



## **The Corporation of the Town of LaSalle**

**To:** Mayor and Members of Council

**Prepared by:** Kristina Brcic, Manager of Planning and Development

**Department:** Planning & Development

**Date of Report:** November 4, 2024

**Subject:** Draft Plan of Condominium Approval Request for Stock Street Condo - File T-03-2024 (County of Essex File 37-CD-24006)

**Report Number:** PD-45-2024

**Attachments:** Figures 1-5

**Applicant & Registered Owner:** Westview Park Townhomes Inc.

c/o Dr. Dante Capaldi

**Location:** The lands affected by this application comprise approximately 0.45 hectares of land located south of Normandy Street, on the east side of Stocks Street.

### **Recommendation**

That the report of the Manager of Planning and Development dated November 4, 2023 (PD-45-2024) regarding a request for Draft Plan of Condominium Approval for the Stock Street Condo be received;

And that, Council pass a resolution in support of the Applicant's request to grant draft plan approval for the proposed Stock Street Condo (County of Essex File 37-CD-24006) in accordance with the draft drawing prepared by Verhaegen Land Surveyors (June 7, 2024), subject to including the following draft plan approval conditions;

1. Prior to final approval of the County of Essex, the Owner shall submit 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 County of Essex, 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 site plan agreement between the Owner and the Town contains a provision that no occupancy permits will be issued for the building until all building safety requirements have been addressed to the satisfaction of the Town. This includes, but is not limited to, the sprinkler system and fire alarm system being fully certified by a qualified individual satisfactory to the Chief Building Official and Fire Prevention Officer.
4. That prior to final approval by the County of Essex, the Owner shall submit for review and approval by the Town and the County, a draft of the final plan of condominium that satisfies the registration requirements of the Land Registry Office.
5. That prior to final approval by the County of Essex, the Site Plan and Site Plan Agreement between the Owner and the Town be registered against the lands to which it applies, pursuant to the provisions of the *Planning Act*.
6. That prior to the registration of the final plan of condominium all outstanding taxes associated with the property are paid in full to the satisfaction of the Town.

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.

## **Report**

### **Background**

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 0.45 hectares of land located on the east side of Stock Street, south of Normandy Street, see Figure 1. The applicant is proposing to construct a residential condominium building to include 36 units, 10 surface-level parking garages and 44 surface parking spaces, see Figure 2. The applicant concurrently applied for Site Plan Control for the development of the subject lands. As a condition of final approval, the site plan agreement must be registered.

The subject property is designated 'LaSalle Town Centre District' in the Town's Official Plan and zoned 'Town Centre 2 Zone (TC2)' in the Town's Zoning By-law. Through the site plan review process, it has been determined that the proposed development complies with the regulations for the TC2 zone.

The following figures are included to accompany this report:

- **Figure 1** depicts the location of the subject lands.
- **Figure 2** illustrates the Applicant's proposed site plan.
- **Figure 3** depicts the Applicant's draft plan of condominium.
- **Figure 4** includes the County of Essex Notice of Condo Application and Request for a Council Resolution of Support.
- **Figure 5** includes the Agency Comments received.

On October 8, 2024, the County of Essex deemed the application for draft plan of condominium complete and circulated the application to various agencies for comments, see Figure 4. The comments received, see Figure 5, will be reflected in the final 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 converted 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.

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.

When dealing with draft plan of subdivision/condominium applications, Subsection 51(24) of the Planning Act provides criteria for the evaluation of proposed draft plans of subdivision and condominium. In the County of Essex, 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 Planning Statement (2024)

Chapter 1 of the PPS states that:

“The Provincial Planning Statement provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario’s policy-led planning system, the Provincial Planning Statement sets the policy foundation for regulating the development and use of land province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.”

According to Chapter 2.3.1 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 Chapter 2.4.1 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, Chapter 2.2 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's 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 (By-law 8600)

The subject property is zoned "Town Centre Two Zone (TC2)" according to Schedule "A - Map 07" to the Town of LaSalle Zoning By-law 8600. TC2 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.

### **Supplementary Information**

As part of the Applicant's submission to the Town and the County, there were various studies, reports and drawings required to be submitted for the application to be deemed complete by the approval authority. These requirements were identified to the Applicant at the initial pre-consultation meeting held at the beginning stages of the plan of condominium and site plan control process.

As stated above, the following reports, studies and drawings were identified by the County and the Town as being required to support the proposal and necessary to deem the application complete:

- Site Servicing Plan (Haddad Morgan & Associates Consulting Engineers)
- Site Plan (Hanna, Ghobrial and Associates Ltd.)
- Landscape Plan (Bezair Partners)
- Stormwater Servicing Plan (Haddad Morgan & Associates Consulting Engineers)
- Phase 1 Environmental Site Assessment (Geotechnical Engineering and Construction Materials Inspection & Testing)

The above-mentioned reports, studies and drawings were provided by the applicant and were reviewed by Town Planning, Engineering, Building and Fire staff. Furthermore, they will be included in the Site Plan Agreement and utilized to determine Draft Plan of Condominium conditions as required.

### **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;
- ii. The County of Essex has received a completed application for plan of condominium including draft plan condominium survey (see Figure 3);
- 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;
- iv. The development is consistent with the policies of the Provincial Planning Statement 2024 (PPS);



- 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 is in general compliance with the applicable Building Code and Fire Protection regulations for apartment-style condominium buildings and prior to occupancy, both the Building and Fire Departments must be satisfied.

Planning Staff are of the opinion that the proposed Draft Plan of Condominium satisfies the criteria outlined in Section 51(24) of the *Planning Act* and that the development is consistent with and conforms to the applicable planning policy documents. On this basis, Planning Staff recommend support of the Draft Plan of Condominium with the conditions noted herein.

## Consultations

County of Essex Planning, Town of LaSalle Building and Engineering.

## 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.

Prepared By:



Manager, Planning and Development

Kristina Brcic

## 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

The applicant was provided with a link to the Agenda and Report.

### Report Approval Details

Document Title:	Draft Plan of Condominium Approval Request for Stock Street Condo - File T-03-2024 (County of Essex File 37-CD-24006).docx
Attachments:	<ul style="list-style-type: none"><li>- Figure 1 - Location Map.pdf</li><li>- Figure 2 - Proposed Site Plan.pdf</li><li>- Figure 3- Draft Plan of Condo.pdf</li><li>- Figure 4 - County of Essex Notice and Request for Council Resolution.pdf</li><li>- Figure 5 - Agency Comments.pdf</li></ul>
Final Approval Date:	Nov 8, 2024

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