



City of
Peterborough

To: **Members of the Planning Committee**

From: **Ken Hetherington, Manager, Planning Division**

Meeting Date: **June 13, 2016**

Subject: **Report PLPD16-046**
983-1003 Chemong Road (Deana Boulevard)

Purpose

A report to evaluate the planning merits of amending the Zoning By-law from the R.1,1m,2m,4e – Residential District and from the R – Residential (Smith Township Zoning By-law) to the SP.364 (F) –H – Special Residential District, to permit the redevelopment of the lands to support a 2 storey multi unit residential apartment building with a maximum of 20 units and associated parking and landscaping.

Recommendations

That Council approve the recommendations outlined in Report PLPD16-046 dated June 13, 2016, of the Manager, Planning Division, as follows:

- a) That the Zoning By-law be amended to add Section 394, SP.364 to permit the use of the lands for a 2 storey residential dwelling with a maximum of 20 dwelling units in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD16-046.
- b) That the subject property be rezoned from the R.1,1m,2m,4e – Residential District and from the R – Residential (Smith Township Zoning By-law) to the SP.364 (F) – H – Special Residential District in accordance with Exhibit 'C' attached to Report PLPD16-046.
- c) That the 'H' – Holding Symbol be removed subject to Site Plan Approval, including among other requirements, the following:
 - i) Detailed erosion and sediment controls

- ii) A report from a biological consultant, to the satisfaction of ORCA, demonstrating:
 - i. the potential impact on the watercourse
 - ii. Outline measures incorporated in the design that will improve creek shading, instream structures, and natural vegetated buffers
 - iii. Confirm presence/absence of fish
 - iv. Provide construction impact mitigation measures
 - v. Landscape restoration plan that utilizes native species to provide shade for the creek

Budget and Financial Implications

There are no direct budget or financial implications arising from the approval of this application. The City is able to collect a park levy and any applicable development charges for the proposed units.

Rationale

Approval of this Zoning By-law Amendment is based upon the following:

The bulk of the subject property is designated 'Residential' on Schedule 'A' – Land Use with a narrow strip along the west side within the 'Urban Fringe Control' designation inherited from the Township of Smith via annexation of the subject lands. The 'Residential' policies of the Official Plan contemplate housing and other land uses that are integral to a residential environment. The infill housing policies of the Residential designation encourage residential intensification "to increase the supply of housing through better use of existing resources, buildings and under-utilized sites." The impacts of the intensification of the subject lands can be minimized and the development can efficiently utilize existing municipal servicing and facilities. The application demonstrates the ability of the site to maintain the character of the area with a maximum height of 2 storeys and up to 35 parking spaces on site.

The proposed building respects the scale and physical characteristics of existing development in the surrounding neighbourhood.

Background

The subject applications were received on February 2, 2015, deemed to be complete as of June 1, 2015, and were processed in accordance with department procedures. The applicant provided further information to Otonabee Conservation (ORCA) on February 29, 2016 to address comments from ORCA in order to proceed with the approvals.

The subject property is a vacant parcel, approximately 0.43 ha. (1.07 ac.) in size, located on the east side of Deana Boulevard, west of Chemong Road and south of Simons Avenue. It was purchased by the current owners in 2008. The lands abut the properties fronting onto Chemong Road and are traversed by a tributary to Jackson Creek that is required to be realigned to provide space for site features to facilitate a feasible development design.

The applicant intends to develop the property with a 2 storey apartment building with a maximum of 20 dwelling units and associated parking and landscaping. A site specific zoning category is proposed to accommodate the proposed use.

The application also proposes to provide 35 on-site parking spaces, including a minimum of 2 accessible spaces.

The applicant hosted a neighbourhood meeting at the Northminster Church on July 8, 2015 to introduce the project to the neighbours. Approximately 26 neighbours attended the meeting. Concerns were expressed regarding the anticipated traffic generation and stormwater management of nearby properties. There was a significant amount of discussion regarding the poor condition and winter maintenance of the existing roadways within the subdivision. There was a combination of neighbours who were supportive and whom expressed concern with the proposal. Details regarding the target market, unit sizes, construction standards, site plan issues and future plans for the balance of the lands were provided by the applicant.

A Preliminary Stormwater Management and Floodline Impact Report was submitted with the application, prepared by D.M. Wills Associates Limited, dated November 2014, concludes that both quality and quantity controls must be in place to address stormwater runoff and floodproofing of the proposed building is required. ORCA will be required to issue permits prior to any construction or site alteration.

The application is supported by a Concept Site Plan, prepared by eco line design studio.

Analysis

a) Official Plan

The bulk of the lands are currently designated “Residential” on Schedule ‘A’ – Land Use of the City of Peterborough Official Plan, with small strip designated “Urban Fringe Control Area” in the Smith Township Official Plan. The proposed density of the multi-unit residential development is within the range of a medium density residential development. The application is assessed with the intensification and infill housing evaluation criteria of Section 4.2.5.7 of the City of Peterborough Official Plan.

The proposal to develop the lands for a 20 unit residential apartment building with associated parking and landscaped area, respects the objectives of the infill and intensification policies, as described by the City's Official Plan.

Based on the size of the subject property, the density of the subject lands is proposed to be approximately 46 units per hectare (16.8 units per acre). The Official Plan policies support infill housing, up to a maximum of 75 units per hectare in a suburban location (27 units per acre) through an amendment to the Zoning By-law, provided the development respects the scale and physical characteristics of existing development in the surrounding neighbourhood. The amendment proposes to permit the use of the site for a multi unit residential building with a total of 35 parking spaces, providing a ratio of 1.75 parking spaces per unit.

The property is located within an 'Intensification Corridor' as identified on Schedule A-1 of the City's Official Plan, and in an area well served by parks and schools. The use of the side yard of the property for parking and the ratio of hard surface and green space is consistent with the other medium density developments and appropriate within the neighbourhood. Municipal services are able to be extended at the developers' expense and available to service the site. Downstream capacity must be upgraded at the expense of the developer and the Raymond Subdivision developer to ensure adequacy of the municipal services for the proposed development. It is anticipated that the servicing from Chemong Road is a viable option and capacity is available.

b) Zoning By-law

The subject property is currently zoned R.1, 1m,2m,4e - Residential District in the City's Zoning By-law and R- Residential District in the Township of Smith Zoning By-law (inherited by the City when the lands were annexed), and supports a total of 6 lots that would permit single detached dwellings on each individual lot. The location of the water channel that traverses the westerly portion of the site, however, will prevent ORCA from approving permits for the development of these lands for contemporary single detached dwellings. The location of the channel prohibits driveway connections to Deana Boulevard and restricts access to the lands to a single connection to Simons Avenue.

The subject property requires site specific regulations to limit the total number of proposed units and to recognize the flooding potential of a portion of the lands due to the location of the channel. An (F) symbol is proposed to be affixed to the zoning of the lands advising that a portion of the lands are subject to flooding. The proposed zoning permits up to 45% of the property to be used for parking and driveway areas. The parking area is proposed to be utilized, in part, for the storage of stormwater on site, with an oil/grit separator to address quality controls. ORCA is also requiring the naturalization of the channel and its buffers.

Minimum building setbacks of 9m from side lot lines are proposed, as well as a maximum building lot coverage of 20% and a minimum lot area of 215 m² per unit, consistent with the development of the lands to the north and east and providing a good transition to the low density residential uses to the west.

Planning Staff is satisfied that the provision for minimum lot area per unit of 215 square metres per dwelling unit will limit the total number of units for the property to 20. The lot area per unit exceeds the established regulation of the typical R.4 – Residential District which is 185 square metres per dwelling unit. Permission to exceed the lot coverage for parking and driveway areas facilitates the parking ratio of 1.75 spaces per unit. A cap of 45% of the lot area to be used for driveways and parking will ensure a sufficient balance of landscaped and hard surface for compatibility with the neighbourhood. The applicant has demonstrated with the Concept Site Plan, that there is sufficient space on the subject lands to provide adequate landscaping and buffering to ensure compatibility with surrounding land uses.

c) Site Development

The applicant has provided a Concept Site Plan illustrating the proposed development, including parking and driveway areas and landscape space. The proposed development for 20 units will be subject to Site Plan Approval, in accordance with the City's Site Plan Control By-law.

A Functional Servicing Review was submitted with the application, prepared by D.M. Wills Associates Limited, dated November 27, 2014 assessing the sanitary sewer capacity downstream, and concludes that the proposed 20 unit apartment building can be serviced by a sanitary sewer connection to a proposed sanitary sewer on Deana Boulevard, outletting to the Chemong Road trunk sewer. The Chemong Road trunk sewer requires an upgrade to the sewer capacity and will be cost shared between the developer and the Raymond Street developer. Water servicing is proposed via a new watermain on Deana Boulevard and connected either via a connection via Simons Avenue to Chemong Road or south via Deana Boulevard to Chemong Road, also at the expense of the developer. Stormwater quality and quantity control measures are required to ensure that the receiving drainage system is not adversely affected. The report has been reviewed by the City's Utility Services Department and will be refined to ensure accuracy with regards to existing and future conditions.

A tributary of Jackson Creek traverses the property, and is subject to realignment to facilitate the proposed development. A Natural Channel Design Brief has been prepared by D.M. Wills and Associates, dated February 2016 proposing this realignment and reviewed by Otonabee Region Conservation Authority (ORCA). ORCA can support the proposed channel alignment, and has provided comment requiring further erosion and sediment controls, prior to a permit being issued by ORCA. Additional information in support of the natural channel design to address reduced buffer distances from the natural channel will be required prior as well. An 'H' Holding Symbol is proposed to be affixed to the zoning requiring the following at the Site Plan Approval stage:

- i) Detailed erosion and sediment controls;

- ii) A report from a biological consultant, to the satisfaction of ORCA, demonstrating:
 - i. the potential impact on the watercourse
 - ii. outline measures incorporated in the design that will improve creek shading, instream structures, and natural vegetated buffers
 - iii. confirm presence/absence of fish
 - iv. provide construction impact mitigation measures
 - v. landscape restoration plan that utilizes native species to provide shade for the creek

The Site Plan will formalize the proposed development and address landscaping and buffer requirements and ensure adequate stormwater management of the site. In addition, a Site Plan Agreement will ensure long term maintenance of the property, registered on title, and binding for future owners.

Response to Notice

a) Significant Agency Responses:

Agency circulation was originally issued on March 12, 2015. Updated studies for the channel were distributed in March, 2016.

The City's Utility Services Department indicated no objection to the rezoning request subject to the proposal securing full approval of the Otonabee Region Conservation Authority with regard to the floodplain configuration, by way of the use of an 'H' Holding Symbol. Preliminary comments related to a future Site Plan Approval have been provided to the applicants for their consideration, including the requirement for a 5m by 5m daylighting triangle at the intersection of Simons Avenue and Deana Boulevard and noting that the applicant will be responsible for the full cost associated with site servicing and restoration. Cash in lieu of parkland is recommended.

Otonabee Conservation (ORCA) has reviewed the channel design and Preliminary Stormwater Management and Floodline Impact Report and indicate that the natural channel design is acceptable to both ORCA engineering and biology staff, however, would like to see additional justification for the proposed setback from the watercourse at Site Plan Approval stage, and suggests the use of the (F) suffix to notify that portions of the property are subject to flooding. An 'H' Holding symbol is also recommended to ensure that a satisfactory site plan has been approved by ORCA as noted in the Recommendations of this report (PLPD16-046).

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 May 16, 2016 by direct mail and by newspaper advertisement (Peterborough Examiner). The notice complies with the requirements of the *Planning Act*.

Comments related to the Notice of Complete Application and Neighbourhood Meeting are summarized in the Background section of this report (PLPD16-046). The concerns expressed by some of the neighbours include the existing condition of the roads in the subdivision as well who is to pay the costs associated with the proposed site servicing and restoration, including road restoration.

No further written comments have been received as of May 20, 2016.

Submitted by,

Ken Hetherington
Manager, Planning Division

Prepared by,

Caroline Kimble
Land Use Planner

Concurred with,

Malcolm Hunt, Director
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Attachments:

Exhibit A - Land Use Map
Exhibit B - Concept Plan
Exhibit C - Draft Zoning By-law

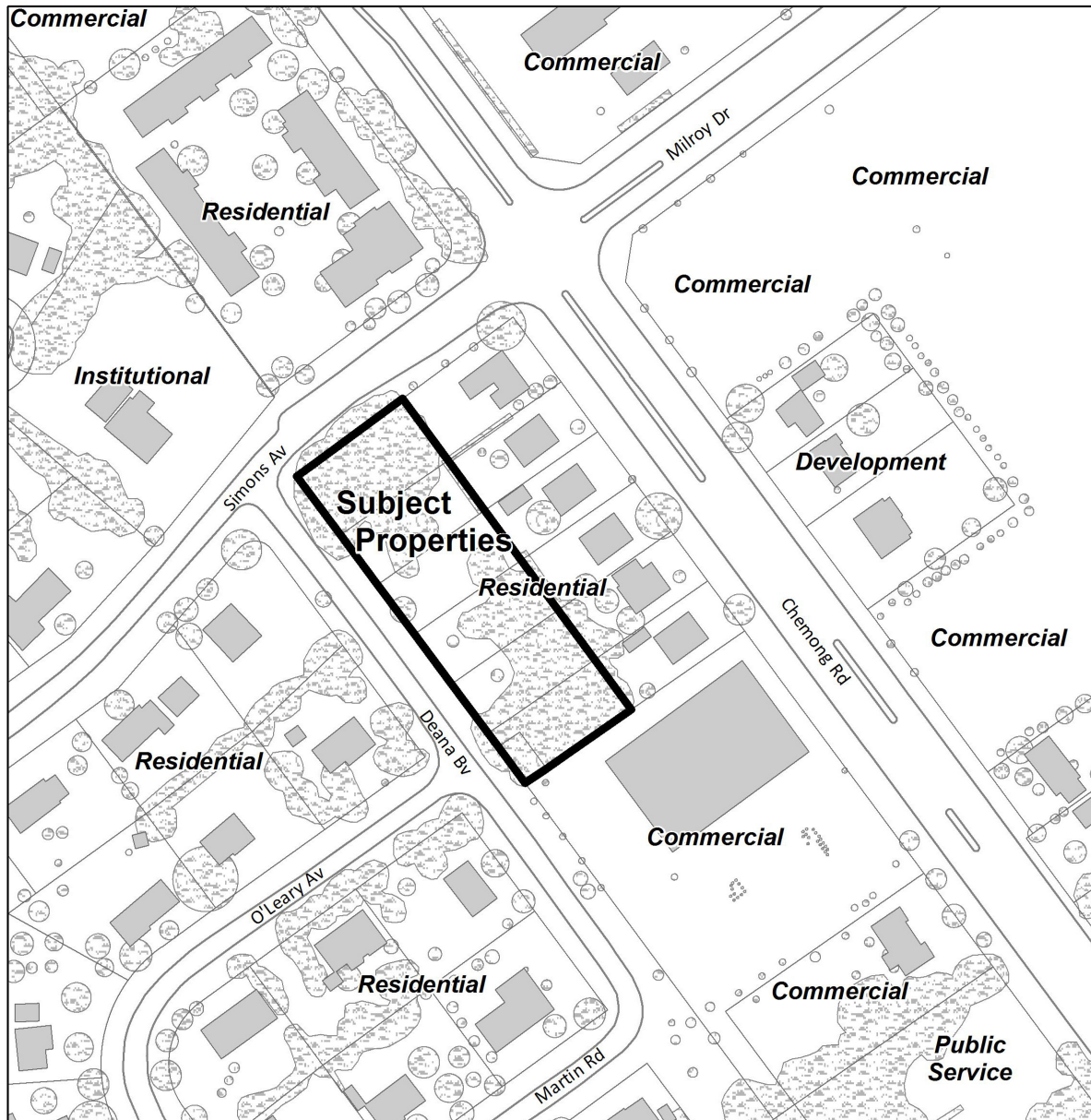
Exhibit A, Page 1 of 1

Land Use Map

File: Z1503

Property Location: 983 - 1003 Chemong Rd (Deana Blvd)

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: March 5, 2015
Map by: CSandanayake

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Exhibit B, Page 1 of 1

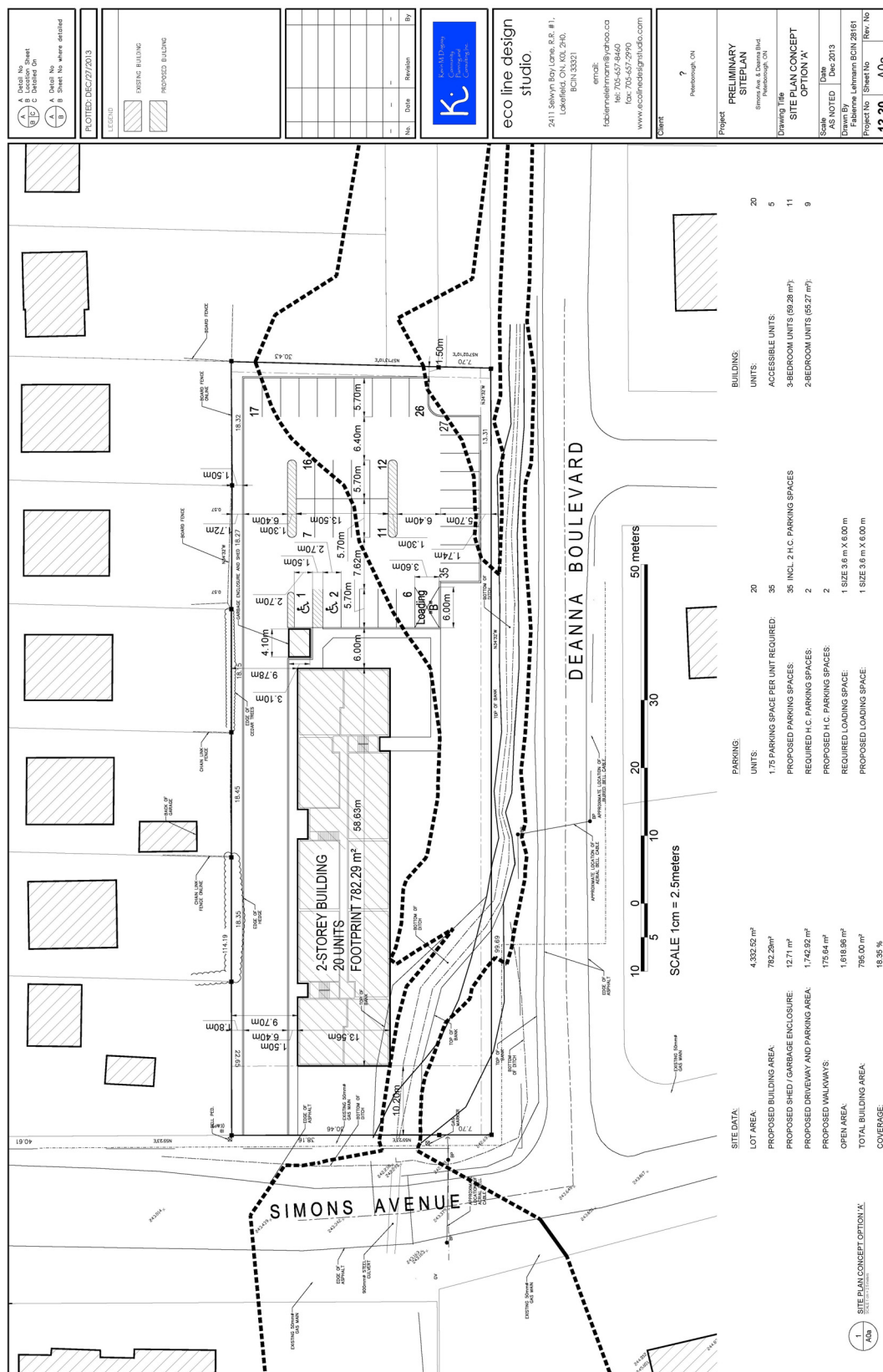


Exhibit C, Page 1 of 2



The Corporation of the City of Peterborough

By-Law Number 16-

Being a By-law to amend the Zoning By-law for the properties known as 983-1003 Chemong Road (Deana Boulevard)

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

1. That Section 394 for Special District 364 (SP.364) be added to By-law 97-123 as follows:

“Section 394

Special District 364 (SP. 364)

394.1 For the purpose of this by-law, land use district ‘Special District 364’ is hereby established and may be referred to by the symbol ‘SP.364’.

Permitted Uses:

394.2 No person within a SP.364 District shall use any land or erect, alter or use any building or part thereof for any purpose other than:

a dwelling unit

Regulations

394.3 No person shall within a SP.364 District use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

Exhibit C, Page 2 of 3

Regulation	Requirement
Minimum Lot Area per Dwelling Unit	215 m ²
Minimum Building Setback	
i) from side lot line	9m
Maximum building coverage	20%
Minimum landscaped open space	35%
Maximum number of storeys	2
Maximum lot coverage by open parking, driveways and vehicle movement areas	45%

394.4 SP.364 District is hereby designated as a Residential District”

2. Map 6 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 R(SM) to SP.364(F)-H and from R.1,1m,2m,4e to SP.364(F)-H.**
3. That the ‘H’ – Holding Symbol be removed subject to Site Plan Approval, including among other requirements, the following:
 - a. Detailed erosion and sediment controls
 - b. A report from a biological consultant, to the satisfaction of ORCA, demonstrating:
 - i. the potential impact on the watercourse
 - ii. Outline measures incorporated in the design that will improve creek shading, instream structures, and natural vegetated buffers
 - iii. Confirm presence/absence of fish
 - iv. Provide construction impact mitigation measures
 - v. Landscape restoration plan that utilizes native species to provide shade for the creek

By-law read a first, second and third time this day of , 2016.

Daryl Bennett, Mayor

John Kennedy, City Clerk

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