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**Date:** February 6, 2020

**To:** Mayor and Council

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

**RE:** Application for Removal of the H-Holding Symbol ZBA/02/2020  
and Development Agreement by  
Cottam Solar Limited  
Lots 1 to 42, Block 44 to 48, Plan 12M 392 and  
Parts 1 to 7 RP 12R 14958  
Bellevue Drive, Victor Lane & Whitewood Ave.

**Report No.:** PS 2020-007

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## **AIM**

To provide the Mayor and Council with details on the requested removal of the H-Holding symbol and updated development agreement for residential lands located in the community of Cottam.

## **BACKGROUND**

The subject lands are a continuation of residential development to the southeast of the existing subdivision along Redwood Ave. The new development is referred to as the Woodridge Estates subdivision. The lands cover approximately 6 ha (15 ac.) and were approved in 1996 for the development of a total of 46 lots for single detached dwelling. (Appendix A) At that time the approval of subdivisions was still under the jurisdiction of the Province. A development agreement was prepared and entered into with the owner at the time however, a number of items that were to be completed were not and the development did not proceed.

After amalgamation there was a sanitary servicing project that was undertaken to upgrade the existing lagoon system in Cottam. This project was presented as two phases at the time. Property owners with development potential or approved lots could participate in phase one which involved the payment of 50% of the local improvement or could defer until phase two. Participation at phase 1 guaranteed future sanitary sewer access (capacity) to develop, phase 2 participation would mean that the property owner would

have to wait until further expansion of the system was completed. The own of the subject lands opted for phase 2 and as such did not have sanitary sewer capacity to develop.

As noted a development agreement for the subject lands was prepared and signed in 1996 at the time of the initial approval. Given the age of the agreement, change in ownership and political structure from Gosfield North to Kingsville and updating to the general development standards it was suggested, and the developer agreed, to the preparation of a new agreement. (Appendix B) The principles of the original continued to be honored in the up-dated version but does incorporate current agreement language and standards such as storm water management, street design, signage and lighting. One notable item that was added to the agreement will help the Town to make accommodations for a joint storm water outlet for use of the lands to southeast once development on those lands is ready to proceed.

## **DISCUSSION**

The subject lands were recently sold to a different developer who has unused sanitary sewer capacity on lands that are not currently proposed for development. As such the Town and developer have been in discussion to redraft a new up-to-date development agreement in order to move forward. A satisfactory storm water management plan has been completed and servicing details are being finalized and co-oriented to work with future development lands to the southwest. With this in mind the developer is asking for removal of the H-Holding provision on the lands. The development will open an inventory of much needed lots. Currently the Cottam area has less than five vacant, buildable parcels available.

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

There are not issues of Provincial significance raised by the requested removal of the (h) Holding symbol.

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

There are no issues of County significance raised by the application as the lands are within the settlement area of Cottam.

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

The subject property is designated 'Residential' and complies with the policies outlined under Section 3.6 Residential. The development will be low-density single detached dwellings. Lot area will range from 650 to 920 sq. m (7,000 to 9,900 sq. ft.) with frontages of 18 m (59 ft.).

### **4) Comprehensive Zoning By-law – Town of Kingsville**

The subject property is zoned 'Residential Zone 2 Rural/Urban - holding, '(R2.2(h))'. The H-Holding provision is typically in place on lands that require one or more approvals or requirements to be completed prior to moving forward with development. In this case the parcel did have an existing development agreement in place but lacked sanitary sewer capacity. The current owner is transferring capacity from 20 lots located at the end of

Veriena Blvd. in Cottam to accommodate the first phase of development on the subject lands. Upgrades to the sanitary lagoon system were approved as part of the 2020 budget and should be completed within a year to provide capacity for the remaining Phase 2 lands.

## **LINK TO STRATEGIC PLAN**

Manage residential growth through sustainable planning.

## **FINANCIAL CONSIDERATIONS**

There will be an increase in assessment once development starts. Both development changes and building permit fees will be collected at the time of construction of new dwellings.

## **CONSULTATIONS**

### **Agency and Administration**

Applicable agencies and Town Administration were circulated for comment.

<b>Agency or Administrator</b>	<b>Comment</b>
Essex Region Conservation Authority Watershed Planner	<ul style="list-style-type: none"><li>• ERCA will be circulated as part of the final approval of the storm water management and outletting. Additional comment was not required as part of the H-Holding removal.</li></ul>
Town of Kingsville Management Team	<ul style="list-style-type: none"><li>• The proposed development agreement has been reviewed and includes all required provisions applicable to the development</li></ul>

### **Public Consultation**

A notice of intention was circulated to the neighbouring lands owners for information purposes as per the Planning Act. Comment was received from a neighbour on Redwood Ave. regarding future drainage flow and outletting between the existing lots and the new development.

Comment: The servicing details for Redwood Ave. were reviewed with Municipal Services. The design from 1979 did show that rear yard storm drains were a requirement and were the responsibility of the builders of the day. Unfortunately, over time modifications made to properties have often impacted on these drains leading to overland flow onto neighbouring property. The new development will require lot grading plans and confirmation of the installation of rear yard drains. Any overland flow from the existing lots onto the subject lands will be the responsibility of the affected landowner to correct. The Town may be able to provide confirmation of a storm drain connection if required.

## RECOMMENDATION

It is recommended that:

Council approve zoning by-law amendment application ZBA/02/2020 to remove the H-Holding provision from the subject lands in order to permit development to proceed and adopt the implementing by-law, and

Council authorize the Mayor and Clerk to execute the development agreement between Cottam Solar Ltd. (Woodridge Estates Subdivision) in the community of Cottam for a 46 lot residential subdivision and direct administration to have the agreement registered on title.

*Robert Brown*

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