

## 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:** Application By: Goldfield Ltd.  
1160 Wharncliffe Road South

**Meeting on:** February 8, 2021

## Recommendation

That, on the recommendation of the Director, Development Services, with respect to the application by Goldfield Ltd., the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on February 23, 2021 to exempt Block 2, 3, 4, 5 and 7, Plan 33M-786 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 Blocks 2, 3, 4, 5 and 7 in Registered Plan 33M-786 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 forty-four (44) street townhouse units, with access provided via Lismer Lane, Emily Carr Lane and David Milne Way.

### 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.

## Linkage to the Corporate Strategic Plan

Building a Sustainable City - London's growth and development is well planned and sustainable over the long term.

## Analysis

### 1.0 Planning History

The subject lands were part of a subdivision application submitted on September 18, 2006. Revised draft plan submissions were submitted by the Applicant on February 25, 2007, and on September 5, 2007. These applications were later appealed to the OMB on April 17, 2008 by the applicant. Subsequent to this, the appeals were withdrawn and the files closed.

On October 17, 2016, a "new" application for draft plan of subdivision approval and zoning by-law amendment was accepted as complete for this property. The proposed plan of subdivision consisted of seven (7) medium density residential blocks, two (2) local public streets and the extension of Lismer Way to the west. The application received draft approval on October 23, 2018 and final approval on June 29, 2020.

Blocks 2-5 and 7 were subject to Site Plan Approval applications (SPA20-30, SPA20-31, SPA20-32). Security has been provided and a development agreement entered into on July 31, 2020 for the above mentioned applications.

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 2, 3, 4, 5 and 7, Plan 33M-786.

## 1.2 Background Information

At its meeting held on September 8, 2020, Municipal Council resolved:

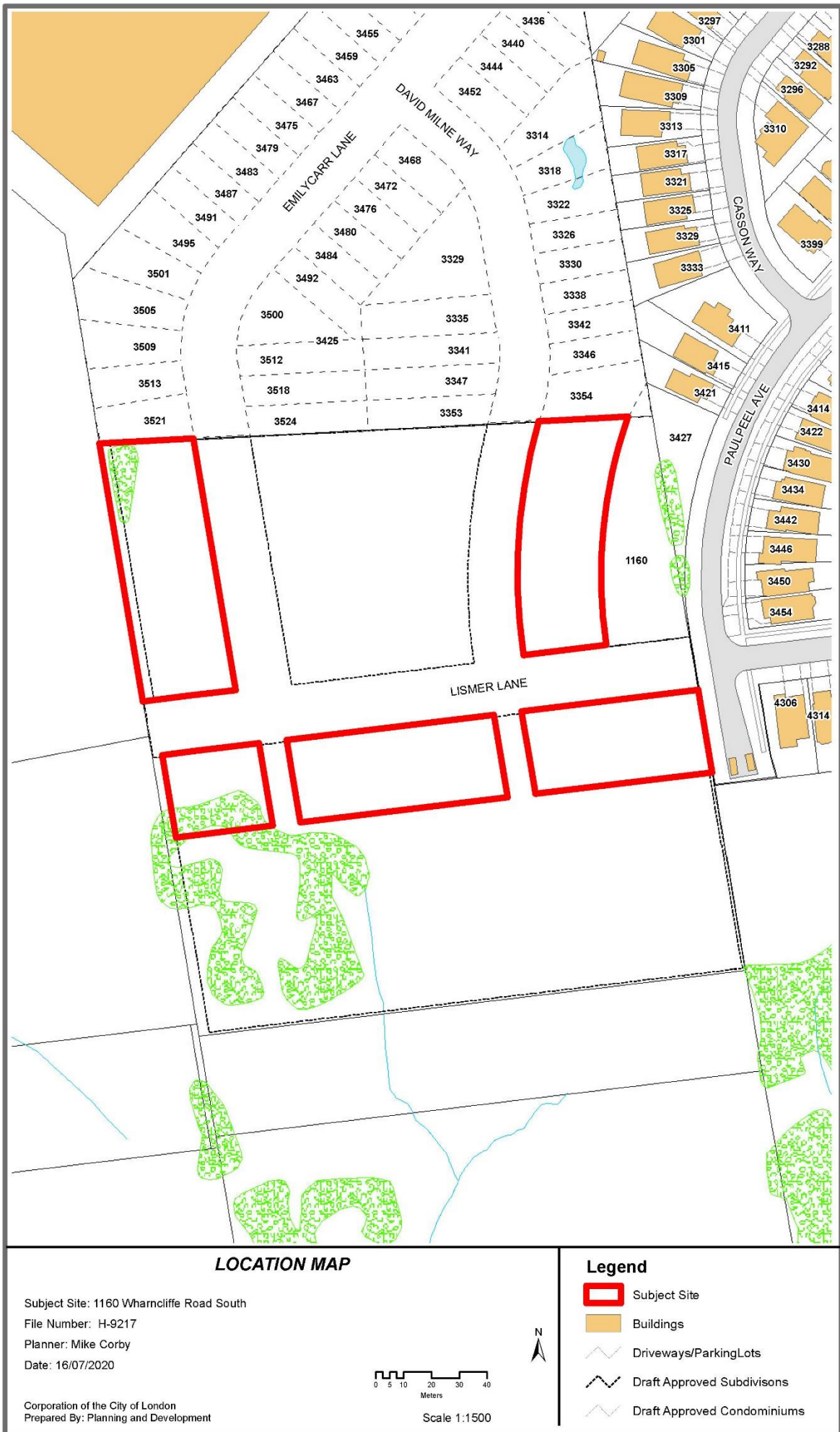
*"That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application by Goldfield Ltd. to exempt Block 2, 3, 4, 5 and 7, Plan 33M-786 from Part-Lot Control:"*

- (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 2, 3, 4, 5 and 7, Plan 33M-786 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 (R4-4(2)) in Zoning By-law No. Z.-1, which permits street townhouse dwellings with a minimum lot frontage of 6.7m, a minimum exterior and interior side yard depth of 1.2m and maximum lot coverage of 45%;
- (b) The following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part-Lot Control By-law for Block 2, 3, 4, 5 and 7, Plan 33M-786 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. 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.*

### 1.3 Location Map



## 2.0 Discussion and Considerations

The applicant, Goldfield Ltd., has requested exemption from part-lot control to create a total of forty-four (44) freehold townhouse dwelling units on multiple local streets (Lismer Lane, Emily Carr Lane and David Milne Way). The plan of subdivision was registered (33M-786) on June 29, 2020 as seven (7) multi-family medium density residential blocks, all served by the above mentioned local streets. The dwellings will be freehold street townhouse units, approximately three storeys in height.

## 3.0 Financial Impact/Considerations

Through the completion of the works associated with this application fees, development charges and taxes will be collected. There are no direct financial expenditures associated with this application.

## 4.0 Key Issues and Considerations

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 January 20, 2021.

- 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-20916.

- 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 January 20, 2021 and City staff (GIS Data Technician) confirmed by email on January 26, 2021 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;*

Hydro servicing locations and equipment have been installed (July 3, 2020) within the subject lands to service the units identified in the aforementioned reference plan. A servicing agreement (Joint Services Letter) has been executed between London Hydro Inc. and Goldfield Ltd., dated April 28, 2020, which is predicated on the lot layout set out in the reference plan.

- 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 SPA20-30, SPA20-31, SPA20-32.

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

Satisfied as the subdivision agreement was registered by instrument ER1315885 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;*

All the services have been constructed and conditional clearance was provided on October 13, 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 on January 28, 2021.

- 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-20916.

- 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-20916.

- 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;*

Satisfied as per issuance of certificate of conditional approval on October 13, 2020 noting to the Chief Building Official that Development Services does not object to the issuance of FULL building permits.

- xii. *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 January 20, 2021.



## Conclusion

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

**Prepared by:**

**Mike Corby, 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**

cc: Bruce Page, Manager, Development Services (Subdivisions)  
cc: Matt Feldberg, Manager, Development Services (Subdivisions)  
cc: Mike Pease, Manager, Development Planning (Site Plan)

MC/mc



## 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, lands located at 1160 Wharnccliffe Road South, legally described as Block 2, 3, 4, 5 and 7 in Registered Plan 33M-786.

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 1160 Wharnccliffe Road South, legally described as 2, 3, 4, 5 and 7 in Registered Plan 33M-786, from Part-Lot Control;

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

1. Block 2, 3, 4, 5 and 7 in Registered Plan 33M-786, located at 1160 Wharnccliffe Road South, 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.
3. This by-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on February 23, 2021.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – February 23, 2021  
Second Reading – February 23, 2021  
Third Reading – February 23, 2021