



City of
Peterborough

To: Members of the General Committee

**From: W. H. Jackson
Commissioner of Infrastructure and Planning Services**

Meeting Date: September 17, 2018

**Subject: Report IPSPD18-025
3789 Water Street Zoning By-law Amendment**

Purpose

A report to evaluate the planning merits of amending the SP.359 – Special Residential District and the SP.360 – Special Commercial District, to reduce the minimum required parking regulations from 1.5 to 1.28 spaces per Apartment Dwelling Unit, and to extend the boundary of the SP.359 to the 35.3 metre strip of land adjacent to 3789 Water Street.

Recommendations

That Council approve the recommendations outlined in Report IPSPD18-025 dated September 17, 2018, of the Commissioner of Infrastructure and Planning Services, as follows:

- a) Amend Section 389 – Special District 359 (SP.359) to reduce the minimum motor vehicle parking requirements for Apartment Dwellings from 1.5 spaces per unit to 1.28 spaces per unit and to delete duplication of regulations from the regulations table, in accordance with Exhibit 'C' attached to Report IPSPD18-025;
- b) Amend Section 390 – Special District 360 (SP.360) to reduce the minimum motor vehicle parking requirements for Apartment Dwellings from 1.5 spaces per unit to 1.28 spaces per unit, in accordance with Exhibit 'C' attached to Report IPSPD18-025; and
- c) Amend the zoning of a portion of the lands known as 3789 Water Street from SP.360 to SP.359 in accordance with Exhibit 'C' attached to Report IPSPD18-025.

Budget and Financial Implications

There are no direct budget or financial implications arising from the approval of this application.

Background

The property was the subject of a Zoning By-law Amendment (By-law #15-114) approved by Council on June 29, 2015 to permit the westerly portion of the subject lands (SP.359) for medium density residential uses including row dwellings, stacked row dwellings and apartment dwellings. The easterly portion of the subject lands was zoned (SP. 360) to permit a mixed use development consisting of Neighbourhood Centre commercial uses and medium density residential uses, in accordance with site specific regulations as set out in the By-law.

The portion of lands zoned SP.359 and intended exclusively for medium density residential uses (i.e. no commercial uses) in the 2015 Amendment was limited to a depth of approximately 37m from the Hetherington Drive frontage and a total area of approximately 0.75 ha (less road widening). The balance of the lands were zoned SP.360 and contemplated a mixed use development with commercial uses at grade.

The applicant proposes to adjust the SP.359 zone boundary to the east approximately 35 metres, to include an additional 0.68 ha (approximate) of land to be zoned exclusively for residential purposes to facilitate the proposed residential apartment buildings. Including the expanded SP.359 boundary, the total area of the lands devoted exclusively to residential purposes, is in keeping with the maximum 1.29 ha as specified in the By-law.

A minimum parking ratio of 1.5 spaces per unit was assigned to the lands zoned SP.359 in the 2015 By-law Amendment. The same minimum parking ratio was inadvertently omitted from the SP. 360 Zoning District regulations. The applicant is now proposing to introduce a reduced minimum parking requirement of 1.28 spaces per unit for apartment dwellings in both the SP.359 and the SP.360 Zoning Districts. A parking study to justify the reduction has been prepared by C. C. Thatham on behalf of the applicant, and submitted with the application.

The June, 2018 Parking Study as prepared by C. C. Thatham & Associates Ltd., concludes the following:

“In consideration of the noted site specific characteristics and the anticipated tenant mix, ITE parking demand data, parking standards adopted by other municipalities, vehicle ownership rates and the opportunity for shared parking reductions at the site, the proposed parking supply for the development, including a reduced rate of 1.28 spaces per unit for the apartment use, is considered appropriate.”

The subject property is designated for Restricted Land Use under Section 59 of the Clean Water Act, 2006, in relation to the Peterborough Municipal Surface Water System. A Restricted Land use Notice has been issued stating that there is no associated land use activity that has been identified as a Significant Drinking Water Threat.

Site Plan Application related to Phase 1 of the proposed development along Hetherington Drive is being finalized. The proposed amendment is intended to facilitate the development of the mid portion of the land for four, three storey, apartment dwellings with 70 units and will constitute Phase 2 of the development. Phase 3 is intended to support the mixed residential and commercial uses in the easterly portion of the lands, fronting onto Water Street.

Analysis

a) Official Plan

The subject lands are currently designated 'Major Institution' on Schedule 'A' – Land Use and 'Natural Area and Corridor' on Schedule 'C' – Natural Area of the City of Peterborough Official Plan. The 2015 Zoning By-law Amendment serves to implement a Neighbourhood Centre designation at 3789 Water Street and is recognized and permitted without amendment (between Hetherington Drive and Water Street, south of Woodland Drive). The policies of Section 4.3.5 of the Official Plan apply to these lands.

The Neighbourhood Centre policies allow for a mix of retail and service commercial uses, clinic, small scale office and studio uses, institutional and cultural uses as well as medium density residential uses, subject to building types and density policies.

The proposed amendment is consistent with the intent of the Neighbourhood Centre policies in that it maintains a balance between commercial and residential land uses. A total of 96 residential dwelling units are proposed within 1.29 ha of land area dedicated for residential use, resulting in a density of 74.4 units per hectare, in accordance with the density targets set out in Section 4.2.2.2 of the Official Plan.

b) Zoning By-law

The intent of the 2015 Zoning By-law Amendment was to implement the Neighbourhood Centre policies of the Official Plan, permitting a mix of medium density residential within a node of commercial uses, intended to serve a trade area comprised of several planning districts. The approved zoning regulations limit the amount of land dedicated solely to single use dwellings, apartment dwellings, row dwellings, stacked row dwellings or combination thereof, to a maximum of 1.29 ha of the approximate 2.45 ha parcel between Hetherington Drive and Water Street.

The site is also required to provide a minimum of 25 dwelling units per hectare and up to a maximum of 75 units per hectare to meet the Official Plan provisions for Medium Density Residential development.

The purpose of the Zoning By-law Amendment is to extend the limits of the SP. 359 – Special Residential District to include a 35.3 metre strip of land to facilitate the proposed Apartment Building Block as identified on the latest Site Plan, attached as Exhibit 'B' to Report IPSPD18-025. The Amendment further proposes to reduce the parking standards related to the apartment dwelling uses from 1.5 parking spaces per unit to 1.28 parking spaces per unit.

The amendment has the effect of allowing the exclusive residential use of the Apartment block on the portion of the property zoned SP.359, whereas, if the Apartment block was situated wholly within the SP.360 portion of the lands, the existing zoning would dictate that at least the ground floor of the building be used for commercial purposes. The new proposed zoning boundary does not compromise the balance in that the addition of these lands within the SP.359 Special Residential Zoning District will not exceed the regulation cap of 1.29 ha of land dedicated exclusively to residential uses. Of the total lands, 60% will facilitate a mixed use development as contemplated by the Neighbourhood Centre policies in the Official Plan and intended in the 2015 Zoning Amendment.

The proposed reduction in the minimum parking standard for Apartment dwellings has been justified via a parking study and supported by the City's Manager of Transportation. The rationale for the reduction is based, in part, on the ability to share parking with adjacent commercial parking that has yet to be established. As such, Staff is recommending that the reduction be phased and that the associated Site Plan Approval for Phase 2 (being the 70 unit Apartment block), facilitate the creation of 105 parking spaces until such time as the adjacent commercial lands are developed, at which time the requirement will for the apartments is reduced to 90 parking spaces for the Phase 2 lands. The owner/applicant has agreed to this approach, to be implemented through the associated Site Plan Approval.

The proposed amendment will also delete redundant provisions that were duplicated in the original 2015 amendment. It conforms to the relevant policies of the Provincial Growth Plan 2017, is consistent with the relevant policies of the Provincial Policy Statement, 2014 and is in keeping with the intent and purpose of the Neighbourhood Centre policies of the City's Official Plan. The development of the site as proposed is compatible with surrounding land uses and the reduction in parking is reasonable and appropriate, given the mixed use of the site.

Response to Notice

a) Significant Agency Responses:

Agency circulation was issued on June 21, 2018.

The City's Engineering staff indicate no objection from a stormwater management and servicing perspective. With regard to the parking study, staff is requesting that until such time as the site is completely built out, including the commercial development, the developer be required to provide 105 parking spaces for the proposed 70 apartment dwelling units. Once the site is built out, the required parking can be reduced to 90 spaces for the apartment units.

Peterborough Utilities requires that if electric heat is provided in rental units, then the electric heat has to be metered separately from the renter's meter as per O.Reg 389/10.

Otonabee Conservation (ORCA) notes that the principle of development has been firmly established and it has no objection to the proposed amendment. The application was also reviewed in consideration of the Trent Source Protection Plan (SPP) which was prepared under the **Clean Water Act, 2006**. It was determined that the subject property is located within an area that is subject to the policies contained in the SPP. A notice has been issued for this zoning by-law amendment by the Risk Management Official (RMO). The property is subject to ORCA's regulations and a permit is required prior to any fill placement, grade alteration or construction activity taking place in the regulated area.

No further agency or department 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 on August 20, 2018 by newspaper advertisement (Peterborough Examiner) and by direct mail. The notice complies with the requirements of the **Planning Act**.

No further written comments have been received as of September 4, 2018.

Submitted by,

W. H. Jackson, P. Eng.
Commissioner of Infrastructure and Planning Services

Contact Names:

Ken Hetherington
Manager, Planning Division
Phone: 705-742-7777, Ext. 1781
Toll Free: 1-855-738-3755
Fax: 705-742-5218
E-mail: khetherington@peterborough.ca

Caroline Kimble
Planner, Land Use
Planning & Development Services
Phone: 705-742-7777, Ext. 1735
Toll Free: 1-855-738-3755, Ext. 1735
Fax: 705-742-5218
E-Mail: ckimble@peterborough.ca

Attachments:

Exhibit A: Land Use Map
Exhibit B: Concept Site Plan
Exhibit C: Draft Zoning By-law Amendment

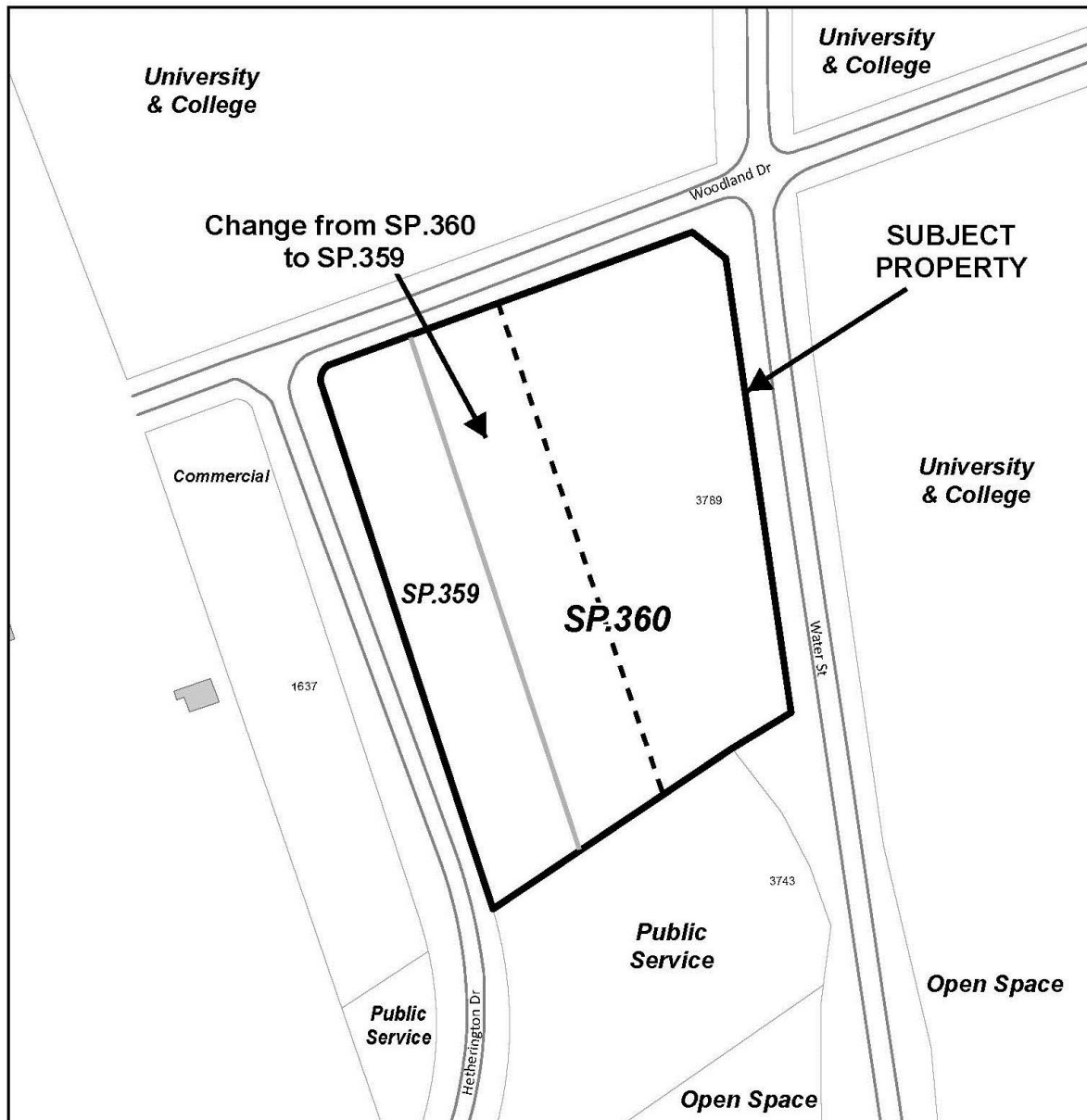
Exhibit A – Land Use Map, Page 1 of 1

Land Use Map

File: Z1805

Property Location: 3789 Water St

EXHIBIT	
SHEET	OF



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 handcopy mapfile, and will not be liable for any claims for damage or loss arising from their application or interpretation, by any party. It is not intended to replace a survey or to be used for a legal description.



Date: June 21, 2018

Map by: JEllis

0 12.5 25 50 75 Metres

Exhibit B – Site Plan, Page 1 of 1

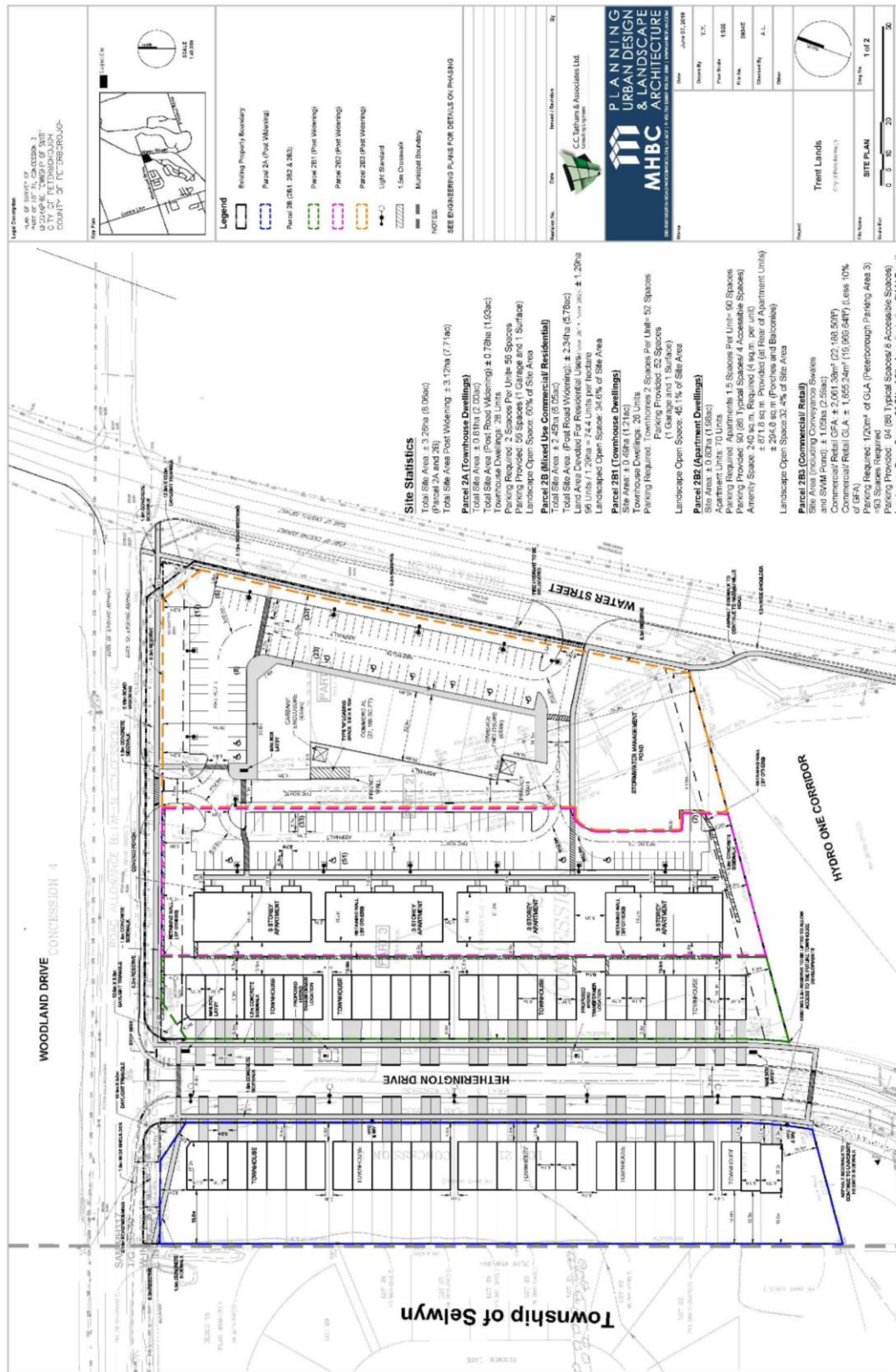


Exhibit C – Draft Zoning By-law, Page 1 of 3



The Corporation of the City of Peterborough

By-Law Number 18-

Being a By-law to amend the Zoning By-law for the lands known as 3789 Water Street

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

1. That Section 389.4 k) – Minimum Motor Vehicle Parking for Apartment Dwellings (notwithstanding the requirements of Section 4.1 of the By-Law), be amended from 1.5 spaces per unit to 1.28 spaces per unit.
2. That Section 389.4 – Regulations, be amended by deleting the following duplicate provisions at the bottom of the table:

Notwithstanding Section 4, a maximum of one (1) tandem parking space shall be permitted for residential dwellings containing a garage or carport.

The maximum land area devoted to Single Unit Dwellings, Apartment Dwellings, Row Dwellings, Stacked Row Dwellings or a combination thereof shall not exceed 1.29 ha.
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3. That Section 390.4 – Regulations, be amended to add the following provision:

k) Minimum Motor Vehicle Parking for Apartment Dwellings (notwithstanding the requirements of Section 4.1 of the By-Law)	1.28 spaces per unit
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4. That Section 390.4 – Regulations, be amended to delete the reference to ‘SP.390’ at the bottom of the table and replace with ‘SP.360’.

Exhibit C – Draft Zoning By-law, Page 2 of 3

5. Map 1 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 SP.360 to SP.359.**

By-law read a first, second and third time this 1st day of October, 2018.

Daryl Bennett, Mayor

John Kennedy, City Clerk

Exhibit C – Draft Zoning By-law, Page 3 of 3

