



City of  
**Peterborough**

## Committee of Adjustment Hearing Date: February 24, 2015

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**Staff Comments re:** Files A07/15, A09/15, A10/15, B03/15 and B04/15

### **A07/15 – 769 Borden Avenue – Lansdowne Mall Inc.**

The owner is requesting relief from Section 4.2C(i) and 6.40 of the By-law to permit a temporary tent structure on the property and reduce the minimum required number of motor vehicle parking spaces by 96 spaces from 1,951 to 1,855. The purpose is to allow the annual establishment of a seasonal garden centre in the parking lot between April 1 and July 15, located as illustrated on Exhibit A.

The application for a temporary garden centre has been before the Committee a number of times since 2004 as the Committee considered changing circumstances regarding the size, location redevelopment of the mall and garden centre, and the number of parking spaces available associated with the mall.

Temporary structures associated with the seasonal garden centre were permitted and are proposed on the basis of the following parking scenarios:

<b>Year</b>	<b>Parking Scenario</b>	<b>Number of spaces</b>
<b>2008</b>	Shortfall	57
<b>2009</b>	Surplus	182
<b>2011</b>	Surplus	70
<b>2013</b>	Shortfall	78
<b>2015 Proposed</b>	Shortfall	96

Since the additions to the mall, including the Loblaws Superstore expansion and The Keg freestanding restaurant, Lansdowne Mall Inc. may be approaching a more stable state considering their land holdings and site plan development.

The last decision of the Committee, File A16/13, granted relief to reduce the number of parking spaces by 78 to 1,873 parking spaces to permit the garden centre for two seasons and allow for completion of the parking area and the stormwater management facilities. At the time of the application, it was suggested that the completed site plan was to incorporate the land known as 780 Erskine Avenue, formerly occupied by the ReStore, upon it being vacated. At the time, it was represented by the proponent that the use of the additional property may be considered as a part of the parking area associated with the mall to support the garden centre.

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A Parking Study prepared by LEA Consulting has been provided with this application offering the opinion that there is adequate parking available on the property to support the retail activities on the mall property, including the seasonal garden centre, with a shortfall of 88 spaces. The application is for a shortfall of 96.

Staff have consulted with other municipalities in how they deal with seasonal garden centres in conjunction with malls. It was found that the standard parking requirements for malls are the same as other municipalities. The relief in terms of a ratio of space occupied by the Garden Centre to the number of parking spaces lost was similar, however, the relief requested to reduce the overall required parking spaces by 96 on a mall property was questioned as being a minor variance.

In that there is nothing unique about this mall that would warrant relief from the City's parking requirements, and as alternative solutions may be available considering the land base, staff is concerned about the extent of the variance requested to the parking requirements as described.

Utility Services Division commented, indicating that while work on a plan for improvements to the flood regime is ongoing, the plan will not be finished until later this year. It remains to be seen how long it will take to implement the planned improvements.

The lack of a comprehensive plan for the mall property, including alternative parking opportunities that could be provided at 780 Erskine Avenue, and the unresolved flood regime continue to exist as two outstanding issues that should be considered before a decision is made to permit a seasonal garden centre on a continuous basis. Should the Committee see fit to grant the relief as described, Staff would recommend that it be for no more than one season allowing the circumstances to be reviewed again in the future. A condition for approval will require an amendment to the site plan agreement to illustrate the location and limits of the garden centre on the registered site plan agreement with the City to the satisfaction the Urban Design Planner.

#### **A09/15 – 51 Park Street North – TDL Group Corp. (Tim Hortons)**

The owner is planning to renovate the permanent building on the property used as a drive through Tim Hortons restaurant. A minor variance to Section 6.40 of the by-law is therefore requested to permit a trailer as a temporary building on the property from which a limited drive through service may be provided until the renovations are complete and the permanent building can be reopened.

The temporary structure would be established on the property for approximately two months to allow the drive through operation of the restaurant to function while the permanent building is undergoing renovations. The plan for renovations will be to enlarge the building on the site, so a variance is also requested to reduce the number of motor vehicle parking spaces required to support the restaurant from 7 to 6.

The subject property is located on the southwest corner of a busy intersection of Park Street and Albert Street controlled by a traffic light. The proponent has provided a plan attached as Exhibit B, illustrating the location of the temporary structure on the site and how parking and motor vehicle movement may be accommodated on the property.

Staff considered the size of the site, the limited space on the property available to physically accommodate the modified operation of a drive through restaurant, and the inability to provide parking associated with people operating the restaurant and the motor vehicles and utility trailers visiting the site associated with the tradespeople working on the building and delivering materials required for the renovations.

The property has already received variances to regulations of the by-law to allow the undersized property to be developed and used as a restaurant. It received a further variance to the parking required associated with its use. Normally, as a building is increased in size, it is done to increase business and more parking is required in anticipation of a more successful business. Staff is concerned with the potential impact of any further variance to forgo required parking in order to facilitate further development of the property and potentially too much activity on the relatively small property. Staff is concerned that confusion of motorists caused by the construction activity on the site and the continued operation of a drive through restaurant facility could result in congestion associated with the flow of vehicular traffic in relation to the site and the intersection of Albert Street and Monaghan Road. City Police records indicate that there is an average of 4.7 "reported" Motor Vehicle Collisions per year at the intersection of Park Street and Albert Street over the past ten years.

Staff have been contacted by people living in the vicinity who are also concerned about the effects of temporary changes to the site on traffic flow in relation to the intersection of Albert Street and Park Street, as it may effect the safety of pedestrians using the intersection and the sidewalk in relation to the access to the subject property.

Considering the size of the site and its inability to provide on site parking, Staff is concerned with the variance requested that could have an impact on traffic flow and adjacent properties in the area. Considering the variances already granted to allow development of the property, Staff is of the opinion that the accumulation of variances are not regarded as minor and if further variances are granted, would contribute to an overdevelopment of the property. Staff cannot support the variances as described.

#### **A10/15 – 910 Wentworth Street (892 Clonsilla Avenue) – 1496986 Ontario Inc. (Parkview Homes)**

The owner is working on the site plan for the location of two multiple unit residential buildings and parking to be constructed on the site. The proposed development was the subject of variance application A50/13 that provided relief from the setback from the west side lot line and from Wentworth Street. While the purpose of the variances was to address regulations of a zoning district to accommodate a building form with a larger floor plate for two buildings, Staff have been working with the applicant to develop a site plan that will effectively accommodate the buildings, parking and attention to a detailed plan for stormwater management on the site.

The latest plan attached as Exhibit C illustrates the buildings requiring one further variance to reduce the minimum building setback from the centreline of Clonsilla Avenue from 24.4 metres to 22 metres.

Exhibit D was approved by the Committee considering the variances granted to allow the 44 units on the property within the two buildings. Comparing the Exhibit C to D, the only difference of note is the alignment of the building with the reduced setback from the building in relation to Clonsilla Avenue at the northwest corner of the property. There is no change to the relationship of the plan in relation to any of the other lot lines as presented.

Considering the attention to the details of the site design required as a condition of the Committee's approval of file A50/13, Staff is of the opinion that the impact of the variance sought by this application in relation to Clonsilla Avenue is minor.

Staff would not object to the Committee granting the variance as described on the condition that the owner enter into a site plan agreement with the City that would address among other site plan requirements the following:

- a) The establishment of mature tree stock on the property as a part of an enhanced soft landscaping plan, to the satisfaction of the Planner of Urban Design. The trees would include a variety of species that would serve to screen the building and parking area from the established development of surrounding properties and assist in the transpiration of surface water from soft landscaped areas on the site.
- b) Consideration of permeable asphalt or surface finish of the parking area to mitigate the impact of runoff from the increased lot coverage by parking area.
- c) The rooftop area of buildings on the property be linked to rain gardens, bio-retention cells and/or a sub-surface stormwater management system designed to capture, store and use rain water for the irrigation of landscaping on the property.

This variance is supported considering the other variances addressed under file A50/13 to facilitate, within reason, the conceptual plan for development as represented to the Committee and depicted by the concept plan attached to the Staff Report as Exhibit C. These variances would not apply to a plan for development that is a significant departure from the plan as depicted illustrating two three-storey buildings at the south and north end of the property with no less than 77 shared surface parking spaces between them.

### **B03/15 – 1866 Lansdowne Street West – 2351058 Ontario Inc.**

Referring to the Plan attached as Exhibit E, a consent is requested to facilitate a long term lease agreement regarding the internal space of the building located toward the west end of the property labelled as Building A.

The property is located on Lansdowne Street West, which is an arterial street with a road allowance requirement of 36 metres, as identified by the Official Plan. The current road allowance width in relation to the subject property is 33.25 metres.

Staff reviewed the circumstances and is maintaining their position requesting that the owner convey to the City, free of encumbrances and at no cost to the City, a 2.76 metre wide strip of land across the frontage of the subject property for the purposes of widening the Lansdowne Street West road allowance as a condition for approval of the consent. The City remains willing to lease back the land upon which the parking is located and would support a variance to acknowledge that the parking spaces affected by the widening would not be located wholly on the subject property.

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**B04/15 – 246-270 George Street North – Hunter Promenade Corporation**

A consent is requested to convey ownership of the southerly 30 metres of the property under separate ownership from the balance of the land known municipally as 270 George Street North.

The subject property is located at the east end of Sherbrooke Street where Water Street splits from George Street. The property bordered on three sides by medium capacity arterial roads. Both the severed and retained portion of the property are zoned C.6 Commercial District. While the portion of the property to the north has been designed and used to be functionally independent in terms of parking from the building on the south portion of the property, the building on the south portion of the property is currently vacant, and parking requirements would have to be determined upon establishing a new use on the site.

Considering the line of severance is very close to the north wall of the existing building on the property, the wall would have to meet building code requirements for spatial separation from the property line.

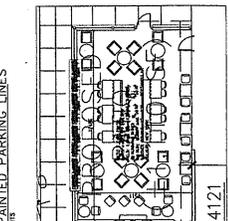
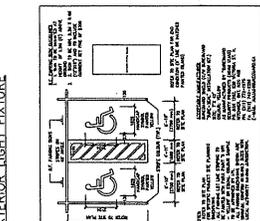
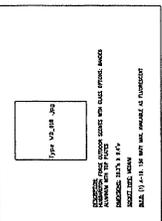
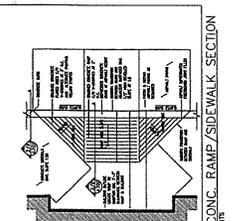
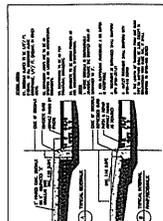
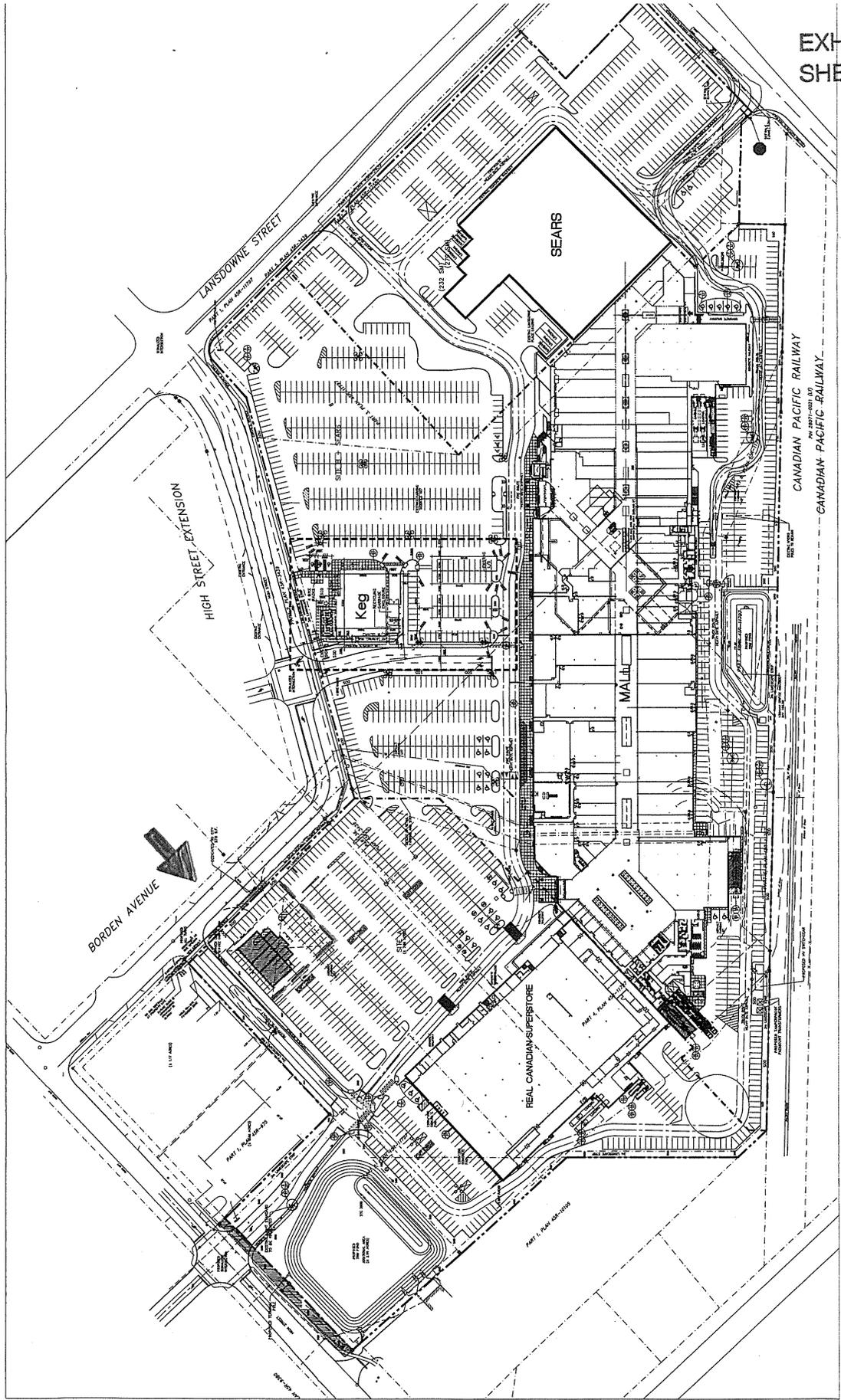
Staff would have no objection to the Committee granting the consent subject to the following conditions:

- a) Conveyance, free of encumbrances and at no cost to the City, of a 5 metre by 5 metre daylight triangle at the southwest corner of George Street and Sherbrooke Street,
- b) Confirmation that the north wall of the building complies with the Ontario Building Code and that all or any remedial work is done to ensure compliance with the Ontario Building Code.
- c) The owner enter into an agreement with the City to require a permit at such time as the building is put to a use and enter into a site plan agreement with the City to establish parking on the subject property in compliance with the by-law.

(Sgd.) Richard Straka, Planner Policy & Research

(Sgd.) Dean Findlay, C.Tech., CBCO, Chief Building Official

A07/15  
769 Borden Avenue



4121  
SITING PLAN  
1/1/88

A09/15  
51 Park Street North

PARK STREET

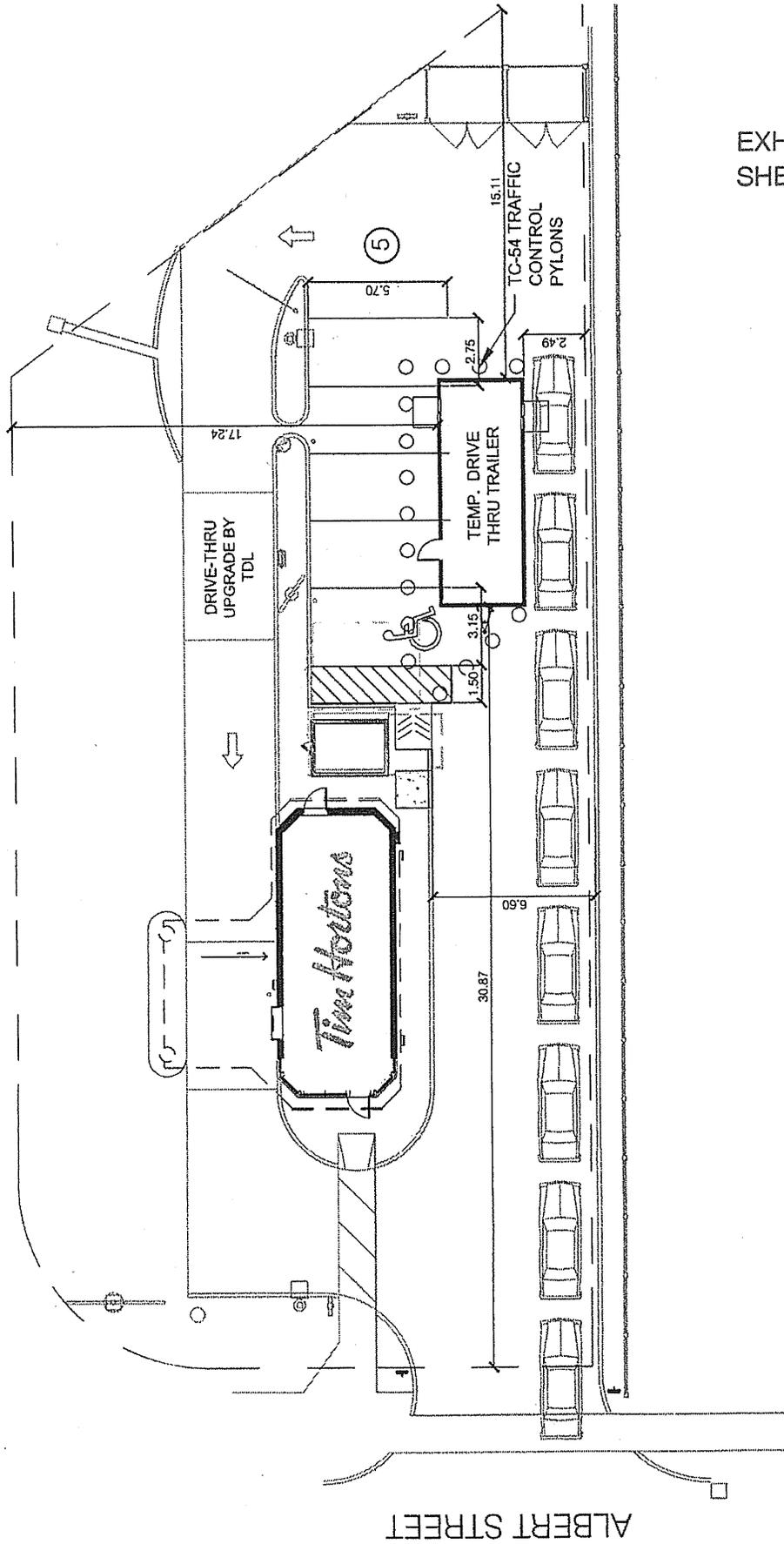


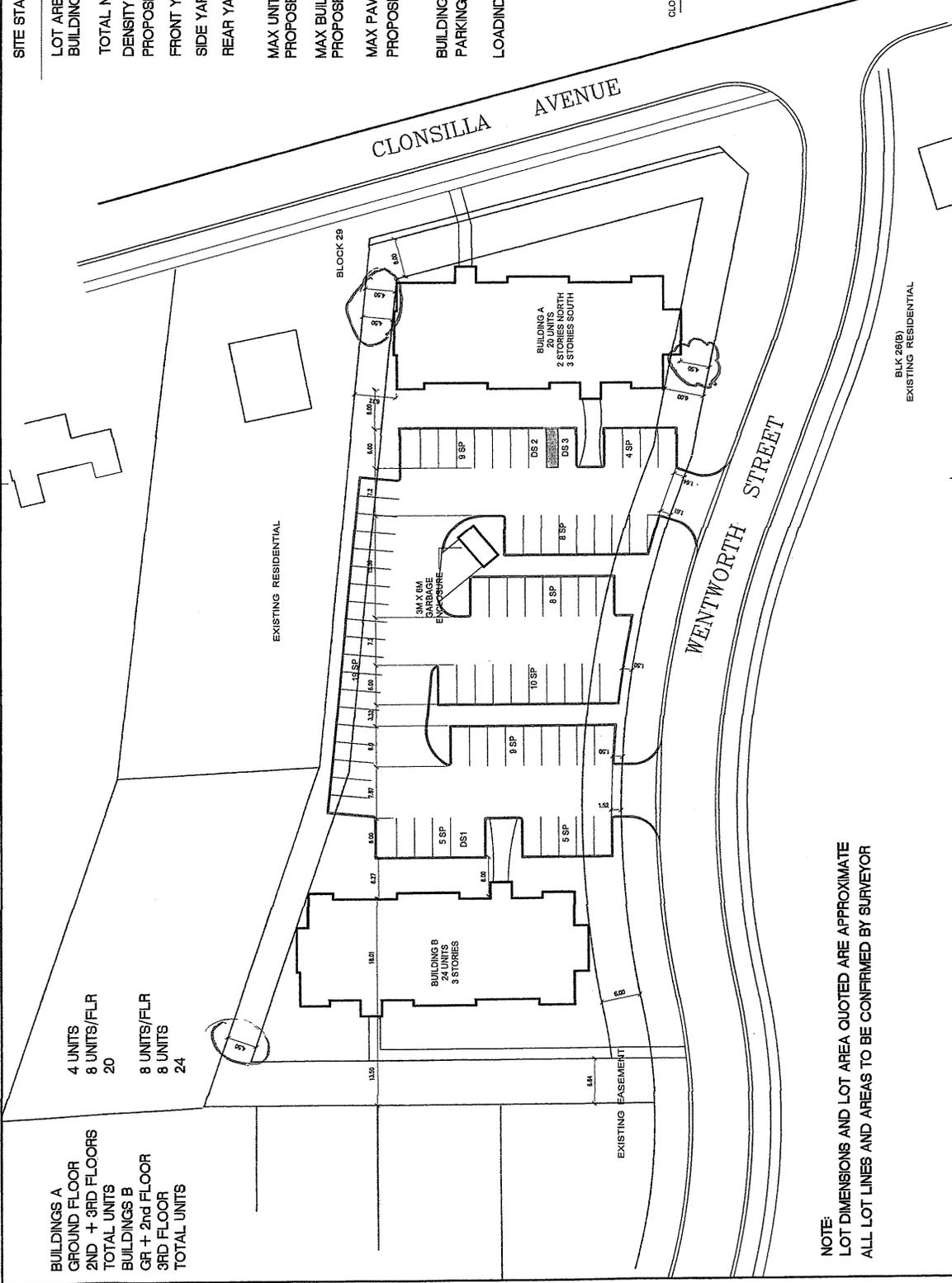
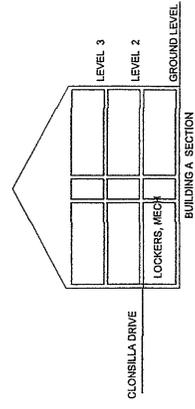
EXHIBIT B  
SHEET 1 OF 1



**SITE STATISTICS**

LOT AREA	7277.5 M2
BUILDING TYPE	APARTMENTS
TOTAL NO. OF UNITS	44
DENSITY R4	185 M2/UNIT
PROPOSED DENSITY	165 M2/UNIT
FRONT YARD SETBACK	6M
SIDE YARD SETBACK	1.5M / STOREY
REAR YARD SETBACK	4.5M / STOREY
MAX UNITS PER BUILDING R4	16
PROPOSED UNITS PER BUILDING	20 AND 24
MAX BUILDING COVERAGE R4	30%
PROPOSED BUILDING COV.	1454 M2
MAX PAVED AREA R4	25 %
PROPOSED PAVED AREA	32 %

**BUILDING HEIGHT** 3 storeys  
**PARKING** 77 spaces 1.75 spaces / (unit)  
 Including 3 spaces for disabled persons  
**LOADING SPACES** 2 B TYPE



**NOTE:**  
 LOT DIMENSIONS AND LOT AREA QUOTED ARE APPROXIMATE  
 ALL LOT LINES AND AREAS TO BE CONFIRMED BY SURVEYOR

EXHIBIT SHEET

LOF 1

Scale: 1:600

Date: NOV. 22, 2013

Project No. 13130 Drawing No. 1

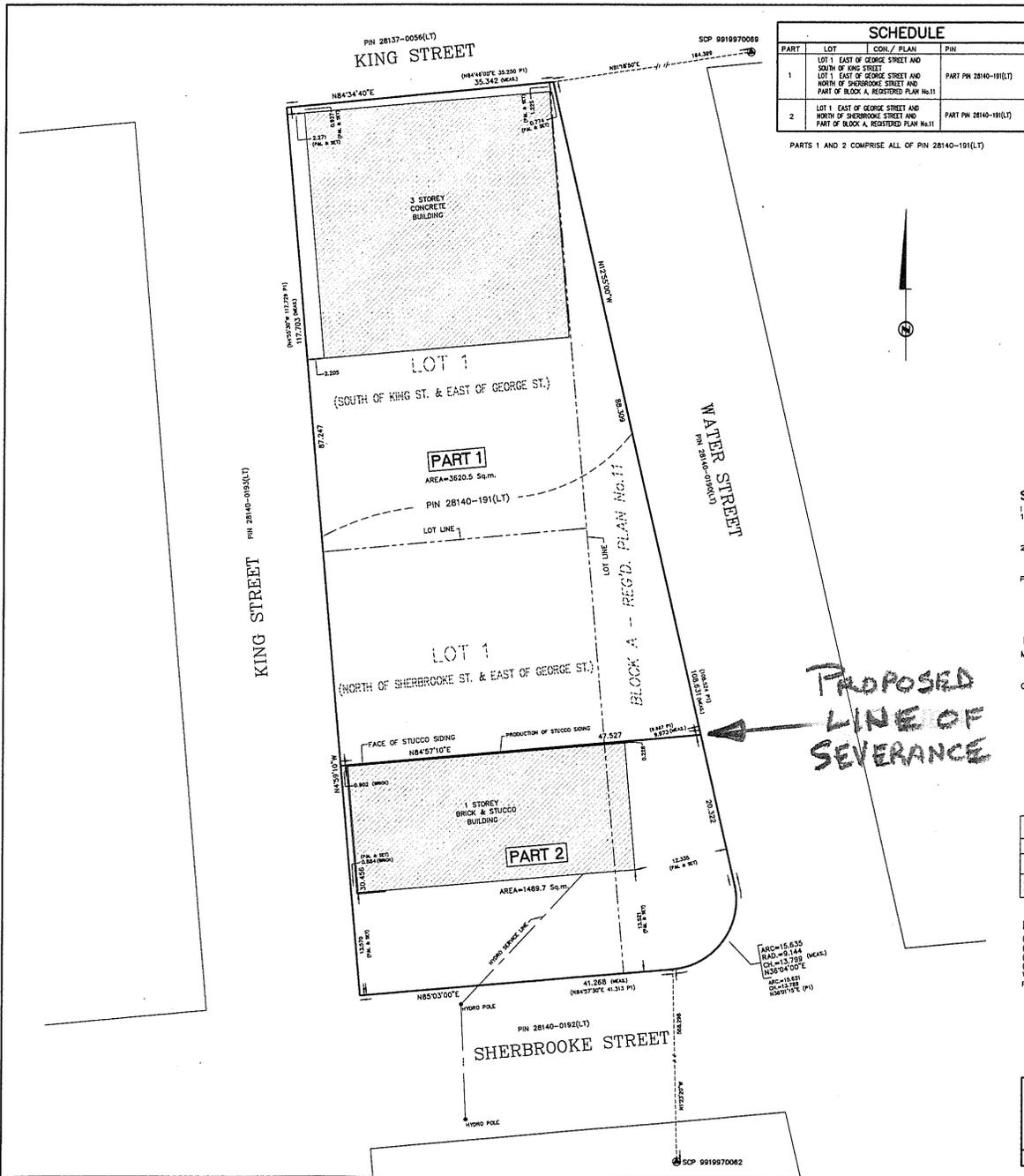


**BLOCK 25 PETERBOROUGH  
 SITE PLAN**

**CASSIDY & CO.**  
 ARCHITECTURAL TECHNOLOGISTS  
 60 Randall Drive, Suite 11, Ajax, Ontario L1S 6L3  
 T: 905-619-1270 F: 905-619-1289

**ICON Architects Inc.**  
 200-5500 Balfour Street, Toronto, Ontario M8H 5T5 T: 416-440-9279 F: 416-506-9395





SCHEDULE			
PART	LOT	CON. / PLAN	PIN
1	LOT 1 EAST OF GEORGE STREET AND SOUTH OF KING STREET		PART PIN 28140-191(LT)
2	LOT 1 EAST OF GEORGE STREET AND NORTH OF SHERBROOKE STREET AND PART OF BLOCK A, REGISTERED PLAN No.11		PART PIN 28140-191(LT)

PARTS 1 AND 2 COMPRISE ALL OF PIN 28140-191(LT)

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT. DATE: 12 FEBRUARY, 2015	<b>PLAN 45R</b> RECEIVED AND DEPOSITED DATE: _____ REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF PETERBOROUGH (No.45) SHAWN M. O'CONNOR, O.L.S.
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PLAN OF SURVEY OF  
**LOT 1 EAST OF GEORGE STREET AND SOUTH OF KING STREET**  
**LOT 1 EAST OF GEORGE STREET AND NORTH OF SHERBROOKE STREET AND PART OF BLOCK A, REGISTERED PLAN No.11**  
 CITY OF PETERBOROUGH  
 COUNTY OF PETERBOROUGH  
 SCALE: 1 : 300  
 ELLIOTT AND PARR (PETERBOROUGH) LTD.

**SURVEYOR'S CERTIFICATE:**  
 I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE LAND TITLES ACT AND THE SURVEYORS' ACT AND THE REGULATIONS MADE UNDER THEM.  
 2. THE SURVEY WAS COMPLETED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2015.  
 PETERBOROUGH, ONTARIO  
 SHAWN M. O'CONNOR  
 Ontario Land Surveyor

**DISTANCE NOTE:**  
 METRIC CONVERSION  
 DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.  
**GRID SCALE CONVERSION**  
 DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 1.00013850  
**BEARING NOTE:**  
 BEARINGS ARE UTM GRID, DERIVED FROM SPECIFIED CONTROL POINTS No.9919970069 and No.9919970082 SHOWN HEREON, UTM ZONE 17, NAD83 (ORIGINAL)  
 FOR BEARING COMPARISONS, A ROTATION OF 1°51'20" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON THIS PLAN.

**INTEGRATION DATA:**

POINT ID	NORTHING	EASTING
SCP 9919970069	4908231.455	714001.769
SCP 9919970082	4908221.459	713869.194

COORDINATES CANNOT IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

**NOTES:**  
 (CAP) - DENOTES ELLIOTT AND PARR, O.L.S.  
 (712) - DENOTES G. W. ELLIOTT, O.L.S.  
 (PAP) - DENOTES PIERCE AND PIERCE, O.L.S.  
 (E13) - DENOTES W.A. BRUNNER, O.L.S.  
 W.T. - DENOTES WITNESS  
 P1 - DENOTES PLAN OF SURVEY BY ERIC L. ANSELL, O.L.S.  
 DATED: 26 FEBRUARY, 1992

	<b>ELLIOTT AND PARR</b> (PETERBOROUGH) LTD. ONTARIO LAND SURVEYORS	
	P.O. BOX 1116 211 SHERBROOKE ST. PETERBOROUGH, ONTARIO K9J 7H4 (705) 745-8444	
DRAWN BY: RW	FILE: 133	JOB: 30799