



City of  
**Peterborough**

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**To: Members of the Planning Committee**

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

**Meeting Date: March 24, 2014**

**Subject: Report PLPD14-016  
246 Parkhill Rd. E. and 21-33 Leahy's Lane**

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## **Purpose**

A report to evaluate the planning merits of amending the Official Plan and Zoning By-law for the properties known as 246 Parkhill Road East and 21-33 Leahy's Lane, to permit the redevelopment of the lands for a multiple unit residential development, containing up to 42 dwelling units and associated parking and landscaping.

## **Recommendations**

That Council approve the recommendations outlined in Report PLPD14-016 dated March 24, 2014, of the Manager, Planning Division, as follows:

- a) That Schedule 'E' – Residential Density, of the Official Plan be amended to add medium density designation to the subject lands in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD14-016.
- b) That Section 3.9 Exceptions of the City's Comprehensive Zoning By-law #97-123 be amended in accordance with the draft amendment, attached as Exhibit 'D' to Report PLPD12-026 as follows:
  - i) permit a maximum number of 42 dwelling units;
  - ii) a minimum lot area per dwelling unit of 210 square metres per unit;
  - iii) permit a minimum building setback of 9 metres or 3 metres per storey from the rear lot line, whichever is greater;
  - iv) permit a maximum building coverage of 35% of the lot area;

- v) permit a maximum lot coverage by open parking areas, driveways and vehicle movement areas of 30%;
  - vi) notwithstanding the permitted uses, a boarding house shall not be permitted.
- c) That the zoning of the subject property, be amended from the D.1 – Development District 1 Zoning District to the R.4 – 287– ‘H’ – Residential District in accordance with the draft amendment attached as Exhibit ‘E’ to Report PLPD14-016.
- d) That the ‘H’ Holding Symbol be removed subject to the following:
- i) Site Plan Approval being granted for the subject property including stormwater management details;
  - ii) A downstream sanitary sewer upgrade for Armour Road, has been addressed;
  - iii) Payment of applicable cash in lieu of parkland; and
  - iv) Completion of an Arborist Assessment of the existing trees on the site.

## **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 and any applicable development charges for the proposed units.

## **Rationale**

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

The application provides for residential intensification on a large parcel of land that currently supports only a single detached dwelling. The impacts of the intensification of the subject lands can be minimized with the preservation of the existing dwelling and surrounding landscape on a separated area of the lands; the provision of adequate off street parking and landscape buffering; and the efficient use of municipal servicing and facilities.

The proposed buildings respect the scale and physical characteristics of existing development in the surrounding neighbourhood and provides an appropriate transition from the adjacent commercial uses to the south along Parkhill Road East, to the existing low and medium density residential dwellings to the north, west and east.

## Background

The subject application was originally received on November 4, 2013, revised and deemed to be complete as of December 20, 2013 and was processed in accordance with department procedures. The Planning Act allows applicants to appeal Official Plan and 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 April 18, 2014 if Council has not made a decision.

The subject property is approximately 0.88 ha. (2.2 ac.) in size, located on the north side of Parkhill Road East and the west side of Leahy's Lane. The land is a consolidation of four properties, three vacant and fronting onto Leahy's Lane and one supporting a single detached residential dwelling fronting onto Parkhill Road East. The configuration of the subject lands and the depth of the lots creates a sizeable parcel for redevelopment.

The current owner intends to develop the lands for residential use in accordance with the Medium Density Residential policies of the Official Plan and a modified version of the R.4 – Residential District. The concept site plan submitted with the application illustrates a 3 storey apartment building with a total of 29 units and 3 blocks of townhouse units (total of 12 townhouse units). A Functional Service Review has also been completed by D.M. Wills Associates Limited, dated October, 2013 and submitted in support of the application. The Functional Service Review concludes that servicing can be achieved for the proposed development; however, there are off-site downstream sanitary sewer capacity constraints.

The applicant/owner held a neighbourhood Open House on Thursday, February 20, 2014 at Auburn Bible Chapel. A total of 16 people attended (including the applicants and Staff). The comments and questions related to the details of the development, included fencing, landscaping, buffering, placement and configuration of the northerly townhouse building relative to the street line and adjoining residential property, location of the proposed apartment building, building lighting and exterior features, implications for the proposed road widening along both Leahy's Lane and Parkhill Road East. There was also concern expressed regarding the existing background traffic along Leahy's Lane, particularly as it is being used as an alternate route to avoid the signalized intersection at Parkhill Road East and Armour Road.

A Planning Justification Report prepared by Kevin Duguay of KMD Community Planning and Consulting Inc. has also been submitted by the applicant.

## Analysis

### a) **Official Plan**

The lands are currently designated "Residential" on Schedule 'A' – Land Use of the City of Peterborough Official Plan. The proposed density of the multi-unit residential development is within the range of a medium density residential development (between 25 and 75 units per hectare). The application is assessed with the evaluation criteria of Section 4.2.5.7 of the City of Peterborough Official Plan.

- i) **Housing Type:**  
The proposed housing form includes a 3 storey apartment building and 12 new row townhouse units.
- ii) **Existing Land Uses:**  
The surrounding land uses include a mix of commercial along Parkhill Road East, single detached residential to the north and a mix of single and multi-unit residential to the west and east.
- iii) **Municipal Services:**  
The municipal services are available to service the lands, subject to the existing downstream constraints (on Armour Road) being addressed to the City's satisfaction.
- iv) **Traffic:**  
Traffic generation is anticipated to be adequately addressed by the current roadway network.
- v) **Area Amenities and Parks and Schools:**  
The subject lands are well served by parks, schools, public transit and local commercial opportunities and are proximate to the Central Area.
- vi) **Parking, Buffering and Landscaping:**  
The on-site parking, setbacks, buffering, landscaped open space, building coverage and massing as regulated by the proposed zoning amendment are adequate to ensure compatibility with the surrounding neighbourhood.
- vii) **Natural/Environmental Features:**  
Otonabee Conservation have confirmed that the subject properties are not in close proximity to a water course and are not at risk of flooding, nor do there appear to be any natural heritage features present on the property. The lands are not impacted by Natural Areas as depicted on Schedule 'C' of the Official Plan.

The proposal to develop the lands for a total of 42 residential units also respects the objectives of the intensification policies, as described by the City's Official Plan, with some recommended changes to the concept site plan.

Based on the size of the subject property, the density of the subject lands is proposed to be approximately 48 units per hectare (19 units per acre). The application proposes to amend the Official Plan to permit Medium Density Residential development and to implement the designation through an amending Zoning By-Law to permit the use of the site for a multi unit residential building with a total of 78 parking spaces, providing a ratio of 1.75 parking spaces per unit.

The property is located in an area well served by parks and schools. The proposed introduction of a multiple unit residential development provides a transition from the commercial land uses abutting the property to the south and west, fronting onto Parkhill Road East.

**b) Zoning By-law**

The subject property is currently zoned D.1 – Development District 1, restricting the use of the lands to the established use. The D.1 Zoning District was assigned to the lands in the area to facilitate future development on full municipal services. It is anticipated that the larger lots would be consolidated and reconfigured to make more efficient use of the lands within the urban serviced area. The proposed R.4 – 287 – ‘H’ – Residential District will permit the use of the property for a multi-unit residential development including 29 apartment dwelling units and 12 townhouse dwelling units.

The downstream sewer capacity constraints on Armour Road noted in the applicant's functional servicing report as identified by the City through the 2012 Cole Engineering Report as an issue and confirmed by the City's Utility Services Department. An 'H' Holding symbol on the zoning of the lands will ensure these constraints will be addressed prior to the redevelopment of the subject lands. The owner will be required to contribute to the solution in order to service the subject property, by way of a cost sharing arrangement with other benefiting landowners.

The site will support off-street parking at a ratio of 1.75 spaces/unit, consistent with the minimum requirements of the City's Zoning By-law for a suburban multi-unit residential development.

Planning Staff have recommended some changes to the conceptual site design for the property and the proposed regulations to ensure a better fit with the surrounding area. The setback between the proposed apartment building and the rear lot line is proposed to be increased and the overall amount of landscaped open space is recommended to increase by 5% from the original proposal.

The subject property requires site specific regulations to limit the total number of proposed units. The proposed amendment permits up to 30% of the property to be used for parking and driveway areas. This is less than the 35% requested by the applicant, resulting in the potential for a slight reduction in hard surface.

Planning Staff have recommended an increase in the rear yard setback of the proposed apartment building from 4.5m to 9.0m from the westerly lot line, resulting in a shift of the townhouse block to the south and the potential for fewer units. With a reconfiguration of the parking and driveway to increase the amount of the landscaped space along the rear lot line, it is anticipated that the parking can be comfortably accommodated within the recommended 30% coverage requirement without negatively impacting the ability of the site to provide adequate on site parking.

The lot area per unit and setbacks of the R.4 Zoning District require slight modification as proposed in the amending Zoning By-law, ensuring compatibility with adjacent lower density residential uses. A restriction in the use of the property to prohibit a boarding house is also recommended, due to the nature of the proposed use and the current interim control by-law prohibiting the creation of new boarding houses. In addition, all other general provisions of the City's Zoning By-law will be adhered to.

Staff are proposing the application of an Exception (287) to address the following:

- i) permit a maximum number of 42 dwelling units;
- ii) require a minimum lot area per dwelling unit of 210 square metres per unit;
- iii) permit a minimum building setback of 3 metres per storey from the rear lot line;
- iv) permit a maximum building coverage of 35% of the lot area;
- v) permit a maximum lot coverage by open parking areas, driveways and vehicle movement areas of 30%;
- vi) notwithstanding the permitted uses, a boarding house shall not be permitted.

A cap of 30% of the lot area to be used for driveways and parking will ensure a sufficient balance of landscaped and hard surface for compatibility with the neighbourhood. Planning Staff is satisfied that with the recommended changes to the Concept Site Plan, that there is sufficient space on the subject lands to provide adequate landscaping and buffering to ensure compatibility with surrounding land uses.

**c) Site Development**

The applicant has provided a Concept Site Plan illustrating the proposed development, including parking and driveway areas and landscape space. The proposed development for up to 42 units will be subject to Site Plan Approval, in accordance with the City's Site Plan Control By-law. The introduction of a 'H' Holding Symbol is applied to ensure servicing (stormwater and sanitary) and tree preservation are addressed prior to issuance of Building Permit. Although an upgrade to the surcharged Armour Road downstream sanitary sewer has been identified as being necessary, the City has not yet committed funding toward it. It is recommended that a 'H' Holding Symbol be affixed to the zoning to prevent issuance of building permit until the issue has been remedied. Circulation of the site plan will be provided to adjacent landowners for comment and consideration.

Planning Staff recommend some changes to the concept site plan to facilitate additional landscaped space along the rear lot line, to ensure sufficient buffering and green space in the rear yards of the residential lots along Armour Road.

The Site Plan will formalize the proposed development and address landscaping and buffer requirements and ensure adequate stormwater management of the site. In addition, a Site Plan Agreement will ensure long term maintenance of the property, registered on title, and binding for future owners.

## **Response to Notice**

### **1. Significant Agency Responses:**

Agency circulation was issued on January 21, 2014.

The City's Utility Services Department provided comment regarding the rezoning application, indicating no objection to the proposed rezoning subject to the application of a 'H' Holding Symbol to ensure that downstream sanitary sewer surcharge on Armour Road is addressed by way of an upgrade, including a cost sharing arrangement with benefitting landowners, prior to development of the property.

The Utility Services Department has also provided comments for consideration regarding stormwater management, road widening requirements along both the Parkhill Road East and Leahy's Lane frontage as part of the future Site Plan approval process.

Peterborough Utility Services Inc. confirms that new water service will have to be provided at the developer's cost to service the vacant lots and that suitable arrangements be made regarding the electrical servicing and metering of the development.

Otonabee Conservation indicates no objection, however, suggests that the City pay careful attention to stormwater management at the site plan approval stage, due to the significant amount of impervious surface as proposed on the concept site plan.

Hiawatha First Nation has expressed concerns around further development and the ability of the City's sewage system to accommodate this growth. Hiawatha First Nation is also requesting copies of any archaeological reports, and would like to be contacted and present if artifacts are found.

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

## 2. Summary of Public Responses

Notice of Complete Application was issued on December 20, 2013 by newspaper advertisement (Peterborough Examiner) and on January 21, 2014 by mail, and Notice of Public Meeting was issued by direct mail on February 24, 2014 and by newspaper advertisement (Peterborough Examiner) on February 25, 2014. The notice complies with the requirements of the Planning Act.

No written comments have been received as of March 4, 2014.

Submitted by,

Ken Hetherington  
Manager, Planning Division

Prepared by,

Concurred with,

Caroline Kimble  
Land Use Planner

Malcolm Hunt, Director  
Planning and Development Services

### Contact Name:

Caroline Kimble  
Planner, Land Use  
Planning & Development Services  
Phone: 705-742-7777 ,Extension 1735  
Toll Free: 1-855-738-3755  
Fax: 705-742-5218  
E-mail: [ckimble@peterborough.ca](mailto:ckimble@peterborough.ca)

### Attachments:

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

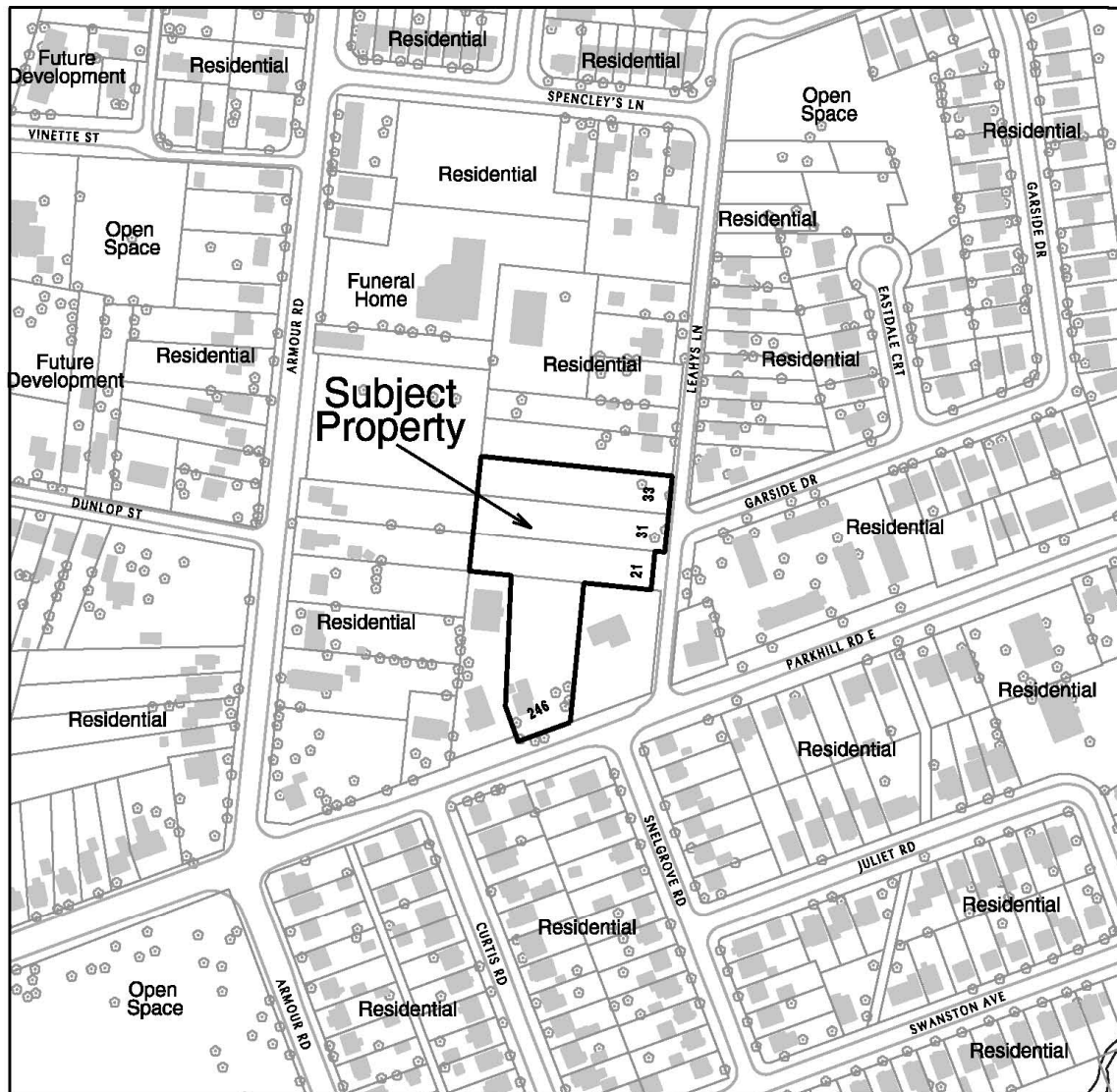


Exhibit A Page 1 of 1

# Land Use Map

File # z1325 z7 o1311

Property Location: 246 Parkhill Rd E & 21 - 33 Leahy's Ln



The City of Peterborough Planning Division

The "City of Peterborough," its employees, or agents, do not undertake to guarantee the validity of the contents of this digital or hardcopy mapfile, and will not be liable for any claims for damages or loss arising from their application or interpretation, by any party. It is not intended to replace a survey or to be used for legal description.



Date - November 2013

Dwg. by - CBerry

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## **Exhibit C Page 1 of 2**



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### **The Corporation of the City of Peterborough**

#### **By-Law Number 14-**

Being a By-Law to Adopt Amendment Number to the Official Plan of the City of Peterborough for the Properties Known as 246 Parkhill Rd. E. and 21-33 Leahy's Lane

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The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

Schedule E – Residential Density of the Official Plan of the City of Peterborough is amended in accordance with Schedule 'A' to this By-Law.

By-law read a first, second and third time this day of , 2014.

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Daryl Bennett, Mayor

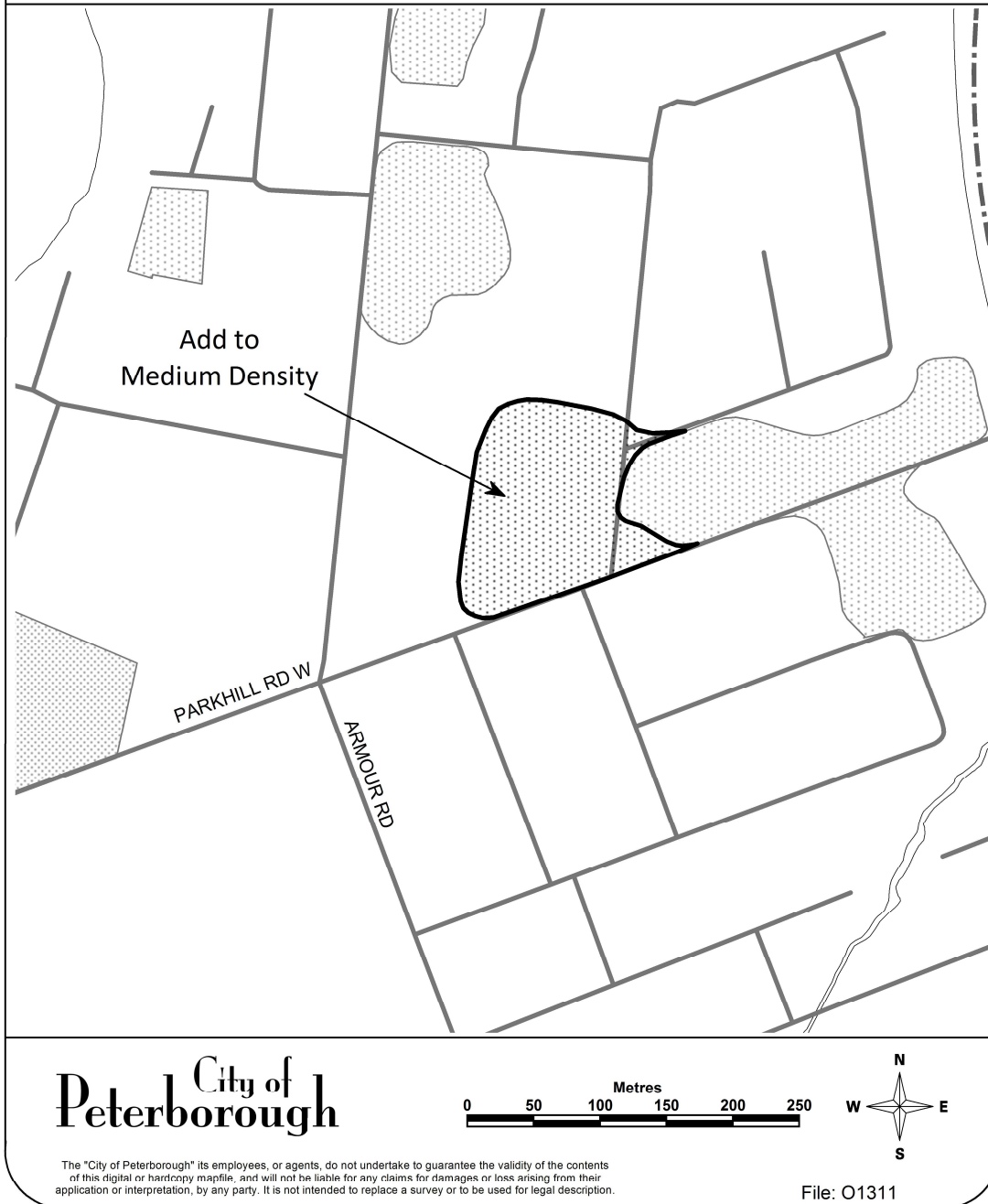
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John Kennedy, City Clerk

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Schedule A

## Official Plan Amendment to Schedule - E Residential Density



## Exhibit D Page 1 of 3



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### The Corporation of the City of Peterborough

#### By-Law Number 14-

Being A By-Law To Amend The Zoning For 246 Parkhill Road East And 21-33 Leahy's Lane

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The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

1. That Section 3.9 Exceptions, of By-law 97-123 be amended to add the following:  
"287. Notwithstanding the provisions of the R.4 Zoning District,
  - i. a maximum of 42 dwelling units per building shall be permitted;
  - ii. a minimum lot area per dwelling unit of 210 square metres per unit shall be permitted;
  - iii. a minimum building setback of 3 metres per storey from the rear lot line, shall be required;
  - iv. a maximum building coverage of 35% of the lot area shall be permitted;
  - v. a maximum lot coverage by open parking areas, driveways and vehicle movement areas of 30% shall be permitted;
  - vi. notwithstanding the permitted uses, a boarding house shall not be permitted."
2. That Map 8b forming part of Schedule "A" to By-law 97-123 is amended by changing the area shown on the sketch attached hereto as Schedule "A" from **D.1 to R.4 – 287 – 'H'**.
3. That the 'H' Holding Symbol be removed subject to the following:
  - a) Site Plan Approval being granted for the subject property including stormwater management details;

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- b) A downstream trunk sanitary sewer upgrade for Armour Road has been addressed;
- c) Payment of applicable cash in lieu of parkland; and
- d) Completion of an Arborist Assessment of the existing trees on the site.

By-law read a first, second and third time this day of , 2014.

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Daryl Bennett, Mayor

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John Kennedy, City Clerk

Exhibit D Page 3 of 3

