

To: **COUNCIL**

Meeting Date: **11/23/21**

Subject: **51 Sparrow Ave., Exemption to Part Lot Control – Cambridge Main Street Development Limited Partnership**

Submitted By: **Lisa Prime, Chief Planner**

Prepared By: **Jacqueline Hannemann, Senior Planner – Development**

Report No.: **21-281(CD)**

File No.: **PTLT04/21**

Recommendations

THAT report 21-281(CD) – 51 Sparrow Ave., Exemption to Part Lot Control, Cambridge Main Street Development Limited Partnership – be received,

AND THAT the By-law attached to report 21-281(CD) be passed.

Executive Summary

Purpose

- The property at 51 Sparrow Ave. (Block 1 on Registered Plan 58M-676) is currently a block in a registered plan of subdivision in the Main Street East plan of subdivision (30T-19101) which was registered on August 30, 2021.
- The property has been site plan approved for 96 townhouse units under application SP07/18.
- The current application before Council is for exemption of part lot control to further divide the block into separate freehold lots for individual sale.
- The property is currently going through plan of condominium process to create a common element condominium. The common elements will include the road, parking spaces and common greenspace/amenity area on the property.

Key Findings

- Part lot control has the effect of preventing the division of land in a registered plan of subdivision without approval of the municipality.

- The provisions in the Planning Act allow a municipality to pass a by-law to remove part lot control from all or any part of a registered plan of subdivision. This by-law has the effect of allowing the selling of a portion of the property to allow separate ownership without approval from the Committee of Adjustment through a severance application.
- This by-law will permit a block in a registered plan of subdivision be further divided into separate lots for the construction of 96 freehold townhouse units for up to two years.

Financial Implications

- The planning application fee for part lot control exemption in the amount of \$10,850 has been paid to the City to process the application.
- There are no additional financial impacts due to this application. The financial impacts have been addressed through the previous plan of subdivision.

Background

Part Lot Control General Information

Part lot control exemption is another form of land division in addition to plans of subdivision and severances. Section 50(7) of the Planning Act allows a municipality to pass a by-law that excludes lands within a registered plan of subdivision from the Planning Act's part lot control regulations. This allows a land owner to divide parts of blocks and lots within a registered plan of subdivision for land for sale, conveyance, lease or mortgage, make minor boundary adjustments, or establish maintenance easements by way of a Reference Plan. Exemption from part-lot control is appropriate when a number of land transactions are involved, but the resulting changes will not affect the nature or character of the subdivision or development.

Exemptions from part lot control are used to facilitate single detached, semi-detached and townhouse developments to ensure that the common centre wall between two dwelling units is constructed on the property line.

An approved part lot control exemption by-law is in place for two years. After that, the by-law expires and the part lot control regulations of the Planning Act come back into effect and no further division of the land can occur without a severance application.

If Council does not agree with staff's recommendation to approve the part lot control application, the property could not be divided into smaller freehold lots for individual sale and ownership. The townhouse units would continue as a cluster development on Block 1 on Registered Plan 58M-676. The Plan of Condominium would be affected and would require updating as to how the property would function.

Analysis

Strategic Alignment

PEOPLE To actively engage, inform and create opportunities for people to participate in community building – making Cambridge a better place to live, work, play and learn for all.

Goal #1 - Community Wellbeing

Objective 1.4 Promote, facilitate and participate in the development of affordable, welcoming and vibrant neighbourhoods.

The part lot control application creates a further division of a block in a registered plan of subdivision to create freehold lots for townhouse units, as was anticipated through the previously approved planning applications.

Comments

The subject property municipally described as 51 Sparrow Ave. is also referred to as Block 1 on Registered Plan 58M-676.



Figure 1 – Property Location Map

The block was created through the approval of the Main Street East plan of subdivision (30T-19101) on August 30, 2021. The block was intended for townhouse development at the subdivision stage.

The property received site plan approval under application SP07/18 to permit 96 townhouse units with the intention that a future part lot control exemption would create the 96 separate freehold lots and a future plan of condominium would tie the lots to a common element condo road, parking spaces and green space.



Figure 2 – Excerpt from Approved Site Plan showing the 96 townhouse units tied to a condo road

The application for part lot control exemption is consistent with the registered plan of subdivision and the approved site plan.

If this application is approved, the part lot control exemption by-law is in place for two years. After that, the by-law expires and the part lot control regulations of the Planning Act come back into effect and no further division of the land can occur without a severance application.

Existing Policy/By-Law

Section 50(7) of the Planning Act allows a municipality to pass a by-law that excludes lands within a Registered Plan of Subdivision from the Planning Act's Part Lot Control regulations. This allows a land owner to divide parts of blocks and lots within a registered plan of subdivision. Council approval of the by-law is required to allow the exemption from Part Lot Control for up to two years.

Financial Impact

- The planning application fee for part lot control exemption in the amount of \$10,850 has been paid to the City to process the application.
- There are no additional financial impacts due to this application. The financial impacts have been addressed through the previous plan of subdivision.

Public Input

This application does not require public notification or public input. This report has been posted publicly as part of the report process.

Internal/External Consultation

The applicant provided the Planning Division with the draft copy of a reference plan for review. The draft reference plan was reviewed in conjunction with the approved Site Plan and deemed to be in conformity with the approved site plan drawings.

The application was circulated to Building Services, Development Engineering Division, Legal Services and the Region of Waterloo. No comments or action items were raised in regard to the application.

Legal Services reviewed the Schedule A to the draft by-law and has confirmed the parts and accesses have been listed in accordance with the draft reference plan.

After review of the application and draft reference plan, the draft reference plan was deposited to the Land Registry Office by the applicant. The reference plan number is 58R-21250.

Conclusion

City of Cambridge Development Planning Staff recommends that Council pass the attached by-law to permit part lot control exemption on the subject lands at 51 Sparrow Ave. (Block1, 58M-676) until November 9, 2023. The application for part lot control meets the intent of the registered plan of subdivision and the approved site plan. The application represents good planning and will create 96 freehold townhouse lots tied to a future common element condominium as was anticipated through the previously approved planning applications.

Signature

Division Approval



Name: Lisa Prime
Title: Chief Planner

Reviewed by the CFO

Reviewed by Legal Services

Departmental Approval



Name: Hardy Bromberg
Title: Deputy City Manager, Community Development

City Manager Approval

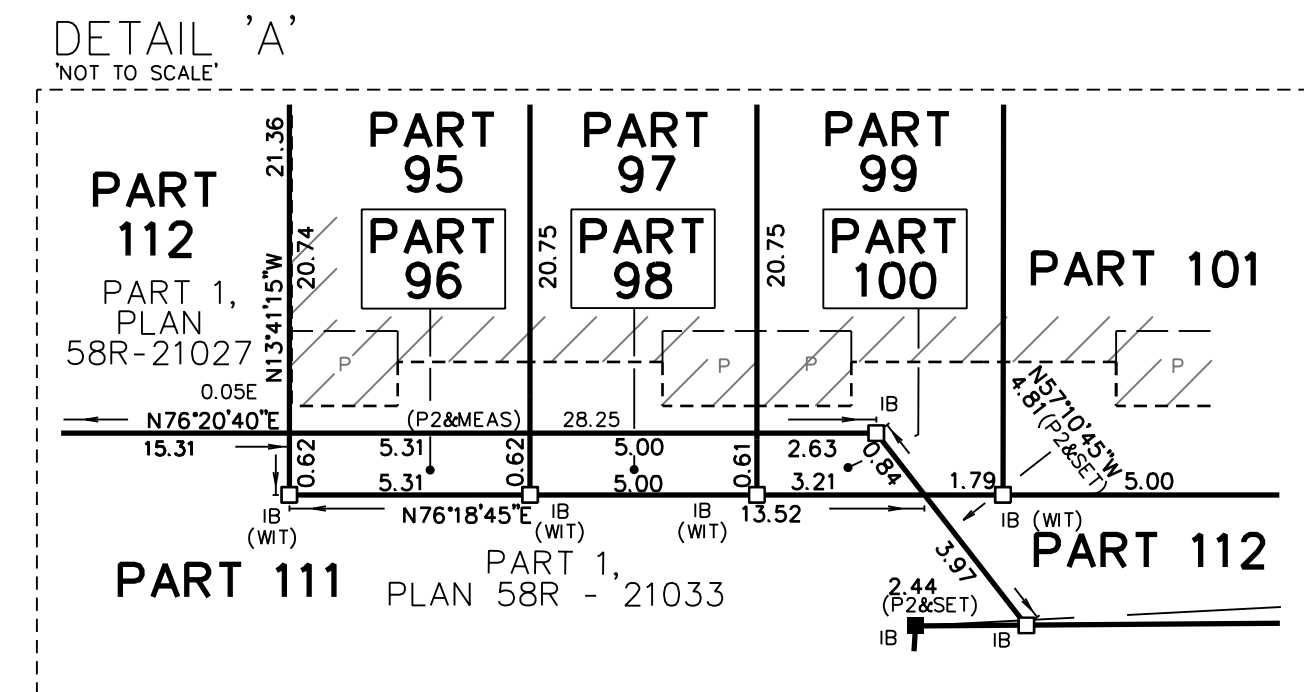
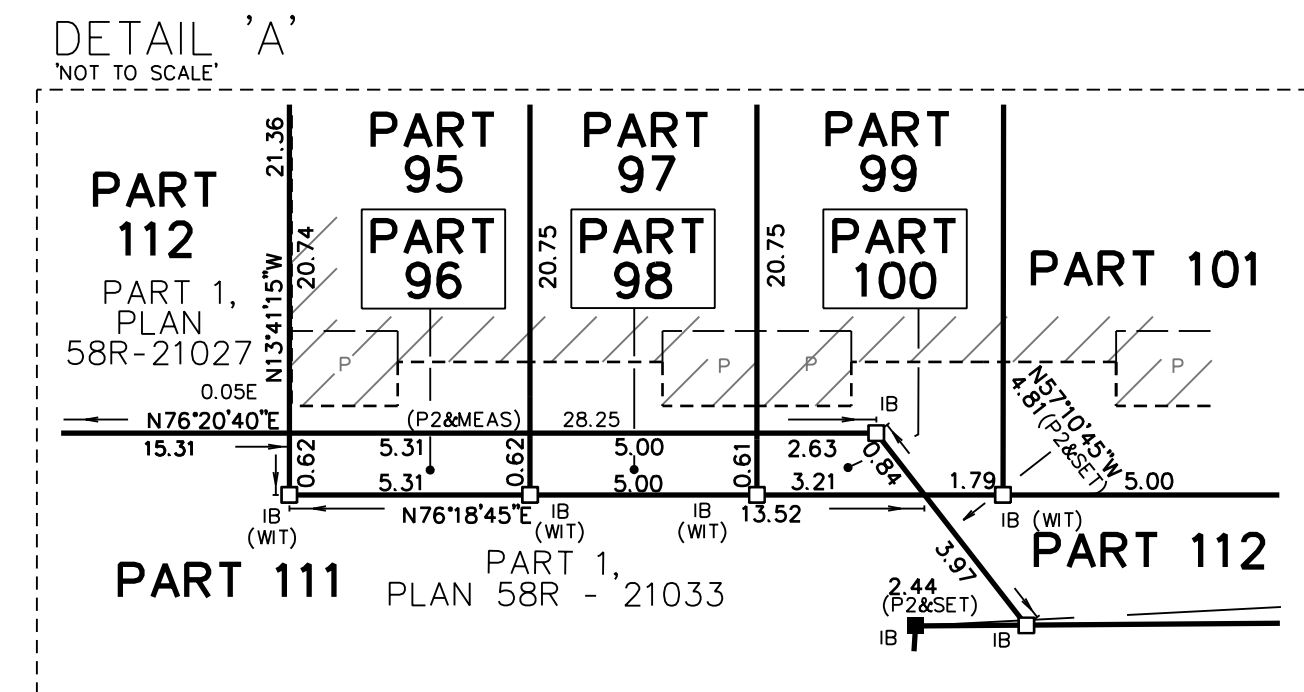
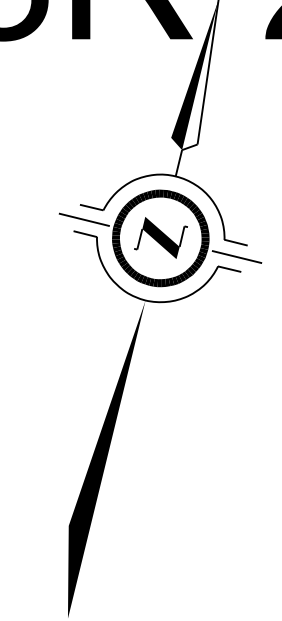


Name: David Calder
Title: City Manager

Attachments

- Appendix 1 – Reference Plan 58R-21250
- Appendix 2 – Draft By-law xxx-21
- Appendix 3 – Excerpt of Approved Site Plan SP07/18

Appendix 1 - Reference Plan 58R-21250



(KNOWN AS) MAIN STREET EAST
ROAD ALLOWANCE BETWEEN CONCESSIONS 10 AND 11

PART 2
PIN 03845-1058 (LT)
TRANSFERRED FOR THE PURPOSE
OF HIGHWAY WIDENING AS IN
INSTRUMENT NO. WR1237100

TRANSFERRED FOR THE PURPOSE OF HIGHWAY
WIDENING AS IN INSTRUMENT NO. WR1237100

SOUTHERLY LIMIT AS PER HWY. PLAN 405

SCHEDULE					
PART	BLOCK	PLAN	PIN	BLOCK	PLAN
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BY-LAW XXX-21

of the

CORPORATION OF THE CITY OF CAMBRIDGE

Being a by-law of the Corporation of the City of Cambridge to exempt certain lots or blocks pursuant to subsection 50(5) of the Planning Act, R.S.O. 1990, c. P.13, as amended (Part Lot Control Exemption) – 51 Sparrow Ave.

WHEREAS subsection 50(7) of the Planning Act R.S.O. 1990, c. P.13, as amended, provides that a municipal Council may by by-law provide that subsection 50(5) of the Planning Act R.S.O. 1990 c.P.13, as amended (Part Lot Control) does not apply to land within plans or parts of plans designated in the by-law and that when the by-law is approved by the appropriate approval authority, subsection 50(5) ceases to apply to the lands therein described:

NOW THEREFORE BE IT RESOLVED THAT the Corporation of the City of Cambridge enacts as follows:

1. THAT Subsection 50(5) of the Planning Act R.S.O 1990, c.P.13, as amended, shall not apply to Block 1, Registered Plan No. 58M-676;
2. THAT this by-law shall be restricted in its application only to divide the blocks and create easements as cited in accordance with Reference Plan No. 58R-21250 and Schedule 'A' attached hereto;
3. THAT this by-law shall remain in force and effect for a period of two (2) years from the date of its passing and shall expire on **November 23rd, 2023**;
4. THAT it is Acknowledged and Directed that the office of the City Solicitor or designate be authorized to register electronically this by-law pursuant to subsection 50(28) of the Planning Act on the title to the lands described herein and place an inhibiting order following the registration of the by-law which is to be lifted upon registration of the Common Element Condominium (30CDM-20107); and,
5. THAT this By-law shall come into full force on the day it is passed.

PASSED AND ENACTED this 23rd day of November, 2021.

MAYOR

CLERK

Schedule ‘A’ to By-law No. XXX-21

Registered Plan No. 58M-676

Parts and Proposed Easements

Easements are for access unless noted otherwise

POTL	PARTS AND PROPOSED EASEMENTS
1	110
2	109
3	108
4	107
5	106
6	105
7	104
8	103
9	102
10	101
11	99 & 100
12	97 & 98
13	95 & 96
14	45 & 46; subject to an easement over Part 46 in favor of Parts 40 to 44 inclusive
15	43 & 44; subject to an easement over Part 44 in favor of Parts 40 to 42 inclusive; together with an easement over Part 46
16	41 & 42; subject to an easement over Part 42 in favor of Parts 40; together with an easement over Parts 44 & 46
17	40; together with an easement over Parts 42, 44 & 46
18	39; together with an easement over Parts 34, 36 & 38
19	37 & 38; subject to an easement over Part 38 in favor of Part 39; together with an easement over Parts 34 & 36
20	35 & 36; subject to an easement over Part 36 in favor of Parts 37 to 39 inclusive; together with an easement over Part 34
21	33 & 34; subject to an easement over Part 34 in favor of Parts 35 to 39 inclusive
22	31 & 32; subject to an easement over Part 32 in favor of Parts 28 to 30 inclusive
23	29 & 30; subject to an easement over Part 30 in favor of Part 28; together with an easement over Part 32
24	28; together with an easement over Parts 30 & 32

25	27; together with an easement over Parts 22, 24 & 26
26	25 & 26; subject to an easement over Part 26 in favor of Parts 27; together with an easement over Parts 22 & 24
27	23 & 24; subject to an easement over Part 24 in favor of Parts 25 to 27 inclusive; together with an easement over Part 22
28	21 & 22; subject to an easement over Part 22 in favor of Parts 23 to 27 inclusive
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Appendix 3 – Excerpt from Approved Site Plan SP07/18

