

APPLICATION BRIEFING

Prepared For:	Planning Advisory Committee
Submitted by:	Jason Fox, Director of Planning & Development
Date:	April 20, 2017
Subject:	Application by the Truro Alliance Church to rezone lands at 29 & 37 Philip Street from the General Residential (R3) Zone to the Institutional (P3) Zone in order to have the zoning of these lands reflect their current use as a place of worship.

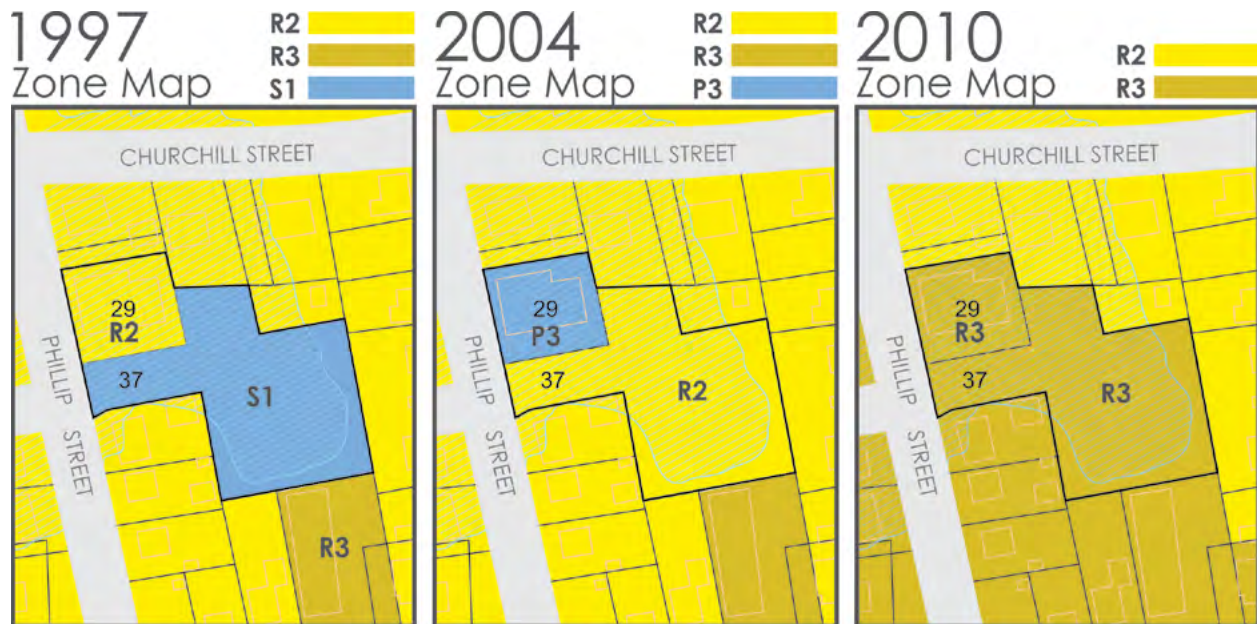
Background

On March 27th, 2017, the Truro Alliance Church submitted an application to rezone 29 and 37 Philip Street from the General Residential (R3) Zone to the Institutional (P3) Zone. The purpose of this application is to have the zoning of these lands reflect their current institutional use as a place of worship. For over 25 years the Truro Alliance Church has been located at 29 Philip Street and the Church has used the adjoining lands at 37 Philip Street as a parking lot.

While the Church is considered an institutional use, the current zoning of the properties is not Institutional (P3) and it is actually General Residential (R3). This has not always been the case and there is a strange history of zone changes affecting the subject properties. These zoning changes occurred when the Town reviewed its Municipal Planning Strategy and Land Use By-law in 2004 and 2010. Interestingly, the zoning of both properties, despite having a common use, was not always the same. Prior to 2004, 29 Philip Street was zoned Residential (R2) and 37 Philip Street was zoned Institutional (S1). From 2004 to 2010, 29 Philip Street was zoned Institutional (P3) while 37 Philip was zoned Residential Two-Unit Dwelling (R2). In 2010, the zoning of both properties changed again to their current zoning, the General Residential (R3) Zone.

There is no satisfactory explanation for the zoning changes affecting these properties. There are notes in the files for each of these properties dating back to 1997 suggesting that planning staff were aware of the discrepancy between the zoning and the land use. It appears that the zone changes in 2004 were made in an effort to correct this discrepancy, but only 29 Philip was rezoned Institutional while 37 Philip was mistakenly zoned Residential. There is also confusion surrounding the zoning change in 2010. Planning Staff's recollection is that the rezoning of 29 Philip from Institutional (P3) to General Residential (R3) was made at the request of a representative of the Truro Alliance Church. In a Report dated May 26, 2011, Planning Staff state that this zoning change "was made to accommodate the Alliance Church's plans to move and market their former facility as a potential site for a residential redevelopment". This report was regarding a 2011 application by MARMAC Athletics to rezone the subject properties and permit the reuse of the existing church property as a recreation facility and sports field. Staff cannot, however, offer any written record of this request and the Church maintains that their Board of Elders never made such a request nor did they direct anyone to do so on their behalf.

While the history of zoning changes affecting 29 and 37 Philip is unusual, this does not change the fact that the current zoning of these properties is General Residential (R3). This zoning was put in place in 2010 following a year-long plan review process that included advertised public meetings and an extensive public engagement process. The 2010 Land Use By-law and Zoning Map were adopted by Council in accordance with all requirements set out in the Municipal Government Act of Nova Scotia. The Alliance Church has expressed concern about the zoning changes occurring without their knowledge. While the Town would, typically, work with property owners on zoning changes affecting their lands, there is no statutory requirement that a property owner be notified nor does the Town require the approval of that property owner. At this point, any rezoning of these properties, including changing the zoning to reflect the current institutional use, will require a rezoning application, review and recommendation by Staff and the Planning Advisory Committee, and approval by Council following an advertised public hearing.



Series of maps showing zoning changes impacting the lands in the vicinity of the subject properties since 1997

Subject Properties

The subject properties are situated on the east side of Philip Street, approximately mid-block between Robie and Churchill Street. An aerial photograph showing the location of the subject properties is shown below. The properties, identified as 29 and 37 Philip Street and by PID nos. 20147328 & 20147310, have a combined area of approximately 3586 m² (38,599 ft²) and together have 43 metres (141 feet) of frontage on Philip Street.

The subject properties are situated in an established residential neighbourhood that consists of a mixture of single detached, converted, and multiple unit dwellings. 29 Philip Street is currently developed and contains the existing 353 m² (3800 ft²) one storey church building. 37 Philip is undeveloped and consists of a gravel parking area and a large field. There are a number of mature trees along the edges of 37 Philip where the property abuts the rear yards of properties on George Street and Robie Street.



Aerial Photograph Showing the Subject Properties (outlined in yellow) and the surrounding neighbourhood

Development Proposal

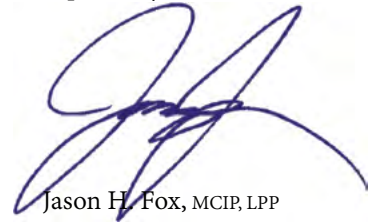
There is no development being proposed as part of this rezoning application. In their letter of application, the Truro Alliance Church have stated that they wish to have both 29 and 37 Philip Street rezoned from the General Residential (R3) Zone to the Institutional (P3) Zone in order to reflect the current use of the properties.

Initially, it appeared that this rezoning request was being made in order to accommodate a proposal by the Truro Homeless Outreach Society to purchase the church building and reuse it as a shelter. This understanding was based entirely on comments from the public, representatives of the Homeless Outreach Society, and real estate agents purportedly working on behalf of the Truro Alliance Church. In a meeting on April 20th, 2017, representatives of the Church met with Planning Staff and stated that it is not their intention to sell the subject properties to the Homeless Outreach Society. They stated that the few inquiries they have had to purchase their property have been from buyers wanting to operate a medical centre or similar use. Whereas these uses are not permitted in a Residential Zone, they reasoned that having their lands rezoned Institutional (P3) would make their property more marketable.

Application Status

This application is currently at the preliminary stages. Staff have not completed a full review of the proposed rezoning and there is no recommendation from Staff at this time. There has been a great deal of public interest in the future of the subject properties and the current rezoning proposal. The level of interest surrounding the proposed rezoning suggested that a preliminary report and discussion would be helpful for all parties to better understand the issues. Once there has been an opportunity for everyone to gain a better understanding of the rezoning proposal, it is expected that this application would then come back before the Planning Advisory Committee (PAC) at next month's meeting. At that time, Staff will have completed its review based on the relevant policies found in the Town's Municipal Planning Strategy and will make a recommendation to PAC. A list of the relevant policies is attached to this report as Appendix A. Maps showing the existing and proposed zoning in the vicinity of the subject properties are shown as Appendices B and C respectively.

Respectfully Submitted

A handwritten signature in blue ink, appearing to read 'Jason H. Fox', with a large, sweeping flourish extending to the right.

Jason H. Fox, MCIP, LPP
Director of Planning & Development

Appendix A

RELEVANT POLICY

Policy R-9

It shall be a policy of Council to encourage new residential development and redevelopment opportunities that enhance and complement established and intact residential neighbourhoods.

Policy I-1

It shall be a policy of Council to encourage the continued presence and growth of institutional Uses within the Town of Truro.

Policy I-8

It shall be a policy of Council to require proposed institutional uses to provide adequate visual and acoustic buffering where such uses abut a residential zone permitting intensive development in terms of lot coverage and building height.

Policy I-9

It shall be a policy of Council to permit lands within all land use designations to rezone to the Institutional (P3) Zone with the exception of lands within the Limited Residential and Downtown Residential Designations and rezonings pursuant to Policy I-15.

Policy I-10

When considering applications to rezone lands to the Institutional (P3) Zone in accordance with Policy I-9, it shall be a policy of Council to:

- a) require that the proposal be reviewed using the evaluative criteria for rezonings as outlined in Part 11: Implementation of this Strategy; and*
- b) require that the applicant submit a detailed site plan drawn to scale that identifies the location of any parking, landscaping, lighting, and signage.*

Policy I-11

It shall be a policy of Council to recognize existing institutional uses in residential zones provided that:

- a) the institutional use existed prior to the adoption of the 1983 Municipal Planning Strategy; and*
- b) the institutional use is confined to the existing lot occupied by the use.*

Policy IM-16

It shall be a policy of Council to require the submission of a detailed proposal as part of any rezoning application or amendment application that affects a specific property or properties. Where such a proposal involves dimensional or aesthetic issues, it shall include both a written and a professionally prepared site plan and graphic representations that are drawn to scale. Such graphic proposal must clearly indicate the following;

- a) the location, area, and dimensions of the subject property;*
- b) the proposed location, dimensions, height, and proposed use of all buildings;*
- c) the means by which the site is to be serviced by sanitary and storm sewers, water, electrical service and other utilities;*
- d) the location of any parking stalls, driveways, walkways, lighting, fencing, refuse containers, and snow storage;*

RELEVANT POLICY

- e) *landscaping elements including existing and proposed shrubs and trees; and*
- f) *architectural features where such features are regulated by the planning document.*

Policy IM-17

When considering a rezoning application or other Land Use By-law amendment application that includes a specific development proposal it shall be a policy of Council to have regard for the following matters:

- a) *compatibility of the proposed land use with adjacent land uses;*
- b) *compatibility of the development with adjacent properties in terms of height, scale, lot coverage, density, and bulk;*
- c) *that the proposed development resolves any potential compatibility issues with nearby land uses resulting from lighting, signage, outdoor display, outdoor storage, traffic, vehicle headlights, and noise through appropriate site design, landscaping, buffering and fencing;*
- d) *the adequacy of sewer services, water services, waste management services and storm water management services;*
- e) *that the proposal contributes to an orderly and compact development pattern that makes efficient use of existing and new municipal infrastructure and services;*
- f) *the adequacy and proximity of schools;*
- g) *the adequacy and proximity of recreation and community facilities;*
- h) *the adequacy of the road network in, and adjacent to, or leading to the development;*
- i) *the potential for erosion or for the contamination or sedimentation of watercourses;*
- j) *environmental impacts such as air and water pollution and soil contamination;*
- k) *previous uses of the site which may have caused soil or groundwater contamination;*
- l) *suitability of the site in terms of grades, soil and bedrock conditions, location of watercourses, marshes, swamps or bogs;*
- m) *the ability of emergency services to respond to an emergency at the location of the proposed development;*
- n) *that the proposal is in conformance with the intent of this strategy and with the requirements of all other Town By-laws and regulations; and*
- o) *the financial ability of the Town to absorb any costs relating to the amendment.*

Policy IM-18

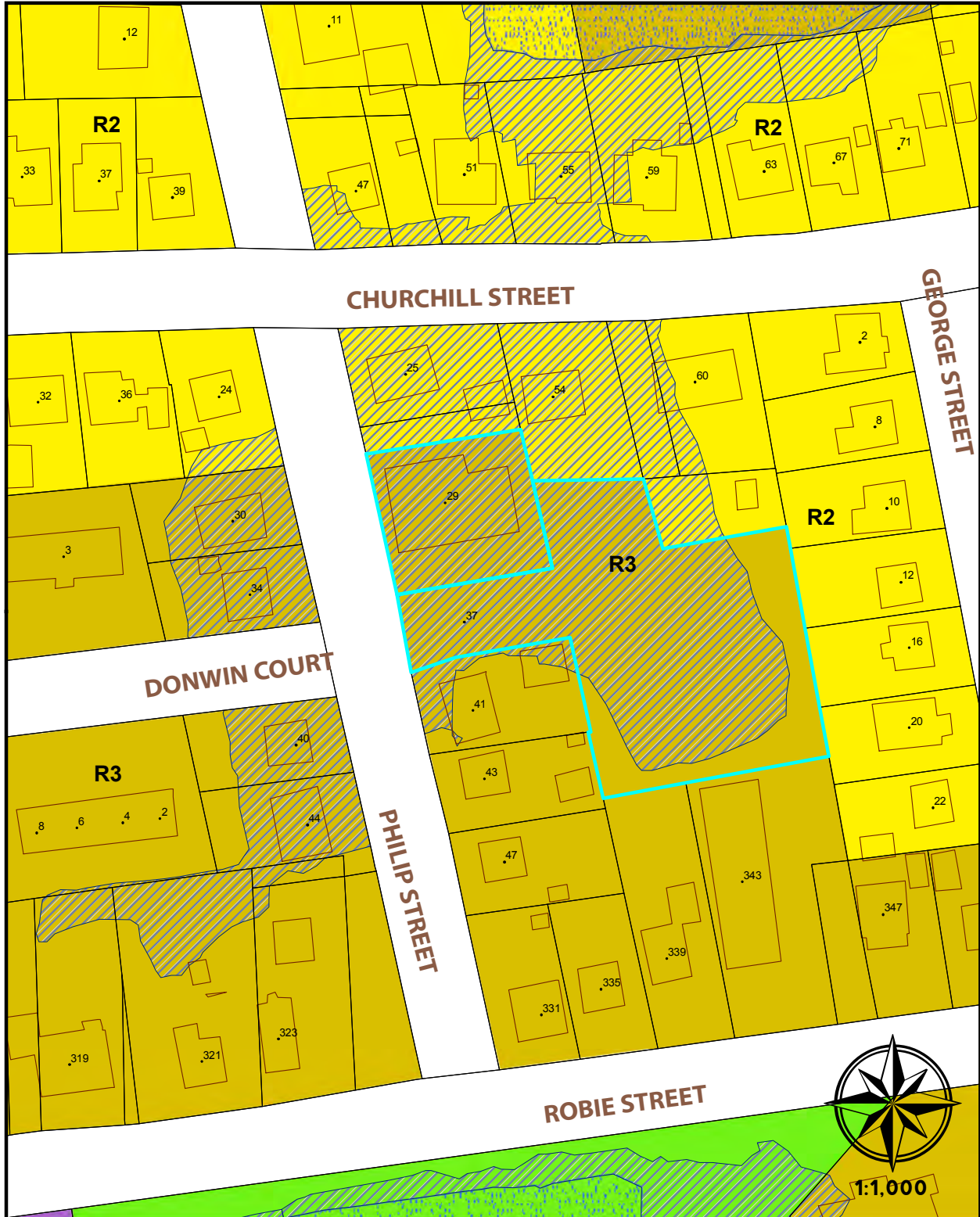
While a rezoning application must be accompanied by a clear development proposal, there is no legal agreement which requires a landowner to conform to the proposal as presented. It shall be a policy of Council, therefore, to take into account the other potential development scenarios that may be permitted as a result of a proposed zone change when evaluating a rezoning application.

Policy IM-34

It shall be a policy of Council hold an advertised public information meeting to discuss a development proposal or amendment application where there is a great deal of public opposition or concern. The cost of advertising this meeting shall be the responsibility of the applicant.

Appendix B

29-37 Phillip Street EXISTING ZONE MAP



Appendix C

29-37 Phillip Street PROPOSED ZONE MAP

