

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: Town and Country Developments (2005) Inc
2313 and 2373 Callingham Drive

Meeting on: November 22, 2021

Recommendation

That, on the recommendation of the Director, Planning and Development, with respect to the application by Town and Country Developments (2005) Inc., the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on December 7, 2021 to exempt Blocks 2 and 3 of Registered Plan 33M-664 from the Part-Lot Control provisions of Subsection 50(5) of the *Planning Act*, for a period not exceeding six (6) months.

Executive Summary

Summary of Request

Request for approval to exempt Blocks 2 and 3 of Registered Plan 33M-664 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-seven (27) freehold street townhouse lots with individual accesses to Callingham 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 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 12, 2017, Municipal Council approved an application by Town and Country Developments (2005) Inc. to Exempt from Part Lot Control a number of townhouse dwellings fronting on Callingham Drive, located south of Sunningdale Road. Council directed that a by-law be introduced at a future meeting to exempt Blocks 2 and 3, in Registered Plan 33M-664, from the Part Lot Control provisions of subsection 50(5) of the Planning Act for a period not to exceed three (3) years; it being pointed out that these lands are subject to a registered subdivision agreement and are zoned as Residential R4 (R4-6) in Zoning By-law No. Z.-1.

The applicant was required to satisfy a number of conditions prior to the passage of the Part Lot Control by-law including the submission of a draft reference plan for review and approval to ensure the proposed part lots and development plans comply with the zoning bylaw; and that the applicant enter into an amended subdivision agreement for the installation of all works and services, for lot grading in accordance with the accepted final design of the lots, and for provision of adequate security. The subdivision agreement was

amended, and all conditions were cleared. The reference plan showing the final lot development was deposited in the Land Registry as Reference Plan No. 33R-20244, and a Certificate of Conditional Approval for the proposed lots was subsequently issued.

The applicant recently met with City staff and advised that the purpose of the request for extension of Exception from Part Lot Control is to complete pending sales in mid December 2021. The by-law is set to expire on December 13, 2021. Several of the lots have sold/closed with new home purchasers, however, there are ten (10) outstanding lots that require additional time to close. An extension of the by-law for an additional six (6) months will facilitate the sale/closing of these lots.

1.1 Previous Reports Related to this Matter

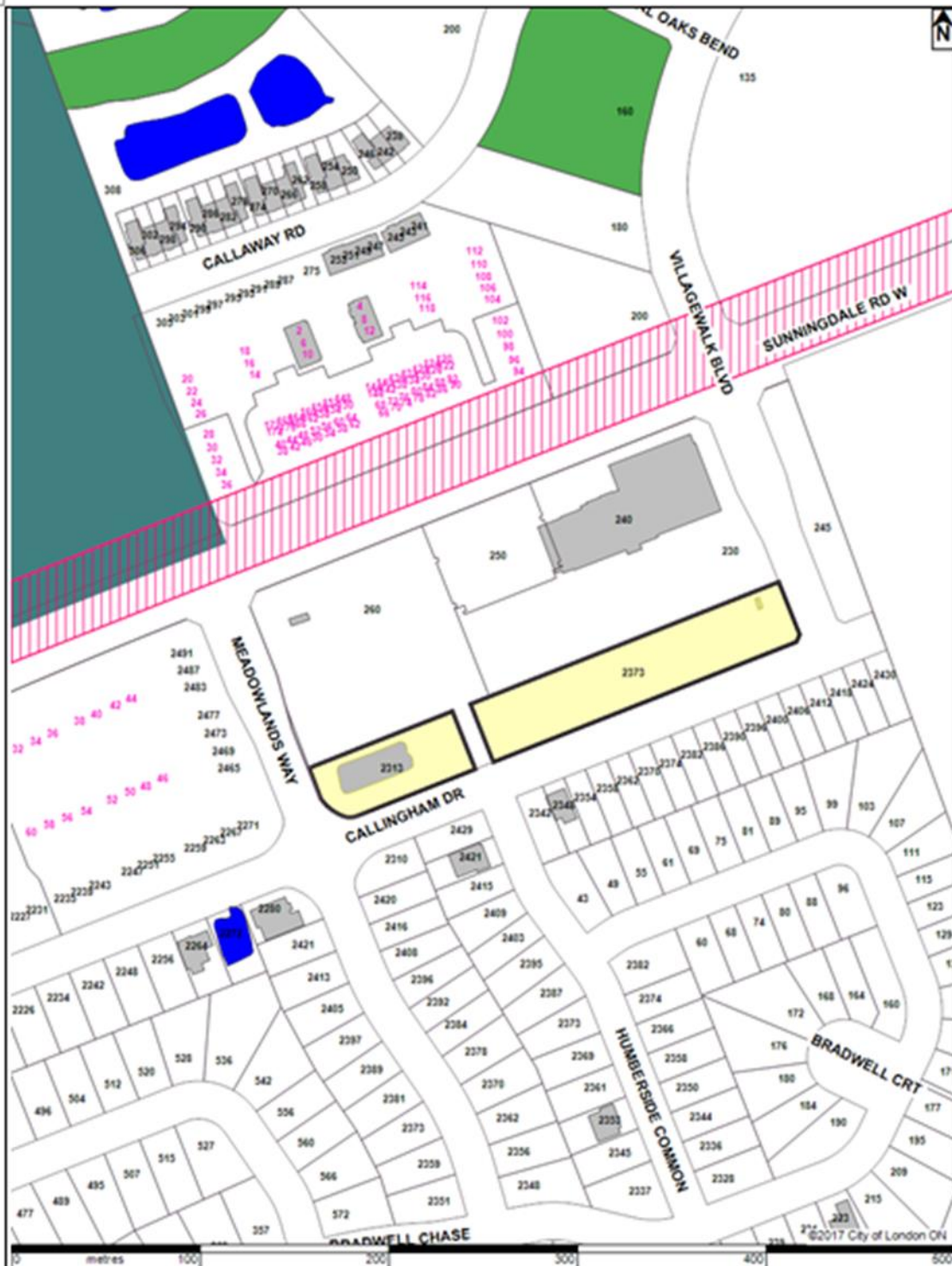
November 12, 2018 – Report to Built and Natural Environment Committee seeking approval for exception to part lot control for Blocks 2 and 3 of Registered Plan 33M-664.

1.2 Property Description

The subject site is located on Callingham Drive, which is generally located south of Sunningdale Road and west of Richmond Street.

- East – residential
- South – future residential
- West – commercial

1.2 Location Map








LOCATION MAP

Subject Site: 2313 Callingham Drive
 Applicant: Town
 File Number: P-8830
 Planner: Craig Smith
 Created By: Craig Smith
 Date: 2017-10-16
 Scale: 1:2500

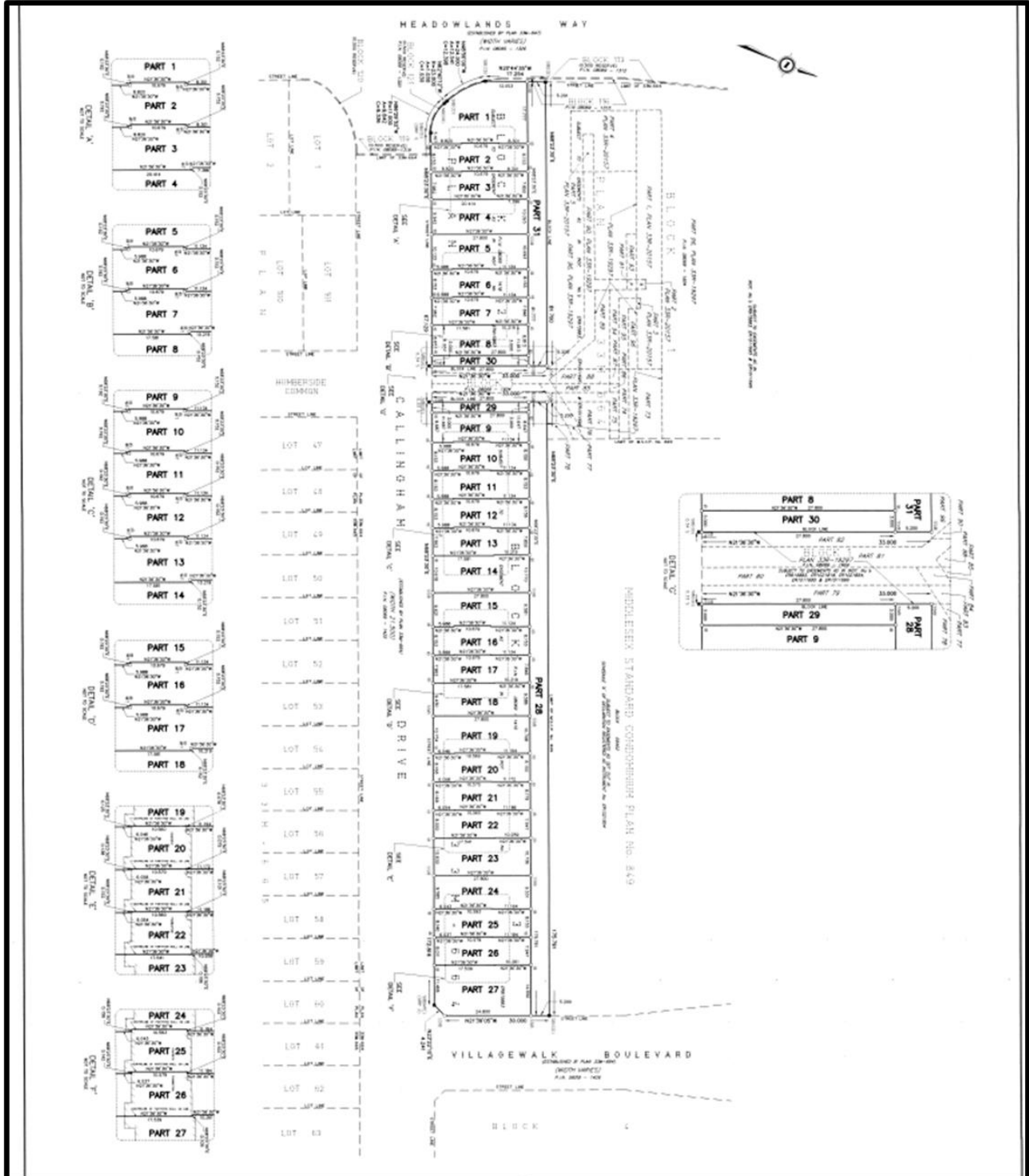
Corporation of the City of London
 Prepared By: Planning and Development



LEGEND

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

1.8 Reference Plan 33R-20244



2.0 Discussion and Considerations

The Applicant, Town and Country Developments (2005) Inc., has requested an extension to the exemption from part-lot control to create a total of six twenty-seven (27) freehold street townhouse lots. Council approved exception of part lot control for these lands in December 2018. The applicant has sold/closed seventeen (17) of the lots. The remaining ten (10) lots are to close by the end of the 2021. By-law C.P.-1530-512, the implementing part lot control by-law for these lands, is to expire on December 13, 2021. A six (6) month extension would facilitate the closing of these remain lots.

2.1 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.

2.2 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.

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.

Conclusion

The recommended exemption from Part-Lot Control is considered appropriate and in keeping with the planned intent of the 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: Michael Clark
Planner 1, Subdivision Planning

Reviewed by: Bruce Page,
Manager, Planning & Development

Recommended by: Gregg Barrett, RPP, PLE
Director, Planning and Development

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

cc: Matt Feldberg, Manager, Subdivisions and Development Inspections

MC/

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Appendix A

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

By-law No. C.P.- (*Number inserted by Clerk's Office*)

A by-law to exempt from Part-Lot Control, lands located at 2313 and 2373 Callingham Drive, legally described as Blocks 2 and 3 of Registered Plan 33M-664.

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 Town and Country Developments (2005) Inc., it is expedient to exempt lands located at, legally described as Blocks 2 and 3 in Registered Plan 33M-644, from Part Lot Control;

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

1. as Blocks 2 and 3 in Registered Plan 33M-644, located at 2313 and 2373 Callingham Drive, 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 six (6) months; it being noted that these lands are zoned to permit street townhouse units in conformity with the Residential R4 (R4-6) 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 December 7, 2021

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – December 7, 2021
Second Reading – December 7, 2021
Third Reading – December 7, 2021