

**REGION OF QUEENS MUNICIPALITY
PUBLIC HEARING
REZONING – MILFORD STREET, MILTON
TUESDAY, JANUARY 12, 2016
IMMEDIATELY FOLLOWING 8:45 A.M. PUBLIC HEARING**

MEMBER OF COUNCIL: Mayor Christopher Clarke, Chair
Councillor Darlene Norman
Councillor Brian Fralic
Councillor Jack Fancy
Councillor Peter Waterman
Councillor Susan MacLeod
Councillor Raymond Fiske
Councillor Bruce Inglis - Regrets

MEMBERS OF STAFF: Richard MacLellan, Chief Administrative Officer
April Whynot-Lohnes, Municipal Clerk
Christine Watson, Recording / Management Secretary
Mike MacLeod, Planner
Heather Cook, Community Development Coordinator

CALL TO ORDER:

Mayor Clarke called the Public Hearing to order at 8:47 a.m.

REMARKS:

Mayor Clarke reviewed that the purpose of this Public Hearing was to provide any interested person with an opportunity to present an oral or written presentation to the Council of the Region of Queens with regards to its intention to rezone a portion of property identified as PID #70076625, and located at 40 Milford Street in Milton, from General Residential (R2) to Neighbourhood Commercial (C3).

Mayor Clarke reviewed the procedures for the Hearing which were provided on the agenda.

REPORTS AND PRESENTATION BY STAFF:

Mike MacLeod, Planner, stated that this property has been vacant for the last couple years and the intention is to open a convenience store to serve local needs in the area.

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WRITTEN AND ORAL PRESENTATIONS:

Bill Cox, 121 Bog Road, White Point - Mr. Cox complimented the applicants for opening a store in this area and encouraged Council to be supportive.

Mayor Clarke asked three times if there were any more members of the public who wished to speak. No members of the public came forth.

CLOSING OF PUBLIC MEETING:

Mayor Clarke declared the Public Hearing closed at 8:51 a.m.



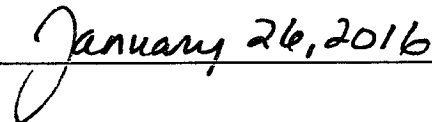
Mayor Christopher Clarke, Chair



April Whynot-Lohnes, Municipal Clerk



Christine Watson, Recording / Management Secretary

Date approved: 

**PLANNING ADVISORY COMMITTEE
DISCUSSION PAPER
DECEMBER 7, 2015
REZONING – MILFORD STREET, MILTON**

BACKGROUND:

A request has been submitted to the Region of Queens Municipality to rezone a portion of a portion of a property on Milford Street in Milton. The property, located at 40 Milford Street and identified as PID# 70076625; is currently zoned General Residential (R2) under the Region of Queens Municipality Land Use Bylaw. The owner of the property is interested in having the property renovated and opening a convenience store. This being said; however, convenience stores are not a listed permitted use in the R2 Zone. In order to accommodate this request, a rezoning to Neighbourhood Commercial (C3) would be required.

The Land Use Bylaw amendment (rezoning) can be considered under Policy 4.4.19 of Region's Municipal Planning Strategy (MPS), as set out below:

Policy 4.4.19

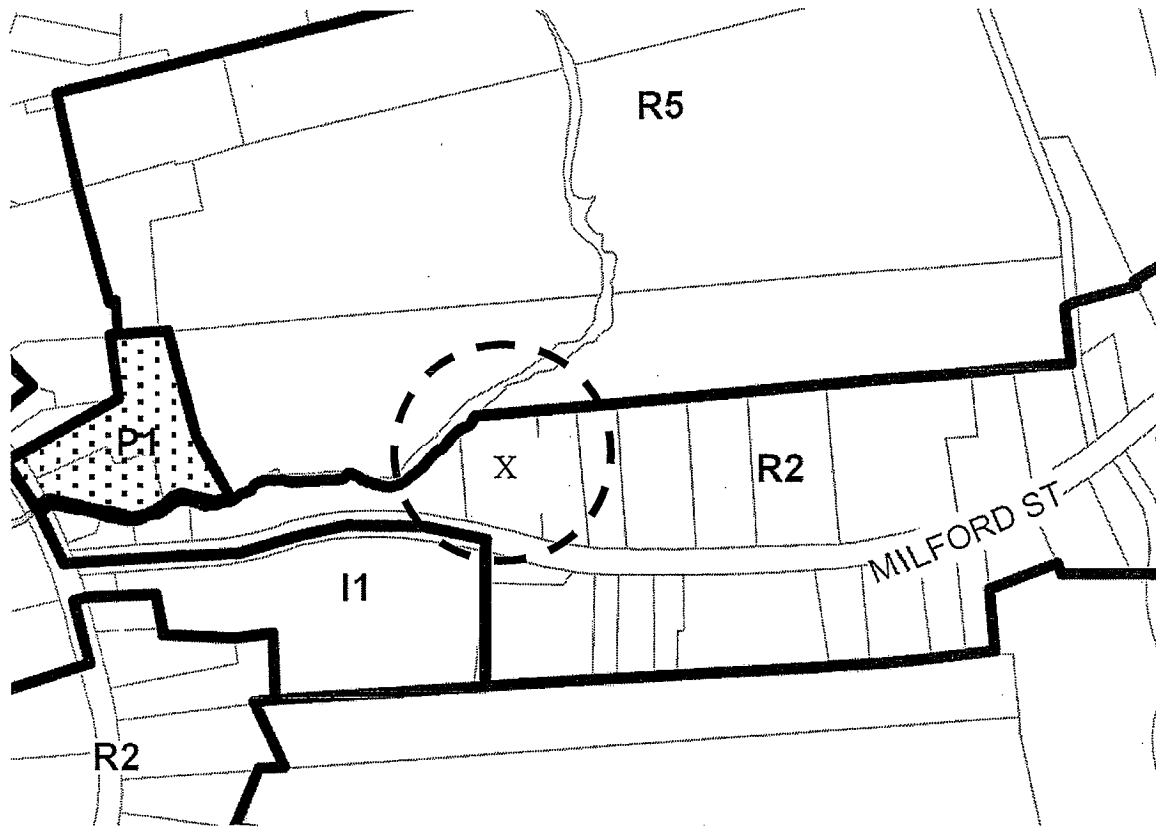
*It shall be the intention of Council to consider proposals for new **Neighbourhood Commercial (C3)** uses in areas zoned **Restricted Residential (R1), General Residential (R2), Multiple Unit Residential (R3), and Land Lease Residential (R4)** by amendment to the Land Use Bylaw (re-zoning) and in considering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

- a. *Policy 12.5.2;*
- b. *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;*
- c. *the impact of the proposed development with respect to its bulk and scale in relation to the existing surrounding development;*
- d. *the proposal is for a local commercial use intended to serve a local neighbourhood;*
- e. *the conflict with adjacent residential uses will be kept to a minimum through buffering or landscaping;*
- f. *on-site parking is provided according to standards in the Land Use Bylaw.*

The uses permitted in the General Residential (R2) Zone include:

➤	Bed and breakfast establishments with not more than five (5) rooms to let and subject section 10.5;
➤	Boarding houses to a maximum of five (5) units;
➤	Churches subject to the I1 Zone requirements;
➤	Converted dwellings to a maximum of five (5) dwelling units subject to Section 10.4;
➤	Day nurseries and kindergartens;
➤	Duplex dwellings;
➤	Elementary and secondary schools subject to the I1 Zone requirements;
➤	Home Business, subject Section 9.1;

➤	Household livestock operations;
➤	Mini (Mobile) homes subject to Section 11.4 and the Region's Mobile Home Bylaw;
➤	Parks and playgrounds;
➤	Row houses to a maximum of five (5) units;
➤	Semi-detached dwellings;
➤	Single detached dwellings;
➤	Small options homes;
➤	Triplex dwellings



Zoning Map

The MPS also sets out policy respecting things that Council must take into consideration when looking at a potential land use bylaw amendment, 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 uses permitted in the Neighbourhood Commercial (C3) Zone include:

➤	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

DISCUSSION:

The property is currently vacant; however, for many years, the property had been used as an abattoir and meat shop.

This area of Milton had previously been zoned as Rural Residential (R2) under the former Milton Land Use Bylaw. This R2 zone allowed for abattoirs and related retail sales as a permitted use. With the implementation of the Regional Municipal Planning Strategy and Land Use Bylaw in 2009, the zoning for this area was changed to General Residential (R2), which does not permit commercial operations. The abattoir and meat shop operated at this location as an existing non-conforming use for several years until it closed in 2013.



OPTIONS:

1. Maintain status quo (deny amendment request); or
2. Amend the Land Use Bylaw to rezone the property from General Residential (R2) to Neighbourhood Commercial (C3)).

TENTATIVE TIME FRAME:

<u>DATE</u>	<u>PROCEEDURE</u>
December 7, 2015	Planning Advisory Committee
December 22, 2015	Council
December 29, 2015	First Public Notice
January 5, 2016	Second Public Notice
January 12, 2016	Public Hearing
January 12, 2016	Council
January 19, 2016	Notice of Passing
February 3, 2016	Appeal Period Ends

RECOMMENDATION:

THAT the Council of the Region of Queens Municipality give notice of its intention to rezone a portion of PID# 70076625, from General Residential (R2) to Neighbourhood Commercial (C3);

AND THAT a Public Hearing be held on January 12, 2016 in the Council Chambers of the Municipal Building, 249 White Point Road in Liverpool, NS, at 8:45 a.m.

Region of Queens Municipality

249 White Point Road P.O. Box 1264 Liverpool, NS B0T 1K0 Phone (902) 354-3455 Fax (902) 354-7473



Region of Queens Municipality

APPLICATION FOR AMENDMENTS TO THE MUNICIPAL PLANNING STRATEGY, LAND USE BY-LAW AND APPLICATION FOR DEVELOPMENT AGREEMENT

FOR OFFICE USE ONLY

Application Type: LUB Amendment - Rezoning
PID #: 70076625
Assessment #: 04128443

NAME OF APPLICANT(S): Shane Sparling

LOCATION: Milton

CIVIC NUMBER: 40 STREET NAME: Milford

MAILING ADDRESS: PO Box 409 Milton B0T 1P0

TELEPHONE: 902-354-3842 (H) * 902-350-2281 ^(James) (W)

DESCRIPTION OF REQUEST:

Phase 1: Opening a Convenience Store / Market

Phase 2: Approximately to start 2 years after Phase 1
Removal of old Buildings and constructing a small
Dwelling

If applicable:

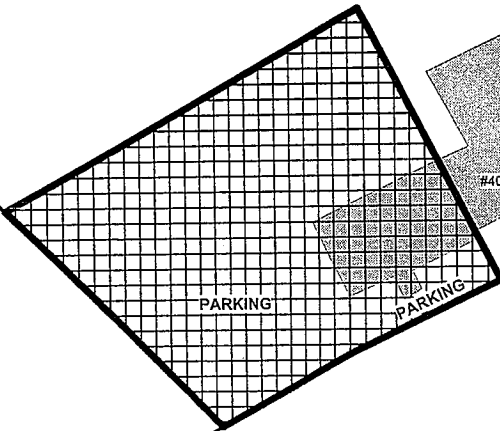
The undersigned acknowledges that he/she is responsible for ad costs associated with the request and attached is a cheque in the amount of \$700.00.

James Sparling
Applicant(s) Signature
for

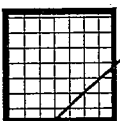
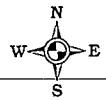
Nov 18 / 2015
Date

Shane Sparling

PID#70076625



MILFORD STREET



REZONE FROM RESTRICTED RESIDENTIAL (R1)
TO NEIGHBOURHOOD COMMERCIAL (C3)

SCALE - 1" = 60'