



City of  
**Peterborough**

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**TO:** Members of the Planning Committee

**FROM:** Malcolm Hunt, Director of Planning and Development Services

**MEETING DATE:** April 20, 2009

**SUBJECT:** Report PLPD09-021  
Zoning By-Law Amendment  
1090 Clonsilla Avenue

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## **PURPOSE**

A report to evaluate the planning merits of amending the Zoning By-Law for the property known as 1090 Clonsilla Avenue to expand the list of permitted uses to include a 'clinic'.

## **RECOMMENDATION**

That Council approve the recommendation outlined in Report PLPD09-021 dated April 20, 2009, of the Director of Planning and Development Services, as follows:

That the zoning of the subject property, be amended from the C.4-1 – Commercial District to the C.4-1-213 Commercial District in accordance with the draft amendment attached as Exhibit 'D' to Report PLPD09-021.

## **RATIONALE**

Approval of this Zoning By-Law Amendment is based upon the following:

The subject property is designated 'Commercial' on Schedule 'A' – Land Use of the City of Peterborough Official Plan, and 'Service Commercial' on Schedule 'I' – Commercial Areas. The proposed exception .213 is in compliance with the Service Commercial policies as included in the Official Plan.

The application proposes the reuse of the existing building to support clinic uses as a transitional use adjacent to residential areas. The proposed rezoning will have the effect of adding 'clinic' to the list of permitted uses.

The applicant proposes to convert the use of the existing building from a restaurant to an optometric clinic. The applicant proposes renovations to the existing building, however, no specific redevelopment of the property, outside of the building, is being contemplated at this time. The existing site plan agreement will be required to be amended if any future changes to the land, outside of the building, are proposed.

## **BUDGET AND FINANCIAL IMPLICATIONS**

None at this time.

## **BACKGROUND**

The subject application was received on February 2, 2009 proposing an amendment to the Zoning By-Law to add a 'clinic' to the list of permitted uses of the property. The applicant intends to renovate and use the existing building to support the relocation of an existing Optometric Clinic. An agreement has been reached between the owner of the property and the applicant, to sell the property upon successful completion of a rezoning application to allow a 'clinic' as a permitted use.

The property has been used to support a restaurant since 1973 (former Spaghetti House Restaurant). The original building on the property and the supporting parking were subject of recent improvements, reflected in an updated Site Plan Agreement with the City of Peterborough in 2007.

The property was the subject of Committee of Adjustment approvals for minor variance in a rezoning application in 2007 relating to landscaped open space, parking for restaurant use, and location of a garbage bin on site.

## ANALYSIS

### a) Official Plan

The lands are currently designated “Commercial” on Schedule ‘A’ – Land Use of the City of Peterborough Official Plan. The lands are included in the Service Commercial Area on the Commercial Areas Schedule ‘I’.

The planned function of the Service Commercial Area is to provide locations for service-oriented commercial activities, particularly hospitality and automotive services, personal services and retail commercial activities that require large sites for extensive open or enclosed display or storage areas.

The Service Commercial policies also permit clinic uses in areas ‘adjacent to Shopping Nodes, Neighbourhood Centres and as a transitional use adjacent to residential areas.’

The subject property fronts onto Clonsilla Avenue, designated as a ‘High Capacity Arterial Road’ on Schedule ‘B’ – Roadway Network of the City’s Official Plan. The neighbourhood is characterized by a combination of commercial, multiple residential and detached residential dwellings. The location of the property abutting residential uses, provides an opportunity to integrate alternate uses through zoning amendment as a transitional use, in this instance.

### b) Zoning By-law

The subject property is currently zoned C.4-1 – Commercial District, permitting a range of Service Commercial Uses. The property is presently vacant, formerly used as a restaurant under the existing zoning of the site.

Permitted uses under the existing zoning include:

- (a) a service station
- (b) an animal hospital or office of a veterinarian
- (c) a car wash
- (d) a church
- (e) a place of assembly
- (f) a restaurant
- (g) a hotel
- (h) a parking lot or parking garage
- (i) a taxi stand
- (j) a dry-cleaning establishment - Class 2
- (k) a funeral parlour
- (l) a retail establishment for the sale of;
  - i) building products and contractor supplies
  - ii) farm equipment
  - iii) farm supplies, grain and feed
  - iv) motor vehicles
  - v) motor vehicle parts
  - vi) boats, trailers, travel trailers and mobile homes
- (m) a nursery or greenhouse
- (n) a public garage

- (o) an auto body repair establishment
- (p) a muffler, auto glass, or other motor vehicle repair establishment
- (q) a rental establishment
- (r) a repair shop
- (s) a miniature golf course

The applicant has requested a zoning by-law amendment to add 'clinic' to the existing list.

The proposed .213 exception has been applied to other properties and has the impact of adding a 'clinic' to the list of permitted uses.

The existing Site Plan Agreement relating to the property reflects the current status of development. Any minor or major change to the property will require amendment to the registered agreement.

### **c) Site Development**

The property is subject of an existing Site Plan Agreement, registered on title. The applicant does not propose to amend the conditions of the site, exterior to the building. The site plan illustrates a total of 29 on-site parking spaces, which would satisfy the minimum parking requirements for a clinic for up to 5 practitioners (25 spaces). The maintenance of the site is regulated by the existing agreement.

## **RESPONSE TO NOTICE**

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

Agency circulation was issued on February 20, 2009.

ORCA has advised that there is no objection to the proposed rezoning.

Utility Services Department requests cash-in-lieu of parkland where applicable. The reuse of the existing building in this instance, does not entitle the City to collect cash-in-lieu of parkland, under the provisions of the Planning Act, R.S.O. 1990, c.P.13.

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 was issued on February 20, 2009 and Notice of Public Meeting was issued on March 26, 2009 by direct mail and by newspaper advertisement (Peterborough Examiner). The notices comply with the requirements of the Planning Act.

A Neighbourhood Meeting was hosted by the applicants on March 11, 2009. Three neighbourhood residents attended and no concerns were expressed with regard to the proposed rezoning application.

No public written responses were received as a result of the circulation.

Submitted by,

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Malcolm Hunt, Director,  
Planning and Development Services

Prepared by,

Concurred with,

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Caroline Kimble,  
Land Use Planner

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Attachments:

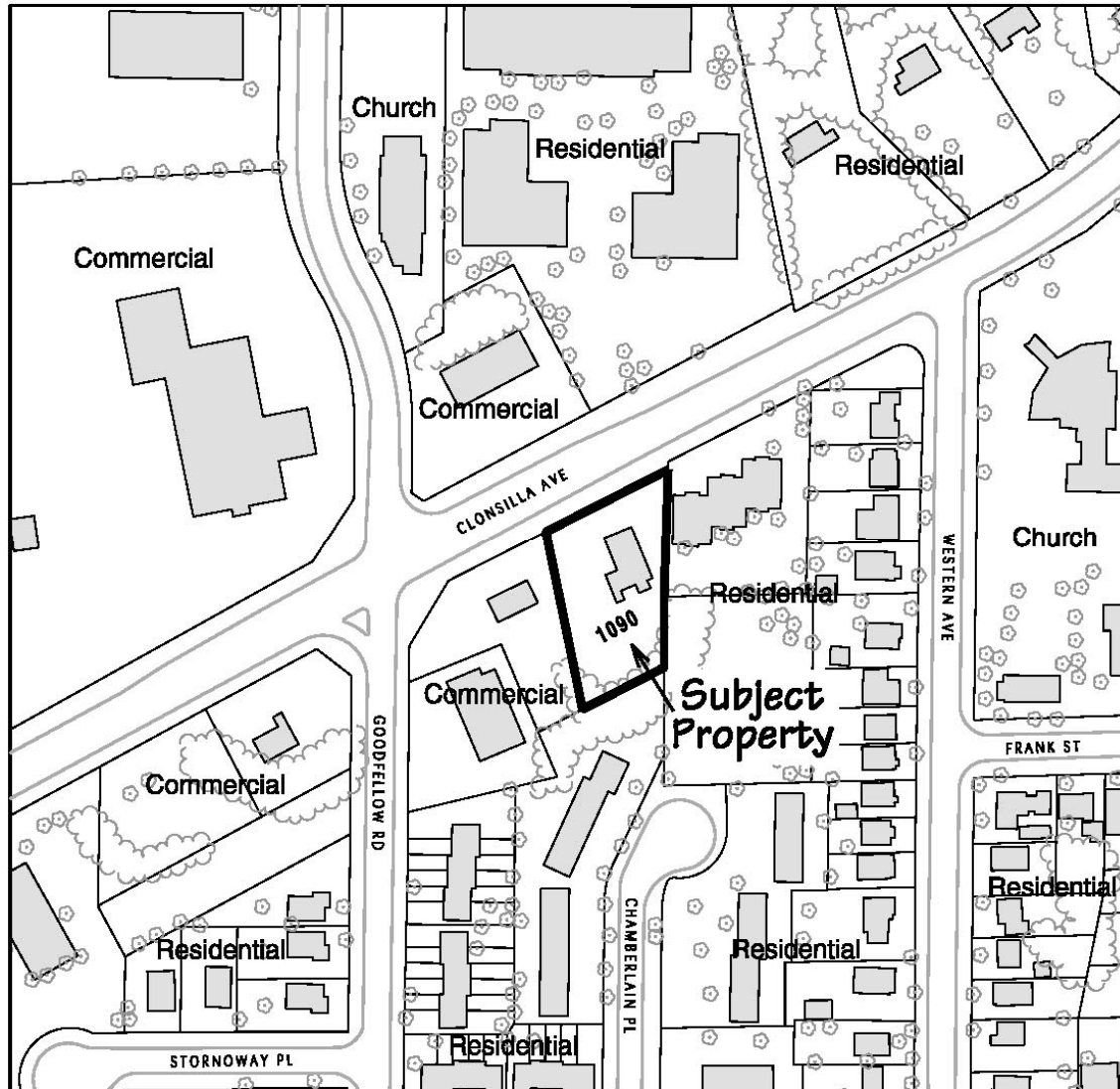
Exhibit A - Land Use Map  
Exhibit B - Concept Plan  
Exhibit C - Draft Zoning By-law

# Land Use Map

File # z0906

Property Location: 1090 Clonsilla Ave

EXHIBIT 'A'  
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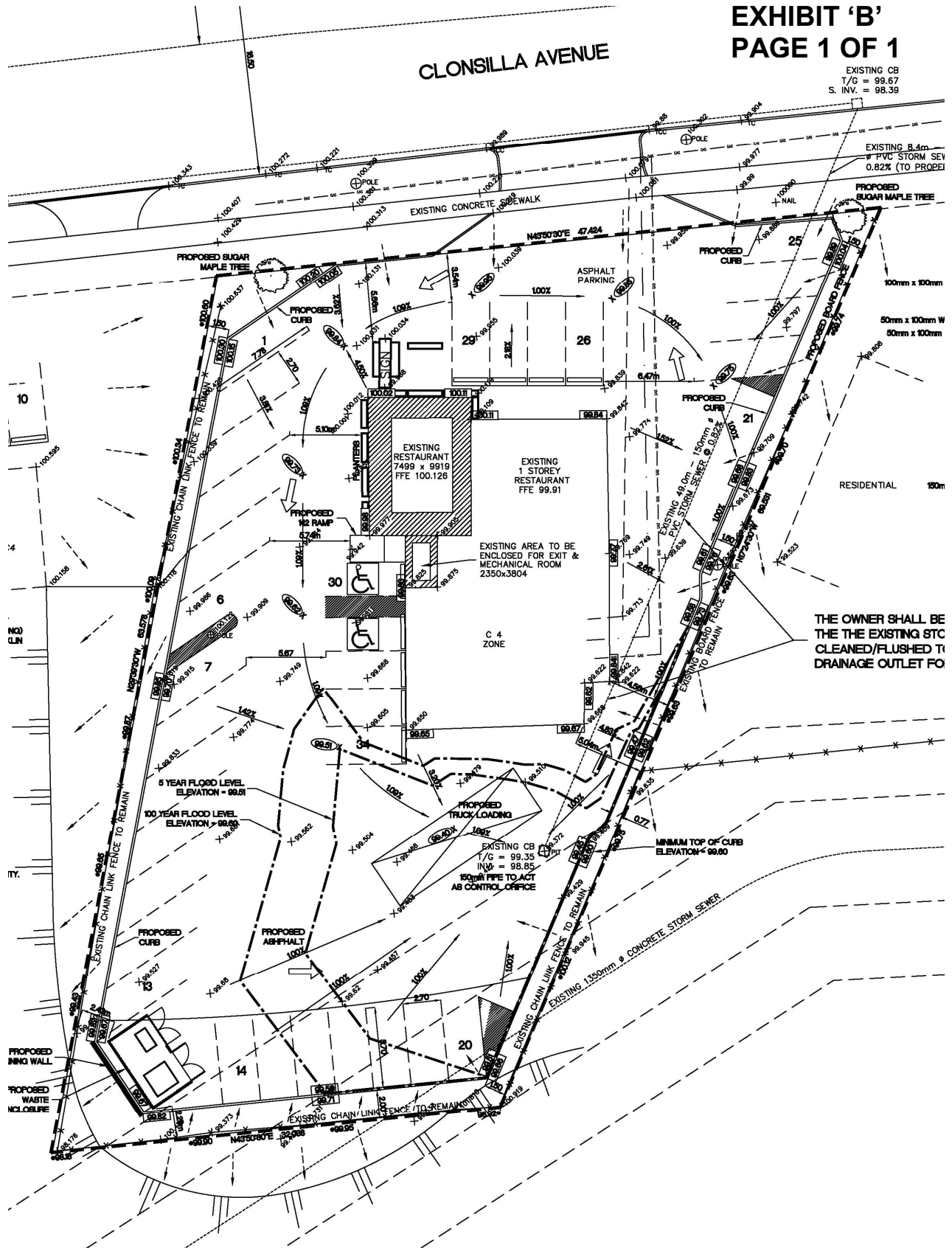
The City of Peterborough Planning Division

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Date - February 2009  
Dwg. by - CBerry  
Scale - 1:2000

EXISTING CB  
T/G = 99.67  
S. INV. = 98.39



**EXHIBIT 'C'**  
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**THE CORPORATION OF THE CITY OF PETERBOROUGH**

**BY-LAW NUMBER 09- \_\_\_\_\_**

**BEING A BY-LAW TO AMEND THE ZONING FOR 1090 CLONSILLA AVENUE**

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL  
THEREOF HEREBY ENACTS AS FOLLOWS:

Map 16 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.4 –1 to C.4 – 1 - 213.**

By-law read a first, second and third time this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
D. Paul Ayotte, Mayor

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Nancy Wright-Laking, City Clerk



