



City of
Peterborough

To: **Members of the Planning Committee**

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

Meeting Date: **September 22, 2014**

Subject: **Report PLPD14-063
824 Lansdowne Street West**

Purpose

A report to evaluate the planning merits of amending the Zoning of the lands known as 824 Lansdowne Street West from the C.4 – Commercial District to SP.268 with a site specific exception to permit a bank, financial institution or loan company and to recognize the location of the existing building and landscaped open space on the property.

Recommendations

That Council approve the recommendations outlined in Report PLPD14-063 dated September 22, 2014, of the Manager, Planning Division, as follows:

- a) That Section 3.9 Exceptions of Zoning By-law 1997-123 be amended by adding Exception No. 295 in accordance with Exhibit 'C' attached to Report PLPD14-063.
- b) That the subject property be rezoned from C.4 – Commercial District to SP.268-295 Commercial District in accordance with Exhibit 'C' attached to Report PLPD14-063.
- c) That the Mayor and Clerk be authorized to execute an updated Encroachment Agreement to recognize the portion of the building located within the Western Avenue Right of Way.

Budget and Financial Implications

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

Background

The subject application was received on July 22, 2014, deemed to be complete on August 8, 2014, 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 December 8, 2014.

The subject property is a rectangular parcel supporting an existing one (1) storey metal sided building, asphalt parking and driveway areas and a concrete walkway. Approximately 1.9m (6.31 ft.) of the westerly portion of the building encroaches into the City owned Right of Way for Western Avenue. The encroachment is the subject of an agreement with the City, dated April 22, 1965. The owner has agreed to enter into an updated Encroachment Agreement with the City. A new agreement has been signed by the owner and returned to the City. Subject to authorization from City Council, the updated Encroachment Agreement will be signed by the Mayor and Clerk and registered on title.

The current zoning of the property limits the permitted uses to a list of service commercial uses that predate the current Service Commercial policies of the Official Plan. The applicant proposes to rezone the lands from the current C.4 – Commercial Zoning District to the SP.268 – 295 – Commercial Zoning District to permit an expanded list of Service Commercial uses of the property.

The applicant proposes to reuse the existing building and parking facilities. The property was formerly used as an auto glass repair shop.

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 implement the Service Commercial policies by updating the existing zoning to the SP.268 Zoning District with an exception to add 'bank, financial institution or loan company' as a permitted use, in keeping with the Official Plan policies.

b) Zoning By-law

The subject property proposes an amendment to the existing zoning applied to the land in the Zoning By-law. It is recommended that the zoning change from the C.4 – Commercial Zoning District to the SP.268-295 – Commercial Zoning District to expand the list of permitted uses in keeping with the Service Commercial policies in the Official Plan.

Planning Staff are recommending approval of the SP.268 – Commercial Zoning District with an exception to include a 'bank, financial institution or loan company' as a permitted use, subject to the following site specific regulations:

Type	Requirement
a) maximum building coverage	23% of lot area
b) minimum landscaped open space	0% of lot area

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.

No changes are proposed for the property.

Response to Notice

a) Significant Agency Responses:

Utility Services Department

The City's Utility Services Department has requested that the existing encroachment agreement for the structure within the Western Avenue right of way be updated to reflect current building and property configurations. A 5.18m (17 ft.) road widening across Lansdowne Street West is suggested as a condition of Site Plan Approval, however, the rezoning application does not constitute development or redevelopment under the *Planning Act* and therefore Site Plan Approval is not a reasonable condition of this rezoning application.

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 August 30, 2014. The notice complies with the requirements of the Planning Act.

No written comments have been received as of September 5, 2014.

Submitted by,

Ken Hetherington
Manager, Planning Division

Prepared by,

Concurred with,

Caroline Kimble,
Land Use Planner

Malcolm Hunt, Director
Planning and Development Services

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Attachments:

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

Exhibit A, Page 1 of 1

Land Use Map

File #Z1415

Property Location: 824 Lansdowne Street West

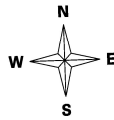
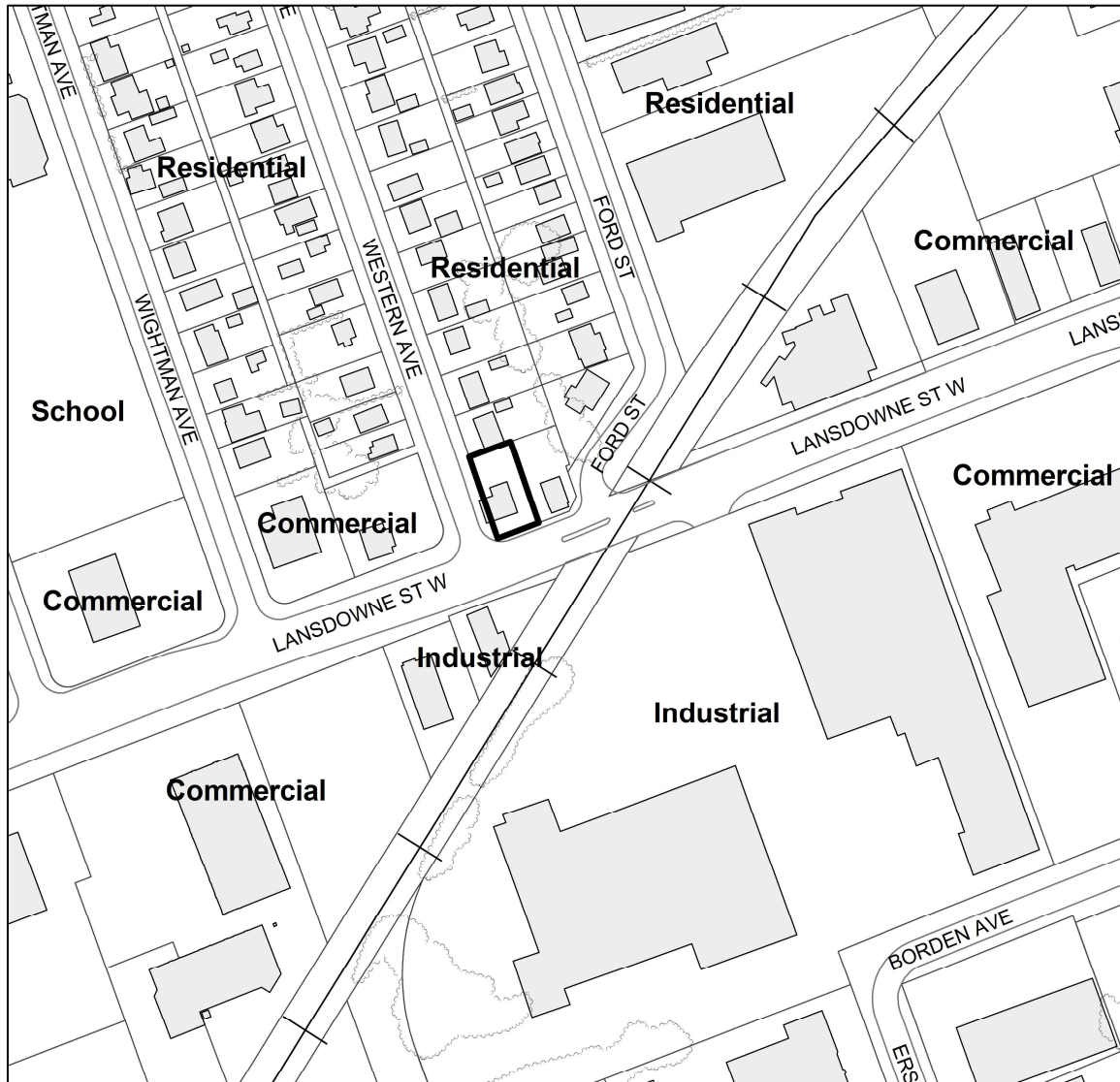


EXHIBIT
SHEET OF

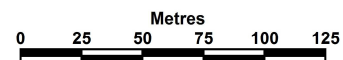


The City of Peterborough Planning Division

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Date - Aug 2014

Dwg by - KMuma



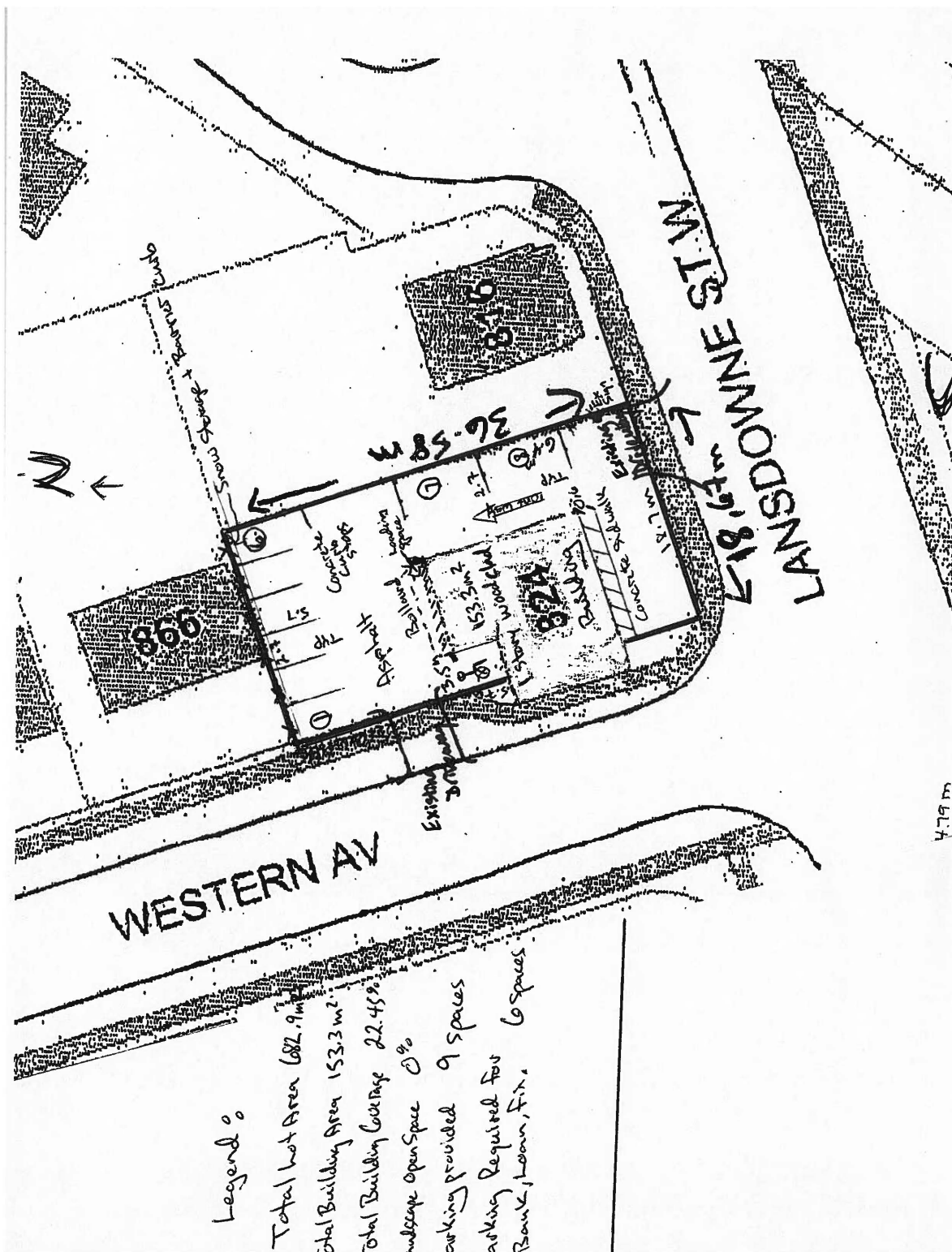


Exhibit C, Page 1 of 2



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 824 Lansdowne Street West

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

1. Map 16 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 to SP.268-295.**
2. Section 3.9 – Exceptions, is amended by adding the following:

“.295 Notwithstanding the permitted uses, “a bank, financial institution or loan company” is a permitted use. Notwithstanding the regulations of the SP.268 Zoning District, the maximum building coverage shall be 23% of the lot area and the minimum landscaped open space shall be 0%.”

By-law read a first, second and third time this 29th day of September, 2014.

Daryl Bennett, Mayor

John Kennedy, City Clerk

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