Rural Municipality of Miltonvale Park
July 28, 2020 - Public Meeting - Rezoning PID 283242
DRAFT

Present: Mayor and Planning Board Chair Hal Parker, Councillors Paul Poole, Spencer MacDonald, Lindsey Rhynes, Andrew Frizzell, and Phil Hooper; Planning Board members Steve Dickieson, Betty Pryor, and Sheila Curtis; CAO Shari MacDonald, Development Officer Michael Olubiyi; Watertight Owners Ray Peters, Aaron Gallant and Scott Hammill; and residents Orville Curtis and Laura Curtis

Regrets: Councillor Tamsyn Cosh-MacKenzie

Mayor Hal Parker opened the meeting at 7:30 p.m. and welcomed those in attendance. He noted the purpose of the meeting was to gather public input regarding the rezoning application of Parcel 2832542 which is currently operated as Watertight Plumbing and Heating, Inc. Mayor Parker explained that currently the operation of Watertight is a legal non-conforming use in the Agricultural Zone. The owners of the property have applied to have their property rezoned from Agriculture (A1) to Commercial (C1).

Information packages were circulated at the meeting, and included the zoning map for the municipality, and information from the Development Bylaw regarding non-conforming uses, and the specific regulations for the Agricultural (A1) and Commercial (C1) zones. Information was also available online. See Appendix A.

Members of Council, Planning Board and Staff introduced themselves.

Scott Hammill, of Watertight, introduced his co-owners, Aaron Gallant and Ray Peters, and shared information about the property and the company.

Watertight Plumbing and Heating is located at 17063 Rte 2 Milton Station, PID 283242. The main residence was built in 1959 with an addition completed in 1986. The shop was later added to the property in 1992. The property has a long history of small commercial activity including a trucking business, autobody repair, auto detailing, and Watertight Plumbing and Heating.

The company celebrated their 15-year anniversary this past May. They were formed May 5, 2005 and incorporated in 2008. Watertight Plumbing and Heating currently employs 15 full time people (8 Red Seal plumbers, 4 apprentices, 2 office staff and a parts runner). They service customers from across the island, including 46 customers from Milton Station.

Recent changes to the property have included a new roof on house and new steel siding on the building. All commercial traffic uses the Lower Malpeque entrance. A parking lot was added to the rear of the property. The west side of the building was converted to green space to improve sightlines for traffic.

Watertight's short-term vison is to continue to operate their plumbing and heating business. The house is no longer used as a residence but has been converted to additional office space. The shed is currently empty and will likely be removed from the property. All

commercial access to the property will continue to be off the Lower Malpeque Road. The shop is used for inventory and equipment. There is no retail activity at the shop.

The long-term vision is to continue operating Watertight Plumbing and Heating. Although the company has currently reached an optimum size, if it continues to grow, they may consider removing the house and building a shop or adding on to the existing shop. If this were to occur, they would follow all municipal and provincial development bylaws, and would remove access from the Malpeque Road as requested by the Department of Transportation. They are content at the current level of operation as an expansion would require hiring an additional manager.

Mr. Hammill summarized his presentation, by noting they are currently operating a business under a nonconforming status, with the current and long-term use for property planned to be commercial. There are a number of existing commercial properties in close proximity. The business would like to become conforming, and have the property rezoned commercial.

The floor was opened to questions.

Q: The shed would be removed? When the home was used as a residence, there was a need for a shed for personal storage, such as the lawnmower. It is no longer used.

Q: What is the size of the property? The parcel is 0.59 acre. The shed is 10x16 ft. The storage container on the property is 8x40 ft. The shop is 20x36 ft. The house is an irregular shape.

Q: Does all traffic now use Lower Malpeque Road? Ray Peters and Aaron Gallant use the entrance off Highway 2 to access the office (former residence). Generally, the traffic is limited to staff, who would enter in the morning, and return at the end of the day, or occasionally during the day between jobs or to pick up parts.

Steve Dickieson noted that he applauded their application and that traffic congestion along Highway 2 is an issue. He also noted that Watertight can provide employment for youth.

Mayor Parker noted that written comments would be accepted regarding the proposal for rezoning until Friday, July 31, 2020 at the Municipal Office or by email to develop@miltonvalepar.com. The application will be discussed at the Planning Board Meeting on Wednesday, August 12, 6:30 p.m. and a recommendation will be put forward to the Council Meeting on Wednesday, August 19, 7:30 pm. Approval would require second reading and adoption at the September 16th meeting and approval from the Minister.

As there was no further discussion, Mayor Parker adjourned the meeting at 7:45 p.m.

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Mayor CAO

August 19, 2020

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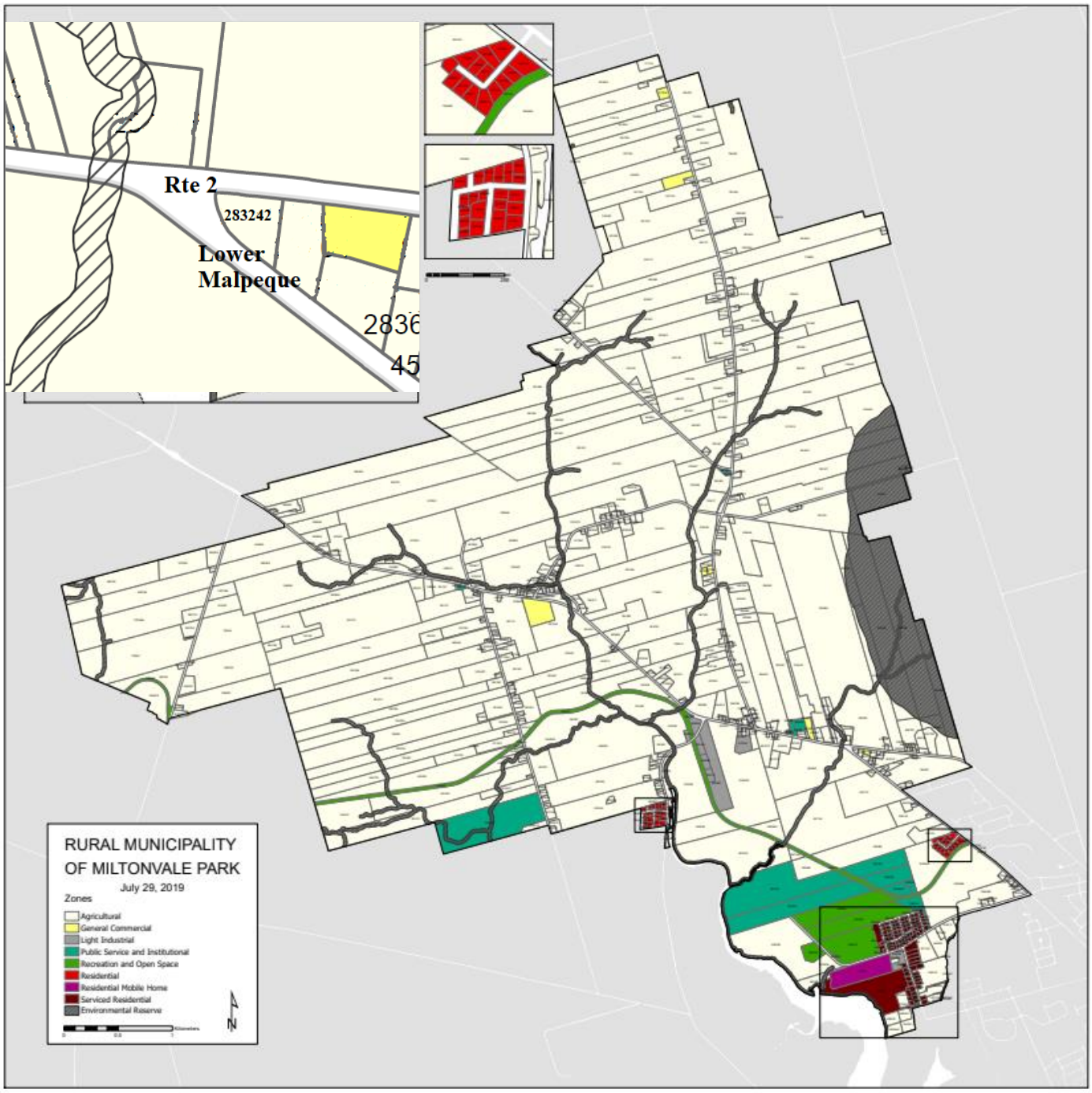
Date approved

APPENDIX A - July 28, 2020 - Public Meeting - Rezoning PID 283242



The Development Bylaw states

4.14 EXISTING NON-CONFORMING USES
1. Subject to the provisions of this bylaw, the use a parcel, a building or structure lawfully in existence on the effective date of this bylaw may continue to exist.
2. No structural alterations that would increase the exterior dimensions, except as required by statute or bylaw, shall be made to a building or structure while a non-conforming use is being continued.

3. A change of tenants or occupants of a parcel or building shall not be deemed to affect the use of the parcel or building for the purposes of this bylaw.
4. A non-conforming use of a parcel, building or structure shall not be permitted if it has been discontinued for a period of twelve (12) months consecutively and, in such event, the parcel, building or structure shall not thereafter be used except in conformity with this bylaw.
5. No intensification of use shall be made while a non-conforming use of the lot, building or structure is being continued.
6. No increase in the lot area or floor area occupied by the non-conforming use shall occur while a non-conforming use is being continued.

8. AGRICULTURAL (A1) ZONE

8.1 GENERAL
Except as provided in this bylaw, all buildings and structures or parts thereof erected, placed or altered on any parcel in the A1 Zone shall conform to the provisions of Section 8.

8.2 PERMITTED USES
1. No building or part thereof and no lot with a lot area of 12,140 m2 (3 acre) or less shall be used for purposes other than.
i. Single detached dwelling
ii. Mini home
iii. Modular home
iv. Accessory building
v. Accessory apartment
vi. Private garage
vii. Tourist Establishment
viii. Duplex dwelling; and
ix. Craft studio

2. No building or part thereof and no lot with lot area greater than 3 acres shall be used for purposes other than those stated above for smaller lots, and the following:
i. Resource use including a barn, stable, other accessory building and residential use directly related to a farm
ii. Forestry use
iii. Resource commercial use
iv. Resource industrial use
v. Wind turbine

8.3 REGULATIONS FOR PERMITTED USES
1. The following requirements shall apply to all development in the A1 Zone:
i. Lot area (minimum) 4,046 m^2 (1 acre)
ii. Lot frontage (minimum) 53.3 m (175 ft.)
iii. Front yard setback (minimum) 15.3 m (50 ft.)
iv. Rear yard setback (minimum) 15.3 m (50 ft.)
v. Side yard setback (minimum) 4.6 m (15 ft.)
vi. Flankage yard setback (minimum) 15.3 m (50 ft.)
vii. Height of any building (maximum) 10.7 m (35 ft.) or 2.5 stories
viii. Lot coverage (maximum) 25%

2. All lots shall conform with the Minimum Lot Size Standards in the Province-Wide Minimum Development Standards Regulations prescribed under the Planning Act, as may be amended

9. **GENERAL COMMERCIAL ZONE (C1)**

9.1 GENERAL

Except as provided in this bylaw, all buildings and structures or parts thereof erected, placed or altered on any parcel used in a C1 Zone shall conform to the provisions of Section 9.

9.2 PERMITTED USES

No building or part thereof and no lot shall be used for purposes other than:

1. Retail store
2. Business or professional office
3. Personal service shop
4. Funeral home
5. Resource commercial use
6. Accessory building
7. Public parking lot
8. Child care facility
9. Dwelling unit in a commercial building
10. Restaurant
11. Hotel or motel

9.3 REGULATIONS FOR PERMITTED USES

1. The following requirements shall apply to development in the C1 Zone:

i. Lot area (minimum) See Appendix 5
ii. Lot frontage (minimum) 53.3 m (175 ft.)
iii. Front yard setback (minimum) 15.3 m (50 ft.)
iv. Rear yard setback (minimum) 15.3 m (50 ft.)
v. Side yard setback (minimum) 4.6 m (15 ft.)
vi. Flankage yard setback (minimum) 15.3 m (50 ft.)
vii. Height of any building (maximum) 10.7 m (35 ft.) or 2.5 stories
viii. Lot coverage (maximum) 50%

2. All lots shall conform with the Minimum Lot Size Standards in the Province-Wide Minimum Development Standards Regulations prescribed under the Planning Act, as may be amended (See Appendix 5).

9.4 DWELLINGS IN COMMERCIAL BUILDINGS

Where a dwelling unit is located in a building with a commercial use, the following minimum standards shall apply:

1. The dwelling unit shall not be above a restaurant, lounge, automobile service station, automobile shop, dry cleaning establishment or other commercial use storing hazardous materials;
2. A separate entrance shall serve the dwelling unit;
3. For each dwelling unit, landscaping having an area of 37 m2 (398 ft2) and one (1) additional parking space shall be provided;

4. Each dwelling unit shall meet the requirements of the provincial Fire Marshal's Office; and
5. The floor area of the dwelling unit shall be a minimum of 37 m2 (398 ft2) and shall not exceed the floor area of the commercial use.

NEXT STEPS – Accepting written comments until Friday, July 31 at develop@miltonvalepark.com or the Council Office. Planning Board Meeting – Wednesday, August 12, 6:30 p.m. Council Meeting – Wednesday, August 19, 7:30 pm. Would need second reading and adoption at September meeting and approval from Minister.