

## Report to Planning and Environment Committee

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

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

**Subject:** Application By: Rockwood Homes c/o Andrea McCreery,  
Stantec Consulting Ltd.  
2674 Asima Drive

**Meeting on:** October 29, 2018

## Recommendation

That, on the recommendation of the Planner II, Development Services, the following actions be taken with respect to the application by Rockwood Homes c/o Andrea McCreery, Stantec Consulting Ltd. 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 Block 55 in Plan 33M-699 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 these lands are subject to registered subdivision agreements and are zoned Residential R4 Special Provision (R4-5(2)) in Zoning By-law No. Z.-1, which zoning permits street townhouse dwellings with a garage front yard depth of 5.5m, an exterior side yard depth for the main building minimum of 3.0m and an interior side yard depth minimum of 1.5m;
- (b) the following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part-Lot Control Bylaw for Blocks 55, Plan 33M-699 as noted in clause (a) above:
- i. 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;
  - ii. The applicant submit a draft reference plan to the 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;
  - iii. The applicant submits to the 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;
  - iv. 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;
  - v. 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;
  - vi. The applicant shall enter into any amending subdivision agreement with the City, if necessary;

- vii. 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;
  - viii. The applicant shall obtain confirmation from the Development Services 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;
  - ix. The applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;
  - x. 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;
  - xi. The applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) 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;
  - xii. 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.
- (a) the Approval Authority (Municipal Council) **BE REQUESTED** to approve this by-law; and,
- (b) 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 the review and endorsement by Council of the draft approval to exempt Block 55 in Registered Plan 33M-699 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 4 street townhouse units, with access provided via Asima Drive.

### 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

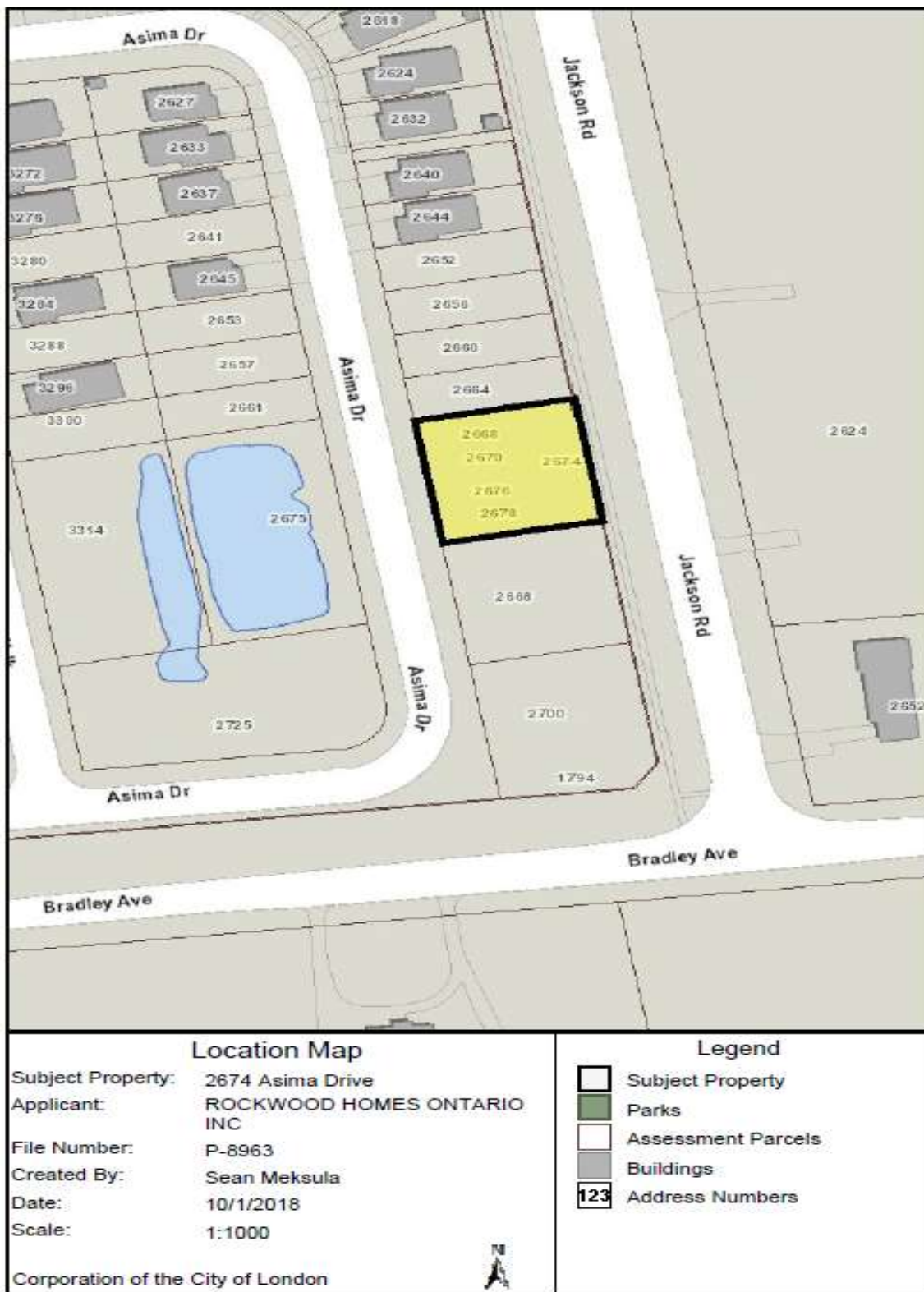
### 1.1 Property Description

The subject site is located on Asima Drive, which is generally located south of Evans Boulevard, west of Jackson Road, and north of Bradley Avenue. There is an existing public walkways which provides access to the site from the northeast corner of the subdivision. The site is surrounded by single detached residential uses to the north, future townhouse developments to the west and south, and agricultural lands to the east.

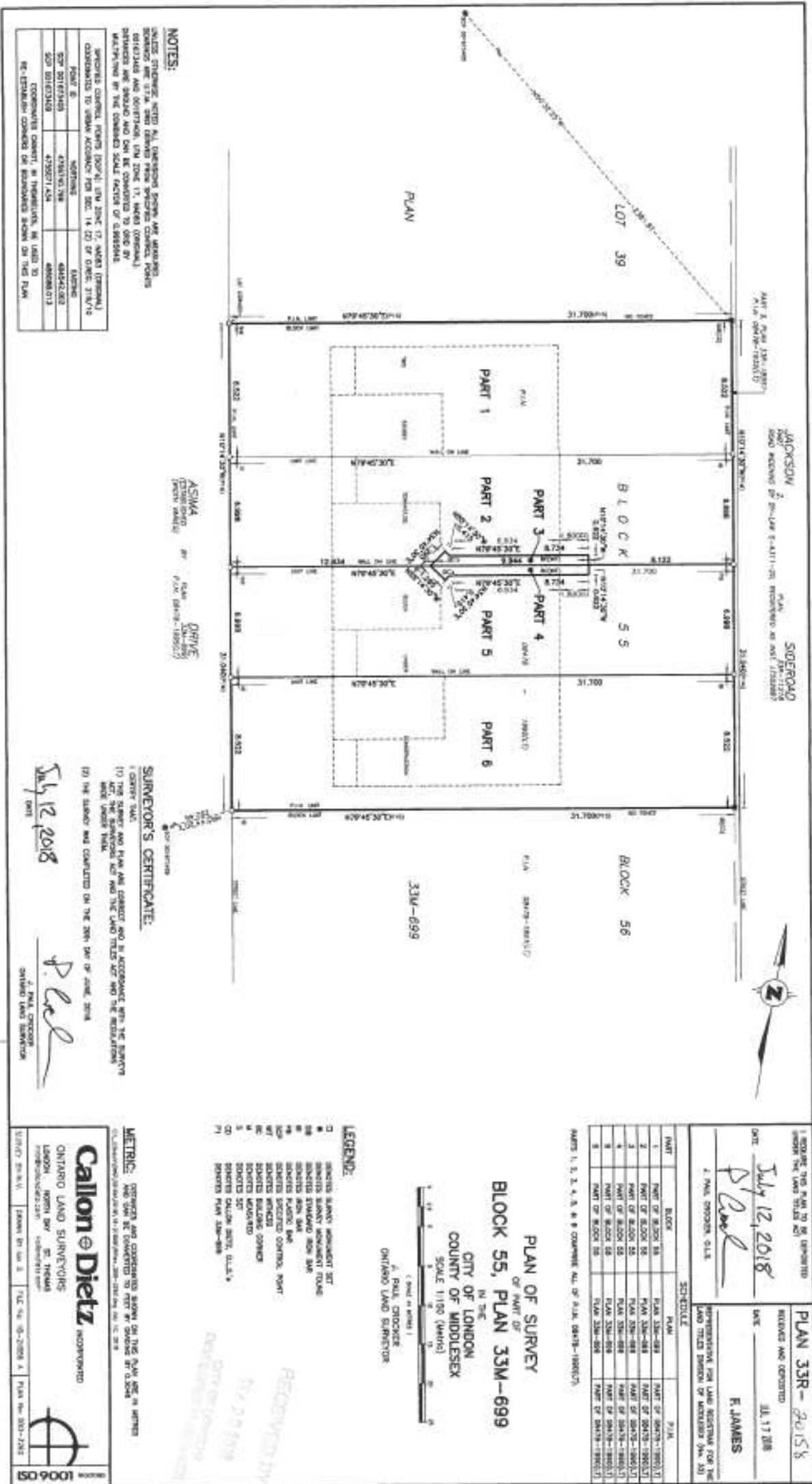
### 1.2 Current Planning Information

- The London Plan Place Type – Neighbourhood Place Type
- Official Plan Designation – Schedule “A” - Multi Family, Medium Density Residential
- Existing Zoning – Residential R4 Special Provision (R4-5(2)) Zone

### Location Map



Site Plan



**NOTES:**

1. ALL DIMENSIONS SHOWN ARE UNLESS OTHERWISE SPECIFIED IN METERS.

2. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND THAT THE DIMENSIONS SHOWN ON THIS PLAN ARE CORRECT AND ACCURATE.

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**SURVEYOR'S CERTIFICATE:**

I, PAUL CHROGGE, O.N.S., do hereby certify that the above plan and map are correct and accurate and that the dimensions shown thereon are correct and accurate.

Dated: July 12, 2018

PAUL CHROGGE  
ONARIO LAND SURVEYOR

**Callon & Dietz** INCORPORATED  
ONTARIO LAND SURVEYORS  
LONDON, ONTARIO, CANADA  
1-800-387-2222

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**PLAN OF SURVEY**  
OF PART OF  
**BLOCK 55, PLAN 33M-699**  
IN THE  
CITY OF LONDON  
COUNTY OF MIDDLESEX  
SCALE 1:100 (METRIC)

PAUL CHROGGE  
ONTARIO LAND SURVEYOR

**SCHEDULE**

PART	BLOCK	PLAN	P.L.S.
1	PART OF BLOCK 55	PLAN 33M-699	PART OF SURVEY 10000/17
2	PART OF BLOCK 55	PLAN 33M-699	PART OF SURVEY 10000/17
3	PART OF BLOCK 55	PLAN 33M-699	PART OF SURVEY 10000/17
4	PART OF BLOCK 55	PLAN 33M-699	PART OF SURVEY 10000/17
5	PART OF BLOCK 55	PLAN 33M-699	PART OF SURVEY 10000/17
6	PART OF BLOCK 55	PLAN 33M-699	PART OF SURVEY 10000/17

1. RECORD THIS PLAN TO BE DEPOSITED IN THE LAND TITLE REGISTRY.

DATE: July 12, 2018

PAUL CHROGGE

PAUL CHROGGE, O.N.S., do hereby certify that the above plan and map are correct and accurate and that the dimensions shown thereon are correct and accurate.

**PLAN 33R-2018**

RECORDED AND DEPOSITED

DATE: JUL 17 2018

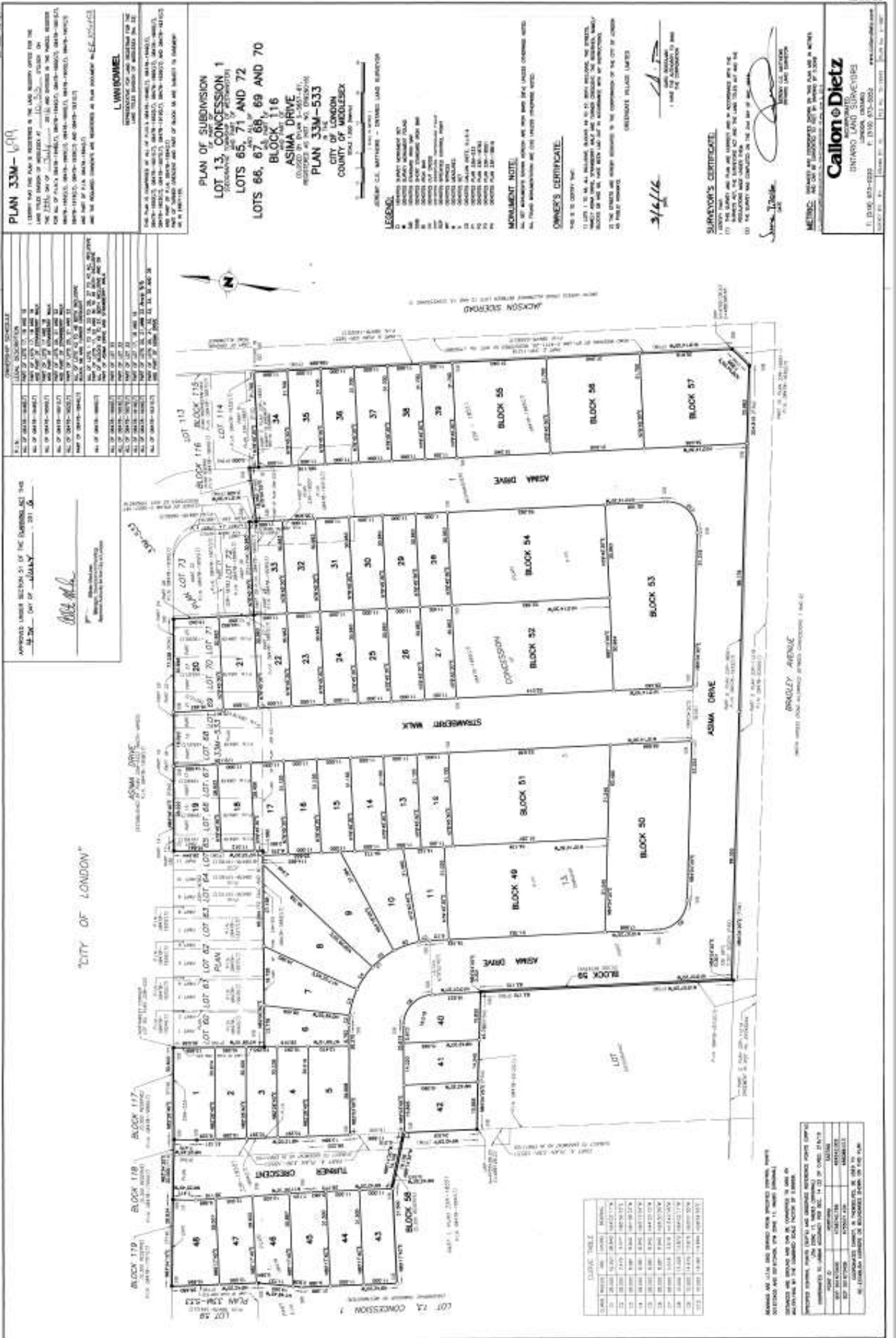
F. JAMES

1. RECORD THIS PLAN TO BE DEPOSITED IN THE LAND TITLE REGISTRY.

DATE: July 12, 2018

PAUL CHROGGE

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### 1.3 Site Characteristics

- Current Land Use – vacant and under construction dwellings/future townhouse dwellings under construction
- Frontage – approx. 31m (101.7 ft.) along Asima Drive
- Area - 984.0m<sup>2</sup> (10,591.7 sq. ft.)
- Shape - square

### 1.4 Surrounding Land Uses

- North – single detached dwellings, townhouses (cluster housing)
- East – agricultural uses
- South – future townhouses (cluster housing)
- West – future townhouses (cluster housing)

## 2.0 Description of Proposal

### 2.1 Development Proposal

The Applicant, Rockwood Homes c/o Andrea McCreery, Stantec Consulting Ltd., has requested exemption from part-lot control in order to create a total of 4 freehold townhouse dwelling units on a local street (Asima Drive). The plan of subdivision was registered in July, 2016 as 48 single detached and nine (9) multi-family medium density residential blocks, all served by three (3) new local streets (Turner Crescent, Strawberry Walk and Asima Drive). 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

In September 2007, Jackson Land Corp. submitted a third draft plan of subdivision (the current file 39T-07508) to replace the existing registered and draft approved plan of subdivision consisting of 150 single detached lots, with a new plan consisting of 96 single detached lots and 21 multi-family blocks containing approximately 115 street townhouse dwellings all served by 3 local streets, portions of which would be developed as “window streets” on reduced right-of-ways. The new proposal allowed for the intensification of residential uses which was more functional and aesthetically pleasing, and eliminated the need for a continuous noise wall along much of the interface with Bradley Avenue.

In 2012, the London Consent Authority granted a provisional consent to Jackson Land Corp. (File No. B.019/12) to sever the lands within this draft plan from the remaining Summerside subdivision land holdings and to create essentially two new parcels (divided east and west of the future southerly extension of Turner Crescent). A Consent Agreement was subsequently entered into which included provisions for a pedestrian walkway connection between Asima Drive and Jackson Road, and a temporary turnaround bulb at the easterly end of Asima Drive.

Jackson Land Corp. have since sold the lands and assigned their interests and obligations in this draft plan of subdivision, as well as the remaining lots on Asima Drive within Registered Plan 33M-533, to the new owner Greengate Village Limited.

This subdivision was registered in one (1) phase, consisting of 48 single family detached lots and nine (9) multi-family medium density blocks. The draft plan of subdivision was approved by the Approval Authority on July 4, 2016. Final approval of the subdivision, which consisted 48 single family detached lots, nine (9) multi-family medium density blocks and local three (3) local streets (Turner Crescent, Strawberry Walk and Asima Drive) was granted by the Approval Authority on July 14, 2016 and was registered as 33M-699. The subject lands were subsequently sold to a private builder Rockwood Homes for the construction of the townhouse units.

### 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 re-lotting 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 (R4-5(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 the granting of site plan approval and construction to ensure that foundations are in the appropriate location.

- 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 within the Neighbourhood Place Type of The London Plan and 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 (SP16-101) to construct 4 street townhouse units on a local street (January 1, 2018). Securities have also been taken through the site plan process. The applicant has requested exemption from Part-Lot Control as an alternative to submitting an application through the Consent Authority.

The applicant requested exemption from the Part-Lot Control provisions of the *Planning Act* to facilitate the creation of 4 street townhouse units. The proposed plan has been reviewed against the City's Policy on Exemption from Part-Lot Control, The London Plan, the Official Plan, and the applicable proposed zoning and has been determined to meet existing policies and the City's Zoning By-law.



## 5.0 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 Summerside subdivision. The request represents sound land use planning and is recommended.

<b>Recommended by:</b>	<b>Sean Meksula, MCIP, RPP Planner, Development Services (Site Plan)</b>
<b>Reviewed by:</b>	<b>Lou Pompili, 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 Asima Drive, west side of Jackson Road, legally described as Block 55 in Registered Plan 33M-699.

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 Rockwood Homes, it is expedient to exempt lands located on Asima Drive, west of Jackson Road, legally described as Block 55 in Registered Plan 33M-699, from Part-Lot Control;

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

1. Block 55 in Registered Plan 33M-699, located on Asima Drive, west of Jackson 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; it being pointed out that these lands are zoned to permit street townhouse dwellings in conformity with the Residential R4 Special Provision (R4-5(2)) Zone of the City of London Zoning By-law No. Z-1, covering the subject area.
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 -