



City of
Peterborough

To: Members of the Planning Committee

From: Ken Hetherington, Manager, Planning Division

Meeting Date: March 24, 2014

**Subject: Report PLPD14-017
1158 Brealey Drive**

Purpose

A report to evaluate the planning merits of amending the Zoning By-law for the property known as 1158 Brealey Drive from the D.1 – Development District to the R.3 – 288 – ‘H’ – Residential District, to permit the use of the lands for up to 4 dwelling units and associated landscaping and parking.

Recommendations

That Council approve the recommendations outlined in Report PLPD14-017 dated March 24, 2014, of the Manager, Planning Division, as follows:

- a) That Section 3.9 Exceptions of the City’s Comprehensive Zoning By-law be amended to add Exception 288, in accordance with the draft amendment, attached as Exhibit ‘C’ to Report PLPD14-017 as follows:
 - i) require a minimum lot area of 1900m²;
 - ii) require a minimum lot area of 470m² per unit;
 - iii) require a minimum setback of 3m from the side lot line;
 - iv) require a minimum setback of 30m from the rear lot line;
 - v) permit a maximum lot coverage by open parking areas, driveways and vehicle movement areas of 30% of the lot area; and
 - vi) Notwithstanding the permitted uses in the R.3 Zoning District, a Boarding House shall not be permitted.

- b) That the zoning of 1158 Brealey Drive be amended from the D.1 – Development District to the R.3 – 288 – ‘H’ Residential District in accordance with the draft amendment attached as Exhibit ‘C’ to Report PLPD14-017.
- c) That the ‘H’ Holding Symbol be removed subject to:
 - i. Site Plan Approval being granted for the subject property including a clause to require the proponent to investigate downstream capacity for the development;
 - ii. Payment of applicable cash in lieu of parkland; and
 - ii. Completion of a Stage 1 Archaeological Assessment

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:

Development applications to amend the Zoning By-law are assessed by the criteria set out in Section 4.2.5.7 of the Official Plan. The revised proposal for the lands meets the criteria as identified in the Official Plan as well as the alternative development scenario described by Planning Staff in Report PLPD11-075, providing a single driveway with sufficient parking facilities in a deeper front yard area to facilitate forward facing movement onto the street and better respects the building massing of the properties to the south along Brealey Drive.

Background

The subject application was received on November 21, 2013 and was submitted as a revision to the 2011 Zoning Application for the same property. The applicant originally proposed a Zoning Amendment for two single detached dwellings on individual lots. Planning Staff and Council recommended denial of the 2011 application based on the potential precedence for the creation of narrow lots fronting onto arterial streets with the inability to meet Section 5.4.7 of the Official Plan requiring adequate off street parking and turning radius for forward facing movement onto Brealey Drive. In addition, Council was concerned with the introduction of a second driveway and the compatibility of the proposed development with the existing development of the surrounding lands.

Council referred the application to staff to find a solution to satisfy the Official Plan policies and the applicant, to be considered via a new public meeting in accordance with the following resolution:

“That Item 4, Report PLPD11-075, 1158 Brealey Drive be referred to staff to find a modified application to satisfy both the City and the applicant and that a new public meeting be held to permit delegations.”

The applicants have worked with Planning Staff to revise the application to address the concerns expressed by Council during consideration of the 2011 application and the proposed concept plan. Further to the submission of the current proposal, the applicant met with neighbouring property owners and Planning Staff on February 25, 2014 to review the revised concept and discuss issues and concerns. Written comments have been received from Bill and Nicole Turney regarding their concerns with traffic generation, vehicle turn around facilities, facilities for garbage and recycling, number of parking spaces, and compatibility with the existing development on adjacent land. These concerns were reviewed at the meeting on February 25, 2014 in addition to questions regarding property maintenance, tenure of the units and ownership. Site Plan Control will apply to the development of the lands.

Analysis

a) **Official Plan**

The lands are currently designated “Residential” on Schedule ‘A’ – Land Use, and subject to the Low Density Residential policies of the City of Peterborough Official Plan. The proposed use of the existing building for a fourplex will intensify the residential use of the property and introduce a building form within the density range anticipated by the Low Density Residential policies of the Official Plan (less than 25 units per hectare).

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

The amended proposal introduces a raised bungalow style building including a total of 4 dwelling units to the property, resulting in a density of approximately 21 units per hectare (8.5 units per acre) and a footprint of approximately 209m² (2250 ft²). The proposed building will occupy approximately 11% of the lot area, well within the maximum permitted for low density residential development and consistent with the building coverage ratio of other residential lands within the vicinity.

The lands front onto Brealey Drive, designated as a High Capacity Arterial Street and designed to facilitate additional traffic entering the roadway in a forward facing direction.

The revised proposal limits the access from Brealey Drive to a single driveway and parking area, facilitating two-way traffic. The development is proposed to be serviced by full municipal servicing.

The massing and location of the building on the site has been revised from the 2011 submission, together with a reduction in the number of driveways onto Brealey Drive, with adequate parking on site and the ability for vehicles to enter the roadway in a forward facing direction. These changes to the proposed plan will address the concerns as expressed by Council regarding the 2011 application. The revised plan has also increased the total number of units from 2 to 4 units. The intensification of the development meets the Low Density Residential provisions of the Official Plan with adequate room for landscaping and buffering, on lands well serviced by parks and schools and adequate amenities, including sanitary, water and electrical servicing. The regulations proposed in the implementing Zoning By-law Amendment will have the effect of limiting the total number of units to 4 for the subject lands.

b) Zoning By-law

The subject property is currently zoned D.1 – Development District 1, limiting the use of the property to the established use with a restriction on the ability to expand by no more than 10% of the existing floor area. 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 R3 - 288 – ‘H’ – Residential District will permit the use of the property for up to a maximum of 4 dwelling units with site specific regulations to ensure compatibility with the surrounding neighbourhood.

The introduction of additional dwelling units will require sufficient on-site parking, in accordance with the City’s Zoning By-law requirements. A ratio of 1.75 space per unit or a total of 7 spaces are required to be provided on-site for the 4 units as proposed. The applicant has demonstrated the ability to provide a total of 8 parking spaces on the concept site plan, including one space for disabled persons. The lot coverage for the proposed driveway and parking areas are proposed to cover up to 30% of the total lot area. This will facilitate a driveway along the northerly portion of the lands and parking in the rear yard, preserving the existing hedgerow of trees along the southerly property line.

The proposed Exception 288 would add the following regulations as alternatives to the regulations of the R.3 – Zoning District:

- i) require a minimum lot area of 1900m² to ensure one driveway;
- ii) require a minimum lot area of 470m² per unit versus 230m² per unit;
- iii) require a minimum setback of 3m from the side lot line versus 2.4m;
- iv) require a minimum setback of 30m from the rear lot line versus 9m;
- v) permit a maximum lot coverage by open parking areas, driveways and vehicle movement areas of 30% of the lot area versus 25%; and

- vi) Notwithstanding the permitted uses in the R.3 Zoning District, a Boarding House shall not be permitted.

The proposed land use change is recommended to occur once a Site Plan Agreement has been entered into for this property and a Stage 1 Archaeological Assessment has been completed. Planning Staff are recommending that a 'H' Holding Symbol be applied to the Zoning of the land to prevent the change in land use until such time as the owner has received approval with an agreement to be registered on title to ensure proper site development including parking/driveway facilities, landscaping, buffering, exterior lighting, snow clearance and storage, fencing, stormwater management and maintenance of the property into the future.

Response to Notice

a) Significant Agency Responses:

Agency circulation was issued on February 24, 2014, concurrently with the Notice of Public Meeting.

The City's Community Services Department has advised that the property is located in an area of medium to high potential for archaeological artifacts, and as such, recommends the completion of a Stage 1 Archaeological Assessment prior to redevelopment.

The City's Utility Services Department has no objection to the proposed rezoning subject to investigation of servicing capacity for the development to determine whether any upgrades are required prior to development.

Hiawatha First Nation has expressed concern with further development within the City and the ability of the sewage system to accommodate this growth. Hiawatha First Nation is requesting that any archaeological reports be forwarded to them for review and that they be contacted if artifacts are found.

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 and Public Meeting was issued concurrently on February 24, 2014 by direct mail and by newspaper advertisement (Peterborough Examiner) on February 25, 2014. The notice complies with the requirements of the Planning Act.

Written comments have been received from Bill and Nicole Turney, owners of lands adjacent to the subject property to the south.

The concerns listed in the Memo to the City include existing traffic volume along Brealey Drive, requirement for a proper turn around, proper garbage and recycling facilities, parking demand, and they feel that the application is not compatible with existing development of adjacent lands.

No further written comments have been received as of March 14, 2014.

Submitted by,

Ken Hetherington
Manager, Planning Division

Prepared by,

Concurred with,

Caroline Kimble
Land Use Planner

Malcolm Hunt, Director
Planning and Development Services

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Attachments:

Exhibit A – Land Use Map
Exhibit B – Concept Site Plan
Exhibit C – Proposed Elevations
Exhibit D – Draft Zoning By-law

Exhibit A, Page 1 of 1

Land Use Map

File # z1402

Property Location: 1158 Brealey Dr

EXHIBIT
SHEET OF

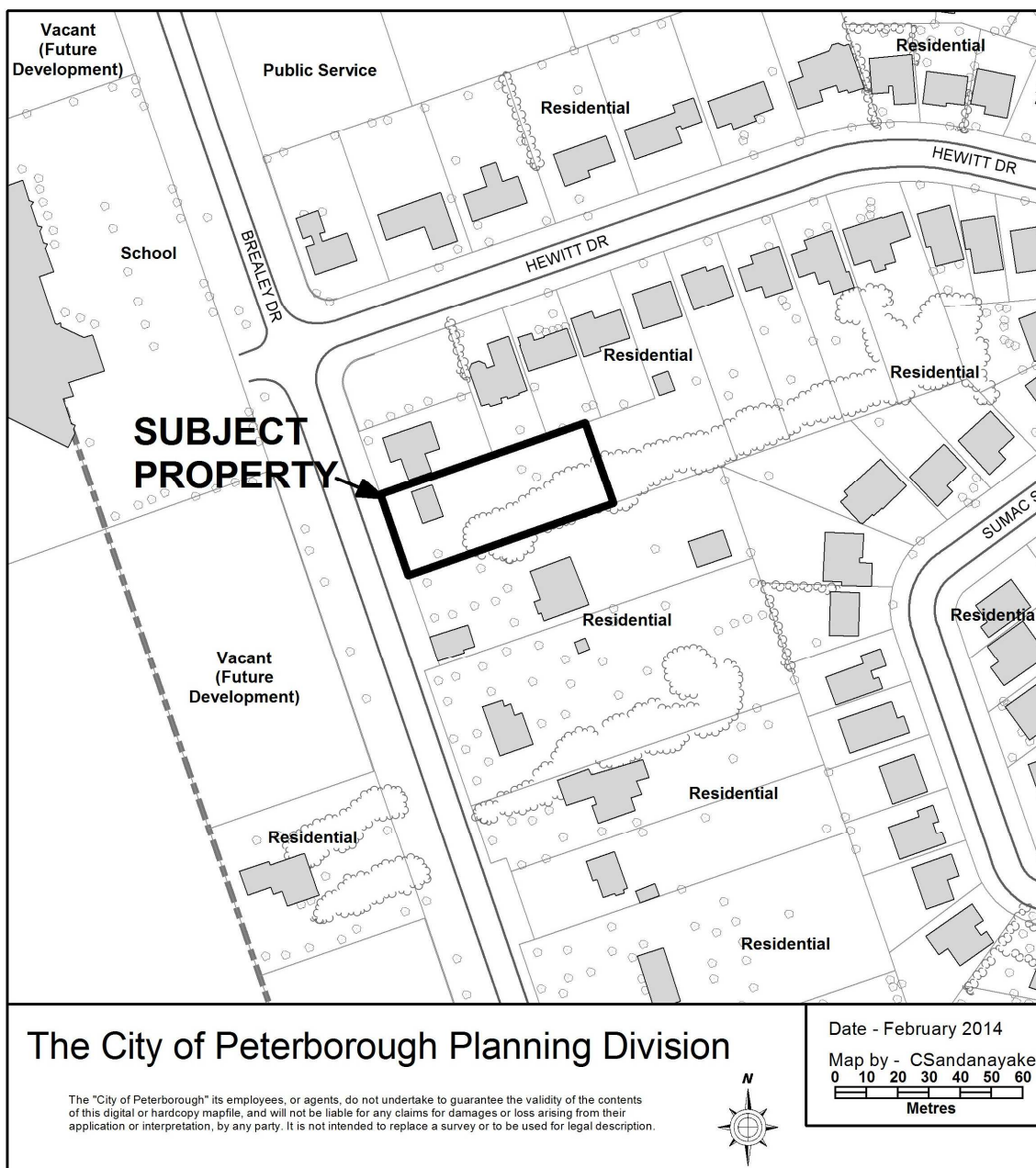


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1158 Brealey Drive Concept Plan

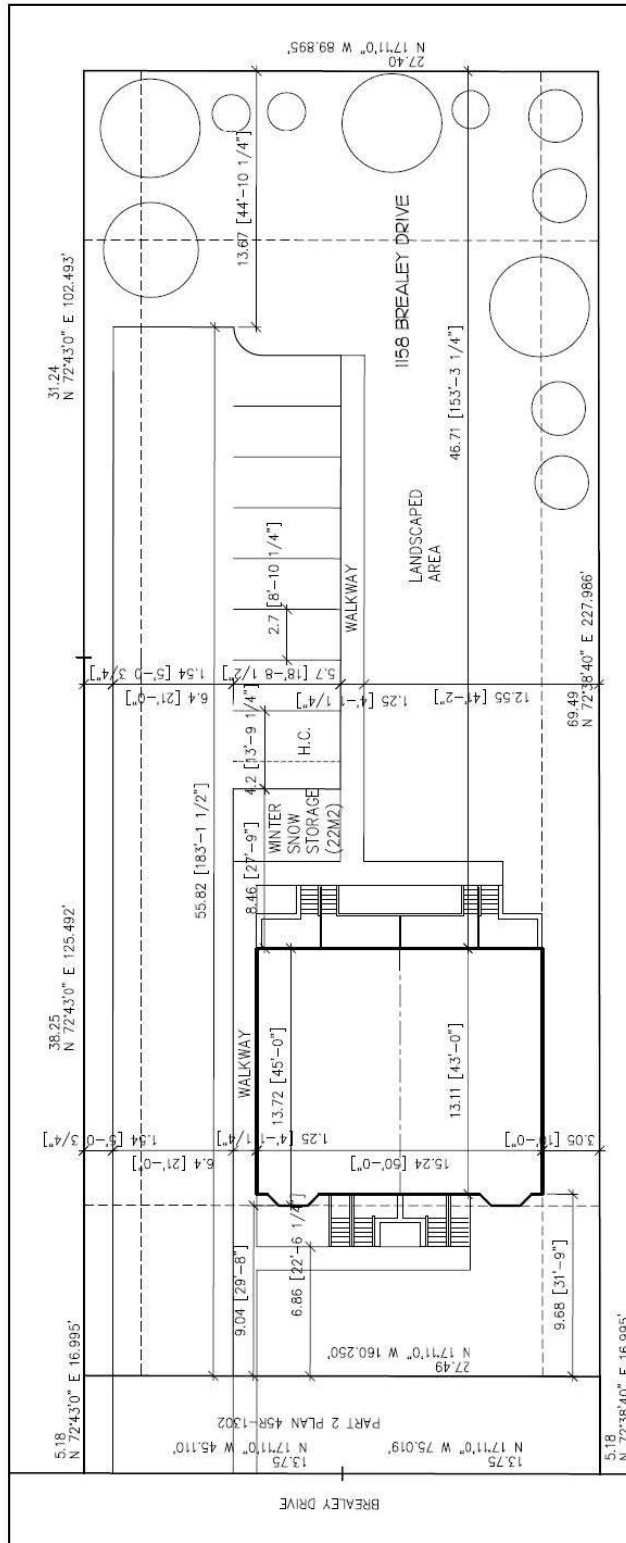


Exhibit C, Page 1 of 1



Exhibit D, Page 1 of 3



The Corporation of the City of Peterborough

By-Law Number 14-

Being A By-law to Amend Zoning the Zoning By-law for 1158 Brealey Drive

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

1. Section 3.9 Exceptions of By-law 97-123 is hereby amended by adding the following:

“.288 Notwithstanding the provisions of the R.3 Zoning District,
 - i) a minimum lot area of 1900m² shall be required;
 - ii) a minimum lot area of 470m² per unit shall be required;
 - iii) a minimum setback of 3m from the side lot line shall be required;
 - iv) a minimum setback of 30m from the rear lot line shall be required;
 - v) a maximum lot coverage by open parking areas, driveways and vehicle movement areas of 30% of the lot area shall be permitted; and
 - vi) notwithstanding the permitted uses, a Boarding House shall not be permitted.”
2. Map 15 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.3 – 288 – ‘H’**.
3. That the ‘H’ Holding Symbol be removed subject to:
 - i) Site Plan Approval being granted for the subject property including a clause to require the proponent to investigate downstream capacity for the development;
 - ii) Payment of applicable cash in lieu of parkland; and
 - iii) Completion of a Stage 1 Archaeological Assessment

Exhibit D, Page 2 of 3

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

Daryl Bennett, Mayor

John Kennedy, City Clerk

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