

STAFF REPORT

Prepared For:	Planning Advisory Committee
Submitted by:	Jason Fox, Director of Planning & Development
Date:	January 23, 2018
Subject:	Municipal Planning Strategy and Land Use By-law amendment request to permit the development of a 4-unit residential building at 203 King Street and also to address issues with the Local Commercial (C3) Zone.

Recommendation

That PAC hold a public information session to review proposed amendments to the Town's Municipal Planning Strategy and Land Use By-law that will:

1. eliminate the Local Commercial (C3) Zone and change the zoning of the 5 properties currently zoned C3 to a zone that better reflects their existing use or their potential reuse;
2. introduce policy that will permit multiple unit residential proposals by development agreement in the General Residential (R3) Zone as well as the General Residential future land use designation; and
3. introduce policy support for applying the Limited Commercial (C2) Zone to properties outside of the downtown commercial future land use designation.

Background

The Town has received a request from Assad and Hala Sayegh, the owners of King Street Variety, to develop a 4-unit residential building at 203 King Street. 203 King Street, which is located immediately to the north of King Street Variety, is currently developed and contains a vacant single unit dwelling. The property is zoned Two Unit Residential (R2) and it is situated in the Limited Residential future land use designation. The R2 Zone does not permit more than 2 dwelling units per property and the Limited Residential designation does not include any provision that would allow 203 King Street to be developed as a four unit building, either through development agreement or rezoning. The only way to entertain the 4-unit proposal at this location would be to amend the Town's Municipal Planning Strategy (MPS) and Land Use By-law (LUB).

The Sayegh's proposal is at the preliminary stages and they have not submitted any plans at this time. An initial review by Planning Staff indicated that there are several approaches to how the planning documents could be amended to accommodate this proposal and most of these involve several other properties in addition to 203 King Street. Staff advised the Sayeghs to hold off on submitting a formal application until it was determined what the best approach would be. At this time, Staff have prepared the following report which provides an outline and discussion of some preliminary amendment options. Staff are now seeking feedback from the Planning Advisory Committee on which approach should be taken before proceeding with a formal amendment package.

Proposed Amendment

The proposed amendments have grown beyond the Sayegh's initial proposal as it became clear that the current zoning of their convenience store, the Local Commercial (C3) Zone, does not adequately deal with their future plans nor does it reflect the current use and development potential of the other properties currently in that zone.

Staff saw the opportunity to address both the Sayegh's proposal and also issues with the C3 Zone itself. As a result, Staff are proposing amendments to the Municipal Planning Strategy and Land Use By-law that will eliminate the Local Commercial (C3) Zone and Rezone the 5 Affected Parcels to a Zone that better reflects their current and potential reuse, including Rezoning 203 and 207 King Street to an amended General Residential (R3) Zone that will permit Council to consider multiple unit residential development. The amendments will also include changes to the Limited Commercial (C2) Zone and supporting policies in order to have the C2 Zone apply to two of the existing C3 Zoned properties. A complete list of Municipal Planning Strategy amendments are attached to this report as Appendix A while a complete list of Land Use By-law amendments, including zoning map changes, are attached to this report as Appendices B and C respectively.

Analysis

Amendments to the Municipal Planning Strategy (MPS) are generally only considered by Council when it can be demonstrated to Council's satisfaction that the current planning policies need to be reevaluated. MPS Policy IM-8 states that it shall be a policy of Council to only consider amendments to the MPS when: there is an apparent need to change policy due to changing circumstances; additional information is identified or studies have been undertaken which identify the need for an amendment to the strategy; or a Provincial Policy change requires a change in policy by the Town. In this instance, it is evident that the Local Commercial (C3) Zone is no longer relevant as there are limited circumstances where the continued application of this zone would serve the interests of the Town or the property owner.

Staff are recommending that the MPS and LUB be amended to permit *existing* convenience stores in the General Residential (R3) Zone and that 207 King Street be rezoned R3. By applying a residential zone and permitting the existing commercial use only, the Town is, in effect, recognizing that the only long term use of this property is to be a convenience store, a residential use, or a combination thereof. This proposed approach recognizes the unique circumstances surrounding King Street Variety, specifically that it is the only convenience store left in Truro that is completely surrounded by residential development. King Street Variety is, therefore, the only situation where this amendment would apply and there is no risk that this amendment would set any kind of precedent. Staff are proposing that 203 King Street be rezoned to R3 as well. The rationale for including this parcel in the rezoning is that this parcel is under common ownership with the King Street Variety Property and it is intended to be part of the same mixed use development. This will effectively address concerns that the rezoning of 203 King Street to a more intensive residential zone is precedent setting. The Sayeghs' proposed 4-unit development could then be permitted by development agreement, provided the wording of the MPS is amended to permit multiple unit residential proposals in the R3 Zone. At present this provision only refers to the General Residential future land use designation and not the R3 Zone.

By amending the MPS and LUB and doing away with the C3 Zone altogether, the Town will also have to rezone the five affected parcels to a zone that better reflects their current use and circumstances. The former Forbes Hunting and Fishing store at 14 Aberdeen Street is currently occupied as a single unit dwelling. It is recommended that this property be rezoned General Residential (R3) to be consistent with its current use and to conform to the zoning of neighbouring residential uses. The former Quigley's convenience store at 90 Dominion should be rezoned Mixed Use Residential (R6) to be consistent with neighbouring properties. This property is presently set up as three dwelling units but only two of the units can legally be occupied. While the R6 zone does not currently permit more than two dwelling units, there is the option to have more than two units by development agreement. The Planning Advisory Committee is also currently considering amendments to the R6 Zone that may permit additional dwelling units. The Ben's Bakery Outlet at 334 Queen Street and the Needs Convenience Store and Gas Bar at 318 Young Street should both be rezoned Limited Commercial (C2). This zone permits the current use of both properties and would allow for a broader range of redevelopment options for the Ben's Outlet, which ceased operation on December 8th, 2017. Policy support for the C2 currently limits the application of this zone to areas on the periphery of the downtown core and this will need to be amended to allow the C2 Zone to be applied to these properties.

Public Participation

An appropriate public participation program will be determined once PAC decides how they would like to proceed. Once a preliminary draft of an amendment package has been agreed upon PAC would typically schedule an advertised public information session to give the public an opportunity to provide their comments or concerns regarding the proposed amendments. It is recommended that PAC hold this public information session just prior to their next regularly scheduled PAC meeting in February. Once the public has had an opportunity to review the proposed amendments and make any comments, PAC will finalize the amendments based on public feedback and they will then make a recommendation to Council.

Conclusion

Planning Staff have completed an initial review of the proposed amendments. Staff conclude that these amendments effectively address the issues described in this report and they are consistent with the overall intent of the Town's development policies. Staff are, therefore, recommending that the proposed amendments proceed to an advertised public information meeting.

Respectfully Submitted

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

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

Appendix A

Proposed Municipal Planning Strategy Amendments

It was moved by Councillor _____, and seconded by Councillor _____, to approve the following amendments to the *Municipal Planning Strategy*.

1. Amend Subsection 4.4.4 by adding the text shown in italics so that it reads as follows:

4.4.4 New Multiple Unit Dwellings

Multiple unit developments are considered intensive land uses and as such will require additional approvals to ensure that the proposed building makes a positive contribution to the Town's built environments, with particular emphasis on the building's architecture and relationship with surrounding properties and public spaces. Multiple unit residential developments will be permitted only by development agreement anywhere in the General Residential Land Use Designation *and General Residential (R3) Zone*.

2. Amend Policy R-37 by adding the text shown in italics so that the Policy reads as follows:

Policy R-37

It shall be a policy of Council to consider multiple unit residential developments in the General Residential Designation *or General Residential (R3) Zone* by development agreement.

3. Amend Subsection 5.3.13 by adding the text shown in italics so that it reads as follows:

5.3.13 Limited Commercial (C2) Zone

The Limited Commercial (C2) Zone is intended to provide a buffer between the traditional Downtown retail and business area and neighbouring residential areas. *The C2 Zone is also intended to be applied to existing commercial uses located in residential areas outside of the downtown core where there is a desire to accommodate the existing commercial use but control potential land use impacts with surrounding residential uses.* The C2 Zone shall permit a broad range of uses that will recognize the existing mixture of uses that exists in the downtown including commercial, residential, and institutional uses but it will not permit uses likely to generate land use conflicts with abutting residential uses due to noise, hours of operation, or traffic. The C2 Zone will include land use regulations designed to encourage development that contributes to the creation of vibrant and pedestrian friendly streetscapes. Large commercial development proposals will be permitted only by development agreement in order to ensure that potential negative land use impacts are addressed.

4. Amend Policy C-33 by adding the text shown in italics and deleting the text shown stricken so that the Policy reads as follows:

Policy C-33

It shall be a policy of Council to establish the Limited Commercial (C2) Zone and apply it to *vacant lands or existing commercial development* ~~lands that are~~ situated on the periphery of the traditional Downtown ~~commercial area business and retail area~~ *or apply it to existing commercial uses located in residential areas outside of the downtown core where there is a desire to accommodate the existing commercial use but control potential land use impacts with surrounding residential uses.* ~~where commercial development has either encroached into a traditionally residential area or provides a buffer between a residential area and the traditional Downtown business and retail area .~~

5. Delete, in its entirety, Subsection 5.4.4 The Local Commercial Zone, including Policies C-42, C-43, and C-44.
6. Delete, in its entirety, Subsection 5.4.5 Local Commercial Uses by Development Agreement, including Policies C-45 and C-46

Appendix B

Proposed Land Use By-law Amendments

It was moved by Councillor _____, and seconded by Councillor _____, to approve the following amendments to the *Land Use By-law*.

1. Amend Table 4.16 in Section 4.5 by deleting “Local Commercial (C3)” and the corresponding maximum impermeable surface area figure from the table so that the table reads as follows.

Table 4.16: Maximum Impermeable Surface Area by Zone

<i>Residential Zones</i>		<i>Commercial Zones</i>	
Single Unit Residential (R1)	25 percent	Downtown Commercial (C1)	75 percent
Two Unit Residential (R2)	25 percent	Limited Commercial (C2)	75 percent
General Residential (R3)	25 percent	General Commercial (C4)	70 percent
Multiple Unit Residential (R4)	40 percent	Adult Entertainment (C5)	70 percent
Mini Home Residential (R5)	25 percent		
Mixed Use Residential (R6)	40 percent	<i>Public Use Zones</i>	
Heritage Residential (R7)	40 percent	Parks and Open Space (P1)	35 percent
Rural Residential (R8)	25 percent	Recreation (P2)	35 percent
Watershed Residential (R9)	25 percent	Institutional (P3)	70 percent
<i>Environmental Zones</i>		<i>Industrial Zones</i>	
Environmental Reserve (E1)	10 percent	Industrial (M1)	60 percent
Flood Plain (E2)	10 percent	Commercial Industrial (M2)	60 percent
Watershed (E5)	10 percent		

2. Amend Subsection 4.1.38 clause (e) by adding the text shown in italics so that the clause reads as follows:
 - e) Multiple unit residential developments in the General Residential Designation *and General Residential (R3) Zone* in accordance with Policy R-37 of the Municipal Planning Strategy.
3. Amend Subsection 4.1.38 by deleting clause (n) in its entirety.
4. Amend Table 5.8 in Section 5.4 by adding “Existing Convenience Stores” to the list of R3 Zone permitted uses so that the table reads as follows..

Table 5.8: R3 Zone Permitted Uses

Community Gardens	Single Detached Dwellings
Homes for Special Care	Sports Fields & Courts
Parks	Two Unit Dwellings
Playgrounds	Walkways & Trails
Semi-Detached Dwellings	Existing Convenience Stores

5. Amend subsection 5.4.4 by deleting the text shown stricken and adding the text shown in italics so that it reads as follows:

5.4.4 Uses Permitted only by Development Agreement

~~Where a property in the General Residential (R3) Zone is within the General Residential Future Land Use Designation, the~~ *The following uses may be considered only by development agreement in the General Residential (R3) Zone:*

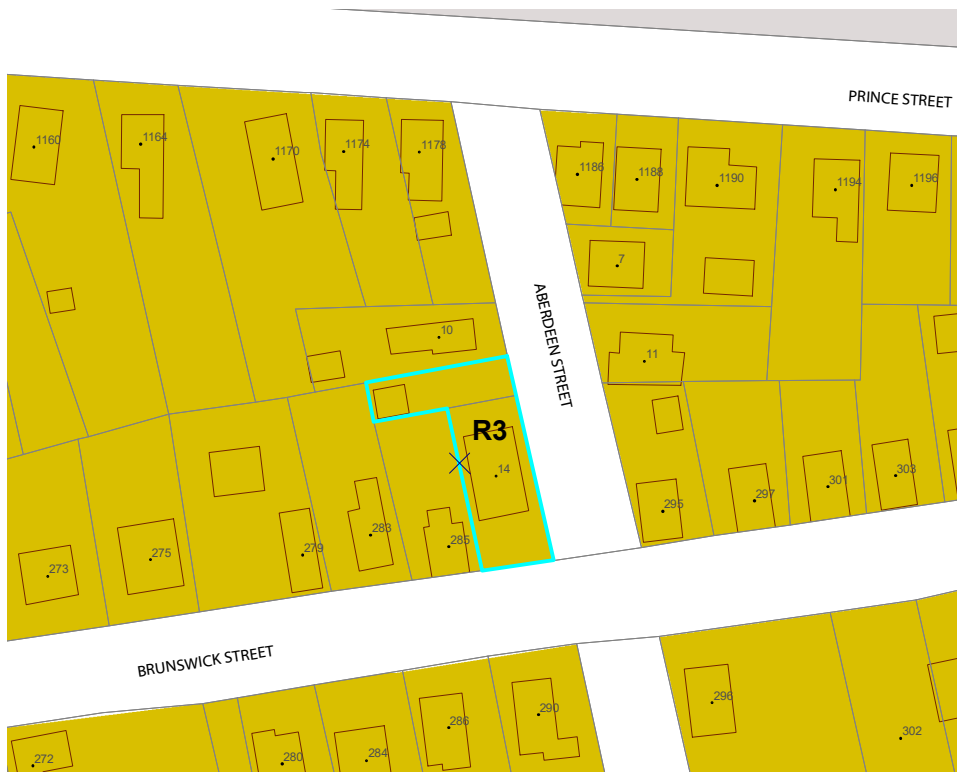
- a) Multiple Unit Dwellings (three or more units) in accordance with Municipal Planning Strategy Policy R-37;
 - b) Townhouses in accordance with Municipal Planning Strategy Policy R-37; and
 - c) Mini-Home Parks in accordance with Municipal Planning Strategy Policy R-43.
6. Amend Part 6 by deleting Section 4, entitled “Local Commercial (C3) Zone” in its entirety.
 7. Amend the *Land Use By-law Zoning Map* by rezoning the following properties General Residential (R3):
 - a) PID No. 20191169 located at 14 Aberdeen Street;
 - b) PID No. 20297289 located at 14 Aberdeen Street;
 - c) PID No. 20162632 located at 207 King Street; and
 - d) PID No. 20162640 located at 203 King Street.
 8. Amend the *Land Use By-law Zoning Map* by rezoning the following properties Limited Commercial (C2):
 - a) PID No. 20173993 located at 318 Young Street; and
 - b) PID No. 20303483 located at 334 Queen Street.
 9. Amend the *Land Use By-law Zoning Map* by rezoning the following property Mixed Use Residential (R6):
 - a) PID No. 20162012 located at 90 Dominion Street.

Appendix C

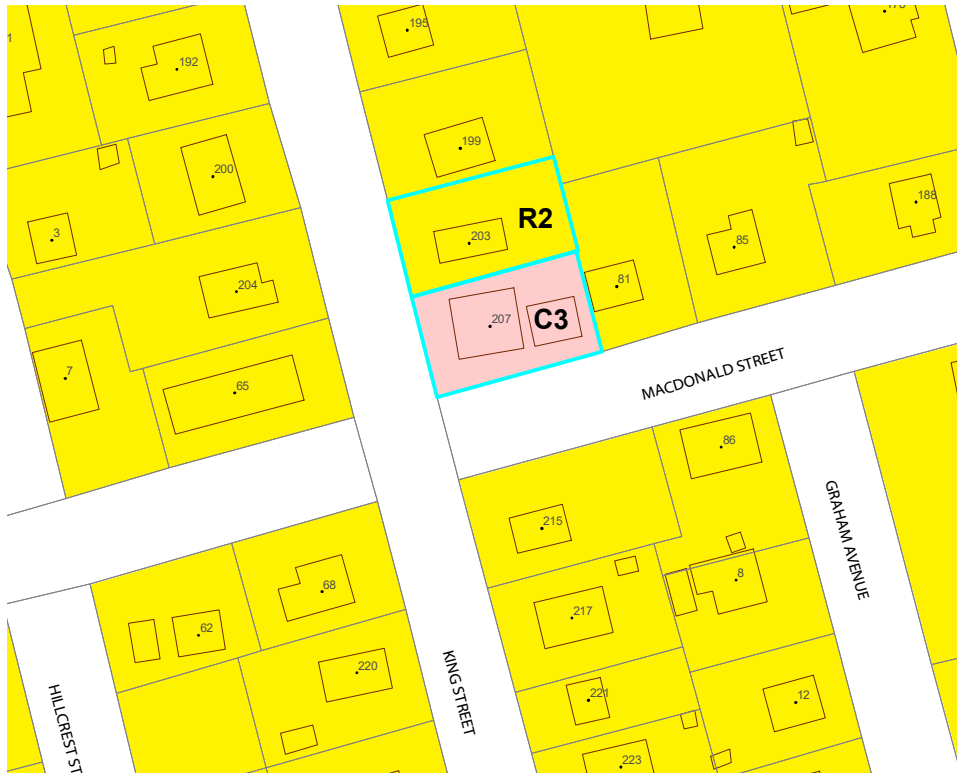
Proposed Zoning Map Amendments



Excerpt from the Town's Existing Zoning Map



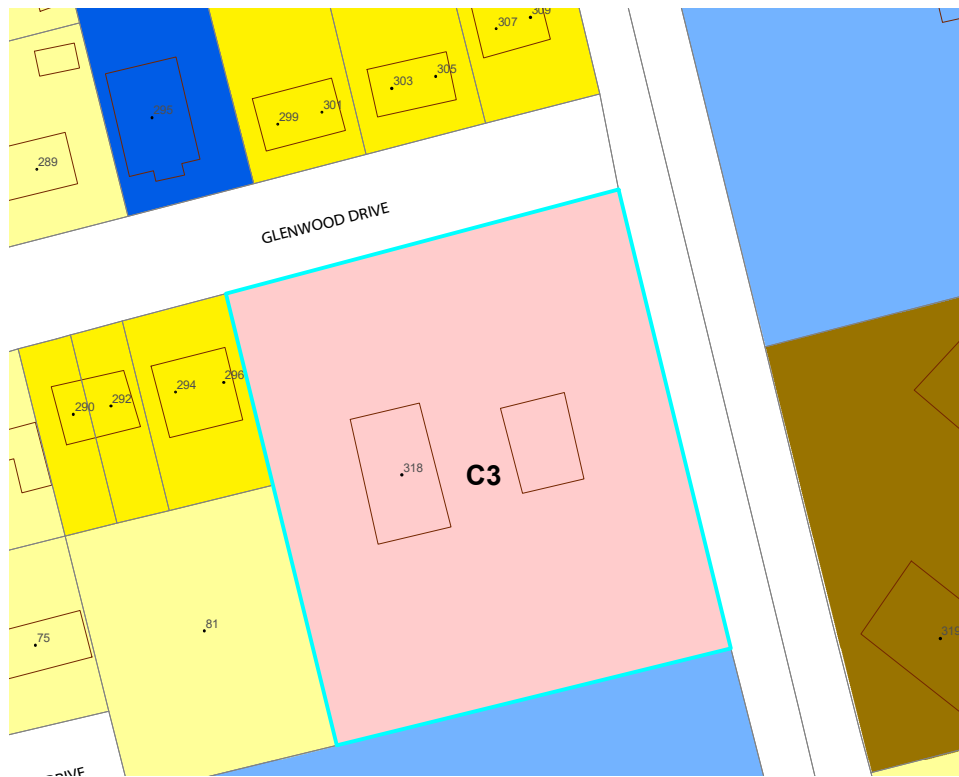
Excerpt from the Town's Proposed Zoning Map



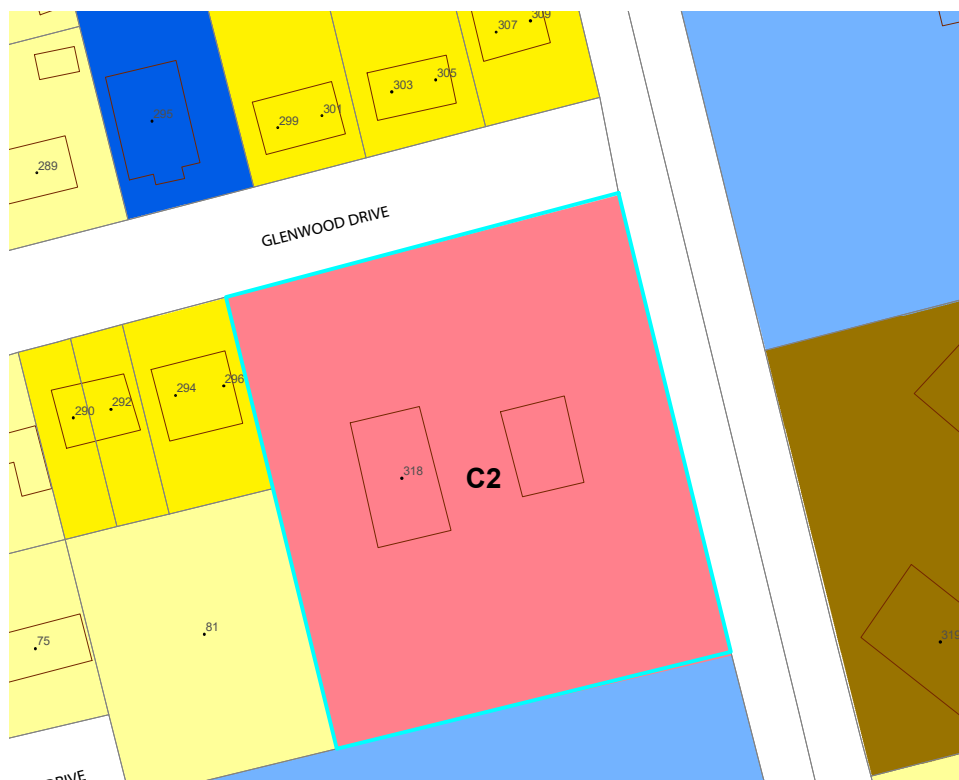
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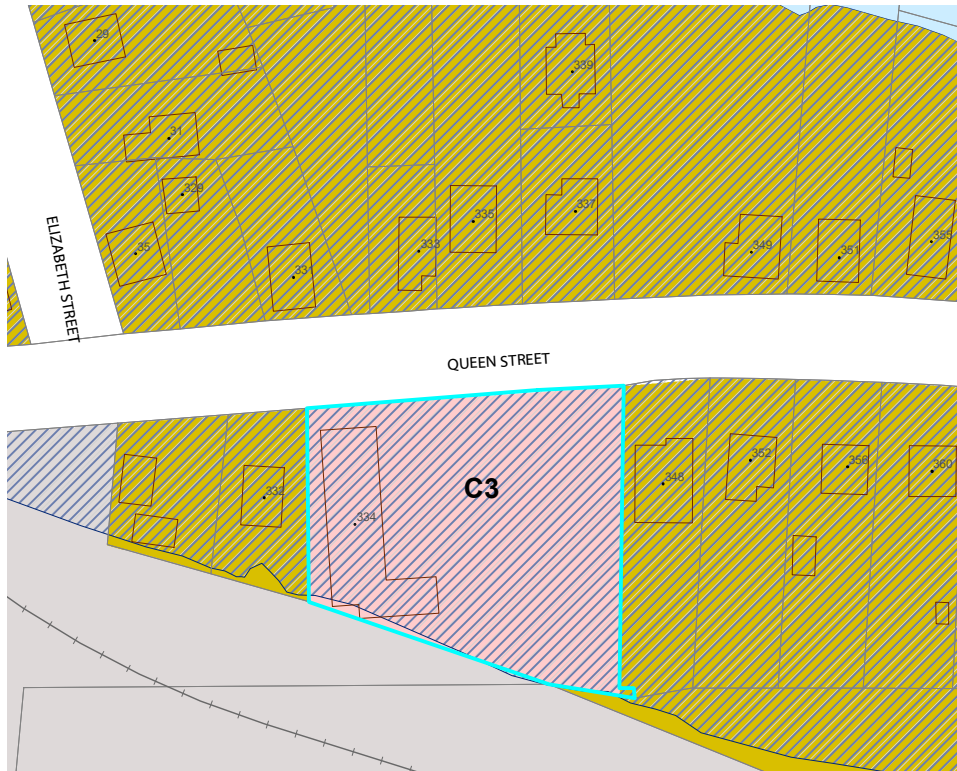
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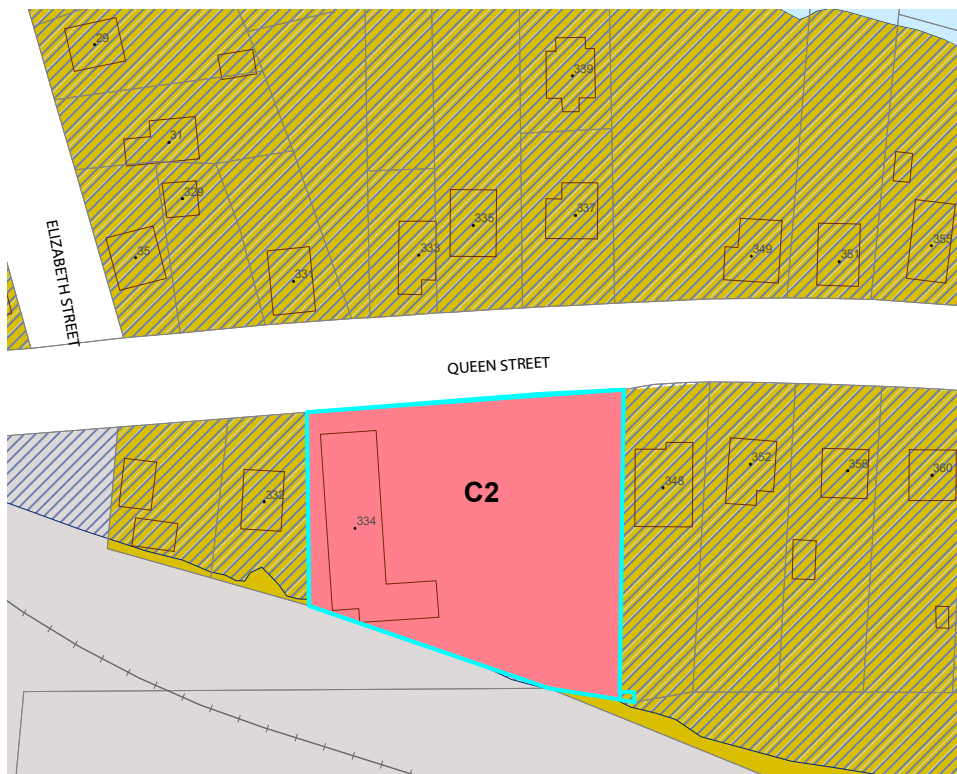
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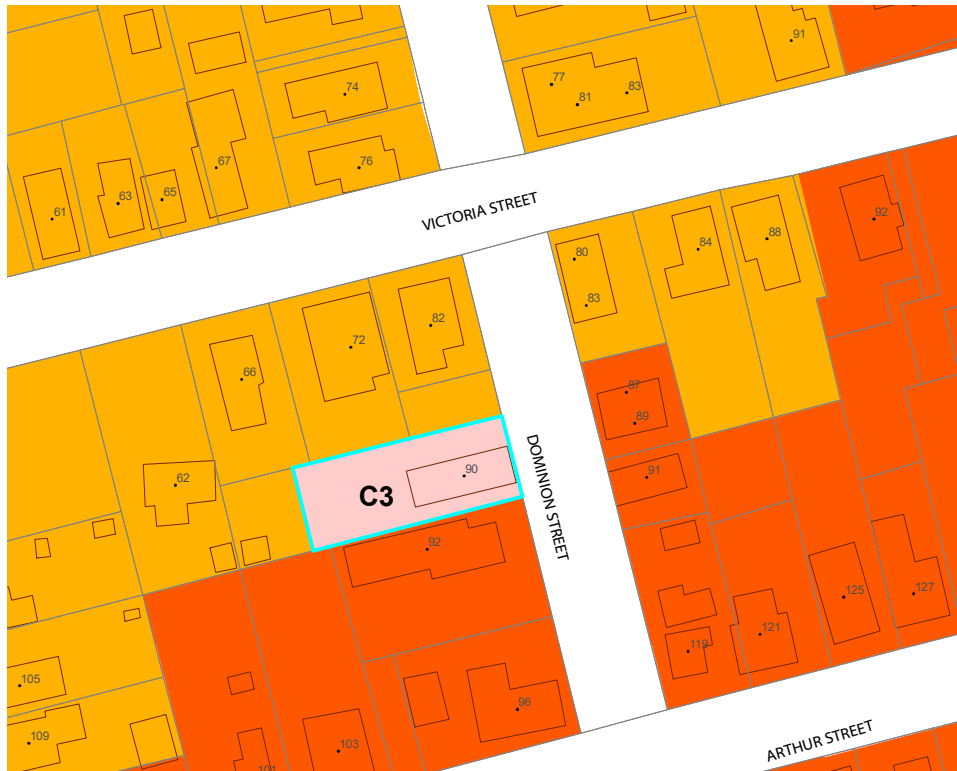
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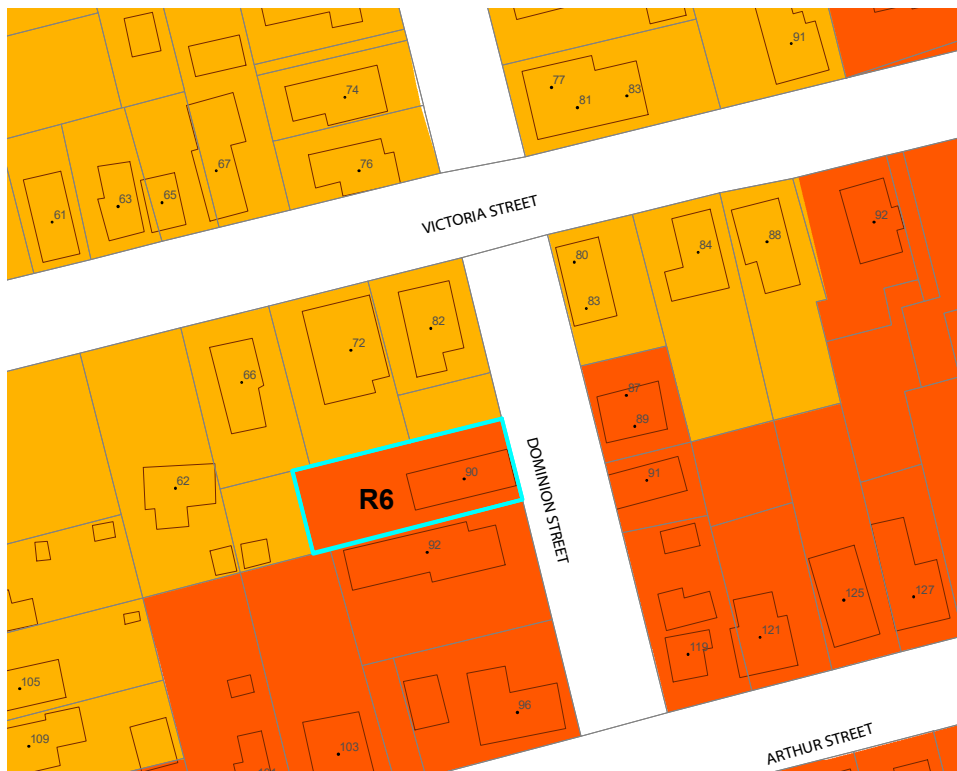
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Excerpt from the Town's Proposed Zoning Map



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