



City of
Peterborough

To: Members of the General Committee

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

Meeting Date: October 12, 2021

**Subject: Report IPSPL21-040
Zoning By-law Amendment for 1107 Clonsilla Avenue**

Purpose

A report to evaluate the planning merits of amending the Zoning By-law to facilitate the use of the lands for a multi unit residential infill development, supporting up to 25 units, together with onsite parking and landscaping, in keeping with the policies of the Official Plan.

Recommendations

That Council approve the recommendations outlined in Report IPSPL21-040 dated October 12, 2021, of the Commissioner of Infrastructure and Planning Services, as follows:

- a) That the Zoning By-law be amended to add Exception 348 to Section 3.9, to prescribe site-specific regulations in accordance with the draft amendment attached as Exhibit 'D' to Report IPSPL21-040;
- b) That the subject property be rezoned from R.1,1m,2m to R.4-348 H in accordance with Exhibit 'D' attached to Report IPSPL21-040; and
- c) That the 'H' Holding Symbol be removed at such time as the developer has prepared an acceptable noise control strategy to the satisfaction of the City of Peterborough as described in Section 3.3.2.2 of the Noise Impact Study, prepared by Cambium Inc., dated February 1, 2021.

Budget and Financial Implications

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

Background

The subject property is located on the north/west side of Clonsilla Avenue, east of the intersection of Clonsilla Avenue and Goodfellow Road and opposite the intersection of Clonsilla Avenue and Western Avenue. The property currently supports a single detached residential dwelling and accessory buildings that the owner acquired over 40 years ago. The area is comprised of a mix of residential, commercial and public service uses. The residential uses in the area are a mix of multi-unit medium density apartment buildings and townhomes to the west and south.

The property is approximately 0.47 ha. (1.16 ac.) in size and has a frontage of approximately 70m (230 ft.) along Clonsilla Avenue. The applicant proposes to amend the zoning to facilitate a medium density apartment building with up to 25 dwelling units and a maximum proposed building height of 4 storeys with surface parking and loading facilities.

The existing R.1,1m,2m – Residential Zoning District on the subject property was assigned to the lands in 1972 via the passage of the 1972 Comprehensive Zoning By-law. The property was zoned R.1 in the 1954 Comprehensive Zoning By-law. Beginning in the late 1970's, the zoning of the lands in the area stretching along both sides of Clonsilla Avenue transitioned to permit higher density residential uses in addition to commercial and public service uses. In 2009 via Official Plan Amendment 142, Clonsilla Avenue was recognized in the City's Schedule A-1 (City Structure) as an 'intensification corridor', intended to accommodate a significant portion of the City's residential growth, in accordance with the 2006 Provincial Growth Plan.

A Virtual Project Open House was hosted by the applicants on September 10, 2020 via Zoom platform. Approximately 6 people attended the Open House and the applicant responded to questions of those in attendance. Concerns and questions regarding the proposed building location, design, height and tenure were discussed at the meeting. There was also discussion about saving the trees on the property. In advance of the meeting, the City also received a letter signed by 7 condominium owners at 1110 Clonsilla Avenue (located southwest of the property on the opposite side of Clonsilla Avenue), indicating their opposition to the proposal due to increase in traffic, safety, depreciation of property values, and the noise and interruption of traffic due to construction.

The application was originally submitted in September 2020 with supporting documents including a concept site plan, concept elevations, traffic brief, functional servicing report and a planning justification report. In response to the initial circulation to various

agencies and departments, a tree inventory and preservation plan, a noise study, a hydrogeological assessment report and an updated functional servicing report were submitted by the applicant to address comments received. The supplemental reports were received and reviewed in June, July and August of 2021.

The Noise Impact Study (dated February 1, 2021) prepared by Cambium Inc. on behalf of the applicant, recommends that to comply with Ministry of Environment requirements regarding addressing stationary noise sources, several controls be put in place to support the land use change and create a compliant scenario. The report recommends that the proponent develop a noise control strategy to address the impact of the arena exhaust fans on the adjacent property (Kinsmen Arena). In addition, the study recommends that the municipality require clauses for the building to warn subsequent purchasers about noise impacts.

The Traffic Brief (dated January 7, 2020), prepared by D.M.Wills Associates Limited on behalf of the applicant, concludes that the proposed multi-unit residential development will generate very few additional trips with little to no effect on the normal traffic operations of Clonsilla Avenue or nearby intersections and no improvements are recommended.

The applicants have worked with Planning Staff to update necessary studies and address the comments from agencies and departments to properly assess the proposed amendment.

Analysis

a) 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, transit-supportive development, intensification and infrastructure planning to achieve

cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.”

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

“b) permitting and facilitating:

1. 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
2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;
 - 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;
 - d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed.”

The proposed introduction of medium-density residential development addresses the established need for housing in the community. The property is located along the Clonsilla Avenue intensification corridor and is supported by infrastructure, public services and public and active transportation corridors.

Staff is satisfied that the proposed use is consistent with the PPS.

b) A Place to Grow, 2019

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, 2019 (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 Built-up 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;
- provides a diverse range and mix of housing options to accommodate people at all stages of life.

The establishment of complete communities, a thriving economy, a clean and healthy environment, and social equity are goals of the Plan based on core guiding principals including ‘prioritize intensification and higher densities to make efficient use of land and infrastructure and support transit viability’.

Section 2.2.1.4 of the Plan supports complete communities that:

“e) ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards.”

In staff’s opinion, the proposed development supports the achievement of complete communities and conforms with the policy directions by supporting housing options, in an urban form of development along a transit and intensification corridor through a more compact built form, on an underdeveloped site with access to amenities including commercial shopping and employment opportunities within walking distance and therefore conforms with the Growth Plan.

c) Official Plan

The lands are designated ‘Residential’ on Schedule ‘A’ –Land Use and located within the Built Boundary and within the Intensification Corridor along Clonsilla Avenue on Schedule A-1 – City Structure. Clonsilla Avenue is classified as a High Capacity Arterial Street on Schedule B – Roadway Network of the Official Plan. The proposed zoning is consistent with the Infill and Intensification policies of the Official Plan.

The policies related to the Intensification Corridors encourage appropriate intensification within the Built Boundary of the City, in locations where capacity exists or can readily be improved within the infrastructure, and where additional development can be compatibly integrated with existing built form, land use patterns, natural heritage features and natural hazards. Intensification is encouraged along identified Intensification Corridors as identified on Schedule A-1, City Structure.

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 subject property is situated within the Clonsilla Avenue Intensification Corridor and is considered to be underutilized land within a developed area. The proposed redevelopment of the lands to support up to an additional 25 units would result in a density of approximately 53 units/ha. (21.6 units/ac.), contemplated under the Medium Density Residential range with the City's current Official Plan and considered appropriate along intensification corridors.

A Noise Impact Study was submitted with the application to assess potential noise from adjacent sources including Clonsilla Avenue as well as stationary noise sources in accordance with Provincial Guidelines. Based on the results of the assessment, Cambium Inc. recommends specific measures for noise controls and recommends that noise warning clauses, which is a typical measure used to make residents aware of potential noise sources, be introduced to any lease or sale arrangements with tenants of the proposed building. In addition, the Noise Impact Study notes that the public arena facility (Kinsmen Arena) has the potential to create noise impacts onto the development which are greater than the applicable limits. The study recommends that the proponent develop a noise control strategy to address the stationary noise of the adjacent arena facility by reducing the impact of the arena exhaust fans by 10dbA (decibels adjusted to consider the varying sensitivity of the human ear to different frequencies of sound) in order to create compliance with Ministry standards. The developer is responsible for addressing this issue to support the proposed development and will have to work with the City of Peterborough to facilitate adequate screening or other measures as applicable. Planning Staff, therefore, recommend the use of an "H" Holding symbol on the zoning to ensure that this is addressed prior to the change in land use. Further requirements related to warning clauses are proposed to be addressed via the future Site Plan Agreement provisions.

Development applications, including 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. In addition, the property is located within the Built Boundary. 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.

Adequate sanitary and stormwater services exist to support the proposed development and the Hydrogeological Assessment Report and revised Functional Servicing Report submitted in July, 2021 provide an analysis of the potential groundwater impacts of the proposed design and address how they will be mitigated as well as providing for a 15mm of rainfall infiltration for the site as per City standards. This will facilitate the introduction of Low Impact Development (LID) measures. There are no known

downstream capacity issues to be addressed from a sanitary servicing perspective. Stormwater management details and Low Impact Development techniques will be refined at Site Plan Approval stage via detailed design.

The proposed residential development will be 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.

d) Zoning By-law

The properties are currently zoned R.1, 1m, 2m – Residential District permitting a single detached dwelling with opportunity for a secondary suite. The proposed use of the lands to permit a 25 unit – 4 storey apartment building, 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 IPSPL21-040 with regard to minimum lot width, minimum side and rear yards, maximum lot coverage by open parking, driveways and vehicle movement; and parking in accordance with the following:

Regulation	Proposed
Maximum number of dwelling units/building	25
Minimum number of dwelling units/building	3
Minimum lot area per dwelling unit	180 m ²
Minimum lot width	24 m
Minimum lot depth	30 m
Minimum building setback from side lot line	3 m or 1.5 m per storey, whichever is greater
Minimum building setback from rear lot line	9 m or 2.25 m per storey, whichever is greater
Maximum building coverage	30%
Maximum number of storeys	4
Maximum Lot Coverage by open parking, driveways, and vehicle movement areas	45%
Minimum number of parking spaces	1.5 spaces per unit

The Concept Site Plan submitted with the application, illustrates the ability of the property to support the reduced requirements for the proposed residential units.

The applicant proposes to amend the Zoning of the subject lands to permit the development for multi unit residential development with a maximum of 25 units and a minimum lot area of 180m² per unit. Based on the direction of the Provincial Growth Plan, the proposed Medium Density zoning and the infill housing policies of the City's Official Plan to encourage intensification along Clonsilla Avenue, Planning Staff recommend a range of unit potential by expressing both a minimum and maximum lot area per unit requirement at a range of 180m² to 200m² per unit. This would facilitate between approximately 23 and 26 units (equal to a density of 49 to 55 units per hectare) and ensure that development occurs at a medium density level as anticipated by the guiding policies, accommodating the proposed concept plan and potentially accommodating a greater number of units where efficiencies of lot coverage and building form are also met.

The use of an 'H' Holding Symbol will ensure that specific provisions are addressed as recommended by the Noise Impact Study, prior to the change in land use. The proposed Zoning By-law Amendment as attached in Exhibit 'D' to Report IPSPL21-040 will introduce site-specific regulations for the lands that will support the proposed new development.

e) 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 subject to Site Plan 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, noise mitigation and tree planting:

- i) The recommendations of the Noise Impact Study, including requirements to include Notes and Warning Clauses on any purchase and lease agreements and/or condominium agreement for all units as per the conclusions of the Noise Impact Study, prepared by Cambium Inc., dated February 1, 2021.
- ii) A 3.05m road widening along the Clonsilla Avenue frontage of the property be conveyed to the City and shown on all plans.
- iii) A detailed stormwater management report meeting the City of Peterborough Engineering Design Standards addressing stormwater quantity control, quality control and Low Impact Development. The impervious slope parameter in the preliminary report should be reviewed and adjusted to meet the final design.

- iv) Additional boreholes and groundwater monitoring will be required for the proposed LID design and to ensure that significant perpetual dewatering will not be required for the deep structure design. If continuous dewatering is deemed necessary, measures to mitigate its impact will be required since the property is within the Byersville Creek cold water fishery catchment.
- v) The developer meets City standards with regards to Urban Forest Canopy Conservation and Tree Removal and any tree replacement that cannot be accommodated on site will require cash-in-lieu compensation.

Response to Notice

a) Significant Agency Responses:

Agency circulation was originally issued on September 9, 2020. Updated information and response to agencies and departments was received throughout the process to August of 2021.

The City's Infrastructure Management Division has no objection to the proposed Zoning Amendment request from a stormwater management and servicing perspective. Comments related to the future site plan approval submission have been shared with the applicant and summarized in the Site Plan Approval section of this report.

The City's Urban Forestry Division has provided comments on the revised Tree Inventory and Protection Plan and indicate that it is satisfactory to support the Zoning By-law Amendment. Formal comments will be provided at the Site Plan Approval stage and the Division notes that it will not support the recommendation for negotiating the tree replacement compensation. Any tree replacement that cannot be accommodated on site will require cash-in-lieu compensation.

Otonabee Region Conservation Authority (ORCA) has reviewed the application with the supporting documents and note that the subject property is located outside of any known floodplain and staff have the opinion that it remains consistent with Section 3.1 of the Provincial Policy Statement (PPS). ORCA further note the proposed development is not in close proximity to a noted natural heritage feature of significance and that the application is consistent with PPS Sections 2.1 and 2.2. Permits from ORCA will not be required for any development or site alteration with the regulated area.

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:

A Virtual Neighbourhood Meeting was hosted by the applicants on September 10, 2021 providing an overview of the proposal with concept elevations and the concept site plan. Attendance was comprised of the applicants, Planning Staff, Ward Councillor and property owners in the vicinity. Some concerns were expressed regarding saving the trees on the property, traffic and the proposed height of the building. Most of the questions related to the tenure of the building and the proposed building design. In addition, comments were copied to the City from 7 owners of units at 1110 Clonsilla Avenue, expressing concern with traffic, safety, design and parking.

No further written comments have been received as of September 15, 2021.

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 Elevations
Exhibit D – Draft Zoning By-law Amendment

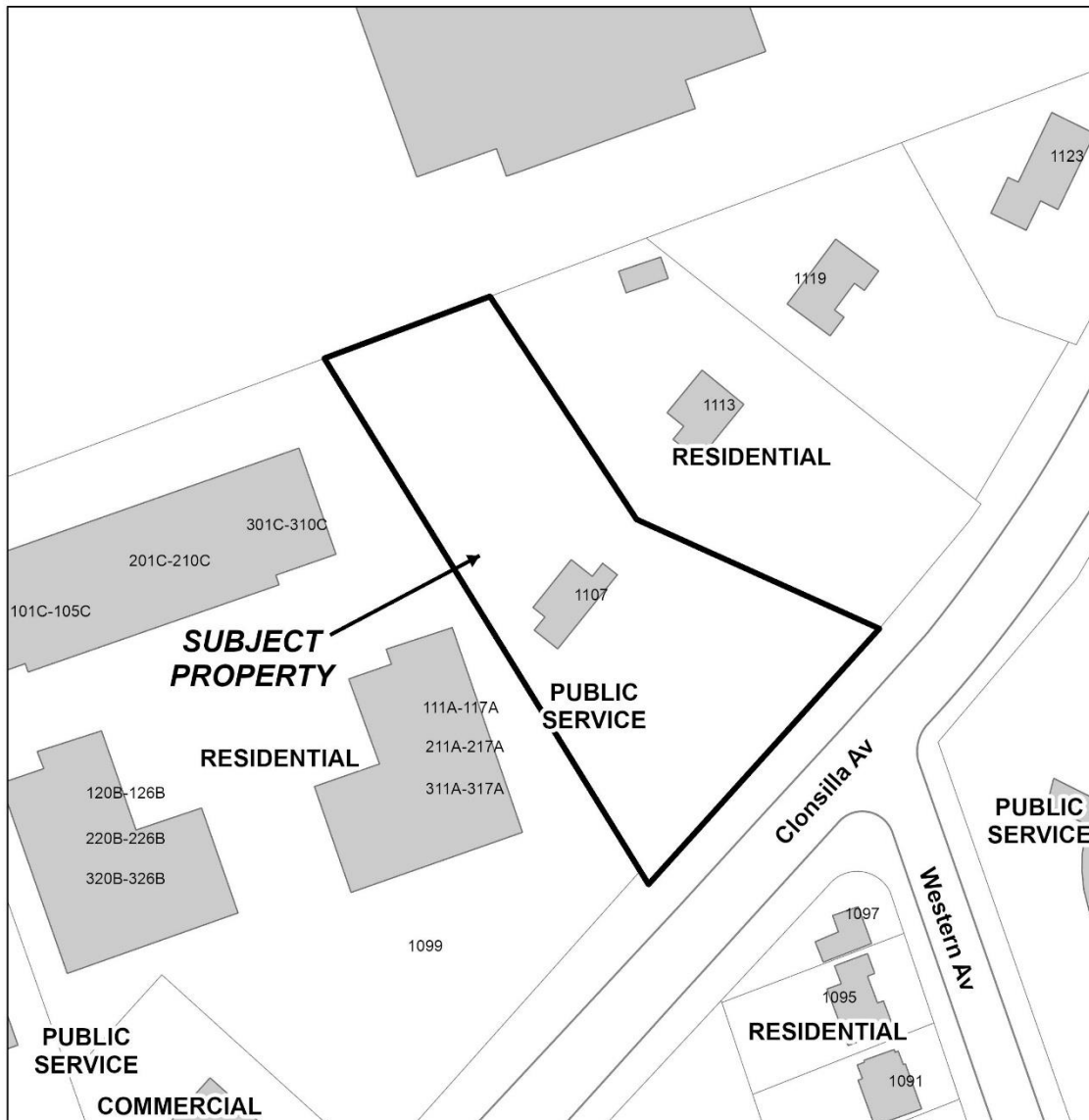
Exhibit A, Land Use Map, Page 1 of 1

Land Use Map

File: Z2008

Property Location: 1107 Clonsilla Ave

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 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.



Date: April 27, 2020

Map by: PZhao

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Exhibit B, Concept Site Plan, Page 1 of 1



Exhibit C, Concept Elevations, Page 1 of 1

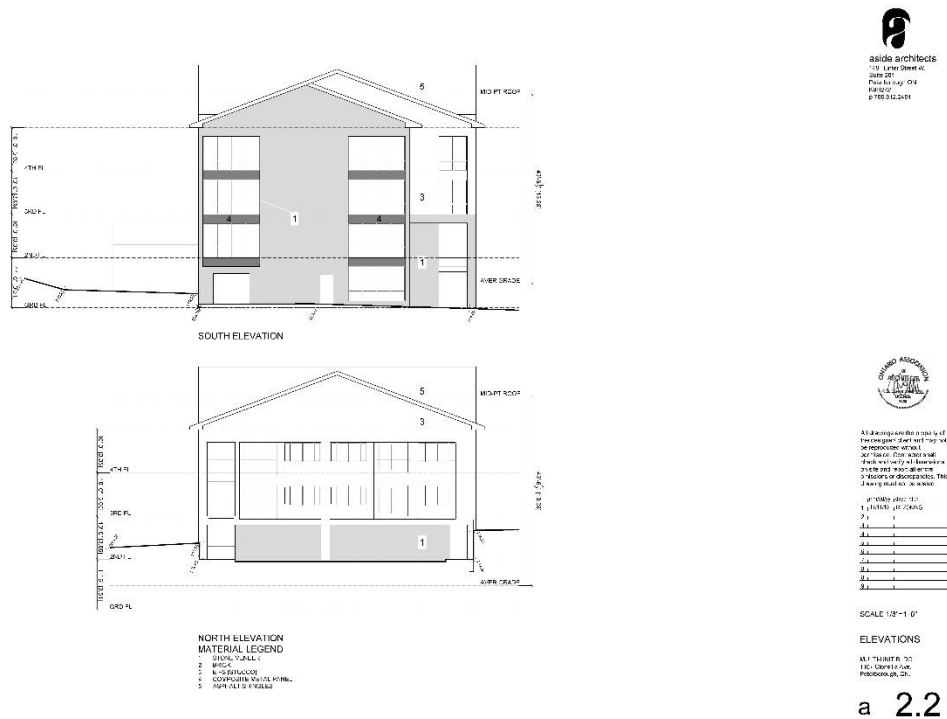


Exhibit D, Draft Zoning By-law Amendment, Page 1 of 3



The Corporation of the City of Peterborough

By-Law Number 21-[Clerk's Office will assign the number]

Being a By-law to amend the Zoning By-law for the lands known as 1107 Clonsilla Avenue

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:

”
“.348 Notwithstanding the provisions of this By-law to the contrary, the following shall apply:

Regulation	Provision
Minimum Number of Dwelling Units/Building	3
Minimum Lot Area per Dwelling Unit	180 m ²
Maximum Lot Area per Dwelling Unit	200m ²
Minimum Lot Width	24 m
Minimum Lot Depth	30 m
Minimum Building Setback from Side Lot Line	3 m or 1.5 m per storey, whichever is greater
Minimum Building Setback from Rear Lot Line	9 m or 2.25 m per storey, whichever is greater
Maximum building coverage	30%
Maximum Number of Storeys	4
Maximum Lot Coverage by open parking, driveways, and vehicle movement areas	45%
Minimum motor vehicle parking spaces	1.5 spaces per unit

Exhibit D, Draft Zoning By-law Amendment, Page 2 of 3

2. That Map 16 forming part of Schedule “A” to By-law 97-123, is amended by changing the area shown on the sketch attached hereto as Schedule ‘A’ from R.1,1m,2m to R.4-348 H.
3. That the ‘H’ Holding Symbol be removed at such time as:
4. The developer has an acceptable noise control strategy with the City of Peterborough as described in Section 3.3.2.2 of the Noise Impact Study, prepared by Cambium Inc., dated February 1, 2021.

By-law read a first, second and third time this XXth day of October, 2021.

Diane Therrien, Mayor

John Kennedy, City Clerk

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

Schedule A

