

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: Craig Linton (Norquay Developments)
1345 Cranbrook Road and 1005 Longworth Road

Meeting on: May 9, 2022

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Craig Linton (Norquay Developments) to exempt lands located at 1345 Cranbrook Road and 1005 Longworth Road, legally described as Blocks 28 & 29, Plan 33M-657, 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 Block 28 & 29, Plan 33M-657 from the Part-Lot Control provisions of subsection 50(5) of the said Act, **IT BEING NOTED** that these lands are subject to a registered subdivision agreement; and further noting that the applicant has applied for a zoning by-law amendment to change the zoning of the subject lands from an Urban Reserve UR2 Zone to a Residential R1 (R1-8) Zone in Zoning By-law No. Z.-1 to permit single detached dwellings;
- (b) The following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part-Lot Control By-law for Blocks 28 & 29, Plan 33M-657, as noted in clause (a) above:
 - I. The applicant be advised that the cost of registration of the said by-laws is to be borne by the applicant in accordance with City Policy;
 - II. That appropriate zoning shall be in effect for the subject blocks, prior to passage of the Part-Lot Control By-law;
 - III. The applicant submit a draft reference plan to the City 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;
 - IV. The applicant submits to the City 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;
 - V. 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;
 - VI. 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;
 - VII. The applicant shall enter into any amending subdivision agreement with the City, if necessary;

- VIII. 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;
- IX. The applicant shall obtain confirmation from the City 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;
- X. The applicant shall obtain approval from the City of each reference plan to be registered prior to the reference plan being registered in the land registry office;
- XI. 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;
- XII. The applicant shall obtain clearance from the City that requirements V), VI) and VII) 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; and,
- XIII. That on notice from the applicant that a reference plan has been registered, and that conveyance of the registered part lots has occurred, that Part Lot Control be re-established by the repeal of the bylaw affecting the Lot/Block in question.
- XIV. The applicant shall register on title and include in all Purchase and Sale Agreements for the lot at the northeast corner of Cranbrook Road and Longworth Road, identified as Part 8 on the draft reference plan, a requirement that the purchaser/home builder provide concept plans and elevations prior to the application for a building permit which demonstrate that both elevations facing the streets (the front and exterior side elevations) are designed as front elevations. Both elevations should be constructed to have a similar level of architectural details (materials, windows (size and amount) and design features, such as but not limited to porches, wrap-around materials and features, or other architectural elements that provide for street-oriented design) and limited chain link or decorative fencing along no more than 50% of the exterior side-yard abutting the exterior side-yard frontage, to the satisfaction of the City.

Executive Summary

Summary of Request

This report is for review and endorsement by Municipal Council to exempt Blocks 28 & 29 in Registered Plan 33M-657 from the Part-Lot Control provisions of the Planning Act.

Purpose and the Effect of Recommended Action

Exemption from Part-Lot Control will facilitate the creation of eight (8) single detached dwellings with frontage on Cranbrook Road and Longworth Road.

Rationale of 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

Building a Sustainable City - London's growth and development is well planned and sustainable over the long term.

Analysis

1.0 Background Information

The site consists of two vacant blocks within a registered plan of subdivision (Blocks 28 & 29 Plan 33M-657). These blocks were previously graded and serviced for future development and there exists little to no vegetation at present. A large stand of mature trees exists on adjacent lands to the west, and to the north is gently rolling topography consisting of open fields with scattered patches of vegetation. Further to the west and north is a former gravel pit that is inactive and in the process of being filled in. Single detached homes exist to the east and south within the developed Phases 1 & 2 portions of the Highland Ridge (Crestwood) subdivision.

1.1 Previous Reports Related to this Matter

October 15, 2012 – Report to Planning and Environment Committee – Highland Ridge Subdivision Phase 2 - recommending special provisions for a Subdivision Agreement between the Corporation of the City of London and Highland Ridge Land Corp. (File No. 39T-07503).

November 26, 2007 – Report to Planning Committee – 890 Southdale Road West – Highland Ridge Land Corporation – Crestwood Phase 2 - Application for approval of Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments (39T-07503/OZ-7345/O-7379)

1.2 Planning History

On March 26, 2007, Highland Ridge Land Corporation submitted a draft plan of subdivision application for a 4.7 ha. (11.6 acre) parcel of land located north of Southdale Road W., east of Colonel Talbot Road. A revised plan was submitted for approval on May 29, 2007. The proposed subdivision plan included 28 single detached dwelling lots, two open space blocks and three park blocks, served by an extension of Longworth Road and Cranbrook Road, and a secondary collector road.

Following a public participation meeting at Planning Committee on November 26, 2007, Council adopted Official Plan and Zoning By-law amendments for the subdivision on February 5, 2008. On March 6th, 2008, the owner (Highland Ridge Land Corp. appealed the failure by the Approval Authority to draft approve the plan of subdivision within 180 days of submitting the application (the Approval Authority could not make a decision within the prescribed period as the OPA had not yet come into effect).

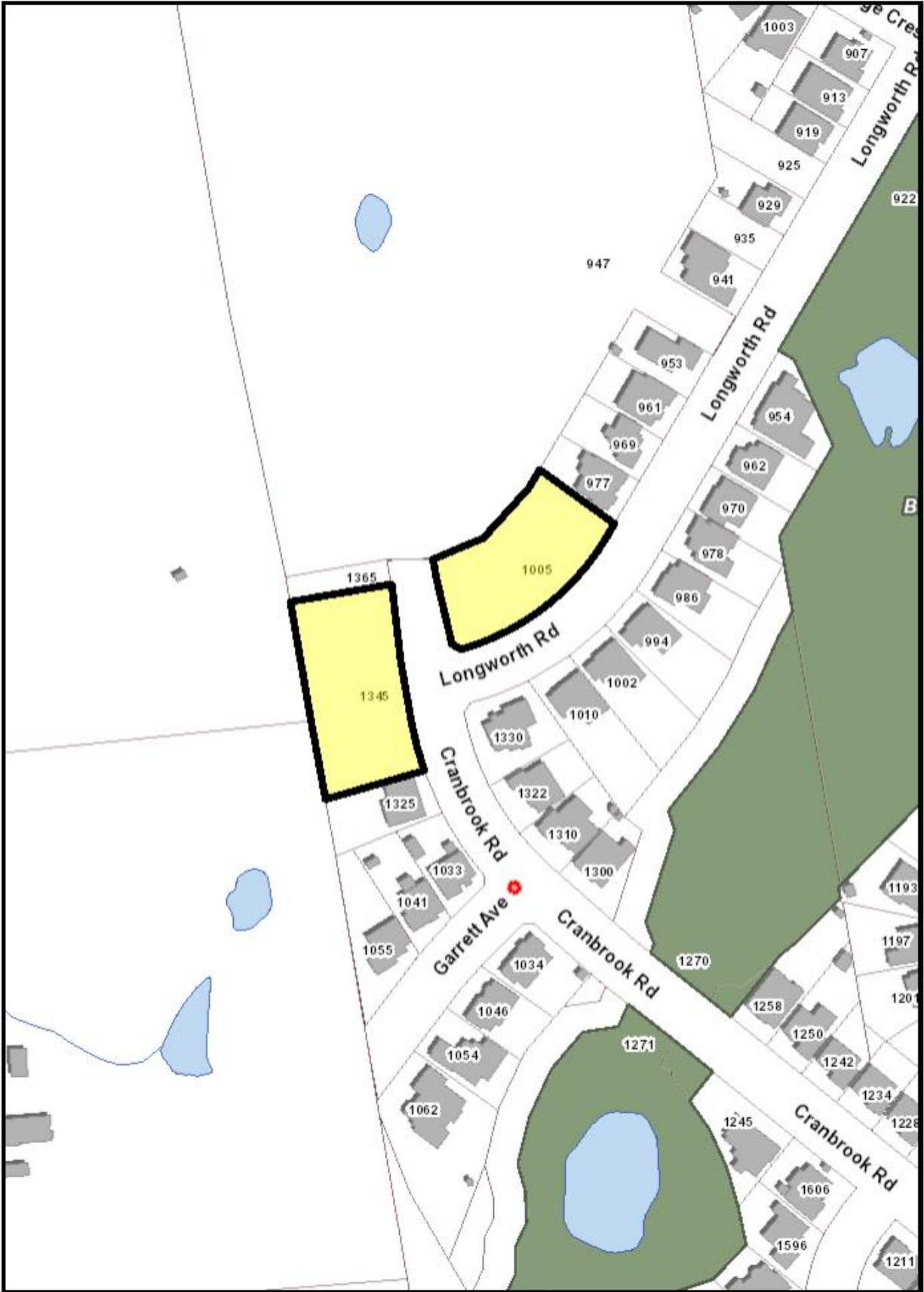
The Official Plan Amendment (OPA 432) and Zoning By-law Amendment were appealed to the OMB by an area resident, citing concerns with the impact of the proposed development on Provincially Significant Wetlands and woodlands in the area, and flooding in the area. This appeal was subsequently resolved and withdrawn prior to the hearing date. The Ministry of Municipal Affairs was added as a party to the hearing based on concerns that the proposed plan of subdivision could negatively impact the adjacent aggregate operations.

The OMB, in its decision dated June 4, 2009, approved an amended Official Plan amendment, Zoning By-law amendment and draft plan of subdivision which excluded lots within 150 metres of the limits of aggregate extraction. Blocks 28 & 29 of the Highland Ridge Land Corp. (also known as Crestwood West Subdivision - Phase 2) lands have been held out of development since the Phase 2 lands were registered as Plan 33M-657 on April 4, 2013.

1.3 Current Planning Information

- The London Plan Place Type – Neighbourhoods
- (1989) Official Plan Designation – Low Density Residential
- Existing Zoning – Urban Reserve UR2 and strip of Open Space OS5 along west side of Block 29

1.4 Location Map



Location Map

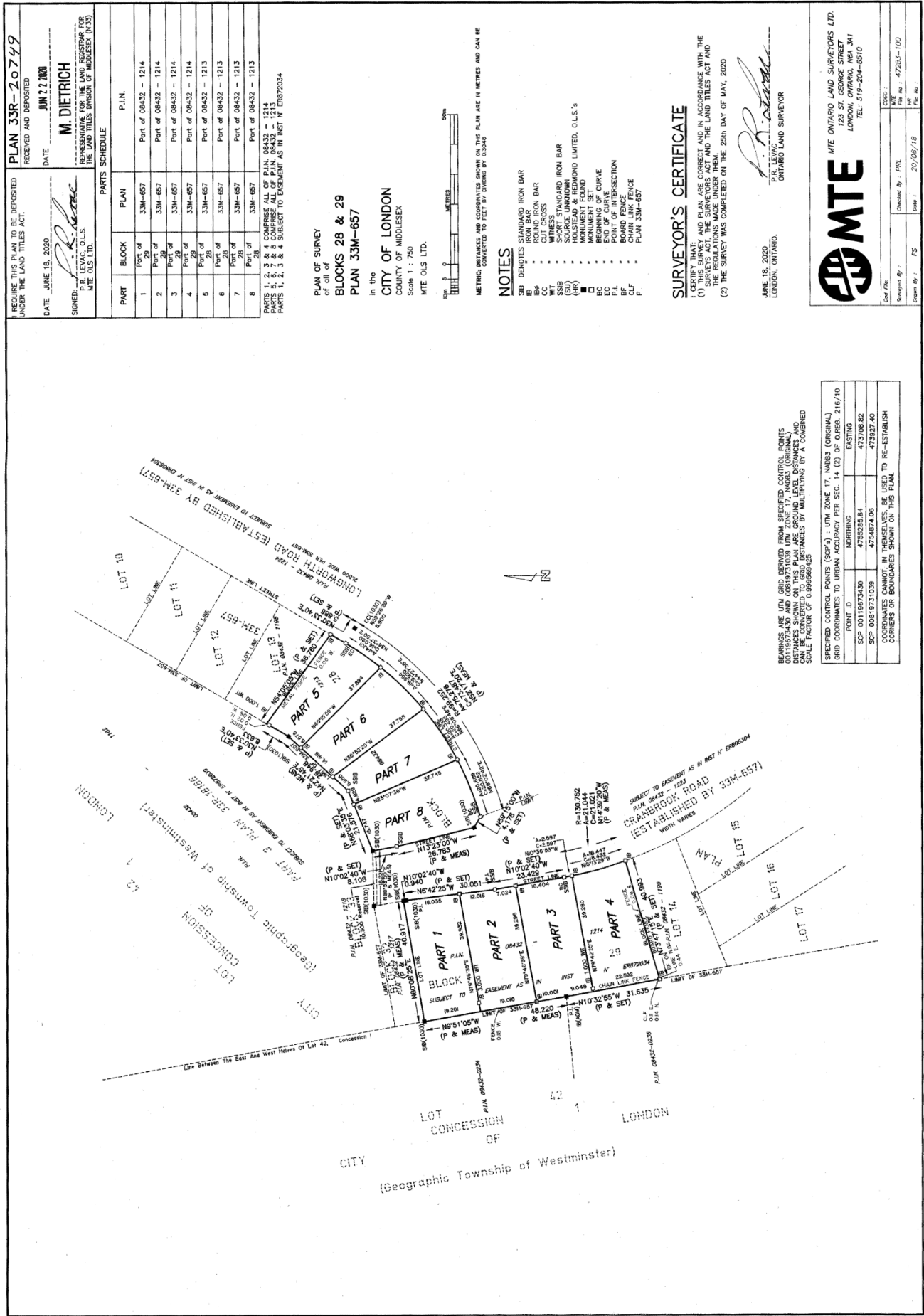
Subject Property: 1345 Cranbrook Road
 Applicant: Highland Ridge Land Corp
 File Number: P-9487
 Created By: Larry Mottram
 Date: 3/11/2022
 Scale: 1:2000

Legend

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



1.5 Proposed Lotting Plan (Parts 1 to 8)



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

PLAN 33M-20749
RECEIVED AND DEPOSITED
DATE JUN 17 2020

SIGNED: *M. Dietrich*
M. DIETRICH
REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF MIDDLESEX (O.S.)

DATE: JUNE 16, 2020
SIGNED: P.R. LEVAC, O.L.S.
MTE OLS LTD.

PART	BLOCK	PLAN	P.L.N.
1	Part of 33M-657	Part of 08432 - 1214	
2	Part of 33M-657	Part of 08432 - 1214	
3	Part of 33M-657	Part of 08432 - 1214	
4	Part of 33M-657	Part of 08432 - 1214	
5	Part of 33M-657	Part of 08432 - 1213	
6	Part of 33M-657	Part of 08432 - 1213	
7	Part of 33M-657	Part of 08432 - 1213	
8	Part of 33M-657	Part of 08432 - 1213	

PLAN OF SURVEY of all of BLOCKS 28 & 29 PLAN 33M-657 in the CITY OF LONDON COUNTY OF MIDDLESEX Scale 1 : 750 MTE OLS LTD.

PARTS 1, 2, 3 & 4 COMPRISE ALL OF PLAN 08432 - 1214 PARTS 5, 6, 7 & 8 COMPRISE ALL OF PLAN 08432 - 1213 PARTS 1, 2, 3 & 4 SUBJECT TO EASEMENT AS IN INST N 68972034

PLAN OF SURVEY of all of BLOCKS 28 & 29 PLAN 33M-657 in the CITY OF LONDON COUNTY OF MIDDLESEX Scale 1 : 750 MTE OLS LTD.

METRIC BEARINGS AND DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

NOTES

- SBG DENOTES STANDARD IRON BAR
- IB IRON BAR
- IBP ROUND IRON BAR
- WIT WITNESS
- SSB SHORT STANDARD IRON BAR
- HR MONUMENT FOUND
- HL HOLSTEAD & REDMOND LIMITED, O.L.S.'s
- BC BEGINNING OF CURVE
- EC END OF CURVE
- PL PERMANENT LINE
- BF BOARD FENCE
- CLF CHAIN LINK FENCE
- P PLAN 33M-657

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THIS PLAN AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT, AND THE LAND TITLES ACT AND THAT THE SURVEY WAS COMPLETED ON THE 25th DAY OF MAY, 2020

JUNE 16, 2020
LONDON, ONTARIO.

M. Dietrich
MTE OLS LTD.
ONTARIO LAND SURVEYOR

BEARINGS ARE UTM DERIVED FROM SPECIFIED CONTROL POINTS 00119673430 AND 00819731039 UTM ZONE 17, NAD83 (ORIGINAL) CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.999958425

POINT ID	NORTHING	EASTING
SCP 00119673430	4752525.84	473708.82
SCP 00819731039	4754874.06	473927.40

COORDINATES CANNOT IN THEMSELVES BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

GRID COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF OREG. 216/10

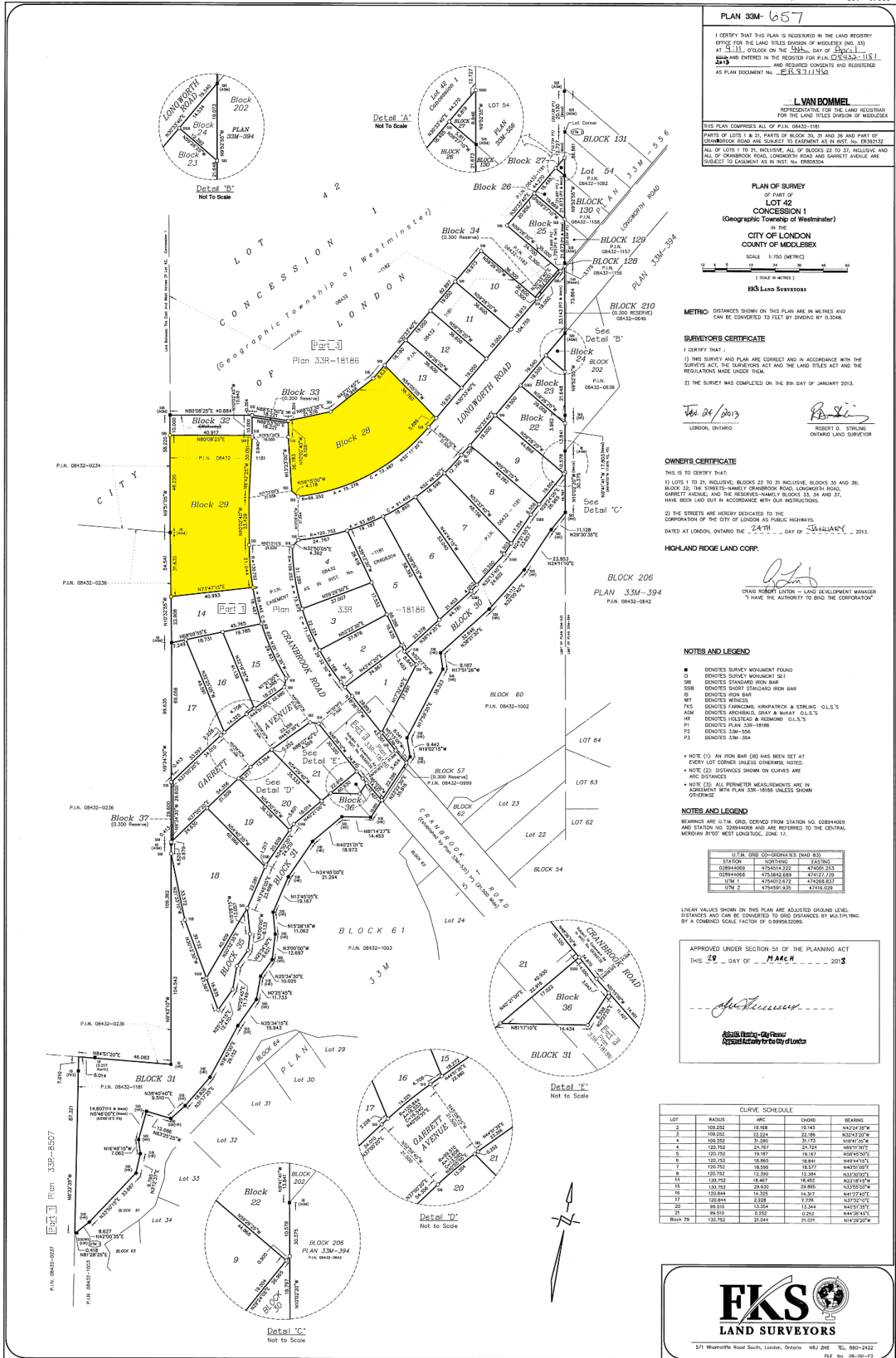
DATE: 20/06/18
Checked By: PRL
Drawn By: FS

FILE NO.: 47263-100

MTE

MTE ONTARIO LAND SURVEYORS LTD.
LONDON, ONTARIO, N6A 3A1
TEL: 519-204-6510

1.6 Highland Ridge Land Corp. Subdivision (Registered Plan 33M-657)



The subject lands are highlighted in yellow.

1.7 Site Characteristics

- Current Land Use – vacant
- Frontage – Block 28 approx. 81 metres on Longworth Road; Block 29 approx. 75 metres on Cranbrook Road
- Depth – Block 28 approx. 37 metres; Block 29 approx. 41 metres

- Area – Block 28 approx. 3,043 sq.m.; Block 29 approx. 2,585 sq.m.
- Shape – Irregular

1.8 Surrounding Land Uses

- North – vacant lands for future development
- East – residential single detached dwellings
- South – residential single detached dwellings
- West – open space and former gravel pit

2.0 Discussion and Considerations

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 Building Division. Development Engineering staff are reviewing updated subdivision servicing drawings and have provided technical comments back to the applicant's consultant with respect to engineering design-related matters, including extension of sewer and water services on Cranbrook Road, north of Longworth Road; grading and stormwater conveyance to accommodate overland flows from external lands to the west; and provision of concrete sidewalks on both sides of the future extension of Cranbrook Road. The draft standard conditions continue to be applicable, and a specific condition is also recommended applying to the corner lot (Part 8 on the draft reference plan) to ensure urban design principles are met with respect to requirements for street-oriented design.

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.

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

Through By-law No. CPOL.-392-153, Municipal Council has enacted a policy to guide the consideration of requests for exemption to Part-Lot Control. Requests for exemption to Part-Lot Control will be considered 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;*

An application to change the zoning for these blocks from an Urban Reserve UR2 Zone to a Residential R1 (R1-8) Zone has been submitted and processed concurrently with the application for Exemption from Part Lot Control. The proposed R1-8 zoning is intended to facilitate creation of the proposed eight (8) single detached dwelling lots,

four (4) lots fronting Cranbrook Road and four (4) fronting Longworth Road. A condition has also been recommended in Clause B that the zoning shall be in effect prior to passage of the Part-Lot Control By-law.

- 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;*

Exemption from part lot control implements the intended lotting that was held out at the time of registration until nearby aggregate extraction operations ceased on adjacent lands to the northwest. The former gravel pit has been inactive for the past several years and is in the process of being filled in and rehabilitated.

- 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;*

The nature and character of the subdivision are not changed by the part-lot control exemption. The proposal is consistent with the intended use of the blocks as established through the plan of subdivision and requested zoning.

- 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 eight (8) 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 Low Density Residential in the 1989 Official Plan, which permits single detached dwellings. The proposal will facilitate the development of the parcels 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 Cranbrook Road and Longworth Road 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 registration of the Exemption to Part-Lot Control by-law, in accordance with City Policy.

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 single detached dwellings, which is appropriate to allow for the sale of these units to home builders and future homeowners. The recommended exemption is considered appropriate and in keeping with the registered phases of the Crestwood West Subdivision, subject to the completion of the proposed conditions.

Prepared by: **Larry Mottram, MCIP, RPP**
Senior Planner, Subdivisions and Condominiums

Reviewed by: **Bruce Page, MCIP, RPP**
Manager, Subdivision Planning

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

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

Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning and Development.

CC: Matt Feldberg, Manager, Subdivisions and Development Inspections

May 2, 2022
SM/GB/BP/LM/lm

Y:\Shared\ADMIN\1- PEC Reports\2022 PEC Reports\1_Current Cycle (May 9)\FINAL - 1345 Cranbrook Rd and 1005 Longworth Rd - P-9488 (LM).docx

Appendix A

Bill No. (Number to be inserted by
Clerk's Office)
202__

By-law No. Z.-1-_____

A by-law to exempt from Part-Lot
Control, lands located at 1345
Cranbrook Road and 1005 Longworth
Road, legally described as Block 28 &
29 in Registered Plan 33M-657.

WHEREAS pursuant to subsection 50(7) of the Planning Act, R.S.O. 1990, c. P.13, as amended, and pursuant to the application request from Craig Linton (Norquay Developments), it is expedient to exempt lands located at 1345 Cranbrook Road and 1005 Longworth Road, legally described as Blocks 28 & 29 in Registered Plan 33M-657, from Part Lot Control;

AND WHEREAS the applicant has applied for a zoning by-law amendment to change the zoning of the subject lands from an Urban Reserve UR2 Zone to Residential R1 (R1-8) Zone, and the zoning as amended is in full force and effect;

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

1. Blocks 28 & 29 in Registered Plan 33M-657, located at 1345 Cranbrook Road and 1005 Longworth Road, 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 single detached dwellings in conformity with the Residential R1 (R1-8) 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 -