

STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG



Report to:	Mayor and Council Members	Priority:	<input type="checkbox"/> High <input checked="" type="checkbox"/> Low
Submitted by:	Kaveen Fernando, Planner I – Development Planning Department kfernando@cobourg.ca	Meeting Type:	Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/>
Meeting Date:	November 15, 2021		
Report No.:	Z-11-21		
Submit comments to Council			

Subject/Title: **Application for Zoning By-law Amendment, 1005 Elgin Street West, The Fleming Building**

RECOMMENDATION:

THAT Council receive the Staff Report for information purposes; and,
FURTHER THAT the application be referred to the Planning Department for a report and that the notice of requirements of the Planning Act, R.S.O, c.P. 13, as amended, and the Municipality be implemented, including the scheduling of a public meeting.

1. STRATEGIC PLAN

N/A

2. PUBLIC ENGAGEMENT

Sections 34 (10.4) & (13) of the Planning Act, R.S.O 1990, c.P. 13, as amended prescribe statutory public notice requirements for a complete application for Zoning By-law Amendment and for the scheduling of a public meeting.

The notice of a statutory Public Meeting can be provided together with notice of complete application, or separately. The Municipality is required to give notice by either:

- a) Publication in a newspaper that is of sufficient circulation in the area which the application applies; or
- b) Personal or ordinary service mail to every land owner with 120 metre of the subject land, and by posting notice, clearly visible from public highway or

other place the public has access on the subject land, or a location chosen by the municipality.

The Municipality's notification procedures for complete application and public meetings include both a) and b) above, including posting of a sign which meet and exceed the notice requirements prescribed by the *Planning Act*. In addition, the Town provides this Report to Council for information purposes in open session and posts relevant information regarding the development on its Planning Applications page of the municipal website (Planning & Development).

3. PURPOSE

The purpose of this Report is to advise Council and the public of the receipt of an application for Zoning By-law Amendment, and to recommend that Council refer the application to the Planning Department for a Report and direct that the notification requirements be implemented in accordance with the *Planning Act* and municipal procedures.

4. ORIGIN AND LEGISLATION

On November 01, 2021, the Planning Department received an application for a Zoning By-law Amendment from Community Planning and Consulting Inc. on behalf of Linmac Inc. to amend the Site Specific By-law to allow Medical Clinic uses under the permitted uses of Shopping Centre Commercial Exception Four (SC-4) at 1005 Elgin Street West. Pursuant to the provision of the Planning Act, if the Municipality fails to approve the complete application within 90 days after its receipt by Council, the owner may appeal the application to the Ontario Land Tribunal (OLT).

5. BACKGROUND

The subject application proposes an amendment to the Zoning By-law to add a "Medical Clinic" to the list of permitted uses in the "Shopping Centre Commercial, Exception Four (SC-4)" for the Fleming Building located at 1005 Elgin Street West. The re-zoning would accommodate a total of up to 17 medical practitioners in the existing building. The application involves the addition of a new land use to the existing SC-4 zone, and no expansion to the building. The intension is to reorganize and utilize existing square footage for the proposed new users. Refer to Schedule A "**Context Map**" attached.

The subject Lands are designated "Shopping Node Area" in the Town of Cobourg Official Plan (2017) and "Shopping Centre Commercial, Exception Four (SC-4) Zone" in the Town of Cobourg's comprehensive Zoning By-law No. 85-2003. At present, the SC-4 permits a range of institutional, commercial, service and clinic uses but does not include a medical clinic. The applicant has submitted a Planning Justification Report in support of the application including parking calculations. .

Following a review of the application, Planning Staff has concluded that it constitutes a complete application in accordance with the provision of the *Planning Act* and the Cobourg Official Plan and is in position to be formally received by Council.

6. ANALYSIS

This memo is for application receipt notification purposes only, and there is no staff analysis at this point in time. Once the plans and reports have been reviewed by the Development Review Team and partner review agencies, and a Public Meeting convened, a report will be brought back to Council for consideration.

7. FINANCIAL IMPLICATIONS/BUDGET IMPACTS

There are no anticipated negative financial implications imposed on the Municipality as a result of the application for Zoning By-law Amendment. The Owner has submitted the requisite \$7,500.00 fee and deposit.

8. CONCLUSION

The application package and supporting information is deemed complete and are currently being circulated to the Development Review Team and applicable agencies for review and comments before being brought back to Council for consideration.