



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: July 22, 2013

SUBJECT: Report PLPD13-055
770 Erskine Avenue – Zoning By-law Amendment

PURPOSE

A report to evaluate the planning merits of amending the Zoning By-law for the property known as 770 Erskine Avenue to a modified C.7 – Special Purpose Retail Commercial District, to permit uses consistent with the Special Purpose Retail policies of the City's Official Plan.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD13-055, dated July 22, 2013, of the Manager, Planning Division, as follows:

- a) That Section 3.9 Exceptions in the City's Comprehensive Zoning By-law #97-123, be amended in accordance with the draft amendment, attached as Exhibit 'C' to Report PLPD11-061 to permit the following:
 - i. up to one retail establishment with a minimum floor area of 460m² (5000 sq. ft.) versus 700 m² (7500 sq. ft.) to recognize one smaller unit established within the existing building;
 - ii. an increase in the maximum building coverage from 30% of the lot area to 39% of the lot area, to recognize the existing building;
 - iii. a parking ratio of a minimum of 1 space per 20m² of gross leasable floor area, in accordance with Section 4.2.B(i) of the Zoning By-Law; and

- iv. notwithstanding the list of permitted uses in the C.7 Zoning District, a museum or art gallery shall not be permitted.
- b) That the zoning of the subject property, be amended from the M3.2 – Enhanced Service Industrial District to the C.7-267 – Special Purpose Retail Commercial District in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD13-055.

RATIONALE

Approval of this zoning by-law amendment is based upon the following:

The lands are designated 'Commercial' on Schedule 'A' – Land Use and designated 'Special Purpose Retail' on Schedule I – Commercial Areas of the City's Official Plan. The application proposes to implement the 'Special Purpose Retail' policies of the Official Plan with site specific provisions to recognize the existing building on the property and the size of the existing units within the building.

BACKGROUND

The subject application was received on April 29, 2013, deemed to be complete as of May 22, 2013 and was processed in accordance with department procedures. The property was subject of an identical application in 2011 that was withdrawn by the applicant. 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 September 19, 2013.

The subject property is located at the southeast corner of Borden Avenue and Erskine Avenue, adjacent to the westerly boundary of the Lansdowne Place Mall property. The land currently supports a 1800 m² (19,376 sq. ft.) single storey brick building divided into two units, approximately 460m² (4,951 sq. ft.) and 1340m² (14,400 sq. ft.) in size. The building has recently been used to support Kawartha Credit Union administrative and computer services. Both the Mapleridge Seniors Recreation Centre and Nedco Electric Wholesale Supply have also used the space. The existing building was constructed in 1971.

The existing M3.2 – Enhanced Service Industrial Zoning District reflects the former 'Industrial' designation of the lands in the 1981 Official Plan. The designation of the property was amended to 'Special Purpose Retail' as part of a City-wide amendment to implement the results of the City's Commercial Policy Review (CPR) in 2000, however, the zoning does not yet reflect the new Special Purpose Retail policies. The applicant now wishes to implement the policies through this rezoning.

BUDGET AND FINANCIAL IMPLICATIONS

There are no direct budget or financial implications arising from the approval of this application.

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 at smaller sizes with reasonable flexibility.

The existing building located on the subject property would facilitate the intended large format retail use for commercial purposes. Section 4.3.4.3 of the Official Plan provides flexibility where, at the time of the designation as Special Purpose Retail, buildings configured for smaller units, may continue. The existing building is divided into two parts, one of which is 460m² in size as compared to the recommended minimum of 750m² for a retail establishment. It is reasonable, in this instance, to recognize the smaller unit with a minimum size requirement.

b) Zoning By-law

The subject property proposes an amendment to the Zoning By-law from the M3.2 – Enhanced Service Industrial District to the C.7 – Commercial District (Special Purpose Retail) to permit a full range of Special Purpose Retail uses, including retail establishments with a minimum floor area of 700 m² and a maximum of one retail establishment with a minimum floor area of 460m².

- 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 C.7 – Commercial District requires that all retail establishments included in a) above, occupy a minimum floor area of 700m² per commercial purpose. The applicant has requested a site specific provision to reflect the existing size of the units, to permit up to one retail establishment to occupy a minimum floor area of 460m² per commercial purpose.

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.

Planning Staff recommend the deletion of museum and art gallery in order to maintain consistency with recent zoning amendment approvals of Council, whereby these uses are considered to be important cultural uses to be provided in the Central Area.

The property is currently developed with parking and standards reflecting the existing use of the property. The application further proposes to assign a ratio of 1 parking space per 20m² of gross leasable floor area, typical of a commercial strip plaza of this size versus the sum total of the requirement for each individual unit (3 units), based on use. The minimum parking requirement for the site will be 90 spaces, based on the gross floor area. This may be reduced once the floor area dedicated to mechanical, storage, and equipment rooms have been deducted. Planning Staff are satisfied that this is sufficient with regard to parking. A site specific provision to reflect the 39% lot coverage of the existing building is also required to ensure compliance with the proposed C.7 zoning regulations.

c) Site Development

The existing site is not proposed to be redeveloped and therefore, Site Plan Approval is not being imposed at this time. Site Plan Approval will only apply to the redevelopment of the subject lands in the future. Matters such as landscaping, parking layout, stormwater management, driveway entrances, pedestrian walkways and the dedication of lands for future road widening will be addressed at that time. Staff will be requesting a high standard of development at the Site Plan Approval stage because the site is located at a high profile corner.

RESPONSE TO NOTICE

a) Significant Agency Responses:

Utility Services Department:

The City's Utility Services Department has no objection to the rezoning in principle, however, has suggested that the applicant demonstrate adequate servicing capacity on-site and downstream for the potential uses; demonstration of adequate on-site parking with a proper Concept Plan; the dedication of an 11m by 11m daylighting triangle at the northwest corner of the site at Erskine Avenue and Borden Avenue intersection; and recommends cash-in-lieu of parkland where applicable.

The property is currently developed and the applicant is not proposing to make changes to the existing layout of parking. The issuance of building permits for the reuse of the lands will be subject to the confirmation of the provision of adequate on-site parking. The City has no authority to require the dedication of land and additional Site Plan details until such time as the lands are redeveloped in accordance with the City's Site Plan Control By-law.

Otonabee Conservation:

Otonabee Conservation has no objection to the proposed amendment based on no development or site alteration. ORCA advises that a portion of the property at the northeast and southeast corners are located within the floodplain of Byersville Creek. A permit will be required prior to any fill placement, grade alteration or construction related activity taking place within the regulated area.

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 June 13, 2013. Notice of Public Meeting was issued on June 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 June 26th, 2013, as a result of the circulation.

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
Fax: 705-742-5218
E-Mail: ckimble@peterborough.ca

Attachments:

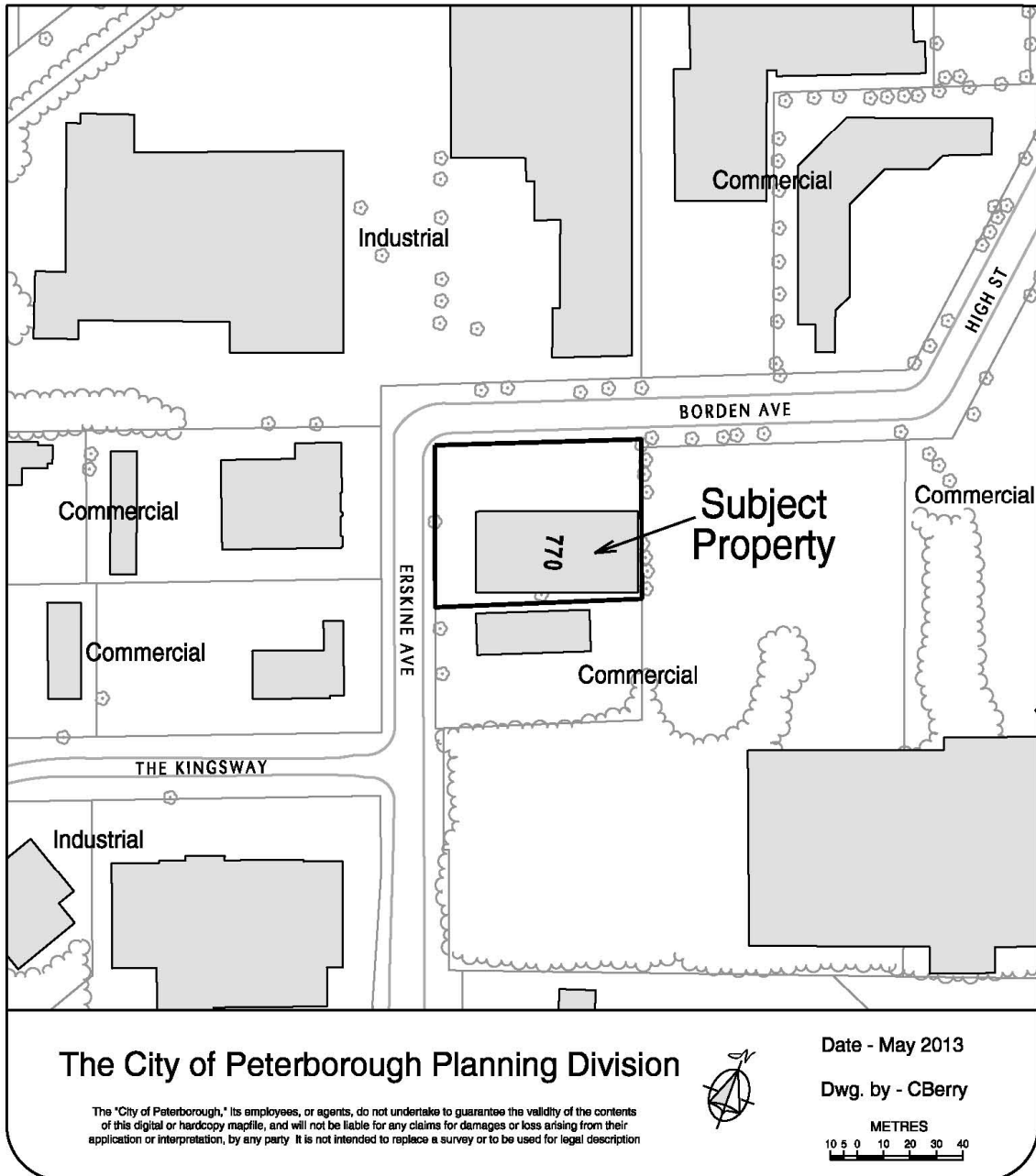
Exhibit A - Land Use Map
Exhibit B - Site Plan
Exhibit C - Draft Zoning By-law Amendment

Land Use Map

File # z1308

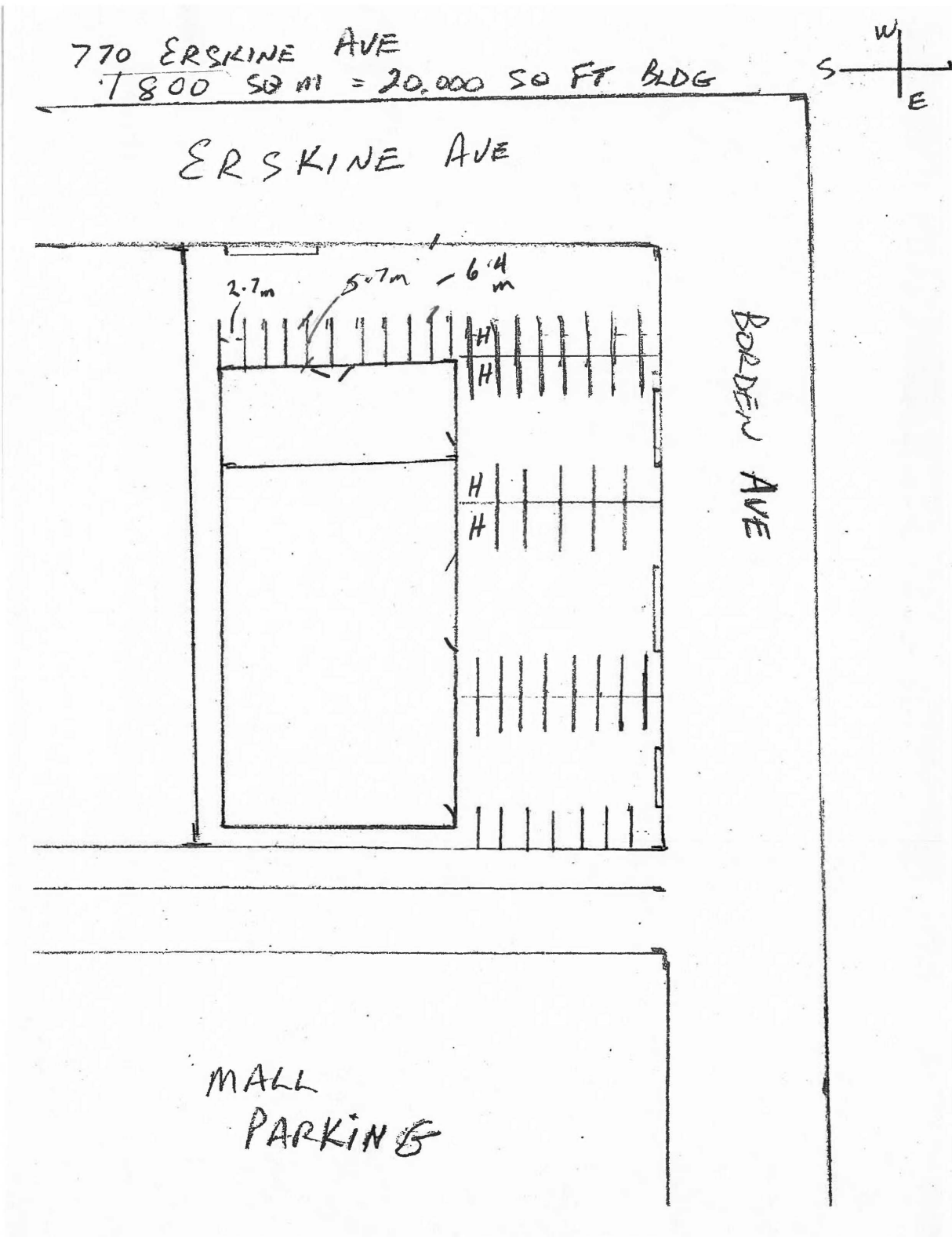
Property Location: 770 Erskine Ave

Exhibit 'A'
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Applicant's Sketch

Exhibit 'B'
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THE CORPORATION OF THE CITY OF PETERBOROUGH

Exhibit 'C'

BY-LAW NUMBER 13- _____

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BEING A BY-LAW TO AMEND THE ZONING FOR
770 ERSKINE AVENUE

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:

“.267 Notwithstanding the provisions of Section 4 and Section 18A.3:

- i. up to one retail establishment with a minimum floor area of 460m² (5000 sq. ft.) versus 700 m² (7500 sq. ft.) to recognize one smaller unit established within the existing building;
- ii. an increase in the maximum building coverage from 30% of the lot area to 39% of the lot area, to recognize the existing building;
- iii. a parking ratio of a minimum of 1 space per 20m² of gross leasable floor area, in accordance with Section 4.2.B(i) of the Zoning By-Law; and
- iv. notwithstanding the list of permitted uses in the C.7 Zoning District, a museum or art gallery shall not be permitted.”

2. Map 22a 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 M3.2 to C.7-267.**

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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