



Date: March 17, 2025
To: Mayor and Council
Author: Richard J.H. Wyma
Director of Planning and Development
RE: Subdivision Agreement for 175 Wigle Avenue

RECOMMENDED ACTION

That the Subdivision Agreement for 175 Wigle Avenue (Abrahams) in the Town of Kingsville for 18 blocks for a total of 36 semi-detached dwelling units, one (1) Block (Block 19) for temporary cul-de-sac and an L-shaped right of way (Street 'A' to be named Sarkis Street), which will be dedicated as a public road, **be approved**; and

That the Mayor and Clerk **be authorized** to execute the Agreement and register the Agreement on Title; and,

That corresponding By-law 18-2025 to amend the zoning on the lands described in the Draft Plan of Subdivision in the Town of Kingsville from "Low Density Urban Residential 2.1 – Holding with exception 19 [R2.1-19 (h)] to "Low Density Urban Residential 2.1 – Holding with exception 19 (R2.1-19) **be adopted** during the By-law stage of the Council Agenda.

BACKGROUND

In December 2024, Council approved a Zoning By-law Amendment (ZBA 2023-16) and advised the County of Essex, as the approval authority under the Planning Act for Plans of Subdivision in the Town of Kingsville, that Kingsville has no concern or comment regarding the proposed draft plan of subdivision, subject to the required Zoning By-law Amendment.

The subject property is currently vacant and is located on the east side of Wigle Avenue, between Katie Crescent and Glass Avenue as shown in the attached Key Map (see Appendix A) and the Draft Plan of Subdivision (see Appendix B).

The Draft Plan of Subdivision includes a total of 36 semi-detached dwelling units, a local road, to be named Sarkis Street, and a temporary cul-de-sac at the end of Sarkis Street to facilitate turn-around for residents and service vehicles.

The County of Essex provided Notice of Decision, approving the Draft Plan of Subdivision, on February 19, 2025 (Appendix 1). The County's approval included a

number of conditions and amendments that are required to be met by the owner or included in a subdivision agreement with the Municipality. In keeping with the Notice, Administration has been working with the applicant to finalize a Subdivision Agreement

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
- 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
- Conveyances and Contributions (Including conveyance of blocks of land to abutting landowners on Essex Street as committed to in 2021)
- Parkland Dedication (Payment-in-Lieu) and Subdivision Trees
- Development Charges
- Oil, Gas or Water Wells and Contaminants
- Performance Securities, Maintenance Securities, Indemnity and Insurance
- Building Permits and Model Homes
- Road Construction and Construction Traffic
- Sidewalks Including Location and Timing,
- Lighting
- Street Naming

The Agreement also incorporates review and comment from Dillon 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, Dillon also reviewed the Functional Servicing and Civil engineering plans in the context of the Town's Development Manual.

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 includes 18 blocks for a total of 36 semi-detached dwelling units that will be developed in one phase, over a three-year term.

Development 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.

In keeping with the Zoning By-law amendments and Draft Plan of Subdivision approval, the Development Agreement also includes conditions related to Environmental Impact and Compensation (including naturalization of lands offsite), Environmental noise (including construction of noise barrier), and all servicing plans and reports.

It was determined at the time of approval of Zoning and Draft Plan of Subdivision that parkland is not required for this subdivision as there is a municipal park located on Grandview Avenue. Future development will provide connection to Grandview to access the park. In keeping with the recently approved Parkland Dedication By-law (By-law 13-2025), the Agreement requires the owner to pay payment-in-lieu of parkland calculated based on the value of the lands as of the day before the issuance of building permit as set by the Municipality from time to time. The Parkland Dedication By-law includes a schedule includes a schedule for determination of the amounts due for semi-detached dwelling units.

The Subdivision Agreement allows for the lifting of holds to allow for the development to proceed once performance securities (in the amount of 50% of the awarded tender price for all services for the plan) are deposited with the Town. The Agreement is in place for three years, at which time the approval of draft plan by the County will lapse. The owner may request an extension if additional time is needed to support development, which will require resolution from the Town of Kingsville.

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. As noted, the owner will provide payment-in-lieu of parkland. Revenues from the payment-in-lieu will be placed in the Parks Reserve.

ENVIRONMENTAL CONSIDERATIONS

All engineering and civil engineering plans have been reviewed by Dillon Engineering, on behalf of the town, to ensure the plan of subdivision complies with the Town's Development Manual and meets CLI-ECA requirements related to municipal sewage collection systems and municipal stormwater management systems.

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:



Richard J.H. Wyma
Director of Planning and Development

REVIEWED BY:



John Norton
Chief Administrative Officer