



**Town of Amherst  
Planning Advisory Committee Meeting**

**Agenda**

Date: **Monday, June 4, 2018**  
Time: **5:00 pm**  
Location: **Council Chambers, Town Hall**

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<b>1. Call to Order</b>	
<b>1.1 Approval of Agenda</b>	
<b>1.2 Approval of Minutes</b>	1 - 5
<b>2. Staff Reports / Presentations</b>	
<b>2.1 Application to Amend LUB Zoning Map - 283 &amp; 295 Church St</b>	6 - 15
<b>3. Public Participation Opportunity</b>	
<b>3.1 Staff Report/Presentation</b>	
<b>3.2 Committee Questions</b>	
<b>3.3 Applicant/Public Questions &amp; Comments</b>	
<b>3.4 Close Public Participation Opportunity</b>	
<b>4. Recommendation</b>	16 - 16
<b>5. Adjournment</b>	

**Town of Amherst  
Planning Advisory Committee  
Minutes**

**Date of Meeting:** Monday, April 9, 2018  
**Location:** Council Chambers, Town Hall

**Members Present:** Deputy Mayor Sheila Christie  
Councillor Wayne MacKenzie  
Councillor Terry Rhindress (Vice Chair)  
Citizen Appointee Gordon Goodwin

**Members Absent:** Citizen Appointee Glen Hudson (Chair)  
Citizen Appointee Ronald Wilson

**Staff Present:** Deputy CAO Jason MacDonald  
Building Inspector Marc Buske  
Deputy Clerk Natalie LeBlanc  
Municipal Clerk Kim Jones  
Admin Assistant Emily Wainwright

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**1. Call to Order**

Vice-Chair called the meeting to order at 4:35 p.m.

**1.1. Approval of Agenda**

**Moved By:** Deputy Mayor Christie  
**Seconded By:** Councillor MacKenzie  
That the agenda be approved.

**Motion Carried**

**1.2. Approval of Minutes**

**Moved By:** Deputy Mayor Christie  
**Seconded By:** Councillor Rhindress  
That the minutes of the February 5, 2018 PAC meeting be approved.

**Motion Carried**

## **2. 4 Sackville Road**

### **2.1 Staff Report**

Mr. Buske reviewed the staff report as included as part of the agenda package, pointing out that this property has been vacant since a structure fire in December 2015. A formal complaint form was received in May 2017. Staff are recommending demolition.

### **2.2 Committee Questions**

Deputy Mayor Christie asked why the process of getting the structure demolished following a fire takes so long. The Deputy CAO replied that there are several aspects that need to be considered, including whether or not the property is considered dangerous, is the property still under investigation, and insurance. She then asked if the taxes were paid up to date, to which Mr. Buske replied the Revenue Officer has indicated she has not been aware of any issues with payment.

Mr. Buske indicated that the property owner did try to get a loan to make the necessary repairs but was unsuccessful. It is his intention to maintain ownership of the property once the structure is demolished.

Mr. Goodwin asked how many complaints have been received on the property to which Mr. Buske replied one. Mr. Goodwin then asked if it is practice to act on only one complaint. The Deputy CAO replied that once a complaint is received it is then staff's responsibility to ensure it is brought up to compliance.

There were no further questions at this time.

## **3. 15 Minto Street**

### **3.1 Staff Report/Presentation**

Mr. Buske reviewed his report as included as part of the agenda package, pointing out that this property has been vacant since a structure fire in November 2016 with no efforts by the owner to repair the building. A formal complaint form was received in July 2017. Staff are recommending demolition. Mr. Buske shared an email with the Committee that he received earlier today from the property owner. Deputy Clerk to place a copy of the email attached as part of the meeting minutes.

### **3.2 Committee Questions**

Deputy Mayor Christie asked if the taxes on this property are currently paid to date. Mr. Buske replied the Revenue Officer has indicated she has not been aware of any issues with payment.

Mr. Buske added that he did speak to a family member of the property owner back in September of 2017 who indicated that demolition was slated to take place however that has not happened.

At this time Deputy Mayor Christie requested that Council be given an updated report, at least quarterly, on any potential upcoming demolitions.

There were no further questions at this time. The Deputy CAO took a moment to remind the Committee that their recommendation is to order demolition, this will not go to Council unless there is an appeal.

**4. 4 Sackville Road – Owner / Complainant Invited to Address Committee**

**4.1 Staff Report**

Mr. Buske reviewed his report as included as part of the agenda package.

**4.2 Committee Questions**

No further Committee questions at this time.

**4.3 Owner/Complainant Address Committee**

Neither the property owner nor the complainant were in attendance.

**4.4 Recommendation**

**Moved By: Deputy Mayor Christie**

**Seconded By: Gordon Goodwin**

**That the Planning Advisory Committee order that the property at 4 Sackville Road be demolished and the foundation be backfilled within 45 days from the date of this Committee meeting, with all work to be done by the property owner. Failure by the property owner to do the work will result in the Town completing the work, with all costs charged to the property owner's tax account.**

**Motion Carried**

**5. 15 Minto Street – Owner / Complainant Invited to Address Committee**

**5.1 Staff Report**

Mr. Buske reviewed his report as included as part of the agenda package.

**5.2 Committee Questions**

Councillor Rhindress confirmed that the order would give the property owner 45 days from the date of this meeting to have the structure demolished and the foundation backfilled, to which Mr. Buske replied yes.

### **5.3 Owner/Complainant Address Committee**

The owner was not in attendance. The complainants, Chris and Joanne Rose were in attendance. Mrs. Rose stated that they live across the street from the subject property and they are tired of looking at the burnt structure, adding that it has the potential to decrease their property and re-sale value.

### **5.4 Recommendation**

**Moved By: Deputy Mayor Christie**

**Seconded By: Gordon Goodwin**

**That the Planning Advisory Committee order that the property at 15 Minto Street be demolished and the foundation be backfilled within 45 days from the date of this Committee meeting, with all work to be done by the property owner. Failure by the property owner to do the work will result in the Town completing the work, with all costs charged to the property owner's tax account.**

**Motion Carried**

### **4. Adjournment**

**Councillor Jones motioned to adjourn the meeting at 6:20P.M.**

**Motion Carried**

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Jason MacDonald, Deputy CAO  
Operations

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Vice Chairman Terry Rhindress

## Marc Buske

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**From:** barry ackles <ackroy97@gmail.com>  
**Sent:** April 9, 2018 6:18 AM  
**To:** Marc Buske  
**Subject:** 15 minto

it is our intention to come home in may and have Johnny Baxter take down the house and the good lord willing rebuild on site but as long as the NDP or the LIBERALS are killing our oil and gas industry i will have nothing more than a lawn

To: Planning Advisory Committee  
From: Andrew Fisher, Manager of Planning & Strategic Initiatives  
Date: June 4, 2018  
Subject: **Planning Strategy Future Land Use Map & Land Use Bylaw Map Amendment – 283-295 Church Street Rezoning**

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**INTRODUCTION:**

An application by the property owner of 283 & 295 Church Street (PID 25014648 & 25014655) to change the zoning from Industrial to Highway Commercial. The zoning change is being requested to allow a portion of the existing building to be used for a residential purpose.

This rezoning request also requires an amendment to the Future Land Use Designations Map of the Municipal Planning Strategy (MPS).

**BACKGROUND:**

The subject properties are approximately 7 acres and 1.8 acres in area. The larger parcel contains a former manufacturing plant approximately 8,830 m<sup>2</sup> (95,000 sqft) in area, and the smaller parcel, approximately 1.7 acres, is vacant except for a fence. The former manufacturing area of the building is currently used for storage space rental and warehousing. Approximately 483 m<sup>2</sup> (5,200 sqft) of the front part of the building is a 1-storey office space. The property owner wants to convert a portion of the offices to a residential unit.

Adjacent uses include single-detached dwellings to the northwest, and directly across the street. Farm fields surround the rear of the properties, and soccer fields to the southeast. Also, to the southeast and across the street is a mobile home park (Brentwood Estates). As shown on the attached map, the lands surrounding the subject properties are zoned Highway Commercial. The lands across the street are zoned General Residential, and Mini Home.

Residential uses are not a permitted use in the Industrial Zone but are permitted in the Highway Commercial Zone. As proposed, conversion of the building for residential purposes would be internal only with no significant change to the building exterior. The bulk of the building and the property would continue to be used for commercial purposes.

Attached are excerpts from the Land Use Bylaw (LUB) showing the permitted uses for the Industrial and Highway Commercial Zones.

**RELEVANT POLICY AND DISCUSSION:**

The Municipal Planning Strategy (MPS) contains the general development policies that guide the detailed regulations set out in the Land Use Bylaw (LUB). Likewise, the Future Land Use Designations Map prescribes the locations for general groups of uses, and the LUB Zoning Map provides detailed zoning on specific properties. As noted in the MPS policies below, the Future Land Use Designations Map mostly reflects the existing land uses in Town. As such, the subject properties were designated Industrial, shown in yellow on the attached map.

Amending the MPS Map does not significantly change the circumstances of this rezoning request. The biggest difference lies in how the amendment is administered, in that the MPS amendment is subject to review by the Provincial Director of Planning. An LUB amendment with no MPS amendment does not require Provincial Director of Planning review.

The following MPS policies establish the context for the Future Land Designations Map.

**MPS 2.3.1 General Land Use and Development**

*The general land use and development objectives of this plan strive to ensure that an adequate supply of land exists for all land uses within the Town. A Generalized Future Land Use Map has been created which identifies the desired future land uses within the Town. To a large degree this map reflects the existing land use pattern of the built-up areas of the Town.*

**MPS 3.1 General Land Use Policies**

<i>Generalized Future Land Use Map</i>	<b>GP-1</b> <i>It shall be the intention of Council to provide for the overall development of the Town in accordance with the Generalized Future Land Use Map which constitutes Schedule A of this document.</i>
	<b>GP-2</b> <i>It shall be the intention of Council to designate on the Generalized Future Land Use Map areas to be predominantly used for residential, commercial, industrial and other purposes.</i>
	<b>GP-3</b> <i>It shall be the intention of Council to allow a limited range of compatible uses in each designation, subject to the policies of this document.</i>

Any LUB amendment must be in keeping with the general intent of the Municipal Planning Strategy (MPS). The following MPS policies are most relevant to this request to amend the LUB Zoning Map.

**Policy CP-6** is relevant as it states Council's intention to allow light industrial and residential uses within commercial designations (ie. Zones).

<i>Compatible Uses</i>	<b>CP-6</b> <i>It shall be the intention of Council to ensure that areas designated Commercial are primarily used for commercial purposes. Within designated commercial areas other uses which may be permitted include:</i> <ul style="list-style-type: none"> <li><i>(a) residential uses;</i></li> <li><i>(b) light industry;</i></li> <li><i>(c) parks and open spaces;</i></li> <li><i>(d) recreation facilities;</i></li> <li><i>(e) institutional uses and public buildings;</i></li> <li><i>(f) utilities and other such uses deemed to be compatible and desirable within a commercial area.</i></li> </ul>
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**Policy A-5** lists the overall matters that should be considered in relation to any potential planning document amendment and the most relevant sections are provided in bold font.

<p><i>Amendment Criteria</i></p>	<p><b>A-5</b> <i>It shall be the intention of Council, when considering an amendment to this or any other planning document, including the entering into or amendment of a development agreement, to consider the following matters, in addition to all other criteria set out in the various policies of this planning strategy:</i></p> <p><b>(a) That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.</b></p> <p><b>(b) That the proposal is not premature or inappropriate by reason of:</b></p> <p><i>(i) the financial capability of the Town to absorb any costs relating to the development;</i></p> <p><i>(ii) the adequacy of municipal water, sanitary sewer and storm sewer services;</i></p> <p><i>(iii) the adequacy of road networks, in, adjacent to, or leading to the development;</i></p> <p><b>(c) That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of:</b></p> <p><b>(i) type of use;</b></p> <p><b>(ii) height, bulk and lot coverage of any proposed building;</b></p> <p><b>(iii) parking, traffic generation, access to and egress from the site;</b></p> <p><b>(iv) any other matter of planning concern outlined in this strategy.</b></p>
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Per the Procedure for Public Participation and Notification, notices of the Public Participation Opportunity were mailed to owners of property within 60 metres, and hand-delivered to occupants within 30 metres. Notice was also placed in the local newspaper. As of the time of writing one question was received and no submissions for or against the zoning change had been received.

**CONCLUSIONS:**

Staff feel this rezoning request conforms to general intent of the MPS and other regulations and does not represent a significant potential impact on the surrounding area over and above the current situation. The subject properties are surrounded by the Highway Commercial Zone so the rezoning would be a logical extension. It could also be argued that having a residential use onsite could increase security in the area.

As noted above the MPS Future Land Designations Map is intended to outline the location and type of uses that guide detailed zoning in the LUB Zoning Map. The circumstances of this particular rezoning request are not substantially changed by the need to amend the MPS map. It could be characterized as a 'housekeeping' issue.

It is important to consider and compare the uses permitted in the Industrial and Highway Commercial Zones. A positive outcome to changing to Highway Commercial is that it continues to allow light industrial uses but not heavier industry that might not be appropriate in close proximity to residential uses. Conversely, the Highway Commercial Zone permits almost any commercial use, including retail and vehicle-oriented uses. The main impacts of these permitted uses could be increased traffic and activity; however, the risk of negative impacts to the

surrounding area are relatively low. The properties are located on a arterial street and the site was originally designed for a large-scale industrial use.

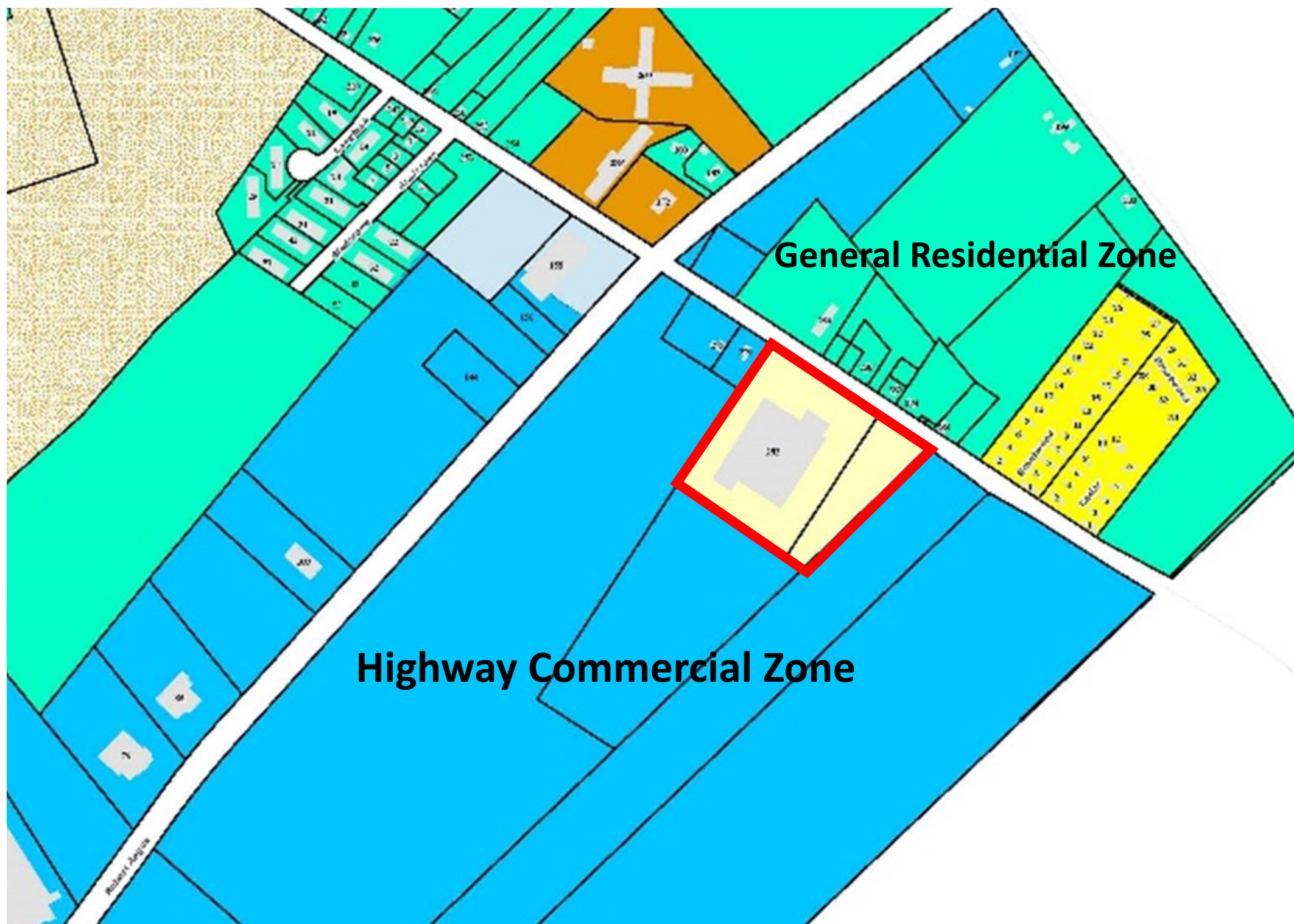
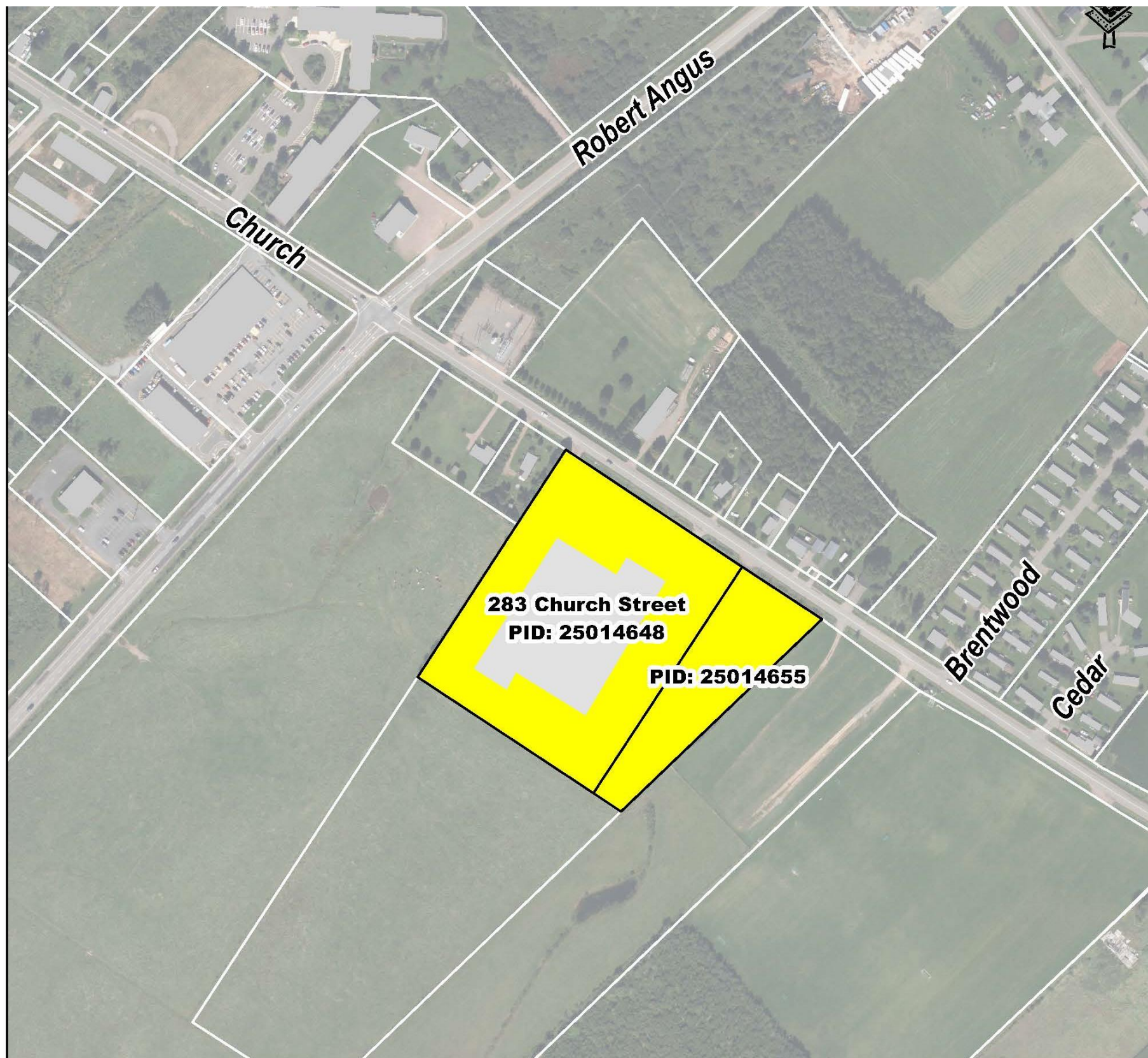
**MOTION OPTIONS:**

**Option One:** I move that the Planning Advisory Committee recommend that Council amend the Municipal Planning Strategy Schedule 'A' Future Land Use Designations Map by changing 283 & 295 Church Street from Industrial to Commercial, and amend the Land Use Bylaw Schedule 'A' Zoning Map by changing the same properties from the Industrial Zone to the Highway Commercial Zone.

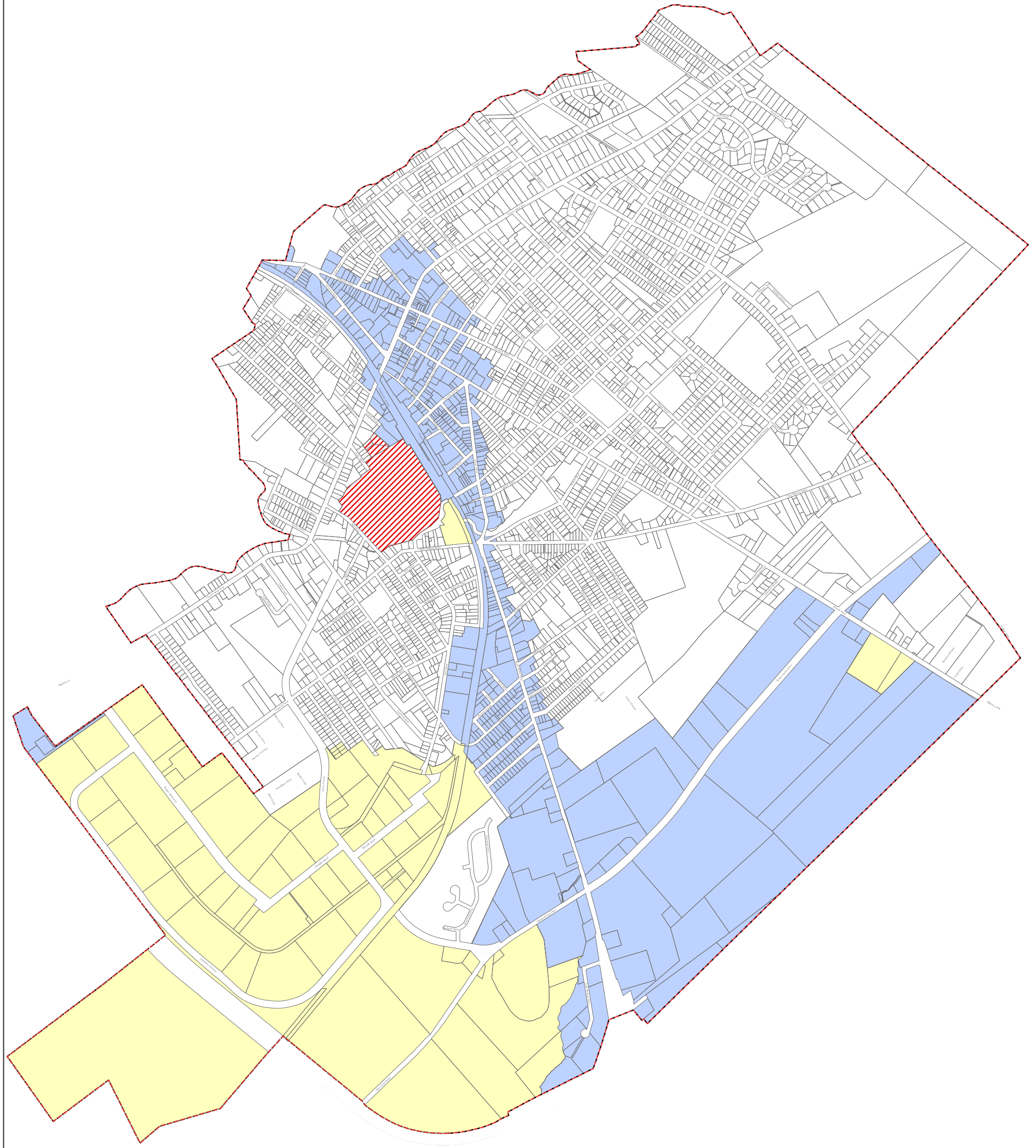
Option Two: I move that the Planning Advisory Committee recommend that Council **not** amend the Municipal Planning Strategy Schedule 'A' Future Land Use Designations Map by changing 283 & 295 Church Street from Industrial to Commercial, and amend the Land Use Bylaw Schedule 'A' Zoning Map by changing the same properties from the Industrial Zone to the Highway Commercial Zone.

Option Three: I move that the Planning Advisory Committee defer the application and instruct Staff to provide more information.






**STAFF RECOMMENDATION: Option One.**







Legend

-  Town Boundary
-  Residential
-  Industrial
-  Commercial
-  CDD



## 9 Industrial

### 9.1 Industrial Zone Uses Permitted

The following uses shall be permitted in the Industrial Zone:

- Any manufacturing, industrial, assembly or warehousing operation
- Any activity connected with the automotive trade, excluding salvage yards
- Boat and Marine Supplies and Sales
- Building supply and equipment depots including the bulk storage of sand or gravel
- Railway uses
- Recycling Collection and Storage Facilities, excluding salvage yards
- Retail and office uses incidental to the main industrial use

### 9.2 Industrial Zone Requirements

#### (a) Industrial Requirements

Minimum lot area		1000 m <sup>2</sup>
Minimum lot frontage		40 m
Minimum front yard		6 m
Minimum rear yard		6 m
Minimum side yard		3 m
Minimum Required Yard	Where abutting a residential designation	20 m
Maximum height		unlimited

- (b) In the Industrial Zone, any development permit shall satisfy the parking requirements in Section 5 of this Bylaw.

### 9.3 Outdoor storage and Display

In the Industrial Zone, no outdoor storage or display shall be permitted in the front yard or in a required yard abutting a Residential Zone.

### 9.4 Motor vehicle Fuelling Stations

Automobile Fuelling stations in the Industrial Zone shall be subject to the requirements for such uses in the Highway Commercial Zone.

### 9.5 Services Required

No development permit shall be issued for a use involving buildings containing plumbing fixtures in an Industrial (I) Zone in areas not served with municipally approved piped water and sanitary sewer service.

## **8.2 Highway Commercial Zone**

### **8.2.1 Zone Uses Permitted**

The following uses shall be permitted in the Highway Commercial Zone:

Animal Hospital and Veterinary Establishments

Banks and Financial Institutions

Business and Professional Offices

Commercial Recreation Centres

Commercial Schools

Community Centres

Display Courts

Funeral Homes

Garden and Nursery Sales & Supplies

Hotels and Motels

Industrial & Agricultural uses existing as of the date of adoption of this bylaw.

Institutional Uses, (schools, government offices, churches, police stations, similar uses.)

Lounges and Beverage Rooms

Light manufacturing

Medical Clinics

Motor Vehicle Fuelling Stations

Motor Vehicle Sales, Rental, and Repair

Parking lots and Parking Structures

Private Clubs and Fraternal Organizations

Photography Studios

Printing Establishments

Outdoor Retail Display

Religious Institutions

Residential uses subject to section 8.1.1 and 8.1.2

Restaurants, Drive-thru or Take-Out, Cabarets

Retail Stores

Self Storage Facilities

Service and Personal Service Shops

Taxi, Bus and Train Stations

### 8.2.2 Highway Commercial Zone Requirements

In the Highway Commercial Zone, all development permits shall be issued in conformity with the following requirements:

*(a) Zone Requirements*

Minimum lot area		1000 m <sup>2</sup>
Minimum lot frontage		60 m
Minimum front yard		8 m
Minimum rear yard		3 m
	where adjacent to a residential zone	8 m
Minimum side yard		3 m
Maximum height		22 m

- (b) In the Highway Commercial Zone, all developments shall satisfy the applicable parking requirements in **Section 5** of this Bylaw.

### 8.2.3 Landscaping Requirements

In the Highway Commercial Zone, any development permit for a new building shall satisfy the following landscaping requirements:

- (a) One live tree at least 1.5 m in height shall be planted every 50 m<sup>2</sup> of area in the front and flanking yards, where not occupied by parking area.
- (b) All developments greater than 900 m<sup>2</sup> in area shall provide a minimum of 6 m of landscaped open space along the entire street frontage, minus driveways.
- (c) Any development fronting on Robert Angus Drive between Church Street and South Albion Street shall provide a minimum of 6 metres of landscaped open space along the entire street frontage, minus driveways.

# Synopsis

## MPS & LAND USE BYLAW MAP AMENDMENT – 283-295 CHURCH STREET REZONING

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### MOTION OPTIONS:

**Option One:** I move that the Planning Advisory Committee recommend that Council amend the Municipal Planning Strategy Schedule 'A' Future Land Use Designations Map by changing 283 & 295 Church Street from Industrial to Commercial, and amend the Land Use Bylaw Schedule 'A' Zoning Map by changing the same properties from the Industrial Zone to the Highway Commercial Zone.

**Option Two:** I move that the Planning Advisory Committee recommend that Council **not** amend the Municipal Planning Strategy Schedule 'A' Future Land Use Designations Map by changing 283 & 295 Church Street from Industrial to Commercial, and amend the Land Use Bylaw Schedule 'A' Zoning Map by changing the same properties from the Industrial Zone to the Highway Commercial Zone.

**Option Three:** I move that the Planning Advisory Committee defer the application and instruct Staff to provide more information.

**STAFF RECOMMENDATION: Option One.**