



City of
Peterborough

To: Members of the General Committee

From: Cynthia Fletcher
Commissioner of Infrastructure and Planning Services

Meeting Date: November 12, 2019

Subject: Report IPSPL19-029
Zoning By-law Amendment for 211 Hunter Street East
(380 Armour Road)

Purpose

A report to evaluate the planning merits of modifying the SP.229 – Special Purpose Commercial District zoning of the lands known as 211 Hunter Street East (380 Armour Road) to permit the development of the southerly portion of the property for multi unit residential development, consisting of a total of 259 additional units with site specific regulations.

Recommendations

That Council approve the recommendations outlined in Report IPSPL19-029 dated November 12, 2019, of the Commissioner of Infrastructure and Planning Services, as follows:

- a) That Section 259 (SP.229 – Special Commercial District) and the associated Schedules 'X' and 'Y' of Zoning By-law 1997-123 be deleted and replaced with a modified list of permitted uses and regulations, in accordance with Exhibit 'D' attached to Report IPSPL19-029; and
- b) That the Site Plan Approval process related to the redevelopment of the lands include consideration of the following:
 - i. Further analysis of the transportation impacts of the proposed south driveway entrance along Armour Road and the potential re-configuration of on-site circulation to direct traffic from the lower parking garage to the upper level in order to use the north entrance or the reconstruction of Armour Road to

improve the sight lines to allow for the second lower entrance, subject to the satisfaction of the Commissioner of Infrastructure and Planning;

- ii. Further refinement of the proposal to minimize the visual impact, and storm water drainage of the development and to integrate the development within the surrounding landscape, to the satisfaction of Parks Canada;
- iii. Contribution towards the cost of the signalization of the Maria Street and Armour Road to the satisfaction of the Commissioner of Infrastructure and Planning; and
- iv. Monitoring provisions to ensure there are no negative impacts on the structure of the Peterborough Liftlock National Historic Site due to vibration and land disturbances, to the satisfaction of Parks Canada.

Budget and Financial Implications

The City's Development Charges By-law was amended in 2018 to encourage the creation of new multi-unit residential developments in the Central Area. The proposal meets the minimum 15 apartment dwelling unit provision, and as such, the proposal is eligible for an exemption from payment of Development Charges at the Building Permit stage. In addition, the applicant has applied for funding through the City's Community Improvement Program for the Central Area, by securing the Central Area Revitalization (Tax Increment Based) Grant and Brownfields Tax Assistance programs. The applicant will also be eligible for the waiver of municipal planning application fees and cash in lieu requirements for the new development through the Municipal Incentive Grant.

Background

The property is located on the southeast corner of Hunter St. E. and Armour Rd. in East City, adjacent to the Peterborough Lift Lock lands. The area is comprised of a mix of residential, public service and commercial uses in a mature, established neighbourhood. The property is approximately 4ha. (9.88 ac.) in size and currently supports a mixed use building (commercial and residential) in a re-purposed former industrial (Westclox) building with associated landscaping and parking facilities.

The southerly portion of the lands is intended to be redeveloped to facilitate multi-unit residential dwelling units via a mix of apartment style units with landscaping and both surface and underground parking facilities. A total of 259 new units are proposed for the lands, consisting of an eight (8) storey building, an eleven (11) storey building, with three (3) storey units and connecting lobby area. The parking is proposed to be shared with the existing development and provided by way of both surface parking and within a three (3) storey parking structure constructed into the existing slope of the lands. It is proposed that the bulk of the parking will be provided within this parking structure, to be framed with

three (3) storey units, with the north side entrance located on the fourth floor of each building and walk out to grade on the southern and eastern sides (down slope).

The applicant proposes to amend the zoning of the property to facilitate the proposed development and to refine the zoning provisions of the existing development. The existing zoning of the lands was introduced by way of an amendment, approved in 1986 and further amended in 1987. The zoning introduced two site specific schedules (X and Y) to delineate the areas of the land reserved for buildings, parking and landscaping as well as the commercial uses. Schedule 'X' to Section 259 also identifies the maximum building height, expressed by way of elevation (229.39m and 239.45m). The maximum building height was then corrected by way of a Minor Variance in 1990 to 241m to reflect the existing structure. The use of the Schedules 'X' and 'Y' to provide additional control of the location of buildings and parking on site was largely replaced by Site Plan Control and agreements registered on title. The property is also subject of a Site Plan Agreement and it is intended that this be replaced by an updated plan to reflect the existing and proposed development.

The application was accompanied by a Geotechnical Analysis, Functional Stormwater Servicing Report, Traffic Impact Study (including a parking analysis), Archaeological Assessment, Tree Study/Inventory, Preliminary Constraints Analysis (Sanitary), Cultural Heritage Impact Assessment, Phase I and II Environmental Site Assessment and a Planning Justification Report. Further to the circulation of the application with the accompanying documents, the applicant also provided a Shadow Study to assess the proposed impact of shadows of the development for the Peterborough Lift Lock lands, to address comments from Parks Canada and additional technical letter related to the Parking Study. Additional consultation with Curve Lake First Nation has resulted in arrangements related to the gifting of wood from the site to Curve Lake First Nation at time of development. The applicant has also provided a detailed account of how they have addressed the various comments arising from the circulation of the application to agencies and departments. Additional work is underway to address comments and concerns from Parks Canada regarding management of stormwater runoff and building height and massing impacts on the Liftlock lands, to be addressed in greater detail in the Site Plan Agreement.

A Public Open House was hosted by the applicants on June 13, 2019 in the existing building, providing an overview of the proposal with concept renderings and the concept site plan. The applicant responded to questions of those in attendance at the Open House. Approximately forty (40) people attended the Open House in addition to the applicant, consultants, staff and Councillors. There was general support for the development and interest in the timing of construction, size of proposed units and potential for a tenant waiting list. The design of the proposed building and location of driveway connections and local road network improvements were also discussed.

Analysis

a) Official Plan

The lands are designated 'Commercial' on Schedule 'A' –Land Use and 'Hunter Street East Business District' on Schedule J – Central Area. The Hunter Street East Business District policies apply to the lands that connect the Central Area to Liftlock Area and the Trent Severn Waterway. The policies related to the Hunter Street East Business District encourage a commercial base that supports the area's tourism potential as well as the residential population base in Ashburnham. The subject property is specifically identified in Section 4.3.2.2.4 of the Official Plan in addition to the former St. Joseph's Hospital property (on the opposite side of Armour Road), as having unique land use potential within the district. It is contemplated that mixed use with predominant residential and office components be designed in a manner that is compatible with the Liftlock area to the east.

The application is accompanied by a concept site plan that has evolved in response to comments from the Canadian Canoe Museum, Parks Canada and City departments, addressing transportation and urban design considerations. The concept plan and concept renderings reflect views from the east shore of the canal, top of the Liftlock and from the current visitor centre (future site of the Canadian Canoe Museum). Visual screening of the parking areas from the Liftlock lands were also identified early in the process. The relationship of the transition of the lands between the proposed built structure and the Liftlock was also considered.

In the Planning Justification Report prepared by DM Wills, the applicant identified the following concepts in the design:

- “- Blending into the slope with the use of terraced dwellings.
- Blending the site lines from the new canoe museum up the slope.
- Minimizing the effect of the towers on the site lines they are oriented so that narrowest edges of the building are viewed from the canal.
- Maximizing the views of the canal for future tenants through the offset of the towers.
- Incorporating vegetation into the terraces to extend the green roof concept to be used in the Canoe Museum.
- The colour palette is sensitive to the surrounding land uses and designed to blend into the surrounding landscape.”

The subject lands are also located within the City's Central Area and form part of the Built Boundary as identified on Schedule A-1 – City Structure. Lands within the Built Boundary are intended to facilitate a significant portion of growth representing a minimum of 50% of the housing units within Peterborough, approved annually.

The introduction of an additional 259 units is proposed to compliment the existing mixed use development of the lands. The permitted commercial uses in the existing development known as Time Square (Westclox Building) are intended to continue.

The traffic study and parking analysis support the intensification of the land use to introduce additional dwelling units, sharing parking and driveway facilities with the existing development. The bulk of the parking is intended to be located underground with three driveway connections to the property as existing (one from Hunter Street East and two from Armour Road). The most southerly entrance along Armour Road requires additional study at Site Plan Approval stage to ensure sufficient sight lines and stopping distance. The applicant has agreed to revisit the sight distance analysis in accordance with Staff concern about the second southerly entrance to Armour Road, with the understanding that it may need to be eliminated and on-site circulation be reconsidered to direct traffic from the lower parking garage to the upper level in order to use the north entrance.

Adequate sanitary and stormwater services exist to support the proposed development. Stormwater management details will need to be refined to address the requirements of the City and Parks Canada. The applicant has received a formal response from Parks Canada requiring an engineering solution to direct stormwater away from the Parks Canada land. The detailed design will be completed and approved at Site Plan Approval stage.

Intersection improvements at the Maria St and Armour Road intersection will also be required and the applicant has agreed to contribute to the cost of such.

The Archaeological Assessment (Stage 1 and 2) of the site concluded that the subject site does not contain archaeological resources of prehistoric or historic cultural heritage value or interest and that development on the subject site does not warrant further archaeological investigation.

Natural and Cultural Heritage evaluations have also been completed, submitted and reviewed in support of the application. The evaluations have demonstrated that the heritage attributes of the adjacent Liftlock lands will be conserved and conclude that the subject site does not contain any significant natural heritage features or Species at Risk and proposed development would not negatively impact the natural heritage features on an adjacent to the site. Parks Canada has provided comment to confirm no objection to the application, subject to further refinement of the proposal to minimize the visual impact at Site Plan Approval stage.

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

b) Zoning By-law

The property is currently zoned SP. 229 – Special Commercial District permitting a mix of commercial and residential land uses. Schedules ‘X’ and ‘Y’ and the associated regulations of the SP.229 Zoning District limit the uses and the developable area to the existing building and the northerly portion of the lands. The proposed use of the southerly portion of the lands to permit an additional 259 units, together with landscaping and parking, requires an amendment to the Zoning By-law.

The submission is accompanied by necessary studies and analysis to ensure conformity with the Official Plan policies. Site specific regulations are proposed in the draft Zoning Amendment attached as Exhibit ‘D’ to Report IPSPL19-029 with regard to minimum lot area, maximum building height, minimum side and rear yard setbacks, area required for parking and landscaping, maximum building coverage and minimum parking requirements to accommodate the proposed development.

The Concept Site Plan submitted with the application and refined by the applicant, illustrates the ability of the property to support the minimum parking requirements of the Zoning By-law for the proposed residential units, in addition to the requirements for the mixed-use development. The applicant has provided a parking study, based on local parking surveys and ITE standards and is requesting a reduced rate of parking that is based on a shared arrangement between the commercial and residential uses, both existing and proposed. The rationale for the reduced rate is based on shared parking and flexibility for the residential tenants to utilize commercial spaces during the evenings and weekends. Active and public transportation system options for residents are also considered in the recommendation to reduce minimum parking requirements with provision for bike racks and bike storage on site. The proposed blended rate is equivalent to 1.37 spaces per dwelling unit with no additional commercial requirement. Staff has reviewed the parking study and concludes that a slightly higher blended rate equivalent to 1.5 space per dwelling unit with no additional commercial requirement can be supported, based on the analysis of the rationale provided in the parking study. In order to relate this rate to the current parking provisions of Section 4 of the City’s Zoning By-law, Staff is recommending that the blended rate be broken down into fixed residential and commercial components as follows: 1 space per residential unit plus 1 space for every 34m² of Leasable Area for commercial uses.

The applicant proposes to amend the Zoning of the subject lands to permit the development of the southerly portion of the property for multi unit residential development, consisting of a total of 259 additional units with site specific regulations (mix of 1, 2 and 3 bedroom units) to be supported in an eleven (11) storey apartment building containing 123 units, and an eight (8) storey apartment building containing 81 units, connected to 55 three (3) storey units. The proposed Zoning By-law Amendment as

attached in Exhibit 'D' to Report IPSPL19-029 will introduce site-specific regulations for the lands that will recognize the existing buildings and permitted uses and will facilitate future severance of Part B with the proposed new development as follows:

Regulation	Requirement
a) minimum lot area	1.2 hectares
b) maximum building floor area i) For existing buildings (as of October 31, 2019) ii) For buildings constructed after October 31, 2019	i) 21,113 sq.m ii) 45,000 sq.m
c) maximum lot coverage	45%
d) maximum lot coverage by open parking areas, driveway and vehicle movement areas	35%
e) minimum landscaped open space	20%
f) minimum building setback from a lot line	4m
g) minimum setback for an underground parking structure	4m
h) Permitted Elevation i) for any building existing as of October 31, 2019 ii) for any existing building (as of October 31, 2019) with rooftop solar panels iii) for any building constructed after October 31, 2019 iv) for solar panels on buildings constructed after October 31, 2019	i) 241mASL ii) 244mASL iii) 254.05mASL iv) 257.04mASL
i) maximum height for an accessory building or structure	5.0m
j) Notwithstanding the provisions of Section 4.2(A), a minimum of 1 space per dwelling unit shall be provided and maintained on the property	
k) Notwithstanding the provisions of Section 4.2(B), a minimum of 1 parking space per 34m ² of Leasable Area of permitted commercial uses, shall be provided and maintained on the property	
l) Areas zoned SP.229 are to be treated as one lot for the purposes of zoning regulations, despite future land division, part lot control exemption or plan of condominium.	

The application further proposes to delete Schedule 'X' and Schedule 'Y' attached to the existing SP.229 – Special Purpose Commercial District to accommodate the development as proposed in the Concept Site Plan. The applicant proposes to provide parking through a combination of at grade and structured parking in multiple levels via an underground garage. Access to the parking garage will be primarily from Armour Road.

c) Site Plan Approval

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 more than fifty (50) units requires Council Approval. Site Plan Approval will address the details related to the location of parking, driveways, lighting, landscape treatment and buffering.

It is recommended that the following site specific details be considered as part of the Site Plan Approval process related to servicing, impact on the Liftlock, and contribution towards intersection improvements at Maria and Armour Road:

1. Subject to further analysis of the transportation impacts of the proposed south driveway entrance along Armour Road and the potential re-configuration of on-site circulation to direct traffic from the lower parking garage to the upper level in order to use the north entrance;
2. Subject to further refinement of the proposal to minimize the visual impact, and storm water drainage of the development and to integrate the development within the surrounding landscape, to the satisfaction of Parks Canada;
3. Contribution towards the cost of the signalization of the Maria Street and Armour Road to the satisfaction of the Commissioner of Infrastructure and Planning; and
4. Monitoring provisions to ensure there are no negative impacts on the structure of the Peterborough Liftlock National Historic Site due to vibration and land disturbances, to the satisfaction of Parks Canada.

Response to Notice

a) Significant Agency Responses:

Agency circulation was issued on February 19, 2019.

The City's Infrastructure Planning Division has no objection to the rezoning and has recommended cash-in-lieu of parkland where required. The applicant has been advised that a complete stormwater management report will be required to be approved by the City as part of the future detailed Site Plan design for the site. The report will be required

to detail stormwater quantity control, quality control, low impact development features and sediment and erosion controls.

The City's Development Engineer provided comment on the Functional Servicing Report and the Traffic Impact Study. The applicant has been requested to include the design criteria for the proposed retaining wall at the southwest corner of the property into the Geotechnical Investigation Report, and to seek formal approval from Parks Canada with respect to the stormwater management proposal. With regard to the Traffic Impact Study, the Development Engineer agrees with the recommendation that the Armour Road and Maria Street intersection be controlled by traffic signal to improve intersection capacity, especially the southbound movement.

The City's Transportation Division provided comments to the applicant related to the review of the Traffic Impact Study. Concerns related to the sight distance along Armour Road have been expressed in relation to the southerly entrance or the reconstruction of Armour Road to improve the sight lines to allow for the second lower entrance, subject to the satisfaction of the Commissioner of Infrastructure and Planning. Transportation recommends that additional review of the sight distance be undertaken at Site Plan Approval stage. If it is determined that the sight distance is not adequate for the southerly entrance, consideration will be required for eliminating the south entrance along Armour Road and reconfiguring the on-site circulation to direct traffic from the lower parking garage to the upper level in order to use the north entrance or the reconstruction of Armour Road to improve the sight lines to allow for the second lower entrance, subject to the satisfaction of the Commissioner of Infrastructure and Planning. In addition, the signalization of Maria Street and Armour Road intersection will be required, with input on the design provided by Parks Canada.

The proposed parking ratio has also been reviewed by the Manager of Transportation. The Transportation Manager confirmed that a blended parking ratio based on 1.65 spaces per residential unit is considered acceptable for this site considering the proximity to transit and downtown amenities which can support increased rates of walking and cycling. Further to the recommendation and review of the parking ratio expressed in the original traffic study, a supplemental parking study was submitted, proposing a blended ratio equal to 1.37 spaces/residential unit. The Transportation Manager has expressed concern with the assumptions and limited flexibility to accommodate the commercial component as expressed in the supplemental parking study, resulting in the potential for off-site pressure for parking. To address this, a higher blended ratio equal to 1.5 spaces/residential unit can be supported by Staff. The draft by-law reflects the minimum blended ratio that is equal to 1.5 spaces/residential unit and expressed in a manner that is in keeping with the existing parking requirements of Section 4 of the Comprehensive Zoning By-law (1 per residential unit plus 1 per 34m² of leasable area for commercial uses).

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 the existing electric infrastructure is privately owned on this property and the owner

should contact PDI to discuss requirements for connecting privately owned facilities onto the distribution system.

Kawartha Pine Ridge District School Board provided comment via the Simcoe County District School Board. The Board requests that all offers of purchase and sale include a statement to advise that public schools on designated sites in the community are not guaranteed and pupils may be accommodated in temporary facilities and/or be directed to schools outside the area. If school buses are required, bus pick up points will generally be located on the through street at a location convenient to the STSCO. The applicant has acknowledged that this is proposed as a rental apartment development and commit to include these provisions in their rental agreements.

Curve Lake First Nation provided comment and request for additional information. The applicant consulted directly with Curve Lake First Nation, subsequent to additional studies and information being provided by the City. An offer of wood from the property at time of development was accepted by Curve Lake First Nation, with no objection to the development.

The City's Urban Forest Technologist indicated that a permit will be required for the removal of trees, subject to the Woodland By law of the City, together with a fee of \$300 and subject to a condition requiring compensation for any trees removed on an equal area basis, either on site or via a compensatory payment to the City in accord with the by-law. The portion of the land outside of the Woodland area will be subject to the Tree notification by-law requiring 72 hours notice before tree removals can take place.

Parks Canada and the Canadian Canoe Museum reviewed the application and supporting documents. Significant correspondence and information has been exchanged, including additional shadow study. Parks Canada has concluded that it does not object to the proposed zoning by-law amendment but wish to further refinement of the proposal to minimize the visual impact, and storm water drainage of the development and to integrate the development within the surrounding landscape. The applicant is agreeable to address this at the Site Plan Approval stage and Staff is recommending that these items be incorporated as conditions of the removal of the proposed 'H' Holding Symbol.

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 June 13th, 2019. Approximately 40 people attended the Open House in addition to the applicants', consulting Planner, Architect and City Planning Staff. Comments and questions were largely related to the unit design, construction timing, facilities and design. There were a few questions related to the tree replacement strategy and entrance provisions to/from

Hunter Street. Those who attended generally supported the development and the intensification of the site.

No written comments have been received as of October 15, 2019.

Submitted by,

Cynthia Fletcher
Commissioner of Infrastructure and Planning Services

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Attachments:

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

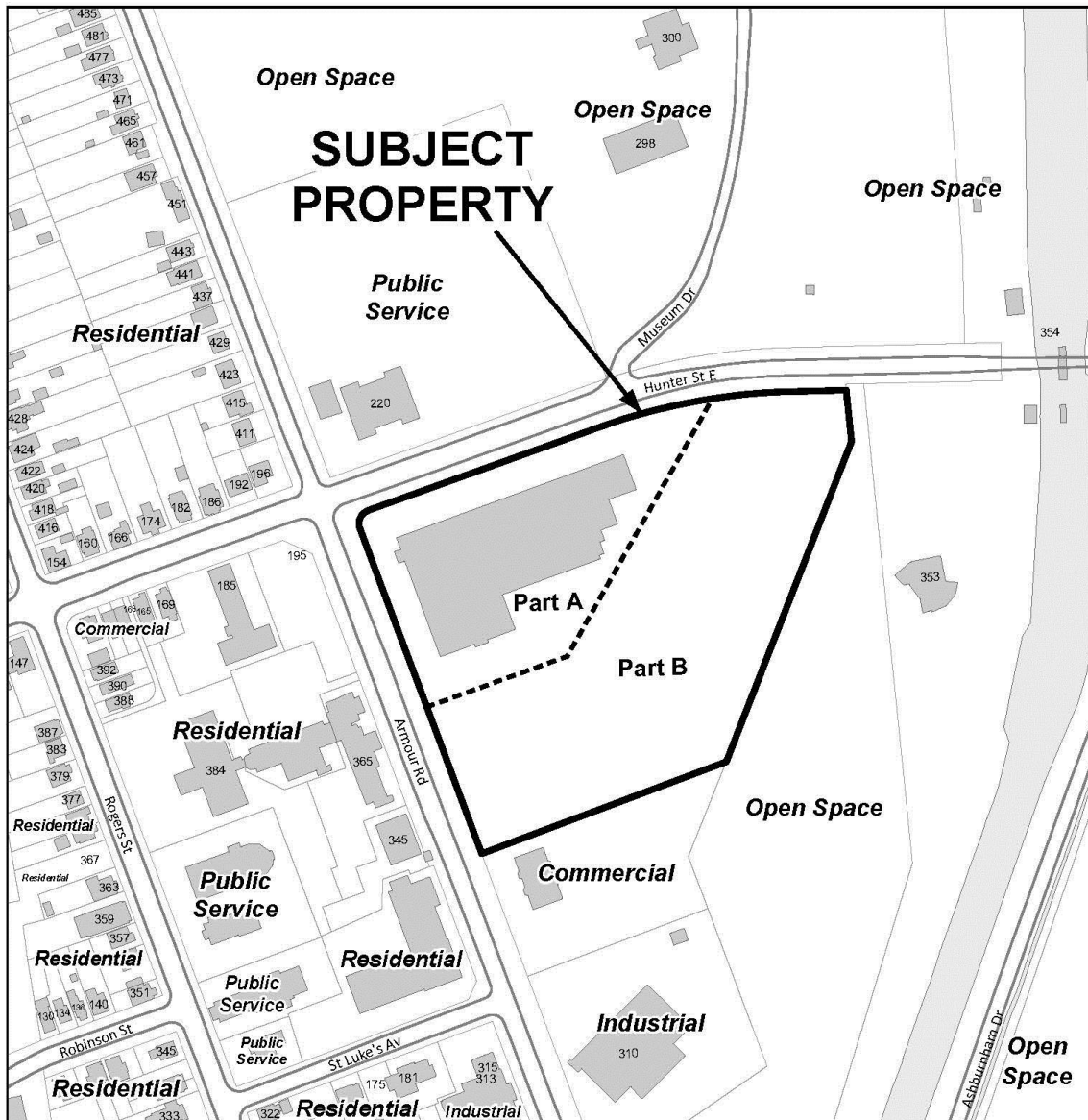
Exhibit A, Land Use Map, Page 1 of 1

Land Use Map

File: Z1904

Property Location: 211 Hunter St E (380 Armour Rd)

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: February 14, 2019

Map by: jellis



Exhibit C, Concept Renderings, Page 1 of 1



Exhibit D, Draft Zoning By-law Amendment, 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 211 Hunter Street East (380 Armour Road)

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

1. That Section 259 (SP.229), including Section 259, Schedules “X” and “Y” to By-law Number 97-123, as amended, be deleted in their entirety, and replaced with the following:

“Section 259

Special District 229 (SP. 229)

259.1 For the purpose of this by-law, land use district ‘Special District 229’ is hereby established and may be referred to by the symbol ‘SP.229’.

Permitted Uses:

259.2 No person within a SP.229 District shall use any land or erect, alter or use any building or part thereof for any purpose other than:

- (a) an establishment for retail sale and service of computers, electronics and/or appliances
- (b) a laboratory or research and development establishment
- (c) a restaurant
- (d) personal service establishment
- (e) a florist shop
- (f) a bake shop
- (g) a drug store
- (j) a retail establishment for the sale of:
 - i) souvenirs
 - ii) antiques

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- iii) medical supplies
- i) optical supplies
- ii) pharmaceuticals
- (k) an office
- (l) a clinic
- (m) a dwelling unit
- (n) a nursing home
- (o) a home for the aged
- (p) a day nursery
- (q) a library, art gallery or museum
- (r) an art school, music school, dance school or fine arts school
- (s) a school
- (t) a theatre
- (u) a place of assembly
- (v) a gymnasium or health club
- (w) an auditorium
- (x) a studio or craft workshop
- (y) a cinema
- (z) a parking lot

Regulations

259.3 No person shall within an SP.229 District use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

Regulation	Requirement
a) minimum lot area	1.3 hectares
b) maximum building floor area	
i) For existing buildings (as of October 31, 2019)	i) 21,113 sq.m
ii) For buildings constructed after October 31, 2019	ii) 45,000 sq.m
c) maximum lot coverage	45%
d) maximum lot coverage by open parking areas, driveway and vehicle movement areas	35%
e) minimum landscaped open space	20%
f) minimum building setback from a lot line	4m

Exhibit D, Draft Zoning By-law Amendment, Page 3 of 3

g) minimum setback for an underground parking structure	4m
h) Permitted Elevation	
i) for any building existing as of October 31, 2019	i) 241mASL
ii) for any existing building (as of October 31, 2019) with rooftop solar panels	ii) 244mASL
iii) for any building constructed after October 31, 2019	iii) 254.05mASL
iv) for solar panels on buildings constructed after October 31, 2019	iv) 257.04mASL
i) maximum height for an accessory building or structure	5.0m
j) Notwithstanding the provisions of Section 4.2(A), a minimum of 1 space per dwelling unit shall be provided and maintained on the property	
k) Notwithstanding the provisions of Section 4.2(B), a minimum of 1 parking space per 34m ² of Leasable Area of permitted commercial uses, shall be provided and maintained on the property	
l) Areas zoned SP.229 are to be treated as one lot for the purposes of zoning regulations, despite future land division, part lot control exemption or plan of condominium.	

259.4 SP.229 District is hereby designated as a Commercial District”

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

Diane Therrien, Mayor

John Kennedy, City Clerk