



City of  
**Peterborough**

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**To: Members of the Planning Committee**

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

**Meeting Date: January 19, 2015**

**Subject: Report PLPD15-001  
417 Bethune Street**

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## **Purpose**

A report to evaluate the planning merits of amending the Zoning By-law for the property known as 417 Bethune Street from the C.1 – Commercial District to a modified C.1 – Commercial District to permit the use of the property for a mix of commercial (including an office) and residential uses with a reduced parking ratio of 1 space per dwelling unit for the residential component.

## **Recommendations**

That Council approve the recommendations outlined in Report PLPD15-001 dated January 19, 2015, of the Manager, Planning Division, as follows:

- a) That Section 3.9 Exceptions of Zoning By-law 1997-123 be amended by adding Exception No. 296 in accordance with Exhibit 'C' attached to Report PLPD15-001.
- b) That the zoning of 417 Bethune Street be amended from the C.1 - Commercial District to the C.1 – 296 'H' – Commercial District in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD15-001.
- c) That the 'H' – Holding Symbol be removed subject to the following:
  - i) The owner entering into an agreement for cash-in-lieu of parking for the number of on-site parking spaces deficient on the property;
  - ii) A lot grading and stormwater drainage plan, approved by the City's Utility Services Department.

## Budget and Financial Implications

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

## Background

The subject application was received on August 13, 2014, deemed to be complete as of September 8, 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 January 7, 2015 if Council has not made a decision.

The subject property is approximately 540 m<sup>2</sup> (5812 ft.<sup>2</sup>) in size, located on the west side of Bethune Street, between Hunter Street and Brock Street. The property recently supported a single storey commercial building (Trent Photographics) with parking in the front yard adjacent to Bethune Street. A new two storey building is under construction on the property, in accordance with the existing C.1 Zoning and associated Minor Variance. Parking is proposed to be reduced to a total of 3 parking spaces in the front yard. The Minor Variance, as approved by the Committee of Adjustment in August 2013, permits the reduced floor area requirements for residential apartment units; a total of 174.5m<sup>2</sup> (1878 ft<sup>2</sup>) of residential floor space and 34m<sup>2</sup> (366 ft<sup>2</sup>) of commercial floor space; reduces the minimum lot width to permit three residential apartments; recognizes the established lot coverage and setbacks; and reduces the minimum number of parking spaces from 5 spaces to 4 spaces for 3 residential units and 34 m<sup>2</sup> of commercial space within the proposed building.

The property is surrounded by a mix of land uses including commercial and residential uses and is located within the Transitional Uses Area on the periphery of the Central Area Commercial Core. The property can be accessed from Bethune Street (Collector Street) which currently supports on street parking on both sides. A key strategy of the Central Area Master Plan is to provide a trail link from the Trans Canada Trail where it exits at Brock Street and Bethune Street to Townsend Street, to connect with the Crawford Trail extension. As part of the Terms of Reference for the rebuilding of Bethune Street, a Land Use/Urban Design Study is to be undertaken to establish a vision for the street. The conclusions of the Land Use/Urban Design Study will guide the streetscape design, which will include the trail. One of the objectives for the Bethune Street reconstruction project will be to include on-street parking on at least one side of the street.

The current C.1 Zoning District does not include office as a permitted use. Variances were granted by the Committee of Adjustment to allow the amount of residential space to exceed the amount of commercial floor space on the property.

## 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 small scale, 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 417 Bethune Street is subject to the Transitional Uses Area Policies included in Sub-Area 5 (Section 4.3.2.2.6) of the Official Plan. These lands are intended to provide a transition from the Commercial Core and Waterfront Commercial Areas and the residential areas outside of the Central Area. The designation recognizes that diverse uses already exist within this area and anticipates additional development and redevelopment for high and medium density residential uses, small scale office and studio uses, and home based business uses under relaxed zoning regulations.

Redevelopment and introduction of new or intensified uses are expected to be compatible with existing buildings; minimize impact on adjacent low density residential areas with regard to parking, buffering, landscaping and setbacks; provide pedestrian linkages with the adjacent Commercial Core Area; focus developments that generate significant traffic on arterial or collector streets; and recognize natural amenities of the site.

The proposed mixed use of the property for residential apartments and small scale office use are the type of uses contemplated in the Transitional Uses Area District. The property was subject of a Minor Variance Approval that facilitated the intensification of the building form by way of adding a storey and maintaining the former building footprint. The site is limited, however, with regard to the ability to provide parking. Flexibility in the approach to parking by way of permission to allow the owner to enter into an agreement for the payment of cash-in-lieu of parking can be supported to address the parking regulations in consideration of the proximity of the lands to the Commercial Core and public parking facilities.

The neighbourhood is characterized by a combination of commercial 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 C.1 – Commercial District, permitting a mix of residential and small scale local commercial uses with the majority of the floor space dedicated to the commercial uses, subject to compliance with the minimum regulations. The C.1 Zoning District does not permit an office use. The applicant is proposing, therefore, to amend the zoning to permit a small scale office use, together with residential apartments. It is intended that the floor space dedicated to the residential units be permitted to exceed the amount of commercial space within the building and/or allow for the conversion of the commercial space to a fourth residential unit.

The existing C.1 Zoning District, together with the variances granted to permit the replacement of the former commercial building on the property, provides for uses that are consistent with the Transitional Uses Area policies of the Official Plan. Small scale office use is not listed as a permitted use in the C.1 Zoning District however, and special provision is required to include this use. In addition, the reduction in on-site parking must be addressed.

The proposed building is intended to support a total of three residential apartment units as well as one commercial unit on the ground floor. The applicant also wishes to maintain flexibility in zoning to permit the conversion of the commercial space to residential space in the future, resulting in a total of 4 residential units. The site plan submitted with the application proposes to provide 1 parking space within a garage and 3 parking spaces on the site. Planning Staff is concerned about the viability of the parking spaces as shown on the concept site plan. The parking space within the garage is not accessible with a vehicle due to size of the door and the most southerly space requires backing out onto Bethune Street. The property is located on the periphery of the Commercial Core where municipal parking facilities and a cash-in-lieu of parking policy have been established. There is currently street parking along both sides of Bethune Street.

The location of the property on the west side of Bethune Street, is situated at the boundary of the Commercial Core Area and Area 1 from a parking perspective. Its location on a collector street in an area well served by public parking supports the payment of cash-in-lieu of parking otherwise required to be provided on site. The City's Official Plan contains provisions which support the payment of a sum of money in lieu of providing parking on site for properties within the Central Area. The monies collected by the City are required to be placed in a special fund whereby the City acquires and maintains public parking in the Central Area – particularly in the Commercial Core.

It is appropriate to assign an exception to the C.1 Commercial District, subject to a provision to require the payment of cash-in-lieu of parking, in order to add small scale office to the list of permitted uses and to recognize by zoning the site specific regulations approved by the Committee of Adjustment.

The owner will be required to enter into an agreement and provide the City with a payment at a set rate based on the number of parking spaces required, but deficient on site. In this instance, the total number of parking spaces required is 6 spaces (based on 85 m<sup>2</sup> of office space and 3 apartment units). If the owner is able to provide 2 parking spaces on site, a cash-in-lieu payment for 4 spaces will be required.

Staff recommend that an 'H' Holding Symbol be affixed to the zoning and the removal of the 'H' Holding Symbol be conditional upon the submission of a lot grading and stormwater drainage plan to ensure appropriate drainage. In addition, the removal of the 'H' Holding Symbol will also require the owner to enter into an agreement to provide for the payment of cash-in-lieu of parking for the total number of spaces required but not provided on site.

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

## **Response to Notice**

### **a) Significant Agency Responses:**

Agency circulation was issued on October 23, 2014 and the following comments received.

The City's Utility Services Department provided comment regarding the rezoning application recommending Site Plan Approval to address site specific issues such as grading and stormwater management and cash-in-lieu of parkland where required. Parkland payment is required as a condition of the previously approved Minor Variance and a lot grading and stormwater drainage plan requirement is proposed as a condition of the removal of the 'H' Holding symbol.

Peterborough Utilities has indicated that Development Charges on the net increase are applicable and that the Developer is required to determine the adequacy of the existing 19mm water service for the proposed use. The Developer is further advised of the Regulations for electric heating.

Otonabee Conservation notes that the Jackson Creek floodplain meets the front property line along Bethune Street, however, safe access can be provided, therefore there is no objection to the application. A permit is required from ORCA prior to any fill placement, grade alterations or construction taking place in the regulated area.

Fire Services have noted that the new development will need to meet applicable Building and Fire Code requirements.

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 Public Meeting was issued by newspaper advertisement (Peterborough Examiner) on December 15, 2014 and by direct mail on December 16, 2014. The notice complies with the requirements of the Planning Act.

No written comments have been received as of January 5, 2015.

Submitted by,

Ken Hetherington  
Manager, Planning Division

Prepared by,

Concurred with,

Caroline Kimble  
Land Use Planner

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

Files: z1416

Property Location: 417 Bethune St

EXHIBIT A

SHEET 1 OF 1

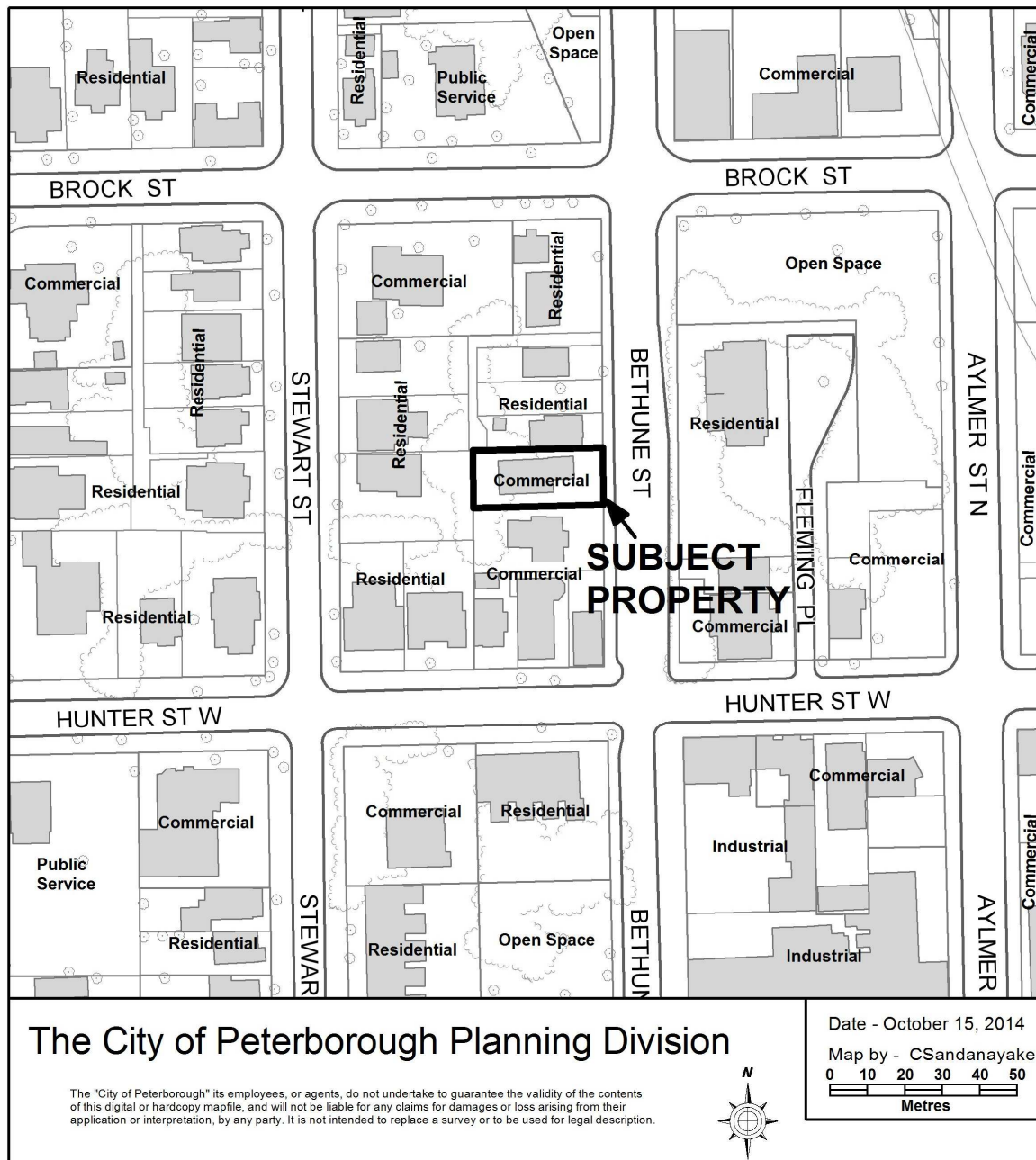
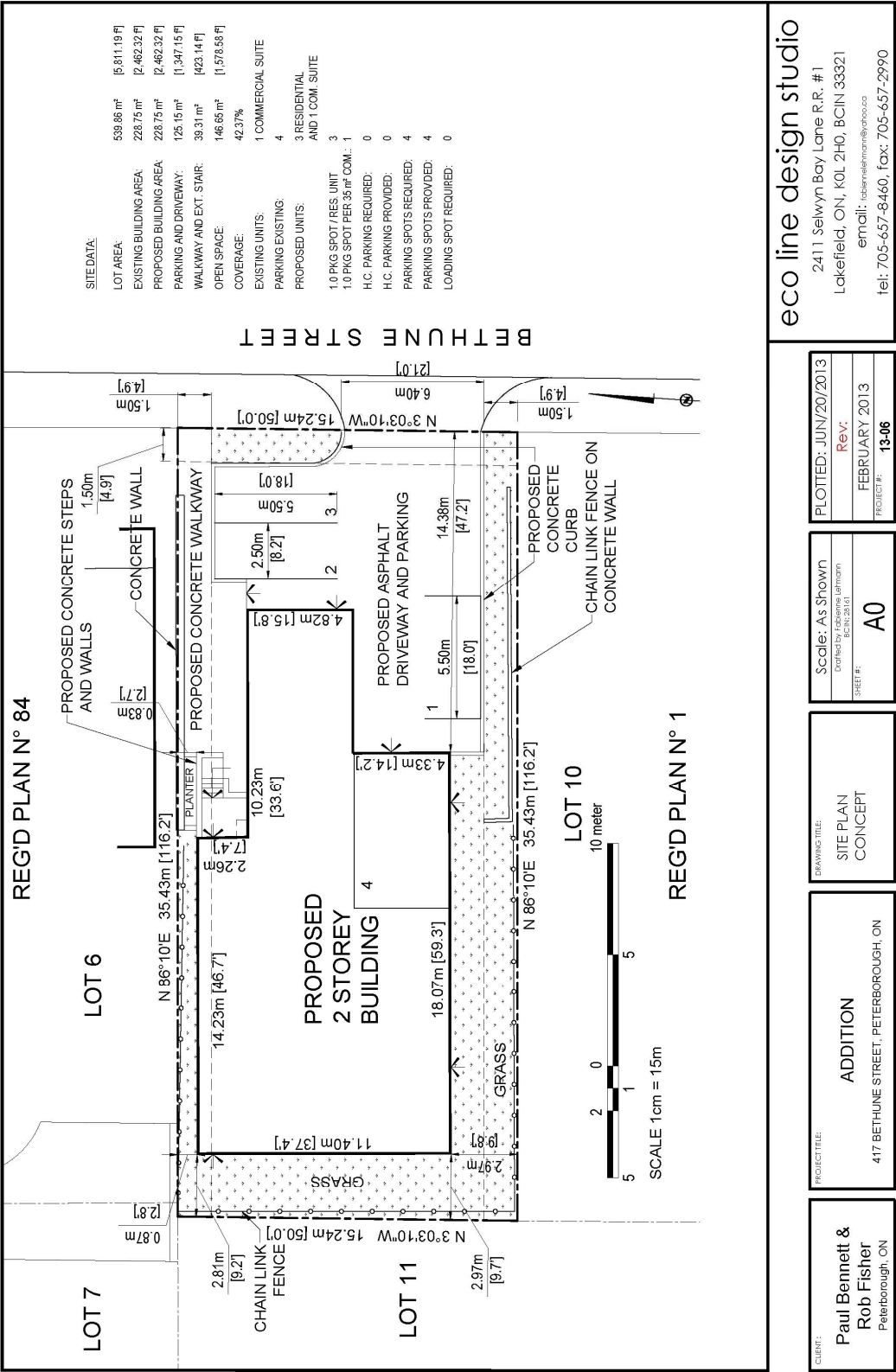


Exhibit B, Page 1 of 1





## Exhibit C, Page 1 of 2



### The Corporation of the City of Peterborough

#### By-Law Number 15-

Being a By-law to Amend the Zoning By-law for the property known as 417 Bethune Street

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

1. That Map 12c 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 C.1 to C.1-296'H'.
2. Section 3.9 – Exceptions, is amended by adding the following:  
  
".296 Notwithstanding the permitted uses, "an office with a maximum floor area of 300m<sup>2</sup>" is a permitted use. Notwithstanding the parking regulations of Section 4 – Parking Regulations a minimum of 1 parking space per residential unit shall be provided and maintained."
3. That the 'H' Holding Symbol be removed subject to:
  - i) The owner entering into an agreement for cash-in-lieu of parking for the number of on-site parking spaces deficient on the property; and
  - ii) A lot grading and stormwater drainage plan, approved by the City's Utility Services Department

By-law read a first, second and third time this      day      , 2015.

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Daryl Bennett, Mayor

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John Kennedy, City Clerk

