

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: Scott Mathers, MPA, P. Eng.,
Deputy City Manager, Planning and Economic Development

Subject: Exemption from Part-Lot Control
Application By: Jaime Crncich (2555212 Ontario Ltd. o/a
Magnus Homes)
1525 Chickadee Trail
City File: P-9620, Ward 14

Meeting on: July 17, 2023

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Jaime Crncich (2555212 Ontario Ltd. o/a Magnus Homes) to exempt lands located at 1525 Chickadee Trail, legally described as Block 70, Registered Plan 33M-814, from Part-Lot Control:

- (a) Pursuant to subsection 50(7) of the Planning Act, R.S.O. 1990, c. P.13, the proposed by-law attached hereto as Appendix 'A' **BE INTRODUCED** at a future Council meeting, to exempt Block 70, Plan 33M-814 from the Part-Lot Control provisions of subsection 50(5) of the said Act, **IT BEING NOTED** that these lands are subject to a registered subdivision agreement; and further noting that these lands are zoned Residential R4 Special Provision (R4-6(9)) in Zoning By-law No. Z.-1 to permit street townhouse dwellings; and,
- (b) The conditions of approval attached hereto as Appendix 'B' **BE REQUIRED** to be completed prior to the passage of a Part-Lot Control By-law for Block 70, Plan 33M-814.

Executive Summary

Summary of Request

This report is for review and endorsement by Municipal Council to exempt Block 70 in Registered Plan 33M-814 from the Part-Lot Control provisions of the Planning Act.

Purpose and the Effect of Recommended Action

Exemption from Part-Lot Control will facilitate the creation of twenty-two (22) street townhouse dwellings with frontage on Chickadee Trail.

Rationale of Recommended Action

The standard conditions for passing the Part-Lot Control By-law are attached and are to be reviewed and endorsed by Municipal Council prior to the final by-law.

Linkage to the Corporate Strategic Plan

A well planned and growing community - London's growth and development is well-planned and considers use, intensity, and form.

Analysis

1.0 Background Information

The site consists of a residential block within a plan of subdivision that is currently under development. The subdivision consists primarily of low density single detached dwellings, cluster townhouse blocks, and open space lands. Site Plan Approval was

recently given for the development of 22-unit street townhouses fronting Chickadee Trail. A Development Agreement was entered into between the City of London and Thames Village Joint Venture Corporation registered on January 20, 2023 as Instrument No. ER1510165.

1.1 Previous Reports Related to this Matter

February 28, 2022 - Report to Planning and Environment Committee recommending approval of an amendment to the Zoning By-law to remove holding provisions for lands located at 1738, 1742, 1752 and 1754 Hamilton Road (File No. H-9466)

June 18, 2018 – Report to Planning and Environment Committee recommending approval of Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments for lands located at 1738, 1742, 1752 and 1756 Hamilton Road (File No. 39T-17502/OZ-8147).

1.2 Planning History

On August 15, 2018, the City of London Approval Authority approved a draft plan of subdivision for lands located at 1738, 1742, 1752 and 1754 Hamilton Road submitted by Thames Village Joint Venture Corporation. Municipal Council previously advised the Approval Authority of its support for the draft plan and related zoning by-law amendments at their meeting held June 26, 2018. The Approval Authority issued final approval of the subdivision plan on December 22, 2021, and it was registered on February 1, 2022 as Plan No. 33M-814.

1.3 Current Planning Information

- The London Plan Place Type – Neighbourhoods
- Existing Zoning – Residential R4 Special Provision (R4-6(9))

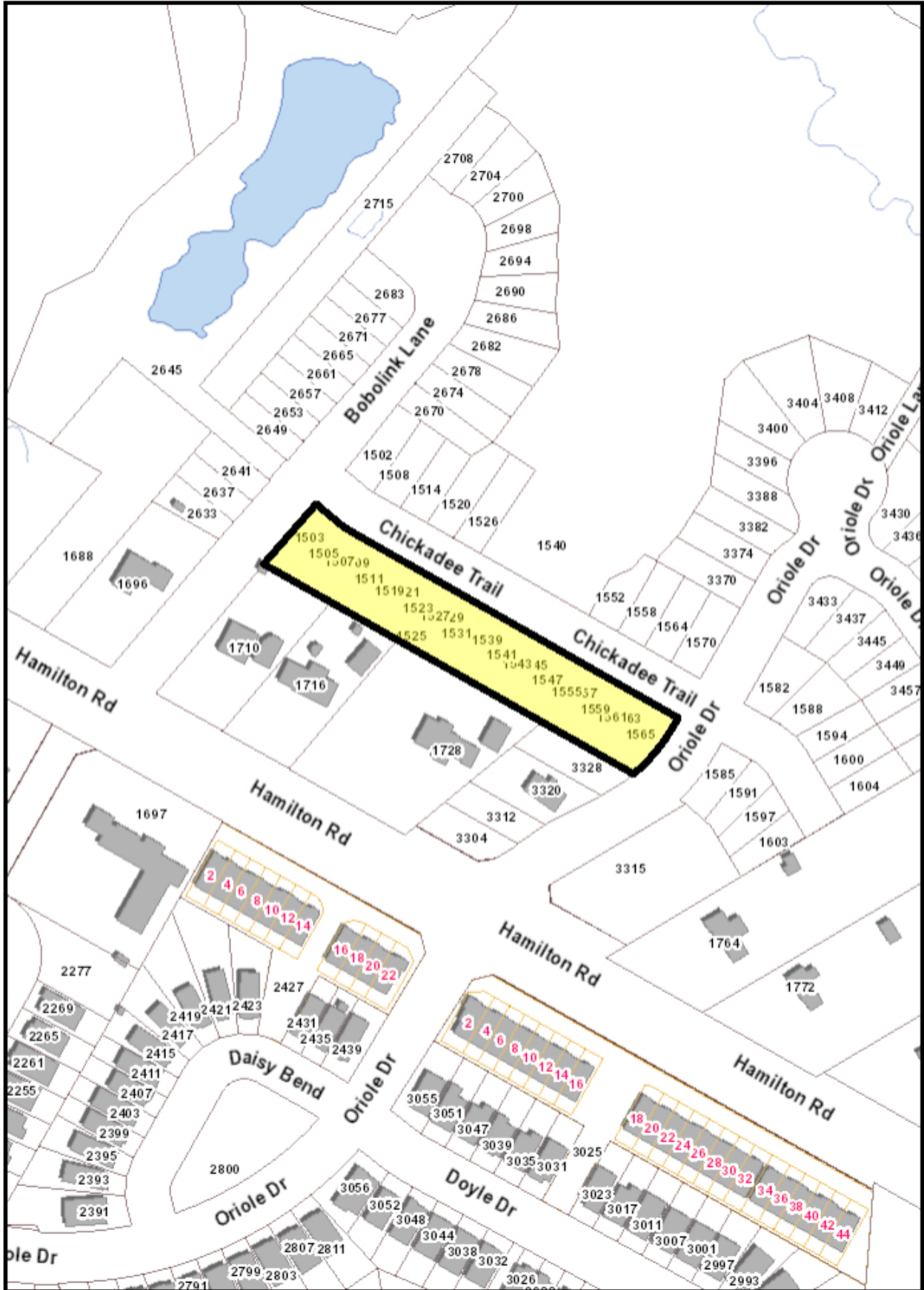
1.4 Site Characteristics

- Current Land Use – residential street townhouses (under development)
- Frontage – approx. 167 metres
- Depth – approx. 28 metres
- Area – 5011 square metres
- Shape – Irregular

1.5 Surrounding Land Uses

- North – single detached residential and open space
- East – single detached residential
- South – single detached residential
- West – single detached residential

1.6 Location Map








Location Map

Subject Property: 1525 Chickadee Trail
 Applicant: MAGNUS HOMES
 File Number: P-9620
 Created By: Larry Mottram
 Date: 5/30/2023
 Scale: 1:2000

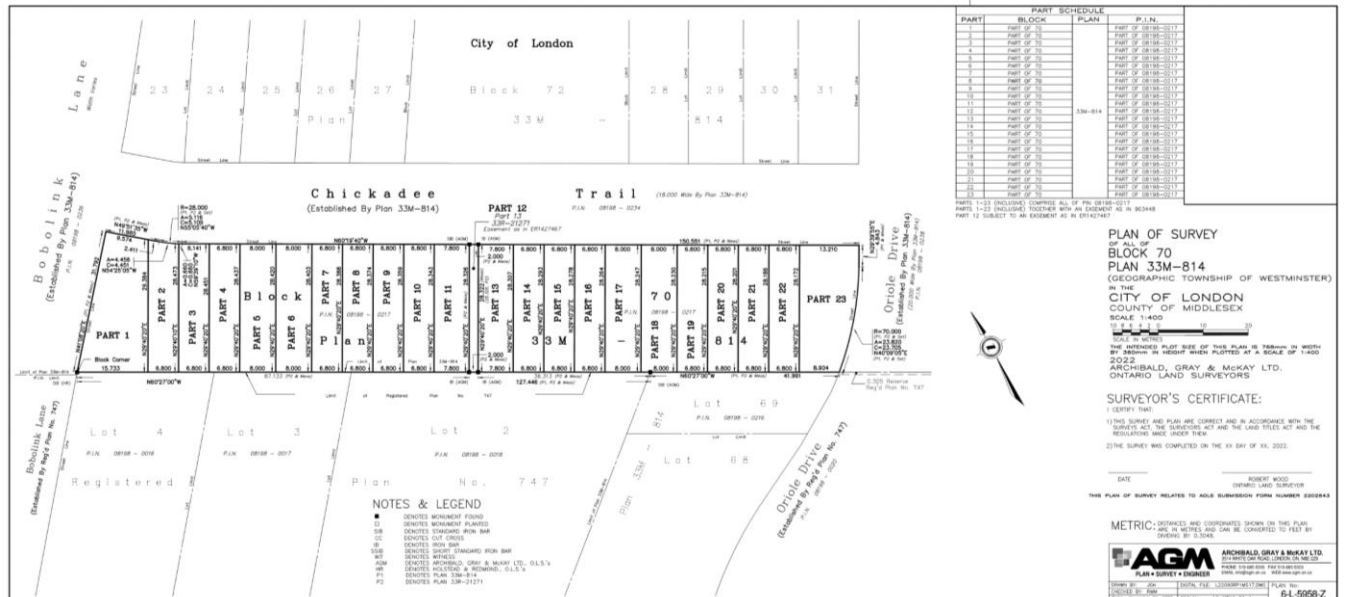
Corporation of the City of London

Legend

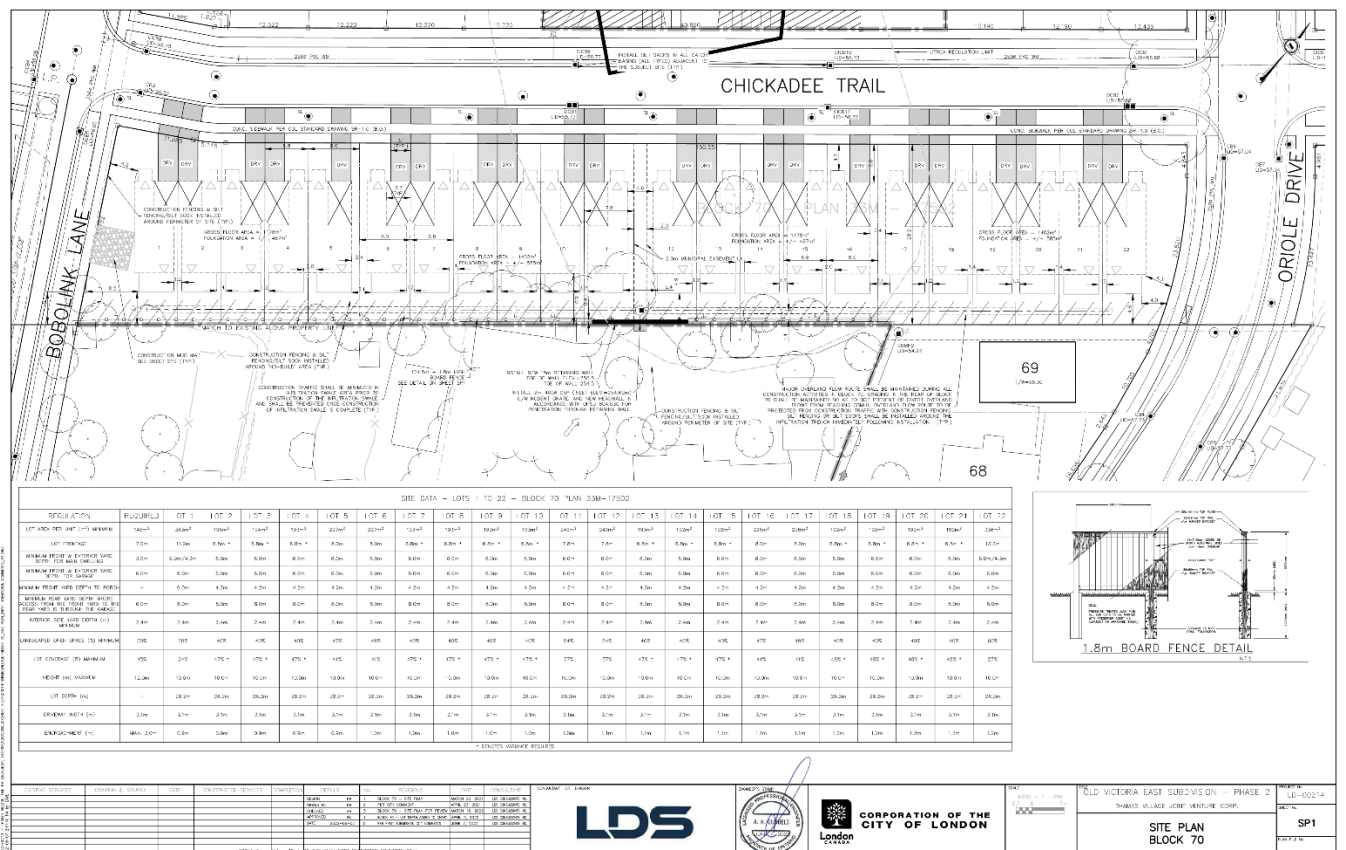
-  Subject Property
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers



1.7 Proposed Lotting Plan (Parts 1 to 23)



1.8 Site Plan (Block 70 Registered Plan 33M-814)



2.0 Discussion and Considerations

2.1 Community Engagement

There is no legislated Community Engagement component to an Exemption from Part-Lot Control. A notice of the request for exemption from part-lot control and a list of standard draft conditions was circulated to internal departments, such as Engineering and Building Division. Development Engineering staff have reviewed the part lot control application and did not have any engineering related comments.

2.2 Policy Context

In Ontario, the subdivision of land is governed by the *Planning Act*. Under this legislation, lot creation is permitted through the approval of a plan of subdivision, the granting of a Consent (commonly described as a “severance”) or, for lots within a registered plan of subdivision, through a by-law exemption from part-lot control. Section

50(28) of the *Planning Act*, R.S.O. 1990, c.P13, includes provisions to ensure that part of a lot or block within a registered plan of subdivision cannot be transferred without the approval of the municipality. The part-lot control provisions of the *Planning Act* allow a municipality to pass by-laws to remove part-lot control from all or any part of a registered plan of subdivision. Such a by-law has the effect of allowing the conveyance of a portion of a lot or block. Exemption from part-lot control is appropriate when a number of land transactions are involved, and the resulting changes will not affect the nature or character of the subdivision.

3.0 Financial Impact/Considerations

Through the completion of the works associated with this application fees, development charges and taxes will be collected. There are no direct financial expenditures associated with this application.

4.0 Key Issues and Considerations

Through By-law No. CPOL.-392-153, Municipal Council has enacted a policy to guide the consideration of requests for exemption to Part-Lot Control. Requests for exemption to Part-Lot Control will be considered as follows:

- a) *appropriately zoned lots and blocks of registered plans of subdivision may be exempted from part-lot control for the purpose of establishing individual properties for conveyance or other purposes where municipal services or agreements for extension of services are in place;*

The zoning of the proposed development block (Block 70) is Residential R4 Special Provision (R4-6(9)) permitting street townhouse dwellings with special provisions relating to lot frontage, front and exterior yard depth for main dwelling, front and exterior yard depth for garage, and rear yard depth where access from the front yard to the rear yard is through the garage. The zoning that has been approved for this block is appropriate and full municipal services are in place.

- b) *exemption from part-lot control is used to implement the intended lotting of a portion of a registered plan where the complete division of land was not practical at the time of subdivision approval and registration;*

Exemption from part lot control implements the intended development of the block for street townhouses which is a type of dwelling unit where each unit sits on a separate lot having legal frontage on a public street.

- c) *the nature and character of the subdivision are not to be changed by part-lot control exemption from that which was established by the subdivision plan and zoning by-law;*

The nature and character of the subdivision are not changed by the part-lot control exemption. The proposal is consistent with the intended use of the block as established through the previously approved plan of subdivision and zoning by-law.

- d) *the removal of part-lot control is appropriate when a series of land divisions is necessary to allow sale of the constructed buildings and associated part-lots;*

The exemption of part lot control creates 22 individual lots as one transaction instead of requiring separate and individual land divisions to create the interests in land.

- e) *references will be made to the land severance guidelines, guidelines for private streets, and other pertinent policies when considering the appropriateness of exemption; and*

The subject lands are within the Neighbourhoods Place Type in The London Plan permitting a range of housing types including single detached, semi-detached and townhouse dwellings. The proposal will facilitate development of a housing type and tenure consistent with the form established at the time of subdivision approval. The

proposed units will not result in any traffic problems and each unit will have individual driveway access to Chickadee Trail.

- f) *the registration costs of by-laws passed at the request of the developer or subdivider, to exempt lands from part-lot control, will be borne by the applicant.*

The applicant is responsible for all costs associated with the registration of the Exemption to Part-Lot Control by-law, in accordance with City Policy.

Conclusion

In accordance with the provisions of the Planning Act, Municipal Council may pass by-laws to exempt all, or parts of registered plans of subdivision from part-lot control. The requested exemption is considered appropriate and in keeping with The London Plan, Z.-1 Zoning By-law, and Municipal Council policies. Subject to satisfying conditions as recommended in Appendix B of this report, the attached by-law will be brought back for adoption at a future Council meeting.

Prepared by: Larry Mottram, MCIP, RPP, PLE
Senior Planner, Subdivisions and Condominiums

Reviewed by: Bruce Page, MCIP, RPP
Manager, Subdivision Planning

Recommended by: Heather McNeely, MCIP, RPP
Director, Planning and Development

Submitted by: Scott Mathers, MPA, P. Eng.
Deputy City Manager, Planning and Economic
Development

Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning and Development.

CC: Peter Kavcic, Manager, Subdivisions and Development Inspections
Matt Davenport, Manager, Subdivision Engineering

July 10, 2023
SM/HM/BP/LM/lm

Appendix A

Bill No. (Number to be inserted by
Clerk's Office)
202__

By-law No. Z.-1- _____

A by-law to exempt from Part-Lot
Control, lands located at 1525
Chickadee Trail, legally described as
Block 70 in Registered Plan 33M-814.

WHEREAS pursuant to subsection 50(7) of the Planning Act, R.S.O. 1990, c. P.13, as amended, and pursuant to the application request from Jaime Crncich (2555212 Ontario Ltd. o/a Magnus Homes), it is expedient to exempt lands located at 1525 Chickadee Trail, legally described as Block 70 in Registered Plan 33M-814, from Part Lot Control;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Block 70 in Registered Plan 33M-814, located at 1525 Chickadee Trail, is hereby exempted from Part-Lot Control, pursuant to subsection 50(7) of the Planning Act, R.S.O. 1990, c.P.13, as amended, for a period not to exceed three (3) years; it being noted that these lands are zoned to permit street townhouse dwellings in conformity with the Residential R4 Special Provision (R4-6(9)) Zone of the City of London Zoning By-law No. Z-1.
2. This by-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on [date] subject to the provisions of PART VI.1 of the *Municipal Act*, 2001.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading -
Second Reading -
Third Reading –

Appendix B

THE CORPORATION OF THE CITY OF LONDON'S CONDITIONS TO BE COMPLETED PRIOR TO PASSAGE OF A PART LOT CONTROL BY-LAW FOR BLOCK 70 PLAN 33M-814 ARE AS FOLLOWS:

- | NO. | CONDITIONS |
|-------|--|
| i. | The applicant be advised that the cost of registration of the said by-law is to be borne by the applicant in accordance with City Policy; |
| ii. | The applicant submits a draft reference plan to the City for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office; |
| iii. | The applicant submits to the City a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference; |
| iv. | The applicant submits each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office; |
| v. | The applicant submits to the City for review and approval, prior to the reference plan being deposited in the land registry office, any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan; |
| vi. | The applicant shall enter into any amending subdivision agreement with the City, if necessary; |
| vii. | The applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots; |
| viii. | The applicant shall obtain confirmation from the City that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office; |
| ix. | The applicant shall obtain approval from the City of each reference plan to be registered prior to the reference plan being registered in the land registry office; |
| x. | The applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office; |
| xi. | The applicant shall obtain clearance from the City that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Division for lots being developed in any future reference plan; and, |
| xii. | That on notice from the applicant that a reference plan has been registered, and that conveyance of the registered part lots has occurred, that Part Lot Control be re-established by the repeal of the bylaw affecting the Lot/Block in question. |