 COBOURG	THE CORPORATION OF THE TOWN OF COBOURG	
	COMMITTEE OF THE WHOLE STAFF REPORT	
TO:	Mayor and Council	
FROM:	Glenn McGlashon, MCIP, RPP	
TITLE:	Director, Planning & Development	
DATE OF MEETING:	May 11, 2020	
TITLE / SUBJECT:	Application for Approval of a Pre-Servicing Agreement and Subdivision Agreement: East Village Phase 5 Subdivision NW Corner of King Street East & Willmott Street JMCD Holdings Inc./Engage Engineering	
REPORT DATE:	May 3, 2020	File #:

1.0 **STRATEGIC PLAN**

N/A

2.0 **RECOMMENDATION**

THAT this Report be received for information purposes; and,

THAT the attached By-law be presented to Council which authorizes the Mayor and Municipal Clerk to execute a Pre-Servicing Agreement and a Subdivision Agreement with JMCD Holdings Inc., Bank of Montreal and Lakefront Utility Services Inc. for the East Village Phase 5 subdivision development at the north-west corner of King Street East and Willmott Street, subject to the finalization of details by municipal staff and applicable agencies.

3.0 **PUBLIC ENGAGEMENT**

Applications for an amendment to the Cobourg Official Plan and Zoning By-law, and for approval of a Draft Plan of Subdivision, were submitted by RFA Planning Consultant Inc. on behalf of JMCD Holdings Inc. in December of 2018 to permit the development of a 334 unit residential neighbourhood on the 11.87 ha tract of vacant land generally located on the north-west corner of King Street East and Willmott Street.

The Municipality followed the statutory notice requirements of the *Planning Act* R.S.O 1990, c.P. 13, as amended, with respect to these applications. At its regular meeting held on January 28, 2019, Council considered an information report from the Senior Planner -- Development which briefly introduced the application and confirmed the application as complete. Council subsequently moved that the application be received and referred to the Planning Department for a report, and that the notification requirements of the *Planning Act* be implemented, including the scheduling of a Public Meeting.

The Municipality published the Notice of Complete Application in the Northumberland News on January 31, 2019 and published the Notice of Public Meeting in the Northumberland News on May 30, 2019 to satisfy the requirements of the *Planning Act*. Although not required under the legislation, the Municipality distributed the Notice to every land owner within 120 m of the Subject Lands and posted the Notice on the Town of Cobourg Website as added measures. The Planning Department also notified those persons who made written requests to be notified of any development applications involving the Subject Lands in accordance with the provisions of the *Planning Act*. Under encouragement from the Planning Department, the applicant also voluntarily convened a Public Information Meeting on April 30, 2019.

At the Public Meeting of June 24, 2019, Cobourg Municipal Council considered a number of submissions from area landowners regarding the application, and a follow-up staff report with detailed responses to the public submissions was presented to Council on August 12, 2019. Based on all information available, Cobourg Municipal Council approved the Official Plan Amendment, the Zoning By-law Amendment and the Draft Plan of Subdivision Conditions on September 9, 2019. There were no appeals filed with the Municipality.

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 servicing, grading, stormwater management, landscaping, utility coordination, and agency conditions to name a few.

The Planning Department did, however, provide an information report regarding the receipt of the application to clear conditions of Draft Plan of Subdivision to Council on January 27, 2020. Those persons requesting notification of the application for Clearance of Draft Plan of Subdivision Conditions were notified. Representatives of the Planning and Public Works Departments met with two area landowners along with the proponent and his consultant to review the detailed engineering drawings on January 29, 2020, and both are being notified of the upcoming Committee of the Whole meeting on May 11, 2020. Final approval of all Agreements is considered by Council in open session.

4.0 **ORIGIN**

In December 2019, the Planning Department received a complete application for Clearance of Draft Plan of Subdivision Conditions from Engage Engineering on behalf of JMCD

Holdings Inc. for an 11.87 hectare parcel of vacant land located at the north-west corner of King Street East and Willmott Street, south of the CNR/CPR railway lines, known as East Village -- Phase 5 (the "Subject Lands").

Included with the application are detailed plans and supporting documentation aimed at clearing the conditions of the Draft Plan of Subdivision approval and obtaining final approval, including 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.

5.0 **ANALYSIS**

The Subject Lands consist of an 11.87 ha parcel of vacant land located on the north-west corner of King Street East and Willmott Street. The Draft Plan of Subdivision provides conditional approval for the eastward expansion of the existing, final approved East Village Subdivision lands (Phases 1-4) over the Subject Lands. See **Figure 1 -- Location Map**.

The Subject Lands are designated as "Residential Area" and "High Density Residential Area – Special Provision" in the Town of Cobourg Official Plan (2017), and zoned "Multiple Residential 4 Exception 29 Holding [R4-29(H)] Zone", "Multiple Residential 4 Exception 31 Holding [R4-31(H)] Zone", "High Density Residential 5 Exception 16 Holding [R5-16 (H)] Zone," and "Open Space (OS) Zone" in Comprehensive Zoning By-law No. 85-2003.

The application provides technical details relating to the development of East Village Phase 5, which will consist of up to 334 dwelling units, with associated streets, park space, and stormwater retention area. See **Figure 2 -- Draft Plan of Subdivision**.

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

- Draft Plan of Subdivision, prepared by RFA Planning Consultant Inc.;
- Development Site Plan, prepared by RFA Planning Consultant Inc.;
- Detailed Design Drawings, prepared by Engage Engineering Ltd.;
- Landscape and Planting Plans, prepared by Landmark Landscape Architects & Consulting Arborists;
- East Village Stormwater Management Report, prepared by Engage Engineering Ltd.;
- Sanitary Sewer Design Sheet, prepared by Engage Engineering Ltd.;
- Electrical Drawings, prepared by Kirkland Engineering Ltd.;
- Geotechnical Investigation Report & Update to Groundwater Levels, prepared by GHD;
- Environmental Noise Analysis Update, prepared by Valcoustics Canada Ltd.;
- Traffic Impact Assessment Update, prepared by Tranplan Associates.

The following attachments are included for reference purposes:

Figure 1 – Location Map

Figure 2 – Draft Plan of Subdivision

Figure 3 – Development Site Plan

Figure 4 – Development Staging Plan

Figure 5 – Pond Landscape Plan

Figure 6 – 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 Plan prepared by RFA Planning Consultant Inc. (attached hereto as **Figure 2**) which consists of:
 - 30 Lots to be used for freehold single detached dwelling units;
 - 13 Blocks to be used for freehold semi-detached dwellings for a total of 26 dwelling units;
 - 12 Blocks to be used for freehold townhouse dwelling units totaling 54 dwelling units;
 - 6 Blocks to be used for multiple “10-plex” buildings with a total unit count of 122 dwelling units;
 - 1 Block with an area of 1.417 ha to be reserved for up to a 5-storey apartment complex with a total of 102 dwelling units;
 - 1 Block with an area of 0.756 ha in the south-central quadrant of the Draft Plan abutting King Street East to be utilized for stormwater management and open space purposes;
 - 1 Block with an area of 0.24 ha in the western quadrant of the Draft Plan for a central neighbourhood park to be dedicated to the Town of Cobourg for parkland purposes under the *Planning Act* (total of 5.4% for the Phase 1 – 5 lands combined);
 - 2 Blocks with a combined area of 0.43 ha for road allowance dedications; and,
 - Various public road rights-of-way with a combined area of 2.3 ha to be dedicated to the Town of Cobourg.

- The East Village Phase 5 subdivision represents a high quality extension of the existing residential neighbourhood to the west. Attractive, thoughtfully-considered building designs and dwelling forms will enhance the character of the neighbourhood and reflect the quality image of the community.
- Given the magnitude of the development and the anticipated build-out, the plan involves a total of four (4) “stages” which will progress in a logical and orderly fashion (refer to **Figure 4 – Development Staging Plan**). A dedicated construction access road through the apartment block to the east will ensure that impacts from construction traffic on interior streets in early phases are minimized.
- Sustainable design and development is promoted and incorporated into the subdivision. Measures include the use of Low Impact Development (LID) techniques in the form of infiltration galleries in the backyards of private properties, a grassed drainage swale, and the provision of an enhanced tree canopy which will facilitate greater sustainability in the subdivision as a whole. Additionally, the proposed new homes to be constructed by Stalwood Homes will meet and exceed the requirements of the Ontario Building Code, and include supplementary measures to facilitate sustainability including energy and water efficient fixtures and appliances, zonal heating and cooling, low maintenance building materials with recycled content, a construction recycling and waste management/diversion policy, room occupancy sensors, and other sustainable building design measures.
- With respect to storm water management, in addition to the above-referenced LID features, a centralized stormwater management facility will perform a dual role: i) a stormwater management pond; and ii) a passive open amenity space, both of which will be extensively landscaped. The pond itself is strategically located to capture all of the subdivision run-off and treat it before connecting to the King Street trunk sewer main. In addition, a north-south grassed swale will accommodate historic external flows which run through the site from north of the railway tracks. The existing swale south of King Street East had historically been accepting these flows, however with the subdivision development the lands south of King St. E. will see a significant reduction in peak flows during a Hurricane Hazel rainfall event due to the swale’s connection to the King Street storm sewer main and the proposed stormwater management pond which will control flows specifically for the East Village Phase 5 Subdivision.
- The pond is being extensively landscaped with a variety of trees and water-based and woody plant material and will be nestled amongst pathways, decorative pergola, landscaped seating areas, rockery and other furniture to create a highly aesthetically-pleasing public amenity feature for this high profile, prominent gateway location in the community. In total, the Landscape Plans depict over 100 new trees, 450 shoreline fringe shrubs, and over 500 assorted perennials (see **Figure 5 – Pond Landscape Plan**).

- Attractive landscaped masonry gateway features denoting the name of the neighbourhood will be constructed on either side of the entrance to the subdivision at King Street East to further enhance the aesthetic character of the development and for wayfinding purposes. The structures will be located on private property and will be maintained by the individual property owners -- terms and conditions for maintenance will be included in the Subdivision Agreement and applicable Agreements of Purchase and Sale/Lease.
- Each freehold building lot will have a minimum of one (1) tree planted as part of the subdivision development, resulting in 110 additional trees. In total, approx. 400 new trees will be planted in the development, not including the water-based pond vegetation, future landscaping associated with the 10-plex blocks/apartment block, and individual private landowner plantings. Overall, the proposed tree and vegetation planting program is in general conformity to the Cobourg Urban Forestry Master Plan which recommends that the Town strive for an enhanced tree canopy throughout the community to contribute directly and indirectly to positive human and environmental health.
- A new eastbound turning lane and traffic lane adjustments are required at the entrance to the subdivision at Maplewood Boulevard in conjunction with the construction of the subdivision. On-street bike lanes on King Street East are accommodated in the design.
- A 1.5 m wide concrete sidewalk will be installed across the frontage of the subdivision on the north side of King Street East and connect with the existing municipal sidewalk just to the west of the subdivision lands.
- A 3.0 m wide asphalt maintenance access will run in a north-south direction adjacent to the overland flow channel from King Street to the noise berm/fence, and double as a multi-purpose pathway which will enhance off-road connections for a variety of active transportation modes.
- The new internal streets are being named after local veterans of World War I and Canadian war heroes in accordance with the Street Naming Policy and approved street name list.
- The new street at the south-west corner of the subdivision has been designed to potentially extend westward into undeveloped lands in the future, should development be contemplated, however in the interim a temporary turn-around will be constructed at its western terminus. The neighbouring property owner is satisfied with this design solution.
- A 2.1 m wide road allowance dedication along the frontage abutting King Street East will be conveyed to the Municipality as a condition of the Subdivision Agreement.

- Noise attenuation measures will be incorporated into the Subdivision Agreement and Agreements of Purchase and Sale/Lease pursuant to the recommendations of the Environmental Noise Analysis Update and railway requirements, including noise warning clauses, architectural buffering and a noise berm/fence. The noise berm and fence will be constructed adjacent to the railways as per prior phases of development.
- The six (6) 10-plex blocks and one (1) apartment block will be subject to future applications for Site Plan Approval in order to finalize site design, servicing/grading, urban design & landscaping and other technical details prior to their approval and development.

6.0 **FINANCIAL IMPLICATIONS/BUDGET IMPACT**

There are no anticipated negative financial implications imposed on the Municipality as a result of granting pre-servicing or subdivision approval. The developer will be responsible for all costs associated with the installation of infrastructure to service the subdivision, estimated to be approx. \$7.6 million excl. hst (based on 2020 construction rates).

The proponent has submitted the requisite Plan of Subdivision Clearance application fee and deposit to the Municipality in the amount of \$25,200.00. A municipal tree levy of \$72,594.00 will be collected as a condition of the proposed development, equivalent to approx. 200 boulevard trees which will be planted in the subdivision on a staged basis. The developer will be required to provide its proportionate financial contribution to the Coverdale Storm Sewer trunk main in the amount of \$122,444.06. Overall, the build-out of the subdivision would result in approx. \$3.7 million in Development Charges and Building Permit fees of approx. \$650,000.00 (2020 rates).

Because a total of 5.4% of the gross Phase 1 – 5 lands is being conveyed to the Municipality for park purposes in conformance with the provisions of the Planning Act and municipal parkland dedication by-law, a cash in lieu of parkland payment is not being provided. The central neighbourhood park will be improved with landscaping, pathways and site furniture by the developers of the overall East Village subdivision, Cobourg BGS Ltd. and JMCD Holdings Inc..

7.0 **CONCLUSION**

It is the opinion of the Planning Department that the application submitted by Engage Engineering Ltd. on behalf of JMCD Holdings Inc. to clear Conditions of Draft Subdivision Approval for the lands generally located at the north-west corner of King Street East and Willmott Street (East Village Phase 5) satisfies the requirements and conditions of municipal Departments and partner review agencies, subject to the finalization of applicable details and technical conditions.

8.0 **POLICIES AFFECTING THE PROPOSAL**

The primary policies affecting this application relate to the Residential Area and Community Design and Improvement policies of the Cobourg Official Plan.

9.0 **COMMUNICATION RESULTS**

That the By-law attached to this report be passed by Council (see **Figure 6 --Agreement Authorization By-law**).

10. **AUTHORIZATION/SIGNATURES**

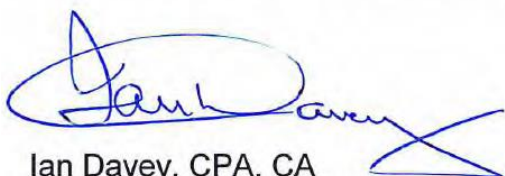
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Director of Planning & Development

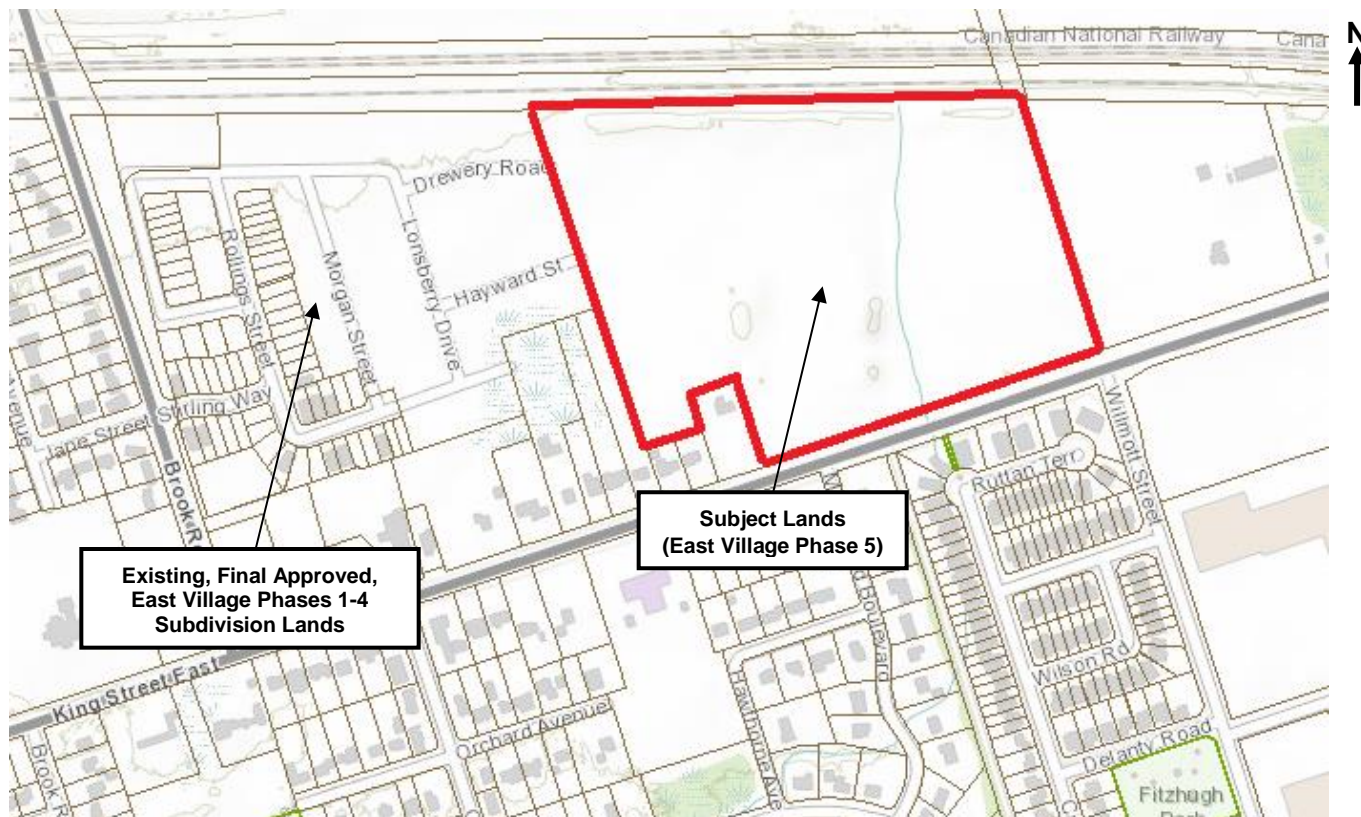


Report Approved By:



Ian Davey, CPA, CA
Interim CAO/Treasurer

FIGURE 1 -- LOCATION MAP



[illegible]

FIGURE 3 -- DEVELOPMENT SITE PLAN

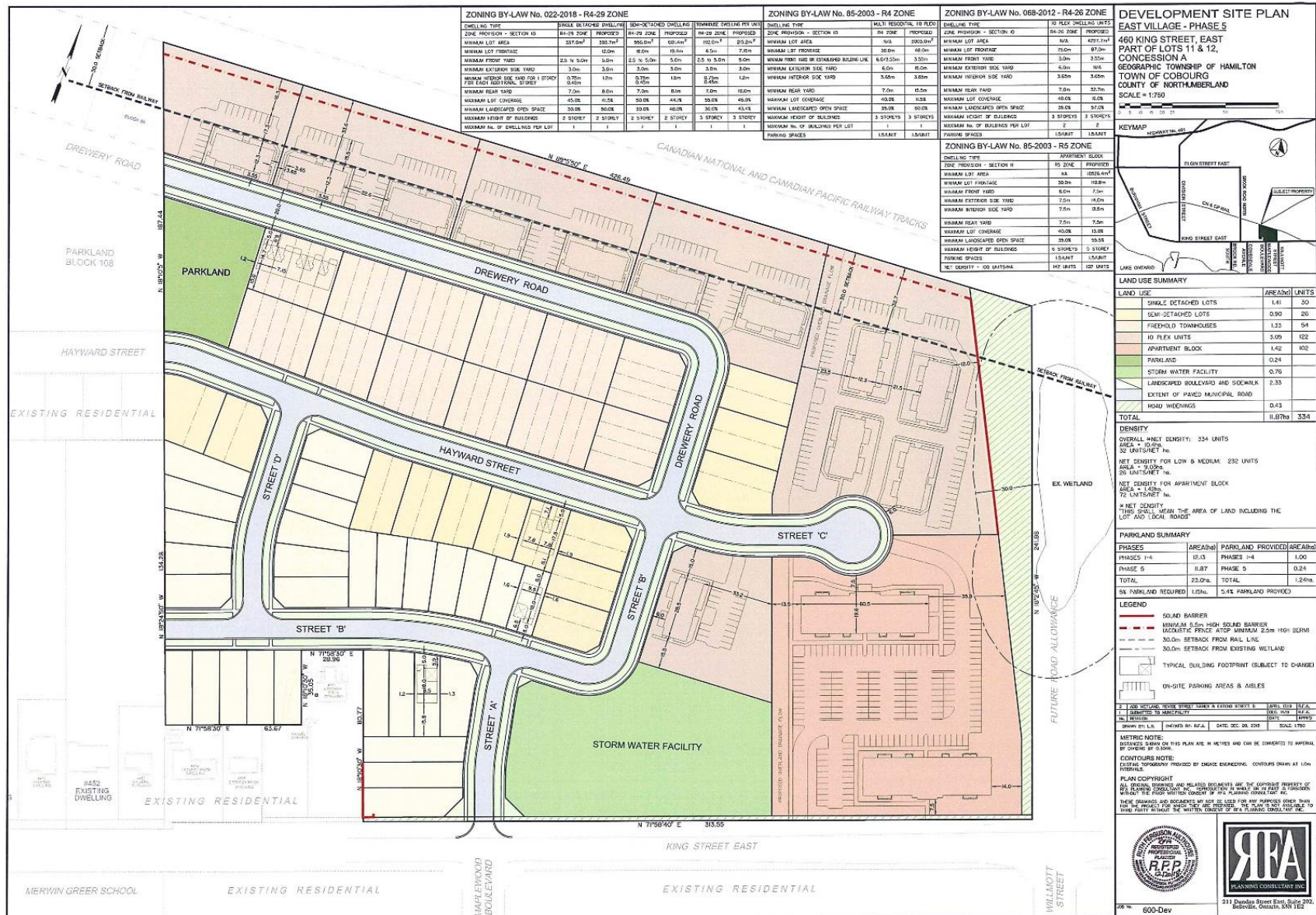


FIGURE 4 – DEVELOPMENT STAGING PLAN

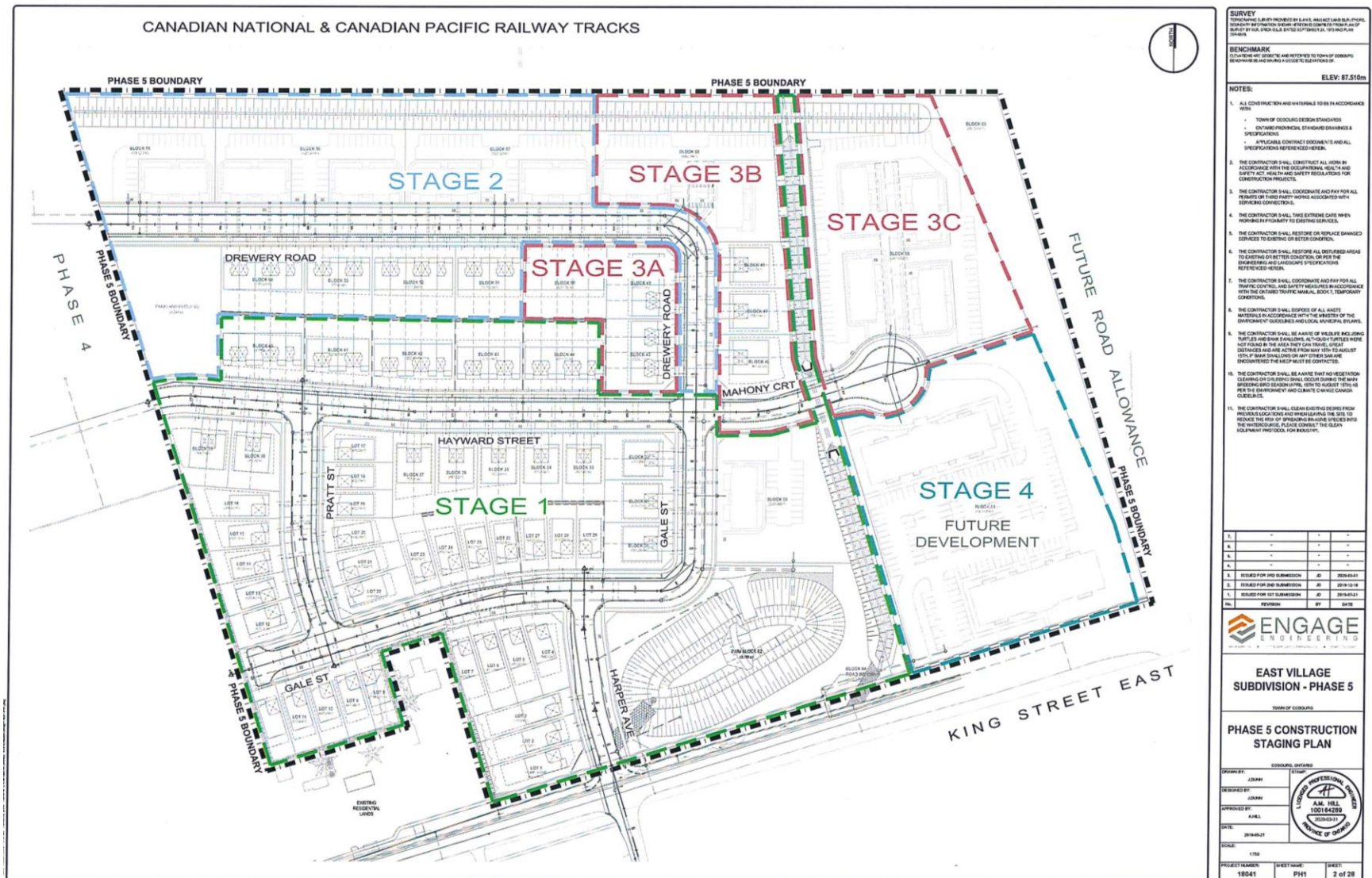


FIGURE 5 -- POND LANDSCAPE PLAN

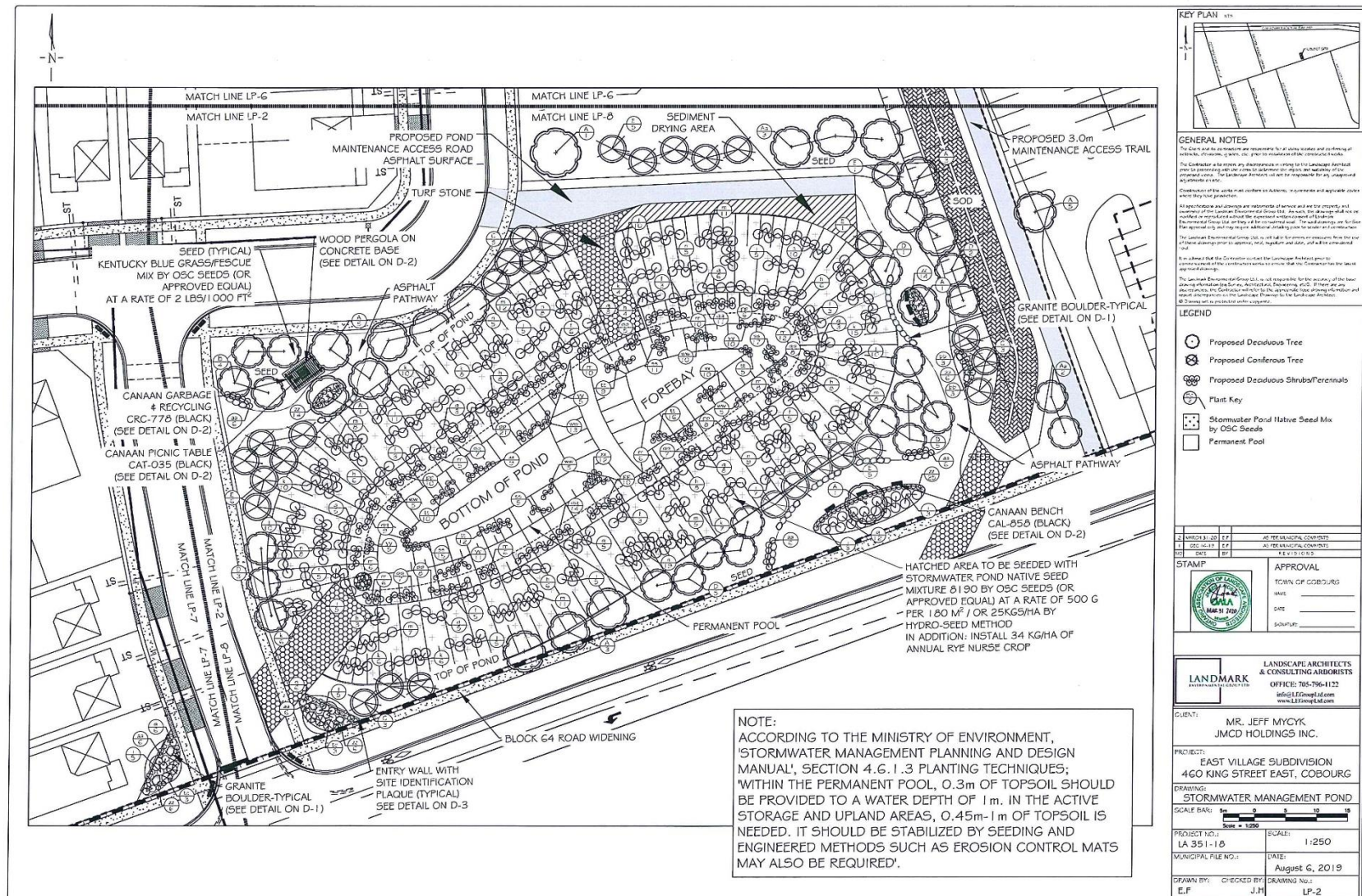



FIGURE 6 -- AGREEMENT AUTHORIZATION BY-LAW

	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 JMCD HOLDINGS INC., BANK OF MONTREAL, LAKEFRONT UTILITY SERVICES INC. AND THE CORPORATION OF THE TOWN OF COBOURG. (N/W CORNER OF KING STREET EAST & WILLMOTT STREET – EAST VILLAGE PHASE 5, 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 JMCD Holdings Inc., Bank of Montreal, and Lakefront Utility Services Inc. for a residential subdivision development consisting of 334 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 19th day of May, 2020.

MAYOR

MUNICIPAL CLERK