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Date June 4, 2019 **Report No.** 2019-292

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 ☒

2.0 Topic **Part Lot Control Relief Application PLC-01-2019 (Blocks 91, 92 & 93, Plan 2M-1872 and Part of Block 90, Plan 2M-1872 and Block 1, Plan 2M-1944, City of Brantford) 77 Diana Avenue [Financial Impact – None] (2019-292)**

3.0 Recommendation

- A. THAT Part Lot Control Relief Application PLC-01-2019 submitted by NHDG (Focus) Inc., applying to Blocks 91, 92 & 93, Plan 2M-1872 and Part of Block 90, Plan 2M-1872 and Block 1, Plan 2M-1944, City of Brantford) 77 Diana Avenue, 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 2019-292.

4.0 Purpose and Overview

This application seeks approval for Relief from Part Lot Control to facilitate the creation of 177 townhouse lots and related easements. The proposed townhouses are currently under construction and are located within a Draft

Approved Plan of Condominium (File No. 29CD-17501). The proposed lots are described as Parcels of Tied Land (POTL) townhouse lots and are illustrated on the attached draft reference plan (see **Appendix A**). This application also proposes to create a total of 56 easements to allow for the creation of pedestrian/maintenance accesses into some of the rear yards and for future maintenance of the retaining wall, which extends along the eastern lot line as shown on the draft reference plan as Parts 178-234 (see **Appendix A**). Parts 234-237 propose to recognize an existing storm sewer easement. Parts 236 and 238 recognize the common element portions of the condominium.

5.0 Background

5.1 Site Features and Surrounding Land Use

The subject lands are located at the northeast corner of Blackburn Drive and Diana Avenue, west of Veterans Memorial Parkway (see **Appendix B1**). Surrounding land uses include one and two storey single detached dwellings to the west which back onto Diana Avenue, and to the south along Blackburn Drive. A protected woodlot is also located to the south. To the north, there are predominantly residential uses in the form of a retirement residence, block townhouses, street townhouses, and a community church (Salvation Army). A large partially protected woodlot is located immediately to the east, and is adjacent to the Veterans Memorial Parkway (see **Appendix B2**).

The subject lands consist of Blocks 90, 91, 92 and 93 within Registered Plan of Subdivision 2M-1872 as well as Block 1 on Plan of Subdivision 2M-1944 (see **Appendices C1** and **C2**). The lands are currently under construction for the development of 177 townhouse units consisting of back-to-back townhouse dwellings (74 units), traditional townhouse dwellings (62 units) and block townhouse dwellings (41 units). Site photos and a copy of the site plan are attached as **Appendices D** and **E**.

5.2 Detailed Description of the Proposal

The applicant is seeking relief from Part Lot Control for lands that were the subject of applications for an Official Plan and a Zoning By-law Amendment (File Nos. OP-01-17 & PZ-03-17), which were approved by Council on June 27, 2017. Official Plan Amendment (OPA) No. 199 changed the land use designation of the subject lands from “Neighbourhood Commercial Centre” to “Residential Area – Medium Density” to permit the development of the 177 townhouse units. The amendment also deleted Modified Policy Areas 39, 40, 72 and 101 from the subject lands. By-law 96-2017 amended Zoning By-law 160-90 by changing the

zoning of the subject lands from “Community Centre Commercial – Exception 6 Zone (C10-6)” to “Holding-Residential Medium Density Type A – Exception 58 Zone (H-R4A-58)”.

Applications to create a common element Draft Plan of Condominium (File 29CD-18501), and for Draft Plan of Subdivision (File No. 29T-17501) were subsequently approved and the related Site Plan Control application was approved on January 30, 2018 (File No. SPC-04-2017). The removal of the ‘Holding’ provision was approved by Council on December 19, 2017, and development of the lands for 177 townhouse dwellings is proceeding in accordance with the approved site plan.

At the time the applications for an Official Plan Amendment, Zoning By-law Amendment, and Site Plan Control were considered, Staff were aware that an application for exemption from Part Lot Control would follow for the townhouse lots to allow for the establishment of the internal lot lines so that each townhouse dwelling unit would be located on its own lot which can then be sold separately, as well as to create easements for access and for maintenance of the retaining wall.

The applicant is requesting permission to divide Blocks 91, 92 & 93, Plan 2M-1872 and Part of Block 90, Plan 2M-1872 and Block 1, Plan 2M-1944 into 177 Parcels of Tied Land for condominium townhouses, and to create a total of 56 easements, by lifting Part Lot Control, as permitted under the *Planning Act*. A draft reference plan showing the location of the lots and right-of-ways is attached as **Appendix A**. At the time of drafting this Report, the applicant had indicated to Planning Staff that the reference plan had been deposited with the Land Registry Office and would be registered prior to the by-law being presented to Council.

The layout of the site including layout of the townhouse dwellings have been designed in accordance with an approved Site Plan. Stormwater management for these lands was addressed through the Site Plan Control process and municipal services are available and constructed. Four separate blocks are also proposed to be created to recognize an existing storm sewer easement. The other proposed easements are for access purposes to the rear yards and for the maintenance of the constructed retaining wall along the eastern property line which will all become common elements of the Draft Plan of Condominium. The applicant is currently fulfilling the conditions for final approval of the Plan of Condominium.

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 redevelopment 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 considered an appropriate infill development and 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 “Residential Area – Medium Density” in the City’s Official Plan. The “Residential Area – Medium Density” designation is intended to accommodate a range of housing types such as townhouses, rowhouses, fourplexes, low-rise apartments and other forms of low-rise multiple –unit dwellings. The mix of back-to-back dwellings, traditional townhouse dwellings and “block urban townhouse dwellings” are permitted within the “Residential Area- Medium Density” designation through Council’s approval of OPA #199 on June 27, 2017. This application is in conformity with the Official Plan.

8.2 Zoning By-law Considerations

Existing Zoning: “Residential Medium Density Type A Zone – Exception 58 Zone (R4A-58)”

The subject lands are zoned “Residential Medium Density Type A Zone – Exception 58 (R4A-58)” in Zoning By-law 160-90 (see **Appendix F**). At the time of the approval of the Zoning By-law Amendment application, a Holding provision was placed on the property until the applicant entered into a Site Plan Agreement with the City along with submitting the necessary securities. The applicant has since satisfied these provisions, and on December 19, 2017 Council approved By-law 178-2017, to remove the Holding provision on the property. The development meets all requirements of the R4A-58 Zone.

8.3 Development Considerations

Approval of this application for relief from Part Lot Control will facilitate the creation of 177 townhouse lots and related easements. The proposed lots are located within a Draft Approved Plan of Condominium (File 29CD-17501) and are described as Parcels of Tied Land townhouse lots as shown on the draft reference plan as Parts 1-177 (refer to **Appendix A**). The approval of this

application will also facilitate the creation of 56 easements for pedestrian/maintenance accesses into some of the rear yards, for the future maintenance of the retaining wall which extends along the eastern lot line as shown on the draft reference plan as Parts 178-234 (see **Appendix A**). Parts 234-237 propose to recognize an existing storm sewer easement. Parts 236 and 238 recognize the common element portions of the condominium.

The process of 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, such as the Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Condominium and Draft Plan of Subdivision applications. In addition, an approved Site Plan is in effect which was reviewed by City Departments as well as outside agencies, and the Site Plan Agreement was registered on December 12th, 2017.

As mentioned in Section 5.2 of this Report, the draft reference plan has been deposited with the Land Registry Office. At the time of completing this Report, the registered plan was not yet available. Planning Staff advise that the implementing by-law seeking relief from Part Lot Control cannot be forwarded to Council until the reference plan is registered.

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. Planning Staff recommends that the By-law for relief from Part Lot Control for the subject lands expire three years from its date of passage, as that will be sufficient time to register the lots and the necessary easements, at which time Part Lot Control will automatically be reinstated. Staff is of the opinion that the three year time frame is appropriate as the townhouses are currently under construction and the applicant has indicated that the sale of units will be closing by the end of summer 2019.

9.0 Financial Implications

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

10.0 Conclusion

Planning Staff are satisfied that the recommendation 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. The development and proposed lots are in conformity with the Official Plan, and this development has been reviewed through previous Planning processes including the applications for an Official Plan Amendment, Zoning By-law Amendment, Site Plan Control, Draft Plan of Condominium, and Draft Plan of Subdivision. It is recommended that the implementing By-law expire after a period of three years at which time Part Lot Control will be reinstated.



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Attachments (if applicable)

N/A

Copy to:

N/A

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

By-law required

☒ yes ☐ no

Agreement(s) or other documents to be signed by Mayor and/or City Clerk

☐ yes ☒ no

Is the necessary by-law or agreement being sent concurrently to Council?

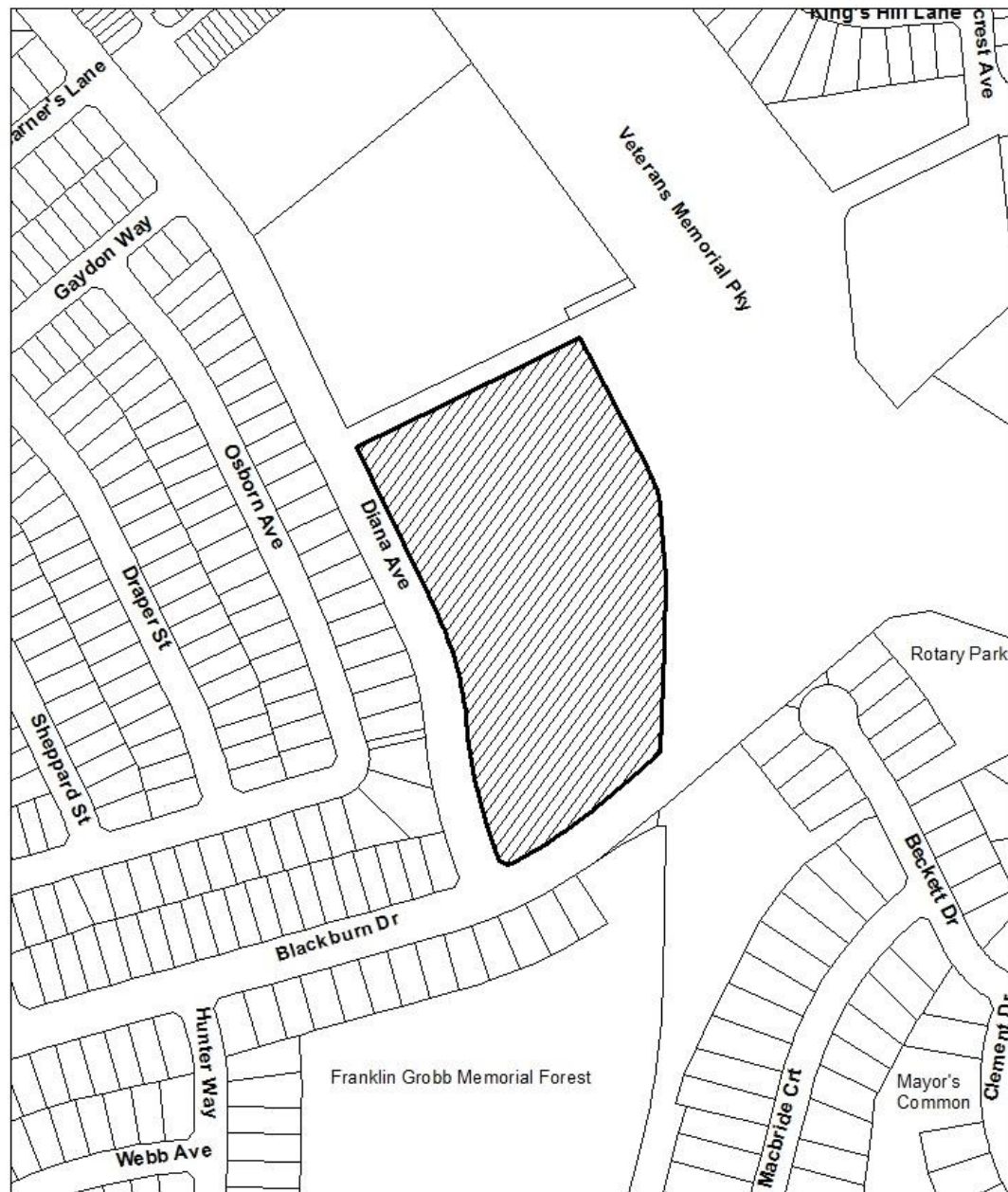
☒ yes ☐ no

APPENDIX A
Draft Reference Plan



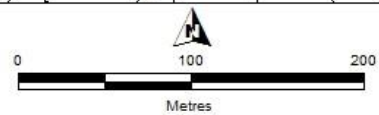
LOCATION MAP

Application PLC-01-2019



LEGEND

 SUBJECT LAND (77 Diana Avenue)




APPENDIX B2
Aerial Photo

AERIAL PHOTO (2017)

Application PLC-01-2019



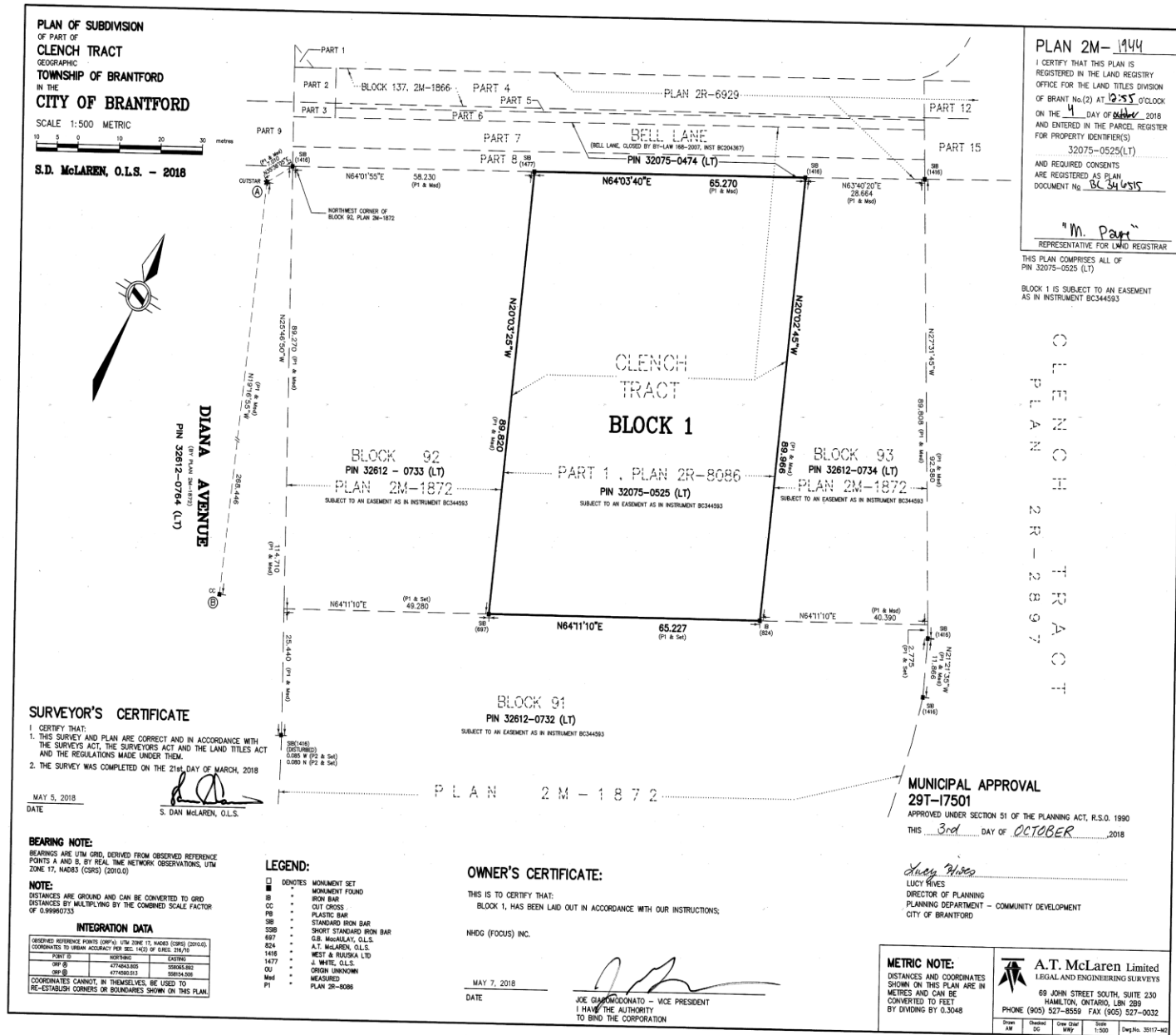
LEGEND

 SUBJECT LAND (77 Diana Avenue)



APPENDIX C1
Excerpt of Plan 2M-1872





APPENDIX D
Site Photos
(April 3, 2019)



Image 1: Townhouses from intersection of Blackburn Drive and Diana Avenue



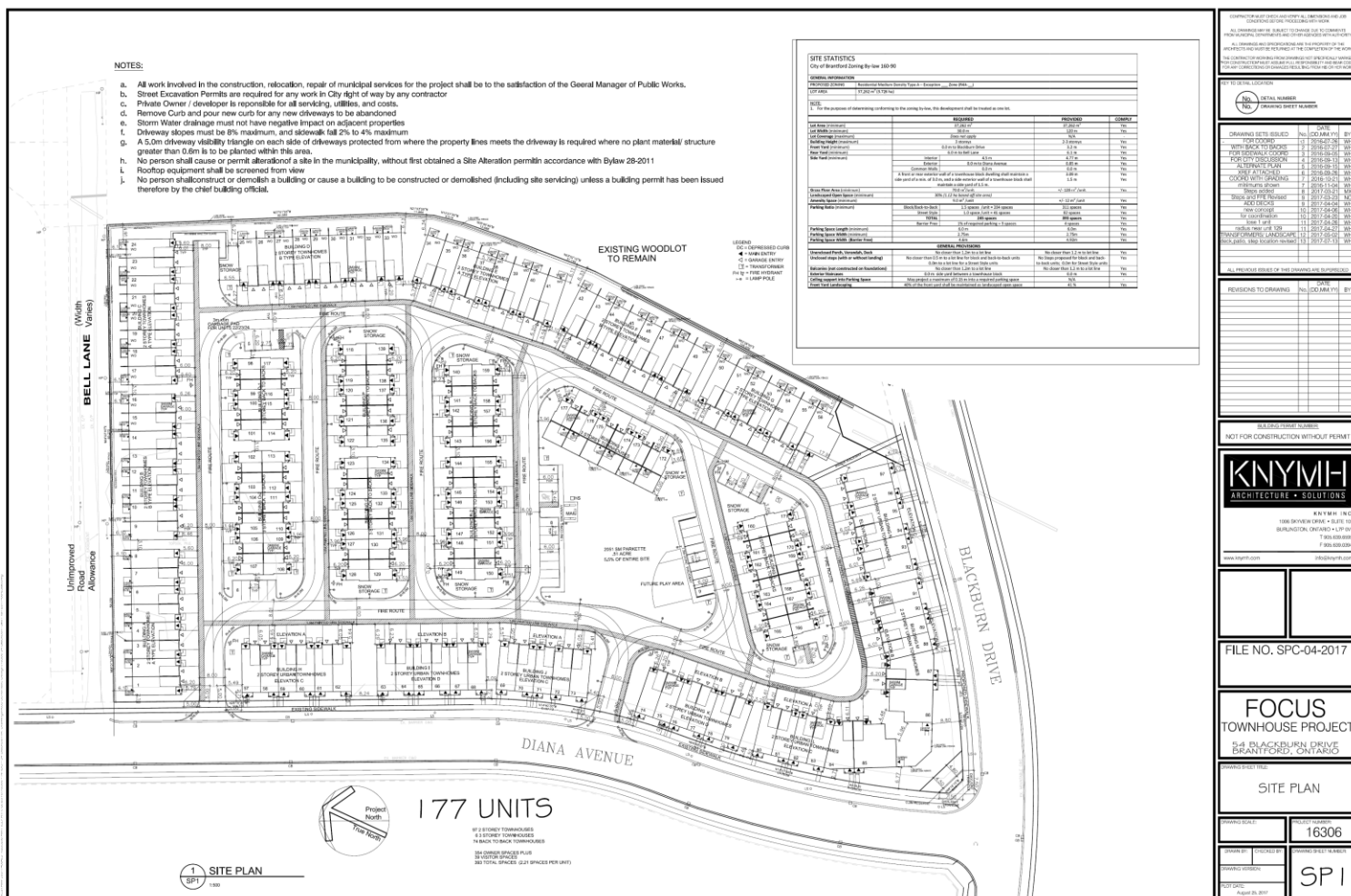
Image 2: View north towards Bell Lane



Image 3: View east of Diana Avenue towards subject lands



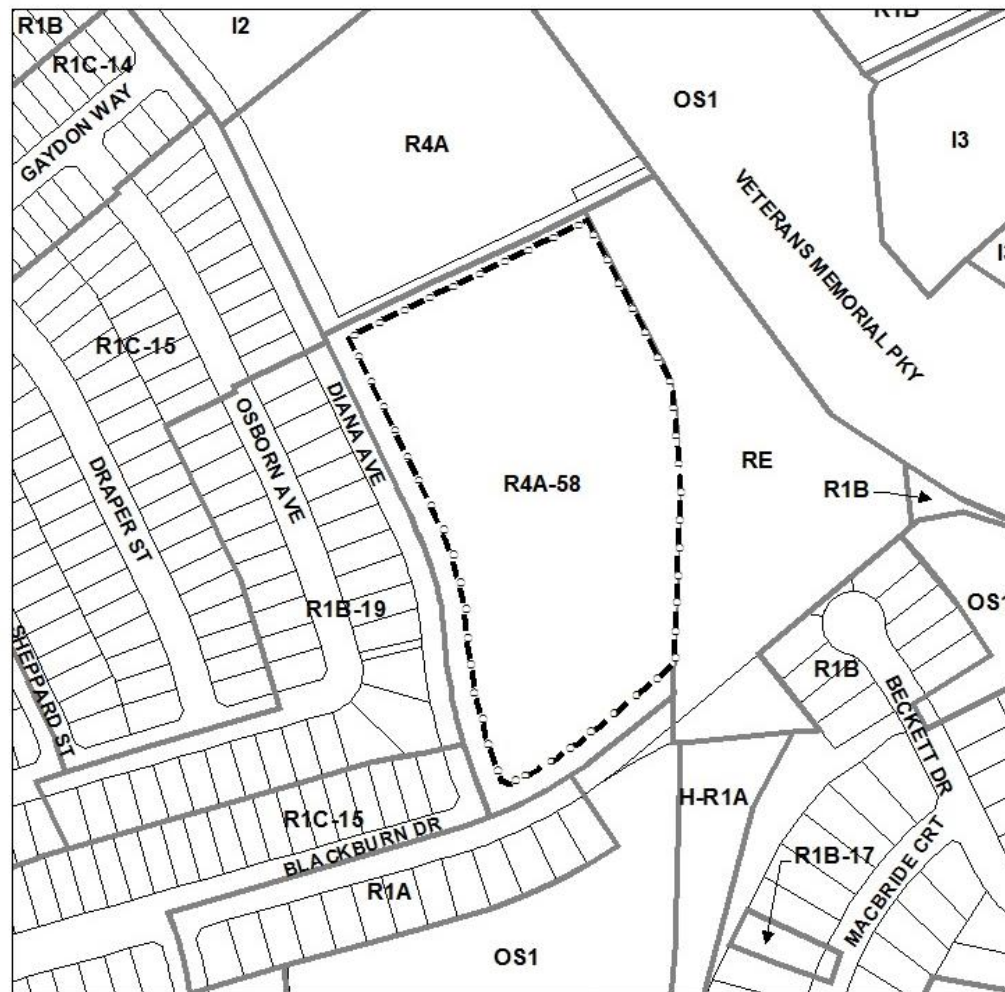
Image 4: View of townhouses fronting Diana Avenue



Appendix F
Zoning By-law 160-90

EXISTING ZONING

Application PLC-01-2019




LEGEND

EXISTING ZONING (Bylaw 160-90)

- ZONE BOUNDARY
- RE RESIDENTIAL ESTATE
- R1A RESIDENTIAL Type 1A (18 metre)
- R1B RESIDENTIAL Type 1B (15 metre)
- R1C RESIDENTIAL Type 1C (12 metre)
- R4A RESIDENTIAL MEDIUM DENSITY Type A
- I2 INSTITUTIONAL SCHOOL
- I3 INSTITUTIONAL MAJOR
- C10 COMMUNITY CENTRE COMMERCIAL

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

 SUBJECT LAND (77 Diana Avenue)

