



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: May 28, 2024

Subject: HLUB Map Amendment: PID 45045879, Willow Street, Hantsport; File # 24-01C

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

RECOMMENDATION

Should Council wish to approve the amendments following the Public Hearing, the following motion would be in order:

...that Council gives Second Reading and approves amending Schedule A of the Hantsport Land Use By-law to rezone PID 45045879 on Willow Street in Hantsport, from the Single Unit Residential (R-1) zone to the Multiple Unit Residential (R-3) zone as shown in the report #24-01 to the Planning and Heritage Advisory Committee dated March 14, 2024.

...that Council gives Second Reading and approves amending the Hantsport Land Use By-law to clarify the minimum lot frontage requirement for the Multiple Unit Residential (R-3) zone in Section 8.4 in a manner substantively the same as Attachment B of the staff report to the Planning and Heritage Advisory Committee report dated March 14, 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 Tom Lavers on January 8, 2024. The application was to rezone the subject lot from Single Unit Residential (R-1) to Multiple Unit Residential (R-3) to allow for the potential to develop a 15-unit residential apartment building.

DISCUSSION

A Public Information Meeting was held on February 6, 2024.

On March 14, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC). The Committee discussed zone requirements, other uses surrounding the subject lot, the criteria of Policy RP-7, the challenging conditions of the subject lot, the feedback received from neighbours, stormwater concerns, potential negative affects on residents and the lack of proposal information. During the meeting, the Committee recommended against the rezoning of PID 45045879 on Willow Street in Hantsport and recommended in favour of the text amendments to the Hantsport Land Use By-law.

On March 26, 2024, staff presented the PAC/HAC recommendation to Council for First Reading. Council discussed matters such as the application and appeal process, the subjective interpretation of negative impacts, and as-of-right uses. During the meeting, Council recommended in favour of moving the application onto Public Hearing to allow the public and the applicant an opportunity to speak to Council.

On April 23, 2024, staff presented the staff report to Council during the Public Hearing (Appendix A). Council discussed resident concerns, stormwater management, and as-of-right development options. Council requested answers to a number of questions which required confirmation from the Development Officer. The Public Hearing was postponed until May 28, to provide time for staff to bring back the answers to Council's questions. The questions and answers are provided below.

1. What can be accommodated for as-of-right residential development on the subject lot through the subdivision process?

The Development Officer confirmed, based on lot area and frontage, that the subject lot could be subdivided (provided a successful application) into 3 separate lots. Based on the underlying Single Unit Residential (R-1) zoning, the owner would be permitted to construct a single unit dwelling and accessory dwelling unit on each lot, totaling 6 dwelling units.

2. Is a stormwater management plan required for as-of-right development?

The Development Officer confirmed that through the subdivision approval process, comments from the Municipal Public Works Department would be requested. Staff reached out to the Municipal Public Works Department for further information and they

commented that each subdivision application is analyzed on a case-by-case basis. In this scenario, the Municipal Public Works Department confirmed that they would request a stormwater management plan as part of a potential subdivision application for this subject lot due to the concerns with existing water on the site.

3. Would a stormwater management plan be required to analyze the cumulative effects as part of the subdivision application?

The Municipal Public Works Department confirmed that the stormwater management plan that would be requested as part of the potential subdivision application would be required to show how stormwater would be managed on the entire lot as a whole.

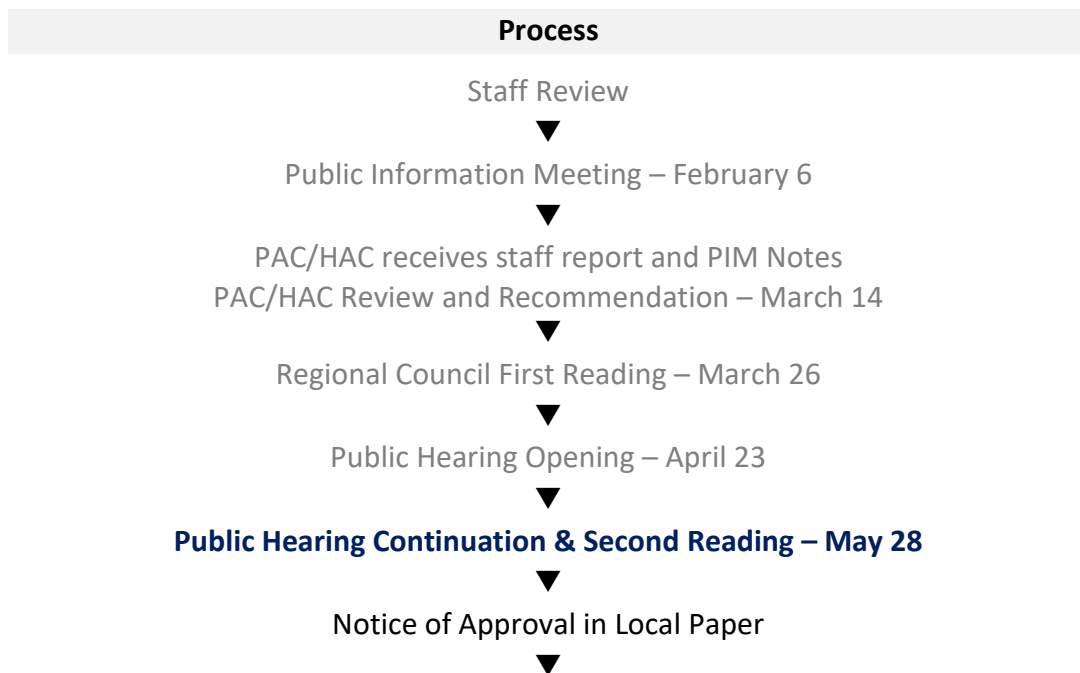
4. How does the Province identify wetlands?

In 2002, Nova Scotia Department of Natural Resources & Renewables began to integrate the wetland inventory into the Canadian Wetland Classification System and to integrate it into the Canadian National Wetland Inventory, a national initiative using satellite remote sensing. This classification system outlines 5 different classifications for wetlands, including: Open Water, Marsh, Swamp, Bog, or Fen.

On the Provincial Landscape Viewer mapping, there is no wetland identified on the subject property.

NEXT STEPS

The process for this application is as follows:



14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

APPENDIX

Appendix A 2024-04-23 Second Reading - HLAB Map Amendment: PID 45045879,
Willow Street, Hantsport; File # 24-01B

CHIEF ADMINISTRATIVE OFFICER REVIEW

The application has received significant feedback from residents in the Hantsport area expressing concerns that are generally rooted in the development and building permit phases and not the rezoning phase. Rezoning provides for the capacity of a parcel of land (s) for a future use knowing that the obligation for stormwater management plans, construction standards, setbacks, etc. must be supported by the applicant during the permit phase of the development or the development will not proceed. Staff have not provided any concerns that relate to the application to rezone and municipal planning policy. Staff have further noted the potential of the site “as is” and “as of right” under the R1 classification indicating that development has the right to proceed as R1 zoned lands pending permit compliance .

It is suggested that Council should reflect on existing planning policy and the answers to the noted questions above as well as the entire report package while they reflect on their decision.

Report Prepared by: _____
Alex Dunphy, Planner

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

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

**Attachment A –
2024-04-23 Second Reading - HLUB Map Amendment: PID 45045879, Willow Street,
Hantsport; File # 24-01B**

**Attachment A –
2024-04-23 Second Reading - HLUB Map Amendment: PID 45045879, Willow Street,
Hantsport; File # 24-01B**



WEST HANTS REGIONAL MUNICIPALITY REPORT

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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Alex Dunphy, Planner

Date: April 23, 2024

Subject: HLUB Map Amendment: PID 45045879, Willow Street, Hantsport; File # 24-01B

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

RECOMMENDATION

Should Council wish to approve the amendments following the Public Hearing, the following motion would be in order:

...that Council gives Second Reading and approves amending Schedule A of the Hantsport Land Use By-law to rezone PID 45045879 on Willow Street in Hantsport, from the Single Unit Residential (R-1) zone to the Multiple Unit Residential (R-3) zone as shown in the report #24-01 to the Planning and Heritage Advisory Committee dated March 14, 2024.

...that Council gives Second Reading and approves amending the Hantsport Land Use By-law to clarify the minimum lot frontage requirement for the Multiple Unit Residential (R-3) zone in Section 8.4 in a manner substantively the same as Attachment B of the staff report to the Planning and Heritage Advisory Committee report dated March 14, 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 Tom Lavers on January 8, 2024. The application was to rezone the subject lot from Single Unit Residential (R-1) to Multiple Unit Residential (R-3) to allow for the potential to develop a 15-unit residential apartment building.

DISCUSSION

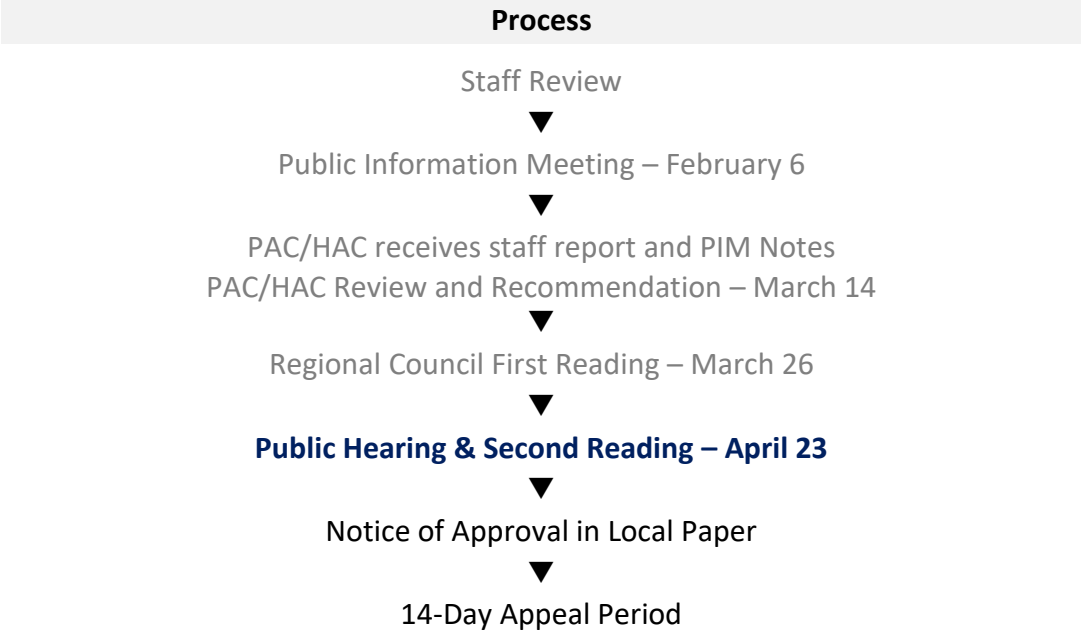
A Public Information Meeting was held on February 6, 2024.

On March 14, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The Committee discussed zone requirements, other uses surrounding the subject lot, the criteria of Policy RP-7, the challenging conditions of the subject lot, the feedback received from neighbours, stormwater concerns, potential negative affects on residents and the lack of proposal information. During the meeting, the Committee recommended against the rezoning of PID 45045879 on Willow Street in Hantsport and recommended in favour of the text amendments to the Hantsport Land Use By-law.

On March 26, 2024, staff presented the PAC/HAC recommendation to Council for First Reading. Council discussed matters such as the application and appeal process, the subjective interpretation of negative impacts, and as-of-right uses. During the meeting, Council recommended in favour of moving the application onto Public Hearing to allow the public and the applicant an opportunity to speak to Council.

NEXT STEPS

The process for this application is as follows:



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this application, Council may decide to:

- approve the amendments as drafted or as specifically revised by direction of Council;
- provide alternative direction, such as requesting further information on a specific topic.

APPENDIX

Appendix A 2024-03-26 Staff Report - HLUB Map Amendment: PID 45045879, Willow Street, Hantsport; File # 24-01A

CHIEF ADMINISTRATIVE OFFICER REVIEW

Staff have reviewed the file and made comments on the rezoning application in relation to MPS and LUB compliance. Further, it is important to note that the current zoning would permit a R-1 development “as of right” and if successful with the application, a R-3 development “as of right” providing the potential of up to 15 units. The applicant is not obligated to develop the 15 unit building if the rezoning is approved it only provides such capacity.

Development within the growth centers, specifically on vacant lots, is generally a preferred development strategy. Staff await the position of Council regarding the R-3 application and their position on the preferred development style and density of the subject property. All other matters regarding storm water management, driveway access, etc must be met through the permit application process should the property owner proceed with development of the site.

Report Prepared by: _____
Alex Dunphy, Planner

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

Report Approved by:  _____

Mark Phillips, Chief Administrative Officer

**Attachment A –
2024-03-26 Staff Report - HLUB Map Amendment: PID 45045879, Willow Street, Hantsport;
File # 24-01A**



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: March 26, 2024

Subject: HLUB Map Amendment: PID 45045879, Willow Street, Hantsport; File # 24-01A

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

RECOMMENDATION

Should Council wish to proceed to Public Hearing, the following motion would be in order:

...that Council gives First Reading and will hold a Public Hearing to consider amending Schedule A of the Hantsport Land Use By-law to rezone PID 45045879 on Willow Street in Hantsport, from the Single Unit Residential (R-1) zone to the Multiple Unit Residential (R-3) zone as shown in the report #24-01 to the Planning and Heritage Advisory Committee dated March 14, 2024.

...that Council gives First Reading and will hold a Public Hearing to consider amending the Hantsport Land Use By-law to clarify the minimum lot frontage requirement for the Multiple Unit Residential (R-3) zone in Section 8.4 in a manner substantively the same as Attachment B of the staff report to the Planning and Heritage Advisory Committee report dated March 14, 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 Tom Lavers on January 8, 2024. The application was to rezone the subject lot from Single Unit Residential (R-1) to Multiple Unit Residential (R-3) to allow for the potential to develop a 15-unit residential apartment building.

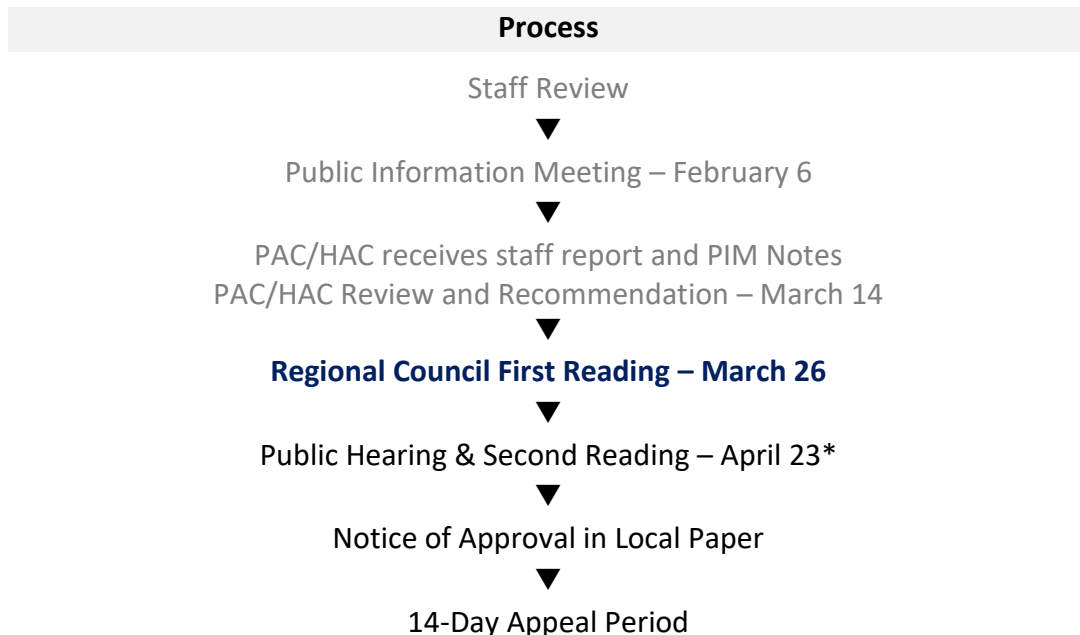
DISCUSSION

A Public Information Meeting was held on February 6, 2024.

On March 14, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The Committee discussed zone requirements, other uses surrounding the subject lot, the criteria of Policy RP-7, the challenging conditions of the subject lot, the feedback received from neighbours, stormwater concerns, potential negative affects on residents and the lack of proposal information. During the meeting, the Committee recommended against the rezoning of PID 45045879 on Willow Street in Hantsport and recommended in favour of the text amendments to the Hantsport Land Use By-law.

NEXT STEPS

The process for this application is as follows:



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

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

ALTERNATIVES

In response to this application, Council may decide to:

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

APPENDIX

Appendix A 2024-03-14 Staff Report - Hlub Map Amendment: PID 45045879, Willow Street, Hantsport; File # 24-01

CHIEF ADMINISTRATIVE OFFICER REVIEW

Staff have forwarded a report that reflects the position of the PAC/HAC committee. I will remind Council to reflect on the attached report to the PAC /HAC dated, March 14, 2024, from Planner Dunphy (attached).

Specifically, as Planner Dunphy states, "As noted above, the proposed amendment has been considered within the context of the general policies of the HMPS, and is consistent with the intent, objectives, policies and criteria of the HMPS. As a result, it is reasonable to amend the zoning of PID 45045879 to the Multiple Unit Residential (R-3) zone."

As the First Reading Phase and Public Hearing Phase support the final decision-making environment of Council (Second Reading), approving First Reading is typically the default position of staff so that concerns from the Public Information Meeting can be addressed and that any changes that the landowner may make, or address can be presented at the Public Hearing. To proceed with the Public Hearing will ensure all comments are captured including all existing comments as well as any new or modified points of view. To not proceed with First Reading may expose the Municipality to not following a thorough process before making a decision.

Staff do not speak in favor or against applications but comment on the level of compliance or consistency of the application in relation to the current general policies of the municipality and in this case the Hantsport Municipal Planning Strategy. Council does in all cases have the authority for final decision making.

I would suggest that Council consider proceeding with First Reading to ensure a thorough review of the application is conducted. If there are questions, concerns or interpretations of the planning language staff are available to provide support and answers at Council's request.

Report Prepared by: _____
Alex Dunphy, Planner

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

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

**Attachment A –
2024-03-14 Staff Report - HLUB Map Amendment: PID 45045879, Willow Street, Hantsport;
File # 24-01**



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: March 14, 2024

Subject: HLUB Map Amendment: PID 45045879, Willow Street, Hantsport; File # 24-01

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 Hantsport Land Use By-law to rezone PID 45045879 on Willow Street in Hantsport, from the Single Unit Residential (R-1) zone to the Multiple Unit Residential (R-3) zone as shown in the report #24-01 to the Planning and Heritage Advisory Committee dated March 14, 2024.

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Hantsport Land Use By-law to clarify the minimum lot frontage requirement for the Multiple Unit Residential (R-3) zone in Section 8.4 in a manner substantively the same as Attachment B of the staff report to the Planning and Heritage Advisory Committee report dated March 14, 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 Tom Lavers on January 8, 2024. The application was to rezone the subject lot from Single Unit Residential (R-1) to Multiple Unit Residential (R-3) to allow for the potential to develop a 15-unit residential apartment building.

DISCUSSION

The subject lot is currently designated Residential on the Generalized Future Land Use Map (GFLUM) of the Hantsport Municipal Planning Strategy (HMPS) (Figure 1). The subject lot is zoned Single Unit Residential (R-1) on Schedule A of the Hantsport Land Use By-law (HLUB) (Figure 2).

All properties surrounding the subject lot are designated Residential and zoned Single Unit Residential (R-1). Adjacent properties are single unit dwellings, with other lots zoned Recreation Open Space (ROS) and Institutional (I) located on School Street.

Municipal Planning Strategy Review

Policy RP-7 is the primary enabling policy to be considered for this application. This policy provides Council with the ability to allow new multi-unit residential uses within the Serviced Residential Designation by rezoning to the Multiple Unit Residential (R-3) zone provided proposed rezoning will not have a negative impact on adjacent residential uses and subject to the criteria contained in Section 11.3.1. The full policy analysis is included with this report in Attachment A. In summary, the proposal meets this policy since there are no concerns described by the Development Officer and there are other regulatory requirements to address potential impacts on surrounding properties.

Policy IM-3 establishes the general criteria that must be considered for all amendments to the Hantsport Land Use By-law. The full list of criteria is included with this report 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.

Minimum Lot Frontage Requirement

During the evaluation of lot suitability, staff discovered an ambiguity in the Minimum Lot Frontage requirement for Apartment Buildings and Grouped Homes category in the Multiple Unit Residential (R-3) zone in the Hantsport Land Use By-law (HLUB). The current section reads as follows:

	Townhouse Development	Apartment Buildings and Grouped Homes
Minimum Lot Frontage	22 metres (72.2 feet) for the first two units, plus 19.6 feet (6 metres) for the third and each additional unit	22 metres (72.2 feet) for the first two units, <u>and</u> 30 metres (98.4 feet) for three or more units

As seen in the above table, the word ‘and’ is used between the minimum lot frontage measurements for two units and three or more units. In all other circumstances in *Subsection 8.4.2, Lot Specifications*, the word ‘plus’ is used to indicate that the measurement for the first two units is to be added to the measurement for three and more units. The use of ‘and’ instead of ‘plus’ indicates to staff that the intention of the requirement is to separate the minimum lot frontage measurement for two units, in comparison to three or more units. Additionally, in both the Multiple Unit Residential (R-3) zone of the West Hants Land Use By-law (WHLUB) and the High Density Residential (R-4) zone of the Windsor Land Use By-law (WLUB), the minimum lot frontage is listed as 100 ft. (30.48 m.). The consistency of this measurement also indicated to staff that the intention of the HLUB is to maintain this requirement.

To address the ambiguity described above, staff suggest replacing the use of the word ‘and’ with the word ‘or’, as seen in Attachment B.

MUNICIPAL CLIMATE CHANGE ACTION PLAN

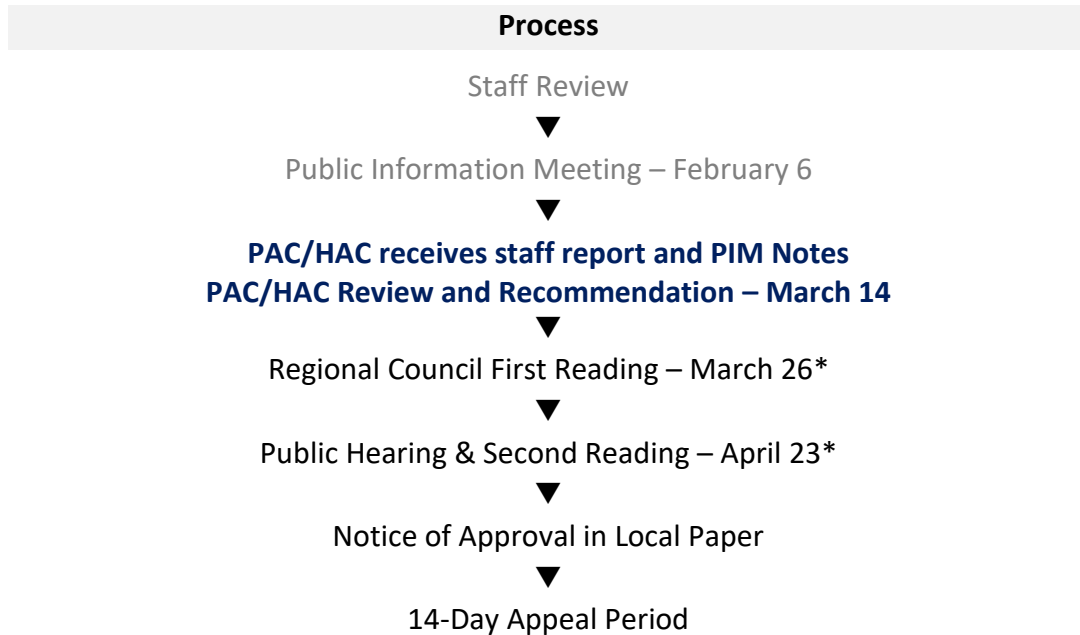
The Municipal Climate Change Action Plan (MCCAP) Inland Flooding and Coastal Flooding maps do not show any risks of either inland or coastal flooding on the property. The property is not included with the Wetlands designation on the Hantsport GFLUM or the Conservation Open Space (COS) zone on the Hantsport Zoning Map.

Staff were advised by the Public Works Engineering Division that a stormwater management plan would be required during the permitting 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 HMPS, and is consistent with the intent, objectives, policies and criteria of the HMPS. As a result, it is reasonable to amend the zoning of PID 45045879 to the Multiple Unit Residential (R-3) zone.



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents 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 amendments 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 | Hantsport GFLUM Extract |
| Figure 2 | Hantsport Zoning Map Extract |

Figure 3	Hantsport Proposed Zoning Map Extract
Attachment A	Policy Summary for HLUB Amendments
Attachment B	Draft Amendments
Attachment C	Public Information Meeting Notes

Report Prepared by: _____
Alex Dunphy, Planner

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

Figure 1 – Hantsport GFLUM Extract

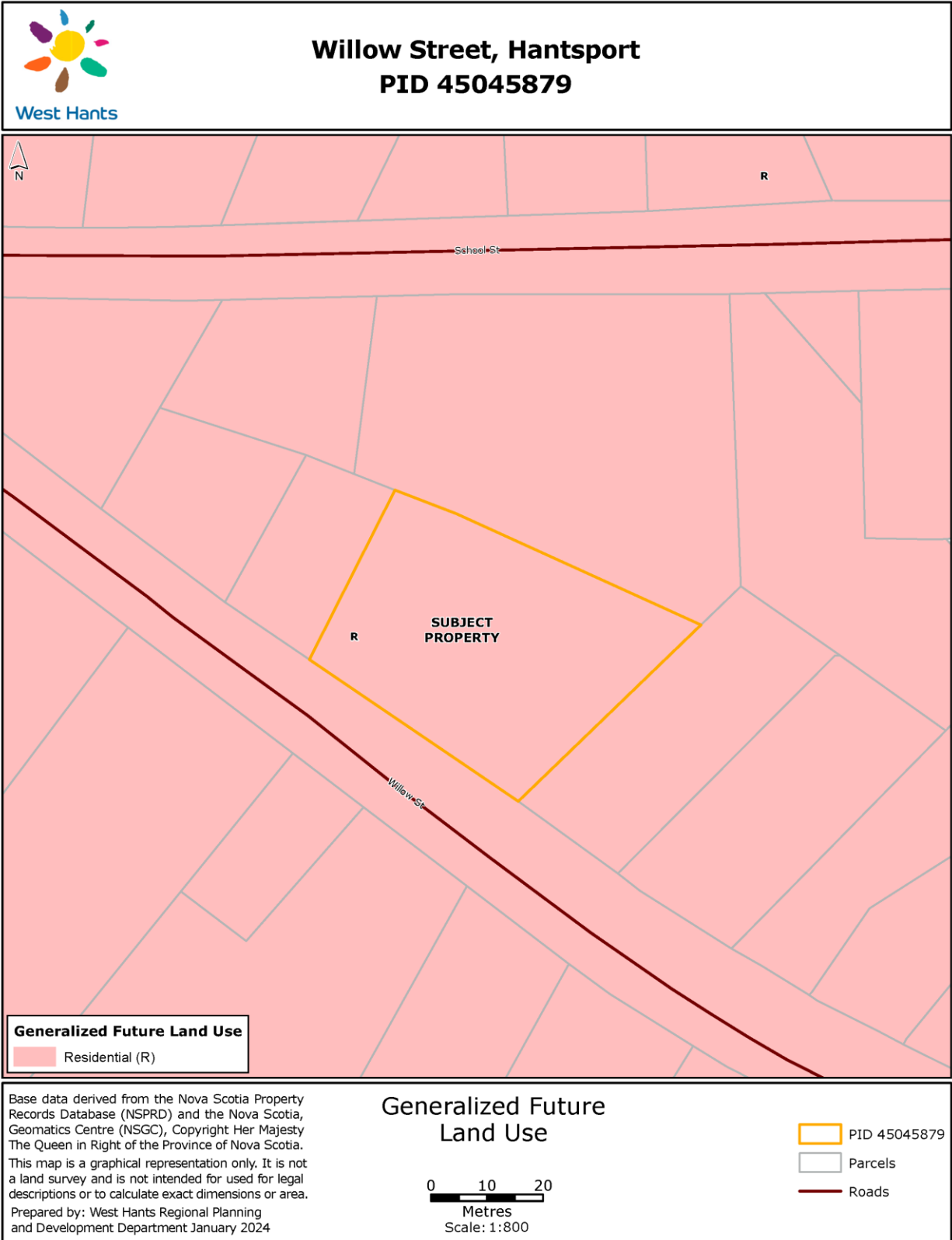


Figure 2 – Hantsport Current Zoning Map Extract

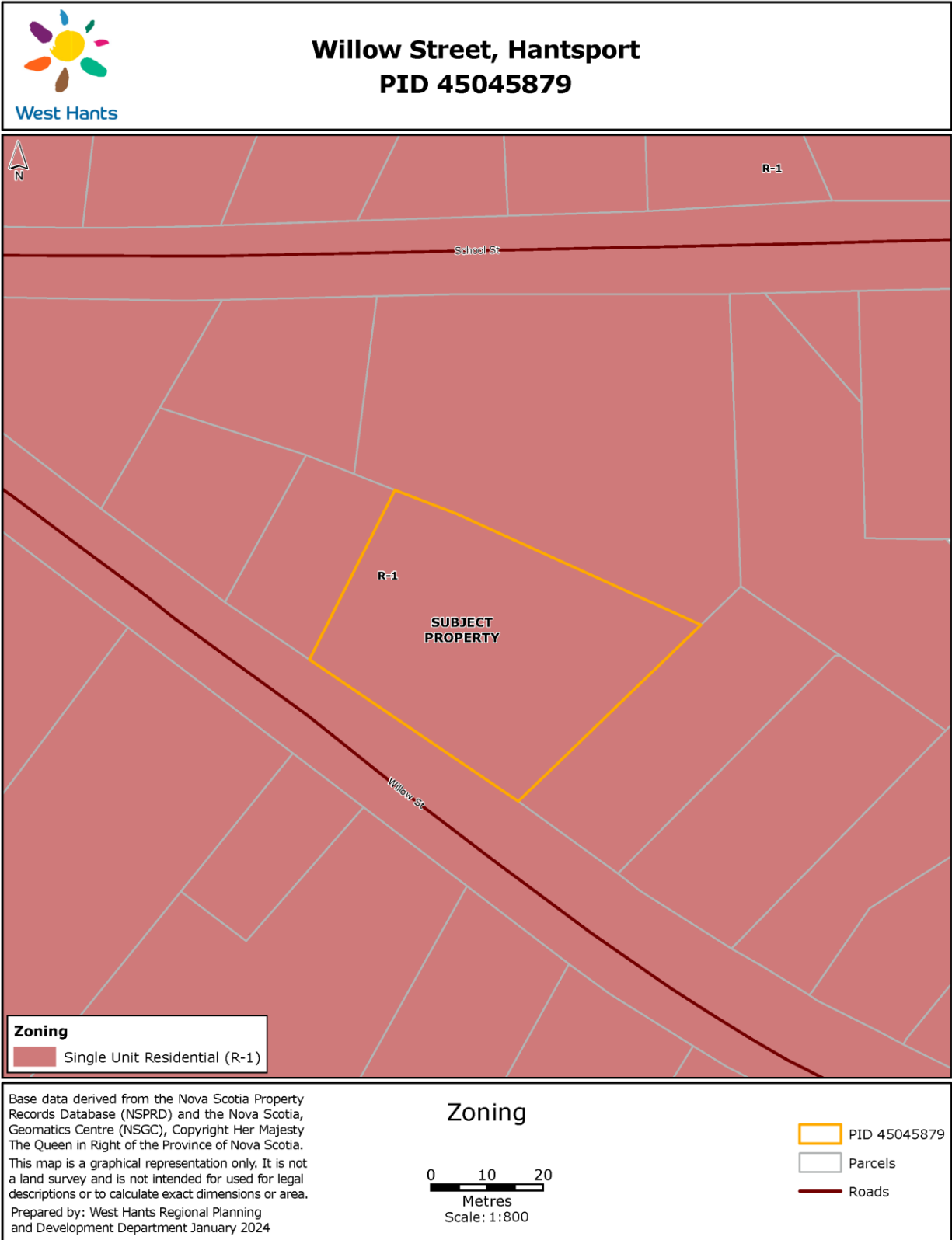
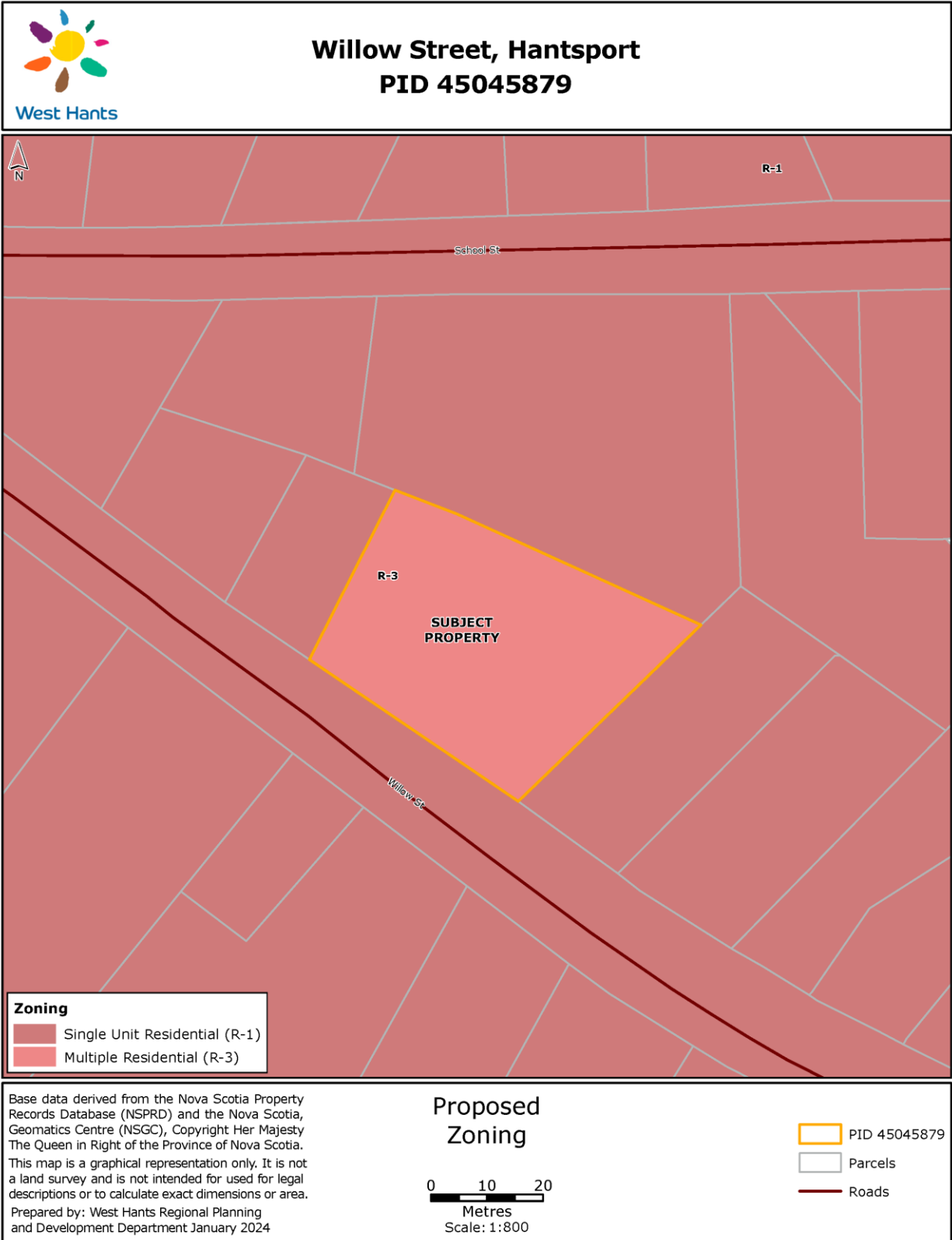


Figure 3 – Hantsport Proposed Zoning Map Extract



Attachment A – Policy Summary for Amendments

<p>Policy RP-7 <i>It shall be the policy of Council to allow new multi-unit residential uses within the Serviced Residential Designation by rezoning to the R-3 zone provided proposed rezoning will not have a negative impact on adjacent residential uses and subject to the criteria contained in Section 11.3.1</i></p>	<p>The Development Officer commented that they had no concerns regarding the impact on surrounding uses. Of the potential impacts of the proposed development identified by the public, staff have been advised that there are adequate measures to ensure that surrounding properties are not affected by the development of this lot. This includes stormwater management, adequate on-site parking, building setbacks, maximum height, traffic capacity of Willow Street, municipal service capacity, and geotechnical requirements for the land. The proposal will be required to meet the zone requirements of the Multiple Unit Residential (R-3) zone and the designation is intended for residential development of varied density.</p>
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<p>Policy IM-3 <i>In considering amendments to the Town of Hantsport Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:</i></p>	
<p><i>(a) whether the proposal is considered appropriate in terms of:</i></p>	
<p><i>(i) the adequacy of sewer and water services;</i></p>	<p>The Public Works Engineering Division commented that any sewer to a dwelling on the lot would likely require a domestic pump system to meet municipal specifications. The property owner has been notified of this requirement. Also, there is sufficient water capacity for domestic use, however, if a sprinkler system is</p>

	<p>required that the current service connection would not be sufficient and that a fire flow study would be required along with comment from the Municipal Building Official. The Manager of Building and Fire Inspection Services responded that there are alternative options for a developer to address issues with water capacity relating to fire safety, one option is for an engineered holding tank. Due to the alternative options available to address water and sewer servicing, staff consider this criterion met.</p>
<p><i>(ii) the adequacy of school facilities;</i></p>	<p>The Director of Operations for the Annapolis Valley Regional Centre for Education has stated that projected capacity for student enrollment and student transportation appears sufficient to accommodate the proposed development.</p>
<p><i>(iii) the adequacy of fire protection;</i></p>	<p>The local Fire Chief commented that they had no concerns. The Manager of Building and Fire Inspection Services commented that an apartment building on the subject lot would require a sprinkler system if a 15-unit, 3-storey building had a footprint larger than 6,458 sq. ft. (600 sq. m.), otherwise no sprinkler system would be required. They had no concerns regarding the adequacy of fire protection.</p>
<p><i>(iv) the impact on adjacent uses;</i></p>	<p>See Policy RP-7.</p>
<p><i>(v) the adequacy of road networks adjacent to, or leading to the development; and</i></p>	<p>The Traffic Authority commented that Willow Street is an arterial road designed to handle high volumes of</p>

	<p>traffic and they had no concerns regarding the adjacent road network.</p>
<p><i>(vi) the financial capacity of the Town to absorb any costs relating to the development.</i></p>	<p>There are no anticipated costs to the Municipality regarding this development.</p>
<p><i>(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i></p>	<p>The Traffic Authority commented that they had no concerns regarding the suitability of movement and traffic or the proposed clarification of the minimum lot frontage requirement. A sidewalk is present on Willow Street directly abutting the subject lot, providing pedestrian access to Main St. There is no active rail line in the vicinity.</p>
<p><i>(c) the adequacy of the dimensions and shape of the lot for the intended use;</i></p>	<p>The Development Officer commented that provided the minimum lot frontage of the Multiple Unit Residential (R-3) zone in the HLUB is amended as drafted, they had no concerns regarding the adequacy of the dimensions and shape of the lot for the intended use.</p>
<p><i>(d) 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. The proposed zoning matches the intent of the Residential designation, which the subject lot is included within.</p>
<p><i>(e) 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>There are some existing challenges for construction on the subject lot. The first is the sloping to the rear of the subject lot, which would require some form of infilling to provide a stable base</p>

	<p>for construction. The Manager of Building and Fire Inspection Services advised staff that a geotechnical report would be required to be submitted to ensure that the infill is stable and will support the proposed structure. No waterbodies or wetlands appear to be present on the mapping for the subject lot, however, there have been comments from the public that there are wet conditions on the property. The Public Works Engineering Division commented that they would be requesting a stormwater management plan as part of the permitting process to ensure that pre- and post-development flows are neutral or better. Based on the correspondence received, staff consider this criterion met.</p>
<p><i>(f) 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;</i></p>	<p>All Municipal, Provincial, and Federal regulations will have to be met.</p>
<p><i>(g) the impact of not only the use being proposed, but all uses permitted in the zone;</i></p>	<p>The proposed use is the maximum density of the lot which could be considered as-of-right in the Multiple Unit Residential (R-3) zone if rezoned. Any other uses permitted in the proposed zone would be considered less intensive.</p>
<p><i>(h) the site meets all of the zone requirements for the zone sought; and</i></p>	<p>See Policy IM-3 (c).</p>

<i>(i) any other matter required by relevant policies of this Strategy.</i>	All relevant matters have been addressed in this report.
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Attachment B – Draft Amendments

Note: purple text indicates a change from the present HLUB as recommended by staff and is provided only for the convenience of PAC/HAC and Council.

Hantsport Land Use By-law

Text amendment to Section 8.4 of the Hantsport Land Use By-law to clarify the minimum lot frontage requirement for the Multiple Unit Residential (R-3) zone.

Amend 8.4.2, *Lot Specifications*, in the Hantsport Land Use By-law to replace the word ‘and’ with the word ‘or’, in the minimum lot frontage for apartment buildings and grouped homes, so that 8.4.2, *Lot Specifications*, reads as follows:

8.4.2 Lot Specifications

The following minimum specifications apply to all lots:

	Townhouse Development	Apartment Buildings and Grouped Homes
Minimum Lot Area	660 square metres (7104.4 square feet) for the first two units, plus 150 square metres (1614.5 square feet) for the third and each additional unit	660 square metres (7104.4 square feet) for the first two units, plus 100 square metres (1076 square feet) for the third and each additional unit
Minimum Lot Frontage	22 metres (72.2 feet) for the first two units, plus 19.6 feet (6 metres) for the third and each additional unit	22 metres (72.2 feet) for the first two units, and <i>or</i> 30 metres (98.4 feet) for three or more units
...		

Attachment C – Public Information Meeting Notes

February 6 – 20, 2024

HLUB Map Amendment: PID 45045879, Willow Street, Hantsport; File # 24-01

Meeting date and time	A Public Information Meeting was held on February 6, 2024 beginning at 6:00 p.m. in Council Chambers at 76 Morison Drive in Windsor. The meeting was broadcast live on the Municipal Facebook page.
Attending	In attendance for the meeting: Chair: <ul style="list-style-type: none">• Mayor Zebian Four (4) members of staff: <ul style="list-style-type: none">• Planner Dunphy• Planner Fredericks• Planning Assistant Lake• Director Poirier Approximately 9 members of the public, as well as the applicant.
Applicant Tom Lavers	Planner Dunphy outlined the application to rezone the subject lot to the Multiple Unit Residential (R-3) zone.
Property PID 45045879, Willow Street, Hantsport	The applicant, Tom Lavers, did not provide a formal presentation but provided answers to questions from the public.
Comments	Comments from the public could be submitted by mail, e-mail and telephone between February 6 –20, 2024. Staff received 1 phone call and 15 written submissions during the comment period. The phone call was to outline the caller’s disapproval of the rezoning. 4 members of the public spoke during the Public Information Meeting. Staff and applicant responses are in purple. <ul style="list-style-type: none">• Ryan Faulkner asked how drainage on the subject lot would be fixed. Alex responded by explaining that staff reach out to subject matter experts to address concerns and that a stormwater management plan would be required. Tom Lavers responded that the stormwater would be

addressed through municipal requirements.

Ryan asked about how his property value would be affected.

Tom replied that the building would be well maintained.

Ryan commented that policing is currently an issue and asked if the rezoning would only affect the lot and not the surrounding area.

Mayor Zebian replied that this process is only for the individual lot.

Ryan commented that there is flooding issues in that area that should be addressed.

- Larry LeCouter commented that the subject lot is heavily sloped and that infill would be required. Larry was not in favour of the apartment building as the surrounding buildings are single-unit. Larry indicated that the property is swamp land, would require 300 loads of fill, and it is not suitable for a development. Larry was concerned with the lack of information in the proposal.
- Barb LeCouter commented that Willow Street is heavily used when the highway is blocked and asked why this lot was chosen.

Tom responded the property was the piece of land that was available.

Barb was concerned with the pedestrian safety and the potential for issues with tenants.

Tom responded that the same issues could occur with a single unit dwelling.

Barb also indicated that flooding is an issue.

- Jane Davis commented that there was another property available in McCully Pines that would be more suitable. Jane commented that the neighbourhood is quiet and asked about parking spaces as well as site plan availability so that the Planning Advisory Committee could consider more information. Jane asked what the square footage of the apartments would be and if the units would be

	<p>affordable housing.</p> <p>Tom responded that the intent was for the units to be market rate and that the details for the plan are not developed yet as he was looking to complete the rezoning first. The 15-unit number was chosen due to that being the maximum unit density permitted, but it may be less than 15.</p> <p>Jane indicated support for housing, but in the right context, as this lot is in a low-density neighbourhood.</p>
Adjournment	The Public Information Meeting was adjourned at approximately 6:27 p.m.

Public Email Responses Submitted for the Application

February 12, 2024
From Judith Swaine
To Alex Dunphy

Good morning

I am concerned about an apartment building being built on Willow Street.

I live close to where it is to be built and I don't want it there so I do not approve of the apartment building. I have lived at *ADDRESS REMOVED* since 1979. I hope this note makes a difference.

Thank you

Judith Swaine

February 12, 2024
From Cathy Ridge
To Alex Dunphy

Good morning Alex,

This letter is in concern for the proposal of a 15 unit apartment building on Willow Street, Hantsport NS.

I request that this lot be Not rezoned to R3. My reasoning is as follows:

The lot is not suitable for development, neither financially, size or for the water issues. Currently that land is like a swamp, aiding as a place for the rain waters to go to stay away from neighboring (house dwelling) properties.

The steep slope off the road will require hundreds of loads of fill, which is very costly. This will push more rain water into the neighboring properties causing severe damage. The cost of living is too high now, let alone having to pay extra for preventable damages.

There is a very large, very old cherry tree on this property. Building anything on this lot would require the destruction of natural resources and beauty. That would be a sin.

The nearest R2 is in "downtown commercial" district, as the neighbourhood is made of low density, single family homes. Our property values will drop considerably if there is an addition of an apartment building in the middle of our sweet single family dwellings.

I live on one side of this lot. I've been happy for 20 years, feeling confident that the lot will always be empty due to the high cost of filling in to build. It's my golden piece of people free nature within the community.

I do not approve of the zoning and building of an apartment building on this lot.

Thank you,

Cathy

February 12, 2024

From Laura Oickle

To Alex Dunphy

Hello Alex,

I completely agree that there should be no rezoning of this property for the development of an apartment building. There are other suitable places closer to the commercial spaces in the community. There is no need of an apartment building in this neighborhood. It is not warranted or wanted and plain doesn't really make any sense. My request is for this lot to not be approved for rezoning for an apartment building on Willow St. Hantsport.

Sincerely,

Laura Oikle

ADDRESS REMOVED

Hantsport, N.S.

February 15, 2024

From Jason Tucker

To Alex Dunphy

Good morning,

I am a long-time resident of Hantsport, and I'm writing to express my hope that the West Hants council will approve the rezoning of PID 45045879 to allow for the building of an apartment building.

Hantsport desperately needs new development and more housing. It makes perfect sense that additional housing should be built as close as possible to the shops and services in the "downtown" core.

There are already two other R-3 zoned units within about 500m of this location (on Main St. & Holmes Hill Rd.), though they are both many years old. The proposed property would be only about 800m from the centre of town. This is an ideal, walkable location for additional residents.

While the area has traditionally been only single-family homes, it's time to welcome a larger population into our community, and there is no way to do this without adding multi-unit dwellings wherever possible, especially ones that are this close to all services.

I have heard from more than a few long-time residents that they would love to sell their Hantsport homes and stay in the community, but their options to do so are virtually zero. Until there are comfortable, new, modern apartments in this community, our existing housing stock will be underutilized by one or two senior citizens in 3-4 bedroom family homes that they can't sell because there's nowhere else to move.

As long as the professionals who evaluate proposals for West Hants don't see any physical reason to prevent this construction, I hope that they approve this and any other acceptable proposals that come before them. Hantsport can only benefit from adding new housing--lots of people want to live here, and for that I am grateful.

Thank you for your time.

--Jason Tucker

Hantsport.

February 15, 2024

From Candice Stark

To Alex Dunphy

Hi Alex,

I am writing to oppose the development of the lot on Willow Street. That area that a complete swamp and often floods the basements and backyards of those on school street. I personally know one family on school street that has significant flooding in their basement due to the marshy area and I know the municipality is aware of this issue. I understand that housing is needed but it should not be too the detriment of current homeowners.

There are many places in Hantsport that could be developed. Just not this particular lot.

Thank you for your time,

Candice Bowman

Hantsport resident

February 15, 2024

From Shaynna Crosby

To Alex Dunphy

Mr. Dunphy,

I am writing this letter upon hearing of the potential 15 unit apartment building complex to be built on Willow Street, in Hantsport. Although I no longer live in Hantsport, the proposed apartment building is to be built next door to my childhood home of *ADDRESS REMOVED*. The home my senior parents still reside in.

The lot that the proposed apartment building is to be built on is not suitable for development. It is a very steep slope off of the main road and would require massive amounts of fill to bring it up to street level. Growing up this lot was always considered bog land and would often flood. My parents basement also floods during the rainy season and I'm concerned that building up of this lot would force more run off into my parents property and then in to their basement causing further problems.

This neighbourhood has always been low density, single family homes. In approving the build of an apartment complex in this area is to greatly decrease the resale value of the surrounding homes and would be a slap in the face for the families who currently reside in the immediate and surrounding area.

There is a suitable zoned R3 building lot in the downtown area that is large enough for the proposed building. From my understanding it is also a serviced lot. I'm asking you to please reconsider approving the re-zoning of the lot on Willow Street. Please take in to consideration the families that this will greatly affect and the housing values that will be affected by this build. I agree that there is currently a housing crisis and that the building of a new apartment complex would be of great value however not on the proposed lot on Willow Street.

With kind regards,

Shaynna Crosby

February 16, 2024

From Dorothy Read

To Alex Dunphy

As the owner of the Francis deSilva property at *ADDRESS REMOVED* which is nearly directly opposite of the proposed development I have a vested interest in this proposal.

I feel this type of development is wildly inappropriate for a block that features a pleasant mix of historic & contemporary homes. A modern high rise would ruin the streetscape, increase traffic and dEstroy the wetlands that comprise most ofthat lt. The wEtlands is home to ducks, deer, turtles and other wlldlife.

Please suuggest to deVeloper the apartment building would be better located elsewhere!

Thank you

Dorothy Read

February 17, 2024

From Larry LeCouter

To Alex Dunphy

please see attached letters regarding the proposed rezoning on Willow Street in Hantsport

Letters attached below

February 17, 2024

From Sheila Rafuse

To Alex Dunphy

Dear Mr. Dunphy,

After viewing the meeting on February 6, 2024 about the proposal to change Willow Street from single (R-1) dwelling to multi unit residential (R-3) dwelling, I submit these comments:

This is a low density single unit street and is not suitable for such a proposal. With there being an (R-3) property already in Hantsport, that location should be considered first.

Being a property owner directly across from this lot, I and other properties adjacent have been notified, but all the residents on Willow Street should be made aware as it will affect the quiet and slower pace of traffic. Parking will be a problem as the lot is at least 25 feet below street level, and is not suitable for any development, whether single or multi. This is why it has remained vacant for over 70 years except for a garden that existed many decades ago.

From the meeting, I heard the property owner directly behind this lot is having an issue with flooding and drainage being addressed after expressing his concerns for several years now. This poses many more problems to come from the lot being developed as (R-3) zone.

As of this year, my property will be up for sale, but I see this proposal as a deterrent for potential future buyers as this would not be suitable for someone looking for a small lot to build a single dwelling on. Please first consider the (R-3) multi unit lot which is already available with a sewer.

In summary, there are issues with parking, traffic and noise that cannot be disregarded. Please reconsider and notify all residents on Willow street, their concerns should also be heard.

February 18, 2024

From Therese Geizer

To Alex Dunphy

I'm writing regarding the purposed 15 unit apartment building on willow st in hantsport. My husband and I own two properties on school st. *ADDRESS REMOVED*, ever since we moved here we have had water issues in our basement.

We had to pour a new cement floor with gravel and drainage as the original floor was crumbling with water bubbling up from underneath. We also had to dig a dry well in our backyard as we were told there is an underground spring that runs under our properties. To this day we still have water coming into our basement with any rainfall despite these measures! I know that 8 homes across the street and adjoining to ours have water in the basements which are all within 300 ft of this purposed development. Water runs downhill and school st is at the bottom of the hill, this lot on willow is natural catch basin which disperses gradually when it overflows to other properties connected to it. Also when all those trees are cut down on that lot, that's more water that isn't getting absorbed and pooling there. The Faulkner's have had the worst flooding ever

since that house was built there as it backs onto that lot. I'm not an expert but I think if they put a bunch of fill and build a large structure on that lot the underground water will have to go somewhere and the only logical place would be to our properties and over time compromise the large building itself. Furthermore, whenever there is an accident on the 101 hwy and traffic is diverted into town, it runs up willow st. Not many cars park on willow but when they do there isn't enough room to pass them with on coming traffic, I can't imagine what a mess it would be having cars parked in front of a 15 unit apartment building with tenants and all their visitors parking on the street!

I agree we need more housing

but at what cost? With climate change we already have seen more water on our properties and if this development goes thru it will only get worse for our homes.

We are against this development for these reason's. Unfortunately, like the Faulkner's it's buyer beware (the town has done very little to help them) and for the developer who purchase this useless lot. I sincerely hope you take our very real concerns into your final decision. Our homes are our largest investments of our lives.

Regards

Therese & Tom Geizer

February 18, 2024

From Tiffany Faulkner

To Alex Dunphy

Dear Alex,

I hope this email finds you well. I am writing to express my concerns regarding the proposed construction of an apartment building behind our residence. Ryan & I strongly do not agree with this proposal.

As a neighbor, I have thoroughly considered the potential impacts that such a development could have on our community, and I am deeply worried about several aspects:

Privacy: The construction of an apartment building behind our house would significantly compromise our privacy. Increased foot traffic and the proximity of other residents could disrupt the peaceful environment we currently enjoy.

Noise and Disruption: The construction process itself would undoubtedly cause noise and disruption to our daily lives. This could be especially concerning if it occurs during early mornings or late evenings.

Traffic Congestion: A new apartment building would likely lead to an increase in traffic in our neighborhood, potentially causing congestion and safety hazards on our streets. If the 101 were to be shut down for any reason all traffic would be rerouted that direction which would cause a huge congestion of vehicles in that spot. When there is no room right now on that road for traffic to get by when cars are parked on side of the road.

Flooding Risk: Our property is particularly susceptible to flooding, as water naturally runs towards it. The construction of an apartment building could exacerbate this issue, leading to further flooding and potential damage to our property.

Impact on Property Values: There is a concern that the presence of a large apartment complex behind our residence could negatively impact the value of our property.

Questions: If the land we're to be filled in with a large amount of fill, how could you keep it from back filling on our property over a period of time?

For the size of the building compared to the small lot. How far off the property lines would a building that size have to be? The lot size doesn't seem big enough that it would be far enough off all the property lines.

Our biggest concern is if the land gets filled in, it will displace the water that layed in there before.

I hope the municipality gets an environmental assessment on that land before considering the proposed construction.

I understand the need for development and growth within our community, but I urge you to consider alternative locations or designs for the proposed apartment building that would minimize its impact on existing residents.

Thank you for your attention to this matter.

Sincerely,

Tiffany & Ryan Faulkner

February 19, 2024

From Adam Quinn

To Alex Dunphy

Hey Alex,

My family and I live near where this rezoning request is taking place. It was only recently brought to our attention that there is a possible apartment building proposal in place for this unfit for a residence lot that has been there for as far back as my grandparents can remember. From what I've been told it was a junk yard for many years before other houses started being developed around it.

I'm concerned on why this was not brought to the attention of the whole town and only to a select few houses neighbouring the property? If such an apartment building is placed in this location. Is it going to affect property values? Are we expecting increased value in our homes? For some that would be great. For others it's a burden due to higher taxes paid each year.

Is this going to affect our water and sewage system? That's a large number of new families to provide for and we already just had a water line issue on Riverview at the start of the winter.

Clarification on these matters would be greatly appreciated. Also would like clarification on what the plans are for this structure and its parking accommodations. The lot is not even half an acre in size. It is on a drastic hill and at the bottom of the hill is a soft marsh land. If the intentions are

to build this land up for proper foundation for the structure then that will lead to major water runoff for the houses behind and off the side of this lot on school street. Not to mention that it could even lead to damages to the ball field or with major rainfall even reach the school itself. Maybe if this does get rezoned then it will be in the best interest of the municipality to look into connecting a drainage runoff right into the sewage portion of the construction plans.

To end this letter of concern. I want to be clear that we do need more housing. A development of this size would be great for the area if located on a better plot of land that will not have a direct effect on citizens that have been here for years. Take into consideration the families that will have to deal with the decision you make and hear their concerns.

Thank you for your time and all you do for our area.

Best regards

Adam Quinn

Responding to the proposal of a 15 unit
apartment building on Willow St. next
door to our home.

My reason against are the following:

Rezoning R1-R3

Water issue - surrounding this lot

Parking - for ec. unit plus additional vehicles
if 2 or more per apt.

The land not suitable for development - slope
fill needed - marsh & bog.

Neighborhood is low density, single family homes
When hwy shut down due to accidents this
street becomes very busy.

Nearest R2 is in downtown commercial district

Suitable zoned (R3) + lg enough lot available
downtown + is serviced

I am requesting to NOT approve of the
apartment building

Thank You

Barb Helcuter

My name is William LeCoutre. I own property next to the propose zoning change on Willow St.

First I like to say the land is a Swamp, boggy area.

Flooding problems with no suitable drainage

Willow St is a quiet residential area of community & majority of residents being seniors & low density

I believe the lot is unsuitable for development from R1 - R3

I am requesting to Not approve of the apartment building rezoning

Thank You

William LeCoutre

To: Whom It may concern!

I am one of the homeowners on Willow St. I disagree with the building of a 15 unit apartment on a piece of land between 2 houses with a steep hill that would not be appropriate for people living behind there.

neighborhood hood is low density and there would have to be lots of full needed.

There is a suitable lot zoned (R3) & large enough building lot available in town & is serviced.

Please request to not approve of apartment building

Thankyou!

send email: Alex Dunphy @
westhants.ca 902-798-8391 Ext 118