



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: June 11, 2012

SUBJECT: Report PLPD12-028
780 Erskine Avenue

PURPOSE

A report to evaluate the planning merits of amending the Zoning By-Law for the property known as 780 Erskine Avenue from the M3.2 – Enhanced Service Industrial District to the C.7 – 271 (F) – Special Purpose Retail Commercial District with an exception to permit the use of the site for parking.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD12-028 dated June 11, 2012, of the Manager, Planning Division, as follows:

- a) That Section 3.9 Exceptions of the City's Comprehensive Zoning By-Law #97-123 be amended in accordance with the draft amendment, attached as Exhibit 'C' to Report PLPD12-028 as follows:
 271. In addition, a commercial parking lot shall also be a permitted use
- b) That the zoning of the subject property, be amended from the M3.2 – Enhanced Service Industrial District to the C.7 – 271 - (F) Special Purpose Retail Commercial District in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD12-028.

BUDGET AND FINANCIAL IMPLICATIONS

There are no direct budget or financial implications arising from the approval of this application.

RATIONALE

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

The subject property is designated 'Commercial on Schedule 'A'- Land Use and 'Special Purpose Retail' on Schedule 'I' – Commercial Area. The 'Commercial' policies of the Official Plan contemplate commercial activities. The City's Commercial Structure is illustrated on Schedule 'I' – Commercial Area to provide for appropriate and orderly development of additional commercial uses. The proposed uses contemplated by the subject zoning amendment are contemplated in the 'Special Purpose Retail' policies that apply to the lands.

The application provides for an extension of the parking area associated with the abutting Lansdowne Place Mall. Future commercial use of the subject lands would also be permitted subject to compliance with the 'Special Purpose Retail' policies, implemented by a list of permitted uses established through the subject zoning amendment.

The proposed layout of parking respects the layout of parking on the abutting Major Shopping Centre lands (Lansdowne Place Mall) and facilitates the introduction of additional stand alone commercial uses consistent with the Special Purpose Retail designation of the lands.

BACKGROUND

The subject application was received on March 12, 2012, deemed to be complete as of March 26, 2012 and was processed in accordance with department procedures. The Planning Act allows applicants to appeal Official Plan and 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 July 24, 2012 if Council has not made a decision.

The subject property is approximately 0.35 ha. (0.882 ac.) in size, located on the east side of Erskine Avenue, between The Kingsway and Borden Avenue, abutting the Lansdowne Place Mall lands. The lands currently support a single storey commercial building products establishment (Habitat for Humanity ReStore). The applicant proposes to demolish the existing building, and redevelop the site for parking, forming

an extension of parking area to the adjacent Lansdowne Place Mall lands, generating approximately 90 additional parking spaces for the overall shopping centre site.

The subject lands have been recently transferred to the applicant (Lansdowne Mall Inc.) from Kwicdart Ltd, who purchased the subject lands in 1982. The applicant has indicated that the adjacent landowner at 770 Erskine Avenue was contacted in an effort to include those lands as part of the subject application, to implement the underlying Special Purpose Retail policies for both properties, and to round out the commercial opportunities of this parcel, however, the adjacent landowner is not interested in pursuing the commercial zoning at this time.

A Planning Justification Letter prepared by Jim Kotsopoulos of JKO Planning Services and a Site Plan prepared by Turner Fleischer have been submitted by the applicant, in support of the application.

ANALYSIS

a) Official Plan

The lands are currently designated “Commercial” on Schedule ‘A’ – Land Use and “Special Purpose Retail” on Schedule ‘I’ – Commercial Areas of the City of Peterborough Official Plan. The proposed use of site for commercial uses consistent with the policies, furthers the intent of the Special Purpose Commercial designation in the City’s Official Plan.

The ‘Special Purpose Retail’ designation is intended to facilitate large format retail uses that complement those uses in the Central Area and Major Shopping Centres. The proximity of the subject lands to the Lansdowne-Parkway commercial node is intended to facilitate development of large retail uses where access, building configuration and other matters are coordinated with those of adjacent properties.

Although the lands have been designated ‘Special Purpose Retail’ on Schedule I since 2001, this designation has not been implemented through zoning. The Industrial district zoning has remained on the lands, reflecting former industrial uses.

b) Zoning By-law

The subject property is currently zoned M3.2 – Enhanced Service Industrial permitting industrial uses and a limited range of commercial uses servicing the business needs of the surrounding industrial lands. The proposed C.7-271-(F) – Special Purpose Retail Zoning District serves to implement the commercial policies of the Official Plan, specifically the Special Purpose Retail policies.

The subject property is intended to be developed for parking spaces as an extension of the parking areas for the adjacent Lansdowne Place Mall lands. The amendment would

facilitate future use of the lands for large format retail and/or compatible uses identified by the proposed C.7 – Special Purpose Retail Zoning District. No site specific regulations are proposed, save and except a provision to permit the use of the lands for a parking lot.

The Otonabee Conservation Authority (ORCA) recommends the use of a (F) suffix to reflect that the property is subject to flooding. The use of this symbol will alert anyone who is reviewing the zoning that the lands are subject to flooding; however, this does not prevent the use of the lands, subject to ORCA approval for development permits. The City and ORCA are reviewing flood reduction measures in the area and ORCA agrees that at such time as these have been accepted and implemented, it is expected that the symbol can be removed from the zoning of the lands.

c) Site Development

The applicant has provided a Concept Site Plan illustrating the proposed layout of parking and driveway areas, together with landscaped open space. The applicants will be required through an amendment to the Site Plan Agreement for the Lansdowne Mall property, to revise that agreement and ensure adequate stormwater management, landscaping, lighting and buffering in keeping with the commercial standards of the shopping centre site.

The owner will be required to ensure that the properties merge in title.

RESPONSE TO NOTICE

a) Significant Agency Responses:

Agency circulation was issued on April 3, 2012.

The City's Utility Services Department provided comment regarding the rezoning application, indicating no objection to the proposed rezoning subject to the application of a 'H' Holding Symbol subject to the owner entering into a Site Plan Agreement and payment of cash in lieu of parkland where required.

The City has authority to require Site Plan Approval for the subject lands without the need to incorporate a "H" Holding Symbol if the lands are merged with the adjacent Lansdowne Mall lands to which an agreement is currently in place. An amendment to this agreement will be required to merge the subject lands to the adjacent parcel.

Peterborough Utilities note that the owner/developer is required to pay the PUC to remove the existing water service at the water main and a demolition permit is required to facilitate hydro service to the property.

Otonabee Conservation note that there is no objection to the proposed use or rezoning, however, request the use of the (F) suffix to reflect that the property is subject to flooding. A permit is also required for any fill placement, grade alteration or construction related activities taking place.

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 on April 2, 2012 by newspaper advertisement (Peterborough Examiner) and Notice of Public Meeting was issued by direct mail and by newspaper advertisement (Peterborough Examiner) on May 14, 2012. The notice complies with the requirements of the Planning Act.

No written comments have been received as of May 18, 2012.

Submitted by,

Ken Hetherington,
Manager, Planning Division

Prepared by,

Caroline Kimble,
Land Use Planner

Concurred with,

Malcolm Hunt, Director
Planning and Development Services

Contact Name:

Caroline Kimble
Planner, Land Use
Planning & Development Services
Phone – 705-742-7777 Ext. 1735
Fax – 705-742-5218
E-Mail – ckimble@peterborough.ca

Attachments:

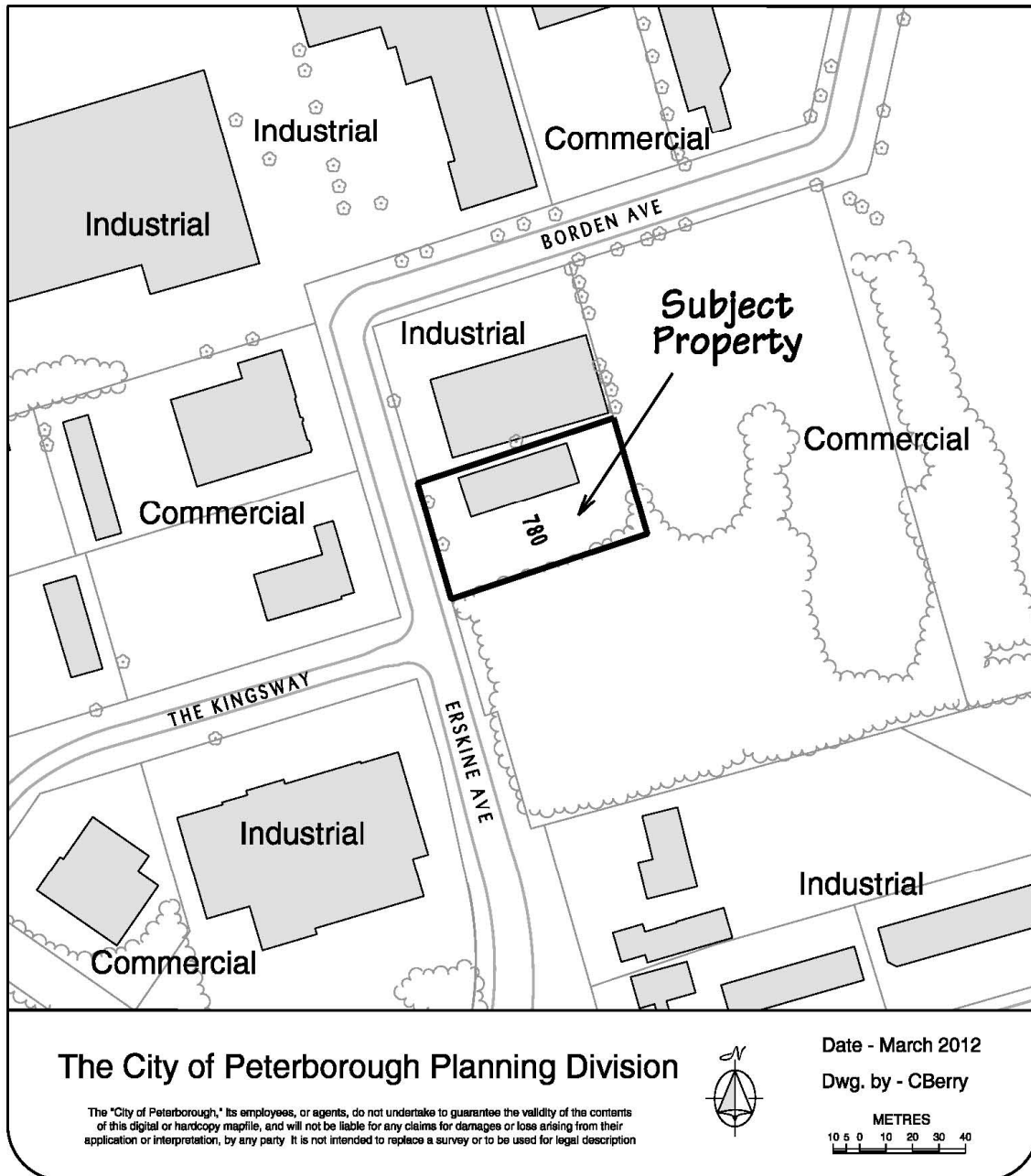
Exhibit A - Land Use Map
Exhibit B - Concept Plan
Exhibit C - Draft Zoning By-Law Amendment

Land Use Map

Exhibit 'A'
Page 1 of 1

File # z1206

Property Location: 780 Erskine Ave



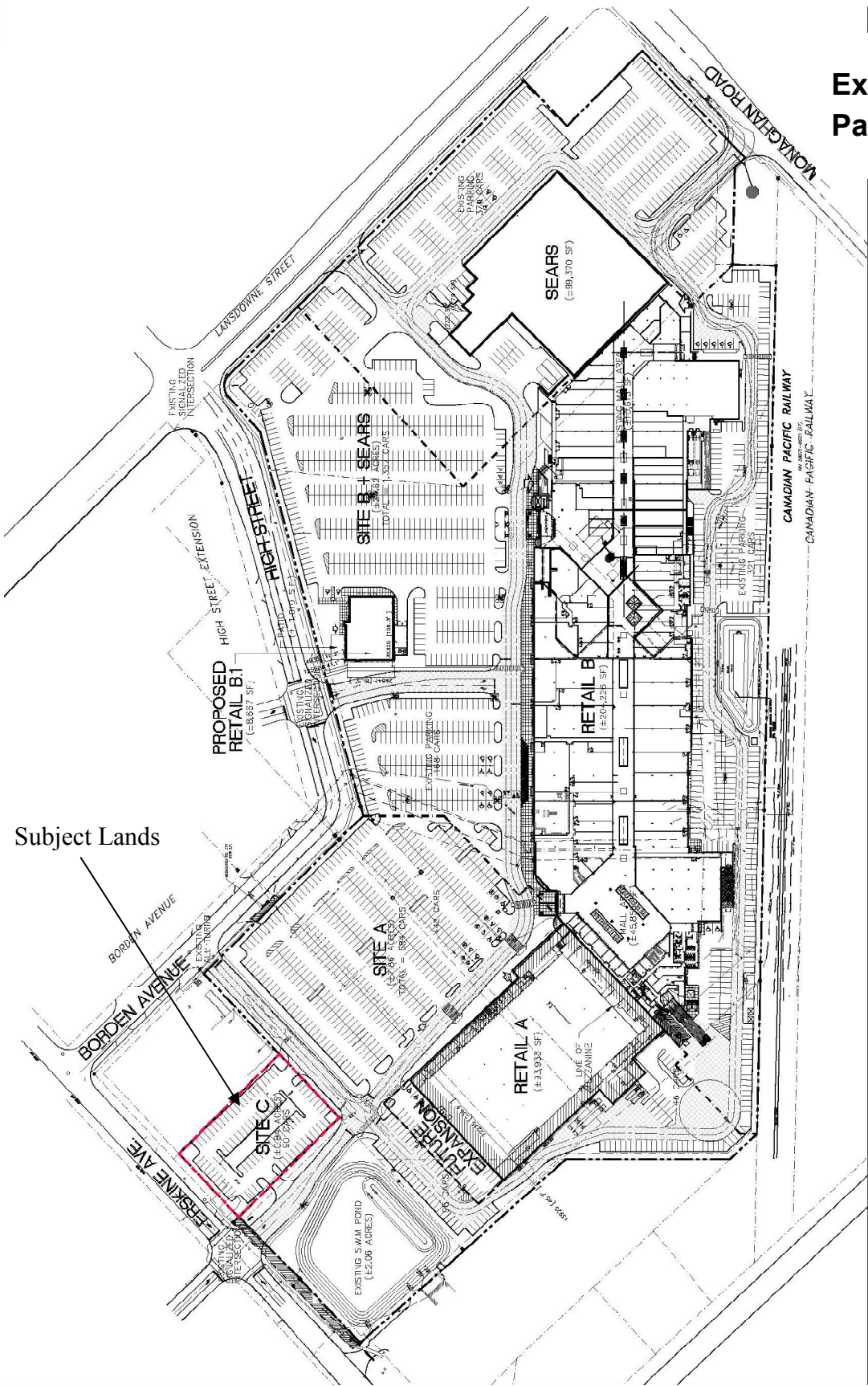


Exhibit 'B'
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Subject Lands

LANSDOWNE MALL
PETERBOROUGH, ONTARIO

 TURNER FLEISCHER

THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 12- _____

Exhibit 'C'
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**BEING A BY-LAW TO AMEND THE ZONING FOR
780 ERSKINE AVENUE**

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

1. That Section 3.9 Exceptions, of By-Law #97-123 be amended to add the following:

“271. In addition, a commercial parking lot shall also be a permitted use.”
2. That Map 22a 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 C.7 – 271 (F)**.

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

Daryl Bennett, Mayor

John Kennedy, City Clerk

Exhibit 'C'
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