

## Report to Planning and Environment Committee

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

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

**Subject:** Exemption from Part-Lot Control  
Application By: Rockwood Homes  
Address: 2673 Asima Drive and 3313 Strawberry Walk

**Meeting on:** April 27, 2020

## Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Rockwood Homes to exempt Blocks 50 and 51, Plan 33M-699 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 Blocks 50 and 51, Plan 33M-699 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 Residential R4 Special Provision (R4-5(2)) 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 50 and 51, 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 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.

## Executive Summary

### Summary of Request

This report is for review and endorsement by Municipal Council to exempt Blocks 50 and 51, 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 facilitate the creation of eight (8) street townhouse units, with access provided via Asima Drive, and seven (7) street townhouse units, with access provided via Strawberry Walk.

### Rationale for Recommended Action

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

## Analysis

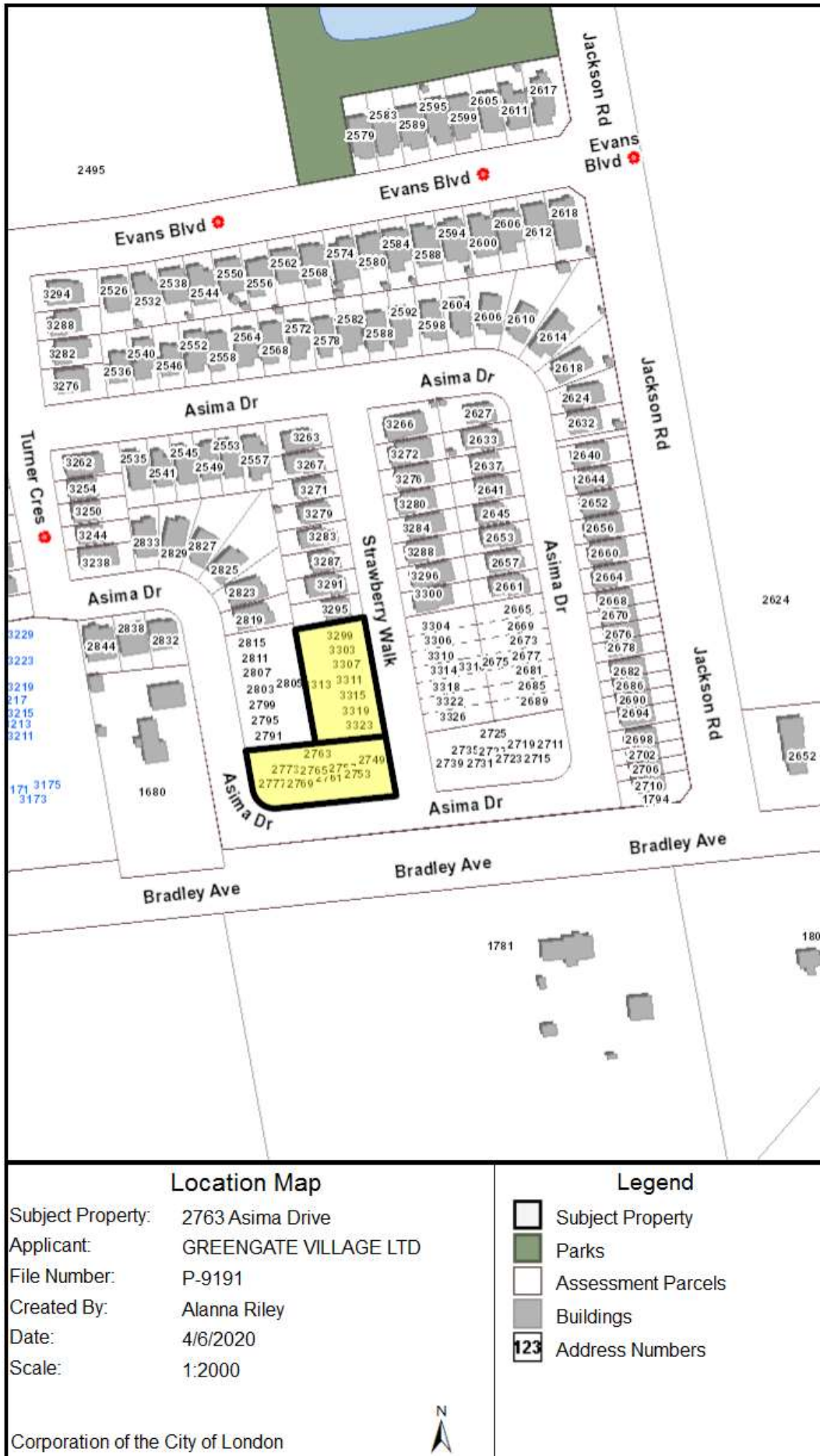
### 1.0 Property Description

The subject site is located off of Asima Drive and Strawberry Walk, which is generally located northwest of Bradley Ave and Jackson Road in the Summerside Community. The site has a mix of low and medium density residential located to the east and west, low density residential to the north, and medium density residential to the south. The site has proximity to Meadowgate Park, and Ecole Secondaire Gabriel-Dumont – First French Language Secondary School.

#### 1.1 Current Planning Information

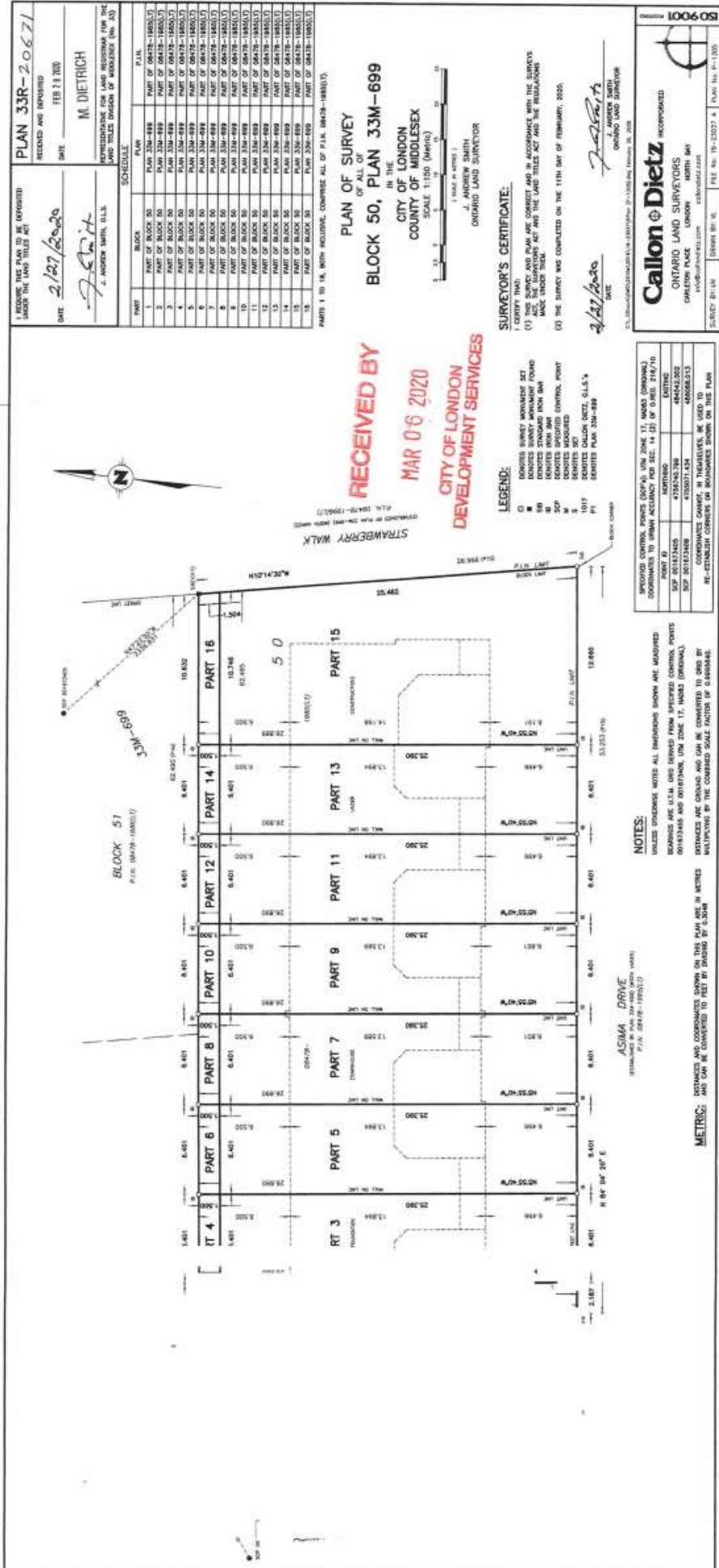
- The London Plan Place Type – Neighbourhoods Place Type
- (1989) Official Plan Designation – Multi-Family, Medium Density Residential
- Existing Zoning – Residential R4 Special Provision (R4-5(2))

1.2 Location Map



1.3 Draft Reference Plans

2673 Asima Drive





1.4 Plan of Subdivision 33M-699

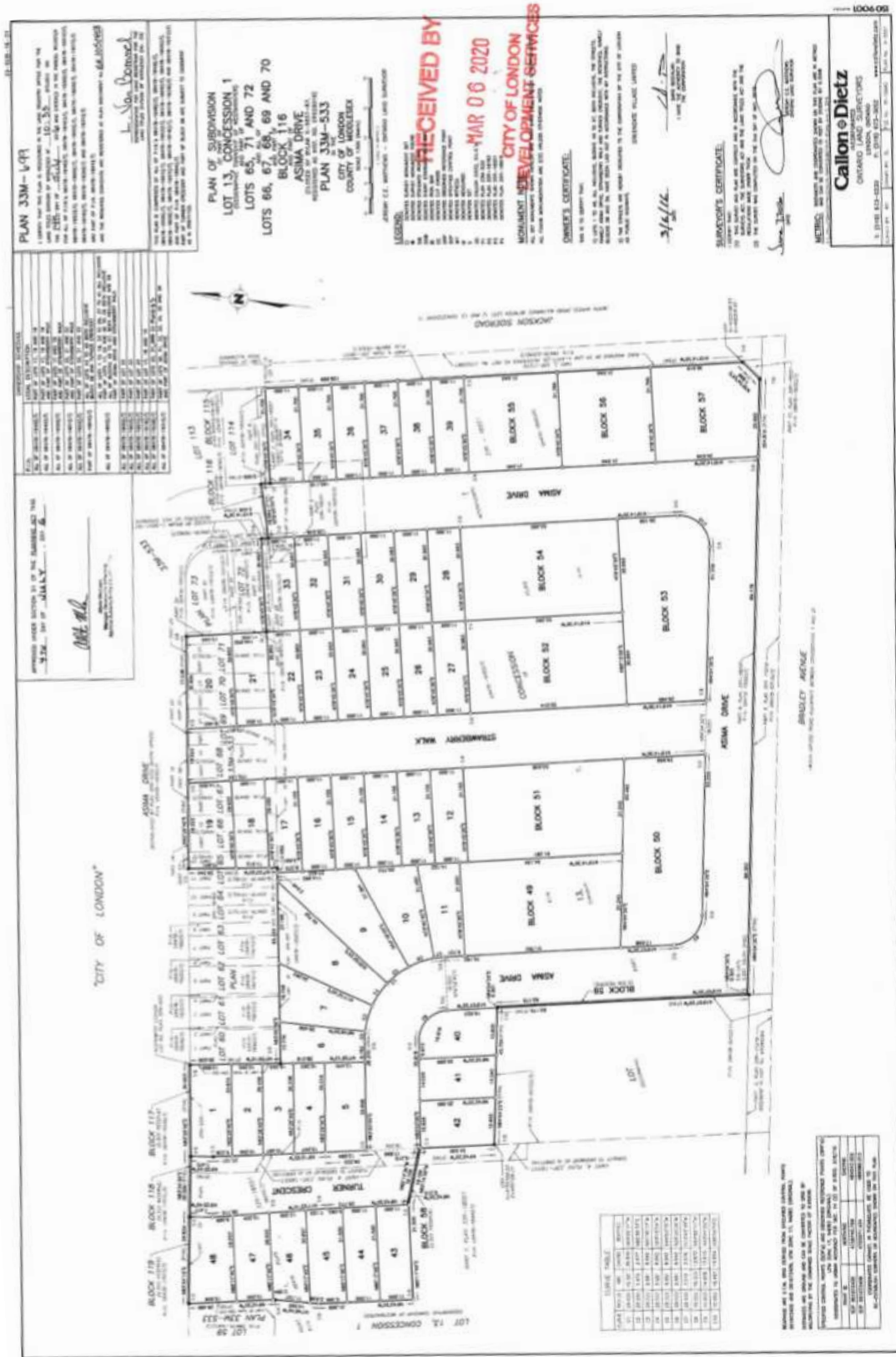


TABLE 1: AREA, PERIMETER, DISTANCE, BEARING, AND CURVATURE DATA FOR THE SUBDIVISION.

LINE	START POINT	END POINT	AREA	PERIMETER	DISTANCE	BEARING	CURVATURE
1	1	2	...	...	...	...	...
2	2	3	...	...	...	...	...
3	3	4	...	...	...	...	...
4	4	5	...	...	...	...	...
5	5	6	...	...	...	...	...
6	6	7	...	...	...	...	...
7	7	8	...	...	...	...	...
8	8	9	...	...	...	...	...
9	9	10	...	...	...	...	...
10	10	11	...	...	...	...	...
11	11	12	...	...	...	...	...
12	12	13	...	...	...	...	...
13	13	14	...	...	...	...	...
14	14	15	...	...	...	...	...
15	15	16	...	...	...	...	...
16	16	17	...	...	...	...	...
17	17	18	...	...	...	...	...
18	18	19	...	...	...	...	...
19	19	20	...	...	...	...	...
20	20	21	...	...	...	...	...
21	21	22	...	...	...	...	...
22	22	23	...	...	...	...	...
23	23	24	...	...	...	...	...
24	24	25	...	...	...	...	...
25	25	26	...	...	...	...	...
26	26	27	...	...	...	...	...
27	27	28	...	...	...	...	...
28	28	29	...	...	...	...	...
29	29	30	...	...	...	...	...
30	30	31	...	...	...	...	...
31	31	32	...	...	...	...	...
32	32	33	...	...	...	...	...
33	33	34	...	...	...	...	...
34	34	35	...	...	...	...	...
35	35	36	...	...	...	...	...
36	36	37	...	...	...	...	...
37	37	38	...	...	...	...	...
38	38	39	...	...	...	...	...
39	39	40	...	...	...	...	...
40	40	41	...	...	...	...	...
41	41	42	...	...	...	...	...
42	42	43	...	...	...	...	...
43	43	44	...	...	...	...	...
44	44	45	...	...	...	...	...
45	45	46	...	...	...	...	...
46	46	47	...	...	...	...	...
47	47	48	...	...	...	...	...
48	48	49	...	...	...	...	...
49	49	50	...	...	...	...	...
50	50	51	...	...	...	...	...
51	51	52	...	...	...	...	...
52	52	53	...	...	...	...	...
53	53	54	...	...	...	...	...
54	54	55	...	...	...	...	...
55	55	56	...	...	...	...	...
56	56	57	...	...	...	...	...
57	57	58	...	...	...	...	...
58	58	59	...	...	...	...	...
59	59	60	...	...	...	...	...
60	60	61	...	...	...	...	...
61	61	62	...	...	...	...	...
62	62	63	...	...	...	...	...
63	63	64	...	...	...	...	...
64	64	65	...	...	...	...	...
65	65	66	...	...	...	...	...
66	66	67	...	...	...	...	...
67	67	68	...	...	...	...	...
68	68	69	...	...	...	...	...
69	69	70	...	...	...	...	...







### **1.6 Site Characteristics**

- Current Land Use – vacant
- Frontage – N/A
- Area – Asima Drive 1.6 hectares/Strawberry Walk 1.6 hectares
- Shape – rectangular

### **1.7 Surrounding Land Uses**

- North – residential
- East – residential
- South – residential
- West – residential

## **2.0 Description of Proposal**

### **2.1 Development Proposal**

The Applicant, Rockwood Homes, has requested exemption from part-lot control to create a total of fifteen (15) street townhouse units. The plan of subdivision was registered on July 14, 2016 as 48 single detached dwelling lots 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 consist of street townhouse units, one or two storeys in height with access off of Asima Drive and Strawberry Walk.

## **3.0 Relevant Background**

### **3.1 Planning History**

The subject lands were originally included in a 1992 subdivision application submitted by Jackson Land Corp. for lands bounded by Commissioners Road East, Jackson Road, Bradley Avenue, and Highbury Ave South (also referred to as Summerside Subdivision). The Ministry of Municipal Affairs granted draft approval in September of 1993.

In October of 2003, Jackson Land Corp requested revisions to 14.2 ha (35 acres) of lands within the draft approved Summerside subdivision, specifically the lands bounded by Evans Boulevard, Jackson Road, Bradley Avenue and Meadowgate Boulevard. The changes from the 1993 draft plan were of such significance that a new draft plan application was required (File No. 39T-03513). Municipal Council adopted the Official Plan and Zoning By-law Amendments in May of 2004 and at the same time recommended the City of London Approval Authority grant draft plan of subdivision approval to a revised plan subject to conditions.

On October 21, 2005, the City of London Approval Authority granted final approval to the first phase of draft plan 39T-03513. This phase contained 114 single detached dwelling blocks served by the extension of Meadowgate Boulevard and two new local streets being Turner Crescent and Asima Drive. This phase, commonly referred to as Phase 12A, was registered on October 27, 2005 as Plan 33M-533.

In September of 2007, Jackson Land Corp. submitted 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, including portions that would be developed as “window streets” (file 39T-07508).

In 2012, the London Consent Authority granted a consent to Jackson Land Corp. (file B.019/12) to sever the lands within this draft plan from the remaining Summerside Subdivision to create two new parcels (divided east and west of the future southerly extension of Turner Crescent).

The draft plan of subdivision 39T-07508 was approved by the Approval Authority as one (1) phase, consisting of 48 single family detached lots, and nine (9) multi-family medium density blocks, was registered on July 4, 2016 as plan 33M-699.

On January 25, 2020, Municipal Council passed a by-law to approve the exemption of Part Lot Control for Blocks 52 and 54, Plan 33M-699, located at 3316 Strawberry Walk and 2675 Asima Drive, part of the same subdivision plan 33M-699.

### **3.2 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 was circulated to internal departments (such as Engineering and the Building Division) and London Hydro. Development Engineering confirmed that the draft standard conditions are applicable and only one additional condition was required for servicing.

### **3.3 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* allows 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 to create street townhouse units. Part-Lot Control may be exempted to allow a property owner to legally divide a block within their registered plan of subdivision.

## **4.0 Key Issues and Considerations**

Council has adopted a policy to guide consideration of requests for exemption to Part-Lot Control, as follows:

- 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 subject block was registered and intended to be developed for street townhouse units at the time of the subdivision approval. The division of individual lots at the time of the subdivision was not practical, and is appropriate through part-lot control and successfully attaining site plan approval.

- 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 consistent with the intended use of the block as established through the plan of subdivision and zoning. The development of the site units is consistent with the development in the area.

- 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;*

The exemption of part lot control creates fifteen (15) street townhouse units requiring separate and individual land divisions to create the interests in land.

- 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 Neighbourhoods Place Type in The London Plan and designated Multi-Family, Medium Density Residential in the (1989) Official Plan, which permits street townhouse dwellings. The proposal will facilitate the development of the parcel 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. Access will be provided off of Asima Drive and Strawberry Walk.

- 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 (SPA18-062) to construct fifteen (15) street townhouse units on two local streets which are registered on title as a Development Agreement. 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 fifteen (14) street townhouse units. The proposed plan has been reviewed with regards to the City's Policy on Exemption from Part-Lot Control, the 1989 Official Plan, The London Plan and the applicable zoning, and has been determined to meet existing policies and the City's Zoning By-law.

#### **4.1 Conditions**

It is recommended that the following conditions be applied and that the By-law for Blocks 50 and 51, Plan 33M-699 be passed at a future meeting of Municipal Council only when the following conditions have been complied with:

- 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.

## 5.0 Conclusion

In accordance with the provisions of the *Planning Act*, Municipal Council may pass by-laws to exempt all, or parts of registered plans of subdivision from part-lot control. The applicant has requested exemption from the Part-Lot Control provisions of the *Planning Act* to facilitate the creation of fifteen (15) street townhouse units, with access off Asima Drive and Strawberry Walk, which is appropriate to allow for the sale of these units to future homeowners. The recommended exemption is considered appropriate and in keeping with the registered phases of the subdivision, subject to the completion of the proposed conditions.

<b>Prepared by:</b>	<b>Alanna Riley, MCIP, RPP Senior Planner, Development Services</b>
<b>Recommended 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)  
Lou Pompilli, Manager, Development Planning  
Ted Koza, Manager, Development Engineering

April 8, 2020

AR/ar

Y:\Shared\ADMIN\1- PEC Reports\2020 PEC Reports\8 - Apr 27\DRAFT PEC 2673 Asima Drive and 3313 Strawberry Walk AR.docx

**Appendix A**

Bill No. *Number inserted by Clerk's Office*  
2020

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

A by-law to exempt from Part-Lot Control, lands located at 2673 Asima Drive and 3313 Strawberry Walk, legally described as Blocks 50 and 51, 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 at 2673 Asima Drive and 3313 Strawberry Walk, legally described as Blocks 50 and 51, Plan 33M-699, from Part Lot Control;

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

1. Blocks 50 and 51, Plan 33M-699, located at 2673 Asima Drive and 3313 Strawberry Walk, 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 noted that these lands are zoned to permit street townhouse units in conformity with the Residential R4 Special Provision (R4-5(2)) 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.

PASSED in Open Council on

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading –  
Second Reading –  
Third Reading –