

**TO:** St. Peter’s Planning Advisory Committee and Richmond Council  
**FROM:** Eastern District Planning Commission  
**DATE:** February 20, 2007  
**RE:** Rezoning request for lands located near Grenville Street in the Village of St. Peter’s, Richmond County, Nova Scotia. PID # 75137885 from Open Space (OS) Zone to Downtown Commercial (C-1) Zone

**Recommendation**

Planning staff recommend that Council **approve** the rezoning of lands known as PID # 75189555 from Open space (OS) Zone to Downtown Commercial (C-1) Zone.

**Information**

Mr. Michael Sampson of St. Peter’s has applied to rezone a land-locked parcel of land (PID# 75189555) from Open Space (OS) and Business Park (I-1) to the Downtown Commercial (C-1) Zone. Mr. Sampson also owns the two properties (PID# 75137885 and 75061002), immediately in front of the subject property, which have direct access to Grenville Street. It is through these abutting properties that access can be gained to the land-locked parcel. See Location Map attached.

**Analysis**

One of the primary aims of the Municipal Planning Strategy for St. Peter’s is to provide for a variety of uses in the core part of the village. The implementation section of the Strategy provides the framework by which the future growth and development of the plan area shall be encouraged, controlled and coordinated.

The St. Peter’s Municipal Planning Strategy has no policy for the rezoning from Open Space to Commercial; therefore, the rezoning may be achieved through the Policy found in the Implementation chapter, Section L as follows:

Description	
<b>Designation:</b>	Commercial
<b>Zoning:</b>	Downtown Commercial (C-1)
<b>Identification:</b>	Village of St. Peter’s PID # 75137885
<b>Area:</b>	1785.19 m <sup>2</sup>
<b>Location Map:</b>	Appendix B, Page 5
<b>Site Visit:</b>	March 2, 2006



Figure 1: North Elevation

*“Areas immediately adjacent to a given land use designation on the Generalized Future Land Use Map may be considered for a rezoning to a use which is similar in nature to the given designation without requiring an amendment to this strategy, provided that the intention of all other policies of the strategy are satisfied.”*

The proposed rezoning to Downtown Commercial (C-1) must be consistent with Policy A-4 of the St. Peter’s Municipal Planning Strategy, which outlines criteria for amendment to the Land Use By-law. This policy deals with issues related to general impacts generated both on and off the site. This application has been circulated to various government agencies for their comment as to whether the proposed development is inappropriate or premature. Specifically the Village Commission of St. Peter’s, Nova Scotia Department of Transportation and Public Works and the St. Peter’s Volunteer Fire Department have been contacted.

The St. Peter’s Village Commission was contacted for comment on the rezoning application with respect to costs. While the Village has no objection to rezoning the land in question from Open Space to Downtown Commercial, the Village will not be responsible for costs relating to any development.

Further, the Village confirms that water and sewer services exist on Grenville Street and could be extended to the subject property; however, if the proponent wishes to extend either service to his property, he must satisfy the following:

- (a) submit engineered drawings in accordance with Guidelines Manual for the Collection, Treatment and Disposal of Sanitary Sewage;
- (b) obtain all legal easements or deeds required to connect to the Village system;
- (c) deliver application form and \$400 deposit to connect to sewer system;
- (d) be responsible for all costs related to said extensions.

Nova Scotia Transportation and Public Works originally advised that the proposal was not premature or inappropriate in any way and that the road network would be able to support any proposed development and not create any major traffic problem. Shortly after submitting this comment, however, planning staff were notified by the Department of Transportation and Public Works in Halifax that the Province owned PID#75137885, representing a portion of land previously known as George Street. This street formed part of a network of roads in the Gillis Subdivision that had been registered in 1920 by the Province and which the Province claimed was still in its ownership at the time of Mr. Sampson’s rezoning application. However, Mr. Sampson is in possession of a Deed showing he purchased the land from Richmond County in 1997. Unfortunately this Deed has no bearing if the land in question is owned by the Province.

On January 22, 2007 planning staff were advised that as of January 1<sup>st</sup>, 2007 the Gillis Subdivision lands have been offered to Richmond County. On January 8, 2007 Richmond County Council approved the transfer of Gillis Subdivision roads from the Province to the County and Mr. Bob Earl of Department of Transportation in Halifax advises that a formal Deed showing the land transfer will be available in about two weeks. Mr.

Sampson has been told that the Richmond County office will issue him a new land Deed showing the current date as soon as the transfer between Province and County is complete. With the land ownership question resolved, Mr. Sampson wishes to proceed with his rezoning application. The opinion of staff is that the land ownership issue does not reflect on the merits of rezoning the property. If the Province retains ownership the rezoning is moot; however, if the transfer of land continues as envisioned, the sooner the rezoning is completed the better.

Mr. Raymond Ferguson of the St. Peter's Volunteer Fire Department advises that fire-fighting services are adequate to service the land in question.

Mr. Sampson's smaller lot PID # 75137885 with frontage on Grenville Street is owned separately from the larger rear lot PID # 75189555 and is zoned Downtown Commercial (C-1), as are adjacent properties with frontage on the main street. The smaller lot will be used to provide access and egress to the larger lot only.

While the Land Use By-law states that the minimum lot frontage of a property on a main street must be 50 feet (15.24 metres), the frontage of the subject property is only 40 feet (12.19 metres); however, the St. Peter's Land Use Bylaw does have provisions for allowing development on existing undersized lots (Part 5.6). Nevertheless, in order to be issued a building permit, the land owner will be required to consolidate the two lots so that the landlocked portion has the required street frontage.

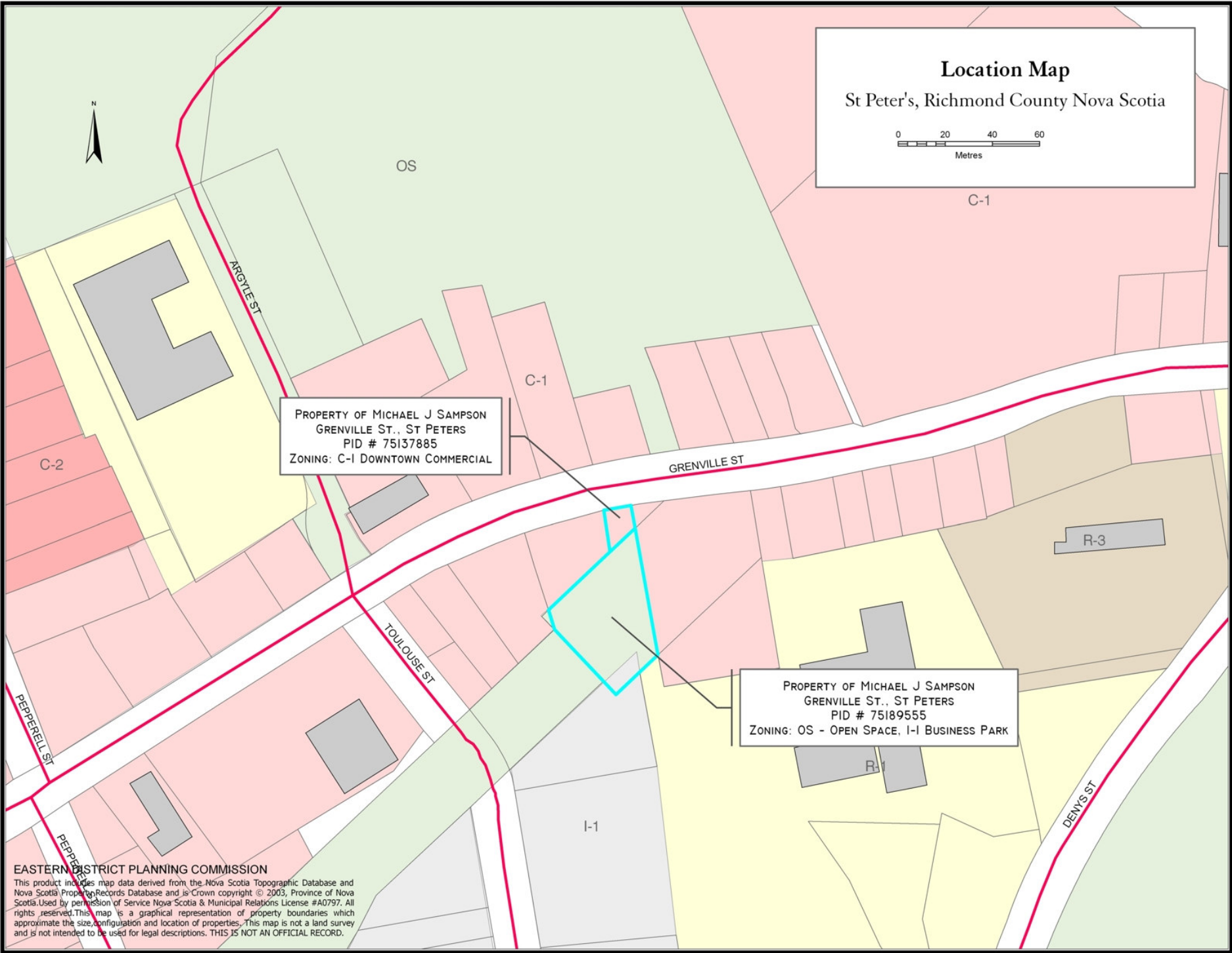
**Conclusion:**

The opinion of planning staff is that the proposed rezoning amendment meets the intent of the Municipal Planning Strategy according to the requirements of Policy A-4 and the applicable Land Use By-law. Therefore, planning staff recommend that Council **approve** the rezoning of land known as PID # 75189555 from Open Space (OS) to Downtown Commercial (C-1) Zone to encourage a wider variety of land uses on the main street of St. Peter's Village.

## APPENDIX A - Summary of Evaluation Criteria

<p><b>Chap. 4, Sec. L. Action Not Requiring a Strategy Amendment</b> Areas immediately adjacent to a given land use designation on the Generalized Future Land Use Map may be considered for rezoning to a use which is similar in nature to the given designation without requiring an amendment to this strategy, provided that the intention of all other policies of the strategy are satisfied.</p>	Complies
<p><b>Criteria for Amendment to the Land Use By-law</b></p> <p><b>Policy A-4</b> In considering amendments to the Land Use By-law, in addition to all other criteria set out in various policies of this strategy, Council shall have regard to the following matters:</p>	
<p>(a) that the proposal is in conformity with the intent of this strategy;</p>	Complies - (Staff Review)
<p>(b) that the proposal is not premature or inappropriate by reason of:</p>	
<p>(i) the financial capability of the Village or Municipality to absorb any costs relating to the development; (ii) the adequacy of road networks in, adjacent to, or leading to the development; (iii) the adequacy of Village fire fighting equipment to service the property.</p>	Complies - Comments from Village Commission, Department of Transportation & Public Works and Fire Department
<p>(c) that adequate requirements are contained in the Land Use By-law to reduce conflict between the development and any other adjacent or nearby land use by reason of:</p>	
<p>(i) type of use; (ii) emissions including air and water pollutants and noises; (iii) height, setback and lot coverage of the proposed building; (iv) access to and egress from the site and parking; (v) open storage; (vi) signs; (vii) similar matters of planning concern.</p>	Complies

**Location Map**  
 St Peter's, Richmond County Nova Scotia



**EASTERN DISTRICT PLANNING COMMISSION**  
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