



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: October 28, 2013

**SUBJECT: Report PLPD13-082
191 Bethune Street**

PURPOSE

A report to evaluate the planning merits of amending the Zoning By-law for the property known as 191 Bethune Street to permit the use of the property for up to four dwelling units with a parking requirement of 1 parking space per unit.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD13-082 dated October 28, 2013 of the Manager, Planning Division, as follows:

- a) That the zoning of 191 Bethune Street, be amended from the R.1,4j, R.2,4j – Residential District to the R.3, 3p,4k,19d – ‘H’ – Residential District in accordance with the draft amendment attached as Exhibit ‘C’ to Report PLPD13-082.
- b) The ‘H’ Holding Symbol shall be removed subject to Site Plan Approval to address the following:
 - i. Parking spaces that are adequately dimensioned with walkways to building entrances of Bethune Street and Dalhousie Street;
 - ii. Adequate space allocated for garbage and recycling enclosure(s) with construction details; and
 - iii. Street tree installations

BUDGET AND FINANCIAL IMPLICATIONS

There are no direct budget or financial implications arising from the approval of this application.

RATIONALE

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

The subject property is designated 'Commercial' on Schedule 'A' – Land Use and 'Transitional Uses Area' on Schedule J – Central Area Land Use. The Central Area Transitional Use policies of the Official Plan contemplate the majority of the uses to include medium and high density residential with a mix of small scale office and clinic uses and home based business uses operating under relaxed zoning regulations. The lands have been used as a duplex since the current owner purchased the property in 2004. The intensification of the existing dwelling from 2 to 4 units is in keeping with the general intent and purpose of the Transitional Uses policies and the existing zoning of the property.

The proposed exceptions from the regulations associated with the R.3 – Residential District will permit the conversion of the existing building from two to a total of four dwelling units with a minimum of 1 parking space per unit, in keeping with Area 1 standards. The property is situated within Area 2, however, the property is adjacent to the Area 1 boundary and in close proximity to the Commercial Core Area.

The applicant proposes to retain the existing building and convert the interior space to create two additional units. The amendment will have the effect of creating smaller units with 2 or 3 bedrooms versus the 5 bedroom units that currently exist. The existing building is established within the neighbourhood.

BACKGROUND

The subject application was originally received on July 15, 2013, deemed to be complete as of August 1, 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 29, 2013 if Council has not made a decision.

The subject property is approximately 566 m² (6092 ft.²) in size, located on the southwest corner of Dalhousie Street and Bethune Street. The property supports a one storey raised brick dwelling and two driveways with a total of 4 parking spaces on site. The applicant intends to convert the existing dwelling into four units (2 on the upper storey and 2 below).

The balance of the block in which the subject lands are located, is zoned to permit multi unit residential, also reflecting the existing uses within the block. The applicant proposes to introduce by-law exceptions to the existing zoning to facilitate the introduction of two additional units within the existing building.

The zoning is currently in place to support multiple residential units on the property. The application seeks to relax the existing zoning regulations and the parking requirements to facilitate the proposed additional units. Approval of the proposed amendment would limit the use of the existing property to a total of four dwelling units with a minimum of four on-site parking spaces.

ANALYSIS

a) Official Plan

The lands are currently designated “Commercial” on Schedule ‘A’ – Land Use, and subject to the ‘Transitional Uses Area’ policies of the Central Area in the City of Peterborough Official Plan. The proposed use of the existing building for a fourplex will intensify the residential use of the property within the medium density residential ratio of the Residential policies of the Official Plan (70.7 units per hectare).

The Transitional Areas policies contemplate diverse land uses that co-exist with low density residential uses and anticipate that development/redevelopment will occur, focusing on high and medium density residential development and limited commercial uses.

The policies further require that new development is compatible with existing buildings and that adequate site parking, buffering and landscaping is provided. The subject application for rezoning is supported by a concept site plan to illustrate a minimum of four on-site parking spaces on the subject lands. No significant changes are proposed to the existing site, maintaining the existing landscaped open space in the front and rear yards, and the existing asphalt driveways.

The proposed amendment contemplates a continuation of the zoning permission on the lands for multi unit residential dwellings and provides alternate regulations. The Transitional Uses policies of the Official Plan support the introduction of additional dwelling units with relaxed zoning regulations whereby the use is considered to be compatible with residential uses in the neighbourhood. The existing building is limited in size with complying setbacks.

b) Zoning By-law

The subject property is currently zoned R.1,4j, R.2,4j - Residential District, permitting a maximum of two residential dwelling units subject to compliance with the minimum regulations. The proposed use as a fourplex requires an amendment to the regulations of the R.3 – Residential District. Although the R.3 – Residential District permits up to 8 residential dwelling units, the property size limits the ability of the lands to support more than 4 based on the proposed regulations related to lot width per unit, lot area per unit, etc.

The introduction of two additional dwelling units challenges the regulations of the R.3 Zoning District and as such, the applicant has proposed an amendment to permit relaxed regulations. The application amends the zoning to include alternative regulations related to minimum lot area per dwelling unit; minimum lot depth and the minimum number of parking spaces per unit as follows:

Regulation	Current Requirement	Proposed Alternative Regulation
Minimum Lot Area per Dwelling Unit	230m ²	139m ²
Minimum Lot Depth	30m	22m
Minimum # Parking Spaces per Unit	1.5	1

Planning Staff recommend the use of the 'H' Holding Symbol to require Site Plan Approval to address specific matters related to the development of the property including adequately dimensioned parking spaces and walkways to the building entrances; space allocation for garbage and recycling enclosures and street tree installations.

RESPONSE TO NOTICE**a) Significant Agency Responses:**

Agency circulation was issued on August 2, 2013.

The City's Utility Services Department provided comment regarding the rezoning application, indicating concern with the proposed reduction in parking due to potential off-site effects. The applicant is required to confirm downstream and on-site servicing capacity and cash-in-lieu of parkland is recommended where required. The applicant has provided information regarding the servicing requirements and capacity in the system to manage the change in land use and it is found to be acceptable by the Utility Services Department.

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 Public Meeting was issued on September 30, 2013 by direct mail and by newspaper advertisement (Peterborough Examiner). The notice complies with the requirements of the Planning Act.

No written comments have been received as of October 4, 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 - Site Plan
Exhibit C - Draft Zoning By-law

Land Use Map

Exhibit 'A'
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File # z1316

Property Location: 191 Bethune St

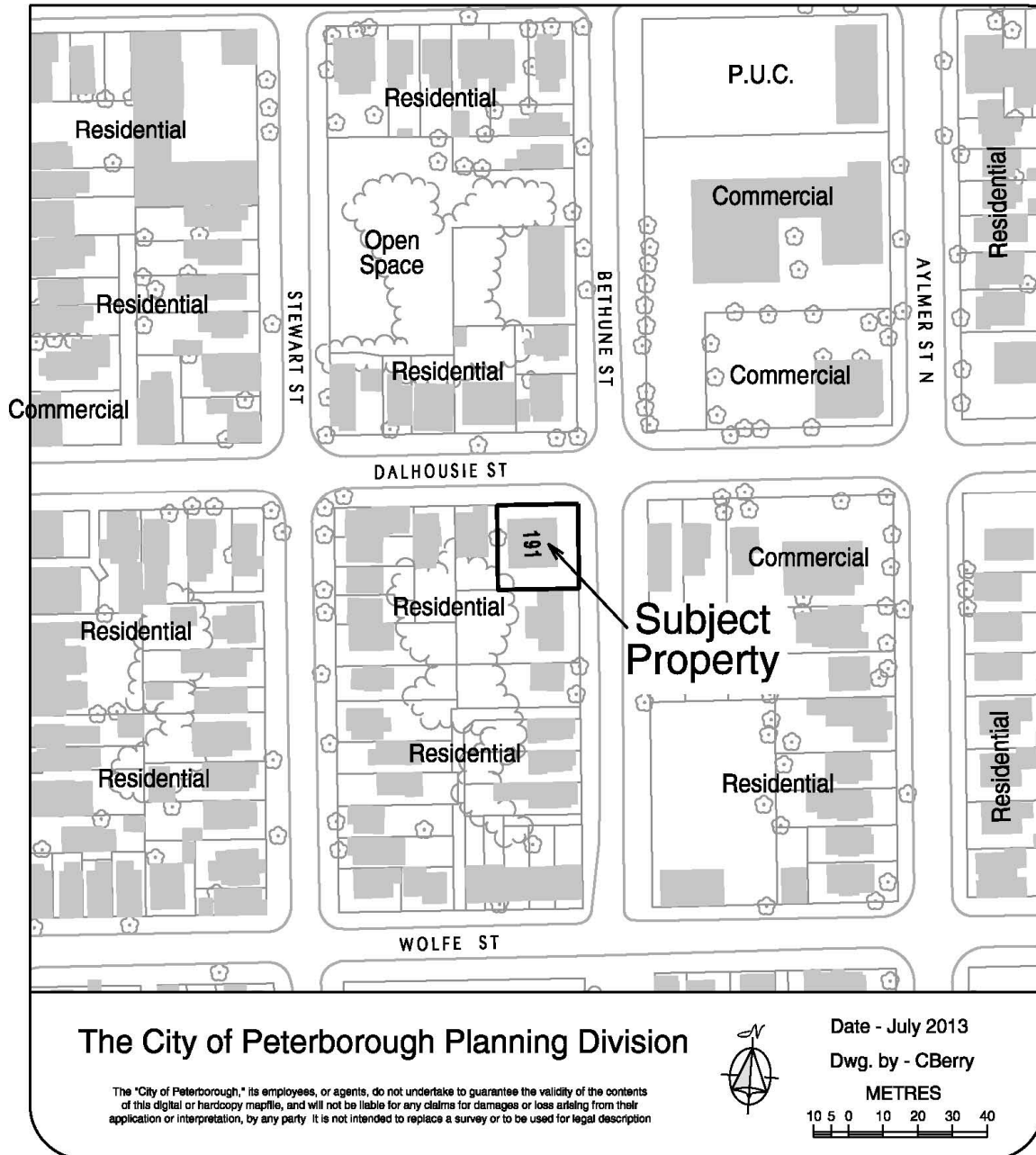


Exhibit 'B'

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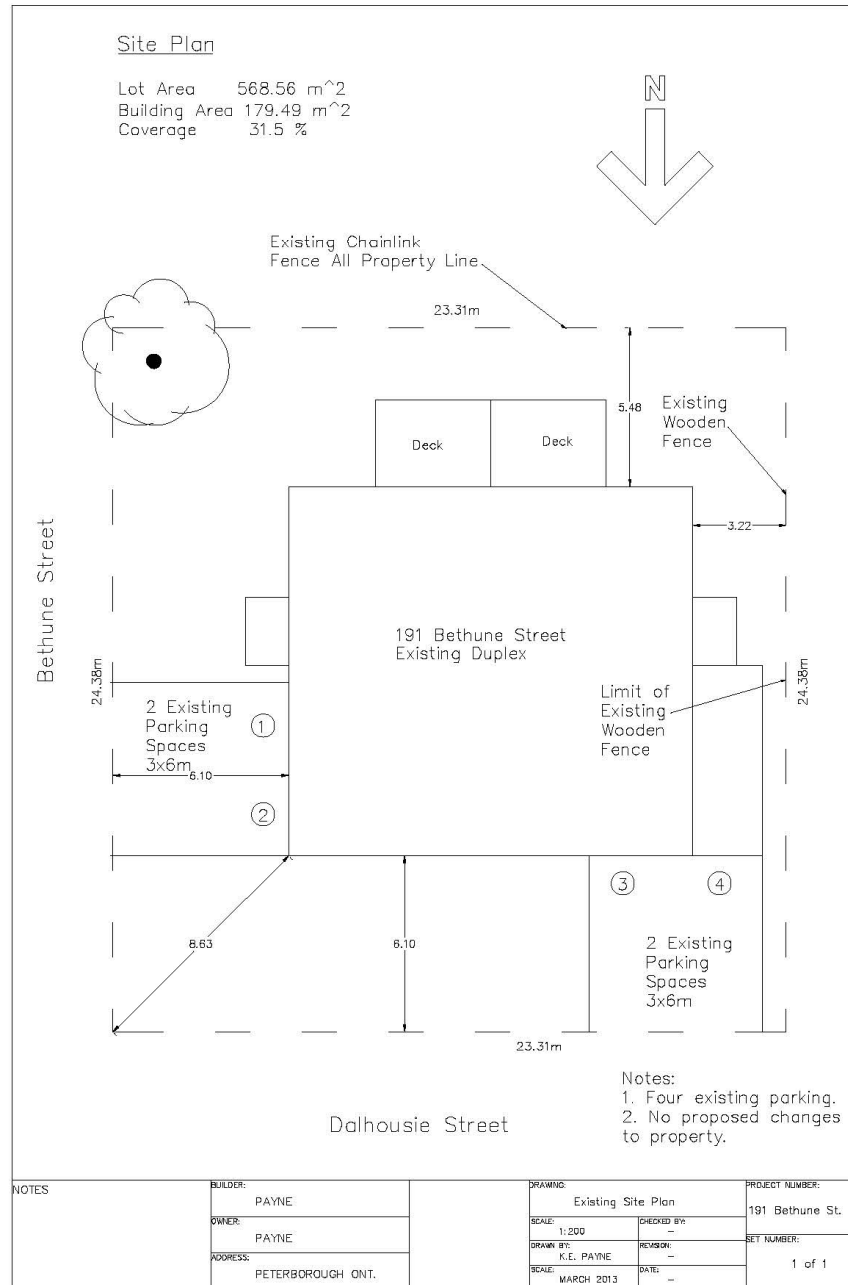


Exhibit 'C'
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THE CORPORATION OF THE CITY OF PETERBOROUGH
BY-LAW NUMBER 13- _____
BEING A BY-LAW TO AMEND ZONING BY-LAW #97-123
FOR 191 BETHUNE STREET

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

1. Map 12 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.1,4j, R.2,4j to R.3,3p,4k,19d.**
2. The 'H' Holding Symbol shall be removed subject to Site Plan Approval to address the following:
 - i. Parking spaces that are adequately dimensioned with walkways to building entrances of Bethune Street and Dalhousie Street;
 - ii. Adequate space allocated for garbage and recycling enclosure(s) with construction details; and
 - iii. Street tree intallations

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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