

To: COUNCIL

Meeting Date: 3/28/2023

Subject: 23-198-CD Part Lot Control Exemption – Wilkinson Avenue
Plan 58M-692 – Newman Holdco Inc.

Submitted By: Lisa Prime, Chief Planner

Prepared By: Rachel Greene, Senior Planner

Report No.: 23-198-CD

File No.: PTLT02/23

Wards Affected: Ward 5

RECOMMENDATION(S):

THAT Report 23-198-CD Part Lot Control Exemption – Wilkinson Avenue, Plan 58M-692 – Newman Holdco Inc. be received;

AND THAT the By-law included as Appendix A to Report 23-198-CD be passed to permit Exemption from Part Lot Control for lots 68-76, 81-86, 91-92, 95-100, 105-112 and 117-120 on a registered Plan of Subdivision 58M-692 until March 28, 2025, for rear yard easements on street fronting townhouses.

EXECUTIVE SUMMARY:

Purpose

This report has been prepared to provide a recommendation on the proposed Exemption from Part Lot Control application for lots 68-76, 81-86, 91-92, 95-100, 105-112 and 117-120 on a registered Plan of Subdivision 58M-692 for the Newman Holdco Inc. subdivision in Cambridge West, to permit the creation of easements for rear yard access for street townhouse dwelling lots.

Key Findings

- The townhouse lots on Wilkinson Avenue in Cambridge West were created through Plan of Subdivision 58M-692 and were not required to go through site plan approval as the townhouses on these lots front onto a municipal street and are not part of a condominium.
- The majority of the townhouse units are under construction with some units already being complete.

- The proposed by-law, if passed by Council, will permit the creation of rear yard access easements.

Financial Implications

- The planning application fee for Part Lot Control Exemption in the amount of \$11,180 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): PLANNING FOR GROWTH - Provide for a mix of development, uses and amenities in order to meet the needs of a changing and diverse population

Strategic Action: Not Applicable

Program: Development Approvals

Core Service: Part Lot Control Exemption Applications

BACKGROUND:

Property:

The subject lands are lots 68-76, 81-86, 91-92, 95-100, 105-112 and 117-120 on a registered Plan of Subdivision 58M-692 fronting onto Wilkinson Avenue. These lots were created through the approval and registration of subdivision 30T-16105 (Huron Creek) in Cambridge West. These lots in the subdivision were planned for street fronting townhouses with the intention that rear yard access easements would be created through a future Part Lot Control Exemption application.

The City granted building permits for the townhouses and the construction of these units is underway with some having been completed to date. Building permits can be granted as soon as a subdivision is registered.

The subject lands are shown in Figure 1.

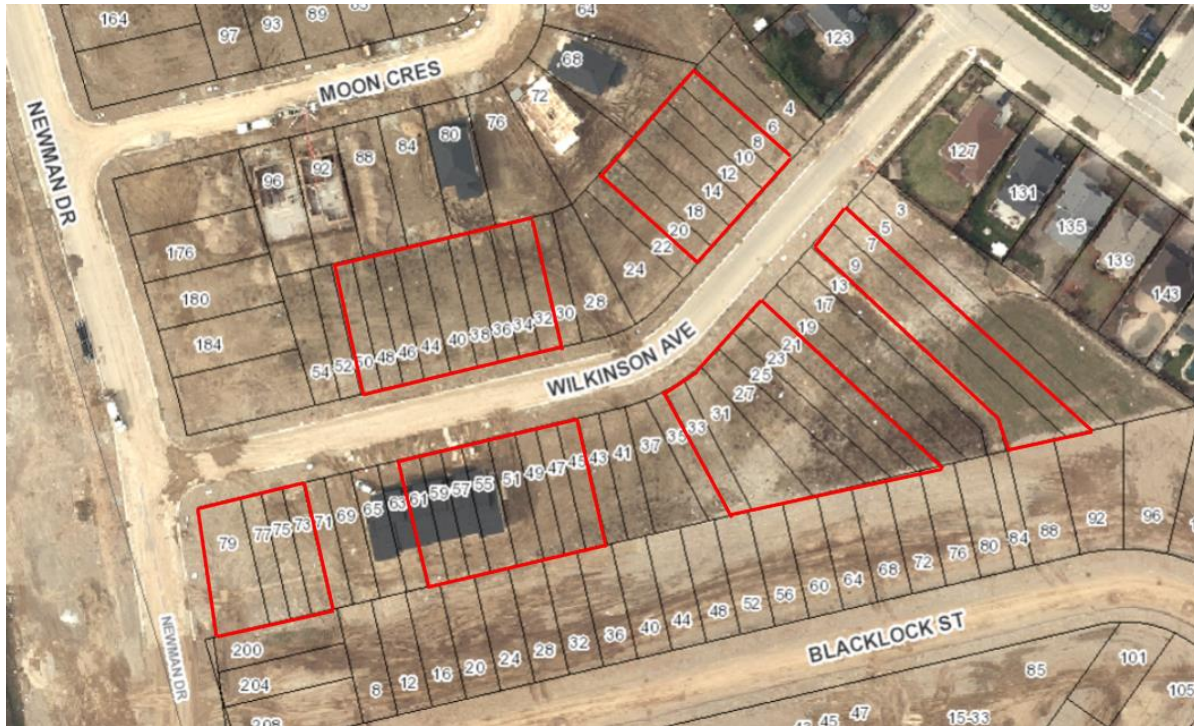


Figure 1 Aerial Map of Blocks subject to easements

EXISTING POLICY / BY-LAW(S):

Planning Act

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 landowner to further divide a block or create easements within a registered Plan of Subdivision. Council approval of the by-law is required to allow the exemption from Part Lot Control to create rear yard access easements for the townhouses for up to two (2) years.

City of Cambridge Official Plan 2012 (as amended)

The lands are designated as Low Medium Density Residential.

City of Cambridge Zoning By-law 150-85 (as amended).

The lands are zoned RM4 s.4.1.360 Multiple Residential.

ANALYSIS:

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 landowner to divide a block or lot within a registered plan into individual lots for sale and/or create easements for conveyance. 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.

For street fronting townhouses, rear yard access easements are beneficial because they provide exterior access from the side yard of the end to access the rear yards of the interior units for maintenance purposes and in cases of emergency.

A By-law approved by Council is in place for two (2) 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.

The proposed application for Exemption from Part Lot Control is consistent with the registered Plan of Subdivision and staff is recommending approval of this application.

If Council does not agree with staff's recommendation to approve the Part Lot Control exemption application and corresponding by-law, the interior street fronting townhouse lots will not have an additional exterior access to their rear yards.

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 VALUE:

Not applicable.

ADVISORY COMMITTEE INPUT:

Not applicable.

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 reference plan for review. The draft reference plan was reviewed in conjunction with the registered plan of subdivision and deemed to be in conformity with the approved subdivision. 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 have been listed in accordance with the draft reference plan.

CONCLUSION:

City of Cambridge Development Planning Staff recommends that Council pass the attached by-law to permit Exemption from Part Lot Control for lots 68-76, 81-86, 91-92, 95-100, 105-112 and 117-120 on a registered Plan of Subdivision 58M-692 until March 28, 2025. The Part Lot Control Exemption application represents good planning and will provide rear yard access to street fronting townhouse dwelling lots.

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. 23-198-CD Appendix A – Draft By-law Amendment
2. 23-198-CD Appendix B – Reference Plan 58R-21562

3. 23-198-CD Appendix C – Plan of Subdivision 58M-692