



City of
Peterborough

TO: **Members of the Planning Committee**

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

MEETING DATE: **July 26, 2010**

SUBJECT: **Report PLPD10-059**
21 Barnardo Avenue

PURPOSE

A report to evaluate the planning merits of amending the Zoning By-Law as it relates to the property known as 21 Barnardo Avenue, from the UC – University and College District and from the OS.2 – Open Space District 2 to the SP.6 – Special Residential District, to permit a multi unit residential building in keeping with the Medium Density Residential policies of the City of Peterborough Official Plan.

RECOMMENDATION

That Council approve the recommendation outlined in Report PLPD10-059 dated July 26, 2010, of the Manager, Planning Division, as follows:

That the zoning of the subject property be amended from the R.1 Residential District, to the SP.6, 2m – Special Residential District, to permit a multi unit residential apartment building, in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD10-059.

BUDGET AND FINANCIAL IMPLICATIONS

There are no direct budget or financial implications arising from the receipt of this report.

BACKGROUND

The subject application was received on February 23, 2010, proposing an amendment to the zoning of the lands to permit the construction of a 40 unit, 3 storey apartment building and related parking and landscaping. The application was submitted together with a concept site plan, landscape plan, and a tree removal/preservation plan. A preliminary stormwater management plan was also provided subsequent to comments received from the City's Utility Services Department.

The subject property represents a consolidation of 3 parcels of land, including the former Churchill Drive right-of-way. The City of Peterborough declared a portion of the property, known as 765 Churchill Drive and the abutting road allowance (Churchill Drive) as surplus to the needs of the Municipality in October, 2006 (Report PLPD06-084, dated October 16, 2006). In February of 2008, Council approved the sale of these lands to the Moloney Project Development Corporation (Applicant for current Zoning By-Law Amendment) who owned the abutting lands at 739 Churchill Drive.

The sale of the former City owned portion was subject to a Request for Proposals (RFP) (P-13-07) process verses a simple request for offers. The RFP related to the sale of the former City owned portion generated interest from two parties, including the current owner/applicant. Staff recommended the property be sold to Moloney Project Development Corporation after consideration of both proposals and in part, based on the proposed concept to develop the lands for a 16 unit condominium garden home community. Council approved these recommendations (Report PLPD08-009 dated February 19, 2008). Although the RFP requested that a development concept be provided, it did not obligate the applicants to develop the property in a certain way and the land was not sold conditionally on that concept. The subject application represents a departure from the 2008 garden home concept that the owner/applicant has indicated is no longer marketable at this location. The departure from the garden home concept has generated concern from the neighbouring residents regarding the increase in the proposed number of units for the lands.

A neighbourhood meeting related to both the subject application and the owners' application for the redevelopment of the Peter Robinson Residence lands at the north west corner of George Street North and Parkhill Road West was hosted by the applicants at Queen Alexandra Community Centre on June 9, 2010 . The meeting was

well attended by area residents and provided an opportunity to review preliminary plans for the proposed development. Comments were received from the neighbourhood expressing concern with management of stormwater; loss of privacy; lighting interference with adjacent properties; snow removal; rental rates; tenancy; and long term enforceability of site plan requirements. In addition, the neighbours have expressed concern with the change in the development proposal from the concept proposed as part of the 2008 RFP process and decision making related to the sale of a portion of the lands.

Staff have had further discussions with representatives of the neighbourhood and the applicant/owner regarding the application. Discussions with neighbourhood representatives have provided Planning Staff and the applicant with a clear understanding of the concerns and has provided opportunity to explore options for the development. The applicant has indicated a willingness to address site plan and building design concerns related to lighting, rooftop mechanical noise, and has agreed to consider alternative environmental options for the design and maintenance of the building, including the incorporation of some LEED (Leadership in Energy and Environmental Design) technology. Site Plan Approval will be required to facilitate the development of the lands, subsequent to any approval of the land use through zoning amendment. Council retains the authority to approve residential developments of more than 25 units, and as such, will have the opportunity to consider detailed site plan issues at that time.

ANALYSIS

a) Official Plan

Schedule 'A' Land Use of the Official Plan, designates the subject property as "Residential" and Schedule 'E' – Residential Density, identifies medium and high density designations of land within the City.

The Medium Density Residential policies of the Official Plan anticipate buildings with a maximum height of five storeys above grade and a density range of 25 to less than 75 dwelling units per hectare outside of the central area of the City where the density range is higher. The subject application for 40 units proposes a density of approximately 55 units per hectare, and a height of 3 storeys, consistent with the range identified by the policy.

Section 4.2.5.7 of the Official Plan details Evaluation Criteria to be used to assess an Official Plan or Zoning By-Law Amendment application proposing medium or high density development. The elevation of the subject property is considerably lower than the adjacent properties fronting onto O'Carroll Avenue and Kingan Avenue, lessening the impact of the proposed 3 storey height of the apartment building. The concept site

plan also proposes generous side and rear yard setbacks and a building footprint of less than 20% of the lot area. Municipal servicing is available to service the proposed development with specific details related to the stormwater management plan to be finalized at the Site Plan Approval stage. The site is situated adjacent to the Rotary Trail, offering access to the City's linked park system. The applicant has also provided a tree removal/preservation plan to identify existing trees to be retained. This can also be included as part of a future Site Plan Agreement.

The proposed zoning amendment is consistent with the Medium Density Residential policies of the City of Peterborough Official Plan. The Official Plan recognizes the ability of the property to redevelop to support a higher density of residential use.

b) Zoning By-law

The subject property is currently zoned UC – University and College District and OS.2 – Open Space District 2 and a very small sliver of the former Churchill Drive right of way, included in the subject property is currently zoned R.4 – Residential District 4 in the City of Peterborough Comprehensive Zoning By-Law. The existing zoning of the property does not support the proposed medium density residential development and requires amendment.

The subject lands are vacant and abut an open space corridor (Peter Robinson – Rotary Trail). The surrounding lands are primarily residential, with some institutional uses dispersed throughout the neighbourhood. The owner has conveyed 10 feet of property to the owner of the abutting apartment building at 167 Barnardo Avenue to recognize an existing parking lot to support the residential use. In addition, the owner has agreed to grant a right-of-way across the easterly portion of the driveway (former Churchill Drive right-of-way) to the property at 167 Barnardo Avenue to provide access to the existing parking lot.

The recommended SP.6 – Special District implements the policy objectives of the Official Plan. The subject application facilitates the redevelopment of the property within the regulations of this existing zoning category, save and except the minimum lot width. Staff recommend that the Special District regulations of the SP. 6 – Special District, together with alternative regulation 2m (permitting a minimum lot width of 15m to recognize the existing width at the easterly portion of the property) be assigned to the property, in accordance with the following:

- i. Minimum Lot Area of 1850 square metres;
- ii. Minimum Lot Area of 92 square metres per dwelling unit;
- iii. Minimum Lot Width of 30 metres (Reduced to 15m as per Exception 2m);
- iv. Minimum building setback from side lot line of 3 metres or one half the height of the building, whichever is greater;
- v. Minimum building setback from rear lot line of 10 metres or the height of the building, whichever is greater;
- vi. Maximum building coverage of 30% of the area of the lot;

- vii. Maximum height of 3 storeys;
- viii. Maximum lot coverage by open parking areas, driveways and vehicle movement areas of 30%;
- ix. Minimum landscaped open space of 20% of the area of the lot;
- x. Not more than 4 motor vehicles shall be placed within 3 metres of a street line;
- xi. A motor vehicle parking space or driveway shall not be located within 1.5 metres of a window to a habitable room only along one side of an apartment dwelling;
- xii. The minimum parking space requirement is one space per dwelling unit plus 6 additional parking spaces.

c) Site Development

Site Plan Control is required for the proposed redevelopment of the property 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 construction of a 3 storey apartment style building with a total of 40 units, together with parking and landscape areas. Parking is proposed at a ratio of approximately 1.5 spaces/unit, identifying a total of 61 parking spaces on the concept plan. The location of the proposed apartment building is at the south east portion of the property. The concept plan proposes to screen the southerly portion of the parking lot with landscaped treatment. Proper tree species and adequate tree coverage will be a priority at the Site Plan Approval stage to mitigate negative impacts of the introduction of additional parking and building mass to the site.

Lighting and noise concerns will also be addressed through approval of acceptable design, supported by professional analysis at the Site Plan Approval stage.

RESPONSE TO NOTICE

a) Significant Agency Responses:

Agency circulation was issued on March 25, 2010.

Peterborough Utilities Services Inc. notes that development and frontage charges for water and electric line extension will be required to service this site. Development agreements will be required for both water and electrical servicing.

The City's Utility Services Department has no objection to the proposed zoning or land use in principle, provided that adequate on site parking is provided in accordance with

the proposed total number of spaces illustrated on the concept site plan. A final stormwater management report will be required at final site design providing both quantity and quality controls for the site. A road widening of approximately 2 metres is required along the frontage of the site to ensure a street line at a distance of 10.0m from the centre line of Barnardo Avenue. Additional comments are also provided to be considered at the Site Plan Approval stage, including a requirement that the owner provide funding for a future sidewalk across the frontage of the property along Barnardo Avenue as part of a Site Plan Agreement.

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 March 31, 2010 and by direct mail on March 25, 2010. Notice of Public Meeting was issued on July 2, 2010 by direct mail and by newspaper advertisement (Peterborough Examiner). The notice complies with the requirements of the Planning Act.

Planning Staff have heard from several neighbours as part of the neighbourhood meeting and subsequently from representatives of the neighbourhood. Written correspondence has also been received from Ronald Lawes, owner of the adjacent 7 unit apartment building at 167 Barnardo Avenue, suggesting that the application is premature. Mr. Lawes expressed concern with the reduction in the turning radius into the existing parking area to his building, and limiting access for emergency vehicles due to the introduction of proposed parking spaces along the easterly property line, opposite the entrance to his parking via the subject lands. Mr. Lawes suggests removal of 13 proposed parking spaces along the easterly property line. In addition, Mr. Lawes has expressed concern with the management of the overland stormwater flows from Barnardo Avenue and water backup impacting the lower units of his building. Mr. Lawes recommends a more detailed watershed study to address overland flow be provided. Additional concerns about the proposed concept site plan, including possible impact on the existing retaining wall at 167 Barnardo Avenue; screening along the joint property line at the south end of 167 Barnardo Avenue and lighting controls in the proposed parking areas. Planning Staff have met with Mr. Lawes to discuss his concerns. The Site Plan Approval process will address specific stormwater management controls; access and traffic circulation; screening and lighting. Specific measures to address these concerns will be included in a future Site Plan Agreement for the subject property.

Submitted by,

Ken Hetherington,
Manager, Planning Division

Prepared by,

Concurred with,

Caroline Kimble,
Land Use Planner

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Attachments:

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

Land Use Map

File # z1007

Property Location: 21 Barnardo Ave

Exhibit 'A'
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The City of Peterborough Planning Division

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Date - March 2010
Dwg. by - CBerry
Scale - 1:3000

Exhibit 'B'
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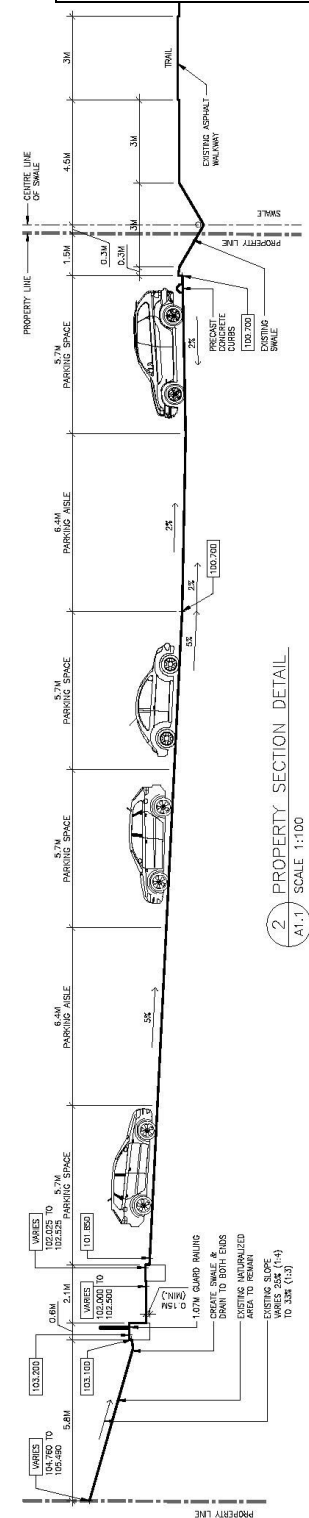


Exhibit C
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THE CORPORATION OF THE CITY OF PETERBOROUGH
BY-LAW NUMBER 10-_____

BEING A BY-LAW TO AMEND THE ZONING BY-LAW FOR
21 BARNARDO AVENUE

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

1. **Map 7** 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.4, UC and OS.2 to SP. 6, 2m.**

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

D. Paul Ayotte, Mayor

(SEAL)

Nancy Wright-Laking, City Clerk

Exhibit 'C'
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