

STAFF REPORT

Prepared For:	Planning Advisory Committee
Submitted by:	Jason Fox, Director of Planning & Development
Date:	November 26, 2017
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.

Recommendation

None. Report provided for information only.

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.

Amendment Options

Spot Zoning

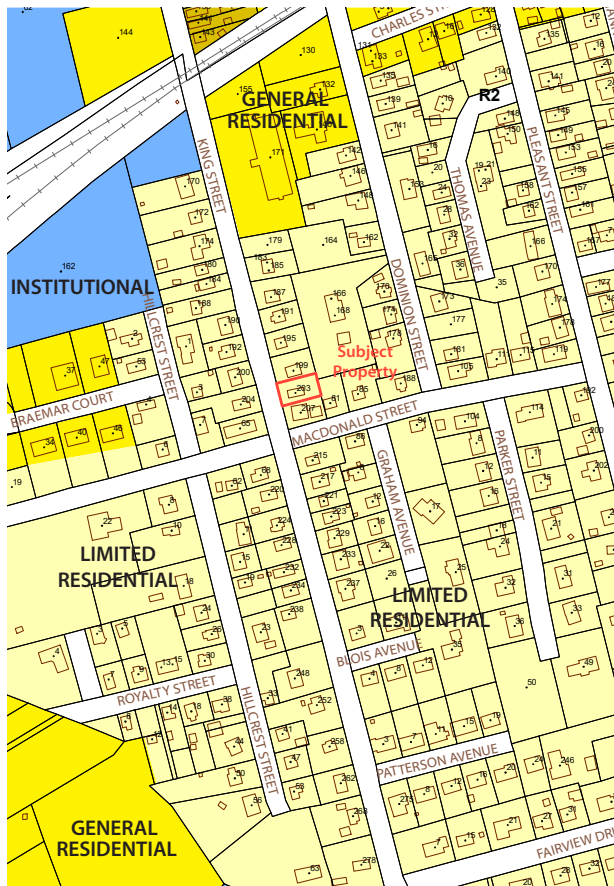
Upon review of this proposal and the circumstances surrounding it, Staff have concluded that the most straightforward solution would be to amend the MPS and change the future land use designation of 203 King Street from Limited Residential to General Residential. The General Residential designation permits multiple unit residential proposals having 3 or more units by development agreement. Once the Future Land Use Map, which forms part of the MPS, was amended and the property included in the General Residential Designation, the Sayeghs would simply be required to apply for a development agreement.

This approach, however, is essentially a 'spot zoning' and is generally frowned upon by planning professionals. 203 King Street is surrounded by the Two Unit Residential (R2) Zone and the Limited Residential designation. There is nothing particularly unique about this parcel that would distinguish it from any other property along this

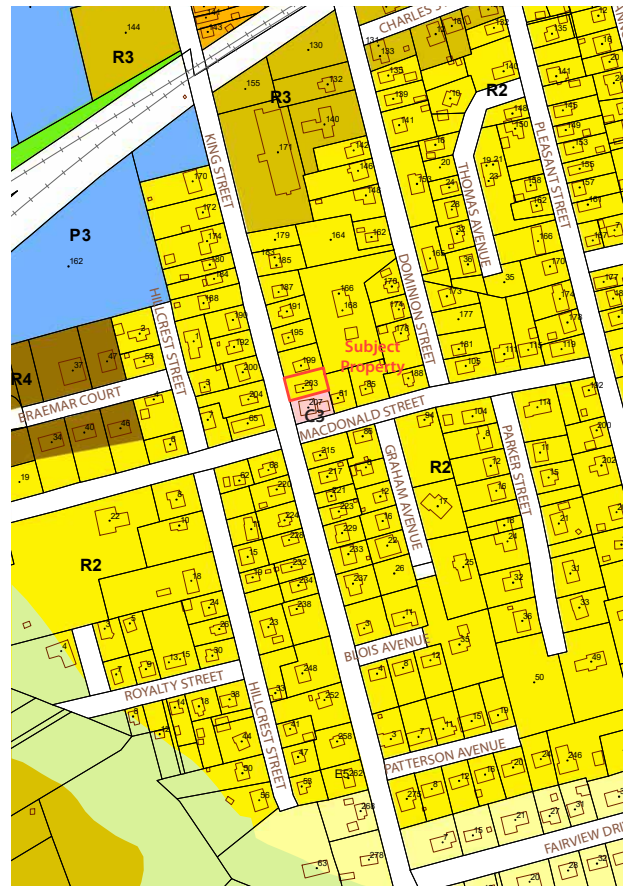
section of King Street. By selecting this one spot and changing the planning rules that apply to it alone, the Town would be setting a precedent. There would be no basis to refuse a request by any other owner of a parcel in the Limited Residential designation to have their future land use changed to General Residential and then apply for a development agreement to permit a multiple unit residential proposal. The Town's Planning Documents place a great deal of emphasis on promoting stability in residential neighbourhoods. This would be undermined in dramatic fashion by setting a precedent where multiple unit residential proposals could be entertained anywhere in the Limited Residential designation, which includes several established Single Unit Residential (R1) neighbourhoods.

Redesignation of King Street Area to General Residential

To avoid a 'spot zoning' situation, the usual approach would be to first identify the market pressure or land use issue that initially compelled the applicant to apply for a plan amendment. Second, all the parcels that share this same issue would be identified and included for consideration as part of a larger amendment. Ideally this common land use issue would be unique to this group of properties, thereby eliminating any risk that this amendment would be precedent setting. In the 203 King Street example, the Sayeghs are requesting permission to develop a multiple unit residential building. Staff, therefore, looked to see if other properties in the area were being converted, developed, or redeveloped as multiple dwelling units. There were no development trends of this sort and, aside from the redevelopment of the former St. Mary's School in 2011, there have been no recent conversions along this portion of King Street. Also, the section of King Street south of the railway tracks has very few multiple unit residential uses and the majority of homes are single unit dwellings. All evidence would suggest that this is a stable residential neighbourhood and there is no land use trend or issue that would suggest that any group of properties in this area should be redesignated to accommodate more intensive residential uses.



Excerpt from the Future Land Use Map showing the subject Property and surrounding area.



Excerpt from the Zoning Map showing the subject Property and surrounding area.

Rezone 203 King Street to Local Commercial (C3) Zone

Another possible solution considered by Staff would be rezone 203 King Street to the Local Commercial (C3) Zone. King Street Variety is one of five properties in Truro that are zoned C3. These include the former Quigley's convenience store at 90 Dominion, the Ben's Bakery Outlet at 334 Queen Street, the Needs store at 318 Young Street, and the former Forbes Hunting and Fishing store at 14 Aberdeen Street. This zone was set up to accommodate convenience stores and other long-standing commercial uses located in residential areas. In addition to convenience stores, the C3 Zone permits a limited range of low intensity commercial uses such as personal service shops, medical clinics, office & professional uses, and printing establishments.

The Sayeghs own both 203 King and the King Street Variety property immediately to the south at 207 King Street. The King Street Variety building is a mixed use development that includes both a convenience store and residential component. This raises the possibility that a 4-unit residential development at 203 King could be considered to be a continuation of the mixed use development at 207 King. This would add some credibility to expanding the C3 Zone to include both parcels. To consider this rezoning, the Town's MPS would need to be amended.

Amending the MPS to permit this rezoning would also provide an opportunity for the Town to modify the C3 Zone itself. This would allow the Town to address a couple of ongoing issues with the C3 Zone. The first issue involved the former Quigley's convenience store at 90 Dominion Street. This parcel is zoned C3 but the property has since been redeveloped as three dwelling units. One of the units, however, cannot be legally occupied because the C3 Zone permits a maximum of two dwelling units. The second issue involves another C3 Zoned property, the Needs Convenience Store and gas bar at 318 Young Street. The gas bar portion of this development is currently considered a legal non-conforming use because the C3 Zone does not permit gas bars.

The Sayeghs' proposal could, therefore, be considered as part of a larger amendment to the C3 Zone. The MPS would have to be amended to permit the expansion of an existing C3 zone onto an adjacent property. This would allow the rezoning of 203 King Street to the C3 Zone. The MPS would also have to be amended to update the C3 Zone to include gas bars as well as multiple unit residential proposals up to four dwelling units. This would accommodate the third unit at 90 Dominion, make the non-conforming gas bar at 318 Young Street a legal use, and it would allow the 4-unit residential proposal at 203 King Street.

While this approach does address the Sayeghs' request and it does provide an opportunity for the Town to clean up a couple of issues with the C3 Zone, the rationale and justification for expanding the C3 Zone onto 203 King Street could be more convincing. Consideration of this option also highlighted a bigger question about whether or not the Town still needs to have the C3 Zone.

Rezone 203 and 207 King Street to a modified Limited Commercial (C2) Zone

A fourth option considered by Staff includes amending the MPS and LUB to do away with the C3 Zone altogether and 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 up to four 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, particularly if reports that it is closing on December 8th are accurate.

203 and 207 King Street could also be rezoned to the C2 Zone. The C2 Zone permits the current use of 207 King and it also permits residential uses up to four units, but only in an existing building. The Sayeghs' proposed 4-unit development could be permitted if the C2 Zone is also amended to include a provision for new 4-unit residential developments. The rationale for including 203 King in the rezoning would be the argument that the redevelopment

of this property is a continuation of the King Street Variety mixed use development. The C2 Zone does permit a wide range of uses and some of these may be too intensive for a residential area such as that in the vicinity of King Street Variety. Staff are recommending that any amendments to the MPS and LUB include the addition of new restrictions to the C2 Zone that will ensure that land use conflicts with adjacent residential uses are effectively addressed.

Rezone 203 and 207 King Street to a modified General Residential (R3) Zone

Another solution being considered by Staff includes amending the MPS and LUB to permit *existing* convenience stores in the General Residential (R3) Zone and then rezoning 207 King Street 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 policy would include recognition of 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 policy would apply. To allow 203 King Street to be included in the rezoning to R3, the policy amendment would have to specifically mention including adjoining properties under common ownership and describe that the intent of this provision is the inclusion of all properties that are 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.

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 few situations where the application of this zone would serve the interests of the Town or the property owner.

At this point Staff have not prepared a detailed amendment package. Once PAC has had an opportunity to discuss the issues outlined in this report and give direction to Staff on the types of changes they would like to see, Staff will prepare draft amendments as well as a detailed analysis.

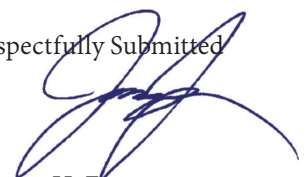
Public Participation

An appropriate public participation program will be determined once PAC decides how they would like to proceed.

Conclusion

Planning Staff have prepared a list of potential amendment options for consideration by PAC members. It is expected that the Committee will, following a discussion of each amendment option, give direction to Staff on which amendments they would like to see move forward for further consideration and analysis. Staff will return to the Committee with an amendment package, report and recommendation. At that time it is expected that the Committee will schedule an advertised public information meeting where the proposed amendments will be presented to the public.

Respectfully Submitted



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