



**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:** Mayor Zebian and Members of West Hants Regional Municipality Council

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

**Date:** June 27, 2023

**Subject:** WHLUB Amendment: Pemberton Avenue, Garlands Crossing (PID 45003563);  
File # 23-03A

**LEGISLATIVE AUTHORITY**

Municipal Government Act Section 210

**RECOMMENDATION**

Should Council wish 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 PID 45003563 on Pemberton Avenue, Garlands Crossing, from the General Commercial (GC) zone to the Two Unit Residential (R-2) zone in a manner substantively the same as Figure 3 of the staff report to the Planning and Heritage Advisory Committee report #23-03 dated June 7, 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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A completed application was received from Gene and Annetta Anthony on March 14, 2023. The application is to allow for two, two unit dwellings by rezoning the subject lot to the Two Unit

Residential (R-2) zone. The property owners will then apply to subdivide the subject lot if the rezoning is approved.

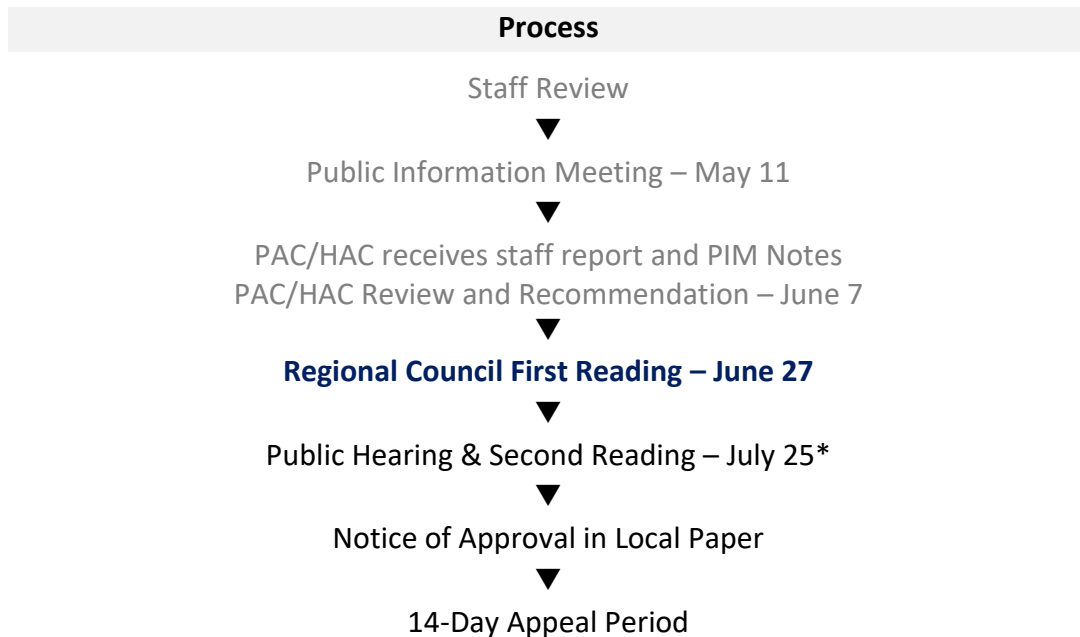
## DISCUSSION

A Public Information Meeting was held on May 11, 2023. A total of 3 members of the public spoke at the meeting. The public comment period ended on May 25, 2023, with staff receiving no written correspondence. To summarize, the comments and concerns of the public included: options to rezone to the Single Unit Residential (R-1) zone, access to the lot, and developer presence.

On June 7, 2023, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). During the June 7 meeting, PAC/HAC recommended in favour of the proposed rezoning.

## NEXT STEPS

The process for this application is as follows.



\*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, Council may decide to:

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

**APPENDICIES**

Appendix A                    2023-06-07 Staff Report - WHLUB Amendment: Pemberton Avenue, Garlands Crossing (PID 45003563); File # 23-03

**CHIEF ADMINISTRATIVE OFFICER REVIEW**

Approving the recommendation for first reading is recommended to ensure that the public hearing process is conducted, and further public feedback is gathered regarding this application.

I support the recommendation.

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

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

Report Approved by:  \_\_\_\_\_  
Mark Phillips, Chief Administrative Officer

**Appendix A – 2023-06-07 Staff Report - WHLUB Amendment: Pemberton Avenue, Garlands  
Crossing (PID 45003563); File # 23-03**



**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:** WHLUB Amendment: Pemberton Avenue, Garlands Crossing (PID 45003563);  
 File # 23-03

**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 Schedule A of the West Hants Land Use By-law to rezone PID 45003563 on Pemberton Avenue, Garlands Crossing, from the General Commercial (GC) zone to the Two Unit Residential (R-2) zone.

**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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A completed application was received from Gene and Annetta Anthony on March 14, 2023. The application is to allow for two, two unit dwellings by rezoning the subject lot to the Two Unit

Residential (R-2) zone. The property owners will then apply to subdivide the subject lot if the rezoning is approved.

## **DISCUSSION**

The subject lot is currently designated Commercial Core and included within both the Three Mile Plains Growth Centre and the Commercial Development District on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (WHMPS) (Figure 1). The subject lot is zoned General Commercial (GC) on Schedule A of the West Hants Land Use By-law (WHLUB) (Figure 2).

### ***Surrounding Context***

Properties surrounding the subject lot on the south side of Highway 1 are designated Commercial Core and included within both the Three Mile Plains Growth Centre and the Commercial Development District, with the properties on Pemberton Avenue being zoned General Commercial (GC) and the properties to the southeast being zoned Highway Commercial (HC). Adjacent properties on Pemberton Avenue are single unit residences, while a commercial area including restaurants, a gas station, convenience store, and personal service shops are located southwest of the subject lot.

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

Policy 5.3.4 is the primary enabling policy to be considered for this application. This policy provides Council with the ability to consider rezoning to the Two Unit Residential (R-2) zone. The Policy also includes criteria which must be considered in relation to the proposal. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria since:

- the subject lot is capable of being serviced by municipal water and sewer; and
- the proposed use will not conflict with adjacent existing uses.

Policy 16.3.1 establishes the general criteria that must be considered for all amendments to the West Hants Land Use By-law. 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.

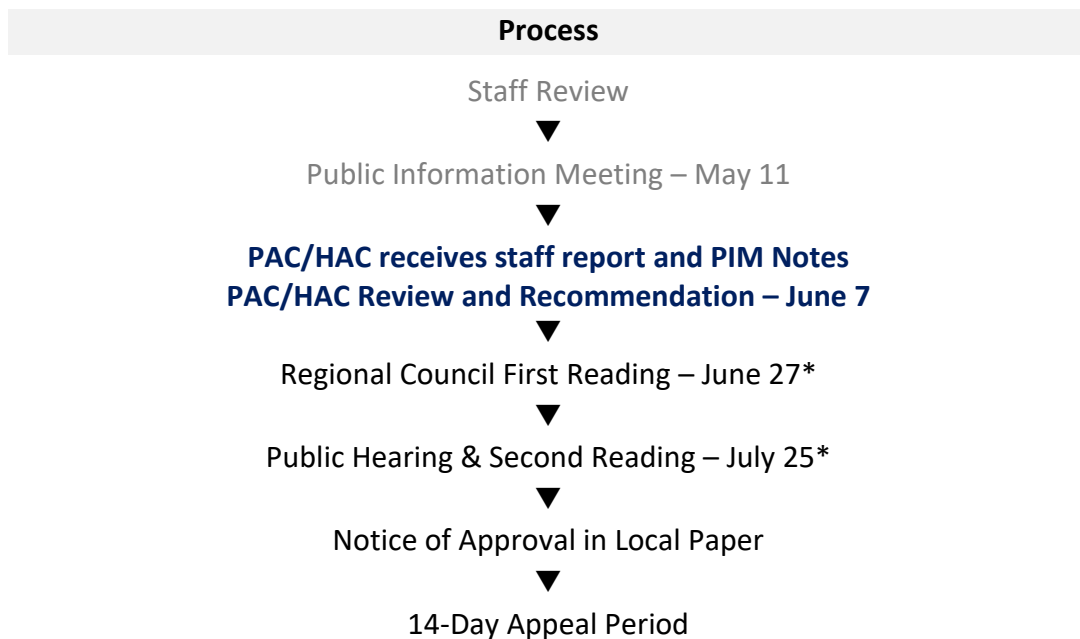
## MUNICIPAL CLIMATE CHANGE ACTION PLAN

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 WHMPS, and is consistent with the intent, objectives, policies and criteria of the WHMPS. As a result, it is reasonable to amend the zoning of PID 45003563 to the Two Unit Residential (R-2) zone.



\*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	West Hants GFLUM Extract
Figure 2	West Hants Zoning Map Extract
Figure 3	West Hants Proposed Zoning Map Extract
Attachment A	Policy Summary for Amendments
Attachment B	Public Information Meeting Notes

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

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

Figure 1 – West Hants GFLUM Extract

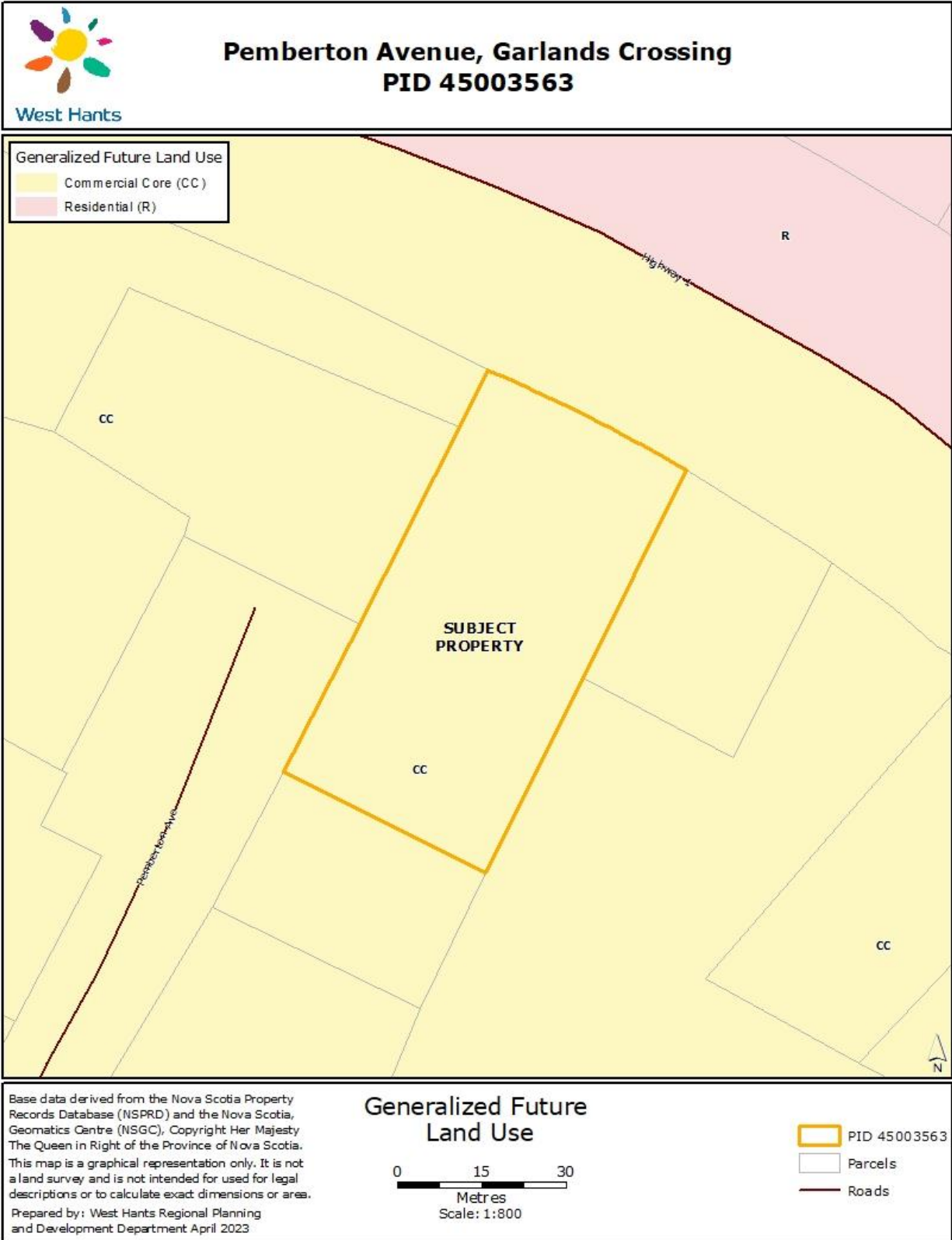


Figure 2 – West Hants Zoning Map Extract

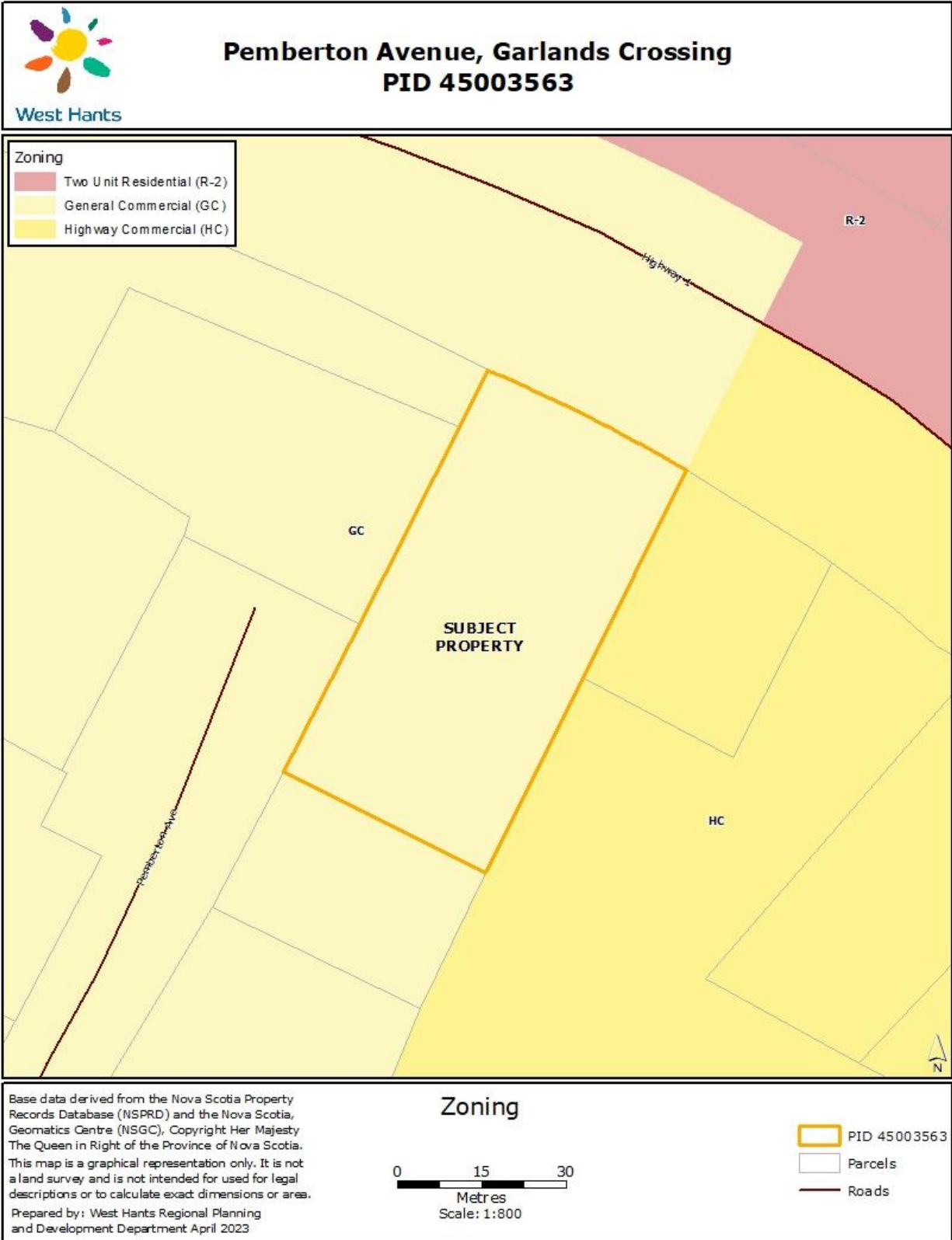
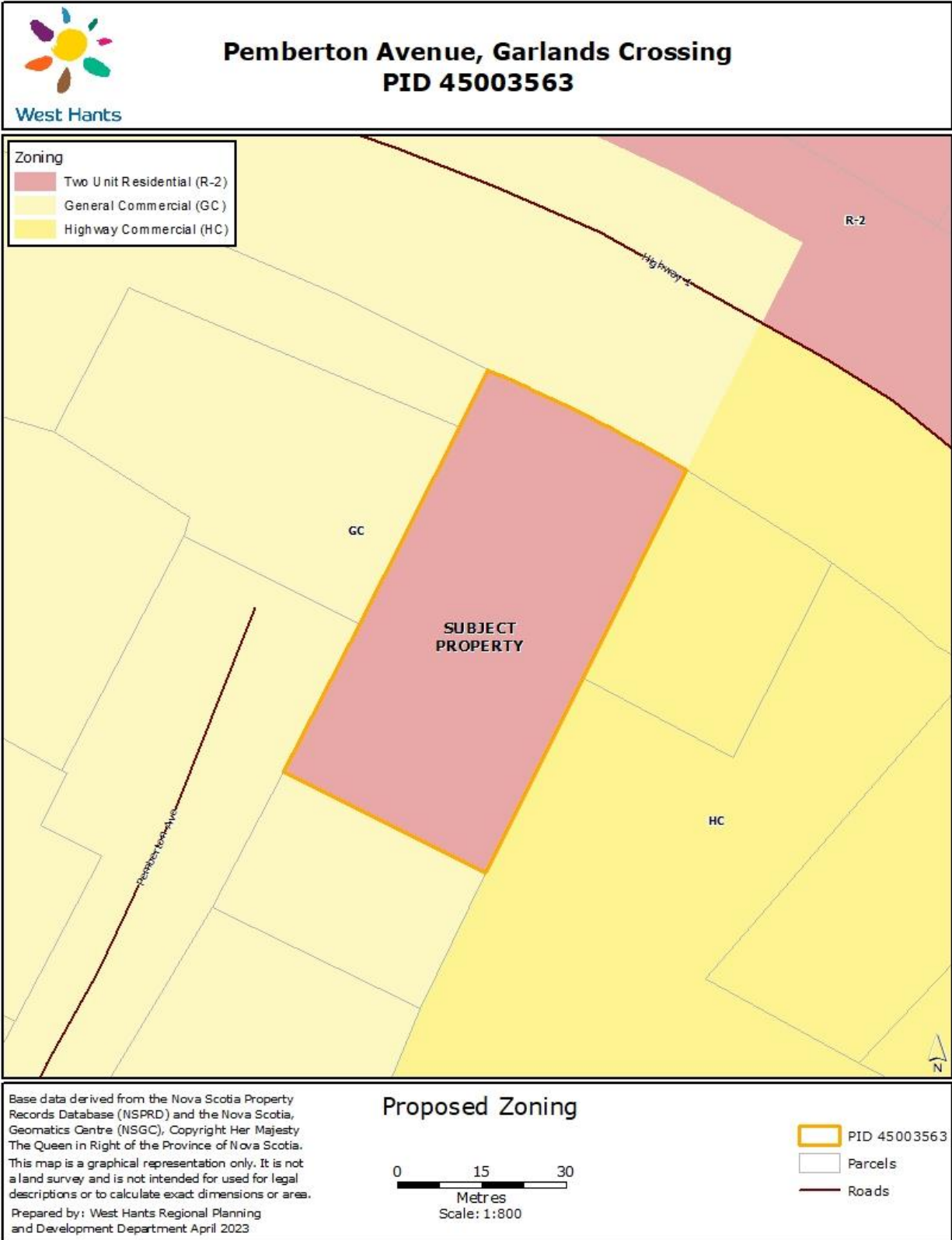


Figure 3 – West Hants Proposed Zoning Map Extract



**Attachment A – Policy Summary for Amendments**

<p><b>Policy 5.3.4</b>  <i>It shall be the policy of Council to consider rezoning land within the Three Mile Plains Growth Centre to R 2 subject to the following:</i></p>	
<p><i>(a) the area to be rezoned is serviced, or is capable of being serviced, with municipal water and sewer; (Amendment WHMPS 14-01 Effective January 22, 2015)</i></p>	<p>The Municipal Project Engineer commented that the lot is capable of being serviced by municipal water and sewer.</p>
<p><i>(b) the proposed use will not conflict with adjacent existing uses;</i></p>	<p>The Development Officer commented that they have no concerns regarding conflict between the proposed use and adjacent existing uses.</p>
<p><i>(c) any other matter which may be addressed in a Land Use By-law; and</i></p>	<p>All relevant matters have been addressed in this report.</p>
<p><i>(d) Policy 16.3.1.</i></p>	<p>See Policy 16.3.1 below.</p>

<p><b>Policy 16.3.1</b>  <i>In considering development agreements and amendments to the West Hants 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 premature or inappropriate in terms of:</i></p>	
<p><i>(i) the adequacy of sewer and water services;</i></p>	<p>The Municipal Project Engineer commented that they had no concerns regarding the adequacy of municipal services.</p>
<p><i>(ii) the adequacy of school facilities;</i></p>	<p>No impact on school facilities is anticipated.</p>
<p><i>(iii) the adequacy of fire protection and other emergency services;</i></p>	<p>Both the Manager of Building and Fire Inspection Services commented that they had no concerns regarding the adequacy of fire protection. The local</p>

	Fire Chief commented that they also had no concerns.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The Area Manager of the Nova Scotia Department of Public Works commented that they had no concerns regarding the adjacent road network.
<i>(v) the financial capacity of the Municipality to absorb any costs relating to the development.</i>	There are no anticipated costs to the Municipality regarding this development.
<i>(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system;</i>	The Municipal Project Engineer commented that the subject lot is capable of being serviced by municipal water and sewer.
<i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	The Area Manager of the Nova Scotia Department of Public Works commented that they had no concerns regarding the suitability of movement and traffic and that the subject lot would be granted a single access to Highway 1.
<i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer commented that they had no concerns regarding the adequacy of the dimensions and shape of the lot for the intended use.
<i>(e) the pattern of development which the proposal might create;</i>	The Development Officer commented that they had no concerns regarding the pattern of development which the proposal might create.
<i>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, wetlands, and susceptibility of flooding;</i>	The subject lot is relatively flat, excepting the portion fronting onto Highway 1. 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>(g) 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; and</i>	All Municipal, Provincial, and Federal regulations will have to be met.
<i>(h) any other matter required by relevant policies of this Strategy.</i>	All relevant matters have been addressed in this report.

**Attachment B – Public Information Meeting Notes**

**May 11 - May 25, 2023**

**WHLUB Amendment: Pemberton Avenue, Garlands Crossing (PID 45003563); File # 23-03**

<b>Meeting date and time</b>	A Public Information Meeting was held on May 11, 2023 beginning at 6:02 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 Fredericks</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> Gene & Annetta Anthony <b>Property</b> Pemberton Avenue, Garlands Crossing (PID 45003563)	Planner Dunphy outlined the application to rezone the subject lot to permit two, two unit dwellings.  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 no phone calls or written correspondence during the comment period.  3 members of the public and the applicant spoke during the May 11 Public Information Meeting. Staff and applicant responses are in purple.

	<ul style="list-style-type: none"> <li>• Paul asked about the option to rezone to the Single Unit Residential (R-1) zone, as that area is primarily single unit dwellings.</li> <li>• Gina Cochrane asked about access to the lot.  Alex responded that the NS Department of Public Works would be contacted to inquire about access. Gina then commented that the area is single unit dwellings and that the higher density development would contribute to traffic and road issues.</li> <li>• A member of the public commented that it is best to have the developer in-person at the meeting. The developer not living in the community is seen as an issue.  Gene Anthony, the applicant, commented that they originally used the property for a shop and were now rezoning to residential to match the surrounding uses.</li> </ul>
<b>Adjournment</b>	The PIM was adjourned at approximately 6:21 p.m.