



Town of Erin

Corporate Report

Department: Community Services
Business Unit: Planning & Development
**Presented/
Prepared By:** David Waters, Senior Planner

Report Number:
PD2024-07
Meeting Date:
5/23/2024

Subject

Recommendation Report Part Lot Control Application (PLC24-01), National Properties Inc. (Solmar Glen Erin Phase 1 Plan 61M-258)

Recommendation

Be it resolved that Council hereby receives report number PD2024-07 “Recommendation Report Part Lot Control Application (PLC24-01), National Properties Inc. (Solmar Developments)” for information;

And that By-law #24-27 as listed on the May 23, 2024 agenda be approved.

Background

The land subject to this application is Phase 1 of Registered Plan M61-258 and consists of 29.73 hectares (73.46 acres) of land legally described as Pt Lots 16 & 17 Con 10 and Pt lot 16 Con 11 in the Town of Erin. The lands are planned to be developed as a mixed-use community with residential, commercial, industrial, and institutional uses. The Phase 1 Glen Erin plan of subdivision is included in Attachment 1 to this report.

Discussion

National Properties has applied to the Town of Erin to request a by-law be passed by Council to provide exemption from Part Lot Control for a number of Blocks and Lots within the registered Phase 1 Glen Erin plan of subdivision in order to create one-hundred and five (105) semi-detached and townhouse units within the registered plan.

Analysis

Exemption to Part Lot Control is typically used to divide lots where dwellings share a common wall (i.e., semi's and townhouses) and also allows for the creation of lots within existing plans of subdivision without Committee of Adjustment or Plan of Subdivision approval.

The *Planning Act, 1990* (the “Act”) sets out a framework to control land division in Ontario. It does this in part, by prescribing restrictions that prevent the conveyance of any portion, or “part” of a whole lot or block within a registered plan of subdivision. This is known as “Part Lot Control”, which has the effect of preventing any further division of land or lots/blocks within a plan of subdivision without approval of the municipality.

Subsection 50(7) of the Act gives Council the authority to pass a by-law to exempt lands from the Part Lot Control restrictions of the Act (i.e. a “Part Lot Control Exemption By-law”). A Part Lot Control Exemption By-law has the effect of removing, or “lifting” Part Lot Control from any lot/block within a registered plan of subdivision for a specified period of time, to allow further division of part(s) of any such lot/block without requiring approval from a Committee of Adjustment, or the submission of a plan of subdivision application.

The application for Part Lot Control Exemption is the final step in the planning approval process to legally create the freehold lots so they can be conveyed to future homeowners. It is appropriate to approve land division for this development at this time, since the proposed unit boundaries relate to the dividing walls of the buildings, which are best delineated and confirmed through the construction process. A Certificate prepared by an Ontario Land Surveyor (OLS) was submitted to confirm that the lot fabric and constructed dwelling unit foundations comply with the Zoning By-law.

Exemption by-laws generally are for 1 or 2-year time period. Town staff are recommending Council approve the by-law for a 2-year time period to give sufficient time for the Applicant/Builder to construct single-detached and townhouse dwelling units on a number of Blocks and Lots and convey the lands to new owners. If the Applicant does not complete all of the conveyances in that time frame, they can apply for an extension to the time period in accordance with Section 50 (7.3) of the Act.

The proposed lots meet the requirements for lot frontage and area of the Zoning By-law. In addition, the draft legal plans prepared by R-PE Surveying Ltd. were reviewed by the Town’s engineering consultant (Ainley) to determine consistency with the Engineering Drawings for Solmar’s Erin Subdivision, Phase 1.

Ainley advises the Town that the easements for the rear lot catch basins and catch basin leads are represented in a manner consistent with the Engineering Drawings and are acceptable from an Engineering viewpoint. In addition, the lot fabric matches the lot fabric submitted for Phase 1 Engineering Drawings and are acceptable from an Engineering viewpoint.

The six R-Plans have now been deposited with the Land Registry Office. The six Reference Plans illustrating the semi-detached and townhouse lot fabric resulting from the passing of this By-law are attached hereto as Attachments 2 to 7.

Planning Staff are recommending to Council to pass a by-law to exempt Part Lot Control on the following Block and Registered Plan for a 2-year time period and lots 344, 345, 346, 347, 348, 349 and Lots 51 through 71, on Plan 61M-258. Following Council passing the Part Lot Control Exemption By-Law, the Town will submit a package to the County of Wellington for review and final approval by the Director of Planning and Development.

Strategic Pillar

Growth Management

Financial Impact

The planning application fees associated with a Part Lot Control Exemption are collected at the time of filing the application and included within the operating revenues of the Planning & Development Division of Community Services.

Conclusion

National Properties has applied to the Town of Erin to request a by-law be passed by Council to provide exemption from Part Lot Control for a number of Blocks and Lots within the registered Phase 1 Glen Erin plan of subdivision in order to create one-hundred and five (105) semi-detached and townhouse units within the registered.

The draft R-Plans were reviewed to determine consistency with the approved Engineering drawings for Solmar's Phase 1 Glen Erin plan of subdivision and were found to be acceptable from an engineering viewpoint.

Attachments

Attachment 1 – M-Plan 61-258

Attachment 2 – Reference Plan 61R-22740

Attachment 3 – Reference Plan 61R-22741

Attachment 4 – Reference Plan 61R-22742

Attachment 5 – Reference Plan 61R-22743

Attachment 6 – Reference Plan 61R-22744

Attachment 7 – Reference Plan 61R-22745

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