

**Marine Drive, Valley and Canal Community Council  
May 30, 2012**

**TO:** Chair and Members of the Marine Drive Valley & Canal Community Council



**SUBMITTED BY:**

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Brad Anguish, Director of Community & Recreation Services

**DATE:** May 10, 2012

**SUBJECT:** **Case 17510: Rezoning and Land Use By-Law Amendment for Dental/Medical Clinic at 3440 Highway 2, Fall River**

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**ORIGIN**

Application by Dr. Lee Chamberlain.

**RECOMMENDATION**

It is recommended that Marine Drive Valley & Canal Community Council:

1. Give First Reading to consider the proposed rezoning of 3440 Highway 2, Fall River, from the R-1B (Suburban Residential) Zone to the C-1 (Local Business) Zone, and amend the Land Use By-Law for Planning Districts 14 and 17 to increase the maximum gross floor area for C-1 uses as set out in Attachment A of this report, and schedule a public hearing; and
2. Approve the proposed rezoning of 3440 Highway 2, Fall River, from the R-1B (Suburban Residential) Zone to C-1 (Local Business) Zone, and amend the Land Use By-Law for Planning Districts 14 and 17 to increase the maximum gross floor area for C-1 uses as set out in Attachment A of this report.

## **BACKGROUND**

Within the Municipal Planning Strategy (MPS) for Planning Districts 14 and 17 (Shubenacadie Lakes) lands are not pre-zoned for local commercial purposes. Commercial land use zones for individual sites may only be considered by Community Council in accordance with Policy P-74 (Attachment B).

The subject property at 3440 Highway #2 has historically contained a single use dwelling. However, in 1997 a Bed and Breakfast (Brook Haven Court Bed & Breakfast) was established in conjunction with the single unit dwelling. To permit the Bed and Breakfast operation, the property owners undertook an application to amend the MPS and the Land Use By-law (LUB) (*Municipal Case # PA/ZAP-F&S-001-97*) to accommodate the use. The Bed and Breakfast use has been discontinued and the property is now listed for sale.

In 2008, The Lakes Oral and Facial Surgery clinic was established at 1330 Fall River Road. It is a single practitioner oral and maxillofacial surgery practice with seven employees. Since its establishment, the business has grown and the current location is no longer sufficient for its needs. The property at 3440 Highway #2 has presented an opportunity, for the practitioner, to expand and re-locate his practice at this location.

### ***Subject Property***

The subject property is located on Highway #2 approximately 600 m north of the intersection of Highway 2 and the Fall River Road (see Map 1). It is approximately 8,700m<sup>2</sup> (2.15 acres) in area and serviced with an on-site well and septic system. The property is designated Residential under the MPS for Planning Districts 14 and 17 (Map 1) and zoned Suburban Residential (R-1B) under the LUB for Planning Districts 14 and 17 (Map 2). The property is currently occupied by an existing 279 m<sup>2</sup> (3,000 ft<sup>2</sup>) dwelling that was once used as a Bed and Breakfast.

### ***The Proposal***

The current zoning, R-1B (Suburban Residential) Zone, does not permit a dental/medical clinic. However, dental/medical clinics are permitted within the C-1 (Local Business) Zone, and a C-1 zone may be considered to be applied to the subject property in accordance with Policy P-74 of the MPS. The applicant proposes to utilize the existing building to accommodate the clinic. However, the existing building comprising approximately 3000 sq. ft. of gross floor area exceeds the maximum 2,000 square feet of gross floor area limitation permitted for commercial uses in the C-1 Zone. Therefore, the proposal also includes a general amendment to the C-1 Zone to increase the maximum gross floor area to 325 m<sup>2</sup> (3,500 ft<sup>2</sup>) for commercial uses to enable the conversion of the existing building to a dental/medical clinic.

## **DISCUSSION**

The MPS recognizes that as the suburban community continues to grow there will be a need for local services. As such, Policy P-74 of the MPS enables Community Council to consider local business (C-1) uses on residentially designated lands through the rezoning process subject to the criteria of Implementation policy P-155. Within Planning Districts 14 and 17, land is not pre-zoned Local Business (C-1) but rather, rezoning proposals are considered on a site by site basis

to ensure the appropriateness of individual sites for the proposed use. A full list of uses permitted in the C-1 Zone is presented as Attachment C. The MPS also recognizes that in order to promote the development of commercial centres, and minimize land use conflicts, the scale of local commercial uses should be limited.

An evaluation of the proposal against enabling Policy P-74 and Policy P-155 has been completed and is presented as Attachment B. Upon review of the MPS, Staff advises that the proposal meets the intent of the plan policies. While the proposal is consistent with policy, Staff has identified the following issues for specific discussion:

### ***Rezoning Applications***

With all rezoning applications there is a certain element of risk relative to future uses. It is the opinion of staff that the intentions of the applicant are clear and not likely to change, however, this is *not* a factor when evaluating the relevant plan policies. Once a property is rezoned, any of the land uses permitted under the proposed zone could be established on the subject property. It is staff's opinion the commercial uses permitted in the C-1 Zone (see Attachment C) are limited and will not have a negative impact on the surrounding area should the site be used for purposes other than the proposed clinic.

### ***Impact of a Land Use By-law amendment***

When a request is made to amend the general zoning requirements of a particular land use by-law, the effects of that request must be considered. There may be implications for the subject property as well as all other properties to which the new requirements will apply.

In this instance, only one other C-1 zoned property exists within the Plan Area. This property is a triangular-shaped lot bounded by the Fall River Road, Blue Hill Road and Garden View Drive in Fall River. It is 3.2 hectares (8 acres) in area and is currently vacant. It is not anticipated that an increase in the maximum permitted gross floor area would have a significant effect on this property.

Relative to the maximum permitted gross floor area, an increase from 186 m<sup>2</sup> (2,000 ft<sup>2</sup>) to 325 m<sup>2</sup> (3,500 ft<sup>2</sup>) would permit the existing building to be used for the proposed dental/medical clinic. As this amendment would only apply to C-1 zoned properties, specifically the subject property (if rezoned) and the other property noted above, the expanded maximum gross floor area requirement is appropriate given that both properties are relatively large in scale. Any future rezoning requests for other properties to be rezoned to C-1 would be assessed on a site by site basis subject to Policy P-74 and the C-1 zoning requirements to ensure community compatibility is achievable.

### ***Surrounding Uses and Compatibility***

The properties immediately surrounding the subject property are all residentially developed and all properties within the 152.4 m (500 ft) notification area are zoned R-1B. The subject property has been used as a Bed and Breakfast for over 10 years and is located on a collector roadway. The C-1 Zone provisions, such as minimum lot area, setbacks, lot coverage and building height are the same as those of the existing R-1B Zone. For these reasons, it is the opinion of staff the subject property is an appropriate site for the C-1 Zone.

***On-site Well and Septic***

Policy P-155(b)(ii) (Attachment B) directs Council to give regard to the adequacy of on-site servicing of the subject property for the intended use. The applicant has provided a report from a professional engineer regarding the existing onsite septic field and estimated water usage. The general findings are that the water consumption of the proposed clinic would be less than the previous Bed and Breakfast.

With respect to the capacity of the on-site septic system, the findings state that the proposed clinic is estimated to generate considerably less wastewater than a traditional dental practice, however, the existing system may not be capable of sustaining a traditional dental practice on a long-term basis. Nonetheless, should the system require upgrade or replacement, the subject property is of a sufficient size to accommodate a new on-site system.

***Traffic***

Policies P-155(b)(iv) and P-155(c)(iii) (Attachment B) require that Council consider the adequacy of road networks leading or adjacent to or within the development and traffic generation, access to and egress from the site, and parking. HRM Development Engineering has conducted a review of the proposal and is of the opinion that the proposed clinic can be adequately served by the adjacent road network. Specifically, a safe access is provided to the site with minimal impact on the existing street network.

***Fall River Visioning***

Since 2007, HRM Regional Planning has been engaged in an extensive community visioning program within Fall River. This exercise contemplates supporting a concentration of development within the village centre core where a range of commercial uses in newly created zones with varying footprints may be permitted. The subject property is approximately 200 m north of the area under consideration for Land Use By-law amendments. The C-1 Zone accommodates local business uses which are intended to serve nearby residential areas. As such, this rezoning application is not inconsistent with the overall goal of the visioning exercise to concentrate development in the village centre.

***Summary***

In summary, staff is satisfied the proposal to rezone 3440 Highway 2 from the R-1B Zone to the C-1 Zone and increase the allowable gross floor area is consistent with the intent of relevant MPS policies (Attachment B). As such, staff recommend the approval of this application as per the recommendation section of this report.

**BUDGET IMPLICATIONS**

The HRM costs associated with processing this application have been accommodated within the approved operating budget for C310 Planning & Applications.

## FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

## COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a Public Information Meeting held on March 7, 2012. A public hearing must be held by Council before they can consider approval of this application.

For the Public Information Meeting, notices were posted on the HRM website, in the newspaper and mailed to property owners within the notification area as shown on Map 2. Attachment D contains a copy of the minutes from the meeting. Attachment E contains a copy of comments received from members of the public.

Should Council decide to proceed with a Public Hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area, as shown on Map 2, will be notified of the hearing by regular mail.

The proposed development agreement will potentially impact the following stakeholders: local residents, and property owners.

## ENVIRONMENTAL IMPLICATIONS

The proposal meets all relevant, environmental policies contained in the MPS. Please refer to the Discussion section of this report and Attachment B for further information.

## ALTERNATIVES

1. Council may choose to proceed with the proposed rezoning and amend the Land Use By-Law for Planning Districts 14 and 17 as set out in Attachment A. This is the staff recommendation for the reasons outlined in this report.
2. Council may choose to *proceed* with the proposed rezoning but *refuse* to amend the Land Use By-Law for Planning Districts 14 and 17 to increase the maximum gross floor area for C-1 uses. This is not a recommended alternative as it would prohibit the applicant from utilizing the existing building on the property for the proposed clinic.
3. Council may choose to refuse the proposed rezoning and Land Use By-law amendment, and in doing so, must provide reasons based on conflict with the MPS in accordance with the provisions of the *Halifax Regional Municipality Charter*.

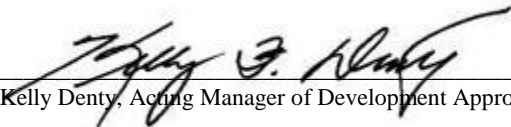
**ATTACHMENTS**


Map 1: Generalized Future Land Use  
Map 2: Zoning  
Attachment A: Proposed Amendments to the Land Use By-Law for Planning Districts 14 and 17  
Attachment B: Excerpts from the Municipal Planning Strategy for Planning Districts 14 and 17 and Policy Review  
Attachment C: Excerpts from the Land Use By-Law for Planning Districts 14 and 17  
Attachment D: Public Information Meeting Minutes  
Attachment E: Correspondence Received from Members of the Public

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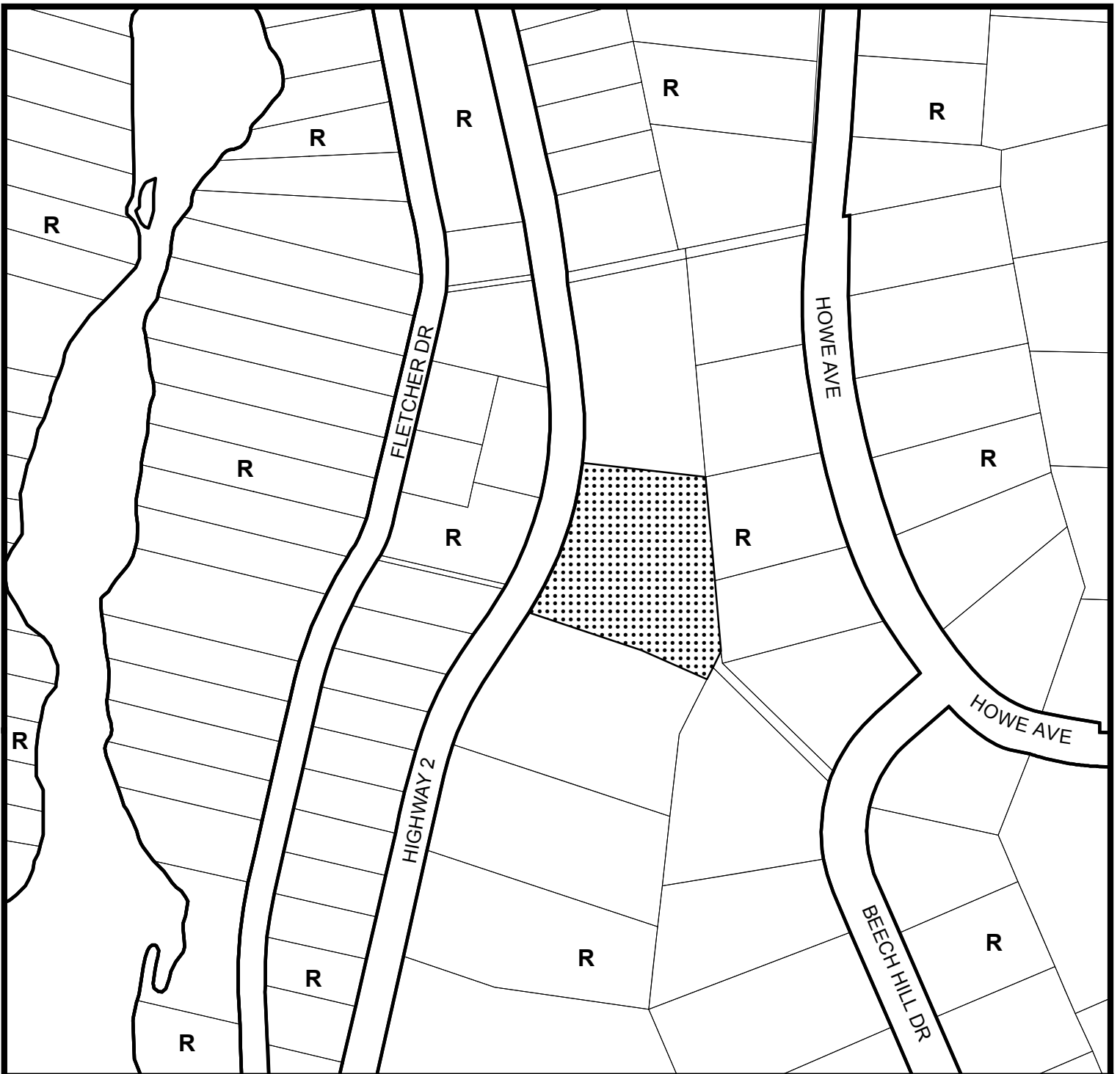
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Jacqueline Bélisle, Planner 1, Planning Applications, 869-4262

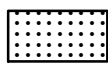
Report Approved by:   
Kelly Denty, Acting Manager of Development Approvals, 490-4800

Financial Approval by:   
Greg Keefe, A/Director of Finance & Information, Communications & Technology/CFO, 490-6308

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Map 1  
Generalized Future Land Use

 Subject Area

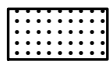
R Residential Designation

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**Map 2  
Zoning**



Subject Area



Notification Area

R-1a Single Unit Dwelling Zone  
R-1b Suburban Residential Zone

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Planning Services





**Attachment A**  
**Proposed Amendments to the Land Use By-Law for Planning Districts 14 and 17**

BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Land Use By-Law for Planning Districts 14 and 17 as adopted by the former Halifax County Municipality on the 2<sup>nd</sup> day of May, 1989 and approved by the Minister of Municipal Affairs on the 19<sup>th</sup> day of July, 1989, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the [insert date of hearing] is hereby amended as follows:

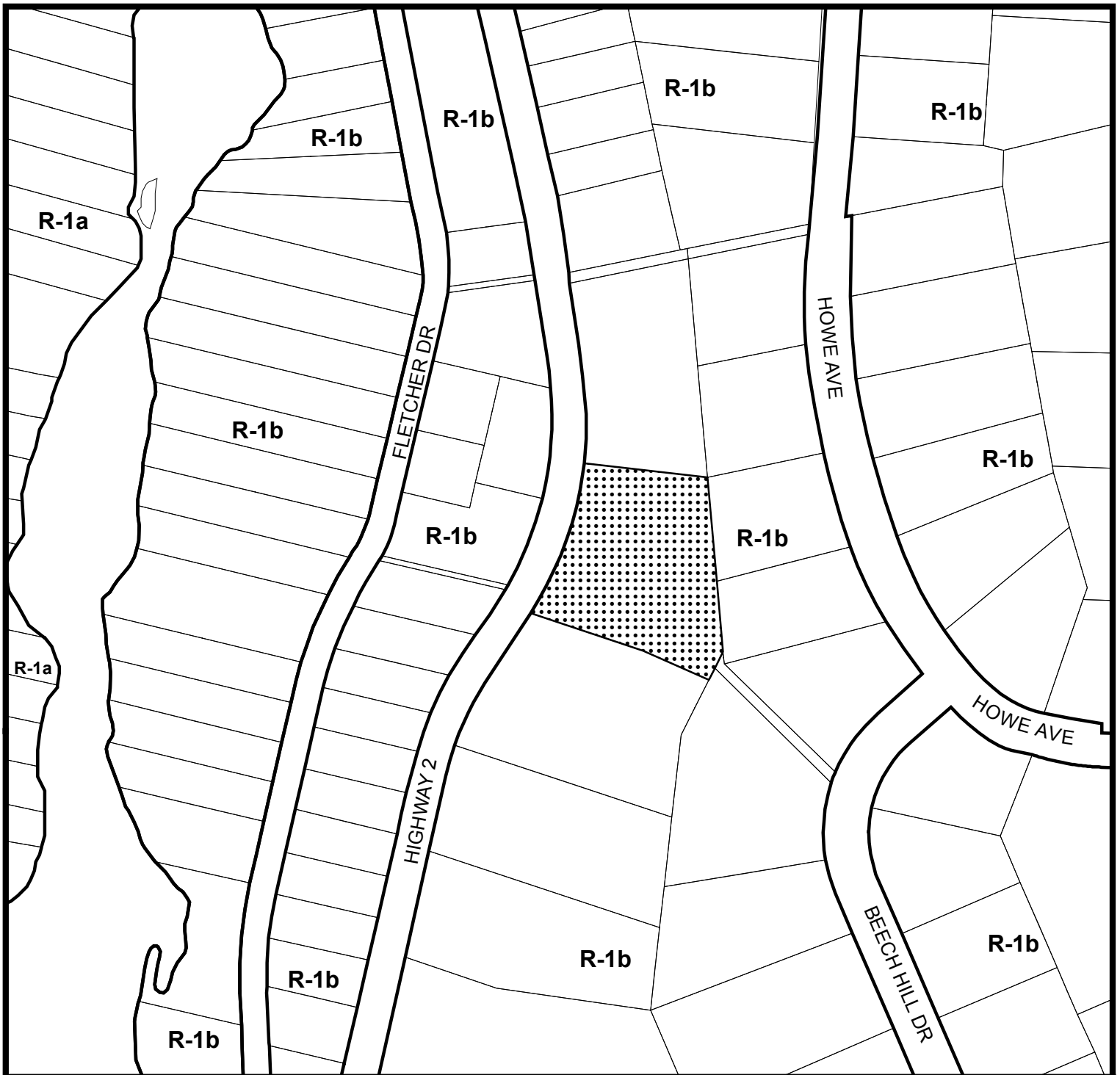
1. The Zoning Map for Planning Districts 14 and 17 (Schedule "A") shall be amended by rezoning 3440 Highway 2 from R-1b (Suburban Residential Zone) to C-1 (Local Business Zone) as shown on the attached Schedule "A".
2. By replacing the text "two thousand (2,000) square feet (186 m<sup>2</sup>)" in Part 12 Section 12.3(a) with the words "three thousand five hundred (3,500) square feet (325 m<sup>2</sup>)".

I HEREBY CERTIFY that the amendments to the Sackville Land Use By-Law, as set out above, were duly passed by a majority vote of the Marine Drive Valley & Canal Community Council at a meeting held on the      day of                      , 2012.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this      day of                      , 2012.

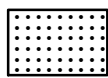
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Municipal Clerk



**Schedule A  
Zoning**

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 Area to be rezoned  
from R-1b to C-1

R-1a Single Unit Dwelling Zone  
R-1b Suburban Residential Zone



**Attachment B**

**Excerpts from the Municipal Planning Strategy for Planning Districts 14 and 17 and Policy Review**

The continued suburban growth of communities within the Residential Designation will create the need for local convenience shopping and services. Such uses should be considered both with regard to the appropriateness of the individual site and the effect upon surrounding uses. In order to promote the development of designated commercial centres, as well as to minimize land use conflicts, the size of local commercial uses will be limited.

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| P-74 <i>Within the Residential Designation, it shall be the intention of Council to establish a local business zone in the land use by-law which permits local commercial convenience, office, service and personal service uses which do not involve outdoor storage or display as well as single and two unit dwellings. This zone shall be applied to existing local business uses. In considering amendments to the schedules of the land use by-law to permit new local business uses, Council shall have regard to the following provisions:</i> |  |
| <b>Policy Criteria</b>   | <b>Staff Comment</b>   |
| <i>(a) that the use is intended to primarily serve local needs;</i>  | The Lakes Oral Surgery clinic is currently established at 1330 Fall River Road. This is approx. 1.4 km from the subject property. This land use is classified as a dental/medical clinic under the LUB which typically serves the local population.  |
| <i>(b) that the scale and external appearance of the use is compatible with nearby land uses;</i>  | The proposal includes utilizing the existing building with a few external modifications and increased parking. However, many of C-1 zone requirements are the same as the existing R-1B zone requirements therefore scale and external appearance will be similar to the existing land use form. The existing vegetation on the site provides natural buffering and it is anticipated this proposal will not cause compatibility concerns. |
| <i>(c) that the site has direct access to a collector or arterial road; and</i>  | Highway 2 is classified as a major collector   |
| <i>(d) the provisions of Policy P-155.</i>   | See Table Below  |

|  |  |
|--|--|
| <i>P-155 In considering development agreements and amendments to the land use by-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:</i> |  |
| <b><i>Policy Criteria</i></b>  | <b><i>Staff Comment</i></b>  |
| <i>(a) that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations;</i>   | This application conforms to the intent of Policy P-74 (see table above)   |
| <i>(b) that the proposal is not premature or inappropriate by reason of:</i>   | ...  |
| <i>(i) the financial capability of the Municipality to absorb any costs relating to the development;</i>   | There is no anticipated cost to the municipality relating to the development.  |
| <i>(ii) the adequacy of central or on-site sewerage and water services;</i>  | The property is serviced by on-site well and septic. As discussed in the body of the report the applicant has provided information regarding the suitability of these on-site services.  |
| <i>(iii) the adequacy or proximity of school, recreation or other community facilities;</i>  | As the C-1 Zone does not permit any additional residential units than the existing R-1B zone this proposal would not produce an impact on school, recreation or other community facilities.  |
| <i>(iv) the adequacy of road networks leading or adjacent to or within the development; and</i>  | The road network leading to the subject property is a major collector road and is adequate to accommodate the proposed dental/medical clinic or other C-1 uses. The parking lot will be required to meet Land Use By-law requirements (specifically section 4.26). |
| <i>(v) potential for damage to or for destruction of designated historic buildings and sites.</i>  | No historic buildings or sites have been identified on the property.   |
| <i>(c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</i>   | Note: for rezoning applications the only development controls available are the requirements of the Land Use By-law and other applicable HRM By-laws.  |
| <i>(i) type of use;</i>  | Part 12.1 of the LUB lists permitted uses within the C-1 Zone (Attachment C).  |
| <i>(ii) height, bulk and lot coverage of any proposed building;</i>  | Part 12.2 of the LUB details the zone requirements within the C-1 Zone (Attachment C) and these requirements are similar to the existing R-1B Zone requirements.   |

|   |  |
|---|--|
| <i>(iii) traffic generation, access to and egress from the site, and parking;</i>   | Traffic generated by the proposed dental/medical clinic or other C-1 uses would be minimal; safe stopping distances for the subject property were found the results to be satisfactory; and parking provided on site must comply with the requirements of Part 4.26 of the LUB.  |
| <i>(iv) open storage;</i>   | Part 12.3(b) of the LUB does not permit open storage or outside display within the C-1 Zone.   |
| <i>(v) signs; and</i>   | Any signs proposed for the site must comply with Part 5 of the LUB as well as the temporary sign by-law (By-law S-800).  |
| <i>(vi) any other relevant matter of planning concern.</i>  | During the public information meeting held on March 7, 2012 one resident expressed concern regarding the commercial “creep” of uses northward on Highway 2. While Policy P-74 does allow consideration of the C-1 Zone, not every property would be able to meet the policy criteria and any future applications would be evaluated on a site by site basis. |
|   | Fall River visioning has been underway in the area however the subject property does not fall within the area under study  |
| <i>(d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility or flooding.</i>   | There is a watercourse in close proximity to the property and therefore riparian buffers stipulated under the LUB will apply   |
| <b><i>(e) Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy P-64F”, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS. (RC-July 2/02; Effective-Aug 17/02)</i></b> | No holding zone has been established and no additional lots are proposed in conjunction with this application  |

Attachment C  
Excerpts from the Land Use By-Law for Planning Districts 14 and 17

PART 2: DEFINITIONS

2.33 GROSS FLOOR AREA means the aggregate of the floor areas of a building above and below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building; and for the purpose of this clause, the walls of an inner court shall be deemed to be exterior walls.

PART 12: C-1 (LOCAL BUSINESS) ZONE

12.1 C-1 USES PERMITTED

No development permit shall be issued in any C-1 (Local Business) Zone except for the following:

Commercial Uses

Variety stores

Food stores

Offices

Medical and dental offices and clinics

Service and **Personal Service Uses (RC-Jun 17/03;E-Jun 20/03)**

Residential Uses

Single unit dwellings

Two unit dwellings

12.2 C-1 ZONE REQUIREMENTS

In any C-1 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:

|                                 |   |
|---------------------------------|---|
| Central water and sewer service | 10,000 square feet (929 m <sup>2</sup> ) per dwelling unit  |
| Other                           | 40,000 square feet (3716 m <sup>2</sup> ) per dwelling unit |

Minimum Frontage:

|                                  |                   |
|----------------------------------|-------------------|
| Central water and sewer services | 75 feet (22.9 m)  |
| Other                            | 100 feet (30.5 m) |

Minimum Front or Flankage Yard 30 feet (9.1 m)

Minimum Rear or Side Yard:

|                                 |                 |
|---------------------------------|-----------------|
| Central Sewerage Water Services | 8 feet (2.4 m)  |
| Other                           | 20 feet (6.1 m) |

Maximum Lot Coverage 35 per cent

Maximum Height of Main Building 35 feet (10.7 m)

12.3 OTHER REQUIREMENTS: COMMERCIAL USES

Where uses are permitted as Commercial Uses in any C-1 Zone, the following shall apply:

- (a) The gross floor area of all commercial uses in any C-1 Zone shall not exceed two thousand (2,000) square feet (186 m<sup>2</sup>).
- (b) No open storage or outdoor display shall be permitted.
- (c) No portion of any parking space shall be located within any required side or rear yard.

12.4 C-1 ZONE REQUIREMENTS: RESIDENTIAL USES

In any C-1 Zone, where uses are permitted as Residential Uses, no development permit shall be issued except in conformity with Part 7.

**Attachment D**  
**Public Information Meeting Minutes**

**HALIFAX REGIONAL MUNICIPALITY**  
**Public Information Meeting**  
**Case No. 17510**

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**Wednesday, March 7, 2012**  
**7:00 p.m.**

**Ash Lee Jefferson Elementary School, Fall River**

**STAFF IN**

**ATTENDANCE:**

Jacqueline Belisle, Planner, HRM Planning Services  
Alden Thurston, Planning Technician, HRM Planning Services  
Cara McFarlane, Planning Controller, HRM Planning Services

**ALSO IN**

**ATTENDANCE:**

Councillor Barry Dalrymple, District 2  
Dr. Lee Chamberlain, The Lakes Oral and Facial Surgery Clinic

**PUBLIC IN**

**ATTENDANCE:**

Approximately 27

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**1. Call to order, purpose of meeting – Jacqueline Belisle**

Ms. Belisle, HRM Planning Applications, introduced herself as the planner facilitating Case No. 17510 through the planning process; Councillor Barry Dalrymple, District 2; Dr. Lee Chamberlain, Applicant, The Lakes Oral and Facial Surgery Clinic; and Alden Thurston and Cara McFarlane, HRM Planning Applications.

The purpose of the public information meeting (PIM) is to inform the community that HRM has received an application, describe the proposal and background, and receive comments and feedback from public. No decisions are made at the PIM.

The PIM agenda was reviewed.

**2. Overview of planning process – Jacqueline Belisle**

The PIM is the first step in the planning process; then a detailed staff review with internal/external departments is done; staff prepares a staff report to Marine Drive, Valley and Canal Community Council (MDVCCC) who will schedule a public hearing and make a decision on the proposal; and the decision of MDVCCC is followed by a 14 day appeal period. Any appeals are heard by the Nova Scotia Utility and Review Board (NSUARB).



### **3. Presentation of Proposal – Jacqueline Belisle**

The proposal is to rezone 3440 Highway 2 from the R-1B (Suburban Residential) Zone to the C-1 (Local Business) Zone and permit an oral and facial surgery clinic. Also, as part of this application, the applicant is seeking to amend the Planning Districts 14 and 17 Land Use By-law (LUB) to increase the maximum gross floor area permitted in the C-1 Zone from 2,000 square feet to 3,500 square feet.

The property falls within the plan area for Planning Districts 14 and 17 and is currently being used as a dwelling and a bed and breakfast. It is designated Residential under the Municipal Planning Strategy (MPS) and zoned R-1B (Suburban Residential) under the LUB.

Policy P-74 sets out certain factors by which HRM Planning Services staff evaluates the proposal. Council considers those factors when making a decision on the application. Some of these factors under Policy P-74 are: a) the use is intended to primarily service local needs; b) the scale and external appearance of the use is compatible with nearby land uses; c) the site has direct access to a collector or arterial road (Highway 2 has been classified by the MPS as a collector road); and d) consider the provisions of policy p-155.

Policy P-155 is an implementation policy that lists factors staff considers for every planning application. Some of factors include: a) the adequacy of on-site septic and water service; b) the adequacy of road networks in and out of the development, the impact of what traffic generation of the development would have on the community; c) the potential of damage to historic buildings or site; d) the site itself in terms of any geographical or geological features on the site that would have an impact on the community with regards to the development such as steep grades or watercourses and things of that nature.

If this property is rezoned to C-1, any of those permitted uses can happen as of right. Including variety stores, food stores, offices, service and personal service uses. Tonight's PIM is staff's public consultation to rezone this property to C-1. The C-1 Zone also permits certain residential uses such as single unit and two unit dwellings.

The second part of this application is to increase the gross floor area permitted in the C-1 Zone. This is primarily because the existing building on the site is greater than 2,000 square feet. Under current regulations, only 2,000 square feet of that building could be used. The applicant is looking to utilize the entire building.

### **Presentation of Proposal – Dr. Lee Chamberlain, The Lakes Oral and Facial Surgery Clinic**

Dr. Chamberlain currently has a clinic just under 2,000 square feet on Fall River Road and would like to remain in Fall River. Over the years, the clinic has grown in size and staff members.

A picture of the property and building was shown. The building proposed for the clinic is single storey and has been a bed and breakfast for years. The building is almost 3,000 square feet which would not be permitted under the C-1 Zone (allows up to 2,000 square feet). Therefore, the

building cannot be used unless it is rezoned and an amendment occurs to the LUB for Planning Districts 14 and 17.

The clinic is a single practitioner service and Dr. Chamberlain's son plans to take over the clinic in the future. He gave the public his assurance that there is no plan for the use to change.

Services provided are form exodontia (the removal of teeth), pathology, corrective jaw surgery, dental implants, facial cosmetic surgery and sedation surgery.

The hours of operation would be Monday to Friday, 8:00 am to 4:00 pm. He doesn't see patients on Mondays; Tuesdays - private consultations, or in Colchester Regional Hospital to do major maxillofacial surgery procedures; Wednesdays and Thursdays - the office is fully occupied with staff because full surgical services are performed; and Fridays - he has outpatient clinics in New Glasgow and Truro.

The property has a single access point to Highway 2 with two existing parking lots (upper and lower lot) with sufficient parking for approximately 19 vehicles. The parking lots will be refined a bit and smoothed. The building will remain in the same location. The only change to the outside of the building would be a carport with canopy on the left side to allow for patients who have been sedated to be picked up at the door. The carport would be big enough for a single vehicle to drive through then curve around, go into the lower parking lot and still exit at the same point.

The interior of the building will be changed to an outpatient service surgery centre: three surgery bays, a dental oriented bay for sedation dentistry, a couple of consult rooms, waiting room, reception area, kitchen area, storage and x-ray unit. Dr. Chamberlain offered to show plans of the inside of the building.

There are approximately 20 patients each day on Tuesdays, Wednesdays and Thursdays. This would mean about one car every 20 minutes entering and exiting the clinic from 8:00 am to 4:00 pm. Not a significant impact on traffic. Most of the patients will be coming in and out of the clinic during non-rush hour hours. There are seven staff members including Dr. Chamberlain who arrive a little earlier (7:45 am) and depart a little later (4:15 pm).

Currently, the well and septic (a C1 approved septic system with a 1,000 gallon holding tank) can accommodate a seven bedroom bed and breakfast with three full bathrooms and a kitchen. There is a drilled well on the property. Will it handle a dental clinic? A surgery clinic, typically, does not use well water during surgery. Manorap (alcohol based) hand cleanser is used and any water used is distilled purified system water for the sterilizer (has to be less than 3 parts per million particular). The well has 127 parts per million which is not acceptable for sterilizing. The bulk of the usages would be from the bathrooms. The usage of the dental clinic for Tuesdays, Wednesdays and Thursdays will be about 102 gallons per day. The bed and breakfast, at its busiest, calculated at about 530+/- per day.

#### 4. Questions and Comments

**Michael Creighton, Lockview Road, a member of the Fall River Visioning Project** – In addition to allowing 3,500 square feet, the maximum lot coverage percentage will have to change. The Fall River Area Business Association approves of the proposal as it promotes business in the area. **Ms. Belisle** will be involving Maureen Ryan, HRM Regional Planning, during staff's detailed review to ensure this proposal is consistent with the Fall River Visioning Project.

**Tom Doggett, Highway 2** – Is concerned about spot zoning. If the dentistry clinic shuts down, any of the other permissible uses could move onto the property and the community would have nothing to say about it. Spot zoning creates a very undesirable situation. He approves of the dental clinic but it doesn't stop other business in the future from moving in. The strip of highway towards his property will become commercial. He suggested a contract zone on the property which would allow a specific use of the property and if the dental clinic vacates the property, the property would then be zoned back to residential. **Ms. Belisle** said Mr. Doggett is referring to a development agreement which is for a very specific use on the property. A development agreement stays with the land until it is discharged by council or by the applicant. When the plan was developed in 1989, it was determined that the C-1 Zone and Policy P-74 would be considered when looking at rezoning properties. There is no current policy within the MPS for Planning Districts 14 and 17 to allow council to consider a development agreement or contract zoning for this property.

**Councillor Dalrymple, District 2** – Explained that staff will address any concerns and issues and work towards that. Staff will prepare a staff report with recommendation to MDVCCC who will hold a public hearing. There will be a presentation and members of the public will be given the opportunity to speak before council makes a decision.

**Karen Dewolfe, Fletchers Lake** – Believes this will be a great benefit to the community. She wanted reassurance that there will be minimal disruption to the neighbourhood with any kind of construction. **Dr. Chamberlain** explained that the driveways will be refined and smoothed which would require some heavy equipment. He expects minimal or no disruption and if there is, it will be during the day. **Ms. Belisle** reminded the public to contact HRM with any noise issues.

#### 5. Closing Comments

Ms. Belisle thanked everyone for their coming and providing their comments.

#### 6. Adjournment

The meeting adjourned at approximately 7:55 p.m.

Attachment E  
Correspondence Received from Members of the Public

The following statement:

To: Jacqueline Belisle, Planner  
Planning Services, Central Region  
Email: [belislj@halifax.ca](mailto:belislj@halifax.ca)

Re Case # 17510

Ms. Belisle :

Please document this email as a vote in support of Dr. L. R. Chamberlain's proposal for the rezoning of property 3440 Highway 2, Fall River Nova Scotia, and the proposed Bylaw change.

Thank you,

Was received from the following people:

Karen Morash  
David Maloney  
Andy Armstrong  
Sherry L. Whytewood  
Michele Gillis  
E Wiseman  
Deborah deHaan Atkinson and Gerald Atkinson and Jack and Ann deHaan  
Dr. Pat Johnson, D.D.S  
Lynn Timmons, [REDACTED], Fall River NS B2T 1H7  
Marco & Maria Plasse, [REDACTED]  
[REDACTED]  
Donna Nielsen  
Ronald P Dugas  
Janet Wickstrom  
Rodger Weldon Kellerman, [REDACTED], Wellington, NS, B2T1J4  
Gary D. Nielsen  
Andrew McDonald  
Thomas M. Pinhey  
Annie Nielsen  
Sharron Atton & James Grant, [REDACTED], Fletchers Lake, N.S. , B2T 1A1  
Jill and Steve Robertson, [REDACTED], Fall River, NS, B2T 1E7  
Erick Garand, DMD, 902-[REDACTED]

Elizabeth Catherine Kellerman, [REDACTED], Wellington, NS, B2T1J4  
Jennifer Allan  
Lawrence Kennedy  
Guy Leman  
Micheal Chant  
Laura Kennedy  
Daryl Webber  
Gary Drake  
Marjorie Drake  
Darren Kennedy  
Laurie Kennedy  
Linda Robar  
Barbara Himelman & William Himelman  
Bonnie Currie, [REDACTED]  
Shannon Brown  
Sandra D'Arcy  
James D'Arcy  
Agnes Garnett, [REDACTED], Fall River, N.S., B2T 1j2 , 902-[REDACTED]  
John Dulong, Family Real Estate Advisor, Exit Realty Metro, 902-[REDACTED],  
[REDACTED]  
Marjorie J. Keeping  
Nancy Nicholson, HRM, 902-[REDACTED]  
Barbara Tucker  
Suzanne Bolt  
Donna Bonner  
Wayne & Margot Chiasson, [REDACTED], Bedford NS, B4A2X7, 902-[REDACTED],  
[REDACTED]  
Patricia Himmelman  
Dr. Stephanie Gray, DC, [REDACTED], [REDACTED], Fall River, NS  
2T 1J5  
Grant and Sue Herrington, Bedford NS.  
Kevin Hanna  
Michele Peveril, Fall River, NS  
Erica Doucet, [REDACTED]  
Dr. Mark Sutherland, Dentist, Halifax  
Stephanie Heighton  
Doris Ryerson  
Amy Grady

Michael Purcell

Also the following emails were received:

**(1) From: Bruce, Cameron**

**Subject: Case # 17510**

To: Jacqueline Belisle, Planner  
Planning Services, Central Region  
Email: [belislj@halifax.ca](mailto:belislj@halifax.ca)  
Re Case # 17510

Dear Ms. Belisle :

I am unable to attend the meeting on March 7<sup>th</sup> concerning Dr. Chamberlain's proposal but please document this email as a vote in support of Dr. L. R. Chamberlain's proposal for the rezoning of property 3440 Highway 2, Fall River Nova Scotia, and the proposed Bylaw change.

Thank you,

*Cameron Bruce*

**Cameron Bruce**  
**Resident of Fall River**

**(2) From: Fall River Animal Hospital \***

**Subject: case no. 17510**

To whom it may concern,  
Please document that I support the rezoning proposal case no. 17510.  
Thank you,  
Brian Coxhead

**(3) From: Sean Brogan**

**Subject: Case No. 17510 - Please Document**

Dear Ms. Jacqueline Belisle  
I would like to inform you that I support the submission by Dr. Lee Chamberlain for Case No. 17510  
Thank you,  
Sean Brogan

**(4) From: Lozowski and Hadad Family Dental**  
**Subject: Case No 17510 Please Document**

Dear Ms. Jacqueline Belisle,

Hello,

This is Dr. Greg Lozowski and I am contacting you regarding Case No 17510. My patients and I are enthusiastically in support of rezoning Judy Neilson's bed and breakfast so Dr. Lee Chamberlain can move his dental clinic to a more visible location. I refer my patients to Dr. Chamberlain and his existing space is not easy to find for some people. Explaining how to get to Dr. Chamberlain's office would be far easier in this location.

Thank you.

**(5) From: Mike Himmelman**  
**Subject: Letter of support 1st public meeting.doc**

To: Jacqueline Belisle, Planner  
Planning Services, Central Region  
Email: [belislj@halifax.ca](mailto:belislj@halifax.ca)  
Re Case # 17510

Ms. Belisle :

Please document this email as a vote in support of Dr. L. R. Chamberlain's proposal for the rezoning of property 3440 Highway 2, Fall River Nova Scotia, and the proposed Bylaw change.

I was in attendance at the public forum on March 7, 2012 and feel that this proposal would be of great benefit to the community and the general public.

Thank you,  
Michael Himmelman