

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	April 9, 2018	
Subject	Public Hearing - Municipal Development Plan amendment and Rezoning application for 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.

CURRENT STATUS

At the February 12, 2018 Regular Meeting, Riverview Town Council resolved that a public hearing be scheduled for April 9, 2018 for the consideration of objections to the proposed Municipal Plan amendment 300-32-2 and Zoning By-law amendment 300-6-14 for 1174 Coverdale Rd (PID 05112701).

To implement the zoning change, the property needs to be re-designated in the Generalized Future Land Use Map of the Municipal Development Plan from CU (Community Use) to C (Commercial).

The statutory notice of the public hearing appeared in the newspapers on March 17, 2018 while the second notice was mailed out to properties located within 100 m of the subject site on March 21, 2018.

A public presentation was held on February 26, 2018 to present information to the public on the Municipal Plan amendment.

As per the requirements of the Community Planning Act, Council also referred the Zoning By-law amendment to the Planning Advisory Committee (PAC) for its written views.

At its meeting of March 14, 2018 the Committee considered the proposed amendments and recommended that Council proceed with the rezoning process for Municipal Plan By-law amendment 300-32-2 and Zoning By-law amendment 300-6-14 subject to a conditional rezoning agreement including but not limited to the conditions noted in the recommendation below.

During the Planning Advisory Committee discussion several Committee members noted their concern for the future use of this property in regards to the “entertainment use”. The originally recommended condition is that an entertainment use be limited to 40% of the gross floor area, and is limited to a secondary use only.

The concern was that if the land owner (current or future) were to build an addition to the building, the area permitted for an entertainment use would also be able to grow. It would still be limited to 40%, but it would be 40% of a larger building.

Therefore the Committee members recommended amending condition #2 to the following:

“That entertainment uses be permitted in only 40% of the **existing** gross floor area of the building, and the area should be indicated on the above noted floor plans”

This way the entertainment use will only ever be limited to 40% of the current size of the building, even if the building were to grow. If the land owner wanted to have a larger area for an entertainment use they would be required to go back to Council to amend the subject rezoning agreement.

Discussion & Analysis

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

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.

RECOMMENDATION

The Planning Advisory Committee recommends that Riverview Town Council **proceed with the amendment process** for Municipal Development Plan By-law 300-32-2 and Zoning By-law 300-6-14 for 1174 Coverdale Road, subject to the following terms and conditions:

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 existing 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
Public Consultation	First notice of the public hearing was published in the newspaper on March 17, 2018. Second notice of the public hearing was 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	<ul style="list-style-type: none">• 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• Draft Conditional Zoning Agreement
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