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File No: P-8205
Planner: N. Mckee

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES and CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION FOR EXEMPTION OF PART LOT CONTROL SIFTON PROPERTIES LTD. BALLYMOTE WOODS SUBDIVISION (LOTS 88 AND 89 IN PLAN 33M-631 AND LOTS 1-12 PLAN 33M-632) MEETING ON JULY 23, 2013

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services, the following actions 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 attached proposed by-law **BE INTRODUCED** at the Municipal Council on July 30, 2013, to exempt Lots 88 and 89 in Plan 33M-631 and Lots 1-12 Plan 33M-632 from the Part Lot Control provisions of subsection 50(5) of the said *Act*, for a period not to exceed one (1) year; it being pointed out that these lands are subject to a registered subdivision agreement and Lots 1-12 Plan 33M-632 are zoned Holding Residential R1 (h-96*R1-5) Zone and Lots 88 and 89 in Plan 33M-631 are zoned Residential R1 (R1-5) Zone in Zoning By-law No. Z.-1 which permits single detached dwellings with a minimum lot frontage of 12m and minimum lot area of 415m², **IT BEING NOTED** the applicant shall submit to the City confirmation that the approved reference plan for final lot development has been deposited in the Land Registry Office;
- (b) the Municipal Council **BE REQUESTED** to approve this by-law; and,
- (c) the applicant **BE ADVISED** that the cost of registration of this by-law is to be borne by the applicant in accordance with City policy.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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39T-06503, Z-7185 and/or H-7987

March 19, 2007 - Report to Planning Committee that Sifton Properties Limited had appealed draft plan of subdivision application 39T-06503 and Zoning By-law Amendment application Z-7185 because of the City's had not made a decision within the prescribed time.

April 7, 2008 - Report to Planning Committee on decision of the Ontario Municipal Board.

February 14, 2011 - report to Built and Natural Environment Committee on six month draft plan extension.

June 13, 2011 - Report to the Built and Natural Environment Committee regarding subdivision agreement Special Provisions.

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June 20, 2011 - Report to the Built and Natural Environment Committee regarding subdivision agreement Special Provisions.

September 19, 2011 - Report to the Built and Natural Environment Committee regarding status of subdivision and issues with MMAH.

January 16, 2012 – Report to the Planning and Environment Committee regarding the removal of a Holding Provision for 33M-631.

February 27, 2012 - Report to the Planning and Environment Committee regarding lifting of Part Lot Control for Lots 88-94 in Plan 33M-631 and Lots 1-12 Plan 33M-632.

BACKGROUND

On August 25, 2011, the City of London Approval Authority granted final approval to Phase 1 and Phase 2 of the Ballymote Subdivision (39T-06503). The plans were registered on August 29, 2011 as Registered Plan 33M-631 and Plan 33M-632, respectively.

On September 20, 2011, Sifton Properties Ltd. submitted an application for an exemption to Part Lot Control for Lots 88-94 in Plan 33M-631 and Lots 1-12 Plan 33M-632 on September 20, 2011. This request from the applicant was to allow for a reduction in lot frontages in order to meet current builder market and demand. The nature of the change was to reduce lot frontages from approximately 17 m lots to 12-15 m lots. This reduction in lot frontage size increased the number of lots from 19 to 22. The initial request was considered by Planning and Environment Committee on February 27, 2012, with a number of conditions to be met, prior to the passing of the by-law. These conditions included:

- the submission of a draft reference plan to 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;
- a digital copy together with a hard copy of each reference plan to be deposited;
- confirmation that municipal numbering has been completed and assigned;
- that the Owner had entered into an amended subdivision agreement with the City for Plan 33M-631 and Plan 33M-632 to address revised servicing and grading drawings; and,
- confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;

The above noted conditions were satisfied and the by-law was passed by Council on July 24, 2012.

The by-law lapsed prior to the sale of all of all of the proposed lots. The applicant has now applied for the lifting of Part Lot Control for the remainder of the lots on the west side of Ballymote Avenue, south of Springridge Drive.

DEPARTMENT/AGENCY COMMENTS

No comments.

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ANALYSIS

In an effort to avoid a series of individual land severances to allow for a reduction of lot frontages along with the creation of three new lots, Sifton Properties Limited has requested another exemption of Part Lot Control for Lots 88 and 89 in Plan 33M-631 and Lots 1-12 Plan 33M-632.

Council has adopted a policy to guide staff when considering requests for exemption to Part Lot Control (19(24), adopted in December 1983) and it contains the following:

- i. 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 R1 ((h-96R1-5) and Residential R1 (R1-5) which permit single detached dwellings on with a minimum lot frontage of 12 m. Holding Provision (h-96) deals with completion of a municipal class EA and is not germane to the request to exempt the lands from Part Lot Control. The proposed lots will meet the minimum requirements of the Holding Residential R1 ((h•96R1-5) and Residential R1 (R1-5) Zones. The applicant has amended the subdivision agreement and has revised the servicing and grading drawings for both registered plans based on the previous request (and current request). Therefore, no condition is necessary.

- ii. 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 applicant has requested exemption from Part Lot Control as an alternative to submitting an application for consent covering 18 lots. It is not uncommon to modify lot lines for this number of lots through exemption of Part Lot Control.

- iii. 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;*

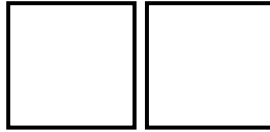
Lot frontages in the Ballymote and Forest Hill subdivisions range from 9 m to 18 m with the majority being within the 12 – 15 m range. This request will not alter the character of the area.

- iv. 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;*

This condition does not apply.

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

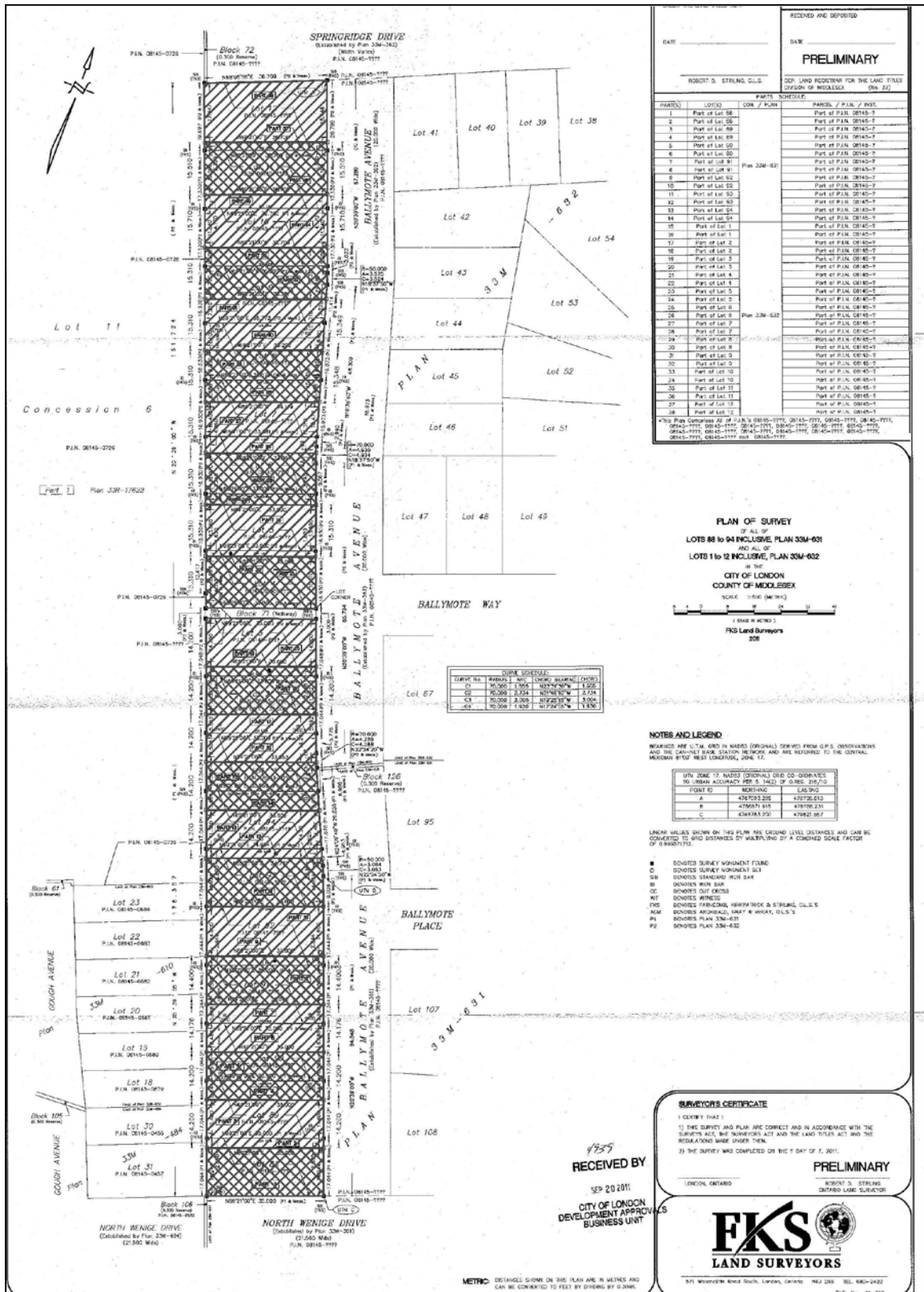
The subject lands are designated Low Density Residential in the Official Plan which permit single detached dwellings as primary permitted uses. The proposed reconfiguration produces parcels that are generally in accordance with adjacent development. The proposed lots will not result in any traffic problems and have access to municipal services and utilities. Upon review of the request against the Official Plan and Council policy, it is determined the request to reduce lot frontages and allow three additional lots meets the policies of the Official Plan and is therefore recommended.



File No: P-8205
Planner: N. Mckee

vi. 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.



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CONCLUSION

The applicant requested exemption from the Part Lot Control provisions of the *Planning Act* to facilitate the division of 19 lots into 22 lots and establish new lot lines. The reduction in property size has been reviewed against the City's Policy on Exemption from Part Lot Control, the Official Plan and the applicable zoning and has been determined to meet the policies and zoning. Allowing for reduced lot frontages is in keeping with the character of the area and considered appropriate to accommodate the current market. The request represents sound land use planning and is recommended.

RECOMMENDED BY:	REVIEWED BY:
NANCY MCKEE, MCIP, RPP SENIOR PLANNER – DEVELOPMENT SERVICES	BRUCE HENRY MANAGER, DEVELOPMENT PLANNING
REVIEWED BY:	SUBMITTED BY:
TERRY GRAWAY, MCIP, RPP MANAGER, DEVELOPMENT SERVICES AND PLANNING LIAISON	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

July 11, 2013
NM/nm
"Attach."

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Bill No.
2013

By-law No. C.P.-

A by-law to exempt from Part Lot Control, lands located on the west side of Ballymote Avenue, south of Springridge Drive and north of North Wenige Drive, legally described as Lots 88-94 in Plan 33M-631 and Lots 1-12 Plan 33M-632, in the City of London and 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 west side of Ballymote Avenue, between of Springridge Drive and north of North Wenige Drive, in the City of London and County of Middlesex, from Part Lot Control;

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

1. Lots 88-94 in Plan 33M-631 and Lots 1-12 Plan 33M-632, in the City of London and County of Middlesex, located on the west side of Ballymote Avenue, between Springridge Drive and North Wenige Drive, 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 one (1) year; it being pointed out that these lands are zoned to permit single detached dwellings in conformity with the Holding Residential R1 (h-96*R1-5) Zone and Residential R1 (R1-5) Zone of the City of London Zoning By-law No. Z-1, covering the subject area.
2. This by-law comes into force when it is registered at the Land Registry Office.
3. This by-law shall remain in effect for one (1) year from the date of passage.

PASSED in Open Council on July 30, 2013.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading - July 30, 2013
Second Reading – July 30, 2013
Third Reading - July 30, 2013