

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: Sifton Properties Ltd.
3620 Southbridge Avenue

Meeting on: November 16, 2020

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 November 24, 2020 to exempt Block 124, Plan 33M-785 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 124, Plan 33M-785 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 twenty-three (23) street townhouse units, with access provided by means of Southbridge Avenue.

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 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 Sifton Properties Limited to exempt Block 124, Plan 33M-785 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 124, Plan 33M-785 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 holding Residential R4 Special Provision (h*h-100 R4-6(8)) in Zoning By-law No. Z.-1, which permits street townhouse dwellings with a minimum lot frontage of 7.0m;
- (b) The following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part-Lot Control By-law for Block 124, Plan 33M-785 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, 3, 4, 7, 11, 12, 15, 16, 18, 19, 20, 23, 27, 28, 29, 32, 33, 34, 37, 41, 42, 45 and 46 by parts 1, 5, 6, 8, 9, 10, 13, 14, 17, 21, 22, 24, 25, 26, 30, 31, 35, 36, 38, 39, 40, 43 and 44; 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.*

2.0 Description of Proposal

2.1 Development Proposal

The Applicant, Sifton Properties Limited, has requested exemption from part-lot control to create a total of twenty-three (23) two-storey freehold street townhouse dwelling units on a local street (Southbridge Avenue). The dwellings will be freehold street townhouse units, approximately two storeys in height, and accessed from Southbridge Avenue.

3.0 Revelant Background

3.1 Planning History

The application for Draft Plan of Subdivision Approval (file 39T-15501/Z-8470) was submitted for the lands located at 132, 146 and 184 Exeter Road on March 12, 2015. Municipal Council approved the plan and the associated zoning by-law amendment, and the Approval Authority granted draft approval on January 27, 2017.

Phase 1A consisted of two (2) medium density multi-family blocks, one future street block, and 6 reserve (0.3 m, 1 ft.) blocks, all served by two new local streets, Mia Avenue and Kennington Way, was registered on July 12, 2019 as 33M-765. Phase 1B, consisting of forty two (42) single family lots, one (1) medium density blocks, two (2) open space blocks, four (4) 0.3 metre reserves, all served by two (2) new streets, Middleton Avenue and Kennington Way, was registered on October 9, 2019 as 33M-769.

Phase 2, which includes the subject lands (Block 124), consists of one hundred twenty-three (123) single detached lots, four (4) multi-family blocks, two (2) street townhouse blocks, one (1) open space block, four (4) pathway blocks, one (1) park block, and six (6) one foot reserve blocks, all served by one (1) new secondary collector/neighbourhood connector road (Middleton Avenue), and six (6) new local/neighbourhood streets (Southbridge Drive, Southbridge Avenue, Somerston Crescent, Lynds Street, Knott Drive, Earlston Crossing), was registered on June 8, 2020 as plan 33M-785.

Through the original draft plan of subdivision, staff interpreted these lands to be within the Medium Density Residential designation of the SWAP and the (1989) Official Plan. The same interpretation has been applied to this application.

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 October 26, 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-20856.

- 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 October 26, 2020 and City staff confirmed by email on November 3, 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 approval from London Hydro on October 23, 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 SPA20-017.

- 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.

- 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 September 24, 2020.

- 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-20856.

- 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-20856.

- 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;*

Staff are satisfied that servicing will be in place prior to the issuance of building permits

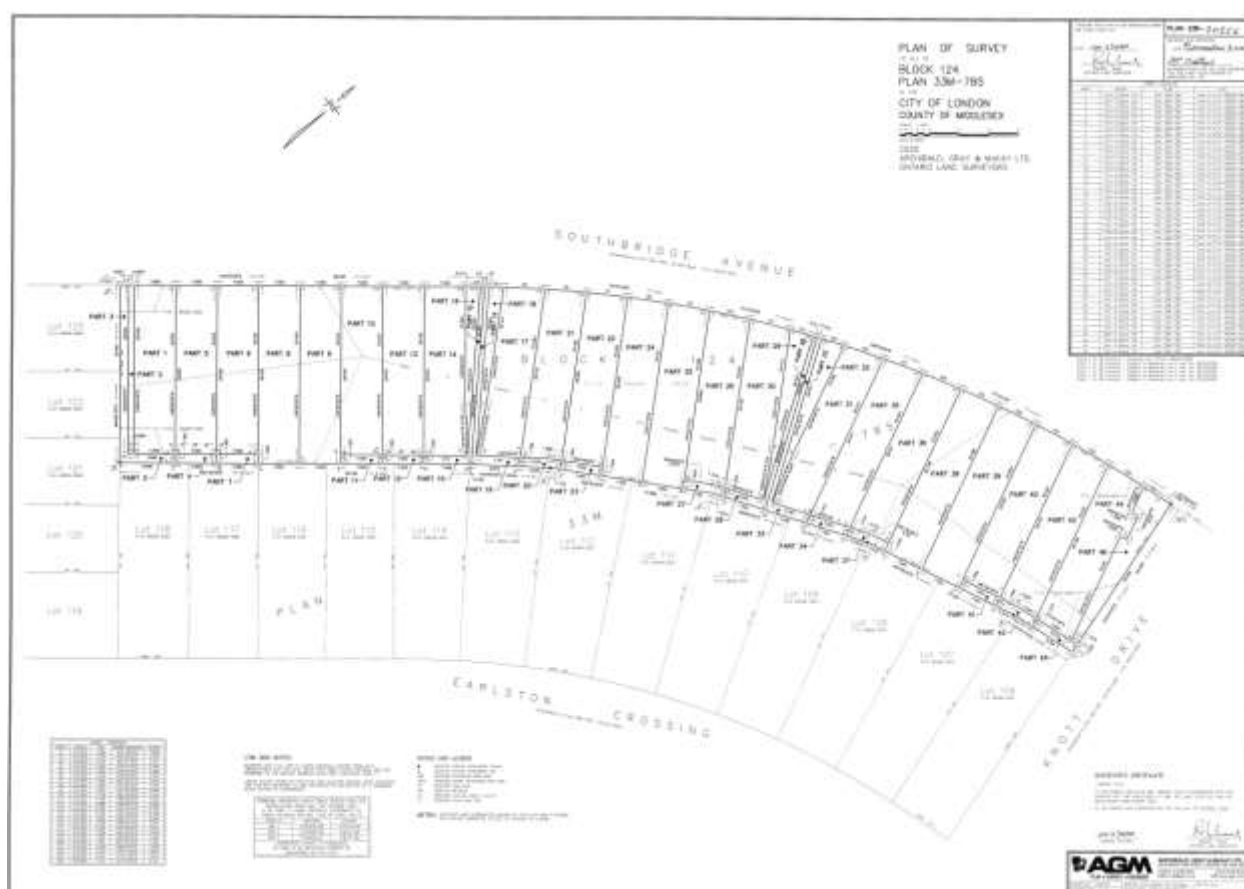
- xii. *The applicant shall provide a draft transfer of the easements to be registered on title for the reciprocal use of parts 2, 3, 4, 7, 11, 12, 15, 16, 18, 19, 20, 23, 27, 28, 29, 32, 33, 34, 37, 41, 42, 45 and 46 by parts 1, 5, 6, 8, 9, 10, 13, 14, 17, 21, 22, 24, 25, 26, 30, 31, 35, 36, 38, 39, 40, 43 and 44; and,*

Satisfied as the applicant has provided a draft transfer for the easements to be designated as Part 1 to 46 on Block 124 dated October 24, 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 the applicant on October 26, 2020.

REFERENCE PLAN 33R-20856



Conclusion

The recommended exemption from Part-Lot Control is considered appropriate and in keeping with the planned intent of the Middleton Subdivision. 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:	Sean Meksula, 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
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: Michael Pease, Manager, Development Services (Site Plan)
cc: Matt Feldberg, Manager, Development Services (Subdivisions)
cc: Ted Koza, Manager, Development Services (Subdivisions)

SM/

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 3620 Southbridge Avenue, legally described as Block 124 in Registered Plan 33M-785.

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 3620 Southbridge Avenue, legally described as Block 124 in Registered Plan 33M-785, from Part Lot Control;

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

1. Block 124 in Registered Plan 33M-785, located at 3620 Southbridge Avenue, east of Middleton Avenue, 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 (R4-6(8)) 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 – November 24, 2020
Second Reading – November 24, 2020
Third Reading – November 24, 2020