Memo

TO: **Clerk's Office**

FROM: **Kristen Knudskov, Planner**

DATE: **May 17, 2021**

RE: **Addendum to Case 1078 Municipal Planning Strategy Amendment to allow a Medical Clinic at 46 Cottage Road, Sydney (PID 15105133 and 15270382)**

Since the time that the above-noted issue paper was prepared, additional public hearing submissions were received by the CBRM Planning & Development Department. All submissions which have been received are attached for Council's consideration.

A total of twelve (12) submissions were received; a brief summary is provided below.

- Two (2) Outright support
- One (1) Support, subject to conditions
- Nine (9) Opposed

Comments from those **in support** include:

- There are non-residential uses adjacent to 46 Cottage Road
- Good use of the property

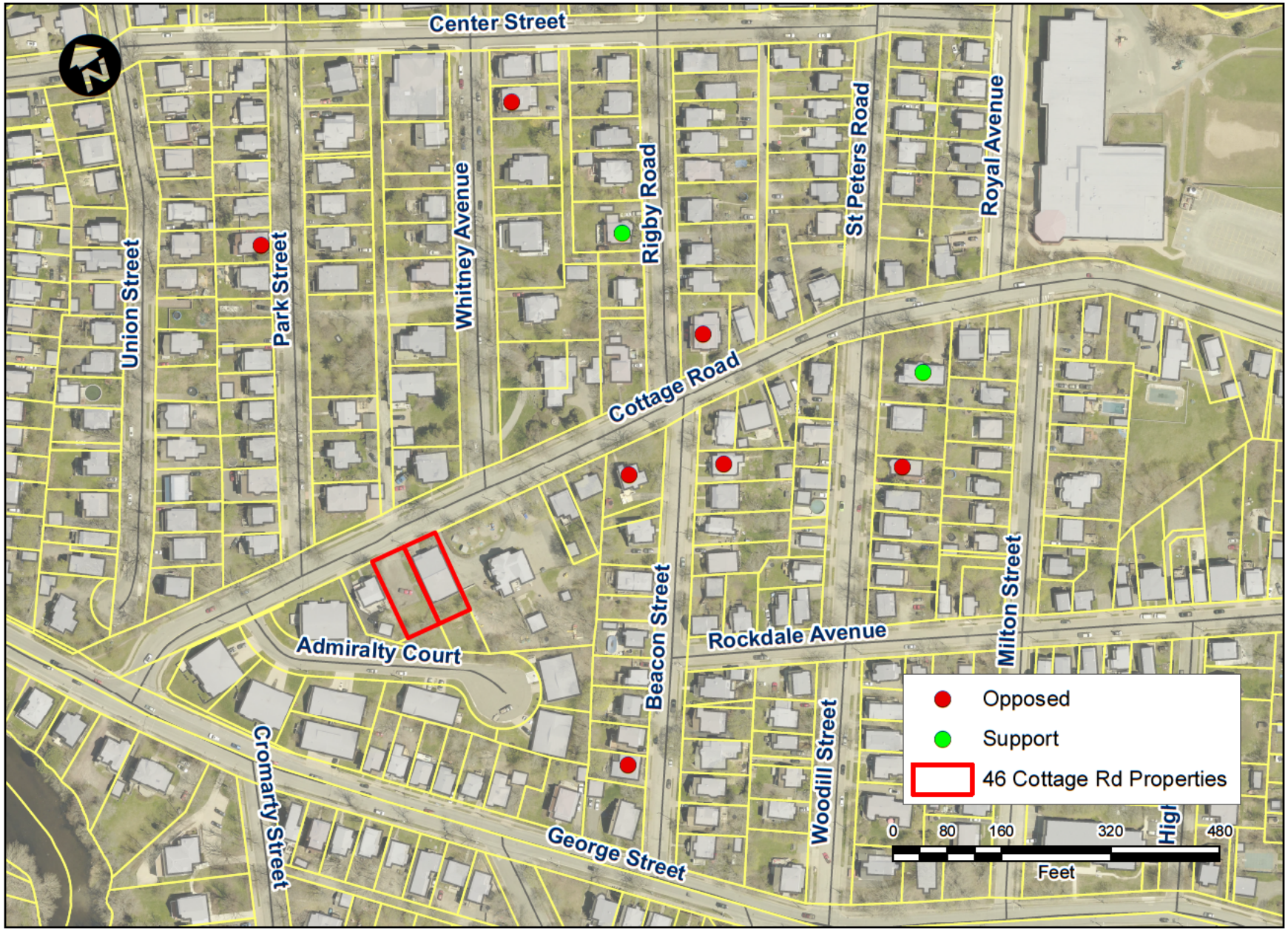
The individual who expressed **support subject to conditions**, would only be supportive if:

- The amendment did not allow a methadone or drug treatment clinic to be established
- Adequate parking is provided

Comments and concerns from those **in opposition** include:

- Traffic increase, safety, and pattern; general area and specifically:
    - Beacon Street
    - Park Street
- Accessibility of building interior
- Neighbourhood attractiveness
- Hours of operation

- Definition of medical clinic; safety if psychiatrist or psychologist opens a practice next to the daycare
- Will not alleviate doctor shortage
- Heritage Conservation District and Residential Heritage Zone should not be included in the amendment
- Number of parking spots for patients and staff
- Possible size of medical clinic at 46 Cottage Road
- Enforcement, Bylaw Officers
- Three additional doctors on Park Street who might establish a home office
- Encourages use of cars
- Does not support existing businesses downtown
- Public input process; during pandemic people were not able to discuss openly or assemble
- Would support a home-based business but not a stand-alone medical clinic because the business owner would have a stake in the outcome
- Concern of precedence for other non-residential uses
- There are commercial vacancies elsewhere
- Generally incompatible use


Center Street
Union Street
Park Street
Whitney Avenue
Rigby Road
St Peters Road
Royal Avenue
Cottage Road
Admiralty Court
Beacon Street
Rockdale Avenue
Milton Street
Woodill Street
Cromarty Street
George Street
Opposed
Support
46 Cottage Rd Properties
0
80
160
320
480
Feet

From: [redacted]
To: PlanningConsult
Subject: From Eric and Lynda Krause - Medical Clinic - 46 Cottage Road - Upcoming Public Hearing
Date: May 5, 2021 9:13:24 AM

To: Kristen Knudskov, Planner, Planning and Development Department Subject: Public Hearing Statement, For Tuesday, May 18th, 2021

Our view (that is that this contact should be considered as 2 separate submissions):

> **Any commercial enterprise that is to be established in a zone designated as residential MAY be considered ONLY if the OWNER resides in said enterprise and ONLY if this is the PRIME residence of the OWNER. In other words, such enterprises are to be considered as home-based businesses that, significantly, have, let us say as simply as possible, "skin in the game."**

In the particular case at hand, this effort to carve out an exception to the Planning Documents of the CBRM through an amendment that would allow, in general, medical clinics, and, in particular, one at 46 Cottage Road (where the owner will not be residing) to exist in a residential area when there exists numerous commercial properties elsewhere in the CBRM just as suitable, simply opens up the slippery slope that other "commercial" initiatives might also want to seek a similar broad/and or particular exception.

There are good reasons why zones, be they Residential, Commercial Industrial, Agricultural, Rural, Recreational, or whatever exist: Each is controlled by a set of "regulations" for "new development" that differs from other zones. In such a regulatory scheme, the goal of a zone regime is clear: to group within each zone activities and uses that are compatible while at the same time to segregate zones from others that have activities and uses deemed incompatible.

And here is the rub: what is compatible and what is not in any situation? After all, there is no accounting for taste, meaning that "there is no way to understand why some people like something while other people do not."

So, tried and true, proven effective in many jurisdictions, in residential zones that take up commercial activities this touchy issue of what is compatibility or not has been neatly avoided, through the friendly neighbourhood requirement that all commercial activities be home-based businesses. Having spent their own money to purchase their residence, to form up a business that they wish to run there becomes each as important as the other.

And seeing this, and knowing this, and being like them, their neighbours will more likely regard this newcomer as familiar rather than interloper, understandable rather than uncommon, and, most importantly, immediately acceptable rather than potentially undesirable over the long term.

Thanks for this consideration,

Eric and Lynda Krause
62 Woodill St, Sydney, NS, Canada
B1P 4N9
http://www.krausehouse.ca/krause/MyGenealogy.html

From: [redacted]
To: PlanningConsult
Subject: Upcoming public hearing:Medical clinics
Date: May 8, 2021 12:34:49 PM

Hello,
My name is Leslie MacDonald, 56 Whitney Ave, Sydney, NS B1P 4Z7.
I am writing to voice my concern and opposition to the proposed amendment to change the zoning to allow for a medical clinic at 46 Cottage Rd. Cottage road and the adjoining streets are a lovely residential area. There are many seniors and families that live in the area. Lots of folks walk on cottage road for recreation and to get to work and school. I believe it is a slippery slope to change zoning to allow for a non residential application. I am sure there are a lot of commercial vacancies in the cbrm that would be most suitable for a doctors office.
Thank you
Leslie MacDonald

From: [redacted]
To: Kristen R. Knudskov
Subject: Zoning and Cottage Road office
Date: May 13, 2021 3:04:11 PM

Kristen,
I wanted to share my opposition with you, concerning the proposal to place a doctors office on Cottage Road. The following is a letter I sent to my councillor Glenn Paruch. I have also added his response.
Plus I would like to add two additional points. The other businesses that Councillor Paruch refers too have very different traffic patterns than a doctors office. A six bed bed and breakfast would have six cars in the evening leaving in the morning. The day care has a steady stream of cars but only once in the early morning and then again late in the afternoon. The aesthetician next door rarely has an extra car parked in her driveway.
My second point is I noticed on the floor plan attached to the agenda for April 20th meeting that once you enter the building there are stairs between the foyer area and the waiting room, exam rooms etc. While the newly constructed ramp on the outside implies accessibility the interior configuration of the building tells another story. Furthermore the public washroom adjacent to the waiting room is also not accessible.
Thankyou for the opportunity to express my views.
Andrée Crépeau

Glen,
My name is Andrée Crépeau and I live at 13 Beacon St. Sydney. I'm one of the people who answered the survey concerning the Doctor's office on Cottage Road with a NO.
I have lived in this house since 1983 and dearly love my neighborhood. I worked hard to stop the establishment of a Lawton's Drugstore on the land where housing on Admiralty Court is now located.
I objected to that development for the same reasons that I object to a Doctor's office on Cottage Road.
First, I believe firmly that commercial development should be in commercial areas like downtown Sydney. Putting commercial development in residential areas just encourages more people to have to use cars to get to services. It also does nothing to support existing businesses in downtown.
Second, Cottage Road is already a very busy street. Traffic leaving the doctors proposed parking lot is likely to all turn right. For those wanting to travel north on George St. they are very likely going to access George via Beacon St. The corner of Beacon and George doesn't have good sight lines as it is on a curve on the hill and has a tall hedge that further obscures your view. Further, Beacon is a narrow street that becomes one lane when cars are parked on both sides of the street, and this happens virtually everyday.
There are 9 children under the age of 10 that live on this short street. In addition, there are 6 additional children under the age of 10 that visit their grandparents several times each week. Additional traffic on a narrow street poses a risk to these families. It also dismisses the attractiveness of our neighborhood to young couples looking for housing suitable for families with children.
I sincerely hope that you will be voting no to allowing a commercial development on Cottage Road. Thank you for your consideration.
Yours Sincerely,
Andrée Crépeau

Good evening Andree,

I want to start off by thanking you for taking the time to fill out that survey. I was very disappointed when only 24 out of a possible 205 approx. took part. I actually do not feel it will encourage people to take cars, I think it will promote more active transportation (ie closer to home) I do agree it is a busy Street but feel the overall volume will not be greatly impacted. As you know, there is already a large daycare, aesthetics, and a bed-and-breakfast across the street. They have surveyed the street and classified it as a level 3 already. I had many residents in district 6 reach out to myself over the last several months via Facebook phone calls etc. in support of this medical clinic. As the district 6 councillor, when I have more residents asking for my support than opposing I had to choose to support. Many residents felt counsel should be doing anything possible to support our physicians, especially in the crisis we are in.

Kind regards Glenn,

May 13, 2021

86 Cottage Road, CBRM
B1P 2C7

Ms. Kristen Knudskov
Planner, Planning and Development Department,
Cape Breton Regional Municipality

Re: Public Hearing: Medical Clinic

As property owners of the CBRM, residing on Cottage Road, we would like to express our continued concern and disapproval for the proposed amendment to the Planning Document that would permit a medical clinic to be located at 46 Cottage Road. We have four points of concern that we would like to have reviewed and fully investigated in this Public Hearing. Our points are as follows:

1. Cottage Road is a residential street in a residential neighbourhood with homes, families, schools, and places of worship. The applicant expressed a desire to locate a medical clinic in the downtown area. There are many commercial regions of CBRM with existing buildings and space that can house Medical Clinics in areas that are **already** zoned commercial, so there is no need to amend Planning Documents to permit medical clinics throughout the jurisdiction of the CBRM in residential zoned areas.
2. The amendment does not address the hours of operation of a Medical Clinic in a residential neighbourhood. A medical clinic may include ambulance services and other first responder vehicles with sirens and fast vehicular traffic on our residential street.
3. The definition of Medical Clinic in the proposed amendment provides examples but does not limit the establishments that could locate in a residential area.
    a. Current wording "**Medical clinic** means a service establishment where members of the medical profession, including dentists, chiropractors, physiotherapists, osteopaths, optometrists, provide diagnosis and treatment to the general public without overnight accommodations. "
    b. Wording change "**Medical clinic** means a service establishment where members of the medical profession, **limited to** dentists, chiropractors, physiotherapists, osteopaths, optometrists…" . This wording change would provide some assurance to residents in the area that the amendment would have limits.
4. The current property is made up of one building, however the entire property includes 4 city lots and if the bylaw is amended, a very large medical clinic could be located on the full property and adjacent lots. This expansion would greatly increase the traffic and congestion in this area.

We hope that all our listed concerns are addressed during this Public Hearing.

Regards,

M. Lucia MacIsaac and Donald MacIsaac

Cottage Road Residents

Letter submitted by email May 13/21

May 13, 2021

TO: CBRM Planning & Development Dept. & CBRM Council

RE: Proposed Medical Clinics in CBRM

We are writing today re the bylaw proposal to permit Medical Clinics to open in residential areas within the CBRM.

We are very opposed to this amendment, having had firsthand experience with a doctor's office being operated beside our home 10 years ago. They were operating illegally. We dealt with many issues such as people parking in our yard, a vehicle being hit and cigarette butts being thrown in our yard. The practice was open some evenings, sometimes on holidays (Good Friday, etc.). So, you can imagine while you are trying to relax in your backyard to have patients walking by to go to the doctor's office. Very intrusive!

It took us 11 months of relentless calls to the CBRM Bylaws Office until the doctor was relocated. One of the biggest concerns we have is if this amendment goes through is what is the plan for enforcement? Even though this clinic was clearly illegal, it took 11 months to deal with it. Unless the CBRM is planning to hire more Bylaw Officers, we know from experience it will be hard to enforce. After talking to our own Councillor, he stated he was not aware that any extra Bylaw Officers would be added.

The second issue we have is that we have three doctors who live on our block on Park Street, and two more that are visible on Whitney Avenue from our home. Can you imagine the issues if they all decided to open home offices? What is your plan to deal with the potential issues this could cause?

After the closure of Union Street, Park Street has become the main thoroughfare to access Sydney Academy. The residents raised concerns at that time and were told Whitney Avenue would be the route being used for buses, etc. to access Sydney Academy. That has never happened. Now you want to add more traffic to this residential neighbourhood. I would invite our councillor, Glenn Paruch, to come and have a coffee some school morning and sit out and watch the traffic flow.

Also, worth noting is that when Lawton's tried unsuccessfully to build a new Drug Store on the corner of George Street and Cottage Road, there were petitions within the

neighborhood to stop this project. The biggest concern was that there would be doctor's offices located in that building.

What are the plans if the proposed Medical Clinic at 46 Cottage Road becomes a collaborative practice and a psychiatrist/psychologist joins the practice and is treating pedophiles/sex offenders? Will the neighbourhood be advised when they will be in the neighbourhood? We find it troubling with a daycare located next door the potential danger this would pose. Remember if you are made aware of the potential, you as a Council will have to bear some of the responsibility should anything happen.

You as Councillors may make what appears to you to be a solid plan on paper. If in practice there are no additional resources put in place to deal with the potential issues and enforcement, then the plan is not solid. As we said earlier, we had great difficulty in dealing with an illegal clinic and all parties agreed it was illegal. How will you enforce a set of complex bylaws? We ask that you do due diligence before approving such amendments.

We are not opposed to making changes in the Municipality and fully realize we have a shortage of Doctors in our province. We do not see how this change will alleviate that shortage. By making our communities and neighbourhoods more family friendly and liveable would. The best way to do that is to keep residential areas residential.

Thank You

Pauline & James Chisholm

47 Park Street, Sydney, NS

Tel: [redacted]

From: [redacted]
To: PlanningConsult
Subject: Physician office
Date: May 14, 2021 12:17:53 PM

Hello,

I am a resident on Cottage Rd. I have a home within a block of the proposed Physician's office. I can't emphasize enough my opposition to this proposal. When we purchased our home we were pleased with it's location. The one issue we have is with the amount of traffic that can increase substantially when people are coming and going to work. This is common I am sure with most neighbourhoods. I view this Physician's office as an unnecessary addition to our neighbourhood with the increase in traffic that it will entail. We should try to keep residential as residential and encourage businesses to go where it is most appropriate.
Our city has many commercial areas in need of businesses. Has this been pursued? There is even a medical clinic on King's road that has room for another physician.

We filled out the survey earlier in the year that specifically asked our opinion. Apparently the majority indicated that this was not desirable. Unfortunately, our municipal representative said they were going to disregard this due to the low numbers and he personally wanted this office location to be approved.

This makes one wonder whether this approval was already made and the public's input is just a formality. Please reconsider and help businesses set up in the areas that they should be in and not where they are not wanted.

Thank you

Thomas Pottle
Cottage Rd.

Address provided in follow-up email: 97 Cottage Road

May 14, 2021

Dear CBRM Citizens.

I want to be clear that I recognize the lack of suitable commercial space available to accommodate the special needs of “Medical Clinics” in CBRM and especially the Sydney area. Therefore, I recognize the need to increase the amount of space needed for “Medical Clinics” and this is sufficient reason to put forward the Case 1078 Municipal Planning Strategy Amendment to permit “Medical Clinics” in residential zones.

I do not agree with the scope of the Amendment. I would like Heritage Conservation District and Residential Heritage Zone not to be included in the Case 1078 Municipal Planning Strategy Amendment put forward by Councillor Glenn Paruch.
I would also propose that Councillor Paruch chair an ad hoc Committee of CBRM Council to determine if CBRM has any surplus buildings/land that might be suitable for the development of additional “Medical Clinics” in CBRM.

My concerns with Dr. Fraser’s proposed “Medical Clinic” at 46 Cottage Road have to do with three issues that I feel are not adequately addressed in the proposed Case 1078 Municipal Planning Strategy Amendment: increase in neighbourhood Traffic, increase in the need for on Street Parking and Building Accessibility to 46 Cottage Road.

Regarding the increase in neighbourhood traffic, I have been unable to find any documentation citing an estimate of the increase in vehicle traffic as a result of the operation of the proposed “Medical Clinic”.

I am also concerned with the lack of documentation regarding the poposed number of parking spots to be made available for Patients attending the clinic and the number of spaces required for the Staff working at the proposed “Medical Clinic”.

Whitney Avenue is already adequately accommodating staff parking for workers in the area and can’t accommodate any additional on street parking generated by the proposed “Medical Clinic” at this time.

It appears that there is a “Building Accessibility” issue with stairs identified in the 46 Cottage Road building plan (CBRM Council Minutes April 21, 2021, page 128) provided by Dr. Fraser and prepared by Matterport. The building plan shows an interior set of stairs from the Cottage Road entrance up to the 1st floor reception area, and also a set of stairs from the 1st floor reception area up to the Exam room floor area. This issue needs to be addressed.

Thank you for the opportunity to express my concerns regarding the proposed Case 1078 Municipal Planning Strategy Amendment that would permit a “Medical Clinic” at 46 Cottage Road, Sydney Nova Scotia.

Sincerely
Peyton Chisholm

Address provided via voicemail: 56 Beacon Street

From: [redacted]
To: Kristen R. Knudskov
Subject: Fwd: Proposed Medical Clinic on Cottage Road
Date: May 14, 2021 4:03:50 PM

---------- Forwarded message ---------
From: **Juanita Romard** <[redacted]>
Date: Fri, May 14, 2021 at 4:00 PM
Subject: Proposed Medical Clinic on Cottage Road
To: <PlanninConsult@cbrm.ca>

I would like to express my opinion with regard to the proposed Medical Clinic on 46 Cottage Road. I am against it.

Thank you.

Juanita Romard
9 Admiralty Road
Sydney, NS
B1P 7G5
[redacted]

Case 1078 Municipal Planning Strategy Amendment to allow a Medical Clinic at 46 Cottage Road, Sydney (PID 15105133 and 15270382)

Voicemail submissions, transcribed

1. Hello, my name is Elizabeth MacGregor and I'm calling in response to the letter I got from the Planning and Development Committee about permitting medical clinics throughout the jurisdiction of the CBRM. I would like to add my voice to this and I am in favor of medical clinics throughout the jurisdiction of CBRM. My name is Elizabeth MacGregor and my address is 76 Woodill Street in Sydney. The postal code is B1P 4N9. Thank you very much.

2. Hello, its Marie Skinner calling. I live on 25 Rigby Road B1P 4T4. Its regarding the medical clinic on 46 Cottage Road. I think that you should certainly go ahead with that, I'm 100% in favor of it. I believe the doctor's office in this ageing community would be an absolute asset. I find it difficult to understand what the problem is, in light of the fact that there's a daycare on one side of her and a cosmetics little shop which is mildly commercial on the other side. And in light of having these two properties, it seems that there's almost a personal vendetta or something. And anyway, I think it would be a huge advantage so long as she's obligated to adhere to the parking rules on the street. Not on the street, because it's pretty busy with the daycare. Thank you, I'm in favor of it.

   Hello, Marie Skinner I called you yesterday regarding the clinic on Cottage Road. I spoke to a group of senior friends in that neighbourhood and they said that they will not be able to vote for that unless there's a guarantee there won't be a methadone clinic or one of those drug-related clinics because it's a very vulnerable neighbourhood with small children in the daycare and a huge number of seniors. So please, make sure that that's factored into the decision or there'll be a lot of negative votes. Thank you very much, I hadn't thought of that at the time. Marie Skinner, B1P 4T4.

3. Hello, my name is Lee Cantwell and I live at 97 Cottage Road in Sydney. I'm calling to voice my opposition to this proposed change in the zoning bylaw of our area. Most important, I think that during a pandemic this should not be a priority nor is it appropriate to have such a change. People are not able to discuss this openly or even to meet or have a proper assembly. I feel that it is an impediment to the whole process. Secondly, I'm concerned that we did have a survey and people voted against it, yet our Council wanted to move forward. So, either the survey is not good or not accurate, in which case we need another survey, or he should really represent the people who voted him in. And then there is the whole issue of the traffic issue on Cottage Road which really has to be dealt with, its a very dangerous situation. So, I'd like if you could give me a call. My number is (phone number) or (phone number). Thank you.

4. Hi, I'm calling about the public hearing concerning the medical clinics, 46 Cottage Road. I'm living at 121 Cottage Road right now and have no problem with the clinic. What else... you need my name. Ron MacIsaac. I gave you my address, 121 Cottage Road. And I'm living here with my mother who is 92 and she has no problem with the clinic either. I think, we both think it’s a great idea, ok, and a good use of the property. Thank you, bye.