



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: August 30, 2010

SUBJECT: Report PLPD10-072
Official Plan Amendment O1001
Zoning By-law Amendment Z1003SB
Draft Plan of Subdivision 15T-10501
John Boddy Developments Ltd.
1800 Television Road, 450, 490 and 520 Laurie Avenue

PURPOSE

A report to evaluate the planning merits of the Official Plan Amendment, Draft Plan of Subdivision and Zoning By-law Amendment applications for the properties at 1800 Television Road, 450, 490 and 520 Laurie Avenue.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD10-072 dated August 30, 2010, of the Manager, Planning Division, as follows:

- a) That Schedule "A" – Land Use of the Official Plan be amended in accordance with Exhibit D of Report PLPD10-072.
- b) That Draft Plan of Subdivision Approval for Plan 15T-10501, Drawing No. 3999-DP dated March 2009 and most recently revised August 10, 2010 by M.J. Davenport and Associates Limited, be granted, subject to the Conditions of Draft Plan Approval attached to Report PLPD10-072, as Schedule 1.

- c) That the subject property be rezoned from A2 – General Agricultural Zone (Otonabee), HL – Hazard Lands Zone (Otonabee), and D.1 – Development District 1 to R.1-162-“H”; R.1, 10a-162-“H”; R.1,4h-162-“H”; R.1,4j,10a-162-“H”; R.1,1r,4h-162-“H”; R.1,1r,10a-162-“H”; R.1,1r,4j-162-“H” – Residential Districts, OS.1; and OS.2 – Open Space Districts in accordance with the Draft Plan of Subdivision and Exhibit E of Report PLPD10-072.

OTHER PERTINENT CONSIDERATIONS

The ‘H’ – Holding Symbol will be removed from the residential zones upon registration of the plan at the Land Registry Office.

BUDGET AND FINANCIAL IMPLICATIONS

There are no budget or financial implications associated with granting Draft Plan Approval to the proposed Draft Plan of Subdivision.

BACKGROUND

The subject lands are approximately 27.3 hectares (67.5 acres) of which approximately 2.7 hectares (6.7 acres) are proposed for development. The majority of the lands were area annexed from Otonabee Township on January 1, 1998 save and except for the portion immediately adjacent to Laurie Avenue which was annexed from the Township in the early 1960s.

The site is located along the vacant north side of Laurie Avenue at Willowcreek Boulevard and is bounded by Television Road to the east and the Downers Corners Provincially Significant Wetland (PSW) to the north and northwest. The area immediately south and southwest of the subject lands were developed in the late 1980s and early 1990s as the original Willowcreek subdivision (registered plan 45M-120) and now contain low and medium density residential uses, the Willowcreek Shopping Centre, and the Peterborough Free Methodist Church.

The proposed Draft Plan of Subdivision represents the final phase of subdivision development in this neighbourhood. The proposed plan provides for the creation of 41 lots for single detached residential purposes along the north side of Laurie Avenue and

along a proposed cul-de-sac street extending north from Laurie Avenue and blocks of land for a permanent local park, a stormwater management facility, and open space.

The Downers Corners Wetland Comprehensive Environmental Impact Study (EIS), prepared by the City in conjunction with the Otonabee Region Conservation Authority (Gartner Lee Limited, May 2007) makes a number of recommendations affecting the lands. The proposed plan has been designed to implement the recommendations of the EIS.

Pursuant to Section 51(25) of the Planning Act, Council has the authority to impose conditions to the approval of a plan of subdivision that are reasonable and have regard to the nature of the development proposed. Issues identified through the application review process that cannot be addressed specifically through the draft plan design, Official Plan designation or the Zoning By-law will be imposed as conditions of Draft Plan Approval. The proposed conditions of Draft Plan Approval for this development are detailed in Schedule 1. These conditions must be satisfied before the City can grant Final Approval to the plan of subdivision. Once Final Approval is granted, the developer would be permitted to register the plan with the Land Registry Office and to begin selling individual lots.

ANALYSIS

a) Provincial Policy

The *Provincial Policy Statement, 2005* (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS promotes efficient, cost effective development and land use patterns, protection of resources and public health and safety. In keeping with Section 1.1.3.2 of the PPS, the proposed plan provides for the efficient use of available land, infrastructure and resources by tying into an existing adjacent subdivision and completing subdivision development in the area.

The subject lands are located in the “Designated Greenfield Area” as identified in the *Growth Plan for the Greater Golden Horseshoe, 2006*. These areas are intended to accommodate a portion of the City’s long-term growth with the remainder being accommodated through intensification and redevelopment in existing built-up areas of the city. For the city’s Designated Greenfield Areas as a whole, the City is required to plan for a minimum density target of 50 persons and jobs per hectare. Although the proposed plan of subdivision provides for a density that is lower than the prescribed Growth Plan target (approximately 41 persons per hectare), when it is considered with the residential portion of the existing Willowcreek neighbourhood, the neighbourhood

achieves an average density that is greater than the Growth Plan target. For Designated Greenfield Areas, the City will ensure that the Places to Grow density target is achieved as Secondary Plans are adopted for those areas that have recently been annexed from the neighbouring Townships.

Future residents of the proposed development will be able to take advantage of an existing public transit that stops in the Willowcreek Shopping Centre parking lot. In accordance with Section 1.1.1 of the PPS, the draft plan of subdivision will be municipally serviced and minimizes the need for infrastructure expansion by connecting to existing infrastructure where available.

Consistent with Section 2.1.6 of the PPS, the proposed development has incorporated appropriate setbacks from the adjacent Downers Corners PSW as recommended by the Downers Corners Wetland Comprehensive EIS and, as discussed later in this report, its services will be designed to protect against negative impacts on the wetland.

Overall, staff is satisfied that the proposed plan of subdivision is consistent with the direction of the PPS and the policies of the Growth Plan for the Greater Golden Horseshoe.

b) Official Plan

The subject lands are currently designated as follows:

Schedule 'A' Land Use	Residential Rural (Otonabee Township) Major Open Space
Schedule 'A1' City Structure	Designated Greenfield Area
Schedule 'B' Roadway Network	Television Road – High Capacity Arterial Street Willowcreek Boulevard – Low Capacity Collector Street
Schedule 'B(a)' Bikeway Network	Off-road bikeway (Willowcreek Trail adjacent to site)

Schedule 'C' Natural Areas & Flood Plain	Natural Areas and Corridors Lands Adjacent to Provincially Significant Wetlands Flood Plains Lands Adjacent to Fish Habitat
Schedule 'D' Development Areas	Area 2

As described above, the lands are subject to designations in the City of Peterborough Official Plan and a designation in the Township of Otonabee Official Plan that has remained on the lands since being annexed in 1998. Accordingly, an Official Plan Amendment is required to bring the lands' designations into compliance with the City Official Plan, allow for the proposed residential development, and update the land use designations for the Downers Corners PSW based on the mapping completed in the Downers Corners Wetland Comprehensive EIS.

The proposed Official Plan Amendment, as detailed in Exhibit D, attached to Report PLPD10-072, would amend the Official Plan as follows:

- Amend Schedule 'A' – Land Use to change the 'Rural (Otonabee)' and 'Major Open Space' designations on the lands to a 'Residential' designation for the areas to be residentially developed;
- Amend Schedule 'A' – Land Use to change the 'Rural (Otonabee)' and 'Major Open Space' designations on the lands to a 'Protected Natural Areas' designation for areas within the Downers Corners PSW; and,
- Amend Schedule 'A' – Land Use to change the 'Rural (Otonabee)' designation on the lands to a 'Major Open Space' designation for the Downers Corners PSW buffer areas as identified in the Downers Corners Wetland Comprehensive EIS, the stormwater management block and the park lands.

Section 4.2.5.7 of the Official Plan establishes a number of items that Council must consider when reviewing an application for residential development. Each of these factors will be considered in turn.

i. Proposed Housing Types

The proposed subdivision provides for the development of 41 single detached residential units. The lots and dwellings proposed are comparable in nature and size to those that have already been developed along Laurie Avenue and Cardinal Drive with the exception that some of the proposed lots may have shallower lot depths and/or wider lot widths where they back onto the open space area associated with the Downer's Corners PSW. Consequently, it is staff's opinion that the proposed residential form is in keeping with existing development in the neighbourhood and is appropriate for the area.

Within the neighbourhood, a sufficient mix of housing types, densities and tenures have been established to provide a balance of residential opportunities in the immediate area.

ii. Surrounding Land Uses

The existing Willowcreek neighbourhood to the south and southwest consists of single detached dwellings, a mid-rise apartment building, a church, and the Willowcreek Shopping Centre. To the north and northwest, the lands are enveloped by the Downers Corners PSW, Meade Creek and Farmcrest Park. East of Television Road, there are areas designated for residential purposes, open space purposes and industrial purposes however those lands are primarily vacant at this time.

Northeast of the subject lands, east of Television Road, Coco Paving Inc. operates an asphalt/concrete plant. The Coco Paving property is just over 500 metres away from the closest housing in the Willowcreek Neighbourhood. Due to the nature of the activity at the Coco Paving, the relatively large separation distance between the proposed residential development and this use, and the topography of the area that separates the two, staff is satisfied that land use conflicts are unlikely to occur between the plan of subdivision and this employment use.

The intersection of Lansdowne Street, Television Road, Highway 7 and Highway 7/115 is located approximately 230 metres south of the eastern limit of the proposed development.

iii. Adequacy of Municipal Services

The proposed development is planned for full municipal water and wastewater services. Peterborough Utilities Services Inc. will provide water and electrical service to the development upon plan registration and execution of a standard servicing agreement with the owner.

Local water service and sanitary sewer service currently exists in the Laurie Avenue road allowance. Water is supplied by a 300mm watermain in Willowcreek Boulevard while sanitary flows in the Willowcreek area drain to a 300mm trunk sewer located behind the Willowcreek Shopping Centre. The Applicant proposes to extend the existing local services for the length of the proposed cul-de-sac street.

Storm sewers currently exist in Laurie Avenue and Willowcreek Boulevard that drain to a trunk storm sewer located behind the Willowcreek Shopping Centre and eventually to Meade Creek. The applicant proposes to convey storm flows from the new development to a stormwater management pond to be constructed the end of the proposed cul-de-sac.

Prior to final approval the owner will be required to submit a final stormwater management report to the satisfaction of Otonabee Region Conservation Authority (ORCA), the Utility Services Department, and the Ministry of Transportation.

iv. Traffic Impacts

Access to the Willowcreek neighbourhood is provided from Lansdowne Street East to Willowcreek Boulevard and Laurie Avenue. Lansdowne Street East is designated as a Major Arterial Street, Willowcreek Boulevard as a Low Capacity Collector Street, and Laurie Boulevard as a Local Street in the City of Peterborough Official Plan. Additionally, an emergency access route currently exists between the properties at 487 and 495 Cardinal Drive to connect the area to Lansdowne Street East.

The proposed cul-de-sac street extending north from Laurie Avenue/Willowcreek Boulevard will have a road allowance width of 20 metres (66 feet) at its intersection and will taper to 18.5 metres (60 feet) as it turns northeast. The location of the proposed intersection was planned as part of the first phase of the Willowcreek subdivision that was developed in the late 1980s. Utility Services has advised that in order to ensure safe operation of the proposed intersection, a stop sign will be required on Laurie Avenue, at

Willowcreek Boulevard. As a condition of Draft Plan Approval, the Applicant will be required to provide the City with appropriate financial security for the installation of a stop sign. Prior to Final Approval, Utility Services staff will report to Council seeking a By-law to authorize the installation of a stop sign on Laurie Avenue.

Utility Services has advised that the intersection of Willowcreek Boulevard and Lansdowne Street East currently meets the minimum criteria for the installation of traffic signals during the noon and afternoon peak times due to the delay to cross street traffic. Through the 2012 budget process, staff will request funding to reconstruct this intersection for the purpose of constructing left-turn lanes on Lansdowne Street and the installation of Traffic Signals. In the interim, development of the proposed development is not anticipated to significantly impact the operation of the intersection.

At the eastern limit of the plan, adjacent to the terminus of Cardinal Drive, a turning circle encroaches onto the subject lands. That existing turning circle was developed as part of the original Willowcreek subdivision with the intent that Cardinal Drive may one day extended to the north and east to meet Television Road. However, with the adjacent lands now identified as Provincially Significant Wetland, the extension of Cardinal Drive is no longer anticipated. The turning circle is identified as Block 46 on the Plan and will be dedicated to the City as public highway to become part of the Cardinal Drive road allowance. Should the existing turning circle require upgrades to comply with municipal standards, such upgrades will be the responsibility of the Applicant.

Peterborough Transit Route No. 11 – Ashburnham – stops within the Willowcreek Shopping Centre. The nearest bust stop to the proposed development is approximately 260 metres (850 feet) from the intersection of the proposed cul-de-sac and Laurie Avenue.

In accordance with the City's Sidewalk Policy, sidewalks are not required for the proposed cul-de-sac however the applicant will be required to construct sidewalk along the north side of Laurie Avenue as a condition of approval.

In 2009, the City constructed the Willowcreek Trail from Willowcreek Boulevard, near Laurie Avenue, to Ashburnham Drive. The trail runs behind the Willowcreek Shopping Centre and connects the neighbourhood to the Trans-Canada Trail located along the west side of Ashburnham Drive and Beavermeade Park.

v. Adequacy of Amenities, Parks and Recreation Opportunities

The original planning for the Willowcreek neighbourhood in the late 1980s proposed the creation of a Community Park consisting of as many as four soccer pitches located northwest of the Willowcreek Shopping Centre. Although the proposed pitches have been pre-graded, their construction has yet to be completed because subsequent flood plain modeling found them to be located in the flood plain associated with Meade Creek. In order to meet City standards for parkland development, a significant area of flood plain (approximately 3.5 hectares) would need to be filled before soccer pitches could be developed at this location. Any development of soccer pitches at this location will require approval from ORCA.

In the mid-1990s, in response to demand for a children's play structure in the neighbourhood, the City received permission from the Applicant to place a temporary play structure on the property municipally known as 1833 Willowcreek Boulevard. In 2006, when an apartment building was constructed on that property, the City received permission from the Applicant to develop a temporary local park at the intersection of Willowcreek Boulevard and Laurie Avenue. The play structure that exists at that location today was installed by the City in 2008.

The City's agreement to use the current location as a temporary park expires the earlier of March 31, 2011 or as deemed appropriate by either the City or the Applicant. The design of the proposed Plan of Subdivision requires the existing play equipment to be removed. Pending Council approval of the subject plan, it is anticipated that Public Works will need to remove the existing play equipment in the Spring of 2011.

Through the review of the proposed plan, staff have worked with the Applicant to establish a suitable location for a permanent local park within the development. The developable portion of the proposed park, illustrated as Blocks 43 and 44 on the Draft Plan of Subdivision, is significantly smaller than the Official Plan standard for a Neighbourhood Park (0.166 ha or 0.41 acres). Notwithstanding this, Blocks 43 and 44 will be located adjacent to Block 47 that is to be held by the City for Open Space purposes due to its location within flood plain. Although no development or site alteration can occur on Block 47, the Block will remain publicly accessible and therefore provides opportunity for passive recreation. In total, the park and the adjacent open space area is approximately 0.42 ha (1.03 acres) in size.

Staff supports the site's central location relative to the neighbourhood and is satisfied that the site fulfills a need for active recreation where no alternative exists within a 600-metre radius. The site is sized appropriately to

accommodate relocation of the existing play equipment and also allows for passive recreation without encouraging human encroachment into the Downers Corners PSW or its associated buffer.

A small portion of the proposed park falls within the flood plain for Meade Creek. Given the small scale of flood plain area affected and the public benefit that a local park would provide, ORCA has expressed agreement with the principle of filling a small portion of flood plain to ensure that the portion of the park to be developed with active recreation uses is located outside the flood plain. To ensure the proposed filling does not cause adverse flood impacts on neighbouring properties, a compensatory expansion of the flood plain (i.e. cut) will be required in an open space area elsewhere in the immediate vicinity. As a condition of Draft Plan Approval, the Applicant will be required to obtain a cut/fill permit from ORCA for altering the flood plain in the vicinity of the park and to fill and grade the park in accordance with the approved permit.

Once the developable portion of the park site is prepared to the City's satisfaction, the play structure that was removed from the current temporary site will be installed at the permanent location by Public Works. In order to minimize the disruption of playground availability to existing area residents, as a condition of Draft Plan Approval the Applicant will be required to ensure that the park site is filled, graded and seeded to the City's satisfaction within six months of Final Approval being granted by Council.

Under Section 51 of the Planning Act, the City can require up to 5% of the land devoted to residential development for parkland dedication or alternatively may collect cash-in-lieu of the said parkland dedication. For the subject plan, the City is entitled to collect approximately 0.145 ha (0.35 acres) parkland dedication. Block 43, which constitutes the parkland dedication for this plan, represents approximately 45% of the required parkland dedication. Block 44, which as discussed above is currently within flood plain but will be filled to create useable park space, will constitute the remainder of the required parkland dedication for the Plan of Subdivision.

vi. Parking, Buffering and Landscaping

Parking, building setback, and building/driveway coverage standards are implemented as regulations in the Zoning By-law. Most lots in the proposed development will accommodate the standard R.1 (Residential District 1) zone without the need for reducing any of the standards regulated in that zone. The R.1 zone is used extensively throughout the surrounding neighbourhood.

However, some lots that back onto either flood plain or the buffer associated with the Downers Corners PSW have irregular lot depths and shapes that require exceptions to typical R.1 zone regulations. As will be described in more detail later in this report, Lots 15, 16 and 35 to 41 inclusive require alternative zoning to recognize their unique configurations.

To facilitate the usability of these particular lots, and to maintain a standard relationship between all proposed dwellings and the street, the proposed zoning reduces the minimum building setback from the main portion of the homes from 6 metres to 4.5 metres and a setback of 3 metres for a front verandah/porch. The standard 6 metre setback would be maintained for the garage to provide adequate parking.

Generally, the Zoning By-law ensures uniformity for the provision off-street parking in accordance with standards already applied to the existing neighbourhood and the proposed zoning will ensure uniformity in the scale and type of dwellings to be constructed.

In accordance with City Policy, the owner will be required to make a cash payment to the City for the planting of one street tree in front of each lot within the municipal boulevard.

vii. Significant Natural/Environmental Features

The subject lands encompass a portion of the Downers Corners PSW. Pursuant to an Ontario Municipal Board decision issued in 2001 for the Powell Court subdivision, the City completed the Downers Corners Wetland Comprehensive EIS (Gartner Lee Ltd., May 2007) in conjunction with ORCA and in consultation with the Ministry of Natural Resources. The purpose of the study was to determine the existing condition and function of the wetland, assess the significance and sensitivity of the wetland's functions, and provide scientifically based recommendations to protect against adverse impacts from development near the wetland. The results of the study were presented to Council in October 2007 (Report No. PLPD07-051) and to area residents in an open house held on July 22, 2008.

In accordance with the study recommendations, the draft plan of subdivision has been designed to establish an Adjacent Land Area (ALA) (i.e. buffer) varying in width between 15 and 50 metres between the wetland boundary and the residential development. This area will be designated and zoned for open space purposes and conveyed to the City as part of Block 45. Much of the ALA is currently designated 'Major Open Space' in the Official Plan however portions of it within the draft plan are designated 'Rural (Otonabee).'

Consequently, to implement the ALA as an open space area, an Official Plan Amendment is required to change this existing designation to 'Major Open Space'.

Additionally, the study confirmed the boundary of the Downers Corners wetland resulting in some amendments to the previously approved boundary on the subject lands. The amended wetland boundary has been approved by the Ministry of Natural Resources and therefore will be reflected in the Official Plan, by amendment, as "Protected Natural Areas" to be consistent with the remainder of the wetland. These areas are also included in Block 45 and will be conveyed to the City as open space upon registration of the plan of subdivision.

Other recommendations of the EIS that affect the proposed plan of subdivision include requiring a site-specific investigation at the time of development to determine soil permeability, directing development runoff to Stormwater Management Ponds and away from environmentally sensitive areas, enhancing the ALA with native shrubs/trees and measures to prevent human access (i.e. fencing), and implementing a monitoring program for water quality and benthic invertebrates to ensure that wetland function is not adversely affected by development. These recommendations will be implemented as conditions of Draft Plan Approval.

Through the approval of the Powell Court subdivision, a number of additional measures were required as conditions of Draft Plan Approval to provide additional protection to the wetland and its associated buffer area. To maintain consistency among development adjacent to the wetland, a number of these measures will be required as conditions of approval for this development including: prohibiting the installation of fence gates to access the ALA; prohibiting the installation of swimming pools on lots adjacent to the ALA; establishing a monitoring program to ensure that any required plantings and enhancements in the ALA develop as planned; and to develop and distribute a "Natural Systems Stewardship Brochure" to all current and future prospective purchasers of Lots within the subdivision that would provide education material respecting the significance and sensitivity of the Downers Corners wetland.

Some portions of the property outside the ALA form part of the flood plain associated with Meade Creek. All lands that are affected by flood plain conditions will be dedicated to the City and zoned for open space purposes. As discussed previously, Block 44 will be filled to accommodate a playground.

c) Draft Plan of Subdivision

The proposed Draft Plan of Subdivision provides for the development of 41 single detached lots with typical lot frontages ranging from 12m (40 feet) to 15m (50 feet) along the north side of Laurie Avenue and along a proposed cul-de-sac street, Street 'A'. Of the 41 lots proposed, 27 will front Street 'A' and the remaining 14 will front Laurie Avenue.

The majority of the proposed Draft Plan is encompassed by Block 45 which includes the Downers Corners PSW, the buffer associated with the Downers Corners PSW, and flood plain associated with Meade Creek. Block 45 will be dedicated to the City for open space purposes.

At the end of Street 'A', a stormwater management facility is proposed to address both the quantity and quality of stormwater runoff from the proposed development.

Along the north side of Laurie Avenue, Block 43 is proposed as a local park. As discussed previously, that block will be consolidated with Block 44 which is to be dedicated to the City as open space to form the permanent park for the neighbourhood.

Block 46, at the eastern limit of the plan adjacent to the terminus of Cardinal Drive, is to be dedicated to the City as public highway in order to recognize existing Cardinal Drive turning circle.

d) Zoning By-law

The subject property is currently zoned A2 (Otonabee) – General Agricultural Zone, HL (Otonabee) – Hazard Lands Zone, and D.1 – Development District 1. The applicant is proposing to rezone the lands as follows:

- Lots 1 to 14 and 17 to 34 from A2 (Otonabee), HL (Otonabee) and D.1 to R.1-162-“H” – Residential District;
- Lot 15 from A2 (Otonabee) to R.1, 1r, 10a-162-“H” – Residential District;
- Lot 16 from A2 (Otonabee) to R.1, 10a-162-“H” – Residential District;
- Lot 35 from D.1, HL (Otonabee) and A2 (Otonabee) to R.1,4h-162-“H” – Residential District;

- Lots 36 to 38 from D.1, HL (Otonabee) and A2 (Otonabee) to R.1, 1r, 4h-162-“H” – Residential District;
- Lots 39 and 40 from D.1 and A2 (Otonabee) to R.1, 1r, 4j-162-“H” – Residential District;
- Lot 41 from D.1 and A2 (Otonabee) to R.1,4j,10a-162-“H” – Residential District;
- Blocks 45 and 47 from HL (Otonabee) and A2 (Otonabee) to OS.1 – Open Space District; and,
- Blocks 42, 43 and 44 from D.1, HL (Otonabee) and A2 (Otonabee) to OS.2 – Open Space District.

Several lots are constrained by the limit of either adjacent flood plain or buffer required for the Downers Corners PSW and therefore have unusual configurations that do not conform to the typical R.1 zone. Staff is recommending the use of alternative zoning regulations to accommodate single detached residential development typical of a R.1 zone to address the configuration challenges that these lots face as follows:

- Use alternative regulation “1r” to reduce the minimum lot area requirement from 370 square metres to 325 square metres for Lots 15 and 36 to 40;
- Use alternative regulation “4h” for Lots 35 to 38 and “4j” for Lots 39 to 41 to reduce the minimum lot depth requirement from 30 metres to 27 metres and 24 metres respectively; and,
- Use alternative regulation “10a” for Lots 15, 16 and 41 to reduce the minimum rear yard building setback from 7.6 metres to 6.0 metres.

For all lots in the proposed subdivision, the Applicant has requested the use of Exception No. 162 which provides relief from typical building setbacks between a local streetline and a dwelling. Specifically, Exception 162 reduces the minimum building setback from the main portion of a dwelling from 6 metres to 4.5 metres and a setback of 3 metres for a front verandah/porch while maintaining the standard 6 metre setback for the garage.

Staff is satisfied that the proposed zoning will allow for the creation of dwellings that are generally of a similar type and scale to those that exist in the neighbourhood.

Furthermore, the proposed zoning will ensure that all new dwellings maintain a consistent relationship with the street. Where reduced rear yard building setbacks are proposed, they do not impact the privacy of any existing dwellings nor do staff anticipate them to create any compatibility problems among the proposed dwellings.

Lots 16 and 17, located at the end of Street A, have an unusual configuration because of their location between the turning circle and the defined flood plain. Prior to the development of Lot 16, a minor variance may be required to recognize a portion of the lot line abutting the floodline as a side lot line rather than a rear lot line. Similarly, prior to the development of Lot 17, a minor variance may be required to reduce the standard streeline building setback for a portion of the lot's frontage along the Street 'A' turning circle.

As is customary with plans of subdivision, a Holding Symbol will be placed on the zoning for areas to be developed that will only be removed upon registration of the plan at the Land Registry Office.

RESPONSES 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 February 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.

Otonabee Region Conservation Authority

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

- That the prescribed ALA for the Downers Corners PSW be staked by a qualified field biologist and a silt fence be installed and inspected by ORCA prior to any site preparation activities on site;
- That a fence barrier, free of gates, be constructed along the limit of the ALA and/or flood plain;

- That swimming pools be prohibited on lots backing onto the ALA;
- That clearing, site grading and grubbing occur outside the main bird breeding season (May 1 – August 1);
- A detailed landscape and planting plan using native shrubs and trees to enhance the ALA, including signage advising residents that access to the ALA is prohibited;
- A five-year plan to monitor implementation of the landscape and planting plan requiring a minimum survival rate of 70% for plantings and replanting to original specifications if mortality rates are higher;
- Preparation and distribution of a “Natural Systems Stewardship Brochure” to all prospective and subsequent purchasers of lots within the subdivision that explains the significance and sensitivity of the Downers Corners PSW to disturbances from residential development, and restrictions/regulations associated with the use of ALAs;
- A marsh monitoring program to monitor the effects of the development on adjacent wildlife, including a pre-development visit to assess baseline bird and amphibian communities and five years of monitoring post-construction;
- Zoning flood plain and ALA areas as OS.1; and,
- A detailed stormwater management report, including measures to minimize the effect of erosion and sedimentation both during and after construction and where feasible, site level infiltration of backyard runoff.

ORCA's comments have either been addressed in the proposed Zoning By-law and draft plan of subdivision design or are reflected as proposed conditions of Draft Plan Approval.

Peterborough Utilities Services Inc.

PUSI requires the owner to enter into a standard servicing agreement for water and electrical service. Additionally, PUSI has advised that a second water feed will be required for this development.

Bell Canada

Bell Canada requires the owner to make satisfactory arrangements for the provision of telecommunication services to the plan. These requirements have been reflected in the proposed conditions of approval.

Canada Post

Canada Post requires the owner to make satisfactory arrangements for the provision of mail delivery services to the plan and to inform all prospective purchasers, through a clause in all Agreements of Purchase and Sale, those lots identified for potential Community Mailbox and/or mini-park locations. Canada Post's requirements have been included in the proposed conditions of approval. Community Mailboxes are proposed to be located in the municipal right-of-way at the south-west corner of Lot 22 and at the south-west corner of Lot 31.

Kawartha Pineridge District School Board

Kawartha Pineridge District School Board (KPRDSB) has advised that students generated within this plan will attend King George Public School (Grades Junior Kindergarten to 6), Armour Heights (Grades 7 and 8), and Thomas A. Stewart Secondary School.

Ministry of Transportation

The Ministry of Transportation has required a final detailed stormwater management report for the proposed development prior to Final Approval.

Utility Services Department

Prior to Final Approval, Utility Services requires a final detailed stormwater management report, a geo-technical and hydrogeological report, and a conceptual Lot Grading Plan providing typical lot grading designs on steep and relatively shallow filled lots.

b) Public Responses

Notice of a Complete Application was published in the Peterborough Examiner on February 13, 2010 and was mailed to all persons that own property within 120 metres of the subject property on February 12, 2010. Several written comments were received in response to this notice.

On March 11, 2010 the Applicant hosted a neighbourhood open house at the Peterborough Free Methodist Church (450 Lansdowne Street East). The applicant hand-delivered a notice of the meeting to all persons that own property within the Willowcreek neighbourhood. The meeting was attended by approximately 30 people and generated a healthy discussion and a number of follow-up inquiries.

Notice of the Public Meeting was mailed to the prescribed agencies, all property owners within 120 metres of the subject property and all persons who requested to receive notice of the Public Meeting during the review of the subject applications. The Notice of Public Meeting was published in the Peterborough Examiner on August 6, 2010. No written submissions were received in response to the Public Meeting notice.

Comments generated during the Public Open House and in the written submissions generally focussed on impacts to the existing playground, potential impacts to the Downers Corners PSW and to wildlife in the area, access to and enjoyment of the Downers Corners PSW, potential flooding impacts, and traffic impacts.

Parkland

As discussed previously, the City has operated a playground in the neighbourhood on temporary sites owned by the Applicant since the mid-1990s. The current location, near the intersection of Laurie Avenue and Willowcreek Boulevard, will need to be moved in order to accommodate proposed Street 'A'.

Public Works staff are prepared to remove and store the existing playground until it can be re-installed at a permanent location within the neighbourhood, which is identified as Blocks 43 and 44 on the Draft Plan. To minimize the disruption of playground service to the neighbourhood, the proposed conditions of Draft Plan Approval require the Applicant to ensure that the park site is filled, graded and seeded to the City's satisfaction within 6 months of Final Approval being granted by Council.

Downers Corners PSW and Wildlife

Several residents in the area expressed concern with development occurring in close proximity of the Downers Corners wetland and questioned the impacts that might arise on both the wetland form and function and on wildlife that rely on the wetland including birds, amphibians, fisheries and turtles.

To maintain consistency with how the City has addressed development in close proximity to the wetland, staff have required the Applicant to design and zone the draft plan to respect the recommendations of the Downers Corners Comprehensive EIS prepared by Gartner Lee in 2007. The proposed development maintains all areas that are within the wetland or required as buffer to the wetland as open space. Through the preparation and implementation of a detailed geotechnical and hydrogeological investigation and a stormwater management report, the proposed development will be designed to ensure pre-development levels of water flow to the wetland will be maintained.

As a condition of Draft Plan Approval, the Applicant will be required to implement a program to monitor the effects of the development on the wetland's form and function including water quality, benthic invertebrates and adjacent wildlife. The program will include a pre-development visit to assess baseline bird and amphibian communities, and five years of monitoring post-construction. Additionally, the applicant will be required to enhance the wetland buffer area with native plantings and to monitor the survival of those plantings and re-plant, if necessary.

Through a combination of subdivision design, zoning and rigorous approval conditions, ORCA has advised that they have no objection to the proposed development.

Access to the Downers Corners PSW

Some residents expressed concern for preserving access to the Downers Corners PSW as an area for passive recreation and nature enjoyment. Through the approval of the Powell Court subdivision by the Ontario Municipal Board, it was determined that maximum effort should be made to prevent encroachment into the wetland and its buffer area by people and domestic pets. Accordingly, in order to minimize the potential adverse impacts to the wetland ecosystem that encroachment may cause, the City required the Applicant for that development and Applicants for subsequent developments adjacent to the wetland to install permanent fencing without gates along the rear of all lots backing on to the wetland buffer. Additionally, the City has required fencing together with intensified planting along the wetland buffer limit where it abuts openly accessible areas such as road allowance and parks. While the wetland is visually beautiful and evokes natural curiosity, previous planning decisions have determined that it is an ecosystem that should be viewed from afar rather than within.

Potential Flooding Impacts

Some residents questioned whether the proposed development would create increased risk for flooding to existing residences in the area of Cardinal Drive, backing onto Television Road, and in the area south of Farmcrest Avenue.

There is an existing unnamed creek that runs behind the lots at the eastern end of Cardinal Drive. The creek is fed by water originating from the Highway 7/115 right-of-way, south of Lansdowne Street. At the eastern terminus of Cardinal Drive, a storm sewer outlet drains some runoff from Laurie Avenue and Cardinal Drive to the creek. From that location, the creek drains northeast into the Downers Corners PSW and eventually to Meade Creek.

Using information generated from the Meade Creek Flood Reduction Study that was completed by the City in Spring 2010, the Applicant modeled the flood plain associated with Meade Creek and has ensured that development is not encroaching into the flood plain. As part of the application submission, the Applicant prepared a preliminary stormwater management report that proposes to direct surface runoff from the proposed lots on the north side of Laurie Avenue westerly to Street 'A' and then to the proposed stormwater management pond. Accordingly, the development is proposed to be designed to be independent of the existing creek. The Ministry of Transportation, which has a particular interest in the function of this creek due to its role for draining runoff from Highway 7/115, ORCA, and Utility Services must review and approval the final stormwater management report for the proposed development prior to Final Approval.

Further west, south of Farmcrest Avenue, Meade Creek winds its way toward Little Lake. To ensure the proposed development does not increase the risk of flooding for residents downstream, the final stormwater management report must demonstrate that post-development runoff from the site will be maintained to pre-development levels.

Transportation

The original version of the proposed Draft Plan of Subdivision submitted to the City and shared with residents at the public open house in March illustrated a total of 54 lots for single detached residential purposes and a cul-de-sac that intersected Laurie Avenue mid-way between Willowcreek Boulevard and Cardinal Drive. Since that time, the plan has been revised to reduce the number of proposed lots to 41 and to align the proposed cul-de-sac with Willowcreek Boulevard. Some concerns raised with the original plan, including the impact of headlights shining on existing dwellings at the proposed intersection and a concern regarding the safety of having three intersections in such close proximity to each other, have been addressed by the realignment of Street 'A'.

Other concerns, however, such as the impact that the proposed development will have on the function of the intersection of Willowcreek Boulevard and Lansdowne Street

East, and the lack of sidewalks in the neighbourhood, are not specifically addressed by changes to the Draft Plan design.

In accordance with the City's sidewalk policy, the Applicant will be required to construct a sidewalk along the plan's Laurie Avenue frontage (north side) to meet the existing sidewalk on Willowcreek Boulevard. Consequently, the development will provide a safe, off-road option for pedestrians along Laurie Avenue.

During the open house and in follow-up correspondence a number of area residents expressed concern with the current operation of the Lansdowne Street East / Willowcreek Boulevard intersection and questioned the impact that the proposed development would have on that intersection. As noted previously, the intersection currently meets the minimum criteria for the installation of traffic signals during the noon and afternoon peak times. Through the 2012 budget process, staff will request funding to reconstruct this intersection for the purpose of constructing left-turn lanes on Lansdowne Street and the installation of Traffic Signals. In the interim, staff does not anticipate development of the proposed development to significantly impact the operation of the intersection.

Generally, staff are satisfied that all matters raised by the public during Public Open House and in their written submissions have either been addressed through the design of the proposed Draft Plan of Subdivision, will be addressed through the Conditions of Draft Plan Approval prior to the issuance of Final Approval, or will be addressed by the City through the normal course of maintaining and upgrading its road infrastructure.

SUMMARY

Approval of the applications for Official Plan Amendment, Draft Plan of Subdivision Approval and Zoning By-law Amendment is recommended for the following reasons:

- i. The Plan of Subdivision will provide additional residential land for the City thus helping to ensure that the City has an appropriate lot inventory pursuant to the Provincial Policy Statement;
- ii. The proposed Draft Plan is both a logical extension of, and provides a conclusion to, existing residential subdivision development in Willowcreek neighbourhood;
- iii. The proposed Draft Plan is consistent with the matters of Provincial Interest as established under the Planning Act, does not conflict with any Provincial Plan, and, if approved, complies with the City Official Plan; and,

- iv. All matters considered during the review pursuant to Section 51(24) of the Planning Act have either been addressed or will be addressed through the Conditions of Draft Plan Approval prior to the issuance of 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
Exhibit D - Draft Official Plan Amendment
Exhibit E - Draft Zoning By-law Amendment