

Peterborough

То:	Members of the General Committee
From:	Cynthia Fletcher Commissioner of Infrastructure and Planning Services
Meeting Date:	June 7, 2021
Subject:	Report IPSPL21-020 Zoning By-law Amendment No. Z2106 2077 and Part of 2011 Ashburnham Drive

Purpose

A report to evaluate the planning merits of a Zoning By-law Amendment for the properties at 2077 and part of 2011 Ashburnham Drive (known together as Johnson Park) to facilitate the construction of a new Canadian Canoe Museum.

Recommendations

That Council approve the recommendations outlined in Report IPSPL21-020 dated June 7, 2021, 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 No. 342 in accordance with Exhibit D of Report IPSPL21-020; and
- b) That the subject properties be rezoned from OS.3 Open Space District to OS.3, PS.1-342-F-H Public Service District in accordance with Exhibit D of Report IPSPL21-020.

Budget and Financial Implications

Approval of the recommendations outlined in Report IPSPL21-020 will enable the City to complete the sale of Johnson Park to the Canadian Canoe Museum. Proceeds from the sale will be directed to the City's General Property Reserve.

Background

A re-zoning of Johnson Park to facilitate the construction of a new Canadian Canoe Museum (CCM). Upon completion of the required Zoning By-law Amendment, the City will sell the property the CCM to enable them to complete site plan approval and commence site preparation by October of 2021. Construction of a new CCM facility at Johnson Park will allow the CCM to relocate from their existing facility on Monaghan Road to a new location alongside the Trent-Severn Waterway that is more suited for the museum's function and programming needs.

Johnson Park is located along the east shore of Little Lake and the north bank of North Meade Creek (also known as Whitlaw Creek). The park is approximately 2.14 ha in area and has approximately 145m of frontage along the west side of Ashburnham Drive, directly across from Eastgate Memorial Park. The property is partially tree-covered, is partially subject to flood plain conditions, and is traversed by the Trans Canada Trail along the Little Lake shoreline. The property is bound by the Parks Canada's Trent-Severn Waterway office to the north, Ashburnham Drive to the east, North Meade Creek and Beavermead Park to the south, and Little Lake to the west.

The current site plan concept (see Exhibit B) for the CCM anticipates a two-storey facility with a total floor area of approximately 5900 square metres and of which approximately 2000 square metres will be used for public assembly consisting of a 1571 square metre gallery for exhibitions, a 245 square metre multi-purpose room, and a 184 square metre café ancillary to the museum uses. Additionally, the concept site plan depicts a boardwalk from the museum facility to a small boat house (approximately 140 square metres) with a deck and floating dock at the southwest corner of the site, on the bank of North Meade Creek. The preliminary site plan concept illustrates a total of 18 vehicle parking spaces at the subject (including 8 accessible spaces) site.

Currently, the site is zoned Open Space District 3 (OS.3). To facilitate the proposed museum facility, staff is proposing to add the Public Service District 1 (PS.1) district to the property with a "F" symbol to acknowledge that the property is subject to flooding Additionally, a site-specific Zoning By-law exception is proposed to establish regulations related to building setbacks, minimum landscaped open space and parking.

Development of the museum facility will require Site Plan Approval prior to construction.

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):

- "a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of ... institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- e) promoting the integration of land use planning, growth management, transitsupportive development, intensification and infrastructure planning to achieve costeffective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs; and
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society".

The subject lands are located within the existing built-up portion of the city. The proposed Canadian Canoe Museum facility will take advantage of readily available municipal water and waste water services, active transportation routes both though the site and along Ashburnham Drive, and transit services nearby on Ashburnham Drive. Through careful site planning, building design, erosion and sediment control, stormwater management and other mitigative and rehabilitation measures, the development will ensure protection of adjacent natural heritage features and water quality in North Meade Creek and Little Lake, and protection against flooding impacts on the new facility. The facility will be designed in accordance with standards established under the Accessibility for Ontarians with Disabilities Act (AODA) to ensure accessibility for persons with disabilities and older persons.

Section 1.3.1 of the PPS requires municipalities to promote economic development and competitiveness by (among other things):

- "a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
- c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment."

Additionally, Section 1.7.1 of the PPS notes that long-term economic prosperity should be supported by:

- "a) promoting opportunities for economic development and community investmentreadiness;
- d) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes; and,
- h) providing opportunities for sustainable tourism development."

Re-zoning Johnson Park to support a new Canadian Canoe Museum will facilitate economic development and support sustainable tourism development. A new Canadian Canoe Museum will not only celebrate the rich history of the canoe in Canada, but it will also generate synergy with nearby water-based tourism facilities including the Peterborough Lift Lock and Trent-Severn Waterway National Historic Site and Beavermead Park and campground. As illustrated conceptually in Exhibit C, the new Canadian Canoe Museum will be designed as a landmark of national significance.

The PPS generally prohibits development and site alteration within or adjacent to significant wetlands, significant woodlands, significant wildlife habitat, fish habitat, or habitat of endangered and threatened species. To support the proposed development, the Canadian Canoe Museum submitted an Environmental Impact Study (EIS) prepared by Cambium Inc. The study confirmed that there are no wetlands on site, that the vegetation communities on site are common provincially and locally, and that the woodland on site is not significant and is dominated by ash trees and non-native species.

The study does note that potential impacts to the warmwater fish habitat within North Meade Creek and Little Lake can be avoided and mitigated by implementing a series or recommendations including a 15-metre development setback, erosion and sediment controls, and riparian buffer enhancements. Additionally, the study identifies limited potential habitat for Eastern Wood-pewee and Wood Thrush, two bird species of special concern, on or adjacent to the site. Additionally, potential Snapping Turtle (another species of special concern) habitat exists in and along the North Meade Creek and Little Lake. Recommended measures to protect against direct impacts to these species include avoiding vegetation clearing during the peak bird nesting season (April 15 to August 15), regular bird nest screening, wildlife exclusion fencing, and daily inspections for turtles.

The Otonabee Region Conservation Authority (ORCA) has reviewed the EIS on the City's behalf and has advised that the proposed development is consistent with PPS policies provided the study recommendations are implemented. Implementation of the EIS recommendations will be secured at the site plan stage.

Section 2.6.2 of the PPS prohibits development and site alteration on lands containing archaeological resources or areas of archaeological potential unless those resources have been conserved. To date, the Canadian Canoe Museum has completed a Stage 1 archaeological assessment of the property and is currently in the process of completing a Stage 2 assessment. To ensure that all archaeological concerns are addressed prior to the start of development on the site, staff recommend applying a holding symbol "H" to the site that will be removed upon demonstration that any archaeological concerns have been satisfactorily addressed.

Section 3.1 of the PPS states that development will generally be directed to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards. As part of the proposed Zoning By-law amendment, the Canadian Canoe Museum submitted a balanced Cut and Fill and Stormwater Management Plan to ORCA for review. As the Provincially-delegated authority to represent provincial interests regarding natural hazards identified in Section 3.1 of the PPS, ORCA advised that, in their opinion, the application is consistent with Section 3.1 of the PPS. Specifically, the proposed building will be outside the elevation of flooding and that safe ingress/ egress to the site has been demonstrated.

In staff's opinion, the proposed Zoning By-law amendment is consistent with the policies of the PPS.

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;

- expands convenient access to public service facilities and publicly accessible open spaces, parks, trails and other recreational facilities; and
- provide for a more compact built form and a vibrant public realm, including public open spaces.

The proposed Canadian Canoe Museum represents balanced intensification that will be well served by active transportation options including the Trans-Canada Trail, on-road cycling lanes on Ashburnham Drive, and a multi-use path along the west side of Ashburnham Drive. Regular transit service is available on Ashburnham Drive at Maria Street (approximately 260 metres north) and at Marsdale Drive (approximately 100 metres south). The facility will fit seamlessly into the surrounding park and open space network by completing post-construction planting and landscaping and by facilitating continued public access to and through the site. The proposed museum facility will include indoor and outdoor gathering spaces and will have a vibrant interaction with the waterfront and trail area.

Additionally, the Growth Plan seeks to ensure protection of water resource systems and natural heritage features and systems. Through careful implementation of the EIS recommendations, stormwater management, and post-construction plantings and landscaping, staff is satisfied that adjacent water resources and natural heritage features will be protected.

In staff's opinion, the proposed development is in conformity with the Growth Plan.

Official Plan

Johnson Park is designated Major Open Space on Schedule A – Land Use of the Official Plan. The shorelines of Little Lake and North Meade Creek are identified as Natural Areas and Corridors as well as Lands adjacent to Fish Habitat on Schedule C – Natural Areas and Flood Plains. Generally, the purpose of the Major Open Space designation is to establish a connected system of open space which could include parks, recreation facilities, golf courses, cemeteries, flood plains and natural areas on both public and privately owned land.

Johnson Park is connected to Beavermead Park and Rogers Cove Park by the Trans Canada Trail. Together, these parks and the Little Lake Cemetery comprise a continuous system of open space along the north, east and south sides of Little Lake. The proposed Canadian Canoe Museum will integrate with this system by maintaining the Trans Canada Trail, by establishing the museum and parking facilities alongside Ashburnham Drive – away from the waterfront and the trail, and by undertaking extensive on-site planting, landscaping and shoreline restoration. In accordance Section 4.5.2.8, staff will work co-operatively with the Canadian Canoe Museum through the site plan approval process to ensure the development complements the character of the open space system. The Canadian Canoe Museum is a major cultural and tourism facility. Typically, the Official Plan would encourage such uses to locate in the Central Area. However, in accordance with Section 3.1.1 of the Official Plan, the Canadian Canoe Museum is a quasi-institutional use that serves not only Peterborough, but the entire country by celebrating the rich cultural history of the canoe. The proposed museum, by its content and programming, is appropriate to locate in the Major Open Space designation at a location with direct access to water. Johnson Park not only fulfills this criterion, but also serves to create a larger, water-based tourism district along the east side of Little Lake and the Trent-Severn Waterway. Establishing the Canadian Canoe Museum at Johnson Park serves to both recognize the unique potential of this waterfront location and to strengthen Peterborough's role as a regional service centre in accordance with Sections 4.5.2.7 and 2.1.8 of the Official Plan.

The Natural Areas and Corridors and Lands Adjacent to Fish Habitat designations on Schedule C of the Official Plan are intended to identify ecological features worthy of preservation. At Johnson Park, these designations apply to the shoreline areas and the fish habitat within Little Lake and North Meade Creek. Based on the EIS prepared for the site, staff is satisfied that the proposed development will not adversely affect these sensitive features provided the recommendations of the EIS are implemented. As part of the forthcoming site plan application, the Canadian Canoe Museum will be required to implement the recommendations of the EIS.

Section 3.4.3 of the Official Plan states that flood plains are regarded as hazardous lands and that development and site alteration may only be permitted where it is demonstrated that it can be carried out to the satisfaction of the Conservation Authority. As previously noted, ORCA has advised that a balanced cut/fill can be achieved on site as well as safe access to and egress from the site. Accordingly, staff is satisfied that proposed development is appropriate at this location.

Section 5.4.2 of the Official Plan addresses the need to acquire land as part of development approvals to implement expected road allowance widths. Presently, Ashburnham Drive has a width of 24.82m across the frontage of Johnson Park and is designated as a 30-metre road allowance in the Official Plan. Accordingly, the City will retain a 5.18 metre road widening along the Ashburnham Drive frontage of the property.

Section 6.5.4 of the Official Plan would typically require 5% of the land under development to be conveyed to the City for parkland purposes. In accordance with Paragraph 4(a) of By-law 90-331, being the City's parkland and cash-in-lieu of parkland dedication by-law, parkland dedication is not required for this development.

Overall, staff is satisfied that the proposed development conforms to the Official Plan and helps to achieve the goals and objectives of the plan.

Zoning By-law

Johnson Park is currently zoned Open Space District 3 (OS.3). To facilitate the proposed museum facility, staff is proposing to add the Public Service District 1 (PS.1) district to the property with a "F" symbol to indicate that the property is subject to flooding. The proposed dual zoning of OS.3 and PS.1 is consistent with the adjacent property to the north.

Additionally, a new site-specific Zoning By-law exception, Exception No. 342 is proposed to:

- establish a minimum building setback of 3m from the northerly side lot line;
- reduce the minimum width of landscape open space required along the Ashburnham Drive streetline from 3m to 0m to accommodate the proposed parking area;
- exempt any accessory boat house and deck thereto from Sections 22A.2c) and e) of the Zoning By-law (minimum building setback from a side or rear lot line and minimum landscaped open space along lot lines) subject to site plan approval;
- reduce the minimum parking rate from 1 space per staff and 1 space per 4 square metres of assembly area to 1 space per staff, and 1 space per 15 square metres of assembly area (excluding any café floor area); and
- recognize 18 parking spaces to be provide on site and the remaining parking to be provided at nearby City facilities within 300m of the site (i.e. Eastgate Memorial Park, Beavermead Park, 235 Maria Street).

Given the extent of flood plain on the property, the available development envelope for the museum facility and parking area is very limited. Accordingly, staff feel it is appropriate to reduce the setback for the museum facility from the northerly lot line as well as the setback from the parking area to the streetline. Presently, an asphalt parking lot is developed on the adjacent property to the north, approximately 6.5 metres from the mutual property line. Along the Ashburnham Drive property frontage, the City will be retaining 5.18 metres to widen the road allowance to 30 metres. Therefore, under present conditions, once the museum parking area is built, a separation of approximately 5 metres will exist between the parking area and the Ashburnham Drive multi-use pathway.

With respect to the proposed boat house and dock, staff recommend that the final location of these features be determined at the Site Plan stage rather than be directed by setback requirements in the Zoning By-law. Due to their nature, these features need to be located adjacent to or near the property boundary that is the shoreline of Little Lake or North Meade Creek. Site plan approval, in combination with the necessary ORCA permit

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review process, will allow for a detailed review of the boat house and dock location considering recommendations in the EIS specific to these facilities.

Currently, museums are required to provide on-site parking at a rate of 1 space per staff and 1 space for every 4 metres of assembly area. As part of the proposed Zoning By-law amendment application, a parking study was prepared by Lea Consulting which assessed the museum's anticipated parking demand and concluded that the museum's parking need will be significantly less than what the Zoning By-law would currently require. Staff concurs with this conclusion and therefore recommends that parking be required at a rate of 1 space per staff member and 1 space for every 15 square metres of assembly area, excluding any accessory uses.

The conceptual site plan in Exhibit B illustrates one loading space and 18 parking spots on site, including 8 accessible spaces. In recognition of the site's limited ability to accommodate parking, staff recommend that relief be granted from Section 4.10 of the Zoning By-law which requires all motor vehicle parking to be located on the same lot as the museum facility. To address the remaining parking requirement, staff propose that the By-law include a provision to acknowledge that additional required parking may be accommodated off-site, within 300 metres of the site.

Presently, the City operates approximately 592 parking spaces in the immediate area at Eastgate Memorial Park (directly across Ashburnham Drive), Beavermead Park (immediately south of the site), and informally at 235 Maria Street (approximately 180m north of the site). Staff is satisfied that sufficient parking exists at these facilities to accommodate both existing parking demand and overflow parking from the proposed museum facility. At the site plan stage, the Canadian Canoe Museum will be required to provide a pedestrian crossing facility on Ashburnham Drive to facilitate movement to and from the Eastgate Memorial Park parking lot.

Responses to Notice

Summary of Agency Responses

Agency circulation was issued on March 29, 2021.

ORCA has advised that the proposed development is consistent with Sections 3.1 (Natural Hazards) and 2.1 and 2.2 (Natural Heritage) provided the site is developed in accordance with the recommendations of the EIS prepared for the site. Implementation of the EIS will be secured at the site plan stage. ORCA also advised that a permit will be required pursuant to Ontario Regulation 167/06. ORCA has noted that additional engineering design and natural heritage information will be required at the site plan stage.

In verbal communication dated April 30, 2021, Curve Lake First Nation advised that it supports the proposed development and that it will be working with the Canadian Canoe Museum at the site plan stage to help develop the on-site shoreline restoration, landscaping and planting plans.

Peterborough Utilities Group advised that water development charges will apply.

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 and mailed to property owners within 120m of the site on May 10, 2021.

Additionally, on April 28, 2021, the Canadian Canoe Museum hosted a virtual neighbourhood open house with staff in attendance. Notice was distributed to property owners within 500 metres of the site and to all property owners around the perimeter of Little Lake. Approximately 400 participants attend the meeting including residents of the immediate area as well as interested citizens from across Canada and the United States. Many of the comments received praised both the museum's proposed location and design. Some comments received may be considered at either the site plan, building permit application, or detail operations planning stages including:

- the need for visual and textural features to help guide visitors through the museum;
- access to drinking water for trail uses;
- need for no/low waste packaging options at the café;
- bicycle racks for parking;
- alternative roof designs (e.g. green, solar, etc.);
- site security; and,
- coordination of shared parking when events are happening at Eastgate Memorial or Beavermead Parks.

Summary

In accordance with Council's direction dated January 25, 2021, staff recommend that the Zoning By-law be amended to re-zone Johnson Park (2077 and Part of 2011 Ashburnham Drive) from OS.3 to OS.3, PS.1-342-H to facilitate the proposed new home of the Canadian Canoe Museum. In staff's opinion, the proposed amendment is in keeping with Provincial and Official Plan policy, supports an economic and cultural

development opportunity of national significance, and provides for a contextually sensitive development that will ensure the continuity and enhancement of the open space system along the east side of Little Lake.

Submitted by,

Cynthia Fletcher Commissioner of Infrastructure and Planning Services

Contact Names:

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Attachments:

Exhibit A – Land Use Map Exhibit B – Concept Site Plan Exhibit C – Concept Building Elevations Exhibit D – Draft Zoning By-law Exhibit E – Notice of Application and Public Meeting

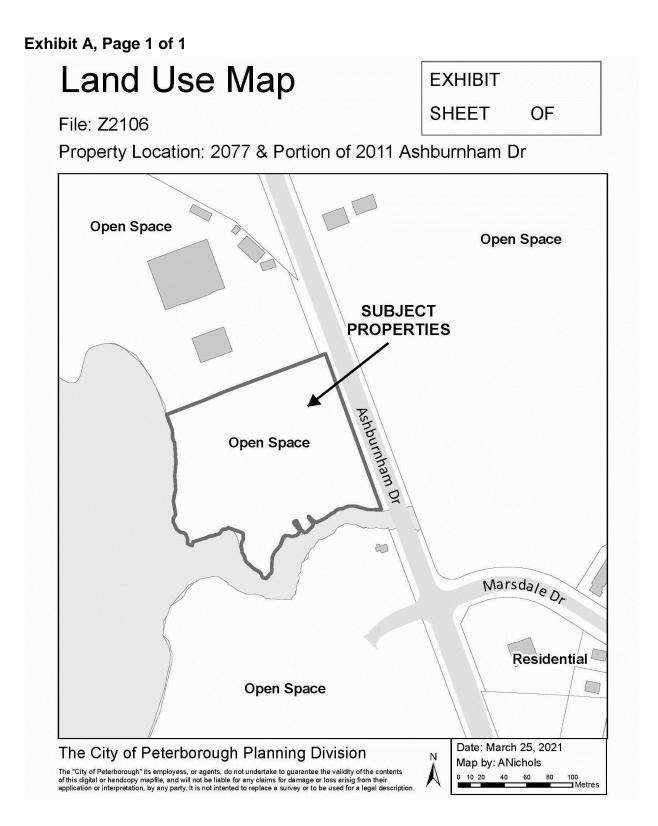
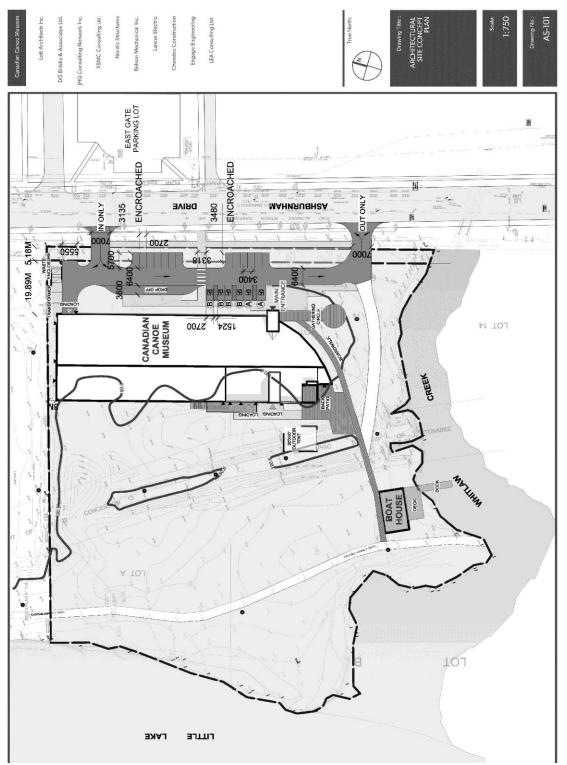
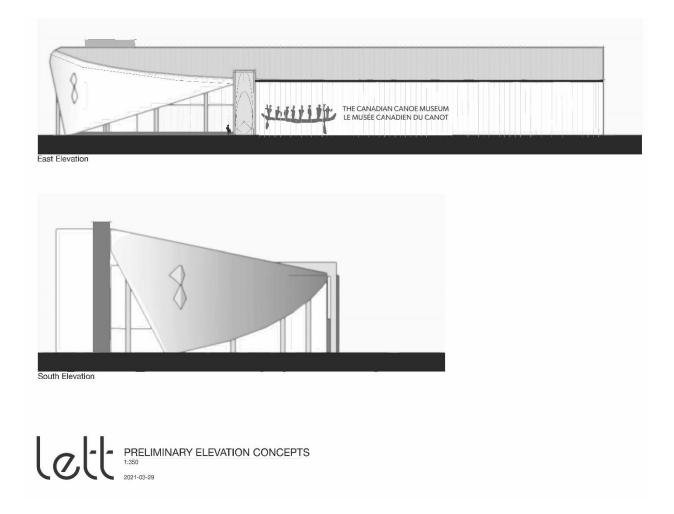


Exhibit B, Page 1 of 1



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Exhibit C, Page 1 of 1





The Corporation of the City of Peterborough

By-Law Number 21-

Being a By-law to Amend the Zoning By-law for the lands known as 2077 and Part of 2011 Ashburnham Drive (Johnson Park)

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:
 - ".342 Minimum building setback from the northerly side lot line: 3 metres

Minimum width of landscaped open space to be established and maintained along a streetline: 0 metres

An accessory structure serving as a boat house and any associated deck, platform or dock shall be exempt from Regulations 22A.2 c) and e), subject to site plan approval

Notwithstanding the provisions of Section 4.2, minimum number of motor vehicle parking spaces to be provided and maintained: 1 per staff and 1 per 15 metres of assembly area, and no parking shall be required for accessory uses

Notwithstanding the provisions of Section 4.10, 18 parking spaces shall be provided and maintained on the lands zoned OS.3,PS.1-342-F and any additional required parking shall be permitted to be located off site within 300 metres thereto."

 That Map 19 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 OS.3 – Open Space District to OS.3, PS.1-342-F-H Open Space and Public Service District.

Exhibit D, Page 2 of 3

3. That the 'H' Holding Symbol be removed from the lands zoned OS.3,PS.1-342-F-H at such time as an Archaeological Assessment report prepared by Licensed Archaeologist has determined that all concerns regarding archaeological resources have been addressed.

By-law read a first, second and third time this 28th day of June, 2021.

Diane Therrien, Mayor

John Kennedy, City Clerk

Exhibit D, Page 3 of 3

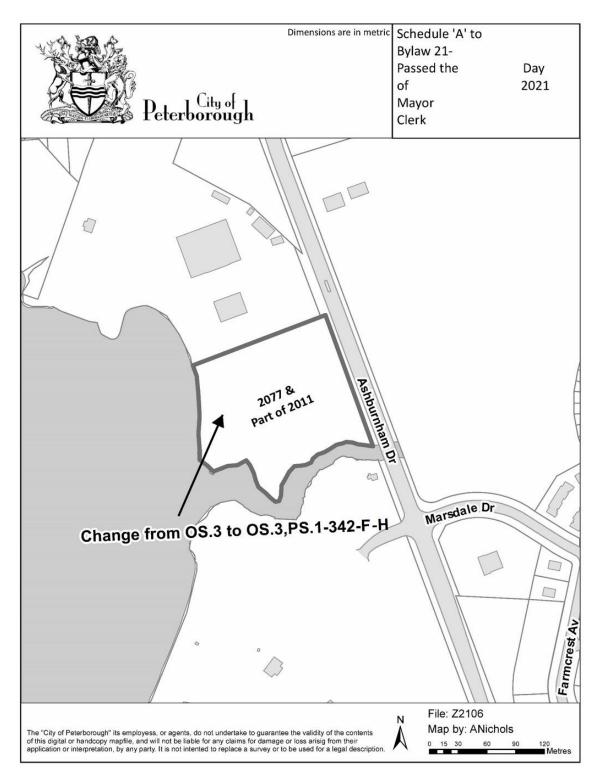


Exhibit E, Page 1 of 1

Notice of Application and Public Meeting

Notice of Complete Application And Public Meeting

Take Notice that the City of Peterborough has initiated the following application, and pursuant to Section 34 of the Planning Act, R.S.O., 1990, c.P.13, the General Committee will hold a public meeting electronically, through the City's website (www.peterborough.ca), at 6:00 p.m. on Monday, June 7, 2021:

1. File: Z2106 Affected Lands: 2077 and Part of 2011 Ashburnham Drive (Johnson Park) Applicant: City of Peterborough

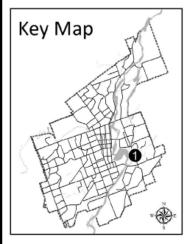
The City is proposing to re-zone Johnson Park to add the PS.1 – Public Service District to the existing OS.3 – Open Space District zoning on the property. Additionally, the City is proposing to create a new Zoning By-law exception for the property to address building setbacks, landscaped open space and parking, and to apply a F symbol to the property to signify the presence of flood plain on the property.

The proposed zoning is intended to facilitate the construction of a new Canadian Canoe Museum on the property.

Additional information and materials relating to the proposed Zoning Bylaw Amendment, including information about preserving your appeal rights and how to watch or participate in the public meeting, may be obtained by contacting the Planning Division at 705-742-7777 – Brad Appleby at ext. 1886 (email: bappleby@peterborough.ca).

A staff report will be available by 12:00 p.m. on Thursday, the 3rd day of June, 2021.

Dated at the City of Peterborough this 10th day of May, 2021.





John Kennedy, City Clerk City of Peterborough, City Hall 500 George Street North Peterborough, Ontario K9H 3R9 jkennedy@peterborough.ca

www.peterborough.ca