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File No: P-8821
 Planner: C. Smith

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 ADRIAN PLANTE- FANSHAWE MOTORS. 1357 HYDE PARK ROAD (PART OF LONDON CON 3 PT 27 RP) MEETING ON DECEMBER 4, 2017

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application by Adrian Plante to exempt 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 Council meeting, to exempt PART OF LONDON CON 3 PT 27 RP further described as Part 1, 33R-19095 from the Part Lot Control provisions of subsection 50(5) of the said *Act*, for a period not to exceed three (3) years;
- (b) the following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part Lot Control Bylaw for PART OF LONDON CON 3 PT 27 RP further described as Part 1, 33R-19095 as noted in clause (a) above:
 - i. The Applicant submit a draft reference plan to Development Services 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 submits to Development Services 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 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;
 - iv. The Applicant submit to the City 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;
 - v. The Applicant shall enter into any amending subdivision agreement with the City, if necessary;
 - vi. The Applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of

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the lots;

- vii. 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;
 - viii. The Applicant shall obtain approval from Development Services for each reference plan to be registered prior to the reference plan being registered in the land registry office;
 - ix. 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;
 - x. The Applicant shall obtain clearance from the City that requirements iii), iv) and v) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Division for lots being developed in any future reference plan;
 - xi. Letter from Minister of Environment & Climate Change confirming acceptance of Record of Site Condition;
 - xii. Letter from Owner’s engineer or surveyor certifying all existing buildings and structures have been removed from the Block;
 - xiii. That the 0.3 metre reserve on Findlay Drive has been removed to the satisfaction of the City Surveyor;
 - xiv. That Zoning By-law amendment (Z-8816) be completed and be in full force and effect that permits street townhouse development;
 - xv. That Consent application (B.036/17) be completed and be in full force and effect that creates the separate parcel that permits the development of street townhouse;
- (c) the Approval Authority (Municipal Council) **BE REQUESTED** to approve this by-law; and,
- (d) 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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March 26, 2012 – Kemonre / Bierns Subdivision Draft Approval and Official Plan amendments, (39T-08502/OZ-7510)

September 11, 2017 – Phase 2 Special Provisions for the subdivision agreement, (39T-02508).

BACKGROUND

Understanding Part Lot Control

In Ontario, the subdivision of land is governed by the *Planning Act*. Under this legislation, lot creation is permitted through the approval of a plan of subdivision, the granting of a consent (commonly described as a “severance”) or, for lots within a registered plan of subdivision, through a by-law exemption from part-lot control. Section 50(28) of the *Planning Act*, R.S.O. 1990, c.P13, includes provisions to ensure that part of a lot within a registered plan of subdivision cannot be transferred without the approval of the municipality. The part-lot control provisions of the Planning Act allow a municipality to pass by-laws to remove part-lot control from all or any part of a registered plan of subdivision. Such a by-law has the effect of allowing the conveyance of a portion of a lot. Exemption from part-lot control is appropriate when a number of land transactions are

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involved, and the resulting changes will not affect the nature or character of the subdivision.

Exemption from part-lot control is used for relotting single detached dwellings on a plan of subdivision (to make the lots smaller or bigger), and to create lots for semi-detached and street townhouse developments. Individual lots for semi-detached or townhouse lots are not normally created through a registered plan of subdivision. Often times, the developer will wait to create the lots for semi-detached or street townhomes, in order to ensure that the eventual lot line matches the foundation for the building. This approach is used to address challenges builders encounter in ensuring that the common centre wall between two or more dwelling units is constructed exactly on the property line. Part Lot Control may be exempted to allow a property owner to legally divide lots within their registered plan of subdivision.

Kenmore Subdivision and 1357 Hyde Park Road Part Lot Control

On September 11, 2017, the Special Provision for Subdivision Approval for Phase 2 of the Kenmore Subdivision (39T-08502) was endorsed by Council. The Subdivision Agreement has been executed and securities have been received by the City. The rear portion of 1357 Hyde Park Road immediately abuts the second phase of the Kenmore Subdivision (39T-08502). In September 2017, the applicant applied for a Consent application B.036/17 and a Zoning By-law amendment (Z-8812). The proposed Consent and Zoning By-law Amendment is to allow a +/- 1,550 m² block to be created at the rear of 1357 Hyde Park Road, and be zoned Residential R4 Special Provision (R4-4 (_)) to permit townhouse dwellings with 45% lot coverage.

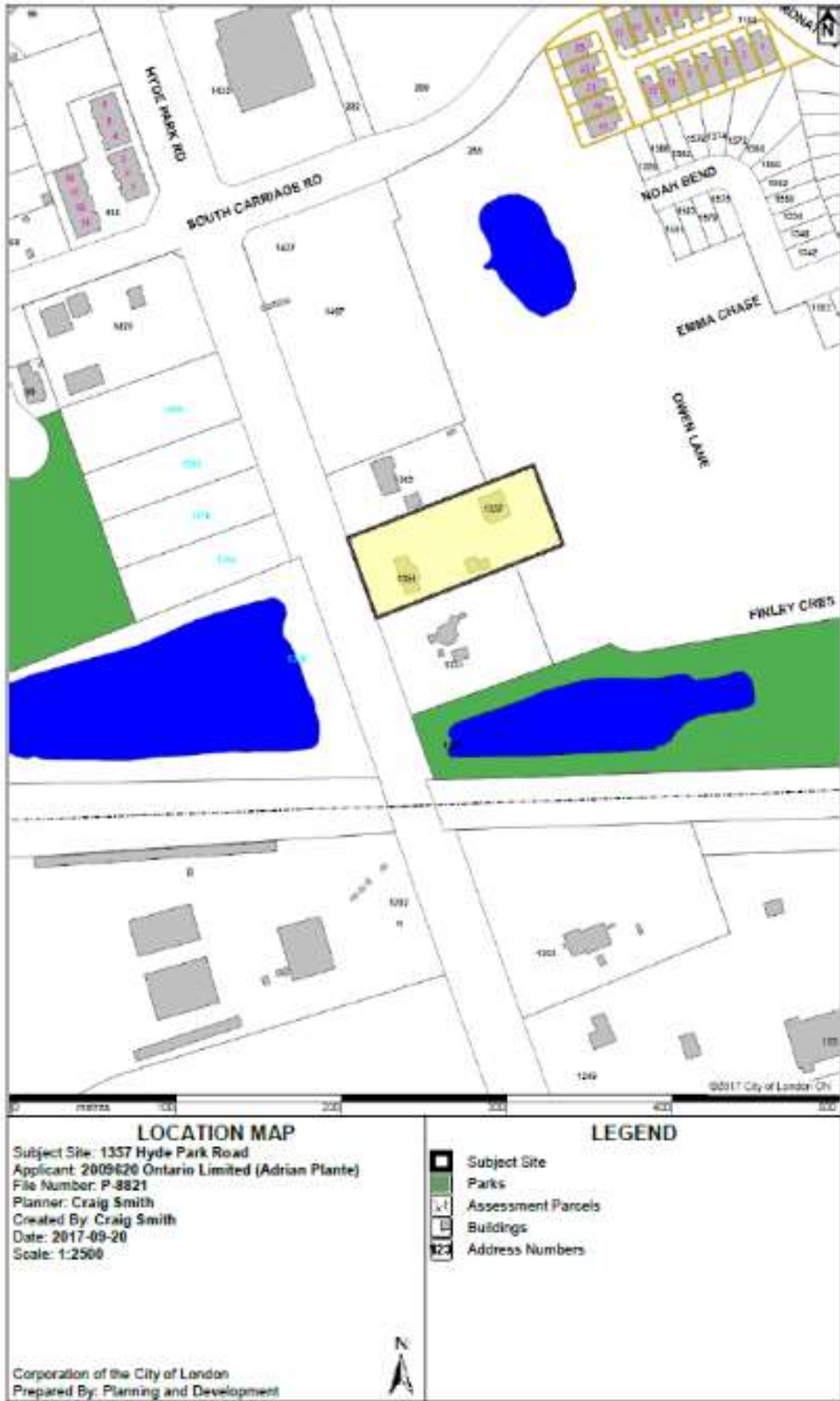
The proposed townhouse block at the rear of 1357 Hyde Park Road is consistent in size and depth of the townhouse blocks that are proposed along Findlay Crescent in Phase 2 of the Kenmore subdivision. Site Plan Approval must be obtained by the applicant on this block, prior to issuance of building permits. Once the townhouse units are constructed and all conditions as described in recommendation clause b) are satisfied, a By-law will be brought forward at a future Council meeting to exempt Part-Lot Control on this block.

Approval of the requested exemption of Part-Lot Control will allow for the block to be subdivided into seven (7) Street Townhouse units with approximately. 6.5 m of frontages per unit/lot (see attached diagram).

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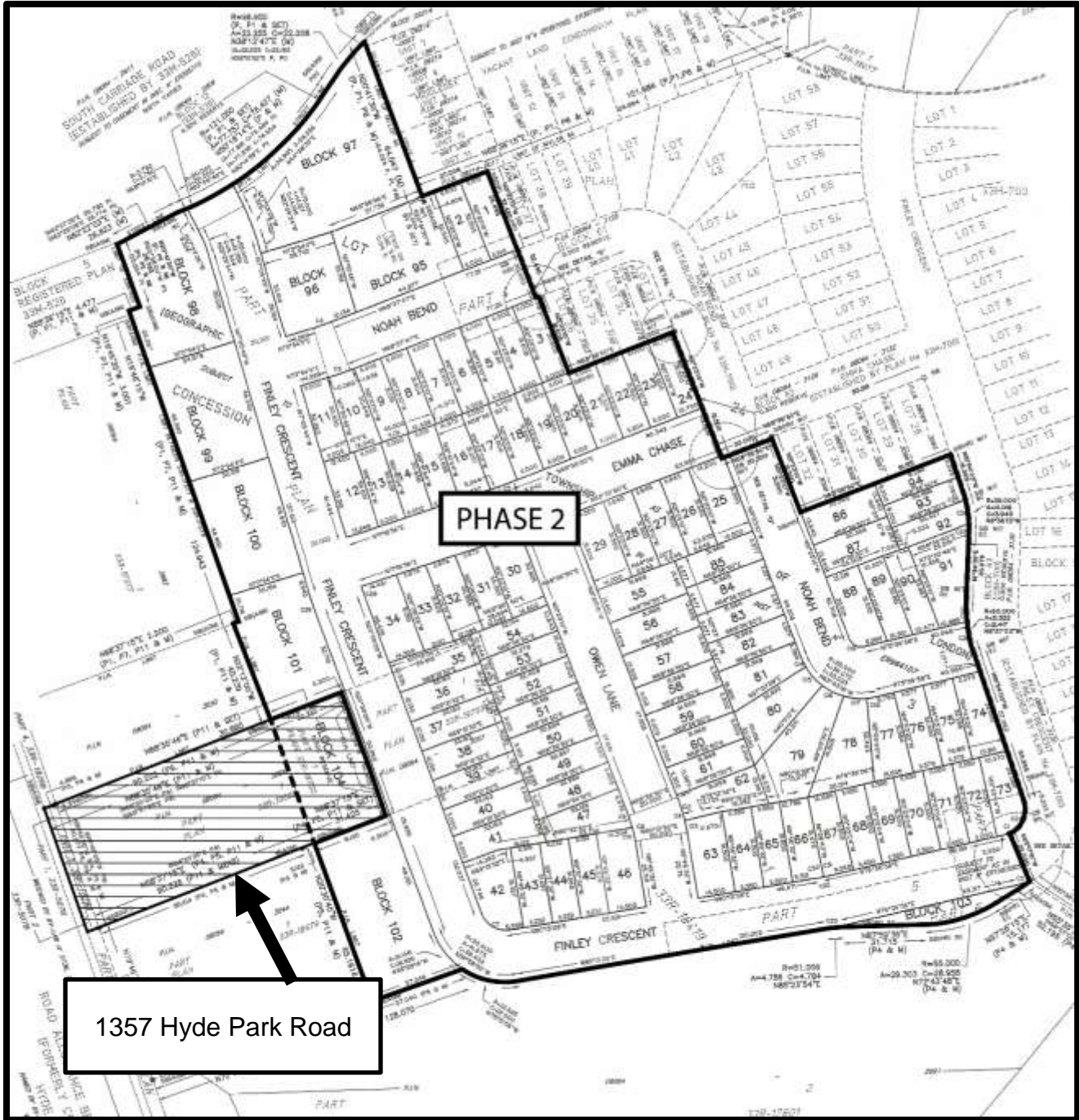
Location Map



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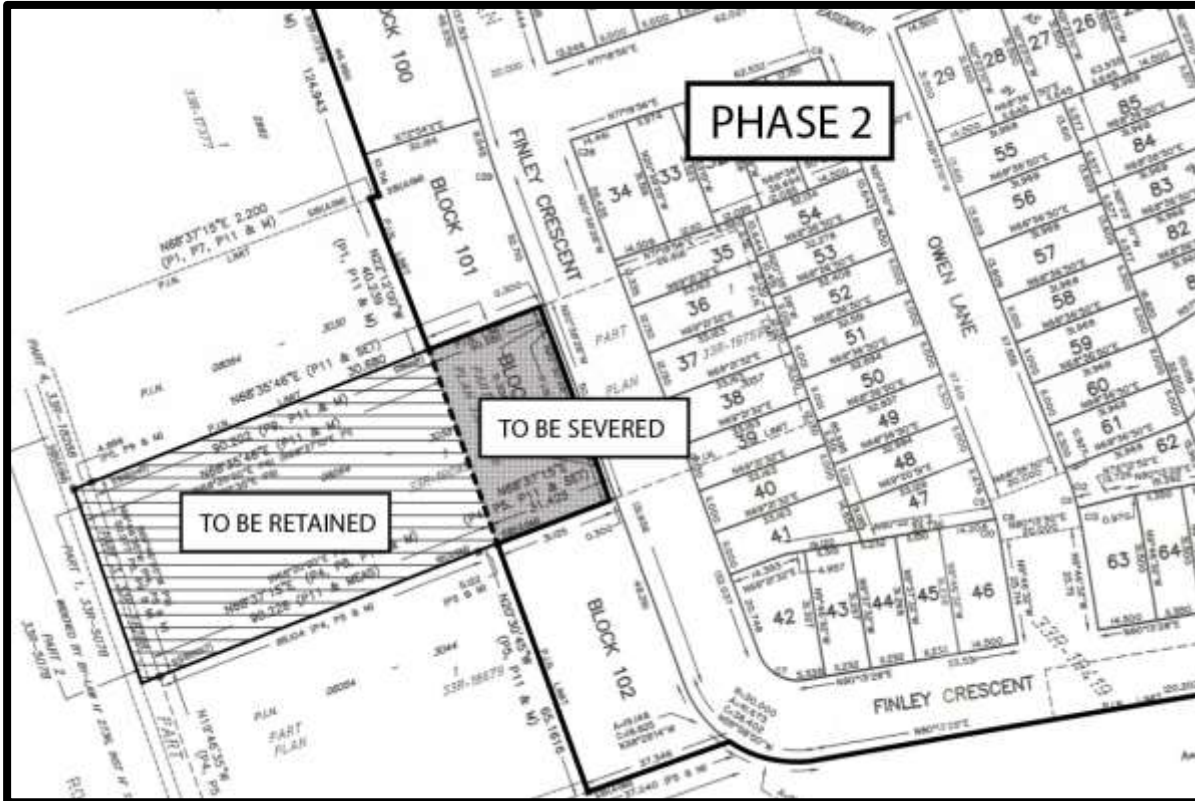
Phase 2 Kenmore Subdivision and 1357 Hyde Park Road



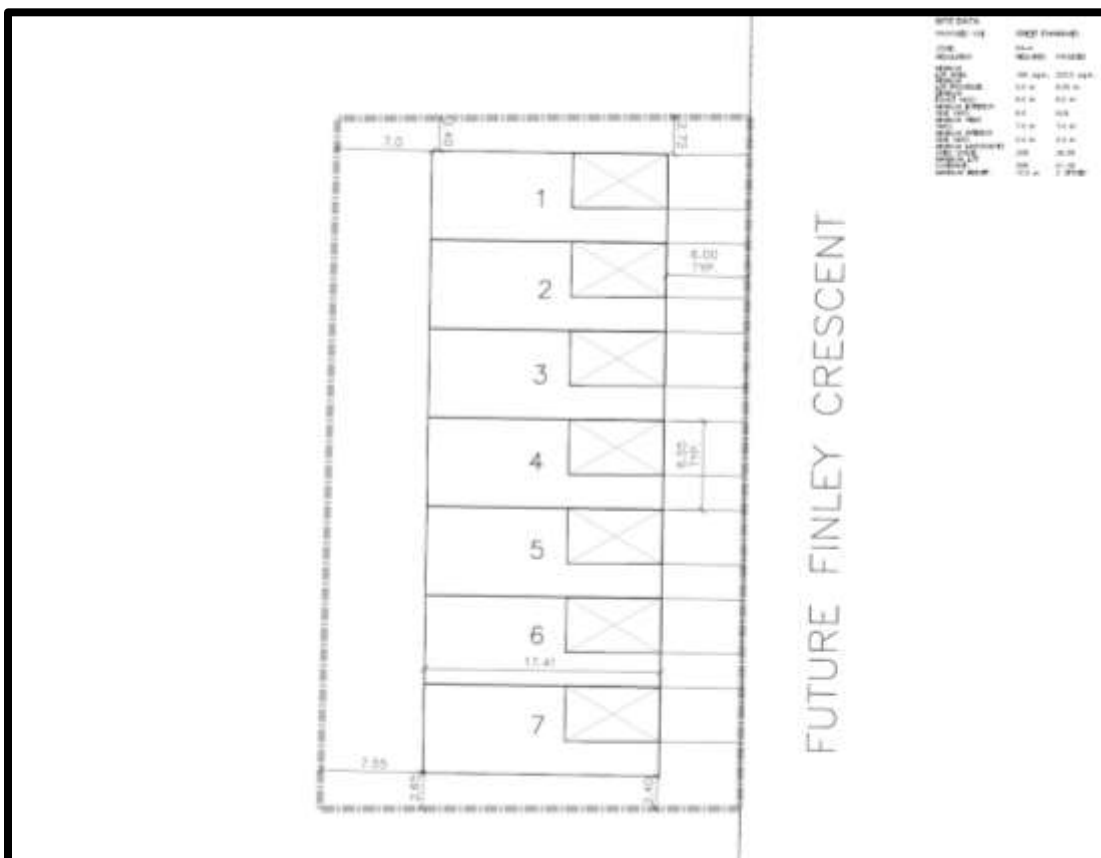
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Rear Portion 1357 Hyde Park Road/ Multi-family Blocks Finley Crescent



Proposed Townhouse Plan (Rear of 1357 Hyde Park Road)



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DEPARTMENT/AGENCY COMMENTS

Engineering Related Comments

The standard conditions to be applied for exemption from Part Lot Control are satisfactory and no further revisions/additions are required.

ANALYSIS

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:

- 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;*

The subject lands are zoned Holding Residential R1 Special Provision (h*h-100*R1-13 (6)) which permits Single Detached Dwellings. An application was submitted to amend the zone to a Holding Residential R4 Special Provision (h*h-100*R4-4 (_)) Zone to permit Street Townhouses with 45% lot coverage. The proposed Holding Residential R4 Special Provision (h*h-100*R4-4 (_)) Zone is consistent with the Multi-Family blocks in the Kenmore subdivision along Finley Crescent. The applicant will be required to submit a draft reference plan to Development Services for review and approval to ensure the proposed 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) *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;*

At the time of draft approval of the Kenmore Subdivision (39T-08502), the proposed block was not included in the draft plan. The Street Townhouse blocks in the Kenmore subdivision will be required to obtain Exemption from Part-Lot Control to create the separated Street Townhouse units when the blocks developed. The complete division of all these blocks is not practical at the time of draft approval and is appropriate following Site Plan Approval and construction.

- 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;*

This request is not out of character for the area and is a good fit with existing housing.

- 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;*

This condition does not apply.

- 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*

The subject lands are designated Medium Density Residential in the Official Plan which permit Street Townhouse uses. The proposed development will allow development of parcels that are generally in accordance with adjacent development. The proposed lots will not result in any traffic problems and will have access to municipal services and utilities once Finley Crescent is constructed. Overall, the request for exemption is appropriate and is recommended by staff.

- f) *the registration costs of by-laws passed at the request of the developer or subdivider, to*

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exempt lands from part-lot control, will be borne by the applicant.

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

CONCLUSION

The applicant requested exemption from the Part-Lot Control provisions of the *Planning Act* to facilitate the creation of seven (7) Street Townhouse units. The proposed change has been reviewed with the City's Policy on Exemption from Part-Lot Control, the Official Plan and the applicable proposed zoning and has been determined to meet the existing policies and the City's Zoning By-law. The request represents sound land use planning and is recommended.

RECOMMENDED AND PREPARED BY:	REVIEWED BY:
C. SMITH SENIOR PLANNER, DEVELOPMENT SERVICES	LOU POMPILII MPA RPP MANAGER, DEVELOPMENT PLANNING
REVIEWED BY:	CONCURRED IN BY:
MATT FELDBERG MANAGER, DEVELOPMENT SERVICES (SUBDIVISIONS)	PAUL YEOMAN, RPP, PLE DIRECTOR, DEVELOPMENT SERVICES
SUBMITTED BY:	
G. KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL	

November 27, 2017

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"Attach."

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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 Hyde Park Road, south of South Carriage Road, legally described as PART OF LONDON CON 3 PT 27 RP further described as Part 1, 33R-19095.

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 Adrian Plante, it is expedient to exempt lands located on the east side of Hyde Park Road, south of South Carriage Road, legally described as PART OF LONDON CON 3 PT 27 RP further described as Part 1, 33R-19095;

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

1. PART OF LONDON CON 3 PT 27 RP further described as Part 1, 33R-19095, located on the east side of Hyde Park Road, south of South Carriage Road, 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.
3. 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 -