



City of  
**Peterborough**

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**To: Members of the Planning Committee**

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

**Meeting Date: May 5, 2014**

**Subject: Report PLPD14-028  
244 Wolfe Street**

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## **Purpose**

A report to evaluate the planning merits of amending the Zoning By-law for the property known as 244 Wolfe Street from the R.1,R.2,R.3,R.4 – Residential District to the SP.241-118-289 – ‘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 PLPD14-028 dated May 5, 2014, of the Manager, Planning Division, as follows:

- a) That Section 3.9 of the Zoning By-law be amended to add Exception 289 to exempt the subject lands from providing on-site parking and to permit off-street parking on lands within 50m of the subject property, in accordance with the draft amendment attached as Exhibit ‘C’ to Report PLPD14-028.
- b) That the zoning of 244 Wolfe Street be amended from the R.1,R.2,R.3,R.4 – Residential District to the SP.241-118 – 289 -‘H’ – Commercial District in accordance with the draft amendment attached as Exhibit ‘C’ to Report PLPD14-028.
- c) That the ‘H’ – Holding Symbol be removed subject to the following:

- i) Site Plan Approval being granted for the property, including an encroachment agreement with the City for the existing stairs and landing, located within the Wolfe Street Right-of-Way; and
- ii) Long term off street parking arrangements be made within 50m of the subject lands, to provide the minimum number of parking spaces in accordance with the requirements of Zoning By-Law #1997-123, to the satisfaction of the City.

## **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 196 m<sup>2</sup> (2110 ft.<sup>2</sup>) in size, located on the north side of Wolfe Street, between Bethune Street and Aylmer Street North. The property supports a two and one half storey brick and frame dwelling with a metal shed in the rear, and encroaching concrete steps at the front within the Wolfe Street Right-of-Way.

The applicant intends to convert the main floor of the existing 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 residential to the east, legal non-conforming industrial to the west, a mix of residential and commercial (office use) to the south on the opposite side of Wolfe 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 off-site parking within 50m of the subject lands and other 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. Staff recommend the inclusion of a personal service use 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 utilize the parking facilities of the adjacent parcel to the west at 250 Wolfe Street to satisfy the minimum parking requirements for the proposed uses. Based on an office or personal service use of the ground floor with a residential apartment above, the property would require a total of 4 parking spaces. The minimum parking requirements would increase if the property was to be used for a clinic, with the total number dependent upon the number of practitioners. The owner has entered into a long term arrangement (20 years) with the owner of 250 Wolfe Street for up to ten (10) parking spaces. An exception (Exception #289) is proposed to be added to the Zoning By-Law to exempt the subject property from the provision of on-site parking in lieu of providing off-street parking within 50m of the subject land, in order to satisfy the minimum parking requirements of the Zoning By-Law.

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 arrangement on the adjacent property.

Furthermore, Staff recommend that the Site Plan Agreement require the owner to enter into an encroachment agreement with the City to recognize the existing encroachment into the Wolfe Street Road Allowance.

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. A formal agreement with the adjacent owner is recommended as a condition of the removal of the 'H' Holding Symbol to ensure that the parking requirements are satisfied long term.

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. An encroachment agreement with the City will be required at Site Plan Approval stage to recognize the existing encroachment of the stairs and landing within the Wolfe Street Right-of-Way. Cash in lieu of parkland is recommended where required.

Peterborough Utilities has noted that a water meter is required to be installed and requests that the owner confirm the adequacy of the service to provide adequate water supply for 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 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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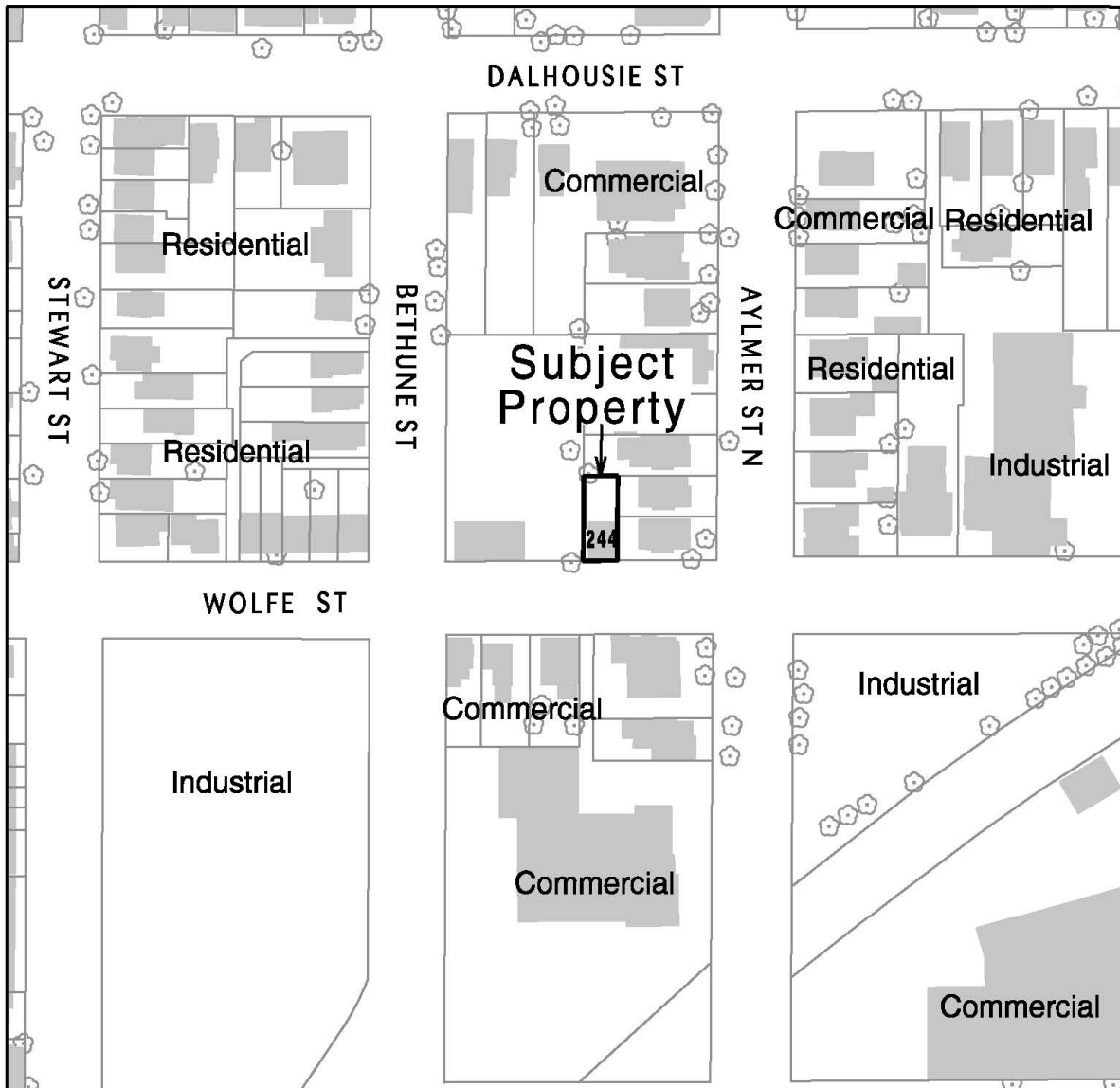
Attachments:  
Exhibit A - Land Use Map  
Exhibit B - Site Plan  
Exhibit C - Draft Zoning By-law

Exhibit A, Page 1 of 1

# Land Use Map

File # z1405

Property Location: 244 Wolfe St



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 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.



Date - March 2014

Dwg. by - CBerry

METRES

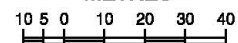


Exhibit B, Page 1 of 1

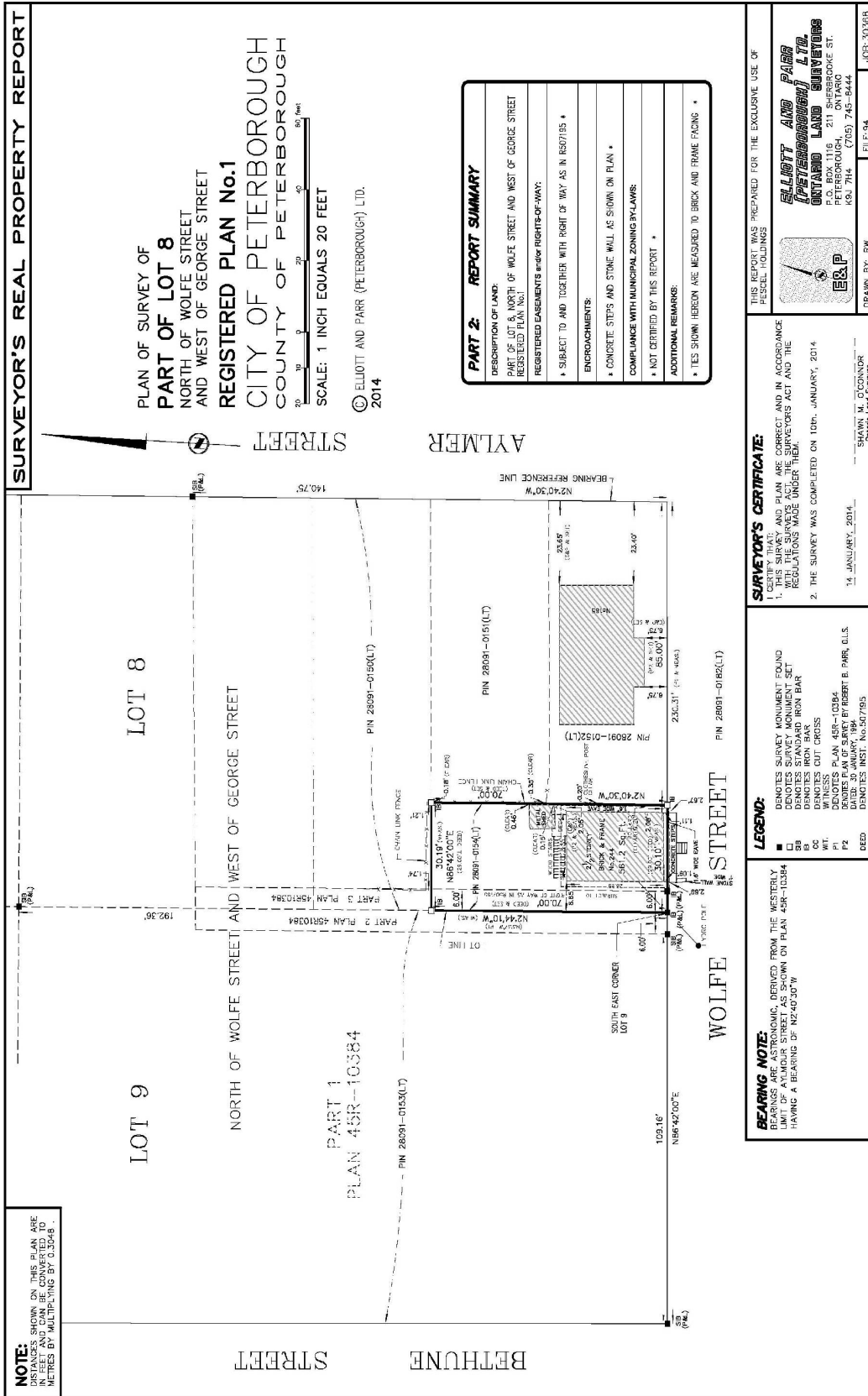




Exhibit C, Page 1 of 2



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## 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 244 Wolfe Street

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

1. That Section 3.9 – Exceptions, be amended to add the following:  
  
289. Notwithstanding the provisions of Section 4, parking may be provided off-street within 50m of the subject property, in accordance with the minimum parking requirements of Section 4.
2. 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.241-118-289 – ‘H’.
3. That the ‘H’ Holding Symbol be removed subject to the following:
  - a) Site Plan Approval being granted for the property including an encroachment agreement with the City for the existing stairs and landing, located within the Wolfe Street Right-of-Way; and
  - b) Consent be granted, subject to a condition that the owners of 244 Wolfe Street and 250 Wolfe Street enter into an agreement, satisfactory to the City Solicitor, which provides that the minimum parking requirements for 244 Wolfe Street are provided on the lands known as 250 Wolfe Street.

By-law read a first, second and third time this 20<sup>th</sup> day of May, 2014.

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Daryl Bennett, Mayor

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John Kennedy, City Clerk

Exhibit C, page 2 of 2

