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File No: P-8199
Planner: L. Mottram

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 GREENGATE VILLAGE LIMITED ASIMA DRIVE (Lots 60 to 73 and Lots 113 & 114 Plan 33M-533) 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 Greengate Village 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 a future Municipal Council meeting, to exempt Lots 60 to 73 and Lots 113 & 114 Plan 33M-533 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 are zoned Residential R1 Special Provision (R1-3(12)) Zone in Zoning By-law No. Z.-1 which permits single detached dwellings with a minimum lot frontage of 10m and minimum lot area of 300m²;
- (b) the following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part Lot Control by-law for Lots 60 to 73 and Lots 113 & 114 Plan 33M-533, as noted in clause (a) above:
 - i) the applicant shall submit a draft reference plan to the Development and Compliance Services Division 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;
 - ii) the applicant shall submit to Development Services Division a digital copy together with a hard copy of each reference plan, as noted in part i) above, to be deposited; it being noted that 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;
 - iii) the applicant shall obtain confirmation from 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;
 - iv) the applicant shall enter into an amended subdivision agreement with the City for Registered Plan 33M-533 to address all issues outlined below and provide adequate security:

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- a. All services are to be constructed, to the satisfaction of the City Engineer, including all private drain connections and water services, in accordance with the accepted final design of the lots, and is to be in compliance with all the obligations for current and proposed works and associated requirements set out in an amended subdivision agreement for Plan 33M-533.
 - b. All lot grading is to be in accordance with the final lot layout and is to be in compliance with all the obligations for current and proposed works and associated requirements set out in an amended subdivision agreement for Plan 33M-533, and on the accepted revised grading plans for Plan 39T-07508 accepted by the City on July 8, 2008 and the accepted plans for Plan 33M-533.
 - c. The Owner shall ensure all parts in the draft reference plan are in accordance with the draft approved lotting and road geometry for Plan 39T-07508, to the satisfaction of the City.
 - d. Parts 7, 8, 9, 10 and 11 shall be held out of development until the registration of Plan 39T-07508 for the creation and construction of Strawberry Walk over Part 9. The Owner shall provide a 0.3 metre reserve at the north limit of parts 7, 9 and 11. This 0.3m reserve shall remain in place until the registration of 39T-07508.
 - e. The Owner shall construct Asima Drive in accordance with the accepted engineering drawings for Plan 39T-07508 accepted July 8, 2008.
 - f. Clearance is to be obtained from the City that requirements a), b), c), d), and e) as outlined above have been satisfactorily completed prior to any issuance of any Certificate of Conditional Approval for the proposed lots.
- v) 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;
- (c) the Municipal Council **BE REQUESTED** to approve this by-law; and,
- (d) 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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May 16, 2011 – Built and Natural Environment Committee – Request for Extension of Draft Plan Approval by Jackson Land Corp. - North side of Bradley Avenue between Jackson Road and Meadowgate Boulevard (File No. 39T-07508)

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Location map

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Exemption of Part Lot Control - proposed plan

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BACKGROUND

On June 16, 2011, the Approval Authority for the City of London granted a three (3) year extension to the draft approved plan of subdivision (File No. 39T-07508) by Jackson Land Corp. relating to the lands located on the north side of Bradley Avenue, between Jackson Road and Meadowgate Boulevard. The draft approved plan is approximately 9 hectares (2.6 acres) in area, and consists of 96 single detached dwelling lots, an estimated 115 street townhouse dwellings on 21 multi-family blocks, one walkway block, and several reserve blocks on the extension of Asima Drive, the extension of Turner Crescent, and one new street (Strawberry Walk).

The limits of the draft plan overlap a previously registered phase (Phase 12a) of the Summerside Subdivision registered as Plan 33M-533. The area of overlap consists of 16 single detached lots fronting on Asima Drive, east of Turner Crescent, and 1 reserve block, more particularly described on the face of the draft plan as *“Part of Block 116, and all of Lots 60 to 73, both inclusive, and all of Lots 113 and 114 on Plan 33M-533.”*

The purpose of the request for Exemption from Part Lot Control is to revise the lots on Asima Drive created by Registered Plan 33M-533, as described above, to match the lots on the current draft approved plan in 39T-07508. This application request was accompanied by a letter of authorization from the registered owner Jackson Land Corp. to Greengate Village Limited to make application for a Part Lot Control Exemption by-law.

DEPARTMENT/AGENCY COMMENTS

Wastewater & Drainage Engineering Division

No comments

ANALYSIS

Chapter 19(24) of the Policy Manual for the Corporation of the City of London relates to Part-Lot Control Exemption by-laws. The policies are 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;*
- (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;*
- (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;*
- (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;*
- (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*
- (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.*

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The Official Plan designates the lands as “Multi-family, Medium Density Residential”. The primary permitted uses include multiple-attached dwellings such as row houses or cluster houses; low-rise apartment buildings; rooming and boarding houses; emergency care facilities; converted dwellings; and small-scale nursing homes, rest homes and homes for the aged. These areas may also be developed for single detached, semi-detached and duplex dwellings.

The zoning is Residential 1 Special Provision (R1-3(12)) which permits single detached dwellings on lots having a minimum lot area of 300 square metres and minimum lot frontage of 10 metres. As indicated on the Proposed Part Lot Control plan (Pg.4), the revised part lots would have lot frontages that range from approximately 10m to 13m, and approximately 30m lot depths. The proposed lots are consistent with lots on the north side of Asima Drive, and would match the lot pattern in the draft approved plan 39T-07508. The zoning currently in place is appropriate and the proposed lots meet the minimum requirements of the zoning by-law. Adjustments to lot lines can be made in the final reference plan, if necessary. The nature and character of the subdivision will not be significantly altered from the originally established subdivision plan and zoning by-law.

The applicant has requested exemption from Part Lot Control as an alternative to submitting an application through the Consent Authority, and it is not uncommon to modify lot lines for this number of lots through the passing of a Part Lot Control Exemption by-law.

Greengate Village Limited is preparing to purchase the development lands in Plan 33M-533 and draft approved plan 39T-07508. As part of that process, the City requires the purchaser to enter into an assignment agreement to be registered on title whereby the new owner assumes all the obligations of the existing subdivision agreement and posting of securities. It is recommended the applicant enter into an amended subdivision agreement prior to passage of the by-law to ensure future development is consistent with City standards and guidelines.

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 appropriate and in keeping with the character of existing homes in the subdivision, is consistent with the draft approved plan 39T-07508, and will provide for appropriate lot fabric along the future extension of Asima Drive.

PREPARED and RECOMMENDED BY:	REVIEWED BY:
LARRY MOTTRAM, 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

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Bill No.
2013

By-law No. C.P.-

A by-law to exempt from Part Lot Control lands located on Asima Drive, east of Turner Crescent, legally described as Lots 60 to 73 and Lots 113 & 114 Plan 33M-533, 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 Greengate Village Limited, it is expedient to exempt lands located on Asima Drive, east of Turner Crescent, legally described as Lots 60 to 73 and Lots 113 & 114 Plan 33M-533, 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 60 to 73 and Lots 113 & 114 Plan 33M-533, in the City of London and County of Middlesex, located on Asima Drive, east of Turner Crescent, 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 Residential R1 Special Provision (R1-3(12)) 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 2013.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading -
Second Reading -
Third Reading -