



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

Date: September 12, 2018

To: Mayor and Council

Author: Kristina Brcic, MSc, BURPI, Town Planner

RE: Application for Extension of Part Lot Control Exemption
Builder Direct Buy Corporation
Hazel Crescent
20-22, 60-62, 56-58, 64-66 Hazel Cres
Lots 7, 55, 56 & 57, Plan 12M-552
Roll Nos: Multiple

Report No.: PDS 2017-048

AIM

To provide the Mayor and Council with information on an application for lands in the Millbrook Subdivision, for the extension of part lot control exemption.

BACKGROUND

On September 26, 2011, Kingsville Mayor and Council passed By-law 114-2011 to permit exemption from Part Lot Control for certain lands in the Millbrook Expansion subdivision (Registered Plan 12M-552), specifically:

- 12-14 Hazel Crescent (Lot 9, Plan 12M-552)
- 16-18 Hazel Crescent (Lot 8, Plan 12M-552)
- 20-22 Hazel Crescent (Lot 7, Plan 12M-552)
- 24-26 Hazel Crescent (Lot 6, Plan 12M-552)
- 28-30 Hazel Crescent (Lot 5, Plan 12M-552)
- 32-34 Hazel Crescent (Lot 4, Plan 12M-552)
- 36-38 Hazel Crescent (Lot 3, Plan 12M-552)
- 40-42 Hazel Crescent (Lot 2, Plan 12M-552)
- 44-46 Hazel Crescent (Lot 1, Plan 12M-552)
- 48-50 Hazel Crescent (Lot 59, Plan 12M-552)
- 52-54 Hazel Crescent (Lot 58, Plan 12M-552)
- 56-58 Hazel Crescent (Lot 57, Plan 12M-552)
- 60-62 Hazel Crescent (Lot 56, Plan 12M-552)

64-66 Hazel Crescent (Lot 55, Plan 12M-552)
68-70 Hazel Crescent (Lot 54, Plan 12M-552)
72-74 Hazel Crescent (Lot 53, Plan 12M-552)
76-78 Hazel Crescent (Lot 52, Plan 12M-552)
59-61 Hazel Crescent (Lot 60, Plan 12M-552)
63-65 Hazel Crescent (Lot 61, Plan 12M-552)
67-69 Hazel Crescent (Lot 62, Plan 12M-552)
71-73 Hazel Crescent (Lot 63, Plan 12M-552)
75-77 Hazel Crescent (Lot 64, Plan 12M-552)
79-81 Hazel Crescent (Lot 65, Plan 12M-552)

This by-law has since expired.

On September 22, 2014 By-law 88-2014 was passed to extend Part lot Control on the remaining undeveloped lots:

20-22 Hazel Crescent (Lot 7, Plan 12M-552)
28-30 Hazel Crescent (Lot 5, Plan 12M-552)
32-34 Hazel Crescent (Lot 4, Plan 12M-552)
36-38 Hazel Crescent (Lot 3, Plan 12M-552)
44-46 Hazel Crescent (Lot 1, Plan 12M-552)
48-50 Hazel Crescent (Lot 59, Plan 12M-552)
52-54 Hazel Crescent (Lot 58, Plan 12M-552)
56-58 Hazel Crescent (Lot 57, Plan 12M-552)
60-62 Hazel Crescent (Lot 56, Plan 12M-552)
64-66 Hazel Crescent (Lot 55, Plan 12M-552)
72-74 Hazel Crescent (Lot 53, Plan 12M-552)
63-65 Hazel Crescent (Lot 61, Plan 12M-552)
67-69 Hazel Crescent (Lot 62, Plan 12M-552)
71-73 Hazel Crescent (Lot 63, Plan 12M-552)
75-77 Hazel Crescent (Lot 64, Plan 12M-552)

By-law 88-2014 will be expiring on September 26, 2018 however, there are still four (4) lots that are left undeveloped. Therefore, the developer is once again requesting an extension of Part lot Control on the 4 subject properties:

20-22 Hazel Crescent (Lot 7, Plan 12M-552)
56-58 Hazel Crescent (Lot 57, Plan 12M-552)
60-62 Hazel Crescent (Lot 56, Plan 12M-552)
64-66 Hazel Crescent (Lot 55, Plan 12M-552)

For a Location Map of the above, please refer to Appendix A.

This report recommends the Part lot Control by-law be extended for an additional three (3) years to allow the time for the completion of the proposed developments.

DISCUSSION

The subject properties are designated 'Residential' in the Official Plan and zoned 'Residential Zone 2 Rural/Urban Exception 6 (R2.2-6)' under the Kingsville Comprehensive Zoning By-law.

The subject lands consist of four plan lots intended for the development of semi-detached dwellings. Once constructed, the semi-detached dwelling is then subdivided into individual freehold units. In order to undertake convey of each of the individual units, exemption from part lot control is required, which then provides the developer the ability to convey the units via completion of a reference plan.

For a Sketch of the Proposed Lots, please refer to highlighted lots in Appendix B.

Subsection 50(7) of the *Planning Act* authorizes Council to pass a by-law providing that the part lot control provisions of Section 50(5) of the said Act do not apply to lands designated in the by-law. The application is not subject to a public hearing or appeal because Council has already approved the entire subdivision in principle and the zoning of the lands is in place to accommodate the revised lot fabric. That is the nature of this application. This is a common approach for within a plan of subdivision for the creation of individual lots for semi-detached dwelling units.

Since extension of Part Lot Control Exemption is not required for lots that have been constructed to-date, the proposed extension of the three (3) year time period will apply to the remaining subject lots.

LINK TO STRATEGIC PLAN

Manage residential growth through sustainable planning.

FINANCIAL CONSIDERATIONS

There will be an increase in assessment value with the completion of the development.

CONSULTATIONS

No public or agency consultation is required by the *Planning Act* when considering a Part Lot Control Exemption By-law.

RECOMMENDATION

It is recommended that Council approve the further extension of Part Lot Control Exemption, By-Law 114-2011, to allow Lots 7, 55, 56 & 57 on Plan 12M-552 to continue to be exempt from Section 50(5) of the Planning Act, and that Council authorize and direct Planning Services to register the by-law (107-2018) on title, subject to the following condition:

That the applicant provide confirmation that the subject lots have separate services and that those services are aligned with the proposed final lot configuration to the satisfaction of the Town for Lots 7, 55, 56 & 57 prior to final registration of the Part Lot Control By-law extension.

Kristina Brcic

Kristina Brcic, MSc, BURPI
Town Planner

Robert Brown

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

Peggy Van Mierlo-West

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