



City of
Peterborough

To: Members of the General Committee

From: Cynthia Fletcher
Commissioner of Infrastructure and Planning Services

Meeting Date: January 20, 2020

Subject: Report IPSPL19-033B
Zoning By-law Amendment - 51 Lansdowne Street West
Update

Purpose

A report to update Council on the review of the file for the property known as 51 Lansdowne Street West relating to the Zoning By-Law Amendment Application.

Recommendations

That Council approve the recommendations outlined in Report IPSPL19-033B dated January 20, 2020, of the Commissioner of Infrastructure and Planning Services, as follows:

- a) That the request for proposed Zoning Bylaw Amendment for 51 Lansdowne Street West, as set out in Application File Z1911 be denied; and
- b) That a Notice of Refusal be issued in accordance with Section 34(10.9) of the **Planning Act**, including the following reasons:
 - i. The subject property is too small to accommodate required parking to support the proposed restaurant use;
 - ii. The current condition (i.e. parking layout and undefined and uncontrolled vehicular connection to Lansdowne Street West) is not supportable for the use of the lands for a restaurant;
 - iii. The Application does not represent good planning and is not appropriate for this site.

Budget and Financial Implications

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

Background

The General Committee of the City of Peterborough held a Public Meeting related to an application to amend the Zoning By-Law for the property known as 51 Lansdowne Street West on December 2, 2019. The application proposes to amend the current SP.150 – Commercial Zoning District of the lands to add ‘restaurant’ to the list of permitted uses and to reduce the minimum number of required on-site parking spaces serving the development from ten (10) to three (3). Report IPSPL19-033 is attached as Exhibit ‘B’.

During the Public Meeting, the Committee heard from the applicant and from two area residents regarding the proposal. The area residents expressed concerns about the proposed re-zoning related to traffic, parking and noise. Consideration of the application was deferred by Council, at its meeting of December 9, 2019, until the next Council cycle of meetings to enable staff to have review the file, meet with the applicant and report back.

As part of the verbal submission to Committee on December 2, 2019, the applicant suggested that Site Plan Approval should not be required and the allowance for road widening should not be taken along Lansdowne Street West. There are numerous factors that direct the proposed re-use and rezoning of the lands to the requirement for Site Plan Approval and Road Widening as follows:

- The existing uncontrolled driveway connections along Lansdowne Street West, particularly at the intersection with Sherburne Street, do not conform to the Official Plan. Section 5.4 of the Official Plan requires that access be controlled along Lansdowne Street West.
- The applicant is required to reconfigure the parking lot and control the driveway connection to Lansdowne Street West to improve both vehicular and pedestrian safety. The site as existing, can not function without being a potential hazard to pedestrians using the abutting sidewalks. The reconfiguration of the parking lot and the rezoning of the lands constitutes ‘development’ as described in the Provincial Policy Statement, 2014, the City’s Official Plan and the City’s Site Plan Control By-law.
- The City’s Site Plan Control By-law #11-081 refers to ‘development’ as having the same meaning as set out in Section 41 of the **Planning Act, R.S.O. 1990**, as amended. Section 41 defines development as “the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the

size or usability thereof, or the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers ...”

- The required improvements to the existing parking lot and driveway connections will trigger Site Plan Approval.
- Section 5.4.2 of the Official Plan requires “Where a property is the subject of an application for planning approval, including site plan approval, and abuts a road right-of-way that does not meet the expected width as described in policy 5.4.1, it is intended as a condition of approval that the developer provide sufficient land, at no cost to the City to meet the width prescribed by Table 2.”
- Section 5.4.9 of the Official Plan (Transportation Policies) reads: “To ensure that the City and area’s long term transportation needs can be met, the City will cooperate with the County to protect these corridors through negotiation in the review of area plans, plans of subdivision and Official Plan and/or Zoning By-law amendments. Where the ultimate alignment and right-of-way of a long-term corridor has been determined, the required road allowance will be served either as part of, or independent from such planning approvals.”
- The rezoning of the property constitutes ‘development’ as per the **Planning Act**, Provincial Policy Statements, Official Plan and the City’s Site Plan Control By-law. Both Site Plan Approval and Road Widening are required to conform with the relevant Planning legislation and policy.

The applicant also presented to Committee a suggestion that the existing parking layout would be acceptable for the proposed land use. The current site condition (i.e. parking layout and undefined and uncontrolled vehicular connection to Lansdowne Street West) does not support for the use of the lands for a restaurant.

Regardless of the future road widening, the revised concept site plan presented by the applicant does not work. While the applicant’s concept site plan illustrates 12 parking spaces and a loading space, there would have to be modifications to the site plan to facilitate access to the loading space, adequate turning movements and additional walkways (to Sherburne) for pedestrian traffic which would also reduce the parking below the required number.

In addition, it is noted that the Concept Site Plan shows the required loading space, blocked by two parking spaces, flanking the north side of the building. This illustrates the constrained nature of the site, where conflicting uses are intended for the same space. The applicant also indicated verbally, at the December 2nd General Committee meeting, an intent to include a patio on the site. This inclusion would be another example of conflicting uses competing for the same space. Neighbouring residents have expressed concern over the idea of patio space.

There are examples throughout the City, whereby prescribed road widening has been accommodated via rezoning and site plan approval. In some cases, the City has agreed to allow the owner to park within the road allowance in the interim via lease arrangements or encroachment. In these cases, the lease arrangements or encroachments have been on larger sites where additional parking is available or the site can be reconfigured. For this property more than 80% of the required parking is subject to the conveyance, rendering the use of the lands as unusable.

Meeting with Applicant

Although staff scheduled a meeting with the applicant for December 18, 2019, the applicant requested it be postponed until January of 2020. Staff indicated a tight timeline to meet and include details for an update report to Council, which the applicant's representative acknowledged. A meeting with the applicant and agent was held on January 13, 2020. It continues to be the applicant's opinion that site plan approval is not necessary, nor are they prepared to convey the land required for road widening.

Our position remains that site plan approval is appropriate and necessary to deal with the site modifications and the road widening requirement is prescribed in the City's Official Plan. The Staff recommendation remains unchanged.

Summary

Planning staff have considered the comments made by the Applicant and the Applicants' Planner during the rezoning process and at the Public Meeting on December 2, 2019 regarding their concerns with the imposition of Site Plan Approval and the requirement for municipal road widening related to the proposed development application.

A copy of Report IPLPL19-033 is attached as Exhibit 'A' to this report (IPSPL19-033B). The formal Public Meeting related to the proposed application was held on December 2, 2019, at which time General Committee heard from two neighbours as well as from the owner and the owners' agent regarding the proposed land use change. The application was deferred for one cycle to allow additional time for staff to review the file again and for the applicant to have further discussions with staff. As noted above, the applicant requested postponement of the meeting originally scheduled for December 18, 2019. The meeting with the applicant was held on January 13, 2020.

As directed by Council, staff also reviewed the details of the file again, to ensure all possibilities were explored and have confirmed the original recommendations of Report IPLPL19-033, which is to deny the rezoning of the property.

Submitted by,

Cynthia Fletcher
Commissioner of Infrastructure and Planning Services

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Attachments:

Exhibit A – Concept Site Plan
Exhibit B – Report IPSPL19-033

Exhibit A – Concept Site Plan – Page 1 of 1

