

To: Warden and Members of County Council

From: Director of Community Planning

Application for Draft Plan of Condominium and Exemption from Draft Plan Approval CD 20-03-6 – Oak Country Homes Ltd.

RECOMMENDATIONS

1. That Oxford County Council approve the application for draft approval of a proposed common elements condominium submitted by Oak Country Homes Ltd. (File No. CD 20-03-6), prepared by Brooks & Muir Surveying, dated May 26, 2021, for lands described as Block 26, Registered Plan 41M-344, in the Town of Ingersoll;
2. And that Oxford County Council approve the application for exemption from the draft plan of condominium approval process, submitted by Oak Country Homes Ltd., (File No. CD 20-03-6), prepared by Brooks & Muir Surveying, dated May 26, 2021, for lands described as Block 26, Registered Plan 41M-344, in the Town of Ingersoll.

REPORT HIGHLIGHTS

- The purpose of this report is to consider the approval of a draft plan of condominium and exemption from the draft approval process for a development currently under construction in the Town of Ingersoll.
- No concerns were raised as a result of agency circulation.
- The proposal is consistent with the relevant policies of the Provincial Policy Statement, maintains the general intent of the County Official Plan, and complies with the provisions of the Town's Zoning By-law.

Implementation Points

The application will be implemented in accordance with the relevant policies contained in the Official Plan.







Financial Impact

The approval of this application will have no financial impact beyond what has been approved in the current year's budget.

Communications

There are no public notice requirements for this application under the *Condominium Act*.

Strategic Plan (2015-2018)

					
WORKS WELL TOGETHER	WELL CONNECTED	SHAPES THE FUTURE	INFORMS & ENGAGES	PERFORMS & DELIVERS	POSITIVE IMPACT
		3.ii.			

DISCUSSION

Background

Owner:

Oak Country Homes Ltd.
c/o Jerry Beckett
315405 31st Line, Embro, ON N0J 1J0

Solicitor:

Nesbitt Coulter
c/o Derek Truelove
39 Perry Street, Woodstock ON, N4S 3C4

Surveyor:

Brooks & Muir Surveying
514 Princess Street, Unit 120, Woodstock ON, N4S 4G9

Location:

The subject lands are described as Block 26, Registered Plan 41M-344 in the Town of Ingersoll. The lands are located on the west side of Minler Street, north of Glenn Avenue and is municipally known as 28 Minler Street.

County of Oxford Official Plan:

Existing:

Schedule "I-1"	Town of Ingersoll Land Use Plan	'Residential'
Schedule "I-2"	Town of Ingersoll Residential Density Plan	'Low Density Residential'

Town of Ingersoll Zoning By-Law 04-4160:

Existing Zoning: 'Special Residential Type 2 Zone (R2-22)'

Proposal:

The application proposes to establish a 'common elements' draft plan of condominium to place a private road serving 10 semi-detached dwelling units under condominium ownership, together with nine on-street parking spaces and several landscape features (vegetative buffer/hedgerow and snow storage area). The common elements described above will be owned collectively by the noted 10 residential dwelling units, all of which will be held in freehold ownership. The proposed common element condominium will apply to lands identified as Part 21 on Plate 3 of this report.

For Council's information, the block containing the 10 semi-detached dwellings and proposed common elements was created through a plan of subdivision (File No.: SB 12-03-6) and was registered in December, 2018. A zone change application (ZN 6-17-05) was approved by Town Council in November, 2017, for the purpose of facilitating the proposed development. Further, the owner obtained site plan approval for the proposed semi-detached dwelling development from the Town in September, 2020 (SP 6-20-1).

The subject property is approximately 0.52 ha (1.29 ac) and contains 5 semi-detached dwellings (10 dwellings units total) that are currently under construction.

Surrounding land uses include a mix of existing single detached dwellings, as well as open space uses (park, tennis courts and ball diamond) owned by the Town of Ingersoll to the north and the Ingersoll Curling Club to the west.

Plate 1, Existing Zoning and Location Map, provides the location of the subject property and the existing zoning in the immediate vicinity.

Plate 2, Approved Site Plan, shows the approved site plan for the development.

Plate 3, Proposed Draft Plan of Condominium, shows the proposed parts that accommodate the semi-detached units under construction (Parts 1 to 20), and common element (Part 21) block.

Comments:

2020 Provincial Policy Statement

The 2020 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Under Section 3 of the Planning Act, where a municipality is exercising its authority affecting a planning matter, such decisions “shall be consistent with” all policy statements issued under the Act.

Section 1.1.1 provides that healthy liveable and safe communities are sustained by accommodating an appropriate range and mix of residential (including second units, affordable housing, and housing for older persons) to meet long-term needs, and promoting cost-effective development that minimizes land consumption and servicing costs.

Section 1.4.3 directs that planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents by permitting and facilitating all forms of housing required to meet the social, health, and well-being requirements of current and future residents, including special needs requirements and increasing the supply of affordable housing, and utilizing existing infrastructure and public service facilities.

Section 1.1.3.1 of the PPS states that Settlement Areas will be the focus of growth and their vitality and regeneration shall be promoted. Land use patterns within settlement areas shall be based on:

- densities and mix of land uses which are appropriate for, and efficiently use the infrastructure and public service facilities which are planned or available;
- support active transportation;
- efficiently use land and resources;
- a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

Official Plan

The subject lands are designated as Low Density Residential according to the Town of Ingersoll Residential Density Plan, as contained in the Official Plan. Low density residential districts are those lands that are primarily developed or planned for a variety of low-rise, low density housing forms including both executive and smaller single-detached dwellings, semi-detached, duplex and converted dwellings, townhouses and other, similar development. Within these areas, it is intended that there will be a mixing and integration of different forms of housing to achieve a low overall density of use.

Residential net density for lands designated Low Density Residential is between 15-30 units per hectare (6-12 units per acre) and no building shall exceed three storeys in height at street elevation. To achieve this target, a variety of lot sizes and configurations will be supported, as well as the development of low rise, multiple units and Council may consider narrower road widths and private roads within multiple unit condominium developments.

Zoning By-Law

The subject property is zoned 'Special Residential Type 2 Zone (R2-22)' according to the Town's Zoning By-Law. The 'R2' zone permits a range of low density residential uses, including a semi-detached dwelling.

The special zoning provisions that apply to the subject property include a minimum number of dwelling units (7), a rear yard setback of 1.2 m (3.9 ft.) as well as a provision that would enable the proposed development which states:

"Internal lot lines created by any legal means within the lot lines delineated in the R2-22 Zone, shall not be construed to be lot lines for the purposes of Zoning regulations provided that all such regulations, as they apply to the whole of the lands zoned R2-22, are observed."

Based on a review of the development relative to the zone provisions the proposal appears to meet the relevant provisions of the R2-22 zone in the Zoning By-law.

Agency Comments

The Town of Ingersoll Chief Building Official, County of Oxford Public Works Department, Town of Ingersoll Engineer & Director of Operations and Erie-Thames Powerlines Corporation indicated that they have no comments or concerns regarding the application.

Town of Ingersoll Council

Town of Ingersoll Council will consider the planning report for the proposed draft approval of the plan of condominium and exemption from the draft plan process at the Town's regular meeting on July 12, 2021. The Town's resolution regarding this proposal will be available for consideration at the July 14 regular meeting of County Council.

Planning Analysis

Applications for condominium approval can be dealt with in one of two ways, in accordance with the Condominium Act. The first method generally involves a process similar to an application for draft plan of subdivision where, after appropriate circulation, a proposal receives 'draft' approval which is contingent on the applicant satisfying a number of conditions prior to final approval and registration.

The second process is where the approval of the condominium is exempt from the draft or 'conditional' approval stage and proceeds directly to final approval. The exemption process is intended to apply to proposals that have previously undergone a complete evaluation (i.e. site plan approval) and no further conditions of approval are required by the municipality for the development.

As noted, the existing development received site plan approval from the Town in September, 2020, and is subject to the conditions of the development agreement that was entered into with the Town of Ingersoll as part of the site plan approval process. In light of this, the requested exemption can be considered appropriate.

As the proposal facilitates the creation of housing to meet the long term social needs of current and future residents in a designated Settlement Area, Planning staff are of the opinion that the proposal is consistent with the policies of the PPS.

The proposal is also in keeping with the 'Low Density Residential' policies of the Official Plan, and the proposed development will create a housing opportunity that will contribute to providing a mix of tenure forms in the City, which is in keeping with the policies of Section 9.2.4. Further, no concerns were raised with respect to compliance with residential development standards or relevant codes, and the design of the proposed development was approved by the Town during the site plan process.

Based on a review of the draft plan of condominium, it would appear that the proposed development meets the relevant provisions of the 'R2-22' Zone.

Conclusions

In light of the foregoing, Planning staff are of the opinion that the proposal is consistent with the relevant policies of the Provincial Policy Statement, maintains the general intent of the County Official Plan, and complies with the provisions of the Town's Zoning By-law. As such, the application for draft plan of condominium and exemption from the draft approval process can be supported from a planning perspective.

SIGNATURES

Report Author:

"original signed by"

Ron Versteegen, RPP, MCIP
Senior Planner

Departmental Approval:

"original signed by"

Gordon K. Hough, RPP
Director of Community Planning

Approved for submission:

"original signed by"

Michael Duben, B.A., LL.B.
Chief Administrative Officer

ATTACHMENTS

Attachment 1:	Plate 1 – Existing Zoning and Location Map
Attachment 2	Plate 2 – Approved Site Plan
Attachment 3:	Plate 3 – Proposed Draft Plan of Condominium