

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING ON FEBRUARY 27, 2012
FROM:	DAVID AILLES MANAGING DIRECTOR DEVELOPMENT APPROVALS BUSINESS UNIT AND D.N. STANLAKE DIRECTOR OF DEVELOPMENT PLANNING
SUBJECT:	APPLICATION FOR EXEMPTION OF PART LOT CONTROL SIFTON PROPERTIES LTD. BALLYMOTE WOODS SUBDIVISION (LOTS 88-94 IN PLAN 33M-631 AND LOTS 1-12 PLAN 33M-632)

RECOMMENDATION

That, on the recommendation of the Director of Development Planning and the Managing Director of the Development Approvals Business Unit, the following actions be taken with respect to the application by Sifton Properties Ltd. to exempt the following lands from Part Lot Control:

- (a) the following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part Lot Control by-law for Lots 88-94 in Plan 33M-631 and Lots 1-12 Plan 33M-632 as noted in clause (a) above:
- i) The applicant shall submit a draft reference plan to the Development Planning 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) The applicant shall submit to Development Planning 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;
 - iii) 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;
 - iv) The Owner shall enter into an amended subdivision agreement with the City for Plan 33M-631 and Plan 33M-632 to address all issues outlined below and provide adequate security as needed:
 - a. The Owner shall submit to the City for review and acceptance revised servicing and grading drawings for Plan 33M-631 and Plan 33M-632 to reflect the proposed re-lotting and any services that require removal and relocation;
 - b. All lot grading shall be in accordance with the final lot layout and is to be in compliance with all the obligations for current and proposed works and associated requirements set out in an amended subdivision agreements for Plan 33M-631 and Plan 33M-632 and on the accepted revised grading plans.

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- c. Prior any issuance of a Certificate of Conditional Approval for the proposed lots a clearance is to be obtained from the City that requirements iv) a., and iv) b. as outlined above have been satisfactorily completed.
- v) 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;
- (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 the Municipal Council at a future meeting, to exempt Lots 88-94 in Plan 33M-631 and Lots 1-12 Plan 33M-632 from the Part Lot Control provisions of subsection 50(5) of the said *Act*, for a period not to exceed six (6) months; it being pointed out that these lands are subject to a registered subdivision agreement and Lots 1-12 Plan 33M-632 are zoned Holding Residential R1 (h-96*R1-5) Zone and Lots 88-94 in Plan 33M-631 are zoned Residential R1 (R1-5) Zone in Zoning By-law No. Z.-1 which permits single detached dwellings with a minimum lot frontage of 12m and minimum lot area of 415m²;
- (c) 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; and
- (d) the Approval Authority (Council) **BE REQUESTED** to approve these by-laws.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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39T-06503, Z-7185 and/or H-7987

March 19, 2007 - Report to Planning Committee that Sifton Properties Limited had appealed draft plan of subdivision application 39T-06503 and Zoning By-law Amendment application Z-7185 because of the City's had not made a decision within the prescribed time.

April 7, 2008 - Report to Planning Committee on decision of the Ontario Municipal Board.

February 14, 2011 - report to Built and Natural Environment Committee on six month draft plan extension.

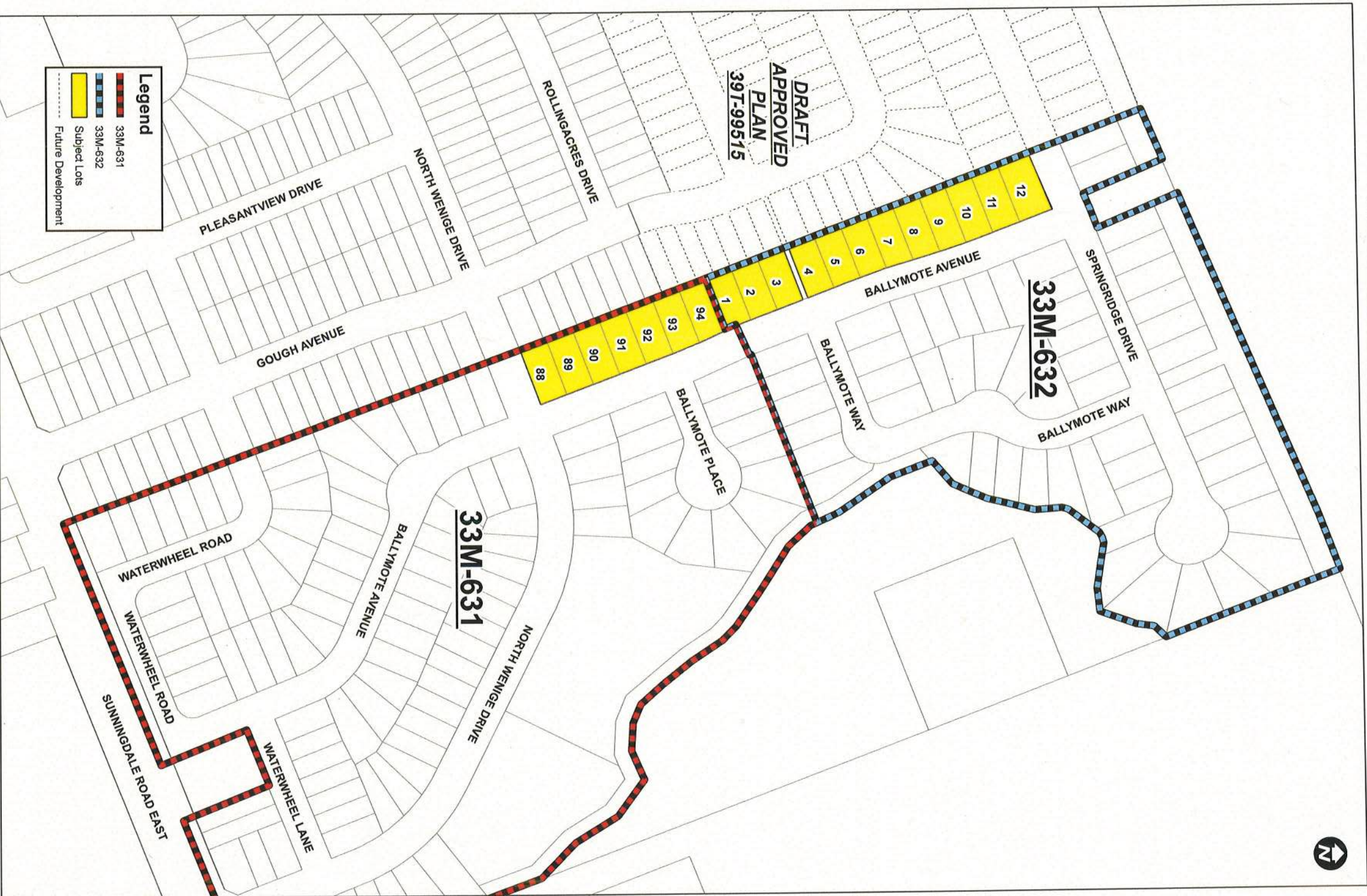
June 13, 2011 - Report to the Built and Natural Environment Committee regarding subdivision agreement Special Provisions.

June 20, 2011 - Report to the Built and Natural Environment Committee regarding subdivision agreement Special Provisions.

September 19, 2011 - Report to the Built and Natural Environment Committee regarding status of subdivision and issues with MMAH.

January 16, 2012 – Report the Planning and Environment Committee regarding the removal of a Holding Provision

PART LOT CONTROL APPLICATION - P-7966



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BACKGROUND

On August 25, 2011, the City of London Approval Authority granted final approval to Phase 1 and Phase 2 of the Ballymote Subdivision (39T-06503). The plans were registered on August 29, 2011 as Registered Plan 33M-631 and Plan 33M-632 respectively.

On September 20, 2011, Sifton Properties Ltd. submitted an application for an exemption to Part Lot Control for Lots 88-94 in Plan 33M-631 and Lots 1-12 Plan 33M-632 on September 20, 2011. They are requesting that Part Lot Control be lifted from Lots 1-12 and Lots 88-94 in order to reduce the lot frontages in order to meet current builder market and demand. The nature of the change is to reduce lot frontages from approximately 17m lots to 12-15m lots. The reduction in lot frontage size will increase the number of lots from 19 to 22 lots.

DEPARTMENT/AGENCY COMMENTS

Building Division

No comments.

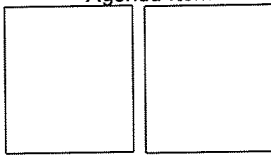
ANALYSIS

Planning Analysis:

In an effort to avoid a series of individual land severances to allow for a reduction of lot frontages along with the creation of three new lots Sifton Properties Limited has requested exemption of Part Lot Control recently approved and registered plans of subdivision. Sifton has advised the change in lot frontage is being requested in order to meet market and builder demand for this area.

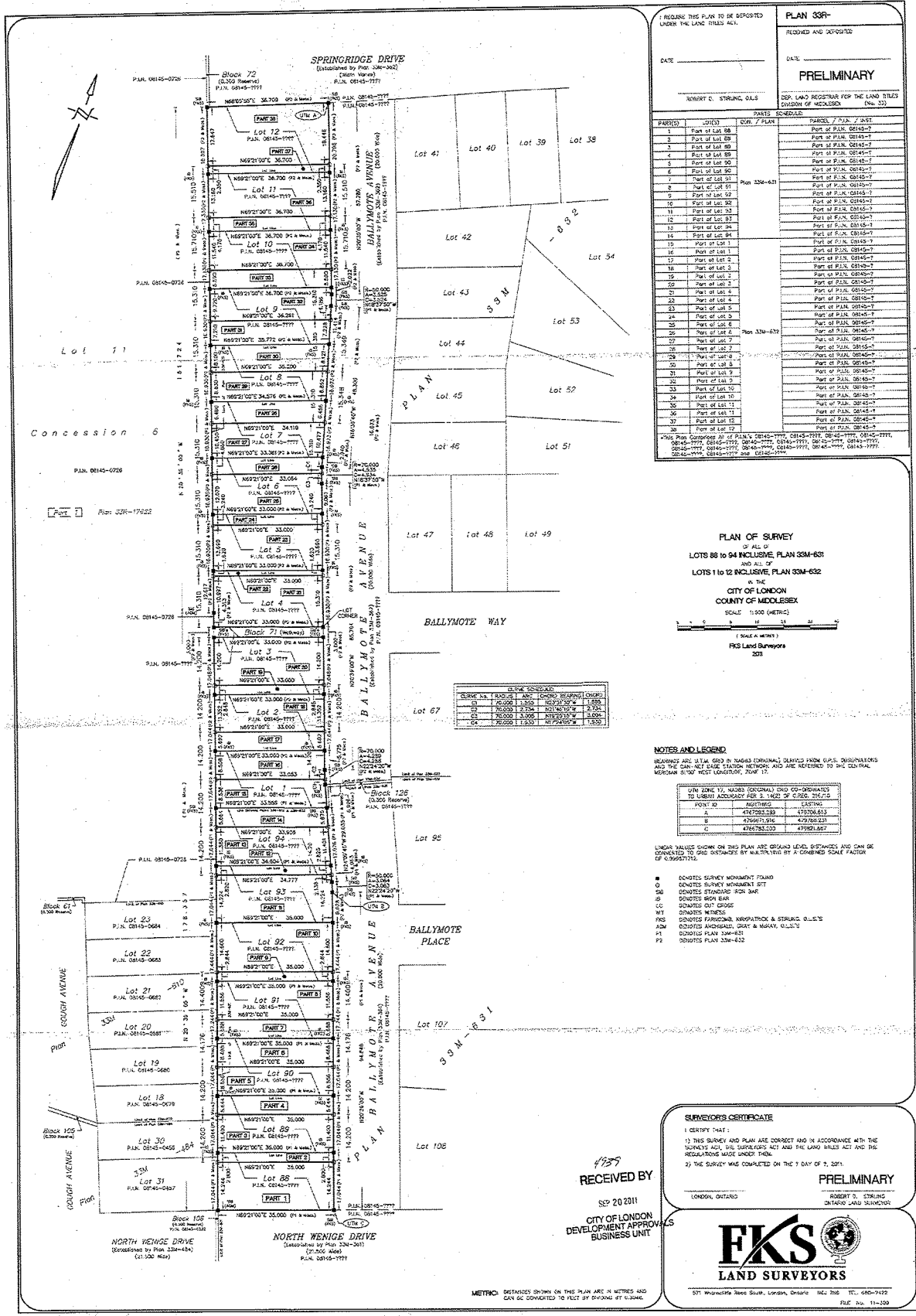
Council has adopted a policy to guide staff when considering requests for exemption to Part Lot Control (19(24), adopted in December 1983) and it contains the following:

- i. 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;*
- ii. 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;*
- iii. 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;*
- iv. 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;*
- v. references will be made to the land severance guidelines, guidelines for private streets, and other pertinent policies when considering the appropriateness of exemption; and*
- vi. 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.*



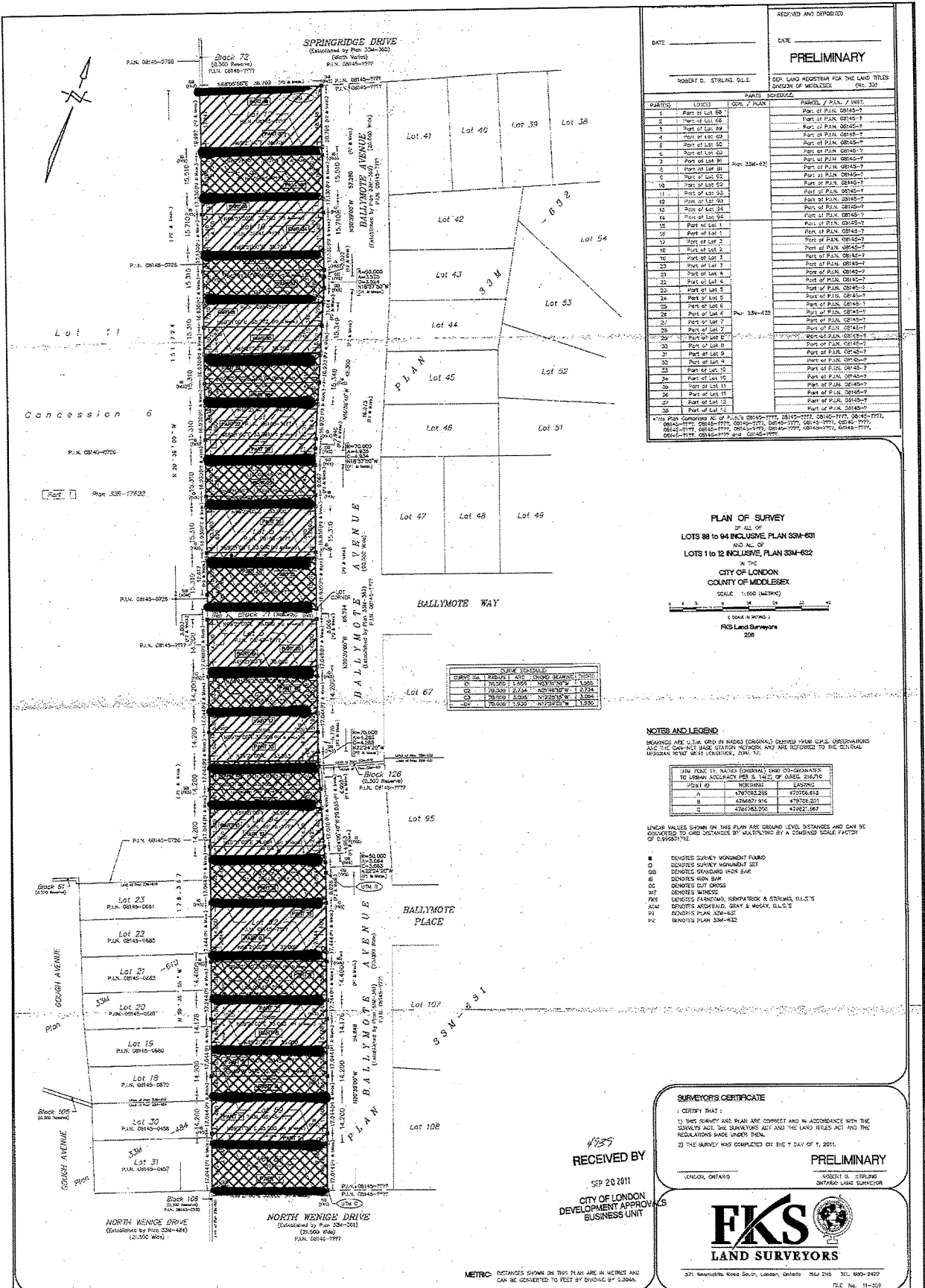
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Proposed Adjustments



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Proposed Future Lots



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The subject lands are zoned Holding Residential R1 ((h-96R1-5) and Residential R1 (R1-5) which permit single detached dwellings on with a minimum lot frontage of 12 m. Holding Provision (h-96) deals with completion of a municipal class EA and is not germane to the request to exempt the lands from Part Lot Control. The proposed lots will meet the minimum requirements of the Holding Residential R1 ((h-96R1-5) and Residential R1 (R1-5) Zones. A Subdivision Agreement has been entered into and engineering drawings accepted based on the existing lots. Prior to the passage of any by-law, the applicant will be required to submit revised engineering drawings and amend the Subdivision Agreement. Upon revision to the Subdivision Agreements and engineering drawings, municipal services for the proposed lots will be adequate and in keeping with City standards.

Lot frontages in the Ballymote and Forest Hill subdivisions range from 9 m to 18 m with the majority being within the 12 – 15 m range. The request will not alter the character of the area.

The applicant has requested exemption from Part Lot Control as an alternative to submitting an application for consent covering 18 lots. It is not uncommon to modify lot lines for this number of lots through exemption of Part Lot Control.

Revision to the Subdivision Agreements and engineering drawings prior to passage of the by-law will ensure future development is consistent with City standards and guidelines.

The applicant is responsible for all costs associated with the Exemption to Part Lot Control.

The subject land are designated Low Density Residential in the Official Plan which permit single detached dwellings as primary permitted uses. Official Plan policies also require the provision for adequate municipal services. Upon review of the request against the Official Plan and, Council policy, it is determined the request to reduce lot frontages and allow three additional lots meets or can be made to meet the policy and is therefore recommended.

Servicing Analysis:




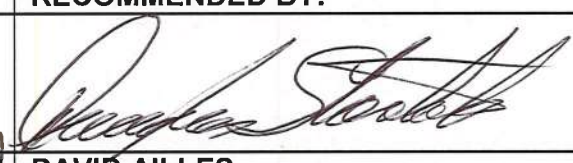
The request for Exemption from Part Lot Control was circulated to municipal divisions and there were no objections to the request received subject to amending the Subdivision Agreements and engineering drawings. A Certificate of Approval from the Ministry of the Environment has been issued for Lots 88-94 in 33M-631 but not for Lots 1-12 in 33M-632. The applicant was advised that the requested revision may require an amendment to the existing COA in 33M-631 and the COA application for 33M-632.

CONCLUSION

The applicant requested exemption from the Part Lot Control provisions of the *Planning Act* to facilitate the division of 19 lots into 22 lots and establish new lot lines. The reduction in property size has been reviewed against the City's Policy on Exemption from Part Lot Control, the Official Plan and the applicable zoning and has been determined to the policies and zoning. Allowing for reduced lot frontages is in keeping with the character of the area and considered appropriate to accommodate the current market. The request represents sound land use planning and is recommended.

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PREPARED BY:	SUBMITTED BY:
	
MIKE CORBY PLANNER I	JEFF LEUNISSEN MANAGER – DEVELOPMENT PLANNING
RECOMMENDED BY:	RECOMMENDED BY:
	
D.N. STANLAKE DIRECTOR-DEVELOPMENT PLANNING	DAVID AILLES MANAGING DIRECTOR – DEVELOPMENT APPROVALS BUSINESS UNIT

February 16, 2012

JL/mc

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"Attach."

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Bill No.
2012

By-law No. C.P.-

A by-law to exempt from Part Lot Control, lands located on the west side of Ballymote Avenue, south of Springridge Drive and north of North Wenige Drive, legally described as Lots 88-94 in Plan 33M-631 and Lots 1-12 Plan 33M-632, 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 Sifton Properties Limited., it is expedient to exempt lands located on the west side of Ballymote Avenue, between of Springridge Drive and north of North Wenige Drive, 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. Lots 88-94 in Plan 33M-631 and Lots 1-12 Plan 33M-632, in the City of London and County of Middlesex, located on the west side of Ballymote Avenue, between Springridge Drive and North Wenige Drive, 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 six (6) months; it being pointed out that these lands are zoned to permit single detached dwellings in conformity with the Holding Residential R1 (h-96*R1-5) Zone and Residential R1 (R1-5) Zone of the City of London Zoning By-law No. Z-1, covering the subject area.
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 six (6) months from the date of passage.

PASSED in Open Council on

Joseph Fontana
Mayor

Catharine Saunders
City Clerk

First Reading -
Second Reading -
Third Reading -