



Regular Council Meeting

To:	Mayor and Council
Date:	March 7, 2022
From:	John F. Connolly, Executive Director, Planning & Development
Report Number:	Planning 2022-10
Subject:	Towerhill North Developments Ltd. Zoning By-law Amendment (ZBA-07-18)

Recommendation:

That By-law No. 2022-09 be approved to amend By-law No. 2018-58, as amended, with regards to the lands subject to Draft Approved Plan of Subdivision (15T-18002) and Official Plan Amendment (OPA-01-18) in Part of Lots 11 & 12, Concession 6 of the Cavan Ward.

Overview:

Towerhill North Developments Ltd. applied to Peterborough County for a draft plan of subdivision (Application 15T-18002), and amendments to the Township of Cavan Monaghan Official Plan (OPA-01-18) and Zoning By-law (ZBA-07-18). The subject lands associated with these applications are located in Part of Lots 11 & 12, Concession 6 of the Cavan Ward and have the municipal addresses of 862 Fallis Line West and 1088 County Road 10. A key map showing the location of the property is provided as Attachment No.1 to this Report and the draft approved plan of subdivision is provided as Attachment No. 2.

The subject lands are approximately 52.1 hectares (128.74 acres) in size. The plan of subdivision consists of 718 residential units/lots and includes a number of blocks intended for various uses including: stormwater management; parkland; open space; institutional; and environmental protection. There is a total of 13 internal streets. The residential units are in various housing forms including single detached dwellings, townhouses and residential apartments. An assisted living building and active senior's building are also part of the proposal.

The development includes the identification of a proposed school site at the request of the Kawartha Pine Ridge District School Board as well as a trail network with connections in the proposed realigned stream channel. In addition, the approved official plan amendment expanded the settlement area to accommodate the realigned stream

channel, school site and some residential development. Furthermore, the official plan amendment modifies the maximum height permitted for the proposed high density residential (apartment/condo buildings) of the current 3 storeys to allow for a maximum of four (4) storeys.

The development will be serviced by full municipal services

Council previously considered Reports Planning 2021-08 and 2021-35 for these applications. Report Planning 2021-08 was prepared ahead of a public meeting held on March 25, 2021. The Report presented background information for the applications, provided an overview of the existing policy framework as well as a Staff opinion about the conformity of the applications relative to that framework. The Report also outlined the public agency comments received prior to the public meeting.

Report Planning 2021-35 provided Council with a summary of all public and agency comments received as of the writing of the Report, provided recommendations about the applications and also provided draft plan conditions for the plan of subdivision. A copy of Report Planning 2021-35 is provided as Attachment No. 3 to this Report.

Based on these background reports and documentation, Council supported approval of the proposed plan of subdivision with a number of conditions. Motion R/05/07/21/09 reads as follows:

10.3 Report - Planning 2021-35 Towerhill North Developments Ltd. Official Plan Amendment (OPA-1-18), Zoning By-law Amendment (ZBA-07-18) & Plan of Subdivision (15T-18002)

R/05/07/21/09

Moved by: Graham

Seconded by: Huntley

That Council approve By-law No. 2021-44 to adopt Official Plan Amendment OPA No.7 to the Township of Cavan Monaghan;

That Council authorize the submission of the adopted Official Plan Amendment to Peterborough County for review and approval;

That Council support the approval of Application 15T-18002 subject to the draft plan conditions revised April 30, 2021 provided in Attachment No. 4 to this Report; and

That the approval of the associated zoning by-law amendment be deferred until draft plan approval is received from Peterborough County.

Carried

Peterborough County approved the Official Plan Amendment on September 29, 2021. In addition, Peterborough County approved the plan of subdivision with a number of draft plan conditions. Condition No. 6a requires the lands within the draft plan of

subdivision be appropriately zoned by a zoning by-law that comes into effect in accordance with the provisions of the Planning Act and the plan of subdivision be appropriately zoned by a zoning by-law that has come into effect in accordance with the provisions of the Planning Act.

This report presents this Zoning By-law.

Zoning By-law Amendment

As drafted, By-law No. 2022-09 amends Map E-3 of Schedule “A” to By-law No. 2018-58, as amended, by changing the existing zoning on the subject lands from Agricultural, Institutional (with special provision), Future Development and Natural Linkage to be rezoned as:

- Urban Residential One Subzone A Exception Six (UR1-A-6) Zone;
- Urban Residential One Subzone A Exception Seven (UR1-A-7) Zone;
- Urban Residential One Subzone B Exception Four (UR1-B-4) Zone;
- Urban Residential Three Exception Four (UR3-4) Zone;
- Urban Residential Four Exception Three (UR4-3) Zone;
- Urban Residential Four Exception Four (UR4-4) Zone;
- Institutional (I) Zone;
- Institutional Exception Three (I-3) Zone;
- Open Space (OS); and
- Natural Core (NC).

The rezoning will permit a variety of residential uses on lots of various sizes as identified above and in Attachments No. 2 and 3. The proposed zoning will provide the appropriate lot frontage, lot area coverage and setbacks as well as seek an increase in height above the current maximum of three (3) storeys to permit four (4) storeys.

Each individual category contains regulations for lot frontage, lot area, front yard depth and other specifications. With these regulations, development will general be located close to the front, side and rear lot lines than what has been historically permitted in Millbrook. There will also be greater lot coverage which is required to facilitate the range of housing types.

The Urban Residential One Subzone A Exception Six (UR1-A-6) is for low density housing (single detached dwellings) that will (among other things) have a minimum lot frontage of 15 m with a minimum rear yard setback of 4.75m and exterior side yard setback of 2.4 m. The maximum lot coverage will be 54% with a minimum landscaped open space of 20%. Similarly the Urban Residential One Subzone A Exception Seven (UR1-A-7) is for dwellings that will have an exterior side yard setback of 2.5 m and minimum landscaped open space of 20%.

The Urban Residential One Subzone A Exception Four (UR1-B-4) is for low density housing (single detached dwellings) that will have a minimum lot area of 318 square

metres, a minimum lot frontage of 10.6 m, maximum lot coverage of 54%, minimum rear yard setback of 5 m and minimum landscaped open space of 20%.

In all Urban Residential One Subzones (above) include a provision that a minimum of two (2) outdoor parking spaces shall be provided.

The Urban Residential Three Exception Four Zone (UR3-B-4) is for medium density housing and is for the Apartment Dwellings. For these dwellings, the minimum lot area is 225 square metres, a minimum front yard setback of 4.5 m, maximum lot coverage of 55% and minimum rear yard setback of 5 m. For this Subzone, there is also the provision that a minimum of two (2) outdoor parking spaces shall be provided.

The Urban Residential Four Exception Three Zone (UR403) is for high density housing which is the Seniors' Apartment Dwellings. In this case, the building height will be a maximum of 14 m, there will be a minimum exterior side yard of 3 m and there will be one (1) parking space per dwelling unit (among other provisions).

The Urban Residential Four Exception Four Zone (UR4-4) is for high density housing with a minimum lot frontage of 6.1 m. In this case, the building height will be a maximum of 14 m, there will be a lot frontage of 6.1 m and there will be 1.25 parking spaces per dwelling unit (among other provisions).

The Institutional Exception Three Zone (I-3) is for the Assisted Living Seniors' Living development. For this development, there will have the normal provisions for this zone but the building height will be a maximum of 14 m.

The Institutional Zone (I) is for the proposed School Block. The Open Space (OS) zones are for the Stormwater Management Pond, Walkways and Open Space while the Natural Core (NC) is for the realigned creek.

A complete copy of By-law No. 2022-09 is provided as Attachment No. 4.

Planning Framework

The application is subject to the policies of the Provincial Policy Statement (2020), A Place to Grow – Growth Plan for the Greater Golden Horseshoe (2020) the Peterborough County Official Plan and the Township of Cavan Monaghan Official Plan.

Provincial Policy Statement 2020 (PPS)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The PPS works together with provincial plans and other legislation. Provincial plans and municipal official plans provide a framework for comprehensive, integrated, place-based and long-term

planning. All decisions affecting planning matters “shall be consistent” with policy statements issued under the Act.

The PPS focuses growth and development within urban and rural settlement areas while supporting the viability of rural areas. Settlement areas are defined as urban areas and rural settlement areas within municipalities and include cities, towns, villages and hamlets. Settlement areas are the focus of growth and development.

With the approval of the Official Plan Amendment, the entire subject property is located within the Settlement Area of Millbrook. As such, the property is subject to the policies of Sections 1.1.3 of the PPS. Urban and rural settlement areas are the focus for growth and development.

Section 1.6.6 of the PPS, planning for sewage and water services must direct and accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing municipal sewage services and municipal water services. In addition, these systems must be provided in a manner that can be sustained by the water resources upon which such services rely, prepare for climate change impacts, be feasible & financially viable as well as comply protect human health and the natural environment.

Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Within settlement areas with existing services, intensification and redevelopment will be promoted to optimize these services, where feasible.

The proposed development will be serviced by full municipal services.

The zoning by-law amendment is consistent with the policies in the PPS.

A Place to Grow - Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow - Growth Plan for the Greater Golden Horseshoe contains policies to guide decision making about growth that promotes economic prosperity, sound environmental stewardship, and strong sustainable communities. Growth is directed to settlement areas and prioritizing intensification as the means of making better use of land and infrastructure. Municipalities must plan for community infrastructure to support growth.

The Growth Plan’s policies specify the required criteria and circumstances to permit expansions of settlement area boundaries. While typically the Growth Plan dictates that a settlement area boundary can expand through a municipal comprehensive review, an expansion may also occur outside of a municipal comprehensive review subject to certain criteria and as long as the proposed expansion is less than 40 ha (100 ac) in size. The development included a minor expansion to accommodate the realigned stream corridor, some residential development but mostly the proposed school site.

Section 2.2.8 of the GGH outlines the policies that apply to Settlement Area Boundary Expansions. Section 2.2.8.5 permits a settlement area boundary expansion in advance of a municipal comprehensive review provided: the lands achieve the minimum density target, is not a rural settlement area, has sufficient infrastructure capacity and will be included in the land needs assessment of the next municipal comprehensive review. As noted earlier, with the approval of the official plan amendment, there was a minor expansion of the settlement area boundary to accommodate the development.

The application permits development that contributes to the development of a complete community. Municipal water and sewer services are available and there is servicing allocation for non-residential development. The draft approved plan of subdivision is adjacent to other existing residential development and adds to the supply of residential lots in the Township and more specifically the Millbrook Settlement Area.

The residential lots will be developed on municipal services and any environmental features are protected with suitable buffers along the realigned stream channel. These are included in the Natural Core (NC) and Open Space (OS) zones.

The zoning by-law amendment is consistent with the policies in A Place to Grow..

Peterborough County Official Plan

Millbrook is identified as a settlement area in the Peterborough County Official Plan. Section 1.2.3 provides that future growth should be directed towards settlement areas that currently have or can reasonably expect to obtain servicing systems. Development should be as compact as possible based on servicing and occur in-depth rather than in a linear form along existing roads. In addition, local Official Plans shall be responsible for recognizing boundaries of settlement areas.

Section 4.1.3.1 provides that development or site alterations may be permitted within or adjacent to a natural heritage feature if it can be demonstrated through an Environmental Impact Study (EIS) that there will be no negative impacts on the natural feature. The applicant's consultants have completed an EIS that outlines the technical background that coupled with working with the Otonabee Region Conservation Authority has been able to confirm that the proposed realignment will replicate the environment of the existing watercourse.

As noted earlier, Peterborough County approved the Official Plan Amendment as well as draft plan of subdivision subject to an appropriate zoning by-law. As such, the County recognizes the appropriateness of the development given the zoning by-law is in accordance with the provisions of the Planning Act.

The zoning by-law amendment conforms to the applicable policies of the Peterborough County Official Plan.

Township of Cavan Monaghan Official Plan

With the approval of the Official Plan Amendment, the subject lands are all located in the designated settlement area of Millbrook in the Township of Cavan Monaghan. The zoning by-law will implement the approved draft plan of subdivision by recognizing the proposed lot fabric in the appropriate zone categories.

The Official Plan establishes the pattern that development within the Township should follow over its planning horizon. The studies and background technical documents prepared in support of the subdivision application confirm the proposed development can be accommodated on full municipal services. As such, the lots and blocks are being zoned appropriately to reflect this significant development.

As noted earlier, the subject lands subject are currently designated Agricultural, Residential, Natural Linkage Area and Institutional in the Township of Cavan Monaghan Official Plan. The zoning by-law amendment will change these lands to realign and modify the existing land use designations of Residential, Agricultural and Natural Core zones. In addition, the zoning by-law will accommodate several buildings higher than 3 storeys (4 storeys).

The zoning by-law amendment will implement the approved draft plan of subdivision. The studies prepared in support of the application confirm the development can be accommodated on municipal services and the proposed zoning reflects the lot coverage, lot frontage, front & rear yard setbacks, minimum landscaped open space and provision of outdoor parking spaces (2 outdoor per dwelling) where appropriate.

With the changes, approximately 57% of new housing within the residential designation will be multiple unit buildings including semi-detached, townhouses or apartments. The predominant land use is residential through a variety of housing types to a maximum density of 35 units per hectare.

Residential uses will be complemented with the development of a parkland block that will be zoned Open Space as well as walkways, environmental protection lands and a trail network with connections in the realigned stream channel.

In support of a complete community, the development also includes a future school site as part of the Institutional Zone (I) as well as a range of low, medium and high density housing choices. The high density housing will come in the form of apartments, active seniors' and Assisted Seniors' Living dwellings.

The application and the zoning by-law amendment conforms to the applicable policies of the Cavan Monaghan Township Official Plan.

Financial Impact:

None at this time.

Attachments:

- Attachment No. 1: Key Map – Subject Property
- Attachment No. 2: Draft Plan of Subdivision
- Attachment No. 3: Report – Planning 2021-35 Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment
- Attachment No. 4: By-law No. 2022-09

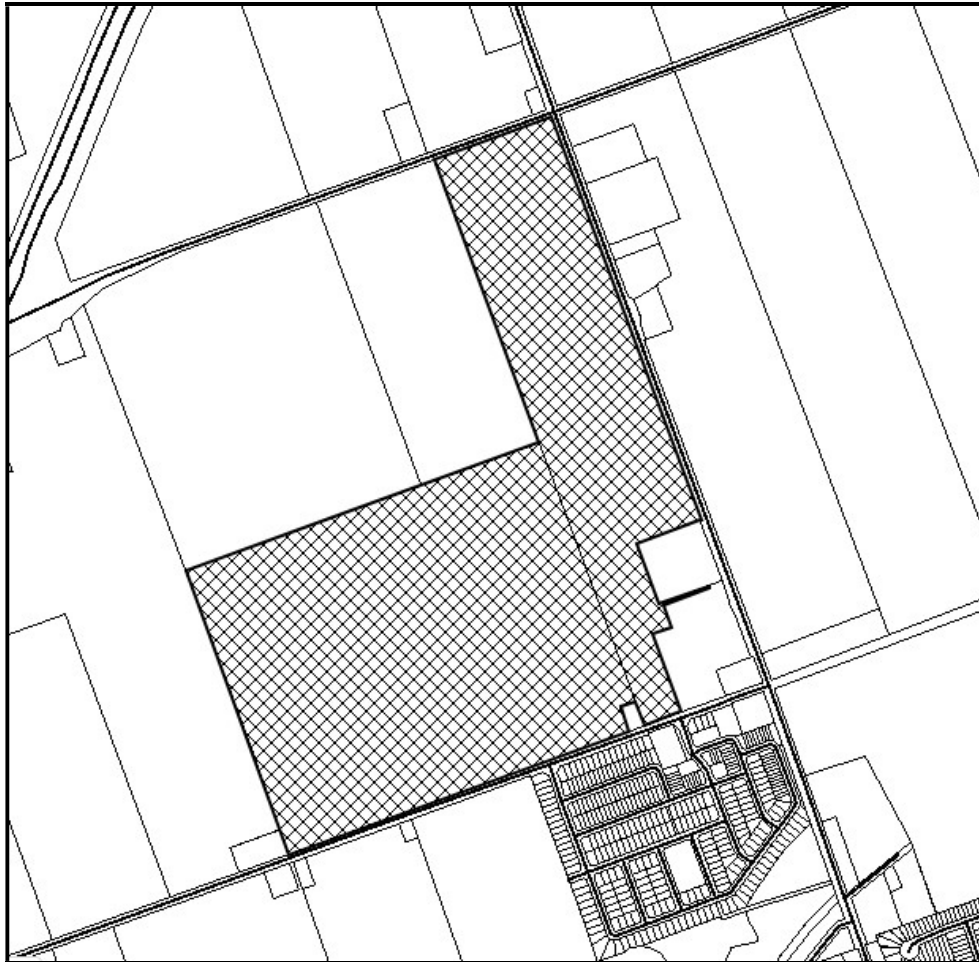
Respectfully Submitted by,

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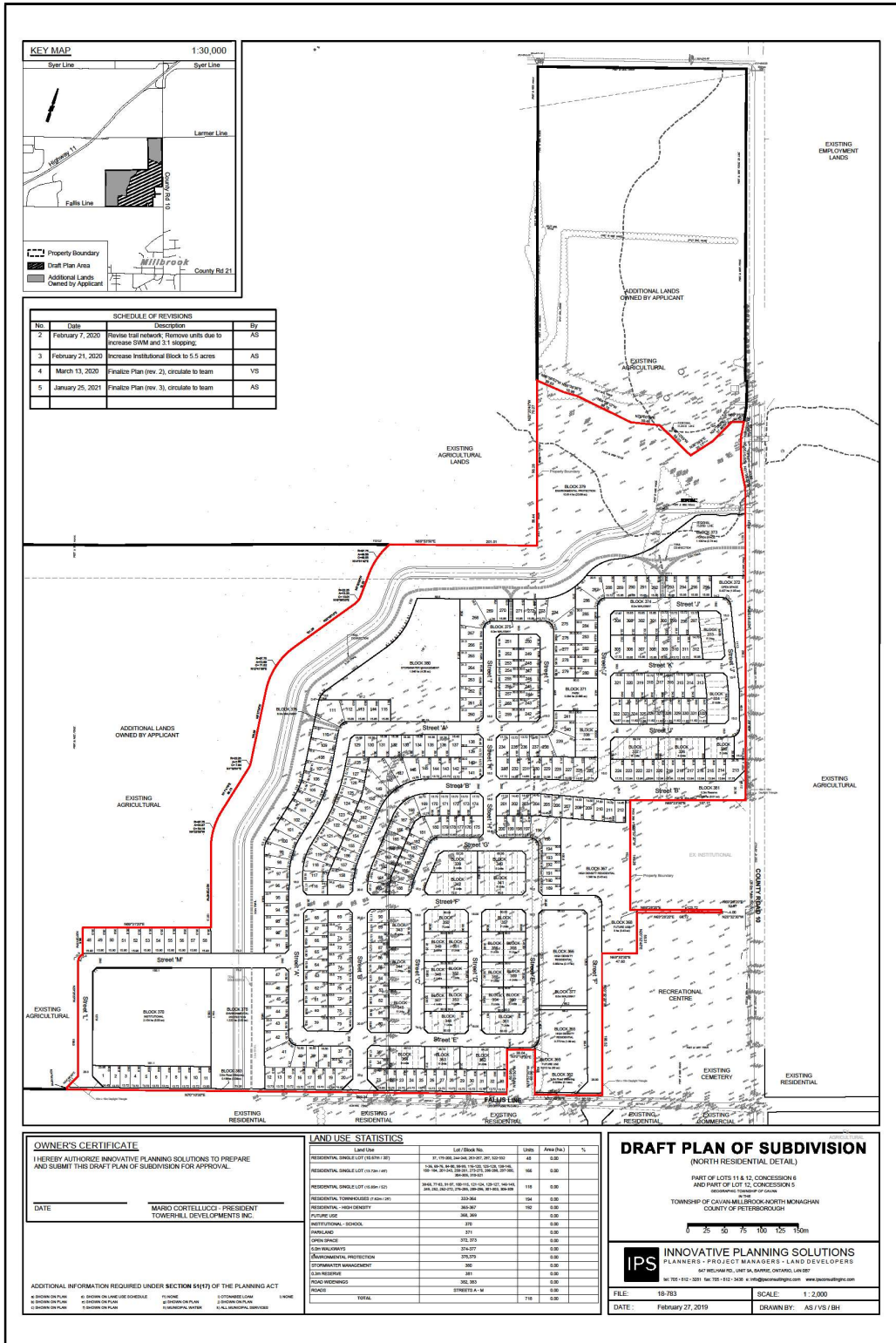
John F. Connolly
Executive Director, Planning & Development

Yvette Hurley
Chief Administrative Officer

Attachment No. 1 – Key Map – Subject Property



Attachment No. 2



Attachment No. 3

Attachment No. 4