



Committee of Whole

Meeting Date: November 9, 2021
Submitted by: Durk Vanderwerff, Director of Planning
SUBJECT: EXEMPTION FOR A PROPOSED PLAN OF CONDOMINIUM:
MIDDLESEX CENTRE C/O DESIGN FOR HAPPINESS; FILE NO.
39T-MC-CDM2102

BACKGROUND:

The proposed Design for Happiness plan of condominium would consist of 69 townhouse units to be developed on full municipal services on a 1.95-hectare property in Komoka. The property is a portion of lands behind the Komoka Wellness and Recreation Centre that are owned by the Municipality of Middlesex but in the process of being transferred to Design for Happiness Inc.

The subject lands have frontage on Railway Avenue and Tunks Lane and are located north of Glendon Drive (County Road 14). It is noted that Council approved Amendment No. 43 to the Middlesex Centre Official Plan for these lands on April 23, 2019 and also that Design for Happiness Inc. presented their plans for 'Unity Square' at the May 14, 2019 meeting of County Council. A location map, the proposed plan and the local planning report are appended to this report.

The applicant is requesting that the County exempt this development from the full condominium approval process as set out in Section 51 of the Planning Act. Sections 9(6) and 9(10) of the Condominium Act authorizes the Approval Authority to grant an exemption when the Approval Authority believes it to be appropriate. Essentially, an exemption allows the owner to by-pass the draft plan approval process and proceed to final plan approval where the typical draft plan approval matters can be appropriately addressed by another land use planning process

ANALYSIS:

The County accepted the proposed plan of condominium as complete on October 25, 2021 and it was determined that an agency circulation was not necessary in this case.

An exemption from the full condominium approval process is appropriate in cases where there are no outstanding matters respecting the development that impact outside agencies, there would be no benefit from undertaking additional public consultation, and the development is subject to an existing planning approval and agreement. In this case, there are no outstanding matters, the proposal was subject to a local public planning process with official plan and zoning by-law amendments, and the Municipality has indicated that their requirements are satisfied by the terms of a condominium / site plan development agreement that will be registered on title.

In all, staff are satisfied that an exemption is appropriate in this case. However, it is noted that if Council grants the exemption, that the signing of the final plans will not occur until it has been confirmed that the development agreement is registered and a clearance is provided by the Municipality. Middlesex Centre Council supported the exemption at their October 27, 2021 meeting.

The Provincial Policy Statement (PPS) and the County Official Plan encourage new development to occur in settlement areas, like Komoka, where full municipal services can be provided. The County Official Plan designates Komoka as an 'Urban Settlement Area'. The lands are located within a Special Policy Area of the Middlesex Centre Official Plan and within a site specific 'Urban Residential Third Density exception 10 (UR3-10 (h-2 h-3 h-9)) Zone' of the Middlesex Centre Comprehensive Zoning By-law. The proposed development would form part of a developing mixed use community.

It is my opinion that this plan of condominium is consistent with the PPS, conforms to the County Official Plan policies that encourage new residential development to locate in settlement areas on full municipal services, and conforms to the policies of the Middlesex Centre Official Plan. It is also my opinion that it is appropriate to exempt this development from the full condominium approval process as set out in Section 51 of the Planning Act.

FINANCIAL IMPLICATIONS:

The budget expense related to the Provincially delegated Approval Authority responsibility for local official plans is offset, to an extent, through the collection of application fees. The approval of development and the accompanied community growth has indirect long-term financial implications.

ALIGNMENT WITH STRATEGIC FOCUS:

This report aligns with the following Strategic Focus, Goals, or Objectives:

Strategic Focus	Goals	Objectives
Strengthening Our Economy	Encourage a diverse and robust economic base throughout the county	<ul style="list-style-type: none"> • Create an environment that enables the attraction and retention of businesses, talent, and investments • Support the development and prosperity of downtown core areas in Middlesex County

RECOMMENDATION:

That the County of Middlesex exempt plan of condominium File No. 39T-MC-CDM2102 from the full condominium approval process.

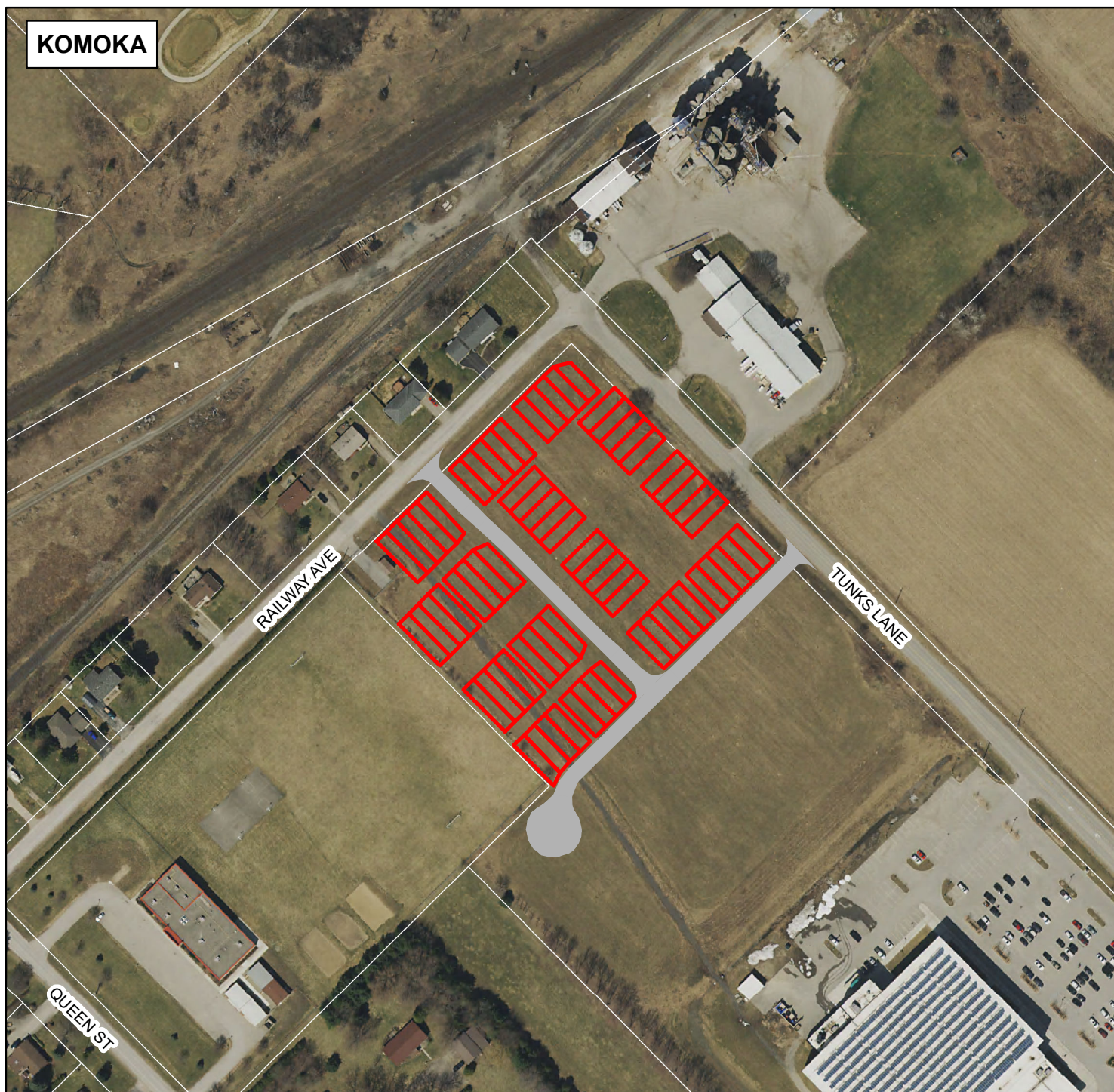
Attachments

Location Map

Plan of Condominium

Local Municipal Staff Report

KOMOKA



LOCATION MAP

Description:
Proposed Plan of Condominium
Design for Happiness Inc.
Municipality of Middlesex Centre

File Number:
39T-MC-CDM2102

Prepared by: Planning Department
The County of Middlesex, November 04, 2021.

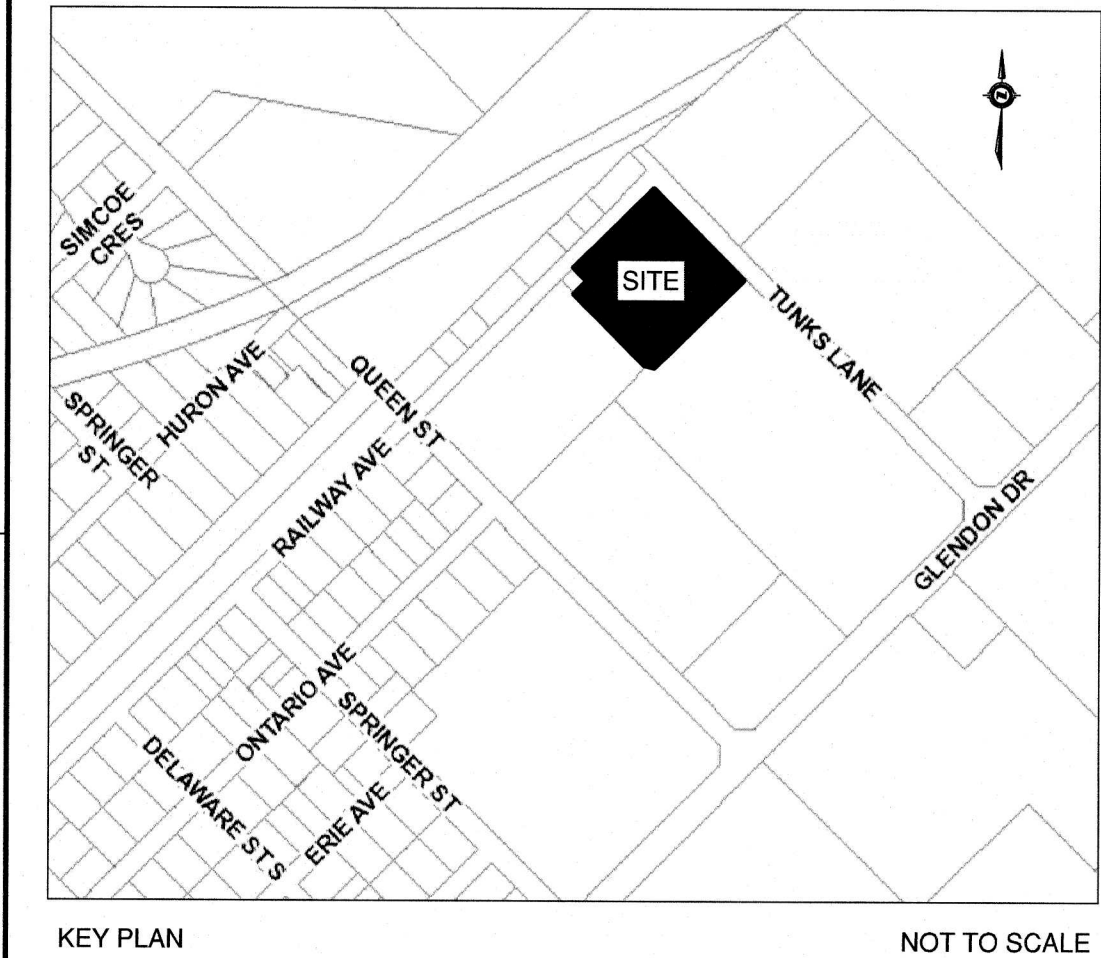
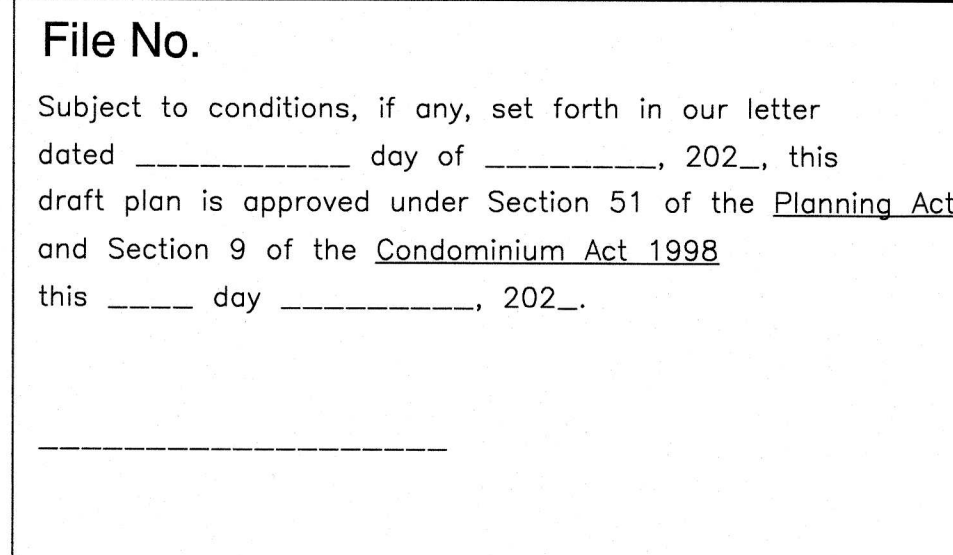


LEGEND

 Subject Lands



1:2,500
0 60 120
Meters



DRAFT PLAN OF VACANT LAND CONDOMINIUM
OF PART OF
LOT 6, CONCESSION 2
(GEOGRAPHIC TOWNSHIP OF LOBO)
IN THE
MUNICIPALITY OF MIDDLESEX CENTRE
COUNTY OF MIDDLESEX

SCALE 1:500

10 8 6 4 2 0 10 20 30

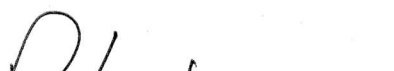
SCALE IN METRES

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

OCTOBER 19 / 2021

LONDON, ONTARIO



ROBERT WOOD
ONTARIO LAND SURVEYOR

OWNER'S CERTIFICATE:

WE HEREBY AUTHORIZE DESIGN FOR HAPPINESS (DPH) INC. TO SUBMIT THIS DRAFT PLAN
OF VACANT LAND CONDOMINIUM.

MUNICIPALITY OF MIDDLESEX CENTRE

Michael Di Lullo
Chief Administrative Officer

I HAVE THE AUTHORITY TO BIND THE CORPORATION

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51 (17) OF THE PLANNING ACT.	
(a) AS SHOWN ON PLAN	(g) AS SHOWN ON PLAN
(b) AS SHOWN ON PLAN	(h) MUNICIPAL PIPED WATER
(c) AS SHOWN ON KEY PLAN	(i) SILTY LOAM
(d) VACANT LAND CONDOMINIUM UNITS	(j) AS SHOWN ON PLAN
(e) AS SHOWN ON PLAN	(k) MUNICIPAL SEWERS AND WATER
(f) AS SHOWN ON PLAN	(l) EASEMENTS AS SHOWN ON PLAN

SITE DATA	
SITE AREA	1.9533 ha.
TOWNHOUSE DWELLING UNITS	69
DENSITY	35.3 UNITS/ha.

UTM GRID NOTE:

BEARINGS ARE U.T.M. GRID NAD83 (CSRS) (2010.0), DERIVED FROM G.P.S. OBSERVATIONS AND THE LEICA SMART-NET BASE STATION NETWORK AND ARE REFERRED TO THE CENTRAL MERIDIAN 81°00' WEST LONGITUDE, ZONE 17.

DISTANCES SHOWN ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9995823092.

OBSERVED REFERENCE POINTS (ORP's) DERIVED FROM G.P.S OBSERVATIONS USING REAL TIME NETWORK (RTN), U.T.M. ZONE 17, NAD83 (CSSRS) (2010.0), COORDINATES TO UNBURY ACCURACY PER SEC. 14(2) OF G.REG. 216/10		
POINT ID	NORTHING	EASTING
ORP 1	4755861.513	465161.344
ORP 2	4755632.498	465116.207
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

METRIC:
DISTANCES AND CO-ORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE
CONVERTED TO FEET BY DIVIDING BY 0.3048.



No. REVISIONS			DATE	BY	PLAN • SURVEY • ENGINEER		EMAIL info@agm.on.ca	WEB www.agm.on.ca
1	INITIAL RELEASE		101921	CRC	DRAWN BY: CRC	DIGITAL FILE: L02103DP1C13.DWG	PLAN No:	
2	—		—	CRC	CHECKED BY: DDC	DATE: Oct. 19, 2021	8-L-5714	
							Plot date: Oct 19, 2021 F:\Projects\1\Job01\L0\L0-118\L0-118-6\CARD\L02103DP1C13.dwg	



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