



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: March 25, 2013

SUBJECT: Report PLPD13-021
1080 – 1096 Lansdowne St. W. – Zoning By-law Amendment

PURPOSE

A report to evaluate the planning merits of amending the Zoning By-Law from SP.46 – Special Commercial District to C.7 – 279 – Special Purpose Retail to permit additional retail commercial uses with site specific size restrictions within the existing plaza, in accordance with the Special Purpose Retail policies of the Official Plan.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD13-021 dated March 25, 2013, of the Manager, Planning Division, as follows:

- a) That the zoning of the subject property be amended from the SP.46 – Special Commercial District to the C.7 – 279 – Commercial District (Special Purpose Retail), in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD13-021.
- b) That Section 3.9 of the Comprehensive Zoning By-Law be amended to add Exception 279 to recognize the existing parking ratio of 1 parking space per 25m² of gross leasable area, and to introduce regulations regarding the minimum floor area requirements for retail establishments as follows:
 - i) a maximum floor area of 1700m² may be occupied by retail establishments with floor areas between 150m² and less than 500m² each;

- ii) a maximum floor area of 1750m² may be occupied by retail establishments with floor areas between 500m² and 700m² each.

BUDGET AND FINANCIAL IMPLICATIONS

There are no direct budget or financial implications arising from the approval of these recommendations.

RATIONALE

The subject property has been designated 'Special Purpose Retail' on Schedule 'I' – Commercial Area of the City of Peterborough Official Plan since the completion of the Commercial Policy Review in 2000. The Special Purpose Retail designation is intended to facilitate large format retail uses in locations that are proximate to a Major Shopping Centre within a Shopping Node. The Special Purpose Retail policies recognize that commercial buildings that existed in 2001 (date of adoption of commercial policies from the 2000 Review) may not be able to support large format retail, and therefore includes specific provision to recognize smaller retail uses or premises typical of the Central Area and Major Shopping Centres, that existed at the time of the designation to Special Purpose Retail (2001). The proposed amendment implements the Special Purpose Retail policies of the Official Plan by way of site specific regulations for the subject lands.

BACKGROUND

The subject application was received on November 27, 2012 and deemed to be complete on November 29, 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 March 29, 2013 if Council has not made a decision.

The property is currently zoned SP.46 – Special Commercial Zoning District, permitting a site specific list of retail establishments, together with other commercial uses such as banks, restaurants, personal service uses, office, clinic, and rental and repair shops. An amendment was approved in 2007 whereby the sale of pets and pet supplies were added to the list of permitted uses.

The application proposes an amendment to the zoning of the lands to permit uses consistent with the Special Purpose Retail policies of the Official Plan, including a broader range of retail establishments. The subject lands are located within the Summit Node as identified on Figure 1 of the Official Plan – Peterborough's Commercial Structure. Council assigned the 'Special Purpose Retail' designation to the subject property as a result of the Comprehensive Commercial Policy Review in 2000. The review recognized the demand for large format retail stores within the Summit Node,

outside of the Major Shopping Centre. The Special Purpose Retail policies differentiate the type and size of permitted uses from those of the Major Shopping Centre, requiring retail establishments to have a minimum unit size of 700m² (7500 ft²) and whereby department stores and supermarkets are excluded. The only exception to the size of the retail establishments is for lots that continue to contain a building that was configured for smaller retail units at the time of its designation.

The existing commercial plaza on the subject lands was originally constructed in the early 1970's and was re-designated to Special Purpose Retail in 2001. The existing building on the subject lands predates the current commercial policy regime whereby a minimum unit size of 700m² per unit is required. The property currently supports a building with a total building area of approximately 3400 m² (36,600 ft.²). The building is currently divided into units ranging in size from approximately 157m² (1690 ft.²) to 627m² (6750 ft.²). The total gross leasable floor area of the building is 3251m² (34995 ft.²) requiring a minimum of 163 parking spaces (based on the current standard requiring a minimum of 1 space per 20m² of gross leasable floor area). The site supports a total of 131 parking spaces, equivalent to a ratio of 1 space per 25m² of gross leasable floor area. This current parking ratio is considered a legal non-complying standard. The amendment to the zoning of the lands, permitting additional uses, should address the current parking status and recognize the existing ratio as a minimum, limiting the size of building to its existing size and formalizing the parking count.

ANALYSIS

a) Official Plan

The lands are currently designated 'Commercial' on Schedule 'A' of the City of Peterborough Official Plan and 'Special Purpose Retail' on Schedule 'I' – 'Commercial Areas'.

The purpose of the 'Special Purpose Commercial' designation of the property, is to provide *"for the development of large retail uses, preferably in a form of development where access, general building configuration and other matters are co-ordinated with those of adjacent properties."*

Permitted uses within the 'Special Purpose Commercial' designation include large retail stores, generally having a gross floor area of not less than 750 square metres, not including a supermarket, a department store or similar mass general merchandiser; personal service shops; eating establishments; gas bar and automotive sales and service uses; commercial recreation and assembly uses; financial services and public and community facilities uses. The designation further includes special provision to recognize existing buildings and units at smaller sizes with reasonable flexibility and recognizes existing supermarkets, offices or clinics.

The existing building located on the subject property is currently divided into smaller units ranging in size from 150m² to 660m², therefore, a special provision through zoning is required to permit retail uses within units that are less than 750m² in size. The proposed zoning amendment will reflect the types of uses contemplated by the Special Purpose Retail designation, while permitting the uses within a smaller floor area.

b) Zoning By-Law

The subject application proposes an amendment to the Zoning By-Law from the SP.46 – Special Commercial District to the C.7 – Commercial District (Special Purpose Retail) with an exception to permit a full range of Special Purpose Retail uses, including retail establishments with a minimum floor area of 150 m². The proposed modified C.7 Zoning District includes the full range of uses contemplated in the Special Purpose Retail designation of the Official Plan.

The proposed C.7 – Commercial District includes an extensive list of permitted uses, as follows:

- a) a retail establishment, excluding a department store and a food store
- b) a retail establishment for the sale of beer, wine or liquor
- c) a video rental establishment
- d) a bank, financial institution or loan company, including an automated banking machine
- e) a personal service establishment
- f) a retail convenience store
- g) a sub post-office
- h) a dry cleaning depot
- j) a place of assembly
- k) a private club
- l) a place of entertainment, excluding a cinema
- m) an art school, music school, dance school or fine arts school
- n) a gymnasium or health club
- o) a place of amusement
- p) a hotel
- q) a restaurant
- r) a service station or a gas bar
- s) a car wash
- t) a muffler, auto glass or other motor vehicle repair establishment
- u) a repair shop
- v) a nursery or greenhouse
- w) a funeral parlour
- x) a police station
- y) an ambulance station
- z) a fire hall
- aa) a church
- bb) a library, museum or art gallery
- cc) an animal hospital or veterinary office

- dd) a rental establishment
- ee) a printing shop
- ff) a flea market
- gg) an auction hall
- hh) a parking lot or parking garage
- jj) a miniature golf course
- kk) a taxi stand

The applicant has requested a reduction in the minimum floor area requirement from 700m² to 150m² to recognize the constraints of the existing building. Planning Staff have reviewed the current tenant mix of the building (as noted on Exhibit 'B' attached to Report PLPD13-021), together with the floor space allocations to each unit. In order to address the intention of the policies regarding minimum floor area per unit, while respecting the current unit size restrictions, Planning Staff have recommended the following:

- i) a maximum floor area of 1700m² may be occupied by retail establishments with floor areas between 150m² and less than 500m² each;
- ii) a maximum floor area of 1750m² may be occupied by retail establishments with floor areas between 500m² and 700m² each.

The draft zoning amendment conforms to the existing Official Plan designation of the property and will permit the use of the lands in compliance with the current policies. The property is currently developed with parking and stormwater management facilities to accommodate the proposed commercial use of the lands with a total of 131 parking spaces. The current parking standards would require a ratio of 1 parking space per 20m² of gross leasable floor area or 163 spaces. The amendment proposes to recognize the current parking deficiency to permit a minimum ratio of one parking space per 25m² of gross leasable floor area.

RESPONSE TO NOTICE

a) Significant Agency Responses:

Utility Services Department:

The City's Utility Services Department has no objection to the rezoning, and recommends cash-in-lieu of parkland where applicable.

Otonabee Conservation:

ORCA confirms that the property does not appear to be at risk of flooding and there are no natural heritage features present on the property, therefore ORCA has no objection to the proposed zoning change.

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 by newspaper advertisement (Peterborough Examiner) on December 1, 2012. Notice of Public Meeting was issued on February 25, 2013 by direct mail and by newspaper advertisement (Peterborough Examiner). The notice complies with the requirements of the Planning Act.

No public written responses were received as of February 28, 2013, a result of the circulation.

Submitted by,

Ken Hetherington,
Manager, Planning Division

Prepared by,

Concurred with,

Caroline Kimble,
Land Use Planner

Malcolm Hunt, Director
Planning and Development Services

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Attachments:

Exhibit A - Land Use Map
Exhibit B - Site Plan
Exhibit C - Draft Zoning By-law Amendment

Exhibit A
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Land Use Map

File # z1226

Property Location: 1080 to 1096 Lansdowne St W

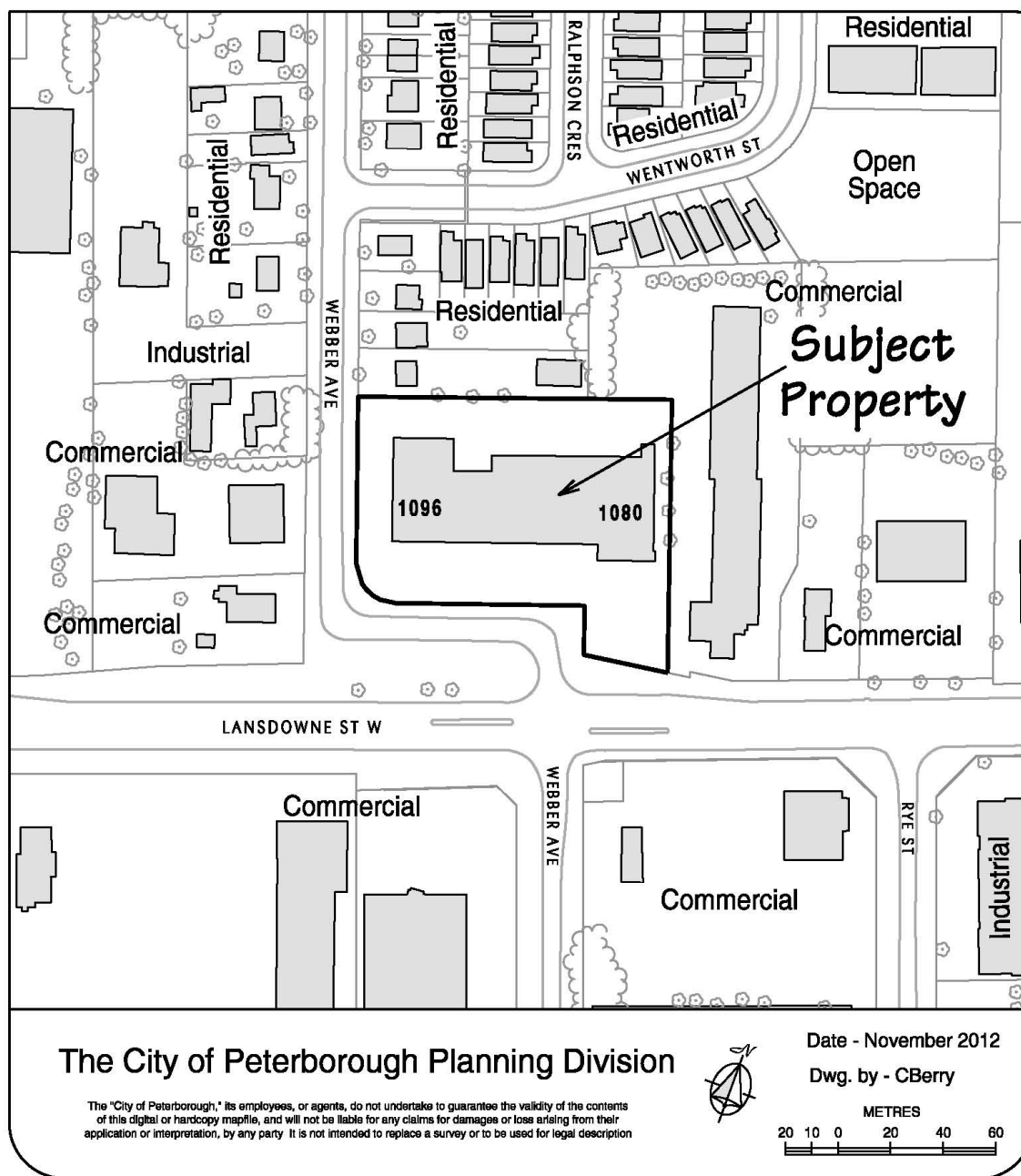
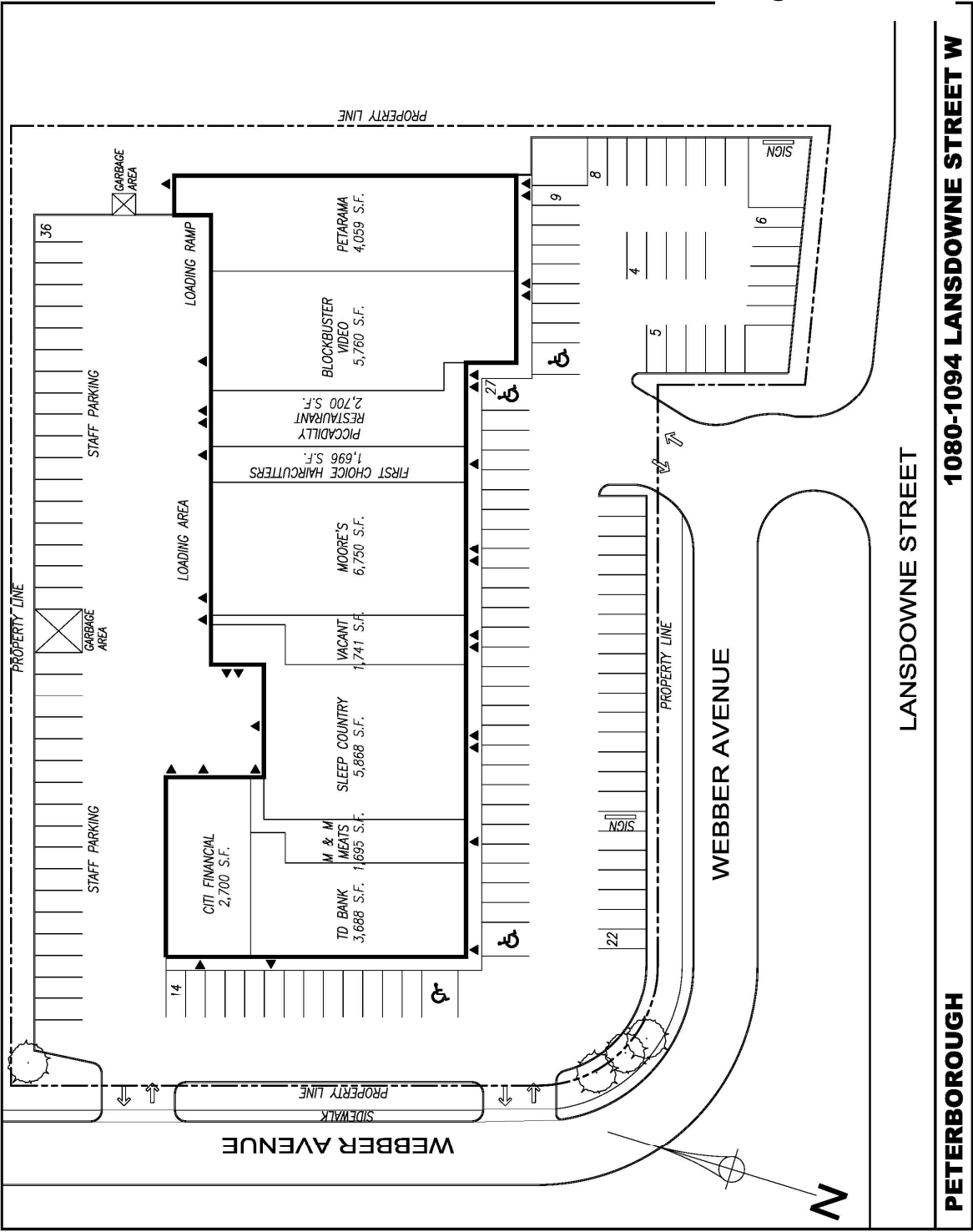


Exhibit B
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1080-1094 LANSDOWNE STREET W

PETERBOROUGH

THE CORPORATION OF THE CITY OF PETERBOROUGH

Exhibit 'C'
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BY-LAW NUMBER 13- _____

**BEING A BY-LAW TO AMEND ZONING BY-LAW 97-123
FOR 1080-1096 LANSDOWNE STREET WEST**

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 279, as follows:

“279. Notwithstanding the provisions of Section 4.2.B(i), the minimum parking space requirements for the subject lands shall be 1/25 square metres of gross leasable area.

Notwithstanding the minimum floor area per commercial purpose required in Section 18A.3(c), the minimum floor area requirements for retail establishments listed in 18A.2(a) shall be as follows:

- i) a maximum floor area of 1700m² may be occupied by retail establishments with floor areas between 150m² and less than 500m² each;
- ii) a maximum floor area of 1750m² may be occupied by retail establishments with floor areas between 500m² and 700m² each.”

2. Map 16 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.46 to C.7-279.**

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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Dimensions are in metric

SCHEI
BYLAW

PASSED THE DAY
OF 2013

MAYOR
CLERK

