

July 20, 2016

Delivered Via Email: boyds@middlesexcentre.on.ca

Mayor and Members of Council
Municipality of Middlesex Centre
c/o Stephanie Troyer-Boyd
Clerk
10227 Ilderton Road
RR#2 Ilderton ON N0M 2A0

Steven J. O'Melia
LSUC Certified Specialist (Municipal Law)
Direct Line: 519.593.3289
Toronto Line: 416.595.8500
somelia@millerthomson.com

File: 211650.0001

Dear Sirs and Mesdames:

**Re: Application for Official Plan Amendment
10293 Glendon Drive, Kilworth
Report No. PDSD-P-42-16**

As you know, we are the solicitors for Darren Micallef and the Kilworth Komoka Rate Payers Association. We previously wrote to you in connection with the zoning by-law amendment and subdivision applications submitted by Tridon Group Ltd. ("Tridon") in respect of the above-noted property. Our clients had, and continue to have, significant concern about the Tridon proposals, which have been inadequately supported and are not in character with the surrounding area.

We understand that Tridon has appealed the previous zoning by-law amendment and subdivision applications to the Ontario Municipal Board. We therefore find it noteworthy that this Official Plan Amendment ("OPA") application, which is necessary for the approval of the previous applications, is only being submitted now.

In our view, this indicates that the previous deeming of the prior applications to be complete for the purposes of the *Planning Act* was incorrect. This in turn means that Tridon should not have been in a position to appeal its prior applications to the Board, since the time frames for those appeal rights only begin to run once a complete application has been submitted. This is a substantial error that illustrates the lack of diligence that has been applied to these applications.

As indicated in our earlier correspondence, there have been no material changes made to the development proposal to reflect our clients' concerns. With respect to this OPA application:

- The proposal to allow all garages to extend well beyond the front of the house or porch will further increase our clients' concerns about permitted lot coverage and the over-building, and would be inconsistent with the character of the area.
- The extension of the garages would also reduce the available area for driveway parking. Combined with the proposed small frontages and resultant lack of street parking, the ability to park in this area would be extremely limited and the parking that would occur would create a very congested feel.

- The proposed deletion of one of the existing two designated north-south collector roads has the potential to have serious traffic impacts on the immediate area. We are aware of no new traffic impact study that has been put forward to justify this change. If there is such a study, we request that a copy of it be provided to us as soon as possible.

In addition, we remind you of the previous concerns that we had expressed:

1. Although the proposal is for 548 new residential lots, 3 residential blocks, 2 commercial blocks, and a school site, there has been almost no independent planning or traffic analysis carried out to determine its impacts on the existing, stable neighbourhood. A proposal of this magnitude requires greater justification than that which has been carried out.
2. The proposed lot sizes are much smaller not only than other lot sizes in the area, but in other comparable areas in other municipalities. Due to their configuration and size, some of the lots appear to be too small to sustain any reasonable form of development without seeking further relief from the proposed by-law provisions. As staff has noted, this proposed lot fabric has not been materially altered despite the obvious concerns raised by our client.
3. The proposal for only one parking space per unit, combined with the limited amount of street parking due to the small lot frontages, would lead to ongoing parking difficulties in the area. Many families require more than one vehicle, and Council should refer to similar examples in other communities, such as northwest Waterloo, and seek to learn from those experiences rather than repeating them.
4. The limited traffic analysis conducted for this proposal is simply inadequate, and has not been subjected to any form of peer review. This must be done before this proposal can be properly considered.
5. The proposal does not have a reasonable, or any, transition to the existing neighbourhoods. It has seemingly been planned without reference to what already exists in Kilworth.

Given the deficiencies in the OPA application, Council's previous deferral of the prior applications, and the fact that Tridon has already appealed those applications to the Ontario Municipal Board without Council approval, we submit that it is imperative that this OPA application be refused.

Thank you for your consideration of our comments. We hereby request that you provide us with notice of any decision that is made in connection with this matter.

Yours truly,

MILLER THOMSON LLP

Per:



Steven J. O'Melia

SJO/dms

c. Darren Micallef, Kilworth Komaka Rate Payers Assoc. (via email: kilworthratepayers@hotmail.com)

