



2021 Division Road North  
Kingsville, Ontario N9Y 2Y9  
(519) 733-2305  
[www.kingsville.ca](http://www.kingsville.ca)  
[kingsvilleworks@kingsville.ca](mailto:kingsvilleworks@kingsville.ca)

**Date:** August 25, 2017

**To:** Mayor and Council

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

**RE:** PLC/02/17 – Amico Properties Inc.  
100-148 Blue Jay Crescent  
Lots 10-51 (inclusive), Plan 12M-598

**Report No.:** PDS-2017-039

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## **AIM**

To provide the Mayor and Council with information on an application for lands in the Royal Oak at the Creek subdivision (Phase 9) for exemption from part lot control.

## **BACKGROUND**

The subject lands consist of forty-two (42) plan lots within the Royal Oak at the Creek Subdivision originally intended for the development of single detached dwellings. The developer is requesting exemption from part lot control to reconfigure lots 10 to 16, 28 to 41 & 45 to 51 into 20 blocks for development of semi-detached dwellings, eventually to be subdivided into 40 individual freehold units. Servicing needs and storm water have been reviewed and no issues identified. The Part Lot Control exemption would also apply to lots 17 to 27 and 42, 43 and 44 to make minor lot line adjustments to better align the single detached lot with the existing lots along Woodycrest Ave., however no additional lots are created as a result of these adjustments.

## **DISCUSSION**

The subject properties are designated 'Residential' in the Official Plan and zoned 'Residential Zone 2 Urban Exception 6 (R2.1-6)' under the Kingsville Comprehensive Zoning By-law. The subject lands consist of forty-two (42) plan lots within the Royal Oak at the Creek Subdivision. Although the original intent of the subject lots was for the development of 42 single detached dwelling lots the zoning on the entire subdivision does also allow for the development of semi-detached dwellings and townhouses. The proposed change would reconfigure 28 single detached dwelling lots into 20 blocks to accommodate

a total of 40 semi-detached dwelling units. This would lead to a net increase of 12 dwelling units overall.

As part of the pre-consultation with the applicant it was suggested, by staff, that only lots abutting either existing semi-detached, townhouse or vacant single detached lot development be included as part of the requested exemption. A copy of both the existing lot layout and proposed layout are attached as Appendix A and B.

Once each semi-detached dwelling is constructed they are subdivided into individual freehold units. Exemption from part lot control is required to provide the developer the ability to convey the individual units via completion of a reference plan rather than individual consents (severance) on each parcel. This was the original intent at the time of the draft plan of subdivision and is the final step in the build out of the subject lands.

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. If granted, the exemption would allow for the seven lots to be subdivided, as intended, into fourteen lots for each of the original proposed semi-detached dwelling units. 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 type of development. This is the final step in allowing the full build out on the subject lands.

## **LINK TO STRATEGIC PLAN**

Manage residential growth through sustainable planning.

## **FINANCIAL CONSIDERATIONS**

With the addition of more dwelling units in the final phase of development there will be some increase in the final assessment value of the lands once development is completed.

## **CONSULTATIONS**

No public or agency consultations are required by the *Planning Act* when considering a Part Lot Control Exemption By-law. However, because of the number of lots involved and the time that has passed since the original approval the County Planner was consulted and requested that information be circulated to the abutting land owners for review and comment.

A Planning Advisory Committee meeting was held August 15<sup>th</sup> and written comments were submitted with the following comments or questions:

What impact will the change have on services, water, storm and sanitary?

Comment: At the time of the application Municipal Services requested information on servicing confirmation including storm water management. There have been no concerns expressed regarding the change based on the developer's review. A peer review of the developer's servicing assessment was also undertaken and did not identify any capacity issues.

Additional units will increase traffic

Comment: Any traffic impact that was undertaken at the time of the original development would have taken into consideration possible adjustment to the type of housing, single, semi or townhouse with a certain level of flexibility.

More units will add to existing on street parking volumes & gives the feel of a parking lot

Comment: Parking will be on the new streets and should not impact on parking on the existing streets. With the increase in dwelling proximity there does tend to be a sharing of driveways which does create a larger continuous surface that can give the parking lot feel.

Precedent of approval

Comment: The existing zoning permission has already established the potential for change so precedent is not being set by the requested change.

Finality of subdivision design

Comment: Changes in the housing market will always lend themselves to possible change in a developing subdivision. This was the primary consideration when it was suggested that only lots abutting existing semis, townhouses or vacant single detached lots be considered for reconfiguration to accommodate semis. This helps to maintain a certain level of expectation for any of the existing single detached development.

The overall subdivision has seen a number of changes as it has developed. Given that this is the final phase of development for Royal Oak it is unlikely that any additional changes will be entertained as much of the pattern of development has already been established on the abutting lands.

## **PAC 10-2017**

Moved by Gord Queen, seconded by Shannon Olson, that the Planning Advisory Committee approve the recommendation with the addition that Municipal Services review the noted traffic safety concerns in the area.

Municipal Services was advised of the PAC recommendation regarding safety concern and indicated that monitoring of the area has been ongoing in terms of traffic signage and street parking. As the subdivision continues to build out and as comments are received from area residents additional measures may become necessary and will be implemented if warranted.

## RECOMMENDATION

It is recommended that Council:

enact Part Lot Control Exemption By-law 83-2017 to allow Lots 10 to 16, 28 to 34, 35 to 41 and 45 to 51 on Plan 12M 598 to be exempt from Section 50(5) of the Planning Act,

enact Part Lot Control Exemption By-law 83-2017 to allow Lots 17 to 27 and 42 to 44 on Plan 12M 598 to be exempt from Section 50(5) of the Planning Act for the sole purpose of lot line adjustment of the existing single detached lot alignment only, and

direct administration to forward By-law 83-2017 and the Part Lot Control Exemption application to the County of Essex for final approval.

*Robert Brown*

Robert Brown, H, Ba, MCIP, RPP  
Manager, Planning Services

*Peggy Van Mierlo-West*

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