



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: January 22, 2013

SUBJECT: Report PLPD13-003
724, 738 and 746 Lansdowne Street West and 873 High Street

PURPOSE

A report to evaluate the planning merits of amending the Zoning By-Law for the properties known as 724, 738 and 746 Lansdowne Street West and 873 High Street to a modified SP.268 – Commercial District to permit uses consistent with the Service Commercial Policies of the City's Official Plan.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD13-003 dated January 22, 2013, 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 to add Exception 245 in accordance with the draft amendment, attached as Exhibit 'C' to Report PLPD13-003.
- b) That the zoning of the subject properties be amended from the SP.268-172; SP.268-229-'H'; C.4: and M3.2 Zoning Districts to the SP.268-172-245 – Commercial District; SP.268-229-245 – Commercial District; SP.268-245 – Zoning District; and to the SP.268-245-'H' – Commercial District in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD13-003.
- c) That the 'H' Holding Symbol be removed subject to Site Plan Approval being granted for the subject property.

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 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 approval for the conversion of the former industrial use at 873 High Street to service commercial 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 originally received in April, 2011; however, it was not perfected until an amended application was received in July, 2012 and deemed to be complete as of September 10, 2012. The application 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 January 2, 2013 if Council has not made a decision.

The subject lands are comprised of four properties with a total lot area of 1.3 ha (3.32 ac.) located north and west of the intersection of Lansdowne Street West and High Street. The lands are owned by related companies, but remain as separate parcels. The application does not include the property at the northwest corner of the intersection of Lansdowne Street West and High Street.

Each property supports a building and related parking. The properties fronting onto Lansdowne Street West support retail, restaurant and personal service uses and the lands fronting onto High Street support warehouse and wholesale restaurant supply use, as well as computer repair, in keeping with the current industrial district zoning.

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 clinic uses adjacent to Shopping Nodes, Neighbourhood Centres and as a transitional use adjacent to residential areas. Personal and financial services are also contemplated in the Service Commercial designation. 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 bank or financial institution and a small scale office or clinic use, 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 requirement for Site Plan Approval at 873 High Street will address the requirements for improvements to the site related to parking layout, landscaped open space, exterior lighting, stormwater management controls and traffic patterns related to a commercial versus industrial development.

Although the lands have been designated ‘Service Commercial’ on Schedule I since 2001, this designation has not been fully implemented on these properties through zoning. Former amendments rezoned the lands known as 746 and 738 Lansdowne Street West to bring the zoning into greater compliance, however, the subject application has the effect of now adding financial services and small scale office and clinic uses to the list of permitted uses, as contemplated for service commercial lands adjacent to Shopping Nodes. The Industrial district zoning of 873 High Street has remained on the lands, reflecting former industrial uses.

b) Zoning By-law

The subject properties are currently zoned SP.268-172 – Commercial District (746 Lansdowne St. W. – Bell Mobility); SP.268-229-‘H’ – Commercial District (738 Lansdowne St. W. – Spa Euphoria); C.4 – Commercial District (724 Lansdowne St. W. – Eastern Buffet); and M3.2 – Enhanced Service Industrial Zoning District (873 High St. – Skor Cash and Carry) permitting a range of commercial and industrial uses. The proposed Service Commercial Zoning Districts serve to implement the commercial policies of the Official Plan, specifically the Service Commercial policies. Due to the proximity of the lands to the Lansdowne/Parkway Node, the introduction of small scale office and clinic uses are also supported by Official Plan policy.

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 245 proposes small scale office and clinic uses and bank or financial institution use, as anticipated for lands adjacent to Shopping Nodes. A small scale office use would be limited to a maximum of 300m² (3229 ft²).

The amendment further proposes to retain Exception 172 (permitting an establishment for the retail, repair, rental and servicing of telecommunication devices and accessories, in addition to site specific regulations associated with the existing development of 746 Lansdowne Street West) and Exception 229 (site specific regulations associated with the existing development of 738 Lansdowne Street West) as approved by amendment through previous Zoning Amendments approved in 2001 and 2006.

Property	Existing Zoning	Proposed Zoning	Key Changes
724 Lansdowne St. W.:	C.4 - Commercial	SP.268-245 Commercial	Update to current Service Commercial including banks and small scale clinic and offices
738 Lansdowne St. W.	SP.268–229-‘H’ Commercial	SP.268-229-245 Commercial	Add banks and small scale clinic and office uses and remove ‘H’ symbol - housekeeping
746 Lansdowne St. W.:	SP.268–172 Commercial	SP.268-172-245 Commercial	Add banks and small scale clinic and office uses
873 High Street	M3.2 – Enhanced Service Industrial District	SP.268-245-‘H’ Commercial	Convert to Service Commercial including banks and small scale clinic and office uses

Site specific regulations are proposed to continue as previously approved for the two most westerly properties along Lansdowne Street West to address the building coverage, building setback and limited landscaped open space on the site. The lands known as 724 Lansdowne Street West and 873 High Street will be required to comply with the regulations of the SP.268 Zoning District.

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 all four properties and the existing parking layout on the subject lands.

c) Site Development

The applicant has provided a Sketch illustrating the layout of parking and driveway areas, together with landscaped open space. The applicant will be required to submit a formal application for Site Plan Approval and enter into a Site Plan Agreement for the re-use of the lands known as 873 High Street, 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 buildings at this time.

RESPONSE TO NOTICE

a) Significant Agency Responses:

Agency circulation was issued on September 10, 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 for the lands at 873 High Street and demonstration of adequate downstream servicing capacity (industrial to commercial), and payment of cash in lieu of parkland where required.

As a note for future reference, Utility Services indicates that a 1.68m road widening is required across the frontage of 724 Lansdowne Street West site, to line up with the frontage of the property to the west (738 Lansdowne St. W.); and further that the City will require a 3.96m road widening along the frontage of 873 High Street to line up with the existing property line of 889 High Street to the north. Due to a previous road widening triangle taken on 873 High Street, the new road widening can be reduced to 1.82m at the south limit of the site.

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 September 22, 2012 by newspaper advertisement (Peterborough Examiner) and Notice of Public Meeting was issued by direct mail and by newspaper advertisement (Peterborough Examiner) on December 21, 2012. The notice complies with the requirements of the Planning Act.

No written comments have been received as of December 14, 2012.

Submitted by,

Ken Hetherington,
Manager, Planning Division

Prepared by,

Caroline Kimble,
Land Use Planner

Concurred with,

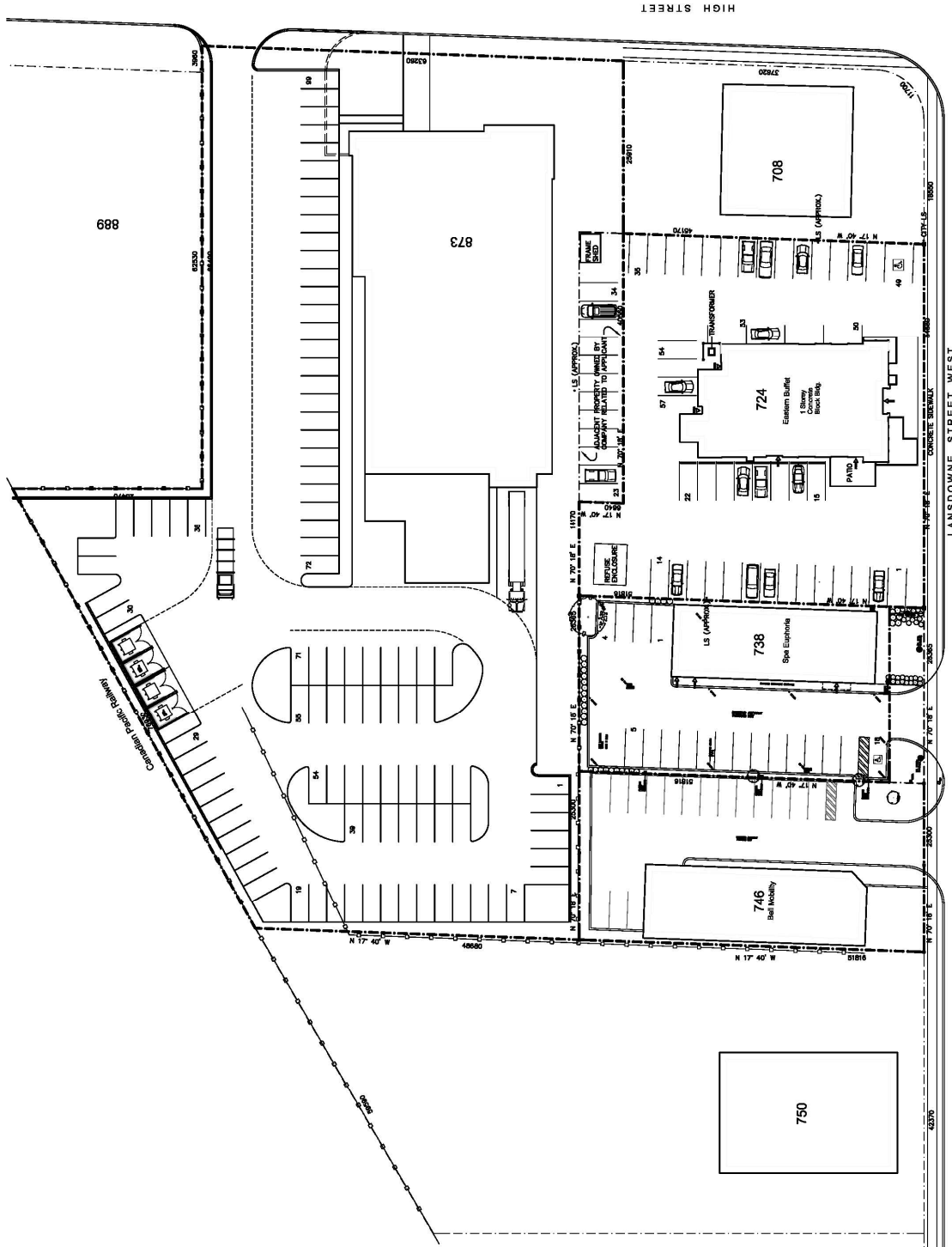
Malcolm Hunt, Director
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Attachments:

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



THE CORPORATION OF THE CITY OF PETERBOROUGH

Exhibit 'C'
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BY-LAW NUMBER 13- _____

**BEING A BY-LAW TO AMEND THE ZONING FOR
724, 738 and 746 Lansdowne Street West
873 High 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 adding Exception 245, as follows:

“245. In addition,

a) An office or clinic up to 300m² in size shall be permitted;
b) A bank or financial institution shall be permitted.”
2. Map 17 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 SP.268-172 to SP.268-172-245; from SP.268-229-'H' to SP.268-229-245; from C.4 to SP.268-245 and from M3.2 to SP.268-245-'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 High Street, for the purposes of road widening.

By-law read a first, second and third time this _____ day of _____, 2013.

Daryl Bennett, Mayor

John Kennedy, City Clerk

Exhibit 'C'
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