



## STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG

### Public Works, Planning, and Development Standing Committee

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Report to: Mayor, Deputy Mayor, and Councillors

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Standing Committee Date: June 5, 2024

Report Number: DS-2024-013

Council Meeting Date: June 26, 2024

Subject: **149 Elgin Street East – Zoning By-law Amendment**

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#### 1. Recommendation:

THAT Council receive this report for information purposes; and

FURTHER THAT Council enact the by-law included as **Attachment 3** approving the Zoning By-law Amendment for Mineral Road Properties Inc. at 149 Elgin Street East; and

FURTHER THAT Council is satisfied that the requirement for a public meeting in accordance with subsection 34(17) of the *Planning Act* has been met.

#### 2. Executive Summary:

The purpose of this report is to provide the background, planning analysis and justification for recommending approval of the submitted Zoning By-law Amendment application to introduce a Vehicle Sales Outlet use to facilitate the development of a car dealership at 149 Elgin Street East. A Site Plan Application will be required to implement the proposed use.



### **3. Background**

In June 2023, the Planning Department received an application for a Zoning By-law Amendment by GHD Planning Consultants ('Applicant') on behalf of Mineral Road Properties Inc. ('Owner') for lands municipally known as 149 Elgin Street East ('Subject Lands').

The application was deemed complete by Council at the Committee of the Whole Meeting on July 11, 2023, and referred to Staff for a recommendation based on the review of the application. A statutory Public Meeting was held in Council Chambers on August 28, 2023.

The *Planning Act* states that if Council has not made a decision within 120 days in the case of a Zoning By-law Amendment application, the applicant may appeal the application to the Ontario Land Tribunal (OLT).

Given the comprehensive nature and extent of the application and supporting studies, the proposal underwent a circulation, consultation, and review process with the municipal Development Review Team (DRT) and relevant external agencies. While the 120-day timeline under the *Planning Act* has been exceeded, it was deemed necessary by both the applicant and the municipality in order to address staff's comments and ensure that the proposal reflects the most current, accurate and comprehensive information available.

#### **Owner and Applicant**

Mineral Road Properties Inc.

#### **Agent**

GHD Planning Consultants

#### **Property Location**

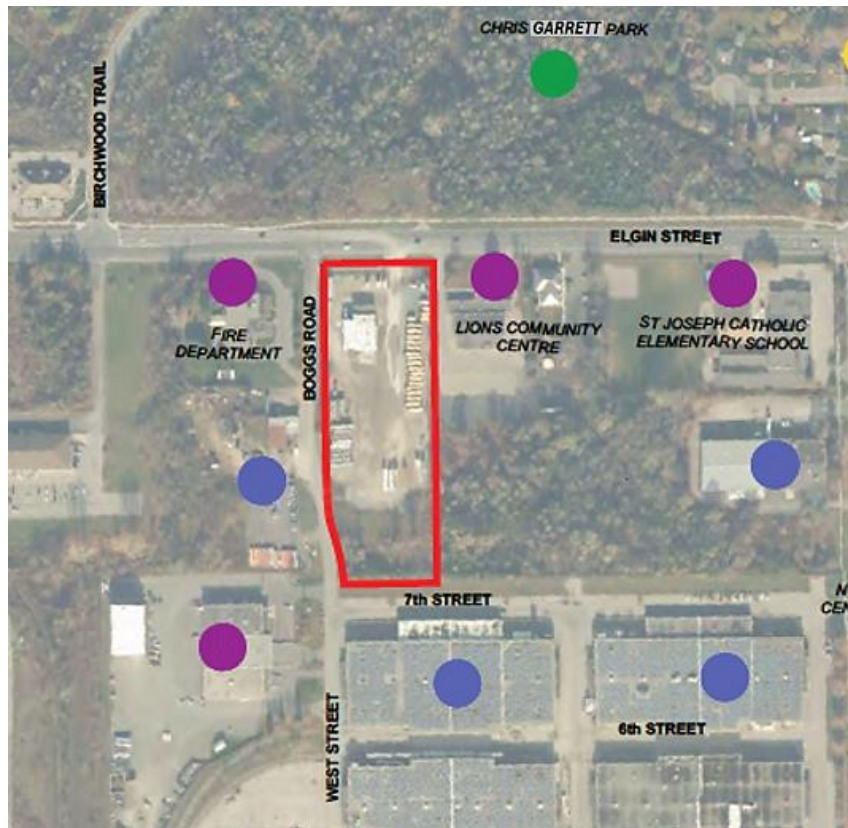
The Subject Lands are municipally known as 149 Elgin Street East and located on the south side of Elgin Street East, east side of Boggs Road.

#### **Existing Lands Uses**

The Subject Lands are approximately 1.83 ha (4.5 ac) in size and contain a 1-storey industrial building with a parking lot along the rear of the lands, which is primarily used for the storage and parking of trucks and other vehicles. The surface area of the property is mainly composed of gravel and asphalt. There is a vegetated area along the southern portion of the Subject Lands comprising mature trees and shrubs that is planned to remain. There are two vehicular access points,

one on Elgin Street East and one on Boggs Road. The Subject Lands are relatively flat with a slight slope towards Elgin Street East. The existing building will be demolished in order to facilitate the proposed development.

Please refer to **Figure 1** below of the Subject Lands and surrounding area.



### **Surrounding Land Uses**

North: Open space and park lands (Chris Garrett Park);

South: Industrial lands and a Town Works Yard;

East: Lions Community Centre, Commercial Uses, and elementary School; and,

West: Town of Cobourg Fire Station and industrial lands.

Refer to **Attachment 1 – Key Map** of the Subject Lands and surrounding land uses.

### **Proposal**

The Applicant is proposing to construct a 1-storey building to facilitate the development of an auto dealership. The proposed building will contain a vehicle

sales and show floor area, together with a service facility and repair bays. The total proposed floor area including the service facility will be approximately 1,136 m<sup>2</sup> (12,228 sq.ft.). The proposed building will be orientated to the north facing Elgin Street East. The proposal includes paved driving and parking surfaces, together with landscaped open space areas.

There are two-way drive aisles that will provide access to both Elgin Street East and Boggs Road. Both vehicular accesses are proposed for left and right turns in and out of the Subject Lands. The vehicular access points will be reviewed in further detail by both the County and Town Public Works Departments through the future Site Plan Control process. A total of 420 parking spaces are proposed including two accessible parking spaces located closest to the main entrance of the building.

The Town of Cobourg Official Plan designates the Subject Lands as Employment Area in the Schedule 'A' Land Use Map. The Subject Lands are zoned "General Industrial (GM-4) Zone" and "Environmental Constraint (EC) Zone" under the Town's Zoning By-law, as amended.

Refer to **Attachment 2 – Concept Plan**.

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

- Planning Justification Report – Completed by GHD Planning Consultants
- Draft Zoning By-law Amendment – Completed by GHD Planning Consultants
- Conceptual Stormwater Management and Servicing Brief – Completed by Kirby Structures Ltd.
- Traffic Brief – Completed by GHD Planning Consultants
- Arborist Report – Completed by Henry Kortekaas & Associates Inc.
- Concept Plan – Completed by Kirby Structures Ltd.
- Topographic Survey – prepared by IBW Surveyors

While not all of the supporting studies and plans are attached to this report or on the Development Dashboard, copies can be made available upon request to Planning Staff.

#### **4. Discussion:**

This section identifies and discusses applicable Provincial, Region and Town policies that apply to the development proposal. The Applicant's Planning Justification Report provides an overview of the proposed Zoning By-law Amendment application relative to applicable provincial and local policies and offers conclusions and opinions relating to their conformity. Planning Staff provide a 'high level' summary of relevant policies below:

**Planning Act, R.S.O 1990, c.P. 13, as amended**

Planning Staff have reviewed the application in accordance with relevant *Planning Act* sections as well as matters of Provincial Interest under Section 2 of the Act, including: the protection of ecological systems and natural features; adequate provision and efficient use of infrastructure; orderly development of safe; and, healthy communities.

Planning Staff have reviewed the proposal and all supporting background documentation, in consideration of the criteria under Section 34(24) of the *Planning Act*. The proposal represents an orderly development that will be on full municipal services.

Planning Staff find that the proposed development represents good planning.

**Provincial Policy Statement (PPS) 2020 & Growth Plan 2020**

The *Planning Act* requires that development applications shall be consistent with the Provincial Policy Statement (PPS) and not conflict with the objectives of the Growth Plan, 2019.

The PPS 2020 contains policy direction regarding the efficient use of land to support sustainable, strong, livable, healthy and resilient communities while protecting the environment, public health and safety. The PPS 2020 also supports the objective of ensuring that there are adequate employment opportunities for residents and for the continued growth of the Town.

The Growth Plan 2020 is intended as a framework for implementing the Province's vision for supporting strong and prosperous communities through managing growth to the year 2051. The Growth Plan 2020 sets out policies for the protection of employment lands to ensure economic vitality, economic development and competitiveness of employment areas.

Sections 5.1 and 5.2 of the Applicant's Planning Justification Report (refer to **Attachment 4**) provide an overview of applicable PPS and Growth Plan policies. Based on a review of the subject application and the supporting background information, Planning Staff are of the opinion the proposed development is generally consistent provincial policy by protecting employment uses and promoting economic development. The development proposal will be compatible with the planned function for this industrial area and will make efficient use of existing infrastructure.

Planning Staff agree with the opinions contained in the GHD Planning Justification Report, included as **Attachment 4**, regarding consistency with the PPS and fulfillment of the Growth Plan's objectives.

## **County of Northumberland Official Plan (“County OP”)**

The County OP establishes a broad, upper-tier policy framework that is intended to guide local municipalities in the preparation of their Official Plans, Official Plan Amendments and Zoning By-laws; the implementation of the PPS and Growth Plan at the County level; and, to establish a framework for coordination and cooperation amongst local municipalities and the County on planning and development matters that cross municipal boundaries.

The County OP designates the Subject Lands as Urban Area on Schedule ‘A’ Land Use Map. Section C1.2.3 of the County OP outlines policies for Employment Areas and Uses and states that it is the objective of this Plan to:

- Provide for an appropriate mix and range of employment and institutional uses to meet long-term needs;
- Provide opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses, which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses; and,
- Plan for, protect, and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.

Planning staff are of the opinion that the proposed development will generate employment opportunities in the community and support employment uses that are intended for this area. Planning Staff agree with the conclusions in the GHD Planning Justification Report that the proposal conforms to the County Official Plan.

## **Town of Cobourg Official Plan (“Town OP”)**

The Town OP is a broad policy document that establishes an overall planning framework for the community, including policies to maintain and enhance the existing community structure, for managing changes, and for guiding the Town in implementing the planning process.

### **General**

The Town OP designates the Subject Lands as Employment Area on Schedule ‘A’ – Land Use Map. The intent of this designation is to protect and support appropriate economic development and increase a diverse economic base across the Town. Permitted uses within this designation includes, industrial, office, wholesale, research and development, hotel, motel, conference, convention and banquet

facility, institutional, education and training, data processing and building supply use.

Section 5.4 of the GHD Planning Justification Report provides an analysis of applicable Official Plan policies and indicates that the proposed open storage area will be allocated in behind the proposed building and away from public views. The proposed commercial vehicle sales component will be oriented along the northern portion of the lands facing the Elgin Street East frontage.

Planning Staff are of the opinion that the proposed development for an auto dealership is consistent with the general intent of the Town OP. An Official Plan Amendment is not required.

#### Municipal Servicing Infrastructure

A Conceptual Stormwater Management and Servicing Brief was prepared by Kirby Structures Ltd. in support of the application. The Brief provides an overview of available servicing infrastructure and proposed stormwater drainage strategies. There are existing water and sanitary services available for the proposed development. Stormwater runoff is planned to be collected by an on-site underground sewer system. Low Impact Development (LID) techniques will be explored to ensure that the proposal complies with GRCA's stormwater management design criteria. Development Engineering Staff have indicated that a detailed submission including a revised Stormwater Management and Servicing Brief, together with site servicing and grading plans will be reviewed as part of a future Site Plan Control Application.

#### Floodplain and Stormwater Management

The current zoning depicts a floodplain area within the northern portion of the Subject Lands. The applicant submitted a topographic survey prepared by IBW Surveyors in support of the application. The topographic survey identifies that the lands generally slope towards Elgin Street East. Further, the topographic survey demonstrates that the floodplain will be entirely contained within the municipal right-of-way when the road widening will be conveyed to the County. The road conveyance will be a condition of Site Plan Approval.

The current Zoning By-law requires that all buildings and structures in the GM zone be setback a minimum of 3.0 m from an Environmental Constraint (EC) Zone. The Concept Plan indicates that the proposed building footprint will be approximately 30.0 m from the new property limit, which exceeds this minimum setback requirement under the Zoning By-law. GRCA Staff have indicated that they have no objections to the Zoning By-law Amendment application, which proposes to remove the EC zone from the Subject Lands, however, will complete a comprehensive review through the future Site Plan Control application.



### Transportation

A Traffic Brief was prepared by GHD Planning Consultants in support of the application. The Traffic Brief and Concept Plan (**Attachment 2**) indicates that the current access location on Boggs Road will be shifted southerly. The existing location of the proposed access along Elgin Street East will remain. Regarding traffic and pedestrian safety, the Traffic Brief states that vehicle carriers will be unloading on-site and not within the municipal right-of-way. The Traffic Brief concludes that the traffic generated from the proposed development will be minimal. Transportation staff have indicated that comments regarding access and on-site circulation will be evaluated at the detailed design stage through the submission of a future Site Plan Control Application.

### Arborist Report

An Arborist Report was prepared by Henry Kortekaas & Associates Inc. in support of the application. The report details the existing trees on site and makes recommendations on tree retention and removal. Based on the proposed concept plan, 8 trees/tree groupings are recommended for removal. The report also outlines 3 tree groups that are recommended to be partially removed due to conflicts with the associated construction. The report recommends that 12 trees/tree groupings be retained. Staff from the Forestry Department have indicated that the Arborist Report will be reviewed for tree canopy compensation through the submission of a future Site Plan Control Application.

### Town of Cobourg Comprehensive Zoning By-law

The Comprehensive Zoning By-law 85-2003 regulates all land uses within the Town. The Subject Lands are zoned “General Industrial (GM-4)” and “Environmental Constraint (EC)” under the Zoning By-law, as amended. The current GM-4 zone contains a site-specific exception that allows an Equipment Rental use in addition to the permitted uses in the GM parent zone.

The Applicant is requesting a Vehicle Sales Outlet use to facilitate the proposed auto dealership. The applicant also requests that the current permitted Equipment Rental use remains and be included in the amending Zoning By-law. There are no site-specific provisions or building standards required to facilitate the proposed development.

The applicant is also requesting to change the EC zone to the GM exception zone to reflect the topographic survey, which demonstrates that the floodplain area will be entirely contained within the Elgin Street East right-of-way.

Planning Staff find that the requested Zoning By-law Amendment meets the intent of the Zoning By-law.

Refer to **Attachment 3 – Draft Zoning By-law Amendment**.

## **Department and Agency Comments**

The application was circulated to the municipal Development Review Team (DRT) and external agencies as per the *Planning Act*. To date, all of the agencies who have responded with concerns with respect to the proposed amendments have had their concerns addressed or resolved. Matters that have not yet been resolved will be dealt with through a future Site Plan Control Application to the satisfaction of the appropriate department or agency to ensure those concerns are met.

## **Conclusion**

Based on an evaluation of the application relative to the applicable policy and regulatory framework, Planning Staff are of the opinion the Zoning By-law Amendment application is appropriate, desirable, and represents good planning for the following reasons:

- The proposal generally conforms to the policies of the County and Town Official Plans;
- The proposal is compatible with the surrounding land uses with respect to the appropriateness of the requested amendment; and
- The implementation of the proposal will facilitate a desirable and orderly land use.

## **5. Financial Impact and Budget**

There are no anticipated financial implications for the Municipality as a result of the Zoning By-law Amendment application. The applicant will be responsible for all infrastructure costs associated with servicing and developing the lands.

The Applicant has submitted the requisite \$11,900.00 for application fees and deposits for complete application for the Zoning By-law Amendment application.

## **6. Relationship to Council's Strategic Plan Priorities 2023 to 2027 and beyond:**

☒ Thriving Community

The proposal will contribute to community and economic development by creating employment opportunities and encourage the continued growth of the Town by supporting the growth of local businesses. The proposal represents an opportunity for redevelopment that supports complete communities where people can work and access services within the Town.

## **7. Public Engagement:**

In accordance with the *Planning Act*, the applicant has erected two public notice signs on the road frontages. The statutory notice requirements were followed in accordance with the *Planning Act*, including convening a Public Meeting on August 28, 2023.

No comments have been received from members of the public on this application both during and following the Public Meeting. The following points were discussed during the Public Meeting by members of Council:

- Concerns regarding the interface of abutting street traffic and overall safety when vehicles park on the street to unload.
  - There is sufficient room for vehicle carriers and other delivery vehicles to operate within the property. Trucks and vehicles will not park on the adjoining roads.
- Concerns that storm runoff from the site could increase and flooding issues on Elgin Street East during winter rain events.
  - A Stormwater Management Report was submitted in support of the application. Stormwater management in the form of underground storage tanks is proposed. Further, a topographic survey demonstrates that the floodplain will be entirely contained within the Elgin Street right-of-way when the road widening is conveyed to the County.
- Timelines for development.
  - A revised Zoning By-law Amendment package was submitted to the Town in April 2024. The applicant is currently preparing a Site Plan Control Application, which will be submitted to the Town, should this Zoning By-law Amendment application be approved by Council.

It is Planning staff's opinion that an additional statutory Public Meeting is not necessary.

## **8. Attachments:**

Attachment 1 – Key Map

Attachment 2 – Concept Plan

Attachment 3 – Draft Zoning By-law Amendment

Attachment 4 – Planning Justification Report