



Subject: *Central Tire - Development Agreement Application*
To: CAO for Planning Advisory Committee, May 13th, 2025
Date Prepared: May 5th 2025
Related Motions: PAC25(22), C25(71)
Prepared by: Lee-Ann Martin, Planner & Development Officer
Approved by: John Woodford, Director of Planning and Development

Summary

An application was submitted by Phillip Higgs on behalf of Dennis Penner and Clinton Penner of Central Tire Ltd. requesting to enter into a Development Agreement for a Transportation and Warehousing use in the Rural Use North (RU-2) zone.

Financial Impact Statement

There is no immediate fiscal impact of the proposed development to the Municipality. No new roads or services are required to be installed. Due to the increase in commercial activity on the property, any increase in property value may result in a higher tax rate.

Recommendation

That Council approve the development agreement.

Recommended Motion

Planning Advisory Committee recommends to Council that Council:

- *Give Final Consideration and approve entering into a Development Agreement for a Transportation and Warehousing building located on property identified as PID 45148996, Highway 215, East Noel*

Background

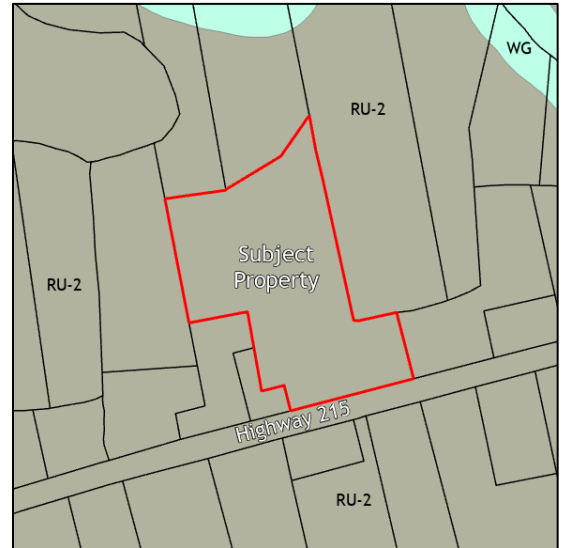
The Municipality received an application from Phillip Higgs on behalf of Dennis Penner and Clinton Penner from Central Tire to enter into a Development Agreement with the Municipality to allow for a 30.48m x 60.96m (200' x 100' warehousing facility on their property in East Noel. The warehouse will be used of the storage of equipment and material for Central Tire Ltd. This report outlines the policy analysis and recommends that approval be given to the application.

Subject Property

The property is located on land identified as PID 45148996, 5209 Highway 215, East Noel.

An excerpt of the zoning map to the right shows the subject property is zoned the Rural Use North (RU-2) Zone as per the East Hants Land Use Bylaw. Surrounding lands are also designated and zoned Rural Use North (RU-2). The property is the location of Central Tire Ltd., an automobile repair and maintenance business.

The property totals 2.6 hectares (6.4 acres) and has direct road frontage onto Highway 215. It is not located within an East Hants Growth Management Area or Growth Reserve Area.



Development Proposal

The applicant has requested to enter into a Development Agreement with the Municipality to allow a 30.48m x 60.96m (200' x 100') warehouse building on their property in East Noel.

The *Transportation and Warehousing* use in the Land Use Bylaw is only permitted by entering into a Development Agreement within the Rural Use North (RU-2) zone. The building will be used for the warehousing of materials associated with the exiting business on the property.

The definition of Transportation and Warehousing as per the Land Use Bylaw is as follows:

Transportation & Warehousing means either a:

- *Use of land primarily engaged in using a fleet of vehicles for the delivery of goods or services. Typical uses include, but are not limited to, taxi services, bus services, and bus lines.*
- ***Wholly enclosed building where wares and goods are stored but shall not include a retail store.***



The proposed site plan is attached to this staff report showing the proposed located of the warehouse.

Discussion

The Planning and Development Department have reviewed 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 is appended to this report.

Policy AR39 (a) of the Municipal Planning Strategy enables any Highway Commercial (HC) zone uses in the Rural Use North (RU-2) zone by entering into a Development Agreement. Council shall also consider policies IM28, IM28, and IM29 when considering the Development Agreement. A full policy analysis is provided in Appendix A of this report.

Nova Scotia Public Works commented on the application and indicated the existing commercial driveway access is acceptable for the new development. Their response indicated a negative impact to the provincial road network is not anticipated.

The surrounding properties are also zoned the Rural Use North (RU-2) Zone which permits a number of similar used to the Transportation and Warehousing use. A negative impact to surrounding properties are not anticipated, and all applicable regulations of the Land Use Bylaw are required to be met, including height requirements and setbacks. The properties to the rear of the proposed building are also owned by Central Tire Service Ltd.

This application enables an existing local business to expand with limited impact to the surrounding properties and community. Based on the review of the enabling policies and alignment with Council's Strategic Plan through the support of the expansion of an existing business, staff are recommending the application be approved.

The decision of Council regarding this application is appealable to the Nova Scotia Regulatory and Appeals Board.

STRATEGIC ALIGNEMENT

One of the Key Strategies from the Strategic Plan is Economic Prosperity. Supporting the expansion of an existing local business aims to achieve the objective of attracting and retaining business investments within East Hants. This supports the Economic Prosperity key strategy.

LEGISLATIVE AUTHORITY

The legislative authority and process for entering into a development agreement is set out in the Municipal Government Act, Part VIII, and the scheduling of a Public Hearing.

FINANCIAL CONSIDERATIONS

There is no immediate fiscal impact of the proposed development to the Municipality. No new roads or services are required to be installed. Due to the increase in commercial activity on the property, any increase in property value may result in a higher tax rate.

Citizen Engagement

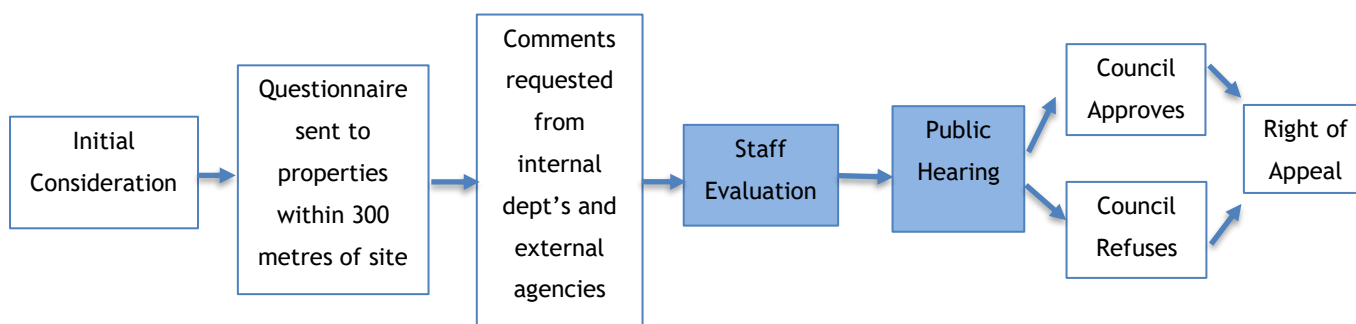
Planning staff have complied with the Citizen Engagement policies of the Municipal Planning Strategy when processing this application. An advertisement outlining the proposal and indicating that it is under review by staff was placed in a March 2025 edition of the Chronicle Herald and on the municipal website.

A letter and questionnaire were mailed to all property owners within 300 m of the subject property requesting further comments on the application. 26 letters and questionnaires were mailed out and 17 were returned with comments. The majority of responses did not have any concern with the application, and were happy to see new development happening within the area.

One response expressed their disagreement with the application and indicated the proposed location of the building was on a wetland, and that the building would be better suited in a different location. Our wetland mapping does not indicate there are any wetlands located on this property. All questionnaire responses have been provided for PAC and Council to review.

As per the requirements of the *Municipal Government Act*, a Public Hearing is also required. The Public Hearing is scheduled for the May Regular Meeting of Council. Notice of the Public Hearing indicating the date, time and location of the hearing was 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. Notice of the Hearing is also being placed on the Municipal website and on social media.

A Public Information Meeting (PIM) is not required for this application as there are no amendments to the Municipal Planning Strategy proposed. A final decision to approve or refuse the application will take place at the Public Hearing.



Alternatives

The Planning Advisory Committee may recommend that the application be refused if they do not support the application.

Attachments

Appendix A: Evaluation Criteria
Appendix B - Site Plan
Questionnaire Responses
Draft Development Agreement

Appendix A:

AR39 Council shall, within the Rural Use North (RU-2) Designation on lands zoned Rural Use North (RU-2), consider the following uses by development agreement:	
(a) Any Highway Commercial (HC), General Commercial (GC), and Industrial Commercial (IC) uses	
IM27. Council shall consider the evaluation criteria, terms, and conditions for development agreements enabled by this Strategy, and specifically in this subsection.	
IM28. Council shall consider the following evaluation criteria for any development agreement application:	
a)	<p><i>The impact of the proposed development on existing uses in the area with particular regard to the use and size and of proposed structure(s), buffering and landscaping, hours of operation for the proposed use, and other similar features of the proposed use and structures.</i></p> <p>The proposed structure is associated with the existing business on the property. All requirements of the Land Use Bylaw will apply including setbacks, height, etc. There are no design requirements for the Rural zones.</p>
b)	<p><i>The impact of the proposed development on existing infrastructure with particular regard to Municipal piped water and wastewater systems, fire protection, refuse collection, school capacities, and recreation amenities. Council shall consider comments from the Municipal Engineer and other agencies as applicable.</i></p> <p>This property does not access municipal water and wastewater services. No new residential units are proposed with this development, therefore, no impact on school capacities or recreation is anticipated.</p>
c)	<p><i>The impact of the proposed development on pedestrian and motor traffic circulation with particular regard to ingress and egress from the site, traffic flows and parking, adequacy of existing and proposed road networks to service the proposed development, adequacy of pedestrian infrastructure including walkways and sidewalks where required. Council shall consider comments from Municipal Engineer(s) and/or the Provincial Transportation Departments as applicable.</i></p> <p>Nova Scotia Public Works have commented on this application and confirmed that the existing commercial driveway is acceptable and a negative impact to the Provincial Road network is not anticipated with the new warehouse building.</p>
d)	<p><i>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.</i></p> <p>No new streets are proposed. This development is fully contained on the noted property.</p>
e)	<p><i>The suitability and availability of other appropriately zoned sites for the proposed use.</i></p> <p>The site is zoned appropriately for the land use of the property. Highway Commercial (HC) uses are permitted through the Development Agreement process in the Rural Use North (RU-2) zone.</p>
f)	<p><i>The submission of a professionally drawn site plan showing the location of all new and existing structures on the lot, parking areas,</i></p> <p>A site plan has been submitted showing the location of the existing buildings and parking areas. A 20m setback is required</p>

	<i>proposed and existing walkways, areas of tree retention, watercourses or environmentally sensitive areas, buffering, and landscaping and building plans, including signage plans, if applicable, showing the nature and design of the proposed structure.</i>	from any watercourse with a width of 0.5m or greater as per the Land Use Bylaw.
g)	<i>Adequacy of the size of the lot to ensure required buffering and screening can be carried out.</i>	Buffering requirements will follow those outlined in the Land Use Bylaw for Rural Zones.
h)	<i>Potential for significantly reducing the continuation of agricultural land uses.</i>	Not applicable. The land is zoned Rural Use North (RU-2) and does not abut any active agricultural lands.
i)	<i>The proposed density and urban form, including height, massing, bulk, stepbacks and setbacks, are compatible with (not necessarily the same as) existing development forms.</i>	The new building will conform with the height and setback requirements of the Land Use Bylaw.
j)	<i>If the proposal is inappropriate by reason of the financial capability of the Municipality to absorb any costs relating to the development.</i>	There is no immediate fiscal impact of the proposed development to the Municipality. No new roads or services are required to be installed. Due to the increase in commercial activity on the property, any increase in property value may result in a higher tax rate.
j)	<i>The adequacy of municipally approved water and wastewater services or if services are not provided, the adequacy of the lot to provide an adequate and safe water supply as determined by a hydrogeological assessment prepared by a hydrogeologist. The requirement for a hydrogeological assessment shall be determined by the Municipality.</i>	Due to the size and scale of the application, staff did not request a hydrogeological study be completed.
IM29. Terms and conditions of the agreement to ensure consistency with Strategy policies and the employment of sustainable development practices shall include, but are not limited to the following where applicable:		
a)	<i>The use and size of any new structures or any expansions of existing structures.</i>	No new structures are proposed with the application. The proposed cosmetology school will be operating out of the existing structure on the property.
b)	<i>The compatibility of the structure in terms of design elements including, but not limited to roof type, exterior cladding material, and overall architectural form and elements that are reasonably consistent with the style and character of the community.</i>	There are no design requirements for the Rural Zones.
c)	<i>Provisions for adequate buffering and screening to minimize the impacts of the development on adjacent uses, such buffering and screening to be designed with consideration given to the types of impacts that may be felt by adjacent properties (ie. noise, headlights, dust, etc.).</i>	Buffering and screening from adjacent properties is not required in Rural zones.
d)	<i>Any matter that may be addressed in the Land Use Bylaw, such as yard requirements,</i>	All items not identified in the development agreement shall be applicable to the LUB.

	<i>outdoor storage, height, bulk and lot coverage, etc.</i>	
e)	<i>Time limits for the application for a development permit and the initiation and completion of construction.</i>	One year to enter into the agreement, one year to apply for a development permit and two years to make the property consistent with the terms of the development agreement.
f)	<i>The establishment of hours of operation and maintenance of the proposed use.</i>	There are no limits in the Land Use Bylaw regarding hours of operation. The development agreement does not limit the hours of operation.
g)	<i>The provision of adequate parking and parking lot design to include maximum ease and safety of traffic flow and dust control.</i>	Parking shall comply with the requirements set in section 3.31 of the LUB.
h)	<i>Provisions regarding signage that may be sensitive to the overall visual amenity of the immediate area and safety issues.</i>	Signage will be as per the requirements of the LUB.
i)	<i>Methods of protection of the land and watercourses and mitigation practices during and after construction of the proposed development.</i>	As per NSE regulations.
j)	<i>Methods of stormwater management on-site during and after construction and methods used to control erosion and sedimentation.</i>	A stormwater drainage plan is not required for an unserviced lot. A grading plan has been provided by the applicant.
k)	<i>Provisions regarding tree removal, devegetation, and tree planting on the site and overall adequacy of landscaping.</i>	Any disturbed area on the property will be covered with grass, tress, or shrubs.