



City of
Peterborough

To: **Members of the Planning Committee**

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

Meeting Date: **January 20, 2014**

Subject: **Report PLPD14-002**
545 The Queensway, 620 Cameron Pl. and 909 Cameron St.

Purpose

A report to evaluate the planning merits of amending the Official Plan designations of the lands known as 545 The Queensway, 620 Cameron Place and 909 Cameron Street to 'Service Commercial' with a site specific policy to permit large format retail uses in addition to Service Commercial uses.

The report further evaluates the planning merits of amending the Zoning By-Law to rezone the subject lands from the Industrial and Service Commercial Districts to the C.7 – Special Purpose Retail District with exceptions to reduce the landscaped open space and to permit up to a maximum of 9500m² (102260 ft²) of Special Purpose Retail uses.

Recommendations

That Council approve the recommendations outlined in Report PLPD14-002 dated January 20, 2014, of the Manager, Planning Division, as follows:

- a) That the applications to amend the Official Plan be approved **in part**, in accordance with Exhibit 'C' attached to Report PLPD14-002 as follows:
 - i. Schedule A – Land Use, be amended to expand the Commercial Designation to include a portion of the subject lands;
 - ii. Schedule I – Commercial Area, be amended to expand the Service Commercial designation to a portion of the subject lands;

- iii. Schedule M – Lansdowne West Secondary Plan, be amended to redesignate a portion of the subject lands from Industrial to Commercial;
 - iv. Schedule O – Industrial Land Use, be amended to redesignate a portion of the subject lands from Industrial to Commercial.
- b) That the applications to amend the Zoning By-Law be approved **in part**, in accordance with Exhibit 'D' attached to Report PLPD14-002 as follows:
- i. That the zoning of a portion of the subject lands, outside of the floodplain, be amended from the M3.2 – Enhanced Service Industrial and the SP.268-268(F)-'H' – Service Commercial to the SP.268–286 – 'H' - Service Commercial District to permit commercial uses in accordance with the policies of the Service Commercial designation of the Official Plan; and
 - ii. That the zoning of the subject lands included in the floodplain, be amended from the M3.2 – Enhanced Service Industrial and the M3.5(F) – Combined Service Industrial to OS.1 – 271 – Open Space District;
 - iii. That Section 3.9 – Exceptions, be amended to include Exception 286, to permit a bank, loan company or financial institution; a home improvement outlet and up to one retail establishment for the sale of used clothing, household items and related accessories; and to prohibit the use of the property for a library, museum or art gallery.
 - iv. That the 'H' – Holding Symbol be removed subject to Site Plan Approval being granted for the subject property.
- c) That the application to amend the Official Plan and Zoning By-Law to introduce a special policy exception to the Service Commercial Designation to permit large format retail uses in addition to Service Commercial uses and to zone the lands C.7 – Special Purpose Retail, **be Denied**, based on the following:
- i. The introduction of 95% of the total proposed floor area, up to 9500m² of retail uses for the sale of Department Store Type Merchandise (DSTM), outside of a shopping node established within the City's Commercial Structure, is inconsistent with the intent and purpose of the Service Commercial designation and with the City's Commercial Structure and policies.
- d) That the application to amend the Official Plan and Zoning By-Law (save and except parking) for the lands situated within the floodplain of Lower Byersville Creek (known as 909 Cameron Street), **be Denied** based on Section 3.1 of the Provincial Policy Statement (2005).

Budget and Financial Implications

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

Rationale

The applicant has proposed an Official Plan Amendment and Zoning By-Law Amendment to redesignate and rezone the subject lands from Industrial to Commercial, to include a full range of Special Purpose Retail uses in addition to Service Commercial uses. Planning Staff is able to support the amendment in part, limited to the lands located outside of the floodplain, and permitting the conversion of these lands from Industrial to Service Commercial Uses only. The Staff recommendation serves to expand the Service Commercial node at the intersection of The Queensway and The Parkway, as identified in the Lansdowne West Secondary Plan. The limited amount of retail use contemplated within the Service Commercial Designation have been long regarded in the Peterborough Planning context as retail activity which does not erode the planned function of Shopping Centres, Special Purpose Retail designations or the Central Area. The introduction of Service Commercial uses on the subject lands is in keeping with the City's Commercial Structure. The uses are considered by staff to be compatible with the surrounding industrial area and provide for some additional flexibility for future land uses that are compatible with the Industrial policies, while maintaining the integrity of the City's Commercial policies.

The introduction of an exception to permit a significant portion of the development (i.e 95% of the total proposed floor area) for large format retail uses would be inconsistent with the Commercial Structure as applied for by the applicant, is not supportable. Section 2.3 of the City of Peterborough Official Plan sets parameters for retail uses that are not met by the subject property or the subject applications.

The subject lands include a significant portion located within the flood plain of the Lower Byersville Creek. Redesignation of these lands in the Official Plan is contrary to the Provincial Policy Statement. As such, the existing Industrial Designation must remain in place, however it is reasonable to allow the industrially designated lands to be used for parking purposes, supporting the commercial portion of the site. More intensive development of the portion of the property within the floodplain cannot be supported.

Background

The lands known as 545 The Queensway were subject of a rezoning in 2011 to permit Service Commercial uses in accordance with the Service Commercial designation of the land in the Official Plan. The approval was conditional upon the transfer of land between the City and the owners, to address road widening and daylighting triangle, in addition to the owners purchasing a portion of the City owned Right of Way for Cameron Place. Following the Zoning Amendment, the applicants severed a portion of the property and transferred the land to the adjacent owners (Costco) to facilitate the gas station recently constructed on the land. The 2011 Zoning Amendment was referred to as 'Phase 1' of the commercial development proposal.

The application for commercial designation and zoning of the subject lands (referred to as Phase 2) has evolved since late 2012. A revised application submitted on June 25, 2013 was further revised in November, 2013 to the current version. Several iterations of the application and supporting concept plan have been circulated to the City for consideration as result of consultation discussions primarily with the Conservation Authority, City Engineering Staff and City Planning Staff. The applicant proposes to change the land use designation and zoning of the lands from Industrial to Commercial with specific permission for large format retail uses.

A significant portion of the property is located within the floodplain of the Lower Byersville Creek. The Provincial Policy Statement (2005) does not permit development within a flood plain. As such, the Conservation Authority objects to the redesignation and rezoning of the flood plain lands, save and except for parking where safe access is present. From the Conservation Authority perspective, the lands outside of the floodplain are developable.

The application contemplates the realignment of The Queensway/The Parkway intersection and use of City-owned lands to facilitate the development, by way of the existing right-of-way for Cameron Street, Cameron Place and a portion of The Queensway Right-of-Way.

Any development of the southerly portion of the subject lands by way of an Official Plan Amendment is challenged by the Byersville Creek floodplain occupying a significant portion of the property. The applicants have provided a Floodline Impact Report prepared by D.M. Wills Associates Limited, reviewed by the Conservation Authority, concluding that the proposed development will not significantly impact the Regulatory Floodplain of Byersville Creek. The Conservation Authority and Council are to ensure that any Official Plan Amendment and/or Zoning By-Law Amendment applications are consistent with Provincial Policy Statements (2005)(PPS). Section 3.1.2 d) of the PPS does not permit development within the floodplain regardless of the impact. The Conservation Authority has been working with the City on a study of the Byersville Creek floodplain to identify lands that are suitable for development. The findings of this

study do not support development on the southerly portion of this property. The applicants have been advised of the position of the Conservation Authority throughout the application process.

The northerly portion of the property is not impacted by the floodplain and is considered to be developable. Consideration of an amendment to the Official Plan and Zoning By-Law to introduce new uses to the property have been considered via the Commercial policies of the City of Peterborough Official Plan. The applicant is proposing that the Service Commercial designation be applied to the lands and that exceptions be introduced by policy and zoning to permit large format retail uses in addition to Service Commercial uses.

Council introduced a new industrial zoning district in July, 2013 that had the effect of introducing a limited range of commercial uses to the subject lands, to provide flexibility within the industrial designation.

Analysis

a) Official Plan

The City of Peterborough Official Plan currently designates the lands known as 545 The Queensway as 'Commercial' while the lands known as 620 Cameron Place and 909 Cameron Street are designated 'Industrial' on Schedule 'A' of the City of Peterborough Official Plan. The 'Service Commercial' designation of 545 The Queensway on Schedule 'I' has already been implemented through a rezoning passed in 2011.

The applicants propose to amend the designation of 620 Cameron Place, 909 Cameron Street and the adjacent rights of way (Cameron Place, Cameron Street and a portion of The Queensway) to 'Commercial' on Schedule 'A' – Land Use and to 'Service Commercial' on Schedule I – Commercial Lands in the Official Plan. In addition, the applicant seeks to include special exceptions for the subject lands, to permit additional retail uses not contemplated by the Service Commercial designation, including large format retail uses normally found in the Special Purpose Retail designation.

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 such as furniture and appliance sales and the sale of building products.

The Planned Commercial Structure of the City:

The existing Commercial Structure as set out in the Official Plan was designed to place large format retail uses adjacent to Major Shopping Centres and to regulate the amount of large format retail space in keeping with forecasted market demand. Oversupplying the market may create the potential for significant vacancies and economic disparity for areas of the City. The introduction of additional retail uses including department store type merchandise (i.e. clothing, shoes, accessories) must be considered carefully against the City's commercial policies and the 2008 Retail Analysis, based on the Commercial Structure as set out in Section 2.3 of the Official Plan. It is intended that large format retail uses be located adjacent to Major Shopping Centres or the Downtown, providing an opportunity for large format retail to support the smaller scale retail opportunities largely reserved for Major Shopping Centres and the Central Area.

Section 2.3 of the Official Plan anticipates that retail land uses be distributed largely within the Central Area; Shopping Nodes and Special Policy Area, providing a healthy interaction and balance within the City, while maintaining the centrality and importance of the Central Area.

The Central Area supports a broad range of retail uses in addition to office, cultural and entertainment uses, residential, community and recreational uses, key industries and government activities.

The Shopping nodes are located at strategic locations within the major transportation network in the northwest, southwest and southeast portions of the City (Portage Node, Lansdowne/Parkway Node, Summit Node and Willowcreek Node). These nodes are primarily retail and are intended to function as the principle centres of retail and service activity outside of the downtown, catering to both local and regional demands.

Different designations and zoning districts have been created to differentiate specific character of development, including range, size and type of retail intended for each location.

The Official Plan made provision for a single 'unique region serving retail use' and this is referred to as the 'Special Policy Area'. The Special Policy Area was introduced as a strategic policy to maintain and strengthen Peterborough's role as a regional service centre. A warehouse membership club such as Costco, was envisioned by policy to assist in strengthening Peterborough's position in the regional commercial market without duplicating the function of a Shopping Node.

The Special Purpose Retail Designation:

The application proposes to introduce up to 9500m² (102260 ft²) of "Special Purpose Retail - a type of retail floor space that is not contemplated in the Service Commercial designation. The type of retail space proposed for the subject lands is referred to as 'large format retail' also commonly known as 'big box retail'. Large format retail use was

recognized by the City and introduced to the Official Plan and Zoning By-Law as a consequence of the Commercial Policy Review (CPR) in 2000.

The CPR 2000 process set out to restore the traditional dominance of Peterborough in the regional market by designating lands to support this type of retail with a focus on recapturing the outflow of retail dollars spent outside of the Peterborough market. The 2008 Retail Analysis validated the effectiveness of the Commercial Structure. The 2008 study, prepared by Urban Metrics, confirmed that the policies were effective and a significant recapture of expenditures (\$201 million) was achieved between 2000 and 2007. The update further compared the distribution of the retail growth to population growth within geographic districts of the City. This revealed that the west and centre districts are well served by retail floor space while the north and east districts, relative to the population, are somewhat underserved. Although the 2008 Retail Market Analysis justifies additional retail floor space, it also challenges the City to provide retail commercial at the local or neighbourhood level and facilitate a greater balance between large formats and local serving retail facilities, including neighbourhood shopping centres, convenience retail, mixed use developments and main streets.

The proposed permission for a significant amount of large format retail space distant from the Central Area and Major Shopping Centre lands is contrary to the intent and purpose of the Commercial policies of the Official Plan and has the potential to threaten the viability of the existing commercial nodes recognized by the Official Plan to facilitate balanced commercial growth into the future.

Service Commercial uses, however, are less threatening to the viability of the existing nodes and therefore, not controlled by Official Plan policy to the same extent as small scale specialty retail or large format retail.

The extension of the Service Commercial designation of the lands at 545 The Queensway, can be considered for 620 Cameron Place (existing Culligan lands), given the location at the intersection of The Queensway and The Parkway, compatible with the surrounding industrial lands.

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 adjacent Costco lands to the west is intended to assist and limit the volume of traffic along The Parkway.

b) Zoning By-Law

The subject application proposes to amend the Zoning By-Law to implement the proposed policy changes to convert the lands from industrial to commercial with permission for large format retail uses. In addition, the application seeks site specific provisions for landscaped open space and floor area provisions.

Specifically, the application proposes to rezone the lands known as 545 The Queensway, 620 Cameron Place and 909 Cameron Street from the SP.268-268(F)-(H) – Service Commercial, M3.2- Enhanced Service Industrial and from the M3.5(F) – Combined Service Industrial, to the C.7 – Special Purpose Retail District with an exception to reduce the landscaped open space to 0m along the westerly limit of the property and to cap the total maximum floor area for retail establishments as listed in Section 18A.2(a) (C.7 Zoning District) to a maximum of 9500m² (102,260 ft²).

The full list of uses contemplated by the C.7 – Special Purpose Retail District are not supportable under the current policy regime. A limited list of commercial uses to implement the Service Commercial designation and extend the designation to include the portion of the subject lands outside of the floodplain, is considered compatible with the surrounding industrial lands and is consistent with the Commercial Structure of the City of Peterborough Official Plan. For simplicity in Zoning, the boundary line is proposed along the former northerly lot line of 909 Cameron Street.

The proposed Service Commercial 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

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| bb) | a flea market |
| cc) | an auction hall |
| dd) | a parking lot or parking garage |
| ee) | a miniature golf course |

Planning Staff recommend the introduction and use of Exception 286 that will have the following effect:

- i) deleting “x) a library, museum or art gallery” in keeping with previous amendments and recognizing the importance of museum and art gallery uses to the Central Area;
- ii) adding “a bank, loan company or financial institution” in the list of permitted uses, consistent with the Service Commercial policies of the Official Plan;
- iii) adding “home improvement outlet” in the list of permitted uses, consistent with the Service Commercial policies of the Official Plan;
- iv) adding “one retail establishment for the sale of used clothing, household items and related accessories” as a permitted use, similar to the retail operation of a flea market, consistent with the Service Commercial policies of the Official Plan.

The draft zoning amendment as proposed by Planning Staff, conforms to the proposed Service Commercial 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.

In keeping with the floodplain policies and Provincial Policy Statement, the Zoning Amendment for the lands known as 909 Cameron Street is recommended to be amended to the ‘Open Space District 1 – OS.1 Zoning District with the inclusion of an exception (271) to permit the use of the lands for a commercial parking lot. This will facilitate parking and vehicle movement areas. The creation of parking within these lands will be subject to site plan approval and Conservation Authority approval to ensure safe access.

c) Site Development

Site Plan Approval will apply to the redevelopment of the subject lands to address matters such as the parking layout, servicing, landscaping, stormwater management, driveway entrances, pedestrian walkways and the dedication of lands for future road widening. Additional agreements related to the reconstruction of The Parkway/The Queensway intersection to City standards and specifications, as well as property acquisition and property owner agreements for the reconfigured entrances are also required.

The application has been processed with the full acknowledgement that the proposed development concept includes the existing Cameron Place road allowance and other

City-owned property at the Queensway/Parkway intersection. In conjunction with the site plan approval process the applicant will be required to initiate the process to gain title to these properties, for eventual inclusion in the development, all to the City's satisfaction.

The applicant has revised the concept site plan as a result of comments from the Conservation Authority regarding development within the floodplain. The applicant proposes to construct two buildings with a total floor space of 10,015m² (107,804ft²) and associated parking. A vehicular connection is proposed to connect the lands to the parking area of the adjacent Costco property.

Response to Notice

a) Significant Agency Responses:

Otonabee Region Conservation Authority

Otonabee Conservation has indicated that a significant portion of the lands is located within the Lower Byersville Creek floodplain and development of these lands does not comply with Section 3.1.2d) of the Provincial Policy Statement and should be redesignated 'Open Space'. The Conservation Authority has no objection to the proposed amendments outside the floodplain.

Utility Services Department

The City's Utility Services Department has indicated no objection to the proposed rezoning and Official Plan Amendment in principle, subject to the full approval of the Otonabee Region Conservation Authority; Site Plan Agreement with the City; confirmation of adequate downstream servicing capacity for the proposed use; a scoped letter to address the revisions to the plan from a traffic perspective; and the full cost of the intersection reconstruction be borne by the applicants, including necessary property acquisition and property owner agreements.

Peterborough Utilities Services

Water and Electric have advised that PUSI has registered easements on the subject lands, preventing the construction of buildings on these easements. Development charges are applicable on net servicing.

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 December 13, 2013. The notice complies with the requirements of the Planning Act.

No written comments have been received as of January 3, 2014.

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

Attachments:

Exhibit A – Land Use Map
Exhibit B – Revised Concept Site Plan
Exhibit C – Draft Amendment to the Official Plan
Exhibit D – Draft Amendment to the Zoning By-Law
Exhibit E- Letter from ORCA

Land Use Map

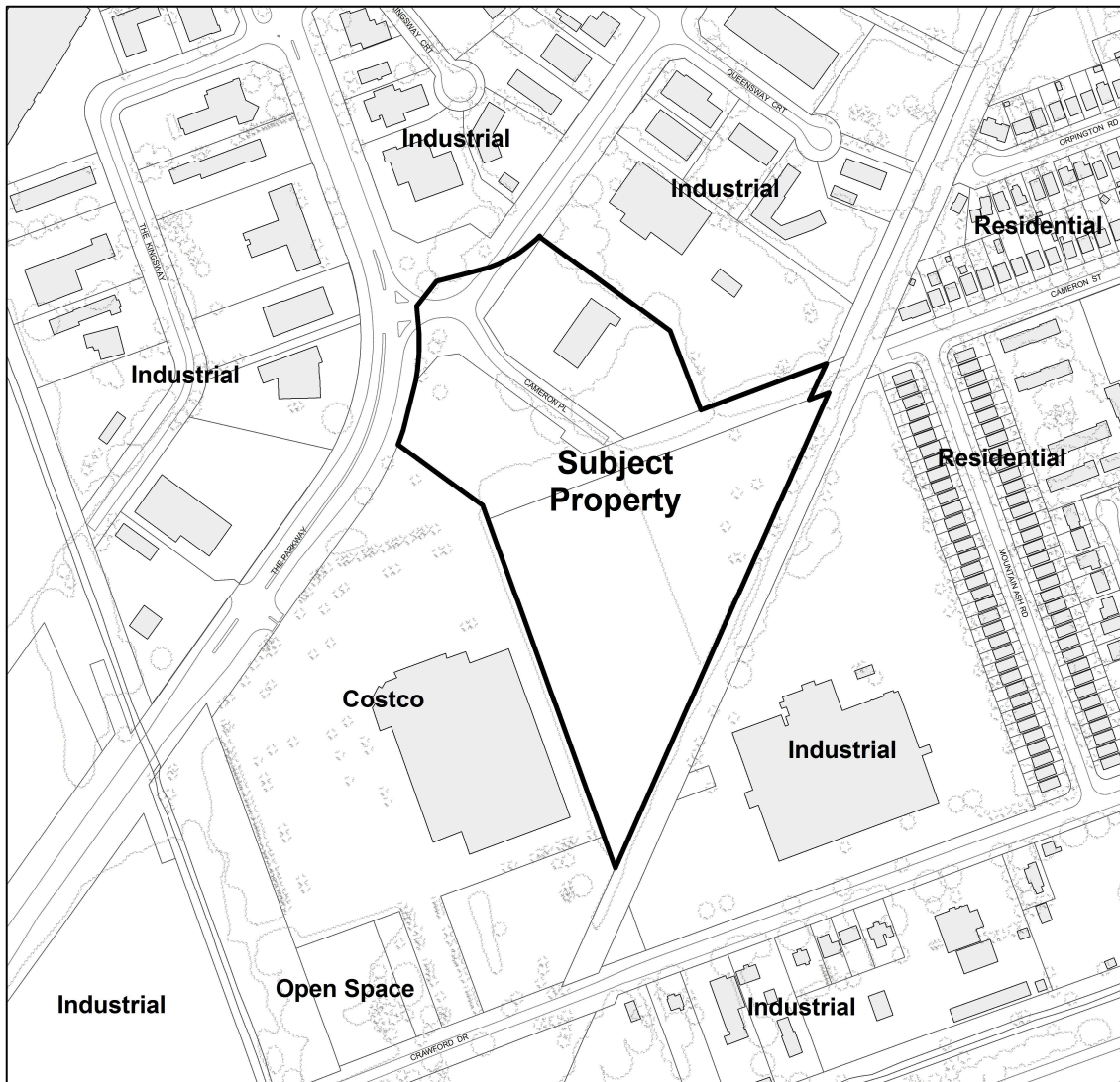
File # Z1302 & O1302

Property Location: 545 The Queensway & 620 Cameron Place

EXHIBIT

SHEET

OF



The City of Peterborough Planning Division

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Date -Sept 2013

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THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 14-

EXHIBIT 'C'

Page 1 of 5

**BEING A BY-LAW TO ADOPT AMENDMENT NO.160 TO THE OFFICIAL PLAN OF
THE CITY OF PETERBOROUGH**

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

1. **Schedule 'A' Land Use** of the Official Plan of the City of Peterborough is hereby amended by changing the designation of land **from 'Industrial' to 'Commercial'** in accordance with Schedule 'A' attached hereto.
2. **Schedule 'I' Commercial Area** of the Official Plan of the City of Peterborough is hereby amended by adding land to the Service Commercial designation in accordance with Schedule 'B' attached hereto.
3. **Schedule 'M' Lansdowne West Secondary Plan** of the Official Plan of the City of Peterborough is hereby amended by adding land to the Service Commercial designation in accordance with Schedule 'C' attached hereto.
4. **Schedule 'O' Industrial Land Use of the Official Plan** of the City of Peterborough is hereby amended by deleting land from the Service Industrial and General Industrial designations in accordance with Schedule 'D' attached hereto.

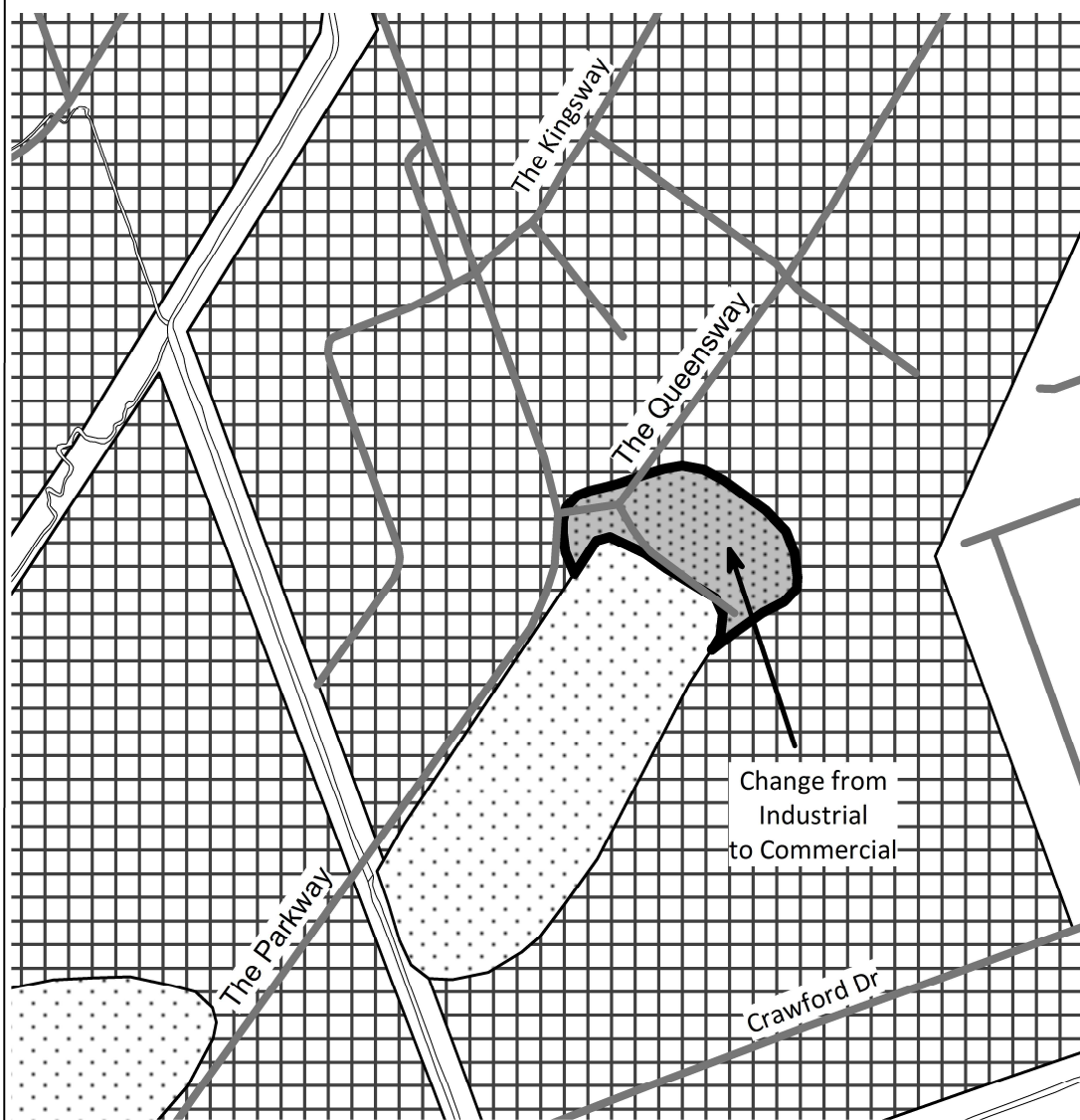
By-law read a first, second and third time this day of , 2014.

Daryl Bennett, Mayor

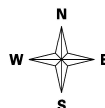
John Kennedy, City Clerk

Schedule 'A' to By-law

Official Plan Amendment to Schedule - A Land Use



City of
Peterborough



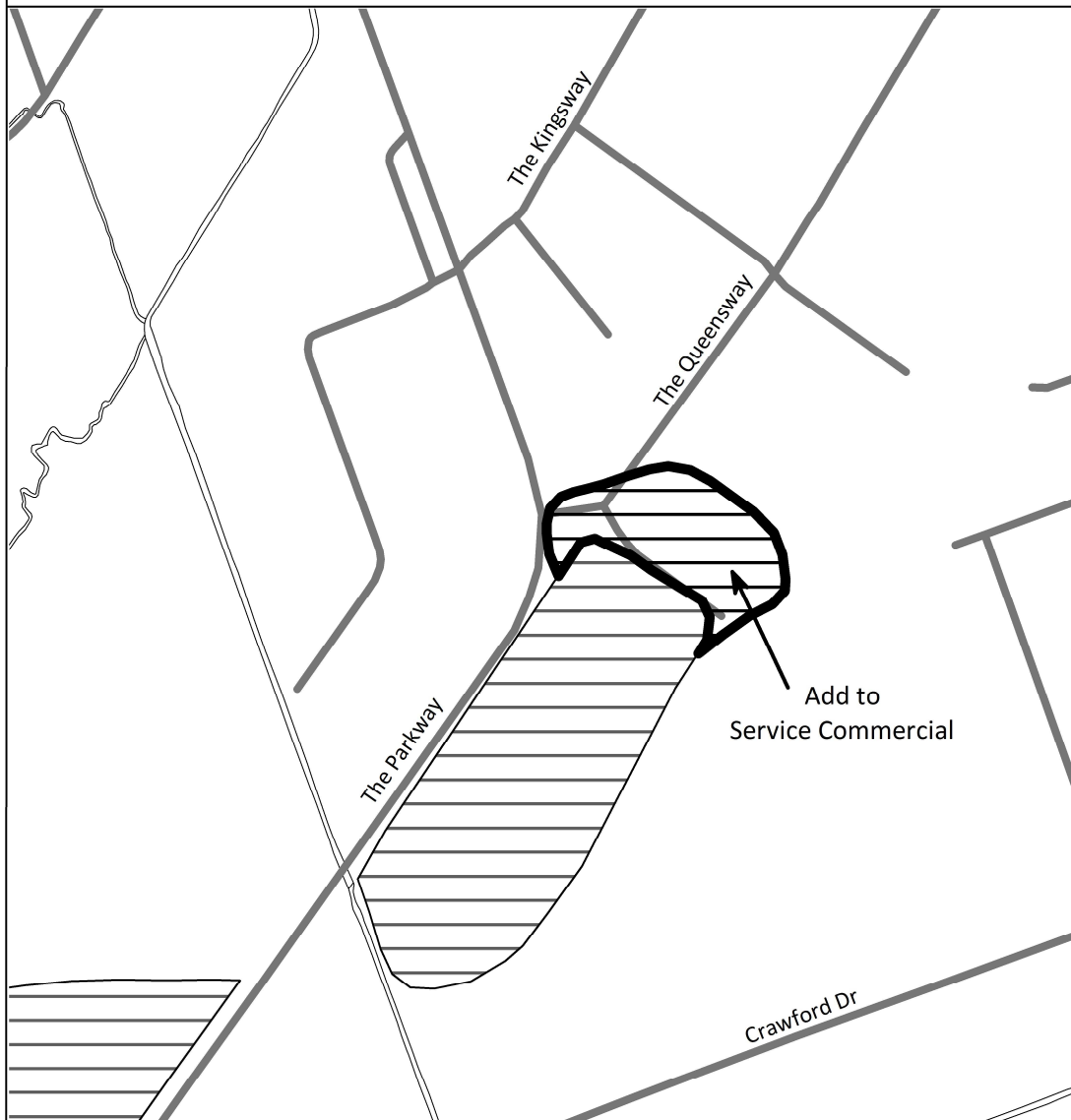
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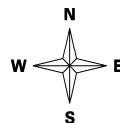
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Schedule 'B' to By-law

Official Plan Amendment to Schedule - I Commercial Area



City of
Peterborough



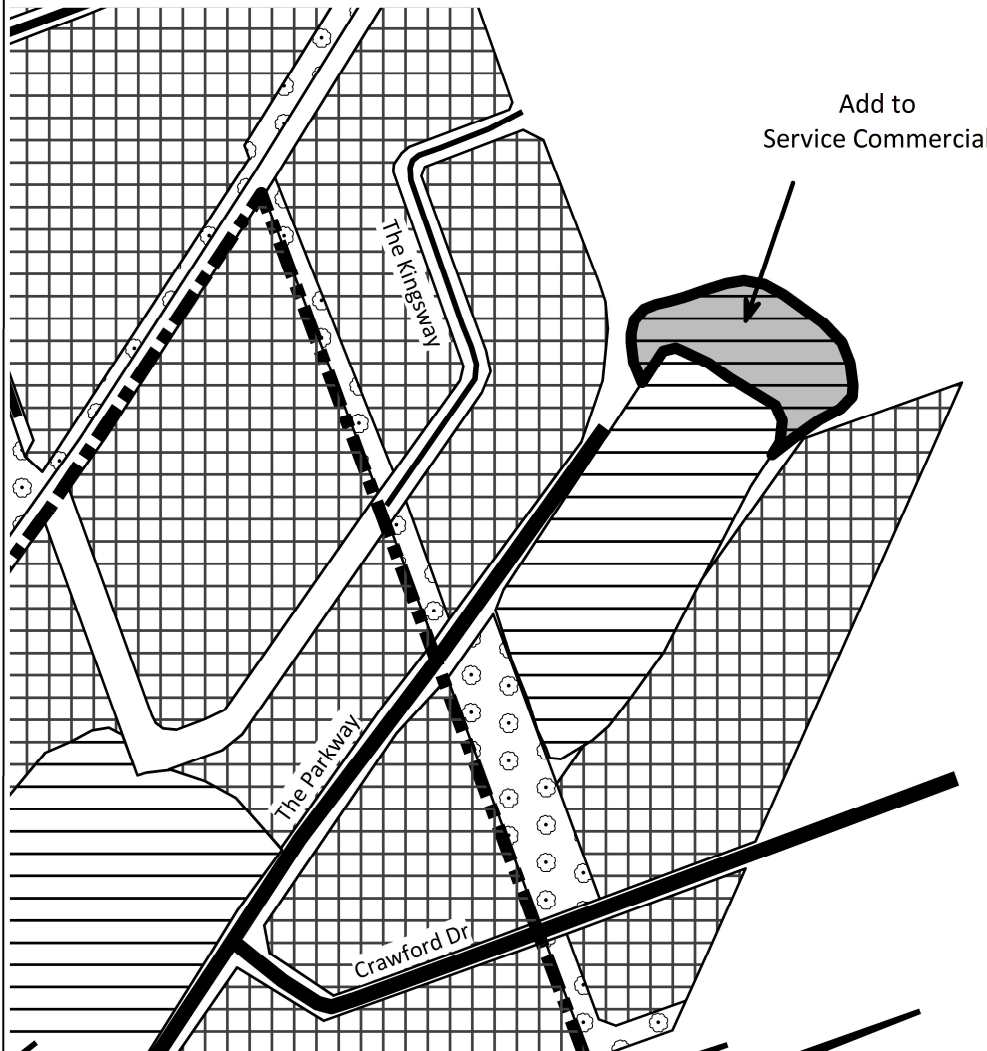
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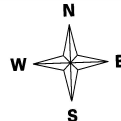
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Schedule 'C' to By-law

Official Plan Amendment to Schedule - M Lansdowne West Secondary Plan



City of
Peterborough



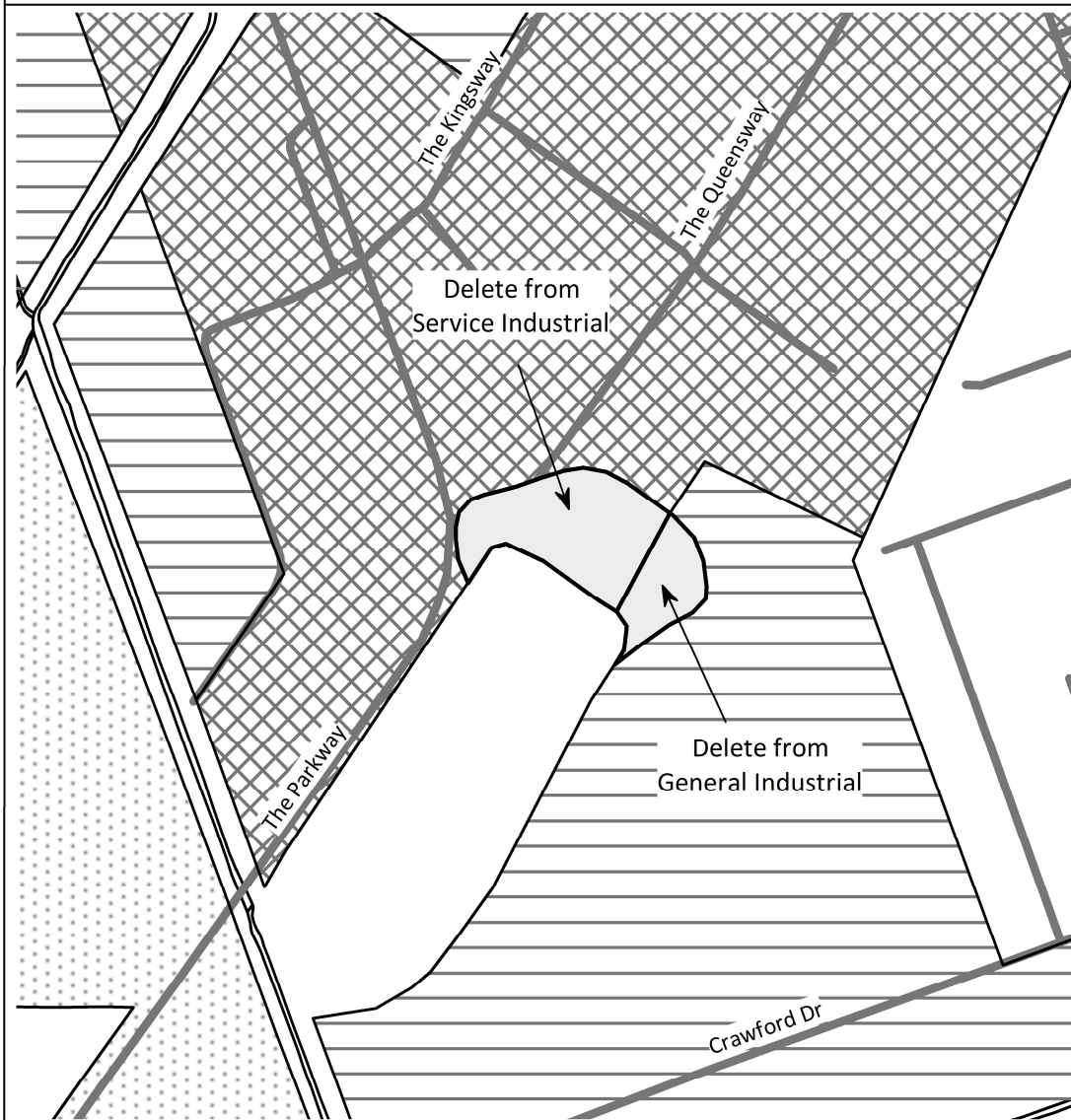
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File: O1302

Schedule 'D' to By-law

Official Plan Amendment to Schedule - O Industrial Land Use



City of
Peterborough



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File: O1302

CORPORATION OF THE CITY OF PETERBOROUGH

EXHIBIT 'D'

Page 1 of 2

BY-LAW NUMBER 14-_____

**BEING A BY-LAW TO AMEND ZONING BY-LAW #97-123 FOR THE LANDS
KNOWN AS 545 THE QUEENSWAY, 620 CAMERON PLACE AND 909 CAMERON
STREET**

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

1. Section 3.9 of the By-Law is amended by adding the following:

“286 Notwithstanding the list of permitted uses, a library, museum or art gallery shall not be permitted.

In addition to the permitted uses, the following shall also be permitted:

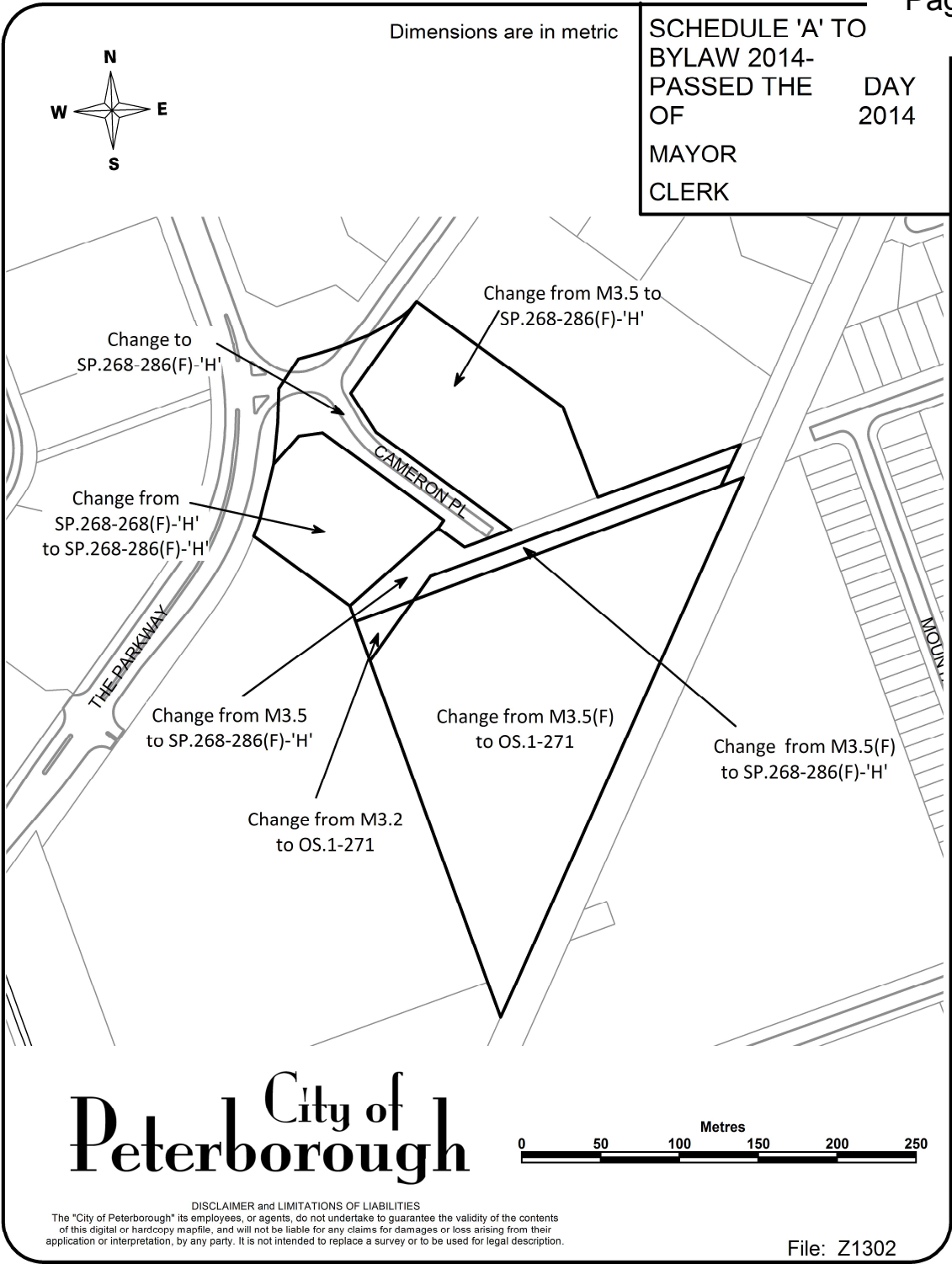
 - i. a bank, loan company or financial institution
 - ii. a home improvement outlet with a minimum floor area of 700m²
 - iii. up to one retail establishment for the sale of used clothing, household items and related accessories with a minimum floor area of 700m²”
2. **Map 21** forming part of Schedule 'A' to By-law 97-123 is amended by changing the area shown on the sketch attached hereto as Schedule 'A'.
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 _____, 2014.

Daryl Bennett, Mayor

John Kennedy, City Clerk

EXHIBIT 'D'
Page 2 of 2





November 20, 2013

Ms. Caroline Kimble
Planner, Land Use
City of Peterborough
500 George Street North
Peterborough, Ontario
K9H 3R9

Dear Ms. Kimble:

**RE: O1302 & Z1302, 545 The Queensway, 620 Cameron Place & 909 Cameron Place, ORCA files:
2013-PA011 & 2013-ZN053**

The Otonabee Region Conservation Authority has received the notice of complete application for the proposed Official Plan and Zoning By-law amendments for the above noted properties. The proponent has also supplied ORCA with a proposed development concept submission and more recently, a revised development submission.

The submission and resubmission both show buildings in the flood plain of Byersville Creek. ORCA has expressed concerns with both of these designs. At the request of the proponent who wishes to keep the application moving, ORCA is providing comments as though no detailed proposal has been presented.

Through a Memorandum of Understanding between Conservation Ontario, the Ministry of Natural Resources and the Ministry of Municipal Affairs and Housing, Conservation Authorities are responsible for representing 'Provincial Interest' in planning matters as they relate to natural hazards (Section 3.1 of the Provincial Policy Statement (PPS)). In this capacity, we offer the following comments.

ORCA and the City of Peterborough have invested in a study to more accurately define the flood plain of Lower Byersville Creek. A major component of this study is to identify lands that are suitable for development in order that the City of Peterborough can apply the appropriate land use designation and corresponding zoning to the developable areas.

A significant portion of the lands affected by the proposed Official Plan and Zoning By-law amendments fall within the flood plain of Lower Byersville Creek. Section 3.1.2 d) of the PPS (2005) does not permit development with a flood plain, reading "development and site alteration shall not be permitted within a flood plain regardless of whether the area of inundation contains high points of land not subject to flooding."

Given the above, ORCA has no objection to the Official Plan amendment for the portion of the property that is outside the flood plain of Byersville Creek from Industrial to Commercial. In order to comply with the PPS, the portion of the site that is within the Byersville Creek flood plain should be designated as Open Space.

ORCA also has no objection to the proposed zoning for the portion of the property that is outside the flood plain. We suggest that site specific zoning or the like be applied to the flood plain portion of the property. This site specific zoning shall prohibit buildings in the flood plain, but could permit parking where safe access is present. Safe access should be defined as 0.3 metres (1 foot) or less of flood depth.

ORCA staff are available to discuss the details of any proposed land use designation or zoning at your convenience. Please do not hesitate to call.

Best Regards,



Jennifer Clinesmith, MSc., MCIP, RPP
Manager, Planning & Development Services

Cc: Joel Moldaver, Applicant
Kevin Duguay, KMD Planning
Peter Berardi, The Charter Group
Daryl Bennett, ORCA Director
Bob Hall, ORCA Director
Jack Doris, ORCA Director