

**Recommendation:**

That the Planning-2024-21 report, dated September 3, 2024, regarding File R-11-24 (Parkhill Storage) be received and;

That Council receive all comments related to File R-11-24; and

That the By-law to enact the amendment be revised and brought back to a future meeting of Council once the peer review has been completed to the satisfaction of the Township and applicable agencies.

**Overview:**

EcoVue Consulting Services Inc., Agent on behalf of the Owner, 2780811 Ontario Inc. (Tom Livisianos/Parkhill Storage), has applied to amend the existing zoning on the property known municipally as 192 County Road 4 and more particularly described as Roll No. 1522-010-004-10500, Part Lots 1 and 2, Concession 10 in the former Township of Douro, (now the Douro Ward of the Township of Douro-Dummer) in the County of Peterborough.

The subject land is currently zoned the Special District 79 Zone (S.D. 79) as illustrated on Schedule B2 to By-law No. 10-1996, as amended. The Owner is seeking to expand the existing self storage facility on the subject property. A Zoning By-law Amendment is required to recognize the site-specific requirements of the proposed development. Additionally, the current zoning requires that the permitted uses on the site comply with a specific building layout as illustrated on a separate Schedule. Since the applicant is proposing a site layout that does not align with the approved Schedule, an amendment to the zoning is required.

The effect of the Amendment is to delete the existing text of the Special District 79 Zone (S.D. 79) and to replace it with specific regulations to capture the existing and proposed development. The rezoning is required to permit the expansion of the existing self-storage business and related uses.

A copy of the draft By-law which was provided with the Notice is attached to this Report.

A separate application for Site Plan Approval has been applied for given that the proposal will result in the expansion of an existing commercial use to an area greater than 100 square metres.

A Planning Justification Report (PJR) has been prepared by EcoVue Consulting dated June 4, 2024, which provides further details with respect to the rezoning and site plan approval applications. A Copy of the EcoVue Report is attached to this Report.

In addition to the PJR, the following technical reports were submitted in support of the applications:

- [Traffic Impact Study](#)
- Stormwater Management Report (large file size, available upon request).
- [Concept Plan Review Report](#)
- [Elevation Plans](#)

Notice of the public meeting was given on August 14, 2024, by ordinary mail and/or e-mail to all prescribed persons and public bodies and to every person and public body that has provided a written request for Notice.

Notice of the public meeting was circulated by ordinary mail to every owner of land within 120 metres of the subject property on August 14, 2024. A sign was posted on the subject property. Notice was also posted on the Township Website.

A copy of the Notice is attached to this Report. The giving of Notice complies with the applicable Regulation of the Planning Act.

The technical reports are in the process of being peer reviewed by the applicable agencies and the Township peer review consultant (D.M. Wills). On July 4, 2024, D.M. Wills completed a "High Level Peer Review" outlining the scope of the review and requesting additional material. A copy of this correspondence is attached to this Report. As of the writing of this report, peer review is still in process and sign-off has not been received. Therefore, Staff recommend that the zoning by-law amendment be brought forward to Council for a decision at a later date.

During the circulation process, and at the request of the Township and D.M. Wills, the Concept Plan was updated (August 16, 2024) and a Geotechnical Investigation was provided by GHD Limited, dated November 26, 2021. A copy of the updated Concept Plan and the Geotechnical Investigation are attached to this Report.

During the review of the initial application submission, the Otonabee Region Conservation Authority (ORCA) identified a number of items requiring additional information as it relates to their review mandate. A copy of ORCA's engineering review comments dated July 26, 2024, are attached to this Report. In separate correspondence dated August 26, 2024, ORCA requested that the floodplain on the subject property be zoned appropriately. Copies of ORCA's comments are attached to this Report.

Based on ORCA's comments, Staff recommend that the By-law be revised to appropriately zone the floodplain to prohibit future development and site alteration (i.e. placement of fill) and that the revised By-law be brought forward to Council for a decision at a later date.

**Conformity to Provincial Policy Statement (PPS) and A Place to Grow, Growth Plan for the Greater Golden Horseshoe (Growth Plan):**

Section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act.

Section 1.2.2 of the Growth Plan requires that all decisions that affect a planning matter will conform with the Growth Plan.

The subject lands are located within a Settlement Area for the purposes of the PPS and Growth Plan.

A pre-consultation was held on March 16, 2023. The Pre-consultation identified a number of natural heritage and key hydrologic features and natural hazards that are present on or adjacent to the subject property (i.e. species at risk, key hydrologic features (a small inland lake, rivers and non-evaluated wetlands), floodplain and archaeological potential). Since the subject property is located within the Donwood rural settlement boundary, the Growth Plan policies relating to key hydrologic features, key hydrologic areas and key natural heritage features (Ss. 4.2.3 and 4.2.4) do not apply.

The pre-consultation flagged that the subject lands are within 400 metres of the Peterborough Proposed Bypass, a Ministry of Transportation (MTO) planned corridor. Section 3.2.5.1 (b) of the Growth Plan and Policies 1.6.8.1 through 1.6.8.3 of the PPS require that planning authorities plan for and protect transportation corridors for the long term and shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose for which it was identified.

As part of the pre-consultation process, MTO provided comment on March 28, 2023, stating that they “...have reviewed the application in accordance with *the Public Transportation and Highway Improvement Act* (PTHIA) and the Highway Corridor Management Manual to provide the following comment.

The Ministry has determined that the subject lands do not fall within MTO’s permit control area, therefore we have no comments to offer this application.”

MTO was circulated copies of the formal applications and no additional comments have been received as of the writing of this Report.

The pre-consultation identified additional studies and material required by Peterborough County E&D, ORCA and the Township in order to address PPS and Growth Plan policies (see pre-consultation notes included in the EcoVue PJR). The EcoVue PJR has addressed the applicable sections of the PPS and Growth Plan. As mentioned previously, the studies are in the process of being peer reviewed to ensure they have addressed the applicable Municipal, Provincial and agency requirements.

While the PJR prepared by EcoVue has identified and addressed the applicable sections of the PPS and Growth Plan, consistency and conformity to these policies cannot be confirmed until peer review sign-off is completed to the satisfaction of the Township and applicable agencies.

### **Conformity to Official Plan:**

The subject property is designated Hamlet on Schedule 'A4-4' and within the Urban Fringe Control Area Boundary (Schedule 'A4-1').

The Hamlet Designation refers to existing settlement areas which function as residential and commercial service nodes. These areas may contain a mix of residential, commercial, small scale industrial, public and institutional facilities (S. 6.2.3.1).

Permitted uses include retail and service commercial uses deemed necessary to serve the surrounding rural areas and industrial uses, such as a builders' supply, feed mill, public garage, farm implement dealer which primarily serve the surrounding rural-agricultural community. (S. 6.2.3.2).

Regard shall be had to the protection of residential uses, especially in cases of adjacent uses which are deemed not compatible. Provision shall be made for adequate setbacks from property lines, for lands to be set aside in certain cases for landscaping and buffering purposes, for off-street parking facilities, prohibition of nuisances, and control over outside storage. (S. 6.2.3.3 (a)).

Within the Urban Fringe Control Area Boundary, the Township is required to request comments from the City of Peterborough when assessing applications for highway commercial, rural industrial or rural residential development (S. 6.2.17.3 (c)). A copy of the proposal was provided to the City of Peterborough as part of the pre-consultation process. In correspondence dated March 15, 2023, the City indicated they do not have any comments on the application. A copy of the City's comments are attached to this Report.

Section 2.6 of the Official Plan outlines additional information the Township may request when considering development proposals or planning applications. Through the pre-consultation process, Township Staff requested a market analysis/justification study as part of the Planning Justification Report. While not included in the PJR, EcoVue provided the following additional information:

- The expansion of the use is being proposed in an area where new residential units are being constructed and new people are moving to the area who will utilize the units;
- The closest self storage facility, outside of Parkhill Storage, is a minimum of 5 kilometres (5+ minutes driving) away from the subject lands, and there is no other facility in Donwood;

- The property owner has been receiving many calls from individuals looking to purchase units; however, they are currently at capacity and are turning people away on a weekly basis; and
- As stated previously, the use occurring on the subject lands (i.e. storage unit business) has remained unchanged for several years. The submitted Zoning By-law Amendment is seeking to amend Schedule 'B' to a previously approved By-law, to allow the expansion of the existing and permitted use. In this specific circumstance, the previous Schedule 'B' severely limited the use of the entire property, with the entire development only taking up 25-35% of the lands. This ZBA is seeking to utilize a currently underutilized property and provide sufficient setbacks to storage units and parking spaces.

Section 7.14 of the Official Plan outlines the criteria for assessing commercial development. Planning Staff have reviewed the EcoVue PJR and are satisfied that the applicable policies of this Section have been addressed in the PJR.

Section 7.17 of the Official Plan designates the entire Township of Douro-Dummer as a Site Plan Control Area. In accordance with the Township Site Plan Control By-law No. 2022-58, an application for Site Plan Approval is required and has been submitted. At the request of the Applicant, peer-review of the technical studies will include detailed design comments related to site plan approval. Township Staff have noted that appropriate Zoning is required prior to the Site Plan agreement being drafted and reviewed.

### **Comments:**

As of the writing of this Report, there have been no comments received from members of the public.

Comments were received from the following agencies:

- Enbridge Gas Inc.: No objections to the application.
- Bell Canada: Bell Canada does NOT generally comment on zoning by-law amendments. However, Bell Canada does generally comment on site plan approval, applications. Bell Canada will generally comment on recirculations where the change modifies the proposed residential dwelling unit count and/or non-residential gross floor area in a draft plan of subdivision, draft plan of condominium and/or site plan control application.
- Curve Lake First Nation: Requested copies of any archaeological assessments of the property.
- Peterborough County Public Works Engineering and Design Division: No objections, comments or concerns provided that the County's comment from the March 16, 2023, Pre-Consultation Meeting are addressed as a part of Site Plan Approval.

- Otonabee Region Conservation Authority:

The site is traversed by flooding associated with a tributary of Meade Creek. A cut and fill has been proposed to manage flood storage on the property while removing certain areas of the site to outside of the flood risk to accommodate the expansion of the existing storage facility. Those areas of the property that are proposed to be kept for flood storage should be zoned to prohibit future development or site alteration (i.e. filling). Provided that the revised floodplain is zoned appropriately, it is the opinion of Otonabee Conservation that the application is consistent with Section 3.1 of the Provincial Policy Statement (PPS), referencing Natural Hazards.

An engineered, balanced cut and fill will be completed at the site to accommodate the existing flood storage on the property while allowing the proposed expansion to proceed. The effect of this grading will ensure that the new developments are not impacted by flooding and that flood storage capacity is available as to not negatively impact adjacent lands. Based on the information provided, the development does not appear to create new or aggravate existing hazards.

Otonabee Conservation mapping indicates that the lands are fully subject to Ontario Regulation 41/24 Otonabee Conservation's "Prohibited Activities, Exemptions and Permits" regulation. Permits from this agency are required prior to any of the site grading for the cut and fill or new development taking place.

The subject property is not located within a vulnerable area that is subject to SPP policies. Significant drinking water threats are not possible and a Restricted Land Use Notice is not required.

Copies of the agency comments are attached to this Report.

The application was circulated to Senior Staff on August 14, 2024. As of the writing of this Report, there were no concerns identified by Senior Staff.

### **Conclusion:**

The requested zoning by-law amendment proposes to rezone the Special District 79 (S.D. 79) portion of the subject lands to recognize the site-specific requirements of the existing and proposed development. The rezoning is required to permit the expansion of the existing self-storage business and related uses.

It is recommended that the rezoning also capture the boundaries of the floodplain and prohibit development and site alteration within this area. Therefore, the By-law to enact the amendment should be revised and brought back to a future meeting of Council once the peer review has been completed to the satisfaction of the Township and applicable agencies.

**Financial Impact:**

All costs related to the application for a Zoning By-law Amendment are the responsibility of the Owner.



**Service Modernization and Innovation**

Modernizing, refining and innovating services for residents is essential to effectively meet the needs of our community, enhance our operational efficiency, and ensure we remain adaptable in a rapidly changing world.



**Business Attraction, Expansion, and Retention**

Business attraction, expansion, and retention is vital for the economic health and sustainability of our Township, such as job creation, tax revenue, investing in innovation, maintaining our quality of life, and supporting community stability.



**Infrastructure Renewal**

Infrastructure renewal is a critical investment for our Township as it will ensure our adherence to health and safety, economic development, investment attraction, environmental sustainability, quality of life, public confidence, and regional competitiveness.

**Report Approval Details**

Document Title:	R-11-24 (Parkhill Storage) Public Meeting Report.docx
Attachments:	<ul style="list-style-type: none"> <li>- R-11-24 - Draft By-law.pdf</li> <li>- 2024 06 04 FINAL CR 4 Storage Units ZBA PJR.pdf</li> <li>- R-11-24 - ZBA Notice.pdf</li> <li>- DM Wills 2024-07-04_20089-011 ZBA first submission High Level Review.pdf</li> <li>- 22-2465 Self Storage Expansion_REV08162024-CONCEPTPLAN_24X36.pdf</li> <li>- 12563534 - LTR - Geotechnical Letter Parkhill Storage.pdf</li> <li>- R-11-24 - ORCA PPLD-2315 (July 26 2024).pdf</li> <li>- R-11-24 PPLD 2316 192 CR4 -ORCA (August 26, 2024).pdf</li> <li>- MTO Pre-Con Comments (March 28, 2023).pdf</li> <li>- City of Peterborough Comments (March 15, 2023).pdf</li> <li>- R-11-24 - Enbridge Comments (August 16, 2024).pdf</li> <li>- R-11-24 - Bell (August 14, 2024).pdf</li> <li>- R-11-24 - Curve Lake (August 15, 2024).pdf</li> <li>- R-11-24 - County ED Comments (August 14, 2024).pdf</li> </ul>
Final Approval Date:	Aug 27, 2024

This report and all of its attachments were approved and signed as outlined below:

Martina Chait-Hartwig

Mike Rutter