



# City of Moose Jaw

**TITLE:** 303 Coteau Street West – Rezoning Application

**TO:** Municipal Planning Commission

**FROM:** Department of Planning and Development Services

**DATE:** October 7, 2019

**PUBLIC:** This is a public document.

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## **RECOMMENDATION**

THAT the Municipal Planning Commission recommend to City Council that City Administration proceed with the rezoning of Parcels 86 & 87, Plan No. D4450 Ext. 27 & 28 from R1 – Large Lot Low Density Residential District to CZ – Contract Zoning District.

## **TOPIC AND PURPOSE**

The purpose of this report is to consider an application from 102067463 Saskatchewan Corporation to rezone the subject property from R1 – Large Lot Low Density Residential District to C1B – Mixed Use Neighbourhood Commercial District, to allow the property to be used as a retail (furniture) store with offices on the second floor. Upon further review of the property, Administration is recommending that a Contract Zone with the C1B District development standards be applied.

## **BACKGROUND**

The property is composed of two 15m frontage lots with a total site area of 1,161m<sup>2</sup>. The existing building on the site has two levels with a total floor area of 715m<sup>2</sup>. The property is on the corner of Coteau Street West and Tapley Street and is adjacent to a public park. The area is zoned for low density residential uses, and is primarily composed of one-unit dwellings.

The building was originally constructed in the 1940's as a church, and operated this way until a brief change of use in the early 2000's to a one-unit dwelling. In 2010, the new owners of the property went through the discretionary use process to change the use of the property back to a church and community centre. The building was also renovated at this time to install a commercial kitchen and upstairs living quarters.

## **DISCUSSION**

The applicant is proposing to operate a home appliance and furniture store at this location. This use is classified as a "Retail Store" under the Zoning Bylaw, and is permitted in the C1B District. The applicant has stated several reasons in support of their application:

- The size of the existing building and property
- The location of the property on a corner
- The existing parking spaces provided

In the C1B District, the maximum amount of floor area that may be devoted towards a retail use is 325m<sup>2</sup>. The purpose of this requirement is to ensure that retail operations maintain a scale that is compatible with residential uses. The applicant is proposing to limit the retail area to a portion of the lower level, to maintain compliance with this requirement. The remaining floor area of the building is proposed for office and storage space.

The parking requirement for the retail use is 7 stalls plus one loading stall. One of the 7 parking stalls must be an oversized accessible stall for vans with wheelchair lifts. The existing rear parking area can accommodate the required parking for this use. If delivery vehicles are required to access the property, they will be limited to the maximum truck weights as determined by the City Engineering Department.

At this time, the building is not required to meet accessibility standards. However, any affected individual may appeal to the Human Rights Commission to have barrier-free requirements for this building at any time.

A change of use permit will be required prior to the retail store being granted occupancy. Renovations may be required to meet the National Building Code, including appropriate fire rating for commercial uses. Due to the proximity of the building to the west property line, the west wall will require non-combustible construction to accommodate most uses. Since the building is currently classified as an "assembly" use under the National Building Code, any change of use would trigger this requirement for non-combustible wall construction. In the C1B District, the only uses that would be able to occupy the building without triggering a change of use would be:

- Art Galleries
- Restaurants
- Day Care Centres/Preschools (Discretionary)
- Licensed Facilities in conjunctions with restaurants (Discretionary)
- Private Schools (Discretionary)

All other uses in the C1B District would require the west wall to be of non-combustible construction. The property owner and applicant have engaged a professional designer to assess the west wall, and provide a quote for any potential renovations. Administration does not recommend that a property be rezoned if it is cost-prohibitive to meet the National Building Code requirements for the majority of uses with the zone, mainly because it sends the wrong message to potential purchasers and developers. Using a Contract Zone with the C1B development standards will allow the limitations of the property to clearly states and registered on the property title, while also allowing for the

full range of C1B zoning to be in full effect. The content in the proposed Contract Zone Agreement is proposed to be:

- Parking requirements from the C1B District standards;
- A list of land uses that may be permitted without completing building upgrades;
- Standards for the maximum floor area that may be occupied by a retail or restaurant use, as stated in the C1B District;
- Any other conditions or standards imposed by City Council.

The purpose of the C1B Mixed Use Neighbourhood Commercial District is to provide an area that permits mixed use development which may include a limited range of commercial and institutional, and medium density residential uses that are generally compatible with residential land uses and are intended to serve convenience needs of residents within that neighbourhood. Administration believes that the C1B District standards and uses are appropriate for this location given the conditions of the property and area. While a furniture store is not a typical neighbourhood commercial use, it is classified as a "Retail Store" under the Zoning Bylaw and is a permitted use in this District. Administration is in support of an application to Contract Zone the subject property using the C1B District development standards.

#### **OPTIONS TO RECOMMENDATION**

- City Council may decide to rezone the property to C1B – Mixed Use Neighbourhood Commercial District;
- City Council may decide to maintain the current Zoning of the property, or suggest an alternate zoning arrangement.

#### **PUBLIC AND/OR STAKEHOLDER INVOLVEMENT**

In accordance with the Public Notice requirements in the *Planning and Development Act, 2007*, and City practice, the Zoning Bylaw amendment must be advertised for two consecutive weeks in the newspaper. Public comments will be collected by City Administration, or directly presented to Council at the Public Hearing.

#### **OFFICIAL COMMUNITY PLAN**

The Official Community Plan (OCP) provides the framework to guide the physical, economic, social, environmental and cultural development of the City. According to the Planning and Development Act, 2007, no development shall be carried out which is contrary to the Plan. Relevant sections of the OCP are listed below:

##### **5.2.2 Location of Commercial Development and Use of Commercial Lands**

- a) The City has evaluated and will continue to monitor proposals for commercial development (whether proposals for Neighbourhood Commercial, Mixed Use Commercial, High Density or Vehicle-Oriented Commercial) in terms of their

impact on the City as a whole and on their immediate surroundings, with regard to:

- i) capacity of the street system and public transit system to accommodate any increases in vehicle traffic and ridership;
  - ii) capacity of existing sewer and water systems to service the proposed development;
  - iii) integration with abutting and nearby uses;
  - iv) the long-term viability of retail and commercial activity in the Downtown; and
  - v) all other relevant Objectives and Policies in this Plan.
- b) No specific Neighbourhood Commercial Land Use Classification is shown on the Future Land Use Concept Map that is attached to and forms part of this Plan. Neighbourhood Commercial sites shall be provided, as necessary, to serve the daily needs of the residents in the neighbourhood.
- c) Neighbourhood Commercial sites shall be located along collector or arterial roadways. Care shall be taken to choose sites, which will minimize land use conflicts with nearby residential properties but, at the same time, provide convenient access to neighbourhood patrons.

#### **19.1.2 Contract Zoning**

- a) Contract Zoning may be used by Council on a case-by-case basis to deal more effectively with the development of individual lots, blocks or other small areas with servicing, site or access limitations, unique features or opportunities which could not be accommodated by the current Zoning Bylaw.
- b) Subject to the following Guidelines, the Council may rezone an area to a Contract Zone pursuant to The Planning and Development Act, 2007 in order to allow a specific development which would benefit the City but which is not currently compatible with the current zoning uses or regulations affecting the subject area:
- i) Council shall consider the nature and intensity of the surrounding uses to avoid or minimize land use conflict when investigating a rezoning proposal for a new Contract Zoning area.
  - ii) Prior to approving a rezoning for a new Contract Zone, Council shall consider whether any environmental, servicing, or public safety problems would result due to the intended uses anticipated in the Contract.
  - iii) Council shall also ensure that the land use in a proposed Contract Zone benefits the City and is consistent with the other policies of the Official Community Plan.

- iv) Council shall outline criteria for the creation of all new Contract Zones in the General Purpose of the Contract Zone in the Zoning Bylaw. These criteria will be based on, but not limited to Council's consideration of the unique physical nature of the land which may be included in the Contract Zone, the possibility of developing a mix of compatible land uses in the area, and the potential for introducing new types or forms of development which may not be possible under the current Zoning Bylaw.
- v) All proposals for a new Contract Zoning area shall be circulated to obtain the comments of the Municipal Planning Commission and any other agency or group identified by Council as having a potential interest in the matter.

### **BYLAW OR POLICY IMPLICATIONS**

The Zoning Bylaw Map would be amended to classify these parcels as a CZ property.

### **FINANCIAL IMPLICATIONS**

Advertising costs are billed directly to the applicant, on top of the application fee of \$500.

### **OTHER CONSIDERATIONS/IMPLICATIONS**

All recommendations of the Municipal Planning Commission require approval of City Council.

### **PRESENTATION**

VERBAL:       X

Michelle Sanson, Director of Planning and Development Services, will be in attendance.

### **ATTACHMENTS**

1. Application for Rezoning;
2. Aerial View of the Property;
3. Zoning Map;
4. Street View of the Property;
5. Excerpts from the Zoning Bylaw.

Respectfully Submitted By,

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Veronica Blair  
Planner 1

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Michelle Sanson, MCIP, RPP  
Director of Planning & Development Services