



City of
Peterborough

To: **Members of the Planning Committee**

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

Meeting Date: **February 10, 2014**

Subject: **Report PLPD14-011**
933 Webber Avenue

Purpose

A report to evaluate the planning merits of amending the SP.7 – Special Commercial District Zoning for the property known as 933 Webber Avenue to change the use of the property to permit a clinic in accordance with the Service Commercial policies of the Official Plan.

Recommendations

That Council approve the recommendations outlined in Report PLPD14-011 dated February 10, 2014, of the Manager, Planning Division, as follows:

- a) That the SP.7 zoning of the subject property be amended to permit a clinic as a permitted use, in accordance with the draft amendment attached as Exhibit 'D' to Report PLPD14-011.
- b) That the 'H' Holding Symbol be removed subject to Site Plan Approval.

Budget and Financial Implications

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

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 November 1, 2013 and deemed to be complete on November 20, 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 March 20, 2014.

The subject property is a rectangular parcel supporting an existing 1 storey concrete block building with a metal clad addition at the back, fronting onto the west side of Webber Avenue, situated between the retail commercial lands to the west and the residential lands to the east. The zoning of the property reflects the former use of the land for a retail flooring store with accessory retail (former Peterborough Carpet Land).

The existing zoning on the property limits the use to the former purpose (Peterborough Carpet Land) being a retail use for the sale of floor and wall coverings and associated small electrical appliances and household fixtures. The existing regulations refer to a 'Schedule A' that forms part of the Zoning By-law, typical of development that was approved prior to Site Plan Approval. The application proposes to delete 'Schedule A' from the Zoning of the land, in favour of a formal Site Plan Agreement and to introduce regulations consistent with Service Commercial development standards.

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 ‘Service 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, personal and financial services and also includes clinics, small scale office and studio uses where lands are located adjacent to Shopping Nodes and Neighbourhood Centres as transitional use adjacent to residential areas.

The application proposes to limit the use of the property to a medical clinic. The proximity of the property to the Summit Node, as identified in the City’s Commercial Structure supports clinic use as a transitional use between commercial and residential lands.

b) Zoning By-law

The subject property proposes an amendment to the existing SP.7 Zoning District applied to the land in the Zoning By-law. It is recommended that the SP.7 – Commercial Zoning District, be amended to permit a clinic. Regulations consistent with Service Commercial uses are proposed to be introduced to the SP.7 – Special Commercial District. In addition, the application proposes to delete ‘Schedule A’ to SP.7 as an outdated site plan.

Planning Staff are recommending approval of the clinic use of the lands by way of a revision to the SP.7 Zoning District and an ‘H’ – Holding Symbol to ensure that redevelopment of the property is in accordance with an approved Site Plan for the property. The regulations related to the SP.7 Zoning District are proposed as follows:

Type	Requirement
a) minimum lot width	30 metres
b) minimum lot depth	45 metres
c) minimum building setback - side lot line or rear lot line	the lesser of the existing setback or 10 metres
d) maximum building coverage	20%
e) maximum building height	2 storeys
f) minimum landscaped open space	15% of the area of the lot
g) landscaped open space shall be provided and maintained in accordance with the following:	the lesser of the existing landscaped open space or 1.5 metres along all lot lines provided

	such open space may be interrupted by driveways
h) planting strips and/or privacy fencing shall be required to be constructed and maintained within the landscaped open space along a lot line abutting a residential district	
j) an accessory building, waste receptacle or garbage storage area may be erected or located within the district, excepting within the minimum required landscaped open space area, provided the following regulations are complied with: <ul style="list-style-type: none"> i) minimum building setback ii) maximum building height iii) maximum building or site area 	3 metres 3 metres 15 square metres
35.3	SP.7 District is hereby designated as a commercial district

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, and pedestrian walkways.

The applicant proposes to replace the rear addition to the building with a 2 storey addition and associated parking, driveway and landscaped space. The driveway entrance is proposed to be relocated to the southerly portion of the site, facilitating the introduction of a new driveway along the southerly portion of the site to access additional parking proposed for the rear yard. A total of 17 parking spaces are illustrated on the Concept Site Plan submitted by the applicants and attached as Exhibit 'B' to Report PLPD14-011.

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.

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.

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 and Public Meeting was issued by newspaper advertisement (Peterborough Examiner) and by direct mail on January 13, 2104. The notice complies with the requirements of the Planning Act.

No written comments have been received as of January 17, 2014.

Submitted by,

Ken Hetherington,
Manager, Planning Division

Prepared by,

Caroline Kimble,
Land Use Planner

Concurred with,

Malcolm Hunt, Director
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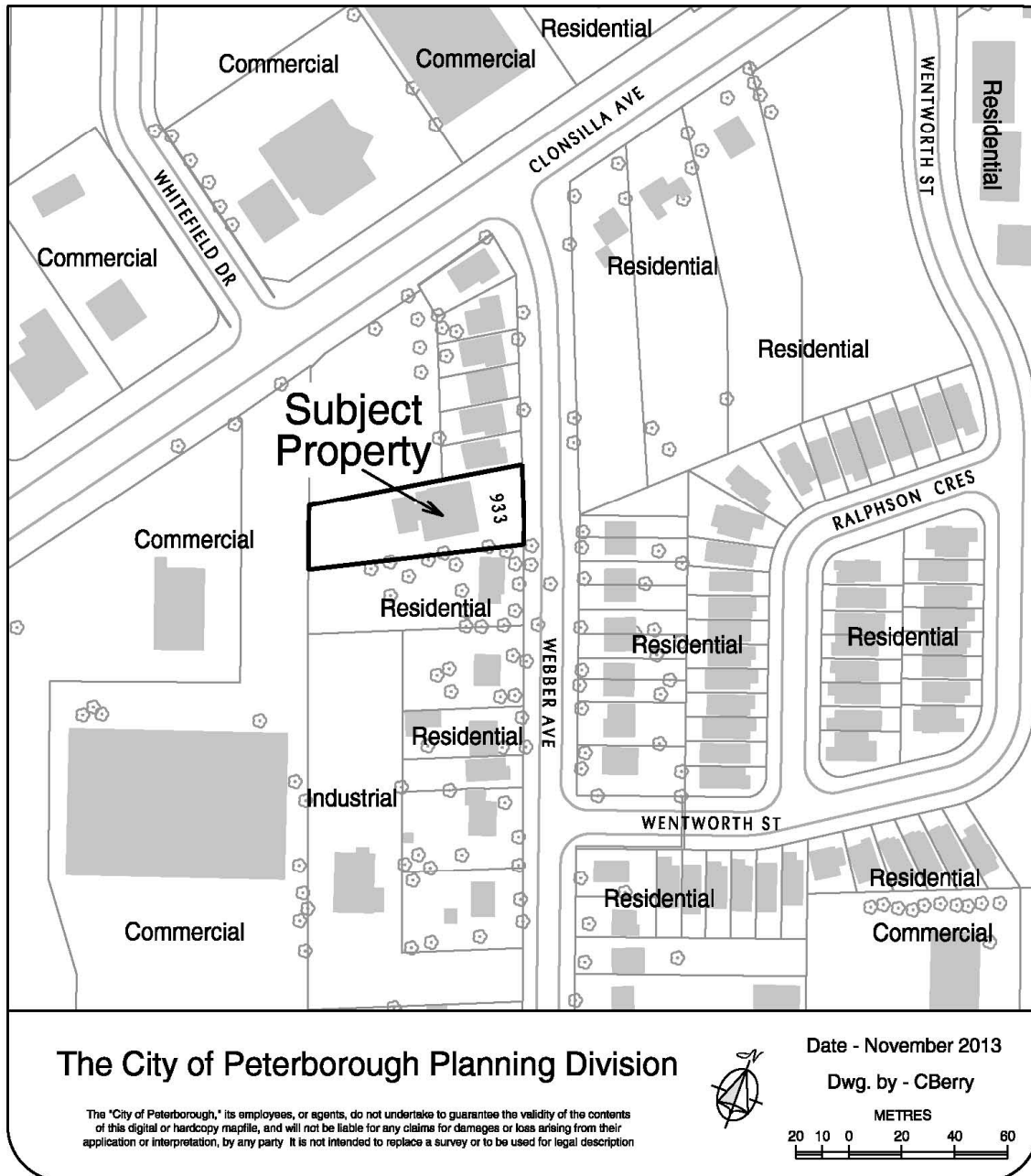
Attachments:

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

Land Use Map

File # z1324

Property Location: 993 Webber Ave



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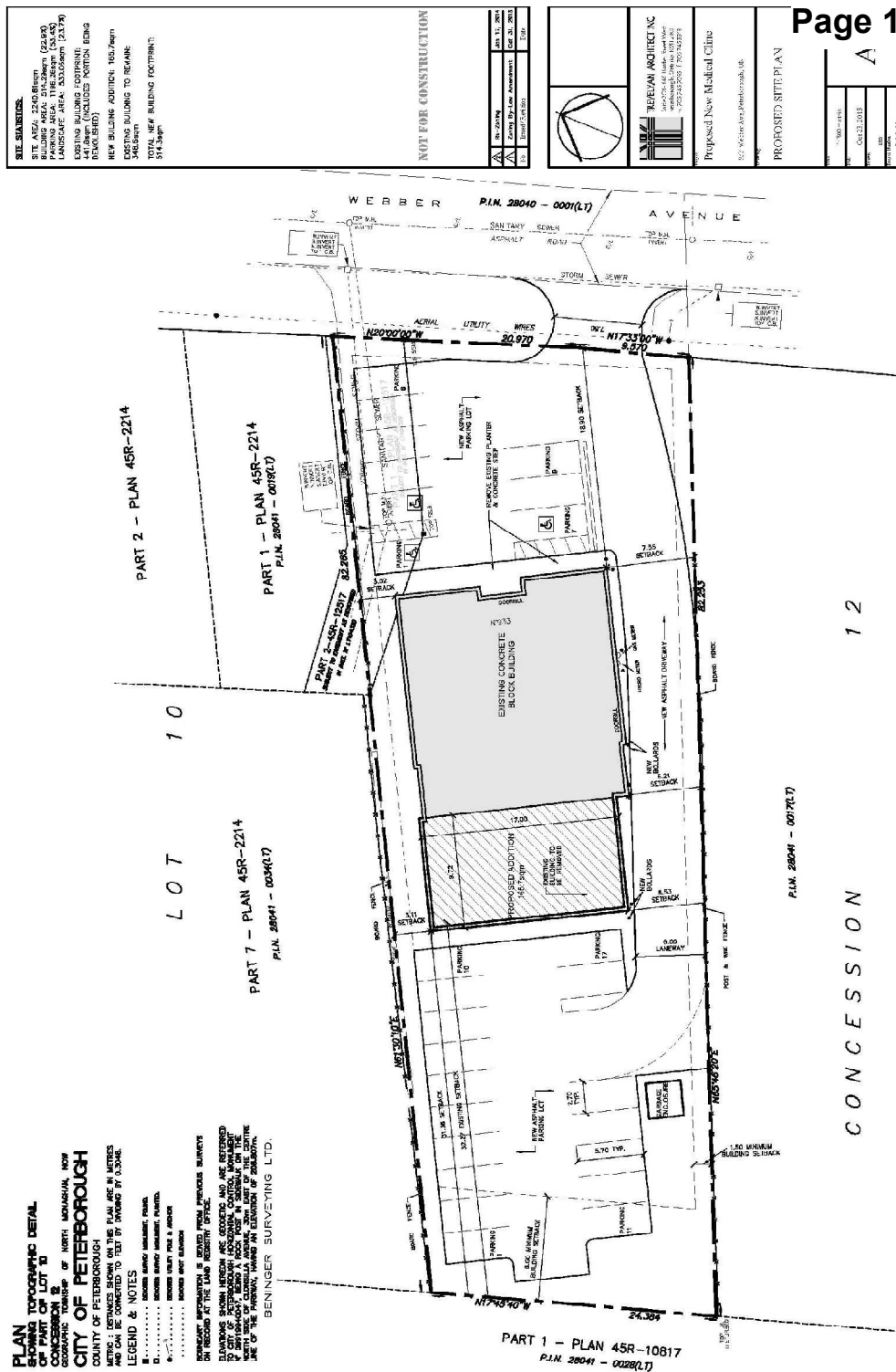


Exhibit 'C'
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THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 14- _____**BEING A BY-LAW TO AMEND THE ZONING FOR
933 Webber Avenue**THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL
THEREOF HEREBY ENACTS AS FOLLOWS:

1. Section 35 Special District 7 (SP.7) of By-law 97-123 is hereby repealed and replaced with the following:

"SECTION 35**SPECIAL DISTRICT 7 (SP.7)****PERMITTED USES**

- 35.1 No person shall within an SP.7 District use any land or erect, alter or use any building or part thereof for any purpose other than:
- (a) a clinic

REGULATIONS

- 35.2 No persons shall within an SP.7 District use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

Type	Requirement
a) minimum lot width	30 metres
b) minimum lot depth	45 metres
c) minimum building setback - side lot line or rear lot line	the lesser of the existing setback or 10 metres
d) maximum building coverage	20%
e) maximum building height	2 storeys
f) minimum landscaped open space	15% of the area of the lot
g) landscaped open space shall be provided and maintained in accordance with the following:	the lesser of the existing landscaped open space or 1.5 metres along all lot lines

	provided such open space may be interrupted by driveways
h) planting strips and/or privacy fencing shall be required to be constructed and maintained within the landscaped open space along a lot line abutting a residential district	
j) an accessory building, waste receptacle or garbage storage area may be erected or located within the district, excepting within the minimum required landscaped open space area, provided the following regulations are complied with: i) minimum building setback ii) maximum building height iii) maximum building or site area	3 metres 3 metres 15 square metres
35.3	SP.7 District is hereby designated as a commercial district”

2. **Schedule ‘A’** to Section 35 of By-Law 97-123 is hereby **repealed**.

3. The ‘H’ Holding Symbol be removed subject to Site Plan Approval.

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

Daryl Bennett, Mayor

John Kennedy, City Clerk