



Date: November 17, 2025

To: Mayor and Council

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

RE: Subdivision Agreement for Gardner Estates

RECOMMENDED ACTION

1. That the Subdivision Agreement for Gardner Estates (Truax) in the Town of Kingsville for:
 - a. forty-three (43) lots for single detached residential units; Sixteen (16) lots for thirty-two (32) semi-detached, or townhouse, residential units
 - b. One (1) block (Block 60) for a stormwater outlet;
 - c. Two (2) blocks (Blocks 61 & 62) to be conveyed to neighbouring properties;
 - d. One (1) block (Block 63) for a pump station;
 - e. One (1) block (Block 64) for natural heritage protection; and
 - f. local road connections to Seacliff Drive and Wigle Grove Drive and new local roads, all to be dedicated as public roads

be approved; and
2. That the Mayor and Clerk **be authorized** to execute the Agreement and register the Agreement on Title; and
3. That the proposed names for Street "A" be known as Charles Gate Avenue and Streets "C" and "D" be known as Madeline Avenue, and Street "B" be known as of Wigle Grove Road; and
4. That corresponding By-law 70-2025 to amend the zoning on the lands described in the Draft Plan of Subdivision in the Town of Kingsville from "holding" to "normal" **be adopted** during the By-law state of the Council Agenda.

BACKGROUND

In September 2025, Council approved a Zoning By-law Amendment (ZBA 57-2025) 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 south side of Seacliff Drive and to the west of Wigle Grove Drive as shown in the attached Key Map (Appendix A) and the Draft Plan of Subdivision (Appendix B).

The Draft Plan of Subdivision includes a total of 75 single detached, and semi-detached or townhouse dwelling units, local road connections to Seacliff Drive and Wigle Grove Drive and new local roads to be dedicated as public roads.

The County of Essex issued Draft Approval of the Plan of Subdivision (Appendix C) and provided Notice of Decision and Conditions on October 30, 2025 (Appendix D). 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. These conditions have been incorporated into the 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
- Storm Water Management
- Conveyances and Contributions
- 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. Following review, Dillon is satisfied that the plans meet town development standards. The final revised drawing sets will be appended as a Schedule in the Subdivision Agreement.

The Agreement confirms that the subdivision includes forty-three (43) lots for single detached residential units; sixteen (16) lots for thirty-two (32) semi-detached, or townhouse, residential units. The Developer will be developing the subdivision over two phases (Appendix B). The Agreement permits the developer to develop the subdivision in one phase with approval from the Director of Planning and Development, and Senior Manager, Engineering and Capital Projects. 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 Shoreline Protection including Environmental Reserve zoning on southern portions of properties abutting Lake Erie and protection of natural heritage features identified by the EIA.

The Subdivision Agreement allows for the lifting of holds to allow for the development to proceed once the Plan of Subdivision and Development Agreement have been registered, and 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.

The owners of the development have provided street names for Council's consideration. As shown on Appendix "B":

- Street "A" – to be named Charles Gate Avenue, and
- Street "B" – to be named Wigle Grove Road (as a continuing street name)
- Street "C" and "D"- to be named Madeline Avenue.

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.

The Planning Act and the Town's Official Plan require 5% of lands to be dedicated for park purposes, 5% of the appraised value of the lands as cash-in-lieu, or a mix of dedicated lands and cash-in-lieu. Any additional parkland required above and beyond dedicated lands are proposed to be cash-in-lieu, calculated at a rate in accordance with the Planning Act and directed to the Town at the time of Building Permit at the rate defined in the Town's Parkland Dedication By-law.

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 internally and to the applicant for confirmation.

PREPARED BY:



Allen Burgess,
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REVIEWED BY:

Richard Wyma

Richard J.H. Wyma
Director, Planning and Development

REVIEWED BY:

John Norton

John Norton
Chief Administrative Officer