



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: 2638477 Ontario Inc. – Aura Condominiums ‘Phase 2’; Middlesex Centre; File No. 39T-MC-CDM2202

BACKGROUND:

The proposed Aura Condominiums ‘Phase 2’ plan of condominium would consist of 92 townhouse units to be developed on full municipal services on a 1.97-hectare property in Kilworth. The subject lands are a block within the Kilworth Heights West Plan of Subdivision (File: 39T-MC1301), have frontage and access to Doan Drive, and have frontage without access to Glendon Drive (County Road 14). The lands abut residential and commercial uses and it is noted that ‘Phase 1’ of the development (File: 39T-MC-CDM1901) is under construction on the lands immediately to the west. The development would include internal private roads and common areas for visitor parking and amenity space.

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 August 17, 2022 and it was determined that an agency circulation was not necessary in this case. Middlesex Centre Council supported the exemption at their September 21, 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 Kilworth, where full municipal services can be provided. The County Official Plan designates Kilworth as an 'Urban Settlement Area'. The lands are located within the 'Medium Density Residential' designation of the Middlesex Centre Official Plan and within a site specific 'Urban Residential Third Density exception 9 (UR3-9) (h-3 h-6 h-7)' zone of the Middlesex Centre Comprehensive Zoning By-law. The proposed development would form part of a developing mixed-use community.

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-CDM2202 from the full condominium approval process.

Attachments

Location Map

Proposed Plan of Condominium

Local Municipal Staff report