

COUNCIL REPORT FORM



To	Mayor and Council & Colin Smith, Chief Administrative Officer Town of Riverview	Item
From	Sarah Anderson, MCIP, RPP Senior Planner	Meeting Date
Date	February 12, 2018	
Subject	Application to amend the Zoning By-law and Municipal Plan By-law at 1174 Coverdale Rd.	
Length of presentation (if applicable)	10 minutes	

ISSUE

Staff has received an application to rezone property at 1174 Coverdale Rd. from PRI (Parks, Recreation, & Institutional) to NC (Neighbourhood Commercial) with the addition of entertainment uses permitted as a secondary use within a maximum of 40% of the gross floor area.

Rezoning from PRI to NC will require an amendment to the Town of Riverview Municipal Development Plan from CU (Community Use) to C (Commercial). (File #18RZ-41709)

The purpose of the rezoning is to accommodate a residential home with rentable space in the basement for small gatherings, meetings, social clubs and senior’s groups, as well as small scale retail associated with the gathering space in the basement.

BACKGROUND

The subject lot holds a vacant church. The church is still in good shape therefore the original owners of the church had been trying to sell the property for some time.

The applicant purchased the property at the end of 2017 with the intention of renovating the inside to create a living space on the main floor. The current zoning of PRI (Parks, Recreation, & Institutional) does not permit a residential use, therefore the land owner is proposing to rezone the property to permit a residential use.

In addition, the new land owner appreciates that the church has been used for many years as a gathering and event space and is proposing to incorporate that element into her development plans.

The land owner is proposing to use the basement as rentable space for things like small gatherings, meetings, social clubs and senior’s groups. The land owner would also like the option of being able to provide small items for sale. For example yoga mats or candles, coffee or tea, or snacks during a meeting.

The NC (Neighbourhood Commercial) Zone was chosen as it ensures the use will stay mainly residential, which is the most compatible with the surroundings. While retail is permitted in the NC (Neighbourhood Commercial) zone, the use of the space for events and public gatherings is considered an entertainment use, which isn’t permitted in the NC zone.

As there is not one single zone that permits residential, retail and entertainment, it was decided that a rezoning from PRI to NC with the addition of entertainment uses permitted as a secondary use (within a maximum of 40% of the gross floor area) would be the best fit for this proposed mix of uses.

The proposal

The land owner made the decision to purchase the old church due to its historic charm. She intends to keep the outside of the building as is, including the original windows. The one exception is to build a small porch at the front door.

The interior of the building will need some upgrades in order to meet the National Building Code. The land owner has been working with the Town on the proper permits for the proposed work.

The definition of entertainment use is as follows:

“entertainment use” means a commercial use in a building or on a lot which involves entertainment, amusement or relaxation including but not limited to a theatre, tavern, nightclub or other beverage room, an arcade or amusement centre and a pool or billiard hall, but does not include adult entertainment or exotic entertainment.

While staff are supportive of the proposed entertainment uses in the form of small gatherings and social clubs, the idea of permitting entertainment uses as a main use has the potential to open the property up to more in the future than the modest uses as proposed now.

It was felt that the extent of the entertainment use should be limited in consideration of the surrounding streetscape and adjacent neighbours.

For this reason staff are proposing to limit the entertainment use to a secondary use, and furthermore to limit it to only 40% of the gross floor area.

By including entertainment use as a secondary use it ensures that the entire building cannot be taken over for entertainment uses. It will limit the use to be secondary to the main use – which is a residential dwelling.

In contemplating the proposed rezoning staff considered the surrounding area. The lot is surrounded by agricultural fields as well as single unit dwellings. By turning the church into a residential home the new use integrates very well into the community.

When considering the proposal to use the basement for community gatherings and group meetings, it is not any different from how the lot was previously used when it was a church. The traffic patterns will remain the same and the use of the lot will essentially remain the same.

It should be noted here that although the proposal is to have a residential home as the main use, staff would be comfortable with any of the other permitted Neighbourhood Commercial uses as they would provide an element of convenience in this part of the Town.

The following uses are permitted in the NC Zone. Please note that any application to change a use in a building requires a Building and Development Permit. Through that application the proposal is reviewed for things like parking and traffic as well as Engineering and infrastructure capacity.

Permitted Uses:

Daycare centre
Office use
Personal service shop
Public Park
Retail store (maximum 750 m²)
Service shop
Single, two unit or semi-detached dwelling

Permitted subject to Terms and Conditions:

Church
Restaurant

MUNICIPAL DEVELOPMENT PLAN

The lot is designated CU (Community Use), proposed to be designated C (Commercial) on the Town of Riverview Generalized Future Land Use Map.

Policy 5.8.2 It shall be the intention of Council, in reviewing a neighbourhood commercial use, to have regard for the following:
(a) In reviewing a Neighbourhood Commercial zone proposal, Council shall have regard for the following:

- i. the proposal is deemed to be beneficial to the local area and community as a whole;
- ii. the proposal is deemed to be compatible with the surrounding land uses and the impact on the surrounding residential areas is minimized through the appropriate use of setbacks, landscaping and site layout. In addition, Council shall be satisfied that the following criteria have been met:
 - a. the proposal has adequate access to collector or arterial streets of sufficient capacity to accommodate any increase in traffic;
 - b. the proposal generates minimal traffic noise and lighting impacts on existing residential neighbourhoods;
 - c. adequate provision for access is made for pedestrians, persons with disabilities and other special needs group;
 - d. necessary servicing is readily available;
 - e. adequate parking and service facilities are provided; and
 - f. other criteria are complied with which are deemed appropriate by Council.

ZONING BY-LAW

Provided this rezoning is accepted by Council, all development will be subject to the Zoning By-law regulations.

INTERDEPARTMENTAL REVIEW

The rezoning was reviewed by the Development Review team and no major issues were identified.

CONCLUSION

The proposed change of use of this property will help to ensure that the church, which has been part of this community for a long time, will remain and will continue to be used.

The land owner is proposing to keep the building as is as much as possible, with very few modifications. In this way the historic charm and value of the church will remain in this community for many more years.

The proposal to rezone meets policy 5.8.2 of the Municipal Development Plan as the proposal includes using part of the building for community gatherings and social clubs, much as it was used in the past.

The residential aspect, as well as the proposed entertainment use, are both compatible with the surrounding land uses and the impact on the surrounding residential area is very limited.

Therefore staff recommend that Council proceed with the rezoning process. The necessary amending by-laws, being Municipal Plan By-law 300-32-2, and Schedule A-2, and Zoning By-law 300-6-14, and Schedule A9 are attached for Council's consideration.

RECOMMENDATION

It is recommended that Riverview Town Council proceed with the Municipal Plan amendment being By-law 300-32-2 and the Zoning By-law amendment being 300-6-14 and:

- 1) That a public presentation for the plan amendment be scheduled for February 26, 2018;
- 2) That a public hearing be set for April 9, 2018;
- 3) That By-laws 300-32-2 and 300-6-14 be referred to the Planning Advisory Committee for its written views;

The rezoning, if approved, should be subject to a conditional zoning agreement, including but not limited to:

1. That full floor plans for both floors be submitted as part of the application for a building and development permit; and
2. That entertainment uses be permitted in only 40% of the gross floor area of the building, and the area should be indicated on the above noted floor plans.

ALTERNATIVES

- That Council table the request for additional information; or
- That Council deny the request.

RISK ANALYSIS

Staff don't see any risks associated with this application.

CONSIDERATIONS / ENJEUX

Financial N/A

Environmental N/A

A public presentation is being scheduled for February 26, 2018. A notice of the presentation will be published in newspapers on February 15, 2018.

Public Consultation In addition, a public hearing is being scheduled for April 9, 2018. First notice of the public hearing should be published in the newspaper on March 17, 2018. Second notice of the public hearing should be by mail to owners of properties within 100 metres of the subject site as per requirements of the Community Planning Act. (March 21, 2018)

- Attachments**
- Aerial Location Map
 - Area Map
 - Photos
 - Municipal Plan By-law amendment 300-32-2 and Schedule A-2
 - Zoning By-law amendment 300-6-13 and Schedule A-8
 - Council Resolution

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