



Committee of Whole

Meeting Date: January 17, 2023
Submitted by: Durk Vanderwerff, Director of Planning and Development
SUBJECT: Exemption for a Proposed Plan of Condominium: 1960634
Ontario Inc. – Clear Skies; Middlesex Centre; File No. 39T-MC-
CDM2203

BACKGROUND:

The proposed Clear Skies plan of condominium would consist of 76 townhouse units to be developed on full municipal services on a 2.44 hectare property in Ilderton. The subject lands are a block within the Clear Skies Plan of Subdivision (File: 39T-MC1401), have frontage and access to Bowman Drive and abut existing residential development. The lands are adjacent to, but do not have access to, Hyde Park Road. The development would include internal private roads and common areas.

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.

County Council is the Provincially delegated Approval Authority for plans of condominium. This report summarizes the planning policy context and provides a planning recommendation for Council from the perspective of the Approval Authority. More detailed local planning analysis, as provided to Middlesex Centre Council, is provided within the attached local planning report. A location map and the proposed plan are also appended to this report.

ANALYSIS:

The County accepted the proposed plan of condominium as complete on October 25, 2022 and it was determined that an agency circulation was not necessary in this case.

Council for the Municipality of Middlesex Centre supported the proposal at their December 14, 2022 meeting.

The Provincial Policy Statement (PPS) and the County Official Plan encourage new development and an appropriate range and mix of residential uses to occur in settlement areas, like Ilderton, where full municipal services can be provided. The County Official Plan designates Ilderton as an 'Urban Settlement Area'. The lands are located within the 'Residential' designation of the Middlesex Centre Official Plan and within a site specific 'Urban Residential Third Density exception 11 (UR3-11) (h-6)' zone of the Middlesex Centre Comprehensive Zoning By-law. The proposed development would form part of a developing residential community. The attached local municipal planning report addresses the land use policy documents in further detail.

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 with the underlying plan of subdivision and zoning by-law amendment, and the Municipality has indicated that their requirements are satisfied by the terms of a condominium / site plan development agreement.

In all, staff are satisfied that an exemption is appropriate in this case. However, it is noted that if Council grants the exemption, it is the County's practice that the signing of the final plans will not occur until a clearance is provided by the Municipality to ensure that there are no outstanding technical matters.

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	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-CDM2203 from the full condominium approval process.

Attachments

Location Map

Proposed Plan

Planning Report