



City of  
**Peterborough**

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**TO:** Members of the Planning Committee

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

**MEETING DATE:** August 30, 2010

**SUBJECT:** Report PLPD10-070  
33 Hunter Street East

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## **PURPOSE**

A report to evaluate the planning merits of amending the Zoning By-Law from C.2 – Commercial District to the C.6 – Commercial District with an exception to also permit a gas bar with up to four (4) pumps.

## **RECOMMENDATIONS**

That Council approve the recommendations outlined in Report PLPD10-070 dated August 30, 2010, of the Manager, Planning Division, as follows:

- a) That Section 3.9 Exceptions in the City's Comprehensive Zoning By-Law #1997-123, be amended in accordance with the draft amendment, attached as Exhibit 'C' to Report PLPD10-070, to add a 'gas bar' as a permitted use in accordance with the regulations as set out in the C.2 – Commercial District (Section 14).
- b) That the zoning of the subject property, be amended from the C.2 – Commercial District to the C.6 – 254 - 'H' – Special Commercial District in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD10-070.
- c) That the 'H' Holding Symbol be removed at such time as Site Plan Approval is granted for the subject property, including a road widening in the form of a daylighting triangle at the intersection of Burnham Street and Hunter Street East.

## **BUDGET AND FINANCIAL IMPLICATIONS**

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

## **BACKGROUND**

The subject application was received on May 14, 2010, proposing an amendment to the zoning of the lands to permit the introduction of a convenience store and the use of the site for gasoline retailing. The applicant proposes to demolish the existing service station building and construct a 273 m<sup>2</sup> (2939 ft.<sup>2</sup>) building at the north east corner of the lot and replace the existing gas pumps and canopy on the site.

The property has been used as a service station (Bryant's Shell Station) for more than 30 years. The existing building on the site supports three automobile service bays and accessory retail/office use as well as four gas pumps with a canopy. The applicant proposes to increase the amount of retail convenience floor space to approximately 273m<sup>2</sup> (2939 ft.<sup>2</sup>). Although a limited amount of retail space would be considered accessory to the permitted service station use, the proposed convenience store does not comply with the requirement to be 'exclusively devoted to the main use'. As such, an application has been filed to introduce the convenience retail use to the site.

The property is located within the Hunter Street East Business District, forming part of the City's Central Area. The Official Plan policies anticipate a variety of commercial and residential land uses for this area, defined by its built form with smaller scale commercial activities connecting the Central Area to the Liftlock Area and the Trent Severn Waterway.

## **ANALYSIS**

### **a) Official Plan**

The lands are currently designated "Commercial" on Schedule 'A' of the City of Peterborough Official Plan. The lands are included in the Central Area on the Commercial Area Schedule 'I' and identified as a 'Business District' (Hunter Street East Business District) on the Central Area Land Use Plan – Schedule 'J'.

The planned function of the Central Area is to serve the City and surrounding region with business and professional offices in addition to retail, entertainment, culture and recreation facilities, tourism and hospitality, some service commercial uses and government, institutions, residential and community uses.

The Central Area is further subdivided into sub areas with varied ranges of residential densities and alternate uses with special policy approaches for each area. The property at 33 Hunter Street East is subject to the Business District Policies included in Sub-Area 3 (Section 4.3.2.2.4) of the Official Plan. These lands are encouraged to develop a commercial base to support the area's tourism potential as well as the resident population base in Ashburnham.

The built form of new development is encouraged to maintain setback and storefront orientation in keeping with existing development along Hunter Street East. The application proposes to locate the new building at the north east corner of the site, maintaining the building elevation of the adjacent buildings to the east, along the south side of Hunter Street East.

#### **b) Zoning By-law**

The subject property is currently zoned C.2 – Commercial District, limiting the permitted uses to a service station with a maximum of 4 service bays, in accordance with the regulations of the zoning district.

The proposed C.6 zoning district furthers the policies of the Official Plan for this area and introduces a range of uses consistent with the Hunter Street East Business District policies. A gas bar is proposed on the subject lands subject to an exception to include it as a permitted use. The abutting properties are currently zoned C.6 – Commercial District and this application proposes to extend that zoning to the subject lands.

It is appropriate to assign the C.6 Commercial District to the subject property. The proposed C.6 - 254 Commercial District would permit the proposed convenience retail and gas bar use. In addition, the comprehensive list of permitted uses would facilitate any future potential for introduction of a variety of commercial and residential uses that implement the Official Plan policies related to the lands. The proposed C.6 permitted uses include the following:

- (a) a retail establishment including a department store, convenience retail store, drug store or bakeshop but not including a purpose set forth in Section 16.1 (a) and 16.1 (l)
- (b) a rental establishment
- (c) a repair shop but not including a purpose set forth in Section 16.1 (n) and 16.1 (o)
- (d) a bank, financial institution or loan company
- (e) an office excluding a veterinary office

- (f) a clinic
- (g) a barber shop or beauty shop
- (h) a dry cleaning establishment - Class 2
- (i) a studio or craft workshop
- (j) a trade school
- (k) an art school, music school, dance school or fine arts school
- (l) a school
- (m) a library, museum or art gallery
- (n) a restaurant
- (o) a place of entertainment
- (p) a place of assembly
- (q) a gymnasium or health club
- (r) a club house or lodge hall
- (s) a church
- (t) a hotel
- (u) a taxi stand
- (v) a post office or sub-post office
- (w) a dressmaker or tailor shop
- (x) a parking lot or parking garage
- (y) a funeral parlour
- (z) a police station, jail or fire hall
- (aa) a hospital
- (ab) a nursing home (By-law 1986-163)
- (ac) a day nursery
- (ad) a boarding house
- (ae) a printing shop or publishing house
- (af) a transportation terminal
- (ag) a communication terminal
- (ah) a dwelling unit
- (ai) a place of amusement
- (aj) a home for the aged

Staff further recommend that an 'H'- Holding Symbol be affixed to the zoning and the removal of the 'H'- Holding Symbol be conditional upon Site Plan Approval being granted for the subject property, to ensure appropriate landscaping and buffering; and to accommodate the required road widening for the daylighting triangle at Hunter Street East and Burnham Street.

## RESPONSE TO NOTICE

### a) Significant Agency Responses:

Agency circulation was issued on June 28, 2010.

The City's Utility Services Department has requested a road widening in the form of a 7.5m daylighting triangle at the intersection of Burnham Street and Hunter Street East, to be acquired at the Site Plan Approval stage of development. Servicing is to be confirmed by the applicant prior to Site Plan Approval. Utility Services has also requested that a 'H' Holding Symbol be placed on the zoning until such time as an acceptable Site Plan Agreement is entered into between the applicant and the City.

Peterborough Utilities Services Inc. has noted the requirement for payment of development charges for water.

The Council for Persons with Disabilities has recommended a barrier free path of travel from the accessible parking spaces to the outdoor patio and the main entrance; appropriate signage for parking spaces and automatic power doors, as well as recommendations related to interior of the building. Further comments will be provided at the Site Plan Approval stage.

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 (Peterborough Examiner) on June 25, 2010. Notice of Public Meeting was issued on July 30, 2010 by direct mail and on August 6, 2010 by newspaper advertisement (Peterborough Examiner). The notice complies with the requirements of the Planning Act.

No public written responses were received as a result of the circulation.

Submitted by,

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Ken Hetherington,  
Manager, Planning Division

Prepared by,

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Caroline Kimble,  
Land Use Planner

Concurred with,

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Malcolm Hunt, Director  
Planning and Development Services

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Attachments:

Exhibit A - Land Use Map

Exhibit B - Concept Plan

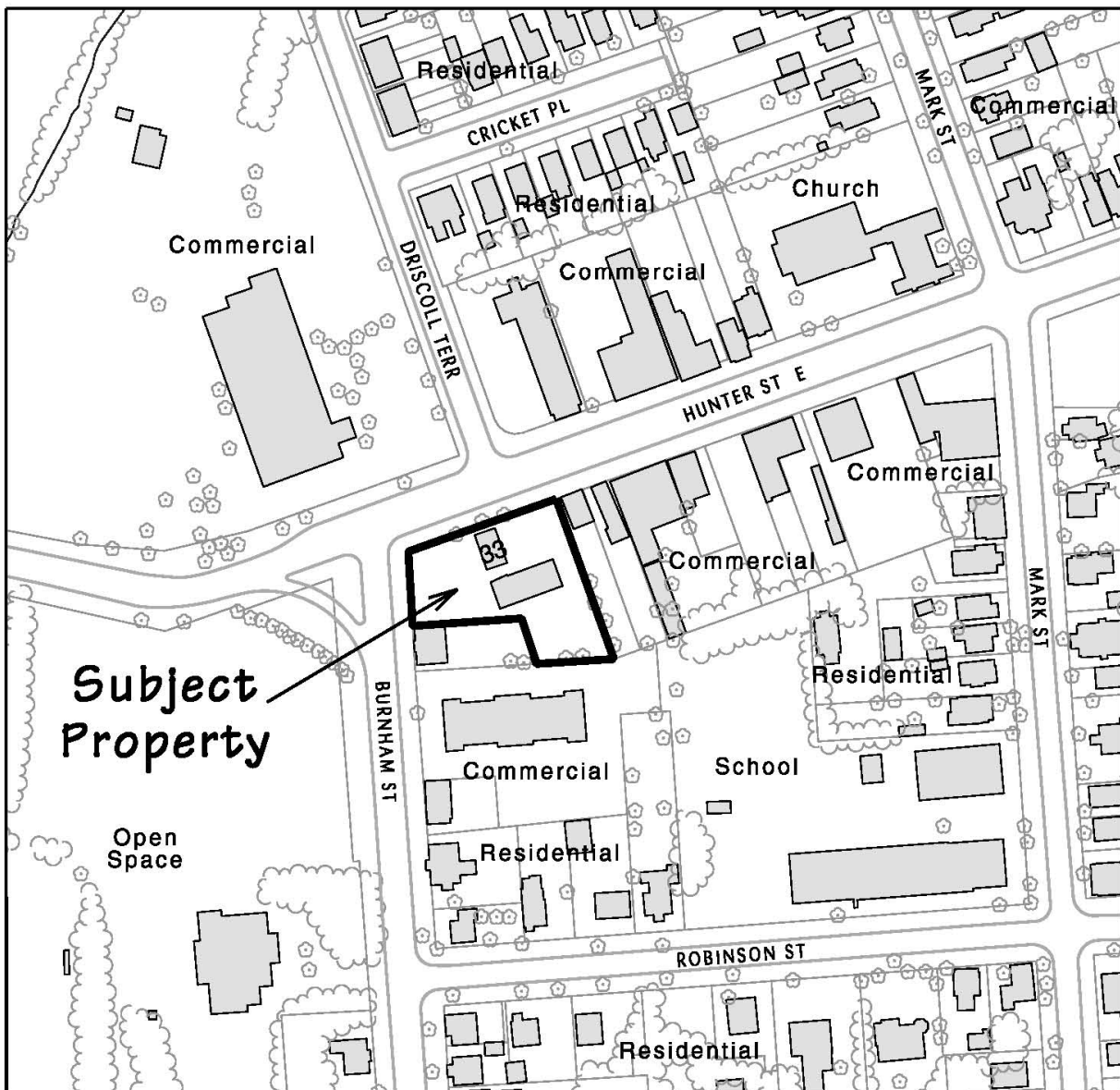
Exhibit C –Draft Zoning By-law

# Land Use Map

File # z1014

Property Location: 33 Hunter St E

Exhibit 'A'  
Page 1 of 1



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 hardcopy mapfile, and will not be liable for any claims for damages or loss arising from their application or interpretation, by any party. It is not intended to replace a survey or to be used for legal description.



Date - June 2010  
Dwg. by - CBerry  
Scale - 1:2000



**THE CORPORATION OF THE CITY OF PETERBOROUGH**

**BY-LAW NUMBER 10- \_\_\_\_\_**

**BEING A BY-LAW TO AMEND THE ZONING FOR  
33 HUNTER STREET EAST**

**Exhibit 'C'**  
**Page 1 of 2**

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL  
THEREOF HEREBY ENACTS AS FOLLOWS:

1. Section 3.9 Exceptions of By-law 97-123 is hereby amended by adding the following:  
  
“.254 Notwithstanding the uses listed in Section 18.1, a gas bar shall be a permitted use.”
2. Map 13 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.2 to C.6 – 254 - 'H'**.
3. The 'H' Holding Symbol shall be removed at such time as Site Plan Approval is granted for the subject property, including a road widening in the form of a daylighting triangle at the intersection of Burnham Street and Hunter Street East.

By-law read a first, second and third time this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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D. Paul Ayotte, Mayor

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Nancy Wright-Laking, City Clerk

