



City of
Peterborough

To: **Members of the General Committee**

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

Meeting Date: **February 1, 2021**

Subject: **Report IPSPL21-003**
Background Report – Official Plan and Zoning By-law
Amendment for 1737 Sherbrooke Street

Purpose

A report to provide background information related to applications to amend the Official Plan and Zoning By-law to facilitate the use of the lands for medium density, multi unit residential development with up to 45 units (41 apartment building and 4 unit row housing) with a maximum building height of 3 storeys and a combination of garage and surface parking facilities.

Recommendation

That Council approve the recommendation outlined in Report IPSPL21-003 dated February 1, 2021, of the Commissioner of Infrastructure and Planning Services, as follows:

That Council receive the report and any comments received from the public regarding the application.

Budget and Financial Implications

There are no direct budget or financial implications arising from the receipt of this report.

Background

The subject property is located on the south side of Sherbrooke Street, east of the intersection of Brealey Drive and Sherbrooke Street. The area is comprised of a mix of residential, commercial and public service uses. The residential uses in the area range from low density single unit and small-scale walk up apartment buildings to higher-density apartment buildings and a retirement residence to the east around the Sherbrooke Street and Denure Drive intersection.

The property is approximately 0.78ha. (1.9ac.) in size and is currently vacant, as the former single detached dwelling has been demolished. The applicant acquired the lands in 2014 and proposes to redevelop the property as Phase 1 of an overall development concept, which would include the two abutting parcels to the east in the future.

Phase 1 of the proposed development includes a 41-unit, 3 storey apartment building and a 4-unit, 3 storey townhouse building. The proposed apartment building is to be supported by surface parking facilities and the row housing units are proposed to be supported by garage and driveway parking facilities.

The existing D.1 – Development Zoning District was assigned to the lands in 1972 via the passage of the 1972 Comprehensive Zoning By-law. Beginning in the mid to late 1970's, the zoning of the lands in the area stretching along both sides of Sherbrooke Street, on either side of Denure Drive, transitioned to permit plans of subdivision and including a local commercial plaza at the south east corner of Denure Drive and Sherbrooke Street, as well as to permit institutional and medium and high density residential development as utility servicing was extended. In 2009 via Official Plan Amendment No. 142, Sherbrooke Street and Brealey Drive were recognized in the City's Schedule A-1 (City Structure) as 'transportation corridors', intended to accommodate major roads, arterial roads, highways, rail lines/railway and transit right of way for moving goods and people and will be protected to meet current and projected needs for various travel modes, in accordance with the 2006 Provincial Growth Plan.

The application was accompanied by a Functional Servicing Review, Traffic Impact Study, Servicing Plans, a Planning Justification Report and Conceptual Site Plan, Landscape Plan and Concept Elevations. Further to the circulation of the application with the accompanying documents, the applicant also provided a Noise Study and a Stage 1 and 2 Archaeological Assessment. Additional meetings with Planning Staff to address comments received from the agency circulation resulted in the changes to the concept site plan and refinement of the application.

A Public Open House was hosted by the applicants on August 19, 2019 at Mapleridge Recreation Centre, providing an overview of the original proposal with concept renderings and the concept site plan. Approximately 25 people attended the Open House and the applicant responded to questions of those in attendance.

Concerns were expressed by those in attendance regarding the proposed built form and massing/height not being compatible with the single detached dwellings in the area. There were questions about the future development potential of the abutting lands to the east, intended to be developed in future phases and implications on traffic in the area, particularly at the intersection of Brealey Drive and Sherbrooke Street when school morning traffic occurs. Concern was expressed by several people who reside on Sunnylea Street regarding the possibility of increased traffic with the potential build-out of future development phases. There were questions regarding the proposed stormwater management and site services to support the development along Sherbrooke Street. There was also concern expressed regarding protection of the existing sugar maple tree on the abutting property to the west with proximity to the property line and questioned why the trees were removed from the property before development approval. Buffering and landscaping questions were also posed as well as questions regarding the land use/development approval process.

The applicant has worked with Planning Staff to maximize the building setbacks proposed along the west and north lot lines. This increased setback is intended to address concerns regarding the protection of the existing sugar maple on the adjacent lands and to provide adequate buffering from the adjacent development. In addition, the applicant agreed to lower the request for the height of the proposed townhouse units from 4 to 3 storeys with a pitched roof to compliment the proposed design of the apartment building.

As a result of the modifications to the concept site plan, the applicant submitted a revised plan and elevations to address the issues raised via the consultation process.

Servicing for the proposed development is ultimately proposed to be extended from Denure Drive along Sherbrooke Street. In the interim, the applicants propose to extend servicing along the Sherbrooke Street right of way, via a connection along the existing City-owned walkway connecting the westerly extent of Sunnylea Street to Sherbrooke Street. Discussion about the details regarding the placement of the servicing within the ultimate design of the proposed reconstruction of Sherbrooke Street require further discussion and review with City Staff.

Appeal

On October 23, 2020, the developer appealed the applications to the Ontario Land Tribunals - Local Planning Appeal Tribunal (LPAT) on the basis that Council had not rendered a decision within the prescribed time lines established in the **Planning Act**, and are awaiting a Hearing Date(s). The application had not previously been presented to Council as staff were continuing to work with the Developer on the proposed servicing.

The LPAT is an independent administrative body responsible for hearing appeals on a variety of municipal matters. The LPAT hears cases in relation to a range of land use matters, heritage conservation and municipal governance. Once an appeal is filed with the LPAT, decisions related to the Planning application rest with the LPAT.

The application is being presented at this time to provide Council with details of the proposed development and allow Council to hear the comments from the public regarding these proposed amendments. Presenting the report allows for explanation regarding a perceived delay in processing the application. The City has not been able to properly complete the review process awaiting information, rather than a hold up of the application.

When appeals are filed with the LPAT due to a non-decision of Council, there is a lack of awareness of a development application and communication between staff, Council and the public. Applications do not run the regular course of being considered, which includes a statutory public meeting under the Planning Act where the application is presented to all of Council and the public for a decision to be made by Council.

Recommendations from staff on the merits of the application have not been included in the report for two reasons.

- 1) Staff are awaiting additional information related to servicing plans which need to be considered as part of the analysis.
- 2) Council is not able to render a decision on the merits of the application, because the applicant has filed an appeal with the LPAT. Unless LPAT refers the matter back to the City, Council is relieved of their role to render a decision regarding the appealed applications.

Staff will not seek party or participant status for the City in the appeal. Staff will remain available to respond to questions by or on behalf of LPAT. If the file is referred back to the City, staff will provide Council with supplementary report with recommendations for Council to consider.

Notice has been provided to the public to assist in understanding the applications and to provide an opportunity to receive updated background information regarding the proposals and the appeals

The Notice provided to the public, provides direction for their participation in the appeal process as follows:

“You may wish to take a look at the provincial website guide to the Local Planning Appeal Tribunal at the following link. It will give you additional information regarding the process and how to request party status, should you be interested in getting involved with the Hearing.

<https://www.ontario.ca/document/citizens-guide-land-use-planning/local-planning-appeal-tribunal>

The following link to the LPAT website, provides further information regarding appeals:

https://olt.gov.on.ca/wp-content/uploads/2019/09/2019_08_28-LPAT-Guide-A.pdf “

Applications

a) Proposed Official Plan Amendment

The lands are designated ‘Residential’ on Schedule ‘A’ –Land Use and located within the Built Boundary and situated along the Transportation Corridor along Sherbrooke Street on Schedule A-1 – City Structure. The application proposes to amend Schedule ‘E’ – Residential Density to apply the Medium-Density Residential designation to the subject lands.

The Residential policies of the Official Plan “encourage residential intensification to increase the supply of housing through better use of existing resources, buildings and under-utilized sites” as noted in Section 4.2.1.2 of the Official Plan (Residential Objectives).

The proposed redevelopment of the lands contemplates a density of approximately 59 units per hectare (24 unit per acre), which falls under the Medium Density designation.

A Noise Impact Study was submitted with the application to assess potential noise from Sherbrooke Street and Brealey Drive, as well as stationary noise sources in accordance with Provincial Guidelines. Based on the results of the assessment, Acoustic Engineering Ltd. recommends mitigative measures for road noise include appropriate setbacks for the row housing and air conditioning to allow windows and exterior doors to remain closed,

ensuring the sound level limits are met at the north end of the site along Sherbrooke Street. In addition, it is recommended that noise warning clauses, which is a typical measure used to make residents aware of potential noise sources, be introduced to any purchase/lease arrangements.

The application was also accompanied by a Functional Servicing Review, Traffic Impact Study, Servicing Plans, a Planning Justification Report, Conceptual Site Plan, Landscape Plan and Concept Elevations and a Stage 1 and 2 Archaeological Assessment.

Development applications, including Official Plan and Zoning By-law Amendment applications must address the provisions of Section 4.2.5.6 and 4.2.5.7 of the Official Plan which includes the requirement for a concept site plan and building perspective, with sufficient details related to the massing and conceptual design and relationship to the streets and surrounding neighbourhood. The adequacy of municipal servicing, implications of traffic generation, provision of amenities, proximity to schools, parks and recreation areas, adequate buffering, parking and landscaping, and proximity or presence of significant natural/environmental features should all be considered in the evaluation of the proposed amendment.

Proposed Zoning By-law Amendment

The property is currently zoned D.1 – Development District, restricting the land use the established use (vacant). The proposed use of the lands to permit up to 45 residential units, 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 being requested as follows:

Regulation	Proposed
Minimum lot area per dwelling unit	170 m ²
Minimum building setback from side lot line:	Apartment Building: Main building 7.7m, Balconies 6.0m from the westerly lot line; 10m or 3m per storey from the easterly lot line, whichever is greater Townhouse: Main building 2.4m from the westerly lot line; 10 m or 3 m per storey from the easterly lot line, whichever is greater
Minimum building setback from rear lot line	15 m or 5 m per storey, whichever is greater
Maximum number of storeys	3
Maximum Lot Coverage (% of lot area) by open parking, driveways and vehicle movement areas	37%
Minimum Landscaped Area (% of lot area)	35%
Minimum distance between parking, driveway and vehicle movement areas and windows to habitable rooms	5 m
Minimum motor vehicle parking spaces provided on site	1.75 spaces per dwelling unit

The applicant proposes to amend the Official Plan and Zoning of the subject lands to facilitate the use of the lands for a medium density, multi-unit residential development, supporting a maximum of 45 units (41 unit apartment building and 4 unit row housing) with a maximum height of 3 storeys. It is intended that the apartment building be supported by surface parking facilities with a total of 72 spaces and the row housing units be supported by garage and driveway parking facilities with 8 spaces provided (2

per unit). The subject lands comprise Phase 1 of an overall development concept which will include the two abutting parcels to the east in the future.

b) Site Plan Approval

Subsequent to any Official Plan and 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 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.

Notice

Agency circulation was originally issued on July 31, 2019 and circulation of the revised submission was issued on January 13, 2020.

Public Responses:

The applicants held an Open House related to the proposed amendments on August 19, 2019. Approximately 25 people attended the Open House in addition to the applicants' consulting Planner, City Planning Staff and Ward Councillors. Comments and questions were largely related to building massing and future phases of the development, including connection to Sunnylea Street.

Summary

The application for an Official Plan and Zoning By-law Amendment for 1737 Sherbrooke Street had not been presented to Council, as staff were seeking additional utility servicing information from the developer. On October 23, 2020, the applicants appealed the applications to the Ontario Land Tribunals - Local Planning Appeal Tribunal (LPAT) on the basis that Council had not rendered a decision within the prescribed timelines established in the **Planning Act**. The application is presented at this time to allow Council to hear the comments from the public regarding these proposed amendments and to provide staff with direction on communication with the LPAT.

Submitted by,

Cynthia Fletcher
Commissioner of Infrastructure and Planning Services

Contact Names:

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

Caroline Kimble
Land Use Planner
Phone: 705-742-7777, Extension 1735
Toll Free: 1-855-738-3755
Fax: 705-742-5218
E-mail: ckimble@peterborough.ca

Attachments:

Exhibit A – Land Use Map
Exhibit B – Revised Concept Site Plan
Exhibit C – Concept Elevations

Land Use Map

EXHIBIT
SHEET OF

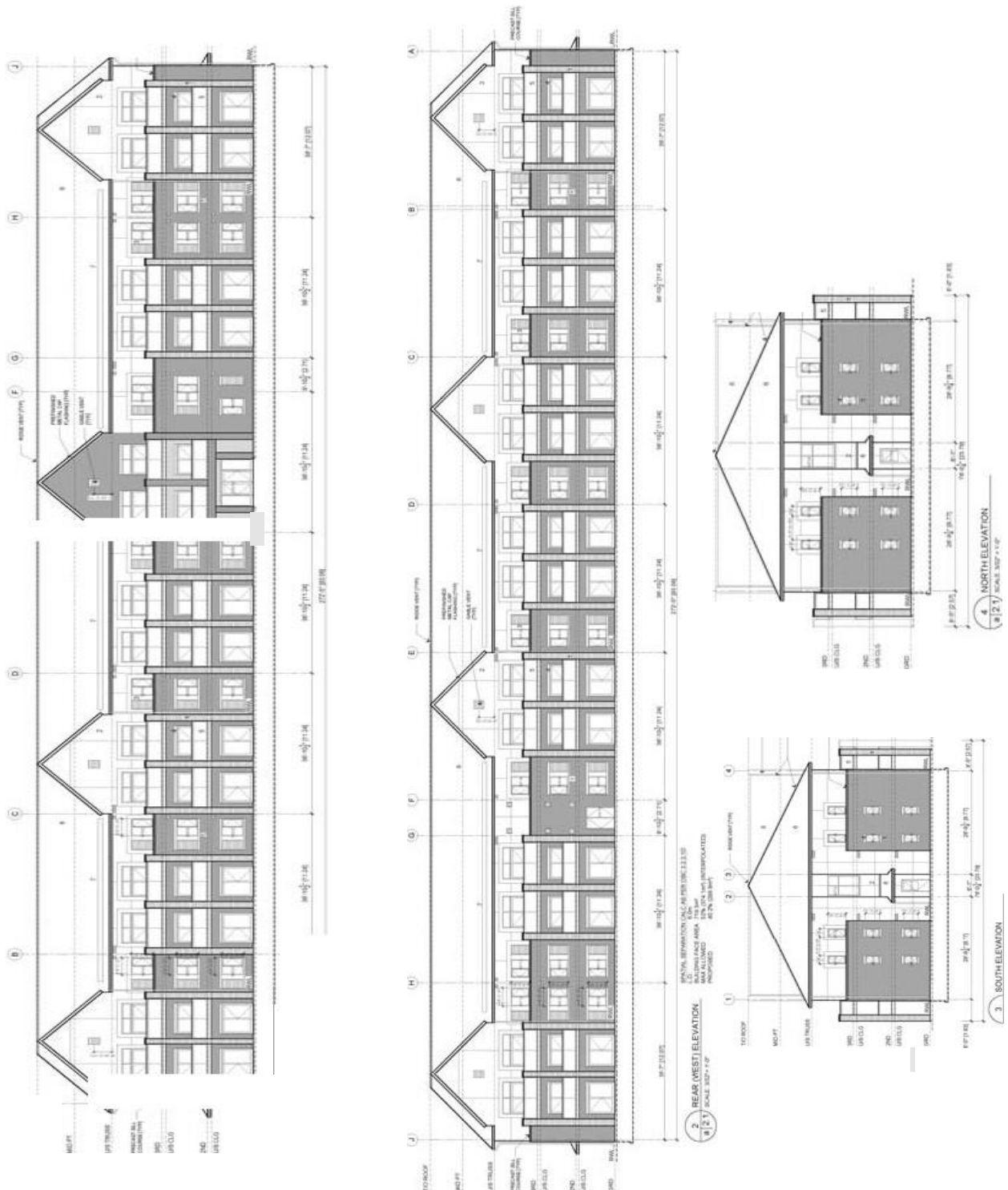
The map displays a residential area with several streets: Sherbrooke St, Sunnylea St, Breakey Dr, Hewitt Dr, Lynhaven Rd, and Denure Dr. A large rectangular area is outlined in black and labeled **SUBJECT PROPERTY** with an arrow pointing to it. This area is situated between Breakey Dr and Hewitt Dr, and between Sherbrooke St and Sunnylea St. The surrounding areas are labeled with various property types: **Open Space**, **Residential**, **Development**, **Public Service**, and **Commercial**. Numerous lot numbers are visible throughout the map, including 1252, 1244, 1738, 1730, 1718, 1710, 1702, 1696, 1684, 1676, 1666, 2008, 2405, 2401, 2310, 2324, 2320, 2332, 2328, 2344, 2340, 2336, 2334, 2360, 2356, 2352, 2348, 2364, 1711, 2361, 2364, 2337, 2333, 2329, 2325, 2, 6, 10, 12, 15, 17, 2241, 2247, 2251, 2255, 2259, 2263, 826, 836, 840, 844, 816, 808, 796, 778, 788, 768, 781, 787, 793, 799, 809, 815, 821, 829, 837, 841, 2233, 2229, 221, 1166, 1175, 1211, 1757, 1737, 1725, 1718, 1710, 1696, 1684, 1676, 1666, 2008, 2405, 2401, 2310, 2324, 2320, 2332, 2328, 2344, 2340, 2336, 2334, 2360, 2356, 2352, 2348, 2364, 1711, 2361, 2364, 2337, 2333, 2329, 2325, 2, 6, 10, 12, 15, 17, 2241, 2247, 2251, 2255, 2259, 2263, 826, 836, 840, 844, 816, 808, 796, 778, 788, 768, 781, 787, 793, 799, 809, 815, 821, 829, 837, 841, 2233, 2229, 221, 1166, 1175, 1211, 1757, 1737, 1725, 1718, 1710, 1696, 1684, 1676, 1666, 2008, 2405, 2401, 2310, 2324, 2320, 2332, 2328, 2344, 2340, 2336, 2334, 2360, 2356, 2352, 2348, 2364, 1711, 2361, 2364, 2337, 2333, 2329, 2325, 2, 6, 10, 12, 15, 17, 2241, 2247, 2251, 2255, 2259, 2263, 826, 836, 840, 844, 816, 808, 796, 778, 788, 768, 781, 787, 793, 799, 809, 815, 821, 829, 837, 841, 2233, 2229, 221, 1166, 1175, 1211, 1757, 1737, 1725, 1718, 1710, 1696, 1684, 1676, 1666, 2008, 2405, 2401, 2310, 2324, 2320, 2332, 2328, 2344, 2340, 2336, 2334, 2360, 2356, 2352, 2348, 2364, 1711, 2361, 2364, 2337, 2333, 2329, 2325, 2, 6, 10, 12, 15, 17, 2241, 2247, 2251, 2255, 2259, 2263, 826, 836, 840, 844, 816, 808, 796, 778, 788, 768, 781, 787, 793, 799, 809, 815, 821, 829, 837, 841, 2233, 2229, 221, 1166, 1175, 1211, 1757, 1737, 1725, 1718, 1710, 1696, 1684, 1676, 1666, 2008, 2405, 2401, 2310, 2324, 2320, 2332, 2328, 2344, 2340, 2336, 2334, 2360, 2356, 2352, 2348, 2364, 1711, 2361, 2364, 2337, 2333, 2329, 2325, 2, 6, 10, 12, 15, 17, 2241, 2247, 2251, 2255, 2259, 2263, 826, 836, 840, 844, 816, 808, 796, 778, 788, 768, 781, 787, 793, 799, 809, 815, 821, 829, 837, 841, 2233, 2229, 221, 1166, 1175, 1211, 1757, 1737, 1725, 1718, 1710, 1696, 1684, 1676, 1666, 2008, 2405, 2401, 2310, 2324, 2320, 2332, 2328, 2344, 2340, 2336, 2334, 2360, 2356, 2352, 2348, 2364, 1711, 2361, 2364, 2337, 2333, 2329, 2325, 2, 6, 10, 12, 15, 17, 2241, 2247, 2251, 2255, 2259, 2263, 826, 836, 840, 844, 816, 808, 796, 778, 788, 768, 781, 787, 793, 799, 809, 815, 821, 829, 837, 841, 2233, 2229, 221, 1166, 1175, 1211, 1757, 1737, 1725, 1718, 1710, 1696, 1684, 1676, 1666, 2008, 2405, 2401, 2310, 2324, 2320, 2332, 2328, 2344, 2340, 2336, 2334, 2360, 2356, 2352, 2348, 2364, 1711, 2361, 2364, 2337, 2333, 2329, 2325, 2, 6, 10, 12, 15, 17, 2241, 2247, 2251, 2255, 2259, 2263, 826, 836, 840, 844, 816, 808, 796, 778, 788, 768, 781, 787, 793, 799, 809, 815, 821, 829, 837, 841, 2233, 2229, 221, 1166, 1175, 1211, 1757, 1737, 1725, 1718, 1710, 1696, 1684, 1676, 1666, 2008, 2405, 2401, 2310, 2324, 2320, 2332, 2328, 2344, 2340, 2336, 2334, 2360, 2356, 2352, 2348, 2364, 1711, 2361, 2364, 2337, 2333, 2329, 2325, 2, 6, 10, 12, 15, 17, 2241, 2247, 2251, 2255, 2259, 2263, 826, 836, 840, 844, 816, 808, 796, 778, 788, 768, 781, 787, 793, 799, 809, 815, 821, 829, 837, 841, 2233, 2229, 221, 1166, 1175, 1211, 1757, 1737, 1725, 1718, 1710, 1696, 1684, 1676, 1666, 2008, 2405, 2401, 2310, 2324, 2320, 2332, 2328, 2344, 2340, 2336, 2334, 2360, 2356, 2352, 2348, 2364, 1711, 2361, 2364, 2337, 2333, 2329, 2325, 2, 6, 10, 12, 15, 17, 2241, 2247, 2251, 2255, 2259, 2263, 826, 836, 840, 844, 816, 808, 796, 778, 788, 768, 781, 787, 793, 799, 809, 815, 821, 829, 837, 841, 2233, 2229, 221, 1166, 1175, 1211, 1757, 1737, 1725, 1718, 1710, 1696, 1684, 1676, 1666, 2008, 2405, 2401, 2310, 2324, 2320, 2332, 2328, 2344, 2340, 2336, 2334, 2360, 2356, 2352, 2348, 2364, 1711, 2361, 2364, 2337, 2333, 2329, 2325, 2, 6, 10, 12, 15, 17, 2241, 2247, 2251, 2255, 2259, 2263, 826, 836, 840, 844, 816, 808, 796, 778, 788, 768, 781, 787, 793, 799, 809, 815,

Date: July 29, 2019
Map by: PZhao

0 5 10 20 30 40 50
Metres

[illegible]

Proposed Apartment Building



Proposed Townhouses



All drawings are the property of the designer/client and may not be reproduced without permission. Contractor shall check and verify all dimensions on site and report all errors, omissions or discrepancies. This drawing must not be scaled.

Accession	Strain
1	021110 PREVIOUS
2	020710 PREVIOUS
3	021110 PREVIOUS
4	040310 PREVIOUS
5	
6	
7	
8	
9	

Exhibit C, Concept Elevations, Page 3 of 3

Proposed Townhouses

