

City of  
**Peterborough**

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**TO:** **Members of the Planning Committee**

**FROM:** **Malcolm Hunt, Director of Planning and Development Services**

**MEETING DATE:** **September 2, 2008**

**SUBJECT:** **Report PLPD08-067**  
**901 Lansdowne Street West**

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## **PURPOSE**

A report to evaluate the planning merits of amending the Zoning By-law for the property known as 901 Lansdowne Street West, to a modified version of the C.7 – Commercial District to permit a furniture and appliances retail establishment and the sale of computers and components in conjunction with computer repair and/or rental, in addition to recognizing the existing retail establishments.

## **RECOMMENDATIONS**

That Council approve the recommendations outlined in Report PLPD08-067 dated September 2, 2008, of the Director of Planning and Development Services, as follows:

- a) That Zoning By-Law #1997-123 be amended by adding Exception 242 to Section 3.9 in accordance with Exhibit 'C' to Report PLPD08-067.
- b) That the zoning of the subject property, be amended from the C.4 –13 – Commercial District to the C.7 – 242 – Commercial District in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD08-067.

## **RATIONALE**

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

The subject property is designated 'Commercial' on Schedule 'A' – Land Use of the City of Peterborough Official Plan and 'Special Purpose Retail' on Schedule I – Commercial Areas. The intent of the Special Purpose Retail designation is to provide opportunities for the introduction of large format retail uses. While the designation requires a floor area in excess of 750m<sup>2</sup>, it also recognizes that existing commercial buildings may not be able to provide large format retail opportunities. The policies include provisions for smaller retail uses less than 750m<sup>2</sup> per use. The proposed 400m<sup>2</sup> furniture and appliance use is a smaller retail establishment than contemplated, however, is a retail use that is typical of a service commercial zone and not typical of a major shopping centre. The proposed amendment to include this as a permitted use, together with the recognition of existing uses, implements the policies of the Special Purpose Retail designation with a modified C.7 zone.

The proposed redevelopment of the property is subject to site plan approval.

## **BUDGET AND FINANCIAL IMPLICATIONS**

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

## **BACKGROUND**

The subject application was originally received on March 3, 2008 and revised on July 2, 2008 to reflect the current proposal. The property is currently zoned C.4 – 13 Commercial District and supports Jake's Eatery, Animalia, Computer Unlimited and Pizza Hut. The C.4 zoning district reflects the former 'Service Commercial' designation of the property in the City's Official Plan. The designation of the property was amended in 2000 to implement the results of the City's Commercial Policy Review (CPR), however, the zoning does not yet reflect the new Special Purpose Retail policies introduced by the CPR in 2000. The applicant now wishes to implement the Special Purpose Retail policies with modifications.

The property currently supports two commercial buildings, constructed in the mid 1980's for a combination of retail and restaurant use. A zoning amendment in 1987 permitted the current pet store use, continuous since that time. The applicant proposes to

introduce a new two storey building with approximately 500m<sup>2</sup> of building floor area to the south east portion of the subject lands. It is intended that this building support a mix of restaurant and retail use. The application proposes a modification to the regulations of the C.7 – Commercial District (Special Purpose Retail) to permit a 400m<sup>2</sup> furniture and appliance use, as compared to the typical minimum floor area of 700m<sup>2</sup>.

Since 2001, three minor variances have been approved for the property. These variances permit the expansion of the pet store use (Anamalia) and the sale of computers and components as a use in conjunction with permitted computer repair and/or a rental establishment. The applicant is seeking, through exception to the proposed C.7 – Commercial District, recognition of the existing uses, together with permission for a 400m<sup>2</sup> furniture and appliance retail establishment, in addition to those uses contemplated in the Special Purpose Retail zoning district (C.7).

## 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. In general, smaller retail uses or premises of the types typical of the Central Area and Major Shopping Centres are not permitted, **except where in existence at the time of designation in the Special Purpose Retail category**".* In addition, the Official Plan states *"where at the time of its designation as Special Purpose Retail, a lot contains a building configured for smaller uses or a building or unit occupied by a retail store of less than 750 square metres, such building or unit may continue to be occupied by any retail use or other use permitted in this designation."*

The subject land supports two existing buildings and parking facilities, with vehicle access connection to the adjacent lands to the east and the signalized intersection at Lansdowne Street West and Goodfellow Road. The property has historically been used for a mix of restaurant and retail uses, within smaller units than contemplated by the current designation. The subject property is situated within one of the four shopping nodes located outside of the Central Area. The Lansdowne/Parkway Node is one of the

principle centres of non-downtown retail and service activity. The subject lands are intended to support additional commercial development, differentiated by type and size of permitted uses expected in the Major Shopping Centres. While recognizing the existing smaller retail uses, and reasonable flexibility for their ongoing use, the intention of the designation is to support retail uses that require larger space requirements, with minimum floor areas. The subject application proposes to take advantage of the flexibility for both the ongoing use of the existing retail uses, and to support the introduction of a new retail unit for a specialized furniture and appliance use with less than the minimum floor area as identified in the Official Plan policies.

The proposed zoning amendment will reflect the types of uses contemplated by the Special Purpose Retail designation, while permitting the existing uses at the current size and a furniture and appliance retail use with a reduced floor area.

#### **b) Zoning By Law**

The application proposes an amendment to the Zoning By-Law from the C.4 –13 – Commercial District to a modified C.7 – Commercial District to permit a full range of Special Purpose Retail uses; including a furniture and appliances retail establishment having a minimum floor area of 400m<sup>2</sup>; and recognition of the existing retail and repair establishments to account for the physical limitations of the existing building on the site.

In order to implement the Special Purpose Retail policies, while allowing for some flexibility with regard to existing uses, Planning Staff is recommending modifications to the proposed C.7 – Commercial District zone to permit the pet store and the sale, repair and/or rental of computers and components in smaller units. In addition, Planning Staff is recommending the inclusion of a smaller furniture and appliance retail establishment as an appropriate use on the site.

The proposed C.7 – Commercial District includes an extensive list of permitted uses, as follows.

- 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 listed in a) above, occupy a minimum floor area of 700m<sup>2</sup> per commercial purpose.

Furniture and Appliance retail uses are permitted liberally in the Service Commercial District without size restriction. The introduction of this use to the subject lands will have the impact of permitting a typical 'Service Commercial' use not intruding on the intent of the major shopping centres and central area to function as provided for in the Official Plan. The waiving of the 700m<sup>2</sup> minimum size restriction for the furniture and appliance use, as well as the pet store and computer sales, will recognize the existing permission while allowing for the flexibility to modify tenant space in the future.

The draft zoning amendment, therefore, proposes an exemption from the minimum 700m<sup>2</sup> floor area for the following uses:

- ***a retail establishment for the sale of furniture and appliances***
- ***a retail establishment for the sale of pets, pet accessories and related services***

- ***a retail establishment for the sale of computers and components in conjunction with computer repair and/or rental.***

## RESPONSE TO NOTICE

### a) Significant Agency Responses:

Agency circulation was issued on May 30, 2008.

The City's Utility Services Department advises of the requirement for a road widening along Lansdowne Street West, a distance of 18m from the centerline, together with a minimum 1.5m landscaped strip from the new street line. The applicants have indicated that a future road widening will result in reduction in parking by way of the removal of the most northerly row, however, the site is expected to support the minimum number of parking spaces required by the Zoning By-Law. The proposed concept plan currently illustrates 156 parking spaces, whereas a minimum of 143 are required to meet the standards of the City's Comprehensive Zoning By-Law #1997-123. The applicants are further advised that site servicing, grading and stormwater management plans/reports are required and that the boulevard is to be unobstructed. Cash in-lieu of parkland is requested where applicable.

Peterborough Utilities requests that the applicant's electrical consultant contact PUSI to discuss water and electrical servicing requirements.

The Site Plan Review Committee of the Council for Persons with Disabilities has made some specific recommendations related to the relocation of existing disabled parking spaces and the location of new disabled parking spaces, in addition to recommendations for barrier-free paths of travel and doorway entrance provisions.

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 May 30, 2008 and Notice of Public Meeting was issued on August 1, 2008. Both notices were issued by direct mail and by newspaper advertisement (Peterborough Examiner). The notices comply with the requirements of the *Planning Act*, R.S.O. 1990, c.P.13.

Written comments, dated June 30, 2008 were received from Grainger's Cleaners (adjacent property owner to the east) regarding the original application for Official Plan and Zoning By-Law Amendment. The letter expresses concerns with the proposal to intensify the use of the property from a parking perspective and with the proposed size of the building (originally intended to be a 3 storey office building). The letter refers to

congestion of the parking area at the connection between the parking lot of the subject property and the property of Grainger's Cleaners. No further comments have been received from Grainger's Cleaners since the circulation of the revised proposal which replaces the three storey office building with a two storey retail/restaurant use.

Submitted by,

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Malcolm Hunt  
Director of Planning and Development Services

Prepared by,

Concurred with,

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Caroline Kimble,  
Land Use Planner

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Ken Hetherington,  
Manager of Planning

Contact Name:

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Planning & Development Services  
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Attachments:

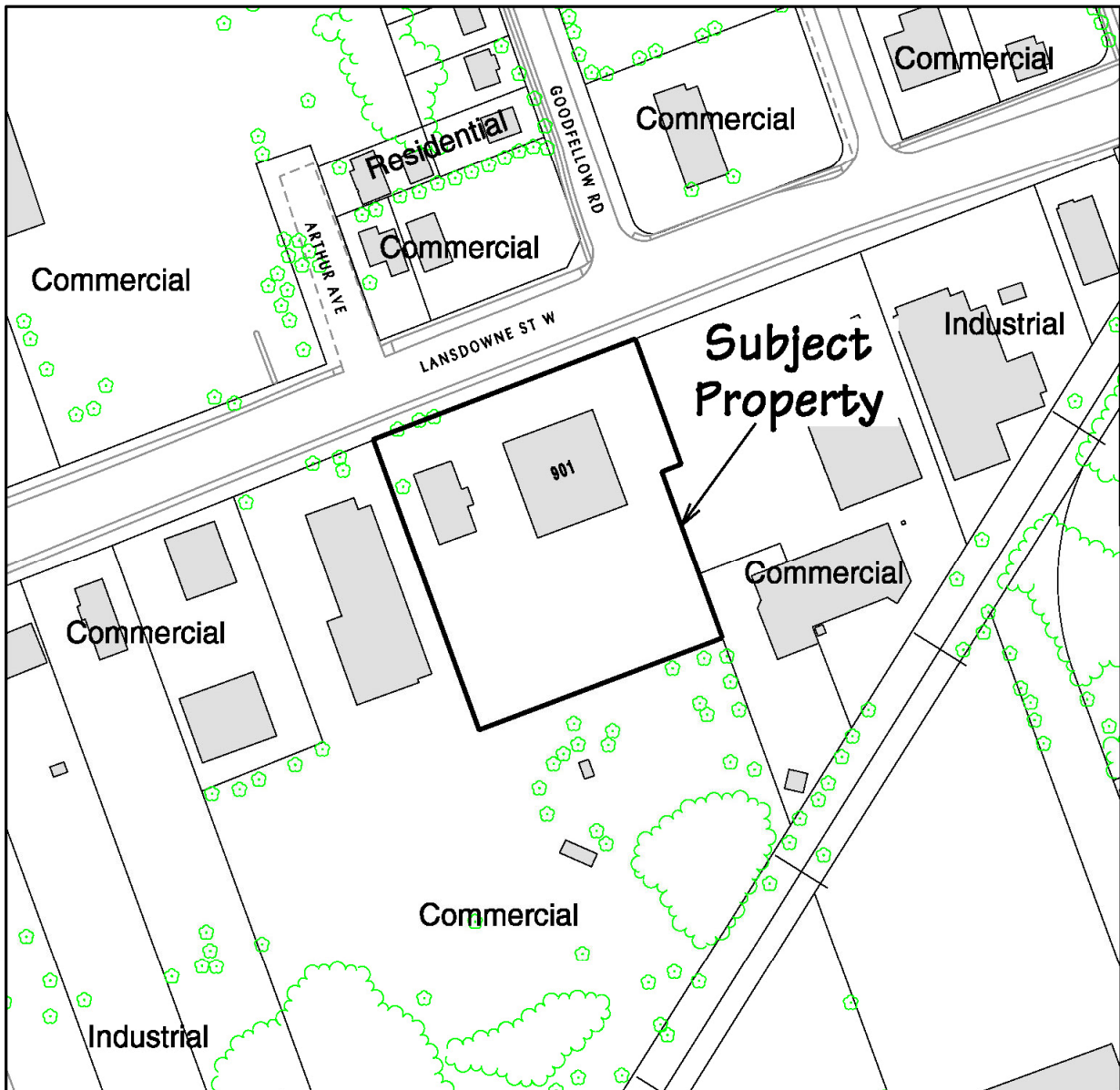
EXHIBITS    a)    Land Use Map  
              b)    Concept Plan  
              c)    Draft By-law  
              d)    Conceptual Elevations

# Land Use Map

Exhibit A  
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File # o0803, z0813

Property Location: 901 Lansdowne St W



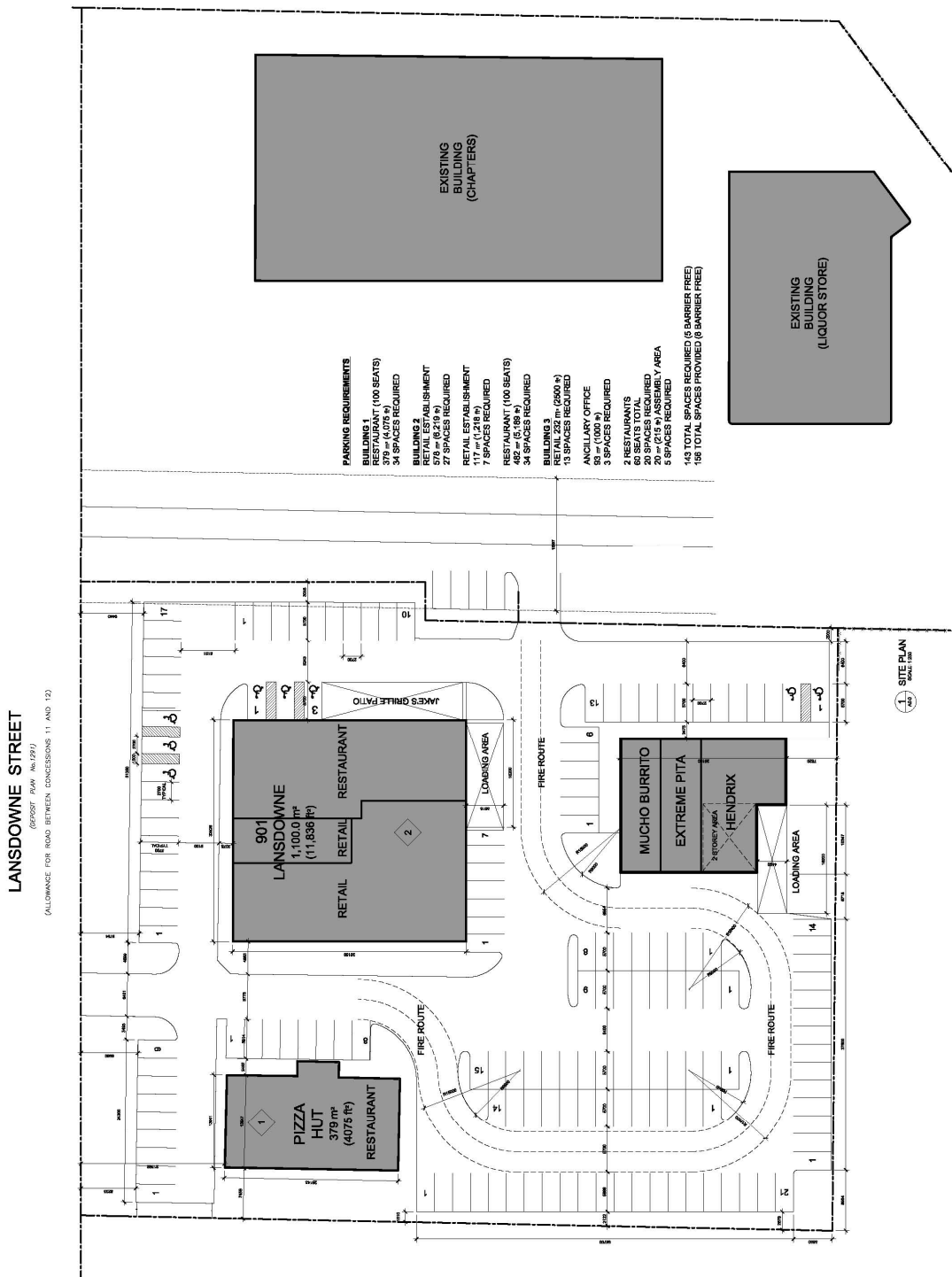
The City of Peterborough Planning Division



Date - May 2008  
Dwg. by - NSchleifer  
Scale - 1: 2000

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**THE CORPORATION OF THE CITY OF PETERBOROUGH**

**BY-LAW NUMBER 08-\_\_\_\_\_**

**BEING A BY-LAW TO AMEND 901 LANSDOWNE STREET WEST**

**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:

“.242 Notwithstanding the provisions of Section 18A.3c), the following retail establishments shall be permitted with a floor area of less than 700 square metres per commercial purpose:

  - a) a retail establishment for the sale of furniture and appliances
  - b) a retail establishment for the sale of pets, pet accessories and related services
  - c) a retail establishment for the sale of computers and components in conjunction with computer repair and/or rental”
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’ **from C.4 – 13 to C.7 – 242.**

By-law read a first, second and third time this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
D. Paul Ayotte, Mayor

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Nancy Wright-Laking, City Clerk

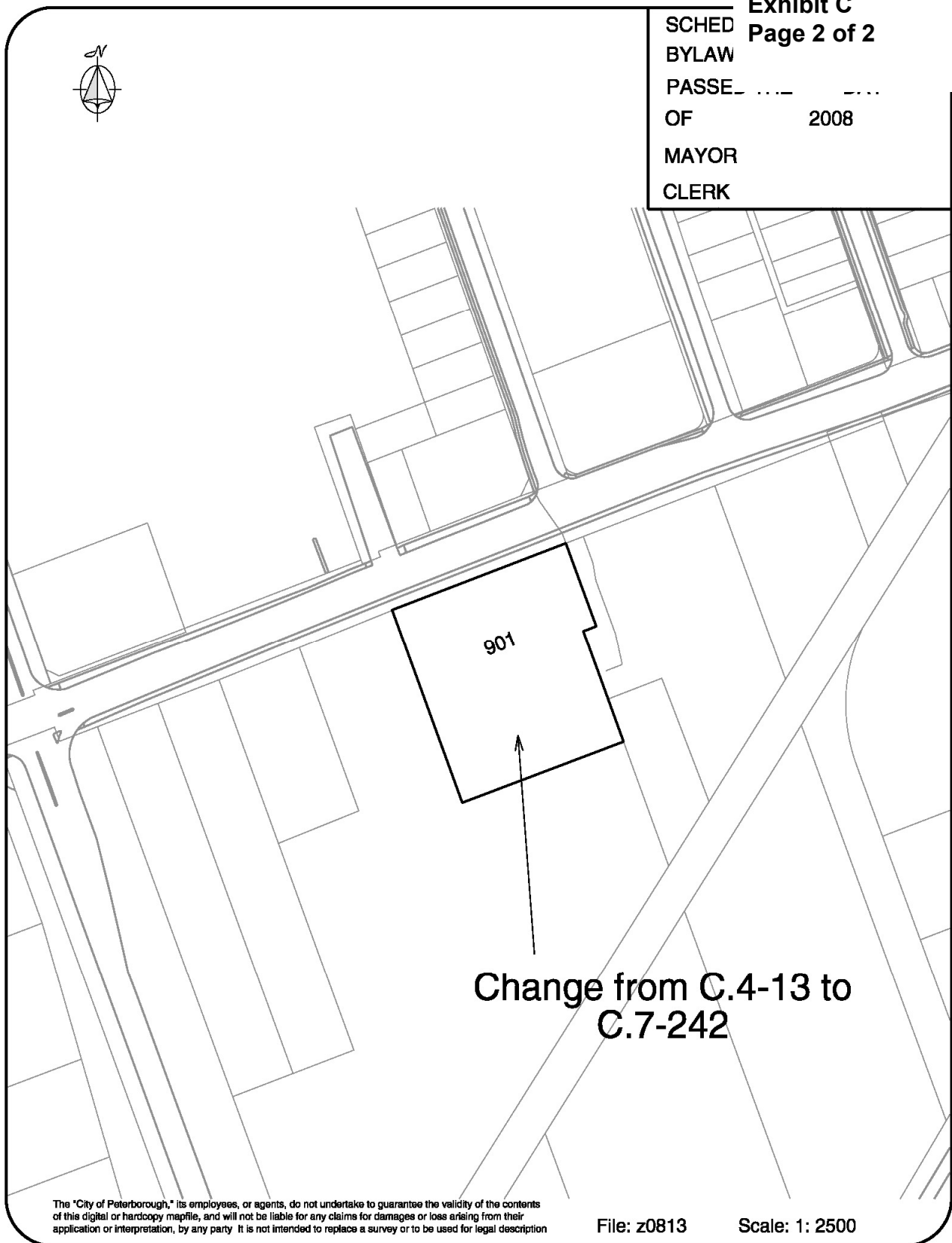


Exhibit D  
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