

--	--

**File No: P-8765
M. Pease**

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 RSC HOLDINGS LTD. 550 & 554 BLUEBELL ROAD (LOT 105 IN PLAN 33M-463) MEETING ON APRIL 24, 2017

RECOMMENDATION

That, on the recommendation of the Planner II, Development Services, the following actions be taken with respect to the application by RSC Holdings Ltd., 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 May 2, 2017 to exempt Lot 105 in Registered Plan 33M-463 from the Part Lot Control provisions of subsection 50(7) of the Planning Act, for a period not to exceed ninety (90) days.
- b) the Municipal Council **BE REQUESTED** to approve this by-law; and,
- c) 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.

PLANNING HISTORY

The subject lands are located within the Uplands (South) Community Planning Area, which is generally bounded by Sunningdale Road on the north, the former City boundary on the south, Adelaide Street on the east and Richmond Street on the west. The landowner developed a subdivision concept for these lands as the Community Plan progressed through its study and research stages. Associated Zoning By-law and Official Plan Amendment applications were initially submitted to the City of London in December 1997, together with a Plan of Subdivision application (39T-98505).

On March 21, 2003 Phase 3 of the Upland Hills Subdivision (39T-98505) was approved by the Approval Authority, consisting of 110 single detached lots one (1) multi-family block and several reserve blocks, served by eight (8) public roads; inclusive of the lands subject to this application.

In March 2004 the landowner of Lots 105-110 submitted six (6) applications for consent (B.031/04-B.036/04) for the purpose of conveying both sides of six (6) semi-detached (link homes) dwellings (12 total units) to separate owners. The applicant was able to satisfy the conditions of consent, issued by the Consent Authority, for five (5) of the applications. However, due to unknown circumstances, the application pertaining to Lot 105 (subject to this application) lapsed. As a result, the sale of each respective side of the semi-detached dwelling to separate owners could not occur.

--	--

**File No: P-8765
M. Pease**

In order to sell the individual dwelling units (on separate lots) to separate owners, the applicant has submitted the application to exempt Lot 105 in Registered Plan 33M-463 from the Part Lot Control provisions of the Planning Act.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Development Services – Engineering

- Each parcel shall have individual private drain connections (PDCs) and a water service wholly within its property limits without impacting neighbouring properties. Based on available as-constructed information, the water service for Part 2, on Plan 33R-15703, appears be located partially on the parcel identified as Part 1, Plan 33R-15703 and an easement for future maintenance purposes may be required or the water service re-located to standard location, unless the applicant can provide confirmation (utility locates) that the water service is already located in its standard location.

Building Division

- No comments

Environmental & Engineering Services Division

- No comments

ANALYSIS

Exemption from the Part Lot Control provisions of the Planning Act allows lot lines for individual units (lots) to be established on blocks or lots in registered plans of subdivisions.

Exemption from part-lot control is commonly used to establish parcels associated with semi-detached and townhouse developments, as individual semi-detached or townhouse lots are not normally created on a registered plan of subdivision (due to common walls locations not being finalized until building permit approval). Consents were previously utilized for the creation of individual parcels on Lots 106-110. Staff have no concerns with proceeding with the requested application through exemption of part-lot control, given the existing nature of the use on the lands.

Typically conditions are recommended by staff, which must be satisfied prior to Council approving the By-law. However in this instance staff have reviewed the standard conditions with respect to the current proposal and have determined that this proposal meets all of the typical conditions (given the existing nature of the use on the lands). A summary of the review is provided below.

Standard Municipal Conditions to be included for Exemption from Part Lot Control

- a) The applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;

Satisfied as per "Recommendation C" of this report.

- b) The applicant submit a draft reference plan to the 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;**

Satisfied previously through the conditional approval of Applications of Consent B.031/04-B.036/04. The draft plan was registered as 33R-15703 on April 19, 2004. The subject lands are represented as Parts 1 & 2 on the said plan.

The current zoning on the subject lands is Residential R2 (R2-3) and permits single detached dwellings, semi-detached dwellings, duplexes, and converted dwellings. The proposed lots, to be created through exemption from part-lot control, conform to the

--	--

**File No: P-8765
M. Pease**

regulations of the Z.-1 Zoning By-law.

- c) The applicant submits to the 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;

Not required due to the City of London having been provided assessment parcels for mapping purposes, showing the individual lots on the subject lands, at previous date.

- 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;**

Staff reviewed the plan and it was determined that each parcel has separate hydro services.

- e) The applicant submit to the City Engineer 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;

Due to the use on the lands (semi-detached dwelling), and given their existing nature, no change to the grading of the lots are proposed.

- f) The applicant shall enter into any amending subdivision agreement with the City, if necessary;

Not required as no change to the services, grading, or layout are proposed.

- g) 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;

As noted previously it appears that the water service for Part 2, on Plan 33R-15703, is to be located partially on the parcel identified as Part 1, Plan 33R-15703. To address this matter the Owners agent has provided a letter of undertaking ensuring that a blanket easement is registered on Part 1, Plan 33R-15703 stating that the water services is permitted, partially on the lands, and that any future access for maintenance purpose shall be permitted for the future owner of the lands identified as Part 2, Plan 33R-15703.

- h) The applicant shall obtain confirmation from the 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;**

Not required as the units were previously assigned individual municipal addresses.

- i) The applicant shall obtain approval from the Planning Division of each reference plan to be registered **prior to the reference plan being registered in the land registry office;**

The draft reference plan was previously approved as part of the consent applications B.031/04-B.036/04. No change to the previously approved layout has been proposed. The lots as shown on reference plan 33R-15703 are acceptable.

- j) The applicant shall submit to the City Engineer and the Manager of Subdivisions and Special Projects, confirmation that an approved reference plan for final lot development

Two empty rectangular boxes for agenda item and page numbers.

File No: P-8765
M. Pease

has been deposited in the Land Registry Office;

Not required, as the plan was previously deposited as part of the consent application. No change to the approved layout has been proposed.

- k) The applicant shall obtain clearance from the City Engineer that requirements d), e) and f) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;

Not applicable. A building permit was issued in September 2003. As per the Z.-1 Zoning By-law, semi-detached dwellings are not required to have separate parcels for each unit.

- l) That on notice from the applicant that a reference plan has been registered on a Block, and that Part Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question.

Not required as a reference plan has been registered and deposited (33R-15703).

The conditions noted above have been reviewed as being complete. The attached recommended by-law has the effect of creating two (2) lots for an existing semi-detached dwelling (as per the attached reference plan), and permits the lands to be transferred to separate purchasers.

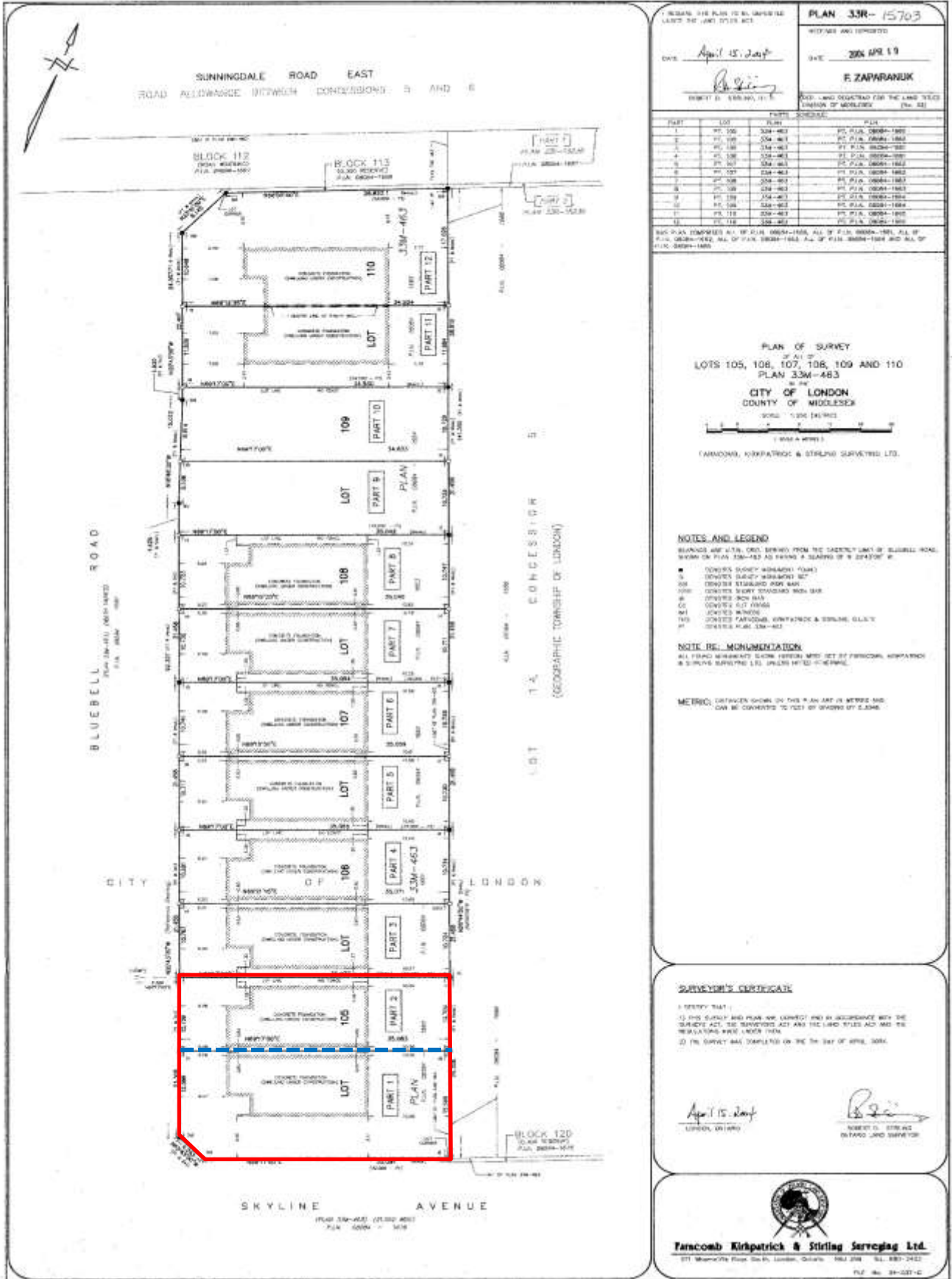
Location Map





File No: P-8765
M. Pease

Deposited Reference Plan



--	--

**File No: P-8765
M. Pease**

CONCLUSION

The applicant's requested exemption from the Part Lot Control provisions of the Planning Act to facilitate the division of an existing semi-detached dwelling, in a registered plan, is appropriate and represents sound land use planning.

PREPARED AND RECOMMENDED BY:	REVIEWED BY:
MICHAEL PEASE, MCIP, RPP PLANNER II – DEVELOPMENT SERVICES	ALLISTER MACLEAN, RPP MANAGER, DEVELOPMENT PLANNING
REVIEWED 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

April 13, 2017
MP
"Attach."

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2017\P-8765 - 554 Bluebell Road (MP)\PEC Report.docx

--	--

**File No: P-8765
M. Pease**

Bill No. (Number to be inserted by Clerk's Office)
2017

By-law No. Z.-1-_____

A by-law to exempt from Part Lot Control, lands located on the east side of Bluebell Road, north of Skyline Avenue, legally described as Lot 105 in Registered Plan 33M-463, more particularly described as Parts 1 & 2 in Plan 33R-15703 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 RSC Holdings Ltd., it is expedient to exempt lands located on the east side of Bluebell Road, north of Skyline Avenue, legally described as Lot 105 in Registered Plan 33M-463, more particularly described as Parts 1 & 2 in Plan 33R-15703 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. Lot 105 in Registered Plan 33M-463, more particularly described as Parts 1 & 2 in Plan 33R-15703 in the City of London and County of Middlesex, located on the east side of Bluebell Road, north of Skyline 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 ninety (90) days.
2. This by-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on May 2, 2017

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – May 2, 2017
Second Reading – May 2, 2017
Third Reading – May 2, 2017