

To: **COUNCIL**

Meeting Date: **09/14/21**

Subject: **108 Pinebush Rd. Part Lot Control, Branthaven Belmont
Pinebush Inc.**

Submitted By: **Hardy Bromberg, Deputy City Manager**

Prepared By: **Jacqueline Hannemann, Site Plan Coordinator**

Report No.: **21-183(CD)**

File No.: **PTLT02/21**

Recommendations

THAT report 12-183(CD) – 108 Pinebush Road Part Lot Control, Branthaven Belmont Pinebush Inc. – be received;

AND THAT Council approve the exemption of Part Lot Control to further divide blocks 3, 11, 12 & 13 into separate freehold lots for individual sale;

AND FURTHER THAT the By-law 21-XXX attached to report 21-183(CD) be passed.

Executive Summary

Purpose

- The property at 108 Pinebush Road is comprised of multiple blocks on Registered Plan 58M-669. The lands are part of a registered Plan of Subdivision which was registered on March 22, 2021.
- Blocks 3, 11, 12 & 13 on Registered Plan 58M-669 are subject to this application. These blocks will be freehold street fronting townhomes and are not subject to site plan approval.
- The current application before Council is for exemption of part lot control to further divide blocks 3, 11, 12 & 13 into separate freehold lots for individual sale.
- The subject blocks will be freehold units and will not be part of a Plan of Condominium.

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 sale of a portion of the property to allow separate ownership without approval from the Committee of Adjustment through a severance application process.
- This by-law will permit blocks 3, 11, 12 & 13 that are within a registered plan of subdivision be further divided into separate lots for the construction of 55 freehold street fronting 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 as part of the 2021 Council approved fees.
- There are no additional financial impacts as a result of this application. All 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, 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 land can occur without a severance application.

If Council chooses not to proceed with the recommended approach, 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 could continue as a cluster development on Blocks 3, 11, 12 & 13 on Registered Plan 58M-669 but could not be sold independently to different owners.

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. This was anticipated through the previously approved planning applications.

Comments

The subject property municipally described as 108 Pinebush Road. The entire property is one subdivision that was registered on March 22, 2021 (58M-669).



Figure 1 – Property Location Map

This application applies to blocks 3, 11, 12 & 13 on 58M-669 which were created through the approval of the plan of subdivision. The blocks were intended for street fronting townhouse development at the subdivision stage and therefore this process is required to split the blocks into individual lots for sale.

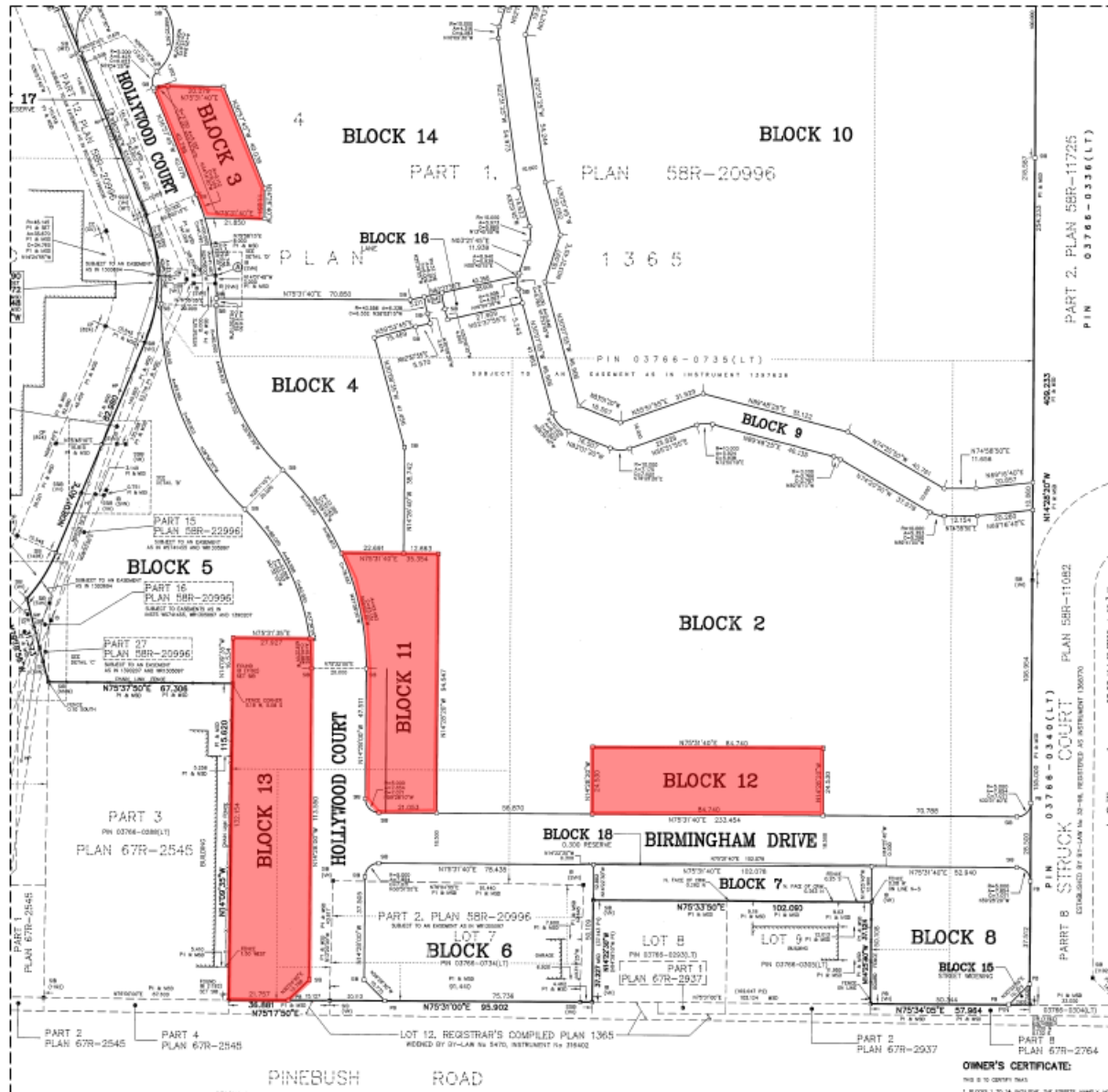


Figure 2 – Excerpt from 58M-669 showing the Blocks that are Subject to Application (PTLT02/21)

Site plan approval was not required for these blocks as street fronting townhomes are exempt from the site plan process, if they have been through a previous planning process (in this case, subdivision process).

Blocks 3, 11, 12 & 13 will be freehold townhouse units and are not proposed to be part of a plan of condominium.

A future plan of condominium will be applied for on these lands but will only apply to townhouse units located on Blocks 2 & 14 on 58M-669 which are not part of this application.

The application for Part Lot Control exemption is consistent with the registered Plan of Subdivision.

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 process.

Council approval of the By-law is required to allow the exemption from Part Lot Control for up to two years.

Financial Impact

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

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 numbers are 58R-21190, 58R-21191 and 58R-21192.

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 108 Pinebush Road (Blocks 3, 11, 12 & 13, 58M-669) until September 14, 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 55 freehold townhouse units as was anticipated through the previously approved planning applications.

Signature

Division Approval

N/A

Reviewed by the CFO

Reviewed by Legal Services

Departmental Approval



Name: Hardy Bromberg

Title: Deputy City Manager, Community Development

City Manager Approval



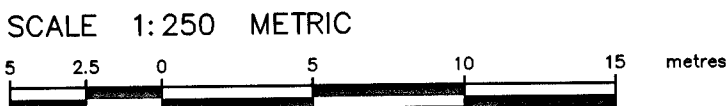
Name: David Calder

Title: City Manager

Attachments

- Attachment 1 – Reference Plans 58R-21190, 58R-21191 and 58R21192
- Attachment 2 – Draft By-law xxx-21

PLAN OF SURVEY
OF
BLOCK 3
58M-669
IN THE
CITY OF CAMBRIDGE
REGIONAL MUNICIPALITY OF WATERLOO



S.D. McLAREN, O.L.S. - 2021

SCHEDULE			
PART	BLOCK	PLAN	P.I.N.
PARTS 1-14 INCLUSIVE	ALL OF BLOCK 3	PLAN 58M-669	ALL OF P.I.N. 03766-0742(LT)
PART 9 IS SUBJECT TO AN EASEMENT AS IN INSTRUMENT WR1327668			
PARTS 1 TO 14, INCLUSIVE ARE SUBJECT TO AN EASEMENT AS IN INSTRUMENT 1397626			

PLAN 58 R- 21190

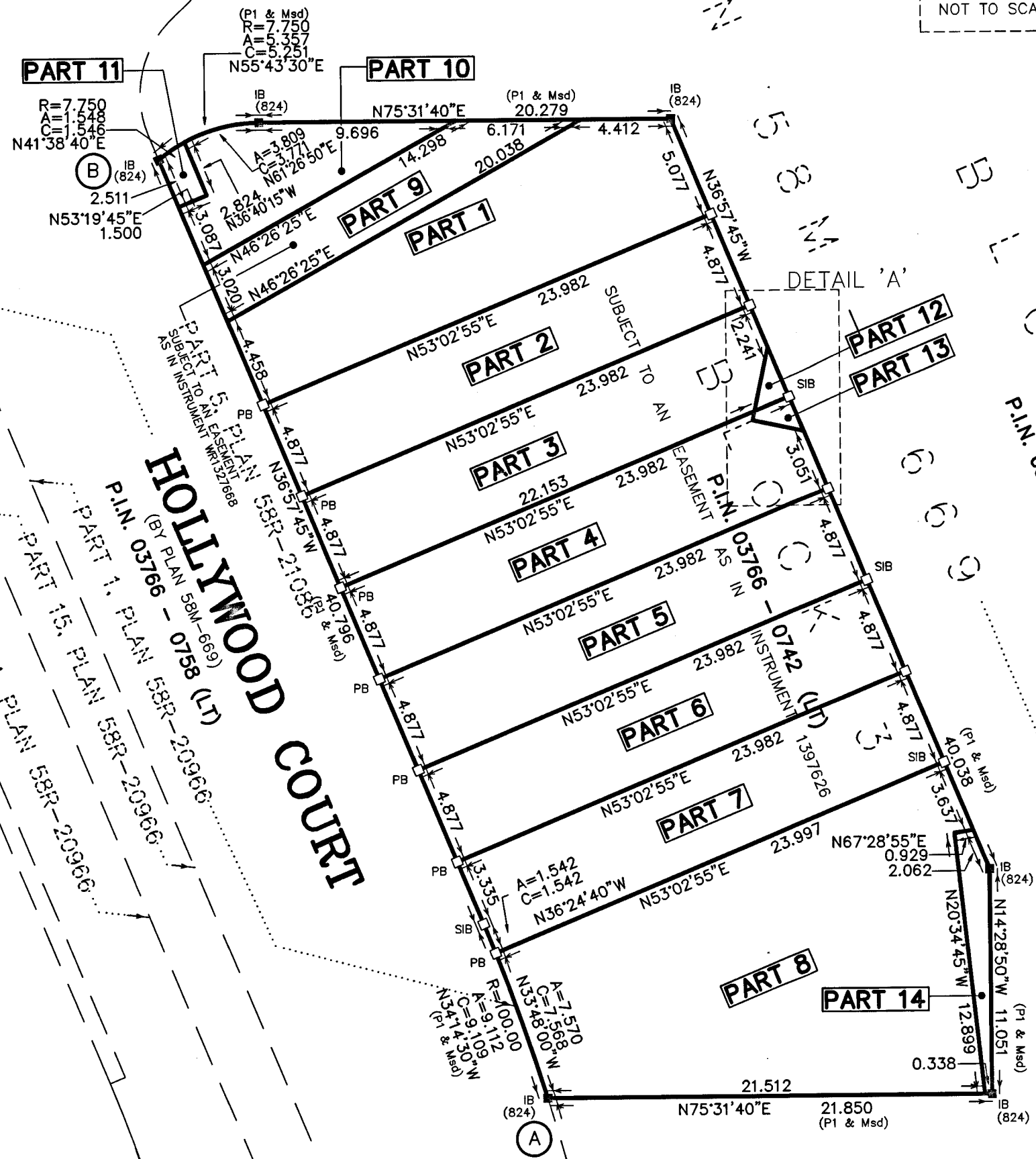
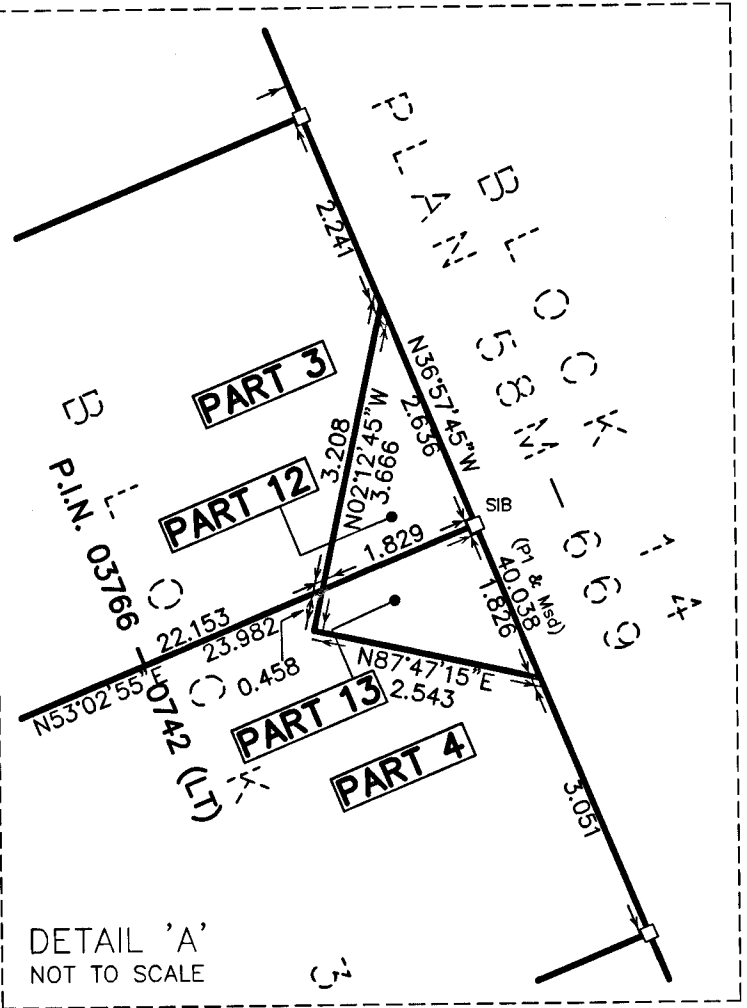
RECEIVED AND DEPOSITED
Date Aug 3/21

Jan Cameron
REPRESENTATIVE FOR
LAND REGISTRAR FOR THE LAND
TITLES DIVISION OF WATERLOO (No. 58)

I REQUIRE THIS PLAN TO BE
DEPOSITED UNDER THE LAND
TITLES ACT.

Date JUNE 16, 2021

S. Dan McLaren
S. DAN McLAREN, O.L.S.



- LEGEND:
- DENOTES MONUMENT SET
 - MONUMENT FOUND
 - IB IRON BAR
 - SIB STANDARD IRON BAR
 - SSIB SHORT STANDARD IRON BAR
 - B24 A.T. McLAREN, O.L.S.
 - Msd MEASURED
 - WT WITNESS
 - SVN SPEIGHT AND VAN NOSTRAND
 - VH VAN HARTEN SURVEYING INC.
 - P1 PLAN 58M-669
 - P2 PLAN 58R-21086

BEARING NOTE:
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED
REFERENCE POINTS A AND B, BY REAL TIME NETWORK
OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

NOTE:
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY
MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99959487

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORP's): UTM ZONE 17, NAD83 (CSRS) (2010.0). COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O.REG. 216/10		
POINT ID	NORTHING	EASTING
ORP A	4806824.938	555083.658
ORP B	4806865.048	555054.013
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

NOTE:
ALL SET BARS ARE IB'S
UNLESS OTHERWISE NOTED

METRIC NOTE
DISTANCES AND COORDINATES
SHOWN ON THIS PLAN ARE IN
METRES AND CAN BE
CONVERTED TO FEET
BY DIVIDING BY 0.3048

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT
AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 11th DAY OF MAY, 2021

JUNE 16, 2021
DATE

S. Dan McLaren
S. DAN McLAREN, O.L.S.



A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS

69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9

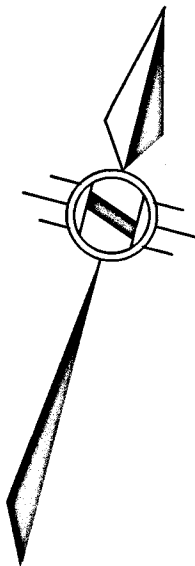
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn LC	Checked DG	Crew Chief MW	Scale 1:250	Dwg.No. 36002-PLC2
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PLAN OF SURVEY
OF
BLOCK 12
58M-669
IN THE
CITY OF CAMBRIDGE
REGIONAL MUNICIPALITY OF WATERLOO

SCALE 1:250 METRIC
5 2.5 0 5 10 15 metres

S.D. McLAREN, O.L.S. - 2021



BEARING NOTE:
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED
REFERENCE POINTS A AND B, BY REAL TIME NETWORK
OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

NOTE:
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MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99959487

INTEGRATION DATA		
OBSERVED REFERENCE POINTS (ORP's): UTM ZONE 17, NAD83 (CSRS) (2010.0). COORDINATES TO UTM ACCURACY PER SEC. 14(2) OF O.REG. 216/10		
POINT ID	NORTHING	EASTING
ORP A	4806651.034	555276.199
ORP B	4806672.204	555358.219
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

SCHEDULE			
PART	BLOCK	PLAN	P.I.N.
PARTS 1-12 INCLUSIVE	ALL OF BLOCK 12	PLAN 58M-669	ALL OF P.I.N. 03766-0751(LT)
PARTS 1 TO 12, INCLUSIVE ARE SUBJECT TO AN EASEMENT AS IN INSTRUMENT 1397626			

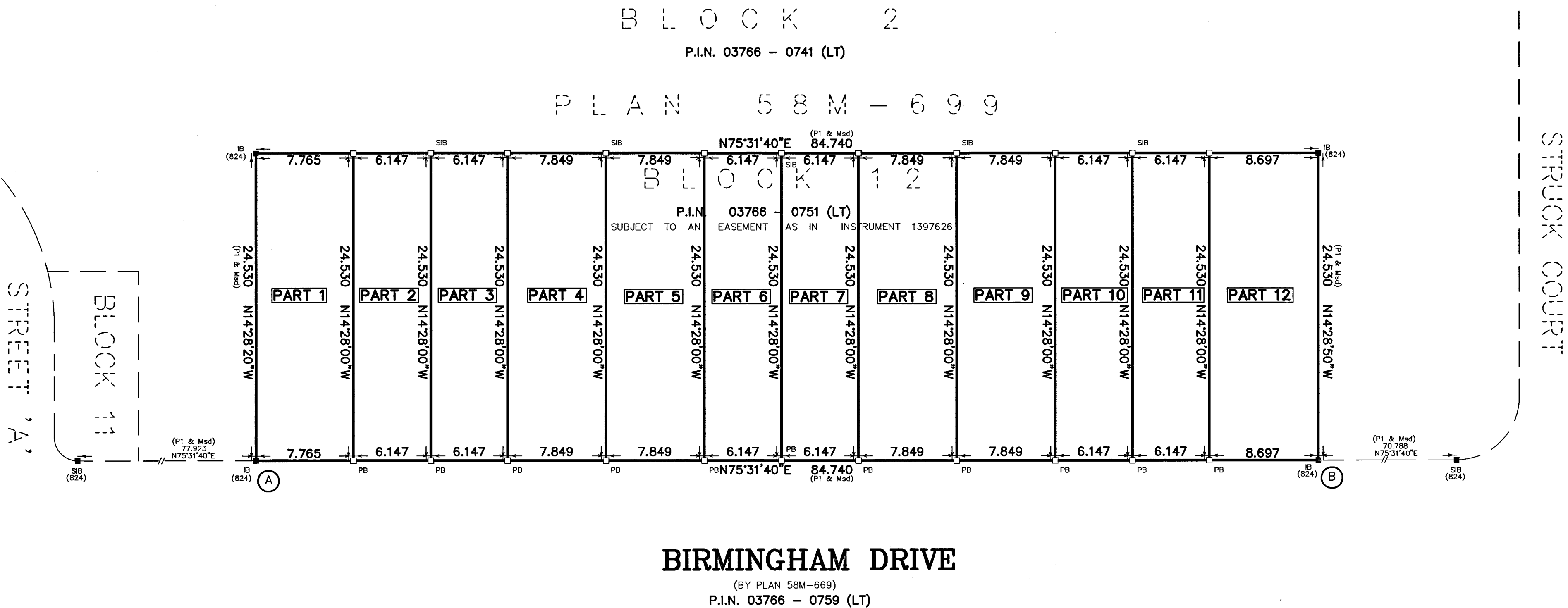
PLAN 58 R- 21191

RECEIVED AND DEPOSITED
Date Aug 3/21

Jan Cameron
REPRESENTATIVE FOR
LAND REGISTRAR FOR THE LAND
TITLES DIVISION OF WATERLOO (No. 58)

I REQUIRE THIS PLAN TO BE
DEPOSITED UNDER THE LAND
TITLES ACT.

Date JUNE 16, 2021
S. Dan McLaren
S. DAN McLAREN, O.L.S.



- LEGEND:**
- DENOTES MONUMENT SET
 - MONUMENT FOUND
 - IB IRON BAR
 - SSIB STANDARD IRON BAR
 - 824 SHORT STANDARD IRON BAR
 - Mad A.T. McLaren, O.L.S.
 - WT MEASURED
 - SVN WITNESS
 - WH SPEIGHT AND VAN NOSTRAND
 - 1192 VAN HARTEN SURVEYING INC.
 - P1 J.S. CAMPBELL, O.L.S.
 - PLAN 58M-669

METRIC NOTE
DISTANCES AND COORDINATES
SHOWN ON THIS PLAN ARE IN
METRES AND CAN BE
CONVERTED TO FEET
BY DIVIDING BY 0.3048

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT
AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 11th DAY OF MAY, 2021

JUNE 16, 2021
DATE

S. Dan McLaren
S. DAN McLAREN, O.L.S.

A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS

69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn LC	Checked DG	Crew Chief MW	Scale 1:250	Dwg.No. 38002-PLC3
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PLAN OF SURVEY
OF
BLOCKS 11 AND 13
58M-669
IN THE
CITY OF CAMBRIDGE
REGIONAL MUNICIPALITY OF WATERLOO

SCALE 1:250 METRIC
5 2.5 0 5 10 15 metres

S.D. McLAREN, O.L.S. - 2020

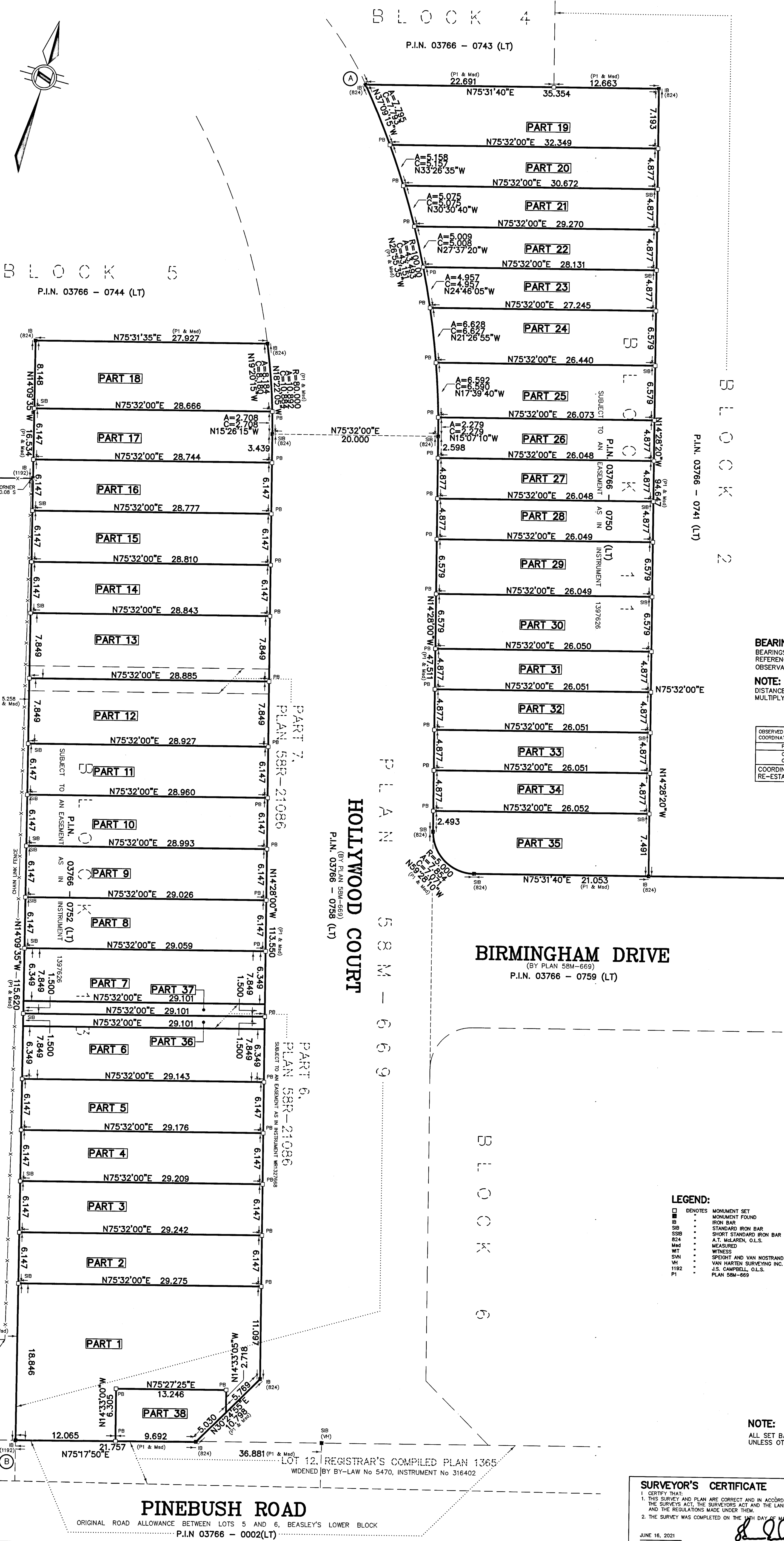
SCHEDULE			
PART	BLOCK	PLAN	P.I.N.
1 TO 18 INCLUSIVE	PART OF BLOCK 13	PLAN 58M-669	PART OF P.I.N. 03766-0752(LT)
19 TO 35 INCLUSIVE	ALL OF BLOCK 11		ALL OF P.I.N. 03766-0750(LT)
36 TO 38, INCLUSIVE	PART OF BLOCK 13		PART OF P.I.N. 03766-0752(LT)

PARTS 1 TO 18, 36 TO 38 INCLUSIVE COMPRISE ALL OF P.I.N. 03766-0752(LT)

PARTS 36 AND 37 ARE SUBJECT TO AN EASEMENT AS IN WR1327668

PARTS 1 TO 38, INCLUSIVE ARE SUBJECT TO AN EASEMENT AS IN INSTRUMENT 1397626

PLAN 58 R-21192
RECEIVED AND DEPOSITED
Date Aug 31 2021
S.D. McLaren
REPRESENTATIVE FOR
LAND REGISTRAR FOR THE LAND
TITLES DIVISION OF WATERLOO (No. 58)
I REQUIRE THIS PLAN TO BE
DEPOSITED UNDER THE LAND
TITLES ACT.
Date JUNE 16, 2021
S.D. McLaren
S. DAN McLAREN, O.L.S.



BEARING NOTE:
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED
REFERENCE POINTS A AND B, BY REAL TIME NETWORK
OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

NOTE:
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY
MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99959487

INTEGRATION DATA

POINT ID	NORTHING	EASTING
ORP @	4806719.601	555163.325
ORP @	4806551.416	555165.325

COORDINATES CANNOT, IN THEMSELVES, BE USED TO
RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

- LEGEND:**
- MONUMENT SET
 - MONUMENT FOUND
 - IRON BAR
 - STANDARD IRON BAR
 - SHORT STANDARD IRON BAR
 - A.T. McLAREN, O.L.S.
 - MEASURED
 - WITNESS
 - STREIGHT AND VAN NOSTRAND
 - VAN HARTEN SURVEYING INC.
 - J.S. CAMPBELL, O.L.S.
 - PLAN 58M-669

NOTE:
ALL SET BARS ARE IB'S
UNLESS OTHERWISE NOTED

METRIC NOTE
DISTANCES AND COORDINATES
SHOWN ON THIS PLAN ARE IN
METRES AND CAN BE
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BY DIVIDING BY 0.3048

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT
AND THE REGULATIONS MADE UNDER THEM;
2. THE SURVEY WAS COMPLETED ON THE 16TH DAY OF MAY, 2021

JUNE 16, 2021
DATE
S. DAN McLAREN, O.L.S.

A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS
69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn LC
Checked DG
Crew Chief MW
Scale 1:250
Dwg No. 36002-PC-1

PINEBUSH ROAD

ORIGINAL ROAD ALLOWANCE BETWEEN LOTS 5 AND 6, BEASLEY'S LOWER BLOCK
P.I.N. 03766 - 0002(LT)

LOT 12, REGISTRAR'S COMPILED PLAN 1365
WIDENED BY BY-LAW No 5470, INSTRUMENT No 316402



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) – 108 Pinebush Road

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 Blocks 3, 11, 12 and 13, Registered Plan No. 58M-669;
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-21190, 58R-21191 and 58R-21192 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 **September 14th, 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,
5. THAT this By-law shall come into full force on the day it is passed.

PASSED AND ENACTED this 14th day of September, 2021.

MAYOR

CLERK

Schedule ‘A’ to By-law No. XXX-21

Block 3 on Registered Plan No.58M-669

Parts 1-14 on 58R-21190

Parts and Proposed Easements

Lot	Parts and Proposed Easements
75	Part 1, 9, 10, and 11, subject to an easement over part 9 as in instrument WR1327668, Subject to an easement over Part 11 in favour of Blocks 2 and 14
76	Part 2
77	Part 3 and 12, Subject to an easement over Part 12 in favour of Blocks 2 and 14
78	Part 4 and 13, Subject to an easement over Part 13 in favour of Blocks 2 and 14
79	Part 5
80	Part 6
81	Part 7
82	Part 8 and 14, Subject to an easement over Part 14 in favour of Blocks 2 and 14

Block 12 on Registered Plan No. 58M-669

Parts 1-12 on 58R-21191

Parts and Proposed Easements

Lot	Parts and Proposed Easements
235	Part 1
236	Part 2
237	Part 3
238	Part4
239	Part 5
240	Part 6
241	Part 7
242	Part 8
243	Part 9
244	Part 10
245	Part 11
246	Part 12

Block 11 and 13 Registered Plan No. 58M-669

Parts 1-38 on 58R-21192

Parts and Proposed Easements

Lot	Parts and Proposed Easements
1	Part 1 and 38, Subject to an easement over Part 38 in favour of Blocks 2 and 14
2	Part 2
3	Part 3
4	Part 4
5	Part 5
6	Part 6 and 36, subject to an easement over part 36 as in instrument WR1327668
7	Part 7 and 37, subject to an easement over part 37 as in instrument WR1327668
8	Part 8

9	Part9
10	Part 10
11	Part 11
12	Part 12
13	Part 13
14	Part 14
15	Part 15
16	Part 16
17	Part 17
18	Part 18
19	Part 19
20	Part 20
21	Part 21
22	Part 22
23	Part 23
24	Part 24
25	Part 25
26	Part 26
27	Part 27
28	Part 28
29	Part 29
30	Part 30
31	Part 31
32	Part 32
33	Part 33
34	Part 34
35	Part 35