



**Date:** October 28, 2024

**To:** Mayor and Council

**Author:** Richard J.H. Wyma CSLA  
Director of Planning and Development

**RE:** Subdivision Agreement (AGR 2024-1) for King's Valley at the Lake  
(Valente)

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## **RECOMMENDED ACTION**

That the Subdivision Agreement for Kings Valley at the Lake (Valente) Subdivision in the Town of Kingsville for 149 single detached dwelling lots, 28.5 blocks for a total of 434 semi-detached dwelling units, 4.5 blocks for a total of 59 townhouse dwelling units, 1 commercial block, and 2 blocks for parkland **BE APPROVED**;

And that the Mayor and Clerk **BE AUTHORIZED** to execute the agreement;

And that Administration **BE DIRECTED** to register the agreement on title;

And that corresponding By-law 80-2024 to amend the zoning on Phase 1 of the Draft Plan of Subdivision in the Town of Kingsville from Lakeshore Residential Exception 31 (holding) (LR-31(h))' to 'Lakeshore Residential Exception 31 (LR-31)'; and from Lakeshore Residential Exception 32 (holding) (LR-32(h))' to 'Lakeshore Residential Exception 32 (LR-32)' **BE ADOPTED** during the by-law section of this council agenda.

## **BACKGROUND**

In 2012, a zoning amendment was brought forward to Council for a proposed subdivision. The application was refused by Council. The County of Essex, as the approval authority for plans of subdivision, failed to make a decision on the draft plan of subdivision. The applicants appealed the non-decision and refusal to the Ontario Municipal Board (OMB, now Ontario Land Tribunal), which subsequently granted the draft approval for up to 750 lots along with the requested zoning by-law amendment. The County issued final approval on the Draft Plan of Subdivision as ordered by the OMB, however that approval lapsed in 2018. After discussions with the Town, a new draft plan of subdivision was submitted in 2021 in keeping with the approved zoning which remained in place. The new draft plan of subdivision included some adjustments to the original plan to address lot frontage requirements for semi-detached and townhouse developments.

The lands are located on the south side of County Road 20 which extend toward Heritage Road and abuts the Golfside subdivision to the west and Cottage Grove subdivision to the east. The lands are designated Lakeshore Residential West by the Official Plan and zoned Lakeshore Residential Exception 31 and 32 (h), Parkland (PG) and Neighbourhood Commercial Exception 2 – holding (C102(h)) under the Comprehensive Zoning by-law.

The revised plan of subdivision (Appendix A), approved by Council, includes a total of 642 units with a mix of single-detached (149), semi-detached (434) and townhouse dwellings (59). The plan also includes the original commercial block abutting County Road 20 (0.527 ha/1.3 acres) and a total of 6.45 ha (15.94 acres) of parkland in two blocks. The revised draft plan of subdivision also addressed concerns from the public and input gathered through individual landowner meetings to address issues.

On August 31, 2022, the County of Essex issued a Notice of Decision granting draft plan of subdivision (File 37-T-21002, Appendix B) approval on the subject lands and provided a list of required conditions (Appendix C). Planning staff have undertaken drafting of the required Subdivision Agreement to reflect those County conditions as well as municipal conditions.

## **DISCUSSION**

The Subdivision Agreement is largely based on a standard agreement template developed by the Town's Legal Services team. It was prepared and circulated to the applicants for review and includes standard wording for subdivision developments including:

- Engineering and Review and Inspection
- Phasing
- Required Services and Facilities
- Sanitary Sewage Treatment and Potable Water Supply (committing water and sanitary capacity to Phase 1 only, with no services available to subsequent phases until completion of SWWSA infrastructure)
- Storm Water Management
- Conservation Authority Requirements
- Conveyances and Contributions (Including conveyance of blocks of land to abutting landowners on Essex Street as committed to in 2021)
- Parkland Dedication and Subdivision Trees
- Development Charges
- Performance Securities, Maintenance Securities, Indemnity and Insurance
- Acceptance of Work
- Building Permits and Model Homes
- Road Construction and Construction Traffic (which will access the site from County Road 20)
- Sidewalks Including Location and Timing,

- Lighting
- Street Naming

The Agreement also incorporates review and comment from Stantec Consulting who undertook Municipal Consolidated Linear Infrastructure-Environmental Compliance Approvals (CLI-ECA) review on behalf of the Town of Kingsville (CLI-ECA are issued for components of municipal sewage collection systems and municipal stormwater management systems. These approvals were formerly completed by the Ministry of Environment and Energy but delegated to municipalities in 2023). In its review, Stantec also reviewed the servicing plans in the context of the Town's Development Manual. Further, the Stormwater Management Plan was reviewed by the Essex Region Conservation Authority to ensure compliance with the Essex County Stormwater Management Guidelines.

These plans are in final review with the applicant and subject to final approval by the Town. Once this review is complete, the final revised drawing sets will be appended as a Schedule in the Subdivision Agreement. It is not anticipated that the final review will require any changes to the conditions described in the Agreement.

The Agreement confirms that the subdivision is a mix of single-family, semi-detached, and townhouses and will be developed in thirteen phases over a ten-year term. Development of each phase will include all roads, and services and facilities in keeping with the requirements of the Development Manual, as amended from time to time, and in effect at the time of construction. Extension of the Agreement will require application by the Owner and consent of the Town.

As noted, the zoning includes a hold on both residential and commercial lands. The lands were placed on hold based on a 2017 Study of the South West Water Service Area (SWWSA) that confirmed that there was not sufficient water supply for the proposed development. In 2023, the Town engaged Stantec to assess water capacity for Phase 1 of the Valente subdivision (52 units) and confirmed that there was sufficient water to support development of Phase 1.

To that end, the Development Agreement allows for lifting of holds to allow for Phase 1 to proceed, but re-affirms that there are no water services available for subsequent phases until completion of the SWWSA infrastructure.

## **FINANCIAL CONSIDERATIONS**

There will be an increase in assessment once the plan of subdivision is registered and lots created. New construction will generate building permit fees and collection of development charges.

Parkland dedication for the subdivision will be dedicated to the town in accordance with the *Planning Act*, R.S.O. 1990, c.P. 13, Subsection 42. The parkland dedication exceeds what is required under the *Act*.

## **ENVIRONMENTAL CONSIDERATIONS**

The approved subdivision includes dedication of two blocks of parkland 6.45 ha (15.94 acres) including a large block on the South End which abuts the Linden Beach Relief Drain and abuts York Park and the Dog Park. These blocks of park land provide opportunities for restoration along the drain, a large block of open recreation space, and additional active transportation connections to the Town's active transportation networks. A Trail currently exists on the property.

The approved subdivision is subject to the installation of a storm water management system. Two key elements of those systems is the control of not only quantity of water discharge but also the quality. These systems are designed to help safeguard storm water discharge by the use of controls in the system to remove dirt and debris.

## **CONSULTATIONS**

The draft agreement was drafted by Kingsville legal counsel and adapted to this application by planning and engineering. The agreement was circulated to the Technical Advisory Committee and Senior Management Team. The draft agreement was also circulated to the applicant for confirmation.

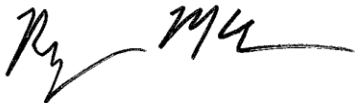
### **PREPARED BY:**



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### **REVIEWED BY:**



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