



City of
Peterborough

To: **Members of the Planning Committee**

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

Meeting Date: **June 16, 2014**

Subject: **Report PLPD14-032**
417 Aylmer St. N., 234-242 Hunter St. W. & Pt. Of 11 Fleming Pl.

Purpose

A report to evaluate the planning merits of amending the Zoning By-Law for properties at the northwest corner of Aylmer and Hunter Streets from the R.5 – Residential District and from the C.6 – Commercial District to a modified C.6 – Commercial District in accordance with the Commercial Core Area and the Jackson Creek Flood Plain (Downtown) Special Policy Area policies of the Official Plan.

Recommendations

That Council approve the recommendations outlined in Report PLPD14-032 dated June 16, 2014, of the Manager, Planning Division, as follows:

- a) That Section 3.9 of the Zoning By-law be amended to add Exception 291 to exempt the subject lands from providing landscaped open space / planting strip adjacent to the residential zoning district to the west, 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 PLPD14-032.
- b) That the zoning of 417 Aylmer St. N. and 234-242 Hunter Street West be amended from C.6 – Commercial District to C.6,15f – 291 – Commercial District and that the zoning of Part of 11 Fleming Place be amended from R.5 – Residential District to C.6,15f – 291 – Commercial District in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD14-032.

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 December 18, 2013, deemed to be complete as of March 17, 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 July 15, 2014 if Council has not made a decision.

The subject properties measure approximately 1888 m² (20315 ft.²) in total size, located on the north side of Hunter Street, west of Aylmer Street including a portion of 11 Fleming Place (former driveway). The property supports a new 5 storey mixed use building (under construction), an existing 2 storey brick duplex dwelling and parking facilities. The existing duplex is proposed to be demolished and replaced with a four storey mixed use building. The proposed combined building floor area of the two mixed use buildings is 3,290 m² (35414 ft.²). It is the intention of the owner to merge the subject lands together to create one parcel.

The lands form part of a Site Plan Agreement with the City reflecting the 5 storey building currently under construction and the existing 2 storey duplex dwelling. The Site Plan also includes the lands to the west, supporting residential and mixed use buildings and associated parking and driveway areas. The applicant proposes to amend the Site Plan Agreement to replace the existing duplex dwelling with a new four storey mixed use building supporting commercial uses at grade and residential dwelling units above.

The subject lands are located within the Jackson Creek Special Policy Area of the City of Peterborough Official Plan. The applicant has provided information to demonstrate that on a conceptual level, the development/redevelopment does not adversely impact existing properties upstream or downstream as a result of increasing flood levels and/or velocities and that safe access and egress to the site could still be provided. Additional information will be required at the Site Plan Approval stage of development.

The application is supported by a Planning Justification Report prepared by Kevin Duguay, KMD Community Planning and Consulting Inc., dated December 18, 2013. The Planning Justification Report details the proposed parking requirements based on the minimum parking standards within the City of Peterborough Zoning By-law. The lands form part of a campus of properties, subject to a Site Plan Agreement and cross easements for the purposes of parking and shared amenities. Based on the parking calculations provided by the applicant, the subject lands will generate the requirement of

a minimum of 36 parking spaces. A total of 23 spaces will be wholly provided on the subject property, and the balance will be accommodated on the adjacent lands known as 5 and 1 Fleming Place.

The property is surrounded by a mix of land uses including residential and parkland to the north, mixed residential and commercial to the west, and commercial to the south and east on the opposite side of Aylmer Street North.

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 new building for a mixed use commercial/residential will comply with the intent and purpose of the Commercial Core 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.

In addition, the lands are also situated within the floodplain of Jackson Creek and the Jackson Creek Special Policy Area. The applicant has provided information to ORCA to demonstrate that the development/redevelopment will not adversely impact existing properties upstream or downstream, and that safe access and safe parking can be provided.

The proposed amendment contemplates a mix of uses in the building including residential and commercial uses in keeping with the Commercial Core Uses Area policies of the Central Area. The amount of floor space dedicated to commercial uses will be limited to the amount of parking available off-street. In order to facilitate shared driveway and parking facilities, the Committee of Adjustment has approved long term easements over the adjacent lands that form part of the overall Site Plan. This allows for vehicle movement and shared driveway access between the properties included in the Site Plan. These provisions satisfy the Official Plan objective to ensure adequate parking and buffering are provided to minimize the impact on the surrounding area.

b) Zoning By-law

The subject property is currently zoned C.6 – Commercial District and R.5 – Residential District. The owner/applicant proposes to amend the zoning the lands to a modified C.6 – Commercial District to permit the introduction of commercial uses at the ground floor with residential above, together with site specific regulations related to landscaped open

space/planting strip and Building Floor Area Ratio. In addition, Planning Staff recommend a site specific provision to permit a portion of the parking to be provided on the adjacent lands, forming part of the campus, however, kept in separate title.

The uses permitted in the C.6 – Commercial District are consistent with those contemplated by the Commercial Core policies of the Official Plan. Flexibility in zoning regulations related to landscaped strips adjacent to residential development within the same campus of buildings and building floor area ratio will ensure consistency of development within the block and facilitate shared parking and driveway facilities.

The property is located adjacent to a public park (Fleming Park) to the north. The applicant proposes to retain the subject lands as a single parcel. The lands to the west, although included in the same Site Plan Agreement, are held in separate title and different zoning. The applicant has requested exemption from the 9m landscaped strip requirement along the most westerly lot line of the subject properties currently known as Part of 11 Fleming Place, to facilitate the construction of a new mixed use building adjacent to a walkway and shared parking facilities, as represented on the approved Site Plan.

The building floor area ratio proposed for the subject lands is 1.743 (Total Building Floor Area/Lot Area). The maximum building floor area ratio is 1.2m. The combination of the existing and proposed buildings on the same property will increase the ratio and as such, the applicant has requested an exception to permit a ratio of up to 2.0. The proposed 4 storey building is compatible with the existing 5 storey building on the site.

The parking requirements for the development are intended to be met within the block via formal easement arrangements between the properties. A portion of the required parking can be accommodated on the subject lands, however, the balance will be provided within the block, as included on the Site Plan. As such, Planning Staff recommend that an exception be included in the zoning to permit off street parking within 50m of the subject lands.

Exception 291 is proposed to be added to the Comprehensive Zoning By-law and assigned to the property to address the reduction in the landscaped strip and to permit the off-site parking. Alternative regulation 15f is proposed to accommodate an increase in the maximum building floor area ratio from 1.2 to 2.0. These provisions are reflected in the proposed zoning attached as Exhibit 'C' to Report PLPD14-032.

A Site Plan Agreement is currently in process, and will be revised to reflect the new development and ensure long term maintenance of the property, registered on title, and binding for future owners. As a condition of Site Plan Approval, the owners will be required to merge the three parcels included in the subject lands.

Response to Notice

a) Significant Agency Responses:

Agency circulation was issued on March 18, 2014.

The City's Utility Services Department noted that the Site Plan associated with the on-going construction will require revision to reflect the proposed development. Parking, grading, servicing, stormwater management and the Jackson Creek floodplain are among the considerations.

Otonabee Conservation has reviewed the conceptual letter report related to the flood storage loss compensation within the Jackson Creek Special Policy Area provisions. ORCA is satisfied at a conceptual level that the proposed new building will not adversely impact existing properties upstream or downstream as a result of increasing flood levels and/or velocities and that safe access and egress to the site could still be provided. Additional details will be required at Site Plan Approval stage.

Peterborough Utilities has provided comment with regard to electrical servicing and advise that servicing easements may be required to facilitate the project.

Peterborough Architectural Conservation Advisory Committee (PACAC) notes that the property is part of a unique heritage area within the city, and the committee is suggesting that a Heritage Impact Study regarding the proposed development be completed.

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 on April 11, 2014 and Notice of Public Meeting was issued by direct mail and by newspaper advertisement (Peterborough Examiner) on May 20, 2014. The notice complies with the requirements of **The Planning Act**.

No written comments have been received as of June 5, 2014.

Submitted by,

Ken Hetherington
Manager, Planning Division

Prepared by,

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Land Use Planner

Concurred with,

Malcolm Hunt, Director
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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 # z1403

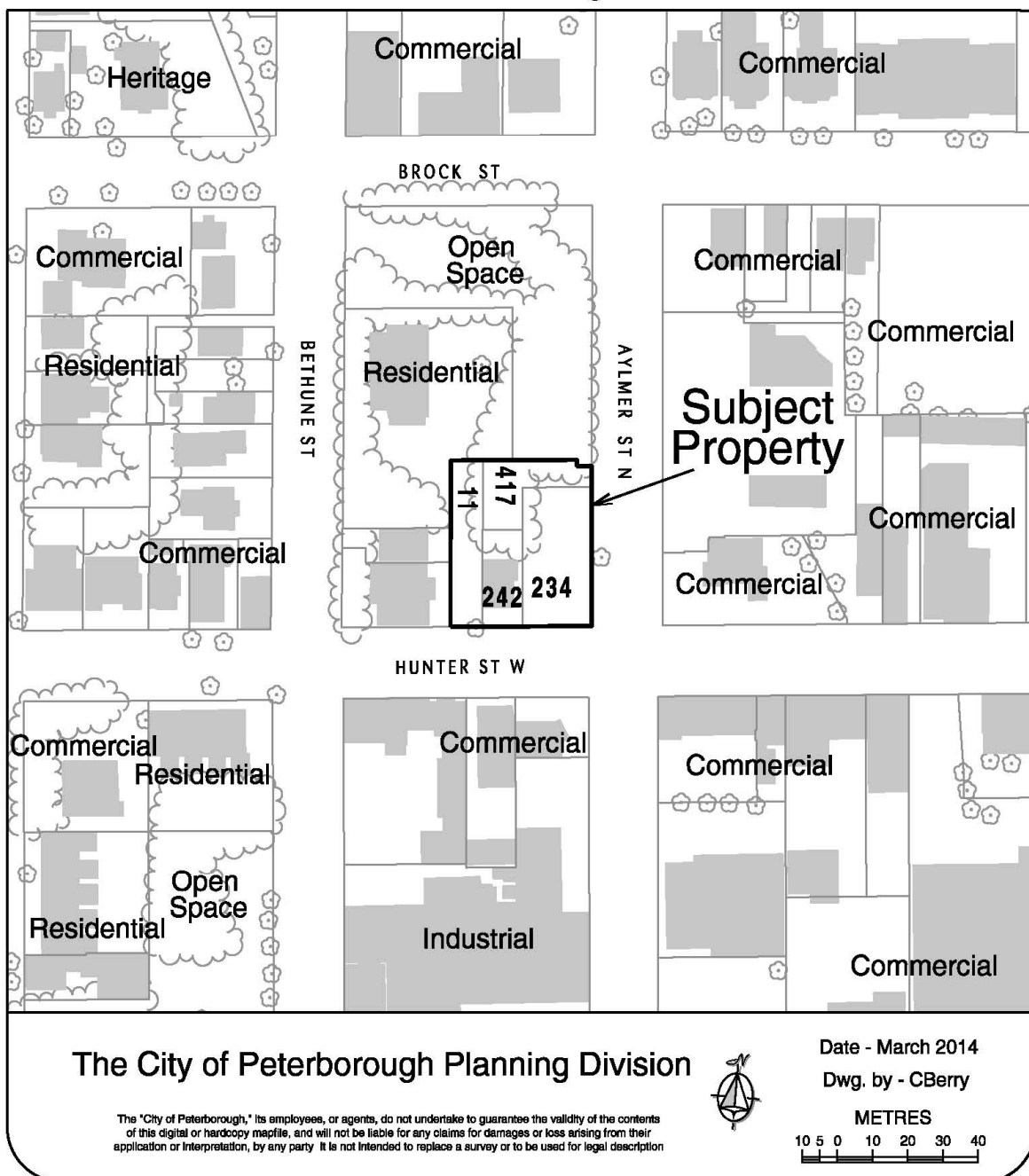
Property Location: 417 Aylmer St, 234,242 Hunter St W
& Part of 11 Fleming Pl

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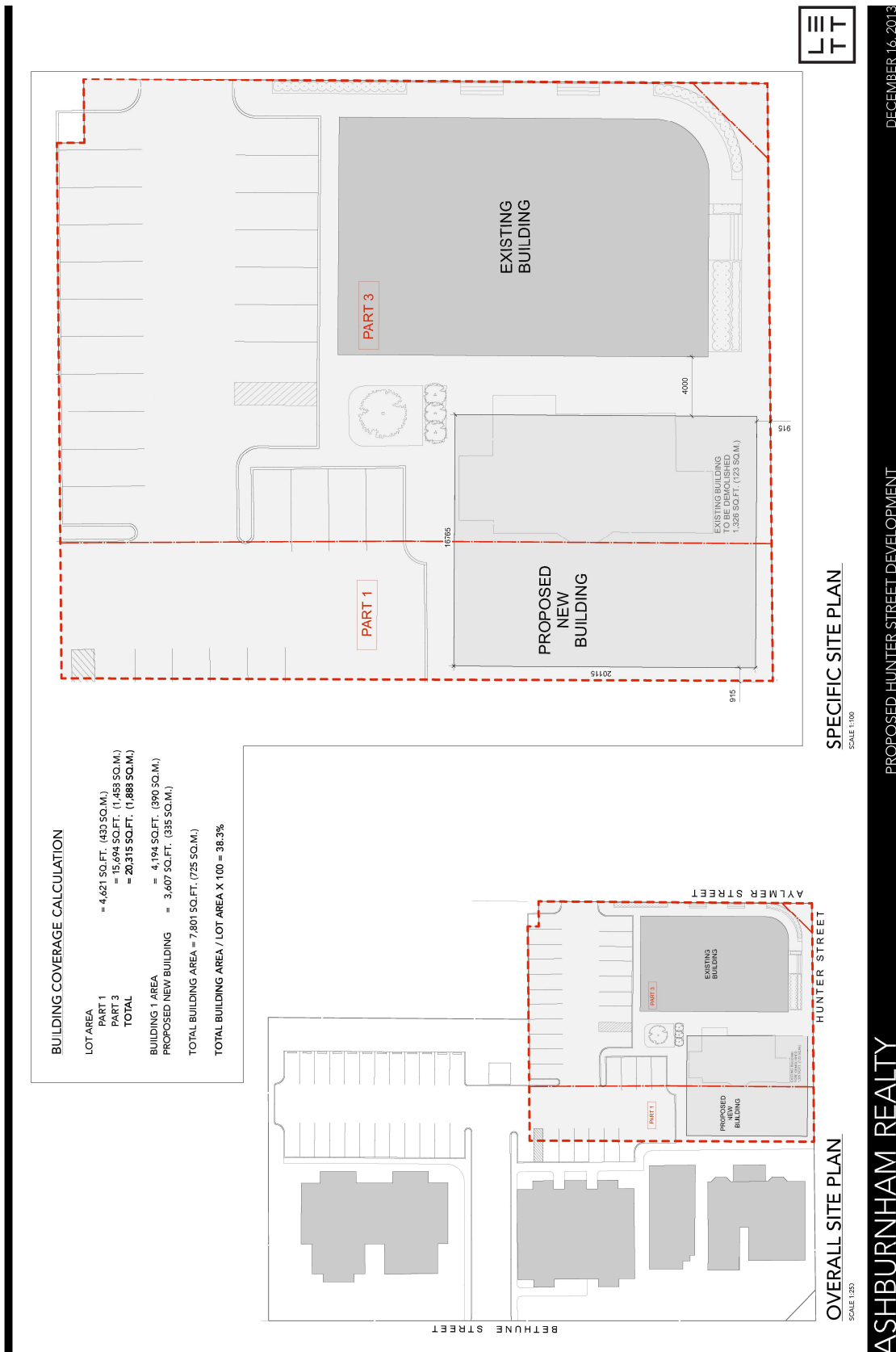


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The Corporation of the City of Peterborough

By-Law Number 14-

Being a By-law to Amend the Zoning By-law for the properties known as 417 Aylmer Street North, 234-242 Hunter Street West and Part of 11 Fleming Place

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:

291. 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.

Notwithstanding the provisions of Section 18.2, landscaped open space including a planting strip shall not be required along the westerly lot line.

2. That Map 12d 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.5 and C.6 to C.6,15f - 291.

By-law read a first, second and third time this day of , 2014.

Daryl Bennett, Mayor

John Kennedy, City Clerk

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