



City of
Peterborough

To: **Members of the Planning Committee**

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

Meeting Date: **July 20, 2015**

Subject: **Report PLPD15-038
2235 Keene Road**

Purpose

A report to evaluate the planning merits of amending the Official Plan from 'Residential' to 'Commercial' and amending the SP.51 Zoning of the lands known as 2235 Keene Road to SP.51 'H' – Special Commercial District, permitting a limited list of Service Commercial uses including a 'dog boarding kennel' use as a permitted use, subject to the prohibition of breeding animals.

Recommendations

That Council approve the recommendations outlined in Report PLPD15-038 dated July 20, 2015, of the Manager, Planning Division, as follows:

- a) That Schedule 'A' – Land Use of the Official Plan be amended to change the designation of the lands known as 2235 Keene Road from 'Residential' to 'Commercial' and that Schedule 'I' – Commercial Area of the Official Plan be amended to include the lands known as 2235 Keene Road in the 'Service Commercial' designation in accordance with the draft amendment attached as Exhibit "C" to Report PLPD15-038.
- b) That Section 4.2.4.16 – Special Policies for Specific Residential Properties of the Official Plan be deleted, in accordance with the draft amendment attached as Exhibit "C" to Report PLPD15-038.
- c) That Section 79 (including Schedule 'A' of Section 79) of Zoning By-law 1997-123 be repealed and replaced with a revised Section 79, SP.51 – Special Commercial District permitting a limited list of Service Commercial uses including a 'dog

boarding kennel' use as a permitted use, subject to a prohibition of breeding animals; and exempts the lands from the requirement for public water and wastewater services in accordance with Exhibit 'C' attached to Report PLPD15-038.

- d) That the subject property be rezoned from SP.51 – Special Commercial District to SP.51 'H' Special Commercial District in accordance with Exhibit 'C' attached to Report PLPD15-038.
- e) That the 'H' – Holding Symbol be removed subject to Site Plan Approval.

Budget and Financial Implications

There are no direct budget or financial implications arising from the approval of these applications.

Background

The subject applications were received on May 13, 2015, deemed to be complete on June 1, 2015 and processed in accordance with department procedures. The Planning Act allows applicants to appeal Official Plan and Zoning By-Law Amendment Applications after the expiry of 120 days of the application being deemed complete. The applicant will be in a position to file an appeal to the Ontario Municipal Board any time after September 29, 2015 if Council had not made a decision on the applications.

The subject property is known as 2235 Keene Road and is 0.9 ha. (2.2 ac.) in size, located at the north east corner of the intersection of Highway 7 and Keene Road, and supports a former residential dwelling, bakery and restaurant use (formerly the Burnham Mansion Restaurant).

The subject property is situated at the easterly boundary of the City and the surrounding uses are largely rural agricultural, commercial and industrial uses. The lands formed part of the lands that were annexed from the surrounding Township in 1963, with the adjacent lands to the east annexed in 1998. The lands are privately serviced with a private well and septic system.

The lands were zoned SP.51 in 1974 to permit the conversion of the dwelling unit to a restaurant use with associated parking. Additional commercial uses were permitted via amendments in 1994 and 2003 together with the introduction of Special Policies in the City's Official Plan to permit a limited list of commercial uses of the land, despite its 'Residential' designation in the Official Plan.

The current permitted uses of the lands are restricted to the following:

- a) A dwelling
- b) A bed and breakfast establishment
- c) A personal service use

- d) A day nursery
- e) A restaurant
- f) A clinic

The applicant proposes to purchase the property and use it for a veterinary clinic and dog boarding kennel with accessory uses including an outdoor (fenced) exercise area and an outdoor (fenced) dog boarding – exercise areas. In addition the applicant proposes to include a list of Service Commercial uses consistent with the 'Service Commercial' policies of the Official Plan. As such, an amendment to both the Official Plan and Zoning By-Law are required to permit the forgoing uses.

The existing buildings are intended to remain on the property with a proposed reduction in the size of the parking areas and the introduction of outdoor fenced dog run facilities. The former dwelling on the property has been designated under the Heritage Act.

Analysis

a) Official Plan

The lands are currently designated 'Residential' on Schedule 'A' – Land Use of the City of Peterborough Official Plan and subject to site specific policies via Section 4.2.4.16 of the Official Plan that, in addition to residential uses, permits "a range of personal service and hospitality uses, provided that such uses be restricted to the existing building and further that the architectural character of the existing building be maintained".

The application proposes to amend the Official Plan to change the designation of the property from 'Residential' to 'Commercial' on Schedule 'A' – Land Use; and to designate the lands as 'Service Commercial' on Schedule I – Commercial Uses to remove the residential permission from the lands and to permit the use of the lands for uses that are consistent with the 'Service Commercial' policies. Service Commercial lands are intended via the Official Plan policies, to include a broad range of commercial services, commercial recreational and institutional uses and a restricted range of retail commercial uses, not appropriate in other commercial designations or those that require particular site, access or storage/display requirements.

The amendment application further proposes to delete Section 4.2.4.16 of the Official Plan, introduced in 2004 by Official Plan Amendment #127 to reflect the former use of the lands.

In assessing the appropriateness of the application, Planning Staff have reviewed the relevant commercial policies of the Official Plan. Development applications to introduce new Service Commercial lands are evaluated in accordance with the policies of 4.3.6 of the Official Plan and if necessary, a detailed planning analysis in accordance with Section 4.3.7 of the Official Plan will be required.

The lands have been subject to site specific policies permitting a limited range of commercial uses since 2004. The surrounding land uses and zoning permission include uses that are consistent with the 'Service Commercial' policies including Utilities offices, public parking facilities, vacant Highway Commercial lands and service station and propane facility uses. Similarly, the site access, parking and private servicing has supported commercial use of the lands, consistent with commercial standards for Highway Commercial development.

It is appropriate to remove the residential permission from the property and consider a limited range of commercial uses, consistent with the 'Service Commercial' policies of the Official Plan, subject to the removal of cinema and theatre facilities, deemed to be priority functions for the Central Area. Service Commercial uses are generally located on arterial roads or high capacity collector roads and are predominantly automotive and service related with a limited range of retail, typically those requiring large display or storage areas. The proposed dog boarding kennel and veterinarian office includes outdoor facilities that are more consistent with service commercial uses than residential purposes.

b) Zoning By-Law

The subject property is currently zoned SP.51 – Special Commercial District as approved by amendments in 1974, 1994, and 2004 with variances granted in 2010 to recognize the former retail bakery in addition to the limited commercial uses permitted on the lands. The SP.51 includes a list of permitted uses consistent with the site specific policies for the lands in the City's Official Plan including the following:

- a) A dwelling
- b) A bed and breakfast establishment
- c) A personal service use
- d) A day nursery
- e) A restaurant
- f) A clinic

Regulations associated with the SP.51 Zoning District restrict the number of residential dwelling units to a maximum of 5; the maximum number of seats in a restaurant to 100; and the maximum number of guest rooms for a bed and breakfast establishment to 12, together with site specific regulations to permit the use of the lands on private services. A schedule identifying the property and the lands dedicated to parking, driveway, landscaped open space and building areas is also currently part of the zoning regulation for the lands. In addition, the current zoning exempts the permitted uses from Section 6.4 of the Zoning By-Law requiring public water distribution and public wastewater collection facilities, recognizing the private servicing of the subject lands.

An amendment is required to permit the proposed use of the lands for a veterinarian office, dog boarding kennel and accessory outdoor amenity areas and parking, in addition to a limited list of service commercial uses. The application proposes the inclusion of all uses permitted under the SP.261 – Service Commercial Zoning District with an exception

to permit a dog boarding kennel subject to the exclusion of an animal breeding facility as a permitted use.

Although a full list of Service Commercial uses are proposed, Planning Staff recommend limiting the permitted uses to a restricted list to reflect the limitations of development on private servicing. The City's Official Plan and Zoning By-Law contemplate that development and redevelopment occur on lands that are serviced with sanitary and water services. Planning Staff propose that until such time as full municipal services are extended to the subject lands, the list of permitted uses be restricted to those previously assessed via former Planning Approvals and including the proposed use as a veterinary clinic and dog kennel, excluding breeding. A site specific provision is also proposed to exempt the use of the lands from Section 6.4 of the Zoning By-Law whereby only lands on full municipal services (water and wastewater) are permitted to be used. Planning Staff have discussed this approach with the applicant and have agreed to the following list of uses:

- a) Personal Service Use
- b) Restaurant
- c) Clinic
- d) An animal hospital or Veterinary Clinic
- e) Dog Kennel, excluding a breeding facility
- f) A parking lot or garage
- g) A miniature golf course

No changes are proposed to the existing buildings other than interior work to accommodate the use within the buildings. Changes to the parking and outdoor amenity space, however, are proposed. As such Planning Staff also recommend the use of an 'H' Holding Symbol to ensure that the proposed change in use of the property does not occur until such time as a Site Plan is approved for the subject lands.

Response to Notice

a) Significant Agency Responses:

Agency circulation was issued on June 3, 2015 and Notice of Public Meeting was circulated on June 25th, 2015.

The City's Fire Services Department had noted that a 'Change of Use' permit is required under the Ontario Building Code, including alarm and detection requirements.

The Township of Otonabee-South Monaghan note that the property is within Casey's Propane RSMP (Risk and Safety Management Plan).

The Ministry of Transportation has no concerns with the proposed amendments, however, point out that the permits will be required prior to any work occurring on site.

Otonabee Conservation confirms that the property boundary is located approximately 100 metres from the wetland boundary for the Downer's Corners Provincially Significant Wetland (PSW), and considering that no major changes to the existing structures are being proposed, no additional impacts to the PSW are expected. The risk of flooding from Meade Creek is also considered unlikely, therefore, no objection to the proposed amendments. ORCA also confirms that a permit is required from ORCA prior to any fill placement, grade alterations or construction taking place in the regulated area of the property.

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 by newspaper (Peterborough Examiner) advertisement on June 29, 2015 and by direct mail on June 25, 2015. The notice complies with the requirements of the Planning Act.

No written comments have been received as of January 25, 2015.

Submitted by,

Ken Hetherington
Manager, Planning Division

Prepared by,

Caroline Kimble
Land Use Planner

Concurred with,

Malcolm Hunt, 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 Amendment

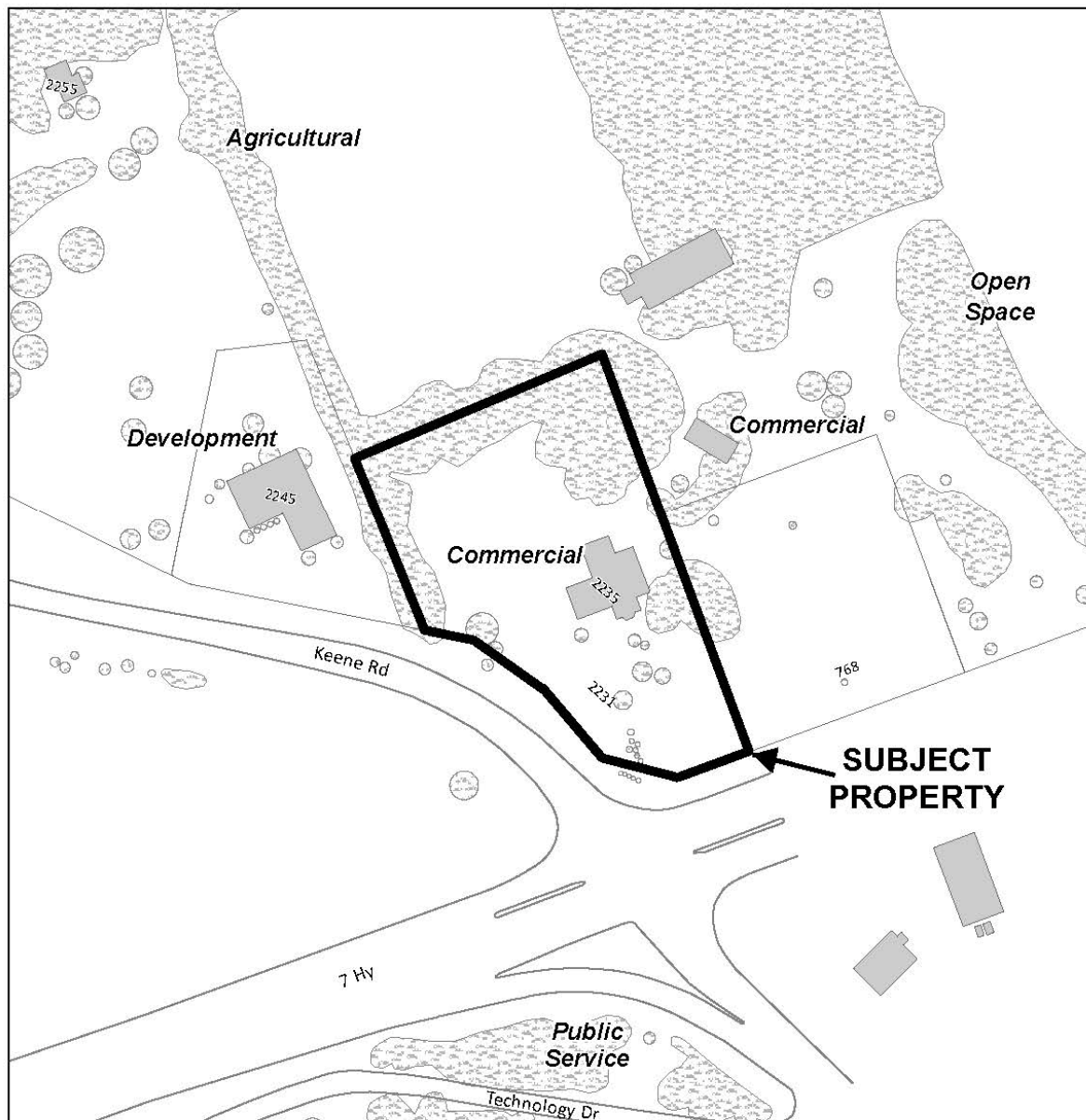
Exhibit A, Page 1 of 1

Land Use Map

File: O1503 & Z1507

Property Location: 2235 Keene Road

EXHIBIT	
SHEET	OF



The City of Peterborough Planning Division

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Date: May 28, 2015
Map by: CSandanayake
0 5 10 20 30 40 50 Metres

2015 Proposed Concept Plan

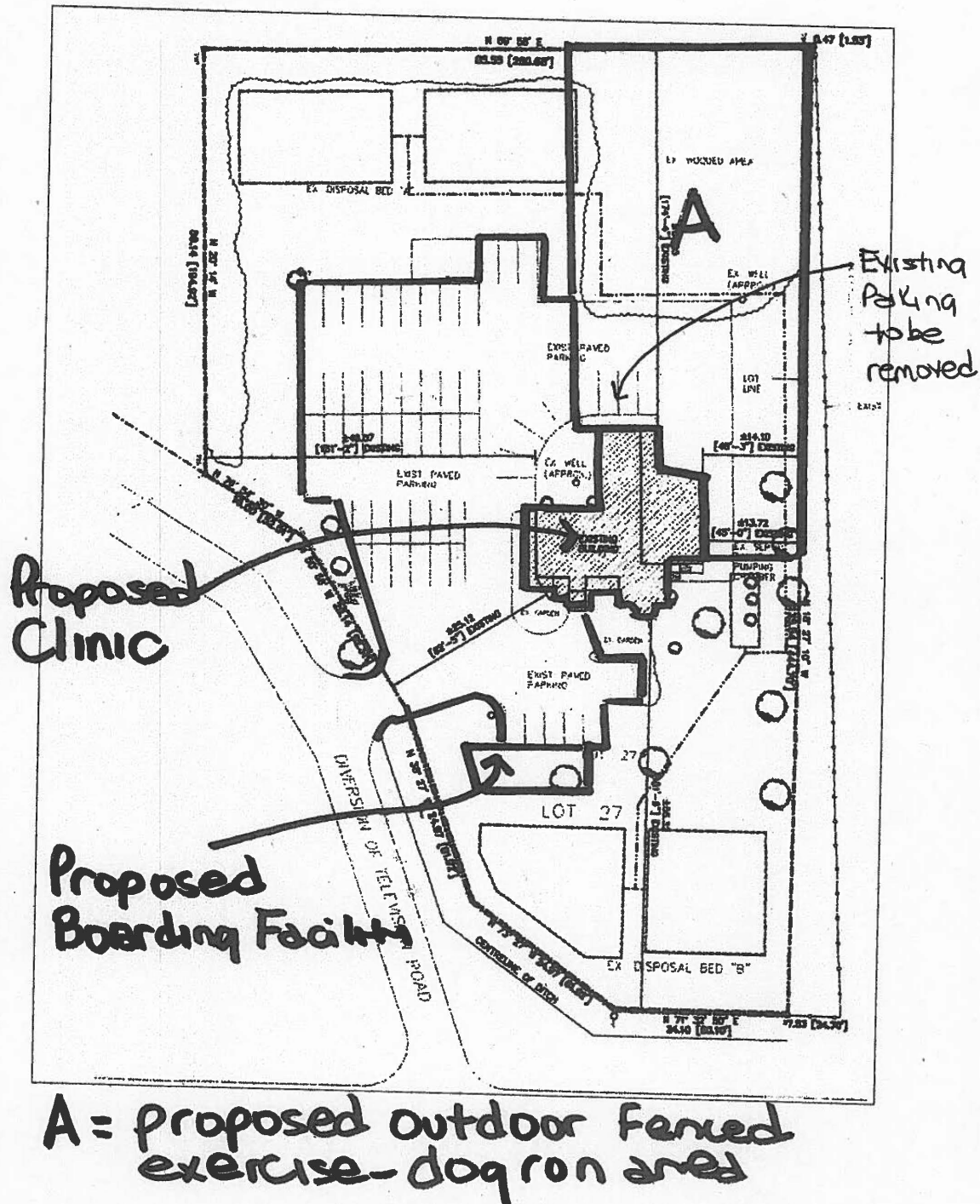


Exhibit C, Page 1 of 3



The Corporation of the City of Peterborough

By-Law Number 15-

Draft Official Plan Amendment

Being a By-law to Adopt Amendment Number to the Official Plan of the City of Peterborough for the property known as 2235 Keene Road

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

1. That Section 4.2.4.16 – Special Policies for Residential Properties, of the Official Plan of the City of Peterborough be deleted.
2. **Schedule 'A' Land Use** of the Official Plan of the City of Peterborough is hereby amended by changing the designation of land **from 'Residential' to 'Commercial'** in accordance with Schedule 'A' attached hereto.
3. **Schedule 'I' Commercial Area** of the Official Plan of the City of Peterborough is hereby amended by adding the **'Service Commercial'** designation in accordance with Schedule 'B' attached hereto.

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

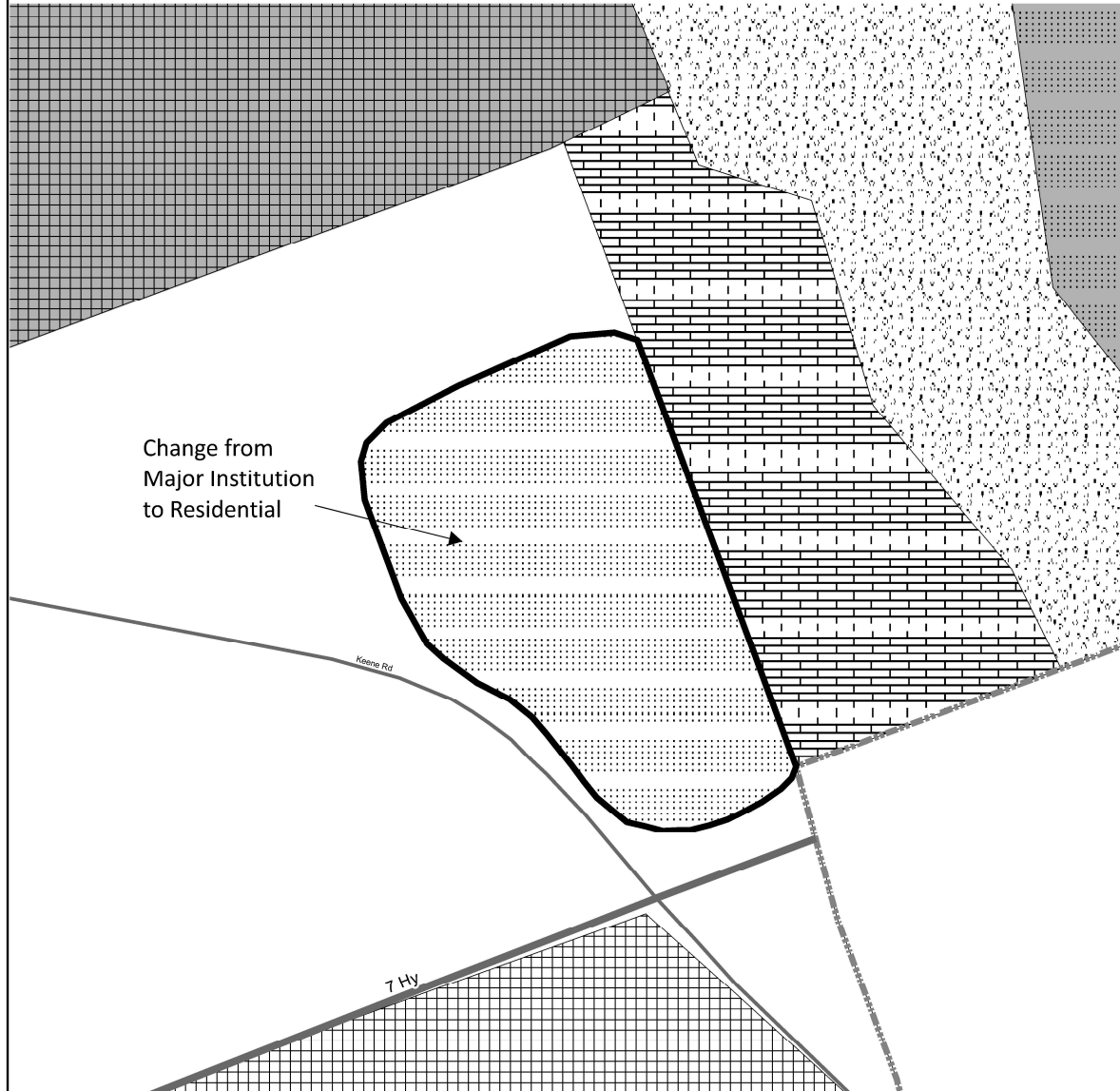
Daryl Bennett, Mayor

John Kennedy, City Clerk

Exhibit C, Page 2 of 3

Schedule A

Official Plan Amendment to Schedule - A Land Use



City of
Peterborough

0 12.5 25 50 75 100
Metres



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File: 01503

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Schedule B

Official Plan Amendment to Schedule - I Commercial Area

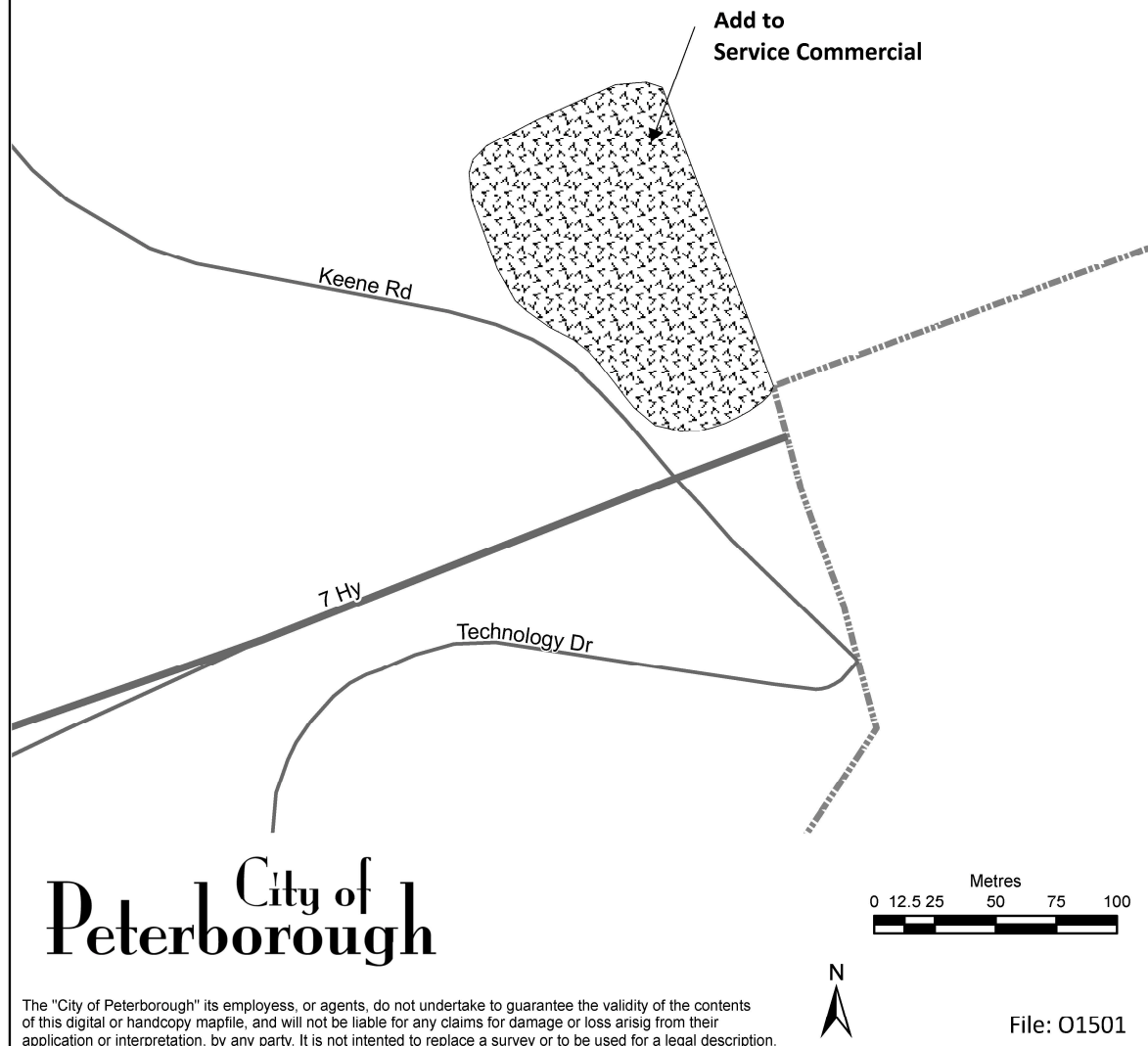


Exhibit D, Page 1 of 4



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 2235 Keene Road

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

1. That Section 79 be repealed (including Schedule 'A') and replaced as follows:

“Section 79
SPECIAL DISTRICT 51 (SP. 51)

79.1 For the purpose of this by-law, land use district 'Special District 51' is hereby established and may be referred to by the symbol 'SP.51'.

Permitted Uses:

79.2 No person within a SP.51 District shall use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) Personal Service Use
- b) Restaurant with a maximum of 100 seats
- c) Clinic
- d) An animal hospital or Veterinary Clinic
- e) Dog Kennel, excluding a breeding facility
- f) A parking lot or garage
- g) A miniature golf course

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Regulations

79.3 No person shall within a SP.51 District use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

Type	Requirement
a) minimum lot width	30 metres
b) minimum lot depth	45 metres
c) minimum building setback - side lot line or rear lot line	the lesser of the existing setback or 10 metres
d) maximum building coverage	20%
e) maximum building height	2 storeys
f) minimum landscaped open space	15% of the area of the lot
g) landscaped open space shall be provided and maintained in accordance with the following: i) the lesser of the existing landscaped open space or 10 metres along a lot line abutting a residential district ii) the lesser of the existing landscaped open space or 1.5 metres along all other lot lines provided such open space may be interrupted by driveways	
h) planting strips and/or privacy fencing shall be required to be constructed and maintained within the landscaped open space along a lot line abutting a residential district	

Exhibit D, Page 3 of 4

j) an accessory building, waste receptacle or garbage storage area may be erected or located within the district, excepting within the minimum required landscaped open space area, provided the following regulations are complied with: i) minimum building setback ii) maximum building height iii) maximum building or site area	3 metres 3 metres 15 square metres
k) for purposes of this district up to 10% of the area between the front face of a building and the front lot line may be used for the open display of merchandise associated with uses (n), (o), (p), (z), (bb) and (cc)	
Section 6.4 shall not apply to prevent the use of the existing buildings for a permitted use notwithstanding that water distribution and wastewater collection facilities are not available to the lot.	
79.4 SP.268 District is hereby designated as a commercial district”	

2. Map 19 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.51 to SP.51 ‘H’**.
3. The ‘H’ Holding Symbol shall be removed subject to Site Plan Approval.

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

Daryl Bennett, Mayor

John Kennedy, City Clerk

Exhibit D, Page 4 of 4

