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File No: P-8762
 Planner: L. Mottram

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING OF JULY 17, 2017
FROM:	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION FOR EXEMPTION FROM PART LOT CONTROL SIFTON PROPERTIES LIMITED RIVERBEND GOLF COMMUNITY PHASE 9 EAST SIDE OF KAINS ROAD NORTH OF SHORE ROAD BLOCK 1 PLAN 33M-721

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application by Sifton Properties 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 a future Municipal Council meeting, to exempt Block 1 Plan 33M-721 from the Part Lot Control provisions of subsection 50(5) of the said *Act*; it being noted that these lands are zoned Residential R6 Special Provision (R6-5(7) and R6-5(22)), which permits cluster forms of housing such as single detached, semi-detached, duplex, triplex, townhouse and stacked townhouse dwellings in the form of land lease community homes;
- (b) the following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part Lot Control by-law for Block 1 Plan 33M-721, as noted in clause (a) above:
 - 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) The applicant submits to Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be formatted in accordance with the City of London's *Digital Submission / Drafting Standards* and be referenced to the City's NAD83 UTM Control Reference;
 - c) Prior to the reference plan being deposited in the Land Registry Office, the applicant submit to Development Services for review a draft reference plan showing the proposed part lots are consistent with the approved site plan, servicing drawings, development agreement, and conditions to the approval of this application;
 - d) The applicant shall obtain confirmation from Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited;
 - e) The applicant shall submit to Development Services confirmation that an approved

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reference plan for final lot development has been deposited in the Land Registry Office;

- f) That the site plan and development agreement be registered prior to passage of the exemption from part lot control by-law.
- (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.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

January 23, 2017 – Planning and Environment Committee – Application by Sifton Properties Limited for approval of draft plan of subdivision – 1509 Ed Ervasti Lane and portion of 2021 Kains Road - File No. 39T-06507 (*Agenda Item #7*)

BACKGROUND

On April 11, 2017, the City of London Approval Authority granted final approval to a draft plan of subdivision (File No. 39T-16507) by Sifton Properties Limited on two contiguous land parcels located adjacent to the Riverbend Golf Community, municipally known as 1509 Ed Ervasti Lane and 2120 Kains Road. The subdivision plan was subsequently registered as Plan 33M-721 on June 20, 2017 and is composed of a single block having an area of 4.89 hectares. The applicant's development proposal for this block represents Phase 9 of the Riverbend Golf Community and will consist of thirty-six (36) cluster residential detached dwellings and twenty-one (21) attached townhomes, with access provided via a private internal access road.

The purpose of the request for Exemption from Part Lot Control is to allow this phase to proceed in a manner similar to previous phases within the Riverbend Golf Community. This is an existing private/"gated" community where the residential tenure of lands is based on a leasehold interest. At each phase of development, Sifton applied to the City for an Exemption from Part Lot Control in order to create individual residential units on a long-term land lease basis. The individual units (or "lots") are leased for a period not less than twenty-one (21) years or greater than ninety-nine (99) years. The request to lift Part Lot Control for this single block subdivision will allow this development to proceed consistent with the previous phases. The previous eight (8) phases have all undergone Site Plan Approval and registered Development Agreements were entered into with the City. Site Plan Approval for this phase was issued on May 12, 2017 and a Development Agreement has been entered into, and is expected to be registered shortly.

DEPARTMENT/AGENCY COMMENTS

Engineering Related Comments

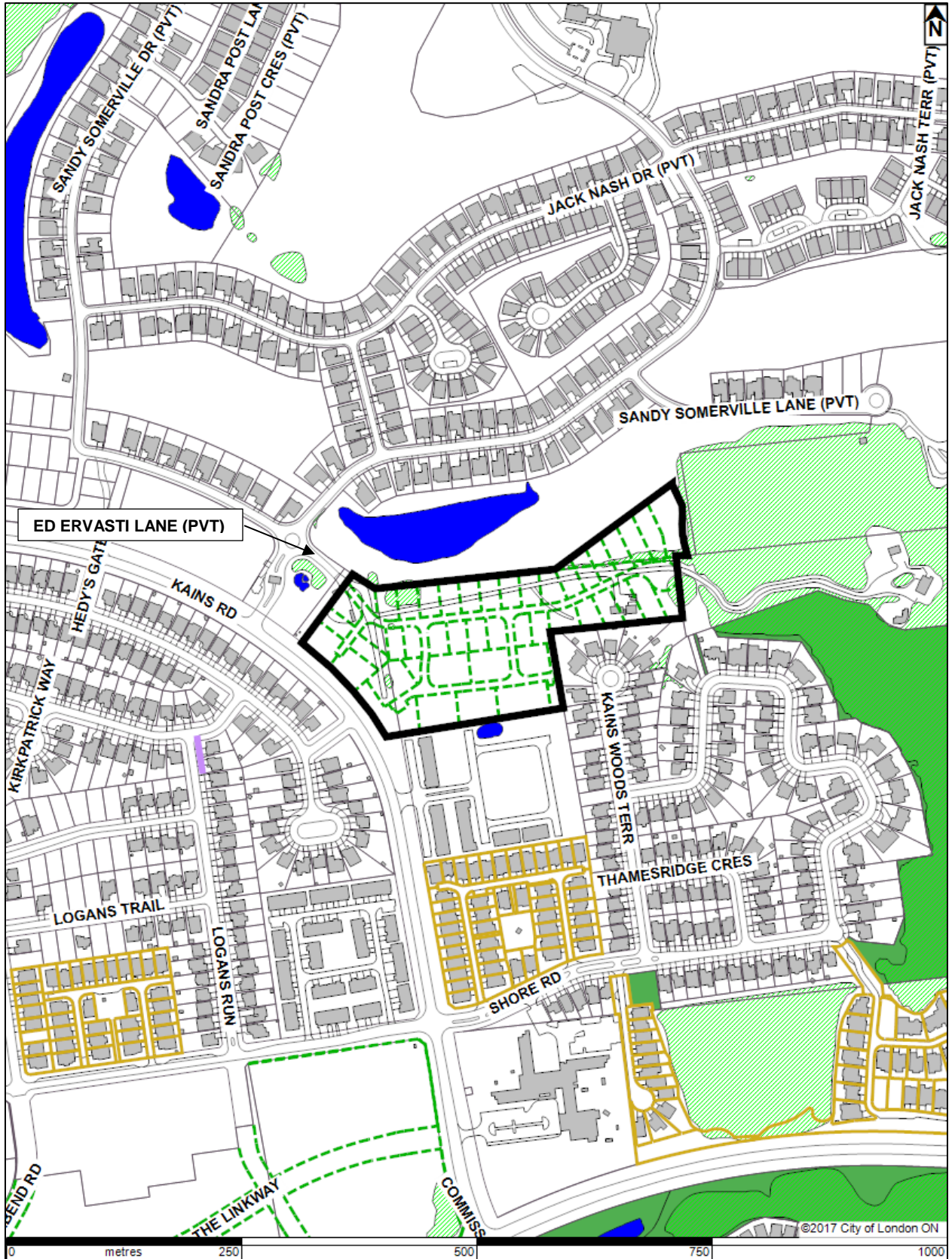
Water - Water servicing comments have been addressed through the Site Plan Approval and/or Draft Plan Approval process.

Wastewater and Drainage Engineering – Access is to be available to existing sewer easements for maintenance activities. No concerns.

Stormwater Engineering - All necessary SWM servicing and drainage requirements/controls for the subject land have been or will be implemented as part of the Draft Plan of Subdivision 39T-16507, the approved Site Plan SPA16-045 accepted February 23, 2017, and associated Development Agreement(s).

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Location Map





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Proposed Draft Reference Plan

36 Cluster Single Detached Dwellings (Parts 1 – 36)
21 Townhomes (Parts 43 – 46)





Site Plan



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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 applicant has requested exemption from Part Lot Control as an alternative to submitting an application through the Consent Authority. As demonstrated over time through the previous Riverbend phases completed to date, this approach has proved useful to create long-term leasehold interests through the passing of a Part Lot Control Exemption by-law.

The Official Plan designates these 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 London Plan identifies the lands within the “Neighbourhoods” Place Type permitting a range of uses such as single detached, semi-detached, duplex, triplex, and townhouse dwellings, and small-scale community facilities. Therefore, single detached and attached forms of cluster housing as proposed are consistent with the permitted use policies of the Official Plan and the London Plan.

The site is zoned Residential R6 Special Provision (R6-5(7) and R6-5(22)) permitting clustered forms of housing such as single detached, semi-detached, duplex, triplex, townhouse and stacked townhouse dwellings that may be developed in the form of land lease community homes. The R6-5(7) Zone was approved by Council in 2001 to add a new definition in Section 2 for “Land Lease Community Home” and to include additional uses and regulations. This zoning was approved for lands within the River Bend Phase 1 subdivision area comprising the residential lands adjacent the golf course. The R6-5(22) zone was approved later in 2006 and applies to a very small, triangular shape portion of the subject block. The zoning is appropriate and the site development plans will be reviewed to ensure individual units and the development as a whole conforms with zoning regulations, and that municipal services are available and in place.

Access to Kains Road will be provided through the existing Riverbend Golf Course Community via the private internal access roads (Ed Ervasti Lane and Sandy Somerville Drive) as it is intended to be part of the golf course community. The proposed use and built form will be compatible with the adjacent residential neighbourhoods to the south. All residential dwellings (single detached and townhomes) are proposed to be single storey dwellings. All site engineering, servicing and grading drawings, and landscape plan, have been approved as part of the Site Plan and Development Agreement.

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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 considered appropriate and in keeping with the previous phases of the Riverbend Golf Community, subject to satisfying conditions as recommended in Clause (b) of this report, and that the cost of registration of the by-law is to be borne by the applicant.

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

July 6, 2017
GK/PY/AM/LM/lm
"Attach."

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2017\P-8762 - 2120 Kains Road (LM)\PEC report2.docx

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Bill No. *Number inserted by Clerk's Office*
2017

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

A by-law to exempt from Part Lot Control lands located on the east side of Kains Road, north of Shore Road; being composed of all of Block 1 Plan 33M-721, more accurately described as Parts 1-51 inclusive on Reference Plan 33R- _____ 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 east side of Kains Road, north of Shore Road; being composed of all of Block 1 Plan 33M-721 from Part Lot Control;

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

1. Lands located on the east side of Kains Road north of Shore Road, being composed of all of Block 1 Plan 33M-721, in the City of London and County of Middlesex, more accurately described as Parts 1 to 51 inclusive on Reference Plan 33R-_____, 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; it being noted that these lands are zoned to permit cluster forms of housing such as single detached, semi-detached, duplex, triplex, townhouse and stacked townhouse dwellings in the form of land lease community homes in conformity with the Residential R6 Special Provision (R6-5(7) and R6-5(22)) Zones. A Site Plan Development Agreement for the lands in question was entered into with the City of London on March 10, 2017, and registered in the Land Registry Office on _____, 2017.
2. This by-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading -
Second Reading -
Third Reading -