



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: March 8, 2010

**SUBJECT: Report PLPD10-015
59, 61 and 63 Olive Avenue**

PURPOSE

A report to evaluate the planning merits of amending the Zoning By-Law as it relates to the properties known as 59, 61 and 63 Olive Avenue, to extend the SP.336 zoning of the adjacent lands, to facilitate a second phase of development for a 4 storey, multi-unit residential apartment building and supporting parking and landscaping.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD10-015 dated March 8, 2010, of the Manager, Planning Division, as follows:

- a) That the SP.336 – Special Residential District be amended in accordance with the draft amendment attached as Exhibit ‘C’ to Report PLPD10-015, to address the following:
 - i) Increase the maximum number of dwelling units from 57 to 61.
 - ii) Increase the maximum number of storeys from 3 to 4 in keeping with the Minor Variance approved by the Committee of Adjustment for Phase 1.
 - iii) Increase the minimum building setback from the street line to 6m for the first three (3) storeys; 9m for the fourth storey; and 5.5m from the northeast corner of the property for a pavilion roof only, in keeping with the Minor Variance approved by the Committee of Adjustment for Phase 1.
- b) That the zoning of the subject properties, be amended from the R.1, R.2, R.3, R.4 – Residential District to the SP.336 -‘H’ – Special Residential District, as

amended, to permit the expansion of the approved multi-unit residential building at 191-203 Rink Street, facilitating a total of an additional 4 units and related parking and landscaping facilities, in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD10-015.

- c) That the 'H' Holding Symbol be removed at such time as Site Plan Approval is granted for the subject properties, including:
 - i) a provision requiring that the properties known as 59, 61 and 63 Olive Avenue be merged in title with the adjacent lands known as 191 – 203 Rink Street; and
 - ii) road widening along Olive Avenue.

BUDGET AND FINANCIAL IMPLICATIONS

There are no direct budget or financial implications arising from the approval of these recommendations.

BACKGROUND

The subject application was originally received on September 1, 2009 and deemed to be complete on December 17, 2009, proposing an amendment to the zoning of the lands to permit an extension of the proposed multi-unit residential apartment on the adjacent lands. The effect of the extension is to increase the size of the proposed units from bachelor and one bedroom to two and three bedroom units, in addition to increasing the total number of units from 57 to 61.

A Zoning By-Law Amendment was approved by Council in June, 2007 to change the land use of the adjacent parcels known as 191 to 203 Rink Street from the R.1, R.2, R.3, R.4 – Residential Zoning District to the SP.336 – Special Residential District, to permit a multi-unit residential use with a maximum of 57 residential units. The proposed low profile high density residential development is consistent with the Central Area 'Commercial' and 'Transitional Uses Area' policies of the City of Peterborough Official Plan. The SP.336 Zoning District further supported a site specific parking ratio of 1.05 parking spaces per dwelling unit, consistent with the Area 1 (Central Business District Area) policies.

A Minor Variance was approved by the Committee of Adjustment in August, 2009 related to the Rink Street properties (Phase 1), to reduce the minimum building setback to 16m from the centre line of Rink Street and to increase the maximum building height from 3 to 4 storeys provided that the fourth storey is set back from the front and rear

face of the building to accommodate roof top terraces and gardens in relation to the fourth storey units. In addition, further variances to setback requirements were granted for the lands to facilitate the extension of Phase 1, dependant upon the rezoning of the subject lands.

The applicants have purchased the subject lands abutting the Rink Street properties, and intend to extend the proposed development to the southeast, increasing the total number of units to 61, with additional parking and landscaping, in accordance with the regulations as set out in the SP.336 zoning district. The proposed development is intended to support a mix of one and two bedroom units, with average sizes of 51m² (550 sq. ft.) and 72m² (775 sq. ft.). The height of the building is proposed to be 4 storeys, in accordance with the above noted decision of the Committee of Adjustment.

The proposed total lot area of the lands (Phase 1 and 2) is approximately 5265m² (56,674 sq. ft.). The overall density, therefore, of the development for 61 units is proposed at approximately 116 units per hectare (47 units per acre). This density is well within the high density range of 100 to 250 units per hectare, supported by the Central Area policies assigned to the properties in the City's Official Plan.

ANALYSIS

a) Official Plan

Schedule 'A' Land Use of the Official Plan, designates the subject property as "Commercial" and Schedule 'J' – Central Area Land Use Plan, identifies the property within the "Transitional Uses Area". Permitted uses within the "Transitional Uses Area" include:

- special care homes
- medium and high density residential
- institutional uses
- small scale office
- convenience retail and
- service commercial uses

The proposed zoning amendment is consistent with the Central Area policies of the City of Peterborough Official Plan. The Official Plan recognizes the diversity of the "Transitional Uses Area" and that redevelopment of property within this area will primarily occur in the form of high and medium density residential developments and small scale commercial development under relaxed zoning regulations. The properties are situated amongst commercial uses, including the Market Square Plaza on the north side of Rink Street and the commercial plaza at the southeast corner of Olive Avenue

and Rink Street, connecting to the commercial strip along George Street North. These commercial properties are situated within the 'Waterfront Commercial' sub-area of the Central Area designation in the Official Plan. The 'Transitional Uses' policies associated with the subject properties are designed to provide a transition from the adjacent 'Waterfront Commercial' areas and the residential areas outside the Central Area.

Section 4.2 of the Official Plan anticipates that the Central Area residential densities range between 25 to 100 dwelling units per hectare (10 to 40 dwelling units per acre) for medium density and 100 to 250 dwelling units per hectare (40 to 100 dwelling units per acre) for high density. The proposal anticipates a total density of approximately 116 units per hectare (47 units per acre) for both phases of the development. In reviewing applications that introduce medium and high density residential uses, the Official Plan requires that the impacts on adjacent low-density residential land uses be minimized by the provision of adequate parking, buffering, landscaping and setbacks. Redevelopment within this area is also required to reinforce the provision of pedestrian linkages with the adjacent waterfront commercial area and ensure that new buildings are designed to be compatible with existing buildings.

Urban Design Considerations:

The subject property lies within the "Transitional Uses" area as defined in Schedule 'J' – Central Area Land Use Plan, however, the property is bordered by the "Waterfront Commercial Area" and has prominence, as there are open views to it from the north and the east. Accordingly, from an urban design perspective, the proposed development should be in keeping with the objectives of the Official Plan for both land-use designations.

Being located next to the Waterfront Commercial Area, any building on the property should be no greater than four storeys in height (recessed fourth storey) and possess adequate architectural interest as the building will have prominence within the City's Central Area. Employing a high standard of urban design with a view to maintaining the openness of the area, is an important consideration when assessing development proposals in this area.

The development of the property must also be sensitive to the existing built form in the neighbourhood. Buildings in the area are one and one half or two storeys in height, are modest in size, and are located anywhere from 1.5m to 5.5m from the street line.

Given the proposed building massing, and the proposed building height, staff are recommending that the standard 6 metre setback from the Olive Avenue street line be adhered to. Existing houses would appear disproportionately small if the building were permitted to be constructed within the same existing setback distances of dwellings on Olive Avenue. The front yard landscape space is necessary for the establishment of long-lived trees. This will be a requirement at the Site Plan Approval stage of the development.

b) Zoning By-law

The subject property is currently zoned R.1, R.2, R.3, R.4 – Residential District in the City of Peterborough Comprehensive Zoning By-Law. The existing R.1, R.2, R.3, R.4 zoning of the properties dates back to 1972 and would permit up to a maximum of 5 residential units or a boarding house on the three properties combined, in accordance with the existing regulations. The Central Area policies were applied to the subject lands in 2000 as a result of the Commercial Policy Review. The lands are now subject to the Transitional Uses provisions of the Central Area policies, identifying opportunity for a potential not reflected in the current zoning of the properties. Uses permitted in the Transitional Uses Area include: high and medium density residential development, small scale office and studio uses, and home based business activity operating under relaxed zoning regulations.

The recommended SP.336 – Special District implements the policy objectives of the Official Plan. The subject application facilitates an extension of the multi unit development permitted on the adjacent property, by an additional 4 units, and therefore, staff recommend that the Special District regulations assigned to the property reflect the following standards:

- i. Maximum of 61 dwelling units;
- ii. Maximum height of 4 storeys;
- iii. Parking to be provided at a ratio of 1.05 spaces per unit;
- iv. Maximum building coverage of 30%;
- v. Maximum lot coverage by open parking areas, driveways and vehicle movement areas shall be 45% of the lot area;
- vi. Minimum lot area per dwelling unit of 76m²;
- vii. Minimum setback from side lot line 7m;
- viii. Minimum setback of 6m from the street line for the first three storeys; 9m for the fourth storey; and 5.5m from the northeast corner of the property for a pavilion roof only.

c) Site Development

Site Plan Control is required for the proposed redevelopment of the properties as a multi-unit residential development. The proposal has been subject of discussion with staff and the neighbouring residents regarding the details of the site development.

The proposal contemplates the replacement of the existing single detached dwellings with an extension of the proposed multi-unit residential dwelling on the adjacent Phase 1 lands. The location of the proposed building will reflect the existing building elevation setback along the Rink Street frontage and will compliment the existing multi-unit residential building fronting onto Rink Street to the west. The building façade along Olive Avenue is proposed to be set back a distance of 6m from the street line, west of the existing dwellings along the west side of the street. The proposed concept plan will

have the effect of extending the proposed building to approximately the southerly lot line of 63 Olive Avenue, with proposed driveway, parking and landscaping to be located on the lands known as 61 and 59 Olive Avenue. The site development will include appropriate screening and buffering of the parking area along both the westerly and southerly lot lines abutting other residential land uses.

It is proposed that a total of 63 parking spaces, including three disabled parking spaces, be provided at grade, to be accessed from a driveway extending west from Olive Avenue. The proposed site plan reflects a landscaped strip along the perimeter of the parking area, with planting throughout the strip along the southerly property line.

A daylighting triangle at the intersection of Olive Avenue and Rink Street has also been incorporated into the proposed concept plan to illustrate the site's ability to accommodate this at the Site Plan Approval stage. A request for the future widening of Olive Avenue has been made as a result of the agency circulation of the application. The Olive Avenue right of way is substandard to the normal requirement for a local road. Utility Services Department has indicated that a widening of Olive Ave to an approximate width of 12m (40 ft.) will result in a possible requirement for 3m (10 ft.) from the subject lands. A 3m (10 ft.) widening can be accommodated on the site without negative impact to parking and buffering. The precise amount of the widening will be determined at Site Plan Approval stage.

RESPONSE TO NOTICE

a) Significant Agency Responses:

Agency circulation was issued on December 17, 2009.

Peterborough Utilities Services Inc. notes that development charges for water will be applied to the additional building space and that the developer will be responsible for all charges related to the removal of unused service connections. Both water and electric services will be subject to a review of the servicing requirements of the new building.

The City's Utility Services Department has no objection to the proposed zoning application in principle, provided that prior to final approval, the Director of Utility Services be satisfied that adequate services exist for the proposed use; and that the plan be revised to reflect the required road widening on Olive Avenue, in keeping with phase one of the development.

The Kawartha Pine Ridge District School Board has no objection to the application. The School Board expects this proposal to generate approximately 2 elementary and 1 secondary school students from the proposed 61 unit apartment building, attending

Prince of Wales Public School and Peterborough Collegiate and Vocational School respectively.

The City's Community Services Department has provided comment from PACAC regarding the application and the proposed removal of the existing buildings on Olive Avenue. Based on PACAC's standard evaluation procedure, all three existing buildings, situated on the subject lands, have scored high enough to warrant further research. Although a recommendation for designation has not yet been made to Council, the Committee has expressed concern with the demolition of the existing buildings and the loss of heritage landscape associated with the 19th century working class neighbourhood. The Committee is concerned that the proposed development will replace green space with asphalt and diminish the diversity of family types now accommodated in the area. Staff have provided urban design comments to be implemented at the Site Plan Approval stage, to ensure compatibility from a design perspective, while the applicants have provided for a mix of sizes of units.

The applicants have a waste plan in place and have committed to donating the bulk of the materials from the existing buildings to Habitat for Humanity. The development is also proposed to qualify for LEED (Leadership in Energy and Environmental Design) Certification under the Green Building Rating System. This system encourages sustainable green building and development practices with universally accepted tools and performance criteria.

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

b) Summary of Public Responses:

Notice of Complete Application was issued by newspaper advertisement (Peterborough Examiner) on December 8, 2009 and by direct mail on December 17, 2009. Notice of Public Meeting was issued on February 9, 2010 by direct mail and by newspaper advertisement (Peterborough Examiner). The notice complies with the requirements of the Planning Act.

Written correspondence has been received from Wayne Vick, neighbouring landowner on Olive Avenue. Mr. Vick objects to the rezoning request, suggesting that the demolition of the existing homes to accommodate the proposed apartment building will create traffic problems and negatively impact the architectural significance of Olive Avenue. Mr. Vick suggests that the proposed apartment building lacks character and

long term stability, currently afforded by the existing dwellings. Mr. Vick also anticipates a negative impact of the proposed development on the privacy of his property.

Submitted by,

Ken Hetherington,
Manager, Planning Division

Prepared by,

Caroline Kimble,
Land Use Planner

Concurred with,

Malcolm Hunt, Director
Planning and Development Services

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Attachments:

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

Land Use Map

Exhibit A
Page 1 of 1

File # z0912

Property Location: 59, 61, 63 Olive Ave

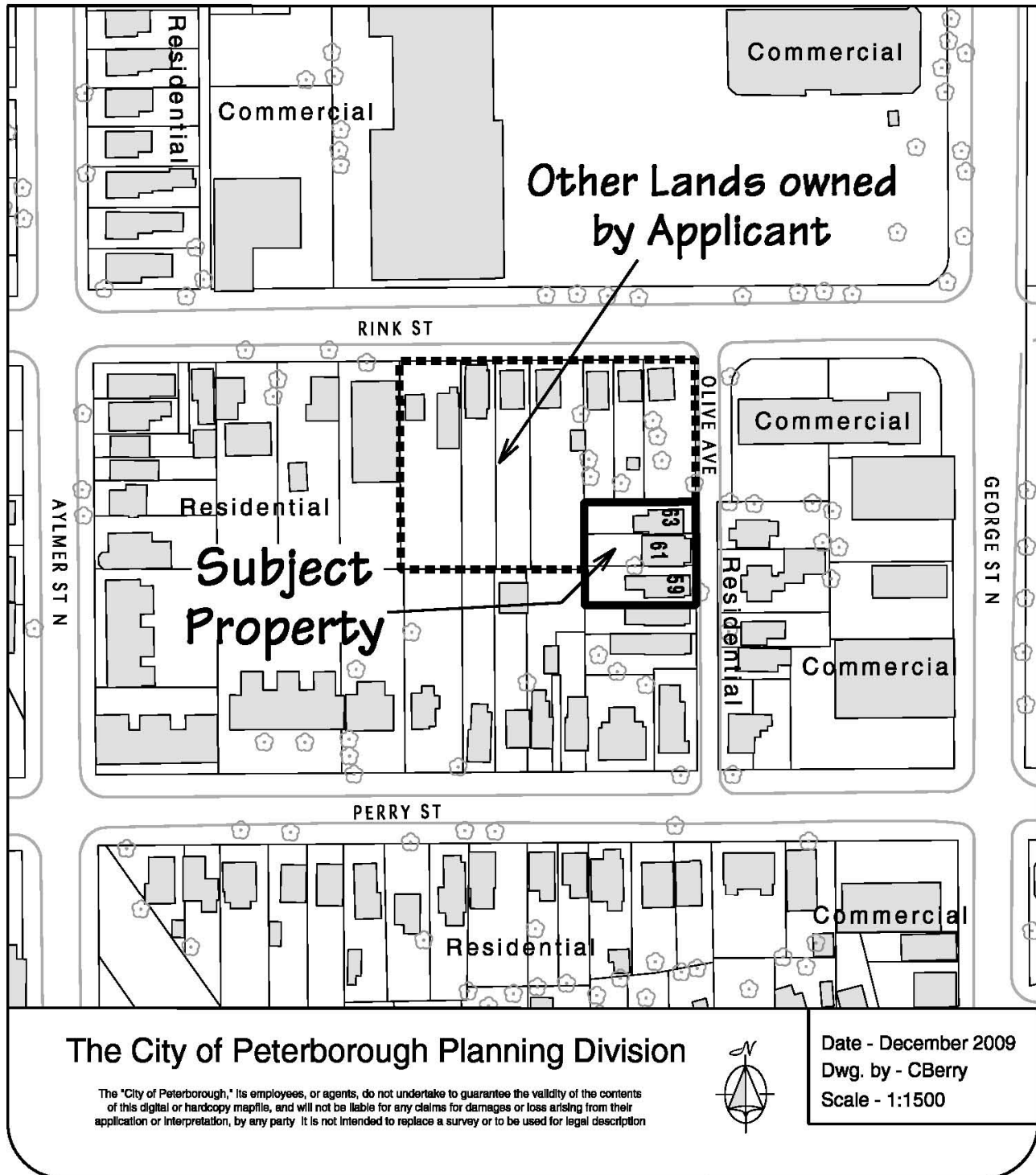
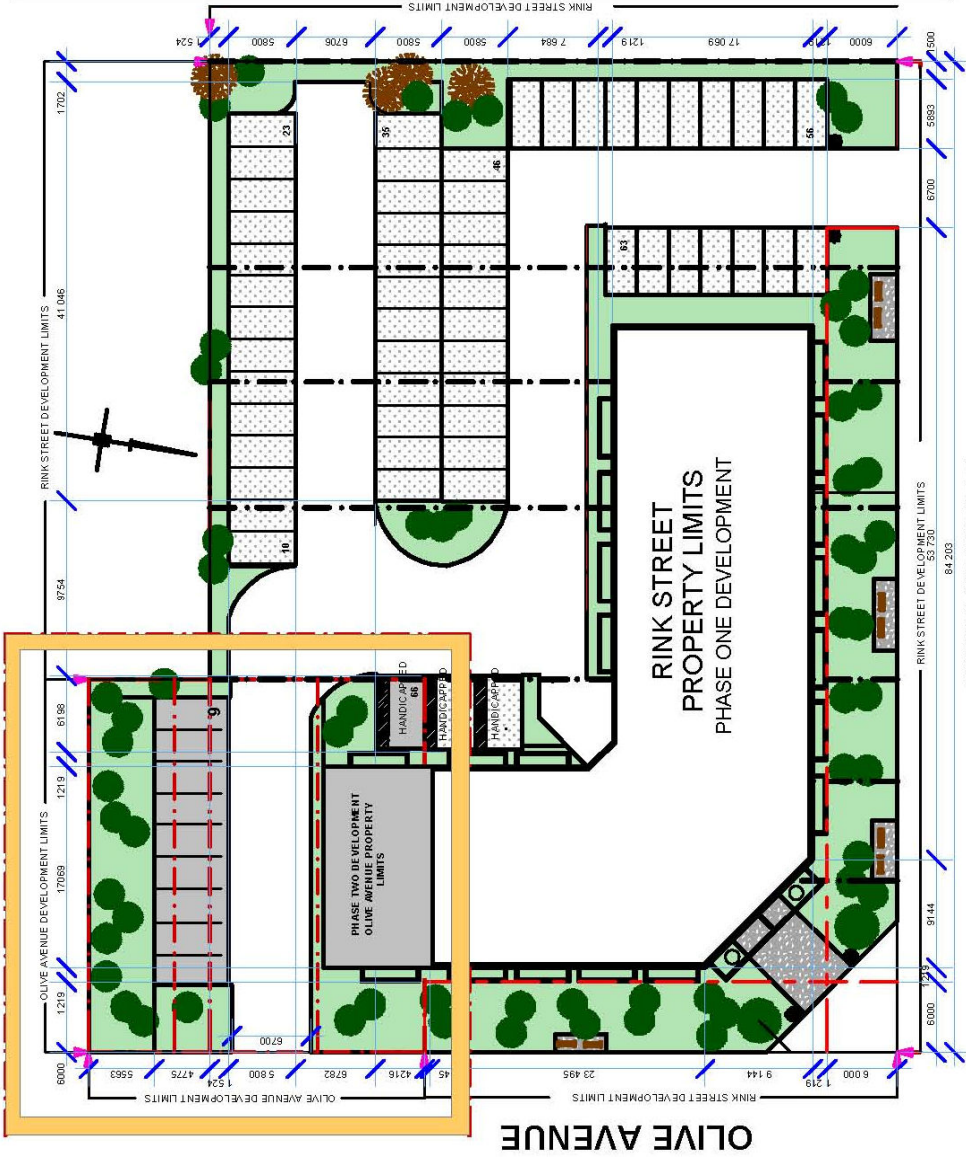


Exhibit B
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AREA SUBJECT TO ZONING AMENDMENT



PHASE TWO DEVELOPMENT	
SITE STATISTICS - OLIVE AVENUE DEVELOPMENT	
LOT AREA	9,736 SQ. FT. 904.5 SQ. M.
BUILDING COVERAGE	1,668 SQ. FT. 154.9 SQ. M. 17.13 %
PAVED AREA	4,075 SQ. FT. 379 SQ. M. 41.85%
BUILDING HEIGHT	4 STOREYS
BUILDING TYPE	APARTMENTS
NUMBER OF UNITS	7 UNITS
UNIT TYPES	1 BEDROOM 2 BEDROOM
AVERAGE UNIT SIZE	550 SQ. FT. 775 SQ. FT.
DENSITY	
TOTAL AREA ALL FLOORS	
MAIN FLOOR	1688 SQ. FT.
2ND FLOOR	1668 SQ. FT.
3RD FLOOR	1668 SQ. FT.
4TH FLOOR	893 SQ. FT.
TOTAL	5,897 SQ. FT.
PARKING	63 SPACES 3 HANDICAPPED
SPACES WILL BE ADJUSTED, PHASE ONE WILL LOSE 6 SPACES FOR NEW TRAFFIC CONFIGURATION, NEW LAYOUT WILL PROVIDE ADDITIONAL SPACES TO REACH NEW TOTAL	
PROVIDED	1.05 SPACES / UNIT

RINK STREET
OLIVE AVENUE RE-ZONING APPLICATION



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THE CORPORATION OF THE CITY OF PETERBOROUGH
BY-LAW NUMBER 10-_____

Exhibit C
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BEING A BY-LAW TO AMEND THE ZONING BY-LAW FOR
59, 61 AND 63 OLIVE AVENUE

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL
THEREOF HEREBY ENACTS AS FOLLOWS:

1. Section 366.3 Regulations of SP.336 By-Law 1997-123 is amended by:
 - a) increasing the maximum number of dwelling units in Section 366.3a) from 57 to 61;
 - b) increasing the maximum building height in Section 366.3e) from 3 to 4 storeys
 - c) adding the following provision:

“h) Notwithstanding the building setback provision from streets in Sections 6.9 and 6.11, a minimum building setback of 6m shall be provided from the street line, for the first 3 storeys; 9m for the fourth storey; and 5.5m from the northeast corner of the property for a pavilion roof only.”
2. **Map 18** 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.1, R.2, R.3, R.4 to SP. 336-‘H’**.
3. The ‘H’ – Holding Symbol will be removed from the Zoning By-Law upon Site Plan Approval being granted for 59, 61 and 63 Olive Avenue (the ‘Subject Property’), such Site Plan to include provisions:
 - a) Requiring that the Subject Property be consolidated;
 - b) Requiring that 191 - 203 Rink Street be consolidated with the Subject Property; and
 - c) Requiring the dedication of land to the City for a road widening along Olive Avenue.

By-law read a first, second and third time this day of _____, 2010.

(SEAL)

D. Paul Ayotte, Mayor

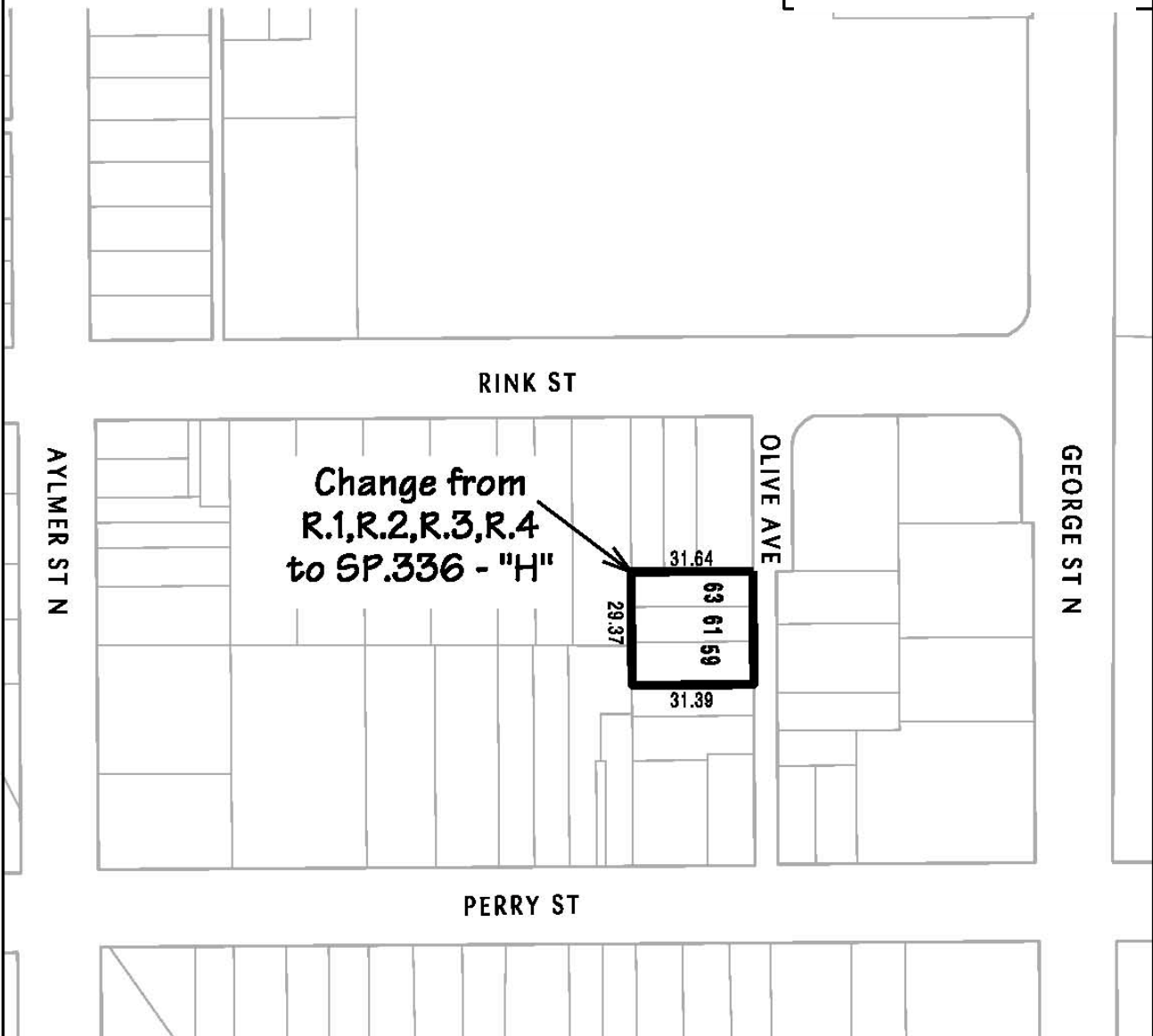
Nancy Wright-Laking, City Clerk



Dimensions are in metric

SCHEDULE 'A' TO
BYLAW 2010 -

Exhibit C
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City of
Peterborough

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File: z0912

Scale: 1:1500