



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: September 16, 2013

SUBJECT: Report PLPD13-066
Official Plan and Zoning By-law Amendment - 105 Park Street South

PURPOSE

A report to evaluate the planning merits of amending the Official Plan and Zoning By-Law for the property known as 105 Park Street South, to introduce a site specific policy to the 'Service Industrial' designation, and to amend the M3.2 – Enhanced Service Industrial Zoning District and the M3.4 – Enhanced Service Industrial and Office Zoning District, to permit the retail sale of furniture in addition to the permitted uses for this site.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD13-066 dated September 16, 2013, of the Manager, Planning Division, as follows:

- a) That Schedule 'E' – Residential Density, of the Official Plan be amended to add a site specific policy to permit the retail sale of furniture in addition to other Service Industrial Uses at the property known as 105 Park Street South, in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD13-066,
- b) That Section 3.9 Exceptions of the City's Comprehensive Zoning By-law #97-123 be amended in accordance with the draft amendment, attached as Exhibit 'D' to Report PLPD13-066 to permit a retail establishment for the sale of furniture with a maximum floor area of 2800 m² in addition to the uses permitted,

- c) That the zoning of the subject property, be amended from the M3.2 and M3.4 – Industrial District to M3.2 – 283-‘H’ and M3.4 – 283-‘H’ in accordance with the draft amendment attached as Exhibit ‘E’ to Report PLPD13-066, and
- d) 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. The City is able to collect any applicable development charges for the proposed commercial use.

RATIONALE

Approval of this Official Plan and Zoning By-law Amendment is based upon the following:

The property is situated within the Centre District as described by the City’s most recent Retail Market Analysis (2008), prepared by UrbanMetrics Inc., guiding the evaluation of commercial development applications within the City. The introduction of a limited amount of new retail space for service commercial use will further the growth of the Centre District, anticipated in the Retail Market Analysis. An increase in the retail space within the Centre District will assist in slowing the decline in its market share across the City. Intensification of residential growth promoted by Provincial Policy, is also projected to support an increase in retail opportunities within the Centre District and furthers the recommendations of the Retail Analysis.

The ‘Service Industrial’ policies of the Official Plan contemplate a range of light and general industrial land uses, including business service uses that primarily support industrial activity. An amendment to permit the introduction of a limited amount of retail sale of furniture is considered to be complementary to the warehouse and office permission at this location. The application proposes to introduce a site specific policy to permit the use at the subject property and proposes to amend the zoning of the lands to include the retail sale of furniture with a maximum floor area of 2800m² (30140 ft.²) as a permitted use in addition to the existing permitted uses.

The application proposes the reuse of the existing building which respects the scale and physical characteristics of existing development in the surrounding neighbourhood and provides an appropriate transition from the adjacent Home Depot, Staples and Heritage Plaza uses to the south along Lansdowne Street West, to the existing mix of commercial, public service and residential to the north and east.

BACKGROUND

The subject application was received on April 30, 2013, deemed to be complete as of May 22, 2013 and was processed in accordance with department procedures. The Planning Act allows applicants to appeal Official Plan and 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 if Council has not made a decision.

The subject property is approximately 1.46 ha. (3.6 ac.) in size, located on the west side of Park Street South, north of Lansdowne Street West. The property supports an existing building that is currently vacant, previously used for industrial purposes (most recently by Norampac, Division of Cascades Canada ULC – corrugated packaging manufacturing plant). With the exception of a nominal administrative function, the building has been vacant since 2011.

The current owner/applicant proposes to amend the Official Plan and Zoning By-law to permit the use of the land for the retail sale of furniture, in addition to the existing permitted residential and office uses. Bennett's Home Furnishings intend to consolidate its operations at this location with warehouse, retail and office components within the existing building. Approximately 2800m² of floor space of the total 6650m² of floor area is intended to be used for retail of furniture.

The current owner purchased the subject lands in March, 2013 and intends to reuse the existing building for a mix of industrial and commercial uses, subject to approval of the amendments to the Official Plan and Zoning By-law.

A Planning Justification Report prepared by Kevin Duguay of KMD Community Planning and Consulting Inc. and a Functional Servicing Report prepared by D.M. Wills Associates Limited have been submitted by the applicant, in support of the application.

ANALYSIS

a) Official Plan

The lands are currently designated "Industrial" on Schedule 'A' – Land Use and "Service Industrial" on Schedule 'O' – Industrial Land Use of the City of Peterborough Official Plan. The proposed use of the lands to introduce a limited amount of retail for the sale of furniture requires an amendment to the 'Service Industrial' policies.

The application proposes to retain the industrial designation and zoning of the lands, continuing to permit industrial uses, and adds a single commercial use (retail sale of furniture).

It is not intended to convert the subject lands from industrial to commercial, rather to keep the industrial designation and add a single commercial use. The proposal anticipates the conversion of approximately 40% of the existing building floor area to permit the retail sale of furniture, in addition to the existing permitted uses as listed in the current zoning of the property. Industrial uses at this site, within the existing buildings are limited by the configuration of the building and ceiling height. The proposed warehousing use and office component are contemplated by the industrial policies and the zoning. The Concept Site Plan anticipates modifications to the existing site to improve traffic circulation and parking layout to improve site parking and access/egress. Parking will be provided in accordance with the requirements of the Zoning By-law.

The introduction of additional commercial space within the Centre District, as identified in the City's Retail Market Analysis (2008), indicates a need for additional retail floor space within this area. The retail sale of furniture is one of the very few retail uses that are not regarded as key determinants of the City's retail structure. Due to extensive space requirements for this use, permission has been broadly placed in service commercial areas. The proposed amendment introduces a site specific policy to permit the use of the lands for the retail sale of furniture, in addition to existing permitted industrial uses.

b) Zoning By-law

The subject property is currently zoned M3.2 – Enhanced Service Industrial and M3.4 – Enhanced Service Industrial and Office permitting a range of industrial and office uses. The proposed amendment introduces an Exception (283) to the Zoning to permit the use of the property for the retail sale of furniture with a maximum floor area of 2800m².

The property is able to support the additional use within the existing building, subject to a change in the layout of the parking and driveway configuration, complying with all regulations of the Zoning By-law, including parking. Site Plan Approval is recommended to address the changes required to the parking and driveway areas to support this use.

Staff are proposing the application of an Exception (283) to the existing industrial zoning district, to permit the use of the lands for the retail sale of furniture, with a maximum floor area of 2800m², in addition to the uses permitted.

The applicant has demonstrated with the Concept Site Plan, that there is sufficient space on the subject lands to provide adequate landscaping and buffering to ensure compatibility with surrounding land uses.

RESPONSE TO NOTICE

a) Significant Agency Responses:

Agency circulation was issued on June 4, 2013.

The City's Utility Services Department provided comment regarding the rezoning application, indicating no objection to the proposed rezoning subject to the application of an 'H' Holding Symbol to require the owner to enter into a Site Plan Agreement with the City to address issues such as parking, drainage, etc.

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 June 13, 2013 by newspaper advertisement (Peterborough Examiner) and Notice of Public Meeting was issued by direct mail and by newspaper advertisement (Peterborough Examiner) on August 19, 2013. The notice complies with the requirements of the Planning Act.

Written comments have been received from Brad Smith on behalf of the Downtown Business Improvement Area (DBIA) requesting submission of a retail analysis to support the introduction of additional commercial space and to understand the impact on the City. The DBIA further requests the completion of a parking study to ensure adequate parking is provided on site. The DBIA comments on the conversion of a portion of the building from industrial space to commercial space, maintaining the industrial zoning, and the consequential implication on taxing.

No further written comments have been received as of August 23, 2013.

Submitted by,

Ken Hetherington,
Manager, Planning Division

Prepared by,

Caroline Kimble,
Land Use Planner

Concurred with,

Malcolm Hunt, Director
Planning and Development Services

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Attachments:

Exhibit 'A' - Land Use Map

Exhibit 'B' - Concept Plan

Exhibit 'C' – Draft Official Plan Amendment

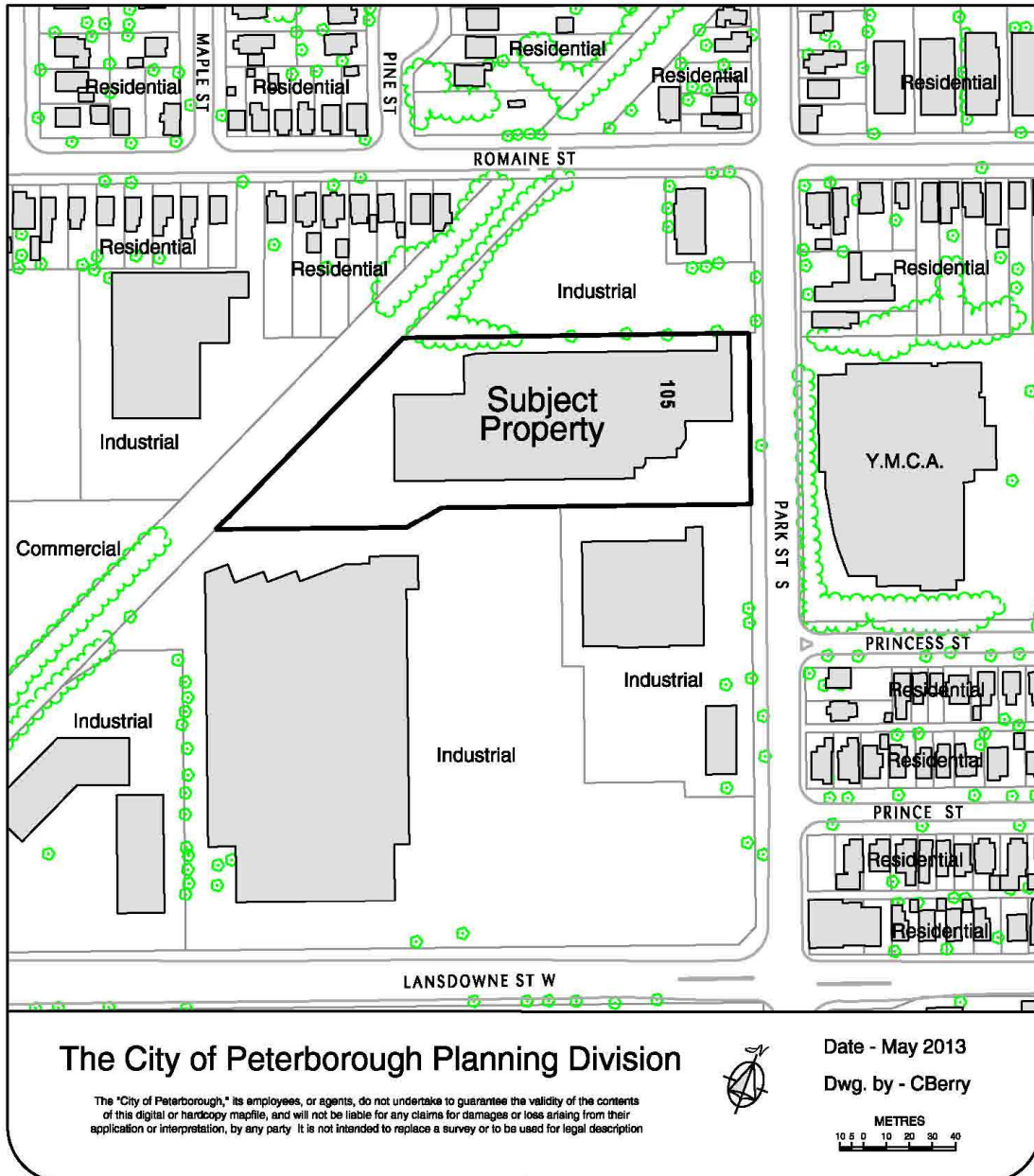
Exhibit 'D' – Draft Zoning By-law Amendment

Land Use Map

Exhibit 'A'
Page 1 of 1

File # z1309 & o1306

Property Location: 105 Park St S



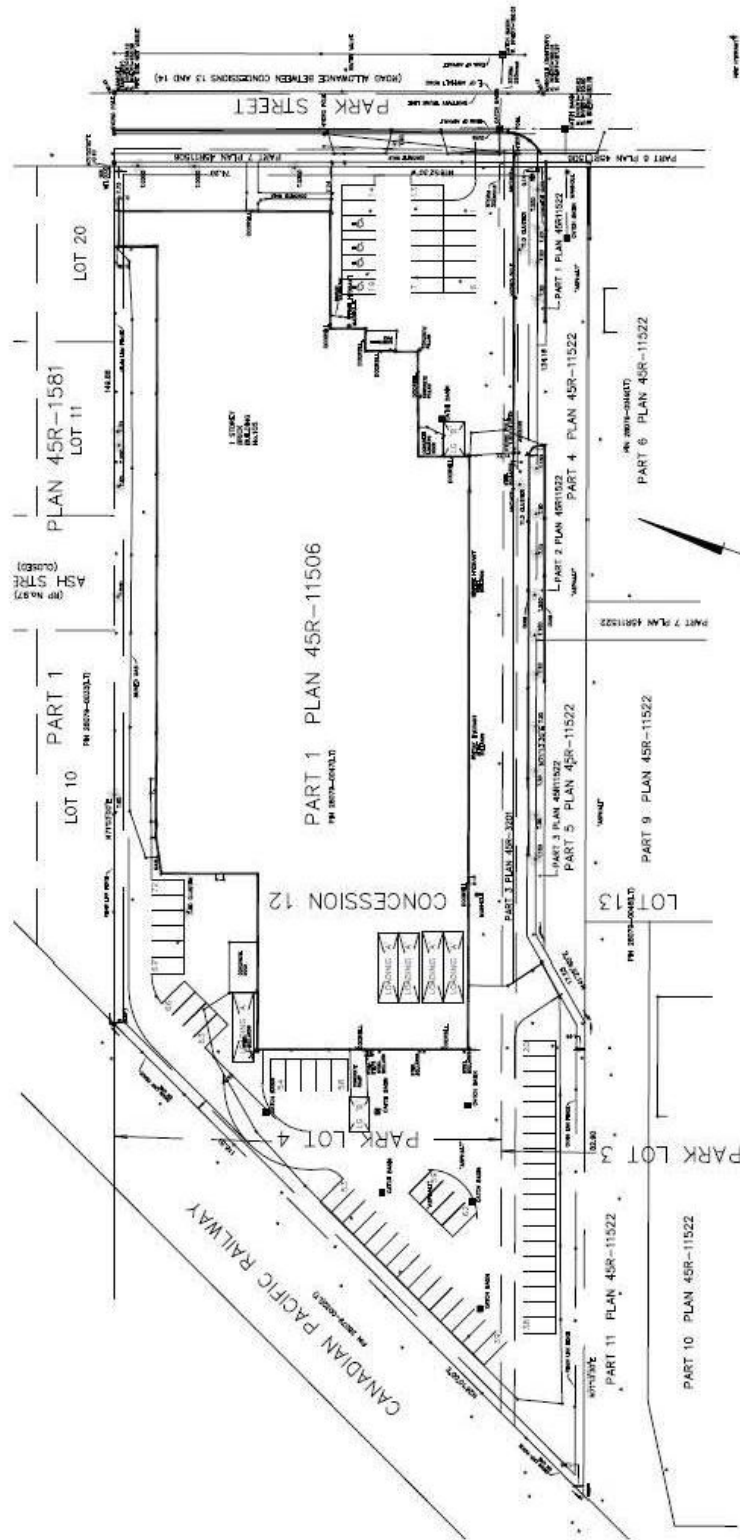


Exhibit 'B'
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THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 13-

Exhibit 'C'

Page 1 of 1

**BEING A BY-LAW TO ADOPT AMENDMENT NO. TO THE OFFICIAL PLAN OF
THE CITY OF PETERBOROUGH FOR THE PROPERTY KNOWN AS
105 PARK STREET SOUTH**

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL
THEREOF ENACTS AS FOLLOWS:

1. Section 4.4.5.3 is amended to add the following:

“4.4.5.3 9 e) A furniture store is permitted at the property known municipally
as 105 Park St. S.”

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

Daryl Bennett, Mayor

John Kennedy, City Clerk

THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 13- _____

Exhibit 'D'
Page 1 of 2

**BEING A BY-LAW TO AMEND THE ZONING FOR
105 PARK STREET SOUTH**

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL
THEREOF HEREBY ENACTS AS FOLLOWS:

1. That Section 3.9 Exceptions, of By-law #97-123 be amended to add the following:

“283. Notwithstanding the permitted uses of the Zoning District, a retail establishment for the sale of furniture with a maximum floor area of 2800 m² is also permitted.”
2. That 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 **M3.2 and M3.4 to M3.2-283-'H' and M3.4-283-'H'**.
3. That the 'H' Holding Symbol be removed subject to Site Plan Approval being granted for the subject property.

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

Daryl Bennett, Mayor

John Kennedy, City Clerk

EXHIBIT 'D'
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