



**WEST HANTS REGIONAL MUNICIPALITY REPORT**

Information <input type="checkbox"/>	Recommendation X	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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**To:** Members of Planning and Heritage Advisory Committee (PAC/HAC)

**Submitted by:** \_\_\_\_\_  
 Alex Dunphy, Planner

**Date:** July 11, 2024

**Subject:** WHLUB Map Amendment: 4859 Highway 1, Three Mile Plains (PID 45016763); File # 24-12

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**LEGISLATIVE AUTHORITY**

Municipal Government Act Section 210

**RECOMMENDATION**

Staff recommend that the PAC/HAC forward a positive recommendation by passing the following motion:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending Schedule A of the West Hants Land Use By-law to rezone PID 45016763 at 4859 Highway 1 in Three Mile Plains from the Two Unit Residential (R-2) zone to the Multiple Unit Residential (R-3) zone as shown in the report #24-12 to the Planning and Heritage Advisory Committee dated July 11, 2024.

**BACKGROUND**

Property X	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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A completed application was received from Ben Croll of Brighter Community Planning on behalf of Brison Developments Limited on April 16, 2024. The application was to rezone the subject lot from Two Unit Residential (R-2) to Multiple Unit Residential (R-3) to allow the construction of four-unit dwellings.

## **DISCUSSION**

The subject lot is 0.75 acres, has frontage on both Highway 1 and Old Halifax Road, and had a single unit dwelling removed from the property in 2018.

The subject lot is currently designated Residential and included within the Three Mile Plains Growth Centre on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (WHMPS) (Figure 1). The subject lot is zoned Two Unit Residential (R-2) on Schedule A of the West Hants Land Use By-law (WHLUB) (Figure 2).

All properties surrounding the subject lot are designated Residential. Adjacent uses primarily consist of low-density residential dwellings, some commercial uses to the south, including an auto repair shop and contracting office, as well as a church further west on Highway 1. These uses have a mix of zoning including the Two Unit Residential (R-2) zone, Highway Commercial (HC) zone, Institutional (I) zone.

### ***Municipal Planning Strategy Review***

Policy 5.3.7 is the primary enabling policy to be considered for this application. This policy provides Council with the ability to consider rezoning to the Multiple Unit Residential (R-3) zone within the Three Mile Plains Growth Centre. The policy also includes criteria which must be considered in relation to the proposal. The evaluation of the full list of criteria is included in Attachment A. In summary, the proposal meets the criteria since:

- the subject lot has frontage on an arterial street;
- the subject lot is capable of being serviced by municipal water and sewer;
- the proposed use is compatible with the character of the area; and
- no infrastructure upgrades to the road network will be required.

Policy 16.3.1 establishes the general criteria that must be considered for all amendments to the West Hants Land Use By-law. The full list of criteria is included in Attachment A. In summary, the proposal meets the criteria as:

- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Area Manager of the Nova Scotia Department of Public Works, and Public Works Engineering Division have no concerns which have not been addressed in this report.

### ***Public Comment Response***

Staff received a number of concerns from residents in the area including concerns regarding increased traffic, egress points in disrepair, site drainage, Municipal service infrastructure, and ditching.

In response to these concerns, staff first contacted the Municipal Public Works Department who confirmed that there was adequate capacity for the proposal and that the Municipal service infrastructure for both water and sewer were in adequate condition. The Municipal Public Works Department also confirmed that the traffic, egress, and ditching for the subject lot would be under the jurisdiction of the Nova Scotia Public Works Department (NSDPW). The initial response from NSDPW provided no indication of any concerns regarding traffic, egress, or the ditching in the area of the subject lot. Staff contacted NSDPW regarding traffic, egress, or the ditching, but have not yet received a reply. Staff hope to have this response prior to the Planning and Heritage Advisory Committee meeting.

### **MUNICIPAL CLIMATE CHANGE ACTION PLAN**

The Municipal Climate Change Action Plan (MCCAP) Coastal Flooding map does not show any risks of coastal flooding on the subject lot. The MCCAP Inland Flooding map shows the property as having a 0.11 - 0.50m depth to water table. Section 4.3.2 of the MCCAP (pg. 40-41) explains the Inland Flooding map in more detail. It states “The Depth to Water Table categories, as seen on the map, indicate quality of drainage: the 0-0.10 m class is generally associated with poor drainage and the 0.11-0.50 m class with imperfect drainage. These areas can be used to infer where water will naturally flow and/or accumulate in the landscape. As confirmed by the Director of Public Works, the property owner will be required to ensure that the pre- and post-development stormwater flows for their property are neutral or better through the subdivision process.

Property owners are responsible for ensuring that their lot is suitable for the proposed uses.

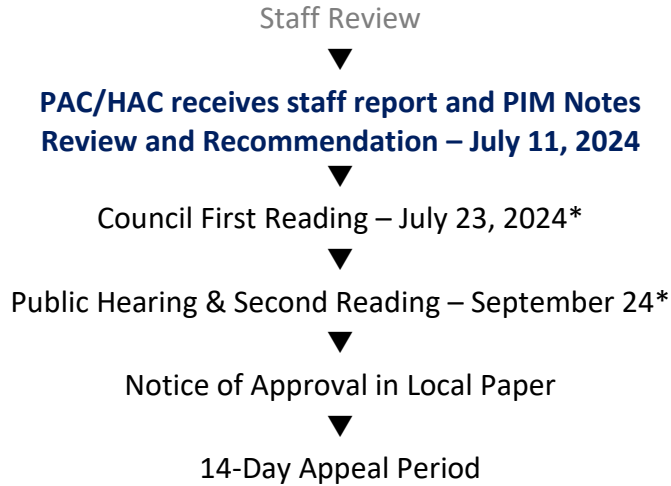
### **NEXT STEPS**

As noted above, the proposed amendment has been considered within the context of the general policies of the WHMPS, and is consistent with the intent, objectives, policies and criteria of the WHMPS. As a result, it is reasonable to amend the zoning of PID 45016763 to the Multiple Unit Residential (R-3) zone.

### **Process**

Public Information Meeting – June 6, 2024





\*anticipated dates; final dates set by Council

## **FINANCIAL IMPLICATIONS**

There are no financial implications to the Municipality with regard to the filing of this report.

## **ALTERNATIVES**

In response to this application, the PAC/HAC may recommend that Council:

- hold First Reading and authorize a Public Hearing to approve the amendment as drafted or as specifically revised by direction of PAC/HAC;
- provide alternative direction, such as requesting further information on a specific topic.

## **ATTACHMENTS**

Figure 1	West Hants GFLUM Extract
Figure 2	West Hants Zoning Map Extract
Figure 3	West Hants Proposed Zoning Map Extract
Attachment A	Policy Summary for WHLUB Amendments
Attachment B	Public Information Meeting Notes

Report Prepared by: \_\_\_\_\_  
Alex Dunphy, Senior Planner

Report Approved by: \_\_\_\_\_  
Sara Poirier, Director of Planning and Development

Figure 1 – West Hants GFLUM Extract

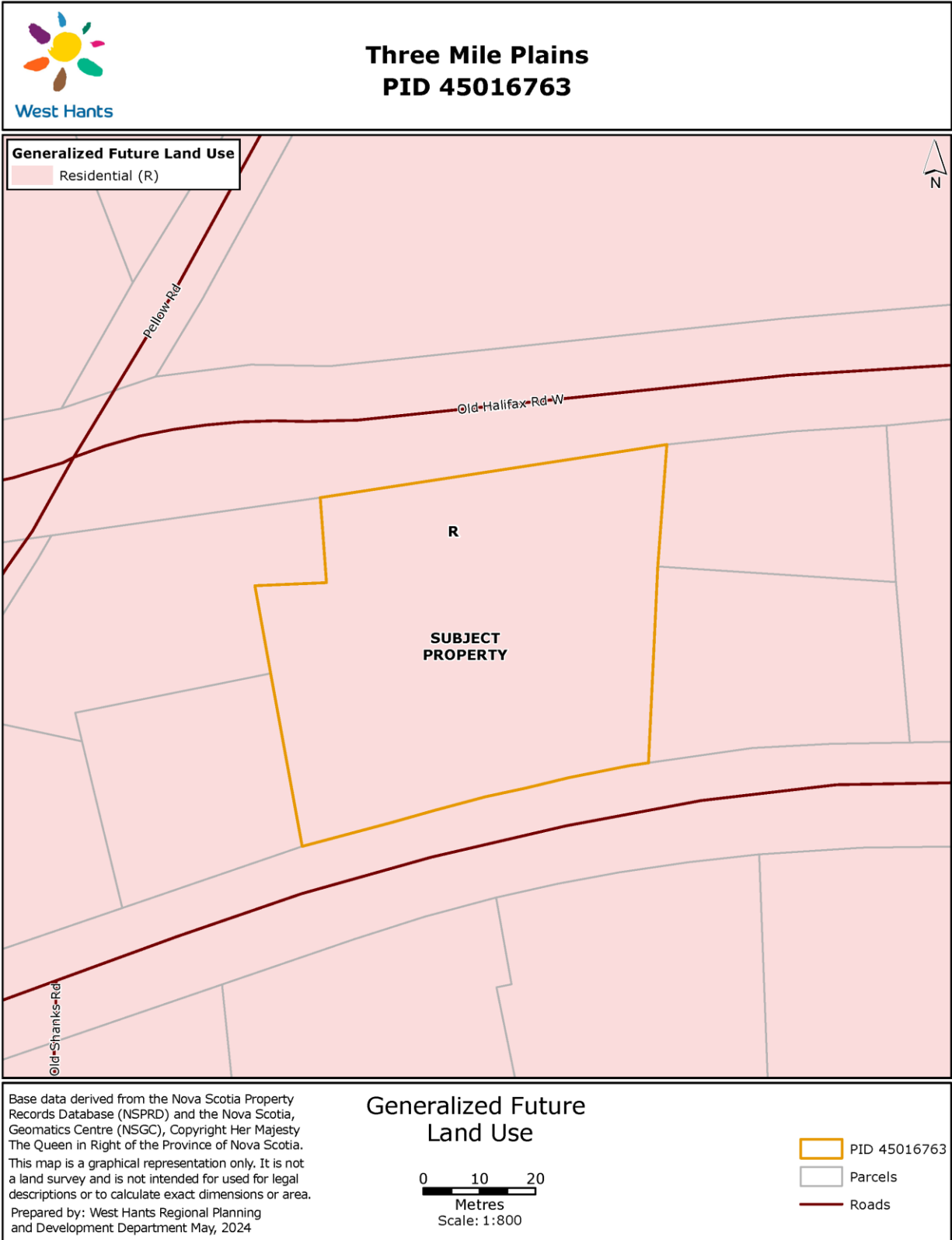


Figure 2 – West Hants Zoning Map Extract

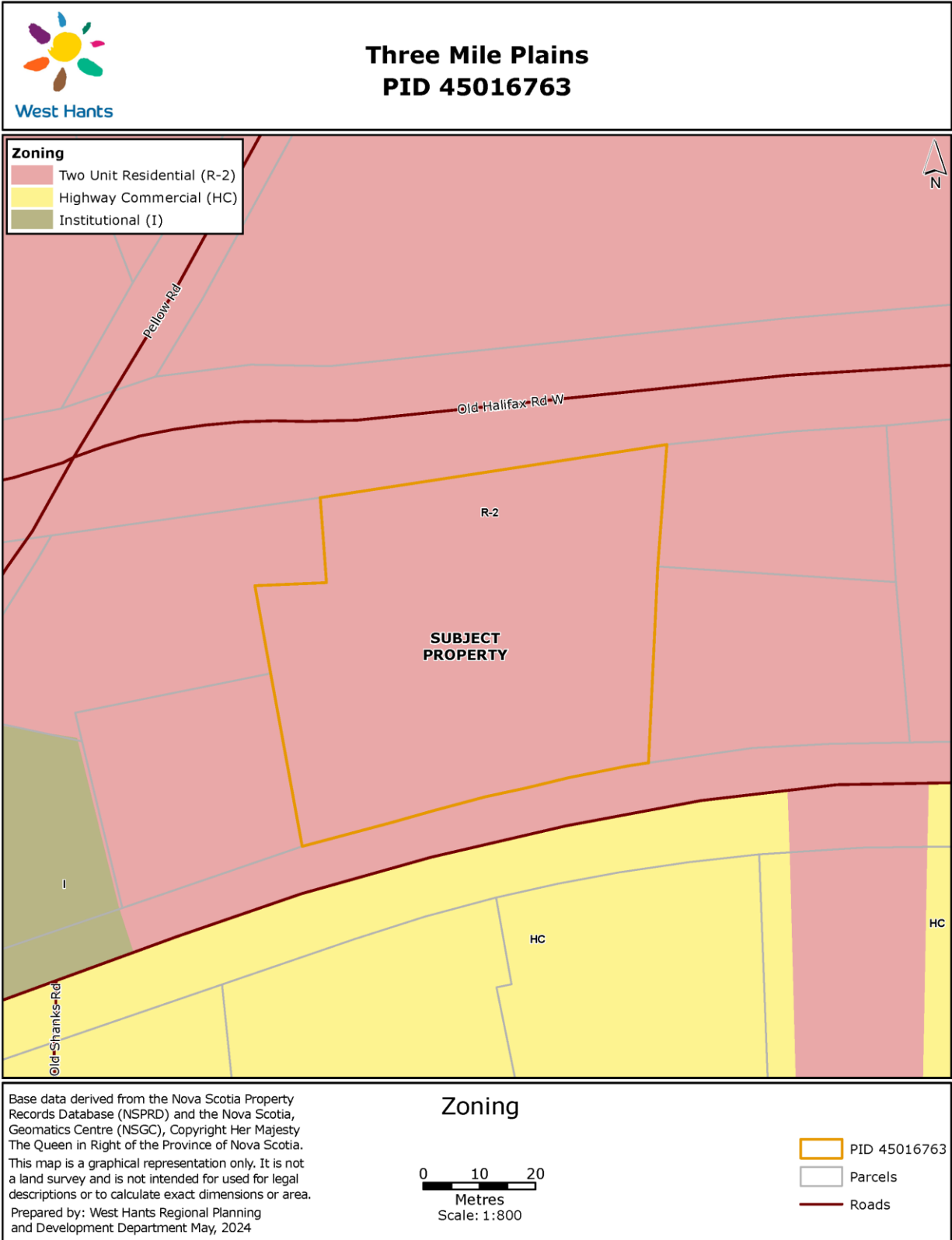
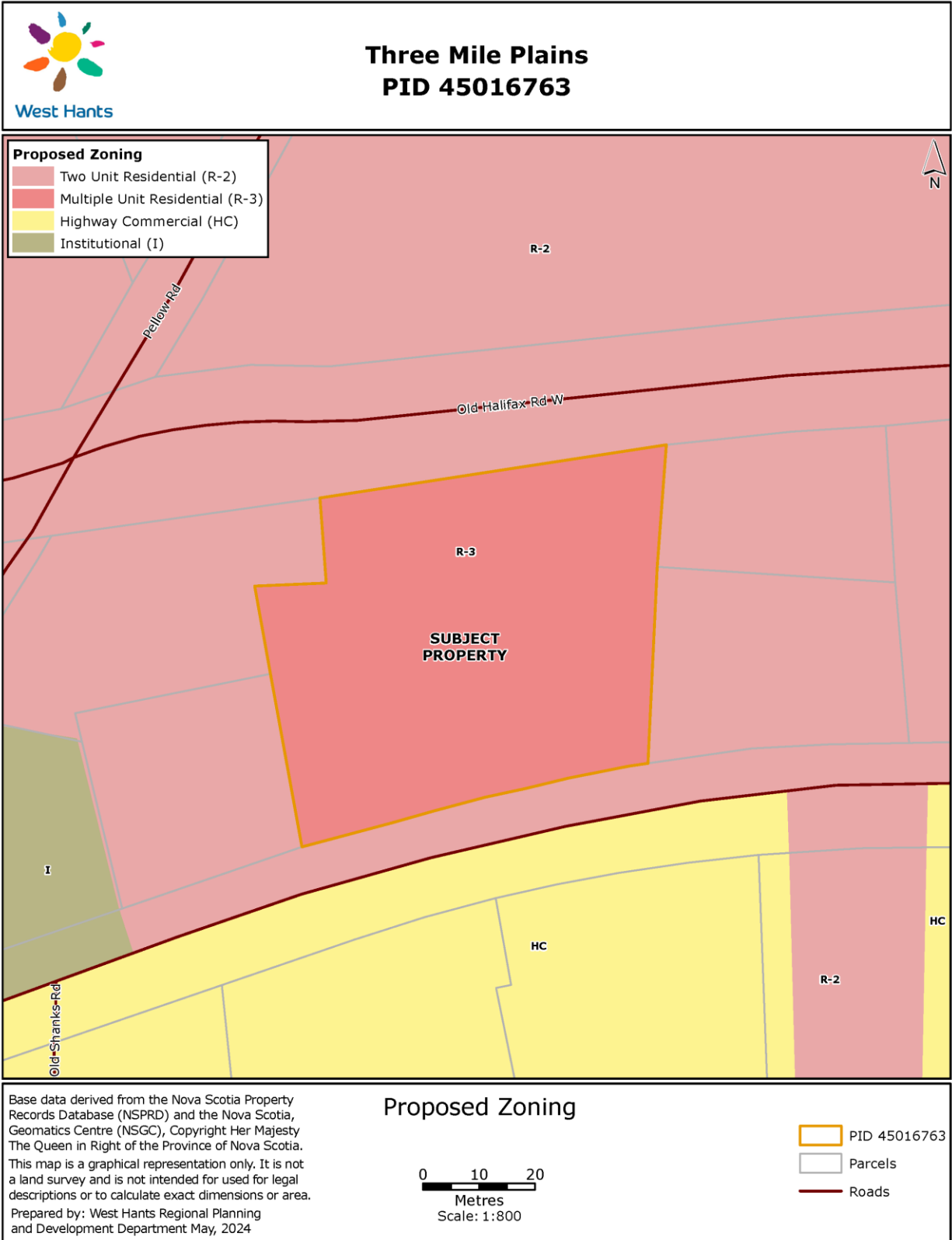


Figure 3 – West Hants Proposed Zoning Map Extract



## Attachment A – Policy Summary for Amendments

<p><b>Policy 5.3.7</b> <i>It shall be the policy of Council to consider rezoning land within the Three Mile Plains Growth Centre to R-3 subject to the following:</i></p>	
<p><i>(a) the development has frontage on an arterial or collector street designated on the Transportation Map (Map 2) if it consists of 12 or more units;</i></p>	<p>The subject lot has frontage on Highway 1, which is classified as an arterial street on the West Hants Municipal Planning Strategy Transportation Map (Map 2).</p>
<p><i>(b) the lot is serviced, or is capable of being serviced, with municipal water and sewer; (Amendment WHMPS 14-01 Effective January 22, 2015)</i></p>	<p>The Public Works Engineering Division commented that the lot is capable of being serviced by Municipal water and sewer.</p>
<p><i>(c) the development is compatible with the character of the area with respect to building scale and design, traffic generation, population density and similar matters;</i></p>	<p>There are a mix of uses surrounding the subject lot, including low density residential units, an auto repair shop, and a church. The Development Officer commented that they have no concerns regarding compatibility of the building scale, density, or design based on the minimum lot requirements of the Multiple Unit Residential (R-3) zone. The Area Manager of the Nova Scotia Department of Public Works did not raise any concerns regarding traffic generation.</p>
<p><i>(d) existing and proposed streets are adequate to support the development and existing streets will not require major infrastructure improvements as a result of the development; a traffic impact study may be required in accordance with Section 14.6 of this Strategy;</i></p>	<p>The Area Manager of the Nova Scotia Department of Public Works did not raise any concerns regarding infrastructure improvements for existing streets or a traffic impact study in relation to this proposal.</p>
<p><i>(e) adequate open space or recreational space is provided;</i></p>	<p>The Development Officer commented that recreational space must be provided as per Section 10.5 of the West Hants Land Use By-law. This is a</p>

	requirement of permitting and will be addressed at that stage.
<i>(f) adequate on-site parking is provided;</i>	The Development Officer commented that at least 1.5 parking spaces will be required per dwelling unit. This is a requirement of permitting and will be addressed at that stage.
<i>(g) any other matter which may be addressed in a Land Use By law; and</i>	All relevant matters have been addressed in this report.
<i>(h) Policy 16.3.1.</i>	See Policy 16.3.1 below.

<b>Policy 16.3.1</b> <i>In considering development agreements and amendments to the West Hants Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:</i>	
<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	The Public Works Engineering Division commented that they had no concerns regarding the adequacy of Municipal services for the proposed use.
<i>(ii) the adequacy of school facilities;</i>	The Regional Executive Director of the Annapolis Valley Regional Centre for Education stated that “We have a responsibility to provide public education for students living in the catchment areas served by these schools. We therefore expect our facilities to accommodate any new development.”
<i>(iii) the adequacy of fire protection and other emergency services;</i>	The Manager of Building and Fire Inspection Services commented that they had no concerns regarding the adequacy of fire protection, as the subject lot can be accessed from two

	streets. The local Fire Chief commented that they also had no concerns.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The Area Manager of the Nova Scotia Department of Public Works commented that they had no concerns regarding the adjacent road network.
<i>(v) the financial capacity of the Municipality to absorb any costs relating to the development.</i>	There are no anticipated costs to the Municipality regarding this development.
<i>(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system;</i>	The Public Works Engineering Division commented that the subject lot is capable of being serviced by Municipal water and sewer.
<i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	The Area Manager of the Nova Scotia Department of Public Works commented that the subject lot is considered to have safe roadway access to both Highway 1 and Old Halifax Road West and that they had no concerns regarding the suitability of auto or pedestrian movement. There are no sidewalks present near the subject lot, however, it is likely that primary access to the subject lot will be by vehicle. There is no active rail line in the vicinity.
<i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer commented that the subject lot would be able to contain three 4-unit residential buildings based on the minimum lot requirements of the Multiple Unit Residential (R-3) zone. They had no concerns regarding the adequacy of the dimensions and shape of the lot for three 4-unit residential buildings.

<p><i>(e) the pattern of development which the proposal might create;</i></p>	<p>The Development Officer commented that they had no concerns regarding the pattern of development which the proposal might create. Due to its location within the Three Mile Plains Growth Centre, the proposal is incentivised by Policy 5.1.1 in the West Hants Land Use By-law, which states, <i>“It shall be the policy of Council to encourage more concentrated residential and commercial development in the designated Growth Centres.”</i></p>
<p><i>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, wetlands, and susceptibility of flooding;</i></p>	<p>The majority of the subject lot appears to be flat. The western portion of the subject lot is noticeably lower than the remainder of the subject lot. No waterbodies or wetlands appear to be present on the mapping for the subject lot. Residents have reported flooding concerns from the ditching on the Provincial roads on properties surrounding the subject lot. As both of the roads are under the jurisdiction of the Nova Scotia Department of Public Works, staff have forwarded the concerns from residents to the Provincial Public Works Department. The initial response provided no indication for concerns that would negatively affect the subject lot.</p>
<p><i>(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and</i></p>	<p>All Municipal, Provincial, and Federal regulations will have to be met.</p>

*(h) any other matter required by relevant policies of this Strategy.*

All relevant matters have been addressed in this report.

**Attachment B – Public Information Meeting Notes**

**June 6 - 20, 2024**

**WHLUB Map Amendment: 4859 Highway 1, Three Mile Plains (PID 45016763); File # 24-12**

<b>Meeting date and time</b>	A Public Information Meeting was held on June 6, 2024 beginning at 6:00 p.m. The meeting was broadcast live on the Municipal Facebook page.
<b>Attending</b>	In attendance for the meeting: One (1) Chair: <ul style="list-style-type: none"><li>• Councillor Francis</li></ul> Four (4) members of staff: <ul style="list-style-type: none"><li>• Director Poirier</li><li>• Senior Planner Dunphy</li><li>• Planner Hong</li><li>• Planning Assistant Lake</li></ul> Approximately 9 members of the public.
<b>Applicant</b> Ben Croll on behalf of Mitch Brison <b>Property</b> PID 45016763, 4859 Highway 1, Three Mile Plains	Planner Dunphy outlined the application to rezone the subject lot to the Multiple Unit Residential (R-3) zone.  Ben Croll provided a presentation on the proposal from the developer’s perspective.
<b>Comments</b>	Comments from the public could be submitted by mail, e-mail and telephone between June 6-20, 2024.  Staff received 1 phone call and 4 written submissions during the comment period. The phone call was regarding traffic and pedestrian safety.  7 members of the public spoke during the Public Information Meeting. Staff and applicant responses are in purple. <ul style="list-style-type: none"><li>• Dave Bates asked about egress points and commented that the former egress points are in disrepair. Dave also raised concerns regarding the stormwater and inadequate drainage on-site. Alex replied that no in-depth review had been conducted at this point and that the staff report would speak to the concerns raised.</li></ul>

Ben commented that egress would be approved by Province.

Alex replied that the egress would be reviewed as part of the inquires and it would also looked into during permitting process.

- Frances Henshaw asked if the rezoning would allow apartment buildings. Frances had concerns about an increase in taxes and traffic, stating that there is a very busy road unsuitable for children and that someone should be here to answer tax questions. Frances then commented that the Government owns larger, more suitable lands, why not build there and asked if the public would be contacted again for input.

Alex listed the permitted uses in for the Multiple Unit (R-3) zone, which included apartment buildings. Alex indicated that any development would still need to meet the requirements of the new zone in order to receive permits. Alex then referenced input from the developer that it is unlikely more than 3 four-unit buildings would be able to be developed on the lot. Alex confirmed that he will contact other departments for input on the proposal and that the public will be notified of Public Hearing just as they were for the PIM.

- Natasha Hatchard-Pemberton stated that the maps show a portion of her property being “taken” for this proposal. Natasha was also concerned about egress, ditches, stormwater, and infrastructure, stating that systems are overtaxed for those already living in the area.

Councillor Francis replied that Public Works would review the infrastructure.

Alex confirmed that he would mention the concerns to them.

Ben stated that the imaging from PVSC or Viewpoint, is demonstrative only and that a survey would need

	<p>to be conducted prior to development. He would discuss this with the land owner.</p> <ul style="list-style-type: none"> <li>• Pauline Byard asked if there was a housing needs assessment for the area, or in general and if the proposal will be affordable housing? Ben replied that the overall info was provided by CMHC for general housing needs and was not location specific. Ben stated that the proposal would not be considered “affordable” according to the developer, but it would not be high-end either.</li> <li>• Mike Forrester commented that he was outside of mailing radius and asked why the radius wasn’t in metric or larger. Mike had the same concerns as everyone else regarding water and sewer services/infrastructure. Mike said that staff should talk to the Province about egress. Mike stated that he felt that the Municipality was putting the cart before the horse.</li> <li>• Chris Aker stated that he was 100% against the proposal. Chis stated that the infrastructure should be fixed first and echoed the ditch issues. Debbie replied that staff will speak to the Municipal Public Works Department and the Nova Scotia Public Works Department about the concerns.</li> <li>• Lynda Gradt had concerns with the infrastructure, stating that the water has nowhere to go. She was concerned about the size of the property, unsure of how the developer would fit that many fourplexes. Lynda stated that it is a single-family home sort of area and that one rezoning may open the door to others and may “industrialize” the area. Lynda also had concerns about nearby quarries and busy roads.</li> </ul>
<b>Adjournment</b>	The Public Information Meeting was adjourned at approximately 6:50 p.m.

**Written Correspondence Received**

**June 11, 2024**

**From** Gail Cumben

**To** Alex Dunphy

To Mr. Alex Dunphy

I have live on Old Halifax Rd. West in Three Mile Plains for 24 years, which is the same rd. the property up for possible rezoning is on (hwy 1 on one side of property and Old Halifax Rd. West is the on other side of property) I am very concerned about having multiple units going up on that property. I don't feel our area is a good place for it, it should remain as an R-2. We do not have the space for a big amount of people and traffic in this community. Our pipes for water and sewage are old and would not be able to handle multi units of people on top of what it already has to service. It would look really odd on our street/hwy 1 for multi units to be standing with all the single houses around. Please listen to the people in this area and keep R-2 zoning in place for 4859 Highway 1 property.

Sincerely,

Gail Cumben

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**June 15, 2024**

**From** Michael Forrester

**To** Alex Dunphy

Greetings,

After attending the Public Information Meeting on June 6, 2024 we would like to further express our disapproval of this proposal. It became abundantly clear at the meeting that a development of this type is not only inappropriate for this area but the area is currently inappropriate for the development. It became clear at the meeting that current infrastructure is nowhere near adequate to accommodate such rezoning. The present school system in the area is at capacity, the sewer and water system is at capacity not to mention the roadway drainage infrastructure has been neglected for far too long and is causing flooding in the immediate area. There is also the issue of vehicular traffic in the area which we really don't need more of. During any given weekday with quarries on either side of it this stretch of Highway 1 can see upwards of 100 dump trucks a day and smaller haulers of gravel.

At this time we would like to once again express our feelings that the 500 foot notification is not only outdated but inadequate. Decisions like this effect more residents in the area than those a mere 500 feet away. With of coarse no real shoulders or sidewalks it was not really possible to read a small sign posted next to a busy highway. We of course had to find out about the meeting from a neighbour and/or a posting on social media. We found this particularly annoying during the presentations when any east looking photos showed our home prominently featured.

Yours sincerely,

Michael Forrester and Lynda Gradt

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**June 19, 2024**

**From** Pauline Byard

**To** Alex Dunphy

As a home owner at [CIVIC REMOVED] Old Halifax Road West I oppose the rezoning of the subject property.

As a result of climate change we have more flooding in the area. However we lack the proper infrastructure at present to accommodate ourselves, let alone a multi unit complex with 18 off street surface parking spaces. It is unclear as to how many units exactly as it was not mentioned. But 18 parking spaces gives one an idea as to how many families can move into the area.

We do not have proper sidewalks and we have a quarry on each side of us, with heavy trucks going on both sides daily; not to mention the pollution from all of this. Three school buses also travel this road weekly.

We cannot and should not be supporting any new developments until we clean up first and know what it is we need to clean up to make our community more vibrant.

There should have been more consultation, thus covering a wider area given the nature of how this impacts everyone living on both sides of the proposed development. The notice of the public information meeting was only sent to land owners within 500 feet of the proposed development.

We could start with community meetings and a needs assessment of the area to see what supports the local residents and the community at large. Local area flooding, clearing of ditches and sidewalks, and local pollution are key items for this area at present. These impact our health and safety.

I am willing to serve on a committee as such to build capacity within our community.

In community unity,

A. Pauline Byard

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**June 19, 2024**

**From** Chris Aker

**To** Alex Dunphy

hello yall, im chris aker and i oppose the rezoning from r-2 to r-3 along/outside my [CIVIC REMOVED] pellow rd propertyt line, I/we been here over 60 years in the community would like to see existing water ditches, culverts and existing sewer/water repairs completed in the area

before developers start pushing unwanted debris over embankments, making water drainage even more unattainable by making huge parking lots, building large 4 plex units, and pushing us community minded country folks farther to the brink of having to make unwanted choices of pushing back with a combined plan.