 <b>COBOURG</b>	<b>THE CORPORATION OF THE TOWN OF COBOURG</b>	
	<b>STAFF REPORT</b>	
TO:	Mayor and Council	
FROM:	Rob Franklin, MCIP, RPP	
TITLE:	Manager of Planning	
DATE OF MEETING:	December 7, 2020	
TITLE / SUBJECT:	Clearance of Conditions - Draft Plan of Subdivision <b>Pre-Servicing and Subdivision Agreement – Nickerson Woods -- D’Arcy Street, north of Nickerson Drive, Cobourg</b> LeBlanc Enterprises	
REPORT DATE:	November 26, 2020	File #: SUBCL-02-20 14T-140001

1.0 STRATEGIC PLAN  
N/A

2.0 RECOMMENDATION  
The following actions are recommended:

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

THAT the By-law in **Figure 4** of the Staff Report be endorsed and presented to Council which authorizes the Mayor and Municipal Clerk to execute a Pre-Servicing Agreement and a Subdivision Agreement with Leblanc Enterprises for the 23-unit residential freehold-condominium subdivision development located on a 2.0 ha parcel of land located on an extension of D’Arcy Street, north of Nickerson Drive, subject to the finalization of details by municipal staff and partner review agencies;

3.0 PUBLIC ENGAGEMENT  
The initial application for Draft Plan of Subdivision by Leblanc Enterprises for a 23-unit residential “freehold-condominium” subdivision on a 2.0 ha (4.95 ac) area of land located on an extension of D’Arcy Street, north of Nickerson Drive, was received by Council in November 2014. The Notice of Complete Application was circulated on January 13, 2015 and the Public Meeting was held June 25, 2018

in accordance with the provisions of the Planning Act, R.S.O 1990, c.P. 13, as amended. The applicant also voluntarily convened a Public Information Meeting on April 23, 2015. Council granted draft approval of the Draft Plan with conditions on November 26, 2018, and a Notice of Decision was published on November 30, 2018. No appeals were lodged with the Municipality.

In January of 2020, Leblanc Enterprises submitted an application to clear conditions of Draft Plan of Subdivision approval for the development, referred to as “Nickerson Woods”. The *Planning Act* does not prescribe any statutory public notice or engagement requirements for applications to clear conditions of Draft Plan of Subdivision Approval, as these particular applications are recognized as being a detailed, technical review of matters relating to a draft approved subdivision development, including requirements for servicing, grading, stormwater management, landscaping, utility coordination, and agency conditions to name a few.

Upon reviewing the submission, the Planning Department provided an information report to Council on February 18, 2020 regarding receipt of the complete application to clear conditions of Draft Plan approval. The application particulars, including the Notice of Application and site drawings, were posted on the Planning Applications page of the Planning & Development webpage. Additionally, any persons on record as submitting comments to the Town during the initial Draft Plan of Subdivision approval process were notified of the application and were provided information on where to access relevant plans and reports. Finally, approval of all Subdivision Agreements are considered by Council in open session.

#### 4.0 ORIGIN

In January of 2020, the Planning Department received a complete application for clearance of Draft Plan of Subdivision conditions from Leblanc Enterprises for a 2.0 ha area of land generally located on an extension of D’Arcy Street, north of Nickerson Drive and referred to as “Nickerson Woods” (the “Subject Lands” – see **Figure 1 Location Map**). The application was received by Council on February 18, 2020 and was referred to the Planning Department for a Report.

#### 5.0 BACKGROUND

The approved Draft Plan of Subdivision provides conditional approval for the creation of a twenty-three (23) freehold residential lots, accessed by a condominium laneway from the D’Arcy Street extension, north of Nickerson Drive (see **Figure 2 Draft Plan of Subdivision & Figure 3 Landscape Plan**).

The Subject Lands are designated as “Special Residential Area” in the Town of Cobourg Official Plan (2017), and zoned “Residential Type 2 Exception 16 Holding (R2-16 (H)] Zone”, in the Comprehensive Zoning By-law No. 85-2003.

Included with the application are detailed plans, reports and other supporting documentation aimed at clearing the conditions of the Draft Plan of Subdivision approval and obtaining final approval for the residential subdivision consisting of twenty-three (23) freehold residential dwellings with an associated condominium laneway, visitor parking, park and open space lands, and stormwater storage facilities. This also included a request to enter into a Pre-Servicing Agreement and 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 approval subject to finalization of technical details and conditions.

The following plans and reports were submitted in support of the application:

- Draft Plan of Subdivision;
- Draft Plan of Condominium;
- Detailed Civil Engineering Plans and Details;
- Stormwater Management Report, including an Operation and Maintenance Manual;
- Erosion & Sedimentation Control Plan;
- Storm Sewer Design Sheet and Sanitary Sewer Design Sheets;
- Landscape Plans and Details;
- Landscape Design Brief;
- Soils Infiltration Report;
- Electrical Site Plan, Photometrics and Details;
- Homeowners Stewardship Brochure.

## 6.0 ANALYSIS

The initial Draft Plan of Subdivision for the subject development was draft approved with conditions by Council in November of 2018. In January of 2020, Leblanc Enterprises submitted an application to clear conditions of draft approval and the plans and reports have undergone extensive review by the Development Review Team (DRT) and partner review agencies. The technical aspects of the review have been completed and the application is now in a position to be approved by Council.

The following attachments are included for reference purposes:

**Figure 1 – Location Map**

**Figure 2 – Draft Plan of Subdivision**

**Figure 3 – Landscape Plan**

**Figure 4 – Agreement Authorization By-law**

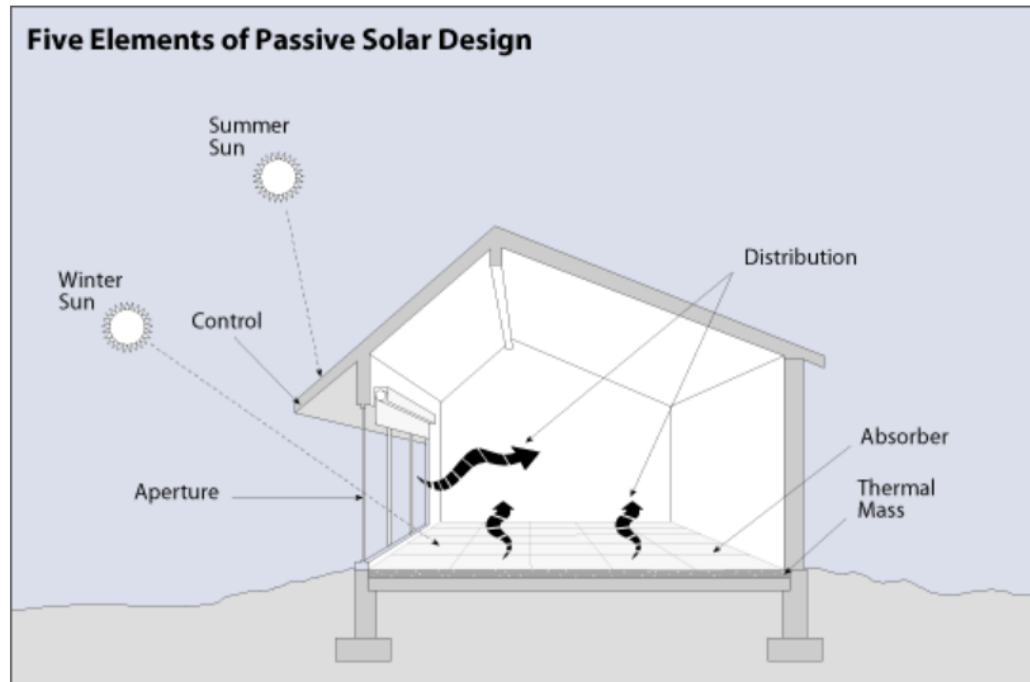
Summary of Key Points:

The following are the key points associated with the proposal:

- The approval applies to the Draft Plan of Subdivision, as shown on the Draft Plan prepared by RFA attached hereto as **Figure 2** which consists of:
  - twenty-three (23) freehold lots to be used for single detached residential dwellings; and,
  - a private condominium laneway from D’Arcy Street, including visitor parking, open space lands, an above-ground stormwater management facility and underground stormwater storage chambers,
  - A park block to be dedicated to the Town of Cobourg to link Nickerson Drive in the north-east to the Nickerson Woods natural area and trail.

Note: Reference to the municipal Staff Planning Report, dated June 13, 2018, is recommended for a complete analysis of the subject development and should be read in conjunction with this Report.

- The Nickerson Woods subdivision is a small, compact residential enclave consisting of bungalows based on the same high quality design principles which have been employed in the Parkview Hills subdivision, also developed by LeBlanc Enterprises. This will ensure that the development is sensitive to the surrounding context and result in an environment which will be compatible with the neighbourhood, will create an intimate streetscape and reflect the quality image of the community.
- The bungalow design style to be used throughout the enclave will minimize steps into the dwelling and stairs to other levels to provide for easier access for seniors or those with disabilities. Access ramps can be added to primary entryways if required. Garages will be enlarged to accommodate additional interior movement and a ramp instead of stairs. LeBlanc Enterprises has a long history of working with purchasers of their homes in order to address any mobility issues.
- LeBlanc Enterprises will be incorporating larger windows on the southern exposures of the dwellings to take advantage of passive solar energy gain in winter months. In summer months, the use of architectural features, such as roof overhangs, awnings and blinds, as well as strategic placement of deciduous trees and shrubs can provide a control mechanism for shade and cooling (see illustration below):



Graphic courtesy of [EERE](#)

- As part of its normal business practices, LeBlanc Enterprises regularly exceeds the minimum requirements of the Ontario Building Code for construction, insulation and heating/cooling systems, and utilize LED lighting as much as possible. Such building design features include:
  - High efficiency gas furnaces c/w digital thermostat
  - R-60 blown-in insulation in attic
  - R20 CI basement insulation
  - Qualified insulation in exterior studded walls above grade
  - Integrated Heat Recovery Ventilation (HRV) system
  - Optimal value engineered wood framing – floor joists bonded to 5/8 OSB sub-floors with glue and screws
  - Quality pre-engineered roof trusses
  - Water efficient faucets and shower heads, low consumption toilets
  
- The development site is generally flat, however to ensure positive grades for servicing and drainage purposes, the elevation of the site will need to be raised. The subdivision engineering has been carefully planned to ensure that drainage from the rear of the dwellings on Nickerson Drive will flow properly through the site and be treated within the on-site stormwater management system before outletting to Midtown Creek. In addition, runoff originating from the site will be captured in the on-site stormwater management system and will not drain onto abutting residential properties. Overall, the subdivision is designed to improve the historical drainage patterns in the area and help reduce standing water, nuisance flooding and property damage.

- The servicing design includes the use of a combination of conventional (piped) and green “low impact” infrastructure in the form of an above-ground retention area, underground storage and infiltration chambers, permeable pavers and an intercepting swale along the south limit of the development site for stormwater management purposes.
- The development plans call for the preservation of a number of perimeter trees adjacent to the homes on Nickerson Drive along with additional buffer plantings in this area. In accordance with the recommendations of the Environmental Impact Study by Michalski Associates, the landscape plan proposes a natural edge buffer and re-vegetation area along the north side of the site adjacent to Nickerson Woods. It is important to note that there are some trees on the development site have been identified as being in poor health, are Ash trees, are of a younger, successional variety, or are impacted by grading, servicing and/or development encroachments and are proposed to be removed. The Landscape Plan in **Figure 3** illustrates the replanting of 187 trees as part of the development.
- In addition to tree protection and re-planting, much of the perimeter of the site abutting adjacent residential properties will be screened by 1.83 m high solid wood privacy fencing where one doesn’t already exist and new trees in many locations as an added measure of buffering. A combination of enhanced landscaping with trees and shrubs, and a 1.83 m high chain link fencing has been proposed to buffer the Nickerson Woods creek area. Furthermore, extensive off-site plantings are proposed on Town-owned lands north of Lots 13-15 to restore the natural environment which has been disturbed in the past. An off-site natural wood chip pedestrian trail loop will extend from Nickerson Drive in the north-east sector, meander behind Lots 1-15 and connect with the D’Arcy Street extension for enhanced pedestrian movement and experience while respecting the natural sensitivity of the Woods. The trail design and location will facilitate additional pedestrian connections through Nickerson Woods in the future.
- The D’Arcy Street extension will be dedicated to the Town of Cobourg and constructed to urban standards, including concrete curb, gutter, underground infrastructure and utilities and a municipal sidewalk (east side) connection to Nickerson Drive.
- A 117.6 m<sup>2</sup> Park Block dedication along the north-east corner of the subdivision will be conveyed to the Municipality as a condition of the Subdivision Agreement to facilitate the trail link from Nickerson Drive over to D’Arcy Street.
- The proposal conforms to the Cobourg Official Plan, Urban & Landscape Design Guidelines, and Comprehensive Zoning By-law No. 85-2003, and

meets all applicable policies, guidelines and standards of the Municipality and external review agencies.

7.0 FINANCIAL IMPLICATIONS/BUDGET IMPACT

There are no anticipated negative financial implications imposed on the Municipality as a result of the applications. The Owner has submitted the requisite \$7,650.00 in application fees and deposits. The developer will be responsible for all costs associated with the legal documentation and registrations. The build-out of the subdivision would result in approx. \$394,000.00 in Development Charges and \$50,000.00 in Building Permit fees (2020 rates).

8.0 CONCLUSION

It is the opinion of the Planning Department that the application submitted by Leblanc Enterprises to clear conditions of Draft Plan of Subdivision Approval for the 23 unit residential enclave on a condominium laneway for the 2.0 ha parcel of land known as Nickerson Woods satisfies the requirements and conditions of the Municipality and partner review agencies, subject to the finalization of applicable details and technical conditions.

9.0 POLICIES AFFECTING THE PROPOSAL

The primary policies affecting this application relate to the Official Plan and the Elgin Densmore Secondary Plan (as amended by OPA No. 77), specifically the Residential Area policies, the Special Residential Area policies, the Environmental Constraint and Greenland policies, and the Community Design and Improvement policies of the Cobourg Official Plan.

10.0 COMMUNICATION RESULTS

This Report is intended to provide Council and the public with background and analysis of the application to clear conditions of draft plan approval, and to recommend that Council approve the application and By-laws attached to this Report (see **Figure 4 Agreement Authorization By-law** and **Figure 5 Holding Removal By-law**).

**Report Prepared by:**



Rob Franklin, MCIP, RPP  
Manager of Planning

**Report Reviewed and Approved by:**



Glenn J. McGlashon, MCIP, RPP  
Director of Planning & Development



**Report Reviewed and Approved by:**



Tracey Vaughan  
Chief Administrative Officer



Figure 1 Location Map

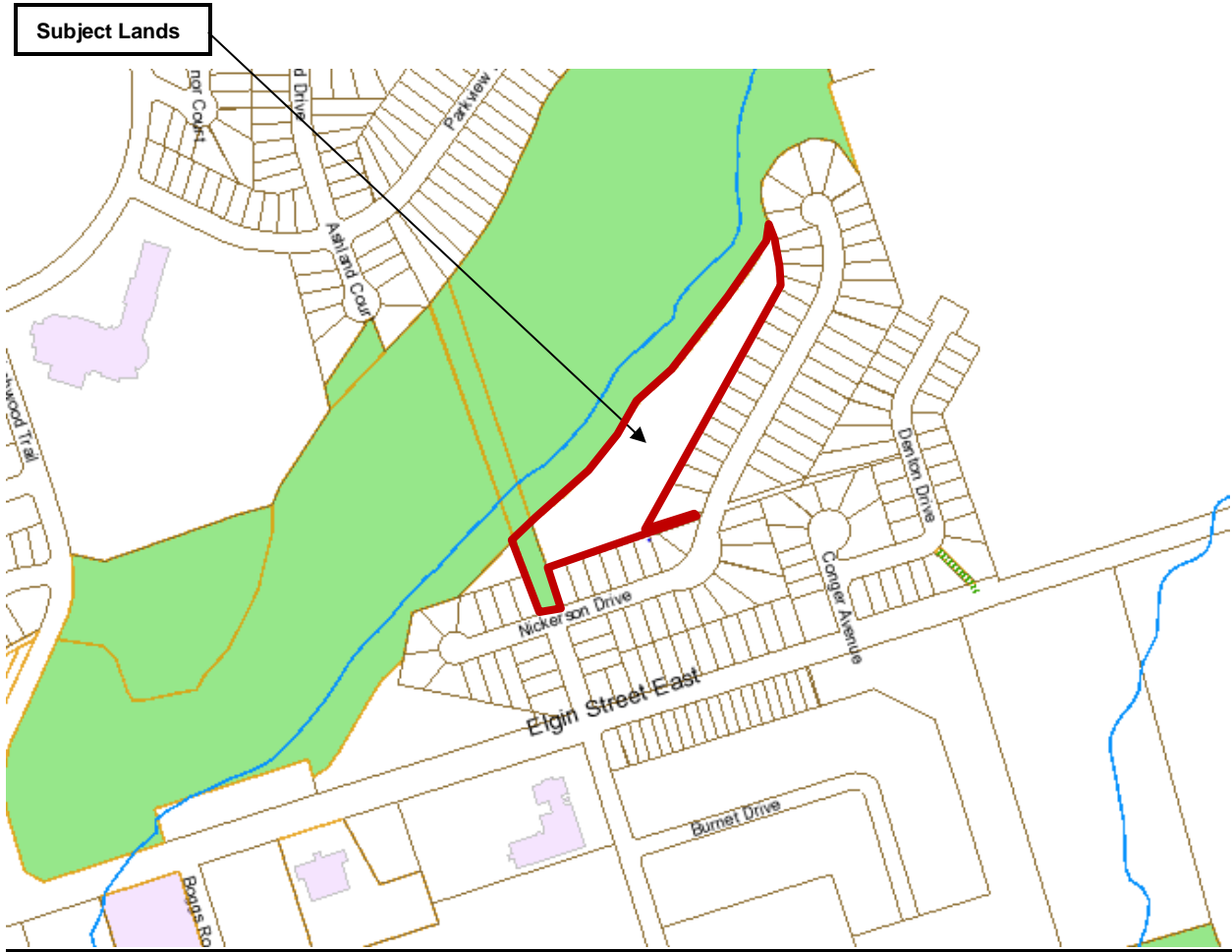
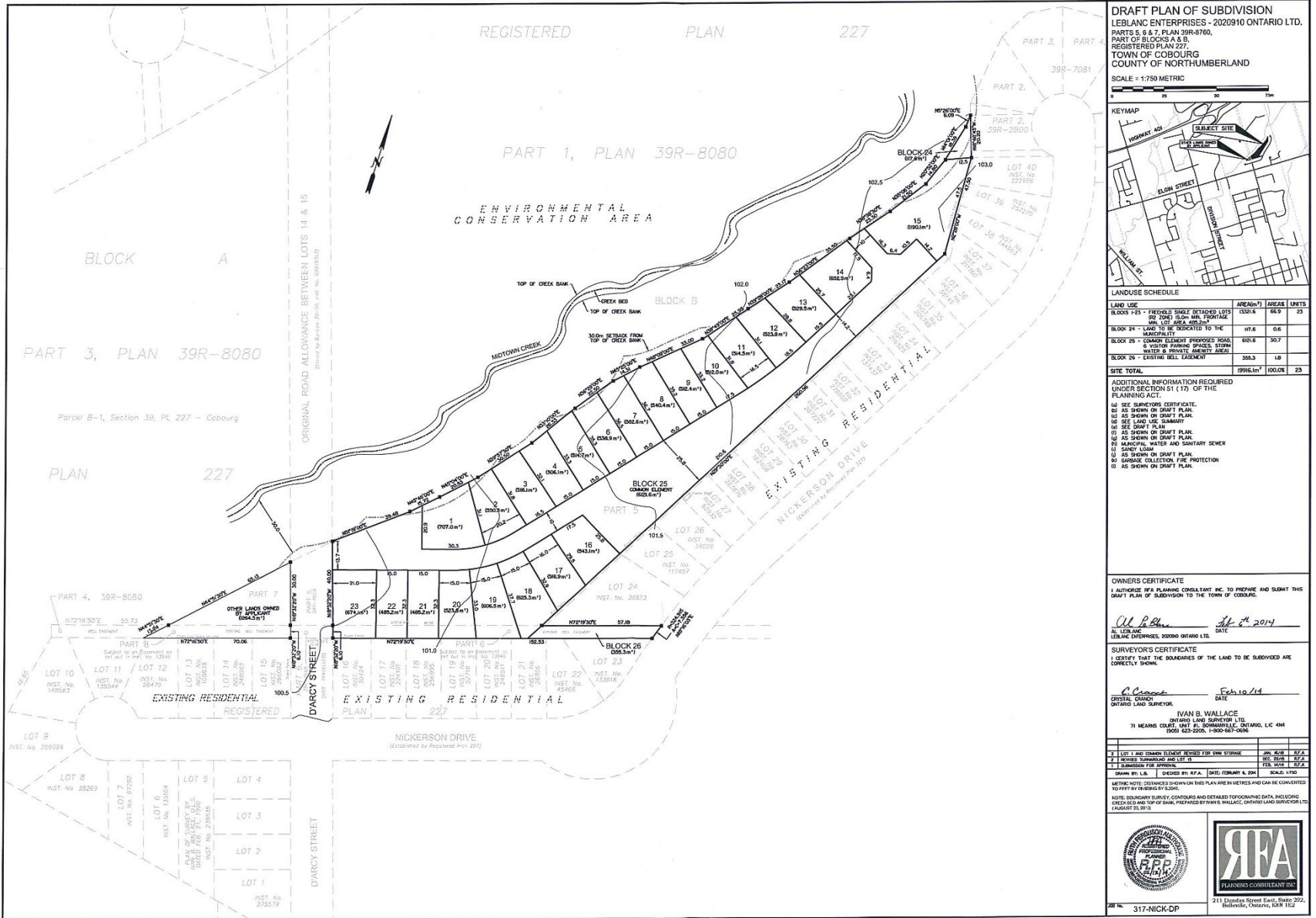



Figure 2 Draft Plan of Subdivision







## Figure 4 Agreement Authorizing By-law

	THE CORPORATION OF THE TOWN OF COBOURG
	BY-LAW NUMBER <u>      -2020      </u>

A BY-LAW TO AUTHORIZE EXECUTION OF A PRE-SERVICING AGREEMENT AND SUBDIVISION AGREEMENT WITH LEBLANC ENTERPRISES AND THE CORPORATION OF THE TOWN OF COBOURG. (EXTENSION OF D'ARCY STREET, NORTH OF NICKERSON DRIVE – NICKERSON WOODS, COBOURG)

WHEREAS pursuant to Section 51(26) of the *Planning Act*, R. S. O. 1990, c. P. 13, as amended, which provides that a municipality has the authority to enter into one or more agreements as a condition of the approval of a plan of subdivision;

NOW THEREFORE the Municipal Council of the Corporation of the Town of Cobourg enacts as follows:

1. That the Mayor and Municipal Clerk are hereby authorized and instructed to execute on behalf of the Corporation a Pre-Servicing Agreement and Subdivision Agreement with Leblanc Enterprises for a residential subdivision development consisting of 23 residential dwelling units, subject to the finalization of details by municipal staff and applicable agencies.
2. THAT this By-law come into effect as of its final passing thereof, and shall expire two (2) years from the date of passing.

By-law read and passed in Open Council this 7<sup>th</sup> day of December, 2020.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
MUNICIPAL CLERK