



Meeting Date: October 27, 2021

Submitted by: Tim Williams, Senior Planner

Report No: PLA-93-2021

Subject: Application for Plan of Condominium Exemption for Design for Happiness Phase 1 – Part of Lot 6, Concession 2, being Part 4, Plan 33R-21081, Municipality of Middlesex Centre, County of Middlesex, being Part of PIN 09664-059, filed by Design for Happiness (

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* as requested by Design for Happiness for the lands legally described as Phase I Part of Lot 6, Concession 2, being Part 4, Plan 33R-21081, Municipality of Middlesex Centre, County of Middlesex Being Part of PIN 09664-059, Municipality of Middlesex Centre;

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 the northern parcel of the land (formerly part of the Wellness Centre land) which is proposed to be 69 townhouse units in 15 blocks located at the south-west corner of Railway Avenue and Tunks Lane.

This parcel is the first phase of a multi phase development and is legally described as Part of Lot 6, Concession 2, being Part 4, Plan 33R-21081, geographic Township of Lobo, 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 subject property is an area of approximately 1.97 ha (4.9 ac) which is the first phase of the larger 4.18 ha (10.3 ac) with frontage on Railway Avenue and Tunks Lane. The lands have access to municipal water and sanitary services. The surrounding uses are varied with a private school and vacant land to the west and further west are low density residential dwellings. To the north of the subject lands are single detached homes and further north the CN main line. To the northeast is an operating grain handling facility. To the east are lands used for crop production. To the southeast is a commercial plaza that is occupied and partly under construction. The subject lands are currently vacant and are part of a larger parcel owned by Middlesex Centre which contains a community centre to the south that is referred to as the “Komoka Wellness Centre”. A public meeting was held on March 27, 2019 which led to the approval of the official plan amendment (OPA 43) and zoning by-law amendment (File: ZBA-10/19) and provided information regarding the condominium. The subject lands are also subject to site plan review (File: SP 09/19) and a “(h-2)”, “(h-3)” and “(h-9)” holding provision applicable to the site. The site plan application review completed and the agreement will be before Council as a combined Development Agreement (Site Plan and Condominium) in the near future. The proposed Draft Plan of Condominium is shown as Attachment 2.

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. 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.

Given the history of this file, that it was part of a statutory public meeting process with the OPA and ZBA application and since this time the site plan process and has only resulted in the reduction of one unit and the plan has maintained the same general block and private road layout, the criteria of public consultation has been met. The development of phase 1 has been through a rigorous site plan process that refined the plan significantly addressing, items such as noise, ramps, fire access, drainage, servicing, waste management and building elevation design. Municipal staff are currently aligning the conditions of site plan approval within the condominium agreement to the satisfaction of municipal staff as well as Design for Happiness. The development agreement is expected to be before Council in the near future. This agreement will address the criteria of ensuring that there are no outstanding onerous conditions that are normally found within a draft approved plan of subdivision agreement. It is also noteworthy that the Council approved Agreement of Purchase and Sale also addressed conditions that might have otherwise been found in condominium conditions.

Municipal staff are satisfied that an exemption is appropriate for the development of Phase 1 and in the 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 planning approvals between the Municipality and County. Lastly, prior to recommending Condominium exemption by County Council, planning staff will ensure that a development agreement has been executed between the applicant and the Municipality.

It is noteworthy that in this case the applicant, DFH, is set to finalize the purchase of the property once the Site Plan approval, associated planning agreements have been finalized and the Holds have been removed.

As a result of the above, it is 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:

- 1c. Planning & Positioning: Realizing development potential.
- 2a. Economic Development: Realizing economic development opportunities.
- 3c. Quality of Life: Meeting the needs of both current and future citizens.

Attachments:

Attachment 1 – Location Map

Attachment 2 – Draft Vacant Land Condominium Plan