

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 II – Development Planning and Development Services kfernando@cobourg.ca	Meeting Type:	Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/>
Meeting Date:	September 26, 2022		
Report No.:	Z-04-21 (SUB)		
Submit comments to Council			

Subject/Title: Clearance of Conditions of Draft Approval & Entering into Pre-Servicing and Subdivision Agreements - Kerr Street Industrial Development (Kwendill Holdings Limited)

RECOMMENDATION:

THAT this Staff Report be received by Council for information purposes; and

THAT attached by-law (Appendix III) be presented to Council which authorizes the Mayor and Municipal Clerk to execute a Pre-Servicing Agreement and a Subdivision Agreement with Kwendill Holdings Limited for a 6 lot industrial subdivision development located on the south side of Kerr Street between Division Street and D'Arcy Street.

1. STRATEGIC PLAN

Not Applicable.

2. PUBLIC ENGAGEMENT

The initial application for Draft Plan of Subdivision by RFA Planning Consultants on behalf of Kwendill Holdings was submitted and received by Council on April 26, 2021. The notice of Complete Application was circulated on May 13, 2021 and the Public meeting was held June 14, 2021 in accordance with the provisions of the Planning Act, R.S.O 1990, c.P. 13, as amended. The applicant and the consultants also convened a private public meeting through Zoom

Platform on May 26, 2021. Council granted draft approval of the Draft Plan with conditions on July 26, 2021, and a Notice of Decision was published on August 6, 2021. No appeals were lodged with the Municipality and no changes were required from any public comments.

The Planning Act does not prescribe any statutory public notice or engagement requirements for applicants to clear conditions of Draft Plan of Subdivision Approval, as these particular applications are recognized as being a detailed, technical review of matter relating to a draft approved subdivision development, including servicing, grading, stormwater management, landscaping, utility coordination, and agency conditions to name a few.

3. PURPOSE

The purpose of this report is to inform Council of the progress being made on the final approval stage of the draft approved plan of subdivision and to recommend passing of a By-law authorizing the Mayor and Clerk to execute the necessary Pre-Servicing Agreement and Subdivision Agreement between the Municipality and the property owner.

4. ORIGIN AND LEGISLATION

In March 2021, the Planning Department received the application for a Draft Plan of Subdivision for the industrial parcels. A detailed design submission was received in October of 2021 with the intention of clearing the conditions from RFA Planning Consultants Inc. on behalf of Kwendill Holdings Limited.

Part of the final approval stage requires the applicant to enter into a Subdivision Agreement with the Municipality. The Development Review Team and relevant partner agencies have reviewed the submitted information and plans, and the Draft Plan of Subdivision is now in a position for final approval subject to finalization of technical details and clauses identified in the Agreement.

5. BACKGROUND

The property located south of Kerr Street is a vacant 6.21 Hectares (15.3 Acre) parcel, abutting the CN Railway to the south and CNR spur line to the west between Division and D'Arcy Streets. The area of land to the west of the spur line is currently the subject of a land division application with the future intent to amalgamate with the existing Home Hardware storage yard. The subject property has an approximate frontage of 389.8 metres (1,278.7 feet) along the south side of Kerr Street, which is illustrated in the attached **Schedule "A"- Context Map**.

The subject lands are designated as "Employment Area" and located within the "Built Boundary" on Schedule "A" Land Use Plan of Town of Cobourg's Official Plan, and zoned "General Industrial (GM)" in the Town of Cobourg's Comprehensive Zoning By-law. As per the Town of Cobourg's Transportation Plan, the recently built portion of Kerr Street located along the north side of the property

is a designated “Arterial Road” on Schedule “E” of that Plan, providing adequate transportation and servicing capacity for future land use operations.

Each of the proposed six (6) industrial lots will be require site plan approval prior to future development. Please refer to the attached **Schedule “B”** for proposed Development Subdivision Plan of the land.

The development is nearing final approval and in order to continue with the construction of the storm management pond, construction of internal road/connections, and services, the applicant is required to enter into a Subdivision Agreement with the Town of Cobourg.

There are a number of items outstanding at the moment, most of which are technical items that requires further discussion with the Owner, consultants, Town of Cobourg’s Engineering Department, Ganaraska Region Conservation Authority and Canadian National Railway. However these items would not have an impact on authorizing the proposed owner to enter into a Subdivision Agreement. Specific clauses will be included in the Agreement to address these matters.

6. ANALYSIS

The proposed subdivision was draft approved subject to conditions by Council in July 2021. The Development Review Team (DRT) has reviewed the detailed engineering submission and have submitted comments to the consultants for revision. The applicant is working on addressing the comments and the next submission that is anticipated to be the final approved set of drawings which address all outstanding items. The following attachments are included for reference purposes:

Appendix I - Location Map

Appendix II - Draft Plan of Subdivision

Appendix III – Subdivision Agreement authorizing By-law

The following plans and reports have been submitted in support of the industrial development:

- Plan of Subdivision Application
- Planning Justification Report, *prepared by RFA Planning Consultant Inc., dated March 2021*
- Development Site Plan, *prepared by RFA Planning Consultant Inc., dated March 2021*
- Draft Plan of Subdivision, *prepared by RFA Planning Consultant Inc., dated March 2021*
- Storm Water Management Report, *prepared by Dobri Engineering Ltd., dated September 9, 2022*
- Geotechnical Report, *prepared by GHD Engineering, dated January 2021*

- Erosion and Sediment Control Plans, *prepared by Dobri Engineering Ltd., dated February 19, 2021*
- Functional Servicing Report, *prepared by Dobri Engineering Ltd., dated February 18, 2021*
- Grading Plan, *prepared by Dobri Engineering Ltd., dated September 07, 2021*
- Reference Plan (39R-13906)
- Reference Plan (39R-8306)
- Tree Inventory and Assessment, *prepared by Cressman Tree Maintenance and Landscaping Ltd., dated January 18, 2021*
- Details Plans, *prepared by Dobri Engineering Ltd., dated February 19, 2021*

The following key elements are proposed in Kerr Street Industrial Subdivision:

- The plan illustrates
 - 6 Industrial Lots with a minimum of 5,000 m² area;
 - 12 blocks being:
 - Block 7-11 - dedicated for access
 - Blocks 12-17 - dedicated to Stormwater Management Pond
 - Block 18 - Spur Rail Line
- The proposed lots along Kerr Street would be subject to Site Plan approval prior to the development of each individual lot;
- It is anticipated that there will be one shared common driveway along Kerr Street providing access to the industrial lots. The details of the shared driveway will be established at the site plan approval stage and the applicant will be required to create any legal instruments, such as an easement for access across the frontage of each lot. The maintenance of the shared driveway including any snow removal shall be the responsibility of the private landowners.
- There are no set plans for the development concepts proposed for any of the blocks at this point and they will remain vacant until developed but the development of the stormwater pond would be undertaken first to the satisfaction of Town, Ganaraska Regions Conservation Authority (GRCA) and Canadian National (CN) Railway;
- A cash-in-lieu of parkland contribution of 2% is required under the Planning Act;
- The Owner proposes a private stormwater management facility along the southern property line. Similar to the shared driveway system, the owner while be required to create the necessary easements and establish appropriate maintenance mechanisms in the subdivision and site plan agreements;

- The proposed stormwater pond will accommodate stormwater runoff from all the proposed 6 industrial lots as well as the overland land stormwater flow from adjacent industrial lands and roads in excess of 100-year storm event;
- The property was also subject to Committee of Adjustment Severance Application (B-03-22) to register an easement under the Spur Line to accommodate overland storm flows from adjacent neighboring lot into the proposed stormwater pond;
- A 1.5 metre wide concrete sidewalk will be installed across the frontage of Industrial Subdivision on the south side of Kerr Street;
- A 3.0 metre wide road allowance dedication along the frontage of Kerr Street will be conveyed to the Municipality as a condition of the Subdivision Agreement, should this be not have been taken in the past at the time of executing the Agreement;
- The six industrial lots will be subject to future applications for Site Plan Approval in order to finalize site design, servicing/grading, urban design & landscaping and other technical details prior to approval and development;
- The proposal conforms to the Cobourg Official Plan, Urban & Landscape Design Guidelines, and Comprehensive Zoning By-law No. 85-2003, and is required to satisfy all applicable policies, guidelines and standards of the Municipality and external review agencies prior to registration of the final subdivision plan.

7. FINANCIAL IMPLICATIONS/BUDGET IMPACTS

There are no anticipated negative financial implications on the Municipality as a result of the application. The Owner has submitted the requisite \$10,060.00 and \$8,060.00 in application fees and deposits. A Municipal Tree Levy of \$11,255.00 will be collected as a condition of the proposed development. The future development of 6 lots would be subject to Development Charges and Building Permits.

8. CONCLUSION

It is the opinion of the Planning Staff that the application submitted by RFA Planning Consultants on behalf of Kwendill Holdings Limited for 6 industrial lots on the 6.2 hectares (15.3 Acres) parcel of land satisfies the requirements and conditions of the Municipality and partner review agencies, subject to the finalization of applicable details and technical conditions.

Report Approval Details

Document Title:	Council Approval Memo - Plan of Subdivision - Kerr Street - Industrial Development .docx
Attachments:	- Appendix I - Context Map.pdf - Appendix II - Draft Plan.pdf - Appendix III - 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:

Rob Franklin - Sep 15, 2022 - 1:40 PM

Anne Taylor Scott - Sep 15, 2022 - 7:23 PM

Tracey Vaughan, Chief Administrative Officer - Sep 16, 2022 - 10:27 AM