



City of
Peterborough

To: **Members of the General Committee**

From: **Cynthia Fletcher**
Commissioner of Infrastructure and Planning Services

Meeting Date: **April 1, 2019**

Subject: **Report IPSPL19-014**
Zoning By-law Amendment – 145 Langton Street

Purpose

A report to evaluate the planning merits of amending the SP.313 – Special Residential District, to include a nursing home (Long Term Care Home) as a permitted use and to limit the current permitted medium density residential use to a maximum of 35 dwelling units. The modified Zoning District will include site specific regulations for building height and setbacks.

Recommendations

That Council approve the recommendations outlined in Report IPSPL19-014 dated April 1, 2019, of the Commissioner of Infrastructure and Planning Services, as follows:

- a) That Section 343 – Special District 313 (SP.313) of Zoning By-law 1997-123 be amended to add a 'nursing home' as a permitted use; to reduce the maximum number of dwelling units from 150 to 35; to permit a maximum height of 3 storeys for a nursing home; and to reduce the minimum building setback from side and rear lot lines from 4.5m to 4m for a residential dwelling unit, in accordance with Exhibit 'C' attached to Report IPSPL19-014;
- b) That the zoning of the lands known as 145 Langton Street be amended from the SP.313 – Special Residential District to the SP.313-H – Special Residential District in accordance with Exhibit 'C' attached to Report IPSPL19-014; and
- c) That the 'H' Holding Symbol be removed at such time as Site Plan Approval is granted to include the following provisions in the associated Site Plan Agreement:

- i. require the front elevations of the residential dwelling units along Langton Street to face the street, to the satisfaction of the Planner of Urban Design; and
- ii. Require the owner to provide an easement to facilitate electrical and municipal servicing to 881 Dutton Road with a relocated overhead pole line, at the expense of the developer.

Budget and Financial Implications

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

Background

The property is situated on the south side of Langton Street, west of Water Street and has been vacant since the demolition of the original Fairhaven Home for the Aged in 2005. The zoning of the lands was amended in 2003 from PS.2 – Public Service District to the current SP.313 – Special Residential District, anticipating a medium density residential development with site specific regulations (By-law #03-117) in accordance with the Medium Density Residential Designation of the lands in the Official Plan. Council approved a Site Plan for the construction of 92 condominium units (combination of duplex and row houses) in 2017 in accordance with the zoning applied to the lands, however, the agreement was not finalized and development did not proceed.

The property has recently been sold to the applicant (OMNI Healthcare) who have submitted the current proposal to redevelop the property to support a new 160 bed Long Term Care Home (nursing home) with associated parking and landscaping, together with up to a maximum of 35 dwelling units along the north and west perimeter of the lands, bounding the private road around the proposed nursing home facility.

The area is characterized by a mix of institutional and residential land uses. The subject property has frontage along Langton Street, classified as a local road, connecting Hilliard Street (medium capacity arterial street) to Water Street (high capacity arterial street). Langton Street forms the southern boundary of a large residential neighbourhood to the north.

The application was accompanied by a Planning Justification Report prepared by Kevin M. Duguay, MCIP, RPP, dated October 5, 2018; a Traffic Brief prepared by Asurza Engineers, dated September 20, 2018; a Functional Servicing Report prepared by WSP, dated August 30, 2018; concept site plan, floor plans and elevations, prepared by G Architects and concept landscape site plan prepared by G Architects and WSP. A Site Lighting Plan, prepared by Fortech Engineering was also submitted.

The Planning Justification Report concludes that the application is consistent with the 2014 Provincial Policy Statement in that it represents an efficient use of the property, and contributes towards a complete community with the introduction of a long term care facility use. The author concludes that the application furthers the requirement to accommodate people at all stages of life and conforms to the policy direction of the 2017 Growth Plan and the City's intensification objectives within the designated settlement area and within the built boundary. The justification relies on the overall policies of the City's Official Plan for residential development on full municipal services and intensification. It recognizes the need for a rezoning and proposes site specific regulations to accommodate the proposed concept site plan. It is also acknowledged that Site Plan Control will apply to the current development proposal and that a revision to the approved 2017 site plan will be required prior to issuance of building permits.

The applicant hosted an Open House for the neighbourhood on January 15th, 2019 at the Five Counties Children's Centre on Dutton Road. Approximately 15 neighbouring residents attended, in addition to the applicants' consulting team and City Planning Staff. Neighbours were primarily interested in the proposed building form and layout of the development. There was a discussion regarding a potential vehicular connection to the lands to the south and the applicants indicated that it was anticipated that a locked gate for emergency access be provided between the two properties, limiting other vehicles from connecting through the lands to Dutton Road. Planning Staff heard concern with the concept of rear lots of the future residential dwelling units proposed along the Langton Street streetline. It was expressed at the meeting and in a follow up email from the neighbouring property owner to the east, that a public road be considered between Langton Street and Dutton Road to facilitate traffic for emergency vehicles, delivery vehicles, taxis and visitors, reducing traffic on local and surrounding streets. The neighbour also expressed concern with the orientation of the dwelling units along Langton Street, preferring a front facade relating to the street and questioning the need for an internal roadway on the site.

Analysis

a) **Official Plan**

The lands are designated 'Residential' on Schedule A – Land Use, and 'Medium Density Residential' on Schedule E – Residential Density. The Residential designation anticipates a range of housing and other land uses that are integral to and supportive of a residential environment.

The proposed nursing home use of the land is reinforced by Section 4.2.1.3 of the Official Plan whereby complimentary uses and uses that serve the basic residential uses are recognized as permitted, including local commercial uses, home occupation uses, public and institutional uses, parks and recreation areas, churches and special care facilities. The proposed amendment to add a 'nursing home' as a permitted use is consistent with a

‘special care facility’ use recognized as a permitted use, anticipated within lands designated ‘Residential’ in the Official Plan.

The medium density residential provisions of Section 4.2.2.2 of the Official Plan apply to the lands, as depicted on Schedule ‘E’ – Residential Density. These policies support the use of the lands for the proposed row housing and semi-detached units contemplated by the existing zoning and intended to continue to be permitted via the amendment, together with the proposed nursing home use.

The Functional Servicing Report prepared by WSP, dated August 30, 2018 concludes that the proposed development will not impact the sewage flows or capacity and that the limiting pipe segment will remain functional to 60% of its capacity, therefore, no upgrades to the municipal sanitary system will be required to support the proposed development.

Easements for electrical services to the adjacent lands to the south (881 Dutton Road – Fairhaven) will be required and the existing overhead pole line to 881 Dutton Road will need to be relocated at the developers’ expense to accommodate the development. This requirement will be addressed at the Site Plan Approval stage.

b) Zoning By-law

The lands known as 145 Langton Street are presently zoned SP.313 – Special Residential District limiting the uses to dwelling units, with a maximum of 1 storey. The existing zoning was assigned to the property in 2003 when the property was declared surplus by the City and sold to a private developer. The SP. 313 Zoning District permits medium density residential land use, with a restriction on the total number of units permitted to be capped at 150 units for the 3.5 ha (8.65 ac.) parcel. The former PS.2 – Public Service District permitted a range of government and institution type of uses, including schools, churches, day nurseries, and retirement/nursing/group home.

Although several development concepts have been proposed for the lands and a site plan for medium density residential development approved by the City, the lands remain vacant. The current owner purchased the lands with the intention of amending the zoning to facilitate a combination of medium density residential units and a nursing home (Long Term Care Facility), subject to a future plan of condominium.

The application proposes to amend the SP.313- Special Residential District to include site specific regulations to facilitate a 3 storey nursing home facility to be located within the mid portion of the site, with potential for future expansion and a concept illustrating up to 35 semi-detached or townhouse dwelling with 1 and 2 storey height restrictions. The proposed land use is accompanied by a request to modify the regulations of the existing zoning as follows:

Regulation:	Existing Requirement:	Proposed Requirement:
Minimum Lot Area	3.5 ha.	N/A
Maximum Number of Dwelling Units	150	35
Maximum Number of Nursing Home Beds	N/A	160
Maximum Number of Dwelling Units per Dwelling: i. Along a Street Line ii. Elsewhere	i. 2 ii. 8	i. 2 ii. 8
Minimum Building Setbacks: i. From Side Lot Line ii. From Rear Lot Line iii. Between Buildings along streetline	i. 4.5m ii. 4.5m iii. 2.4m	i. 4m for dwelling units ; 50m for nursing home ii. 4m for dwelling units; 40m for nursing home iii. 2.4m
Maximum Building Height: i. Nursing home ii. Dwelling	i. N/A ii. 1 storey	i. 3 storeys ii. 1 storey within 6m of a street line and 2 storeys elsewhere
Minimum Landscaped Open Space	35% of Lot Area	35% of Lot Area
Minimum width of landscaped open space to be provided and maintained, except as interrupted by driveways: i) along a street line ii) along a side lot line or rear lot line	i) 6m ii) 4.5m	As per approved Site Plan
Minimum Motor Vehicle Parking	2 spaces per dwelling unit	2 spaces per dwelling unit
		Notwithstanding the provisions of Section 6.11, the minimum building setback from the street line shall be 70m for a nursing home.

It is recommended that Section 343 (SP. 313) be amended to address the site specific regulations noted above. The introduction of a nursing home as a permitted use is consistent with the Medium Density Residential policies of the Official Plan. The applicant has respected the height restriction of dwellings fronting along Langton Street as per the 2003 regulations and is seeking a modest increase to 2 storeys for interior dwelling units and 3 storeys for the nursing home use. The proposed 3 storey height will facilitate a building form that is consistent with the medium density policies and compatible with the surrounding neighbourhood. The proposed increased setback for the nursing home and minimum landscaped open space requirements will also ensure adequate buffering from single detached residential uses to the east and north of the property.

It is recommended that a 'H' Holding Symbol be assigned to the zoning of the lands to ensure that the proposed dwellings along Langton Street be designed in such a manner that they face Langton Street, to ensure appropriate and compatible streetscape and design for the neighbourhood. It is further recommended that provisions related to necessary servicing easements for lands known as 881 Dutton Road, be addressed prior to development of the subject lands.

c) Site Development

The requirement to enter into a Site Plan Agreement will assist the City in ensuring that the property is maintained in accordance with the approved plan and is binding on all future landowners.

The concept site plan illustrates the proposed vehicular access to the site via a proposed driveway connection to Langton Street towards the westerly side of the property. It is proposed that a total of 113 parking spaces be provided for the nursing home and 2 parking spaces per dwelling unit be provided.

Site Plan Approval will address matters such as driveway location, design and configuration; parking layout; loading facilities; landscaping, buffering and fencing; exterior lighting; site servicing; and stormwater management including low impact development features.

It is recommended that the Site Plan Agreement include provisions related to easements and right-of-ways on the subject lands in favour of the lands at 881 Dutton Road (Fairhaven), and that building design and architectural treatments of the dwellings along Langton Street are subject to approval of the City's Planner, Urban Design.

Response to Notice

a) Significant Agency Responses:

Agency circulation was issued on October 31, 2018.

Peterborough Utilities indicate that development charges and/or frontage charges will be applicable and the owner is required to consult with Peterborough Distributions Inc. about the electrical site servicing. If the roadways will be privately owned, easements will be required to cover the service to 881 Dutton Road and the new developments on the property. The existing overhead pole line to 881 Dutton Road will need to be relocated at the developer's expense to accommodate this new site.

b) Summary of Public Responses:

Following the Neighbourhood Meeting hosted by the applicants, Planning Staff were copied on correspondence to the applicant from Robert Lapum, neighbouring landowner to the east of the subject property. Mr. Lapum included his concern that the proposed concept for the subject lands does not appear to facilitate a connection through the site, linking Langton Street to Dutton Road, to facilitate buses, fire and ambulance vehicles, delivery vehicles, taxis and visitors, in order to reduce traffic on area streets. The applicants have indicated that emergency access would be facilitated; however, there is no plan to facilitate other vehicular traffic through the site. Mr. Lapum further commented on the orientation of the lots and driveways along Langton Street. It is his opinion that that units and driveways should front onto Langton Street and that additional roadway parallel to Langton Street is unnecessary. Staff agrees that the dwellings should be designed to be oriented with front entrances and landscape treatment consistent with front yards along Langton Street.

No further written comments have been received as of March 4, 2019.

Submitted by,

Cynthia Fletcher
Commissioner of Infrastructure and Planning Services

Contact Names

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Attachments

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

Land Use Map

EXHIBIT

SHEET OF

The map displays a residential neighborhood with the following features:

- Streets:** Hatfield Cr, Glebe Mount Cr, Oriole Cr, Oriole Dr, Langton St, Hilliard St, Dutton Rd, and Fairhaven Home.
- Subject Property:** A large, irregularly shaped lot outlined in black, located between Oriole Dr and Langton St. It is labeled "SUBJECT PROPERTY" and "Residential".
- Residential Lots:** Numerous lots are numbered, including 977, 994, 993, 995, 997, 990, 984, 980, 976, 958, 960, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000, 1002, 1004, 1006, 1008, 1010, 1012, 1014, 1016, 1018, 1020, 1022, 1024, 1026, 1028, 1030, 1032, 1034, 1036, 1038, 1040, 1042, 1044, 1046, 1048, 1050, 1052, 1054, 1056, 1058, 1060, 1062, 1064, 1066, 1068, 1070, 1072, 1074, 1076, 1078, 1080, 1082, 1084, 1086, 1088, 1090, 1092, 1094, 1096, 1098, 1100, 1102, 1104, 1106, 1108, 1110, 1112, 1114, 1116, 1118, 1120, 1122, 1124, 1126, 1128, 1130, 1132, 1134, 1136, 1138, 1140, 1142, 1144, 1146, 1148, 1150, 1152, 1154, 1156, 1158, 1160, 1162, 1164, 1166, 1168, 1170, 1172, 1174, 1176, 1178, 1180, 1182, 1184, 1186, 1188, 1190, 1192, 1194, 1196, 1198, 1200, 1202, 1204, 1206, 1208, 1210, 1212, 1214, 1216, 1218, 1220, 1222, 1224, 1226, 1228, 1230, 1232, 1234, 1236, 1238, 1240, 1242, 1244, 1246, 1248, 1250, 1252, 1254, 1256, 1258, 1260, 1262, 1264, 1266, 1268, 1270, 1272, 1274, 1276, 1278, 1280, 1282, 1284, 1286, 1288, 1290, 1292, 1294, 1296, 1298, 1300, 1302, 1304, 1306, 1308, 1310, 1312, 1314, 1316, 1318, 1320, 1322, 1324, 1326, 1328, 1330, 1332, 1334, 1336, 1338, 1340, 1342, 1344, 1346, 1348, 1350, 1352, 1354, 1356, 1358, 1360, 1362, 1364, 1366, 1368, 1370, 1372, 1374, 1376, 1378, 1380, 1382, 1384, 1386, 1388, 1390, 1392, 1394, 1396, 1398, 1400, 1402, 1404, 1406, 1408, 1410, 1412, 1414, 1416, 1418, 1420, 1422, 1424, 1426, 1428, 1430, 1432, 1434, 1436, 1438, 1440, 1442, 1444, 1446, 1448, 1450, 1452, 1454, 1456, 1458, 1460, 1462, 1464, 1466, 1468, 1470, 1472, 1474, 1476, 1478, 1480, 1482, 1484, 1486, 1488, 1490, 1492, 1494, 1496, 1498, 1500, 1502, 1504, 1506, 1508, 1510, 1512, 1514, 1516, 1518, 1520, 1522, 1524, 1526, 1528, 1530, 1532, 1534, 1536, 1538, 1540, 1542, 1544, 1546, 1548, 1550, 1552, 1554, 1556, 1558, 1560, 1562, 1564, 1566, 1568, 1570, 1572, 1574, 1576, 1578, 1580, 1582, 1584, 1586, 1588, 1590, 1592, 1594, 1596, 1598, 1600, 1602, 1604, 1606, 1608, 1610, 1612, 1614, 1616, 1618, 1620, 1622, 1624, 1626, 1628, 1630, 1632, 1634, 1636, 1638, 1640, 1642, 1644, 1646, 1648, 1650, 1652, 1654, 1656, 1658, 1660, 1662, 1664, 1666, 1668, 1670, 1672, 1674, 1676, 1678, 1680, 1682, 1684, 1686, 1688, 1690, 1692, 1694, 1696, 1698, 1700, 1702, 1704, 1706, 1708, 1710, 1712, 1714, 1716, 1718, 1720, 1722, 1724, 1726, 1728, 1730, 1732, 1734, 1736, 1738, 1740, 1742, 1744, 1746, 1748, 1750, 1752, 1754, 1756, 1758, 1760, 1762, 1764, 1766, 1768, 1770, 1772, 1774, 1776, 1778, 1780, 1782, 1784, 1786, 1788, 1790, 1792, 1794, 1796, 1798, 1800, 1802, 1804, 1806, 1808, 1810, 1812, 1814, 1816, 1818, 1820, 1822, 1824, 1826, 1828, 1830, 1832, 1834, 1836, 1838, 1840, 1842, 1844, 1846, 1848, 1850, 1852, 1854, 1856, 1858, 1860, 1862, 1864, 1866, 1868, 1870, 1872, 1874, 1876, 1878, 1880, 1882, 1884, 1886, 1888, 1890, 1892, 1894, 1896, 1898, 1900, 1902, 1904, 1906, 1908, 1910, 1912, 1914, 1916, 1918, 1920, 1922, 1924, 1926, 1928, 1930, 1932, 1934, 1936, 1938, 1940, 1942, 1944, 1946, 1948, 1950, 1952, 1954, 1956, 1958, 1960, 1962, 1964, 1966, 1968, 1970, 1972, 1974, 1976, 1978, 1980, 1982, 1984, 1986, 1988, 1990, 1992, 1994, 1996, 1998, 2000, 2002, 2004, 2006, 2008, 2010, 2012, 2014, 2016, 2018, 2020, 2022, 2024, 2026, 2028, 2030, 2032, 2034, 2036, 2038, 2040, 2042, 2044, 2046, 2048, 2050, 2052, 2054, 2056, 2058, 2060, 2062, 2064, 2066, 2068, 2070, 2072, 2074, 2076, 2078, 2080, 2082, 2084, 2086, 2088, 2090, 2092, 2094, 2096, 2098, 2100, 2102, 2104, 2106, 2108, 2110, 2112, 2114, 2116, 2118, 2120, 2122, 2124, 2126, 2128, 2130, 2132, 2134, 2136, 2138, 2140, 2142, 2144, 2146, 2148, 2150, 2152, 2154, 2156, 2158, 2160, 2162, 2164, 2166, 2168, 2170, 2172, 2174, 2176, 2178, 2180, 2182, 2184, 2186, 2188, 2190, 2192, 2194, 2196, 2198, 2200, 2202, 2204, 2206, 2208, 2210, 2212, 2214, 2216, 2218, 2220, 2222, 2224, 2226, 2228, 2230, 2232, 2234, 2236, 2238

The City of Peterborough Planning Division

Date: October 19, 2018

Map by: JEllis

0 15 30 60 90 Metres

[illegible]

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



The Corporation of the City of Peterborough

By-Law Number 19-

Being a By-law to amend the Zoning By-law for the lands known as 145 Langton Street

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

1. That Section 343 – SP. 313 be amended as follows:
 - a. Section 343.2 be amended to add “b) nursing home” as a permitted use; and
 - b. Section 343.3 be amended to repeal and replace the table of regulations with the following:

Regulation:	Requirement:
Maximum Number of Dwelling Units	35
Maximum Number of Nursing Home Beds	160
Maximum Number of Dwelling Units per Building: iii. Along a Street Line iv. Elsewhere	 iii. 2 iv. 8
Minimum Building Setbacks: iv. From Side Lot Line v. From Rear Lot Line vi. Between Buildings along streetline	 iv. 4m for dwelling units ; 50m for nursing home v. 4m for dwelling units; 40m for nursing home vi. 2.4m

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

Maximum Building Height: iii. Nursing home iv. Dwelling	iii. 3 storeys iv. 1 storey within 6m of a street line and 2 storeys elsewhere
Minimum Landscaped Open Space	35% of Lot Area
Minimum width of landscaped open space to be provided and maintained, except as interrupted by driveways: iii) along a street line iv) along a side lot line or rear lot line	As per approved Site Plan
Minimum Motor Vehicle Parking	2 spaces per dwelling unit
Notwithstanding the provisions of Section 6.11, the minimum building setback from the street line shall be 70m for a nursing home.	

2. That Map 4 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.313 to SP.313-H.
- d) That the ‘H’ Holding Symbol be removed at such time as Site Plan Approval is granted to include the following provisions in the associated Site Plan Agreement:
 - i. require the front elevations of the residential dwelling units along Langton Street to face the street, to the satisfaction of the Planner of Urban Design; and
 - ii. Require the owner to provide an easement to facilitate electrical and municipal servicing to 881 Dutton Road with a relocated overhead pole line, at the expense of the developer.

By-law read a first, second and third time this day of , 2019.

Diane Therrien, Mayor

John Kennedy, City Clerk

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

