



City of
Peterborough

To: **Members of the General Committee**

From: **Cynthia Fletcher**
Commissioner of Infrastructure and Planning Services

Meeting Date: **April 1, 2019**

Subject: **Report IPSPL19-015**
Zoning By-law Amendment - 90 Hunter Street East and Part of
423 and 427 Mark Street

Purpose

A report to evaluate the planning merits of amending the zoning of the easterly portion of the lands known as 423 and 427 Mark Street from PS.2 –Public Service District 2 to the R.1- Residential District 1, to recognize the existing use of the lands for single unit dwellings and to accommodate future severances.

Recommendations

That Council approve the recommendations outlined in Report IPSPL19-015 dated April 1, 2019, of the Commissioner of Infrastructure and Planning Services, as follows:

- a) That the zoning of the easterly 39.62m of the lands known as 423 and 427 Mark Street be amended from the PS. 2 – Public Service District 2 to the R.1(F) – Residential District 1 in accordance with Exhibit 'C' attached to Report IPSPL19-015; and
- b) That the zoning of the westerly 29.6m of the lands known as 423 and 427 Mark Street, together with the lands known as 90 Hunter Street East, be amended from the PS.2 – Public Service District 2 to the PS.2,14h(F) in accordance with Exhibit 'C' attached to Report IPSPL19-015.

Budget and Financial Implications

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

Background

The properties are situated on the west side of Mark Street, north of Hunter Street East in East City. The property at 90 Hunter Street East is the home of Mark Street United Church and the two parcels to the north, known as 423 and 427 Mark Street, are currently being used as single unit dwellings, owned by the Church. The Trustees of Mark Street United Church intend to sever these into conveyable lots and also sever the easterly portion of the two proposed lots from the rear (westerly portion) of the lands, which will be consolidated with the Church parcel at 90 Hunter Street East.

The residential use of the dwellings was originally accessory to the place of worship use of the larger parcel and used to house clergy of the Church. As such, the dwelling units and the associated lands were included in the Public Service District Zoning (PS.2) in the City's Zoning By-law. The Church now intends to sever the residential lands from the main parcel and to create two conveyable lots. The severance and use of the lands for residential dwellings that are not accessory to the place of worship is not permitted by the current PS.2 Zoning District assigned to the lands and requires a Zoning By-law Amendment.

The lands form part of the Curtis Creek floodplain area. No development is being proposed at this time. The Church intends to retain the westerly portion of the lands known as 423 and 427 Mark Street to form part of the main church parcel, however, understand that development is not permitted.

The area is characterized by a mix of institutional, commercial and residential land uses. The subject lands have frontage along both Hunter Street East and Mark Street. The intent is to retain the current uses on the lands and facilitate future severance of the residential uses from the place of worship and Public Service (Institutional) uses.

Mark Street is classified as a local road. Each dwelling on the subject lands supports a driveway. The more northerly lot, known as 427 Mark Street also has a detached garage situated behind the main dwelling.

The application was accompanied by a Planning Justification Report prepared by Kevin M. Duguay, MCIP, RPP; a Tree Inventory prepared by treescape, dated September 24, 2018 and a draft Reference Plan/Survey prepared by Elliott and Parr, dated July 5, 2018.

The Planning Justification Report concludes that the application is consistent with the 2014 Provincial Policy Statement in that the subject properties are serviced by municipal infrastructure and compatible within the context of area land uses. The property is located in proximity to a range of public and community uses-facilities and forms part of an established neighbourhood. The author concludes that the subject lands are located within a Settlement Area with full municipal services available and conforms to the policy direction of the 2017 Growth Plan and recognizes the existing use for residential purposes, in keeping with the City's Official Plan purpose and intent of the Residential policies. The justification recognizes that the portion of land behind the residential lots is constrained by the flood plain and that no development or redevelopment is either proposed or required for that portion.

The application seeks to recognize the extent of the width of the existing driveway and parking area relative to the lands to be severed at 423 Mark Street. As such, a By-law Exception is sought as part of the amendment request to reduce the otherwise minimum 3m landscaped strip along the side lot line on the Church portion to remain PS.2, to the lesser of the existing or 3m.

Analysis

a) Official Plan

The southerly portion of the subject lands is designated 'Commercial' and the northerly portion is designated 'Residential' on Schedule 'A' –Land Use. The Central Area boundary runs between the residential portion to the north and the church portion of the lands along Hunter Street East. The Official Plan, therefore, recognizes the shift in land use to a more predominantly residential land use north of the lands fronting onto Hunter Street East. This is consistent with the existing land use.

The proposed zoning amendment to recognize the existing residential land use is consistent with the anticipated uses of the Low Density Residential policies of the Official Plan and is compatible with the adjacent Public Service Use.

The residential properties are connected to full municipal services and located in close proximity to parkland, trails, schools and public transit.

b) Zoning By-law

The current PS.2 – Public Service District Zoning restricts the use of the public service or institutional type uses including uses such as government administration offices, hospitals, nursing homes, schools, parks, museum or art gallery, arena, recreation centre, church, etc. Although many of these are compatible with residential land uses, a residential dwelling is not permitted as a stand alone use. The applicant has applied to

amend the zoning, therefore, to facilitate the severance of the northerly two lots, supporting single detached residential dwellings.

The application proposes to maintain the existing PS.2 – Public Service District on the rear portion (approximately 29.6m (97 ft.) and have this portion of the property remain with the Church property at 90 Hunter Street East. The severed parcels will each have a frontage of approximately 14.5m (47.5ft) along Mark Street by a depth of approximately 39.6m (130 ft.), consistent with the R.1 – Residential District regulations.

It is recommended that the Zoning of the residential portion be amended to reflect the existing use, in conformity with the policies of the Official Plan. This amendment will facilitate the ability of the owners to seek Consent for a Severance of the residential portion, conditional upon the retained parcel in the rear to be consolidated with the lands known as 90 Hunter Street East.

An exception is required to recognize the proximity of the existing driveway/asphalt parking area to the southerly lot line of 423 Mark Street. A minimum of 0m will be recognized by the assignment of Alternative Regulation 14h to the zoning of the lands.

The subject lands are impacted by the Curtis Creek floodplain and no development is permitted or proposed for these lands. It is recommended therefore, that the (F) suffix be added to the zoning of all of the lands, to indicate that the property is subject to flooding, and no development may take place unless it is consistent with the Flood Plain policies of Section 3.4 of the City of Peterborough Official Plan.

Response to Notice

a) Significant Agency Responses:

Agency circulation was issued on December 7, 2018.

Otonabee Region Conservation Authority (ORCA) note that the entirety of each property falls within the floodplain for Curtis Creek and provincial policy states that development and site alteration shall not be permitted within areas susceptible to flooding. The agency has no objection to the recognition of the existing uses via the amendment, with no alteration being proposed. The property is subject to Ontario Regulation 167/06, ORCA's regulation of development, interference with wetlands and alterations to shorelines and watercourses. A permit is required from ORCA prior to any fill placement, grade alteration or construction activity taking place in the regulated area. Planning Staff recommend that the 'F' suffix be assigned to the zoning of both parcels to indicate that the lands are subject to flooding in whole or in part and are further subject to the Official Plan policies with regard to development within a floodplain.

Summary of Public Responses:

No written comments have been received as of March 4, 2019.

Submitted by,

Cynthia Fletcher
Commissioner of Infrastructure and Planning Services

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Attachments:

Exhibit A – Land Use Map
Exhibit B – Site Plan/Reference Plan
Exhibit C – Draft Zoning By-law Amendment

Exhibit A – Land Use Map – Page 1 of 1

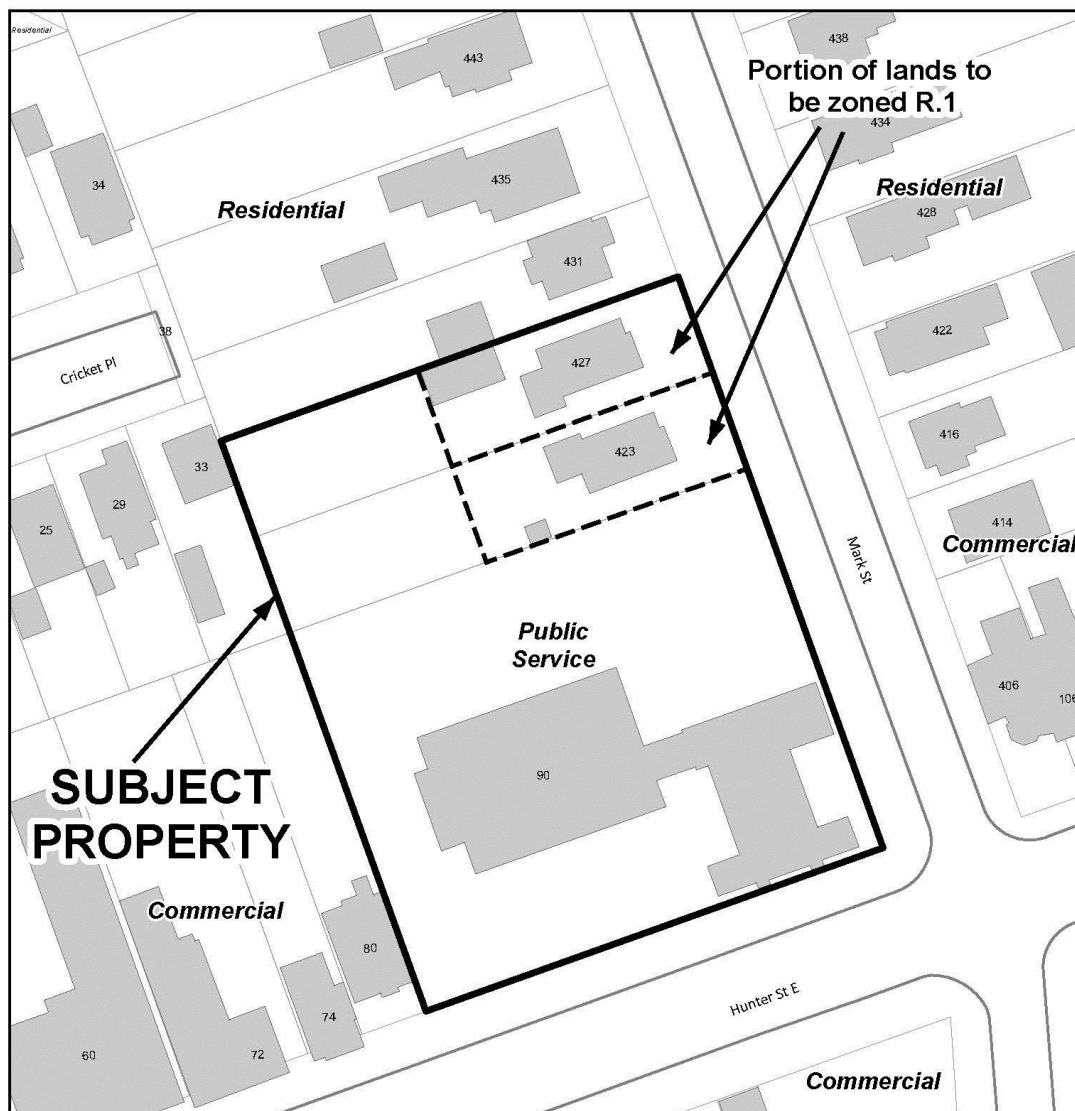
Land Use Map

File: Z1901

Property Location: 90 Hunter St E and 423-427 Mark St

EXHIBIT

SHEET OF



The City of Peterborough Planning Division

The "City of Peterborough" its employees, or agents, do not undertake to guarantee the validity of the contents of this digital or handcopy mapfile, and will not be liable for any claims for damage or loss arising from their application or interpretation, by any party. It is not intended to replace a survey or to be used for a legal description.



Date: December 4, 2018

Map by: JEllis

0 5 10 20 30 Metres

Exhibit B – Site Plan / Reference Plan – Page 1 of 1

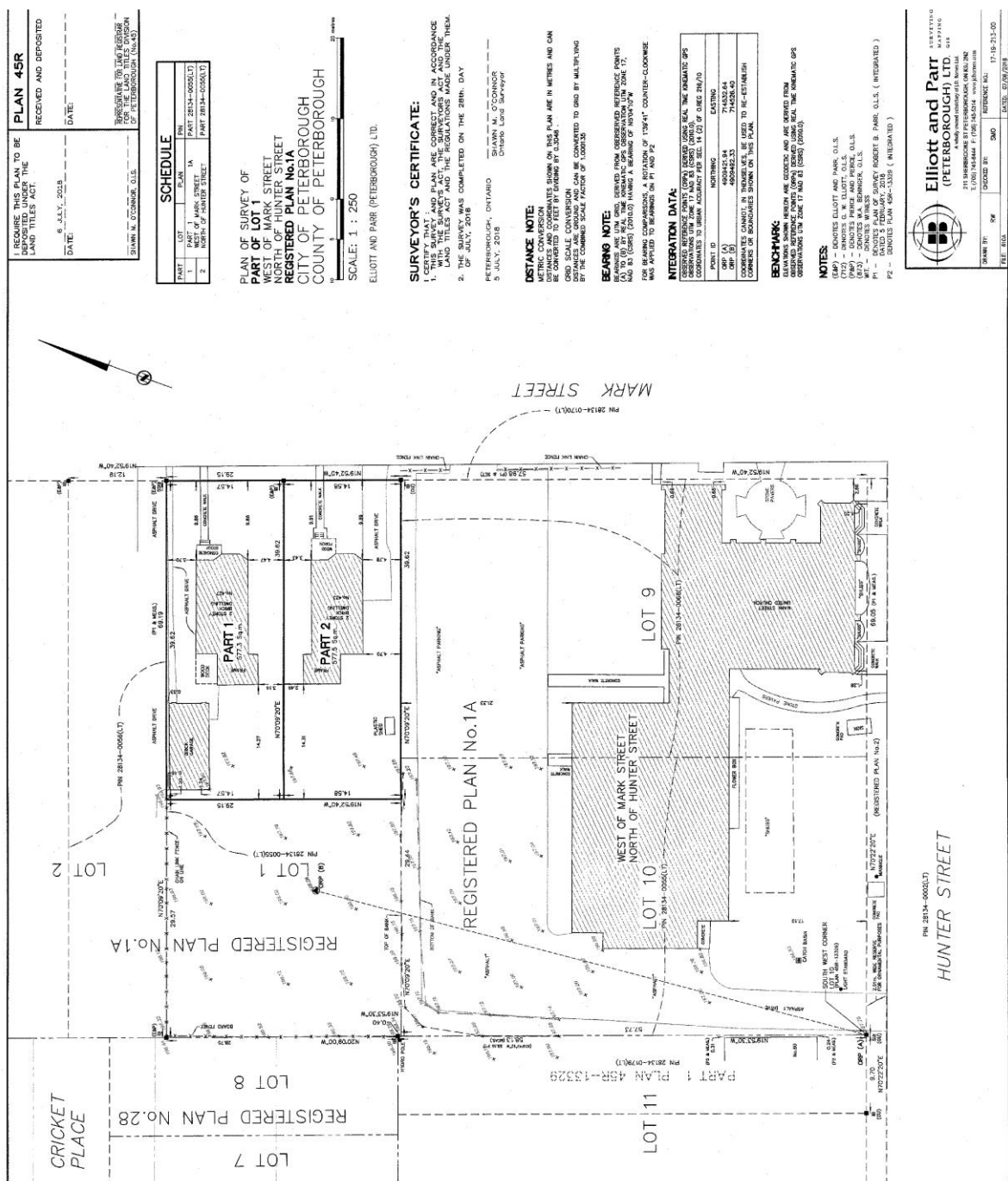


Exhibit C – Draft Zoning By-law Amendment - Page 1 of 2



The Corporation of the City of Peterborough

By-Law Number 19-

Being a By-law to amend the Zoning By-law for the lands known as 90 Hunter Street East, 423 Mark Street and 427 Mark Street

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

That 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 PS.2,14h(F) and from PS.2 to R.1(F).

By-law read a first, second and third time this day of , 2019.

Diane Therrien, Mayor

John Kennedy, City Clerk

Exhibit C – Draft Zoning By-law Amendment - Page 2 of 2

