

STAFF REPORT

Prepared For:	Truro Town Council
Submitted by:	Jason Fox, Director of Planning & Development
Date:	May 1, 2018
Subject:	Municipal Planning Strategy and Land Use By-law amendment to permit multiple unit residential development in the Local Commercial (C3) Zones and to rezone 203 King Street to the C3 Zone.

Recommendation

That Council approve amendments to the Town's Municipal Planning Strategy and Land Use By-law that will:

1. Introduce a policy that will permit properties in Town that abut a property in the Local Commercial (C3) Zone to rezone to the C3 Zone;
2. Amend the Local Commercial (C3) Zone and enabling policies to permit multiple unit residential uses; and
3. Rezone 203 King Street to the Local Commercial (C3) Zone.

Background

Planning Staff are proposing amendments to the Town's Local Commercial (C3) Zone in order to address identified issues with the C3 Zone and to address a request by Assad and Hala Sayegh, the owners of King Street Variety located at 207 King Street, to redevelop lands at 203 King Street and construct a new multiple unit residential development. At the January 29th meeting of the Planning Advisory Committee, Staff proposed amendments to the Town's Planning Documents that would eliminate the Local Commercial (C3) Zone and rezone the five affected parcels to zones that better reflect their current and potential reuse. The proposed amendments included rezoning 203 and 207 King Street to the General Residential (R3) Zone along with amendments to the R3 Zone which would have allowed Council to consider a multiple unit residential development at 203 King. The Committee expressed concern about the broad scope of the proposed amendments and requested that Staff instead adopt a much more straightforward approach; one that simply permits the redevelopment of 203 King Street as a multiple unit residential use. The Committee's suggestion was that Staff prepare amendments that would permit a multiple unit residential proposal in the C3 Zone and also rezone 203 King Street from the R1 Zone to the C3 Zone. Staff have prepared a set of amendments based on feedback from the Committee and held a public information meeting to discuss the proposed amendments on March 26, 2018. There were no public in attendance at the public information meeting.

Proposed Amendments

Staff are proposing amendments to the Municipal Planning Strategy and Land Use By-law that will: introduce new policy that will permit properties in Town that abut a property in the Local Commercial (C3) Zone to rezone to the C3 Zone; amend the C3 Zone and supporting policies to permit multiple unit residential uses; and rezone 203 King Street to the C3 Zone. 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 current Local Commercial (C3) Zone and supporting policies have not kept up with changing circumstances and they do not respond to current market demands.

The proposed amendments are, in part, intended to accommodate a proposal by Assad and Hala Sayegh, the owners of King Street Variety, to redevelop 203 King Street and construct a new multiple unit residential development. The proposed amendments would permit a three-unit dwelling at 203 King Street without requiring any additional planning approvals while larger residential developments, consisting of four or more dwelling units, would require a development agreement. The amendments will also resolve an issue on Dominion Street that involves an illegal third dwelling unit that has been sitting vacant for several years. 90 Dominion Street is currently zoned Local Commercial (C3) and it was the location of the former Quigley's convenience store along with two dwelling units. The property was renovated when the store closed and the work included some much needed exterior improvements. As part of the renovations, the two existing dwelling units were retained and a third unit was created in the former convenience store space. Although this third unit was created without obtaining proper permits, it is a less intensive use than the former retail use and it has not generated any negative response from the community. Provided all necessary permits can now be issued and the third unit legally occupied, it is likely that a three unit dwelling is the most suitable use for this property. The proposed amendments to the C3 Zone would permit this third unit and allow this space to be occupied legally.

The proposed amendments are fairly straightforward and specifically targeted at the two issues outlined above. Staff are aware that these amendments could be perceived as a roundabout way of allowing more intensive residential uses in lower density residential areas. These amendments, however, recognize the unique circumstances surrounding local commercial uses. Local Commercial uses are typically situated in residential areas and consist of more intensive land uses than the surrounding development. These uses are often a focal point in their neighbourhoods and generate a higher degree of traffic and activity than surrounding land uses. Local commercial uses are an important part of the local economy and it is important to accommodate the growth and success of these uses by permitting their expansion. It is also recognized that more intensive land uses may be appropriate in the vicinity of these neighbourhood focal points given the heightened level of activity associated with the local commercial uses. Accordingly, Staff are recommending that Council be given the discretion to consider the rezoning of those properties immediately abutting the C3 Zone.

Because C3 Zoned properties are typically located in residential areas, these amendments do have the potential to allow a more intensive residential use than might normally be permitted in an established residential neighbourhood. Any rezoning, however, requires a public consultation process and careful consideration of the rezoning's impact on the surrounding neighbourhood. Also, in order to ensure that commercial encroachment into established residential areas is minimized, the proposed rezoning provision only applies to properties that have frontage on an arterial, collector or local collector road. This will encourage more intensive uses along busier streets and help preserve the neighbourhood character of quieter residential streets. The Town's Planning Advisory Committee also expressed concern about successive rezonings over time. The Committee did not want the proposed amendments to permit all properties adjacent to a newly rezoned parcel to then have the option of rezoning to the C3 Zone as well. Instead, the Committee wanted to limit this rezoning option to properties that *currently* abut the C3 Zone.

The limited scope of the proposed amendments should also help alleviate concerns that the proposed amendments will have far reaching implications and could be precedent setting. These amendments will only apply to the C3 Zone and any properties that abutted a C3 Zone prior to these amendments coming into force. There are only six C3 Zoned properties in Truro. These properties are located at 14 Aberdeen Street (PID Nos. 20191169 and 20297289), 207 King Street Street (PID No. 20162632), 318 Young Street (PID No. 20173993), 90 Dominion (PID No. 20162012), and 334 Queen Street (PID No. 20303483).

Public Participation

The proposed amendments were handled in accordance with the Town's public participation policies. An advertised public information session was held on March 26th, 2018 to give the public an opportunity to review the proposed amendments, ask questions, and voice any comments or concerns they may have. No members of the public attended the information session. Details of the amendments were posted on the Town's website under "current development applications" and on April 20th a public notice sign was posted at 203 King Street giving notice of the proposed rezoning. On April 12th a letter was sent out to 91 property owners within 150 metres (492 feet) of the subject property. The letter directed people to the Town's website where they could obtain more information about the proposed amendments and complete an on-line survey. At the time this report was written there was one response to the on-line survey. The respondent was in favour of the amendments and commented that the rezoning and proposed redevelopment of 203 King Street would help revitalize the neighbourhood.

Conclusion

Planning Staff have completed a review of the proposed amendments including the rezoning of 203 King Street. 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 Council approve the proposed amendments.

Respectfully Submitted

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 Policy C-43 by adding the text shown in italics so that the Policy reads as follows:

Policy C-43

Within the Local Commercial (C3) Zone, it shall be a policy of Council to permit: existing convenience stores; ~~and~~; a limited range of commercial uses such as offices, professional services, personal service shops, and artist studios; ~~on the ground floor of a structure containing up to two residential dwelling units~~ *mixed use developments including a maximum of two residential dwelling units; and residential uses containing a maximum of three dwelling units.*

2. Amend Policy C-45 by adding the text shown in italics and deleting text shown stricken so that the Policy reads as follows:

Policy C-45

It shall be a policy of Council to consider the following by development agreement in the Local Commercial (C3) Zone:

- a) new convenience stores;
- b) commercial uses occupying more than the ground floor of a structure;
- c) commercial uses occupying more than 80 m² (861 ft²) of a new or expanded structure; ~~and~~
- d) commercial uses including the retail sale of any product not manufactured, produced, or assembled on site;;
- e) *multiple unit residential uses with four or more dwelling units;*
- f) *mixed use developments with three or more dwelling units sharing a structure with a Local Commercial (C3) Zone permitted use; and*
- g) *mixed use proposals or residential uses with three or fewer dwelling units that do not meet the standard Land Use By-law or Local Commercial (C3) Zone requirements.*

3. Add a new Subsection 5.4.6 that reads as follows:

5.4.6 Expanded Local Commercial Uses by Rezoning

Local Commercial uses are typically situated in residential areas and consist of more intensive land uses than the surrounding development. These uses are often a focal point in their neighbourhoods and generate a higher degree of traffic and activity than surrounding land uses. Council recognizes local commercial uses are an important part of the local economy and Council wants to accommodate the growth and success of local commercial uses by permitting their expansion. Council also recognizes that more intensive lands uses may be appropriate in the vicinity of these neighbourhood focal points given the heightened level of activity associated with the local commercial uses. Accordingly, Council wishes to have the discretion to consider rezonings of properties immediately abutting the Local Commercial (C3) Zone.

4. Add a new Policy C-47 that reads as follows:

Policy C-47

It shall be a policy of Council to consider applications to amend the Land Use By-law Zoning Map and rezone lands to the Local Commercial (C3) Zone without requiring a Municipal Planning Strategy amendment, provided the lands to be rezoned about a property that was zoned C3 prior to May 7, 2018 and the lands have frontage on a Arterial, Collector or Local Collector Road.

5. Amend Part 5 of the Municipal Planning Strategy by renumbering current Policies C-47 to C-60 inclusive, to Policies C-48 through C-61.
6. Amend Part 5 of the Municipal Planning Strategy by renumbering current subsections 5.4.6 to 5.4.9 inclusive, to subsections 5.4.7 through 5.4.10.
7. Amend current Policy C-51 to change the reference to Policy C-50 to instead refer to Policy C-51.

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 Subsection 4.1.38 clause (n) by adding the text shown in italics so that the clause reads as follows:
 - n) New convenience stores, *residential uses with four or more units, mixed use developments*, and specified commercial uses in the Local Commercial (C3) Zone in accordance with Policy C-45 of the Municipal Planning Strategy.
2. Amend Subsection 4.1.38 clause (o) by deleting the text shown stricken and adding the text shown in italics so that the clause reads as follows:
 - o) Proposals in the General Commercial (C4) Zone which exceed 3251 m² (35,000 ft²) commercial floor area in accordance with Policy ~~C-50~~ *C-51* of the Municipal Planning Strategy.
3. Amend Table 6.7: C3 Zone Permitted Uses in Section 6.4 by adding the text shown in italics so that the table reads as follows:

Table 6.7: C3 Zone Permitted Uses

Existing Convenience Stores

Residential (up to three units)

4. Amend Table 6.8: C3 Zone Conditional Uses in Section 6.4 by adding the text shown in italics so that the table reads as follows:

Table 6.8: C3 Zone Conditional Uses

Dressmaking and Tailoring

Photographic and Artist Studios

Dry-cleaning and Laundry

Printing Establishments

Medical Clinics

Mixed Use Residential (up to two-units)

Office and Professional

Repair Shop

Personal Service Shop

5. Amend subsection 6.4.7 by deleting the text shown stricken and adding the text shown in italics so that the subsection reads as follows:

6.4.7 Uses Permitted only by Development Agreement

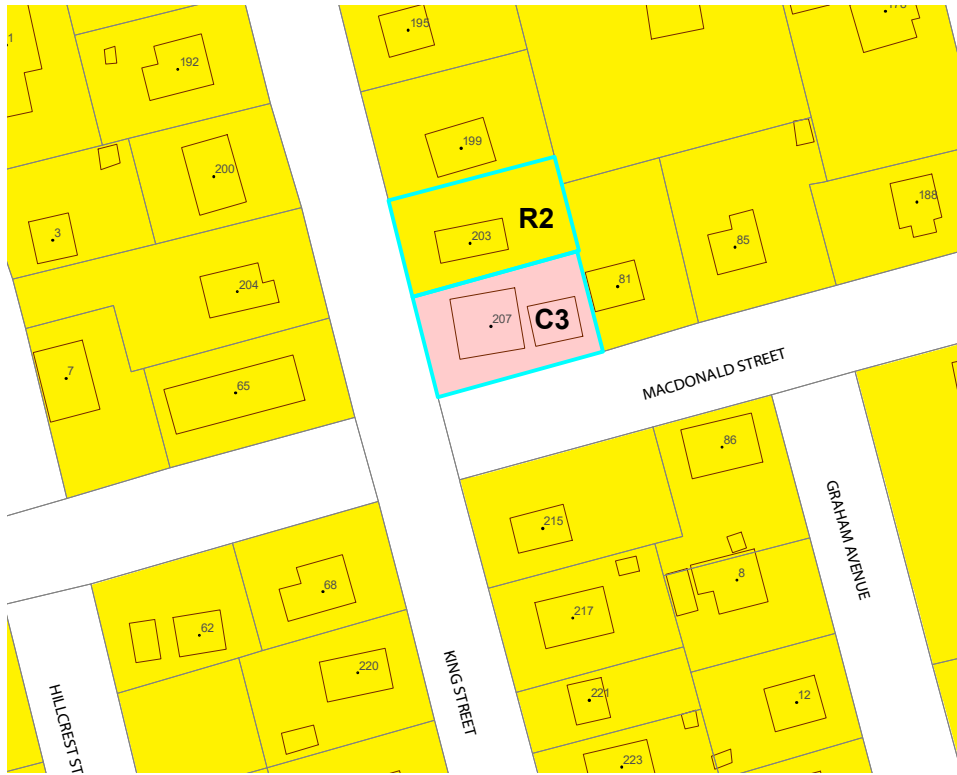
The following uses may be considered by development agreement in the Local Commercial (C3) Zone:

- a) new convenience stores in accordance with Municipal Planning Strategy Policy C-45;
- b) commercial uses that do not comply with the requirements for local commercial uses set out in subsection 6.4.5 in accordance with Municipal Planning Strategy Policy C-45;
- c) commercial uses occupying more than 80 m² (861 ft²) of a new or expanded structure in accordance with Municipal Planning Strategy Policy C-43; ~~and~~
- d) commercial uses including the retail sale of any product not manufactured, produced, or assembled on site in accordance with Municipal Planning Strategy Policy C-45;
- e) *multiple unit residential uses with four or more dwelling units;*

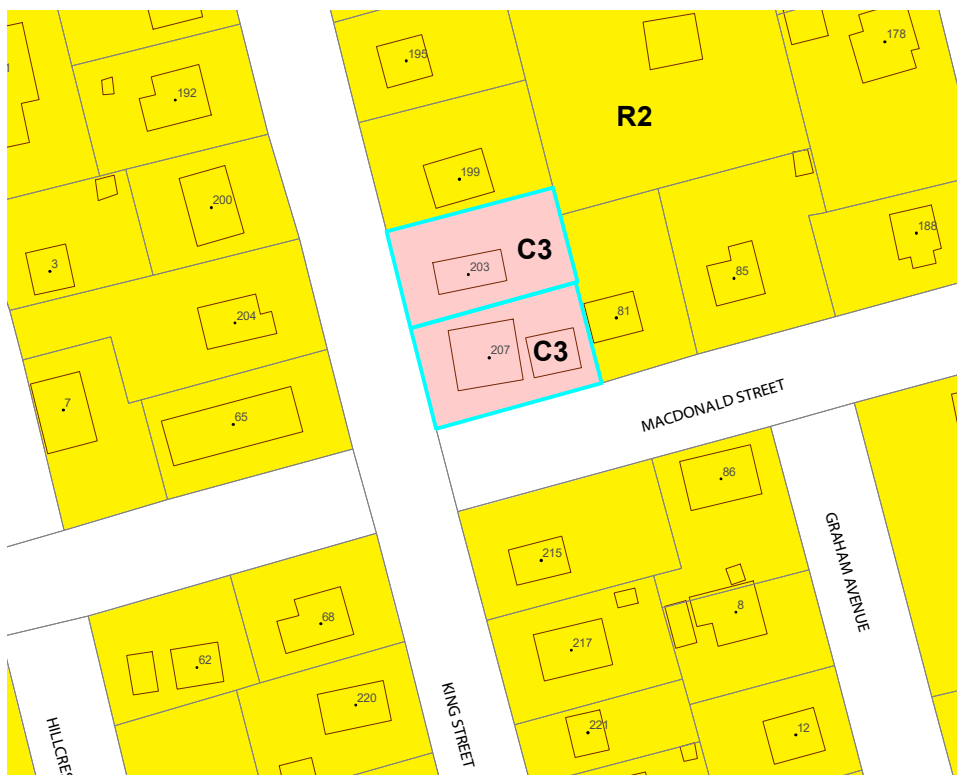
- f) mixed use developments with three or more dwelling units sharing a structure with a Local Commercial (C3) Zone permitted use; and*
 - g) mixed use proposals or residential uses with three or fewer dwelling units that do not meet the standard Land Use By-law or Local Commercial (C3) Zone requirements.*
- 6. Amend the *Land Use By-law* Zoning Map by rezoning PID No. 20162640, located at 203 King Street, to the Local Commercial (C3) Zone as shown in Appendix C:

Appendix C

Proposed Zoning Map Amendments



Excerpt from the Town's Existing Zoning Map



Excerpt from the Town's Proposed Zoning Map