

***Andrew Kim– Development Agreement for
mixed-use commercial building***

Planning Advisory Committee
June 20, 2023

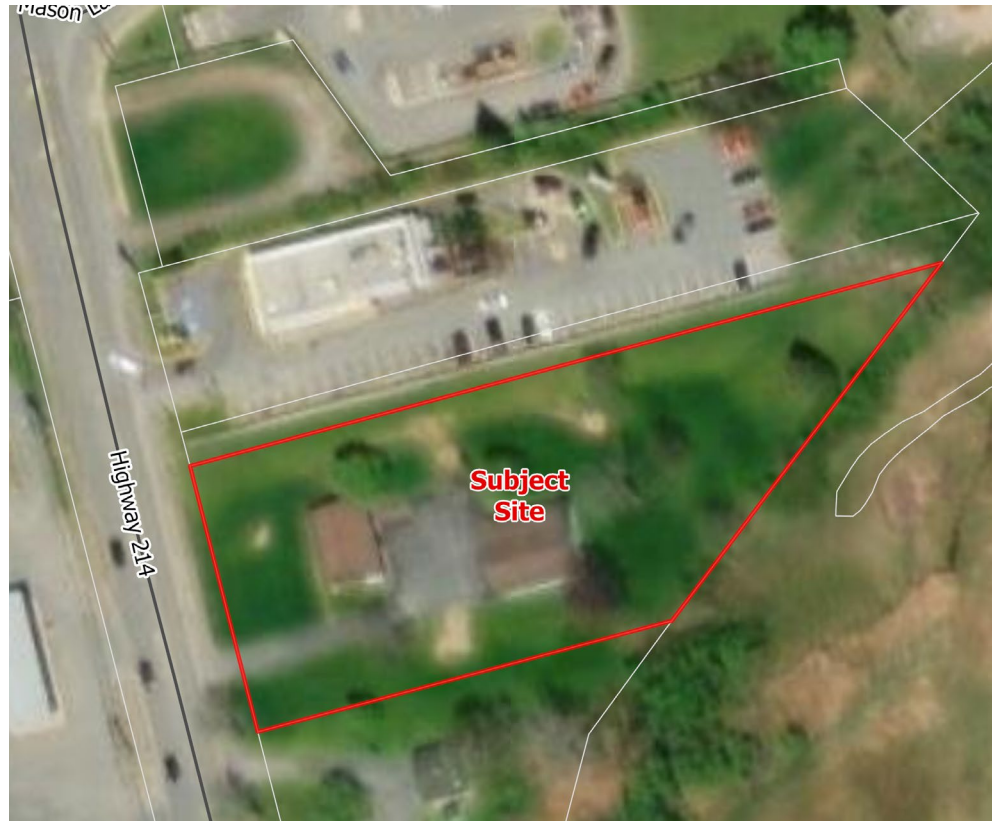
Planning & Development Department



EAST HANTS

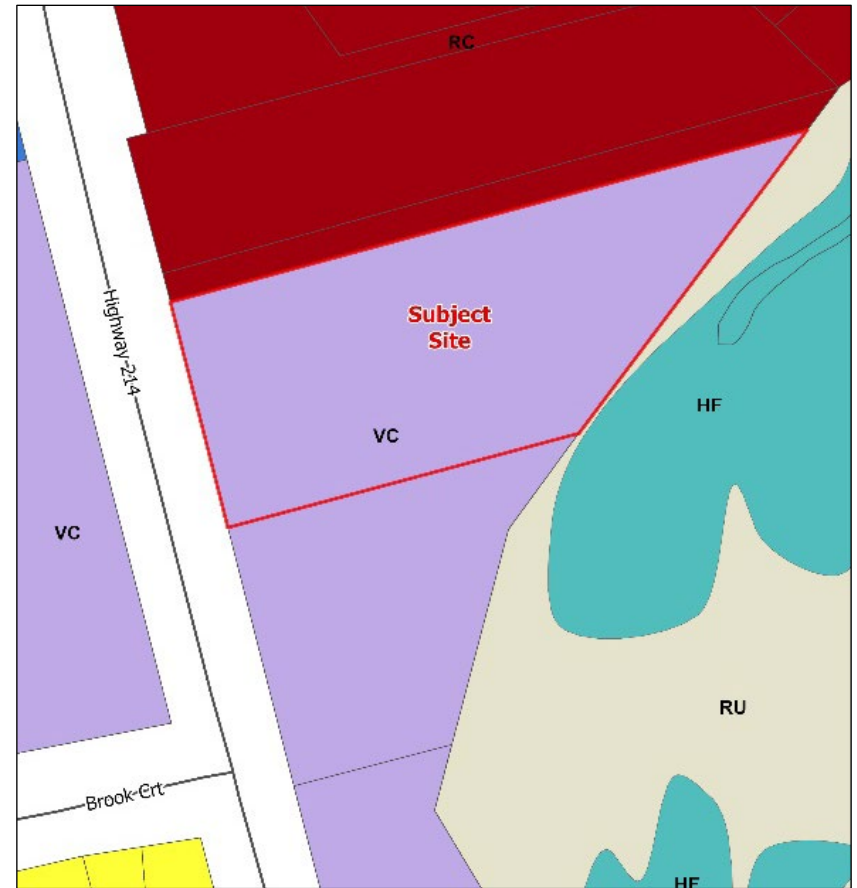
Subject Property

- The property is located at 251 Highway 214, Elmsdale.
- There is an existing building located on the property which will be removed.



Subject Property

- Property is zoned Village Core (VC).
- To the north of the property is a McDonalds restaurant and drive-thru and this is located in the Regional Commercial (RC) Zone.
- Opposite the site on Highway 214 is an Irving Oil property which has a Circle K gas station and an A&W restaurant and drive-thru. The Irving Oil property is zoned Village Core (VC).
- To the south of the application site is a residential property which has a dwelling and detached garage located on it.



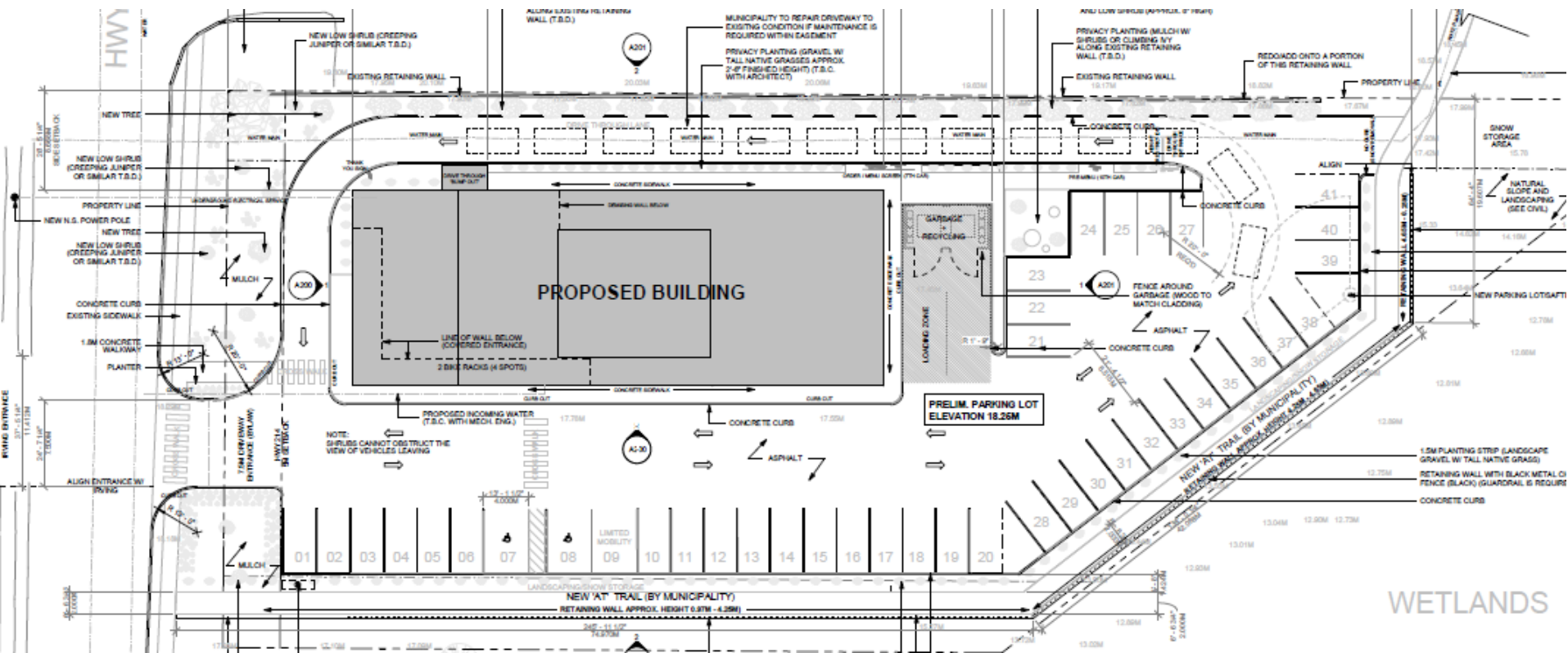
Development Proposal

- Proposal is for a multi-unit commercial building:
 - dental clinic proposed for the rear of the building. Dr. Kim owns and operates the existing Elmsdale Dental Clinic in the Sobeys mall.
 - to the rear and a drive-thru coffee shop to the front.
- The proposed building is mostly single storey but there is a second floor for the dental office which will provide an area for staff room/kitchen, a meeting room and an outdoor patio.



Development Proposal

- There is an easement on the property over a municipal water main transmission. The site plan proposes the drive-thru driveway over the easement. The driveway is intended to be paved by the developer.



Development Proposal

- The proposed site plan is being presented following many discussions with municipal staff and the developer. The discussions were regarding the drive-thru driveway being constructed over the water main easement and the inclusion of an AT trail and easement along the southern edge of the property.
- The Municipal Engineer has reviewed the plans to put the drive-thru over the watermain that was installed in 2018.
- Staff have considered the significant community benefit from linking the AT network over this property. In balancing the two issues staff consider that the benefit from the AT linkage outweighs the future potential impact to the water main transmission. The final design of the site will be included in the development agreement.

Development Proposal

- The proposal also includes elements which do not meet the as-of-right requirements of the land use bylaw. Staff will provide a full review of the design of the proposed development in the final staff report.
 - Two of the parking spaces are in the front yard of the property which is the area forward of the front elevation of the building to the front property boundary.
 - The applicant is proposing an internally illuminated ground sign with a height the same as the sign on the adjacent McDonalds property.
 - A black chain link fence is currently proposed above the retaining wall for safety of the AT Trail users.
- With this development agreement application Council can decide to negotiate and vary elements included in the Land Use Bylaw as there are policies in the Municipal Planning Strategy to enable this.

Policy Analysis

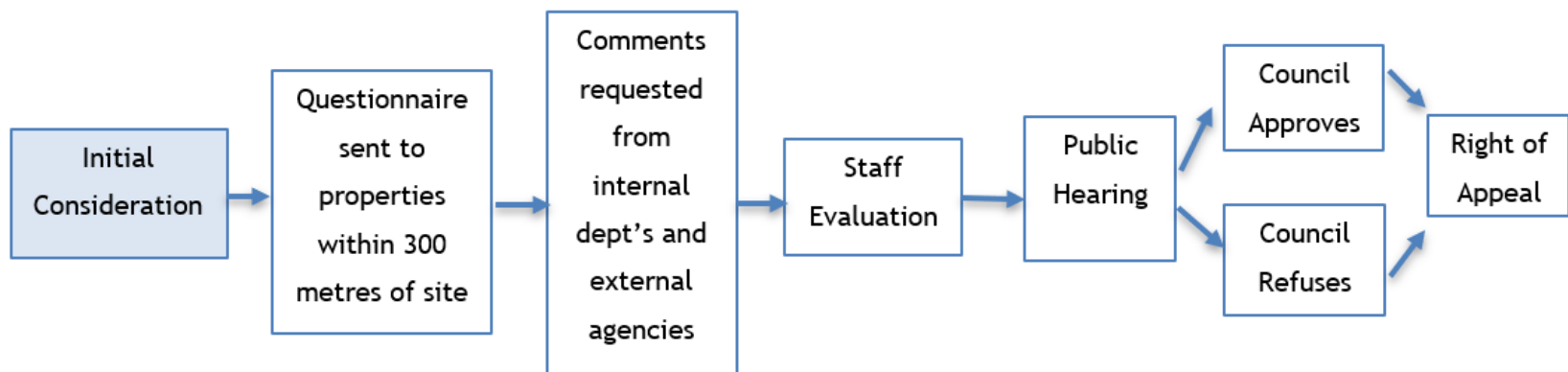
- The Planning and Development Department will review the proposed application based on the applicable policies contained in the Municipal Planning Strategy. A detailed table of the evaluative criteria from the enabling policies and corresponding comments from Staff and reviewing agencies will be attached to the final report.
- Staff will be requesting comments from internal departments and external agencies, including Nova Scotia department of Public Works (NSPW) and the internal East Hants Department of Infrastructure and Operations (I&O). Staff from I&O and Parks, Recreation and Culture have already been actively involved in discussing this application with the developer.
- The Nova Scotia Department of Public Works have been in discussion with the applicant on the development of their site plan including the location of the driveway onto Highway 214 but comments in writing will still be sought.

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 and indicating that it is under review by staff will be placed in the *Chronicle Herald*.
 - A letter and questionnaire will be mailed to all property owners within a 300 m of the subject property asking for comments on the proposed development agreement amendment.
- A public information meeting (PIM) is not required for this application.

Conclusion

- This initial report simply outlines the development proposal, further reports will consider traffic and other planning matters.
- Staff are recommending that a public hearing be scheduled for this development agreement application.
- Any decisions to approve or not the development agreement application is appealable to the Utility and Review Board.



Recommendation

That initial consideration be given and authorize staff to schedule a public hearing.

Recommended Motion

Planning Advisory Committee recommends to Council that Council:

- give initial consideration to enter into a development agreement for a mixed-use commercial building which includes a drive-thru located at 251 Highway 214, Elmsdale, to enable a public hearing; and
- authorize staff to schedule a public hearing.