



City of
Peterborough

To: **Members of the Planning Committee**

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

Meeting Date: **February 29, 2016**

Subject: **Report PLPD16-018
1757 Sherbrooke Street**

Purpose

A report to evaluate the planning merits of amending the Zoning By-law for the property known as 1757 Sherbrooke Street from PS.2 – Public Service District to a modified SP.264 – Special Commercial District to accommodate a change in the permitted uses of the property to permit local commercial uses including a clinic and office, with residential units on the second storey and excluding a convenience retail store and a video rental establishment.

Recommendations

That Council approve the recommendations outlined in Report PLPD16-018 dated February 29, 2016, of the Manager, Planning Division, as follows:

- a) That the zoning of the subject property be amended from the PS.2 – Public Service District to SP.264-275-301-‘H’– Special Commercial District, in accordance with the draft amendment attached as Exhibit “C” to Report PLPD16-018.
- b) That the ‘H’ Holding Symbol be removed subject to Site Plan Approval being granted.

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 October 26, 2015, deemed to be complete on November 10, 2015 and revised on December 2, 2015. The application was processed in accordance with department procedures. The *Planning Act* allows 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 March 9, 2016 if Council has not made a decision.

The subject property is approximately 0.66 ha (1.63 ac.) in size, located on the southeast corner of the intersection of Sherbrooke Street West and Brealey Drive. The lands currently support a one storey building used as a 'place of assembly' (Kawartha Shriners Club) and associated (gravel) parking. The proposed redevelopment of the site includes the reuse of the existing building to support a medical clinic and the construction of a second building to support local commercial type uses on the ground floor with up to five residential units on the second storey and associated parking and driveway areas.

The applicant proposes to retain both driveways to the property from Sherbrooke Street and from Brealey Drive. It is intended that the northerly parking area accessed from Sherbrooke Street be reserved for staff parking and controlled, with all residential and visitor parking utilizing the Brealey Drive access. The redevelopment is intended to be phased with the reuse of the northerly building and associated parking, occurring in the first phase and the construction of the second building in the second phase of development.

A Functional Servicing Report was prepared by DM Wills Associates, dated October 2015, and submitted in support of the application. The Functional Servicing Report considered proposed lot grading and drainage, site services and storm water management and supports the ability of the site to be developed through connections to existing infrastructure in the Brealey Drive Right of Way.

The applicant agrees to modify the list of permitted uses to remove 'convenience retail store' and 'video rental establishment as potential uses for the property.

Analysis

a) Official Plan

The lands are designated 'Residential' on Schedule 'A' – Land Use of the City of Peterborough Official Plan. Local commercial uses are contemplated in the 'Residential' designation "to provide a range of convenience goods and services, generally required on a daily basis, to the adjacent residential areas."

An amendment to the Zoning By-law is required to introduce new local commercial uses or major expansions of the existing facilities. The Official Plan contemplates local

commercial uses including small scale office and clinic uses in addition to other small scale retail and service commercial uses with the scale, height and design of the development in keeping with the surrounding residential area. Sufficient parking and buffering and adequately sized properties for traffic movement on site is also directed by the Official Plan, generally located at the intersection of a collector or arterial street and integrated with medium or high density residential developments.

b) Zoning By-law

The current PS.2 – Public Service Zoning District permits a list of institutional type of uses, including the current use as a place of assembly (Kawartha Shrine Club). The proposed amendment intends to change the zoning to a local commercial zoning district SP.264-275-301 permitting a limited list of commercial uses that are convenience oriented with limited floor space (i.e. small scale) including the following:

- i) An office, excluding a veterinary office
- ii) A clinic
- iii) A personal service use
- iv) A laundromat
- v) A dry cleaning depot
- vi) A restaurant
- vii) A drug store
- viii) A food store
- ix) A sub-post office
- x) A dwelling unit

Exception .275 of Section 3.9 of the City's Zoning By-Law excludes 'a convenience retail store' and 'a video rental establishment' from the above list of permitted uses and also adds 'a gymnasium or health club' as a permitted use.

The maximum floor area per commercial purpose as set out in the regulations for the SP.264 – Special Commercial Zoning District is 250m² (2691 ft.²) with a total maximum floor area for all commercial purposes at 745m² (8020 ft²). The applicant has requested an exception to permit a maximum floor area of up to 300m² (3229 ft²) for a clinic. This is in keeping with the small scale requirement in the Official Plan. Exception 301 is included in the proposed Zoning to increase the maximum floor area for a clinic to 300m². The total maximum floor area for all commercial purposes will not be permitted to increase beyond 745m²(8020 ft²) under the SP.264 Zoning District.

Planning Staff is recommending that an 'H' Holding Symbol be affixed to the zoning and its removal conditional upon the owner entering into a Site Plan Agreement with the City to address requirements with respect to buffering, landscaping, parking and driveway configuration, stormwater management and servicing, in addition to potential future easements for the development of the lands to the east and a 12m by 12m daylighting triangle right of way widening at the Brealey Drive and Sherbrooke Street intersection.

A draft amendment proposing to change the zoning of the lands is attached as Exhibit "C" to Report PLPD16-018.

c) Site Development

The application is supported by a concept site plan that illustrates a total of two buildings with a maximum height of 2 storeys. The existing building at the north end of the site is intended to be repurposed for clinic space while the new proposed 2 storey building to the south is intended to support a mix of local commercial uses at grade and residential above, in keeping with the Official Plan policies.

Site Plan Approval is required for the introduction of the second building and is being recommended as a condition of approval for any change in land use from the current place of assembly to address buffering, landscaping, parking and driveway configuration, stormwater management and servicing. This process may also require the owner to provide easements to the adjacent lands for future consideration.

Response to Notice

a) Significant Agency Responses:

Agency circulation was issued on December 9, 2015 and Notice of Public Meeting was circulated on February 1, 2016.

Peterborough Utilities provided comment noting that Development Charges for the new building are applicable with both buildings to be serviced by a single water service to the property and also by one electric utility connection. The 25mm water service is to be replaced with a 50mm service.

The City's Building Division provided comment to suggest that the number of parking spaces be rationalized at such time as the uses are confirmed in order to ensure that the minimum number of parking spaces are provided on site. A minimum of 3 accessible spaces are required as per Section 4.4(1) of the Zoning By-law. A Change of Use permit is also required for the existing building, in compliance with the Ontario Building Code.

The City's Utility Services Department has no objection to the proposed amendments subject to the payment of cash-in-lieu of parkland, where required, and a review of downstream capacity for the sanitary trunk sewer, and pending the outcome of the sanitary capacity review, the developer will be responsible for a proportionate share of any sanitary sewer upgrades as per City standards. Additional comments for consideration at Site Plan Approval stage have been forwarded to the applicant for their consideration.

Kawartha Pine Ridge District School Board has no objections to the application and indicates that any students generated by the proposed residential dwelling units would be accommodated at James Strath Public School and Crestwood Secondary School. The school board also notes that any gated and/or paid parking proposed may have spill over effects on school board property, hampering the ability to provide adequate parking for school purposes and challenges student safety.

The City's Fire Services requires that all buildings be constructed in accordance with the Ontario Building Code, and recommends residential sprinklers.

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 and by direct mail on February 1, 2016. The notice complies with the requirements of the Planning Act.

No written comments have been received as of February 8, 2016.

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 - Concept Site Plan
Exhibit C – Draft Zoning By-law Amendment

Exhibit A, Page 1 of 1

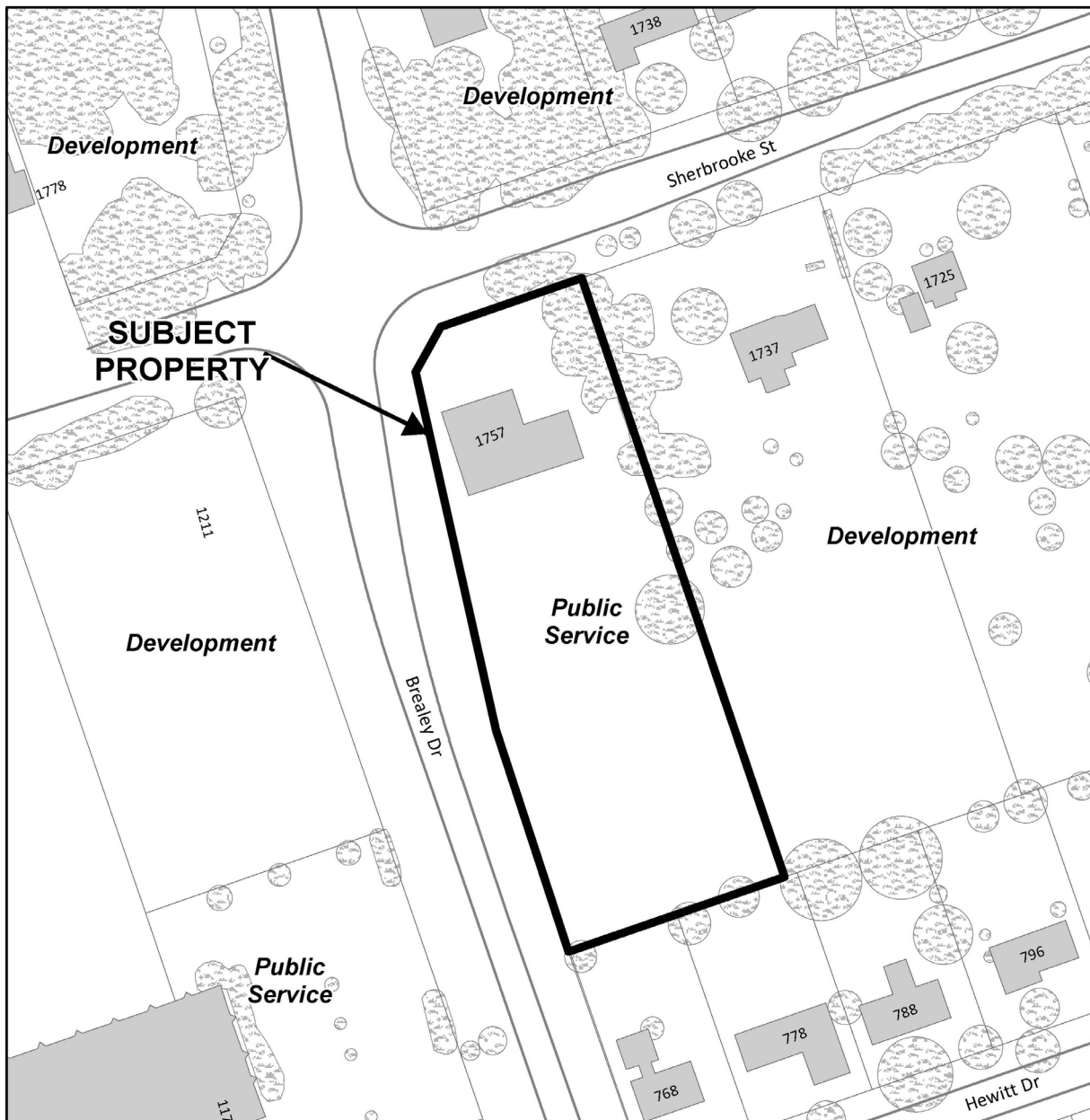
Land Use Map

File: Z1515

Property Location: 1757 Sherbrooke 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: November 6, 2015

Map by: Jellis

0 5 10 20 30 40 50 Metres

Exhibit C, Page 1 of 2



City of
Peterborough

The Corporation of the City of Peterborough

By-law Number 16-

Being a By-law to Amend the Zoning By-law as it relates to lands known as 1757
Sherbrooke 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 by adding the following:

“301. A clinic may be permitted to have a maximum floor area of 300m²”
2. Map 15 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.264-275-301‘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 , 2016.

Daryl Bennett, Mayor

John Kennedy, City Clerk

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