



The Corporation of the Town of LaSalle

To: Mayor and Members of Council

Prepared by: Allen Burgess, Supervisor of Planning & Development, and Kristina Brcic, Manager of Planning & Development

Department: Planning & Development

Date of Report: October 26, 2023

Report Number: PD-35-2023

Subject: Draft Plan of Condominium Approval Request for LA Suites Condominium - File T-03-2023 (County of Essex File 37-CD-23002)

Recommendation

That the report of the Supervisor of Planning and Development dated October 26, 2023 (PD-35-2023) regarding a request for Draft Plan of Condominium Approval for the LA Suites Condominium be received;

And that Council pass a resolution in support of the Applicant's request to grant draft plan approval for the proposed LA Suites Condominium (County of Essex File 37-CD-23002) in accordance with the draft drawing prepared by Verhaegen Land Surveyors (August 24, 2023), subject to including the following draft plan approval conditions;

1. Prior to final approval, the Owner shall, submit to and obtain the approval of the Town for the form and content of the Condominium Description and Declaration and the Owner shall incorporate into the Plan and Declaration under Section 7 of the *Condominium Act*, 1998, all right(s)-of-way and easements for vehicular access of private roads and parking areas, on-site traffic circulation, municipal servicing or utility servicing to the satisfaction of the Town.
2. Prior to final approval of the Plan, if required to do so by the Town, the Owner shall have fully complied with all orders issued pursuant to the *Building Code Act* and shall have completed all work necessary to correct any building deficiencies related to said order to the satisfaction of the Town.

3. That the Owners shall submit plans showing any phasing or revised phasing to the Town of LaSalle for review and approval if this condominium is to be developed in more than one registration.
4. That prior to final approval by the County of Essex, the Owner shall submit for review and approval by the Municipality and the County, a draft of the final plan of condominium that satisfies the registration requirements of the Land Registry Office.

And that a copy of the Council resolution be forwarded to the Manager of Planning Services for the County of Essex, Ms. Rebecca Belanger, together with a copy of this staff report.

Proposal Description

This report is intended to provide members of Council with information regarding a draft plan of condominium application that has been submitted to the Town. The request for approval seeks to develop approximately 0.9 hectares of land at 1740 Sprucewood Avenue, located on the north side of Sprucewood Avenue, east of Newman Street. The first phase of the LA Suites condominium containing 32 dwelling units and 4 ground-floor commercial units is currently under construction, and nearing completion. As part of the Town of LaSalle's new comprehensive Zoning By-law, the subject lands are zoned TC1 (Town Centre One Zone). Since the proposed development complies with the Council approved regulations for the TC1 zone, further zoning approvals are not required.

Council approved both the site plan and a site plan control agreement on November 23, 2021, under by-law 8622. The approved site plan control agreement was subsequently registered on the title of the subject lands.

- Figure 1 depicts the location of the subject lands.
- Figure 2 illustrates the Applicant's requested site plan, previously supported by Council.
- Figure 3 depicts the Applicant's draft plan of condominium, proposing two five-storey buildings with a total of 70 dwelling units as well as 14 accessory garage units, with 10 ground floor commercial units and amenity space.

As previously mentioned, the LA Suites Condominium has site plan control approval, including a site plan control agreement registered on title. Since the first building is currently being constructed per the approved site plan, staff are recommending a limited number of conditions of draft plan of condominium to be included by the County of Essex. The County of Essex has deemed the application for draft plan on condominium complete and has circulated the application to various agencies for comments, see

Figure 4. The comments received will be reflected in the conditions of draft plan of condominium.

Condominiums are a form of property ownership in which the title to a unit, such as an individual apartment in a high-rise building is held by an individual, together with a share of the rest of the property, which is common to all the owners. Condominiums can involve a brand-new development or an existing rental project verted to condominium ownership. This form of tenure can apply to any type of residential building as well as to commercial and industrial developments. A condominium plan is similar to a plan of subdivision in that it is a way of dividing the ownership of property, land, or space. Plans of Condominium must be approved (or granted an exemption from approval) by an approval authority. For municipalities in Essex County, the County is the delegated approval authority for condominium applications.

The subject lands were part of the site plan control approval completed by LA Suites Condominium in 2021. At that time, the subject lands were already zoned accommodating the LA Suites condominium site plan, and a site plan control agreement was approved by Council and registered on the subject lands.

In order to establish whether an application for draft plan of condominium can be supported, the County of Essex has requested that the Town of LaSalle provide a resolution in support of the application. Accordingly, this Council report has been prepared to explain the request and recommend approval.

Policy Considerations & Comments

The Planning Act requires that all decisions made by LaSalle Council and by the County of Essex conform with the land use designations and policies contained within the approved Official Plans (both the Lower-Tier and Upper-Tier plans) that are in effect at the time that an application is received.

In addition, the Planning Act requires that:

- I. these decisions be made in a manner that is consistent with the policies that are contained within the Provincial Policy Statement (PPS 2020); and
- II. all public works conform to the policies contained within the approved municipal Official Plan.

In Essex County, approval authority for land use planning matters is a shared responsibility, with:

- the Upper-Tier (the County of Essex) performing the delegated provincial authority of approving all local Official Plans and all Plans of Subdivision/Condominium;
- the Lower-Tier (the Town of LaSalle, and all other six Lower-Tier municipalities) being responsible for adopting detailed land use plans (Official Plans), comprehensive zoning by-laws, community improvement plans, etc. --- and for delivering day-to-day land use planning and development control services to the ratepayers/landowners located within each of their local jurisdictions.

When dealing with draft plan of subdivision/condominium applications each local municipality is responsible for making recommendations to the Manager of County Planning (the provincially delegated approval authority in Essex County that has been assigned by County Council to make decisions on their behalf). As part of the recently adopted Provincial Bill 23 and the associated amendments made to the Planning Act, there is no longer a statutory public meeting required pursuant to a draft plan of subdivision/condominium application.

Provincial Policy Statement, 2020 (PPS)

Section 1.1.1 of the PPS directs that healthy, liveable, and safe communities are sustained, in part, by accommodating an appropriate range and mix of residential (including additional units, affordable housing, and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs.

According to Section 1.1.3.1 (Settlement Areas), settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. Further, land use patterns within settlement areas shall be based on densities and a mix of land uses, which efficiently use land and resources, and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, as well as a range of uses and opportunities for intensification and redevelopment.

The policies of Section 1.1.3.6 state that new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Further, Section 1.4 (Housing) 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 of the regional market area by, among other matters, permitting and facilitating all forms of housing required to meet the social,

health, and well-being requirements of current and future residents; promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities; and establishing development standards for residential intensification, redevelopment, and new residential development which minimize the cost of housing and facilitate compact form while maintaining appropriate levels of public health and safety.

County of Essex Official Plan, 2014

The subject lands are located within a “Prime Settlement Area” as identified on Schedules “A1” and “A2” in the approved 2014 County of Essex Official Plan. The Prime Settlement Area corresponds to the limits of the Town of LaSalle’s urban area boundary. Moreover, subsection 3.2.4.1 of the County Official Plan, 2014 states that:

- Primary Settlement Areas shall be the focus of growth and public/private investment in each municipality;
- Primary Settlement Areas shall have full municipal sewage services and municipal water services and stormwater management services, a range of land uses and densities, a healthy mixture of housing types including affordable housing options and alternative housing forms for special needs groups and be designed to be walkable communities with public transit options (or long-term plans for same);
- All types of land uses are permitted within the Settlement Areas designation subject to the specific land use policies of the local Official Plans;
- Cost-effective development patterns and those which minimize land consumption and reduce servicing costs are encouraged. Land use patterns which may cause environmental, heritage preservation or public health and safety concerns shall be avoided.

Furthermore, subsection 4.6.1 of the County Official Plan, 2014 states that:

- The County shall approve only those plans of subdivision or condominium which comply with the provisions of both the County and LaSalle Official Plans;
- the County shall require that the applicant enter into an agreement with the local municipality which may be registered against the title of the subject lands and which shall address such matters as services, financial requirements, County Road facilities, dedication of land for public uses and parks, warning clauses regarding the possibility of having children bussed to schools other than the closest school because of capacity issues, local roads, drainage, grading and

landscaping, natural habitat restoration, sidewalks, school bus loading areas and other requirements to implement the provision of both the County and LaSalle Official Plans.

As such, this proposal conforms with the County of Essex's Official Plan policies for lands within the settlement area boundary and with the lot creation policies specifically for plans of subdivision/condominium.

Town of LaSalle Official Plan, 2018

The subject property is designated "LaSalle Town Centre District" in the Town of LaSalle's approved Official Plan. Section 4.2 of the LaSalle Official Plan contains the Town's land use policies for properties located within the "LaSalle Town Centre District" which identifies the lands as the key component of LaSalle's Urban Structure that is to be compact, walkable, and mixed-use. While mixed-use is encouraged, the range of permitted land uses within the LaSalle Town Centre District Designation is further refined through the Zoning By-law.

Section 2 of the LaSalle Official Plan contains the Town's Growth Management Policies, including the following:

2.2 c) Development phasing and the corresponding approval of development applications will be considered based on the ability of the Town, the County, land developers, and development charge-related revenue to pay for infrastructure development costs, as required, and through the application of the following criteria:

- I. Growth shall occur in a comprehensive, logical, efficient, and fiscally responsible manner. Primary factors to consider through the review of applications for new development include;
 - o The integration of new development within the planned community structure, resulting in a highly inter-connected, compact, and walkable/bikeable urban form;
 - o The provision of adequate municipal infrastructure, parks, and other community facilities and services to accommodate the proposed growth in a cost-efficient manner;
 - o The provision of appropriate transportation facilities (including active transportation infrastructure), and the availability of adequate capacity on the existing and planned road network; and,
 - o The appropriate protection of the Natural Heritage System.

- II. If one or more of these criteria cannot be addressed to the satisfaction of the Town, the processing and/or approval of development applications may be held in abeyance, or deferred, until all of the criteria have been addressed.

Section 7 of the LaSalle Official Plan contains the Town's Implementation/Administration Policies, more specifically subsection 7.8.2 outlines policies for plans of subdivision or condominium, including the following:

c) Prior to recommending approval of a Plan of Subdivision or Plan of Condominium to the County of Essex, the Town must be satisfied that the proposed development:

- i. Can be serviced by the Town's water supply and sewage system without adversely affecting the Town's finances, or by private well and waste water disposal system where municipal services are not planned or existing;
- ii. Can be supplied with other municipal services such as fire protection, road maintenance, and community facilities and services, without adversely affecting the Town's finances;
- iii. Has been designed to integrate compatibly with the transportation system, adjacent existing and planned land uses, and both the Natural Heritage System, and cultural heritage resources in such a way that protects and enhances the Town's special quality of place;
- iv. Provides a mix of housing types, including affordable housing options, wherever feasible;
- v. Has no negative impact on the natural heritage features or areas or hazard land areas;
- vi. Provides opportunities for healthy living, including but not limited to access to green space and active transportation facilities;
- vii. Addresses issues related to climate change, energy conservation and sustainability;
- viii. Is necessary, timely and in the public interest; and,
- ix. Conforms to the policies of this Plan, any area-specific urban design guidelines, and the applicable development standards and regulations of the Town.

These policies were considered upon acceptance of this application, and it was determined that the plan of condominium proposal brought forward adequately conforms to the Town's Official Plan.

Town of LaSalle Zoning By-law 8600

The subject property is zoned "Town Centre One Zone (TC1)" according to Schedule "A - Map 01" to the Town of LaSalle Zoning By-law 8600. TC1 zone is deemed appropriate for the proposed use of the subject lands as it permits a mix of uses such as residential, and various commercial uses as reflected in the units on the draft plan of condominium in Figure 3. With the proposed development having received site plan control approval, registered the site plan agreement on title, and begun construction, it can be confirmed that the proposed condominium complies with the Town of LaSalle Zoning By-law 8600.

Summary and Conclusion

The following items have been considered in our review of the requested Draft Plan of Condominium:

- i. The owner has had pre-consultation with the County of Essex and the Town; and
- ii. The County of Essex has received a completed application for plan of condominium including draft plan condominium survey (see Figure 3); and
- iii. The development meets the criteria outlined in Section 51 of the Planning Act regarding plans of subdivision. These criteria are to be considered for plans of condominium as well; and
- iv. The development is consistent with the policies of the Provincial Policy Statement 2020 (PPS); and
- v. The proposed plan of condominium conforms to the policies of the County of Essex and Town of LaSalle Official Plans and complies with the provisions of LaSalle's Zoning By-law 8600, as amended; and
- vi. Construction of the first building continues in general compliance with the applicable Building Code and Fire Protection regulations for an apartment-style condominium and prior to occupancy, both the Building and Fire Departments must be satisfied; and

With all financial, design and technical requirements having been addressed through the Site Plan approval process and the Town holding adequate securities for the development, a Condominium Agreement is not required. Additionally, those agencies

which the County of Essex has requested to comment on the draft plan of condominium have already provided comments through the site plan control process. The comments provided were included in the site plan agreement currently registered on title of the subject lands. On the basis that an agency provides new comments that were not previously delivered, staff will inform the Applicant of the need for an amendment to the site plan agreement.

Consultations

County of Essex, Municipal Engineering and Building

Financial Implications

There are no significant financial risk impacts to the Municipality as a result of the proposed application. The draft plan of condominium application, if approved, has the potential to increase the assessment base for the Municipality.

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Link to Strategic Goals

1. Enhancing organizational excellence - Not Applicable
2. Strengthen the community's engagement with the Town - Not Applicable
3. Grow and diversify the local economy - Yes

4. Build on our high-quality of life - Yes
5. Sustaining strong public services and infrastructure - Not Applicable

Communications

Not applicable.

Notifications

Not required.

Report Approval Details

Document Title:	1740 Sprucewood Draft Plan of Condominium .docx
Attachments:	<ul style="list-style-type: none">- Suburban FIG1.pdf- Suburban FIG2.pdf- Suburban FIG3.pdf- Fig 4 - Request for a Council Resolution of Support 37-CD-23002.pdf
Final Approval Date:	Oct 31, 2023

This report and all of its attachments were approved and signed as outlined below:



Director of Planning and Development

Gudrin Beggs



Chief Administrative Officer

Joe Milicia