

STAFF REPORT

Prepared For:	Planning Advisory Committee
Submitted by:	Jason Fox, Director of Planning & Development
Date:	June 20, 2018
Subject:	Municipal Planning Strategy Amendment to change the Future Land Use Designation and Zoning of 1 Willow Lane from the General Commercial Designation and General Commercial (C4) Zone to the General Residential Designation and General Residential (R3) Zone.

Recommendation

That the Planning Advisory Committee hold an advertised public information meeting to present proposed amendments to the Municipal Planning Strategy, as described in this report, that will change the Future Land Use Designation and Zoning of 1 Willow Lane from the General Commercial Designation and General Commercial (C4) Zone to the General Residential Designation and General Residential (R3) Zone.

Background

In November 2017 Roy R. Smith met with Planning & Development Staff and requested approval to develop a single unit dwelling on his property at 1 Willow Lane. Staff informed Mr. Smith that the current zoning of his property is General Commercial (C4) and that new single unit dwellings are not permitted in this zone. The C4 Zone recognizes existing residential uses and it permits new multiple unit residential development with three or more units, but new single and two unit dwellings are not permitted. On November 9th Mr. Smith made application to rezone his property at 1 Willow Lane from the C4 Zone to a suitable residential zone in order to permit the construction of a single unit dwelling.

There is no provision in the Town's Planning Documents that enables Council to consider Mr. Smith's rezoning request. According to the Town's Municipal Planning Strategy, in order for Council to consider rezoning the property to a residential zone, the property would either have a Residential Future Land Use Designation or it would have to abut a Residential Future Land Use Designation. Mr. Smith's property's future land use designation is General Commercial and it is surrounded by properties that are also in the General Commercial Designation or in the Environmental Designation.

The proposed rezoning will require an amendment to the Town's Municipal Planning Strategy to change the future land use designation of the subject property to General Residential. Once the future land use designation is changed, the property can then be rezoned General Residential (R3). The plan amendment and rezoning applications can be considered concurrently.

This amendment application was before the Committee at their February 26th meeting. At that time, the Town's Director of Public Works indicated that it may not be possible to service the lands at 1 Willow Lane with municipal water and sewer. In light of this new information, the Committee deferred making any decision on the proposed amendment until Mr. Smith and the Director of Public Works worked out how the proposed development would be serviced. The Director of Public Works has since determined that this property has access to private sewer and water laterals that connect to municipal services. These private laterals are owned by the applicant and may be used to provide services to the proposed development.

Subject Property

Amendments to the Planning Documents typically deal with a neighbourhood or involve policy changes that impact an entire zone or the whole Town. In this instance the proposed amendment deals with just one parcel located at 1 Willow Lane, also identified as PID no. 20152153. This 1.42 hectare (3.5 acre) parcel is undeveloped and, in general terms, consists of a wooded area adjacent to McClures Brook with low lying wet areas on the eastern half of the property. Much of the property is susceptible to flooding and only about 1800 m² (19,375 ft²) of the property, comprising the small cleared area abutting Willow Lane, is not within the Floodplain (E2) Zone. The Brook defines the western edge of the property while the Cobequid Trail runs along its northern boundary.

To the east of the property are a number of residential dwellings with frontage on Willow Street, two of which have been converted for commercial use. There is also a grocery wholesaler and a seasonal garden centre to the northeast. The property has 56 metres (184 feet) of frontage on Willow Lane, which lies to the south. Neighbouring properties on Willow Lane consist of two dwellings, one of which has been converted for commercial use. Across Willow Lane to the south are three multiple unit residential buildings and an electrical substation. To the west, on the opposite side of McClures Brook is an industrial site. An air photo showing the subject property and surrounding area is shown to the right.



Air Photo showing the lands affected by the proposed rezoning and future land use redesignation

Analysis

The Town's Municipal Planning Strategy (MPS) divides the Town into future land use designations (e.g., low-density residential, high-density residential, commercial, industrial) that generally set out where certain classes of development are intended to occur. In many instances, the future land use designations reflect existing land use patterns and the designations simply reinforce established trends. A commercial future land use designation, for example, would generally be applied to an established or developing commercial area. The same is true for the other land use categories and established or developing residential, industrial, institutional areas would typically have a suitable future land use designation applied to them.

Future land use designations are a key component of the Town's planning policies. The Town uses future land use designations to guide the development of the community in a way that minimizes land use conflicts, minimizes natural hazards, protects the watershed, and fosters economic growth. The Town, for example, has applied commercial and industrial future land use designation to areas along major streets and the railway to take advantage of the transportation infrastructure, the visibility and the easy access to market. The Town has decided that it is in its best interest to encourage this type of development in these locations and preserve those areas that are situated away from the noise and traffic for uses such as residential or recreation. The Town also uses future land use designations to discourage or prohibit certain types of land use where development would be detrimental and contrary to the Town's long term interests. Areas such as floodplains and the watershed of the Town's drinking water supply have environmental future land use designations that restrict development.

Willow Street has long been an important part of the Town's street network and at one time was the main highway leading to Halifax. That portion of Willow Street between the McClures Mills Connector and Arthur Street is a particularly busy section of roadway that, together with the Connector, forms the primary connection between downtown Truro and Highway 102. Initially, development along this street would have been mainly residential. Remnants of this early residential development can still be found along the street today. As the Town grew and traffic along Willow Street increased, development along Willow Street became more commercial. At present, development along this portion of Willow Street is mostly a mixture of highway commercial uses.

Recognizing that this portion of Willow Street is predominantly commercial and given that current market trends suggest that this area will continue to attract commercial development, the Town has applied a General Commercial Future Land Use Designation to this area. The General Commercial Designation was created to recognize the broad range of commercial development that exists outside of the Downtown core. This includes the large format retailing and shopping centre development oriented to Highway 102 and the automobile oriented commercial development along Robie Street and Willow Street. It was understood that most of these areas were already developed and, in addition to accommodating new commercial growth through redevelopment and intensification, this designation would recognize existing development as well, including existing residential uses.

The Town's Municipal Planning Strategy is set up so that each future land use designation has a corresponding zone or zones set out in the Land Use By-law. These corresponding zones include a list of permitted uses, lot requirements and other regulations that are designed to implement policies and objectives associated with the future land use designation. The General Commercial Designation and the corresponding General Commercial (C4) Zone permit a broad range of commercial uses such as retail uses, office and professional uses, restaurants, licensed liquor establishments, accommodations, banks, service stations, and other automobile oriented uses. Existing residential uses are permitted although new multiple unit residential uses (three or more units) are permitted only by development agreement. There is no provision in the C4 Zone for new construction of less intensive residential uses such as single detached dwellings or any dwelling with less than three units.

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, the proposed amendment is required to address changing circumstances. The owner of the property in question has made it clear to Planning Staff that he intends to develop his lands as residential and not commercial. The Town had applied the General Commercial Designation to 1 Willow Lane in anticipation of the subject property, along with abutting properties on Willow Street, being incorporated into a larger highway commercial development. This is consistent with the Town's policies that encourage large format retailing and automobile oriented commercial development along main streets. It now appears, however, that this transition is unlikely to occur, at least not in the foreseeable future. Also, given that the proposed rezoning involves a single dwelling unit situated around 110 metres (360 feet) from Willow Street, these amendments are not expected to preclude any commercial redevelopment of adjoining lands that front directly on Willow Street. These changing circumstances warrant Council's consideration of a MPS amendment to redesignate these lands General Residential in accordance with Policy IM-8.

Planning Staff are mindful of the proximity of the proposed residential use to existing and potential commercial development and the potential land use conflicts that may arise as a result of the proposed amendments. It is possible that the applicant or any future occupant of the proposed single detached dwelling may oppose future commercial development nearby on Willow Street. It is expected that any potential land use conflicts will be partially mitigated by the distance between the proposed dwelling and any anticipated commercial development on Willow Street. As mentioned above, the proposed dwelling is situated around 110 metres (360 feet) from Willow Street.

To ensure that the proposed amendments do not restrict the commercial development potential of abutting lands on Willow Street, the area to be redesignated and rezoned residential should not include lands immediately behind

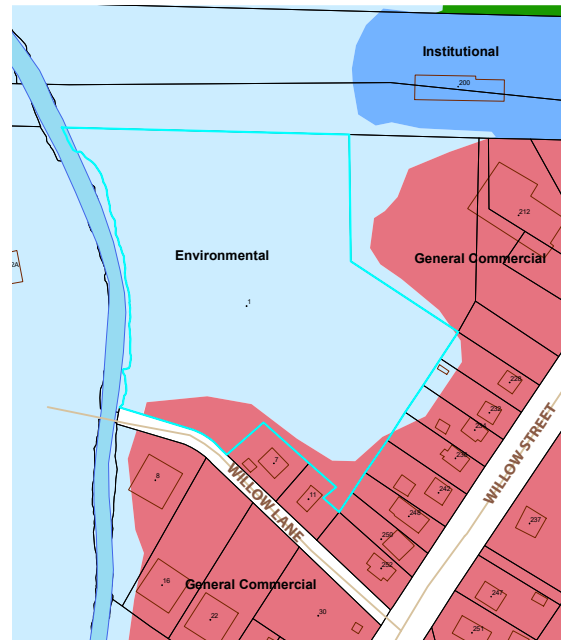
commercially zoned properties on Willow Street. Whereas the applicant is seeking to develop a single detached dwelling on just that portion of the subject property that fronts directly on Willow Lane, there is no need to include the entire property in the rezoning and redesignation. By redesignating and rezoning just the 1800 m² (19,375 ft²) that fronts directly on Willow Lane and leaving the remainder of the property Environmental or Commercial, the Town would avoid having a residential zone abutting a potential commercial development. This will ensure that any commercial redevelopment of properties on Willow Street are not encumbered with the additional setbacks and buffering that is required when a commercial property abuts a residential zone.

A large portion of the subject property is included within the Environmental Future Land Use Designation and Flood Plain (E2) Zone. A 1997 Floodplain Management Study delineated areas susceptible to flooding and integral to the efficient drainage of floodwaters and these lands were included in the Environmental Future Land Use Designation and E2 Zone. The boundaries of the floodplain are currently under review but there is no basis to make any changes to this zone or designation at this time. Staff, therefore, are recommending that the proposed amendments not include the rezoning or redesignation of any lands with the Environmental Future Land Use Designation and E2 Zone.

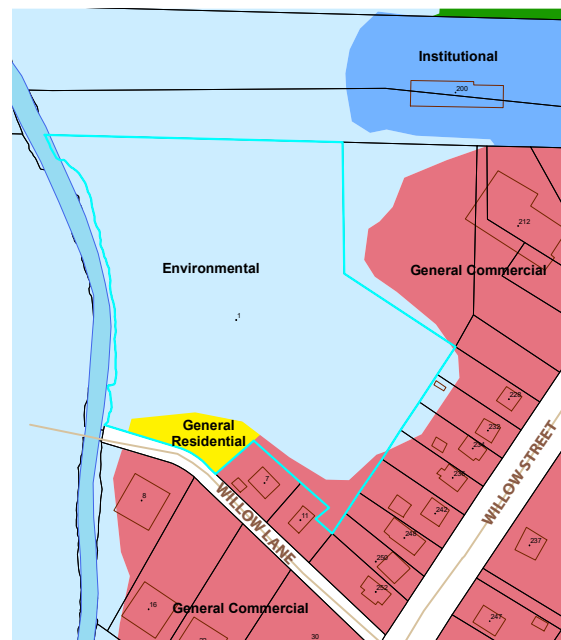
Mr. Smith's proposed single unit dwelling could be accommodated by simply redesignating and rezoning the subject property to the Limited Residential Future Land Use Designation and the Single Unit Dwelling (R1) Zone. There are, however, three multiple unit buildings opposite the subject property on Willow Lane and the area seems better suited to higher density residential uses. Staff are recommending that the property be rezoned General Residential (R3) Zone and that its future land use designation be changed to General Residential. These changes will also allow a greater range of redevelopment opportunities than the R1 Zone.

Proposed Amendments

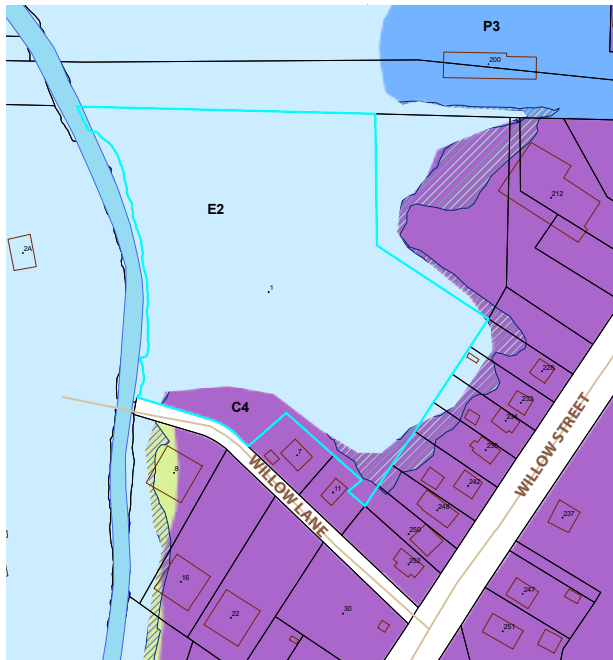
Staff are proposing amendments to the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) that will change the future land use designation of 1 Willow Lane from General Commercial to General Residential and change the property's zoning from General Commercial (C4) to the General Residential (R3) Zone. It is recommended that the proposed rezoning and redesignation apply to just that portion of the property that immediately abuts Willow Lane. The rear portion of the property that is in the Environmental Future Land Use Designation and lands immediately abutting the rear yard of commercially zoned properties on Willow Street should not be included. The proposed amendment will consist of map amendments that involve changes to the Town's Future Land Use Map, which forms part of the Town's MPS and changes to the Zoning Map, which forms part of the Town's LUB. There are no text amendments proposed. Maps showing the proposed amendments to the Town's Future Land Use Map are shown at the bottom of this page. Maps showing the proposed amendments to the Zoning Map are shown on the following page.



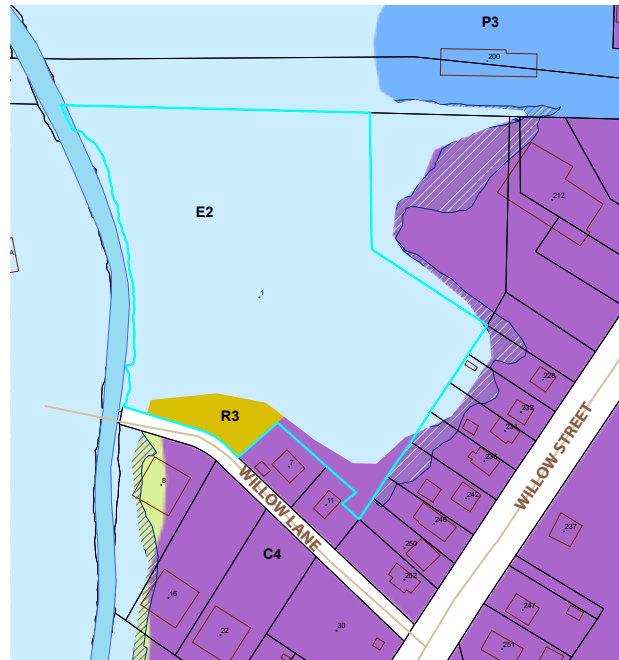
Excerpt from the Town's Existing Future Land Use Map showing the subject property outlined in light blue



Excerpt from the Town's Proposed Future Land Use Map showing the subject property outlined in light blue



Excerpt from the Town's Existing Land Use By-law Zoning Map showing the subject property outlined in light blue



Excerpt from the Town's proposed Land Use By-law Zoning Map showing the subject property outlined in light blue

Public Participation

The normal procedure for amending the Municipal Planning Strategy involves a review of the proposed amendments by the Planning Advisory Committee (PAC). As part of its review, PAC typically holds an advertised public information meeting to present the proposed amendments. PAC then makes a recommendation to Council taking into consideration any feedback from the public information meeting. Council would then hold an advertised public hearing to consider the amendments. Following the hearing, Council votes on the proposed amendments. The amendment is then subject to a review by the Province and may require the approval of the Minister of Municipal Affairs. MPS amendments are not subject to appeal to the Nova Scotia Utility and Review Board.

Although MPS amendments typically deal with large numbers of properties or entire zones, this is a site specific application affecting a single property. In this case there is an opportunity to conduct the standard public notification process that the Town typically follows when processing other site specific applications such as development agreements and rezonings. Prior to the next meeting, Staff are recommending that a public notice sign be placed on the property and that staff mail out a notice to all property owners within 150 metres (492 feet) of the subject property. The letter will direct recipients to the Town's website where they can obtain more information about the proposed development and complete an on-line survey.

Conclusion

Planning Staff have completed an initial review of the proposed amendments and conclude that the redesignation of lands on Willow Lane from the General Commercial Designation to the General Residential Designation is consistent with the overall intent of the Town's development policies. Staff are, therefore, recommending that these amendments proceed to an advertised public information meeting.

Respectfully Submitted

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Director of Planning & Development