



City of  
**Peterborough**

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**To:** **Members of the General Committee**

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

**Meeting Date:** **July 5, 2021**

**Subject:** **Report IPSPL21-025**  
**Official Plan and Zoning By-law Amendment for 821 Rye Street**

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## **Purpose**

A report to evaluate the planning merits of amending the Official Plan and Zoning By-law as they relate to the property known as 821 Rye Street, to expand the list of permitted uses to include a limited amount of smaller scale retail establishments, in addition to the current list of Service Commercial uses.

## **Recommendations**

That Council approve the recommendations outlined in Report IPSPL21-025 dated July 5, 2021, of the Commissioner of Infrastructure and Planning Services, as follows:

- a) That Section 4.3.6 – Service Commercial Designation provisions of the Official Plan be amended to include a site-specific policy to permit retail establishments with a minimum floor area of 500m<sup>2</sup> to occupy up to a maximum of 2000m<sup>2</sup> of the total building floor area, in accordance with the draft amendment, attached as Exhibit 'C' to Report IPSPL21-025.
- b) That the Zoning By-law be amended to modify Exception 222, to permit retail establishments with a minimum floor area of 500m<sup>2</sup> to occupy up to a maximum of 2000m<sup>2</sup> of the total building floor area, in accordance with the draft amendment attached as Exhibit 'D' to Report IPSPL21-025.

## Budget and Financial Implications

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

## Background

The subject property is located on the south side of Lansdowne Street West and extends between Webber Avenue and Rye Street (known as Peterborough Crossing). The property has a total lot area of approximately 1.65 ha. (4.1 ac.) and was assigned the Service Commercial Designation in 2001, as part of the City's Comprehensive Commercial Policy Update in 2001. The zoning of the property was changed from industrial to commercial via a Zoning By-law Amendment in 2005 (By-law 2005-217) to implement the Service Commercial policies and designation of the land. The existing SP.268-5f-222 – Commercial District supports the current use of the lands, in conformity with the Official Plan.

The existing total Building Floor Area of 5394m<sup>2</sup> (58,060 ft<sup>2</sup>) is comprised of a main commercial building (1672m<sup>2</sup> furniture store (JYSK)) and 3019m<sup>2</sup> of vacant space (formerly Home Outfitters); a 555m<sup>2</sup> restaurant (Boston Pizza) and another 148m<sup>2</sup> restaurant with drive through (Starbucks). The property currently supports a total of 199 parking spaces.

The applicant proposes to repurpose the existing vacant retail space with smaller scale retail establishments to compliment the existing uses on the property, limiting the introduction of smaller-scale retail establishments to a portion of the existing floor area (approximately 37%). The proposed amendments are intended to support the leasing of the existing vacant space to retail tenants. No building/development or redevelopment is anticipated beyond the existing footprint.

The applicant further proposes the use of Section 4.2(B)(i) of the Zoning By-law to provide for a blended parking rate of 1 space per 20m<sup>2</sup> of gross leasable area. A deficiency of 2 parking spaces would potentially result, unless the owner is able to minimize the requirement by limiting the gross leasable area very slightly.

The applicant has indicated that a potential tenant has expressed interest in a portion of the vacant space, and as such, the applicant is requesting an amendment in advance of the City's adoption of a new Official Plan.

The application was accompanied by an existing Site Plan (Exhibit B) illustrates a total of 3 single storey buildings, parking, signage and driveway areas. Building 'B' formerly supported a 'home improvement outlet' (Home Outfitters) and has been vacant since the closure in 2019. It is anticipated that up to 2000m<sup>2</sup> of the 3019m<sup>2</sup> of vacant space be divided into smaller retail establishments with minimum gross leasable floor areas of 500m<sup>2</sup> each.

A Scoped Retail Market Report, prepared by Tate Economic Research Inc., dated January 12, 2021, also accompanied the application in support of the amendments, confirming that the requested retail opportunity/uses will not have a negative impact on the retail hierarchy of the City of Peterborough Official Plan, including the Central Area and Shopping Nodes.

The property is subject to a Site Plan Agreement, registered on title to the lands. No changes are proposed to the site as a result of the subject applications.

## **Analysis**

### **a) Provincial Policy Statement, 2020**

Any decision on the proposed Official Plan and Zoning By-law amendment must be consistent with the Provincial Policy Statement, 2020 (PPS) which came into effect on May 1, 2020. The PPS provides general direction to municipalities with respect to addressing matters of provincial interest in land use planning.

“1.1.1 Healthy, liveable and safe communities are sustained by:

a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;

c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;

e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;

f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;”

“1.3.1 Planning authorities shall promote economic development and competitiveness by:

b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;”

Adding a limited amount of retail establishments with a minimum floor area of 500m<sup>2</sup> per unit will encourage economic opportunities and add to a wide range of permitted uses on-site. The subject lands are municipally serviced and supported by transit and located on a high capacity arterial street.

Staff is satisfied that the proposed use is consistent with the PPS.

**b) A Place to Grow, Office Consolidation 2020**

Similar to the PPS, any decision on the proposed Zoning By-law amendment must conform with the policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the Growth Plan). The Growth Plan builds upon the policy foundation of the PPS by providing land use planning policies to address specific issues in the Greater Golden Horseshoe (GGH). The subject property is located within the Delineated Built-up Area as defined in the Growth Plan. Accordingly, the property is subject to both general policies in the Plan and to policies that are specific to the Delineated Built-up Area.

Generally, the Growth Plan requires municipalities to focus growth within Delineated Built-up Areas and to support the achievement of communities that:

- feature a diverse mix of land uses and convenient access to local stores, services, transportation options and public service facilities;
- improve social equity and quality of life;
- provides a diverse range and mix of housing options to accommodate people at all stages of life.

In addition to the general policies of the Growth Plan, the following policies are considered to have direct relevancy with respect to the subject Zoning By-law amendment:

**2.2.1.1**

“c) within settlement areas, growth will be focused in:

- i. delineated built-up areas;
- ii. strategic growth areas;
- iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and
- iv. areas with existing or planned public service facilities;”

The property is located within the Delineated Built Boundary as defined by the Growth Plan.

2.2.5.3 “Retail and office uses will be directed to locations that support active transportation and have existing or planned transit.”

In staff’s opinion, the proposed introduction of additional retail opportunities, along an existing transit route with full municipal services and a full urban cross section including sidewalks, supports the achievement of complete communities and conforms with the policy directions of the Growth Plan.

**c) Official Plan**

The subject lands are located within the City’s Lansdowne Street West Intensification Corridor and are subject to the Service Commercial policies of the Official Plan. The lands are located between the Lansdowne/Parkway Node and the Summit Node, connecting these with predominantly Service Commercial uses.

The Official Plan encourages a broad range of commercial services, commercial recreational and institutional uses and a restricted range of retail commercial uses within the Service Commercial designation, which are not appropriate in other commercial designations or have specific site, access or storage/display requirements.

The retail uses contemplated within the Service Commercial designated lands include those uses that require large sites to accommodate extensive open or enclosed display or storage areas, such as furniture and appliance sales, horticultural centres, home improvement and building supply outlets, and vehicle, farm supply and large equipment sales facilities, flea markets and auction halls.

The proposed amendment would allow for a broader range of retail establishments with a limitation of the amount of total floor space dedicated to these retail establishments. A minimum size of 500m<sup>2</sup> of gross leasable floor area for each, to occupy up to a maximum of 2000m<sup>2</sup> or approximately 37% of the total floor area of the existing development is contemplated by this change. This maximum cap and the minimum size per unit, will ensure that the predominant use of the lands will continue to be for the types of retail uses that are not appropriate in other commercial designations due to the size, site, access or storage/display requirements.

**d) Zoning By-law**

The current SP.268-5f-222 – Special Commercial District limits the commercial uses of the property. It is consistent with the existing Service Commercial policies of the Official Plan and respects the existing Commercial Structure.

The existing Exception 222 provides for the following:

“.222 In addition, this land may be used for:

- i) A bank, financial institution or loan company

ii) A home improvement outlet

Notwithstanding Section 298.2 w), this land may not be used for a church or place of assembly. Building locations and flood proofing shall comply with permit requirements of Otonabee Conservation.”

The application seeks to broaden the permitted uses to add “retail establishments with a minimum floor area of 500m<sup>2</sup> to occupy up to a maximum of 2000m<sup>2</sup> of the total building floor area. The minimum floor area requirement ensures that small scale retail uses, anticipated for Major Shopping Centres and the Central Area are prohibited.

In an effort to distinguish the types of retail establishments from those contemplated within the Major Shopping Centres and the Central Area, the applicant has also proposed to specifically prohibit department stores and supermarkets.

With regard to parking, the applicant has indicated the potential for very minor deficiency of 2 parking spaces overall. It is anticipated and recommended by staff that the minimum standards of the blended rate as provided for in the Zoning By-law be maintained and that no further relief be prescribed in this regard. This may require a slight reduction in the building floor area dedicated to the new retail uses and is anticipated to be achievable without the requirement for further relief.

## **Response to Notice**

### **1. Significant Agency Responses:**

Agency circulation was issued on April 15<sup>th</sup>, 2021.

No agency has expressed any significant concerns or requests with respect to the proposed Official Plan and Zoning By-law Amendment of the subject property.

### **2. Summary of Public Responses:**

No written comments have been received as of June 8, 2021.

Submitted by,

Cynthia Fletcher  
Commissioner of Infrastructure and Planning Services

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**Attachments:**

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

**Exhibit A, Land Use Map, Page 1 of 1**

# Land Use Map

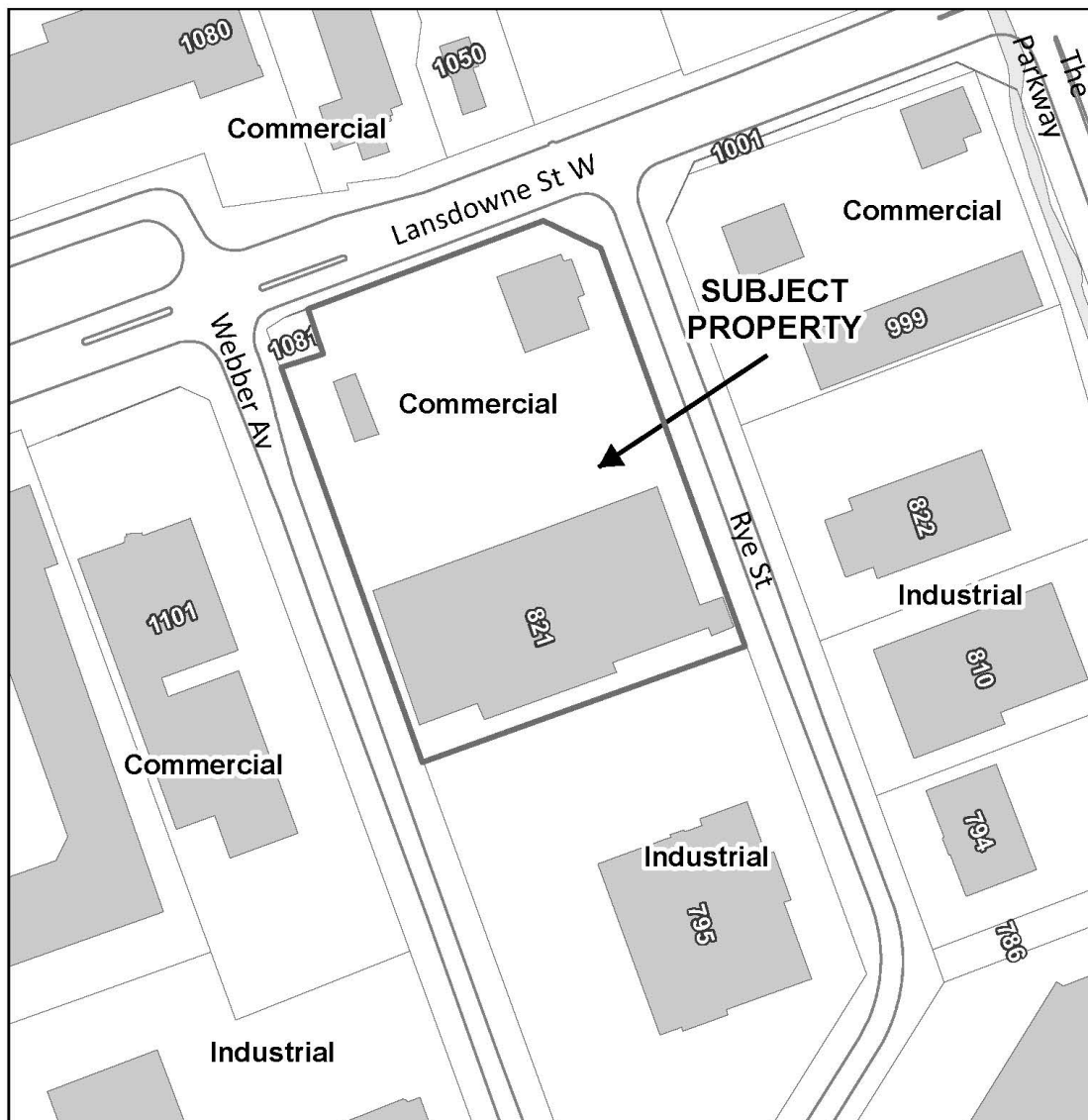
File: O2102 and Z2103

Property Location: 2821 Rye 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.



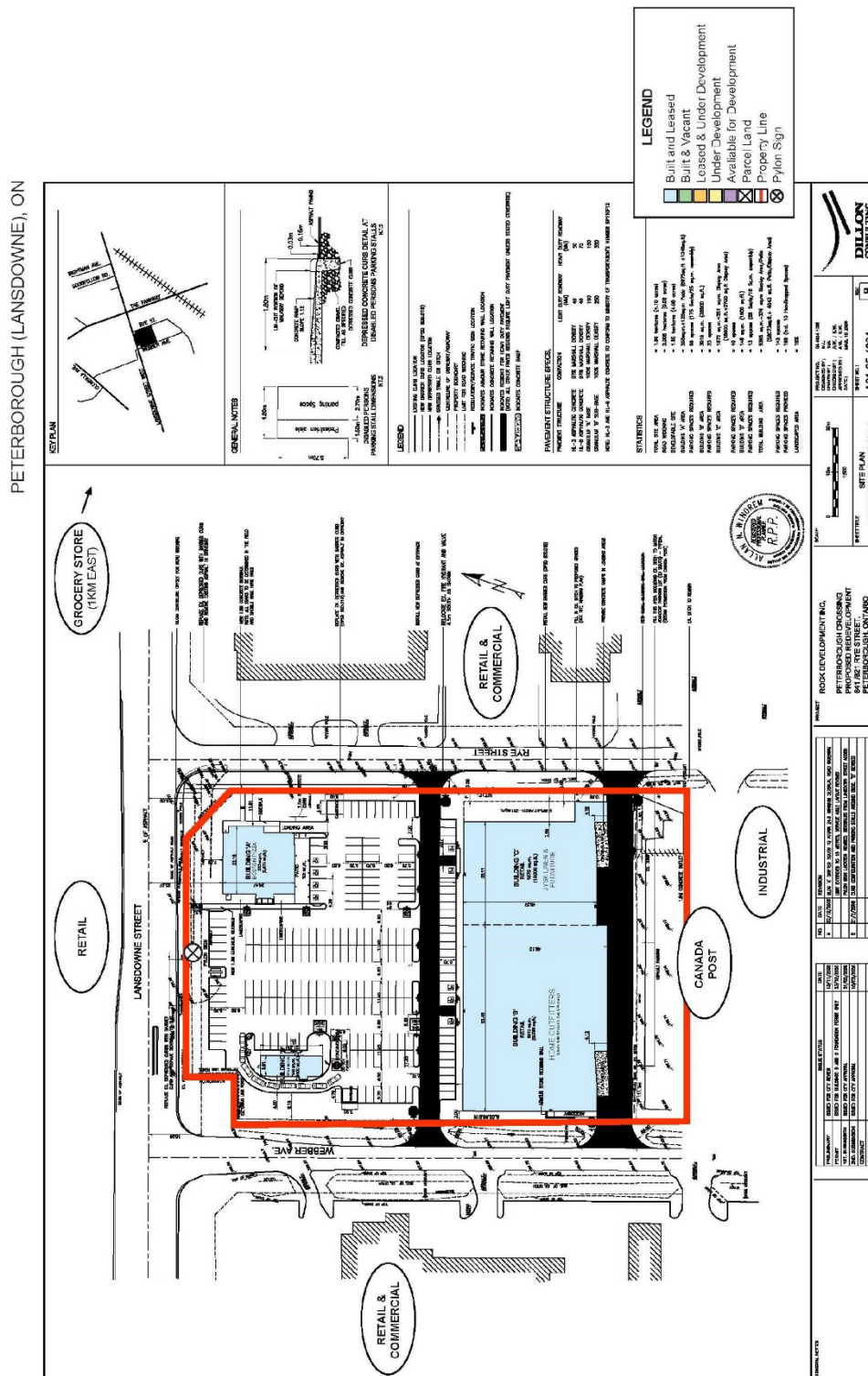
Date: April 9, 2021

Map by: ANichols

0 5 10 20 30 40 50 Metres



**Exhibit B, Existing Site Plan, Page 1 of 1**



**Exhibit C, Draft Official Plan Amendment, Page 1 of 1**



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**The Corporation of the City of Peterborough**

**By-Law Number 21-[Clerk's Office will assign the number]**

Being a By-law to Adopt Amendment Number \_\_\_\_\_ to the Official Plan of the City of Peterborough for the property known as 821 Rye Street

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

1. That Section 104.3.6 of the Official Plan be revised to include the following:

**“4.3.6.9 Special Provisions Service Commercial**

Notwithstanding the restrictions of Section 4.3.6.3, the lands known as 821 Rye Street, in addition to the uses identified in Section 4.3.6.3.d), retail establishments with a minimum floor area of 500m<sup>2</sup> may occupy up to a maximum of 2000m<sup>2</sup> of the total building floor area.”

By-law read a first, second and third time this    day of                      , 2021.

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Diane Therrien, Mayor

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John Kennedy, City Clerk

**Exhibit C, Draft Official Plan Amendment, Page 1 of 2**



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**The Corporation of the City of Peterborough**

**By-Law Number 21-[Clerk's Office will assign the number]**

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

2. "That Section 104.3.6 of the Official Plan be revised to include the following:

**"4.3.6.9 Special Provisions Service Commercial**

Notwithstanding the restrictions of Section 4.3.6.3, the lands known as 821 Rye Street, in addition to the uses identified in Section 4.3.6.3.d), retail establishments with a minimum floor area of 500m<sup>2</sup> may occupy up to a maximum of 2000m<sup>2</sup> of the total building floor area."

By-law read a first, second and third time this    day of                      , 2021.

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Diane Therrien, Mayor

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John Kennedy, City Clerk

**Exhibit D, Draft Zoning By-law Amendment, Page 1 of 1**



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

3. "That Section 104.3.6 of the Official Plan be revised to include the following:

**"4.3.6.9 Special Provisions Service Commercial**

Notwithstanding the restrictions of Section 4.3.6.3, the lands known as 821 Rye Street, in addition to the uses identified in Section 4.3.6.3.d), retail establishments with a minimum floor area of 500m<sup>2</sup> may occupy up to a maximum of 2000m<sup>2</sup> of the total building floor area."

By-law read a first, second and third time this     day of     , 2021.

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Diane Therrien, Mayor

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John Kennedy, City Clerk

**Exhibit D, Draft Zoning By-law Amendment, Page 1 of 2**



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**The Corporation of the City of Peterborough**

**By-Law Number 21-**

Being a By-law to amend the Zoning By-law for the lands known as 821 Rye Street

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

4. That Section 3.9 be amended to modify Exception 222 by adding the following:
- “iii) retail establishments with a minimum floor area of 500m<sup>2</sup> may occupy up to a maximum of 2000m<sup>2</sup> of the total building floor area.
  - iv) a supermarket and/or a department store are not permitted”

By-law read a first, second and third time this      day of      , 2021.

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Diane Therrien, Mayor

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John Kennedy, City Clerk