



City of
Peterborough

To: Members of the Planning Committee

From: Ken Hetherington, Manager, Planning Division

Meeting Date: February 29, 2016

Subject: Report PLPD16-017
101 Park Street South

Purpose

A report to evaluate the planning merits of amending the SP.264-40 – Special Commercial District Zoning for the property known as 101 Park Street South to modify the list of permitted uses to add ‘a retail establishment for the sale, service and repair of appliances, with a maximum floor area of 265m² (2852 ft²)’ to the list of permitted uses.

Recommendation

That Council approve the recommendation outlined in Report PLPD16-017 dated February 29, 2016, of the Manager, Planning Division, as follows:

That Exception 40 of Section 3.9 of the Comprehensive Zoning By-law be amended to add ‘a retail establishment for the sale, service and repair of appliances, with a maximum floor area of 265m² (2852 ft²)’, in accordance with the draft amendment attached as Exhibit “C” to Report PLPD16-017.

Budget and Financial Implications

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

Background

The subject application was received on August 11, 2015, and deemed to be complete as of September 25, 2015. The application was processed in accordance with department procedures. The *Planning Act* allows applicants to appeal Zoning By-law Amendment Applications after the expiry of 120 days of the application being deemed complete. The applicant has been in a position to file an appeal to the Ontario Municipal Board since January 25, 2016.

Additional information regarding parking and the parking configuration was recently provided by the applicant. The parking analysis confirms that the existing parking is sufficient for the floor space dedicated to the proposed uses, including the 4 residential apartments on the second storey.

The subject property is located at the southwest corner of the intersection of Romaine Street and Park Street South and is approximately 1335m² (14374 ft²) in size. The lands currently support a mixed use building with commercial uses on the main floor and the basement and a total of 4 residential apartments on the second storey.

Council approved the current SP.264-40 – Special District Commercial in July 1998 via By-law # 98-90. The 1998 zoning amendment had the effect of adding a ‘vehicle stereo installation establishment’ and ‘small electrical and electronic appliance repair and service establishment’ to the list of traditional local commercial uses, with maximum floor area restrictions of 250 m² (2691 ft²) per commercial purpose.

The owner of the property seeks to further amend the existing zoning to add ‘a retail establishment for the sale, service and repair of appliances, with a maximum floor area of 265m² (2852 ft²) to the list of permitted uses. The expectation is that the main floor of the building will support the sale, service and repair of appliances, in association with Kawartha TV and Stereo. The intent is to offer retail sales of appliances, and the repair and service of the same, while the location at Park Street and Lansdowne will continue to support the sale of electronics. The lower level of the commercial plaza is intended to continue as ‘a vehicle stereo installation establishment’. The applicant proposes to retain the existing four dwelling units on the second storey of the building.

Analysis

a) Official Plan

The lands are designated ‘Residential’ on Schedule ‘A’ – Land Use of the City of Peterborough Official Plan. The ‘Residential’ designation contemplates local commercial facilities, “to provide a range of convenience goods and services, generally required on a daily basis, to the adjacent residential areas.”

Section 4.2.6.3 of the Official Plan requires that new local commercial uses or major expansions of existing facilities proceed by way of an amendment to the Zoning By-law. The property was subject of an amendment in 1998 that had the effect of adding a 'vehicle stereo installation establishment' and 'small electrical and electronic appliance repair and service establishment' to the list of traditional local commercial uses, with maximum floor area restrictions of 250 m² (2691 ft²) per commercial purpose.

The current application proposes to expand on the 1998 uses to also permit the 'retail sale' of appliances. Section 4.2.6.3 of the Official Plan further supports 'small scale service commercial uses such as video rental and gasoline sales outlets'. The use of the land for the existing appliance repair and the proposed retail sale of appliances are typical 'Service Commercial' uses. The limitation of the size of the retail sale of appliances at 265m² (2852 ft²) will ensure that the use is small scale and consistent with the direction of the Official Plan.

The form of the development as a mixed use building with commercial on the main floor and lower level, together with residential uses on the second storey, with integrated parking and access is consistent with the form anticipated in the local commercial designation of the Official Plan. The height and design of the building will remain as constructed and well established within the neighbourhood.

b) Zoning By-law

The current SP.264-40 – Special Commercial District Zoning for the property includes the following list of permitted uses:

- i. an office, excluding a veterinary office
- ii. a clinic
- iii. a convenience retail store
- iv. a personal service use
- v. a laundromat
- vi. a dry cleaning depot
- vii. a restaurant
- viii. a video rental establishment
- ix. a drug store
- x. a food store
- xi. a sub-post office
- xii. a dwelling unit
- xiii. a vehicle stereo installation establishment
- xiv. a small electronic and electrical appliance repair and service establishment

The proposed amendment intends to facilitate a further use of the property as an extension of the uses already provided by permitting 'a retail establishment for the sale, service and repair of appliances, with a maximum floor area of 265m² (2852 ft²)'.

A draft amendment proposing to add the proposed use to the list of permitted uses, subject to a size restriction of 265m² (2852 ft²) is attached as Exhibit "C" to Report PLPD16-017.

No changes are proposed to the property. A minimum of 13 parking spaces are required to support the proposed uses. The existing site supports a total of 21 parking spaces, with access to both Romaine Street and Park Street South.

Response to Notice

a) Significant Agency Responses:

Agency circulation was issued on October 9, 2015 and Notice of Public Meeting was circulated on February 1, 2016.

The City's Utility Services Department indicates no objection to the proposed application subject to the payment of cash in lieu of parkland where required. No development is anticipated as a result of this amendment, therefore, no additional park levy is payable. In the event of a future Site Plan Approval process, stormwater management (water quality and quantity) will be required and a road widening and daylight triangle be reviewed and requested if required.

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 advertisement and by direct mail on February 1, 2016. The notice complies with the requirements of the Planning Act.

No written comments have been received as of February 5, 2016.

Submitted by,

Ken Hetherington
Manager, Planning Division

Prepared by,

Concurred with,

Caroline Kimble
Land Use Planner

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 Zoning By-law Amendment

Exhibit A, Page 1 of 1

Land Use Map

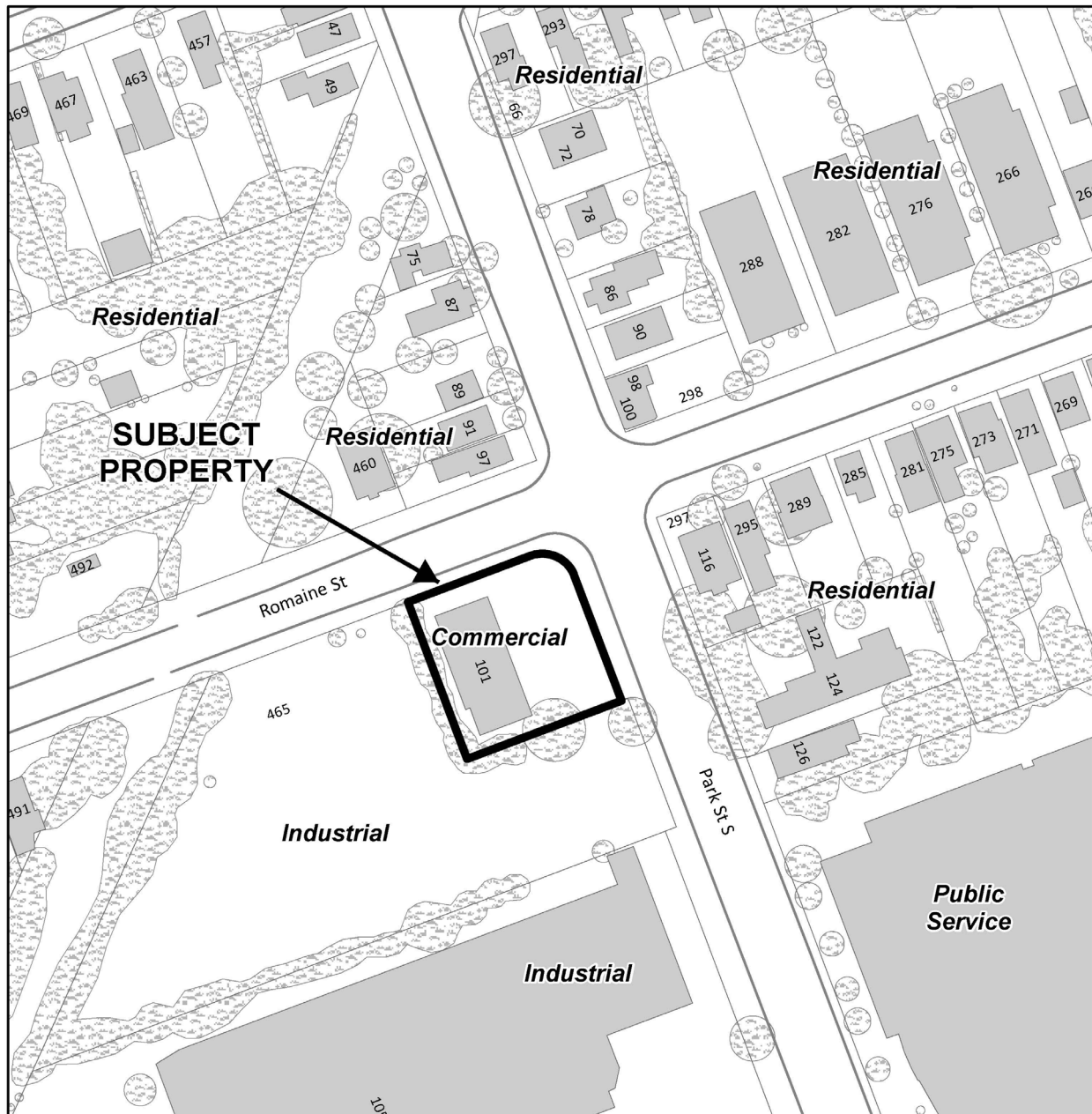
File: Z1513

Property Location: 101 Park St 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: September 25, 2015

Map by: Jellis

0 5 10 20 30 40 50 Metres

Exhibit C, Page 1 of 1



The Corporation of the City of Peterborough

By-law Number 16-

Being a By-law to Amend the Zoning By-law as it relates to 101 Park Street South.

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

That Section 3.9.40 – Exceptions of By-law 97-123 be amended by adding the following:

- “iii) a retail establishment for the sale, service and repair of appliances, with a maximum floor area of 265m² (2852 ft²)”

By-law read a first, second and third time this day of , 2016.

Daryl Bennett, Mayor

John Kennedy, City Clerk