



City of
Peterborough

To: **Members of the General Committee**

From: **Jasbir Raina, Commissioner of Infrastructure and Planning Services**

Meeting Date: **May 1, 2023**

Subject: **Zoning By-law Amendment for 823 Park Street South, Report IPSPL23-013**

Purpose

A report to evaluate the planning merits of amending the zoning of 823 Park Street South from Special District 4 (SP.4) – Commercial District to a modified SP.4 – Commercial District which would add office and clinic, except for a veterinary clinic, uses to the list of permitted uses.

Recommendations

That Council approve the recommendations outlined in Report IPSPL23-013, dated May 1, 2023, of the Commissioner of Infrastructure and Planning Services as follows:

- a) That Special District 4 (SP.4) of Zoning By-law 97-123 be amended in accordance with the draft amendment attached as Exhibit 'C' to Report IPSPL23-013;
- b) That the property at 823 Park Street South be rezoned from SP.4 – Commercial District to SP.4-H – Commercial District in accordance with the draft amendment attached as Exhibit 'C' to Report IPSPL23-013; and
- c) That the 'H' – Holding Symbol be removed at such time as a daylighting triangle at the northeast corner of the property, measuring 8.0 metres along Park Street South and 5.0 metres along Brioux Avenue, is conveyed to the City.

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 the intersection of Park Street South and Brioux Avenue. The property currently supports a one-storey commercial building. The building was formerly the location of a branch of the Ganaraska Financial Credit Union and is now currently vacant.

Uses currently permitted in the SP.4 zoning district is limited to a bank. The applicant is proposing to add an office and a clinic, except for a veterinary clinic to the list of permitted uses on the subject property. The proposed amendment would permit the applicant to relocate the offices of their accounting practice to the subject property. The addition of the clinic use, except for a veterinary clinic is requested to facilitate additional flexibility in the use of the property in the future, if required. A minor modification to the parking layout on the property is proposed which would move an accessible parking space that is currently located in the Brioux Avenue road allowance to an area adjacent to the building with an appropriate pedestrian aisle. A reduction in the minimum drive aisle adjacent to a 90-degree parking space from 6.4 metres to 5.4 metres has been requested to facilitate the new parking layout.

The proposal was subject to a Pre-Consultation meeting held on August 11, 2022 and the Zoning By-law Amendment application was deemed complete on January 17, 2023.

The application was supported by the following documents:

- Planning Justification Report prepared by EcoVue Consulting Services Inc., dated December 21, 2022, and
- Sanitary Flow Assessment prepared by Engage Engineering Ltd., dated December 9, 2022.

Comments from agencies and departments from the first circulation were sent to the applicant on March 7, 2023. A revised Concept Site Plan and Memo describing how comments were addressed was received on March 15, 2023. The latest concept site plan is attached as Exhibit B to Report IPSPL23-011.

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, livable and safe communities are sustained by, among others, accommodating an appropriate affordable and market-based range and mix of residential unit types, employment, institutional, recreation, parks and open space, and other uses to meet long term needs.

Section 1.1.3 states that “settlement areas shall be the focus of growth and development” and Section 1.1.3.2 states “land use patterns within settlement areas shall be based on densities and a mix of land uses which: b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available and avoid the need for their unjustified and/or uneconomical expansion.”

Section 1.3.1 of the PPS requires municipalities to promote economic development and competitiveness by “a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long term needs; and b) providing opportunities for a diversified economic base, including maintaining a range and choice employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses”.

The subject property is located within the City’s settlement area boundary and is serviced with full municipal services and represents an efficient use of existing building stock without the need for expansion or extension of infrastructure consistent with the directives of the PPS. The property is located outside of areas of flooding and natural hazard.

It is the opinion of staff that the proposed Zoning By-law Amendment is consistent with the policy direction of the PPS.

b) **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 Delineated Built-Up Area as defined in the Growth Plan.

The Growth Plan requires that municipalities focus growth within Delineated Built-Up Areas and support the achievement of complete communities that feature a diverse mix of land uses, including residential and employment uses, and convenient access to local

stores, services and public service facilities (Section 2.2.1.3.4(a)). Furthermore, Section 2.2.5.3 seeks to promote economic development and competitiveness by directing retail and office uses to locations that support active transportation and have existing or planned transit.

It is the opinion of staff that the proposed Zoning By-law Amendment conforms with the policy direction of the Growth Plan.

c) Official Plan

The subject property is designated 'Residential' on Schedule 'A' – Land Use in the Official Plan.

The Residential designation is intended to provide areas for housing and other land uses that are integral to, and supportive of a residential environment. In addition to residential uses, the designation permits uses that are complementary to, or serve, the residential use "including local commercial uses, home occupation uses, public and institutional uses, parks and recreational areas, churches and special care facilities".

Local commercial policies are set out in Section 4.2.6 of the Official Plan. Permitted local commercial uses include: "... b) small scale office, studio and clinic uses ..." Small scale uses shall generally have a gross floor area of less than 300 square metres (Section 4.2.6.5). The existing building is approximately 230 square metres.

The application proposes to amend the existing zoning district to add an office and clinic, excluding a veterinary clinic to the list of permitted uses. Both proposed uses are permitted in the Residential designation through the local commercial policies and the size of the existing building satisfies the 'small scale' scale of development.

It is the opinion of staff that the proposed uses conform with the Official Plan and is in keeping with the policies of the Residential designation.

Through Section 5.4.2 of the Official Plan, it is intended that as a condition of a planning approval that the developer provided a conveyance for road widening where an abutting road does not meet the right-of-way width prescribed in Table 2. Section 5.4.3 states that "additional land for widening roads to improve site lines at intersections and provide grade separations may also be required". The right-of-way widths for Park Street South and Brioux Avenue were identified as deficient by the Infrastructure Management Division, however, those road segments are not identified in Table 2 of the Official Plan. In accordance with the City's Engineering Design Standards and section 5.4.3 of the Official Plan, a daylighting triangle measuring 8.0 metres along Park Street South and 5.0 metres along Brioux Avenue to improve sightlines at the intersection. To address this requirement, an 'H' – Holding Symbol is recommended as part of the rezoning, which would be removed once the daylighting triangle has been conveyed to the City.

d) Zoning By-law

The current SP.4 – Commercial District only lists a bank as a permitted use. The property was formerly a branch of the Royal Bank and most recently a branch of Ganaraska Financial Credit Union. The applicant is proposing to amend the SP.4 zoning district to permit an office and clinic, excluding a veterinary clinic, consistent with the local commercial policies in the Residential designation. The office use would facilitate the applicant to move the offices of their accounting firm to the subject property. The request to add the clinic, except for a veterinary clinic use is to provide increased flexibility in the use of property if such a time arises when they will no longer need it. The immediate location of a clinic facility utilizing this property is not contemplated as part of this application.

An additional regulation for the SP.4 zoning district is required to address a deficient drive aisle adjacent to a 90-degree parking space as a result of moving an accessible parking space from the Brioux Avenue road allowance to a location on the north side of the existing building. The Zoning By-law requires a minimum drive aisle width adjacent to a 90-degree parking space of 6.4 metres. The re-located parking space will result in a minimum drive aisle width of 5.4 metres. The additional regulation is proposed as follows:

- “i) Minimum width of a drive aisle serving parking spaces oriented perpendicular (90 degrees) to the aisle: 5.4 metres.”

Response to Notice**a) Agency Responses**

Agency circulation was issued on January 19, 2023.

There was no significant concerns or comments from agencies or departments with respect to the proposed rezoning of the subject property.

b) Summary of Public Responses

Notice of Public Meeting was issued by mail to property owners within 120 metres of the subject property and published in the Peterborough Examiner on April 3, 2023.

No written comments have been received from the public as of the writing of this report.

Submitted by,

Jasbir Raina, CEng., M.Tech, MBA, PMP, MIAM
Commissioner, Infrastructure and Planning Services

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Exhibits:

Exhibit A: Land Use Map
Exhibit B: Concept Plan
Exhibit C: Draft Zoning By-law Amendment

Exhibit A – Land Use Map

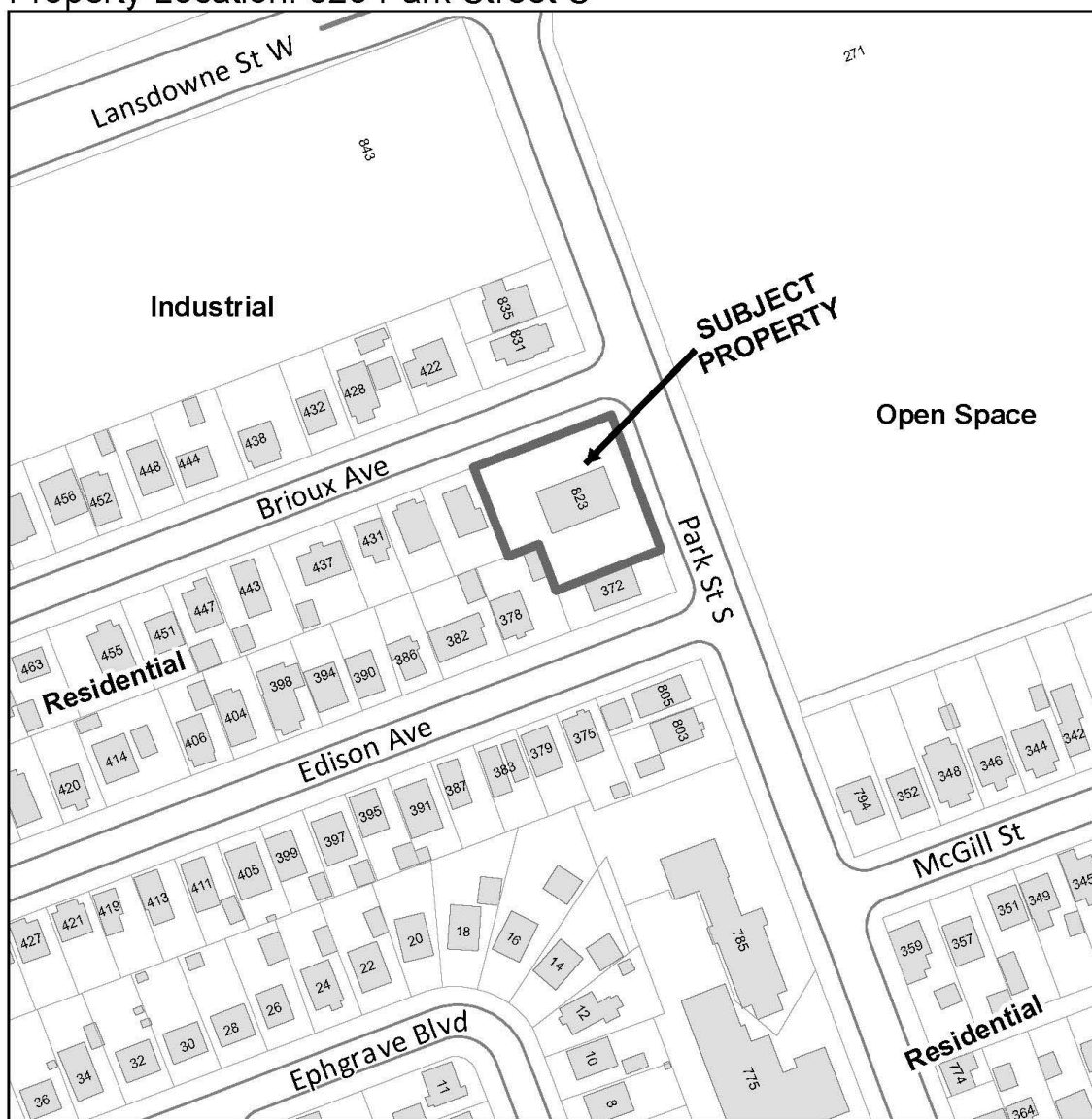
Land Use Map

File: Z2302

Property Location: 823 Park Street S

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: January 19, 2023

Map by: BGautam

0 5 10 20 30 40 50 Metres

Exhibit B – Concept Plan

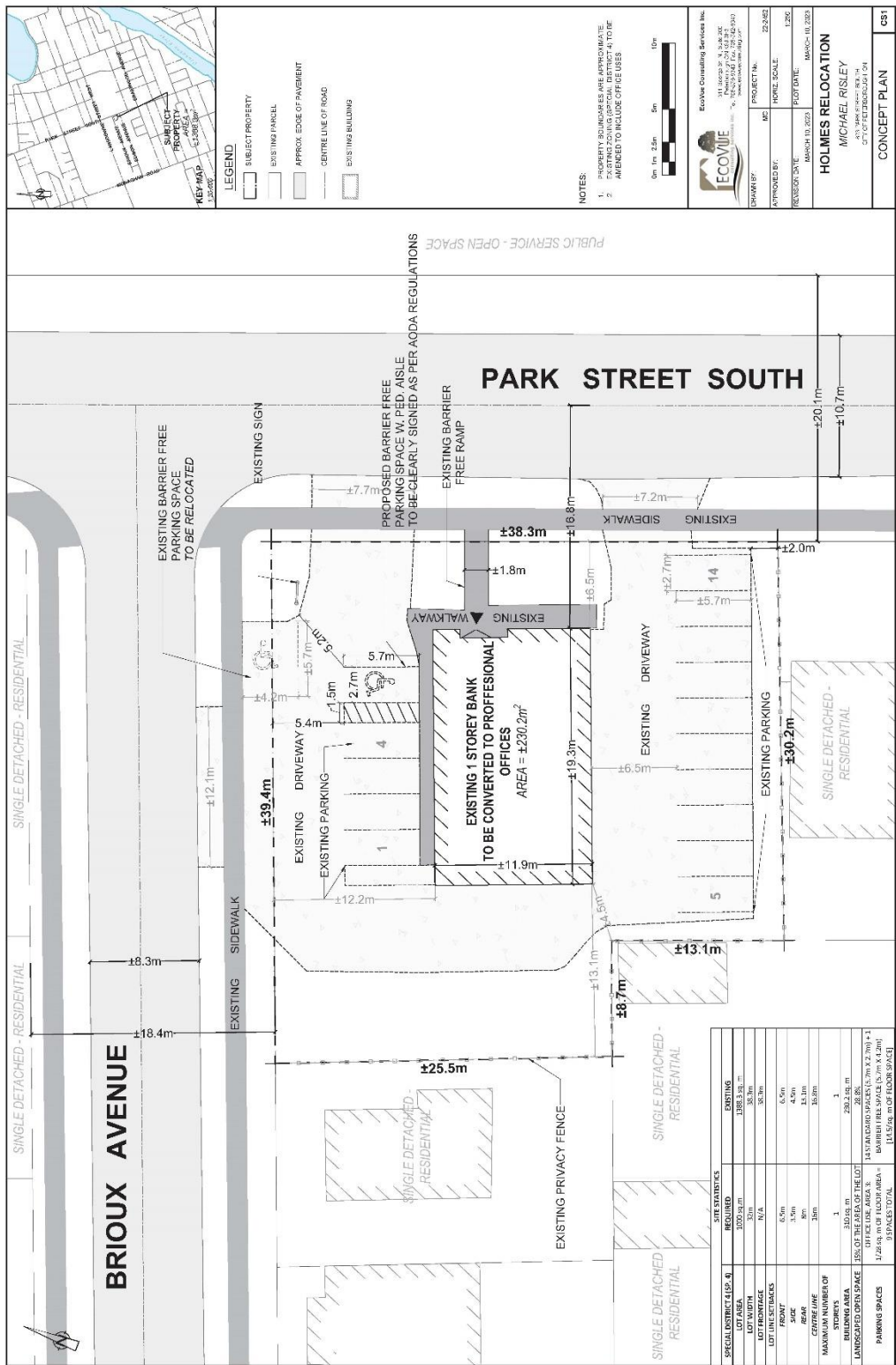


Exhibit C – Draft Zoning By-law Amendment



The Corporation of the City of Peterborough

By-Law Number 23-[Clerk's Office will assign the number]

Being a By-law to amend the Zoning By-law for the lands known as 823 Park Street South

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

1. That Section 32.2 – Special District 4 (SP.4) Permitted Uses be amended to add the following permitted uses:
 - b) Office
 - c) Clinic, excluding a veterinary clinic
2. That Section 32.3 – Special District 4 (SP.4) Regulations be amended to add the following regulation:
 - i) Minimum width of a drive aisle serving parking spaces oriented perpendicular (90 degrees) to the aisle: 5.4 metres
3. Map 22a 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.4 to SP.4-H.**
4. That the ‘H’ – Holding Symbol be removed at such time as a daylighting triangle at the northeast corner of the property, measuring 8.0 metres along Park Street South and 5.0 metres along Brioux Avenue, is conveyed to the City.

By-law passed this 23rd day of May, 2023.

Jeff Leal, Mayor

John Kennedy, City Clerk

