

**Subject:** 205 St. David's Road Plan of Vacant Land Condominium and Assumption Agreement (D07-01-2020)

**Report to:** Thorold City Council

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## Recommendations

1. That Development Services Report DS-28-2023 **BE RECEIVED**;
2. That the Final Plan of Condominium for 205 St. David's Road (the Allanburg Estates Plan of Subdivision (Part Township Lot 21, Thorold / Part 1, Plan 59R14532) **BE APPROVED**; and
3. That a By-law authorizing the Mayor and City Clerk to execute the Condominium Assumption Agreement for the lands known as 205 St. David's Road between the City of Thorold and Anthony DiFruscia **BE FORWARDED TO COUNCIL FOR APPROVAL**.

## Key Facts

- The purpose of this report is to seek a decision from Council regarding Final Approval of Draft Plan of Condominium and Condominium Assumption Agreement for 205 St. David's Road. The agreement will be between the City of Thorold and Allora Luna Inc. (c/o) Anthony DiFruscia.
- The application previously received Draft Plan Approval from City Council.
- The proposed Assumption Agreement and related Site Plan Agreement were previously reviewed by the applicable agencies, with comments duly incorporated, the applicant has reviewed the final draft agreement prepared by City staff, and the executed copy has been returned for final City signature.
- Required securities were previously provided through the site plan approvals process, which concluded in late 2022.
- The applicant has provided an overview of the conditions required to be fulfilled, including a description of how each of the conditions have been addressed.

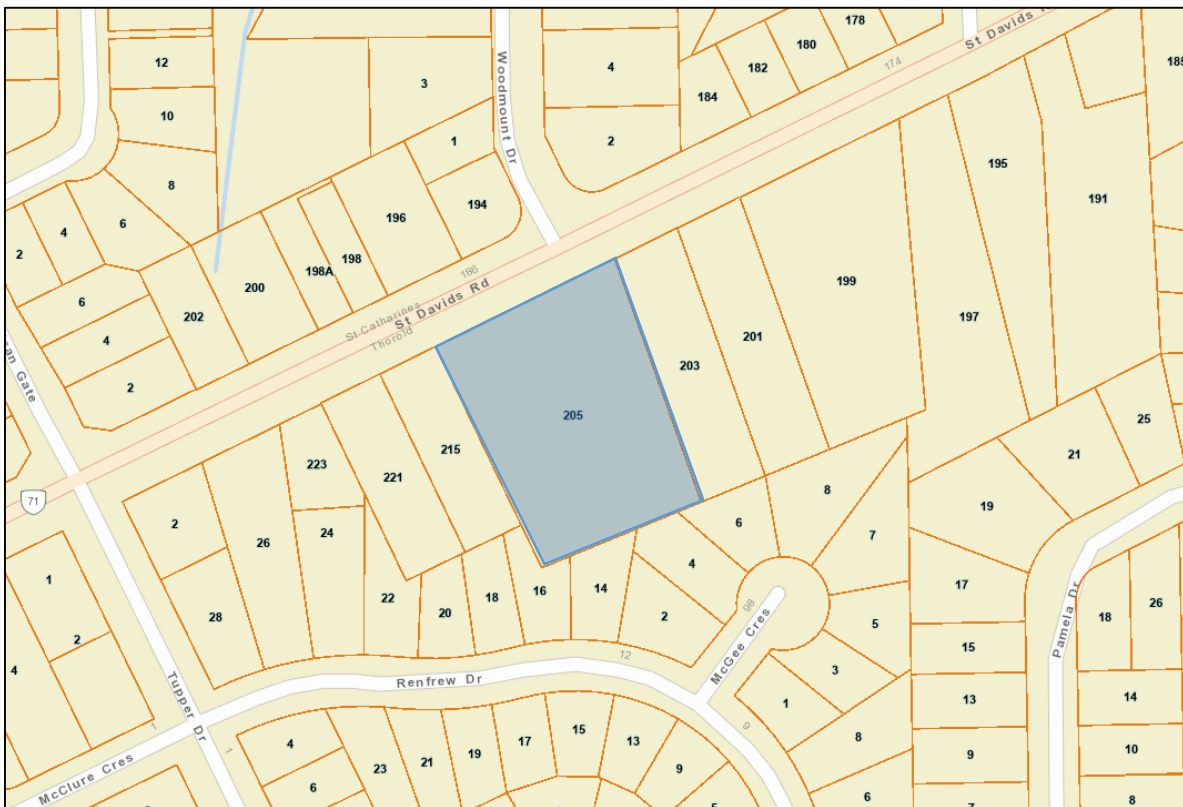
## Budgetary Status

There is no budgetary impact resulting from this report.

## Analysis

### Site context and description

The subject lands are located on the south side of St. David's Road, between Collier Road North and Tupper Drive (see **Figure 1**). These lands are currently vacant and previously contained a single-detached dwelling.



*Figure 1 – Location of subject property*

The subject lands previously received Draft Plan approval from the City of Thorold (decision dated September 28<sup>th</sup>, 2021), with the applicable Zoning By-law amendment also approved at that time.

## Background

The proposed Plan of Vacant Land Condominium consists of lots for residential townhouse dwelling units (15 in total), as well as common element areas for parking spaces and amenity areas. The proposal consists of four blocks of townhouse units, each of which will be 1-2 storeys in height, and contain their own private garage. An excerpt from the Draft Plan of Condominium is identified below:

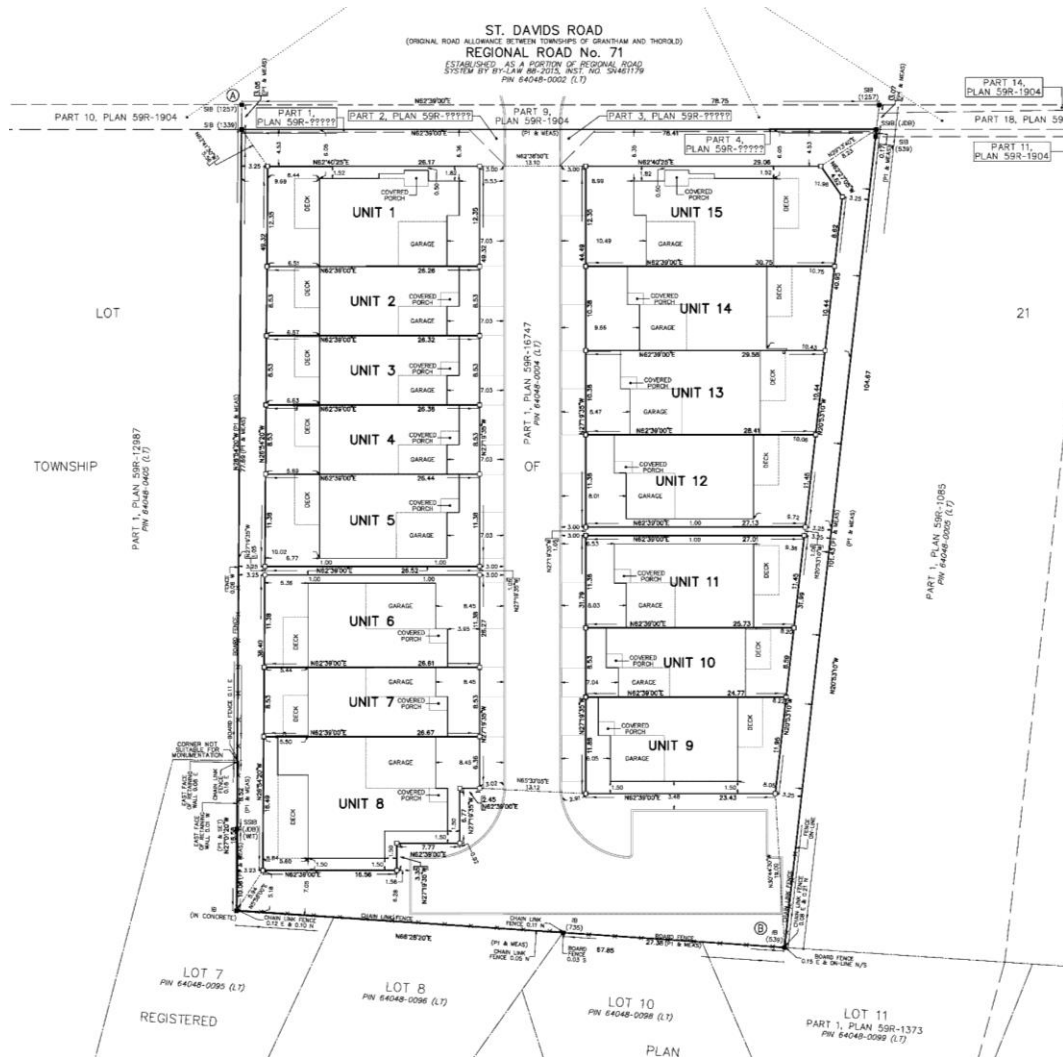


Figure 2 – Excerpt from plan of vacant land condominium (source: Applicant)

One (1) private road allowance is proposed to be created and managed by the future condominium corporation. Daylight triangles were identified and conveyed to the Region of Niagara via an easement. The full Draft Plan of Vacant Land Condominium is included as **Attachment B** to this report. A separate reference plan has been prepared, depicting applicable exclusive use common elements.

### Conditions of Final Condominium Approval

All required clearances from external agencies were previously obtained by the applicant, and all conditions imposed by the City have been or will be fulfilled upon registration of the Plan of Condominium and Condominium Assumption Agreement.

### Planning Act

Section 51(26) of the *Planning Act* allows the City to enter into agreements imposed as a condition to the approval of a Plan of Subdivision, and allows the agreements to be registered against the land to which they apply. The City may enforce the provisions of an agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

### Conclusion

Prior to approval of the Draft Plan of Condominium, City staff reviewed the application in accordance with applicable policies and regulations. Staff remain satisfied that the Plan of Vacant Land Condominium is consistent with or conforms to Provincial, Regional, and local policies, as applicable, including the Provincial Policy Statement, Growth Plan, Regional Official Plan, City of Thorold Official Plan, and Zoning By-laws 2140 (97) and 60-2019.

All required clearances from external agencies were obtained through the final review of the application and are attached to this Report as **Attachment C** for information purposes. All conditions imposed by the City have been or will be fulfilled upon registration of the Plan of Condominium and Condominium Assumption Agreement. A site plan agreement was previously entered into and was registered on title of the property, and governs the specifics of the site development.

Accordingly, Planning staff recommend that Council provide final approval for the Plan of Condominium for the lands known as 205 St. David's Road, and that the Assumption Agreement be duly executed by the Mayor and Clerk.

### **Relationship to Strategic Plan**

- Vibrant, Inclusive Neighbourhoods

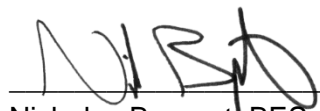
### **Other Pertinent Reports**

n/a

**Attachments**

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|--------------|---|
| Attachment A | Executed Condominium Assumption Agreement               |
| Attachment B | Draft Plan of Vacant Land Condominium                   |
| Attachment C | Agency Clearances                                       |
| Attachment D | By-law authorizing execution of an Assumption Agreement |

**Prepared by:**



Nicholas Bogaert, BES, MCIP, RPP, CAHP  
Associate, MHBC Planning



Andrea Sinclair, BES, MUDS, MCIP, RPP  
Partner, MHBC Planning

**Reviewed by:**

Tara O'Toole, Manager of Planning  
Development Services

**Recommended by:**

Jason Simpson, Director of Development Services  
Development Services

**Approved and Submitted by:**

Manoj Dilwaria, Chief Administrative Officer

## **Attachment A**

Executed Condominium Assumption Agreement

## **Attachment B**

Draft Plan of Vacant Land Condominium

## **Attachment C**

Agency Clearances



## **Attachment D**

Draft By-law authorizing execution of an Assumption Agreement