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Date June 4, 2019 **Report No.** 2019-258

To Chair and Members
Committee of the Whole – Community Development

From Paul Moore, General Manager
Community Development

1.0 Type of Report

Consent Item []
Item For Consideration [X]

2.0 Topic **Part Lot Control Relief Application PLC-02-19 (Blocks 145-149, Plan 2M-1942) 92-142 Munro Circle [Financial Impact – None] (2019-258)**

3.0 Recommendation

- A. THAT Part Lot Control Relief Application PLC-02-19 submitted by Armstrong Planning + Project Management, applying to Blocks 145, 146, 147, 148 & 149 on Plan 2M-1942, (92-142 Munro Circle), BE APPROVED; and,
- B. THAT the implementing Part Lot Control By-law expire after a period of three years, at which time Part Lot Control will be reinstated on the subject lands for reasons outlined in Report 2019-258.

4.0 Purpose and Overview

The applicant seeks approval for Relief from Part Lot Control to facilitate the creation of twenty-six street townhouse lots and related easements, as seen on Plan 2R-8338 (**Appendix A**). The blocks where the townhouses are proposed were created through Plan of Subdivision 2M-1942 (File No. 29T-16501), and

described as Wyndfield West Phase 7B, (see **Appendix B**). The townhouse units are currently under construction. This application also proposes to create sixteen easements so that the middle townhouse units can access their rear yards and for maintenance purposes.

5.0 Background

5.1 Site Features and Surrounding Land Use

The subject lands are located south of Shellard Lane, west of Powell Road, (**Appendices C & D**). The lands are located within a Plan of Subdivision, known as Wyndfield West Phase 7B, which was registered on August 29, 2018 (see **Appendix B**). The townhouse dwellings are under construction and site photos are attached as **Appendix E**. The surrounding neighbourhood is in varying stages of development. To the south is Wyndfield Phase 6, which is currently undergoing a red line revision. This phase includes residential uses and a park block. To the west is a draft approved Plan of Subdivision which consists of future residential uses and a potential school block. The surrounding housing types within Phase 7B include single detached and townhouse dwellings to the east and south.

5.2 Detailed Description of the Proposal

The applicant is requesting permission to divide Blocks 145, 146, 147, 148 and 149 on Plan of Subdivision 2M-1942 into twenty-six street townhouse lots and 16 access easements. The deposited reference plan showing the lots and easements is attached as **Appendix A**. Wyndfield West Phase 7B has been reviewed and approved through the following applications: Draft Plan of Subdivision (File: 29T-16501), Neighbourhood Plan (File: NP-01-16) and Zoning By-law Amendment (File: PZ-02-16). The lands were also subject to Minor Variance Application A10/2018 whereby the Committee of Adjustment approved a reduced lot area of 168.0 m²/unit. The Committee's Decision was final and binding on August 8, 2018.

For Council's information, in the past, street townhouse units within a registered Plan of Subdivision would have been subject to Site Plan Control and through that process, grading and drainage and site servicing etc. would have been reviewed. However, it was recognized that there was some duplication in terms of review at the draft plan and site plan stages and last year By-law 90-2018 was passed by Council which

amended the Site Plan Control process to exempt street townhouse dwellings within a registered plan of subdivision from Site Plan Control.

However, the development of these lands including all site details (grading and servicing) have been appropriately addressed through the development application process and through the Subdivision Agreement which has been registered on title and accompanied by the necessary securities. The development is currently proceeding in accordance with this registered agreement. The foundation walls have been poured for the townhouse blocks, and therefore the lot lines can now be established prior to the sale of the individual units.

6.0 Corporate Policy Context

6.1 Shaping our Future: Brantford's Community Strategic Plan (2014-2018)

This application was reviewed within the context of the Community Strategic Plan. The proposal to develop the property for townhouse dwellings is consistent with the long-term desired outcomes set out under Goal 3, Managed Growth and Environmental Leadership. The Plan indicates that Brantford will be known as a City that manages growth wisely, and makes optimum use of its infrastructure.

The development of the subject lands will help to achieve the goal of managing growth wisely and making optimum use of existing infrastructure in a built up area of the City. This proposal is consistent with the direction established in the Community Strategic Plan.

6.2 Provincial Policy Statement (2014)

The requested relief from Part Lot Control is needed to establish lot boundaries. While the Provincial Policy Statement is silent on Part Lot Control, Staff has reviewed the development in the context of the Provincial Policy Statement and is of the opinion that the applicant's request is consistent with the Provincial Policy Statement as it promotes new growth in an existing settlement area that is of an appropriate form of density and makes efficient use of existing infrastructure.

6.3 Places to Grow – Growth Plan for the Greater Golden Horseshoe (2017)

Planning Staff have reviewed the development in the context of the Places to Grow – Growth Plan for the Greater Golden Horseshoe. Planning Staff is of the opinion that the applicant's request is consistent with this Plan.

7.0 Input From Other Sources

7.1 Technical Liaison Response

Staff consulted with Engineering Services and the Building Department for comment and there were no objections or concerns expressed.

7.2 Public Response

Under Section 50(29) of the *Planning Act*, a public hearing is not required to be held, and notice of passing of the Part Lot Control By-law is only required to be given to the owner of land to which the By-law applies.

7.3 Grand River Notification Area Input

Notice is not required for a Part Lot Control application.

8.0 Analysis

8.1 Official Plan Considerations

The subject lands are designated "Neighbourhood Residential" in the West of Conklin Secondary Plan, which forms part of the City's Official Plan. This designation is intended to accommodate a range of housing types including single detached dwellings, as well as the townhouses, which are currently under construction. This application is considered to be in conformity with the Official Plan.

8.2 Zoning By-law Considerations

Existing Zoning: "Residential Medium Density Type A Zone – Exception 46 (R4A-46)"

The subject lands are zoned Residential Medium Density R4A Zone – Exception 46 (R4A-46) in Zoning By-law 160-90 (**Appendix F**). This Zone

permits a variety of uses, including double duplexes, fourplexes, block townhouses and street townhouses. Special Exception 46 provides Zone regulations specific to this development. The townhouses that are currently under construction and the proposed lots meet all the requirements of the R4A-46 Zone as well as the approved Minor Variance application (File No. A10/2018).

8.3 Development Considerations

Approval of this application for relief from Part Lot Control will facilitate the creation of twenty-six townhouse lots and related access easements. All twenty-six townhouses will be freehold units with frontage on Munro Circle and the remaining sixteen Parts will create access easements so that the middle townhouse units have access and maintenance to their rear yards.

The process of relief from Part Lot Control is a desirable way in which to create the lots and easements where the development proposal has been reviewed and considered through a public process associated with other related planning approvals and implementing instruments, such as the application to amend the Zoning By-law and for draft approval of the Plan of Subdivision. Once a By-law to relieve the subject lots from Part Lot Control is approved by Council, it is registered on title for the property.

This developer has never had difficulty with the three year time frame in other phases of their developments and has indicated that they have taken deposits for all units under construction with closing dates for the units anticipated in July 2019. Planning Staff recommends that the By-law expire three years from its date of passage, as that will be sufficient time to register the lots and the necessary easements. Upon completion of registration, Part Lot Control will automatically be reinstated.

9.0 Financial Implications

There are no municipal financial implications associated with this Part Lot Control Application.

10.0 Conclusion

The development is in conformity with the Official Plan, and has been reviewed through previous planning approval processes including the applications to amend the Official Plan and Zoning By-law, Draft Plan of Condominium, and Minor Variance. It is recommended that the implementing By-law expire after a

period of three years at which time Part Lot Control will be reinstated. Planning Staff are satisfied that the recommendations contained in this Report is in accordance with the purpose and intent of the Part Lot Control process as provided under the *Planning Act*, and no municipal interests will be adversely affected, and therefore recommend that the application for relief from Part Lot Control be approved.



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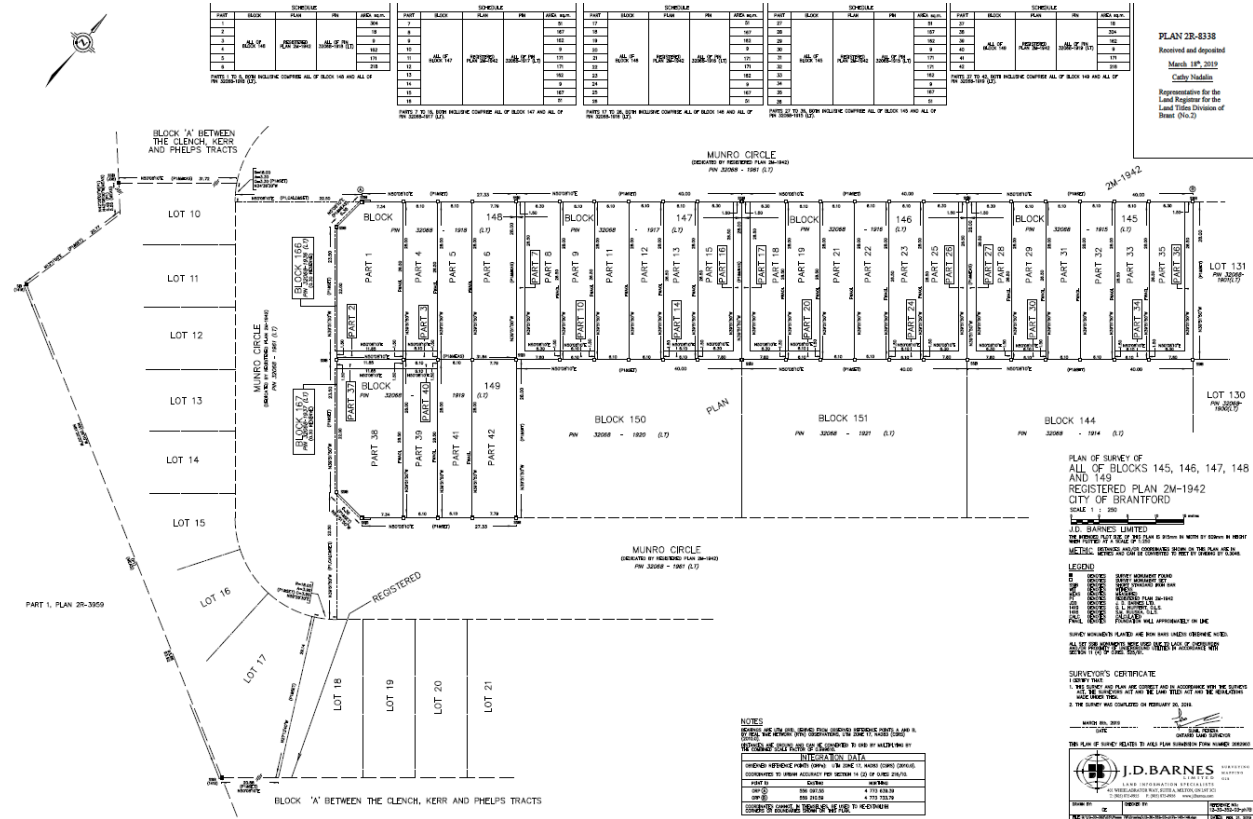


Paul Moore, MCIP, RPP
General Manager
Community Development

In adopting this report, is a by-law or agreement required? If so, it should be referenced in the recommendation section.

By-law required	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Agreement(s) or other documents to be signed by Mayor and/or City Clerk	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Is the necessary by-law or agreement being sent concurrently to Council?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no

Appendix A – Reference Plan 2R-8338



PLAN 28-7053
 SHEPPARD LANE
 DESIGNATED AS A PUBLIC HIGHWAY BY PLAN 18-010 AS NOT IN DISCREPANCY
 P.I.N. 32048-1885 (L.T.)

PART L, PLAN 28 - 7053
 P.I.N. 32048-1885 (L.T.)

CLENCH KERR AND

MUNRO CIRCLE

DETAIL A
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Appendix C – Aerial Photo


AERIAL PHOTO (2017)

Application: PLC-02-19

92-142 Munro Circle



LEGEND

 Subject Lands

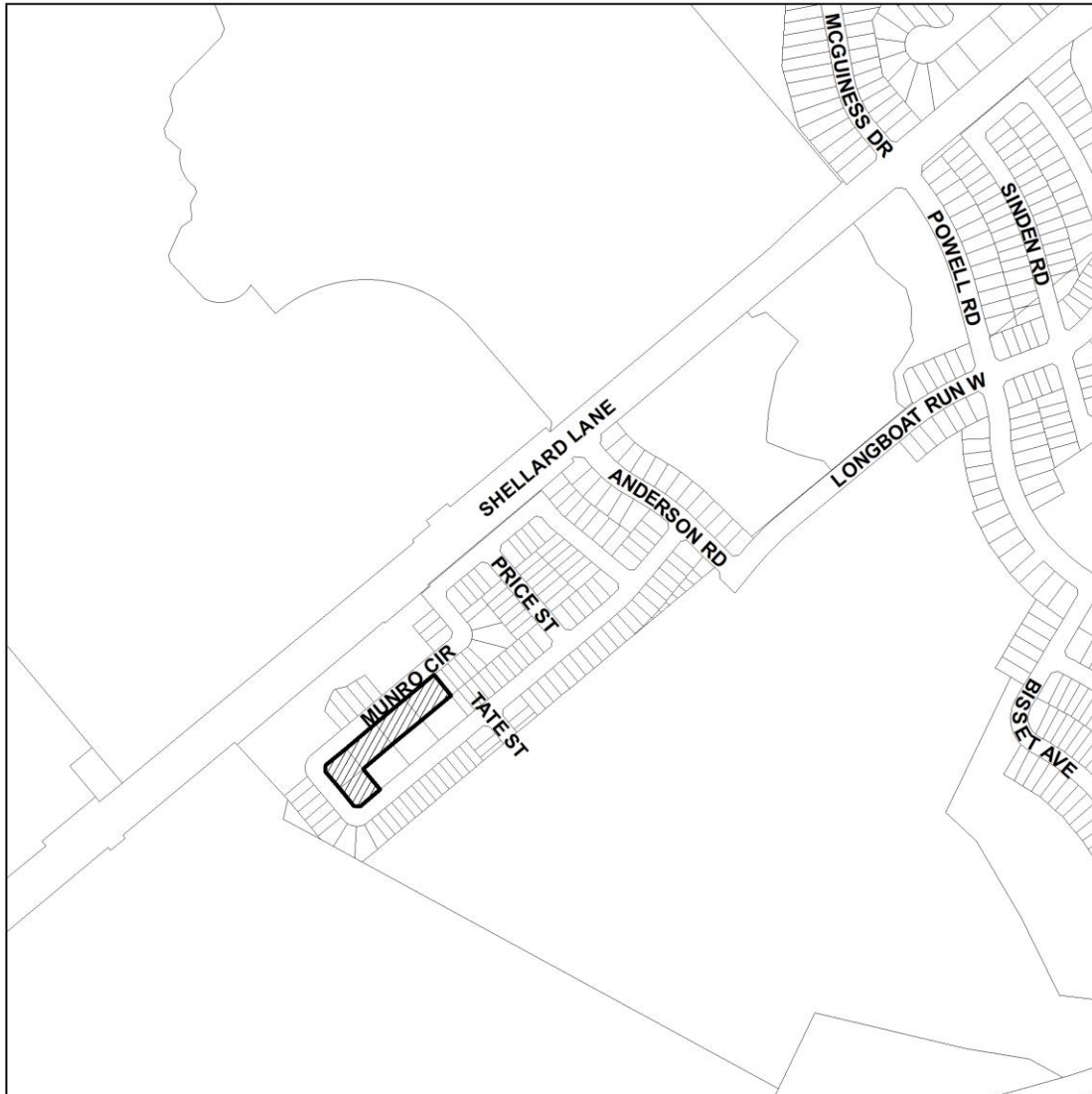


Appendix D – Location Map

LOCATION MAP

PLC-02-2019

92-142 Munro Circle



Legend

 Subject Lands



Appendix E – Site Photos (April 25, 2019)



Figure 1: Block 149, subject to Part Lot Control Application



Figure 2: Block 145, subject to Part Lot Control Application



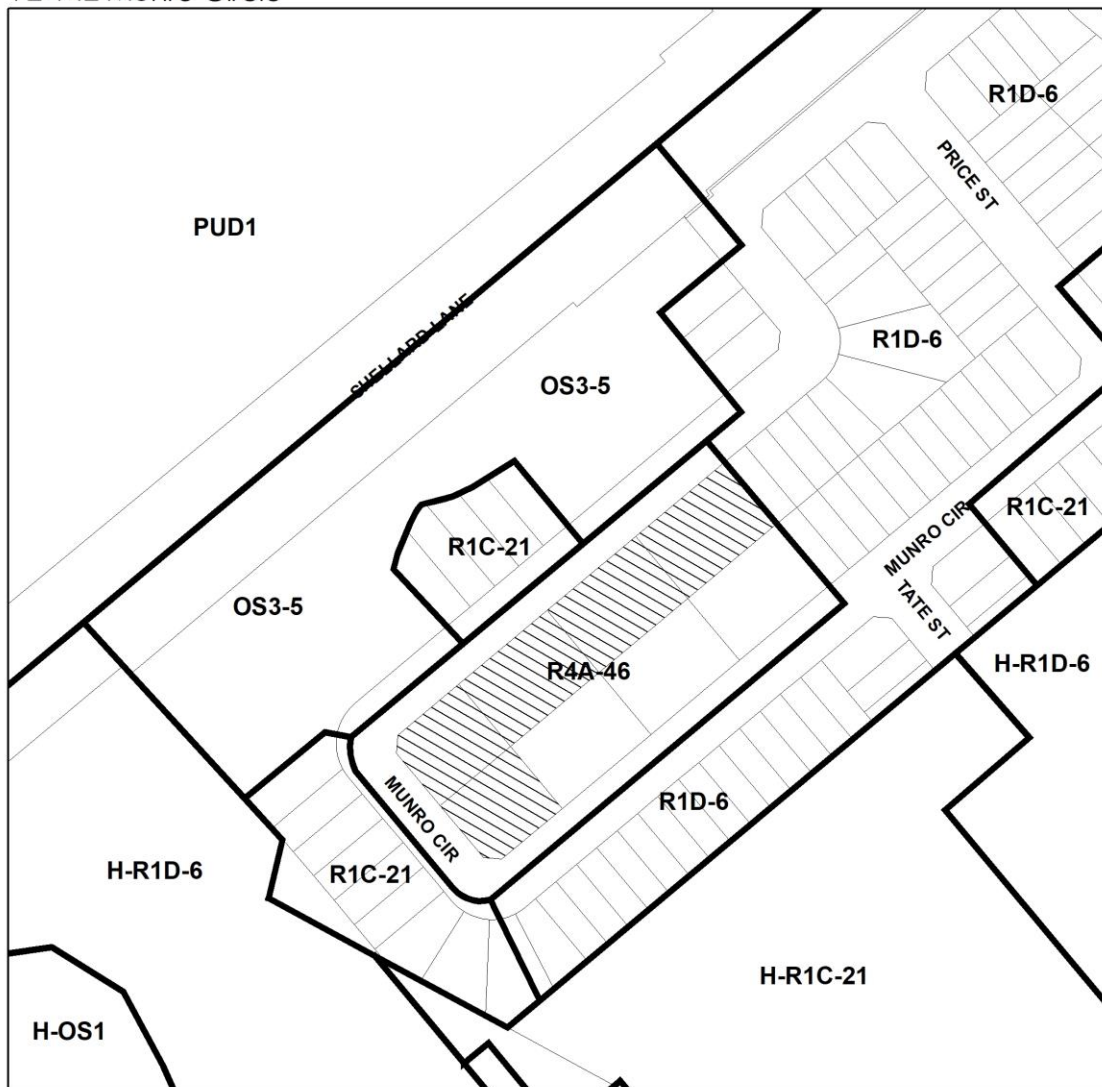
Figure 3: Foundation poured on Block 146, subject to Part Lot Control Application

Appendix F – Zoning Map

EXISTING ZONING

PLC-02-2019

92-142 Munro Circle



LEGEND

Subject Properties

EXISTING ZONING (Bylaw 160-90)

ZONE BOUNDARY

R1A RESIDENTIAL Type 1A (18 metre)
R1B RESIDENTIAL Type 1B (15 metre)
R1C RESIDENTIAL Type 1C (12 metre)
R1D RESIDENTIAL Type 1D (9 metre)
R4A RESIDENTIAL MEDIUM DENSITY Type A
PUD1 PLANNED UNIT DEVELOPMENT Type 1

OS1 OPEN SPACE Type 1
OS3 OPEN SPACE RESTRICTED
H HOLDING PROVISION
-3 Exception Number

