



City of  
**Peterborough**

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**TO: Members of the Planning Committee**

**FROM: Ken Hetherington, Manager, Planning Division**

**MEETING DATE: March 4, 2013**

**SUBJECT: Report PLPD13-016**  
**392 Brock Street – Zoning By-law Amendment**

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## **PURPOSE**

A report to evaluate the planning merits of amending the Zoning By-Law for the property known as 392 Brock Street from the C.1 – Commercial District to a modified C.1 – Commercial District with an exception to permit a bottling establishment with a maximum total floor area of 64m<sup>2</sup> that is exempt from providing parking on site.

## **RECOMMENDATIONS**

That Council approve the recommendations outlined in Report PLPD13-016 dated March 4, 2013, of the Manager, Planning Division, as follows:

- a) That Section 3.9 of the Comprehensive Zoning By-Law be amended to add Exception 277 to permit a bottling establishment with a maximum floor area of 64m<sup>2</sup> that is exempt from the provision of on site parking.
- b) That the zoning of the subject property, be amended from the C.1 – Commercial District to the C.1 – 125 – 277 – Commercial District in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD13-016.

## **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 'Central Area: Transitional Uses Area' on Schedule J – Central Area Land Use. The Central Area Transitional Use policies of the Official Plan contemplate the majority of the uses to include medium and high density residential with a mix of small scale office and clinic uses and home based business uses operating under relaxed zoning regulations. The lands have been used for local commercial purposes for more than 50 years within the same building footprint and a lack of on site parking. The introduction of a small scale specialty retail use such as a 'bottling establishment' is in keeping with the general intent and purpose of the Transitional Uses policies and the existing local commercial zoning of the property.

The proposed exemption from on site parking extends the existing legal non-complying status to the bottling establishment, limited in size to the extent of the existing building, thereby maintaining the existing situation.

The application proposes to retain the existing building and repurpose it as a 'bottling establishment'. The existing building has been long established within the block.

## **BACKGROUND**

The subject application was originally received on November 16, 2012, deemed to be complete as of November 19, 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 March 19, 2013 if Council has not made a decision.

The subject property is approximately 0.02 ha. (.06 ac.) in size, located on the north east corner of Brock Street and Park Street North. The property has been used for various commercial purposes over the past 50 years, including a retail convenience store and the most recent use as a pottery studio.

The former two storey building on the property was destroyed by fire and the Committee of Adjustment approved a Minor Variance in 1980 (File A49/80) to permit the reconstruction of a single storey building in its footprint, acknowledging the lack of parking/loading spaces on site. The former commercial uses of the property have relied upon pedestrian traffic and limited parking existing within the Park Street North and Brock Street street allowances (Park Street North (2 parking spaces) and along Brock Street (1 space)). The existing building covers most of the subject property. The property owners have a right of way over the common laneway along the easterly property line adjacent to the building.

The applicant proposes to relocate an existing bottling establishment from its current location (intersection of Charlotte Street and Park Street North) to the subject lands. This will facilitate the ability of the applicants to own the subject property. Bottling Establishments have been introduced into the City's Zoning By-Law as a permitted use on a site specific basis since approximately 1996 when By-Law Exception 125 was added. The Charlotte Street location is zoned to permit a Bottling Establishment via this exception. The applicants intend to continue offering wine products only at the subject property and propose to amend the zoning to add a Bottling Establishment as a permitted use while recognizing the deficiency in parking on site.

## **ANALYSIS**

### **a) Official Plan**

The lands are currently designated "Commercial" on Schedule 'A' – Land Use, and subject to the 'Transitional Uses Area' policies of the Central Area in the City of Peterborough Official Plan. The proposed Bottling Establishment use contemplated by the application is small scale and is in keeping with the intended uses of the designation.

The proposed amendment contemplates a continuation of the zoning permission on the lands for local commercial uses and adds a new use with an exemption from the requirement to provide additional parking. The Transitional Uses policies of the Official Plan support the introduction of a limited range of small scale commercial uses that are compatible with residential uses in the neighbourhood. The existing building is limited in size with legal non complying setbacks and parking provisions. It is intended that the legal non-complying status of the building location and the parking continue.

The lack of buffering and parking on the property challenges the Official Plan objective to provide adequate parking and buffering. The property has supported various commercial uses over the past 50 years with no parking or buffering provided on site. The introduction of a new use requires this be addressed through zoning, however, Planning Staff are of the opinion that a Bottling Establishment use of the lands is no more onerous than several of the uses currently permitted under the existing C.1 zoning including a Convenience Retail Store.

**b) Zoning By-law**

The subject property is currently zoned C.1 – Commercial District, permitting the following uses:

- a) A barber shop
- b) A beauty shop
- c) A dry-cleaning establishment – Class 2
- d) A shoe-shine parlour
- e) A shoe repair shop
- f) A sub-post office
- g) A restaurant
- h) A dressmaker or tailor shop
- i) A drug store
- j) A food store
- k) A convenience retail store
- l) A clinic
- m) A dwelling unit (secondary to commercial use)

The proposed addition of a Bottling Establishment up to a maximum of 64m<sup>2</sup> in size would introduce a use that is compatible with the above list of permitted uses and in keeping with the intent of the Transitional Uses provisions of the Central Area policies.

The proposed Exception 125 would add a Bottling Establishment to the list of permitted uses and Exception 277 will cap the size of the use as well as provide a formal exemption from the requirement to provide on site parking and extend the non complying parking status to the new use. The proposed use would normally require a minimum of 3 parking spaces in accordance with the Zoning By-Law parking table. Compared to a

## RESPONSE TO NOTICE

### a) **Significant Agency Responses:**

Agency circulation was issued on December 10, 2012.

The City's Utility Services Department provided comment regarding the rezoning application, indicating concern with the lack of parking on site and the need to rely on public parking in proximity to the establishment.

Otonabee Conservation notes that the property is located beyond the flood plain of Jackson Creek, and therefore, not at risk of flooding. ORCA has also confirmed that there are no natural heritage features located on the property and they do not have an objection to the proposed rezoning.

Peterborough Utilities Services Inc. suggests that the water service size be checked for adequacy of supply.

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 December 1, 2012 and Notice of Public Meeting was issued by direct mail and by newspaper advertisement (Peterborough Examiner) on February 6, 2013. The notice complies with the requirements of the Planning Act.

No written comments have been received as of February 8, 2013.

Submitted by,

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Ken Hetherington,  
Manager, Planning Division

Prepared by,

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Caroline Kimble,  
Land Use Planner

Concurred with,

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Planning and Development Services

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Attachments:

Exhibit A - Land Use Map

Exhibit B – Site Plan

Exhibit C –Draft Zoning By-law

**Exhibit 'A'**  
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# Land Use Map

File # z1225

Property Location: 392 Brock St

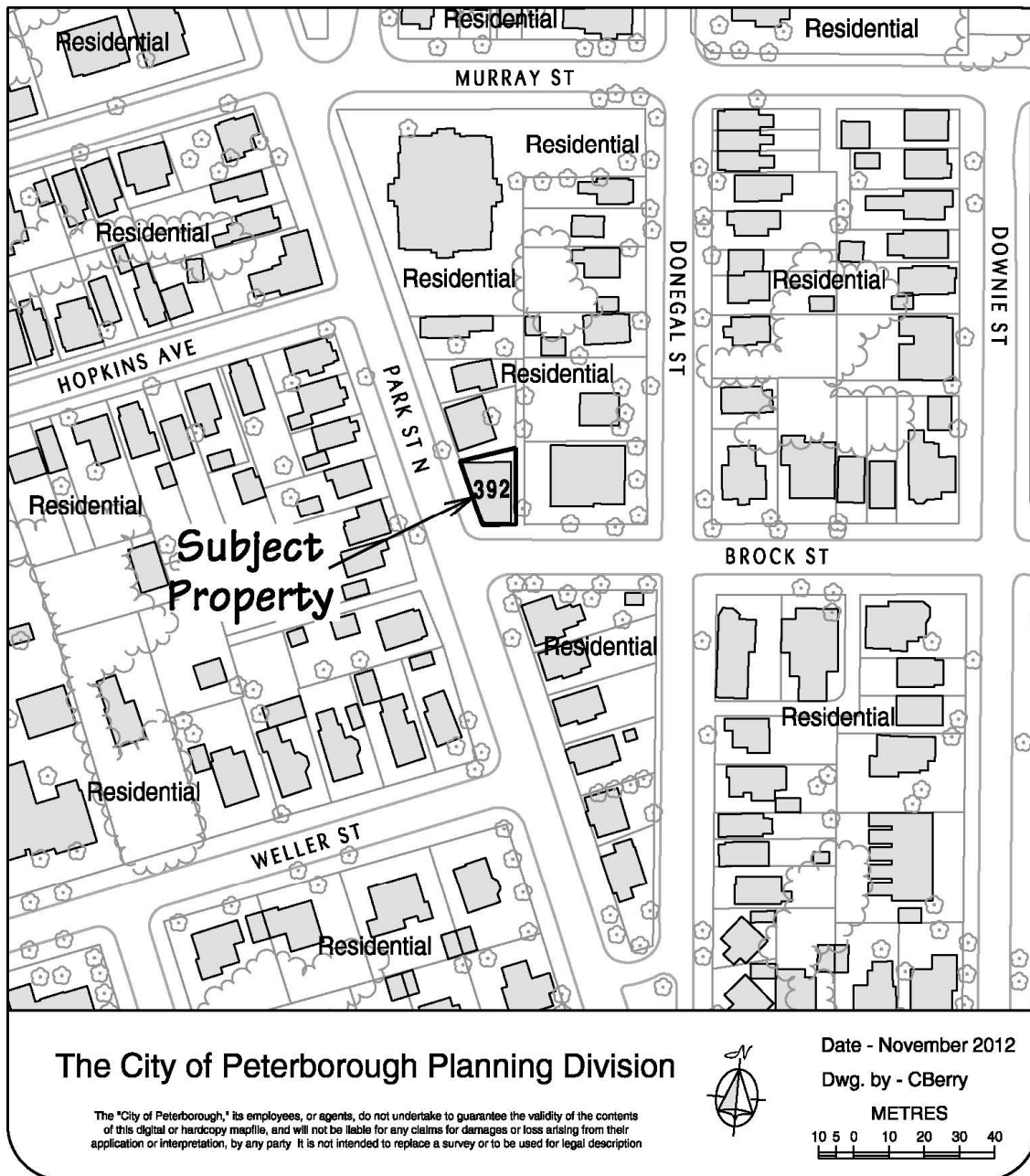
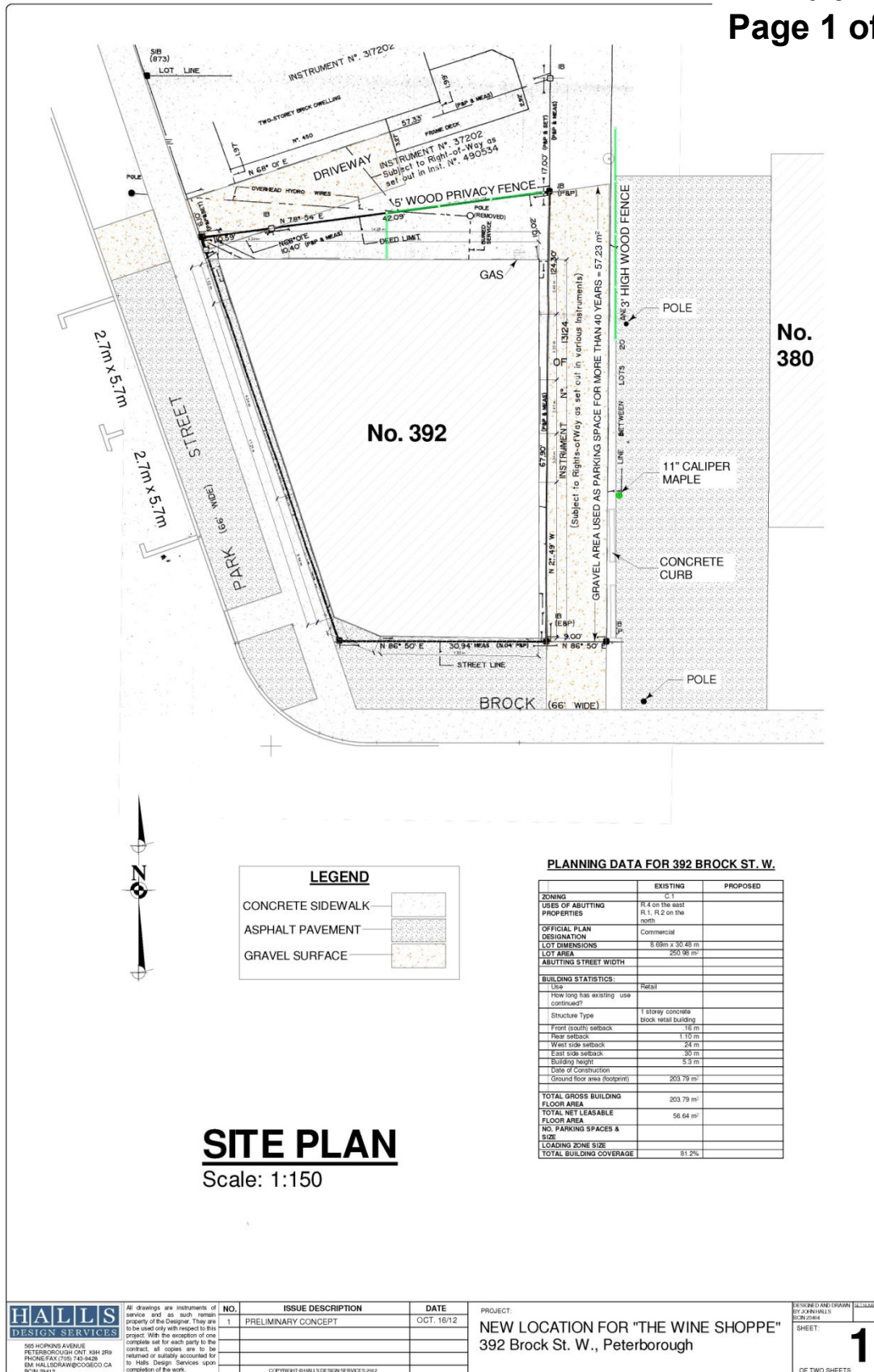


Exhibit 'B'  
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THE CORPORATION OF THE CITY OF PETERBOROUGH **Exhibit 'C'**  
**BY-LAW NUMBER 13- \_\_\_\_\_** **Page 1 of 2**

**BEING A BY-LAW TO AMEND ZONING BY-LAW #97-123  
FOR 392 BROCK 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 the following:  
  
“.277 Notwithstanding the Minimum Required Parking as listed in Section 4, a Bottling Establishment with a maximum floor area of 64m<sup>2</sup> shall be exempt from on-site parking.”
2. Map 12c 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 C.1 to C.1 – 125 – 277.**

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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