



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: October 7, 2013

SUBJECT: Report PLPD13-072
Zoning By-law Amendment - 794 Stocker Road

PURPOSE

A report to evaluate the planning merits of amending the Zoning By-law for the property known as 794 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 PLPD13-072 dated October 7, 2013, 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 PLPD13-072.
- b) That the zoning of the subject property, be amended from the R.1, 4h, R.2, 4h - Residential District to the SP.295 - 284 'H' Residential District in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD13-072.
- 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 subject property is designated 'Residential' on Schedule 'A' – Land Use. 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 site plan demonstrates the ability of the site to maintain the character of the area in keeping with the minimum parking requirements for 6 parking spaces on site. 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 front and side yard to the west of the dwelling.

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 July 11, 2013, deemed to be complete as of July 26, 2013 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 applicant is in a position to file an appeal to the Ontario Municipal Board any time after November 25, 2013 if Council has not made a decision.

The subject property is a wide lot, located on the north side of Stocker Road, south of Crawford Drive. The land currently supports an elevated 2 storey dwelling. The existing building was originally constructed as a duplex in 1974 and was converted into a triplex, without building permit approximately in 1998 and has supported a total of three units since that time. The current owners purchased the property in April, 2013 and the City received a complaint in February, 2013, 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.

Four properties on Stocker Road (791, 798-804 and 810 Stocker Road) were subject of a Zoning By-law Amendment approved in 2003 and 2011, 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 794 Stocker Road with an expanded parking area for a total of six 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 44 units per hectare (17.75 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 six spaces, providing a ratio of 2 parking spaces per unit. Given that the property is large enough to support the minimum required number of parking spaces with a modest expansion to the parking area, Planning Staff is recommending that the applicant be required to provide the minimum ratio of 1.75 spaces per unit, for a total of six parking spaces.

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 24.07m (79 ft.) of frontage on Stocker Road and is 26.89m (88 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 the general provisions of the City's Zoning By-Law with regard to ceiling height above grade for the basement unit.

Staff are proposing the application of a new regulation, Exception 284, to provide specific performance standards to recognize the built form of the dwelling with a ceiling of the basement unit at 0.9 m above grade, slightly deficient from the 1m requirement (for at least 50% of the unit).

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.

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 six parking spaces. 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. The Site Plan will formalize the proposed expansion to the parking area 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.

Some limited building modifications are required to ensure compliance with the Ontario Building Code and Fire Code, including modification of the front window and internal changes related to fire safety regulations.

RESPONSE TO NOTICE

a) Significant Agency Responses:

Agency circulation was issued on August 9, 2013.

Otonabee Conservation notes that they have no objection to the proposed zoning change, however, indicate that any fill placement, grade alteration or construction activities taking place on the property are subject to a permit from ORCA, due to its proximity to Byersville Creek.

The City's Utility Services Department provided comment regarding the rezoning application, expressing concern with the proposed reduction of on-site parking requirements from 6 to 5 spaces. Cash in lieu of parkland is recommended where required.

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 August 14, 2013 and Notice of Public Meeting was issued by direct mail and by newspaper advertisement (Peterborough Examiner) on September 9, 2013. The notice complies with the requirements of the Planning Act.

No written comments have been received as of September 13, 2013.

Submitted by,

Ken Hetherington,
Manager, Planning Division

Prepared by,

Caroline Kimble,
Land Use Planner

Concurred with,

Malcolm Hunt, Director
Planning and Development Services

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Attachments:

Exhibit A - Land Use Map

Exhibit B - Concept Plan

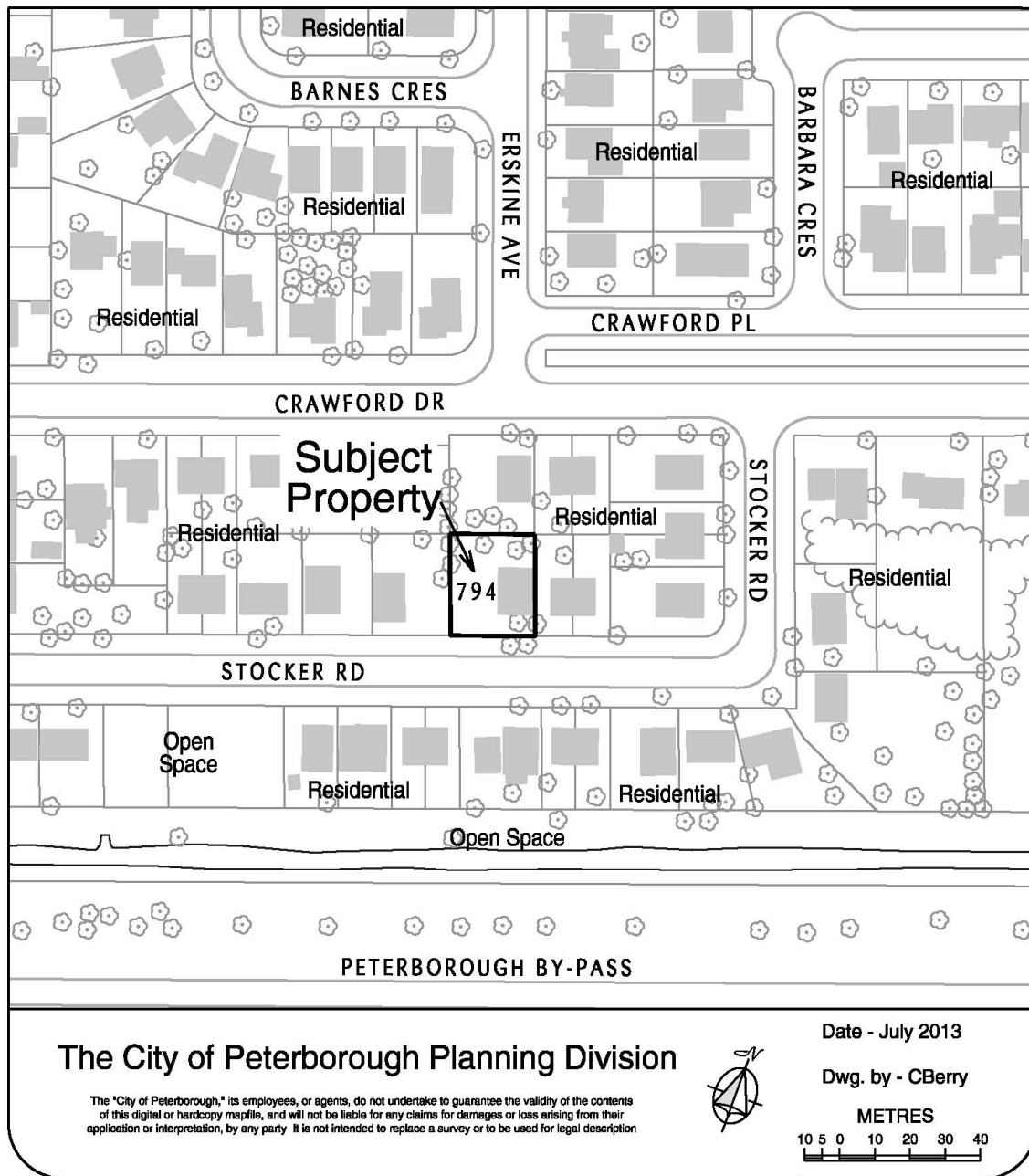
Exhibit C –Draft Zoning By-law

Exhibit A
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Land Use Map

File # z1317

Property Location: 794 Stocker Rd



PIN 28056-0297(LT)
PART 1, PLAN 45R-12261

REGISTERED

SSIB(E&P)
N72°04'50"E(P)
N72°16'40"E(M)
11.14(P&V)

PIN 28056-0301(LT)

N72°22'00"W(P)
N18°18'00"W(M)

PIN 28056-0204(LT)

LOT 4
PIN 28056-0230(LT)
PLAN No. 275

LOT 2
PIN 28056-0230(LT)

PART 6, PLAN 45R-858

PIN 28056-0222(LT)

LOT 3

STOCKER ROAD

0 5 10 15 METERS

Exhibit C
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THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 13- _____

**BEING A BY-LAW TO AMEND THE ZONING FOR
794 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:

“.284 Notwithstanding the provisions of 6.25 a ceiling height of 0.9 m above grade shall be permitted 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.295-284-‘H’**.
3. The ‘H’ Holding Symbol shall 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.

By-law read a first, second and third time this _____ day of _____, 2013.

Daryl Bennett, Mayor

John Kennedy, City Clerk

Exhibit C
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