



City of
Peterborough

TO: Members of the Planning Committee

FROM: Malcolm Hunt, Director of Planning and Development Services

MEETING DATE: August 31, 2009

SUBJECT: Report PLPD09-050
1900 Television Road

PURPOSE

A report to evaluate the planning merits of amending the Zoning By-Law for the property known as 1900 Television Road, to permit the use of a portion of the property for a single detached residential dwelling and accessory buildings, on private servicing.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD09-050, dated August 31, 2009, of the Director of Planning and Development Services as follows:

That the request to amend the Zoning By-Law at 1900 Television Road, from the HL – Hazard Land (Otonabee) and the A2 – Agricultural (Otonabee) to the SP.31 – Special Residential District be denied for the following reasons:

- a) The creation of a residential access to Television Road (along arterial streets in developing areas) is contrary to the policies of Sections 5.4.6 and 5.4.8 of the City's Official Plan.
- b) The residential use of the property is not compatible with the Employment Lands designation of the lands on the east side of Television Road.

RATIONALE

Denial of this Zoning By-Law Amendment is based upon the following:

The subject property was included in lands annexed from the Township of Otonabee in 1998, whereby the City of Peterborough assumed the planning regulations as set out in the Township of Otonabee Official Plan and Zoning By-Law. The subject property is now designated 'Major Open Space' on Schedule 'A' – Land Use of the City of Peterborough Official Plan. '

The development of the subject lands does not comply with the transportation policies of the Official Plan related to access to arterial roads. The proposed use will require a formal access connection to Television Road, designated as a high capacity arterial road and intended to support a future roadway corridor as illustrated on Schedule 'B' – Roadway Network of the Official Plan.

The introduction of residential land use for this parcel within the Open Space designation, is not contemplated in the Official Plan. The setback from the Downers Corners Wetland, as recommended in the comprehensive Environmental Impact Study prepared in 2007, leaves a small developable parcel with frontage on Television Road.

The lands on the opposite side of Television Road, situated within the Township of Otonabee South-Monaghan are designated 'Employment Lands', intended to be used for a range of industrial and commercial purposes, not compatible with residential land use.

BUDGET AND FINANCIAL IMPLICATIONS

There are no direct budget or financial implications arising from the approval of this recommendation.

BACKGROUND

The subject application was received on February 13, 2009 and deemed to be complete on March 11, 2009. The application proposes to amend the zoning of the property to permit the development of the northerly portion of the property for a single detached dwelling and a detached garage on private services.

The property is located within 120m of the Provincially Significant Downer's Corners Wetland. A comprehensive Environmental Impact Study was prepared in 2007 by Gartner Lee on behalf of the City of Peterborough and the Otonabee Region

Conservation Authority. The report was intended *“to provide guidance to future land use adjacent to the wetlands and within the greater watershed such that impacts are minimized and the ecologic function enhanced where practical.”* The wetland boundaries were re-established and reflected in this report for the portion of the wetland closest to the subject lands. A buffer of 50 metres is recommended by the report, whereby development would be precluded adjacent to the wetland boundary. The study also recommends staking of the wetland boundary with the Ministry of Natural Resources, at the site. Oakridge Environmental Limited has now staked the boundary of the wetland, together with staff from the Ministry of Natural Resources, on behalf of the applicant. The Otonabee Region Conservation Authority has agreed with the wetland boundary, as staked and illustrated by Oakridge Environmental Limited, and in accordance with the recommendations of the EIS, have requested a 50m buffer whereby development is to be precluded.

ANALYSIS

a) Official Plan

Schedule ‘A’ – Land Use of the Official Plan, designates the subject property as ‘Major Open Space’. The ‘Major Open Space’ designation anticipates the majority of the lands to be used for a connected system of open space as a framework for the provision of public parkland. It is recognized that the designation of the lands does not necessarily imply that all lands are to be accessible to the public or purchased by the municipality or a public agency. The *“use of the land is generally to be limited to parks, recreational or similar uses, horticultural, conservation, forestry and wildlife management practices, as well as commercial uses including cemeteries golf courses and campgrounds which are complementary to the open space system and compatible with the development of adjacent land.”*

The Downer’s Corners Wetland is designated as a Provincially Significant Wetland and occupies a significant portion of the lands straddling Meade Creek in the southeast corner of the City. The subject lands are situated on the west side of Television Road and are bounded by the wetland area; however, the lands are not considered as part of the wetland. The size of the parcel is limited and is held in private ownership. The City has not expressed an interest in the property for a linked system of parkland, nor has it been identified as containing a natural feature of unique significance. The City further, has no intention to extend servicing to this property.

The proposed amendment will require a formal access to Television Road. This conflicts with the transportation policies of the Official Plan regarding direct access to High Capacity Arterial Streets, the classification assigned to Television Road. The Official Plan further identifies the need to protect long term roadway corridors in proximity to the City’s boundaries, to meet future needs for City transportation and

regional connectivity. Schedule 'B' of the Official Plan illustrates Television Road performing this role at the east limit of the City.

The lands on the opposite side of Television Road are designated as Employment Areas within the Township of Otonabee-South Monaghan Official Plan. These lands are intended *“to provide for the maintenance and reinforcement of the Township’s employment base through the retention and expansion of existing industry, and to encourage the diversification and expansion of the Township’s employment base where possible through the establishment of new businesses and related ancillary type of uses, including a range of compatible commercial uses.”*

The introduction of new residential land use in close proximity to industrial land use, creates a land use conflict with potentially undesirable nuisance related issues.

b) Zoning By-Law

The property is currently zoned HL – Hazard Land and A2 – Agricultural as identified in the Township of Otonabee Comprehensive Zoning By-Law. The existing zoning would prohibit the construction of a single detached dwelling on the existing property. The HL – Hazard Land zoning is intended to protect the wetland boundary and restricts uses to conservation, marine, parking and parks use. The A2 – Agricultural zoning permits agriculture related uses, including a single detached dwelling, however, requires a minimum 10 ha. sized parcel.

The applicant has requested a zoning by-law amendment to rezone the parcel to the SP.31 – Special Residential District, typically applied to properties developed on private servicing. The application of the SP31 zone would permit the proposed single unit dwelling on private servicing within the portion of the property assigned the SP. 31 zoning. The balance of the land is proposed to be zoned OS.1 – Open Space to preclude development and respect the minimum 50m setback as recommended by the Gartner Lee Environmental Impact Study and the requirements of the Conservation Authority. A further permit would be required from ORCA prior to the issuance of building permit, to ensure limited impact on the wetland. The District Health Unit would be responsible to ensure proper location of well and septic via a permit as well.

The Zoning request does not comply with the policies of the Official Plan and is therefore, not recommended by Planning Staff.

RESPONSE TO NOTICE

a) Significant Agency Responses:

Agency circulation was issued on May 29, 2009.

Ministry of Transportation indicates that they have no concerns with the proposal, as it is well beyond their construction limit.

Peterborough Utilities note that there is currently no water or electric service available to the property and that the District Health unit may allow water to be supplied by a private well. Options for electrical service should be discussed with P.U.S.I. at first opportunity.

The Otonabee Region Conservation Authority indicates that the property is within 120 metres of the Provincially Significant Downer's Corners Wetland, subject of a comprehensive EIS that re-established the wetland boundaries and identified a buffer of 50 metres as appropriate for this portion of the wetland. ORCA therefore, recommends that any portions of the property within the 50m buffer be zoned OS.1 – Open Space to preclude any development within these areas. In addition, the entire property is subject to ORCA's regulation of Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses. A permit is required from ORCA prior to any fill placement, grade alteration or construction related activities taking place.

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 was issued on May 29, 2009 by mail and on June 12, 2009 by newspaper advertisement (Peterborough Examiner). Notice of Public Meeting was issued on July 31, 2009 by direct mail and by newspaper advertisement (Peterborough Examiner). The notices comply with the requirements of the Planning Act.

As of August 17, 2009 no public written responses were received as a result of the circulation.

Submitted by,

Malcolm Hunt
Director of Planning and Development Services

Prepared by,

Concurred with,

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Attachments:

EXHIBIT A Key Map

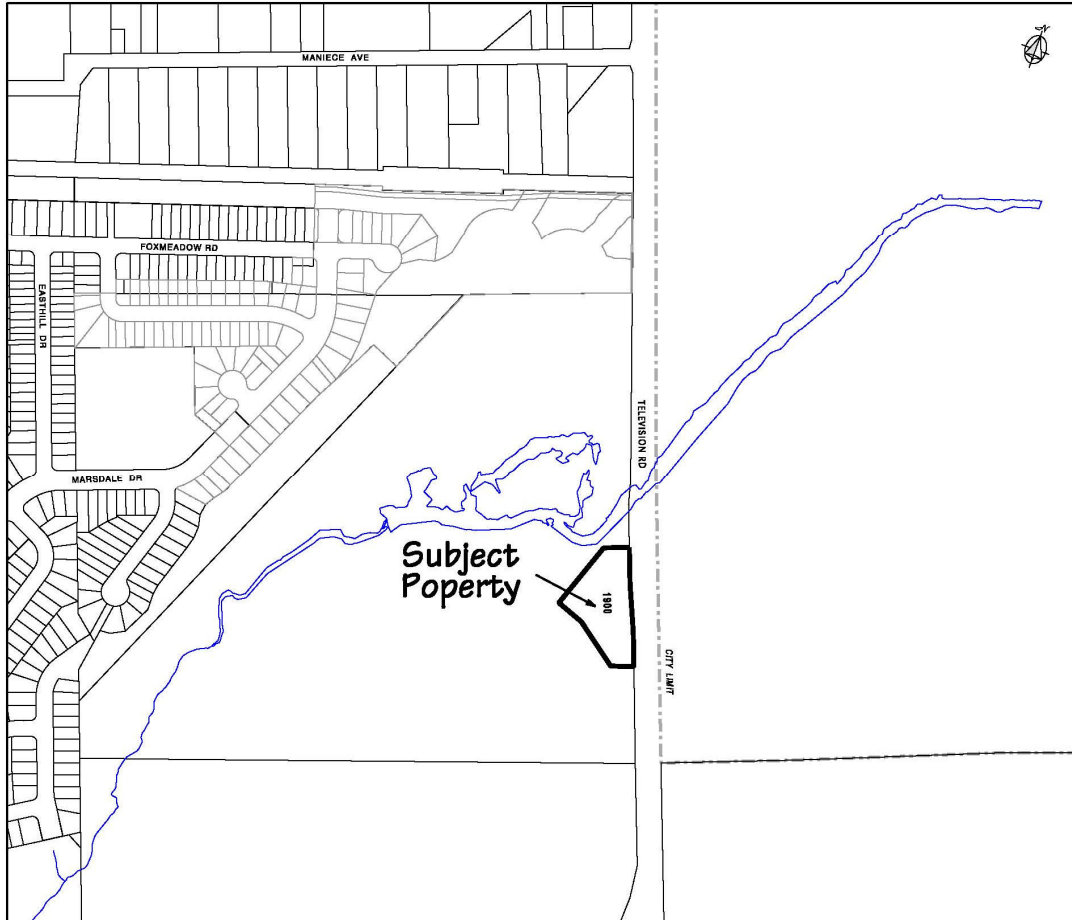
EXHIBIT B Land Use Map

EXHIBIT C Applicant's Sketch - Concept Plan

EXHIBIT D Schedule 'B' of Official Plan – Roadway Network

KEY MAP

Exhibit A
Page 1 of 1

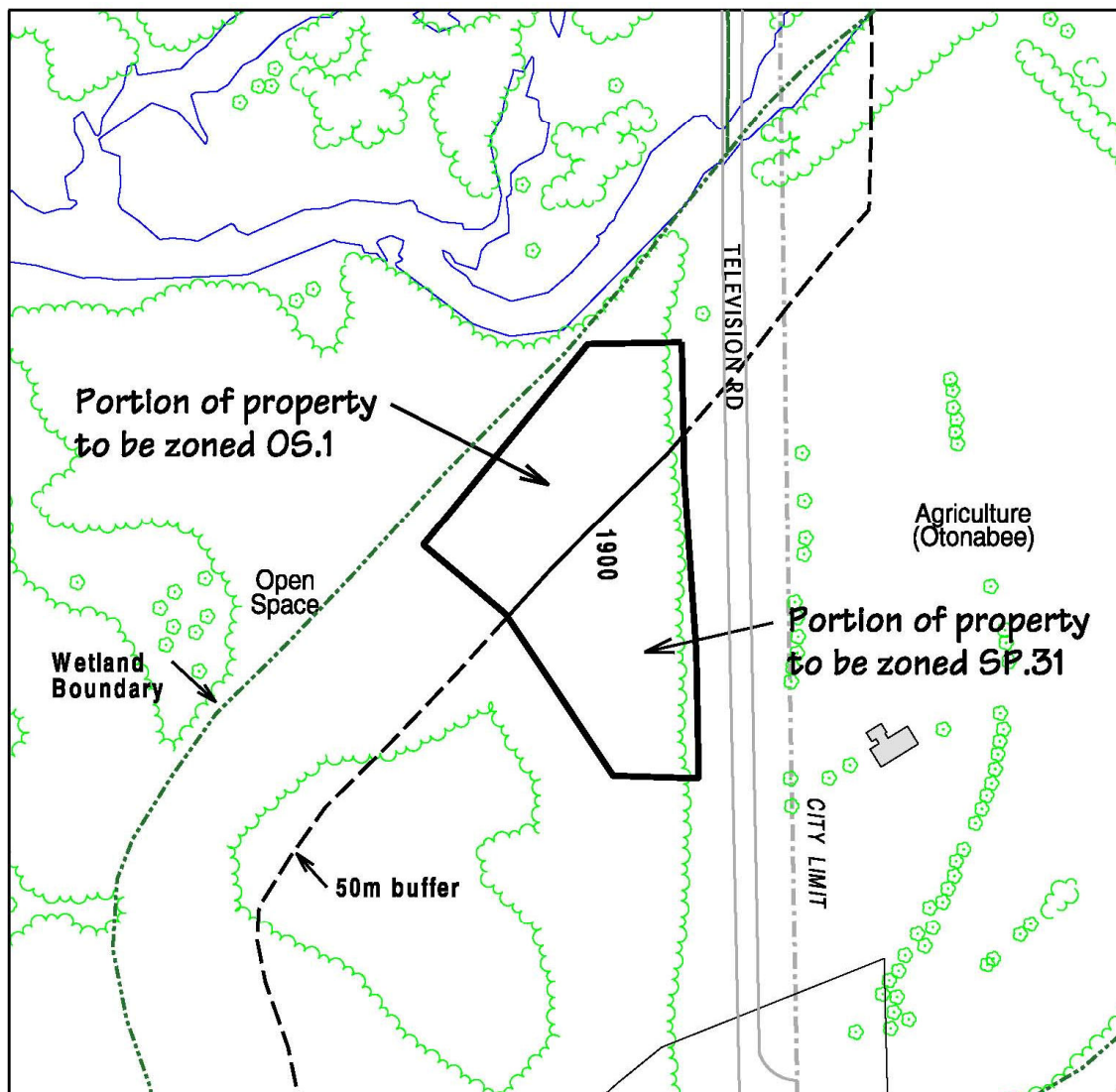


Land Use Map

File # z0907

Property Location: 1900 Television Rd

Exhibit B
Page 1 of 1



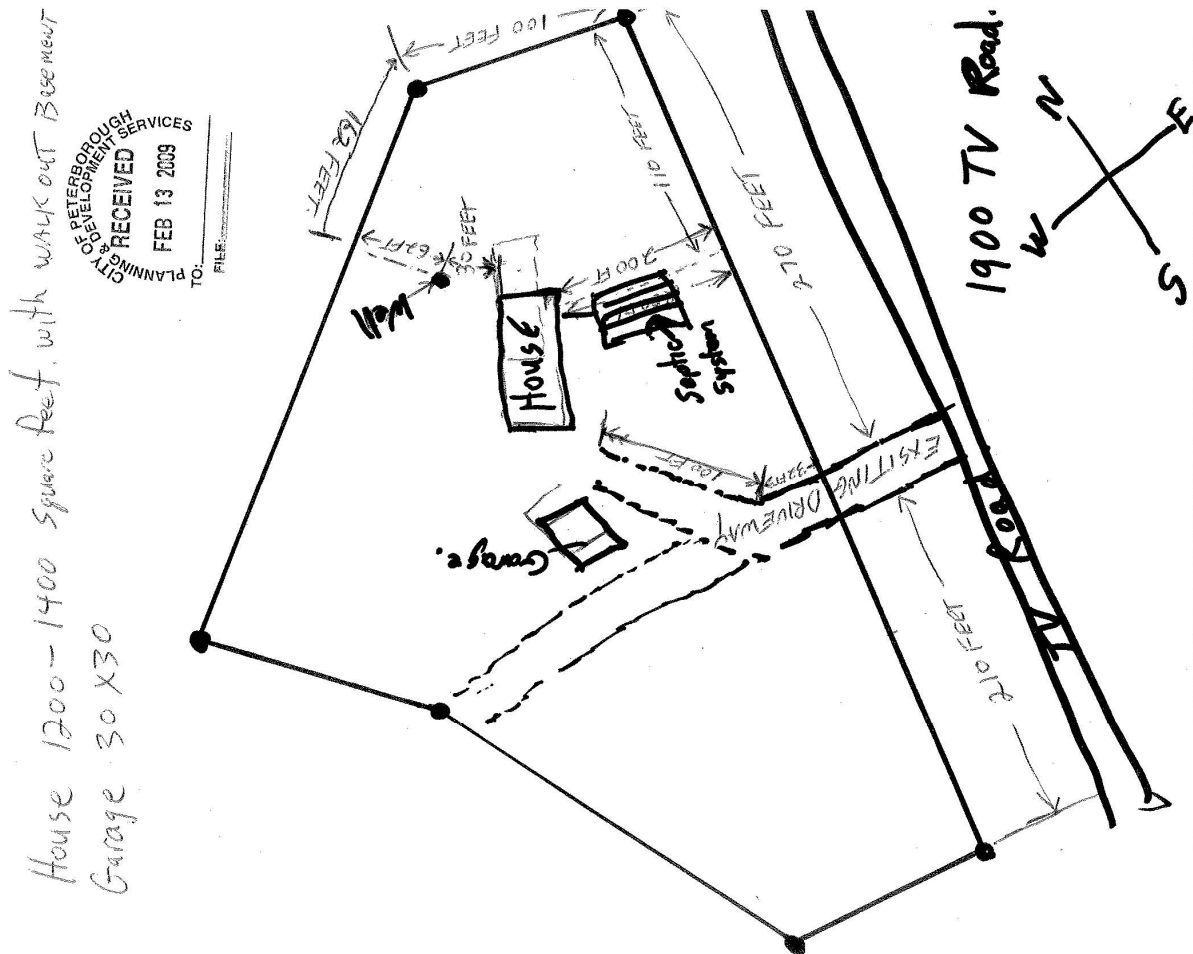
The City of Peterborough Planning Division

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Date - April 2009
Dwg. by - CBerry
Scale - 1:2000

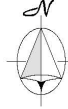
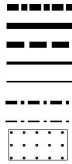
Exhibit C
Page 1 of 1



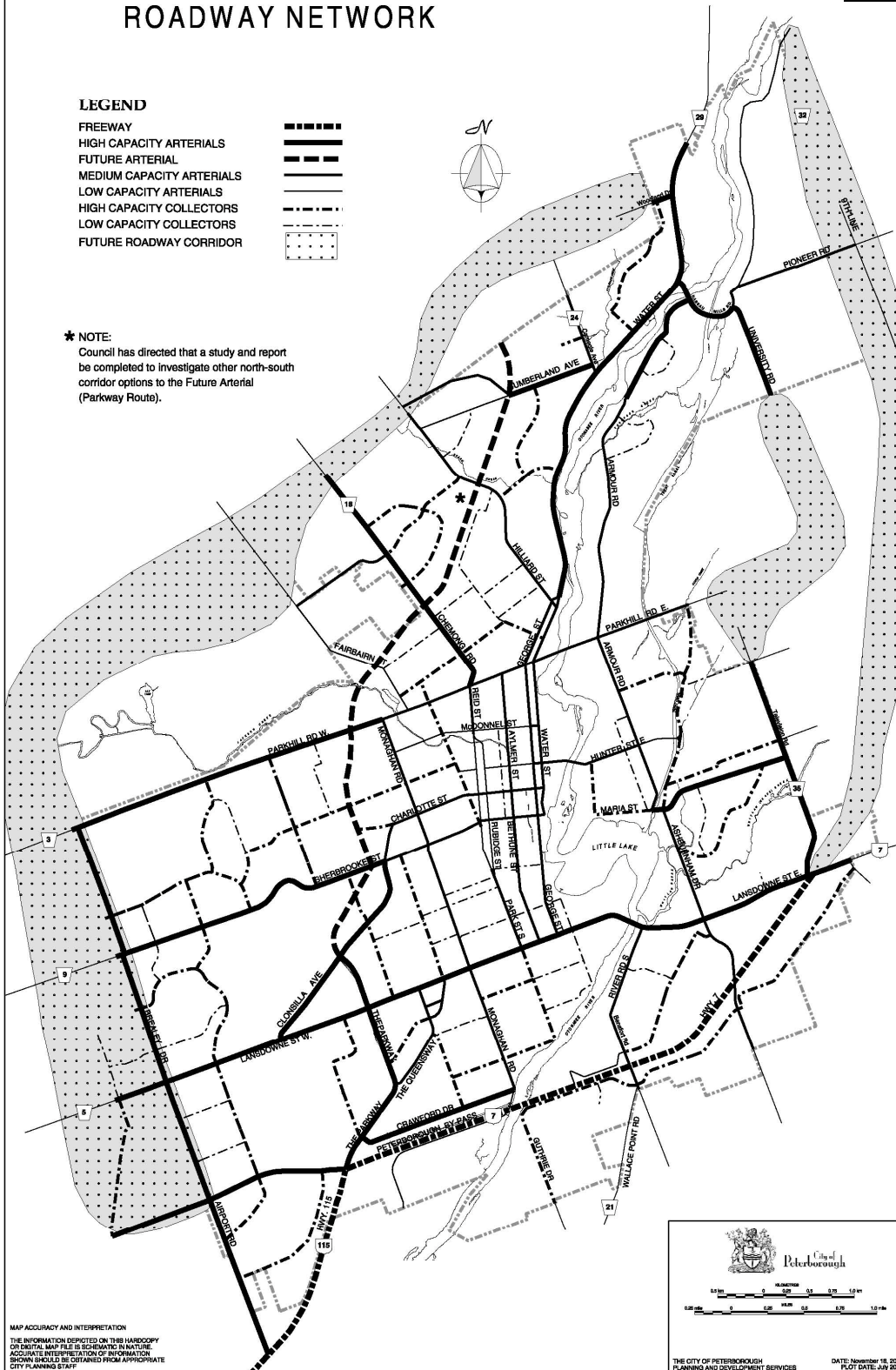
~ SCHEDULE - B ~ ROADWAY NETWORK

LEGEND

FREEWAY
HIGH CAPACITY ARTERIALS
FUTURE ARTERIAL
MEDIUM CAPACITY ARTERIALS
LOW CAPACITY ARTERIALS
HIGH CAPACITY COLLECTORS
LOW CAPACITY COLLECTORS
FUTURE ROADWAY CORRIDOR



*** NOTE:**
Council has directed that a study and report be completed to investigate other north-south corridor options to the Future Arterial (Parkway Route).



MAP ACCURACY AND INTERPRETATION
THE INFORMATION DEPICTED ON THIS HANDCOPY OR DIGITAL MAP FILE IS SCHEMATIC IN NATURE. ACCURATE INTERPRETATION OF INFORMATION SHOWN SHOULD BE OBTAINED FROM APPROPRIATE CITY PLANNING STAFF.

