



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: July 18, 2011

SUBJECT: Report PLPD11-050
791 Stocker Road

PURPOSE

A report to evaluate the planning merits of amending the Zoning By-Law for the property known as 791 Stocker Road to recognize the use of the existing building as a triplex with site specific regulations.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD11-050 dated July 18, 2011, of the Manager, Planning Division, as follows:

- a) That Section 3.9 Exceptions in the City's Comprehensive Zoning By-law # 97-123, be amended in accordance with the draft amendment, attached as Exhibit 'C' to Report PLPD11-050 to permit the following:
 - i. A reduction in the minimum number of required parking spaces from 6 to 5 spaces;
 - ii. Two tandem parking spaces;
 - iii. A driveway width of up to 9m to permit up to 3 parking spaces at the street line;
 - iv. A reduction in the width of the landscaped strip from 1.5m to 1m along the westerly side lot line for parking and driveway area;
 - v. Relief from Section 6.25 to permit a ceiling height of 0.94m above grade for a unit in the basement of a residential building.

- b) That the zoning of the subject property, be amended from the R.1, 4h, R.2, 4h - Residential District to the SP.295 - 266 – (F) - 'H' Residential District in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD11-050.
- c) That the 'H' Holding Symbol be removed subject to the following:
 - i. Site Plan Approval is granted for the subject property;
 - ii. Confirmation from Fire Services and from the Building Division of the City of Peterborough, 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.

RATIONALE

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

The bulk of the subject property is designated 'Residential' on Schedule 'A' – Land Use, with a small portion along the rear (southerly) lot line, included in the 'Major Open Space' designation on Schedule 'A' – Land Use, to reflect the proximity to the Byersville Creek floodplain. 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." The impacts of the intensification are assessed in the same manner as infill residential development and should be permitted in residential areas where the impacts of development on existing uses can be minimized and the development can efficiently utilize existing municipal servicing and facilities. The application demonstrates the ability of the site to maintain the character of the area with up to 4 parking spaces on site (1.33 spaces per unit). Planning Staff recommend the use of the existing garage for a fifth parking space on the subject property. This will address concerns expressed by the City's Utility Services Department and by the neighbouring property owner about potential impacts of parking on the street. The existing servicing is adequate for the triplex.

The impacts of the use as a triplex can be minimized through the creation of additional parking in the side yard to the west of the existing garage.

The existing building respects the scale and physical characteristics of existing development in the surrounding neighbourhood. The amendment proposes to utilize the existing building, divided into three independent units.

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 any applicable development charges for the third unit.

BACKGROUND

The subject application was received on March 25, 2011, deemed to be complete as of March 29, 2011 and was processed in accordance with department procedures. The Planning Act allows applicants to appeal Zoning By-Law Amendment Applications after the expiry of 120 days of the application being deemed complete. The 120 day deadline for the subject application was June 29, 2011 and therefore, the applicant is in a position to file an appeal to the Ontario Municipal Board at any time.

The subject property is a wide lot, located on the south side of Stocker Road, north of Byersville Creek. The land currently supports an elevated 2 storey dwelling with a detached single storey garage on the west side of the lot. The existing building was originally constructed as a duplex in 1974 and was converted into a triplex, without building permit approximately in 1988 and has supported a total of three units since that time. The two upper units have 3 bedrooms in each and the lower unit has 1 bedroom. The current owners purchased the property in August, 2010 and the City received a complaint in November, 2010, regarding its use as a triplex, contrary to the zoning. The subject application has been submitted to the City to address the contravention with the City's Comprehensive Zoning By-Law.

Three properties on Stocker Road (798-804 and 810 Stocker Road) were subject of a Zoning By-Law Amendment approved in 2003, assigning the proposed SP.295 Zoning District to these properties to legalize similar conversions. The applicants have requested the same zoning for the subject property with site specific regulations.

ANALYSIS

a) Official Plan

The lands are currently designated "Residential" on Schedule 'A' – Land Use of the City of Peterborough Official Plan. The density of the residential use for three units is within the range of a medium density residential development.

The application is assessed with the intensification and infill housing evaluation criteria of Section 4.2.5.7 of the City of Peterborough Official Plan.

The proposal to recognize the existing triplex use of the dwelling at 791 Stocker Road with an expanded parking area for a total of four parking spaces, respects the objectives of the infill and intensification policies, as described by the City's Official Plan.

Based on the size of the subject property, the density of the triplex is approximately 45 units per hectare (18 units per acre). The Official Plan policies support infill housing, up to a maximum of 75 units per hectare in a suburban location (27 units per acre) through an amendment to the Zoning By-Law, provided the development respects the scale and physical characteristics of existing development in the surrounding neighbourhood. The amendment proposes to recognize the existing use of the building for a triplex and the applicant proposes to expand the parking area to increase the number of spaces to a total of four spaces, providing a ratio of 1.33 parking spaces per unit. Due to the concerns expressed regarding the reduction of parking spaces from a minimum of 6 spaces to 4 spaces, Planning Staff is recommending that the applicant utilize the existing parking space in the garage, creating a fifth space, and provide for a second tandem space in front of the garage for tenant use. The property is located in an area well served by parks and schools. The use of the front and side yards of the property for parking is consistent with the adjoining properties and several properties along Stocker Road. The ratio of hard surface and green space, with the expanded parking is also consistent with that of neighbouring properties.

b) Zoning By-law

The subject property is currently zoned R.1, 4h, R.2, 4h – Residential District, permitting up to a maximum of two dwelling units. The property has 23.27m (76 ft.) of frontage on Stocker Road and is 28.99m (95 ft.) deep. The SP.295 Zoning District has been applied to other properties along Stocker Road to recognize similar conversions to three units. The subject property has similar characteristics to those properties already zoned SP.295, however, requires site specific regulations to address parking configuration, ceiling height, and landscape strip requirements included in the general provisions of the City's Zoning By-Law.

Staff are proposing the application of a new regulation, Exception 266, to provide specific performance standards for the parking ratio: to permit the parking configuration; and to recognize the built form of the dwelling with a ceiling of the basement unit at 0.94m above grade, slightly deficient from the 1m requirement (for at least 50% of the unit). The application of the 'F' suffix is proposed to acknowledge the location of the property in proximity to the Byersville Creek floodplain.

Planning Staff is satisfied that the provision of a minimum of five parking spaces is sufficient for three units on the subject property. Recognition of the third dwelling unit, is also supportable, based on the relevant policies of the City's Official Plan. Treatment of the westerly lot line with an improved landscape strip of 1m will be required by the proposed zoning and reflected at Site Plan Approval stage to reduce the impact of introducing additional parking along the property line. Additional run off created by the new parking area will be directed toward Stocker Road to limit impact on the Byersville Creek fish habitat.

Planning Staff recommend the use of a 'H' Holding Symbol on the zoning of the property to ensure that the units comply with Fire and Building Code regulations and that a Site Plan is approved for the property with an agreement to be registered on title to ensure proper site development of the additional parking facilities and maintenance of the property into the future.

c) Site Development

The applicant has provided a Site Plan Sketch illustrating the parking and driveway areas to accommodate up to five parking spaces (one in garage). Planning Staff recommend that Site Plan Approval be required as a condition of zoning by way of a 'H' Holding Symbol. The existing parking area is accessed by way of a driveway from Stocker Road with tandem spaces for four vehicles. The Site Plan will formalize the proposed expansion to the parking area beside the garage and address landscaping and buffer requirements and ensure adequate stormwater management of the site. In addition, a Site Plan Agreement will ensure long term maintenance of the property, registered on title, and binding for future owners.

RESPONSE TO NOTICE

a) Significant Agency Responses:

Agency circulation was issued on April 8, 2011.

The City's Utility Services Department provided comment regarding the rezoning application, expressing concern with the proposed reduction of on-site parking requirements, potentially encumbering any potential construction of future sidewalk or adverse off-site effects. The width of the driveway at 9m versus a maximum of 7.5m for a triplex was also noted. Cash in lieu of parkland is recommended where required.

The Site Plan Review Committee of the Council for Persons with Disabilities encourage that units be made visitable by persons with disabilities. This can include wider entrances, barrier-free paths from the parking spaces to the building and within the building itself. In addition, it is requested that at least one of the parking spaces be accessible for disabled persons. This will be reviewed at the Site Plan Approval stage.

Otonabee Conservation notes that although a portion of the property is located within the flood plain of Byersville Creek, the existing buildings and proposed additional parking is located outside of the flood plain and meet the criteria for safe access. The Conservation Authority request that the (F) suffix be attached to the zoning to acknowledge the presence of the flood plain of the Byersville Creek on the property. A permit is required from the Authority prior to any construction related activities on the property.

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:

Notice of Complete Application was issued on January 6, 2011 and Notice of Public Meeting was issued by direct mail and by newspaper advertisement (Peterborough Examiner) on February 22, 2011. The notice complies with the requirements of the Planning Act.

Written comments have been received from Mrs Gynane of 787 Stocker Road, expressing concern with the proposed reduction in parking, and the potential for cars to have to park on the street. No written comments have been received.

Submitted by,

Ken Hetherington,
Manager, Planning Division

Prepared by,

Caroline Kimble,
Land Use Planner

Concurred with,

Malcolm Hunt, Director
Planning and Development Services

Contact Name:

Caroline Kimble
Planner, Land Use
Planning & Development Services
Phone: 705-742-7777 Ext. 1735
Fax: 705-742-5218
E-Mail: ckimble@peterborough.ca

Attachments:

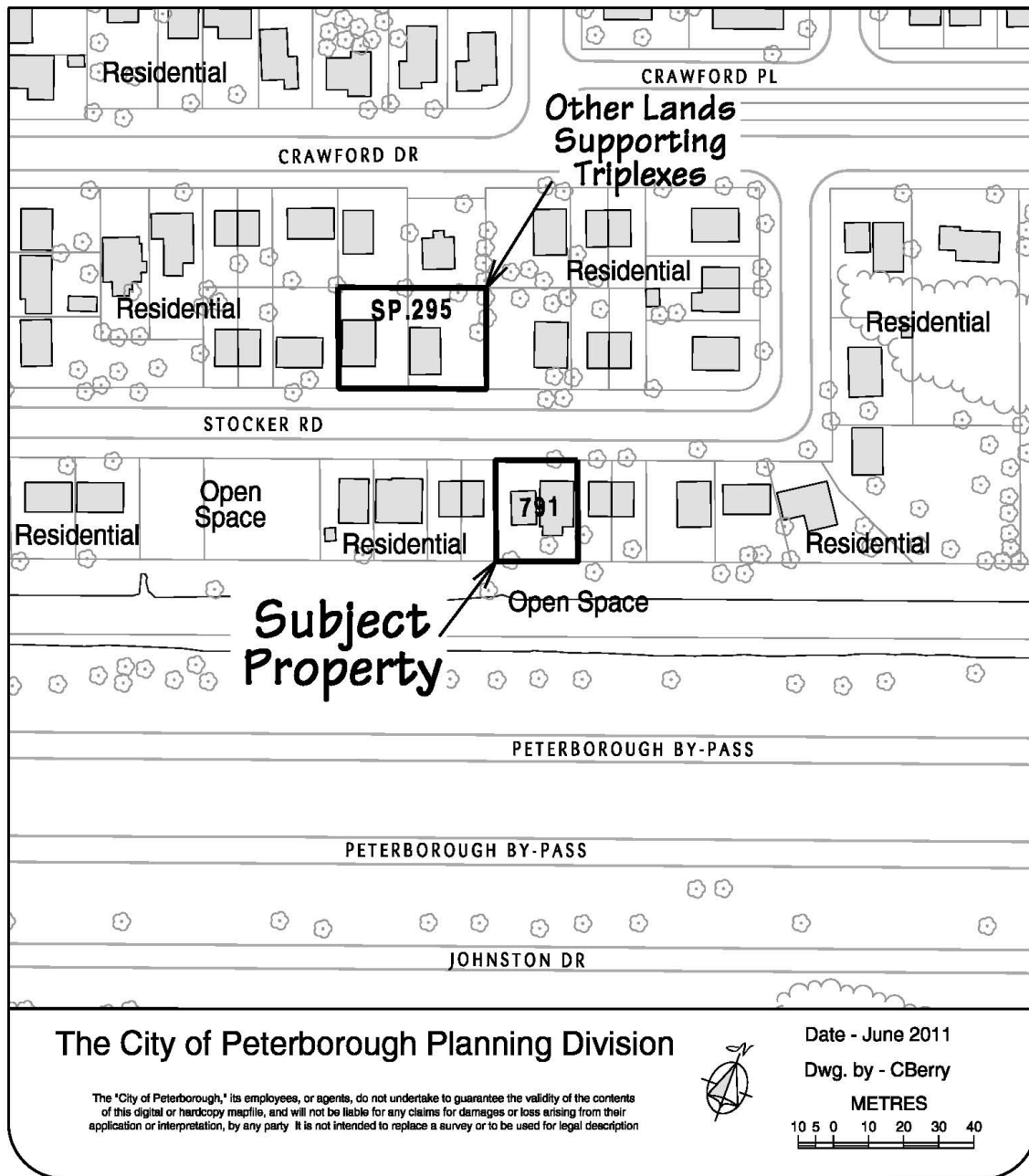
Exhibit A - Land Use Map
Exhibit B - Concept Plan
Exhibit C - Draft Zoning By-law

Land Use Map

Exhibit A
Page 1 of 1

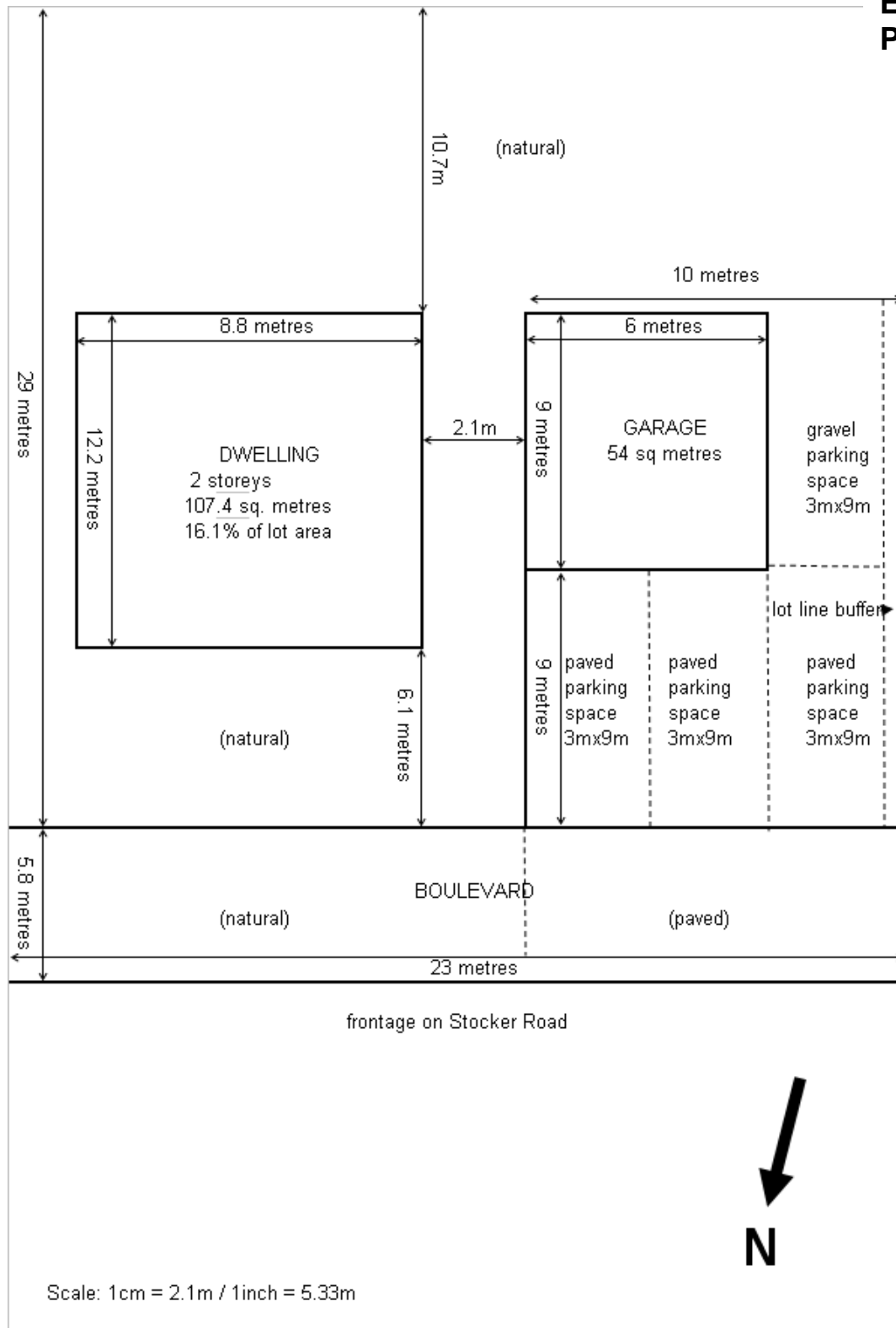
File # z1107

Property Location: 791 Stocker Rd



Site plan of property including proposed parking for 791 Stocker Road

Exhibit 'B'
Page 1 of 1



THE CORPORATION OF THE CITY OF PETERBOROUGH

Exhibit 'C'
Page 1 of 2

BY-LAW NUMBER 11- _____

**BEING A BY-LAW TO AMEND THE ZONING FOR
791 STOCKER ROAD**

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

1. Section 3.9 Exceptions of By-law 97-123 is hereby amended by adding the following:

“.266 Notwithstanding the provisions of Section 4 and Section 6.25:

- i. A minimum of 5 parking spaces shall be provided and maintained on site;
- ii. Up to two tandem parking spaces shall be permitted on a lot in conjunction with a three unit dwelling;
- iii. A driveway width of up to 9m to permit up to 3 parking spaces at the street line;
- iv. A reduction in the width of the landscaped strip from 1.5m to 1m along the westerly side lot line for parking and driveway area;
- v. Relief from Section 6.25 to permit a ceiling height of 0.94m above grade for a unit in the basement of a residential building.”

2. Map 22 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.1,4h,R.2,4h to SP.295-266-‘F’-‘H’**.

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

Daryl Bennett, Mayor

Nancy Wright-Laking, City Clerk

