



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: January 24, 2011

SUBJECT: Report PLPD11-004
270 Rogers Street

PURPOSE

A report to evaluate the planning merits of amending the Zoning By-Law from R.1, R.2 – Residential District to a modified R.3 – Residential District, as it relates to the property known as 270 Rogers Street, to recognize the existing triplex as a permitted use.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD11-004 dated January 24, 2011, of the Manager, Planning Division, as follows:

- a) That the zoning of the subject property, be amended from the R.1, R.2 - Residential District to the R.3, 8a, 16e – 'H' - Residential District in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD11-004.
- b) That the "H" Holding Symbol be removed subject to the following:
 - i. Site Plan Approval is granted for the subject property;
 - ii. Confirmation from the Fire Services and Building Division that the units comply with the requirements of the Ontario Building Code and the Ontario Fire Code;
 - iii. Payment of cash-in-lieu of parkland for the third unit; and
 - iv. Payment of all applicable development charges for the third unit

BUDGET AND FINANCIAL IMPLICATIONS

There are no direct budget or financial implications arising from the approval of this application. The City is able to collect a park levy and development charges for the third unit to be legalized by way of the zoning amendment.

RATIONALE

Approval of this Zoning By-Law Amendment is based upon the following:

The subject property is designated "Residential" on Schedule 'A' - Land Use, of the City of Peterborough Official Plan. The "Residential" policies of the Official Plan encourage infill residential development up to a maximum scale permitted under the Medium Density Residential designation, in residential areas where the impacts of development on existing uses can be minimized and where development can efficiently utilize existing municipal services and facilities. The subject application proposes the use of the existing building for a total of three units, resulting in a density of 25.2 units per hectare (10.3 units per acre). This is considered the maximum density of the 'Low Density Residential' designation.

The policies also support infill housing, through an amendment to the Zoning By-Law, provided the development proposal respects the scale and physical characteristics of existing development in the surrounding neighbourhood. The amendment proposes to utilize the existing building, for the same purpose that has been established within the streetscape of Rogers Street since 1995. The applicants are able to provide the minimum of 6 on-site parking spaces, at a ratio of two spaces per unit. Where three units are proposed, each parking space must be accessible to the street. It is feasible to accommodate the minimum of six parking spaces on site, with direct access to Rogers Street. The existing servicing of the property remains adequate for the existing triplex. The property is also located in an area well served by parks and schools.

BACKGROUND INFORMATION

An application for rezoning to permit a triplex on the subject lands was processed in 2006 and was denied by Council at that time. The applicants appealed the former Council's decision to deny the application to the Ontario Municipal Board. The City's Solicitor sought direction from the current Council as to how to proceed with the OMB Appeal and after further discussion with the applicant, Council agreed to process a new

application. The applicant withdrew the appeal and is now requesting that Council reconsider the application.

The current application was received on April 15, 2010 and deemed to be complete on May 4, 2010 and was processed in accordance with department procedures. The current owner purchased the property in March, 2005 at which time the owner's solicitor was advised of both an outstanding permit for an addition and an outstanding complaint under minimum Property Standards By-Law for this property.

The application for rezoning stems from a 1999 Property Standards Complaint and the associated Fire inspection which confirmed the existence of a third unit within the existing building. An application submitted in June, 2000 was closed by the Planning Department in May, 2001 due to the application not being perfected, notwithstanding several meetings and correspondence.

The subject property is located on the east side of Rogers Street, south of Sophia Street. The property is situated within an area supporting a combination of single detached and duplex dwellings as well as a legal non-conforming triplex at 284 Rogers St. (two properties north of the subject property).

Rogers Street is considered a Low Capacity Collector road as illustrated on Schedule 'B' of the Official Plan. As a low capacity collector, the road is intended to accommodate the traffic generated between neighbourhoods for short distances between arterial and local streets. This roadway is anticipated to support driveways to residential lots.

ANALYSIS

a) Official Plan

The subject property is designated 'Residential' by the City of Peterborough Official Plan. The predominant use of land within the 'Residential' designation is for low, medium and high-density residential accommodation, in accordance with the criteria for the various densities. The proposed application is considered to be residential intensification at a 'low density' scale.

The overall density of the property with three units is marginally beyond the maximum permissible density within the 'Low Density Residential' designation of the Official Plan. The policies contemplate multi-unit buildings with building heights similar to other low-density uses in appropriate locations. The application is therefore assessed with the infill housing evaluation criteria of Section 4.2.5.7 of the City of Peterborough Official Plan.

The housing form currently exists and is not proposed to be altered by the approval of this application. The effects of traffic generation and the impact on the surrounding environment have been experienced within the neighbourhood since 1995 with the introduction of the third unit. The area has sufficient amenities to serve the residents of the triplex as well as the residents of the surrounding neighbourhood, Adequate on-site parking exists to satisfy the parking requirements of the Zoning By-law.

b) Zoning By-law

The subject property is currently zoned R.1, R.2 - Residential District in the City of Peterborough Zoning By-Law #1997-123. The maximum number of dwelling units permitted by the existing zoning is two. The application seeks an amendment to rezone the property to the R.3 – Residential District zone to permit up to a total of three dwelling units.

The R.3 zoning district with alternative regulations to recognize the reduced minimum lot width per dwelling unit and minimum building setback from the side lot line, would permit the existing triplex only. The potential for additional units is limited by the size limitation of the property, based on frontage. Alternative regulations are recommended to reflect the existing frontage and side yard setback to permit a minimum frontage of 5.6m per dwelling unit and a minimum building setback of 1.7m from the side lot line. This regulation will limit the total number of units to a maximum of three for the subject property. Planning Staff recommend that the property be rezoned from R.1, R.2 to R.3, 8a, 16e.

The Zoning By-law requires 1.75 parking spaces per unit on-site resulting in a requirement of 6 spaces. The concept site plan illustrates that the property can support the required parking.

c) Site Development

Staff recommend that the property be subject to Site Plan Approval. The applicant will be required to enter into a Site Plan Agreement with the City, to be registered on title to the property, binding current and future owners of the land to maintain the property in accordance with the agreement. The existing driveway along the north property line is proposed to continue to provide access to the parking in the rear yard. A Site Plan Agreement will require this to be kept clear and accessible year round.

The parking in the rear yard will be expanded to introduce 2 additional parking stalls to the east of the existing willow tree in the rear, preserving the tree.

RESPONSE TO NOTICE

a) **Significant Agency Responses:**

Agency circulation was issued on May 19, 2010.

Comments were received from the City's Building Division requesting that the approval of the application be subject to a Building and Fire Code inspection as well as Electrical Safety Authority inspection to ensure compliance with the requirements of the Ontario Building Code and the Ontario Fire Code.

The City's Utility Services Department recommend a maximum of 4 parking stalls between the house and the existing tree and relocating one stall to the east of the willow tree to improve turning maneuvers on site. This will require an amendment to the plan at site plan approval stage, to illustrate two parking stalls to be located east of the existing tree. In addition, cash in lieu of parkland is recommended where required.

No further agencies have expressed any significant concerns or requests with respect to the proposed rezoning of the subject property.

b) **Summary of Public Responses:**

Notice of Public Meeting was issued on December 23, 2010 by direct mail and on December 30, 2010 by newspaper advertisement (Peterborough Examiner). The notice complies with the requirements of the Planning Act.

Further to the Notice of Public Meeting in August, 2010, a written submission was received from Brian and Ann Fitzgerald of 239 Rogers Street opposing the proposed amendment. The opposition to the application is based on their concerns regarding the adequacy of parking, especially during winter months; increase in the existing traffic volume in the area; undetermined future use of the former St. Joseph's hospital site; no changes to the subject lands since last application; another triplex in the area has been a safety and fire hazard and financial burden for their previous residence at 292 Rogers Street.

A written submission was received from Marian Darling, owner of the adjacent property at 264 Rogers Street in support of the proposed amendment to legalize the existing

triplex with additional parking in the rear yard. Ms. Darling comments that the property is well maintained.

Written comments were received from Judith A. Campbell, resident of the subject property, in support of the application, supporting the affordable quality housing provided by the owner who maintains the property well.

Ivan and Carol Bateman of 244 Rogers Street provided written comments detailing the history of the property and changes to the use of the dwelling from a single to a duplex, back to a single and then a duplex again in 1995 and the subsequent zoning amendment application in 2006 to legalize the triplex. The Batemans express concern of a precedent for increased density based on reduced lot width requirements per unit for the neighbourhood; increased coverage of green space for parking; and increased flooding risk due to more hard surface parking in the area. The Batemans argue that approval of this would upset the social cohesion of the existing neighbourhood.

John Mitchell and Doug Ramsay, of 149 Sophia Street note concerns with 3 houses along the east side of Rogers Street, including the subject property, related to noise, drug abuse, domestic violence, animal cruelty, and garbage. Mr. Mitchell and Mr. Ramsay request that the City uphold the zoning by-law with regard to the use of the property.

A petition, dated August 20, 2010 with a total of 49 signatures has also been received, registering opposition to the application.

Submitted by,

Ken Hetherington,
Manager, Planning Division

Prepared by,

Concurred with,

Caroline Kimble,
Land Use Planner

Malcolm Hunt, Director
Planning and Development Services

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Planning & Development Services

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Attachments:

Exhibit A - Land Use Map

Exhibit B - Concept Plan

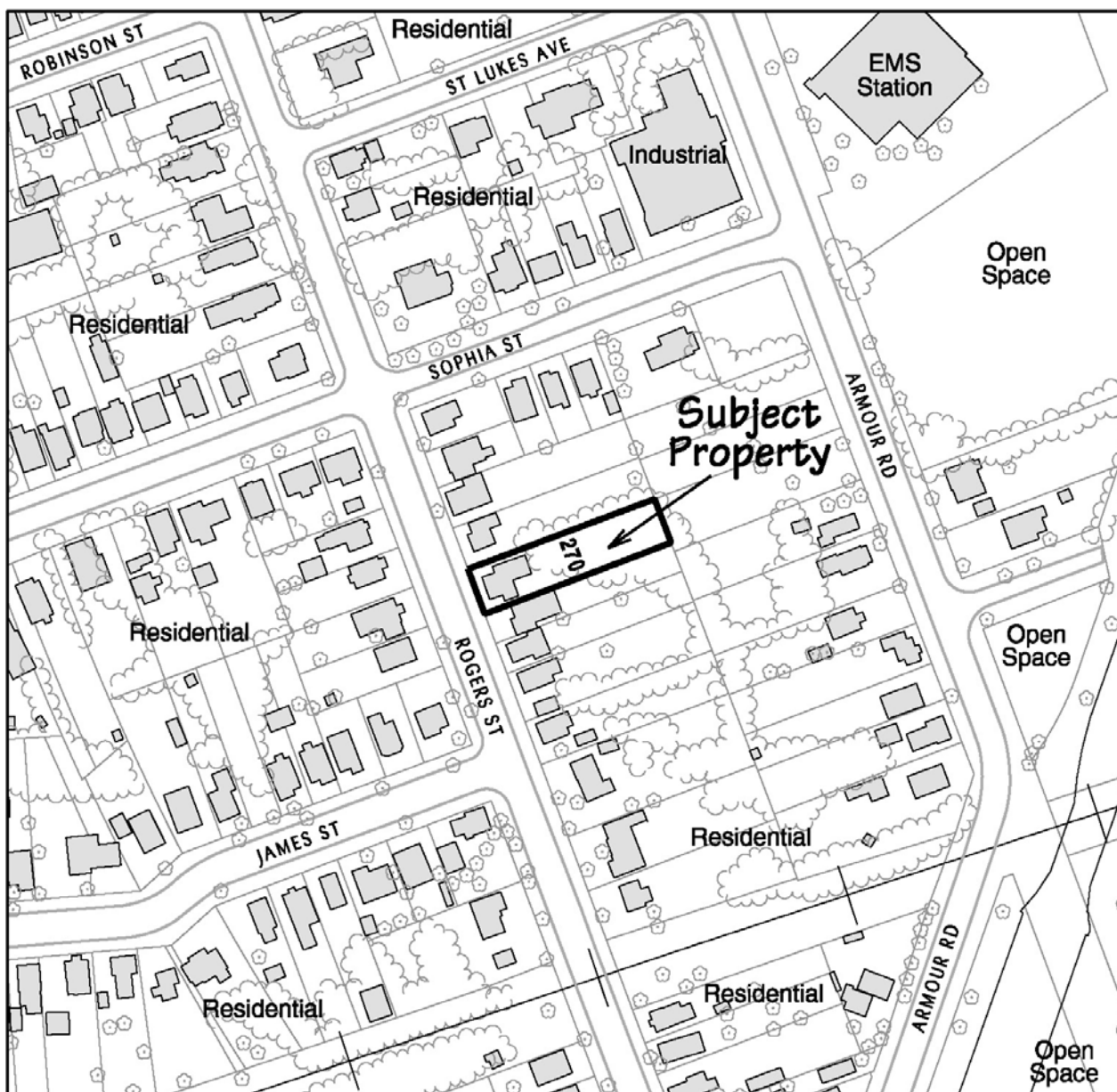
Exhibit C –Draft Zoning By-law

Land Use Map

Exhibit A
Page 1 of 1

File # z1012

Property Location: 270 Rogers St

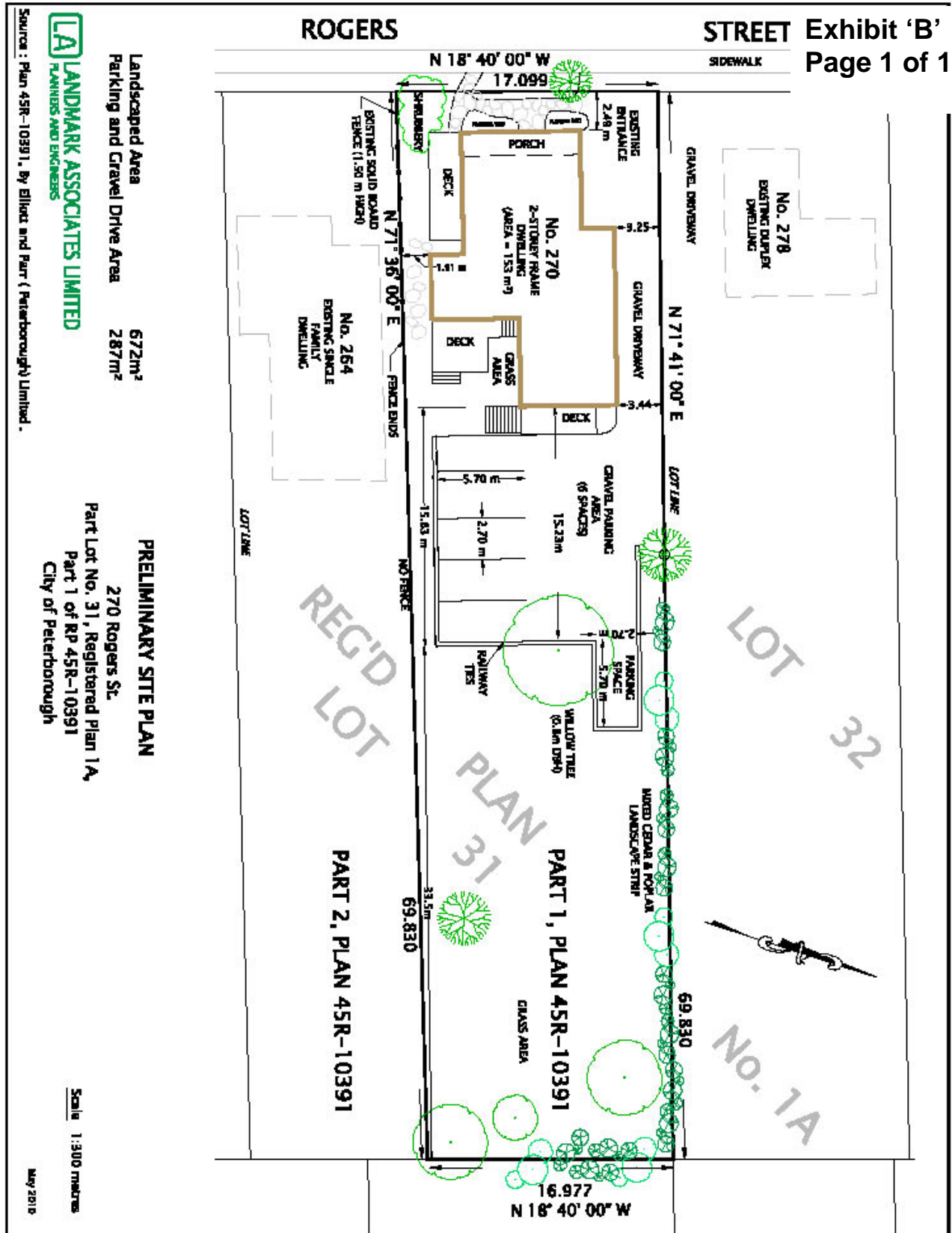


The City of Peterborough Planning Division

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Date - May 2010
Dwg. by - CBerry
Scale - 1:2000



THE CORPORATION OF THE CITY OF PETERBOROUGH

Exhibit 'C'

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BY-LAW NUMBER 11- _____

**BEING A BY-LAW TO AMEND THE ZONING FOR
270 ROGERS STREET**

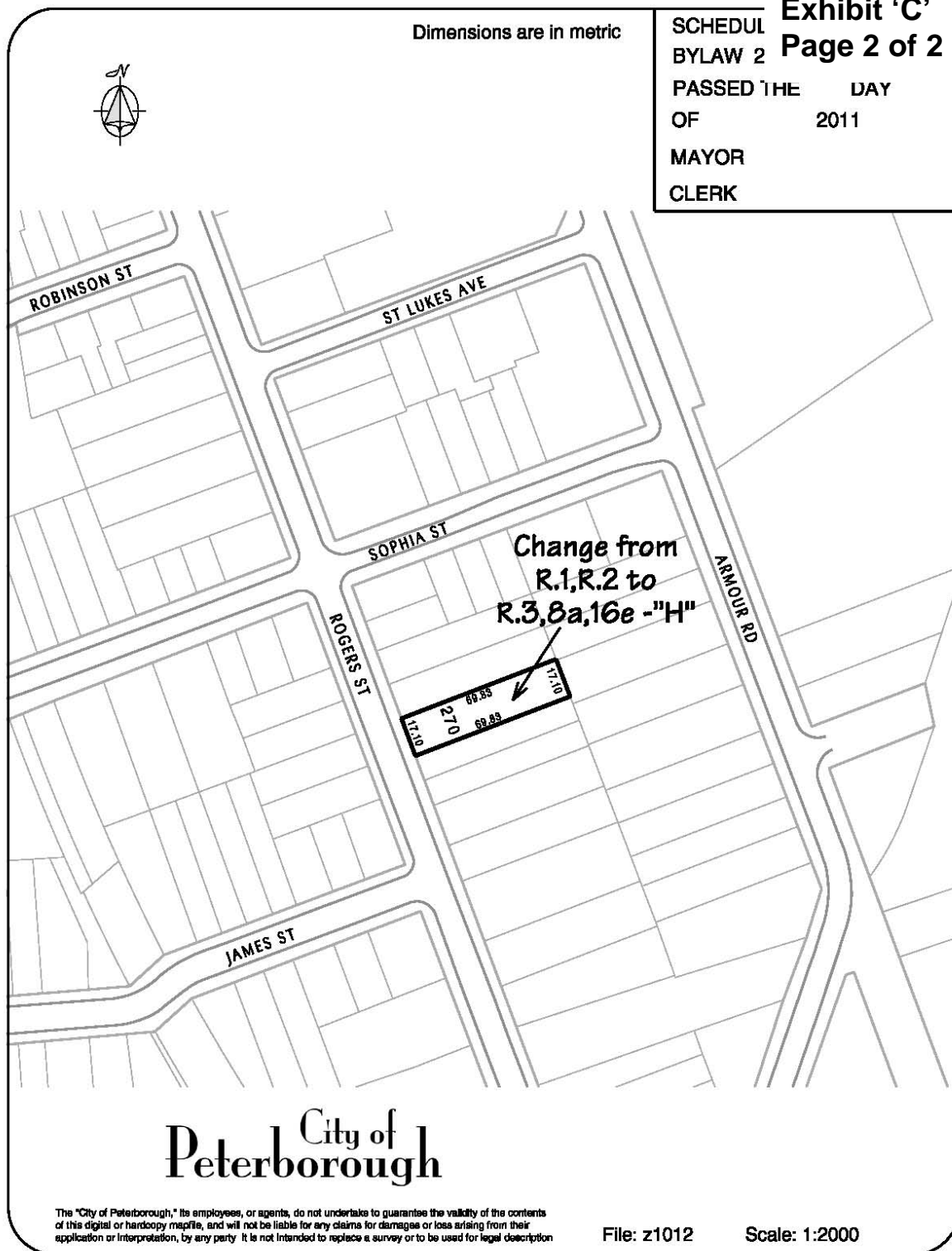
THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL
THEREOF HEREBY ENACTS AS FOLLOWS:

1. Map 13 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, R.2 to R.3, 8a,16e – 'H'**.
2. The 'H' Holding Symbol shall be removed subject to the following:
 - i. Site Plan Approval is granted for the subject property;
 - ii. Confirmation from the Fire Services and Building Division that the units comply with the requirements of the Ontario Building Code and the Ontario Fire Code;
 - iii. Payment of cash-in-lieu of parkland for the third unit; and
 - iv. Payment of all applicable development charges for the third unit.

By-law read a first, second and third time this _____ day of _____, 2011.

Daryl Bennett, Mayor

Nancy Wright-Laking, City Clerk



Received Mar. 2. 11
@ Neighbourhood Mtg.

EXHIBIT B - REPORT PLPD11-004A

Comments by I.L. Bateman on report PLPD11-004 of Jan 24, 2011

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Report

The "Residential" policies of the Official Plan encourage infill residential development up to a maximum scale permitted under the Medium Density Residential designation, in residential areas where the impacts of development on existing uses can be minimized and where development can efficiently utilize existing municipal services and facilities.

Note

Para. 4.2.2.1.3 of the OP does not state this.

It states "Infill housing is housing which is developed on vacant land in an existing residential area which makes use of existing infrastructure and has a form and scale compatible with the surrounding area".

Report

The amendment proposes to utilize the existing building, for the same purpose that has been established within the streetscape of Rogers Street since 1995.

Note.

In September of 1995 a building permit was issued to add an Accessory Apartment to a home described as a "Single Family Detached dwelling" There was no indication that there was any other "purpose" until the year 2000 when the City directory listed three different names to the resident list.

There is still an outstanding Building Permit which does not cover the conversion to a Duplex, but rather the construction of an "Accessory Apartment" attached to a Single Family dwelling

Report

The application is therefore assessed with the infill housing evaluation criteria of Section 4.2.5.7. of theOfficial Plan

Comment

This section does not mention infill housing and is only a general instruction for developers to provide information on the subjects covered.

Report

The effects of traffic generation and the impact on the surrounding environment have been experienced within the neighbourhood since 1995 with the introduction of the third unit.

What records were accessed to to come to this conclusion? What criteria were applied?

Report The subject property is currently zoned R.1, R.2

Comment. No mention is made of the R.1 zoning of the block on the facing side of the street