



City of  
**Peterborough**

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**TO:** Members of the Planning Committee

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

**MEETING DATE:** February 28, 2011

**SUBJECT:** Report PLPD11-012  
Official Plan Amendment O1005  
Zoning By-law Amendment Z1013SB  
Draft Plan of Subdivision 15T-10506  
RD Land Corp.  
City of Peterborough  
420 Simons Avenue and 748 Hemlock Street

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## **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 420 Simons Avenue and 748 Hemlock Street.

## **RECOMMENDATIONS**

That Council approve the recommendations outlined in Report PLPD11-012 dated February 28, 2011, of the Manager, Planning Division, as follows:

- a) That Schedule "A" – Land Use, Schedule "C" – Natural Areas & Flood Plain and Schedule "D" – Development Areas of the Official Plan be amended in accordance with Exhibit G of Report PLPD11-012.
- b) That Draft Plan of Subdivision Approval for Plan 15T-10506, Drawing No. 4174-DP dated July 2009 by M.J. Davenport & Associates Limited, be granted subject to the draft plan amendments illustrated in accordance with Exhibit E of Report PLDP11-012 and subject to the Conditions of Draft Plan Approval attached to Report PLPD11-012, as Schedule 1.

- c) That the subject property be rezoned from A1 Rural Zone (Smith Twp.) and R.1, 1m,2m to R.1,1r,2r,8z-“H”; R.1-“H”; R.1,1j,2j,8z-“H”; – Residential Districts, OS.1; and OS.2 – Open Space Districts, and D.1 – Development District in accordance with the amended Draft Plan of Subdivision illustrated in Exhibit E of Report PLPD11-102 and Exhibit H of Report PLPD11-012.
- d) That Council endorse the principle of selling the property municipally known as 748 Hemlock Street at nominal cost to the Applicant in accordance with the procedures established in By-law No. 95-62 concurrent with the granting of Final Approval and subject to the execution of an agreement with the Applicant for the construction of Hemlock Street to City standards over the said lands to Raymond Street.
- e) That the City construct the extension of Simons Avenue to Raymond Street concurrent with the upgrade of existing Simons Avenue to an urban standard including sanitary, storm, water and street light infrastructure subject to the completion of appropriate community consultation, at such time as deemed necessary by Council.

## **BUDGET AND FINANCIAL IMPLICATIONS**

Through the subdivision servicing the Applicant is required to size the sanitary sewer outlet to Chemong Road to accommodate potential servicing of upstream areas including the Simons Subdivision. Should over-sizing of sewers be required within the Applicant's Draft Plan of Subdivision, the City will be required to pay for the oversized portion of the sewer. Financing for any oversized sewer will need included in a future Development Charge By-law update and incorporated in a future budget.

Additionally, as recommended, the City will be acquiring the road allowance for the extension of Simons Avenue which the City will construct at such time Simons Avenue is upgraded to an urban standard including sanitary, storm, water and street light infrastructure. Financing for the extension work will come from a combination of funds from the Sanitary Sewer Surcharge, and the general Tax Levy. Options for financing for the upgrade of existing Simons Avenue will be addressed in a separate report as per the recommendations of Report USEC11-002 (January 13, 2011).

When this Plan of Subdivision is fully occupied and enjoying full City services, the operational budget increases for these services will be approximately \$12,000 per year.

## **OTHER PERTINENT CONSIDERATIONS**

Following Final Approval and registration of the plan at the Land Registry Office, the 'H' – Holding Symbol will be removed from the residential zones.

## **BACKGROUND**

The Applicant is proposing to develop a plan of subdivision consisting of 52 lots for single detached residential purposes, four blocks for future development purposes, a stormwater management pond, and open space areas associated with The Parkway road allowance, flood plain/creek buffer, and Raymond and Cochrane Park. Additionally, as part of the development the Applicant is proposing to extend Raymond Street approximately 300 metres from its current terminus to terminate as a cul-de-sac and to extend Hemlock Street from its current terminus approximately 160 metres over City-owned lands to intersect with proposed Raymond Street.

The subject properties are currently vacant and are located at the terminus of Simons Avenue, Raymond Street and Hemlock Street. Municipally known as 420 Simons Avenue and 748 Hemlock Street, the lands are bounded by The Parkway right-of-way and trail to the south, existing residential development to the west and north, and a vacant residential property to the east that forms part of the planned Parkway allowance. At the northwest corner of the site, the lands abut a parkland/open space area that includes the existing Raymond and Cochrane Park and lands owned by the Township of Smith-Ennismore-Lakefield that are in the process of being transferred to City-ownership for parkland purposes. Highland Heights Public School is located immediately south of the Parkway right-of-way along with existing residential development backing onto the Parkway allowance.

Combined, the subject properties are approximately 5.4 hectares (13.35 acres) in size. The property owned by the Applicant, RD Land Corp. (420 Simons Avenue) is 4.97 hectares (12.3 acres) in size. That property was annexed from the Township of Smith-Ennismore-Lakefield on January 1, 2008. Accordingly, that property remains subject to the Township Official Plan designations and Zoning that were in effect at the time of annexation.

The property at 748 Hemlock Street was purchased by the City of Peterborough in 2001 for the purpose of facilitating the extension of Hemlock Street to Raymond Street (Report PL01-043, June 4, 2001) and has been included in the draft plan for that purpose. The City-owned lands were annexed into the City in 1960 and are currently designated and zoned for residential purposes and are subject to a 45-metre Zoning By-law setback from The Parkway road allowance.

Pursuant to Section 51(31) of the *Planning Act* (the Act), Council has the authority to give or to refuse to give approval to a Draft Plan of Subdivision. In exercising this power, Council also 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 pursuant to Section 51(25) of the Act. Typically, 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. Should it be deemed necessary, however, Council may also use its approval authority and its authority to impose conditions of Draft Plan Approval as a means to modify the proposed Draft Plan prior to granting approval.

For the subject application, the Draft Plan of Subdivision presented in Exhibit D for which the Applicant is seeking approval is the fourth version of the plan to be submitted since the application was filed in May 2010. The original Draft Plan concept, as shown in Exhibit C (Sheet 1), included the extension of Simons Avenue to intersect with Raymond Street which, if approved, would have had the effect of creating an indirect through travel route between Chemong Road and Fairbairn Street. Following public response in opposition to the proposed connection and comments from Staff requesting additional studies to demonstrate the feasibility of the connection, the Applicant amended the proposed Draft Plan to replace the Simons Avenue extension with an access for emergency vehicles only (see Exhibit C, Sheet 2). The Applicant then further amended the Draft Plan to respond to Staff comment calling for the extension of Hemlock Street by including Hemlock Street in the plan and eliminating any emergency access between the development and Simons Avenue (Exhibit C, Sheet 3).

Any Condition of Draft Plan Approval imposed by Council 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**

Generally, staff supports the development plan proposed by the Applicant with the exception that, in staff's opinion, the Draft Plan of Subdivision should provide for the extension of Simons Avenue to Raymond Street as illustrated in Exhibit E subject to the City addressing resident concerns with cut-through traffic. To do this, staff recommends that the land encompassing the Simons Avenue extension be conveyed to the City as a public highway and held by the City until such time as the extension can be constructed together with the upgrade of existing Simons Avenue to an urban standard including sanitary, storm, water and street light infrastructure.

Consequently, staff's recommendations as outlined at the outset of this report and the proposed conditions of Draft Plan Approval which are detailed in Schedule 1 are based on the principle of protecting for a through connection between Raymond Street and Simons Avenue.

**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. Additionally, in order to provide specific policy on certain matters or for certain locations, the province may establish provincial plans. The City of Peterborough is located within the planning area subject to the provincial *Growth Plan for the Greater Golden Horseshoe, 2006* (Growth Plan). In accordance with Section 3(5) of the *Planning Act*, all City decisions with respect to planning matters must be consistent with the PPS and must conform to or not conflict with the Growth Plan.

In keeping with Section 1.1 of the PPS, the recommended draft plan makes efficient use of an existing "infill" property by:

- promoting an efficient development and land use pattern that helps to sustain the financial well-being of the Province and City over the long term;
- avoiding a development and land use pattern which may cause environmental or public health and safety concerns;
- promoting a development and land use pattern that would allow the efficient expansion of services to adjacent areas in the future;
- promoting a cost-effective development standard that minimizes land consumption and servicing costs;
- improving accessibility for both area residents and emergency services; and
- ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.

The recommended plan achieves these PPS objectives by providing looping and interconnectivity of existing underground services and roadways and by establishing some of the infrastructure required to accommodate the potential extension of services to the residential subdivision to the north (Simons subdivision).

The subject lands are located within the "built-up area" as identified in the *Growth Plan for the Greater Golden Horseshoe, 2006* and reflected on Schedule A-1 – City Structure of the Official Plan. Such areas are intended to accommodate a significant portion of

the City's long-term growth through intensification such that by 2015, and for every year thereafter, a minimum of 40% of all residential development occurring annually within the City will be located in the built-up area.

The Draft Plan of Subdivision supports the intensification goals of the Growth Plan and Official Plan and facilitates the most financially and environmentally appropriate modes for trip making in the neighbourhood (Growth Plan Section 3.2.2). Additionally, the recommended plan improves linkages from the neighbourhood the nearby Chemong Road intensification corridor as identified on Official Plan Schedule A-1 and in accordance with Section 3.2.3.2d) of the Growth Plan.

Consistent with Section 2.1.2 of the PPS, the proposed development incorporates appropriate tree-saving and planting enhancement measures adjacent to the Parkway right-of-way in order to maintain that corridor's current function as a connecting link for wildlife and setbacks from the existing watercourses on-site to protect their environmental quality and function. Additionally, the proposed Plan of Subdivision has been designed to keep development outside of hazardous areas such as floodplain in accordance with Section 3.1 of the PPS.

**Overall, it is Staff's opinion that the recommended plan fully embodies the intent of the PPS and conforms to the policies of the Growth Plan.**

**b) Official Plan**

The subject lands are currently designated as follows:

Schedule 'A' Land Use	Residential Urban Fringe Control (Township of Smith)
Schedule 'A1' City Structure	Built Boundary (within built-up area)
Schedule 'B' Roadway Network	Parkway Allowance is designated as a Future High Capacity Arterial
Schedule B(a) Bikeway Network	Parkway Allowance is designated as an Off-road bikeway
Schedule C Natural Areas & Flood Plain	Parkway Allowance is designated as a Connecting Link

As described above, the lands are subject to designations in the City of Peterborough Official Plan and the Official Plan for the former Township of Smith. Accordingly, an Official Plan Amendment is required to bring the lands' designation into compliance with the City Official Plan and to allow for the proposed residential development. Additionally, an Official Plan Amendment is required to incorporate environmental and flood plain mapping completed in support of the proposed development into the Official

Plan and to include the lands in Schedule 'D' – Development Areas. The proposed Official Plan Amendment, as detailed in Exhibit G, attached to Report PLPD11-012, would amend the Official Plan as follows:

- Amend Schedule 'A' – Land Use to change a portion of the 'Urban Fringe Control Area (Smith)' designation on the lands to a 'Residential' designation for the areas to be residentially developed;
- Amend Schedule 'C' – Natural Areas & Flood Plain to identify the flood plain limit on the lands and to identify those areas that are within the flood plain or are required for creek buffer and stormwater management purposes as 'Natural Areas and Corridors'; and,
- Amend Schedule 'D' – Development Areas to add the lands to Development Area No. '2'.

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 Draft Plan illustrates the development of 52 single detached residential units with typical lot widths ranging from 10.6 m (35 feet) to 12 m (40 feet) whereas implementation of the recommended would reduce that number to 50 lots. The proposed unit types are in keeping with the single detached nature of the surrounding neighbourhood. The proposed lot widths are similar to what can be found on portions of both Hemlock Street and Raymond Street and are typical for a municipally-serviced urban development.

In accordance with Official Plan Policy 4.2.3.6, an evaluation of the affordability of the proposed housing and of housing in the surrounding neighbourhood is required. Based on new home sales data obtained from the Municipal Property Assessment Corporation (MPAC), between 2005 and 2009, reducing lot width from 12 metres to 10.6 metres improves the affordability of dwellings constructed on those lots.

Based on the proposed housing mix and a review of current property assessment records in the area, **staff is satisfied that the proposed housing is suitable for the area and that an adequate supply of affordable housing opportunities will be available both within the plan and in the immediate area.**

## **ii. Surrounding Land Uses**

The majority of the subject lands were annexed into the City on January 1, 2008. To the north, the plan abuts a residential subdivision developed to rural standards known as the Simons Subdivision as well as Raymond and Cochrane Park and land and set aside for parkland purposes that is currently owned by the Township of Smith-Ennismore-Lakefield (these lands are currently in the process of being transferred into City ownership). To the east, the plan abuts a residential property with frontage along Chemong Road. The southern limit of the plan is adjacent to the right-of-way set aside for The Parkway. Currently, The Parkway Trail is developed within this space with residential uses backing onto the southern side of the right-of-way. Highland Heights Public School is also located adjacent to the southern extent of The Parkway right-of-way. To the west, the plan abuts existing residential development at the terminus of Raymond Street and Hemlock Street.

Along the north limit of the plan, residential lots in the Simons Subdivision that back onto the proposed development have typical lot widths in excess of 41 metres (135 feet). Given that the Draft Plan proposes typical lot widths of 10.6 to 12 metres (35 to 40 feet), it might be assumed that three to four of the proposed lots will back onto each property along the southern limit of the Simons Subdivision. However, this will not occur as a creek runs along the rear of the lots in the Simons Subdivision that requires a minimum 15 metre (49 feet) development setback along both sides to ensure the creek's protection. Consequently, all existing lots within the Simons Subdivision will be buffered from the proposed development by an open space corridor along the creek that is to remain in a natural state.

Along the southern limit of the proposed plan, the property is subject to a development setback of 45 metres (147.5 feet) from the centreline of The Parkway right-of-way. Consequently, all proposed lots have been designed to provide building envelopes that respect The Parkway setback.

**Staff is satisfied that the proposed development is compatible with surrounding land uses.**

## **iii. Adequacy of Municipal Services**

The proposed development is planned for full municipal water and wastewater services. Peterborough Utilities Services Inc. (PUSI) will provide water service to the development upon plan registration and execution of a standard servicing agreement with the owner. Water distribution service currently exists at the terminus of Raymond Street and Hemlock Street. The applicant is proposing to extend the watermains from those locations into the subject lands.



With the exception of the City-owned property at 748 Hemlock Street, the majority of the subject lands fall within the service territory of Hydro One for electrical service. Should the Applicant wish to be serviced by PUSI, the Applicant will need to request PUSI to apply to the Ontario Energy Board for a service territory adjustment. As a condition of Draft Plan Approval, the Applicant will be required to ensure that sufficient provision has been made to provide electrical service to the lands.

Sanitary wastewater flow for the majority of the site is proposed to be conveyed via a 200mm sewer to be constructed within the proposed Raymond Street allowance that would enter The Parkway allowance at the proposed cul-de-sac and then travel easterly to connect to the existing Chemong Road sanitary sewer. Homes along the proposed Hemlock Street extension would drain to the existing Hemlock Street sanitary sewer. Presently, the City of Peterborough Wastewater Treatment Plant has sufficient capacity to handle flows generated from the proposed development however capacity constraints may exist within the downstream trunk sanitary sewer systems to which the Chemong Road and Hemlock Street sewers drain. As a standard condition of Draft Plan Approval, the Applicant will be required to confirm that capacity exists at the Wastewater Treatment Plant for the proposed plan at the time of Final Approval. Additionally, prior to Final Approval the Applicant will be required to confirm that downstream sanitary sewer capacity exists for the proposed plan development.

In response to City comments regarding the need consider upstream development potential in the infrastructure planning for this site, the Applicant has proposed to size the sanitary sewer outlet from the site to Chemong Road to accommodate any potential upstream development subject to cost sharing with the City. As a condition of Draft Plan Approval, the Applicant will be required to determine the appropriate sizing for the said infrastructure and to enter into a cost sharing agreement with the City, if necessary.

Stormwater flow from the development is proposed to be accommodated in a stormwater management pond that will outlet to the existing creek on-site which eventually drains to Jackson Creek via the Chemong Road storm sewer system. The pond is proposed to provide protection for water quality as per Ministry of Environment design guidelines and to match post-development outlet flows from the lands to pre-development levels. As a condition of Draft Plan Approval, the Applicant will be required to submit a final stormwater management report to the satisfaction of the Otonabee Region Conservation Authority (ORCA) and the Utility Services Department (USD) prior to Final Approval.

#### **iv. Traffic Impacts**

##### **a. Context**

The original development concept submitted for this site by the Applicant provided for the extension Raymond Street to meet an extension of Simons Avenue so as to connect the existing Raymond Street neighbourhood with the Simons Subdivision. In making this connection, a through travel route would be created between Chemong Road and Fairbairn Street that could have the potential to draw outside traffic through the neighbourhood in search of a more convenient route between the two arterial streets.

At a neighbourhood open house hosted by the Applicant in June 2010, area residents voiced strong opposition to the proposed street connection citing numerous concerns including:

- impacts to property value;
- loss of neighbourhood character;
- risk to health and safety due to inadequate infrastructure (lack of sidewalks in Simons Subdivision and along Raymond Street, deteriorating rural roads without illumination or curbs and sewers in Simons Subdivision);
- increased noise and air pollution;
- increased risk for groundwater contamination from road runoff;
- increased risk for accidents at the Simons Avenue/Chemong Road intersection; and,
- existing movement difficulties at the Raymond Street/Fairbairn Street intersection; and potential expense to the City for the upgrade of roads and intersections in the neighbourhood to accommodate increased traffic.

In order to objectively assess the feasibility of establishing a street connection between Raymond Street and Simons Avenue and the impacts that such a connection could have, Staff requested the Applicant to prepare a traffic impact study, a hydrogeological study, and a geotechnical study of both the subdivision site and of Simons Avenue. Additionally, at that time Staff requested the Applicant to preserve the ability to extend Hemlock Street to Raymond Street. However, in response to these requests and public sentiment, the Applicant opted to amend the proposed plan to eliminate the street connection altogether, replacing it with an

emergency vehicle access, and instead prepared the requested studies on the basis of the revised plan (see Exhibit C, Sheet 2).

As proposed by the Applicant, eliminating the connection between Raymond Street and Simons Avenue would require the proposed development to gain its access exclusively from Raymond Street. In light of this, some residents of the area west of the subject lands expressed concern that the proposed plan provides for an inequitable distribution of traffic generated by the new development and that the additional traffic is not only unwanted, but will also affect operations at the intersection of Raymond Street and Fairbairn Street. To support the proposed revised plan, the Applicant submitted a Traffic Impact Study prepared by Tranplan Associates (November 2010) which concluded that the proposed development will have an acceptable impact on area streets and intersections and that no improvements are required at the Raymond Street/Fairbairn Street intersection to accommodate the proposed development.

Subsequent to receiving Staff comments regarding the need to extend Hemlock Street to meet Raymond Street, the Applicant further amended the to remove the emergency access and to extend Hemlock Street over the City-owned property at 748 Hemlock Street (see Exhibit D). This plan, which has become the Applicant's preferred plan, would provide local street access to the site from both Raymond Street and Hemlock Street. Presently, the portions of Raymond Street and Hemlock Street that abut the subject lands are cul-de-sacs with approximate lengths of 176 metres (577 feet) and 366 metres (1200 feet) respectively. As proposed, the extension of Hemlock Street to intersect with Raymond Street will improve resident accessibility and service delivery for residents along Hemlock Street and that portion of Raymond Street which will no longer have only a single point of access. In a follow-up letter report dated January 24, 2011, Tranplan Associates asserted that the extension Hemlock Street to Raymond Street will have no impact on the operation of the Raymond Street/Fairbairn Street intersection and that their previous comments with respect to the overall traffic impact of the proposed development remain valid.

#### **b. The Case for Street Integration**

Section 5.2.1 of the Official Plan establishes a number of objectives for the development of the City's transportation system including:

- consideration of short-term operations with action required to meet long-term needs for moving people and goods safely and efficiently within the City;
- planning for a more balance Transportation System to accommodate increase use of public transit, cycling and pedestrian facilities; and,
- having regard for the overall Quality-of-Life for all City residents in the provision of transportation services and facilities.

These objectives are reaffirmed by Official Plan Policy 5.3.3 which requires transportation infrastructure to be designed and located to maximize safety and energy efficiency and to minimize impacts on Natural Areas.

The recommended plan as proposed in Exhibit E would ultimately reduce the length of roadway along Raymond Street that is served by one access point from approximately 176 metres (577 feet) today to 110 metres when the Simons Avenue extension is opened. Additionally, opening Simons Avenue to Raymond Street would reduce the amount of roadway within the Simons subdivision that is served by one access point from approximately 2km to 175 metres (575 feet).

Through the review process, some residents have expressed concern that the function of the intersection of Chemong Road and Simons Avenue intersection is currently unsatisfactory; planning for a secondary means of access to the Simons subdivision will provide neighbourhood residents with an alternative for access and egress. In addition, other benefits provided by planning for a permanent connection between Raymond Street and Simons Avenue include:

- Improved accessibility for area residents that could encourage the of alternative modes of travel such as walking and cycling;
- potential to reduce not only the number of automobile trips generated within the neighbourhood but also the length of those trips by providing more direct access to areas external to the neighbourhood;
- an allowance for the City to achieve greater efficiency in the delivery of services such as snowplowing and garbage and recycling collection; and,
- improved accessibility for emergency services.

Peterborough Fire Department has strongly endorsed the recommended plan.

When the Raymond Street, Hemlock Street and Simons Subdivision areas were originally planned, they were planned with the expectation of being integrated with a future street network to be developed on the vacant land parcels in the neighbourhood. Accordingly, four future road allowances were reserved in municipal control within the Simons Subdivision and the City acquired the property at 748 Hemlock Street for the purpose of facilitating the extension of Hemlock Street to Raymond Street (see Exhibit F). Similarly, when Hillview Drive was developed off of Towerhill Road to the north, it was also planned with future road blocks in order to allow for integration with the surrounding neighbourhood. **In Staff's opinion, the recommended plan not only implements the original land use intent for the neighbourhood, but also fulfills the planning objectives of the Official Plan.**

As noted previously, many area residents have expressed concern with the potential impacts that connecting Raymond Street and Simons Avenue may have within the neighbourhood. In particular, they are concerned that Simons Avenue and Raymond Street will begin to function as an arterial route between Fairbairn Street and Chemong Road. In the fullness of time as the neighbourhood bound by Towerhill Road, Chemong Road, The Parkway allowance and Fairbairn Street builds out, **it is Staff's opinion that planning for an integrated street network throughout the neighbourhood will effectively disperse traffic such that no one street will function as an arterial street.**

To help address neighbourhood concerns, Staff recommends that the City assume responsibility for the construction of any connection between Raymond Street and Simons Avenue. Additionally, staff recommends that the conditions of Draft Plan Approval require the Applicant to dedicate the land for the proposed Simons Avenue extension to the City as public highway and that the City hold the land until it can construct the extension in conjunction with the upgrade of existing Simons Avenue to an urban standard. If possible, it is staff's expectation that these upgrades will occur concurrently with the extension of municipal services to the Simons Subdivision should Council and Peterborough Utilities Services Inc. opt to do so at a future date. Prior to constructing the Simons Avenue extension, the City will need to undertake the necessary traffic, geotechnical, and servicing studies as it would with any proposed road construction as well as neighbourhood consultation.

As a condition of Draft Plan Approval, the Applicant will be required to enter into a cost-sharing agreement with the City for implementation of any transportation network improvements necessitated by the proposed development. Any financial contribution from the Applicant would be limited to the proportionate share of traffic generated within the new development that would utilize the upgraded facilities.

**v. Adequacy of Amenities, Parks and Recreation Opportunities**

Under Section 51.1 of the Planning Act and Section 6.5.2 of the Official Plan, the City can require the greater of 1 hectare for every 300 dwellings units or 5% of the land devoted to residential development to be dedicated for parkland purposes. Alternatively, the City may collect cash-in-lieu of the said parkland dedication.

Within the neighbourhood, a play structure and baseball diamond is available for use at Poplar Park, located approximately 500 metres (1650 feet) west of the proposed development. Immediately south of the subject lands, The Parkway Trail provides both recreation opportunities and connectivity to Jackson Park located 360 metres (1200 feet) away. Immediately south of The Parkway right-of-way, Highland Heights Public School hosts a baseball diamond, basketball courts, a play structure and an open field that residents can access outside of school hours. In light of this, **Staff is satisfied that sufficient park and recreation opportunities exist within a reasonable walking distance of the proposed development.**

Notwithstanding this, staff did evaluate the potential for creating additional active parkland space at the northwest limit of the plan where it abuts Raymond and Cochrane Park and the lands that were dedicated to the Township of Smith for parkland purposes during the development of the Simons Subdivision. The existing parkland is situated behind homes on Cochrane Street, Hillside Drive and Simons Avenue and has very little road frontage. The site is mostly forested and is used by area residents for passive recreation purposes.

In order to make this area more suitable for active recreation uses such as a play structure, significant improvement would need to be made to the site including some tree clearing, drainage improvements and the acquisition of land to provide additional street frontage to meet Official Plan standards. Generally, the amount of land required to provide suitable road frontage would exceed that which the City can require through the Plan of Subdivision approval process. Additionally, portions of the existing parkland are subject to floodplain conditions associated with a creek that runs through the site. In light of these constraints, it is Staff's opinion that the function of the existing parkland should remain in its present state and that any planning for additional active recreation parks in the area should be pursued as part of the development of future subdivision plans elsewhere in the neighbourhood that are further removed from existing park facilities.

Along the Parkway right-of-way, significant tree cover exists within the site. In their comments, Otonabee Region Conservation Authority has recommended that vegetation along the Parkway allowance, within the 45-metre Zoning setback, be preserved and enhanced in order to maintain landscape connectivity and the connecting link function of the Parkway allowance. Section 6.5.3 of the Official Plan indicates that woodlands may be accepted for parkland purposes where they can be incorporated into public parkland for passive recreational use or conservation purposes. Accordingly, staff recommends that Block 57 as illustrated in Exhibit E be accepted as the parkland for the subject development.

Additionally, to facilitate accessibility to the Parkway Trail, staff have recommended that the Applicant be required to provide walkway connections to the trail from both Hemlock Street and the terminus of Raymond Street.

#### **vi. Parking, Buffering and Landscaping**

Parking, building setback, and building/driveway coverage standards are implemented as regulations in the Zoning By-law. All dwellings within the proposed development will have the same building setback from the street (6 metres – 20 feet) as the existing homes along Raymond Street and Hemlock Street and the same standard rear yard setback (7.6 metres – 25 feet). All lots proposed with a minimum width of 12 metres (40 feet) will also have the same standard side-yard setback (1.2 metres, 4 feet) as homes along Raymond and Hemlock Streets.

Side yard setbacks for all single detached dwellings on lots with widths of less than 12 metres are proposed to vary (1.2m on one side of the house, 0.6m on the other, provided that a minimum of 1.8m is maintained between adjacent dwellings). The varying side yard setbacks are similar to those that have been established in the Heritage Park neighbourhood. In order to ensure the varying setbacks do not interfere with the installation of underground services, the Applicant will be required to prepare a utility coordination plan showing the location of all utilities, including driveways, to the satisfaction of the City and the affected utilities, prior to Final Approval.

At the September 13, 2010 meeting of Council, Council requested staff to report on side-yard setback easement provisions for new plan of subdivisions. In recent subdivision developments it has come to Council and staff's attention that where sideyard setback provisions are reduced between dwellings, some residents are experiencing difficulty accessing portions of their dwelling for maintenance purposes without encroaching on neighbouring properties. This issue appears particularly prevalent where lots zoned for R.2 purposes are subdivided to allow the creation of 9-metre wide single detached lots.

Through the conditions of Draft Plan Approval, staff recommends that the Applicant be required to establish easements along side lot lines where reduced sideyard setbacks are proposed. Establishing easements in this manner would allow residents to access the portion of their neighbour's property subject to the easement in order to perform maintenance on their own dwelling. Additionally, such an easement would prevent the placement of a fence between homes where sideyard setbacks are reduced thus ensuring unencumbered access to the sideyard should extensive maintenance work such as foundation repair be required. For the subject development, easements will be required between all lots that are proposed to have a reduced minimum building sideyard building setback of 1.8 metres (6 feet) between adjacent buildings.

Within the development, each proposed lot will be required to provide a minimum of two off-street parking spaces. This is the same parking standard that applies to single detached housing throughout the neighbourhood.

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

#### **vii. Significant Natural/Environmental Features**

The subject lands contain two watercourses; one that runs east-west along the northern limit of the site and one that runs southerly into the site from Deana Boulevard. The two watercourses merge at the eastern limit of the site and continue south-easterly to the Chemong Road storm sewer. Additionally, The Parkway right-of-way located along the southern limit of the site is identified as a Connecting Link in the Official Plan that can facilitate wildlife movement between Core Natural Areas.

In accordance with Section 3.3.7 of the Official Plan, the Applicant submitted an Environmental Study prepared by Niblett Environmental Associates (November 2009) in support of the proposed development. The study did not identify any significant environmental features on-site however it did make recommendations with respect to: protecting the creeks and their water quality both during and following construction; restricting the timing of site clearing and grading to not interfere with the breeding of migratory birds; encouraging the use of native tree and shrub species for any plantings on-site; methods for storing topsoil and on-site and disposing of trees and shrubs removed from the property.

Additionally, the Applicant undertook a Floodplain Analysis of the watercourses on-site (M.J. Davenport & Associated Ltd., February 2010) to ensure that development will not encroach into floodplain.



Commenting on Natural Heritage issues on the City's behalf, ORCA has generally endorsed the recommendations of both the Environmental Study and the Floodplain Analysis subject to clarifying that development setbacks along the creek should be the greater of either a 15 metre natural buffer along both sides of the creek or the mapped floodplain. Additionally, ORCA recommended that a tree planting and invasive species management plan be developed for areas along The Parkway right-of-way, that fencing be established along the Parkway right-of-way, and that as part of detailed stormwater management design an assessment be required of the impact that increased impervious surface and stormwater discharge will have on the creeks on-site.

As an alternative to development, some residents have questioned whether the City considered using the subject lands for a large stormwater management pond similar to the ponds developed east of Chemong Road (behind Wal-Mart) in order to restrict flow from the area to Jackson Creek during storm events and to help protect downtown having a 2004-style flood again in the future. In 2010 the City completed the Jackson Creek Flood Reduction Study Environmental Assessment which, through a process involving both technical review and public consultation, made a number of recommendations to mitigate the potential for flood damage from any future 2004-style storm event (Report USEC10-007, April 6, 2010). The study assessed flooding potential throughout the entire Jackson Creek watershed, including the subject lands. City Council has endorsed the recommendations of the study and is actively pursuing their implementation. Through that study, a major stormwater management pond was not recommended for the subject lands. Accordingly, **the City has not considered pursuing a large-scale stormwater management pond at this location.**

Notwithstanding this, the feasibility of using the proposed development site for a large stormwater management pond is limited because the drainage catchment area for the subject lands precludes its use for a large-scale stormwater management pond. Specifically, surface runoff from upstream areas (including the Simons Subdivision) is intercepted by an existing watercourse that runs along the north limit of the proposed plan. In order to collect upstream runoff on the subject lands, a pond would need to be developed as an "on-line" pond meaning that it receives flow from and outlets to a natural watercourse. At a Provincial level, on-line ponds are generally not permitted as outlined in the Ministry of the Environment's Stormwater Management Planning and Design Manual, 2003.

**c) Draft Plan of Subdivision**

As noted previously, the Draft Plan of Subdivision submitted by the Applicant provides for the development of 52 single detached residential lots with typical widths of 10.6 metres (35 feet) to 12 metres (40 feet) (see Exhibit D). The plan proposes to extend

Raymond Street easterly approximately 300 metres to terminate at a new cul-de-sac and also to extend Hemlock Street over the City-owned property at 748 Hemlock Street in order to intersect with the Raymond Street extension. Along the entire north limit of the plan, a corridor of open space is proposed that encompasses a natural buffer associated with the existing watercourse, floodplain from the watercourse, and land adjacent to Raymond and Cochrane Park that can not be used for active parkland purposes. A stormwater management pond is proposed outside the floodplain at the terminus of the Raymond Street extension while four blocks of land are proposed to be set aside for future development purposes along Hemlock Street and Raymond Street where they are subject to the 45-metre Parkway zoning setback. Near the western limit of the plan, a trunk watermain easement runs north-south through the site that may provide an opportunity for future trail development in the neighbourhood.

The recommended plan, as depicted in Exhibit E, would remove three lots from the Applicant's plan and replace them with a planned road connection between Raymond Street and Simons Avenue. Additionally, in order to minimize the number of lots lost to accommodate the Raymond Street/Simons Avenue connection, the recommended plan would add one lot along the north side of Raymond Street, at the west limit of the plan, adjacent to the existing dwelling at 484 Raymond Street.

#### **d) Zoning By-law**

The subject property is currently zoned A1 (Smith) – Rural Zone, and R.1, 1m, 2m – Residential District. The Applicant is proposing to rezone the lands as follows:

<b>Lots/ Blocks</b>	<b>From</b>	<b>To</b>	<b>Use/Building Type</b>	<b>Minimum Lot Width</b>	<b>Minimum Side Yard Setback</b>	<b>No. of Units</b>
Lots 1, 30-55	A1 (Smith)	Residential District 1 (R.1), 8z – 'H'	Single Detached	12 m	1.2m on one side; 0.6m on the other side	28
Lots 2-4, 8-25	A1 (Smith)	Residential District 1 (R.1), 1r, 2r, 8z – 'H'	Single Detached	10.6 m	1.2m on one side; 0.6m on the other side	21
Lots 5-7	R.1, 1m, 2m	Residential District 1 (R.1), 1r, 2r, 8z – 'H'	Single Detached	10.6 m	1.2m on one side; 0.6m on the other side	3
Lot 26	A1 (Smith)	Residential District 1 (R.1) 1j, 2j, 8z – 'H'	Single Detached	21m	1.2m on one side; 0.6m on the other side	1
Blocks 27-29, 57	A1 (Smith) R.1, 1m, 2m	Development District 1 (D.1)	Future Development	N/A	N/A	N/A

<b>Lots/ Blocks</b>	<b>From</b>	<b>To</b>	<b>Use/Building Type</b>	<b>Minimum Lot Width</b>	<b>Minimum Side Yard Setback</b>	<b>No. of Units</b>
Blocks 58, 59, 60	A1 (Smith)	Open Space District 1 (OS.1)	Floodplain/ Creek Buffer	N/A	N/A	N/A
Blocks 52, 56, 61, 63	A1 (Smith) R.1, 1m, 2m	Open Space District 2 (OS.2)	Open Space	N/A	N/A	N/A

Similar to what has most recently been applied in the Heritage Park and Parkhill Road West neighbourhoods, the Applicant has requested the use of a varying side yard building setback of 0.6m on one side of the house and 1.2 metres on the other for all lots within the development. Applying this alternative standard in a greenfield subdivision is relatively simple in that it does not conflict with any existing land uses. In an infill subdivision, however, incompatibilities can arise where alternative standards are used adjacent to existing dwellings. To mitigate any potential incompatibility, Staff recommends that the alternative side-yard setback only be used on lots that do not share a side lot line with an existing residential lot. Additionally, where alternative side yard setbacks are used, staff recommends that a minimum setback of 1.8 metres between adjacent dwellings be maintained.

Should Council support the recommended plan of subdivision, the proposed zoning would change slightly to such that those lots adjacent to existing dwellings on Raymond Street would not be subject to alternative regulation 8z. The recommended Zoning By-law, as detailed in Exhibit H, reflects the Staff-recommended plan of subdivision.

Staff is satisfied that the recommended zoning is appropriate for the development and that all new dwellings will maintain a consistent relationship with the street and a compatible relationship with neighbouring existing dwellings.

As is customary with plans of subdivision, a Holding Symbol to prevent the issuance of building permits 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 May 18, 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 including:

- Implementation of the recommendations of the Environmental Study prepared by Niblett Environmental Associates for the proposed development;
- A detailed landscape and planting plan and invasive species management plan for the watercourse buffer areas and lands adjacent to the Parkway Trail;
- Fencing along the rear yards of lots backing onto the watercourse buffer and the Parkway Trail; and,
- A detailed stormwater management report, including measures to minimize the effect of erosion and sedimentation both during and after construction, measures to prevent the mixing of storm and ground water, and an assessment of impervious surface impacts and stormwater discharge to the watercourses on site.

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 in Schedule 1.

### **Peterborough Utilities Services Inc.**

PUSI requires the owner to enter into standard servicing agreements with the Peterborough Utilities Commission and Peterborough Distribution Inc. for water and electrical service respectively. It should be noted that only a small portion of the subject land (748 Hemlock Street) fall within the electrical servicing territory of Peterborough Distribution Inc.; the remainder of the site is located in the servicing territory of Hydro One. Should the Applicant prefer to receive electrical service from Peterborough Distribution Inc. a request for service will be required from the Applicant in order to enable PUSI to apply to the Ontario Energy Board for an adjustment to their electrical service territory. As a condition of Draft Plan Approval, the Applicant will be required to make satisfactory arrangements for the provision of water and electrical service to the site.

### **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 Draft Plan Approval.

### **Canada Post**

Canada Post requires the Applicant 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. These requirements have been reflected in the proposed conditions of Draft Plan Approval.

### **Kawartha Pineridge District School Board**

Kawartha Pineridge District School Board (KPRDSB) has advised that students generated within this plan will attend Highland Heights Public School (Grades Junior Kindergarten to 8) and Peterborough Collegiate & Vocational School. To facilitate student accessibility, the School Board has requested that the Applicant be required to provide sidewalks along all public streets within the Draft Plan of Subdivision and that a sidewalk connection be provided between the proposed plan and the Parkway-Rotary Greenway Trail in the vicinity of Highland Heights Public School. Sidewalks will be provided along all proposed streets in accordance with the City's sidewalk policy. Formalized connectivity to the Parkway-Rotary Greenway Trail will also be secured as a condition of Draft Plan Approval.

### **Enbridge Gas Distribution Inc.**

Enbridge Gas requests the Applicant to contact them at their earliest convenience in order to installation and clearance requirements for service and metering facilities. Enbridge Gas' standard approval requirements have been included as proposed conditions of Draft Plan Approval.

## **b) Public Responses**

Pursuant to the *Planning Act*, Notice of Complete Application was published in the Peterborough Examiner on May 19, 2010.

On June 22, 2010 the Applicant hosted a neighbourhood open house at the Mercy of God Ministries (356 Simons Avenue). The Applicant hand-delivered notices to all households along Raymond Street, Hemlock Street (south of Raymond Street), Cochrane Street, Hillside Street, Summerhill Drive, and to all households within the Simons Subdivision. The meeting was attended by approximately 80 people and

generated vigorous dialogue and numerous follow-up inquiries. In light of the discussion held that night, the City pledged to hold a second neighbourhood open house in order to provide responses to neighbourhood issues that could not be addressed at that time.

On January 27, 2011, the City hosted a follow-up neighbourhood open house at Northminster United Church (300 Sunset Boulevard). Notice of the meeting was mailed to owners of property within 120 metres of the subject lands, to all people that attended the first open house or submitted comments to City staff, and to the owners of all households that received a notice of the first meeting. The meeting was attended by approximately 100 people and again generated extensive conversation and numerous inquiries.

Notice of the Public Meeting was mailed on February 4, 2011 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 and/or attended the public open houses. The Notice of Public Meeting was published in the Peterborough Examiner on February 8, 2011. A number of telephone and email inquiries were received in response to the Public Meeting notice.

Comments raised during the Public Open Houses and in the written submissions generally focussed on neighbourhood opposition to any potential connection between Raymond Street and Simons Avenue, flooding and stormwater management, potential impacts to groundwater resources, the need for municipal services in the Simons Subdivision, and the loss of greenspace. A summary of these issues is provided below. A detailed listing of the public inquiries and concerns received is included in Exhibit I.

### **Raymond Street-Simons Avenue Connection**

Throughout the review of the proposed development, area residents have expressed clear opposition to connecting Raymond Street with Simons Avenue. Residents believe that making the connection will:

- create a high-traffic arterial route between Chemong Road and Fairbairn Street that will be preferred by drivers over other existing routes such as Towerhill Road, Highland Road and Wolsely Street and will therefore require the City to pay for costly upgrades such as urbanization of Simons Subdivision and installation of City services;
- create a need for road widenings that necessitate property expropriations;
- adversely affect property value for existing residents;

- direct traffic to roads that are unsuitable to accommodate additional traffic due to their age and deteriorating condition, rural nature of construction, lack of illumination and/or lack of sidewalks;
- create a safety hazard for both drivers and residents;
- increase noise and air pollution within the neighbourhood;
- draw traffic through the neighbourhood area from Towerhill Road, Hilliard Street, Fairbairn Street, Lily Lake Road and Chemong Road;
- make the intersection of Chemong Road and Simons Avenue more dangerous with added traffic;
- cause additional difficulty turning from Raymond Street onto Fairbairn Street; and,
- create safety issues for both drivers and pedestrians along Fairbairn Street by adding traffic to a street that is already too busy and where speeding is problematic.

Generally, by recommending that the City wait to construct the Raymond Street – Simons Avenue connection until such time as the Simons Subdivision can be urbanized, it is staff's opinion that most of the residents' concerns regarding safety, traffic operations and the physical condition of the street network can be addressed through the network improvements that would occur during that process. Other comments, however, such as those related to property values and air pollution are more difficult to objectively quantify. Should municipal services be provided concurrent with the urbanization of the Simons Subdivision, staff anticipates that property values in that subdivision will increase as the potential for property development increases.

**Overall, it is staff's opinion that the benefits of planning for an integrated street network as described previously outweigh the potential adverse impacts for both area residents and the municipality.**

### **Flooding and Stormwater Management**

Many residents have noted that the Simons Subdivision area was impacted significantly during 2004 flood because of overland flow from upstream areas. Accordingly, residents feel that the City should look at solving existing flooding problems for the Simons subdivision and surrounding areas to the north and northwest before considering the proposed development. Residents fear that the proposed development

will increase their risk for future flooding due to tree removal and increased impervious cover and the potential of removing existing ditches in Simons Subdivision as part of urbanizing roads. It has also been suggested that the proposed development site would be better used as a large stormwater management pond to collect all runoff from upstream areas (i.e. the Simons Subdivision) and to protect the downtown area from future flooding.

**Staff is of the opinion that the proposed development will not increase the risk for flooding to existing residents** because the development is located outside the accepted floodplain limit and because the development is required manage its stormwater runoff such at pre-development levels equal post-development levels. At such time as streets in the Simons Subdivision are urbanized, staff anticipates the flood risk in that neighbourhood will actually decrease with the introduction of curbs and stormsewers.

As part of any future development upstream of the Simons Subdivision, developers will be required to ensure their stormwater runoff matches pre-development levels thus providing flood protection for downstream areas.

As noted previously, the issue of addressing existing flooding issues in the Jackson Creek watershed, including the subject area, has been studied through the completion of the Jackson Creek Flood Reduction Study Environmental Assessment in 2010. Implementation of the recommendations in that study is intended to mitigate the risk of future flooding both downtown and throughout existing built-up portions of the watershed. Accordingly, **staff is satisfied that appropriate measures are being taken to address existing flood risk in the Jackson Creek watershed.**

### **Groundwater Resources**

Many residents of the Simons Subdivision have noted that the area has a high water table and are concerned that the proposed development will have an adverse impact on the quantity and quality of the water available at their wells.

As part of the technical review process, the Applicant was required to submit a Hydrogeological and Geotechnical study for the subject lands which concluded that the lands are feasible for development subject to standard mitigation measures. The study did assess the potential for adverse impacts on existing well users and concluded that no impacts to the groundwater resources being used by area residents are anticipated as a result of the proposed development. Notwithstanding this, the City is unable to guarantee that existing wells will not be impacted by the proposed development. Therefore, in order to provide protection of health and safety for nearby wells users, **staff has recommended that the Applicant establish a well monitoring program to assess any potential well impacts pre-, during and post-development.**



Furthermore, many residents questioned the potential impacts that urbanization of the existing Simons Subdivision could have on area well users. From staff's perspective, urbanizing streets within the Simons Subdivision has the potential to reduce the risk for groundwater contamination from chemicals such as road salt and hydrocarbons by allowing stormsewers to convey street runoff away from the site. If municipal services are provided to the area, residents would have the opportunity to connect however they would not be obligated. If they choose to connect to municipal services, they would be required to de-commission their existing private services.

Some residents have questioned whether the City will offer residents compensation if their well supply is adversely affected by the proposed development? If it can be conclusively demonstrated that the proposed development has adversely impacted groundwater quality or quantity to the point where affected residents' wells become unsuitable for continued use either due to health and safety concerns or due to quantity concerns, the City would have an obligation to ensure a safe and adequate supply of water is made available to impacted residents in keeping with Sections 2(f) and 2(o) of the Planning Act. The proposed monitoring program as noted above will provide the means for the City to assess the impacts that the development has on area wells.

It should be noted that the geotechnical investigation of the site submitted by the Applicant indicates that some groundwater seepage into open excavations can be expected on site and that pumping this water from collection sumps to acceptable outlets has been recommended as a control measure during excavation. Given this, some residents have questioned where will the outlets for discharge be located, what impact will dewatering have on groundwater levels in surrounding areas, and whether the collection sumps will be cleaned regularly to remove sedimentation and in what manner? These types of details are typically not addressed prior to Draft Plan Approval but rather as a condition of Draft Plan Approval. Prior to Final Approval, the Applicant will be required to prepare an erosion and sedimentation control plan to the satisfaction of both the City and Otonabee Region Conservation Authority. Through that process, the parameters for any dewatering and control of sediment will be established as will any measures required to ensure any de-watering on site will not have an adverse impact on groundwater levels in surrounding areas.

### **Request for Services in the Simons Subdivision**

Residents of the Simons Subdivision rely on private wells and septic systems for their servicing. Recently, a number of residents have made a concerted effort to lobby the City to extend municipal services into the subdivision noting that:

- their wells and septic systems are reaching the end of their lives and need to be upgraded and/or replaced;

- storm drains (culverts) need to be replaced in the subdivision because of damage caused by heavy City trucks driving over them;
- they are not willing to pay the estimated \$71,000.00 (2008) per household for the extension of municipal services in to the neighbourhood because their taxes have risen since amalgamation without any discernable improvement in service; and,
- the proposed development may necessitate the extension of services into Simons Subdivision if the existing streets need to be urbanized or if adverse impacts are experienced by well users.

Generally, citizen requests for the extension of municipal services into the Simons Subdivision are unrelated to the proposed development insofar as the Applicant is responsible for servicing the development site and is able to do so independent of the Simons Subdivision. Notwithstanding this, the Applicant will be required to design the servicing infrastructure within the development site in anticipation of future servicing of the Simons Subdivision. It should be noted that requests for municipal water service must be addressed to the Peterborough Utilities Commission and not the City. With respect to municipal services, the City is responsible for the provision of storm and sanitary sewer services.

The City's current policy for financing municipal infrastructure as described in Report USEC05-051 (September 26, 2005) indicates that, unless the conditions of a site plan, development or subdivision agreement or of a land severance stipulate otherwise, the construction of municipal infrastructure works will be financed as follows:

- (i) Construction of sanitary sewer systems will be financed from Sewer Surcharge revenues, and/or Development charges as applicable; and
- (ii) Construction of storm sewers, sidewalks, granular base roads with an asphalt surface and asphalt pavement with curb and gutter deemed necessary for other than aesthetic reasons be financed from general taxation and/or debentures and/or development charges as applicable.

Recently, a revised preliminary estimate of the cost to service the Simons Subdivision was presented to Council as part of Report USEC11-002 (January 13, 2011). In that report, the estimated cost to extend services into the Simons Subdivision, including the urbanization of streets, was approximately \$5,578,000 or \$85,800.00 per lot for the 65 lots in the subdivision (64 residential, one institutional). Under current policy, if servicing of the Simons Subdivision were deemed a necessity by the City, as could be the case if it were demonstrated that public health and safety is currently threatened by the lack of sanitary and/or storm sewer services, then the City could be financially responsible for this cost however the timing of any City investment would remain subject to Council and

budget approval. However, if the services are not deemed a necessity, then the proponents of the servicing extension (i.e. residents) would be responsible. To date, staff is not aware any evidence demonstrating the necessity for municipal sanitary and storm sewers in the neighbourhood. In accordance with the recommendations of Report USEC11-002, staff will be reporting back to Council at a later date on the matter of funding the servicing of annexed properties within the city.

### **Loss of Greenspace**

A number of residents expressed concern about a lack of areas green areas for children to play and the environmental impacts of developing the subject lands. As noted previously in this report, staff is of the opinion that sufficient opportunities exist in the immediate area for both passive and active recreation including Poplar Park, Highland Heights Public School, Raymond and Cochrane Park, the Parkway Trail and Jackson Park. The subject lands are currently privately owned and are not available for public use.

From an environmental perspective, the proposed plan attempts to find a balance between development expectations and tree preservation by setting aside a significant portion of the site as parkland/open space alongside the Parkway Trail. Additionally, the City is currently conducting a review of its Urban Forest Strategic Plan with the goal of maintaining and enhancing a sustainable urban forest within the City.

## **RELATED MATTERS**

The Draft Plan of Subdivision proposes the extension of Hemlock Street over the City-owned property at 748 Hemlock Street to meet Raymond Street. The Applicant made this revision made to the proposed draft plan of subdivision following staff requests to make provision for the Hemlock Street extension within the plan.

In 2001, the City purchased the property now known municipally as 748 Hemlock Street for \$30,000.00 for purpose of protecting the ability to extend Hemlock Street to meet Raymond Street and provide a proper conclusion to the local street pattern in this developing area of the city (Report PL01-043, June 4, 2001).

Development potential on this property is very limited due to the 45 metre zoning setback from The Parkway allowance centreline that affects the property. Consequently, in order to maximize the development potential of this property and achieve a vehicular connection between Hemlock Street and Raymond Street, Hemlock Street and its underground sewer and water services will need to be extended approximately 160 metres.

Should the City wish to undertake such a project independent of the proposed plan of subdivision, the City would be required to undertake a Class Environmental Assessment. Conversely, if the road extension is approved through the Draft Plan of Subdivision approval process under the *Planning Act*, the extension would be exempt from the need for a Class Environmental Assessment.

As an alternative to the City undertaking construction of the Hemlock Street extension, staff has discussed with the Applicant the option of giving the property at 748 Hemlock Street to the Applicant in exchange for the construction of Hemlock Street. In staff's opinion, such an arrangement would benefit the City by taking advantage of the greater cost efficiency that the Applicant can achieve constructing the work concurrent with the subdivision servicing compared to the expense the City would otherwise pay to undertake the work independently. Additionally, the City would receive a municipal roadway that provides a logical conclusion to the street network at this location, improves accessibility for both area residents and emergency services, and improves servicing efficiency for both surface-oriented services such as garbage and recycling collection and for underground services such as water distribution, stormwater collection and sanitary wastewater collection.

In staff's opinion, the proposed Draft Plan of Subdivision presents the City its only opportunity to extend Hemlock Street to Raymond Street. Additionally, the Draft Plan of Subdivision creates a vested interest on the Applicant's part to develop the extension of Hemlock Street concurrent with the remainder of the subdivision because any lots on the Applicant's land that front the proposed extension require the extension of the existing services within Hemlock Street. Accordingly, the proposed lots shown on the draft plan that front Hemlock Street can only be developed if the extension of Hemlock Street is provided over the City property. If the Applicant were to abandon the current development concept and pursue lots fronting onto Raymond Street exclusively, the City would lose the opportunity to extend Hemlock Street to Raymond Street.

Section 106(2)(c) of the *Municipal Act, 2001* prohibits the City from assisting directly or indirectly any commercial enterprise through the granting of bonuses for that purpose including the giving or lending any property of the municipality or leasing or selling any property of the municipality at below fair market value. Accordingly, the City can not give the lands to the Applicant. However, in the present situation, it is staff's opinion that selling the property to the Applicant for a nominal value (e.g. \$1.00) would not contravene the bonusing provisions of the *Municipal Act, 2001*.

Selling the property to the Applicant with the condition that the Applicant construct the Hemlock Street extension over the lands to the City's satisfaction represents good value for the City. The cost of constructing the road over the lands will well exceed the fair market value of the property. The limited development potential on the property (at most three building lots) that would be created by the extension of Hemlock Street would not generate enough revenue to recoup the cost of constructing the road over the

property if the City were to undertake the work itself. Accordingly, through the process of granting Draft Plan Approval, staff recommend that Council endorse the principle of the selling the property at 748 Hemlock Street to the Applicant in exchange for nominal consideration and the execution of an agreement with the Applicant to construct Hemlock Street over the lands to Raymond Street.

In order to do complete this transaction, the procedures of City By-law 95-62 (Procedures Governing the Sale of Real Property) must be followed. Accordingly, prior to Final Approval:

1. the City's Property Asset Manager must provide an opinion of the fair market value of the property; and,
2. staff must advertise the City's intent to declare the land surplus and sell it to the Applicant in a newspaper at least 10 days prior to the Council meeting in which Final Approval will be granted.

Concurrent with staff's reporting to Council with respect to the granting of Final Approval for the Draft plan of Subdivision, staff will outline the particulars of the proposed Agreement of Purchase and Sale between the City and the Applicant for the Hemlock Street property as well as the obligations of the Applicant pertaining to the construction of the proposed extension in the Subdivision Agreement. At that time staff will recommend that Council pass a resolution to declare the said lands surplus and seek Council authorization for both the sale of those lands to the Applicant and the execution of a Subdivision Agreement with the Applicant.

## **SUMMARY**

Approval of the applications for Official Plan Amendment, Draft Plan of Subdivision Approval and Zoning By-law Amendment as outlined in Exhibits E, G and H to Report PLPD11-012 is recommended for the following reasons:

- i. The recommended 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 recommended Draft Plan of Subdivision facilitates the logical conclusion of the street network within the area and improves resident accessibility, emergency service access, and servicing efficiency;

- iii. The recommended Draft Plan of Subdivision 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.

Submitted by,

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Manager, Planning Division

Prepared by,

Concurred with,

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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 – Previous Draft Plan Submissions  
Exhibit D - Draft Plan of Subdivision – Applicant-preferred concept  
Exhibit E - Draft Plan of Subdivision – Staff-preferred concept  
Exhibit F - Planned Neighbourhood Street Connectivity  
Exhibit G - Draft Official Plan Amendment  
Exhibit H - Draft Zoning By-law Amendment  
Exhibit I - Public Comments Summary