



City of
Peterborough

To: **Members of the Planning Committee**

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

Meeting Date: **March 2, 2015**

Subject: **Report PLPD15-012**
1097 Water Street

Purpose

A report to evaluate the planning merits of amending the SP.286 – Special Commercial District Zoning for the property known as 1097 Water Street to add ‘a custom cabinet showroom and design studio’ as a permitted use and increase the maximum size of an office from 230m² to 250m² to recognize the existing uses of the property.

Recommendation

That Council approve the recommendation outlined in Report PLPD15-012 dated March 2, 2015, of the Manager, Planning Division, as follows:

That the SP.286 zoning of the subject property be amended to add a custom cabinet showroom and design studio as a permitted use and to permit an office with a maximum floor area of 250m², in accordance with the draft amendment attached as Exhibit ‘C’ to Report PLPD15-012.

Budget and Financial Implications

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

Background

The subject application was received on December 4, 2014, deemed to be complete on December 9, 2014, and was processed in accordance with department procedures. The *Planning Act* permits 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 April 8, 2015.

The subject lands support an existing commercial building, parking and multiple driveways connecting to the travelled portion of Water Street. The subject lands consist of the northerly portion of an irregular shaped property. The balance of the property (southerly portion) is vacant and is intended, via the existing zoning, to support a single detached dwelling.

The land was subject to a zoning amendment in 1998 (By-law 98-144) which had the effect of revising the list of permitted commercial uses on the northern portion of the property, consistent with the Local Commercial policies of the Residential Designation of the lands, including second storey residential dwelling units. The list of permitted uses is restricted to the following:

- a) an office, excluding a veterinary office
- b) a clinic
- c) a personal service use
- d) a laundromat
- e) a dry cleaning depot
- f) a restaurant
- g) a video rental establishment
- h) a drug store
- i) a food store
- j) a sub-post office
- k) a dwelling unit

The regulations associated with the above uses also restrict the size of individual commercial uses to a maximum floor area of 230m² per commercial purpose, excluding a restaurant use, and limit the total amount of space dedicated to commercial purposes, excluding a restaurant use, to 745m² (8019ft²).

The current owner purchased the property in 2012 and has leased the space within the existing building to two tenants, namely office space for Niijkiwendidaa Anishnaadbekwewag Services Circle, and a custom cabinet showroom for KitchensOn.

The amount of office space occupying the existing building exceeds the maximum floor area for office space, as set out in the zoning regulations, by approximately 20m² (215 ft²); and the use of the balance of the floor space for the custom cabinet showroom is not contemplated by the list of permitted uses.

The City received a complaint regarding the existing custom cabinet showroom in March 2014 and upon confirmation of the use of the property, requires that the owner comply with the provisions of the City's Comprehensive Zoning By-law and the Ontario Building and Fire Code.

The application proposes to legalize the existing uses via the Zoning By-law Amendment application.

Analysis

a) Official Plan

The lands are currently designated 'Residential' on Schedule 'A' of the City of Peterborough Official Plan.

The purpose of the 'Residential' designation of the property is to provide "for housing and other land uses that are integral to, and supportive of, a residential environment". The Official Plan contemplates Local Commercial uses within the Residential designation generally to provide space for small scale office uses, studios, convenience retail and other small scale retail including food, and small scale service commercial uses.

The property was recognized for a broad range of local commercial uses and permits the expansion of the building to support second floor residential uses. Any permitted commercial uses should be compatible with residential uses.

The proposed showroom is intended to display products that would become permanent fixtures within buildings and provide design services for the installation of these products. No manufacturing or assembly is proposed to occur on site. This use is more consistent with a 'studio' and/or a 'Building Products Establishment', otherwise permitted in a Service Commercial or General Industrial designation with an emphasis on design and consultation. Based on the limited size and scale of the use (maximum floor area of 110m²), limited parking demand and no outside display or storage, the use is compatible with residential uses and consistent with the Official Plan policies.

The proposed expansion of the office space up to 250m² of floor area is smaller than the 300m² contemplated by the Official Plan as 'small scale' and is contemplated within the Local Commercial policies for the Residential designation.

b) Zoning By-law

The subject property proposes an amendment to the existing SP.286 Zoning District applied to the land in the Zoning By-law. The amendment proposes to revise the list of permitted uses and the associated regulations to permit a custom cabinet showroom and design studio and an increase in the maximum size of an office from 230m² to 250m², in keeping with the intent and purpose of the Local Commercial policies of the Official Plan.

Planning Staff are recommending approval of the custom cabinet showroom and design studio as a permitted use with up to a maximum floor area of 150m² and an office use with a maximum floor area of 250m² by way of a revision to the SP.286 Zoning District.

The existing regulations related to the SP.286 Zoning District are as follows:

Type		Requirement
a)	maximum floor area per commercial purpose, excluding a restaurant use	230 square metres
b)	total maximum floor area for all commercial purposes, excluding a restaurant use	745 square metres
c)	minimum lot area per dwelling unit	230 square metres
d)	minimum building setback - side lot line or rear lot line	9 metres
e)	maximum building coverage	30%
f)	minimum width of landscaped open space shall be provided in accordance with the following, except as interrupted by driveways: i) north and south side lot line ii) rear lot line iii) streetline	3 metres 9 metres 3 metres
g)	maximum number of storeys	2
h)	a dwelling unit shall only be located in a second storey	
316.4 SP.286 District is hereby designated as a commercial district		

The draft zoning amendment proposes to add “a custom cabinet showroom and design studio” to the list of permitted uses and proposes to add regulations i) and j) to the above noted regulations as follows:

Type		Requirement
i)	maximum floor area for an office	250 square metres
j)	maximum floor area for a custom cabinet showroom and design studio	150 square metres

c) Site Development

The proposed amendments will not result in changes to the existing building, nor would it require additional parking, therefore, no changes to the site are contemplated. Planning Staff note, however, that the existing driveway configuration with a total of four separated driveway connections to Water Street is not desirable. The City requests the cooperation of the applicant to address the driveway connections to improve traffic circulation to and from Water Street.

Response to Notice

a) Significant Agency Responses:

Utility Services Department

The City's Utility Services Department has requested a 6.1m road widening to match the frontage alignment of the property to the north. A change in use via a rezoning, within the existing building, does not have the effect of substantially increasing the usability of the property and therefore, the City does not have authority to require site plan approval, including road widening.

Otonabee Conservation

Otonabee Region Conservation Authority notes that the property lies beyond the flood plain of the Otonabee River and therefore, flood risks should not be a concern. There are no natural heritage features on the property and ORCA has no objections to the proposed zoning change.

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) on February 2, 2015. Notice of Public Meeting was issued by direct mail on February 2, 2015. The notice complies with the requirements of the *Planning Act*.

No written comments have been received as of February 6, 2015.

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 – Land Use Map

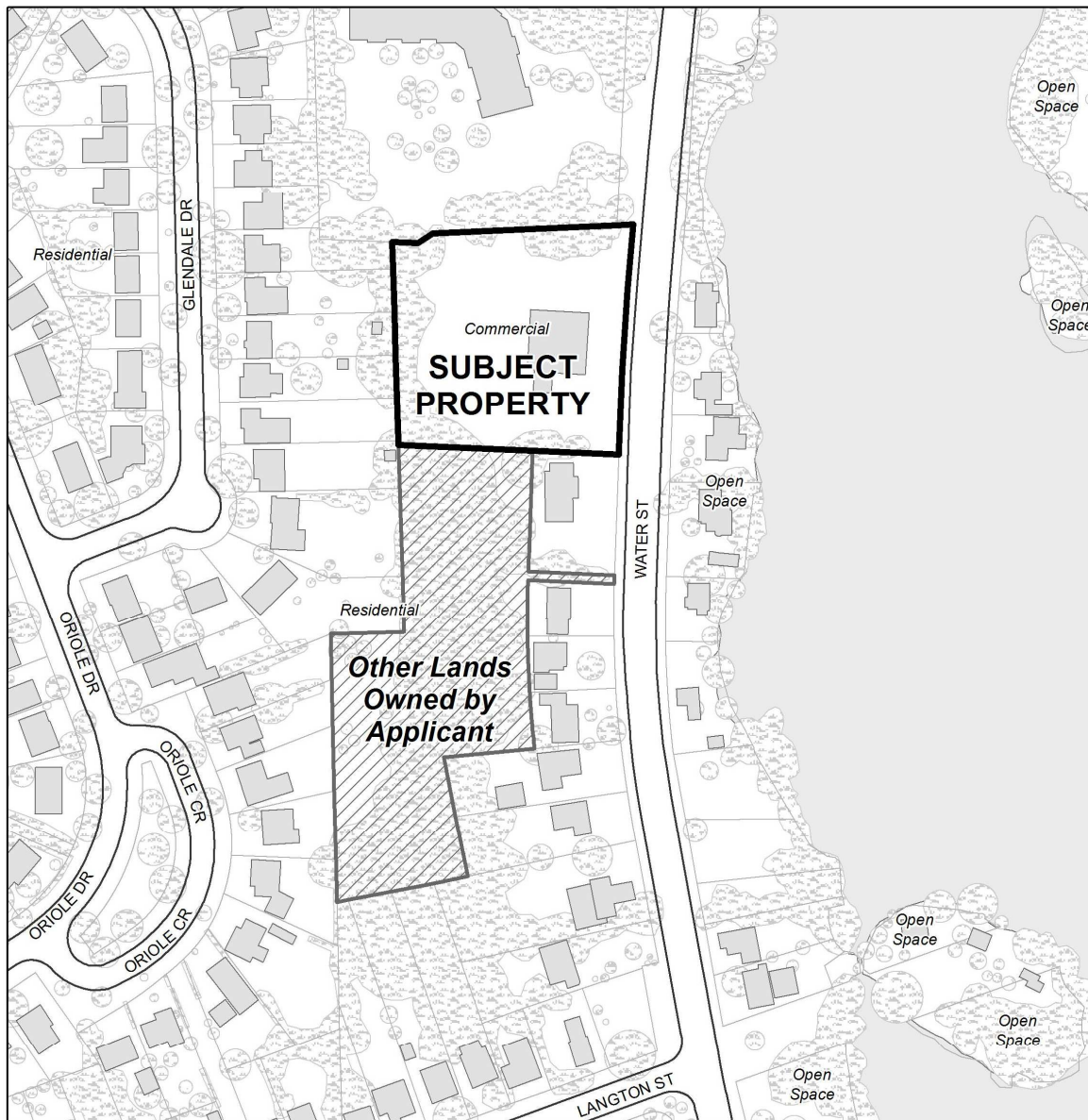
Land Use Map

Files: z1501

Property Location: Northerly Portion of 1097 Water St

EXHIBIT

SHEET OF



The City of Peterborough Planning Division

The "City of Peterborough" its employees, or agents, do not undertake to guarantee the validity of the contents of this digital or handcopy mapfile, and will not be liable for any claims for damage or loss arising from their application or interpretation, by any party. It is not intended to replace a survey or to be used for a legal description.



Date: January 13, 2015
Map by: CSandanayake

0 5 10 20 30 40 50
Metres

Exhibit B – Site Plan

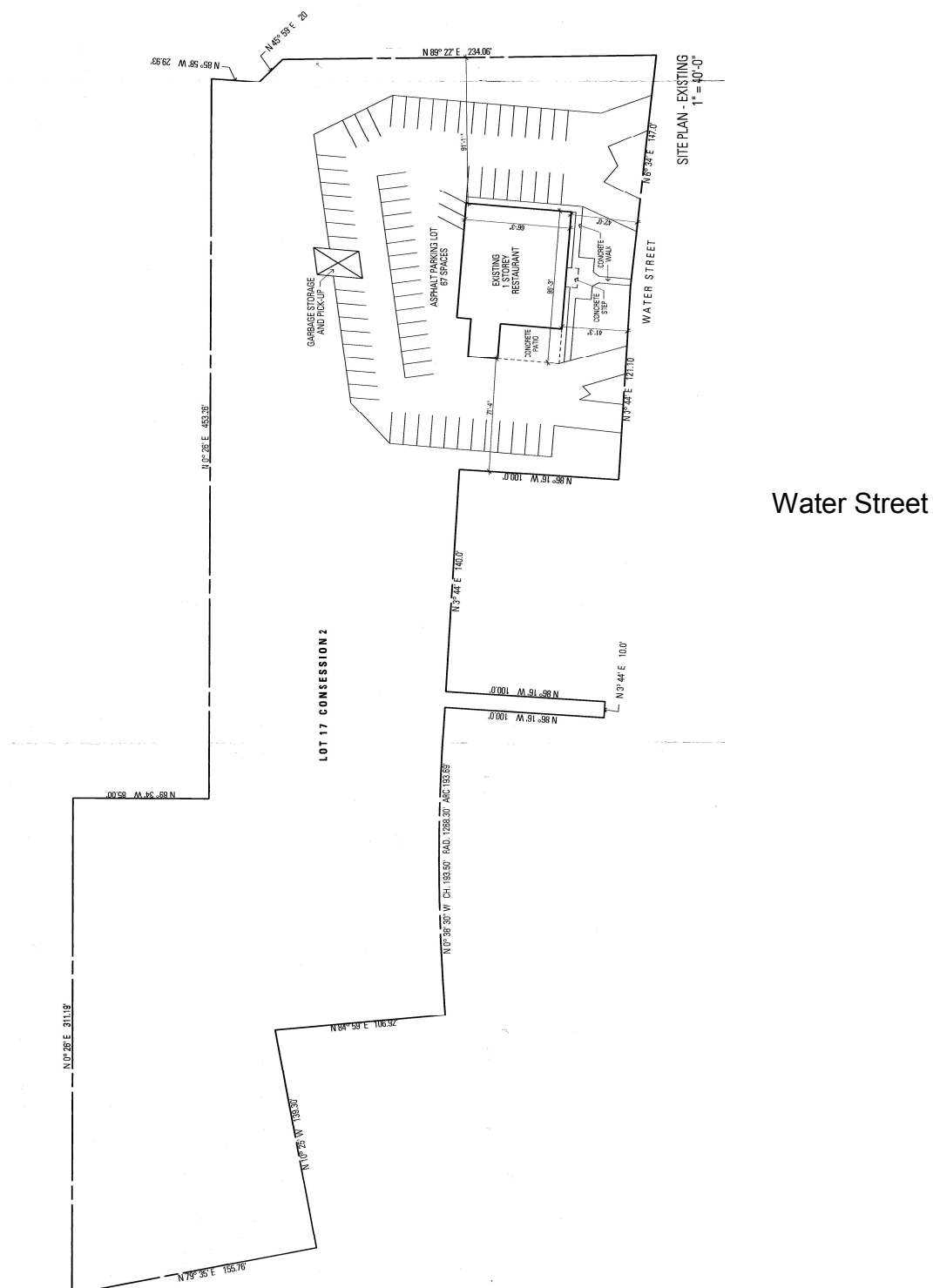


Exhibit C, Page 1 of 1



The Corporation of the City of Peterborough

By-law Number 15-

Being a By-law to Amend the Zoning By-law for the property known as the northerly portion of 1097 Water Street.

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

1. That Section 316.2 be amended to add the following:
“m) a custom cabinet showroom and design studio”
2. That Section 316.3 be amended to add the following:

Type		Requirement
i)	maximum floor area for an office	250 square metres
j)	maximum floor area for a custom cabinet showroom and design studio	150 square metres

By-law read a first, second and third time this 3rd day of February, 2015.

Daryl Bennett, Mayor

John Kennedy, City Clerk