



City of
Peterborough

To: Members of the Planning Committee

From: Ken Hetherington, Manager, Planning Division

Meeting Date: August 24, 2015

**Subject: Report PLPD15-045
241 Rubidge Street**

Purpose

A report to evaluate the planning merits of amending the C.1 – Commercial District Zoning for the property known as 241 Rubidge Street to add ‘an office’ and ‘a personal service establishment’ as a permitted uses and to reduce the parking requirement associated with the residential units from 1.5 spaces per unit to 1 space per unit.

Recommendations

That Council approve the recommendations outlined in Report PLPD15-045 dated August 24, 2015, of the Manager, Planning Division, as follows:

- a) That Section 3.9 of the Zoning By-law be amended to add Exception 299 to add ‘an office with a maximum floor area of 300m² and ‘a personal service establishment’ to the list of permitted uses; and to reduce the minimum number of parking spaces for residential to 1 parking space per unit, in accordance with the draft amendment attached as Exhibit ‘D’ to Report PLPD15-045.
- b) That the zoning of 241 Rubidge Street be amended from the C.1 Commercial District to the C.1-299 ‘H’ – Commercial District in accordance with the draft amendment attached as Exhibit ‘D’ to Report PLPD15-045.
- c) That the ‘H’ – Holding Symbol be removed subject to a Development and Encroachment Agreement, to address the following:
 - i) Encroachment of the proposed canopy shown on the concept site plan attached as Exhibit B to Report PLPD15-045.

- ii) Improvement of the City's Right of Way to include landscaping between the back of the sidewalk and the property line; removal of the depressed curb along Rubidge Street at the north end of the site, adjacent to the parking spaces; and replacement of the depressed curb with new full height curbing and landscaping.

Budget and Financial Implications

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

Background

The subject application was received on May 12, 2015, deemed to be complete on June 10, 2015, and was processed in accordance with department procedures. The *Planning Act* permits 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, 2015.

The subject lands support an existing commercial building, parking and multiple driveways connecting to both Rubidge and Sherbrooke Streets. The subject lands consist of a rectangular shaped property with access to the parking lot from Rubidge Street, although a small driveway, with a potential to accommodate two vehicles in tandem is accessed from Sherbrooke Street.

The land has been used to support a mix of commercial and residential uses for many years and was the subject of a Minor Variance approved by the Committee of Adjustment in 1990 to permit a larger convenience retail store (177m²) with a cap on the total amount of commercial space for other uses of 140m²). The building formerly supported 'Dales Meat Market' and other commercial uses, with two residential apartments on the second floor. The ground floor commercial space has been vacant for two years and the owner has entered into an agreement of purchase and sale for the property, to the applicant who intends to convert the ground floor space into an office (approximately 150m²) and proposes a modest addition to the second storey to facilitate the introduction of a third residential apartment.

In addition to the proposed office use, the applicant proposes to also introduce a 'personal service establishment' which would permit uses such as a hairdresser, barber, self serve laundry, esthetician, suntanning shop, etc.

Analysis

a) Official Plan

The lands are currently designated “Commercial” on Schedule ‘A’ – Land Use, and subject to the ‘Transitional Uses Area’ policies of the Central Area in the City of Peterborough Official Plan. The proposed use of the existing building for a mixed use commercial/residential will comply with the intent and purpose of the Transitional Uses Area 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 241 Rubidge Street is subject to the Transitional Uses Policies included in Sub-Area 5 (Section 4.3.2.2.6) of the Official Plan. These lands are intended to provide a transition between the Commercial Core and Waterfront Area and the residential areas outside of the Central Area. The diversity of uses contemplated include special care homes, medium and high density residential uses, institutional uses, small scale office uses, convenience retail and service commercial uses. The proposed use of the property for business and professional office, clinic and/or personal service use are the type of uses contemplated under relaxed zoning regulations, compatible with low density residential uses and the surrounding neighbourhood.

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

The proposed introduction of office uses up to 300m² of floor area is consistent with the Official Plan.

b) Zoning By-law

The subject property is currently zoned C.1 – Commercial District, permitting a mix of commercial and residential uses subject to compliance with the minimum regulations. The subject lands have supported a mixed use building for many years with commercial at the ground floor and residential above.

The C.1 – Commercial District is generally considered to be a ‘Local Commercial’ zoning district with a restricted list of permitted commercial uses with or without residential uses on the second storey. The property is located within the Transitional Uses Areas of the Central Area, and is intended to support a somewhat wider range of commercial uses, including small scale offices, studios, personal service uses, small scale clinics and convenience retail types of uses.

The applicant has proposed to add ‘an office’ and ‘a personal service use’ to the list of permitted uses via an exception. Staff recommend the inclusion of both of these uses to the subject property. A Personal Service Use is defined in the City’s Zoning By-law as follows:

“Personal Service Use means any building or part thereof used for the furnishing of personal services to individual persons, including a barber, hairdresser, beautician, tailor, dressmaker, shoemaker, self-service laundry, self-service dry cleaning establishment, dry cleaning depot – Class 2 or suntanning shop, but specifically excluding a use as a body massage parlour or an adult entertainment parlour.”

The applicant also proposes to utilize the existing parking facilities of the subject lands. Based on an office or personal service use of the ground floor with three residential apartments above, the property would require a total of 9 parking spaces. An exception (Exception No. 299) is proposed to be added to the Zoning By-law to reduce the residential requirement for parking to 1 parking space per unit.

Staff further recommend that an ‘H’ Holding Symbol be affixed to the zoning and the removal of the ‘H’ Holding Symbol be conditional upon the owner agreeing to complete certain works within the adjacent Right of Way and to enter into an encroachment agreement to permit the extension of a proposed canopy extending over the principle entrance at Rubidge Street. Details of the proposed ‘H’ Holding Symbol are as follows:

That the ‘H’ – Holding Symbol be removed subject to a Development and Encroachment Agreement, to address the following:

- i) Encroachment of the proposed canopy shown on the concept site plan (a1.0, prepared by aside design, dated 05.07.15)
- ii) Improvement of the City’s Right of Way to include landscaping between the back of the sidewalk and the property line; removal of the depressed curb along Rubidge Street at the north end of the site, adjacent to the parking spaces; and replacement of the depressed curb with new full height curbing and landscaping.

The proposed Zoning Amendment complies with the intent and purpose of the Transitional Area policies of the Central Area.

c) Site Development

The proposed amendments will result in minor changes to the existing building, including a new facade treatment along both Sherbrooke Street and Rubidge Street and a modest addition to the second floor above the former cooler portion of the building, facilitating the creation of a third residential unit on the second floor. The City requests the cooperation of the applicant to address the standards of development adjacent to the property within the City’s road allowance.

Response to Notice

a) Significant Agency Responses:

Utility Services Department

The City's Utility Services Department has requested that an 'H' Holding Symbol or equivalent, be incorporated as a condition of zoning to deal with issues such as grading, servicing, stormwater management, right of way encroachments and parking. Due to the limited development proposed for the subject lands, Site Plan Approval may not be warranted in this case and as an alternative, Planning Staff recommend the requirement for a Development Agreement and Encroachment Agreement to address the current deficiencies with regard to the City's Right of Way and to facilitate the proposed canopy over the principle entrance along Rubidge Street.

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 and Public Meeting was issued by newspaper advertisement (Peterborough Examiner) and by direct mail on July 27, 2015. The notice complies with the requirements of the *Planning Act*.

No written comments have been received as of July 31, 2015.

Submitted by,

Ken Hetherington
Manager, Planning Division

Prepared by,

Caroline Kimble,
Land Use Planner

Concurred with,

Malcolm Hunt, Director
Planning and Development Services

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Attachments:

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

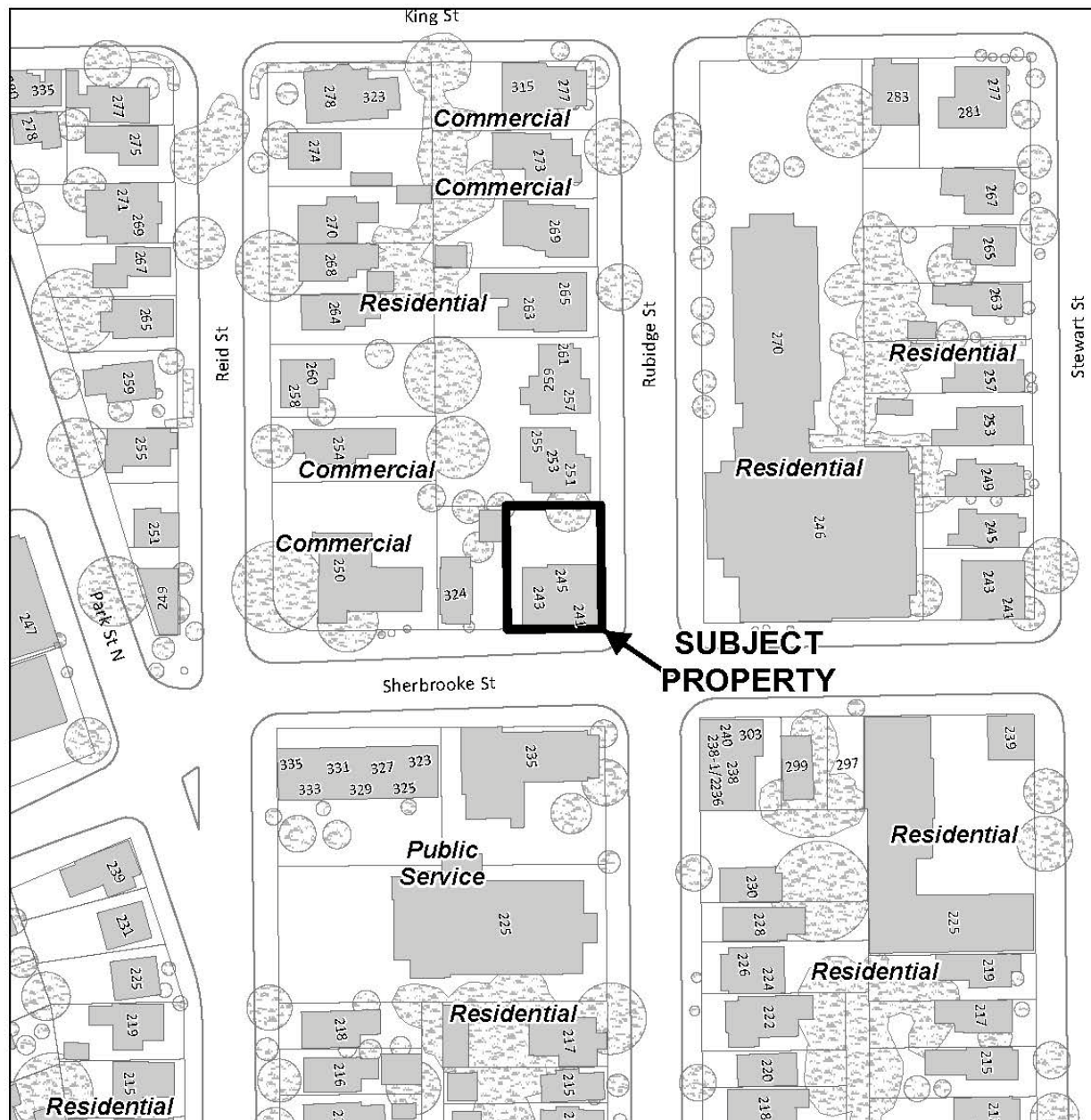
Exhibit A – Land Use Map

Land Use Map

File: Z1506

Property Location: 241 Rubidge 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: May 28, 2015

Map by: CSandanayake

0 5 10 20 30 40 Metres

Exhibit B – Concept Site Plan

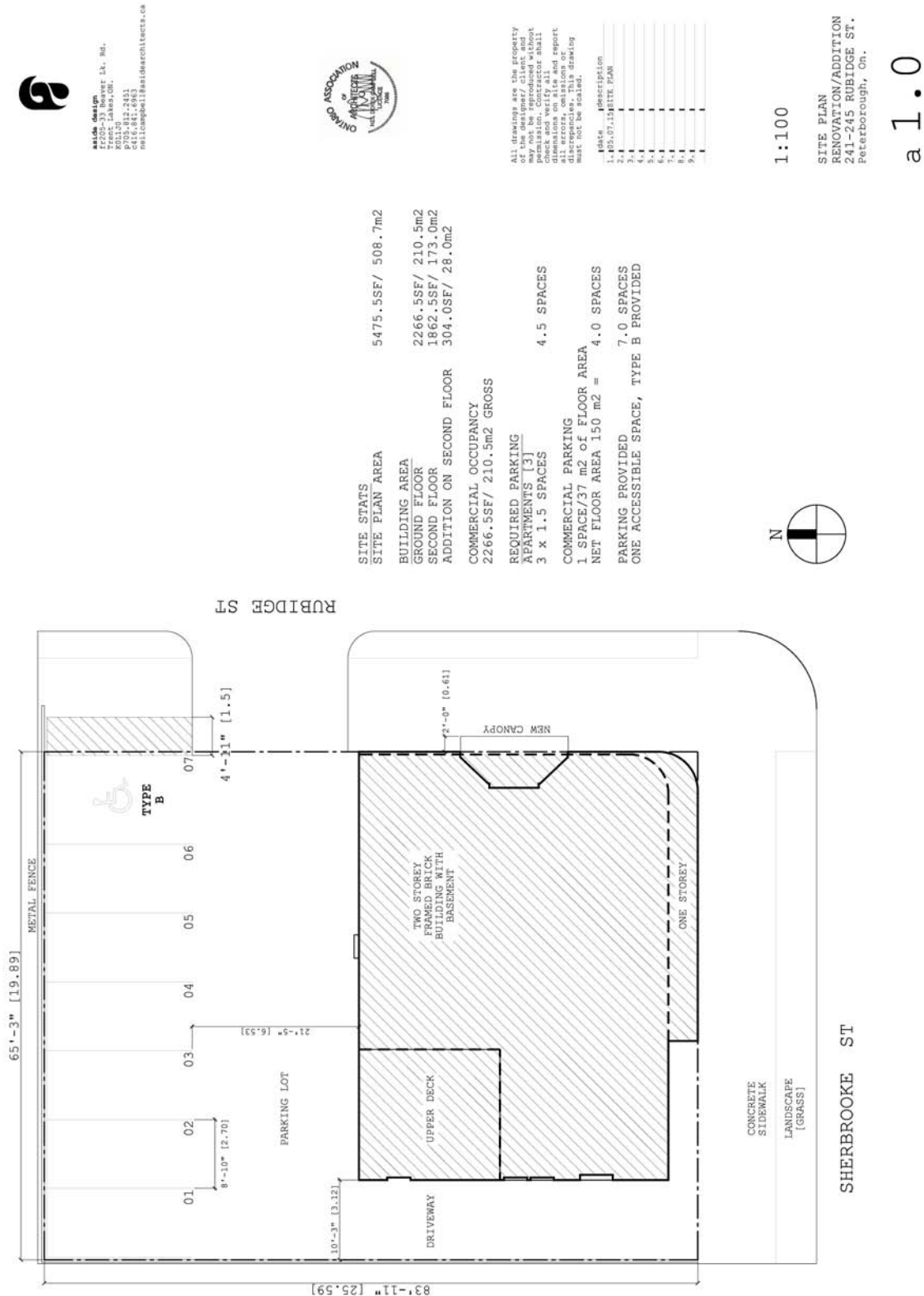


Exhibit C, Page 1 of 1

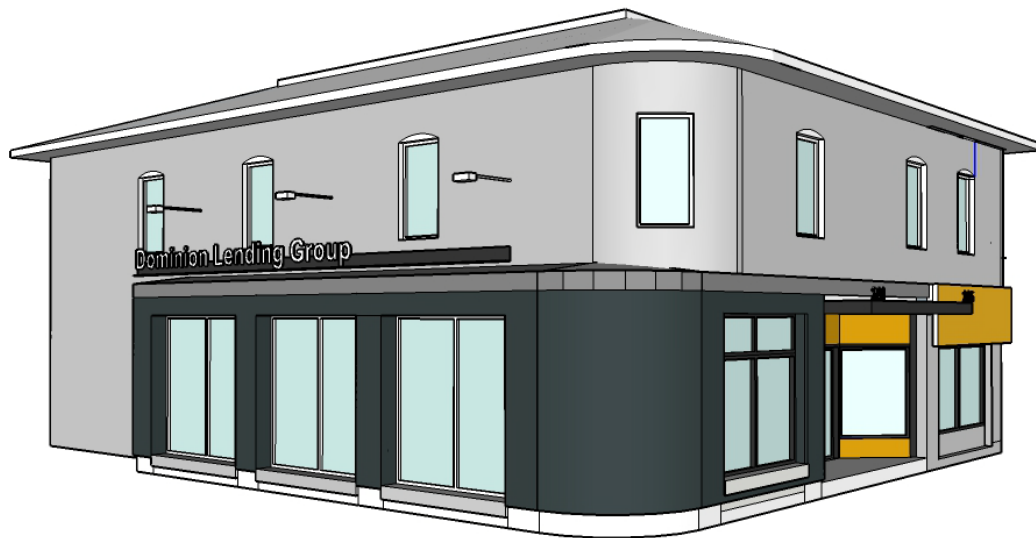


Exhibit D, Page 1 of 2



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 241 Rubidge Street

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

1. That Section 3.9 – Exceptions of By-law 97-123, be amended to add the following:

“299. Notwithstanding the permitted uses, an office with a maximum floor area of 150m² and a personal service use are permitted. Notwithstanding the provisions of Section 4, a minimum of 1 parking space per residential unit shall be permitted.”
2. 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 C.1 to C.1-299’H’.
3. That the ‘H’ Holding Symbol be removed subject to a Development and Encroachment Agreement, to address the following:
 - a) Encroachment of the proposed canopy shown on the concept site plan (a1.0, prepared by aside design, dated 05.07.15)
 - b) Improvement of the City’s Right of Way to include landscaping between the back of the sidewalk and the property line; removal of the depressed curb along Rubidge Street at the north end of the site, adjacent to the parking spaces; and replacement of the depressed curb with new full height curbing and landscaping.
4. By-law read a first, second and third time this day of , 2015.

Daryl Bennett, Mayor

John Kennedy, City Clerk

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