



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: November 21, 2011

**SUBJECT: Report PLPD11-082
545 The Queensway**

PURPOSE

A report to evaluate the planning merits of amending the Zoning By-Law for the property known as 545 The Queensway from the M3.2 – Enhanced Service Industrial District to a modified SP.268 – Service Commercial District to permit the use of the lands for commercial purposes, including a gas bar and convenience retail establishment, to implement the Service Commercial Designation of the lands in the Official Plan.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD11-082 dated November 21, 2011, of the Manager, Planning Division, as follows:

- a) That Section 3.9 Exceptions in the City's Comprehensive Zoning By-Law #97-123, be amended in accordance with the draft amendment, attached as Exhibit 'C' to Report PLPD11-082 to permit the following:
 - i. a convenience retail store with a maximum floor of 300m², in association with a gas bar
 - ii. for the purpose of this exception, a 'gas bar' means any land, buildings or part thereof used as a retail outlet for the sale of motor fuel, oil and accessories, but does not include the sale of motor vehicle parts or servicing or repairs to motor vehicles.
- b) That the zoning of the subject property, be amended from the M3.2 – Enhanced Service Industrial District to the SP. 268 – 268(F)-'H' – Special Commercial

District in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD11-082.

- c) That the 'H' Holding Symbol be removed subject to the following:
- i. Site Plan Approval is granted for the subject property including the following:
 - 1. Conveyance of lands along The Parkway to the City of Peterborough, for the purposes of road widening;
 - 2. Conveyance of lands for a 15m daylighting triangle at the northwest corner of the property (west corner of the subject land, at the intersection of the Parkway, The Queensway and Cameron Place to the City of Peterborough;
 - 3. Provisions to urbanize the Cameron Place right of way from The Queensway to the site entrance at the expense of the developer; and
 - 4. Delineation of the floodline prior to development.
 - ii. Easements across the unopened Cameron Street right of way, in favour of the City, for existing sanitary sewer and possibly other utilities.

BUDGET AND FINANCIAL IMPLICATIONS

The proposed development includes lands currently owned by the City (portions of The Queensway and Cameron Place right of way). Council approved the sale of the City-owned portions in accordance with recommendations of Report PLPD11-069, approved on November 14, 2011.

RATIONALE

Approval of this Zoning By-Law Amendment is based upon the following:

The lands are designated 'Commercial' on Schedule 'A' – Land Use and 'Service Commercial' on Schedule I – Commercial Areas of the City's Official Plan. The application proposes to implement the 'Service Commercial' policies of the Official Plan with site specific provisions to add a convenience retail establishment as an accessory use to the proposed gas bar. The development of the lands will be subject to Site Plan Approval including provisions for the transfer of the City owned parcels to be added to the subject property and the dedication of lands for road widening and daylighting triangle requirements as well as necessary easements. The delineation of the floodline on the subject property will be also be required as a condition of the removal of the 'H' Holding Symbol.

BACKGROUND

The subject application was originally received on June 23, 2011, deemed to be complete as of July 28, 2011 and 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 is in a position to file an appeal to the Ontario Municipal Board any time after November 24, 2011.

The subject property is located at the southeast corner of The Queensway and The Parkway, between Cameron Place and The Parkway. The land is currently vacant. It was formerly the site of Crawford Steel.

The Concept Site Plan relies on the ability to use a portion of the right of way for The Parkway/The Queensway and Cameron Place as well as the unopened portion of Cameron Street. This property is to be acquired by the applicant from the City of Peterborough. Council has approved the sale of the lands to the applicant and it is anticipated to be finalized in the near future. The lands subject of the transfer are illustrated on the Land Use Map, being Exhibit A to Report PLPD11-082.

The existing M3.2 – Enhanced Service Industrial Zoning District reflects the former 'Industrial' designation of the lands in the 1981 Official Plan. The designation of the property was amended to 'Service Commercial' as part of a City-wide amendment to implement the results of the City's Commercial Policy Review (CPR) in 2000, however, the zoning does not yet reflect the new Service Commercial policies. The applicant now wishes to implement the policies through this rezoning.

ANALYSIS

a) Official Plan

The lands are currently designated 'Commercial' on Schedule 'A' of the City of Peterborough Official Plan and 'Service Commercial' on Schedule 'I' – 'Commercial Areas'.

The purpose of the 'Special Purpose Commercial' designation of the property, is to provide *“for a broad range of commercial services, commercial recreational and institutional uses and a restricted range of retail commercial uses, which are not appropriate in the other commercial designations or have particular site, access or storage/display requirements.”*

Permitted uses within the 'Service Commercial' designation include automotive-oriented commercial uses and uses that cater to the travelling public including hotels, motels, eating establishments, commercial recreation and assembly uses, personal and

financial services. Retail commercial uses are limited to those that require large sites to accommodate extensive open or enclosed display or storage areas.

The introduction of a restaurant, gas bar and associated convenience retail establishment are uses that cater to the travelling public and are consistent with the types of uses contemplated by the Service Commercial policies.

The policies further require that new development and redevelopment provide for the integration of parking and access points with abutting uses and the provision of landscaping that is adequate. The Site Plan will address the provision of cross-easements to provide for connections between the proposed parking area and the existing parking area for the adjacent Costco lands.

b) Zoning By-Law

The subject property proposes an amendment to the Zoning By-Law from the M3.2 – Enhanced Service Industrial District to the SP.268-268(F)-‘H’ – Commercial District (Service Commercial) to permit a range of Service Commercial uses, including a convenience retail establishment with a maximum floor area of 300m² in association with a gas bar.

The proposed zoning would permit the following uses:

- a) a video rental establishment
- b) a personal service use
- c) a sub post-office
- d) a dry cleaning depot
- e) a place of assembly
- f) a private club
- g) a place of entertainment
- h) an art school, music school, dance school or fine arts school
- j) a gymnasium or health club
- k) a place of amusement
- l) a hotel
- m) a restaurant
- n) a service station
- o) a car wash
- p) a public garage
- q) a retail establishment for the sale of:
 - i) motor vehicles
 - ii) motor vehicle parts
 - iii) building products and contractor supplies
 - iv) farm equipment
 - v) farm supplies, grain and feed
 - vi) boats, trailers, travel trailers and mobile homes
 - vii) furniture and appliances.
- r) a nursery or greenhouse

- s) a funeral parlour
- t) a police station
- u) an ambulance station
- v) a fire hall
- w) a church
- x) a library, museum or art gallery
- y) an animal hospital or veterinary office
- z) a rental establishment
- aa) a printing shop
- bb) a flea market
- cc) an auction hall
- dd) a parking lot or parking garage
- ee) a miniature golf course

In addition, the application proposes to add 'convenience retail establishment' as a permitted use, in association with a gas bar. The draft zoning amendment provides for an exception to recognize a convenience retail establishment as a permitted use, subject to a maximum size of 300m², accessory to a gas bar. It is not intended that a convenience retail establishment be permitted as a stand alone use within the Service Commercial designation.

The subject property is mostly situated above the flood elevation for the Byersville Creek floodplain. A small portion of the perimeter of the subject property is expected to be within the floodplain. Work is currently underway and near completion to verify the floodline for these lands. An 'H' Holding symbol is recommended to address Site Plan Approval requirements and land transfer provisions, as well as to facilitate the delineation of the floodline on the subject property prior to development of the lands. The (F) suffix as requested by the Conservation Authority (ORCA) will acknowledge that a portion of the property is subject to flooding.

The draft zoning amendment conforms to the existing Official Plan designation of the property and will permit the use of the lands in compliance with the current policies. The property will be developed with parking and standards in accordance with the City's Zoning By-Law. The parking layout is proposed to be revised to facilitate a cross connection to the adjacent Costco lands. Landscape treatment and stormwater management facilities will be required through Site Plan Approval.

c) Site Development

Site Plan Approval will apply to the redevelopment of the subject lands to address matters such as parking layout, landscaping, stormwater management, driveway entrances, pedestrian walkways and the dedication of lands for future road widening and daylighting triangle.

The application constitutes a first phase of development for the larger land holdings owned by the applicant. Driveway access is proposed to The Parkway and Cameron Place and parking will be provided in accordance with the Zoning By-Law.

RESPONSE TO NOTICE

a) Significant Agency Responses:

Utility Services Department

The City's Utility Services Department has requested a road widening across the frontage of the subject lands to be in line with the widening recently acquired from Costco along The Parkway right of way, in accordance with the Concept Site Plan. A 15.0m daylighting triangle is to be dedicated on the northeast corner of the property (intersection of The Parkway and The Queensway), in accordance with the revised Concept Site Plan attached. Sufficient landscape strips, consistent with the Costco site development is recommended in addition to a revised site layout and turning areas for parking. Additional Site Plan comments have also been forwarded to the applicant for consideration at the Site Plan Approval stage.

Otonabee Conservation

Otonabee Conservation has reviewed a flood plain study for the subject lands and the adjacent lands owned by the applicant. The lands subject of the rezoning are mostly above the flood elevation and although the flood line has not yet been defined, it is expected that only the perimeter of the property is within the flood plain of Byersville Creek. As such, ORCA does not object to the zoning change, provided that the (F) suffix is attached to the proposed zoning. The (F) acknowledges that a portion of the property is subject to flooding and that no development is permitted within the flood plain. ORCA will review stormwater management for the development as part of the site plan review process and a permit from ORCA is required prior to any placement of fill, grade alteration or construction activity.

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 (Peterborough Examiner) on August 9, 2011. Notice of Public Meeting was issued by direct mail on October 24, 2011 and by newspaper advertisement (Peterborough Examiner) on October 25, 2011. The notice complies with the requirements of the Planning Act.

Written response was received from Steve Buchanan on behalf of Culligan, The Good Water Company Ltd., located on the adjacent property at 620 Cameron Place. Mr. Buchanan notes that while they have no objection to the zoning change, they have concerns regarding potential through traffic via their parking lot, for those looking for a short cut to avoid congestion at The Queensway. It is requested that this be considered in the design of the entrances to the subject land.

No further public written responses were received as a result of the circulation as of November 10, 2011.

Submitted by,

Ken Hetherington,
Manager, Planning Division

Prepared by,

Caroline Kimble,
Land Use Planner

Concurred with,

Malcolm Hunt, Director
Planning and Development Services

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Attachments:

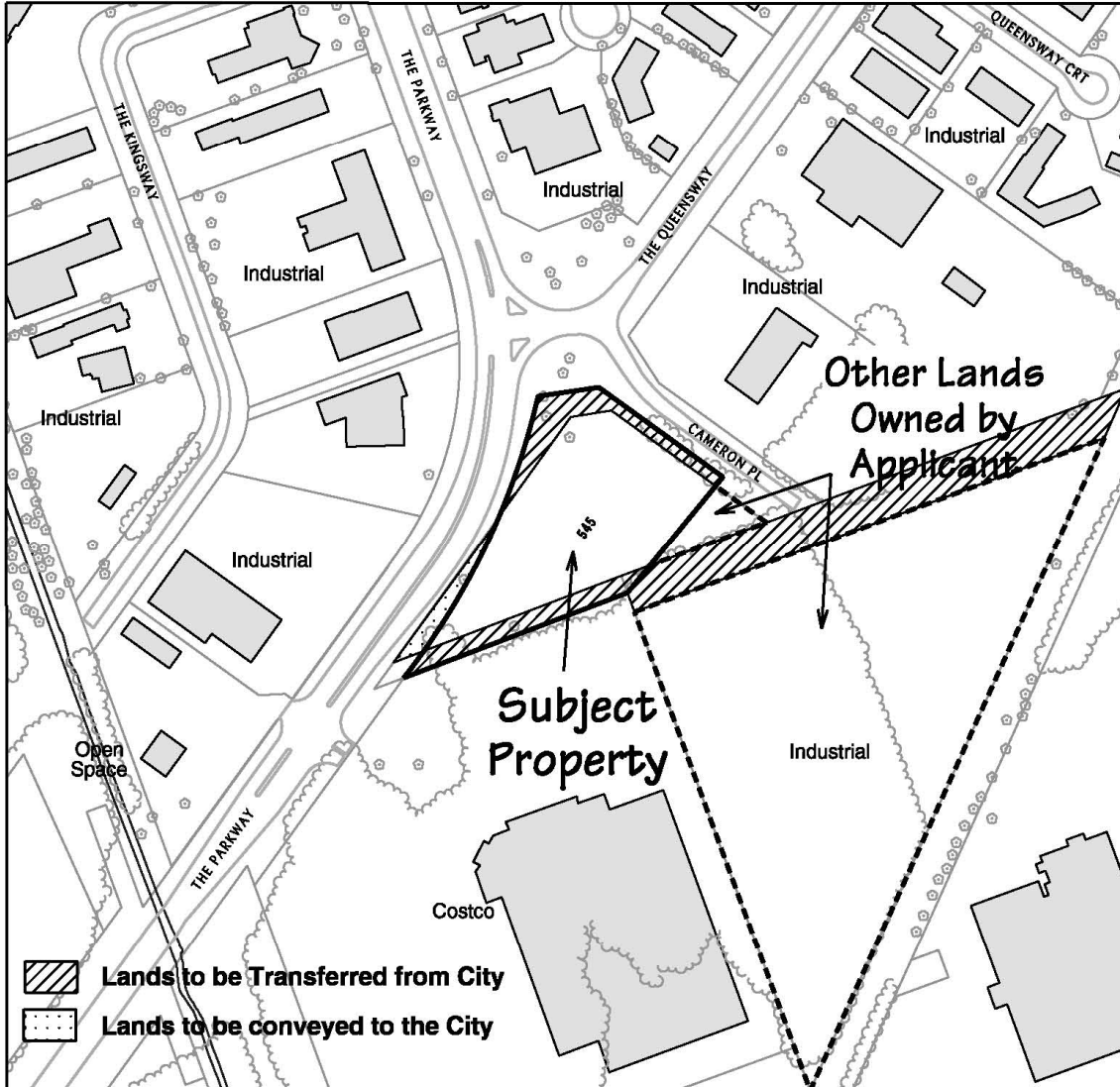
Exhibit A - Land Use Map
Exhibit B - Site Plan
Exhibit C - Draft Zoning By-law Amendment

Land Use Map

File # z1113

Property Location: 545 The Queensway

Exhibit 'A'
Page 1 of 1



The City of Peterborough Planning Division

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Date - July 2011

Dwg. by - CBerry

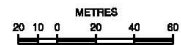
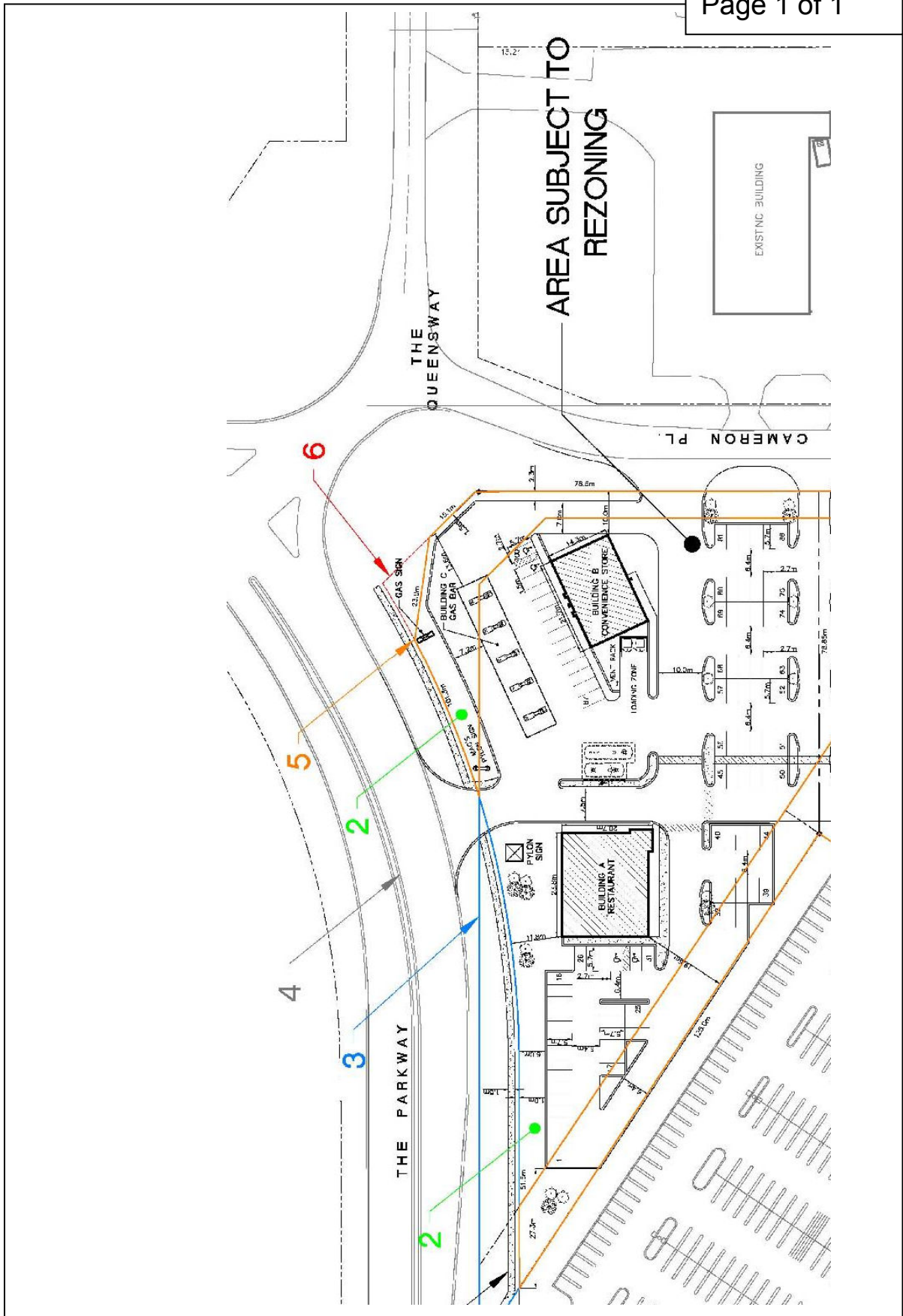


Exhibit B
Page 1 of 1



THE CORPORATION OF THE CITY OF PETERBOROUGH

Exhibit 'C'
Page 1 of 3

BY-LAW NUMBER 11- _____

**BEING A BY-LAW TO AMEND THE ZONING FOR
545 THE QUEENSWAY**

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:

“.268 Notwithstanding the provisions of Section 298:
 - i. a convenience retail store with a maximum floor area of 300m², in association with a gas bar shall also be permitted
 - ii. for the purpose of this exception, a ‘gas bar’ means any land, buildings or part thereof used as a retail outlet for the sale of motor fuel, oil and accessories, but does not include the sale of motor vehicle parts or servicing or repairs to motor vehicles.”
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 M3.2 to SP.268-268(F)-'H'**.
3. That the 'H' Holding Symbol be removed subject to the following:
 - i. Site Plan Approval is granted for the subject property including the following:
 1. Conveyance of lands along The Parkway to the City of Peterborough, for the purposes of road widening;
 2. Conveyance of lands for a 15m daylighting triangle at the northwest corner of the property (west corner of the subject land, at the intersection of The Parkway, The Queensway and Cameron Place to the City of Peterborough;
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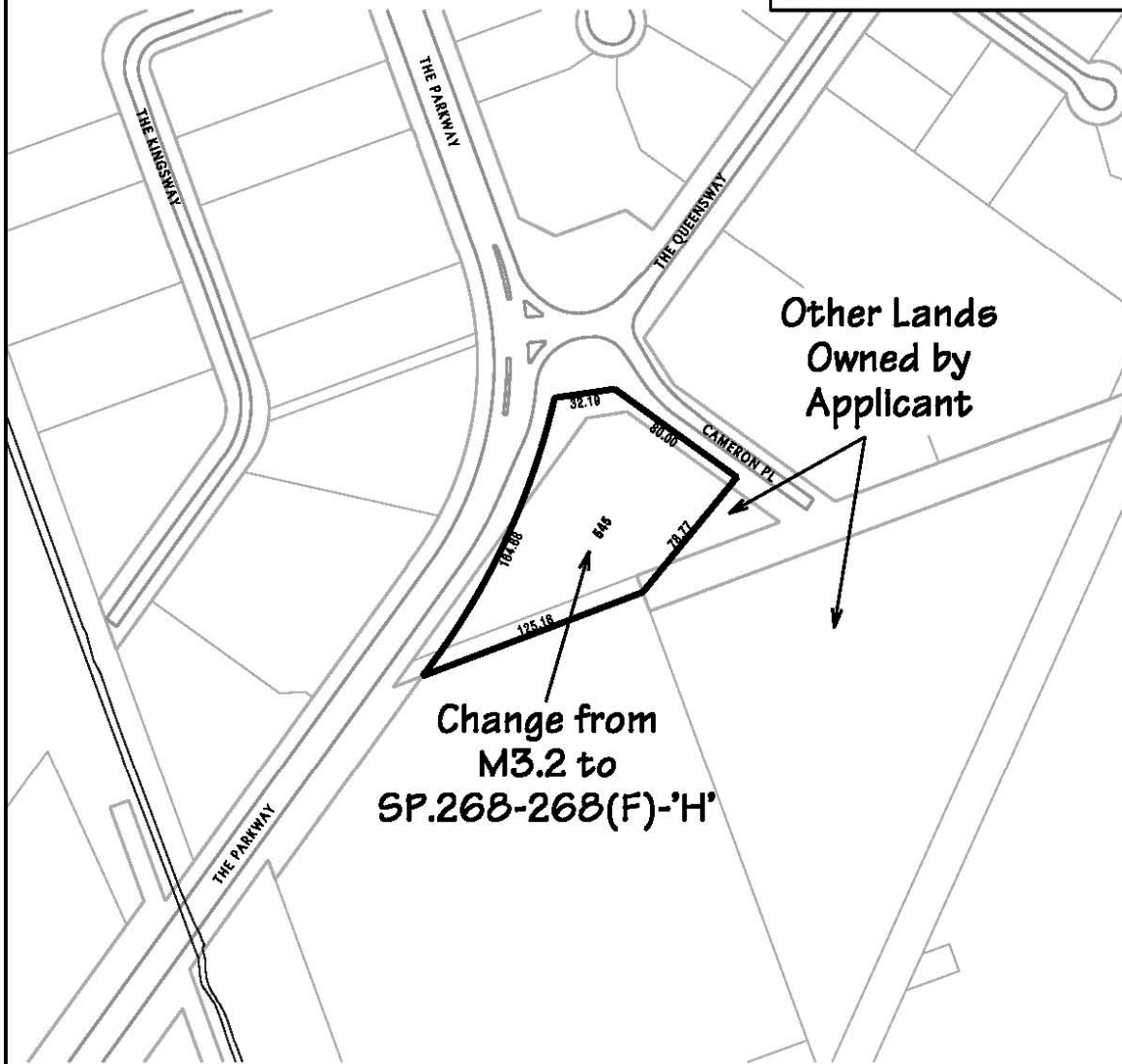
By-law read a first, second and third time this day of , 2011.

Daryl Bennett, Mayor

Nancy Wright-Laking, City Clerk

Dimensions are in metric

SCHEDULE 'A' TO
BYLAW 2011 -
PASSED THE DAY
OF 2011
MAYOR
CLERK



City of
Peterborough

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