

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: Exemption from Part-Lot Control
Sifton Properties Ltd.
1031 & 1095 Upperpoint Ave, Pts of Blocks 132/133, 33M-754

Meeting on: December 2, 2019

Recommendation

That, on the recommendation of the Director, Development Services, with respect to the application by Sifton Properties Ltd., the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on December 10, 2019 to exempt Parts of Blocks 132/133, Plan 33M-754 from the Part-Lot Control provisions of Subsection 50(5) of the *Planning Act*, for a period not exceeding three (3) years.

Executive Summary

Summary of Request

Request for approval to exempt Parts of Blocks 132/133, Plan 33M-754 from the Part Lot Control provisions of the *Planning Act*.

Purpose and Effect of Recommended Action

Exemption from Part-Lot Control will facilitate the creation of thirty-six (36) street townhouse units, with access provided via Upperpoint Avenue.

Rationale for Recommended Action

The conditions for passing the Part-Lot Control By-law have been substantially addressed and it is appropriate to allow the exemption from Part-Lot Control. The cost of registration of the by-law is to be borne by the applicant, all in accordance with the previous Council Resolution.

1.0 Analysis

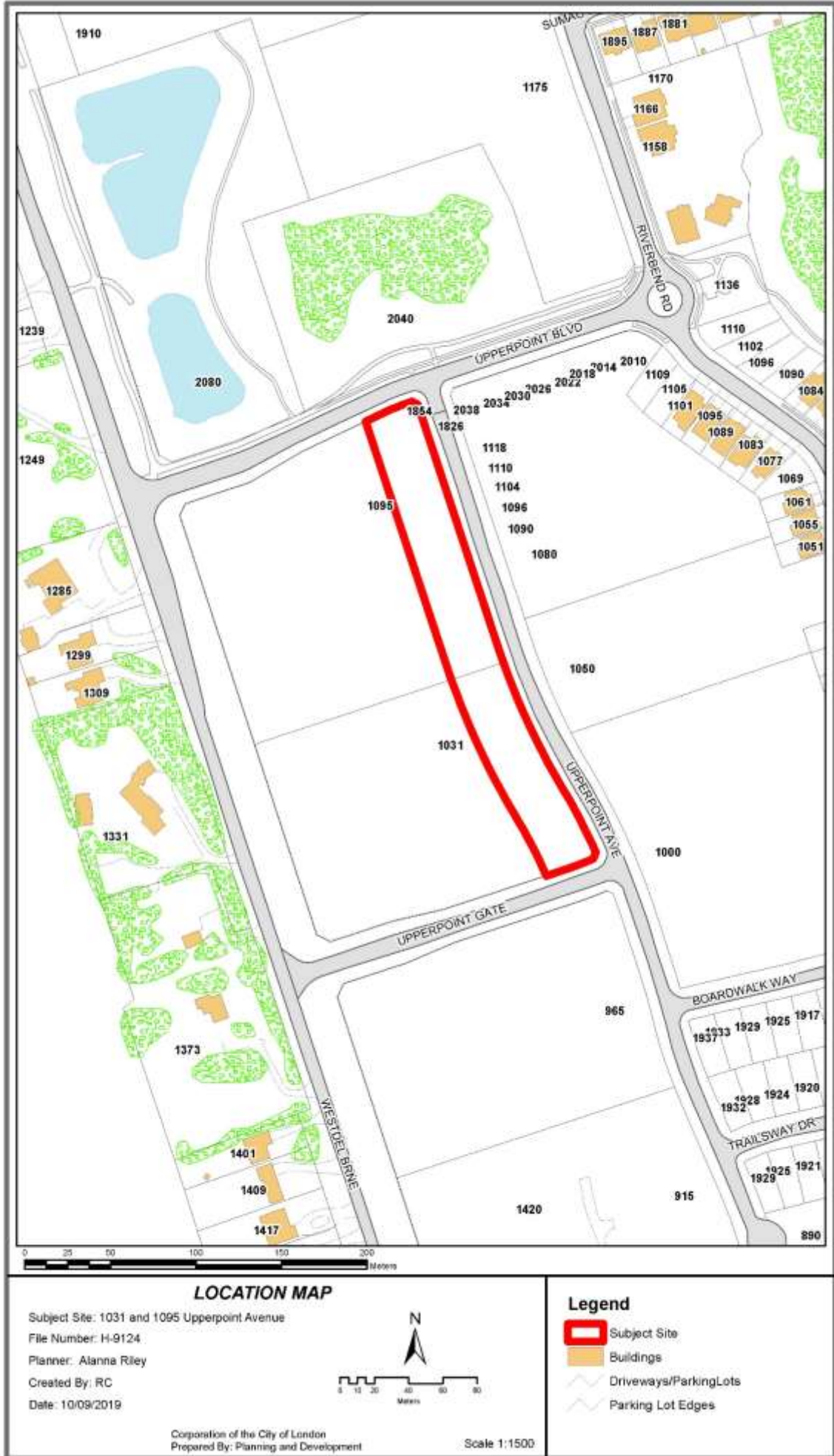
At its meeting held on November 12, 2019, Municipal Council resolved:

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Sifton Properties Limited to exempt Blocks 132/133, Plan 33M-754 from Part-Lot Control:

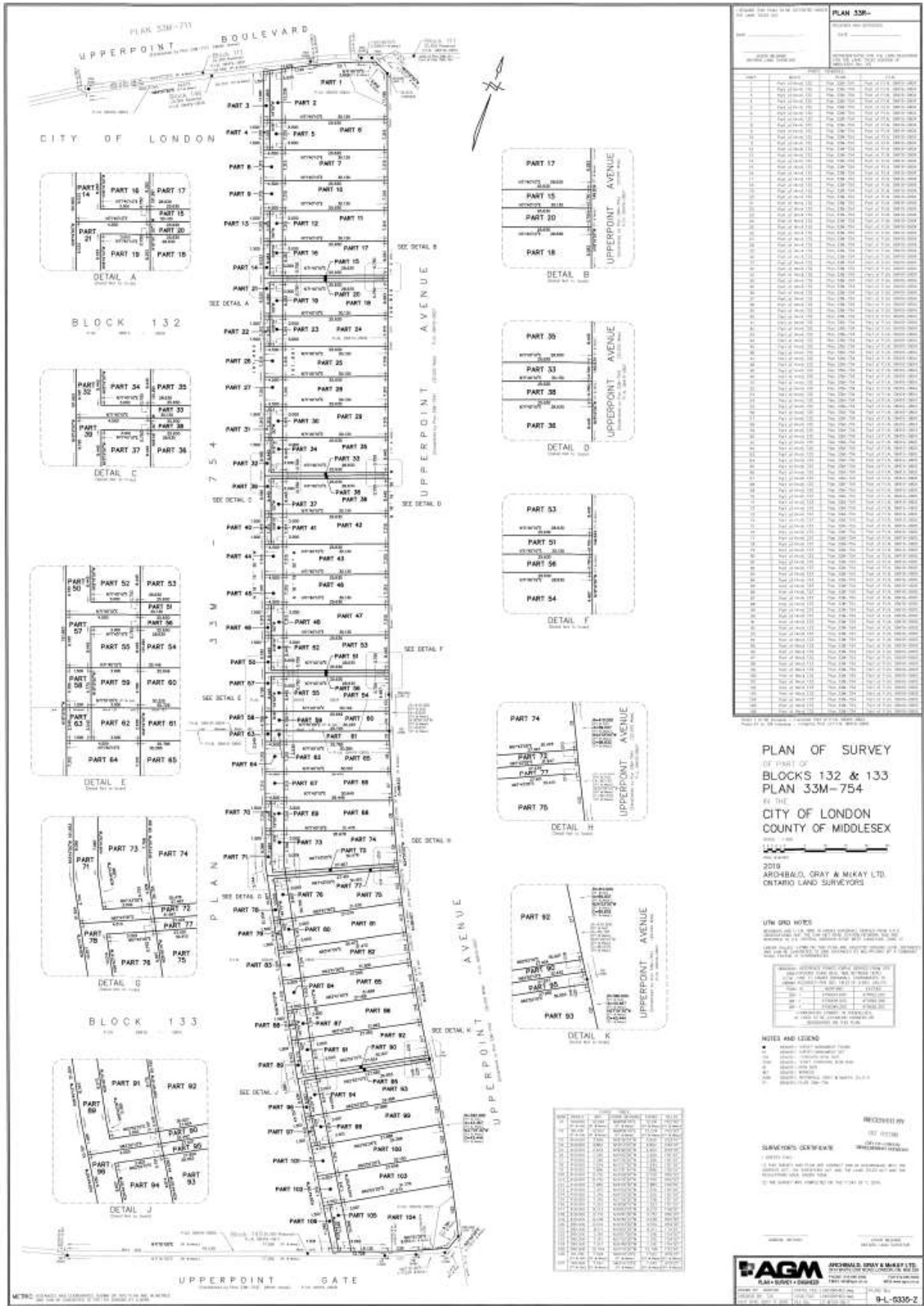
- (a) Pursuant to subsection 50(7) of the *Planning Act*, R.S.O. 1990, c. P.13, the attached proposed by-law **BE INTRODUCED** at a future Council meeting, to exempt Block 132/133, Plan 33M-754 from the Part-Lot Control provisions of subsection 50(5) of the said Act, **IT BEING NOTED** that these lands are subject to a registered subdivision agreement and are zoned Holding Residential R4/R5/R6/R8 Special Provision (h*h-54*h-209*R4-6(11)R5-7(9)/R6-5(65)/R8-3(5)) which permits street townhouse dwellings;
- (b) The following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part-Lot Control By-law for Blocks 132/133, Plan 33M-754 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 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 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 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 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 Development Services 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 Chief Building Official for lots being developed in any future reference plan;*
- xii. *The applicant shall provide a draft transfer of the easements to be registered on title; and*
- xiii. *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.*

LOCATION MAP



ACCEPTED DRAFT REFERENCE TO BE DEPOSITED



The exemption from Part-Lot Control will allow for lot lines for individual units (lots) to be established on the registered block in a registered plan of subdivision. The conditions noted above have been satisfied as follows:

- 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;*

Acknowledged by the applicant on November 12, 2019.

- 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;*

Development Services staff have confirmed through email November 20, 2019 the draft reference plan complies with the Zoning.

- 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;*

Satisfied by submission to Development Services received on November 12, 2019.

- 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;*

Satisfied by approval from London Hydro received on November 8, 2019.

- 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;*

Satisfied through the acceptance of Lot Grading and Servicing Plans that will implement the approved Site Plan and registered Development Agreement (SPA19-096) for this development.

- vi. *The applicant shall enter into any amending subdivision agreement with the City, if necessary;*

Satisfied, as the subdivision agreement was registered and no further amendment are required.

- 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;*

The construction of all services, including private drain connections and water services, in accordance with the approved final design of the lots will be completed through the permit, construction and compliance process required to complete the works to implement the approved Site Plan and registered

Development Agreement (SPA19-096) for this development.

- 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;*

Satisfied by municipal numbering assigned through the site plan process.

- 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;*

The Applicant has submitted the attached draft reference to Development Services and has agreed by way of an undertaking that only this approved reference plan will be registered in the land registry.

- 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;*

The applicant has agreed by way of an Undertaking that only the submitted and approved draft reference plan by Development Services for final lot development will be deposited to the Land Registry and that confirmation of the registration of that plan will be provided to development services prior to the issuance of any building permits.

- 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;*

The applicant has acknowledged and agreed that this condition will be fulfilled prior to the issue of building permits.

- xii. *The applicant shall provide a draft transfer of the easements to be registered on and,*

The applicant has submitted an undertaking for a required rear yard access easement (1.5 metres).

- xiii. *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.”*

Acknowledged by applicant on November 12, 2019.

Conclusion

In accordance with the Council Resolution, the conditions required to be completed prior to the passage of a Part-Lot Control By-law have been substantially satisfied through the acceptance of submitted lot development plans, servicing plans, an approval the Site Plan and executed Development Agreement, and the applicant has acknowledged that the registration of the by-law is to be at their cost.

Prepared by:	A.Riley, MCIP, RPP Senior Planner - Development Services
Recommended by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P. Eng Managing Director, Development and Compliance Services and Chief Building Official

November 25, 2019
AR/

CC: Matt Feldberg, Manager, Development Services (Subdivisions)
Lou Pompilli, Manager, Development Planning
Ted Koza, Manager, Development Engineering

Appendix A

Bill No. (*Number inserted by Clerk's Office*)
2019

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

A by-law to exempt from Part-Lot Control, a portion of the lands located at 1031 and 1095 Upperpoint Avenue, legally described as Parts of Blocks 132/133 in Registered Plan 33M-754.

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 Ltd., it is expedient to exempt portions of the lands located at 1031 and 1095 Upperpoint Avenue legally described as Parts of Blocks 132/133 in Registered Plan 33M-754, from Part-Lot Control;

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

1. Parts of Blocks 132/133 in Registered Plan 33M-754 designated as Parts 1 to 60, inclusive on the draft reference attached, located at 1031 and 1095 Upperpoint Avenue, 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.
3. This by-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on December 10, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – December 10, 2019
Second Reading – December 10, 2019
Third Reading – December 10, 2019