

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: Scott Mathers, MPA, P.Eng.,
Deputy City Manager, Planning and Economic Development
Subject: Exemption from Part-Lot Control
Application By: Greengate Village Limited
Address: 3161 and 3138 Turner Crescent
Meeting on: March 7, 2022

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Greengate Village Limited to exempt Blocks 48 and 49 of Registered Plan 33M-790 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 Blocks 48 and 49, Plan 33M-790 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 (R4-5(3) R4-5(4)) in Zoning By-law No. Z.-1, which permits street townhouses, with special provisions regulating lot frontage, garage front yard depth, exterior side yard depth, and interior side yard depth;
- (b) The following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part-Lot Control By-law for Blocks 48 and 49, Plan 33M-790 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 Planning and Development 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 Planning and Development 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 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 Planning and Development 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 Planning and Development for 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 that requirements *d), e) and f)* inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Division for lots being developed in any future reference plan;
- xii. That not more than two (2) reference plans be approved to be registered as part of this application and that Greengate Village limited advise the City of the registration of each reference plan; 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

Executive Summary

Summary of Request

This report is for review and endorsement by Municipal Council to exempt Block 48 and 49 in Registered Plan 33M-790 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 twelve (12) street townhouse units, with access provided by means of Turner Crescent.

Rationale for Recommended Action

The standard conditions for passing the Part-Lot Control By-law are attached and are to be reviewed and endorsed by Municipal Council prior to the final by-law.

Linkage to the Corporate Strategic Plan

This application supports the Building a Sustainable City area of focus in the Corporate *Strategic Plan* by ensuring that the City of London's growth and development are well planned and sustainable over the long term.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

June 10, 2002 – Report to Planning Committee regarding Official Plan and Zoning By-Law Amendments (O-5356/Z-6230).

April 13, 2004 – Report to Planning Committee regarding Official Plan and Zoning By-Law Amendments (OZ-6577).

February 29, 2008 – Report to City of London Approval Authority for Draft Approval (39T-07508).

January 28, 2008 – Report to Planning Committee regarding Zoning By-Law Amendments (Z-7440).

October 15, 2012 – Report to London Consent Authority on severing two parcels from the Summerside Subdivision (B.019/12).

May 27, 2014 – Report to Planning and Environment Committee on Request for Extension of Draft Approval (39T-07508).

December 4, 2017 – Report to Planning and Environment Committee on Request for Extension of Draft Approval (39T-07508).

May 13, 2019 – Report to Planning and Environment Committee regarding Zoning By-Law Amendments and Red-Line Revisions to Draft Plan of Subdivision (Z-9021/39T-07508).

September 9, 2019 – Report to Planning and Environment Committee on Summerside Subdivision Phase 12B – Stage 2 Subdivision Special Provisions (39T-07508).

November 12, 2019 – Report to City of London Approval Authority on Summerside Subdivision Phase 12 B – Stage 2 Final Approval (39T-07508).

July 13, 2020 – Report to Planning and Environment Committee on Summerside Phase 12B – Stage 3 Subdivision Special Provisions (39P-07508).

November 11, 2020 – Report to Planning and Environment Committee on Summerside Phase 12B – Stage 2 Final Approval (39T-07508).

1.2 Planning History

The subject lands were originally included in a subdivision application submitted by the Jackson Land Corporation in 1992. This application included the lands bounded by Commissioners Road East, Jackson Road, Bradley Avenue and Highbury Road South, also referred to as the Summerside Subdivision. A new Draft Plan of Subdivision was required in October of 2003 for the lands bounded by Evens Boulevard, Jackson Road, Bradley Avenue and Meadowgate Boulevard, which includes the lands subject to this application, as significant revisions were requested by the Jackson Land Corp. These revisions included the replacement of high and medium density residential blocks with 264 single-detached dwelling lots and exchanging Turner Road as a Secondary Collector with six (6) new Local Streets.

The first phase of Draft Plan 39T-03513, known as Phase 12a, was granted Final Approval by the City of London Approval Authority on October 21, 2005. This plan was registered on October 27, 2005, as registered Plan 33M-533, and included 114 single-detached lots included in this phase, which were served by the Meadowgate Boulevard, Turner Crescent and Asima Drive. A request for a three (3) year extension to the Draft Approved Plan was requested in December of 2006 for 150 lots that has not yet been serviced and there were serviced lots remaining from the first phase. The extension was granted on June 20, 2007, and no appeals were received.

Jackson Land Corp. submitted a third Draft Plan of Subdivision in September 2007 to replace the existing draft approved and registered plan of subdivision, and assigned file number 39T-07508. This new draft included more functional, intensified residential uses, and did not require a continuous noise wall along Bradley Avenue. Draft Approval was granted on February 19, 2008. In 2012, the London Consent Authority granted a provisional consent to Jackson Land Corp. (File No. B.019/12) to sever the lands within this draft plan from the remaining Summerside Subdivision creating two new parcels on the east and west side of the extension of Turner Crescent.

The lands within Draft Plan 39T-7508 and the remain lots on Asima drive within Registered Plan 33M-533 were purchased by Greengate Village Limited on June 26, 2013, from the Jackson Summerside Land Corporation. Requests for Draft Approval were requested and granted in 2014 and 2017. In 2019, an application was requested for a Zoning By-law Amendment and revisions to Phase 12B of the Draft Plan of Subdivision for the lotting along the Turner Crescent Extension. Final Approval was granted to Stage 2 and 3 of Phase 12B in November 2019 and November 2020, respectively.

1.3 Property Description

The subject lands are located in the southwest quadrant of the City, and are situated north of Bradley Avenue and west of Jackson Road. The site is comprised on Blocks 48 and 49 of Draft Plan of Subdivision 33M-790 and is approximately 0.3 hectares (3058 square meters). There are proposed and recently constructed residential dwellings surrounding the site, as well as agricultural uses to the south.

1.4 Current Planning Information

- The *London Plan* Place Type – Neighbourhoods
- Official Plan Designation – Multi-Family, Medium Density Residential
- Existing Zoning – Block 48: Residential R4 (R4-5(3)), Block 49: Residential R4 (R4-5(4))

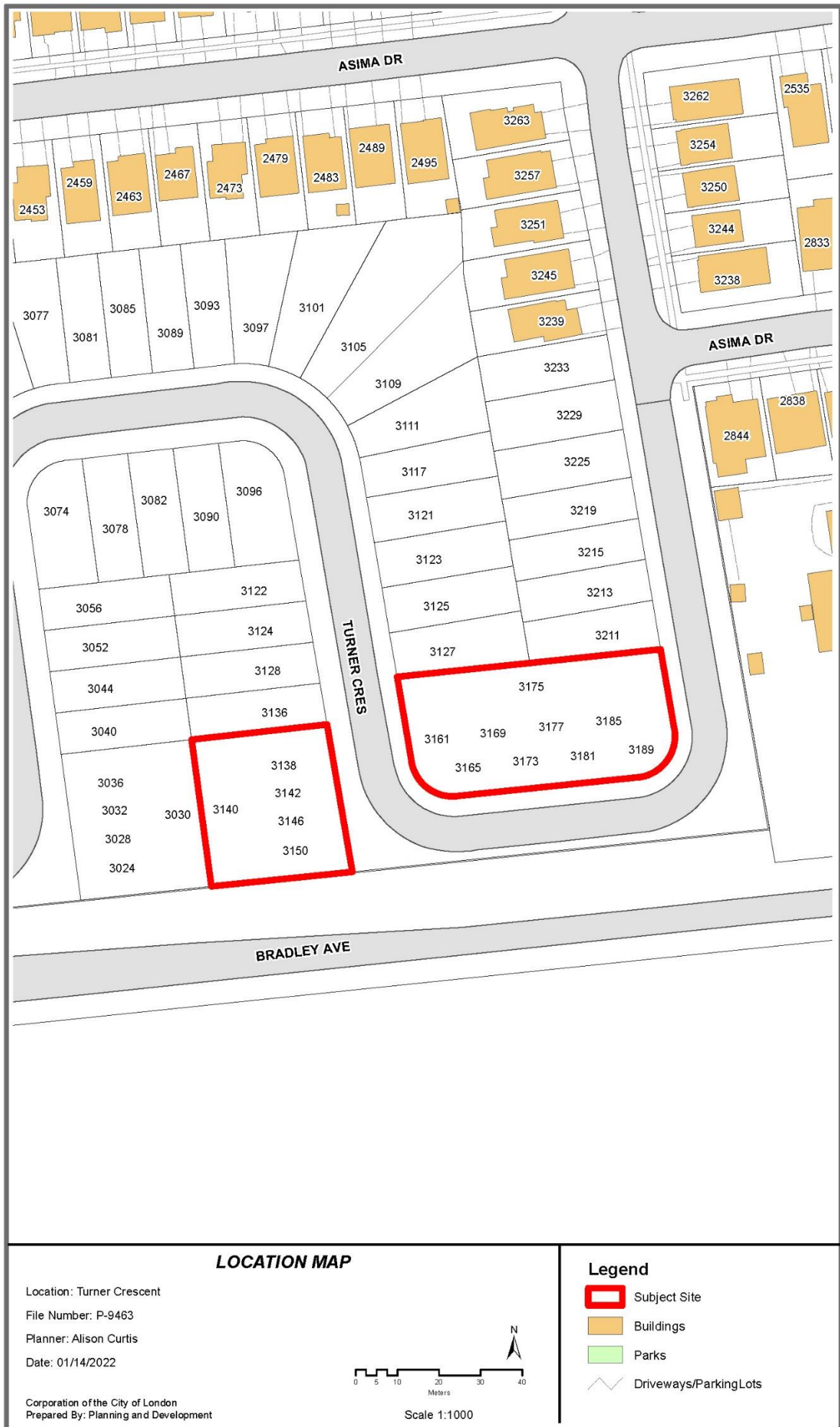
1.5 Site Characteristics

- Current Land Use – Vacant
- Area – ~0.3 hectares total, Block 48: 0.186 hectares, Block 49: 0.119 hectares
- Shape – Rectangular

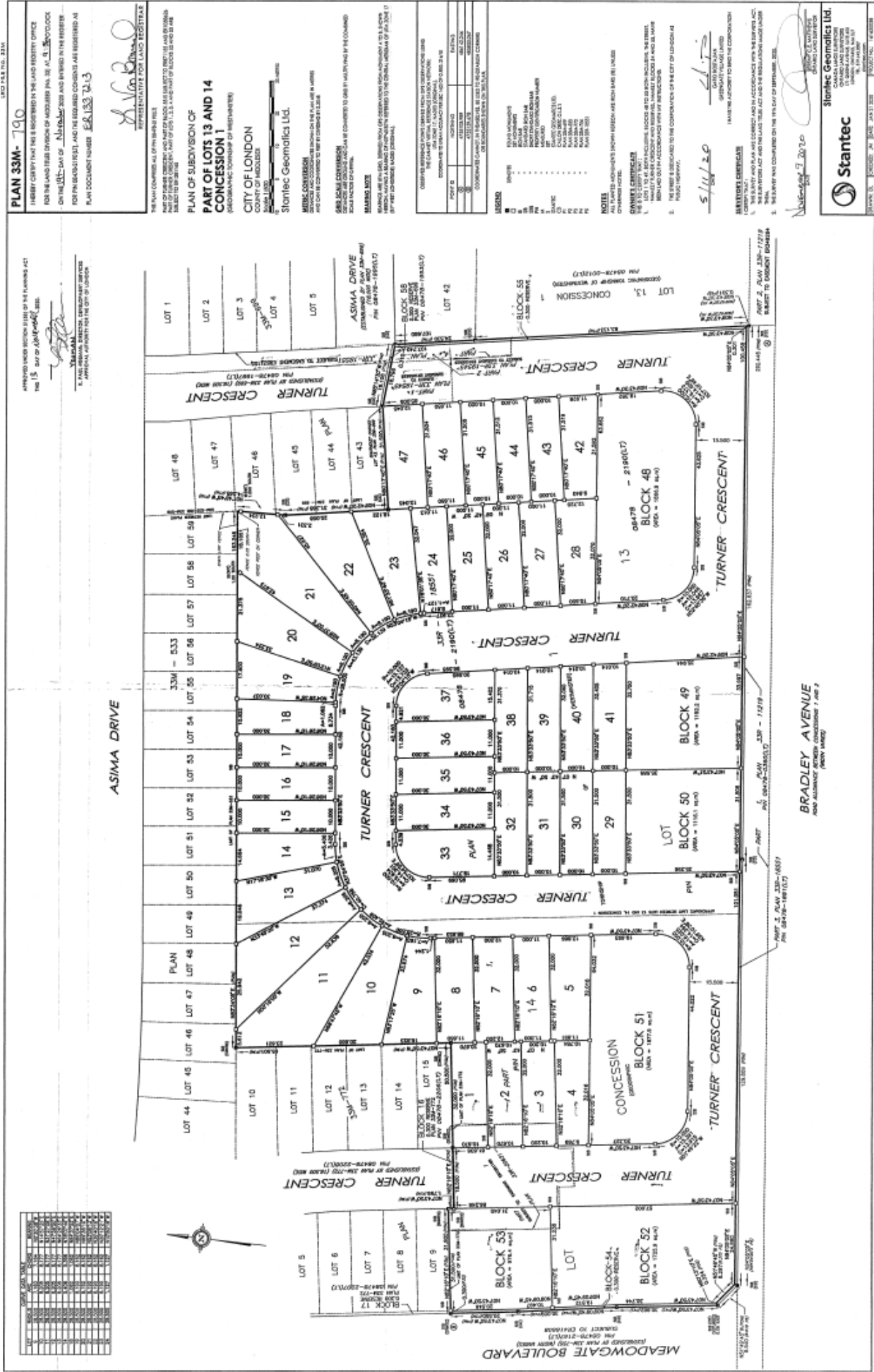
1.6 Surrounding Land Uses

- North – Vacant, proposed single detached dwellings
- East – Residential
- South – Urban Reserve, agriculture
- West – Vacant, proposed residential

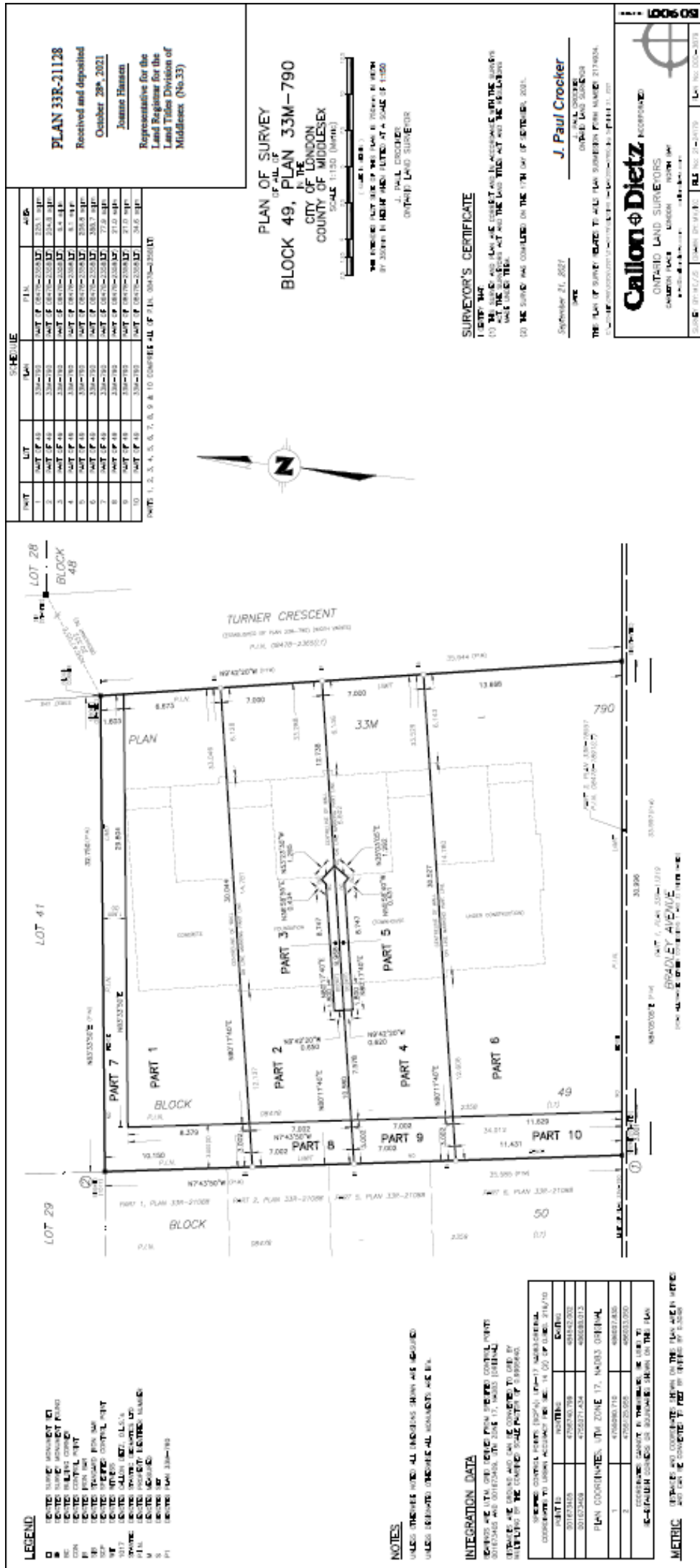
1.7 Location Map



1.8 Plan of Subdivision 33M-790



1.10 Block 49 Reference Plan



2.0 Discussion and Considerations

The Applicant, Greengate Village Limited, has requested exemption from part-lot control to create a total of twelve (12) freehold, street fronting townhouse units on Turner Crescent.

2.1 Consultation

There is no legislated community engagement (i.e., notice or hearing) required for an application for Exemption from Part-Lot Control under the *Planning Act* Section 50(29). Instead, a notice of the request for exemption was circulated to internal departments, such as Engineering and Building, and London Hydro. Subdivision Engineering have confirmed that the draft standard conditions are applicable, and no additional conditions are needed.

2.2 Policy Context

In Ontario, the subdivision of land is governed by the *Planning Act*. Under section 50 of this legislation, subdivision of land is permitted through the following means: approval of the Plan of Subdivision; the granting of a Consent, also known as a severance; and, through a by-law for an exemption from part-lot control for lots or blocks within a registered Plan of Subdivision. There are provisions to ensure that part of a lot or block within a registered Plan of Subdivision cannot be transferred without approval from the municipality. These provisions allow a municipality to remove part-lot control from all, or part, of a registered Plan of Subdivision to legally divide a lot or block so that these parts can be conveyed.

The use of these by-laws is appropriate when there are several land transactions involved and the resulting change would not affect the nature or character of the subdivision. Exemption from part-lot control can be used to create freehold, street townhouses to ensure that the eventual lots lines would match with the foundation.

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 Criteria Review

Council policy has established the criteria by which applications for exemption from part-lot control shall be reviewed. The analysis below outlines each criterion and how it relates to this application.

- 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 zoned holding Residential R4 Special Provision (R4-5(3)) over Block 48 and Residential R4 (R4-5(4)) over Block 49, which permits street townhouse units with a minimum lot area per unit of 160 square meters and a minimum lot frontage of 5.5 meters. The proposed lots are in conformity with these regulations, and Site Plan Approval has been granted. The applicant has submitted reference plans to Planning and Development, which will be deposited with the Land Registry Office.

- 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;*

The subject block was registered and intended to be developed for street townhouse units at the time of the subdivision approval. The division of individual lots at the time of the subdivision was not practical, and is appropriate through part-lot control and successfully attaining site plan approval.

- 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;*

This request is consistent with the intended use of the block as established through the plan of subdivision and zoning. The development of the site for twelve (12) freehold, street townhouse units is consistent with the development in the area and specifically to the lands located to the east on Asima Drive and Strawberry Walk.

- 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 exemption of part lot control creates twelve (12) individual lots as one transaction instead of requiring separate and individual land divisions to create the interests in land.

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

The subject lands are within the Neighbourhoods Place Type in *The London Plan* and designated Multi Family, Medium Density Residential in the *1989 Official Plan*, which permits street townhouses. The proposal will facilitate the development of the parcel in accordance with the form of development established at the time of subdivision approval. The proposed lots will not result in any traffic problems and will have access to municipal services and utilities. Access will be provided by Turner Crescent and no private roads are proposed.

- 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 applicant is responsible for all costs associated with the Exemption to Part-Lot Control.

4.2 Conditions

Municipal Conditions to be included for Exemption from Part Lot Control

- a) 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;
- b) The Applicant submit a draft reference plan to Planning and Development 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;**
- c) The Applicant submits to Planning and Development 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;
- d) 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;**

- e) The Applicant submit to the City 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;
- f) The Applicant shall enter into any amending subdivision agreement with the City, if necessary;
- g) 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;
- h) The Applicant shall obtain confirmation from Planning and Development 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;**
- i) The Applicant shall obtain approval from Planning and Development for each reference plan to be registered **prior to the reference plan being registered in the land registry office;**
- j) 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;
- k) The Applicant shall obtain clearance from the City that requirements *d), e) and f)* inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Division for lots being developed in any future reference plan;
- l) That not more than two (2) reference plans be approved to be registered as part of this application and that Greengate Village limited advise the City of the registration of each reference plan; and
- m) 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

Conclusion

In accordance with the provisions of the *Planning Act*, Municipal Council may pass by-laws to exempt all, or parts of registered plans of subdivision from part-lot control. The applicant has requested exemption from the Part-Lot Control provisions of the *Planning Act* to establish lot lines for the freehold townhouse units, which is appropriate to allow for the sale of these units to future homeowners. The recommended exemption is considered appropriate and in keeping with the registered phases of the Summerside Subdivision, subject to the completion of the proposed conditions.

Prepared by: Alison Curtis, MA
Planner 1, Planning and Development

Reviewed by: Bruce Page, MCIP, RPP
Manager, Planning and Development

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

Submitted by: Scott Mathers, MPA, P. Eng.,
Deputy City Manager,
Planning and Economic Development

cc: Matt Feldberg, Manager, Subdivisions and Development Inspections

GB/BP/AC/ac

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(A. Curtis)

Appendix A

Bill No.
2022

By-law No. C.P.-

A by-law to exempt from Part-Lot Control, lands located at 3161 ad 3138 Turner Crescent, legally described as Blocks 48 and 49 in Registered Plan 33M-790.

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 Greengate Village Limited, it is expedient to exempt lands located at 3161 ad 3138 Turner Crescent, legally described as Blocks 48 and 49 in Registered Plan 33M-790, from Part Lot Control;

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

1. Blocks 48 and 49, Plan 33M-765, located at 3161 and 3138 Turner Crescent, east of Meadowgate Boulevard, 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 holding Residential R4 Special Provision R4-5(4) and R4-5(3)) 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

Michael Schulthess
City Clerk

First Reading –
Second Reading –
Third Reading –