



**Meeting Date: September 21, 2022**

**Submitted by: Marion-Frances Cabral, Planner**

**Report No: PLA-65-2022**

**Subject: Application for Plan of Condominium Exemption Aura Condominiums – Phase 2 (File: 39T-MC-CDM2202); Filed by Monteith Brown Planning Consultants on behalf of 2638477 Ontario Inc**

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**Recommendation:**

THAT Council passes a resolution in support of the requested exemption from the condominium approval process as set out in 9(6) and 9(10) of the *Condominium Act* for the lands legally described as Plan 33M801 BLK 126, Municipality of Middlesex Centre, and that the resolution be forwarded to Middlesex County Council for consideration of the exemption request.

**Purpose:**

The purpose of this report is to provide information regarding a proposed Plan of Condominium and provide Council with a recommendation regarding the requested condominium exemption for the medium density residential development on Plan 33M801 Block 126 (Aura Condominiums – Phase 2). The subject lands are located on the south side of Glendon Drive and north side of Doan Drive, and west of Springfield Way.

Block 126 is part Phase 2 of the final approved plan of subdivision (File: 39T-MC1301, Kilworth Heights West) and is legally described as Plan 33M801 BLK 126, Municipality of Middlesex Centre.

A location map is included as Attachment 1.

**Background:**

Through the provisions of the *Planning Act* and *Condominium Act*, the applicant has requested exemption from the requirement to submit a *Planning Act* application for approval of a draft plan of condominium and proceed directly to final approval of the site plan, where appropriate.

The Plan of Condominium seeks to create 92 vacant land condominium units for townhouse dwellings and areas for common elements and private roads. Three (3) internal private roads are proposed and are intended to connect to the lands immediately to the west containing Phase 1 (File: 39T-MC-CDM1901) of the development. The proposed site plan is shown as Attachment 2.

The subject property is approximately 1.977 ha (4.86 ac) in area and has a single access to Doan Drive. It abuts an existing medium density residential development located to the west and commercial development located to the east. Block 126 is north of future single family dwellings within the Kilworth Heights West subdivision.

Block 126 was subject to several public review processes as a result of previous development applications applicable to the lands including a Zoning By-law Amendment (File: ZBA-21-2019), Minor Variance (File: A-42-21), and Plan of Subdivision (File: 39T-MC1301). Currently, the subject lands are also subject to site plan review (File: SP-07/22) and Holding symbols “(h-3)(h-6)(h-7)” are applicable to the site. The site plan is under review by staff and a public site plan review will be before council in the near future.

### **Legislation and Policy Regulation:**

#### **Condominium Act, 1998:**

The *Condominium Act* contains provisions within Section 9 to authorize the approval authority, the County of Middlesex, to grant an exemption from the full *Planning Act* approval process for a plan of condominium contained in Section 51 of the *Planning Act*, where it is appropriate.

An exemption would be appropriate in circumstances where there would be no benefit from requiring the applicant to undertake further approvals and where there are no onerous conditions that are normally found within a draft approved plan of condominium agreement. Through this process detailed site design would be addressed during site plan approval and a development agreement would be executed for the proposed development.

As this application does not require circulation to agencies or stakeholders, the County seeks the advice of the Municipality. If the Municipality supports the requested exemption through resolution, the request will then be considered by County Council to provide a decision on the exemption request.

#### **Analysis:**

The request for exemption from *Planning Act* approval for a plan of condominium can be considered appropriate where proposals have previously undergone a complete evaluation, comply with the Zoning By-law and where no further conditions of approval are required by the Municipality or any agencies.

The applicant requested an exemption from draft plan of condominium for development on Block 126 as the medium density residential development had been considered during draft plan approval of the plan of subdivision (39T-MC1301), and through the approved zoning by-law amendment, minor variance, and current site plan review. Municipal staff are currently addressing outstanding technical and engineering matters through site plan review and will ensure conformity with the zoning by-law. The site plan and supporting documents will be reflected within a development agreement to be registered on title of the land.

Planning staff are satisfied that an exemption is appropriate for the development of Block 126 and in circumstances such as this where there would be no benefit from requiring the applicant to undertake further approvals under the *Planning Act*. Further, this approach will streamline concurrent planning approvals between the Municipality and County. Lastly, prior to recommending final approval by County Council, planning staff will ensure that a development agreement has been executed between the applicant and the Municipality.

As a result of the above, planning staff recommend that Council pass a resolution showing support of the exemption from draft plan of condominium approval for the subject land and that it be forwarded for consideration by Middlesex County Council.

**Financial Implications:**

None.

**Strategic Plan:**

This matter aligns with following strategic priorities:

- Balanced Growth

**Attachments:**

Attachment 1 – Location Map

Attachment 2 – Proposed Site Plan