

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas, P. Eng.
Deputy City Manager, Planning and Economic Development

Subject: Exemption from Part-Lot Control
Application By: Kenmore Homes (London) Inc. c/o Ric Knutson
Address: 1620 Noah Bend

Meeting on: June 21, 2021

Recommendation

That, on the recommendation of the Director, Planning and Development, with respect to the application by Kenmore Homes (London) Inc., the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on November 24, 2020 to exempt Block 95, 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 95, 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 nine (9) street townhouse units, with access provided by way of Noah Bend.

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.

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 Background Information

On December 20, 2017, the City of London Approval Authority granted final approval to the phase 2 of draft plan 39T-08502. This phase contained ninety-seven (97) single detached residential lots, eight (8) multi-family residential blocks, served by four (4) new local streets. The subject lands were part of this phase being one of the multi-family residential blocks. The draft plan of subdivision 39T-08502 was registered in February 2018 as plan 33M-733.

1.1 Previous Reports Related to this Matter

January 2011 – Report to Built and Natural Environment Committee relating to the Subdivision, Official Plan amendment and Zoning By-law amendment applications by Kenmore Homes (London) Inc.

March 26, 2012 - Report to Built and Natural Environment Committee relating to the revised Subdivision, Official Plan amendment and Zoning By-law amendment applications by Kenmore Homes (London) Inc.

November 5, 2012- Report to Planning and Environment Committee relating to the appeal of to the Ontario Municipal Board.

February 4, 2014- Report to Planning and Environment Committee relating to the withdrawal of the appeal to the Ontario Municipal Board.

March 2016 - Report on Special Provisions for Phase I.

February 20, 2018 - Report to Planning and Environment Committee relating to the Zoning By-law amendment applications by Kenmore Homes (London) Inc., to allow for the subject lands to be developed for street townhouse uses with 45% coverage.

1.2 Previous Meeting

At its meeting held on May 25, 2021 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 95, 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 95, 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 95, 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 1620 Noah Bend to indicate that all municipal servicing can be provide to each property/block created without conflict.

1.3 Property Description

The subject site is located on Noah Bend, which is generally located southeast of Gainsborough Road and east of Hyde Park Road. The site has a mix of high and medium density residential located to the north, commercial to the west, low density residential to the east, and a mix of medium and low density residential to the south. The site has proximity to Maple Wood Park, and St. John French Immersion Catholic Elementary School.

1.4 Current Planning Information

- The London Plan Place Type – Neighbourhoods Place Type
- Official Plan Designation – Multi-Family Medium Density Residential
- Existing Zoning – Residential R4 Special Provision (R4-4(4))

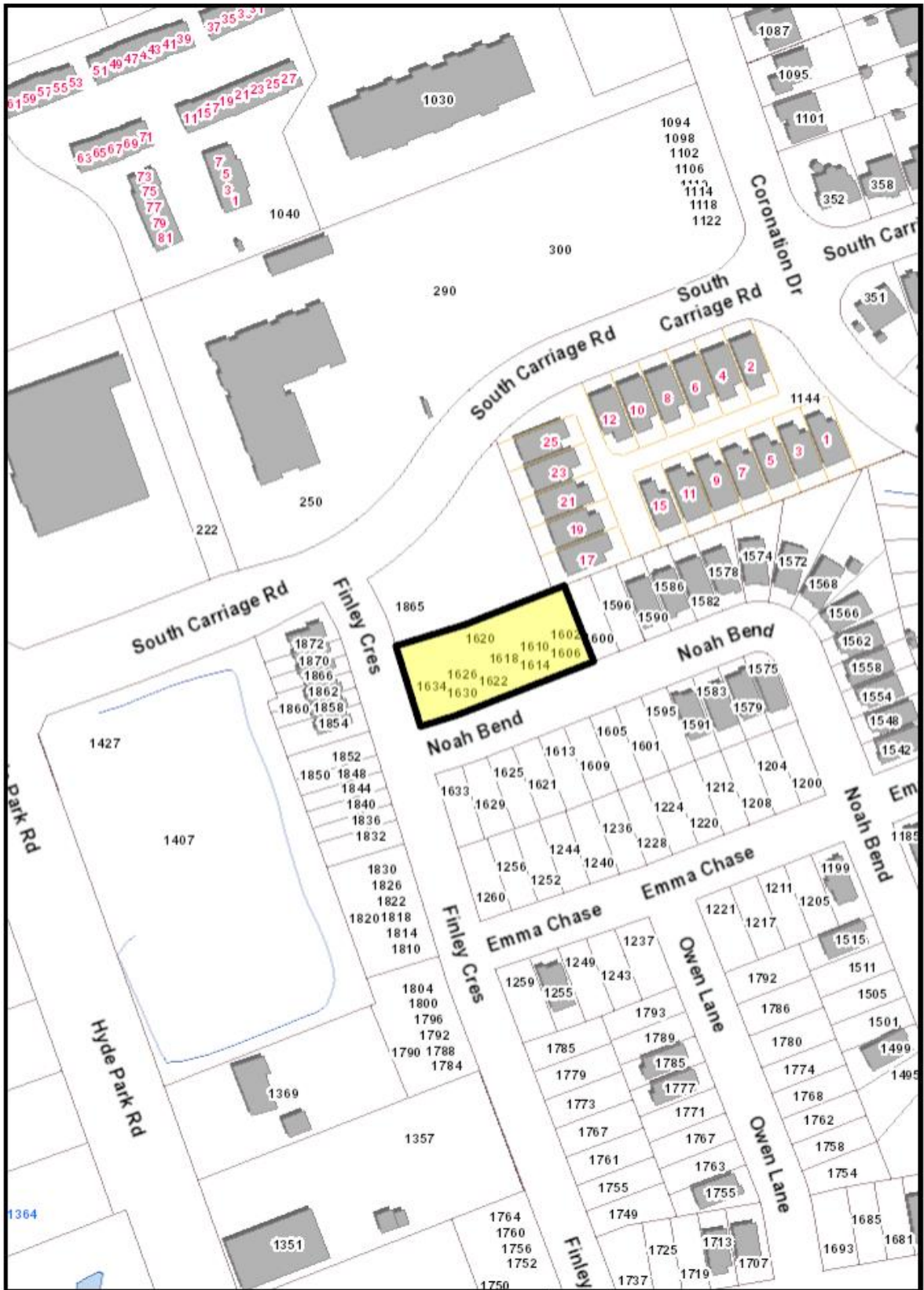
1.5 Site Characteristics

- Current Land Use – vacant
- Frontage – 73.84
- Area – 0.21 hectares
- Shape – rectangular

1.6 Surrounding Land Uses

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

LOCATION MAP



Location Map

Subject Property: Part Lot Control
 Applicant: KENMORE HOMES (LONDON) INC.
 File Number: P-9338
 Created By: Sean Meksula
 Date: 4/16/2021
 Scale: 1:2000

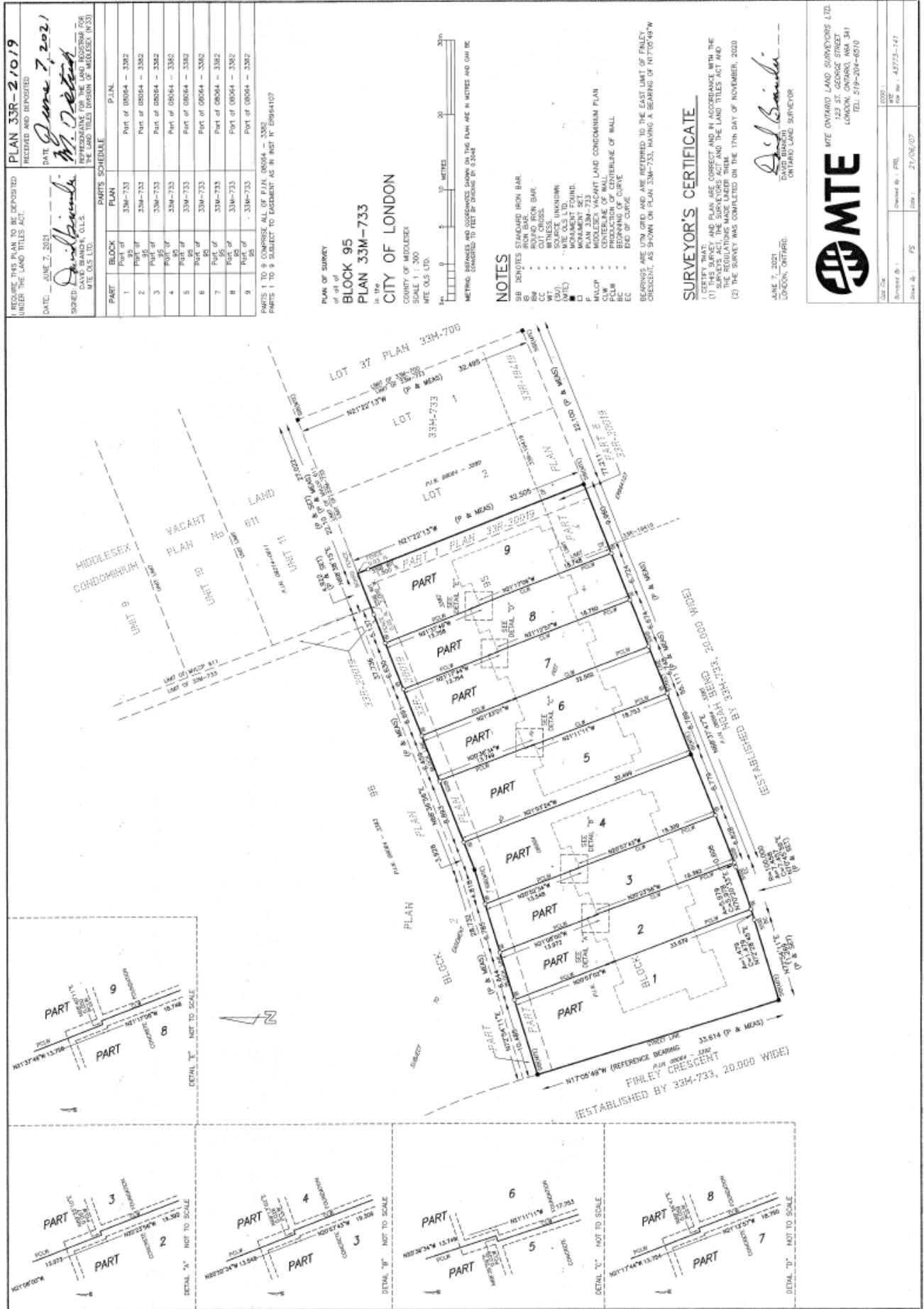
Corporation of the City of London



Legend

- Subject Property
- Parks
- Assessment Parcels
- Buildings
- 123 Address Numbers

REFERENCE PLAN 33R-21019



2.0 Discussion and Considerations

The Applicant, Kenmore Homes (London) Inc., has requested exemption from part-lot control to create a total of nine (9) street townhouse units. The plan of subdivision was registered in February 2018 as a multi-family medium density residential block. The dwellings will be street townhouse units, one or two storeys in height, and accessed off Noah Bend.

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.

3.1 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 no additional conditions were needed.

3.2 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* allow 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 lots to ensure that the eventual lot lines match the foundation for the building and are constructed exactly on the property boundaries. Part-Lot Control may be exempted to allow a property owner to legally divide a block within their registered plan of subdivision.

4.0 Exemption from Part-Lot Control

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 June 7, 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-21019 as the draft reference plan complies with the Zoning on the lands.

- 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 June 7, 2021.

- 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;

Satisfied by the acceptance of Lot Grading and Servicing Plans submitted as per Site Plan Application SPA18-049.

- 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 August 12, 2019.

- 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-21019.

- 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-21019.

- 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 19023614.

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

Satisfied by the applicant's Solicitor.

- 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 June 7, 2021.

- xiv. In accordance with condition v), the applicant provide servicing drawings of municipal servicing to each of the blocks created within 1620 Noah Bend to indicate that all municipal servicing can be provide to each property/block created without conflict.

Engineering has confirmed June 8, 2021 this condition has been satisfied through the acceptance of lot grading and servicing plans submitted through Site Plan Approval.

Conclusion

The recommended exemption from Part-Lot Control is considered appropriate and in keeping with the planned intent of the Beirens (Westfield) 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, Subdivision Planning

Reviewed by: Bruce Page, MCIP, RPP
Manager, Subdivision Planning

Recommended by: Gregg Barrett, AICP
Director, Planning and Development

Submitted by: George Kotsifas, P. Eng.
Deputy City Manager,
Planning and Economic Development

cc: Matt Feldberg, Manager, Subdivisions and Condominiums
cc: Bruce Page, Manager, Subdivision Planning
cc: Peter Kavcic, Manager, Subdivision Engineering
cc: Michael Pease, Manager, Site Plan

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 1620 Noah Bend, legally described as Block 95 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 1620 Noah Bend, legally described as Block 95 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 95 in Registered Plan 33M-733, located at 1620 Noah Bend, 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; it being noted that these lands are zoned to permit street townhouse units in conformity with the Residential R4 Special Provision (R4-4(4)) 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 July 6, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – July 6, 2021
Second Reading – July 6, 2021
Third Reading – July 6, 2021