

**REGION OF QUEENS MUNICIPALITY
PUBLIC HEARING
REZONE 3 WHITE POINT ROAD IN LIVERPOOL
FROM RESTRICTED RESIDENTIAL (R1) TO
NEIGHBOURHOOD COMMERCIAL (C3)
TUESDAY, JUNE 25, 2019
9:00 A.M.**

MEMBERS OF COUNCIL: Mayor David Dagley, Chair
Deputy Mayor Heather Kelly
Councillor Brian Fralic
Councillor Susan MacLeod
Councillor Jack Fancy
Councillor Raymond Fiske
Councillor Gilbert Johnson

MEMBERS OF STAFF: Chris McNeill, CAO
Mike MacLeod, Director of Planning & Development

REGRETS: Councillor Kevin Muise

CALL TO ORDER:

Mayor Dagley called the Public Hearing to order at 9:00 a.m.

REMARKS:

Mayor Dagley stated the purpose of the Public Hearing is to provide any interested person with an opportunity to present an oral or written presentation to the Council of the Region of Queens Municipality with regards to its intention to rezone PID #70020482 located at 3 White Point Road in Liverpool from Restricted Residential (R1) to Neighbourhood Commercial (C3).

Mayor Dagley reviewed the procedures for the Hearing which was provided on the agenda.

REPORTS AND PRESENTATION BY STAFF:

Mike MacLeod, Director of Planning & Development, stated an application was received to rezone property identified as PID #70020482 and located at 3 White Point Road in Liverpool from Restricted Residential (R1) to Neighbourhood Commercial (C3). The owner wishes to convert the vacant building into an art studio. An art studio is not permitted in the Restricted Residential (R1) zone, but under the Municipal Planning Strategy, Council can consider proposals for Neighbourhood Commercial (C3) by amending the Land Use Bylaw.


The property had previously been home to Hanks Variety Store which ceased operation in 2014 and ownership was transferred and rezoned to Restricted Residential (R1) in 2015. The structure was never converted to residential and remained vacant. The current owner wishes to convert back to Neighbourhood Commercial (C3) to operate an art studio. Work has been done to the rear of the property for off street parking and entrance will be moved from White Point Road to the east side of the building.

The Planning Advisory Committee reviewed the application and feels rezoning back to Neighbourhood Commercial (C3) is a reasonable request and is in favour of the application.

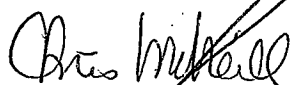
WRITTEN AND ORAL PRESENTATIONS:

No written or oral presentations were received for the application.


Mayor Dagley asked three times if there were any more members of the public who wished to speak on this matter; hearing none, declared the Public Hearing adjourned at 9:05 a.m.



Mayor David Dagley, Chair



Chris McNeill, CAO



Christine Watson, Administrative Assistant – Planning & Development

Date Approved: July 9, 2019



Region of Queens Municipality

ITEM 13.1

Staff Report: Rezoning Request– 3 White Point Road in Liverpool
Submitted By: Mike MacLeod
Date: May 28, 2019

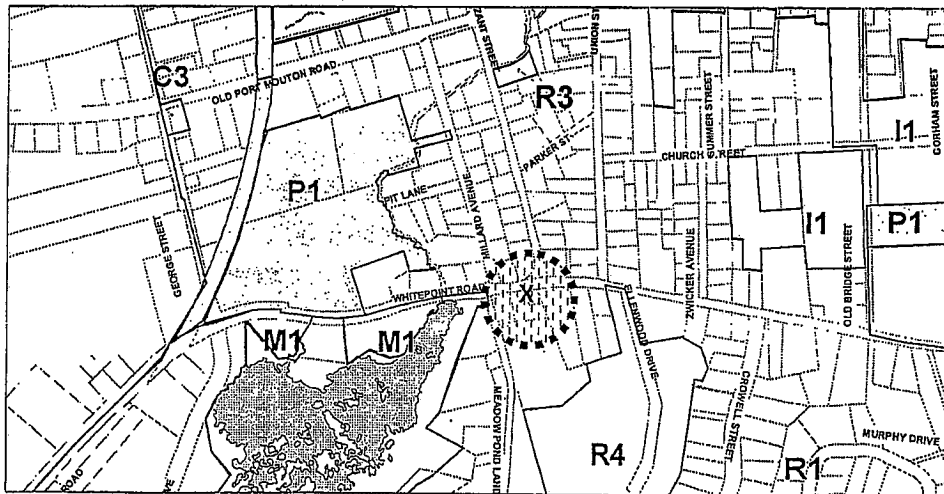


Background:

The Region of Queens Municipality has received an application to rezone property identified as PID# 70020482 and located at 3 White Point Road in Liverpool from Restricted Residential (R1) to Neighbourhood Commercial (C3).

The owner of the property wishes to convert the vacant building to an art studio (Arts and Craft shop). In order to accommodate this request, the property would have to be rezoned to Neighbourhood Commercial (C3).

The property is zoned as Restricted Residential (R1) under the Land Use Bylaw.



Zoning Map 1

Within the Restricted Residential (R1) Zone, a development permit shall only be issued for one or more of the following uses:

- *Bed and breakfast establishments with not more than three (3) rooms to let and subject to Section 10.5;*
- *Converted dwellings to a maximum of three (3) dwelling units subject to Section 10.4;*
- *Day nurseries and kindergartens;*
- *Duplex dwellings;*
- *Home business subject to the requirements of Section 9.1;*
- *Parks and playgrounds;*
- *Semi-detached dwellings;*

- > *Single detached dwellings;*
- > *Small options homes*

The Region's Municipal Planning Strategy sets out that:

Policy 4.4.19

It shall be the intention of Council to consider proposals for new Neighbourhood Commercial (C3) uses in areas zoned Restricted Residential (R1), General Residential (R2), Multiple Unit Residential (R3), and Land Lease Residential (R4) by amendment to the *Land Use Bylaw (re-zoning)* and in considering such developments Council shall have regard to the following criteria:

Policy 12.5.2

- a. that the proposed use is located so as to avoid undue concentration of local commercial uses, with consideration being given to such things as the overall volume of traffic being generated, parking provisions, headlight glare from vehicles, and hours of operation;
- b. the impact of the proposed development with respect to its bulk and scale in relation to the existing surrounding development;
- c. the proposal is for a local commercial use intended to serve a local neighbourhood;
- d. the conflict with adjacent residential uses will be kept to a minimum through buffering or landscaping;
- e. on-site parking is provided according to standards in the *Land Use Bylaw*.

In looking at proposed amendments to the Land Use Bylaw, Council has established, through policy, a number of evaluation criteria and are as follows:

Policy 12.5.2

It shall be the intention of Council, when considering amendments to the Land Use Bylaw, to have regard to the following:

- a. that the proposal conforms with the intentions of this MPS and to the requirements of all other Region Bylaws and regulations.
- b. that the proposal is not inappropriate, or could create potential problems in relation to:
 - 1. the financial capability of the Region to absorb any costs relating to the development;
 - 2. adequacy of sewer, water, and fire protection services to support the proposed development;
 - 3. adequacy and proximity of recreational and other community facilities;
 - 4. the adequacy of road networks in, adjacent to, or leading to the proposed development in terms of ability to handle traffic that the proposed development will generate;
 - 5. the potential for the contamination of watercourses or the creation of erosion, sedimentation and /or flooding; and
 - 6. the potential for damage to or destruction of designated historical buildings and sites.
- c. that adequate requirements are contained in the Land Use Bylaw to reduce conflict between the proposed development and any adjacent or nearby land uses by reason of:
 - 1. type of use;
 - 2. height generation, access to and egress from the site and parking provisions;
 - 3. traffic generation, access to and egress from the site and parking provisions;
 - 4. outdoor storage;
 - 5. signs;
 - 6. provision is made for buffering, landscaping, screening and access control to reduce potential incompatibility with adjacent land uses and traffic;
 - 7. development is located so as not to obstruct any natural drainage channels or watercourses;

- 8. the adequacy of the building separations to provide sufficient space to permit access for fire fighting equipment and to prevent the spread of fire; and
- d. site suitability in terms of percentage of slope, soil and geological conditions and other environmental and physical constraints; and
- e. potential for buffer areas, landscaping and screening to reduce potential incompatibility with adjacent land uses and transportation networks.

Within the Neighbourhood Commercial (C3) Zone, a development permit shall only be issued for one or more of the following uses:

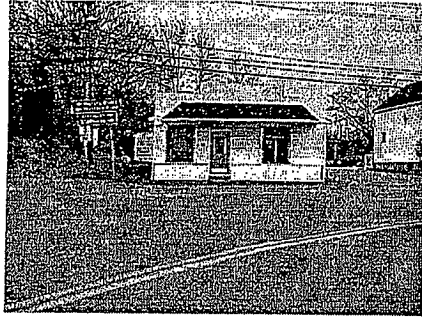
➤	Arts and crafts shops;
➤	Convenience stores;
➤	Dwelling units in association with a commercial use with a maximum of one such unit;
➤	Personal service shops;
➤	Movie rental shops

CRAFT SHOP means a building or part of a building where products made by hand or by small custom processes; including products such as pottery, jewellery, leatherwork, hand woven goods and similar articles; are offered for sale to the general public.

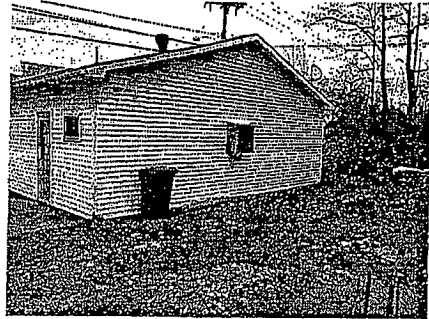
Considerations:

- The subject property had previously been home to Hanks Variety Convenience Store, which operated at this location since the 1960's.
- The store ceased operation in 2014 and ownership of the property was transferred.
- The new owner of the property intended to convert the existing building into a single family dwelling. As such, application was made to rezone the property from the then Neighbourhood Commercial (C3) to Restricted Residential (R1). The property was successfully rezoned in May of 2015. However, the structure was never converted to residential and has remained vacant.
- The property was recently sold to the current owner, who wishes to operate an art studio (Arts and Craft shop).
- Work has been done to the property at the rear of building to accommodate off street parking.
- It is the intent of the owner to move the entrance to the east side of the building and eliminating the current access off White Point Road.
- Owner has had conversations with abutting property owner to the west, with whom she shares the driveway, and he has indicated support for the proposed change of use.
- Proposed business is not intended to have regular retail hours. Customers by appointment. As a result, traffic impact on neighbourhood should be minimal.

- Art work is to be hand carved, resulting in minimal noise issues.



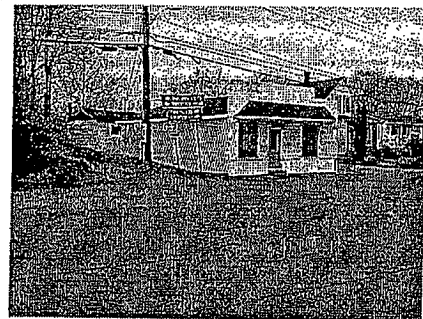
North Side (Front)



South Side (Rear)



West Side



East Side



Rear Parking Area

Options:

1. Maintain status quo (deny amendment request); or
2. Amend the Land Use Bylaw to rezone PID# 70020482 from Restricted Residential (R1) to Neighbourhood Commercial (C3).

Tentative Process Timeframe:

DATE

May 6, 2019
May 28, 2019

PROCEEDURE

Planning Advisory Committee
Council

June 5, 2019
June 12, 2019
June 25, 2019
June 25, 2019
July 3, 2019
July 18, 2019

First Public Notice
Second Public Notice
Public Hearing
Council
Notice of Passing
Appeal Period Ends

The Region's Planning Advisory Committee has reviewed the application proposed use of the property and conducted a site inspection. Given the historic commercial use of the property and the nature of the operation proposed, the Committee feels that a rezoning back to Neighbourhood Commercial (C3) is a reasonable request and recommend in favor of the rezoning application.

Recommendation:

THAT the Council of the Region of Queens Municipality give notice of its intention to rezone PID# 70020482 from Restricted Residential (R1) to Neighbourhood Commercial (C3);

AND THAT a Public Hearing be held on June 25, 2019 in the Council Chambers of the Municipal Building, 249 White Point Road in Liverpool, NS. at 9:00 am.

Report Author:





REGION OF QUEENS MUNICIPALITY
LAND USE BYLAW AMENDMENT &
DEVELOPMENT AGREEMENT APPLICATION

For Internal Use Only

Acceptance Date: April 30/19
Processing Date: _____

1. Application Type:

- Land Use Bylaw Amendment
 Development Agreement

2. Property Information:

Civic address of subject property - 3 White Point Rd.
Property Identification Number (PID) - 70020482
Present use of subject property - vacant
Proposed use of subject property - Art Studio (Woodcarving)
Existing Lot Size - 0.06 acres
Existing Lot Frontage - 40 feet

3. Property Owner Information:

Name - Elizabeth Brown

Applicant is:

- Owner
 Agent of Owner

Civic Address - _____d. Liverpool

Mailing Address (if different from Civic Address) - P.O. Box _____

Telephone Number - 902 _____

Email Address - _____n

4. Zoning Information:

Existing Zoning - R1 - Restricted Residential

Proposed Zoning - C3 - Neighborhood Commercial

5. Property Servicing Information:

Water Services –

Municipal System - Existing Proposed

Drilled Well - Existing Proposed

Dug Well - Existing Proposed

Other - _____

Sewer Services –

Municipal System - Existing Proposed

On-site System - Existing Proposed

Other - _____

Access –

Public Road - Existing Proposed

Private Road - Existing Proposed

Other - _____

6. Declaration:

Registered Owner of Property (Please print)

I/We Elizabeth A Brown do solemnly declare that I/We are the current registered owner(s) of the property described in this application. I/We have examined the contents of this application and certify that the information submitted is accurate.

Registered Owner Elizabeth A. Brown

Signature EABrown

Date _____

Registered Owner (if more than one) _____

Signature _____

Date _____

Authorization of Registered Owner (Please print)

I/We _____ authorize _____

To act as agent and sign this application on my / our behalf for property located at (Civic Address) _____ and identified as PID# _____.

Notes:

1. The requirements of a Land Use Bylaw amendment or development agreement application are established by the Planning Department of the Region of Queens Municipality. An application approval process will not commence until a completed application and advertising deposit are received.
2. Please make cheques payable to the Region of Queens Municipality. Following completion of the amendment process, the unused balance will be returned to the applicant. However, should the deposit be insufficient to cover the cost of advertising, the applicant will be responsible for the difference.
3. It is recommended that an applicant have a pre-consultation meeting with staff of the Planning Department prior to submitting this application.

To Whom It May Concern,

In applying to have the property at 3 White Point Road changed from Restricted Residential (R1), to Neighborhood Commercial (C3), I would like to explain the vision I have for said property.

I have operated a woodcarving studio in Liverpool since 2003. It has moved from my home to the Woodpile Carvings & Café on Main Street, and back to its current location in a separate building on my property.

My current studio is an increasingly insufficient space as the volume and size of my carvings continues to grow. My interest in 3 White Point Road is to utilize the space for my private carving studio.

The usage involves moving my current studio into that space, allowing me room for my carvings, wood, tools and workspace. I will not have a retail space with set hours. It will remain my private studio where I create my work. Customers will be able to meet me in this space by chance or appointment like any other private art studio.

The intention for the building is to completely upgrade the exterior, taking it from what is currently a dilapidated, unused building to an eye-catching and attractive building. While no major structural additions or changes will be made, the plan is to relocate the existing front door to the north side of the building, and the existing side door on the south face to be relocated to the rear. The façade will be removed and returned to the original roof line, with the overhang removed and three long narrow windows put in its place. The siding and roof will be replaced as well.

I have had the rear of the property cleared of trees and rocks and a two-car driveway put in. Because this is my private studio, the parking is primarily for my own vehicle.

The interior of the building will be completely upgraded but left open concept with the exception of the bathroom and a partition-wall to act as a storage area.

My work is all hand-carved using knives and gouges which means noise is not a factor in the creation of my work. All new insulation and siding will create extra sound proofing as well.

The building at 3 White Point Road has been part of the community for decades, serving as a corner store for all the years it was open. My proposal allows for an historic neighborhood building to be restored and utilized without the volume of traffic created by a traditional convenience store. I have an excellent relationship with my close neighbour, Doug Zwicker, who is pleased with the plans and upgrades and very helpful as we begin the yard cleanup and preparation for improvements. Other members of the neighborhood have stopped by to hear the plans and have been overwhelmingly positive and supportive.

I am confident my vision for this space will be viewed by the community as a welcome improvement and good fit in the neighborhood.

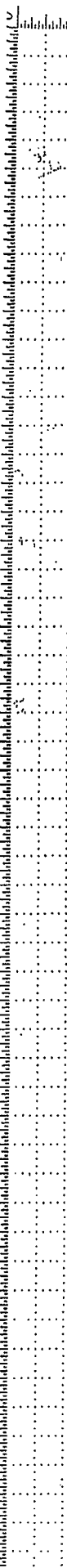
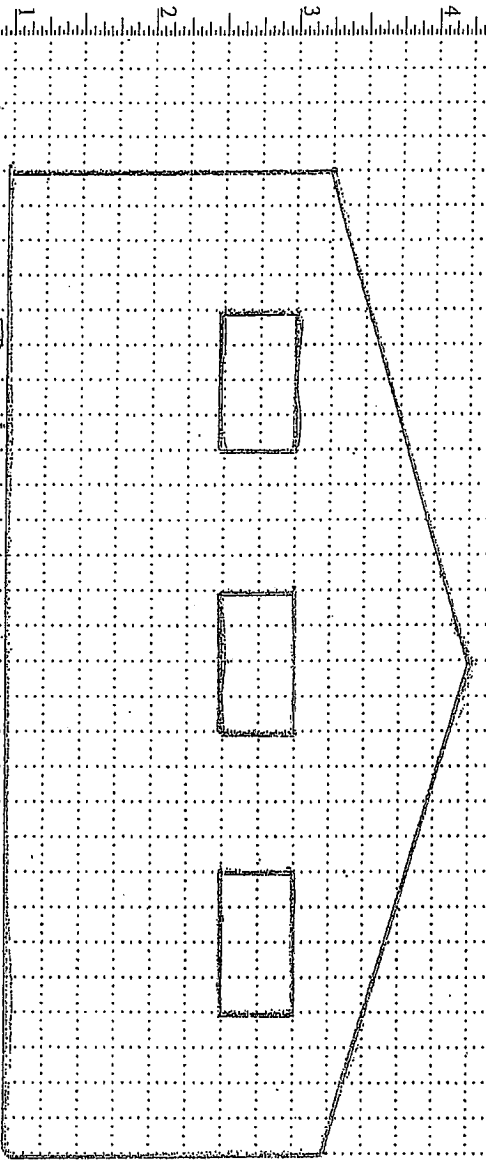
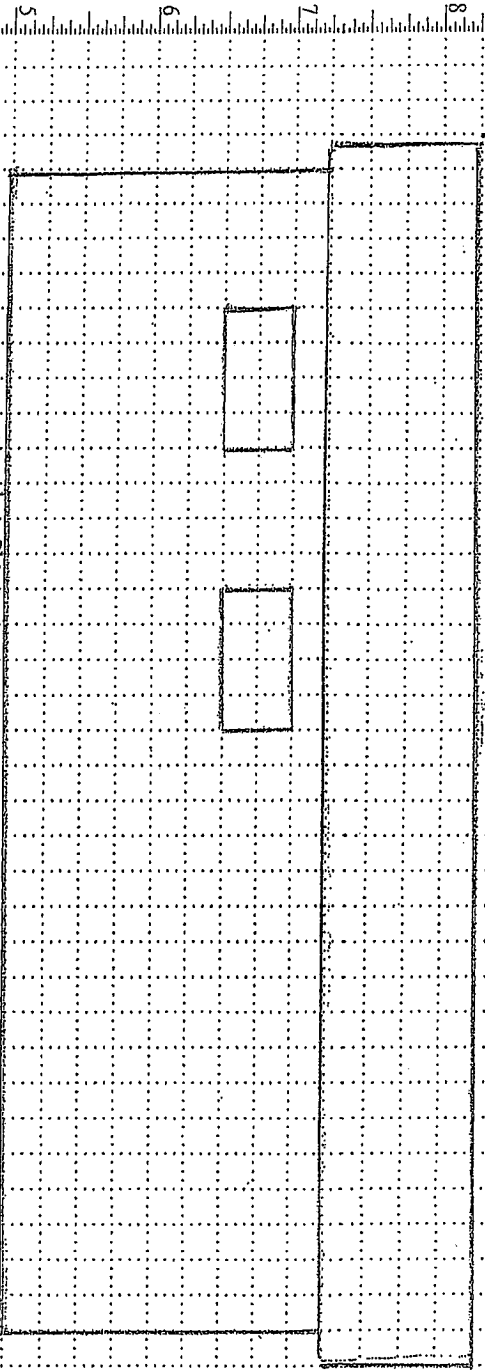
I thank you for your consideration in this application.

Regards,

Elizabeth Brown

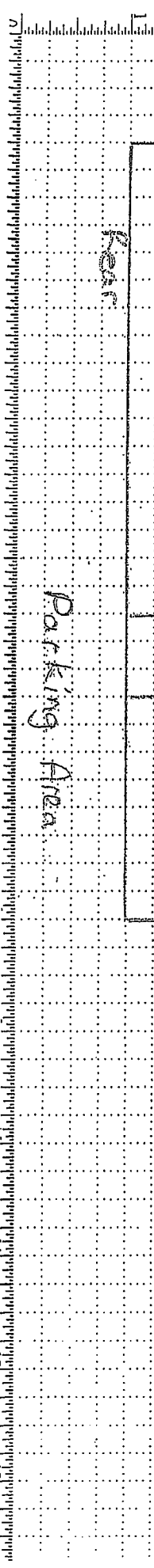
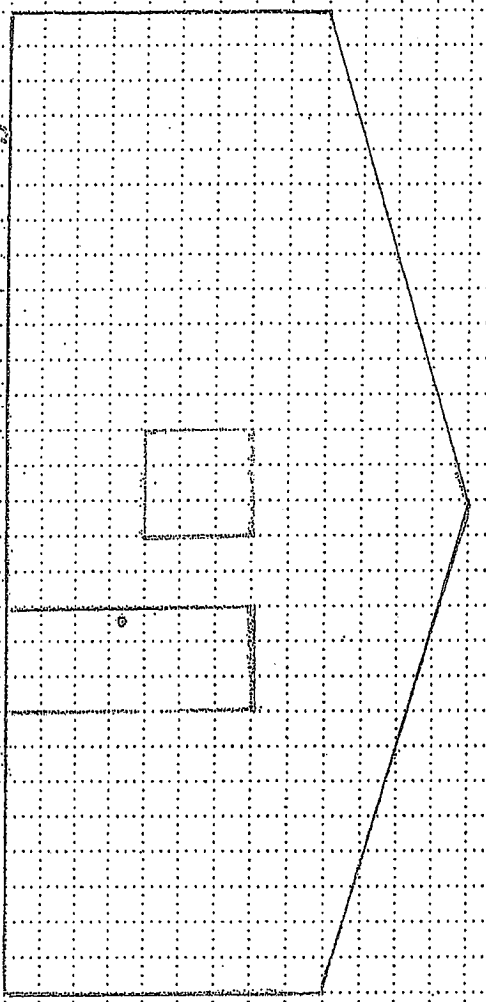
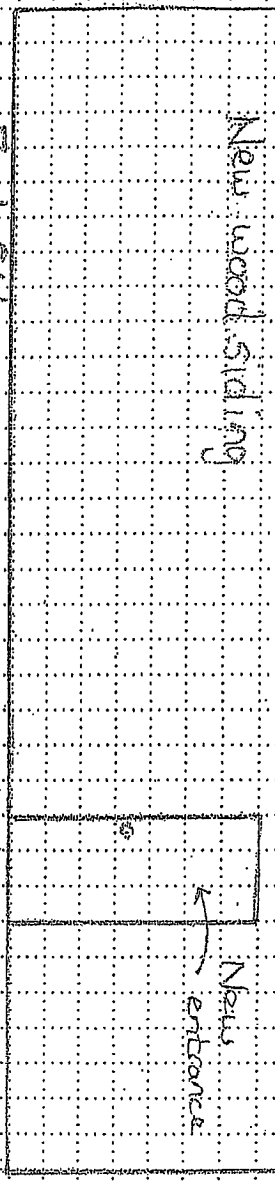
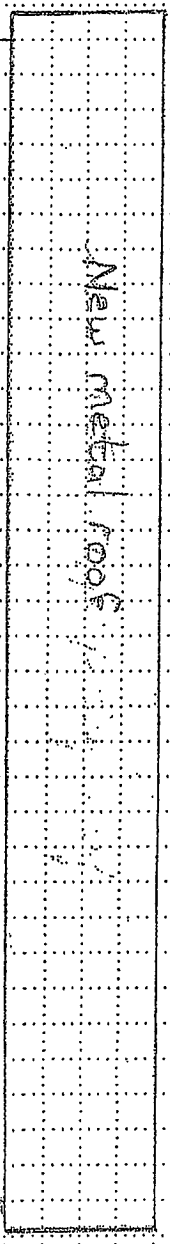
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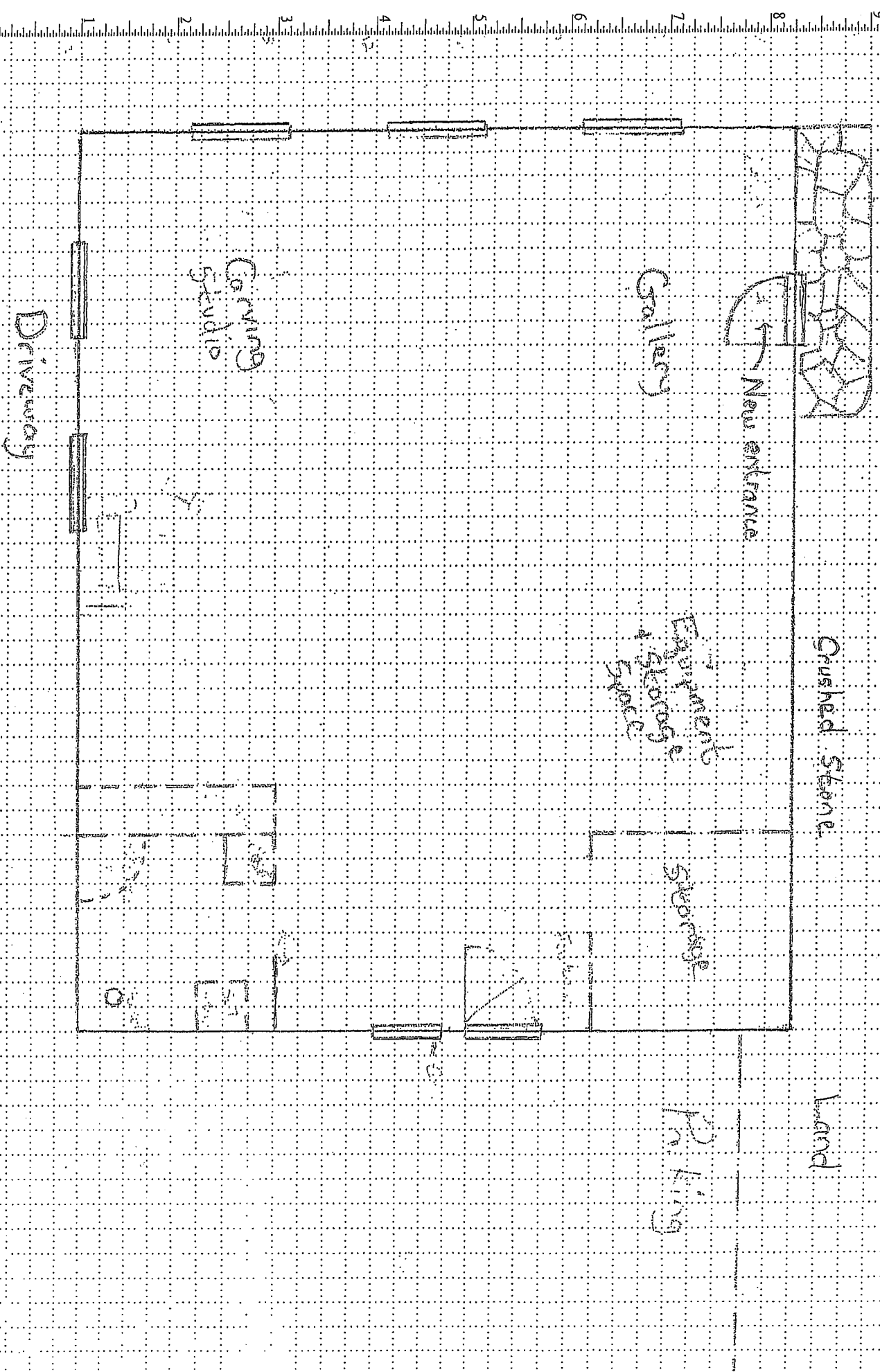
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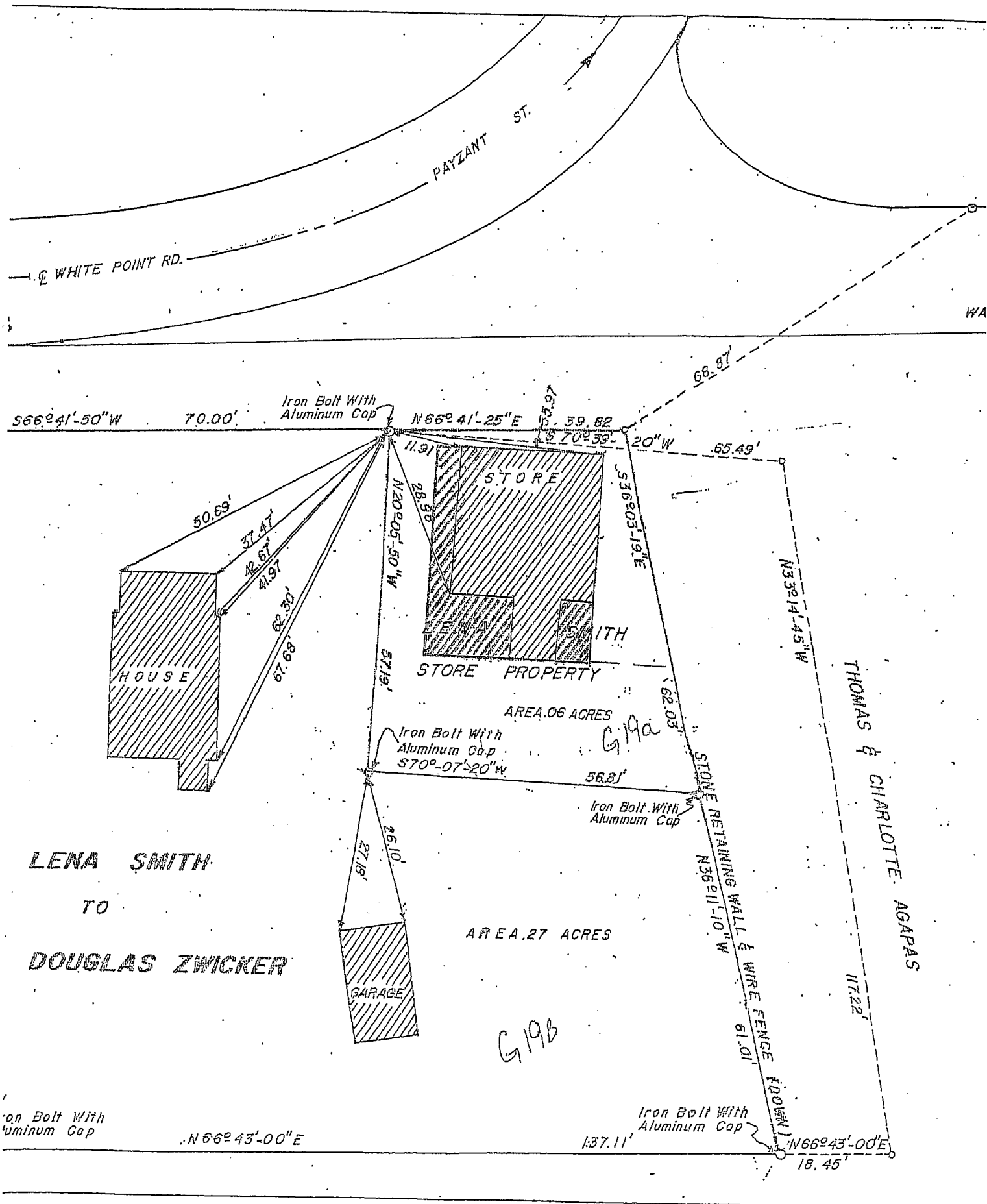
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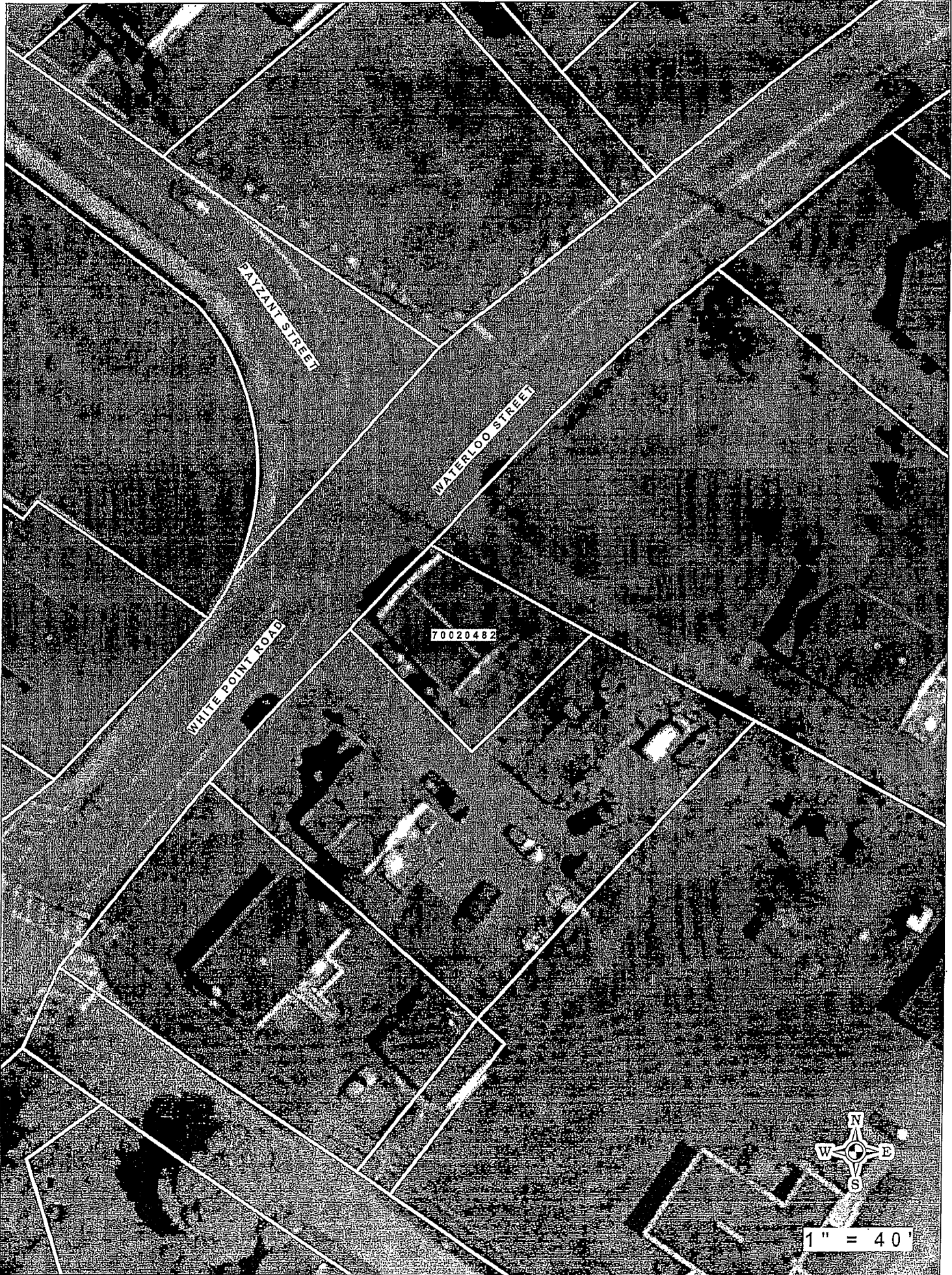




S66°41'-50"W 70.00'
 Iron Bolt With Aluminum Cap
 N66°41'-25"E 53.97'
 59.82'
 70°39'
 20"W 65.49'
 N36°03'-19"E
 N33°14'-45"W
 117.22'
 68.87'
 50.69'
 37.47'
 40.87'
 41.97'
 82.30'
 89.76'
 57.19'
 N20°05'-50"W
 28.58'
 11.91'
 56.83'
 Iron Bolt With Aluminum Cap
 S70°-07'-20"W
 Iron Bolt With Aluminum Cap
 51.01'
 STONE RETAINING WALL & WIRE FENCE (DOWN)
 N36°11'-10"W
 18.45'
 N66°43'-00"E
 137.11'
 Iron Bolt With Aluminum Cap
 N66°43'-00"E
 18.45'

LENA SMITH
 TO
 DOUGLAS ZWICKER

1" = 20'



PAYZANT STREET

WATERLOO STREET

WHITE POINT ROAD

70020482



1" = 40'