

## PLANNING STAFF REPORT

**SUBJECT:** Pursuant to Section 110(1) of the Community Planning Act (C-19), the City of Miramichi has requested the views of the Greater Miramichi Regional Service Commission – Planning Review and Adjustment Committee on an Application to amend:

1. Schedule A: Future Land Use Map of the City of the Miramichi Municipal Plan (By-law No. 109) to change the designation from “Institutional” to “Residential”; and

2. Schedule A: Zoning Map of the City of Miramichi Zoning By-law (By-law No. 110) to change the zoning from “Institutional (IN)” to “Residential Single- or Two-Unit Dwelling (R-2)”,

For an approximately 7500m<sup>2</sup> portion of the Subject Property described as PID 40063265, located at 4464 Water Street in the City of Miramichi, to allow the conversion of the existing church and existing rectory into single unit dwellings.

**MEETING DATE:** December 19<sup>th</sup>, 2023

**AGENDA ITEM:** 2023-9-1

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# I. APPLICATION OVERVIEW

A Municipal Plan and Zoning By-law Amendment application has been submitted to Planning Services by Randy Way regarding the Subject Property described as PID 40063265, located at 4464 Water Street in the City of Miramichi. The application is to change the municipal plan designation from “Institutional” to “Residential”, and the zoning designation from “Institutional (IN)” to “Residential Single- or Two-Unit Dwelling (R-2)”.

This application is to allow for the existing church and rectory buildings to be converted into single-unit dwellings, and further, subdivided onto their own lots.

The Table below provides an overview of the Application.

**Figure 1: Aerial Image Location of Subject Property outlined in blue**



Figure 2: Oblique Aerial Image of Subject Properties outlined in blue

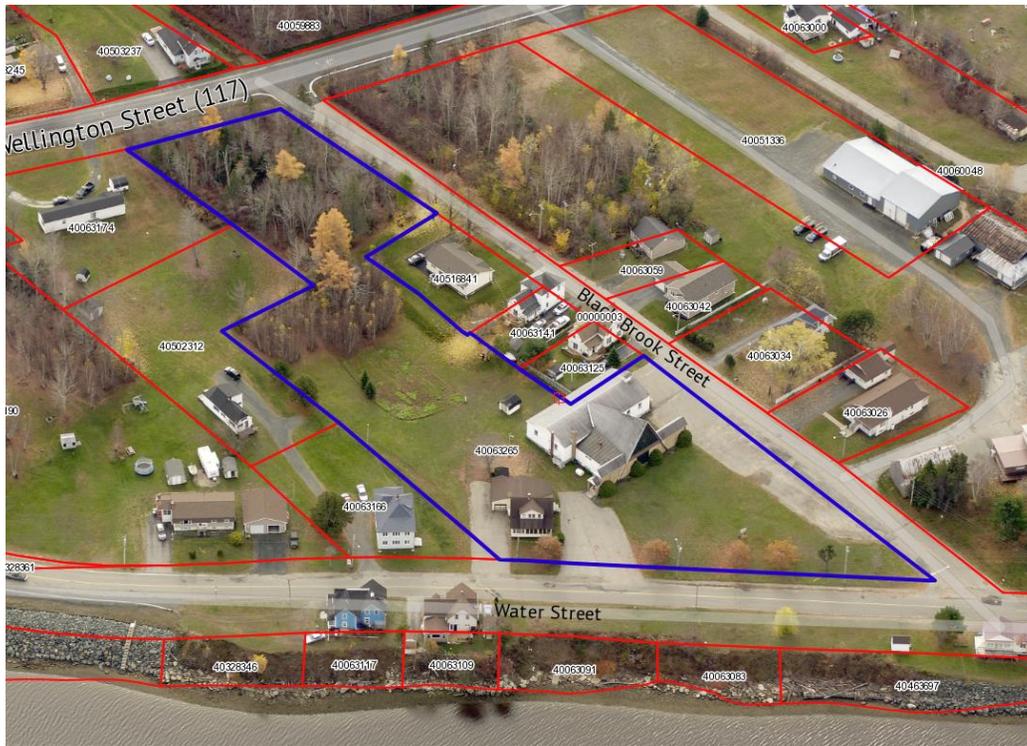


Table 1: Randy Waye - Plan Amendment & Rezoning Application Overview

<b>Property Owner/Applicant Details</b>	
Property Owner	Roman Catholic Bishop of Saint John
Applicant	Randy Waye
<b>Subject Properties Details (see attached Subject Properties Map)</b>	
Property Identification Numbers (PID)	40063265
Shape	Irregular
Area	1ha (2.47 acres)
Access	Water Street/Black Brook Road
Services	Municipal sewer existing; private well water
<b>Zoning and Municipal Plan Details</b>	
Current Zoning	Institutional (IN) Single or Two-Unit Dwelling (R-2)
Future Land Use Designation	Institutional Residential

<b>Land Use</b>	
Existing	Church and rectory
Proposed Use	PID 40063265: Conversion of existing church and rectory buildings into single-unit dwellings

## II. PROPOSED USE

The following list provides a summary of the proposed use of the Subject Property, should the Plan Amendment and Rezoning be approved:

- Access to the property will remain via Water Street/Black Brook Road
- The current church building will be converted into a residential single-unit dwelling
- The current rectory building will be converted into a residential single-unit dwelling
- Any potential development would still be subject to the “Residential Single- or Two-Unit Dwelling (R-2)” and other zoning regulations (for setback, lot coverage, parking, screening, etc. (along with any potential conditions that Council wishes to impose).

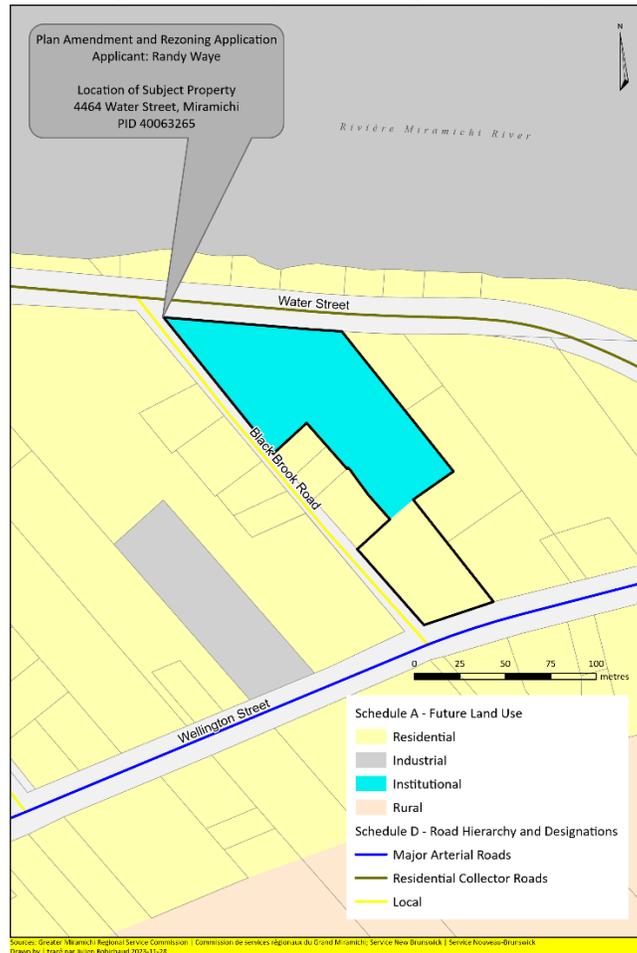
The applicant is proposing to subdivide the property into four new lots for residential purposes (including one each for the subject buildings), along with five parcels to be added to adjacent occupied properties. An approximately 2500m<sup>2</sup> portion of the property at the south is currently zoned R-2, and designated as Residential, and is not subject to this application.

## III. PLANNING CONSIDERATIONS

### (A) Municipal Plan

The Municipal Plan 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: Municipal Plan Designations Map**



The Subject Property is designated as “Institutional” by Schedule A: Future Land Use Map of the Municipal Plan (By-law No. 109). The subject portion of the property does not have designations under Schedule B: Residential Hierarchy & Designations or Schedule C: Commercial Hierarchy & Designations.

This portion of Water Street is designated as a “Residential Collector Road” by Schedule D: Road Hierarchy & Designations. Black Brook Rd is designated as a “Local Road”.

The Applicant’s proposal aligns with the following policies and proposals from the Municipal Plan:

Proposed use:	Municipal plan (By-law N0 109) excerpts:
<p><b>Adaptative reuse and sustainability:</b> Repurposing existing underused buildings reduces the demand for new construction materials and thus saves resources and minimizes environmental impact.</p>	<p><b>Section 2(E): Efficient, Compatible Development</b> <b>Policy 1:</b> “It is a policy of Council to ensure that general growth and development is cost effective, compatible, and environmentally sound [...]”</p>
<p><b>Adequate housing:</b> Converting existing non-residential buildings into residential dwellings adds to the housing supply and thus addresses the needs of the growing population.</p>	<p><b>Section 4(B): Residential</b> It is a goal of the Plan: “To have an adequate supply of residential land designated [...] to meet the diverse needs of the present and future population.”</p> <p><b>Section 2(D): Growth strategy</b> “The City will focus on achieving build-out of the City’s under-occupied residential subdivisions, primarily with single-detached dwelling developments, [...]”</p> <p><b>Section 2(D): Goal 3:</b> “To sustain the community at its current (and eventually higher) levels of population and skilled workforce including retention of young people, families, and newcomers.”</p>
<p><b>Sustainable development:</b> The area where the property is located is mainly residential and next to a rural area. The conversion of existing buildings allows for a more efficient land use by using the existing infrastructure. It helps reduce urban sprawl and thus aligns with sustainability goals. Further, this area is serviced by municipal sewer servicing.</p>	<p><b>Section 13(B):</b> “[...] that prevents residential sprawl outside of the City’s urban areas.”</p> <p><b>Section 13(B): Policy 2:</b> “Encourage sustainable development practices.”</p>

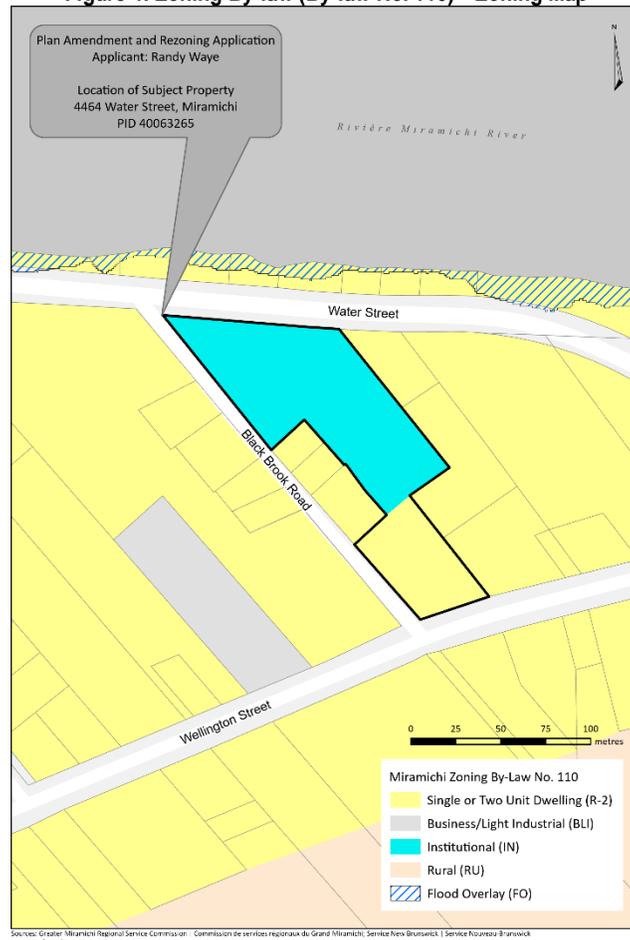
**(B) Zoning By-law – Site Development Regulations and Considerations**

The applicable site development regulations are contained in the Zoning By-law (By-law No. 110), which includes several general provisions that apply to development in all areas of the City and provisions that are specific to the zoning of the Subject Property (e.g., permitted uses, setbacks, landscaping and screening requirements, size restrictions, etc.). The Zoning By-law also contains

regulations that apply specifically to offer site elements like driveway access, parking, loading, and signage.

The proposed residential use is not permitted under the current “Institutional (IN)” zoning of the subject property. The proposed uses are permitted under the “Residential Single- or Two-Unit Dwelling (R-2)” zone (on separate lots, as proposed). The “(R-2)” zone allows for residential development up to 3 units (or three rowhouse units) per lot, and is a zoning designation that is typically used throughout low-density residential areas of the City. This zone also allows for a number of secondary uses, including an accessory dwelling unit, home business, and home daycare amongst others.

**Figure 4: Zoning By-law (By-law No. 110) – Zoning Map**



Zoning regulations and other provisions can provide certainty about a future development. However, as a redevelopment of the existing buildings on the property (with no expansion or intensification of use), it is expected that the proposal will meet all Zoning By-law requirements. Some characteristics of the site are considered “existing conditions” and may not be expected to be brought into compliance with zoning requirements, at the discretion of the Development Officer.

If the Plan Amendment & Rezoning is approved, the Applicant will require a building permit from the GMRSC Planning Services Office, for the redevelopment of both the existing church and rectory

buildings.

The applicable zoning regulations of the “Residential Single- or Two-Unit Dwelling (R-2)” zone vary based on the residential use proposed, but are generally as listed below:

<i>“Residential Single- or Two-Unit Dwelling (R-2)” Zoning Regulations (and S. 3.1.2 b regulations)</i>	
Minimum lot area	690m <sup>2</sup>
Minimum lot frontage	23m
Minimum lot depth	30m
Minimum lot frontage / dwelling unit (new lots)	11m
Minimum lot area / dwelling unit (new lots)	330m <sup>2</sup>
Minimum front yard	In accordance with section 3.1.4
Minimum side yard	2.4
Minimum rear yard	6.1
Maximum lot coverage	40%
Maximum height	11.0m
Maximum coverage by open parking areas, driveways and vehicle movement areas	25% of the lot area

In addition to the single/two-unit dwellings, the R-2 zone also permits these main uses: semi-detached dwellings (3.4.15), parks, and community placement residential facilities (3.4.1). Notably, the Zoning By-law restricts residential development in areas of the City that are not fully serviced (municipal water and sewer) to four units maximum, per lot.

After the Plan Amendment and Rezoning Application is heard by City Council, there is no mechanism to add additional terms and conditions that are not regulated by the Zoning By-law. If PRAC or Council wishes to:

1. Provide more immediate and long-term certainty with regard to the proposed rezoning;
2. Address potential incompatibility with surrounding uses; or
3. Restrict or relax the R-2 development rules.

They should consider recommending/utilizing Section 59 of the *Community Planning Act (C-19)* to place additional terms and conditions on the use/development.

Two of the proposed lots do not meet the minimum lot frontage requirements for new lots, and will require minor variances to be applied for (or adjustments to the final subdivision plan) prior to any final subdivision plan being approved.

### **(C) Neighbourhood Impacts and Compatibility with Surrounding Land Uses**

The following points summarize land use activities in the area:

- The property is located in the Loggieville neighbourhood of the City.
- The primary zone in the surrounding area is “Residential Single- or Two-Unit Dwelling (R-2)”.
- The Subject Properties are primarily surrounded by low density residential land uses, with the exception of one business/light industrial use (Ronald Kelly Thermo Inc)
- The property is located in close proximity to the Miramichi River (30m north, across Water St)
- Wellington St is located nearby to the south, and is an important transportation route (cross-designated as NB-117)

Considering the Subject Property and the immediate area described above and the broader community context, the proposed development should not present an intensity to the level of traffic, noise and overall activity that would surpass the existing conditions and patterns of activity in the neighbourhood. It is unlikely that residents and businesses in the area will object to the proposed development of the property, nor are they expected to generate a noticeable increase in traffic or noise in the area. Generally, it can be seen that the proposed uses represent a decrease in the intensity of use of the property, compared to the former church.

Specific neighbourhood impacts of concerns may be identified as the application progresses through the planning process (i.e., notification of property owners within 100m, notice in the local paper, and a Public Hearing).

#### IV. STAFF RECOMMENDATIONS

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 the Miramichi Municipal Plan (By-law No. 109) to change the designation from “Institutional” to “Residential”; and
2. Schedule A: Zoning Map of the City of Miramichi Zoning By-law (By-law No. 110) to change the zoning from “Institutional (IN)” to “Residential Single- or Two-Unit Dwelling (R-2)”,

For an approximately 7500m<sup>2</sup> portion of the Subject Property described as PID 40063265, located at 4464 Water Street in the City of Miramichi, to enable conversion of the existing church and rectory buildings into single-unit dwellings; subject to the following terms and conditions pursuant to Section 59 of the *Community Planning Act (C-19)*:

1. That the property be subdivided in general accordance with the tentative subdivision plan, prepared by T.G. Williston Surveys Ltd, to the satisfaction of the Development Officer, prior to the issuance of any required building permit(s) for the proposed developments.

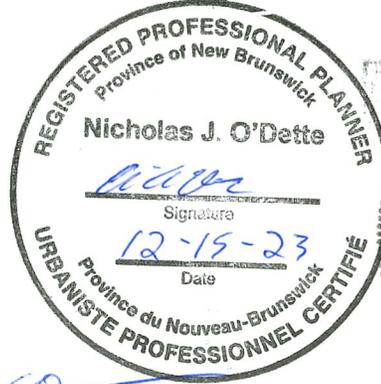
V. ATTACHMENTS

- 1. Applicant's Submission Documents
- 2. Site Photos

Report prepared on: December 15th 2023

Report Prepared by:

Nic O'Dette, RPP, MCIP  
*Planning Services Manager*



*Nic O'Dette*  
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Nahyssa Rose Rabé Harou, B.Sc.  
*Planner*

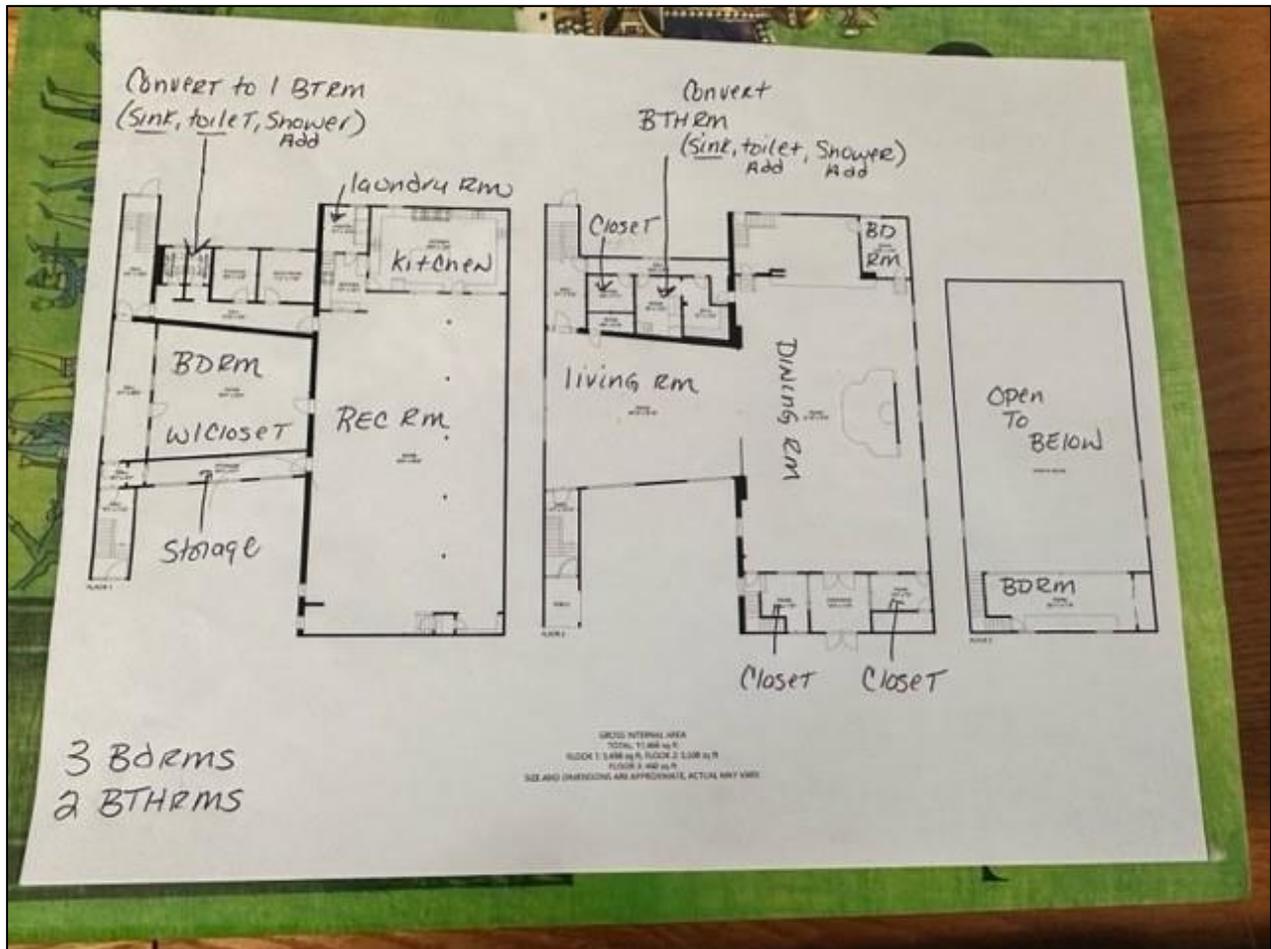
*NRH*  
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Report Reviewed and Approved By:

Wilson Bell, RPP, MCIP  
*CEO/Planning Director*

*Wilson Bell*  
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# ATTACHMENT 1 – Applicant's Submission Document

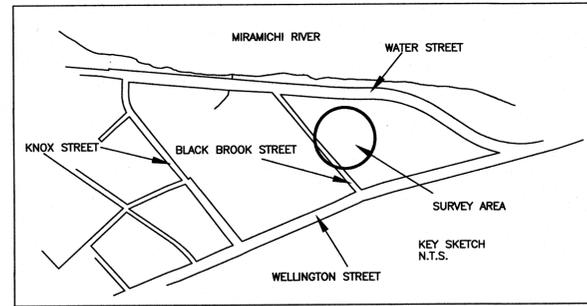


**CHARLENE HEATHER MAYNES**  
 Document 13716742  
 Registered 2002-02-21  
 PID 40463697  
**LOT 01-1**  
 Plan 13567087  
 (LAND TITLES)

**ROMAN CATHOLIC BISHOP OF SAINT JOHN**  
 Vol.1088, Pg.8, No.93402  
 Registered 1997-08-26  
 PID 40063083  
**PARCEL 89-1**  
 Plan 3037ATT  
 (LAND REGISTRY)

**ROBERT HENRY GILLINGHAM**  
**SUSAN JOYCE GILLINGHAM**  
 Document 32001795  
 Registered 2012-09-28  
 PID 40063109  
**PARCEL 08-A**  
 Plan 25705923  
 (LAND TITLES)

**SAINT ANDREWS CHURCH**  
 Vol.436, Pg.184, No.14990  
 Registered 1982-03-30  
 PID 40063091  
 (LAND REGISTRY)



**TENTATIVE SUBDIVISION PLAN**  
**ST. ANDREWS ROMAN CATHOLIC**  
**CHURCH SUBDIVISION**  
 PLAN 21-1  
 WATER STREET/BLACK BROOK  
**STREET/WELLINGTON STREET**  
 CITY OF MIRAMICHI  
 PARISH OF CHATHAM

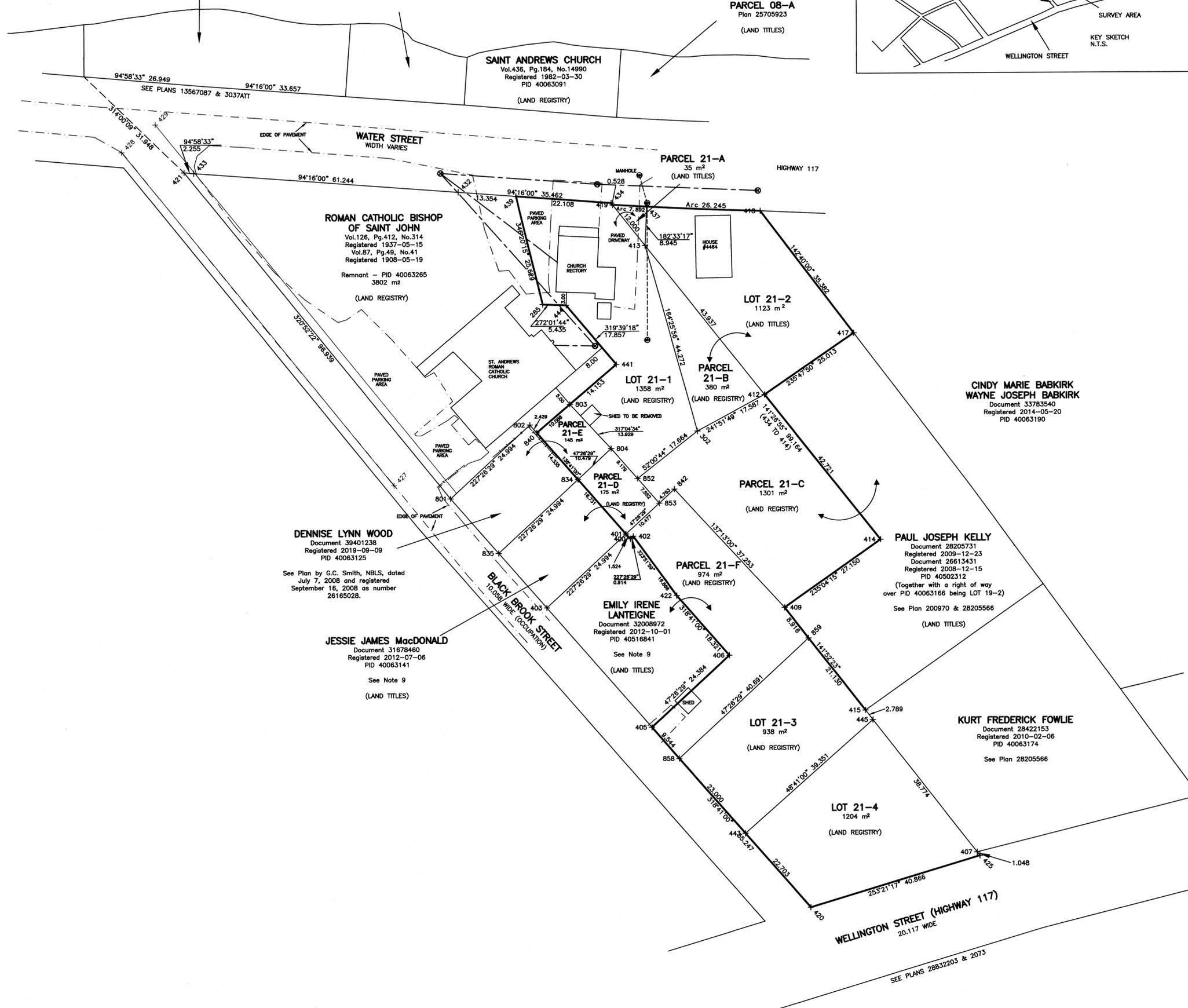
SCALE 1: 500      APRIL 3, 2019  
 REVISED APRIL 5, 2019  
 REVISED APRIL 30, 2019  
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 REVISED JULY 9, 2019  
 REVISED JULY 23, 2019  
 REVISED SEPTEMBER 11, 2019  
 REVISED DECEMBER 15, 2020  
 REVISED FEBRUARY 23, 2021  
 REVISED OCTOBER 25, 2021

PREPARED BY RANDY W. WAYE, NBLs, CLS  
**T.G. WILLISTON SURVEYS LTD.**  
 506-622-7008      randy.waye@willistonsurveys.com

**NOTES**

- 1) THE PURPOSE OF THIS PLAN IS AS FOLLOWS:
  - A) TO CREATE LOTS 21-1, 21-2, 21-3 AND 21-4 FOR RESIDENTIAL PURPOSES
  - B) TO CREATE PARCEL 21-A TO BE ANNEXED TO THE ADJACENT LANDS OF THE ROMAN CATHOLIC BISHOP OF SAINT JOHN (LOT 21-1).
  - C) TO CREATE PARCEL 21-B TO BE ANNEXED TO THE ADJACENT LANDS OF RENE JOSEPH SMITH AND SONNA MARIE SMITH (LOT 21-2).
  - D) TO CREATE PARCEL 21-C TO BE ANNEXED TO THE ADJACENT LANDS OF PAUL JOSEPH KELLY (PID 40502312).
  - E) TO CREATE PARCEL 21-D TO BE ANNEXED TO THE ADJACENT LANDS OF JESSIE JAMES MacDONALD (PID 40063141).
  - F) TO CREATE PARCEL 21-E TO BE ANNEXED TO THE ADJACENT LANDS OF DENNISE LYNN WOOD (PID 40063125).

18123.dwg  
 18123.crd



**DENNISE LYNN WOOD**  
 Document 39401238  
 Registered 2019-09-09  
 PID 40063125  
 See Plan by G.C. Smith, NBLs, dated July 7, 2008 and registered September 18, 2008 as number 26185028.

**JESSIE JAMES MacDONALD**  
 Document 31678460  
 Registered 2012-07-06  
 PID 40063141  
 See Note 9  
 (LAND TITLES)

**EMILY IRENE LANTEIGNE**  
 Document 32008972  
 Registered 2012-10-01  
 PID 40516841  
 See Note 9  
 (LAND TITLES)

**PAUL JOSEPH KELLY**  
 Document 28205731  
 Registered 2009-12-23  
 Document 26613431  
 Registered 2008-12-15  
 PID 40502312  
 (Together with a right of way over PID 40063166 being LOT 19-2)  
 See Plan 200970 & 28205566  
 (LAND TITLES)

**KURT FREDERICK FOWLIE**  
 Document 28422153  
 Registered 2010-02-06  
 PID 40063174  
 See Plan 28205566

SEE PLANS 28832203 & 2073

**Photo 1: View of the former church building and rectory south from Water St**



**Photo 2: View of the side of the former church building looking east from Black Brook St**



**Photo 3: View looking north along Black Brook St towards the Miramichi River**



**Photo 4: View of the former rectory building looking south from Water St**

