

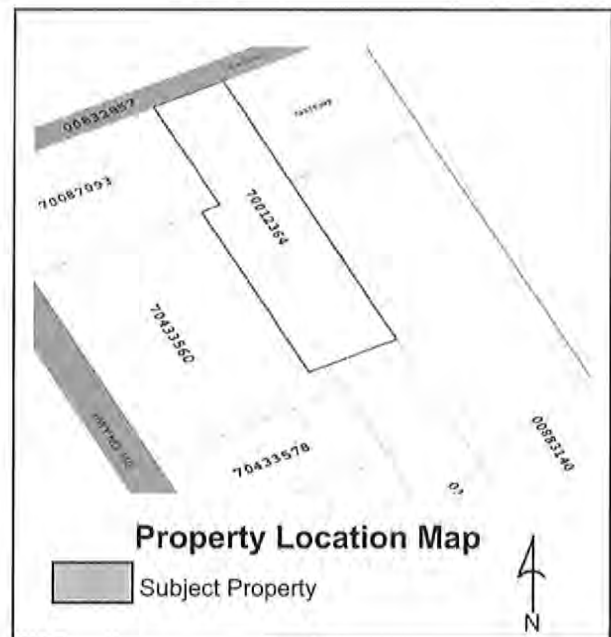
Beaubassin Planning Review and Adjustment Committee

STAFF REPORT

Subject : Modify imposed condition from file # 15-009
File number: 15-538
Meeting Date: Wednesday, June 17, 2015
From : Nicolas Landriau
 Development Officer

GENERAL INFORMATION

Applicant/: Armand Belliveau Ferme Shediac farm
Landowner : Armand Belliveau Ferme Shediac farm
Proposal: Modify condition # 5 on decision 7a) MF # 15-009 that impose to maintain the existing tree buffering and replace it with a condition allowing a fence and a new tree buffering to be plant.



SITE INFORMATION

Location: Rue Bombardier, Ville de Shediac / Town of Shediac
PID: 7012364
Lot Size: 1.96 Hectares
Current Use: commercial green house
Zoning: Commerce Général
Future Land Use: Commercial
Surrounding Use & Zoning: Commercial, institutional; General commercial GC, Residential low density R1, Institutionnal services IS.
Municipal Servicing: Shall hook to the Shediac water service
Access/Egress: Bombardier street

Municipal Plan Policies

3.2.3 Economic development

A vibrant economy is a key ingredient for a community to fully achieve its potential. This being said, a healthy community is a community where you can live, work, shop, have fun, etc. without having to leave it. A strong economy is essential to attract new residents, tourists, and new job-creating businesses. Therefore, the goal is to foster opportunities in the commercial, industrial, and institutional sectors in order to offer municipality residents a diversified economy that will translate into an improved quality of life.

1. Municipal council's policy is to promote the socio-economical development of the Town of Shédiac.
2. Municipal council's policy is to encourage the successful completion of all projects based on economic development in commercial, industrial, and institutional sectors, keeping in mind the preservation of residents' quality of life and the environment.
3. Council's policy is to promote a balanced economy, encouraging a wide array of commercial, industrial, and institutional uses.
4. Council's policy is to maximize returns on investments related to municipal infrastructures.
5. Council's policy is to allow home occupations/businesses, making sure that the residential nature of residential boroughs is preserved.

7.12.1 Development concept:

The *Shédiac-East* borough is situated in an enviable location. Located between Main Street and Ohio Road, up to the eastern boundary of the municipality, this borough has no direct connection to any other mainly residential borough. Single-family dwellings are mainly featured in this area. Most dwellings were built in the '80s with a few exceptions lying south of Cartier Street. Close to half of this borough is not developed, which reads into a great potential for significant development. However, this sector is not serviced by the municipal water supply and the sanitary sewer system. This means that the absence of these services limits residential developments in this borough. In the event that municipal infrastructure extends to this area, it is essential that the method of development be done in such a way as to maximize infrastructure costs.

7.12.2 Proposals related to the *Shédiac-East* borough:

1. It is proposed to maintain the integrity of existing neighboring residential units.
2. It is proposed to promote the extension of potable water supply and the sanitary sewer system in order to stimulate economic growth in this area, if such expansion is affordable.
3. It is proposed to require that a site plan be designed to optimize land use, thus

creating a built environment that is enjoyable and efficient, before authorizing a residential development that differs from single-family dwellings.

4. It is proposed to require that all new development where the use or density differs from what already exists take into account the neighbourhood's needs or specificities.

5. It is proposed to encourage the development of interconnected neighbourhoods, built to human scale.

6. It is proposed to open up this borough by promoting connectivity with other boroughs in Shediac.

Zoning Bylaw and or Subdivision By-law Regulation

4.2 The Commission may, subject to the terms and conditions it judges appropriate:

c) authorize a projected use of land or a building that is not otherwise permitted by the zoning by-law if the Commission deems that the projected use is comparable to a use that the by-law would allow for the zone where the land or building is located or is compatible with that use;

14.1.1 No land, building or structure shall be used for any purpose other than:

a) one or several of the following main uses:

(xiii) a garden centre,

Internal Consultation & External Consultation

The developer talk with development officer to propose the modification of imposed conditions # 5 of decision &4)

Discussion

When evaluating a variance, the Planning Act provides the following criteria or test to evaluate the requests.

Description of the project: The whole project consist in 8 greenhouse building (see Schedule A) on the same lot to grow hydroponics vegetable. The production will be sold to local retail commerce. The actual request for one greenhouse is only Phase 1 of the project. The greenhouses are to be linked to the municipal water service and will use, after due approval, the existing onsite septic system. The actual building (warehouse) will be partially demolished and the remain concrete slab will be used as a foundation for greenhouse service room (see schedule B).

Is it reasonable?

The client is asking to run a commercial green house (lettuces and tomatoes) and asking the board to consider this use as compatible with the permitted use "garden-centre" as listed in section 14.1.1 a) (xiii) of Town of Shediac zoning by-law. As discussed with the client, the business will grow hydroponics lettuces and tomatoes year round in a greenhouse building with an attached building sheltering services to the greenhouse. Garden center are defined in the by-law as following: *an establishment where plants and garden equipment are sold, including flowers, trees, shrubs, fertilizer, chemicals for non-commercial gardens, gardening tools, and other related products.* The project consist in growing vegetables to be sold in local commerce. There is no selling going on the property and no clients will be served in a retail store for gardening tools, flowers, trees or gardening products. The purpose of the greenhouse is only growing vegetable. The request seems to be reasonably compatible with a garden center as they belong to the same type of commerce and they may both help the local economy.

It is desirable for the development of the property?

The actual property is not used. There is a warehouse infested with mold and the building is to be demolished except the concrete foundation that is to remain for the use of the ongoing greenhouse project. The development is desirable for the property as the land will be used for a innovative commercial purpose instead of a nearly vacant lot occupied by a rotting empty building. The development is desirable for the property.

Does the variance meets the intentions of the zoning by-law?

The intentions of the by-law is to allow commerce that need space for their building, warehouse and parking space. The type of commerce allowed in a General Commercial zone are the ones that will ask clients to use a car and that may be located far from residential area in order to prevent possible conflict of use. Commerce in this zone are not transforming facilities. They are selling already built products and services but there is no impact such as an industrial use. The intention of the zoning by-law are met.

Does the variance meets the intentions of the municipal plan?

The intention of the plan is to allow commercial development within the Town of Shediac, to prevent conflict of uses between commercial and residential areas. The municipality wants to promote a wide array of commercial uses and to maximize return on investments related to municipal infrastructures.

The property is located within the Shediac-East borough that is mainly defined as a residential borough. The municipal plan wants to maintain the integrity of existing neighbouring residential units and to promote the extension of potable water supply and sewer system if such expansion is affordable.

The project will not compromise existing residential units as the residential lots around are still vacant. Moreover, there are no public streets in this residential zone. The water system will be

extended up to the facade of the property to provide service to the greenhouses. The property will have to get hooked-up to the public sewer system as soon as there is a reasonable possibility for this. The intentions of the municipal plans are then met.

Public Notice

Public notice was circulated to property owners within 60 meters of the property.

Legal Authority

35(1)The advisory committee or regional service commission may permit, subject to such terms and conditions as it considers fit,

(a) a proposed use of land or a building that is otherwise not permitted under the zoning by-law if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted in the by-law for the zone in which the land or building is situated;

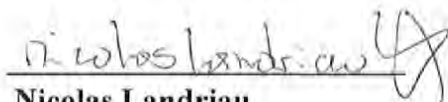
Recommendation

Staff recommends that conditions #5, as listed below:

5. The existing tree buffering will have to be maintained on the lot with the adjacent lot PID# 00883140 on residential zone (Schedule C).

imposed for Ruling of compatibility to allow a commercial green house as a garden center on April 15th 2015 by the Beaubassin Planning Review and adjustment committee be canceled and replaced by:

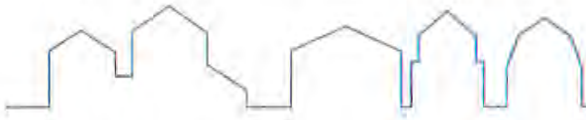
5. As per the Shediac Zoning by-law Z-14-44 and the site plan in schedule A , a 1.5 m wide treed buffer consisting of two rows of trees and a fence along the foundation and the greenhouse are required.



Nicolas Landriau
development officer



Jesse Howatt MCIP, RPP
Planner



April, 16th 2015

Re: 15-009

Armand Belliveau
200 CARTIER ST
SHEDIAC NB
E4P 1L3

Schedule B

Subject: Compatibility ruling on a commercial greenhouse to be run as a garden center—NID 70012364

Mr. Belliveau,

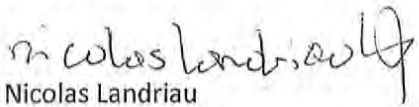
This letter is a formal notification of the decision taken at the meeting of the Beaubassin Planning Review and adjustment Committee, April 15th, 2015 Bell Realty Ltd property PID 70012364. Your application proposed the use of an commercial greenhouse to be run as a garden center.


Decision 7 a) Members of the Beaubassin Planning Review an Adjustment Committee decided to let a commercial greenhouse being run as a garden center and chose to impose the following conditions for your development:

1. Approval from the Department of Health for on-site septic system will have to be provided.
2. A demolition permit will have to be issued by the South-East Regional Services commission for the existing warehouse.
3. The property will have to get the public sewer service from the Greater Shediac Sewer Commission when available on a municipal approved street.
4. The wood boilers used to heat the greenhouse will obtain a permit from the Town of Shediac as per Town of Shediac municipal by-law 13-51 if they are to be placed outside of the greenhouse buildings.
5. The existing tree buffering will have to be maintained on the lot with the adjacent lot PID# 00883140 on residential zone (Schedule C).

If you have any question, do not hesitate to contact us.

Best regards,


Nicolas Landriau
Development officer


Sebastien Doiron MCIP, RPP
Planning director,

Westmorland-Albert

1222, rue Main Street,
4th floor, Unit/Unité 4000,
Moncton, NB, E1C 1H6
Tel: 506-382-5386

Beaubassin

815A, rue Bombardier Street,
Route 15, Exit/sortie 37,
Shediac, NB, E4P 1H9
Tel: 506-533-3637

Tantramar

131H, rue Main Street,
Sackville, NB, E4L 4B2
Tel: 506-364-4701

Solid Waste •

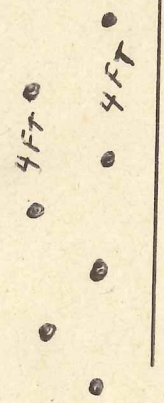
Déchets Solides
2024, rue Berry Mills Road,
Moncton, NB, E1C 8T6
Tel: 506-877-1050

Bombardier St

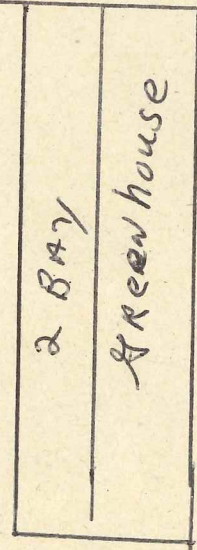
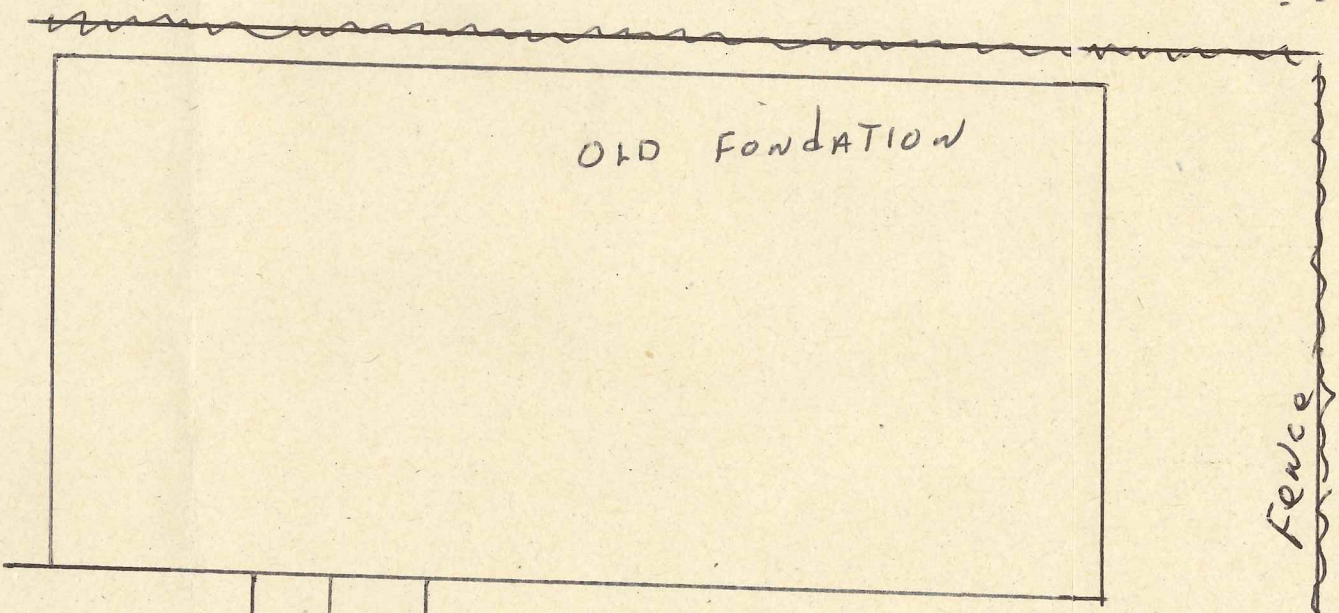
North

PID 70012364 Armand Belliveau
5324615

PLANTS Small Spruce Tree
every 4 FT and 1 in front



Ohio Rd



Fence



Resident R1D 00883140