

997 Highway 14 Rezoning

Council First Reading

May 23, 2023

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Application Background

- The Planning and Development Department was first made aware of the existing use of the property due to a complaint which led to the owner applying for a rezoning.
- A completed application was received from William (Bill) Clarke on March 8, 2023.
- The application is to allow for commercial storage and distribution by rezoning to the Resource Industrial (M-1) zone.





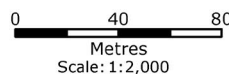
West Hants

Highway 14, Upper Vaughan
PID 45041902



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Orthophoto



-  PID 45041902
-  Parcels
-  Roads

Orthophoto

- The property currently has a personal storage building, shipping containers, and heavy equipment vehicles
- Abuts single unit residences, the Upper Vaughan Community Hall, and the Pisiqid Canoe Club

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Highway 14, Upper Vaughan PID 45041902

West Hants

Generalized Future Land Use

S (Resource)



- Resource Designation

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Generalized Future
Land Use

0 40 80
Metres
Scale: 1:2,000

Orange outline PID 45041902
Grey outline Parcels
Red line Roads
Light blue Water

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West Hants

Highway 14, Upper Vaughan
PID 45041902

Current Zoning

General Resource (GR) zone permits:

- Agricultural uses and farm equipment sales
- Automotive service stations
- Churches, community centres, and fire halls
- Forestry related activities
- Manufactured homes
- Service shops, stores under 5000 sqft, and restaurants
- Seasonal dwellings and one-and two-unit dwellings
- Sand and gravel extraction operations



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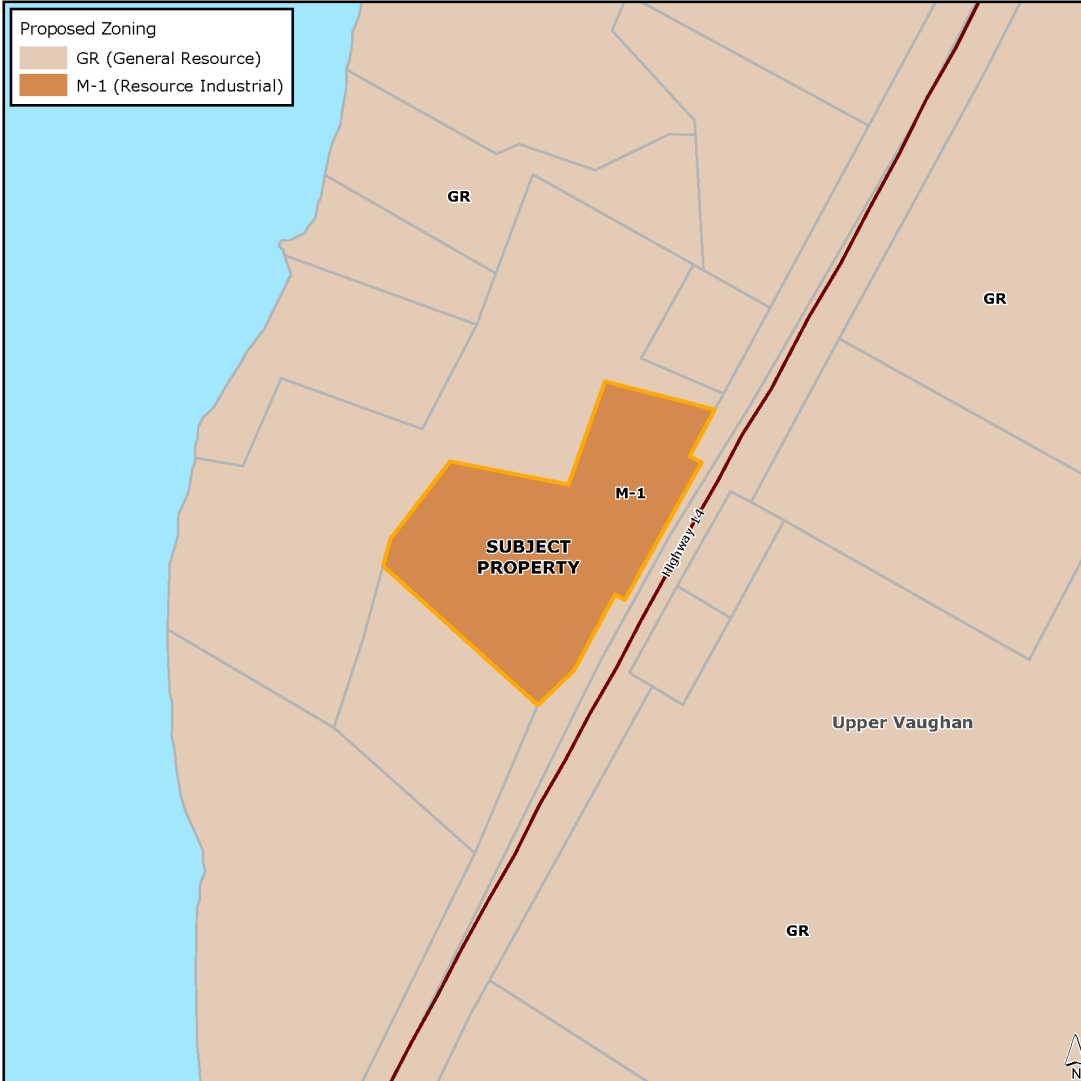
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Proposed Zoning

Resource Industrial (M-1) zone permits:

- Abattoirs
- Agricultural processing industries
- Any activity connected with the automobile trade other than an automobile scrap yard or automobile related commercial recreation establishment
- Any manufacturing, processing, industrial, assembly or warehousing operation conducted within an enclosed building
- Building supply and equipment depots
- Bulk storage of sand and gravel



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(1 of 4)

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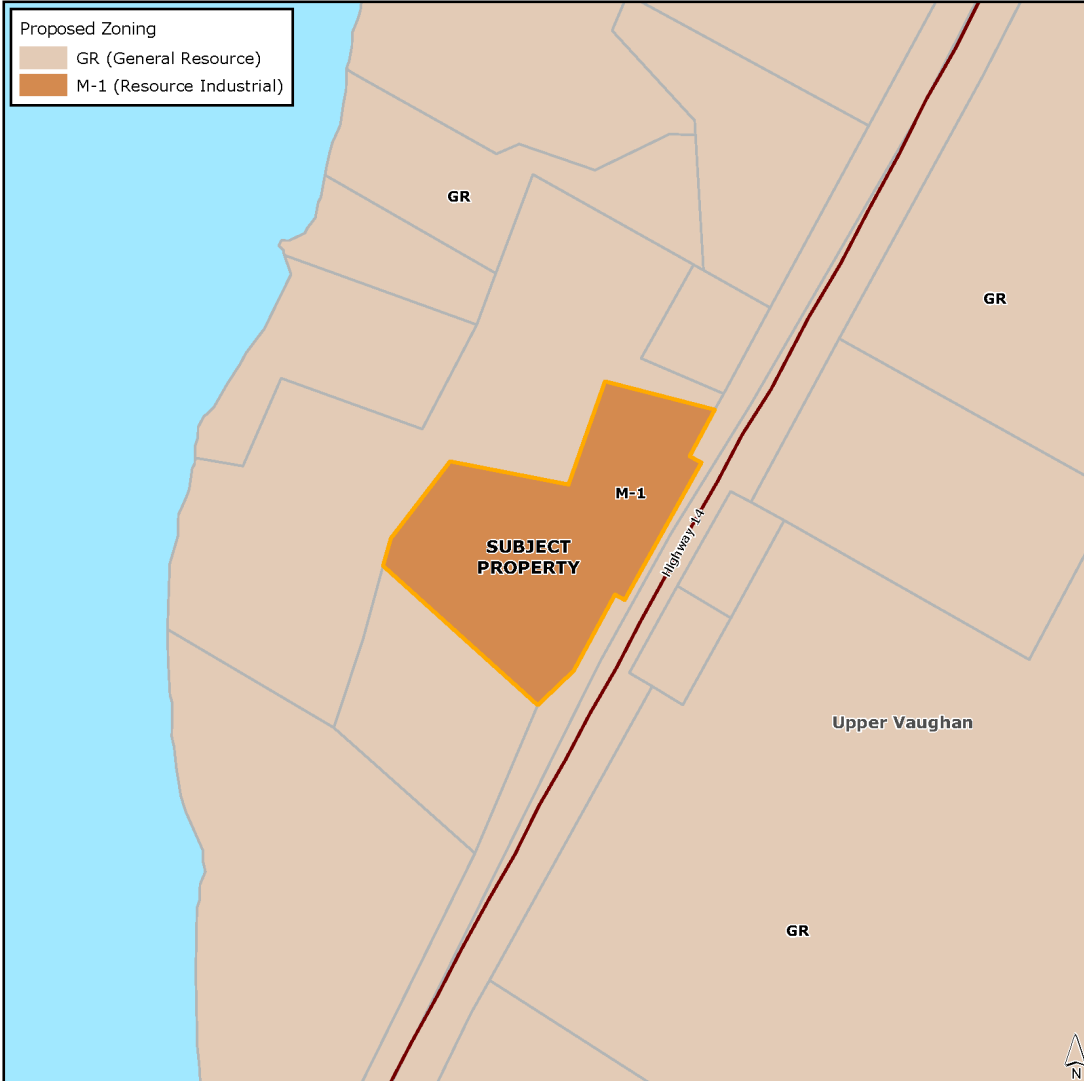
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Proposed Zoning

Resource Industrial (M-1) zone permits:

- Commercial and office uses accessory to a main use
- Commercial greenhouses
- Excavation and landscaping operations
- Farm supplies and equipment sales and service
- Feed and fertilizer industries
- Fruit and vegetable sorting, grading and packaging establishments
- Fuel storage depots
- Heavy equipment sales and service



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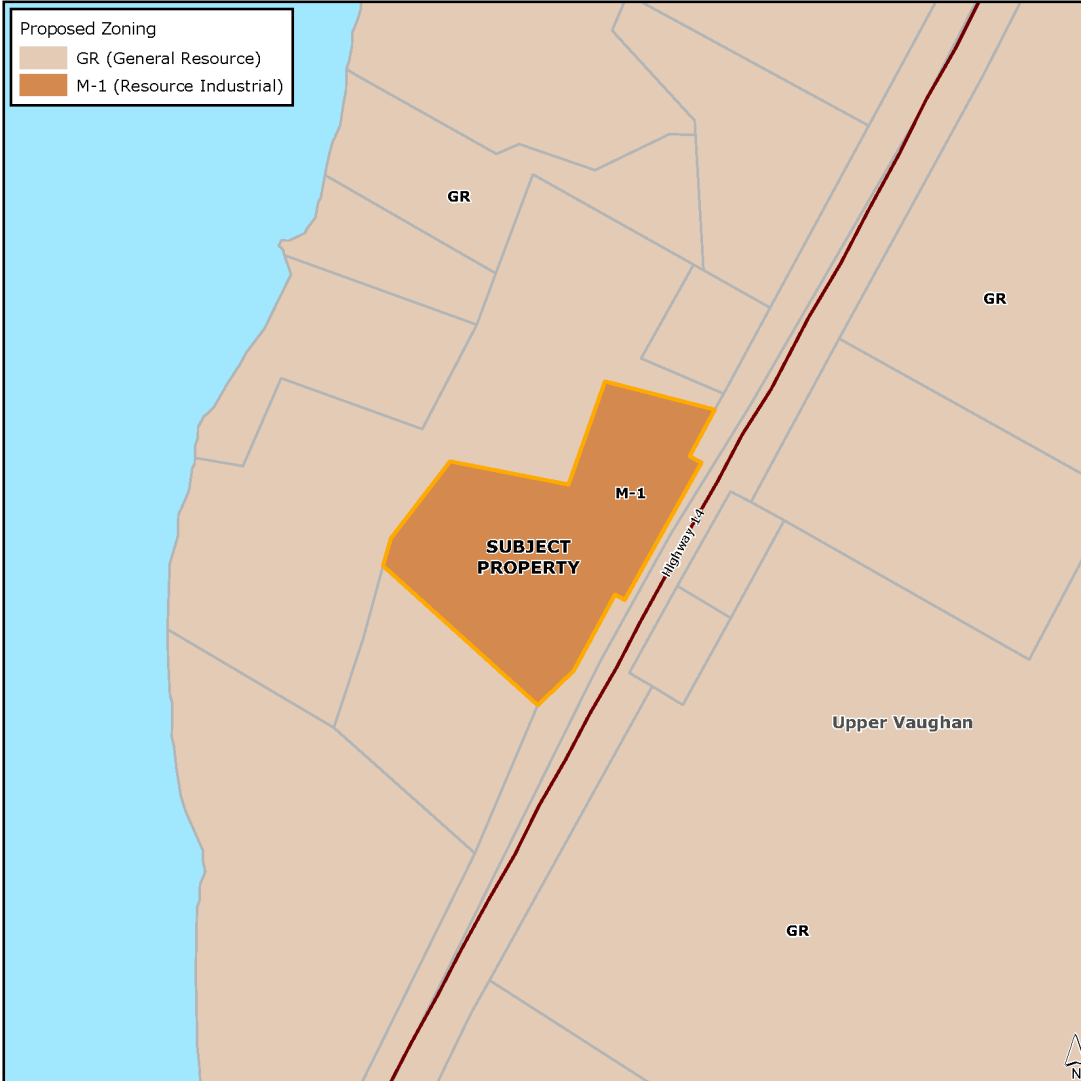
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Proposed Zoning

Resource Industrial (M-1) zone permits:

- Licensed Micro-Cultivation of cannabis
- Licensed Micro-Processing of cannabis
- Licensed Cannabis Nurseries
- Licensed Standard Cultivation and Processing of cannabis
- Railway uses
- Recycling depots
- One dwelling unit in conjunction with a permitted industrial use, either located in the same building or as a single unit dwelling or manufactured home on the same lot



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(3 of 4)

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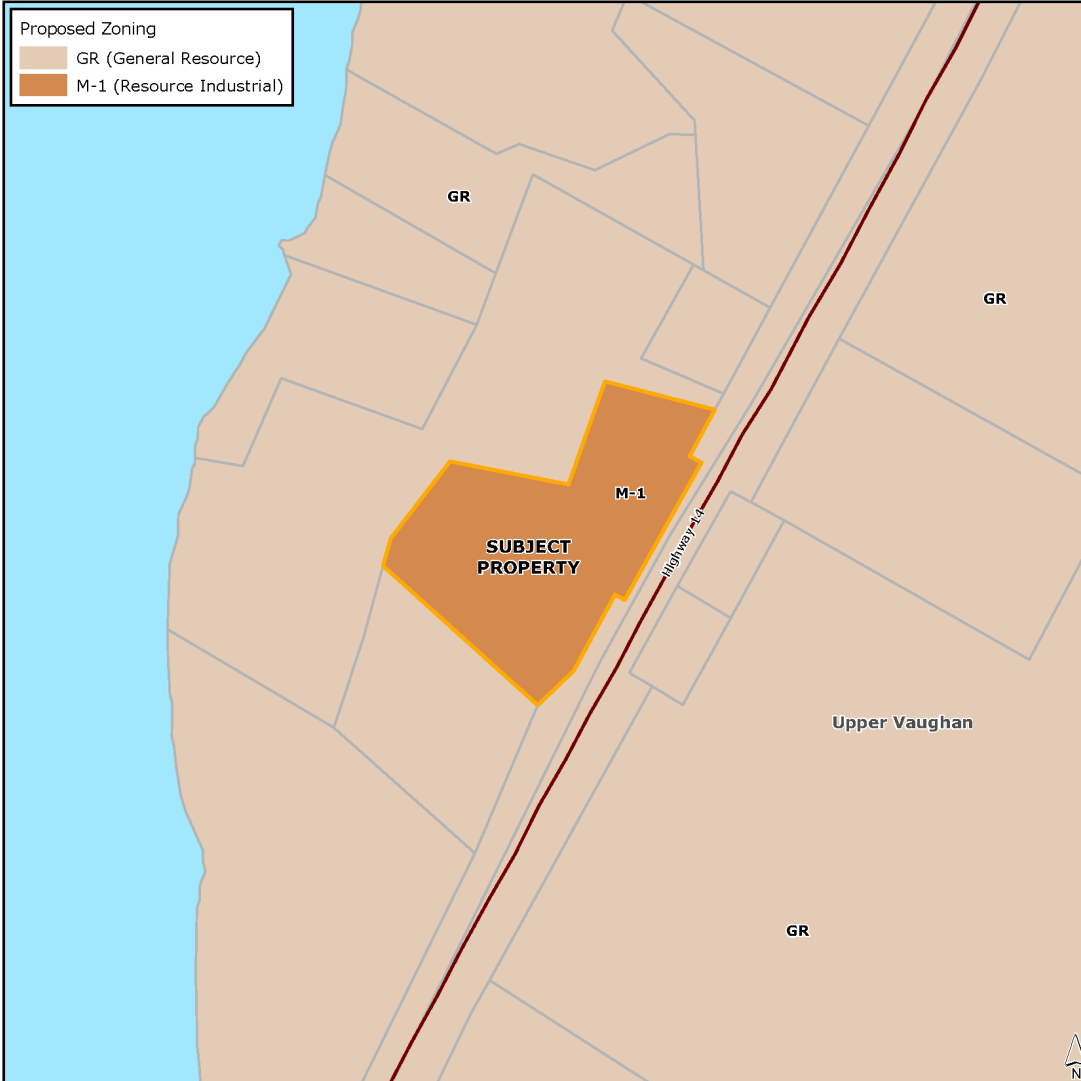
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Proposed Zoning

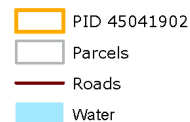
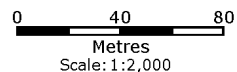
Resource Industrial (M-1) zone permits:

- Saw mills
- Service industries
- Structures related to sand and gravel excavation and processing
- Utility facilities
- Wood processing and manufacturing establishments



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Proposed Zoning



(4 of 4)

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View of Subject Lot from Highway 14





View of Subject Lot from front access point



Consideration for this Application

- A development permit for a personal storage building was issued on September 10, 2020.
- A complaint was received on October 28, 2022, regarding an industrial distribution and storage facility being located on the subject lot.
- The Development Officer investigated the subject lot and confirmed that there were industrial uses on the subject lot, however the storage building was being used for personal storage.
- This application is only pertaining to the industrial uses which are in violation of the West Hants Land Use By-law. The personal storage building will not be affected as part of this process, as the Development Officer has confirmed that it is adhering to the development permit that was issued.



West Hants MPS – Enabling Policy

Policy 9.1.6 enables Council to consider rezoning to allow for commercial or industrial uses permitted in the Resource Industrial (M-1) zone. In summary, the proposal does not meet the criteria since:

- neither the primary or secondary access meets the stopping site distance requirements and the secondary access does not meet the current access criteria for the NS Department of Public Works;
- slow-moving vehicles accessing the subject lot may impede traffic safety as commented by the NS Department of Public Works;
- there is potential for conflict with the hours of operation between the established residential uses and some of the permitted uses listed in the Resource Industrial (M-1) zone;



West Hants MPS – Enabling Policy Cont.

- certain uses permitted in the Resource Industrial (M-1) zone could potentially be obnoxious in nature; and
- the current use does not meet the setback criteria for the Resource Industrial (M-1) zone and further development of the subject lot could reduce buffering from adjacent existing uses.

West Hants MPS – General Criteria Policy

Policy 16.3.1 states general criteria for amendments to the Land Use By-law. In summary, the proposal does not meet the criteria as:

- the local Fire Chief has stated that there are a number of uses in the Resource Industrial (M-1) zone that would be concerning due to potentially insufficient response time;
- due to the subject lot not meeting stopping site distances, it is possible that slow moving vehicles accessing the subject lot may impede the movement of traffic passing the subject lot as commented by the NS Department of Public Works;
- uses permitted in the Resource Industrial (M-1) zone would constitute a major change from the pattern of development currently existing in the area and the potential development of additional Resource Industrial uses would negatively affect surrounding residential uses; and
- access to the property does not meet the requirements of the NS Department of Public Works.



Public Information Meeting Notes (1 of 3)

- Two Public Information Meeting were held on April 13 and April 14. The meetings were broadcast live on the Municipal Facebook page.
- 26 members of the public attended the first meeting and 3 members of the public attended the second meeting.
- The deadline for comments was April 28.
- 1 phone call, 1 letter, and 15 emails were received during the comment period.



Public Information Meeting Notes (2 of 3)

- Comments and concerns received include:
- existing uses not being suitable for the property;
 - erosion of adjacent properties;
 - ineffective drainage;
 - concrete wall placement;
 - the nearby heritage property;
 - unsightliness of uses;
 - guardrail installation;
 - use of adjacent lots for equipment storage;
 - dangerous access points;
 - building proximity to the road;
 - potential for more intensive industrial use;
 - an alternate lot being provided in the industrial park;
 - no industrial uses outside of the industrial parks;
 - potential environmental issues;
 - noise pollution;
 - negative affect on community aesthetic;
 - light pollution;
 - safety of those travelling to the canoe club;



Public Information Meeting Notes (3 of 3)

- why the use hadn't been stopped;
- when the initial complaint was filed;
- public opposition to the rezoning;
- why the rezoning process was used instead of a development agreement;
- information regarding the initial development permit that was issued;
- industrial development not being appropriate in this area;
- community disruption;
- a potential judicial review for environmental concerns;
- proximity of the subject lot to a heritage property;
- incorrect date listed on notice;
- violation of the Land Use By-law;
- property values;
- property ownership;
- impacted resident use of the lake;
- proximity of subject lot to the lake; and
- information regarding Community Accountability and Transparency Councils.



Staff Responses to Public Comments

- Runoff and erosion concerns should be directed to the NS Department of Environment and Climate Change.
- The section of guardrail was installed along the subject lot's frontage onto Highway 14 by the provincial Public Works Department due to concerns with the proximity of the parking areas and barriers.
- There is no planning policy criteria to evaluate heritage property 'landscape', only the individual property itself.
- There is no consideration of who an applicant is, the owner of a property would not affect their permit application or evaluation.



Applicant Request

- The applicant has requested for the Public Hearing to be held in July to allow them to be present for the meeting. Staff have no issue with the request.

Public Information Meeting – Apr. 13 & 14

Staff Review

PAC/HAC Review and Recommendation –
May. 11

Regional Council First Reading – May 23

Public Hearing & Second Reading – July 27*

Notice of Approval/Decision

14 Day Appeal Period

Process

Due to an incorrect date being published in the letter, a secondary PIM was held on April 14 as a follow-up meeting

* Anticipated Date



Staff Recommendation

Staff do not recommend in favour of the application because the following criteria are not considered met:

Policy 9.1.6

- (c) safe and efficient roadway access;
- (e) (i) traffic safety;
- (f) being considered obnoxious;

Policy 16.3.1

- (a) (iii) adequacy of fire protection;
- (c) suitability of movement;
- (e) pattern of development; and
- (g) provincial requirements.



Recommendation

If Council wishes to proceed to a Public Hearing the following motion would be in order:

...that Council gives First Reading and will hold a Public Hearing to consider amending Schedule A of the West Hants Land Use By-law to rezone 997 Highway 14, Upper Vaughan (PID 45041902) from the General Resource (GR) zone to the Resource Industrial (M-1) zone.





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