



Planning Advisory Committee
Tuesday, January 14, 2025 at 1:00PM
Council Chambers
181 Coldbrook Village Park Drive

A G E N D A

1. Meeting to Order
2. Roll Call
3. Amendments to Agenda
4. Approval of the Agenda
5. Disclosure of Conflict-of-Interest Issues
6. Approval of Minutes
 - a. December 10, 2024 2
7. Business Arising from the Minutes
8. Business
 - a. Application to rezone properties on Highway 1 (PID 55154025, 55154017, 55450936) in Coldbrook (File #24-06, Peri Bowman) 12
9. Other Business
10. Comments from the Public
11. Date of Next Meeting: February 11, 2025
12. Adjournment

Accommodations are available for this meeting: please submit your request at
www.countyofkings.ca/accommodationsrequest

PLANNING ADVISORY COMMITTEE

December 10, 2024

Draft Minutes

Meeting, Date and Time	A meeting of the Planning Advisory Committee (PAC) was held on Tuesday, December 10, 2024, in Council Chambers at 181 Coldbrook Village Park Drive.
Attending	In Attendance:
PAC Members	Councillor Emily Lutz – Chair Deputy Mayor Riley Peckford – Vice Chair Councillor Doug Gates Councillor Everett MacPherson Erik Deal – Citizen Member Kate Friars – Citizen Member Logan Morse – Citizen Member
Ex-Officio Members	Mayor Dave Corkum (until 1:27 p.m.)
Municipal Staff	Alice Jacob – Planner Laura Mosher – Manager of Planning Peri Bowman – Planner Trish Javorek – Director of Planning and Inspections Laurie-Ann Clarke – Recording Secretary
1. Meeting to Order	Trish Javorek, Director of Planning and Inspections, called the meeting to order at 1:03 p.m. She advised that the internet service in the Municipal Complex was not working and that there would be no live streaming of the meeting however it would be recorded and posted to the Municipal website.
2. Roll Call	Roll call was taken and members introduced themselves.
3. Election of Chair	Ms. Javorek called for nominations for Chair of PAC. Councillor Gates nominated Councillor Lutz who accepted the nomination. There were no other nominations. Councillor Lutz was acclaimed and assumed the role of Chair for the remainder of the meeting.
4. Election of Vice Chair	The Chair called for nominations for Vice Chair. Deputy Mayor Peckford nominated himself. Councillor MacPherson seconded the nomination. There were no further nominations and Deputy Mayor Peckford was acclaimed as Vice Chair.
5. Amendments to the Agenda	Mayor Corkum requested an item be added to the agenda. The Chair suggested it be added as item 7.

6. **Approval of the Agenda** **On motion of Councillor MacPherson and Councillors Gates, that the agenda for the December 10, 2024, meeting of Planning Advisory Committee be approved with one addition.**
- The question was called on the motion. **Motion carried.**
7. **Remarks from the Mayor** Mayor Corkum shared that one of the issues he received questions on during his campaign for office was use of farmland within the Municipality. He requested that the committee look at options for permitted uses in the Agricultural Zones.
8. **Disclosure of Conflict-of-Interest** None
9. **Approval of Minutes September 10, 2024** **On motion of Deputy Mayor Peckford and Councillor Gates, that the minutes of the Planning Advisory Committee meeting held on September 10, 2024, be approved as circulated.**
- The question was called on the motion. **Motion carried.**
10. **Business Arising from the Minutes** None
11. **Planning Advisory Committee Orientation** Laura Mosher, Manager of Planning, provided an orientation on the role of the Planning Advisory Committee.
- Following the presentation, Councillor MacPherson spoke to agricultural zoning and Council's responsibility to protect farmland. He asked about the process of rezoning lots in agricultural zones that may be insufficient in size, covered in substantial tree growth, or generally unsuitable for farming. Staff advised that per the Municipal Planning Strategy, rezoning in the Agricultural (A1) Zone is strictly prohibited. Staff also clarified that planning tools do not lend themselves to evaluation of individual lots while speaking specifically to some of the issues brought up by the Councillor.
- The Chair suggested that an informational presentation be prepared to exclusively discuss Agricultural land zoning at a later date and committee members were receptive to this option.
12. **Recess** The committee took a five-minute recess.
13. **Business**
- a. **Application to enter into a Development Agreement on Old Dyke Road (PID 55209530) in New Minas (File 20-17)** Ms. Mosher presented an application made by Insight Design Company, on behalf of Billy Bob Foods Limited, to enter into a development agreement to permit the development of two multi-unit residential dwellings at Old Dyke Road (PID 55209530), New Minas.

Questions of Clarification:

A citizen member asked if the developer intended to offer the units for rent or sale. Staff shared that the units will be rental units.

A citizen member asked about zoning on the property and staff clarified that the zoning would remain the same.

The Chair asked about the rationale of using a Development Agreement in this situation rather than rezoning the property. Staff advised that rezoning to the Residential Multi Unit (R4) Zone was considered however the number of proposed units could not be accommodated in that zone.

Councillor Gates asked if there was a safety concern in having only one exit from the property and staff advised that the New Minas Fire Chief was consulted in the design and had no concerns.

Deputy Mayor Peckford asked about stormwater management on the property. Staff advised that the applicant had prepared a stormwater management plan which was reviewed by the Department of Public Works and the Municipal Engineer.

Councillor MacPherson asked if any concerns had been raised by the public. Staff stated that there were some concerns around the height of the proposed development, however these had been addressed by the design of the building and in the development agreement through requirements for a visual buffer between properties.

On the motion of Deputy Mayor Peckford and Ms. Friars, that the Planning Advisory Committee recommends that Council give Initial Consideration to and hold a Public Hearing regarding entering into a development agreement to permit the development of two multi-unit dwellings at Old Dyke Road, New Minas (PID 55209530) which is substantively the same (save for minor differences in form) as the draft set out in the report dated December 10, 2024.

Debate: None

The question was called on the motion. **Motion carried.**

b. Application to rezone three properties on Brooklyn Street (PID 55047856, 55472955, 55473987) in North Kentville (File 24-09)

Alice Jacob, Planner, presented an application by Nick Bentley of 3264285 Nova Scotia limited to amend the Land Use By-law to rezone three properties located on Brooklyn Street (PID 55047856, 55472955, 55473987), North Kentville from the Residential One and Two Unit (R2) Zone to the Residential Multi-unit (R4) Zone to enable the development of multi-unit dwellings on the subject properties.

Questions of Clarification: None

On the motion of Councillor Gates and Councillor MacPherson, that the Planning Advisory Committee recommends that Municipal Council give First Reading to and hold a Public Hearing regarding the application to rezone the properties located on Brooklyn Street (PID 55047856, 55472955, 55473987) North Kentville from the Residential One and Two Unit (R2) Zone to the Residential Multi-unit (R4) Zone, as described in Appendix D of the report dated December 10, 2024.

Debate: None

The question was called on the motion. **Motion carried.**

c. Application to amend the Land Use By-law (File 24-14)

Ms. Jacob presented an application made by Tracy Gerhardt for a Land Use By-law Text Amendment to enable bed and breakfast operations within residential units in all zones that permit residential units to allow the applicant to operate a bed and breakfast within her existing dwelling in Black River Lake.

Questions of Clarification:

Councillor Gates asked about fire and life safety requirements. Staff advised that this is outside the scope of PAC however normal building permit processes would occur.

There was a discussion around the addition of bed and breakfast operations as a permitted use and if that would change the classification of “home based business”. Staff clarified the permitting process for this type of business.

On the motion of Mr. Morse and Ms. Friars, that the Planning Advisory Committee recommends that Municipal Council give First Reading to and hold a Public Hearing for the amendments to the text of the Land Use By-law to enable bed and breakfast operations within residential units in all zones that permit residential units as described in Appendix A of the report dated December 10, 2024.

Debate: None

The question was called on the motion. **Motion carried.**

14. Other Business

The Chair advised that she had received a piece of correspondence from Mr. Chris Cann (see Appendix A).

15. Date of Next Meeting

The next meeting will be held on Tuesday, January 14, 2025, at 1:00 pm.

16. Public Comments

There were no members of the public in attendance.

17. Adjournment

There being no further business, on motion of Councillor Gates and Deputy Mayor Peckford, that the meeting adjourn.

The meeting adjourned at 3:09 p.m.

Approved:
Planning Advisory Committee

Month/Day/Year

DRAFT

Emily:

As promised, here is the
supporting recommenda-
tion for PAC consideration

At the time we should
have been form-filling.
Mark was over at Kedji
making sure no more bees
(living or otherwise) are

cut there such that
The Forest is not seen as
food for machines.

Thanks for your help.
Cross-cultural trans-
lation is so important
-C

Dear Committee members,

We are All Treaty Peoples

We are With the grassroot Mi'kmaq People

We are a Collaborative for Consulting Mayors / Chiefs

We give you a newspaper photo of Mark Toney challenging the Responsibility of a Foreign Nation having violated Sacred family tradition on Unceded lands.

Included also, a map description of Need recognized in conversation with Michael Lightfoot, bio-dynamic Farmer of Wolfville, a coastal community.

Through eco Tourism, be honouring the Migratory Birds Convention Act, when Unwarranted detrimental activities cease / desist during the Season.

Linked in are all coastal communities in the County, in epic struggles to save us harmless from Unqualified developers and Their 'devil mouth' [a Nk term; so true]

All other designations slated to be '15 Michelin Citie' [15 MINUTE CITIES]. The Reserve System is the Provenance of this 'modern' version. Economic degradation's goal.

- to Chris Cann... 1554 / 1548 Baxters' Harbour Road, Canning RRA 5. implemented multiple bilateral international PAC 2025-01-14 Page 8 contracts for Peace & Friendship / Russia. Pakistan. Jamaica. Sri Lanka



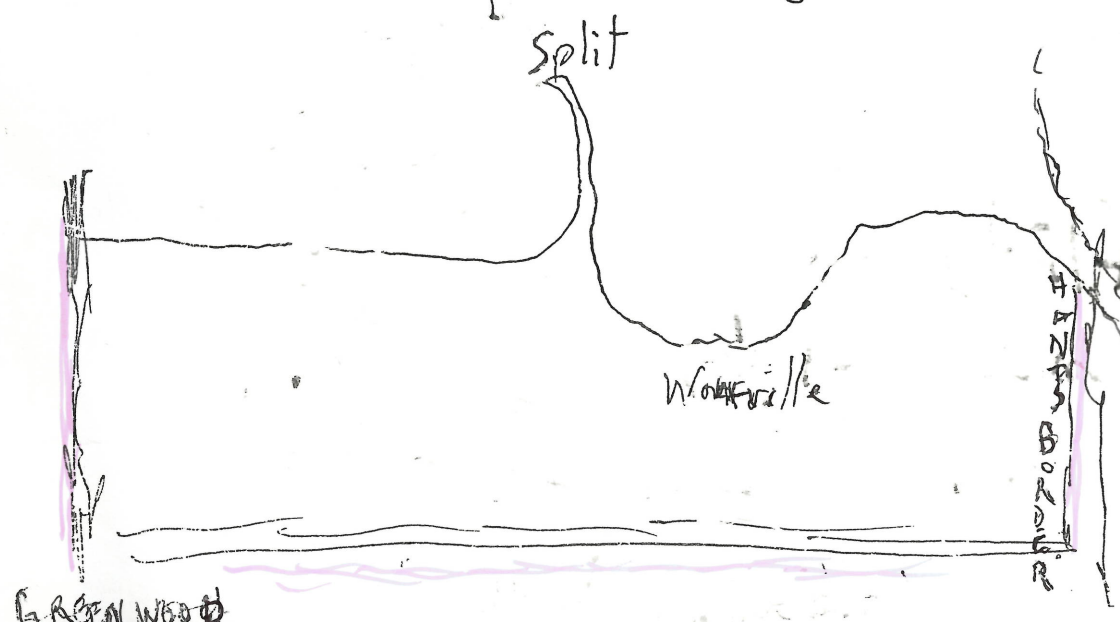
Moi: have offered to Powerfully represent the Peoples

Initiative
of T#2 FNs
PRESERVE

per. King's Planai Advisory Committee
(advertised)

dedicated, however ... to { Agriculture } ^{Forestry} Food Fisheries Tourism
in Coastal Community

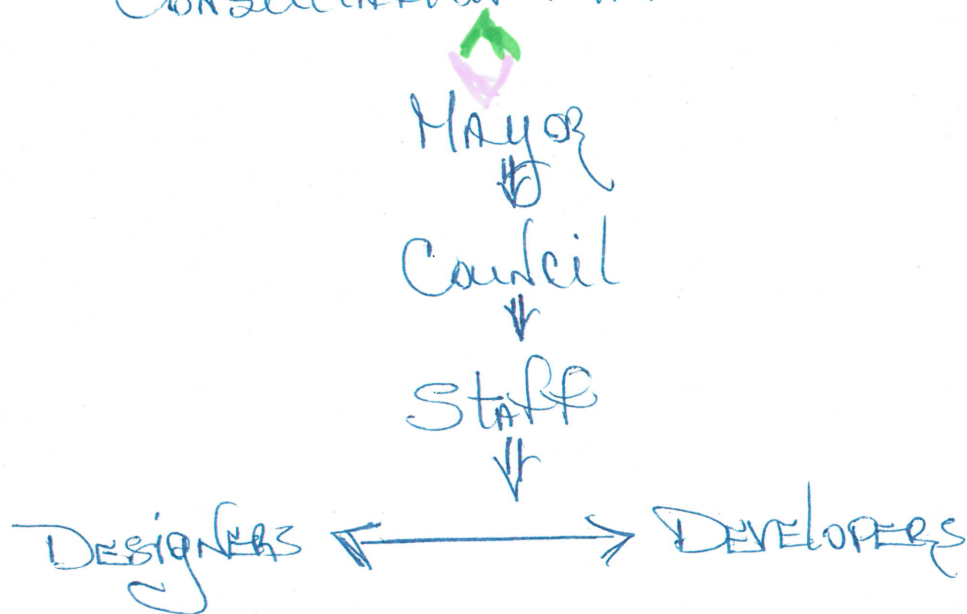
Will ask Mark Toney, Cambridge to accept the Position



from a note to:
Michael Lightfoot
S.V.P.
KING'S PAC
24.05.14
0:41:50

Work Flow

Consultation With PEOPLES



Collaborative of Consulting Mayors & Chiefs

- 1/ • Originator of Collaborative (W DALLS)
 - Community Entrepreneur
 - Spiritual Practices Nurtured
- 2/ • Manager of Hardware Merchandise Selection
 - ~~Heritage~~ Handling Citizens Representatives
- 3/ • Floor of ~~Section~~ Active Adaptive EXPERIENTIAL LEARNING
 - Mapping the Future Project Manager
 - Knowledge Holder: How the Elites Get LNB; PEOPLES, A failed monocrop of ALL-ELECTRIC Living Next? AND NO FISH.

* International Development Educator

4/ Candidate - for Chief - in Council
Elaustate* Counsellor

5/ Innuoian Senior & Animal Rescue

6/ Federal Consultant (Integral)

7/ PEACEKEEPER
NURSE

8/ Candidate for Citizen Representative Planning
Advisory on Behalf of:

Agriculture, Forestry, & Food Fisheries
Tourism in Coastal Communities

* Elaustate = Self-Determining

Municipality of the County of Kings Report to the Planning Advisory Committee

Application to rezone 6746 & 6754 Highway 1 (PID 55154025, 55154017 & 55450936), Coldbrook from the Residential One and Two Unit (R2) Zone to the Residential Mixed Density (R3) Zone.

(File #24-06)

January 14, 2024

Prepared by: Planning Services

Applicant	Greg Spinney
Land Owner	Greg Spinney & Dorothy Spinney
Proposal	Rezoning from the Residential One and Two Unit (R2) Zone to the Residential Mixed Density (R3) Zone
Location	6746 & 6754 Highway 1 (PID 55154025, 55154017 & 55450936), Coldbrook
Lot Area	1.8 Acres
Designation	Residential Designation
Zone	Residential One and Two Unit (R2) Zone
Surrounding Uses	Residential uses and Commercial Uses
Neighbour Notification	64 letters we sent to neighbouring property owners

1. PROPOSAL

Greg Spinney, has applied for a Land Use By-Law (LUB) Map Amendment to rezone 6746 & 6754 Highway 1 (PID 55154025, 55154017 & 55450936), Coldbrook from the Residential One and Two Unit (R2) Zone to the Residential Mixed Density (R3) Zone to permit the development of two, 12 unit dwellings on the subject properties. See Appendix A for proposed site plan.

The civic address of PID 55154025 is 6746 Highway 1.

The civic address of PID 55154017 & 55450936 is 6754 Highway 1. The smaller of the two parcels is PID 55450936.

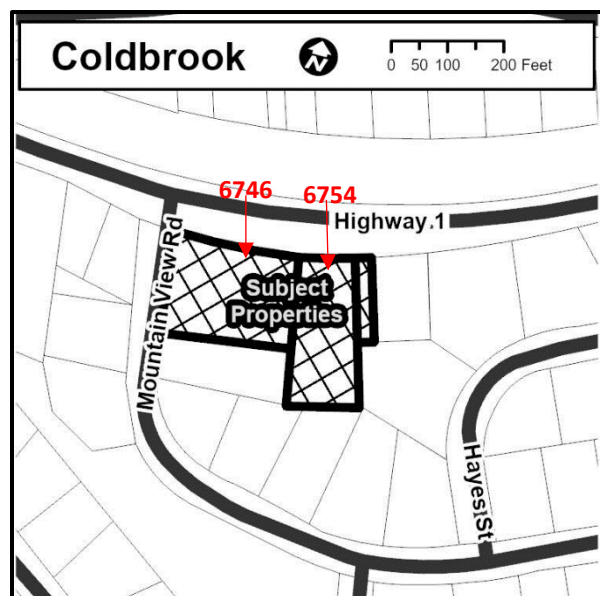


Figure 1 – Subject site

2. OPTIONS

In response to the application, the Planning Advisory Committee may:

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

3. STAFF RECOMMENDATION

Staff recommend that the Planning Advisory Committee forward a positive recommendation by passing the following motion.

The Planning Advisory Committee recommends that Municipal Council give First Reading to and hold a Public Hearing regarding the application to rezone 6746 and 6754 Highway 1 (PID 55154025, 55154017 & 55450936), Coldbrook from the Residential One and Two Unit (R2) Zone to the Residential Mixed Density (R3) Zone, as described in Appendix C of the report dated January 14, 2024

4. BACKGROUND

In August 2003 Greg Spinney made an application to rezone 6754 Highway 1, Coldbrook from the Residential Single Dwelling (R1) Zone to the Residential Medium Density (R4) Zone to permit the development of a multi-unit dwelling (File 03-14). The application was assessed under Repealed By-Law 56 & 75.

On March 4th, 2004 the application was presented to the Planning Advisory Committee, with a positive recommendation. However, the Committee was not satisfied that community concerns regarding private wells had been sufficiently addressed. The application was tabled until the applicant could provide supporting documentation regarding groundwater sufficiency. Mr. Spinney subsequently obtained a written report prepared by a hydrogeological Engineer. PAC considered the hydrogeological report on April 8th, 2004, which confirmed the adequacy of ground water reserves and predicted that development eligible through the R4 Zoning was unlikely to affect adjacent wells. The Planning Advisory Committee subsequently passed a motion to recommend the application to Council.



Figure 2 – site considered through File 03-14
6754 Highway 1, Coldbrook

On June 1st, 2004 the Second Reading of the application occurred and the vote was taken on the motion and the motion was defeated.

In 2015, Mr. Spinney, along with his wife, Dorothy Spinney, purchased 6746 Highway 1, Coldbrook.

On November, 26th, 2024, the application was amended to the current proposal. The original proposal was to permit the rezoning of the site from the Residential One and Two Unit (R2) Zone to the Residential Multi-Unit (R4) Zone to enable the development of three, 8 unit dwellings. Since then, the proposal has been revised to include two twelve-unit dwellings.

5. SITE INFORMATION

The subject sites are located on the western side of the Coldbrook Growth Centre. The three parcels of land have an area of 1.8 acres and have two street frontages, Highway 1 to the north and Mountain View Road to the west. The sites have approximately 379 feet of frontage on Highway 1 and 184 feet of frontage on Mountain View Road. In respect to the smallest parcel to the east of 6754 Highway 1, the parcel does not meet the minimum lot frontage requirements (approximately 29 feet in width) to be developed independently, but consolidating the properties will bring PID 55450936 into compliance with the requirements of the Land Use By-law.

Driveway access to 6746 Highway 1 is from Mountain View Road. Driveway access to 6754 Highway 1 is made over PID 55450936. Both 6746 and 6754 Highway 1 are currently developed with one unit dwellings. The Applicant has advised that the dwellings will either be demolished or moved elsewhere to clear the site.

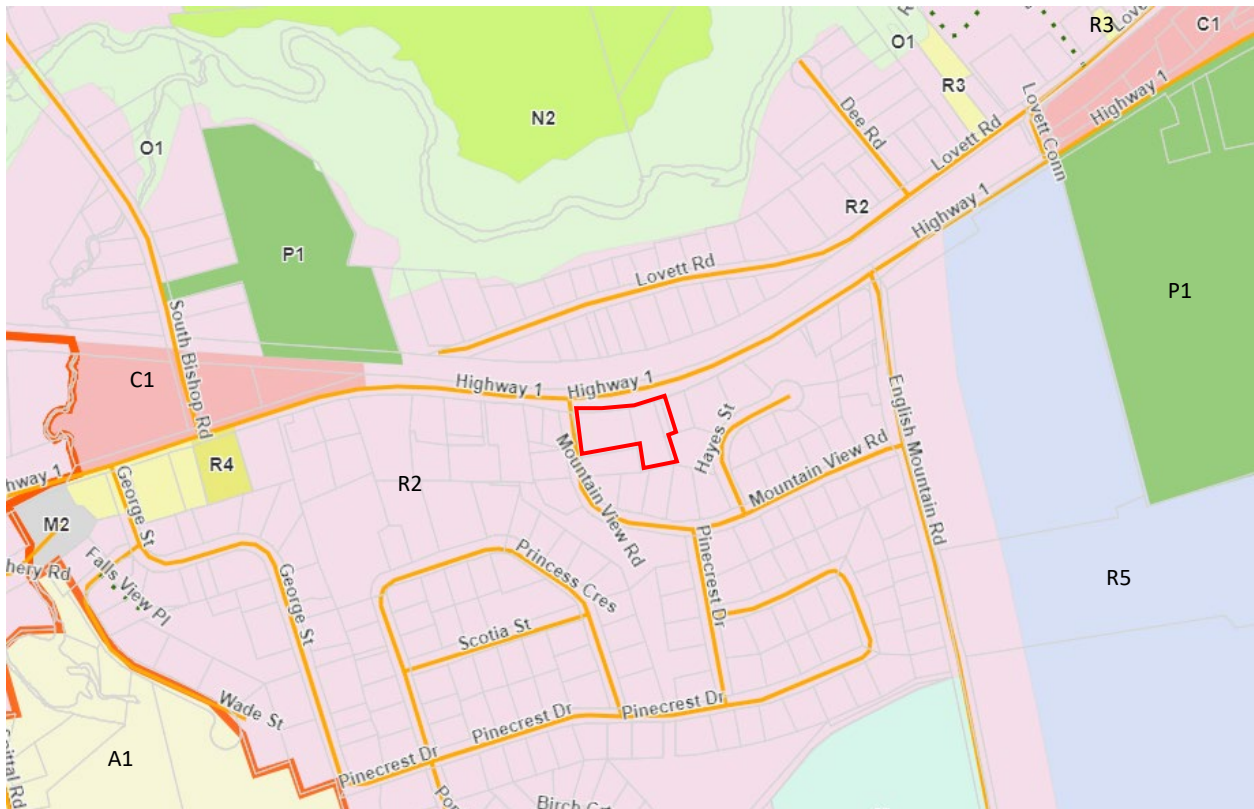


Figure 3 – Zoning Map

The subject site and surrounding land are both located on a slope which ultimately leads down to the Cornwallis River to the north of the subject site. Both properties have been modified in the past to create a flat area to accommodate the dwellings. The slope levels out to the south of the subject site with the majority of the surrounding subdivision sitting on a plateau. The subject site is located on the edge of the steepest part of the slope leading down to the Cornwallis River. Based on contour mapping, 6754 Highway 1 loses approximately 40 ft of elevation from the rear of the site down to Highway 1. Whereas 6746 Highway 1 only loses approximately 20 of elevation from its southern boundary down to Highway 1. This can be seen in Figure 3. Mountain view Road intersects with both Highway 1 and English Mountain Road. Mountain View Road Connects to English Mountain Road on the plateau and then slopes downwards to connect with Highway 1.



Figure 4 – Aerial Image showing contours

The subject site is currently located in the Residential One and Two Unit (R2) Zone, and within the Residential Designation. In accordance with the LUB section 4.4.2.1 (permitted uses), the LUB does not permit the development of multi-unit dwellings as of right. As such, the applicant has applied to rezone the land to permit the development of two, twelve unit dwellings.

6. PUBLIC CONSULTATION

Under the Planning Policies of the Municipality of the County of Kings, PLAN-09-004 (formerly PLAN-09-001), a Public Information Meeting (PIM) was required because the application concerns a Land Use By-Law Map Amendment to rezone properties having a lot area greater than 1 acre. Notification letters were sent to 64 property owners within a 500 foot radius of the subject site providing notice of the meeting and the proposed Land Use By-Law Map amendment.

The Public Information Meeting was held on April 30th, 2024 at 6pm in Council Chambers of the Municipal Administration Building.

During that meeting the following concerns were raised by the public:

- Well Water Supply: Concerns were raised about well water supply and the proposed development putting strain on water supply to all wells in the area.
- Privacy and Safety: Concerns were raised about reduced privacy if all vegetation buffers and trees are removed. Public advised they have existing issues with trespassers cutting through properties without fences and are worried this will become worse without the development of fences.
- Site cut: Concerned about the impact of any major site cuts and associated retaining walls that may be required for development.
- Traffic and Safety: concerns were raised regarding the already congested intersection of Mountain View Road and Highway 1, and English Mountain Road and Highway 1. Concerns regarding new traffic making the congestion worse. Additionally, concerns were raised regarding safety of people exiting/entering their driveways on Mountain View Road, with the existing visual barriers and more traffic.
- Noise and Light: Neighbours advised that the area is an existing quiet subdivision and more people and cars means more noise and light shining onto neighbouring land.
- Condition of Mountain View Road: Concerns were raised regarding the ability of Mountain View Road to accommodate the new traffic and asked if it will be widened.
- Taxes and Property Values: Worried their taxes will rise and they property values will lower.
- Loss of habitat: Neighbours advised that birds use the trees on the site to roost. They are worried about the loss of habitat.

Following the PIM a neighbouring property owner requested a meeting with staff where the below additional concerns were raised in addition to the concerns above:

- School kids' safety: Neighbour advised that there were 4 buses that go up and down Mountain View Road and that children are dropped off to the west of the intersection of Mountain View Road and Highway 1 and then walk up Mountain View Road. The individual was worried about safety with additional traffic.
- Road Safety: The individual advised that, in winter, due to the slope of Mountain View Road people find it difficult to safely drive up the slope. They advised there are regular crashes on Highway 1. Residents of any new development will be affected by this.
- Noise: Existing noise comes from Highway 1 and trucks going to/from neighbouring Sand and Gravel supplier. Any new residents would be subject to this.

- Water contamination: They advised they are worried about unknown contamination of well water by neighbouring farms.
- Amenities: They advised car travel is still required to get to amenities.

In respect to the above concerns raised:

- The applicant was asked to have a professional conduct a draw down test to determine the amount of water available. The draw down test undertaken on Sunday August 10th, 2024 on 6746 Highway 1. Six hundred gallons of water were pumped over the course of an hour. This amount is sufficient to service 24 residential units as confirmed by the draw down test undertaken by Logan T. Rodgers of KD Rodgers Well Drilling Ltd.
- In respect to traffic and safety the application and concerns raised were referred to the Nova Scotia Department of Public Works (DPW) who are the authority with jurisdiction over Highway 1 and Mountain View Road. The DPW responded and advised that Highway 1 and Mountain View Road are adequate to accommodate existing and new traffic and advised that additional traffic will have minimal impact on existing traffic volumes. The proposed Cambridge interchange on Highway 101 should reduce the traffic on Highway 1 in future as well. No concerns were raised with regard to new traffic and existing school bus routes/stops and pedestrians walking on Mountain View Road. The only concern raised by DPW was in respect to access/egress to and from the site. They advised that driveway access would need to be off of Mountain View Road only. The slope of Mountain View Road adjacent to the site was raised with DWP given neighbours concern about winter conditions and the required location of access to new development. DPW did not raise concern in respect to the slope of Mountain View Road.
- Further to the above, the RCMP was contacted for information regarding traffic accident data and trespassing. The RCMP advised they have had no reports of trespassing in the area in 2024. They also advised that on the section of Highway 1, between English Mountain Road and George Street (further to the west of Mountain View Road), there have been 10 reported collisions in 2024.
- Formal development plans are not required as part of a rezoning application, therefore no plans have been provided to show where lighting, site cuts, fencing or vegetation removal will occur. Staff note, that planning consent is not required for vegetation/tree removal or for earth works which change the contours of the land. Fencing up to 6 feet in height does not require a development permit so is not being considered through this application for a rezoning. Lighting in parking areas is controlled by regulation 14.5.4 of the LUB and its direction can be enforced.
- Regardless of this application any resident living on the land will be subject to the existing noise. Any new noise created will be associated with residential living and is acceptable within the context of a residential neighbourhood.
- Taxes and property values are not matters that can be considered through a planning application, however it should be noted that, in the absence of a tax rate increase, a decrease in property values will result in a decrease in property tax bills.

7. POLICY REVIEW

7.1 Enabling Policy

This application concerns the proposed rezoning of land from the current Residential One and Two Unit (R2) Zone to the Residential Mixed Density (R3) Zone. Section 5.3, Development Agreements and Amending the Land Use-By-Law in the Municipal Planning Strategy (MPS) enables Council to consider the application.

Council shall:

Policy 5.3.3 *Consider amendment 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 subject property is located within the Residential Designation. On this basis, Council can consider rezoning the property from the Residential One and Two Unit (R2) Zone to the Residential Mixed Density (R3) Zone since the Residential Mixed Density (R3) Zone is enabled in the Residential Designation in policy 3.1.3 of the MPS.

MPS Policy 5.3.5 provides more detailed guidance for Council when considering rezoning applications:

Council shall:

Policy 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.*

Section 3.1 discusses policies related to residential neighbourhoods of the Municipality and sets out the zone placement policy:

Council shall:

Policy 3.1.2 *establish the following Residential Zones in the Land Use By-Law:*

- b. Residential Mixed Density (R3): lands located in this zone are intended to provide a transition between areas of low and high density or on properties that would benefit from flexible development options including a diversity of building forms. This zone is intended to include residential units in a variety of building types at a density consistent with the Residential One Unit (R1) and Residential One and Two Unit (R2) Zones.*

The subject site is currently designated for residential use. Both the current zone (Residential One and Two Unit (R2) Zone) and the proposed zone (Residential Mixed Density (R3) Zone) fall under the Residential Designation. As such the proposed rezoning will maintain the intent of the Residential Designation in line with the MPS.

The subject site is located within an existing subdivision within the Coldbrook Growth Centre along the main transportation route in the Municipality. The site possesses an opportunity for infill development within an established residential community, where existing sewer service can be utilized and where the density and height of residential units permitted under the current zone, is the same as the proposed Residential Mixed Density (R3) Zone. This site would benefit from the flexible development options and building forms permitted through the Residential Mixed Density (R3) Zone while maintaining the minimum density permitted in the current zone. The proposed development of multi-unit dwellings will provide an opportunity for residential units of various sizes to be provided at a density consistent with the Residential One Unit (R1) and Residential One and Two Unit (R2) Zones.

In respect to MPS Policy 5.3.5.b, the proposed rezoning does not increase the range of permitted non-residential uses allowed on the land. The Residential Mixed Density (R3) Zone permits grouped dwellings, multi-unit dwellings, residential facilities, semi-detached dwellings, townhouses and two unit dwellings in comparison to the Residential One and Two Unit (R2) Zone. This application proposes the development of multi-unit dwellings which are not permitted in the Residential One and Two Unit (R2) Zone but are permitted in the Residential Mixed Density (R3) Zone. This proposal does not seek to increase the permitted density of residential units or dwellings on the land, simply to permit a different proposed built form than permitted in the current zone.

Policy 5.3.5.c is discussed in section 7.3 of this report and reviewed in detail in Appendix D

7.2 Other MPS Policies

The proposed rezoning to the Residential Mixed Density (R3) Zone would enable the applicant to develop any of the housing options permitted within the zone which is consistent with Council's Vision to *"Enable and encourage a diversity of housing throughout the region"*. This intention is also mentioned within section 3.1 Residential Designation where the objective related to the theme of healthy communities states *"To provide a wide range of housing choices, including affordable housing"*. Further to this, the settlement priority within the same section also states, *"To accommodate a wide range of housing options, including opportunities for mixed uses and increased densities in areas where urban services are efficient to deliver"*. The proposed development, on this under-developed site can be efficiently serviced by the existing sewer infrastructure and this would be consistent with Council's goal to maximize infrastructure efficiencies. This intention is further stated within section 2.3 Infrastructure where the objective related to the theme of settlement states, *"To make effective use of existing infrastructure located within Growth Centres"*.

With regard to location, within section 1.1 Vision one of the settlement priorities states *"Concentrate new commercial and residential development, including mixed uses, in the Growth Centres with clearly defined boundaries"*; and within section 2.1 Growth Centres the objective related to the theme of settlement also states, *"To provide a wide range of urban development and business opportunities supported by cost-*

effective municipal services". Within the same section the theme of agriculture/ rural and natural areas also states, *"To protect agricultural land and rural character by directing development to clearly defined Growth Centres"*. The proposed rezoning would enable more developments to be concentrated within the Growth Centre of Coldbrook and would be compatible with this intention.

The proposed rezoning also aligns with Council's objectives related to transportation and infrastructure because the site is located on Highway 1. Within section 2.3 Infrastructure the objective related to the theme of transportation states, *"To efficiently use transportation infrastructure by encouraging greater development densities along transit routes and major transportation routes"* and within section 2.8 Energy the objective related to the theme of settlement states *"To encourage development patterns that reduce transportation needs"*. Further to this section 3.1 Residential Designation the theme of Transportation, the objective states *"To encourage higher-density development adjacent to main transportation corridors"*. The subject site is located on Highway 1 which is the main transportation corridor in the area. As mentioned previously there are several commercial establishments within close proximity. Enabling the development of more residential units in the area would help reduce transportation needs and also help concentrate development densities along transit routes and major transportation routes.

7.3 General Criteria

MPS Policy 5.3.7 contains the criteria to be used when considering all applications for rezoning and development agreement proposals. These criteria consider the proposal's impact on the road network, services, development pattern, environment, finances, wellfield and the proposals consistency with the intent of the MPS. It is Staff's opinion that the proposal meets the general criteria. There are no costs to the Municipality due to the proposed development and the development raises no concerns regarding emergency services, sewer services, traffic hazards/congestion or pollution. These criteria are reviewed in detail in Appendix D

8. CONCLUSION

The proposed rezoning is consistent with the intent of the policies of the Municipal Planning Strategy related to rezoning land between two zones in the Residential Designation to permit the development of two, twelve unit, multi-unit dwellings in an area serviced by municipal sewer along the Municipality's main transportation route. As a result, a positive recommendation is being made to the Planning Advisory Committee.

9. APPENDIXES

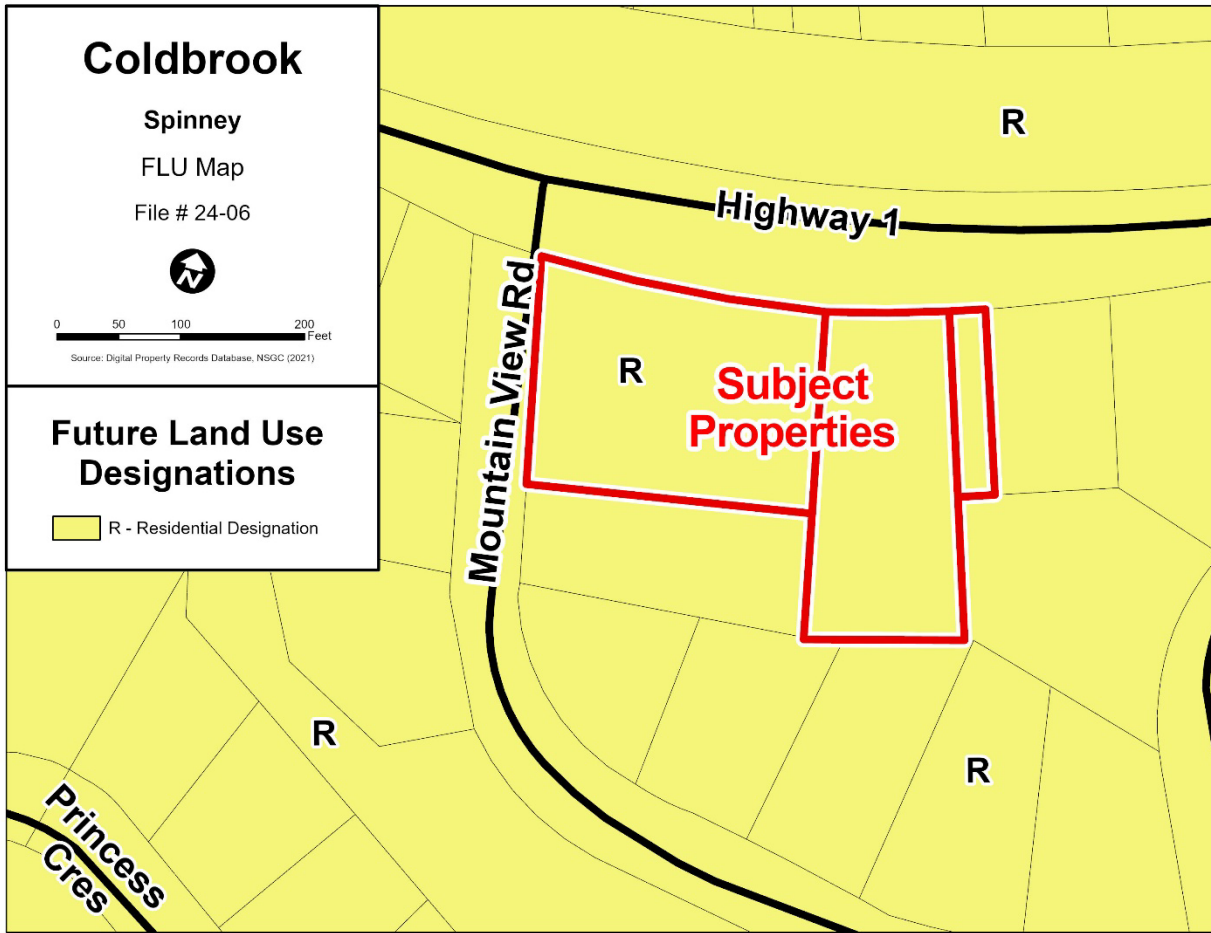
Appendix A – Future Land Use Map

Appendix B – Proposed Site Plan

Appendix C – Proposed Land Use By-Law Map Amendment

Appendix D – Municipal Planning Strategy (By-law #105), Section 5.3. – General Criteria to consider for all Development Agreements and Land Use By-law Amendments

Appendix A – Future Land Use Map



Appendix B – Proposed Site Plan



Appendix C – Draft 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

By-Law Map Amendment to rezone 6746 & 6754 Highway 1 (PID 55154025, 55154017 & 55450936), Coldbrook from the Residential One and Two Unit (R2) Zone to the Residential Mixed Density (R3) Zone.

1. Amend Map 5 – Coldbrook Zoning, to rezone 6746 & 6754 Highway 1 (PID 55154025, 55154017 & 55450936), Coldbrook from the Residential One and Two Unit (R2) Zone to the Residential Mixed Density (R3) Zone as shown on the copy of a portion of Map 5 below.



Appendix D – Section 5.3.7 General Criteria to consider for all Development Agreements and Land Use By-law Amendments

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 Land Use By-law map amendment is consistent with the intent of the Municipal Planning Strategy, and the applicable goals, objectives and policies contained within the Municipal Planning Strategy.
<i>b. is not in conflict with any Municipal or Provincial programs, By-laws, or regulations in effect in the Municipality;</i>	The proposed amendment is not in conflict with any Municipal or Provincial programs, By-laws, or regulations.
<i>c. that the proposal is not premature or inappropriate due to:</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>	The directly surrounding uses are residential. The proposed residential units (in the form of multi-unit dwellings) will not conflict with the existing residential dwellings on neighbouring properties.
<i>iii. the adequacy and proximity of school, recreation and other community facilities;</i>	The site is in proximity (less than 1,300 feet) to the Coldbrook and District School, and a 4 minute drive to the Central Kings High School. The site is in proximity to the Coldbrook and District Lions Club which provides community facilities and activities throughout the year. The Harvest Moon Trail is located to the north of the site with access in proximity to the site. The Coldbrook and District School provides a large area for recreation, including a playground and tennis courts.
<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 Public Works has confirmed the adequacy of road networks and did not indicate any concerns with the proposal, beyond requiring future access to the site from Mountain View Road. The lack of a sidewalk on Mountain View Road was raised with the Department of Public Works. They did not raise any concern with respect to this.

	There is sidewalk access to the front of the site on Highway 1.
v. <i>the adequacy of fire protection services and equipment;</i>	The Kentville Fire Chief has confirmed the adequacy of fire services and equipment for the property.
vi. <i>the adequacy of sewer and water services;</i>	The Municipality's Department Environment and Public Works (EPW) of has confirmed the sewer has adequate capacity to service this proposal. The Draw down test provided by the applicant confirms there is adequate water supply to service this proposal.
vii. <i>the potential for creating flooding or serious drainage problems either within the area of development or nearby areas;</i>	A drainage plan has been provided with this application and has been reviewed by EPW. The Plan indicates that with the help of a retention pond located in the northwestern corner of the subject site the post development flows will not exceed the pre-development flows. No flooding is expected as a result of this proposal.
viii. <i>negative impacts on identified wellfields or other groundwater supplies for the area;</i>	The properties are not within or near any wellfields.
ix. <i>pollution, in the area, including but not limited to, soil erosion and siltation of watercourses; or</i>	The property owner is required to follow provincial guidelines related to soil erosion during development.
x. <i>negative impacts on lake water quality or nearby wetlands;</i>	Not applicable – the subject property is not located in proximity of any lakes or wetland areas.
xi. <i>negative impacts on neighbouring farm operations;</i>	The proposal is not expected to impact any area farming operations.
xii. <i>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>	The subject property is considered suitable in terms of grades, soils, geological conditions, and proximity to natural features and rights-of-way.