



PLANNING ADVISORY COMMITTEE MEETING

TUESDAY, May 11, 2021, 1:00 p.m.

Video Conference

A G E N D A

PLANNING ADVISORY COMMITTEE MEETING

Page

1. Meeting to Order
2. Roll Call
3. Approval of the Agenda
4. Amendments to Agenda
5. Disclosure of Conflict of Interest Issues
6. Approval of Minutes
 - a) April 13, 2021 2
7. Business Arising from the Minutes
8. Business
 - a) Application to rezone vacant land on Highway 359 in Centreville, from the General Commercial (C1) Zone to the Mixed Commercial Residential (C3) Zone (PID 55541932) (File # 21-05, Mark Fredericks) 7
9. Date of Next Meeting – June 8, 2021 - 1:00 p.m.
10. Adjournment

PLANNING ADVISORY COMMITTEE

Meeting, Date and Time	A meeting of the Planning Advisory Committee (PAC) was on Tuesday, April 13, 2021, at 1:00 p.m.
Attending	In Attendance:
PAC Members	Councillor Martha Armstrong – District 4 (Chair) Councillor Dick Killam – District 5 (Vice Chair) Councillor June Granger – District 1 Councillor Jim Winsor – District 8 Councillor Peter Allen – District 9 Michael Kuhn – Citizen Member
Municipal Staff	Trish Javorek - Director Planning and Inspections Laura Mosher - Manager of Planning and Development Services Mark Fredericks - Planner Will Robinson-Mushkat – Planner Chloe Austin – Recording Secretary
Regrets	Emile Fournier – Citizen Member
Other Councillors	Councillor Joel Hirtle – District 6
Public	None
1. Meeting to Order	The Chair called the meeting to order at 1:00 p.m.
2. Roll Call	Roll call was taken.
3. Amendments to Agenda	There were no amendments to the agenda.
4. Approval of the Agenda	On motion of Councillor Allen and Councillor Winsor, that the agenda be approved. The question was called on the motion. Motion carried.
5. Disclosure of Conflict of Interest Issues	There were no conflict of interest issues disclosed.
6. Approval of Minutes	
a. March 9, 2021	On motion of Councillor Granger and Mr. Kuhn, that the minutes of the Planning Advisory Committee meeting held on Tuesday, March 9, 2021 be approved. The question was called on the motion. Motion carried.
7. Business Arising from the Minutes	There was no business arising from the March 9, 2021 minutes.
8. Business	

**a. Request for Decision –
Minor MPS
Amendment
(File 21-02)**

Will Robinson-Mushkat, Planner, presented a Request for Decision on a minor MPS amendment to permit Residential One Unit development on properties without road frontage within the Resource (N1) Zone and Rural Mixed Use (A2) Zone.

Questions of Clarification:

In response to questions about the planning process, Mr. Robinson-Mushkat clarified that there is not currently a recommendation on the amendment, the staff recommended motion is a request for permission to start investigating a possible amendment.

Councillor Granger inquired about the specific meaning of ‘limited residential properties.’ Mr. Robinson-Mushkat clarified that this would mean 1 or 2 units within a dwelling on a property in keeping with low density residential development. A discussion occurred on the maintenance of such “roads” that are just right of ways being the obligation of the users.

Councillor Killam inquired the review process. Mr. Robinson-Mushkat clarified that the Province reviews all MPS amendments. If the Province determines that a statement of provincial interest may be affected, the review process is extended an additional 60 days for review by the Minister.

On motion of Councillor Allen and Councillor Granger, that the Planning Advisory Committee recommend Municipal Council, in accordance with Policy PLAN 09-001, direct the Chief Administrative Officer to investigate a minor Municipal Planning Strategy Amendment related to the development of specific criteria for enabling limited residential development on A2 and N1 zoned properties that lack road frontage.

Debate:

Councillor Winsor speculated about possible consequences of allowing development on properties without road frontage and questioned why the change was needed given how recently the MPS was updated.

Ms. Mosher indicated that the application received does not have other options for compliance so the request to investigate is being brought forward as per standard Municipal Planning Policy.

The question was called on the motion.

Motion carried.

**b. Application to enter
into a development
agreement
(File 20-07)**

Will Robinson-Mushkat, Planner, provided a presentation on the application by Cathy and David Turner to enter into a development agreement to permit the conversion of commercial space into two residential units at 1518/1520 Bridge Street (PID 55123236), Kingston.

Questions of Clarification:

There were no questions of clarification.

On motion of Councillor Winsor and Councillor Killam, that the Planning Advisory Committee recommend that Municipal Council give Initial Consideration to and hold a Public Hearing regarding the proposed development agreement for the property located at 1518/1520 Bridge Street (PID 55123236), Kingston to permit the development of two additional residential units within an existing building, as described in Appendix E of the report dated March 15th, 2021.

Debate: There was no debate.

The question was called on the motion.

Motion carried.

c. Application to amend the text of the Land Use By-law (File 20-19)

Mark Fredericks, Planner, presented the application by Justin Thibodeau and Megan Gillis to remove the size limit for small scale solar collectors (ground mounted).

Questions of Clarification:

Councillor Winsor asked about the restrictions on the size and area of the panels. Mr. Fredericks clarified that the existing permitted height limit is 20 feet and is not proposed to change with this text amendment. The height of 20 ft. is lower than the limitation on single unit dwelling height, which is 35 ft. in every zone in the Municipality. The current By-law permits the panels to be erected as an accessory structure such as a carport, shed or garage but to a capped size.

A discussion occurred on the history of why 215 square feet was used in first place in the new planning documents. Staff clarified that 215 square feet was only selected as it was the size the NBC exempts from requiring a building permit for residential accessory structures. There was no consideration given to actual panel sizes nor power generated in the original size limit. Mr. Fredericks further clarified that the property size and the required setbacks would be the size limiter and that small scale solar collector systems are typically expected to be accessory to residential uses.

The Chair asked about a letter expressing concerns about the size of solar collection systems. If the setbacks within the LUB would address where and how many solar panels are allowed, was this conveyed to the correspondent? Mr. Fredericks indicated that this could be followed up on.

On motion of Mr. Kuhn and Councillor Granger, that the Planning Advisory Committee recommend that Municipal Council give First Reading to and hold a Public Hearing regarding the proposed text amendments to increase the allowable size for Small-scale Solar Collector Systems as described in Appendix D of the report dated April 13, 2021.

Debate:

Councillor Winsor expressed that the upper limit should not be left to Nova Scotia Power to dictate and that he needs to see an upper limit before he can support this application.

Councillor Granger stated that any efforts towards Green Energy are worth pursuing.

Councillor Killam square footage of a lot limits how many solar panels can be placed on it, he acknowledges Councillor Winsor's concern but feels it should be supported as it will not have a greater physical impact than any other accessory structure permitted..

Councillor Allen also expressed concern about size but is in favour of the application.

The Chair is in favour and feels the setbacks adequately limit size.

The question was called on the motion.

Motion carried.

9. **Heritage Advisory Committee Business**

a. **Application to alter a Municipal Heritage Property (File 21-06)**

Mark Fredericks, Planner, presented the application by Jenna and Chad Warren to alter a Municipal Heritage Property at 1108 Middle St. Port Williams.

Questions of Clarification:

Mr. Kuhn asked if the part to be removed is visible from the road. Mr. Fredericks confirmed that you can see the porch from the street which is why permission has been sought for the alteration.

On motion of Councillor Winsor and Councillor Allen, that the Heritage Advisory Committee recommend that Municipal Council offer their approval to permit the requested building alteration to the McElvy House, a Municipal Heritage Property at 1108 Middle Street, Port Williams.

Debate:

Councillor Winsor noted that it takes time and energy to maintain a heritage property and that some alterations must be allowed to support this.

The question was called on the motion.

Motion carried.

10. **Other Business**

Councillor Killam asked about when the planning department might bring forward a work plan for moving forward and possibly making new plans for the Municipality.

Ms. Mosher replied that the Planning Policy PLAN-09-001 outlines the process for a work plan. It is created to manage staff resources and to identify priorities that Council considers important. The large project currently underway is the New Minas Secondary Plan. Items on the work plan are typically brought forward by residents wishing to pursue a project. No requests have been received. The New Minas Secondary Plan is taking up a significant amount of resources.

Councillor Killam noted that there has been interest expressed to him in applications for developments on the North Mountain and a desire for flexibility in the areas zoned A1 and A2. There is also an interest in changes to the T1 zones on the North Mountain.

11. **Date of Next Meeting**

Tuesday, May 11, 2021 - 1:00 p.m.

12. **Adjournment**

There being no further business, on motion of Councillor Allen and Councillor Killam, that the meeting adjourn.

The meeting adjourned at 2:34 p.m.

DRAFT

THE MUNICIPALITY OF THE COUNTY OF KINGS

COVERING MEMO TO PLANNING ADVISORY COMMITTEE

Subject: Application to rezone vacant land on Highway 359 in Centreville, from the General Commercial (C1) Zone to the Mixed Commercial Residential (C3) Zone (PID 55541932) (File # 21-05)

From: Planning and Development Services

Date: May 11, 2021

Background

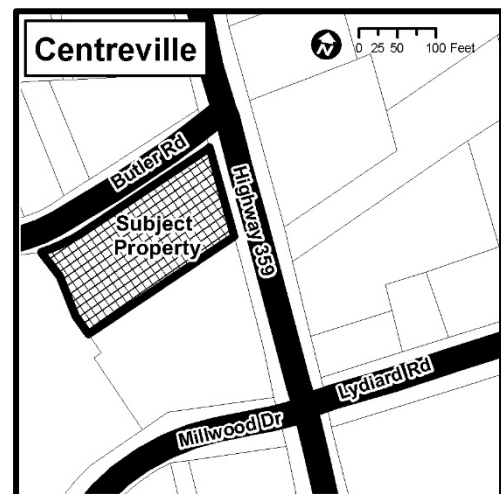
On May 5, 2021 the Centreville Area Advisory Committee considered a report for a planning application to rezone vacant land on Highway 359 in Centreville. The application was made by Logan Morse, who has requested a zoning change to the 0.6 acre property, from the General Commercial (C1) Zone to the Mixed Commercial Residential (C3) Zone. This rezoning would enable the applicant to build multi-unit residential buildings on the property.

The Centreville Area Advisory Committee forwarded a positive recommendation by passing the following motion:

“The Area Advisory Committee recommends that Planning Advisory Committee recommend that Municipal Council give First Reading to and hold a Public Hearing regarding the rezoning of PID 55541932 on Highway 359 in Centreville from the General Commercial (C1) Zone, to the Mixed Commercial Residential (C3) Zone as shown in Appendix D of the report dated May 5, 2021.”

PAC Recommendation

Planning Advisory Committee recommend that Municipal Council give First Reading to and hold a Public Hearing regarding the rezoning of PID 55541932 on Highway 359 in Centreville from the General Commercial (C1) Zone, to the Mixed Commercial Residential (C3) Zone as shown in Appendix D of the report dated May 5, 2021.





Municipality of the County of Kings

Report to the Centreville Area Advisory Committee

Application to rezone vacant land on Highway 359 in Centreville, from the General Commercial (C1) Zone to the Mixed Commercial Residential (C3) Zone.

(PID 55541932) (File # 21-05)

May 5th 2021

Prepared by: Planning Staff

Applicant	Logan Morse
Land Owner	R.W. Holdings LTD. – Owner authorized application
Proposal	Rezone to the Mixed Commercial Residential (C3) Zone to allow multi-unit residential
Location	Southwest corner of Highway 359 and Butler Road, Centreville PID 55541932
Lot Area	Approximately 0.6 acres or 26,000 square feet
Designation	Commercial (C)
Zone	General Commercial (C1)
Surrounding Uses	Mixture of residential and commercial uses
Neighbour Notification	Staff sent notification letters to the 47 land owners within 500 feet of the subject property

1. PROPOSAL

Logan Morse applied to rezone a property on the corner of Highway 359 and Butler Road in Centreville from the General Commercial (C1) Zone to the Mixed Commercial Residential (C3) Zone. The rezoning would enable the construction of new multi-unit residential buildings on the vacant property. The applicant has built similar residential projects within Centreville, and these images demonstrate the intended style of the proposed buildings.



2. STAFF RECOMMENDATION

Staff recommends that the Area Advisory Committee forward a positive recommendation by passing the following motion:

The Area Advisory Committee recommends that Planning Advisory Committee recommend that Municipal Council give First Reading to and hold a Public Hearing regarding the rezoning of PID 55541932 on Highway 359 in Centreville from the General Commercial (C1) Zone, to the Mixed Commercial Residential (C3) Zone as shown in Appendix D of the report dated May 5, 2021.

3. OPTIONS

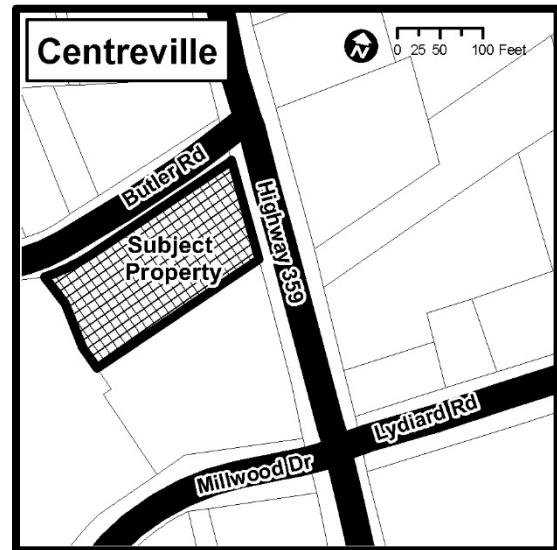
In response to the application, the Centreville Area Advisory Committee may:

- A. Recommend that PAC recommend Council approve the rezoning map amendment as drafted;
- B. Provide alternative direction, such as requesting further information on a specific topic, or recommending changes to the rezoning map amendment;
- C. Recommend that PAC recommend Council refuse the rezoning map amendment as drafted.

4. BACKGROUND

The vacant property falls within a larger block of Commercial zoning that dates back to a previous use as a car dealership that occupied the area between Butler Road and Millwood Drive. Today this area offers many re-development opportunities, including the subject property which could be used to provide a mix of housing types to compliment the commercial uses located in this area of Centreville.

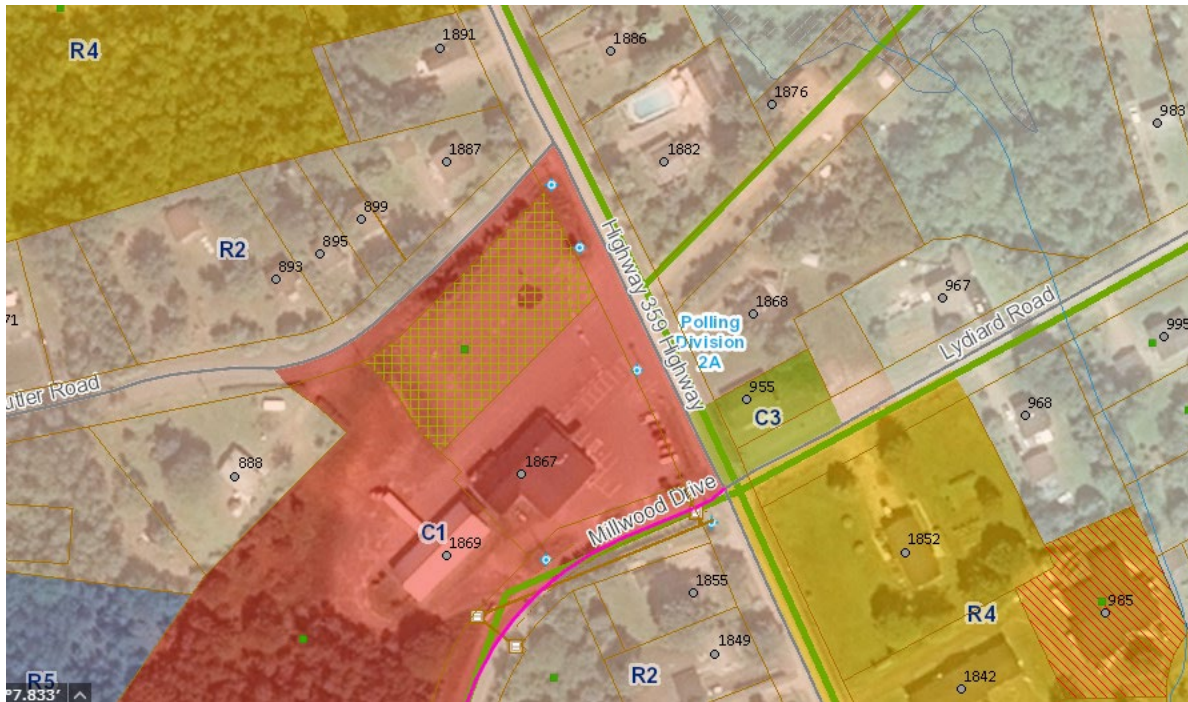
Centreville is recognized as predominately a residential community within the Centreville Secondary Plan. This may be a result of Centreville's proximity to larger commercial centres including Kentville and New Minas. The goals of this secondary plan include recognition of the tourism and heritage value in the community, as well as goals for recreation, parks, and transportation options, as well as reliance on the central sewer system, over septic systems. The proposal would create new housing in a location that is serviced by the central sewer and would offer new homes near the existing parks and recreation facilities in the community.



5. INFORMATION

5.1 Site Information

The subject property is cleared, level and paved. The property is surrounded by a mixture of Commercial and Residential zones that create a community node where a cluster of different land uses exist together. The subject property is part of a larger area with commercial history. The adjacent commercial property now includes a café, retail convenience store and automotive sales/service. The property across the street also has a history of commercial use as the Centreville Diner and Convenience, and a variety of higher density residential zones are located nearby.



5.2 Site Visit

A Municipal Planner conducted a site visit on the subject property in March 2021 and discussed the proposal with the applicant. The site was clear and appeared suitable for the proposed re-development.

5.3 Public Information Meeting & Public Feedback

Council's Planning Policy PLAN-09-001 does not require a Public Information Meeting (PIM) for rezoning application that are under 1 acre in size. The subject property is approximately 0.6 acres.

Staff sent out notification letters to property owners within 500 feet of the subject property. No public concerns or objections were received. Staff did respond to one email inquiry from a neighbouring property owner looking for additional information about the proposed buildings.

6. POLICY REVIEW

Municipal Planning Strategy Enabling Policy

Policy 5.3.3 of the Municipal Planning Strategy enables a rezoning to a zone permitted within the same designation. In this case, the request to go from the General Commercial (C1) Zone to the Mixed Commercial Residential (C3) Zone can be considered as both zones are enabled in the Commercial Designation.

“MPS 5.3.3 consider amendments to any one of the zoning maps of the Land Use By-law provided the application is for a specific development and: (a) is to rezone land to another zone enabled within the same designation, unless the zone change is specifically prohibited within this Strategy;”

The proposed rezoning is to change the zoning on the subject property to another zone enabled within the Commercial Designation. The requested Mixed Commercial Residential (C3) Zone allows for residential units to be the first thing built, where the General Commercial (C1) Zone requires commercial uses first, before residential units can be permitted as an accessory use. The Mixed Commercial Residential (C3) Zone would enable the applicant to build residential uses and maintain flexibility between residential and commercial uses in the future.

Rezoning application policies

Policy 5.3.5 of the Municipal Planning Strategy considers the following for all rezoning applications.

“MPS 5.3.5 consider, in relation to all applications to rezone land:
(a) the applicable zone placement policies, including any specific policy criteria for applying the proposed zone set out within this Strategy;
(b) the impact of both the specific development proposal and of other possible uses permitted in the proposed zone; and
(c) the general criteria for amending the Land Use By-law set out in section 5.3 Development Agreements and Amending the Land Use By-law.”

The general amendment criteria are reviewed below and the possible uses enabled by this rezoning are less impactful on neighbouring residential uses than could be experienced by those uses permitted under the property’s current zoning -General Commercial (C1). The MPS establishes the Commercial Designation and includes the following objectives for commercial areas:

- *“To encourage active transportation by allowing mixed residential, commercial and light industrial uses in appropriate areas.”*
- *“To encourage a broad range of commercial opportunities in single use and mixed use developments and support efficient use of public infrastructure.”*

These objectives are in alignment with the proposed mixed use zone requested for the subject property. This allows for residential or light commercial uses, or a combination of residential and commercial uses on the same property. This mixing of land uses can provide support for active transportation by enabling residents to walk to the café or the post office and may provide more variety of housing types in an area with existing services and infrastructure.

The zone placement policies for the Mixed Commercial Residential (C3) Zone include apply the C3 Zone to areas along or near major transportation corridors like Highway 359 that would

complement existing commercial areas. The placement policies also seek to locate this zone in areas where flexibility between commercial and residential uses is desirable.

MPS 3.2.2 (c) Mixed Commercial Residential (C3): lands located in this zone are intended to complement established commercial areas. These areas shall generally be located on main transportation corridors and associated side streets that have commercial development, traditional 'Main Street' areas within commercial areas that have not yet experienced much development, or areas where flexibility between residential and commercial uses is desired; and to permit both residential and lower impact commercial uses, such as local retail or business offices, in the same area of a Growth Centre;

The objectives of the Commercial Designation include mixing residential and commercial uses, utilizing public infrastructure more efficiently, and encouraging active transportation by locating homes and amenities closer together within neighbourhoods and communities. The proposed rezoning is located on a main transportation corridor – Highway 359, and is in a location that mixes an established commercial area and surrounding residential uses. The Mixed Commercial Residential zone may serve as a transition between the General Commercial (C1) Zoning and the nearby Residential One and Two Unit (R2) Zones, making it a desirable place to have flexibility between residential and commercial uses with a mixed use zone.

6.1.1 General Amendment Criteria

Municipal Planning Strategy section 5.3.7 contains the general criteria used to consider all proposals to amend the Land Use By-Law. These criteria consider the impact of the proposal on the road network, services, development pattern, environment, finances, and wellfields, as well as the proposal's consistency with the intent of the Municipal Planning Strategy (see Appendix C for a full list of these criteria). It is Staff's opinion that the proposal meets the general criteria by not creating any direct costs to the Municipality, and is compatible with the surrounding development pattern. The Department of Transportation and Active Transit provided approval for 1 driveway access on Highway 359 and up to 2 driveways on Butler Road, at this time. The property falls into the Kentville Fire district and is approximately 7 kilometres from the Kentville station. The Chief of this department was consulted and determined that fire protection is adequate in order to serve the proposal. The full list of general criteria are reviewed in Appendix C.

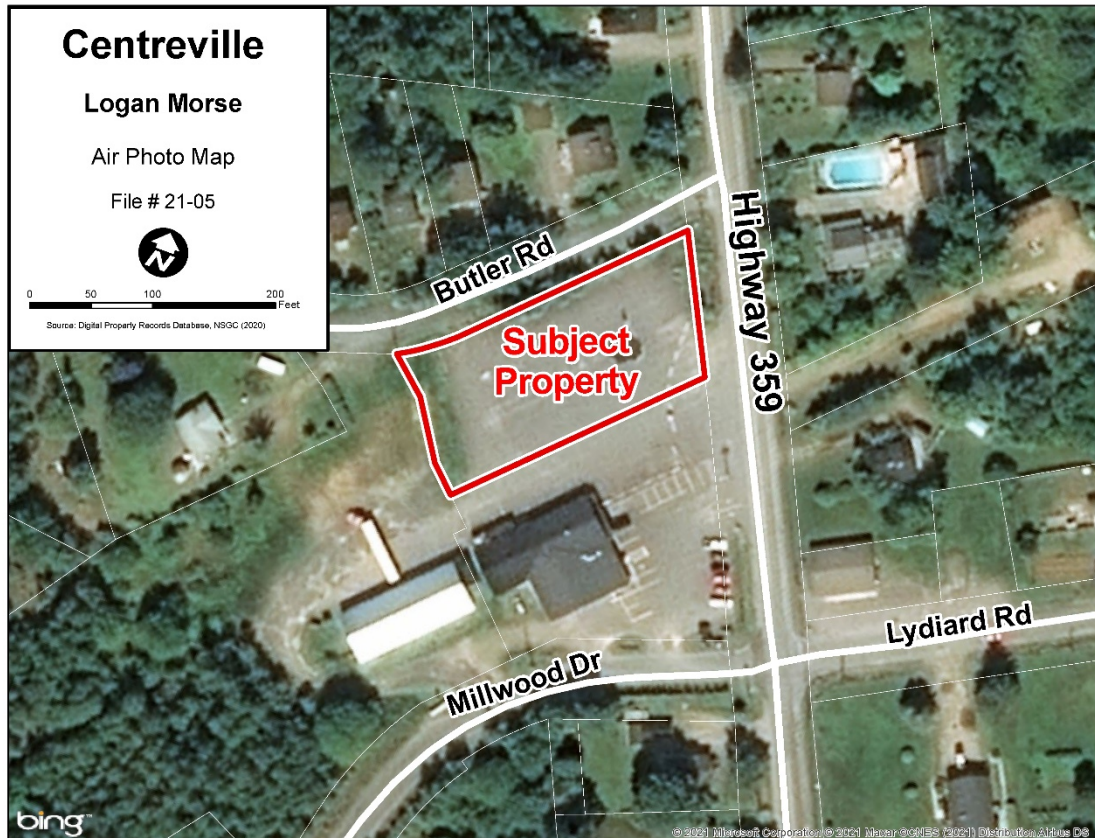
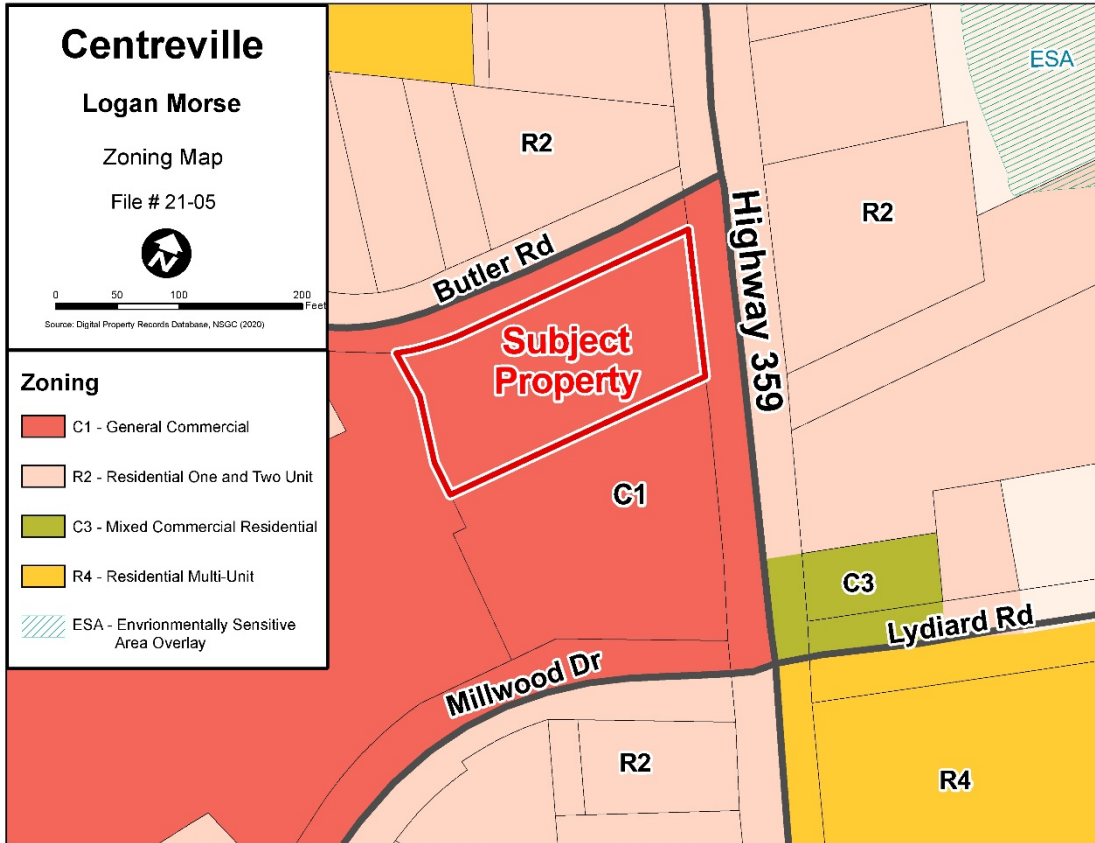
7. CONCLUSION

The proposed rezoning is in keeping with the intent of Council's Municipal Planning Strategy. The proposed rezoning is enabled by policies regarding zone changes within the Commercial Designation and the requested mixed use zone allows flexibility between residential and commercial uses within a central location that is suitable for the proposed re-development. As a result, a positive recommendation is being made to the Centreville Area Advisory Committee.

8. APPENDICES

- Appendix A: Maps
- Appendix B: Public Comments
- Appendix C: General Amendment Criteria
- Appendix D: Proposed Map Amendment

Appendix A: Maps



Appendix B: Public Comments
No questions or comments were received

APPENDIX C – General Amendment Criteria

Policy 5.3.7

Council expects to receive applications to amend the Land Use By-law or enter into a development agreement for development that is not permitted as-of-right in the Land Use By-law. Council has established criteria to ensure the proposal is appropriate and consistent with the intent of this Strategy.

Council shall be satisfied that a proposal to amend the Land Use By-law or to enter into a development agreement:

Criteria	Comments
<i>a. is consistent with the intent of this Municipal Planning Strategy, including the Vision Statements, relevant goals, objectives and policies, and any applicable goals, objectives and policies contained within a Secondary Plan;</i>	The proposed rezoning is consistent with the Commercial Designation and the flexibility within it to switch from one Commercial zone to another.
<i>b. is not in conflict with any Municipal or Provincial programs, By-laws, or regulations in effect in the Municipality;</i>	No conflict with programs or by-laws
<i>c. that the proposal is not premature or inappropriate by reason of:</i>	
<i>i. the Municipal or village costs related to the proposal;</i>	The proposal does not involve any development costs to the Municipality.
<i>ii. land use compatibility with surrounding land uses;</i>	Residential and light commercial options are suitable and compatible with the existing mix of residential and commercial uses nearby.
<i>iii. the adequacy and proximity of school, recreation and other community facilities;</i>	Community and recreation opportunities exist in the community. The nearest schools are in Canning and North Kentville.
<i>iv. the creation of any excessive traffic hazards or congestion due to road or pedestrian network adequacy within, adjacent to, and leading to the proposal;</i>	The Department of Transportation Active Transit provided approval for 1 driveway access on Highway 359 and up to 2 driveways on Butler Road at this time.
<i>v. the adequacy of fire protection services and equipment;</i>	The Kentville Fire Chief confirmed that fire protection services and equipment were adequate to serve the property.
<i>vi. the adequacy of sewer and water services, including but not limited to on-site services;</i>	The central sewer system is expected to accommodate the proposed multi-unit development. Private on-site wells provide drinking water, and falls under the jurisdiction of Nova Scotia Environment.
<i>vii. the potential for creating flooding or serious drainage problems either within the area of development or nearby areas;</i>	Not expected to create problems, drainage ditches are available around the subject property.
<i>viii. negative impacts on identified wellfields or other groundwater supplies for the area;</i>	There are no identified wellfields in the area.
<i>ix. pollution, in the area, including but not limited to, soil erosion and siltation of watercourses; or</i>	The property owner will be required to follow provincial specifications regarding soil erosion during construction phases.

<p><i>x. negative impacts on lake water quality or nearby wetlands;</i></p>	<p>Not applicable</p>
<p><i>xi. negative impacts on neighbouring farm operations;</i></p>	<p>Not applicable</p>
<p><i>xii. the suitability of the site regarding grades, soils and geological conditions, location of watercourses, marshes, bogs and swamps, and proximity to utility rights-of-way.</i></p>	<p>The subject property is suitable in terms of grades, soils, geological conditions, and proximity to natural features and rights-of-way.</p>

APPENDIX D - Proposed Map Amendment

Proposed Land Use By-law Map Amendment (By-law 106)

THE MUNICIPALITY OF THE COUNTY OF KINGS

AMENDMENT TO BY-LAW 106
COUNTY OF KINGS LAND USE BY-LAW

Land Use By-Law Map Amendment to rezone a vacant property (PID 55541932) Highway 359 Centreville from the General Commercial Zone to the Mixed Commercial Residential (C3) Zone.

BY-LAW 106 Land Use By-Law

1. Amend Map 4, Land Use By-Law zoning map for Centreville by rezoning a vacant property (PID 55541932) on Highway 359, from the General Commercial (C1) Zone to the Mixed Commercial Residential (C3) Zone as shown on the inset copy of a portion of Map 4 below.

