



City of  
**Peterborough**

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**TO:** Members of the Planning Committee

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

**MEETING DATE:** February 16, 2010

**SUBJECT:** Report PLPD10-011  
890 and 896 Chemong Road

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## **PURPOSE**

A report to evaluate the planning merits of amending the Zoning By-Law as it relates to the properties known as 890 and 896 Chemong Road, to permit the use of the land for a clinic with a floor area of approximately 557 m<sup>2</sup> (6000 sq. ft.).

## **RECOMMENDATIONS**

That Council approve the recommendations outlined in Report PLPD10-011 dated February 16, 2010, of the Manager, Planning Division, as follows:

- a) That the SP.341 – Special Commercial District be amended in accordance with the draft amendment attached as Exhibit ‘C’ to Report PLPD10-011, to add regulations to address the following:
  - i) limit the size of an individual clinic to a maximum building floor area of 300 m<sup>2</sup> per clinic
  - ii) include a provision for a minimum building setback of 9m from a rear lot line
- b) That Section 3.9 Exceptions of By-law 97-123 be amended by adding the following in accordance with the draft amendment attached as Exhibit ‘C’ to Report PLPD10-011:

“.250 Notwithstanding the minimum building setback from a rear lot line as identified in Section 371.3 c), the northeast corner of the main building is permitted to be setback a minimum of 6.6m from the rear lot line.”

- c) That the zoning of the subject properties, be amended from the R.1 Residential District, to the SP. 341–250-‘H’ – Special Commercial District, as amended, to permit clinic use, in accordance with the draft amendment attached as Exhibit ‘C’ to Report PLPD10-011.
- d) That the ‘H’ Holding Symbol be removed at such time as Site Plan Approval is granted for the subject properties, including:
  - i) a provision requiring that the properties known as 890 and 896 Chemong Road be merged in title; and
  - ii) road widening along Chemong Road;
  - iii) provision of an easement in favour of the City of Peterborough along the southerly lot line, to facilitate future connection to the lands to the south, if required; and
  - iv) provision for a ‘right in’ only, from Chemong Road.

## **BUDGET AND FINANCIAL IMPLICATIONS**

There are no direct budget or financial implications arising from the receipt of this report.

## **BACKGROUND**

The subject application was received on October 27, 2009, proposing an amendment to the zoning of the properties to permit the use of the property for a clinic with a maximum floor area of 300m<sup>2</sup> per unit, and a maximum total floor area of 600m<sup>2</sup>.

The site is approximately 2800 m<sup>2</sup> (30000 sq. ft.) in size, with approximately 55m of frontage along Chemong Road and 45m of frontage along Sunset Boulevard. The site is comprised of two properties known as 890 and 896 Chemong Road, supporting two detached residential dwellings. The properties are proposed to be merged and redeveloped to support a 558 m<sup>2</sup> (6000 sq. ft.) one storey medical clinic and associated parking, in accordance with the parking requirements of the City of Peterborough Comprehensive Zoning By-Law.

The application proposes to implement the local commercial provisions within the Residential policies of the Official Plan. A 'Planning Impact Analysis Report', prepared by T.M. Robinson Associates, Planning Consultants, has been submitted in support of the application. The report considers the impact of the proposed land use on the balance of the block, and concludes:

*"The location of a new 'Local Commercial' clinic at 890 and 896 Chemong Road is a suitable and desirable initiative which conforms to the pertinent policies of the City's Official Plan, but a site specific amendment to the zoning by-law will be required. Although the siting of a new clinic will have minimal impact on adjacent residential uses, suitable fencing should be erected along the easterly and southerly lot lines to further mitigate any adverse impacts from the adjacent back yard at 335 Sunset Boulevard and from the adjacent residence and back yard at 884 Chemong Road."*

## **ANALYSIS**

### **a) Official Plan**

The Official Plan identifies the subject property as 'Low Density Residential' land use on Schedule E – Residential Density. The proposed site-specific amendment to permit the use of the lands for clinic uses is in keeping with the local commercial direction of the existing 'Residential' designation of the land within the Official Plan. Planning Staff recognize the need to review the future use of the remainder of this block as a comprehensive exercise to determine the most appropriate land use for this area. The applicant has adequately analyzed the future use of the adjacent residential lands to ensure that the approval of a commercial use at this location will support the transition of the adjacent low density residential uses to a use that meets the overall planning objectives for lands fronting this high capacity arterial road. The amendment is supported by Planning Staff, while anticipating changes in land use within the block in the future.

The property is located on the east side of Chemong Road at the signalized intersection with Sunset Boulevard. The Transportation Plan – Schedule 'B' of the City of Peterborough Official Plan identifies Chemong Road as a High Capacity Arterial Road and identifies Sunset Boulevard as a Collector Road. It is recognized through the Roadway Network Policies of the Official Plan, that "land uses immediately adjacent to High Capacity Arterial roads will be predominantly non-residential." Controlled access is also encouraged along high capacity arterial roadways. The applicant has agreed to a future easement along the southerly property line, to allow for future connections to abutting property(ies) to the south, in an effort to limit the number of required connections to Chemong Road.

The Residential policies of the Official Plan recognize the introduction of local commercial uses within the Residential designation, subject to a rezoning application and in accordance with criteria as set out in Section 4.2.6 of the Official Plan.

**b) Zoning By-law**

The application proposes to implement the 'Local Commercial' policies of the Official Plan by use of the SP.341 – Commercial District with modifications, to ensure consistency with the policies.

The SP. 341 Zoning District was created to implement the 'Local Commercial' policies for lands known as 1005 Chemong Road, at the intersection of Chemong Road and Simons Avenue. The regulations introduced for the SP.341 Zoning District are in keeping with the local commercial provisions and support the form of development contemplated by the policies. Planning Staff recommend using the same Special District provisions for the lands known as 890 and 896 Chemong Road, with two modifications.

- i) The intent of the Local Commercial policies is to support the introduction of 'small scale' clinics within areas that are primarily residential and comply with the location criteria as set out in the Official Plan. As such, the provisions limit the size of individual clinics to a maximum of 300m<sup>2</sup> per clinic. An additional regulation is proposed to be added to the SP. 341 Zoning District to cap the size of an individual clinic to 300m<sup>2</sup> (3230 sq. ft.). In the case of the subject application, the zoning by-law amendment would permit two clinics, each with a maximum floor area of 300m<sup>2</sup>.
- ii) The SP.341 – Commercial District regulations do not establish a set back from a rear lot line, as the zoning district has only been applied to corner properties without a rear lot line. In the case of the subject application, the easterly lot line is a rear lot line and a setback is appropriate. The recommended amendment proposes to establish a setback from a rear lot line of 9m, consistent with the C.1 – Local Commercial District regulations.

In addition to the above, due to the configuration of the rear lot line, and the requirement to reconfigure the building slightly to facilitate the proposed road widenings along Chemong Road and Sunset Boulevard, it is also necessary to provide an exception (.250) to the above noted 9m setback from the rear lot line to permit the northeast corner of the proposed building at a minimum of 6.6m instead.

**c) Site Development**

The proposed site has sufficient size to provide a 9m buffer between the easterly wall of the proposed building and the easterly property line adjacent to the residential lands to the east, except from the northeast corner of the building (6.6m), and a 3m buffer between the proposed building and the southerly property line. The jog in the lot line at the easterly boundary of the property, encroaches within the 9m buffer at the north east

corner of the building only, requiring an exception to permit a minimum setback of 6.6m. The proposed setbacks are consistent with local commercial regulations assigned within areas designated 'Residential' in the City's Official Plan. Parking facilities are proposed in accordance with the standards provided in the City of Peterborough Zoning By-Law. The concept site plan illustrates a total of 22 parking spaces, permitting up to a maximum of four practitioners within a building with a net floor area of 396m<sup>2</sup> (4262 sq. ft.). The applicant is required to provide floor plans to ensure compliance with the parking provisions at Site Plan Approval and Building Permit stage of development. Landscaping and fencing will be addressed through the site plan process and identified in the Site Plan Agreement. The applicant has agreed to provide fencing along the easterly and southerly lot lines, combined with planting, to ensure adequate buffering adjacent to residential lands. The proposed scale of the building is compatible with the surrounding residential lands.

The site is serviced by full municipal services.

## **RESPONSE TO NOTICE**

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

Agency circulation was issued on December 17, 2009. The following comments were received from various agencies/departments regarding the proposed amendment.

#### **Utility Services Department:**

The City's Utility Services Department indicates that it has no objection to the proposed zoning application, in principle, however, request that prior to final Site Plan Approval, the Director of Utility Services be satisfied with the following:

- i) Confirmation that adequate servicing exists;
- ii) Illustration of the required day lighting triangle at the intersection of Chemong Road and Sunset Boulevard, on the conceptual plan;
- iii) Road widening of 1.93m on Sunset Boulevard and 7.9m on Chemong Road be identified on the conceptual plan;
- iv) Site plan be revised to reflect a right-in, right-out configuration for the Chemong Road access with the option for a future access easement to adjacent properties to ultimately relocate the Chemong Road access.

- v) Consideration for a 'H' Holding Symbol on the subject property until a site plan is in place for the proposed site, including financial securities for the required municipal infrastructure.
- vi) Cash-in-lieu of parking is also requested where required.

In response to the comments above, the Site Plan Approval process will ensure that all site related requirements, including the day lighting triangle and required road widening be dedicated to the City. The amount of road widening requested by Utility Services, exceeds that which is provided for along Chemong Road and Sunset Boulevard on Table 2 of the City's Official Plan. The Planning Act allows the City to require the conveyance of road widening provided provisions are made for widenings in the Official Plan. Based on Table 2, the City is entitled to require the conveyance of up to 5m along Chemong Road and 0m along Sunset Boulevard. The concept site plan has been revised to illustrate the additional widening of 2.9metres along Chemong Road and 1.93metres along Sunset Boulevard requested by Utility Services. The City will work with the applicant through the Site Plan Approval process to acquire the additional lands. The report recommends a right-in configuration only, for the Chemong Road access and an easement provision along the southerly lot line, as conditions for removal of the proposed 'H' – Holding Symbol.

#### **Police Services:**

Police Services have identified a concern with the proximity of the proposed entrance from Chemong Road to the intersection of Chemong Road and Sunset Boulevard.

As noted above, a recommended 'right-in/right-out' will limit the cross-traffic turning movements along Chemong Road. This will be established through Site Plan Approval.

#### **Peterborough Utilities Services Inc.:**

Peterborough Utilities Services requires Development Charges for water, payable at building permit stage, providing a credit for existing floor areas. In addition, PUS require that servicing requirements for water and sewer be reviewed, with any redundant service to be removed and disconnection of services prior to any work being completed. Additional comments will be provided at the Site Plan Approval stage.

#### **Site Plan Review Committee of the Council for Persons with Disabilities:**

The Committee provides several recommendations to be implemented at the Site Plan Approval and building permit stages, including locating the barrier free entrance in front of the accessible parking spaces; installing power operated doors; lower height counters; addition of a third accessible parking space; barrier-free path of travel from the parking area to the main entrance; proper signage for accessible parking spaces.

**b) Summary of Public Responses:**

Notice of Complete Application was issued by newspaper advertisement (Peterborough Examiner) on December 8, 2009 and by direct mail on December 17, 2009. Notice of Public Meeting was issued on January 19, 2010 by direct mail and by newspaper advertisement (Peterborough Examiner). The notice complies with the requirements of the Planning Act.

The applicants hosted a 'Neighbourhood Meeting' on January 12, 2010 at the Northminster United Church. The meeting was well attended with approximately 14 neighbours, Councillor Eggleton, the applicants and representatives and Planning Staff in attendance. Much of the discussion at the meeting focused on the proposed ratio of parking spaces for clinic use and potential impacts on traffic and congestion in the area. The applicants propose to provide 24 parking spaces. Based on the parking standards of the City of Peterborough Comprehensive Zoning By-Law, a maximum of four practitioners would be permitted to practice from this site. Additional concern regarding the entrance to Chemong Road resulted in a request to limit vehicular entry onto the site from the northbound lane on Chemong Road only (right in) and prohibit exit (right out) until such time as a median is constructed along the centre line of Chemong Road. Concern was also expressed regarding site plan considerations for the development of the property, including the type of fencing, restrictions on lighting, and landscape and buffering provisions. The applicants agreed to provide adequate fencing and landscape treatment along the easterly and southerly lot lines, in addition to addressing concerns regarding light infiltration onto neighbouring properties.

Subsequent to the Neighbourhood Meeting, written correspondence was received from Doug Thexton and Laura Knowles indicating support for the land use, however, expressing concern with the traffic flows on Chemong Road. The letter suggests that the City support a 'right-in' only, until such time as a median is constructed along the centreline of Chemong Road, in order to limit legal and illegal movement to and from Chemong Road in this already congested area. Planning Staff agree that this is a reasonable request that will address concerns raised by Utility Services, Police Services and neighbouring residents. As such, this requirement is included in the recommendations of this report.

Written correspondence has also been received from John Trennum identifying concerns with the market value implication of the change in land use of the subject lands, from residential to commercial for the four remaining dwellings between the subject properties and the commercial plaza (Asta Plaza) to the south. Traffic volume along Chemong Road and parking ratios are also noted as concerns, including potential future uses under the clinic definition. Questions regarding details of storm water management, lighting, privacy fencing and architectural design of the building are also identified. Although the author does not object to the project in principle, he suggests that the concerns raised should be dealt with. The land use approval process has regard for compatibility of land use and not for market value. The proposed control

along Chemong Road for a right-in only, together with the requirement for road widening (7.9m) are intended to address congestion issues along Chemong Road and the improved geometrics of the intersection with Sunset Blvd. Stormwater management, lighting and privacy fencing are matters addressed at the Site Plan Approval stage. The applicants have agreed to install privacy fencing along the easterly and southerly lot lines and will be required to incorporate stormwater management and lighting so that these do not negatively impact the neighbouring properties.

Submitted by,

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Ken Hetherington,  
Manager, Planning Division

Prepared by,

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Caroline Kimble,  
Land Use Planner

Concurred with,

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Malcolm Hunt, Director  
Planning and Development Services

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Attachments:

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

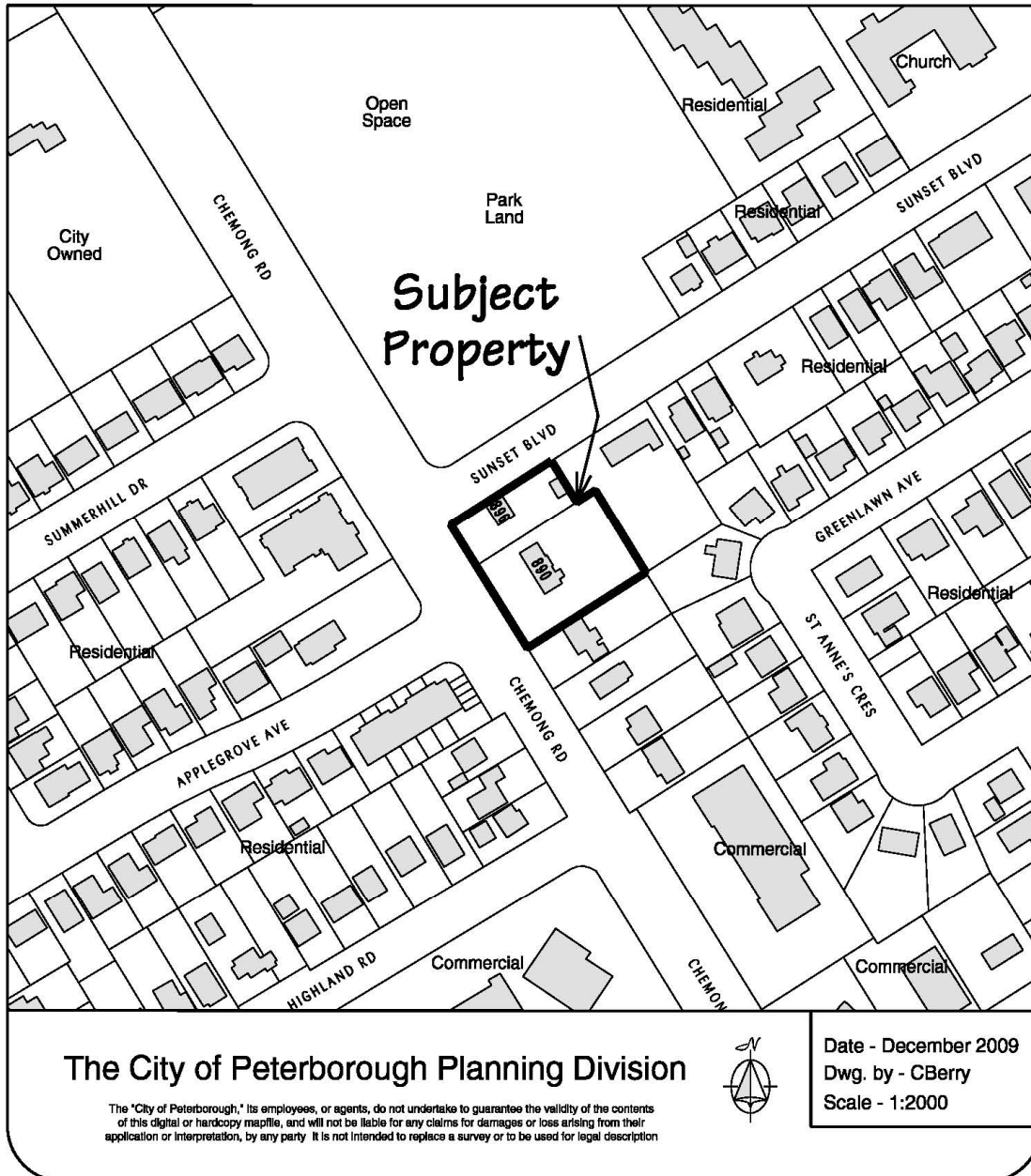


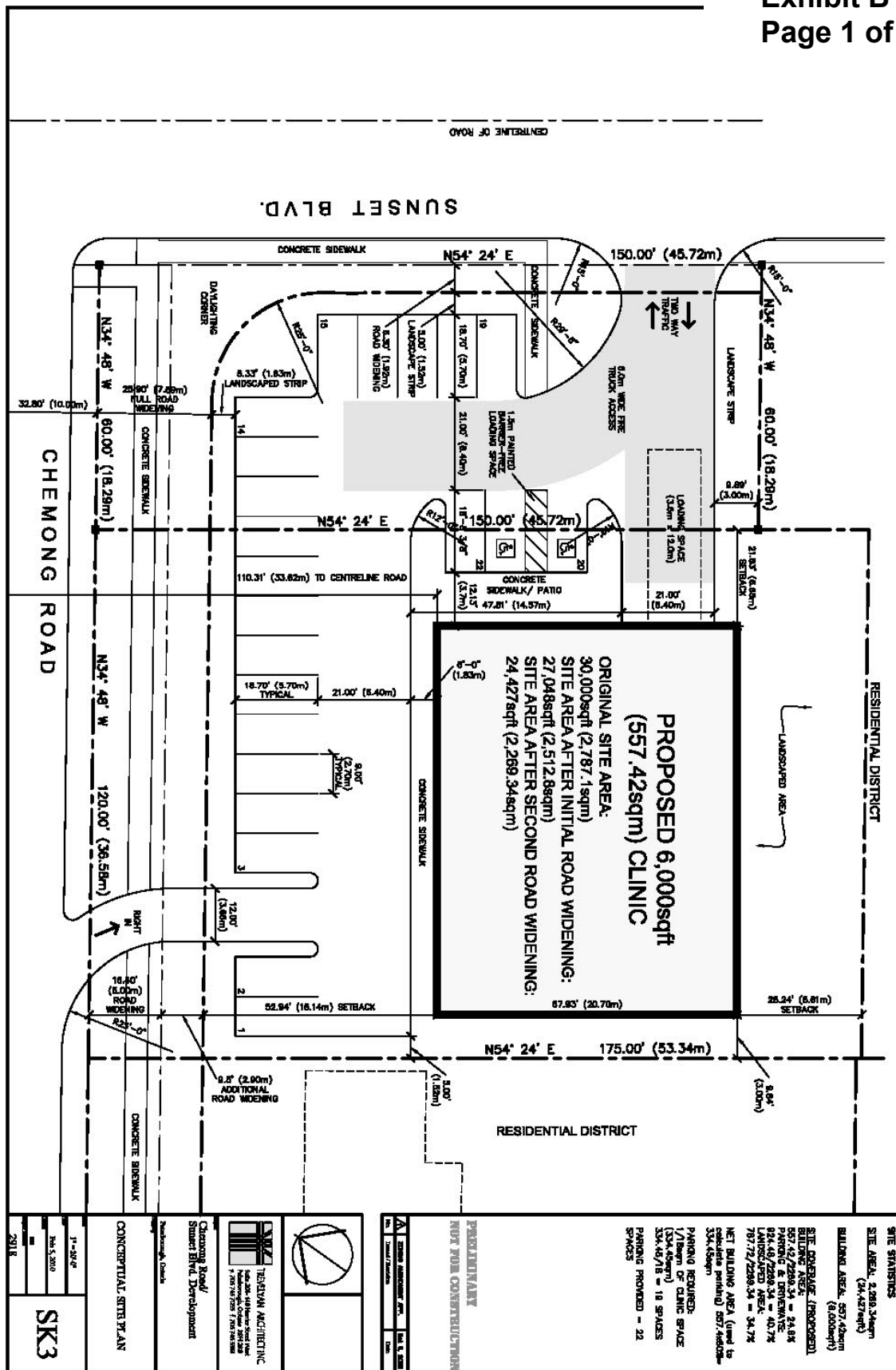
# Land Use Map

Exhibit A  
Page 1 of 1

File # z0915

Property Location: 890, 896 Chemong Rd





THE CORPORATION OF THE CITY OF PETERBOROUGH  
BY-LAW NUMBER 10-\_\_\_\_\_

Exhibit C  
Page 1 of 2

BEING A BY-LAW TO AMEND THE ZONING BY-LAW FOR  
890 AND 896 CHEMONG ROAD

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

1. Section 371.3 a) of By-Law 1997-123 is amended by adding the words “per clinic” after “300 square metres”.
2. Section 371.3 c) of By-Law 1997-123 is amended by adding the following after i):

ii) rear lot line	9m
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3. Section 3.9 Exceptions of By-law 97-123 is hereby amended by adding the following:

“.250 Notwithstanding the minimum building setback from a rear lot line as identified in Section 371.3 c), the northeast corner of the main building is permitted to be setback a minimum of 6.6m from the rear lot line.”

4. **Map 7** 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 to SP. 341-250-‘H’**.
5. The ‘H’ – Holding Symbol will be removed from the Zoning By-Law upon Site Plan Approval being granted from the subject property, including:
  - i) a provision requiring that the properties known as 890 and 896 Chemong Road be merged in title;
  - ii) road widening along Chemong Road;
  - iii) provision of an easement in favour of the City of Peterborough along the southerly lot line, to facilitate future connection to the lands to the south, if required;
  - iv) provision for a ‘right in’ only, from Chemong Road.

By-law read a first, second and third time this                      day of \_\_\_\_\_, 2010.

(SEAL)

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D. Paul Ayotte, Mayor

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Nancy Wright-Laking, City Clerk

**Exhibit C**  
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