



Meeting Date: February 15, 2023

Submitted by: Marion-Frances Cabral, Planner

Report No: PLA-8-2023

Subject: Application for Part Lot Control Exemption for 33M-673, Blocks 32 and 33; Filed by Pemic Komoka Development Corporation

Recommendation:

THAT Council pass the Part Lot Control Exemption By-law with respect to the subject lands, 33M-673 Blocks 32 and 33, as generally illustrated on Attachment 1, and to expire two (2) years following passing by Council;

AND THAT the By-law be forwarded to the County of Middlesex for approval.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding a request for Part Lot Control Exemption on the subject lands to facilitate the conveyance of 2 parcels within the existing subdivision.

A location map highlighting the subject lands is included as Attachment 1.

As illustrated in the Part Lot Control Exemption Plan (Attachment 2 – Draft R-Plan), the subject lands, Block 32 and 22, will be separated into 2 parts.

The lots are proposed to be consolidated to create 1 building lot for a single detached dwelling unit. In support of the Part Lot Control Exemption request, the applicant has submitted a site plan that depicts a possible building envelope for the consolidated lots.

The subject lands are located on the east side of Caverhill Crescent and north of Duke Street in Komoka. Final plan approval of Phase 3 of the subdivision (39T-MC97004) was given in August 26, 2014 by the County of Middlesex.

Background:

Section 50(5) of the Planning Act provides that part of a lot or block within a registered subdivision cannot be transferred or entered into an agreement of sale unless given approval by the Municipality. This planning tool is known as 'part lot control'. Where it is deemed appropriate, a Municipality may authorize exemption from part lot control by passing a by-law under Section 50(7) of the Planning Act. Providing part lot control exemption avoids further subdivision or consent applications to create building lots or easements in order to develop the land. Part lot control exemption also requires final approval by Middlesex County as the approval authority.

Exemption from part lot control is commonly used for lots or blocks within a registered plan of subdivision where attached dwellings (e.g. semi-detached, townhouse) are proposed, however, the unit type or boundary limit of each lot is not identified. In this situation, part lot control applies to the blocks to prevent the premature conveyance of land. The intention for development of the 2 lots was to acquire land from an abutting land owner (128 Prince Street) to 'regularize' the lots to match the lot fabric in the neighbourhood. Once the lots were of similar size relative to the neighbourhood, the lots could be conveyed and developed as single family lots. However, this approach requires consent from the abutting landowner.

The requested part lot control exemption would remove Blocks 32 and 33 on Registered Plan 33M-673 from part lot control for a period of three (3) years in order to consolidate the parcels to build 1 single detached dwelling.

The lands are subject to Plan of Subdivision application 39T-MC97004 which was draft approved in 2001, and final plan approval for Phase 3 was issued in August 2014. Blocks 32 and 33 are subject to the general "Urban Residential First Density (UR1)" zone which permits single detached dwellings and requires a minimum lot area of 450 m².

Policy Regulation:

The subject land is identified as part of the Komoka 'Settlement Area' in Middlesex County's Official Plan and designated as 'Residential' within Middlesex Centre's Official Plan. The subject lands have combined zoning of 'Urban Residential First Density with Hold (UR1)(h-1).

Provincial Policy Statement, 2020:

The *Planning Act* states that all decisions made by planning authorities "shall be consistent with the policy statements issued" under subsection 3. The Provincial Policy Statement, 2020 (PPS) document is comprised of several policy statements and summary of those that are applicable to the proposed development are noted below.

The PPS identifies that healthy communities are sustained by accommodating an appropriate range and mix of uses, avoiding development patterns that cause environmental concerns, and promoting cost-effective development patterns that optimize the use of planned and future infrastructure.

Middlesex County Official Plan:

The County of Middlesex Official Plan (County Plan) identifies the subject land as within the Komoka 'Settlement Area'. Similar to the PPS, the County Plan recognizes the orderly development of land and that Settlement Areas will be the focus for future growth including commercial, industrial and residential uses.

Middlesex Centre Official Plan:

The Middlesex Centre Official Plan (Official Plan) shows the land located within the Kilworth-Komoka Urban Settlement Area and Secondary Plan on Schedule A-1 and designated 'Residential'.

The Official Plan provides direction for the subdivision of land within settlement areas to ensure the orderly development of land within residential areas. The Municipality shall encourage a wide variety of housing types, sizes and tenures to meet the demographic and market requirements for current and future residents and optimize the existing infrastructure. The Municipality should encourage alternative forms of housing and support at least a three year supply of draft approved and registered plan of subdivision lots within the Municipality.

Middlesex Centre Zoning By-law:

The zoning on the subject lands is zoned 'Urban Residential First Density with Hold (UR1)(h-1)' which permits a single detached dwelling, accessory use, and home occupation. If conveyed separately, the individual blocks will be undersized (410 m² or 4, 413 ft²) for the UR1 zone which requires a minimum of 450 m² (4, 844 ft²), however, they will meet the minimum frontage requirements.

If conveyed separately the two blocks would have a maximum building envelope of approximately 120 m² (1, 291 ft²) in area.

A Holding Symbol (h-1) also applies to the lands. The precondition to remove the (h-1) shall be that a subdivision agreement, including but not necessarily limited to the requirement for the development to be connected to a public water supply system and a public sanitary sewer system, has been entered into with the Municipality.

Consultation:

The development implemented by the proposed By-law was subject to previous public consultation and engagement through the plan of subdivision review process. The Part Lot Control Exemption request is not required by the Planning Act to hold a public meeting, and it is not anticipated that staff will receive new comments related to the proposed development or exemption request.

Analysis:

The proposed part lot control exemption by-law is intended to implement the approved residential use of the lands.

It is staff's preference that the lots be regularized and consistent with the existing lot fabric of the immediate community or used for a different form of housing such as semi-detached dwellings or townhouse dwellings given the size of the combined blocks. As such, staff would prefer to see the blocks enlarged and developed for at least 2 dwellings as intended in the plan of subdivision.

It is acknowledged that several years have past since final approval was issued for the plan of subdivision, and it is not known if or when the abutting landowner will provide consent to sever and add land to the subject lands to create the larger lots. This can result in the lands being vacant for an indefinite period. The applicant has also advised that they have made attempts to acquire land from the abutting landowner, however, they have been unsuccessful. As such, staff can consider this an opportunity for infill development within a serviced area which is consistent with current planning policy.

Should part lot control exemption be granted, the individual blocks will not meet the minimum lot area for the UR1 zone and it would require either a rezoning or consolidation of the blocks. The applicant has indicated that their preference will be to consolidate the blocks into 1 building lot for a single family residence. The applicant has provided renderings and conceptual building envelope to support 1 single family home on the property consistent with the surrounding community. However, final building plans will be determined by the future owner of the lands. Additionally, the proponent or future landowner will be required to fulfill the Holding symbol condition to the satisfaction of the Municipality before development may proceed on the lands.

Given the above and nature of the application, planning staff can support proposed part-lot control by-law subject to an expiry date of two (2) years from the date of registration. The timeframe is appears sufficient to finalize the lot creation and have the new lots registered and consolidated with the registry office.

If the proposed by-law is passed by Middlesex Centre Council, this By-law will be forwarded to Middlesex County for final approval. As the approval authority for plans of subdivision and condominium, the County is also responsible for approval of part-lot control exemption applications and associated By-law.

Financial Implications:

None.

Strategic Plan:

This matter aligns with following strategic priorities:

- Balanced Growth

Attachments:

Attachment 1 – Location Map

Attachment 2 – R-Plan 33M-673

Attachment 3 – Proposed By-law

Attachment 4 – Conceptual Building Envelope