



City of
Peterborough

To: **Members of the General Committee**

From: **Jasbir Raina, Commissioner, Infrastructure and Planning Services**

Meeting Date: **September 6, 2022**

Subject: **Zoning By-law Amendment for 334 Rogers Street, Report IPSPL22-017**

Purpose

A report to evaluate the planning merits of amending the zoning of the property known as 334 Rogers Street from PS.2 – Public Service District to R.1 – Residential District, to recognize the use of the lands for a single-detached dwelling.

Recommendations

That Council approve the recommendations outlined in Report IPSPL22-017, dated September 6, 2022, of the Commissioner of Infrastructure and Planning Services, as follows:

- a) That the subject property be rezoned from PS.2 – Public Service District to R.1-H - Residential District in accordance with the draft amendment attached as Exhibit 'C' to Report IPSPL22-017; and
- b) That the 'H' – Holding Symbol be removed at such time as a parcel of land measuring 2.38m along the St. Luke's Avenue is conveyed to the City for road widening purposes and a triangular portion of land measuring 8.0m along Rogers Street by 5.0m along St. Luke's Avenue streetline is conveyed to the City for the purposes of a daylighting triangle at the southwest corner of the property.

Budget and Financial Implications

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

Background

The subject property is located on the northeast corner of Rogers Street and St. Luke's Avenue. To the north of the subject property is the Peterborough Theatre Guild, with the Myrtle Terrace apartment building to the east.

The residential use of the subject property was established in 1885 as the rectory for St. Luke's Anglican Church until 1978 when it was sold to the Sisters of Saint Joseph (Sisters). As such, the dwelling use was appropriate in the PS.2 – Public Service District in the City's Zoning By-law as it functioned as part of the convent or religious establishment use. After the subject property was sold by the Sisters, the function of the property no longer complied with the PS.2 zoning district. A single-detached residential dwelling that does not form part of a convent or religious establishment nor accessory to a use permitted in the PS.2 zoning district is not permitted by the current PS.2 zoning of the lands. A zoning by-law amendment is required to legalize the use.

The proposal was subject to a pre-consultation meeting on July 29, 2021, and the zoning by-law amendment application was deemed complete on April 28, 2022. The application was submitted together with a Planning Justification Report, Concept Site Plan, and an Area Context Plan prepared by Kevin M. Duguay, RPP, MCIP.

The applicant seeks to amend the current residential zoning of the lands to an R.1 – Residential District to recognize the use of the property as a single-detached dwelling. No changes to the built form of the property are proposed as part of this application.

Analysis

a) Provincial Policy Statement, 2020 (PPS)

Any decision on the proposed Zoning By-law Amendment must be consistent with the PPS which came into effect on May 1, 2020. The PPS provides general direction to municipalities with respect to addressing matters of provincial interest in land use planning.

Section 1.1.1 of the PPS states that healthy, liveable, and safe communities are sustained by, among others, accommodating an appropriate affordable and market-based range and mix of residential types, employment, institutional, recreation, park and open space, and other uses to meet long term needs.

Section 1.1.3 states that “settlement areas shall be the focus of growth and development” and Section 1.1.3.2 state “land use patterns within settlement areas shall be based on densities and a mix of land uses which: b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available and avoid the need for their unjustified and/or uneconomical expansion.”

Section 1.4.3 of the PPS requires municipalities to provide for an appropriate range and mix of housing including all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3.

The property is located within the City’s boundary (settlement area) and is serviced with full municipal services and represents an efficient use of existing building stock without the need for expansion or extension of infrastructure, consistent with the directives of the PPS. Allowing the property to be used for a single-detached dwelling will provide additional housing opportunity for the private market in the neighbourhood while maximizing the use of existing infrastructure. The dwelling is located outside of areas of flooding and natural hazard. There are no changes proposed to the existing building, maintaining the existing character of the neighbourhood.

b) A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan)

Any decision on the proposed Zoning By-law Amendment must conform with the policies of the Growth Plan. The Growth Plan builds upon the policy foundation of the PPS by providing land use planning policies to address specific issues in the Greater Golden Horseshoe. The subject property is located within the City’s Delineated Built Boundary as defined in the Growth Plan. Accordingly, the property is subject to both general policies in the plan and to policies that are specific to the Delineated Built Boundary.

Lands within the City’s Delineated Built-Up Area are expected to accommodate significant population and employment growth. Growth within the Delineated Built-Up Area is expected to occur on full municipal services and contribute to a complete community, designed to support healthy and active living, and meet people’s needs for daily living throughout an entire lifetime.

It is the opinion of staff that the proposed amendment conforms with the policy direction of the Growth Plan.

c) City of Peterborough Official Plan

The subject property is designated ‘Commercial’ on Schedule ‘A’ – Land Use of the Official Plan and Central Area on Schedule I – Commercial Area. The property is located within the Hunter Street East Business District as identified on Schedule ‘J’ – Central Area Land Use.

The Hunter Street East Business District policies of the Official Plan contemplate a mix of residential, institutional, cultural and/or recreational uses as well as retail and service commercial uses. The predominant uses are expected to be residential and office uses, including stable residential neighbourhoods.

The property is located within an established neighbourhood in proximity to adequate amenities to support the residential use of the property. No physical changes are proposed to the exterior of the building and adequate site parking can be accommodated on site, with close access to trails, schools, and parks.

Staff is satisfied that the proposed use conforms with the Official Plan and is in keeping with the Hunter Street East Business District designation.

Section 5.4.2 of the Official Plan requires that the developer provide sufficient land, at no cost to the City, abutting a road right-of-way that does not meet the expected width as described in Section 5.4.1. Additional lands to improve sight lines at intersections and provide grade separations may also be required in accordance with Section 5.4.3 of the Official Plan. The standard range for a local road in accordance with Section 5.4 of the Plan is 18.5m to 20m (St. Luke's Avenue) and 20m to 23m for a low-capacity collector (Rogers Street). Presently, St. Luke's Avenue has a deficient road allowance width of 15.24m and lacks a sight triangle at the intersection of Rogers Street and St. Luke's Avenue. In accordance with the City's Engineering Design Standards, the minimum required sight triangle at the intersection of a local street with a collector street is 5m by 8m. To address these deficiencies, an 'H' – Holding Symbol is recommended as part of the rezoning to require the Applicant to convey the required road allowance widening and sight triangle in accordance with Official Plan policy.

d) City of Peterborough Zoning By-law

The current PS.2 – Public Service Zoning District restricts the use of the lands to 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 a permitted use in this zoning district. The applicant has applied to amend the zoning, therefore, to facilitate the use of the property for a single-detached dwelling.

It is recommended that the zoning of the subject property be amended to reflect the use of the property as a single-detached dwelling, in conformity with the policies of the Official Plan. This amendment will allow the owners to use the property for residential uses, not accessory to a use permitted in the PS.2 zoning district.

Insofar as St. Luke's Avenue is deficient in width and there is no sight triangle at the intersection of Rogers Street and St. Luke's Avenue, an 'H' – Holding Symbol is recommended as part of the rezoning, to be removed at such time as a parcel of land measuring 2.38m along the St. Luke's Avenue is conveyed to the City for road widening purposes and a triangular portion of land measuring 8.0m along Rogers Street by 5.0m along St. Luke's Avenue streetline is conveyed to the City for the purposes of establishing a sight triangle at the southwest corner of the property.

Response to Notice

a) Significant Agency Responses

Agency circulation was issued on May 4, 2022.

The City's Infrastructure Management Division is requesting that the applicant provide a 2.38-metre road widening along St. Luke's Avenue as well as an 8.0 metre (Rogers Street) by 5.0 metre (St. Luke's Avenue) sight triangle.

Otonabee Conservation note that the proposed redevelopment is outside any known natural hazards and is not within close proximity to a natural heritage feature of significance and is consistent with Provincial Policy Statements 2.1, 2.2 and 3.1. The proposed redevelopment falls outside of ORCA regulated area and are not located in a vulnerable area as per the Trent Source Water Protection Plan.

There are no significant concerns or comments from other agencies or departments.

b) Summary of Public Responses

No written comments have been received as of August 3, 2022.

Submitted by,

Jasbir Raina, CEng., M.Tech, MBA, PMP, MIAM
Commissioner, Infrastructure and Planning Services

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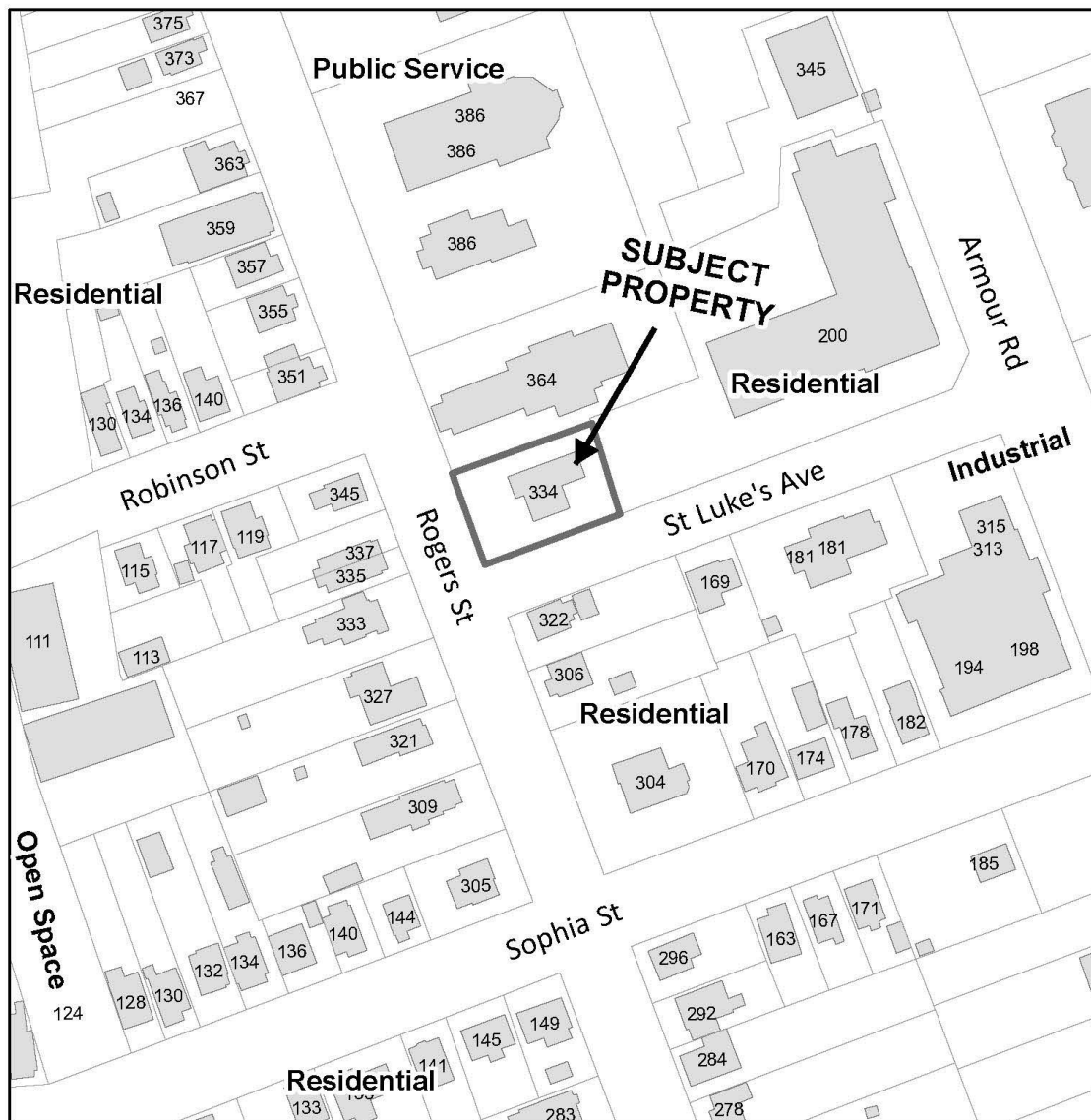
Attachments:

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

Land Use Map

EXHIBIT
SHEET OF

Property Location: 334 Rogers Street



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: April 29, 2022

Map by: bgautam



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



The Corporation of the City of Peterborough

By-Law Number 22-

Being a By-law to amend the Zoning By-law for the lands known as 334 Rogers Street

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

1. 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 R.1-H.**
2. That the 'H' – Holding Symbol be removed at such time as a parcel of land measuring 2.38m along the St. Luke's Avenue is conveyed to the City for future road widening and a triangular portion of land measuring 8.0m along Rogers Street by 5.0m along St. Luke's Avenue streetline is conveyed to the City for the purposes of a daylighting triangle at the southwest corner of the property.

By-law read a first, second and third time this 26th day of September, 2022.

Diane Therrien, Mayor

John Kennedy, City Clerk

Exhibit C – Draft Zoning Amendment - Page 2 of 2

