



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: August 27, 2012

SUBJECT: Report PLPD12-050
844 Rye Street

PURPOSE

A report to evaluate the planning merits of amending the Zoning By-Law for the property known as 844 Rye Street from the M3.4-151-157 – Enhanced Service Industrial & Office Zoning District to the SP.268-151-157-(F)-‘H’ – Special Commercial District to permit uses consistent with the Service Commercial Policies of the City’s Official Plan with site specific regulations to reflect the existing development of the lands.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD12-050 dated August 27, 2012, of the Manager, Planning Division, as follows:

- a) That Section 3.9 Exception 151 of the City’s Comprehensive Zoning By-Law #97-123 be amended in accordance with the draft amendment, attached as Exhibit ‘C’ to Report PLPD-12-050.
- b) That the zoning of the subject property be amended from the M3.4-151-157 – Enhanced Service Industrial & Office Zoning District to the SP.268 -151-157-(F)-‘H’ – Special Commercial District in accordance with the draft amendment attached as Exhibit ‘C’ to Report PLPD12-050.
- c) That the ‘H’ Holding Symbol be removed subject to Site Plan Approval being granted for the subject property including the conveyance of lands along Lansdowne Street West, for the purposes of road widening.

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 'Service Commercial' 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 reflect the 'Service Commercial' policies that apply to the lands.

The application provides for additional commercial uses on the subject lands, consistent with the 'Service Commercial' policies. The conversion of the existing building from its former industrial uses to commercial, brings the property into conformity with the Official Plan. The approval is proposed to be conditional upon Site Plan Approval to ensure that the property complies with commercial standards with regard to parking, traffic circulation and landscape treatment.

BACKGROUND

The subject application was received on April 27, 2012, deemed to be complete as of May 1, 2012 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 August 29, 2012 if Council has not made a decision.

The subject property is approximately 0.9 ha. (2.22 ac.) in size, located on the south west corner of the intersection of Lansdowne Street West and The Parkway. The lands currently support a large building with a floor area of 4087m² (43,993 ft²), formerly used for industrial purposes and converted to its present use for a combination of warehouse and commercial purposes.

ANALYSIS

a) Official Plan

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

The purpose of the ‘Service 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 commercial uses, including those listed in the SP.268 Zoning District including a small scale office as currently permitted on the site via exception 151, reflects the types of uses contemplated by the Service Commercial designation. The parking regulations will limit the amount of commercial space dedicated to uses with intensive parking requirements, and will ensure compatibility with the surrounding area.

The Site Plan will address the provision of a road widening across the Lansdowne Street West frontage in addition to improvements to the site related to parking layout, landscaped open space, exterior lighting, stormwater management controls and traffic patterns.

Although the lands have been designated ‘Service Commercial’ 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 M3.4 – 151-157 – Enhanced Service Industrial & Office permitting industrial uses and a limited range of commercial uses servicing the business needs of the surrounding industrial lands. The proposed SP.268 -151-157-(F)-‘H’ – Service Commercial Zoning District serves to implement the commercial policies of the Official Plan, specifically the Service Commercial policies.

The proposed amendment would facilitate future use of the lands for service commercial purposes, including the following:

- 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 to the above listed uses, Exception 151 proposes the continuation of small scale office uses and Exception 157 proposes the continuation of “an establishment for office equipment and supplies sales, computer sales and janitorial supplies sales” as permitted by the the Ontario Municipal Board in February, 2000.

Site specific regulations are proposed to address the building coverage and limited landscaped open space on the site. A maximum building coverage of 46% of the lot area and a minimum landscaped open space shall of 7% of the lot area reflect the current lot coverage for the building and a slight increase in landscaped open space to improve the landscaped space on the site. It is anticipated that this can be achieved through optimizing the parking layout at the site plan approval stage.

Due to the size of the existing building and the limited parking available on the site, future uses will be limited to those that comply with parking in accordance with the minimum requirements of the City's Zoning By-Law #1997-123. The applicant has provided a sketch illustrating a total of 128 proposed parking on the subject lands. The proposed parking layout includes a row of parking (26 spaces) along the northerly street line adjacent to Lansdowne Street West. The Lansdowne Street West road allowance is prescribed to be 36m in the City's Official Plan. The current width of 28m wide is deficient, and the City has the opportunity to impose a requirement for road widening of approximately 3.05m (10 ft.) to be conveyed to the City across the Lansdowne Street West frontage of the subject lands as a condition of approval at Site Plan Approval, to bring the road allowance into conformity with the 36m right of way expressed in the Official Plan. This conveyance will result in the future elimination of the proposed 26 parking spaces along the northerly street line, reducing the proposed parking for the overall site to 122 parking spaces. The City can enter into an agreement to permit the continuation of these parking spaces by way of a temporary encroachment, at Site Plan Approval, until such time as the lands are required by the City.

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.

c) Site Development

The applicant has provided a Sketch illustrating the proposed layout of parking and driveway areas, together with landscaped open space. The applicants will be required to submit a formal application for Site Plan Approval and enter into a Site Plan Agreement for the property, to ensure development of the lands in accordance with commercial standards and ensure adequate stormwater management, landscaping, lighting and buffering in keeping with the commercial standards of the site. The parking layout will need to be formalized with optimal layout and landscaped open space opportunities. There are no changes proposed to the existing building at this time.

RESPONSE TO NOTICE

a) Significant Agency Responses:

Agency circulation was issued on May 24, 2012.

The City's Utility Services Department provided comment regarding the rezoning application, indicating no objection to the proposed rezoning subject to the owner entering into a Site Plan Agreement; demonstration of adequate on-site parking

capacity, adequate parking stall and aisle dimension, confirmation of adequate downstream servicing capacity, and payment of cash in lieu of parkland where required.

Peterborough Utilities note that there are no conflicts with the proposed development and development charges will apply. The applicant is encouraged to confirm that water service is adequate for the new use.

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.

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 May 26, 2012 and May 31, 2012 by newspaper advertisement (Peterborough Examiner) and Notice of Public Meeting was issued by direct mail and by newspaper advertisement (Peterborough Examiner) on July 30, 2012. The notice complies with the requirements of the Planning Act.

No written comments have been received as of August 2, 2012.

Submitted by,

Ken Hetherington,
Manager, Planning Division

Prepared by,

Concurred with,

Caroline Kimble,
Land Use Planner

Malcolm Hunt, Director
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Attachments:

Exhibit A - Land Use Map

Exhibit B - Concept Plan

Exhibit C - Draft Zoning By-Law Amendment

Land Use Map

Exhibit 'A'
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File # z1210

Property Location: 844 Rye St

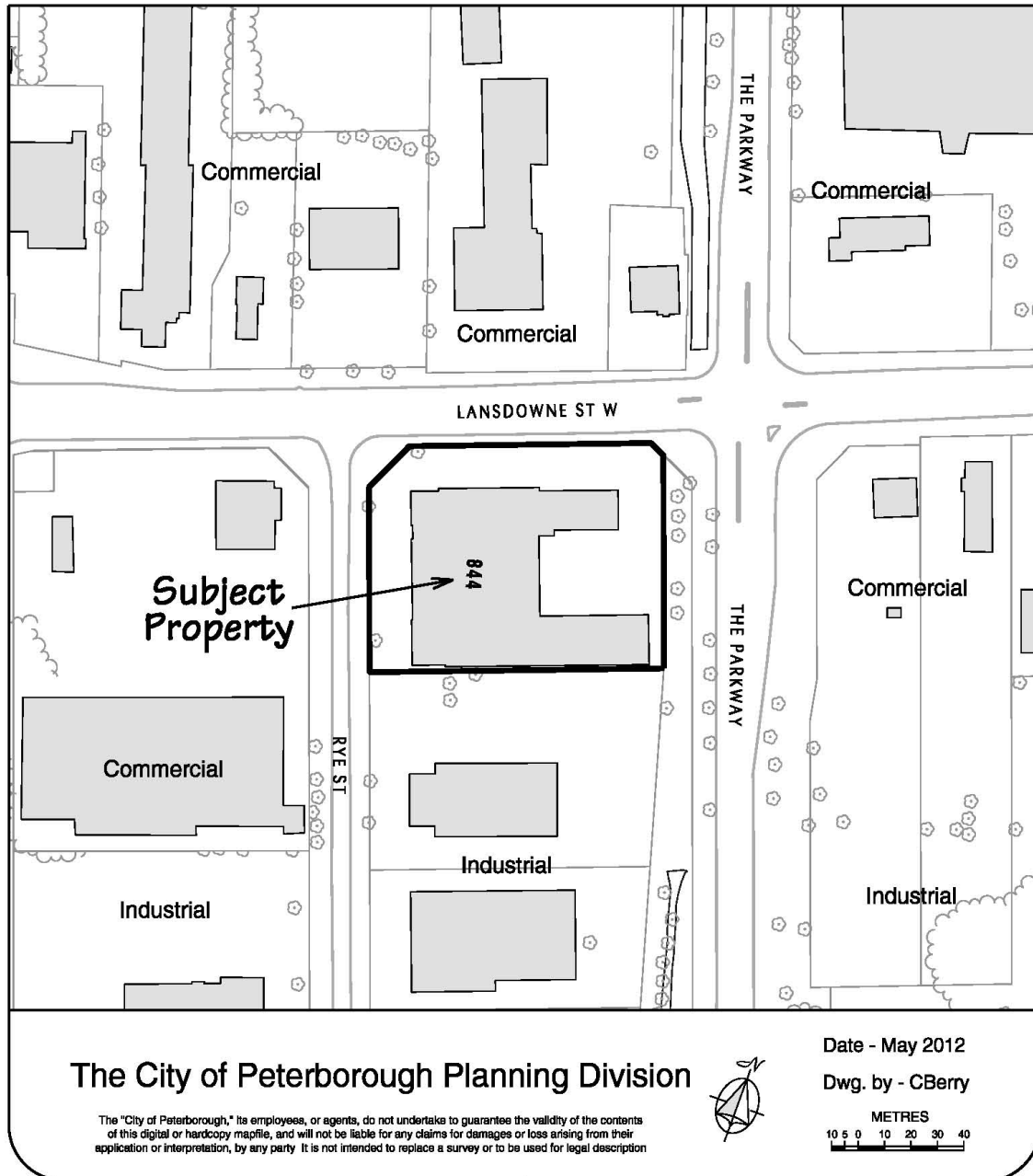
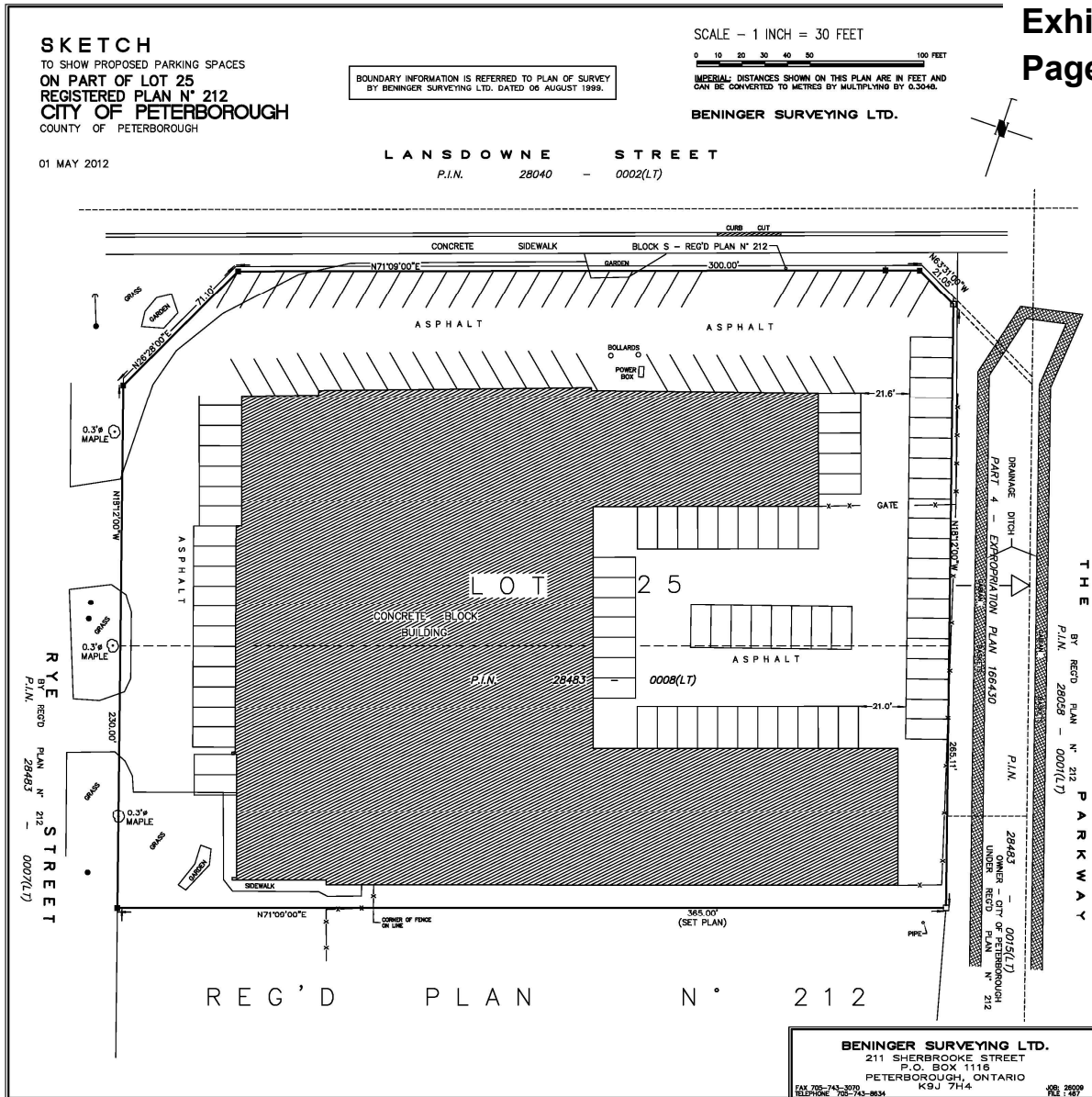


Exhibit 'B'
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THE CORPORATION OF THE CITY OF PETERBOROUGH

Exhibit 'C'
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BY-LAW NUMBER 12- _____

**BEING A BY-LAW TO AMEND THE ZONING FOR
844 RYE STREET**

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 replacing Exception 151. with the following:

“151. Notwithstanding the provisions of Section 298, the following shall apply:

a) An office or clinic up to 300m² in size shall be permitted;
b) The maximum building coverage shall be 46%
c) The minimum landscaped open space shall be 7% of the lot area.”
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 M3.4-151-157 to SP.268-151-157(F)-'H'**.
3. That the 'H' Holding Symbol be removed subject to Site Plan Approval being granted for the subject property including the conveyance of lands along Lansdowne Street West, for the purposes of road widening.

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

Daryl Bennett, Mayor

John Kennedy, City Clerk

