

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 28, 2022

Recommendation

That, on the recommendation of the Director, Development Services, with respect to the application by Greengate Village Limited, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on April 12, 2022, to exempt Block 48 and 49, Plan 33M-790 from the Part-Lot Control provisions of Subsection 50(5) of the *Planning Act*, for a period not exceeding three (3) years.

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 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 application, all in accordance with the previous Council Resolution.

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 submitted 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 reclassifying 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 had 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 remaining 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))

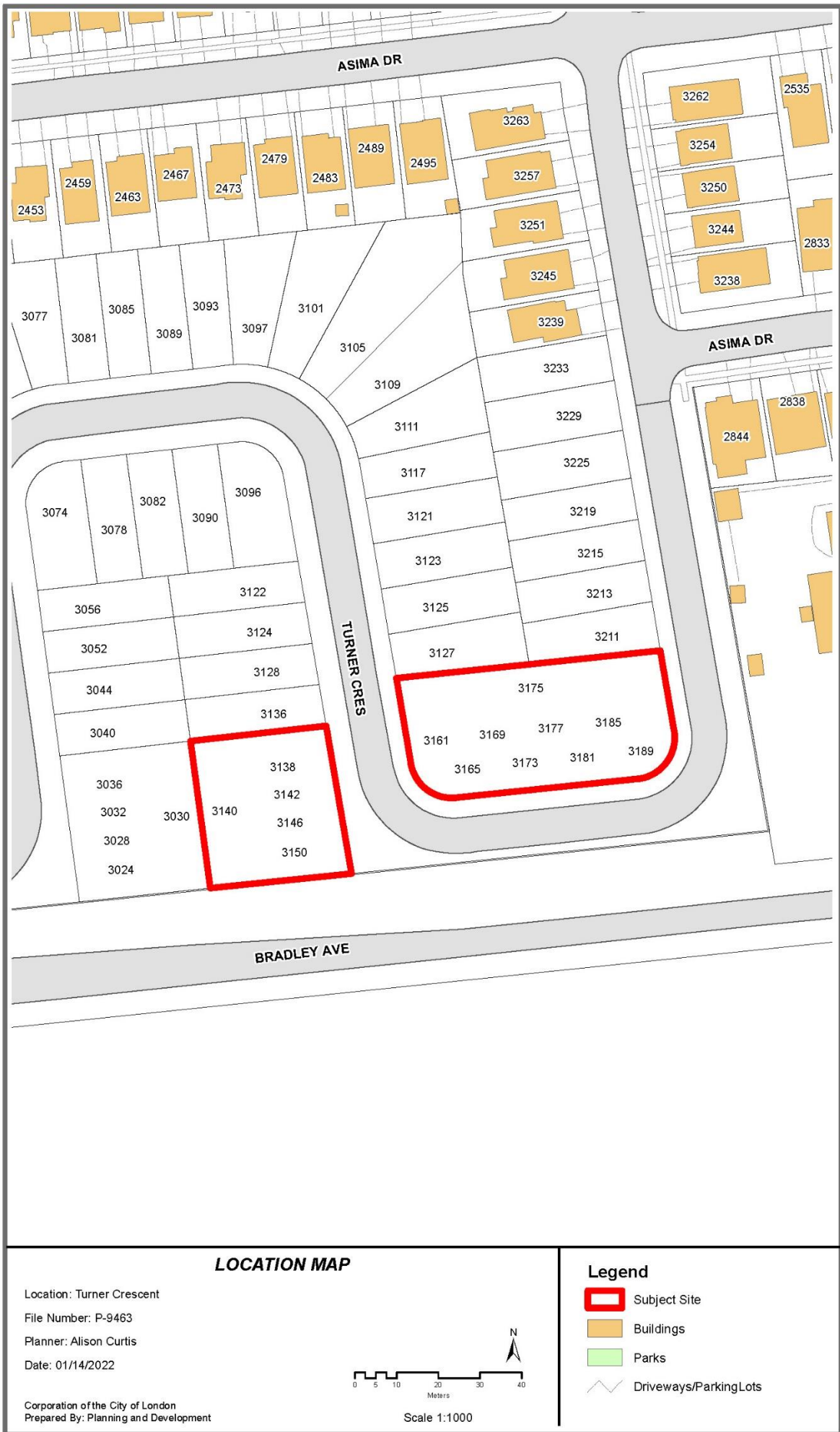
1.5 Site Characteristics

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

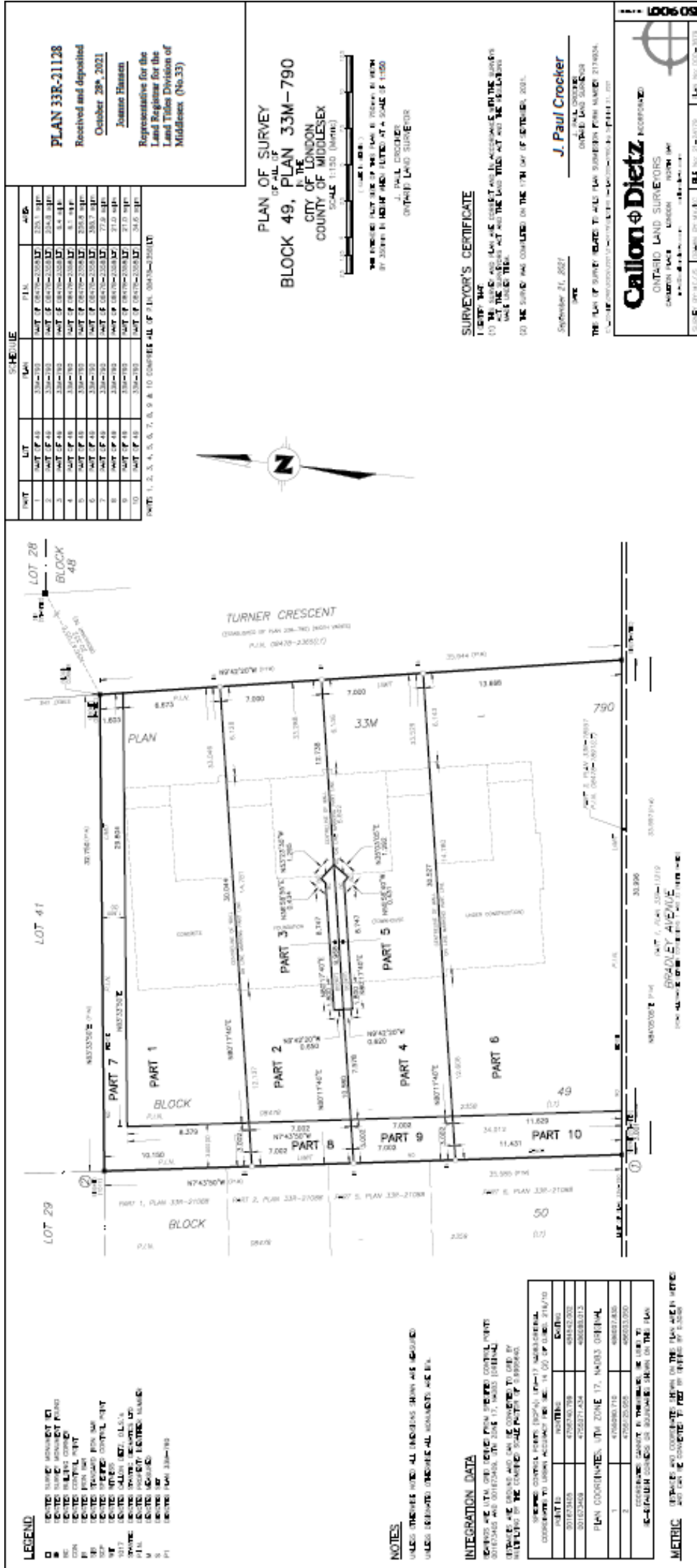
1.6 Surrounding Land Uses

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

1.7 Location Map



1.10 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 Previous Meeting

At its meeting held on March 7, 2022, Municipal Council resolved:

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

2.2 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 previously confirmed that the draft standard conditions are applicable, and no additional conditions are needed.

2.3 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 Exemption from Part-Lot Control

The exemption from Part-Lot Control will allow for lot lines for individual units (lots) to be established on the registered block in a registered plan of subdivision. The conditions previously noted have been satisfied as follows:

- 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;

Acknowledged by Applicant on March 8, 2022.

- 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;**

Satisfied by the registration of the Reference Plans 33R-21173 (Block 480 and 33R-21128 (Block 49).

- 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;

Digital copies were provided to London Plan Submit on March 2, 2022, and City Staff (GIS Data Technician) confirmed by email on March 9, 2022, that the submitted files were in a format acceptable to the City of London.

- 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;**

Satisfied by approval from London Hydro on January 26, 2022.

- 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;

Satisfied by the acceptance of Lot Grading and Servicing Plans for Blocks 48 and 49 submitted as per Site Plan Application SPA20-098.

- f) The Applicant shall enter into any amending subdivision agreement with the City, if necessary;

Satisfied as the Subdivision Agreement was registered and a Development Agreement for Blocks 48 and 49 being registered as Instrument Number ER1366246 dated April 7, 2021.

- 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;

Satisfied as the services have been installed in accordance with the approved final design of the lots, and a Certificate of Conditional Approval was issued on December 16, 2020, noting that Planning and Development does not object to the issuance of FULL building permits.

- 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;**

Satisfied by municipal numbering assigned on March 23, 2021.

- 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;**

Satisfied by Reference Plans 33R-21173 (Block 48) and 33R-21128 (Block 49).

- 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;

Satisfied by Reference Plans 33R-21173 (Block 48) and 33R-21128 (Block 49).

- 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;

Conditions d), e), and f), inclusive, have been satisfied and Permit Number 21-021429 (Block 48) and 21-015903 (Block 49) have been issued.

- 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

Only two reference plans have been registered as part of this application and they have been deposited and registered as 33R-21173 (Block 48) and 33R-21128 (Block 49).

- 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

Acknowledged by the Applicant on March 8, 2022, and registered reference plans are deposited as 33R-21173 (Block 48) and 33R-21128 (Block 49), which permit the passing of the Part Lot Control Exemption By-law.

Conclusion

The recommended exemption from Part-lot Control is considered appropriate and in keeping with the planned intent of the Summerside 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: 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

cc: Michael Pease, Manager, Planning and Development (Site Plan)

cc: David Turvey, GIS Data Technician, Planning and Development

GB/BP/AC/ac

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2022\P-9463 - 3161 and 3138 Turner Crescent
(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 April 12, 2022

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading – April 12, 2022
Second Reading – April 12, 2022
Third Reading – April 12, 2022