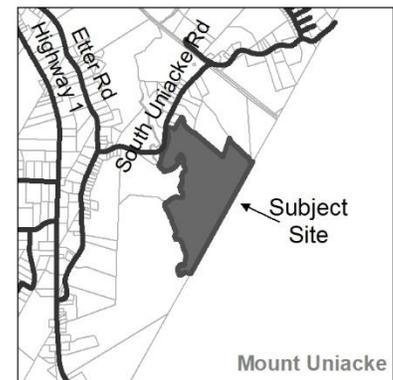




Subject: Portree JACC Enterprise Inc. - MPS and LUB Mapping Amendments
To: CAO for Planning Advisory Committee, January 18, 2022
Date Prepared: January 10, 2022
Related Motions: C21(64), C21(139)
Prepared by: John Woodford, Director of Planning and Development
Approved by: John Woodford, Director

Summary

The Municipality has received an application from Donald Martin of Portree JACC Enterprise Inc. to redesignate and rezone property in South Uniacke from Rural Use (RU) to the Established Residential Neighbourhood (R1) Zone. The application previously requested a redesignation and rezoning to (R2). A Public Information Meeting has been held. Staff are recommending 1st Reading to the amendments to enable consideration of the change to the R2 Zone.



Financial Impact Statement

There are no immediate financial impacts associated with the adoption of this report. A financial impact statement will be included in the final staff report.

Recommendation

That Planning Advisory Committee recommend that Council give the application 1st Reading and authorize staff to schedule a public hearing.

Recommended Motion

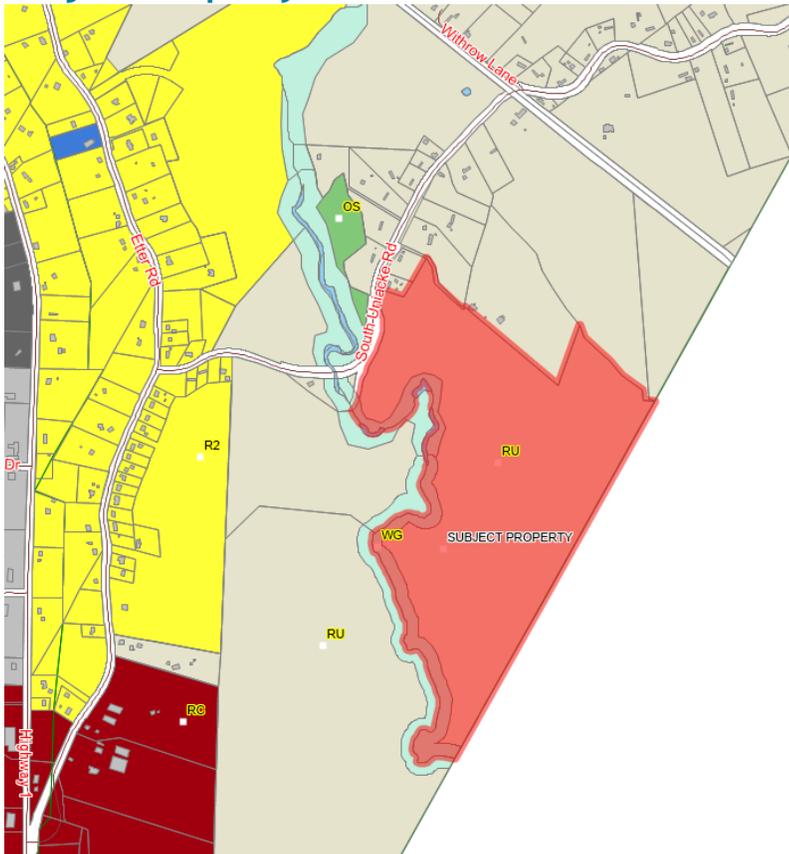
Planning Advisory Committee recommends to Council that Council:

Give First Reading to amendments to the MPS & LUB that would change a portion of PID 45141496 from Rural Use (RU) to Established Residential Neighbourhood (ER) designation and from Rural Use (RU) to Established Residential Neighbourhood (R1) zone for the purpose of authorizing a public hearing; and Authorize staff to schedule a public hearing.

Background

In February 2021 the Municipality received an application from Donald Martin on behalf of Portree JACC Enterprise Inc. The original application sought to redesignate and rezone property in South Uniacke from Rural Use (RU) to Two Dwelling Unit Residential (R2) Zone. This would also require a change in the land use designation. Subsequently, the applicant has altered the application to redesignate and rezone the property to the Established Residential Neighbourhood (R1) Zone. Council previously authorized a public information meeting, which was held on April 6, 2021. Council also previously authorized staff to schedule a public hearing and gave the change first reading. However, with the changed request to R1, first reading will have to be conducted again.

Subject Property

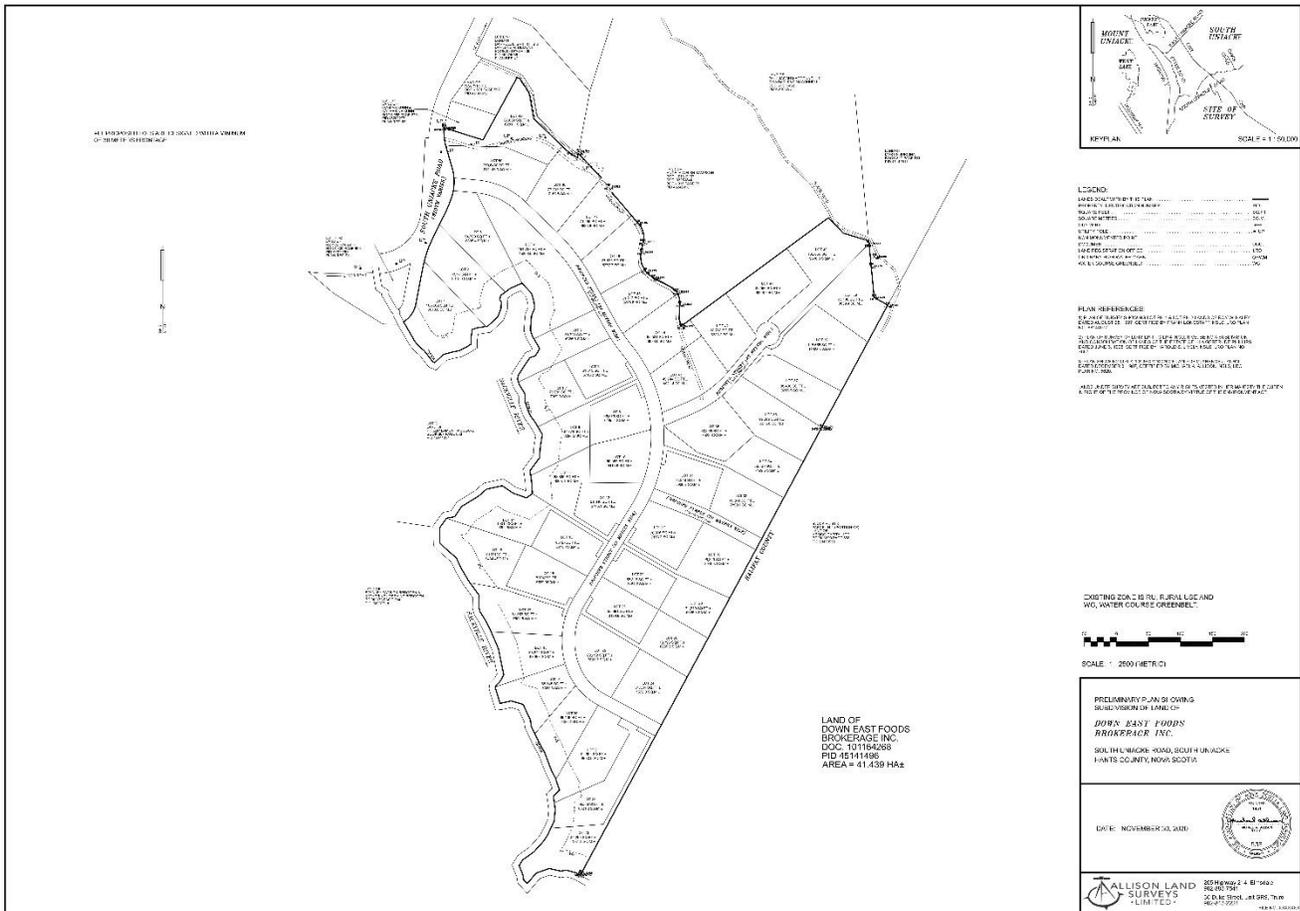


An excerpt of the zoning map to the left shows the location of the subject property (PID 45141496) which is accessed via the South Uniacke Road. The forested property totals 41.4 Ha. The zoning is Rural Use (RU) except for the portion along the Sackville River, which is Watercourse Greenbelt (WG). The property also shares a boundary with the municipal boundary with Halifax Regional Municipality (HRM). The abutting property in HRM is zoned Mixed Resource (MR-1) under the Beaver Bank, Hammonds Plains & Upper Sackville Land Use Bylaw.

Development Proposal

The purpose of this proposal is to amend the Generalized Future Land Use Map (GFLUM) and the Land Use Bylaw Map to change the designation from Rural Use (RU) to Established Residential Neighbourhood (ER) and the zone from Rural Use (RU) to Established Residential

Neighbourhood (R1). The purpose of the application is to enable the development of a low density subdivision. The concept plan shown below contains 50 potential lots. However, this plan is a concept only and has not been reviewed for open space contribution or the impact that wetland on the property may have on street layout and lot creation.



Policy Analysis

Staff are currently reviewing the proposed amendments based on the applicable policies contained in the Municipal Planning Strategy (MPS). Staff have requested comments from internal departments and external agencies. A detailed table of the evaluative criteria from the enabling policies and corresponding comments from staff and reviewing agencies will be attached to the final report.

The Mount Uniacke Growth Management Area is unique in that it enables development based on on-site sewage and water service. However, within this area the Rural Use (RU) Zone does not allow new roads. As a result, the property will have to be redesignated and rezoned to enable the development.

In evaluating this application, Staff will refer to MPS polices associated with the Mount Uniacke Growth Management Area as well as general policies related to amending the MPS and the Land Use Bylaw (Appendix A).

To date, staff have learned the following from reviewing agencies:

The RCMP have no concerns unless the proposed roads extend into HRM and provide the only access to this part of an adjacent municipality.

Halifax Regional Municipality have no concerns and also comment on the road reserves shown terminating at the HRM boundary. They note that based on regulations in HRM, no new roads are anticipated in this area that would connect with the proposed roads in the concept plan.

NS Public Works are not requiring a traffic impact study. Their other comments, related to intersection location and drainage, would be addressed at the subdivision stage.

East Hants Infrastructure & Operations (I&O) comments related only to road layout that would be addressed at the subdivision stage.

The Sackville Rivers Association comment that this property abuts the Sackville River and any development has the potential to harm the river. They also point out that a large wetland complex exists on this property. They are hopeful that the Watercourse Greenbelt (WG) area remains undeveloped and comes into public ownership to allow a future river conservation corridor trail system they envision spanning HRM and East Hants. The WG portion of the property is not proposed to be redesignated and rezoned.

East Hants Parks Recreation & Culture (PRC) comments relate to open space acquisition that will be addressed at the subdivision stage. PRC note that East Hants may acquire open space land fronting onto the Sackville River and adjacent to the municipal boundary to connect to any future trail network within HRM.

Richard Gagné from earth-water Concepts inc. was also engaged by the applicant to conduct a Level 1 groundwater assessment for the proposed development (study posted separately with this report). Although the report recommends that a Level 2 assessment be conducted, the report indicates that issues with quantity are not expected. The report suggests that, even using a conservative estimate, there is a potential for 500 additional dwellings within the groundwater recharge area. The consultant's main concern is well interference within the new subdivision if wells are placed too close together. After discussing the report with the consultant, staff are satisfied that the Level 1 assessment has demonstrated that it is highly probable that these potential 50 lots are in an area with an adequate quantity and quality of groundwater and staff are not recommending that a Level 2 assessment be required.

Council's decision on this application is not appealable to the NSUARB as it involves an amendment to the MPS.

Citizen Engagement

Planning staff are complying with the Citizen Engagement Policies of the Municipal Planning Strategy while processing the amendments. An advertisement outlining the proposal and indicating that it is under review by staff was placed in the March 24, 2021 edition of the *Chronicle Herald*. As part of the review process, a public information meeting (PIM) was required, for MPS amendments, to hear input from the community. The meeting was held digitally on April 6, 2021 with 15 participants. Comments were as follows:

- Condition of the South Uniacke Road & bridge
- Impact of development on property taxes
- Environmental impact on Sackville River and wetlands
- Impact on wells in area

Notes from the meeting are found in Appendix A of this report.

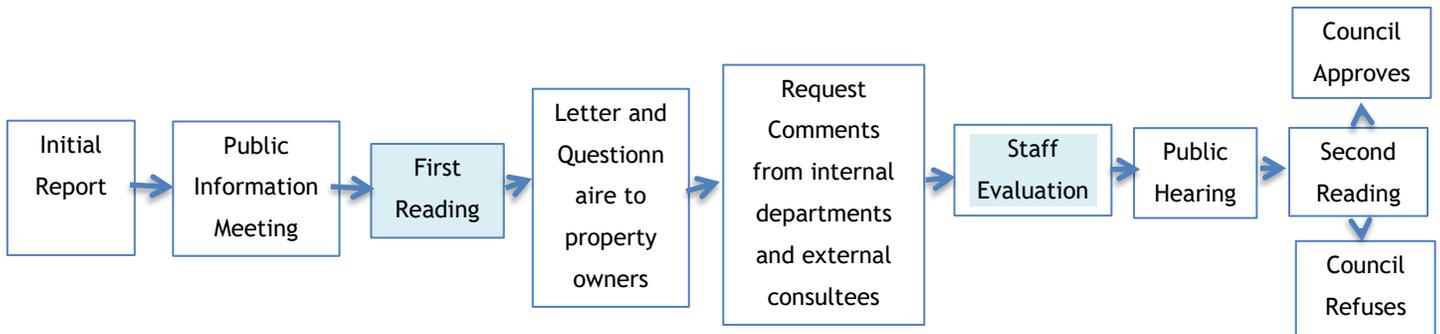
A survey was circulated to 50 property owners within 500m of the site in August 2021. Three responses were received and have been posted with this report. Respondents were concerned with traffic and safety on South Uniacke and Etter Road, objected to the R2 zoning that could double density (no longer an issue), had concern with accessing child care for school aged children with additional population and the lack of municipal services in the area.

If a public hearing is approved staff will again circulate to all property owners within 500m.

Conclusion

Staff will continue to review the proposal to change the subject property to the Established Residential Neighbourhood (ER) Designation and Established Residential Neighbourhood (R1) Zone. The proposed amendments will be evaluated using all applicable policies in the Municipal Planning Strategy.

Staff will make a recommendation to PAC in their final staff report.



Recommendation

That 1st Reading be given and staff authorized to schedule a public hearing.

Appendix A

Digital Public Information Meeting - Portree JACC Enterprise Inc.

April 6, 2021

- Staff: Mr. John Woodford, Director of Planning & Development
Ms. Jody MacArthur, Communications Officer
Ms. Sheralee Mitchell-MacEwan, Assistant Municipal Clerk
- Applicant: Mr. Donald Martin, President, Portree JACC Enterprise Inc.
- Call to Order: Mr. John Woodford, Director of Planning & Development
- Presentation: Staff Presentation: Mr. John Woodford, Director of Planning & Development
- Applicant: Applicant Presentation: Mr. Donald Martin
- Public Comments & Staff Response:
- Will there be further public consultation? Response: *yes via a questionnaire & notification of any public hearing*
 - Who are the external consultees? Response: *HRM, NSTAT, NSE, Sackville Rivers Assoc., municipal departments (i.e., Infrastructure & Operations, Parks, Recreation & Culture)*
 - Private or public roads? Response: *Any new roads would have to be public*
 - Municipality aware of any future plans to repair/upgrade South Uniacke Road & bridge? Response: *Not sure, we will ask NSTAT*
 - Plan shows roads leading to HRM - what are the future plans there? Could 2nd access be created through HRM? Response: *Not sure, we will check with HRM. Roads lead to boundary because they have to, doesn't mean there are plans to extend further.*
 - Could each R2 lot have 2 dwellings with potentially 100 units? Response: *Yes 2 dwelling units permitted per lot, however, no ability to subdivide - would have to rent them or create condominium corp.*
 - Development Timing? Response: *Would be 2022 at the earliest before all approvals are in place.*
 - Are there plans to relocate mailboxes? Response: *Not sure. Canada Post decides on mail box locations and would get involved at the subdivision stage.*
 - South Uniacke Road in poor condition. How will you make sure road is brought up to standard? Response: *We can't, however we have written to NSTAT to enquire about road and bridge condition. We rely on NSTAT to advise if their infrastructure can support proposed development.*
 - Impact on property taxes? *Staff are not aware of a direct link between any one development and taxes.*
 - How to ensure there won't be an impact on the river. *We will consult NSE and Sackville Rivers Assoc. There is also a minimum setback requirement.*
 - Is this a one off or does it allow change elsewhere? *This change just affects this one property.*

Appendix B - Policy Analysis

Policy	Comments
<p>Mount Uniacke Growth Management Area</p> <p>GM16 Council shall encourage both residential and commercial development within the Mount Uniacke Growth Management Area.</p>	
<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>b) Where the boundaries of the comprehensively planning area are altered.</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>d) The boundaries of the planning area are not altered.</p>	
<p>e) Housekeeping amendments are not warranted.</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>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>IM15 It shall be the policy of Council to consider an application for</p>	

	amendment to the Land Use Bylaw 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	
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.	
	b) Whether Planning Staff have initiated a review of this Strategy, or any of the Official Community Plan documents.	
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.	
	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.	
	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.	

<p>d) The potential for significantly reducing the continuation of agricultural land uses.</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>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>g) Creating a leap frog, scattered, or ribbon development pattern as opposed to compact and orderly development.</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>a) Type of use.</p>	
<p>b) Number of buildings.</p>	
<p>c) Yard setbacks.</p>	
<p>d) Height, bulk, setback requirements, and lot coverage of any proposed structures.</p>	
<p>e) External appearance of any structures where design standards are in effect.</p>	
<p>f) Street layout and design.</p>	

g) Access to and egress from the site, parking.	
h) Open storage and outdoor display.	
i) Signage.	
j) Similar matters of planning concern.	
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.	
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.	
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.	
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.	
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.	
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>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>	