



City of
Peterborough

To: **Members of the General Committee**

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

Meeting Date: **September 3, 2019**

Subject: **Report IPSPL19-025**
Zoning By-law Amendment for 1078 Brealey Drive

Purpose

A report to evaluate the planning merits of amending the zoning of the lands known as 1078 Brealey Drive from R.1 – Residential District to R.3-328 – Residential District to permit the use of the lands for up to eight (8) dwelling units and associated driveway and parking areas.

Recommendations

That Council approves the recommendations outlined in Report IPSPL19-025 dated September 3, 2019, of the Commissioner of Infrastructure and Planning Services, as follows:

- a) That Section 3.9, Exceptions of Zoning By-law 1997-123 be amended to add Exception .328 which identifies site specific regulations related to minimum side yard setback and maximum lot coverage by open parking areas, driveways and vehicle movement areas, in accordance with Exhibit 'C' attached to Report IPSPL19-025; and
- b) That the zoning of the lands known as 1078 Brealey Drive be amended from R.1 – Residential District to R.3-328 – Residential District in the City of Peterborough Zoning By-law #97-123 in accordance with Exhibit 'D' attached to Report IPSPL19-025.

Budget and Financial Implications

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

Background

The property is located on the northeast corner of the intersection of Brealey Drive and Kawartha Heights Blvd, in a mature residential neighbourhood with a mix of housing styles and density. The property currently supports a single unit dwelling that was converted into a fourplex contrary to the zoning, supporting a total of four dwelling units with two driveways and parking areas.

The applicant proposes to amend the zoning of the property to facilitate the construction of additions to the existing dwelling and introducing additional parking spaces for up to eight (8) dwelling units with site specific regulations related to the minimum sideyard setback and maximum lot coverage by open parking areas, driveways and vehicle movement areas. Two storey additions are proposed to both the north and west walls of the existing building, with parking proposed on the ground floor and surface parking to the west of the expanded dwelling. A total of 14 parking spaces are proposed for the property. The existing driveway and parking garage from Kawartha Heights Boulevard will be eliminated in favour of a new driveway connection. Of the total 14 parking spaces proposed, 6 spaces will be provided within garages in the proposed additions.

In response to the comments received from agencies and departments as a result of the circulation of the application, the applicant has revised the concept site plan to shift the proposed principal driveway connection from Brealey Drive to Kawartha Heights Boulevard, in accordance with the City's Official Plan policies to regulate or eliminate new direct driveway access to arterial roads where possible.

The application was accompanied by a Concept Site Plan, Plan of Survey, a Planning Justification Report, a Functional Servicing Report, a Functional Stormwater Management Report, and a Soils Investigation Summary Report. The revised Concept Site Plan is attached as Exhibit 'B' to Report IPSPL19-025.

An Open House was hosted by the applicants on July 4th, 2019 at Westdale United Church. Approximately 10 neighbouring residents attended in addition to the applicants, planning consultant and City Planning Staff. Comments were largely based on the traffic along Brealey Drive and concern about the volume of traffic and the need for a signalized intersection at Kawartha Heights Boulevard. Those who attended generally supported the development and the reuse of the existing dwelling. Interest was also expressed regarding the proposed elevations of the building with the additions.

Analysis

a) Official Plan

The lands are designated 'Residential' on Schedule 'A' –Land Use. The Low Density Residential policies apply to the subject lands and contemplate residential dwelling units consisting primarily of single detached, semi-detached and duplex dwellings. Multiple unit buildings are also contemplated with similar height and provided the maximum density is less than 25 units per hectare. The Infill Housing policies of Section 4.2.2.1.3 of the Official Plan accommodate the redevelopment of underdeveloped lands within existing residential areas, utilizing existing infrastructure, and contemplates single detached, semi-detached, attached dwellings and low-rise apartments up to the maximum scale permitted under the Medium Density Residential designation, subject to lower height and density guidelines, and sensitive to the scale and physical characteristics of the surrounding neighbourhood.

The application is accompanied by a concept site plan that has evolved as a response to comments from City departments addressing transportation and urban design considerations. The concept plan was revised with respect to the location of the proposed driveway connection. The proposed driveway has been relocated from Brealey Drive to Kawartha Heights Boulevard in response to the provisions of Section 5.4.6 and 5.4.7 of the Official Plan (limiting access to Arterial Roads) and addressing a potential conflict with vehicles accessing the development with the southbound left turn lane at Kawartha Heights Boulevard as part of the Brealey Drive reconstruction project.

The surrounding neighbourhood is characterized by a mix of low and medium density residential uses and community based institutional type of use on the opposite side of Brealey Drive. The introduction of a low rise (2 storey) apartment dwelling on full municipal services is in keeping with the character of the area.

The Zoning By-law Amendment has the effect of permitting the proposed eight unit dwelling that is serviced by municipal servicing, in close proximity to schools, parks and public transit, conforms to the Residential policies of the Official Plan and is compatible with the neighbouring uses.

b) Zoning By-law

The current R.1– Residential Zoning District restricts the use of the land to a single unit dwelling (and potential secondary suite), subject to specific regulations. The applicant proposes a modified R.3 – Residential District to permit up to a maximum of eight (8) dwelling units. Exceptions are required to facilitate the location of the existing dwelling and the increase in the lot coverage for open parking areas, driveways and vehicle movement areas.

The applicant proposes to retain and add to the existing structure to create an additional four dwelling units. The change in zoning of the lands has the effect of increasing the minimum required setbacks from the side lot lines. In order to maintain the setback of the

existing dwelling, a modified regulation to reflect the existing setback is required. Although the application proposes a minimum of 4.1m (greater than 3m as established under the R.3 Zoning District), the corresponding concept site plan indicates a minimum setback of 2.36m from the southeast corner of the existing building to the side lot line, a distance of approximately 16m from the street line (Kawartha Heights Boulevard). It is recommended, therefore, that the regulation be modified further to respect the existing 2.36m a distance of 16m from the street line and a minimum 4.1m setback be required along the balance of the side lot lines.

The Concept Site Plan submitted with the application and refined by the applicant, illustrates the ability of the property to support the minimum 1.75 spaces per unit for the proposed eight units. In addition, walkways are intended to be provided from the dwelling to Kawartha Heights Boulevard.

Exception 328 is proposed to facilitate the following regulations for the redevelopment of the subject property:

REGULATION	R.3 Provision	Proposed
Minimum lot area per dwelling unit	230 m ²	236 m ²
Minimum building setback i) Side lot line	3 m or 1.5 m per storey, whichever is greater	4.1 m and 2.3m within 16m from Kawartha Heights Boulevard
Maximum lot coverage by open parking areas, driveways and vehicle movement areas	25%	28%

Subsequent to Zoning Approval, the proposal will also be subject to Site Plan Approval prior to issuance of a Building Permit. Any residential development containing more than four (4) dwelling units is automatically subject to Site Plan Approval. Approval of the Site Plan related to the proposed development of the lands for eight (8) units is delegated to Staff. Site Plan Approval will address the details related to the location of parking, driveways, landscape treatment and buffering.

Response to Notice

a) Significant Agency Responses:

Agency circulation was issued on May 6, 2019.

The City's Infrastructure Planning Division has no objection to the rezoning and has recommended cash-in-lieu of parkland where required and noted the potential for

downstream improvement requirements from a sanitary servicing perspective. The City's Development Engineer agrees that the owner should be required to contribute toward the upgrading of downstream sanitary sewer improvements. Further comments were also forwarded to the applicant for consideration at the site plan approval stage.

The City's Transportation Division expressed concern with the original concept site plan submitted with the application, illustrating the access location to Brealey Drive. Transportation staff recommends access be oriented from Kawartha Heights Boulevard, in accordance with Sections 5.4.6 and 5.4.7 of the Official Plan. As part of the Brealey Drive reconstruction, a southbound left turn lane will be provided at Kawartha Heights Boulevard. Access to the site from Brealey Drive would create a potential area of conflict with the turning lane. In response to this concern, and the concerns outlined by Planning Staff regarding the entrance, the applicant revised the concept site plan to illustrate how access from Kawartha Heights Boulevard would work for the site. The City's Brealey Drive reconstruction project includes preliminary design for signalization of the intersection. Construction is pending future years' Capital Budget approval by Council.

The City's Development Engineer also noted the requirement for detailed stormwater management report at Site Plan Approval stage, including quantity and quality control, low impact development and erosion control. A tree preservation report will also be required with the site plan application.

The City's Urban Design Planner requests a revised Site Plan including a relocated driveway to Kawartha Heights Boulevard, additional setback dimensions, building elevation drawings to illustrate how the proposed additions will look with the existing building, and note that the future Site Plan application is to include a walkway connection to Kawartha Heights Boulevard in addition to vehicular access.

Peterborough Utilities Group indicate that the suitability of the water service size is the responsibility of the owner and Development Charges will apply. The owner is advised that there should only be one electric service to the property and each unit will need to be separately metered. The owner will need to contact PDI for an upgraded electric service to the new building. 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.

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:

The applicants held an Open House related to the proposed amendments on July 4th, 2019. Approximately 10 neighbouring residents attended the Open House in addition to the applicants, consulting Planners and City Planning Staff. Comments were largely based on the traffic along Brealey Drive and concern about the volume of traffic and the need for a signalized intersection at Kawartha Heights Boulevard. Those who attended

generally supported the development and the reuse of the existing dwelling. Interest was also expressed regarding the proposed elevations of the building with the additions.

A copy of written correspondence between a neighbouring resident and the applicant was forwarded to Planning Staff by the applicant. The correspondence expressed concern with the existing traffic in the area and the limited opportunity for southbound turns from Kawartha Heights Boulevard to Brealey Drive due to the slight grade of Brealey Drive and the volume of traffic in all directions.

City staff have confirmed that the City's Brealey Drive reconstruction project includes preliminary design for signalization of the intersection. Construction is pending future years' Capital Budget approval by Council.

No written comments have been received as of August 7, 2019.

Submitted by,

Cynthia Fletcher
Commissioner of Infrastructure and Planning Services

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Attachments:

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

Exhibit A, Land Use Map, Page 1 of 1

Land Use Map

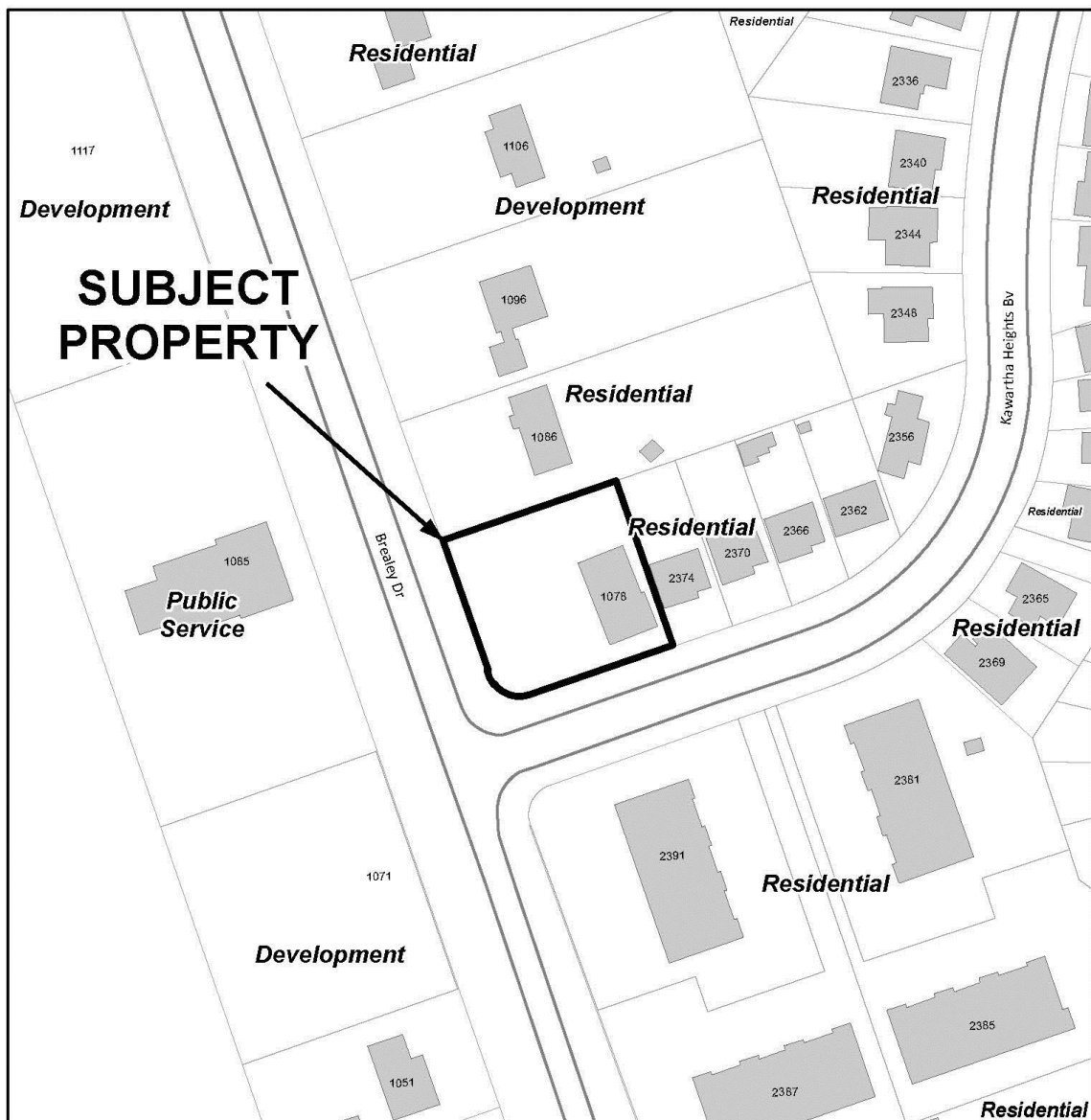
File: Z1907

Property Location: 1078 Brealey Dr

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: May 2, 2019

Map by: jellis

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Exhibit B, Revised Concept Site Plan, Page 1 of 1

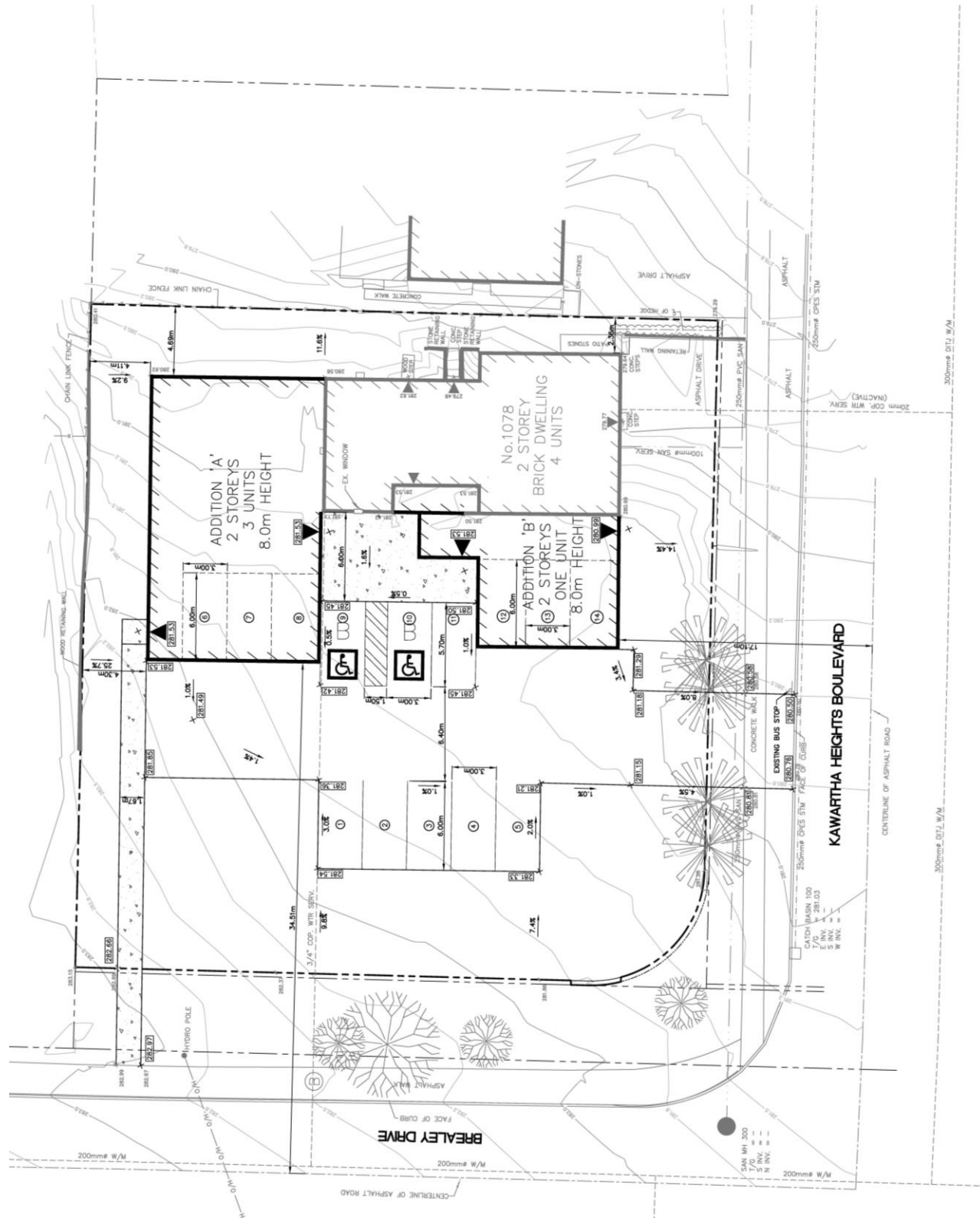


Exhibit C, Draft Zoning By-law Amendment, Page 1 of 2



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 1078 Brealey Drive

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

1. That Section 3.9 – Exceptions, be amended to add the following:
“**.328** Notwithstanding the provisions of this By-law to the contrary, the following shall apply:

REGULATION	Proposed
Minimum building setback Side lot line	4.1 m and 2.3m within 16m from Kawartha Heights Boulevard
Maximum lot coverage by open parking areas, driveways and vehicle movement areas	28%

2. That 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 R.1 – Residential District to R.3-328 – Residential District.

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 Amendment, Page 2 of 2

