



Preliminary Report to Planning Advisory Committee (PAC)

Submitted By: Jeanne Bourque, Planner

Date: December 15, 2016

Subject: **Holleman and Associates Inc. – Application to Amend Existing Development Agreement for *Ellershouse Landing* bare Land Condominium Development, 6004 Highway 1, Ellershouse, PID 45013588**

File No. H3DA 16-01

PRELIMINARY STAFF REPORT

ORIGIN

An application was received from Anthony and Sheana Holleman (registered as Holleman and Associates Inc.), to amend the development agreement registered on their property at 6004 Highway 1, Ellershouse, also known as *Ellershouse Landing*. The amendments requested would:

- enable the addition of multiple unit dwellings;
- increase the maximum number of dwelling units permitted from 8 to 18.

LEGISLATIVE AUTHORITY

Municipal Government Act (Statutes of Nova Scotia 1998) Part VIII, Planning and Development, Sections 225 to 230; the West Hants Municipal Planning Strategy (2008); and the West Hants Land Use By-law (2008).

RECOMMENDATION

It is recommended that:

THE PLANNING ADVISORY COMMITTEE HOST A PUBLIC INFORMATION SESSION TO REVIEW THE APPLICATION FOR AMENDMENTS TO THE DEVELOPMENT AGREEMENT ON ELLERSHOUSE LANDING, 6004 HIGHWAY 1, PENDING COMPLETION OF A DRAFT DEVELOPMENT AGREEMENT AND FULL STAFF REPORT.

BACKGROUND

In 2014, Council approved a development agreement that enabled the establishment of a bare land condominium housing development, now called *Ellershouse Landing*, in the Hamlet of Ellershouse, West Hants. Amendments to development agreements are part of a standard process that allows municipal governments to respond to the changing needs of developers.

This preliminary report is intended to introduce planning advisory committee members to the overall project, the current development agreement, the process through which a development agreement is assessed and amended, and the public participation process used by West Hants.

Planning staff are preparing a full staff report and a revised development agreement in draft form. These documents will be used for discussion with the public and PAC members.

DEVELOPMENT AGREEMENT (DA)

A development agreement (DA) is a legal contract between a municipality and a property owner that sets out the type and form of development permitted on a property. A DA may include requirements such as landscaping, screening, setbacks, hours of operation, building design and location, and whatever other matters are permitted by the *Municipal Government Act* (MGA) to be considered by Council. A DA is more flexible than traditional zoning and may allow Council to authorize a use which otherwise would not be permitted, and vary Land Use By-law (LUB) requirements for a site-specific project. A DA also provides Council a greater deal of control over the details of a development.

It is important to note that a DA can only be used when there is a specific enabling policy in the Municipal Planning Strategy (MPS). A list of developments that can be considered by DA is contained in the Land Use By-law, Section 6.0.

PUBLIC PARTICIPATION PROGRAM

The *Municipal Government Act* requires that Councils adopt public participation programs for the preparation of planning documents. West Hants has had such a program since 1988, with the latest revision done in 1999. In 2014, the Planning department recommended a broader interpretation of the program to enable a higher degree of public input earlier in the planning process.

For the Public Information Session, property owners within 300 feet of the subject property will receive a letter notifying them that the Planning Advisory Committee (PAC) will be reviewing a staff report at a regularly scheduled meeting, tentatively scheduled for January 19, 2017. The full staff report and the draft development agreement will be made available to the public prior to that session, through the municipal website and hard copies in the planning office. After hearing from the public at this informal meeting, PAC may then recommend that the draft development agreement be sent to Council after legal review. A more formal Public Hearing will then be advertised and held. After receiving public input in

that forum, the application typically goes to Council for a decision. If Council approves the application for amendments to the DA, then a notice is published of this approval which sets out the public's right of appeal.

MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW

In reviewing an application for a DA, Council must consider the policies and regulations of the *West Hants Municipal Planning Strategy* (MPS) and *West Hants Land Use By-law* (LUB). The specific policy that will be considered for this application is the recently amended Policy 6.2.4, and staff will also review the requirements of Policy 16.3.1, *General Policy for all Land Use By-law Amendments and Development Agreements*. These policies will be reviewed in detail in the full staff report that is being prepared for the Public Information Session.

CONCLUSION

This preliminary report introduces the Planning Advisory Committee to the *Ellershouse Landing* development agreement. Committee members are encouraged to review the documents published on the municipal website under Planning/Staff reports:

2014

Holleman & Associates Inc. – Development Agreement

- Staff Report – April 15, 2014
- Draft Development Agreement