

**Region of Queens Municipality**

**Public Hearing**

**To Amend the Planning Strategy and**

**Land Use Bylaw which would see the rezoning of PID #70077698,  
70077722 and 70077680 to Multiple Unit Residential (RM)**

**Tuesday, October 11, 2022**

**Immediately following Public Hearing scheduled at 9:00 a.m.**

**Agenda**

**Purpose:**

The purpose of this Public Hearing is to provide any interested person an opportunity to present an oral or written presentation to Council of Region of Queens Municipality with its intention to amend the Municipal Planning Strategy and Land Use Bylaw to change the future land use designation of PID #'s 70077698, 70077722 and 70077680 and the zoning of PID #'s 70077698, 70077722 and 70077680 to Multiple Unit Residential (RM).

The procedure for this Public Hearing is as follows:

**A. OPENING REMARKS:**

- 1) Every person is eligible to speak, but first must be recognized by the Chair and must give his or her name and address before commencing.
- 2) A person may speak more than once, but preference will be given to those who have not previously spoken.
- 3) This meeting will be conducted following parliamentary procedure. This Council uses its own Rules of Order, as well as Bourinot's Rules of Order.
- 4) The floor is now open for comments.

**B. CLOSING REMARKS**

**C. ADJOURNMENT**

## Region of Queens Municipality Staff Report

**To:** Council

**From:** Mike MacLeod, Director of Planning and Development

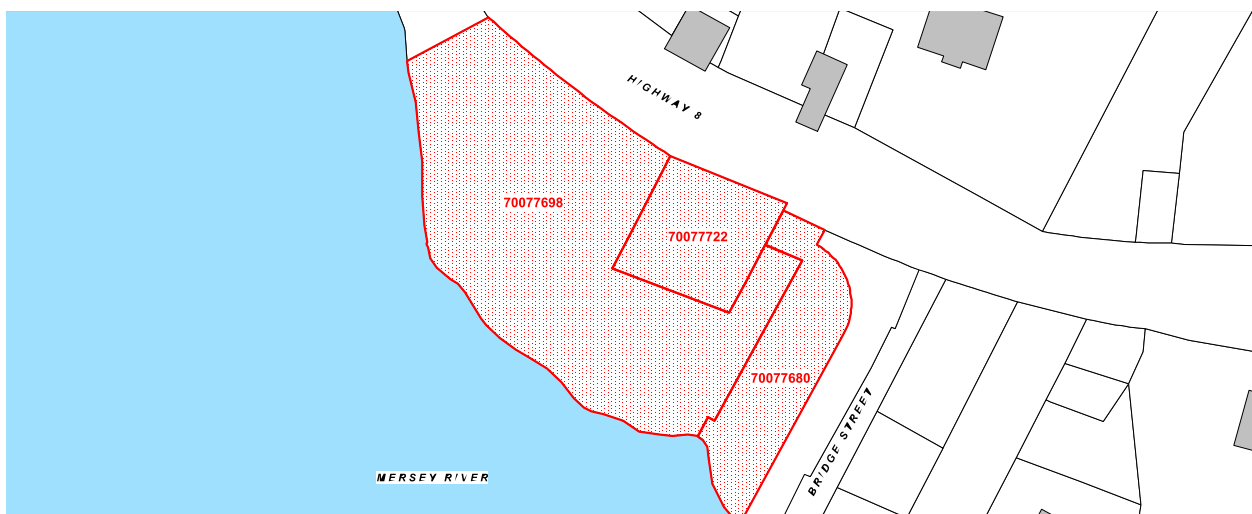
**Date:** September 13, 2022

**Re:** Rezoning – Highway 8 in Milton

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### Background

Council, at its August 9, 2022 meeting, approved entering into a purchase and sale agreement to sell approximately 35,000 square feet of Municipal land on Highway 8 and Bridge Street in Milton. Commonly known as the Garika property. The properties are identified as PID# 70077698, 70077722 and 70077680. The purchaser proposes to construct a multiple unit residential housing project on the subject lands. A condition of the sale is the rezoning of the subject parcels to Multiple Unit Residential (RM). Development proposal is attached as Appendix A.



Map of Subject Properties

SUBJECT PROPERTY



HIGHWAY #8 FRONTAGE – LOOKING WEST

SUBJECT PROPERTY



EASTERN BOUNDARY – LOOKING NORTH



BRIDGE STREET FRONTAGE – LOOKING NORTHWEST

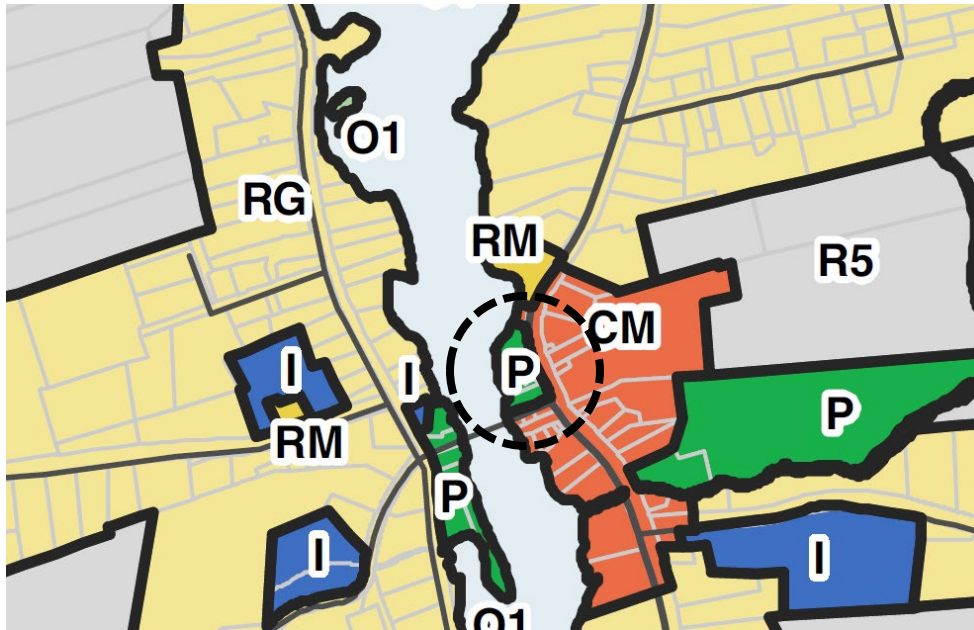


ONSITE - LOOKING SOUTHEAST

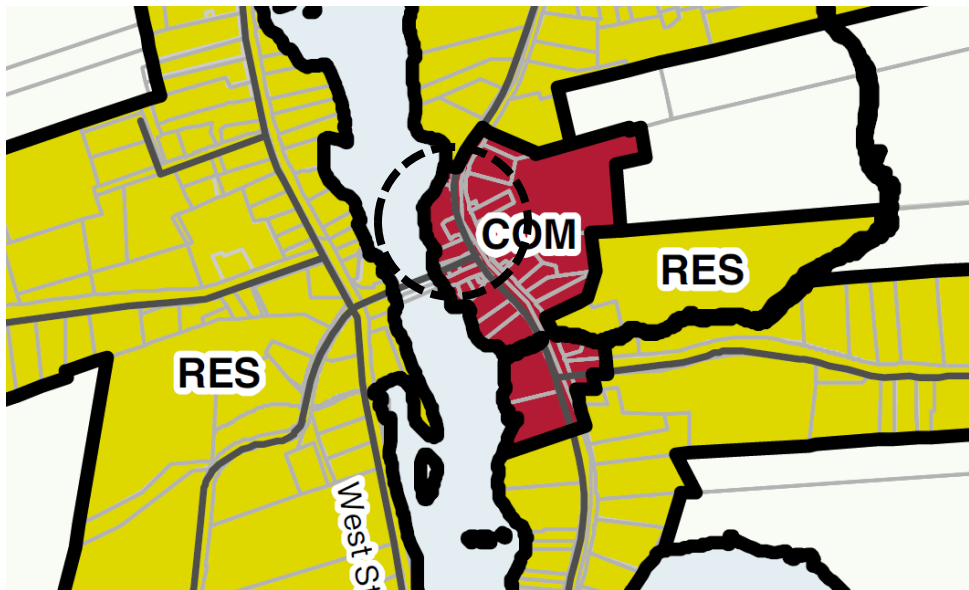
## Details

The properties are zoned as **Recreation and Open Space (P)** under the Land Use Bylaw and have a future land use designation of **Serviced Commercial (COM)** under the Municipal Planning Strategy.

The use being proposed for the properties is not permitted in the (P) Zone. As such, the only opportunity for consideration of proposed use would be through amendments to the planning documents to change the zoning to Multiple Unit Residential (RM).




Zoning Map




Future Land Use Map

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 6-21:** Council shall not amend the Land Use Bylaw or approve a development agreement unless Council is satisfied the proposal:

- 
- (a) *is consistent with the intent of this Municipal Planning Strategy;*
  - (b) *does not conflict with any Municipal or Provincial programs, bylaws, or regulations in effect in the municipality;*
  - (c) *is not premature or inappropriate due to:*
    - (i) *the ability of the Municipality to absorb public costs related to the proposal;*
    - (ii) *impacts on existing drinking water supplies, both private and public;*
    - (iii) *the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services;*
    - (iv) *the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;*
    - (v) *the adequacy of fire protection services and equipment;*
    - (vi) *the adequacy and proximity of schools and other community facilities;*
    - (vii) *the creation of a new, or worsening of a known, pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses;*
    - (viii) *site-specific climate change risks;*
    - (ix) *the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;*
    - (x) *impacts on known habitat for species at risk;*
    - (xi) *light pollution and impacts on dark sky views, especially in the vicinity of the Kejimikujik Dark-Sky Preserve;*
    - (xii) *the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility rights-of-way; and*
    - (xiii) *negative impacts on the viability of existing businesses in the surrounding community, including, but not limited to, the risk of land use conflicts that could place limits on existing operational procedures.*



The Municipal Planning Strategy identifies a set of sustainable planning values respecting housing and are as follows:

*“In order to achieve the Region’s Vision and Goals and build a sustainable future, Council has articulated the following sustainable planning values to help shape policies about housing:*

- *Promote residential growth within established communities, near to services, and away from hazardous or sensitive lands.*
- *Encourage residential infilling on serviced lands within the Urban Service Areas.*
- *Guide the evolution of communities and residential areas in a manner that is respectful of, and complementary to, the existing context and character of those communities.*
- *Direct new residential communities to vacant lands that have the potential for sustainable development through the efficient servicing.*
- *Encourage an increased supply of rental housing in the Municipality.*
- *Diversify the available housing stock beyond the traditional dominance of single-detached homes.*
- *Enable and promote reinvestment in older, larger homes for reuse as housing that meets current demographic trends.”*

The Municipal Planning Strategy establishes policy respecting the preferred general locations for particular densities of residential developments and sets out consideration for amendments to the zoning map for new multi-unit residential development.

***Policy 4-42:*** *Council shall, in the permitted uses in each zone of the Land Use Bylaw, tailor the types and densities of residential uses to the classification of community in which the zone is intended to be used. Rural development areas shall be limited to a low density of development, hamlets shall generally be lower in density with an opportunity for medium densities with careful oversight, and the **urban serviced areas shall be the focus of higher densities of residential development.***

***Policy 5-10:*** *Council shall, through the Land Use Bylaw, establish the Multiple Unit Residential Zone. This zone is intended to accommodate multi-unit residential developments in the urban serviced areas.*

*"Outside of these areas identified for "pre-zoning" **Council will continue to consider proposals for multi-unit residential development through the zoning map amendment process.** Indeed, Council is supportive of such efforts and encourages such requests as a means to increase housing options in existing serviced communities, subject to a full evaluation of potential impacts through the public process of such amendments."*

## **Considerations -**

- Total lot area for the three parcels is 35,500 square feet.
- Proposed 15 unit residential development.
- Significant demand for new residential housing options in Queens.
- Mix of residential, commercial and institutional uses in immediate area.
- Current zoning is Recreation and Open Space (P).
- Proposed use requires amendments to both the MPS and LUB.
- Access to Municipal sewer services.
- Abuts Trunk 8 and Bridget Street in Milton.
- Close proximity to recreational facilities.
- Existing sidewalks on east side of Highway 8.



Streetscape - Facing North



Streetscape - Facing South



Historic View of Properties.

**Tentative timeframe –**

Should recommendation be made to proceed with rezoning of the property, is as follows:

Planning Advisory Committee -	September 6, 2021
Council -	September 13, 2022
First Public Notice -	September 20, 2022
Second Public Notice -	September 27, 2022
Public Hearing -	October 11, 2022
Council -	October 11, 2022
Amendments to Province -	October 12, 2022
Notice of Passing -	~December 20, 2022

Staff have reviewed the application and are of the opinion that the proposed amendments are reasonable and is in line with Council's vision, goals and policy respecting residential development.

The Region's Planning Advisory Committee (PAC) met on September 6, 2022 to review the application and the proposed use of the properties. While all Committee members recognized the importance and need for new residential housing units in the area, there were also a numbers of comments and concerns expressed. Some of these included:

- Loss of potential parkland. Should be maintaining these lands for parkland as set out in policy in the MPS.
- Loss of public's ability to access shoreline. Possibility of retaining a portion of the property along the shoreline for public use, or retaining an easement for public use.
- Council just adopted the new plan and we are already making changes.
- There are other more appropriate locations for residential development.
- Loss of view of river for property owners on eastern side of Highway 8.

Following additional discussion on the implications of the proposed use of the properties, the majority of Committee recommended in favor of amending the Municipal Planning Strategy and Land Use Bylaw to change the future land use designation of PID #'s 70077698, 70077722 and 70077680 to Serviced Residential (RES) and the zoning of PID #'s 70077698, 70077722 and 70077680 to Multiple Unit Residential (RM).

A draft copy of the Bylaws respecting the amendments has been prepared for discussion purposes and is attached hereto as Appendix B.



## **Applicable Legislation**

Municipal Government Act and Region of Queens Municipality Municipal Planning Strategy and Land Use Bylaw.

## **Budget Impacts**

Approximately \$700.00 to cover the costs associated with required advertising.

## **Recommendation**

THAT Council of Region of Queens Municipality give notice of its intention to amend the Municipal Planning Strategy and Land Use Bylaw to change the future land use designation of PID #'s 70077698, 70077722 and 70077680 to Serviced Residential (RES) and the zoning of PID #'s 70077698, 70077722 and 70077680 to Multiple Unit Residential (RM) ;

AND THAT a public hearing be scheduled for Tuesday October 11, 2022 in the Council Chambers of the Municipal Building, 249 White Point Road in Liverpool, NS, at 9:00 am.

# Appendix A

## **Development Proposal**

### **Garika Park, Milton**

**Submitted by**

**Eric and Dawn Fry**

**May 26, 2022**

Region of Queen Municipality

249 White Point Road

Liverpool, NS

Attn: Mr. Chris McNeill

Chief Administrative Officer

Dear Mr. McNeill

Thank you for your input and guidance regarding the potential sale of Garika Park to house a multi-unit, long term rental property supporting seniors. We are excited about this potential development and feel it would be an excellent addition to the community to serve residents of Milton, Liverpool and surrounding areas.

Enclosed is a proposal for an 18-unit 55+ retirement complex/community to be situated on the Garika Park location.

We look forward to any questions you might have and the feedback from the Council with respect to our proposal.

Cheers,

Eric and Dawn Fry

Fall River, NS

## **Background**

My wife Dawn, and I own property in Queens and each year we spend more and more time here. We both feel the area has terrific appeal and lots to offer. And more potential. We've made a few investments along the way and wish to continue to invest in the Municipality.

To date we have purchased our cottage on Broad River almost 7 years ago, acquired 11 acres on Broad River from Yorke Tutty that we have since subdivided and sold 6 of 8 lots for seasonal properties and, most recently purchased a set of flats 500 meters up the coast from the Quarterdeck on that we have fully renovated and are currently renting as short-term rentals. There is adjacent property to our flats that we also own and are considering future development there sometime in the future (potential for long term rental apartment units).

In a recent conversation with Mayor Darlene Norman, we discussed the need for more long-term seniors/retirement housing. This led to additional conversations about various suitable land parcels - Garika Park was identified as a potential site.

As I understand your process, the majority of Council will need to vote in favour of selling this parcel at which time you will have it appraised by an outside consultant. As the Province currently owns part of the property, they will need to sign off on transferring the land to RQM and then it will need to be rezoned from Park usage to multi-unit residential zoning.

## **Proposed Development**

Our development plan identified below incorporates 18 units, each with 2 bedrooms, to serve as a retirement community primarily designed for local seniors who wish to sell their homes and have a desirable place to relocate without having to leave the region.

The plan, although not completely finalized, will feature a gorgeous environment that blends in with its surroundings. Each unit will feature a private deck overlooking the Falls on the Mersey River. The site will also include a park like setting with gazebo(s), picnic tables and common areas for socializing and relaxing.

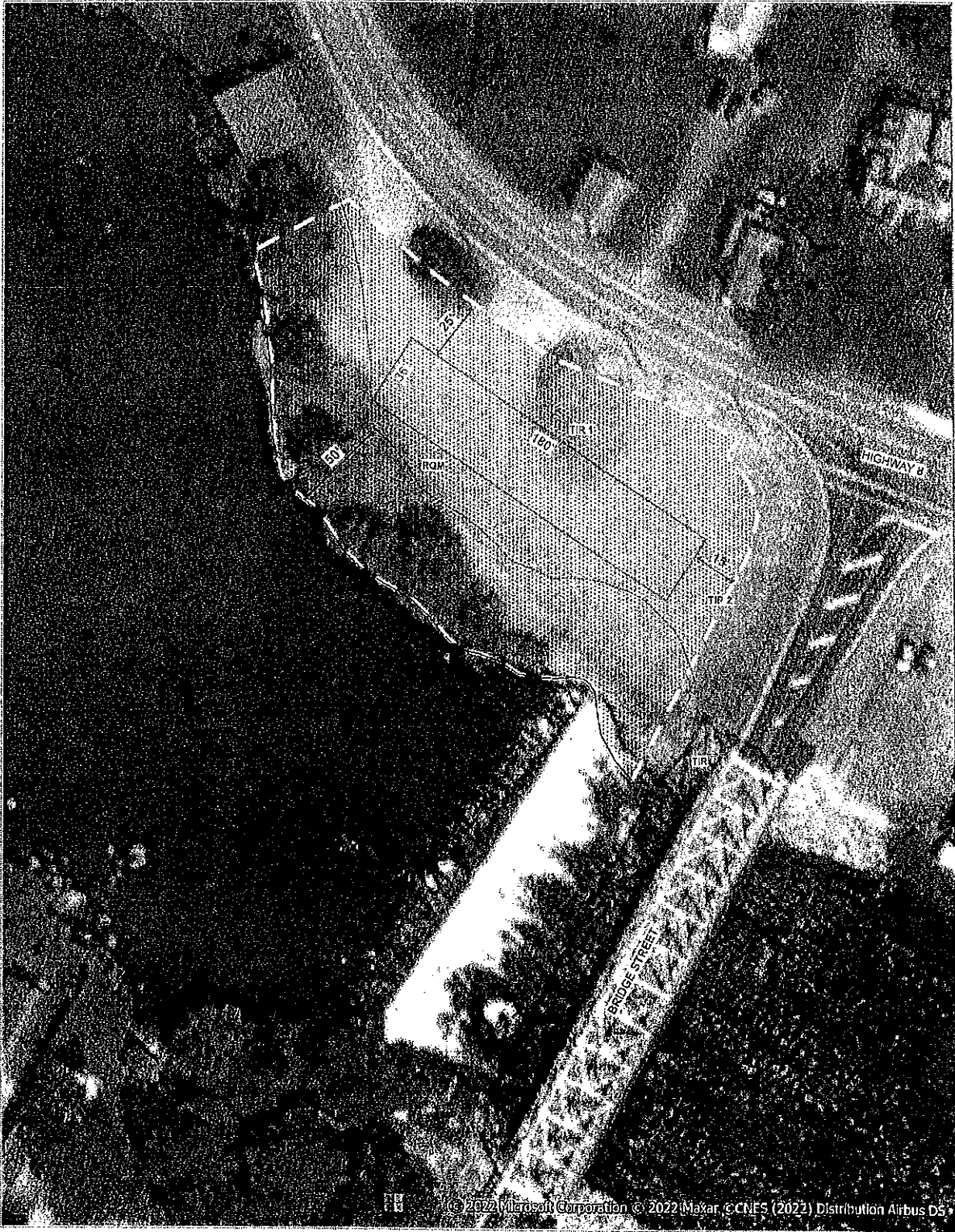
The current boat launch would be accessed by the residents as well as the general public. In addition, a ROW would ensure access to the dry hydrant currently located near the boat launch.

I am working with a local designer, Brydon Huntley, who will be creating the final drawings. The final rendering will be created once the land purchase has been approved.

I have also engaged a local builder who has a window to begin construction by late September/early October. Other suppliers (excavation, concrete, electrical and plumbing) have been lined up as well.

The following images are for illustration purposes only. I would anticipate the final plan incorporating somewhat modern but traditional finishes that will be very visually appealing.

Garika Park, Milton



## Draft Rendering



Shown is a 4 story 8-unit structure (55' wide, 40' deep). Actual build will be 3 stories to ensure we are within the 50' maximum height restriction.

We are proposing 3 attached structures with the third potentially slightly angled to follow the contour of the river.

All units will be 2 bedrooms. Configuration would be adjusted to feature private decks on the back maximizing views of the river.

Central elevator.

Wooden finishes.

Total of 23 parking spaces based on ratio of 1.25 spaces per unit.

Park-like setting with picnic tables, gazebos, common areas.

We feel this will be a signature property in Milton given its styling, desirable location on the river and proximity to Liverpool.

## Timetable

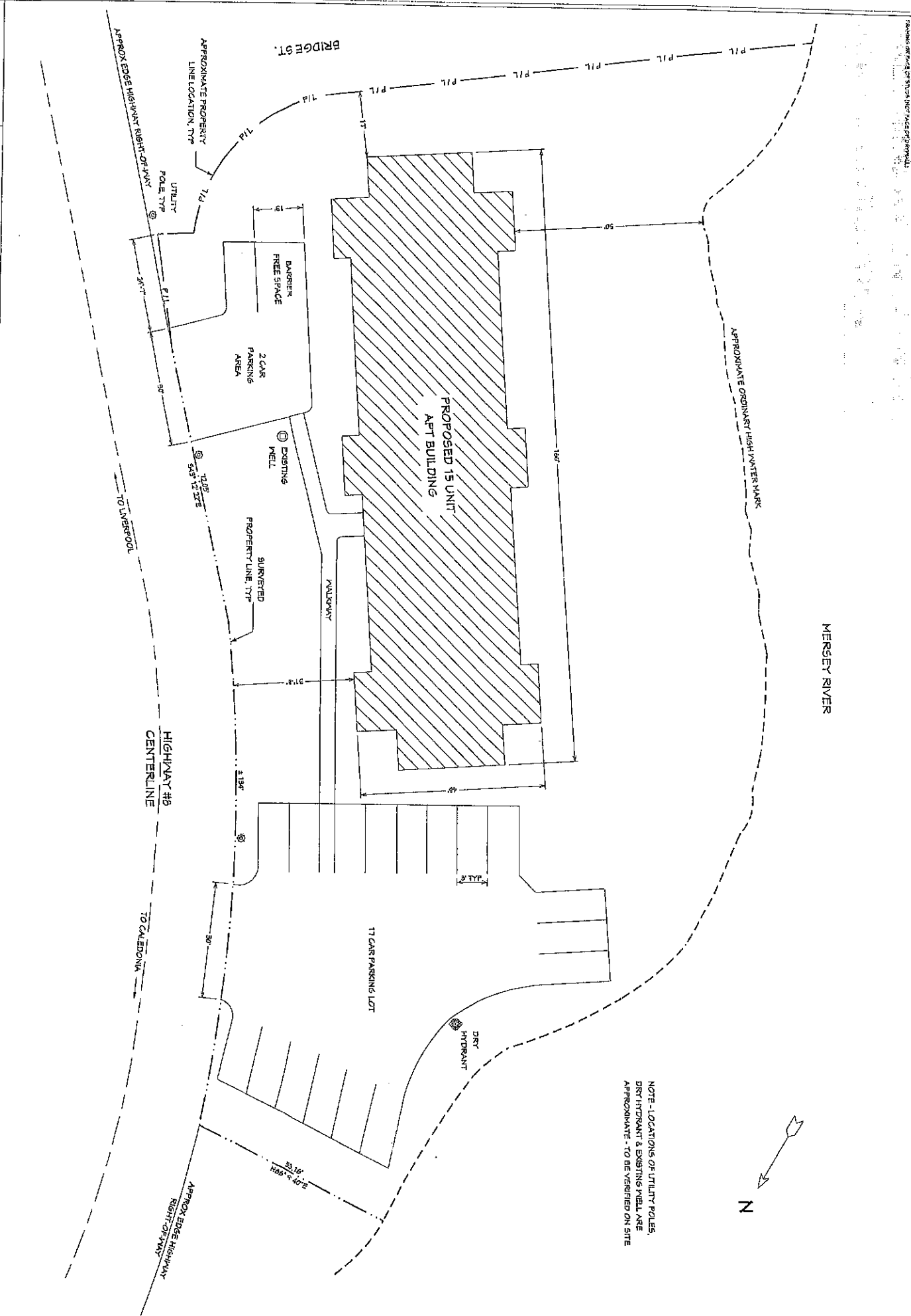
As I understand things, here is a proposed timetable for the project. I recognize that a fair bit needs to be done to get this project underway and fully respect the processes of RQM.

I would like you to know that we are fully committed to moving ahead with this project barring any unforeseen barriers:

Proposal submitted to Municipality	Today (May 26)
Council to review and approve/decline land sale	1-2 weeks
Appraisal ordered and completed	4 weeks
Provincial approval of TIR owned lands	2 weeks
Land Purchase and Sale completed	2 weeks
Land Rezoning from Park to multi-unit residential	4-6 weeks
Permits and approvals	4 weeks
Construction begins	October 1

Dawn and I look forward to hearing back from you if there is anything further you need from us before putting this to Council for approval.

NOTE: ALL DIMENSIONS ARE TAKEN FROM CENTERLINE OF PROPERTY UNLESS OTHERWISE SPECIFIED.



MERSEY RIVER

APPROXIMATE ORDINARY HIGH WATER MARK



NOTE - LOCATIONS OF UTILITY POLES, DRT HYDRANT & EXISTING PUELL ARE APPROXIMATE - TO BE VERIFIED ON SITE

**B & L House Plans**

1. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE CURRENT NATIONAL BUILDING CODE OF CANADA. THE PLANS ARE INTENDED FOR USE BY REGISTERED ARCHITECTS AND ENGINEERS. THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT OR ENGINEER. THE ARCHITECT OR ENGINEER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING AUTHORITY. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING AUTHORITY.

**GENERAL NOTES:**

1. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE CURRENT NATIONAL BUILDING CODE OF CANADA. THE PLANS ARE INTENDED FOR USE BY REGISTERED ARCHITECTS AND ENGINEERS. THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT OR ENGINEER. THE ARCHITECT OR ENGINEER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING AUTHORITY. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING AUTHORITY.

2. BUILDING CODES - ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE CURRENT NATIONAL BUILDING CODE OF CANADA. THE PLANS ARE INTENDED FOR USE BY REGISTERED ARCHITECTS AND ENGINEERS. THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT OR ENGINEER. THE ARCHITECT OR ENGINEER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING AUTHORITY. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING AUTHORITY.

3. BEFORE AND DURING - ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE CURRENT NATIONAL BUILDING CODE OF CANADA. THE PLANS ARE INTENDED FOR USE BY REGISTERED ARCHITECTS AND ENGINEERS. THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT OR ENGINEER. THE ARCHITECT OR ENGINEER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING AUTHORITY. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING AUTHORITY.

4. ALL HOUSE PLANS SHALL NOT BE RESPONSIBLE FOR WATER WHILE BUILT. THE ARCHITECT OR ENGINEER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING AUTHORITY. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING AUTHORITY.

5. CARBON MONOXIDE DETECTORS TO BE INSTALLED ON EACH LEVEL SUBJECT TO BEDROOMS AND WHERE PROXIMATE TO BATHS. THE ARCHITECT OR ENGINEER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING AUTHORITY. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING AUTHORITY.

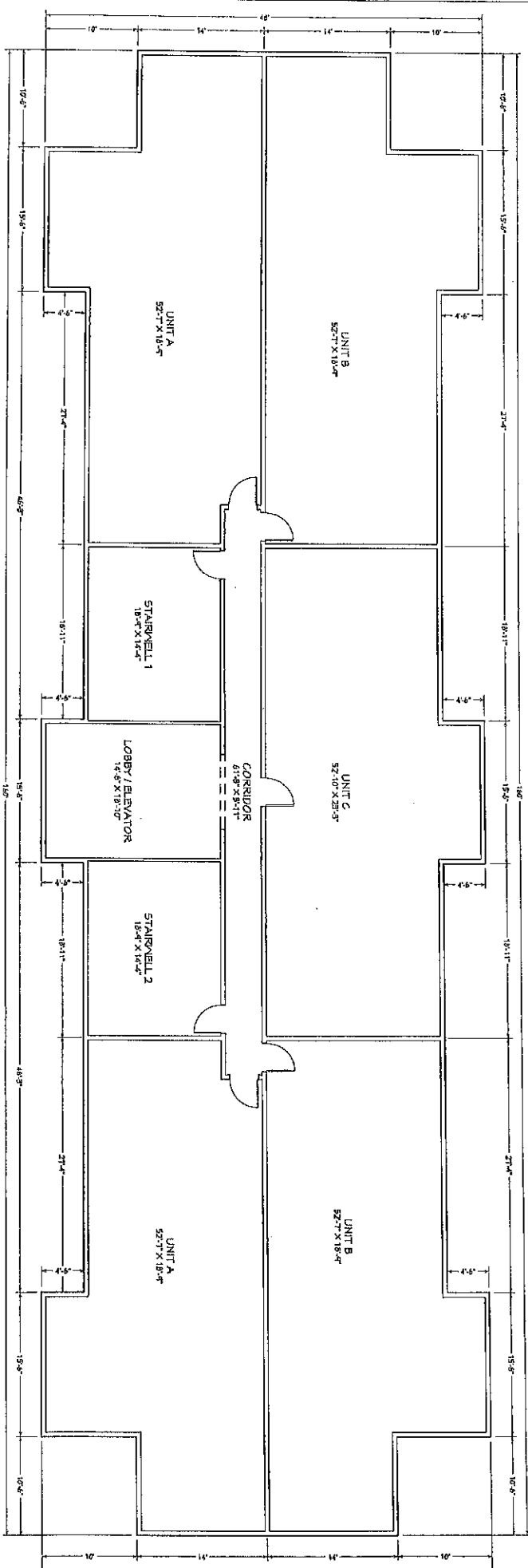
PROJECT NAME: THE FALLS PROPOSED 15 UNIT APARTMENT BLDG.

DRAWING NAME: SITE PLAN

SCALE: 1/16" = 1'

REVISION	DATE	DESCRIPTION
1	JULY 7, 2022	ISSUED FOR REVIEW
2	JULY 7, 2022	ISSUED FOR REVIEW

SHEET PAGE 1 OF 3



LIVING AREA  
52'-0" X 50'-0"

B & L  
House  
Plans

GENERAL NOTES -

1. BUILDING DIMENSIONS: THIS PLAN IS INTENDED FOR USE BY ALL FEDERAL, PROVINCIAL, AND LOCAL JURISDICTIONS. THE SHOWN DIMENSIONS SHALL BE CONSIDERED AS THE FINAL DIMENSIONS FOR CONSTRUCTION. ANY VARIATIONS SHALL BE THE RESPONSIBILITY OF THE CLIENT.

2. BUILDING CODES: ALL BUILDINGS SHALL BE CONSIDERED TO BE SUBJECT TO THE BUILDING CODE OF CANADA, AND LOCAL ORDINANCES. THE SHOWN DIMENSIONS SHALL BE CONSIDERED AS THE FINAL DIMENSIONS FOR CONSTRUCTION. ANY VARIATIONS SHALL BE THE RESPONSIBILITY OF THE CLIENT.

3. ERRORS AND OMISSIONS: THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ERRORS OR OMISSIONS IN THE PRODUCTION OF THIS PLAN. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AUTHORITIES. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY CHANGES TO THE PLAN MADE AFTER THE PLAN IS ISSUED.

4. ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED ARE IN METERS. DIMENSIONS SHALL BE TAKEN FROM THE FACE OF FINISH UNLESS OTHERWISE SPECIFIED.

5. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE DIMENSIONS OF THE EXISTING STRUCTURE. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SURVEY DATA AND VERIFICATION OF THE EXISTING STRUCTURE'S DIMENSIONS.

PROJECT NAME:  
THE FALLS PROPOSED 15 UNIT  
APARTMENT BLDG.

DRAWING NAME:  
TYPICAL FLOOR  
PLAN OVERVIEW

REVISION TABLE:

NO.	REVISION	DATE
1	ISSUED FOR REVIEW	MAY 6, 2011
2	ISSUED FOR REVIEW	MAY 13, 2011

SCALE: 1/8" = 1'

SHEET PAGE 2 OF 3

PROJECT NAME:  
THE FALLS PROPOSED 15 UNIT  
APARTMENT BLDG.

SCALE: 1/8" = 1'



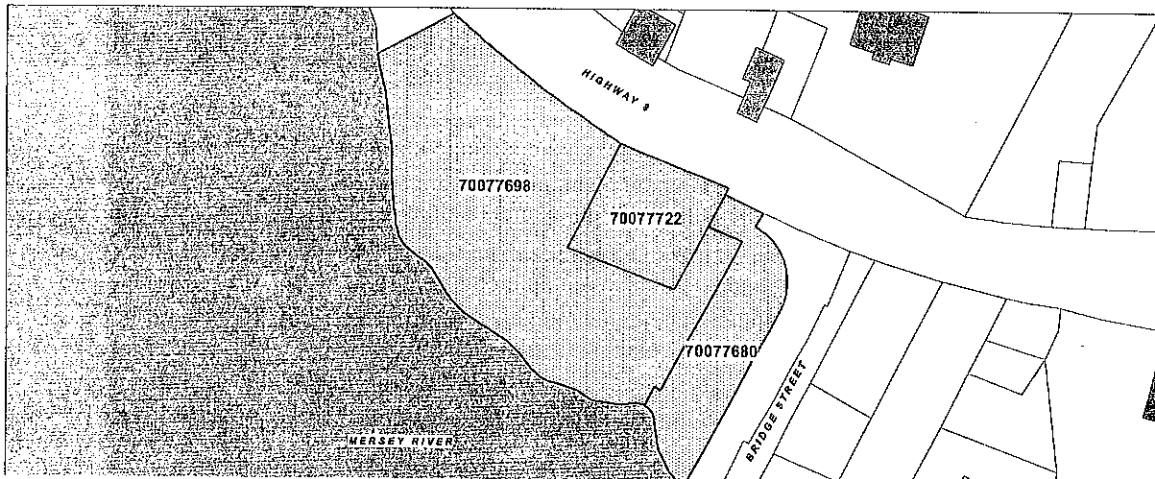
# Appendix B

## A BYLAW RESPECTING AMENDMENTS TO THE REGION OF QUEENS MUNICIPALITY MUNICIPAL PLANNING STRATEGY

**BE IT ENACTED** by the Council of Region of Queens Municipality, under authority of the Municipal Government Act, S.N.S. 1998, Chapter 18, as follows:

Region of Queens Municipality Municipal Planning Strategy, adopted at a meeting of the Council of Region of Queens Municipality held on the 24<sup>th</sup> day of May, 2022, and approved by the Nova Scotia Department of Municipal Affairs and Housing on the 6<sup>th</sup> day of July, 2022, is hereby amended by:

- ❖ Amending the Future Land Use Map to change the designation of PID #'s 70077698, 70077722 and 70077680 to Serviced Residential (RES).



This is to certify that the foregoing is a true copy of a bylaw passed at a duly constituted meeting of the Council of Region of Queens Municipality held on the \_\_\_\_ day of \_\_\_\_\_, 2022.

Given under the hands of the Mayor and the Municipal Clerk and the seal of Region of Queens Municipality this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
MUNICIPAL CLERK

First Reading:

Second Reading:

Advertising:

Public Hearing:

Filed / Approved:

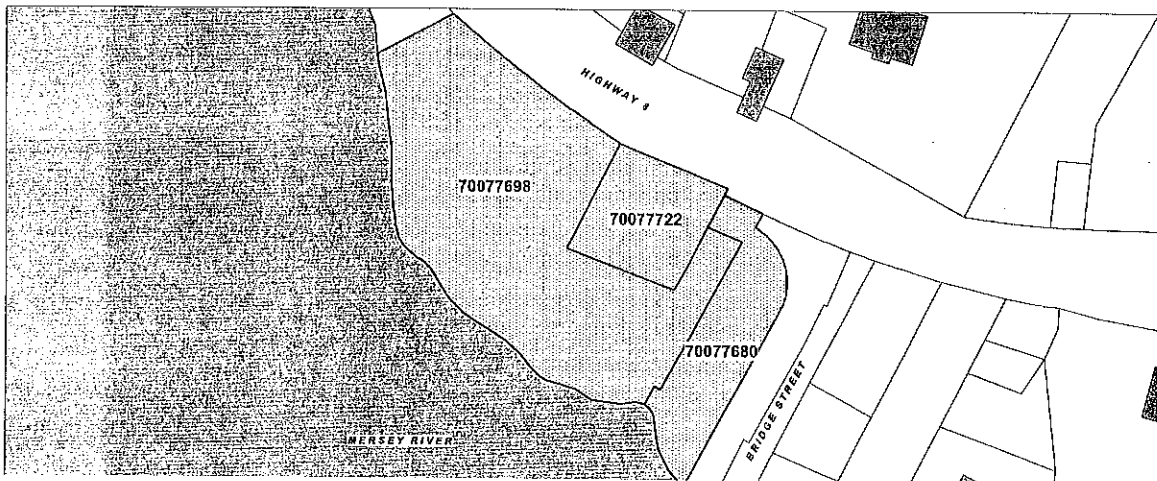
Nova Scotia Municipal Affairs and Housing

**A BYLAW RESPECTING AMENDMENTS  
TO THE REGION OF QUEENS MUNICIPALITY  
LAND USE BYLAW**

**BE IT ENACTED** by the Council of Region of Queens Municipality, under authority of the Municipal Government Act, S.N.S. 1998, Chapter 18, as follows:

Region of Queens Municipality Land Use Bylaw, adopted at a meeting of the Council of Region of Queens Municipality held on the 24<sup>th</sup> day of May, 2022, and approved by the Nova Scotia Department of Municipal Affairs and Housing on the 6<sup>th</sup> day of July, 2022, is hereby amended by:

- ❖ Amending the Zoning Map to change the zoning of PID #'s 70077698, 70077722 and 70077680 to Multiple Unit Residential (RM).



This is to certify that the foregoing is a true copy of a bylaw passed at a duly constituted meeting of the Council of Region of Queens Municipality held on the \_\_\_\_ day of \_\_\_\_\_, 2022.

Given under the hands of the Mayor and the Municipal Clerk and the seal of Region of Queens Municipality this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
MUNICIPAL CLERK

First Reading:

Second Reading:

Advertising:

Public Hearing:

Filed / Approved:

Nova Scotia Municipal Affairs and Housing