



Subject: *Siravista Development Ltd. - LUB Mapping Amendments*
To: CAO for Planning Advisory Committee, July 18, 2023
Date Prepared: July 6, 2023
Related Motions: PAC23(13), C23(92)
Prepared by: Lee-Ann Martin, Planner & Development Officer
Approved by: John Woodford, Director of Planning and Development

Summary

The Municipality has received an application from Siravista Developments Ltd. to rezone property on Pinehill Drive from Established Residential Neighbourhood (R1) Zone to the Two Dwelling Unit Residential (R2) Zone. This final report recommends that approval be given to the application.

Financial Impact Statement

The development of semi-detached dwellings will result in an increase in tax revenue for the Municipality, compared to the development of single-detached dwellings. A simplified calculation was conducted showing the residential tax revenue for semi-detached dwellings using comparable developments within Elmsdale. Further information regarding the financial comparison has been provided in the staff report.

Recommendation

That Planning Advisory Committee recommend that Council give Second Reading and approve the application.

Recommended Motion

Planning Advisory Committee recommends that Council:

- *Give Second Reading and approve an application to rezone properties identified as PIDs 45416989, 45421435, 45421427, 45421419, 45421401, and 45421393 located on Pinehill Drive from the Established Residential Neighbourhood (R1) Zone to the Two Dwelling Unit Residential (R2) Zone, and Council's decision being contingent on final subdivision approval being granted.*

Background

In February 2023, the Municipality received an application from Siravista Developments Ltd. to rezone property on Pinehill Drive from the Established Residential Neighbourhood (R1) Zone to the Two Dwelling Unit Residential (R2) Zone. This final report further outlines the application and recommends that approval be given.

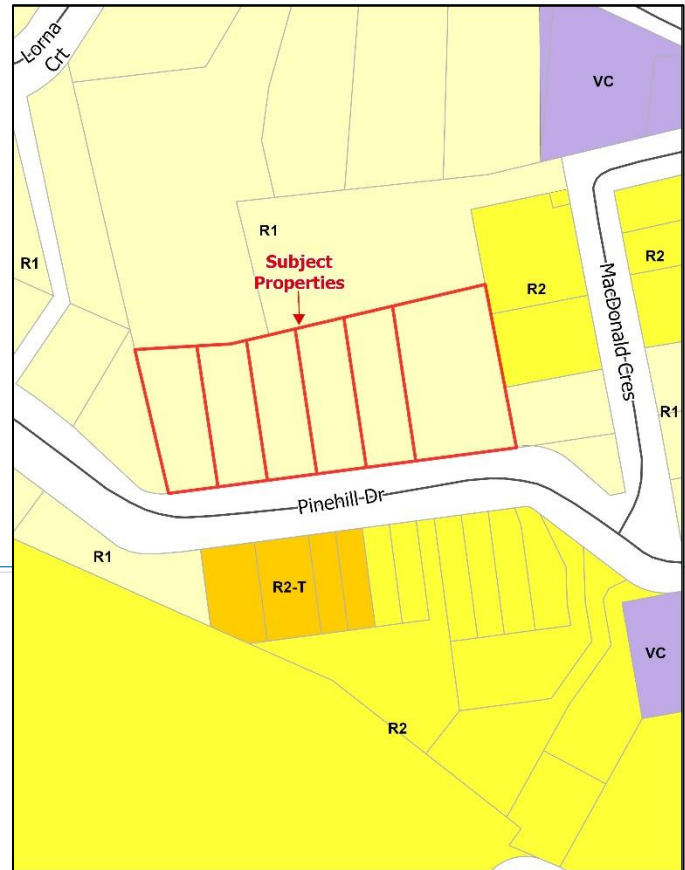
Subject Property

An excerpt of the zoning map to the right shows the location of the subject properties identified presently as PIDs 45416989, 45421435, 45421427, 45421419, 45421401, and 45421393 which are all accessed via Pinehill Drive.

The vacant properties total approximately 6022m². The property is currently zoned as Established Residential Neighbourhood (R1) and is located within the South Corridor & Commercial Growth Management Area. The properties are also designated as Established Residential Neighbourhood (ER) designation as per the Generalized Future Land Use Map.

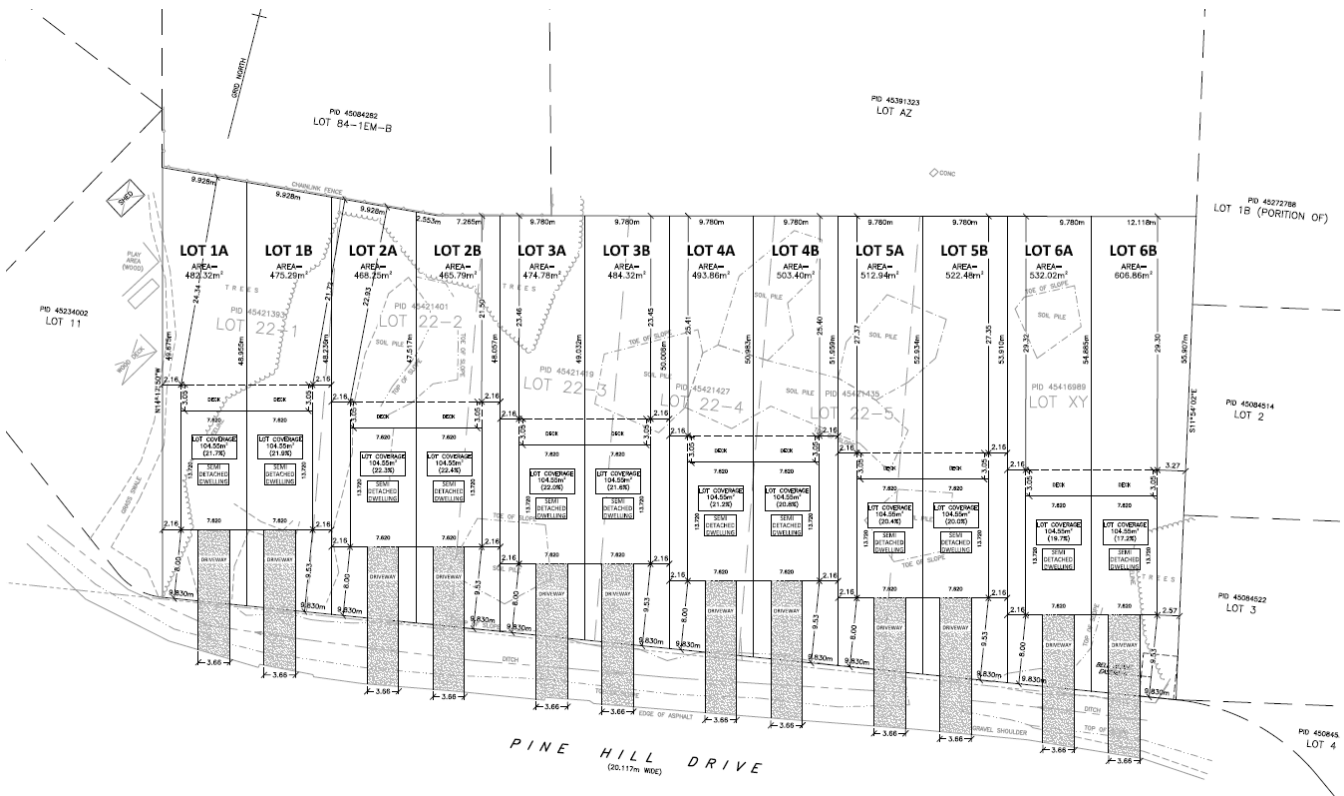
Development Proposal

The purpose of this proposal is to amend the Land Use Bylaw Map to change the zone from the Established Residential Neighbourhood (R1) Zone to the Two Dwelling Unit Residential (R2) zone to enable the development of a semi-detached dwelling units. The site plan shown below contains six (6) lots for semi-detached dwellings for 12 total new dwelling units.



The applicant has undertaken property boundary adjustments through the subdivision process in order to meet the R2 zone requirements as outlined in the Land Use Bylaw. The minimum frontage requirement for an R2 lot is 18 metres, and as the site plan indicates after the adjustments have been completed, each lot meets the minimum 18 metres lot frontage requirement. Staff requested the applicant submit the application for subdivision once First Reading had been given. This process had to be completed prior to any approval being given to the rezoning and the motion provided in this report makes this a requirement of final approval. The municipal solicitor has advised that this approach is acceptable. The amendments to the property boundaries do not presume any decision of Council on this application and should Council decide to refuse the application the newly adjusted properties can still be used for single unit residential buildings.

Site plan:



Discussion

LEGISLATIVE AUTHORITY

The Municipal Government Act, Part VIII gives legislative authority for this application. This section outlines the process for these amendments to be considered, including the advertisements for a Public Hearing.

FINANCIAL CONSIDERATIONS

An approximate calculation of the financial impact has been conducted by planning staff. This application does not involve any new roads or sidewalks, therefore, a simple analysis was conducted of the potential tax revenue for semi-detached dwellings. Staff made a rough assumption of the assessed value for semi-detached dwellings based on comparable units throughout Elmsdale.

Staff compared the development of semi-detached dwellings to single detached dwellings which could be developed as-of-right with the current R1 zoning. The table below show the approximate total annual tax revenue from the development.

	Semi-Detached Dwelling	Single-Detached Dwelling
Approximate Value	\$350,000	\$450,000
Waste Management Fee	\$220	\$220
Total Annual Tax Revenue	\$46,950	\$29,805

MUNICIPAL PLANNING STRATEGY POLICY ANALYSIS

Staff have reviewed the proposed amendments based on the applicable policies contained in the Municipal Planning Strategy. Staff requested comments from internal departments and external agencies including Nova Scotia Public Works (NSPW). A detailed table of the evaluative criteria from the enabling policies and corresponding comments from Staff and reviewing agencies is listed in Appendix A.

Comments were received from Nova Scotia Public Works and there were no concerns raised regarding the impact on the local street networks and a negative impact was not anticipated for the application. The Department of Infrastructure and Operations also provided comment on the application and stated there were not concerns and there is adequate water and wastewater capacity to support the development.

Policy RD24 of the Municipal Planning Strategy enables Council to consider a rezoning from the R1 to the R2 zone. An amendment to the designation is not required as the Established Residential Neighbourhood Designation (ER) enables both the R1 and R2 zone to be applied to the property. The policy details the criteria and terms for the rezoning.

In evaluating this application, Staff also referred to the Municipal Planning Strategy policies associated with the South Corridor & Commercial Growth Management Area, the Established Residential Neighbourhood (ER) designation as well as the general policies related to amending the Land Use Bylaw including policies IM17 through IM25.

The surrounding properties are zoned both R1, R2 and R2-T and are located within a 5-minute walk of a Village Core along Highway 214. Based on the review of policy RD24 and the general MPS policies for amending the Land Use Bylaw, staff are recommending approval of this application.

Council's decision on this application is appealable to the Nova Scotia Utility and Review Board as it does not involve an amendment to the Municipal Planning Strategy.

Citizen Engagement

Planning staff have complied with the Citizen Engagement Policies of the Municipal Planning Strategy when processing the amendments. An advertisement outlining the proposal and indicating that it was under review by staff was placed in the April 4, 2023 edition of the *Chronicle Herald*. Following First Reading, a letter and questionnaire was mailed to all property owners within 300 metres of the subject properties providing an opportunity for residents to comment on the application. Questionnaire responses have been provided for Council to review. 110 questionnaires were mailed out and 11 questionnaires were returned. Comments from the returned questionnaires include:

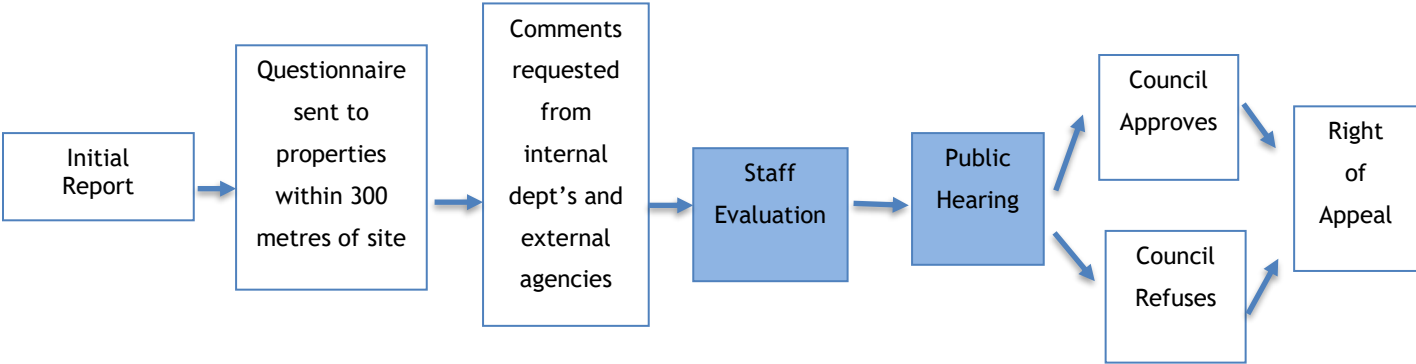
- Question about whether fencing could be provided at the rear of the property- under the R2 requirements of the Land Use Bylaw, fencing is not required
- Concerns regarding increase in traffic- NSPW commented on the application and have no concerns regarding the local street network
- Comment on how R1 and R2 are similar therefore the increase in density is favourable
- Comments supporting the development

A Public Information Meeting was not required as the rezoning does not include an amendment to the Municipal Planning Strategy mapping. The Established Residential Neighbourhood (ER) designation will remain on the property.

Details regarding the public hearing will be mailed to all property owners within 300m of the subject properties. A notice in the Chronicle Herald will also be published indicating the date and time of the Hearing.

Conclusion

Staff have reviewed the proposal to change the subject property to the Two Dwelling Unit Residential (R2) Zone. The proposed amendments were evaluated using all applicable policies in the Municipal Planning Strategy. Staff are recommending approval of the application.



Recommendation

That Planning Advisory Committee recommend that Council give Second Reading and approve the application.

Attachments

Policy Analysis

Policy	Comments
<p>South Corridor and Commercial Growth Management Area</p> <p>GM7 Council shall encourage both residential and commercial development within the South Corridor and Commercial Growth Management Area.</p>	<p>The proposal would enable residential development under the R2 Zone.</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>This proposal is consistent with relevant MPS Policies and these are discussed in this policy analysis section.</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>This proposal is for semi-detached dwelling units.</p>
<p>IM15 It shall be the policy of Council to consider an application for amendment to the Land Use Bylaw only if the site meets all of the lot size and zone standards for the zone sought.</p>	<p>The applicant was required to undertake a boundary adjustment in order for all lots to meet the minimum lot size and frontage requirements for the R2 zone.</p>
<p>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</p>	<p>The Established Residential Neighbourhood (ER) designation for these properties is not changing.</p>
<p>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:</p>	
<p>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.</p>	<p>The proposed development is in conformance with the South Corridor & Commercial Growth Management Area. The proposed uses will have to conform to the requirements of the R2 zone.</p>
<p>b) Whether Planning Staff have initiated a review of this Strategy, or</p>	<p>An update of the Official Community Plan is underway but outside of this application no changes were anticipated for the property that is the subject of this application.</p>

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.	A simplified financial analysis was conducted by planning staff. It is estimated that approximately \$47,000 of annual tax revenue would be collected from 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.	Municipal services are available in this area. The Department of Infrastructure and Operations did not have any concerns regarding the proposed rezoning of the lots. Comments regarding the servicing of future dwellings on these lots were provided.
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.	The regional School Board was not consulted as part of this process because the proposal will result in a minimal number of additional residential units.
d) The potential for significantly reducing the continuation of agricultural land uses.	Not applicable to the proposed application.
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.	NS Public Works have reviewed the proposal and did not have any concerns with the rezoning of these properties.
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.	Not applicable to the application.
g) Creating a leap frog, scattered, or ribbon development pattern as opposed to compact and orderly development.	Staff consider that the proposed change will not create a leap frog, scattered or ribbon development pattern. The surrounding area contains other developments comprising two-unit dwellings, including directly across the street and to the east of the application properties.

<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 concept plan for a future development was submitted with the application and once the property boundaries have been adjusted will meet the requirements of the Land Use Bylaw.</p>
<p>a) Type of use.</p>	<p>Proposed R2 Zone uses.</p>
<p>b) Number of buildings.</p>	<p>Six (6) semi-detached dwellings</p>
<p>c) Yard setbacks.</p>	<p>Future construction would have to comply with the setback requirements of the R2 Zone of the Land Use Bylaw.</p>
<p>d) Height, bulk, stepback requirements, and lot coverage of any proposed structures.</p>	<p>Future construction would have to comply with all requirements of R2 Zone in the Land Use Bylaw.</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>There are no changes to the street layout.</p>
<p>g) Access to and egress from the site, parking.</p>	<p>Access to and egress from the property is subject to the approval of NS Public Works.</p>
<p>h) Open storage and outdoor display.</p>	<p>All LUB regulations will have to be met.</p>
<p>i) Signage.</p>	<p>All LUB regulations will have to be met.</p>
<p>j) Similar matters of planning concern.</p>	<p>All LUB regulations will have to be met.</p>
<p>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.</p>	<p>The subject property generally appears suitable for the proposed use. A lot grading plan will also be required as part of the permit process.</p>
<p>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.</p>	<p>The LUB does not require buffering and screening for residential uses in the R2 zone.</p>

<p>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.</p>	<p>Sidewalks are not provided along Pinehill Drive. There are no other design requirements for the R2 zone.</p>
<p>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.</p>	<p>Any new construction on this site must comply with stormwater drainage provisions of the Subdivision Bylaw and a lot grading plan will be required with the building permit.</p>
<p>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.</p>	<p>If approved, future dwellings constructed on the property would be in accordance with the zone provisions of the R2 Zone. There are no design standards for dwellings in the R2 zone.</p>
<p>IM25 Council shall consider the following matters in Growth Management Areas and other areas where applicable to determine if the 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>There are no sidewalks on Pinehill Drive. These properties are located within a 5-minute walk to Highway 214.</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 human scaled, is easily accessible to active transportation users, and if it promotes visual variety and interest for active transportation users.</p>	<p>There are no design requirements for the R2 zone.</p>
<p>RD24. Council shall consider the following criteria when considering rezoning from R1 to R2 for parcels of land equal or greater than 3,000 m2 in area:</p>	

a) The impact of the proposal on community character and form.	The lands are currently vacant and the proposal will aid in providing new housing units in an area where two-dwelling units and townhouse units are present or zoned for such developments.
b) If the proposal helps create contiguous areas of compatible residential or mixed-use character.	The surrounding properties are also zoned as R2. Highway 214 is also within a 5-minute walk where a number of commercial and other community uses can be accessed.
c) Whether the lands abut lands zoned Two Dwelling Unit Residential (R2) Zone, or a compatible higher density zone.	There are R2-T zoned lots located across the street from the subject properties
d) Whether abutting lands were zoned Two Dwelling Unit Residential (R2) at the time of the adoption of this strategy and its Land Use Bylaw	The subject properties do abut other R2 zoned properties.
e) Whether the lands are within the serviceable boundaries, and if adequate capacity exists for the proposal.	These lands are within the Municipalities serviceable boundary. The Department of I&O have commented that there is adequate capacity to support the development
f) Whether the lands are within a 5-minute walk (400m) from existing multiple unit residential areas.	There are other R2 and R2-T zoned lots located across from these properties.
g) Whether the lands are within a 5-minute walk (400m) from major residential or collector roads.	Highway 214 is within a 5-minute walk to the subject properties.
h) Whether the lands are within a 10-minute walk (800m) from village cores, commercial, community or institutional uses or nodes.	There is a village core located at Highway 214 and Pinehill Drive and is less than a 10-minute walk
i) Traffic impacts of the proposal	NS Public Works commented on the proposal and had no concerns regarding the impact on the local street network
j) The proposed road layout.	Proposal does not include any new roads

Amendment Sheet

The Municipality of East Hants
Official Community Plan
Land Use Bylaw

Land Use Bylaw Map 1: South Corridor and Commercial Growth Management Area

The zone of PID 45416989, 45421435, 45421427, 45421419, 45421401, and 45421393, shown on Land Use Bylaw Map 1: South Corridor and Commercial Growth Management Area, is changing from Established Residential Neighbourhood (R1) Zone to Two-Dwelling Unit Residential (R2) Zone.

