



City of
Peterborough

MEMORANDUM

TO: Members of the Planning Committee

FROM: Nancy Wright-Laking, City Clerk, B.A., C.M.O., CMMIII

DATE: February 13, 2009

SUBJECT: 1597 Lansdowne Street West

The following motion was passed at the Planning Committee Meeting of February 9, 2009:

Moved by Councillor Peacock

That this matter be referred to the Planning meeting of February 17, 2009.

Attached is report PLPD08-080B that includes report PLPD08-080A for your consideration at the meeting.

A handwritten signature in cursive script, appearing to read "Nancy Wright-Laking".

Nancy Wright-Laking, B.A., C.M.O., CMMIII
City Clerk

Attachment: Report PLPD08-080B



City of
Peterborough

TO: Members of the Planning Committee

FROM: Malcolm Hunt, Director of Planning and Development Services

MEETING DATE: February 9, 2009

SUBJECT: Report PLPD08-080B
1597 Lansdowne Street West

PURPOSE

A report to provide additional information from the applicant and abutting property owners related to the proposed Zoning By-law Amendment at 1597 Lansdowne Street West to permit service commercial uses.

RECOMMENDATION

That Council approve the recommendation(s) outlined in Report PLPD08-080B dated February 9, 2009, of the Director of Planning and development Services as follows:

- a) That Report PLPD08-080B related to the Zoning By-law Amendment Application Z0801 for the property known as 1597 Lansdowne Street West, be received; and
- b) That Council suspend the rules of order (Section 16.10.3) to allow presentations by the applicant, abutting property owners and other interested parties.

BACKGROUND

At the January 26, 2009 Planning Committee meeting, the Committee considered additional technical information from staff related to the proposed Zoning By-law

Amendment for the property at 1597 Lansdowne Street West. At this meeting, the application was deferred to allow the applicant and abutting property owners the opportunity to address the Committee as the opportunity to speak to Committee was not available at the January 26, 2009 meeting.

Although the statutory public meeting for the application was held on November 3, 2008, and Planning Committee has now asked to hear from the applicant and abutting property owners, out of an abundance of caution, notice of the February 9, 2009, special meeting of Planning Committee has been given. Staff have further recommended that the rules of Council be suspended to allow the applicant and abutting property owners, and other interested parties to address Planning Committee.

Submitted by,

Malcolm Hunt
Director, Planning & Development Services

Prepared by,

Ken Hetherington
Manager, Planning Division

Contact Name:
Ken Hetherington
Manager, Planning Division
Planning & Development Services
Phone – 742-7777 ext. 1781; Fax – 742-5218

Attachments:
Appendix 1 – Report PLPD08-080A (includes Report PLPD08-080)



City of
Peterborough

TO: Members of the Planning Committee

FROM: Malcolm Hunt, Director of Planning and Development Services

MEETING DATE: January 26, 2009

SUBJECT: Report PLPD08-080A
1597 Lansdowne St. W.

PURPOSE

A report to provide additional information related to the proposed improvements along Lansdowne Street West, as it relates to the request for a Zoning By-Law Amendment at 1597 Lansdowne St. W., to permit service commercial uses.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD08-080A dated January 26, 2009, of the Director of Planning and Development Services, as follows:

- a) That Report PLPD08-080A relating to the Zoning By-Law Amendment Application Z0801 for the property known as 1597 Lansdowne Street West, be received; and
- b) That Council approve the recommendations outlined in Report PLPD08-080 attached as Exhibit 'C' to Report PLPD08-080A, dated November 3, 2008, of the Director of Planning and Development Services, as follows:
 - i) That Zoning By-Law #1997-123 be amended by adding Exception 244 to Section 3.9 in accordance with Exhibit 'C' to Report PLPD08-080.
 - ii) That the zoning of the subject property, be amended from the D.2 – Development District and the R.1, 1e, 2e, 4d – Residential District to the

SP.268 – 244 – Commercial District in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD08-080.

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- iii) That the Site Plan Agreement for the subject property include a requirement for an easement to facilitate a future connection to the lands to the west.

BUDGET AND FINANCIAL IMPLICATIONS

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

BACKGROUND

At the meeting of November 3, 2008, Planning Committee considered the planning merits of amending the Zoning By-Law for the northerly portion of the property known as 1597 Lansdowne St. W., to permit service commercial uses, and approved the recommendations of Report PLPD08-080, as follows:

"That Council approve the recommendations outlined in Report PLPD08-080 dated November 3, 2008, of the Director of Planning and Development Services, as follows:

- a) That Zoning By-Law #1997-123 be amended by adding Exception 244 to Section 3.9 in accordance with Exhibit 'C' to Report PLPD08-080.*
- b) That the zoning of the subject property, be amended from the D.2 – Development District and the R.1, 1e, 2e, 4d – Residential District to the SP.268 – 244 – Commercial District in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD08-080.*
- c) That the Site Plan Agreement for the subject property, include a requirement for an easement to facilitate a future connection to the lands to the west."*

At its meeting of November 17, 2008, Council considered Report PLPD08-080, and made the following recommendation:

"That item two (1597 Lansdowne Street West) be referred to the meeting of Planning Committee for January 2009."

At the meeting of November 17, 2008, Council discussed the location of driveway entrances along Lansdowne Street West and the relationship of the subject lands with

the lands to the south and west. The application was deferred for consideration at the January 26, 2009 meeting of Planning Committee.

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The concept plan supporting the proposed amendment attached as Exhibit B to Report PLPD08-080 illustrates one driveway at the westerly limit of the property with a potential two-way lane connection to the lands to the west. This allows for a vehicular connection between the subject lands and the adjacent property at such time as it is developed for commercial purposes. This may enable the driveway connection to Lansdowne St. W. to be closed in the future, in lieu of a connection to the adjacent lands to the west. Additional information related to the plan and profile for the future reconstruction of Lansdowne Street West, is included in this report for Council consideration.

ANALYSIS

a) Reconstruction and Widening of Lansdowne Street West

The proposed reconstruction of Lansdowne Street West has been subject to an Environmental Assessment (EA) process, completed by McCormick Rankin on behalf of the City of Peterborough. This process commenced in August 2006 and Council adopted the EA on July 30, 2007. Planning Staff have consulted with staff of the City's Utility Services Department regarding the future improvements, proposed for Lansdowne Street West. It is proposed that Lansdowne Street West be redeveloped to support a five-lane cross-section from Spillsbury Drive/Kawartha Heights Boulevard to Westridge Boulevard. As part of the intersection improvements a median is proposed that would extend west, approximately 30 metres, from the intersection and terminate at the east limit of the subject property. The proposed entrance at the west limit of the subject property would operate with the benefit of the continuous center turn lane (the fifth lane), would be unobstructed by the median, and have the potential of operating with full movement.

The reconstruction and widening of this portion of Lansdowne Street West has been identified as a 2010 project in the 2009 Capital Budget forecast.

b) Consolidation of Driveways along Lansdowne Street West

Based on discussion with the Manager of Transportation, the consolidation of driveways along this stretch of Lansdowne Street West is preferred from a traffic operations perspective, however it is not essential. From a planning perspective, it is also preferred to consolidate and reduce the number of entrances to Lansdowne Street

West. When the subject application was first considered by Planning Committee there was discussion around the fact that when the Discount Car Rental property was originally approved, the intention was to eventually link it with the properties to the west. However, the construction of a retaining wall along the western property line, due to topographic differences between adjoining properties, has complicated this objective. The location of the Discount Car Rental building on the property presents further challenges to a safe interconnection between properties. Through the recent car wash zoning process it was determined that the location of the existing Car Rental driveway to Spillsbury Drive was satisfactory for a single use but was undesirable for access to multiple properties due to its proximity to the Lansdowne / Spillsbury intersection.

Planning Committee questioned if the Lansdowne Street reconstruction would lower the grade of Lansdowne Street thereby providing for the opportunity to integrate the subject property with the Discount Car Rental property. The preliminary design drawings developed through the EA process, attached as Exhibit "B" to Report PLPD08-080, illustrates that the proposed centerline profile of Lansdowne Street is virtually the same as the existing elevation across the frontage of these properties. The grade on Lansdowne Street is only proposed to be lowered west of Applewood Crescent. Therefore, physically integrating the Discount Car Rental property with the subject property is not an option.

To date, an application for commercial development has never been received for the properties to the west of 1597 Lansdowne Street West. While it would be ideal to deal with all of the properties comprehensively, with no active development proposal for 1607, 1619 and 1633 Lansdowne Street West at this time, the proposed development of 1597 Lansdowne Street West has to be considered on its own merits. Throughout the planning analysis of the application for 1597 Lansdowne Street West, future integration of the subject property with the properties to the west has been a priority. Accordingly the Site Plan Agreement will include a requirement for an easement to facilitate this future connection. This linkage could also allow for the driveway to 1597 Lansdowne Street West to be closed when a replacement driveway is provided over the property to the west, thereby achieving a comprehensive approach to development along this stretch of Lansdowne Street West. In the interim, it is acceptable to maintain an entrance to this property as illustrated on the concept plan attached as Exhibit B to Report PLPD08-080.

c) Plan and Profile of proposed improvements for Lansdowne Street West

A copy of the Plan and Profile Drawing from the Final Environmental Study Report for this portion of Lansdowne Street West is attached as Exhibit 'B' to Report PLPD08-080A. The redevelopment of the subject property, in accordance with the concept plan as provided by the applicants, will not interfere with the reconstruction of Lansdowne Street West and respects the future grading of the street in this location.

d) Notice of Appeal

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The City Clerk received a Letter of Appeal from Blaney McMurtry, LLP on behalf of the applicants, dated December 9, 2008. The applicant has appealed Council's failure to make a decision within 120 days of the receipt of the application, to the Ontario Municipal Board.

Submitted by,

Malcolm Hunt
Director of Planning and Development Services

Prepared by,

Concurred with,

Caroline Kimble,
Land Use Planner

Ken Hetherington,
Manager of Planning

Contact Name:

Caroline Kimble, Planner, Land Use
Planning & Development Services
Phone – 742-7777 Ext. 1735; Fax – 742-5218
E-Mail – ckimble@city.peterborough.on.ca

Attachments:

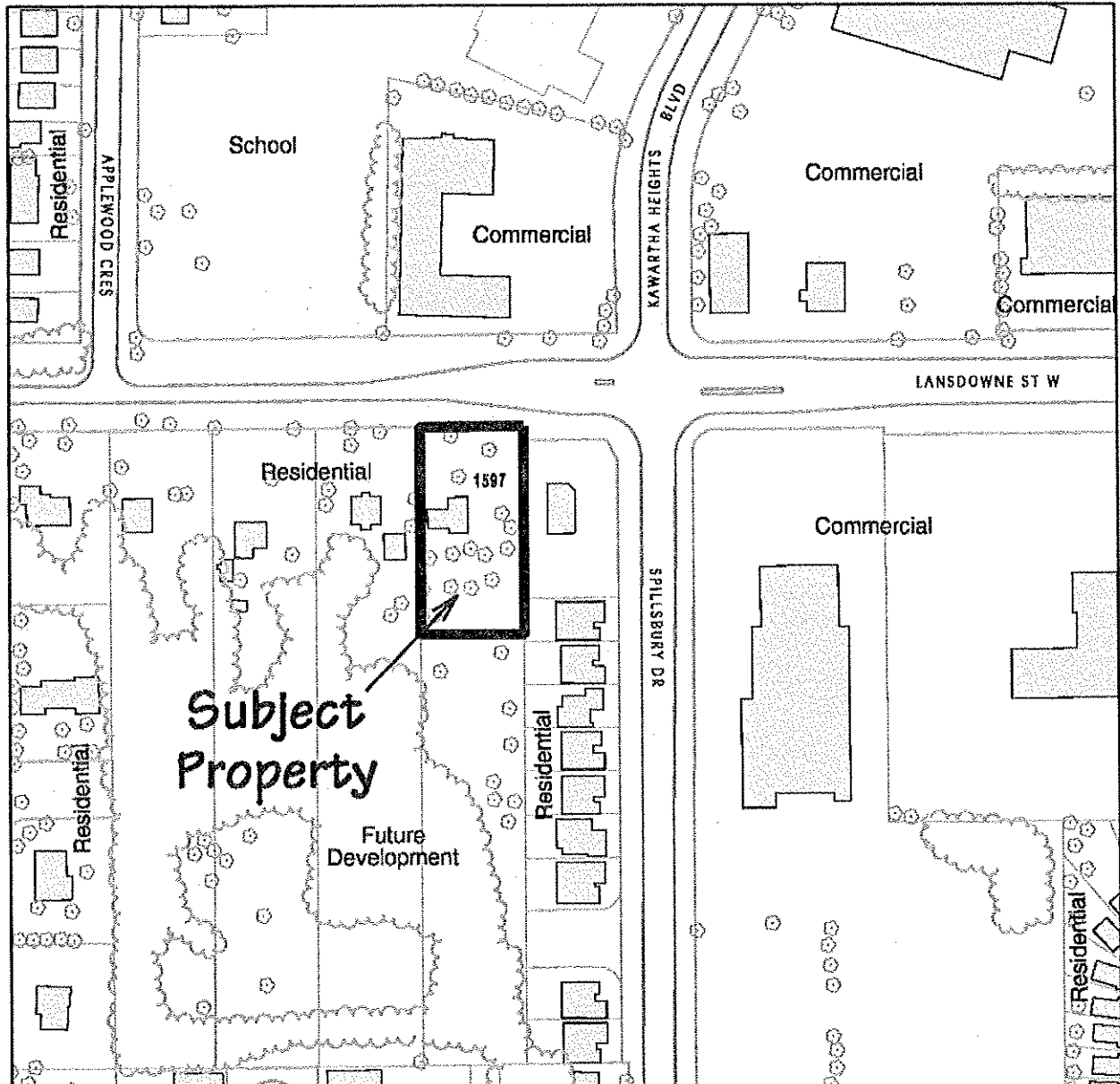
- EXHIBITS a) Land Use Map
 b) Plan and Profile Drawing for Lansdowne St. W.
 c) Report PLPD08-080

Land Use Map

Exhibit A
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File # z0801

Property Location: North part 1597 Lansdowne St W



The City of Peterborough Planning Division

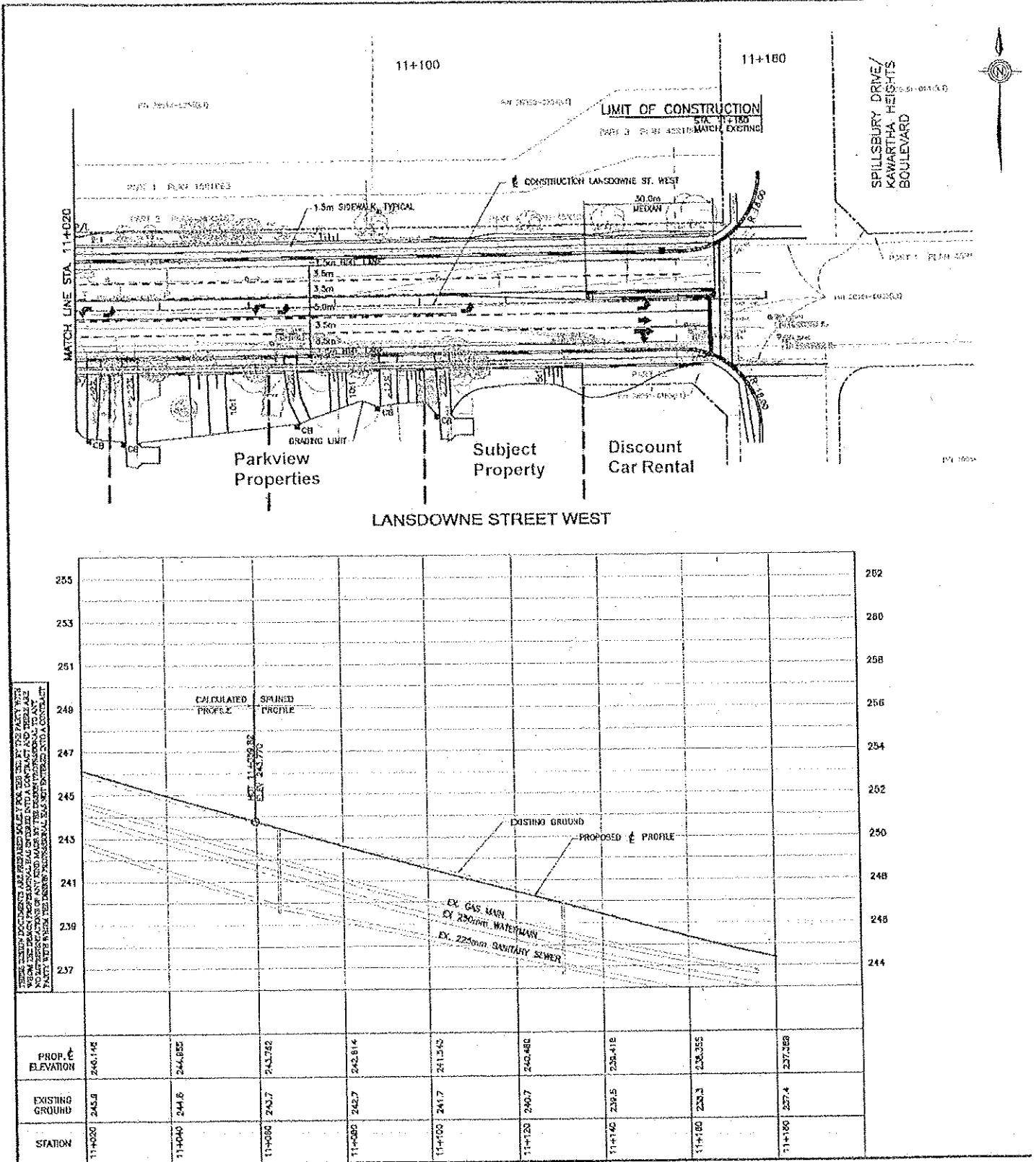
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Date - February 2008
Dwg. by - CBerry
Scale - 1: 2000

Exhibit 'B'
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City of
Peterborough

Exhibit "C"
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TO: Members of the Planning Committee

FROM: Malcolm Hunt, Director of Planning and Development Services

MEETING DATE: November 3, 2008

SUBJECT: Report PLPD08-080
1597 Lansdowne St. W.

PURPOSE

A report to evaluate the planning merits of amending the Zoning By-Law for the northerly portion of the property known as 1597 Lansdowne St. W., to permit service commercial uses.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD08-080 dated November 3, 2008, of the Director of Planning and Development Services, as follows:

- a) That Zoning By-Law #1997-123 be amended by adding Exception 244 to Section 3.9 in accordance with Exhibit 'C' to Report PLPD08-080.
- b) That the zoning of the subject property, be amended from the D.2 – Development District and the R.1, 1e, 2e, 4d – Residential District to the SP.268 – 244 – Commercial District in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD08-080.
- c) That the Site Plan Agreement for the subject property include a requirement for an easement to facilitate a future connection to the lands to the west.

RATIONALE

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

The subject property is designated 'Service Commercial' on Schedule 'I' – Commercial Area of the City of Peterborough Official Plan. The subject property is further identified as 'Commercial' on Figure 1 of Section 2.3 – Peterborough's Commercial Structure. The applicant seeks to amend the zoning of the northerly portion of the property, known as 1597 Lansdowne Street West to permit only Service Commercial uses, as contemplated by the Official Plan, including a car wash with associated amenities. The proposed zoning implements the policies of the 'Service Commercial' designation. Connection to adjacent lands to the west for future commercial uses is preserved through the requirement for an easement.

BUDGET AND FINANCIAL IMPLICATIONS

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

BACKGROUND

The application was received in December, 2007. The application was processed in accordance with department procedures. Subject to the review of the application, Planning Staff advised the applicant that the proposal was considered premature until such time as it could be demonstrated that the balance of the subject lands (southern portion) could be developed for residential purposes, in accordance with the Official Plan policies, possibly in conjunction with the adjacent lands to the west. The applicant has now provided conceptual plans that demonstrate the ability of the southerly portion to support future residential development, in accordance with the policies. This can be achieved independent of the northerly portion, subject of the rezoning application. A copy of a concept provided by the applicants is attached as Exhibit 'D' to this report (PLPD08-080).

The site is approximately 0.26 ha. (0.66 ac.) in size, and is currently vacant. The property previously supported one single detached dwelling. The applicant intends to construct a proposed six bay car wash and associated parking and amenities.

The City of Peterborough undertook a comprehensive review of its commercial policies in 2000. As a result of this review, the 'Service Commercial' designation was assigned to approximately 60m (200 ft.) of the northerly portions of the properties fronting onto Lansdowne Street West, west of Spillsbury Drive, extending west to the northern extent of the College Park residential subdivision.

A Zoning By-Law Amendment was approved in July, 2002 for the adjacent easterly property, situated at the southwest corner of Spillsbury Drive and Lansdowne Street West. The Zoning Amendment permits the property to be used for a vehicle rental establishment (Discount Car Rental) and other Service Commercial uses, subject to compliance with conditions. The use as a vehicle rental establishment was permitted to proceed subject to restricted access to the property from Spillsbury Drive only, and approval of a Site Plan Agreement. Additional Service Commercial uses listed in the SP.268 Commercial District will only be permitted subject to the removal of a 'H' Holding symbol on the property, when the following condition is satisfied:

"upon the consolidation of the subject property with adjoining westerly (Lansdowne Street West) property(s) for approved Service Commercial purposes."

The subject application proposes to develop the property known as 1597 Lansdowne Street West, situated adjacent to the corner vehicle rental establishment (Discount Car Rental – Discount Site). Although the two properties are represented by the same principals, they are owned by two separate companies. The applicants have indicated that they are not able to consolidate the two properties and/or provide a vehicular connection to the subject lands. The concern with the linkage relates to the impact on the existing retaining wall along the west and south property lines and with added traffic through the Discount site. The grading of the subject lands would be required to be altered to support a connection with the corner property. The applicant is agreeable, however, with a requirement for an easement to the adjacent property to the west, to permit future linkages.

At the time of the rezoning of the Discount Site, it was anticipated that a joint application be advanced involving all four properties to the west (1597 to 1633 Lansdowne Street West) requesting approval of a service commercial development in accordance with the Official Plan policies. This vision anticipated a limited number of driveways to reduce the flow of traffic along Lansdowne Street West and to facilitate larger developments with adequate parking facilities.

The introduction of a retaining wall to the corner property was necessary to address the grading difference between the corner property and the subject lands and to ensure adequate stormwater management of the site. The retaining wall extends along the west and south property lines, south from approximately the northerly wall of the existing commercial building. The retaining wall and parking layout of the site make a connection to the subject lands more difficult from an engineering perspective. In consideration of the physical limitations of the retaining wall south of the building, a vehicular connection is not possible without considerable alteration of the grading of one of the properties, including the necessity for routing traffic around the building to the connection at Spillsbury Drive.

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The concept plan supporting the proposed amendment illustrates one driveway at the westerly extent of the property with a potential two-way lane connection to the lands to the west. The width of the subject property is 36.27m (119 ft.) along Lansdowne Street West, setting the driveway approximately 61m (200 ft.) from the intersection of Lansdowne Street West and Spillsbury Drive.

ANALYSIS

a) Official Plan

The purpose of the 'Service Commercial' designation of the property, is to provide "*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.*" (Section 4.3.6.1 of the Official Plan)

The type of retail uses contemplated in the 'Service Commercial' designation, are those that typically require large sites to accommodate significant display or storage areas. The objective of the designation is to provide locations for service-oriented commercial activities, particularly hospitality and automotive services, personal services and those retail commercial uses requiring extensive display areas.

The proposed SP. 268 zone has been utilized on several sites across the City, to implement the 'Service Commercial' designation of the property in the Official Plan. The application proposes to implement the designation with uses consistent with the policies.

The application proposes to utilize the northern portion of the property for commercial purposes. The residual portion of the property is designated 'Residential' in the City of Peterborough Official Plan. It is appropriate to introduce adequate buffering between the proposed commercial and residential lands by way of landscaped open space implemented through the zoning of the property.

The adjacent residential lands to the south west are subject of an application for Draft Plan of Subdivision and Zoning By-Law Amendment (Files 15T08502 and Z0804sb) to permit a residential plan of subdivision. Planning Staff have directed the applicants to illustrate how the residual portion of the subject lands may be developed to avoid the creation of a remnant parcel with no opportunity. The applicant has prepared alternative concepts for the future use of the southerly portion of the property. The applicants have illustrated the ability of the remnant parcel to support future lots, in conjunction with the adjacent lands. Discussions between the applicant and the adjacent landowners have taken place, however, as of the date of this report, a joint application has not been received.

b) Zoning By-law**Appendix 1
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The proposed zoning of the subject property introduces uses that are compatible with the 'Service Commercial' designation of the land.

The application requests rezoning to the SP.268 – Commercial District. The SP.268 zone implements the 'Service Commercial' designation in the City of Peterborough Official Plan and has been assigned to many properties along Lansdowne Street West, within the 'Service Commercial' designation. The application also requests a reduction in the landscaped strip from 10m to 1.8m along the proposed rear lot line, dividing the commercial and future residential land use. Planning Staff is recommending the implementation of a minimum 8m buffer along this future southerly lot line, to ensure adequate buffering. The property projects into the abutting residential designation and imposes on the residential use to the east in a more significant way than the adjacent vehicle rental establishment. The extent of the commercial zoning of the site will also influence the extent of the commercial zoning of the lands to the west included in the Service Commercial designation. The property to the east, south of and adjacent to the corner lot, is currently used for residential purposes and there is limited rationale for a reduction in the minimum landscape open space requirement. The lands abutting the subject property to the west are similarly designated 'Service Commercial' in the Official Plan and intended to be used for commercial purposes. In consideration of the future commercial use of the westerly properties, Planning Staff is supportive of reducing the westerly property line from the required 10m to 1.5m. Site Plan Approval for this site will include a requirement to retain the existing hedge and provide additional planting to the south.

The applicant has revised the proposed concept plan to improve the landscaped open space, south of the building, as well as address Staff comments regarding on site traffic circulation and stacking requirements for self serve car wash operations. The proposed concept plan illustrates the ability of the site to support 9 formal parking spaces and a total of 18 stacked parking spaces in advance of the stalls. The parking provisions of the Comprehensive Zoning By-Law require a minimum of 3 spaces in advance of each stall in a car wash, resulting in a minimum requirement for 18 spaces. The concept plan, therefore, demonstrates an ability of the site to accommodate an additional 9 spaces.

The 2002 zoning amendment for the Discount Site imposed a 'H' Holding Symbol on the zoning of that property. Additional service commercial uses were only to be considered subject to the consolidation of the subject property with the adjoining westerly properties for service commercial purposes. In consideration of the manner in which the site has been developed, without the potential for a functional consolidation, it will not be possible to lift the 'H' Holding Symbol from those lands, thereby limiting the site to the existing use.

Site Plan Approval will apply to the development of these lands.

RESPONSE TO NOTICE

a) Significant Agency Responses:

Agency circulation was originally issued on February 5, 2008.

The City's Utility Services Department requires a road widening at Lansdowne Street West, to be addressed at the Site Plan approval stage. The revised concept plan illustrates the ability of the property to be developed after a road widening is granted to the City along Lansdowne Street West. The applicants have confirmed servicing connections (sanitary and storm) to Lansdowne Street as required by the Utility Services Department. Cash in lieu of parkland is also requested, where applicable.

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 February 5, 2008 and Notice of Public Meeting was issued on October 7, 2008 by direct mail and by newspaper advertisement (Peterborough Examiner). The notice complies with the requirements of the Planning Act.

No public written responses were received as a result of the circulation.

Submitted by,

Malcolm Hunt
Director of Planning and Development Services

Prepared by,

Caroline Kimble,
Land Use Planner

Concurred with,

Ken Hetherington,
Manager of Planning

Contact Name:

Caroline Kimble, Planner, Land Use
Planning & Development Services
Phone – 742-7777 Ext. 1735; Fax – 742-5218
E-Mail – ckimble@city.peterborough.on.ca

Attachments:

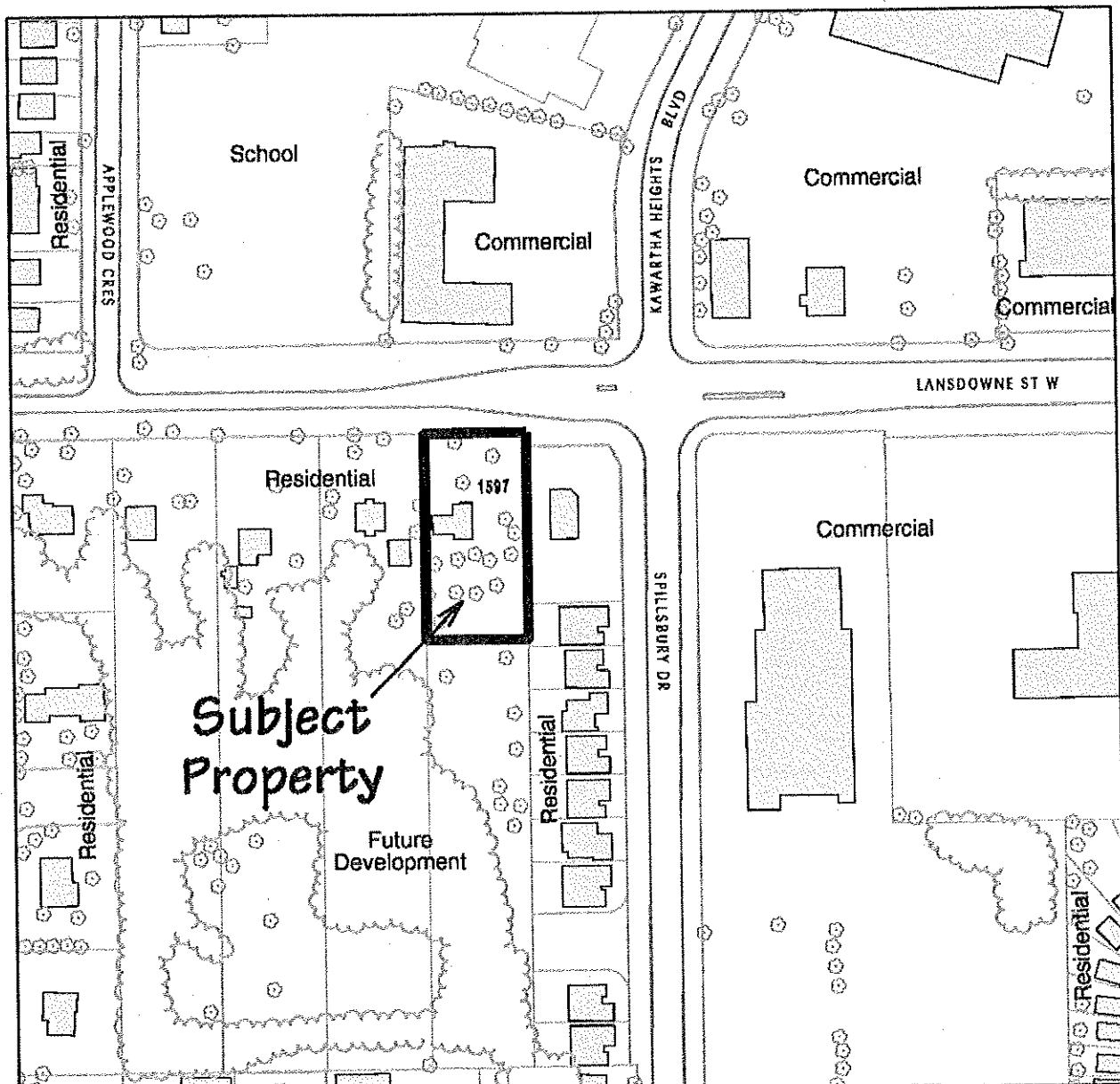
- EXHIBITS a) Land Use Map
 b) Concept Plan
 c) Draft By-law
 d) Concept Plan for lands to the south

Exhibit A
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Land Use Map

File # z0801

Property Location: North part 1597 Lansdowne St W



The City of Peterborough Planning Division

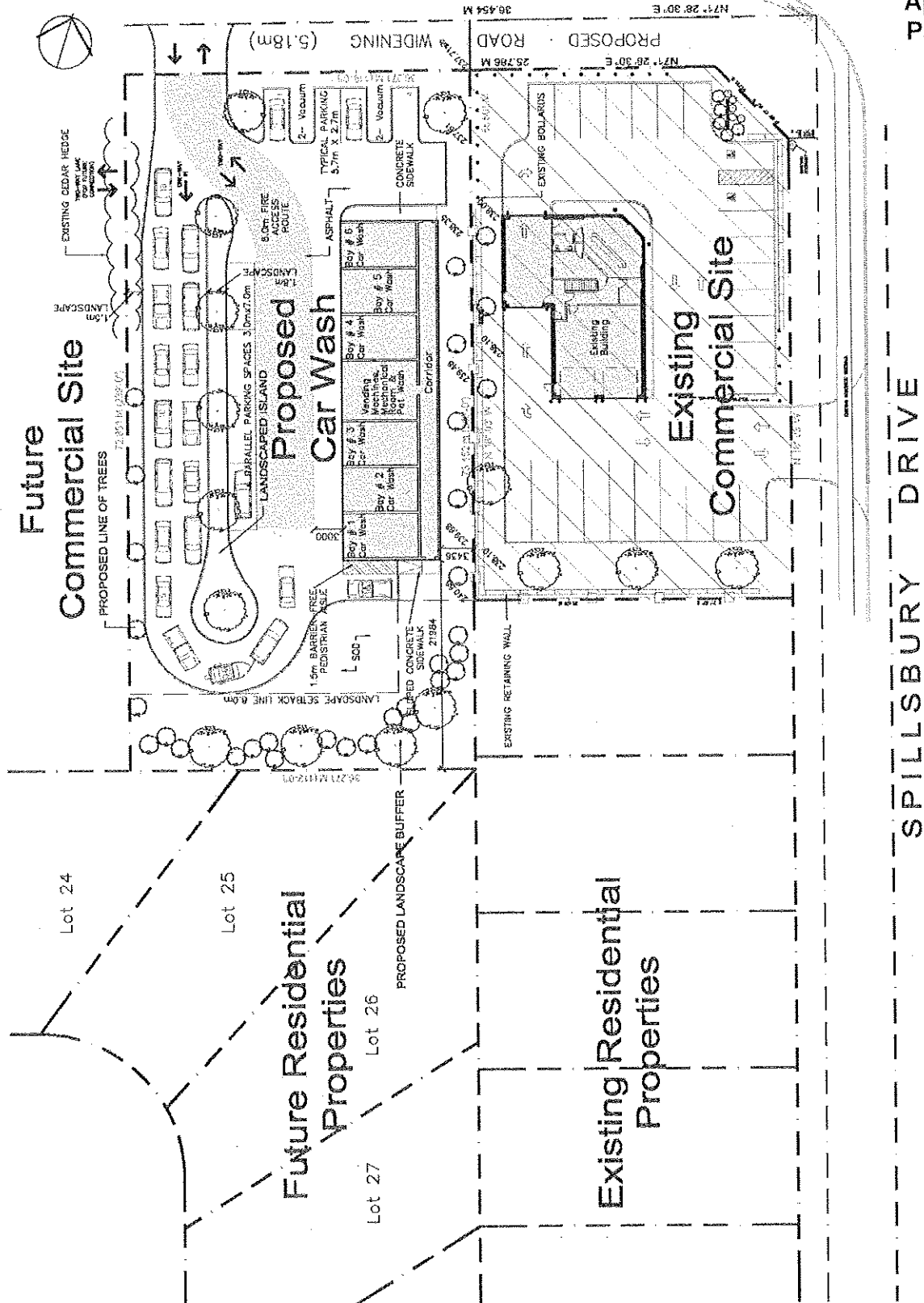
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Date - February 2008
Dwg. by - CBerry
Scale - 1: 2000

Exhibit B
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THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 08-_____

BEING A BY-LAW TO AMEND 1597 LANSDOWNE STREET WEST

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

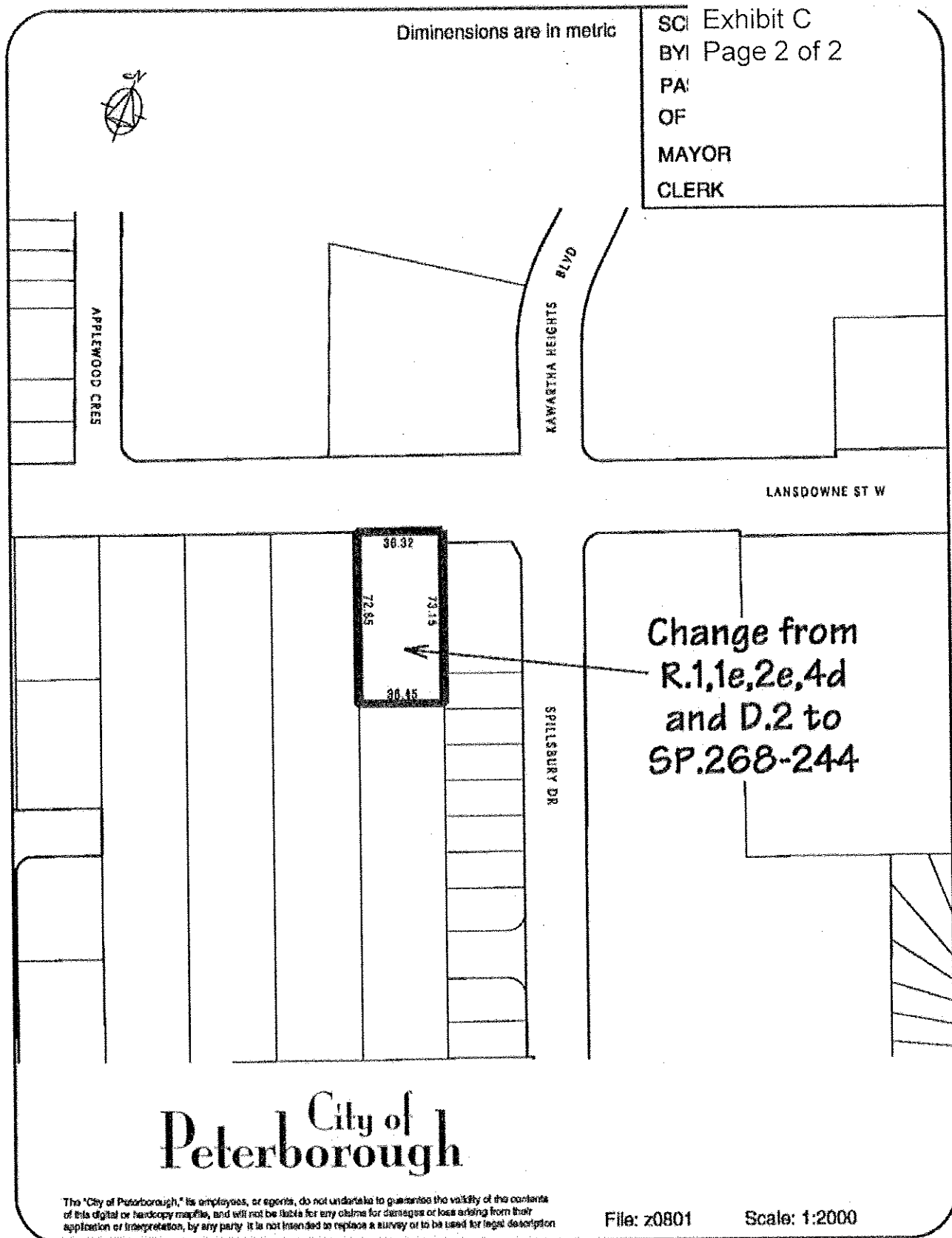
1. Section 3.9 of the By-Law is amended by adding the following:

“.244 Notwithstanding the provisions of Section 298.3g), a minimum 8m landscaped open space shall be provided and maintained along the southerly and easterly lot line, abutting a residential district; and a minimum 1.5m landscaped open space shall be provided and maintained along the westerly lot line, abutting a residential district.”
2. **Map 20** 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 R.1, 1e, 2e, 4d and D.2 to SP.268-244.**

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

D. Paul Ayotte, Mayor

Nancy Wright-Laking, City Clerk



Subject Lands

Pinewood Dr.

Spillsbury Dr.

Cahill Dr.

108.63 m

35.26 m

Concept Plan Provided by Applicants for Vacant Lands to the South