

**PLANNING ADVISORY COMMITTEE
REGULAR MEETING
JULY 13th, 2020
(Virtual Meeting Via ZOOM)**

MINUTES

Present: Councillor Heather Kelly, Chair
Councillor Raymond Fiske
Councillor Susan MacLeod
Maddie Charlton
Mike Ferguson
Don Kimball
Julie Petrella
Robert Ross
Mary White
Mike MacLeod, Planner
Wendy Connors, Development Officer

Regrets: Paul Connolly

1. CALL TO ORDER -

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

Heather Kelly took the opportunity to welcome Kris Ingram & Alyssa Little, applicants in the rezoning request under Agenda Item 4.

2. APPROVAL OF AGENDA -

Additions: 6.1 Administration & Enforcement of Bylaws – Robert Ross

It was **MOVED** by **Maddie Charlton** and **SECONDED** by **Susan MacLeod** that the Agenda be approved as amended.

Motion Carried Unanimously.

3. APPROVAL OF MINUTES - January 6, 2020

It was **MOVED** by **Robert Ross** and **SECONDED** by **Maddie Charlton** that the Minutes of August 19, 2019 be approved as circulated.

Motion Carried Unanimously.

4. LAND USE BYLAW AMENDMENT – REZONING REQUEST – 79 PAYZANT STREET, LIVERPOOL

Mike MacLeod gave an overview of the application from C. Eugene Ingram Construction Ltd. to rezone property identified as PID# 70024518 and located at 79 Payzant Street in Liverpool. The property is currently zoned Restricted Residential (R1) under the Land Use Bylaw and has a future land Use Designation of Residential (R) under the Municipal Planning Strategy. The owners wish to open an automotive machining and welding business on the property, requiring a rezoning to Light Industrial (M1).

There is an existing development agreement registered on the property, allowing for several uses not currently permitted in the R1 Zone, such as offices, recreational, retail stores and parking of vehicles. This agreement was entered into between the Town of Liverpool and C. Eugene Construction Limited in 1987 and was in compliance with policy at the 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, 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's 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 the proposed use would be through amendments to the Municipal Planning Strategy and Land Use Bylaw.

Mike Ferguson stated he was in favour of allowing the business to proceed in some fashion, provided there are restrictions on hours of work, no outdoor work, and a limit on the decibel level of noise generated by the business. Mike feels that it's a great opportunity for a new business especially during these difficult times.

Julie Petrella felt that the property owners were already doing what they not supposed to be doing under the current development agreement and was concerned about the brook that runs along the rear of the property. Julie agrees that it's great for the business but doesn't feel it's great for the community, which is what planning is all about.

Robert Ross feels that this is a tough application as the business owners are long time entrepreneurs of the community and that it creates employment, but questions whether it's the right fit for the area. Robert's biggest concern from a land use perspective was the welding, machining and other obnoxious impacts and if it would be contained behind closed doors, even on hot days. He also felt that the previous uses were more passive, but this proposed use is stepping it up to more of an industrial use and that the adjacent property owners should be consulted about this proposal prior to the public hearing because they are the ones that will be most affected. Robert asked if there is any way through restrictive covenants or a legal agreement that we could restrict to only the uses being proposed by the applicant.

Heather Kelly clarified that this amendment process will lead to a public hearing and the community will be notified of the hearing. Mike MacLeod stated that we also have the option under the MPS/LUB review to incorporate a new zone with a limited number of uses permitted, rather than amend the current bylaw, as the current M1 zone allows for a wide variety of uses that would also be permitted on this property, should this property be rezoned. Amending the current development agreement is not possible.

Susan MacLeod stated that her first aim is to help the applicants do what they would like to do in a community that needs this type of service. She noted that noise was not an issue any time she has been around the building. The building has been unsightly for a number of years and the owners are planning renovations that will improve the outward appearance of the building. Susan felt that we shouldn't wait for the MPS/LUB review to be completed because this may be delayed too long and it still doesn't guarantee that it will happen for the owners. She also felt that we should not have a negative motion and work with the applicants so they can accomplish their business goals. Susan spoke to an adjacent property owner, who has two apartment buildings and he stated that he has no objection to the business operation. He felt like the business was needed in the community and it will be nice to see an improvement to the outward appearance of the building. The Ingram family have been long time business owners in the community and have contributed to the community in many ways.

Maddie Charlton agrees that we need to move forward with the application and that this is a business that we need in Queens, as this service currently is not offered here. The community is changing and we need to be open to that.

The applicants stated that time is of the essence and that they are willing to work with the municipality and the community to be able to operate their business properly. The brook at the rear of the building has been addressed with Nova Scotia Environment to ensure there was no environmental impact, as everything is contained within the building.

Mike Ferguson inquired if the applicants see themselves, as business owners, staying in consultation with the local area, in the long term. The applicants said they have gone around to the neighbours in the area and plan to continue as they want to be part of the community.

Maddie asked the applicants to let the committee know what their business hours will be. They currently work Monday to Friday, 8 AM to 5 PM. No evening or weekend work unless an emergency arises as they are 'on call' with the Liverpool & Port Medway Fire Departments but that work should happen off-site or the next business day.

Susan doesn't feel like it would be any more intrusive than the days when TRA Foods had their business operating on that property.

Julie is concerned that if we make this change, it stays with the property and future owners might not be as respectful to the people who live in the area, as the current operators of the business are. We shouldn't be basing our changes on personalities.

Don Kimball stated that even though he's hearing a lot of positive things about the applicants/owners, we have planning for a reason, and this rezoning could lead to a lot of discomfort down the road for the area.

Mary White agrees with Don and Julie. We have been working for a couple of years on a

new MPS/LUB and if this proposal doesn't fit with this community, then we shouldn't be making it fit just because we like the applicants.

Maddie doesn't see the harm in leaving this up to the community to decide, as most people have been accustomed to a commercial business operating on this property for many years. She has walked by this building numerous times and has never heard any noise.

Robert feels that a neighbourhood meeting should be held to give the community a chance to be heard and ask questions. The applicants are willing to have additional conversations with the community should the municipality request. Susan agrees that a community or neighbourhood meeting is a good idea but the municipality is unable to have any public meetings at this time due to the current pandemic. Robert stated that the applicant could hold this meeting without any municipal involvement and that we should make a motion to have the applicants hold a public information meeting.

Heather Kelly advised that this information meeting is not a requirement for the applicants. She also felt that there was a sufficient amount of interaction with the residents in the area and that they will have another opportunity during the public hearing. The request before us tonight is for rezoning and the applicants have been waiting quite some time to go through this process. We shouldn't send the applicants away to hold a public meeting when it's not a requirement. Mike MacLeod reiterated that it's not part of the Region's policy to require public information meetings for a rezoning request.

It was **MOVED** by **Mike Ferguson** and **SECONDED** by **Susan MacLeod**

THAT the Council of the Region of Queens Municipality amend the Municipal Planning Strategy and Land Use Bylaw to rezone PID# 70024518 from Restricted Residential (R1) to Light Industrial (M1);

AND THAT a Public Hearing be held on August 28, 2020 in the Council Chambers of the Municipal Building, 249 White Point Road in Liverpool, NS, at 9:00 a.m.

Motion Carried 6 For and 3 Opposed.

5. MUNICIPAL PLANNING REVIEW

Mike MacLeod gave a brief update on the status of the planning review project. The current pandemic had hit at a bad time for our project. We are unable to hold public information sessions at this time. UPLAND is working on preparing a number of videos outlining the changes proposed and will be posted on the projects website. This isn't meant to replace the public meetings but rather another avenue for the public to interact. These should be completed this week.

Robert enquired about whether UPLAND is giving some consideration to the pandemic, how events such as this affect potential planning and would like to know what other communities are doing. For example, some communities have turned some downtown streets into pedestrian only. Mike will bring this to Ian Watson at UPLAND.

6. OTHER -

6.1 ADMINISTRATION AND ENFORCEMENT OF BYLAWS

Recreational Vehicles

Robert Ross stated that we have had a proliferation of RV's, that are becoming an issue in Queens, especially along the ocean and feels like we should have tighter controls. Our oceanfront is one of the biggest assets that we have in Queens County and we should be putting development controls in place that would be in keeping with our aspirations for the coast.

Public Access to the Ocean

Robert advised that public access to the ocean has become an issue lately. The municipality should be identifying, mapping and protecting them.

Unlawful Land Uses and Enforcement of the Bylaws

Robert expressed concern respecting parking activity that is occurring at the end of Carter's Beach Road on private property. It is not permitted and should be enforced. The municipality needs to be more responsive and aggressive, with enforcement.

Heather explained that when issues arise within the municipality, work is usually done behind the scenes to remedy this issues. The municipality doesn't have the ability to enforce everything that's wrong so we rely on the public to let us know when things are not right so we can investigate properly.

7. NEXT MEETING

The next meeting is scheduled for August 10th, 2020.

8. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:50 p.m.

Approved: August 17, 2020