

**DATE:** August 12, 2024

**REPORT NO:** PD-35-2024

**SUBJECT:** **167 St. Catharines Street Extension of Draft Plan of Condominium  
File No. 2100-86-17**

**CONTACT:** Gerrit Boerema, Manager of Planning

**OVERVIEW:**

- In 2018 Township Council granted Draft Plan of Condominium approval for a 20 unit townhouse condominium located at 167 St. Catharines Street in Smithville.
- Extensions to Draft Plan of Condominium have been granted in 2021 (2 years) and 2023 (1 year), lapsing on May 25, 2024.
- The Director of Planning and Building granted an additional three month extension now lapsing on August 25<sup>th</sup>, 2024.
- The Applicants have submitted a request for a 1 year extension citing that current economic conditions have delayed the ability to develop.
- The majority of unsatisfied conditions would be completed once the applicant enters into a site plan application with the Township and provides the required securities.

**RECOMMENDATION:**

1. That Recommendation Report PD-35-2024, titled “Recommendation Report – 167 St. Catharines Street Extension of Draft Plan of Condominium, File No. 2100-86-17, dated August 12, 2024, be received; and,
2. That, the Draft Plan of Condominium approval for 167 St. Catharine Street, File No. 2100-86-17, be extended for a period of one year, to expire of August 12, 2025, subject to the revised conditions found in Schedule ‘A’, and
3. That a notice of extension be circulated to relevant agencies and departments.

**ALIGNMENT TO STRATEGIC PLAN:**

**Theme #**

- **Champion Strategic and Responsible Growth**

## **BACKGROUND:**

The Draft Plan of Condominium approval for 167 St. Catharines Street was originally brought to Council in June of 2018. The approved draft plan included 20 townhouse units located on a private condominium street located on the north side of St. Catharines Street (Regional Road 20), west of Union Cemetery. The Draft Plan of Condominium was approved with a number of conditions that are required to be completed prior to final approval.

Under the Planning Act, Plans of Subdivisions and Condominiums can be draft approved with conditions that must be met prior to final approval. This application has 46 conditions requested by the Township, Region of Niagara, Conservation Authority and utility providers, to be fulfilled prior to final approval.

## **CURRENT SITUATION:**

The majority of these conditions remain uncompleted with most of the outstanding conditions being related to the completion of the site plan agreement and the providing of securities which has not been completed. Based on communication with the applicant's planning consultants, no additional conditions have been completed since the last extension was granted in 2023.

The applicants have provided a letter, which can be found in Schedule 'B', requesting a one year extension with reasoning as to why it is not feasible at this time to develop this condominium. The main reasoning provided was the current economic situation and high interest rates.

Administration is proposing a number of minor changes to the conditions of approval to clarify the timing of infrastructure works. In the current form the conditions require that infrastructure, such as roads and sidewalks, be constructed prior to final approval, however, infrastructure requirements should be constructed under a site plan agreement.

Administration initially reviewed the Draft Plan of Condominium approval against the applicable planning policy in 2018. Although that occurred over six years ago, the proposed condominium and associated conditions all remain relevant and are aligned with current provincial, regional and local planning policy. Therefore, Administration is recommending that a further one year extension be granted, subject to the revised conditions.

## **FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this report, however, if Council decides not to grant an extension, the applicants have an ability to appeal the decision to the Ontario Land Tribunal which could have financial implications.

## **INTER-DEPARTMENTAL COMMENTS:**

This extension application has been circulated to internal departments and outside agencies for review and comment. At the time of writing this report Administration had received comments from Enbridge Gas and West Lincoln Public Works Department stating they have no further changes to the proposed conditions.

The Region of Niagara has also provided comments which can be found in Schedule 'D' and has requested a number of changes to the conditions of approval which can be found in Schedule 'A'.

**CONCLUSION:**

An application to grant a one-year extension to the draft plan of condominium approval has been submitted by the owners of 167 St. Catharines Street. Without an extension to the draft plan approval, the draft approval will expire on August 25<sup>th</sup>, 2024. The majority of the conditions remain outstanding, with a large number of those conditions tied to the site plan agreement which has not been completed.

**SCHEDULE(S):**

1. Schedule 'A' – Revised Conditions of Draft Plan Approval
2. Schedule 'B' - Draft Plan of Condominium
3. Schedule 'C' – Justification Letter from Applicant
4. Schedule 'D' – Agency and Department Comments

**Prepared & Submitted by:**

**Approved by:**



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**Gerrit Boerema, MCIP, RPP  
Manager of Planning**



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**Brian Treble, MCIP, RPP  
Director of Planning & Building**



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**Truper McBride, MCIP, RPP  
CAO**

