

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: Application by: Sifton Properties Limited
2120 Kains Road

Date: July 26, 2021

Recommendation

That, on the recommendation of the Director, Planning and Development, the following action be taken with respect to the application by Sifton Properties Limited to exempt the following lands from Part Lot Control:

- (a) pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the proposed by-law attached as Appendix “A”, **BE INTRODUCED** at the Municipal Council meeting on August 10, 2021, to exempt part of Block 6 on Registered Plan 33M-429, more accurately described as Parts 3 to 6, inclusive, on Plan 33R-19849, from the Part Lot Control provisions of subsection 50(5) of the said *Act*; and,
- (b) the applicant **BE ADVISED** that the cost of registration of the above-noted By-law is to be borne by the applicant, in accordance with City policy.

Executive Summary

The application request is for approval to exempt a portion of a block within a registered plan of subdivision from the Part Lot Control provisions of the Planning Act. Exemption from Part Lot Control will allow the applicant to complete easement agreements granting legal access over the private road known as Ed Ervasti Lane (PVT) located within the Riverbend Golf Community.

The applicant will not be required to satisfy conditions prior to the passing of the Exemption from Part Lot Control By-law as Site Plan Approval has been previously given and a Development Agreement entered into. A reference plan of survey has also been approved and deposited at the Land Registry Office. Sifton Properties Limited has been advised the cost of registration of the by-law is to be borne by the applicant, in accordance with City policy.

Linkage to the Corporate Strategic Plan

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

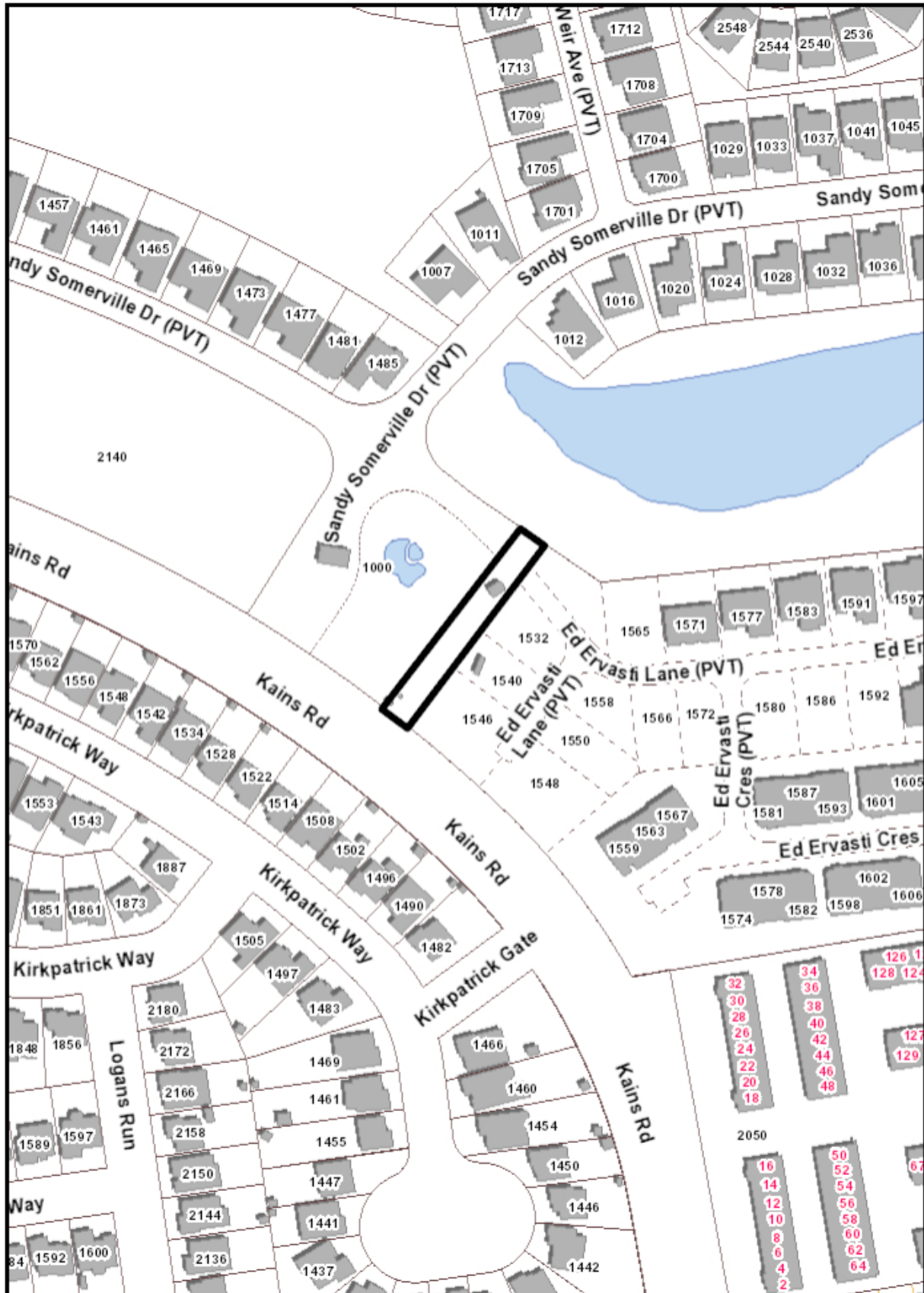
Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

April 30, 2018 – Report to Planning and Environment Committee – Riverbend Golf Community Phase 9, east side of Kains Road, north of Shore Road (Block 1 Plan 33M-721) - Application for Exemption from Part Lot Control – Sifton Properties Limited (File No. P-8762).






1.2 Location Map



Location Map

Subject Property:
 Applicant: SIFTON PROPERTIES LIMITED
 File Number: P-9359
 Created By: Larry Mottram
 Date: 6/30/2021
 Scale: 1:2000

Legend

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



residential tenure is based on a long term, leasehold interest as opposed to freehold or condominium forms of ownership. Development of this community has proceeded in phases over time with the most recent phase (Phase 9) consisting of thirty-six (36) cluster residential detached dwellings and twenty-one (21) attached townhomes, with access provided via a private internal access road.

As each phase has progressed, Sifton Properties applied to the City for an Exemption from Part Lot Control in order to create individual residential units on a long-term land lease basis. Municipal Council approved the Exemption from Part Lot Control By-law for Phase 9 on May 8, 2018. Subsequently, the applicant discovered a narrow gap existed between Phase 1 (which includes the controlled entrance and gatehouse to the Riverbend Golf Community) and Phase 9 which was inadvertently missed at the time of passing of the Part Lot Control By-laws. That residual strip of land identified as Parts 3, 4, 5 and 6 on Reference Plan 33R-19849, as shown on the preceding page, is the subject of this application.

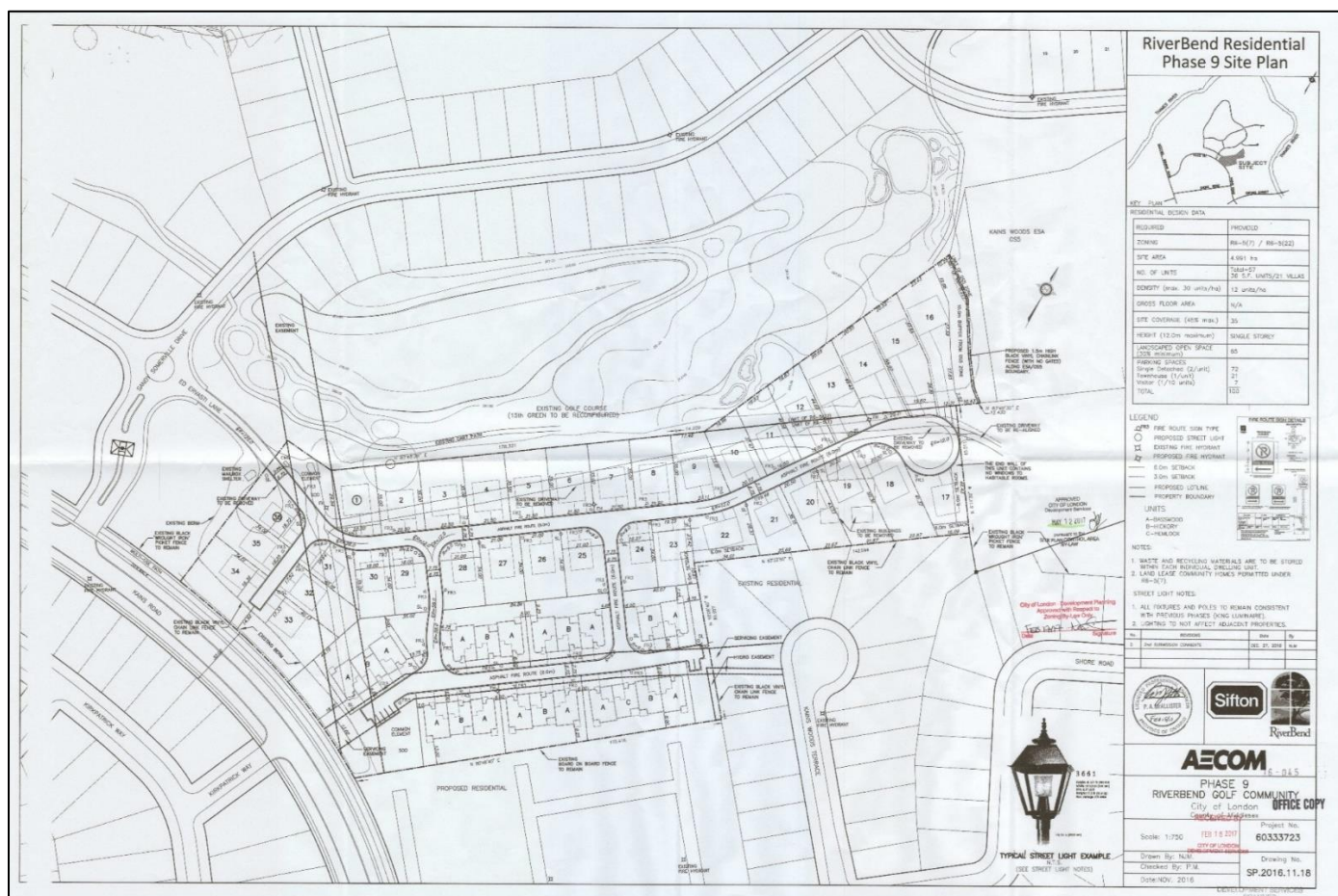
3.0 Financial Impact/Considerations

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

4.1. Proposed Development

The approved site plan for Phase 9 is shown below with access provided by an internal private road leading to the main entrance and gatehouse on Kains Road. Exemption from Part Lot Control will allow the applicant to complete easement agreements granting legal access over the private road known as Ed Ervasti Lane (PVT) located within the Riverbend Golf Community in accordance with the approved Site Plan and Development Agreement. The subject strip of land is not proposed to be developed.



In accordance with Council Policy, requests for exemption to Part-Lot Control will be considered as follows:

- a) *appropriately zoned lots and blocks of registered plans of subdivision may be exempted from part-lot control for the purpose of establishing individual properties for conveyance or other purposes where municipal services or agreements for extension of services are in place;*

The subject lands are located within Block 6 Registered Plan 33M-429, and are zoned Residential R6 (R6-5(7)). However, there will be no lot creation for the purposes of conveyance or any form of residential development proposed on the subject lands.

- b) *exemption from part-lot control is used to implement the intended lotting of a portion of a registered plan where the complete division of land was not practical at the time of subdivision approval and registration;*

Granting an exemption from Part Lot Control will facilitate the provision of legal access over a portion of the private road known as Ed Ervasti Lane (PVT) to serve residents within Phase 9, as well as an easement for access in favour of an external property owner who's driveway is located at the westerly end of the cul-de-sac of Ed Ervasti Lane.

- c) the nature and character of the subdivision are not to be changed by part-lot control exemption from that which was established by the subdivision plan and zoning by-law;

The part-lot control exemption does not change the nature or character of the planned residential golf course community.

- d) the removal of part-lot control is appropriate when a series of land divisions is necessary to allow sale of the constructed buildings and associated part-lots;

The removal of-part lot control is considered an appropriate mechanism for the creation of easements and access rights. No land division is proposed for the sale of the constructed buildings and associated part-lots.

- e) references will be made to the land severance guidelines, guidelines for private streets, and other pertinent policies when considering the appropriateness of exemption;

Development of the Riverbend Golf Community on private streets has been previously approved in accordance with the guidelines for private streets.

- f) the registration costs of by-laws passed at the request of the developer or subdivider, to exempt lands from part-lot control, will be borne by the applicant.

The recommendation in Part (b) of this report is that the applicant be advised that the cost of registration of the by-law is to be borne by the applicant, in accordance with City policy.

Conclusion

In accordance with the provisions of the *Planning Act*, Council may pass by-laws to exempt all, or parts of registered plans of subdivision from Part Lot Control. The recommended exemption is considered appropriate and in keeping with the Riverbend Golf Community Master Plan. There are no conditions recommended to be imposed by Municipal Council prior to the passing of the Exemption from Part Lot Control By-law. Sifton Properties Limited has been advised the cost of registration of the by-law is to be borne by the applicant, in accordance with City policy.

Prepared by: **Larry Mottram, MCIP, RPP**
Senior Planner, Subdivisions and Condominiums

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**

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: Matt Feldberg, Manager, Subdivisions and Condominiums
Bruce Page, Manager, Subdivision Planning
Michael Pease, Manager, Site Plans

July 16, 2021
GK/GB/BP/LM/lm

Y:\Shared\ADMIN\1- PEC Reports\2021 PEC Reports\10 - Jul 26\2120 Kains Rd - P-9359 PEC (LM).docx

Appendix A

Bill No. (Number to be inserted by
Clerk's Office)
2021

By-law No. (Number to be inserted by
Clerk's Office)

A by-law to exempt from Part Lot
Control lands located on the east side of
Kains Road, north of Shore Road; being
composed of Part of Block 6 on
Registered Plan No. 33M-429, more
accurately described as Parts 3 to 6,
inclusive, on Plan 33R-19849, in the
City of London, County of Middlesex.

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 on the east side of Kains Road, north of Shore Road; being composed of Part of Block 6 on Registered Plan No. 33M-429, more accurately described as Parts 3 to 6, inclusive, on Plan 33R-19849, from Part Lot Control;

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

1. Lands located on the east side of Kains Road, north of Shore Road; being composed of Part of Block 6 on Registered Plan No. 33M-429, more accurately described as Parts 3 to 6, inclusive, on Plan 33R-19849, in the City of London, County of Middlesex, 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.
2. This By-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021