



City of  
**Peterborough**

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**To:** **Members of the Planning Committee**

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

**Meeting Date:** **April 13, 2015**

**Subject:** **Report PLPD15-021  
139 Douro Street**

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## **Purpose**

A report to evaluate the planning merits of amending the Zoning By-law for the property known as 139 Douro Street from the PS.2 – Public Service District to the SP.357-‘H’ – Special Residential District to permit the reuse of the existing building on the property for a five unit apartment dwelling with a total of 7 parking spaces.

## **Recommendations**

That Council approve the recommendations outlined in Report PLPD15-021 dated April 13, 2015, of the Manager, Planning Division, as follows:

- a) That Zoning By-law 1997-123 be amended by adding Section 387, SP.357 in accordance with Exhibit ‘D’ attached to Report PLPD15-021.
- b) That the zoning of 139 Douro Street be amended from the PS.2 – Public Service District to the SP.357 ‘H’ – Special Residential District in accordance with the draft amendment attached as Exhibit ‘D’ to Report PLPD15-021.
- c) That the ‘H’ – Holding Symbol be removed from the property subject to Site Plan Approval being granted for the subject 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 originally received on August 1, 2013, deemed to be complete as of August 23, 2013 and was processed in accordance with department procedures. The Application was modified on March 12, 2015 as a result of comments arising from a Neighbourhood Meeting held in September 2014 and agency and department circulation of the revised application. The Planning Act allows applicants to appeal Zoning By-law Amendment Applications after the expiry of 120 days of the original application being deemed complete. The applicant is in a position to file an appeal to the Ontario Municipal Board at any time now.

The subject property is approximately 880 m<sup>2</sup> (9471 ft.<sup>2</sup>) in size, located on the south side of Douro Street, situated between the Rotary Trail to the west and Rogers Street to the east. The property currently supports an existing building occupying 65% of the lot with limited parking at the north side of the building along the street line. Expansions to the original building were permitted to encroach into the side yards and increased lot coverage via previous Minor Variance approvals to facilitate opportunities for former uses of the property related to Public Service. The building has been vacant for more than one year and the owner has been unsuccessful in finding a new tenant or buyer for a use permitted in the current PS.2 – Public Service District.

The property is surrounded by residential land uses with a mix of low and medium densities along Douro Street, and is adjacent to the Rotary Trail to the west. The property is situated within East City, one block north of the Hunter Street East Business District within the City's Central Area.

The existing parking is located across the entire front of the building along the Douro Street frontage. The depth of the parking area in front of the existing building has created a significant challenge in providing a functional parking solution. The neighbours who attended the September 2014 Neighbourhood Meeting identified parking and limited outdoor amenity space for the future residents as the main concerns related to the rezoning. In addition, the neighbours also expressed concerns regarding the tenancy of the residential units and whether residential units would be the most appropriate use for this property.

Since the Neighbourhood Meeting, the applicants have provided a revised application in an effort to address the concerns expressed regarding the residential use of the building. The current owners of the property propose to transfer the lands to a developer (Cleary Homes) to facilitate conversion of the existing space to residential dwelling units. A total

of five residential units are proposed within the existing building, with separate entrances located around the perimeter of the building via a covered pedestrian walkway. Mr. Cleary has prepared a proposed elevation and floor plans to convert the existing building into a five unit residential dwelling with a separated outdoor amenity space, separate entrances and a total of seven parking spaces. The revised application reflects the proposed regulations to permit the introduction of a covered walkway/entrance around most of the building, together with a fenced pergola at the northwest corner of the property, for the exclusive use of the tenants of the building. The floor plan consists of a total of five residential units. The units are proposed to range in size from 86.89m<sup>2</sup> (935 ft<sup>2</sup>) with 2 bedrooms to 160.86m<sup>2</sup> (1732 ft<sup>2</sup>) with 3 bedrooms, utilizing the partial storey above the main floor.

## Analysis

### a) Official Plan

The lands are currently designated “Residential” on Schedule ‘A’ – Land Use in the City of Peterborough Official Plan. The applicant proposes to reuse the existing building for residential uses subject to the infill and residential intensification policies of the Low Density Residential designation, encouraging residential development of existing properties while minimizing the impacts and efficiently utilizing existing municipal services and facilities.

The proposed density of the five unit residential conversion of the building 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.

Based on the size of the subject property, the density of the subject lands is proposed to be approximately 57 units per hectare (23 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 permit the reuse of the existing building, well established in the neighbourhood. The proposed changes to the façade of the building and introduction of on site outdoor amenity space will improve the suitability of the existing building for residential purposes. The site is well serviced by parks, schools and full municipal services to support future residents. The location of the property adjacent to the Rotary Trail will provide an alternative transportation connection for the residents, supporting a slight reduction in parking.

The neighbourhood is characterized by a combination of multiple and single unit residential dwellings. The location of the property within proximity to the Hunter Street East Business District, the Rotary Trail and local schools provides an opportunity to integrate an intensified residential use through zoning amendment.

**b) Zoning By-law**

The subject property is currently zoned PS.2 – Public Service District, permitting a range of institutional type of uses, subject to compliance with the minimum regulations. The PS.2 – Public Service District does not permit the proposed five unit apartment use. The applicant is proposing, therefore, to amend the zoning to permit the conversion of the existing building to permit a maximum of five residential dwelling units with a minimum of 7 parking spaces.

The applicant proposes to create a site specific zoning district to reflect the location of the existing building in relation to the lot lines, and to facilitate the addition of a covered porch/walkway and pergola to improve the aesthetic appeal of the existing building within the neighbourhood and improve its function for residential purposes by adding some outdoor amenity space.

The proposed reduction in the number of parking spaces from nine to seven will represent a ratio reduction of 1.75 spaces per unit to 1.4 spaces per unit. This property is situated in close proximity to the Hunter Street East Business District and adjacent to the Rotary Trail system, providing residents with alternative transportation options to automobiles.

The existing parking is situated across the entire frontage of the lot, facilitating a row of parking for up to 10 vehicles, with a curb cut along Douro Street. Any new land use consistent with the existing zoning would be permitted to continue to utilize the parking as it currently exists. The parking arrangement would be considered 'legal non-complying', however, where a property has been the subject of an application for new development or redevelopment via Planning Approvals, there has typically been a requirement to rearrange this type of configuration to a controlled driveway entrance and/or a limit of a maximum width of 2 parking stalls. The parking options for the subject site are very limited due to the existing building location and the proximity to the lot lines. The proposal to reduce the number of parking spaces from 10 to 7 and introduce outdoor amenity space at the north west corner of the subject lands, will have the effect of reducing the width of the parking row and at the same time, moving the parking away from the Rotary Trail intersection with Douro Street. This parking arrangement is not ideal and is being considered in this instance only to assist in facilitating a solution.

The application proposes the introduction of a covered porch and walkway along the building face, pushing the parking back and encroaching into the Douro Street right of way. Planning Staff agree that the covered porch will improve the aesthetics of the building, however, want to ensure that the parking spaces can be accommodated fully within the subject property without interfering with the municipal sidewalk within the Douro

Street right of way. This will require further changes to the proposed site plan to bring the parking spaces closer to the front (northerly) wall of the building. The applicant has agreed to move the parking closer to the building and ensure four separate walkway access points from the municipal sidewalk to the individual apartment entrances, retaining a minimum 5.5 m parking stall length, situated wholly on the subject lands.

The site specific regulations, as proposed by the applicant, reflect the existing building location and further anticipate the proposed covered porch and pergola structure. The regulations as proposed also have the effect of limiting the total number of units permitted on the subject lands to five with a maximum height of 2 storeys. Additional provisions related to the proximity of parking to windows of habitable rooms are also required to facilitate parking in the front yard of the property.

Staff recommend that an 'H' Holding Symbol be affixed to the zoning and the removal of the 'H' Holding Symbol be conditional upon the approval of Site Plan to address the parking, lot grading, stormwater management, fencing, landscaping, and location and design of the proposed pergola. The owner will be required to enter into a site plan agreement to ensure the maintenance of the property, which will be binding on all future owners of the property.

The proposed Zoning Amendment complies with the intent and purpose of the Residential policies of the Official Plan.

## **Response to Notice**

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

Agency circulation was originally issued on November 6, 2013 and the following comments received.

The City's Utility Services Department provided comment regarding the rezoning application expressing concern with the existing wide curb cut and parking along the street line. Although it is not ideal, Utility Services Staff have worked with the applicant and Planning Staff, since the November 2013 circulation, to address the parking in a manner that is most effective for the site and the neighbourhood. Alternatives have been explored regarding the configuration of parking, and Staff agree that a minimum parking stall length of 5.7 m must be provided and maintained on site. It is further noted that the basement space can not be used for alternate uses that generate additional parking demand. Utility Services Staff also require that the applicant ensure the existing building services to the site have adequate capacity for the proposed use.

Peterborough Utilities has indicated that Development Charges are applicable and that the Developer is required to determine the adequacy of the existing water service for the proposed use. The Developer is further advised of the Regulations for electric heating.

Peterborough Architectural Conservation Advisory Committee (PACAC) requests that any new plans allow for new plantings along the trail side of the property, in consultation with the City's Urban Forest Management Plan. PACAC further requests that the proposed structure be of a high level of design that complements the heritage neighbourhood and that PACAC be consulted at all stages of the design. PACAC will have an opportunity to comment on the Site Plan Application at the time of circulation.

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 newspaper advertisement (Peterborough Examiner) and by direct mail on March 16, 2015. The notice complies with the requirements of the Planning Act.

No written comments have been received as of March 20, 2015.

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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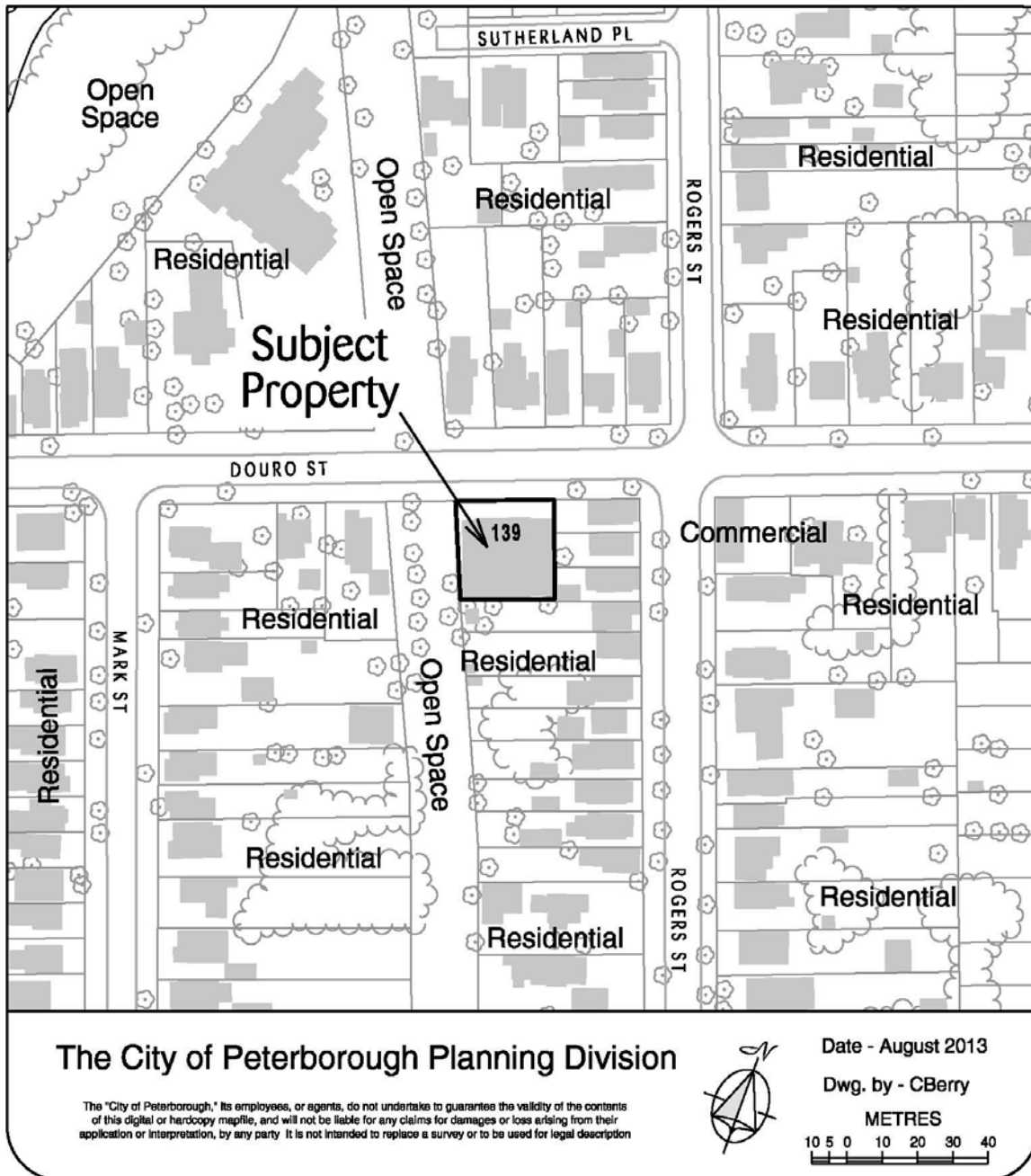
**Attachments:**

Exhibit A - Land Use Map  
Exhibit B - Site Plan  
Exhibit C - Proposed Elevation  
Exhibit D - Draft Zoning By-law

# Land Use Map

File # z1320

Property Location: 139 Douro St





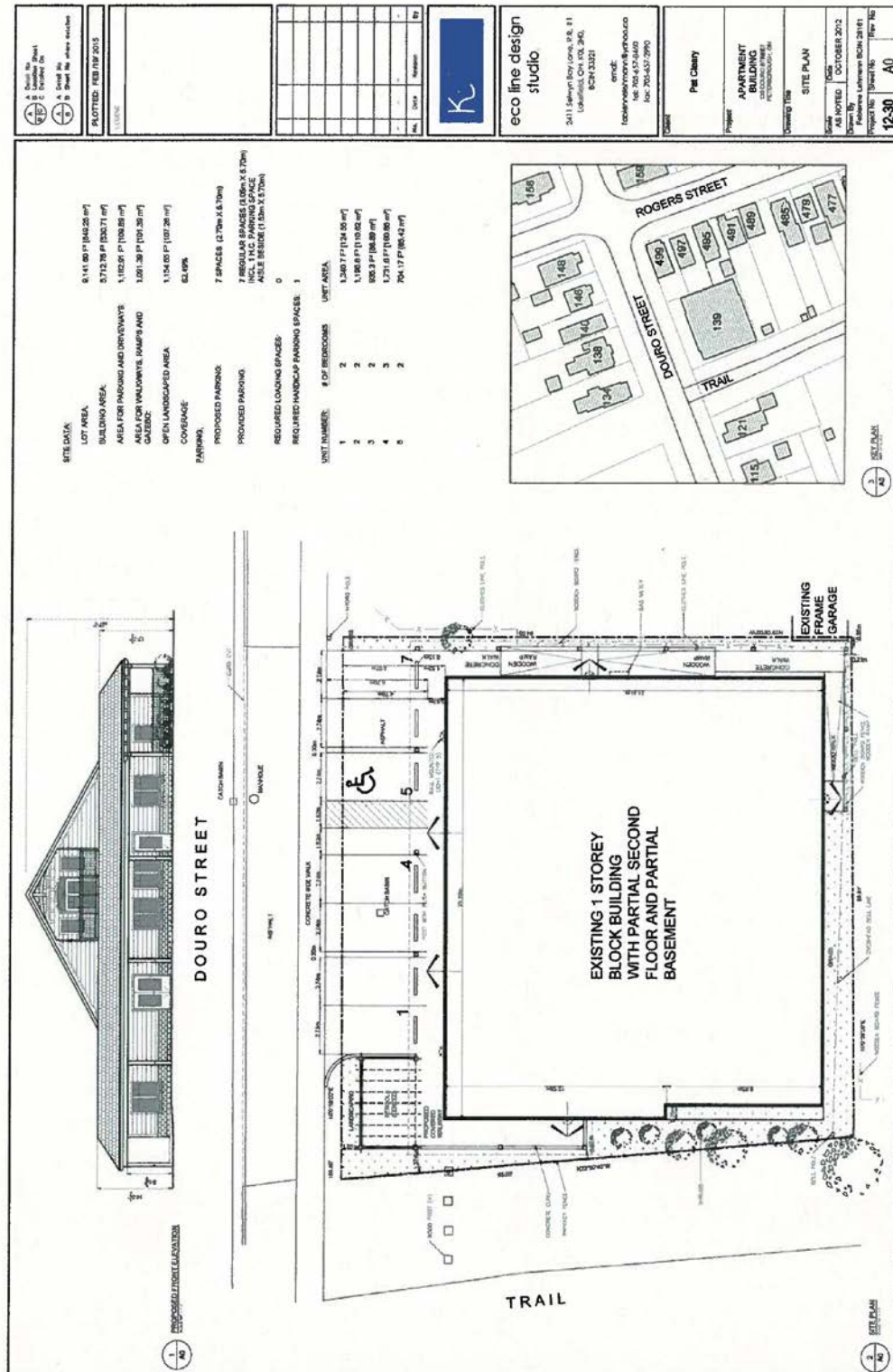


Exhibit C, Page 1 of 1



Exhibit D, Page 1 of 3



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## The Corporation of the City of Peterborough

### By-Law Number 15-

Being a By-law to Amend the Zoning By-law for the property known as 139 Douro Street

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

1. Section 387 be added for Special District 357 (SP.357) as follows:

“Section 387  
SPECIAL DISTRICT 357 (SP. 357)

387.1 For the purpose of this by-law, land use district ‘Special District 357’ is hereby established and may be referred to by the symbol ‘SP.357’.

**PERMITTED USES:**

387.2 No person within a SP.357 District shall use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) A dwelling unit

**REGULATIONS**

387.3 No person shall within a SP.357 District use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

Type	Requirement
Minimum lot area per dwelling unit	170 m <sup>2</sup>
Maximum building height	2 storeys

Exhibit D, Page 2 of 3

Minimum building setbacks:	
i) from east side lot line	0.5m to covered porch and 2m to main bldg
ii) from west side lot line	0.5m to covered porch and 1m to main bldg
iii) from rear lot line	0.2m to covered porch and 1.5m to main bldg
iv) from street line (pergola)	1.0m to pergola and 4m to covered porch
Maximum building coverage	65%
Notwithstanding the provisions of Section 4.2(A) Residential Motor Vehicle Parking Requirements – a minimum of 1.4 parking spaces shall be provided and maintained per unit.	
Notwithstanding the provisions of Section 4.3.1(b) – Size of Parking Space – a motor vehicle parking space shall have a minimum length of 5.5 metres.	
Notwithstanding the provisions of Section 4.3.2 of the Zoning By-Law, a maximum of seven (7) motor vehicle parking spaces shall be provided and maintained within 6 metres of the street line.	
Notwithstanding the provisions of Section 4.3.2(b), motor vehicle parking shall be permitted within 1 metre of the east side lot line.	
Notwithstanding the provisions of 4.3.2(c), a motor vehicle parking space and driveway may be located within 6 metres of a window to a habitable room in an apartment dwelling or group dwelling.	

387.4 SP.357 District is hereby designated as a Residential District”

- 2 Map 13 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 to SP.357 ‘H’**.
- 3 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 of                      , 2015.

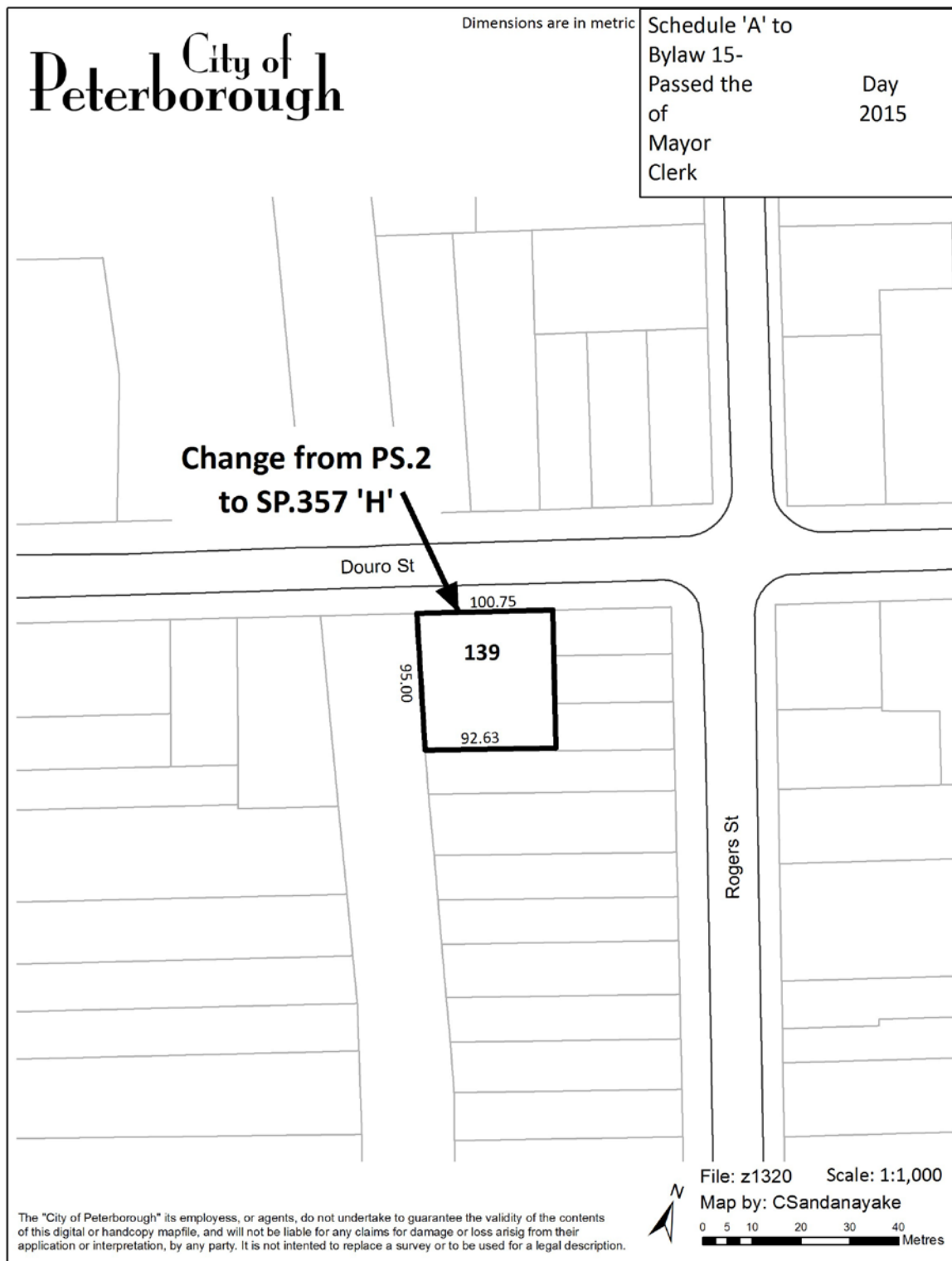
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Daryl Bennett, Mayor

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John Kennedy, City Clerk

Exhibit D, Page 3 of 3





City of  
Peterborough

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## The Corporation of the City of Peterborough

### By-Law Number 15-

Being a By-law to Amend the Zoning By-law for the property known as 139 Douro Street

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

1. Section 387 be added for Special District 357 (SP.357) as follows:

“Section 387  
Special District 357 (SP. 357)

387.1 For the purpose of this by-law, land use district ‘Special District 357’ is hereby established and may be referred to by the symbol ‘SP.357’.

Permitted Uses:

387.2 No person within a SP.357 District shall use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) An apartment dwelling

Regulations

387.3 No person shall within a SP.357 District use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

Type	Requirement
Minimum lot area per dwelling unit	170 m <sup>2</sup>
Maximum building height	2 storeys

Exhibit B – PLPD15-021A, Page 2 of 3

Minimum building setbacks:	
i) from east side lot line	2m to main bldg
ii) from west side lot line	1m to main bldg
iii) from rear lot line	1.5m to main bldg
iv) from street line	4m to covered porch
Maximum building coverage	65%
Notwithstanding the provisions of Section 4.2(A) Residential Motor Vehicle Parking Requirements – a minimum of 1.4 parking spaces shall be provided and maintained per unit.	
Notwithstanding the provisions of Section 4.3.1(b) – Size of Parking Space – a motor vehicle parking space shall have a minimum length of 5.5 metres.	
Notwithstanding the provisions of Section 4.3.2 of the Zoning By-Law, a maximum of seven (7) motor vehicle parking spaces shall be provided and maintained within 6 metres of the street line.	
Notwithstanding the provisions of Section 4.3.2(b), motor vehicle parking shall be permitted within 1 metre of the east side lot line.	
Notwithstanding the provisions of 4.3.2(c), a motor vehicle parking space and driveway may be located within 6 metres of a window to a habitable room in an apartment dwelling or group dwelling.	

387.4 SP.357 District is hereby designated as a Residential District”

- 2 Map 13 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 to SP.357 ‘H’**.
- a) That the ‘H’ Holding Symbol be removed subject to Site Plan Approval being granted for the property, including requirements for a primary entrance to the units from a main corridor access from the north side of the building; a pedestrian connection to the principal entrance from the municipal sidewalk along Douro Street; and indoor facilities for the central storage of garbage.

By-law read a first, second and third time this    day of                      , 2015.

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Daryl Bennett, Mayor

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John Kennedy, City Clerk



Exhibit B – PLPD15-021A, Page 3 of 3

