



## Committee of Whole

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**Meeting Date:** June 8, 2021  
**Submitted by:** Durk Vanderwerff, Director of Planning  
**SUBJECT:** EXEMPTION FOR A PROPOSED PLAN OF CONDOMINIUM:  
RIDGE CROSSINGS TOWNHOUSE DEVELOPMENT (PHASE 2);  
LUCAN BIDDULPH; FILE NO. 39T-LB-CDM2101

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### **BACKGROUND:**

2219260 Ontario Inc., the owner of the subject lands is seeking to develop a vacant land plan of condominium on a 1.01-hectare parcel. The lands are to be developed on full municipal services consisting of 44 two-storey townhouses. The subject lands are situated on the south side of Nicholson Street, on the west side of Miller Drive and back onto Wilberforce Public School. A location map, the site plan, and a copy of the local planning reports as provided to Township Council are appended to this report.

The owner of the lands 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 developer 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 proposed plan of condominium was accepted as complete by the County on April 29, 2021. 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 public planning process when the lands were rezoned to permit the proposed use, and the Township has indicated that their requirements are satisfied by the terms of a site plan agreement that has been

registered on title of the lands. Township Council, by resolution, has indicated that they support the exemption of this development. In all, staff are satisfied that an exemption is appropriate in this case.

The Provincial Policy Statement (PPS) and the County Official Plan encourage new development to occur in settlement areas, like Lucan, where full municipal services can be provided. The County Official Plan designates Lucan as an 'Urban Settlement Area'. The lands are located within the 'Residential' designation of the Lucan Biddulph Official Plan and within a site specific 'Residential Third Density Exception (R3-6) Zone' of the Township Comprehensive Zoning By-law.

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, and conforms to the policies of the local 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:

<b>Strategic Focus</b>	<b>Goals</b>	<b>Objectives</b>
Strengthening Our Economy	Encourage a diverse and robust economic base throughout the county	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-LB-CDM2101 for 2219260 Ontario Inc. from the full condominium approval process.

Attachments

LUCAN



## LOCATION MAP

Description:  
Proposed Plan of Condominium  
2219260 Ontario Inc  
Township of Lucan Biddulph

File Number:  
39T-LB-CDM2101

Prepared by: Planning Department  
The County of Middlesex, April 28, 2021.



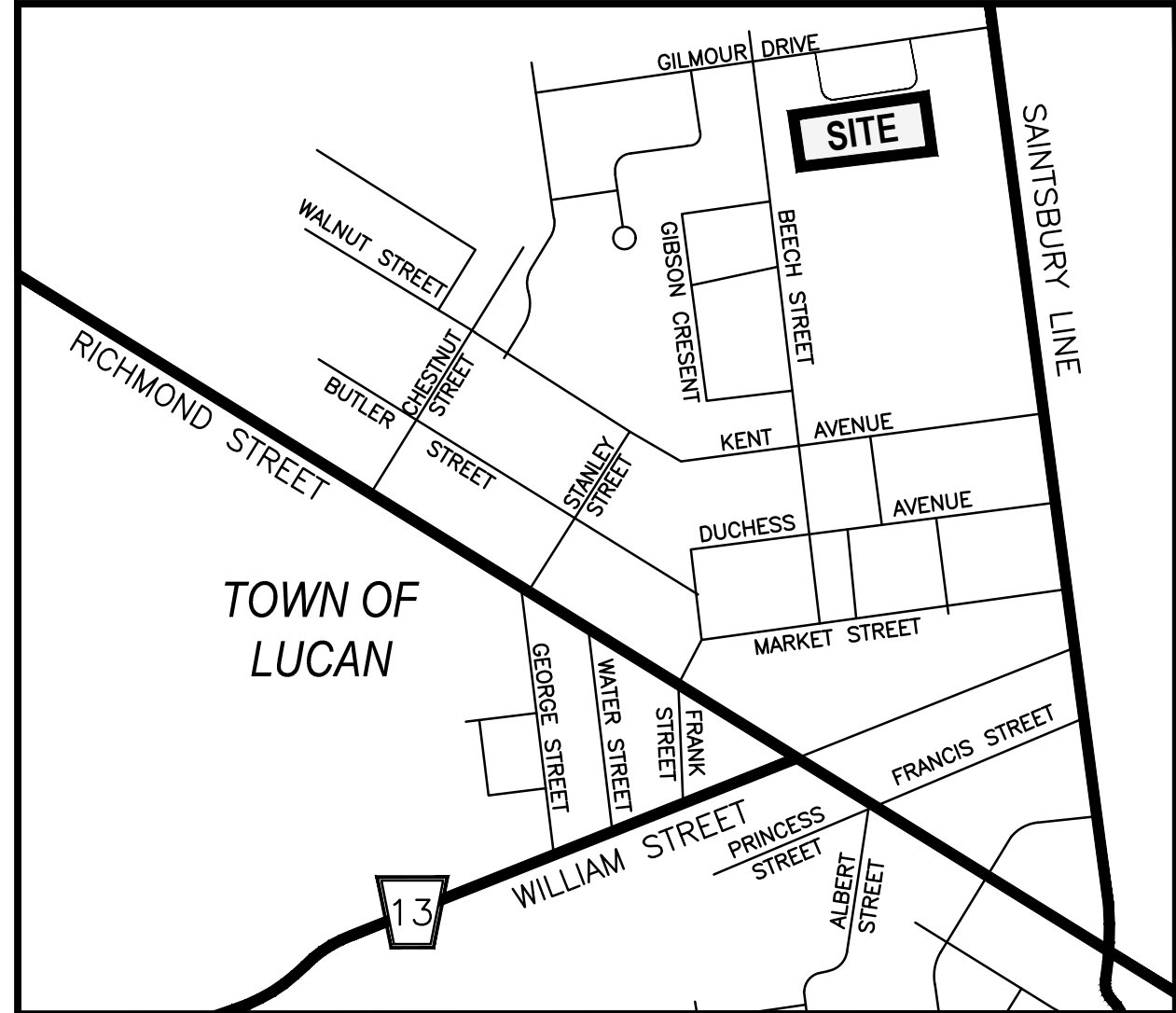
## LEGEND

 Subject Lands



1:4,000  
0 100 200  
Meters





VICINITY PLAN  
NTS

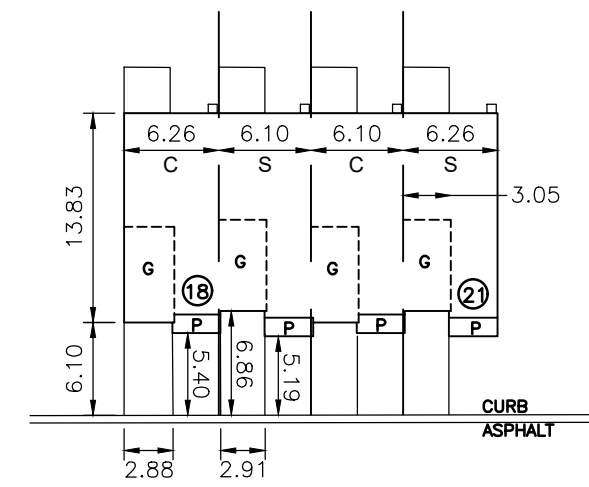
- NOTE:
1. ALL RADII PRESENTED ARE TO EDGE OF PAVEMENT
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  4. OUTDOOR LIGHTS TO BE DIRECTED AWAY FROM ADJACENT RESIDENCES AND MOUNTED ON TOWNHOUSE.

SITE DATA TABLE R3-6 ZONE		
ZONING PROVISIONS	REQUIRED	AS SHOWN ON PLAN
(a) PERMITTED USES	TOWNHOMES	TOWNHOMES
(b) LOT AREA (m <sup>2</sup> ) (min)	1500	1.01ha
(c) LOT FRONTAGE (m) (min)	30.0	>30.0
(e) EXTERIOR SIDE YARD(m)	3.5	2.75*
(f) INTERIOR & SIDE YARD (m) (min)	1.5	>=1.5
(i) OUTDOOR AMENITY AREA MINIMUM	35%	0.64ha = 63%
(j) LOT COVERAGE % (max)	40%	0.38ha = 37%
(k) HEIGHT (m) (max)	10.0	<=10.0
(l) FRONT YARD (m)	6.0	6.0
(m) REAR YARD (m)	7.0	6.0*
(n) DENSITY		39 U/Ha
(o) NUMBER OF UNITS		44
(p) PARKING		88
(q) VISITOR PARKING		9

\* SITE SPECIFIC R3-6 ZONE REQUIRED TO ADDRESS PROVISION

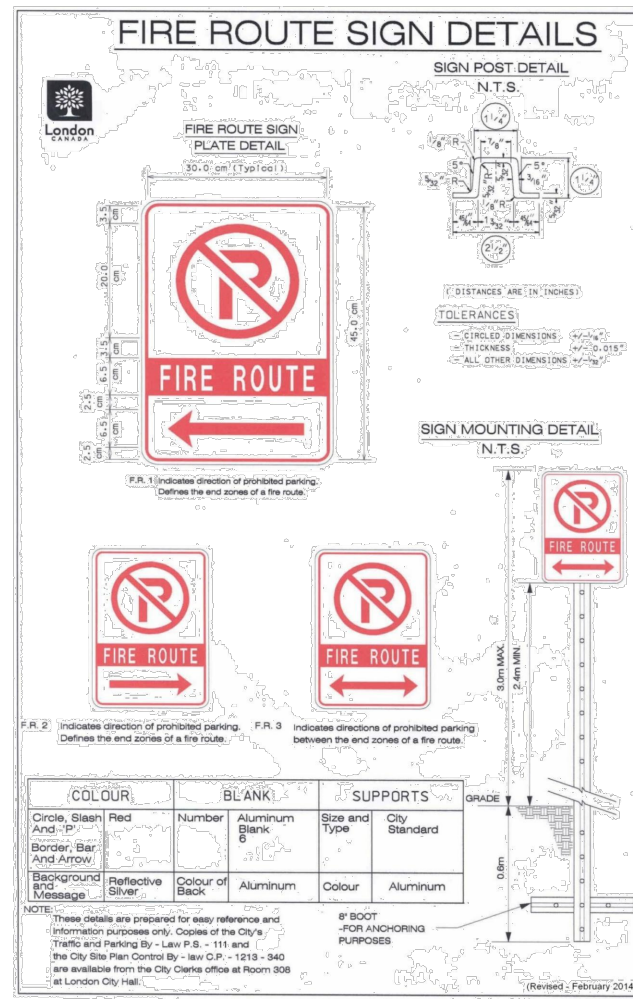
NOTE:

1. PARKING - 2 SPACES PER UNIT (GARAGE & DRIVEWAY)
- 9 VISITOR SPACES

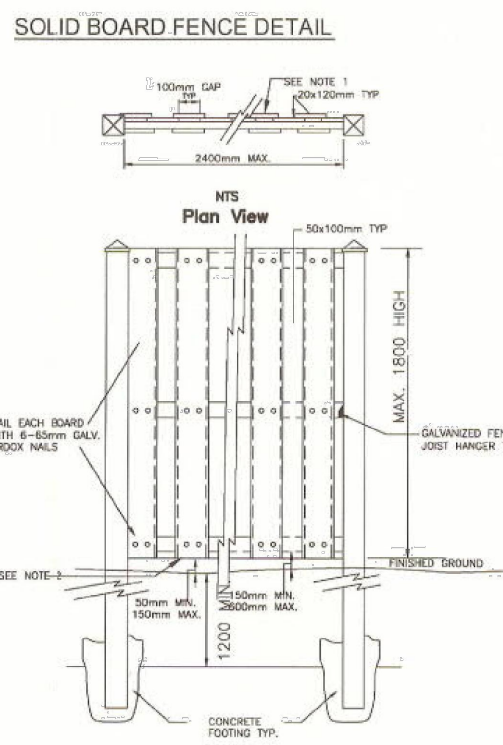


TYPICAL UNIT DIMENSIONS  
NTS

- P PATIO  
G GARAGE  
18 UNIT NUMBER  
S STOCKTON UNIT LAYOUT  
C CAMDEN UNIT LAYOUT  
10'x10' PLATFORM DECK  
AIR CONDITIONER UNIT

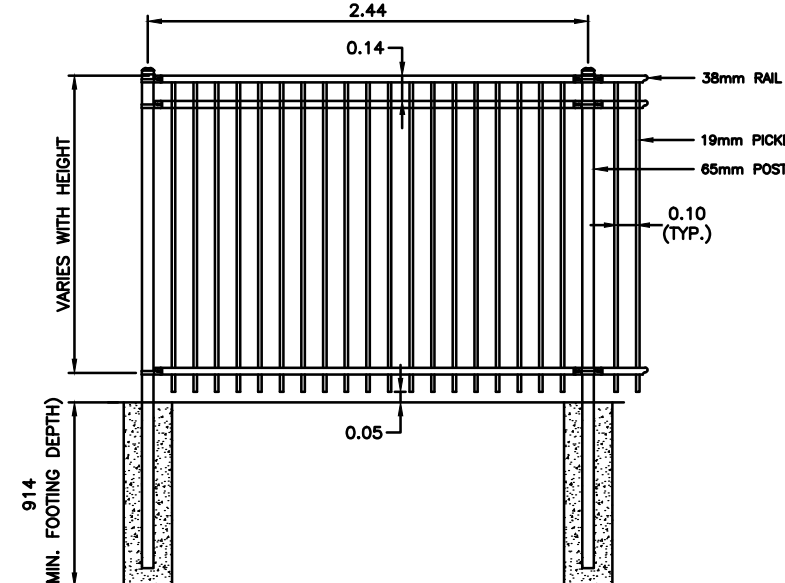


ACCESSIBLE PARKING SIGN DETAILS  
NTS

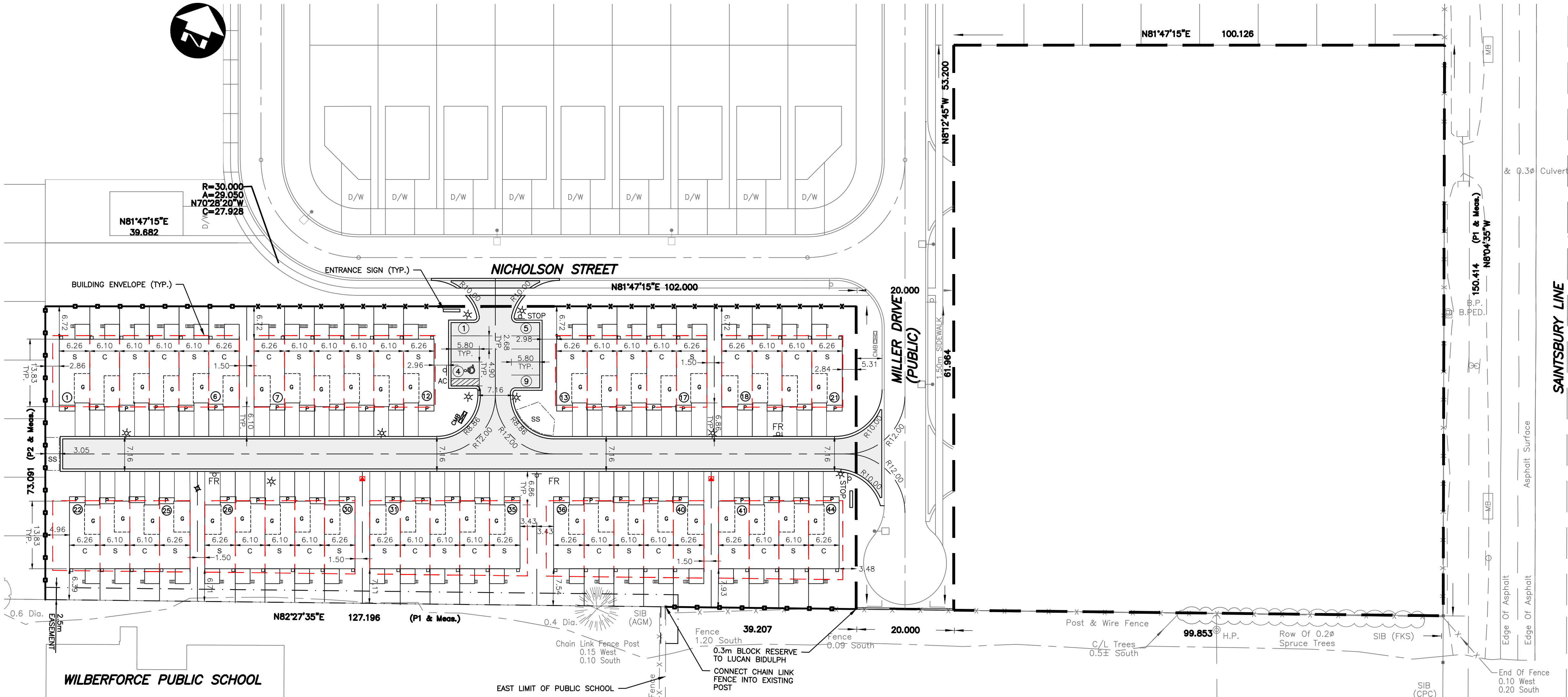


- NOTES:
1. STANDARD BOARD ON BOARD FENCE TO COVER 100mm GAPS.
  2. ADJACENT TO OVERLAND FLOW ROUTE OUTLET POINTS, ADDITIONAL BOARDS ARE TO BE KEPT A MINIMUM OF 150mm ABOVE FINISHED GRADE.

WROUGHT IRON FENCE DETAIL  
1:25



- NOTES:
1. POST SIZE DEPENDS ON FENCE HEIGHT AND WIND LOADS. SEE MONTAGE PLUS SPECIFICATIONS FOR POST SIZING CHART.
  2. THIRD RAIL REQUIRED FOR DOUBLE RINGS.
  3. AVAILABLE IN 3" AIR SPACE AND/OR FLUSH BOTTOM ON MOST HEIGHTS.



LEGEND

- STOP  
FR  
AC  
Cobra Head Street Light  
Post Top Street Light  
PROPERTY LINE  
EASMENT  
1.8m High Wood Fence  
Wrought Iron Fence  
Chain Link Fence  
Building Envelope  
Fire Hydrant  
Community Mailbox  
Unit Number  
Parking Space Number  
Fire Route  
Hydro One Transformer  
Snow Storage
- STOP SIGN  
FIRE ROUTE SIGN  
ACCESSIBLE SIGN  
COBRA HEAD STREET LIGHT  
POST TOP STREET LIGHT  
PROPERTY LINE  
EASMENT  
1.8m HIGH WOOD FENCE  
WROUGHT IRON FENCE  
CHAIN LINK FENCE  
BUILDING ENVELOPE  
FIRE HYDRANT  
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SNOW STORAGE

Conditions of Use

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Report any discrepancies to Dillon Consulting Limited.

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DILLON  
CONSULTING

No.	ISSUED FOR	DATE	BY	DESIGN	REVIEWED BY	DATE	SCALE
04	ISSUED FOR REVIEW (3RD)	MAR 2021	JDJ	BJP	JDJ		
03	ISSUED FOR TENDER	FEB 2021	JDJ	BJP	JDJ		
02	ISSUED FOR REVIEW (2ND)	JAN 2021	JDJ				
01	ISSUED FOR REVIEW	OCT 2020	JDJ				
				FEBRUARY 2021		1:500	

2219260 ONTARIO INC.  
RIDGE CROSSING TOWNHOUSE DEVELOPMENT COMPLEXES

SITE PLAN

PROJECT NO.  
115033  
SHEET NO.  
01





**Planning Development  
County of Middlesex  
399 Ridout Street North  
London, ON N6A 2P1  
(519) 434-7321 (fax) 434-0638  
www.middlesex.ca**

**Meeting Date:** May 18, 2021

## **REPORT**

**TO:** Mayor Burghardt-Jesson and Members of Council  
Township of Lucan Biddulph

**FROM:** Dan FitzGerald MPI, Planner

**RE: Request to Remove a Holding (“H”) Symbol (ZBA 6/2021) and Request for Condominium Exemption  
2219260 Ontario Inc. (Owner), c/o Dillon Consulting Limited (Agent)  
Ridge Crossing Townhouses – Phase 2, Lucan**

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### **Purpose:**

The applicants are requesting the removal of the holding (H) symbol from the zoning of the subject properties to allow for the construction of a nine (9) block, forty-four (44) unit townhouse development; and to support the developer’s request for a condominium exemption with the determination that another public meeting is not necessary.

### **Background (refer to Key Map):**

The subject property is a 1.01 hectare (2.51 ac) located on the south side of Nicholson Street and west of Miller Drive in the Ridge Crossing Subdivision. The lands are vacant and are designated ‘Residential’ in the Township of Lucan Biddulph’s Official Plan. They are currently zoned a site-specific Residential Third Density Exception – Holding (R3-6-H). Currently, the zoning permits development in the format of townhouse dwellings.

Respecting the request for the removal of a holding symbol, the properties were previously subject to a Zoning By-law Amendment and Site Plan Application, which have both received approval from Council. The existing zoning on the lands contains an H – holding symbol which requires municipal services to be extended to the site prior to removal. Servicing has been extended and the applicant has entered into both a Subdivision Agreement and Site Plan Agreement.

Respecting the request for a condominium exemption, Council considered and approved the site plan application for the townhouse development on May 4, 2021 with the understanding identified that the proposal would be developed as a townhouse condominium. The Condominium Act provides for applications for condominium approval to be dealt with in one or two ways. The first generally involves a process similar to an application for draft plan of subdivision where, after appropriate circulation, a proposal receives 'draft' approval, contingent on the applicant satisfying a number of conditions prior to final approval. The second is where the approval of the condominium is exempt from the ‘draft’ approval stage and proceeds directly to final approval. The exemption process is intended to apply to proposals that have previously undergone a complete evaluation, are subject to a site plan agreement and comply with the Zoning By-law and where no further conditions of approval are required by the municipality or any agencies. The developer is seeking a condominium exemption which requires approval from the County of Middlesex being the delegated approval

authority. To process the developer's request, the County's Director of Planning requires a resolution from Township Council indicating support for the exemption and that another public meeting is unnecessary.

**Analysis:**

The prerequisite for the removal of the holding (H) symbol is that the lot be connected to full services. This has been satisfied as municipal services are in place and operational. The removal of holding would be consistent with the Provincial Policy Statement, the County of Middlesex Official Plan and the Township of Lucan Biddulph Official Plan.

Additionally, recognizing that the developer has received site plan approval, the development complies with the Zoning By-law through a zoning by-law amendment and no further conditions of approval are required by the Township, the County or any agencies; deeming the request for a condominium exemption is appropriate. No further public consultation is warranted considering public consultation was required to establish the zoning.

**Recommendations:**

THAT the request to remove the holding (H) symbol by 2219260 Ontario Inc to allow for the construction of a nine (9) block, forty-four (44) unit townhouse development be granted and that the implementing By-law's be passed.

AND FURTHER THAT Township Council recommends to the County of Middlesex that the request for the condominium exemption by 2219260 Ontario Inc. for lands legally described as Part of Block 103 on Registered Plan 33M-739 (geographic Township of Biddulph) in the Township of Lucan Biddulph, is appropriate and that no further public consultation be required.

**Attachments:**

1. Location Map
2. Approved Site Plan
3. Planner Recommendation Report – Site Plan Approval

## APPLICATION FOR ZONING BY-LAW AMENDMENT: ZBA 2-2021

2219260 Ontario Inc. (Owner)

Dillon Consulting Limited c/o Melanie Muir (Agent)

Nicholson St

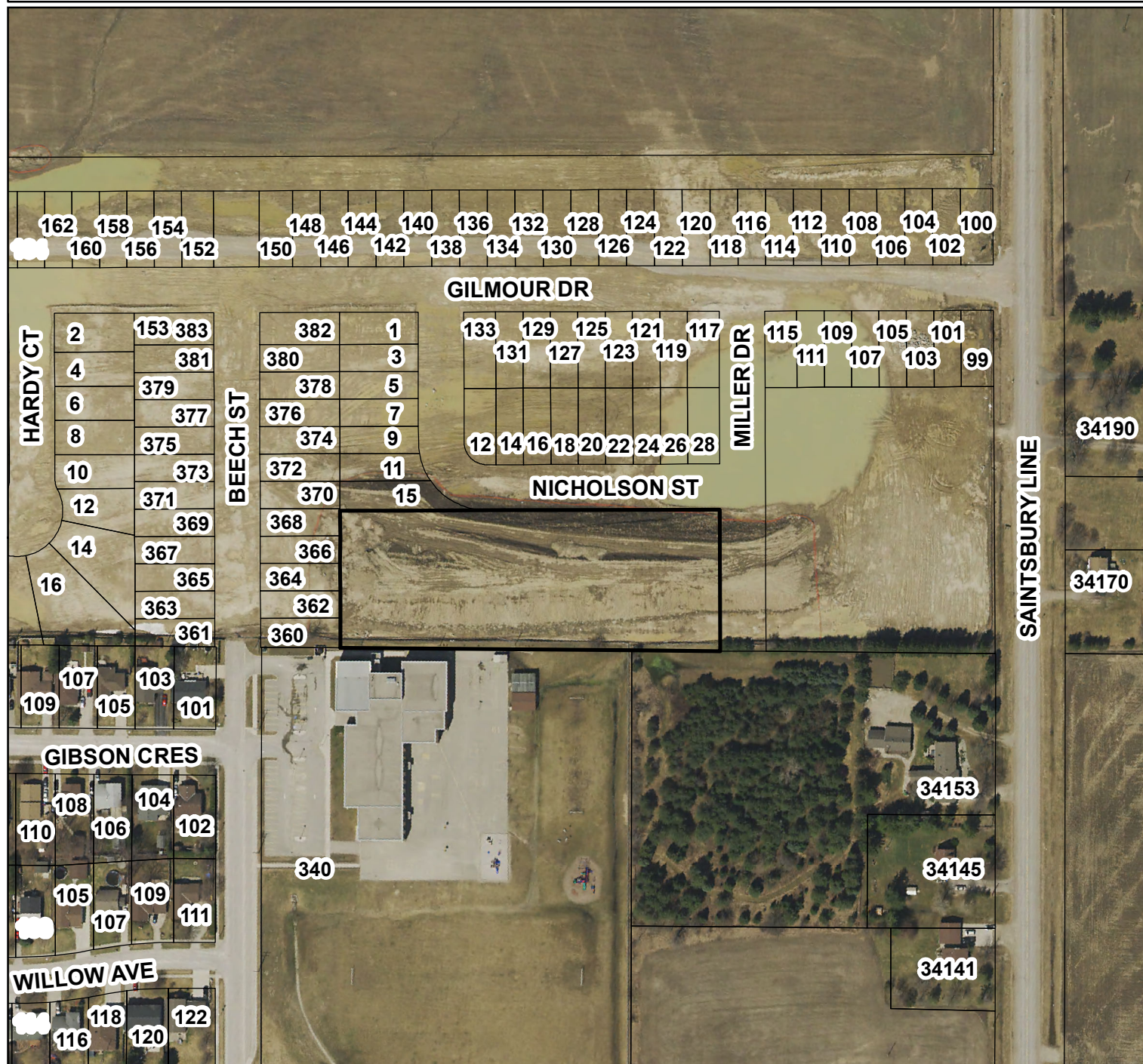
Plan 33M739 BLK 103

Township of Lucan Biddulph




Township of LUCAN BIDDULPH

KEY MAP



Published by the County of Middlesex  
Planning Department  
399 Ridout Street North, London, ON N6A 2P1  
(519) 434-7321  
January 2021

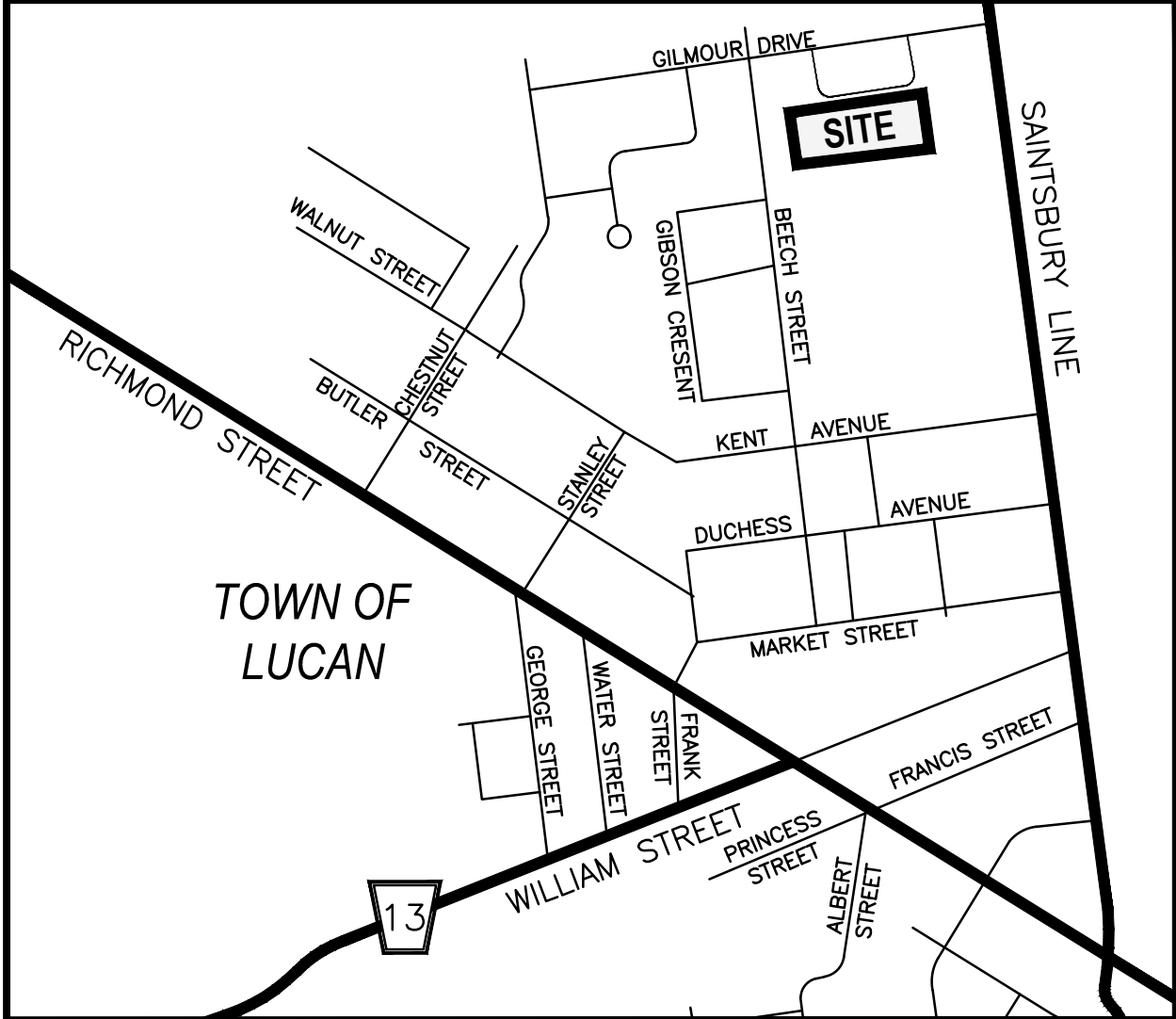
 Subject Lands



1:2,500  
0 10 20 30 40 Metres

ORTHOPHOTOGRAPHY: SWOOP 2015  
Disclaimer: This map is for illustrative purposes only.  
Do not rely on it as being a precise indicator of routes,  
locations of features, nor as a guide to navigation.

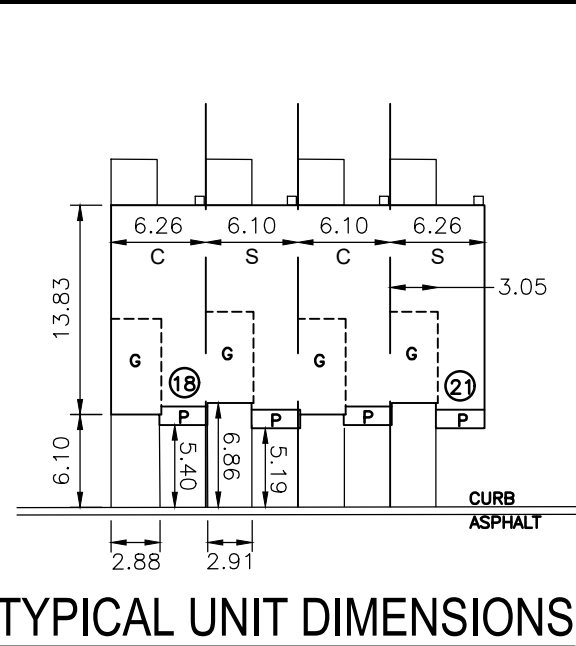




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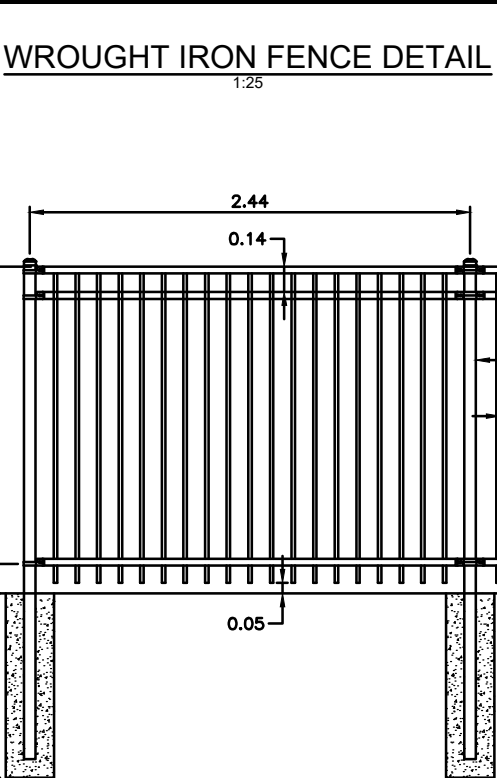
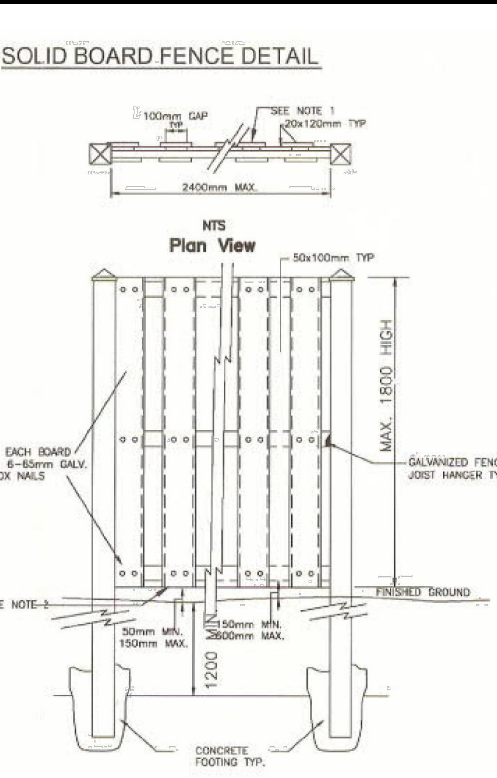
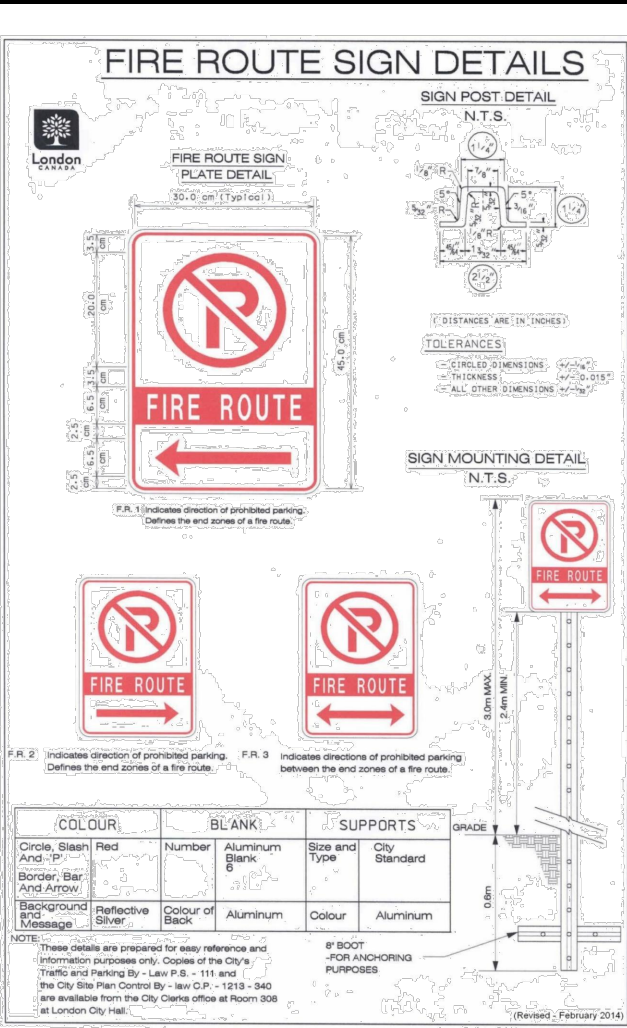
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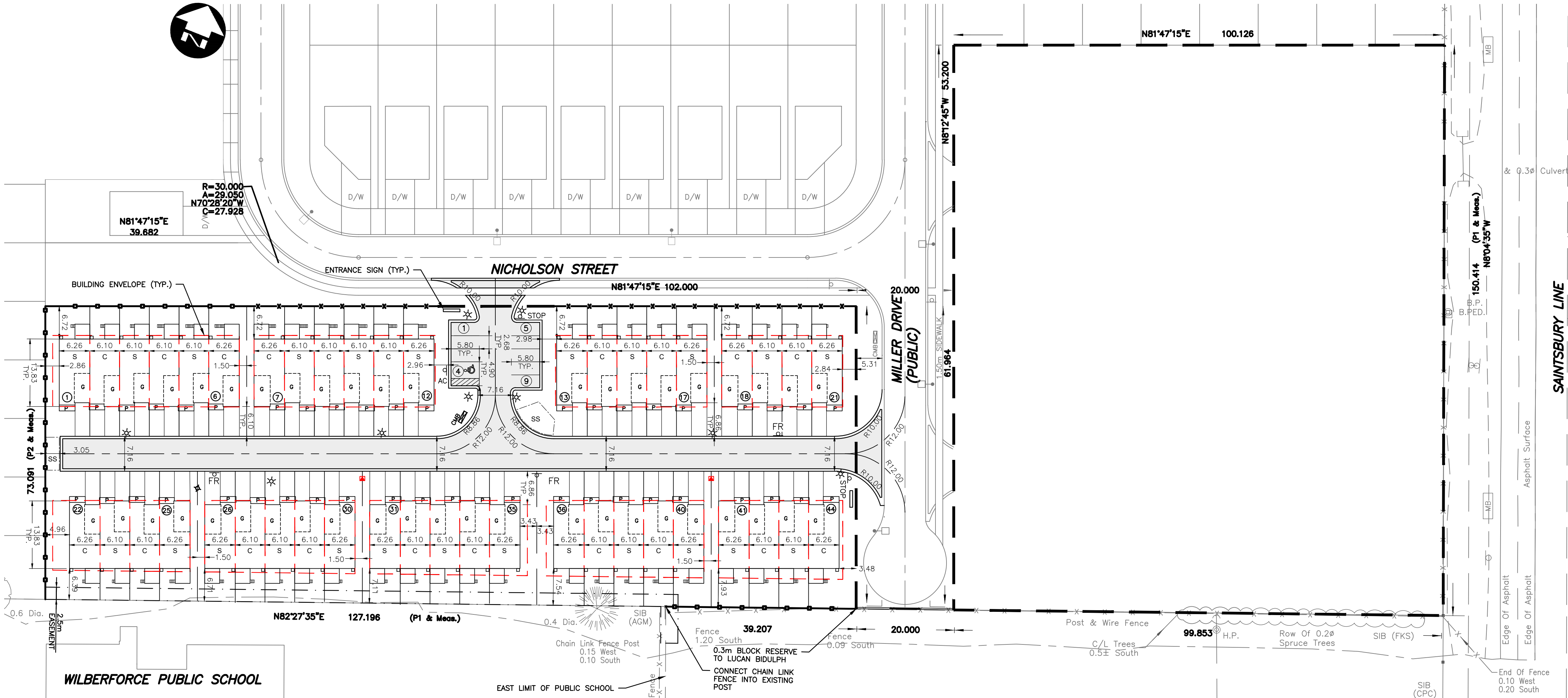
NTS

- P PATIO
- G GARAGE
- 18 UNIT NUMBER
- S STOCKTON UNIT LAYOUT
- C CAMDEN UNIT LAYOUT
- 10'x10' PLATFORM DECK
- AIR CONDITIONER UNIT



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  4. OUTDOOR LIGHTS TO BE DIRECTED AWAY FROM ADJACENT RESIDENCES AND MOUNTED ON TOWNHOUSE.



LEGEND

- STOP
- FR
- AC
- COBRA HEAD STREET LIGHT
- POST TOP STREET LIGHT
- PROPERTY LINE
- EASEMENT
- 1.8m HIGH WOOD FENCE
- WROUGHT IRON FENCE
- CHAIN LINK FENCE
- BUILDING ENVELOPE
- FIRE HYDRANT
- COMMUNITY MAILBOX
- UNIT NUMBER
- PARKING SPACE NUMBER
- FIRE ROUTE
- HYDRO ONE TRANSFORMER
- SNOW STORAGE

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DILLON CONSULTING

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DESIGN	REVIEWED BY	DATE	SCALE
BJP	JDJ	FEBRUARY 2021	1:500

2219260 ONTARIO INC.  
RIDGE CROSSING TOWNHOUSE DEVELOPMENT COMPLEXES

SITE PLAN

PROJECT NO.  
115033

SHEET NO.

01





**Planning Development  
County of Middlesex  
399 Ridout Street North  
London, ON N6A 2P1  
(519) 434-7321 (fax) 434-0638  
www.middlesex.ca**

**MEETING DATE:** May 4, 2021

## **REPORT**

**TO:** Mayor Burghardt-Jesson and Members of Council  
Township of Lucan Biddulph

**FROM:** Dan FitzGerald, MPI MCIP RPP

**SUBJ:** Site Plan Approval – Ridge Crossing Phase 2 Townhomes  
2219260 Ontario Inc. (Vito Campanale)  
Dillon Consulting Ltd. c/o Jason Johnson (Agent)  
Nicholson Street and Miller Drive, Lucan

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### **Purpose:**

The purpose of this report is to evaluate a request for site plan approval to facilitate residential development in the form of forty-four (44) townhouse dwelling units.

### **Background:**

As shown on the attached map, the subject lands are situated on the west side of Miller Drive and on the south side of Nicholson Street. The land primarily backs onto the Wilberforce Public School and is located in the Ridge Crossing Subdivision. As per the zoning, the lands would accommodate a townhouse development comprised of 9 townhouse blocks with a total of 44 two-storey units. The property is zoned R3-6-H which permits townhouse dwellings. This development constitutes Phase 2 of the lands situated on the south side of Nicholson Street and adjacent to Wilberforce Public School. The townhouse units are to be “free-hold” in that each unit would be under separate ownership. To facilitate that arrangement, a separate approval will be required by the County of Middlesex.

The developer has applied for site plan approval whereby a series of plans and drawings have been submitted to the Township for review and acceptance. For site plan approval, there is no public consultation required under the Planning Act in that only the developer has the right of appeal. This report only contemplates the development of the remaining phase; that being Phase 2.

### **Analysis:**

Although the site plan approval proposal consists of a series of detailed plans ranging from site grading and servicing to landscaping which are collectively appended to the site plan agreement, the overarching plan is attached for Council’s reference.

To permit development of this site, Miller Drive has been extended to the south limit, past Nicholson Street. The plans appended to the site plan agreement show two separate dedicated access points; one from Nicholson Street and the second from Miller Drive. Additionally, of note to Council, the applicant has added visitor parking stalls as required in the amended zoning by-law and has also included a barrier free stall in close proximity to the community mail box. The plans also provide internal tree plantings in the front yard of each unit. Snow storage has been considered and will be the requirement of the future condominium

corporation to manage. In all, planning, building, fire and engineering staff as well as the County Engineer are satisfied with the plans given the revisions undertaken.

To implement the accepted plans, a Site Plan Agreement has been prepared for Council's consideration which includes a number of requirements including but not limited to: access, parking, fire routes, servicing, grading, fencing, and landscaping. It is staff's position that building permits should only be made available once underground services are installed and internal roadways are accessible by Emergency Services. As noted in the Township's Site Plan Control Area By-law and captured in the Agreement, the developer is responsible to provide security for 50% of the estimated cost of the works required prior to commencement. The developer has provided this security to the Township. Furthermore, there is an obligation for the Agreement to be registered on title.

**Recommendations:**

THAT a By-law be passed to authorize the Mayor and the Clerk to enter into Site Plan Agreement for lands legally described as Block 103 on Registered Plan 33M-739 (geographic Township of Biddulph) in the Township of Lucan Biddulph, provided the Site Plan Agreement is to the satisfaction of the Township's legal counsel.

**Attachments:**

1. Location Map
2. Site Plan
3. Site Plan Agreement