



City of
Peterborough

To: **Members of the Planning Committee**

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

Meeting Date: **July 21, 2014**

Subject: **Report PLPD14-039**
900 Water Street and Part of Hilliard Street
Zoning By-law Amendment

Purpose

A report to evaluate the planning merits of amending the Zoning of the lands known as 900 Water Street including the adjacent Hilliard Street Right of Way, to a modified SP.174 Industrial Zoning District, to permit the addition of 'rental establishment for truck and trailer rentals', as a permitted use. The effect of the amendment would limit the uses of the subject lands to light industrial uses, as a transition toward future residential use.

Recommendations

That Council approve the recommendations outlined in Report PLPD14-039 dated July 21, 2014, of the Manager, Planning Division, as follows:

- a) That the application to amend the Zoning By-Law be approved in accordance with Exhibit 'C' attached to Report PLPD14-039 as follows:
 - i) That the SP. 174 zoning of the subject lands be amended to limit the permitted uses to those Light Industrial uses permitted in the M1.1 Zoning District and a 'rental establishment';
 - ii) That Schedule 'X' to Section 214 be repealed.

- b) That the 'H' – Holding Symbol be removed from the property subject to the following:
- i) Site Plan Approval being granted which will include:
 - Recommendations as contained in the Environmental Review (D.M. Wills, 2014) be incorporated in the approved Site Plan, subject to approval of Otonabee Conservation;
 - Detailed Stormwater Management design be incorporated in the approved Site Plan, subject to approval of the City's Utility Services Department and Otonabee Conservation;
 - Completion of a Stage 1 – Stage 2 Archaeological Assessment for the property.
 - ii) The owner enter into a licensing agreement for use of the City Road Allowance (Part of Hilliard Street) adjacent to the property at 900 Water St.

Budget and Financial Implications

The application includes a portion of the City-owned Hilliard Street Right of Way, adjacent to 900 Water Street. It is intended that the revised zoning include this portion of Hilliard Street and that the City enter into a licensing agreement with U-Haul Co. (Canada) Ltd. to facilitate the proposed use of the property for parking, which ends when they either sell or transfer the building at 900 Water Street or the business. A license fee will be levied to the owner for the use of the property, and taxes will be payable on the Right of Way, as it ceases to be in public use.

Rationale

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

The application has the effect of eliminating heavy industrial uses traditionally applied to the site by way of the existing SP. 174 Industrial Zoning District. The amendment will limit the uses of the subject lands to light industrial uses, as a transition toward future residential use, contemplated by the City's Official Plan.

Mitigative measures proposed in the Environmental Study prepared by D.M. Wills Associates Limited, will ensure compliance with the City's Official Plan policies related to Natural Areas and Fish Habitat, and will also ensure compliance with the Natural Heritage and Water policies of Section 2 of the Provincial Policy Statements, 2014.

Site Plan Approval will be required prior to the redevelopment of the subject lands and will address the details of the design and function of the site within the area. The requirements related to environmental issues, stormwater management, servicing, parkland, parking, landscaping and buffering will be addressed to the City's satisfaction prior to issuance of building permit.

Background

The subject application was originally received on April 8, 2014, revised on May 5, 2014, deemed to be complete on May 22, 2014, and 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 September 19, 2014 if Council has not made a decision on the application.

The subject lands have a total area of 1.6 ha. (4 ac.). The parcel is irregular in shape fronting onto Water Street, adjacent to the Otonabee River. The property is currently occupied by a vacant industrial building (formerly Craaytech Painted Plastics) and associated parking and loading areas. The applicant proposes to redevelop the northerly portion of the property to support a new 232m² (2497 ft²) building, and to reuse the existing building (floor area of 3792 m² (40817 ft²)) to support self storage, truck and trailer rental and display for U-Haul Co. (Canada) Ltd.

A portion of the subject lands is located within 30m of the high water mark of the Otonabee River and within the fish habitat boundary and natural area boundary as depicted on the Natural Areas Schedule 'C' of the City's Official Plan. An Environmental Review, Preliminary Stormwater Management Review and Preliminary Grading Plan have been prepared by D.M. Wills Associates Limited, dated May 2014, in support of the application. Proposed mitigative measures for development have been proposed to reduce the negative impact of the development on the fish habitat along the adjacent Otonabee River.

The application is also accompanied by a letter from the applicant, dated April 3, 2014, in support of the proposed amendment. The applicant includes that although the Residential Designation of the lands in the Official Plan would not anticipate the industrial zoning and/or the proposed use for self storage and truck and trailer rental, the existing zoning is 'deemed to conform' to the Official Plan. The applicant suggests that in order to avoid undue hardship for the owner, a limited list of *"non-conforming uses should be recognized and/or permitted to extend or to enlarge, provided it does not adversely affect the residents and other properties of the area."*

The City is working with the applicant on a licensing agreement to facilitate the limited use of the City owned Right of Way (Hilliard Street) adjacent to the southern boundary of the lands for the purpose of display of vehicles.

If Council supports the application as outlined within this report, the licence will be processed administratively as is the current practice. This agreement is intended to end when the applicant either sells or transfers the building at 900 Water Street or the business. The lands included within the City owned Right of Way will be included in the Site Plan Agreement associated with the redevelopment of 900 Water Street.

Analysis

a) **Official Plan**

The lands are designated 'Residential' and 'Major Open Space' on Schedule A – Land Use of the City's Official Plan, and a portion of the lands are included in the Fish Habitat and Natural Areas as depicted on Schedule C – Natural Areas and Flood Plain.

The amendment proposes to limit the use of the property to a list of light industrial uses, together with the ability to support truck and trailer rental via a Zoning Amendment only. Although these uses are not contemplated by the 'Residential' and/or 'Major Open Space' designations of the lands within the City's Official Plan, the new uses are intended to facilitate the transition of the property toward future residential uses. The property has historically been zoned and used for heavy industrial uses and has been vacant for several years. In this regard, the existing zoning of the lands is 'deemed to conform' to the Official Plan. The owner has indicated that the challenges of converting the use from heavy industrial to residential make it difficult to market and justify residential uses at this time. Elimination of several heavy industrial uses and introduction of a 'rental establishment' is considered a relatively major deviation from the current zoning provisions, supporting the transition of the property from industrial to residential in the future.

The existing building on the site was designed for the former industrial uses (Sargent-Kidde and Craaytech Painted Plastics) and the current industrial zoning district (SP.174) was introduced to the site by way of a Zoning Amendment in 1981 (By-Law #1981-075). The property was designated 'Major Commercial' and 'Major Open Space' in 1981 when the current zoning was approved and via Amendment #57 in 1989 (Commercial Review), the property was no longer considered 'Commercial' and since that date, designated 'Residential' and 'Major Open Space'. The non-conforming nature of the zoning has therefore been recognized since at least 1981. The zoning seeks to include a 'rental establishment' while, at the same time, proposes to eliminate the heavy industrial uses. The proposed uses are considered to be more compatible with the neighbourhood and thus, bringing the permitted uses closer to the intended 'Residential' uses in the future.

The subject lands are located adjacent to the Otonabee River and a portion of the lands are identified as 'Natural Area' and 'Fish Habitat' on Schedule 'C' – Natural Areas and Flood Plain. An Environmental Study is required to assess the impact of uses proposed via a development application such as a Zoning By-Law Amendment.

An Environmental Review has been prepared by D.M. Wills Associates Limited on behalf of the applicant. Potential impacts to fish habitat and measures to mitigate these impacts have been identified in the Environmental Review. Stormwater Management construction techniques and re-grading techniques are recommended to address erosion and slope stability issues at the detailed design stage of development (i.e. Site Plan Approval stage). The Environmental Review and Preliminary Lot Grading and Stormwater Management Review have been circulated to Otonabee Conservation for review. It is recommended that the detailed design be incorporated at the time of Site Plan Approval, subject to approval by ORCA.

b) Zoning By-Law

The subject property is currently zoned 'SP. 174 – Industrial District' in the Zoning By-Law. The SP.174 Zoning District was approved in 1981 under the former 'Major Commercial' and 'Major Open Space' designations of the lands in the City's Official Plan. The 'self-service storage establishment' use was added by zoning amendment in 2004. The applicant is seeking to further revise the SP.174 Zoning District to limit the list of permitted uses to light industrial uses, including a 'rental establishment for truck and trailer rental'. The intention is to redevelop the property to introduce a 232m² (2500 ft²) stand alone building on the north side of the property and to reuse the existing 3791m² (40817 ft²) industrial building to support self storage units and a truck and trailer rental use for Uhaul.

The amendment also seeks to extend the zoning to the unopened portion of the Hilliard Street Right of Way abutting the property. The use of these lands for display of rental vehicles will be formalized through a site plan and licensing agreement as a condition of zoning.

The current SP.174 Zoning District permits the following uses:

- a) an assembly plant, processing plant or a manufacturing plant exclusive of those permitted in an M.3 district
- b) a warehouse
- c) a machine shop
- d) a tool and die works
- e) a plating shop
- f) a self-service storage establishment

It is recommended that the above list of permitted uses be amended to restrict the industrial uses to light industrial uses included in the M1.1. Zoning District, namely:

"A warehouse; self-service storage establishment; wholesale establishment; contractor's establishment; tradesman's shop; vehicle repair establishment; car wash; transportation terminal; bottling establishment; woodworking shop; heavy truck and equipment sales and service; dog kennel; animal hospital; dry cleaning establishment Class 1; rental establishment excluding automobile and video rental; publishing and printing

establishment; research & development laboratory; building products establishment; nursery/greenhouse; utility service installation; communications and broadcasting establishment.”

A ‘rental establishment’ is also proposed to be included in the draft zoning amendment as a permitted use. The draft amendment therefore, has the effect of eliminating the heavy industrial uses including an assembly plant, processing plant or a manufacturing plant, a machine shop, a tool and die works shop, and a plating shop. The warehouse and self-service storage establishment is proposed to be retained within the amended list of permitted uses.

The existing zoning also includes a “Schedule ‘X’” which was commonly used prior to the City’s initial Site Plan Control By-Law in 1982. Since 1982, the City relies on Site Plan Approval Agreements to address matters related to the development of the property, including landscaping, surface treatment, stormwater management, lighting, fencing, etc. It is appropriate, therefore, to delete “Schedule ‘X’” and require the applicant to enter into a Site Plan Agreement to formalize the development of the lands.

A holding provision “H” is proposed to be incorporated in the zoning of the property to ensure that the redevelopment of the lands does not proceed until the following conditions have been met:

- i) Site Plan Approval is granted which will include:
 - Recommendations as contained in the Environmental Review (D.M. Wills, 2014) be incorporated in the approved Site Plan, subject to approval of Otonabee Conservation;
 - Detailed Stormwater Management design be incorporated in the approved Site Plan, subject to approval of the City’s Utility Services Department and Otonabee Conservation;
 - Completion of a Stage1- Stage 2 Archaeological Assessment for the property.
- ii) The owner enter into a licencing agreement for use of the City Road Allowance (Part of Hilliard Street) adjacent to the property at 900 Water St.

Site Plan Approval will apply to the development of the lands. Stormwater Management, landscaping, buffering, parking and servicing will be addressed through the Site Plan Process and included in the Site Plan Agreement to be registered on title.

Response to Notice

a) **Significant Agency Responses:**

Agency circulation was issued on May 12, 2014, Notice of Complete Application was issued on April 11, 2014 and Notice of Complete Application and Public Meeting was circulated by mail and by newspaper on June 23, 2014.

Otonabee Region Conservation Authority (ORCA) has reviewed the Environmental Review, Preliminary Stormwater Management Review and Preliminary Grading Plan submitted by D.M. Wills and Associates Ltd on behalf of the applicant. ORCA recommends the incorporation of mitigative measures as outlined in the above reports as part of the detailed design at the Site Plan Approval stage.

The City's Utility Services Department recommends the use of a holding symbol to ensure Site Plan approval and agreement to deal with issues such as grading, stormwater management, right of way encroachments and parking. In addition, the applicant is advised that a 0.91 metre road widening along the Water Street frontage will be required at site plan approval stage and that the final stormwater management must include quantity and quality control.

Peterborough Utilities note that development charges on the new building are applicable.

The City's Heritage Resources Coordinator has advised that, due to the proximity of the property to the wetlands and watercourses in the area, the City's Archaeology Policy requires the proponent to complete a Stage 1 – Stage 2 Archaeological Assessment for the property.

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 Public Meeting was issued on June 23, 2014 by direct mail and by newspaper advertisement (Peterborough Examiner). The notice complies with the requirements of the Planning Act.

No written comments have been received as of June 28, 2014.

Submitted by,

Ken Hetherington
Manager, Planning Division

Prepared by,

Concurred with,

Caroline Kimble
Land Use Planner

Malcolm Hunt, Director
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Attachments:

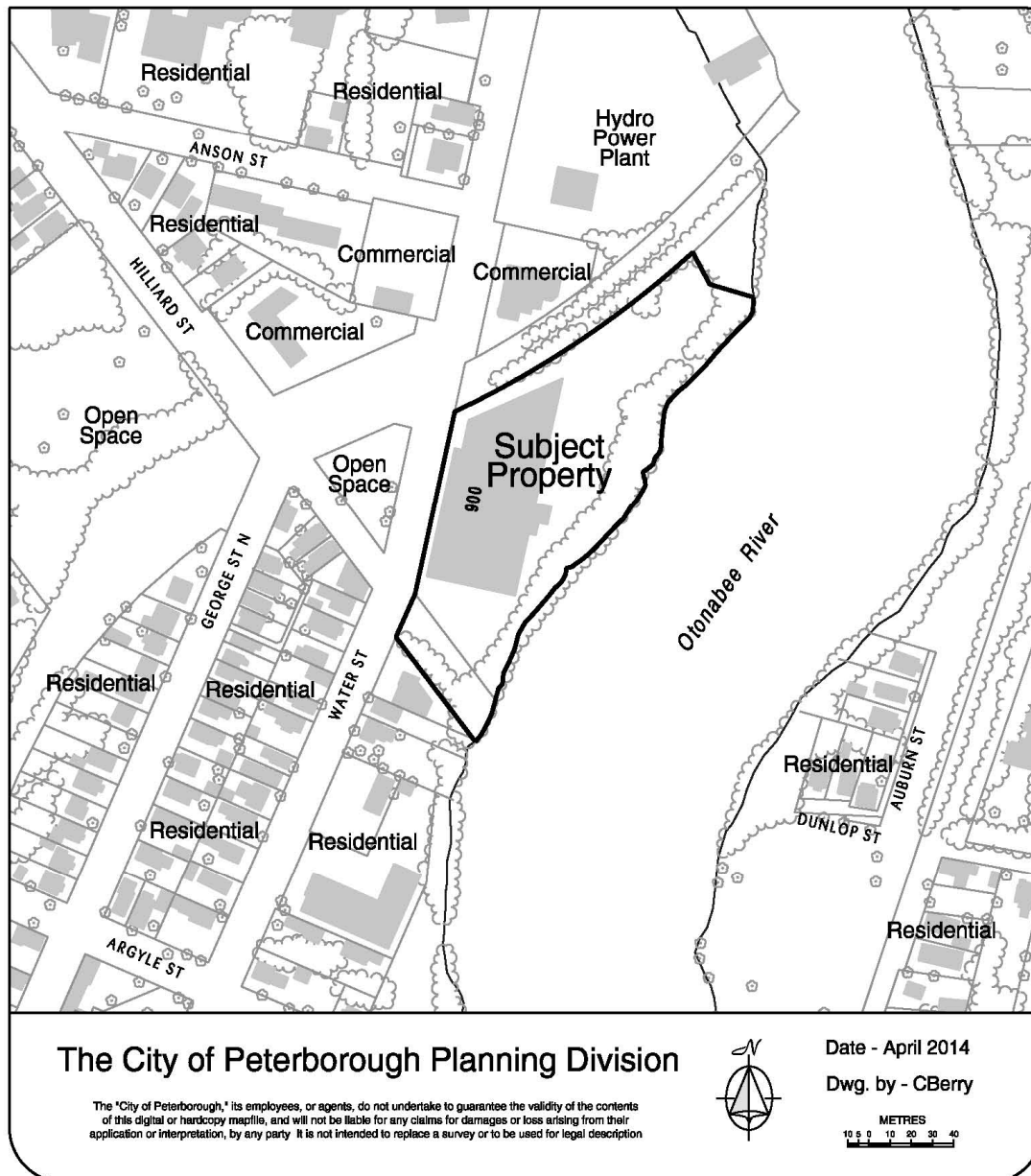
Exhibit A – Land Use Map
Exhibit B – Concept Plan
Exhibit C – Draft Zoning By-Law Amendment

Exhibit A, Page 1 of 1

Land Use Map

File # z1408

Property Location: 900 Water St and part of Hilliard St



CONCEPT PLAN

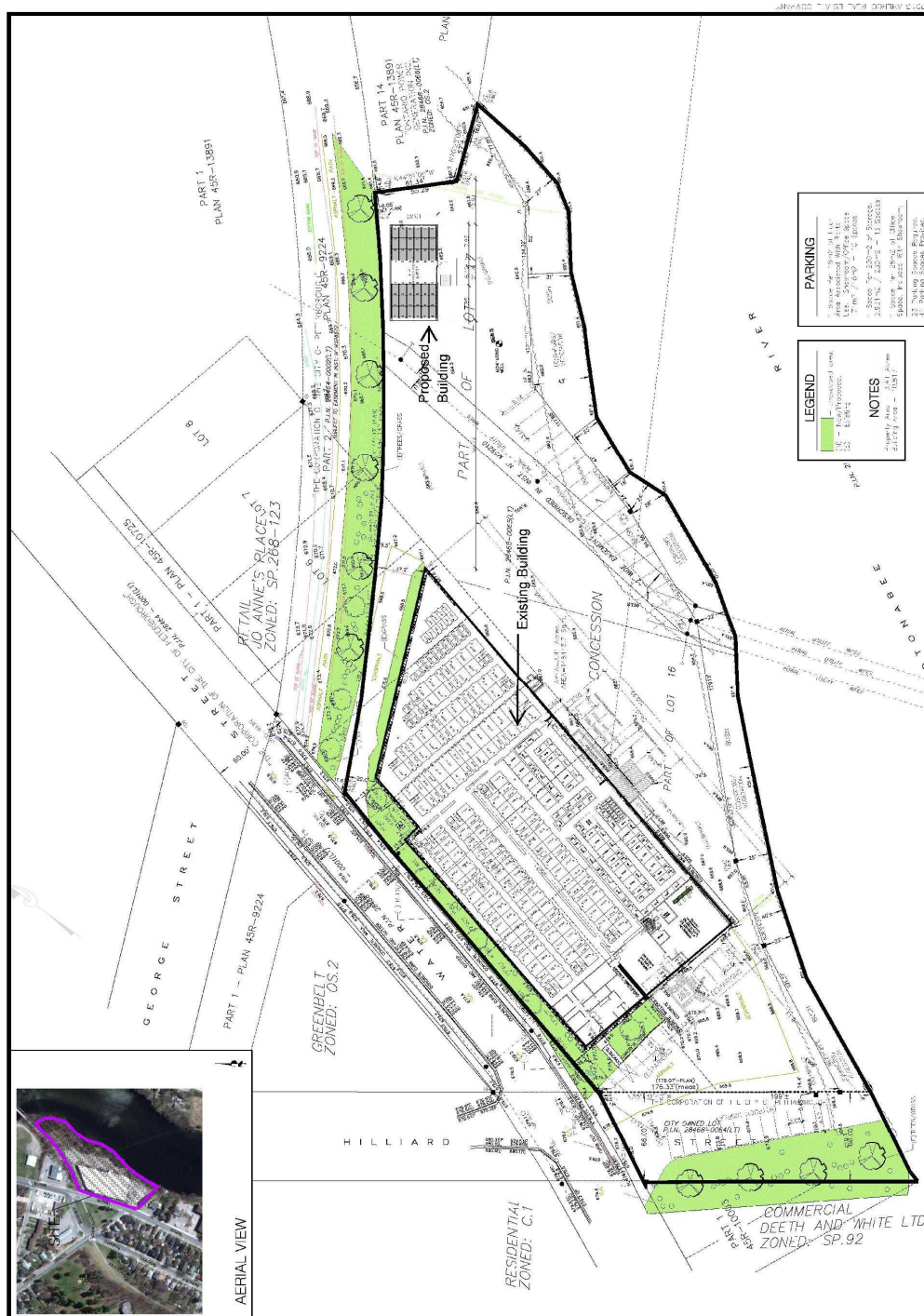


Exhibit C – Page 1 of 3

Draft Zoning By-law Amendment



The Corporation of the City of Peterborough

By-Law Number 14-

Being a By-law to Amend the Zoning By-law for the property known as 900 Water Street

The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

1. That Section 214 – Special District 174 (SP.174), be deleted and replaced with the following:

“Section 214

Special District 174 (SP.174)

214.1 For the purpose of this by-law, land use district "Special District 174" is hereby established and may be referred to by the symbol "SP.174".

Permitted Uses

214.2 No person shall within an SP.174 District use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) a use permitted in the M1.1 – Light Industrial District
- b) a rental establishment for truck and trailer rentals

Regulations

214.3 No person shall within an SP.174 District use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

Type	Requirement
a) maximum number of storeys	2
b) landscaped open space shall be provided and maintained in accordance with an approved Site Plan	

214.6 SP.174 District is hereby designated as an industrial district.”

2. Map 7 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 SP.174 to SP.174 H.
3. That the ‘H’ Holding Symbol be removed subject to the following:
 - i) Site Plan Approval is granted which will include:
 - Recommendations as contained in the Environmental Review (D.M.Wills, 2014) be incorporated in the approved Site Plan, subject to approval of Otonabee Conservation;
 - Detailed Stormwater Management design be incorporated in the approved Site Plan, subject to approval of the City’s Utility Services Department and Otonabee Conservation;
 - Completion of a Stage1- Stage 2 Archaeological Assessment for the property.
 - ii) The owner enter into a licencing agreement for use of the City Road Allowance (Part of Hilliard Street) adjacent to the property at 900 Water Street.

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

Daryl Bennett, Mayor

John Kennedy, City Clerk

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