Date: December 10, 2019
To: Mayor Andy Mitchell and Council Members
From: Jeannette Thompson, Planner
Subject: Zoning By-law Amendment
(Part of Lot 22, east of Regent Street, east of Church Street, Registered Plan No. 2 - Lakefield Ward (97 Queen Street)
Status: For Direction

Recommendation

That the report of the Planner regarding the Zoning By-law Amendment related to lands described as Part of Lot 22, east of Regent Street, east of Church Street, Registered Plan No. 2 - Lakefield Ward (97 Queen Street) be received for information; and

That By-law 2019-112, being a By-law to rezone certain lands situated in Part of Lot 22, east of Regent Street, east of Church Street, Registered Plan No. 2 - Lakefield Ward (97 Queen Street) from “Local Commercial (C2) Zone” to “Local Commercial Exception 580 (C2-580) Zone”, be brought forward to the by-law section of the agenda for consideration.

Information

Summary of Application

The Township has received a complete application for a Zoning By-law Amendment for the lands described as being Part of Lot 22, east of Regent Street, east of Church Street, Registered Plan No. 2 (municipally known as 97 Queen Street) in the Lakefield Ward (Figure 1).

The subject lands are designated **District Commercial** and zoned **“Local Commercial (C2)”**.

The development proposal includes the construction of an addition to an existing commercial building (i.e. real estate office) to be utilized as a residential unit.

Section 6.3.3.5 of the Official Plan outlines policies related to the District Commercial designation. Permitted uses within this designation include limited residential development in the form of apartments / units above the non-residential component. The development of the lands for residential purposes should be designed to not interfere or detract from the development and use of the lands for ‘district commercial’ purposes.
Similarly, the Local Commercial (C2) Zone permits residential uses to be established above the first storey of a commercial building. The proposed zoning by-law amendment is intended to facilitate and permit the construction of an addition to an existing building, a portion of which is intended to be utilized as a residential unit. The proposed amendment will have the effect of placing a site specific exception zone on the property, which will address deficiencies in zone regulations (i.e. setbacks, coverage, parking and loading spaces, etc.).

The development proposal is also subject to site plan control. The applicants have submitted a site plan application which is being processed concurrently with the zoning by-law amendment application.

In support of the applications, the following documents / studies were submitted with the amended application:

- Zoning By-law Amendment Application completed by Black Point Construction Services;
- Planning Justification Report completed by Landmark Associates Limited dated September 2019;
- Site Plan Showing Proposed Development at 97 Queen Street, prepared by JBF Surveyors, dated August 13, 2019;
- Building Elevations and Floor Plans, prepared by Hideaway Homes, dated March 2019;
• Stormwater Management Report, prepared by Engage Engineering Ltd., dated May 2019 (including Grading and Site Servicing Plan); and
• Site Entrance Assessment, prepared by Engage Engineering Ltd., dated July 3, 2019.

A review of the application has been completed to determine conformity with the Provincial policy and plans, as well as the County and Township Official Plan (refer to the Planning Analysis).

It is my professional planning opinion that the proposal is consistent with the Provincial Policy Statement and the Growth Plan and maintains the spirit and intent of the County and Township Official Plans and the Township Zoning By-law, and represents good planning.

Response to Circulation of Notice

Dated September 24, 2019, the prescribed Ministries and Agencies were provided with notice of the “complete” application via email / courier and facsimile, as well as any neighbouring property owners within 120 metres of the subject lands by prepaid first class mail. Further, on November 19, 2019, the Township provided Notice of a Complete Application and a Public Meeting by prepaid first-class mail to any property owner(s) within a 120 metre radius of the subject lands. The prescribed Ministries and Agencies were provided notice via email and facsimile. The subject property was posted with a sign advertising the public meeting. The notice is available on the Township’s website and social media platforms. The notice circulation complies with the requirements of The Planning Act. The following correspondence has been received to date:

• Ministry of Transportation (dated September 30, 2019 and November 18, 2019) – no objections.
• Peterborough Public Health (dated October 4, 2019) – no objections
• Enbridge Gas Inc. (dated September 25, 2019) – no objections
• Otonabee Region Conservation Authority (dated October 28, 2019) – ORCA has completed a technical review of the application – any outstanding items related to the application can be addressed through site plan control.

Financial Impact

The recommendation in this report has no financial impact.
Strategic Plan Reference

Goal 3: Support a sustainable, balanced, and investment-ready community. Official Plan and Zoning By-law updates that support environmental and agricultural stewardship, housing diversity and economic investment.

Environmental Impact

Supporting studies included a Stormwater Management Report, which provides for water quality control strategies.

Attachment

- Site Plan Showing Proposed Development at 97 Queen Street, prepared by JBF Surveyors, dated August 13, 2019
- Draft Zoning By-law Amendment prepared by Township Planning Staff

Jeannette Thompson
Prepared By: Jeannette Thompson, Planner

Robert Lamarre
Reviewed By: Robert Lamarre, Manager of Building & Planning

Janice Lavalley
Reviewed By: Janice Lavalley, CAO
Planning Analysis for  
Zoning By-law Amendment File No. C-12-19

The Development Proposal

The Township has received a complete application for a Zoning By-law Amendment for the lands described as being Part of Lot 22, east of Regent Street, east of Church Street, Registered Plan No. 2 (municipally known as 97 Queen Street) in the Lakefield Ward (Figure 1).

The subject lands are designated District Commercial and zoned “Local Commercial (C2)”.

The development proposal includes the construction of an addition to an existing commercial building (i.e. real estate office) to be utilized as a residential unit. The addition will be constructed to the south of the existing building. The main floor of the proposed addition, being approximately 160 square metres (1,720 feet) in area, will be comprised of a garage and utility room. Further, a portion of the ground floor addition will be allocated to heated storage for the commercial tenant. The new dwelling unit will be accommodated on the second floor of the proposed addition and will constitute a floor area of 137.5 square metres (1,480 square feet) – together with a 38.4 square metre (413 square foot) second storey balcony. The dwelling is proposed to comprise of one (1) bedroom, two (2) bathroom, separate areas for dining, living and a kitchen. Access to the unit will be provided via an internal staircase from the ground floor.

Property Description and Surrounding Land Uses

The property is situated directly to the east of Queen Street – just north of the central business district in Lakefield. The property is 0.1 hectare (0.27 acre) in area and of an irregular shape with 9.6 metres (31.8 feet) of frontage along Stanley Street, 49.7 metres (163 feet) of frontage along Queen Street, and 2.6 metres (8.5 feet) of frontage along Regent Street. Presently the property is developed with a two-storey mixed use building. At present the ground floor is utilized for commercial purposes (i.e. real estate office). The second floor is presently a residential rental unit. The building is situated central to the property, with a small parking area (i.e. four (4) spaces) located in the northern section of the property with access off of Stanley Street. The property is relatively flat, with a gentle downward slope from the south to north across the property. The property is serviced via municipal piped water and sanitary services.

Surrounding land uses include established commercial uses to the north and east. To the south and west of the property (along Regent and Queen) include a multi-unit apartment and a church (refer to Figure 2).
The Provincial Policy Statement (PPS) 2014, as issued under the authority of Section 3 of The Planning Act, came into effect on April 30, 2014. Further, Section 3 of The Planning Act requires that planning authorities “shall be consistent with” the PPS. The intent of the PPS is to provide direction on matters related to land use planning and development. Within the context of the proposal, certain provisions of the PPS are considered to have relevance.

Section 1 (Building Strong Communities) promotes efficient land use and development patterns in order to support strong, liveable, and healthy communities; and to protect the environment, public health and safety; and to facilitate economic growth.

Section 1.1.3 specifically addresses Settlement Areas within municipalities; indicating that these areas are to be the focus of growth. In settlement areas, cost-effective development is to be achieved by efficiently utilizing existing infrastructure and public services. Further the PPS promotes intensification and a compact built form. The PPS also indicates that municipalities are to provide for an appropriate range and mix of housing types and densities to meet the projected requirements of current and future residents. Supporting documentation indicates that the expansion can be sustained by existing service levels (i.e. road infrastructure, water and sanitary services). The stormwater management pond is required to be expanded in order to accommodate that additional stormwater flows as a result of the expansion and additional paved areas.
The proposal is considered to be consistent with the PPS.

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

The Places to Grow Act, 2005 (Bill 136), which received Royal Assent on June 13, 2005; promotes the use of growth plans to ensure that growth occurs throughout the Province in a positive manner. The Growth Plan for the Greater Golden Horseshoe (2019) came into effect on May 16, 2019.

The legislation is centered on the idea of building sustainable communities while making use of existing infrastructure. It also sets out to ensure that long term visions and goals guide decision-making, in order to maintain healthy and sustainable future growth opportunities.

The Growth Plan directs development to recognized ‘settlement areas’. Similar to the PPS, the Growth Plan promotes residential intensification on existing service levels; and indicates that a diverse range of housing form should be planned for. As noted previously, the development can be serviced via the existing service levels and will add to the diversity of housing within the Village.

The proposal is considered to be consistent with the Growth Plan.

**County of Peterborough Official Plan**

In the County Official Plan, the subject property is identified as “Settlement Area”. The goal of this designation is “to provide a form of growth that is consistent with the need to conserve energy resources, preserve and enhance the natural environment, encourage an efficient and economic use of infrastructure and space, maintain County unit and retain local community identity”. The proposal does not detract from this goal.

**Township of Selwyn Official Plan**

Official Plan Amendment No. 3 received Ministerial consent on October 22, 2008. The amendment functions as the lower tier Official Plan for the Township. Section 6.0 (Local Plan Policies) provides detailed strategies, policies and land use designations for planning and development at the local municipal level.

Schedule A1 (Land Use Plan – Urban Component) of the Official Plan, designates the subject lands **District Commercial** (refer to Figure 3).

Section 6.3.3.5 of the Official Plan outlines policies related to the District Commercial designation. Permitted uses within this designation include limited residential
development in the form of apartments / units above the non-residential component. This section further indicates that development of the lands for residential purposes should be designed as to not interfere or detract from the development and use of the lands for ‘district commercial’ purposes. The proposed development maintains this intent.

The proposal is considered to maintain the spirit and intent of the Official Plan.

Figure 3: Excerpt from County of Peterborough Official Plan, 2008

Township of Selwyn Comprehensive Zoning By-law No. 2009-021

According to Schedule ‘A’ - Map 5, the subject lands are zoned “Local Commercial (C2)” (refer to Figure 4). The “Local Commercial (C2) Zone” permits residential uses to be established above the first storey of a commercial building.

The proposed zoning by-law amendment is intended to facilitate and permit the construction of an addition to an existing building, which a portion of is intended to be utilized as a residential unit. The proposed amendment will have the effect of placing a site specific exception zone on the property, “Local Commercial Exception 580 (C2-580)”, which will address deficiencies in zone regulations (i.e. setbacks, coverage, parking and loading spaces, etc.).

Specifically the textural amendment will include the following specific zone regulations:

- Reduction in minimum lot area (1,093 square metres) (existing);
- Reduction in minimum lot frontage (2.59 metres) (existing);
- Reduction in minimum exterior side yard setback (3.57 metres) (existing);
• Reduction in the minimum exterior side yard (Queen Street) to steps (0.76 metre) and deck (1.56 metres) (existing);
• Reduction in minimum interior side yard setback (2.4 metres);
• Reduction in minimum rear yard setback (5.41 metres) (existing);
• Reduction in the minimum rear yard setback to steps and landing (3.78 metres) (existing);
• Reduction in minimum required loading spaces (0);
• Reduction in minimum parking space requirements for commercial uses (4);
• Reduction in the minimum setback between driveway and residential zone (0 metres) (existing);
• Reduction in the minimum setback between parking space and residential zone (2.4 metres) (existing); and
• Reduction in proposed planting strip (0 metres);

The draft by-law has been attached for your review.

Figure 5: Excerpt from Zoning By-law 2009-021

Conclusion

The proposed Zoning By-Law Amendment related to the subject lands will change the zone category from "Local Commercial (C2) Zone" to "Local Commercial Exception 580 (C2-580) Zone". This would provide for the proposed expansion of the existing building with the lower/main level being utilized for commercial purposes and the upper level being a residential unit. The draft by-law includes a textural amendment which establishes specific zone regulations.

In conclusion, it is my professional planning opinion that the proposal is consistent with the Provincial Policy Statement and the Growth Plan and maintains the spirit and intent
of the County and Township Official Plans; and represents good planning. Staff therefore recommends that Council forward draft By-law No. 2019-112 to the By-law section of the agenda for consideration.

_{Jeannette Thompson}_

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Jeannette Thompson, B.Sc., MCIP, RPP
Planner