

FROM:	G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION FOR EXEMPTION OF PART LOT CONTROL PROSPERITY HOMES LIMITED. SILVERFOX CRESCENT (BLOCKS 77,79 & 81 IN PLAN 33M-622) MEETING ON JUNE 17, 2014

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application by Prosperity Homes Limited, to exempt the following lands from Part Lot Control:

- (a) pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on June 24, 2014 to exempt part of Block 79 in Plan 33M-622 from the Part Lot Control provisions of subsection 50(5) of the said *Act*; it being pointed out that these lands are subject to a registered subdivision agreement and are zoned Residential R4 Special Provision (R4-1(1)) in Zoning By-law No. Z.-1, which zoning permits street townhouse dwellings with a minimum lot frontage of 5.5m per unit and minimum lot area of 210m²;
- (b) pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the attached proposed by-law **BE INTRODUCED** at a future Council meeting to exempt Block 77, 81 and part of Block 79 in Plan 33M-622 from the Part Lot Control provisions of subsection 50(5) of the said *Act*; it being pointed out that these lands are subject to registered subdivision agreements and are zoned Residential R4 Special Provision (R4-1(1)) in Zoning By-law No. Z.-1, which zoning permits street townhouse dwellings with a minimum lot frontage of 5.5m per unit and minimum lot area of 210m²;
- (c) the following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part Lot Control Bylaw for Block 77, 81 and Part of Block 79 in Plan 33M-622 as noted in clause (b) above:
 - i. The applicant submit a draft reference plan to the Building Division 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;
 - ii. Prior to the reference plan being deposited in the Land Registry Office, the Applicant submit to Development Services (Engineering) for review a draft reference plan showing the proposed part lots are consistent with the subdivision servicing, site servicing, site plan, development agreement, subdivision agreement and conditions to the approval of this application;
 - iii. The applicant submits to the Development Planning Division 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;

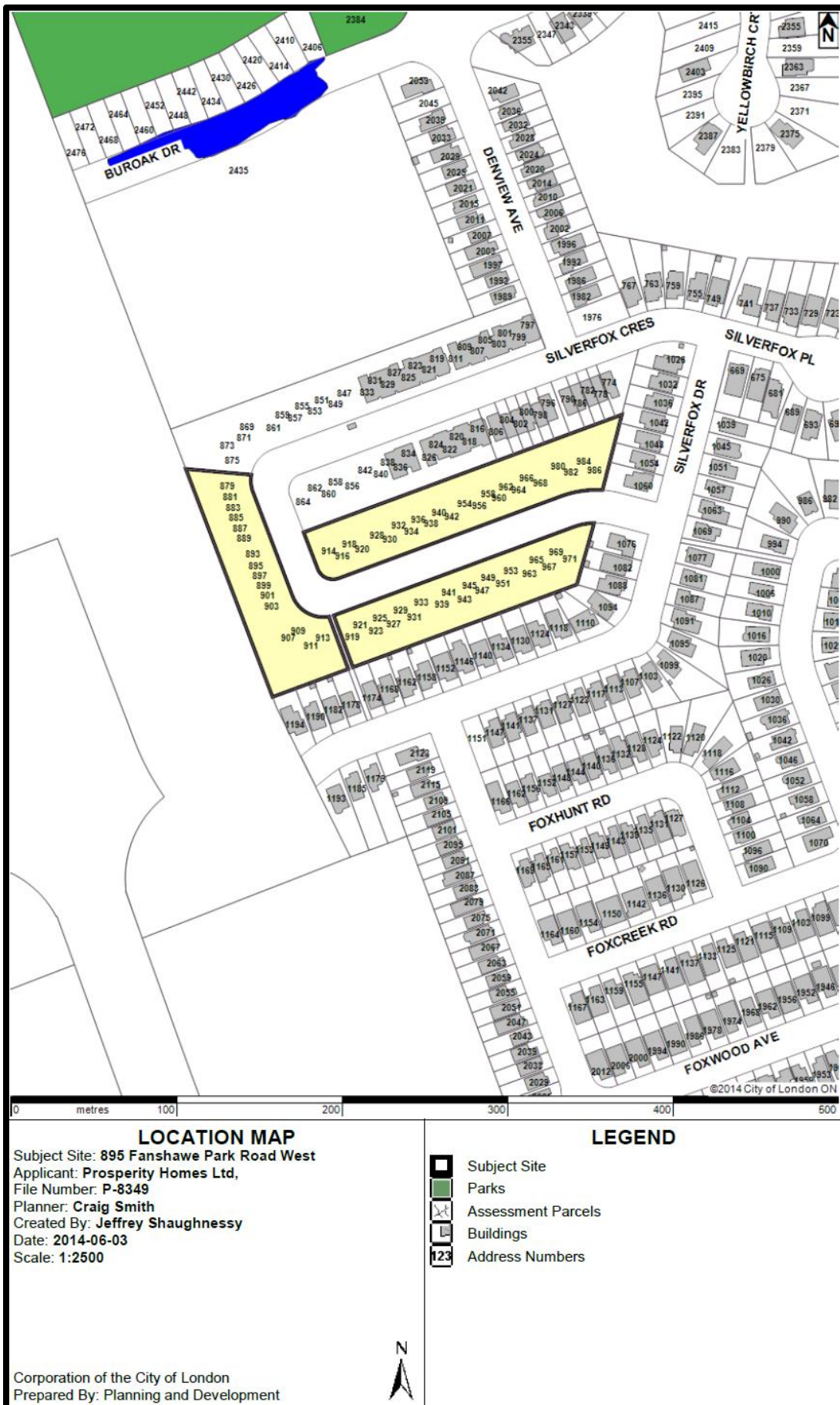
Agenda Item #	Page #

P-8349
C. Smith

- iv. The applicant submit 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 shall obtain confirmation from Development Planning Division 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;
 - vi. The applicant shall submit to the City Engineer and the Director of Development Planning, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
 - vii. The subdivider be required to enter into any amending subdivision agreement with the City, if necessary.
- (d) the Approval Authority **BE REQUESTED** to approve these by-laws;
- (e) the applicant **BE ADVISED** that the cost of registration of these by-laws is to be borne by the applicant in accordance with City policy.

--	--

Location Map



Agenda Item #	Page #

P-8349
C. Smith

PREVIOUS REPORTS PERTINENT TO THIS MATTER

May 2010 - Z-7767 – Report to Planning Committee on proposed Zoning By-law amendment

March 2011- P7887- Report to Planning Committee, for removal of Part Lot Control for Blocks 79 & 80 in Plan 33M-622; and Block 284 in Plan 33M564.

BACKGROUND

On November 9, 2010, the City of London Approval Authority granted final approval to Phase 2a of the Foxfield Subdivision (39T-02505). The plans were registered on November 16, 2010, as Registered Plan 33M-622.

Auburn Developments Inc. had submitted an application for an Exemption to Part Lot Control for Blocks 79 & 80 in Plan 33M-622; and Block 284 in Plan 33M564 in 2011. Reference plans have been deposited for all of Block 284 in Plan 33M-564 and Block 80 in Plan 33M-622 and part of Block 79 in Plan 33M-622. Part Lot Exemption granted by Council in 2011 has lapsed on the balance of Block 79 in Plan 33M-622.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Development Review- Development Services

From an engineering perspective, Development Services (Engineering) have no objection to exempt the lands in Plan 33M-622 as described above from Part Lot Control under the Planning Act subject to the Owner completing the following to the satisfaction of the City:

- i. Prior to the reference plan being deposited in the Land Registry Office, the Applicant submit to Development Services (Engineering) for review a draft reference plan showing the proposed part lots are consistent with the subdivision servicing, site servicing, site plan, development agreement, subdivision agreement and conditions to the approval of this application;

Development Services (Engineering) recommends that the applicant contact all utility companies with services located within the subject lands and provide confirmation from the utility companies that no easements are needed for services that cross the proposed part lots or register any easements needed at the time the part lots are created.

It is noted all proposed part lots have non-standard services as shown on the accepted servicing drawings which require access over the adjacent lots for future maintenance, repair and replacement.

Development Services (Engineering) requests a copy of the deposited plans and confirmation of the registration of the part lots for our files

Building Division

No comments.

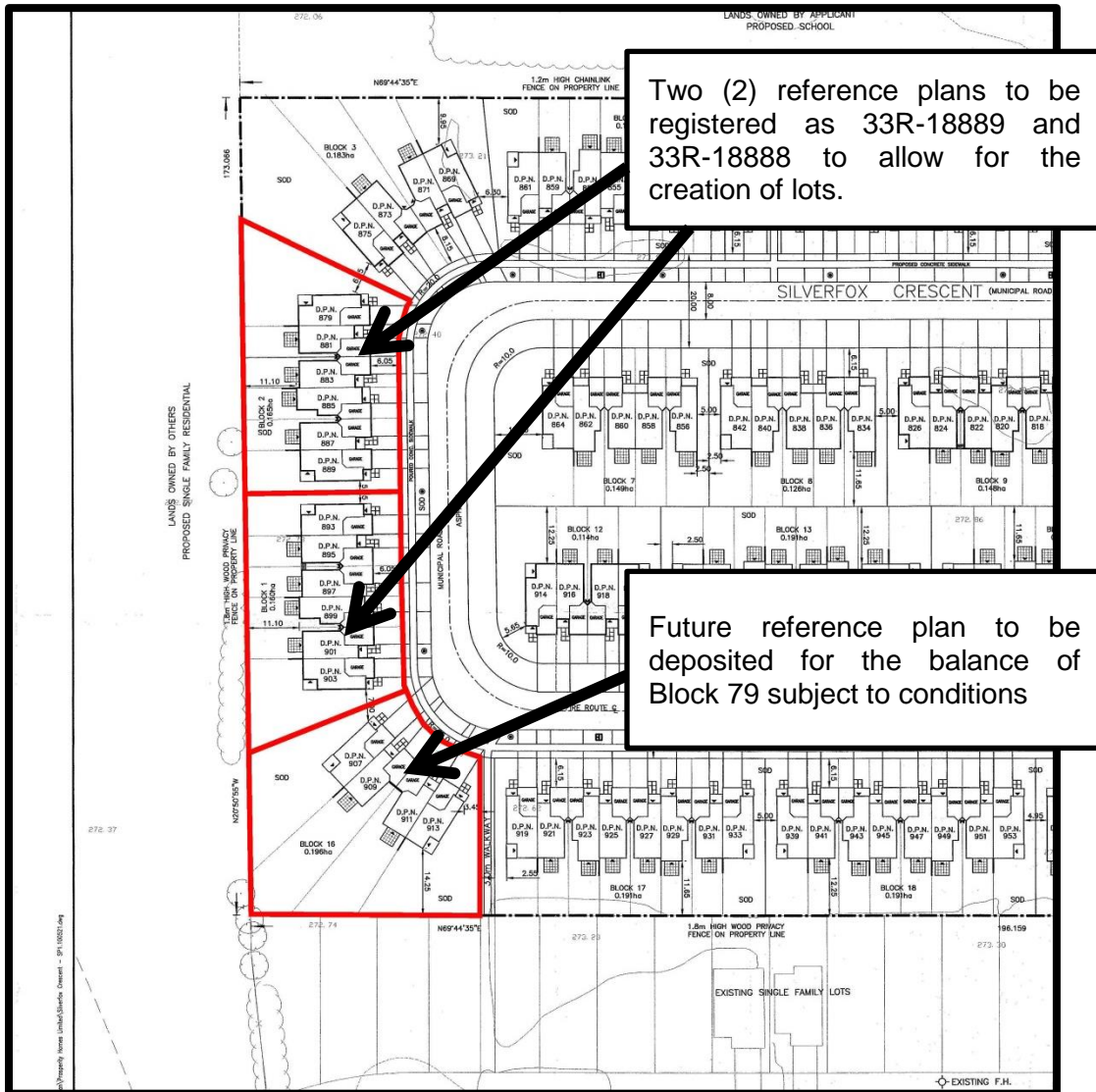
ANALYSIS

In order to allow for the creation of lots for 12 townhouse units on part of Block 79 to facilitate the sale of these units that have been constructed and are complete, staff are recommending

--	--

that a separate by-law be approved at this time for this block. City and London Hydro have had the opportunity to review and approve the two proposed reference plans on part of Block 79 prior to them being deposited. All conditions of the Subdivision Agreement and Site Plan Development Agreement continue to apply to the subject block after the Part Lot By-law is passed.

Part of Block 79- Plan 33M-622



Agenda Item #	Page #

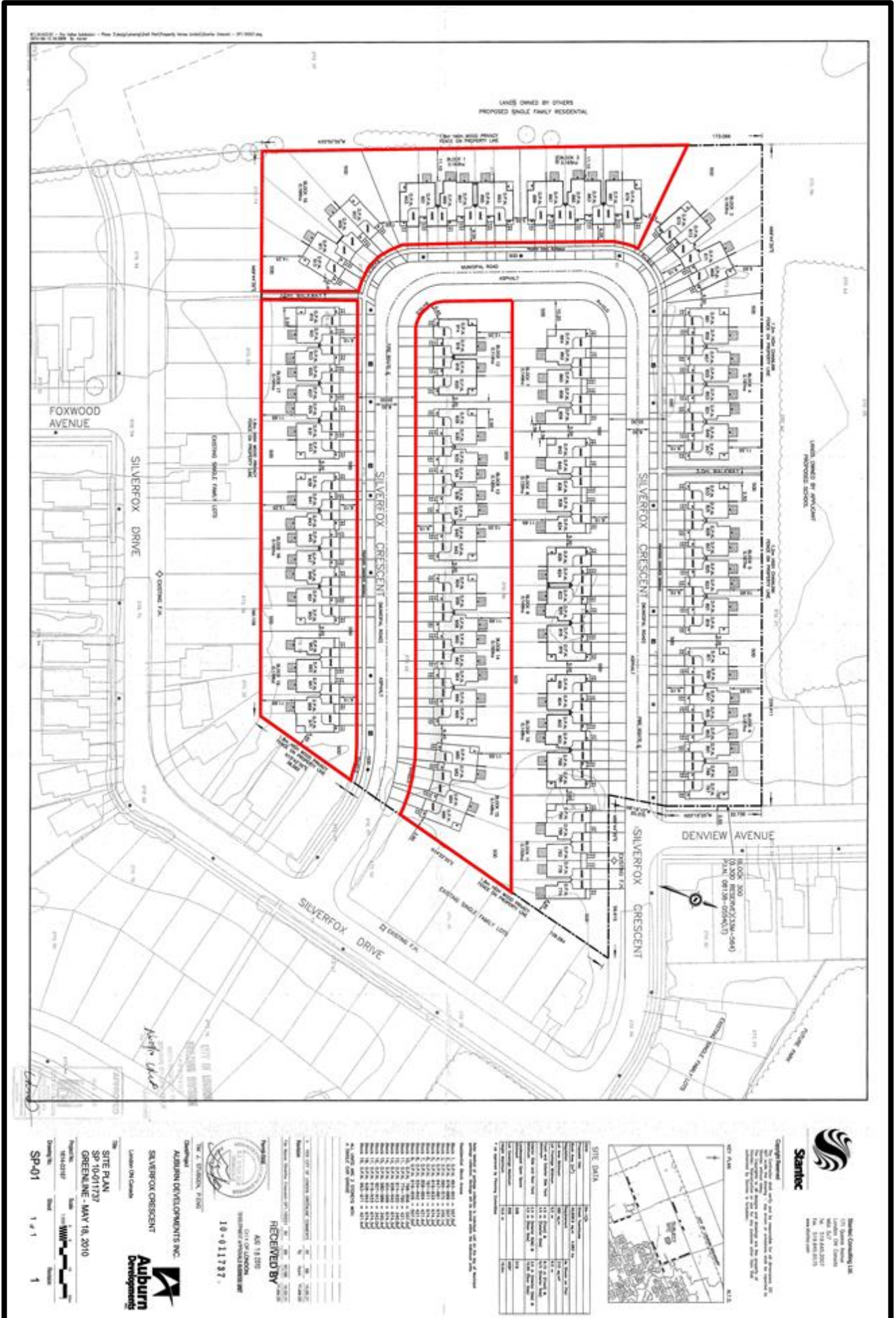
P-8349
C. Smith

A second By-law is recommended to address the creation of individual street townhouse lots on Block 77, 81 and part of Block 79 in Plan 33M-622. It is recommended that the following conditions be applied and that the By-law for Block 77, 81 and part of Block 79 be passed at a future meeting of Council only when the following conditions have been complied with:

- a) The applicant submit a draft reference plan to the Building Division 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;**
- b) **Prior to the reference plan being deposited in the Land Registry Office,** the Applicant submit to Development Services (Engineering) for review a draft reference plan showing the proposed part lots are consistent with the subdivision servicing, site servicing, site plan, development agreement, subdivision agreement and conditions to the approval of this application;
- c) The applicant submits to the Development Planning Section 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;
- d) The applicant submit 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;**
- e) The applicant shall obtain confirmation from Development Planning 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;**
- f) The applicant shall submit to the City Engineer and the Director of Development Planning, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
- g). The subdivider will be required to enter into any amending subdivision agreement with the City, if necessary.

--	--

Approved Site Plan with Proposed Unit Layout



--	--

CONCLUSION

The applicant requested exemption from the Part Lot Control provisions of the *Planning Act* to establish lot lines for the individual units is appropriate to allow for the sale of these units to future homeowners.

PREPARED AND RECOMMENDED BY:	REVIEWED BY:
C. SMITH SENIOR PLANNER, DEVELOPMENT SERVICES	ALLISTER MACLEAN MANAGER, DEVELOPMENT PLANNING
REVIEWED BY:	SUBMITTED BY:
TERRY GRAWAY MANAGER, DEVELOPMENT SERVICES & PLANNING LIAISON	G. KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL

JCS/
"Attach."

Agenda Item #	Page #

P-8349
C. Smith

Bill No. *Number inserted by Clerk's Office*
2014

By-law No. C.P.- *Number inserted by Clerk's Office*

A by-law to exempt from Part Lot Control, lands located on the west side of Silverfox Crescent, at Denview Avenue, legally described as part of Block 79 in Registered Plan 33M-622, more particularly described as Parts 1-10 in Plan 33R-18888 and as Parts 1-10 in Plan 33R-18889 in the City of London and County of Middlesex.

WHEREAS pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, and pursuant to the request from Prosperity Homes Limited, it is expedient to exempt lands located on the west side of Silverfox Crescent, at Denview Avenue, legally described as part of Block 79 in Registered Plan 33M-622, more particularly described a Parts 1-10 in Plan 33R-18888 and as Parts 1-10 in Plan 33R-18889, in the City of London and County of Middlesex, from Part Lot Control;

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

1. Block 79 in Registered Plan 33M-622, more particularly described Parts 1-10 in Plan 33R-18888 and as Parts 1-10 in Plan 33R-18889, in the City of London and County of Middlesex, located on the west side of Silverfox Crescent, at Denview Avenue, 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.
2. This by-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on June 24, 2014.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading - June 24, 2014
Second Reading – June 24, 2014
Third Reading - June 24, 2014

Agenda Item #	Page #

P-8349
C. Smith

Bill No. *Number inserted by Clerk's Office*
2014

By-law No. C.P.- *Number inserted by Clerk's Office*

A by-law to exempt from Part Lot Control, lands located on the north and south side of Silverfox Crescent, west of Denview Avenue, legally described as Block 77, 81 and part of Block 79 in Plan 33M-622, in the City of London and County of Middlesex.

WHEREAS pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, and pursuant to the request from Prosperity Homes Limited, it is expedient to exempt lands located on the north and south side of Silverfox Crescent, west of Denview Avenue, legally described as Block 77, 81 and part of Block 79 in Plan 33M-622, in the City of London and County of Middlesex, from Part Lot Control;

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

1. Block 77, 81 and part of Block 79 in Plan 33M-622, in the City of London and County of Middlesex, located on the north and south side of Silverfox Crescent, west of Denview Avenue, are 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 pointed out that these lands are zoned to permit street townhouse dwellings in conformity with the Residential R4 Special Provision (R4-1(1)) Zone of the City of London Zoning By-law No. Z-1, covering the subject area.

3. This by-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on *insert date of Council Meeting*.

Joseph Fontana
Mayor

Catharine Saunders
City Clerk

First Reading - *insert date of Council Meeting*
Second Reading - *insert date of Council Meeting*
Third Reading - *insert date of Council Meeting*