



City of  
**Peterborough**

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**TO:** Members of the Planning Committee

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

**MEETING DATE:** October 4, 2010

**SUBJECT:** Report PLPD10-079  
1293 Clonsilla Avenue

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## **PURPOSE**

A report to evaluate the planning merits of amending the Zoning By-Law from C.1 – Commercial District to the SP. 353 – Special Commercial District in accordance with the Neighbourhood Centre policies of the Official Plan.

## **RECOMMENDATIONS**

That Council approve the recommendations outlined in Report PLPD10-079 dated October 4, 2010, of the Manager, Planning Division, as follows:

- a) That the Comprehensive Zoning By-Law be amended to add Section 383 for Special District SP. 353 – Commercial District in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD10-079.
- b) That the zoning of the subject property, be amended from the C.1 – Commercial District to the SP. 353 – Special Commercial District in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD10-079.

## 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 July 8, 2010, proposing an amendment to the zoning of the lands to permit the use of the property for uses consistent with the Neighbourhood Centre policies of the City's Official Plan. The applicant proposes to renovate the existing building to permit the entire building to be used for drug store or clinic space and to permit a range of other uses in accordance with the Neighbourhood Centre policies of the Official Plan.

The property has been used to support convenience retail uses since 1950 and a drug store (Westmount Pharmacy) since 1996. The current owner of the property wishes to expand the drug store/clinic use into the balance of the existing building while recognizing previous minor variances that have been granted for the property. The current C.1 zoning district provisions for the property have been revised through four previous Minor Variances. Minor Variances have been granted as follows:

- a) A082/61: permitted use of the property for a coin laundry
- b) A36/79: reduces building setback from Victory Cres. for addition at the rear
- c) A143/85: extends food, convenience store commercial floor area to max. 589.93m<sup>2</sup> (6,350 ft.<sup>2</sup>)
- d) A03/09: increases the max. floor area per commercial purpose from 140m<sup>2</sup> to 348m<sup>2</sup>

Council has recently entered into an encroachment agreement with the owner, to be registered on title to the subject lands in relation to the pre-existing and approved parking within the City's road allowance for both Victory Crescent and Clonsilla Avenue. A total of 8 parking spaces are recognized through this encroachment agreement, of which 5 currently exist and an additional 3 spaces were permitted by Council in 2008. These parking spaces are to be provided in addition to the 36 spaces existing on site, thereby providing a total of 44 parking spaces.

The site plan submitted with the application illustrates the existing building and parking facilities as well as a new access ramp to be constructed adjacent to the south wall of the building. Three future parking spaces are to be located within the Victory Crescent road allowance, as permitted in 2008 and reflected in the recent encroachment agreement with the City.

The applicant further requests that the location of the existing building be recognized through the zoning regulations assigned to the property. The building is setback a distance of 2.6m (8.5 ft.) from the southerly street line adjacent to Victory Crescent, recognized through a minor variance in 1979 for an addition at that time. A reduction in the minimum aisle width for the parking area in front of the building at Clonsilla Avenue and existing deficiency with regard to landscaped open space is also proposed through the subject application.

## **ANALYSIS**

### **a) Official Plan**

The property is designated 'Commercial' on Schedule 'A' – Land Use and 'Neighbourhood Centre' on Schedule 'I' Commercial Area. The objective of the lands designated 'Neighbourhood Centre' is "to provide for an appropriate range and supply of commercial goods and services to serve a number of planning districts in a manner compatible with adjacent uses," (Section 4.3.5.2 of City of Peterborough Official Plan). Permitted uses include small scale retail stores; personal service uses; restaurants; larger scale neighbourhood serving retail uses such as food stores, drug stores and hardware stores. In addition, the lands are also intended to support clinic uses; small-scale office and studio uses; institutional and cultural uses; and medium density residential uses subject to the applicable policies of the Official Plan.

The proposed Zoning By-Law Amendment to implement the Neighbourhood Centre Official Plan designation, supports the function of the lands as intended by the Official Plan.

The subject property is located within the Neighbourhood Centre block shared with the Medical Centre property to the north. These lands form the node identified on Schedule 'I' – Commercial Area of the Official Plan. The size of the parcel limits its ability to support a larger building without consolidation with adjacent lands and it is therefore, appropriate to maintain caps for specific commercial uses, generally consistent with the existing building size. The use of up to 650m<sup>2</sup> of floor area for drug store is consistent with the Neighbourhood Centre policies. The Official Plan anticipates additional clinic and laboratory space within the area of the Hospital. The provision of these facilities, therefore, fulfills the Official Plan objective of locating them close to the Health Centre. It

is appropriate to apply the proposed 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 – Commercial District, limiting the permitted uses to local commercial type uses, including a drug store and a clinic, with size restrictions to permit up to a maximum of 140m<sup>2</sup> per commercial purpose and a maximum commercial floor area of 372m<sup>2</sup> for the entire building. Minor Variances have been granted for the subject property to increase the floor area caps for all commercial uses to a maximum of 348m<sup>2</sup> (3746 ft.<sup>2</sup>) per commercial purpose and to permit a convenience store to occupy up to a maximum of 589.93 m<sup>2</sup> (6,350 ft.<sup>2</sup>).

The application proposes to rezone the property to implement the Neighbourhood Centre policies of the Official Plan. The proposed SP.353 – Special Commercial District would permit a wide range of commercial uses for the property, including the following:

Proposed Permitted Uses

- a Video Rental Establishment
- a Personal Service Establishment
- a Sub Post Office
- a Dry Cleaning Depot (Class 2)
- an Art School, Music School, Dance School or Fine Arts School
- a Gymnasium or Health Club
- a Printing Shop
- a Clinic
- a Convenience Retail Store
- a Bake Shop
- a Loan Company
- a Self Service Laundry
- a Studio
- a Day Nursery
- a Private Club
- a Repair Shop (Electronics, Appliances)
- a Mailbox Rental Service Outlet
- a Retail Establishment
- a Retail Catalogue Sales Establishment
- a Rental Establishment (restricted to having no outdoor display or storage)
- a Drug Store
- a Food Store
- a Home Improvement or Hardware Store
- a Restaurant
- a Library, Museum or Art Gallery

a Bowling Alley  
a Bank or Financial Institution

The proposed SP.353 zoning district furthers the commercial policies of the Neighbourhood Centre commercial designation of the Official Plan. The regulations associated with the proposed SP. 353 – Special Commercial District are consistent with the regulations assigned to other recently approved Zoning Districts implementing the Neighbourhood Centre policies with site specific revisions to reflect the subject lands and previous approvals granted by the Committee of Adjustment.

The site plan illustrates the ability of the site to comply with minimum parking standards. The site plan illustrates a total of 44 parking spaces, of which, 36 are located on site and 8 are located within the road allowance. Based on the minimum parking requirements in the City's Comprehensive Zoning By-Law, the applicant would be permitted to utilize up to a maximum of 648m<sup>2</sup> of net floor space for retail purposes or a combination of clinic/retail space in accordance with the parking standards of the By-Law.

## RESPONSE TO NOTICE

### a) Significant Agency Responses:

Agency circulation was issued on July 28, 2010.

The City's Utility Services Department has indicated that the proposed parking spaces within the Victory Crescent road allowance are acceptable and recommend cash-in-lieu of parkland where required. Utility Services further advises that should Site Plan Approval be required in the future, the property would be subject to a requirement for a 7.62m daylighting triangle at the intersection of Victory Crescent and Clonsilla Avenue.

Peterborough Utilities Services Inc. has noted that the current water service is 1 ¼" and may be adequate to supply the future uses. Development charges will apply to any additional floor area.

The Council for Persons with Disabilities has recommended a barrier free path of travel from the accessible parking spaces to the main entrance; and recommend automatic power-operated doors be installed at the main entrance.

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 July 28, 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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Ken Hetherington,  
Manager, Planning Division

Prepared by,

Concurred with,

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Caroline Kimble,  
Land Use Planner

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Malcolm Hunt, Director  
Planning and Development Services

**Contact Name:**

Caroline Kimble  
Planner, Land Use  
Planning & Development Services  
Phone – 742-7777 Ext. 1735  
Fax – 742-5218  
E-Mail – [ckimble@peterborough.ca](mailto:ckimble@peterborough.ca)

**Attachments:**

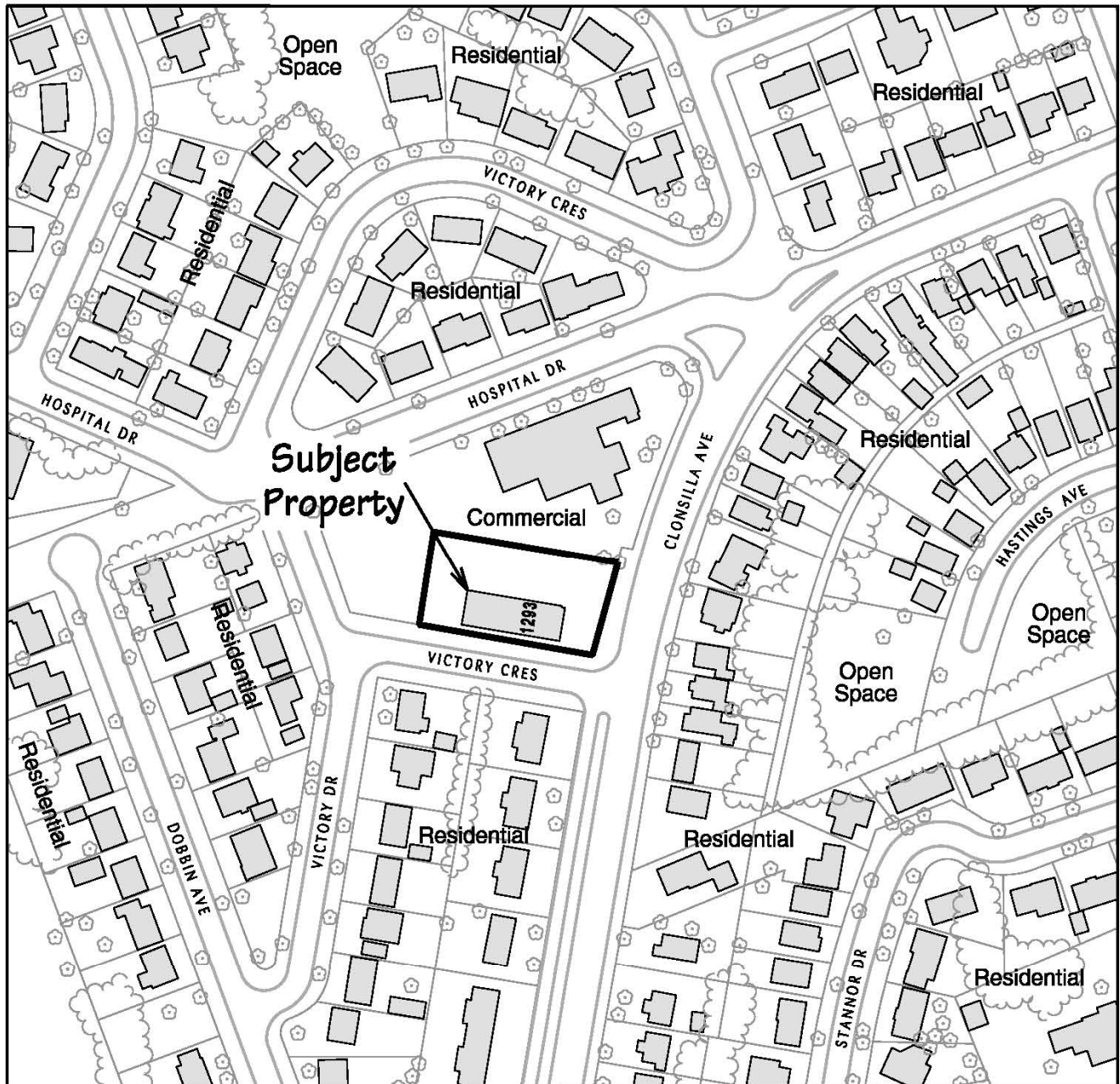
Exhibit A - Land Use Map  
Exhibit B - Concept Plan  
Exhibit C –Draft Zoning By-law

# Land Use Map

Exhibit 'A'  
Page 1 of 1

File # z1019

Property Location: 1293 Clonsilla Ave



The City of Peterborough Planning Division

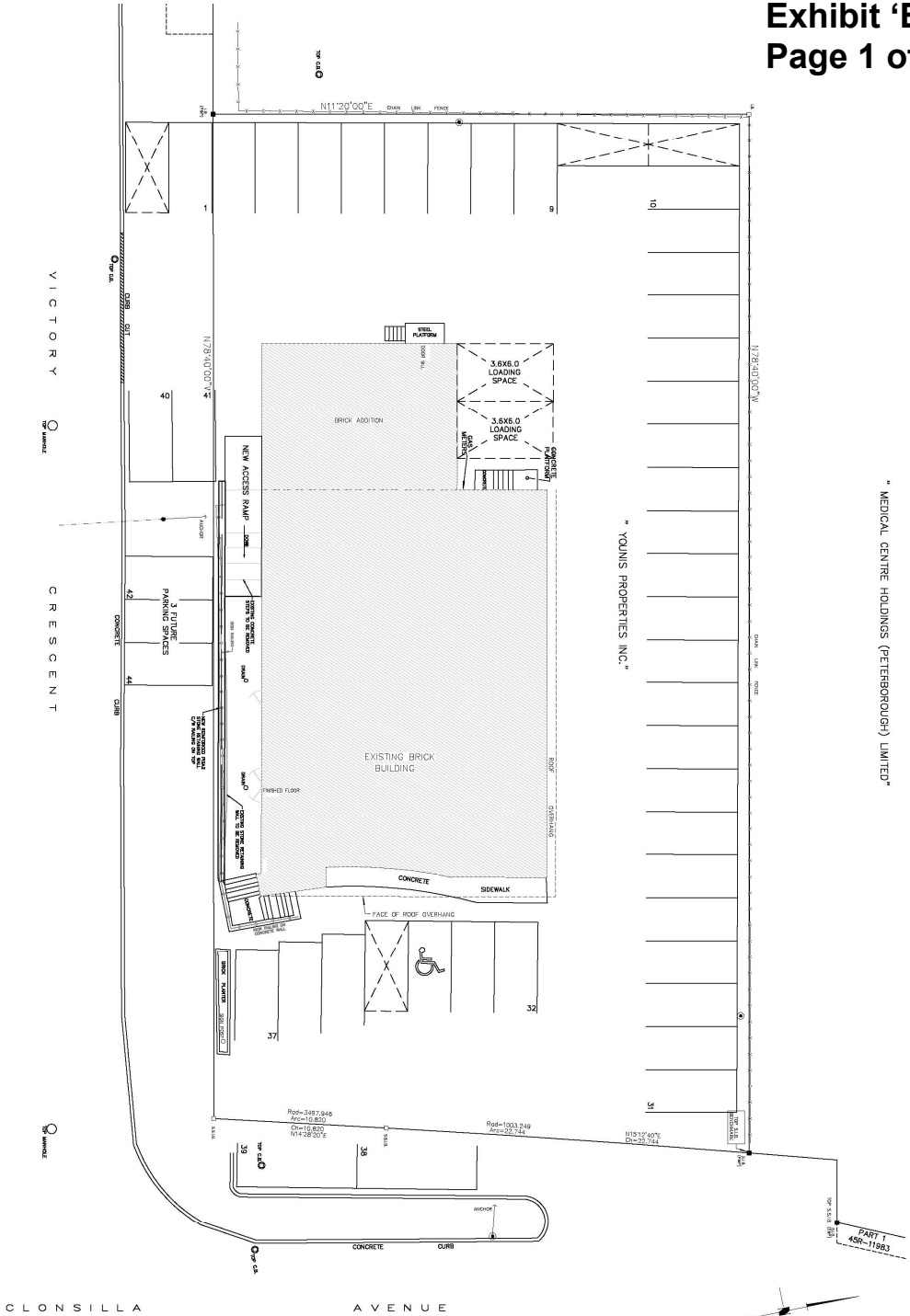
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Date - July 2010  
Dwg. by - CBerry  
Scale - 1:2000

Exhibit 'B'  
Page 1 of 1

SITE PLAN





**THE CORPORATION OF THE CITY OF PETERBOROUGH**

**Exhibit 'C'**  
**Page 1 of 4**

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

**BEING A BY-LAW TO AMEND THE ZONING FOR  
1293 CLONSILLA AVENUE**

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

1. By-Law 1997-123 is amended by adding Section 383 as follows:

**“SECTION 383**

**SPECIAL DISTRICT 353 (SP.353)**

383.1 For the purpose of this by-law, land use district “Special District 353” is hereby established and may be referred to as the symbol “SP.353”.

**PERMITTED USES**

383.2 No person shall within any SP.353 District use any land or erect, alter or use any building or part thereof for any purpose other than:

- (a) a video rental establishment
- (b) a personal service establishment
- (c) a sub post office
- (d) a dry cleaning depot (Class 2)
- (e) a printing shop
- (f) a bake shop
- (g) a self service laundry
- (h) a studio or craft workshop
- (i) a day nursery
- (j) a repair shop for electronics and appliances
- (k) a mailbox rental service outlet
- (l) a retail establishment
- (m) a retail catalogue sales establishment
- (n) a rental establishment with no outdoor display and/or storage
- (o) a bank, financial institution or loan company
- (p) a convenience retail store
- (q) a food store
- (r) a drug store
- (s) a hardware store
- (t) a clinic

- (u) an art school, music school, dance school or fine arts school
- (v) a gymnasium or health club
- (w) a place of assembly
- (x) a restaurant
- (y) a bowling alley

**Exhibit C**  
**Page 2 of 4**

## REGULATIONS

383.3 No person shall, within any SP.353 District, use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

| Type                                                                                                                                                                                                              | Requirement                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| a) minimum lot depth                                                                                                                                                                                              | 60 metres                                                                                           |
| b) maximum floor area per commercial purpose:<br>i) uses (a) to (p) inclusive<br>ii) uses (q) to (y) inclusive                                                                                                    | 348 square metres<br>650 square metres                                                              |
| c) maximum floor area for all commercial purposes, including basements                                                                                                                                            | 650 square metres                                                                                   |
| d) maximum building coverage                                                                                                                                                                                      | 30%                                                                                                 |
| e) maximum building height                                                                                                                                                                                        | 3 storeys                                                                                           |
| f) minimum building setback<br>1) side lot line<br>2) rear lot line                                                                                                                                               | 9 metres<br>9 metres                                                                                |
| g) landscaped open space shall be provided and maintained along lot lines                                                                                                                                         | Existing or 1.5 metres along all lot lines provided such open space may be interrupted by driveways |
| h) a waste receptacle or garbage storage area may be erected or located within the district, except within the minimum required landscaped open space area, provided the following regulations are complied with: |                                                                                                     |

|                                                                                                                                                                      |                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 1) minimum building setback                                                                                                                                          | 3 metres         |
| 2) maximum building height                                                                                                                                           | 3 metres         |
| 3) maximum building or site area                                                                                                                                     | 15 square metres |
| i) Notwithstanding the provisions of Section 6.11, a building may be set back a minimum distance of 2.6m from the street line along Victory Crescent                 |                  |
| j) Notwithstanding the provisions of Section 4.3, the minimum aisle width for the existing parking spaces adjacent to the Clonsilla Avenue street line shall be 4.9m |                  |

**Exhibit C**  
**Page 3 of 4**

383.4 SP.353 District is hereby designated as a commercial district.”

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 to SP.353.**

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

**Exhibit C**

**SCHEDULE Page 4 of 4**

**BYLAW 2010**

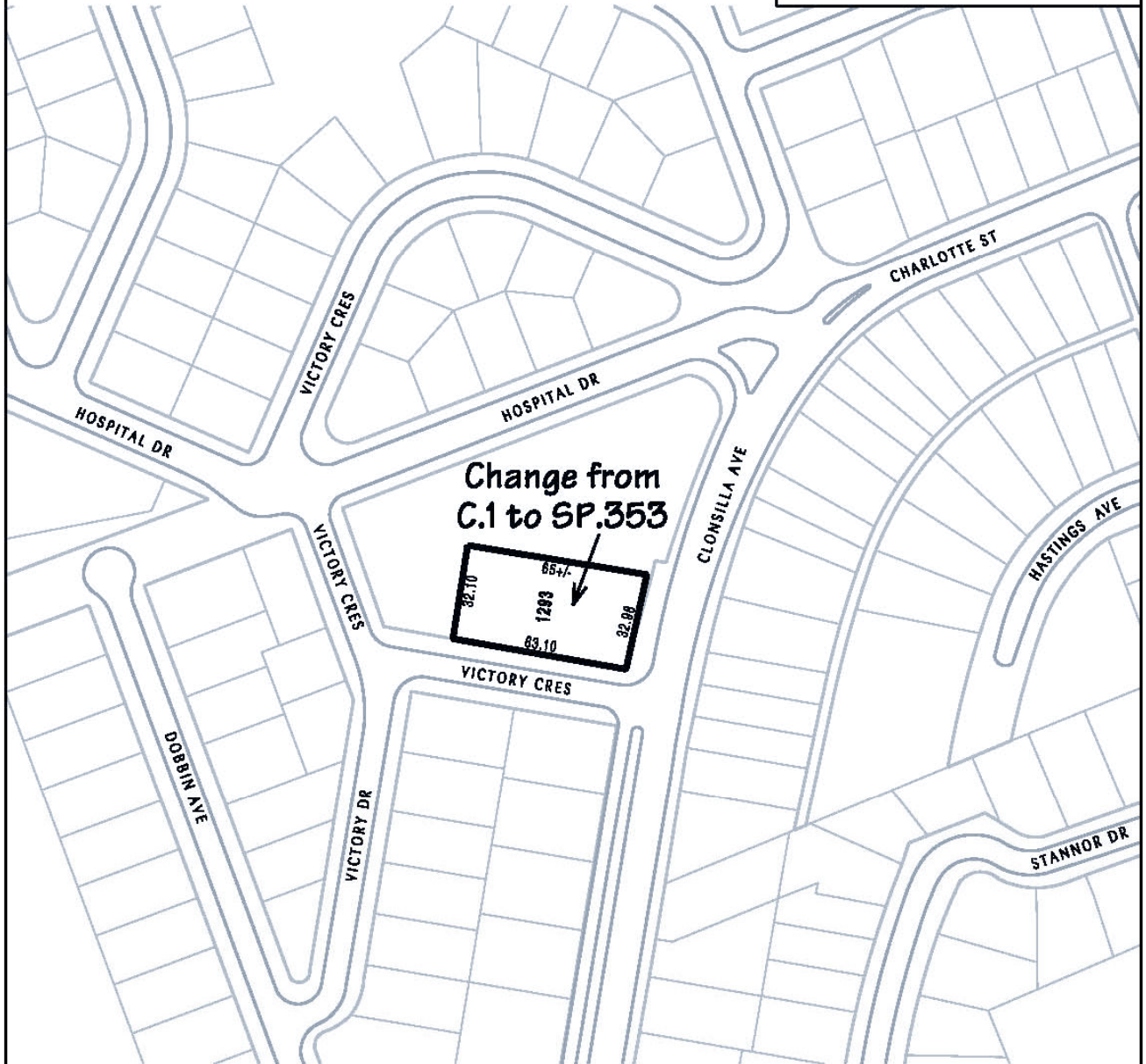
**PASSED THE DAY**

**OF 2010**

**MAYOR**

**CLERK**

Dimensions are in metric



**City of  
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