



Subject: *Tammy and Joe Ferguson- Development Agreement Application*
To: CAO for Planning Advisory Committee, Jan 16th, 2024
Date Prepared: January 9, 2024
Related Motions: None
Prepared by: Lee-Ann Martin, Planner and Development Officer
Approved by: John Woodford, Director of Planning and Development

Summary

Tammy and Joe Ferguson have submitted an application to operate an Educational Services use which is being considered through a development agreement application.

Financial Impact Statement

There are no immediate financial impacts associated with the recommendations outlined in this report. A summary of any financial impacts will be provided in the final staff report.

Recommendation

That Planning Advisory Committee recommend that Council give initial consideration to the development agreement application and authorize staff to schedule a Public Hearing.

Recommended Motion

Planning Advisory Committee recommends that Council:

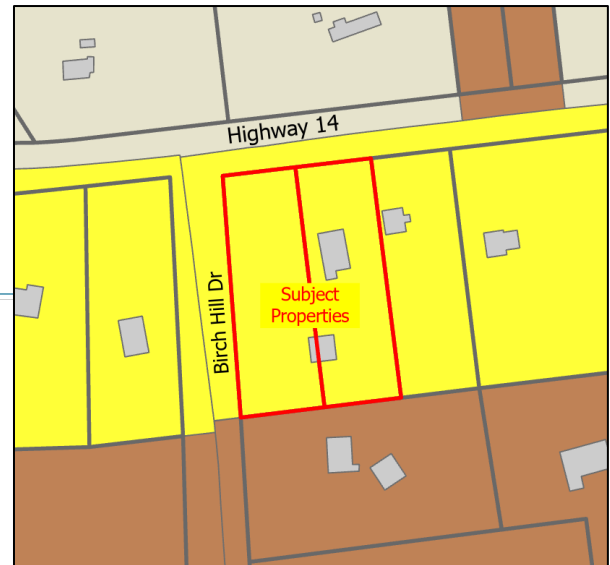
- *Give initial consideration to enter into a Development Agreement for an Educational Services Use on properties identified as PID 45123122 and 45123114; and authorize staff to schedule a Public Hearing.*

Background

The Municipality received an application in December 2023 from Tammy and Joe Ferguson to enter into a development agreement to allow for the operation of an Educational Service Use on two properties in Nine Mile River. The intention of the use is the operation of a Cosmetology School specifically pertaining to the instruction of hair design, styling, and related practices.

Subject Property

An excerpt of the zoning map to the right shows the subject properties, identified as PID 45123122 and 45123114 located at 7724 Highway 14 in Nile Mile River. The properties are currently zoned Two Dwelling Unit Residential (R2) as per the Land Use Bylaw (LUB) and designated as Established Residential Neighbourhood (ER) as per the Generalized Future Land Use Bylaw map.



Development Proposal

The applicant has requested to enter into a development agreement with the Municipality to operate a Cosmetology school on R2 zoned properties located along Highway 14 in Nine Mile River. The school intends to specialize in hair styling and hair design practices. There will be 12 students on site with one instructor.

The school will operate out of the existing single unit dwelling located on the property. Presently, there is residential access to the dwelling off of Highway 14 and another via Birch Hill Drive to access the dwelling. The intent is to have the school located on the top floor of the dwelling and have the lower level as a residential dwelling. Parking is proposed to be located on the vacant parcel.

Discussion

STRATEGIC ALIGNMENT

One of the key strategies from Council's Strategic Plan is Economic Prosperity. Supporting the continuous growth of local businesses within the Municipality aims to achieve the objective of attracting and retaining business investments.

LEGISLATIVE AUTHORITY

The Municipal Government Act, Part VIII gives legislative authority for this application. This section outlines the process for Development Agreement applications, and the scheduling of a Public Hearing.

FINANCIAL CONSIDERATIONS

A summary of any financial impacts will be provided in the final staff report.

MUNICIPAL PLANNING STRATEGY 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.

The MPS policy OS28 states that Council shall consider Institutional uses in all zones by development agreement to ensure that the Institutional Use is in the community's best interest. Educational Services are a permitted use in the Institutional Use (IU) Zone; therefore, as per policy OS28, the use is permitted by entering into a development agreement. Staff will also take into consideration policies IM26, IM27 and IM28 of the MPS which outline the evaluation criteria, terms and conditions for a development agreement that Council shall consider.

Council's decision on this application is appealable to the Nova Scotia Utility and Review Board (NSUARB) as it does not involve amendments to policy or policy mapping.

Citizen Engagement

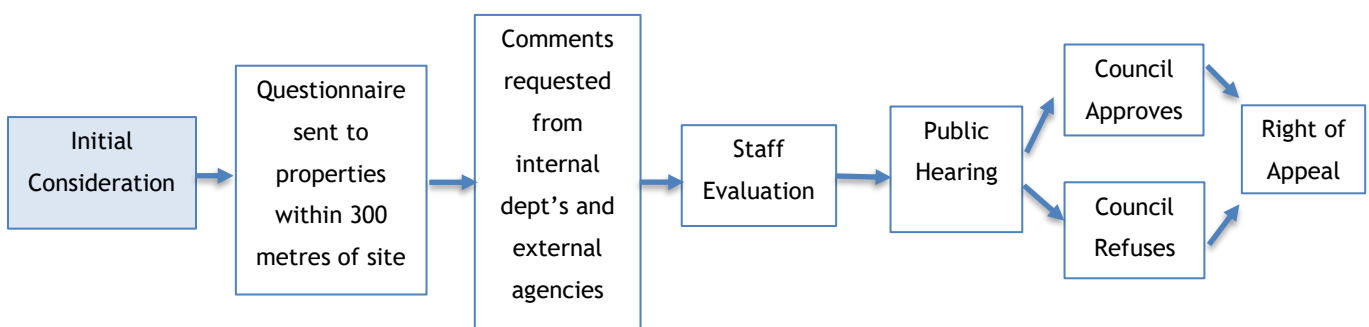
Planning staff will comply with the Citizen Engagement policies of the Municipal Planning Strategy when processing this application. An advertisement outlining the proposal and indicating that it is under review by staff will be placed in an upcoming edition of the *Chronicle Herald*. A letter and questionnaire will be mailed to all property owners within 300 m of the subject property asking for comments on the application.

As per the requirements of the *Municipal Government Act*, a Public Hearing will also be required with authorization from Council. Notice of the Public Hearing indicating the date, time and location of the hearing will be mailed to all property owners within 300m of the site, as well as advertised in the *Chronicle Herald* for two consecutive weeks prior to the Hearing.

A Public Information Meeting is not required as this application does not have an amendment to the policy or the policy mapping.

Conclusion

Planning staff will continue to review the development agreement application using all the evaluative criteria outlined in the Municipal Planning Strategy. Staff will make a recommendation to PAC in their final staff report.



Recommendation

That the Planning Advisory Committee recommend that Council give initial consideration to the development agreement application and authorize staff to schedule a Public Hearing.

Alternatives

If the PAC does not support this application, they can choose to recommend that Council not move forward with the application. Planning staff do not support this approach and recommend that the file be taken to a Public Hearing to allow staff to complete their full review and analysis of the policies to be provided to PAC and Council in the final staff report.

Attachments

None