



City of
Peterborough

To: Members of the Planning Committee

From: Ken Hetherington, Manager, Planning Division

Meeting Date: October 5, 2015

Subject: Report PLPD15-051
Part of 1875 Lansdowne Street West

Purpose

A report to evaluate the planning merits of amending the Neighbourhood Centre Policies of Section 4.3.5 of the Official Plan and amending the SP.354 Zoning of the lands known as Part of 1875 Lansdowne Street West to permit up to one larger scale general merchandise retail store with a maximum gross floor area of up to 2314m² and revise the associated zoning regulations to reduce the minimum setbacks from a side or rear lot line to 6m, reduce the building setback from Dobbin Road to 14m and reduce the total number of required loading spaces from 2 to 1.

Recommendations

That Council approve the recommendations outlined in Report PLPD15-051 dated October 5, 2015, of the Manager, Planning Division, as follows:

- a) That Section 4.3.5 of the Official Plan be amended to add provisions to Section 4.3.5.8 Special Provisions for the Lansdowne Street West Neighbourhood Centre, to permit up to one general merchandise retail store with a maximum floor area of 2350m² in accordance with the draft amendment attached as Exhibit "C" to Report PLPD15-051;
- b) That Section 384 Special District 354 of Zoning By-law 1997-123 be amended by adding a "general merchandise" use to Section 384.2(x); increase the maximum size of the uses in 384.2(x) to 2314m² in Regulation 384.3c)iv); reduce the building setback from Dobbin Road to 14m; and reduce the total number of required loading spaces from 2 to 1 in accordance with Exhibit 'D' attached to Report PLPD15-051.

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 June 26, 2015, deemed to be complete on July 27, 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 November 30, 2015 if Council had not made a decision on the applications.

The subject property is known as Rockhaven Centre and is part of the total landholdings at 1875 Lansdowne Street West with a total lot area of approximately 2.96 ha. (7.3 ac.) in size, located at the southwest corner of the intersection of Dobbin Road and Lansdowne Street West, in the City's west end.

The subject property forms part of the expanded 'Neighbourhood Centre' designation in the City's Commercial Areas Schedule 'I' of the Official Plan. In March, 2011, the Ontario Municipal Board approved the expansion of the Neighbourhood Centre zoning to the subject properties as a result of a Settlement Hearing whereby the City, the former owners of the lands (Goldmanco) and the former owners of the Mapleridge Plaza across the road agreed to a restricted list of permitted uses. The current SP.354 Zoning was applied to the property with site specific provisions, in keeping with the Neighbourhood Centre policies of the Official Plan and reflecting the City's 2009 Retail Market Analysis Update prepared by UrbanMetrics.

The zoning limits the number of large retail establishments permitted on the property and imposes caps on the size of retail uses. A provision was also added to the Official Plan that limits the total of amount of Gross Leasable Floor Area for the larger Neighbourhood Centre within which Rockhaven Centre is located and restricts the number of large scale retail stores (larger than 330m²) to one for the subject lands with a maximum floor area of up to 1858m² (20000 ft²). The larger scale retail uses are limited to the sale of beer, wine and/or liquor; optical; paint, wallpaper, decorating supplies; or hardware.

The applicant proposes to amend the Neighbourhood Centre policies related to the property and the implementing Zoning of the lands to permit the addition of a further large scale retail use referred to as a 'general merchandise retail store' to permit a proposed Giant Tiger retail store, subject to an increased maximum gross floor area restriction of 2314m² (24908 ft²) in addition to site specific regulation changes including reduce the minimum setbacks from a side or rear lot line to 6m, reduce the building setback from Dobbin Road to 14m and reduce the total number of required loading spaces from 2 to 1.

The applications are accompanied by a Retail Market Commentary prepared by Tate Economic Research Inc., dated May 25, 2015 (attached as Exhibit 'E' to Report PLPD15-051). The Tate Retail Market Study concludes that *"It is the professional opinion of TER that the addition of a Giant Tiger store at Rockhaven Plaza will not result in a change in the retail function of Rockhaven Plaza. Therefore, there will be no impact on the commercial structure of the City of Peterborough."*

The City requested a Peer Review of the Tate Economic Research Retail Market Commentary to validate the opinion regarding the function of the lands with the addition of the proposed general merchandise (Giant Tiger) use. UrbanMetrics, the City's retail market consultants have provided a review and opinion regarding the application.

Analysis

a) Official Plan

The lands are currently designated 'Commercial' on Schedule 'A' – Land Use and 'Neighbourhood Centre' on Schedule 'I' – Commercial Area of the City of Peterborough Official Plan. Neighbourhood Centres are intended to provide for a range and supply of commercial goods and services to multiple planning districts in a manner that is compatible with adjacent uses. These can be clustered within one or more shopping plazas. The subject lands are known as Rockhaven Centre and form part of the cluster of shopping plazas on either side of Lansdowne Street West, forming the Neighbourhood Centre. The Official Plan generally anticipates Neighbourhood Centres to range in size between 2000m² and 8000m² of Gross Leasable Floor Area. Through the approval of Official Plan Amendment No. 150 by the Ontario Municipal Board, the Lansdowne Street West Neighbourhood Centre is permitted to have a total Gross Leasable Floor Area of 17,557m², which includes the proposed development.

The Neighbourhood Centre policies support an expanded list of commercial uses that include such uses as small scale retail stores, personal service uses, restaurants, larger scale neighbourhood serving retail uses such as food stores, drug stores and hardware stores, clinic uses, small scale office and studio uses, institutional and cultural uses, and medium density residential uses subject to the appropriate policies of the Official Plan. The application proposes to amend the Neighbourhood Centre policies of the Official Plan to include a site specific provision to permit up to one large scale general merchandise store with a floor area greater than 330m² and not exceeding 2314m² (24908 ft²).

A limited range of larger scale retail uses are permitted within the Neighbourhood Centre designation. The Official Plan specifically identifies 'food store, drug stores and hardware stores' as larger scale retail uses. This list was not intended to be an exhaustive list of the permitted larger scale uses, but describes the types of larger scale uses contemplated by the policies. This was reinforced when the Ontario Municipal Board approved Official Plan Amendment #150 and the corresponding zoning for the subject lands in 2011. The zoning approved by the Ontario Municipal Board permitted a larger scale retail establishment for the sale of: beer, wine or liquor; optical; paint, wallpaper and decorating supplies; and hardware, in conformity with the Neighbourhood Centre policies.

Other larger scale retail uses can be permitted, provided the retail function of the Neighbourhood Centre does not change.

There has been some concern expressed that Giant Tiger should be considered as a department store, and restricted specifically to Major Shopping Centres and the Central Area. One of the fundamental principles of the City's commercial policy structure is that department stores and food stores are anchors for the identified shopping nodes. The existing department store anchors, which include Sears and Walmart, range in size from 9197m² (99,000 ft²) to 12355m² (133,000 ft²). It is the position of Planning Staff that a Giant Tiger store, with a floor area of 2322m² (25,000 ft²) is not a department store as contemplated by the City's commercial policies. It is considered as a general merchandise store.

In assessing the appropriateness of the application, Planning Staff have reviewed the Retail Market Commentary submitted with the proposed amendments. The Retail Market Commentary assesses the function of Rockhaven Centre and the proposed Giant Tiger store within the retail hierarchy and any change in function through the addition of the store. The Study set out to determine whether the function of the Neighbourhood Centre was compromised by the permission for one larger scale use such as a 'general merchandise store' with a floor area of up to 2314m² (24908 ft²). Planning Staff have sought an opinion from urbanMetrics, Economic Research Analysts to determine whether the conclusions of the study are valid.

UrbanMetrics advises that Giant Tiger is a general merchandise retailer that targets lower income markets. Its pricing is particularly attractive to the rural community and college and university students. At 25,000 square feet, the proposed Giant Tiger would be smaller than most supermarkets that anchor Neighbourhood Centres. The store will likely draw customers from the rural areas west and south of the City and recapture City sales that are flowing to the Giant Tiger store north of the City. It is also in close proximity to Sir Sandford Fleming College and would serve student convenience needs. It is urbanMetrics' opinion that while the Giant Tiger may draw from a wider area than a typical Neighbourhood Centre, it is an appropriate use for the Rockhaven Plaza in terms of size and function.

An amendment to the Neighbourhood Centre policies specific to the subject property is proposed to ensure the expanded retail establishment will be limited to a general merchandise retail use and capped at 2350m² (25300 ft²).

b) Zoning By-Law

The subject property is currently zoned SP.354 – Special Commercial District as approved by the Ontario Municipal Board in 2011. The SP.354 includes a list of permitted uses consistent with the existing Neighbourhood Centre policies of the Official Plan. The SP. 354 Zoning District permits a list of commercial uses, including the following:

- a) a video rental establishment
- b) a personal service establishment
- c) a sub post office

- d) a dry cleaning depot (Class 2)
- e) a printing shop
- f) a convenience retail store
- g) a bake shop
- h) a self service laundry
- i) a studio or craft workshop
- j) a day nursery
- k) a repair shop for electronics and appliances
- l) a mailbox rental service outlet
- m) a retail establishment
- n) a retail catalogue sales establishment
- o) a rental establishment with no outdoor display and/or storage
- p) a food store
- q) a clinic
- r) an art school, music school, dance school or fine arts school
- s) a gymnasium or health club
- t) a place of assembly
- u) a restaurant
- v) a bowling alley
- w) a bank, financial institution or loan company
- x) a retail establishment for the sale of:
 - i. beer, wine and/or liquor
 - ii. optical
 - iii. paint, wallpaper, decorating supplies
 - iv. hardware

Regulations associated with the SP.354 Zoning District restrict the maximum floor area for all commercial purposes as well as the size of individual permitted uses and limits the total amount of floor space dedicated to uses listed in x) to a maximum of one of these uses with a maximum floor area of 1858m² (20000 ft²), in keeping with the existing Official Plan provisions. The maximum floor area for all commercial development within the SP.354 Zoning District is 4750m² (51130 ft²). The subject application does not propose to increase the maximum floor area for all commercial uses, as the proposed development has been accounted for.

The proposed general merchandise retail use would be considered a 'retail establishment' as listed above and the regulations restrict the maximum size of such a retail establishment to 330m² per commercial purpose.

An amendment therefore, is required to permit a larger scale general merchandise retail establishment for uses other than those listed in x) above, including beer, wine and/or liquor stores; optical stores; paint, wallpaper, decorating supplies; and hardware stores. Based on the Retail Market Commentary conclusions, Planning Staff is satisfied that the introduction of one general merchandise retail establishment for the proposed Giant Tiger store, will not alter the function of the plaza and is in keeping with the intent and purpose of the Official Plan as amended.

Zoning District SP.354 is proposed to be amended in accordance with the draft zoning by-law attached. The purpose of the exception is to add a 'general merchandise use' to the list of permitted uses under 384.3c)iv) to include this use in the list of larger format uses permitted in conjunction with other uses on the subject lands, comprising the Neighbourhood Centre use.

In accordance with the Zoning By-Law, a total of 211 spaces will be provided on the property.

The applicant proposes to expand the development of the site to include the third phase of development, including two proposed buildings and associated parking and landscaping. Proposed Building C on the Concept Site Plan is intended to support the Giant Tiger general merchandise use and proposed Building D is intended to support other uses currently permitted under the existing zoning. The proposed changes to the site plan result in a request to modify the minimum setbacks of the buildings from 9m to 6m; seek relief from the minimum setback from the centerline of Dobbin Road from 19m to 14m and to reduce the total number of loading spaces from 2 to 1.

Planning Staff are concerned with the proposed reduction of the building setback from the side and rear yard property lines. The reduction would allow the proposed Building D to be situated within 6m of the property line adjacent to the lands known as 855 Dobbin Road. The adjacent lands are zoned C.4 – Commercial District, however, used to support a residential use as a legal non-conforming detached dwelling. Significant effort was made to provide additional buffering at the time of original approvals for phase 2 of the development which included the introduction of a berm and fence within the subject lands to assist with the screening of the development. Introducing a building within 6m from this lot line will have the effect of eliminating this berm and fence. As such, it is recommended that the request for reduction of the minimum setbacks from the side and rear lot lines be denied.

Amendments to the current Site Plan will be required to add the new buildings and further discussions regarding the treatment of the property line abutting the triangular parcel known as 855 Dobbin Road will be required to provide adequate buffering.

Response to Notice

a) Significant Agency Responses:

Agency circulation was issued on July 29, 2015 and Notice of Complete Application and Public Meeting was circulated on September 8, 2015.

The Township of Cavan Monaghan has expressed concern regarding stormwater management and seeking confirmation from the proponent that there will be no increase in runoff to the existing municipal system with on-site quality control.

Otonabee Conservation has no objection to the proposed change in land use, however, express concern with the increase in impervious surface and resultant implications with respect to stormwater management. ORCA requires that a stormwater management plan be developed to ensure that the increased runoff does not cause flooding on adjacent lands.

The Downtown Business Improvement Area (DBIA) has expressed significant concerns with the proposed amendments. It is the opinion of the DBIA that the introduction of the proposed large scale general merchandise retail use veers from the accepted use of the property in both size and definition and alters the function of the Neighbourhood Centre. The DBIA views the proposed Giant Tiger as a 'department store' and express concern with the precedent of supporting such uses and the trend of such approvals challenging the position of the downtown in the commercial hierarchy.

The analysis provided above under the Official Plan section of this report, offers the staff response to the DBIA submission.

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) and by direct mail on September 8, 2015. The notice complies with the requirements of the Planning Act.

No written comments have been received as of September 15, 2015.

Submitted by,

Ken Hetherington
Manager, Planning Division

Prepared by,

Caroline Kimble
Land Use Planner

Concurred with,

Malcolm Hunt, Director
Planning and Development Services

Contact Name:

Caroline Kimble

Planner, Land Use

Planning & Development Services

Phone: 705-742-7777, Extension 1735

Toll Free: 1-855-738-3755

Fax: 705-742-5218

E-mail: ckimble@peterborough.ca

Attachments:

Exhibit A – Land Use Map

Exhibit B – Site Plan

Exhibit C – Draft Official Plan Amendment

Exhibit D – Draft Zoning By-Law Amendment

Exhibit E – Tate Economic Retail Market Commentary

Exhibit F – urbanMetrics Retail Market Review

Exhibit A, Page 1 of 1

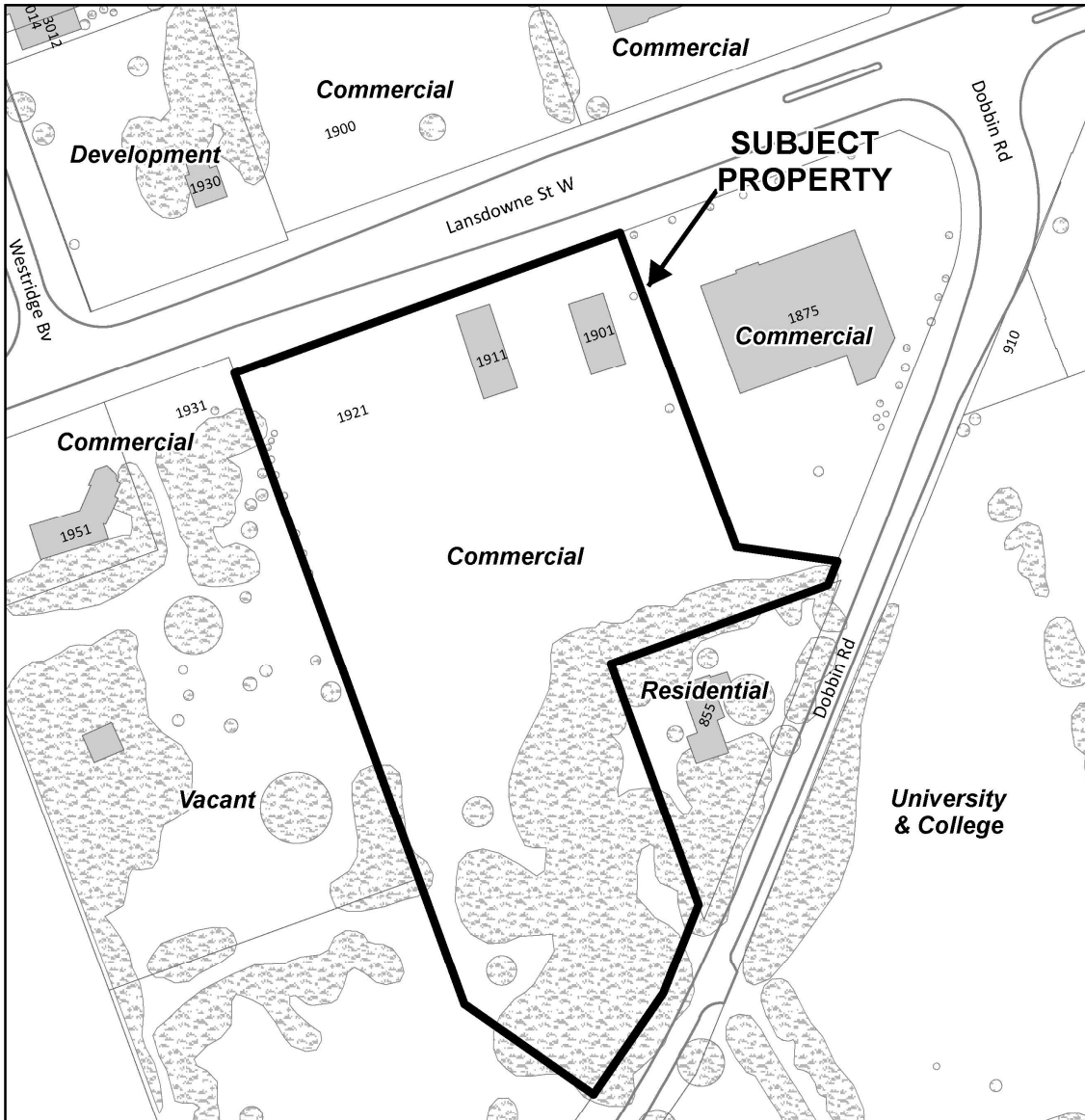
Land Use Map

File: O1505 & Z1510

Property Location: 1875 Lansdowne St W

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.

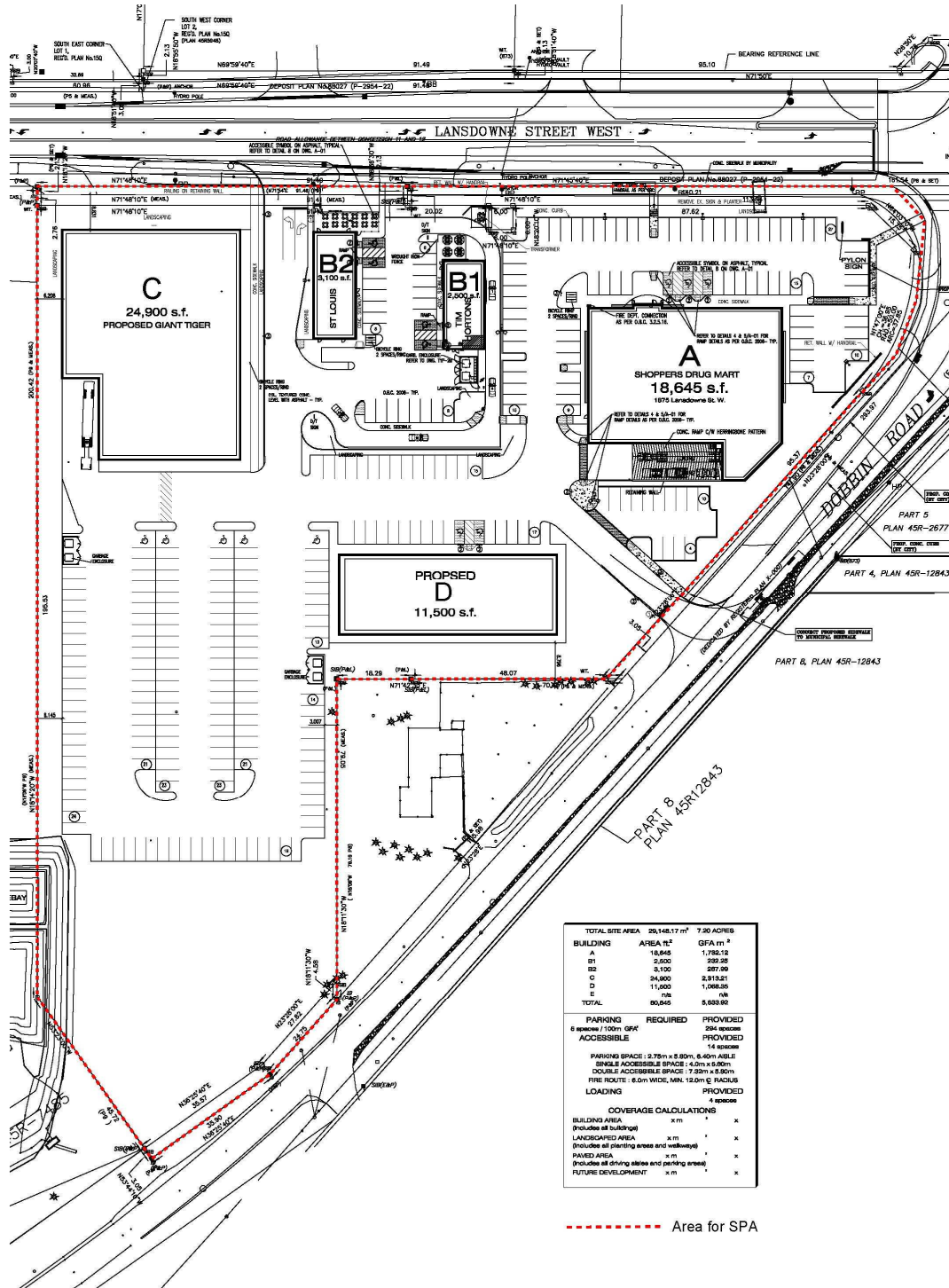


Date: July 14, 2015

Map by: JEllis

0 5 10 20 30 40 50
Metres

Exhibit B, Page 1 of 1



ROCKHAVEN
Peterborough, ON.

Exhibit C, Page 1 of 1



City of
Peterborough

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 Part of 1875 Lansdowne Street West.

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

That Section 4.3.5.8 of the Official Plan of the City of Peterborough be amended to add the following at the end of the sentence:

“and are permitted to have a larger scale general merchandise store with up to 2350m² of floor area.”

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

Daryl Bennett, Mayor

John Kennedy, City Clerk

Exhibit D, Page 1 of 1



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 Part of 1875 Lansdowne Street West.

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

1. That Section 384 of By-law 97-123 be amended as follows:
 - a) Add 'v. general merchandise' to the list of permitted uses in Section 384.2(x)
 - b) Replace '1858m²' with '2314m²' in Regulation 384.3c)iv)
 - c) Add the following to Regulations 384.3

k) Notwithstanding Section 4 of the By-law, a minimum of 1 Loading Space shall be provided

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

Daryl Bennett, Mayor

John Kennedy, City Clerk