



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: October 7, 2013

SUBJECT: Report PLPD13-070
Zoning By-law Amendment - 793 Spillsbury Drive

PURPOSE

A report to evaluate the planning merits of amending the Zoning By-law for the property known as 793 Spillsbury Drive to amend the regulations to permit a reduced lot area and lot width in accordance with the R.1 – Residential District provisions.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD13-070 dated October 7, 2013, of the Manager, Planning Division, as follows:

- a) That the zoning of the subject property, be amended from the R.1,1m,2m - Residential District to the R.1 – Residential District in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD13-070.
- b) That the 'H' Holding Symbol be removed subject to the owner entering into an agreement with the City for the payment of parks levy and tree levy for the subject property.

RATIONALE

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

The subject property is designated 'Residential' on Schedule 'A' – Land Use. The 'Residential' policies of the Official Plan encourage residential infill where the impacts of development on existing uses can be minimized. The proposed use of the property for a single detached residential dwelling is in keeping with the Low Density Residential policies of the Official Plan.

The site plan demonstrates the ability of the site to maintain the character of the area. The applicant proposes the construction of a single detached bungalow with attached garage and driveway from Spillsbury Drive.

The proposed building respects the scale and physical characteristics of existing development in the surrounding neighbourhood. The amendment proposes to utilize a vacant lot that was set aside at the time of the creation of the lots along the west side of Spillsbury Drive, south of Lansdowne Street West.

BUDGET AND FINANCIAL IMPLICATIONS

There are no direct budget or financial implications arising from the approval of this application. The City is able to collect a park levy, tree levy and any applicable development charges for the proposed dwelling unit.

BACKGROUND

The subject application was received on June 7, 2013, deemed to be complete as of July 29, 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 November 26, 2013 if Council has not made a decision.

The lot was reserved and conveyed to the City for a potential roadway connection to the lands to the west when the lots along the west side of Spillsbury Drive were severed. As part of the severance approval, a development agreement was entered into between Tandaxe Homes Ltd., J. Stollar Construction Limited and the Corporation of the City of Peterborough, on May 5, 1999. The agreement required the developer (Tandaxe Homes Ltd. and J. Stollar Construction Limited) to transfer the subject lands in 1999 to the City of Peterborough for a future street connection to the lands to the west, if necessary.

Provisions for the reconveyance of the parcel were included in the agreement, whereby the City agreed to convey the lands back to the developer if not required for a roadway, and that the developer pay the applicable local improvement, parks levy and tree levy as well as any other applicable charges.

A Draft Plan of Subdivision has now been approved for the lands abutting the westerly property line of the subject property that does not rely on a roadway connection to Spillsbury Drive.

In accordance with the agreement registered on the title to the subject lands, the radii corners of the subject property are to be conveyed to the adjacent landowners by the City and the remaining parcel is to be conveyed to J. Stollar Construction Limited. J. Stollar Construction Limited will convey the parcel to the applicant in accordance with the agreement of purchase and sale.

The subject property is located on the west side of Spillsbury Drive, between Lansdowne St. W. and Forester Avenue. The land is currently vacant and is situated between two single detached dwellings with driveways to Spillsbury Drive.

The applicants have requested an amendment to the zoning of the property to permit the construction of a single detached dwelling on a lot with a width of 12.18m (39.98 ft.) and an area of 406.9m² (4380 ft.²).

ANALYSIS

a) Official Plan

The lands are currently designated “Residential” on Schedule ‘A’ – Land Use of the City of Peterborough Official Plan. The density of the residential use and the use of the property for a single detached dwelling is consistent with the low density residential policies of the Official Plan.

The proposal to rezone the property to eliminate the alternative regulations, permitting a slightly smaller lot size, respects the objectives of the infill and intensification policies, as described by the City’s Official Plan.

The property is located in an area well served by parks and schools. The property is fully serviced by municipal services.

b) Zoning By-law

The subject property is currently zoned R.1, 1m, 2m – Residential District, permitting a single detached dwelling with a minimum lot frontage of 15m (50 ft.). The property has 12.18m (39.98 ft.) of frontage on Spillsbury Drive and is 33.41m (109.6 ft.) deep.

The R.1, 1m, 2m – Residential District Zoning has been applied to lands on the west side of Spillsbury Drive to permit the creation of the existing lots. The proposed R.1 – Residential District would also permit a single detached dwelling, however, permits a smaller lot width and lot area.

The width of the subject lands has been reduced by the requirement to dedicate a 7.93m (26 ft.) wide strip of lands for the purpose of a walkway/servicing easement along the southern boundary, to the City as a condition of the recent approval of the adjacent Draft Plan of Subdivision to the west.

The applicant will be responsible to pay any applicable development charges, parks levy, tree levy in addition to any other applicable charges, to facilitate the development of the lands.

RESPONSE TO NOTICE

a) Significant Agency Responses:

Agency circulation was issued on July 29, 2013.

The City's Utility Services Department provided comment regarding the rezoning application, indicating the requirement for the conveyance of the servicing block/walkway from the property, in addition to the the conveyance of the daylighting radii to the adjoining property owners. The City has imposed these conveyances as conditions of the approval of the adjacent Draft Plan of Subdivision.

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 on July 19, 2013 and Notice of Public Meeting was issued by direct mail and by newspaper advertisement (Peterborough Examiner) on September 10, 2013 and September 12, 2013. The notice complies with the requirements of the Planning Act.

No written comments have been received as of September 16, 2013.

Submitted by,

Ken Hetherington,
Manager, Planning Division

Prepared by,

Concurred with,

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Attachments:

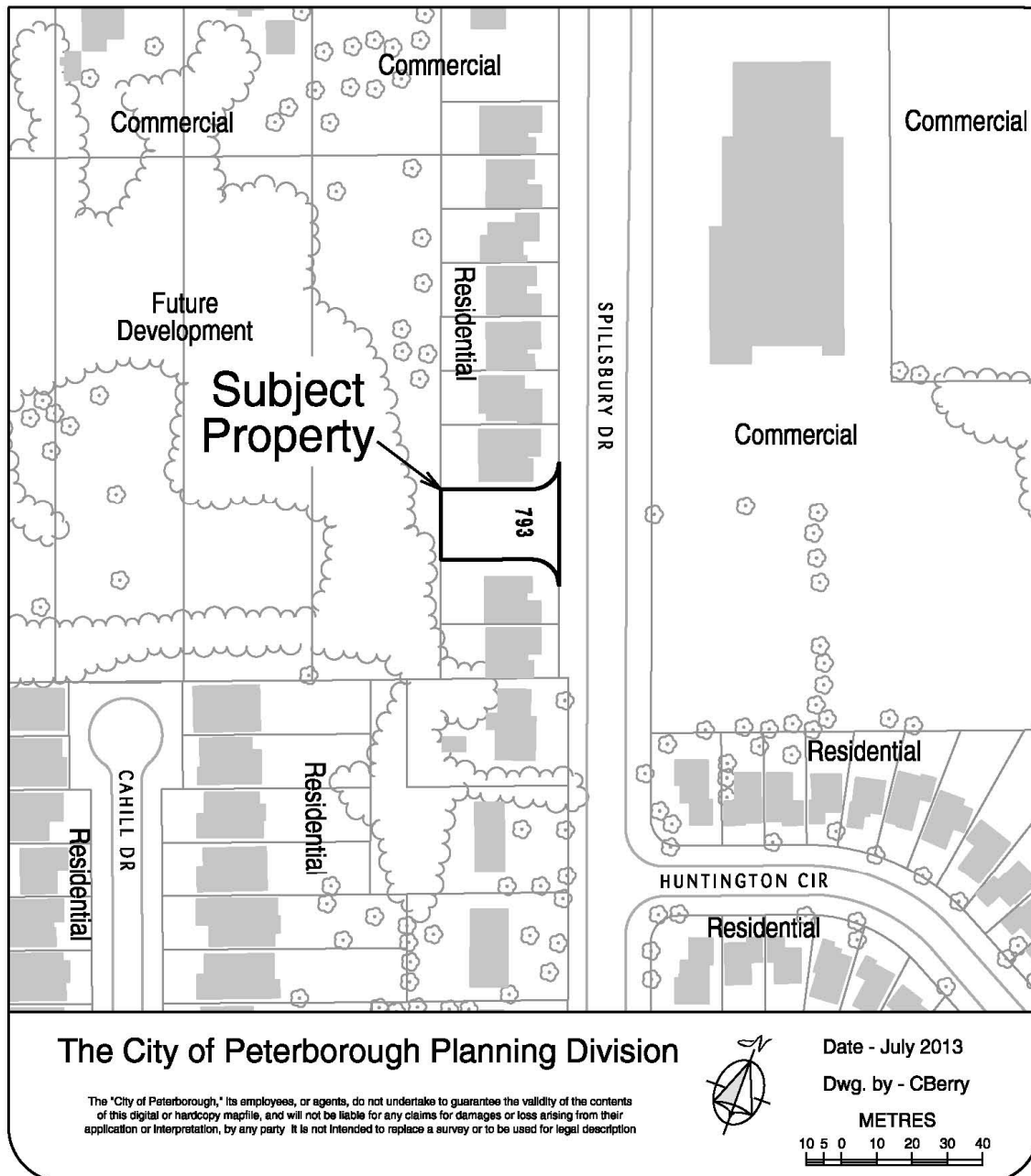
Exhibit A - Land Use Map
Exhibit B - Concept Plan
Exhibit C –Draft Zoning By-law

Exhibit A
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Land Use Map

File # z1312

Property Location: 793 Spillsbury Dr



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Exhibit C
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THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 13- _____

**BEING A BY-LAW TO AMEND THE ZONING FOR
793 SPILLSBURY DRIVE**

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

1. Map 20 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 R.1,1m,2m to R.1..**
2. The 'H' Holding Symbol will be removed from the Zoning By-law, upon the owner entering into an agreement for the payment of parks levy and tree levy for the subject property.

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

Daryl Bennett, Mayor

John Kennedy, City Clerk

Exhibit C
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