



**STAFF REPORT**  
THE CORPORATION OF THE TOWN OF COBOURG

**Regular Council**

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Report to: Mayor, Deputy Mayor, and Councillors

From: Vanessa Reusser, MCIP, RPP, Manager of Development Review, [vreusser@cobourg.ca](mailto:vreusser@cobourg.ca)

Report Number: DS-2024-016

Council Meeting Date: June 26, 2024

Subject: **540 King Street East (Sunnyside Village Inc.) – Approval for Draft Plan of Subdivision and Zoning By-law Amendment**

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**1. Recommendation:**

THAT Council receive this Report for information purposes; and

FURTHER THAT Council passes the by-law included as **Attachment 1** approving the Draft Plan of Subdivision and Draft Plan Conditions included in the By-law for 540 King Street East; and,

FURTHER THAT Council pass the by-law included as **Attachment 2** approving the Zoning By-law Amendment for 540 King Street East.

**2. Executive Summary:**

The purpose of this report is to provide the background, planning analysis and justification for recommending approval of the submitted Draft Plan of Subdivision and Zoning By-law Amendment applications for the property municipally known as 540 King Street East (Sunnyside Village). If the Draft Plan of Subdivision is approved, the applicant would be granted a period of three (3) years to fulfill conditions of draft plan approval.

### **3. Background**

In May 2022, the Planning Department received applications for a Draft Plan of Subdivision and a Zoning By-law Amendment from Fotenn Planning Consultants on behalf of Sunnyside Village Inc. for an approximately 3.97 ha (9.81 ac) parcel of land north of King Street East. These applications were submitted in accordance with the complete submission requirements provided by the Town on November 21, 2019. The Town deemed the above-noted applications complete on July 7, 2022.

The applicant hosted a virtual Open House on September 14, 2022, and a Statutory Public Meeting was held in Council Chambers on October 3, 2022. The *Planning Act* states if the Council has not decided within 120 days in the case of a Draft Plan of Subdivision, the applicant may appeal the application to the Ontario Land Tribunal (OLT). While initially, the development was proposed for commercial use within the blocks fronting King Street East, following discussions with the applicant team, a subsequent resubmission removed this type of use.

Given the comprehensive nature and extent of the application and supporting studies, the proposal underwent an extensive circulation, consultation, and review process with the municipal Development Review Team (DRT) and relevant external agencies. While the timelines under the *Planning Act* have been exceeded, the applicant and the municipality deemed it necessary to address outstanding concerns and ensure that the proposal reflects the most current, accurate, and comprehensive information available.

#### **Owner and Applicant**

Fotenn Consultants on behalf of Sunnyside Village Inc.

#### **Property Location**

The property is on the north side of King Street East, south of the Canadian National (CN) Railway and Canadian Pacific Railway (CPR). The subject lands are located towards the eastern end of the municipal boundary where the rural and agricultural lands meet the urban developed area.

#### **Existing Land Uses**

The Subject Lands are comprised of a two-story residential dwelling, barn, and two silos. Historically, most of the property has been used for agriculture and actively farmed. The northwest portion of the property contains a natural area comprised of mixed meadows, wetlands, marshes, and swamps. The subject site is adjacent to the Town's unopened road allowance for the future Willmott Street extension. Please see the property boundaries in **Attachment 3 – Key Map**.

## **Surrounding Land Uses**

**North:** The Canadian Pacific & Canadian National Railway corridor and rural/agricultural lands further north.

**South:** King Street East right-of-way (County Road 2) and a proposed commercial development consisting of three retail buildings, including a drive-through. South of King Street East is the Lucas Point Business and Industrial Park.

**West:** An unopened road allowance for the future extension of Willmott Street North as an overpass to the railway corridor. Further west is the site of a recently approved residential development (East Village Phase 5), which includes an apartment block, 10-plex units, townhouses, and semi-detached and single detached homes.

**East:** An existing low-rise residential dwelling.

## **Proposal**

The Subject Lands are approximately 3.97 hectares in size, located north of King Street East, east of an approved residential subdivision. Sunnyside Village Inc. proposes to continue the eastern build-out of the Town of Cobourg through a proposed Zoning By-law Amendment and Draft Plan of Subdivision to establish a residential community, conserving and incorporating the identified cultural heritage resources on the property .

The applicant proposes to intensify the underutilized parcel of land with a diverse range and mix of housing forms surrounding an internal private loop road. The applicant intends to retain the existing residential dwelling, barn structure, and silos and integrate it within the proposed new community to conserve the heritage of the property. The property is a “listed” heritage property under the *Ontario Heritage Act*. The Owner has agreed to proceed with designating the heritage structures on the property, which has been included as a Draft Plan Condition (**Attachment 1**).

The Subject Lands are designated “Residential Area” per Schedule A – Land Use Plan, of the Town of Cobourg Official Plan. The proposal achieves the town’s direction for intensification by proposing development within the range of medium-density residential development. Refer to **Attachment 3 – Key Map**, where the subject lands are outlined in red.

The concept plan proposes 102 residential units. The Draft Plan of Subdivision illustrates a layout comprised of a residential block of 3.55 ha, a land conveyance block for a King Street Road widening (0.327 ha) to the County of Northumberland, and a land conveyance block for the future Willmott Street extension (0.097 ha) to the Town of Cobourg. Refer to **Attachment 4 – Draft Plan of Subdivision**.

A future Condominium Exemption application will be submitted for the lands to confirm the private road network, lotting pattern and ownership for the various residential

typologies. The Concept Plan is shown in **Attachment 6**. The condominium declaration will speak to items such as parking, private snow storage/removal, landscaping, private refuse pick-up if the proposal cannot comply with the County's waste management by-law, etc.

The proposal includes a mix of housing typologies, including single detached dwellings, semi-detached dwellings, street townhouses, and stacked townhouses. The proposed building types are described in the concept plan, included in **Attachment 6 – Concept Plan**, and are noted below:

- ☐ A, B, C, D, E: Street townhouses
- ☐ F, G, H, I, J, K: Single-detached houses
- ☐ M, N, O, P: Semi-detached houses
- ☐ Q, R, S, U, V: Stacked townhouses

The following attachments are provided for reference:

**Attachment 1** – Draft By-law for Draft Plan Approval, including Draft Plan Conditions

**Attachment 2** – Draft Zoning By-law Amendment

**Attachment 3** – Key Map

**Attachment 4** – Draft Plan of Subdivision

**Attachment 5** – Planning Justification Report and Resubmission Cover Letter

**Attachment 6** – Concept Plan

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

- Planning Justification Report, prepared by Fotenn Consultants, dated April 2022
- Urban, Landscape & Sustainable Design Study, prepared by Fotenn Consultants, dated April 2022
- Architectural Development Concept Plan, prepared by Fotenn Consultants, dated April 2022
- Conceptual 3D Massing, Elevations, Perspectives, prepared by Edward Weinberg, dated April 2022
- Draft Plan of Subdivision/Condominium, prepared by Fotenn Consultants, dated April 2022
- Functional Servicing Report (FSR), prepared by D.M. Wills, dated April 2022
- Preliminary Stormwater Management Report (SWM), prepared by D.M. Wills, dated April 2022
- Tree Inventory, Assessment, and Preservation Report, prepared by Pinchin, dated March 2022
- Traffic Impact Study, prepared by BA Group, dated March 2022
- Cultural Heritage Impact Brief, prepared by Martindale Planning Services, dated March 2022
- Stage 1 Archaeological Assessment, prepared by Earthworks Archaeological Services, dated March 2022
- Scoped Environmental Impact Study, prepared by Pinchin, dated April 2022
- Noise and Vibration Impact Study, prepared by Pinchin, dated February 2022

- Topographical Survey, prepared by DFP Surveyors, dated February 2020
- Geotechnical Investigation Report, prepared by GHD, dated April 2022
- Environmental Site Assessment Phase 1, prepared by GHD, dated March 2020
- Environmental Site Assessment Phase 2, prepared by GHD, dated May 2020
- Application Fees and Deposits

The following plans and reports were submitted in the subsequent resubmission in 2023.

- Comments matrix in response to staff comments from the first submission
- Revised concept plan, prepared by Fotenn Consultants, dated September 2023
- Functional Servicing Report, prepared by D.M. Wills, dated August 2023
- Environmental Impact Study, prepared by Pinchin Ltd., November 21, 2023
- Revised Draft Zoning By-law Amendment
- Revised Draft Plan of Subdivision

While not all supporting studies and documentation copies are attached to this report or on the Development Dashboard, Planning Staff can send copies upon request.

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

Understanding the provincial legislation and local policies is beneficial when considering the subject applications. The background reports submitted with the subject applications, particularly the Planning Justification Report (PJR) and resubmission cover letter, provide a comprehensive overview of the applications relative to relevant provincial and local policies and provide conclusions and opinions about conformity. This staff Recommendation Report aims to provide a general strategic-level summary of pertinent background and commentary from a municipal planning staff perspective. It is intended to complement and be read in conjunction with the submitted reports, which provide greater detail.

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

Under the subdivision approval process of the *Planning Act*, the Municipality shall have regard to various criteria during the evaluation of a draft plan of subdivision as contained in Section 51(24) of the *Planning Act*. Planning staff has reviewed the applications following relevant *Planning Act* sections as well as matters of Provincial Interest under Section 2 of the Act, including such applicable matters as the protection of ecological systems and natural features, adequate provision and efficient use of infrastructure; orderly development of safe and healthy communities; accessibility for persons with disabilities; adequate provision of educational, health, social, cultural and recreational facilities; adequate provision of a full range of housing; protection of public health and safety; appropriate location for growth and development; and promotion of sustainable and pedestrian-friendly design, and encourage active transportation.

Planning staff have reviewed the proposed Draft Plan of Subdivision and all available supporting background documentation considering criteria under Section 51 (24) of the *Planning Act*. The proposed Draft Plan represents an orderly development pattern on complete urban municipal services, which is a logical extension of the eastern build-out of the Town of Cobourg. The proposed development comprises an appropriate density and mix of housing typologies for all ages. The proposed private street layout offers reasonable circulation throughout the site, providing ample opportunities for pedestrian and vehicular movement to the proposed parks, open space areas, and conserved heritage resources.

The applicant proposes to satisfy the required parkland dedication under Section 51.1 of the *Planning Act* through cash-in-lieu. The proposed Draft Plan of Subdivision appropriately regards the matters outlined under the *Planning Act*. The applicant proposes offering 0.26 hectares of on-site open space between the Central Park and Barn Parkette blocks for private use and the enjoyment of the site's historic buildings. Upon full approval and build-out of the 540 King Street East lands, it is intended that parkland dedication will be satisfied under the *Planning Act*.

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

The *Planning Act* requires the Council of a local Municipality to be consistent with the Provincial Policy Statement (PPS). When carrying out applications such as a Plan of Subdivision and Zoning By-law Amendment, the applications shall not conflict with the objectives of the Growth Plan 2020.

In general, the primary directives of these documents include such issues as:

- ☐ fostering the development of complete communities which are strong, sustainable, livable, healthy, and vibrant;
- ☐ promoting efficient, cost-effective, and transit-supportive land use and development patterns to minimize land consumption and servicing costs and support active transportation;
- ☐ accommodating an appropriate range and mix of residential (including second units, affordable housing, and seniors housing), employment, institutional, recreation, parks and open space, and other uses to meet long-term needs;
- ☐ facilitating intensification, redevelopment, and compact built form;
- ☐ directing growth and development to urban settlement areas with complete municipal services;
- ☐ improving accessibility for persons with disabilities and older persons;

- ☐ encouraging the proper use and management of significant natural and cultural resources; and,
- ☐ protecting public health and safety.

Sections 6.1 and 6.2 of the Planning Justification Report (PJR) prepared by Fotenn Consultants (**Attachment 5**) provide a comprehensive overview of applicable PPS and Growth Plan policies.

Based on a review of the application for the Draft Plan of Subdivision, including the supporting background information, Planning Staff are of the opinion the Draft Plan of Subdivision and Zoning By-law Amendment applications would have appropriate regard for the PPS and Growth Plan. Specifically, the proposal includes providing a wide range of housing types to satisfy the needs of current and future residents in the community. Its location takes advantage of nearby community uses such as schools and trail systems.

The subject lands represent appropriate residential intensification within the Built Boundary of the Town of Cobourg's Urban Settlement Area Boundary (as per Schedule A of the Official Plan), which is consistent with the PPS. The proposal creates a new compact neighbourhood serviced by existing utilities (waste and wastewater) along King Street East, providing a cost-effective development pattern. The site's location at the eastern periphery of the Town is suitable for accommodating new development in an efficient, orderly fashion. In particular, the subject lands are located west of an approved subdivision development known as East Village (Phase 5), a new residential community comprised of an apartment block, multiplex units, townhouses, and semi-detached and detached homes. The proposal is in keeping with this emerging pattern of compact development in this eastern portion of the Town of Cobourg and aligned with objectives for residential intensification.

Regarding its relationship with natural heritage, the development proposal provides for the appropriate enhancement of the environment through the preservation and enhancement of the wetland feature in the northwest portion of the site. The proposed rezoning of this area to an Environmental Constraint (EC) Zone and applying an appropriate buffer area shows the applicant's intention to preserve existing ecological functions and recognize the importance of linkages with surrounding natural features.

Additionally, the proposed retention of the existing on-site heritage resources comprised of the former residential farmhouse, barn structure, and silos associated with the former Beatty Farm is consistent with the provincial direction for cultural heritage conservation. The applicant has indicated their intention to thoughtfully integrate these elements as a focal point within the new community, offering an opportunity for the public to interact with these historic spaces and speak to the site's agricultural past, which ground the community to its roots.

In summary, Planning Staff concur with the conclusions and opinions of Fotenn Consultants' Planning Justification Report regarding consistency with the PPS and fulfillment of the Growth Plan's objectives.

### **County of Northumberland Official Plan**

The Northumberland County Official Plan establishes land use categories and policies to manage growth and protect resources within the County until 2034. The general purpose of the County of Northumberland Official Plan (the "County OP") is to establish a broad, upper-tier policy framework intended to guide local municipalities in the preparation of their Official Plans, Official Plan Amendments, and Zoning By-laws; implement the PPS and Growth Plan at the County level; and, establish a framework for coordination and cooperation amongst local municipalities and the County on planning and development issues that cross municipal boundaries.

The County OP encourages each of the six (6) urban areas (including Cobourg) to become complete communities, providing convenient access to an appropriate mix of jobs, local services, schools, health, transit, recreation, and open space for their residents. Based on County projections, Cobourg's urban area is anticipated to absorb 48.4% of the regional share of the population growth by the year 2031.

From this perspective, it is the objective of the County OP to:

- ☐ Protect, enhance, and maintain existing urban areas as diverse, livable, safe, thriving, and attractive communities;
- ☐ To ensure that housing is available to all ages, abilities, incomes, and household sizes and is near public transportation, jobs, and essential goods and services;
- ☐ Promote the efficient use of existing and planned infrastructure and public service facilities by supporting opportunities for various forms of residential intensification, where appropriate;
- ☐ To preserve, protect, and enhance natural heritage features and areas and their associated ecological functions so that they can be enjoyed by future generations and serve as a legacy to all peoples within the County;
- ☐ Promote the efficient use of existing and planned infrastructure and public service facilities by supporting opportunities for various forms of residential intensification, where appropriate;
- ☐ Encourage increases in density in new development areas to maximize the use of infrastructure and minimize the amount of land required for new development;



- ❑ Provide for an interconnected system of public spaces that offer convenient and comfortable access and promote safe and healthy environments; and,
- ❑ Encourage a high standard of urban design for development and redevelopment.

Section 6.3 of The Planning Justification Report (**Attachment 5**) provides a comprehensive analysis of the County OP's applicable policies, particularly the urban area population and employment forecasts, housing mix, open spaces, servicing, cultural heritage, and transportation considerations, for the proposed Draft Plan of Subdivision and Zoning By-law Amendment applications.

The draft subdivision plan comprises three blocks: a residential block, a King Street East Road widening block, and a Wilmott Street Road widening block. The development concept proposes up to 102 dwelling units surrounding an internal private road and an environmental restoration area along the western boundary where no dwellings are proposed.

The future Sunnyside Village development at 540 King Street East represents an appropriate, orderly development under the Town's Servicing Allocation Policy. The subject site is located along King Street East, a County Arterial Road, which requires a right-of-way width of 36.5 meters. The proposal provides a land conveyance to accommodate a King Street East road widening to meet the future needs of this transportation corridor. Through the subdivision agreement, the Owner will be responsible for upgrading infrastructure services to meet the anticipated future growth.

The Northumberland County OP has minimum intensification targets for the six urban areas, with the minimum target for Cobourg being 39%. The proposed development will help the Town of Cobourg achieve this target, contributing to the County's overall intensification goals.

Planning Staff have reviewed the Zoning By-law Amendment and Draft Plan of Subdivision to facilitate residential intensification at 540 King Street East. This development will increase the area's housing density, promote more efficient land use, support sustainable community growth, and help address the Town's housing needs. The Plan provides a range and mix of housing options at appropriate densities. The proposal will help the municipality meet projected needs over the long term as it is anticipated to experience significant population growth and offers ample opportunities for connections to public recreation and active transportation opportunities. The proposal promotes the efficient use of existing and planned infrastructure while encouraging the development of complete communities. Planning Staff agree with the conclusions in Fotenn Consultants' Planning Justification Report that the proposal conforms to the County Official Plan.

The Town Official Plan is a broad policy document that establishes an overall planning framework or vision for the community. It includes policies to maintain and enhance the existing community structure, manage changes, and guide the municipality in implementing the planning process through various mechanisms and approaches. The subject property is within the Built Boundary and is designated “Residential Area”, per Schedule A—Land Use Plan.

### General

Some of the key principles of the Cobourg Official Plan include promoting compact, mixed-use development that is connected, sustainable, transit-supportive, accessible, and responsive to alternative forms of transportation. In addition, the Official Plan emphasizes high-quality urban design. It provides that new development shall assist in creating high-quality streetscapes and give a sense of enclosure by orienting the building mass adjacent to the streetscape, animating the street space, and providing a warm and welcoming entryway. Section 6.4 of the Fotenn Consultants’ Planning Justification Report, included as **Attachment 5**, provides a comprehensive analysis of the proposed development against applicable policies of the Cobourg Official Plan.

According to the Town of Cobourg’s Growth Management Strategy, the Town targets a housing mix of 65% single detached housing and 35% multiples, including semi-detached townhouses. The proposed development is located on lands where medium-density residential uses (minimum 20 units/ha, maximum 50 units/ha) are encouraged under the OP. The proposed development features a net density of 28.7 units per hectare (excluding natural embankment and future road widening areas) or net density of 26.3 units per hectare (excluding the future road widening areas only), which are within the acceptable range of the medium density category of the Town of Cobourg. Therefore, the proposed density is consistent with the OP.

Regarding parkland, the applicant intends to provide cash-in-lieu of parkland dedication at the rate required under the Town’s Parkland Dedication By-law.

### Land Use

The subject lands are designated “Residential Area” as per Schedule A of the OP, which provides for the creation of new residential areas that are generally compatible with the character and density of the existing residential areas. Some of the critical development criteria concerning New Residential Areas include the provision of a mix of development forms and densities, encouraging medium-density residential forms to be intermixed with low-density development in smaller groups, being street-oriented in design, being located adjacent to arterial roads, maximizing the degree of internal connectivity in the road patterns through short blocks to promote active transportation.

The proposed development at 540 King Street East provides a range of low- and medium-density housing types in a single-detached, semi-detached, townhouse, and stacked

townhouse typologies. This conforms with the Growth Management Strategy policies of the OP and contributes to the broader Town objectives to provide a range of housing types within Cobourg. The proposed internal curved road system provides connectivity within the site and with the abutting arterial road at King Street East, as well as future opportunities for connection to the future Willmott Street extension to the west.

The street-oriented nature of the stacked townhouses abutting the arterial road establishes a new street wall condition at King Street East, which encourages pedestrian activity and active transportation uses.

In response to comments from Town Staff, the applicant made the following refinements to the concept plan:

- removal of commercial uses;
- configuration changes to townhouse and detached garage layouts;
- internal road width;
- increase open space area at Central Park; and,
- revised environmental buffer for the wetland area.

These refinements resulted in a technically feasible plan that optimizes servicing, transportation, and housing matters while providing an appropriate density mix.

Planning Staff are of the opinion the proposal is consistent with the land use policies of the Town of Cobourg Official Plan.

### Transportation

BA Group prepared a Traffic Study to support the application in April 2022. The study assessed traffic operations within the area and indicated that the estimated site traffic would be 50 and 55 two-way vehicle trips during the AM/PM peak hours, respectively. The report findings concluded that the proposed development can reasonably be accommodated within the Town's existing and future road network. A road widening will be conveyed to the County of Northumberland along King Street East.

The applicant will continue to work with the Town, County, and other applicable agencies to advance the technical design elements through the detailed design stage.

### Municipal Servicing Infrastructure

D.M. Wills prepared the Preliminary Stormwater Management Plan and Functional Servicing Report to support the application in April 2022. In September 2023, a revised Functional Servicing Report was prepared in response to municipal comments, followed by further revisions submitted in April 2024 in response to comments by the Ganaraska Region Conservation Authority (GRCA).

The proposed wastewater servicing strategy for 540 King Street East is an internal sanitary sewer network connecting to the trunk sewer at King Street East and Willmott Street. Individual services are proposed to connect to the on-site sanitary mains.

The proposed water servicing strategy is a looped on-site watermain, eliminating dead ends where possible. Internal fire hydrants are proposed to be installed to ensure the maximum fire hose length does not exceed 75 metres.

Regarding the stormwater strategy, the existing storm sewer within the King Street East right-of-way will be extended towards the subject property to provide an outlet for the western portion of the proposed development. At the same time, the eastern portion of the development will connect to the existing storm sewer on the south side of King Street East. The Stormwater Management Report prepared by D.M. Wills demonstrates that stormwater will be controlled to less than pre-development flows at each outlet location through onsite underground storage chambers before discharging into municipal stormwater infrastructure. Enhanced water quality control will be provided by combining oil-grit separators and isolator rows within the chamber system.

Approval for the proposed residential development of 102 dwelling units is recommended, subject to clearance of the Draft Plan of Subdivision conditions, included in **Attachment 1**.

### Urban Design

From an urban design perspective, the Urban, Landscape, and Sustainable Design Report prepared by Fotenn Consultants provides specific direction to community design, open space systems, streetscape, built form, and heritage conservation for the subject lands. The design report demonstrates how the new community will ensure a high quality of living for all future residents and visitors by delivering a concept plan with a strong sense of place, appropriate connections to open spaces, and appreciation for the site's agricultural past. Design cues from the original Beatty farmstead property have been referenced and re-interpreted within the concept design, including the internal curved road and entrance approach from King Street East. This comprehensive report illustrates how the property's agricultural heritage is intricately woven into the design.

The Zoning By-law Amendment proposes several Residential Exception Zones to accommodate the compact design vision for the subject lands. The applicant is seeking relief from select zoning standards to establish a pedestrian-scaled neighbourhood that contributes to a high-quality urban design streetscape and built form along King Street East. The Draft Plan establishes appropriate land conveyances to accommodate the required road widenings.

Regarding parks and open spaces, the proposed development integrates two open space areas intended to visually complement the retained heritage structures and serve as an internal community gathering space. Central Park will be adjacent to the retained residential farmhouse, and the smaller Barn Parkette will be adjacent to the retained barn

structure. Both will offer passive and active recreational areas for the enjoyment of residents and visitors of all ages.

### Natural Heritage

The subject lands contain an identified wetland area along the north-west property boundaries. This area also coincides with the embankment reserved for the future road allowance for the Willmott Street extension. The Environmental Impact Study by Pinchin and the subsequently revised concept plan indicate the boundaries of the environmental buffer where no development or grading is proposed. The study states that negative impacts on the identified ecological constraints can be avoided or mitigated through effective stormwater and environmental management measures. While stormwater runoff from the construction site has the potential to impact the adjacent wetland and drainage features, the successful establishment of erosion and sediment control measures will act as a sufficient barrier to these natural features and preserve hydrological functions.

Additionally, implementing recommendations and the restoration planting plan is anticipated to preserve the ecological functions of the adjacent natural features, enhance the existing natural landscape, and protect the site's environmental integrity.

### Noise

The subject lands are immediately south of the Canadian National (CN) Railway and Canadian Pacific Railway (CPR) systems. A Noise and Vibration Study was required for the subject applications. The study prepared by Pinchin assessed the noise and vibration impacts of road and rail traffic activity. The vibration levels are within the acceptable range outlined under the Federal Canadian Municipalities and Railway Association of Canada guidelines and CP/CN publications. The noise assessment of nearby stationary sources on the proposed project concluded that the impacts were within the acceptable limits defined in the provincial guidelines for environmental noise (Stationery and Transportation Sources).

However, regarding the impact of road and rail traffic noise on the proposed development, the report outlines necessary noise control measures to meet the provincial rail noise guidelines at affected facades and outdoor locations. It should be noted that a 30-metre separation is incorporated from the north property line to the building edge of the rear townhouses to help buffer the noise from the railway. A 3-metre acoustical berm and 2-metre wall will be installed within the buffer area to provide further appropriate visual separation between residential and railway uses. The detached garages also contribute to separating the berm and the railway.

For the Barn Parkette area, the study recommends an acoustic barrier at the east property line to maximize public enjoyment of this open space area, aligned with Crime Prevention Through Environmental Design (CPTED) principles. For the Central Park area, the study mentions that while an acoustic barrier can mitigate the identified road traffic noises, the

report did not recommend erecting one to preserve the cultural heritage value of the retained residential farmhouse, which requires an unobstructed view through the open spaces.

### **Town of Cobourg Comprehensive Zoning By-law**

The Comprehensive Zoning By-law 85-2003 is the current in-force By-law that regulates all land uses in the Town. The proposed Zoning By-law Amendment seeks to implement several Residential (R) exception zones (R4-33, R4-34, R4-35) to implement site-specific performance standards that facilitate the proposed compact residential community. The retained barn structure will be placed in a Development (D) zone; the proposed Central Park and Barn Parkettes will be placed in Open Space (OS) zones; and the existing wetland area along the western boundary will be placed in an Environmental Constraint (EC) zone as outlined in **Attachment 2 – Draft Zoning By-law Amendment**.

Planning Staff have no concerns regarding the proposed site-specific Residential Zone provisions, Development Zone provisions, and Open Space Zone provisions.

### **Department and Agency Comments**

The applications were circulated to the municipal Development Review Team (DRT) and external agencies as per the *Planning Act*. To date, agencies have received comments in two rounds of submission circulations. Agencies that provided comments during the resubmission circulation process have indicated that the balance of comments can be addressed at the detailed design stage through the proposed draft plan conditions to ensure those concerns are addressed.

### **Conclusion**

Based on an evaluation of the applications relative to the applicable policy and regulatory framework, Planning Staff are of the opinion that the Draft Plan of Subdivision and Zoning By-law Amendment applications for the subject lands at 540 King Street East are appropriate, desirable and represent good planning for the following reasons:

- The proposal will satisfy the key directives of the *Planning Act*, Provincial Policy Statement, A Place To Grow Growth Plan, the County of Northumberland Official Plan and the Town of Cobourg Official Plan, most notably relating to the provision of a full range of housing types in an urban, serviced area of the municipality at a density of up to 28.7 units/ha, which conforms to the targeted density range of 20-50 units per net hectare for medium density residential designation.
- The proposal conforms to the policies of the Official Plan concerning land use, urban design, housing, transportation, natural heritage protection, municipal infrastructure, and heritage conservation;
- The implementation of the proposed Draft Plan of Subdivision would result in a logical extension of the existing built urban fabric of this area of the municipality and facilitate a desirable, orderly land use and development pattern; and,

- The final approval of the Draft Plan of Subdivision will be contingent on fulfilling the comprehensive set of draft plan conditions in **Attachment 1** to ensure that all relevant municipal and agency requirements are fulfilled.

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

The applicant will be responsible for all infrastructure costs for servicing and developing the site. The Municipality has no anticipated financial implications due to the Draft Plan of Subdivision or Zoning By-law Amendment applications.

The Applicant has submitted the requisite \$26,940 for application fees and deposits for complete applications for the Draft Plan of Subdivision and Zoning By-law Amendment applications.

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

☒ Thriving Community

The approval of the Zoning By-law Amendment and Draft Plan of Subdivision for the lands at 540 King Street East will facilitate the construction of 102 new residential units, offering a wide array of housing options for current and future Town residents. The proposed retention and integration of existing cultural heritage resources on the subject lands is aligned with the Town's values for sharing its heritage, culture, and history with current and future generations.

☐ Service Excellence

☒ Sustainability

The Cultural Heritage Assessment prepared by Martindale Planning and submitted with the first submission speaks to the cultural heritage value of the subject property. The proposed development is intended to conserve elements of the property's built heritage for the benefit of future generations. Further, the wetland area along the western boundary of the property will be conserved through Environmental Constraint (EC) Zoning along with a restoration and planting plan.

## **7. Public Engagement:**

Bill 109, *More Homes for Everyone Act*, 2022, removed the requirement for public meetings for the Draft Plan of Subdivision. However, the application was made before changes to the *Planning Act*, and as such, Section 51 (20) of the *Planning Act*, R.S.O. 1990 c.P.13 was followed.

Sections 51 (20) and 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, prescribe statutory complete application and public meeting notice requirements for a Draft Plan of Subdivision and Zoning By-law Amendment applications, respectively. Notice of complete applications and Notice of Public Meeting were provided together. The Municipality is required to give notice by either:

- a) Publication in a newspaper that is sufficient in the area to which the application applies or
- b) Personal or ordinary service mail to every landowner within 120 meters of the subject land, and by posting a notice clearly from a public highway or another place, the public has access to the subject land or a location chosen by the municipality.

The Municipality followed both a) and b) above. In addition, this Report is provided to the Council in an open session, and relevant information regarding the applications is posted to the Development Dashboard, which can be found on the Municipal Website under Planning and Development.

In accordance with the *Planning Act*, the applicant has erected a public notice sign on the King Street East frontage. The statutory notice requirements were followed, including convening a Public Meeting on October 3, 2022, and hosting a Virtual Public Open House on September 14, 2022.

### Public Comments

The following points were discussed during the Public Meeting and Open House:

- ☐ Comments regarding accessibility of proposed housing for residents of all ages.
  - The applicant discussed how the future refined design phases will address designing to support aging in place.

## **8. Attachments:**

Attachment 1 – Draft By-law for Draft Plan Approval, including Conditions  
Attachment 2 – Draft Zoning By-law Amendment  
Attachment 3 – Key Map  
Attachment 4 – Draft Plan of Subdivision  
Attachment 5 – Planning Justification Report and Resubmission Cover Letter  
Attachment 6 – Concept Plan



**9. Report Not Considered by  
Standing Committee Because:**

☒ Time Sensitive Issue (information received too late for Standing Committee consideration)

☐ Urgent Matter (issue arose after this month's Standing Committee Meeting)