



City of
Peterborough

To: Members of the Planning Committee

From: Ken Hetherington, Manager, Planning Division

Meeting Date: May 5, 2014

**Subject: Report PLPD14-027
253 Dalhousie Street**

Purpose

A report to evaluate the planning merits of amending the Zoning By-law for the property known as 253 Dalhousie Street from the R.1,R.2,R.3,R.4 – Residential District to the SP.241-118 – ‘H’ 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 PLPD14-027 dated May 5, 2014, of the Manager, Planning Division, as follows:

- a) That the zoning of 253 Dalhousie Street be amended from the R.1,R.2,R.3,R.4 – Residential District to the SP.241-118 - ‘H’ – Commercial District in accordance with the draft amendment attached as Exhibit ‘C’ to Report PLPD14-027.
- b) That the ‘H’ – Holding Symbol be removed subject to the following:
 - i) Site Plan Approval being granted for the property; and
 - ii) Consent for an easement, to be registered on title over the adjacent lands, providing access to the rear yard of the subject lands for the purposes of parking.

Budget and Financial Implications

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

Background

The subject application was originally received on January 20, 2014, deemed to be complete as of February 21, 2014 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 June 23, 2014 if Council has not made a decision.

The subject property is approximately 729 m² (7847 ft.²) in size, located on the south side of Dalhousie Street, between Bethune Street and Aylmer Street North. The property supports a two storey brick dwelling with a one storey addition at the rear, a deck and parking facilities in the rear yard, accessed via the adjacent property to the east, known as 239 Dalhousie Street.

The applicant intends to convert the main floor of the existing two storey brick dwelling from a residential dwelling unit to a commercial use such as an office, clinic or personal service use, resulting in a mixed use building.

The property is surrounded by a mix of land uses including office (Darling Insurance) and residential to the east, residential to the west, parking and residential uses to the south and office/clinic uses to the north on the opposite side of Dalhousie Street.

The current R.1,R.2,R.3,R.4 – Residential District zoning permits residential units in accordance with the regulations of the district. The current use of the property for a single detached dwelling is legal. The application seeks to amend the zoning to permit the introduction of limited number of commercial uses with a residential unit 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 ‘Transitional Uses Area’ policies of the Central Area in 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 Transitional Uses Area policies of the Central Area.

The planned function of the Central Area is to serve the City and surrounding region with business and professional offices in addition to retail, entertainment, culture and recreation facilities, tourism and hospitality, some service commercial uses and government, institutions, residential and community uses.

The Central Area is further subdivided into sub-areas with varied ranges of residential densities and alternate uses with special policy approaches for each area. The property at 253 Dalhousie Street is subject to the Transitional Uses Policies included in Sub-Area 5 (Section 4.3.2.2.6) of the Official Plan. These lands are intended to provide a transition between the Commercial Core and Waterfront Area and the residential areas outside of the Central Area. The diversity of uses contemplated include special care homes, medium and high density residential uses, institutional uses, small scale office uses, convenience retail and service commercial uses. 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 commercial, public service uses and residential dwellings. The location of the property within proximity to the core provides an opportunity to integrate alternate uses through zoning amendment.

b) Zoning By-law

The subject property is currently zoned R.1,R.2,R.3,R.4 - Residential District, permitting residential dwelling units subject to compliance with the minimum regulations. The existing single detached dwelling is a legal use.

The SP.241 Commercial District was developed specifically for the Transitional Uses Areas of the Central Area, to permit office and clinic uses within existing residential buildings. The SP.241 zoning has been assigned to several properties within the planning area, designated as Transitional Uses Area on the Central Area Land Use Plan (Schedule J of the Official Plan).

It is appropriate to assign the SP.241 Special District Commercial to the subject property. The proposed SP.241 Commercial District would permit the office use and clinic and/or dwelling unit(s), in accordance with the regulations as included in the SP.241 Zoning District. In addition, the applicant has proposed to add a 'personal service use' to the list of permitted uses via an exception. 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."

Staff recommend the inclusion of a personal service use to the subject property. 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 being granted for the subject property, to ensure appropriate landscaping and buffering; and to formalize the parking in the rear yard. Vehicular access to the rear of the property is accommodated over the neighbouring property to the east. Staff recommend that the existing arrangement to access the parking in the rear yard, via the abutting property to the east, be formalized by way of a registered easement.

Based on an office use of the ground floor and a residential unit on the second floor, the property would require the provision of a total of 4 parking spaces. The use of the ground floor for a clinic would result in the requirement for the owner to provide a greater number of parking spaces, in accordance with the minimum requirements of the Zoning By-Law.

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

Response to Notice

a) Significant Agency Responses:

Agency circulation was issued on March 19, 2014, and the following comments received.

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, and to ensure that any proposed works do not adversely impact City's infrastructure on adjoining properties. Cash in lieu of parkland is recommended where required.

Peterborough Utilities has indicated that electrical servicing will be required to be upgraded for the proposed use.

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 were issued concurrently by direct mail and by newspaper advertisement (Peterborough Examiner) on April 7, 2014. The notice complies with the requirements of the Planning Act.

No written comments have been received as of April 11, 2014.

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:

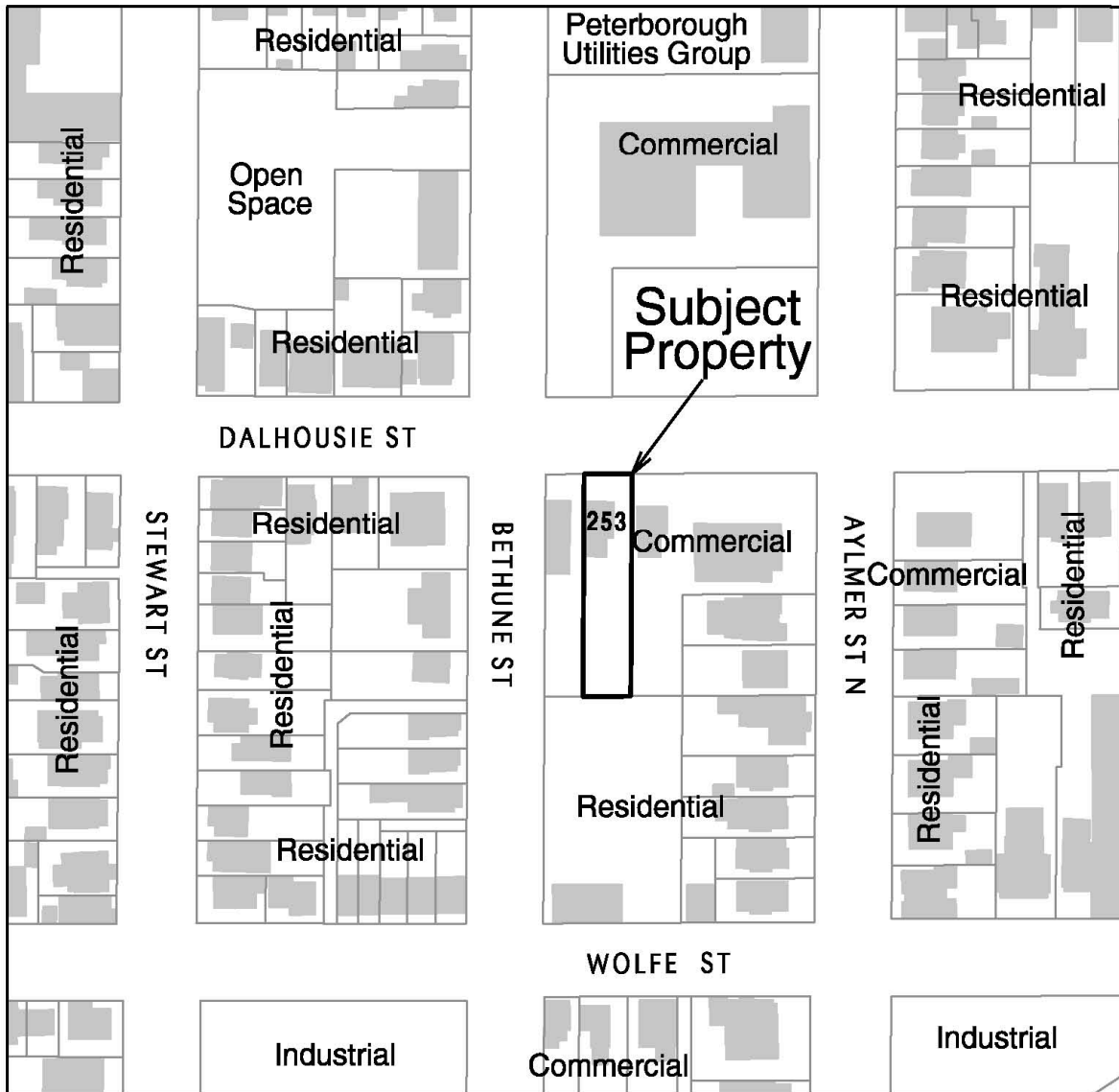
Exhibit A - Land Use Map
Exhibit B - Site Plan
Exhibit C - Draft Zoning By-law

Exhibit A, Page 1 of 1

Land Use Map

File # z1404

Property Location: 253 Dalhousie St



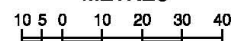
The City of Peterborough Planning Division



Date - March 2014

Dwg. by - CBerry

METRES

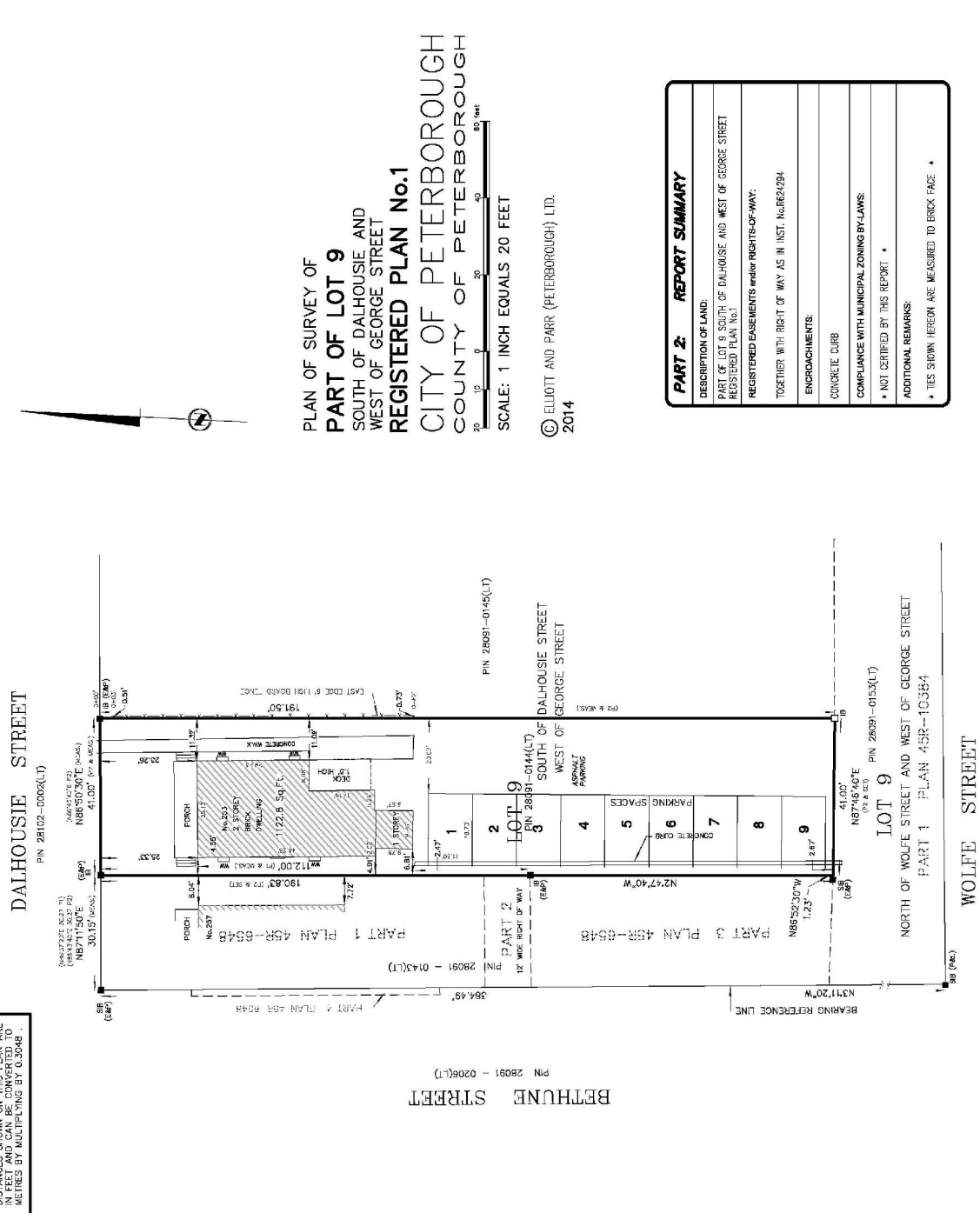


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Exhibit B, Page 1 of 1

SURVEYOR'S REAL PROPERTY REPORT

NOTE:
DIMENSIONS SHOWN ON THIS PLAN ARE IN FEET AND INCHES AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048.



| PART 2: REPORT SUMMARY | |
|-------------------------------------------|-------------------------------------------------------------------------------------|
| DESCRIPTION OF LAND: | PART OF LOT 9, SOUTH OF DALHOUSIE AND WEST OF GEORGE STREET REGISTERED PLAN No.1 |
| REGISTERED EASEMENTS under RIGHTS-OF-WAY: | TOGETHER WITH RIGHT OF WAY AS IN INST. No.R624294 |
| ENCROACHMENTS: | CONCRETE CURB |
| | COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS |
| ADDITIONAL REMARKS: | * NOT CERTIFIED BY THIS REPORT * * TES SHOWN HEREON ARE MEASURED TO BRICK FACE * |

BEARING NOTE:
BEARINGS ARE ASTRONOMIC, DERIVED FROM THE EASTERLY LIMIT OF BETHUNE STREET AS SHOWN ON PLAN 45R6548 HAVING A BEARING OF N31°12'0"W

SURVEYOR'S CERTIFICATE:
I CERTIFY THAT THE PLAN AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON 16 JANUARY, 2014

17 JANUARY, 2014
SHAWN M. O'CONNOR
Ontario Land Surveyor

LEGEND:

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- SB DENOTES STANDARD IRON BAR
- WB DENOTES WOODEN IRON BAR
- WT DENOTES WOODEN CUT CROSS
- WV DENOTES WINDOW WELL
- PI DENOTES PLAN 46R-6548
- PI DENOTES PLAN 46R-6548

DATE: 20 JUNE, 1998

THIS REPORT WAS PREPARED FOR THE EXCLUSIVE USE OF
PESSEL HOLDINGS

ELLIOTT AND PARR
(PETERBOROUGH) LTD.
ONTARIO LAND SURVEYORS
11 COLLECK PLACE, PETERBOROUGH, ONTARIO
K9J 7H4 (705) 745-8444

DRAWN BY: RW FILE:94 JOB: 30369

Exhibit C, Page 1 of 2



The Corporation of the City of Peterborough

By-Law Number 14-

Being a By-law to Amend Zoning By-Law 1997-123 for the property known as 253 Dalhousie Street

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

1. That Map 18 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,R.2,R.3,R.4 to SP.241-118 – 'H'.
2. That the 'H' Holding Symbol be removed subject to the following:
 - a) Site Plan Approval being granted for the property; and
 - b) Consent for an easement, to be registered on title over the adjacent lands, providing access to the rear yard of the subject lands for the purposes of parking.

By-law read a first, second and third time this 20th day May, 2014.

Daryl Bennett, Mayor

John Kennedy, City Clerk

Exhibit C, Page 2 of 2

