

STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG



Report to:	Mayor and Council Members	Priority:	<input checked="" type="checkbox"/> High <input type="checkbox"/> Low
Submitted by:	Rob Franklin MCIP RPP Manager of Planning rfranklin@cobourg.ca	Meeting Type: Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/>	
Meeting Date:	October 4, 2021		
Report No.:	B-06-20 105 Havelock St Severance Agreement		
Submit comments to Council			

Subject/Title: 105 Havelock Street, B-06-20 Severance Agreement

RECOMMENDATION:

THAT the Staff Report be received by Council for information purposes; and,
FURTHER THAT the By-law attached as **Figure 3** to the Staff Report be endorsed and be presented to Council for adoption which authorizes the Mayor and Municipal Clerk to execute a Severance Agreement with 2471366Ontario Inc. for the proposed severance of a new infill lot from 105 Havelock Street in accordance with Condition a) of the Committee of Adjustment Consent decision.

1. STRATEGIC PLAN

N/A

2. PUBLIC ENGAGEMENT

An application for Consent to Sever a new residential lot for 105 Havelock Street was submitted on October 13, 2020 and approved by the Committee of Adjustment at their meeting of November 17, 2020, with conditions.

With regard to this application, the Municipality followed the statutory notice requirements of the Planning Act R.S.O 1990, c.P. 13, as amended, including providing notice by personal service or ordinary service mail to every land owner within a 60 m radius of the area to which the application applies, and publication in a newspaper that is of sufficient circulation in the area which the application applies. Following the public hearing held to consider the application, a Notice of Decision was provided to the applicant.

3. PURPOSE

To authorize the Mayor and Municipal Clerk to execute a Severance Agreement with 2471366 Ontario Inc. for the development of a new residential lot from the property known municipally as 105 Havelock Street, subject to the finalization of details by municipal staff and applicable agencies.

4. ORIGIN AND LEGISLATION

Section 53(12) of the Planning Act, R.S.O. 1990, c.P. 13, as amended, authorizes the Municipality to enter into Agreement(s) with the proponent as a condition of approval for the Consent.

5. BACKGROUND

On November 17, 2020, the Owner was granted Provisional Consent by the Committee of Adjustment to sever a new 367 m² residential lot fronting Havelock Street from the property known municipally as 105 Havelock Street, see Figure 1: Location Map.

One of the conditions of Consent requires that a Severance Agreement be registered over the property to address matters including but not limited to, servicing; grading; driveway and access; heritage conservation including compatible heritage design following approved guidelines, urban design and landscaping including and screening. In accordance with the provisions of the Planning Act, if the conditions of the Consent are not satisfied within one (1) year of the decision (November 18, 2021), the Consent lapses and the Owner would need to re-apply.

The subject lands are designated 'Stable Residential Area' in the Town of Cobourg Official Plan (2017), and zoned Residential 3 (R3) Zone in the Town of Cobourg's Comprehensive Zoning By-law #85-2003. A concurrent Minor Variance (file A-05-20) was also approved to deal with a few Zoning By-law issues as well.

6. ANALYSIS

The following are the key points associated with the proposal:

- The property known as 105 Havelock Street is approximately 891 m² in lot area with 34.84 m frontage on Havelock Street. See Figure 1: Location Map.
- Provisional Consent was granted by the Committee of Adjustment on November 17, 2020, which permitted the creation of a 367 m² lot with 10.71 m frontage on Havelock Street. See Figure 2: Reference Plan;
- As a condition of the Consent (Condition a)), the applicant is required to enter into and register a Severance Agreement with the Town to address matters including but not limited to: servicing; grading; driveway and access; heritage conservation including compatible heritage design following approved guidelines, urban design and, landscaping including screening.

- Pursuant to Condition b) of the Consent Decision, a 5% cash-in-lieu of parkland payment will be provided to the Municipality based on the estimated value of the severed parcel;
- New development shall conform to the policies of the George Street Heritage District Plan and Guidelines for Infill Development with an approved Heritage Permit
- A Cultural Heritage Impact Assessment (CHIA) be prepared by a Certified Heritage Professional (CAHP) will be required prior to new development on the severed lot and the CAHP or Architect with significant heritage experience be consulted in the design of the new building.
- In accordance with *Planning Act* regulations, if conditions to a Provisional Consent are not fulfilled within one year of the decision (November 17, 2021), the Consent lapses.
- The Severance Agreement stipulates that the Municipality will not approve any development or issue any Building Permits on the Severed Lands until the Municipality's Director of Planning & Development or his/her designate is satisfied that all of the Municipality's requirements for development and construction have been fulfilled for this infill lot in accordance with the relevant policies, guidelines, regulations and standards of the Municipality (Official Plan, Urban and Landscape Design Guidelines, Zoning By-law, Heritage Guidelines, Engineering Design Guidelines and Standards), including the submission and approval of such plans, reports and/or other documentation addressing matters such as but not limited to: urban design; driveway(s) and access; servicing; grading; landscaping; screening; and, financial security deposit.
- The subject proposal conforms to the applicable policies of the Official Plan, particularly the Residential Area and Community Design policies, complies with Comprehensive Zoning By-law #85-2003 after the concurrent Minor Variance (File A-05-20) was approved, and satisfies Condition a) of the Consent Decision.
- The technical aspects associated with the new lot creation have now been carefully defined within a Severance Agreement, and therefore Planning staff is now in a position to recommend approval of the Agreement pursuant to the condition of Consent.

7. FINANCIAL IMPLICATIONS/BUDGET IMPACTS

There are no anticipated negative financial implications imposed on the Municipality as a result of granting final approval of the subject request. A cash-in-lieu of parkland payment will need to be paid by the Owner as part of Condition b) of the Consent decision. Development Charges will be applied to the vacant lot at the Building Permit Stage. All legal, registration and other costs incurred by the Municipality shall be borne by the Owner.

8. CONCLUSION

It is the opinion of the Planning Department that the proposal to clear Condition a) of the Consent for the land area known municipally as 105 Havelock Street satisfies this condition of approval, subject to the finalization of details by planning staff and applicable agencies, and the registration of the Severance Agreement.