



City of
Peterborough

To: Members of the Planning Committee

From: Ken Hetherington, Manager, Planning Division

Meeting Date: May 24, 2016

Subject: Report PLPD16-039
159 Douro Street

Purpose

A report to evaluate the planning merits of amending the SP.52 – Special Commercial District Zoning for the property known as 159 Douro Street to expand the list of permitted uses to add ‘a florist shop’, ‘an office’, ‘a personal services establishment’, and ‘a clinic’ to the list of permitted uses.

Recommendations

That Council approve the recommendations outlined in Report PLPD16-039 dated May 24, 2016, of the Manager, Planning Division, as follows:

- a) That the SP.52 – Special Commercial District of the Comprehensive Zoning By-law be amended to add ‘a florist shop’, ‘an office’, ‘a personal services establishment’, and ‘a clinic’ to the list of permitted uses, in accordance with the draft amendment attached as Exhibit “C” to Report PLPD16-039.
- b) That the zoning of the subject property be amended from the SP.52 – Special Commercial District to the SP.52 – H – Special Commercial District in accordance with the draft amendment attached as Exhibit “C” to Report PLPD16-039.
- c) 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 these applications.

Background

The subject application was received on December 15, 2015, and deemed to be complete as of January 6, 2016. 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 has been in a position to file an appeal to the Ontario Municipal Board since May 5, 2016.

Additional information regarding parking and the parking configuration was recently provided by the applicant. The applicant has demonstrated that the proposed parking on the site will comply with the minimum requirements of the Zoning By-law for the use of the ground floor as a florist shop and a dwelling unit above.

The subject property is located at the southeast corner of the intersection of Douro Street and Rogers Street in East City. The property was formerly used as a bakery (East City Bakery) with a residential dwelling unit on the second storey. The property is approximately 460m² (4955 ft²) in size. The lands currently support a mixed use building with commercial use on the main floor and a dwelling unit on the second storey.

Council approved the current SP.52 – Special Commercial District in 1974 restricting the use of the property to a bakeshop on the first floor and up to a maximum of two dwelling units.

The former bakery use has ceased and the new owner of the property seeks to further amend the existing zoning to add ‘a florist shop’, ‘an office’, ‘a personal services establishment’, and ‘a clinic’ to the list of permitted uses. The expectation is that the main floor of the building will support a permitted commercial use and the upper floor will continue to support up to a maximum of two dwelling units.

Analysis

a) Official Plan

The lands are designated ‘Residential’ on Schedule ‘A’ – Land Use of the City of Peterborough Official Plan. The ‘Residential’ designation contemplates local commercial facilities, “to provide a range of convenience goods and services, generally required on a daily basis, to the adjacent residential areas.”

Section 4.2.6.3 of the Official Plan requires that new local commercial uses or major expansions of existing facilities proceed by way of an amendment to the Zoning By-law. The property was subject of an amendment in 1974 that had the effect of adding a 'a bakeshop' in addition to a maximum of two dwelling units, with site specific regulations that limit the size of the commercial space and retail display area to ensure the 'small scale' nature of the bakery.

The current application proposes to expand on the 1974 uses to also permit 'a florist shop', 'an office', 'a personal services establishment', and 'a clinic' to the list of permitted uses. Section 4.2.6.3 of the Official Plan further supports small scale retail uses as well as small scale office and clinic uses, in keeping with the intent and purpose of the Local Commercial policies of the Plan. The limitation of the commercial floor area to a maximum of 118 m²(1270 ft.²) will ensure compliance with the intent to limit the size of retail, clinic and office uses and consistent with the direction of the Official Plan.

The form of the development as a mixed use building with commercial on the main floor together with residential use on the second storey, with integrated parking and access is consistent with the form anticipated in the local commercial designation of the Official Plan. The height and design of the building will remain as constructed and well established within the neighbourhood.

b) **Zoning By-law**

The current SP.52 – Special Commercial District Zoning for the property limits the use of the lands for a bakeshop and up to a maximum of two dwelling units.

The proposed amendment intends to facilitate additional commercial uses of the property, subject to the same regulations as currently exist for the lands. The amendment proposes the addition of 'a florist shop', 'an office', 'a personal services establishment', and 'a clinic' to the list of permitted uses. .

A draft amendment proposing to add the proposed uses to the list of permitted uses, subject to a size restriction of 118m² (1270 ft²) is attached as Exhibit "C" to Report PLPD16-039.

Limited changes are proposed to the property. A minimum of 6 parking spaces are required to support the proposed uses. The existing site supports a total of 7 parking spaces, with access to both Rogers Street and Douro Street.

Planning Staff is recommending that the lands be subject to Site Plan Approval and a Site Plan Agreement to facilitate the introduction of additional landscaping and snow storage areas to the south of the existing parking area, adjacent residential lands and to improve accessibility to the building by providing barrier-free access to the front entrance along Douro Street, in addition to introducing an accessible parking space at the north east corner of the parking lot.

Response to Notice

a) **Significant Agency Responses:**

Agency circulation was issued on February 10, 2016 and Notice of Public Meeting was circulated on April 25, 2016.

The City's Utility Services Department indicates no objection to the proposed application subject to the payment of cash in lieu of parkland where required. No development is anticipated as a result of this amendment, therefore, no additional park levy is payable. In addition, Utility Services Department request that the applicants demonstrate adequate parking capacity for the proposed clinic use and express concern with regard to the initial proposed removal of the mature tree at the street line abutting Douro Street, suggest the removal of the frame shed from the site to accommodate a barrier free parking space, and enter into an Encroachment Agreement with the City for the existing building eave extension into the Douro Street Right of Way. The applicant has demonstrated the ability of the site to comply with the minimum parking regulations for a proposed mix of uses. Change in use will be subject to Building Department review and approval to ensure adequate parking is being provided in accordance with the City's Comprehensive Zoning By-law 97-123. The applicant will be required to preserve the existing mature tree via the required Site Plan Approval, providing landscaping around the perimeter of the tree.

The City's Building Division commented on the application to suggest that the conversion of the commercial space may require a Building permit and parking is required to be justified in accordance with the minimum requirements of the Zoning By-law 97-123. The applicant has provided Planning Staff with a revised concept site plan justifying the parking, based on net floor area calculations.

Peterborough Utilities commented that if electrical heat is provided in any rental units, it must be metered separately from the renters' meter.

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 and by direct mail on April 25, 2016. The notice complies with the requirements of the Planning Act.

No written comments have been received as of April 25, 2016.

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 – Draft Zoning By-law Amendment

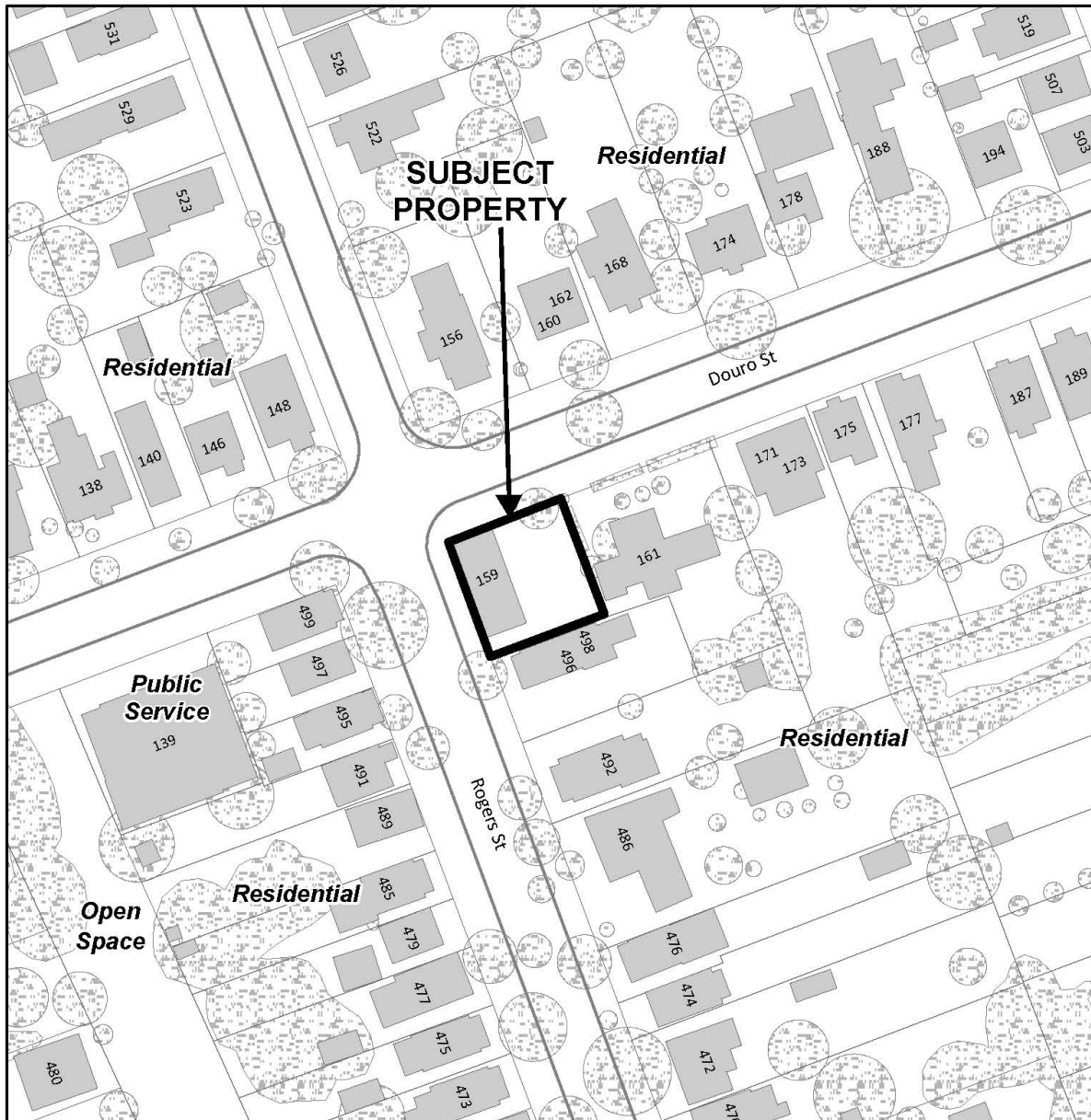
Exhibit A, Page 1 of 1

Land Use Map

File: Z1603

Property Location: 159 Douro 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 23, 2015

Map by: JEllis



Exhibit B, Page 1 of 1

PLOTTED: MAY/08/2016 CLIENT: Janet Mcleod Peterborough, ON	PROJECT TITLE: SITE PLAN 158 Douro Street Peterborough, ON	DRAWING TITLE: SITE PLAN		eco line design studio 46 Ware Street, Unit B Peterborough, ON, K9J 2B6 BCIN 33321 email: tabiennelehmann@yhoo.ca tel: 705-875-0038 www.ecoline.designstudio.com Rev:	JANUARY 2016 PROJECT #: 2015-79 Scale: As Shown Drafted by: tabienne lehmann ECR20161 SHEET #: A0
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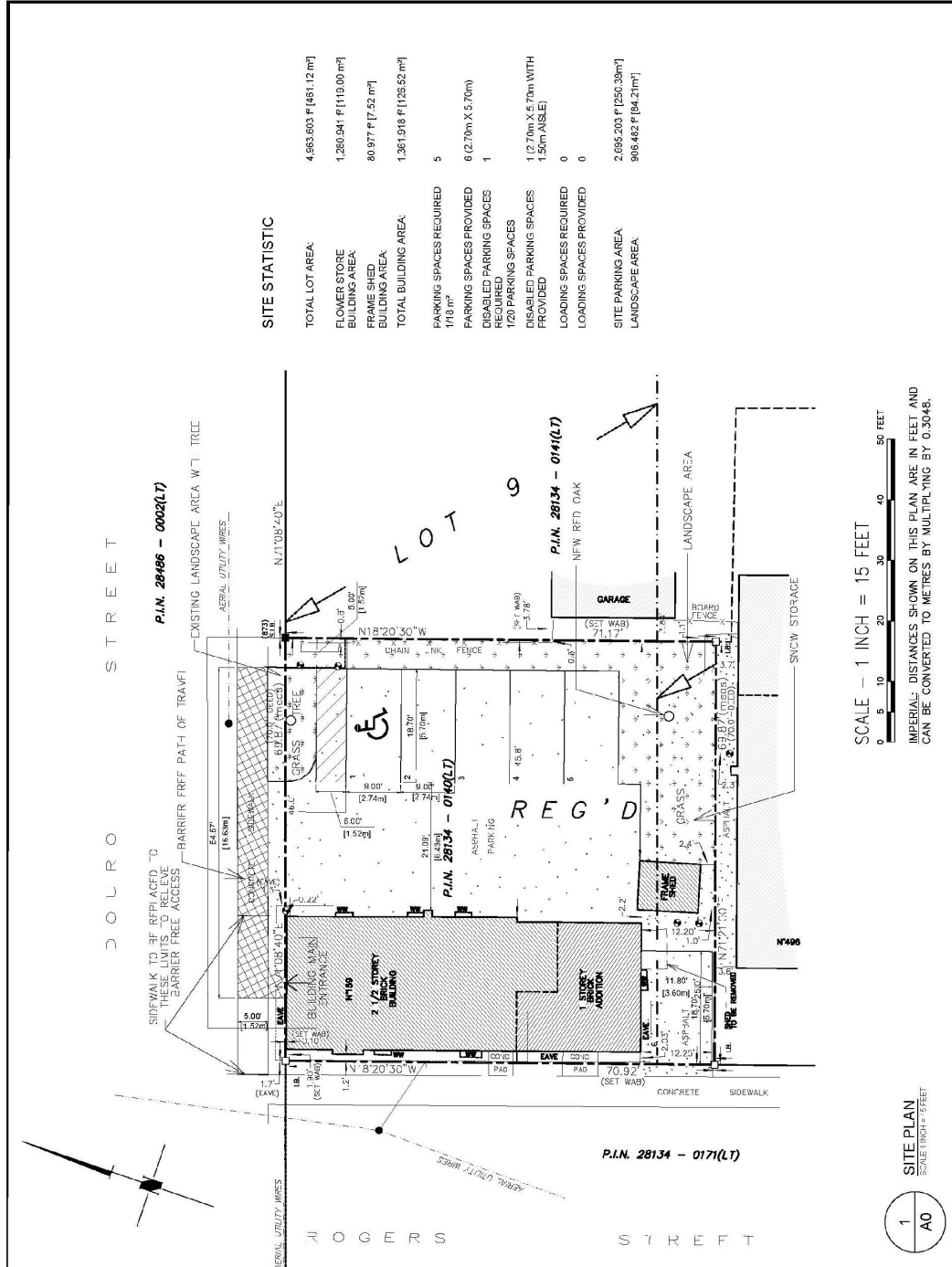


Exhibit C, Page 1 of 2



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 159 Douro Street

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

1. That Section 80 – Special District 52 (SP.52) of By-law 97-123 be amended by adding the following to Section 80.2:
 - c) a florist shop
 - d) an office
 - e) a personal services establishment
 - f) a clinic”
2. 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 SP.52 to SP.52-H.**
3. That the ‘H’ Holding Symbol be removed subject to Site Plan Approval being granted.

By-law read a first, second and third time this day of , 2016.

Daryl Bennett, Mayor

John Kennedy, City Clerk

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