



**WEST HANTS REGIONAL MUNICIPALITY REPORT**

Information <input type="checkbox"/>	Recommendation X	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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**To:** Members of Planning and Heritage Advisory Committee (PAC/HAC)

**Submitted by:** \_\_\_\_\_  
 Alex Dunphy, Planner

**Date:** June 7, 2023

**Subject:** HLUB Amendment: 35 William Street (PID 45044419); File # 23-06

**LEGISLATIVE AUTHORITY**

Municipal Government Act Section 210

**RECOMMENDATION**

Staff recommend that the PAC/HAC forward a positive recommendation by passing the following motion:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Hantsport Land Use By-law to increase the height and number of dwelling units permitted in the Mixed Commercial/Residential (C-2) zone in a manner substantively the same as Attachment B of the staff report to the Planning and Heritage Advisory Committee report dated June 8, 2023.

**BACKGROUND**

Property X	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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An updated application was received from Michael Lawen of Cornerstone Developments Ltd. on April 14, 2023. The application is to allow for a 5-storey, 40-unit residential apartment

building.

## **DISCUSSION**

The subject lot is designated Commercial and included in the Commercial Development District on the Generalized Future Land Use Map (GFLUM) of the Hantsport Municipal Planning Strategy (HMPS) (Figure 1). The subject lot is zoned Mixed Commercial/Residential (C-2) on Schedule A of the Hantsport Land Use By-law (HLUB) (Figure 2).

### ***Proposal Information***

The site plan that was submitted with the application has been included as Figure 3. Staff is providing this for information purposes only. There is no mechanism to require adherence to any proposed site plans associated with the amendments to the HLUB.

### ***Surrounding Context***

Properties surrounding the subject lot are primarily designated Commercial and zoned Mixed Commercial/Residential (C-2) to the south and west, with properties to the north and east designated Industrial and zoned Industrial (M) and Residential Multiple Unit (R-3). Nearby uses in the area include an existing apartment building, a fire station, and a rail yard.

### ***Draft Land Use By-law Changes***

Currently the HLUB allows:

- a maximum height for all main buildings of 35 ft. (except within the Industrial (M) zone); and
- a maximum of 20 units per apartment building in the Mixed Commercial/Residential (C-2) zone.

The current parking requirement for apartment buildings is a ratio of 1.5 parking spaces per dwelling unit.

In summary, to permit the proposed development, the following changes are required to the HLUB:

- an increase in maximum height for main buildings in the Mixed Commercial/Residential (C-2) zone to 55 ft;
- an increase in the maximum dwelling units per apartment building in the Mixed Commercial/Residential (C-2) zone to a total of 40; and
- inclusion of a parking requirement for the Mixed Commercial/Residential (C-2) zone of one parking space per dwelling unit.

The full set of changes can be found in Attachment B.

As the proposed amendment would affect all properties within the Mixed Commercial/Residential (C-2) zone, staff have prepared a map showing the extent of the zone in Hantsport, shown as Figure 4. The Mixed Commercial/Residential (C-2) zone is localized to the western portion of William Steet, northern Main Street, Chittick Avenue, and Jubilee Lane.

Based on inquiries to the local Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Municipal Project Engineer, and Traffic Authority, these changes did not raise any concerns which are not otherwise addressed in this report.

### ***Municipal Planning Strategy Document Review***

Policy IM-3 establishes the general criteria that must be considered for all amendments to the HLUB. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria as:

- 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, Area Manager of the Nova Scotia Department of Public Works, and Municipal Project Engineer have no concerns which have not been addressed in this report.

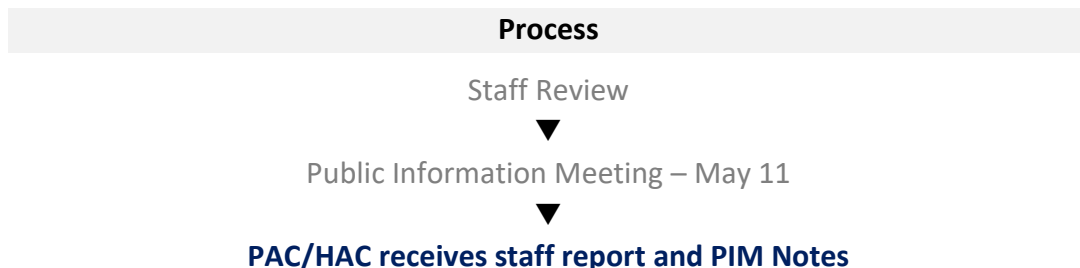
### **MUNICIPAL CLIMATE CHANGE ACTION PLAN**

The Municipal Climate Change Action Plan (MCCAP) Inland Flooding and Coastal Flooding maps do not show any risks of either inland or coastal flooding on the property.

Property owners are responsible for ensuring that their lot is suitable for the proposed uses.

### **NEXT STEPS**

As noted above, the proposed amendments have been considered within the context of the general policies of the HMPS, and is consistent with the intent, objectives, policies and criteria of the HMPS. As a result, it is reasonable to....



**PAC/HAC Review and Recommendation – June 7**



Regional Council First Reading – June 27\*



Public Hearing & Second Reading – July 25\*



Notice of Approval in Local Paper



14-Day Appeal Period

\*anticipated dates; final dates set by Council

**FINANCIAL IMPLICATIONS**

There are no financial implications to the Municipality or residents with regard to the filing of this report.

**ALTERNATIVES**

In response to this application, the PAC/HAC may recommend that Council:

- hold First Reading and authorize a Public Hearing to approve the amendments as drafted or as specifically revised by direction of PAC/HAC;
- provide alternative direction, such as requesting further information on a specific topic.

**ATTACHMENTS**

Figure 1	Hantsport GFLUM Extract
Figure 2	Hantsport Zoning Map Extract
Figure 3	Proposal Site Plan
Figure 4	Mixed Commercial/Residential (C-2) Zone Extent Map
Attachment A	Policy Summary for Land Use By-law Amendments
Attachment B	Draft Amendments
Attachment C	Public Information Meeting Notes

Report Prepared by: \_\_\_\_\_  
Alex Dunphy, Planner

Report Approved by: \_\_\_\_\_  
Sara Poirier, Director of Planning and Development

Figure 1 – Hantsport GFLUM Extract

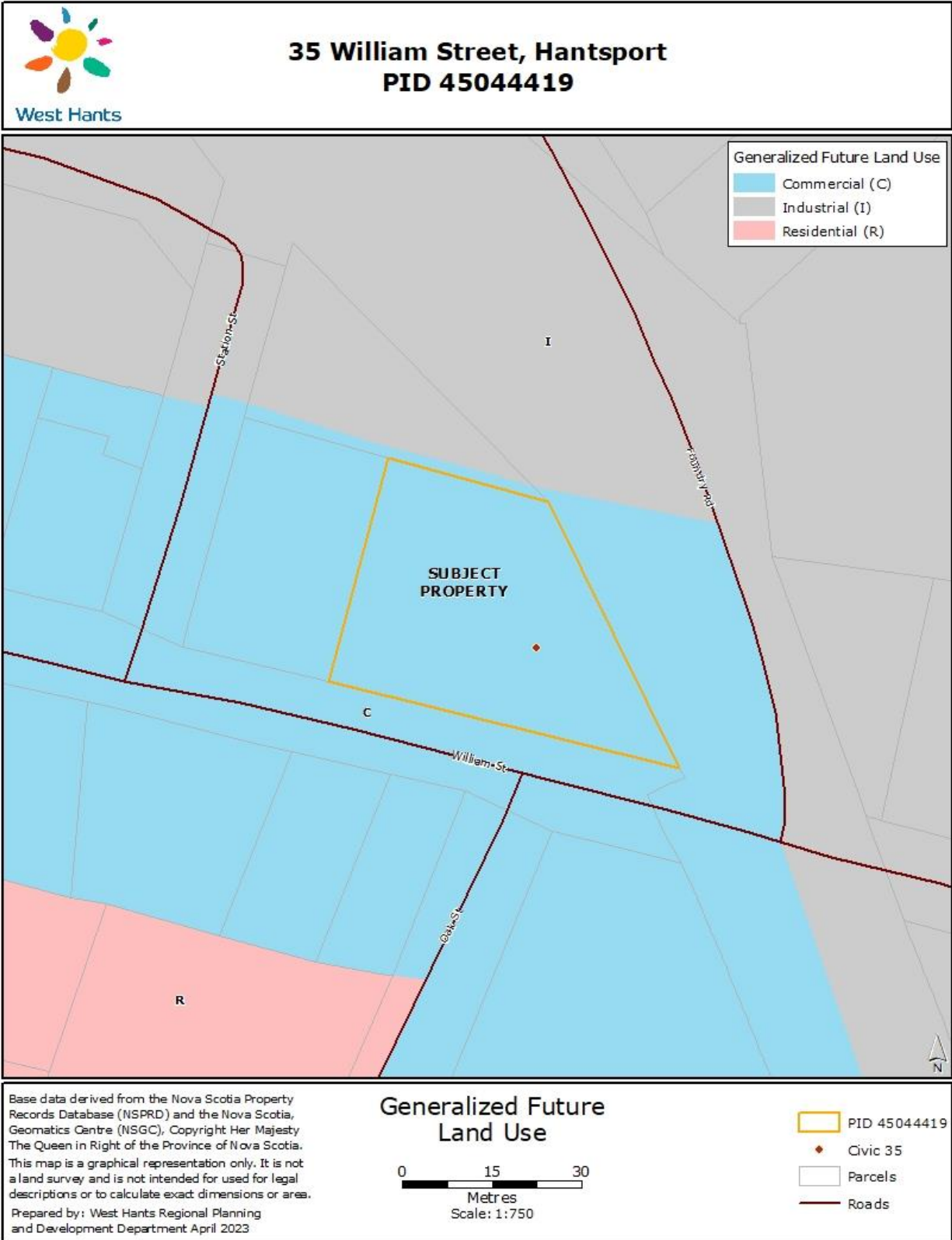
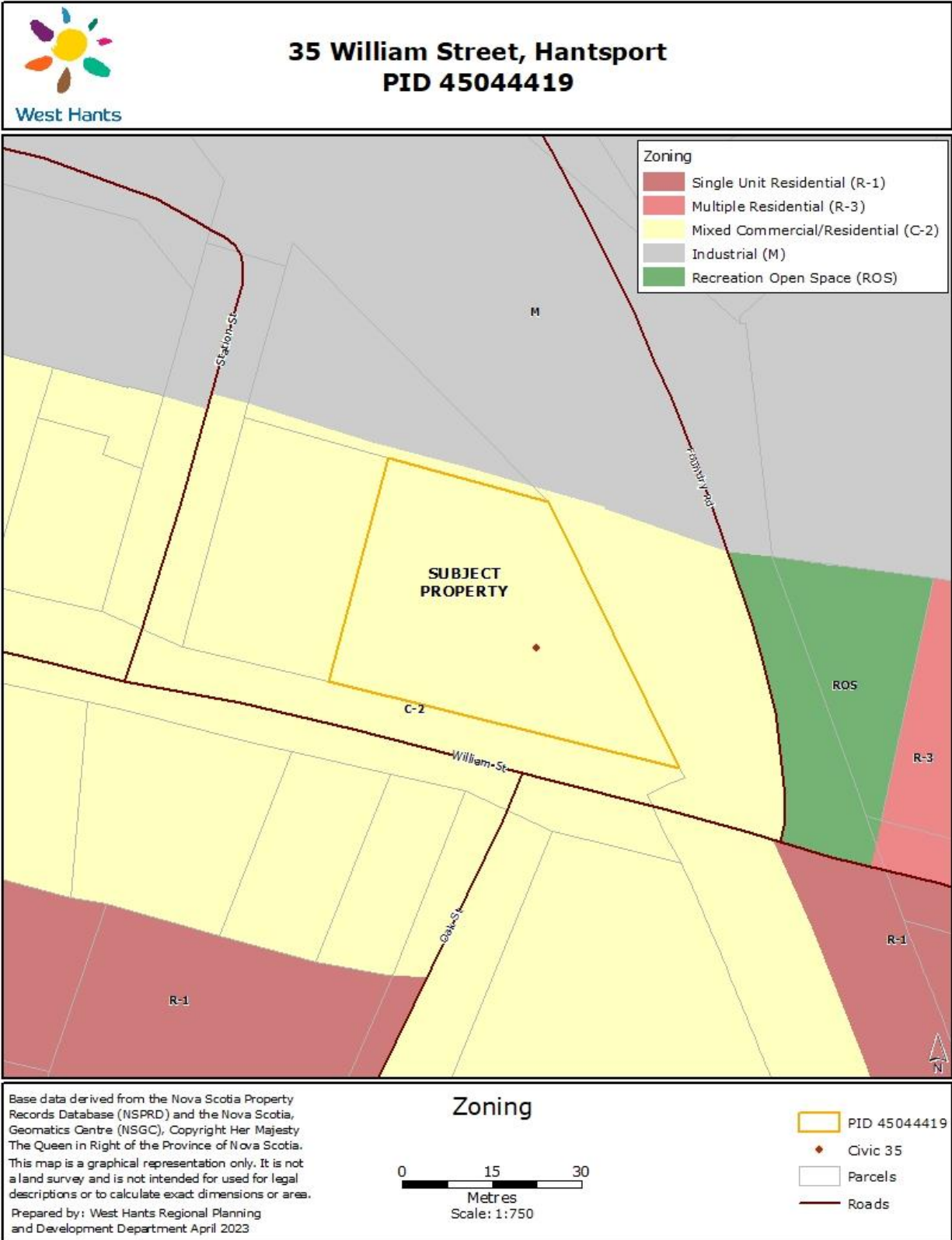
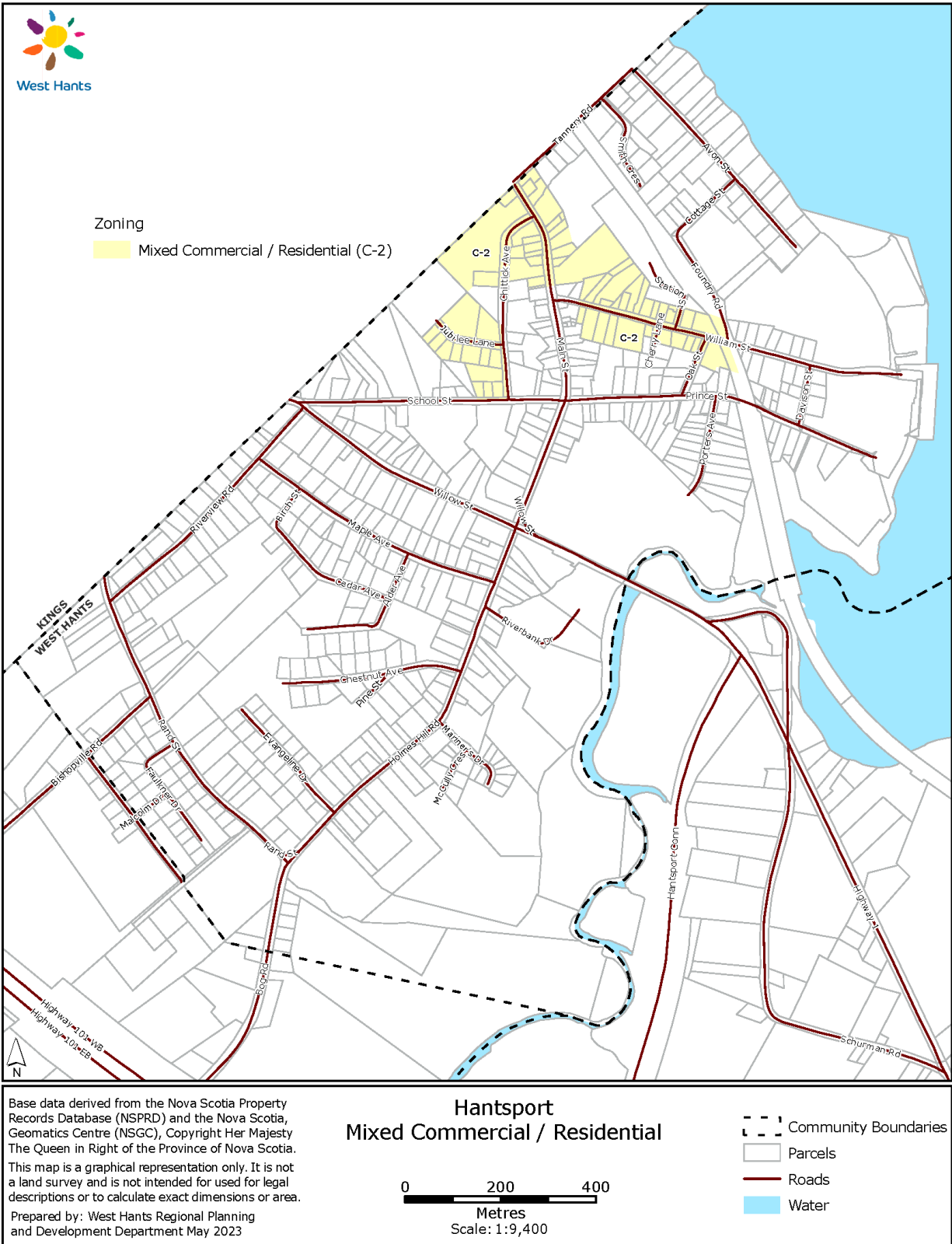


Figure 2 – Hantsport Zoning Map Extract





**Figure 4 – Mixed Commercial/Residential (C-2) Zone Extent Map**



**Attachment A – Policy Summary for Land Use By-law Amendments**

<p><b>Policy IM-3</b>  <i>In considering amendments to the Town of Hantsport Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:</i></p>	
<p><i>(a) whether the proposal is considered appropriate in terms of:</i></p>	
<p><i>(i) the adequacy of sewer and water services;</i></p>	<p>The Municipal Project Engineer commented that the allowable withdrawal limit from the Davidson Lake watershed is being approached, however, the water system could accommodate this proposal. Also, the existing sewer system does have capacity for this proposed development.</p>
<p><i>(ii) the adequacy of school facilities;</i></p>	<p>The Regional Executive Director of the Annapolis Valley Regional Centre for Education stated that “We have a responsibility to provide public education for students living in the catchment areas served by these schools. We therefore expect our facilities to accommodate any new development.”</p>
<p><i>(iii) the adequacy of fire protection;</i></p>	<p>The Manager of Building and Fire Inspection Services commented that the apartment building would require a sprinkler system to be installed and that staff should review the application with the Fire Department. The Hantsport Fire Chief commented that they did not have any concerns regarding the adequacy of fire protection for the proposal.</p>

<p><i>(iv) the impact on adjacent uses;</i></p>	<p>The Development Officer commented that they did not have any concerns regarding the impact on adjacent uses.</p>
<p><i>(v) the adequacy of road networks adjacent to, or leading to the development; and</i></p>	<p>The Municipal Traffic Authority commented that they did not have any concerns regarding the adequacy of the road networks.</p>
<p><i>(vi) the financial capacity of the Town to absorb any costs relating to the development.</i></p>	<p>There are no anticipated costs to the Municipality regarding this development.</p>
<p><i>(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i></p>	<p>The Municipal Traffic Authority commented that they did not have any concerns regarding the suitability of movement for auto, rail, or pedestrian traffic.</p>
<p><i>(c) the adequacy of the dimensions and shape of the lot for the intended use;</i></p>	<p>The Development Officer commented that they did not have any concerns regarding the adequacy of the dimension and shape of the lot, provided that parking can be accommodated. Staff are suggesting the inclusion of a provision to permit a parking ration of one parking space per dwelling unit, which matches the ratio that has been used for multiple unit buildings considered by development agreement in Windsor. The Development Officer agreed with this addition.</p> <p>Other lots included in the Mixed Commercial/Residential (C-2) zone would have to meet all requirements of the zone to permit a multi-unit apartment building, staff do not</p>

	anticipate any issues caused by the change.
<i>(d) the pattern of development which the proposal might create;</i>	The Development Officer commented that they did not have any concerns regarding the pattern of development that the proposal may create.
<i>(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;</i>	The subject lot appears relatively flat and suitable for development. There are no waterbodies or wetlands present on the mapping for the property and there are no evident concerns in terms of steepness of grade, soil or geological conditions.
<i>(f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations;</i>	All Municipal, Provincial, and Federal regulations will have to be met.
<i>(g) the impact of not only the use being proposed but all uses permitted in the zone;</i>	Staff do not view any of the permitted uses within the Mixed Commercial/Residential (C-2) zone as an issue for the proposal. Any use in the Mixed Commercial/Residential (C-2) zone would currently be permitted as-of-right.
<i>(h) the site meets all of the zone requirements for the zone sought; and</i>	With the inclusion of the parking ratio provision, the Development Officer commented that they did not have concerns regarding the proposal meeting all zone requirements.
<i>(i) any other matter required by relevant policies of this Strategy.</i>	All relevant matters have been addressed in this report.

## Attachment B – Draft Amendments

*Note: purple text indicates a change from the present HLUB as recommended by staff and is provided only for the convenience of PAC/HAC and Council.*

Text amendments to the Mixed Commercial/Residential (C-2) zone of the Hantsport Land Use By-law to increase the maximum height for main buildings, increase the maximum dwelling units per apartment building and include specific parking requirements.

### Hantsport Land Use By-law

- 1. Amend Section 5.2.2, *Height Restrictions*, in the Hantsport Land Use By-law to include the Mixed Commercial/Residential (C-2) zone in the exceptions to the maximum height of all main buildings, so that Section 5.2.2 reads as the following:**

#### 5.2.2 Height Restrictions

The maximum height of all main buildings under the jurisdiction of the Hantsport Land Use By-law shall be 10.67 m. (35 ft.), except:

- (a) buildings within the Industrial (M) zone; and
- (b) buildings within the Mixed Commercial/Residential (C-2) zone, which shall have a maximum height of 16.76 m. (55 ft.).

- 2. Amend Section 9.2.2, *Lot Specifications*, of the Hantsport Land Use By-law to allow up to 40 units per building for apartment buildings and grouped homes, so that Section 9.2.2 reads as follows:**

#### 9.2.2 Lot Specifications

	Minimum Specifications for all Commercial and New Residential uses
Minimum Lot Area	4004 sq. ft. (372 square metres)
Minimum Lot Frontage	39.4 feet (12 metres)
Required Side Yards	9.8 feet (3 metres)
Maximum number of units per building	4 for Townhouse Development 40 for Apartment Buildings and Grouped Homes

- 3. Create Section 9.2.4, *Parking Requirements*, in the Hantsport Land Use By-law to permit a parking ration of one parking space per dwelling unit within the Mixed Residential/Commercial (C-2) zone, so that Section 9.2.4 reads as follows:**

#### **9.2.4 Parking Requirements**

Notwithstanding the parking requirements in Section 6.1 of the Land Use By-law, parking in the Mixed Commercial/Residential (C-2) zone is required at one parking space per dwelling unit. All other parking requirements shall follow the requirements in Section 6.1 of the Land Use By-law.

**Attachment C – Public Information Meeting Notes**

**May 11 - May 25, 2023**

**HLUB Amendment: 35 William Street, Hantsport (PID 45044419); File # 23-06**

<b>Meeting date and time</b>	A Public Information Meeting was held on May 11, 2023 beginning at 6:39 p.m. The meeting was broadcast live on the Municipal Facebook page.
<b>Attending</b>	In attendance for the meeting: Two (2) Councillors: <ul style="list-style-type: none"><li>• Councillor Murley</li><li>• Councillor Ivey</li></ul> Four (4) members of staff: <ul style="list-style-type: none"><li>• Planner Dunphy</li><li>• Planner Fredricks</li><li>• Planning Assistant Lake</li><li>• Director Poirier</li></ul> PAC/HAC Members: <ul style="list-style-type: none"><li>• Jennifer Nicholls (Chair)</li><li>• Jane Davis</li><li>• Stefan Palios</li><li>• Tasha Rogers</li><li>• Lisa Bland</li></ul> 20 members of the public.
<b>Applicant</b> Michael Lawen of Cornerstone Development Ltd. <b>Property</b> 35 William Street, Hantsport (PID 45044419)	Planner Dunphy outlined the application to amend the Land Use By-law to permit a 5-storey, 40-unit apartment building.  The applicant did not provide a presentation.
<b>Comments</b>	Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between May 11 – May 25, 2023.  Staff received 4 written submissions from the public. The email responses are attached.

	<p>3 members of the public spoke during the May 11 Public Information Meeting. The following are the comments from the public. Staff and applicant responses are included in purple text.</p> <ul style="list-style-type: none"> <li>• Mason Mcquellen commented that allowing up to 5 storeys would cause issues for a small town and that development is becoming too dense, as well as there being limited available parking.</li> <li>• Amanda Forcee commented that the height being proposed was an issue for Hantsport and that increased density could contribute to traffic issues on William Street. Amanda also asked if the residents will only be seniors, or if other age groups will be allowed in the building.  Alex responded that he would pass the question along to the developer.</li> <li>• Mason asked for a drawing of the proposal from the developer.  Alex responded that he would provide a drawing in the staff report.</li> <li>• Tasha Rogers asked about the available public water supply for Hantsport.  Alex responded that Public Works would be contacted to ensure that there would be sufficient municipal service availability.</li> </ul>
<b>Adjournment</b>	The PIM was adjourned at approximately 6:51 p.m.

**Public Email Responses Submitted for the Application PIM**

May 23, 2023

**From: Jason Tucker**

To: Alex Dunphy

Good morning,

I am a 17-year resident of Hantsport as well as a local business owner. I am in favour of proposals which will bring much-needed housing and density to our community.

Hantsport is ideal for additional growth -- its walkability and access to shops and services makes it well-suited for more housing. Access to the site in question is very good, with 2 streets (Prince & William) leading directly to Highway 1.

If the West Hants professionals evaluating this proposal determine that our infrastructure (traffic, parking, fire services, etc.) can support this development safely, then I would be happy to see this and other multi-story units in this community.

Thank you,

Jason Tucker

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May 23, 2023

**From: Tim Carr**

To: Alex Dunphy

Good morning,

I am a long term resident of Hantsport, and also a local business owner. I am writing to support proposals that would increase the population density of Hantsport, including considerations for rezoning to achieve growth. In particular I support efforts at 35 William Street (PID 45044419) to construct multi-level housing.

Hantsport has no current available rentals and few homes for sale. There is a real demand to live in this community. Hantsport is extremely walkable, with excellent municipal services, fire service and numerous recreational opportunities. Our community is limited in space for new development. It's time to start building upwards in our population centres.

Thank you for considering my letter of support.

Tim Carr

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May 23, 2023

**From: Bill Preston**

To: Alex Dunphy

Hi Alex;

Just a few thoughts regarding this proposal, I totally do not agree with it. The development agreement needs to be changed so that the residents in Hantsport do have some say in proposals by developers.

The requested amendment as such by Cornerstone Developments will require two proposals.

- (1) An increase in the maximum number of units per building from 20 to 40 units
- (2) An increase in the maximum height from 35ft. to 50ft.

That in its-self is a big change however what is concerning is the fact that the amendments would effect all properties zoned mixed Commercial/Residential (C2 in Hantsport).

William St. is a very narrow and busy street with the post office being close as the Credit Union. The fire station just across the street. Workers for the Canadian Keyes Fiber also use William St. to go to and from work. Parking is will be a problem with that location. Height is a problematic it just will not fit in with the surrounding buildings for example the new Fire station is approximately 42 ft.

It has been indicated that the building would be for seniors which would be nice but what if the seniors do not move in what will the rents be?

I totally disagree with both proposals, not enough information. it would be nice to to see the development plans before any approval is given, not cosmetic to area.

What do we know about the developer where is the company from etc. its like buying a pig in a poke.

Respectfully

Bill Preston,

Hantsport Resident, NS

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May 25, 2023

**From: Heather Pitt**

To: Alex Dunphy

1. How many stories tall will the building be?
2. What type of housing is being proposed i.e. family? low income? short rental?
3. How does the development fit in the longterm vision plan for Hantsport?
4. I see this was advertised in the Journal (which unfortunately not many subscribe to) and by a little piece of paper stuck on the building...which we just happened to notice. Where else was it advertised...nobody I know was aware of this development or the May 11th meeting.
5. Where will the 40+ cars park?

May 30, 2023

**From: Alex Dunphy**

To: Heather Pitt

Hello Heather,

I can provide the following answers to your questions.

1. The proposal is 5 stories tall.
2. The proposal is for senior focused, affordable housing.
3. A more in-depth answer to this question will be provided in the recommendation report going to the Planning and Heritage Advisory Committee. However, the proposal is aligned policy set out in the Hantsport Municipal Planning Strategy.
4. The file was advertised according to our Public Participation Program Policy. In addition to the paper advertisement and the sign posted at the site, letters were also sent to the owners of surrounding properties.
5. The proposal includes underground parking to accommodate the required parking.

Best,

Alex Dunphy