

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: Kenmore Homes (London) Inc.
Address: 1830 Finley Crescent

Meeting on: September 8, 2020

Recommendation

That, on the recommendation of the Director, Development Services, with respect to the application by Kenmore Homes (London) Inc. the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on September 15, 2020 to exempt Block 98, Plan 33M-733 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 Block 98, Plan 33M-733 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 six (6) street townhouse units, with access provided via Finley Crescent.

Rationale for Recommended Action

The conditions for passing the Part-Lot Control By-law have been satisfied 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 Kenmore Homes (London) Inc. to exempt Block 98, Plan 33M-733 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 98, Plan 33M-733 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 (R4-4(4)) 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 Block 98, Plan 33M-733 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. The applicant shall provide a draft transfer of the easements to be registered on title;*
- 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; and*
- xiv. In accordance with condition v), the applicant provide servicing drawings of municipal servicing to each of the blocks created within 1830 Finley Crescent to indicate that all municipal servicing can be provide to each property/block created without conflict.*

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 August 17, 2020.

- 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 August 14, 2020 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 on August 17, 2020.

- 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;*

The applicant has indicated this condition was satisfied by approval from London Hydro through the subdivision process.

- 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;*

Engineering has confirmed August 27, 2020 this condition has been satisfied through the acceptance of lot grading and servicing plans submitted through Site Plan Approval.

- 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 was 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 applicant agrees to fulfil this condition in its entirety related to the construction of all services and will be completed in accordance with the approved final designs of the lots through site plan approval. Also, all pdc's have been installed as shown on the updated servicing plan that was submitted August 4, 2020.

- 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 subdivision 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;*

Satisfied by reference plan 33R-20773

- 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;*

Satisfied by reference plan 33R-20773

- 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;*

Building permits have been issued for this block as permit number 19040893.

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

Satisfied by the applicant's Solicitor and confirmed by email August 17, 2020.

- 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 August 17, 2020.

- xiv. *In accordance with condition v), the applicant provide servicing drawings of municipal servicing to each of the blocks created within 1830 Finley Crescent to indicate that all municipal servicing can be provide to each property/block created without conflict.*

Engineering has confirmed August 27, 2020 this condition has been satisfied through the acceptance of lot grading and servicing plans submitted through Site Plan Approval.

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 satisfied, and the applicant has been advised that the cost of registration of the by-law is to be borne by the applicant.

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

August 31, 2020
AR/

cc: Lou Pompili, Manager, Development Planning
cc: Matt Feldberg, Manager, Development Services (Subdivisions)

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 1830 Finley Crescent legally described as Block 98 in Registered Plan 33M-733.

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 Kenmore Homes(London) Inc., it is expedient to exempt lands located at 1830 Finley Crescent legally described as Block 98 in Registered Plan 33M-733, from Part-Lot Control;

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

1. Block 98 in Registered Plan 33M-733, located 1830 Finley Crescent, 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 September 15, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – September 15, 2020
Second Reading – September 15, 2020
Third Reading – September 15, 2020