**

A. Call to Order

Chairperson Gord Queen called the Meeting to order at 6:06 p.m. with the following persons in attendance:

MEMBERS OF COMMITTEE OF ADJUSTMENT:

Councillor Thomas Neufeld
Nicole Hackett
Gord Queen
Russell Horrocks
Sandra Zwiers

MEMBERS OF ADMINISTRATION:

George Robinson, Manager of Planning
Angelina Pannunzio, Recording Secretary
Raven Bolivar, Planning Student

B. Disclosure of Pecuniary Interest

Chairperson Gord Queen reminded the Committee that any declaration is to be made prior to each items being discussed and to identify the nature of the conflict, if any, as the agenda items come forward.

C. Minutes of the Previous Meeting

Adoption of Committee of Adjustment & Appeals Meeting Minutes, dated June 20th, 2023

CA-30-2023

Moved by Sandra Zwiers, seconded by Russell Horrocks, that the Committee of Adjustment & Appeals Meeting Minutes dated June 20th, 2023, be adopted.

CARRIED

D. Committee of Adjustment & Appeals - Hearings

1. A-2023-5 – Minor Variance – 1284 Road 4 East

Raven Bolivar, Planning Student, introduced the minor variance application, and reviewed the report dated July 18, 2023, which provides details regarding the request allow the construction of an Additional Dwelling Unit (ADU) in the front yard on lands known as 1284 Road 4 East, in the Town of Kingsville.

The subject land is a 3,483.9 sq. m (37,500 sq. ft.) lot with an existing dwelling and existing accessory structure.

The applicant is proposing an accessory structure, which includes an ADU in the front yard of the existing house on the lot. As a result, the applicant is requesting a minor variance to allow relief from Section 4.35.1 of the Zoning By-law, as it does not permit ADUs in front yards. All other requirements of the new construction comply with zoning requirements.

The applicant, Robert Ure, was in attendance.

Chairperson, Gord Queen asked if there were any comments or questions from the Committee, the applicant, or the public.

Councillor Thomas Neufeld asked whether the request to place the ADU in the front-yard was due to the location of the adjacent golf course, or the existing septic system or weeping bed.

George Robinson, Manager of Planning confirmed the proposed location for the ADU meets the front setback requirements for a main building and all other zoning provisions, and suggested the request may be for convenient access with the existing driveway.

The applicant, Robert Ure, stated the request is mostly for convenience, as there is not enough space to extend the driveway around the existing house.

Chairperson, Gord Queen, confirmed there were no other comments or questions from the Committee, the applicant, nor the public.

CA-31-2023

Moved by Russell Horrocks, seconded by Nicole Hackett, that minor variance application A-2023-5 be APPROVED, which will allow relief from Section 4.35.1 of the Zoning By-law for Additional Dwelling Units (ADUs):

g) accessory structures which contain an additional dwelling unit must be located in the rear yard or an interior side yard;

and will permit the development of an accessory structure with an ADU in the front yard of the single detached house at 1284 Road 4 East.

CARRIED

2. B / 21 / 22 – Lot Addition – 40 & 14 Cameron Side Road West

Raven Bolivar, Planning Student, introduced the consent application, and reviewed the report dated July 18, 2023, which provides details regarding the request to sever and convey approximately 1.57 ha (3.90 ac) of land from 40 Cameron Side Road West to 14 Cameron Side Road West, as a lot addition.

40 Cameron Side Road West will retain approximately 29.68 ha (73.34 ac). 14 Cameron Side Road West will have an area of approximately 3.19 ha (7.90 ac) after receiving the lot addition.

A recent zoning amendment (ZBA-2023-4) changed the portion proposed to be added to 14 Cameron Side Road West from 'Agriculture (A1)' to 'Light Industrial Exception 12 (M1-12)'. The zoning amendment facilitates the lot addition and future development of outdoor storage for the business located on the property. A future application for Site Plan Control will be required to proceed with the development of the outdoor storage area.

The applicants' agent, Robert Brown, was in attendance.

Chairperson, Gord Queen asked if there were any comments or questions from the Committee, the applicants' agent, or the public.

The applicants' agent, Robert Brown, stated he reviewed the Planner's Report and concurs with the recommendation for approval.

Chairperson, Gord Queen, confirmed there were no other comments or questions from the Committee, the applicants' agent, nor the public.

CA-32-2023

Moved by Sandra Zwiers, seconded by Councillor Thomas Neufeld, that consent application B / 21 / 22, to legally sever and convey approximately 1.57 ha (3.90 ac) of land from 40 Cameron

Side Road West to 14 Cameron Side Road West as a lot addition, be APPROVED, subject to the following conditions:

- 1. That the lot addition to be severed be conveyed to the owner of the abutting parcel (14 Cameron Side Road West) and Section 50(3 or 5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcels of land that are the subject of this consent.*
- 2. That a reference plan be deposited in the registry office, **both an electronic and paper** copy of the registered plan is to be provided for the files of the Secretary-Treasurer.*
- 3. That the deeds, such plan of survey or reference plan, for property lines being newly created, shall be in accordance with the existing zoning requirements for the municipality.*
- 4. That the owner shall provide that all municipal taxes be paid in full.*
- 5. That as a result of 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 the consent is being endorsed on the deeds.*
- 6. That any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act be paid in full.*
- 7. That the necessary deed(s), transfers or charges be **submitted in triplicate**; signed and fully executed (**no photocopies**), including a copy of the reference plan, prior to certification.*
- 8. That any necessary drainage apportionments be undertaken. The applicant shall submit a Request for Drainage Improvements Form to the Public Works Department.*
- 9. The conditions imposed above shall be fulfilled by **July 18, 2025** or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.*

CARRIED

3. B-2023-3 – Lot Addition – 2058, 2064, & 2074 Seacliff Drive

Raven Bolivar, Planning Student, introduced the consent application, and reviewed the report dated July 18, 2023, which provides details regarding the requested consent to sever lands from two parcels as lot additions to an abutting farm parcel at 2064 Seacliff Drive, all owned by the applicant, in the Town of Kingsville.

The subject properties are located on the north side of Seacliff Drive (County Road 20), west of Albuna Townline (County Road 31). The subject properties are designated 'Agricultural' by the Official Plan and zoned 'Agriculture (A1)' under the Kingsville Comprehensive Zoning By-law.

2064 Seacliff Drive is a 4.04 ha (10 ac.) farm parcel and contains a pole barn and single detached dwelling. The applicant also owns the two abutting lots to the east, 2058 Seacliff Drive, and west, 2074 Seacliff Drive. The applicant wishes to widen the subject property through lot additions in order to plant cedar tree hedges for privacy in a preferred location, while maintaining the required minimum lot frontage for all three parcels. Therefore, Part 1, a 0.002 ha (0.047 ac.) strip of land, will be added from the west, and Part 2, a 0.058 ha (0.143 ac.) strip of land, will be added from the east. There are no zoning compliance issues raised as a result of the proposed lot additions.

The applicant, Joni Mastronardi, was in virtual attendance.

Chairperson, Gord Queen, requested a motion to accept a written comment of support received from Tony and Karen Cianfarani into Public Record.

CA-33-2023

Moved by Councillor Thomas Neufeld, seconded by Sandra Zwiers, that a written comment of support received from Tony and Karen Cianfarani, regarding Consent Application B-2023-3, be accepted into Public Record.

CARRIED

Chairperson, Gord Queen asked if there were any comments or questions from the Committee, the applicant, or the public.

The applicant, Joni Mastronardi, stated she feels the request is straight-forward and required no further statement.

Chairperson, Gord Queen, confirmed there were no other comments or questions from the Committee, the applicant, nor the public.

CA-34-2023

Moved by Councillor Thomas Neufeld, seconded by Nicole Hackett, that consent application B-2023-3, to sever and convey two portions of land, Part 1 being 0.002 ha (0.047 ac.) in area from the lands known as 2058 Seacliff Drive (County Road 20) (P.I.N. 75143-0488), and Part 2 being a 0.058 ha (0.143 ac.) from the lands known as 2074 Seacliff Drive (County Road 20) (P.I.N. 75143-0486) to an abutting parcel, known as 2064 Seacliff Drive (County Road 20) as a lot additions, in the Town of Kingsville, be APPROVED, subject to the following conditions:

- 1. That the lot additions to be severed, shown on the applicants' sketch as Part 1 & Part 2, be conveyed to the owner of the abutting parcel (2064 Seacliff Drive (County Road 20)) and Section 50(3 or 5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcels of land that are the subject of this consent.*
- 2. That a reference plan be deposited in the registry office, **both an electronic and paper** copy of the registered plan is to be provided for the files of the Secretary-Treasurer.*
- 3. That the deeds, such plan of survey or reference plan, for property lines being newly created, shall be in accordance with the existing zoning requirements for the municipality.*
- 4. That the owner shall provide that all municipal taxes be paid in full.*
- 5. That as a result of 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 the consent is being endorsed on the deeds.*
- 6. That any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act be paid in full.*
- 7. That the necessary deed(s), transfers or charges be **submitted in triplicate**; signed and fully executed (**no photocopies**), including a copy of the reference plan, prior to certification.*
- 8. That the applicant provide proof to the satisfaction to the Town of the location of the municipal water service connections in relation to the revised lot line locations.*
- 9. That the applicant provide confirmation to the satisfaction of the Town for the location of any existing septic systems in relation to the revised lot line locations.*
- 10. That the applicant convey a 3m offset from the existing property limit over the subject lands and will be deeded to the County of Essex at the proponent's expense for the purposes of widening County Road 20.*

*11. The conditions imposed above shall be fulfilled by **July 18, 2025** or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.*

CARRIED

4. B-2023-10 – Lot Creation – 345 & 337 County Road 27 East

Raven Bolivar, Planning Student, introduced the consent application, and reviewed the report dated July 18, 2023, which provides details regarding the request to sever lands located at 337 County Road 27 East and 345 County Road 27 East, in the Town of Kingsville.

The subject parcels are designated 'Agriculture' by the Official Plan and zoned 'Agriculture (A1)' under the Kingsville Comprehensive Zoning By-law.

337 County Road 27 East has an area of 19.9 ha (49.25 ac), and 345 County Road 27 East has an area of 1,672.25 m² (0.41 ac). Both properties front onto the west side of County Road 27 East, north of Road 10. The two properties previously merged under the same ownership, and the underlying lot fabric and addressing remained while the two parcels legally became the same lot. The applicant is proposing to sever the merged properties in order to sell or transfer 345 County Road 27 East. The consent to create a lot would legally re-establish the prior lot boundaries of the two parcels, reversing the merger of the two properties. This proposal does not remove any prime agricultural lands and will not result in the change of use of the lands.

The applicant, John Trimble, was in attendance.

The applicant's brother, Jeff Trimble, was in virtual attendance.

Chairperson, Gord Queen asked if there were any comments or questions from the Committee, the applicant, or the public.

Chairperson, Gord Queen, confirmed there were no other comments or questions from the Committee, the applicant, nor the public.

CA-35-2023

Moved by Russell Horrocks, seconded by Nicole Hackett, that consent application B-2023-10, to legally sever the lots known municipally as 337 and 345 County Road 27 East, be APPROVED, subject to the following conditions:

1. *That a plan of survey be prepared or a reference plan deposited in the registry office, **both an electronic and paper** copy of either to be provided to the Town for the files of the Secretary-Treasurer.*
2. *That the deeds, such plan of survey or reference plan, for property lines being newly created, shall be in accordance with the existing zoning requirements for the municipality including satisfactory proof as to compliance of the location of all buildings on the subject lands either by way of a plan showing the location of all buildings located thereon, or a certificate from a qualified surveyor indicating the location and sizes of all buildings on the said lands and/or favourable minor variances shall have been processed for any non-compliances.*
3. *That the owner shall provide that all municipal taxes be paid in full and that necessary apportionments of storm drainage be established pursuant to the provisions of the Local Improvement Act and/or the Municipal Act.*
4. *That as a result of 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 the consent is being endorsed on the deeds.*
5. *The applicant is to obtain permits and provide a septic review to the satisfaction of the Town determining if there is an existing and compliant septic system on the severed lot.*
6. *That the applicant provide proof to the satisfaction to the Town of the location of the municipal water service connections in relation to the lot line locations.*
7. *The conditions imposed above shall be fulfilled by **July 18, 2025** for this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.*

CARRIED

E. Other Business

Chairperson, Gord Queen, requested the Planning Department explain the next steps after an application is approved, including the appeals process, for the meeting attendees.

George Robinson, Manager of Planning, stated the general process is for the Planning Department to provide the applicant with the notice of decision following the meeting, which outlines the

appeals process and the deadline for submission. Mr. Robinson relayed that once the deadline has passed, the Planning Department will notify the applicant whether any appeals have been received, and if none, that the Committee's decision is considered final. Mr. Robinson added that depending on the proposal, the applicant may be required to fulfill conditions set out by the Town, and the Planning Department will assist with fulfillment.

F. Next Meeting Date

The next meeting of the Committee of Adjustment & Appeals shall take place August 15th, 2023 at 6:00 p.m.

G. Adjournment

CA-36-2023

Moved by Nicole Hackett, seconded by Councillor Thomas Neufeld, to adjourn this meeting at 6:25 p.m.

CARRIED

CHAIR, Gord Queen

**SECRETARY TREASURER,
George Robinson**



COMMITTEE MINUTES

Kingsville Municipal Heritage Advisory Committee

Tuesday, August 1st, 2023 at 6:00 P.M.

Kingsville Arena Complex

1741 Jasperson Drive, 2nd Floor, Room B

A. Call to Order

Jeffrey Robinson called the Meeting to order at 6:00 p.m. with the following persons in attendance:

Members of Municipal

Heritage Advisory Committee:

Jeffrey Robinson, Chair

Steve Allman Jr.

Carolyn Smith

Members of Administration:

Manager of Planning, George Robinson

Planning Student, Raven Bolivar

Heritage Planning Student, Luke Taylor

Absent: Councillor Sheri Lowrie, Stacey Jones, Vice-Chair

Also in Attendance: Veronica Brown, Researcher

B. Disclosure of Pecuniary Interest

Jeffrey Robinson reminded the Committee members in attendance that any declaration is to be made prior to each item being discussed and to identify the nature of the conflict, if any, as the agenda items come forward.

C. Minutes of the Previous Meeting

Review & adopt Kingsville Municipal Heritage Advisory Committee Meeting Minutes, dated July 4th, 2023.

MHC-34-2023 *Moved by Carolyn Smith, seconded by Steve Allman Jr., that the minutes of the Kingsville Municipal Heritage Advisory Committee Meeting, dated July 4th, 2023 be adopted.*

CARRIED

D. New Business

1. Luke Taylor, Heritage Planning Student – Heritage Designation Application

Luke Taylor, Heritage Planning Student, discussed and presented the draft application, which will be made available to residents who are interested in designating their properties as heritage homes.

Committee members discussed minor changes to the form, including adding 'if known' to a number of the fields, removing references to interior features, and removing a reference to the *Heritage Act* in the signature block. Luke made notes on the changes and agreed to circulate to the Committee for review.

E. Presentations

1. Veronica Brown, Researcher – 101 Mill Street West

Veronica Brown, Researcher, presented the report for lands located on the south side of Mill Street West and east of McDonald Street, municipally known as 101 Mill Street West. The report cited the land's physical and historical attributes which have made it a high priority for designation for the Town. The parcel contains a structure known locally as "Kingsholme", which the current owners are interested in designating.

Committee discussion surrounded the research that had been completed to date.

MHC-35-2023 *Moved by Carolyn Smith, seconded by Steve Allman Jr., that the Committee is in support of the draft report, and asked Veronica to return to the next meeting with a final draft research report for review and approval, with the goal of getting on a Council agenda in October.*

CARRIED

F. Updates

1. Luke Taylor, Heritage Planning Student – Update on Heritage Brochure and Letters Sent to the Top 39 Properties

Luke Taylor, Heritage Planning Student, reminded the Committee of the brochure and letter that were sent to each home on the Committee's Top Priority List, and provided updates on the responses received by the Town since the last meeting.

Chair, Jeffrey Robinson, offered to reach out to recent respondents who indicated interest in designation to follow-up and potentially schedule a site visit and invite them to future meetings.

2. Jeffrey Robinson, Chair of Heritage Advisory Committee - Update on
Communication with Property Owners

Chair, Jeffrey Robinson, relayed to the Committee that he has been in touch with residents who had responded to the Committee's outreach. The Committee mailed a letter and a brochure to residents on the Committee's Top Priority List to inquire whether the owners were interested in learning more about designation.

G. Next Meeting Date

The next meeting of the Heritage Advisory Committee shall be September 5th, 2023.

H. Adjournment

MHC-36-2023 *Moved by Carolyn Smith, seconded by Steve Allman Jr., to adjourn
this meeting at 7:08 p.m.*

CARRIED

CHAIR, Jeffrey Robinson

STAFF LIAISON, George Robinson

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 59 - 2023

Being a By-law to confirm the proceedings of the Council of the Corporation of the Town of Kingsville at its September 11, 2023 Meeting of Council

WHEREAS sections 8 and 9 of the *Municipal Act, 2001* S.O. 2001 c. 25, as amended, (the “Act”) provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority conferred upon a municipality to govern its affairs as it considers appropriate.

AND WHEREAS section 5(3) of the Act provides that such power shall be exercised by by-law, unless the municipality is specifically authorized to do so otherwise.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the Town of Kingsville (the “Town”) be confirmed and adopted by by-law.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1. The actions of the Council at its September 11, 2023 Regular Meeting in respect of each report, motion, resolution or other action taken or direction given by the Council at its meeting, is hereby adopted, ratified and confirmed, as if each resolution or other action was adopted, ratified and confirmed by its separate by-law.
2. The Chief Administrative Officer and/or the appropriate officers of the Town are hereby authorized and directed to do all things necessary to give effect to the actions set out in paragraph 1, or obtain approvals, where required, and, except where otherwise provided, the Mayor and the Clerk are hereby directed to execute all documents necessary and to affix the corporate seal to all such documents.
3. This By-Law comes into force and takes effect on the day of the final passing thereof.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
11th DAY OF SEPTEMBER, 2023.**

MAYOR, Dennis Rogers

CLERK, Paula Parker