



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: October 4, 2010

SUBJECT: Report PLPD10-077
272 Charlotte Street

PURPOSE

A report to evaluate the planning merits of amending the Zoning By-Law from C.1-9, C.2-9 – Commercial District to the C.6 -258 Commercial District in accordance with the Charlotte Street West Business policies of the Official Plan.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD10-077 dated October 4, 2010, of the Manager, Planning Division, as follows:

- a) That Section 3.9 of the Comprehensive Zoning By-Law be amended to add Exception 258 to include the following provisions:
 - i) Minimum aisle width dimension of 6.1m
 - ii) Minimum parking stall dimensions of 2.7m by 5.5m
 - iii) Building setback of 10m from the centre line of Stewart St.
 - iv) Minimum height of 3 storeys
 - v) Eliminate requirement for designated loading spaces
- b) That the zoning of the subject property, be amended from the C.1-9, C.2-9 – Commercial District to the C.6 – 258 Commercial District in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD10-077.

BUDGET AND FINANCIAL IMPLICATIONS

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

OTHER PERTINENT INFORMATION

The owner will be required to file a Record of Site Condition with the Ministry of Environment to ensure compliance with the Ministry of Environment Remediation Criteria for the subject lands, based on its former uses as a 'service station'. The City can rely on the Record of Site Condition, and will require that it be submitted prior to issuance of building permit, as 'applicable law' under the Ontario Building Code Act. The Record of Site Condition certifies that an assessment of a property has been done and the property conforms to an appropriate standard for the intended property use. The applicant is satisfied that all necessary environmental site assessment work has been completed on the subject lands and is prepared to submit a Record of Site Condition to the Ministry of Environment for review at time of the final purchase of the property, and prior to the redevelopment of the property.

BACKGROUND

The subject application was received on June 1, 2010, proposing an amendment to the zoning of the lands to permit the use of the property for uses consistent with the Charlotte Street West Business District policies of the Central Area in the City's Official Plan. The applicant proposes to redevelop the property to support a 3 storey mixed retail/office use building with a total floor area of approximately 1550 m² (16,685 sq. ft.) and related parking and landscaping.

The property was formerly used to support a convenience store and gas station (Suncor Energy Inc.) and is currently vacant. The property is located within the Charlotte Street West Business District, forming part of the City's Central Area. The proposed redevelopment of the subject lands will have significant impact on the character of the Charlotte Street West Business District. The Official Plan policies require that the location and design of the proposed building ensure continuity of facades and heights in the immediate vicinity. Planning Staff are working with the applicant from an urban design perspective, to ensure compatibility and reinforce the area's relationship to the Commercial Core and its gateway profile.

The City of Peterborough has initiated a Municipal Class Environmental Assessment for Charlotte Street, from Simcoe Street to Park Street. The process should be concluded by the end of 2011. Concept alternatives include the potential widening of sidewalks, provision of bike lanes, and improvements to accessibility to public transit. The redevelopment of the subject property within the study area, will both impact and be impacted by the proposed improvements. With the development of the property where the building will be built to the Charlotte Street streetline, coupled with the streetscape improvements, the overall effect will be to create a cohesive image where the street will have multiple functions, improving transit, pedestrian use, bicycle travel, while still being able to appropriately accommodate vehicular traffic.

The concept site plan submitted with the application has been revised to illustrate compliance with the current minimum on-site parking requirements and a relaxed aisle width and setback requirements from Stewart Street. As the site plan evolves to address the important urban design criteria, it may be necessary to relax some of the parking requirements in the future through a Minor Variance process or encourage some cash-in-lieu of parking, taking advantage of the proximity of public parking lots, to achieve a streetscape design appropriate for Charlotte Street and the Central Area.

ANALYSIS

a) Official Plan

The property is designated 'Commercial' and located within the Charlotte Street West Business District, forming part of the City's Central Area. The Charlotte Street West Business District is part of Sub-Area 3, distinguished from the Commercial Core and Waterfront Commercial Areas by the built form rather than land uses. The Charlotte Street West Business District extends from the Commercial Core with a unique character. The policies encourage new development or redevelopment to conform with the following:

- i) locate retail commercial uses at grade level;
- ii) continuity of facades and the heights of buildings within the immediate vicinity;
- iii) ensure compatibility of uses for development on the side streets (Stewart Street) with residential uses and/or conversion of existing residential buildings to other uses; and
- iv) reinforce the area's relationship to the Commercial Core and its gateway profile.

The implementation of the above policies can be achieved through both zoning and site plan approval. The proposed C.6 – Commercial District includes a wide range of commercial and residential uses with relaxed standards with regard to coverage and setbacks, applied to a significant portion of the Commercial Core and along major commercial arteries, including Charlotte Street West. It is appropriate to apply the same zoning to the subject lands to further the intent of the Official Plan.

b) Zoning By-law

The subject property is currently zoned C.1-9, C.2-9 – Commercial District, limiting the permitted uses to local commercial type uses, including a service station, reflecting the former use of the property for convenience retail and a gas bar.

The application proposes to rezone the property to implement the Charlotte Street West Business District policies of the Official Plan. The proposed C.6 – Commercial District would permit a wide range of commercial uses for the property, including the following:

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

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| (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 | |

The proposed C.6 zoning district furthers the commercial policies of the Charlotte Street West Business District of the Official Plan. The regulations associated with the C.6 – Commercial District permit multi storey buildings. Due to the importance of urban design in furthering the policies of the Official Plan for this area, Planning Staff recommend inclusion of a minimum height of 3 storeys for any new building on the site, and relaxation of the setback from Stewart Street to permit the building to situate at the street line for both Charlotte Street and Stewart Street.

The City's Comprehensive Zoning By-Law recognizes the unique needs of the City's downtown core area with regard to parking and provides specific requirements in the form of relaxed standards for the number of parking spaces required to be provided on site and the dimensions of the individual spaces and width of aisles between parking stalls. The City's Comprehensive Zoning By-Law provides for a reduction of the minimum parking stall dimensions from 2.7m by 5.7m to 2.5m by 5.5m, together with a reduction in the minimum aisle width from 6.4m to 6.0m for properties where less than 20 parking spaces are being provided. In the case of the subject property, based on the 'floor area' calculations, it is expected that 30 parking spaces will be required to comply with the minimum parking standards for office/retail use within Area 1 as required by the City's Zoning By-Law and therefore the larger dimensions would apply.

Due to the prominence that the site has along the Charlotte Street entrance to the downtown, and the importance the streetscape design plays in enhancing the Central Area, it is the opinion of Planning Staff that the reduced parking stall depth of 5.5m and aisle width of 6.0m currently recognized in the Zoning By-Law, can be applied to the subject property without any adverse impacts to the parking area. The slight reduction will benefit the proposed development as the site plan is processed.

The Zoning By-Law also requires a minimum of one loading space to be provided on site. Planning staff also recommend alternative provisions to eliminate the requirement for designated loading spaces on site in lieu of utilizing the proposed parking area and maximizing parking on site. It is recommended that the Site Plan Agreement will require loading to occur on-site in the parking area during "off" hours. This will allow loading to take place on-site, but not require the applicant to lose building footprint or parking.

c) Site Development

The development of the property should be in keeping with a Main Street streetscape profile. Ideally, this section of Charlotte Street in the downtown core should have buildings constructed up to the street line, at least three storeys in height with minimal (if any) gaps between them. New buildings on Charlotte Street should also maintain and enhance views to the Clock Tower.

The applicant will be requested to contribute to the new streetscape treatment equivalent to the cost to install new concrete sidewalk along the Charlotte Street and Stewart Street frontages, at the site plan approval stage.

The impact of the proposed development will be positive, especially if, through the site plan process, staff are able to work with the applicant to eventually have the building mass constructed across the entire Charlotte Street frontage of the property.

RESPONSE TO NOTICE**a) Significant Agency Responses:**

Agency circulation was issued on July 21, 2010.

The City's Utility Services Department has requested a road widening in the form of a 7.62m daylighting radius at the southwest corner of the site (at Charlotte Street and Stewart Street) at the time of Site Plan approval, with no encroachment of the building within the daylighting radius. Detailed parking calculations are to be based on actual use of the building. The Utility Services Department has also expressed concern with the proposed reduction of parking stall depth from 5.7m to 5.5m in conjunction with the reduction in the driving aisle width from 6.4m to 6.1m. It is acknowledged that the Zoning By-law does account for a reduced parking stall size and aisle width in the Central Area and Utility Services is prepared to accept the recommended reductions in this instance. Utility Services also encourages the provision of a designated loading space on-site, to reduce traffic impacts on the street, however, is accepting of the elimination of this requirement provided the Site Plan Agreement requires loading to take place on-site during "off" hours. Adequate servicing, grading, drainage and stormwater management details are to be provided by the applicant at the Site Plan Approval stage. The City's Utility Services Department has also requested a daylighting triangle at the corner of the property, to be implemented at Site Plan Approval stage.

Peterborough Utilities Services Inc. has noted that the current water service is ¾" and will need to be upgraded to service the proposed new development. Development Charges for water will apply and request 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 main entrance; appropriate signage for parking spaces and automatic power doors, as well as recommendations related to treatment of the proposed column and space at the proposed entrance to the building.

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 September 10, 2010 by direct mail and on September 11, 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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Manager, Planning Division

Prepared by,

Concurred with,

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Attachments:

Exhibit A - Land Use Map

Exhibit B - Concept Plan

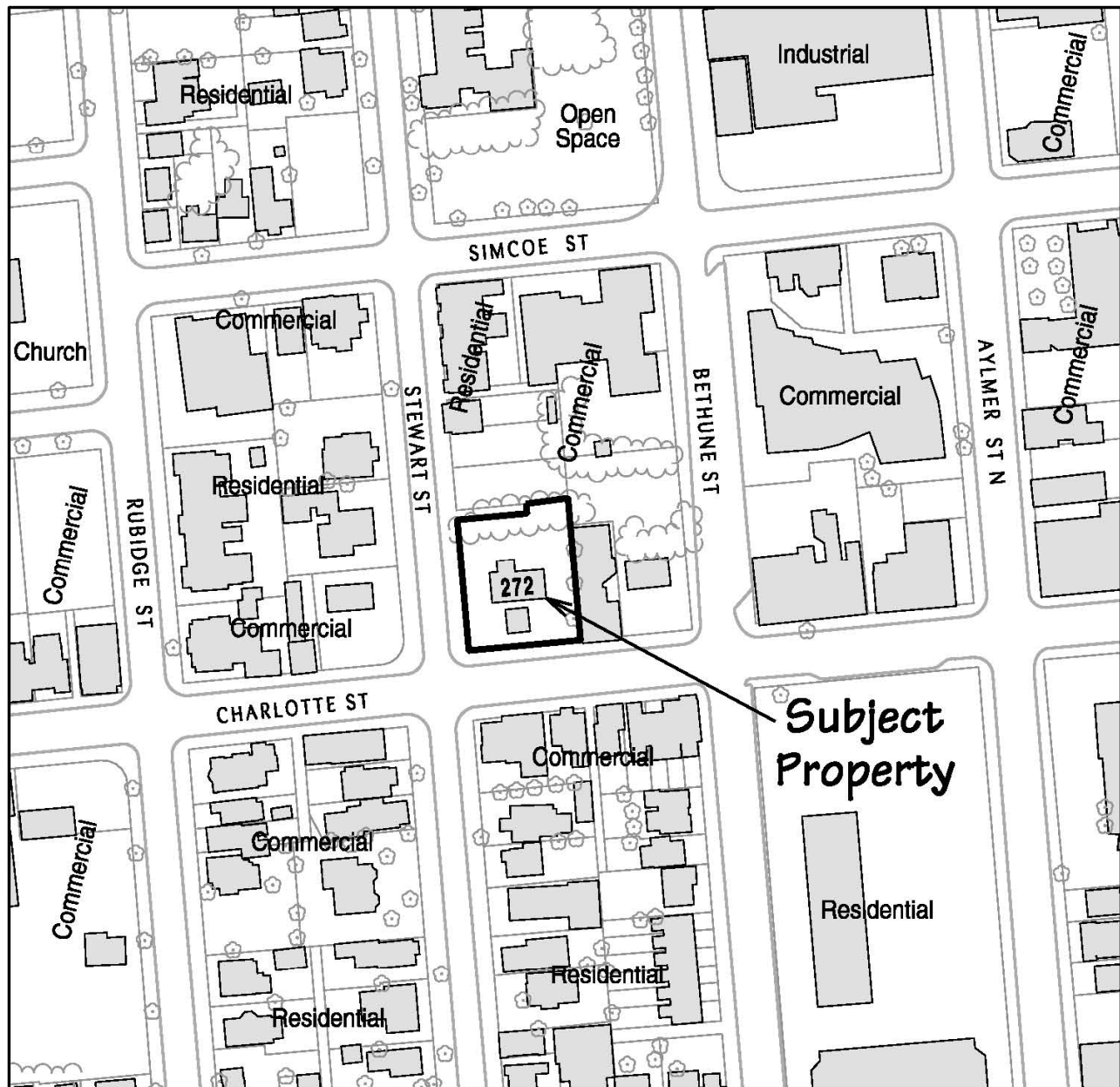
Exhibit C –Draft Zoning By-law

Land Use Map

Exhibit 'A'
Page 1 of 1

File # z1015

Property Location: 272 Charlotte St



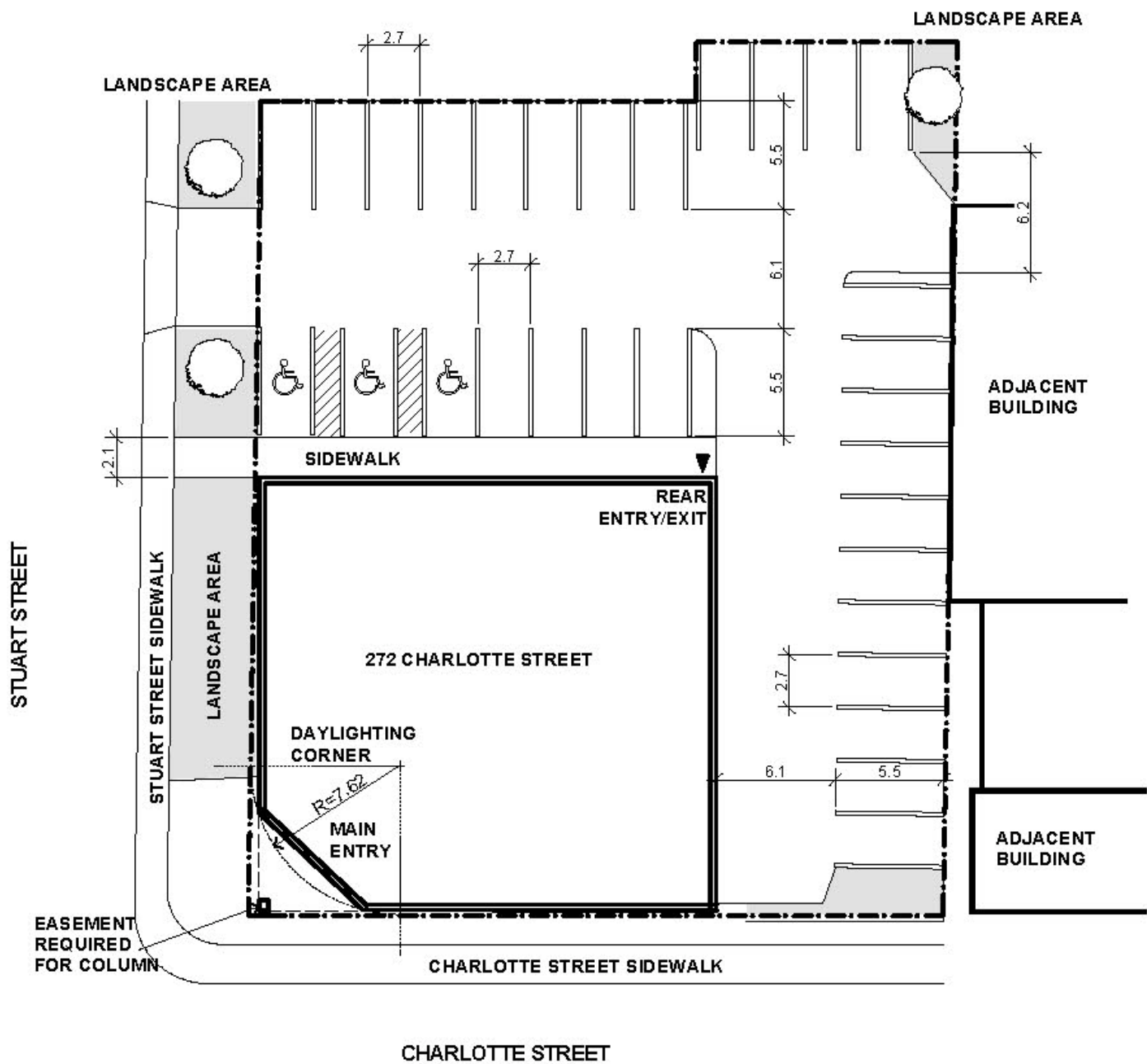
The City of Peterborough Planning Division

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Date - June 2010
Dwg. by - CBerry
Scale - 1:1800

Exhibit 'B'
Page 1 of 1



SITE PLAN
1:250

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
272 CHARLOTTE STREET**

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:

“.258 Notwithstanding the requirements of Sections 4 and 18, the following shall apply:

- a) The minimum aisle width shall be 6.1m
- b) Each required parking space shall be at least 2.7 metres by 5.5 metres
- c) The minimum building setback shall be 10m from the centre line of Stewart St.
- d) The minimum building height shall be 3 storeys
- e) Notwithstanding Section 4.6.2, required on-site parking spaces may also serve as a vehicle loading space”

2. Map 12c 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.1-9, C.2-9 to C.6 – 258.**

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

D. Paul Ayotte, Mayor

Nancy Wright-Laking, City Clerk

