



Subject: *PLN25-003 Serenity Lodge: MPS and LUB Amendments and Substantial Development Agreement Amendment*
To: CAO for Planning Advisory Committee, June 17, 2025
Date Prepared: June 6, 2025
Related Motions: C25(95)
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Approved by: John Woodford, Director of Planning and Development

Summary

Planning staff received direction from East Hants Council on March 26, 2025, to “...direct staff to find a way forward to assist Ms. MacAskill to separate her business and dwelling (two PIDs) through Development Agreement or an alternative. (Re: Serenity Lodge)”. Staff have reviewed the subject property details and the East Hants Official Community Plan to determine amendments that could be adopted by Council that would allow for the subdivision of 53 Bakery Lane and 39 Russell Mckeen Drive.

There is currently a development agreement in place that allows for the current institutional use (Serenity Lodge). In addition to amendments to the Municipal Planning Strategy and Land Use Bylaw, the existing development agreement will also have to be substantially amended to permit the land to be subdivided.

Financial Impact Statement

Any financial impact to East Hants would be minimal. No new structures or land uses are being proposed as part of the application.

Recommendation

That Planning Advisory Committee recommends that Council authorize staff to schedule a public information meeting.

Recommended Motion

Planning Advisory Committee recommends that Council:

- *authorize staff to schedule a public information meeting to consider a proposal to amend the MPS and LUB by adopting policies that will permit Council to consider entering into a development agreement on lands zoned Two Dwelling Unit Residential (R2) Zone to permit Institutional Use (IU) Zone uses to be subdivided on an existing right-of-way easement in a Growth Management Area.*

Background

On March 26, 2025, Council passed Motion C25(95) to “...direct staff to find a way forward to assist Ms. MacAskill to separate her business and dwelling (two PIDs) through Development Agreement or an alternative. (Re: Serenity Lodge).” Serenity Lodge is located on PID 45287638, and is identified as 39 Russell McKeen Drive. Along with Serenity Lodge, there is also a single unit dwelling, identified as 53 Bakery Lane. Currently PID 45287638 only has 6 m of frontage on Bakery Lane. Under the current Land Use Bylaw regulations, the subdivision of land cannot take place on a right-of-way easement in the Growth Management Areas serviced by Municipal water and wastewater. A variety of items have to be addressed prior to the owner of Serenity Lodge being able to subdivide PID 45287638 into two lots.

The first item to be addressed is that the property owner must acquire land and frontage from 35 Russell McKeen Drive (PID 45078912), in order to have frontage on Russell McKeen Drive (right-of-way easement). Currently, the property does not appear to have frontage on Russell McKeen Drive. The property owners of PID 45287638 and PID 45078912 are related. Without frontage on the existing right-of-way easement the land cannot be subdivided.

The second item to be addressed are amendments to the MPS and LUB. A new policy and regulation are required to be added to the Planning documents to permit Council to consider the subdivision of land for an Institutional Use (IU) Zone use on an existing right-of-way easement, in the Growth Management Areas on land that is zoned Two Dwelling Unit Residential (R2) Zone. The MPS and LUB already contain a policy and regulation that permits Council to consider development agreements for Institutional Use (IU) Zone uses by development agreement.

The third item to be completed is that the existing development agreement, which currently permits Serenity Lodge, needs to be substantially amended so that the proposal can be considered under Council’s potential new policy.

Further, there is an order to which the above steps have to occur before the land can be subdivided into two lots. Planning staff expect that the above process will take a minimum of 6 months. As a result, the Director of Planning and Development has provided a letter to the applicant to send to the provincial government, indicating that East Hants Council are in the process of considering amendments to permit the subdivision of Serenity Lodge onto its own lot.

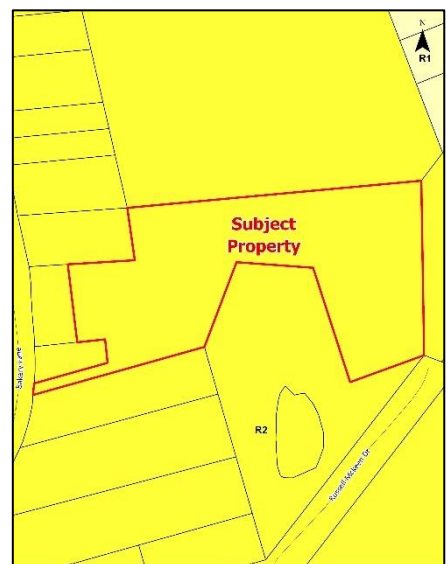
Discussion

SUBJECT PROPERTY

The subject property is shown on the map to the right and is identified as PID 45287638. There are two civic points on the subject lands: 53 Bakery Lane, a single-unit dwelling, and 39 Russell McKeen Drive, which is Serenity Lodge. The total area of the subject property is 1.44 hectares. The lot has 6 m of frontage on Bakery Lane.

The subject property is designated Established Residential Neighbourhood (ER) Designation and zoned Two Dwelling Unit Residential (R2) Zone. Adjoining properties are also zoned Two Dwelling Unit Residential (R2) Zone. There is an existing development agreement on the subject lands that permits Serenity Lodge, which is a senior’s care facility and is considered an institutional use.

Bakery Lane is owned by the provincial government and Russell McKeen Drive is a private right-of-way easement owned by the McKeen and extended family.



DEVELOPMENT PROPOSAL

The purpose of Council's direction is to develop a policy and regulation that will permit Institutional Use (IU) Zone uses to be subdivided on an existing right-of-way easement for land zoned Two Dwelling Unit Residential (R2) Zone. By implementing such amendments, the owners of Serenity Lodge will be permitted to subdivide their property into two lots, with one of the lots having frontage on a right-of-way easement in the South Corridor and Commercial Growth Management Area. Current regulations do not permit land to be subdivided on right-of-way easements in the South Corridor and Commercial Growth Management Area.

The proposal does not enable other lots to be subdivided with frontage on Russell Mckeen Drive for purposes other than institutional uses. If the existing land owners are interested in developing their lands in the future, Russell Mckeen Drive will have to be upgraded to a public road so that it may be taken over by the Municipality.

PROPOSED MPS AMENDMENTS

The following amendments are proposed to be added to Policy RD23 of the Municipal Planning Strategy:

- RD23. Council shall consider the following by development agreement in the Two Dwelling unit Residential (R2) Zone:
- a) Accessory buildings in excess of the applicable zone requirements.
 - b) Institutional Use (IU) Zone uses.
 - c) Zero Lot Line Developments subject to the requirements of the Municipal Planning Strategy.
 - d) *The subdivision of land on an existing right-of-way easement in a Growth Management Area to permit an Institutional Use (IU) Zone use.*

The following amendment is proposed to be added to Section 6.6 of the Land Use Bylaw:

R2 Zone: Conditional Uses by Development Agreement

- Accessory buildings in excess of the applicable zone requirements.
- Institutional Use (IU) Zone uses
- *The subdivision of land on an existing right-of-way easement in a Growth Management Area to permit an Institutional Use (IU) Zone use.*
- Zero Lot Line Developments subject to the requirements of the Municipal Planning Strategy.

SUBSTANTIAL DEVELOPMENT AGREEMENT AMENDMENT

There is an existing development agreement registered on PID 45287638 that permits the senior care facility, Serenity Lodge, to operate on land zoned Two Dwelling Unit Residential (R2) Zone. To allow for the property to be subdivided into two lots, the existing development agreement will have to be substantially amended to allow Council to consider the development agreement in relation to the new proposed provisions in the MPS and LUB.

The amendments to the Planning documents and the substantial development agreement amendment can run concurrently; however, the MPS amendments will have to be in effect prior to the development agreement being entered into and registered on the subject lands.

POLICY ANALYSIS

Text amendments to the Municipal Planning Strategy shall only be considered by Council when "a need arises to change policy".

- IM12. Council shall consider text amendments to this Strategy when:
- a) A need arises to change policy.

- b) *New information is identified or studies have been undertaken which necessitate or recommend an amendment to the strategy.*
- c) *A provincial policy change requires a change in this Strategy.*
- d) *The boundaries of the planning area are altered.*
- e) *Housekeeping amendments are warranted.*

CITIZEN ENGAGEMENT

Planning staff will comply with the Citizen Engagement Policies of the Municipal Planning Strategy when processing this application. An advertisement outlining the proposal was placed in the *Chronicle Herald* in May 2025. A Public Information Meeting (PIM) is required for all amendments to the Municipal Planning Strategy unless they are housekeeping in nature. Unless directed otherwise, a letter indicating the time and date of the PIM will be mailed to all property owners and residents within 300 m of the subject property. Additional advertising will be placed on the East Hants website and on our social media feeds.

STRATEGIC ALIGNMENT

The 2021-2024 East Hants Strategic Plan identifies ‘Strong Community’ as one of the four areas of strategic focus. The proposed development provides for the creation of affordable worker housing, which helps to support a strong community.

LEGISLATIVE AUTHORITY

The legislative authority is set out in the Municipal Government Act, Part VIII. This part of the MGA sets out the process for MPS and LUB amendments to be considered and for consideration of a development agreement.

FINANCIAL CONSIDERATIONS

Any financial impact to East Hants would be minimal. No new structures or land uses are being proposed as part of the application.

Alternatives

Planning Advisory Committee could recommend not to proceed with the application.

Attachments

Appendix A - Satellite Image of the Subject Property

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