

# 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>	Rob Franklin MCIP RPP Manager of Planning <a href="mailto:rfranklin@cobourg.ca">rfranklin@cobourg.ca</a>	<b>Meeting Type:</b>  Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/>	
<b>Meeting Date:</b>	July 19, 2021		
<b>Report No.:</b>	B-04-21 Severance Agreement		
<a href="#">Submit comments to Council</a>			

**Subject/Title:** Kerr Street, Severance Agreement (File B-04-21)

## RECOMMENDATION:

THAT the Staff Report be received by Council for information purposes; and,  
FURTHER THAT the By-law attached as **Figure 3** to the Staff Report be endorsed and be presented to Council for adoption which authorizes the Mayor and Municipal Clerk to execute a Severance Agreement with Kwendill Holdings Limited for the proposed severance of a new infill lot from the south side of Kerr Street in accordance with Condition a) of the Committee of Adjustment decision.

## 1. STRATEGIC PLAN

N/A

## 2. PUBLIC ENGAGEMENT

An application for Consent to Sever a new industrial lot for Kerr Street between Division and D'Arcy Streets was submitted to the Committee of Adjustment on April 1, 2021, and approved June 24, 2021.

With regard to this application, the Municipality followed the statutory notice requirements of the Planning Act R.S.O 1990, c.P. 13, as amended, including providing notice by personal service or ordinary service mail to every land owner within a 60 m radius of the area to which the application applies, and publication in a newspaper that is of sufficient circulation in the area which the application applies. Following multiple public hearings held to consider the application, a Notice of Decision was provided to the applicant.

### 3. PURPOSE

To authorize the Mayor and Municipal Clerk to execute a Severance Agreement with Kwendill Holdings Limited for the development of a new industrial lot on the south side of Kerr Street between Division And D'Arcy Streets, subject to the finalization of details by municipal staff and applicable agencies.

### 4. ORIGIN AND LEGISLATION

Section 53(12) of the Planning Act, R.S.O. 1990, c.P. 13, as amended, authorizes the Municipality to enter into Agreement(s) with the proponent as a condition of approval for the Consent.

### 5. BACKGROUND

On April 27, 2021, the Owner was granted Provisional Consent by the Committee of Adjustment to sever a new 1.37 ha industrial lot from the property known municipally as Kerr Street between Division and D'Arcy Streets, see Figure 1: Location Map.

One of the conditions of consent requires that a Severance Agreement be registered over the property to address matters including but not limited to, water and sanitary servicing; site grading; driveway access; building and landscape design; open storage; stormwater management; drainage and overland flows; tree protection and compensation for removals. In accordance with the provisions of the Planning Act, if the conditions of the Consent are not satisfied within one (1) year of the decision (June 27, 2022), the Consent lapses and the Owner would need to re-apply.

The subject lands are designated 'Employment Area' in the Town of Cobourg Official Plan (2017), and zoned General Industrial (GM) Zone in the Town of Cobourg's Comprehensive Zoning By-law #85-2003.

### 6. ANALYSIS

The following are the key points associated with the proposal:

- The property known as Kerr Street is approximately 7.58 ha in total lot area with 489 m road frontage overall. See Figure 1: Location Map.
- Provisional Consent was granted by the Committee of Adjustment on April 27, 2021 which permitted the creation of a new 1.37 ha lot with 99.2 m frontage on Kerr Street. See Figure 2: Concept Plan.
- As a condition of Consent, the applicant was required to enter into and register a Severance Agreement with the Town to address matters including but not limited to: water and sanitary servicing; site grading; driveway access; building and landscape design; open storage; stormwater management; drainage and overland flows; tree protection and compensation for removals.

- In accordance with Planning Act regulations, if conditions to a Provisional Consent are not fulfilled within one year of the decision (April 27, 2022), the Consent lapses.
- The technical matters associated with the proposed new lot creation are now more carefully defined, and therefore Planning staff are in a position to recommend approval of a Severance Agreement.
- In accordance with Condition b) of the Consent Decision, a 2% cash-in-lieu of parkland payment for the Severed Lands will need to be transferred to the Municipality prior to the stamping of the deed;
- The Severance Agreement stipulates that the Municipality will not approve any development or issue any Building Permits on the Severed Lands until the Municipality is satisfied that all of the Municipality's requirements for development and construction have been fulfilled in accordance with the relevant policies, guidelines, regulations and standards of the Municipality (Official Plan, Urban and Landscape Design Guidelines, Zoning By-law, Engineering Design Guidelines and Standards), including the submission and approval of such plans, reports and/or other documentation addressing matters such as but not limited to: water and sanitary servicing; site grading; building and landscape design; driveway access; open storage; stormwater management; drainage and overland flows; tree protection and compensation for removals; and, financial security deposit(s); and, that a Development Agreement is approved and executed as part of the Municipality's Site Plan Approval (SPA) process.
- The subject proposal conforms to the applicable policies of the Official Plan, particularly the Employment Area and Community Design policies, complies with Comprehensive Zoning By-law #85-2003, and satisfies Condition a) of the Consent Decision.

## **7. FINANCIAL IMPLICATIONS/BUDGET IMPACTS**

There are no anticipated negative financial implications imposed on the Municipality as a result of granting final approval of the subject request. A cash-in-lieu of parkland payment of 2% of the value of the Severed Lands will need to be paid by the Owner in order to fulfill Condition b) of the Committee decision. Development Charges will be applied to the vacant lot at the Building Permit Stage, if applicable. All legal, registration and other costs incurred by the Municipality shall be borne by the Owner.

## **8. CONCLUSION**

It is the opinion of the Planning Department that the submission made by the Owner to clear Condition a) of the Consent for the land area on the south side of Kerr Street between Division and D'Arcy Streets satisfies this condition of approval, subject to the finalization of details by planning staff and applicable agencies, and the registration of the Severance Agreement. As per the Severance Agreement and the Municipality's Site Plan Approval (SPA) procedures, any development or construction on the Severed Lands will be subject to the SPA process, Council approval and the execution of a Development Agreement.