



City of
Peterborough

To: **Members of the General Committee**

From: **Cynthia Fletcher**
Commissioner of Infrastructure and Planning Services

Meeting Date: **December 2, 2019**

Subject: **Report IPSPL19-033**
Zoning By-law Amendment – 51 Lansdowne Street West

Purpose

A report to evaluate the planning merits of amending the current SP.150 – Commercial Zoning District of the lands known as 51 Lansdowne Street West 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).

Recommendations

That Council approve the recommendations outlined in Report IPSPL19-033 dated December 2, 2019, 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 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; and
 - iii. The Application does not represent good planning and is not appropriate.

Budget and Financial Implications

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

Background

The subject lands are located at the southeast corner of the intersection of Lansdowne Street West and Sherburne Street, a block west of the Otonabee River. The lands have supported a convenience store use since 1980 and the new owners now wish to convert the use to a restaurant.

The lands were rezoned in 1980 (By-law 1980-79) to permit the conversion of the existing building from a former service station into a retail convenience store. The associated underground gas tanks were removed at the same time (1980).

The lands abut a portion of Lansdowne Street West that is significantly undersized. The existing right of way is 20m and it is projected to require a 36m right of way as specified in the City's Official Plan (1982). The existing development is currently uncontrolled with respect to driveways and parking areas, allowing vehicles to enter/exit the property at any point along both Lansdowne Street West and Sherburne Street.

The application seeks to convert the use of the existing building from a convenience retail store to a restaurant use. The applicant and staff have considered several concepts whereby parking is proposed with controlled access to both Lansdowne Street West and Sherburne Street within the lands to be conveyed to the City. The proposed parking changes and the change in land use is impacted by the policies in the Official Plan, directing the provision of sufficient land to meet the prescribed road width (including daylighting triangle) for Lansdowne Street West.

The applicant is requesting that the City agree to lease the land conveyance back to them and to allow the establishment of a controlled access and revised parking configuration until such time as the City requires the land for road widening.

The applicant has been advised that staff is unable to support the change in land use, primarily related to the inability to provide parking to satisfy the requirements for the proposed restaurant use. The applicant wishes to proceed to Council for a decision.

Analysis

a) Official Plan

The lands are located within the Built Boundary as identified on Schedule A1 – City Structure and designated ‘Commercial’ on Schedule ‘A’ – Land Use. The lands have been considered and treated as ‘local commercial’ and are not included in Official Plan Schedule I – Commercial Areas.

Lansdowne Street West is identified on Schedule A1 – City Structure, as an intensification corridor and on Schedule B – Roadway Network as a High Capacity Arterial Street. The related policies also require social and municipal infrastructure, and treatment of public lands to facilitate an appropriate range and mix of land uses.

Section 5.4 of the Official Plan contains Roadway Network Policies with descriptions of the various roadway classifications including High Capacity Arterial streets. Controlled access and ultimate cross-sections of up to 6 travel lanes plus turning lanes and separated bikeways within a 30 to 36m right of way are contemplated.

The existing vehicular access to the property is uncontrolled. The reconfiguration of the parking lot and controlling the driveway connection to Lansdowne Street West is required to ensure that the application conforms with the City’s Official Plan. In addition, the portion of Lansdowne Street West, adjacent to the subject property is currently 20m and projected to require a 36m right of way width as specified in Table 2 Road Allowance Widths. Proposed development adjacent to all roadways is required to conform with the policies of Section 5.4 of the Official Plan. A daylighting triangle is also required at the intersection of Lansdowne Street West and Sherburne Street.

The Official Plan prescribes that any proposed development, including Site Plan Approval for lands abutting road allowances that do not meet the expected width identified in Table 2 of the Official Plan, are required to provide sufficient land, at no cost to the City to meet the width prescribed by Table 2. The City’s new Draft Official Plan also contemplates the road widening.

The requirement to control access and to convey 9m of road widening along Lansdowne Street West, together with the requirement for conveyance of a daylighting triangle at the intersection makes it impossible to support more than two parking spaces on site. The proposed restaurant use will rely heavily on the ability to provide parking. The zoning amendment request to facilitate the bulk of the required parking within the lands intended for future road widening can at best, only provide a temporary solution to the lack of parking for the restaurant use.

City staff do not support the temporary use of the right of way for parking in that it will become problematic when the City widens the travelled portion of the road, at which time at least 9 of the proposed 12 parking spaces will be lost.

b) Zoning By-law

The current SP.150 – Commercial District limits the use to “a convenience retail store if located within the building presently standing in the district”. It does not provide the full range of retail uses envisioned by the Local Commercial policies of the Official Plan.

The application seeks to broaden the permitted uses to add ‘a restaurant’ to the list of permitted uses and to modify the associated parking requirements to permit nine (9) parking spaces off-site, within the lands to be conveyed to the City.

The effect of the amendment is to reduce the parking and allow the change of land use to permit the proposed restaurant.

After careful consideration of the application, including proposed improvements to the parking and driveway connections, staff is unable to recommend approval of the land use change.

Additional parking is required to support the proposed restaurant use. The current condition is not supportable given; the limited number of parking spaces, the existing parking layout, and undefined/uncontrolled vehicular connection to Lansdowne Street West. The conveyance of road widening and daylighting triangle, will further reduce the size of the parcel to eliminate the potential for adequate parking. Any agreement to facilitate temporary parking upon these lands would be terminated at such time as the City requires, leaving the site virtually unusable from a parking perspective (possibly room for 2 parking spaces).

The intensification of the commercial use, therefore, in the opinion of staff, does not constitute good planning and it is recommended that the application be denied.

c) Site Plan

The requirement for the conveyance of land for road widening renders the site too small to support the proposed use. Where a change in land use requires a redevelopment of a site (i.e. reconfiguration of the parking or additional parking), it has always been the practice of the City to require Site Plan Approval as a condition of the land use change. The introduction of a restaurant to this property will trigger an increase in the required parking, which cannot be accommodated due to the required road widening conveyance.

The **Planning Act** affords municipalities the legal authority to require the conveyance of land for road widening as a condition of Site Plan Approval. The only instance whereby the City has permitted encroachments on land conveyed for road widening, has been where the property can continue to function in compliance with zoning by-law regulations.

The subject site is too small to allow for sufficient on-site parking to support the proposed restaurant use.

Response to Notice

a) Significant Agency Responses:

Agency circulation was issued on July 25, 2019.

The Infrastructure Management Division has indicated that it has no objection to the proposed rezoning from a stormwater management perspective, but request that any approval be conditional on the applicant providing a 8.0m Lansdowne Street West road widening along the frontage of the property and additionally, that a 12.0m by 5.0m daylighting triangle be provided at the northwest corner of the site (12.0m measured along Lansdowne Street West). The proposal to use the widened Lansdowne Street West right of way for parking will become problematic when the City widens the travelled road, at which time most of the parking will be lost.

The Real Estate and Development Division of Infrastructure and Planning has expressed concern with the proposed parking within the lands to be conveyed to the City and the proposed license agreement with the City to allow the use of the area until the Lansdowne Street West widening takes place. This arrangement is not supported by staff as it has the potential to impact on the widening in the future and would create an issue that would have to be resolved later.

The City's Transportation Division has also expressed concern with the current condition whereby vehicular connection to Lansdowne Street West is undefined and uncontrolled. The requirement for Site Plan Approval will trigger the conveyance of land for road widening to meet the Official Plan prescribed width of 36m. The Transportation Division is not supportive of an encroachment or lease arrangement on these lands in the interim, leaving the subject lands with no viable parking once the widening occurs, creating a potential issue for the City. Parking is critical in this location and in the long term to support the proposed land use, and the widening of Lansdowne Street West will significantly impact the ability to park on this site.

There are no significant concerns or comments from other agencies or departments.

b) Summary of Public Responses:

No written comments have been received as of November 7, 2019.

Submitted by,

Cynthia Fletcher
Commissioner of Infrastructure and Planning Services

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Attachments:

Exhibit A – Land Use Map
Exhibit B – Concept Site Plan

Exhibit A – Land Use Map – Page 1 of 1

Land Use Map

File: Z1911

Property Location: 51 Lansdowne St W

EXHIBIT

SHEET OF



The City of Peterborough Planning Division

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Date: July 17, 2019

Map by: pzhao

0 3 6 12 18 24 30 Metres

Exhibit B – Revised Concept Site Plan – Page 1 of 1

