



PLANNING STAFF REPORT

SUBJECT: Request for Views of the Planning Review and Adjustment Committee
- City of Miramichi Zoning By-law (By-law 110) Amendment Request

MEETING DATE: August 27th 2024

AGENDA ITEM: 2024-7-1

Pursuant to Section 110(1) of the Community Planning Act (C-19), and Section 2.10.5 of the City of Miramichi Zoning By-law, the City of Miramichi has requested the views of the GMSC Planning Review and Adjustment Committee, on an application to amend a previously-approved amendment to the City's Zoning By-law (By-law No. 110-2) regarding multiple Subject Properties, located off Charles Fish Crescent and White Court in the City of Miramichi:

1. 40277428 2. 40277436 3. 40277444 4. 40277451 5. 40277469 6. 40277477
7. 40277485 8. 40277493 9. 40277501 10. 40277519 11. 40277527 12. 40277535
13. 40277543 14. 40277550 15. 40277568 16. 40281537 17. 40281586 18. 40282287
19. 40282295 20. 40282303 21. 40547366

The Applicant has requested that the properties be rezoned from "Integrated Development Zone (ID)" to "Highway Commercial (HC)", to enable the development of a 60' x 100' commercial storage building, along the southern portion of the property area.

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Application Overview & Proposed Use

Frederick Roussel has requested an amendment to a previously-approved amendment to the City's Zoning By-law (By-law No. 110-2), regarding multiple properties in the vicinity of Roussel Volkswagen, White Ct, and Charles Fish Crescent.

The owner of the Subject Properties is 725711 NB Corp, with the exception of PID 40547366, the former future street/right of way. This property is City-owned, but is expected to be transferred to the Applicant soon.

All of the Subject Properties are zoned Integrated Development under the Zoning By-law No.110 (Schedule A) The Subject Properties are designated Commercial on the Municipal Plan's (By-law 109's) Future Land Use Map (Schedule A), as part of the previous by-law amendments enacted in 2021; an amendment to this by-law is not required.

Because the Applicant had not identified a specific future use of the Subject Properties at the time of the 2020 application, Development Services Staff had recommended that the area be rezoned from "Single- or Two-Unit Dwelling (R-2)" to "Integrated Development Zone (ID)" zoning. Under ID zoning, permitted uses are subject to approval by Council pursuant to Section 58 and 59 of the Act and standards/requirements for development are approved by Council pursuant to Sections 58, 59, and 131 of the Act.

Table 1: Application Overview

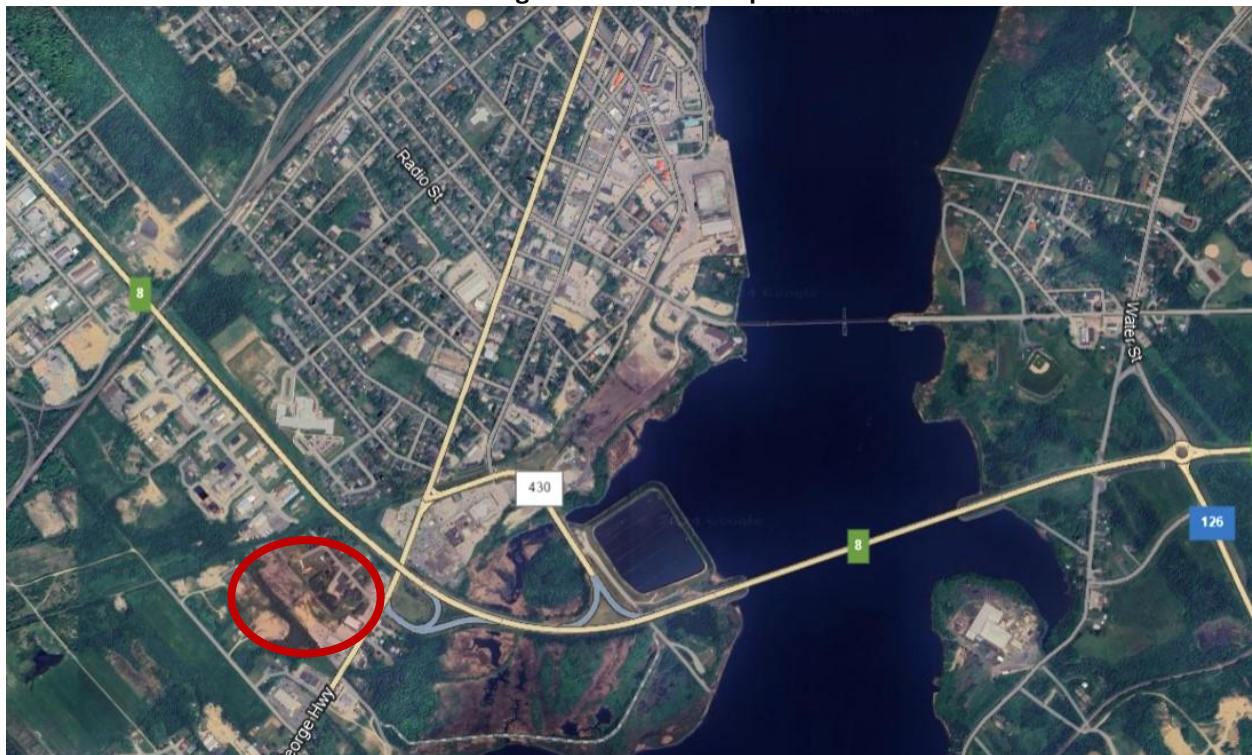
Property Area	~21,721m ² / 5.37 acres (Per Service NB)
Access	Roussel VW Property; White Ct, Charles Fish Cres. (undeveloped)
Servicing	Municipal Water and Sewer available to extend; Water and sewer services available on Kingsway Avenue and White Court. Approx. 65m of sewer on Charles Fish; services civic address 26 Charles Fish Crescent. There is no storm service in the area.
Current/Proposed Zoning Designation	Integrated Development (ID)/Highway Commercial (HC)
Municipal Plan Designation	Commercial
Existing Use	Vacant



Location Description	Mixed uses including residential, commercial, industrial
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The Applicant, Frederick Roussel, is proposing that the properties be rezoned from “Integrated Development Zone (ID)” to “Highway Commercial (HC), to enable the development of a 60’ x 100’ commercial storage building, along the southern portion of the property area. The storage building will be related to the automotive sales business located on an adjacent property (Roussel Volkswagen). It is expected that the Applicant will finalize the transfer of the City-owned property and consolidate all subject properties together with the currently developed properties associated with the owner’s businesses.

Figure 1: Location Map





Planning Considerations

Municipal Plan

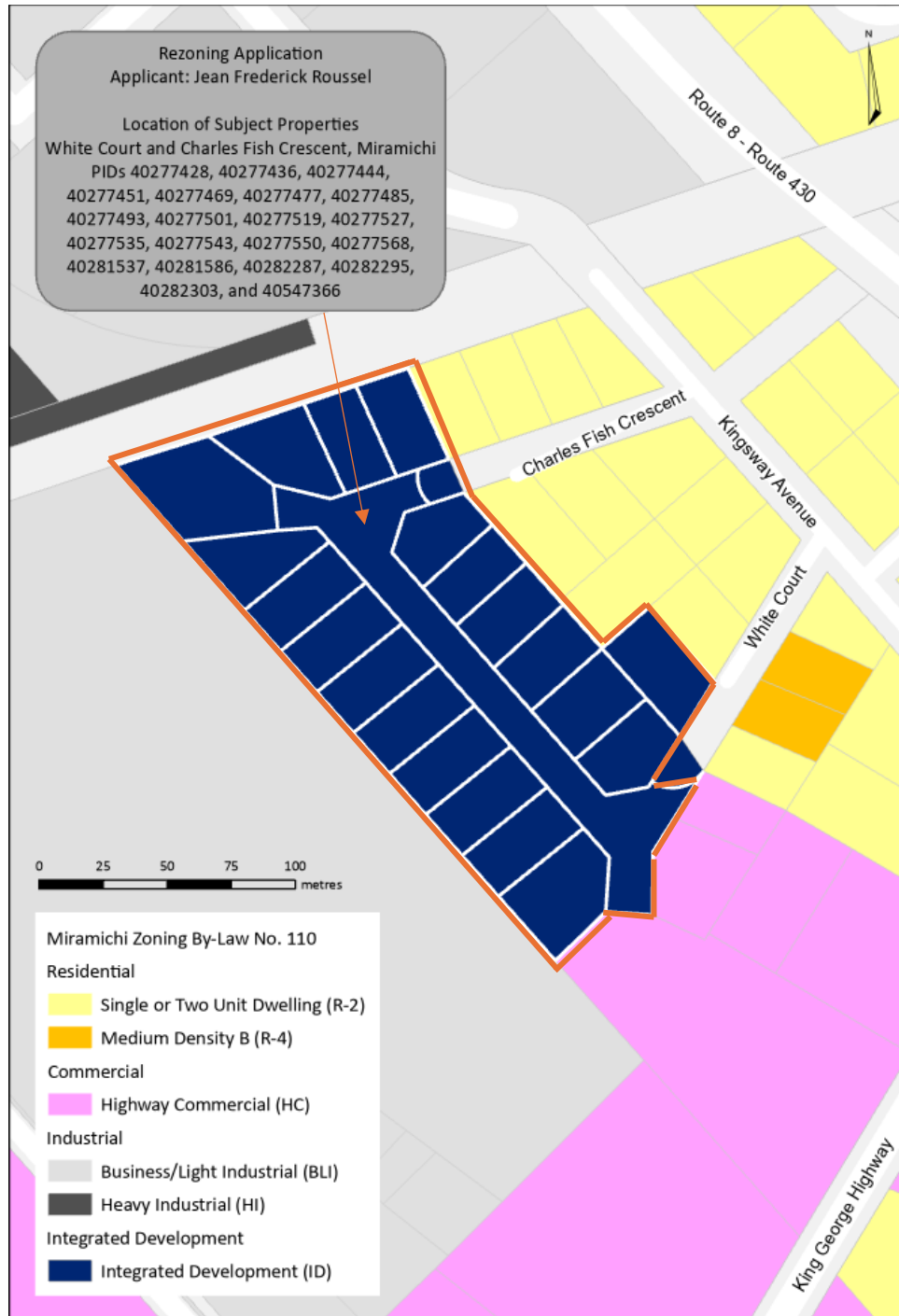
The Municipal Plan (By-law No. 109) sets out Miramichi City Council's long-term policies and proposals to guide future land use and development within the Municipality. The Plan is intended to be used by Council, City staff, GMRSC Planning Services and PRAC, developers, businesses, community organizations, and residents to guide day-to-day decisions affecting development.

The subject properties are designated as Commercial under Schedule A, Future Land Use Map of the City's Municipal Plan. This designation is appropriate to support the requested rezoning to a commercial designation. This designation was amended as part of the 2020 application.

The Subject Properties abut a designated Secondary Commercial Area, characterized by vehicle-oriented shopping plazas, groupings of stand-alone businesses of a local scale, "drive-by"-oriented businesses that serve travelling motorists and provide vehicle-oriented products sales/services, and convenience services such as drive-thru restaurants. Policy 6(E)(2) establishes Secondary Commercial Areas for the purposes of acknowledging where there is a mix of retail/service uses along the streetscape and to allow a variety of similar uses which are compatible with the surrounding land use and scale of adjacent development. The future land use of the Subject Properties identified by the Applicant (storage building for automotive dealership) is consistent with this Secondary Commercial Area designation.

Zoning By-law

Figure 2: City of Miramichi Zoning By-law Schedule A: Zoning Map



Sources: Greater Miramichi Regional Service Commission | Commission de services régionaux du Grand Miramichi; Service New Brunswick | Service Nouveau-Brunswick
Drawn by | tracé par Julien Robichaud 2024-08-20



The Applicant is requesting that the zoning designation of the subject properties be amended to Highway Commercial (HC) to accommodate the proposed development. Under the current Integrated Development zoning of the subject properties, permitted uses are subject to approval by Council pursuant to Section 58 and 59 of the Act and standards/requirements for development are approved by Council pursuant to Sections 58, 59, and 131 of the Act.

Council may wish to consider the following when prescribing any uses permitted and standards/requirements for development:

1. Consideration towards the adequacy of water and sewer services to accommodate the proposed development, the identification of any new infrastructure requirements, the adequacy of the public road network in and adjacent to the proposed development to accommodate any increase in traffic, municipal wellfield protection requirements, and potential impacts on existing land uses in the area (i.e. residents of the Kingsway Avenue subdivision).
2. Measures to protect existing uses from infringement by any incompatible development (e.g. use prohibitions, buffers/setbacks, screening, landscaping, etc.).

Based on the proposed development at this time, it is unlikely that the proposed development will generate a great need for additional infrastructure, or be in conflict with neighbouring land uses. However, in anticipation of future, unidentified land uses/development by the Applicant, Council may wish to restrict the permitted uses on the property to a select list from the HC zone, should they vote to approve the rezoning.

Based on the submitted plans from the Applicant, the proposed development of the storage building meets all Zoning By-law requirements, including those in the proposed HC zone for setbacks, height, lot coverage, etc. More detailed plans will be required for a full permit review should the rezoning be approved.

The Subject Properties are located within Zone B of a Wellfield Protected Area. Previous staff reporting on these properties resulted in comments from the Department of Environment and Local Government, who stated that areas within the protected zone of a wellfield have prohibitions and limitations on chemical storage and land use activities. The



Applicant should contact the Department prior to conducting any site work and during the planning of any projects.

Staff Recommendation

Pursuant to Section 110(1) of the Community Planning Act (C-19), it is the view of the Planning Review and Adjustment Committee of the Greater Miramichi Service Commission, that the City of Miramichi amend:

1. Schedule A: Zoning Map of the City of Miramichi Zoning By-law (By-law No. 110 and 110-2) to change the zoning from “Integrated Development (ID)” to “Highway Commercial (HC);

For the following subject properties:

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19. 40282295 20. 40282303 21. 40547366

From “Integrated Development Zone (ID)” to “Highway Commercial (HC), to enable the development of a 60’ x 100’ commercial storage building, along the southern portion of the property area, subject to the following terms and conditions pursuant to Section 59 of the Act:

1. That That the transfer of PID 40547366 from the City of Miramichi to the Applicant be completed, and the Applicant consolidate all Subject Properties together with PID 40522856 prior to any permit being issued for the proposed development, to the satisfaction of the Development Officer.



Greater Miramichi
Service Commission

Commission de services
du Grand Miramichi

DEVELOPMENT
SERVICES

SERVICES
D'AMÉNAGEMENT

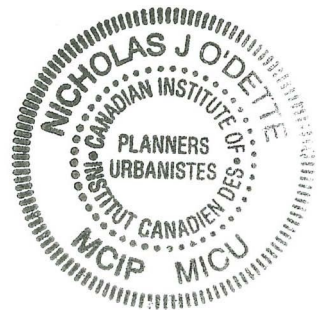
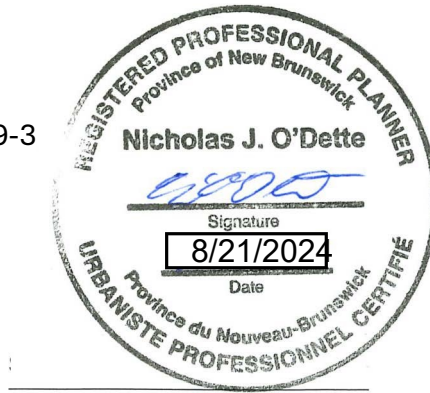
Attachments

1. Applicant's submitted plans
2. Previous Planning Staff Report (Item 2020-9-3)

Report Prepared: August 21st 2024

Prepared By:

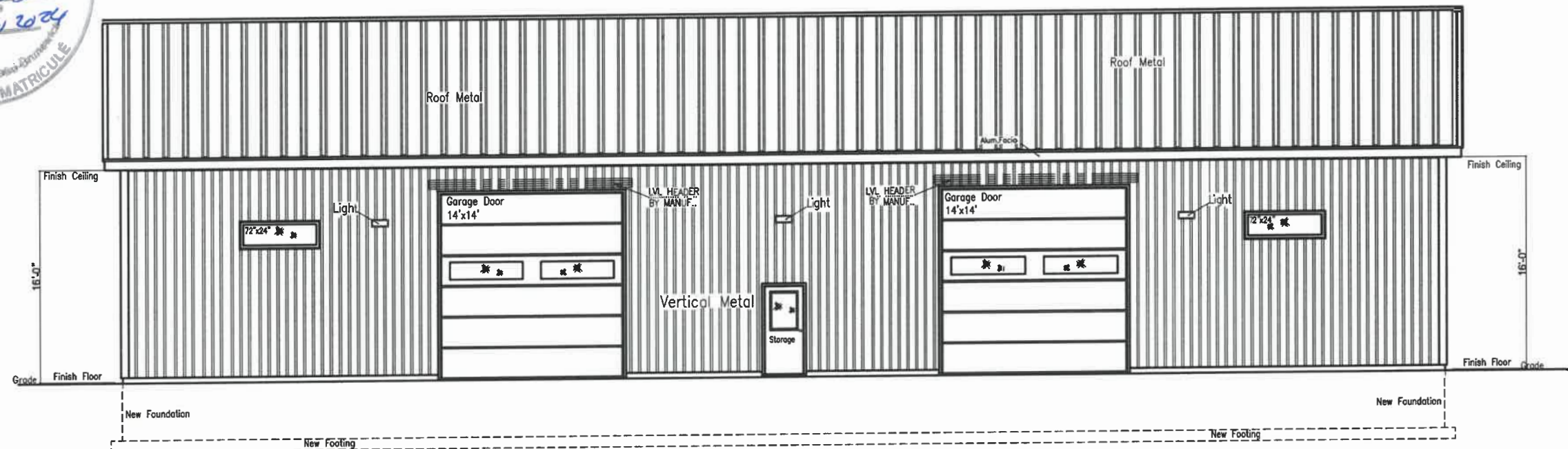
Nic O'Dette, RPP, MCIP
Planning Services Manager



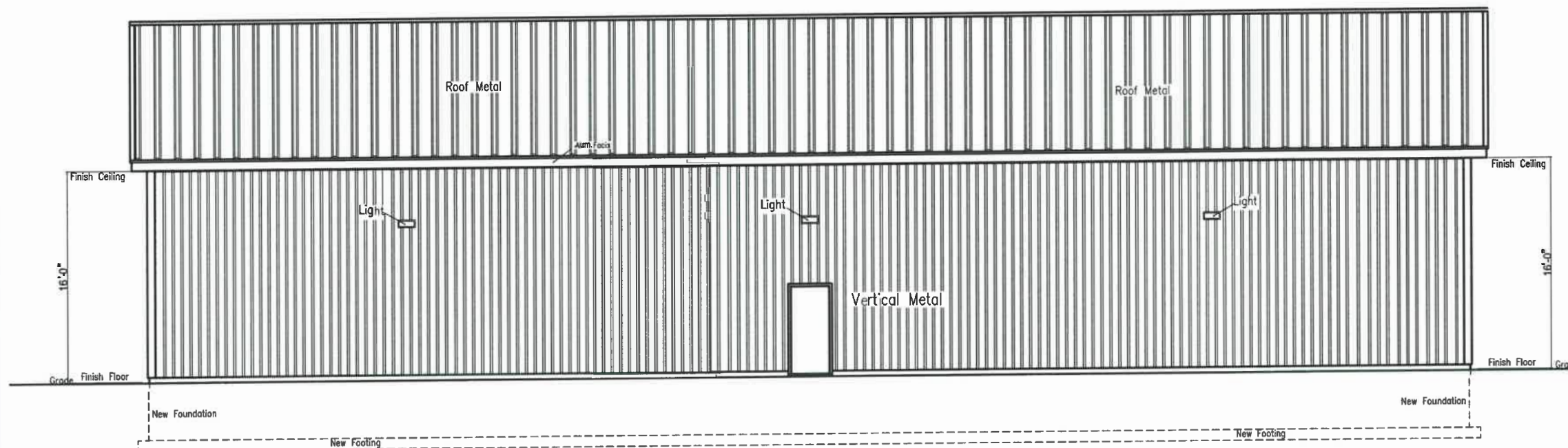
Reviewed and Approved By:

Wilson Bell, RPP, MCIP
Planning Director/CEO

Wilson Bell



Ⓐ VUE
Front Elevation



Ⓑ VUE
Rear Elevation

General Notes

#1 TOUTES LES RIGILES ET LA FONDATION DOIVENT ETRE PORTEES JUSQU'A UN APPUI SOLIDE. IL PEUT ETRE NECESSAIRE D'AUGMENTER LES DIMENSIONS DES RIGILES ET DE LA FONDATION POUR REpondRE AUX CONDITIONS LOCALES DU SOL.

#2 LA CONSTRUCTION DOIT ETRE CONFORME AU CODE NATIONAL DU BATIMENT.

#3 CETTE EPREUVE EST DESTINEE A SERVIR DE GUIDE SEULEMENT. IL INCOMBE A L'USAGE DE DECIDER EN DEFINITIVE DU CHOIX FINAL, ANSI QUE DES METHODES ET DES DETAILS DE CONSTRUCTION, DE MEME QUE DES MATERIAUX.

#4 CONFORMEMENT A LA LOCATION, TOUTES LES VALEURS "R" DOIVENT CONFORMER AUX NORMES ACTUELLES DE LA S.C.H.L. LES POTEUX 38 x 140 DISPOSES A DES INTERVALLES REGULIERS DE 600mm C/C DOIVENT ETRE UTILISES POUR PERMETTRE LES VALEURS "R" D'ETRE EXECUTEES.

#5 LES DIMENSIONS DES FENETRES DOIVENT ETRE CONFORMES AUX NORMES DE LA S.C.H.L.

#6 LE MODE D'APPLICATION DE TOUT PRODUIT BITUMEUX DE PROTECTION CONTRE L'EAU OU L'UMIDITE DOIT ETRE CONFORME A LA NORME C.N.G.C. F37-GP-33M (1976)

#7 LE BATIMENT SERA ELEVÉ SUR DU TERRAIN NON DERANGÉ CONFORMEMENT A LA NORME ASTM D1194-72

* L'ENTREPRENEUR EST TENU DE VERIFIER TOUTES LES COTES ET DIMENSIONS DE CE DESSIN (AUCUNE DIMENSION NE DEVRA ETRE MESUREE DIRECTEMENT SUR CE DESSIN).

* L'ENTREPRENEUR PRENDRA ET VERIFIERA TOUTES DIMENSIONS SUR PLACE.

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* L'INGENIEUR NE SERA PAS TENU RESPONSABLE DES ERREURS POSSIBLES SUR SES DESSINS.

* L'ENTREPRENEUR EST TENU DE SASSURER QUE LE MATERIEL IN-SITU A UNE CAPACITE PORTANTE MINIMUM DE 350 KPa.



Plan Architect.
Dessiné par: McLaughlin
06-508-397 1314

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C. Tech. TN 1151
A.C.C.G.S.

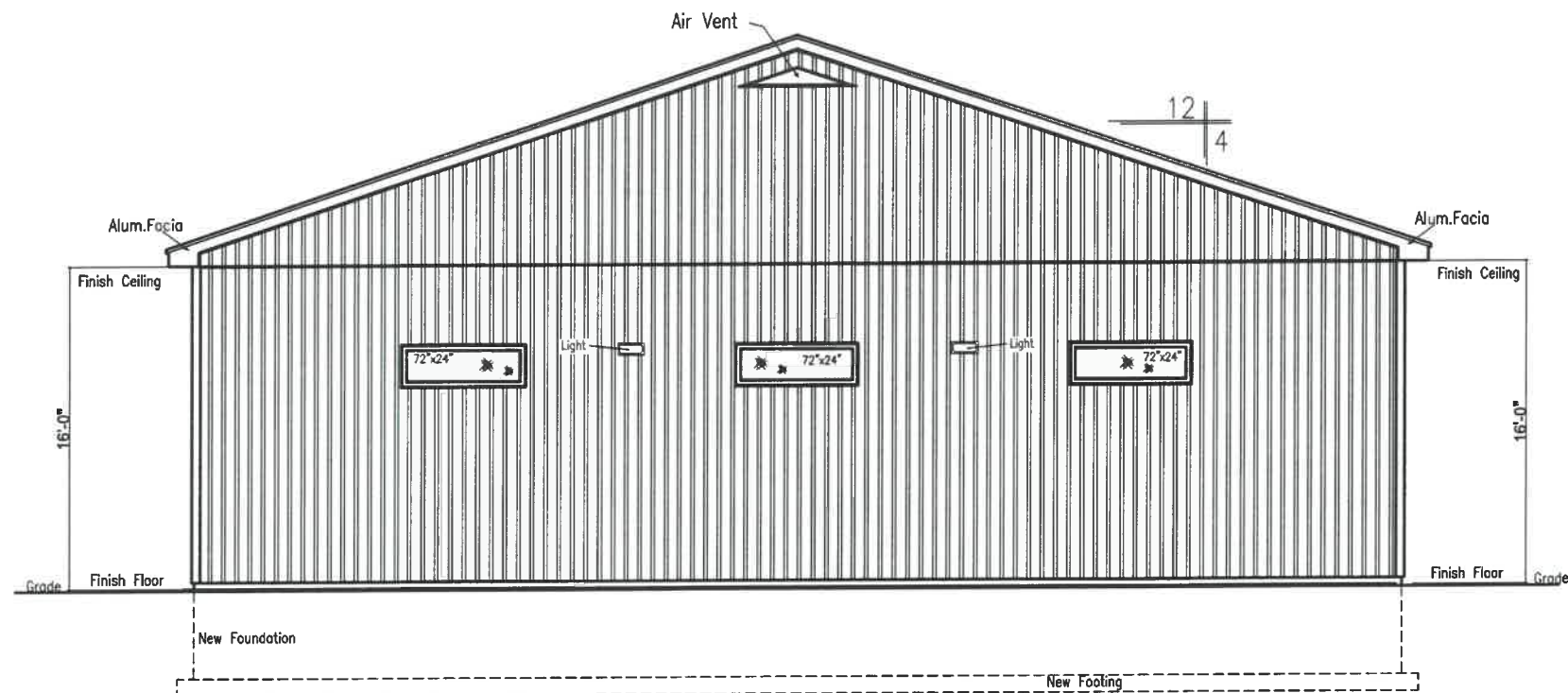
No.	Revision/Issue	Date

Entrepot
F. Roussel

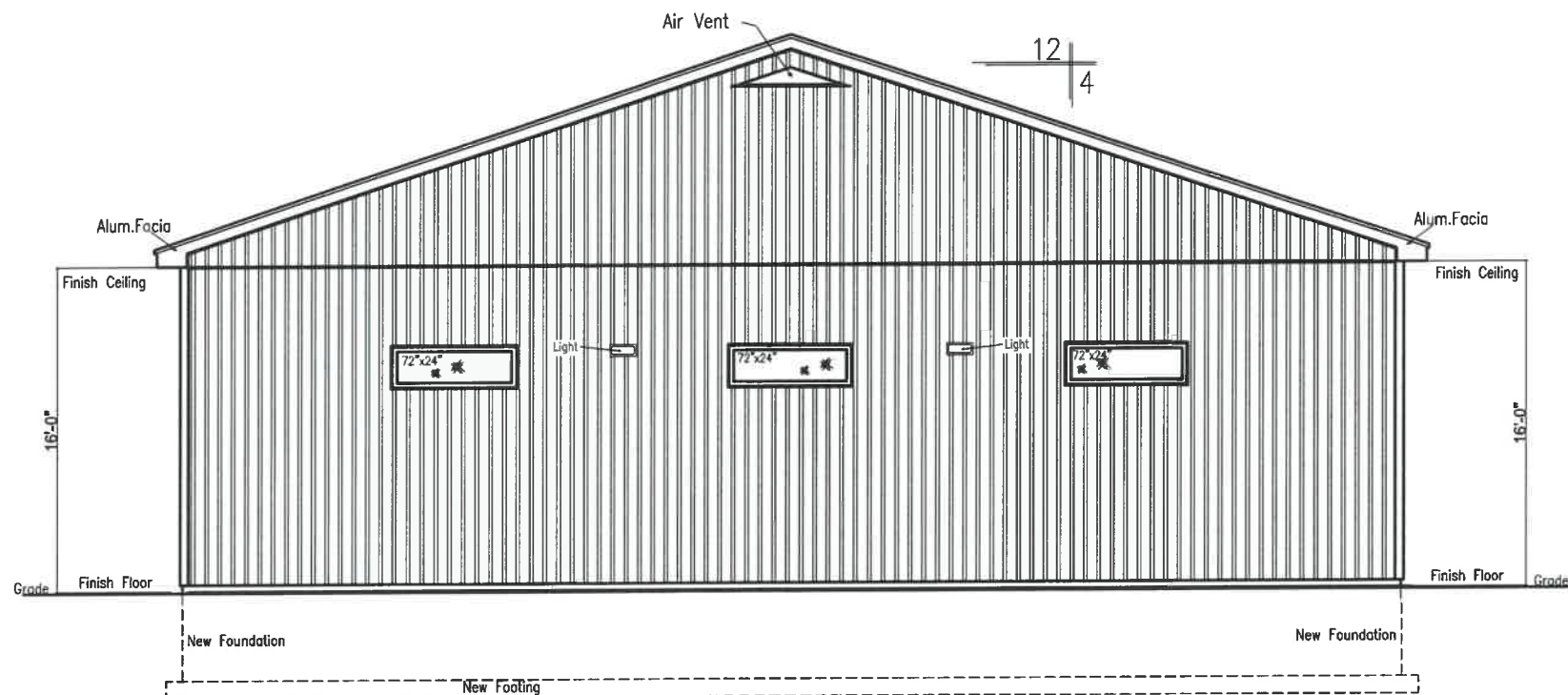
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ELEVATION
Front Vue
Rear Vue

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Date Juin 24	A/1
Scale on Plan	



VUE 
Right Elevation



VUE 
Left Elevation

General Notes

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#8 CONFORMEMENT À LA LOCATION, TOUTES LES VALEURS "R" DOIVENT CONFORMER AUX NORMES ACTUELLES DE LA S.C.H.L. LES POUTEAUX 28 x 140 DOIVENT A DES INTERVALLES REGULIERS DE 600mm C.C. DOIVENT ETRE UTILISES POUR PERMETTRE LES VALEURS "R" D'ETRE EXECUTEES.

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Plan Archt.
Denis McLaughlin
cel:506-297-1216

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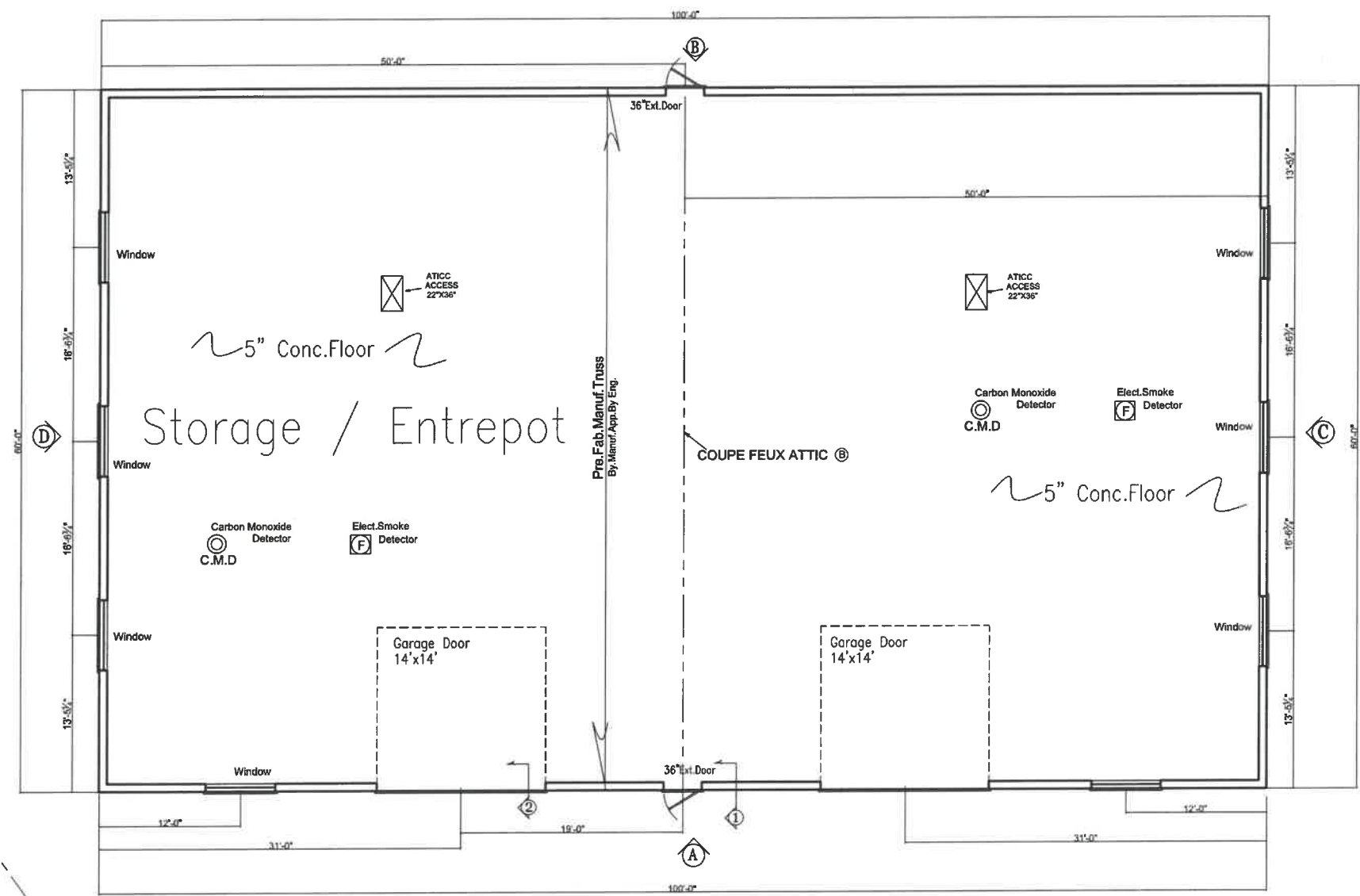
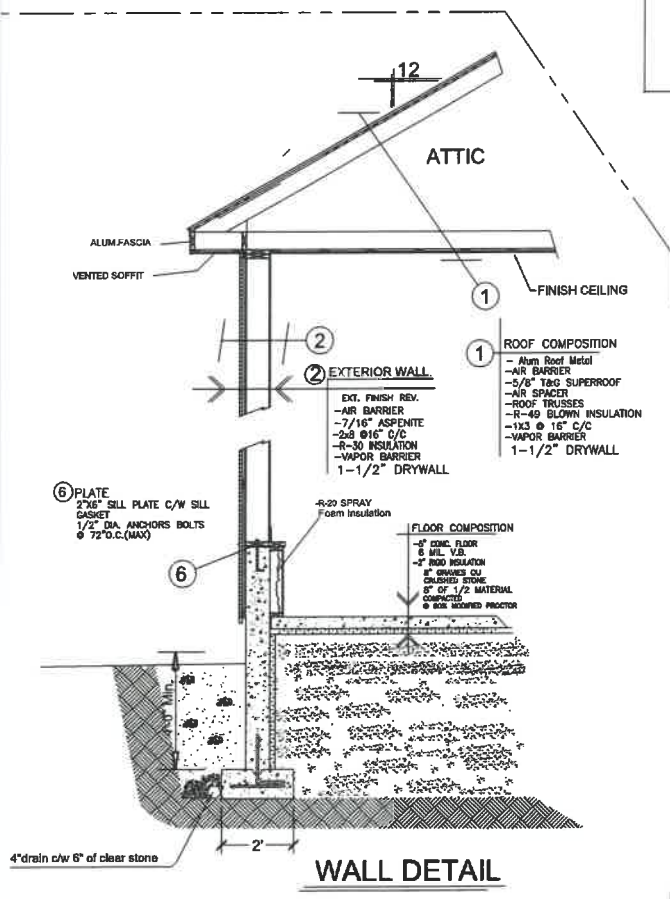
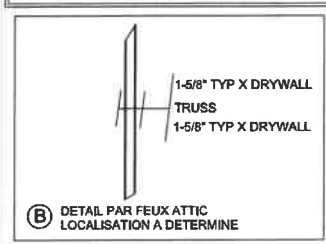
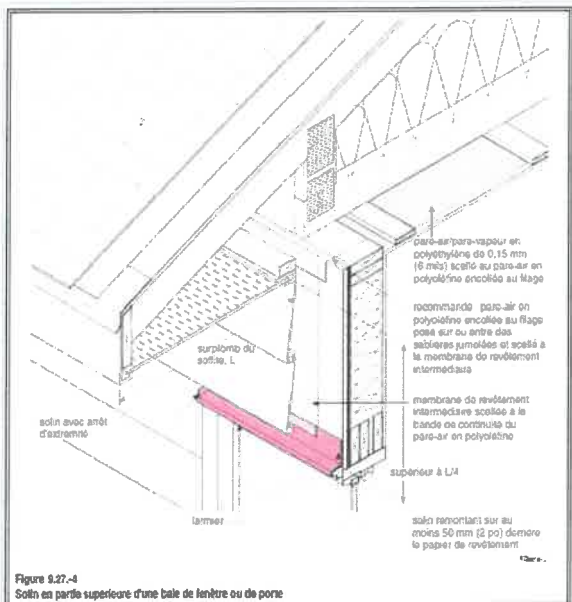
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Entrepot
F.Roussel

Miramichi N.B.

ELEVATION
Right Vue
Left Vue

Project	Sheet
Date Juin 24 Scale on Plan	A/2



Note:
Fenetre avec rendement
energetique de 25 ou
coefficient U de 1.6 min'

NOTE;
DOOR & WINDOW
HEADER BY
MANUF.APP.BY ENG.,

IMPORTANT NOTES :

2. ALL PLUMBING, ELECTRICAL AND VENTILATION SYSTEMS DESIGN SHALL BE THE RESPONSABILITY OF THE CONTRACTOR PERFORMING THE WORK.

3. ALTHOUGH EVERY MEASURE HAS BEEN TAKEN TO ENSURE THE CORRECTNESS OF THIS PLAN DENIS W MCLAUGHLIN SHALL NOT BE HELD RESPONSIBLE FOR ANY ERRORS OR OMISSIONS ON THIS PLAN.

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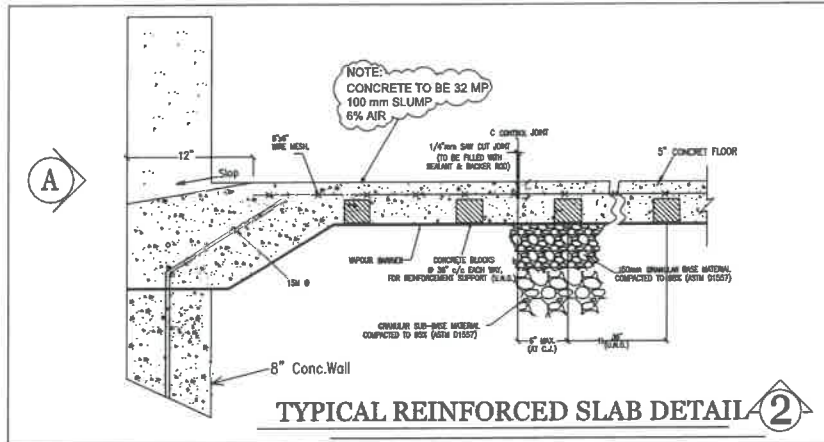
No.	Revision/Issue	Date

Entrepot
F.Roussel

Miramichi N.B

Floor Plan
Wall DEtail

Project	Sheet
Date Juin 24	A/3
Scale on Plan	



TECHNICAL SPECIFICATION:

CONCRETE STRENGTH
35 MPA + Air AT 28 DAYS. FOOTING, WALL, PIERS.
25 MPA AT 28 DAYS. INTERIOR SLAB
35 MPA + AIR AT 28 DAYS. EXTERIOR SLABS, WALKS, CURBS, ETC.

CONCRETE COVER

- FOOTINGS 3"
- WALLS, PIERS, COLUMNS AND BEAMS. 1 1/2"
- SLAB ON GRADE 2"
- FOOTING TO BE PLACED ON UNDISTURBED SOIL OR ENGINEERED FILL.
- VIBRATORS: ALL CONCRETE SHALL BE VIBRATED USING HIGH FREQUENCY VIBRATORS.

5. FORM REMOVAL: FORMS TO STAY IN PLACE AFTER POURING TWO DAYS FOR FOOTINGS, THREE DAYS FOR WALLS.

CONCRETE REINFORCEMENT

- REFER TO DETAILS FOR SIZE AND LOCATIONS
- REINFORCING STEEL TO GRADE 400 DEFORMED BARS TO CAN/CSA G1 1/8"-M52.
- DO REINFORCING WORK IN ACCORDANCE WITH CAN3-A23.1
- ALL VERTICAL BARS SHALL HAVE A MINIMUM OVERLAP AT JOINTS OF 20 BAR DIA. OR 24" MIN.
- ALL HORIZONTAL BARS SHALL HAVE A MINIMUM OVERLAP AT JOINTS OF 20 BAR DIA. OR 1 1/8" MIN.
- ALL WALL AND WALL-FOOTING, HORIZONTAL REINFORCING SHALL BE CONTINUOUS THRU PIER AND PIER FOOTING.

7. THE FOLLOWING TABLE APPLIES TO ALL REINFORCED CONCRETE ELEMENTS, I.e. SLABS, PIERS AND WALLS.

RE-BAR DESIGNATION	LAP SPLICE (IN.)	STANDARD HOOK (IN.)
15M	30"	12"

JOINTS IN CONCRETE SLAB ON GRADE

- CONTROL JOINTS: SHALL BE LOCATED AT 16'-0" c/c EACH WAY, THE JOINTS SHALL BE MADE BY SAWING TO ONE-FOURTH OF THE SLAB DEPTH (MINIMUM WIDTH OF 3/16").

ISOLATION JOINTS:

ISOLATION JOINTS SHALL BE LOCATED AT ALL ABUTTING FOUNDATION WALL AND STRUCTURAL WOOD COLUMNS. ISOLATION JOINTS SHALL EXTEND THE FULL DEPTH OF THE SLAB. AT WALLS, FORM ISOLATION JOINTS BY HAULING OR GLUING PERFORMED, COMPRESSIBLE JOINT FILLER TO THE WALL BEFORE POURING THE FLOOR. INSTALL THE FILLER TO THE FULL DEPTH OF THE FLOOR SLAB TO INSURE NO FLOOR TO WALL CONTACT. ACCEPTABLE FILLER AT INTERIOR WALLS ABUTTING SLAB: ASPHALT-IMPREGNATED FIBERBOARD, EXPANDED PLASTIC FOAM, CORK, AND SOLID RUBBER. FILLER SHALL BE 12 mm THICK AND NOT TO EXTEND ABOVE THE FLOOR SURFACE.

8. DAMPROOF THE EXTERIOR FACE OF ALL EXTERIOR FROM 8" BELOW FINISHED GRADE TO TOP OF FOOTING ELEVATION.

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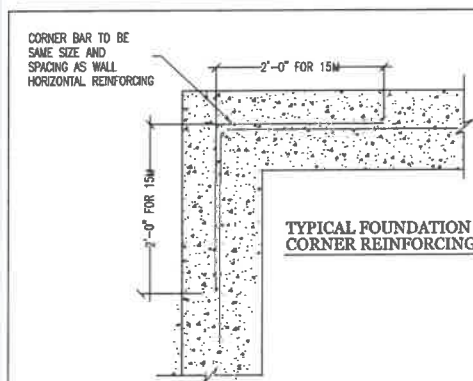


No. Revision/Issue Date

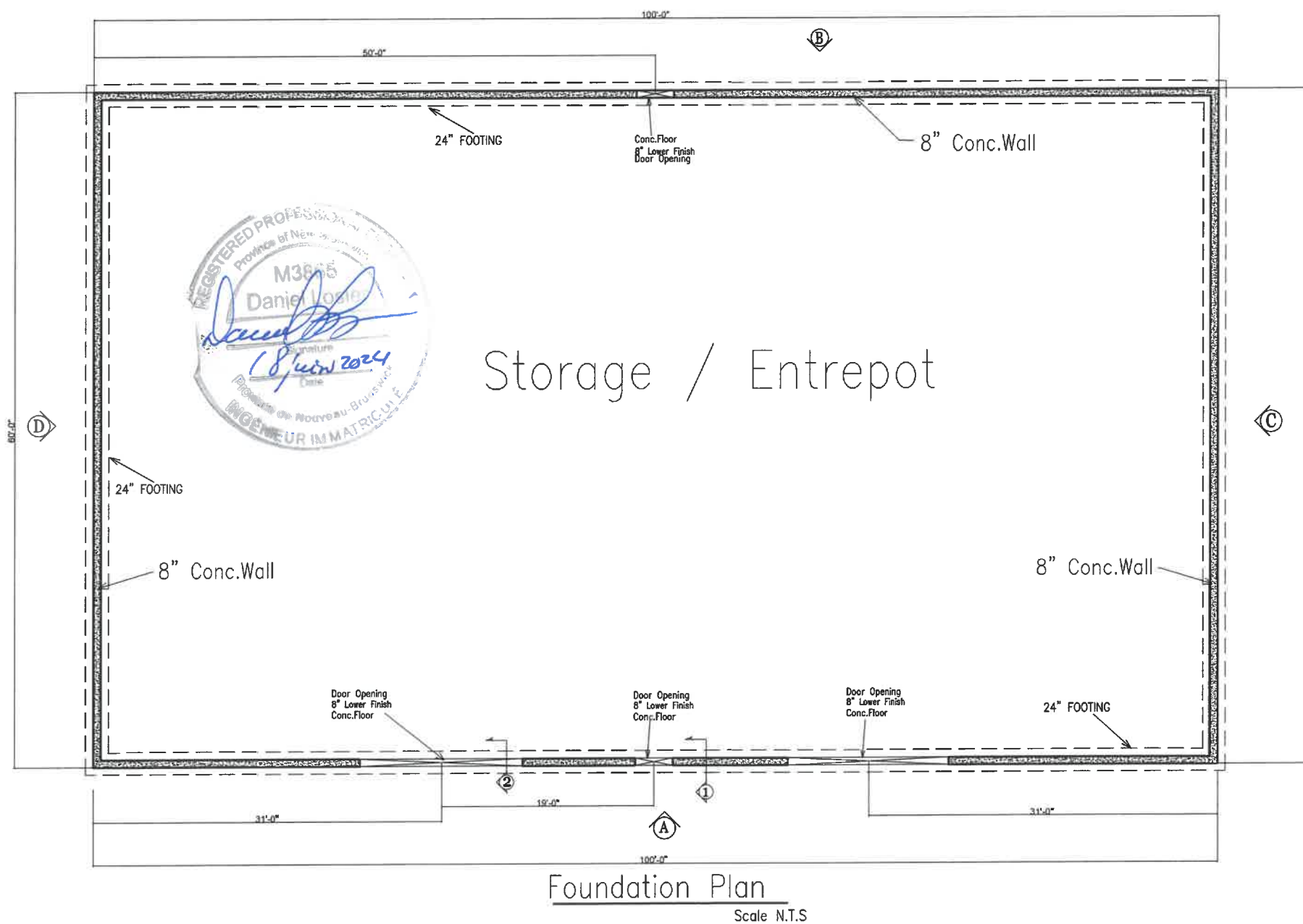
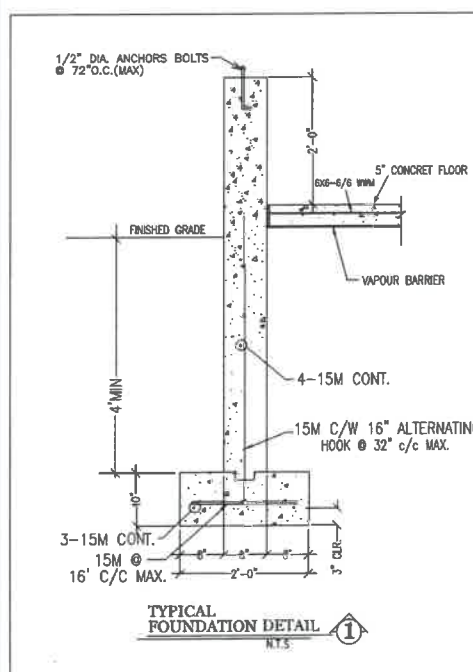
Entrepot
F. Roussel
Miramichi N.B.

Foundation Plan
Detail

Project Date: Juin 24
Scale: on Plan
Sheet: F/1



NOTE GENERALE:
CES DESSINS SONT LA PROPRIETE
DE McDesign TOUT USAGE REPRODUCTION
OU UTILISATION NON AUTORISE PAR McDesign
EST INTERDITE:





General Notes

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No.	Revision/Issue	Date

Entrepot
F.Roussel
Miramichi N.B

Localisation
Site Plan

Project	Sheet
Date Jun 24 Scale on Plan	L/1

PLANNING STAFF REPORT

SUBJECT: As required by Section 110(1) of the *Community Planning Act (C-19)*, the Council of the City of Miramichi has requested the views of the Greater Miramichi Regional Service Commission (GMRSC) – Planning Review and Adjustment Committee (PRAC) on an application to rezone vacant land for commercial use; specifically, an application to amend:

1. Schedule A: Future Land Use Map of the City of Miramichi Municipal Plan (By-law No. 109) to change the designation from “Residential” to “Commercial”; and
2. Schedule A: Zoning Map of the City of Miramichi Zoning By-law (By-law No. 110) to change the zoning from “Single- or Two-Unit Dwelling (R-2)” to a commercial zone (Staff recommend “Integrated Development (ID)” zoning at this time)

for 23 separate properties/PIDs with a combined area of approximately 5.25 acres, situated on Charles Fish Crescent, a 50 ft. wide undeveloped street initially created in 1965, in the City of Miramichi, to enable future commercial development. Further, the Applicant requests that the City of Miramichi, by the authority vested in it by Section 10 of the Local Governance Act, stop-up and close the portions of Charles Fish Crescent adjacent to the Subject Properties and that this land be conveyed to 510756 N.B. Inc. for land consolidation purposes.

MEETING DATE: November 17th, 2020

AGENDA ITEM: 2020-9-3

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I. APPLICATION OVERVIEW

A request to rezone vacant land for commercial use has been submitted by Michel Roussel regarding the following Subject Properties located on Charles Fish Crescent, a 50 ft. wide undeveloped street initially created in 1965, in the City of Miramichi (see Property Location Map, Attachment 1):

- | | | |
|-------------|--------------|--------------|
| 1. 40178196 | 9. 40277477 | 17. 40277550 |
| 2. 40277402 | 10. 40277485 | 18. 40277568 |
| 3. 40277410 | 11. 40277493 | 19. 40281537 |
| 4. 40277428 | 12. 40277501 | 20. 40281586 |
| 5. 40277436 | 13. 40277519 | 21. 40282287 |
| 6. 40277444 | 14. 40277527 | 22. 40282295 |
| 7. 40277451 | 15. 40277535 | 23. 40282303 |
| 8. 40277469 | 16. 40277543 | |

Figure 1: Locational Overview (Source: Google Earth Pro)



The Applicant has requested that the Subject Properties be rezoned to allow for future expansion of the businesses operated by 510756 N.B. Inc. The total approximate area of the 23 PIDs combined is 5.25 acres. The owner of the Subject Properties is 510756 N.B. Inc. The Subject Properties are all designated Residential on the Municipal Plan's (By-law 109's) Future Land Use Map (Schedule A). Similarly, the Subject Properties are zoned Single- or Two-Unit Dwelling (R-2) in By-law No. 110 (Schedule A).

In order to fulfill the request of the Applicant to rezone the land, first, the Municipal Plan's Future Land Use designation must be changed from "Residential" to "Commercial". Whereas the Applicant has not

identified a specific future use of the Subject Properties, Planning Services Staff have recommended that the area be rezoned from “Single- or Two-Unit Dwelling (R-2)” to “Integrated Development Zone (ID)” zoning. Under ID zoning, permitted uses are subject to approval by Council pursuant to Section 58 and 59 of the Act and standards/requirements for development are approved by Council pursuant to Sections 58, 59, and 131 of the Act.

In effect, under ID zoning, any proposal for future commercial development of the Subject Properties would be revisited for consideration and approval by Council when the development details are defined.

In addition to the Plan Amendment and Rezoning of lands owned by 510756 N.B. Inc., the Applicant has requested that the City of Miramichi, by the authority vested in it by Section 10 of the Local Governance Act, stop-up and close the portion of Charles Fish Crescent adjacent to the Subject Properties and that this land be conveyed to 510756 N.B. Inc. for land consolidation purposes.

The Table below provides an overview of the Plan Amendment and Rezoning Application.

Table 2: Michel Roussel (510756 N.B. Inc.) Plan Amendment and Rezoning Application Overview

Property Owner/Applicant Details	
Applicant	Michel Roussel (510756 N.B. Inc.)
Property Owner	510756 N.B. Inc.
Subject Property Details (see attached Location of Subject Property Map)	
Civic Address	Charles Fish Crescent
Property Identification Numbers (PID)	<div> <div>1. 40178196</div> <div>2. 40277402</div> <div>3. 40277410</div> <div>4. 40277428</div> <div>5. 40277436</div> <div>6. 40277444</div> <div>7. 40277451</div> <div>8. 40277469</div> <div>9. 40277477</div> <div>10. 40277485</div> <div>11. 40277493</div> <div>12. 40277501</div> <div>13. 40277519</div> <div>14. 40277527</div> <div>15. 40277535</div> <div>16. 40277543</div> <div>17. 40277550</div> <div>18. 40277568</div> <div>19. 40281537</div> <div>20. 40281586</div> <div>21. 40282287</div> <div>22. 40282295</div> <div>23. 40282303</div> </div>
Location Description	Bounded on: north by CN Railway/Newcastle Industrial Park; east by Kingsway Ave. residential subdivision; south by Dairy Queen/Castle Bowling Center and Roussel Volkswagen (owned by 510756 N.B. Inc.); and west by Keating Landscaping Ltd.
Area	5.25 acres Est. portion of Charles Fish Crescent right-of-way: 1.2 acres Total approx. area: 6.45 acres
Frontage	Combined 600m on Charles Fish Cres. (undeveloped)
Servicing	Water and sewer services available on Kingsway Avenue and White Court. Approx. 65m of sewer on Charles Fish; services civic address 26 Charles Fish Crescent. There is no storm service in the area.
Access	Charles Fish Crescent (undeveloped) White Court

Table 1 continued

Zoning and Municipal Development Plan Details	
Zoning	Single or Two-Unit Dwelling (R-2)
Designation	Residential
Land Use	
Existing	Undeveloped/treed parcels
Proposed	Commercial

Photos of the site included in this report were taken by Planning Services Staff on August 5th, 2020 and October 29th, 2020.

II. PROPOSED USE

The Applicant has requested that the Subject Properties be rezoned to allow for future expansion of the businesses operated by 510756 N.B. Inc. (current examples include Roussel Toyota and Roussel Volkswagen).

In order to assess the numerous City policies regarding future commercial development and expansion (e.g. City costs related to the development, adequacy of water and sewer services in the area, adequacy of the road network in or adjacent to the proposed development (e.g. for fire protection and access considerations), potential impacts on adjoining land uses (e.g. residences nearby), etc.), the Applicant was asked to provide any preliminary concept sketches, drawings, written descriptions, or details on phasing of proposed development to support the rezoning request.

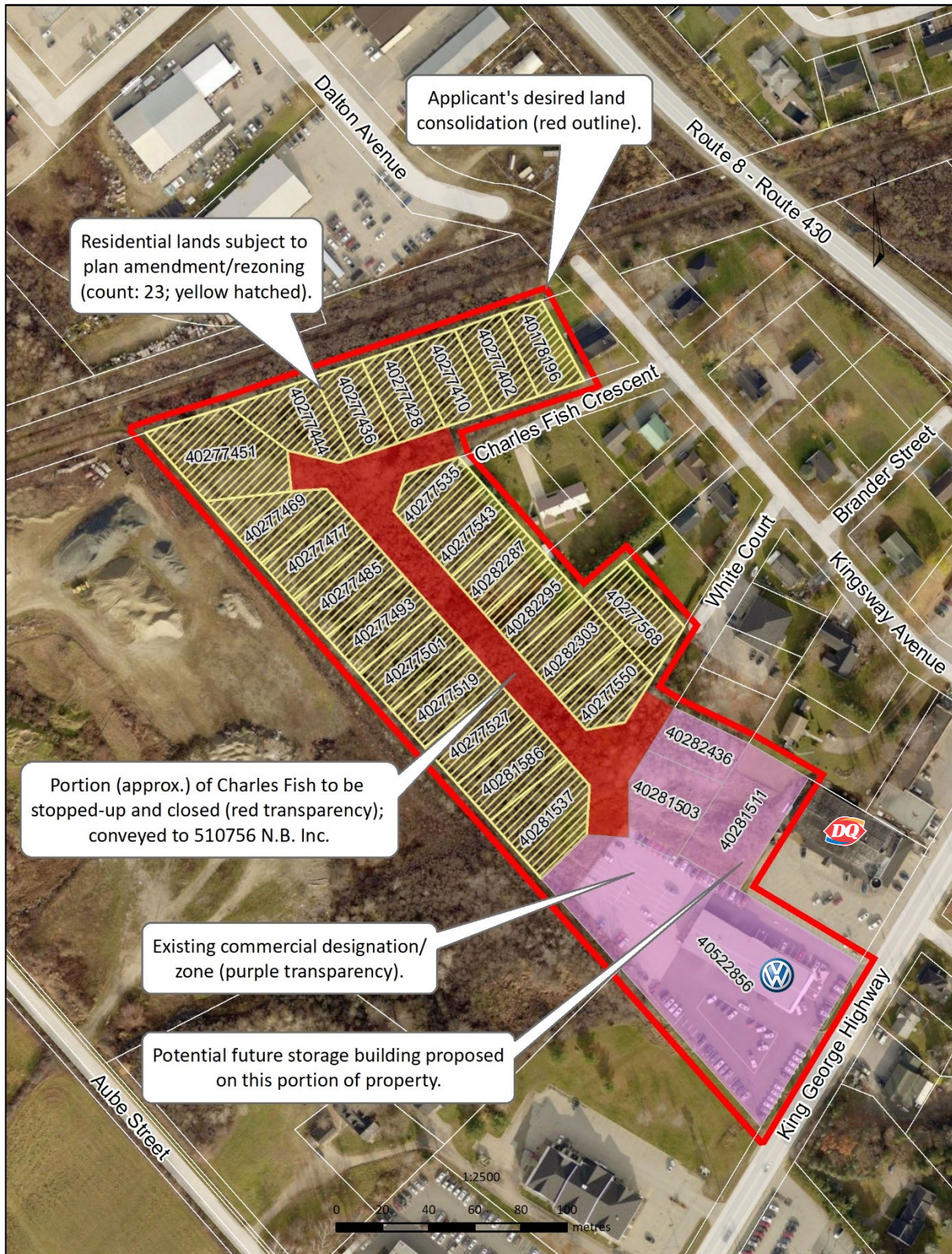
While the Applicant offered no specific details on the potential future commercial expansion onto this large swath of property, they indicated their present objective being the consolidation of the Subject Properties with PID 40522856, 40281511, 40281503, and 40282436, which are currently zoned Highway Commercial (HC) and of the same ownership (510756 N.B. Inc.).

The Applicant indicates that in the future, there may be a storage building erected on current PID 40281511. As demonstrated in Figure 2 on the next page, the Applicant's long-term plan to locate a storage building on PID 40281511 could be accommodated without the need to rezone by consolidating the property with PID 40522856, the existing Roussel Volkswagen lot that has frontage on King George Highway.

Whereas the Applicant has not identified a specific future use of the Subject Properties, it has been recommended that the area be rezoned from "Single- or Two-Unit Dwelling (R-2)" to "Integrated Development Zone (ID)". Under ID zoning, permitted uses are subject to approval by Council pursuant to Section 58 and 59 of the Act and standards/requirements for development are approved by Council pursuant to Sections 58, 59, and 131 of the Act.

Figure 2 on the next page illustrates the Applicants identified plans for the various properties as described above.

Figure 2: Michel Roussel (510756 N.B. Inc.) Plan Amendment and Rezoning Application Overview

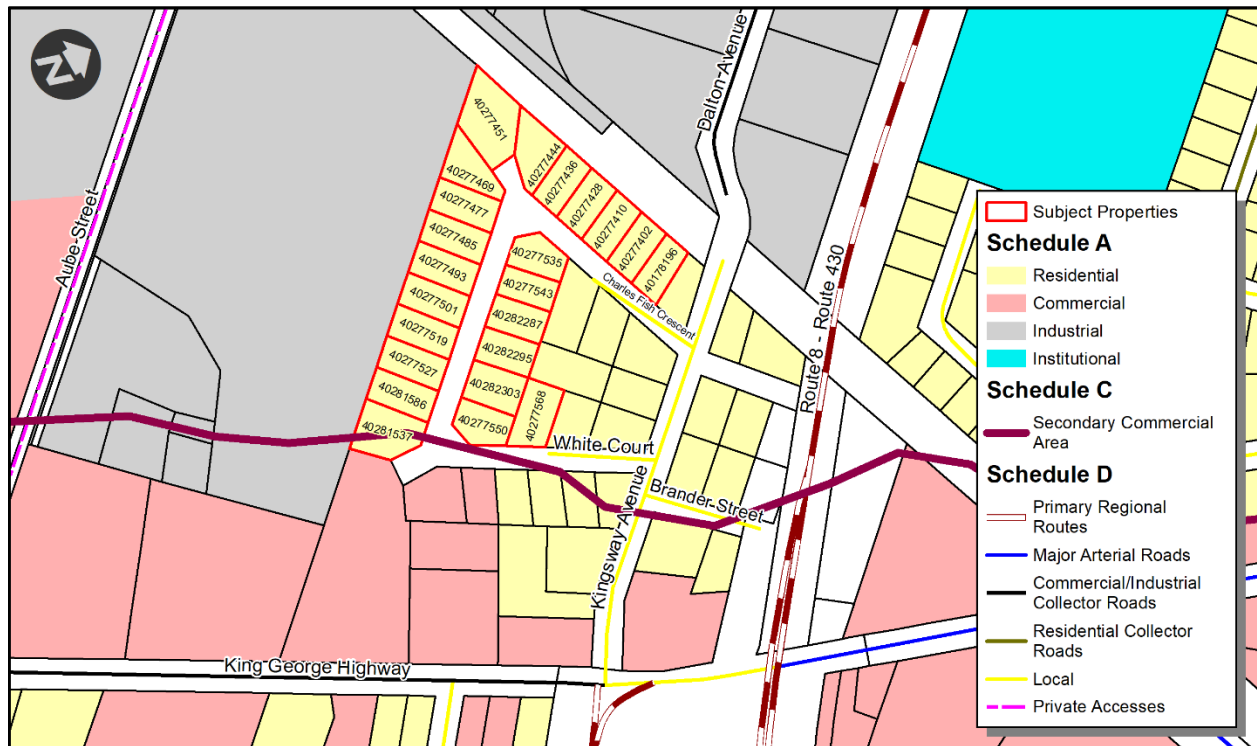


III. PLANNING CONSIDERATIONS

(A) Municipal Plan

The Municipal Plan (By-law No. 109) sets out Miramichi City Council's long-term policies and proposals to guide future land use and development within the Municipality. The Plan is intended to be used by Council, City staff, GMRSC Planning Services and PRAC, developers, businesses, community organizations, and residents to guide day-to-day decisions affecting development. Figure 3, below, provides a visualization of the Subject Properties in relation to the Municipal Plan Map Schedules.

Figure 3: Municipal Plan (By-law No. 109) – Schedule A, C, and D Map



The Applicant has requested that the Subject Properties be rezoned for commercial use. The Properties are identified in the Plan as having a Residential future land use designation on Schedule A. Because the Subject Properties are designated Residential, a commercial zoning would violate the Future Land Use Map. In this event, before rezoning, the Plan requires that an amendment first be made to the Future Land Use Map (Section 3, (B) Plan Review and Amendment).

The Subject Properties abut a designated Secondary Commercial Area (crimson-coloured line in Figure 3, above). These types of commercial areas are characterized by vehicle-oriented shopping plazas, groupings of stand-alone businesses of a local scale, “drive-by”-oriented businesses that serve travelling motorists and provide vehicle-oriented products sales/services, and convenience services such as drive-thru restaurants. Policy 6(E)(2) establishes Secondary Commercial Areas for the purposes of acknowledging where there is a mix of retail/service uses along the streetscape and to allow a variety of

similar uses which are compatible with the surrounding land use and scale of adjacent development. The high-level future land use of the Subject Properties identified by the Applicant (expansion of the businesses operated by 510756 N.B. Inc., a vehicle-oriented business) would be consistent with this Secondary Commercial Area designation.

The Municipal Plan provides specific criteria for considering future commercial expansion (Section 6(B), Policy 3), including accordance with the following:

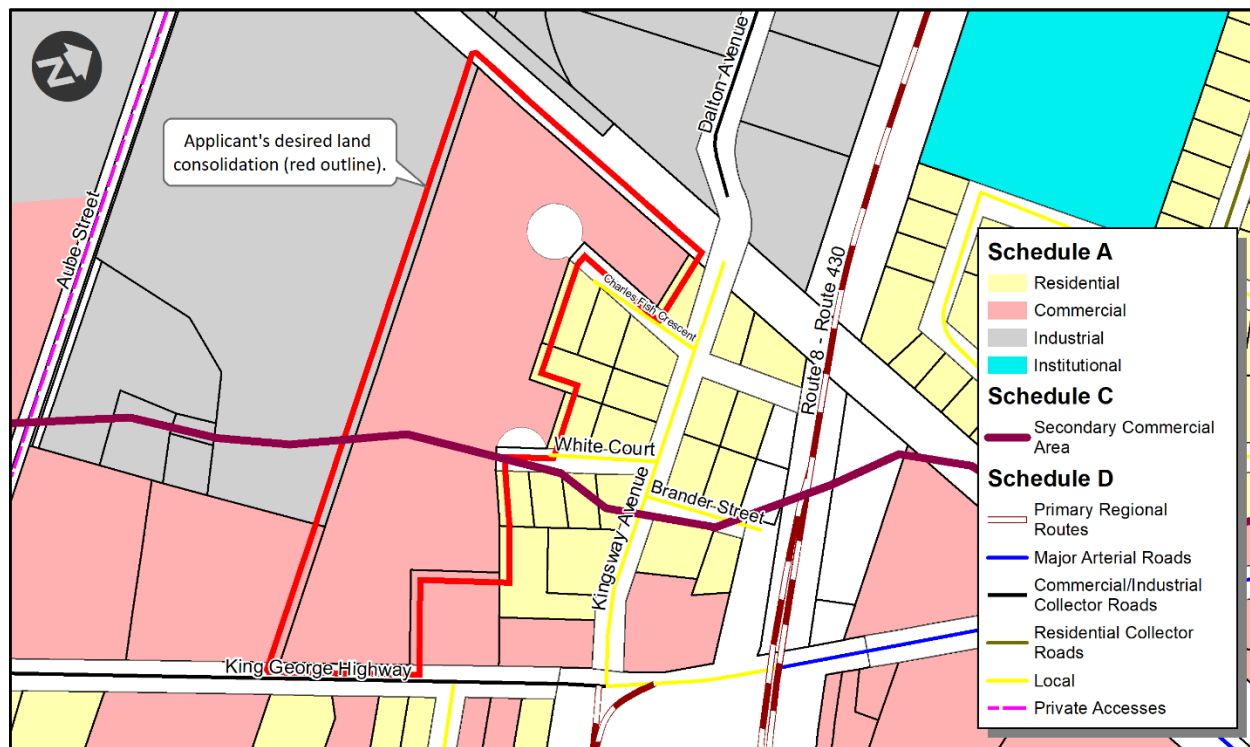
- a. The proposed development is consistent with the intended function of the subject commercial area;
- b. The proposed development is compatible with surrounding land use;
- c. Council may consider utilizing Sections 58, 59, and 131 of the Community Planning Act in considering specific proposals which permits it to attach reasonable terms and condition; and,
- d. That the proposed development is not premature or inappropriate by reason of:
 - i. The financial capability of the City to absorb any costs relating to the development;
 - ii. The adequacy of water and sewer services to accommodate the proposed development or, if in an unserved area, the adequacy of the physical site conditions for private on-site water and sewer systems;
 - iii. The adequacy of capacity of the public road network in or adjacent to the proposed development to accommodate any increase in traffic and impacts on public transit;
 - iv. The potential for negative impact on watercourses and wetlands, municipal wellfield protection areas, or the creation of erosion or sedimentation; and/or
 - v. The suitability of the proposed site in terms of soils, topography, geology, location of water courses and wetlands, as well as proximity to other environmental features.

The commercial assessment criteria from the Plan rely heavily on a number of specific land use and site development details (i.e. a specific proposal), which are not available at this time. Given this circumstance, a change in Future Land Use Designation from Residential to Commercial is difficult to assess. That being noted, in order to incrementally facilitate the planning of future commercial development of the Subject Properties, the approach recommended by Planning Services Staff is to change the Future Land Use designation to commercial while applying “Integrated Development (ID)” zoning. This approach would essentially allow Council to approve or “sign-off” on the possibility of future commercial use of the Subject Properties while deferring the actual approval of any specific future commercial development until those details have been defined; upon which time, the commercial expansion criteria in the Plan could be reassessed.

In addition to facilitating the Applicant’s current-term development plan (i.e. the consideration of future commercial land use by Council, stop-up/closure/conveyance of Charles Fish Crescent, lot consolidation), the amendment process will also provide an opportunity to involve Miramichiers in the planning and decision-making process with respect to future development of the area.

The following Figure provides a sample illustration of the Subject Properties consolidated with the Owners other properties as described in II. Proposed Use, along with a conceptual stop-up and closure of Charles Fish Crescent.

Figure 4: Sample amended Municipal Plan (By-law No. 109) – Schedule A, C, and D Map



(B) Zoning By-law - Site Development Regulations and Considerations

Similar to the discussion in (A) Municipal Plan, site development regulations and considerations are limited due to the availability of details on proposed future commercial development at this time. Whereas the Applicant has not identified a specific future use of the Subject Properties, Planning Services Staff have recommended that the area be rezoned from “Single- or Two-Unit Dwelling (R-2)” to “Integrated Development Zone (ID)”. Under ID zoning, permitted uses are subject to approval by Council pursuant to Section 58 and 59 of the Act and standards/requirements for development are approved by Council pursuant to Sections 58, 59, and 131 of the Act. Under ID zoning, the proposal for future commercial development of the Subject Properties would be revisited for consideration and approval by Council when the development details are defined.

It is expected that the uses permitted and standards/requirements for development imposed by Council would include:

1. Consideration towards the adequacy of water and sewer services to accommodate the proposed development, the identification of any new infrastructure requirements, the adequacy of the public road network in and adjacent to the proposed development to accommodate any

increase in traffic, municipal wellfield protection requirements, and potential impacts on existing land uses in the area (i.e. residents of the Kingsway Avenue subdivision).

2. Measures to protect existing uses from infringement by any incompatible development (e.g. use prohibitions, buffers/setbacks, screening, landscaping, etc.).

Figure 5, below, shows the current zoning of the Subject Properties and those in the vicinity. When a development proposal is presented, terms and conditions imposed under ID zoning should pay particular attention to the impact of any proposed uses on residents of the Kingsway Avenue subdivision (Single- or Two-Unit Dwelling (R-2) zoning shown to the east of the Subject Properties, below).

Figure 5: Zoning By-law (By-law No. 110) – Zoning Map

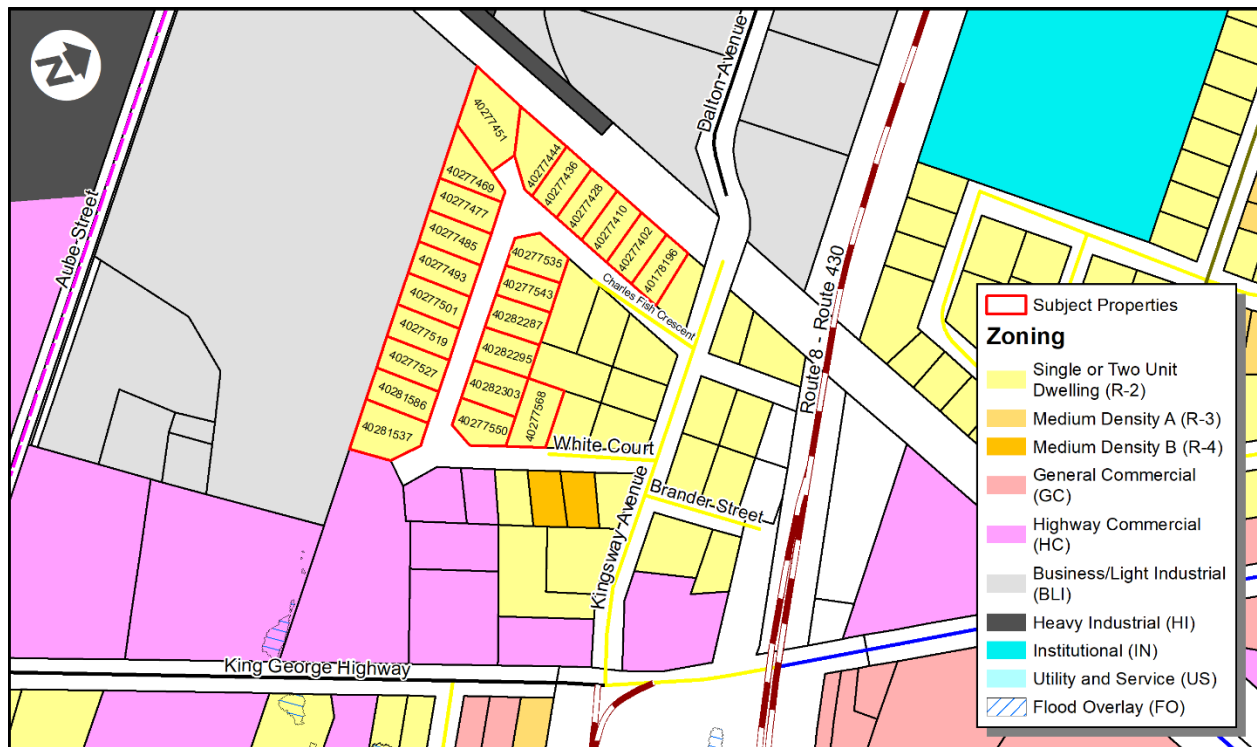
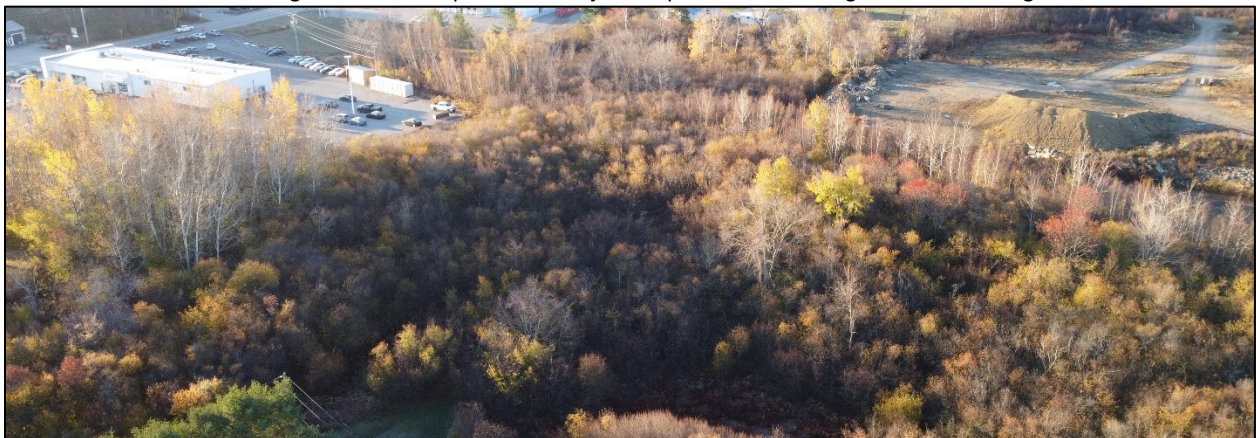


Photo 1: Drone view looking south towards portion of Subject Properties and existing Roussel Volkswagen business and lot.

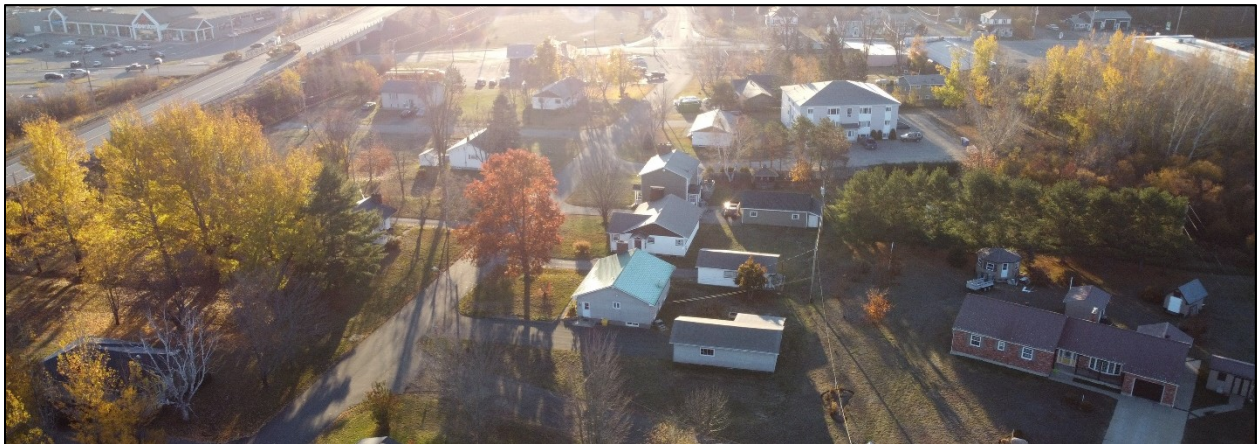


If Council wishes to provide more immediate and long-term certainty with regard to the proposed development or address potential incompatibility with surrounding land uses, they could consider the imposition of terms and conditions on the recommended ID zoning to set preliminary expectations for the Owner and community at large.

(C) Neighbourhood Impacts and Compatibility with Surrounding Land Uses

The Subject Properties are part of a subdivision approved by the Newcastle Planning Commission in 1966 (see Attachment 2) that involved the creation of multiple residential-sized lots on several proposed streets. Some streets were never developed, including what is now known as Charles Fish Crescent, nor were these lots cleared or municipal services (i.e. water, sewer, and storm infrastructure) extended into this area. The residential area that has been developed consists primarily of bungalow-style single-unit dwellings, a few two-unit dwellings, and a 12-unit apartment building located on White Court.

Photo 2: Drone view looking east towards Kingsway Avenue residential subdivision.



The following photos, taken August 5, 2020, illustrate the character of existing development in the area.

Photo 3: View looking north (towards Roussel Volkswagen) from King George Highway.



Photo 4: View looking north towards east side yard of Roussel Volkswagen. Treed area at rear includes Subject Properties.



Photo 5: View of Dairy Queen/Castle Bowling Center parking area, east of existing Roussel Volkswagen, from King George Highway.



Photo 6: View of commercial complex at western corner of Kingsway Avenue and King George Highway.



Photo 7: View of Kingsway Restaurant, located at Kingsway Avenue/King George Highway corner opposite of Photo 6.



Photo 8: View looking south towards King George Highway from top of Kingsway Avenue.



Photo 9: View of Kingsway Avenue terminus (northern dead-end portion).



Photo 10: View of 26 Charles Fish Crescent, the only residence in the neighbourhood with access onto the street.



Figure 6: Oblique aerial views of Subject Property and surrounding lands (Source: Pictometry, 2016).

North



East



South



West



It is anticipated that through the recommended ID zoning development approval process, potential neighbourhood impacts could be addressed through terms and conditions to ensure compatibility with surrounding land uses.

(D) Stop-up and Closure of Charles Fish Crescent

The Applicant has requested that the City of Miramichi, by the authority vested in it by Section 10 of the Local Governance Act, stop-up and close the portions of Charles Fish Crescent adjacent to the Subject Properties and that this land be conveyed to 510756 N.B. Inc. for land consolidation purposes. The final stop-up and closure (i.e. agreements with property owners, location of street start and end, addition of cul-de-sacs, by-law enactment, etc.) are at the discretion of the City of Miramichi. It is recommended that the stop-up and closure process occur in conjunction with the Plan Amendment/Rezoning process. While a sample stop-up and closure is illustrated in Figure 4, an alternative stop-up and closure option for consideration that involves consultation with the owners of 26 Charles Fish Crescent and 111 White Court is identified below for discussion purposes. If the stop-up and closure is to result in private property becoming new portions of public street (i.e. with the creation of a cul-de-sac), PRAC will be asked to provide a recommendation to Council on its layout. This process would occur once a tentative subdivision plan for the stop-up and closure is prepared.

Figure 7: Stop-up and Closure Concept



(E) Departmental and Agency Comments

Comments were sought from the City of Miramichi's Departments of Fire, Police, Engineering and Public Works, and the NB Department of Environment and Local Government. These departments/agencies expressed no objections to the proposed development. It is anticipated that City Departments will provide additional input as the Plan Amendment/Rezoning process continues (e.g. economic development considerations, commentary on municipal servicing and stop-up and closure of Charles Fish Crescent).

The Department of Environment noted that the Subject Properties are located within Zone B of a Wellfield Protected Area. Areas within the protected zone of a wellfield have prohibitions and limitations on chemical storage and land use activities. The Applicant should contact the Department prior to conducting any site work and during the planning of any projects.

IV. STAFF RECOMMENDATION

Pursuant to Section 110(1) of the *Community Planning Act (C-19)*, it is the view of the Planning Review and Adjustment Committee (PRAC) of the Greater Miramichi Regional Service Commission that the City of Miramichi amend:

1. Schedule A: Future Land Use Map of the City of Miramichi Municipal Plan (By-law No. 109) to change the designation from "Residential" to "Commercial"; and
2. Schedule A: Zoning Map of the City of Miramichi Zoning By-law (By-law No. 110) to change the zoning from "Single- or Two-Unit Dwelling (R-2)" to "Integrated Development (ID)"

for the following Subject Properties

- | | | |
|-------------|--------------|------------------------|
| 1. 40178196 | 10. 40277485 | 19. 40281537 |
| 2. 40277402 | 11. 40277493 | 20. 40281586 |
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| 4. 40277428 | 13. 40277519 | 22. 40282295 |
| 5. 40277436 | 14. 40277527 | 23. 40282303 |
| 6. 40277444 | 15. 40277535 | 24. The portion of |
| 7. 40277451 | 16. 40277543 | Charles Fish Crescent |
| 8. 40277469 | 17. 40277550 | that is to be stopped- |
| 9. 40277477 | 18. 40277568 | up and closed. |

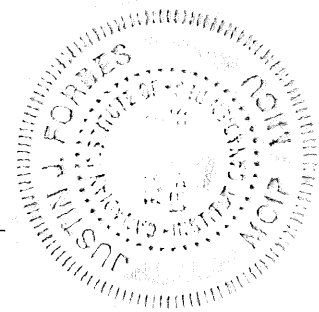

And further, that Schedule C: Commercial Hierarchy and Designations of the Municipal Plan (By-law No. 109) be amended to include the Subject Properties in the abutting Secondary Commercial Area designation.

V. ATTACHMENTS

1. Property Location Map (page 16)
2. Plans of Survey, Kingsway Subdivision (page 17)

Report Prepared On: Thursday, November-12-20

Report Prepared by:
Justin Forbes, MPS, MCIP, RPP
Planning Services Manager



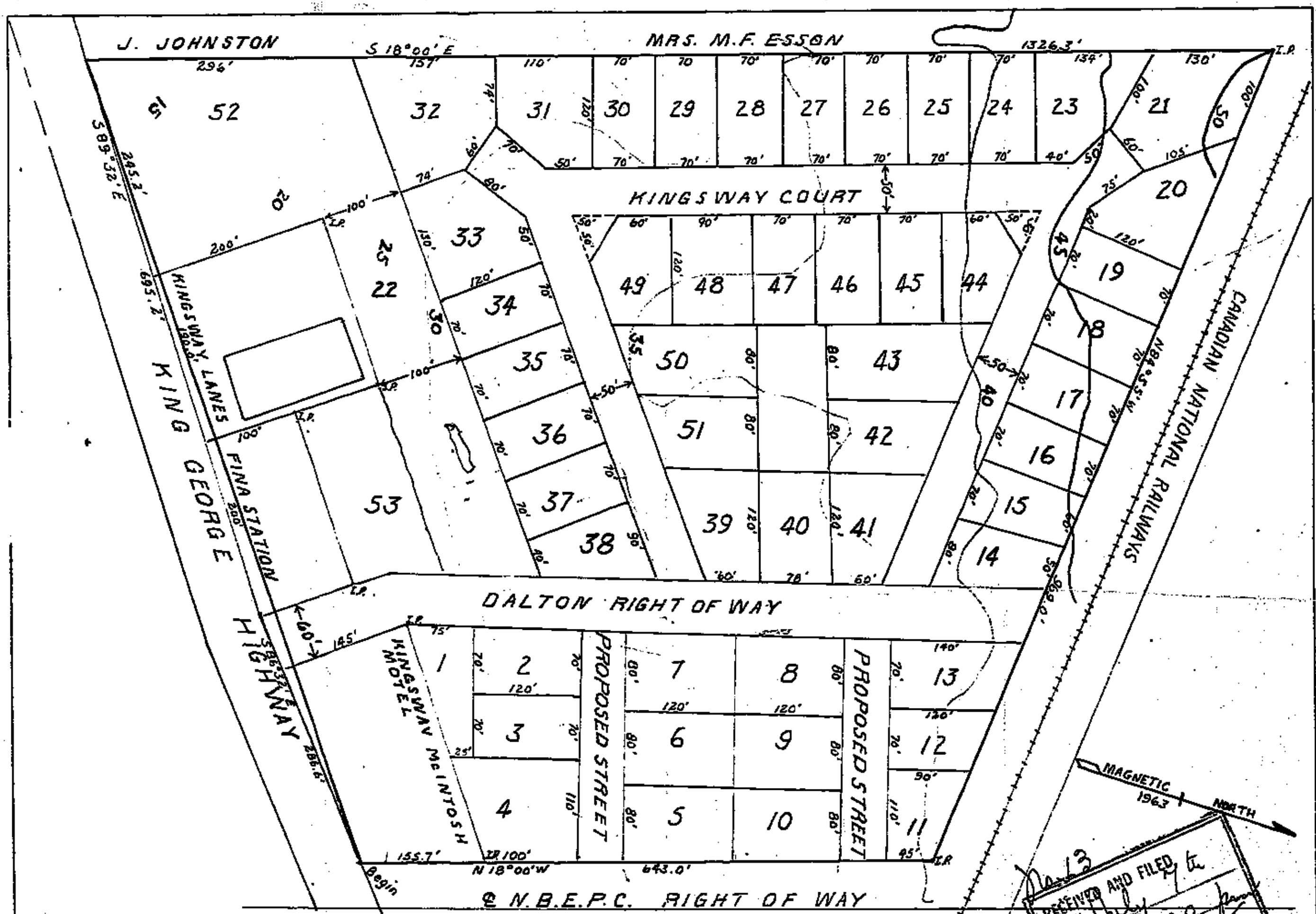
Reported Reviewed and Approved by:
Wilson W. Bell, MCIP, RPP
Executive Director / Planning Director



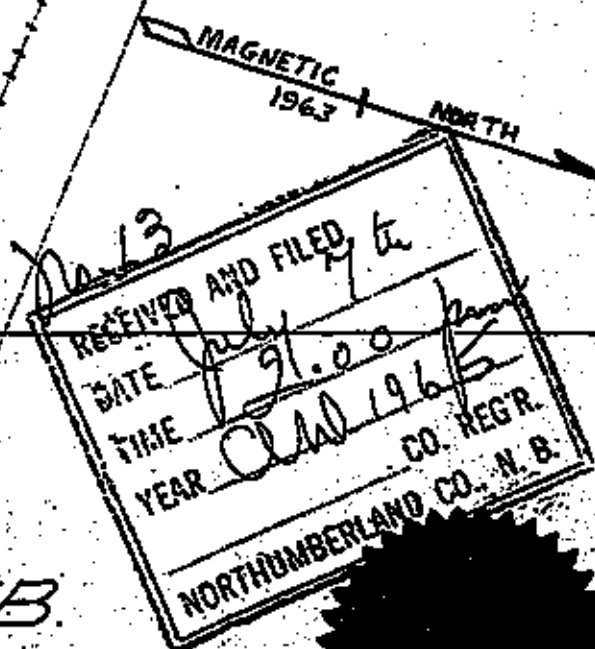
ATTACHMENT 1 - PROPERTY LOCATION MAP



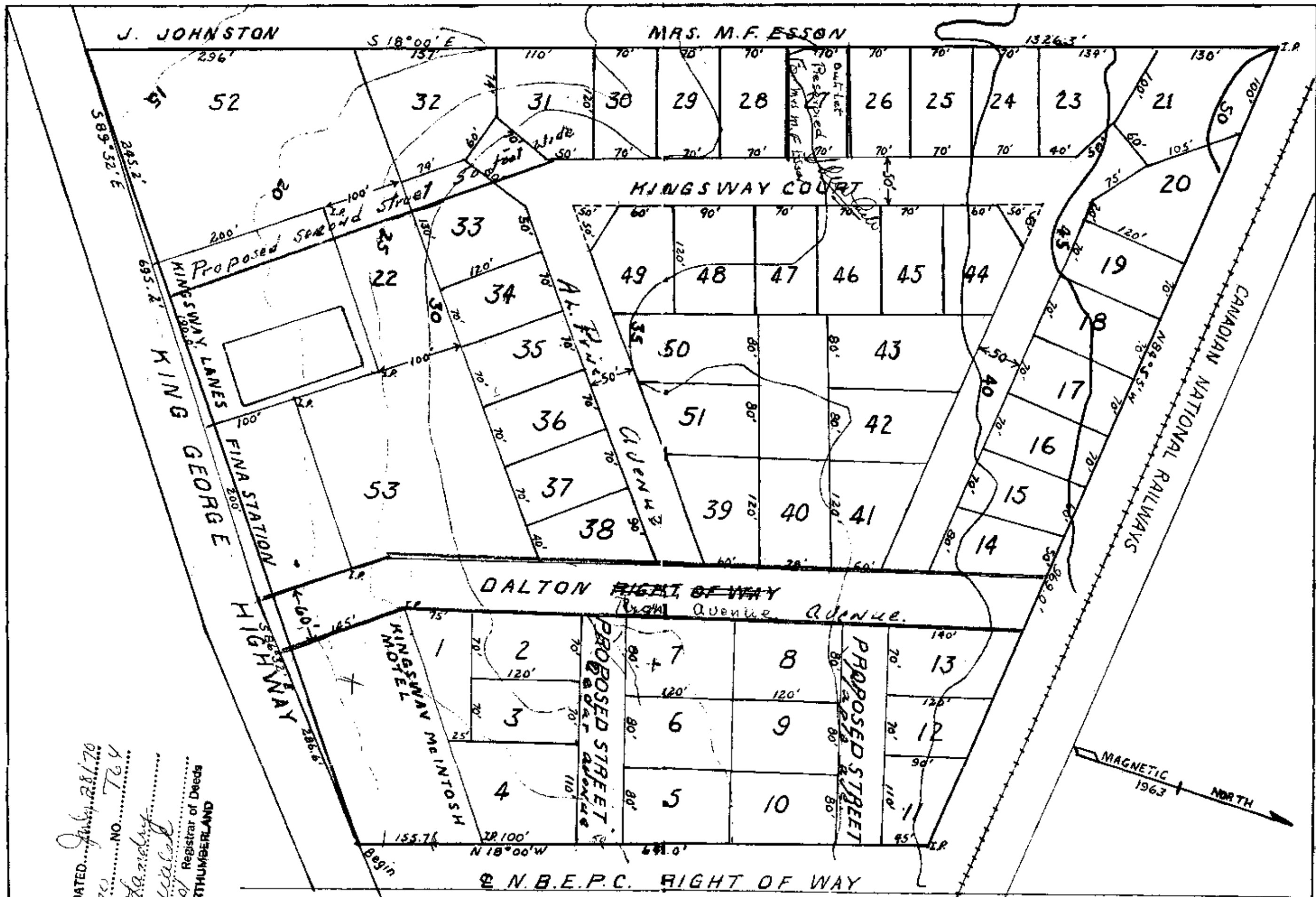
ATTACHMENT 2 - PLANS OF SURVEY, KINGSWAY SUBDIVISION



PLAN OF SURVEY
 KINGSWAY SUBDIVISION
 PROPERTY OF HUXLEY WHITE
 KING GEORGE HIGHWAY, NEWCASTLE, N.B.
 SCALE 1 INCH=100 FEET. JULY, 1963.
 SURVEYED BY *James L. Hall* B.Sc., N.B.L.S.



T20



AMENDED BY PLAN DATED *July 28, 1970*
 FILED *Nov 16, 1970* NO. *T20*
 SURVEYOR *A. J. Landry*
Branda Ward
 REGISTRAR OF DEEDS
 COUNTY OF NORTHUMBERLAND

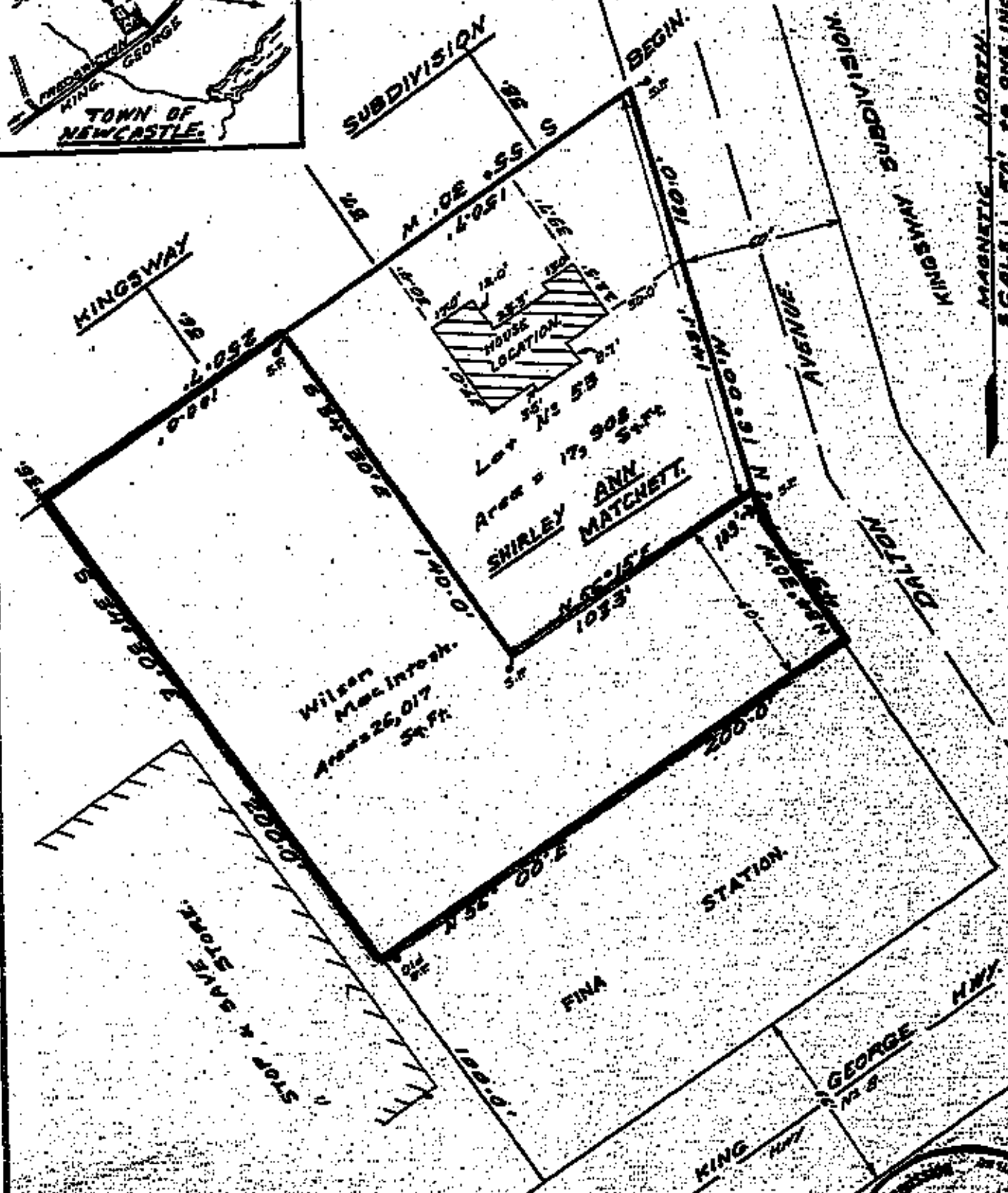
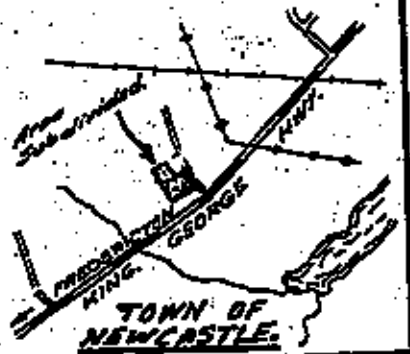
PLAN OF SURVEY
 KINGSWAY SUBDIVISION
 PROPERTY OF HUXLEY WHITE
 KING GEORGE HIGHWAY, NEWCASTLE
 SCALE 1 INCH = 100 FEET
 JULY, 1966
 SURVEYED BY *James L. Hall* B.Sc., N.B.

above sub. division referred
 to in the plan of survey
 dated 28th 1966

RECEIVED AND FILED
 DATE *Nov 24*
 TIME *11:30 am*
 YEAR *1966*
James L. Hall CO. REG'R.
 NORTHUMBERLAND CO. N.B.

Traced from 20 Ch.
Base Map R-12.

NOTE: S.F. "Standard Survey Post."



MAGNETIC NORTH
SCALE 1" = 50' TO ONE INCH

**KINGSWAY SUBDIVISION
AMENDING PLAN
TOWN OF NEWCASTLE,
COUNTY OF NORTHUMBERLAND.**

THIS PLAN BEING AMENDED WAS
APPROVED BY THE NEWCASTLE
PLANNING COMMISSION NOV. 25th,
1966, FILED IN THE NORTH. CO.
REGISTRY OFFICE ON NOV. 25th, 1966
AS N^o 20.

DATE: July 29th, 1970.

A. J. Landry
A. J. LANDRY, N.B.L.S.

SIGNATURE OF
OWNER OR AGENT

H.M. Winter
per J.K. Miller

RECEIVED AND FILED
DATE 9/30/70
NORTHUMBERLAND CO. REG. R.
1970

