

# STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG



<b>Report to:</b>	Mayor and Council Members	<b>Priority:</b>	<input checked="" type="checkbox"/> High <input type="checkbox"/> Low
<b>Submitted by:</b>	Kaveen Fernando Planner I – Development Planning Department <a href="mailto:kfernando@cobourg.ca">kfernando@cobourg.ca</a>	<b>Meeting Type:</b>  Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/>	
<b>Meeting Date:</b>	June 21, 2021		
<b>Report No.:</b>	Z-05-21		
<a href="#">Submit comments to Council</a>			

**Subject/Title:** Application for Zoning By-law Amendment, Marshall Homes (Cobourg) Ltd. – 160 Densmore Road (North-east Corner of Densmore Road and Birchwood Trail)

## RECOMMENDATION:

THAT Council receive the Staff Report for information purposes; and,

FURTHER THAT the application be referred to the Planning Department for a report and that the notice requirements of the Planning Act, R.S.O. 1990, c.P. 13, as amended, and the Municipality be implemented, including the scheduling of a Public Meeting.

## 1. STRATEGIC PLAN

N/A

## 2. PUBLIC ENGAGEMENT

Sections 34 (10.4) & (13) of the Planning Act, R.S.O 1990, c.P. 13, as amended prescribe statutory public notice requirements for a complete application for Zoning By-law Amendment and for the scheduling of a public meeting.

The notice of a statutory Public Meeting can be provided together with notice of complete application, or separately. The Municipality is required to give notice by either:

- a) Publication in a newspaper that is of sufficient circulation in the area which the application applies; or

- b) Personal or ordinary service mail to every land owner with 120 metres of the subject land, and by posting a notice, clearly visible from a public highway or other place the public has access on the subject land, or a location chosen by the municipality.

Under the Town of Cobourg's new public notification procedures, notification will be provided via both a) and b) above, including sign posting. Additionally, the application particulars are posted on the municipal website under the *Planning Applications* page (Planning & Development).

The Municipality's notification procedures for complete applications and public meetings meet and exceed the notice requirements prescribed by the *Planning Act*.

### 3. PURPOSE

The purpose of this report is to advise Council and the Public of the receipt of an application for Zoning By-law Amendment, and to recommend that Council refer the application to the Planning Department for a report and direct that the notification requirements be implemented in accordance with the Planning Act and Municipal procedures.

### 4. ORIGIN AND LEGISLATION

On June 10, 2021, the Planning Department received an application for Zoning By-law Amendment from Marshall Homes (Cobourg) Ltd. to permit a modification to the existing approved site specific Zoning By-law #012-2005 for the Subject Lands located at the north-east corner of Densmore Road and Birchwood Trail, known municipally as 160 Densmore Road. Pursuant to the provisions of the *Planning Act*, if the Municipality fails to approve the complete application within 90 days after its receipt by Council, the Owner may appeal the application to the Ontario Land Tribunal (OLT).

### 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. Refer to **Schedule "A" Context Map** attached.

In 2005, Cobourg Municipal Council re-zoned the Subject Lands to "Multiple Residential Four Exception 18 (R4-18)" in the Town of Cobourg Comprehensive Zoning By-law and 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. 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 has been sold under Power of Sale to Marshall Homes (Cobourg) Ltd. who plans to complete the development, with some modifications to reflect current market conditions.

The application proposes an amendment to the Zoning By-law, specifically amending By-law #012-2005 that applies to the Subject Lands, 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. Please see the attached **Schedule “B” Site Plan** depicting the current proposal.

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 (R4-18)” in the Town of Cobourg Comprehensive Zoning By-law #085-2003, as amended by By-law #012-2005. The proposed amendment promotes similar development land uses, road layout and building patterns as the previous approved iteration with the exception of the aforementioned building type adjustments. The applicant has submitted a Planning Justification Report, revised Draft Subdivision Plan, Servicing Plans and Reports, a Stormwater Management Report and architectural drawings in support of the proposed Zoning By-law Amendment.

Following the review of the application, Planning Staff has concluded that it constitutes a complete application in accordance with the provisions of the *Planning Act* and the Cobourg Official Plan, and is in a position to be formally received by Council.

## 6. ANALYSIS

This memo is for application receipt notification purposes only, and there is no staff analysis upon submission of the application. Once, the plans and reports have been reviewed by the Development Review Team (DRT), and partner review agencies, and following a Public Meeting with its comments, a report will be presented back to Council for consideration.

## 7. FINANCIAL IMPLICATIONS/BUDGET IMPACTS

There are no anticipated negative financial implications imposed on the Municipality as a result of the application for Zoning By-law Amendment. The owner has submitted the requisite \$7,500 fee and deposit.

## 8. CONCLUSION

The application package and supporting information are currently being circulated to the Development Review Team for Review and Comments before being presented to Council for consideration, including the convening of a Public Meeting.