

Municipality of Lakeshore – Report to Council

Growth and Sustainability

Planning Services



To: Mayor & Members of Council

From: Ryan Donally, Division Leader – Planning Services (Acting)

Date: April 22, 2024

Subject: Beachside Development Ltd. Draft Plan of Condominium Exemption,
Lakeshore Files: C-A-01-2024; C-A-02-2024 and C-A-03-2024

Recommendation

Approve an exemption of the Draft Plan of Condominium Process for Beachside Development Ltd. County File Nos: 37-CD-24003, 600 Beachside Drive; 37-CD-24004 700 Beachside Drive; and 37-CD-24005 800 Beachside Drive, and that the resolution be forwarded to the County of Essex Planning Department as presented at the May 7, 2024 Council meeting.

Background

On August 28, 2020, Beachside Development Ltd. (the owner) received draft plan approval for its proposed condominium development to be constructed on the lands legally described as Part of Lots 2 and 3, Concession West of Pike Creek Maidstone; designated as parts 1-5 on Plan 12R28616; subject to an easement as in CE944982; Town of Lakeshore, being of the Property Identifier Number 75008-0860 (LT) (the "Subject Lands").

Lakeshore and the owner entered into a Plan of Condominium Agreement dated April 14, 2021, which was registered on title to the Subject Lands as Instrument Number CE1009915 on May 25, 2021.

At the Regular Meeting of November 9, 2021, Council authorized the Mayor and Clerk to execute the Vacant Land Condominium Amendment Agreement between Beachside Development Ltd. and the Municipality of Lakeshore through By-law 99-2021. The amendment was completed to better clarify the stormwater management controls on the site.

Recently, Beachside Development Ltd. has indicated that they wish to proceed to construct the three remaining apartment buildings which are the last phase of the development, namely Application Numbers: C-A-01-2024 (600 Beachside, BLDG E); C-

A-02-2024 (700 Beachside, BLDG D); and C-A-03-2024 (800 Beachside, BLDG C) (Appendix A, Concept Plan).

The County has assigned the files as follows:

- 37-CD-24003 – 600 Beachside Drive
- 37-CD-24004 – 700 Beachside Drive
- 37-CD-24005 – 800 Beachside Drive

Comments

Beachside Condominiums are located off Amy Croft Drive and Manning Road in Lakeshore West. Three of the six units approved in the Site Plan have been built. Unit 1 consists of 22 townhouse units, whereas Unit 2 and Unit 3 consists of 116 apartment style units. Units 4, 5, and 6, located just north of the existing units each consist of 116 apartment style units.

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 individuals, together with a share of the rest of the property, which is common to all of the owners. Condominiums can involve a brand-new development or an existing rental project which is to be converted to condominium ownership. This form of tenure can apply to any type of residential building. 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.

To establish whether an application for condominium approval can be exempted from draft approval, the County of Essex has requested that the Municipality of Lakeshore provide a resolution in support of the exemption. Accordingly, this Council report has been prepared to explain the request and recommend the exemption. Specifically, the applicant is seeking to proceed without complying with sections 3 to 4 of Ontario Regulation 544/06 which is allowed by sections 7(1) and 7 (2) thereof. The request from the developer is attached as Appendix B.

The following items have been considered in Administration's review of the requested exemption from Draft Plan of Condominium:

1. The owner has had pre-consultation with the County of Essex and the Municipality;
2. The County of Essex has received a completed exemption application for a plan of condominium;
3. 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;

4. The development is consistent with the policies of the Provincial Policy Statement;
5. The proposed plan of condominium conforms to the policies of the County of Essex and Municipality of Lakeshore Official Plans;
6. The County of Essex approved the phase one development of the Beachside Development Ltd. Condominium;
7. Construction of this 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;
8. Beachside Development Ltd.'s buildings have site plan approval, with a site plan agreement, registered on title; and
9. The lands are zoned appropriately.

The amount of sanitary allocation is set out in the Amy Croft Secondary Plan and the associated cost sharing agreement.

As all land use planning requirements have been met, Administration supports the request for Condominium Exemption, as set out in the Recommendation section.

Others Consulted

County of Essex Planning

Financial Impacts

Lakeshore does not have a Condominium Exemption Fee in the User Fees; however, administration believes that the amount of work undertaken is consistent with a Condo Conversion User Fee which amounts to \$2151 per unit.

Attachments

Appendix A – Concept Plan

Appendix B – Request from developer

Report Approval Details

Document Title:	Beachside Development Ltd. Draft Plan of Condominium Exemption .docx
Attachments:	- Appendix A - Concept Plan.pdf - Appendix B - Request for Exemption from Developer.pdf
Final Approval Date:	Apr 26, 2024

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

Prepared by Ryan Donally

Submitted by Tammie Ryall

Approved by the Corporate Leadership Team