



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: August 26, 2013

SUBJECT: Report PLPD13-059
191-203 Rink Street and 59-63 Olive Avenue

PURPOSE

A report to evaluate the planning merits of amending the Zoning By-law as it relates to the properties known as 191-203 Rink Street and 59-63 Olive Avenue, to amend the regulations of the SP.336 zoning of the lands, to facilitate an increase in the total number of units from 61 to 64 units with parking to be provided underground.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD13-059 dated August 26, 2013, of the Manager, Planning Division, as follows:

- a) That the SP.336 – Special Residential District be amended in accordance with the draft amendment attached as Exhibit ‘C’ to Report PLPD13-059, to address the following:
 - i) Increase the maximum number of dwelling units from 61 to 64.
 - ii) Increase the maximum number of storeys from 4 to 6 storeys along Rink Street.
 - iii) Decrease the maximum number of storeys from 4 to 3 along Olive Avenue.
 - iv) Increase the minimum lot area per dwelling unit from 76m² to 82m².
 - v) Increase the maximum building coverage from 30% to 40% of Lot Area for the Building, and to 80% for the underground parking structure.

- vi) Decrease the minimum building setback from the side lot line from 7m to 1.5m for the underground parking structure.
 - vii) Decrease the minimum building setback from the street line from 6m to 2.5m.
- b) That the 'H' Holding Symbol be removed at such time as Site Plan Approval is granted for the subject properties, including:
 - i) a provision requiring that the properties known as 59, 61 and 63 Olive Avenue be merged in title with the adjacent lands known as 191 – 203 Rink Street; and
 - ii) road widening along Olive Avenue.

BUDGET AND FINANCIAL IMPLICATIONS

There are no direct budget or financial implications arising from the approval of these recommendations.

RATIONALE

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

The proposed revised concept is consistent with the Central Area 'Commercial' and 'Transitional Uses Area' policies of the City of Peterborough Official Plan. The SP.336 Zoning District further supported a site specific parking ratio of 1.05 parking spaces per dwelling unit, consistent with the Area 1 (Central Business District Area) policies.

The proposed total lot area of the lands is approximately 5283m² (56,867 sq. ft.). The overall density, therefore, of the development for 64 units is proposed at approximately 121 units per hectare (49 units per acre). This density is well within the high density range of 100 to 250 units per hectare, supported by the Central Area policies assigned to the properties in the City's Official Plan.

BACKGROUND

The subject application was received on May 1, 2013 and deemed to be complete on May 22, 2013 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 September 19, 2013 if Council has not made a decision.

The applicant is proposing an amendment to the zoning of the lands to permit an increase in the total number of units from 61 to 64 with amended regulations. The effect of the amendments is to accommodate a larger building along the Rink Street frontage and three townhouse units along the Olive Avenue frontage, with underground parking facilities for the apartment units.

Zoning By-law Amendments were approved by Council in June, 2007 and again in March, 2010 to change the land use of the adjacent parcels known as 191 to 203 Rink Street from the R.1, R.2, R.3, R.4 – Residential Zoning District to the SP.336 – Special Residential District, to permit a multi-unit residential use with up to 61 residential units. The multi-unit zoning was designed to permit a four storey building proposed to extend along both the Rink Street and Olive Avenue frontage, with entrances to the parking from both Rink Street and Olive Avenue. The applicants have now revised the development concept by locating the bulk of the units along the Rink Street frontage and by introducing six townhouse units along Olive Avenue to address compatibility and traffic concerns with the existing development along Olive Avenue. It is intended that the new townhouse development will include older design elements, more consistent with the character along Olive Avenue.

The applicants have reconsidered the original design of the multi-unit building as well as the configuration. The revised concept also proposes a building that steps up from a single storey at the ground level at Olive Avenue toward a six storey height at the westerly extent of the site. This will also assist to respect the Olive Avenue streetscape. The revisions to the regulations will allow the new proposed building form with the saw tooth design and underground parking to work on the site.

The proposed multi-unit building along Rink Street is intended to support a mix of studio, two and three bedroom condominium/apartment units, with sizes ranging from 62m² (670 sq. ft.) to 134m² (1440 sq. ft.). The height of the building is proposed to be 6 storeys at the westerly end. The proposed townhouse units are 2.5 storeys in height with three bedrooms and a single car garage in each. The development further contemplates an underground parking structure to provide space for up to 71 vehicles. Combined with the proposed parking for the townhouse units, the revised plan demonstrates the ability of the site to provide up to 83 parking spaces, in excess of the by-law requirement of 68 spaces in total.

A Neighbourhood Meeting was held on June 25, 2013 by the applicants, to introduce the new concept for development to the neighbourhood. Twelve area property owners attended the meeting. Generally, the comments were favourable with regard to the new design, particularly as it relates to the underground parking facility and the townhouse design along Olive Avenue.

ANALYSIS

a) Official Plan

Schedule 'A' Land Use of the Official Plan, designates the subject property as "Commercial" and Schedule 'J' – Central Area Land Use Plan, identifies the property within the "Transitional Uses Area". Permitted uses within the "Transitional Uses Area" include:

- special care homes
- medium and high density residential
- institutional uses
- small scale office
- convenience retail and
- service commercial uses

The proposed zoning amendment is consistent with the Central Area policies of the City of Peterborough Official Plan. The Official Plan recognizes the diversity of the "Transitional Uses Area" and that redevelopment of property within this area will primarily occur in the form of high and medium density residential developments and small scale commercial development under relaxed zoning regulations. The properties are situated amongst commercial uses, including the Market Square Plaza on the north side of Rink Street and the commercial plaza at the southeast corner of Olive Avenue and Rink Street, connecting to the commercial strip along George Street North. These commercial properties are situated within the 'Waterfront Commercial' sub-area of the Central Area designation in the Official Plan. The 'Transitional Uses' policies associated with the subject properties are designed to provide a transition from the adjacent 'Waterfront Commercial' areas and the residential areas outside the Central Area.

Section 4.2 of the Official Plan anticipates that the Central Area residential densities range between 25 to 100 dwelling units per hectare (10 to 40 dwelling units per acre) for medium density and 100 to 250 dwelling units per hectare (40 to 100 dwelling units per acre) for high density. The proposal anticipates a total density of approximately 121 units per hectare (49 units per acre). In reviewing applications that introduce medium and high density residential uses, the Official Plan requires that the impacts on adjacent low-density residential land uses be minimized by the provision of adequate parking, buffering, landscaping and setbacks.

Redevelopment within this area is also required to reinforce the provision of pedestrian linkages with the adjacent waterfront commercial area and ensure that new buildings are designed to be compatible with existing buildings.

Urban Design Considerations:

The subject property lies within the “Transitional Uses” area as defined in Schedule ‘J’ – Central Area Land Use Plan, however, the property is bordered by the “Waterfront Commercial Area” and has prominence, as there are open views to it from the north and the east. Accordingly, from an urban design perspective, the proposed development should be in keeping with the objectives of the Official Plan for both land-use designations.

Being located next to the Waterfront Commercial Area, the sawtooth design and recessed height to the west, possess adequate architectural interest as the building will have prominence within the City’s Central Area. The additional opportunity for landscaping created by the underground parking structure, adds an open element to the development. Employing a high standard of urban design with a view to maintaining the openness of the area, is an important consideration when assessing development proposals in this area.

The development of the property must also be sensitive to the existing built form in the neighbourhood. Buildings in the area are one and one half or two storeys in height, are modest in size, and are located anywhere from 1.5m to 5.5m from the street line. The proposed 2.5 storey townhouse dwellings along Olive Avenue will provide a compatible building form with what is established on Olive Avenue.

b) Zoning By-law

The subject property is currently zoned SP. 336 and SP. 366-‘H’ implementing the policy objectives of the Official Plan. The subject application facilitates revised regulations to permit an alternative building form, including townhouse units along Olive Avenue.

Planning staff recommend that the Special District regulations assigned to the property reflect the following standards:

- i. Maximum of 64 dwelling units;
- ii. Maximum height of 6 storeys along Rink Street and 3 storeys along Olive Avenue;
- iii. Parking to be provided at a ratio of 1.05 spaces per unit;
- iv. Maximum building coverage of 40% for the portion of the building containing dwelling units and up to 80% for an underground parking structure;
- v. Maximum lot coverage by open parking areas, driveways and vehicle movement areas shall be 45% of the lot area;
- vi. Minimum lot area per dwelling unit of 82m²;

- vii. Minimum setback from side lot line 1.5m;
- viii. Minimum setback of 2.5m from the street line

c) Site Development

Site Plan Control is required for the proposed redevelopment of the properties as a multi-unit residential development. The proposal has been subject of discussion with staff and the neighbouring residents regarding the details of the site development.

It is proposed that a total of 83 parking spaces be provided (71 spaces underground and 12 spaces within driveways/garages for the townhouse units). The proposed entrance to the underground parking is from the westerly portion of the lot at Rink Street. The area above the underground parking structure and between the apartment building and the townhouse units, will be landscaped.

A daylighting triangle at the intersection of Olive Avenue and Rink Street has also been incorporated into the proposed concept plan to illustrate the site's ability to accommodate this at the Site Plan Approval stage. A request for the future widening of Olive Avenue has been made as a result of the agency circulation of the application. The Olive Avenue right of way is substandard to the normal requirement for a local road. Utility Services Department has indicated that a widening of Olive Avenue to an approximate width of 12m (40 ft.) will result in a possible requirement for 3m (10 ft.) from the subject lands. A 3m (10 ft.) widening can be accommodated on the site without negative impact to parking and buffering. The precise amount of the widening will be determined at Site Plan Approval stage.

RESPONSE TO NOTICE

a) Significant Agency Responses:

Agency circulation was issued on June 7, 2013.

The City's Utility Services Department indicates no objection to the proposed amendments subject to justification for the reduced parking provision. The application proposes a higher ratio of parking than what is permitted under the current regulations for the property, therefore, no further justification was requested. Confirmation of adequate servicing capacity and cash in lieu of parkland is recommended where required.

Peterborough Utilities Services Inc. notes that the developer will be responsible for development charges applicable for the net area and the developer will have to pay for an adequately sized water main along Olive Avenue between Perry and Rink Streets. Old services will have to be disconnected and reconnected to the new main with the potential requirement for a hydrant. The water connection for this development needs to come from the Perry Street main.

The developer's consultant needs to confirm adequate water supply to meet the design demand. Horizontal separation may be required from electrical overhead high voltage wires along Rink Street and conversion of the services may be considered for this development.

Kawartha Pine Ridge District School Board advises that they have no objection to the application, and any secondary students residing at this location would attend Kenner CVI and elementary students would attend Prince of Wales or Keith Wightman/Kenner.

Hiawatha First Nation advises that the project is deemed to have minimal potential to impact Hiawatha First Nations' rights, however, would like to be advised of any findings in the future and reserve the right to comment later.

Peterborough Architectural Conservation Advisory Committee expressed concern of the scale of the main building and the impact on the neighbourhood, having a negative impact on the current heritage landscape. A heritage impact assessment is recommended. The applicants have responded to the request for an assessment and further discussions are ongoing between the applicants and the Committee. The current zoning of the property permits the redevelopment for a 4 storey multi-unit building.

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

b) Summary of Public Responses:

Notice of Complete Application was issued by mail to agencies and departments on June 7, 2013 and by newspaper advertisement (Peterborough Examiner) on June 13, 2013. Notice of Public Meeting was issued on July 29, 2013 by direct mail and by newspaper advertisement (Peterborough Examiner). The notice complies with the requirements of the Planning Act.

As of August 2, 2013, no written comments had been received as a result of the circulation.

Submitted by,

Ken Hetherington,
Manager, Planning Division

Prepared by,

Caroline Kimble,
Land Use Planner

Concurred with,

Malcolm Hunt, Director
Planning and Development Services

Contact Name:

Caroline Kimble

Planner, Land Use

Planning & Development Services

Phone: 705-742-7777 Ext. 1735

Toll Free: 1-855-738-3755

Fax: 705-742-5218

E-Mail: ckimble@peterborough.ca

Attachments:

Exhibit A - Land Use Map

Exhibit B - Concept Plan

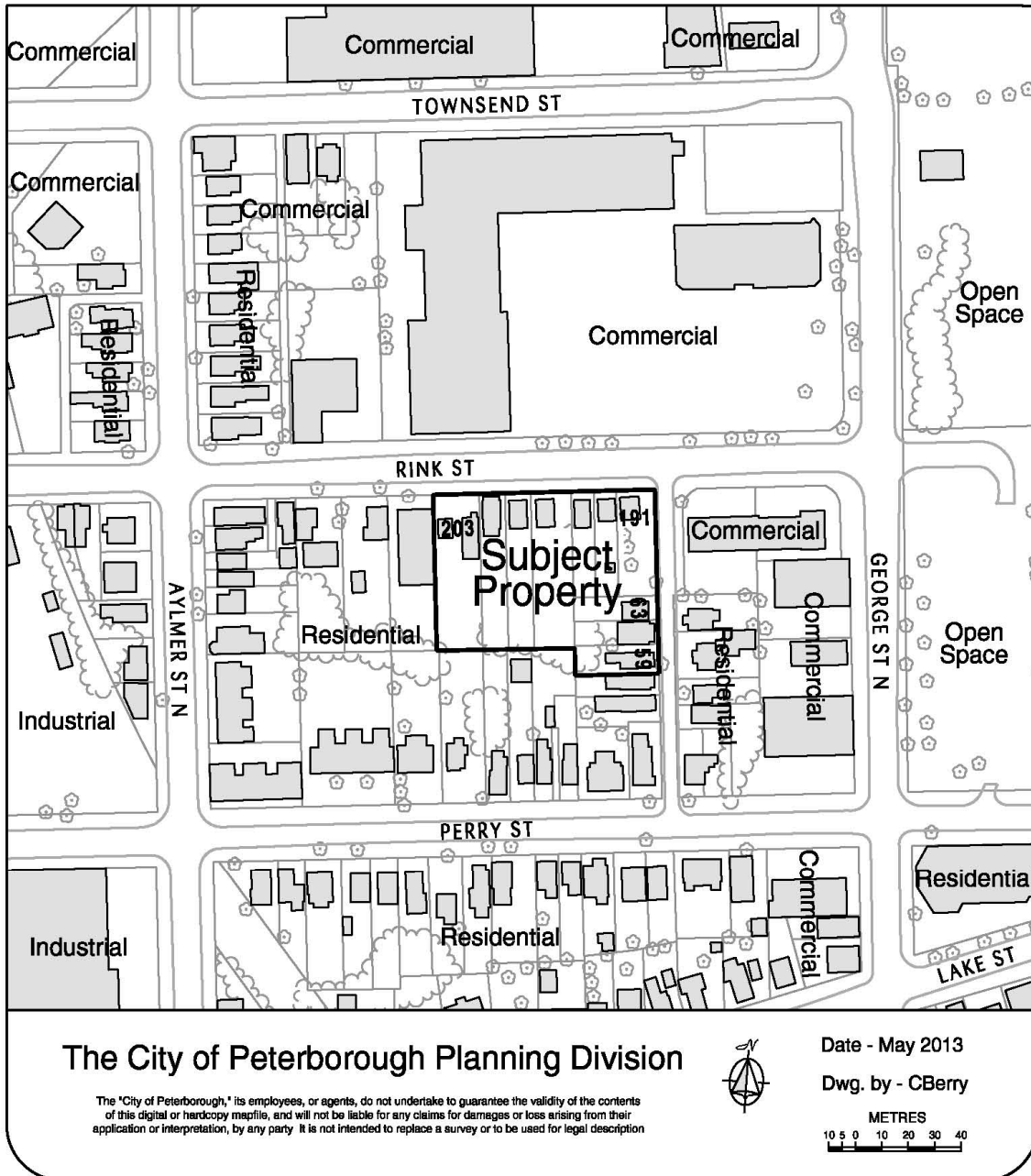
Exhibit C - Draft Zoning By-law

Exhibit A
Page 1 of 1

Land Use Map

File # z1310

Property Location: 191 - 203 Rink St & 59 - 63 Olive Ave



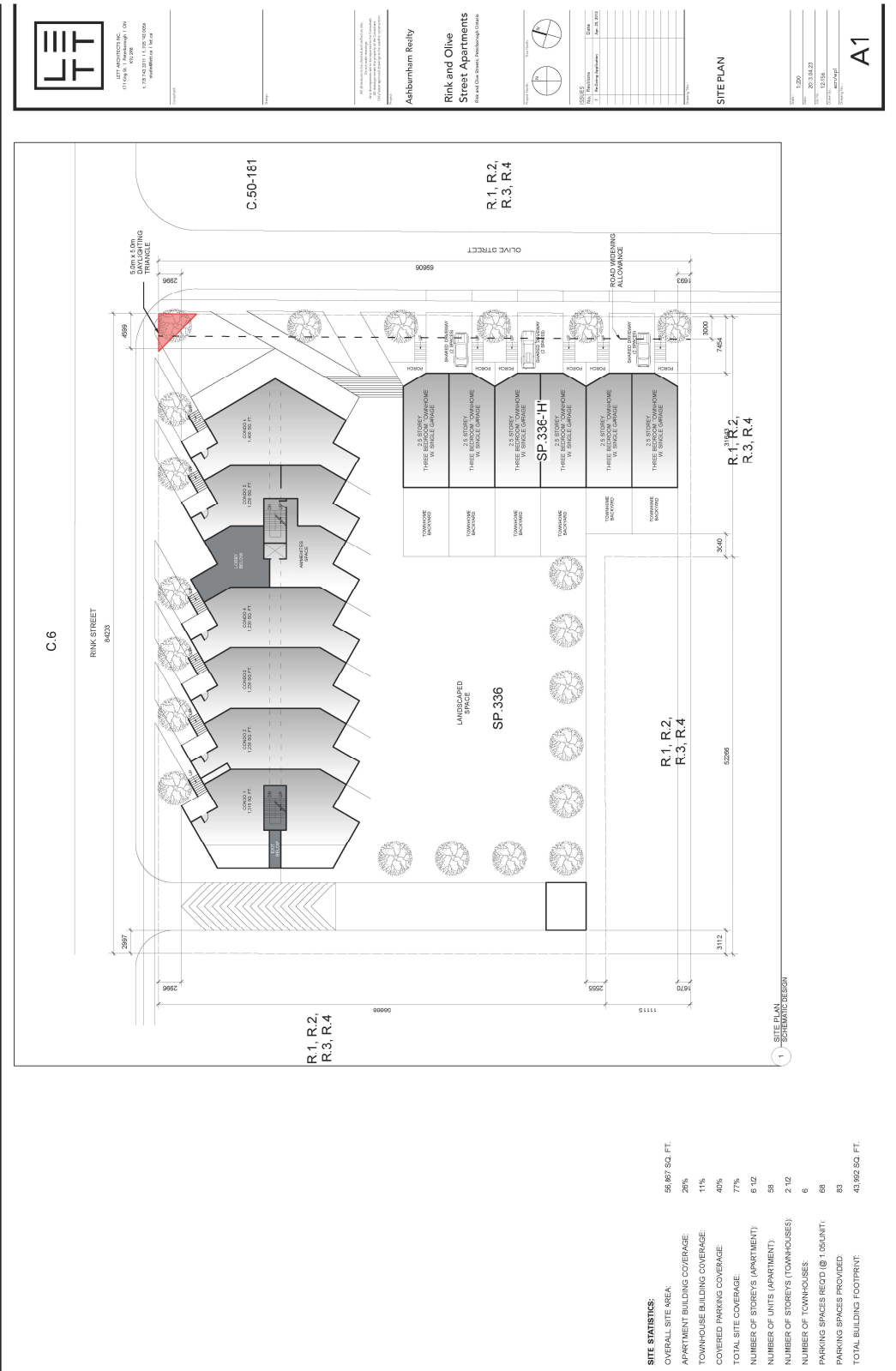


Exhibit B
Page 1 of 1

**THE CORPORATION OF THE CITY OF PETERBOROUGH
BY-LAW NUMBER 13-_____**

**Exhibit C
Page 1 of 1**

**BEING A BY-LAW TO AMEND THE ZONING BY-LAW FOR
59, 61 AND 63 OLIVE AVENUE AND 191-203 RINK STREET**

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

1. Section 366.3 Regulations of SP.336 By-Law 1997-123 is amended by:
 - a) increasing the maximum number of dwelling units in Section 366.3a) from 61 to 64;
 - b) increasing the minimum lot area per dwelling unit in Section 366.3b) from 76 square metres to 82 square metres;
 - c) decreasing the minimum building setback from a side lot line in Section 366.3c) from 7m to 1.5m;
 - d) increasing the maximum building coverage in Section 366.3d) from 30% to 40% of Lot Area for Building above grade and to 80% of Lot Area for Underground Parking Structure; and
 - e) deleting Section 366.3 h) and replacing it with the following provision:

“h) Notwithstanding the building setback provision from streets in Sections 6.9 and 6.11, a minimum building setback of 2.5m shall be provided from the street line.”
2. The ‘H’ – Holding Symbol will be removed from the Zoning By-Law upon Site Plan Approval being granted for 59, 61 and 63 Olive Avenue, such Site Plan to include provisions:
 - a) Requiring that the properties be consolidated with 191 - 203 Rink Street; and
 - b) Requiring the dedication of land to the City for a road widening along Olive Avenue.

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

Daryl Bennett, Mayor

John Kennedy, City Clerk