



Meeting Date: August 16, 2023

Submitted by: Marion-Frances Cabral, Planner

Report No: PLA-49-2023

Subject: Application for Plan of Condominium Exemption for 10092 Oxbow Drive (File: 39T-MC-CDM2301); Filed by Zelinka Priamo Ltd on behalf of Oxbow Developments Limited Partnership

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* for the lands known as 10092 Oxbow Drive and known legally as Concession 3 Part Lot 6 RP 33R21086 and 33R7661, Municipality of Middlesex Centre, and that the resolution be forwarded to Middlesex County Council for consideration of the exemption request;

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 a medium density residential development at 10092 Oxbow Drive.

The parcel is located on the north side Oxbow Drive and west of Union Avenue. The land is legally described as Concession 3 PT Lot 6 RP 33R21086 and 33R7661 (geographic Township of Lobo), Municipality of Middlesex Centre.

A location map is included as Attachment 1 and proposed Plan of Condominium is included as Attachment 2.

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 approximately 2.01 ha (4.98 ac) in area and has a single access to Oxbow Drive via an easement over the abutting lands at 10072 Oxbow Drive. The lands abut institutional uses to the south east and is surrounded by residential uses.

Several public meetings were held as a result of the Consent applications B-10/2020, B-17/2020, and B-18/2020 (September 23, 2020), Zoning By-law Amendment applications ZBA 11/2020 (September 23, 2020) and ZBA 07/2022 (September 21, 2022), and a public site plan meeting for application SP06-2022 (December 14, 2022).

The site plan is shown as Attachment 3.

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 or site plan 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, generally comply with the Zoning By-law and where no further conditions of approval are required by the municipality or any agencies.

The applicant requested an exemption from draft plan of condominium for development of the subject property as the medium density residential development had been considered during the consent, rezoning and public site plan review processes for the applications noted above. Municipal staff have reviewed the site plan application and have executed a site plan agreement which has been registered on title of the land.

Planning staff are satisfied that an exemption is appropriate for the development of 10092 Oxbow Drive and in circumstances such as this where there would be no benefit from requiring the applicant to undertake further approvals under the *Planning Act* and where a comprehensive site plan review process has been undertaken to the satisfaction of the Municipality. Further, this approach will streamline concurrent planning approvals between the Municipality and County.

As a result of the above, planning staff 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:

- Balanced Growth

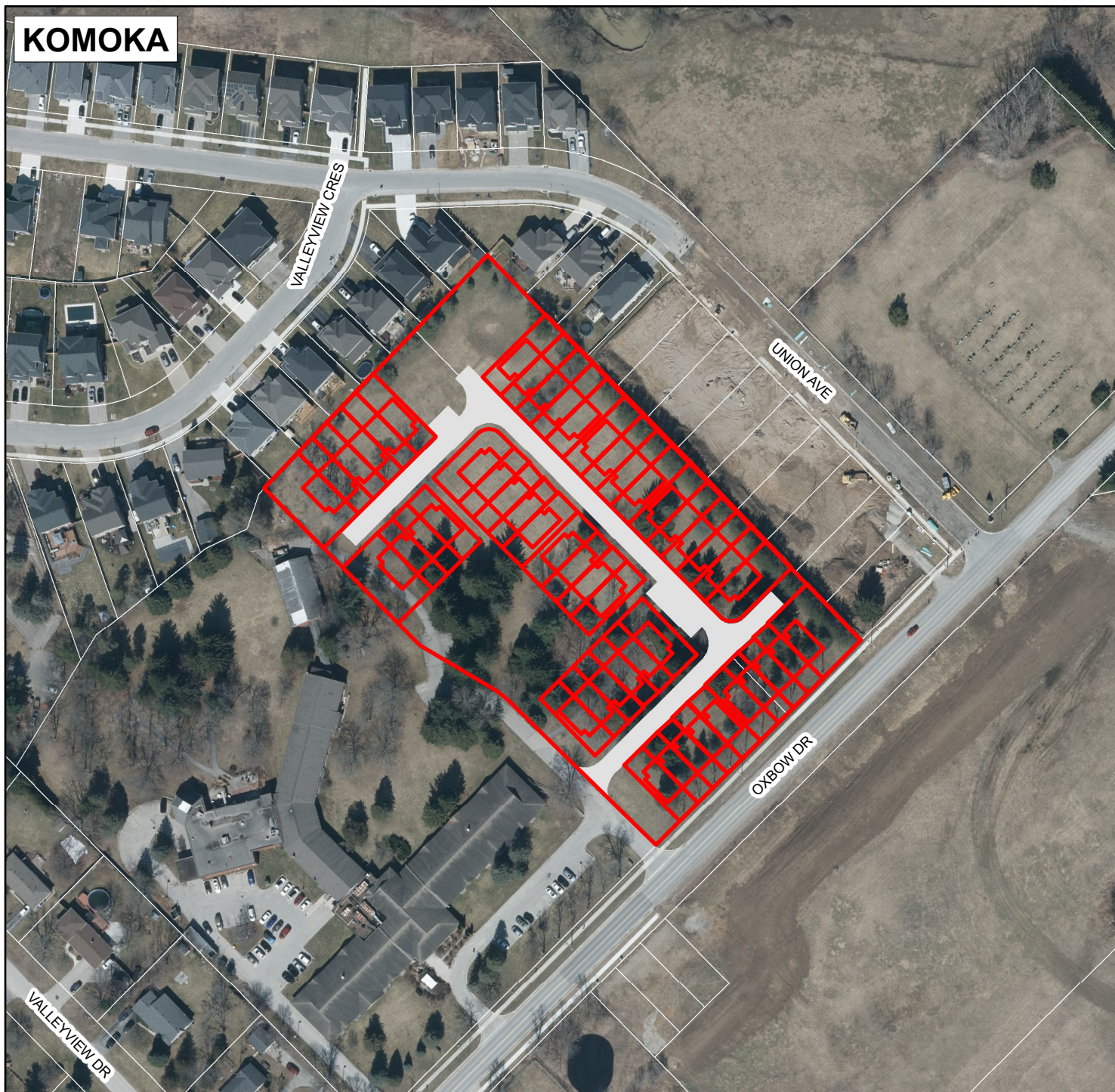
Attachments:

Attachment 1 – Location Map

Attachment 2 – Proposed Plan of Condominium

Attachment 3 – Site Plan

KOMOKA



LOCATION MAP

Description:
OXBOW DEVELOPMENTS
PROPOSED PLAN OF CONDOMINIUM
MUNICIPALITY OF MIDDLESEX CENTRE

File Number:
39T-MC-CDM2301

Prepared by: Planning Department,
The County of Middlesex, June 29, 2023

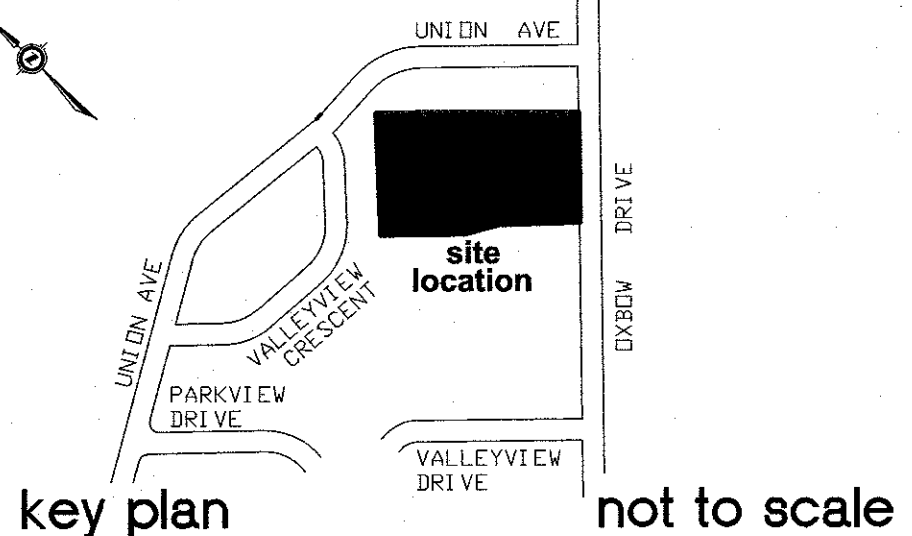
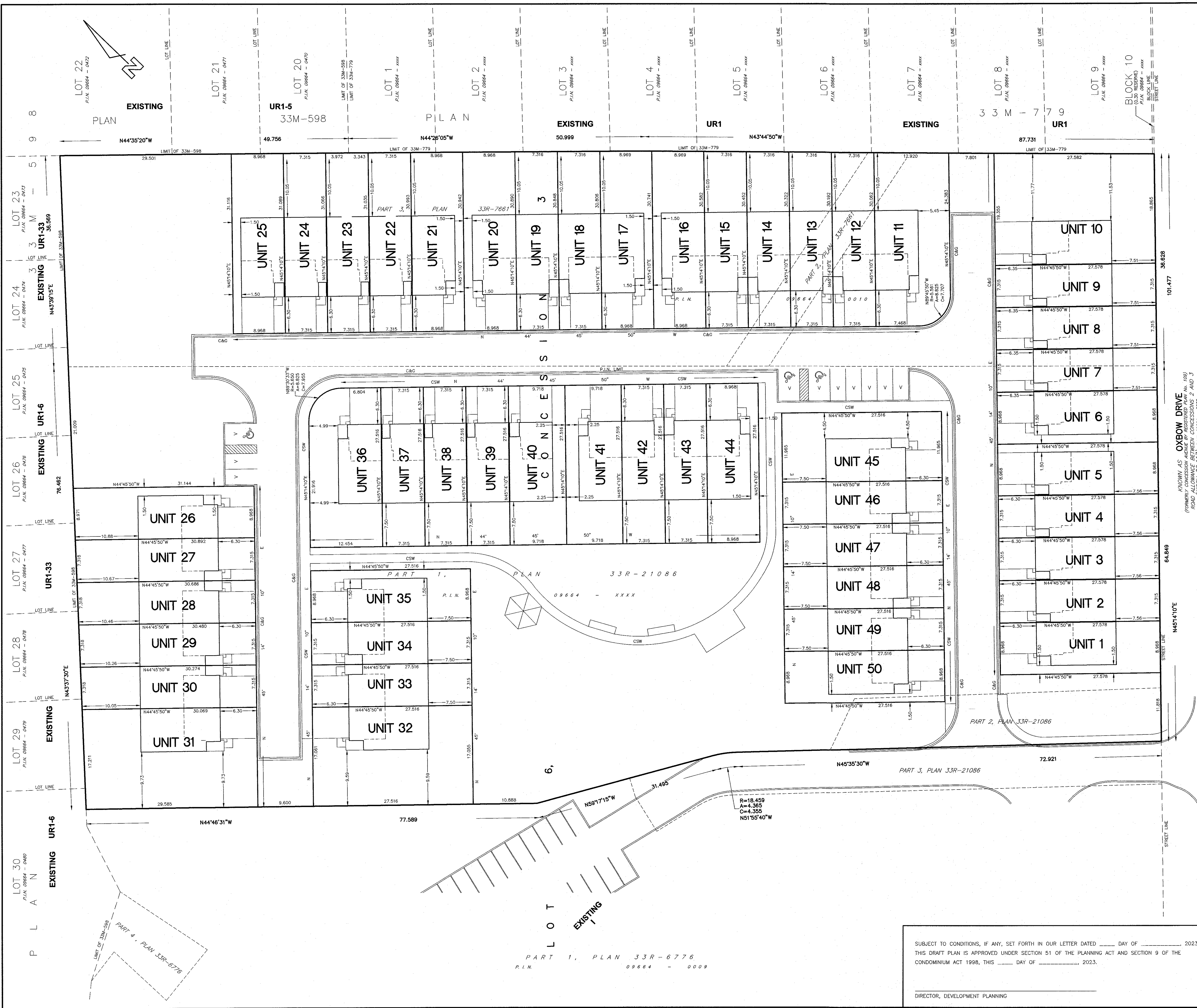


LEGEND

 SUBJECT LANDS



1:2,000
0 40 80
Metres



DRAFT PLAN OF CONDOMINIUM
of part of
LOT 6, CONCESSION 3
(Geographic Township of Lobo)
in the
MUNICIPALITY OF MIDDLESEX CENTRE
COUNTY OF MIDDLESEX

MTE OLS LTD.
scale 1 : 300
METRIC:
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048
AREAS SHOWN ON THIS PLAN ARE IN SQUARE METRES AND CAN BE
CONVERTED TO SQUARE FEET BY MULTIPLYING BY 10.7639

owner's certificate
I hereby authorize the firm of MTE OLS LTD., ONTARIO LAND SURVEYORS
to submit this proposed Plan of Condominium.

surveyor's certificate
We hereby certify that the boundaries of the land to be subdivided
as shown on the plan and their relationship to adjacent lands are
accurately and correctly shown.
P.R. LeVack, O.L.S. JUNE 13, 2023
MTE | OLS LTD.

additional information
requirements under section 51(17)
of the Planning Act
a) AS SHOWN ON PLAN b) AS SHOWN ON PLAN
c) AS SHOWN ON PLAN d) AS SHOWN ON PLAN
e) AS SHOWN ON PLAN f) AS SHOWN ON PLAN
g) AS SHOWN ON PLAN h) AS SHOWN ON PLAN
i) AS SHOWN ON PLAN j) AS SHOWN ON PLAN
k) AS SHOWN ON PLAN l) AS SHOWN ON PLAN

land use schedule	
MULTIPLE FAMILY RESIDENTIAL TOWNHOUSE UNITS 1 TO 50 INCLUSIVE	12571.300 m ²
COMMON ELEMENTS CONDOMINIUM INCLUDES PRIVATE ROAD	7667.147 m ²
TOTAL AREA	20178.447 m ²
EXISTING ZONE(S)	I
PARKING PER UNIT (2 SPACES PER UNIT)	100 SPACES (SIZE 2.7m X 5.5m)
PARKING - VISITOR	10 SPACES (INCLUDING 3 HANDICAPPED)
TOTAL PARKING	110 SPACES

10072 OXBOW DRIVE (KOMOKA)
LOCO HOLDINGS LTD.

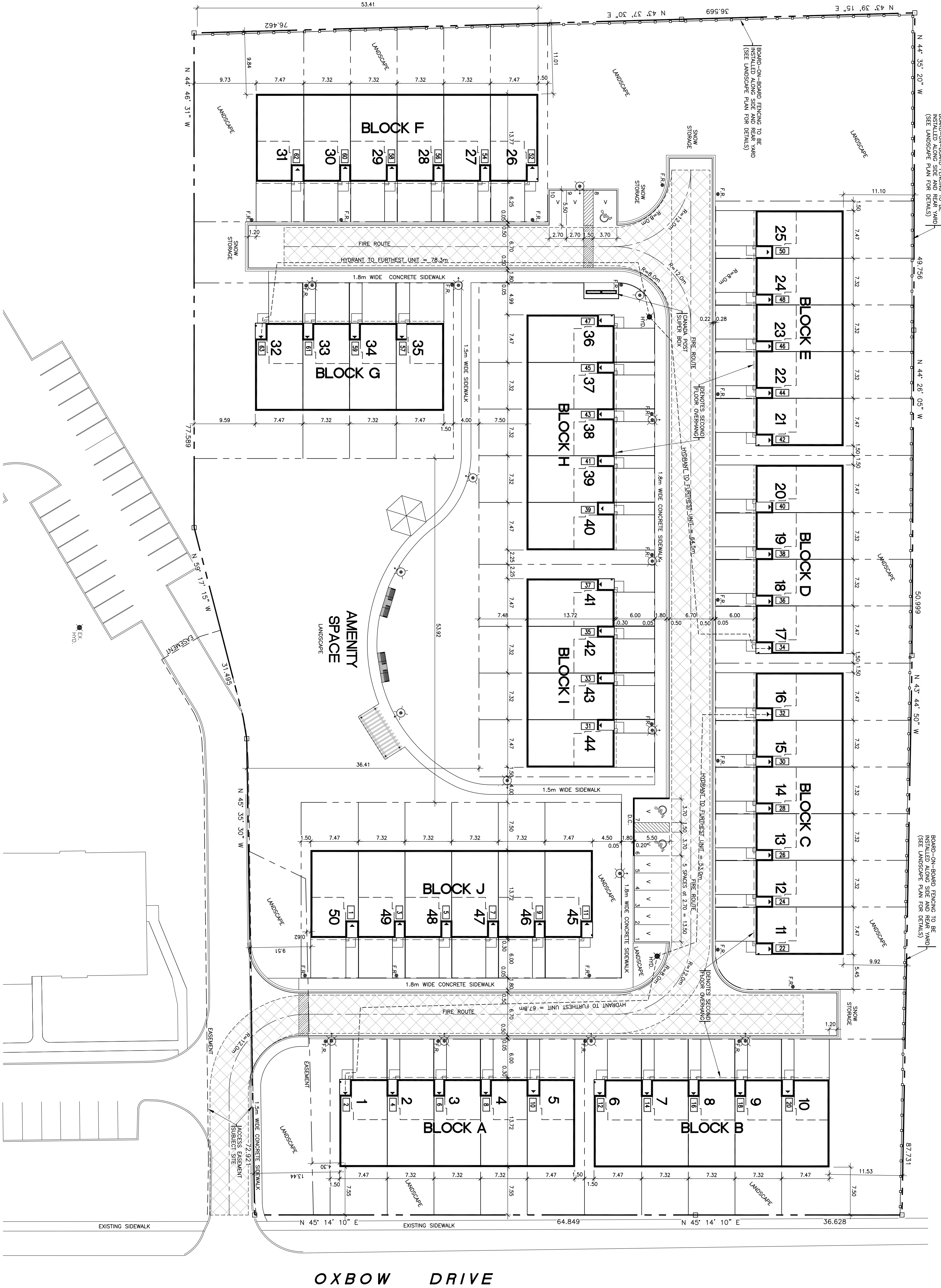
LEGEND:
V DENOTES VISITOR PARKING SPACE
C&G DENOTES CURB & GUTTER
CSW DENOTES CONCRETE SIDEWALK
H DENOTES HANDICAPPED VISITOR PARKING SPACE

MTE MTE ONTARIO LAND SURVEYORS LTD.
123 ST. GEORGE STREET
LONDON, ONTARIO, N6A 3A1
TEL: 519-204-6510

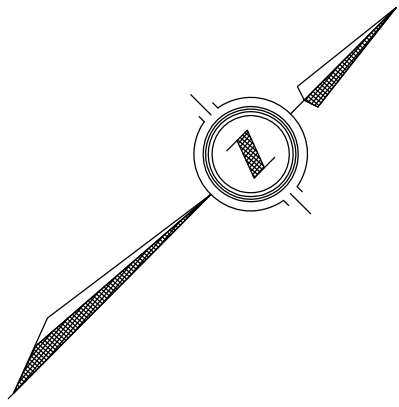
CAD File : P:\P\46421\203\46421-203 REVISED UNITS - JUNE 13/23.DWG
Surveyed by : N. Robic Checked by : P.R. LeVack, O.L.S. File No :
Drawn by : R. Crowell Date : June 13, 2023 46421-203

SUBJECT TO CONDITIONS, IF ANY, SET FORTH IN OUR LETTER DATED ____ DAY OF _____, 2023.
THIS DRAFT PLAN IS APPROVED UNDER SECTION 51 OF THE PLANNING ACT AND SECTION 9 OF THE
CONDOMINIUM ACT 1998, THIS ____ DAY OF _____, 2023.

DIRECTOR, DEVELOPMENT PLANNING



OXBOW DRIVE



CURRENT ZONING I PROPOSED ZONING UFR-14		
REGULATION	REQUIRED	PROPOSED
LOT AREA (MINIMUM)	250sq m / unit = 12,500sq m	20,185 sq m
LOT FRONTAGE (MINIMUM)	30.0 m	101.5 m
LOT DEPTH (MINIMUM)	35.0 m	185.5 m
FRONT YARD (MINIMUM)	6.0 m	7.5 m
INTERIOR YARD (MINIMUM)	3.0 m	9.5 m
INTERIOR SIDE YARD - WEST (MIN.)	4.5 m	9.5 m
INTERIOR SIDE YARD - EAST (MIN.)	9.0 m	9.8 m
REAR YARD (MINIMUM)	65.0 sq m	140 sq m
MIN. FLOOR AREA PER DWELLING UNIT	15% OF LOT AREA	8.7%
BREWERY COVERAGE		
HEIGHT (MAXIMUM)	12.0 m	8.5 m
DENSITY (MAXIMUM)	25 units = 50 UNITS	25 units = 50 UNITS
OUTDOOR AMENITY AREA (MINIMUM)	45.0sq m / unit = 2,250sq m	35sq m / unit = 2,750 sq m
LOT COVERAGE (MAXIMUM)	35%	25%

PARKING REQUIREMENTS:
REQUIRED: 1.5 SPACES PER UNIT
TOTAL SPACES REQUIRED = 75 SPACES
PROVIDED: 75 SPACES
SPACES PROVIDED = 100 WITHIN GARAGE
SPACES PROVIDED = 10 VISITOR
TOTAL PARKING PROVIDED = 210 SPACES
BARRIER FREE PARKING REQUIREMENTS:
3 SPACE PER 75 OF REQUIRED PARKING SPACE
PROVIDED: 3 SPACE
TYPE 'A' SPACES = 3 SPACE
GARBAGE PICK-UP
GARBAGE PICKUP PROVIDED BY BLUEWATER RECYCLING ASSOCIATION

LEGEND

- IRON BAR
- PROPERTY LINE
- MAIN DOOR ENTRANCE / EXT.
- 6.0m WIDE FIRE ROUTE
- PAINTED CROSS WALK
- FIRE HYDRANT
- AREA STREET LIGHT - REFERS TO ELECTRICAL DRAWINGS
- STOP SIGN
- FIRE ROUTE PARKING SIGN
- DEPRESSED CURB
- SUMP PUMP LOCATION
- PERMANENTLY PROTECTED WARNING MAT - REFER TO SHEET A12
- FIRE ROUTE

1. Keith Bessett, review and take responsibility for the design work on behalf of our firm (Keith Bessett Studio Incorporated) registered under the Building Code Act of the Province of Ontario, and the firm is registered in the appropriate classes/categories.

Firm BCIN: 28615
Individual BCIN: 21575

Signature:

ORCHARD
DESIGN & CONSTRUCTION
519-620-0414

STATUS: PRELIMINARY			
PLOTTED: 2023-02-21 12:47 PM	2023.05.04	3.	CIVIC ADDRESSING
SCALE: 1:350	2023.02.21	2.	ISSUED FOR SPA SUBMISSION #3
DWN BY: KSR	2022.11.08	1.	ISSUED FOR SPA SUBMISSION #2
DATE: NOVEMBER 2022	DATE	No.	REVISION

PROJECT

OXBOW TOWNHOUSES

10092 OXBOW DRIVE, MIDDLESEX, ONTARIO

SHEET NO.

A1.1

SITE PLAN