



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: July 16, 2012

**SUBJECT: Report PLPD12-038
995 Crawford Drive**

PURPOSE

A report to evaluate the planning merits of amending the Official Plan to introduce a site specific policy exception to the General Industrial policies to permit the use of the lands for automobile sales and service and to amend the Zoning By-Law for the property known as 995 Crawford Drive to amend the M1.2 – General Industrial Zoning District for the property by adding ‘automobile sales and service establishment’ as a permitted use.

RECOMMENDATION

That Council approve the recommendation outlined in Report PLPD12-038 dated July 16, 2012, of the Manager, Planning Division, as follows:

That the proposed amendments to the City’s Official Plan and Zoning By-Law for the property known as 995 Crawford Drive be DEFERRED for a period of approximately 4 months to address the following:

That the City initiate a broader amendment process, including proper Notice in accordance with the requirements of the Planning Act, R.S.O. c.P.13, for an adjustment to the industrial policies for the area of Crawford Drive and Harper Road, to consider the appropriateness of providing greater industrial land use flexibility including the potential introduction of a restricted range of service commercial type uses, recognizing the evolution of these lands as shoulder sites to the Peterborough Business Park in the Lansdowne West Secondary Plan.

BUDGET AND FINANCIAL IMPLICATIONS

There are no direct budget or financial implications arising from the deferral of this application. The recommendation that the City initiate an amendment to the Official Plan will require the City to bear the cost of the processing of such an amendment.

RATIONALE

The City's Official Plan recognizes automobile sales and service as a "service-oriented commercial activity" requiring a large site to accommodate extensive open or enclosed display or storage areas. Automotive – oriented commercial uses which cater to the travelling public are included as typical Service Commercial retail uses. In accordance with the City's commercial structure, retail uses are restricted to designations and nodes where they will best suit the economic viability of existing nodes, while serving trade areas ranging from neighbourhoods to regional scale retail facilities.

The current Industrial designations contemplate limited forms of commercial, primarily intended to serve the industrial land uses and employees within the industrial areas, or as accessory to industrial uses. Several standard industrial zoning districts also include the retail sale of building products and home improvement type uses.

A proposal to amend the Official Plan and the Zoning By-Law to introduce automobile sales and service as a permitted use into an industrial designation, could not be supported by Planning Staff without further review of the impact of the introduction of additional retail commercial uses into industrial designated lands.

The subject lands are situated adjacent to the easterly boundary of the Harper Park/Peterborough Business Park lands identified on the Lansdowne West Secondary Plan – Schedule 'M' of the Official Plan. This portion of Crawford Drive and the lands surrounding Harper Road, south of the rail lands have been designated for more traditional industrial uses since 1996, yet, have become shoulder sites to lands that have evolved over time to implement Peterborough's Gateway profile, and to the residential community to the east. Planning Staff recommend, therefore, that prior to consideration of amendments on a site specific basis, Council consider initiating an amendment process to provide additional flexibility in the industrial policies for the Harper Road and Crawford Drive area, to assess the opportunities comprehensively and to update the types of uses contemplated for these lands. This could provide potential for reuse of these sites for compatible land uses, more reflective of current trends, while maintaining the integrity of the City's Commercial Structure and overall Industrial policies.

In addition to the above noted Official Plan policy issues, the City has received comments from Otonabee Conservation (ORCA) requesting that the application be deferred until such time as the natural heritage impacts of the proposed grading are reviewed and considered, due to the proximity of the building site to Byersville Creek, a sensitive coldwater stream. ORCA has also requested written confirmation from the City of Peterborough that it is willing to accept an increase in floodwaters on adjacent property owned by the City, during a Regulatory Storm.

The Ministry of Transportation has confirmed its position with regard to peak flows from the subject lands, requiring the applicant to modify and control the flows to pre-development level. The Stormwater Management Report prepared in support of the application is required, therefore to be modified and resubmitted to MTO for approval.

It is anticipated that the concerns of both ORCA and MTO can be addressed within the next 3 to 4 months, being the length of time anticipated to process a City-initiated amendment.

BACKGROUND

The subject application was received on March 23, 2012, deemed to be complete as of April 2, 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, if Council has not made a decision. The applicant is in a position to file an appeal to the Ontario Municipal Board any time after July 31, 2012.

The applicants met with Planning Staff in a pre-consultation meeting whereby Planning Staff expressed concern with the compliance of the proposed amendments to the existing policies of the City's Official Plan. Due to locational preferences for the subject site, the applicant has proceeded with the submission of the subject applications.

The application has been submitted together with supporting documentation including a Planning Justification Report prepared by Kevin M. Duguay Community Planning and Consulting Inc., dated March 23, 2012; concept site plan and elevations prepared by Plaston Architect Limited; Limited Phase 1 and Phase 2 Environmental Site Assessment, prepared by Genivar Inc., dated March, 2012; and a Stormwater Management Report, prepared by D.M. Wills Associates Limited, dated March, 2012.

The subject property is located on the south side of Crawford Drive, east of the The Parkway, adjacent to the former C.P. Rail lands. The original concept plan incorrectly illustrated the adjacent former road allowance as included within the limits of the subject lands. A revised plan has been provided by the applicants to illustrate the legal limits of the property, and included in the Notice of Public Meeting as circulated. In addition, a reduced setback of 7.12m is requested to facilitate the revised building location, closer to the easterly lot line.

Since the introduction of Costco to the lands at the The Parkway and Crawford Drive, and the successful implementation of the initiatives of the Lansdowne West Secondary Plan, the City has experienced additional pressure to introduce non-manufacturing and prestige industrial uses into this area of Crawford Drive, originally identified and intended to facilitate industrial uses. The City last reviewed its industrial policies in a comprehensive manner in 1996 (Official Plan Amendment #97).

The 1996 update was a comprehensive policy update to address the changing nature of the industrial areas to introduce other land uses, respecting modern industry flexibility with a mix of different types of industrial uses to respond to market and economic changes. The introduction of laboratories, technical and some limited commercial uses to support industrial activities and to allow opportunities for complementary uses like recreational uses were facilitated through the 1996 update.

The industrial designation of the subject lands and other lands along Crawford Drive, between The Parkway and the residential lands to the east, have been largely underutilized as traditional industrial uses. The vacant NHB site and other underutilized lands within the area have become an industrial anomaly, similar to the Braidwood Area, whereby these lands do not form part of a planned industrial park. In addition, the subject lands are located within an area influenced by several changes in the recent past, including the Byersville Creek Flood Reduction Study; the relocating of the planned site for the Intercity Go facility; new information on landfill activity in the Harper Road area and the realization of the Visitor Centre Complex.

ANALYSIS

a) Official Plan

The lands are currently designated 'Industrial' on Schedule 'A' of the City of Peterborough Official Plan and 'General Industrial' on Schedule 'O' – 'Industrial Land Use'. The General Industrial policies were refined in 1996 by way of the Industrial Policy Review. This was a comprehensive update of the Official Plan as to the use and development of Industrial lands in the City. Multiple Industrial designations were created to distinguish the types of uses and to provide flexibility, while preserving a land base for traditional industrial uses. The General Industrial designation of the subject lands was intended to restrict land uses to more traditional industrial uses, together with warehousing and wholesale establishments and to preserve an opportunity to retain an inventory of this type of land base.

Automobile Sales are regarded as a commercial use by virtue of the policies of the Official Plan. Retail sales and service of automobiles would typically serve multiple planning districts and neighbourhoods on a city-wide and potentially regional scale and is anticipated on lands designated and zoned 'Service Commercial' in the City's

planning documents. Due to size requirements, Automobile Sales are also anticipated as a permitted use in the Special Purpose Retail Designation and Zoning District, designed to support large format retail uses on lands surrounding Major Shopping Centres.

Lands designated 'Service Commercial' and 'Special Purpose Retail' are commonly found along Lansdowne Street, Clonsilla Avenue, a limited amount along The Parkway and the north end of Chemong Road. The SP.268 Zoning District is an example of a common zoning district that implements the Service Commercial designation in the Official Plan and includes automobile sales and service as a permitted use. In addition, lands designated 'Special Purpose Retail' and zoned C.7 also permit automobile sales and service.

Although a building products establishment is a use that is also identified as an appropriate Service Commercial use, this use was introduced to both the General Industrial and Service Industrial designations in 1996 in response to market and economic changes and is considered to be compatible with industrial uses due to its outdoor storage requirements; similarities to warehousing operations; potential for dust; noise and large vehicle traffic movement.

The City relied on its commercial and industrial policies to establish the importance of the distinction between the limits of commercial and industrial lands and the impact on these policies.

A comprehensive review of the industrial designation of the area is required, to determine the overall effects of the introduction of additional commercial uses and ensure proper industrial designations are assigned to these lands. This could potentially endorse the conversion of traditional industrial lands to alternative industrial designations. A flexible approach to additional service commercial uses, on a limited basis, could be beneficial to facilitate a transition that is appropriate and in keeping with the direction of the industrial and commercial nodes within the City. An updated review for the Crawford Drive and Harper Road areas, south of the rail corridor, would give the City a better understanding on a comprehensive basis about the potential impact of the introduction of additional commercial uses that could potential impact the industrial land base.

The approval of the proposed site specific amendment to the General Industrial designation of the subject property has the potential to justify further erosion and conversion of land use within the area without a wholesale look at the current policies. Permitting a site specific amendment as proposed challenges the basis of the current policies and could create a precedent for further permission on a case by case basis, not consistent with the intent of the policies.

From a policy perspective, therefore, Planning Staff cannot support the proposed amendment on its own merit. If a modification to the broader area was supported by Council, Planning Staff would be more inclined to recommend approval of the current proposal.

RESPONSE TO NOTICE

a) Significant Agency Responses:

Utility Services Department

The City's Utility Services Department has no objection to the proposed rezoning subject to the use of a 'H' – Holding Symbol, to be removed at such time as Otonabee Conservation Authority (ORCA) have provided full approval and until such time as the applicant has entered into a Site Plan Agreement with the City.

Community Services Department

The City's Community Services Department requests that the owner consider salvage or diversion of all or most of the building material from the existing building from the landfill.

Otonabee Conservation

ORCA notes that portions of the subject property are within the flood plain of Byersville Creek, and ORCA is reviewing the supporting documentation for comments on the impact. There are outstanding issues related to the impact on area lands surrounding the properties. Further work is required to ensure that the proposed impact is acceptable and as such, a recommendation to defer the application, will assist in providing additional time for comments from ORCA.

Ministry of Transportation

The Ministry of Transportation has provided comment on the proposed Stormwater Management Report for the proposed development of the lands. Concerns regarding the lack of quantity control in peak flows and implications of future development or modification of the contributing catchment areas along Byersville Creek have resulted in a request for a modification to the proposed approach prior to approval.

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
Toll Free – 1-855-738-3755
Fax – 705-742-5218
E-Mail – ckimble@peterborough.ca

Attachments:

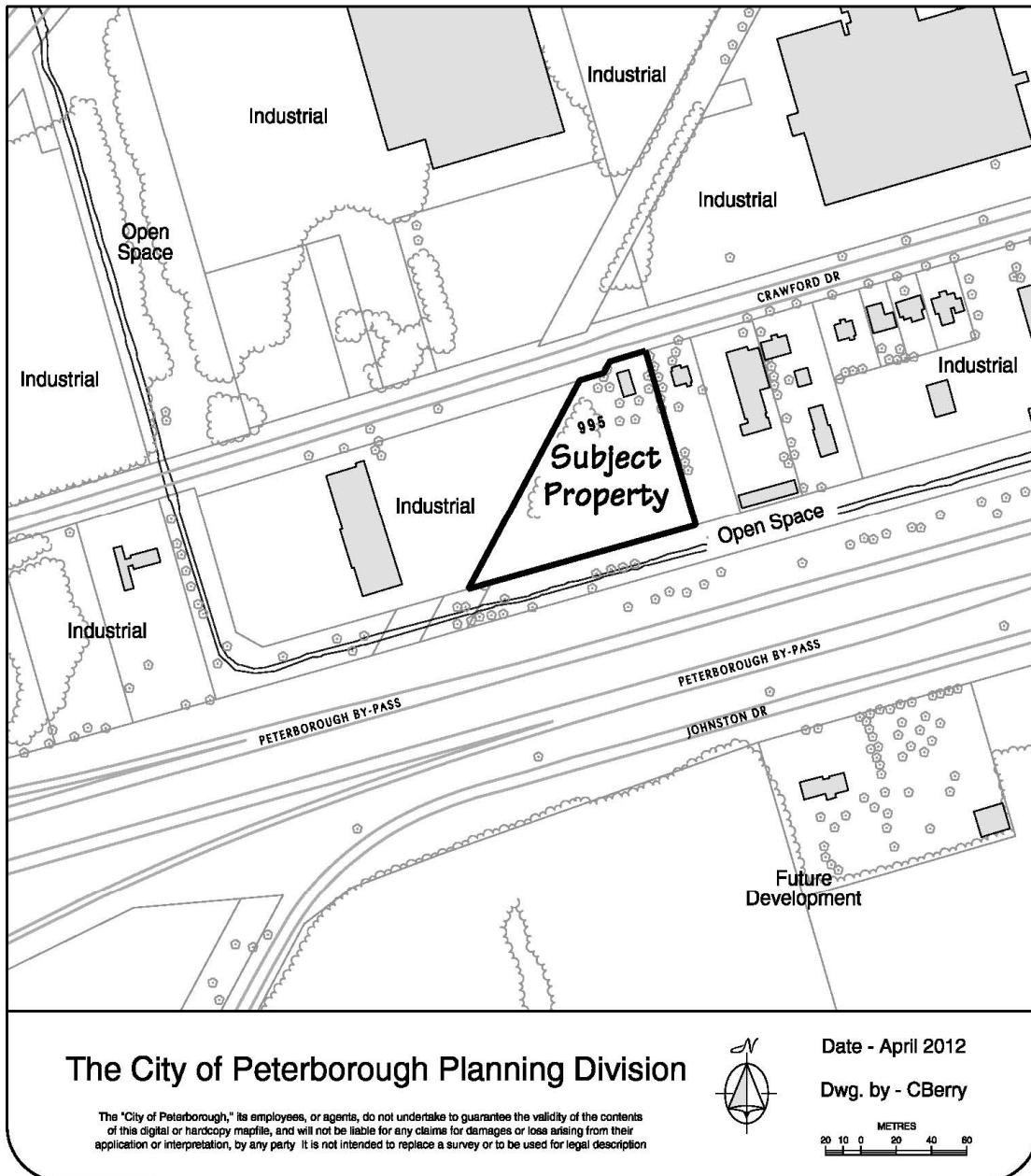
Exhibit A - Land Use Map
Exhibit B - Concept Plan
Exhibit C – Lansdowne West Secondary Plan

Land Use Map

EXHIBIT 'A'
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File # O1202 & Z1208

Property Location: 995 Crawford Dr



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