

**REGION OF QUEENS MUNICIPALITY
PLANNING ADVISORY COMMITTEE**

JULY 13, 2020

7:00 P.M.

(Virtual Meeting VIA Zoom)

AGENDA

- 1. CALL TO ORDER**
- 2. APPROVAL OF AGENDA**
- 3. APPROVAL OF MINUTES – JANUARY 6, 2020**
- 4. LAND USE BYLAW AMENDMENTS – REZONING REQUEST –
79 PAYZANT STREET IN LIVERPOOL**
- 5. MUNICIPAL PLANNING REVIEW**
- 6. OTHER**
- 7. NEXT MEETING – AUGUST 10, 2020**
- 8. ADJOURNMENT**

PLANNING ADVISORY COMMITTEE
REGULAR MEETING
JANUARY 6, 2020 - 7:00 P.M.

MINUTES

Present: Councillor Heather Kelly, Chair
Councillor Susan MacLeod
Julie Petrella
Maddie Charlton
Mike Ferguson
Paul Connolly
Robert Ross
Mike MacLeod, Planner
Wendy Connors, Development Officer

UNAPPROVED

Regrets: Councillor Raymond Fiske
Mary White
Don Kimball

1. CALL TO ORDER -

The meeting was called to order at 7:00 p.m.

2. APPROVAL OF AGENDA -

It was **MOVED** by **Mike Ferguson** and **SECONDED** by **Maddie Charlton** that the Agenda be approved as circulated.

Motion Carried Unanimously.

3. APPROVAL OF MINUTES - August 19, 2019

It was **MOVED** by **Susan MacLeod** and **SECONDED** by **Mike Ferguson** that the Minutes of August 19, 2019 be approved as circulated.

Motion Carried Unanimously.

4. ACTION ITEMS AND UPDATES -

The only item ongoing at this time is the Municipal Planning Strategy / Land Use Bylaw review.

5. LAND USE BYLAW AMENDMENT – 531 WEST STREET, MILTON

Mike MacLeod gave an overview of the application from Queens Association for Supported Living to increase the number of residents permitted in small options homes. It had already been the intent to increase the number of residents permitted in residential care facilities to over six (6) residents and small options homes to permit up to six (6) residents with the Municipal Planning Strategy and Land Use Bylaw review. The applicants wished to amend the current documents rather than wait longer for the review to be completed.

Mike indicated that the applicants recently acquired a single detached dwelling at 531 West Street, in the community of Milton and intend to convert it to a small options home for four (4) individuals. The current zoning of the property, General Residential (R2), permits small options home with a limit of 3 residents. There is no intention to alter the footprint or outward appearance of the dwelling. There is adequate room on the property to accommodate off street parking.

The applicants had requested the property be rezoned to Multiple Unit Residential (R3) but staff are suggesting an amendment to the number of residents permitted in the definition, as it does not open the property up to other higher density residential uses in the R3 Zone.

Mike Ferguson had some concerns regarding parking, visitors, the speed limit in the area vs speeding vehicles, the absence of sidewalks and safety of the residents. Mike MacLeod clarified that the existing facilities owned by the applicant fit in with the surrounding single detached dwellings and the impact to the community is no different than other existing dwellings. A suggestion was made to have Council make a request to the Traffic Authority to review the speed limit in the area.

Robert Ross made the suggestion to merge residential care facility and small options home and create one definition as the current definitions are very similar. Consideration should be given to limiting the maximum number of residents in residential care facilities.

It was **MOVED** by **Julie Petrella** and **SECONDED** by **Mike Ferguson**

THAT the Council of the Region of Queens Municipality give notice of its intention to amend the Land Use Bylaw to increase the number of residents permitted in small options homes to a maximum of 6 and residential care facilities to 7 or more;

AND THAT a Public Hearing be held on February 11, 2020 in the Council Chambers of the Municipal Building, 249 White Point Road in Liverpool, NS, at 9:00 a.m.

Motion Carried Unanimously.

Julie Petrella made a recommendation that all rezoning applications affecting traffic patterns be reviewed by Council.

6. MUNICIPAL PLANNING REVIEW

Mike MacLeod reviewed the progress report from UPLAND for December 2019. The revised draft documents should be issued by the middle of January following the December meeting

with Ian Watson. We are looking at a public release date of February 25th, 2020 for the documents. On that date UPLAND will make a presentation to Council, officially releasing them to the public for comments. Following this the next round of public consultation meetings will be scheduled using the same format as the first round of public consultation meetings.

7. OTHER - /

8. NEXT MEETING

The next meeting is scheduled for February 3rd, 2020.

9. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:03 p.m.

Date



Staff Report: Rezoning Request– 79 Payzant Street in Liverpool
Submitted By: Mike MacLeod
Date: July 14, 2020

Recommendation:

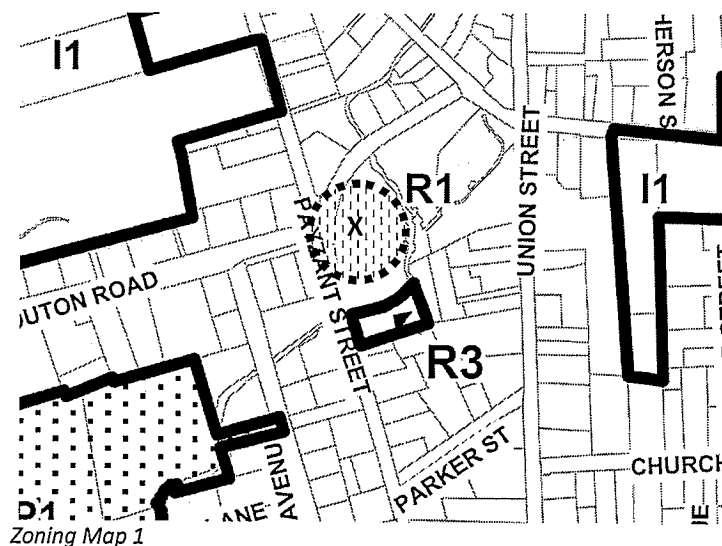
THAT the Council of the Region of Queens Municipality deny the application to rezone property identified as PID# 70024518 and located at 79 Payzant Street in Liverpool from Restricted Residential (R1) to Light Industrial (M1);

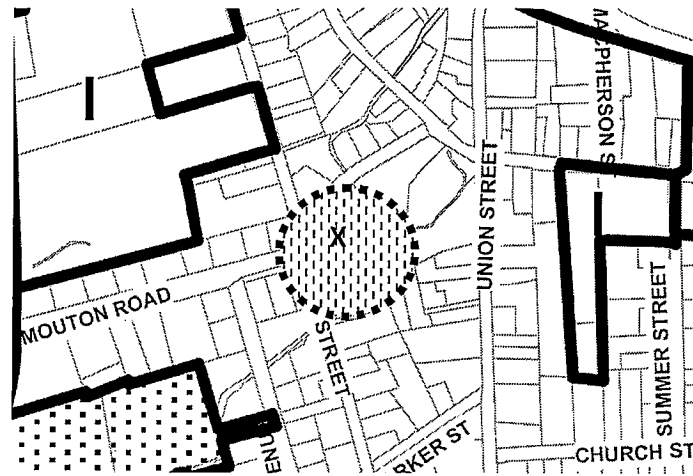
AND THAT the proposal for the property be considered under the Municipal Planning Strategy and Land Use Bylaw Review project.

Background:

The Region of Queens Municipality has received an application to rezone property identified as PID# 70024518 and located at 79 Payzant Street in Liverpool from Restricted Residential (R1) to Light Industrial (M1). The property owners wish to operate an automotive machining and welding operation on the property.

The property is zoned as Restricted Residential (R1) under the Land Use Bylaw and has a future land use designation of Residential (R) under the Municipal Planning Strategy.





Generalized Future Land Use Map 1

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

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

While the property is currently zoned as R1, there is also an existing development agreement registered on the property allowing for several uses which are not permitted in the R1 Zone. Specifically, the development agreement allows for: offices, recreational, retail stores and parking of vehicles. The agreement was entered into between the Town of Liverpool and C. Eugene Construction Limited in 1987 and was in compliance with policy of the Municipal Planning Strategy of that time. The uses being proposed by the property owners do not comply with the zone permitted uses or the uses permitted under the development agreement.

Staff have reviewed the development agreement, and in consultation with the municipal solicitor, have determined that an amendment to the agreement cannot be considered, as we are unable to allow new land uses that are not currently permitted under the Municipal Planning Strategy and Land Use Bylaw. The Municipal Government Act establishes that a municipality shall not act in a manner that is inconsistent with the municipal planning strategy (MPS). While the development agreement and permitted uses were consistent with the Town

of Liverpool Municipal Planning Strategy back in 1987, it is today's MPS that is the yardstick for any new or amended agreement.

The uses being proposed by the applicant would be those considered under a Light Industrial (M1) designation. As such, the only opportunity for consideration of proposed use would be through amendments to the Municipal Planning Strategy and Land Use Bylaw.

Within the Light Industrial (M1) Zone, the following uses are permitted:

➤	<i>Automobile body shops;</i>
➤	<i>Automobile repair shop;</i>
➤	<i>Automobile sales establishments;</i>
➤	<i>Automobile service stations subject to Section 17.4;</i>
➤	<i>Automobile washing establishments subject to Section 19.4;</i>
➤	<i>Building supply and equipment depots;</i>
➤	<i>Business / professional offices;</i>
➤	<i>Commercial uses accessory to main use permitted in an M1 Zone, which is conducted in the main building;</i>
➤	<i>Custom workshop;</i>
➤	<i>Manufacturing, industrial, assembly, or warehousing operations which are conducted and wholly contained within an enclosed building and which is not obnoxious by reason of sound, odour, dust, fumes, smoke or other emission, refuse matter, water-carried waste, by reason of unsightly open storage, or the detonation of explosives;</i>
➤	<i>P1 Zone permitted uses, subject to the P1 Zone requirements;</i>
➤	<i>Pet care services;</i>
➤	<i>Radio and television stations;</i>
➤	<i>Recycling depots and processing;</i>
➤	<i>Restaurants;</i>
➤	<i>Retail stores;</i>
➤	<i>Service industries;</i>
➤	<i>Service or repair shops;</i>
➤	<i>Wind turbine generators (small scale), subject to Section 6.39</i>

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.*

The Land Use Bylaw also establishes a number of special requirements where an industrial zone abuts a less intensive zone classification.

Abutting Zone Requirements

23.1 *Where an Industrial Zone abuts a Residential Zone, Conservation (O1) Zone, Water Shed (W1) Zone, Institutional (I1) Zone or a Recreation / Open Space (P1) Zone, the following restrictions shall apply to an abutting yard within the Industrial Zone:*

- a. *the minimum side and rear yard setbacks for an abutting yard shall be 12.2 metres (40 feet);*
- b. *outdoor storage and outdoor display shall not be permitted in an abutting yard within 7.62 metres (25 feet) of a side or rear lot line;*
- c. *parking spaces, driveways and travel surfaces shall not be permitted in an abutting yard within 7.62 metres (25 feet) of a side or rear lot line;*
- d. *where open storage and outdoor display, parking spaces, driveways and travel surfaces are located within the minimum side and rear yards, such uses shall be screened from view by an opaque wooden fence which is a minimum of 1.83 metres (6 feet) in height;*
- e. *In addition to the provisions of Part 7, signs located in an abutting yard shall be subject to the following requirements:*

1. *signs permitted in accordance with Part 7, Section 7.2.7 shall be non-illuminated except in cases where signage denoting the direction or function of various parts of a building, or premise may be internally illuminated;*
2. *only directional or business identification signs shall be permitted;*
3. *the maximum sign area shall be 1.39 square metres (15 square feet);*
4. *the maximum height of a ground sign from the grade level to the highest part of the sign (including the sign structure) shall be 3.66 metres (12 feet);*
5. *all signs shall be set back at least 3.05 metres (10 feet) from the abutting property line.*

Open Storage and Outdoor Display

23.2 *The following restrictions shall apply to open storage and outdoor display in an Industrial Zone:*

- a. *open storage or outdoor display shall not be permitted within the required front yard of a lot; except where a 2.44 metre (8 foot) high opaque fence has been erected to screen the outdoor storage or display from abutting properties; in which case, the front yard setback can be reduced 1.52 metres (5 feet);*
- b. *where fencing is provided, the height of open storage and outdoor display shall be limited to 2.44 metres (8 feet) within 7.62 metres (25 feet) of the property line;*
- c. *the area devoted to open storage or outdoor display shall not exceed fifty (50) percent of the lot area.*

Considerations:

- PID # 70024518 is located at the intersection of Payzant Street and Old Port Mouton Road in Liverpool.
- Area is a mix of low to medium density residential development.
- Property is approximately 1 acre in size, with approximately 400 feet of frontage on Old Port Mouton Road and Payzant Street.
- Existing building is approximately 14,000 square feet in area.
- Building on property was constructed circa 1966. Known as the TRA building (TRA Foods Limited) was conveyed to C. Eugene Ingram Construction Ltd. In 1986.
- Previous uses of the property include: commercial wholesale food distribution centre and warehouse, bowling alley, clothing retail and office space. In recent years, building has been used primarily as office space.
- Property is zoned as Restricted Residential(R1).
- Existing development agreement (1987) allows for additional uses on the property.
- Payzant Street is technically part of the Trunk #3 highway system and is a primary throughfare in Liverpool.
- A change in zoning would also require an amendment to the Municipal Planning Strategy as the Generalized Future Land Use Map has this area designated as Residential (R).



Options:

1. Maintain status quo (deny amendment request);
2. Amend the Municipal Planning Strategy and Land Use Bylaw to rezone PID# 70024518 from Restricted Residential (R1) to Light Industrial (M1); or
3. Consider the request under the Municipal Planning Strategy and Land Use Bylaw Review project.

Tentative timeframe should Option 2 be considered:

<u>DATE</u>	<u>PROCEEDURE</u>
July 14, 2020	Planning Advisory Committee
July 28, 2020	Council
August 5, 2020	First Public Notice
August 12, 2020	Second Public Notice
August 28, 2020	Public Hearing
August 28, 2020	Council
August 31, 2020	Amendments to Province
~October 7, 2020	Notice of Passing

Staff have reviewed the application and proposed uses of the property and are of the opinion that the more intensive nature of the uses being proposed raises some concern respecting potential impacts on surrounding residential neighbourhood. While the Land Use Bylaw does contain additional provisions where an industrial zone abuts a less intensive zone, a rezoning opens up potential for many other uses besides the ones being proposed by the applicant. Staff feel that, under current regulations, the potential for land use conflict is too high to consider this planning amendment. Staff are recommending that this request be considered under the Regional Planning Review, where additional mechanisms may be incorporated to allow for specific uses, while at the same time minimizing potential negative impacts.

Report Author:



OLD PORT MOULTON ROAD

PAYZANT STREET

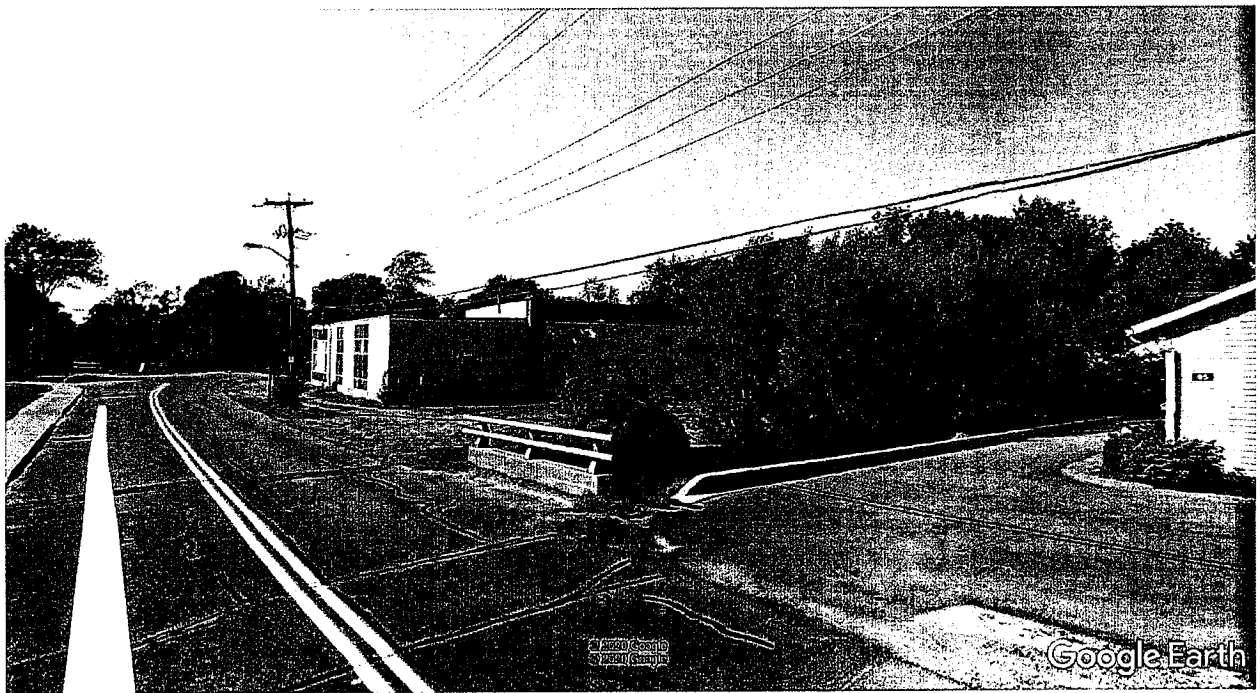
70024518

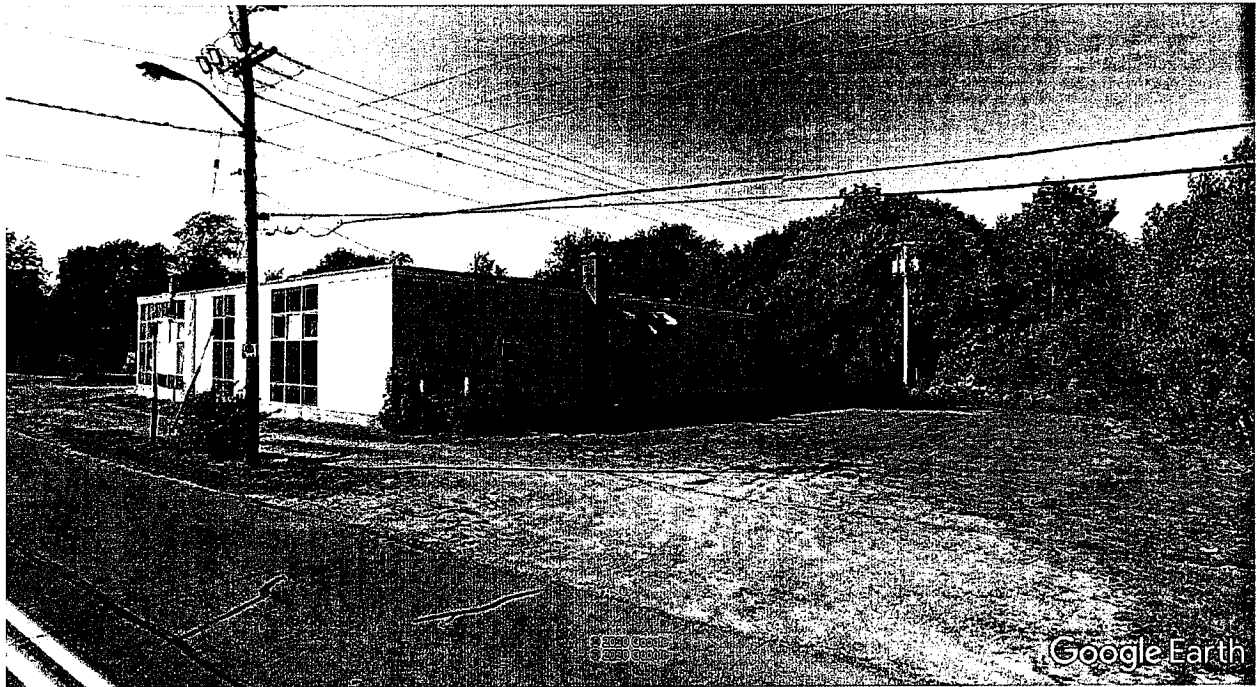
OLD PORT MOULTON ROAD

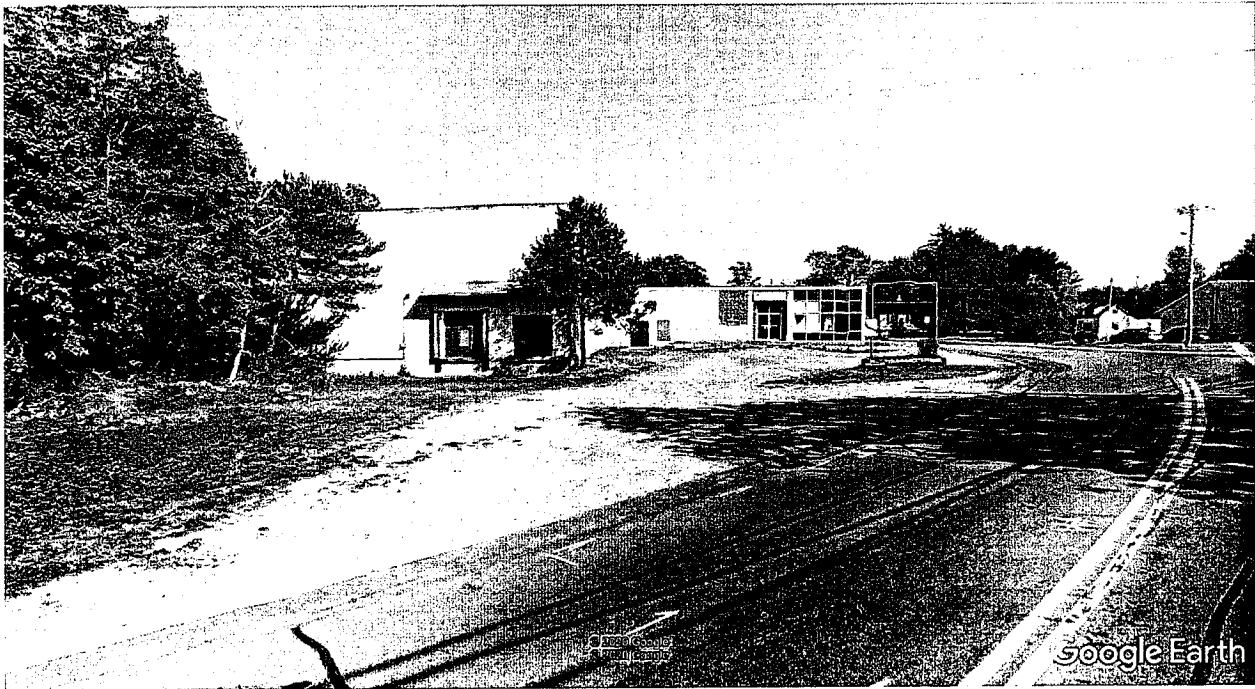
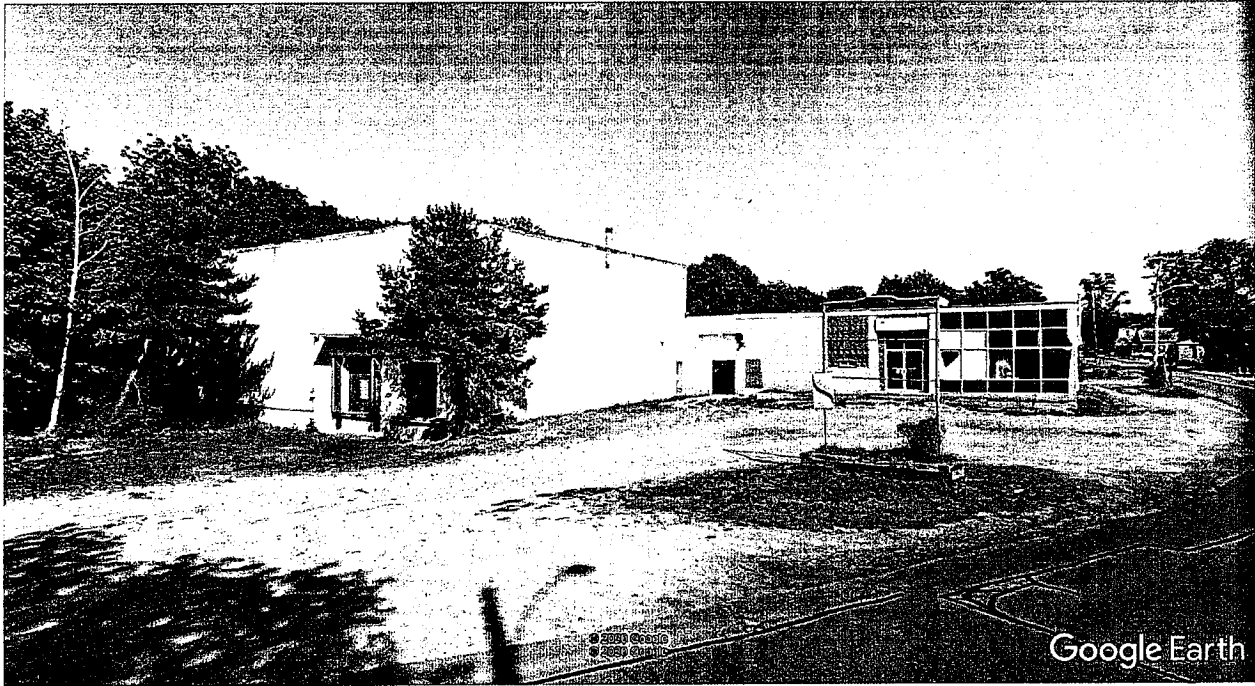
PAYZANT STREET



1" = 80'









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

For Internal Use Only

Acceptance Date: June 8/20
Processing Date: June 17/20



1. Application Type:

- Land Use Bylaw Amendment
 Development Agreement

2. Property Information:

Civic address of subject property - 79 Payzant Street, Liverpool
Property Identification Number (PID) - 70024518
Present use of subject property - Commercial Office
Proposed use of subject property - Commercial/Light Manufacturing
Existing Lot Size - 1 acre
Existing Lot Frontage - _____

3. Property Owner Information:

Name - C. Eugene Ingram Construction Ltd.
Applicant is:
 Owner
 Agent of Owner
Civic Address - 79 Payzant Street, Liverpool B0T 1P0
Mailing Address (If different from Civic Address) - P.O. Box 1366
Telephone Number - 902-354-3551
Email Address - ingramsamw@gmail.com

4. Zoning Information:

Existing Zoning - Residential (R1)
Proposed Zoning - Light Manufacturing (M1)

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 C. Eugene Ingram Construction 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 Ken Ingram
Signature Ken Ingram
Date June 4 2020

Registered Owner (if more than one) _____
Signature _____
Date _____

- Authorization of Registered Owner (Please print)

I / We C. Eugene Ingram Construction Ltd. authorize Ingram's AMW Ltd.
To act as agent and sign this application on my / our behalf for property located at
(Civic Address) 79 Payzant Street, Liverpool and identified as PID# 70024518.

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.

Ingram's Automotive, Machining & Welding Ltd.
79 Payzant Street
PO Box 1366
Liverpool, Nova Scotia
B0T 1K0

Region of Queens Municipality
PO Box 1264
249 White Point Road
Liverpool, Nova Scotia
B0T 1K0

June 4th, 2020

RE: Land Use Bylaw Re-Zoning Application—79 Payzant St., Liverpool

Planning Advisory Committee,

We the applicant, Ingram's Automotive, Machining & Welding Ltd., wish to have your committee review the proposed change of 79 Payzant Street in Liverpool from its current designation of R1 Residential to M1 Light Manufacturing.

Under the current lease agreement for 79 Payzant Street Liverpool, we have permission from the owner and partial tenant to conduct business activities, however, we also wish to re-zone the land use bylaw to reflect our business' operations. We wish to adhere to the rules and regulations of the Land Use Bylaw for the Region of Queens Municipality by ensuring we have the proper zoning to operate our business going forward.

In May 1987, the owner, C. Eugene Ingram Construction Ltd, and the (then) Town of Liverpool entered a development agreement to remain under the R1 Residential land use bylaw and only occupy the property with the following uses: offices, recreational, retail stores, and the parking of vehicles. We understand, that due to the age of the original agreement and changes to the municipal planning Strategy, an amendment is not possible, as proposed in our original application (dated February 7th, 2020). Going forward, we wish to change the entire zoning of the building to M1, Light Manufacturing, and abide by the new MPS bylaws.

Under the new zoning, we wish to have the opportunity to further develop and continue to operate our business, Ingram's Automotive, Machining & Welding Ltd. It is our understanding that this business would most likely fall under the designation of Light Manufacturing, as mentioned.

In addition to our re-zoning request, we wish to address some items we believe will be beneficial to our application.

The exterior of the building, has been deteriorating over the last number of years, and we plan to address this, in addition to what has been completed at the time of writing this application. We have updated the sign that is closest to the road, a new base and flowers/shrubs have been planted. We also have planted flowers/shrubs along the windows of the building to have a more appealing look.

The windows currently, are broken or stained, and these are being replaced in the coming weeks, along with the exterior of the building (surrounding the front entrance) is getting clapboard. This, we believe, will fall inline with the Region's desire to keep the historical feel of its downtown core, which we are not far from. We also have planned a re-parging of the exterior cement walls, to have a better surface to paint.

The existing building is sufficient for all business activity and no additional construction will be required, an extensive roof maintenance project has already been completed to enhance the longevity of the building.

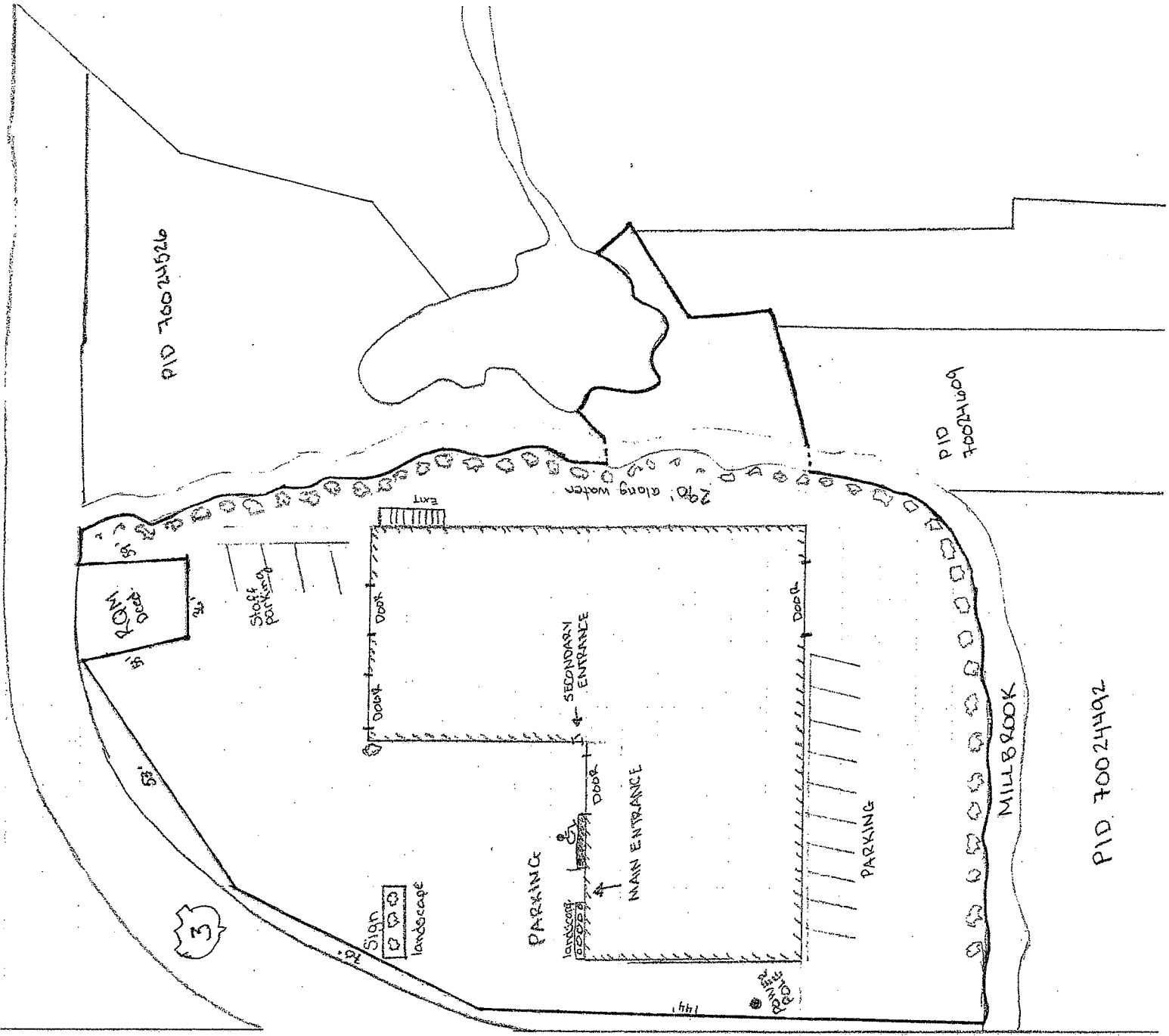
Currently, tree lines hide a good portion of the building from neighbouring properties, and we intend to not remove these to keep other properties private for the homeowners. It is also our intention to enhance the landscape on the property to make it more visually appealing but also ensure no environmental damage is done.

It is important to note that ALL activity on the property will be within typical business hours (i.e., no loud noise late in the evenings or early mornings) and will be maintained within the building, no work will be done outdoors. Outdoor signage will cause no light pollution for the neighbouring properties, as they will not be lighted.

In terms of economic development, we are brining a much needed service to the area with market research being completed before hand. We have high expectation for this property and business, and we need the Region's help to do so. Employment is also a large part of this project, as we will be hiring employees to grow. It is our expectation to have a full staff by the end of 2020/early 2021 (timeline will depend on the post-Covid economy), this will consist of two owners, one office administration person, two mechanics, a machinist and a welder. We have also spoken with the apprenticeship board and Options and Opportunities program at Liverpool Regional High School to start the process of potentially hiring on students doing work placements and trades people doing required work terms. Liverpool is a growing community, and we wish to bring life into a once lively building and be a part of the budding business community.

Sincerely,

Kris Ingram
Ingram's Automotive, Machining & Welding Ltd.



PAYZANT STREET

PAYZANT STREET

PID 70018890	PID 70018882
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OLD PORT MOUTON ROAD

PID 70257126

PID 70019507

