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Date April 20, 2021 **Report No.** 2021-223
To Mayor and Members of City Council
From Nicole Wilmot, Director of Planning
People, Legislative Services and Planning

1.0 Type of Report

Consent Item
Item For Consideration

2.0 Topic **Part Lot Control Relief Application PLC-02-21 (All of Blocks 135, 136 and 137, Registered Plan 2M-1955), 402-434 Blackburn Drive (even numbers only) [Financial Impact – None] (2021-223)**

3.0 Recommendation

- A. THAT Part Lot Control Relief Application PLC-01-21 submitted by Armstrong Planning on behalf of Empire Communities Ltd., applying to Blocks 135, 136 and 137 on Plan 2M-1955 (402 – 432 Blackburn Drive – even numbers only) to create 17 townhouse lots and 11 associated access easements, BE APPROVED; and
- B. THAT a By-law to implement Part Lot Control BE PRESENTED to City Council for consideration and approval, which By-law shall automatically expire after a period of three years from the date of its passage at which time Part Lot Control will automatically be reinstated on the subject lands for reasons outlined in Report 2021-223.

4.0 Executive Summary

This Report evaluates an application for relief from Part Lot Control in order to create 17 lots for street townhouse units and 11 easements, each having a width of 1.5 m so that the residents of the interior street townhouse units can access their rear yards for maintenance purposes. The subject lands are located within a newer Plan of Subdivision (Registered March 11, 2020), which is required for division of land through Part Lot Control. The townhouse units are currently under development and have been reviewed through applications for Draft Plan of Subdivision (Files: 29T-15502 and subsequent redline draft Plan 29T-19501) and Zoning By-law Amendment (Files: PZ-13-15, PZ-01-19) and was approved by Council on June 25, 2019. No public hearing is required for applications for relief from Part Lot Control. The proposal is consistent with Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe and the City of Brantford Official Plan. Planning Staff recommend that the application be approved.

5.0 Purpose

An application for Relief from Part Lot Control has been received for Blocks 135, 136 and 137 on Plan 2M-1955 (402-434 Blackburn Drive – even numbers only). The application proposes to create 17 lots for street townhouses and 11 access easements, each having a width of 1.5 m so that the residents of the interior street townhouse units can access their rear yard for maintenance purposes.

6.0 Background

6.1 Site Features and Surrounding Land Use

The subject lands are located on the north side of Blackburn Drive between Witteveen Drive and Anderson Road. An aerial photograph, location map and photographs of the site are attached as **Appendices A, B and C** of this Report. The subject lands are located within a newer Plan of Subdivision Registered Plan 2M-1955, registered March 11, 2020 (see **Appendix D**) and are described as Wyndfield West Phase 6B. The townhouse dwellings are currently under construction as seen in the site photo attached as **appendix C**. Surrounding land uses include residential uses including single detached and townhouse dwellings, and a large community park to the north.

6.2 Detailed Description of the Proposal

The applicant is requesting permission for relief from Part Lot Control to divide 2 blocks within the Registered Plan of Subdivision 2M-1955 into 17 lots for street townhouse units, and to create 11 access easements to permit rear yard access for the middle units, with each easement having a width of 1.5 m. The deposited reference plan showing the lots and easements is attached as **Appendix E**. Wyndfield West Phase 6B has been reviewed and approved through the following applications: Draft Plan of Subdivision (Files 29T-15502 and 29T-19501), and Zoning By-law Amendment (File: PZ-13-15 and PZ-01-19).

The development of these lands including all site details (grading and servicing) have been appropriately addressed through the review of the Draft Plan of Subdivision 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 street townhouse blocks, and the lot lines can now be established prior to the sale of the individual lots.

7.0 Corporate Policy Context

7.1 Provincial Policy Context

Application PLC-02-21 was reviewed in the context of Provincial Policy including the Provincial Policy Statement (PPS) (2020) and A Place to Grow – Growth Plan for the Greater Golden Horseshoe (the Growth Plan). 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 the existing settlement area that is of an appropriate form and density and makes efficient use of existing infrastructure. The Growth Plan outlines the principals that provide the basis for guiding decisions in the Greater Golden Horseshoe on how land is developed, resources are managed and protected, and public dollars are invested. Planning Staff is of the opinion that the applicant's request is consistent with the PPS and in conformity with the Growth Plan.

8.0 Input From Other Sources

8.1 Technical Liaison Response

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

8.2 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 the land to which the By-law applies.

8.3 Grand River Notification Area Input

Notice is not required for a relief from Part Lot Control application.

9.0 Analysis

9.1 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 street townhouses which are currently under construction. This application is in conformity with the Official Plan.

9.2 Zoning By-law Considerations

Existing Zoning: “Residential Medium Density Type A Zone - Exception 63”

The subject lands are zoned Residential Medium Density R4A Zone – Exception 63 (R4A-63) in Zoning By-law 160-90 (**Appendix G**). This Zone permits a variety of uses, including double duplexes, fourplexes, block townhouses and street townhouse. Special Exception 63 provides Zone regulations specific to this development. The street townhouses that are currently under construction meet the requirements of the R4A-63 Zone.

9.3 Development Considerations

Approval of this application for relief from Part Lot Control will facilitate the creation of 17 lots for street townhouses and 11 related access easements to the rear yards. All of the street townhouses will be freehold units with

frontage on Blackburn Drive as well as creating access easements so that the residents of the interior street townhouse units have access to their rear yards for maintenance purposes.

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 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.

As typical with other applications of this nature, Planning Staff recommends that the By-law expire three years from its date of passage, as that will provide sufficient time to create the lots and access easements. Upon completion of the registration, Part Lot Control will automatically be reinstated. The developer has indicated that the three years will allow sufficient time to complete the units and has indicated that the closing dates for some of the units are in early June 2021.

10.0 Financial Implications

There are no Municipal financial implications associated with this Part Lot Control application.

11.0 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, 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. Planning Staff are satisfied that the recommendations contained in this Report are 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 recommend that the application for Relief from Part Lot Control be approved.



Nicole Wilmot, MCIP, RPP, Director of Planning
People, Legislative Services and Planning

Prepared By:

Alexandra Mathers, Development Planner
Joe Muto, MCIP, RPP, Manager of Development Planning

Attachments

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 – Aerial Photograph

AERIAL PHOTO

Application: PLC-02-21
402 - 434 Blackburn Drive



Legend

 Subject Land

Aerial Photo from Spring 2017



Appendix B – Location Map

LOCATION MAP

Application: PLC-02-21
402 - 434 Blackburn Drive



Legend

 Subject Lands



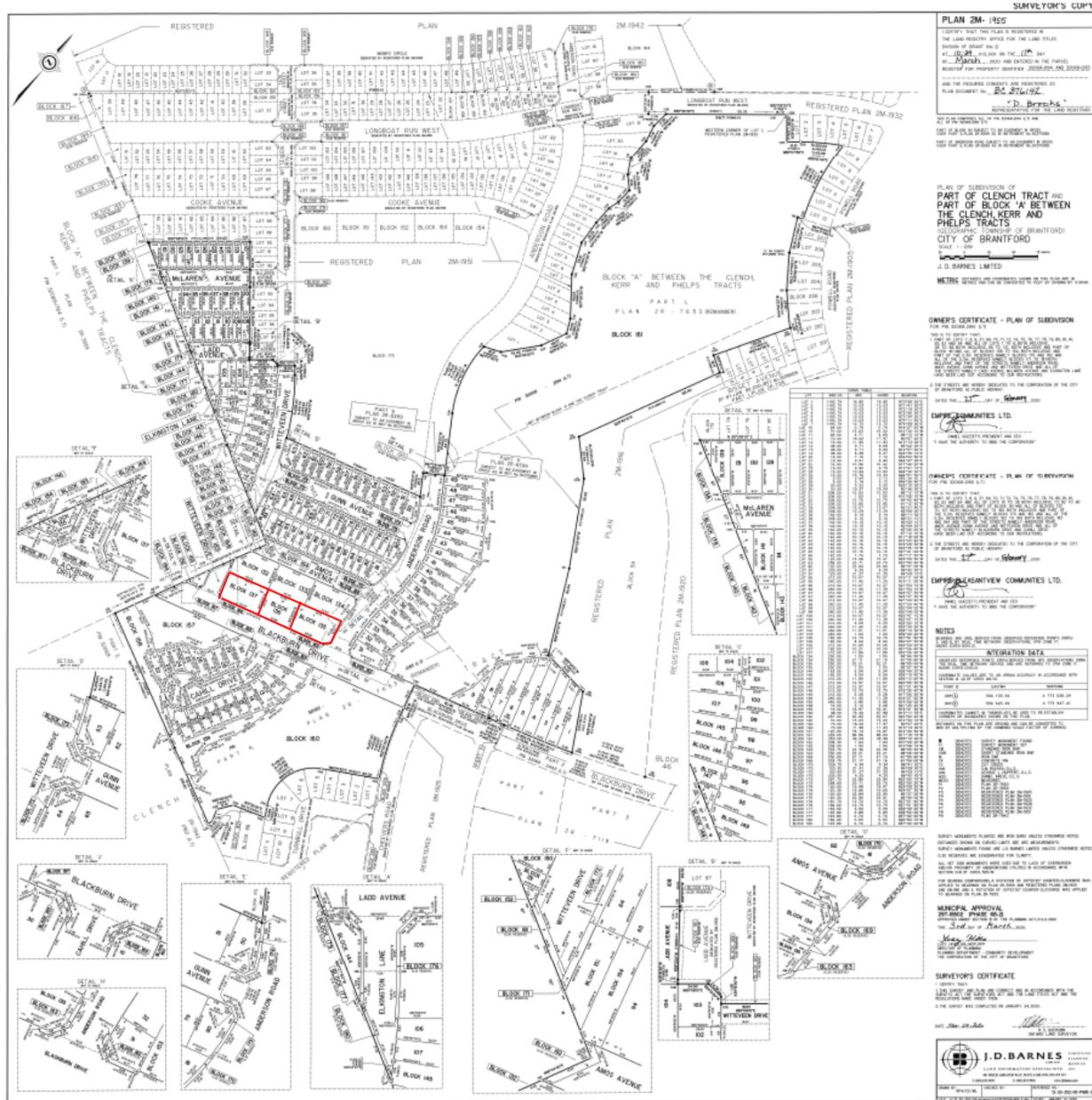
Appendix C – Site Photographs



Photo 1 (above) looking northwest from Blackburn towards Block 137 and 136 and Photo 2 (below) looking northwest from Blackburn towards Block 135 and Anderson Road.



Appendix D – Registered Plan of Subdivision 2M-1955



PLAN 2M-1955
I HEREBY CERTIFY THAT THE PLAN IS ACCORDING TO THE LAND REGISTRY ACT AND THE LAND REGISTRY REGULATIONS AND THAT THE PLAN IS CORRECT AND COMPLETE AND THAT THE PLAN IS THE PROPERTY OF THE SURVEYOR AND THAT THE PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR.
REGISTERED PLAN 2M-1955
SCALE 1:500
J.D. BARNES LIMITED
REGISTERED SURVEYOR

PLAN OF SUBDIVISION OF
PART OF BLOCK 'A' BETWEEN
THE CLENCH, KERR AND
PHELPS TRACTS
CITY OF BRANTFORD
SCALE 1:500
J.D. BARNES LIMITED
REGISTERED SURVEYOR

OWNER'S CERTIFICATE - PLAN OF SUBDIVISION
I HEREBY CERTIFY THAT THE PLAN IS CORRECT AND COMPLETE AND THAT THE PLAN IS THE PROPERTY OF THE SURVEYOR AND THAT THE PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR.
REGISTERED PLAN 2M-1955
SCALE 1:500
J.D. BARNES LIMITED
REGISTERED SURVEYOR

OWNER'S CERTIFICATE - PLAN OF SUBDIVISION
I HEREBY CERTIFY THAT THE PLAN IS CORRECT AND COMPLETE AND THAT THE PLAN IS THE PROPERTY OF THE SURVEYOR AND THAT THE PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR.
REGISTERED PLAN 2M-1955
SCALE 1:500
J.D. BARNES LIMITED
REGISTERED SURVEYOR

NOTES

NO.	DATE	DESCRIPTION
1	1955	REGISTERED PLAN 2M-1955
2	1956	REGISTERED PLAN 2M-1956
3	1957	REGISTERED PLAN 2M-1957
4	1958	REGISTERED PLAN 2M-1958
5	1959	REGISTERED PLAN 2M-1959
6	1960	REGISTERED PLAN 2M-1960
7	1961	REGISTERED PLAN 2M-1961
8	1962	REGISTERED PLAN 2M-1962
9	1963	REGISTERED PLAN 2M-1963
10	1964	REGISTERED PLAN 2M-1964
11	1965	REGISTERED PLAN 2M-1965
12	1966	REGISTERED PLAN 2M-1966
13	1967	REGISTERED PLAN 2M-1967
14	1968	REGISTERED PLAN 2M-1968
15	1969	REGISTERED PLAN 2M-1969
16	1970	REGISTERED PLAN 2M-1970
17	1971	REGISTERED PLAN 2M-1971
18	1972	REGISTERED PLAN 2M-1972
19	1973	REGISTERED PLAN 2M-1973
20	1974	REGISTERED PLAN 2M-1974
21	1975	REGISTERED PLAN 2M-1975
22	1976	REGISTERED PLAN 2M-1976
23	1977	REGISTERED PLAN 2M-1977
24	1978	REGISTERED PLAN 2M-1978
25	1979	REGISTERED PLAN 2M-1979
26	1980	REGISTERED PLAN 2M-1980
27	1981	REGISTERED PLAN 2M-1981
28	1982	REGISTERED PLAN 2M-1982
29	1983	REGISTERED PLAN 2M-1983
30	1984	REGISTERED PLAN 2M-1984
31	1985	REGISTERED PLAN 2M-1985
32	1986	REGISTERED PLAN 2M-1986
33	1987	REGISTERED PLAN 2M-1987
34	1988	REGISTERED PLAN 2M-1988
35	1989	REGISTERED PLAN 2M-1989
36	1990	REGISTERED PLAN 2M-1990
37	1991	REGISTERED PLAN 2M-1991
38	1992	REGISTERED PLAN 2M-1992
39	1993	REGISTERED PLAN 2M-1993
40	1994	REGISTERED PLAN 2M-1994
41	1995	REGISTERED PLAN 2M-1995
42	1996	REGISTERED PLAN 2M-1996
43	1997	REGISTERED PLAN 2M-1997
44	1998	REGISTERED PLAN 2M-1998
45	1999	REGISTERED PLAN 2M-1999
46	2000	REGISTERED PLAN 2M-2000
47	2001	REGISTERED PLAN 2M-2001
48	2002	REGISTERED PLAN 2M-2002
49	2003	REGISTERED PLAN 2M-2003
50	2004	REGISTERED PLAN 2M-2004
51	2005	REGISTERED PLAN 2M-2005
52	2006	REGISTERED PLAN 2M-2006
53	2007	REGISTERED PLAN 2M-2007
54	2008	REGISTERED PLAN 2M-2008
55	2009	REGISTERED PLAN 2M-2009
56	2010	REGISTERED PLAN 2M-2010
57	2011	REGISTERED PLAN 2M-2011
58	2012	REGISTERED PLAN 2M-2012
59	2013	REGISTERED PLAN 2M-2013
60	2014	REGISTERED PLAN 2M-2014
61	2015	REGISTERED PLAN 2M-2015
62	2016	REGISTERED PLAN 2M-2016
63	2017	REGISTERED PLAN 2M-2017
64	2018	REGISTERED PLAN 2M-2018
65	2019	REGISTERED PLAN 2M-2019
66	2020	REGISTERED PLAN 2M-2020
67	2021	REGISTERED PLAN 2M-2021

MUNICIPAL APPROVAL
I HEREBY APPROVE THE PLAN AND THE SURVEYOR'S CERTIFICATE AND THE PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR.
REGISTERED PLAN 2M-1955
SCALE 1:500
J.D. BARNES LIMITED
REGISTERED SURVEYOR

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE PLAN IS CORRECT AND COMPLETE AND THAT THE PLAN IS THE PROPERTY OF THE SURVEYOR AND THAT THE PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR.
REGISTERED PLAN 2M-1955
SCALE 1:500
J.D. BARNES LIMITED
REGISTERED SURVEYOR

Appendix F – Zoning

ZONING

Application: PLC-02-21
 402 - 434 Blackburn Drive



Legend

-  Subject Land
-  Zone Boundary



0 15 30 60 Metres

ZONING (Bylaw 160-90) and County of Brant(61-16)

- R1C Residential Type 1C (12 metre)
- R1D Residential Type 1D (9 metre)
- R4A Residential Medium Density Type A
- OS3 Open Space Restricted
- H Holding Provision
- # Exception Number