

## 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  
Application By: Rockwood Homes c/o Al Allendorf  
2805 Asima Drive

**Meeting on:** November 2, 2020

## Recommendation

That, on the recommendation of the Director, Development Services, with respect to the application by Rockwood Homes, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on November 10, 2020 to exempt Block 49, Plan 33M-699 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

This report is a request for approval to exempt Block 49 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 for the creation of seven (7) street townhouse units, with access provided by way of Asima Drive.

### 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 applicant has acknowledged that they are responsible for the cost of registration of the by-law.

## 1.0 Analysis

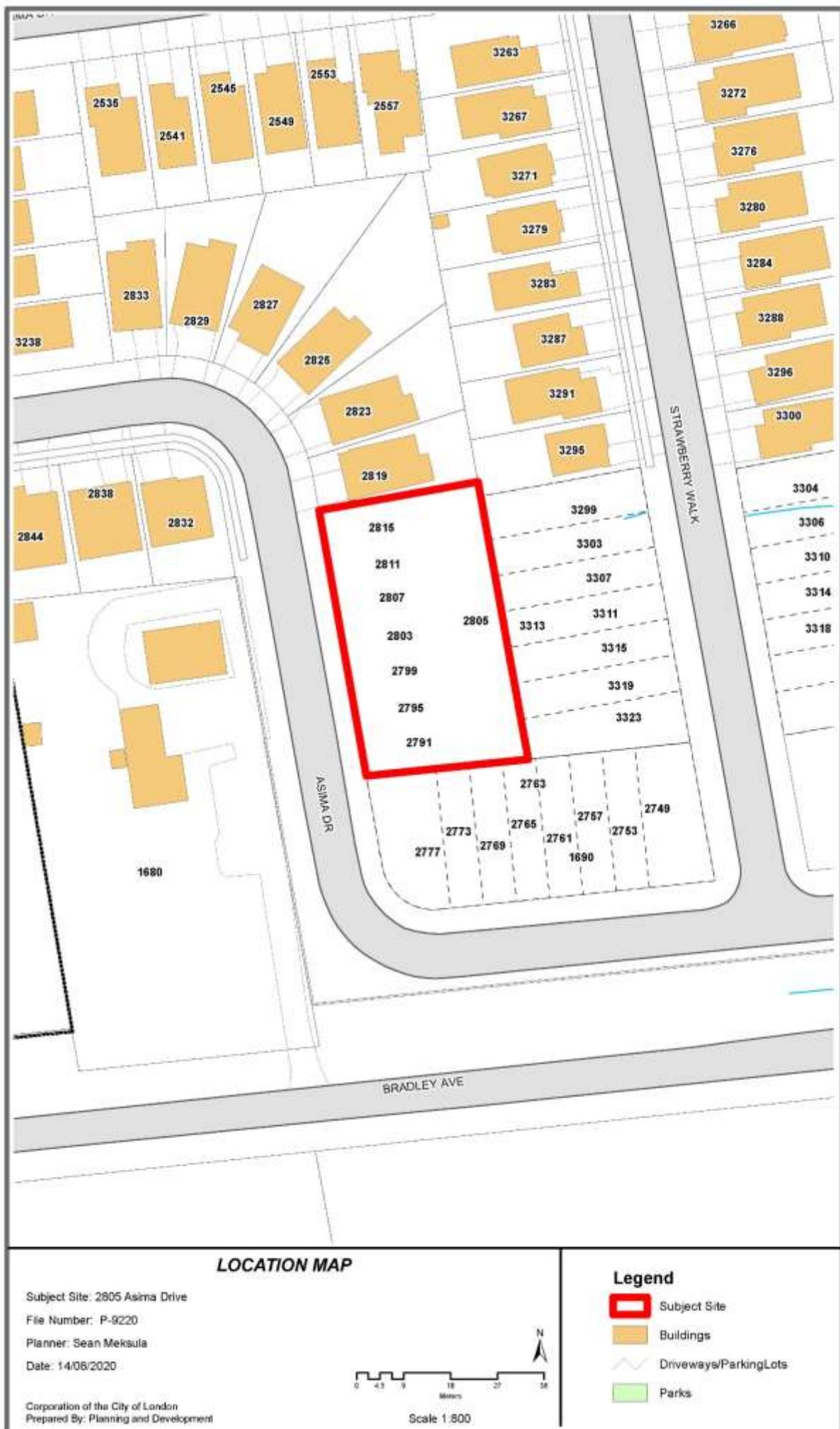
At its meeting held on September 15, 2020, Municipal Council resolved:

*“That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Rockwood Homes, to exempt Block 49, 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 exempt Block 49, 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 registered subdivision agreements and are zoned Residential R4 Special Provision (R4-5(2)) in Zoning By-law No. Z.-1, which permits street townhouse dwellings with a minimum garage front yard depth of 5.5m, a minimum exterior side yard main building depth of 3.0m and a minimum interior side yard depth of 1.5m;
- (b) The following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part-Lot Control By-law for Block 49, 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. The applicant shall provide a draft transfer of the easements to be registered on title for the reciprocal use of parts 2, 5, 7, 9, and 11 by parts 1, 3, 4, 6, 8 and 10; 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.

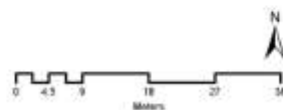
Location Map



**LOCATION MAP**

Subject Site: 2805 Asima Drive  
File Number: P-9220  
Planner: Sean Meksula  
Date: 14/06/2020

Corporation of the City of London  
Prepared By: Planning and Development



Scale 1:800

**Legend**

- Subject Site
- Buildings
- Driveways/Parking Lots
- Parks

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 September 24, 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;*

Satisfied by registration of reference plan 33R-20708.

- 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 September 24, 2020 and City staff (GIS Data Technician) confirmed by email on October 1, 2020 that a digital file has been submitted in a format acceptable to the City of London.

- 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 installation of Hydro Services on May 17, 2019 and London Hydro Lot billing on September 20, 2020.

- 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 by the acceptance of Lot Grading and Servicing Plans submitted as per Site Plan Application SPA18-074.

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

Satisfied as the subdivision agreement was registered by instrument ER1237718 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;*

Satisfied by service installation and approved by City conditional assumption on October 13, 2017 for Block 49.

- 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 on October 22, 2018. *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-20708

- ix. *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-20708

- x. *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;*

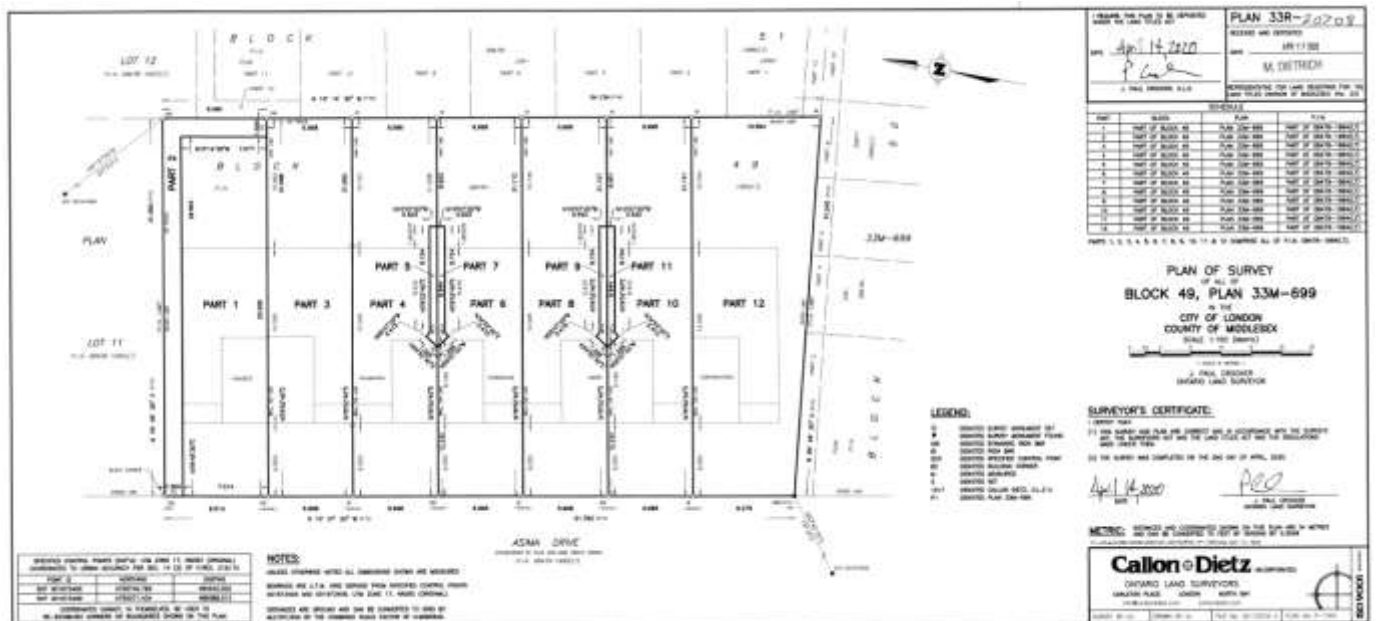
Satisfied as per issuance of building permit number 19-038733 issued for Block49.

- xiv. *The applicant shall provide a draft transfer of the easements to be registered on title for the reciprocal use of parts 2, 5, 7, 9, and 11 by parts 1, 3, 4, 6, 8 and 10; and,*

Satisfied as easements will be same as the Block 52 transfers that were registered as Instrument Number ER1298110 dated April 20, 2020.

- xi. *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 September 24, 2020.



Plan 33R-20708

## 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 seven (7) freehold street townhouse dwelling units on a local street (Asima Drive). 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 be freehold street townhouse units, approximately two storeys in height, and accessed from Asima Drive.

### 3.0 Relevant Background

#### 3.1 Planning History

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 residential blocks, and was registered on July 4, 2016 as plan 33M-699.

A Site Plan Application was submitted in 2018 (SPA18-074) for Block 49 of Plan 33M-699. The Site Plan was approved and a Development Agreement was entered into with the City of London, which was registered as ER1237718 on June 5, 2019.

The application for exemption from Part-Lot Control was considered by the Planning and Environment Committee on September 8, 2020, and Municipal Council on September 15, 2020. The attached recommended by-law implements Council's September 15, 2020 resolution and allows for the conveyance of individual lots within Block 49, Plan 33M-699.

### Conclusion

The recommended exemption from Part-Lot Control is considered appropriate and in keeping with the planned intent of the Summerside Subdivision. The conditions have been satisfied and the exemption from Part-Lot Control is recommended to allow for the creation of individual units.

<b>Prepared by:</b>	<b>Sean Meksula, MCIP, RPP 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: Lou Pompili, Manager, Development Services (Subdivisions)  
cc: Matt Feldberg, Manager, Development Services (Subdivisions)  
cc: Ted Koza, Manager, Development Services (Subdivisions)

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**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 2805 Asima Drive, legally described as Block 49 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 at 2805 Asima Drive, legally described as Block 49 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 49 in Registered Plan 33M-699, located at 2805 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 noted 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.
3. This by-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on November 10, 2020.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – November 10, 2020  
Second Reading – November 10, 2020  
Third Reading – November 10, 2020