

# MEMO

**TO:** Planning Advisory Committee

**FROM:** Abiola Falaye, Land Use Planner, Planning & Strategic Initiatives

**DATE:** March 06, 2023

**RE:** Land Use Bylaw Amendment – rezoning property on 36 & 38 Beacon Street.

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**ISSUE:**

An application by Mike LeBlanc on behalf of Amherst Little League Baseball Club to amend the Land Use Bylaw Zoning Map to change the zoning designation of PIDs 25011255 and 25011248 located at 36 & 38 Beacon Street from General Density Residential to Open Space.

**BACKGROUND INFORMATION**

**Site Details:** The subject property is located in the General Residential Zone. As currently configured, the property is a vacant field of approximately 975m<sup>2</sup> (10,500 sqft), with frontages of approximately 32m and 42m on Beacon and Croft Street respectively.

**Neighbourhood Context:** The subject property is surrounded by a mix of institutional, open space and general residential use. About 100m from the subject site is the flood plain of Dickey Brook. Presently, there is no development on the site. The proposed development will complement other communal and recreational facilities in this neighborhood, including: the Amherst Little League Baseball, Ronald McDonald Rotary Playground and Amherst 50+ Club.

**Proposal Details:** Should an approval for rezoning the property be granted, the applicant intends to install batting cages; a utility shed and provide parking spaces on the sites.

**PUBLIC PARTICIPATION OPPORTUNITY**

A public participation opportunity advertised in accordance with the Policy for Public Participation and Notification was held on Wednesday, March 1, 2023. No concern was received regarding this proposal at the meeting.

**RELEVANT POLICIES**

Section 2.4 of the Land Use Bylaw allows for an amendment to the Zoning Map (Schedule A) in accordance with applicable policies of the Municipal Planning Strategy. The policies relevant to this application are explained as follows.

## **Policy R-22 - Open Space Zone**

*It shall be the intention of Council to include in the Land Use Bylaw an Open Space zone. This zone shall permit a range of recreational uses such as parks, playgrounds, trails, sports fields and passive recreational areas. All existing and future such facilities shall be zoned Open Space. The Open Space zone shall be permitted in all land use designations.*

The policy encourages an Open Space Zone in all land use designations. Thus, the rezoning application conforms with its intent, and no amendment to the Municipal Planning Strategy is required. Additionally, the proposed use fits the surrounding land use designations (i.e., Open Space, Institutional and General Residential Zone) and if granted, the area will serve as an additional field for baseball game and parking for the sports-persons and spectators.

Lastly, **Implementation Policy on Amendment Criteria A-5** is equally applicable to this matter. It states that:

*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:*

- a) That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.*
- b) That the proposal is not premature or inappropriate by reason of:*
  - (i) the financial capability of the Town to absorb any costs relating to the development;*
  - (ii) the adequacy of municipal water, sanitary sewer and storm sewer services;*
  - (iii) the adequacy of road networks, in, adjacent to, or leading to the development;*
- 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:*
  - (i) type of use;*
  - (ii) height, bulk and lot coverage of any proposed building;*
  - (iii) parking, traffic generation, access to and egress from the site;*
  - (iv) any other matter of planning concern outlined in this strategy.*

The proposal conforms with the general intent of MPS Policy A-5. There will be no undue impact on the Town's financial capacity or the adequacy of municipal infrastructure. Regarding the extent to which the development might conflict with adjacent or nearby land uses, no significant negative impact on the surrounding neighbourhood is anticipated. The additional parking that will be provided on the site will also alleviate the existing problem of parking by some degree.

## **CONCLUSIONS:**

The proposal generally conforms to the relevant policies of the Municipal Planning Strategy and other regulations and does not represent a significant potential impact on the surrounding area over and above the current situation. Furthermore, rezoning the property to Open Space Zone will raise the awareness of a popular recreation activity.

**MOTION OPTIONS:**

Option One: I move that the Planning Advisory Committee recommend that Council amend the Land Use Bylaw Schedule 'A' Zoning Map by changing the zoning of PIDs 25011255 and 25011248 from General Density Residential to Open Space.

Option Two: I move that the Planning Advisory Committee recommend that Council not amend the Land Use Bylaw Schedule 'A' Zoning Map by changing the zoning of PIDs 25011255 and 25011248 from General Density Residential to Open Space.

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

**STAFF RECOMMENDATION:** Option One.