



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: June 13, 2011

SUBJECT: Report PLPD11-044
475 George Street North

PURPOSE

A report to evaluate the planning merits of amending the SP.13 – Special Commercial District in the City’s Comprehensive Zoning By-Law to implement the Commercial Core Area policies of the Official Plan to permit additional uses with site specific regulations.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD11-044 dated June 13, 2011, of the Manager, Planning Division, as follows:

- a) That Section 41.3 of the Comprehensive Zoning By-Law (Permitted Uses in Special District 13) be deleted and replaced to provide for the following:
 - i) Permit all uses included in Section 18.1 (C.6 Zoning District)
 - ii) Expand the list of permitted uses to add ‘multi-suite residence’ as a permitted use
- b) That Section 41.4 of the Comprehensive Zoning By-Law (Regulations in Special District 13) be amended as follows:
 - i) Increase the maximum building coverage from 93% to 95% for a building containing more than 20 dwelling units;

- ii) Increase the maximum building floor area ratio from 2.6 to 6 for a building containing more than 20 dwelling units;
 - iii) Require a minimum of 1 'B' type of loading space to of space to be provided and maintained on the westerly portion of the lot;
 - iv) Delete the cap on the number of seats in a restaurant;
 - v) Extend the parking exemption for non-residential uses only; and
 - vi) Require a minimum of 0.25 spaces per suite for suites within a multi-suite residence.
- vii) That the zoning of the subject property, be amended from the SP.13 – Special Commercial District to the modified SP.13 – 'H' – Special Commercial District in accordance with the draft amendment attached as Exhibit 'D' to Report PLPD11-044.
- viii) That the 'H' Holding Symbol be removed subject to the following:
- i) Formal approval from the Municipal Heritage Committee for the demolition of the heritage designated gymnasium;
 - ii) That the final design of development directly adjacent to the Heritage Property be subject to review and approval by the Municipal Heritage Committee for its impact on the heritage attributes of the designated property; and
 - iii) Site Plan Approval for the redevelopment of the lands, including provision for the following:
 - a. That the developer is required to have an archeologist on site during the excavation stage, and if archeological resources are found, the developer is required to follow the requirements of the Ontario Heritage Act and complete a Stage 3 and/or Stage 4 Assessment;

BUDGET AND FINANCIAL IMPLICATIONS

There are no direct budget or financial implications arising from the approval of these recommendations.

BACKGROUND

The subject application was received on March 4, 2011 and deemed to be complete on March 29, 2011 proposing an amendment to the zoning of the lands to permit a mix of residential and commercial uses with site specific provisions,

consistent with the Commercial Core Area policies in the City's Official Plan. The applicant proposes to redevelop the site to reuse a portion of the existing building and to replace the westerly portion to permit a mix of residential and commercial uses including approximately 56 apartments and 84 residential suites (units with kitchenette only and common dining facilities), in addition to retail and clinic uses.

The property has been used to support the former YMCA sports complex with a limited amount of clinic and restaurant/retail use since the construction of the original building in 1892. Several additions to the original buildings have been constructed to facilitate the membership over the years. The past uses of the building have relied solely on off-site parking within the vicinity. The introduction of 47 parking spaces on site in an underground parking facility proposes to address some off-site impacts for parking related to the proposed uses.

The application proposes to recognize the existing exemption from parking for non-residential uses and to establish a residential parking ratio of 0.25 spaces per suite for the residential units with limited kitchen facilities sharing common dining facilities, by way of site specific parking regulations. The proposal contemplates a residential development to be marketed toward older adult population in the City's Central Area.

The proposed redevelopment of the subject lands will have significant impact on the character of the north end of the core area. The Official Plan policies encourage the introduction of new medium and high density residential development within the core area and the preservation of existing buildings and/or facades whenever practical and require that the location and design of proposed buildings to ensure continuity of facades and heights in the immediate vicinity. Planning Staff are working with the applicant from an urban design perspective, to ensure compatibility of architecture between the existing and the new.

ANALYSIS

a) Official Plan

The property is designated 'Commercial' and located within the Commercial Core Area, forming part of the City's Central Area. The Commercial Core Area is intended to be the focus for the major concentration of retail, office, entertainment and service commercial uses along major streets in the area. Pedestrian related activity such as retail uses are to be located at grade level, with any office and residential uses in upper storeys in order to maintain the

continuous shopping function. The City's Official Plan was amended in May, 2009 to reflect the Central Area Master Plan. The Central Area is recognized as the multifunctional centre of the City, fulfilling the central place functions of the City and the Greater Peterborough Area. The subject property is located at the northerly limit of the Commercial Core Area at the George Street North gateway to the Central Area. The policies direct new development and redevelopment to reinforce the character of the Commercial Core for a pedestrian shopping area in a 'main street' setting.

The Official Plan promotes the continuous shopping function on the first storey by encouraging those uses that generate pedestrian activity (particularly retail commercial) to locate at grade level. Office and residential uses are directed by the policy to locate in upper storeys.

The application proposes a mix of uses consistent with the Official Plan policies for commercial at grade and residential units above. It also furthers the Central Area Master Plan policies of Section 10.6.3 c) *"To encourage new residential development, particularly in higher density or mixed-use forms, that will add to the vitality of the Central Area and create an expanding local market for retail growth."*

The implementation of the above policies can be achieved through both zoning and site plan approval. The proposed modified SP.13 – Special Commercial District includes a wide range of commercial uses and provides for site specific regulations to accommodate the reuse of the existing building and intensify the development with specific provisions related to building coverage and massing in addition to parking provisions. The Official Plan policies support the proposed redevelopment of the property to facilitate a mix of uses in keeping with the direction of the Central Area Master Plan.

b) Zoning By-law

The subject property is currently zoned SP.13 – Special Commercial District, limiting the permitted uses to a restricted list of commercial uses including a restaurant, gymnasium, health club, day nursery, nursery school, clinic, office retail establishment and personal service establishment, subject to a limitation on the size of the restaurant (max. 42 seats) and exemption from parking and loading for all commercial uses. Residential uses are not permitted under the current zoning of the property.

The application proposes to rezone the property to implement the Commercial Core Area policies of the Official Plan. The proposed modified SP.13 – Special Commercial District would permit a wide range of commercial uses for the property, including the following:

- (a) a retail establishment including a department store, convenience retail store, drug store or bakeshop but not including a purpose set forth in Section 16.1 (a) and 16.1 (l)
- (b) a rental establishment
- (c) a repair shop but not including a purpose set forth in Section 16.1 (n) and 16.1 (o)
- (d) a bank, financial institution or loan company
- (e) an office excluding a veterinary office
- (f) a clinic
- (g) a barber shop or beauty shop
- (h) a dry cleaning establishment - Class 2
- (i) a studio or craft workshop
- (j) a trade school
- (k) an art school, music school, dance school or fine arts school
- (l) a school
- (m) a library, museum or art gallery
- (n) a restaurant
- (o) a place of entertainment
- (p) a place of assembly
- (q) a gymnasium or health club
- (r) a club house or lodge hall
- (s) a church
- (t) a hotel
- (u) a taxi stand
- (v) a post office or sub-post office
- (w) a dressmaker or tailor shop
- (x) a parking lot or parking garage
- (y) a funeral parlour
- (z) a police station, jail or fire hall
- (aa) a hospital
- (ab) a nursing home
- (ac) a day nursery
- (ad) a boarding house
- (ae) a printing shop or publishing house
- (af) a transportation terminal
- (ag) a communication terminal
- (ah) a dwelling unit
- (ai) a place of amusement
- (aj) a home for the aged
- (ak) a multi-suite residence

The proposed modified SP.13 zoning district furthers the commercial policies of the Commercial Core Area of the Official Plan. The regulations associated with the proposed modified SP.13 zoning district permit multi storey buildings with residential uses on the second or higher storeys.

The City's Comprehensive Zoning By-Law recognizes the unique needs of the City's downtown core area with regard to parking and provides specific requirements in the form of relaxed standards for the number of parking spaces required to be provided on site and the dimensions of the individual spaces and width of aisles between parking stalls. The City's Comprehensive Zoning By-Law provides for a ratio of parking spaces required based on the proposed use of the property. The Planning Justification Report and Parking Supply and Demand Analysis Report submitted by the applicant in support of the application recommend a continuation of the commercial exemption from the parking standards for the commercial uses proposed and those listed in the C.6 Zoning District. The residential requirements of 0.5 spaces per unit can be achieved on site for 52 units, with a proposed ratio of 0.25 spaces per residential suite for the proposed 84 suites. A total of 47 spaces are proposed to be provided by way of an underground parking facility.

The City has provided for a reduced/exempted area for parking within its Central Area as identified in Section 4 of the City's Comprehensive Zoning By-Law #1997-123. Public parking is provided within the Commercial Core Area of the Central Area to address demand for parking within the built area of the downtown. The applicant has submitted a Parking Supply and Demand Analysis Report in support of the application. The report (dated Feb 25, 2011, prepared by Kevin M. Duguay Community Planning and Consulting Inc. concludes the following:

- "1. The current average utilization rates of the Brock Street Parking Lot is 37.16%. The average morning utilization rate is 42.3%, and the afternoon 42.9% and the early evening utilization rate is 26.3%.*

The forgoing calculations confirm that there is available capacity at this City operated lot to support any potential residual parking requirements associated with the new uses of the subject property.

- 2. A permanent barrier-free pedestrian connection can be created connecting the Brock Street Parking Lot with subject property. This pedestrian connection would provide a barrier-free path-of-travel between the City parking lot and the proposed southwest building entrance (Clinic entrance). This feature would enhance and contribute towards the patronage of the Parking Lot. It was noted during the parking assessment, that the majority of the Brock Street parking lot patrons have monthly parking permits.*
- 3. The street parking facilities within the immediate vicinity of the subject property all operate at below optimal utilization rates, with the exception of the metered on-street parking spaces located on the east and west of George Street, between Murray Street and Brock Street.*

These parking spaces have more frequent use (turnover) and higher utilization rates.

Therefore, there is some available capacity within on-street parking facilities (metered and non-metered) within the immediate vicinity of the property.

- 4. The property is served by municipal transit (Bus Route 1). Moreover, the subject property is located within convenient walking distance to the City's Simcoe Street Bus Terminal.*
- 5. The utilization of private parking facilities/lots confirms that certain of these facilities/lots operate at near capacity during regular business hours (and in evening hours to accommodate special events, public meetings). These same lots are not utilized on weekends.*

The other private facilities/lots operate at varying levels of utilization. Some of these lots have designated/assigned parking spaces. The study confirms that these facilities/lots provide an acceptable level of service to the host property-land use. It was observed during the parking study that some of the staff and/or residents associated with properties (George Street mixed-use buildings) do utilize the Simcoe Street, Brock Street and Hunter Street Municipal parking lots for parking purposes.

- 6. An initial assessment of comparison-proxy sites, confirmed that the parking requirements for older adult apartment and multi-suite residential buildings in the downtown and mid-town areas is demonstratively comparable to the rate sought for the subject property re-development.*
- 7. The subject property in combination with the adjoining commercial property at 168 Brock Street (also owned by the applicant/property owner) will provide a combined total of 59 (fifty-nine) parking spaces. The Planning Justification Report concluded that the combined parking requirement for the 2 (two) properties is 49 (forty nine). Therefore, a surplus of 10 (ten) parking spaces is available."*

The proposed exemption from the commercial parking requirements is consistent with the approach taken for all existing commercial development of the Commercial Core. The City has recognized the built form and intensity of building form in the downtown and has facilitated public parking within the area to address off-site parking needs. The requested reduction in parking associated with the residential suites is also consistent with approach taken in more suburban locations for this form of residential occupancy. It is anticipated that residents who reside in buildings where common dining facilities are intended to provide daily meals, are less likely to own and operate motor vehicles. In a

downtown location such as the subject property, it is even less likely to be the case, therefore, limited parking is anticipated to be required.

The proposed coverage and massing of the building is in keeping with the current Official Plan policies, however, does not comply with regulations assigned to much of the core commercial area. The current regulations were largely introduced in 1972, when it was anticipated that landscaped open space was critical to the success of a residential living experience. The proposal relies on public open spaces and alternative amenity spaces such as the courtyard space proposed above the second storey of the building in the design (rooftop garden). The amendments to facilitate a high density residential building are supported by Planning Staff as included in the draft amendment attached.

Planning Staff recommend the inclusion of site specific regulations to be assigned to the modified SP.13 – Special Commercial District Zoning of the property to have the following effect:

- a) Permit all uses included in Section 18.1 (C.6 Zoning District)
- b) Expand the list of permitted uses to add 'multi-suite residence' as a permitted use
- c) Increase the maximum building coverage from 93% to 95% for a building containing more than 20 dwelling units;
- d) Increase the maximum building floor area ratio from 2.6 to 6 for a building containing more than 20 dwelling units;
- e) Require a minimum of 1 'B' type of loading space to of space to be provided and maintained on the westerly portion of the lot;
- f) Delete the cap on the number of seats in a restaurant;
- g) Extend the parking exemption for non-residential uses only; and
- h) Require a minimum of 0.25 spaces per suite for suites within a multi-suite residence.

c) Site Development

The applicant proposes to reuse the original YMCA building (heritage designated) and proposes to replace the westerly portion of the building (gymnasium) with an 8 storey structure to be integrated internally on the lower storeys with the original building. The redevelopment contemplates 745 square metres of building floor area for clinic use and 400 square metre of building floor area for retail use on the ground floor; residential uses above with ancillary common dining, and social amenity space in the balance of approximately 17,000 square metres (182,992 sq. ft.) of building floor area. The building will incorporate roof top gardens within a proposed courtyard in addition to indoor atriums and private-common patio areas. It is intended that these proposed amenity spaces will provide an adequate level of on-site amenity space in lieu of

landscaped space at grade around the perimeter of the building. In addition, the application proposes to introduce on-site parking for up to 47 vehicles in an underground parking garage to be accessible from the Murray Street frontage.

The application proposes site specific regulations to address building massing and building floor area ratios to permit an increased massing and ratio for the proposal. The existing building covers approximately 93% of the lot area. The redevelopment proposes coverage of up to 95% of the lot area. The building floor area ratio (building floor area/lot area) is also proposed to increase from the existing 3.25 to 5.88. This is an increase in massing of approximately 80% of the existing building, including the proposed underground parking area, not visible at grade.

The development of the property should be in keeping with a Main Street streetscape profile. The applicant will be required to submit a site plan approval application and enter into a Site Plan Agreement with the City.

The impact of the proposed development will be positive, especially if, through the site plan process, staff are able to work with the applicant to ensure proper landscaping treatment and support the proposed relationship of the building to the George Street and Murray Street frontages. The layout of the parking garage and issues related to the ingress/egress from the parking facilities will also be addressed at the Site Plan Approval stage.

The final design of the development directly adjacent to a Heritage Property is also subject to review and approval by the Municipal Heritage Committee for its impact on the heritage attributes of the designated property. As such, the proposed eight storey tower will be subject to further review and approval adjacent to the designated original 1892 former YMCA building that is to be retained. This is recommended as a condition of the removal of the 'H' Holding Symbol to be imposed on the zoning of the lands.

It is further recommended that the owner/developer enter into a Heritage Agreement with the City to provide pre-approval of alterations of any heritage attributes of the existing building, to avoid the necessity of seeking approval for each change individually.

RESPONSE TO NOTICE

a) Significant Agency Responses:

Agency circulation was issued on April 8, 2011.

The City's Utility Services Department has requested dimensions to the proposed parking stalls within the underground parking garage to ensure compliance and that the zoning reflect the proposed exemption from the requirement to provide on site parking spaces for commercial uses. It is recommended that cash in lieu of parking be provided for any parking shortfall in this proposal. Site services and downstream servicing capacity should be confirmed as a condition of the rezoning given the additional loadings and demands created by the 8 storey residential structure. Cash in lieu of parkland is recommended where required.

Enbridge Gas Distribution Inc. has no objections to the application, however note that the applicant is to arrange for the installation of a gas plan prior to the commencement of any asphalt paving or landscaping.

The KPRDSB School Board indicate that they have no objections, however, note that peak vehicular traffic into and out of the proposed development's Murray Street underground parking garage should be managed by the operator of the proposed site so it does not overlap with morning and afternoon bus operation at the existing signed on-street Murray Street bus loading area.

Peterborough Utilities note that this proposal will require significant upgrades to electric and water services.

Hiawatha First Nations have inquired about excavation activity on the site and have expressed concern with excavation work on the subject lands due to its proximity to known sites of archeological importance.

The Council for Persons with Disabilities has made several recommendations regarding barrier free travel into and throughout the building, including within the proposed units. In addition, comments regarding parking stall dimensions and access to parking facilities are included, to be considered at the Site Plan Approval stage of development.

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 by newspaper advertisement on (Peterborough Examiner) on April 8, 2011. Notice of Public Meeting was issued on May 16, 2011 by direct mail and by newspaper advertisement (Peterborough Examiner). The notice complies with the requirements of the Planning Act.

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

Submitted by,

Ken Hetherington,
Manager, Planning Division

Prepared by,

Concurred with,

Caroline Kimble,
Land Use Planner
Services

Malcolm Hunt, Director
Planning and Development

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E-Mail: ckimble@peterborough.ca

Attachments:
Exhibit A - Land Use Map
Exhibit B - Concept Plan
Exhibit C – Proposed Elevations
Exhibit D –Draft Zoning By-law

Land Use Map

File # z1106

Property Location: 475 George St N

Exhibit A
Page 1 of 1

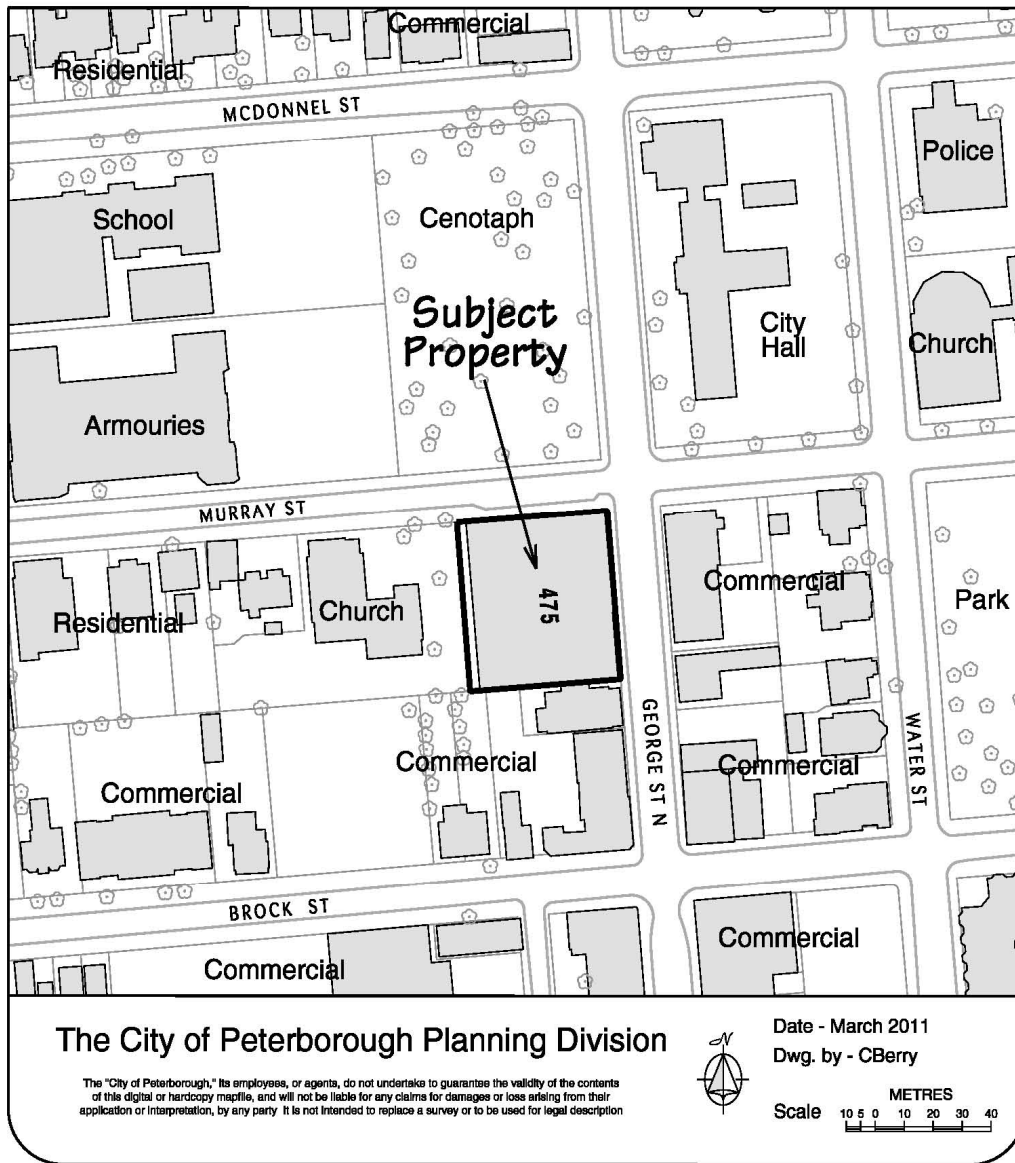


Exhibit B
Page 1 of 1

Basement Level Plan

Scale - 1:250

Issued for Re-Zoning

March 3, 2011

Peterborough Mixed Use Development

Address: 475 George Street North, Peterborough, Ontario

JCI ARCHITECTS Inc.

Murray Street

George St. N.

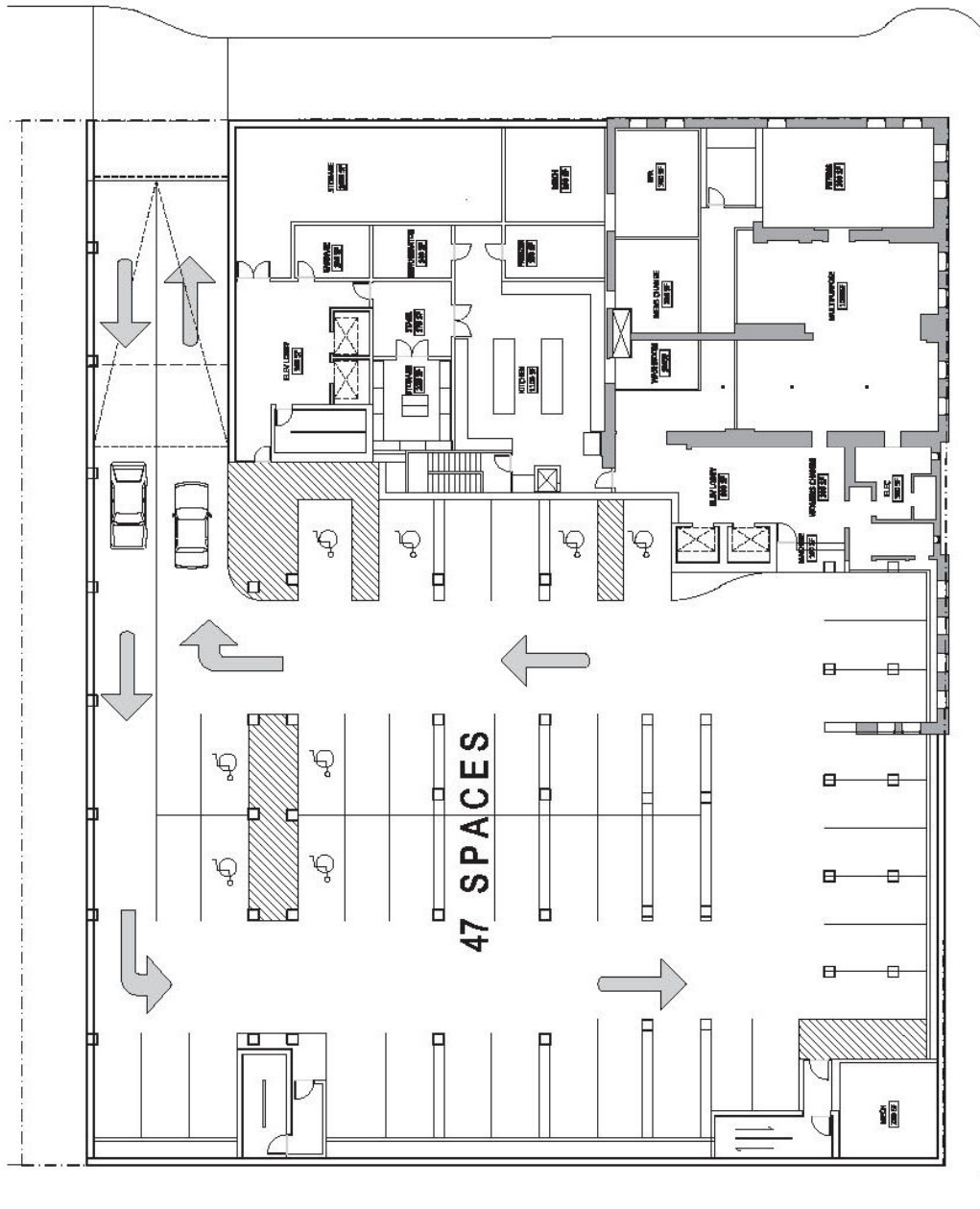


Exhibit C
Page 1 of 1

PROPOSED ELEVATIONS



East Elevation



North Elevation

THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 11- _____

**BEING A BY-LAW TO AMEND THE ZONING FOR
475 George Street North**

Exhibit 'D'
Page 1 of 3

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

1. Section 41.3 Permitted Uses in the SP.13 Zoning District is hereby repealed and replaced with the following:

"PERMITTED USES

41.3 No person within a SP.13 District shall use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) a use permitted under Section 18.1 (C.6 – Commercial District)
- b) a multi-suite residence"

2. Section 41.4 Regulations in the SP.13 Zoning District is hereby repealed and replaced with the following:

"REGULATIONS

41.4 No person shall within a SP.13 District use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

Type	Requirement
a) maximum building coverage	95%
b) maximum building floor area ratio	6
c) dwelling units shall be located only in a second or higher storey	
d) notwithstanding the provisions of Section 4.2(A), a minimum of 0.25 parking spaces shall be provided per suite for a residential suite in a multi-suite residence	
e) notwithstanding the provisions of Section 4.2(B), no motor vehicle parking spaces need be provided for non-residential uses	

f) notwithstanding the provisions of Section 6.26, a building or part thereof may be erected in the area of a block enclosed by lines drawn parallel to and 30 metres from the street lines forming the perimeter of the block.”	
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**Exhibit ‘D’
Page 2 of 3**

2. Map 12 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.13 to SP.13 – ‘H’.**
3. That the ‘H’ Holding Symbol be removed subject to the following:
 - i) Formal approval from the Municipal Heritage Committee for the demolition of the heritage designated gymnasium;
 - ii) That the final design of development directly adjacent to the Heritage Property be subject to review and approval by the Municipal Heritage Committee for its impact on the heritage attributes of the designated property; and
 - iii) Site Plan Approval for the redevelopment of the lands, including provision for the following:

That the developer is required to have an archeologist on site during the excavation stage, and if archeological resources are found, the developer is required to follow the requirements of the Ontario Heritage Act and complete a Stage 3 and/or Stage 4 Assessment

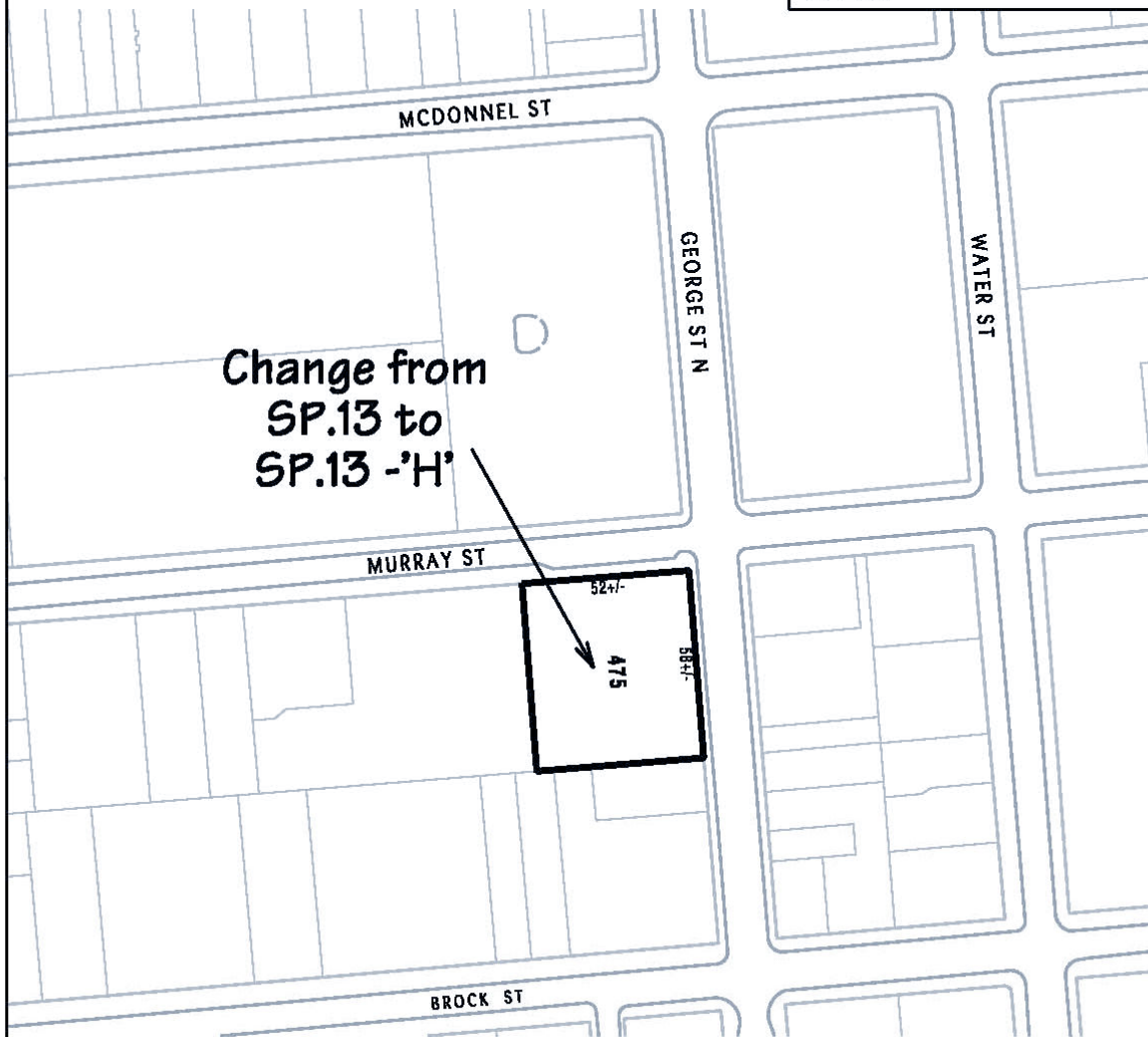
By-law read a first, second and third time this day of , 2011.

Daryl Bennett, Mayor

Nancy Wright-Laking, City Clerk

Dimensions are in metric

SCHEDULE 'A' TO
BYLAW 2011 -
PASSED THE DAY
OF 2011
MAYOR
CLERK



City of
Peterborough

The "City of Peterborough," its employees, or agents, do not undertake to guarantee the validity of the contents of this digital or hardcopy mapfile, and will not be liable for any claims for damages or loss arising from their application or interpretation, by any party. It is not intended to replace a survey or to be used for legal description.

File: z1106

