



City of
Peterborough

To: **Members of the Planning Committee**

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

Meeting Date: **April 11, 2016**

Subject: **Report PLPD16-029
680 The Queensway**

Purpose

A report to evaluate the planning merits of amending the zoning of the property known as 680 The Queensway from the SP.98 – Special Industrial District to the M3.2-303-H (F) – Enhanced Service Industrial District with an exception .303 to exclude certain uses important to the Central Area.

Recommendations

That Council approve the recommendations outlined in Report PLPD16-029 dated April 11, 2016, of the Manager, Planning Division, as follows:

- a) That Section 3.9 of the City's Comprehensive Zoning By-law 97-123 be amended to add Exception .303 to exclude library, museum or art gallery from the list of permitted uses, in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD16-029.
- b) That the zoning of the subject property be amended from the SP.98 to M3.2-303-H (F) – Enhanced Service Industrial District, in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD16-029.
- c) That the 'H' Holding Symbol be applied to the following uses only, and shall be removed at such time as the Conservation Authority (ORCA) is satisfied the Byersville Creek flood reduction structure is in place and the lands are removed from the flood plain:

- i) Police station
- ii) Fire hall
- iii) Ambulance dispatch station
- iv) School
- v) Day nursery
- vi) Dog kennel
- vii) Animal hospital
- viii) Dry cleaning establishment

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 December 21, 2015 and deemed to be complete on 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 no decision is made by Council.

The property was zoned SP.98 by way of an amendment for Trentway Wagar in 1977, limiting the use of the lands for transportation, travel and trade school types of uses. An amendment in 1991 (By-law 91-288) had the effect of adding a wide range of light and general industrial uses. In 1996, an amendment (By-law 96-138) to implement a comprehensive Industrial Policy Review resulted in the old M.1, M.2 Zoning Districts being removed from the zoning of the lands and leaving the SP.98 – Special Industrial District in place, having the effect of limiting the uses of the property to permit transportation terminal, a travel agency, a travel wholesaler, and a trade school. A ‘motor vehicle rental establishment’ was added to SP.98 Zoning District in 2001 by way of By-law 01-093.

The applicant has recently (December 2015) purchased the property and the former CAA Travel Agency and car rental establishment operating from the site has relocated elsewhere in the City. The applicant proposes to amend the zoning to expand the list of permitted uses, consistent with the ‘Service Industrial’ designation of the lands in the City’s Official Plan. The ‘Service Industrial’ policies were created in 1996 as a result of the Industrial Policy Review at that time.

The subject property is located within the flood plain of Byersville Creek. The City’s plan for a flood control structure has the potential to reduce the area subject to flooding, potentially removing the subject property from the flood plain, however, until the structure is in place, Otonabee Conservation (ORCA) will consider these as ‘hazardous lands’ and

subject to Section 3.1.5 of the Provincial Policy Statement. Institutional, emergency services or uses associated with the disposal, manufacture, treatment or storage of hazardous substances are not permitted in a floodplain.

Analysis

a) Official Plan

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

The purpose of the 'Service Industrial' designation of the property is to provide for a range of light and general industrial uses including uses that service and primarily support industrial activity.

Permitted uses within the 'Service Industrial' designation include light industrial, assembly manufacturing and processing activities, warehousing, wholesale establishments, transportation terminals, rental and repair establishments, research and development laboratories, studios, printing and publishing establishments, communication and broadcasting facilities, building products establishments and contractors' establishments.

The application proposes to implement the Service Industrial policies by updating the existing zoning to the M3.2 – Enhanced Service Industrial Zoning District with an exception to exclude cultural uses important to the Central Area and also exclude sensitive land uses due to the location of the property within the floodplain of Byersville Creek.

b) Zoning By-law

The subject application proposes to change the zoning of the lands from SP.98 – Special Industrial Zoning District to M3.2 – Enhanced Service Industrial Zoning District in keeping with the Service Commercial policies in the Official Plan.

Planning Staff are recommending approval of the M3.2 – Enhanced Service Industrial Zoning District subject to an Exception (.303) to exclude library, museum or art gallery, and the use of the 'H' Holding Symbol to temporarily restrict the use of the lands for a police station, fire hall, ambulance dispatch station, school, day nursery, dog kennel, animal hospital and dry cleaning establishment, and subject to the inclusion of the (F) Flood Symbol to acknowledge that the property is situated within the floodplain of Byersville Creek.

The 'library, museum or art gallery' use has been excluded from several zoning districts outside of the Central Area via zoning amendment applications, in consideration of the cultural importance of the Central Area and is recommended by Planning Staff to be excluded from the list of permitted uses on the subject lands as well. The temporary exclusion of police station, fire hall, ambulance dispatch station, school, day nursery, dog

kennel, animal hospital and dry cleaning establishment from the list of permitted uses is consistent with Section 3.1.5 of the Provincial Policy Statements. Section 3 of the Provincial Policy Statement (2014) addresses the protection of Public Health and Safety and in turn, does not permit development for institutional uses, essential emergency service uses and or uses association with hazardous substances within 'hazardous lands' and 'hazardous sites' including lands within a floodplain.

The uses permitted through the M3.2-303-H (F) Zoning District will expand the list of potential uses to include all Light Industrial uses found in the M.1.1 Zoning District, all Service Industrial uses found in the M3.1 Zoning District as well as the Enhanced Service Industrial uses, subject to the associated regulations and the above restrictions. A further amendment is possible in the future, should the flood reduction structure result in taking the property out of the floodplain, resulting in returning the sensitive land uses to the list of permitted uses and potentially removing the (F) Flood symbol.

Response to Notice

a) Significant Agency Responses:

Agency circulation was issued on January 26, 2016, and Notice of Public Meeting was circulated on March 14, 2016.

The City's Utility Services Department indicates no objection to the proposed application subject to the delay of specific uses until such time as the City completes the Byersville Creek Flood Storage Node project and potentially additional improvements downstream of the CPR lands to substantially remove the flood risk from overbank areas. Utility Services Department suggests the use of an 'H' Holding symbol as an option to facilitate this restriction. Cash in lieu of parkland is recommended where required. The removal of the proposed (F) Flood Symbol will require an amendment to zoning and can be considered concurrently with a request to reconsider the excluded sensitive land uses via the removal of the 'H' Holding Symbol without delaying the ability of the property to be used for non-sensitive land uses contemplated by the proposed M3.2 Zoning District in the interim.

Otonabee Region Conservation Authority (ORCA) confirms that the property is situated within the Byersville Creek floodplain and although the City has plans for a flood control structure to reduce the area subject to flooding, until the structure is in place, a risk of flooding exists. As such, ORCA recommends the exclusion of police station, fire hall, ambulance dispatch station, school, day nursery, library, art gallery, dog kennel, animal hospital and dry cleaning establishment. ORCA further recommends affixing the (F) suffix on the property to acknowledge the presence of the flood plain. At such time as the flood reduction structure is in place, and the property outside of the floodplain, the (F) suffix can be removed from the zoning.

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 was issued by newspaper advertisement on January 18, 2016 and Notice of Public Meeting was issued by direct mail and by newspaper advertisement on March 14, 2016. The notice complies with the requirements of the Planning Act.

No written comments have been received as of March 14, 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 Amendment

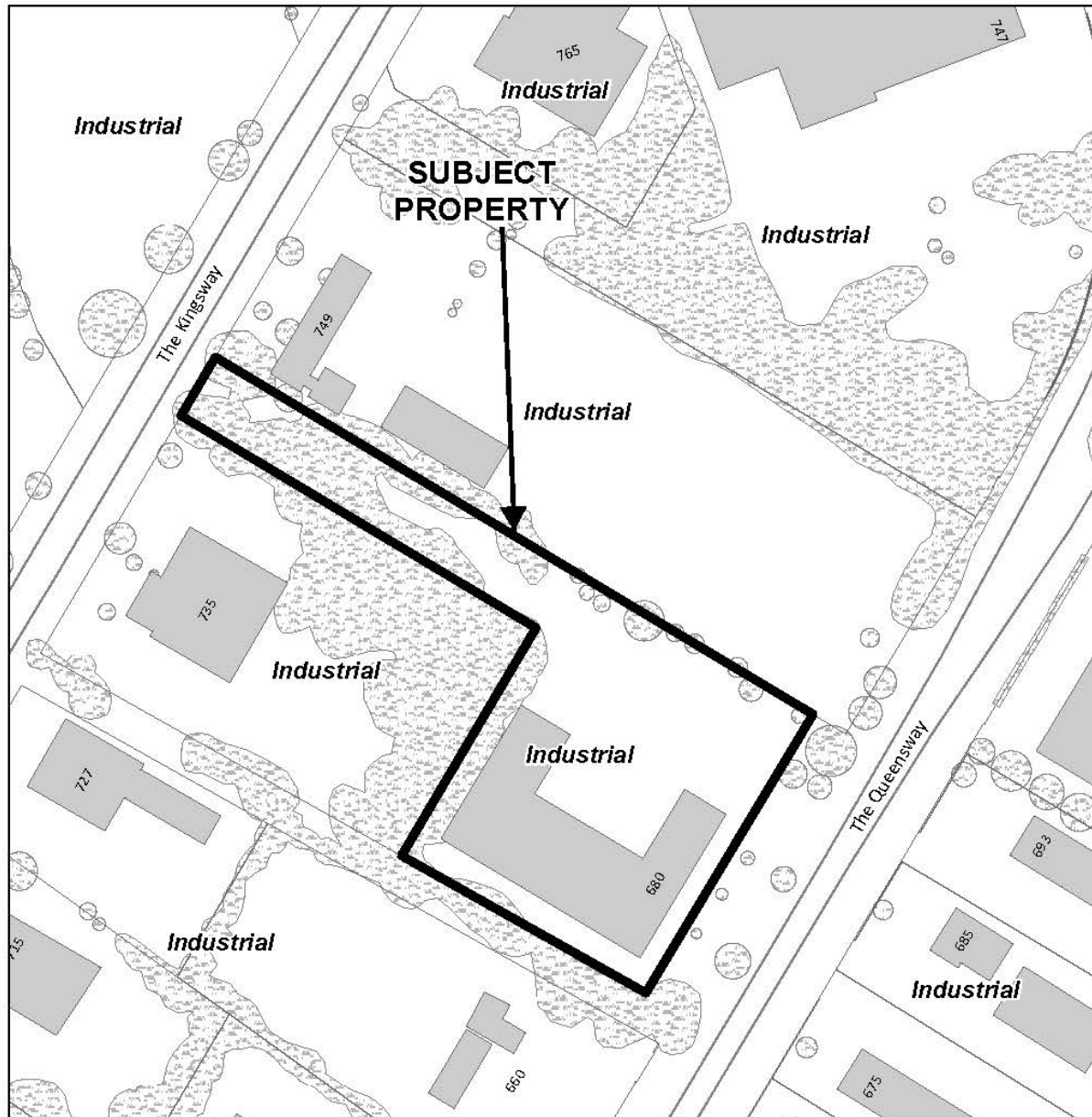
Exhibit A – Page 1 of 1

Land Use Map

File: Z1606

Property Location: 680 The Queensway

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

The Queensway, a Street in the City of Peterborough, in the County of Peterborough, as shown on Plan 45R 743.

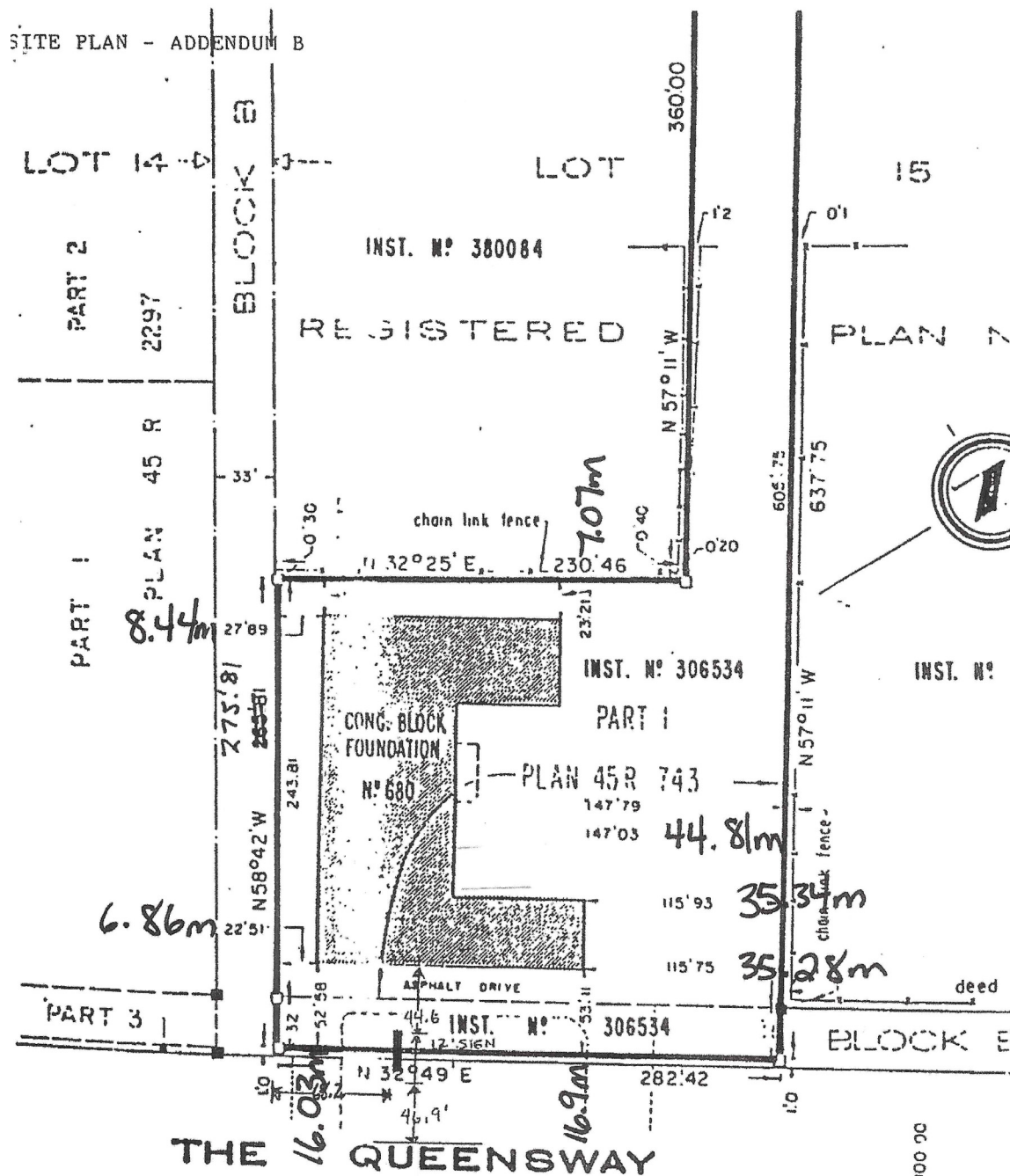


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The Corporation of the City of Peterborough

By-law Number 16-

Being a By-law to Amend the Zoning By-law for the property known as 680 The Queensway

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

1. That Section 3.9 – Exceptions, of By-law 97-123 be amended by adding the following:
“**303.** Notwithstanding the permitted uses, a library, museum or art gallery shall not be permitted”
2. Map 21 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.98** to **M3.2-303-H (F)**.
3. That the ‘H’ Holding Symbol be applied to the following uses only, and shall be removed at such time as the Conservation Authority (ORCA) is satisfied the Byersville Creek flood reduction structure is in place and the lands are removed from the flood plain:
 - a) Police station
 - b) Fire hall
 - c) Ambulance dispatch station
 - d) School
 - e) Day nursery
 - f) Dog kennel
 - g) Animal hospital
 - h) Dry cleaning establishment

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

Daryl Bennett, Mayor

John Kennedy, City Clerk

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