



City of
Peterborough

To: **Members of the General Committee**

From: **Jasbir Raina, Commissioner of Infrastructure and Planning Services**

Meeting Date: **March 6, 2023**

Subject: **Zoning By-law Amendment Z2211, 2000 Technology Drive, Report IPSPL23-009**

Purpose

A report to evaluate the planning merits of amending the zoning at 2000 Technology Drive from Prestige Industrial (M2.1) to Prestige and Service Industrial (M2.3) and Open Space (OS.1) to permit a heavy truck and equipment sales and service use.

Recommendations

That Council approve the recommendations outlined in Report IPSPL23-009, dated March 6, 2023 of the Commissioner of Infrastructure and Planning Services as follows:

- a) That Section 3.9 Exceptions, of the Zoning By-law 97-123, be amended by adding exception number .354 in accordance with Exhibit C of Report IPSPL23-009; and
- b) That the subject property be re-zoned from M2.1 - Prestige Industrial District to M2.3-354 Prestige and Service Industrial and OS.1 Open Space District in accordance with Exhibit C of Report IPSPL23-009.

Budget and Financial Implications

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

Background

The subject lands are located near the southeast boundary of the City, south of Highway 7-115, within the Peterborough East Industrial Park. The property is approximately 4 hectares in size and is surrounded by other industrial properties and privately owned open space. The property is currently vacant and is comprised of an area of cleared land, associated with the proposed development area, as well as vegetated lands associated with a wetland feature on site. The subject lands have been zoned for industrial use, with services available at the property line since the late 1980's, coinciding with the development of the adjacent property (for Kendall Canada at the time, now Siemens).

The applicant seeks to rezone the property from M2.1 – Prestige Industrial District to M2.3 – Prestige and Service Industrial District with modifications to permit a heavy truck and equipment sales and service use. The applicant also proposes to zone the balance of the lands to OS.1 – Open Space District to address environmental constraints present on that section of the property based on the findings of a scoped Environmental Impact Study (EIS). Ault Equipment is a supplier and distributor of large-scale Canadian made equipment for the aggregate, mining and environmental industries. The subject site will be the location of a 21,000 square foot distribution centre, repair garage and office for Ault Equipment.

The applicant is seeking a site specific reduction to the minimum landscape open space to be provided along a side lot line from 3 metres to 1.2 metres along a portion of the east side lot line. The Applicant is proposing that outside storage be limited to 700 square metres and adequately buffered and screened from Highway 7-115 in accordance with a future Site Plan.

The application was subject of a pre-consultation with staff on April 28, 2022, and was deemed to be complete on November 24, 2022. The application was submitted together with a Planning Justification Report, Conceptual Site Plan, Building Floor Plans and Elevations, Preliminary Stormwater Management Plan, Engineering Drawings and Updated Environmental Impact Study. Site Plan Approval is required prior to Building Permit issuance.

Analysis

a) Provincial Policy Statement, 2020 (PPS)

Any decision on the proposed Zoning By-law Amendment must be consistent with the PPS which came in to effect on May 1, 2020. The PPS provides general direction to municipalities with respect to addressing matters of provincial interest in land use planning.

Section 1.1.1 of the PPS states that healthy, liveable and safe communities are sustained by, among others, accommodating an appropriate affordable and market-based range and mix of residential types, employment, institutional, recreation, park and open space, and other uses to meet long term needs.

Section 1.1.3 states that “settlement areas shall be the focus of growth and development” and Section 1.1.3.2 state “land use patterns within settlement areas shall be based on densities and a mix of land uses which: b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available and avoid the need for their unjustified and/or uneconomical expansion.”

The property is located within the City’s boundary (settlement area) and is serviced with full municipal services and represents an efficient use vacant land without the need for expansion or extension of infrastructure, consistent with the directives of the PPS. The subject properties form part of lands that have been allocated for Industrial Development due to their proximity to transportation networks, spaciousness and infrastructure.

The PPS directs municipalities to plan for, protect and preserve employment areas for current and future uses that ensure that the necessary infrastructure is provided to support current and projected needs. The subject lands are located in an area that has municipal services and is adjacent to the highway corridor the propose rezoning of the subject lands will facilitate the use of these lands that have are ready to welcome an industrial use.

Section 2.1 of the PPS states that Natural features and areas shall be protected for the long term and that development or site alteration shall not be permitted within significant natural areas and significant habitat of endangered and threatened species. There are wetland features on site that have been studied to determine their extent and recommendations for mitigating potential impacts. The EIS concluded that a 10-metre development setback from the treed swamp should be implemented to mitigate impacts to the features. The EIS, through discussion with Otonabee Region Conservation Authority (ORCA), recommends compensation for slight loss of the feature through a seeding and planting program within the area of the property that will not be developed but was previously not contributing to the ecological function of the wetland – resulting in what is called a ‘net gain’ in wetland function. The proposed rezoning of the lands with environmental features to an OS.1 zone will prohibit future development.

Rezoning the lands to contain the natural heritage features in an Open Space OS.1 District – a district that does not permit the construction of any building – will help ensure that the development is consistent with Section 2.1 of the PPS.

b) A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan)

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, 2019 (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) which includes access to housing, mobility, protection of the natural environment and agricultural lands and the economy. The Growth Plan embraces the Complete Community concept – to ensure that the GGH has communities that support living, working and play.

The Growth Plan directs municipalities, to implement strategies that designate and identify employment areas in such a way that makes efficient use of existing employment areas and vacant employment lands, ensuring appropriate co location with transit and highway networks. Section 2.25 of the Growth Plan notes that economic development and competitiveness in the GGH will be promoted by – making efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities. The subject lands have been available, serviced and vacant for many years. The subject application will make appropriate use of the lands.

c) City of Peterborough Official Plan

The subject property is designated ‘Industrial’ on Schedule A – Land Use and ‘Prestige Industrial’ on Schedule O – Industrial Land Use in the City’s Official Plan. The Official Plan provides guidance with respect to allowing flexibility in the mix of permitted activities on industrial properties in response to market and economic changes.

The Purpose of the ‘Prestige Industrial’ is to recognize a range of uses including contained assembly, manufacturing and processing uses, warehousing, research and development laboratories, engineering and technical services, communication and broadcasting facilities and industrial offices. Zoning regulations applied to Prestige Industrial lands will reflect a high standard of site design and development.

Outside storage is proposed to be limited to 700 square metres, in conjunction with Site Plan Approval to ensure that such storage is limited in size, is adequately buffered and screened from Highway 7-115. The applicant proposes that landscaping will be used to provide visual screening from the highway. Sight layout and design will be thoroughly assessed and finalized through the Site Plan Approval Process.

The subject lands are identified as ‘Employment Area’ on Schedule A-1 – City Structure of the Official Plan. Employment areas are intended to provide sites for a range of employment activities to accommodate the City’s projection for employment to promote

economic development and competitiveness. The proposed use of at the subject lands – as heavy truck and equipment sales and service use aligns with the intentions of the Employment Area policies of the Official Plan.

d) City of Peterborough Zoning By-law

The subject application is required to permit the proposed use. The Zoning By-law Amendment will introduce a 'heavy truck and equipment sales and service' use to a portion of the subject property. The site can accommodate all the regulations of the M2.3 Zoning District, save for a requested reduction in the minimum landscape buffer along a portion of the east side lot line. The applicant is also proposing to limit the extent of outside storage on site (where the M2.3 district does not) to address concerns with respect to visibility of the site from the Highway.

The Open Space OS.1 Zoning District is being introduced to the balance of the lands, outside of the development area, to reflect the presence of Natural Heritage features on site and the limited development potential for these lands. This Zoning District does not permit any buildings.

Response to Notice

a) Significant Agency Responses

Agency Circulation was issued on November 29, 2022. Of note were agency comments from the Ministry of Transportation indicating that the property is within the Ministry's Permit Control Area due to its proximity to Highway 7-115. The Ministry has no objections to the rezoning application but has requested direct contact with the applicant regarding the proposed site layout. The applicant will be required to pre-consult with the Ministry of Transportation prior to preparing/submitting their Site Plan Application and will require a permit from the MTO prior to issuance of Building permit. This has been communicated directly to the applicant upon receipt by City Staff.

b) Summary of Public Responses

Notice of Public Meeting was issued on February 6, mailed to all property owners within 120 metres of the subject lands as well as published in the Peterborough Examiner. No written responses have been received as of the writing of this report.

Submitted by,

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Attachments:

Appendix A – Land Use Map

Appendix B – Concept Site Plan

Appendix C – Draft Zoning By-law Amendment

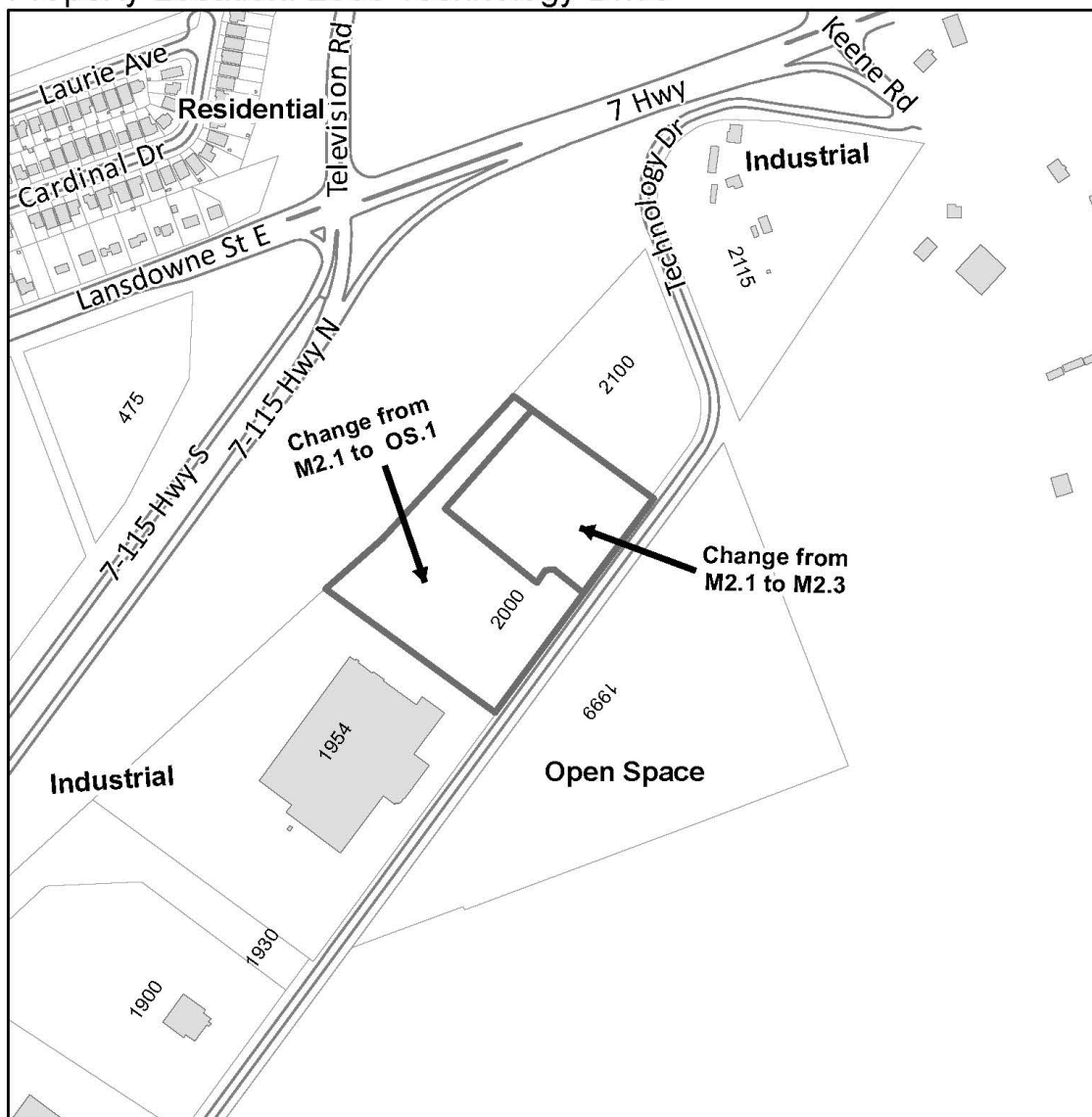
Exhibit A – Land Use Map

Land Use Map

File: Z2211

Property Location: 2000 Technology Drive

EXHIBIT
SHEET OF



The City of Peterborough Planning Division

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Date: November 29, 2022
Map by: bgautam

0 20 40 80 120 160 200 Metres

Exhibit B – Concept Plan – Development Area (Page 1 of 2)

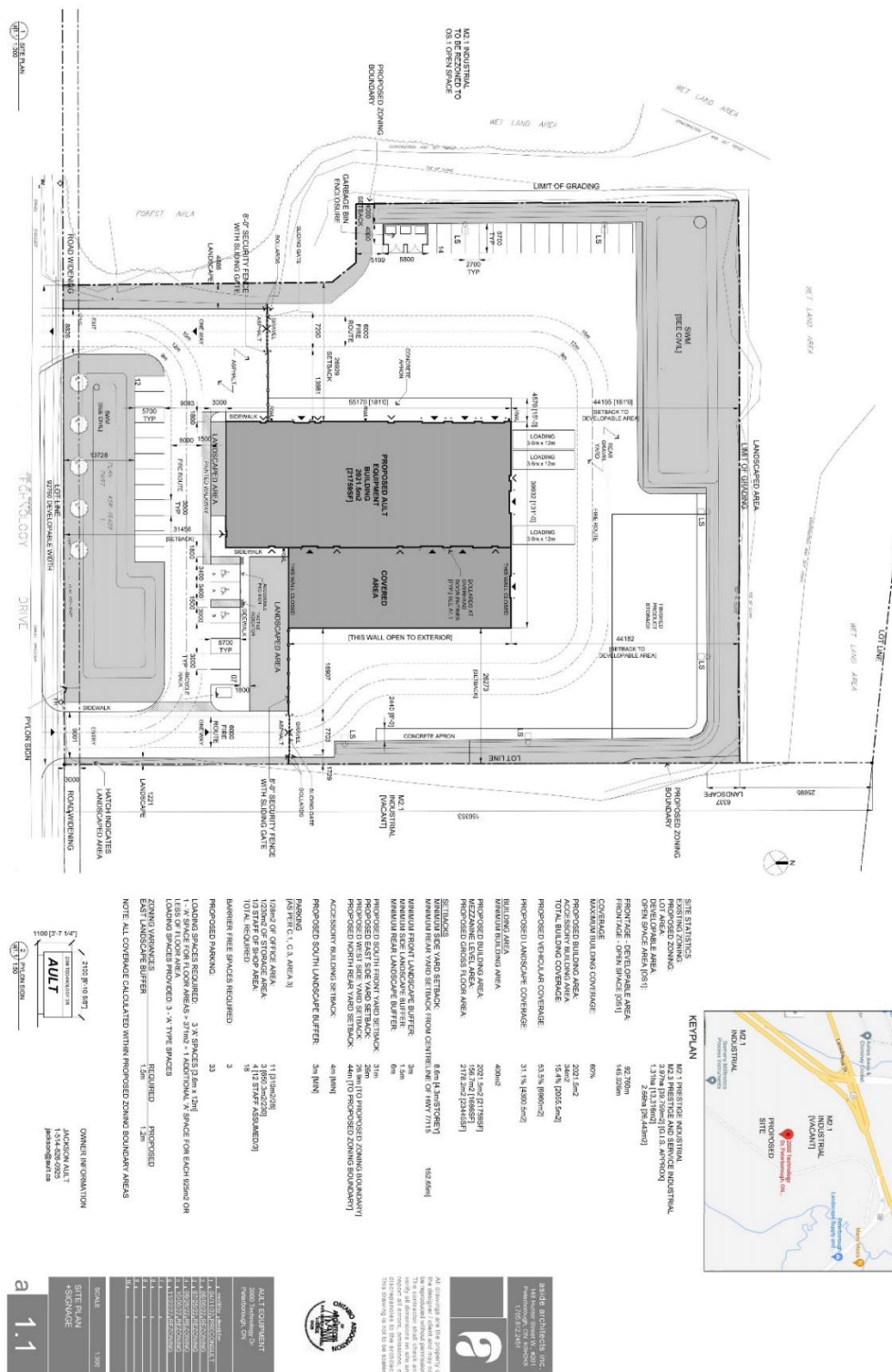


Exhibit B – Concept Plan – Whole Site (Page 2 of 2)

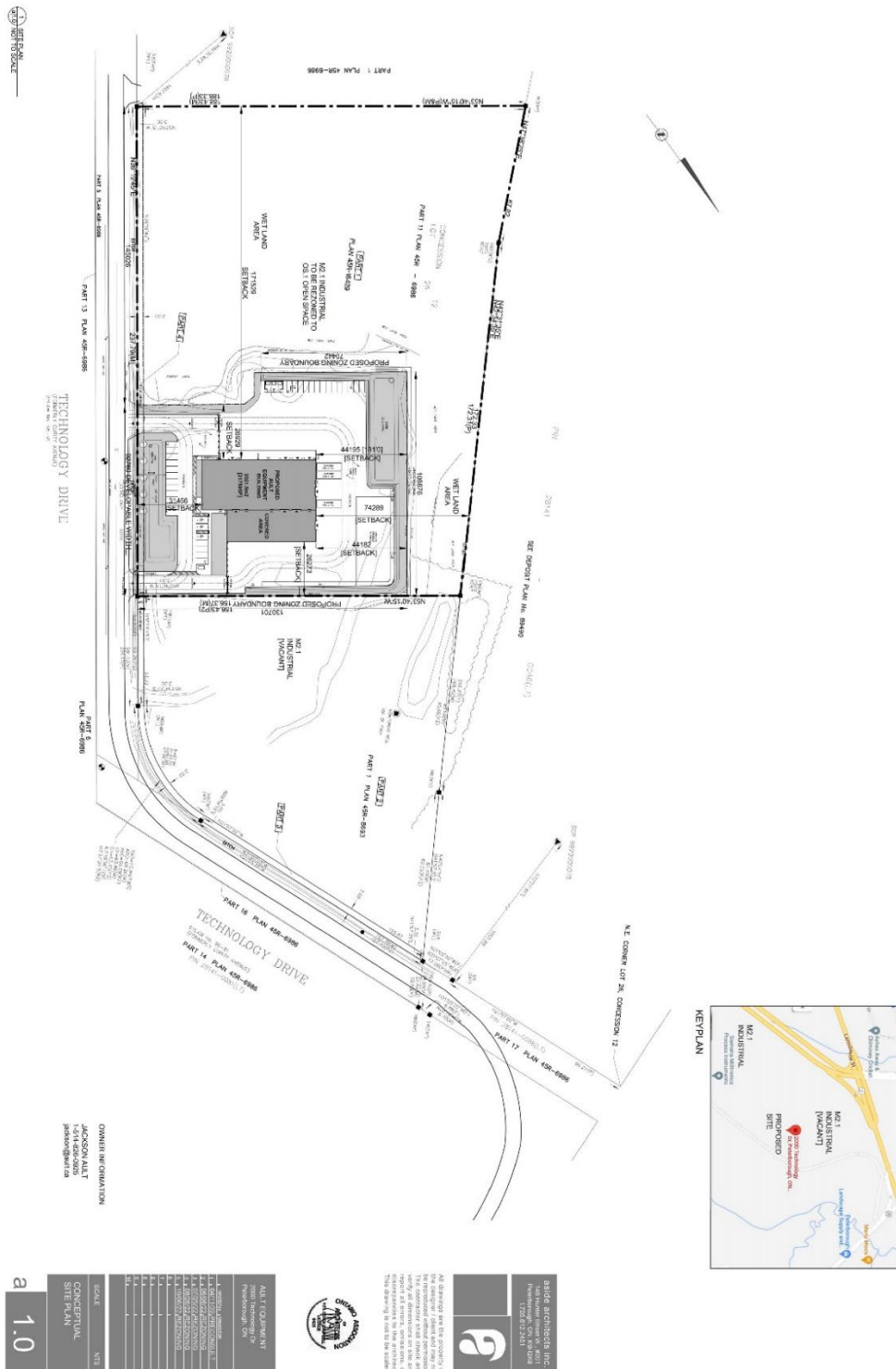


Exhibit C – D Draft Zoning By-law Amendment (Page 1 of 2)**The Corporation of the City of Peterborough****By-Law Number 23-[Clerk's Office will assign the number]**

Being a By-law to amend the Zoning By-law for the lands known as 2000 Technology Drive

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

1. That Section 3.9 – Exceptions, be amended to add the following:

“.354 No Notwithstanding the provisions of this By-law to the contrary, the following shall apply:

Regulation	Provision
Minimum landscape open space to be provided along a side lot line	1.2 metres along the east side lot line
Outside Storage	Maximum 700 square metres in accordance with an approved Site Plan

2. Map 24 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 M2.1 to M2.3-354 and OS.1.**

By-law passed this day of , 2023.

Jeff Leal, Mayor

John Kennedy, City Clerk

Exhibit C – Schedule A (Page 2 of 2)

