



City of
Peterborough

To: **Members of the General Committee**

From: **Jeffrey Humble, Director, Planning and Development Services**

Meeting Date: **March 26, 2018**

Subject: **Report PLPD18-012**
Zoning By-law Amendment – 1341 Water Street

Purpose

A report to evaluate the planning merits of amending the zoning of the property known as 1341 Water Street from the A1 – Rural District in the Township of Smith Zoning By-law 1971-17 to R.5 – 324 'F' – Residential District in the City of Peterborough Zoning By-law #97-123 to permit the development of the lands for medium density residential development and identify floodplain and buffer lands.

Recommendations

That Council approve the recommendations outlined in Report PLPD18-012 dated March 26, 2018, of the Director, Planning and Development Services, as follows:

- a) Amend Section 3.9, Exceptions, of Zoning By-law 1997-123, to add site specific regulations, including parking provisions, in accordance with Exhibit 'C' attached to Report PLPD18-012; and
- b) That the zoning of the lands known as 1341 Water Street be amended from A1 – Rural District in the Township of Smith Zoning By-law 1971-17 to R.5 – 324 'F' – Residential District in the City of Peterborough Zoning By-law #97-123 in accordance with Exhibit 'D' attached to Report PLPD18-012.

Budget and Financial Implications

There are no direct budget or financial implications to the City arising from the approval of this application.

Background

The subject application was received on October 16, 2017, deemed to be complete as of November 21, 2017. The **Planning Act** allows applicants to appeal Zoning By-Law Amendment Applications after the expiry of 150 days of the application being deemed complete. The applicant is in a position to file an appeal to the Local Planning Appeal Tribunal any time after April 20, 2018 if Council has not made a decision.

The property known as 1341 Water Street is a vacant parcel that was formerly a large gravel quarry operating in 1966. The open quarry was remediated some time after 1966 and the property has remained undeveloped since that time. It has been identified by Northeastern Archaeological Associates as an area having low potential for archaeological resources.

The subject lands are a remnant parcel created from the development of lands to the west and north, including a 5.85 ha (14.46 ac) parcel conveyed to the City in 2008 as a condition of approval of the land use changes to permit the existing low density residential condominium developments fronting onto Carnegie Avenue. The lands conveyed to the City in 2008 by the developer include the Riverview Creek watercourse and floodplain, zoned OS.1 – Open Space District to protect them from development.

The use of the subject lands was considered as part of an Official Plan Amendment application in 2008. Schedule 'E' – Residential Density was amended to extend the Medium Density Residential designation to the subject lands. This designation formed an extension of the Medium Density Residential designation of the abutting Champlain Crescent Condominium lands. The intent was to encourage balancing the low density residential development of the lands fronting onto Carnegie Avenue with medium density residential development in a suitable location.

In 2009, the City adopted Amendment 142 to comply with the Provincial Growth Plan, identifying the adjacent Water Street corridor as an 'intensification corridor' on Schedule A – 1 – City Structure, further supporting intensification along Water Street.

The applicant now intends to amend the zoning to develop the property in accordance with the Medium Density Residential designation of the lands in the Official Plan for multi-unit residential development consisting of 3 apartment buildings with a total of 96 dwelling units and associated parking, driveway and landscaped space.

The property has frontage along Water Street, east of the Carnegie Avenue and Water Street intersection and is situated between the Riverview Creek floodplain lands owned by the City and the medium density residential Plan of Condominium on Champlain Crescent,

opposite the Riverview Park and Zoo. The Developable portion of the subject lands is influenced by the environmental constraints of the adjacent floodplain with environmental setbacks to be finalized through the approval of the Site Plan and via ORCA's Development Control permitting process.

The application has been submitted together with the following documentation:

- Restricted Land Use Notice issued under the Clean Water Act, 2006 (Source Water Protection) in support of an application to rezone the property to Residential District 5, issued by ORCA on November 9, 2018;
- Environmental Impact Study, prepared by Niblett Environmental Associates Inc., dated October 2017;
- Traffic Study Brief, prepared by Tranplan Associates, dated January, 2017 and a Traffic Impact Study Update also prepared by Tranplan Associates, dated September, 2017;
- Stage 1 and 2 Archaeological Assessment prepared by Northeastern Archaeological Associates, dated December 11, 2009;
- Functional Servicing Report prepared by D. M. Wills Associates, dated October 5, 2017;
- Concept Site Plan and Preliminary Elevations prepared by Trevelyan Architect Inc., dated September, 2017; and
- Landscape Plan and Landscape Details prepared by Darrell Bankes, Landscape Architect, OALA and D.M. Will Associates, dated October, 2017.

The applicant hosted an Open House for the neighbourhood on Thursday, February 8, 2018 at the Rotary Education Centre, Riverview Park and Zoo. Approximately 40 neighbouring residents attended in addition to the applicant's consulting team, Planning Staff and Ward Councillors. Neighbours expressed an interest in improving the buffer treatment along the easterly lot line adjacent to the proposed parking area and in an effort to mitigate the visual impact of the loss of trees on the site with the introduction of parking and proposed apartment buildings and reduction in privacy for the property owners to the east. Concerns were expressed about the preservation of the environmentally sensitive lands along the creek bed and the loss of tree canopy to make way for the development. Comments regarding increased traffic along Water Street and affordability of units for seniors were also heard at the Open House as well as the lack of supporting land uses for seniors.

The studies prepared and submitted with the application have addressed the environmental and traffic concerns expressed by the neighbours, to the satisfaction of the circulated agencies and departments. Since the Neighbourhood Open House, the applicants have provided Planning Staff with a proposed concept including details of

buffering treatment along the easterly property line. The applicants propose to maintain the minimum 1.5m landscaped strip to include a planting of dense cedars, slightly staggered along the property and potential of coordinating plantings on the adjacent parcel, with the approval of the Condominium Board of the Champlain Crescent Condominium Corporations. Details of the planting strip, including a narrow footprint retaining wall and fence will be addressed at Site Plan Approval stage.

Analysis

a) Official Plan

The lands are designated 'Residential' on Schedule 'A'; 'Medium Density Residential' on Schedule 'E' and Schedule 'A-1: City Structure' identifies the lands along Water Street as an Intensification Corridor. Intensification Corridors are defined in Section 9 of the City's Official Plan as "areas along major roads, arterials or higher order transit corridors that have the potential to provide a focus for higher density mixed-use development consistent with planned transit service levels."

The Residential designation anticipates a range of housing and other land uses that are integral to and supportive of a residential environment. Subsequent to the annexation of the lands from the Township of Smith (1998), the City designated the lands as 'Medium Density Residential' via Amendment #135 in February of 2008. The density of the subject lands was expected to be higher than the Carnegie Avenue developments in order to conform to the principles of the Provincial Growth Plan that came into effect in 2006.

The option to retain the rural zoning is not consistent with the City's Official Plan. The applicant is now advancing a development plan for the property, and proposing to implement the Official Plan with a Zoning Amendment and a density that is equivalent to medium density residential levels and consistent with the existing Official Plan provisions.

The floodplain of the creek was reviewed in 2008 and protected via zoning to the Open Space District OS.1 and conveyed to the City as a condition of development. A further Environmental Impact Study has been submitted and has been reviewed by ORCA and Utility Services to ensure that any impacts from the proposed development are mitigated during and after construction. A Source Water Intake Protection Permit has been issued by ORCA to allow the application to proceed and further detailed plans related to snow clearing and salt use on the parking areas will be required to be reviewed and approved prior to construction.

Low rise apartments and infill housing is contemplated as an acceptable form of Medium Density residential development, up to the maximum density permitted in this area and sensitive to the scale and physical characteristics of development in the surrounding neighbourhood.

The applicant has provided conceptual elevation drawings of the proposed four storey buildings with lower level parking in addition to surface parking. The proposed elevations are in keeping with the architectural style of the adjacent developments incorporating sloped roof structures and brick veneer.

Municipal services (water, sanitary and storm) are available and sufficiently sized to accommodate development of the site. D.M. Wills concludes that sanitary and water servicing will require off-site extensions of existing infrastructure to service the proposed development. Further detail and review will be required at Site Plan Approval stage and will be paid for by the developer. Stormwater quality and quantity controls will be imposed and are proposed to be addressed by a combination of parking lot storage, underground storage and Low Impact Development features. An oil-grit separator will address quality control.

The subject lands are located within an area that is well served by parks, trails, public transit and in proximity to schools. The introduction of residential units to the intensification corridor is consistent with the City's Official Plan and the Provincial Growth Plan. The City's Parkway Corridor Class EA Study identifies a future Roundabout Intersection with sidewalk and multi-use trail extending from the intersection of Carnegie Avenue and Water Street. The proposed development does not interfere with the proposed improvements of the intersection.

b) Zoning By-law

The existing A1 – Rural District in the Smith Township Zoning By-law #1971-17 reflects the rural uses anticipated by the Township on large parcels of land, prior to annexation of the lands into the City of Peterborough in 1998. It is intended that the A1 Zoning of the lands be amended to conform with the City of Peterborough Official Plan for Medium Density Residential development.

The application proposes to amend the zoning of the lands from the A1(SM) – Agricultural Zoning in the former Township of Smith Zoning By-law 1971-17 to the R.5 – 324 'F' – Residential District to permit a multi-unit residential development with up to 96 dwelling units in accordance with the following proposed regulations:

Regulation:	R.5 Requirement:	Proposed Requirement:
Minimum Lot Width	30m	26m
Minimum Building Setback: - From South Side Lot Line - From All other Side Lot Lines	6m or 3m per storey, whichever is greater 6m or 3m per storey, whichever is greater	1.1m per storey 6m or 3m per storey, whichever is greater
Minimum Motor Vehicle Parking	1.75 spaces per dwelling unit	1.7 spaces per dwelling unit

It is recommended that Exception .324 be added to the Zoning By-law to address the site specific regulations noted above. The minimum lot width provisions are required to be reduced to reflect the configuration of the existing lands. Ample room is provided to support the proposed driveway entrance and any associated landscape features along the street line. The proposed reduction from the southerly side lot line is justified, given the undevelopable parcel adjacent to this lot line and the ability to maintain a respectable setback from existing and/or future realigned intersection. The proposed reduction of parking is considered minor and appropriate.

The proposed Zoning Amendment complies with the intent and purpose of the Official Plan.

c) Site Development

The proposed amendment will result in the redevelopment of the lands to permit 96 dwelling units with associated parking, landscaping and driveways. The requirement to enter into a Site Plan Agreement will assist the City in ensuring that the property is maintained in accordance with the approved plan and is binding on all future landowners.

The concept site plan illustrates the proposed vehicular access to the site via a proposed driveway connection to Water Street at the south side of the property, east of Carnegie Avenue. It is proposed that a total of 164 parking spaces be provided for 96 dwelling units, equivalent to a ratio of 1.7 parking spaces per unit.

Site Plan Approval will be required for the development of these lands and will address the details related to the location of parking, driveways, landscape treatment and buffering. Planning Staff have heard from several residents of the adjacent condominium development on Champlain Crescent regarding buffering and landscape treatment along the common lot line. The applicants are willing to continue to work with the neighbouring

Condominium owners at the Site Plan Approval stage to come up with a reasonable landscape/buffer treatment along the common lot line.

Response to Notice

a) Significant Agency Responses:

Agency circulation was issued on December 5, 2017.

The City's Utility Services Department indicated that an Arborist Tree Inventory, Planting and Preservation Report is required. The Environmental Impact Study includes information regarding existing planting and further details and a compensation plan will be addressed at the Site Plan Approval stage. Utility Services has also recommended cash in lieu of parkland, where required. This will also be included as a condition of Site Plan Approval. Additional comments have been forwarded to the applicant for their consideration at Site Plan Approval stage, related to a required road widening along Water Street (approx. 3.0m), illustrated on the Concept Site Plan. Detailed stormwater management design including pre-treatment of drainage from the proposed parking lot. An adequate easement for sanitary service across City owned lands and approval from Bell Canada for sidewalk across their easement.

The City's Heritage Resources Coordinator has accepted a letter from Northeastern Archaeological Associates Limited to confirm satisfaction that the presence of the former gravel quarry on the lands precludes survival of possible archaeological resources over most of the area. Archaeological monitoring is required during construction for the southeastern edge parts of the property.

Otonabee Conservation has indicated that they are supportive of proceeding with the land use change through the rezoning. Details related to the environmental setbacks are being reviewed and will be implemented at the Site Plan Approval stage. ORCA has requested that the 'F' suffix be applied to the zoning to denote that the property is constrained in part and that development is dependant on consistency with the Floodplain policies of the Official Plan. Furthermore, a permit has been issued under the Clean Water Act to proceed with the rezoning application as part of the responsibility of ORCA for Source Water Protection. Details of quality control of stormwater will be addressed at the Site Plan Approval stage.

Peterborough Utilities has provided comments to the applicant regarding electrical servicing requirements and particularly the horizontal separation requires for overhead wires at the south edge of the property. If electric heat is provided in rental units, it must be metered separately as per O.Reg 389/10.

No further agency has expressed any significant concerns or requests with respect to the proposed rezoning of the subject property.

b) Summary of Public Responses:

Notice of Complete Application and Public Meeting was issued on February 26, 2108 by newspaper advertisement (Peterborough Examiner) and by direct mail. The notice complies with the requirements of the **Planning Act**.

No written comments have been received related to the rezoning as of March 2, 2018. The City received some comments from neighbouring residents of the Champlain Crescent Condominium concerned with the process and wanting to see the land use dealt with prior to the site plan. Concerns related to the buffer strip along the easterly lot line were also expressed via the site plan circulation and similar to those expressed directly to the applicants at the Neighbourhood Open House.

Submitted by,

Jeffrey Humble, MCIP, RPP
Director, Planning and Development Services

Contact Names:

Ken Hetherington
Manager, Planning Division
Phone: 705-742-7777, Ext. 1781
Toll Free: 1-855-738-3755
Fax: 705-742-5218
E-mail: khetherington@peterborough.ca

Caroline Kimble
Planner, Land Use
Planning & Development Services
Phone: 705-742-7777, Ext. 1735
Toll Free: 1-855-738-3755, Ext. 1735
Fax: 705-742-5218
E-Mail: ckimble@peterborough.ca

Attachments:

Exhibit A – Land Use Map
Exhibit B – Concept Plan
Exhibit C – Proposed Elevations
Exhibit D – Draft Zoning By-law

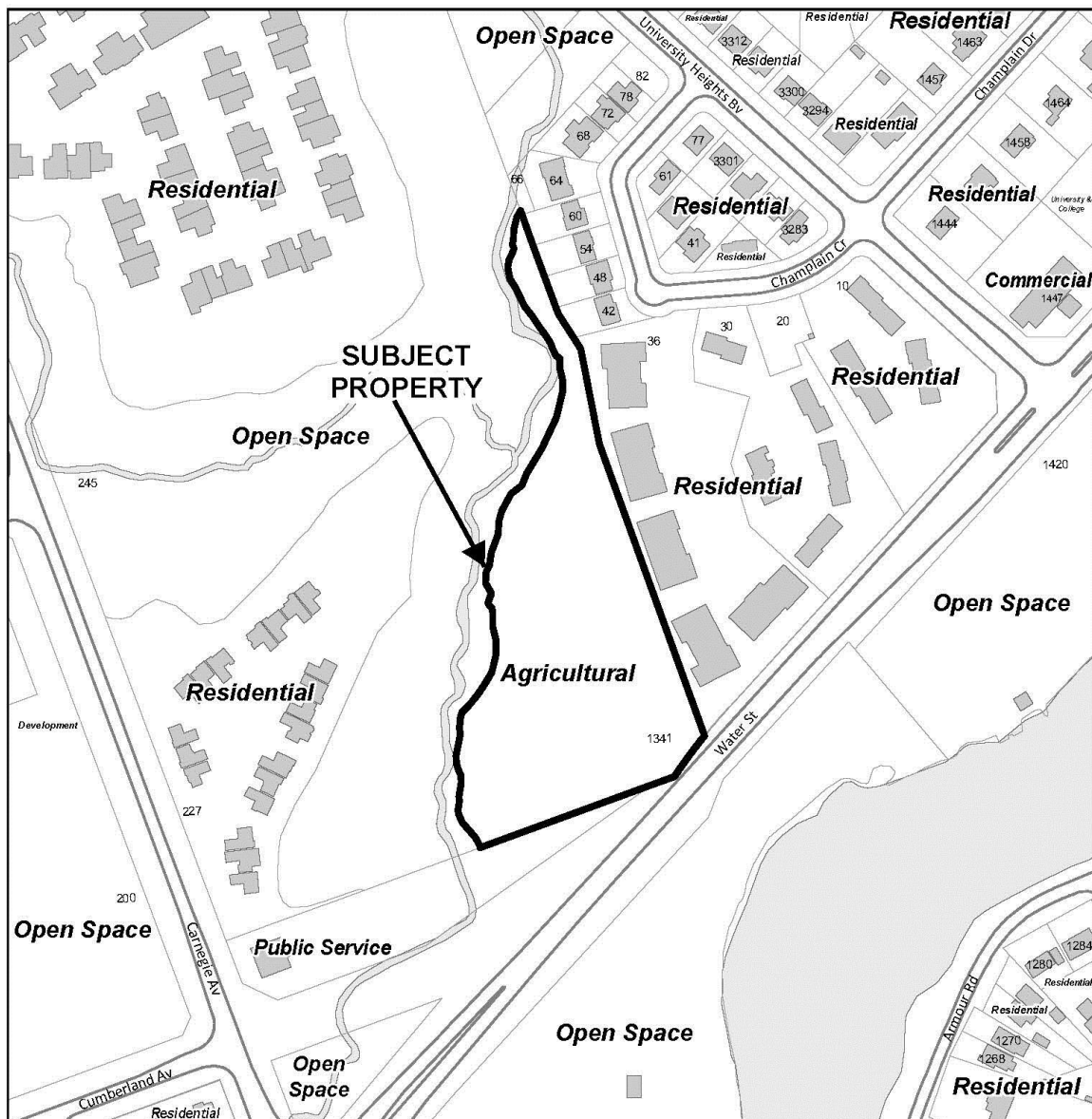
Exhibit A, Land Use Map, Page 1 of 1

Land Use Map

File: Z1801

Property Location: 1341 Water St

EXHIBIT
SHEET OF



The City of Peterborough Planning Division

The "City of Peterborough" its employees, or agents, do not undertake to guarantee the validity of the contents of this digital or handcopy mapfile, and will not be liable for any claims for damage or loss arising from their application or interpretation, by any party. It is not intended to replace a survey or to be used for a legal description.

Date: November 1, 2017

Map by: J.Ellis

0 20 40 80 120 Metres

Exhibit B, Concept Plan, Page 1 of 1

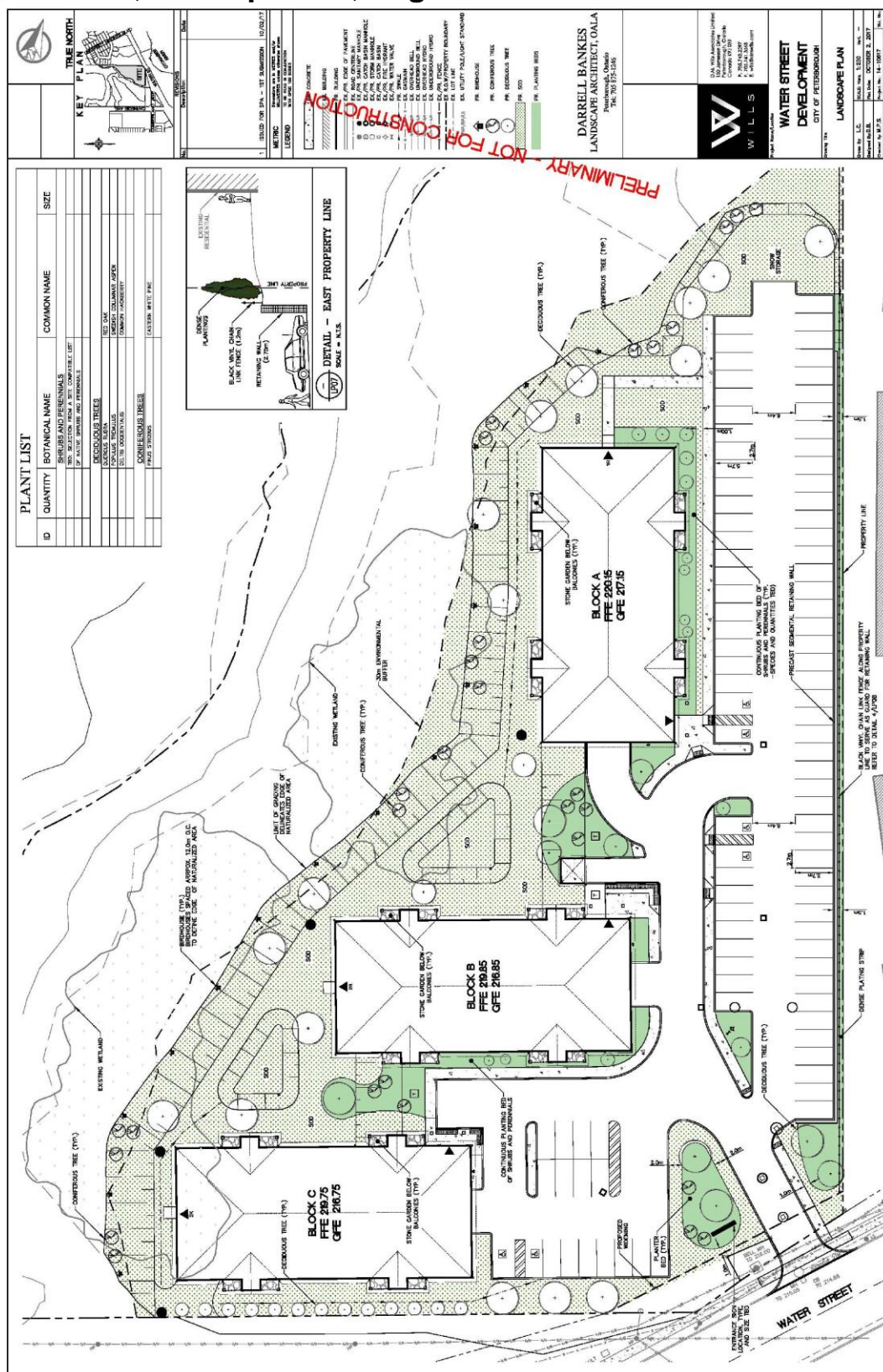


Exhibit C, Proposed Elevations, Page 1 of 1

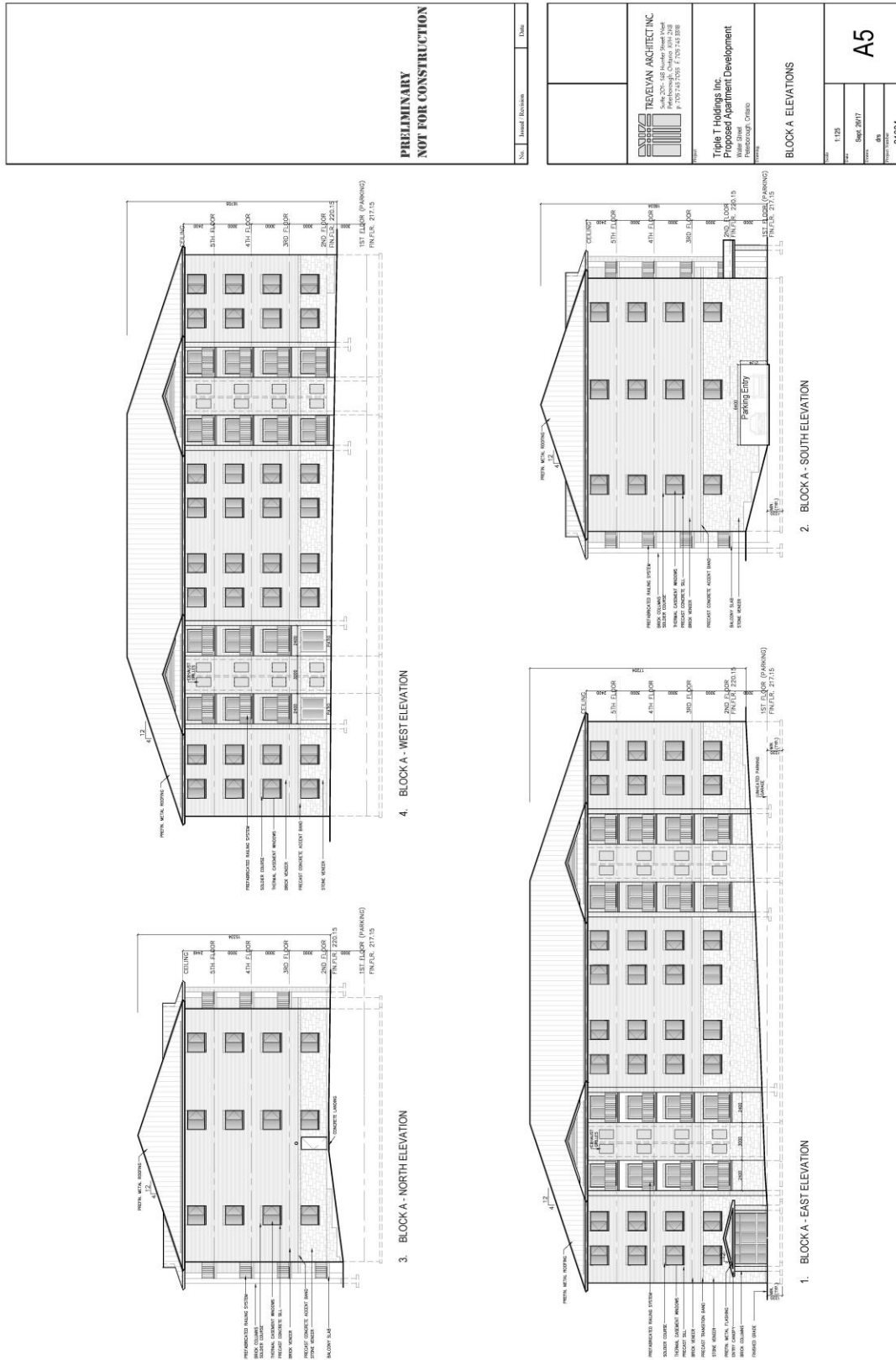


Exhibit D, Draft Zoning By-law, Page 1 of 2



The Corporation of the City of Peterborough

By-Law Number 18-

Being a By-law to amend the Zoning By-law for the lands known as 1341 Water Street

The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

1. That Section 3.9 – Exceptions, be amended to add the following:

“**.324** Notwithstanding the provisions of this By-law to the contrary, the following shall apply:

Regulation	Requirement
Minimum Lot Width	26m
Minimum Building Setbacks: - From South side lot line	1.1m per storey
Minimum Motor Vehicle Parking	1.7 spaces/unit

”

2. That Map 27 forming part of Schedule “A” to By-law 97-123, is amended by changing the area shown on the sketch attached hereto as Schedule ‘A’ from the A1(SM) – Rural District in the Township of Smith Zoning By-law 1971-17 to R.5-324 ‘F’ – Residential District.

By-law read a first, second and third time this ____ day of _____, 2018.

Daryl Bennett, Mayor

John Kennedy, City Clerk

Exhibit D, Draft Zoning By-law, Page 2 of 2

