



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: July 26, 2010

SUBJECT: Report PLPD10-056
Draft Plan of Subdivision 15T-10505
City of Peterborough
1850 and 1900 Technology Drive

PURPOSE

A report to evaluate the planning merits of an application for Draft Plan of Subdivision approval for the properties at 1850 and 1900 Technology Drive.

RECOMMENDATION

That Council approve the recommendation outlined in Report PLPD10-056 dated July 26, 2010, of the Manager, Planning Division, as follows:

That Draft Plan of Subdivision Approval for Plan 15T-10505 be granted, subject to the Conditions of Draft Plan Approval attached to Report PLPD10-056, as Schedule 1.

BUDGET AND FINANCIAL IMPLICATIONS

Costs associated with filling and grading approximately 2.9 ha (7.2 ac) of the site to a preliminary level and the construction of a public street and services will be borne by Drain Brothers Excavating Limited in exchange for a 2.9 ha (7.2 ac) parcel of land within the Draft Plan. As the applicant/developer, the City of Peterborough will be responsible for filling and grading the remainder of the property as well as additional costs associated with the development of the site including the preparation and

implementation of any studies required as conditions of Draft Plan Approval and the reconstruction of Technology Drive to a minimum elevation to ensure safe access as per ORCA regulation.

The 2010 Capital Budget approved \$100,000 for filling of the subject property in 2010 and an additional \$100,000 is forecasted for 2012. There is presently approximately \$345,000 available in the City's Industrial Parks account to fund the reconstruction of Technology Drive which is estimated to cost approximately \$190,000 across the frontage of the lands and for the additional studies required as conditions of Draft Plan Approval.

BACKGROUND

The City of Peterborough has initiated an application to develop a plan of subdivision consisting of three Blocks for future industrial use, a Block for drainage purposes, a Block for open space/potential future trail purposes, and a new cul-de-sac street to access Technology Drive.

The subject lands are approximately 12.1 hectares (30 acres) in size and are located within the Peterborough Industrial Park East at the addresses municipally known as 1850 and 1900 Technology Drive. The lands are currently vacant and are bounded by Highway 7/115 to the north, the City limit and Technology Drive to the south, Siemens Milltronics to the east and a Canadian Pacific Railway Corridor and the former National Grocers facility to the west. The Coldsprings & Yankee Bonnet Provincially Significant Wetland (PSW) is located south of Technology Drive. A local service hydroelectric line owned by Hydro One currently runs north-south through the centre of the property.

In 2007, the Greater Peterborough Area Economic Development Corporation (GPAEDC), in co-operation with area municipalities, completed an Industrial Land Inventory that concluded there are few industrial parcels in the City that are available for small-scale industrial activities, particularly in Prestige Industrial areas. To address this need, the City re-zoned the subject lands in 2008 to M2.3 (Prestige and Service Industrial) to allow the lands to be developed with a wider range of uses and lot sizes.

In July 2008, Council passed By-law 08-119 authorizing the Mayor and Clerk to transfer approximately 2.9 hectares (7.2 acres) of the subject lands to Drain Brothers Excavating Limited in response to a development proposal made by Drain Brothers as detailed in Committee of the Whole Report PLPD08-047 (June 9, 2008). In particular, in exchange for receiving approximately 2.9 hectares of land to construct and operate a regional service centre for heavy equipment, Drain Brothers would design and build a new public street to the rural cross-section found throughout this industrial park, to place urban services in the street, and to absorb all the fill placement costs required to develop the parcel they would receive. The City would thereby retain approximately 6.15 hectares

(15 acres) of serviced industrial land with frontage options on 2 streets, and thus have a more flexible inventory to sell. At the time, staff foresaw the proposal as a means of signaling renewed interest in Peterborough Industrial Park East and overcoming the perception that the site is too difficult to develop.

The proposed draft plan of subdivision seeks to facilitate the Drain Brothers proposal as endorsed by Council and address the industrial land needs identified by the GPAEDC. By creating three medium-sized industrial blocks and a public road allowance, the draft plan of subdivision will create not only the property to be transferred to Drain Brothers, but also the opportunity to create smaller industrial lots to meet individual user needs. Any development on the proposed Blocks or future conveyances thereof will be subject to site plan control to address issues such as lot grading, stormwater management, vehicular access and loading, storage, parking, building location and landscaping.

ANALYSIS

a) Provincial Policy

In pursuing this subdivision plan, the City of Peterborough is in part fulfilling its obligation under Section 1.3 of the Provincial Policy Statement (PPS) to promote economic development and competitiveness. The plan helps the City to provide for an appropriate mix and range of employment to meet long-term needs by expanding the range and choice of suitable sites for available for industrial employment use in the City.

Consistent with Section 2.1 of the PPS, the Plan seeks to maintain connectivity of natural features in the area, and improve the long-term ecological function and biodiversity of surrounding natural heritage systems through the use of a natural vegetated buffer and the protection of the connecting function that the area along the Canadian Pacific Railway provides between the Coldsprings and Yankee Bonnet wetland and the Beavermeade Park/Little Lake area.

Recently, it became known that some portions of the site are subject to floodplain conditions. Generally, the current PPS (effective 2005) prohibits development and site alteration within floodplains and on sites that would be rendered inaccessible to people and vehicles during times of flood. In consultation with the Otonabee Region Conservation Authority (ORCA), the City has been placing fill on the property for some time prior to its classification in part as floodplain. In 2003, the Authority developed a plan for the City to fill and prepare the site for future development.

The PPS 1997, which was in effect when preparation of the site for development began, indicated that development in areas subject to flooding is possible provided the hazard can be safely addressed, and the development and site alteration is carried out in accordance with established standards and procedures. The work being proposed presently is a continuation of work that was developed and commenced under previous

provincial policy in consultation with ORCA and in accordance with standards and procedures in effect at the time. Accordingly, staff is satisfied that appropriate regard was had to provincial policy in effect at the time the development was commenced and therefore the proposed development remains consistent with provincial policy.

In order to ensure that the lands remain accessible during times of flood, the proposed conditions of Draft Plan Approval require Technology Drive to be raised to an elevation of 197.2 metres geodetic over a distance of approximately 325 metres across the frontage of the lands to the satisfaction of ORCA.

b) Official Plan

The subject property is designated “Industrial” by Schedule ‘A’ - Land Use of the Official Plan, “Employment Area” by Schedule A1 - City Structure and “Prestige Industrial” by Schedule ‘O’ - Industrial Land Use. Uses permitted within the Prestige Industrial designation include:

- contained assembly, manufacturing and processing uses;
- warehousing;
- research and development laboratories;
- engineering and technical services;
- communication and broadcasting facilities; and,
- industrial offices.

The proposed Draft Plan of Subdivision complies with the existing Official Plan designations on the site.

c) Zoning By-law

The developable portion of the property is currently zoned M2.3 – Prestige and Service Industrial while the portion to be retained for drainage purposes is zoned OS.1 – Open Space District 1.

The M2.3 zone allows all uses permitted under the M2.1 – Prestige Industrial zone while also allowing business service establishments, heavy truck and equipment sales and service, and rental establishments (excluding automobile and video rentals). Compared to the Prestige Industrial zone, the Prestige and Service Industrial zone offers flexibility for smaller lot and building sizes while maintaining same landscaping, setback and coverage requirements as the Prestige Industrial zone.

The proposed subdivision complies with the current zoning. Additional industrial lots may be created in the future subject to compliance with the M2.3 zone to meet individual user needs.

d) Draft Plan of Subdivision

The Draft Plan of Subdivision application proposes to establish a cul-de-sac street accessing the site from Technology Drive that is approximately 145 metres in length and has an allowance width of 26 metres.

The plan proposes to create three blocks for future industrial purposes, each one approximately 3 hectares (7.4 acres) in size. As noted previously, one block (approximately 2.93 hectares or 7.2 acres) will be transferred to Drain Brothers Excavating Limited in accordance with By-law 08-119 while the City will retain two blocks totaling approximately 6.15 hectares (15 acres) for future industrial purposes. The retained blocks provide the option of creating new industrial lots with frontage on either the proposed cul-de-sac or on Technology Drive.

Additionally, the plan creates a block along the north and east limit of the property to encompass a drainage channel that was constructed in 1998 to address localized drainage challenges that had historically affected the subject property and the adjacent National Grocers' facility. The drain runs across the back of the subject lands, adjacent to Highway 115, eventually outletting on the east side of property, under Technology Drive to the Walsh Drain and the Coldsprings and Yankee Bonnet wetland. The block is to be held in City-ownership for open space/drainage corridor purposes.

Along the west limit of the property, the plan creates an open space block that is approximately 9 metre (29 feet) in width adjacent to the Canadian Pacific Railway right-of-way. The block is intended to enhance the railway corridor's function as a Connecting Link between natural areas and may also be used to house a trail in future.

As part of the Draft Plan of Subdivision Approval process, the City comprises a list of Conditions of Draft Plan Approval, based on comments from Agency Circulation, which outlines work that must be completed by the developer (City) to the satisfaction of the commenting agencies. This work must be completed and cleared by the respective agencies before Final Approval can be granted. In this instance, the City is the developer and, therefore, will establish the conditions and be responsible for their clearance. Final Approval allows the subdivision to be registered and lots/blocks to be sold.

i) Drainage

Standard practice is for ORCA and the City to require the preparation and implementation of a detailed storm water management report, including erosion and sedimentation control, as a condition of Draft Plan Approval.

As noted previously, the subject property and the neighbouring property to the west have historically had drainage challenges and have been subject to

localized ponding. The lands are generally flat and are lower in elevation than neighbouring properties. In 2003 the City engaged ORCA to review the stormwater management needs for the subject property and develop a plan to optimize the future development of the lands.

At the time, the development plan identified the Regional flood limit to be at an elevation of 198.55 metres above sea level (masl) and recommended that the site receive approximately 131,000 cubic metres of fill in order to raise the parcel to a minimum elevation of 198 masl compared to its existing elevation that ranges from approximately 196.4 masl to a high of approximately 199.5 masl in some places. The development plan provided for the land to be filled to an elevation that would produce a minimum level of positive internal drainage; additional filling and stormwater management assessment would be required on a lot by lot basis at site plan approval stage as the lands develop in the future.

In Spring 2010, due to concerns over assumptions made regarding hydrology in the vicinity, ORCA conducted additional field work and modeling which concluded that the site is subject to flooding due to a back-water effect from the Highway 7 box culvert immediately east of the Old Keene Road intersection. Furthermore, the work found that the flood elevation for the site is 197.5 masl rather than 198.55 as previously assumed. Accordingly, less fill than was previously anticipated will be required for the site. However, given that the site will be subject to filling and temporary grading prior to the sale of individual lots, ORCA has requested that an interim stormwater management report be prepared for the intended filled temporary state of the property.

ii) Servicing

Presently, the Technology Drive road allowance contains a 375mm sanitary sewer and a 300mm watermain. The property will be filled and graded such that the property will be serviced by gravity to the Technology Drive sanitary sewer. Sanitary and water distribution services will be extended into the site with the proposed road allowance.

iii) Parkland Dedication

Under Section 51 of the Planning Act, the City can require up to 2% of the land devoted to commercial and industrial development for parkland dedication or, alternatively, cash-in-lieu. Block 5 is 0.26 hectares in area and constitutes a 2.1 percent dedication of parkland.

iv) Environmental Issues

The Coldsprings and Yankee Bonnet Provincially Significant Wetland is located adjacent to the subject lands, along the south side of Technology Drive.

In preparation for initiating development on the lands, the City of Peterborough hired J & J Environmental to undertake an Environmental Study of the site. The report concluded that the site does not contain any species at risk or species of special concern.

As noted previously, the drainage channel constructed in Block 4 drains under Technology Drive to the wetland. To enhance the quality of the water draining to the wetland and preserve the riparian community that has developed around that channel, the report recommended that a 20 metre natural buffer be established on-site adjacent to the channel. The recommended buffer is encompassed by Block 4. Additionally, ORCA has recommended that the Block be maintained in a natural state with enhancements such as the planting of woody native vegetation to stabilize soils, improve surface water treatment and improve wildlife habitat.

V) Transportation

Access to the interior of the site is proposed via a new cul-de-sac street extending north from Technology Drive. The road allowance is proposed to be developed as a rural cross section consistent with those found throughout the surrounding industrial park, and with a 26 metre wide allowance.

Presently, the ground elevation at the proposed intersection with Technology Drive is approximately 196.75 masl (Technology Drive centerline). In order to provide safe access, sections of Technology Drive will need to be raised to an elevation of 197.2 masl (across the frontage of the property).

RESPONSE TO NOTICE

a) **Agency Responses**

As part of staff's processing of the application, and pursuant to the Planning Act, staff provided notice of the application to, and sought comments from, the prescribed commenting agencies on May 12, 2010. Agency comments were generally in support

of the development with some agencies requiring conditions of Draft Plan Approval. These conditions have been included in Schedule 1, attached to this report.

ORCA has requested that a number of items be required as conditions of Draft Plan Approval:

- That Technology Drive from Old Keene Road be raised to an elevation of at least 197.2 metres geodetic to ensure the presence of safe access to the site;
- That a 20 metre vegetated buffer be maintained and enhanced along the drainage channel that flows through the site that will be maintained in a natural state with no tree clearing, mowing or vegetation removal;
- That a detailed buffer vegetation enhancement plan be prepared and implemented including the planting of trees and shrubs that are native to the area by hand to minimize impact to existing vegetation;
- That clearing, site grading and grubbing of the site occur outside the main bird breeding season (May 1 – August 1);
- That future developers of individual industrial blocks be required, through Site Plan, to submit and receive approval stormwater management and site grading plans; and,
- That an interim stormwater management report, including preliminary site grading plans and measures to minimize the effect of erosion and sedimentation both during and after construction, be approved for the interim graded state of the lands prior to individual lot development.

Recently, the City had a detailed topographic survey prepared of Technology Drive across the frontage of the lands. Based on that work, it is estimated that approximately 325 metres of Technology Drive will need to be raised in order to meet the regulatory safe access requirement of 197.2 masl geodetic. Technology Drive, at either end of the subject lands, rises to an elevation above 197.2 masl. Accordingly, Technology Drive does not need to be raised from Old Keene Road. The remainder of ORCA's comments have either been addressed in the proposed draft plan of subdivision design or are reflected as proposed conditions of Draft Plan Approval.

The Ministry of Transportation advises that the subject lands are located within the Ministry's control area and that any development is subject to MTO permits prior to any construction or issuance of municipal permits. The Ministry of Transportation further advises that prior to the commencement of any construction, and as part of site plan approvals, the Ministry will require a site plan and may require a Traffic Impact Study, and a Stormwater Management report for review. Any required highway improvements will be the responsibility of the developer.

Hydro One Networks Inc. advised that they have no objection to the proposed development. Any relocation of the existing low-voltage hydro line on the property shall be coordinated by the City in consultation with the Hydro One Peterborough Field Office.

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 published in the Peterborough Examiner on May 19, 2010. Notice of Public Meeting was issued by mail to all prescribed agencies and persons that own property within 120 metres of the subject lands June 29, 2010. Additionally, the notice published in the Peterborough Examiner July 2, 2010. The notice complies with the requirements of the *Planning Act*, R.S.O. 1990, c.P.13.

No public comments or inquiries were received with respect to the proposed Draft Plan of Subdivision.

SUMMARY

Approval of the application for Draft Plan of Subdivision approval is recommended for the following reasons:

- i. The Plan of Subdivision will help to fill the need for smaller Prestige Industrial land parcels within the City;
- ii. The proposed Draft Plan will facilitate the infill development of a long-standing municipally-serviced vacant parcel in the Peterborough Industrial Park East

- iii. The proposed Draft Plan facilitates the implementation of By-law Council 08-119 which authorized the transfer of approximately 2.9 hectares (7.2 acres) of the subject lands to Drain Brothers Excavating Limited in return for the design and construction of public services on the site;
- iv. The proposed Draft Plan implements both the existing Official Plan designation and Zoning on the lands;
- v. All of the matters which must be considered according to Section 51(24) of the Planning Act have been addressed or will be addressed through the Conditions of Draft Plan Approval.
- vi. The Conditions of Draft Plan Approval will ensure that all of the concerns of the commenting agencies will be addressed and work completed prior to Final Approval.

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Attachments:

Schedule 1 - Conditions of Draft Plan of Subdivision Approval

Exhibit A - Notice of Public Meeting

Exhibit B - Land Use Map

Exhibit C - Draft Plan of Subdivision