

**4701 Highway 1, Three Mile Plains
PID 45005733
Development Agreement**

Public Hearing
November 22, 2022



Application

- A completed application was received on June 21, 2022, from Phil Marryatt to consider permitting an automotive repair shop at 4701 Highway 1 (PID 45005733) in Three Mile Plains
- Mr. Marryatt would like to convert the existing detached garage on the property to a commercial repair shop to perform vehicle service-related repairs such as tire changes, oil changes, break changes and fluids/coolant changes
- The property is owned by Phil and Roberta Marryatt



Orthophoto



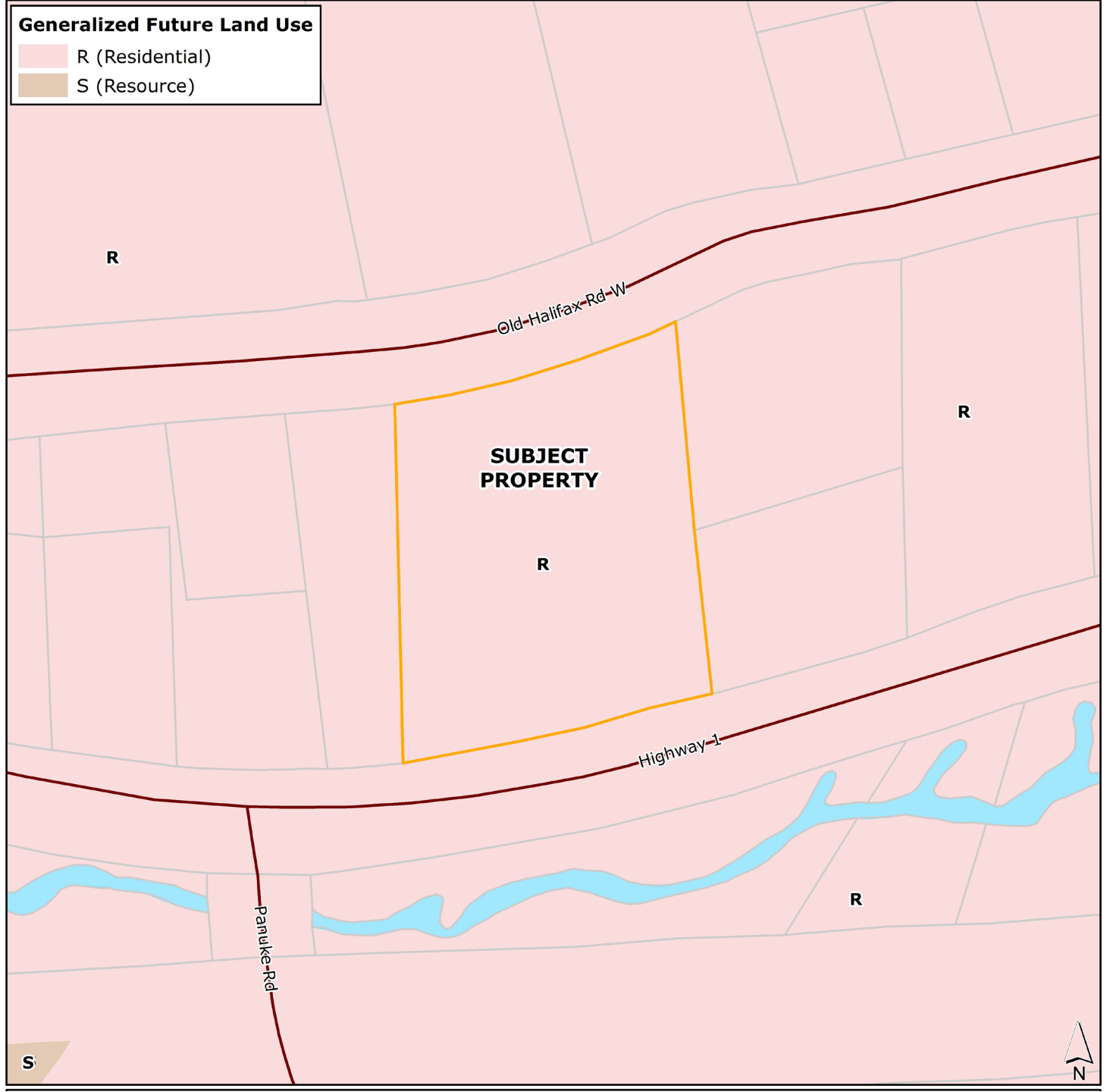
something inspiring awaits



Generalized Future Land Use

R (Residential)

S (Resource)

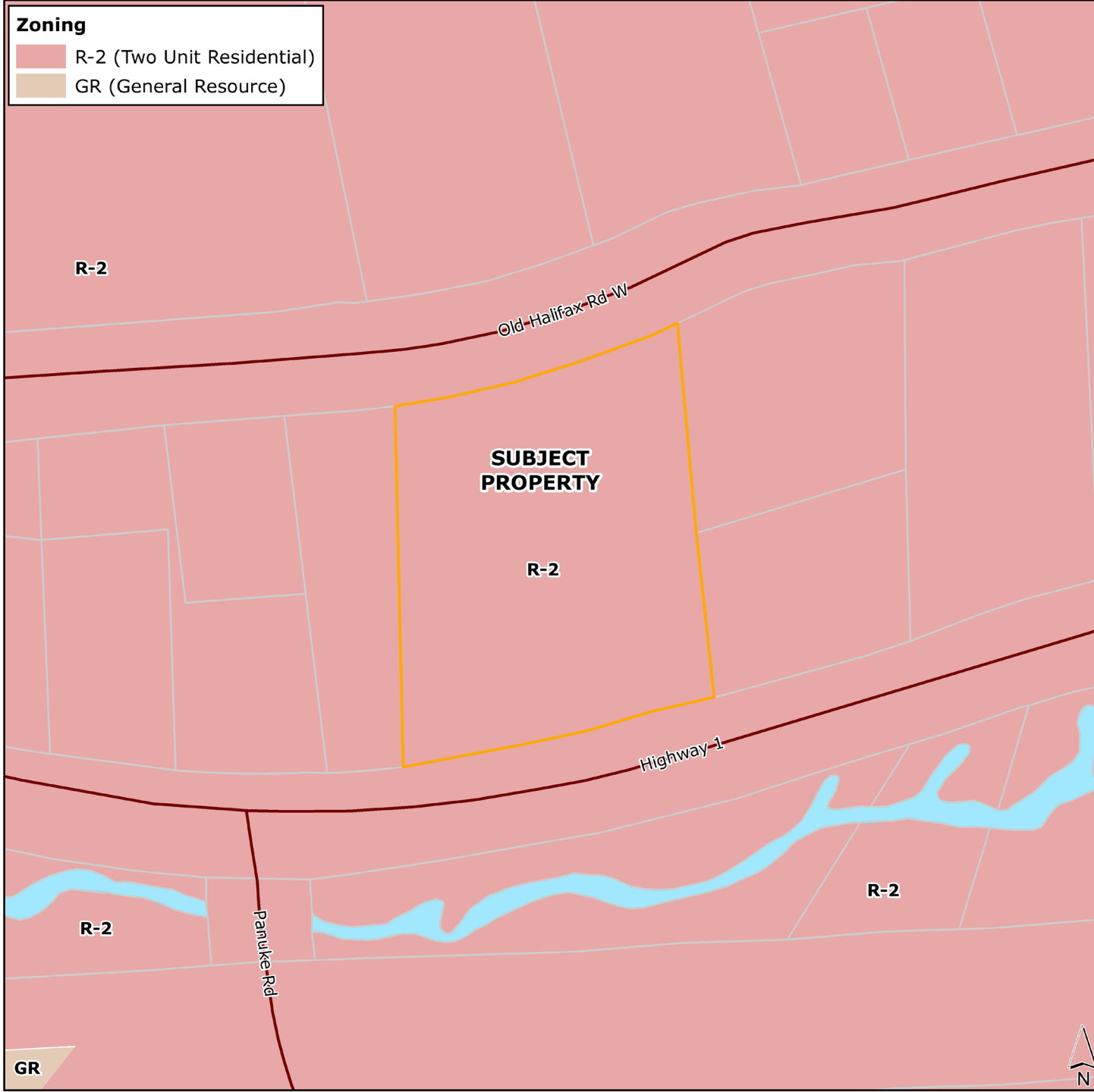


GFLUM

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Zoning









Development Agreements

- A development agreement is a legal contract between the Municipality and a property owner to permit a use that is not usually permitted in the underlying zone
- Automotive repair shops can be considered by Council in the Three Mile Plains Growth Centre by development agreement



Consideration

- Ability to have a development agreement for a specific purpose must be established in the LUB
- Requests for development agreement are “measured” against the policies of the MPS



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:
(j) Local Industrial (LI) uses in the Growth Centres in accordance with Policy 5.7.6 of the Municipal Planning Strategy;

West Hants Municipal Planning Strategy

- Part 5.0 of the WHMPS contains the overall intention for properties designated Growth Centre on the West Hants Generalized Future Land Use Map
- Section 5.7 describes the intention of Council to allow certain industrial development in the Growth Centres
- **Policy 5.7.6** establishes Council's intention to consider "new Local Industrial uses in the Growth Centres by development agreement"



Local Industrial

- There is no specific definition for a local industrial use, the best basis for determining what is considered a local industrial use is the list of permitted uses in the Local Industrial (LI) zone in the WHLUB

Local Industrial (LI) Zone

Permitted Uses

28.1 The following uses shall be permitted in the Local Industrial (LI) zone:

- **Auto repair and auto body shops in conjunction with a single unit dwelling**
- Excavation and landscaping operations in conjunction with a single unit dwelling
- Self Storage Operations in conjunction with a single unit dwelling
- Service Shops in conjunction with a single unit dwelling
- Transport depots in conjunction with a single unit dwelling
- Uses permitted in the R-1 zone subject to the R-1 zone requirements



Development Agreement Details

Requirements

- Permits an automotive repair shop: commercial establishment for the general repair, rebuilding, and reconditioning of vehicles and light trucks (up to one ton)
- Hours of operation: 7:00 a.m. and 7:00 p.m. Monday to Saturday
- Maximum of four (4) parking spaces
- Driveway access from Highway 1
- Property owner is responsible for the safe storage and disposal of waste products
- Open storage limited to 100 sq. ft. (9.29 sq. m.) area of the rear yard, 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, parking, and driveway

Public Information Meeting Notes

- A Public Information Meeting was held on September 8. 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 September 23
- No comments were received during the comment period



Specific Criteria for DA

- Policy 5.7.6 establishes specific criteria to be considered by Council
- In summary, the criteria are met since:
 - ✓ the use is permitted in the Local Industrial (LI) zone;
 - ✓ the use is not considered obnoxious by virtue of noise, odours, dust, fumes or other emissions as it will be contained within an existing building;
 - ✓ safe and efficient roadway access is provided from Highway 1; and
 - ✓ adequate on-site parking is provided.



General Criteria for DA

- Policy 16.3.1 states the general criteria to be considered by Council
- In summary, the criteria are met since:
 - ✓ the proposal is not 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 Project Engineer, and Provincial Department of Public Works have no concerns which have not been addressed in the development agreement



Process

Public Information Meeting – September 8

Staff Review

PAC/HAC Review and Recommendation – October 13

Council First Reading – October 25

Public Hearing & Second Reading – November 22

Notice of Approval in Paper

14 Day Appeal period

All statutory requirements have been met



Public Hearing Comments / Questions



Public Hearing Comments / Questions

- The Public Hearing was advertised:
 - in the paper on both November 1 and November 8;
 - letters to property owners within 500 ft of the subject lot; and
 - a sign placed on site.
- 1 email was received from residents; Clerk Snair will read the email to Council
 - Amy Whitman

Public Hearing Comments / Questions Cont.

- DA:
 - main access/egress to the lot from Highway 1
 - any other access/egress is secondary and only used for emergency purposes
 - a maximum of four (4) parking spaces which should limit the number of vehicles on the lot in relation to the automotive repair shop
- Nova Scotia Department of Public Works found the existing access from Highway 1 to be suitable for the proposed use





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Recommendations (1 of 2)

...that Council gives Second Reading to and approves entering into a development agreement to allow an automotive repair shop, excluding the use of dyno machines, at 4701 Highway 1, Three Mile Plains (PID 45005733) which is substantively the same as the draft set out in Attachment C of the report File #22-10 to the Planning and Heritage Advisory Committee dated October 13, 2022.

Recommendations (2 of 2)

...that Council requires that the development agreement with Phil Marryatt for 4701 Highway 1, Three Mile Plains PID 45005733 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.