

**PLANNING ADVISORY COMMITTEE
REGULAR MEETING
MAY 7, 2014 - 7:00 P.M.**

MINUTES

Present: Councillor Susan MacLeod
Councillor Brian Fralic
Councillor Peter Waterman
Don Kimball
John Winters
Heather Kelly
Richard Smith
Jessica Van Dyne Evans
Robert Ross
Mike MacLeod, Planner

Regrets: Bev Davison

1. CALL TO ORDER -

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

2. APPROVAL OF AGENDA –

It was MOVED by **Richard Smith** and SECONDED by **Brian Fralic** that the Agenda be approved as circulated.

Motion Carried Unanimously.

3. APPROVAL OF MINUTES – April 2, 2014

Susan MacLeod suggested that Kathleen Quinlan's name be taken out of the "Present" list, as it looks like she is a member of the Committee.

It was MOVED by **John Winters** and SECONDED by **Richard Smith** that the Minutes of April 2, 2014 be approved as amended.

Motion Carried Unanimously.

- April 23, 2014

It was MOVED by **Robert Ross** and SECONDED by **Brian Fralic** that the Minutes of April 23, 2014 be approved as circulated.

Motion Carried Unanimously.**4. SMALL ENGINE REPAIR AND RETAIL SALES USE IN THE MIXED USE COASTAL RESIDENTIAL (R6) ZONE BY DEVELOPMENT AGREEMENT**

Mike MacLeod advised the Committee that he had further discussions with the applicant respecting the proposed retail sales component of the operation, as discussed at the last meeting. He noted that the applicant does not intend to sell ATV's as part of his retail operation, only repair them. The retail will be for lawn and garden equipment and replacement parts for the equipment. Mike advised that another question raised at the last meeting was on outdoor storage and he noted that the applicant does not intend to store anything outside.

Mike MacLeod reminded the Committee that current policy in the Municipal Planning Strategy sets out that Council can consider such uses in the R6 Zone by development agreement. The MPS sets out a number of criteria upon which to evaluate an application and Committee need to base its recommendation on the established criteria.

Robert Ross enquired as to the size of the existing dwelling on the property. He noted the dwelling doesn't appear to be very large and the proposed commercial structure may become the more dominant building on the lot. Mike MacLeod advised that he did not have the square footage for the dwelling, but felt that the buildings would be similar in size.

Robert reiterated his comments from the last meeting in that he still has trouble with the retail component of the business. He does not like to see the proliferation of commercial businesses in rural areas and he is not in support of this application. While understanding that existing policy enables Council to consider such requests, Robert felt that perhaps it is time to look at current policy and make changes to move away from this piecemeal commercial development in our rural areas.

Richard Smith enquired if there were other available commercial sites in the area.

Mike MacLeod advised that there were several other individual commercial establishments in the general area, but aside from White Point, the area is zoned either as Mixed Use Coastal Residential (R6) or Mixed Use Rural Residential (R5). Heather Kelly advised that if it wasn't for the retail component, this application would not be before the Committee, as a small engine repair business has been operating on the property for many years. She sees this component of the business as having greater potential for problems.

Brian Fralic noted that the Committee has recommended in favor of similar applications in the past, so what is the difference with this one if it meets policy.

Jessica Van Dyne Evans felt that this application met the criteria of Policy 12.6.1.

It was **MOVED** by **Richard Smith** and **SECONDED** by **Don Kimball**

THAT the Council of the Region of Queens Municipality give notice of its intention to enter into a development agreement with Eugene Conrad and Cathy Bolivar to allow for a small engine repair and retail sales shop on property located at 20 Gull Island Road in the Community of White Point and identified as PID# 70049978.

AND THAT a public hearing be scheduled for June 10, 2014, immediately following a public hearing on the rezoning application for 709 / 717 Main Street in Liverpool

scheduled for 8:30 am, in the Council Chambers of the Municipal Building, 249 White Point Road in Liverpool, NS.

Motion Carried – 7 For, 1 Against and 1 Abstention.

5. REZONE FROM RESTRICTED RESIDENTIAL (R1) TO DOWNTOWN COMMERCIAL (C1) – MAIN STREET, LIVERPOOL

Mike MacLeod reviewed an application and discussion paper respecting the rezoning of a parcel of land located at 382 Main Street in Liverpool. The property; identified as PID# 70026562; is currently zoned Restricted Residential (R1) under the Region of Queens Municipality Land Use Bylaw. The applicant wishes to open a retail clothing business at this location. The property is currently being utilized as a residential dwelling and is correctly zoned for the existing use. The proposed use of the property for a retail sales operation does not fit into the uses permitted in the R1 Zone. The proposed use would only be considered under a commercial zoning designation. Mike also noted that this property has been designated as Residential (R) for a future land use. In order to accommodate such a request, both the Municipal Planning Strategy (MPS) and the Land Use Bylaw (LUB) would have to be amended.

Mike MacLeod advised that he had reviewed the Downtown Commercial (C1) Zone and noted that there were currently 10 to 12 vacant commercial spaces within this area. From simply a planning perspective, he did not feel that an expansion of the C1 Zone was appropriate at this time, given the number of vacancies.

Robert Ross also felt that now was not the time to expand the Commercial Zone. Should things change in the future and the demand for commercial space outweigh the supply, then we could look at enlarging the C1 Zone into the abutting areas. Richard Smith agreed. Now was not the time for changing the zoning of this residential property.

Brian Fralic felt that this application was no different than some of the ones we have approved in the past and felt that we have to be consistent in our process. Mike MacLeod agreed that we should be consistent in our process; however, each application has its own set of circumstances and have to be evaluated as such.

John Winters felt that each application had to be looked at from its own perspective, based upon the established criteria in the MPS.

It was MOVED by **Robert Ross** and SECONDED by **John Winters**

THAT the Council of the Region of Queens Municipality maintain the status quo respecting the zoning of property identified as PID# 70026562 and located at 382 Main Street in Liverpool as Restricted Residential (R1).

Motion Carried – 6 For and 3 Against.

6. REZONE FROM GENERAL RESIDENTIAL (R2) TO HIGHWAY COMMERCIAL (C2) – HIGHWAY 8, CALEDONIA

Mike MacLeod reviewed an application and discussion paper respecting the rezoning of lands of the North Queens Fire Association on Highway 8 in Caledonia.

The property; identified as PID# 70154505, is zoned *General Residential (R2)* under the Region of Queens Municipality Land Use Bylaw and is the current home of the North Queens Fire Hall. The Association has outgrown the existing facility and plans have been underway to construct a new facility. The plans for the new fire hall have incorporated a community space to meet the needs of the of the local area and some office space to support business development opportunities in the North Queens area. In order to facilitate the plans of the NQFA, the property will have to be rezoned to Highway Commercial (C2).

Don Kimball noted that the existing facility has been an important focal point in the North Queens area since the building was constructed, not only for the fire department component, but the hall has been used for many community events, as well.

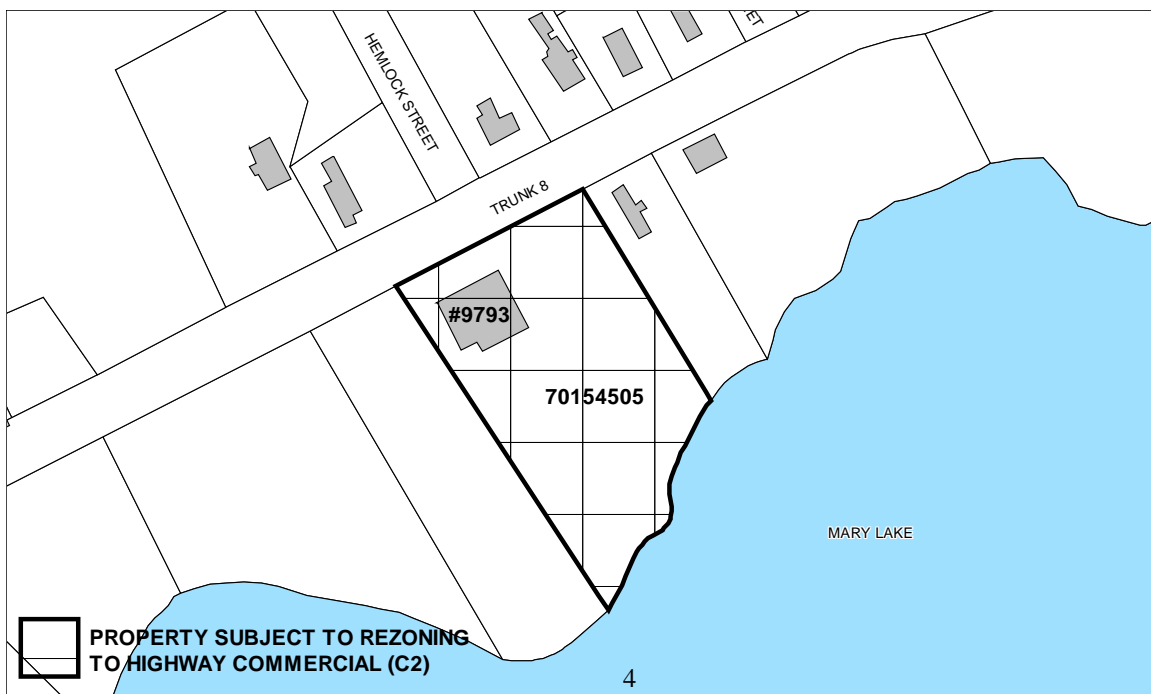
Mike MacLeod noted that during the preparation of the Regional MPS and LUB, the original intention was to have this area zoned as commercial. However, it was the final decision to zone as R2 and to consider new commercial uses through the rezoning process.

It was **MOVED** by **Don Kimball** and **SECONDED** by **Robert Ross**

THAT the Council of the Region of Queens Municipality give notice of its intention to rezone PID#'s 70154505 from General Residential (R2) to Highway Commercial (C2), as shown in Schedule "A";

AND THAT a public hearing be scheduled for June 10, 2014, following a public hearing on the rezoning application for 709 / 717 Main Street in Liverpool scheduled for 8:30 am, in the Council Chambers of the Municipal Building, 249 White Point Road in Liverpool, NS.

SCHEDULE "A"



Motion Carried Unanimously.**7. DOG KENNEL, GROOMING, TRAINING AND RETAIL SALES IN THE MIXED USE RURAL RESIDENTIAL (R5) ZONE**

Mike MacLeod advised the Committee that he has received an application respecting a proposed dog kennel, grooming, training business, as well as retail sales from a property on Beech Hill Road in Beech Hill Farms. Mike noted that dog kennels and associated retail sales are not permitted as of right in the R5 Zone, but can be considered through a development agreement process.

Robert Ross advised that he had a number of concerns with this application, and include:

- ❖ Number of dogs on the property;
- ❖ Size of lot;
- ❖ Proximity to neighbours;
- ❖ Adequacy of existing septic system to handle proposed operation; and
- ❖ Qualification of operators.

Robert felt that we should be looking at establishing a set of best practices to have in place for potential future applications.

Mike MacLeod advised that it was the intention of the applicant to be able to accommodate 11 dogs for the kennel operation. There is an existing mobile home on the property, which the applicant proposes to use for the retail and grooming component of the operation and to bring in another mobile home and attach to existing building to form the kennel component of the operation. Mike acknowledged that the parcel is quite small and there are several dwellings with about 500 feet of the proposed development. The nature of a dog kennel operation has the potential to cause concern for residents of the area, particularly noise. Mike did note that the applicant had indicated to him that she had discussed the proposed operation with property owners in the vicinity.

Heather Kelly felt that perhaps we should be looking at current policy within the MPS to give consideration to changes which would limit sporadic commercial development within the rural area.

It was **MOVED** by **Robert Ross** and **SECONDED** by **Richard Smith**

THAT the Council of the Region of Queens Municipality maintain the status quo respecting the use of property identified as PID# 70055959 and located at 800 Beech Hill Road in Beech Hill Farms as a residential property.

Further discussion ensued respecting commercial uses locating in the rural areas of the Municipality.

Robert Ross left the meeting at 8:02 pm.

John Winters felt that applications made under policy of Council should be evaluated on their own merits and the applicants should be entitled to due process.

Jessica Van Dyne Evans noted that she just wanted to be sure that the rules were being applied consistently

Question was called.

Motion Defeated – 0 For and 8 Against.

Brian Fralic, like Jessica, wanted to ensure that the Committee is being consistent in the way it evaluates and makes recommendations to Council. He felt that the applicant should be given the opportunity have a public hearing and that if there were issues or concerns from the property owners in the vicinity, they could be raised at that time.

It was MOVED by **Brian Fralic** and SECONDED by **Jessica Van Dyne Evans**

THAT the Council of the Region of Queens Municipality give notice of its intention to enter into a development agreement with Matthew James Desroches to allow for a dog kennel, dog grooming and training and retail sales shop on property located at 800 Beech Hill Road in the Community of Beech Hill Farms and identified as PID# 70055959.

AND THAT a public hearing be scheduled for June 10, 2014, following a public hearing on the rezoning application for 709 / 717 Main Street in Liverpool scheduled for 8:30 am, in the Council Chambers of the Municipal Building, 249 White Point Road in Liverpool, NS.

Motion Carried Unanimously.

8. OTHER - /

9. NEXT MEETING -

The next meeting is scheduled for June 4, 2014.

10. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:40 p.m.

Councillor Susan MacLeod, Chair

Date

