

394 Greenhill Road, Greenhill Development Agreement

Planning and Heritage Advisory Committee (PAC/HAC)

November 10th, 2022

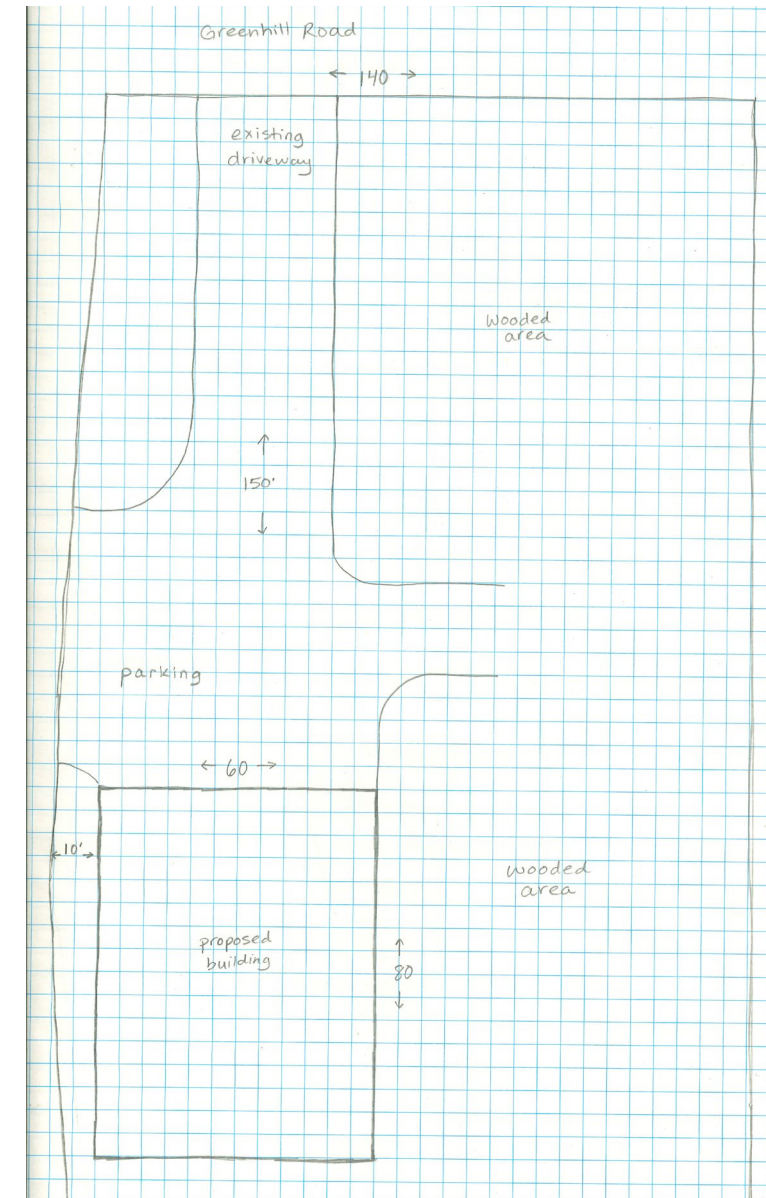
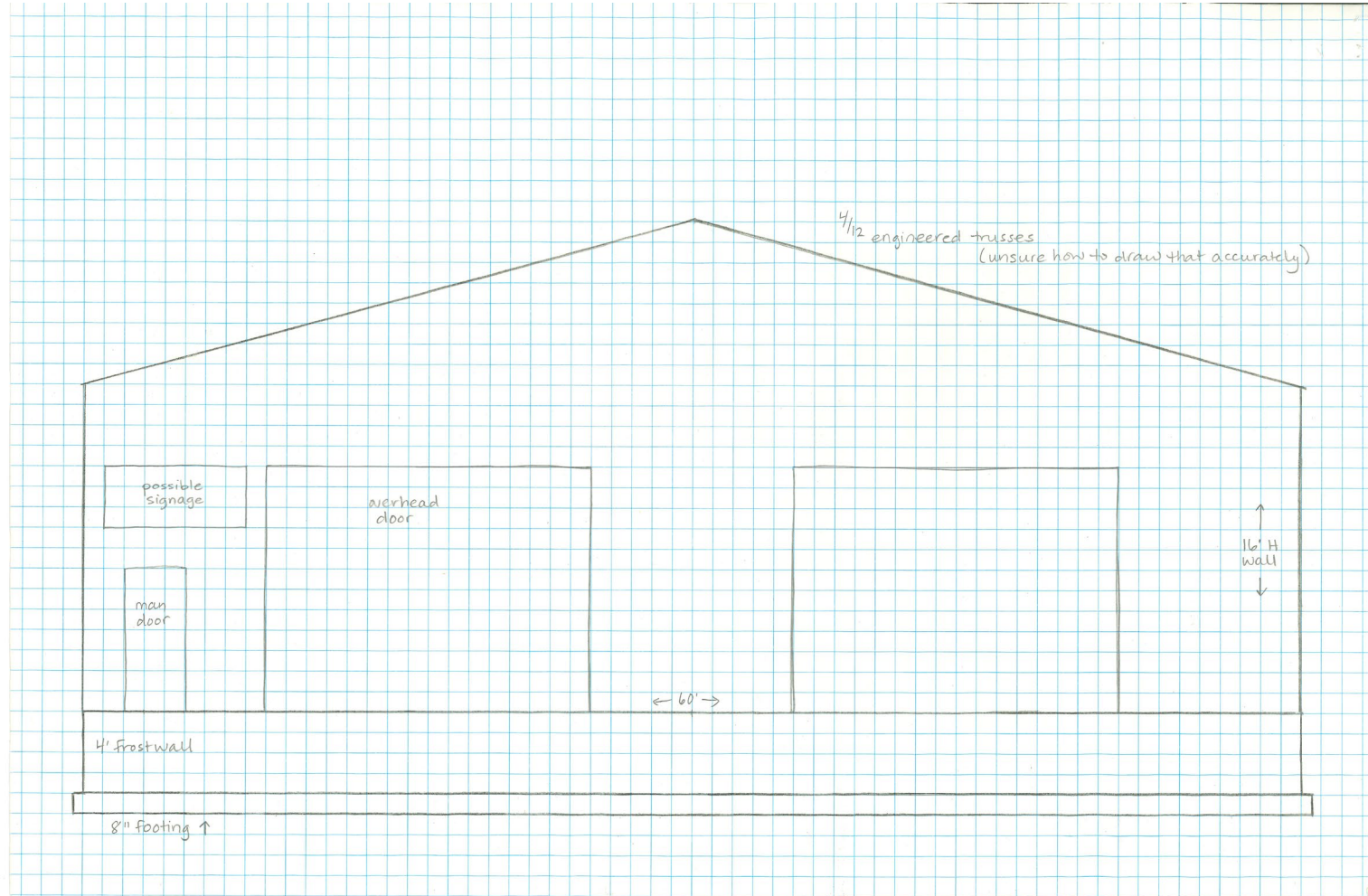
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Application

- A completed application was received from Jeff Brown and Erika Rice on September 6th, 2022.
- The application was to permit a heavy truck and equipment repair shop by development agreement.

Site Plan





West Hants

394 Greenhill Road, Greenhill
PID 45118502

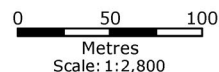


Orthophoto

- The subject lot is primarily wooded land with a residence and cleared area located on a driveway
- Adjacent properties are primarily wooded land, with cleared fields to the north, and sparse residential uses

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Orthophoto



- Subject Parcel
- Parcels
- Civic 394
- Roads

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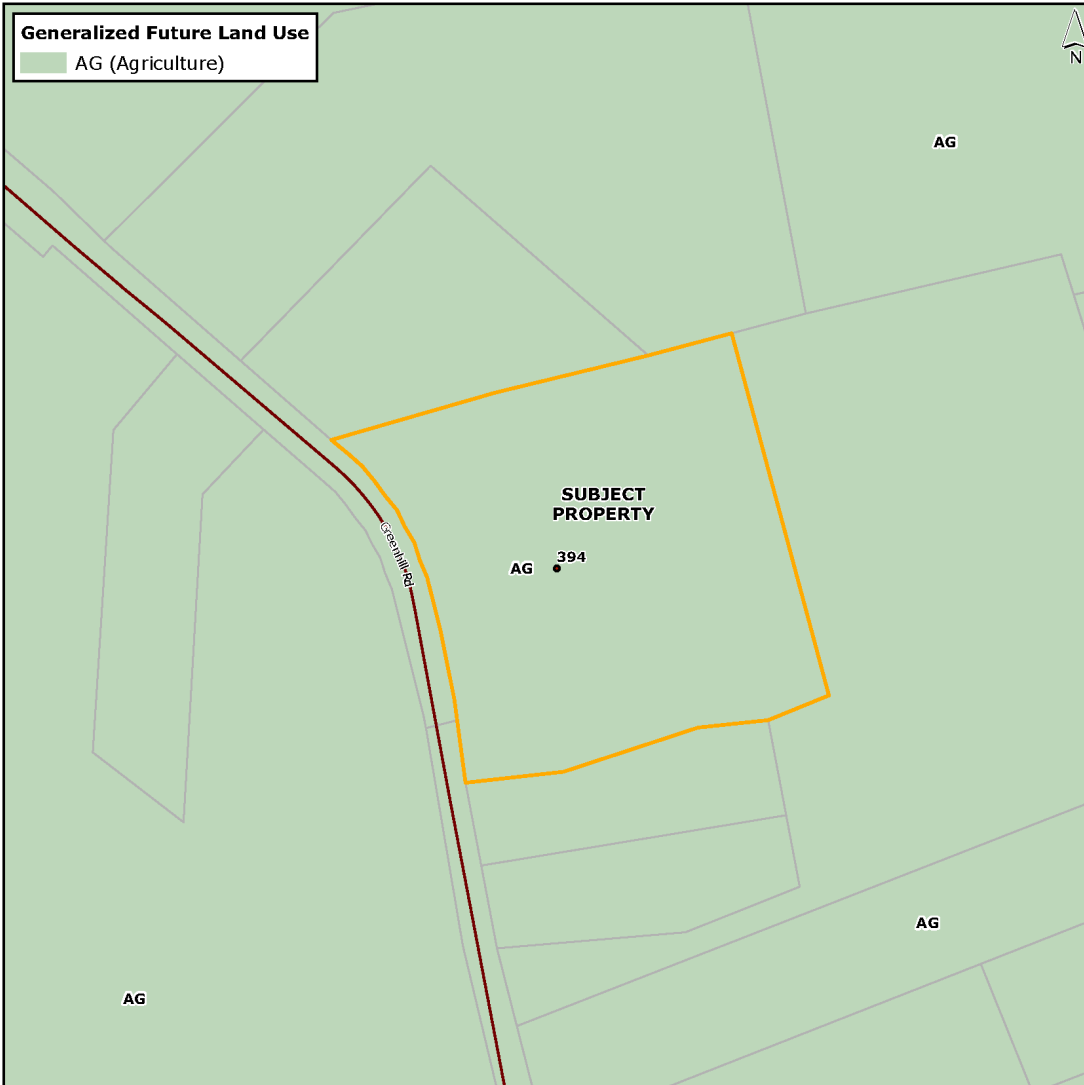


394 Greenhill Road, Greenhill
PID 45118502

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Generalized Future Land Use

AG (Agriculture)



GFLUM - Current

Current Designation:

- Agriculture

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Generalized Future Land Use

0 50 100
Metres
Scale: 1:2,800

- Subject Parcel
- Parcels
- Civic 394
- Roads

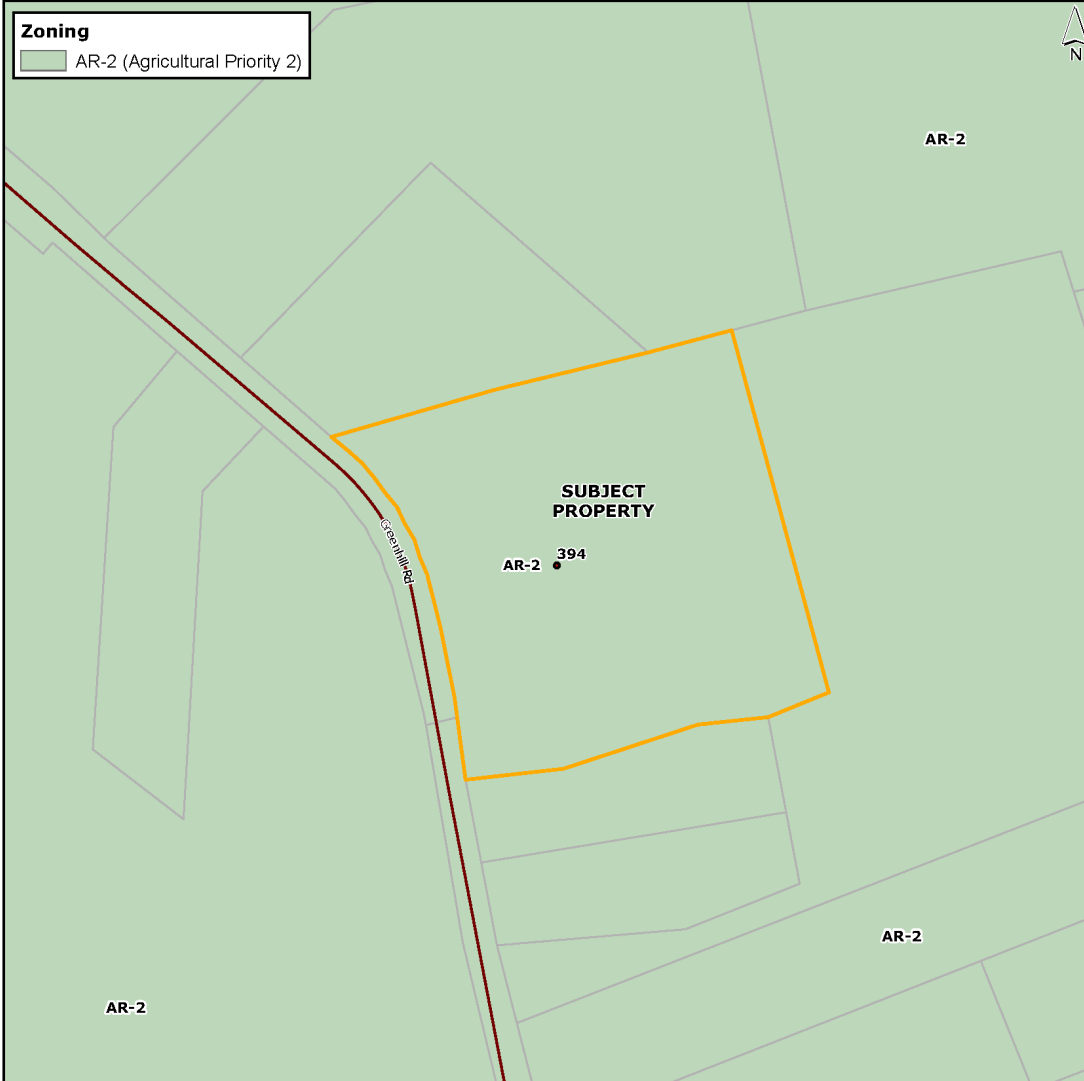
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394 Greenhill Road, Greenhill
PID 45118502



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Zoning - Current

Current Zone:

- Agricultural Priority Two (AR-2)

Permitted Uses:

- Agricultural Uses
- Agricultural Support Uses
- Churches, Community Centres, and Fire Halls
- Forestry and Forestry Related Activities
- Manufactured Homes
- One and Two-unit Dwellings

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View of Proposed Development Location on Subject Lot





View of Greenhill Road from Subject Lot Access

West Hants Land Use By-law

- Part 6.0 of the WHLUB, Development Agreements, states that “The following developments may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy:
 - (s) Rural Commercial (RC), Recreation Commercial (RecC), **Resource Industrial (M-1)** or Open Space (OS) uses in the Agricultural Priority Two (AR-2) zone and the Agricultural Priority Three (AR-3) zone outside the Growth Centre, Village and Hamlet designations in accordance with Policies 8.9.4 and 8.10.5 respectively of the Municipal Planning Strategy;

A development agreement is a legal contract between the Municipality and a property owner to permit a use that is not permitted in the underlying zone.

Resource Industrial

- There is no specific definition for a resource industrial use, the best basis for determining what is considered a resource industrial use is the list of permitted uses in the Resource Industrial (M-1) zone in the West Hants Land Use By-law.
- In the Resource Industrial (M-1) zone, heavy equipment sales and service is listed as a permitted use. Heavy equipment sales and service matches the proposed use.



West Hants MPS – Enabling Policy

Policy 8.9.4 provides Council with the ability to consider new non-resource uses from the Resource Industrial (M-1) zone by development agreement. In summary, the criteria are met since:

- the agrologist report concludes that the subject lot has limitations for agricultural production and is not well suited for future agricultural development;
- the proposed use will not compromise the agricultural character of the area or the operation of existing agricultural operations;
- The Area Manager from the Nova Scotia Department of Public Works had no concerns regarding roadway access or traffic generation; and
- the design, hours of operation, and on-site parking are suitable for the proposed use.



West Hants MPS – Criteria Policy

Policy 8.6.1 states the criteria for the agrologist report required to determine the agricultural capability for the subject lot. In summary, the criteria are met since:

- the subject lot exhibits constraints with regard to agriculture including stoniness, steepness of slope, depth of soil, and plot size;
- the author of the report is a professional agrologist who performed a site visit;
- the report includes a site plan showing the study area; and
- the report identifies site features and reasons that the subject lot would not be productive agricultural land.



West Hants MPS – Criteria Policy Cont.

Policy 16.3.1 states general criteria for development agreements. In summary, the criteria are met since:

- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Municipal Engineering Technologist, and Area Manager of the Nova Scotia Department of Public Works have no concerns which have not been addressed in this report.



Development Agreement Details

Requirements

- Permits a heavy truck and equipment repair shop: commercial establishment for the repair or replacement of parts in automotive, farm or forestry vehicles, machinery or equipment
- Hours of operation: 7:00 a.m. and 7:00 p.m. Monday to Saturday
- Minimum of five (5) parking spaces
- Driveway access from Greenhill Road
- Property owner is responsible for the safe storage and disposal of waste products
- Open storage limited to the space behind the heavy truck and equipment repair shop and shall be screened from adjacent residential properties
- Accessory buildings and signage in accordance with the WHLUB



Development Agreement Details

Substantive Matters

- the uses permitted on the Property; and
- the location of the shop.

Public Information Meeting Notes

- A Public Information Meeting was held on October 13. The meeting was broadcast live on the Municipal Facebook page.
- No members of the public attended the Public Information Meeting.
- The deadline for comments was October 28.
- No comments were received during the comment period.



Staff Review

Public Information Meeting – Oct. 13

**PAC/HAC Review and Recommendation –
Nov. 10**

Regional Council First Reading – Nov. 22*

Public Hearing & Second Reading

Notice Placed in Paper

14 Day Appeal period

Process

* Anticipated Date



Recommendations (1 of 2)

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow a heavy truck and equipment repair shop at 394 Greenhill Road, Greenhill (PID 45118502) which is substantively the same as the draft set out in Attachment B of the report File #22-21 to the Planning and Heritage Advisory Committee dated November 10, 2022.



Recommendations (2 of 2)

...that PAC/HAC recommends that Council require that the development agreement with Jeff Brown & Erika Rice for 394 Greenhill Road, Greenhill (PID 45118502) be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.





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