



City of
Peterborough

To: **Members of the Planning Committee**

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

Meeting Date: **May 26, 2014**

Subject: **Report PLPD14-030
1999 Technology Drive
Official Plan and Zoning By-law Amendments**

Purpose

A report to evaluate the planning merits of amending the City's Official Plan to bring the lands known as 1999 Technology Drive into 'General Industrial' and 'Major Open Space' designations from the Industrial provisions in the Otonabee (South Monaghan) Township Official Plan; and the Zoning By-Law to apply the City's M1.1 – Light Industrial Zoning District to the westerly portion of the subject lands to permit uses consistent with the City's Official Plan policies, including an animal hospital.

Recommendations

That Council approve the recommendations outlined in Report PLPD14-030 dated May 26, 2014, of the Manager, Planning Division, as follows:

- a) That the applications to amend the Official Plan be approved in accordance with Exhibit 'C' attached to Report PLPD14-030 as follows:
 - i) Schedule A – Land Use, be amended to redesignate the westerly portion of the property from the 'Industrial (Otonabee)' to 'Industrial' and to redesignate the easterly portion of the property from 'Industrial (Otonabee)' to 'Major Open Space';
 - ii) Schedule C – Natural Areas and Flood Plain, to identify the easterly portion of the property as a 'Natural Area';

- iii) Schedule O – Industrial Land Use, be amended to designate the westerly portion of the lands into the ‘General Industrial’ designation;
- b) That Section 3.9 Exceptions, of the City of Peterborough Comprehensive Zoning By-Law #1997-123 be amended to add Exception 290, to require a minimum 15m setback from the southerly lot line, in accordance with Exhibit ‘D’ attached to Report PLPD14-030.
- c) That the application to amend the Zoning By-Law be approved in accordance with Exhibit ‘D’ attached to Report PLPD14-030 as follows:
 - i) That the zoning of the westerly portion of the subject lands, outside of the wetland (and 30m buffer), be amended from the General Industrial M – zoning of the Otonabee (South Monaghan) Zoning By-law to the M1.1-290 – ‘H’ - Light Industrial to permit industrial uses in accordance with the policies of the General Industrial designation of the Official Plan; and
 - ii) That the zoning of the subject lands included in the Provincially Significant Wetland (including a 30m buffer), be amended from the General Industrial M zoning (Otonabee (South Monaghan)) to the OS.1 – Open Space 1 Zoning District to prohibit development of the lands.
- d) That the ‘H’ – Holding Symbol be removed from the property subject to the completion of a Stage 1 – Stage 2 Archaeological Assessment for the property.

Budget and Financial Implications

There are no direct budget or financial implications arising from the approval of these applications. The City is able to collect any applicable development charges for the proposed development.

Rationale

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

The application introduces a use to the property that is compatible with the City’s Official Plan provisions for industrial lands. The Provincially Significant Wetland that occupies the easterly portion to the property is protected in accordance with the Provincial Policy Statement, by way of Official Plan designation and zoning proposed via these amendments.

Site Plan Approval will be required prior to the redevelopment of the subject lands and will address the details of the design and function of the site within the area. The municipal

requirements related to servicing, parkland, parking, landscaping and buffering will be addressed to the City's satisfaction prior to issuance of building permit.

Background

The subject applications were received on September 23, 2013, deemed to be complete on February 6, 2014, and 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 June 6, 2014 if Council has not made a decision on the applications.

The subject land is a 7.4 ha. (18.3 ac.) triangular shaped parcel fronting onto Technology Drive. The land is vacant and was acquired by the current owner from the Township of Otonabee (South Monaghan) in November, 2012. The easterly half of the property is occupied by a portion of the Cold Springs Yankee Bonnet Provincially Significant Wetland (PSW). The owner proposes to develop the westerly half of the property to support an animal hospital and accessory uses for the Peterborough Humane Society.

The property was annexed by the City as part of the boundary adjustment with the Township of Otonabee (South Monaghan) in 1998. The City inherited the Official Plan and Zoning regulations related to the use of the land via the annexation agreement and until such time as the lands are included into the City's planning documents. The use of the lands within the Township of Otonabee (South Monaghan) Zoning By-Law is a restricted list of industrial uses, not including an animal hospital. The amendments propose to bring the lands into the City's Official Plan and Zoning By-Law to permit industrial uses, including an animal hospital.

Analysis

a) Official Plan

The lands are designated 'Industrial' on Schedule A – Land Use and Roads Plan in the Township of Otonabee (South Monaghan) Official Plan. The applicant proposes to use the westerly portion of the land for an animal hospital, which is a permitted 'Industrial' use, and to develop the lands in accordance with the General Industrial provisions of the City of Peterborough Official Plan.

The City's Official Plan policies encourage the extension of industrial areas that take advantage of existing and proposed transportation facilities, including public transit; are municipally serviced with sewer, water and other municipal services; and can be appropriately buffered from residential development.

The amendment to the Official Plan will have the effect of continuing the industrial permission for the use of the developable portion of the lands, subject to City standards for development, including full municipal servicing.

The easterly half of the property is occupied by a portion of the Cold Springs Yankee Bonnet Provincially Significant Wetland. This wetland extends southwest from the subject property, straddling the City boundary, to approximately Bensfort Road. The Provincial Policy Statement prohibits development and site alteration within a Provincially Significant Wetland (PSW). As such, Otonabee Conservation (ORCA) has recommended that the easterly portion of the property be designated as a 'Natural Area' and zoned to prevent development or site alteration of the land. The applicant has worked with ORCA regarding the proposed development and ORCA has identified a 30m buffer from the wetland. In addition, ORCA has requested an increased setback to provide a buffer from the watercourse along the southerly lot line. This is reflected in the draft Zoning for the lands.

The draft amendment recognizes the Provincially Significant Wetland by amending the designation of the easterly portion of the property on Schedule 'A' – Land Use, to 'Major Open Space' (including the 30m buffer) and recognizing it as a 'Natural Area' on Schedule 'C' – Natural Areas and Floodplain. The westerly portion of the property is proposed to be designated 'Industrial' on Schedule 'A' – Land Use, and 'General Industrial' on Schedule 'O' – Industrial Land Use.

b) Zoning By-Law

The subject property is currently zoned 'General Industrial M' as included in the June, 1992 consolidation of the Township of Otonabee (South Monaghan) Zoning By-Law. The applicant is now seeking to develop the lands in accordance with the industrial uses as permitted in the City of Peterborough's industrial lands, specifically the M1.1 – Light Industrial Zoning District. The intention is to develop the westerly portion of the property to support an animal hospital.

The amendment seeks to implement the proposed industrial policies of the Official Plan. As a result of the circulation of the application, the draft amendment has been revised to limit development of the lands to the westerly portion, situated outside of the Provincially Significant Wetland. The draft Zoning Amendment reflects the proposed designations as set out in the draft Official Plan Amendment.

The westerly portion of the property is considered to be developable. ORCA has requested the inclusion of a 15m setback from the watercourse along the southerly property line. The requirement for the 15 metre setback has been included as an exception (Exception #290) in the proposed Zoning for the lands.

In keeping with the City's Archaeology Policy, given the proximity to the wetlands and watercourses in the area, the applicant has been advised of the requirement for the completion of a Stage 1 – Stage 2 Archaeological Assessment for the property. An 'H'

Holding Symbol has been proposed for the draft zoning of the lands, to ensure completion of the Archaeological Assessment for the property.

Site Plan Approval will apply to the development of the lands. Stormwater Management, landscaping, buffering, parking and servicing will be addressed through the Site Plan Process and included in the Site Plan Agreement to be registered on title.

Response to Notice

a) Significant Agency Responses:

Agency circulation was issued on March 17, 2014, Notice of Complete Application was issued on April 11th, 2014 and Notice of Public Meeting was circulated by mail on April 28, 2014 and by newspaper on April 30, 2014.

Otonabee Region Conservation Authority (ORCA) has indicated that the eastern half of the property is occupied by a portion of the Cold Springs Yankee Bonnet Provincially Significant Wetland and that the Provincial Policy Statement requires that the natural heritage features of the wetland be protected. As such, ORCA has requested that the City designate the lands as 'Natural Area' and apply the OS.1 – Open Space One Zoning District to the wetland area, including a 30m buffer, to prevent development of this portion of the property. In addition, ORCA has identified the need for a 15m buffer/setback be imposed in zoning from the southerly lot line, adjacent to the existing watercourse. The draft amendments reflect the ORCA recommendations and comply with Provincial Policy Statements.

Peterborough Utilities note that water service needs to be installed and connected to the exiting watermain, at the expense of the developer.

The City's Heritage Resources Coordinator has advised that, due to the proximity of the property to the wetlands and watercourses in the area, the City's Archaeology Policy requires the proponent to complete a Stage 1 – Stage 2 Archaeological Assessment for the property.

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 Public Meeting was issued by direct mail on April 28, 2014 and by newspaper advertisement (Peterborough Examiner) on April 30, 2014. The notice complies with the requirements of the Planning Act.

No written comments have been received as of May 1, 2014.

Submitted by,

Ken Hetherington
Manager, Planning Division

Prepared by,

Caroline Kimble
Land Use Planner

Concurred with,

Malcolm Hunt, Director
Planning and Development Services

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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 # z1322 and o1310

Property Location: 1999 Technology Dr

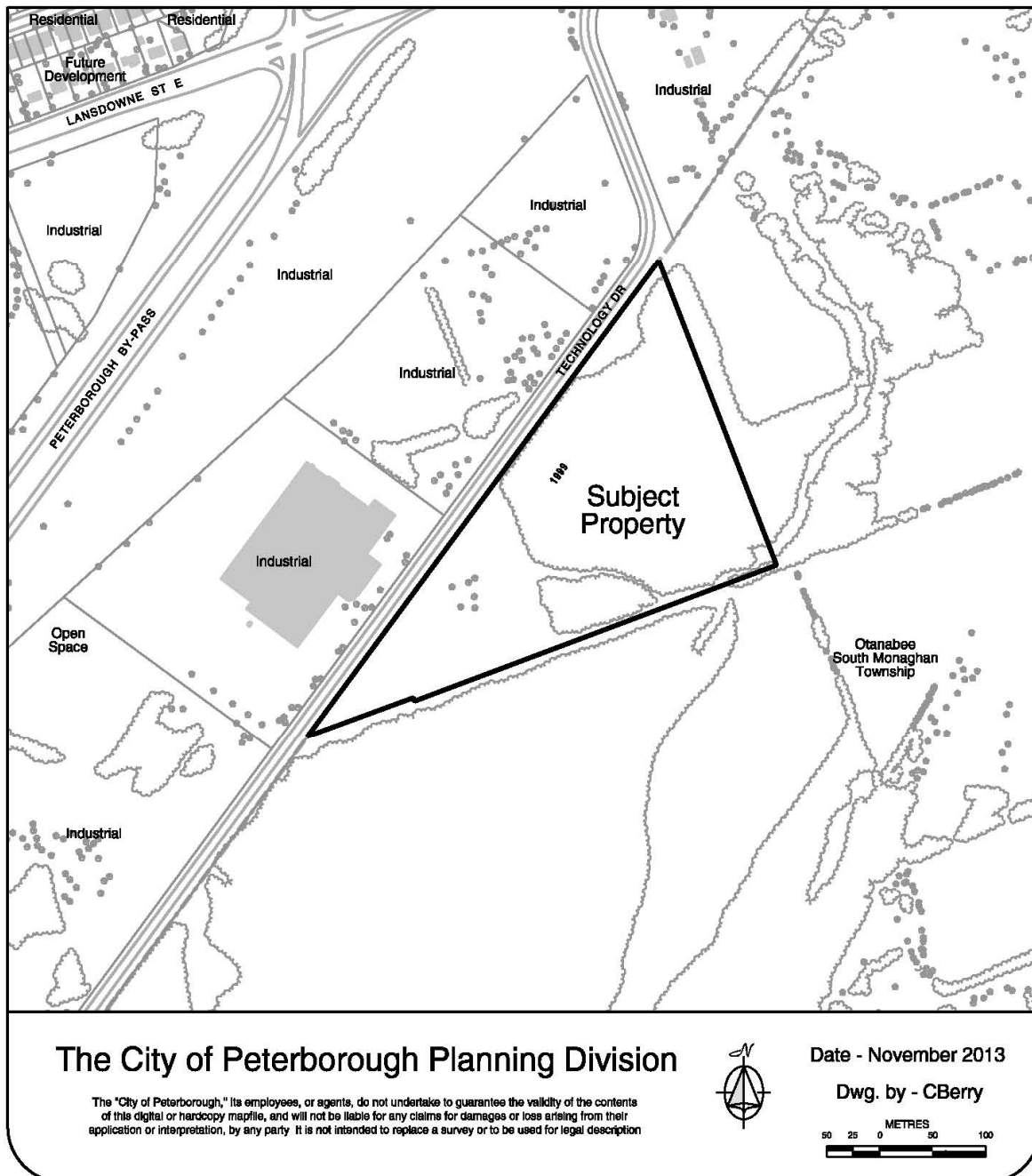


Exhibit B – Page 1 of 1

CONCEPT PLAN



Exhibit C – Page 1 of 4
Draft Official Plan Amendment



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 property known as 1999 Technology Drive

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

That Schedule 'A' – Land Use, Schedule 'C' – Natural Areas and Floodplain, and Schedule 'O' – Industrial Areas be amended in accordance with the attached Schedules 'A', 'B' and 'C' to this By-Law.

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

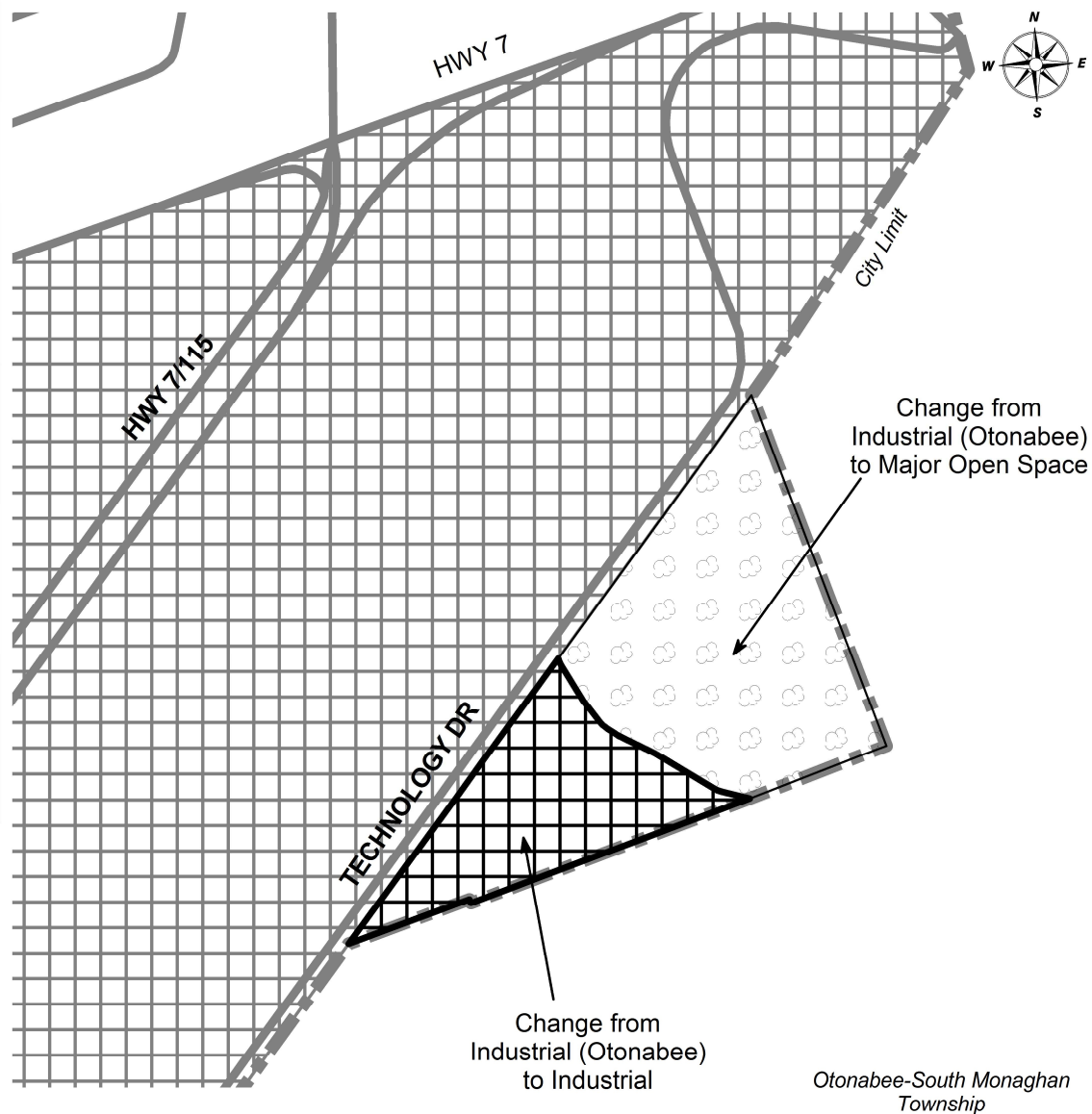
Daryl Bennett, Mayor

John Kennedy, City Clerk

Exhibit C, Page 2 of 4

Schedule 'A'

Official Plan Amendment to Schedule - A Land Use



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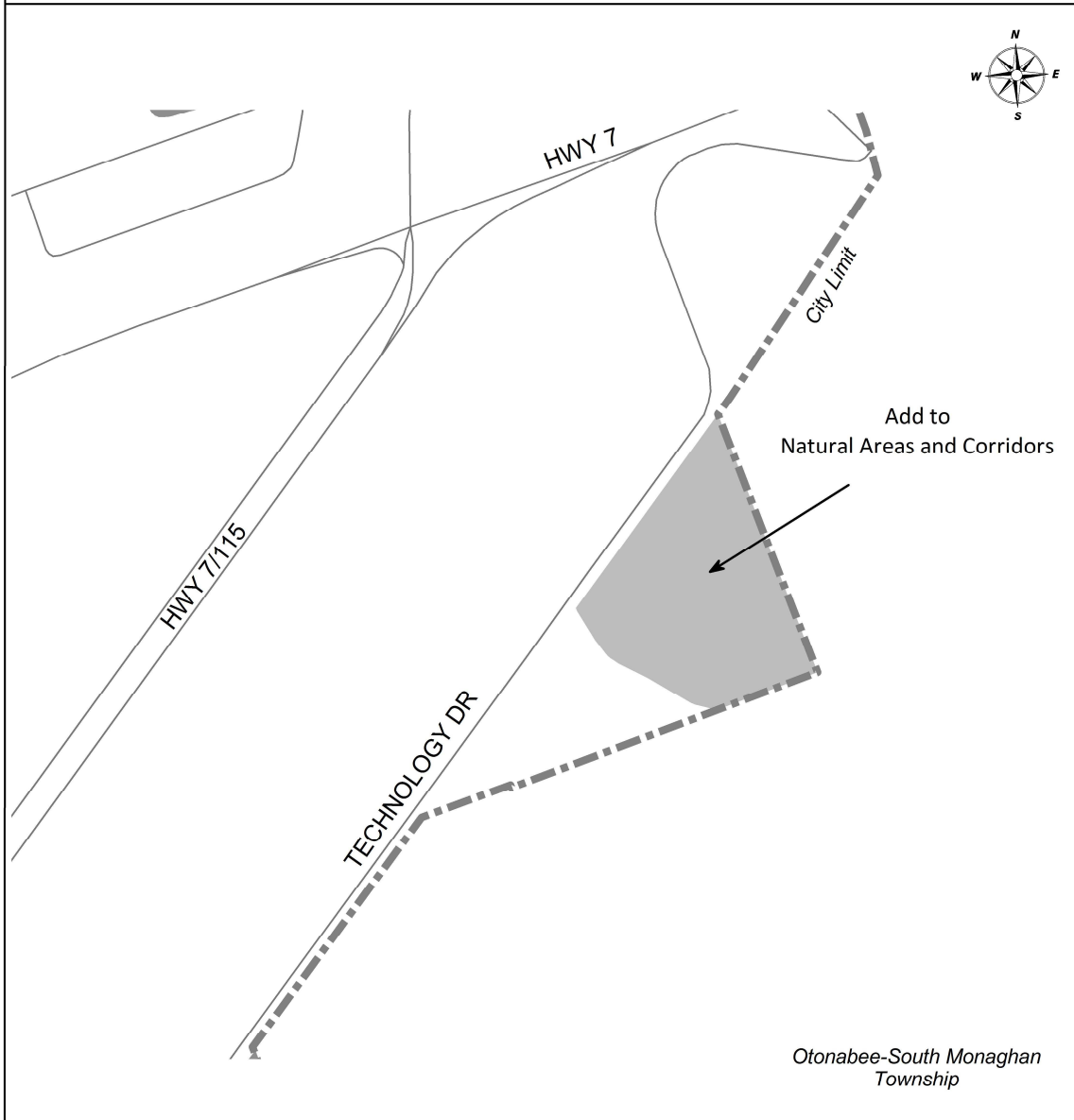
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File: O1310

Exhibit C- Page 3 of 4

Schedule 'B'

Official Plan Amendment to Schedule - C Natural Areas and Flood Plains



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File: O1310

Exhibit C, Page 4 of 4

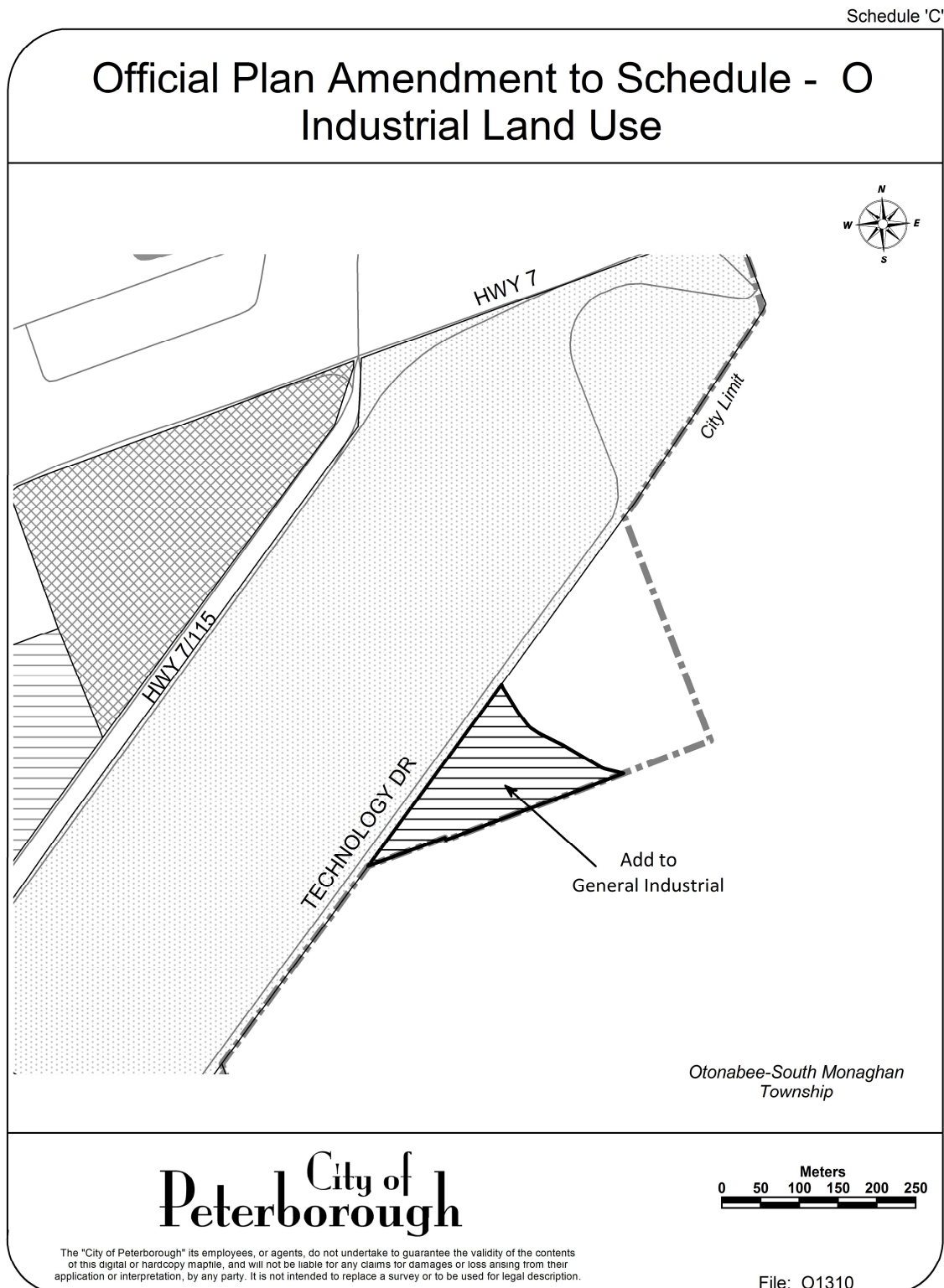


Exhibit D – Page 1 of 2
Draft Zoning By-law Amendment



The Corporation of the City of Peterborough

By-Law Number 14-

Being a By-law to Amend the Zoning By-law for the property known as 1999 Technology Drive

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

1. That Section 3.9 – Exceptions, be amended by adding the following:
“.290 Notwithstanding the Minimum Building Setback, a minimum 15m building setback shall apply from the southerly side lot line.”
2. Map 24 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 M to M1.1-290 – ‘H’ and OS.1.
3. That the ‘H’ Holding Symbol be removed subject to completion of a Stage 1 – Stage 2 Archaeological Assessment.

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

Daryl Bennett, Mayor

John Kennedy, City Clerk

Exhibit D – Page 2 of 2

