



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: November 18, 2013

**SUBJECT: Report PLPD13-084
756 Stocker Road – Zoning By-law Amendment**

PURPOSE

A report to evaluate the planning merits of amending the Zoning By-law for the property known as 756 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 PLPD13-084 dated November 18, 2013, of the Manager, Planning Division, as follows:

- a) That the zoning of the subject property, be amended from the R.1, 4h, R.2, 4h - Residential District to the SP.295-284,3p,19f,20a(F) - 'H' Residential District in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD13-084.
- 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 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 and provide five parking spaces with a modification to the driveway entrance from Stocker Road to narrow and define the driveway.

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 dwelling, all accessible from a driveway/parking aisle.

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 August 6, 2013, deemed to be complete as of August 20, 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 23, 2013 if Council has not made a decision.

The subject property is a corner 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 a building permit some time since.

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.

Five properties on Stocker Road (791, 794, 798-804 and 810 Stocker Road) have been subject of Zoning By-Law Amendments approved in 2003, 2011, and 2013 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 756 Stocker Road 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 69 units per hectare (27.8 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 five spaces, providing a ratio of 1.5 parking spaces per unit.

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 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 lot area per unit, reducing the aisle width adjacent to parking spaces and reducing the ceiling height above grade for the basement unit.

Staff are proposing the application of Exception 284 (created via the zoning amendment for 794 Stocker Road), 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). The application of Alternative provisions 3p, 19f and 20a are also recommended to permit a minimum lot area of 139m² per unit, a minimum of 1.5 parking space per unit and a minimum aisle width of 6.0m adjacent to parking spaces. The proposed (F) symbol serves to identify the parcel as being impacted in part by floodplain and subject to Official Plan policies related to development in the floodplain. This is intended to address comments from ORCA, indicating that the property may be affected by the revised regulatory flood plain, when approved.

The driveway entrance will be narrowed and defined to provide proper circulation within the parking area and expansion of the existing parking to eliminate the tandem parking layout that currently exists. This will allow traffic to exit the site in a forward facing direction. Treatment of the westerly lot line with an improved landscape strip of 1.5m 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 five 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.

RESPONSE TO NOTICE

a) Significant Agency Responses:

Agency circulation was issued on October 2, 2013.

Otonabee Conservation notes that the subject property is potentially within the flood plain of Byersville Creek and partially subject to flooding. Intensification of the number of dwelling units would contravene the Provincial Policy Statement if it is found to be within the floodplain. ORCA is recommending that consideration of the proposed amendment be deferred until the Byersville Creek Flood Plain Study has been completed. It is estimated that this will occur by January, 2014.

The existing regulatory flood plain does not include this property, and as such, Planning Staff are recommending that the amendment proceed with the use of the (F) suffix on the zoning of the lands. The (F) suffix will require the owner to comply with relevant Official Plan policies for development within the floodplain, should it be affected in part by floodplain in the future.

The Utility Services Department had no objection to the proposed rezoning subject to reduction in the driveway width; confirmation of downstream sanitary servicing capacity, use of a 'H' Holding Symbol to require Site Plan Agreement and Cash in lieu of parkland where required. The applicant is working with the City's Utility Services Department to provide the sewer confirmation as 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 September 23, 2013 and Notice of Public Meeting was issued by direct mail and by newspaper advertisement (Peterborough Examiner) on October 21, 2013. The notice complies with the requirements of the Planning Act.

No written comments have been received as of October 25, 2013.

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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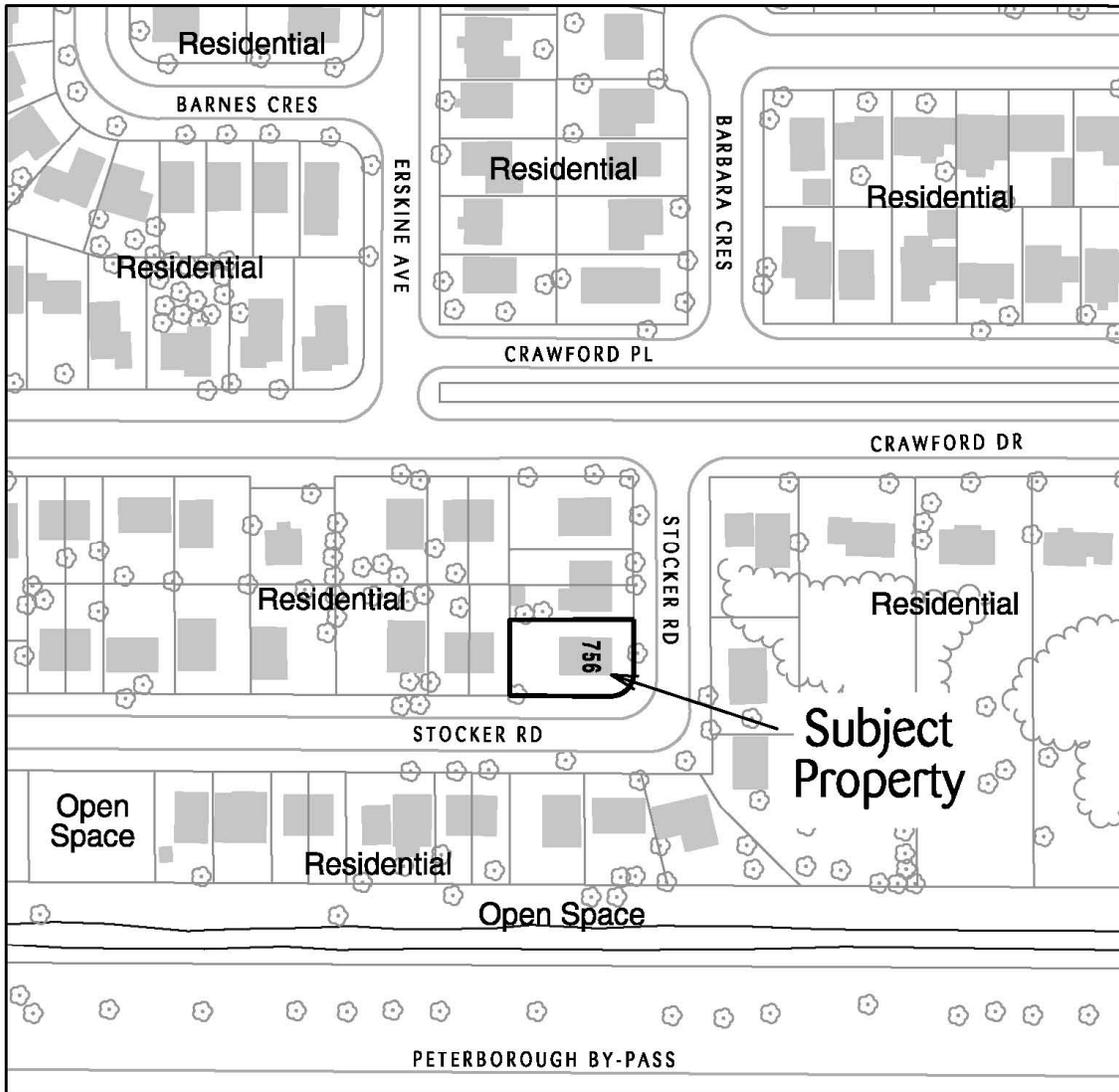
Attachments:

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

Land Use Map

File # z1319

Property Location: 756 Stocker Rd



The City of Peterborough Planning Division

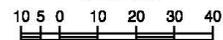
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Date - August 2013

Dwg. by - CBerry

METRES



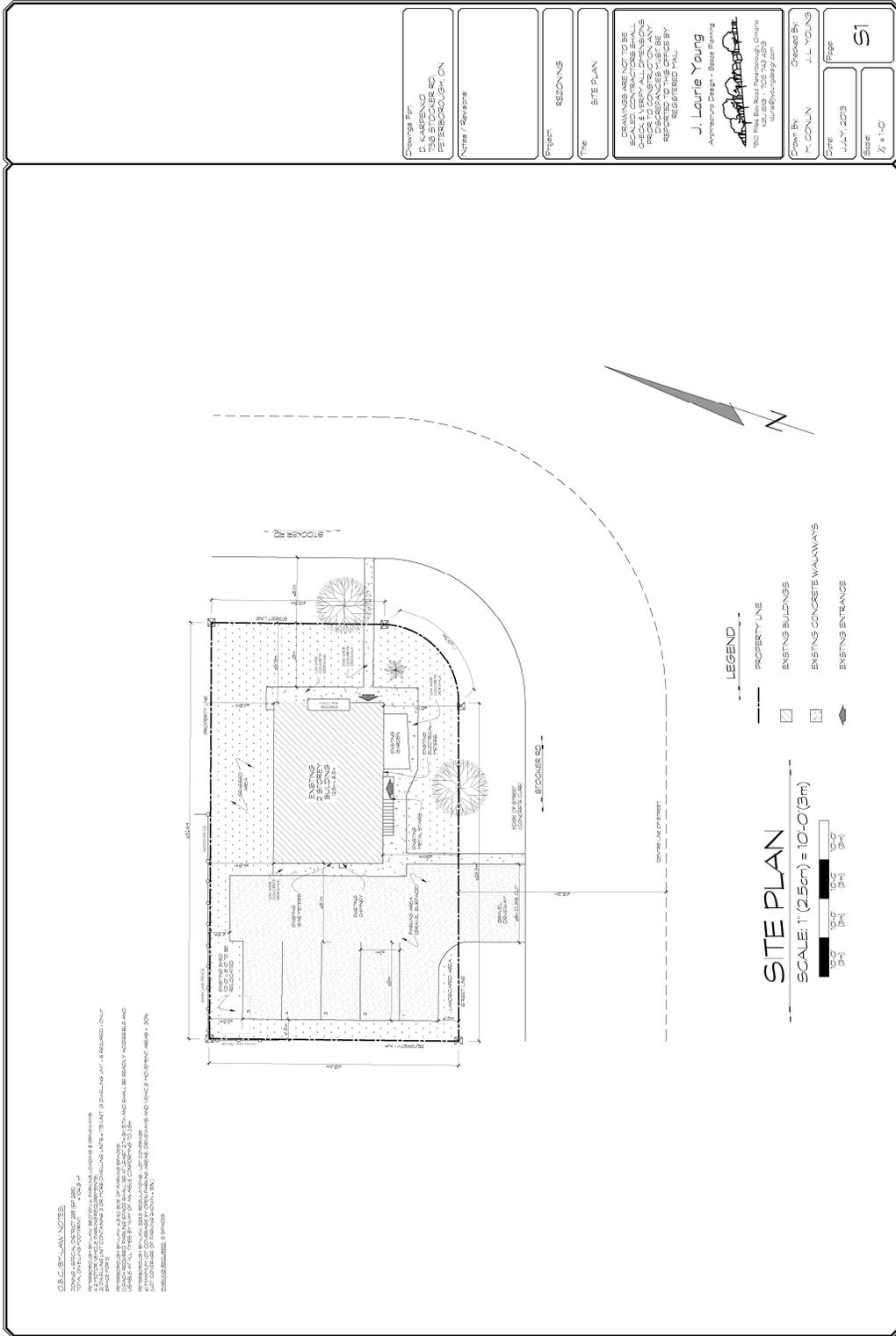


Exhibit C
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THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 13- _____

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

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

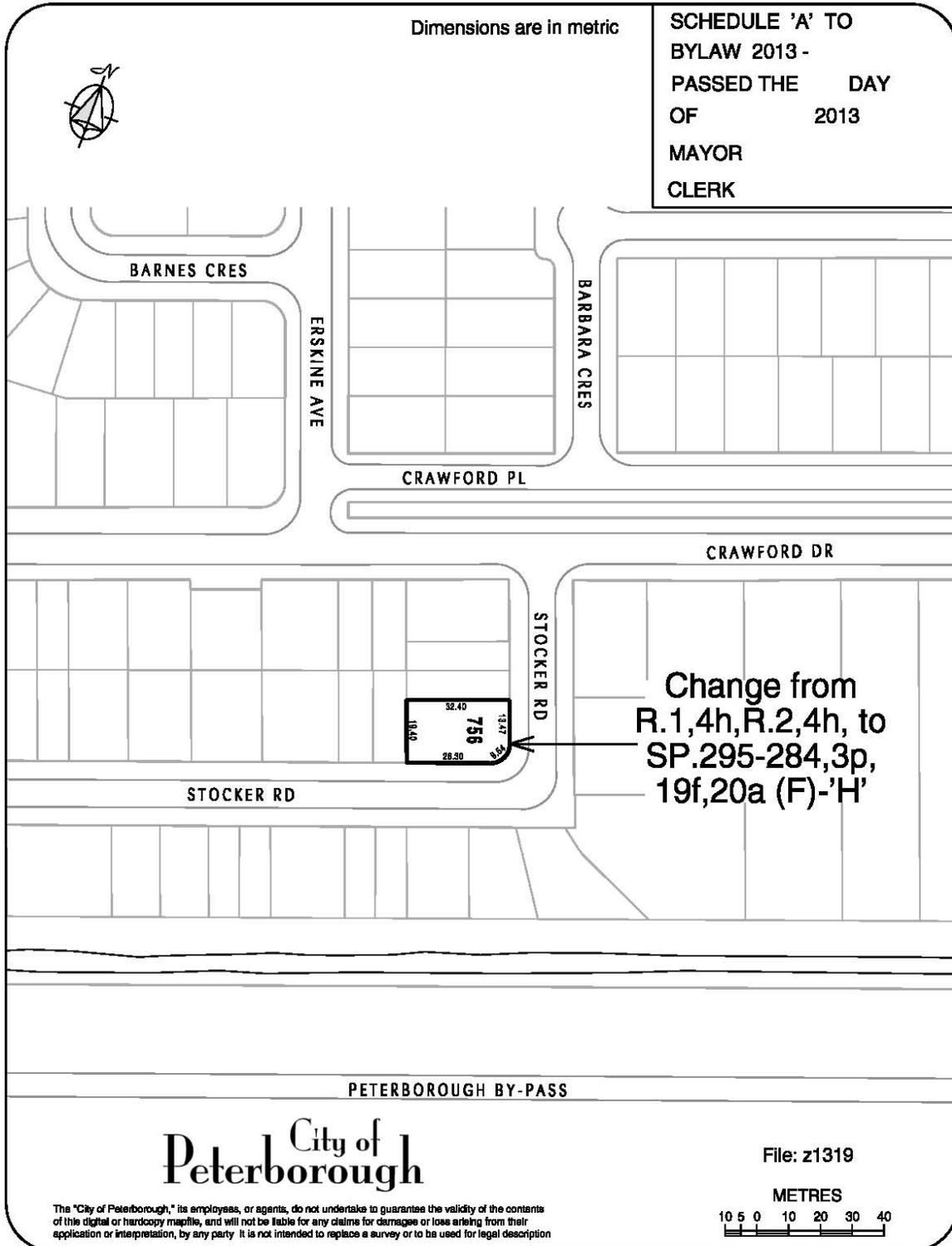
1. Map 22 forming part of Schedule "A" to By-law 97-123 is amended by changing the area shown on the sketch attached hereto as Schedule "A" **from R.1,4h,R.2,4h to SP.295, 3p,19f,20a(F) – 'H'**.
2. The 'H' Holding Symbol shall be removed subject to the following:
 - i. Site Plan Approval is granted for the subject property;
 - ii. Confirmation from 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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