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File No: P-8509
Planner: L. Mottram

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES and CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION FOR EXEMPTION OF PART LOT CONTROL GREENGATE VILLAGE LIMITED SOUTH SIDE ASIMA DRIVE, EAST OF TURNER CRESCENT LOTS 60 to 65 PLAN 33M-533 (PARTS 1 to 12 PLAN 33R-18783) MEETING ON AUGUST 24, 2015

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application by Greengate Village 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 September 1, 2015, to exempt Lots 60 to 65 Plan 33M-533 (also described as Parts 1 to 12 on Reference Plan No. 33R-18783 deposited at the Land Registry Office on December 27, 2013) from the Part Lot Control provisions of subsection 50(5) of the said *Act*, for a period not to exceed one (1) year; it being pointed out that these lands are subject to a registered subdivision agreement and are zoned Residential R1 Special Provision (R1-3(12)) Zone in Zoning By-law No. Z.-1 which permits single detached dwellings with a minimum lot frontage of 10m and minimum lot area of 300m²; and,
- (b) the applicant **BE ADVISED** that the cost of registration of this by-law is to be borne by the applicant in accordance with City policy.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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July 23, 2013 – Planning and Environment Committee – Application for Exemption of Part Lot Control by Greengate Village Limited – Asima Drive (Lots 60 to 73 and Lots 113 & 114 Plan 33M-533) (File No. P-8199) (*Agenda Item #11*)

BACKGROUND

On July 30, 2013 Municipal Council approved an application by Greengate Village Limited to Exempt from Part Lot Control a number of single detached dwelling lots fronting on Asima Drive, located within the Summerside subdivision. Council directed that a by-law be introduced at a future meeting to exempt Lots 60 to 73 and Lots 113 and 114 in Registered Plan 33M-533, from the Part Lot Control provisions of subsection 50(5) of the Planning Act for a period not to exceed one (1) year; it being pointed out that these lands are subject to a registered subdivision agreement and are zoned as Residential R1 Special Provision (R1-3(12)) in Zoning By-law No.

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Z.-1. The applicant was required to satisfy a number of conditions prior to the passage of the Part Lot Control by-law including the submission of a draft reference plan for review and approval to ensure the proposed part lots and development plans comply with the zoning bylaw; and that the applicant enter into an amended subdivision agreement for the installation of all works and services, for lot grading in accordance with the accepted final design of the lots, and for provision of adequate security. The subdivision agreement was amended and all conditions were cleared. The reference plan showing the final lot development was deposited in the Land Registry Office on December 27, 2013 as Reference Plan No. 33R-18783, and a Certificate of Conditional Approval for the proposed lots was subsequently issued. Council passed the Exemption from Part Lot Control by-law on February 11, 2014 to remain in effect for a period of one (1) year from the date of passage.

The applicant recently met with City staff and advised that the purpose of the request for Exemption from Part Lot Control is to revise the lots on the south side of Asima Drive created by Registered Plan 33M-533 to match the lot pattern in the next phase being draft-approved plan number 39T-07508. The previous approved Part Lot Control by-law served this same purpose for Lots 60 to 73. However, the by-law has since expired, and exemption is still required for Lots 60 to 65. Lots 72 and 73 are sold/closed with new home purchasers, and Lots 66 to 71 will be part of the next phase and next registered plan for this currently undeveloped portion of the subdivision which will include a public street connection south of Asima Drive (future Strawberry Walk).

ANALYSIS

Chapter 19(24) of the Policy Manual for the Corporation of the City of London relates to Part-Lot Control Exemption by-laws. The policies are 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;*
- (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;*
- (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;*
- (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;*
- (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*
- (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.*

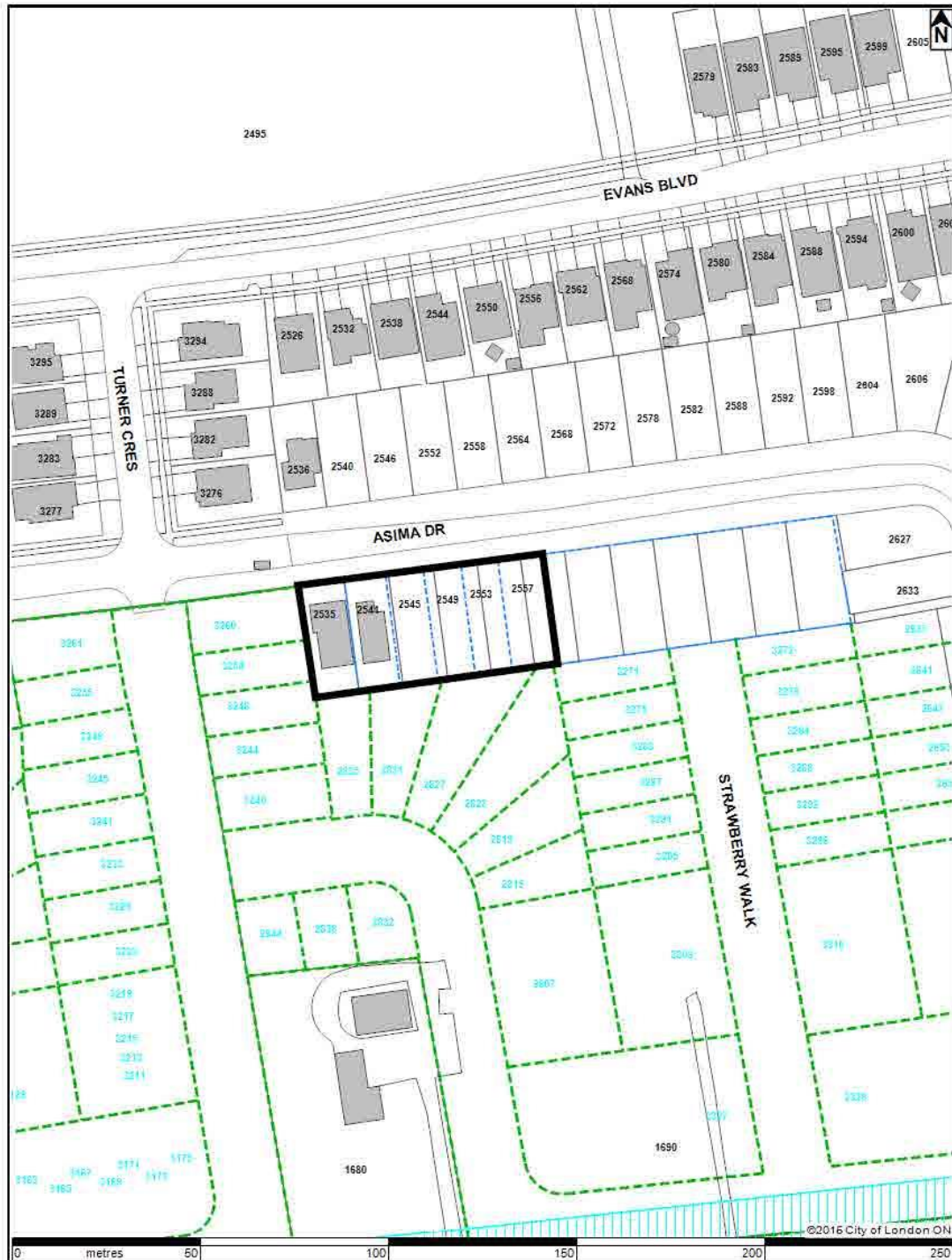
The Official Plan designates the lands as “Multi-family, Medium Density Residential”. The primary permitted uses include multiple-attached dwellings such as row houses or cluster houses; low-rise apartment buildings; rooming and boarding houses; emergency care facilities; converted dwellings; and small-scale nursing homes, rest homes and homes for the aged. These areas may also be developed for single detached, semi-detached and duplex dwellings.

The zoning is Residential 1 Special Provision (R1-3(12)) which permits single detached dwellings on lots having a minimum lot area of 300 square metres and minimum lot frontage of

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LOCATION MAP



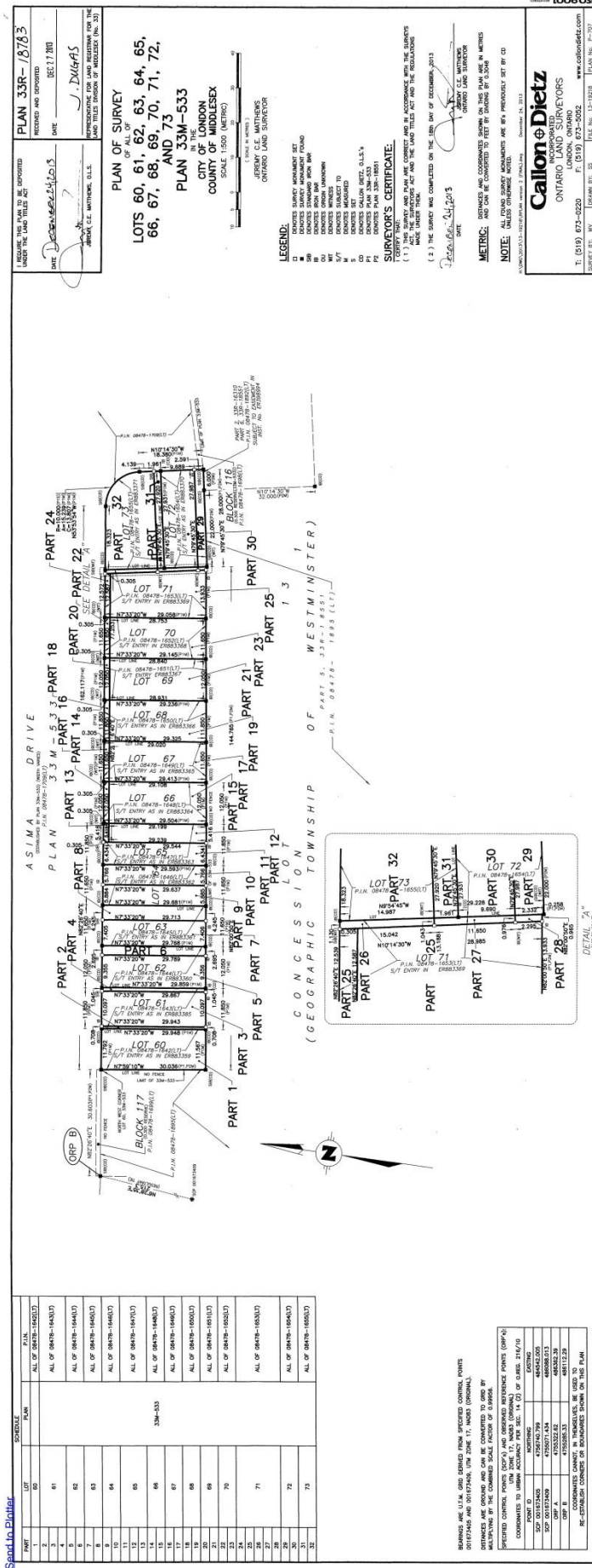
<p>LOCATION MAP</p> <p>Subject Site: 2535 - 2557 Asim a Dr Applicant: Greengate Village Limited File Number: P-8509 Planner: L. Mottram Created By: LM Date: 2015-08-05 Scale: 1:1200</p>	<p>LEGEND</p> <ul style="list-style-type: none"> Subject Site Parks Assessment Parcels Buildings Address Numbers
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Corporation of the City of London
Prepared By: Development and Compliance Services



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REFERENCE PLAN
(Plan 33R-18783)



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10 metres. The revised part lots would have lot frontages that range from approximately 10m to 13m, and approximately 30m lot depths. The proposed lots are consistent with lots on the north side of Asima Drive, and would match the lot pattern in the draft approved plan 39T-07508. The zoning currently in place is appropriate and the proposed lots meet the minimum requirements of the zoning by-law. The nature and character of the subdivision will not be significantly altered from the originally established subdivision plan and zoning by-law.

The proposed part lot adjustments are consistent with the previous Part Lot Control by-law and with the approved final reference plan described as Parts 1 to 12 on Reference Plan No. 33R-18783 (attached). All conditions of the previous Exemption from Part Lot Control by-law have been satisfied and there are no further recommended conditions or requirements.

The applicant has requested exemption from Part Lot Control as an alternative to submitting an application through the Consent Authority, and it is not uncommon to modify lot lines for this number of lots through the passing of a Part Lot Control Exemption by-law.

CONCLUSION

In accordance with the provisions of the *Planning Act*, Council may pass by-laws to exempt all, or parts of registered plans of subdivision from part-lot control. The recommended exemption is appropriate and in keeping with the character of existing homes in the subdivision, is consistent with the draft approved plan 39T-07508, and will provide for appropriate lot fabric along the future extension of Asima Drive.

PREPARED and RECOMMENDED BY:	REVIEWED BY:
LARRY MOTTRAM, MCIP, RPP SENIOR PLANNER – DEVELOPMENT SERVICES	ALLISTER MACLEAN MANAGER, DEVELOPMENT PLANNING
CONCURRED BY:	SUBMITTED BY:
TERRY GRAWAY, MCIP, RPP MANAGER, DEVELOPMENT SERVICES AND PLANNING LIAISON	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

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Bill No.
2015

By-law No. C.P.-

A by-law to exempt from Part Lot Control lands located on the south side of Asima Drive, east of Turner Crescent, legally described as Lots 60 to 65 Plan 33M-533, 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 Greengate Village Limited, it is expedient to exempt lands located on the south side of Asima Drive, east of Turner Crescent, legally described as Lots 60 to 65 Plan 33M-533, 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. Lands located on the south side of Asima Drive, east of Turner Crescent, being Lots 60 to 65 Plan 33M-533 (also described as Parts 1 to 12 on Reference Plan No. 33R-18783 deposited at the Land Registry Office on December 27, 2013), in the City of London and County of Middlesex, 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 one (1) year; it being pointed out that these lands are zoned to permit single detached dwellings in conformity with the Residential R1 Special Provision (R1-3(12)) 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.
3. This by-law shall remain in effect for one (1) year from the date of passage.

PASSED in Open Council on September 1, 2015.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading - September 1, 2015
Second Reading – September 1, 2015
Third Reading - September 1, 2015