

**To:** SPECIAL COUNCIL

**Meeting Date:** 6/28/2022

**Subject:** 108 Pinebush Road Exemption to Part Lot Control (Condo Lands) – Branthaven Belmont Pinebush Inc.

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

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

**Report No.:** 22-062-CD

**File No.:** PTLT05/21

**Wards Affected:** Ward 2

**RECOMMENDATION(S):**

THAT Report 22-062-CD 108 Pinebush Road Exemption to Part Lot Control (Condo Lands) – Branthaven Belmont Pinebush Inc. be received;

AND THAT; the By-law attached to Report 22-062-CD be passed;

**EXECUTIVE SUMMARY:**

**Purpose**

The application before Council is for exemption of part lot control to further divide the blocks on a plan of subdivision into separate lots for individual sale.

**Key Findings**

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 sale of a portion of the property to allow separate ownership without approval from the Committee of Adjustment through a severance application.

If a By-law was passed for this application, it would permit the blocks (that are part of a registered plan of subdivision) to be further divided into separate lots for the construction of 207 freehold townhouse units (within a plan of condo) 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.

## STRATEGIC ALIGNMENT:

- ☐ Strategic Action; or
- ☒ Core Service

**Objective(s):** VIBRANT NEIGHBOURHOOD - Promote, facilitate and participate in the development of safe and healthy neighbourhoods with a range of housing options

**Strategic Action:** Not Applicable

**Program:** Land Use Planning

**Core Service:** Planning and Design

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

## 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 2 and Block 14 on Registered Plan 58M-669. The Plan of Condominium would be affected and would require updating as to how the property would function.

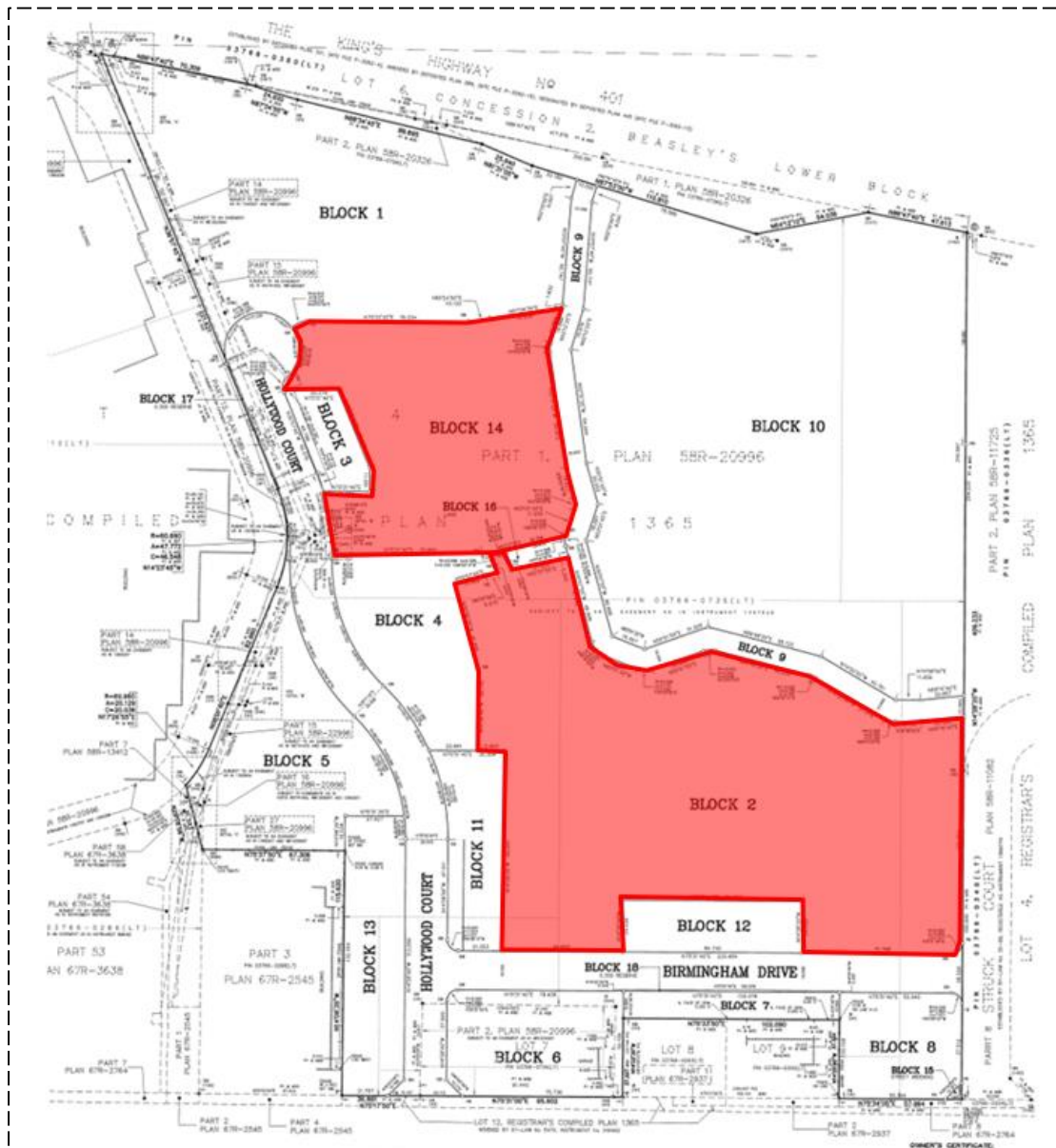
### **Property Information**

The property was previously municipally addressed as 108 Pinebush Road. The entire property is one subdivision that was registered on March 22, 2021 (58M-669). Since the approval of the subdivision and the construction of roads new addressing has occurred throughout the property. The Blocks subject to this application now contain addressing off of Hollywood Court and Birmingham Drive.



**Figure 1 – Property Location Map**

This application applies to Blocks 2 and 14 on 58M-669 which were created through the plan of subdivision. The blocks were intended for construction of townhouse units at the subdivision stage and therefore this process is required to split the blocks into individual lots for sale which will be tied to a condominium.



**Figure 2 – Excerpt from 58M-669 highlighting Blocks 2 and 14 which are Subject to this Application (PTLT05/21)**

The property received site plan approval under application SP06/20 to permit 207 townhouse units with the intention that a future part lot control exemption would create the 207 separate freehold lots and a future plan of condominium would tie the lots to a common element condo road, parking spaces and green space.

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

The Blocks subject to this application (Block 2 and Block 14) are currently going through the plan of condominium process. The condominium has been draft approved by the Region of Waterloo. The applicant is working toward registration of the condominium.

### **ANALYSIS:**

Council is being asked to consider passing the By-law to permit exemption to part lot control to create 207 freehold lots for townhomes.

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(S):**

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 to create appropriately sized building lots – in this case for townhomes. Council approval of the By-law is required to allow the exemption from part lot control for up to two years. The owner would have two years after the passing of the By-law to complete the process of dividing the lots.

### **FINANCIAL IMPACT:**

There are no financial impacts due to this application. The financial impacts have been addressed through the previous plan of subdivision process. 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.

### **PUBLIC VALUE:**

This project will support sustainability by ensuring the logical development of the subject lands and completion of this section of the subdivision according to previous planning processes and approvals.

### **ADVISORY COMMITTEE INPUT:**

Not Applicable.

### **PUBLIC INPUT:**

Posted publicly as part of the report process.



## **INTERNAL / EXTERNAL CONSULTATION:**

The applicant provided the Planning Division with the draft copies of reference plans for review. The draft reference plans were reviewed and deemed to be satisfactory.

The application was circulated to Building Services, Development Engineering Division, Transportation 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 plans, the draft reference plans were deposited to the Land Registry Office by the applicant. The reference plan numbers are 58R-21451 and 58R-21358.

## **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 referenced as Block 2 and Block 14 on 58M-669 until June 28, 2024. The application for part lot control meets the intent of the registered plan of subdivision. The application represents good planning and will create 207 freehold townhouse lots as was anticipated through the previously approved planning applications.

## **REPORT IMPACTS:**

Agreement: **No**

By-law: **Yes**

Budget Amendment: **No**

Policy: **No**

## **APPROVALS:**

**This report has gone through the appropriate workflow and has been reviewed and or approved by the following as required:**

**Director**

**Deputy City Manager**

**Chief Financial Officer**

**City Solicitor**

**City Manager**

**ATTACHMENTS:**

1. 22-062-CD Appendix A – Reference Plans 58R-21451 and 58R-21358
2. 22-062-CD Appendix B – Proposed By-law