



City of  
**Peterborough**

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**TO: Members of the Planning Committee**

**FROM: Ken Hetherington, Manager, Planning Division**

**MEETING DATE: October 28, 2013**

**SUBJECT: Report PLPD13-083**  
**165 Rubidge Street and 164 Park Street North**

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## **PURPOSE**

A report to evaluate the planning merits of amending the Zoning By-law for the properties known as 165 Rubidge Street and 164 Park Street North from the PS.2 – Public Service District and the R.1, R.2, R.3, R.4 – Residential District to a modified R.5 – Residential District, to permit the conversion of the existing buildings into a multi-unit apartment dwelling with site specific regulations.

## **RECOMMENDATIONS**

That Council approve the recommendations outlined in Report PLPD13-083 dated October 28, 2013, of the Manager, Planning Division, as follows:

- a) That Section 3.4 – Alternative Regulations, of Comprehensive Zoning By-law #1997-123 be amended to add a provision to permit a Minimum Lot Area of 60m<sup>2</sup> per unit.
- b) That the zoning of the subject property, be amended from the PS.2, R.1, R.2, R.3, R.4 – Zoning Districts to the R.5,2f,3y,5f,7d,8f,10a – ‘H’ – Residential District in accordance with the draft amendment attached as Exhibit ‘C’ to Report PLPD13-083.
- c) That the ‘H’ Holding Symbol be removed subject to Site Plan Approval being granted for the subject property, including among other items, consideration of a conservation agreement.

## **BUDGET AND FINANCIAL IMPLICATIONS**

The application fees for this application have been waived in accordance with the City's Municipal Incentive Grant as part of the Central Area Community Improvement Plan for new residential projects within the Central Area. The applicants have also applied to the City for approval as an Affordable Housing Project under the City's Affordable Housing Community Improvement Plan.

## **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 'Central Area: 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 opportunities, all subject to relaxed zoning regulations.

The application proposes to retain the existing buildings and repurpose them by converting the use from church and associated hall, to residential units. The existing building has been long established within the block, and respects the scale and physical characteristics of existing development in the surrounding neighbourhood.

The relaxed zoning regulations and reduction in parking are supported by the Official Plan policies for the Central Area and via the Municipal Affordable Housing Program. The owner is proposing to create the units under the City's Community Improvement Program for Affordable Housing. The reduction in parking is supported by Official Plan policy that encourages the introduction of affordable housing within the City's Community Improvement Area, subject to the owner receiving approval under the Municipal Affordable Housing Program whereby the rent per unit is capped at affordable levels for up to a 20 year term.

The application demonstrates the ability of the site to maintain the character of the area with the conversion and reuse of the existing building, together with improvements to the landscape features and parking layout.

## **BACKGROUND**

The subject application was received on July 30, 2013, deemed to be complete as of August 29, 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 December 27, 2013 if Council has not made a decision.

The subject properties are a total of approximately 0.26 ha. (0.64 ac.) in size, located on the north side of Wolfe Street, between Rubidge Street and Park Street North, and support existing buildings known as Keith Hall and Knox United Church.

The applicant intends to convert the existing buildings on the properties to a total of 41 apartment units with on site parking at a ratio of 0.4 parking spaces per unit.

The application further proposes to revise the zoning regulations of the R.5 – Residential District to reflect the size and location of the existing buildings in relation to the lot lines. The application also proposes to provide 17 on-site parking spaces and utilize the cash-in-lieu exemption policies for Municipal Affordable Housing Projects for the balance.

The applicant hosted a neighbourhood meeting at the Knox United Church (subject property) on Thursday, September 12, 2013 to introduce the project to the neighbours. Eight neighbours attended the meeting. Comments were predominantly supportive of the reuse of the building for residential units, with some concern expressed about the type of tenants who may reside in the buildings.

The application is supported by a Concept Site Plan, prepared by Ken Trevelyan Architect, illustrating the ability of the site to support up to 17 parking spaces, together with landscaping.

## **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 for multi-unit residential contemplated by the application is in keeping with the intended uses of the designation.

The proposed amendment contemplates a re-use of the existing buildings, no longer viable as a place of worship. The high density residential use is in keeping with the Transitional Uses Area policies of the Central Area.

The policies further provide opportunity for affordable housing projects under Municipal programs to reduce on-site parking requirements. The site is able to support up to 17 parking spaces.

**b) Zoning By-law**

The subject property is currently zoned R.1, R.2, R.3, R.4 – Residential District, permitting multi-unit residential use at a density consistent with the Medium Density policies. The conversion of the existing buildings to support up to 41 units requires an amendment to the zoning to bring the property into the R.5 – Residential District, consistent with the High Density policies of the Official Plan.

The applicant proposes to amend the zoning of the lands from the PS.2 – Public Service District and the R.1, R.2, R.3, R.4 – Residential District to a modified R.5 – Residential District to permit the conversion of the existing buildings into a multi-unit apartment dwelling with site specific regulations as follows:

<b>Regulation</b>	<b>R.5 Requirement</b>	<b>Proposed Requirement</b>
Minimum Lot Area per Dwelling Unit	140 m <sup>2</sup>	60 m <sup>2</sup>
Minimum Lot Width	30 m	27m (existing)
Minimum Building Setback i) from side lot line	i) 6m or 3m per storey, whichever is greater	i) 4.5m (existing)
ii) from rear lot line	ii) 12m or 6m per storey, whichever is greater	ii) 6.5m (existing)
Maximum building coverage	30%	40% (existing)
Maximum lot coverage by open parking, driveways and vehicle movement areas	25%	40%

The balance of the R.5 Regulations can be met.

**c) Site Development**

Access to the subject lands is proposed by way of driveway connections to Wolfe Street and to Park Street North. An existing access to Rubidge Street is shared with the lands to the north. The applicant has illustrated how parking can be achieved with the reconfiguration of parking on site and provide an increase in landscaped open space. The applicant will be required to address the parking requirements and layout for the initial use as a condition of the removal of an 'H' – Holding Symbol, subject to Site Plan

Approval. This will address landscaping, parking layout, driveway connections and stormwater management.

## **RESPONSE TO NOTICE**

### **a) Significant Agency Responses:**

Agency circulation was issued on March 12, 2012.

The City's Utility Services Department indicated no objection to the rezoning request subject to confirmation of downstream servicing capacity for the proposed use, that a 'H' Holding Symbol be included to require that the applicant enter into a Site Plan Agreement and cash in lieu of parkland where required.

Further comments to be considered at Site Plan Approval stage have been forwarded to the applicant for their information, including the requirement for a daylighting triangle at the intersection of Wolfe and Rubidge Streets.

Peterborough Utilities Services has no objection to the application, and note that the developer will be required to ensure the adequacy of the water and electrical servicing to the site to facilitate the proposed uses.

The City's Heritage Resources Coordinator indicated that the building is eligible for designation and the City's Community Services Department would like the church to be protected under the Heritage Act. The Coordinator has met with the applicant to discuss options related to heritage preservation. Further discussions may result in a conservation agreement to address specific heritage features and conservation provisions. A recommendation to include the consideration of a conservation agreement at the Site Plan Approval stage has been incorporated by Planning Staff to provide the opportunity, if applicable.

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 by newspaper advertisement (Peterborough Examiner) and on September 9, 2013 by direct mail to agencies and departments. Notice of Public Meeting was issued by direct mail and by newspaper advertisement (Peterborough Examiner) on September 30, 2013. The notice complies with the requirements of the Planning Act.

No written comments have been received as of October 7, 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:

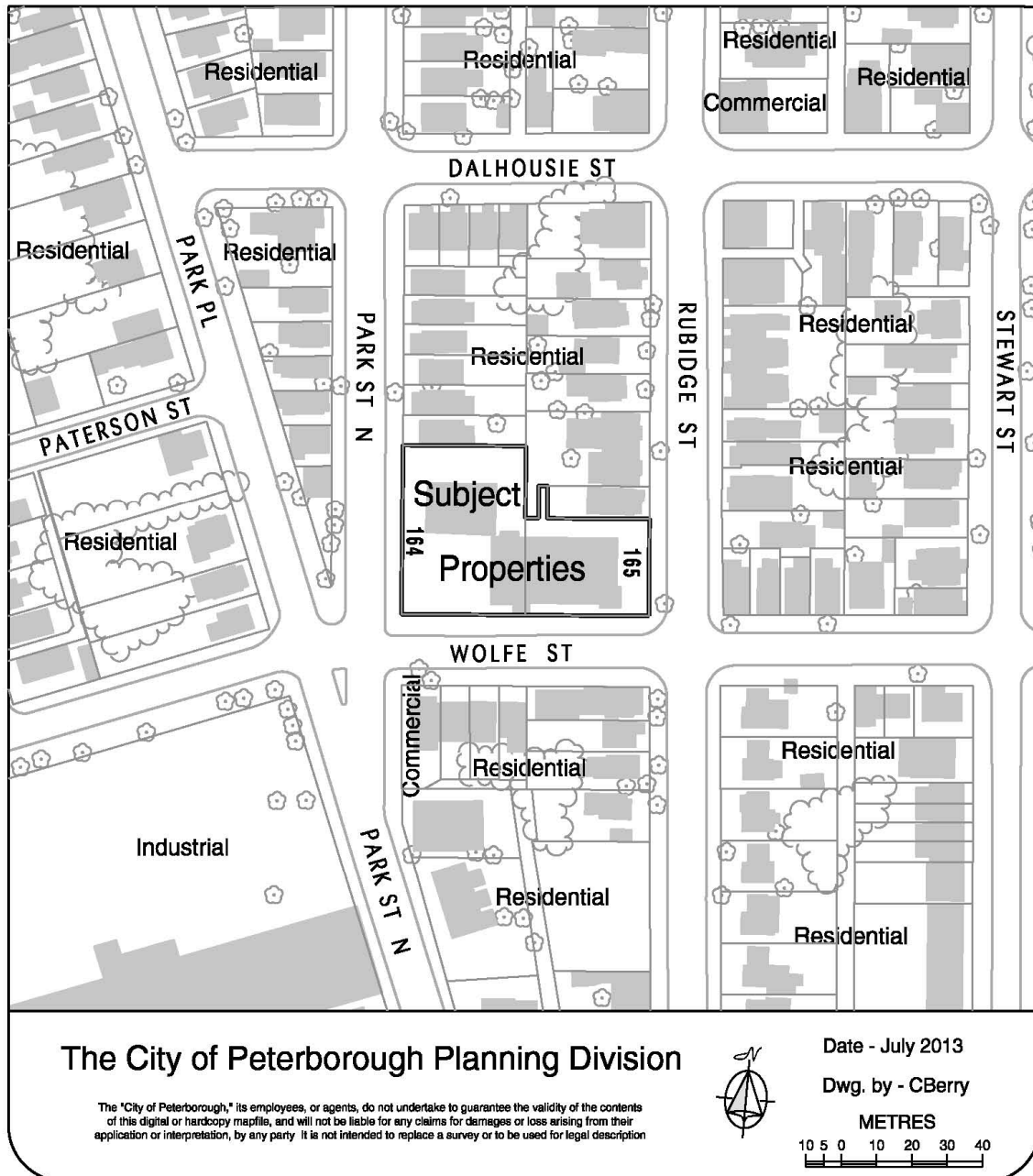
Exhibit A - Land Use Map  
Exhibit B - Concept Plan  
Exhibit C - Draft Zoning By-law

# Land Use Map

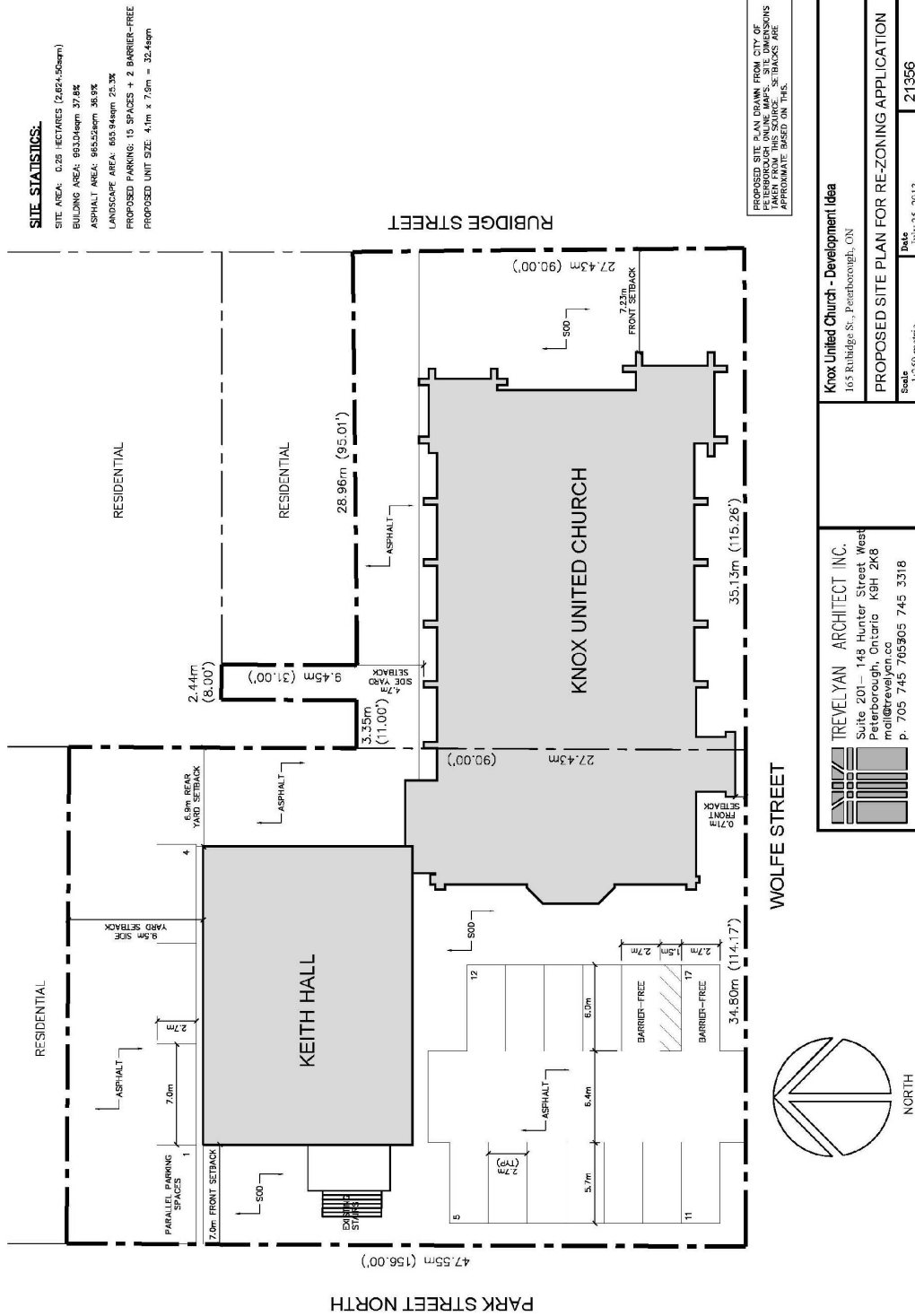
Exhibit 'A'  
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File # z1318

Property Location: 164 Park St N & 165 Rubidge St



**Exhibit 'B'**  
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THE CORPORATION OF THE CITY OF PETERBOROUGH

**Exhibit 'C'**  
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**BY-LAW NUMBER 13- \_\_\_\_\_**

**BEING A BY-LAW TO AMEND THE ZONING FOR  
165 RUBIDGE STREET AND 164 PARK STREET NORTH**

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

1. Map 18 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 PS.2, R.1, R.2, R.3, R.4 to R.5,2f,3y,5f,7d,8f,10a – 'H'**.
2. Section 3.4 – Alternative Regulations is amended by adding the following:  
"3. MINIMUM A LOT AREA PER DWELLING UNIT  
y. 60m<sup>2</sup>"
3. The 'H' – Holding Symbol will be removed from the Zoning By-law subject to Site Plan Approval being granted for the subject property, including among other items, consideration of a conservation agreement for some of the heritage features of the buildings.

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

\_\_\_\_\_  
Daryl Bennett, Mayor

\_\_\_\_\_  
John Kennedy, City Clerk

