



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: October 31, 2011

**SUBJECT: Report PLPD11-076
622 Brealey Drive**

PURPOSE

A report to evaluate the planning merits of amending the Zoning By-Law for the property known as 622 Brealey Drive from the D.2 – Development District to the R.1, 1m, 2m – ‘H’ Residential District to facilitate a future severance of two residential lots for single detached dwellings with 15.24m (50 ft.) of lot width, on full municipal services.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD11-076 dated October 31, 2011, of the Manager, Planning Division, as follows:

- a) That the zoning of the subject property, be amended from the D.2 – Development District to the R.1, 1m, 2m – ‘H’ - Residential District in accordance with the draft amendment attached as Exhibit ‘C’ to Report PLPD11-076.
- b) That the ‘H’ Holding Symbol be removed subject to the following:
 - i. A Site Plan Agreement is entered into for the subject property including the following:
 - 1. Implementation of any mitigation measures necessary to ensure compatibility and prevention of adverse effects of noise, as determined by a Noise Impact Assessment, to be submitted by the applicant; and

2. Orientation of dwellings to be subject to approval of the Planner of Urban Design, to ensure compatibility with existing streetscape along Brealey Drive.

BUDGET AND FINANCIAL IMPLICATIONS

There are no direct budget or financial implications arising from the approval of this application.

RATIONALE

Approval of this Zoning By-Law Amendment is based upon the following:

The lands are designated 'Residential' on Schedule 'A' – Land Use of the City's Official Plan. The application proposes to implement the Low Density Residential policies of the Official Plan with site specific regulations to recognize the size of the lots. The requirement to orient the buildings to respect the existing streetscape along Brealey Drive and provide proper turning facilities, will ensure consistency with the Roadway Network Policies of the Official Plan (Section 5.4.7). A Noise Impact Assessment will ensure consistency with Provincial Policy Statement regarding health and safety for the intensified future residential use of the lands.

BACKGROUND

The subject application was originally received on June 3, 2011, deemed to be complete as of July 28, 2011 and was processed in accordance with department procedures. The Planning Act allows applicants to appeal Zoning By-Law Amendment Applications after the expiry of 120 days of the application being deemed complete. The applicant is in a position to file an appeal to the Ontario Municipal Board any time after November 25, 2011.

The subject property is located on the east side of Brealey Drive, north of Stenson Boulevard, and backing onto Waddell Avenue. The land currently supports a 179m² (1926 ft²) brick single detached dwelling with driveway access from Brealey Drive. The applicant proposes to rezone the property to facilitate the creation of two new building lots located on the north and south portions of the lot, while retaining the existing dwelling on its own lot.

The property is a through lot extending from Brealey Drive to Waddell Avenue. The applicant proposes to orient the southerly dwelling to Waddell Avenue with both house design and driveway connection, while orienting the proposed new northerly dwelling to Brealey Drive. Services are proposed to be provided from Waddell Avenue for both lots. A 0.3m (1 ft.) reserve will have to be lifted, subject to payment for servicing the subject lands. It is anticipated that this will become a condition of severance via a development agreement for the lands.

ANALYSIS

a) Official Plan

The lands are currently designated 'Residential' on Schedule 'A' of the City of Peterborough Official Plan.

The purpose of the 'Residential' designation of the property is to provide "for housing and other land uses that are integral to, and supportive of a residential environment." Infill residential development is encouraged in residential areas "where the impacts of development on existing uses can be minimized and where development can efficiently utilize existing municipal services and facilities."

The intensification of the subject property to support two additional single detached dwellings is consistent with the direction of the Official Plan, subject to compliance with the Transportation policies regarding access. The creation of new driveway access onto a high capacity arterial street will only be permitted subject to its ability to facilitate forward facing traffic onto Brealey Drive as per Section 5.4.7 of the Official Plan.

"For arterial streets in established urbanized areas, development and redevelopment will consider the appropriateness of revising access to other streets, satisfactory spacing and design of access locations, and possible needs for widening as described under policy 5.3.2. New development or redevelopment that would require backing a motor vehicle onto High or Medium Capacity Arterial Streets will not be permitted."

In this instance, from a transportation perspective, the preference would be to provide both new driveway connections to Waddell Avenue. From an urban design perspective, however, due to the orientation of the existing adjacent properties, it is recommended that the new southerly dwelling be oriented to Waddell Avenue and the new northerly dwelling be oriented to Brealey Drive. This will ensure continuity with the existing dwelling and the dwellings to the north along Brealey Drive. The driveway connections will, therefore, be in keeping with the front of the dwellings. The southerly driveway will connect to Waddell Avenue, while the new northerly driveway connection will facilitate forward facing movement to Brealey Drive. A conveyance of 0.3m of the subject land adjacent to Brealey Drive for proposed Lot C (southerly lot) to the City of Peterborough

should be required at the severance stage, for the purposes of a reserve to prevent future connection to Brealey Drive.

The City has required the submission of Noise Impact Assessment for the creation of new residential lots adjacent to arterial streets as an approval condition for new plans of subdivision. The Provincial Policy Statement (PPS) directs that major facilities, including transportation infrastructure and corridors, and sensitive uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects. The PPS further directs that land use patterns that may cause health and safety concerns be avoided. Brealey Drive is designated as a High Capacity Arterial Street on Schedule B of the City's Official Plan. The creation of new residential lots adjacent to this street should be subject to a Noise Impact Assessment to determine what, if any, mitigation measures may be necessary to ensure compatibility and prevention of adverse effects. This will also ensure consistency in approach for new development.

b) Zoning By-Law

The subject application proposes an amendment to the Zoning By-Law from the D.2 – Development District to the R.1, 1m, 2m – Residential District to facilitate the future severance of two residential lots for single detached dwellings on full municipal services.

The proposed sizing of the lots appears to be compatible with the lots to the east and the south. From an urban design perspective, it is recommended that the proposed northerly dwelling be oriented toward Brealey Drive and the proposed southerly dwelling be oriented toward Waddell Avenue. While narrower than the other existing lots fronting onto Brealey Drive, the existing house and northerly lot, with 15m of lot width, can provide enough room for vehicle turnaround facilities on site. In order to mitigate noise, it may be necessary to buffer any recreational space of the rear yards from the arterial street.

An 'H' Holding Symbol is recommended to be applied to the zoning to ensure development of these lands in accordance with the provisions of the Official Plan and Provincial Policy. It is recommended, in this instance, to require the development be subject to Site Plan Approval to address noise attenuation, orientation of the dwellings, servicing, lifting and imposition of reserves and buffering as required for noise attenuation.

It is recommended that the future severance also address the provisions for reserves, servicing and orientation of the buildings and driveways on the lots.

RESPONSE TO NOTICE

a) Significant Agency Responses:

Utility Services Department:

The City's Utility Services Department has no objection to the rezoning in principle, however, advise that at the time of lot severance a 5.18m road widening along Brealey Drive will be required, including the removal of two existing gardens within the site. Removal of the existing reserve along Waddell Avenue and requirement to pay all future costs for servicing have been noted by Utility Services Department. Utility Services has also requested that both new lots provide driveway access from Waddell Avenue, a local road. Although from a servicing and access perspective, this is the preferred choice, from an urban design and compatibility perspective, it is preferable to orient the northerly proposed dwelling to Brealey Drive to ensure continuity from the existing dwelling north along Brealey Drive.

Otonabee Conservation:

Otonabee Conservation has no objection to the proposed amendment.

Bell Canada:

Charges to relocate existing Bell Canada Plant will be chargeable to the owner or developer.

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

b) Summary of Public Responses:

Notice of Complete Application was issued by newspaper advertisement (Peterborough Examiner) on August 9, 2011. Notice of Public Meeting was issued on October 7, 2011 by direct mail and by newspaper advertisement (Peterborough Examiner). The notice complies with the requirements of the Planning Act.

A written response has been received as a result of the circulation from Herb and Joan Gaensbauer of 634 Brealey Drive, adjacent to the subject lands to the north. The Gaensbauers express concern with the proposed change in zoning based on the proposed density and negative impact on property value. The letter also expresses

concern with the lack of street improvements along Brealey Drive, preventing safe travel for students and residents.

Submitted by,

Ken Hetherington,
Manager, Planning Division

Prepared by,

Concurred with,

Caroline Kimble,
Land Use Planner

Malcolm Hunt, Director
Planning and Development Services

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Attachments:
Exhibit A - Land Use Map
Exhibit B - Site Plan
Exhibit C – Draft Zoning Amendment

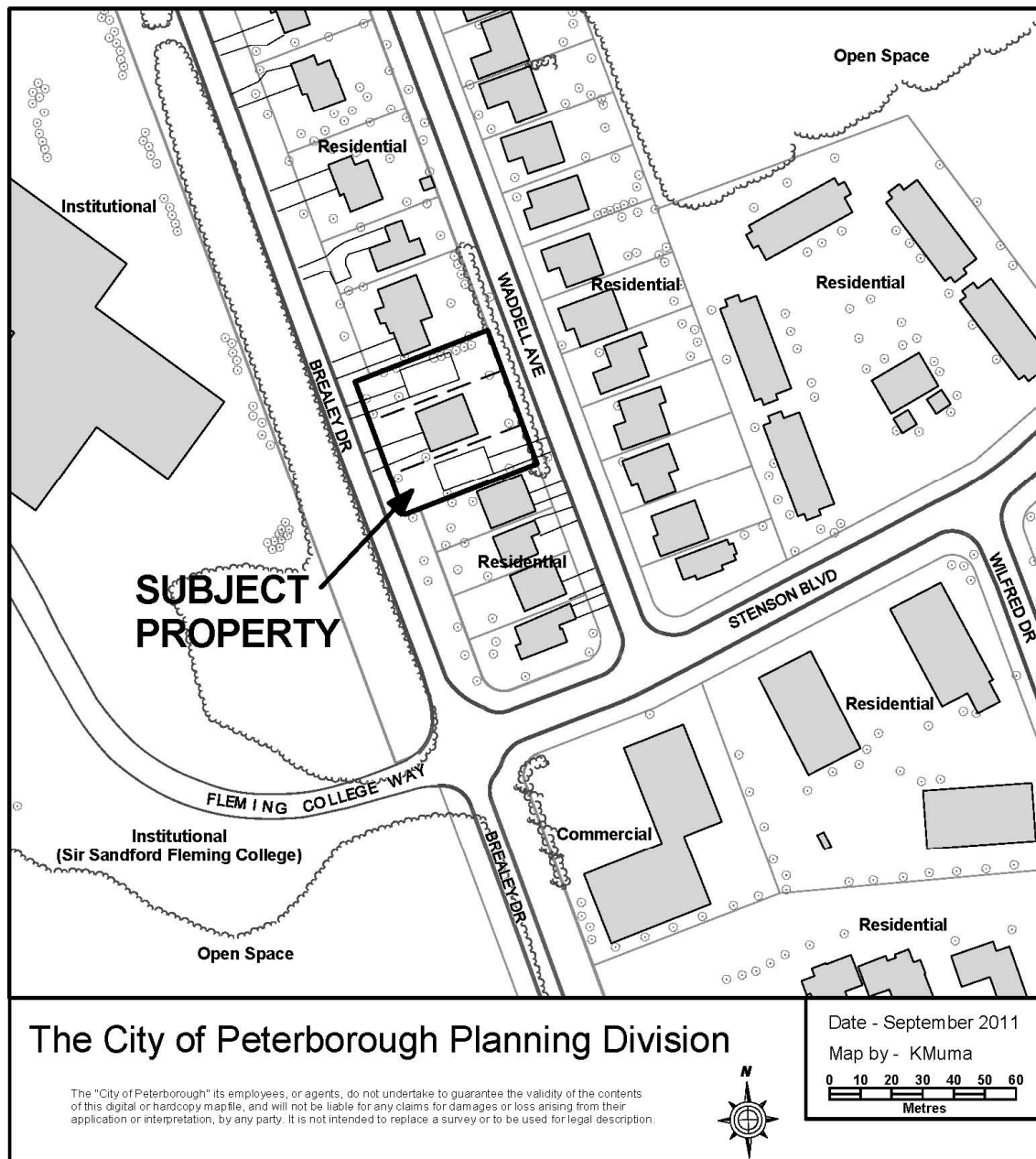
Land Use Map

File # z1112

Property Location: 622 Brealey Dr

Exhibit 'A'

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THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 11- _____

Exhibit 'C'
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**BEING A BY-LAW TO AMEND THE ZONING FOR
622 BREALEY DRIVE**

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

1. Map 17 forming part of Schedule "A" to By-law 97-123 is amended by changing the area shown on the sketch attached hereto as Schedule "A" **from D.2 to R.1, 1m, 2m – 'H'**.

2. The 'H' Holding Symbol shall be removed subject to the following:

Development Agreement, as a condition of Severance, is entered into for the subject property including the following:

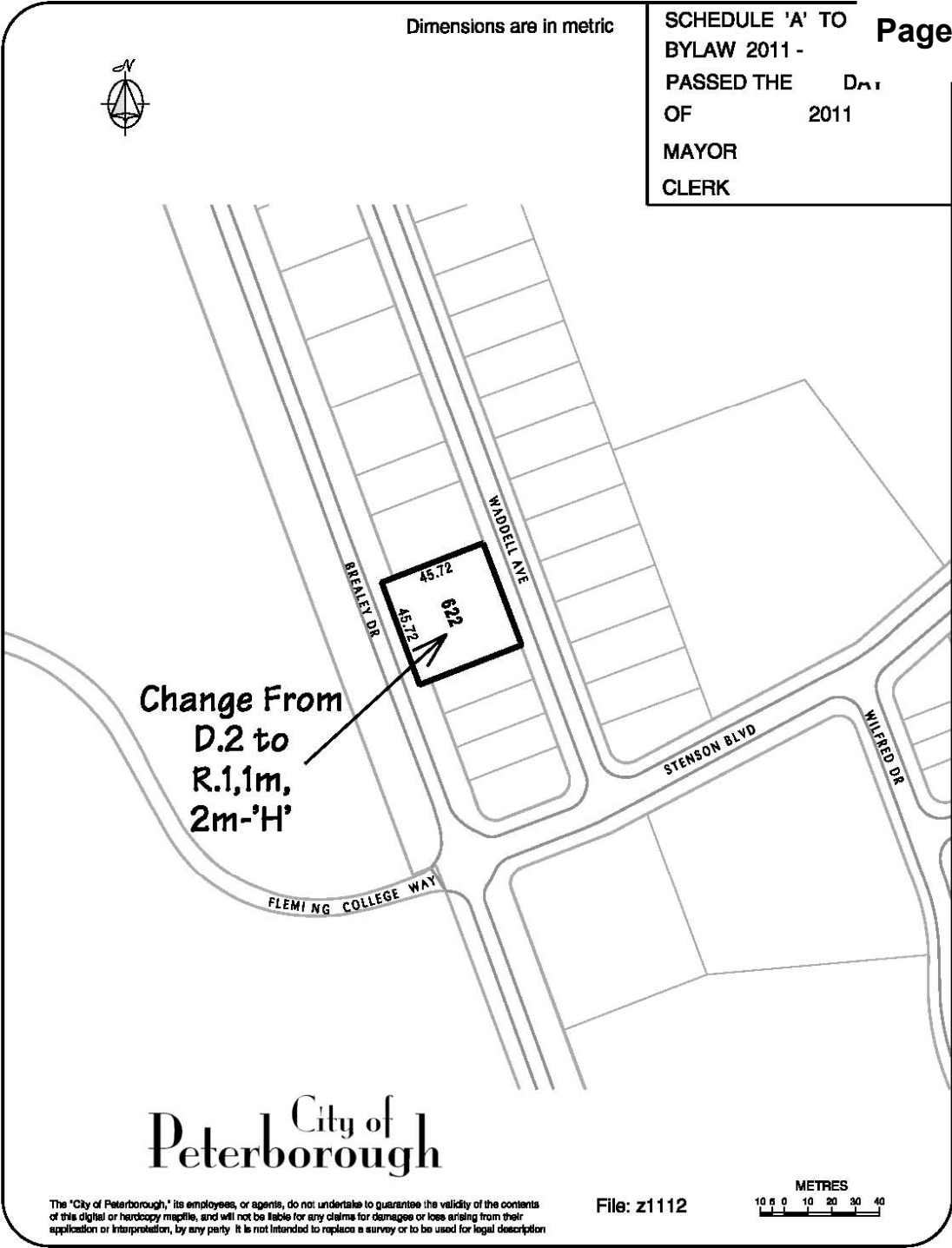
- i. Implementation of any mitigation measures necessary to ensure compatability and prevention of adverse effects of noise, as determined by a Noise Impact Assessment, to be submitted by the applicant; and
- ii. Orientation of dwellings to be subject to approval of the Planner of Urban Design, to ensure compatibility with existing streetscape along Brealey Drive.

By-law read a first, second and third time this _____ day of _____, 2011.

Daryl Bennett, Mayor

Nancy Wright-Laking, City Clerk

Exhibit 'C'
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