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Date: March 2, 2018

To: Mayor and Council

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

RE: Timbercreek Estates
Extension of Draft Plan of Subdivision Approval
County File No. 37-T-06015

Report No.: PDS 2018-008

AIM

To provide Mayor and Council with information regarding a request by the applicant's agent Mr. Douglas Scaddan, solicitor for Timbercreek Estates Inc., to support a requested extension to draft plan approval for Timbercreek Estates Subdivision.

BACKGROUND

Council originally authorized the entering into of a Development Agreement with the land owner for the creation of 99 single detached residential lots on March 15th, 2010. The County of Essex then issued Draft Plan approval for the Timbercreek Estates Subdivision on May 26th, 2010. Subsequently, in 2011, Timbercreek Estates Inc. transferred lands from the Draft Plan of Subdivision to Pelee Island Winery for an expansion, thereby removing 24 lots from the Plan of Subdivision. Council then authorized an Amendment to the Development Agreement on April 23rd, 2012 to reflect these changes, and the County of Essex granted an extension of the Draft Approval on May 26th, 2012 for an additional three years a further extension was granted on May 26th, 2015 therefore the current approval will expire on May 26, 2018.

Draft Plan Approval (as granted by the County of Essex, the approval authority) allows the developer to proceed with servicing and establishing the development but does not allow for the sale of the lots until all conditions have been satisfied, an agreement has been entered into with the Municipality, the plan has received final approval, and the plan is registered. Through phasing of the development, infrastructure and/or servicing, the economy, or other factors, the conditions may not be met within the three years and, therefore, the applicant requires an extension of the approval to complete the works.

DISCUSSION

Development in Phase 1 of the subdivision has steadily progressed over the last three years and is just over 40% completed however the larger lots and higher value does result in a slower pace than other subdivisions in Kingsville. In addition Phase 2 of Timbercreek Estates could not be developed until the “Lakeshore East Sanitary Sewer Expansion Project” is commissioned or the downstream upgrading through Lakeside Park were undertaken. The latter of these is being undertaken in the next 18 months however it will not be completed in time to facilitate Phase 2 moving forward until then. Extension of Draft Approval is, therefore, warranted for Phase 2 of Timbercreek Estates Subdivision set to expire on May 26th, 2018. Appendix A is attached showing the approved layout and phasing of the subdivision as approved.

According to Section 51(33) of the Planning Act, “the approval authority may extend the approval for a time period specified by the approval authority, and may further extend it, but no extension is permissible if the approval lapses before the extension is given”. Therefore, since the County of Essex granted an extension in 2012 and again in 2015 and has the authority to further extend it, and since the Lakeshore East Sanitary Sewer Expansion Project is not completed, Kingsville Administration recommends that the County of Essex grant a further 3-year extension of Draft Plan Approval for Phase 2 of Timbercreek Estates.

LINK TO STRATEGIC PLAN

Manage residential growth through sustainable planning.

FINANCIAL CONSIDERATIONS

There are no financial consideration as a result of the extension request.

CONSULTATIONS

Administration, County Planner

RECOMMENDATION

It is recommended that Council support a resolution to grant a three-year extension of the Draft Plan of Subdivision Approval for the Timbercreek Estates Subdivision in the Town of Kingsville (County of Essex File No. 37-T-06015).

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