

**Shediac Planning Review and Adjustment Committee /
Comité de révision de la planification de la Commission du Shediac**
Monday, June 24, 2019 / Le mercredi 24 juin, 2019

Staff Report / Rapport du personnel

Subject / Objet: Plan and Zoning Amendment

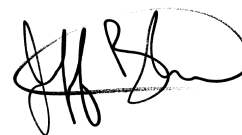
File Number/ Numéro du fichier : 19-462

From / De :



Kirk Brewer
Planner / Urbaniste

Reviewed by / Révisé par :



Jeff Boudreau
Development Officer / Agent d'aménagement

General Information / Information générale

Applicant / Requéant :

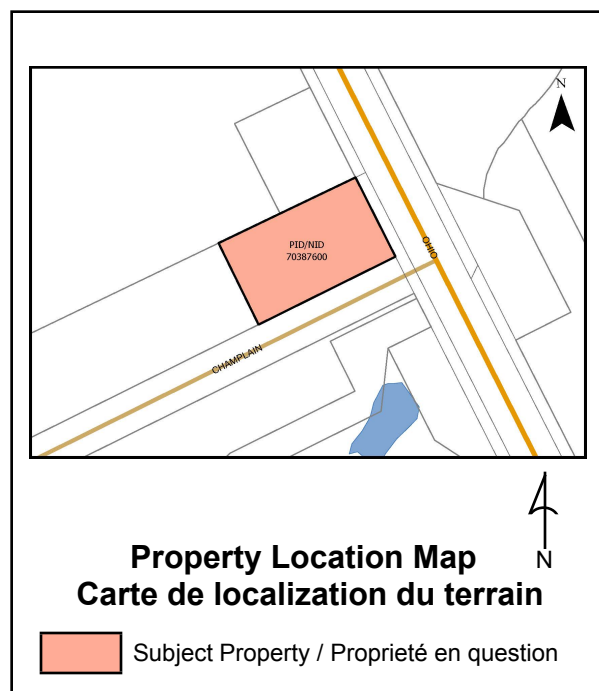
Alan Arsenault

Landowner / Propriétaire :

Guy Bouchard

Proposal /

Change the designation of part of PID 70387600 from RM: Residential Mini Home to C: Commercial and change the zoning from RM: Residential Mini Home to GC: General Commercial



Site Information / Information du site

PID / NID: 70387600

Lot Size / Grandeur du lot: 2650 m²

Location / Endroit :

Ohio Rd / Champlain St, Ville de Shediac / Town of Shediac

Current Use / Usage présent :

Mobile home / maison mobile

Zoning / Zonage :

RM

Future Land Use / Usage futur :

RM

Surrounding Use & Zoning / Usage des environs & Zonage :

Residential (mini home park), Mixed uses (Kent, ambulance depot, campground)

Municipal Servicing / Services municipaux:

Public water and sewer

Access-Egress / Accès-Sortie :

Champlain St., Ohio Rd.

Policies / Politiques

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.

9. Council's policy is to consider localizing businesses with a regional outreach and that need large parking lots close to Highway 15 and/or Highway 11, or close to the municipality's main arteries, such as Ohio Road and Main Street, up to the intersection with Cornwall Road.

Zoning and/or Subdivision Regulation / Réglementations de zonage et/ou de lotissement**14.1.1 CG Zone**

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

a) one or several of the following main uses:

(i) a service station, a public garage or a carwash,

14.4 Yards for a main building or structure

It is prohibited to place, erect or alter a building or structure so that it is:

a) less than 4 metres from the street line;

b) more than 6.5 metres from the street line except for in the case of a flag lot;

c) less than 1.5 metres from a side lot line and less than 3 metres from the opposite side lot line;

d) less than 6 metres from the rear lot line.

14.6 Accessory buildings and structures

Accessory buildings and structures shall not:

a) exceed the lowest of these heights:

(i) 6 metres; or,

(ii) the height of the main building or structure for which it is an accessory building or structure.

b) have a floor area which exceeds the floor area of the main building;

c) be placed, erected or altered if they are:

(i) on the front or flankage yard;

(ii) located at least 1.5 metres from a side or rear lot line

31.1 Parking lot standards

f) subject to paragraph g), entrance and exit ramps shall not exceed two (2) in number at the street line;

g) the Commission may consider the creation of more than two access ramps, subject to terms and conditions that it deems appropriate;

Internal Consultation & External Consultation / Consultations internes et externes

Staff consulted internally among planners and development officers, as well as with municipal administration staff. A public hearing has been scheduled for July 29.

Discussion

The applicant, Perfection Realty, would like to develop a service station at the corner of Champlain Street and Ohio Road. Currently, the property in question forms part of Domaine Parlee Mini Home Park, which is designated and zoned RM: Residential Mini Home.

The park is managed as a residential unit where all the mini homes are placed on a single property, so the part of the property to be used as a service station should be separated from the rest of the park, as shown on the attached subdivision plan. There is currently a mini home on the part of the property in question, which will be removed in order to create a lot large enough to respect the lot standards in the zoning by-law and accommodate the proposed use. A fence and landscaped area with trees/shrubs is proposed between the commercial use and adjacent residential use as per the zoning by-law.

Ohio Road is one of the busiest roads in the town, and acts as the eastern gateway for both residents and tourists. A service station in this location would be beneficial to the traveling public using the nearby Highway 15. Other than the Oceanic Campground and the mini home park, the length of Ohio Road is already zoned General Commercial, so the proposed zoning should not be in conflict with surrounding zoning and land uses.

The proposed site plan requires three variances: one to increase the maximum setback from 6.5 metres to 32.45 metres, one to permit an accessory structure (canopy above gas tanks) in the front yard, and a third to allow the accessory structure at a height greater than the main building. As well, the site plan proposes three access points, which requires Commission approval.

The required maximum setback is intended to bring buildings closer to the street to create a more urban appearance. However, the nature of a service station is to be set back further from the street to place the

gas pumps in the front and allow enough space for traffic flow across the site. Many buildings along Ohio Road are set back further than the maximum 6.5 metres, so the proposed building location should have no significant negative impact on the aesthetics of the road. Considering the use, the request to increase the maximum setback is reasonable and within the intent of the zoning by-law, which allows a service station in the GC zone, as well as the Municipal plan, which encourages uses with a regional outreach on Ohio Road.

In the General Commercial zone, it is prohibited to place an accessory structure in the front yard. However, a canopy to protect the gas pumps and customers from the elements is a standard accessory structure associated with a service station. Allowing the canopy in the front yard would give the appearance of bringing the building closer to the street as intended by the zoning by-law. Considering a service station is permitted in the GC zone, and a canopy in the front yard is an industry standard associated with the use, staff considers the variance reasonable and in line with the intent of the zoning by-law and municipal plan.

The zoning by-law limits the height of an accessory structure to 6 metres, or the height of the main building, whichever is less. Generally, canopy structures are slightly taller than the main building, which is proposed to be a single story. It is anticipated that the canopy will respect the 6 metre height requirement, so staff considers the variance to allow an accessory structure taller than the main building reasonable and within the intent of the zoning by-law and municipal plan.

Finally, the zoning by-law allows a maximum of two parking lot access ramps per property, with additional entrances permitted subject to Commission approval. Staff consulted with the Director of Municipal Operations, who has no problems with the proposed third access. It has been determined that three accesses are reasonable and desirable for the overall traffic flow of the site.

Legal Authority / Autorité légale

The Planning Review and Adjustment Committee receives its authority to give views regarding the by-laws through the following sections of the Community Planning Act: / *Le Comité de révision de la planification doit avoir le pouvoir de faire connaître son opinion au sujet de l'arrêté par l'entremise des articles suivants de la Loi sur l'urbanisme :*

“**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 recommends that the Planning Review and Adjustment Committee recommend that Shediac Town Council adopt By-laws P-14-36-5P and Z-14-44-25Z in order to redesignate and rezone a portion of PID

70387600 to Commercial / General Commercial in order to permit a service station subject to the following conditions:

- 1) the maximum required front yard setback shall be increased from 6.5 metres to 32.45 metres as per the site plan dated April 25, 2019;
- 2) that notwithstanding section 14.6 of the zoning by-law, an accessory structure (canopy) shall be permitted in the front yard as per the site plan dated April 25, 2019 at a height greater than the main building height; and
- 3) that a third parking lot access ramp be permitted as per the site plan dated April 25, 2019

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.*