



City of
Peterborough

To: **Members of the General Committee**

From: **Cynthia Fletcher**
Commissioner of Infrastructure and Planning Services

Meeting Date: **March 1, 2021**

Subject: **Report IPSPL21-006**
Zoning By-law Amendment for 159 Aylmer Street North

Purpose

A report to evaluate the planning merits of amending the zoning of the property known as 159 Aylmer Street North from the existing SP.85 – Commercial District to a modified SP.85 – Commercial District, to include a clinic use, consistent with the Industrial Conversion Area policies of the Central Area in the City's Official Plan.

Recommendations

That Council approve the recommendations outlined in Report IPSPL21-006, dated March 1, 2021, of the Commissioner of Infrastructure and Planning Services, as follows:

- a) That the SP.85 – Commercial District be modified to add 'a clinic' as a permitted use and update regulations 115.3(g), (h), and (j) in accordance with Exhibit 'C' attached to Report IPSPL21-006.
- b) That the SP.85 – H – Commercial District, as modified, apply to the lands known as 159 Aylmer Street North, in accordance with Exhibit 'C' attached to Report IPSPL21-006;
- c) That the 'H' Holding Symbol be removed at such time as Site Plan Approval is granted in accordance with City requirements, to address changes to the parking area and landscape space.

Budget and Financial Implications

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

Background

The subject property is located at the southwest corner of Aylmer Street North and Wolfe Street in the City's Central Area. The subject property has supported commercial uses since at least 1977, when the lands were rezoned to permit a small-scale office use in the existing building. Prior to the rezoning in 1977 the existing building on the property contained three residential dwelling units. The property is listed on the City's Heritage Register.

The current parking area to the south and west of the existing building is accessible from Aylmer Street North and a private laneway from Wolfe Street, adjacent to the westerly side lot line.

The property owner seeks to amend the current SP.85 – Commercial Zoning District to add 'a clinic' to the list of permitted uses, reduce the minimum floor area per dwelling unit from 70 square metres to 40 square metres, and to remove regulations 115.3(h) and (j) to reflect the size of the second storey for a dwelling unit and the existing parking area. The property owner intends to re-establish a residential dwelling unit in the second storey, in addition to the clinic on the main floor.

Analysis

a) Provincial Policy Statement, 2020 (PPS)

Any decision on the proposed Zoning By-law Amendment must be consistent with the PPS which came into effect on May 1, 2020. The PPS provides general direction to municipalities with respect to addressing matters of provincial interest in land use planning.

Section 1.1.1 of the PPS states that healthy, liveable and safe communities are sustained by, among others, accommodating an appropriate affordable and market-based range and mix of residential types, employment, institutional, recreation, park and open space, and other uses to meet long term needs.

Section 2.1 and 2.2 of the PPS provide policy direction regarding the wise use and management of resources to protect natural heritage features and water resources, respectively. Section 3.1 of the PPS provides policy direction on protecting public health and safety by directing development away from lands that are subject to natural hazards (flooding and erosion hazards, for example) and human-made hazards (e.g. former

mineral aggregate operations). Mapping indicates that the subject property is located outside of any known floodplain or erosion hazard. The subject property is also not located within 120 metres of any known natural heritage features of significance.

Otonabee Region Conservation Authority has reviewed the proposed development and is of the opinion that the proposal is consistent with the policies of Sections 2.1, 2.2 and 3.1 of the PPS. It is the opinion of staff that the proposed amendment is consistent with the PPS.

b) **A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan)**

Any decision on the proposed Zoning By-law Amendment must conform with the policies of the Growth Plan. The Growth Plan builds upon the policy foundation of the PPS by providing land use planning policies to address specific issues in the Greater Golden Horseshoe. The subject property is located within the City's Urban Growth Centre as defined in the Growth Plan. Accordingly, the property is subject to both general policies in the plan and to policies that are specific to the Urban Growth Centre.

The Urban Growth Centre is a component of the City's Delineated Built-Up Area which is expected to accommodate significant population and employment growth. Urban Growth Centres are planned as the focal areas for investment in regional public services facilities, as well as commercial, recreational, cultural and entertainment uses. Over the timeline of the Growth Plan, the City is planned to achieve a density of 150 residents and jobs per hectare in its Urban Growth Centre.

It is the opinion of staff that the proposed amendment conforms with the policy direction of the Growth Plan.

c) **City of Peterborough Official Plan**

The subject property is located within the Central Area of the City and designated 'Commercial' on Schedule 'A' – Land Use and 'Industrial Conversion Area' on Schedule 'J' – Central Area. The property is located within the City's Urban Growth Centre. The Industrial Conversion Area policies provide flexibility to permit sites in this area to be used for a wide variety of uses, including retail commercial, office and studio uses, institutional and recreational uses, service commercial and service industrial activities. A clinic is considered to be a service commercial use, which is permitted in the Industrial Conversion Area.

In implementing the Industrial Conversion Area policies, the proposed Zoning By-law Amendment to add 'clinic' as a permitted use conforms to the goals and objectives of the Official Plan.

d) **City of Peterborough Zoning By-law**

The current SP.85 Commercial Zoning District limits the commercial uses to an office use on the ground floor of the existing building. It does not provide the full range of commercial uses envisioned by the Industrial Conversion Area policies of the Official Plan.

The application seeks to broaden the permitted uses to add 'a clinic' to the list of permitted uses, reduce the minimum floor area per dwelling unit from 70 square metres to 40 square metres and to remove regulations 115.3(h) and (j) to facilitate the ongoing use of the existing parking area. The existing parking area footprint on the property is sufficient for providing the minimum parking requirements for a residential dwelling unit and a clinic in Parking Area 1, being one space for a dwelling unit and three spaces per practitioner or one per 37 square metres of floor area, whichever is greater. With one practitioner, the proposed development generates the requirement of four parking spaces. The concept plan submitted with the application shows eight parking spaces, including one accessible space. If additional practitioners are added to the clinic in the future that generates a parking requirement greater than what can be provided on site, the subject property is eligible to provide cash-in-lieu of parking for those spaces.

The parking area does not encroach on the 1.5-metre-wide landscaped open space requirement along the Wolfe Street and Aylmer Street North street lines. It is recommended that regulation (h) is then modified to remove the landscaped open space requirement along side lot lines, but to maintain the 1.5-metre-wide landscaped open space along the street lines, except where interrupted by driveways.

The effect of the amendment is to offer the opportunity for the subject property to expand the range of commercial uses to implement the Central Area – Industrial Conversion Area policies as set out in the Official Plan.

It is recommended that the zoning of the lands be amended to permit a clinic as a permitted use of the subject property, modify the minimum floor area requirements and remove regulations for landscaped open space and the location of vehicle parking spaces.

The proposed 'H' Holding Symbol is intended to ensure that the owner enters into a Site Plan Agreement with the City to address the parking layout, drainage, landscaped space, exterior lighting and signage required to ensure that the lands function in keeping with urban design standards.

e) **Site Development**

The property owner has submitted a concurrent application for Site Plan Approval. City Staff are working with the owner to formalize the Site Plan. The intent of the Site Plan Approval is to ensure that the traffic circulation, parking layout, pedestrian movement, landscaping and stormwater management will be appropriate to support the proposed clinic and residential use of the property in accordance with appropriate urban design principles. The removal of one parking space to the west of the building adjacent to the laneway access to Wolfe Street will balance the amount of impervious surface so that the introduction of an accessible parking space has negligible impact on surface drainage. In that regard, the applicant has revised the concept site plan to eliminate parking space #1 adjacent to the Wolfe Street driveway and replace it with landscaping to facilitate drainage. It is anticipated that the approval of the associated Site Plan Application will occur very soon after the Zoning Amendment and facilitate issuance of a building permit as soon as approvals are granted.

Response to Notice

a) **Significant Agency Responses**

Agency circulation was issued on November 2, 2020.

The Infrastructure Management Division has indicated that it has no objection to the proposed rezoning subject to the applicant providing the City with a 5 metre by 5 metre daylighting triangle at the northeast corner of the property and an assessment of site imperviousness pre and post-development.

There are no significant concerns or comments from other agencies or departments.

b) **Summary of Public Responses**

No written comments have been received as of January 26, 2021.

Submitted by,

Cynthia Fletcher
Commissioner of Infrastructure and Planning Services

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Attachments:

Exhibit A – Land Use Map
Exhibit B – Revised Concept Site Plan
Exhibit C – Draft Zoning By-law Amendment

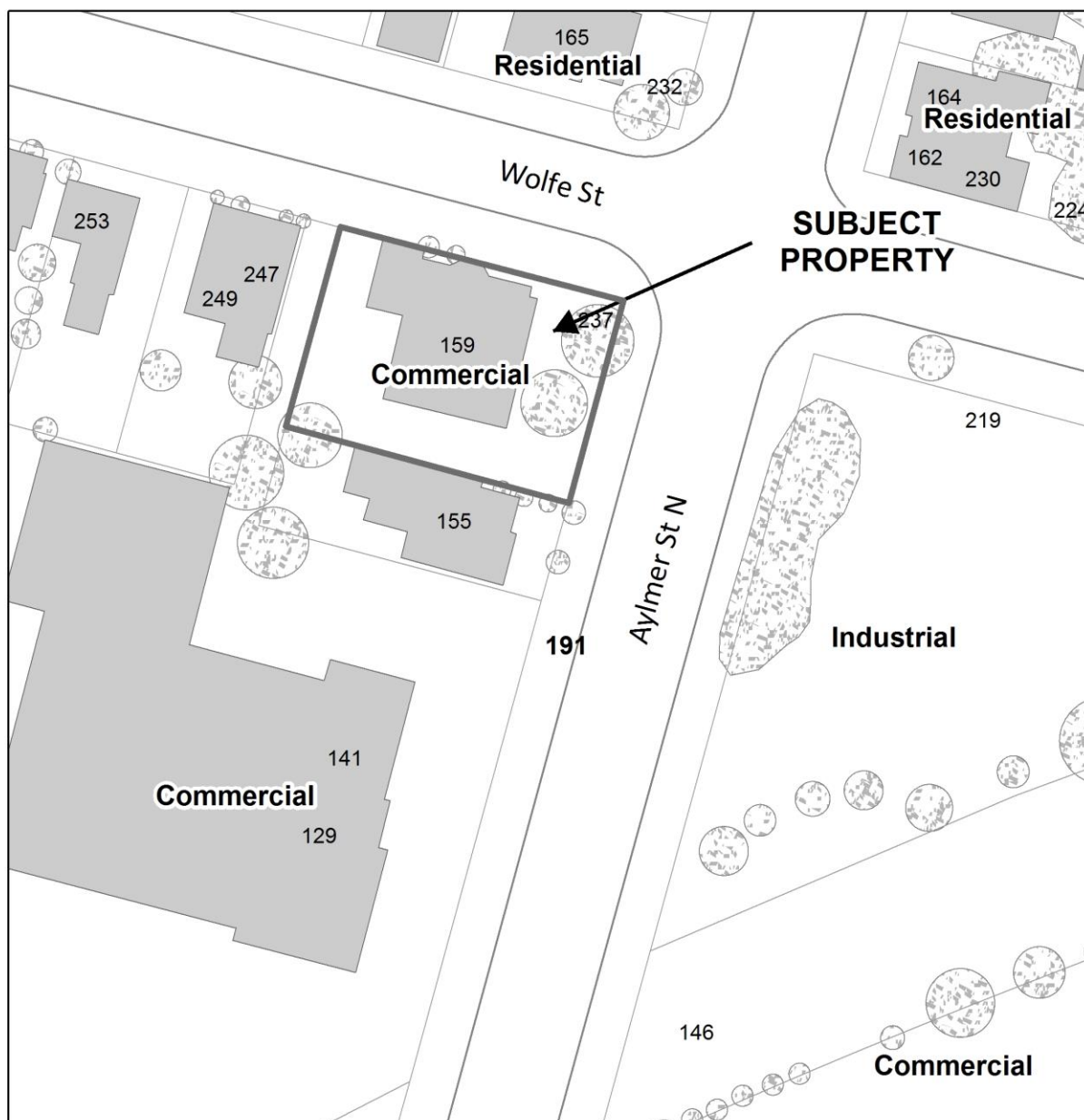
Exhibit A – Land Use Map

Land Use Map

File: Z20010

Property Location: 159 Aylmer St. N

EXHIBIT
SHEET OF



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 handcopy mapfile, and will not be liable for any claims for damage or loss arising from their application or interpretation, by any party. It is not intended to replace a survey or to be used for a legal description.



Date: October 6, 2020

Map by: ANichols

0 2.5 5 10 15 20 25 Metres

Exhibit B – Revised Concept Site Plan

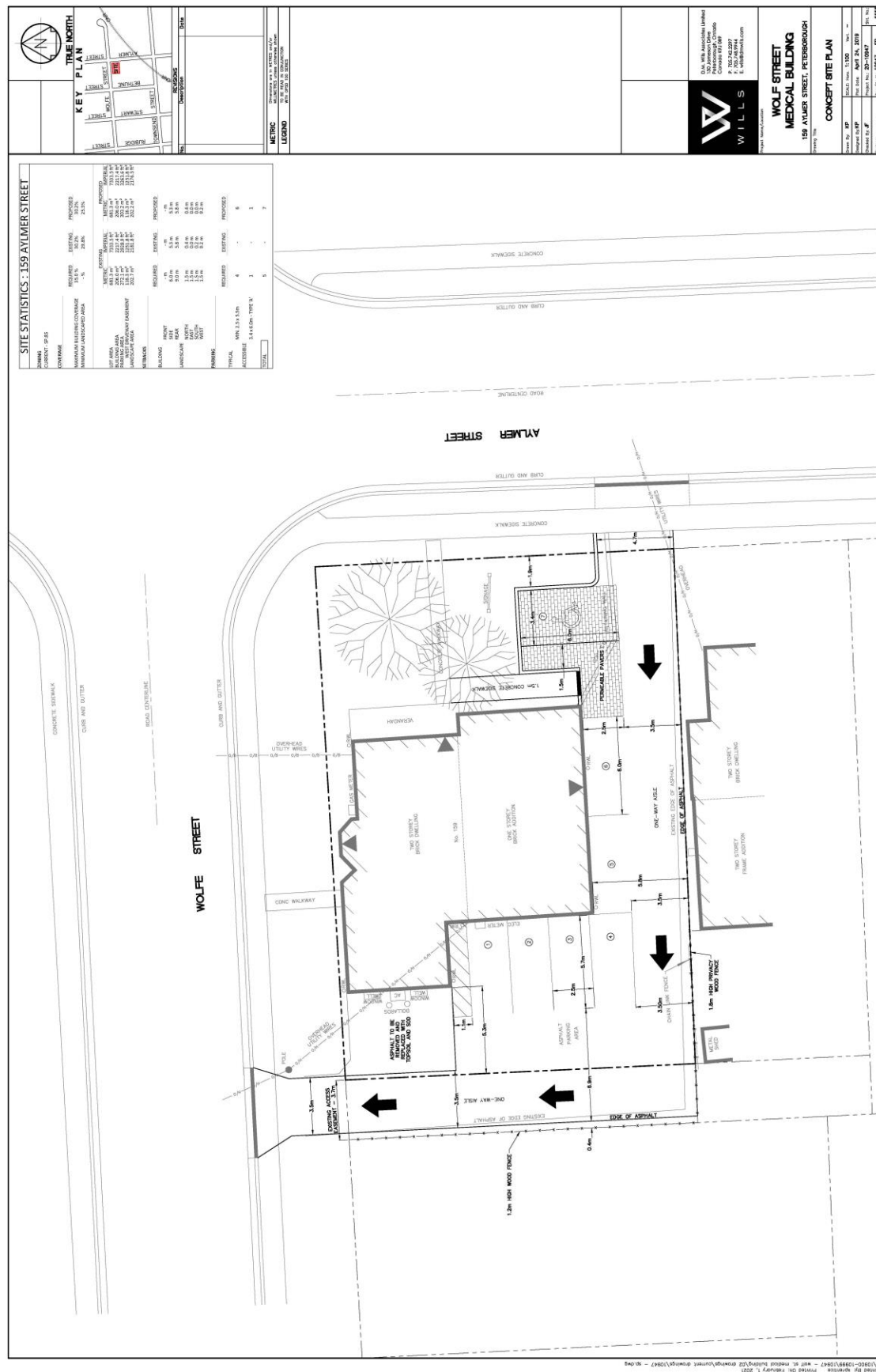


Exhibit C – Draft Zoning By-law Amendment- Page 1 of 2



The Corporation of the City of Peterborough

By-Law Number 21-

Being a By-law to amend the Zoning By-law for the lands known as 159 Aylmer Street North

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

1. That Section 115 – Special District 85 (SP.85) be amended as follows:
 - a. Section 115.2 be amended to add “c) a clinic”;
 - b. Section 115.3 (g) be amended to reduce the minimum floor area per dwelling unit from 70 square metres to 40 square metres;
 - c. Section 115.3 (h) be amended to replace “landscaped open space of a minimum width of 1.5 metres shall be provided and maintained along the street line and side lot lines” with “landscaped open space shall be provided and maintained along street lines at a minimum of the existing or 1.5 metres provided such open space may be interrupted by driveways”; and
 - d. Section 115.3 (j) be deleted.
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 ‘SP.85’, to ‘SP.85 H’.
3. That the ‘H’ Holding Symbol be removed at such time as Site Plan Approval is granted for the redevelopment of the property.

By-law read a first, second and third time this day of March, 2021.

Diane Therrien, Mayor

John Kennedy, City Clerk

Exhibit C – Draft Zoning Amendment - Page 2 of 2

