



Subject: *Proposal to change the designation and rezone PID 45354396, Ashford Place, Lantz.*

To: CAO for Planning Advisory Committee, March 9, 2021

Date Prepared: March 3, 2021

Related Motions: C20(351), PAC20(66), C20(378), PAC21(2), and C21(21)

Prepared by: Debbie Uloth, Project Planner

Approved by: John Woodford, Director of Planning and Development
Adam Clarkson, Director of Parks, Recreation and Culture

Summary

In accordance with motion C20(351), Planning staff have been authorized to initiate a proposal to change the land use designation and zone of lands identified as PID 45354396, Ashford Place, Lantz. The purpose of the proposal is to change the land use designation of the subject lands to the Established Residential Neighbourhood (ER) Designation and to rezone the same to Established Residential Neighbourhood (R1) Zone. This will enable the land to be used for residential uses as part of an open space land exchange.

A public information meeting for the application was held on January 5, 2021. Notes from the meeting have been attached to staff's report.

First reading of the mapping amendments were given at the January 27, 2021 Council meeting. At the same meeting Council authorized staff to schedule the disposal of open space as part of the the public hearing.

Financial Impact Statement

There are no immediate financial impacts associated with the adoption of this report. According to PVSC the property is currently assessed at \$50,000 (residential exempt). Once the property changes to the new owner, residential taxes will be collected on the lot.

Recommendation

Recommend that Council give second reading and approve amendments to the MPS and LUB to enable the property to be used for residential uses.

And

Recommend that Council approve the disposal of the open space parcel in exchange for an alternative piece of land.

Recommended Motion

Planning Advisory Committee recommends that Council:

- *give second reading and approve amendments to the MPS and LUB by changing the designation of PID 45354396, Ashford Place, Lantz to Established Residential Neighbourhood (ER) Designation and rezone the same to Established Residential Neighbourhood (R1) Zone, to enable the property to be used for residential uses.*

And

Planning Advisory Committee recommends that Council:

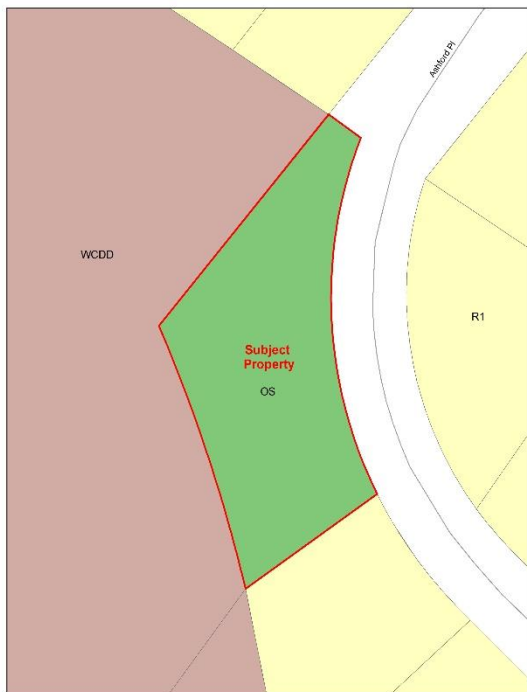
- *approve the disposal of the open space parcel identified as PID 45354396, Ashford Place, Lantz, in exchange for an alternative piece of land to allow for the connection of the proposed AT bridge over the Nine Mile River.*

Background

Planning and Development staff were authorized by Municipal Council to start the process of changing the designation and zone of municipal open space in Lantz (PID 45354396). Parks, Recreation and Culture have been given authorization by Municipal Council to negotiate a land exchange for an alternative piece of land that is critical for the connection of the Primary Spine Active Transportation Route. The Parks, Open Space and Active Transportation Master Plan has not identified the open space lands on Ashford Place for future park development. Instead, the Municipality has invested in upgrades to the existing park on Logan Drive, with a new playground structure and park amenities being installed. Therefore, the open space land on Ashford Place is not critical to the Master plan and the exchange will benefit the future development of the Primary Spine.

As part of the negotiations, the Municipally owned land on Ashford Place is proposed to have the land use designation changed from Community Use (CU) to Established Residential Neighbourhood (ER) and rezone the same from Open Space (OS) Zone to Established Residential Neighbourhood (R1) Zone. Changing the land use designation and zone will enable the new property owner to use the subject land for residential uses. All other properties with frontage on Ashford Place are also zoned R1.

The land acquired for the Primary Spine Active Transportation Route will have the land use designation and zone changed for open space purposes through the plan review.



Subject Property

The subject property is located at PID 45354396, Ashford Place, Lantz. An excerpt of the zoning map to the left shows the location of the subject property. The total size of the property is approximately 0.21 hectares and it has approximately 70 metres of frontage.

The property is designated Community Use (CU) Designation and zoned Open Space (OS) Zone. Land to the west is owned by NSTIR and is where the new interchange connector is being constructed. Lands to the East and South are zoned Established Residential Neighbourhood (R1) Zone.

Development Proposal

The purpose of this proposal is to amend the Generalized Future Land Use Map (GFLUM) and the Land Use Bylaw Map (LUB) to change the designation and zone of the open space parcel on Ashford Place, to Established Residential Neighbourhood (R1), so that the lands may be used for residential land uses. Established

Residential Neighbourhood (R1) Zone uses include single unit dwellings, accessory dwelling units, accessory buildings and homebased businesses, which is the same uses that the existing dwelling units on Ashford Place are permitted to do. The amendments will allow for the disposal of the subject lands to enable a property exchange to occur for an alternative piece of open space that better fits with the goals of the Parks, Open Space and Active Transportation Master Plan.

The Parks, Open Space and Active Transportation master plan identifies long-term concepts for active transportation (AT) routes throughout the municipality. The Primary Spine Active Transportation Route throughout the corridor will connect Lantz to Enfield. The recently approved development agreements with Armco and Clayton will advance the connectivity of the Primary Spine from Lantz to Elmsdale as the developments are built out. The open space contributions for the Clayton development agreement includes an

AT bridge over the Nine Mile River. As part of the planning process staff are now working on connectivity of the primary spine on the Elmsdale side of the Nine Mile River. Open Space lands on Ashford Place are proposed to be exchanged for land to enable connectivity of the primary spine AT route.

Since the Open Space (OS) Zone limits land use activities to open space uses, a change in the land use designation and zone will enable a new property owner to use the land on Ashford Place for residential purposes. Staff are recommending that the same designation and zone of adjoining properties be implemented on the subject land.

The topic of restrictive covenants has been discussed at PAC and during the public information meeting. When Ashford Place was initially developed, the developer placed restrictive covenants on the building lots. These restrictive covenants can only be enforced by civil action by the developer or by other property owners located on Ashford Place. The Municipality has no authority under the Municipal Government Act to enforce restrictive covenants placed on a property by a developer. The Municipal Solicitor has indicated that creating restrictive covenants for PID 45354396 would add an administrative burden to the Municipality and its staff. If the Municipality were to place restrictive covenants on PID 45354396, it would be done so separate from the Planning process and from the original covenants put on the subdivision. Enforcement of any covenants would be through civil legal action and not through bylaw enforcement. Lots on Tower View Court do not have restrictive covenants. Restrictive covenants are an added responsibility for the Municipality and should not be placed on PID 45354396.

Policy Analysis

The Planning and Development Department have reviewed the proposal based on the applicable policies contained in the Municipal Planning Strategy. A detailed table of the evaluative criteria from the enabling policies and comments from Staff have been attached as Appendix B.

The Municipal Department of Infrastructure and Operations indicated that they did not have any issues with the application and that the rezoning would allow for a single unit dwelling, for which there is adequate water and wastewater capacity.

Citizen Engagement

Planning staff have complied with the Citizen Engagement Policies of the Municipal Planning Strategy when processing this proposal. An advertisement outlining the proposal and indicating that it is under review by staff was placed in the November 27, 2020 edition of the *Chronicle Herald*. As part of the review process, a public information meeting (PIM) was required to hear input from the community.

Due to Covid-19 restrictions, the public information meeting was held as a digital meeting on January 5th. Notes from the meeting have been attached as Appendix A and a recording of the meeting is available on the East Hants YouTube channel.

Questions from residents regarding the proposal included:

- How will the land be used after it is rezoned?
- What type of land uses are permitted in an R1 Zone?
- Requesting single family homes only.
- What is the timeline for the construction of the Primary Spine Active Transportation Route?
- When will the new land owner be developing the land?
- Will the Primary Spine Active Transportation Route remain the property of East Hants?

Planning staff went over the type of land uses that are permitted in the R1 Zone and Parks, Recreation and Culture staff briefly discussed the plans for the Primary Spine Active Transportation Route.

A questionnaire has been mailed to residents within 300 m of the subject property asking for their input on the proposal. Questionnaire results have been provided to PAC members for their review. As part of the mail out for the public hearing, staff have also indicated that Council will consider the disposal of the open space parcel during the same Council meeting. Both the public hearing and the Council consideration of the disposal of open space were advertised in the Chronicle Herald, on the Municipal website and on Facebook.

Open Space Disposal

The Municipal Government Act (MGA) has provisions on how open space lands shall be disposed. Provision 273(13) of the MGA states that *“Where council determines that any land transferred pursuant to this Section might no longer be needed for parks, playgrounds or similar public purposes, the council may sell the land, after notifying the owners of lots in the subdivision with respect to which the land was conveyed to the municipality, by notice published in a newspaper circulating in the municipality at least fourteen days prior to the council meeting at which a decision to sell will be made, and the proceeds shall be used for parks, playgrounds and similar public purposes.”*

As part of the 2016 Plan Review, amendments were made to the Planning Documents to further expand on the MGA requirements. Policy CE19 of the Municipal Planning Strategy (MPS) requires, in addition to the newspaper notice, that a notice is also placed online and that property owners within 300 m of the proposed open space parcel to be disposed of is mailed a letter outlining the date, time, and location of the meeting where Council is expected to vote on the disposal.

Notification of the disposal of open space will be combined with the public hearing newspaper notification and the 300 m mailout. The notifications will indicate Council will consider the disposal of open space as part of the public hearing for the MPS and LUB mapping amendments.

The Disposal of Surplus Land Property Policy allows Council to consider the sale of surplus land by land exchange. Therefore, Municipal staff are in the process of negotiating with a local land owner for a piece of land that is critical for the pedestrian bridge connection of the Nine Mile River, which will form part of the Primary Spine Active Transportation Route connecting the communities of Lantz, Elmsdale and Enfield.

Conclusion

Staff have completed their review of the proposal to change the designation and rezone lands located at PID 45354396, Ashford Place, Lantz to Established Residential Neighbourhood (ER) Designation and the Established Residential Neighbourhood (R1) Zone, to enable the development of residential land uses. The proposal has been evaluated using all applicable policies in the Municipal Planning Strategy. Staff find the proposal is consistent with the spirit and intent of the Municipal Planning Strategy.

In addition, staff are recommending Council approve the disposal of PID 45354396 as open space, to enable a land exchange to permit the future connectivity of the Primary Spine Active Transportation Route across the Nine Mile River.

Recommendation

Recommend that Council give second reading and approve amendments to the MPS and LUB to enable the property to be used for residential uses.

And

Recommend that Council approve the disposal of the open space parcel in exchange for an alternative piece of land.

Digital Public Information Meeting - Ashford Place, Lantz

(January 5, 2021)

- Staff: Mr. John Woodford, Director of Planning & Development
Ms. Debbie Uloth, Project Planner
Mr. Adam Clarkson, Director of Parks, Recreation and Culture
Mr. Evan MacDougall, Manager of Parks and Buildings
Ms. Jody MacArthur, Communications Officer
Ms. Sheralee Mitchell-MacEwan, Assistant Municipal Clerk
- Call to Order: Mr. John Woodford, Director of Planning & Development
- Presentation: Staff Presentation: Ms. Debbie Uloth, Project Planner
- Applicant: No applicant; however, Mr. Clarkson and Mr. MacDougall were available to answer questions regarding activities of the Parks, Recreation and Culture Department.
- Public:
- How will the land be used after it is rezoned?
 - What type of land uses are permitted in an R1 Zone?
 - Requesting single family homes only.
 - What is the timeline for the construction of the Primary Spine Active Transportation Route?
 - When will the new land owner be developing the land?
 - Will the Primary Spine Active Transportation Route remain the property of East Hants?

Appendix B - Policy Analysis

Policy	Comments
<p>MPS Amendment Criteria</p> <p>IM12 Council shall consider map amendments to this Strategy when:</p>	
<p>a) A request is received for a zoning amendment that is not consistent with this Strategy’s maps, but is consistent with the intent of this Strategy.</p>	<p>The requested zoning amendment is not consistent with the Generalized Future Land Use Map and requires a concurrent amendment to the MPS. The land in question is owned by the Municipality of East Hants and was provided to the Municipality as part of an open space agreement. Parks, Recreation and Culture staff are proposing the amendments in order to allow the disposal of the open space parcel as part of a land exchange that would permit the connectivity of the Primary Spine Active Transportation Route over the Nine Mile River. Therefore, the request originated as a requirement to enable PID 45354396 to be used for residential purposes.</p>
<p>b) Where the boundaries of the comprehensively planning area are altered.</p>	<p>Not applicable to the proposal.</p>
<p>c) Where a request for a comprehensive development is made and it is not already designated as such; and studies show that intent of the Strategy could be met through said proposal.</p>	<p>Not applicable to the proposal.</p>
<p>d) The boundaries of the planning area are not altered.</p>	<p>Not applicable to the proposed application.</p>
<p>e) Housekeeping amendments are not warranted.</p>	<p>Not applicable to the proposal.</p>
<p>Land Use Bylaw Amendment Criteria</p> <p>IM13 It shall be the policy of Council to consider amendments to the Land Use Bylaw provided the amendment is consistent with the intent of the Municipal Planning Strategy.</p>	<p>East Hants Council is seeking a mapping amendment to the Municipal Planning Strategy and Land Use Bylaw to allow for the open space disposal of PID 45354396, as part of a land exchange that will enable the connectivity of the Primary Spine Active Transportation Route over the Nine Mile River, and that will permit PID 45354396 be used for residential purposes.</p>
<p>IM14 It shall be the policy of Council to consider an application for amendment to the Land Use Bylaw only if the application has identified a proposed use for the property. Council shall give consideration to both the proposed use and to the impact of other uses permitted in the requested zone.</p>	<p>Although, Parks, Recreation and Culture has requested the change to the designation and zone, the purpose of the request is to allow the future property owner of the subject lands to use the property for R1 Zone residential uses.</p>
<p>IM15 It shall be the policy of Council to consider an application for amendment to the Land Use Bylaw</p>	<p>The site meets the minimum lot requirements for the R1 Zone.</p>

	only if the site meets all of the lot size and zone standards for the zone sought.	
IM16	Council shall consider the Land Use Bylaw Amendments within the applicable Generalized Future Land Use designation as subject to the policies of this Strategy	This LUB amendment is only possible with a concurrent amendment to the MPS to redesignate the property to ER.
IM17	Council shall, in considering amendments to the Land Use Bylaw, in addition to all other criteria as set out in the policies of this Strategy, have regard for the following matters:	
	a) Whether the proposed development is in conformance with the intent of this Strategy and with the requirements of all other Municipal Bylaws and regulations as applicable matters.	Parks, Recreation and Culture is proposing to change the land use designation of PID 45354396 to the Established Residential Neighbourhood (ER) Designation and to rezone the same to Established Residential Neighbourhood (R1) Zone. This will enable the land to be used for residential uses as part of an open space land exchange.
	b) Whether Planning Staff have initiated a review of this Strategy, or any of the Official Community Plan documents.	Planning staff were directed by Municipal Council to start the process of changing the designation and zone of PID 45354396, in order to dispose of the opens space parcel to allow for a land exchange that will enable the connection of the Primary Spine Active Transportation Route across the Nine Mile River.
IM18	Council shall consider if the proposal is premature or inappropriate by reason of:	
	a) The financial capability of the Municipality to absorb any costs relating to the development.	There is a financial benefit to the Municipality to have this lot used for residential purposes instead of open space uses. According to PVSC the property is currently assessed at \$50,000 (residential exempt); therefore, once the property changes to the new owner, residential taxes will be collected on the lot.
	b) The adequacy of municipally approved water and wastewater services or if services are not provided, the adequacy of physical site conditions for private on-site septic and water system. Council shall consider comments from the Municipal Infrastructure and Operations Department or Nova Scotia Environment as applicable.	Capacity will be determined at the time of a Building Permit. The rezoning would permit the construction of a single dwelling and I&O has indicated the Municipality currently has servicing capacity to accommodate this.
	c) The adequacy and proximity of school, recreation, and any other community facilities. Council shall consider comments from Municipal departments and the appropriate School Board as applicable.	If the land is developed in the future as a residential use the number of new residents to the area would be minimal and would not warrant a substantial change to the school system or to the use of recreational facilities.

<p>d) The potential for significantly reducing the continuation of agricultural land uses.</p>	<p>Not applicable to the proposed application.</p>
<p>e) The adequacy of existing or proposed road networks in, adjacent to, or leading to the development and ability of the proposed development to satisfy applicable stopping sight distances. Council shall consider comments from the appropriate Municipal Engineer and/or Nova Scotia Transportation and Infrastructure Renewal.</p>	<p>Ashford Place is owned by East Hants and the development of the lands for R1 purposes would not significantly impact the existing road network.</p>
<p>f) The potential for the contamination of watercourses or the creation of erosion or sedimentation. Council shall consider comments from relevant Provincial Departments as applicable.</p>	<p>No structures are currently proposed for the subject lands. Any future development will be subject to the Lot Grading and Drainage Bylaw.</p>
<p>g) Creating a leap frog, scattered, or ribbon development pattern as opposed to compact and orderly development.</p>	<p>The proposed change will not create a leap frog, scattered or ribbon development pattern. Adjoining properties and properties located along Ashford Place are also zoned R1.</p>
<p>IM19 Council shall consider if the proposed development is shown on a professionally drawn site plan as being in compliance with the applicable sections of the Subdivision Bylaw, with the following matters of the Land Use Bylaw:</p>	<p>Parks, Recreation and Culture has requested the re-designation and rezoning of the subject property, in order to allow the open space lands to be disposed of and to enable R1 Zone uses. A site plan has not been submitted.</p>
<p>a) Type of use.</p>	<p>Proposed R1 Zone uses.</p>
<p>b) Number of buildings.</p>	<p>No new buildings are being proposed.</p>
<p>c) Yard setbacks.</p>	<p>No new structures are being proposed. Any future structures will have to comply with the yard setbacks identified in the LUB for the R1 Zone.</p>
<p>d) Height, bulk, stepback requirements, and lot coverage of any proposed structures.</p>	<p>No new structures are being proposed. All future structures will have to meet the minimum requirements of the LUB.</p>
<p>e) External appearance of any structures where design standards are in effect.</p>	<p>No design standards are in effect.</p>
<p>f) Street layout and design.</p>	<p>No new streets are proposed.</p>

g) Access to and egress from the site, parking.	Access to and egress from the property is subject to the approval of East Hants.
h) Open storage and outdoor display.	All LUB regulations will have to be met.
i) Signage.	All LUB regulations will have to be met.
j) Similar matters of planning concern.	All LUB regulations will have to be met.
IM20 Council shall consider the suitability of the proposed site in terms of the environmental features of the site, particularly susceptibility to flooding and other nuisance factors, and where applicable, comments from relevant Provincial Departments concerning the suitability of the site for development.	The subject property does not appear to be wet. The Lot Grading and Drainage Bylaw will be applicable to the development of any residential dwellings.
IM21 Council shall consider the provision of buffering, screening, and access control to minimize potential incompatibility with adjacent and nearby land uses, rail lines and traffic arteries.	The LUB does not require buffering and screening for residential uses in the R1 zone.
IM22 Council shall consider the extent to which the proposed development, where applicable, provides for efficient pedestrian circulation and integrates pedestrian walkways and sidewalks within adjacent developments.	No new roads or walkways are proposed. There is no sidewalk along Ashford Place; however, there is a walkway that connects Ashford Place to the sidewalk along Highway 2.
IM23 Council shall consider the proposed development is shown to manage stormwater on-site in a manner which does not negatively impact on other properties.	Any new construction on this site must consider the requirements outlined in the Lot Grading and Drainage Bylaw.
IM24 Council shall consider massing, and compatibility of the proposed development's external appearance with adjacent buildings by means of design features, roof type, exterior cladding materials, and overall architectural style that is reasonably consistent with the style and character of the community or compliments the character of the community.	There are no structures located on the subject lands and no new structures are currently proposed for the subject lands. If approved the applicant would be permitted to construct a dwelling in accordance with the zone provisions of the R1 Zone. There are no "design standards" for dwellings in the R1 zone.
IM25 Council shall consider the following matters in Growth Management Areas and other areas where applicable to determine if the	

<p>proposed development contributes to a favourable community form, and the proposed development's ability to:</p>	
<p>a) Provide for efficient pedestrian movement into, out of, and within the development, especially between commercial and residential neighbourhoods, as well as the ability for pedestrian routes to link with existing sidewalks, active transportation routes and walking trails on abutting lands to provide for a cohesive network of same.</p>	<p>No new roads or walkways are proposed. There is no sidewalk along Ashford Place; however, there is a walkway that connects Ashford Place to the sidewalk along Highway 2.</p>
<p>b) Council shall consider, where appropriate, the impact of the development on the comfort and design of proposed streets and existing street users. This shall include whether the proposed development is humanscaled, is easily accessible to active transportation users, and if it promotes visual variety and interest for active transportation users.</p>	<p>No new streets are proposed. There are no sidewalks on Ashford Place. Proposed designation and zoning change will allow for the same residential uses as the existing properties on Ashford Place.</p>

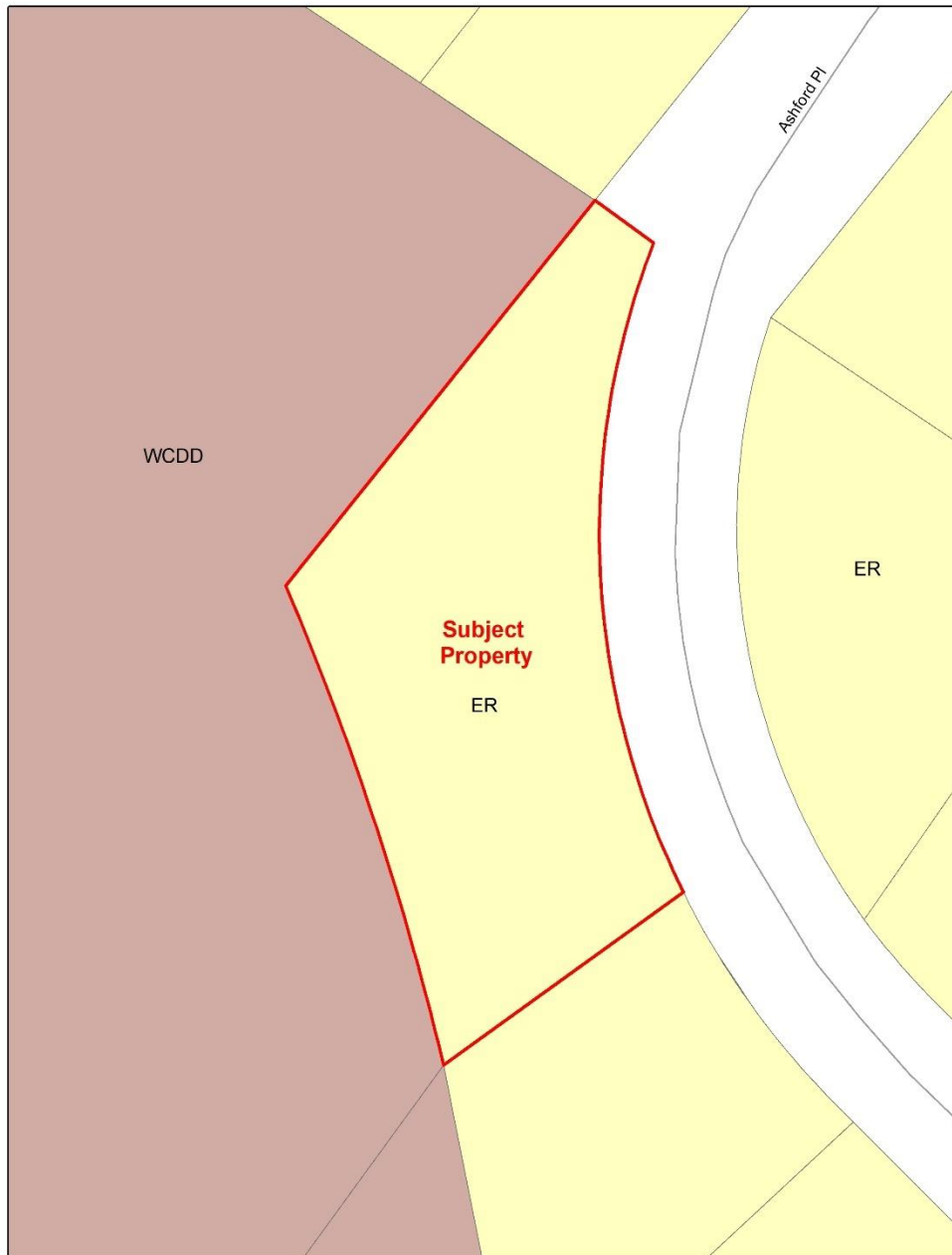
Appendix D - Proposed Amendment Maps

Amendment Sheet

The Municipality of East Hants
Official Community Plan
Generalized Future Land Use Map

Generalized Future Land Use Map 1 - South Corridor and Commercial Growth Management Area
Generalized Future Land Use Map 7 - Lantz Growth Reserve Area

GFLUM Map 1 - South Corridor and Commercial Growth Management Area and GFLUM Map 7 - Lantz Growth Reserve Area is amended by changing the designation of PID 45354396 Ashford Place, Lantz to the Established Residential Neighbourhood (ER) Designation.



Amendment Sheet

The Municipality of East Hants
Official Community Plan
Land Use Bylaw Map

Land Use Bylaw Map 1 - South Corridor and Commercial Growth Management Area
Land Use Bylaw Map 7 - Lantz Growth Reserve Area

LUB Map 1 - South Corridor and Commercial Growth Management Area and LUB Map 7 - Lantz Growth Reserve Area is amended by changing the zone of PID 45354396 Ashford Place, Lantz to the Established Residential Neighbourhood (R1) Zone.

