

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

**From:** George Kotsifas, P. Eng  
Managing Director, Development & Compliance Services &  
Chief Building Official

**Subject:** Application By: Wastell Builders (London) Inc.  
1245 Michael Street

**Meeting on:** September 10, 2018

## Recommendation

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application by Wastell Builders (London) Inc. 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 Blocks 1-5, Plan 33M-745 from the Part Lot Control provisions of subsection 50(5) of the said *Act*, for a period not to exceed three (3) years, **IT BEING NOTED** that the Applicant has requested that three separate exemption by-laws/reference plans for approval be brought forward to future meetings of the Planning and Environment Committee and Council;
- (b) the following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part Lot Control Bylaw for Blocks 1-5, Plan 33M-745 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 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 site plan and development agreement be registered prior to passage of the exemption from part lot control by-law;
- (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.

## Executive Summary

### Summary of Request

This report is for review and endorsement by Council of the draft approval to exempt Blocks 1-5 in Registered Plan 33M-745 from the Part Lot Control provisions of the Planning Act.

### Purpose and Effect of Recommended Action

Exemption from Part Lot Control will allow the developer to create 76 street townhouse units, with access provided via a new public street (Michael Circle).

### Rationale for Recommended Action

The standard conditions for passing the Part Lot Control By-law are attached, and will be reviewed and endorsed by Municipal Council prior to the final by-law.

## Analysis

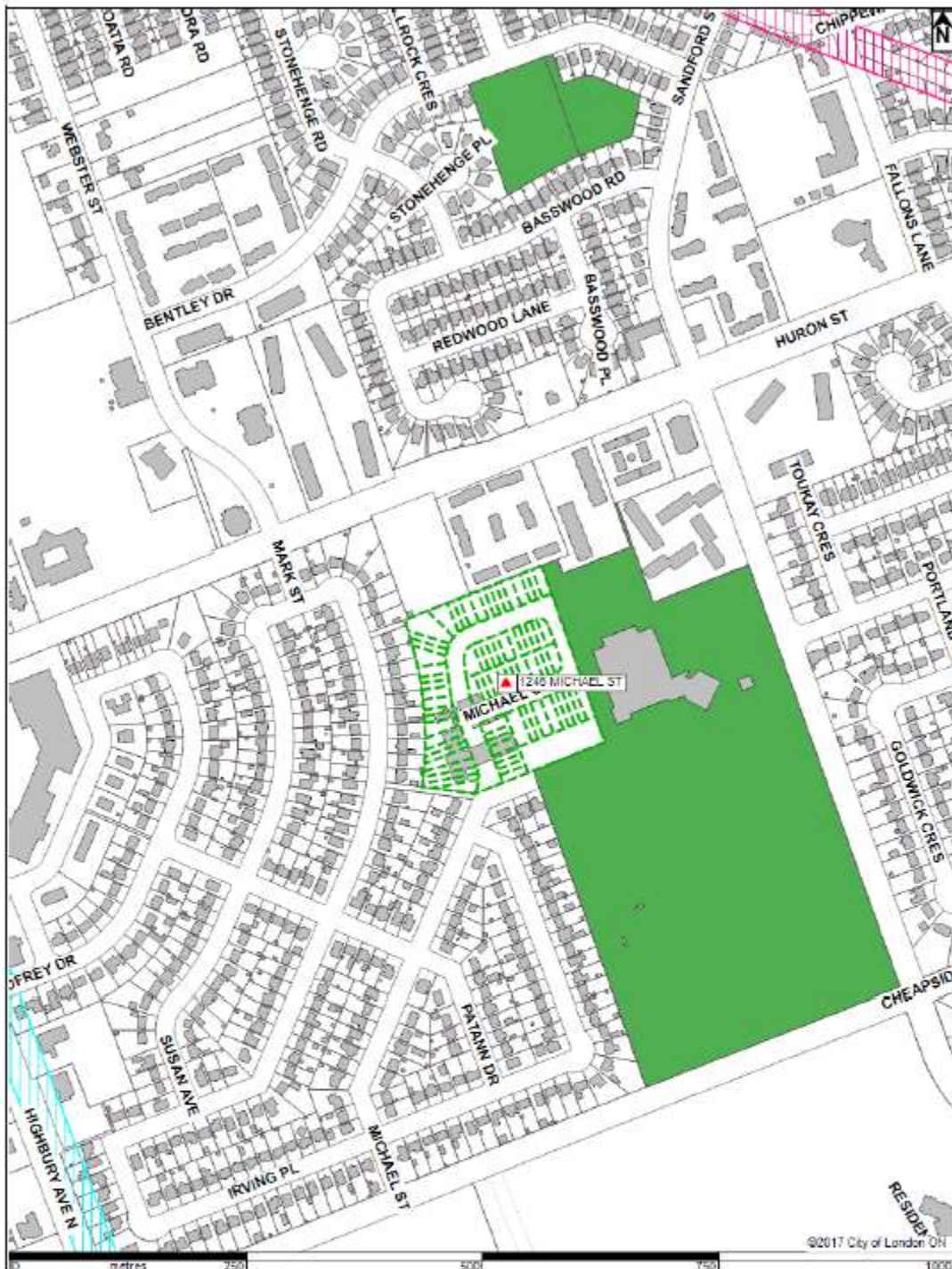
### 1.1 Property Description

The subject site is located on Michael Street, which is generally located south of Huron Street east of Highbury Avenue, and west of Sandford Street. The subject site is approximately 3.4 ha in size, and is an irregular shape. The site is directly adjacent to the Stronach Arena and Community Centre. The site was the former Huron Heights Public School, which was owned by the Thames Valley District School Board and was built in 1959. There are two existing public walkways which access the site in the northwest corner and the southwest corner of the site. The site is surrounded by single detached residential uses to the west and south, a community facility (Stronach Area and Park) to the east, and a cemetery and existing townhouse development to the north.

### 1.2 Current Planning Information

- Official Plan Designation – Schedule “A” - Low Density Residential, Multi Family, Medium Density Residential, Open Space
- The London Plan Place Type – Neighbourhood Place Type
- Existing Zoning – Residential R4 Special Provision (R4-4(2)) Zone

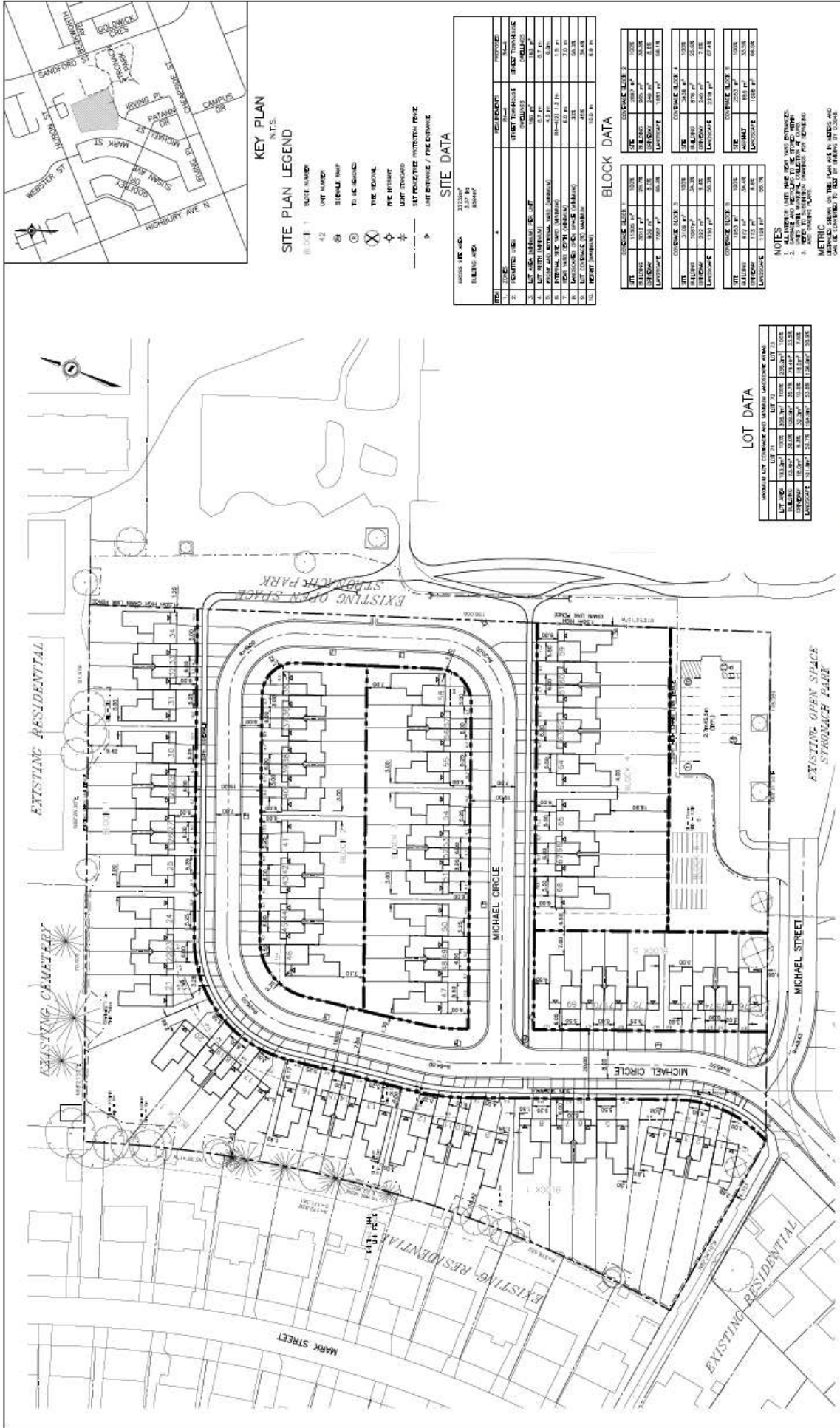
# Location Map



<p style="text-align: center;"><b>LOCATION MAP</b></p> <p>Subject Site: 1245 Michael Street          Applicant: Wastell Builders (London) Inc.          File Number: P-8858          Planner: Nancy Pasato          Created By: Nancy Pasato          Date: 2017-11-27          Scale: 1:5000</p> <p style="text-align: center;">Corporation of the City of London          Prepared By: Planning and Development</p>	<p style="text-align: center;"><b>LEGEND</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px solid black; margin-right: 5px;"></span> Subject Site</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #90EE90; margin-right: 5px;"></span> Parks</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px dashed black; margin-right: 5px;"></span> Assessment Parcels</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px solid black; margin-right: 5px;"></span> Buildings</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px solid black; margin-right: 5px;"></span> 123 Address Numbers</li> </ul>
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# Site Plan



### KEY PLAN IN T.S.

### SITE PLAN LEGEND

- 1. ZONE
- 2. LOT AREA
- 3. LOT AREA (MINIMUM) (MAX. LOT)
- 4. LOT AREA (MINIMUM) (MAX. LOT)
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- 42. LOT AREA (MINIMUM) (MAX. LOT)

### SITE DATA

NO.	DESCRIPTION	AREA	PERCENT	REMARKS
1	TOTAL SITE AREA	100,000	100%	
2	TOTAL BUILDING FOOTPRINT AREA	10,000	10%	
3	TOTAL PARKING AREA	20,000	20%	
4	TOTAL OPEN SPACE AREA	70,000	70%	

### BLOCK DATA

NO.	DESCRIPTION	AREA	PERCENT	REMARKS
1	TOTAL BLOCK AREA	100,000	100%	
2	TOTAL BUILDING FOOTPRINT AREA	10,000	10%	
3	TOTAL PARKING AREA	20,000	20%	
4	TOTAL OPEN SPACE AREA	70,000	70%	

### NOTES

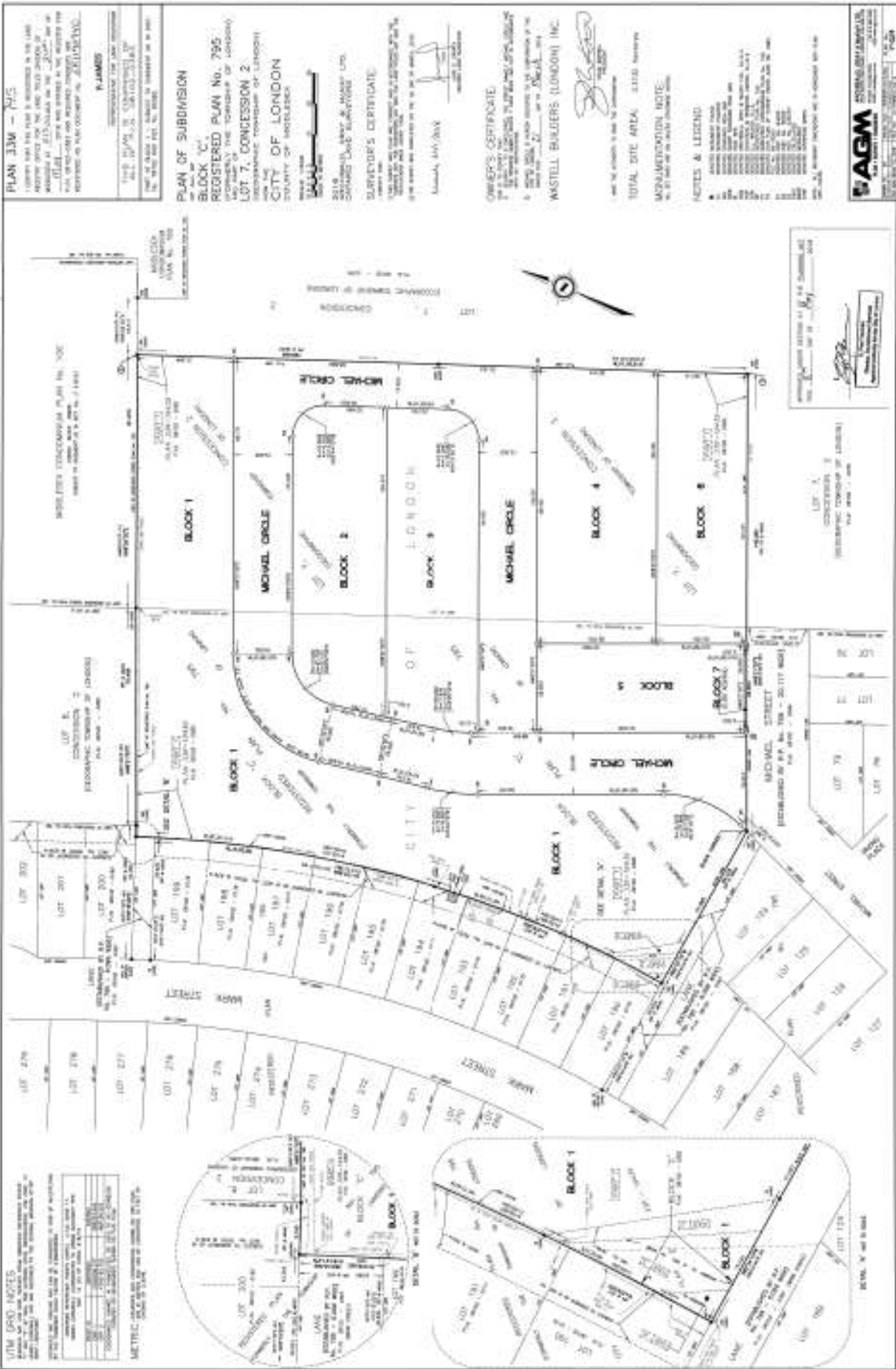
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42. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED.

### LOT DATA

NO.	DESCRIPTION	AREA	PERCENT	REMARKS
1	TOTAL LOT AREA	100,000	100%	
2	TOTAL BUILDING FOOTPRINT AREA	10,000	10%	
3	TOTAL PARKING AREA	20,000	20%	
4	TOTAL OPEN SPACE AREA	70,000	70%	

<p><b>RICO</b> Engineering Ltd.   info@rico.com</p> <p>211 AARON BLVD SUITE 100 WINDSOR, ONTARIO N9A 6K7</p>	<p><b>WASTELL</b> BUILDERS SUPPLY</p>	<p><b>Huron</b> REALTY INC.</p>	<p>SCALE - 1:100</p>	<p>PROJECT NO. 1004-5</p> <p>DATE 01</p> <p>SCALE 1:100</p>
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33M-745 Plan



### 1.3 Site Characteristics

- Current Land Use – vacant and under construction dwellings/future townhouse dwellings under construction
- Frontage – approx. 66.1 m (216.8 ft) along Michael Street
- Area - 3.4 ha (8.42 ac)
- Shape - irregular

### 1.4 Surrounding Land Uses

- North – cemetery, townhouses (cluster housing)
- East – recreational uses (Stronach Arena/baseball diamonds/playground)
- South – single detached dwellings, recreational uses (Stronach Arena/baseball diamonds/playground)
- West – single detached dwellings

## 2.0 Description of Proposal

### 2.1 Development Proposal

The Applicant, Wastell Builders (London) Inc., has requested exemption from part lot control in order to create a total of 76 freehold townhouse dwelling units on a local street (Michael Circle). The plan of subdivision was registered in May, 2018 as five (5) multi-family residential blocks, and one (1) open space block, all served by one (1) new local street (Michael Circle). The dwellings will be freehold townhouse units, approximately two storeys in height, and accessed by the public street.

## 3.0 Relevant Background

### 3.1 Planning History

The subject site was the former Huron Heights Public School (French Immersion). The site consisted of a main school building, several outbuildings/storage sheds and eleven classroom portables on site. The school was closed in June 2014 and declared surplus by the Thames Valley District School Board. The subject site was offered to the City, however it was determined that this site was not required for municipal purposes. The subject lands were subsequently sold to a private developer in 2016.

The Applicant submitted an application for Draft Plan of Subdivision and Zoning By-law amendment in July, 2016. The draft plan of subdivision and zoning amendment was approved by Municipal Council on January 31, 2017, and subsequently by the Approval Authority on February 10, 2017. Final approval of the subdivision, which consisted of five (5) blocks on a new local street (Michael Circle) was granted by the Approval Authority on May 8, 2018, as 33M-745.

### 3.3 Community Engagement

There is no legislated Community Engagement component to an Exemption from Part Lot Control. A notice of the request for exemption from part lot control and a list of standard draft conditions is circulated to internal departments (such as Engineering and the Building Division) and London Hydro. Development Engineering confirmed that the draft standard conditions were applicable and no additional conditions were needed.

### 3.4 Policy Context

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 or block 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 or block. Exemption from part-lot control is appropriate when a number of land transactions are 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 that builders encounter in ensuring that the common centre wall between two or more dwelling units was 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.

#### **4.0 Key Issues and Considerations**

Council has adopted a policy to guide staff when considering requests for exemption to Part-Lot Control 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 Residential R4 (R4-4(2)) which permits street townhouse units. 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;*

The blocks were registered and intended to be developed as street townhouse units at the time of the subdivision approval. To create the individual units it is required that Exemption from Part-Lot Control be obtained to create the separated street townhouse units. The complete division of all these blocks was not practical at the time of draft approval and is appropriate following obtaining site plan approval and construction to ensure foundations are in the appropriate place.

- 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 permits the townhouse development as established by the subdivision plan and zoning.

- 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 Low and Medium Density Residential in the Official Plan which permits street townhouse uses. The proposed development will allow development of parcels that are in accordance with the form of development established at the time of subdivision approval. The proposed lots will not result in any traffic problems and will have access to municipal services and utilities.

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

The applicant has applied for and received site plan approval (SP17-092) to construct 76 street townhouse units on a new local street (March, 2018). Securities have also been taken through the subdivision and site plan process.

It should be noted that the Applicant intends to bring forward three separate exemption by-laws/reference plans for approval at PEC and Council. The first by-law is intended for the next PEC meeting for 46 units, which encompasses all of Block 1 and 2 of the registered plan; the second by-law is anticipated for October with 12 units (Block 3); and the third and final by-law is anticipated for November, with a total of 18 units (Block 4 and 5).

## 5.0 Conclusion

The applicant requested exemption from the Part-Lot Control provisions of the *Planning Act* to facilitate the creation of 76 street townhouse units. The proposed plan has been reviewed against the City's Policy on Exemption from Part-Lot Control, the Official Plan and the applicable proposed zoning and has been determined to meet existing policies and the City's Zoning By-law.

The request represents sound land use planning and is recommended.

<b>Recommended by:</b>	<b>Nancy Pasato, MCIP, RPP Senior Planner, Development Services</b>
<b>Reviewed by:</b>	<b>Lou Pompilii, MCIP RPP Manager, Development Planning (Subdivision)</b>
<b>Concurred in by:</b>	<b>Paul Yeoman, RPP, PLE Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official</b>
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.	

CC: Matt Feldberg, Manager, Development Services (Subdivisions)

August 28, 2018

NP/np

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## Appendix A

Bill No. **Number inserted by Clerk's Office**  
2018

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

A by-law to exempt from Part Lot Control, lands located on Michael Circle, north of Michael Street, legally described as Blocks 1-5 in Registered Plan 33M-745.

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 Wastell Builders (London) Inc., it is expedient to exempt lands located on Michael Circle, north of Michael Street, legally described as Blocks 1-5 in Registered Plan 33M-745, from Part Lot Control;

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

1. Blocks 1-5 in Registered Plan 33M-745, located on Michael Circle, north of Michael Street, 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 -