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<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>GEORGE KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES &amp; CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>APPLICATION FOR EXEMPTION OF PART LOT CONTROL DONALD A. RILEY 280 CALLAWAY ROAD  MEETING ON OCTOBER 15, 2012</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Manager of Development Services and Planning Liaison, the following actions be taken with respect to the application by Donald A. Riley to exempt the following lands from Part Lot Control:

The following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part Lot Control by-law for Block 98 in Plan 33M-633:

- (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 98 in Plan 33M-633 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 a registered Development Agreement and are zoned Residential R4/R6 (R4-3/R6-5(23)). The Residential R4(R4-3) Zone permits street townhouses with a lot frontage minimum of 5.5m and a lot area of 200m<sup>2</sup>; and the Residential R6 Special Provision (R6-5(23)) Zone permits triplexes, fourplexes, townhouses, stacked townhouses and apartment building dwellings with a minimum lot frontage of 10m and a minimum lot area of 850m<sup>2</sup>;
- (b) the following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part Lot Control Bylaw for Block 98 in Plan 33M-633 as noted in clause (a) above:
  - i. 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;
  - ii. The applicant submits to the Development Services 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;
  - iii. The applicant shall obtain confirmation from Development Services 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;

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**P-8093/A. MacLean**

- iv. The applicant shall submit to the City Engineer and the Manager of Development Services, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
  - v. The subdivider be required to enter into any amending subdivision agreement with the City, if necessary.
- (d) the Municipal Council **BE REQUESTED** to approve these by-laws; and
- (e) the applicant **BE ADVISED** that the cost of registration of these by-laws is to be borne by the applicant in accordance with City policy.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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June 17, 2008 - Draft Plan of Subdivision / Rezoning Report 39T-04513, Z-6842

February 27, 2012 - Public Meeting for Site Plan Approval SP11-034926

March 26, 2012 – Application to remove holding provisions, h-5, h-99 and h-100 to allow for building permits to be issued.

<b>BACKGROUND</b>
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On December 22, 2004, Auburn Developments Inc. submitted a draft plan of subdivision application for these lands located on the north side of Sunningdale Road, west of Richmond Street. The proposed plan contained 169 single detached lots, six medium density residential blocks, two high density residential blocks, one commercial block, two parks, three open space blocks, three stormwater management blocks, one walkway block, road widening, easement and reserve blocks served by nine new streets. In February 2011, Auburn Developments Inc. requested revisions to the draft plan to provide for larger lots which resulted in the reduction of 31 lots (from 169 to 138). The first phase of the subdivision consists of Lots 1 to 86 inclusive and Blocks 87-111 inclusive.

On October 25, 2011, site plan application SP11-034926 was accepted. The owner proposed a total of 5 buildings containing 3 or 4 units to provide a total of 18 Street Townhouses on the block. The dwellings are street oriented and every unit has a dedicated-direct, concrete, pedestrian link to the proposed sidewalk on Callaway Road. The rear and sides of the site are fenced with 1.2m high black chain link fencing to allow views of the Storm Water Management Pond to the north and the Open Space lands to the west. The 1.2 m black chain link fencing along the east property line will be screened with a row of 2 meter high cedars as the adjacent lands to the east are zoned for residential uses.

On August 24, 2012, an application for an exemption to Part Lot Control for Block 98 in Plan 33M-633 was accepted. The application requests lifting Part Lot Control from Block 98 in order to create the individual townhouse lots and required easements.

<b>DEPARTMENT/AGENCY COMMENTS</b>
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**Building Division**

No comments.

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**Wastewater & Drainage Engineering Division**

WADE has no objection to exempt Block 98 from plan 33M-633 from part lot control, as long as all servicing is in accordance with the accepted servicing plan for site plan SP11-034926.

<b>ANALYSIS</b>
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The Official Plan designates these lands Multi-family Medium Density Residential allowing 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.

The subject lands are zoned Residential R4/R6 (R4-3/R6-5(23)) Zone. The Residential R4(R4-3) Zone permits street townhouses with a lot frontage minimum of 5.5m and a lot area of 200m<sup>2</sup>; and the Residential R6 Special Provision (R6-5(23)) Zone permits triplexes, fourplexes, townhouses, stacked townhouses and apartment building dwellings with a minimum lot frontage of 10m and minimum lot area of 850m<sup>2</sup>

The lands at 280 Callaway Road are subject to an approved Subdivision Agreement and an approved Development Agreement. All conditions of the Subdivision Agreement and Site Plan Development Agreement continue to apply to the subject block after the Part Lot By-law is passed.


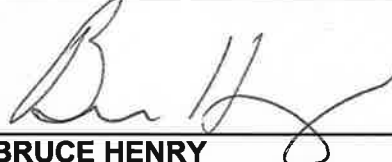


Exemption from Part Lot Control will allow the developer to create and convey parts on the subject lands for the purpose of creating individual lots for street townhouses and easements as approved. It is recommended that the following conditions be applied and that the By-law for Block 98 be passed at a future meeting of Council only when the following conditions have been complied with:

- 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 assembled in accordance with the City of London's *Digital Submission / Drafting Standards* and be referenced to the City's NAD83 UTM Control Reference;
- c) 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, 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;**
- d) The applicant shall submit to the City Engineer and the Manager of Development Services, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
- e) The subdivider will be required to enter into any amending subdivision agreement with the City, if necessary.

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<b>CONCLUSION</b>
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The applicant's request for exemption from the Part Lot Control provisions of the *Planning Act* to facilitate the creation of street townhouses and easements, consistent with the approved Site Plan is appropriate and represents sound land use planning.

<b>PREPARED BY:</b>	<b>REVIEWED BY:</b>
	
<b>ALLISTER MACLEAN SENIOR PLANNER, DEVELOPMENT SERVICES</b>	<b>BRUCE HENRY MANAGER, DEVELOPMENT PLANNING</b>
<b>RECOMMENDED BY:</b>	<b>SUBMITTED BY:</b>
	
<b>TERRY GRAWAY MANAGER, DEVELOPMENT SERVICES &amp; PLANNING LIAISON</b>	<b>G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES &amp; CHIEF BUILDING OFFICIAL</b>

October 3, 2012  
AM/sw

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"Attach."

Agenda Item #	Page #

**P-8093/A. MacLean**

Bill No.  
2012

By-law No. C.P.-

A by-law to exempt from Part Lot Control from 280 Callaway Road, legally described as Bock 98 in Plan 33M-633, 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 at 280 Callaway Road, 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. Block 98 in Plan 33M-633, in the City of London and County of Middlesex, located on the north side of Callaway Road, in the Richmond North Subdivision, is 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 noted that these lands are zoned to permit street townhouse dwellings in conformity with the Residential R4/R6 (R4-3/R6-5(23)) Zone of the City of London Zoning By-law No. Z-1.
2. This by-law comes into force when it is registered at the Land Registry Office.
3. This by-law shall remain in effect for three (3) years from the date of passage.

PASSED in Open Council on

Joseph Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading -  
Second Reading -  
Third Reading -