



City of  
**Peterborough**

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**To:** **Members of the Planning Committee**

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

**Meeting Date:** **March 21, 2016**

**Subject:** **Report PLPD16-026**  
**844 Rye Street**

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## **Purpose**

A report to evaluate the planning merits of amending the zoning of the property known as 844 Rye Street, to add a 'Bank, Financial Institution or Loan Company' as a permitted use.

## **Recommendation**

That Council approve the recommendation outlined in Report PLPD16-026 dated March 21, 2016, of the Manager, Planning Division, as follows:

That Exception 151 of the City's Comprehensive Zoning By-law 97-123 be amended to include a 'Bank, Financial Institution or Loan Company' as a permitted use, in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD16-026.

## **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 January 7, 2016 and deemed to be complete as of January 12, 2016. 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 May 11, 2016 if Council has not made a decision.

The applicant proposes to expand the list of permitted uses to introduce a 'Bank, Financial Institution or Loan Company' as an additional use to the list of permitted uses, in compliance with the Service Commercial designation of the lands in the City's Official Plan.

The property is subject of a 2015 Zoning Application (Z1512) approved by Council on November 9, 2015. By-law 15-157 has the effect of amending the zoning of the property from SP.268-151-157(F) to SP.268-151(F) to add 'a specialty toy and book store' with a maximum floor area of 438m<sup>2</sup>(4715 ft<sup>2</sup>) to the list of permitted uses and to delete 'an establishment for office equipment and supplies sales, computer sales and janitorial supplies sales'. The amendment also adds an exception to permit a building setback of 23 metres from the centre line of Lansdowne Street West. Council Approval of By-law 15-157 has been appealed to the Ontario Municipal Board. An Appointment for Hearing has been issued by the Ontario Municipal Board, confirming a Hearing scheduled for April 21 and April 22, 2016.

Planning Staff have proposed a definition of 'A Bank, Financial Institution or Loan Company' via an application for Zoning Amendment for 850 Lansdowne Street West (Z1516) in order 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. Subject to approval of that definition, the same would apply to the subject property.

## 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. As noted in Report PLPD15-055, the above noted uses are intended to be the **predominant** uses of the lands.

The application proposes to implement the 'personal and financial services' use described in the 'Service Commercial' policies by amending zoning further to add 'Bank, Financial Institution and Loan Company' as part of the exception to the SP.268 –Special Commercial Zoning District, in keeping with the Official Plan policies.

**b) Zoning By-law**

The subject property proposes an amendment to the zoning applied to the land in the Zoning By-law. It is recommended that the exception assigned to the zoning of the subject lands be amended 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 amendment to Exception 151 to include a 'bank, financial institution or loan company' as a permitted use.

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.

The property is subject of a Site Plan Approval Application to reflect a redevelopment to a more contemporary commercial development, including two stand alone buildings at the northern portion of the lands and the remnant portion of the former building at the south portion of the site changes are proposed for the property.

Planning Staff are proposing the introduction of a definition via application Z1516 (850 Lansdowne Street West – Report PLPD16-025) for 'Bank, Financial Institution or Loan Company' to provide clarity with regard to the use, 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 January 28, 2016 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 revision to the parking information on the next Site Plan submission to reflect the potential use of the lands for a bank, and cash in lieu of parkland is recommended, where required.

Otonabee Conservation (ORCA) notes that the building envelope of the property lies outside of the flood plain of Byersville Creek, including all proposed structures, therefore, ORCA has no objection to the proposed Zoning By-law amendment. The property is subject to Ontario Regulation 167/06, ORCA's regulation of development, interference with wetlands and alterations to shorelines and watercourses. A permit is required from ORCA prior to any fill placement, grade alterations or construction taking place in the regulated area.

Fire Services have indicated concerns with Fire Department access with the current traffic loading. The Site Plan Approval process is addressing this concern via location of driveway entrances.

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 29, 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

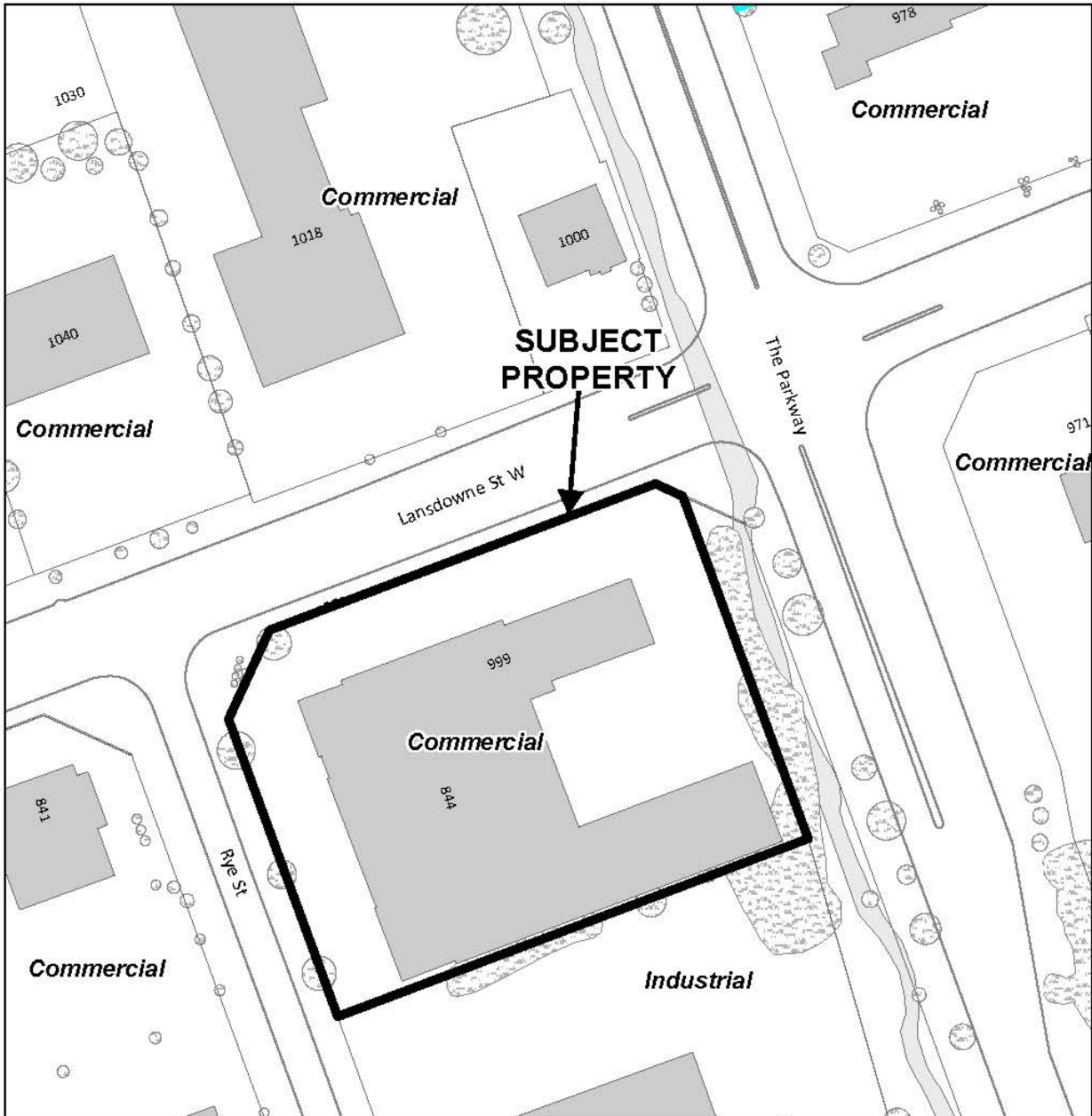
Exhibit A, Page 1 of 1

# Land Use Map

File: Z1607

Property Location: 844 Rye St

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: January 19, 2016

Map by: JEllis

0 5 10 20 30 40 50 Metres



Exhibit C, Page 1 of 1



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## **The Corporation of the City of Peterborough**

### **By-law Number 16-**

Being a By-law to Amend the Zoning By-law for the property known as 844 Rye Street

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

That Section 3.9, Exception 151 be amended by adding the following:

“g) A Bank, Financial Institution or Loan Company shall be permitted.”

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

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Daryl Bennett, Mayor

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John Kennedy, City Clerk