



City of  
**Peterborough**

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**To:** Members of the General Committee

**From:** Blair Nelson, Commissioner, Infrastructure, Planning and Growth Management (Acting)

**Meeting Date:** April 22, 2024

**Report:** Zoning By-law Amendment for 1113 Clonsilla Avenue, Report IPGPL24-007

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## **Subject**

A report to evaluate the planning merits of amending the Zoning By-law for 1113 Clonsilla Avenue to permit the property to be used for a four-storey stacked townhouse building containing 28 dwelling units.

## **Recommendations**

That Council approve the recommendations outlined in Report IPGPL24-007, dated April 22, 2024, of the Commissioner of Infrastructure, Planning and Growth Management (Acting) as follows:

- a) That Section 3.9, Exceptions of Zoning By-law 1997-123 be amended to add Exception 365, which identifies site-specific regulations for the development of 1113 Clonsilla Avenue in accordance with the Draft Zoning By-law Amendment attached as Exhibit D of Report IPGPL24-007; and,
- b) That the subject property be rezoned from R.1, 1m, 2m – Residential District to R.5-365 – Residential District in accordance with the Draft Zoning By-law Amendment attached as Exhibit D of Report IPGPL24-007.

## Executive Summary

- The applicant, Andrew Arklie, has requested that Council amend the Zoning By-law of 1113 Clonsilla Avenue to permit the construction of a four-storey stacked townhouse building containing 28 dwelling units on the subject property.
- The application for Zoning By-law Amendment was deemed complete on January 4, 2023. The application was deemed complete prior to the passing of By-law 23-032 which established the current Pre-Application Technical Adequacy Review process.
- Between the application being deemed complete and the date of the public meeting, 328 business days have passed. Of those days, the project was in the control of the applicant for 211 business days (64%) compared to 117 business days (36%) for the City.
- The proposal is consistent with the Provincial Policy Statement and conforms with the Growth Plan and Official Plan.
- The proposed development conforms with the Major Mixed-Use Corridor designation polices of the City's Official Plan.
- If the proposed Zoning By-law Amendment is approved, the development will be subject to Site Plan Control prior to construction taking place.

## Background

The subject property is located on the north side of Clonsilla Avenue between Goodfellow Road and Sherbrooke Street. The property is currently zoned R.1, 1m, 2m – Residential District and is developed with a single-detached dwelling that was previously used as a chiropractic office prior to the property being sold to the current owner. The surrounding area consists of a wide range of land uses. There are commercial uses to the west along Clonsilla Avenue, Kinsmen Civic Centre and Park to the north, existing and approved multi-residential development to the east and west along Clonsilla Avenue and low-density residential. The neighbouring property to the west, 1107 Clonsilla Avenue, was rezoned in 2021 to permit a four-storey apartment building containing 25 dwelling units. The subject property is a large, underutilized property located within a Strategic Growth Area.

The application proposes the development of a four-storey stacked townhouse building containing 28 dwelling units. The building will be set back from the street frontage to accommodate a storm sewer and associated easement across the southeast corner of the property. Appropriate surface parking, loading areas and landscaped open space is proposed for the development.

The proposal was subject to a Pre-Consultation meeting on January 13, 2022. The submitted Zoning By-law Amendment application was deemed complete on January 4, 2023. The application was supported by the following documents:

- Planning Justification Report prepared by Kevin M. Duguay Community Planning and Consulting Inc. dated October 17, 2022 with zoning regulations chart and supplementary memo prepared by One Community Planning dated November 30, 2022 and December 15, 2022;
- Functional Servicing Report prepared by D.M. Wills Associates Limited dated July 2022;
- Subsurface Soil and Groundwater Investigation prepared by D.M. Wills Associates Limited dated March 30, 2022;
- Noise Impact Study prepared by Cambium Inc. dated May 24, 2022;
- Traffic Impact Study prepared by D.M. Wills Associates Limited dated March 2022;
- Tree Inventory, Preservation and Protection Plan prepared by Treescape Certified Arborists dated April 7, 2022 and revised June 29, 2022.
- Topographic Survey prepared by Elliott and Parr (Peterborough) Ltd. dated December 23, 2021; and,
- Concept Site Plan prepared by Aside Architects Inc. dated June 1, 2022 and revised October 17, 2022.

The application was first circulated to City departments and agencies on January 6, 2023. A letter outlining the comments resulting from the first circulation was provided to the applicant on March 10, 2023.

A second submission was made by the applicant on July 14, 2023 which included a comment response matrix, revised Concept Plan, Functional Servicing Report and planning memo. Second submission materials were circulated to agencies and departments with outstanding comments on July 14, 2023. The review was completed and a letter outlining remaining comments was provided to the applicant on August 18, 2023.

The applicant hosted a virtual neighbourhood open house on February 6, 2024. Following the community consultation, a third submission was made by the applicant on February 14, 2024, which included a revised Concept Plan, revised Functional Servicing Report including Infiltration Memo, public open house summary and planning memo including a revised zoning regulations chart. A comment letter was provided to the applicant on February 14, 2024 with only minor zoning regulation clarification required.

The virtual neighbourhood open house was attended by three members of the public who observed a presentation and asked questions of the development team. The following comments and concerns were raised by the public:

- Concern regarding the proposed building height and how close the building could be to the east side lot line;
- Concerns of there not being enough parking provided on site and that vehicle movements in and out of the site from Clonsilla Avenue will be problematic;
- Concern with how runoff and drainage will be managed through the development of the property; and,
- A request to ensure that sufficient landscaping is provided to screen the building and garbage enclosure area from neighbouring properties.

In the public open house summary submitted by the applicant it was identified that the necessary fencing, screening, and landscaping will be addressed through the completion of a Landscape Plan as required through the Site Plan Approval process. Further, the completion of detailed infrastructure design will ensure that low-impact development principles will be implemented, and that stormwater will be managed on site with no off-site impacts to neighbouring properties.

328 business days have passed between the application being deemed complete and the date of the public meeting. Of those days, the project was in the control of the applicant for 211 days (64%) compared to 117 days (36%) for the City.

The latest concept plan and elevation drawings are attached as Exhibits B and C to Report IPGPL24-007.

## **Analysis**

### **City of Peterborough Housing Pledge**

On November 27, 2023, Council pledged to support the construction of 4,700 new dwelling units by 2031 as requested by the Minister of Municipal Affairs and Housing on June 16, 2023. Provincially, municipal housing pledges are a key tool for ensuring the construction of 1.5 million new dwelling units by 2031 to address the ongoing housing supply and affordability crisis. This development, with a proposed 28 dwelling units, is an example of the type of infill development the City will need to meet its housing target while mitigating the need for significant capital investments in new infrastructure.

### **Provincial Policy Statement, 2020 (PPS)**

Any decision on the proposed Zoning By-law Amendment must be consistent with the 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, livable 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 unit types, employment, institutional, recreation, parks and open space, and other uses to meet long term needs; and,
- e) and promoting the integration of land use planning, growth management, transit-supportive development, intensification.

Section 1.1.3 states that “settlement areas shall be the focus of growth and development” and Section 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available and avoid the need for their unjustified and/or uneconomical expansion;
- e) support active transportation; and,
- f) are transit-supportive, where transit is planned, exists or may be developed.

Section 1.4.3 of the PPS requires municipalities to provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs by permitting and facilitating all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3.

The subject property is located within the City’s settlement area boundary and is serviced with full municipal services and represents an efficient use of existing building stock without the need for expansion or extension of infrastructure consistent with the directives of the PPS. The subject property is located outside of areas of flooding and natural hazards.

It is the opinion of staff that the proposed Zoning By-law Amendment is consistent with the policy direction of the PPS.

### **Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan)**

Any decision on the proposed Zoning By-law Amendment must conform with the policies of 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. The subject property is located within the Delineated Built-Up Area as defined in the Growth Plan.

The Growth Plan requires that municipalities focus growth within Delineated Built-Up Areas and support the achievement of complete communities that feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services and public service facilities (Section 2.2.1.3.4(a)). Furthermore, Section 2.2.5.3 seeks to promote economic development and competitiveness by directing retail and office uses to locations that support active transportation and have existing or planned transit.

Lands within the Delineated Built-Up Area are expected to accommodate a minimum of 50% of all residential development in the City on an annual basis. To achieve the minimum intensification target, the City is required to:

- a) Identify strategic growth areas to support the achievement of the intensification target and recognize them as a key focus for development;
- c) Encourage intensification generally throughout the delineated built-up area; and,
- d) Ensure lands are zoned and designed in a manner that supports the achievement of complete communities.

This proposal will increase the number of dwelling units within a strategic growth area in the delineated built-up area. The subject property is within 500 metres of two Peterborough Transit routes, near the recreation facilities of Kinsmen Park, and is in walking distance of two elementary schools. It is staff's opinion that the proposed Zoning By-law Amendment conforms with the policy direction of the Growth Plan.

### **Official Plan**

The subject property is designated Strategic Growth Area on Schedule 'A' – Urban Structure and Major Mixed-Use Corridor on Schedule 'B' – Land Use in the City's Official Plan. Clonsilla Avenue is identified as a High Capacity Arterial on Schedule 'D' – Road Network Plan.

Strategic Growth Areas are intended to be the focus for accommodating intensification and/or higher density mixed-uses in a more compact built form. Major development/redevelopment opportunities may include vacant or underutilized properties, former commercial and industrial properties, the expansion or conversion of existing buildings, or the development of new mixed-use, higher density corridors and centres serving emerging development areas. Development proposals within the Strategic Growth Areas will be planned to:

- i. accommodate transit-supportive densities, promote active transportation and a range and mix of uses and activities;

- iii. accommodate alternative development standard, such as reduced parking requirements; and,
- vii. Provide a broad array of retail and service commercial uses as well as mid and high-rise forms of housing.

The Major Mixed-Use Corridor designation is intended to accommodate significant growth, in an intensified built form, with mid-rise and high-rise buildings as well as community or regionally scaled retail and service commercial uses, institutional facilities and office uses. An objective of the Major Mixed-Use Corridors designation is to increase the amount and intensity of residential uses by supporting appropriate multi-unit residential or mixed-use development.

The application was supported by the required technical reports and materials identified in the Pre-Consultation letter and described in the Background section of this report. Those materials were reviewed by the appropriate subject matter expert to ensure conformity with Provincial and City policies. The proposed amendment aligns with the policy direction of the Official Plan and will assist in achieving the intensification targets contemplated by Provincial and Official Plan policy. It is the opinion of staff that the proposed amendment conforms to the Official Plan.

### **Zoning By-law**

To facilitate the proposed development the applicant has requested that the Zoning By-law, as it applies to the subject property, be amended from R.1, 1m, 2m to a modified R.5 – Residential District. Exception 365 is proposed to be added to Section 3.9 of the Zoning By-law to reflect the site-specific modifications requested to support the proposal and will amend the following standards:

- i) Reduce the minimum lot area per dwelling unit from 140 square metres to 125 square metres;
- ii) Reduce the minimum building setback from a side lot line from 6 metres or 3 metres per storey, whichever is greater, to 4.5 metres to the building and 3 metres to balconies;
- iii) Reduce the minimum building setback from a rear lot line from 12 metres or 6 metres per storey to 15 metres;
- iv) Increase the maximum lot coverage by open parking, driveways and vehicle movement areas from 25% to 40%;
- v) Reduce the minimum required on-site parking ratio from 1.75 spaces per unit to 1.39 spaces per unit;
- vi) Reduce the minimum width of a parking space from 2.7 metres to 2.5 metres;

- vii) Reduce the minimum distance between a parking area and a driveway containing five or more parking spaces and a side or rear lot line from 1.5 metres to 0 metres from the east side lot line for the parking area between the street and the building to facilitate a vehicle turning area; and,
- viii) Reduce the minimum distance between a parking area and driveway and a window to a habitable room from 6 metres to 1.8 metres.

The site-specific regulations as described by the proposed Exception 365 are included in the draft Zoning By-law Amendment attached as Exhibit D to Report IPGPL24-007.

### **Site Plan Approval**

As the proposed development contains greater than 10 dwelling units, this project will be subject to Site Plan Control prior to the issuance of a building permit. Site Plan Control will address site details related to the location of parking, driveways, lighting, landscape treatment and buffering, as well as the urban design and compatibility with adjacent properties. The site plan approval process is also when the detailed design of required infrastructure (i.e. stormwater controls and low impact development features) occurs and the recommendations of the Noise Study (central air conditioning and noise warning clauses) and Tree Inventory and Preservation Plan will be implemented.

### **Strategic Plan**

Strategic Pillar: Growth & Economic Development

Strategic Priority: Plan for mid-density and high-density mixed-use neighbourhoods to make the most efficient use of land and municipal services and provide affordable options for residents.

The proposed development provides for a higher-density residential neighbourhood to make the most efficient use of land and municipal services.

### **Engagement and Consultation**

#### **Response to Notice**

##### **a) Agency Responses**

Agency circulation was issued on January 6, 2023, with follow up circulations on July 14, 2023 and February 14, 2024.

The following concerns or comments from City departments and agencies are to be addressed at a later stage of development:

- **Asset Management and Capital Planning:** The completion of a stormwater management report detailing stormwater quantity control, stormwater quality control, low impact development features and sediment and erosion controls.
- **Otonabee Region Conservation Authority:** The Authority will review the detailed stormwater management report and functional servicing report to ensure appropriate stormwater quality and quantity control, groundwater impacts, and the detailed design of stormwater management infrastructure to be installed on site.
- **Peterborough Fire Services:** The distance from the closest fire hydrant to the principal entrances will be confirmed through the detailed site design. A hydrant must be located within 90 metres of all principal entrances and fire department connections are to be between 3 and 15 metres from the fire route.
- **Peterborough Utilities Group:** Development and/or Frontage Charges are applicable and adequate water service sizing is the responsibility of the owner.
- **Transportation:** Transportation staff accept the conclusions of the Traffic Impact Study that no upgrades to Clonsilla Avenue are required to support the development of the site and that the proposed parking rate is sufficient. Through the site plan process, Transportation staff will be looking for a turning template to demonstrate vehicle movement at the hammerhead and garbage pick-up is adequate, access from Clonsilla Avenue and curb details will to be shown on the site plan, and transportation demand management measures are implemented.
- **Urban Forestry:** Comments related to the implementation of the Tree Inventory and Preservation Plan will be provided through the site plan review process.

b) **Summary of Public Responses**

Notice of Public Meeting was issued by mail to property owners within 120 metres of the subject property and published in the Peterborough Examiner on March 25, 2024.

Since the hosting of the virtual neighbourhood open house, no further written comments have been received from the public as of the writing of this report.

## **Budget and Financial Implications**

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

Using the current rate for development charges, the proposed development would generate \$809,312 in City Development Charge revenue and \$43,680 in Education Development Charge revenue. In accordance with Section 26.2(1) of the **Development**

**Charges Act**, the amount of the development charge will be determined by the day an application for site plan approval is submitted.

If the proposed development is rental, discounts will apply to each unit in accordance with Section 26.2(1.1) of the Act. Since development charge discounts on rental housing are required by legislation, the City is not required to top up the development charge reserves to compensate for any reduction.

The construction of an intensified residential development will also increase the assessed value of the property and in turn also increase the City's tax revenue. This supports the City's financial sustainability and makes more efficient use of the existing services. The value of increase in tax revenue is ultimately determined by the assessed value of the property which will be calculated by the Municipal Property Assessment Corporation (MPAC) once a building permit has been issued.

## **Conclusion**

The applicant is proposing to amend the Zoning By-law to permit a 28-unit stacked townhouse development on the subject property. The proposal is consistent with the Provincial Policy Statement, conforms with the Growth Plan and Official Plan and aligns with the Strategic Plan. The proposal will assist the City in achieving its housing pledge to support the construction of at least 4,700 dwelling units by 2031.

## **Attachments**

- Exhibit A: Land Use Map
- Exhibit B: Concept Site Plan
- Exhibit C: Building Elevations
- Exhibit D: Draft Zoning By-law Amendment

Submitted by,

Blair Nelson, P.Eng.  
Commissioner, Infrastructure, Planning and Growth Management (Acting)

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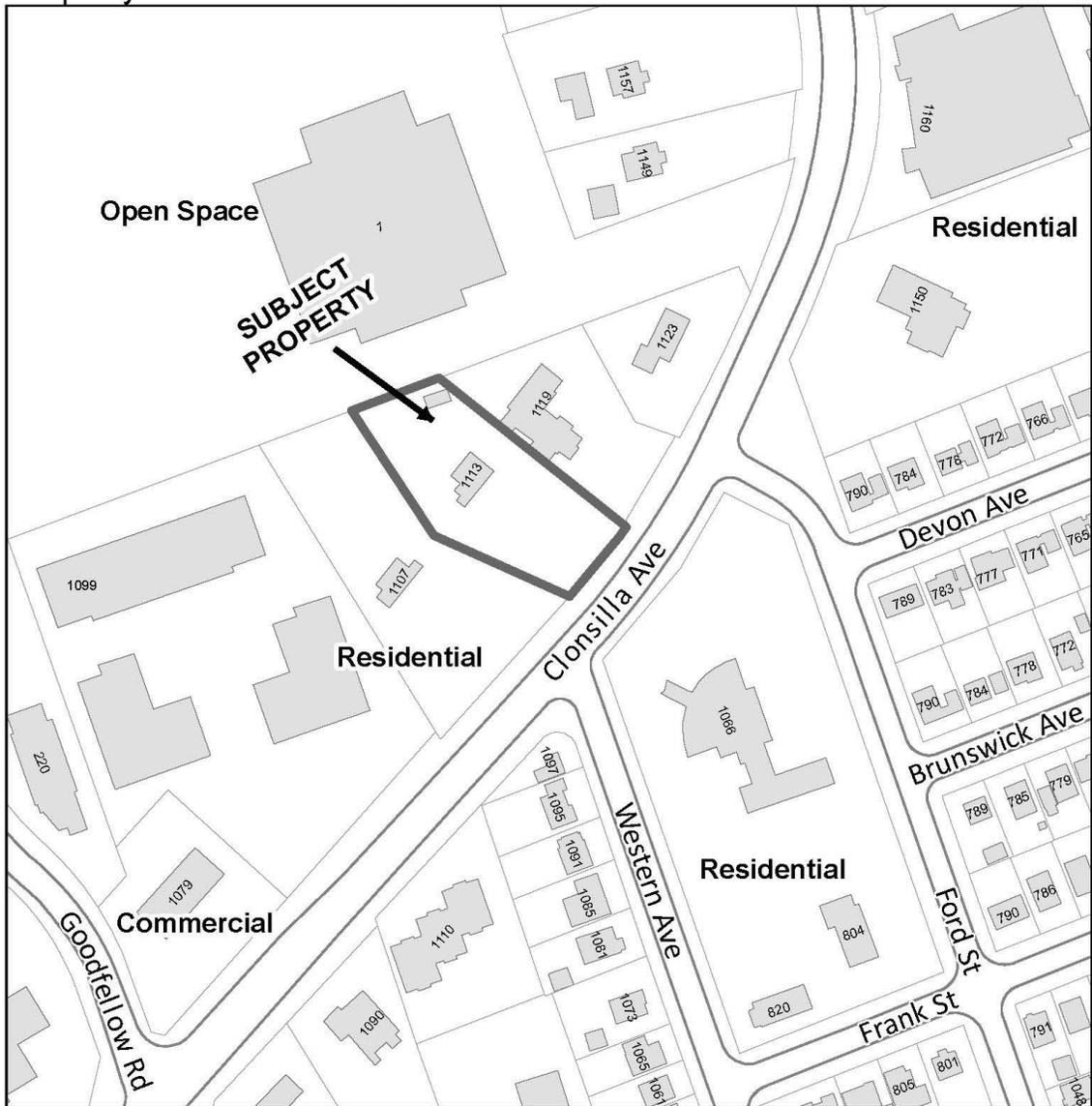
Exhibit A – Land Use Map

# Land Use Map

File: Z2301

Property Location: 1113 Clonsilla Av

EXHIBIT  
SHEET OF



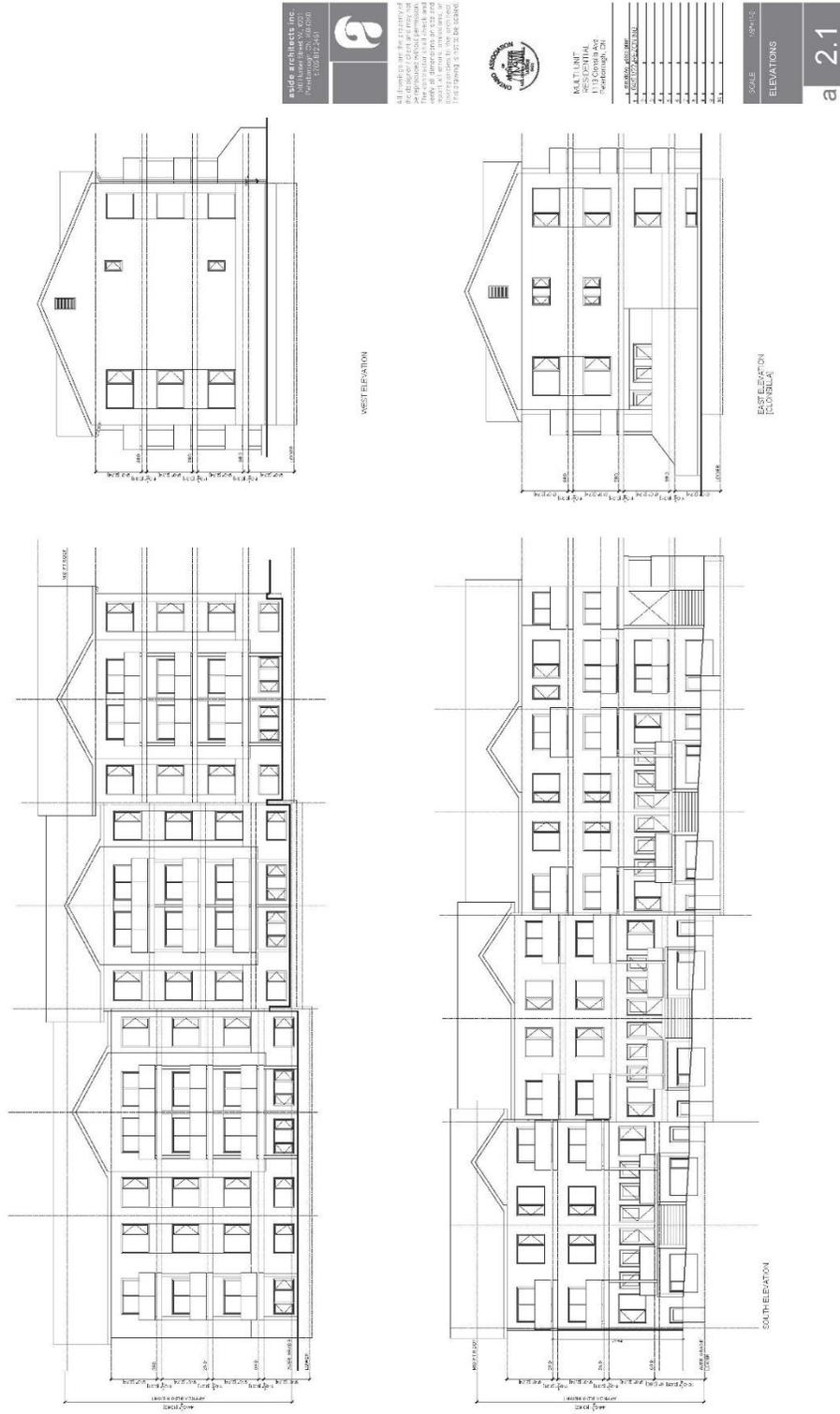
The City of Peterborough Planning Division

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Date: January 3, 2023  
Map by: bgautam  
0 5 10 20 30 40 50 Metres



Exhibit C – Building Elevations



## Exhibit D – Draft Zoning By-law Amendment



The Corporation of the City of Peterborough

### By-Law Number 24-[Clerk's Office will assign the number]

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Being a By-law to amend the Zoning By-law for the lands known as 1113 Clonsilla Avenue

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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:

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

  - a) Minimum lot area per dwelling unit: 125 square metres
  - b) Minimum building setback from a side lot line: 4.5 metres to the building and 3 metres to balconies
  - c) Minimum building setback from a rear lot line: 15 metres
  - d) Maximum lot coverage by open parking, driveways and vehicle movement areas: 40%;
  - e) Minimum required on-site parking ratio: 1.39 parking spaces per dwelling unit;
  - f) Minimum width of a parking space: 2.5 metres;
  - g) Minimum distance between a parking area and a driveway containing five or more parking spaces and a side or rear lot line: 0 metres from the east side lot line for the parking area between the street and the building to facilitate a vehicle turning area; and,

- h) Minimum distance between a parking area and driveway and a window to a habitable room: 1.8 metres.
  
- 2. That Map 16 forming part of Schedule 'A' to By-law 97-123, is amended by changing the area shown on the sketch hereto as Schedule 'A' **from R.1, 1m, 2m to R.5 – 365.**

By-law passed this 29th day of April, 2024.

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Jeff Leal, Mayor

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John Kennedy, City Clerk

Schedule A

