



City of
Peterborough

To: **Members of the Planning Committee**

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

Meeting Date: **March 21, 2016**

Subject: **Report PLPD16-025
850 Lansdowne Street West**

Purpose

A report to evaluate the planning merits of amending the zoning of the property known as 850 Lansdowne Street West from the C.4 – Commercial District to the SP.268 – Special Commercial District, to permit the use of the lands for Service Commercial purposes with an exception .244 including a Bank, Financial Institution or Loan Company, and an alternative regulation 5h, to recognize the existing building coverage of the lands.

Recommendations

That Council approve the recommendations outlined in Report PLPD16-025 dated March 21, 2016, of the Manager, Planning Division, as follows:

- a) That Section 1 of the City's Comprehensive Zoning By-law 97-123 be amended to include a definition for 'Bank, Financial Institution or Loan Company', in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD16-025.
- b) That the zoning of the subject property be amended from the C.4 – Commercial District to the SP.268 - 244, 5h – Special Commercial District, in accordance with the draft amendment attached as Exhibit "D" to Report PLPD16-025.

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 November 19, 2015 and deemed to be complete as of November 27, 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 will be in a position to file an appeal to the Ontario Municipal Board as of March 28, 2016.

The applicant proposes to expand the list of permitted uses to comply with the current Service Commercial designation of the lands in the City's Official Plan and further to recognize the existing building coverage of 21% of the lot area, by way of an alternative regulation.

In response to the circulation of the application to agencies and departments, the Downtown Business Improvement Area (DBIA) has expressed concern with the lack of clarity based on the absence of a definition for Bank, Financial Institution or Loan Company, and Planning Staff have agreed to introduce a definition to reflect the past interpretation of the use to include a more traditional bank use and/or cheque cashing type of facility and not an office type of use that would be expected of an investment company or strictly a mortgage company.

Analysis

a) Official Plan

The lands are designated 'Commercial' on Schedule 'A' – Land Use of the City of Peterborough Official Plan and 'Service Commercial' on Schedule 'I' – Commercial Area.

The purpose of the 'Service Commercial' designation of the property is to provide "for a broad range of commercial services, commercial recreational and institutional uses and a restricted range of retail commercial uses, which are not appropriate in the other commercial designations or have particular site, access or storage/display requirements."

Permitted uses within the 'Service Commercial' designation include automotive-oriented commercial uses and uses that cater to the travelling public including hotels, motels, eating establishments, commercial recreation and assembly uses, personal and financial services and also includes clinics, small scale office and studio uses where lands are located adjacent to Shopping Nodes and Neighbourhood Centres as transitional use adjacent to residential areas.

The application proposes to implement the Service Commercial policies by updating the existing zoning to the SP.268 Zoning District with an exception to add 'bank, financial institution or loan company' as a permitted use, in keeping with the Official Plan policies.

b) **Zoning By-law**

The subject property proposes an amendment to the existing zoning applied to the land in the Zoning By-law. It is recommended that the zoning change from the C.4 – Commercial Zoning District to the SP.268-244,5h – Commercial Zoning District to expand the list of permitted uses in keeping with the Service Commercial policies in the Official Plan.

Planning Staff are recommending approval of the SP.268 – Commercial Zoning District with an exception to include a 'bank, financial institution or loan company' as a permitted use, subject to the following site specific regulation:

Type	Requirement
a) maximum building coverage	21% of lot area

The draft zoning amendment conforms to the existing Official Plan designation of the property and will permit the use of the lands in compliance with the current policies. The property will be developed with parking and standards in accordance with the City's Zoning By-law.

No changes are proposed for the property. The existing site supports a total of 12 parking spaces, with access to both Lansdowne Street West and Wightman Avenue.

Planning Staff are proposing the introduction of a definition for 'Bank, Financial Institution or Loan Company' into the Comprehensive Zoning By-law to clarify the historical interpretation of the use and address the concern of the DBIA. The use has been interpreted to permit a more traditional bank use and/or cheque cashing type of facility and not an office type of use that you would expect of an investment company, insurance company or strictly a mortgage company. The following wording is proposed with regard to the use, in an effort to clarify, as follows:

"Bank, Financial Institution or Loan Company:

Shall mean an establishment used primarily for financial transactions, including the borrowing, depositing and exchanging of currency and shall include banks, trust companies, credit unions, savings and loan offices and similar establishments, but does not include insurance companies, mortgage companies or investment dealers."

Response to Notice

a) **Significant Agency Responses:**

Agency circulation was issued on December 2, 2015 and Notice of Public Meeting was circulated on February 22, 2016.

The City's Utility Services Department indicates no objection to the proposed application subject to confirmation that the parking meets the minimum standards of the Zoning By-law and no off-site effects based on the proposed use. Cash in lieu of parkland is recommended, where required. The applicant has also been advised that in the event of a future Site Plan Approval for the property, stormwater management (water quantity and quality) will be required, together with a road widening and a daylight triangle, if required.

The City's Building Division indicates that the change in use may require a building permit for the partitioning of offices, electrical, HVAC and lighting requirements. The applicant is advised of the requirement for parking and that compliance with minimum parking standards will be required at building permit stage. The applicant has not requested a reduction in parking, therefore, the floor area will have to be limited.

The Downtown Business Improvement Area (DBIA) has expressed concern with the lack of a definition for the term 'bank, loan company or financial institution' and suggest that the application is premature until such time as a definition is introduced. The DBIA is concerned that the lack of definition leaves considerable room for interpretation and could possibly harm the downtown office compliment. The DBIA therefore, request that the City introduce a definition to clarify the use. Planning Staff have recommended the introduction of a definition to provide clarity and have incorporated an amendment as part of the subject application.

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 direct mail on February 22, 2016 and by newspaper advertisement on February 29, 2016. The notice complies with the requirements of the Planning Act.

No written comments have been received as of February 26, 2016.

Submitted by,

Ken Hetherington
Manager, Planning Division

Prepared by,

Concurred with,

Caroline Kimble
Land Use Planner

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 – Concept Site Plan
Exhibit C – Draft Zoning Amendment for Definition of ‘Bank, Financial Institution or Loan Company’
Exhibit D – Draft Zoning By-law Amendment

Exhibit A, Page 1 of 1

Land Use Map

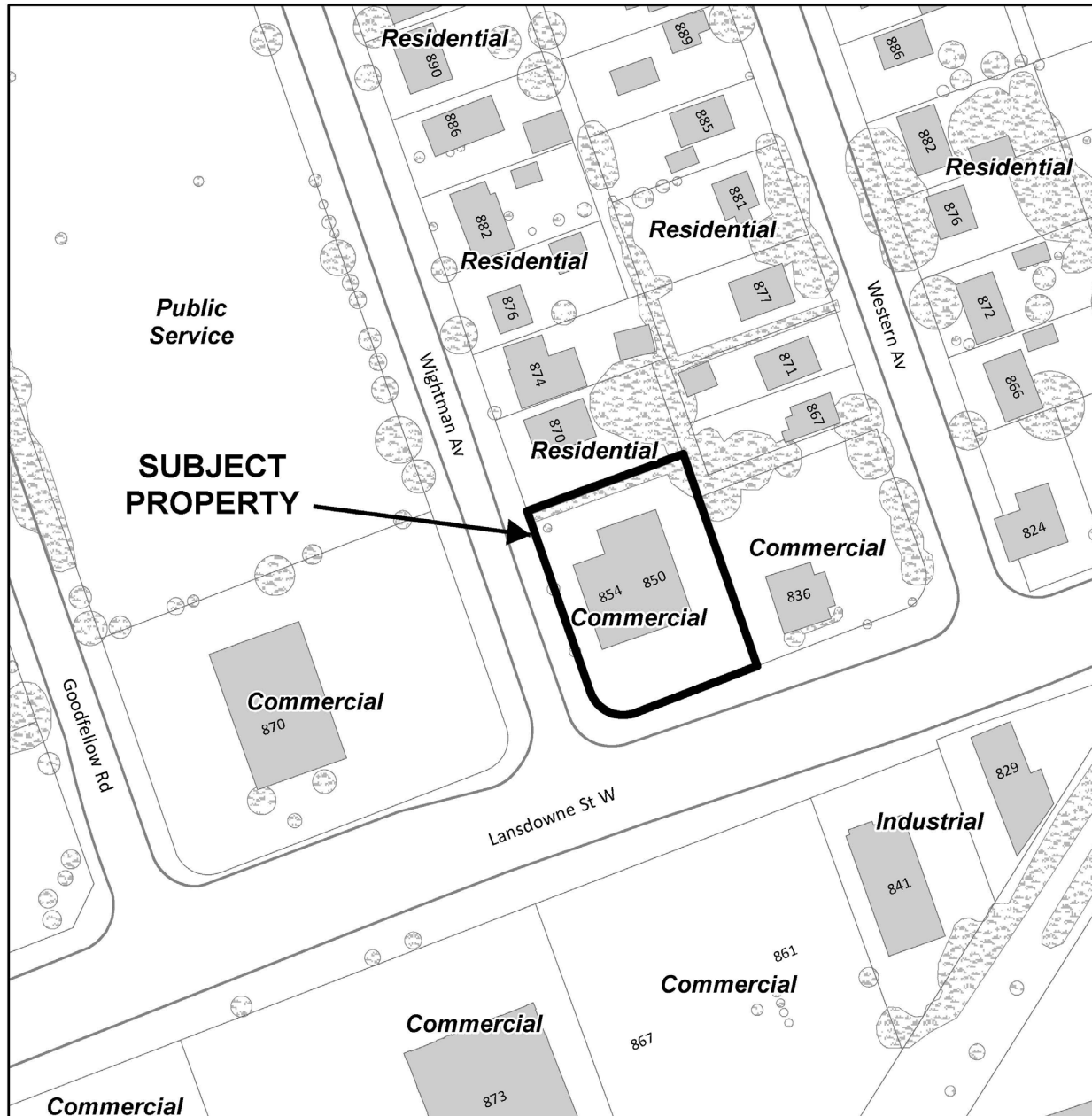
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Property Location: 850 Lansdowne St West

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: November 25, 2015

Map by: JELLIS

0 5 10 20 30 40 50 Metres

Exhibit B, Page 1 of 1

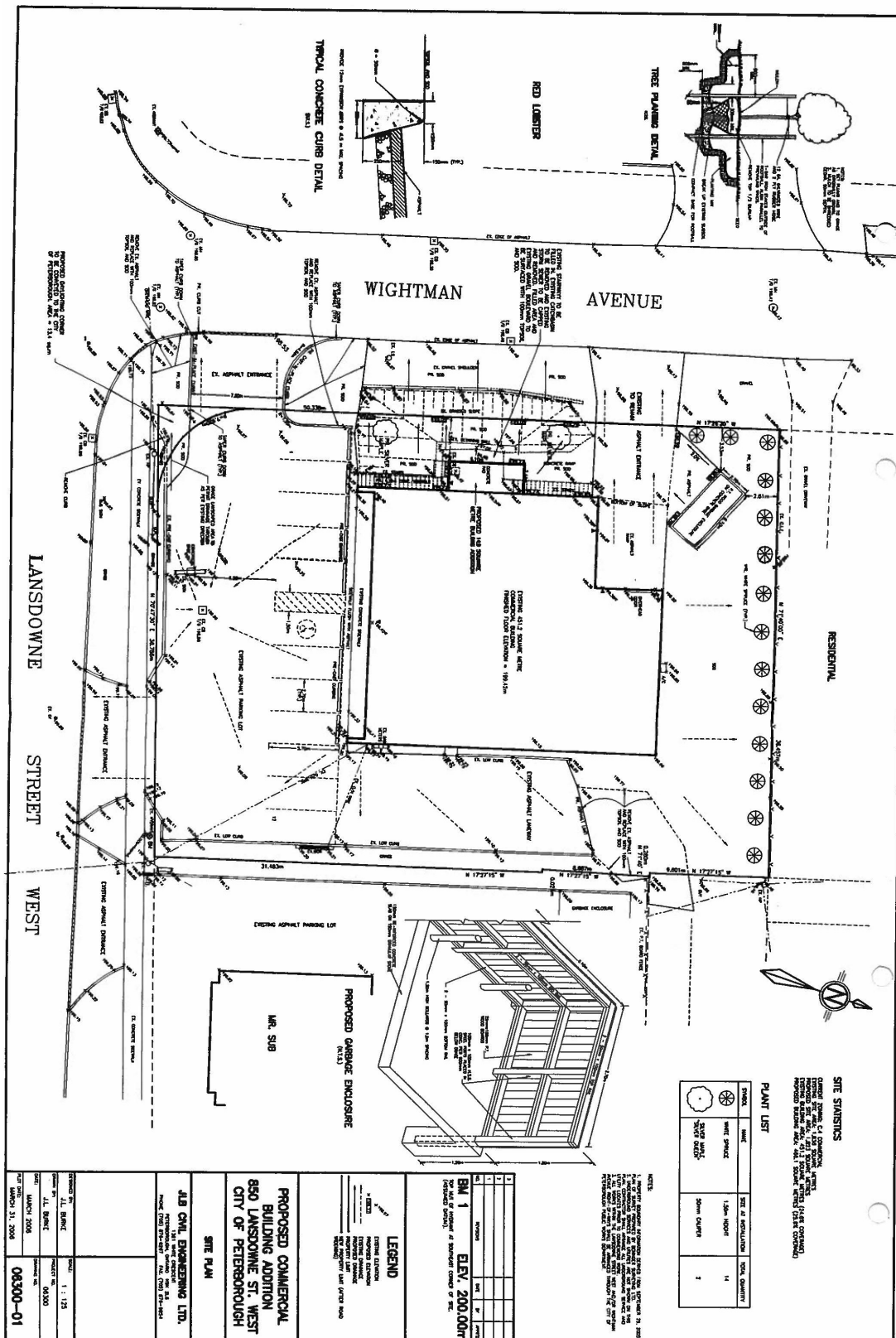


Exhibit C, Page 1 of 1



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 Section 1. Definitions

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

That Section 1 – Definitions, be amended to add the following:

"Bank, Financial Institution or Loan Company means an establishment used primarily for financial transactions, including the borrowing, depositing and exchanging of currency and shall include banks, trust companies, credit unions, savings and loan offices and similar establishments, but does not include insurance companies, mortgage companies or investment dealers."

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

Daryl Bennett, Mayor

John Kennedy, City Clerk

Exhibit D, Page 1 of 2



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 850 Lansdowne Street West.

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

That Map 16 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 **C.4 to SP.268-244,5h.**

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

Daryl Bennett, Mayor

John Kennedy, City Clerk

Exhibit D, Page 2 of 2

