

Meeting Date: April 22, 2025
Department: Building, By-law and Planning
Report No.: BBP-2025-25
Submitted by: Tim Williams, Manager of Planning, County of Middlesex
Reviewed by: Jake DeRidder, Senior Development Coordinator
Approved by: Rob Browning, Chief Administrative Officer
SUBJECT: Request to Remove 'H' Holding Zone and Request for Exemption from Condominium Approval municipally known as 610 Head Street Foxwood Homes c/o Strik Baldinelli Moniz

RECOMMENDATION: THAT: the subject report BBP-2025-25 for Draft Plan of Subdivision 39T-CDM SC2501 and ZBA 5-2025 be received for information, and further;

THAT: the application for the removal of the Holding Zones, be approved, and further;

THAT: By-law No. 43-25 be referred to the Consideration of By-laws Section of the Agenda for consideration and approval, and further;

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 Foxwood Homes, and further;

THAT: the Clerk forward the resolution to Middlesex County Council for consideration of the exemption request.

BACKGROUND

The property is 1.018 ha (2.52 ac) in size and located near the southwest corner of Second Street and Head Street. It was previously severed from a property that is at the corner (100 Second Street). Head Street is a local collector under the jurisdiction of Strathroy-Caradoc and Second Street (County Roads 33) is under the jurisdiction of the County of Middlesex (see location map). The property is surrounded by residential uses to the south, west, and east. To the north there is a mix of industrial uses within the Molnar industrial park.

The lands currently have access to municipal water and sanitary services located within the Second and Head Street right-of-ways.

On August 2, 2022, the subject lands received zoning by-law approval for townhouse dwellings (see attached location map and plan of condominium). The purpose of this report is to provide Council with background information related to the recommendation to approve the application for the removal of the 'H' Holding Symbol from the site-specific zone, which was put in place to ensure site plan approval is granted and a traffic report was completed. The report is also providing a recommendation on the new owner's request to receive a plan of condominium exemption for the townhomes.

The proposed development consists of 35 townhouse dwelling units and 70 parking spaces, as well as 7 parking spaces for visitors.

From a servicing perspective, water, sanitary and stormwater services are currently being constructed on site.

The subject lands are located within a Settlement Area as per the definitions of the Provincial Planning Statement and the County of Middlesex Official Plan. The property is designated "Residential" under the Strathroy-Caradoc Official Plan. The property was the subject of a recent Zoning By-law amendment and is currently within the site specific 'High Density Residential (R2-23-H-2-H-8) Zone' pursuant to the Strathroy-Caradoc Zoning By-law.

Condominium Exemption

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 the County to provide a decision on the exemption request.

It is important to note that the approved zoning by-law application has established the type of dwellings that can be permitted and the unit development standards (i.e. setbacks, coverage, landscaping etc.) for the site. In addition, the site plan approval process has secured the details of the development (i.e. sidewalk widths to servicing configurations) and will entrench these within a site plan agreement. The condominium process is taking that last step of dividing the lot into the units and common element(s) in the plan. A condominium agreement is still also required.

During the public consultation process related to the zone change application, the information provided to the public and agencies including the intention for the townhouse development to be under condominium ownership and was considered as part of the decision-making process. This is why an exemption to the full condominium application process is considered appropriate in this case.

Notably, there are other times where condominium applications do not require site plan approval and do require the full public consultation process, which may be done in co-ordination with a concurrent zone change application.

ANALYSIS

Hold Removal

The zoning amendment was approved in 2022, since that time a consent was approved for the property to separate the commercial from the residential portions of the property. The residential portion was purchased by a builder. The site plan agreement was executed January 16th, 2025, and registered on title January 23rd, 2025, as ER1613246. The current owner and builder has applied for the removal of the 'H' Holding Symbol and Plan of Condominium exemption. This hold symbol was initially placed on the lands to ensure that the proposal received site plan approval and a traffic study before any dwellings are construction on the property. The zoning by-law permits the removal of the 'H' from the subject lands once the owner and municipality have signed and registered the site plan agreement and once the traffic is completed. The traffic study was completed as part of the site plan approval process and the site plan approved was completed with the registration of the site plan agreement which occurred on January 23, 2025, so the requirements to lift the holds have been satisfied.

Condominium Exemption

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.

The development was part of a statutory public meeting process with the ZBA application and since this time the development has been through a rigorous site plan process that refined the plan addressing items such as: setbacks; fire access; drainage; servicing; waste management; and building elevation design. Municipal staff are currently preparing a condominium agreement to the satisfaction of municipal staff as well as the property owner.

Municipal staff are satisfied that an exemption is appropriate for the development and in 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 the Council, planning staff will ensure that the condominium agreement has been executed between the applicant and the Municipality.

STRATEGIC PLAN ALIGNMENT:

This matter is in accord with the following strategic priorities:

- 1) *Managing the Challenges of Growth for the Municipal Organization:* Strathroy-Caradoc will be an inclusive community where growth is managed to accommodate a range of needs and optimize municipal resources. We are committed to maintaining operational efficiency and economies of scale through these times of change.

FINANCIAL IMPLICATIONS

None

SUMMARY

Given the above, it is recommended that the 'H' Holding Symbol be removed from the lands. Removal of the 'H' Holding Symbol will allow for the construction of 72 multiple dwelling units once building permits have been applied for and received.

A by-law has been prepared and placed on the agenda for Council's consideration.

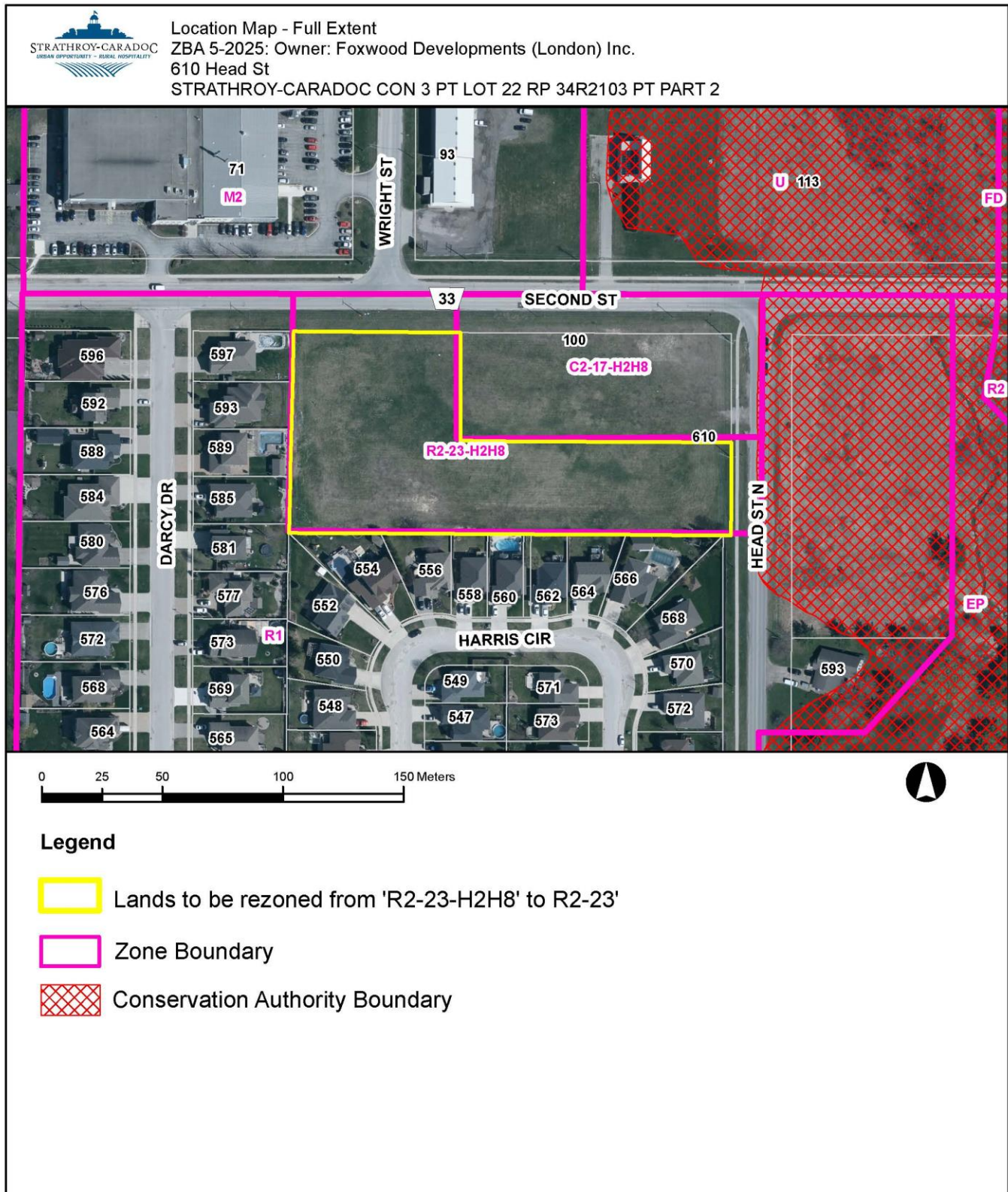
It is further recommended that Council pass a resolution showing support for the exemption from draft plan of condominium approval for the subject land and that it be forwarded for consideration by Middlesex County.

ATTACHMENT

Location Map

Site Plan

Location Map



Site Plan

