

Peterborough

То:	Members of the General Committee
From:	Cynthia Fletcher Commissioner of Infrastructure and Planning Services
Meeting Date:	November 9, 2020
Subject:	Report IPSPL20-026 Zoning By-law Amendment No. Z2005 520 and 540 Brealey Drive

## Purpose

A report to evaluate the planning merits of a Zoning By-law Amendment for the properties at 520 and 540 Brealey Drive to facilitate the creation of an 18-unit apartment dwelling.

## Recommendations

That Council approve the recommendations outlined in Report IPSPL20-026 dated November 9, 2020, of the Commissioner of Infrastructure and Planning Services, as follows:

- a) That Section 3.9 Exceptions of Zoning By-law 97-123 be amended by adding Exception Nos. 336 and 337 in accordance with Exhibit E of Report IPSPL20-026.
- b) That the subject property be rezoned from SP.317 Residential District to SP.317-336, from SP.118 – Public Service District to SP.317-336-H – Residential District, and from SP.118 – Public Service District to SP.118-337 in accordance with Exhibit E of Report IPSPL20-026.
- c) That the Commissioner of Infrastructure and Planning Services approve the application to remove the 'H' Holding Symbol from the lands to be zoned SP.317-336-H as illustrated in Exhibit E of Report IPSPL20-026 at such time as:
  - i) The property has been consolidated with the property at 540 Brealey Drive; and,

- ii) The Owner has paid cash-in-lieu of parkland dedication to the City in accordance with the provisions of the Planning Act, R.S.O 1990 c.P.13 and the City's Parkland Dedication By-law for 18 additional dwelling units.
- d) That the Commissioner of Infrastructure and Planning Services approve the application to remove the 'H' Holding Symbol from the lands to be zoned SP.118-337-H as illustrated in Exhibit E of Report IPSPL20-026 at such time as:
  - i) The lands to be zoned SP.317-336-H as illustrated in Exhibit E of Report IPSPL20-026 have been consolidated with the property at 540 Brealey Drive; and
  - ii) Approval has been granted to amend the Site Plan for 520 Brealey Drive.

## **Budget and Financial Implications**

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

## Background

The subject properties are located on the northeast corner of Brealey Drive and Sir Sandford Fleming Drive. The properties are located on a plateau above the intersection and are bordered by high density residential uses to the north and by Wilfred Drive and existing single detached and semi-detached dwellings to the east. A large open space area located on Fleming College's Sutherland Campus is situated west of the site, across Brealey Drive.

Life at the Brealey Inc. is currently constructing 14 townhomes and a two storey, 18-unit apartment building at 540 Brealey Drive (Phase 1). The development parcel was rezoned for residential purposes in 2004 (By-law 04-079), was severed from the adjacent Christian Victory Church property at 520 Brealey Drive in 2005 (File No.: B5/05), and received several minor variances to facilitate the development in 2017 (File No.:A14/17).

The residential development and the church share a driveway access to Brealey Drive, internal water distribution facilities, a sanitary sewer outlet, a stormwater management facility, and an emergency vehicle route through the property.

Presently, Life at the Brealey Inc. is seeking to acquire an additional 0.34 ha of land from the church, located adjacent to the apartment building that is currently under construction, to facilitate the construction of a second two storey, 18-unit apartment building on site (Phase 2) (see Exhibit B).

To facilitate the Phase 2 development, Life at the Brealey Inc. and Christian Victory Church are jointly seeking to re-zone their properties to permit residential use on the Phase 2 lands, to reflect the previous minor variances granted for the Phase 1 lands, and to adjust some of the regulations that would apply to the remaining church property.

# Analysis

#### **Provincial Policy Statement, 2020**

Any decision on the proposed Zoning By-law amendment must be consistent with the Provincial Policy Statement, 2020 (PPS) which came into effect on May 1, 2020. The PPS provides general direction to municipalities with respect to addressing matters of provincial interest in land use planning.

Section 1.1.1 of the PPS states that healthy, liveable and safe communities are sustained by (among other things):

- "b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;...
- e) promoting the integration of land use planning, growth management, transitsupportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs".

Additionally, Section 1.4.3 of the PPS requires municipalities to provide for an appropriate range and mix of housing by:

- "b) permitting and facilitating:
  - i. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and
  - ii. all types of residential intensification, including additional residential units, and redevelopment;

c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs".

The proposed apartment building is intended to be built on an undeveloped portion of the church property that has been deemed surplus to the church's needs. The building would utilize existing City services, would be functionally integrated with the Phase 1 residential development, and would be architecturally in keeping with the Phase 1 development. The creation of 18 additional dwelling units on the property would bring the total residential development to 50 dwellings. These dwellings will be directly served by transit and on-street cycling facilities along Brealey Drive and are located within walking distance of both Fleming College and local commercial uses at the corner of Brealey Drive and Stenson Boulevard. In staff's opinion, the proposed development represents an appropriate level of intensification for this location and is consistent with the PPS.

Section 1.6.9 of the PPS requires that planning for land uses in the vicinity of airports be done in a way that protects their long-term operation and provides appropriate separation from sensitive land uses such as residential uses. The subject property is located approximately 2.5 kilometres from the Peterborough Airport and is located within the airport's Obstacle Limitation Surface. Accordingly, any buildings on site are limited to a maximum height of 235.3 metres above sea level (masl). For comparison, the anticipated average ground elevation for the proposed building is 233.16 masl. Encroachments above 235.3 masl can only be permitted by way of an exemption from Transport Canada and NAV Canada.

The proposed apartment building is anticipated to have a maximum height of 244.77 masl. To support the development, Life at the Brealey Inc. submitted an Aeronautical Assessment Form to Transport Canada and a Land Use Proposal Submission Form to Nav Canada. In a letter dated June 30, 2020, NAV Canada provided clearance for a proposed building height of 244.77 masl for Phase 1. Prior to site plan approval, a similar clearance will be required for Phase 2.

#### A Place to Grow, Office Consolidation 2020

Similar to the PPS, any decision on the proposed Zoning By-law amendment must conform with the policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the Growth Plan). The Growth Plan builds upon the policy foundation of the PPS by providing land use planning policies to address specific issues in the Greater Golden Horseshoe (GGH). The subject property is located within the Delineated Built-up Area as defined in the Growth Plan. Accordingly, the property is subject to both general policies in the plan and to policies that are specific to the Delineated Built-up Area.

Generally, the Growth Plan requires municipalities to focus growth within Delineated Builtup Areas and to support the achievement of communities that:

- feature a diverse mix of land uses and convenient access to local stores, services, transportation options and public service facilities;
- improve social equity and quality of life; and
- provides a diverse range and mix of housing options to accommodate people at all stages of life.

Specifically, Section 2c) of the Growth Plan requires the City to focus growth in:

- "i. delineated built-up areas;
- ii. strategic growth areas;
- iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and
- iv. areas with existing or planned public service facilities".

The subject property is located within the delineated built-up area as defined by the Growth Plan, is directly served by transit, and is close to a major public service facility, Fleming College. In staff's opinion, the proposed development helps to achieve the policy directions of the Growth Plan and therefore conforms with the Plan.

#### **Official Plan**

The subject property is designated Residential on Schedule A – Land Use of the Official Plan. The property is not identified on Schedule E – Residential Density and is therefore considered to be designated for low density residential uses (density of less than 25 units per hectare).

Section 4.2.5.7 establishes criteria to be considered when reviewing an application for residential development:

- i) The type of housing form proposed for a site;
- ii) The nature and extent of existing land uses within an area or in proximity to a site to be developed;
- iii) The adequacy of municipal services available to an area or to the site;
- iv) The implications of traffic generation and proposed measures to lessen the impact on the surrounding environment;
- v) The provision of amenities to serve the residents of a development and the adequacy of amenities in the area to serve the residents;

- vi) The proximity of the site to municipal park and recreation areas and school sites in order to serve the residents of the development;
- vii) Adequate standards for parking, buffering, and landscaping in the zoning bylaw; and
- viii) The proximity of the site to, or presence of significant natural / environmental features and how the development is sensitive to these features.

The proposed Phase 2 apartment building will be consistent with the Phase 1 residential development in terms of type, scale, height and architectural detail. All residential buildings on-site will be a maximum of two storeys in height which is consistent with surrounding residential uses and will use existing municipal services that have sufficient capacity. In the context of the development that has already been approved for the site, the Phase 2 apartment building is anticipated to have only a minor impact on traffic generation and therefore no road external road improvements are required.

With respect to amenities and recreation opportunities, the subject lands are located less than 200 metres from a local commercial plaza at the intersection of Brealey Drive and Stenson Boulevard and are located approximately 500 metres from Stenson Park (via Brealey Drive). Additionally, the lands are located within walking distance of Fleming College which contains a nature trail network that is available for community use and are located approximately 1 kilometre from the Peterborough Sport and Wellness Centre and the sport fields at Bowers Park.

Standards for parking, buffering, and landscaping for the Phase 2 building will be consistent with the standards previously approved for Phase 1 and will be subject to site plan approval.

There are no significant natural heritage features on site however there are woodlands and unevaluated wetlands on the Fleming College campus, located west of Brealey Drive. Relative to these features, the Phase 2 site is located within the interior of the subject lands and will be separated from the campus area by Brealey Drive and by driveway and parking areas on-site that have previously been approved. Consequently, the introduction of the proposed Phase 2 apartment building is not anticipated to have an impact on these natural heritage features.

Generally, it is staff's opinion that the proposed development satisfies Section 4.2.5.7 of the Official Plan.

Presently, the Phase 1 development has been approved at a density of approximately 27.5 units per hectare. If Phase 2 is approved, the total residential development would increase to a density of approximately 33.2 units per hectare. In Low Density Residential areas, infill housing that makes use of existing infrastructure and has a form and scale that is compatible with the surrounding area may be allowed permitted up to a maximum

scale permitted under the Medium Density Residential designation (25 to 74.9 units per hectare) in accordance with Section 4.2.2.1.3. In staff's opinion, the proposed Phase 2 building satisfies these criteria.

In accordance with the Planning Act, Section 6.5.4 of the Official Plan, and By-law 90-331, cash-in-lieu of parkland dedication will apply to the proposed 18-unit apartment dwelling.

#### Zoning By-law

To facilitate the proposed use, the Applicants are requesting that the properties be rezoned as follows:

Property	Existing Zoning	Proposed Zoning
540 Brealey Drive	SP.317	<ul> <li>Add new By-law exception to embed variances in the Zoning By-law:</li> <li>minimum lot area per dwelling unit of 360 square metres;</li> <li>parking rate of 1.75 spaces per unit for apartment units (2 per unit for all other dwellings);</li> <li>4.5 m minimum distance between a driveway/parking area and a window of a habitable room in an apartment building;</li> <li>Minimum landscaped open space 49% of lot area;</li> <li>7 m minimum landscaped open space strip along east lot line; and,</li> <li>7 m minimum building setback from east lot line for decks</li> </ul>
Phase 2 - 0.34 ha lot addition to 540 Brealey Drive	SP.118	SP.317 plus proposed exception described above
520 Brealey Drive	SP.118	SP.118 plus exception to remove requirement for a 3m landscaping strip along the south limit of the SP.317 district (area subject to emergency vehicle access easement)

Generally, staff has no objection to the proposed residential zoning but notes that compliance with the zoning regulations to be applied on the Phase 2 lands is dependent on the Phase 2 lands being consolidated with the Phase 1 lands. Accordingly, staff

recommend that a Holding Symbol be placed on the Phase 2 lands to ensure they are consolidated with the Phase 1 lands by way of a lot addition prior to the Zoning By-law coming into effect.

Furthermore, staff notes that by consolidating the Phase 1 and 2 lands, the total lot area per dwelling unit on the resulting property will be approximately 301 square metres instead of the requested 360 square metres. Accordingly, staff recommend that the requested Zoning By-law exemption apply a minimum lot area per dwelling unit of 300 square metres.

Presently, the SP.118 district requires the church property to maintain a 3m wide landscaped open space strip along all lot lines except where interrupted by driveways. As illustrated in Exhibit C, the future conveyance of the Phase 2 lands will remove the church's ability to maintain this strip along the resulting property line due to the presence of an emergency access route. To address this, the Applicants have requested that the requirement for a 3m wide landscaped open space strip be removed along that property line. Staff have no objection to this request and note that the affected area is internal to the site and will not impact the site's transition with adjacent properties.

#### Site Plan Approval

Life at the Brealey Inc. has filed a Site Plan Application (File No.: SPC-945B) for the proposed apartment building which has been circulated to agencies and is currently under review. Site Plan Approval has previously been granted for the Phase 1 lands (File No.: SPC-945) and for the church property (File No.: SPC-961). Re-construction of the church's parking and landscaping areas as detailed in the approved site plan will occur concurrent with the residential construction. In conjunction with the conveyance of the Phase 2 lands from the church property to the Phase 1 lands, the church will be required to amend its approved Site Plan to reflect its reduced lot area. This requirement will be reflected in the Zoning By-law by use of a Holding Symbol.

For the Phase 2 lands, the City is currently reviewing a proposed site plan (see Exhibit C) that will address issues related to the location of parking, driveways, lighting, tree preservation and/or planting, landscaping and buffering, stormwater management and servicing. Any requirement for easements created by the proposed conveyance of the Phase 2 land to Phase 1 will be addressed by the Committee of Adjustment at the severance consent stage.

### **Responses to Notice**

#### **Summary of Agency Responses**

Agency circulation was issued on June 24, 2020.

No external agencies raised objections or concerns with the proposed development.

Peterborough Utilities Commission advised that water development charges have not been paid for proposed apartment buildings but will be collected prior to the issuance of building permits and/or occupancy.

Otonabee Region Conservation Authority provided comments on a functional servicing report submitted in support of the application and noted that their comments can be addressed at the site plan stage.

#### **Summary of Public Responses**

In accordance with Planning Act requirements, a Notice of Complete Application and Public Meeting for the proposed Zoning By-law Amendment was published in the Peterborough Examiner on October 13, 2020 and was mailed to property owners within 120m of the site on October 13, 2020.

Additionally, on September 9, 2020, the Applicant hosted a virtual neighbourhood open house with staff and three members of the public in attendance. Key questions raised at the meeting related to the related to the nature of the future occupants of the site, the amount of parking being proposed, connectivity between the site and Wilfred Drive, and existing issues related to on-street parking in the Wilfred Drive area.

Participants expressed concern that the site's proximity to Fleming College will give rise to the site being occupied primarily by students. They noted that there is a significant concentration of students living in the neighbourhood and that, as a consequence, there is a high demand for parking in the area that results in significant parking along Wilfred Drive in contravention of the City's Parking By-law. Should the site be occupied by students, the participants feared that insufficient parking would be provided on site and that an even greater demand would be created for on-street parking in the Wilfred Drive area. To address this issue, the participants suggested that additional parking is needed on site and that a physical barrier is needed between the site and Wilfred Drive to deter pedestrian movement.

Generally, the City is not able to regulate who lives in a site, only the nature of the land use being proposed. In this case, the residential use being proposed is in keeping previous approvals that have been granted for the site and is, in staff's opinion, compatible with surrounding uses. Between the approved Phase 1 site and the proposed Phase 2 site, a total of 100 parking spaces are proposed (Phase 1: 28 spaces townhomes, 36 spaces for apartment building; Phase 2: 36 spaces) which equals a total of two spaces per dwelling unit throughout. Notwithstanding the minor variance granted for the site in 2017 which reduced the required parking for the apartment buildings to 1.75 spaces per unit, the approved and proposed site plans would provide additional parking beyond the minimum requirement.

With respect to the potential for future site residents parking vehicles on Wilfred Drive, the approved site plan for Phase 1 requires the installation of a privacy fence along the east and north property lines, effectively cutting off pedestrian access to Wilfred Drive. Construction of the fence along the east property line was recently completed in September 2020.

Meeting participants also questioned whether overflow parking would be available at the church should there be a greater demand for residential parking than what is available. Staff is satisfied that the proposed residential development will be able to meet its parking requirements under the Zoning By-law. Should parking demand exceed this requirement, Life at the Brealey Inc. could make private arrangements with Christian Victory Church for overflow parking however the City does not require such arrangements. Under their approved site plan, the church's parking area will be reconfigured concurrent with the residential development to provide 119 parking spaces. This reconfigured parking lot will exceed the church's obligation under the Zoning By-law to provide 110 parking spaces (1 space per 4 square metres of assembly area).

As of the writing of this report, five written public comments have been received. Some comments relate to the current construction activity and the need to control noise, dust and debris on site, while other comments related to the potential for secondary suites to be added into the Phase 1 townhomes and the need to delay municipal approvals until full project drawings can be made available to the public.

Generally, concerns related to noise, dust and debris are addressed through site plan approval rather than through the Zoning By-law. The concern that potential exists for secondary suites to be added on site is unrelated to the proposed Zoning By-law amendment, however, based on the approved site plan for Phase 1, it is staff's opinion that insufficient parking would be available to support secondary suites and therefore building permits would not be available for secondary suites on site.

With respect to the timing of municipal approvals, the comment raised was made while City Hall was closed to the public in response to Covid-19. Since that time, City Hall has been open to the public since August and members of the public have had opportunity to view materials related to this file.

### Summary

Staff recommend approval of the proposed Zoning By-Law amendments with an adjusted provision for minimum lot area per dwelling unit of 300 square metres per dwelling unit.

Staff also recommend the use of a Holding Symbol 'H' to ensure that the Phase 2 lands are consolidated with the Phase 1 lands, that parks levy is collected for the Phase 2 development, and site plan approval is amended for the church property at 520 Brealey Drive.

The proposed addition of a second 18-unit apartment building to the site is in keeping with Provincial and Official Plan policy, represents context-sensitive intensification that capitalizes on existing infrastructure and the proximity of nearby amenities and will maintain the character of the ongoing residential development on site.

Submitted by,

Cynthia Fletcher Commissioner of Infrastructure and Planning Services

#### **Contact Names:**

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

Brad Appleby Supervisor, Development Planning Phone: 705-742-7777, Extension 1886 Toll Free: 1-855-738-3755 Fax: 705-742-5218 E-mail: bappleby@peterborough.ca

Page 12

#### Attachments:

Exhibit A – Land Use Map

Exhibit B – Property Map

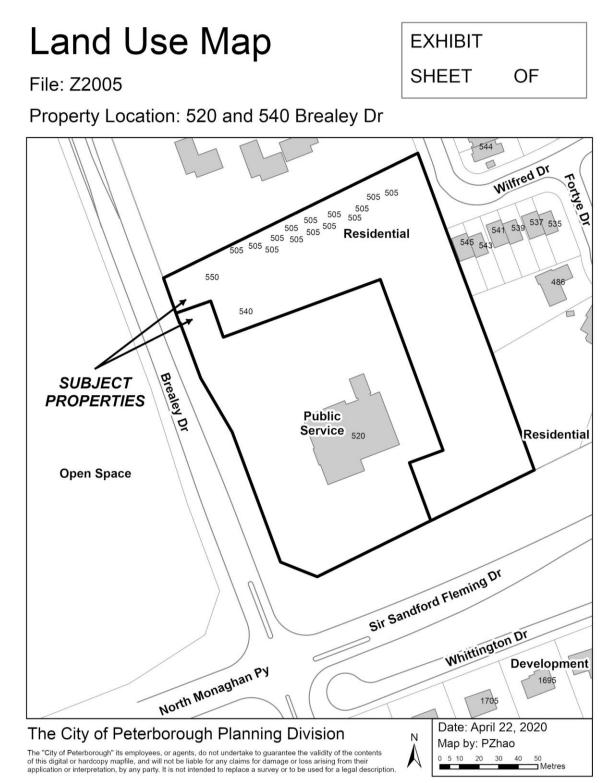
Exhibit C – Proposed Phase 2 Site Plan

Exhibit D – Approved Phase 1 Site Plan

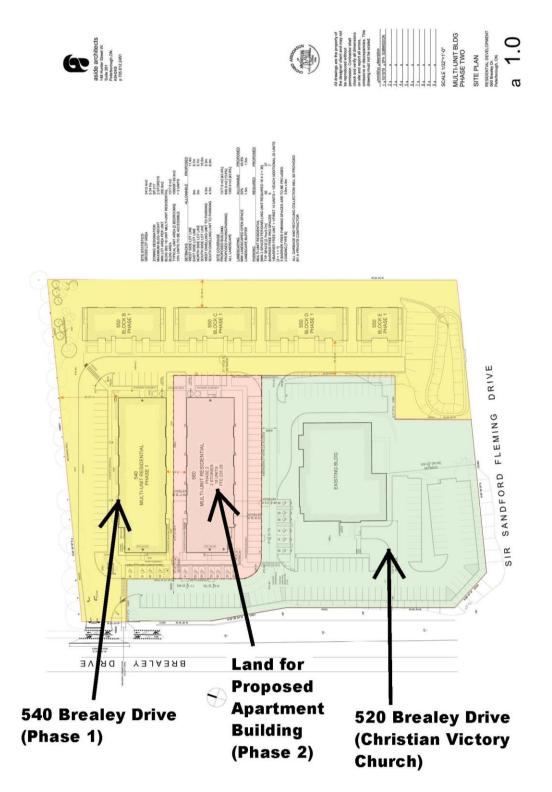
Exhibit E – Draft Zoning By-law

Exhibit F – Notice of Application and Public Meeting

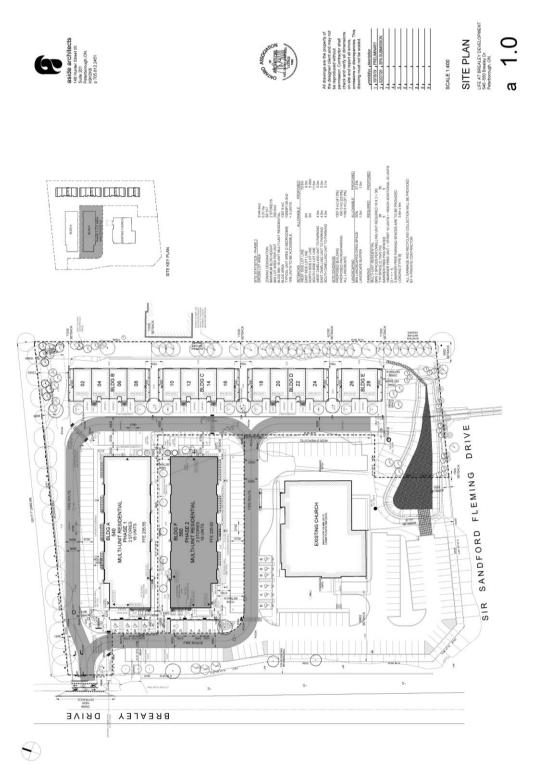
Exhibit A, Page 1 of 1



### Exhibit B, Page 1 of 1



### Exhibit C, Page 1 of 1 Phase 2 Residential Site Plan Under Review



### Exhibit D, Page 1 of 1 Approved Phase 1 Site Plan, 540 Brealey Drive

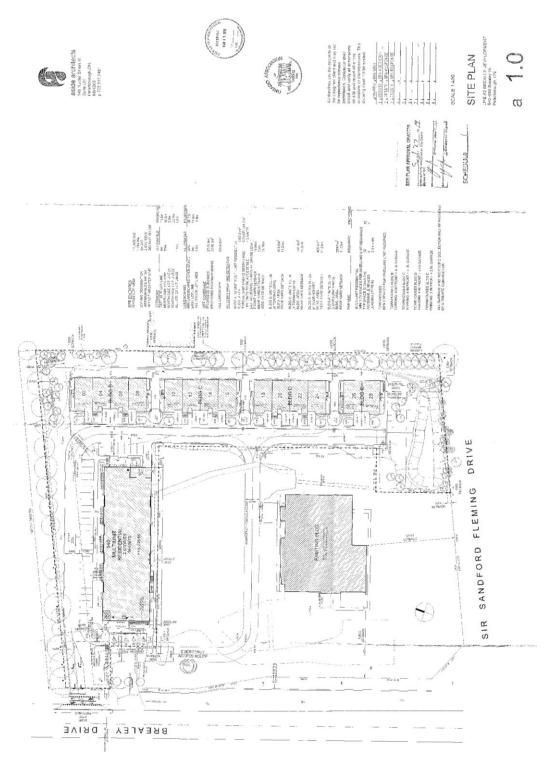


Exhibit E, Page 1 of 3



The Corporation of the City of Peterborough

#### By-Law Number 20-

Being a By-law to Amend the Zoning By-law for the lands known as 520 and 540 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:

".336 Minimum lot area per dwelling unit: 300 square metres.

Minimum landscaped open space: 49%

Minimum width of landscaped open space to be provided and maintained along the east side lot line: 7 metres

Minimum building setback from the east side lot line for a deck structure: 7 metres

Minimum number of motor vehicle parking spaces to be provided and maintained per apartment dwelling unit: 1.75

Notwithstanding the provisions of Section 4.3.2 c), a motor vehicle parking space or driveway shall not be located within 4.5 metres of a window to a habitable room in an apartment dwelling or group dwelling."

- .337 Notwithstanding the provisions of Section 148.3e), no landscaped open space shall be required along a lot line that coincides with an emergency vehicular access easement."
- 2. That Map 20 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

Exhibit E, Page 2 of 3

SP.317 – Residential District to SP.317-336, from SP.118 – Public Service District to SP.317-336-H, and from SP.118 to SP.118-337-H.

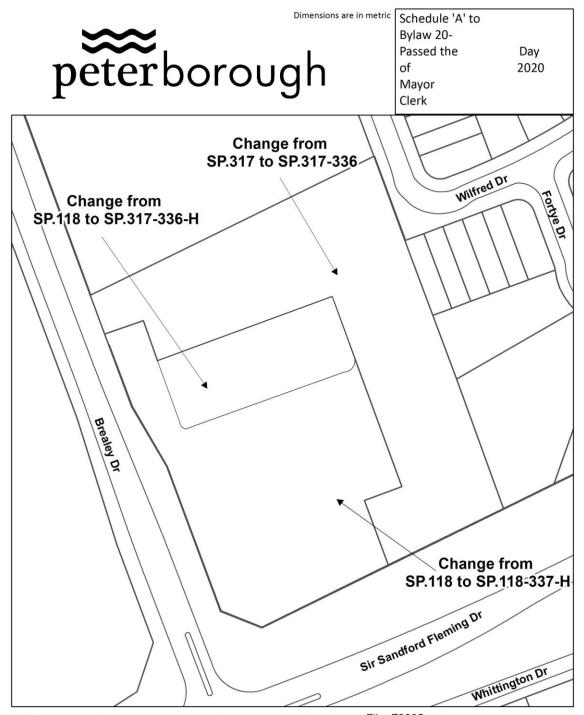
- 3. That the 'H' Holding Symbol be removed from the lands zoned SP.317-336-H at such time as:
  - a. The property has been consolidated with the property at 540 Brealey Drive; and,
  - b. The Owner has paid cash-in-lieu of parkland dedication to the City in accordance with the provisions of the Planning Act, R.S.O 1990 c.P.13 and the City's Parkland Dedication By-law for 18 additional dwelling units.
- 4. That the 'H' Holding Symbol be removed from the lands zoned SP.118-337-H at such time as:
  - a. The lands zoned SP.317-336-H have been consolidated with the property at 540 Brealey Drive; and,
  - b. Approval has been granted to amend the Site Plan for 520 Brealey Drive.

By-law read a first, second and third time this 30th day of November, 2020.

Diane Therrien, Mayor

John Kennedy, City Clerk

Exhibit E, Page 3 of 3



The "City of Peterborough" its employees, or agents, do not undertake to guarantee the validity of the contents of this digital or hardcopy 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. Map by: A. Nichols

#### Exhibit F, Page 1 of 1 - Notice of Application and Public Meeting

