

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: Sifton Properties Ltd.
Address: 890 Upperpoint Avenue

Meeting on: May 30, 2022

Recommendation

That, on the recommendation of the Director, Planning and Development, with respect to the application by Sifton Properties Ltd., the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on June 14, 2022 to exempt Block 141, Plan 33M-754 and Block 42, Plan 33M-810 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 141 in Registered Plan 33M-754 and Block 42 in Registered Plan 33M-810 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 fourteen (14) single detached dwellings with frontage on Fountain Grass Drive.

Rationale of Recommended Action

The standard 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 applicant, all in accordance with the previous Council Resolution.

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 subject site is located on Fountain Grass Drive to the east of Upperpoint Avenue, which is generally located east of Westdel Bourne and east of Middleton Avenue. The site is currently vacant with existing low density residential to the north and east, and vacant future residential lands to the south, and existing and planned medium density residential lands to the west. A neighbourhood park is planned southwest of the subject lands. The subject lands are proposed to be developed as fourteen (14) single detached dwellings.

1.1 Previous Reports Related to this Matter

March 23, 2015 - Report to Planning Committee to recommend approval of the Riverbend South Secondary Plan and amendment to the Official Plan.

November 14, 2016 - Report to Planning and Environment Committee to recommend approval of the Warbler Woods draft plan of subdivision and associated zoning by-law amendments (39T-16502/Z-8621).

July 16, 2018 - Report to Planning and Environment Committee to recommend approval of the Special Provisions for Warbler Woods Subdivision Phase 2 (39T-16502).

March 29, 2021 - Report to Planning and Environment Committee to recommend approval of the Wagner draft plan of subdivision and associated zoning by-law amendments (39T-20503/Z-9278).

October 18, 2021 - Report to Planning and Environment Committee to recommend approval of the Special Provisions for Wagner Subdivision Phase 1 (39T-20503).

December 13, 2021 - Report to Planning and Environment Committee to recommend removal of holding provisions (H-9392).

December 13, 2021 - Report to Planning and Environment Committee to recommend conditions of approval to be required prior to the passage of a Part Lot Control By-Law (P-9358).

1.2 Planning History

The majority of the subject lands are located within the Warbler Woods Subdivision (Block 141 in Plan 33M-754). On October 24, 2018, the City of London Approval Authority granted final approval and Phase 2 of the Warbler Woods subdivision was registered as Plan 33M-754 on November 2, 2018. The final plan consisted of 128 single detached residential lots, four (4) medium density residential blocks, one (1) high density residential block, one (1) school block, three (3) park blocks, one (1) open space block, one (1) walkway block, two (2) secondary collector roads, and seven (7) local streets.

A small portion of the subject lands, as well as the street onto which all the lots front, is located within the Wagner Subdivision (Block 42 in Plan 33M-810). On November 18, 2021, the City of London Approval Authority granted final approval and Phase 1 of the Wagner subdivision was registered as Plan 33M-810 on November 29, 2021. The final plan consisted of 39 single detached residential lots, two (4) medium density residential blocks, one (1) future development block, one (1) park block, one (1) road widening block, two (2) reserve blocks, and the extensions of two (2) local streets.

An application for removal of the 'h' holding provision requiring the submission of necessary securities to the City of London and the execution of a development agreement has also been submitted, and was approved by Council on December 13, 2021.

1.3 Previous Meeting

At its meeting held on December 21, 2021, Municipal Council resolved:

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Sifton Properties Ltd., to exempt Block 141, Plan 33M-754 and Block 42, Plan 33M-810 from Part-Lot Control:

- a) pursuant to subsection 50(7) of the Planning Act, R.S.O. 1990, c. P.13, the proposed by-law appended to the staff report dated December 13, 2021 BE INTRODUCED at a future Council meeting, to exempt Block 141, Plan 33M-754 and Block 42, Plan 33M-810 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 Holding Residential R1 (h*R1-4) in Zoning By-law No. Z.-1, which permits 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 Block 141, Plan 33M-754 and Block 42, Plan 33M-810 as noted in clause a) above:
- i) the applicant be advised that the costs of registration of the said bylaws are to be borne by the applicant in accordance with City Policy;
 - ii) the applicant submit a draft reference plan to the 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 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;
 - 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 Deputy City Manager, Environment and Infrastructure or designate 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 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;
 - ix) 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;
 - 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 Deputy City Manager, Environment and Infrastructure that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;
 - xii) 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. (2021-D25)

1.4 Current Planning Information (see more detail in Appendix C)

- The London Plan Place Type – Neighbourhoods Place Type
- Riverbend South Secondary Plan – Low Density Residential
- 1989 Official Plan Designation – Low Density Residential
- Existing Zoning – R1-4

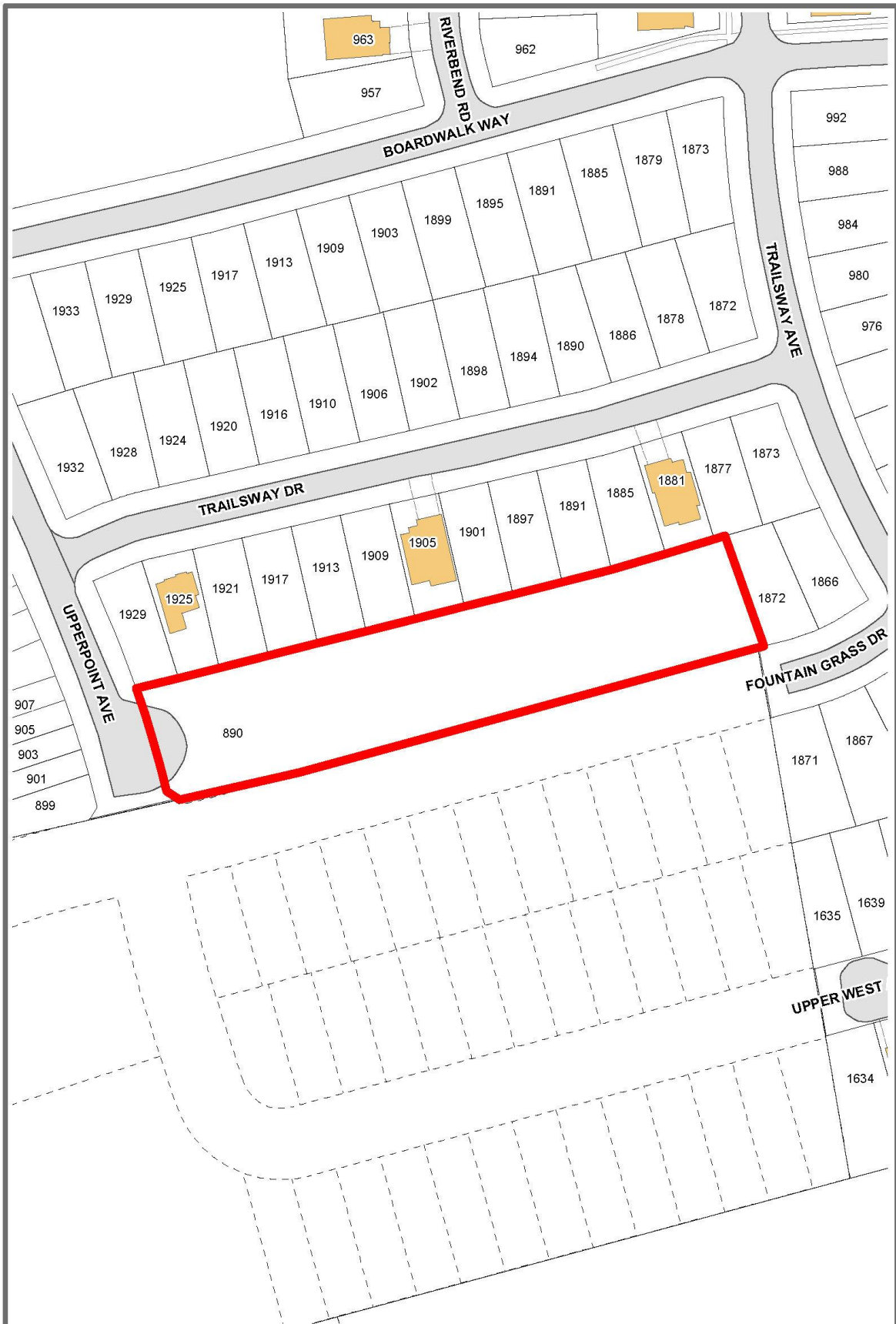
1.5 Site Characteristics

- Current Land Use – Vacant
- Frontage – approx. 33m on Upperpoint Avenue (Neighbourhood Connector) and 172m on Fountain Grass Drive (Neighbourhood Street)
- Area – approx. 5,700 m²
- Shape – Irregular

1.6 Surrounding Land Uses

- North – single detached dwellings
- East – single detached dwellings
- South – single detached dwellings
- West – townhouse dwellings, municipal park, future medium density residential

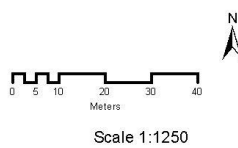
1.7 Location Map








LOCATION MAP

Subject Site: P-9358
File Number: 890 Upperpoint Avenue
Planner: Michael Clark
Date: 03/06/2021

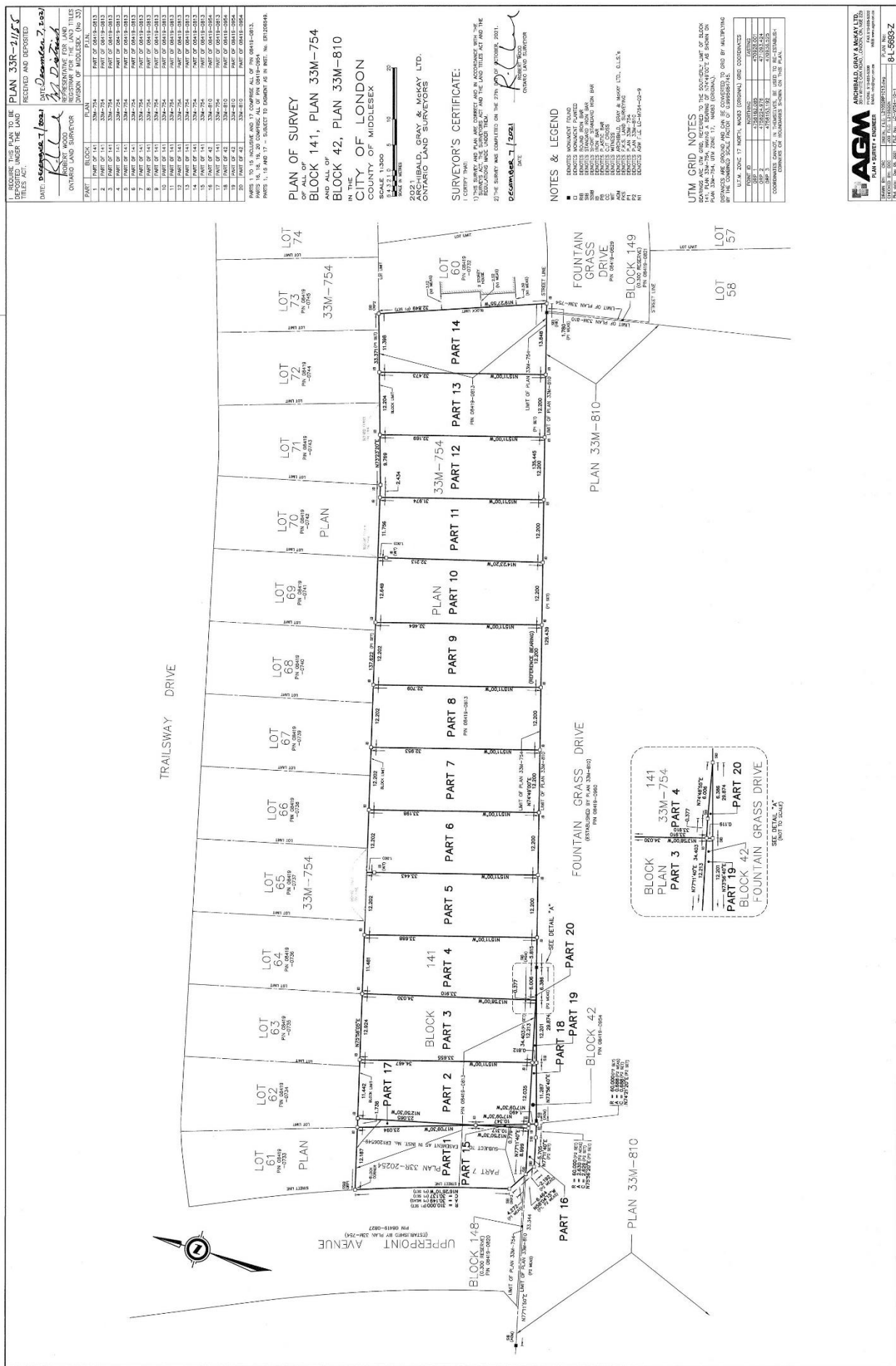
Corporation of the City of London
Prepared By: Planning and Development



Legend

-  Subject Site
-  Buildings
-  Parks
-  Draft Approved Subdivisions
-  Driveways/Parking Lots

1.8 Reference Plan 33R-21155



2.0 Discussion and Considerations

The Applicant, Sifton Properties Ltd., has requested exemption from part-lot control to create a total of fourteen (14) single detached dwellings on Fountain Grass Drive.

2.1 Community Engagement (see more detail in Appendix B)

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 the Building Division) and London Hydro. Development Engineering confirmed that the draft standard conditions are applicable and no additional conditions were needed.

2.2 Policy Context (see more detail in Appendix C)

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* allows 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

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 noted above have been satisfied as follows:

- i) *the applicant be advised that the costs of registration of the said bylaws are to be borne by the applicant in accordance with City Policy;*

Acknowledged by the applicant on March 15

- ii) *the applicant submit a draft reference plan to the 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 registration of reference plan 33R-21155.

- iii) *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;*

Satisfied by submission on March 15, 2022 and City staff (GIS Data Technician) confirmed by email on March 22, 2022 that a digital file has been submitted in a format acceptable to the City of London.

- 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;*

Satisfied by Offer to Connect agreed upon between London Hydro and Norquay Developments Ltd. on August 5, 2021 for the Wagner Subdivision (33M-810), including these 14 lots for Sifton Properties Ltd.

- v) *the applicant submit to the Deputy City Manager, Environment and Infrastructure or designate 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 updated grading plans submitted on May 3, 2022 for the Warbler Wood Phase 2 Subdivision (39T-16502) and accepted by staff, and by the servicing plans submitted and accepted during the Wagner Subdivision (39T-20503) drawing submissions.

- vi) *the applicant shall enter into any amending subdivision agreement with the City, if necessary;*

Satisfied by a commitment by the applicant on May 16, 2022 to amend the subdivision agreement for Warbler Wood Phase 2 Subdivision (39T-16502) to recognize the updated lot grading plan.

- 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;*

The applicant agrees all of their obligations will be fulfilled in their entirety related to the construction of all services and will be completed in accordance with the approved final engineering design for the lots.

- viii) *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;*

Satisfied by municipal numbering assigned on February 1, 2022.

- ix) *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;*

Satisfied by email from City staff on February 1, 2022.

- 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;*

Satisfied by reference plan 33R-21155 submitted.

- xi) *the applicant shall obtain clearance from the Deputy City Manager, Environment and Infrastructure that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;*

Acknowledged by the applicant on March 15, 2022 that this condition will be fulfilled prior to the issue of building permits.

- xii) *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 15, 2022.

Conclusion

The recommended exemption is considered appropriate and in keeping with the registered phases of the Warbler Woods and Wagner Subdivisions. 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: Michael Clark, MA
Planner, Subdivision Planning

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

cc: Matt Feldberg, Manager, Subdivisions and Development Inspections
cc: Matt Davenport, Manager, Development Engineering (Subdivisions)
cc: Michael Pease, Manager, Site Plans
cc: David Turvey, GIS Data Technician, Planning and Development

BP/mc

Appendix A

Bill No. (Number to be inserted by Clerk's Office)
2021

By-law No. Z.-1-_____

A by-law to exempt from Part-Lot Control, lands located at 890 Upperpoint Avenue, legally described as Block 141 in Registered Plan 33M-754 and Block 42 in Registered Plan 33M-810.

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 at 890 Upperpoint Avenue, legally described as Block 141 in Registered Plan 33M-754 and Block 42 in Registered Plan 33M-810, from Part Lot Control;

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

1. Block 141 in Registered Plan 33M-754 and Block 42 in Registered Plan 33M-810, located at 890 Upperpoint Avenue, north of Fountain Grass Drive 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 (R1-4) 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 June 14, 2022

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading - June 14, 2022
Second Reading - June 14, 2022
Third Reading - June 14, 2022