



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: November 18, 2013

SUBJECT: Report PLPD13-085
1643 Lansdowne Street West – Zoning By-law Amendment

PURPOSE

A report to evaluate the planning merits of amending the Zoning By-law for the property known as 1643 Lansdowne Street West from the R.1,1e,2e,4d – Residential District; to the C.4 – ‘H’ - Commercial District to permit uses consistent with the Service Commercial policies of the Official Plan, including a public garage (Jiffy Lube).

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD13-085 dated November 18, 2013, of the Manager, Planning Division, as follows:

- a) That the zoning of the subject properties, be amended from the R.1, 1e,2e,4d – Residential District to SP.268-285 – ‘H’ - Commercial District, in accordance with the draft amendment attached as Exhibit ‘D’ to Report PLPD13-085.
- b) That the ‘H’ Holding Symbol be removed subject to Site Plan Approval, including the following:
 - i. a requirement for a noise/land use compatibility study in accordance with Ministry of Environment guidelines;
 - ii. a 3.05m road widening along Lansdowne Street West;

- iii. additional grinding and surface overlay and additional compensation fees for road life cycle impacts of the portion of Lansdowne Street West impacted by utility and service cuts required to support the proposed development;
- iii. demonstration of adequate servicing capacity downstream; and
- iv. dedication of an easement along the easterly portion of the property to facilitate cross traffic between adjacent commercial lands.

BUDGET AND FINANCIAL IMPLICATIONS

There are no direct budget or financial implications to the City arising from the approval of this application. Cash in lieu of parkland will be required where applicable.

RATIONALE

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

The lands are designated 'Commercial' on Schedule 'A' – Land Use and 'Service Commercial' on Schedule I – Commercial Areas of the City's Official Plan. The application proposes to implement the 'Service Commercial' policies of the Official Plan with a restricted list of permitted uses and site specific regulations to ensure compatibility with the adjacent residential lands to reflect the limited size of the subject lands.

The development of the lands will be subject to Site Plan Approval including provisions for a noise study, road widening and stormwater management.

BACKGROUND

The subject application was received on August 21, 2013 and deemed to be complete on September 4, 2013 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 January 3, 2014.

The subject property is a rectangular parcel supporting an existing 1 storey frame residential dwelling on the south side of Lansdowne Street West, west of Spillsbury Drive east of Brealey Drive and is situated between commercial lands to the east and residential lands to the west and south. The land currently supports a single unit dwelling and frame shed.

The existing zoning of the land limits the use of the property to a single unit dwelling. The application proposes to amend the zoning of the lands to extend a Service Commercial Zoning District to permit the redevelopment of the lands for service commercial uses. The owner proposes to replace the existing dwelling with a new single storey commercial building with parking in the front and rear yard.

ANALYSIS

a) Official Plan

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

The purpose of the 'Special Purpose 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 personal and financial services. Retail commercial uses are limited to those that require large sites to accommodate extensive open or enclosed display or storage areas.

The introduction of the proposed permitted uses, reflects the types of uses contemplated by the Service Commercial designation.

The policies further require that new development and redevelopment provide for the integration of parking and access points with abutting uses and the provision of landscaping that is adequate. The requirement to provide an easement for vehicular connection to the lands to the east is intended to assist and limit the volume of traffic entering and exiting along Lansdowne Street West from multiple driveways.

b) Zoning By-law

The subject property proposes an amendment to the Zoning By-law from the R.1,1e,2e,4d – Residential District to the C.4 - "H" – Commercial District (Special Commercial) to permit Service Commercial uses. Although the C.4 Zoning District includes Service Commercial uses, the more recent SP.268 Zoning District better implements the current Service Commercial policies with a more modern list of permitted uses. Planning Staff are recommending the use of the SP.268-244 Zoning District as the base zoning for the property to maintain consistency with the Official Plan policies and with the zoning of the abutting lands to the east.

The proposed SP.268 zoning would permit the following uses:

- 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

The C.4 Zoning District regulations require commercial developments to provide for a minimum building setback and landscaped open space strip of 9m along lot lines that abut residential districts. The SP.268 Zoning District increases these regulations to 10m. The proposed amendment includes two exceptions (244 and 285). Exception 244 permits a bank, loan company or financial institution as a permitted use and prohibits the use of the property for a library, museum or art gallery. Exception 285 will provide relief from the minimum side yard setback and the minimum landscaped open space requirements to permit 6m along the westerly lot line and 9m along the southerly property line, in accordance with the revised concept plan.

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 will be developed with parking and standards in accordance with the City's Zoning By-Law. Landscape treatment and stormwater management facilities will be required through Site Plan Approval.

c) Site Development

Site Plan Approval will apply to the redevelopment of the subject lands to address matters such as parking layout, landscaping, stormwater management, driveway entrances, pedestrian walkways and the dedication of lands for future road widening.

The applicant proposes to replace the existing dwelling with a single storey commercial building and associated parking and landscaped space. The applicant has agreed to reflect the requirement for additional road widening along Lansdowne Street West on a revised concept site plan, in addition to reducing the footprint of the building and shifting it to the east to increase the width of the landscaped open space. In response to the comments received from the circulation of this application, the sideyard setback and proposed landscaped open space strip has been increased from 3m to 6m along the westerly portion of the property to increase the amount of permeable surface area and potential for additional planting and buffering to address concerns addressed by the Harper Park Stewardship Initiative. The applicant has also agreed to considering on-site stormwater treatment facilities to address stormwater quality and particularly the temperature of stormwater draining from the site into the headwaters of Harper Creek.

In addition to the increased buffer along the residential lot lines, the City will require the applicant to complete a noise study, in accordance with Ministry of Environment guidelines, to address potential mitigation measures for noise adjacent to residential lands.

The applicant has also agreed to provide an easement along the easterly lot line to facilitate cross traffic with the adjacent commercial lands to the east.

RESPONSE TO NOTICE**a) Significant Agency Responses:****Utility Services Department**

The City's Utility Services Department has requested that the proposed rezoning be made conditional on the applicant entering into a Site Plan Agreement with the City and ensure that adequate servicing capacity exists downstream.

Based on preliminary review of the Concept plan circulated with the application, the Utility Services Department notes that a road widening across the full frontage of the subject lands of 3.05m in width, is to be conveyed to the City.

Utility Services notes that the development will require cutting into the newly refinished Lansdowne Street West. Utility and servicing cuts into the asphalt and granular base reduce the effective structural life cycle of roadways. As such, the applicant will be responsible for full restoration costs and 100% of the cost of additional surface grinding and overlay beyond the width of the trenches and additional compensation fees.

Utility Services has requested that cash in lieu of parkland is recommended where required. Additional comments regarding conditions of Site Plan Approval have been forwarded to the applicant and are reflected in the proposed conditions of the removal of the 'H' – Holding Symbol.

Peterborough Utilities Services

Water Utilities has commented that Development Charges are applicable and a new service may be required because the existing dwelling is serviced by a well.

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 September 23, 2013. Notice of Public Meeting was issued by direct mail and by newspaper advertisement (Peterborough Examiner) on October 21, 2013. The notice complies with the requirements of the Planning Act.

Planning Staff have received written comments from the Harper Park Stewardship Initiative expressing opposition/concern to the reduced building setback from the westerly lot line and request that the applicant be required to address the impact of the redevelopment on local receiving waters. A meeting involving planning staff, the applicants and Kim and Mark Zippel on behalf of the Harper Park Stewardship Initiative was held on October 30, 2013 to discuss options for development of the site that would reduce the impact of the development on the amount of pollution entering the Harper Creek system. The applicants agreed to revise the concept plan and to consider alternative approaches to stormwater management that would result in an enhanced stormwater management quality control. The details of the stormwater management control will be addressed at site plan approval stage.

No further written comments have been received as of November 4, 2013.

Submitted by,

Ken Hetherington,
Manager, Planning Division

Prepared by,

Concurred with,

Caroline Kimble,
Land Use Planner

Malcolm Hunt, Director
Planning and Development Services

Contact Name:

Caroline Kimble
Planner, Land Use
Planning & Development Services
Phone :705-742-7777 Ext. 1735
Toll Free: 1-855-738-3755 Ext. 1735
Fax: 705-742-5218
E-Mail; ckimble@peterborough.ca

Attachments:

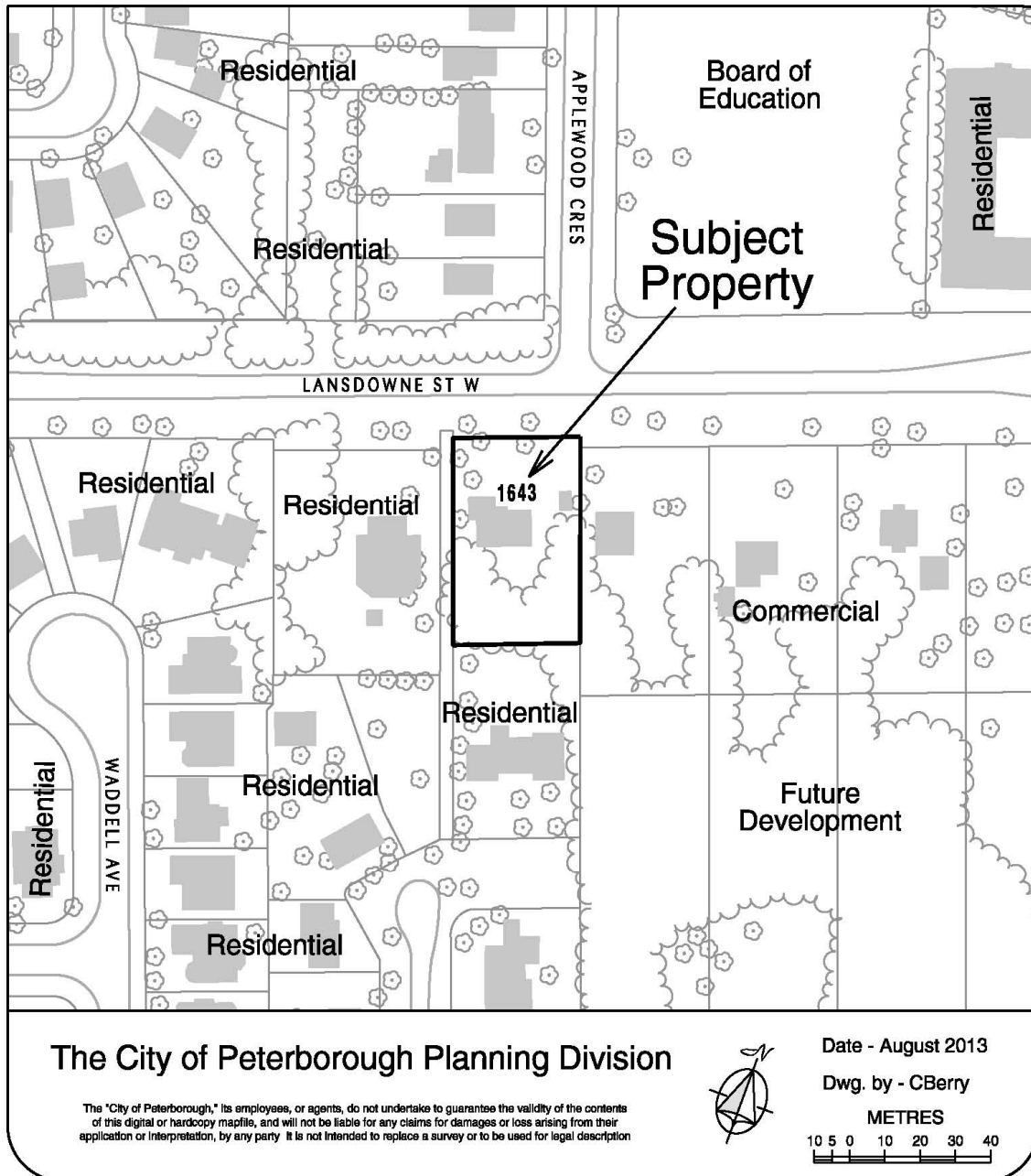
Exhibit A - Land Use Map
Exhibit B - Site Plan
Exhibit C – Revised Site Plan
Exhibit D - Draft Zoning By-law Amendment

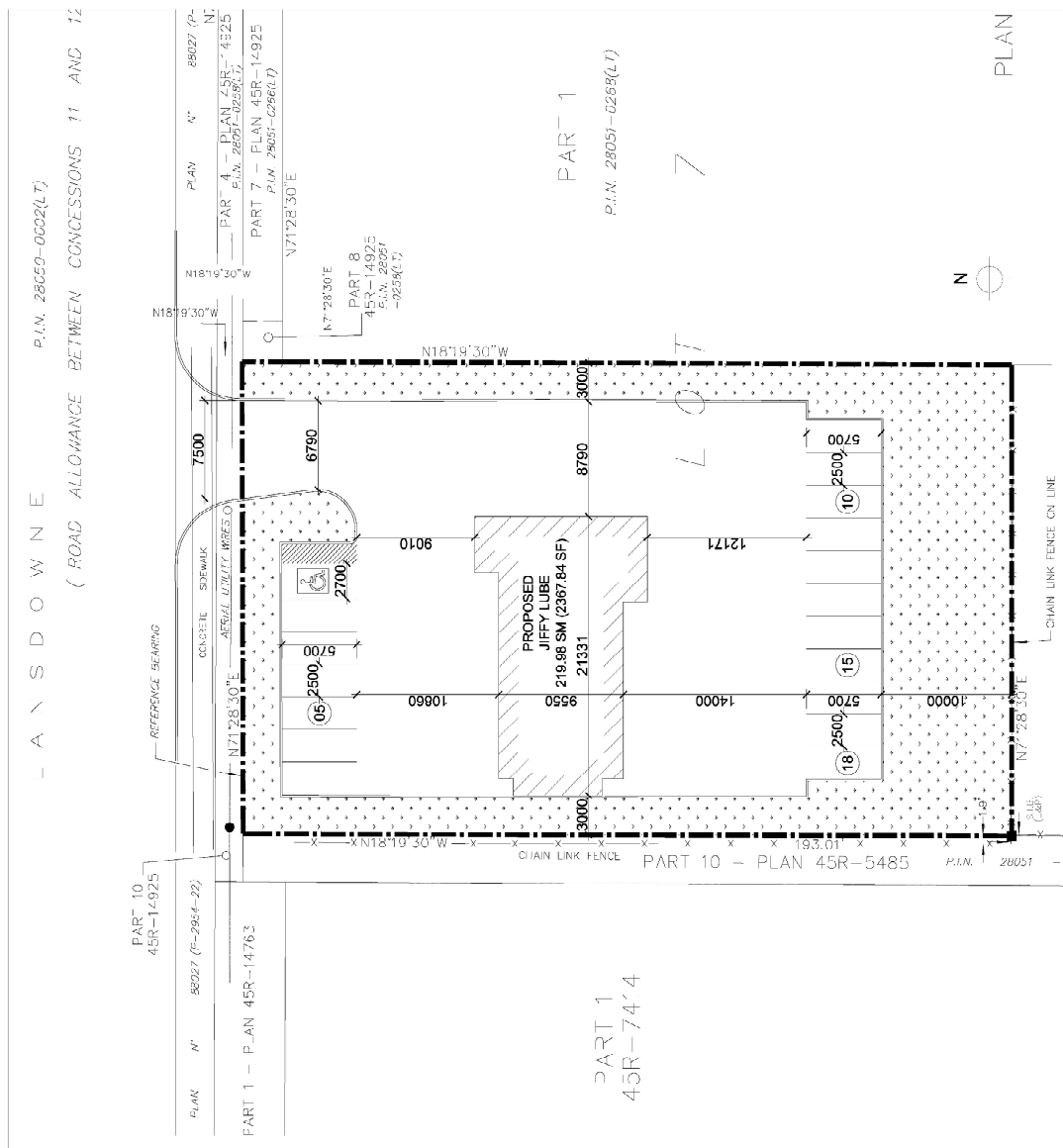
Land Use Map

Exhibit 'A'
Page 1 of 1

File # z1321

Property Location: 1643 Lansdowne St W





THE CORPORATION OF THE CITY OF PETERBOROUGH

Exhibit 'D'
Page 1 of 2

BY-LAW NUMBER 13- _____

**BEING A BY-LAW TO AMEND THE ZONING FOR
1643 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 the following:

“.285 Notwithstanding the provisions of Section 298.3, the minimum sideyard setback and the minimum width of the landscaped open space from the westerly lot line shall be 6m; and a minimum of 9m of landscaped open space shall be provided and maintained along the southerly lot line.”
2. Map 20 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 R.1, 1e, 2e, 4d – Residential District to SP.268-244-285 – 'H' - Commercial District.**
3. The 'H' Holding Symbol be removed subject to Site Plan Approval, including the following:
 - i. a requirement for a noise/land use compatibility study in accordance with Ministry of Environment guidelines;
 - ii. a 3.05m road widening along Lansdowne Street West; full restoration and surface grinding and overlay of the portion of Lansdowne Street West impacted by utility and service cuts required to support the proposed development;
 - iii. demonstration of adequate servicing capacity downstream; and
 - iv. dedication of an easement along the easterly portion of the property to facilitate cross traffic between adjacent commercial lands.

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

Daryl Bennett, Mayor

John Kennedy, City Clerk

