



City of
Peterborough

To: **Members of the Planning Committee**

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

Meeting Date: **September 15, 2014**

Subject: **Report PLPD14-057
294 Rubidge Street**

Purpose

A report to evaluate the planning merits of amending the Zoning By-law for the property known as 294 Rubidge Street from the R.3,R.4 – Residential District to the SP.241 – ‘H’ Commercial District to permit the use of the property for a mix of commercial and residential uses.

Recommendations

That Council approve the recommendations outlined in Report PLPD14-057 dated September 15, 2014, of the Manager, Planning Division, as follows:

- a) That the zoning of 294 Rubidge Street be amended from the R.3,R.4 – Residential District to the SP.241 - ‘H’ – Commercial District in accordance with the draft amendment attached as Exhibit ‘C’ to Report PLPD14-057.
- b) That the ‘H’ – Holding Symbol be removed subject to the following:
 - i) Site Plan Approval being granted for the property.

Budget and Financial Implications

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

Background

The subject application was received on June 6, 2014, deemed to be complete as of June 10, 2014 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 October 8, 2014 if Council has not made a decision.

The subject property is approximately 488 m² (5253 ft.²) in size, located on the east side of Rubidge Street, between Charlotte Street and King Street. The property supports a single detached dwelling in a two storey brick dwelling with a one storey addition at the rear and an attached garage and parking facilities in the rear yard, accessed via the existing laneway from King Street.

The applicant intends to convert the main floor of the existing two storey brick dwelling from a residential dwelling unit to an office or clinic and maintain a residential unit on the second floor, resulting in a mixed use building.

The property is surrounded by a mix of land uses including commercial and residential uses. The property can be accessed from the rear laneway extending north from King Street to provide access to lands fronting onto Rubidge Street and Stewart Street. The applicants intend to expand the existing parking along the rear lot line adjacent to the laneway to create up to 4 parking spaces, including one accessible space.

The current R.3,R.4 – Residential District zoning permits residential units in accordance with the regulations of the district. The current use of the property for a single detached dwelling is legal. The application seeks to amend the zoning to permit the introduction of an office or clinic use with a residential unit above.

Analysis

a) Official Plan

The lands are currently designated “Commercial” on Schedule ‘A’ – Land Use, and subject to the ‘Charlotte Street West Business District’ policies of the Central Area in the City of Peterborough Official Plan. The proposed use of the existing building for a small scale, mixed use commercial/residential will comply with the intent and purpose of the Business District - Charlotte Street West Business District policies of the Central Area.

The planned function of the Central Area is to serve the City and surrounding region with business and professional offices in addition to retail, entertainment, culture and recreation facilities, tourism and hospitality, some service commercial uses and government, institutions, residential and community uses.

The Central Area is further subdivided into sub-areas with varied ranges of residential densities and alternate uses with special policy approaches for each area. The property at 294 Rubidge Street is subject to the Charlotte Street West Business District Policies included in Sub-Area 3 (Section 4.3.2.2.4) of the Official Plan. These lands are intended to provide an extension of the commercial core and support small scale commercial activities on less intensively developed sites. New development or redevelopment should reinforce the character of Charlotte Street with commercial uses at grade level and maintain compatibility with adjacent residential uses, including the retention and conversion of existing residential buildings.

The proposed mixed use of the property for residential apartment, business and professional office and clinic uses are the type of uses contemplated in the Charlotte Street West Business District being compatible with low density residential uses and the surrounding neighbourhood.

The neighbourhood is characterized by a combination of commercial and residential dwellings. The location of the property within proximity to the core provides an opportunity to integrate alternate uses through zoning amendment.

b) Zoning By-law

The subject property is currently zoned R.3,R.4 - Residential District, permitting residential dwelling units subject to compliance with the minimum regulations. The existing single detached dwelling is a legal use.

The SP.241 Commercial District was developed for the Transitional and Business District Uses Areas of the Central Area, to permit office and clinic uses within existing residential buildings. The SP.241 zoning has been assigned to several properties within the planning area, serving as an extension to function of the Central Area at a smaller scale.

It is appropriate to assign the SP.241 Special District Commercial to the subject property. The proposed SP.241 Commercial District would permit the office use and clinic and/or dwelling unit(s), in accordance with the regulations as included in the SP.241 Zoning District.

Staff recommend that an 'H' Holding Symbol be affixed to the zoning and the removal of the 'H' Holding Symbol be conditional upon Site Plan Approval being granted for the subject property, to ensure appropriate landscaping and buffering; and to formalize the parking in the rear yard. Vehicular access to the rear of the property is accommodated over the adjacent laneway to the east.

Based on an office use of the ground floor and a residential unit on the second floor, the property would require the provision of a total of 4 parking spaces.

The proposed Zoning Amendment complies with the intent and purpose of the Charlotte Street West Business District policies of the Central Area.

Response to Notice

a) Significant Agency Responses:

Agency circulation was issued on July 4, 2014 and the following comments received.

The City's Utility Services Department provided comment regarding the rezoning application recommending Cash in lieu of parkland where required.

Peterborough Utilities has indicated that the owner is to ensure that the current water meter installed will capture all water use for the proposed development.

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 by direct mail and by newspaper advertisement (Peterborough Examiner) on August 18, 2014. The notice complies with the requirements of the Planning Act.

No written comments have been received as of August 21, 2014.

Submitted by,

Ken Hetherington
Manager, Planning Division

Prepared by,

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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

Exhibit A, Page 1 of 1

Land Use Map

File # z1413

Property Location: 294 Rubidge St

EXHIBIT	
SHEET	OF

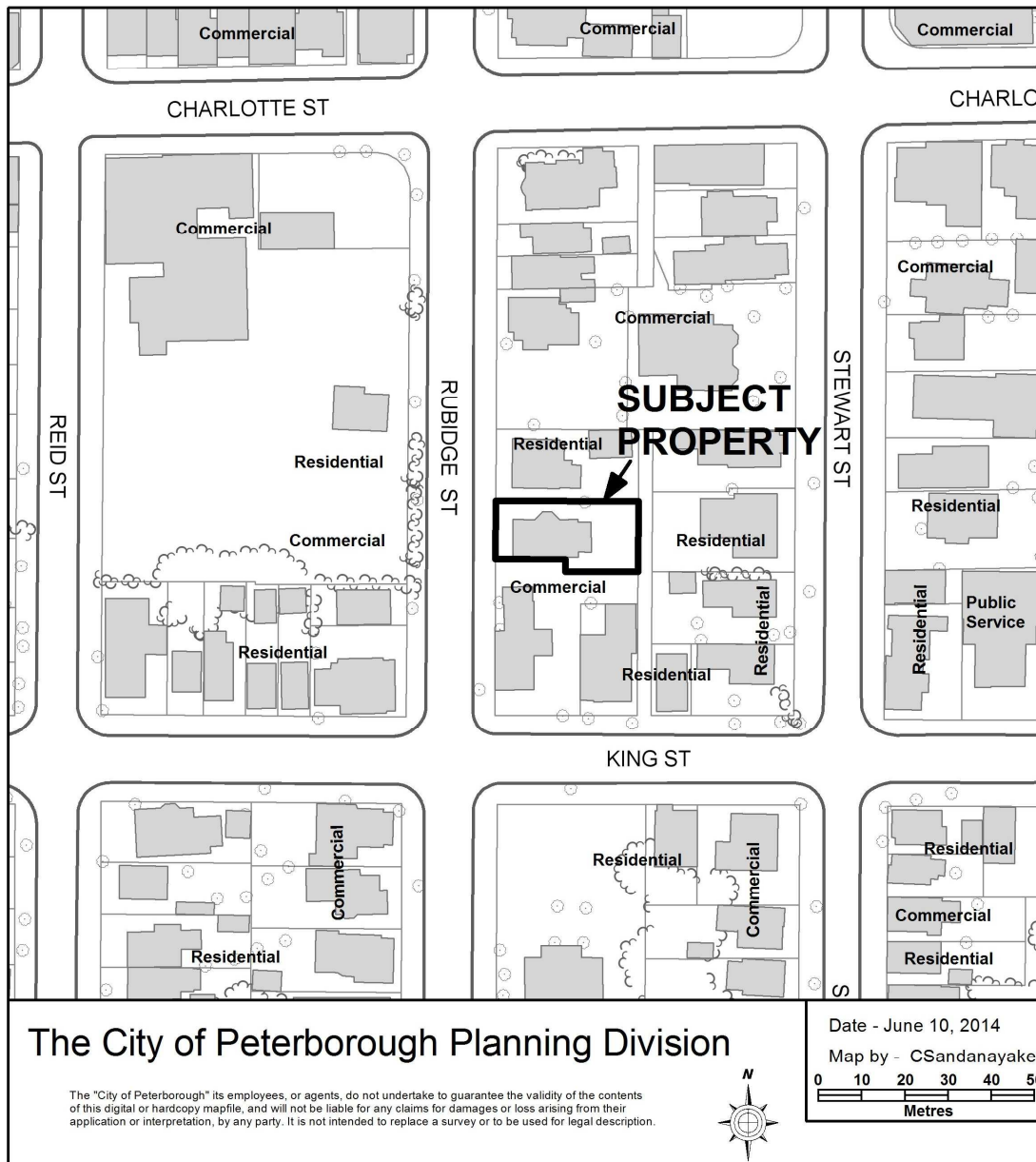


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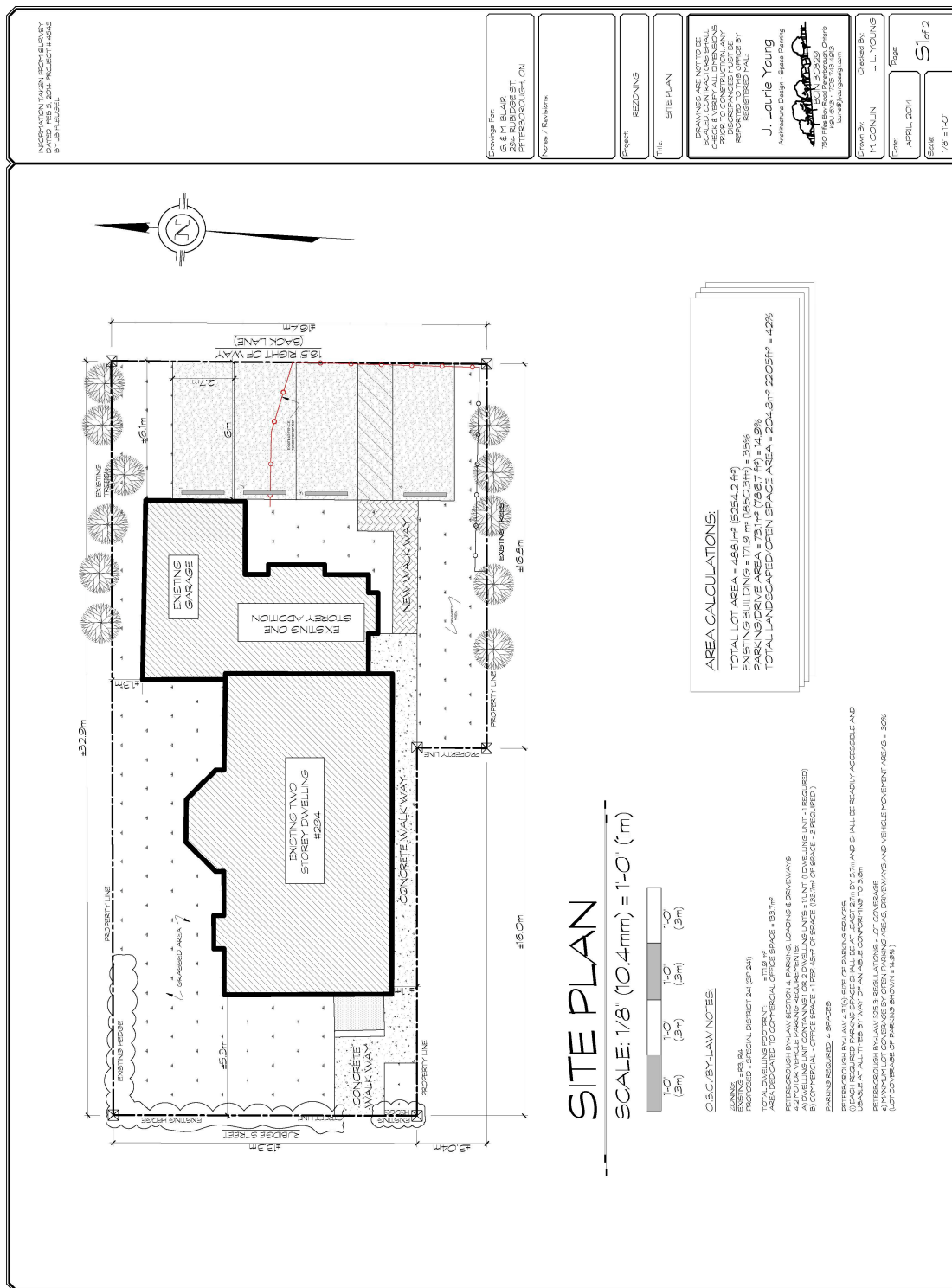


Exhibit C, Page 1 of 2



The Corporation of the City of Peterborough

By-Law Number 14-

Being a By-law to Amend Zoning By-law 1997-123 for the property known as 294 Rubidge Street

The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

1. That Map 12c 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.3,R.4 to SP.241- H.
2. That the 'H' Holding Symbol be removed subject to Site Plan Approval being granted for the property.

By-law read a first, second and third time this day , 2014.

Daryl Bennett, Mayor

John Kennedy, City Clerk

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