



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: February 27, 2012

SUBJECT: Report PLPD12-008
1709 Lansdowne St W

PURPOSE

A report to evaluate the planning merits of amending the Zoning By-Law for the property known as 1709 Lansdowne Street West from the R.1, 1e, 2e, 4d – Residential District and from the SP.268 – Special Commercial District to permit a limited range of Service Commercial uses in accordance with the Service Commercial Designation of the lands in the City's Official Plan.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD12-008 dated February 27, 2012, of the Manager, Planning Division, as follows:

- a) That Section 385 be added to the City's Comprehensive Zoning By-Law #97-123, in accordance with the draft amendment, attached as Exhibit 'C' to Report PLPD12-008 to permit the following:
- i. office or clinic use with a maximum floor area of 250m²
 - ii. a personal service use
 - iii. bank, financial institution or loan company
 - iv. gymnasium, spa or health club
 - v. art school, music school, dance school or fine arts school
 - vi. retail establishment for the sale of furniture and appliances
 - vii. a place of entertainment
 - viii. an art school, music school, dance school or fine arts school
 - ix. a video rental establishment.

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- b) That the zoning of the subject property, be amended from the R.1, 1e, 2e, 4d – Residential District and from the SP.268 – Special Commercial District to the SP. 355 – ‘H’ – Special Commercial District in accordance with the draft amendment attached as Exhibit ‘C’ to Report PLPD12-008.
- 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 Lansdowne Street West, for the purposes of road widening;
 - 2. Provision of a minimum 1.5m landscape strip within the site along the Lansdowne Street West frontage to reflect the widening;
 - 3. Stormwater management for the rear parking area; and
 - 4. Appropriate site entrance width and rear parking access.
 - ii. Written consent from the neighbouring property owner to the west for the grading design and redirection of flows along the west side of the site to be spread out within the landscaped area at the rear.
 - iii. Easement in favour of the City of Peterborough to facilitate future connection to the lands to the west.

BUDGET AND FINANCIAL IMPLICATIONS

There are limited budget and financial implications arising from the approval of this application. The conveyance of additional road widening along Lansdowne Street West will be the developers’ responsibility. This project will further generate Development Charges and additional tax revenue for the City. Cash in lieu of parkland will also be required where applicable.

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 a restricted list of permitted uses and site specific regulations to ensure compatibility with the adjacent residential lands to the east and to reflect the limited size of the subject lands.

The development of the lands will be subject to Site Plan Approval including provisions

for road widening and stormwater management. The written consent from the neighbouring property owner to the west for the grading design and redirection of flows along the west side of the site to be spread out within the landscaped area at the rear will be also be required as a condition of the removal of the 'H' Holding Symbol.

BACKGROUND

The subject application was received on November 23, 2011, deemed to be complete as of December 15, 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 April 15, 2012.

The subject property is located on the south side of Lansdowne Street West, east of Brealey Drive and is situated between commercial lands to the west (Leon's Furniture and Appliances) and residential lands to the east and south (Waddell Avenue and College Park Drive). The land currently supports a single unit dwelling with frontage along Lansdowne Street West.

The zoning of the lands is assigned as residential (R.1, 1e, 2e, 4d – Residential District) on the northerly portion and commercial (SP.268, 5n – Special Commercial District) on the southerly portion. The commercial zoning on the southerly portion was applied to the property by way of a zoning amendment in 1995 as part of the zoning for the adjacent lands to the west (Leon's site). The southerly portion of the subject lands was subsequently severed from the adjacent commercial property and merged with the subject lands, resulting in dual zoning of the parcel.

The application proposes to amend the zoning of the lands to extend a modified Service Commercial Zoning District (SP.355- 'H') to permit the redevelopment of the lands for a limited list of service commercial uses with site specific regulations to ensure compatibility with the adjacent residential uses. The owner proposes to replace the existing dwelling with a new two storey commercial building with parking in both the front and rear yard. Although the initial concept plan illustrated covered parking to be accessed from the rear of the proposed building, the applicant has revised the plan to illustrate a total of 22 parking spaces to be provided on the site, in the front and rear of the proposed building. The immediate uses are intended to include a 250 m² office on the main floor and a 370m² personal service use on the second storey.

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, and also includes small scale office and 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 limited list of permitted uses, reflects the types of uses contemplated by the Service Commercial designation appropriate with the limitations of the size of the property. In addition, the site specific regulations will ensure compatibility with adjacent residential uses to the east and to the south.

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 Leons' lands.

b) Zoning By-Law

The subject property proposes an amendment to the Zoning By-Law from the R.1, 1e, 2e, 4d – Residential District and from the SP.268 – Special Commercial District to the SP.355 -'H' – Commercial District (Special Commercial) to permit a limited range of Service Commercial uses.

The proposed zoning would permit the following uses:

- a) office or clinic use with a maximum floor area of 250m²
- b) a personal service use
- c) bank, financial institution or loan company
- d) gymnasium, spa or health club
- e) art school, music school, dance school or fine arts school

- f) retail establishment for the sale of furniture and appliances
- g) a place of entertainment
- h) an art school, music school, dance school or fine arts school
- j) a video rental establishment

The draft zoning amendment provides for site specific regulations to ensure minimum widths of landscaped space adjacent to residential lands of 10m (except adjacent to parking areas where 6m is provided) from the easterly side lot line and 20m from the southerly rear lot line to address buffering and stormwater management requirements on site. In addition a proposed 1.5m buffer is proposed adjacent to all other lot lines (adjacent to commercial lands and along the Lansdowne Street West frontage). A maximum height of 2 storeys is proposed to ensure compatibility with adjacent properties, in addition to a maximum floor area of 250m² per commercial purpose and a maximum building coverage of 20% of the lot area.

The revised plan proposes a slight reduction in the width of the driveway proposed along the west side of the property from 6.4m to 6.0m. The applicant proposes to comply with all other parking/loading requirements as set out in Section 4 of the City's Comprehensive Zoning By-Law.

An 'H' Holding symbol is recommended to address Site Plan Approval requirements and road widening provisions, as well as to facilitate the stormwater management of the lands as it accepts sheet drainage from the adjacent commercial lands to the west.

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 can be revised to facilitate a cross connection to the adjacent Leons lands if required in the future. 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.

The applicant proposes to replace the existing dwelling with a two storey commercial building and associated parking. The requirement for additional road widening along Lansdowne Street West has resulted in a revision to the concept site plan originally submitted in support of the rezoning application. In addition, the applicant no longer intends to provide underground parking. In response to the comments received from the circulation of this application, the parking layout has been revised to reflect additional at grade parking, a landscaped strip along Lansdowne Street West and relocation of the proposed loading space to the west side of the lot.

The landscaped open space strip adjacent to the residential lands to the east has been reduced from 10m to 6m to reflect the extension of parking and aisle space. A landscaped buffer will be required within this 6m strip along the easterly property, within the subject lands, to provide adequate screening from the residential lands to the east.

RESPONSE TO NOTICE

a) Significant Agency Responses:

Utility Services Department

The City's Utility Services Department has requested that the proposed rezoning be made conditional on the applicant entering into a Site Plan Agreement with the City and ensure that parking be provided in accordance with Zoning requirements.

Based on preliminary review of the Concept plan and Functional Servicing Report circulated with the application, the Utility Services Department note that a road widening across the full frontage of the subject lands of 3.05m in width, be conveyed to the City in addition to Part 7 of Reference Plan 45R-14926 while retaining a 1.5m landscape strip. The revised site plan illustrates both the road widening and the 1.5m landscape strip.

Utility Services has requested that the proposed stormwater quantity storage volumes on the rear parking area (Subwatershed WS102) be reviewed to ensure that site grading does not block sheet runoff from the west. Written consent from the neighbouring property owner to the west is requested as part of the Site Plan Approval process for this grading design. Redirected flows along the west side of the site must be spread out within the landscaped area of the rear of the site prior to sheet draining on the residential properties.

During the Site Plan Process, the Utility Services Department has advised that they will be requesting an easement within the front parking area of the site for the purposes of connecting sites to minimize ingress/egress onto Lansdowne Street West. In addition, Utility Services recommend a wider site entrance and rear parking lot access than what is proposed and cash in lieu of parkland is recommended where required.

The applicant and engineering consultants have met with staff of the Utility Services Department to review the above noted comments applicable at Site Plan Approval stage. Revisions to the Concept Site Plan have been made to reflect road widening requirements of the City. The driveway width and entrance remains at 6m. This will be required to be addressed prior to Site Plan Approval. Additional stormwater management information will also be required at Site Plan Approval stage and are recommended as a condition to the removal of the proposed 'H' Holding Symbol to ensure adequate measures are in place to mitigate any negative impacts for adjacent lands.

Peterborough Utilities Services

Water Utilities has commented that it has no issue with the proposed rezoning and indicate that the water service has recently been replaced in anticipation of the proposed development. Development Charges will apply for the net increase in building floor area with a cost to connect and activate the water service. A water meter will be required.

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 December 27, 2011. Notice of Public Meeting was issued by direct mail on January 27, 2012 and by newspaper advertisement (Peterborough Examiner) on January 31, 2012. The notice complies with the requirements of the Planning Act.

Planning Staff have received inquiries about the proposal from neighbouring landowners. As of February 21, 2012, written comments have been received from Tony and Mary-Lynn Koekkoek of 1592 College Park Drive and from Scott Campbell of Stewartcroft Cres. These comments are summarized below:

Tony and Mary-Lynn Koekkoek express concerns related to drainage, natural buffer, noise and security related to the redevelopment of the subject lands. The Koekkoek's own land adjacent to the subject property to the south and were impacted by flooding at the time of the Leon's development, damaging their property. They have requested assurance that flooding will not occur on their property as a result of the proposed development. The Koekkoek's have also requested preservation of the mature trees at the south and east sides of the property to provide adequate buffering and privacy and that all proposed parking, loading ramps and heating/air conditioning equipment to be located in front of the building along Lansdowne Street West.

Scott Campbell expressed concern with the proposed application based on the impacts it may have on traffic, noise and privacy for the residential lots backing onto the north side of Lansdowne Street West. Mr. Campbell has expressed concerns with additional traffic and lights generated from the Leon's site, as well as street light pollution from Lansdowne Street West into the rear yards, due to the widening of Lansdowne Street in this location. He has requested a noise barrier fence adjacent to his lot line with a height of 8 feet.

The above comments have been forwarded to the applicant. The revised site plan maintains a 20m buffer adjacent to the southerly lot line and a minimum 6m buffer adjacent to the easterly lot line. The City's Site Plan Approval process will ensure adequate stormwater management facilities are in place to ensure no negative impacts

on adjacent lands with regard to stormwater runoff. The Site Plan can also serve to protect the natural area at the south end of the site and require adequate planting and buffering along the easterly landscape strip to provide buffering from the adjacent residential lands.

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:

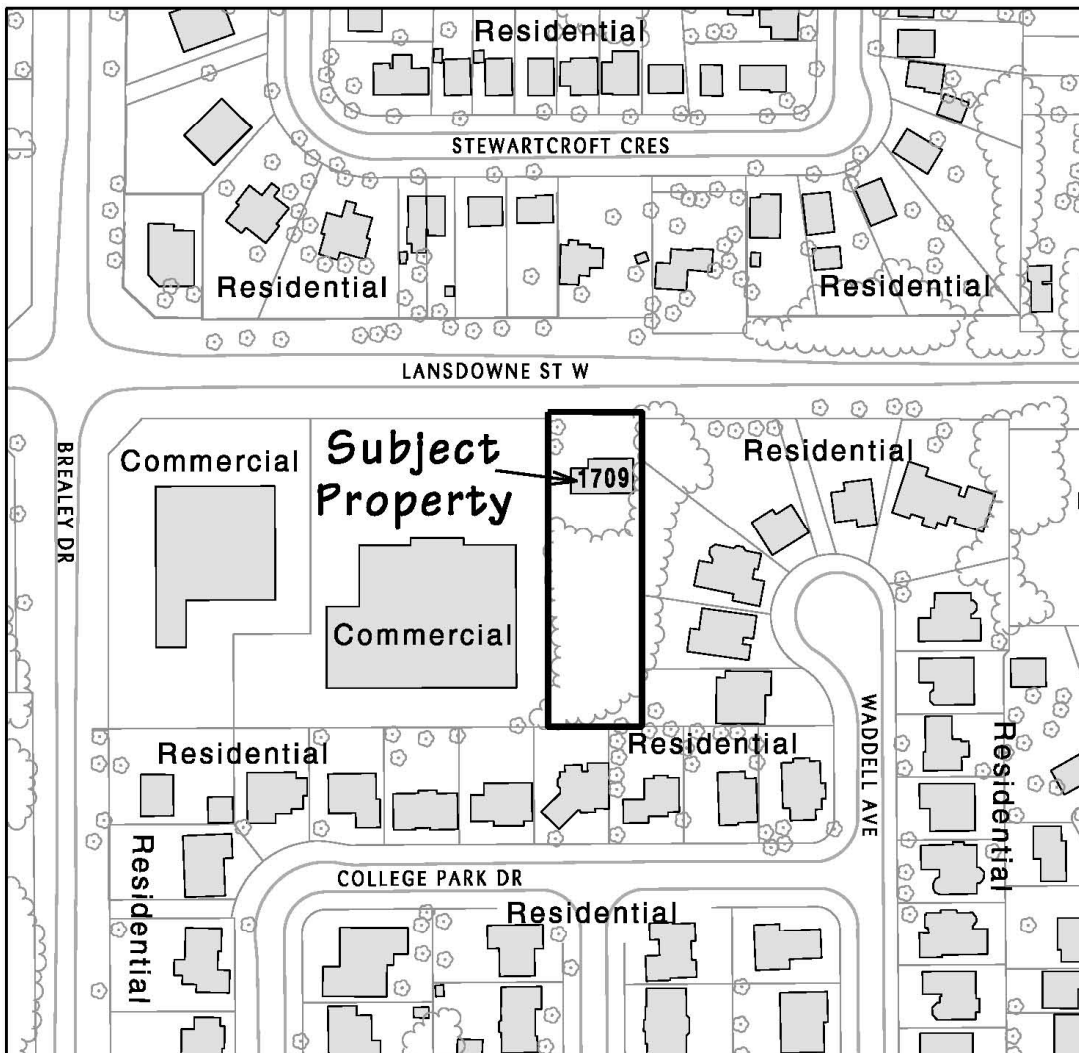
Exhibit A - Land Use Map
Exhibit B - Site Plan
Exhibit C - Draft Zoning By-law Amendment

Land Use Map

Exhibit 'A'
Page 1 of 1

File # z1115

Property Location: 1709 Lansdowne St W



The City of Peterborough Planning Division

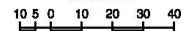
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Date - December 2011

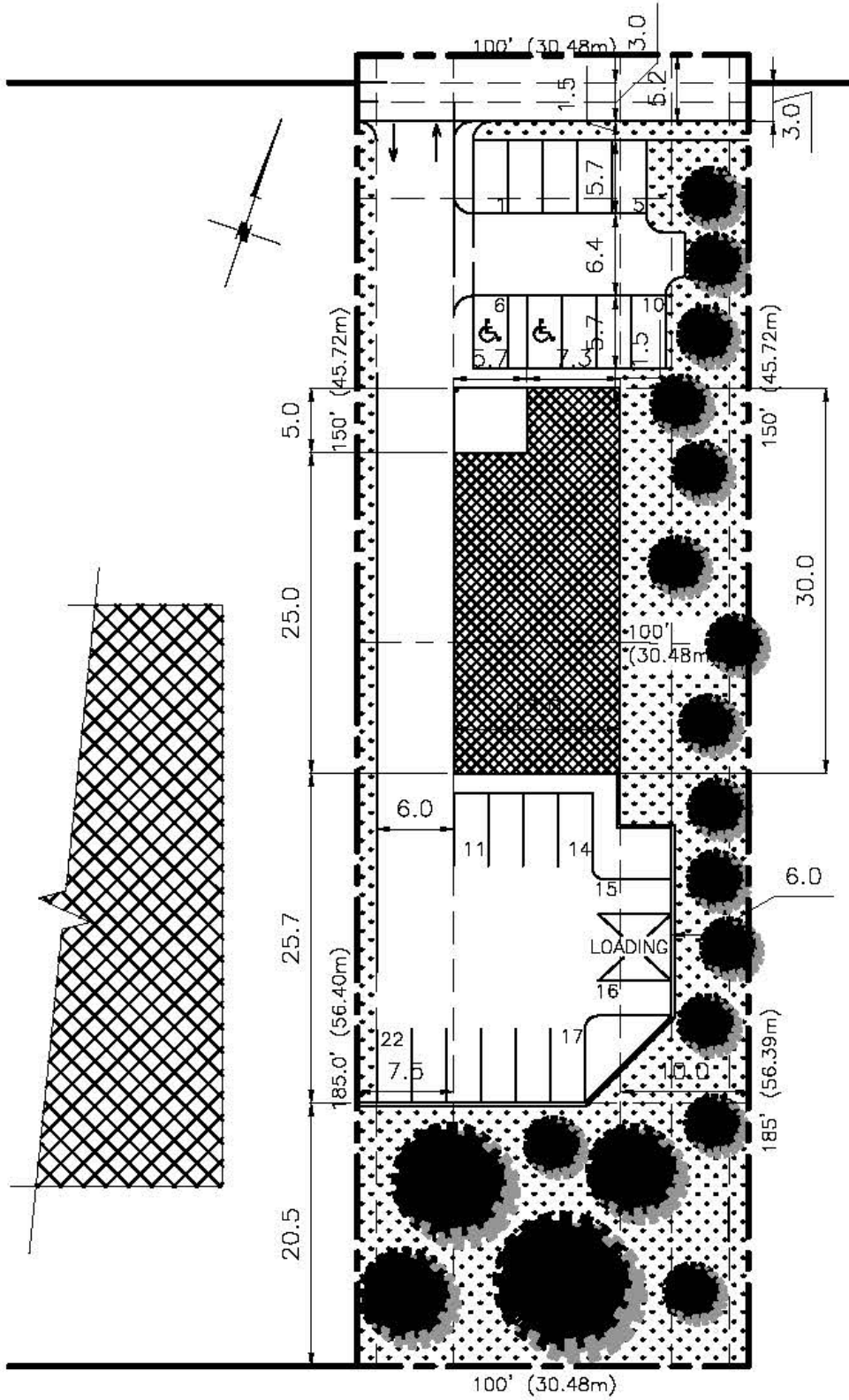
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METRES



LANSDOWNE STREET WEST

Exhibit 'B'
Page 1 of 1



THE CORPORATION OF THE CITY OF PETERBOROUGH

Exhibit 'C'
Page 1 of 4

BY-LAW NUMBER 11- _____

**BEING A BY-LAW TO AMEND THE ZONING FOR
1709 LANSDOWNE ST W**

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

1. By-law 97-123 is hereby amended by adding the following Section:

"SECTION 385

SPECIAL DISTRICT 355 (SP.355)

385.1 For the purpose of this by-law, land use district "Special District 355" is hereby established and may be referred to as the symbol "SP.355".

PERMITTED USES

385.2 No person shall within any SP.355 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) an office
- (d) a bank, financial institution or loan company
- (e) a clinic, excluding a veterinary clinic
- (f) an art school, music school, dance school or fine arts school
- (g) a gymnasium or health club
- (h) a retail establishment for the sale of furniture and appliances

REGULATIONS

385.3 No person shall, within any SP.355 District, use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

Type	Requirements
a) Minimum Lot Width	30 metres
b) Minimum Lot Depth	45 metres
c) Minimum widths of landscaping to be provided and maintained along lot lines, to be in accordance with the following.	6 metres from side lot line (east) adjacent to parking 10 metres from side lot line (east) adjacent to building 20 metres from rear lot line (south) 1.5 metres along other lot lines except as interrupted by driveways (or walkways)
d) Maximum Building Coverage	20 %
e) Maximum Building Height	2 storeys
f) Maximum Floor Area per commercial purpose for either a clinic or an office	250 square metres per commercial purpose
g) Minimum Building Setbacks North lot line South lot line East lot line West lot line	As per Section 6 20 metres 10 metres 6 metres
h) Notwithstanding Section 4.3, the minimum width of a driveway adjacent to the westerly lot line shall be 6m	

385.4 SP.355 District is hereby designated as a commercial district.”

2. Map 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, 1e, 2e, 4d – Residential District and from the SP.268 – Special Commercial District to the SP. 355 – 'H' – Special Commercial District.**

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 Lansdowne Street West, for the purposes of road widening;
 2. A minimum 1.5m landscape strip within the site along the Lansdowne Street West frontage to reflect the widening;
 3. Stormwater management for the rear parking area; and
 4. Appropriate site entrance width and rear parking access.
 - ii. Written consent from the neighbouring property owner to the west for the grading design and redirection of flows along the west side of the site to be spread out within the landscaped area at the rear.
 - iii. Easement in favour of the City of Peterborough to facilitate future connection to the lands to the west.

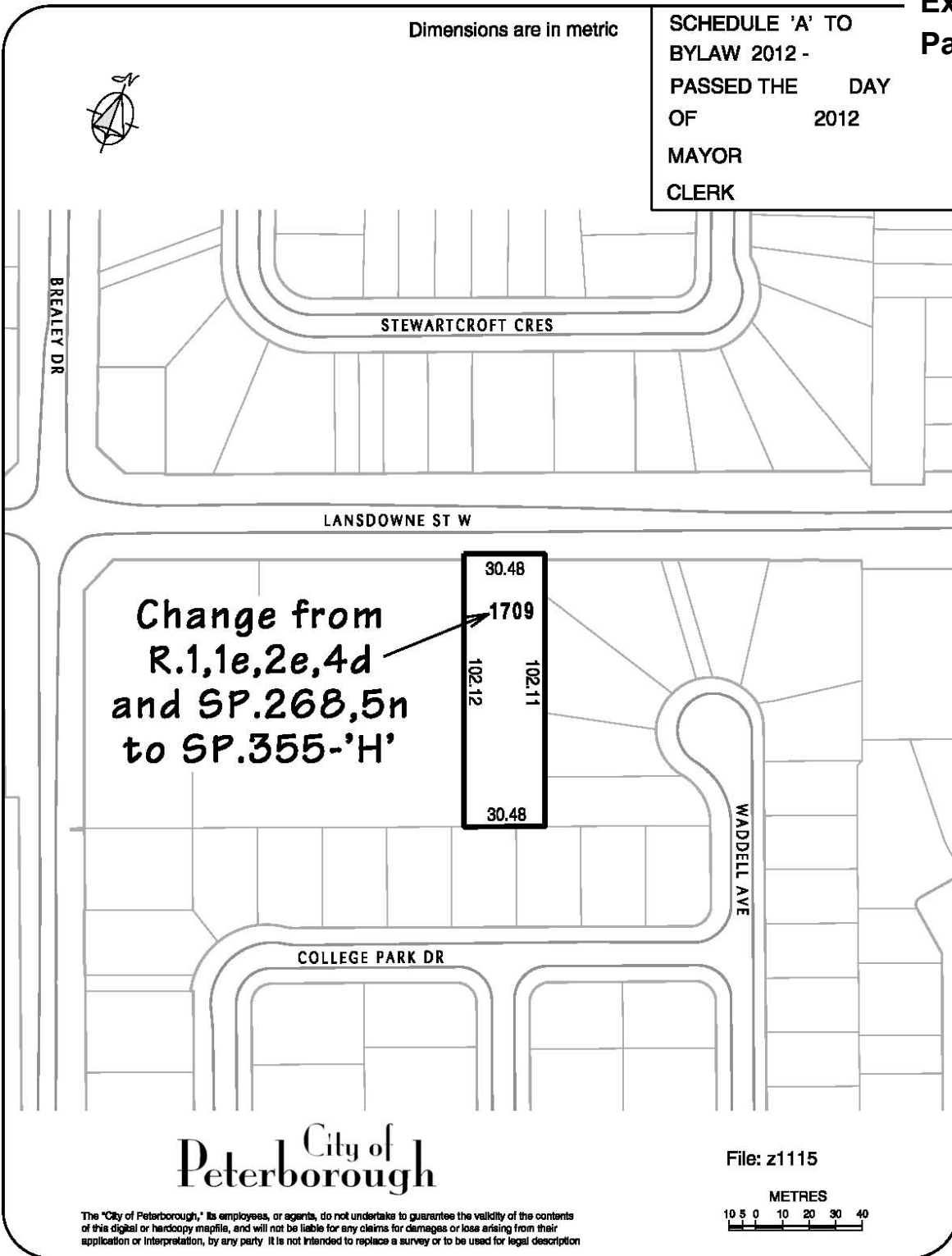
By-law read a first, second and third time this day of , 2012.

Daryl Bennett, Mayor

Nancy Wright-Laking, City Clerk

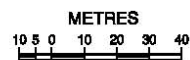
Dimensions are in metric

SCHEDULE 'A' TO
BYLAW 2012 -
PASSED THE DAY
OF 2012
MAYOR
CLERK



**City of
Peterborough**

File: z1115



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