A. Recommendations

THAT Council receive Staff Report PDS.19.150, entitled “Application for Part Lot Control – Timberwolf at Alpine Springs Court”;

AND THAT Council enact a Part Lot Control By-law for Lots 1 to 5, Plan 1134 for a temporary period of two (2) years from the date of enactment, and to direct Staff to forward the Part Lot Control By-law to the County of Grey for final approval.

B. Overview

This report considers the lifting of part lot control (Section 50(5) of the Planning Act) from the Timberwolf Condominiums project for a temporary period of time in order to allow the final registration of the lots associated with each condominium unit.

C. Executive Summary

Application File # P2800

Application Received Date: September 29, 2019

Location: Lots 1 to 5 Plan 1134, Alpine Springs Court

D. Background

The purpose of this report is to consider an application for Part-Lot Control By-law submitted by Polfer Developments Inc (Timberwolf Condominiums). The application requests an exemption from the Part-Lot Control provisions of the Planning Act. An exemption will permit the registration of new lots associated with each condominium unit. Exemption from part-lot control is commonly used for semi-detached and townhouse developments, as individual semi-
detached or townhouse lots are not normally indicated on a registered plan of subdivision. This approach is used because of the difficulty a builder would have in constructing the common centre wall between two dwelling units exactly on the mutual property line. In removing specific lots from the scope of part lot control, the mutual property boundary may be established through the common centre wall of the as-built structures.

Construction of the final townhouse block is nearing completion and the Part-Lot Control By-law is required prior to registering the new lots and transferring the lands and units to the new owners. The townhouse project has been developed over two phases and includes a total of 19 townhouse units accessed by a private condominium road off of Alpine Springs Court. The lands are described as Lots 1 to 5, Plan 1134 and are located on the north and south side of Alpine Springs Court between Arrowhead Road and the Alpine Ski Club. Surrounding land uses include single detached dwellings (Georgian Woodlands), Ski Parking Area, and the Alpine Ski Club.

Council enacted By-law 2019-11 in April of this year. This By-law included an expiry date of 30 days or 2 years from the date of registration, whichever occurs first. The intent of the expiry date is to facilitate the registration of the lots for a temporary period of time in accordance with the approved Site Plan. The closings related to the sale and transfer of each unit will not occur within the 30 day time period and a request has been made to apply the Part Lot Control By-law for a period of 2 years to facilitate those closings.

E. Analysis

The proposed part-lot control By-law is intended to implement the approved use of the lands for townhouse dwellings. Development is already recognized in the Plan of Subdivision and subsequent Site Plan Approvals and Site Plan Agreements.

Planning Staff have no objections to the proposed part-lot control By-law subject to an expiry date of two (2) years from the date of enactment. The 2-year timeframe is consistent with part-lot control By-laws enacted for similar developments in the municipality. The 2-year timeframe appears sufficient to finalize the lot creation and have the new lots registered with the Land Registry Office.

If passed by Town Council, this By-law will be forwarded to the County of Grey for final approval. As the approval authority for plans of subdivision and condominium, the County is also responsible for approval of part-lot control applications and associated By-laws.

F. The Blue Mountains Strategic Plan

Goal #3: Support Healthy Lifestyles
Objective #3 Manage Growth and Promote Smart Growth

G. Environmental Impacts

Nil
H. Financial Impact

Nil

I. In consultation with

Trevor Houghton, Manager of Community Services
Nathan Westendorp, Director of Planning and Development Services

J. Public Engagement

The Timberwolf Condominium development implemented by the proposed By-law was subject to previous public consultation and engagement through the zoning by-law amendment review processes. The topic of this Staff Report has not been subject to a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required by the Planning Act. Comments regarding this report should be submitted to Shawn Postma, Senior Policy Planner at planning@thebluemountains.ca

K. Attached

1. Draft Part Lot Control By-law
2. Timberwolf Condominiums Site Plan
3. Draft R-Plan

Respectfully submitted,

_____________________________
Shawn Postma
Senior Policy Planner

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Nathan Westendorp, RPP, MCIP
Director of Planning and Development Services

For more information, please contact:
Shawn Postma
spostma@thebluemountains.ca
519-599-3131 extension 248
The Corporation of the Town of The Blue Mountains

By-Law Number 2019 –

Being a By-law to remove Lots 1 to 5, Registered Plan 1134, from Part-Lot Control for a temporary period time.

Whereas pursuant to Subsection 50 (7) of the Planning Act the council of a local municipality may by by-law provide that part-lot control does not apply to lands within a registered plan of subdivision or parts of them as are designated in the by-law;

And Whereas Polfer Developments Inc. has requested that Council of The Corporation of The Town of The Blue Mountains enact a by-law so as to remove Lots 1 to 5, Registered Plan 1134, from part-lot control for a temporary period of time so as to register conveyable real estate entities therewith;

And Whereas the request meets the criteria of the Council of The Corporation of The Town of The Blue Mountains for the consideration of the enactment of a part-lot control by-law

Now Therefore Council of The Corporation of The Town of The Blue Mountains hereby enacts as follows:

1. Subsection 50 (5) of the Planning Act does not apply to Lots 1 to 5, Registered Plan 1134 as shown on Schedule ‘A1’ to this By-law.

2. Pursuant to Subsection 50 (7.3) of the Planning Act, this By-law shall expire two (2) years from the date of enactment unless it shall have prior to that date been repealed or extended by the Council of the Corporation of The Town of The Blue Mountains.

3. Schedule ‘A1’ is hereby declared to form part of this By-law.

And Further that this By-law shall come not take effect until it has been approved by the Corporation of the County of Grey, the approval authority for the purposes of Sections 51 and 51.1 of the Planning Act R.S.O. 1990, c.P.13, and a certified copy or duplicate of the By-law so approved, has been registered in the proper Land Registry Office.

Enacted and passed this 16th day of December, 2019

________________________________________

Alar Soever, Mayor

________________________________________

Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2019–___ as enacted by the Council of The Corporation of The Town of The Blue Mountains on the 16th day of December, 2019.

Dated at the Town of The Blue Mountains, this 16th day of December, 2019.

________________________________________

Corrina Giles, Clerk
KEY MAP SCHEDULE 'A1'
BY-LAW No. _______
TOWN OF THE BLUE MOUNTAINS

AREA AFFECTED BY THIS BY-LAW