



City of
Peterborough

To: Members of the Planning Committee

From: Ken Hetherington, Manager, Planning Division

Meeting Date: May 24, 2015

**Subject: Report PLPD16-041
1119 Clonsilla Avenue**

Purpose

A report to evaluate the planning merits of amending the R.1,1m,2m – Residential Zoning District for the property known as 1119 Clonsilla Avenue to add a small scale office, clinic and a personal service establishment as permitted uses in addition to the permitted residential use, in accordance with the local commercial policies of the Official Plan.

Recommendations

That Council approve the recommendations outlined in Report PLPD16-041 dated May 24, 2016, of the Manager, Planning Division, as follows:

- a) That Section 3.9 of the Zoning By-law be amended to add Exception 305 to add 'an office', 'clinic' and/or 'personal service establishment' with a maximum floor area of 300m² to the list of permitted uses in accordance with the draft amendment attached as Exhibit 'D' to Report PLPD16-041.
- b) That the zoning of 1119 Clonsilla Avenue be amended from the R.1,1m,2m Residential District to the R.1,1m,2m – 305 – H – Residential District in accordance with the draft amendment attached as Exhibit 'D' to Report PLPD16-041.
- c) That the 'H' – Holding Symbol be removed subject to Site Plan Approval including a provision for the conveyance of a road widening along the Clonsilla Avenue street line.

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 January 28, 2016, deemed to be complete on February 3, 2016, 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 June 2, 2016 if Council has not made a decision.

The subject lands support an existing single detached residential dwelling and driveway connecting to Clonsilla Avenue. The lands back onto the Kinsmen Park at the rear of the Kinsmen Arena building. The subject lands consist of an irregular shaped property with 36.5m (120 ft.) of frontage along Clonsilla Avenue.

The existing dwelling is vacant and the applicant has entered into an agreement of purchase and sale with the current owner, subject to zoning approval. The applicant intends to purchase the lands and redevelop the property for a dental clinic with a residential dwelling unit on the second storey of a new building, together with respective parking, in compliance with the City's minimum standards as included in the Comprehensive Zoning By-law.

The applicant further proposes to include small scale office and personal services establishment uses which would permit uses such as a hairdresser, barber, self serve laundry, esthetician, suntanning shop, etc. in the list of permitted uses to afford flexibility in the range of local commercial uses, seen as suitable for the lands and the neighbourhood.

Analysis

a) Official Plan

The lands are currently designated "Residential" on Schedule 'A' – Land Use, and subject to the 'Local Commercial' policies of 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 Local Commercial policies of the Residential Designation.

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 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 public service uses and residential dwellings, with a limited range of commercial activity within the lands along Clonsilla Avenue. The location of the property along a High Capacity Arterial Road and adjacent to the Kinsmen Arena, provides an opportunity to integrate alternate uses through zoning amendment.

The proposed introduction of clinic, personal service and office uses up to 300m² of floor area is consistent with the Official Plan.

b) Zoning By-law

The subject property is currently zoned R.1,1m,2m – Residential District, permitting a single detached residential dwelling subject to compliance with the minimum regulations. The subject lands have supported a single unit bungalow for many years.

The R.1,1m,2m – Residential Zoning District limits the use of the property for a single detached dwelling. The property is located along an Intensification Corridor as identified on Schedule A-1 – City Structure and fronts onto a high capacity arterial street. The area is characterized with a mix of uses and the proposed mix of residential with limited size commercial uses is consistent with the Local commercial policies of the Residential Designation of the Official Plan.

The applicant has proposed to add ‘a clinic’, ‘an office’ and ‘a personal service use’ to the list of permitted uses via an exception. Staff recommend the inclusion 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 replace the existing building with a two storey structure and associated parking and driveway facilities to the subject lands. An exception (Exception No. 305) is proposed to be added to the Zoning By-law to permit the additional uses, subject to a maximum building floor area of 300m² for each commercial use. Based on the proposed dental clinic use (single practitioner) with a single dwelling unit on the second floor, the property would require a total of 11 parking spaces.

Staff further recommend that an 'H' Holding Symbol be affixed to the zoning and the removal of the 'H' Holding Symbol be conditional upon Site Plan Approval and the conveyance of road widening along the Clonsilla Avenue frontage.

The proposed Zoning Amendment complies with the intent and purpose of the Local Commercial policies of the Residential Designation of the Official Plan.

c) **Site Development**

The proposed amendment will result in the introduction of a new 2 storey brick building and parking lot to accommodate a minimum of 11 parking spaces on site. The owner will be required to dedicate a 1.3m road widening along Clonsilla Avenue and respect the existing easement through the property supporting a trunk storm sewer. Stormwater management as per the City of Peterborough standards will also be applied to the redevelopment of the site.

Response to Notice

a) **Significant Agency Responses:**

Utility Services Department

The City's Utility Services Department has indicated no objection to the proposed application, subject to cash in lieu of parkland where required. Comments have been forwarded to the applicant related to Site Plan Approval requirements for stormwater management, maintenance of the existing trunk storm sewer and associated easement and a 1.3m road widening along Clonsilla Avenue.

Otonabee Conservation

ORCA has no objection to the proposed amendment, however, advises that a tributary of Byersville Creek traverses the property (underground in a pipe). As such, the property is subject to ORCA's regulations, requiring a permit prior to any fill placement, grade alterations or construction taking place on the property.

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 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

Contact Name:

Caroline Kimble
Planner, Land Use
Planning & Development Services
Phone: 705-742-7777 Ext. 1735
Toll Free: 1-855-738-3755 Ext. 1735
Fax: 705-742-5218
E-Mail: ckimble@peterborough.ca

Attachments:

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

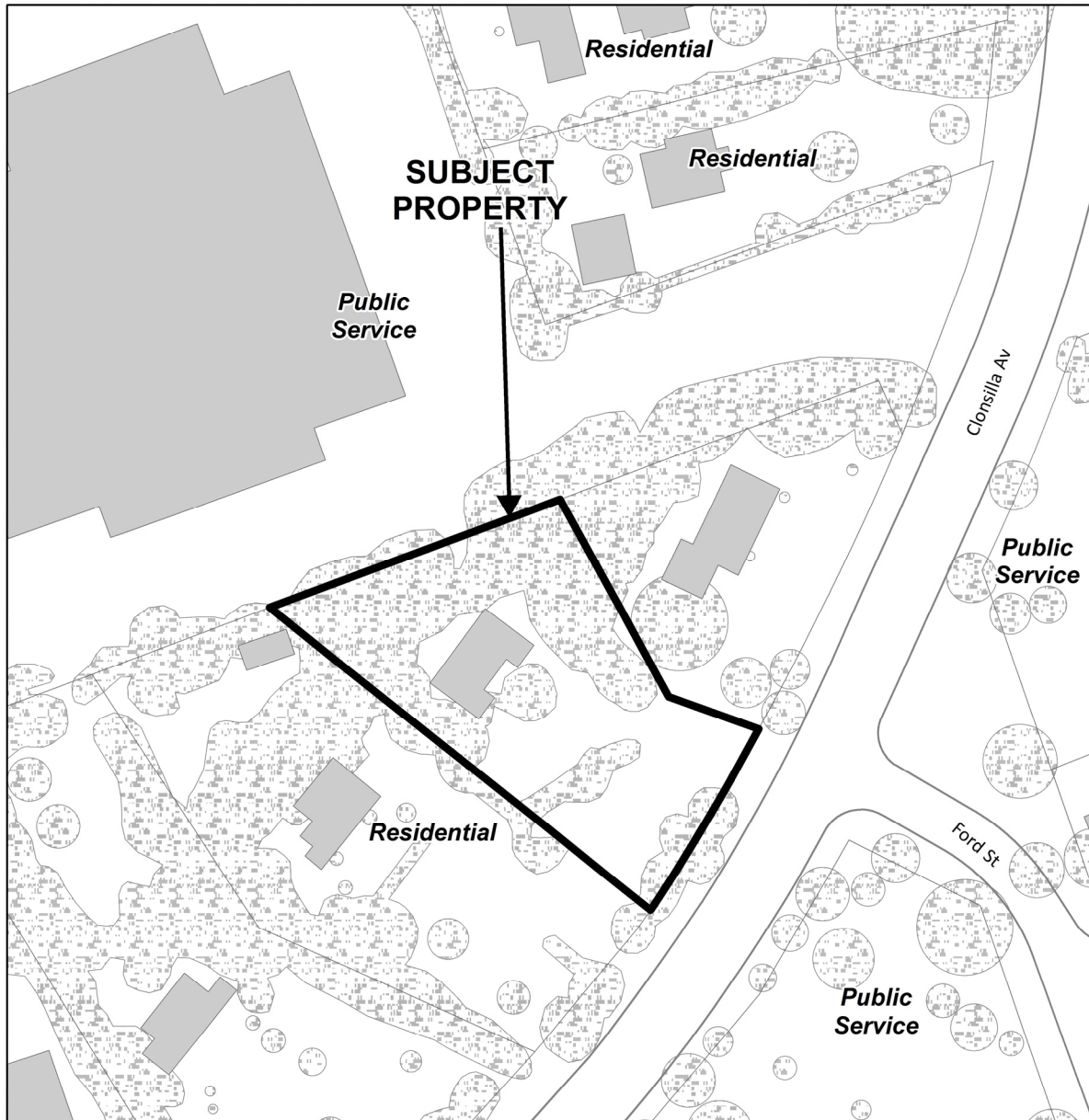
Exhibit A, Page 1 of 1

Land Use Map

File: Z1609

Property Location: 1119 Clonsilla Ave

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: February 10, 2016

Map by: JEllis

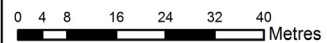
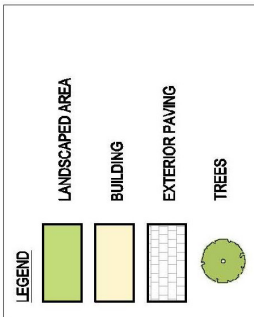
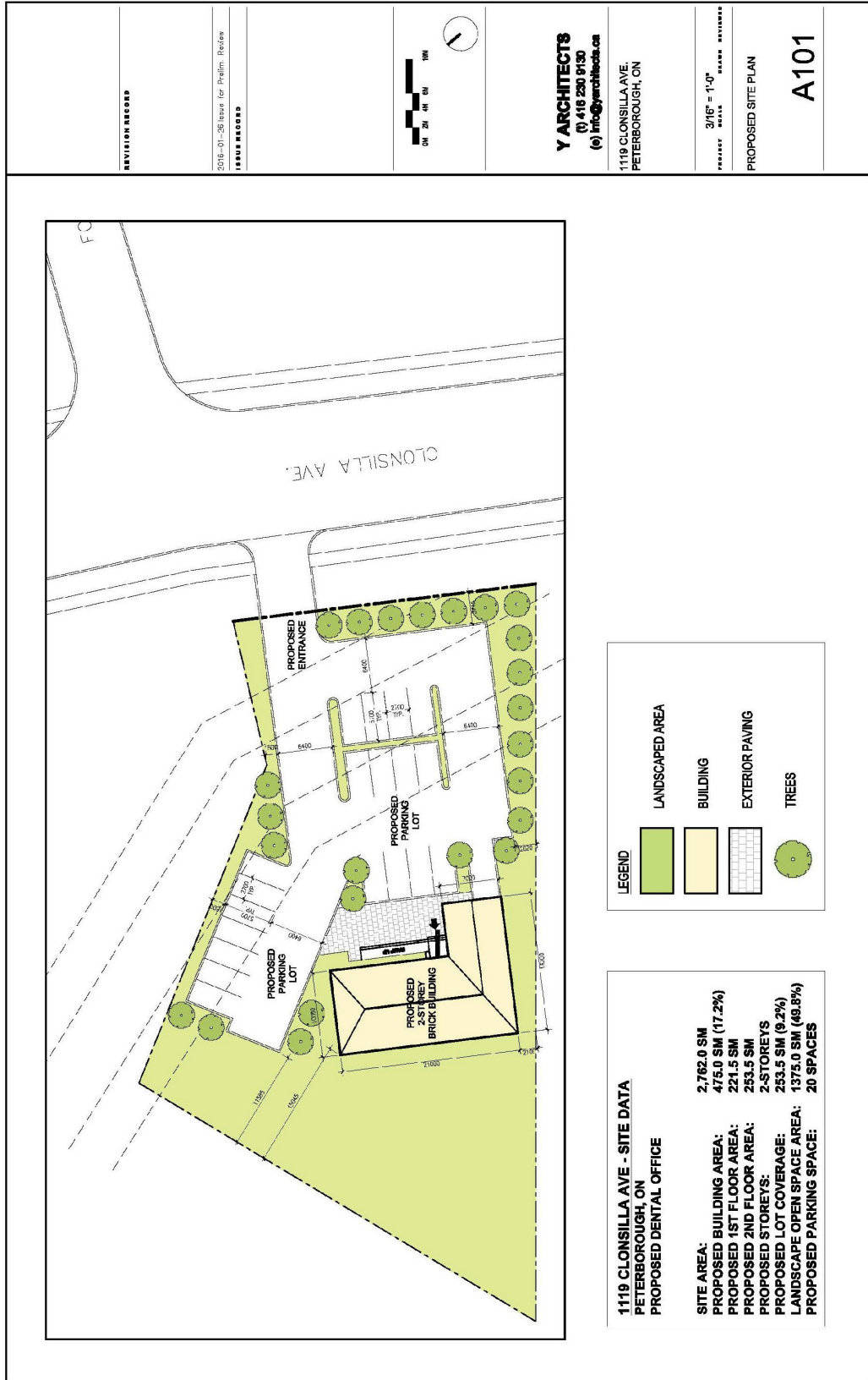


Exhibit B, Page 1 of 1



1119 CLONSILLA AVE - SITE DATA
 PETERBOROUGH, ON
 PROPOSED DENTAL OFFICE

SITE AREA:	2,762.0 SM
PROPOSED BUILDING AREA:	475.0 SM (17.2%)
PROPOSED 1ST FLOOR AREA:	221.5 SM
PROPOSED 2ND FLOOR AREA:	253.5 SM
PROPOSED STOREYS:	2-STOREYS
PROPOSED LOT COVERAGE:	253.5 SM (9.2%)
LANDSCAPE OPEN SPACE AREA:	1375.0 SM (49.8%)
PROPOSED PARKING SPACE:	20 SPACES

Exhibit C, Page 1 of 1

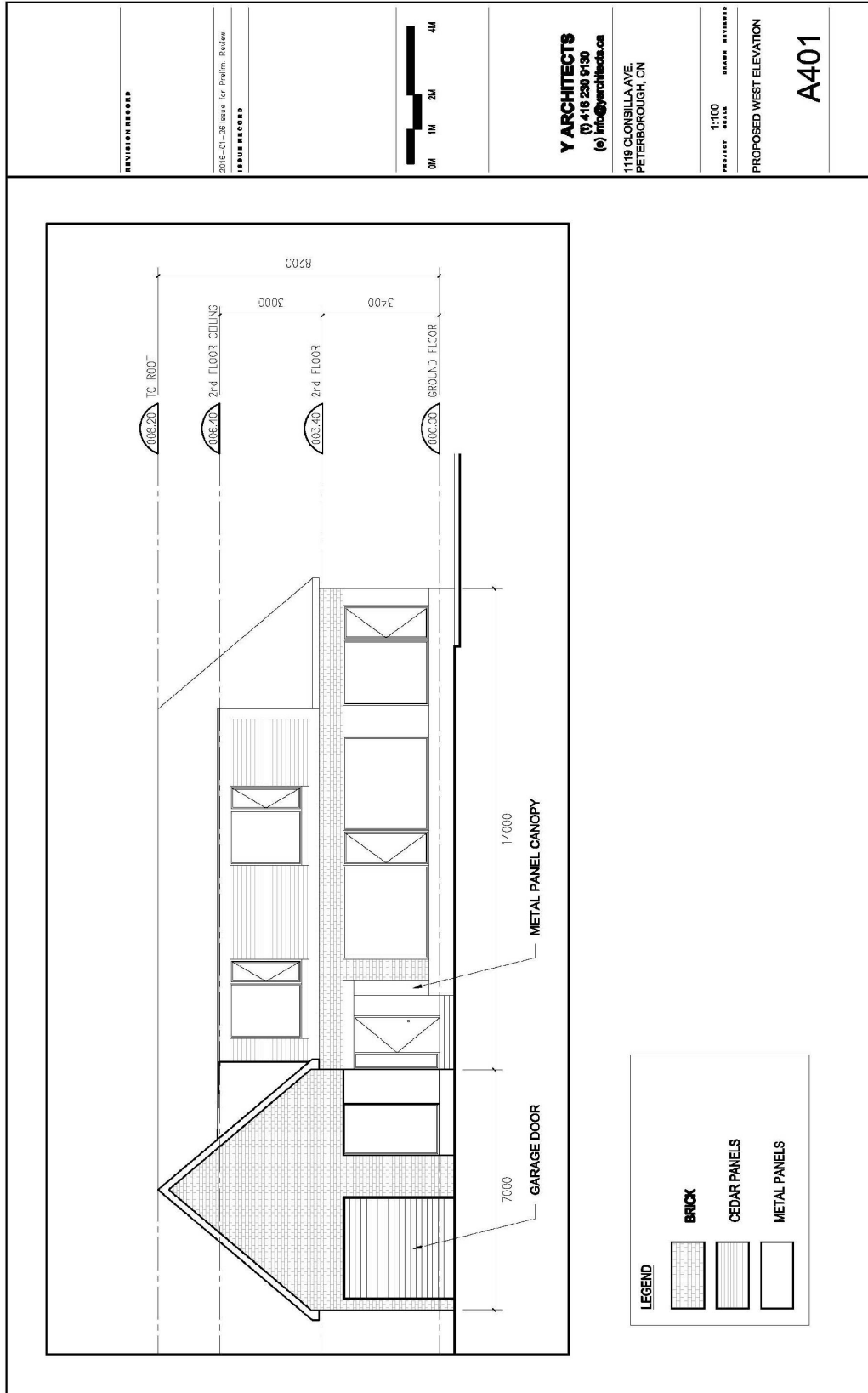


Exhibit D, Page 1 of 2



The Corporation of the City of Peterborough

By-law Number 16-

Being a By-law to Amend the Zoning By-law for the property known as 1119 Clonsilla Avenue

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:
“305. Notwithstanding the permitted uses, an office with a maximum floor area of 300m², a clinic with a maximum floor area of 300m² and a personal service use are permitted.”
2. That 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 R.1,1m,2m to R.1,1m,2m-305-H.
3. That the ‘H’ Holding Symbol be removed subject to Site Plan Approval.

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

Daryl Bennett, Mayor

John Kennedy, City Clerk

Exhibit D, Page 2 of 2

