



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: May 27, 2013

SUBJECT: Report PLPD13-041
424 Sheridan Street – Zoning By-law Amendment

PURPOSE

A report to evaluate the planning merits of amending the Zoning By-law for the property known as 424 Sheridan Street from the R.6 – Residential District to the C.6 – Commercial District to permit the use of the property for a mix of commercial and residential uses.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD13-041 dated May 27, 2013, of the Manager, Planning Division, as follows:

- a) That the zoning of 424 Sheridan Street, be amended from the R.6 – Residential District to the C.6 'H' – Commercial District in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD13-041.
- b) That the 'H' – Holding Symbol be removed subject to Site Plan Approval being granted for the property.

BUDGET AND FINANCIAL IMPLICATIONS

There are no direct budget or financial implications arising from the approval of this application.

RATIONALE

Approval of this Zoning By-Law Amendment is based upon the following:

The subject property is designated 'Commercial' on Schedule 'A' – Land Use and 'Central Area: Commercial Core Area' on Schedule J – Central Area Land Use. The Central Area Commercial Core Area policies of the Official Plan contemplate the majority of the uses to include retail, entertainment and service commercial uses together with residential and office uses on second or higher storeys. The objective is to maintain the character of the Commercial Core as a pedestrian shopping area in a 'main street' setting. Sheridan Street is located within the Commercial Core Area, however, not considered to possess the same 'main street' character as streets such as George, Water, Hunter, Charlotte, Simcoe, etc. As such, the introduction of office space on the ground floor with residential above, is an appropriate mix within a more residential neighbourhood.

The lands have been used as a duplex for many years. The dwelling was originally constructed in 1890 and the current owner proposes to convert the ground floor apartment into a small scale office in keeping with the Commercial Core Area policies of the Official Plan.

The property is well served by parking with a driveway and parking area in the rear yard, supporting a total of 4 parking spaces, in keeping with the minimum requirements of the City's Zoning By-law for the proposed office and apartment use.

BACKGROUND

The subject application was originally received on April 4, 2013, deemed to be complete as of April 26, 2012 and 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 August 26, 2013 if Council has not made a decision.

The subject property is approximately 530 m² (5709 ft.²) in size, located on the east side of Sheridan Street, between Hunter Street West and Brock Street, backing onto the Quaker Oats' industrial lands. The property supports a two storey brick dwelling with a two storey frame addition at the rear, with driveway and parking facilities along the northerly lot line and into the rear yard.

The applicant intends to convert the main floor of the existing two storey brick dwelling from a residential dwelling unit to an office, resulting in a mixed use building.

The property is surrounded by a mix of land uses including office and residential to the north; office to the south; industrial (manufacturing) to the east (Quaker Oats); and high density residential to the west on the opposite side of Sheridan Street.

The current R.6 – Residential District zoning permits multiple residential units on the property with a minimum of 3 units. The current use of the property for a duplex is considered to be legal non-conforming. The application seeks to amend the zoning to permit a variety of commercial uses with residential units above. Approval of the proposed amendment would provide flexibility with regard to the commercial use of the property, subject to compliance with parking requirements and zoning regulations.

ANALYSIS

a) Official Plan

The lands are currently designated “Commercial” on Schedule ‘A’ – Land Use, and subject to the ‘Commercial Core Area’ policies of the Central Area in the City of Peterborough Official Plan. The proposed use of the existing building for an office with a residential unit above will comply with the intent and purpose of the Commercial Core Area policies of the Central Area.

The Commercial Core Area policies contemplate a full range of commercial land uses with office and residential uses above in a traditional downtown ‘main street’ setting. Land uses should be compatible with the neighbourhood in both scale and function. The existing neighbourhood is diverse in its land use, ranging from high density residential to office and industrial uses. The proposed amendment would facilitate the conversion of the ground floor space from residential to office, in keeping with the commercial direction of the policies, while respecting the character of the surrounding neighbourhood.

b) Zoning By-law

The subject property is currently zoned R.6 - Residential District, permitting residential dwelling units subject to compliance with the minimum regulations. The existing duplex is considered to be legal non-conforming in that it does not meet the R.6 Regulations, including the requirement for a minimum of 3 dwelling units.

The proposed C.6 – Commercial District provides for an inclusive range of commercial uses, in addition to residential units on the second or higher storeys. The proposed use of the existing building with office on the ground floor and residential above, complies with the regulations of the C.6 – Zoning District and the minimum Parking regulations as set out in Section 4 of the Zoning By-law. The office component requires a minimum of 2.2 spaces, while the residential unit requires a minimum of 1 space.

The site plan illustrates the ability of the property to support a total of 4 parking spaces on site. No exceptions or alternative regulations are being sought with the subject application.

The proposed Zoning Amendment complies with the intent and purpose of the Commercial Core Area policies of the Central Area.

RESPONSE TO NOTICE

a) Significant Agency Responses:

Agency circulation was issued on April 26, 2013, concurrently with the Notice of Public Meeting.

The City's Utility Services Department provided comment regarding the rezoning application, requesting an 'H' Holding Symbol to require the owner to enter into a Site Plan Agreement with the City to address issues such as grading, stormwater management and parking. Cash in lieu of parkland is recommended where required.

The applicant intends to utilize the existing building and parking facilities to support the proposed use. The parking was recently introduced to the property and as such, Planning Staff agree with the recommendation for Site Plan Approval and the requirement for an 'H' Holding Symbol.

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 concurrently on April 26, 2013 by direct mail and by newspaper advertisement (Peterborough Examiner) on May 1, 2013. The notice complies with the requirements of the Planning Act.

No written comments have been received as of May 6, 2013.

Submitted by,

Ken Hetherington,
Manager, Planning Division

Prepared by,

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 – Site Plan
Exhibit C –Draft Zoning By-law

Land Use Map

Exhibit 'A'
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File # z1306

Property Location: 424 Sheridan St

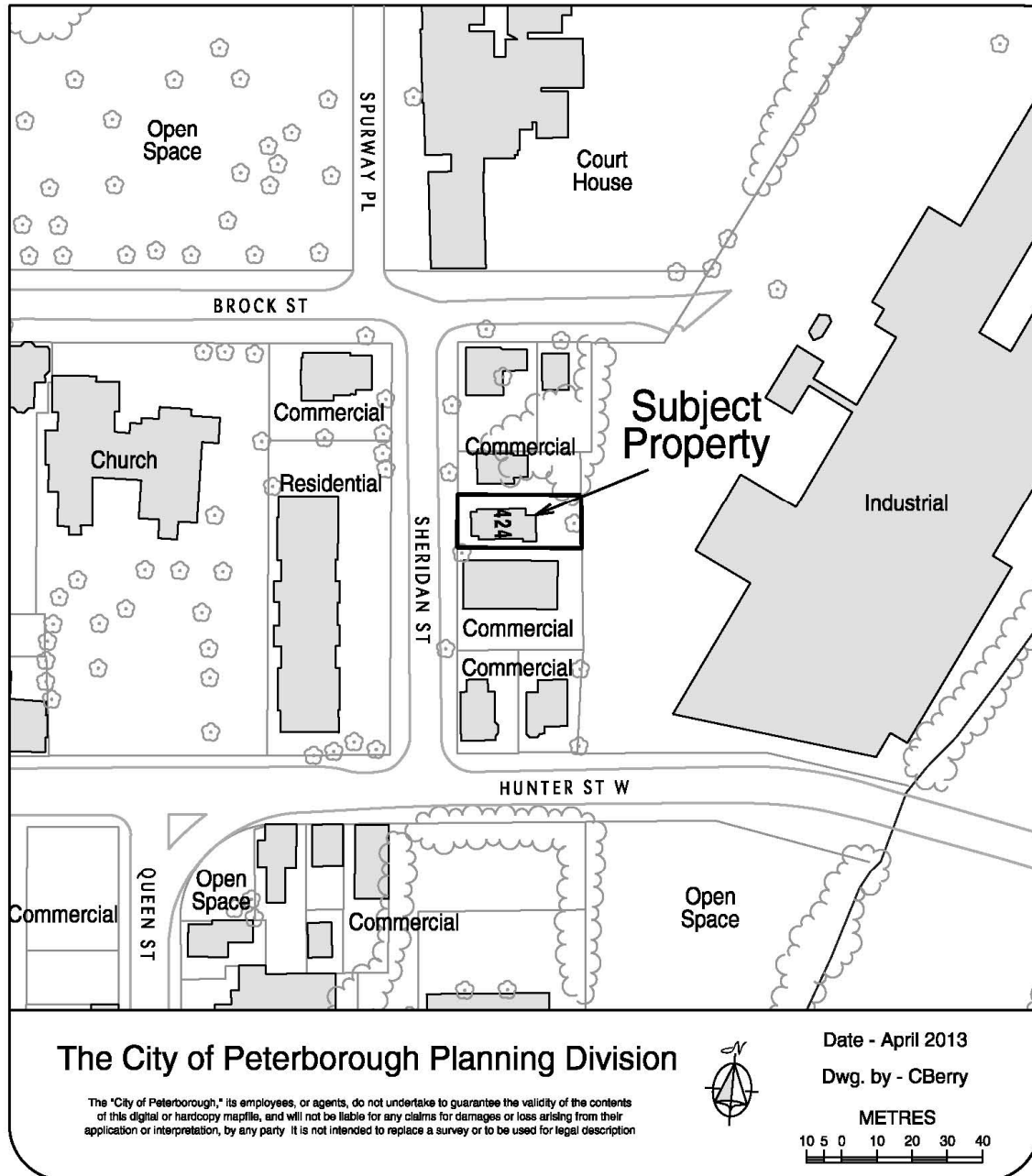


Exhibit 'B'
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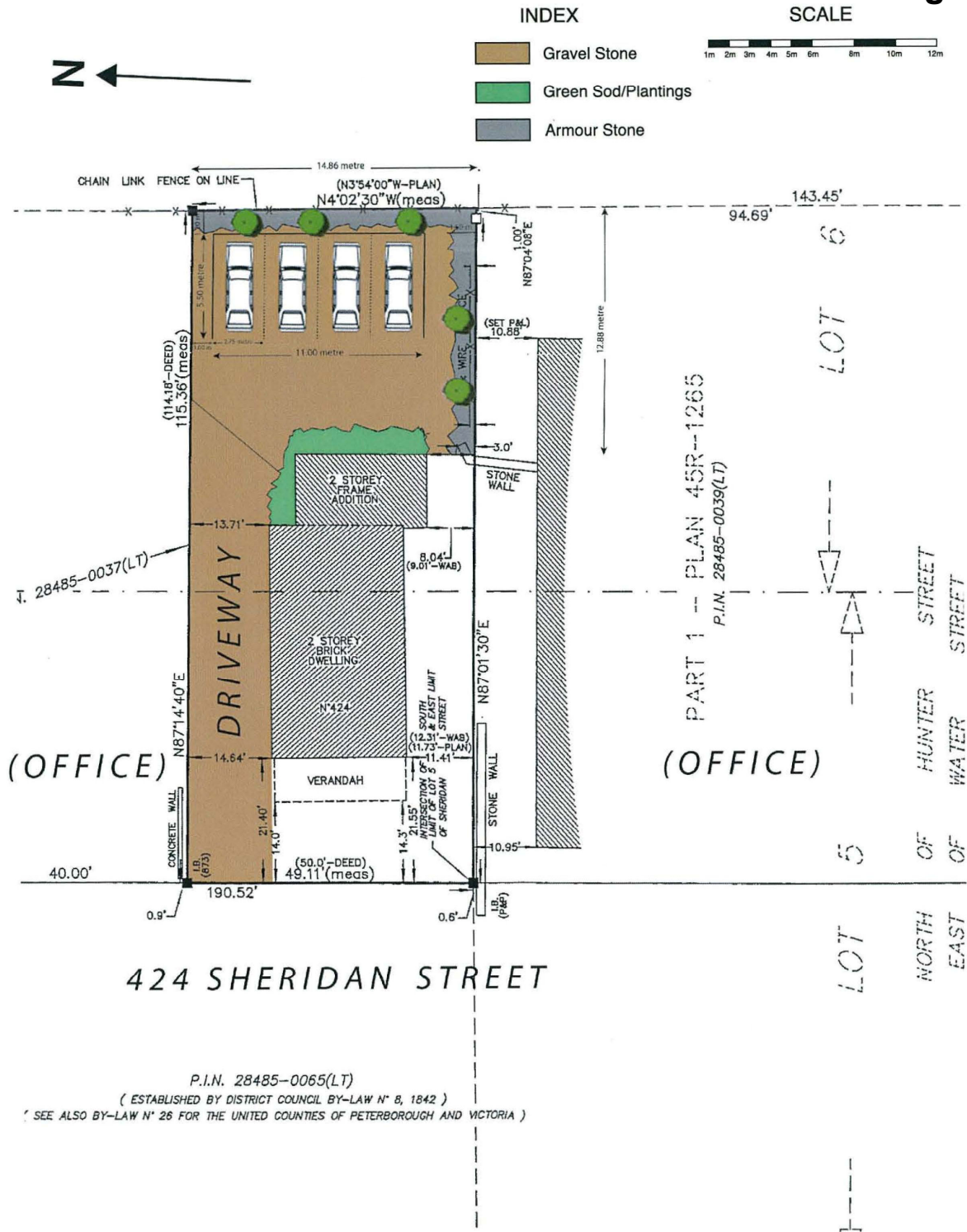


Exhibit 'C'
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THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 13- ____

**BEING A BY-LAW TO AMEND ZONING BY-LAW #97-123
FOR 424 SHERIDAN STREET**

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

1. 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 R.6 to C.6.**
2. The "H" Holding Symbol shall be removed subject to Site Plan Approval being granted for the subject property.

By-law read a first, second and third time this day of , 2013.

Daryl Bennett, Mayor

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