

**Shediac Planning Review and Adjustment Committee /
Comité de révision de la planification de la Commission du Shediac**
Monday, September 24, 2018 / Le lundi 24 septembre, 2018

Staff Report / Rapport du personnel

Subject / Objet: Rezoning - CC to IS

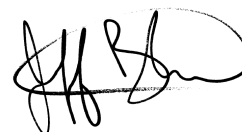
File Number/ Numéro du fichier : 18-1196

From / De :



Kirk Brewer
Planner / Urbaniste

Reviewed by / Révisé par :



Jeff Boudreau
Development Officer / Agent d'aménagement

General Information / Information générale

Applicant / Requéant :

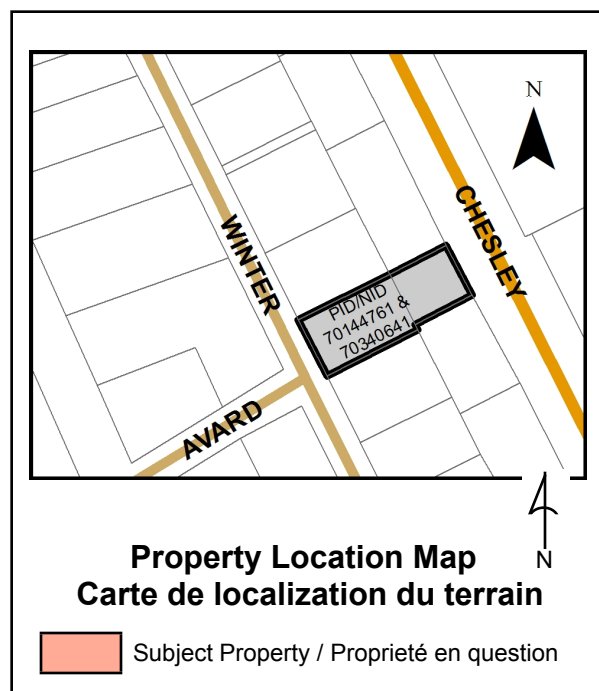
Mike Girouard

Landowner / Propriétaire :

Petrus Paulus Wynberg

Proposal /

Redesignate from Commercial to Institutional Services and rezone from Central Commercial to Institutional Services in order to accommodate a nursing home.



Site Information / Information du site

PID / NID: 70144761

Lot Size / Grandeur du lot: 524 square metres

Location / Endroit :

40 Winter Street, Ville de Shediac / Town of Shediac

Current Use / Usage présent :

Residential

Zoning / Zonage :

Central Commercial

Future Land Use / Usage futur :

Commercial

Surrounding Use & Zoning / Usage des environs & Zonage :

Residential (R3), Central commercial

Municipal Servicing / Services municipaux:

Water and Sewer

Access-Egress / Accès-Sortie :

Winter Street

Policies / Politiques

Institutional Uses

1. Council's policy is to encourage the protection, conservation, and improvement of existing facilities and institutions.
2. Council's policy is to encourage the establishment of new facilities close to existing ones.
3. Council's policy is to set measures that will protect neighbouring residential uses from nuisances created by these facilities.

Scoudouc River Borough

1. It is proposed to maintain the integrity of existing neighbourhood residential units.
2. It is proposed to require that all new development that differs in use or density from what already exists consider the needs of the neighbourhood or its distinctive features.
3. It is proposed to allow new residential developments that are in harmony with the borough's distinctive features as it relates to the urban framework.
4. 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 with a concentration of people that differs from the density that currently exists in this borough.
5. It is proposed to maintain a transition zone between the variable densities of residential developments.

Zoning and/or Subdivision Regulation / Réglementations de zonage et/ou de lotissement

Nursing home means a building, whether for profit or not, in which the owner provides lodging with or without meals, as well as nursing or medical care, or other medical services or treatments, if needed, and includes a rest home, a care home, and any other establishment operated in accordance with an applicable law; (foyer de soins)

Group home means a residence for the accommodation of one or several people, exclusive of staff, under

supervision in a single housekeeping unit and who, by reason of their emotional, mental, social, physical condition or legal status, require a group living arrangement for their well being; but excludes a day care centre, a halfway house, or a facility for the temporary care of transient and homeless persons; (foyer de groupe)

IS (Institutional Services) Zone:

*No land, building or structure shall be used for any purpose other than:
(ix) a nursing home*

Internal Consultation & External Consultation / Consultations internes et externes

Staff consulted internally among planners and development officers. The Town's Director of Municipal Operations had no comments regarding this application. No comments were received from the Town's Fire Chief.

Discussion

The applicant presently operates a care facility for people with mental health needs in a single-unit dwelling at 50 Winter Street. There is no space left in the house for more residents so Mr. Girouard is seeking to expand his service in a new house at 40 Winter Street in order to accommodate additional clients who are currently awaiting placement.

The current zone, CC : Central commercial, does not permit nursing homes, so the new house will require a rezoning to the IS : Institutional services zone, which permits this use. Additionally, the Municipal Development Plan's Future Land Use map includes an Institutional Services designation that corresponds to existing institutional services. Therefore, the application includes an amendment to the Municipal Plan as well as the Zoning by-law.

As part of the application review, staff noted several conflicts with regards to how institutional uses are treated in the Zoning By-law and Municipal Plan. Among these is the conflict in the definitions of nursing home and group home. While the proposed use fits better under the definition of group home, this particular use is not permitted in any zone. A zoning by-law should relate to a use itself (the providing of care), and not the type of person in need of care (whether seniors or people with special physical, emotional, or mental needs). Staff is of the opinion that the proposed use also meets the definition of nursing home, and is comfortable with recommending moving forward with the process to accommodate this project.

The property is a through lot, meaning the front of the house faces Winter Street but the lot continues through to Chesley Street. If the amendment is approved, the applicant plans an extension to the rear of the house toward Chesley to accommodate additional clients. There are no proposed changes to the exterior of the building that would differentiate it from any other house on the street with regards to signage, lighting, etc. Despite the additional people living in the house, the increase in density is negligible and should not result in a large increase of traffic or noise. The goal of these community residence facilities is to minimize disruption to the character of a neighbourhood and to integrate into the residential surroundings. These

types of homes offer a valuable service to the town and staff is of the opinion that they are compatible with and well-integrated into residential neighbourhoods.

The zoning by-law requires 1.25 parking spaces per patient. The applicant anticipates a minimum of 9 new patients, requiring 12 parking spaces. Given that this is a standard residential lot intended for a single dwelling unit, the property can not currently accommodate the required parking on-site without converting landscaped areas into parking. The applicant has requested to reduce the number of parking spaces to meet the needs of staff only, not the clients. Therefore, a variance must be considered as part of the rezoning. When considering a variance, the following criteria must be met: Is the request reasonable, desirable for the property, and within the intent of the municipal plan and zoning by-law.

The purpose of parking requirements for hospitals and nursing home uses are to accommodate spaces for residents, staff, and visitors. Based on discussions with the applicant, none of the clients are able to drive, and they receive few visitors, if any. The only parking that should be required is for the staff working in the house. There will be a approximately 3 staff on site at any given time, which can easily be accommodated with the two parking spaces in front of the house as well as the additional driveway with access on Chesley Street. This is in line with the on-site parking provided at the nearby care home at 50 Winter Street, which is of a similar size and has three on-site spaces. Furthermore, parking is permitted on Winter Street for up to five hours, which would accommodate any short term visitor parking that can not be accommodated on-site. Staff finds the request reasonable.

Paving or otherwise covering landscaped areas of the property to make way for twelve parking spaces would not be in line with the residential character of the neighbourhood and would detract from the goal of minimizing disturbances to the surrounding area. Staff finds the variance desirable for the development of the property.

The parking standards in the Zoning by-law pertain to institutional facilities such as hospitals and larger-scale nursing homes with more staff and requirements for visitor parking, and do not necessarily take into account this type of community residence facility. Based on conversations with the applicant regarding the nature of the operation and the minimal anticipated parking requirements, staff finds the request in line with the Municipal Plan and Zoning by-law.

Legal Authority / Autorité légale

CPA, 2017, c.19

110(1) Before making a by-law under this Act, a council shall request in writing the written views of the advisory committee or regional service commission on / *Avant de prendre un arrêté en vertu de la présente loi, le conseil demande par écrit au comité consultatif ou à la commission de services régionaux de lui donner son avis écrit :*

(a) a proposed by-law in respect of which the views have not been given previously / *sur tout projet*

d'arrêté relativement auquel aucun avis n'a été donné auparavant; ...”

Recommendation / Recommandation

Staff respectfully recommends that the Shediac Planning Review and Adjustment Committee RECOMMEND that Municipal Council adopt By-laws Z-14-36-4P and Z-14-44-22Z in order to redesignate and rezone PIDS 70144761 and 70340641 to IS: Institutional Serves to permit the operation of a nursing home subject to the following conditions / *Le personnel recommande respectueusement que le comité de révision de la planification de Shediac RECOMMANDE au conseil municipal d'adopter les arrêtés Z-14-36-4P et Z-14-44-22Z afin de redésigner et rezoner les NID 70144761 et 70340641 à IS: services collectifs afin de permettre l'exploitation d'un foyer de soins sujet aux conditions suivantes:*

- 1) that any institutional use on the site must be contained within a single-unit dwelling / *que tout usage institutionnel sur le site devra être confiné dedans une maison unifamiliale;*
- 2) that notwithstanding Section 30.2 of the Shediac Zoning By-law, the number of required parking spaces for the proposed use shall be one per employee, with a minimum of three spaces / *que nonobstant l'article 30.2 de l'arrêté de zonage, le nombre d'emplacements de stationnement pour l'usage proposé sera un par employé avec un minimum de trois emplacements;* et
- 3) that any change in use shall be subject to the general provisions of the Zoning by-law / *que tout changement d'usage sera sujet aux dispositions générales de l'arrêté de zonage*

Note: This report was written in english and translated to a bilingual document. Where a conflict exists between the two languages, the language the report was written shall prevail. / **Note:** *ce rapport a été rédigé en anglais et traduit en version bilingue. En cas de conflit entre les deux langues, la langue dans laquelle le rapport a été rédigé a préséance.*