



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: March 25, 2013

SUBJECT: Report PLPD13-026
Zoning By-law Amendment Z0804SB
Draft Plan of Subdivision 15T-08502
149282 Ontario Inc.
City of Peterborough
1597, 1607, 1619 & 1633 Lansdowne Street West

PURPOSE

A report to evaluate the planning merits of a Draft Plan of Subdivision and Zoning By-law Amendment application for the southern portion of the properties at 1597, 1607, 1619 and 1633 Lansdowne Street West.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD13-026 dated March 25, 2013, of the Manager, Planning Division, as follows:

- a) That Draft Plan of Subdivision Approval for Plan 15T-08502, Drawing No. 10145DP dated March 20, 2013 by D.M. Wills Associates Limited be granted subject to the Conditions of Draft Plan Approval attached to Report PLPD13-026 as Schedule 1.

- b) That Section 3.9 Exceptions of Zoning By-law 1997-123 be amended by adding Exception No. 278 in accordance with Exhibit 'D' of Report PLPD13-026.
- c) That the subject property be rezoned from D.2 Development District to R.1,1m,2m-278-"H"; R.1-278-"H"; and R.1,8z-278-"H"; – Residential Districts and OS.3 – Open Space District in accordance with the Draft Plan of Subdivision and Exhibit 'D' of Report PLPD13-026.
- d) That Council deem the lands municipally known as 793 Spillsbury Drive and legally described as Parts 3, 14 and 15 on Plan 45R-11465 as being not required for public highway purposes.

BUDGET AND FINANCIAL IMPLICATIONS

Should Council deem the lands municipally known as 793 Spillsbury Drive and legally described as Parts 3, 14 and 15 on Plan 45R-11465 as being not required for public highway purposes, the City will incur costs associated with conveying the said lands in accordance with a Development Agreement between the City and Tandaxe Homes Limited (Instrument No. 64741).

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 plan of subdivision.

BACKGROUND

The subject application was originally received and deemed to be complete on February 21, 2008 and was processed in accordance with department procedures. At the time, the application only encompassed the southern portion of the properties at 1607, 1619 and 1633 Lansdowne Street West. The original application proposed the creation of 15 lots for single detached residential purposes as illustrated in Exhibit E (Sheet 1 of 2) attached hereto. At the time, the property at 1597 Lansdowne Street West was under different ownership and was the subject of a separate Zoning By-law Amendment application (file Z0801) which proposed the development of a car wash facility on its northern portion.

Due to a disagreement between staff and the applicant regarding the density of the proposed draft plan of subdivision and its relationship to the adjacent lands at 1597 Lansdowne Street West, the application was not brought forward for Council to render a

decision within the timeframes required under the Planning Act (120 days for a Zoning By-law Amendment, 180 days for a Draft Plan of Subdivision Application). Accordingly, on November 4, 2009, the applicant appealed the applications to the Ontario Municipal Board in accordance with Sections 34(11) and 51(34) of the Act. That appeal remains open at the Board as Case Number PL091048 and no hearing date has been set.

In 2011, the applicant acquired ownership of the property at 1597 Lansdowne Street West and subsequently amended the subject applications in June 2012 to incorporate the newly acquired property. The proposed amended plan consisted of 35 single detached lots primarily with 9m (30ft) lot widths (see Exhibit E, Sheet 2 of 2). Following a neighbourhood meeting held June 27, 2012, the applicant further amended the proposed draft plan to the current version attached hereto as Exhibit C.

The current development proposal consists of a residential plan of subdivision on the southern portion of the subject lands with 28 lots for single detached residential purposes with typical lot widths between 12m (40ft) and 15m (50ft), a stormwater management pond facility, and a walkway/servicing corridor from the lands to Spillsbury Drive. The plan proposes to extend Cahill Drive through the site from its current terminus to Pinewood Drive.

The subject properties have historically been used as large single detached dwelling lots with frontage on the south side of Lansdowne Street, just west of Spillsbury Drive. The site is bounded by Lansdowne Street to the north and single detached dwellings to the south, east, and west.

Combined, the subject properties are 3.18 hectares (7.86 acres) in size. The southern portion of the lands which encompasses the proposed draft plan of subdivision is 2.15 ha (5.32 ac) in size while the northern portion of the lands, along Lansdowne Street West, is 1.03 ha (2.54 ac).

The northern portion of the subject properties is excluded from the proposed residential development because the applicant intends to develop that portion of the lands for commercial purposes under separate application. The northern portion of the site is designated for Service Commercial uses on Schedule I – Commercial Areas of the Official Plan and is zoned SP.268-244 - Special Commercial District (By-laws 09-147 and 12-135).

The southern portion of the lands that is subject to the proposed subdivision development is designated for Residential purposes in the Official Plan and is currently zoned as Development District 2 'D.2'.

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 or 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 attached hereto. 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. 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 cost-effective development standards to minimize land consumption and servicing costs; and,
- improving accessibility for both area residents and municipal and emergency services.

The recommended plan achieves these PPS objectives by providing looping of existing roadways, by providing sidewalks and pedestrian connectivity to Spillsbury Drive, and by establishing the necessary drainage infrastructure to protect surrounding properties from water runoff.

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.

Overall, staff are 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 lands subject to the proposed draft plan of subdivision are currently designated as follows:

Schedule ‘A’ Land Use	Residential
Schedule ‘A1’ City Structure	Built Boundary
Schedule ‘B’ Roadway Network	Parkhill Road West – High Capacity Arterial Street
Schedule ‘D’ Development Areas	Areas 1 and 2

An Official Plan Amendment is not required to support the proposed development however 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 28 single detached residential lots with typical lot widths ranging from 12 m (40 feet) to 15 m (50 feet).

The type of housing to be built will be similar in nature to that which was built by the same builder, Parkview Homes, on Cahill Drive in the early 2000s.

ii. Surrounding Land Uses

The proposed draft plan of subdivision is bordered by existing single detached dwellings on its east, west and south sides. As noted previously, the northerly portion of the site is zoned for commercial use; specifically SP.268-244. Any commercial development of the northern portion of the property will be subject to site plan control which will address issues related to land use compatibility. Notwithstanding this, a minimum 10m (33 ft) wide landscaped open space must be provided on the commercial site where it abuts a residentially-zoned property in accordance with the Zoning By-law.

All residential lots abutting the proposed plan of subdivision are zoned R.1,1m,2m (15m / 50 ft lot width) except for the property at 820 Pinewood Drive which is zoned SP.31,1e (allows private well and septic, minimum lot width of 30m / 100ft). The adjacent residential lots that front Cahill Drive and Spillsbury Drive have been developed primarily with a lot width of 15m (50ft) while those on Pinewood Drive have been developed with a lot width of in excess of 40m (130 ft). Should lots along Pinewood Drive redevelop in the future, they could develop in a style and density that is more similar to the proposed development and existing Cahill Drive as is contemplated by the Zoning By-law.

Generally, staff are satisfied that the proposed development is of a style and density that is appropriate for the site and area. However, in order to provide some transition between the existing development and the slightly narrower lots within the proposed development (12m / 40ft), minimum 15m/50ft wide lots are provided where the proposed street meets existing streets.

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, payment of water development charges and frontage charges, and execution of a standard servicing agreement with the owner. Water is proposed to be provided by installation of a new watermain within the proposed road allowance that connects the existing 150mm watermain within Pinewood Drive and Cahill Drive.

Wastewater flows are proposed to be conveyed from the site by gravity via a 250mm sanitary sewer to be constructed within the proposed road allowance, through the

proposed walkway/easement, to the existing 250mm sanitary sewer within Spillsbury Drive. Based on an assessment undertaken by the Applicant's consulting engineer, staff are satisfied that sufficient downstream capacity exists in the sanitary sewer system to accommodate the proposed development.

PUSI operates electricity distribution facilities on Cahill Drive, Pinewood Drive, Forster Avenue and Spillsbury Drive. As a condition of Draft Plan Approval, the Applicant will be required to ensure that sufficient provision has been made with PUSI for the provision of electrical service to the lands.

Quantity control of stormwater runoff is proposed to be implemented on-site through the installation of a small stormwater management pond (dry pond) prior to its release to the existing storm sewer and overland flow route within Spillsbury Drive. Enhanced quality control of stormwater runoff is proposed to be addressed on-site within the proposed walkway/servicing corridor by way of an oil-grit separator. Prior to Final Approval the Applicant will be required to submit a final stormwater management report to the satisfaction of ORCA and the Utility Services Department.

iv. Traffic Impacts

Vehicular access to the site is proposed via the extension of Cahill Drive to Pinewood Drive. The extended street is proposed to be developed as an 18.5m (60 feet) wide right-of-way. Utility Services and has reviewed the proposed development and has no objection to the proposed street design or their capacity to accommodate the proposed development.

In accordance with the City's Sidewalk Policy, the Applicant will be required to construct sidewalk along both sides of all streets within the development as a condition of Draft Plan Approval.

To facilitate the use of active forms of transportation, and support passive recreation, the Applicant proposes to construct a walkway link to Spillsbury Drive over adjacent land currently owned by the City between the properties at 791 and 795 Spillsbury Drive (municipally known as 793 Spillsbury Drive).

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. Alternatively, the City may collect cash-in-lieu of the said parkland dedication. For the subject plan, the City is entitled to collect approximately 0.1 ha (0.26 acres) of parkland dedication. Given the size of

the development and the City's parkland dedication entitlement, Utility Services has advised that cash-in-lieu of parkland dedication will be required for this development.

Nearby parks and recreation opportunities include the grounds at Kawartha Heights Public School, Bridlewood Park and Stenson Park (walking distances of 350m, 450m and 620m respectively).

vi. Parking, Buffering and Landscaping

Parking, building setback, and building/driveway coverage standards are implemented as regulations in the Zoning By-law.

Consistent with the Zoning of the surrounding neighbourhood, the Zoning By-law requires two off-street parking spots to be provided on each lot. Based on lot widths proposed in the Draft Plan and the Zoning regulations pertaining to driveway width, all lots in the Draft Plan will have the option of providing a double-car wide (6m) driveway in addition to a garage.

In accordance with recently revised City practice, the owner will be required to prepare a landscape and planting plan for all plantings to occur on site including streetscaping and stormwater management pond enhancement etc. Furthermore, as a condition of Draft Plan Approval, the owner will be required to undertake all plantings in accordance with the approved landscape and planting plan including, at a minimum, one street tree in front of each unit within the municipal boulevard.

vii. Significant Natural/Environmental Features

The subject lands do not encompass any natural or environmental features deemed to be of Provincial or regional significance. However, the lands are situated within the watershed of Harper Creek. Harper Creek is a coldwater stream that is partially fed by groundwater. In order to ensure development of the site does not adversely impact groundwater flow under the site toward Harper Creek, Otonabee Region Conservation Authority has requested a hydrogeological assessment of the site be completed prior to approval of the site's final stormwater management plan. As a condition of Draft Plan Approval, the Applicant will be required to undertake this work prior to Final Approval and to implement any applicable study recommendations in the stormwater management plan.

The subject lands contain trees and shrubs that are valued by neighbouring property owners for their aesthetic and screening properties. As a condition of Draft Plan Approval, the Applicant will be required to assess opportunities for preserving

existing trees on-site to the City's satisfaction and will be required to implement the recommendations of that assessment.

c) Draft Plan of Subdivision

The proposed Draft Plan of Subdivision provides for the development of 28 lots for single detached residential purposes with typical lot widths of 12m (40 feet) to 15m (50 feet). Lots 18 to 21, which are pie-shaped corner lots that narrow at the front, are proposed to have a lot width of slightly less than 12m at their front building setback. At the southeast corner of the plan, a small stormwater management facility (dry pond) is proposed together with a walkway/servicing corridor block that will provide pedestrian access to Spillsbury Drive, act as an overland stormwater flow route, and contain a sanitary sewer connection from the site to the Spillsbury Drive sewer.

The plan proposes the extension of Cahill Drive as an 18.5m (60ft) wide road allowance while maintaining a standard pavement width consistent with existing Cahill Drive.

d) Zoning By-law

The subject property is currently zoned D.2 – Development District 2. The applicant has requested to rezone the lands as follows:

Lots	Existing Zoning	Proposed Zoning	Minimum Streetline (Front) Building Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback	Typical Lot Width
1, 5, 28	D.2	R.1,1m,2m	6m	1.2m	7.6m	15m
11, 12	D.2	R.1,1m,2m-162	4.5m to dwelling 6m to garage 3m to porch	1.2m	7.6m	15m
2-4, 13-17	D.2	R.1 -162	4.5m to dwelling 6m to garage 3m to porch	1.2m	7.6m	12m
18-21	D.2	R.1 -162 + new alternate regulation*	4.5m to dwelling 6m to garage 3m to porch	1.2m	7.6m	*11m
6-10, 22-27	D.2	R.1, 8z + variation of zoning exception 162*	4.5m to dwelling 6m to garage 3m to porch (*no side yard encroachment for verandah)	1.2m on one side, 0.6m on other side, no less than 1.8m between buildings on adjacent lots	7.6m	12m
Blocks 2, 3	D.2	OS.3	n/a	n/a	n/a	n/a

Traditionally, single detached dwellings are zoned R.1 (minimum 12m lot width) with deviations from that standard zone being accommodated through the use of alternative regulations and/or exceptions as appropriate. Some lots shown on the proposed Draft Plan vary from the typical R.1 lot dimensions and therefore staff are recommending the use of alternative regulations to reflect these configurations. Particularly, Lots 1, 5, 11, 12 and 28 are recommended to be zoned as R.1,1m,2m (15m wide lots).

For Lots 18 to 21, the Applicant has requested the creation of a new Alternative Zoning Regulation to recognize that the lots, which are located on a corner and are pie-shaped, have a lot width of slightly less than 12m. Staff note that sufficient opportunity exists

within the proposed lot fabric to ensure these particular lots meet all regulations of the R.1 zone including lot width and therefore does not recommend the Applicant's request for a new Alternative Zoning Regulation.

To facilitate resident interaction with the street, the Applicant has requested the use of Zoning By-law Exception No. 162 on all lots except those that flank existing dwellings (Lots 1, 5 and 28) to reduce the streetline building setback on each lot to 4.5m (15ft) to the house and 3m (10ft) to an unenclosed verandah. In recent years, reductions of the streetline building setback have been common in new developments however they are typically not applied in infill situations where the existing neighbourhood has been developed with traditional streetline setbacks. While staff recognize the principle that the Applicant is attempting to achieve by proposing to reduce streetline building setbacks, it is staff's opinion that the existing streetline setbacks established in the zoning for Cahill Drive and Pinewood Drive should be respected for the habitable portion of the dwelling to foster better integration of the proposed development into the existing neighbourhood. Accordingly, staff does not recommend the Applicant's request for the use of Zoning Exception No. 162.

Staff have discussed this position with the Applicant and understand that the applicant wishes to have the ability to introduce unenclosed verandahs to the front of dwellings without having to set homes further back on the lot. To address this objective, staff recommend the creation of a new Zoning By-law Exception, No. 278, to allow an unenclosed verandah to encroach up to 2m (6.5 ft) into the minimum streetline setback. Furthermore, staff recommend that this new exception be applied to all dwellings within the proposed draft plan of subdivision.

Rear yard building setbacks are proposed to be maintained at the standard 7.6m (25ft) throughout the plan and side yard setbacks are to be maintained at the standard 1.2m (4ft) for all lots except Lots 6 to 10 and 22 to 27. For those lots, the applicant has requested the use of Alternative Zoning Regulation 8z which allows a varied setback of 1.2m on one side of the house, 0.6m (2ft) on the other, provided that a minimum of 1.8m (6ft) is maintained between adjacent dwellings. The varied side yard setbacks, which are similar to those used in the Heritage Park neighbourhood and subdivisions currently being developed off of Parkhill Road West (Peterborough Homes), Raymond Street (RD Land Corp.), and Chemong Road (Mason Homes), are intended to facilitate building configurations that add more rooms and windows facing the street and reduce the impact of double car garages on the streetscape. To help protect future homeowners' ability to access their side yards for maintenance purposes on lots with reduced side yard setbacks, the Applicant will be required to register a restrictive covenant on title of the affected lots to prohibit the placement of encumbrances within the area between adjacent dwellings.

In order to ensure varying side yard setbacks will not interfere with the installation of underground services, the Applicant will be required to prepare and implement a utility coordination plan showing the location of all utilities, including driveways, to the satisfaction of the City and the affected utilities.

The proposed stormwater management facility and walkway/servicing corridor blocks are to be zoned OS.3 – Open Space District and ultimately conveyed to the City.

Staff are satisfied that the recommended zoning is appropriate for the proposed development and the surrounding context. As is customary with plans of subdivision, a Holding Symbol will be placed on the zoning for the Draft Plan of Subdivision that will only be removed upon registration of the plan at the Land Registry Office.

Recommended Zoning:

Lots	Existing Zoning	Proposed Zoning	Minimum Streetline (Front) Building Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback	Typical Lot Width
1, 5, 11, 12, 28	D.2	R.1, 1m, 2m-278-‘H’	6m (4m to unenclosed verandah)	1.2m	7.6m	15m
2-4, 13-21	D.2	R.1-278-‘H’	6m (4m to unenclosed verandah)	1.2m	7.6m	12m
6-10, 22-27	D.2	R.1, 8z-278-‘H’	6m (4m to unenclosed verandah)	1.2m on one side, 0.6m on other side, no less than 1.8m between buildings on adjacent lots	7.6m	12m
Blocks 2, 3	D.2	OS.3	n/a	n/a	n/a	n/a

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 21, 2008 (original application) and June 13, 2012 (revised application). 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.

Utility Services Department (USD)

USD has advised that based on the soil conditions of the site and the City's long term maintenance needs, any walkway/servicing corridor/stormwater overflow constructed on Block 3 and across the adjacent property at 793 Spillsbury Drive needs to be able to maintain a minimum corridor width of 9m (29.5 ft). The 9m width can be accommodated either as a block on the Draft Plan of Subdivision or through a combination of a block on the Draft Plan and easements on adjacent lots, subject to the approval of the City Engineer. As a condition of Draft Plan approval, the owner will be required to establish the corridor to a width of 9m to the satisfaction of the City Engineer. Additionally, because the current Draft Plan of Subdivision depicted in Exhibit C illustrates Block 3 with a 6m width, staff have recommended that the Draft Plan of Subdivision be amended to illustrate Block 3 with a 9m width and that Lots 12 to 28 and Block 2 be adjusted in width as necessary within the regulations of the recommended Zoning.

Otonabee Region Conservation Authority (ORCA)

ORCA has requested that the following items be required as conditions of Draft Plan Approval:

- An assessment of the hydrogeology and groundwater system of the site to ensure maintenance of the existing groundwater flow and no adverse impacts to aquifer and any neighbouring drinking-water wells; and,
- A detailed stormwater management report, including measures to minimize the effect of erosion and sedimentation both during and after construction and where feasible.

ORCA's comments reflected as proposed conditions of Draft Plan Approval.

Peterborough Utilities Services Inc. (PUSI)

PUSI advised that development charges and frontage charges will apply to the provision of water service to this site. Separate subdivision agreements will be required for the provision of water and electrical services to the site.

PUSI recommended that the proposed Cahill Drive extension be developed as a 20m right-of-way consistent with existing Cahill Drive rather than an 18.5m right-of-way as proposed. Planning Staff, in conjunction with Utility Services, has reviewed the proposed road allowance width and is satisfied that the reduced right of way is appropriate for this site.

PUSI has also noted that it has some concern that the proposed lot side-yard set backs for Lots 6 to 12 and 22 to 27 inclusive may not provide acceptable clearance for pad-mounted electrical transformers. Staff notes that the side yard setbacks proposed for these particular lots are the same as those used in other recently developed plans in the City and that through detailed engineering design and the subdivision agreement process, sufficient opportunity exists to ensure all required infrastructure is designed and installed with appropriate clearance.

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 has advised that the proposed plan will be serviced with community mail boxes and that the Applicant will be required to pay a fee of \$200.00 per lot to cover the cost of community mail box installation. As a condition of Draft Plan Approval, the Applicant will be required to make satisfactory arrangements with Canada Post for the provision of mail delivery service to the proposed plan.

Enbridge Gas Distribution Inc.

Enbridge requires the owner to make satisfactory arrangements for the provision of natural gas distribution services to the plan. These requirements have been reflected in the proposed conditions of approval.

Kawartha Pine Ridge District School Board (KPRDSB)

KPRDSB has advised that students generated within this plan will attend Kawartha Heights Public School (grades Junior Kindergarten to 6), James Strath Public School (grades 7 to 8) and Crestwood Secondary School. The Board has noted that the proposed walkway to Spillsbury Drive is desirable and has recommended that it be designed as a concrete sidewalk or asphalt path and owned/maintained by the City on a year-round basis. The proposed walkway is intended to be owned and maintained by the City upon assumption of the proposed subdivision and will be designed to the City's satisfaction.

b) Public Responses

Notice of Complete Application was published in the Peterborough Examiner on February 22, 2008 and mailed to all property owners within 120m of the site on February 21, 2008.

On June 28, 2012 the Applicant hosted a neighbourhood open house at the Peterborough Legion (1550 Lansdowne Street West). The applicant mailed a notice of the meeting to all persons that own property within the 120 metres of the site. The open house was based on a revised version of the draft plan attached hereto as Exhibit E (Sheet 2 of 2) which featured primarily 9m (30ft) wide lots throughout the site.

Notice of the Public Meeting was mailed on February 25, 2013 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 also published in the Peterborough Examiner on February 25, 2013.

Issues raised by the public throughout the review of the proposed Draft Plan will be considered below.

Lot Size and Density

The original version of the proposed Draft Plan of Subdivision consisted of 15 single-detached lots with widths ranging between 15m (50ft) and 21m (70ft). Upon acquiring ownership of the property at 1597 Lansdowne Street West, the Applicant amended the proposed Draft Plan to include the property and to revise the development concept to provide for up to 35 single detached lots primarily with lot widths of 9m (30ft). At the neighbourhood meeting held in June 2012, Area residents expressed deep concern with the narrower lots citing possible impacts on neighbourhood character and property

value and suggested that any proposed lots should be in keeping with the existing lots on Cahill Drive (15m/50ft lots) and Pinewood Drive (40m/130ft +).

In response to these concerns, the Applicant amended the Draft Plan to generally now provide lots with a minimum 12m (40ft) lot width throughout and 15m (50ft) where they flank an existing residential lot. In staff's opinion, the mixing of 12m wide lots and 50m wide lots is both compatible and reasonable and is common in residential developments. Staff note that although lots on Pinewood Drive are significantly larger, they were designed at a time when private well and septic services were required. The current zoning along much of Pinewood Drive (R.1,1m,2m) would appear to contemplate the eventual redevelopment of the street over time to a form and density more in keeping with existing Cahill Drive and the proposed development.

Stormwater Management and Grading

A number of area residents noted a grade differential between the proposed development site and their properties and the lack of storm sewers on Pinewood Drive and have questioned how stormwater runoff would be controlled in the proposed development and how the proposed lots would be graded relative to their lots. As is standard for new developments, the Applicant will be required as a condition of approval to prepare and implement a stormwater management plan to the satisfaction of the City and Otonabee Region Conservation Authority. One key aspect of that plan is that the Applicant will be required to ensure that existing pre-development runoff conditions are matched following development. To do this, the Applicant has proposed to develop a stormwater management pond (dry pond) on-site and to grade the site in such a way that collects water runoff in the pond and outlets it to the Spillsbury Drive storm sewer.

With respect to lot grading, the Applicant will be required to match the grade of the proposed development to those grades that exist along the abutting property boundaries. Within the development site itself, however, grades and consequently house elevations will be determined by the need to direct drainage to the stormwater and sanitary sewer outlets. As a result, it is possible that homes within the proposed development may be situated at a slightly different elevation than existing homes surrounding the site. Such details will be established upon review and approval of the detailed engineering design for the subdivision.

Traffic Impacts

Some residents have expressed concern that the proposed development will increase traffic on Cahill Drive and Pinewood Drive to unsuitable levels and have questioned why vehicular access is not being provided to Spillsbury Drive. Transportation Division staff have reviewed the proposed draft plan and have raised no objection with respect to the

existing streets' ability to accommodate the proposed development. Within the development site itself, the sharp cornering of the proposed street will ensure reduced driving speeds.

Along the eastern limit of the draft plan exists a City-owned block of land that is being held to preserve the ability to develop a street connection from the site to Spillsbury Drive. Through the review of the proposed Draft Plan of Subdivision, it is staff's opinion that a street connection to Spillsbury Drive is not desirable because of its potential to introduce new traffic from Spillsbury Drive from people wanting to access Spillsbury Drive and/or the neighbourhood via Cahill Drive or Pinewood Drive rather than Forster Avenue. Additionally, given the small size of the development site and its reliance on Cahill Drive and Pinewood Drive, a street connection to Spillsbury Drive would generate a less than optimal use of the site.

Construction Vehicle Access

Many area residents have expressed concern with the potential for construction vehicles accessing the site via Cahill Drive and Pinewood Drive. Two potential alternate routes for providing construction vehicle access to the site include Lansdowne Street, over the northern (commercial) portion of the lands, and Spillsbury Drive, over the lands proposed to be used as a walkway/servicing corridor. As a condition of Draft Plan Approval, the Applicant will be required to secure access for construction vehicles over one of these alternate routes. Should the Applicant provide construction access from Spillsbury Drive over the property municipally known as 793 Spillsbury Drive, the Applicant will be required to agree to not use the said property as a construction staging/storage area.

Removal of Existing Turning Circles

As part of the proposed development, the extension of Cahill Drive to Pinewood Drive will necessitate the removal of the existing turning circles on Pinewood Drive and Cahill Drive. As a condition of Draft Plan of Subdivision Approval, the Applicant will be required to remove the turning circles and rehabilitate the affected properties (including re-grading and sodding of the municipal boulevard and affected private yards and reinstatement of any affected driveways) to the City's satisfaction.

Through the development of existing Cahill Drive, the City was conveyed four blocks of land encompassing what otherwise would be the first six metres of the properties at 1640, 1641, 1644 and 1645 Cahill Drive. The blocks were established in order to accommodate a turning circle at the terminus of Cahill Drive. As part of the subdivision agreement registered for that development, it was agreed that should Cahill Drive be extended to the north (onto the subject lands) and the turning circle is removed, the

blocks of land would be conveyed back to the abutting lot owners without consideration. Consequently, as a condition of Draft Plan Approval, the Applicant will be required to make satisfactory arrangements with the City and the owners of the above-noted lots for the conveyance of the remnant blocks.

Sidewalks

In accordance with the City's sidewalk policy, sidewalks are required on both sides of the proposed street within the proposed development. Some area residents have expressed opposition to sidewalks being installed within the plan due to the lack of sidewalks on Cahill Drive and Pinewood Drive. Specifically, it has been noted that allowing sidewalks to dead-end at the limit of the plan could introduce pedestrian traffic across the yards of existing homes on Cahill Drive and Pinewood Drive.

Staff note that sidewalks are installed within municipal boulevard and not through private property. Consequently, any sidewalks installed within the development that end at the plan's limit would align with municipal boulevard rather than private property. In accordance with the City's Sidewalk Implementation Procedure for Existing Streets which outlines the process to implement new sidewalk projects along existing streets, any existing street that is missing sidewalk on one or both sides may one day have sidewalk installed in order to achieve compliance with the City's Sidewalk Policy. Accordingly, it is staff's position that sidewalks must be installed by the Applicant within the proposed development now in order to adhere to the Sidewalk Policy and to save the City from potential future expense should it ever install sidewalk on the existing sections of Cahill Drive and Pinewood Drive.

Tree Removal and Vegetative Buffering

Some area residents have expressed concern with the potential loss of trees from the subject lands as a result of the proposed development. Development of the proposed subdivision will necessitate significant tree and vegetation removal from the site in order to accommodate property grading and servicing. Although the trees and vegetation on-site are not considered significant from a rare species or environmental function perspective, they are valued by area residents for their aesthetic and screening properties. As a condition of Draft Plan Approval, the Applicant will be required to assess opportunities for preserving existing trees on-site to the City's satisfaction and to implement the recommendations of that assessment.

Fencing

Some area residents have questioned whether fences will be installed along the perimeter of the proposed development. The City's standard practice is to require chain

link fencing to be installed along the mutual boundary between any proposed building lots and land that is to be City-owned such as open space, parkland, stormwater management facilities and walkways. The City typically does not require, nor intends to require, applicants to install fencing along existing residential properties.

Existing Restrictive Covenants

Some residents of Cahill Drive noted that when Cahill Drive was developed, certain restrictions were placed on the builders to control the size and architectural style of the homes to be built. Such restrictions are established as an agreement between a developer and a builder who buys a lot from a developer. Any such restrictions associated with the existing lots on Cahill Drive do not apply to the proposed development nor have any City involvement with respect to interpretation or enforcement.

RELATED MATTERS

City-owned Block on Spillsbury Drive

As part of the approval of a series of lot severances along Spillsbury Drive in 1999 by Tandaxe Homes Limited, the City was conveyed a 20m (66 ft) wide block of land known municipally as 793 Spillsbury Drive and legally described as Parts 3, 14 and 15, Plan 45R-11465 (see Exhibit F). The land was to be held by the City until such time as it is determined whether it would be required for a street connection to the subject lands. As described previously, based on the layout of the proposed draft plan of subdivision, it is staff's opinion that a street connection is not required from the site to Spillsbury Drive.

The Development Agreement between the City and Tandaxe Homes Limited (Instrument No. 64741) states that the City shall transfer Part 3 to J. Stollar Construction Limited and Parts 14 and 15 to the abutting lot owners "provided that no development application has been filed with the City which would require the dedication of these lands as a public highway."

Given staff's opinion with respect to the need for a street connection from the proposed development to Spillsbury Drive, staff have recommended Council deem the lands described as Parts 3, 14 and 15 on Plan 45R-11465 as unnecessary for public highway purposes. Should Council approve this recommendation, staff will commence the process to convey the lands to J. Stollar Construction Limited and the owners of the abutting lots, 791 and 795 Spillsbury Drive, as required by the Development Agreement. Any aspect of the proposed Draft Plan of Subdivision that relies on the said lands, such as the proposed walkway/servicing corridor and a potential construction access route,

will require the Applicant to acquire the right to use the said lands once they are conveyed to J. Stollar Construction Limited.

Ontario Municipal Board

In 2009 the applicant has appealed the subject applications to the Ontario Municipal Board pursuant to Sections 34(11) and 51(34) of the Planning Act (Case Number PL091048). Should Council approve the proposed Draft Plan of Subdivision and Zoning By-law amendment as recommended, the typical 20-day public appeal period will follow issuance of the Notice of Decision as required under the Act. Should the appeal period pass without any appeals being received, it is anticipated that the Applicant will withdraw the existing appeal and Council's decision will come into effect. However, should an appeal be received with respect to any decision issued by Council, staff would treat the appeal as any other and forward the file to the Board.

SUMMARY

Approval of the applications for Draft Plan of Subdivision Approval and Zoning By-law Amendment as outlined in Exhibits C and D to Report PLPD13-026 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,

Ken Hetherington,
Manager, Planning Division

Prepared by,

Concurred with,

Brad Appleby,
Planner, Subdivision Control
& Special Projects

Malcolm Hunt, Director,
Planning and Development Services

Contact Name:

Brad Appleby
Planner, Subdivision Control and Special Projects
Planning & Development Services
Phone – (705)742-7777 Ext. 1886
Toll Free: 1-855-738-3755
Fax – (705)742-5218
E-Mail – bappleby@peterborough.ca

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 Zoning By-law Amendment
Exhibit E - Draft Plan of Subdivision – Previous Draft Plan Submissions
Exhibit F - Reference Plan 45R-11465



1494282 Ontario Inc. (Parkview Homes)
South Parts of 1597, 1607, 1619 & 1633 Lansdowne Street W.
15T-08502/Z0804SB

CONDITIONS OF DRAFT PLAN OF SUBDIVISION APPROVAL

The City of Peterborough Conditions of Final Plan Approval for registration of this Subdivision File No. 15T-08502 area as follows:

Identification

1. That this approval applies to the Draft Plan of Subdivision 15T-08502, prepared by D.M. Wills Associates Limited (Drawing No. 10145DP) as amended in accordance with the resolution of Council dated April 8, 2013 which shows the following:
 - Lots 1-28
 - Block 1
 - Block 2
 - Block 3
 - Blocks 4-8
 - 28 Single Detached lots
 - Road Allowance
 - Stormwater Management
 - Walkway/Servicing Corridor/Stormwater Overflow
 - 0.3m reserves
2. That if Final Approval is not given to this Plan within three (3) years of the draft approval date, and no extensions have been granted, draft approval shall lapse.
3. That prior to Final approval, the City Engineer will confirm the servicing allocation for this Plan as services are allocated on a “first-come, first-served” basis.

Public Roads and Walkways

4. That the road allowances included in this Draft Plan shall be shown on the Plan and dedicated to the City as public highways.
5. That the streets shall be named to the satisfaction of the City of Peterborough.
6. That any dead ends and open sides of road allowance created by this Draft Plan, including but not limited to that portion of the Lot 11 streetline that does not contain a driveway, shall be terminated in 0.3 metre reserves to be conveyed to and held, in trust, by the municipality.
7. That temporary turning circles be established at the termination of road allowances to the satisfaction of the City of Peterborough.

8. That the Owner secure the right and agree to construct a 9.0m wide walkway/servicing corridor/stormwater overflow, together with permanent fencing along its boundary with adjacent lots, across the property municipally known as 793 Spillsbury Drive from Block 3 to Spillsbury Drive to the satisfaction of the City Engineer. Furthermore, the Owner shall agree to convey the walkway/servicing corridor/stormwater overflow to the City of Peterborough.
9. That prior to Final Approval, the owner shall agree in the Subdivision Agreement to construct sidewalk to the satisfaction of the City Engineer in accordance with the City's Sidewalk Policy.

Other Municipal Conditions

10. That Block 2 be conveyed to the City of Peterborough for Stormwater Management purposes.
11. That Block 3 be conveyed to the City of Peterborough for Walkway/Servicing Corridor/Stormwater Overflow purposes. The Walkway/Servicing Corridor/Stormwater Overflow shall have a width of 9.0m which may consist of Block 3 alone or a combination of Block 3 and easements on adjacent properties, to the satisfaction of the City Engineer.
12. That the owner agrees in writing to satisfy all the requirements, financial and otherwise, of the City of Peterborough concerning the provision of roads, installation of services and drainage.
13. That such easements as may be required for temporary access, utility, or drainage purposes, including snow storage at the end of all "stub" streets, shall be granted to the appropriate authority, prior to the registration of the Subdivision Agreement and Final Plan.
14. That the owner agree in the subdivision agreement to extend the existing travelled portion of Cahill Drive to the limit of the Pinewood Drive right-of-way to full municipal standards, including removal of the existing turning circles on Cahill Drive and Pinewood Drive, and to re-establish and rehabilitate the affected municipal boulevard and any affected portion of private property and/or driveways to the satisfaction of the City Engineer.
15. That prior to Final Approval, the Applicant shall make satisfactory arrangements with the City and the owners of the properties at 1640, 1641, 1644 and 1645 Cahill Drive for the conveyance of Blocks 21 to 24 inclusive, Plan 45M-179, pursuant to Article 32 of the subdivision agreement for Plan 45M-179.
16. That a restrictive covenant be registered on title of Lots 5 to 11 and 21 to 28 inclusive, where the Zoning may permit a minimum separation of less than 2.4

metres between buildings on adjacent lots, for property maintenance/repair purposes.

17. Prior to Final Approval, the owner shall prepare an overall composite utility distribution plan that allows for the safe installation of all utilities, including required separation between utilities and driveways, to the satisfaction of the City Engineer and all affected utility authorities. The owner shall agree in the Subdivision Agreement to construct all streets, driveways and services in accordance with the approved composite utility plan and that the curb cuts will be constructed at the time of curb installation. The owner shall further agree in the Subdivision Agreement that all driveways must be constructed in the approved location and cannot be relocated, widened, or mirrored from that shown on the approved drawings.
18. That the owner shall agree in the Subdivision Agreement to design and construct permanent fencing as required along the perimeter of Blocks 2 and 3 where they abut a residential property to the satisfaction of the City Engineer.
19. That the owner shall erect a sign, to the satisfaction of the City depicting the approved Plan of Subdivision and Zoning, within 90 days of the date of Draft Plan Approval.
20. That the owner shall enter into an agreement with the Peterborough Utilities Services Inc. for water servicing.
21. That the owner make satisfactory arrangements with Peterborough Utilities Services Inc. for the provision of electrical service to this plan.
22. That the owner convey cash-in-lieu of parkland dedication to the City of Peterborough in accordance with the requirements of the *Planning Act*.
23. That prior to Final Approval the owner shall have a tree inventory and tree preservation plan prepared for the lands by a qualified Arborist to the City's satisfaction. The owner shall further agree to implement the recommendations of the approved plan in the Subdivision Agreement.
24. That prior to Final Approval the owner shall prepare a detailed landscape and planting plan for any plantings to occur on site including streetscaping, management pond enhancement etc. to the satisfaction of the City of Peterborough. Any plantings on-site must consist of trees and shrubs that are native to the Peterborough area. The owner shall further agree to be responsible for implementation of the approved plan in the Subdivision Agreement.
25. That the owner make arrangements satisfactory to the City Engineer to provide construction vehicle access to the site from either Lansdowne Street or Spillsbury Drive. Should the owner provide construction access from Spillsbury Drive over

the property municipally known as 793 Spillsbury Drive, the owner shall agree that the said property will not be used as a construction staging/storage area.

26. That prior to Final approval, the Applicant shall confirm to the satisfaction of the City Engineer that sufficient capacity exists within the downstream storm sewer system to accommodate any flows from the site that are not being directed to the stormwater management facility to be constructed on-site.
27. That the owner agree in the Subdivision Agreement to prepare a Capital Asset Table for the infrastructure installed and/or removed and/or impacted by construction of the Draft Plan of Subdivision in a format to the satisfaction of the City Engineer. All infrastructure noted in the table shall be separated into its various components and assigned construction costs for individual items.

Other Agency Conditions

28. That prior to Final Approval and prior to approval of the stormwater management plan, the owner shall assess the hydrogeology and groundwater system of the site to ensure maintenance of the existing groundwater flow and to prevent negative impacts to the aquifer and neighboring wells as a result of development to the satisfaction of Otonabee Region Conservation Authority and the City Engineer.
29. That prior to Final Approval of the Plan of Subdivision and any on-site grading or construction, Otonabee Region Conservation Authority and the City Engineer must have reviewed and approved reports describing/containing:
 - a) the intended means of controlling stormwater runoff in terms of quantity, frequency and duration for all events up to and including the 1:100 year storm;
 - b) the intended means of conveying stormwater flow from the site, including use of stormwater management water quality measures, both temporary and permanent, which are appropriate to provide Enhanced water quality protection in accordance with the Ministry of the Environment (MOE) "Stormwater Management Planning and Design Manual", March 2003;
 - c) the means whereby erosion and sedimentation and their effects will be minimized on the site during and after construction. These means should be in accordance with the provincial "Guidelines on Erosion and Sediment

Control for Urban Construction". Supporting technical documentation should also be submitted which meets or exceeds standards in the Technical Guidelines - Erosion and Sediment Control, February 1989, published by the Ministry of Natural Resources and /or the "Erosion and Sediment Control Training Manual, MOE, 1997;

Please note: *Temporary ponds for sediment control should be capable of accommodating 125 cubic metres/hectare of contributing drainage area for a period of not less than 12 hours or removing particle sizes down to 40 microns.*

- d) site soil conditions, including grain size distribution profiles; and,
 - e) site grading plans.
30. The Subdivision Agreement between the owner and the City of Peterborough shall contain the following provisions in wording acceptable to the Otonabee Region Conservation Authority and the City Engineer:
- a) That the owner agrees to implement the works referred to in Condition Nos. 28 and 29 inclusive. The approved reports should be referenced in the Subdivision Agreement.
 - b) That the owner agrees to inspect and maintain all stormwater management, erosion and sedimentation control structures operating in good repair during the construction period in a manner satisfactory to the Otonabee Region Conservation Authority and the City Engineer.
 - c) That the owner agrees to notify the Otonabee Region Conservation Authority at least 48 hours prior to the initiation of any on-site development.
- In order to expedite clearance of these conditions, a copy of the Subdivision Agreement should be sent to Otonabee Region Conservation Authority.
31. a) Bell Canada shall confirm to the City of Peterborough in writing that satisfactory arrangements, financial and otherwise have been made with Bell Canada for the installation of Bell Canada facilities to serve this Draft Plan of Subdivision.

- b) The owner shall agree in the Subdivision Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services.
 - c) If there are any conflicts with existing Bell Canada facilities or easements, the owner shall be responsible for re-arrangements or relocation.
- 32.
 - a) Cogeco Cable Solutions shall confirm that satisfactory arrangements, financial and otherwise have been made with Cogeco Cable Solutions for any Cogeco Cable Solutions' facilities serving this Draft Plan of Subdivision which are required to be installed underground, a copy of such confirmation shall be forwarded to the City of Peterborough.
 - b) The owner shall agree in the Subdivision Agreement, in words satisfactory to Cogeco Cable Solutions, to grant to Cogeco Cable Solutions any easements that may be required for telecommunication services.
 - c) If there are any conflicts with existing Cogeco Cable Solutions' facilities or easements, the owner shall be responsible for re-arrangements or relocation.
- 33. That the owner make satisfactory arrangements with Canada Post for the provision of community mail box mail delivery service to this plan.
- 34. That the Owner agree in the Subdivision Agreement to the following provisions in wording acceptable to Enbridge Gas Distribution Inc. and the City Engineer:
 - a) To grade all streets to final elevation prior to the installation of the gas lines and provide Enbridge Gas Distribution Inc. with the necessary field survey information required for the installation of the gas lines; and,
 - b) To provide easements at no cost to Enbridge Gas Distribution Inc. in the event that it is not possible to install the natural gas distribution system within the proposed road allowances.

CLEARANCES

1. Prior to Final Approval, the Director of Planning & Development Services shall be advised by the Otonabee Region Conservation Authority that Conditions 28, 29 and 30 inclusive have been carried out to the their satisfaction. The letter from the Authority shall include a brief but complete statement detailing how each condition has been satisfied.
2. Prior to Final Approval, the Director of Planning & Development Services shall be advised by Bell Canada that Conditions 17 and 31 have been carried out to the their satisfaction. The letter from Bell shall include a brief but complete statement detailing how each condition has been satisfied.
3. Prior to Final Approval, the Director of Planning & Development Services shall be advised by Cogeco Cable Solutions that Conditions 17 and 32 have been carried out to their satisfaction. The letter from Cogeco shall include a brief but complete statement detailing how each condition has been satisfied.
4. Prior to Final Approval, the Director of Planning & Development Services shall be advised by Canada Post that Conditions 17 and 33 have been carried out to the their satisfaction. The letter from Canada Post shall include a brief but complete statement detailing how each condition has been satisfied.
5. Prior to Final Approval, the Director of Planning & Development Services shall be advised by the Enbridge Consumers Gas that Conditions 17 and 34 have been carried out to the their satisfaction. The letter from the Enbridge shall include a brief but complete statement detailing how each condition has been satisfied.
6. Prior to Final Approval, the Director of Planning & Development Services shall be advised by Peterborough Utilities Services Inc. (PUSI) that Conditions 17, 20 and 21 have been carried out to the their satisfaction. The letter from PUSI shall include a brief but complete statement detailing how each condition has been satisfied.

Otonabee Conservation
250 Milroy Drive
Peterborough ON K9H 7M9

Systems Planner
Cogeco Cable Solutions
P.O. Box 2290
1111 Goodfellow road
Peterborough ON K9J 7A4

Manager, Access Network
Bell Canada
183 Hunter St. W., Floor 2
Peterborough ON K9H 2L1

Delivery Planner
Canada Post Corporation
1424 Caledon Place Box 25
Ottawa ON K1A 0C1

Planning Supervisor
Enbridge Consumers Gas
500 Elgin Mills Road East
Richmond Hill ON L4C 5G1

Peterborough Utilities Services Inc.
1867 Ashburnham Drive
PO Box 4125, Station Main
Peterborough, ON K9J 6Z5

NOTES TO DRAFT APPROVAL

1. It is the Owner's responsibility to fulfill the Conditions of Draft Approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Peterborough Planning Division quoting the City file numbers.
2. We suggest that you make yourself aware of Section 144 of the Land titles Act and subsection 78(10) of the *Registry Act*.

Subsection 144(1) of the *Land Titles Act* requires that a Plan of Subdivision of land that is located in a land titles division be registered under the *Land Titles Act*. Exceptions to this provision are set out in subsection 144(2).

Subsection 78 (10) of the *Registry Act* requires that a Plan of Subdivision of land that is located only in a registry division cannot be registered under the Registry Act unless that title of the Owner of the land has been certified under the *Certification of Title Act*.

Exceptions to this provision are set out in clauses (b) and (c) of subsection 78(10).

3. If the Owner wishes to request an extension to Draft Approval, a written explanation must be submitted for Council approval prior to the lapsing date. Please note that an updated review of the plan and revision to the Conditions of Approval may be necessary if an extension is to be granted.
4. The City of Peterborough and the Peterborough Utilities Commission have established a Development Control Monitoring Program for the purpose of managing sanitary and water services City-wide. Draft Approval does not assign a servicing allocation to the Plan of Subdivision. Services will be allocated on a "first-come" "first-served" basis in response to bonafide development pressure.

5. It is the Owner's responsibility to advise the City of Peterborough Planning Division of any changes in ownership, agent, address, and phone and fax number.

NOTICE OF PUBLIC MEETING

TAKE NOTICE that pursuant to the *Planning Act*, R.S.O., 1990, c.P.13, the Planning Committee will hold a public meeting in the Kawartha Pine Ridge District School Board Office, 1994 Fisher Drive, Peterborough at 6:30 p.m. on **Monday, March 25, 2013**, to consider the following applications under Sections 17, 34 and 51 of the Act:

1. **Files:** O1208 and Z1224
Address: 861 Lansdowne Street West
Owners/Applicant: 2287992 Ontario Inc, c/o Aristen Realty Corp. Brokerage
Agent: Kevin M. Duguay Community Planning & Consulting Inc.

The applicant is proposing to amend the Official Plan to permit an exception to the Special Purpose Retail Designation to permit a small scale retail establishment for the sale of eyewear and related accessories/products. The applicant further proposes to amend the Zoning from the C.7 – Commercial District to permit an exception that would allow the use of the lands for a retail establishment for the sale of eyewear and related products/accessories, having a maximum floor area of 250m².

2. **File:** Z1226
Address: 1080 -1096 Lansdowne Street West
Owners/Applicant: Kaylan Properties Limited

The applicant is proposing to amend the Zoning from the SP.46 – Special Commercial District to a modified C.7 – Special Purpose Retail Commercial District to permit additional retail uses with a minimum floor area of 110m² per use, in an established building, in accordance with the policies of the Special Purpose Retail Designation in the Official Plan. The applicant further proposes that the existing permitted uses under SP. 46 be included as permitted uses.

3. **Files:** 15T-08502 and Z0804SB
Address: 1597, 1607, 1619 & 1633 Lansdowne Street West
Owner/Applicant: 1494282 Ontario Inc.
Agent: Kevin M. Duguay Community Planning & Consulting Inc.

The applicant is proposing a residential subdivision on the southern portion of the subject properties comprised of 28 lots for single-detached dwellings with typical widths ranging from 12m (40ft) to 15m (50ft), a stormwater management facility, and a walkway/servicing corridor from the lands to Spillsbury Drive. Street access for the site is proposed to be provided by the extension of Cahill Drive to Pinewood Drive.

To facilitate this development, the applicant is proposing to re-zone the southern portion of the properties from D.2 – Development District to R.1 – Residential District with alternative regulations and exceptions to accommodate reduced building setbacks on certain lots and varying lot widths.

BE ADVISED that if a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Peterborough before the proposed Draft Plan of Subdivision, Official Plan and/or Zoning By-law Amendment is adopted/passed, the person or public body is not entitled to appeal the decision of City of Peterborough Council to the Ontario Municipal Board.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Peterborough before the proposed Draft Plan of Subdivision, Official Plan or Zoning By-law Amendment is adopted/passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to add the person or public body as a party.

If you wish to be notified of the approval of the proposed Draft Plan of Subdivision or the passing of the proposed Official Plan and/or Zoning By-law Amendment(s), you must make a written request to the City Clerk at the address below. (Please quote appropriate file number(s)).

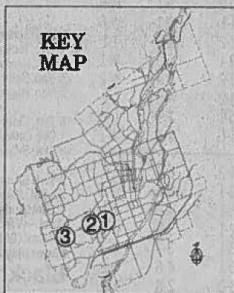
ANY PERSON may attend the above Public Meeting and/or make written or verbal representation, either in support of or in opposition to the applications. (Please quote appropriate file number).

ADDITIONAL INFORMATION relating to these applications may be obtained from the Planning Division, City Hall, (8:30 a.m. to 4:30 p.m., Monday to Friday), or by contacting the Planning Division at 705-742-7777 - Caroline Kimble (File Nos. O1208, Z1224 and Z1226) at ext. 1735 (email ckimble@peterborough.ca) or Brad Appleby (File Nos. 15T-08502 and Z0804SB) at ext. 1886 (email bappleby@peterborough.ca).

A Staff report will be available by 12 Noon on Friday the 22nd of March, 2013.

Dated at the City of Peterborough this 25th day of February, 2013.

KEY MAP



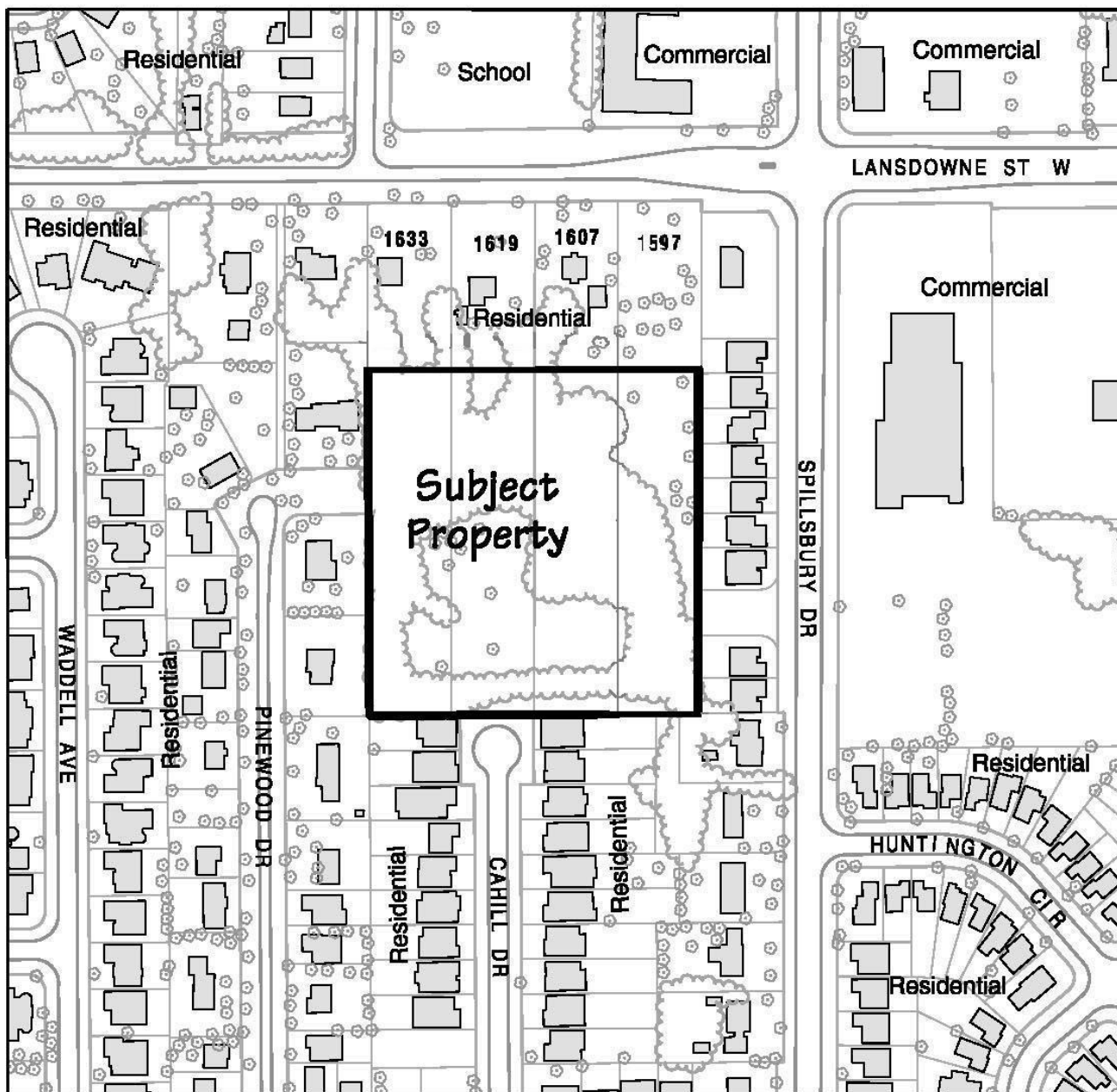
John Kennedy, City Clerk
City of Peterborough, City Hall
500 George Street North
Peterborough, Ontario
K9H 3R9
jkennedy@peterborough.ca

Land Use Map

EXHIBIT B
SHEET 1 OF 1

File # z0804sb & 15T-08502

Property Location: South Parts of 1597,1607,1619,1633 Lansdowne St W



The City of Peterborough Planning Division

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Date - February 2008
Dwg. by - CBerry
Scale - 1: 2500

EXHIBIT C
SHEET 1 OF 2

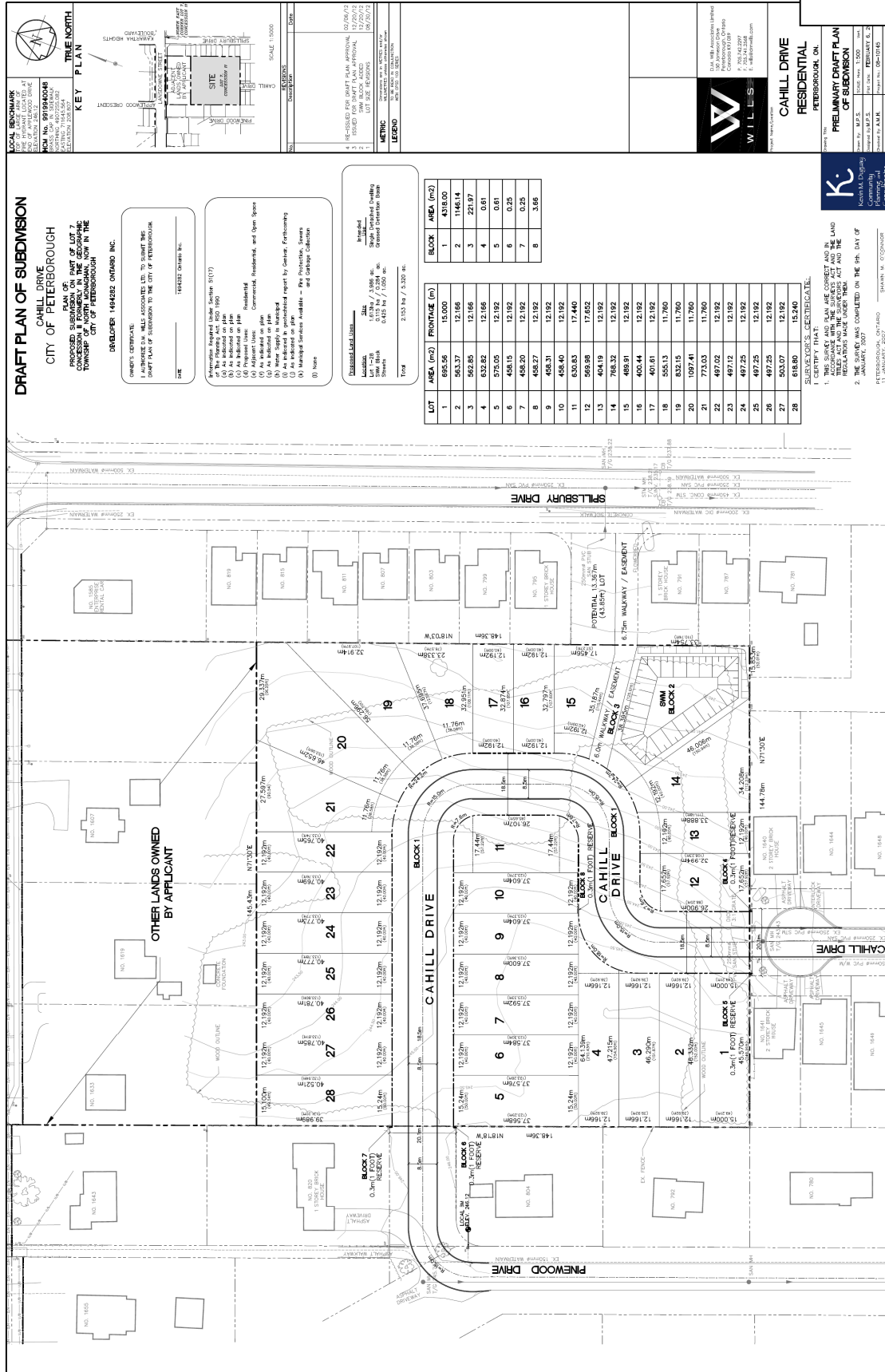
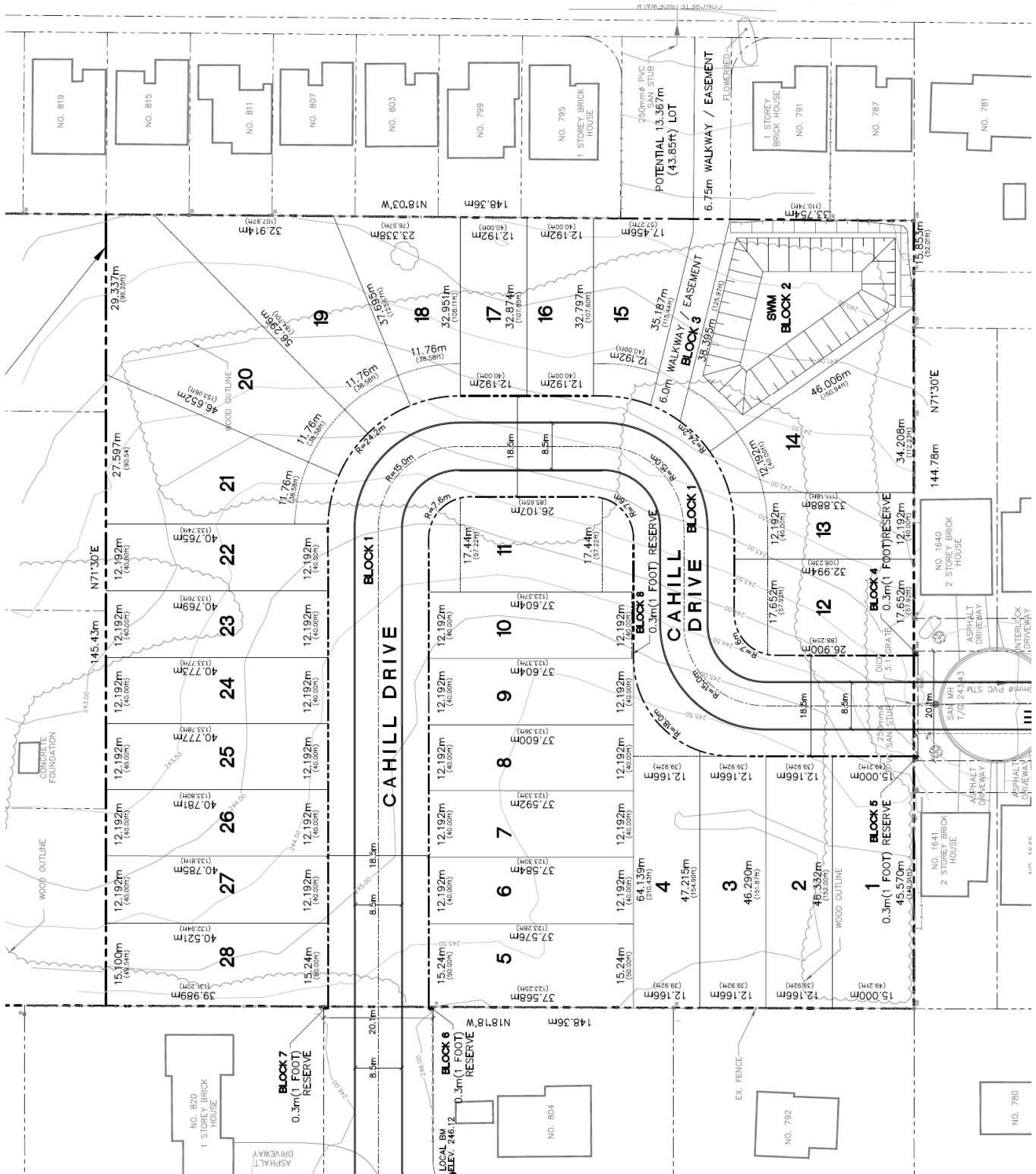


EXHIBIT C
SHEET 2 OF 2



THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 13-(Clerk's office will assign the number)

**BEING A BY-LAW TO AMEND THE ZONING FOR PARTS OF 1597, 1607,
1619 AND 1633 LANSDOWNE STREET WEST**

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

1. Section 3.9 Exceptions of By-law 1997-123 is hereby amended by adding the following:

 ".278 Notwithstanding the provisions of Section 6.11, in this District an unenclosed verandah may project up to 2.0 metres into the minimum building setback from a street line."
2. **Map 20** forming part of Schedule 'A' to By-law 1997-123 is amended by changing the area shown on the sketch attached hereto as Schedule 'A' **from D.2 – Development District to R.1,1m,2m-278-“H”; R.1-278-“H”; and R.1,8z-278-“H”; and OS.3.**
3. The 'H' – Holding Symbol will be removed upon registration of the Plan of Subdivision in the Land Registry Office.

By-law read a first, second and third time this day of _____, 2013.

Daryl Bennett, Mayor

John Kennedy, City Clerk

Change from D.2 to

A — R.1,1m,2m-278-'H'

B — R.1-278-'H'

C — R.1,8z-278-'H'

D — OS.3

SCHEDULE 'A' TO
BYLAW 2013
PASSED THE DAY
OF 2013
MAYOR
CLERK

LANSDOWNE ST W

Other Lands Owned
By Applicant

A

C

B

A

C

A

B

A

A

B

D

PINEWOOD DR

CAHILL DR

SPILLSBURY DR

HUNTINGTON CIR

City of
Peterborough

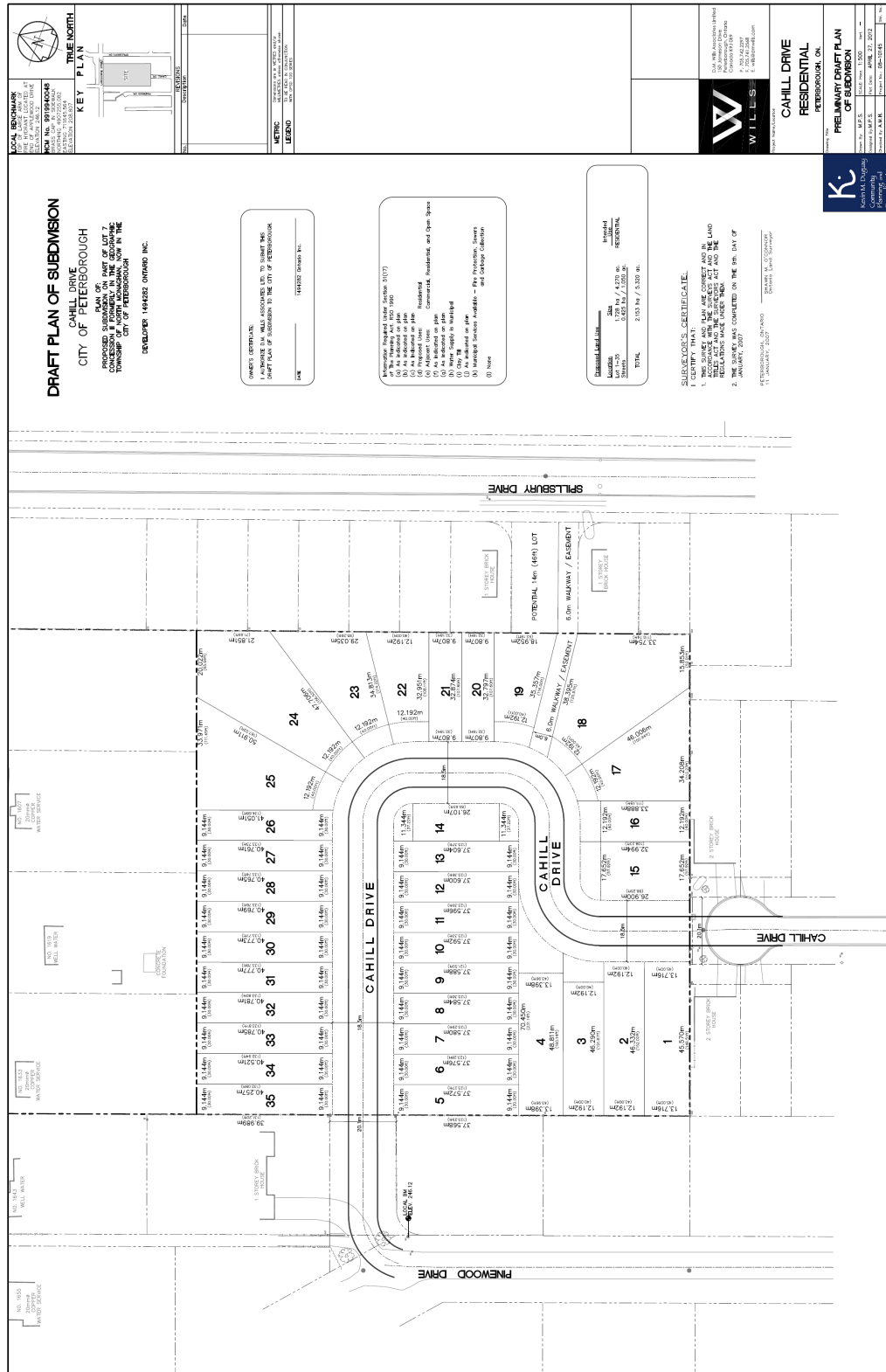
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File: z0804sb-15T-08502

METRES
20 10 0 20 40 60

Previous Draft Plan of Subdivision Submissions Amended Version - 2012



**EXHIBIT F
SHEET 1 OF 1**

