

To: **Baddeck Area Advisory Committee
Victoria County Council**

From: **Planning Staff (EDPC)**

Date: **October 24, 2011**

Reference: **Proposed Amendment to the Baddeck Municipal Planning Strategy and Land Use By-law by Mr. Graham MacKenzie to Re-designate and Rezone a Property on Shore Road to Permit a Retail Store**

Recommendation:

That Council **approve** amendments to the Municipal Planning Strategy and Land Use By-law to:

- Change the designation of an area as shown in Map 4, Detail A of the Baddeck Municipal Planning Strategy from Residential to Commercial General; and,
- Change the zoning of select properties as shown in Schedule “A”, Zoning Map, Detail “A”, in the Land Use By-law from R-1 Residential Urban to C-2 General Commercial;
- Amend Section 16 of the Land Use By-law to add a definition for “Repair Shop”;
- Amend Section 11 of the Land Use by-law to add “Repair Shop” as a permitted use in the General Commercial (C-2) Zone; and,
- Amend Appendix “B” of the Land Use by-law to remove the following properties:
 - Grocery Store located at 75 Shore Road (PID 85013290)
 - Car Wash located at Shore Road (PID 85161883)
 - Welding Shop located at 131 Shore Road (PID 85108926).

Summary of Proposal:

Designation: Residential

Zoning: Residential Urban (R-1)

Area: 1.01 ha; 2.5 acres (Property)

Site Visit: September 15, 2011

Identification: Shore Road, PID# 85152957



Figure A: View of Site from Shore Road

Information:

The applicant, Mr. Graham MacKenzie, has applied to rezone a property on Shore Road (PID# 85152957) from residential to commercial in order to permit a retail store. The applicant is looking to relocate the existing Home Hardware store from its current location on Chebucto Street to the subject parcel on Shore Road, in order to permit a larger store. The property is subject to the *Baddeck Municipal Planning Strategy and Land Use By-law*, and is designated Residential and zoned Residential Urban (R-1). The property is approximately 1.01 hectares (2.5 acres) in area.

Analysis:

Policy Review

The *Baddeck Municipal Planning Strategy and Land Use By-law* identifies the subject site as being designated for residential purposes. A Municipal Plan Amendment is required in order to change this designation so that the parcel can be developed as a retail store. The Land Use By-law must also be amended to change the zoning applicable to the subject site from residential to commercial.

Discussion

The applicant is requesting to rezone the property in order permit a retail establishment on the subject property. On Shore Road in the area immediately surrounding the subject property there are several non-residential uses in operation that are similar in nature to that proposed in this application. These include a grocery store, a car wash and a welding shop, and are noted in Appendix "B" in the Land Use By-law. The proposed use of the subject property for commercial uses would be compatible with these adjacent non-residential uses.

Residential development in the area surrounding the subject property is mostly located on the opposite side of Old Shore Road from the proposed commercial site, on the water-side of the road. With the exception of one dwelling that lies between the subject site and the grocery store, the residentially-zoned properties immediately adjacent to the subject property appear to be vacant. The right-of-way for Highway 105 abuts the northern boundary of the subject property.

Staff feel that the proposed use of the subject property for general commercial purposes is appropriate, given the proximity and number of adjacent non-residential uses immediately surrounding the subject site, the site being found on an arterial road with nearby access to the highway, and the nature of the business proposed. The retail establishment looking to relocate is a hardware store that requires additional space for goods offered for sale and client parking, which are not easily accommodated at their current location in the Central Business District. Adequate space for parking, storage and loading on a new site in the Commercial Business District is unlikely, while available appropriately-sized parcels with the proper Commercial General designation and General Commercial zoning are limited or not available within the plan area.

Given the cluster of non-residential uses in the area immediately adjacent to the lands subject to this application, staff are proposing to include lands adjacent to the subject site in the re-designation from Residential to Commercial General. The area to be incorporated in this re-designation includes the properties where the grocery store and welding shop are located, as well as the existing car wash and the lands that lie between that car wash and the land subject to this application. Re-designating these parcels recognizes the small cluster of commercial uses that are established near the intersection of Shore Road and the Highway 105.

Further, staff are proposing to not only rezone the land subject to this application, but also the properties that fall within the area being re-designated to Commercial General that are listed in

Appendix “B” of the Land Use By-law as non-residential uses permitted in the Residential Urban Zone. These three properties are:

- Grocery Store located at 75 Shore Road (PID 85013290)
- Car Wash located at Shore Road (PID 85161883)
- Welding Shop located at 131 Shore Road (PID 85108926)

As well, staff are looking to add a definition for a “Repair Shop” in Part 16 of the Land Use By-law, and to add the “Repair Shop” use under the list of permitted uses in the General Commercial (C-2) Zone, being Part 11 of the Land Use By-law. This definition would cover the welding-shop use noted at 131 Shore Road, and the definition used would be as follows:

“**REPAIR SHOP**”: a building used for the repair and servicing of household articles, industrial equipment, machinery, automobiles or similar items for monetary gain.

The lands subject to this application are located in a part of Plan Area where municipal water connections are available, but sanitary services are not. No policies or regulations in the Municipal Planning Strategy and Land Use By-law prohibit commercial development on lots with private servicing. All of the properties proposed to be rezoned as part of this application meet the minimum lot size requirements of the General Commercial (C-2) Zone.

Conclusions:

The opinion of Planning Staff is that the proposal is compatible with the amended intent of the *Baddeck Municipal Planning Strategy and Land Use By-law* and is in conformance with the requirements of all other Municipal By-laws. In accordance with Section 205 of the *Municipal Government Act*, adoption of the amendments to the Municipal Planning Strategy and Land Use By-law will be subject to review by the Provincial Director of Planning. As such, the procedure for an amendment to a Land Use By-law as outlined in Section 210 of the *Municipal Government Act* will not apply to this application.

Staff recommend that Council **approve** amendments to the Municipal Planning Strategy and Land Use By-law to:

- Change the designation of an area as shown in Map 4, Detail A of the Baddeck Municipal Planning Strategy from Residential to Commercial General; and,
- Change the zoning of select properties as shown in Schedule “A”, Zoning Map, Detail “A”, in the Land Use By-law from R-1 Residential Urban to C-2 General Commercial;
- Amend Section 16 of the Land Use By-law to add a definition for “Repair Shop”;
- Amend Section 11 of the Land Use by-law to add “Repair Shop” as a permitted use in the General Commercial (C-2) Zone; and,
- Amend Appendix “B” of the Land Use by-law to remove the following properties:
 - Grocery Store located at 75 Shore Road (PID 85013290)
 - Car Wash located at Shore Road (PID 85161883)
 - Welding Shop located at 131 Shore Road (PID 85108926).

A By-law to Amend the Baddeck Land Use By-law

The Baddeck Land Use by-law is hereby amended as identified in bolded text below:

Part 11 – Section 1

C-2 Uses Permitted

1. No development permit shall be issued in a General Commercial (C-2) Zone except for one or more of the following uses:
 - Retail Stores
 - Restaurants or Take-out Restaurants
 - Professional Offices
 - Automobile Service Stations including a Car Wash and/or Convenience Stores
 - Display courts featuring uses similar to the following: swimming pools, prefabricated cottages, mobile homes, boats, etc.
 - Private Clubs
 - Garden Nursery Sales and Supplies
 - Grocery Stores
 - Indoor/outdoor Commercial Recreational Establishments
 - Laundromats
 - Animal Hospitals and Veterinary facilities
 - Funeral Homes
 - **Repair Shops**
 - Recreational Facilities

Part 16

44. REPAIR SHOP means a building used for the repair and servicing of household articles, industrial equipment, machinery, automobiles or similar items for monetary gain.

Appendix “B” – Non Residential Uses Permitted in the Residential Urban (R-1) Zone

In accordance With Policies 1.4, 2.28, 2.29, and 2.30 and 3.2 of the Baddeck Municipal Planning Strategy, the following existing uses shall be permitted uses in the (R-1) zone.

1. Tourist cottages located at 10 Kennedy Drive off of High Street (PID 85099851)
2. Professional offices located at 65 High Street (PID 85022390)
3. Dentist’s office located at 7 Duntulm Street (PID 85022226)
4. Funeral Home located at 43 Queen Street (PID 85022119)
5. Masonic Lodge located 24 Grant Street (PID 85109338)
- ~~6. Grocery Store located at 17 Shore Road (PID 85013290)~~
- ~~7. Car Wash located at Shore Road (PID 85013324)~~
- ~~8. Welding Shop located at 131 Shore Road (PID 85108926)~~
6. Broadwater Inn 980 Highway 205 (PID 85103307 and 85065019)
7. Ambulance Base, 27 Big Baddeck Road (PID 85069102)
8. Baddeck Veterinary Clinic Limited, 157 Big Baddeck Road (PID 85084994)
9. Autobody Shop and Sales, 173 Big Baddeck Road (PID 85142537)
10. RCMP Detachment, 16 Hillcrest Drive (PID 85067502)

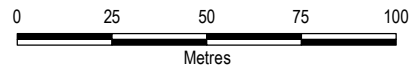
EASTERN DISTRICT PLANNING COMMISSION

Location Map

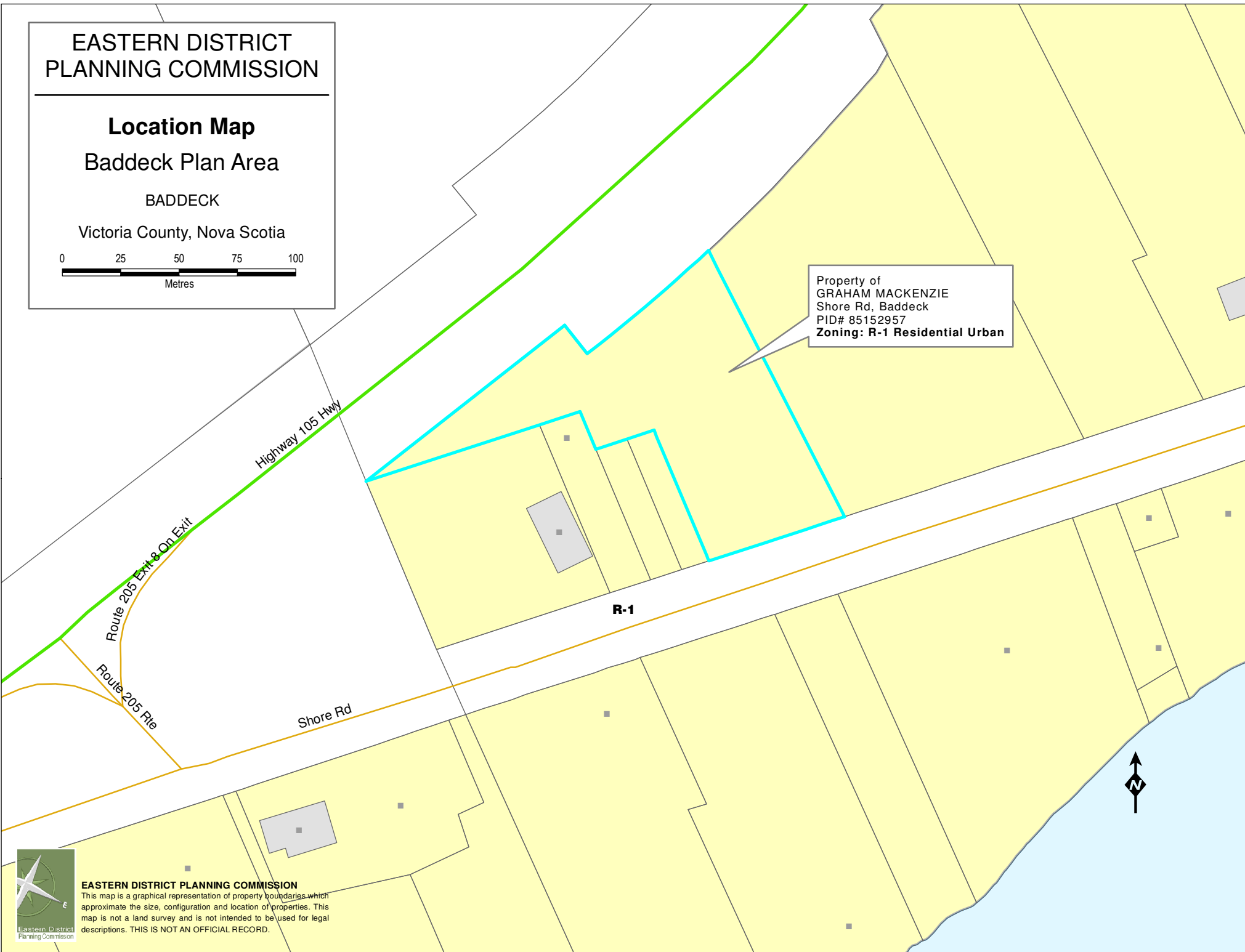
Baddeck Plan Area

BADDECK

Victoria County, Nova Scotia



Property of
GRAHAM MACKENZIE
Shore Rd, Baddeck
PID# 85152957
Zoning: R-1 Residential Urban



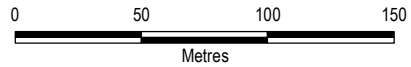
EASTERN DISTRICT PLANNING COMMISSION
This map is a graphical representation of property boundaries which approximate the size, configuration and location of properties. This map is not a land survey and is not intended to be used for legal descriptions. THIS IS NOT AN OFFICIAL RECORD.



EASTERN DISTRICT PLANNING COMMISSION

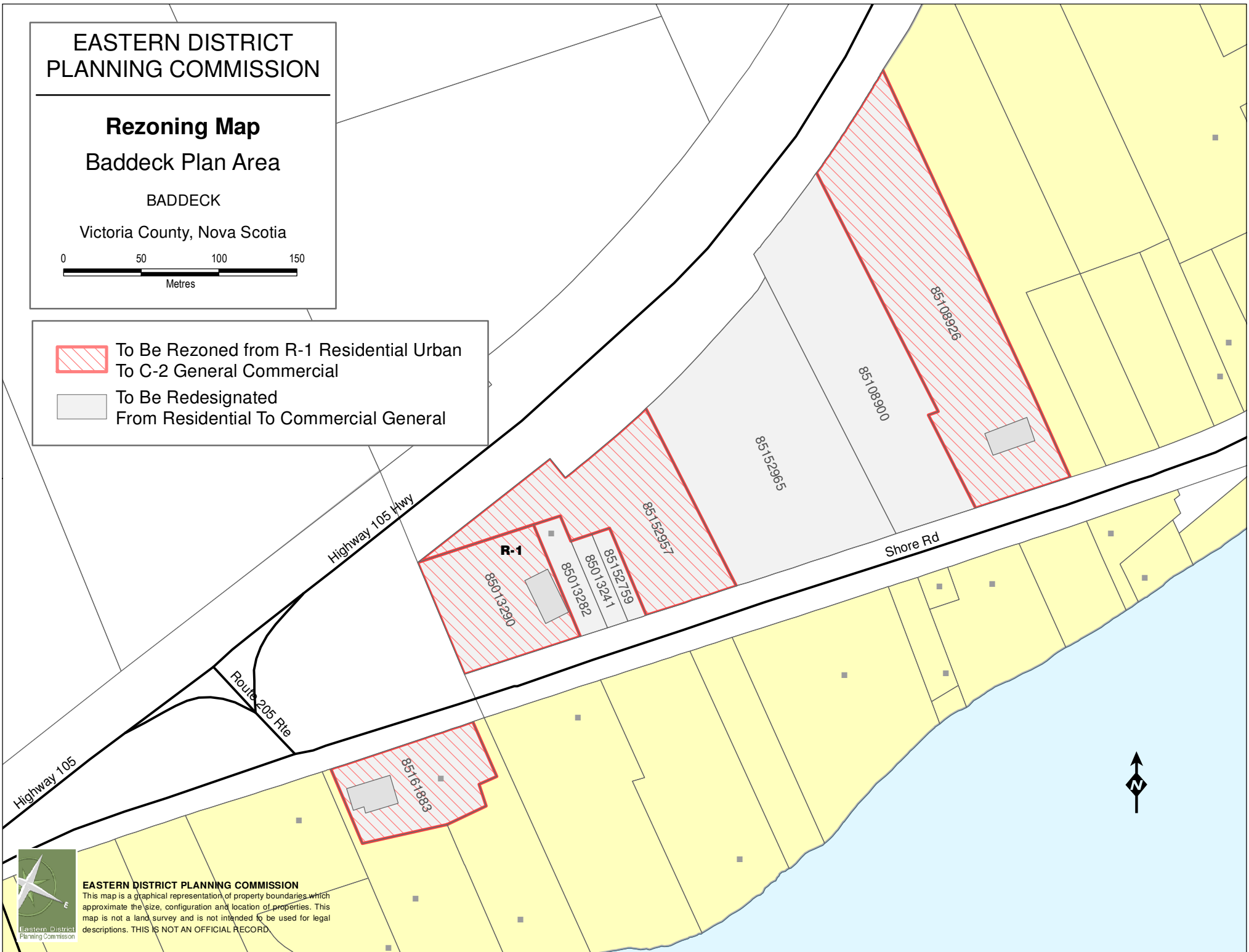
Rezoning Map Baddeck Plan Area

BADDECK

Victoria County, Nova Scotia



-  To Be Rezoned from R-1 Residential Urban To C-2 General Commercial
-  To Be Redesignated From Residential To Commercial General



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