



City of
Peterborough

To: **Members of the General Committee**

From: **Jeffrey Humble, Director, Planning and Development Services**

Meeting Date: **February 5, 2018**

Subject: **Report PLPD18-002**
Official Plan and Zoning By-law Amendment - 959 Chemong Road

Purpose

A report to recommend amending the Official Plan and Zoning By-law as they relate to the property known as 959 Chemong Road, to permit the use of the land for local commercial purposes, including a restaurant with a drive-thru.

Recommendations

That Council approve the recommendations outlined in Report PLPD18-002 dated February 5, 2018, of the Director, Planning and Development Services, as follows:

- a) That Schedule 'L' – Downey West Secondary Plan of the Official Plan, as it relates to the property known as 959 Chemong Road, be amended to 'Local Commercial' in accordance with the draft amendment, attached as Exhibit 'C' to Report PLPD18-002.
- b) That the Zoning By-law be amended to add Exception 322 to Section 3.9, to permit a reduced planting strip of 0.5 m along the rear lot line; a reduced minimum building setback of 13.2 m from the centre line of Chemong Road; and a maximum floor area of 223 m² per commercial purpose, in accordance with the draft amendment attached as Exhibit 'D' to Report PLPD18-002.
- c) That the subject property be rezoned from the SP.129 – Special Commercial District to the C.1 – 322 'F' – Commercial District in accordance with Exhibit 'D' attached to Report PLPD18-002.

Budget and Financial Implications

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

Background

The subject applications were received on July 19, 2017, deemed to be complete as of September 29, 2017. The **Planning Act** allows applicants to appeal Official Plan Amendment Applications after the expiry of 180 days and appeal Zoning By-law Amendment Applications after the expiry of 120 days of the applications being deemed complete. The applicant is in a position to file an appeal to the Ontario Municipal Board any time after March 28, 2018 for the Official Plan Amendment and after January 29, 2018 for the Zoning By-Law Amendment if Council has not made a decision.

The subject property is a vacant parcel, approximately 0.24 ha. (0.6 ac.) in size, located on the west side of Chemong Road, north of The Parkway corridor and south of Simons Avenue. The lands abut the southerly lot line of the Shopper's Drug Mart lands, and situated just south of the signalized intersection on Chemong Road, facilitating the Walmart development to the east and the Shopper's Drug Mart to the west. The lands formerly supported a medical clinic and associated parking and landscaping. A permit was issued in 2014 for the demolition of the former building on the property.

The lands to the north of the subject property including the Shoppers Drug Mart parcel were the subject of an Official Plan and Zoning By-law Amendment in 2008 to permit local commercial uses, also via an amendment to the Downey West Secondary Plan.

The applicant intends to develop the property with a single storey 223 m² (2400 ft.²) commercial building, together with a seasonal patio, parking, driveway and landscaped areas.

The proposed amendments are supported by a Planning Rational Report, prepared by Antech Design and Engineering, dated July 17, 2017; a Stage 1-2 Archaeological Assessment, prepared by Detritus Consulting Ltd., dated August 1, 2017; a Concept Site Plan, prepared by Sovereign Design & Management Services, dated March 2017; a Tree Inventory, prepared by Kuntz Forestry Consulting Inc. (and subsequent Butternut Tree Assessment); a Functional Servicing Report, prepared by Odan Detech, dated August 30, 2017; and a Traffic Impact Study, prepared by Paradigm, dated September, 2017.

The property is partially located within a floodplain and approval is required from Otonabee Region Conservation Authority (ORCA) prior to development proceeding. The applicants acknowledge the presence of the flood plain and are working with ORCA regarding the associated constraints of the property for the redevelopment.

Analysis

a) Official Plan

The Official Plan identifies the subject property as ‘Low Density Residential’ land use on both Schedule ‘E’ – Residential Density, and Schedule ‘L’ – Downey West Secondary Plan. Planning Staff recognized the need to review the future use of this block as a comprehensive exercise to determine the most appropriate land use for this area. While some review was completed as part of the previous amendment to facilitate the Shoppers Drug Mart lands, it is recognized that the current ‘Residential’ designation of the lands on Schedule ‘A’ – Land Use and Schedule ‘E’ – Residential Density, contemplates some local commercial uses to be permitted through zoning amendments, subject to compliance with locational criteria. Additional commercial uses within the block may be considered in response to the ongoing Official Plan review of the City’s commercial policies.

In the interim, Planning Staff support the processing of this site-specific amendment for alternate use of the property in keeping with the local commercial direction of the existing ‘Residential’ designation of the land within the Official Plan, while anticipating changes in land use within the block in the future.

The local commercial policies anticipate small scale convenience retail and service uses that serve the daily needs of the adjacent residential areas. Section 4.2.6 of the Official Plan identifies the types of local commercial uses permitted under the local commercial policies to include:

- “a) convenience retail stores, personal services, small scale restaurants, small scale food stores and small scale service commercial uses such as video rental and gasoline sales outfits
- b) small scale office, studio and clinic uses
- c) residential uses such as a secondary use in local commercial development.”

The proposal for a freestanding building with adequate parking, landscaping and buffering, is in keeping with the policies of Section 4.2.6.6 requiring that local commercial facilities be located “on a collector or arterial street, generally at an intersection or integrated with medium or high density residential developments.” The property is located on the west side of Chemong Road with access via the signalized intersection at the Shoppers Drug Mart lands and via a right-in/right-out to Chemong Road. The Transportation Plan – Schedule ‘B’ of the City of Peterborough Official Plan, identifies Chemong Road as a High Capacity Arterial Road. It is recognized through policy that land uses immediately adjacent will be predominantly non-residential with controlled access encouraged. The existing easement arrangements through the Shoppers Drug Mart lands at 971 Chemong Road anticipate the future connection to the subject lands, in

an effort to coordinate access and together with the extension of the median along Chemong Road, will limit the number of turning movements from Chemong Road.

The site is serviced by full municipal services.

b) Zoning By-law

The application proposes to implement the 'Local Commercial' policies of the Official Plan by way of zoning, with the C.1 Zoning District and site specific exceptions to permit a reduced landscaped strip adjacent to the rear property line (flood lands); an increase in the maximum floor area per commercial purpose to 223 m²; and a reduction in the minimum setback from the centre line of Chemong Road.

The property is currently zoned SP.129, restricting the land use to a clinic, reflecting the former use of the lands. The proposed C.1 Commercial District implements the Local Commercial policies of the Official Plan. The regulations associated with the C.1 District restrict the floor area of any single commercial purpose to 140 square metres (1507 square feet) and also restricts the floor area of a building to a maximum of 372 square metres (4,004 square feet). An exception to the maximum floor area per commercial purpose requirement is necessary to permit the proposed 223 m² (2400 ft²) restaurant. The proposed size of the restaurant is consistent with the small scale anticipated by the Official Plan and is in keeping with the maximum building size restriction of the C.1 District.

The following uses are included in the C.1 Commercial District, proposed for the property. An exception is proposed to permit a larger commercial use, capped at a maximum 223 m² (2400 ft²):

- a) a barber shop
- b) a beauty shop
- c) a dry-cleaning establishment – Class 2
- d) a shoe shine parlour
- e) a shoe repair shop
- f) a sub-post office
- g) a restaurant
- h) a dressmaker or tailor shop
- i) a drug store
- j) a food store
- k) a convenience retail store
- l) a clinic
- m) a dwelling unit

The proposed zoning amendment, attached as Exhibit D to Report PLPD18-002, assigns the C.1-322'F' to the subject lands. The 'F' suffix is attached as requested by ORCA to identify the lands as being impacted in part by a flood plain and the associated constraints of the flood plain on the property.

c) Site Development

The traffic impact study submitted with the application has been reviewed by City staff and it is agreed that a right-in/right-out design be applied to the entrance onto Chemong Road, together with an extension of the median island on Chemong Road to enforce the right-in/right-out movement. The development also relies on an easement connection to the neighbouring Shoppers Drug Mart lands to the north to facilitate left turn movement from the site onto Chemong Road. The easement connection has been protected through the Site Plan Agreement registered on title for the Shoppers Drug Mart property at 971 Chemong Road and is located further west along the property line. A reciprocal easement over the subject lands will also be required to facilitate the connection. This may also require the developer to pay the cost of any works related to improvements on the Shoppers Drug Mart lands to make the operation work effectively. The details will be addressed at the Site Plan Approval stage.

The queue lengths for the proposed drive-thru coffee shop use has been estimated in the Traffic Impact Study and reviewed by City staff using local examples. Higher queue storage requirements are anticipated for local developments of this nature. As such, the developer will work with City staff to increase the queue storage on the site. Moving the proposed connection westward along the northerly property line to the location anticipated in the Site Plan Agreement for the Shoppers Drug Mart lands at 971 Chemong Road will assist in extending the queue storage and also will be addressed at the Site Plan Approval stage.

The tree inventory prepared for the site, in accordance with the requirements of the City's Utility Services Department. The tree inventory identified a butternut tree among the other species on site. Butternut trees are identified under the Species at Risk in Ontario List. A Butternut assessment was completed by the Arborist for the applicant and reviewed by the Ministry of Natural Resources and Forestry. The applicant has provided confirmation from the Ministry that based on the results of the assessment, the tree was found to be a hybrid and is therefore, not protected under the Endangered Species Act, 2007. The City's Urban Forest staff have reviewed the balance of the inventory and will require a compensation plan compatible with the City's tree replacement By-law 17-120 for properties less than 1 hectare. The compensation plan will be addressed at the Site Plan Approval stage of development either on site or as an agreed payment to the City to plant at its cost or a mix of the two options.

The Archaeological Assessment concluded that no further archaeological assessment is required.

The Functional Servicing Report demonstrates that the lands can be serviced subject to downstream improvements. The applicant can share the pro-rated cost of sanitary sewer upgrades on Chemong Road, based on a proportion of design flows at approximately \$1,970.00, or alternatively, retain an engineer to prepare a further study. Floodplain encroachments will require approval from ORCA. Further details related to servicing and stormwater management design will also be addressed at the Site Plan Approval stage.

Response to Notice

a) Significant Agency Responses:

Agency circulation was issued on October 4, 2017.

The City's Utility Services Department (USD) has reviewed the applications and have no objection to the proposed rezoning subject to the recognition of the floodplain and a Site Plan Agreement with the City. Utility Services Department has also provided adjustment trip counts to the traffic consultant, requesting verification of rates from similar sites in Ontario. USD is recommending a right-in/right-out design for the entrance onto Chemong Road and have provided a number of comments for consideration at the Site Plan Approval stage, including a requirement to extend the median on Chemong Road and to formalize an easement over the adjacent lands at 971 Chemong Road (Shoppers Drug Mart site). Cash in lieu of parkland is also recommended, where required.

Ministry of Natural Resources and Forestry (MNRF) have reviewed a Butternut Health Assessment and a Butternut Hybridity Test, concluding that the species found on the subject lands is indeed a hybrid and therefore, not protected under the Endangered Species Act. The MNRF have also indicated that the property contains unevaluated wetlands/lands adjacent to unevaluated wetlands and recommend that ORCA be contacted as regulations may apply.

Otonabee Region Conservation Authority (ORCA) has no objection to the proposed Official Plan and Zoning changes provided that the 'F' suffix is attached to the zoning to acknowledge the presence and associated constraints of the flood plain on the property. Some additional work is required related to the regulatory floodline elevations and servicing plans that can be addressed at the Site Plan Approval stage.

Peterborough Utilities Services Inc. noted that if the existing water service is to be decommissioned, removal will be at the developers' cost. Proposed new 50 mm diameter water service will be subject to installation costs, and suitability of diameter is the responsibility of the owner. Relocation of the fire hydrant, if required as proposed, will also be at the developers' cost.

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 and Public Meeting was issued on January 8th, 2018 by newspaper advertisement (Peterborough Examiner) and by direct mail. The notice complies with the requirements of the **Planning Act**.

No comments have been received as of January 9th, 2018.

Submitted by,

Jeffrey Humble, MCIP, RPP
Director, Planning and Development Services

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Attachments:

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

Exhibit A – Land Use Map, Page 1 of 1

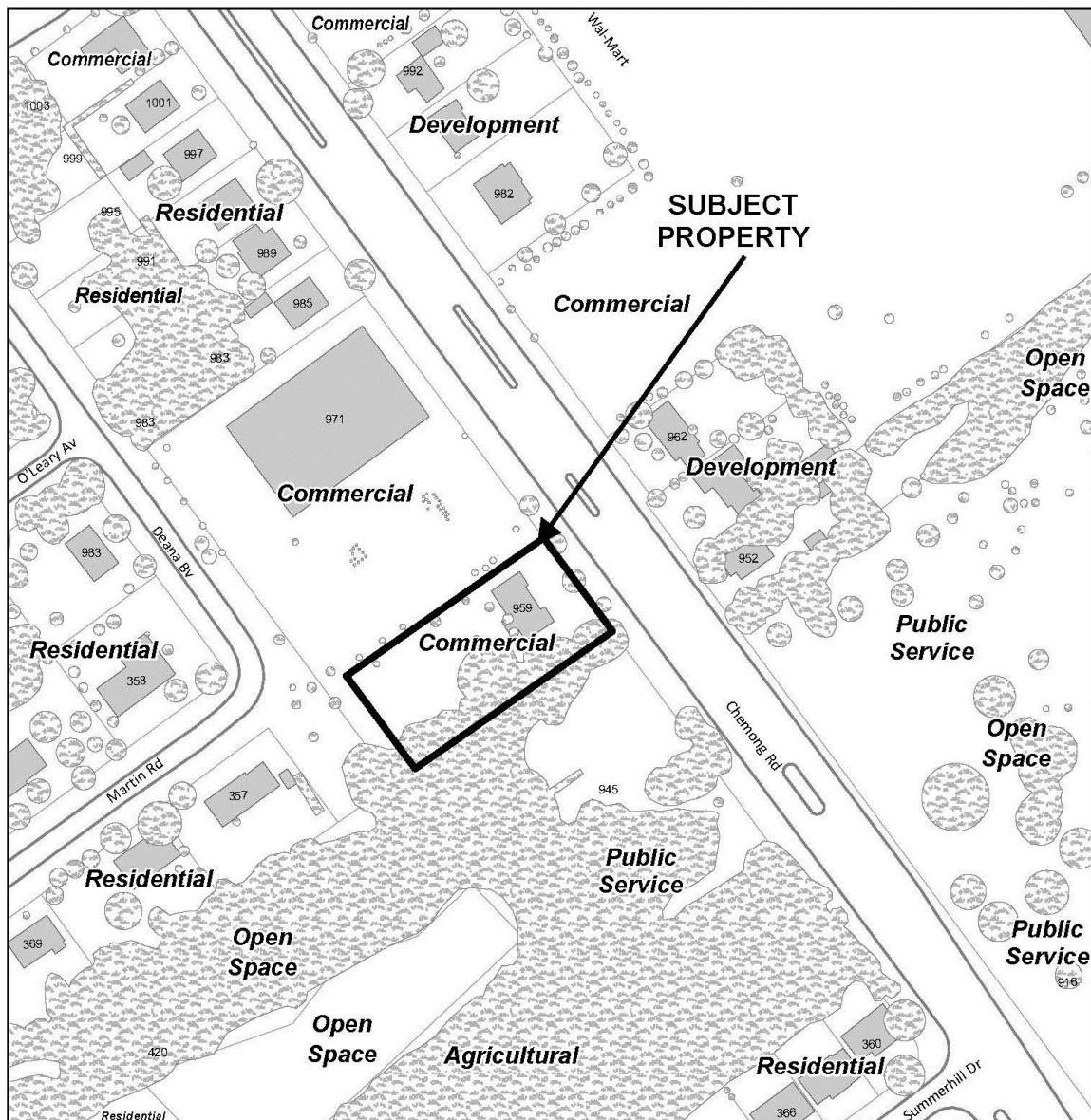
Land Use Map

File: O1702 & Z1711

Property Location: 959 Chemong Rd

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: August 25, 2017

Map by: Jellis

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Exhibit C – Draft Official Plan Amendment, Page 1 of 2



The Corporation of the City of Peterborough

By-Law Number 18-

Being a By-law to Adopt Amendment Number to the Official Plan of the City of Peterborough for the property known as 959 Chemong Road

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

Schedule 'L' – Downey West Secondary Land Use Map of the Official Plan of the City of Peterborough is hereby amended by changing the designation of the subject lands from 'Low Density Residential' to 'Local Commercial' in accordance with Schedule 'A' attached hereto.

By-law read a first, second and third time this day of , 2018.

Daryl Bennett, Mayor

John Kennedy, City Clerk

Exhibit C – Draft Official Plan Amendment, Page 2 of 2

Schedule A

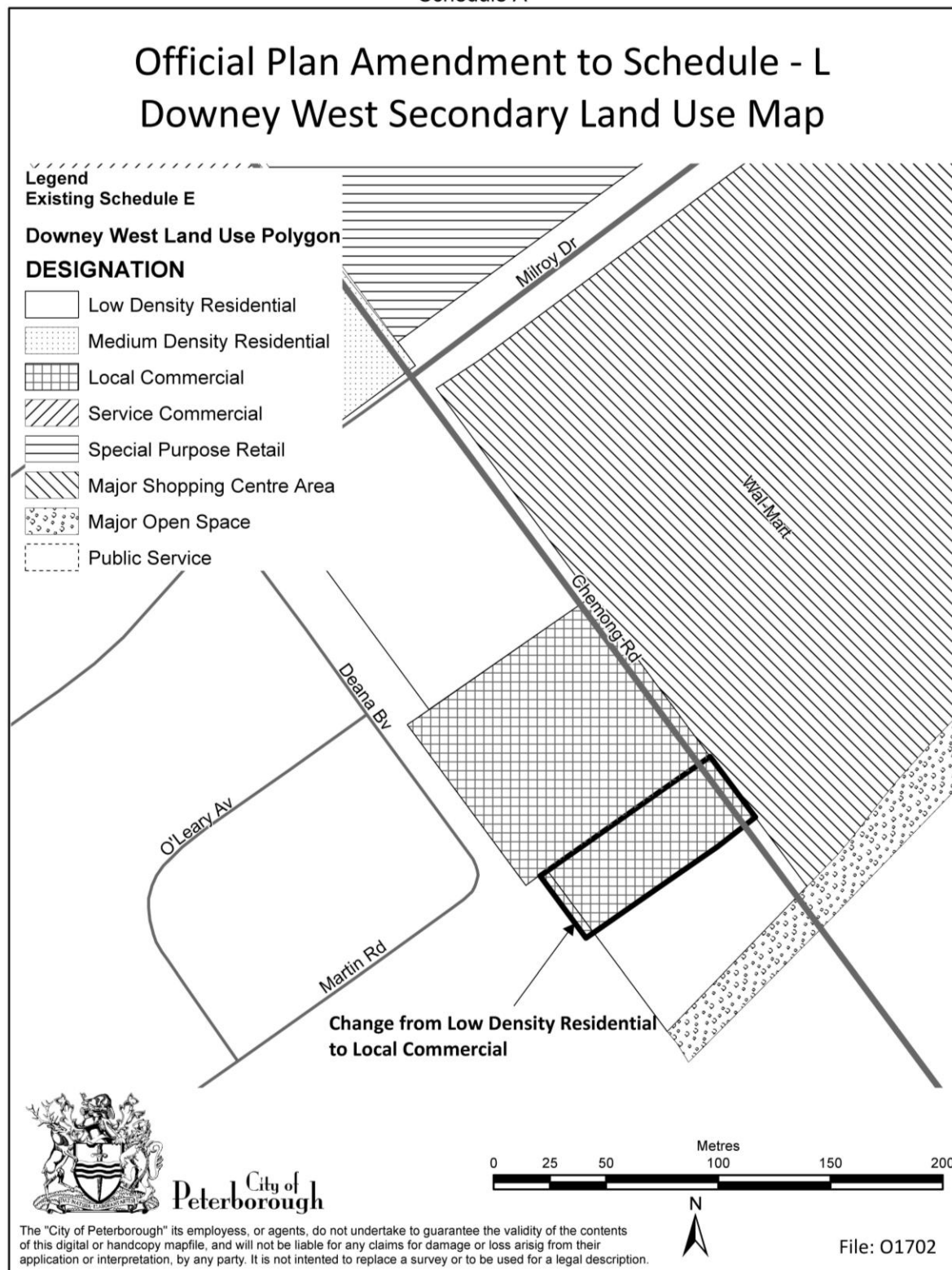


Exhibit D – Draft Zoning By-Law Amendment, Page 1 of 2



The Corporation of the City of Peterborough

By-Law Number 18-

Being a By-law to amend the Zoning By-law for the lands known as 959 Chemong Road

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:
“.322 Notwithstanding the provisions of this By-law to the contrary, the following shall apply:

Regulation	Requirement
Minimum Planting Strip	0.5 m along rear lot line
Maximum Floor Area per Commercial Purpose	223 m ²
Minimum Setback from centre line of Chemong Road	13.2 m

2. That Map 6 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 the SP.129 – Special Commercial District to the C.1-322 ‘F’ – Commercial District.

By-law read a first, second and third time this day of , 2018.

Daryl Bennett, Mayor

John Kennedy, City Clerk

Exhibit D – Draft Zoning By-Law Amendment, Page 2 of 2