

STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG



Report to:	Mayor and Council Members	Priority:	<input type="checkbox"/> High <input type="checkbox"/> Low
Submitted by:	Anne Taylor Scott, MCIP, RPP Director, Planning and Development Division, ataylorsscott@cobourg.ca	Meeting Type:	Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/>
Meeting Date:	September 26, 2022		
Report No.:	[Report Number]		
Submit comments to Council			

Subject/Title: Clearance of Conditions and Final Subdivision Approval - Marshall Homes (Cobourg) Ltd. – 160 Densmore Road (Northeast Corner of Densmore Road and Birchwood Trail)

RECOMMENDATION:

THAT Council receive this Staff Report for information purposes.

THAT Council authorize Staff to continue to implement the original 2005 draft approval and conditions subject to the minor redlined revisions to the Draft Plan of Subdivision proposing a mix of 39 townhouse units and 84 stacked townhouse units (Appendix I);

THAT the amendment to Draft Plan Approval be deemed minor in nature and not subject to further notice provisions under the Planning Act;

FURTHER THAT attached by-law (Appendix II) be passed by Council which authorizes the Mayor and Municipal Clerk to execute a Pre-Servicing Agreement and Subdivision Agreement with Marshall Homes (Cobourg) Ltd. for a residential development located at 160 Densmore Road (northeast intersection of Birchwood drive and Densmore Road).

Not Applicable.

2. PUBLIC ENGAGEMENT

The subject lands have been approved for residential development since 2005. The site has been the topic of numerous public meetings, Committee of the Whole and Council meetings over the years. It appears to be well understood by the community that this is a residential development.

Most recently, the development was subject to rezoning in 2021 with reports before Council in June 2021 and August 2021. The rezoning had the effect of permitting stacked townhouse units on the subject lands.

A public meeting was held by the Town of Cobourg on August 09th, 2021 and private open house was held by the owner on July 28th, 2021 to discuss the Zoning By-law Amendment application.

Town of Cobourg held a public meeting on December 20, 2021 in accordance with the Planning Act to discuss the red-lined revised Draft Plan of Subdivision and Condominium Application. No major concerns were raised during the public meeting.

This report was published 10 days prior to the scheduled Committee of the Whole meeting.

3. PURPOSE

The purpose of this report is to seek Council's endorsement of a Plan of Subdivision that was originally reviewed and approved by Council on November 28, 2005.

While the development has taken a number of years to advance, the current owner wishes to proceed through the final subdivision approval stage including the approval of all necessary design drawings and entering into the requisite development agreements with the Town of Cobourg.

4. ORIGIN AND LEGISLATION

This recommendation report comes forward as a result of a subdivision application submitted under the Planning Act.

5. BACKGROUND

The subject property is a vacant parcel located at the north-east corner of Densmore Road and Birchwood Trail abutting Highway 401 interchange along the north property line, known as 160 Densmore Road. Refer to **Schedule "A" Context Map** attached. The subject property is designated as "Commercial/Residential" Area according to the Schedule "H" Elgin-Densmore Secondary Plan, and zoned "Multiple Residential Four Exception 18 Holding (R4-

18(H))” in the Town of Cobourg Comprehensive Zoning By-law #085-2003, as amended by By-law #077-2021.

The following sections provide a detailed chronology of the subdivision file located on the subject lands.

Original Applications and Approvals

In 2005, Cobourg Municipal Council conditionally approved a Draft Plan of Subdivision for 34 townhouses, a commercial block and up to 80 apartment units for a total density of 114 units.

In September of 2013, and after obtaining approvals and clearances from all municipal departments and agencies, including MTO, Council granted final approval of the plan of subdivision and authorized the execution of a Pre-Servicing Agreement and Subdivision Agreement for the development.

The site was approved for pre-servicing in 2015 and underground infrastructure was installed a number of years ago, however the developer abandoned the site and the property was acquired by Marshall Homes (Cobourg) Ltd..

Proposed Rezoning and Amendments to the Draft Plan of Subdivision

Following the acquisition, Marshall Homes pursued modifications to the original approvals including a Zoning By-law Amendment and red-lined revisions to the Draft Plan of Subdivision.

The Zoning By-law No. 077-2021, specifically amending By-law No. 120-2005 that applies to the Subject Lands, was approved by Council to modify the permitted buildings on the apartment block by adding “stacked townhouses” to the list of permitted building types and to increase the density of the subject lands from the current maximum permission of 114 dwelling units to 123 dwelling units. Five (5) of the additional units are for conventional townhouse units intended to replace the commercial block at the south-west corner of the Subject Lands, and four (4) of the additional units will be accommodated within the new stacked townhouse design towards the north limits of the property.

The applicant has submitted following red-line revisions to the Council approved Draft Plan from 2005 (See Appendix I):

- Introduce Block 8 – a private amenity area
- Amend the size of Block 2 – reduce the total area from 0.24 Hectare to 0.20 hectare
- Amend the size of Block 4 – reduce the total area from 0.91 Hectare to 0.88 Hectare
- Change use of Block 5 – to change the proposed use from commercial to residential

6. ANALYSIS

Given all that has evolved during the course of the subject development applications, Planning Staff support the continued efforts to resolve all outstanding technical matters relating to the subdivision and concurrent site plan application.

Staff are aware that at the time of drafting the report, the owner and their consulting team is actively consulting with MTO in an effort to resolve comments by MTO. Specifically, MTO has raised concerns regarding the proximity of parking spaces adjacent to the Highway 401 interchange. MTO has confirmed that they cannot approve parking spaces required by the Zoning By-law adjacent to the interchange – they would only be receptive to signing off on the site plan should those spaces be considered ‘surplus’ to the requirements of the Zoning By-law. In August 2022 Council permitted the owner to make an application to the Committee of Adjustment that would have the effect of making the parking spaces surplus even though they would continue to be available. A full summary of this matter was presented to Committee of the Whole and Council on August 15th and August 22nd, respectively.

The applicant is progressively working with the Planning Department to address the parking and setback matter by submitting a Minor Variance Application to the Committee of Adjustment. The MTO issue is limited to Phase 2 being the Stacked Townhouse component. As Phase 1 is not impacted the builder wishes to proceed with Phase 1 initially allowing work to commence on the initial 39 conventional townhouse units.

Planning Staff have no objection to the phased approach to the development of the 123 units, with the 39 units proceeding initially while the MTO issue is resolved.

The passing of the attached by-law to enter into the necessary development agreements will allow for development to be reactivated on the site after being uncertain for many years.

As construction continues, the owner will also be seeking condominium approval, which is a delegated staff process. The condominium approval will establish the shared common elements, a private lane network and services, and establish the operating procedures for the condominium corporation(s).

7. FINANCIAL IMPLICATIONS/BUDGET IMPACTS

There are no anticipated negative financial implications on the Municipality as a result of the development. The Owner has submitted all requisite fees for Planning Act applications and will be required to post sufficient securities in accordance with the development agreements. The Owner will also be required to pay cash-in-lieu of parkland in accordance with the Planning Act.

8. CONCLUSION

In light of complex history on this development file, and all present information, Staff recommend that the development proceed through the final stages of subdivision approval as the application continues to satisfy all land use planning policies as presented in previous Staff reports and Council approvals.

Staff are satisfied that the 2005 conditions of draft approval remain relevant and should continue to be implemented at the development proceed through the final subdivision approval stage.

Report Approval Details

Document Title:	Final Subdivision Approval - 160 Densmore Road (Marshall Homes) - Planning and Development-077-22.docx
Attachments:	- Appendix I - Red-line Revision to Draft Plan.pdf - Appendix II - Subdivision Agreement By-law.docx
Final Approval Date:	Sep 16, 2022

This report and all of its attachments were approved and signed as outlined below:

Tracey Vaughan, Chief Administrative Officer - Sep 16, 2022 - 9:06 AM