



Meeting Date: August 16, 2023

Submitted by: Marion-Frances Cabral, Planner

Report No: PLA-49-2023

Subject: Application for Plan of Condominium Exemption for 10092 Oxbow Drive (File: 39T-MC-CDM2301); Filed by Zelinka Priamo Ltd on behalf of Oxbow Developments Limited Partnership

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 known as 10092 Oxbow Drive and known legally as Concession 3 Part Lot 6 RP 33R21086 and 33R7661, Municipality of Middlesex Centre, and that the resolution be forwarded to Middlesex County Council for consideration of the exemption request;

AND THAT the Clerk forward the resolution to Middlesex County Council for consideration of the exemption request.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding the requested condominium exemption request for a medium density residential development at 10092 Oxbow Drive.

The parcel is located on the north side Oxbow Drive and west of Union Avenue. The land is legally described as Concession 3 PT Lot 6 RP 33R21086 and 33R7661 (geographic Township of Lobo), Municipality of Middlesex Centre.

A location map is included as Attachment 1 and proposed Plan of Condominium is included as Attachment 2.

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 subject property is approximately 2.01 ha (4.98 ac) in area and has a single access to Oxbow Drive via an easement over the abutting lands at 10072 Oxbow Drive. The lands abut institutional uses to the south east and is surrounded by residential uses.

Several public meetings were held as a result of the Consent applications B-10/2020, B-17/2020, and B-18/2020 (September 23, 2020), Zoning By-law Amendment applications ZBA 11/2020 (September 23, 2020) and ZBA 07/2022 (September 21, 2022), and a public site plan meeting for application SP06-2022 (December 14, 2022).

The site plan is shown as Attachment 3.

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 subdivision agreement or site plan 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, generally 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 of the subject property as the medium density residential development had been considered during the consent, rezoning and public site plan review processes for the applications noted above. Municipal staff have reviewed the site plan application and have executed a site plan agreement which has been registered on title of the land.

Planning staff are satisfied that an exemption is appropriate for the development of 10092 Oxbow Drive and in circumstances such as this where there would be no benefit from requiring the applicant to undertake further approvals under the *Planning Act* and where a comprehensive site plan review process has been undertaken to the satisfaction of the Municipality. Further, this approach will streamline concurrent planning approvals between the Municipality and County.

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 Plan of Condominium

Attachment 3 – Site Plan