



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 PLPD10-071  
552 Armour Road

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## **PURPOSE**

A report to evaluate the planning merits of amending the Zoning By-Law from R.1, R.2 – Residential District to the C.1 Commercial District with an exception to modify the regulations.

## **RECOMMENDATIONS**

That Council approve the recommendations outlined in Report PLPD10-071 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 PLPD10-071, to address the following:
  - i. modify the minimum building setbacks for the existing building;
  - ii. eliminate the landscaped open space strip requirement along Armour Road;
  - iii. reduce the minimum parking requirement for restaurant use with less than 30 seats from 10 spaces to 7 spaces;
  - iv. reduce the minimum aisle width requirement from 6.4m to 5m; and
  - v. reduce the minimum lot width from 30m to 14.5m.

- b) That the zoning of the subject property, be amended from the R.1, R.2 – Residential District to the C.1 – 257 - 'H' – Special Commercial District in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD10-071.
- c) That the 'H' Holding Symbol be removed at such time as Site Plan Approval is granted for the subject property, including the dedication of a 3.0m road widening along Armour Road, excluding the existing structure.

## **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 June 4, 2010, proposing an amendment to the zoning of the lands to permit the use of the existing building for a restaurant/café, together with a dwelling unit on the second floor. The applicant proposes to convert the former legal non-conforming variety store on the first floor into a restaurant/café with a maximum of 30 seats and continue the residential use of the second floor dwelling unit.

The property has been used as a variety store (recently Jay's Variety and Sindy's Sandwich and Variety) with an apartment on the second floor and has continued as a legal non conforming use since the City's first Zoning By-Law was adopted in 1954 (Armour Snack Bar in 1950 and Barrett's Variety and Snack Bar in early 1960's). The current owners purchased the property in January, 2010 with the intention of amending the zoning to permit the use of the ground floor as a restaurant/café and continuing the use of the second floor as a residential unit.

The existing building encroaches into the Carlisle Avenue right-of-way as recognized by way of an unregistered encroachment agreement with the City, authorized by By-Law #1977-16. The existing steps to the concrete stoep also encroach into the Armour Road right of way with the stoep extending to the street line.

The legal non conforming status of the property relates to it's former use as a convenience (variety) store. The conversion of this space to a restaurant/café is considered a departure from the convenience retail use and requires an amendment to the Zoning By-Law. The property does not support on-site parking as required in the City's Comprehensive Zoning By-Law. The applicant has provided a concept site plan

to demonstrate how parking could be introduced to the site. A reduction in the required number of parking spaces from 12 to 9 in total, is required to support the proposed uses. In addition, the existing location of the building is proposed to be recognized through modified regulations as included in an exception to the by-law provisions.

## ANALYSIS

### a) Official Plan

The lands are currently designated “Residential” on Schedule ‘A’ of the City of Peterborough Official Plan. The policies associated with the ‘Residential’ designation recognize “local commercial uses which are intended to provide a range of convenience goods and services, generally required on a daily basis, to the adjacent residential areas.” These convenience goods and services include small scale restaurants.

The local commercial policies require that local commercial uses be of a sufficient size to provide adequate buffering for adjacent non-commercial uses (i.e. residential or public service) and adequate parking facilities. The policies require that these local commercial uses locate on a collector or arterial street, generally at an intersection or integrated with higher density residential development.

### b) Zoning By-law

The subject property is currently zoned R.1, R.2 – Residential District, limiting the permitted uses to a single detached dwelling or a duplex. The property has legal non-conforming status as a convenience retail store with a dwelling unit on the second storey.

The proposed conversion of the former convenience store use to a restaurant/café is considered as a change in the use, requiring a Zoning By-Law Amendment. The proposed C.1 Zoning District would permit a variety of commercial uses for the property including the following:

- (a) a barber shop
- (b) a beauty shop
- (c) a dry-cleaning establishment - Class 2
- (d) a shoe shine parlour
- (e) a shoe repair shop
- (f) a sub-post office
- (g) a restaurant
- (h) a dressmaker or tailor shop
- (i) a drug store

- (j) a food store
- (k) a convenience retail store
- (l) a clinic
- (m) a dwelling unit

The proposed C.1 zoning district furthers the local commercial policies of the Residential designation in the Official Plan. The applicant proposes to introduce parking facilities to the site while maintaining a suitable buffer from adjacent residential uses. Site Plan Approval is recommended as a condition of the removal of a 'H' Holding Symbol assigned to the zoning of the site. This will address requirements for stormwater management, parking, lighting traffic circulation, buffering and landscaping.

A road widening of 3.0m is required along the Armour Road street line. This will be taken by the City at the Site Plan Approval stage, save and except the southerly portion of the site, occupied by the existing building. The future road widening will impact the width of the aisle proposed for the parking area. A reduction of 1.4m will be required to support the aisle as proposed on the concept site plan. It is proposed that the 3m strip to be dedicated to the City be used for landscaping until such time as the City requires the land to be utilized for road widening. Site specific regulations are also required to address the existing location of the building in relation to the property lines and the following:

- i. modify the minimum building setbacks for the existing building;
- ii. eliminate the landscaped open space strip requirement along Armour Road;
- iii. reduce the minimum parking requirement for restaurant use with less than 30 seats from 10 spaces to 7 spaces;
- iv. reduce the minimum aisle width requirement from 6.4m to 5m; and
- v. reduce the minimum lot width from 30m to 14.5m.

## RESPONSE TO NOTICE

### a) Significant Agency Responses:

Agency circulation was issued on June 30, 2010.

The City's Utility Services Department has requested a 3.0m road widening along the entire frontage of Armour Road, save and except for the existing structure at the south end of the site. Utility Services Department staff recommend that once the road widening is taken along Armour Road, that the owner be granted a 1.0m encroachment

into the right of way until such time as the City requires the use of the full right of way. This is intended to support improved turning maneuvers on site. The applicant will be required to provide information to ensure adequate services exist to support the proposed use and that a 'H' Holding symbol be used to ensure a Site Plan Agreement with the City.

Peterborough Utilities Services Inc. has requested that the applicant contact PUSI to discuss future servicing requirements for water and electrical services.

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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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

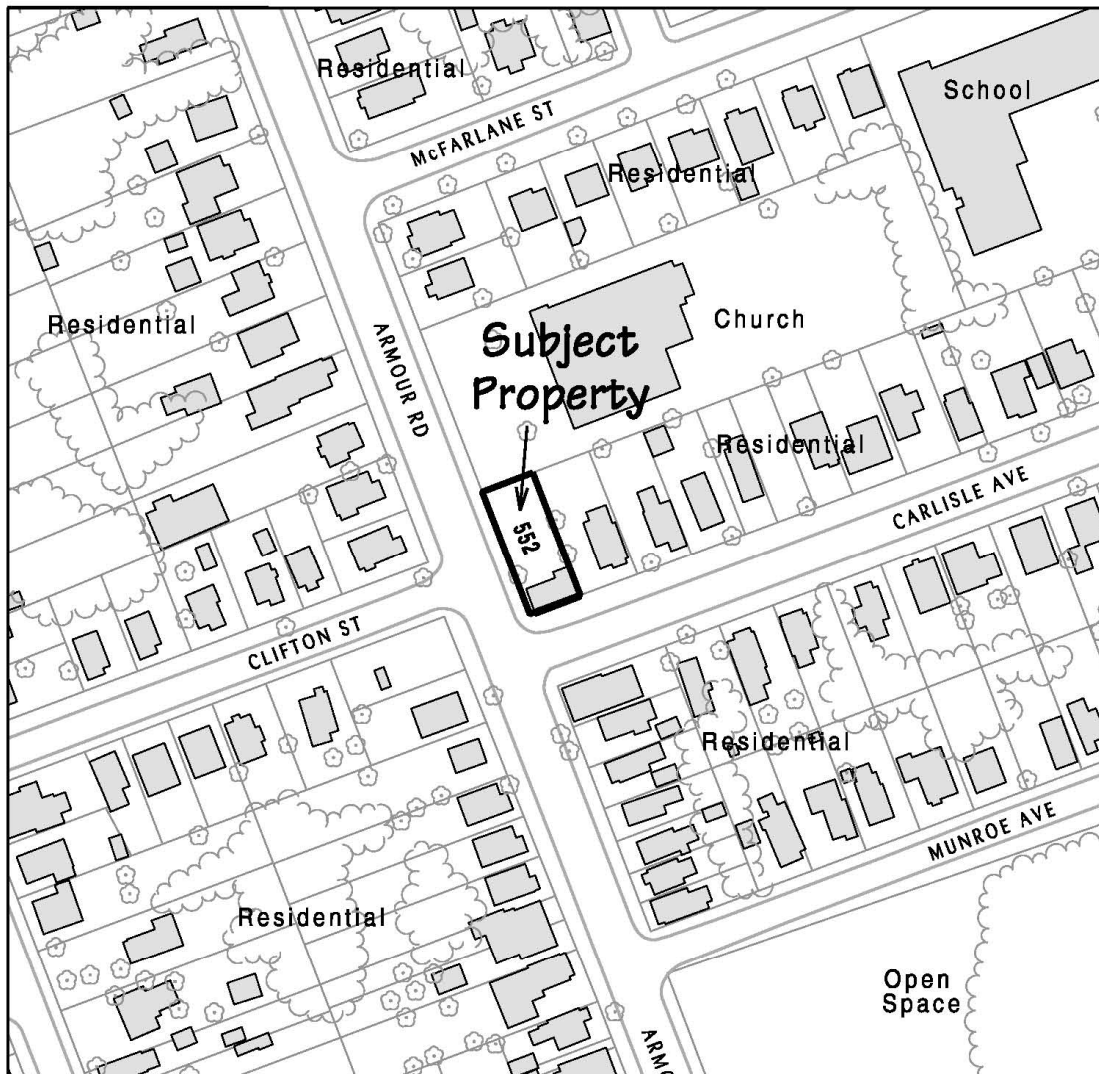
Exhibit C –Draft Zoning By-law

# Land Use Map

File # z1016

Property Location: 552 Armour Rd

Exhibit 'A'  
Page 1 of 1

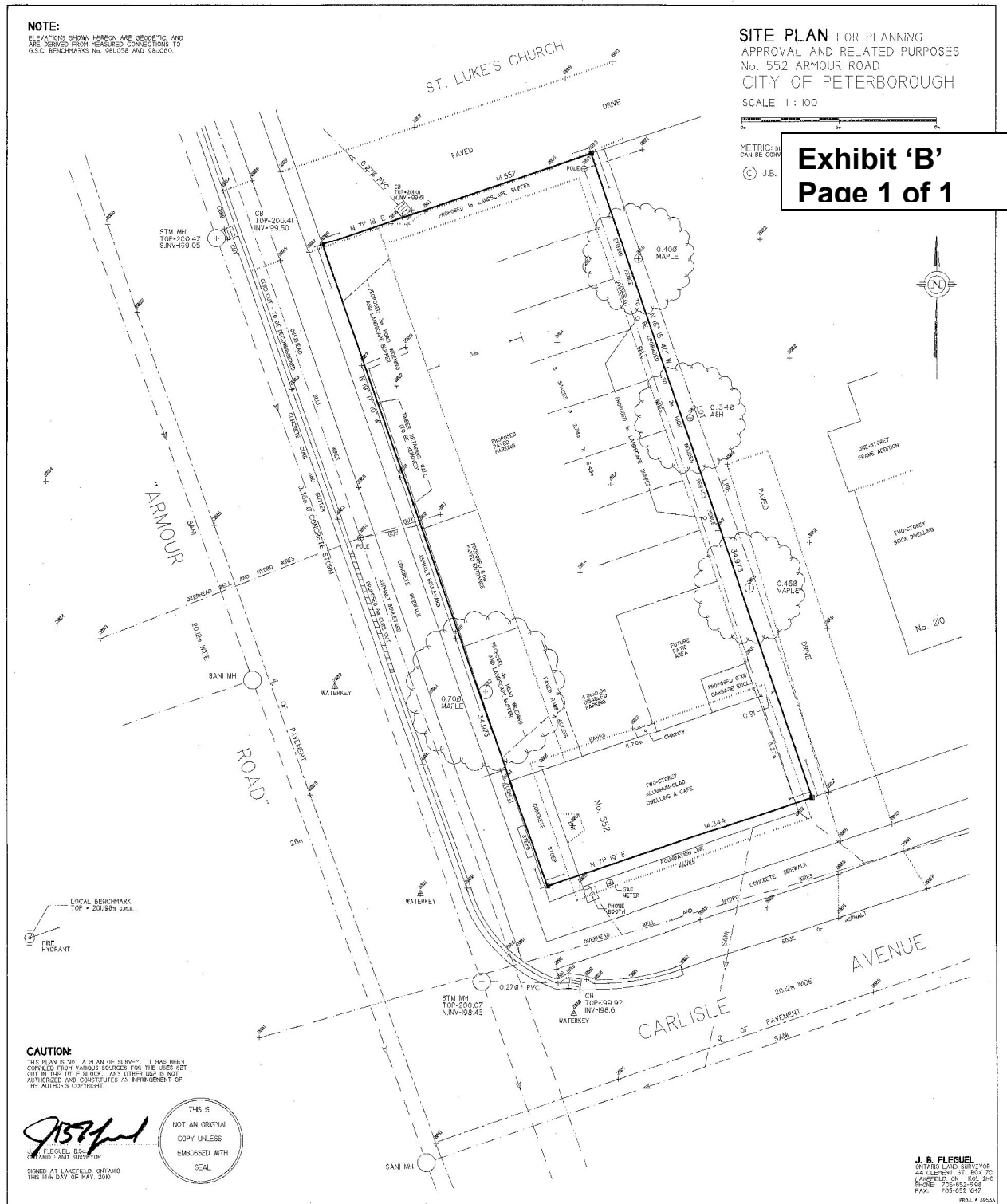


The City of Peterborough Planning Division

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Date - June 2010  
Dwg. by - CBerry  
Scale - 1:1500





THE CORPORATION OF THE CITY OF PETERBOROUGH

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

Exhibit 'C'  
Page 1 of 2

BEING A BY-LAW TO AMEND THE ZONING FOR  
552 ARMOUR ROAD

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:

“.257 Notwithstanding the requirements of Sections 4 and 13, the following shall apply:

- a) the minimum building setback from the easterly side lot line shall be 0.9m
- b) the landscaped open space strip requirement along Armour Road shall be eliminated
- c) the minimum parking requirement shall be 7 spaces for a restaurant with less than 30 seats,
- d) the minimum aisle width requirement for parking areas shall be 5m
- e) the minimum lot width shall be 14.5m.”

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 R.1, R.2 to C.1 – 257 - '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 along Armour Road.

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

\_\_\_\_\_  
D. Paul Ayotte, Mayor

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Nancy Wright-Laking, City Clerk

