

4190 Hwy 1, Garlands Crossing; PID 45003357 Development Agreement

Planning and Heritage Advisory Committee (PAC/HAC)

January 12, 2023



Orthophoto



something inspiring awaits



GOLD HOUSE

黃金 CHINESE RESTAURANT 酒家

EAT-IN
TAKE-OUT

902-798-2522

黃金酒家

4190

Public Information Meeting
Thursday, September 16, 2010
8:00 a.m.

VISA

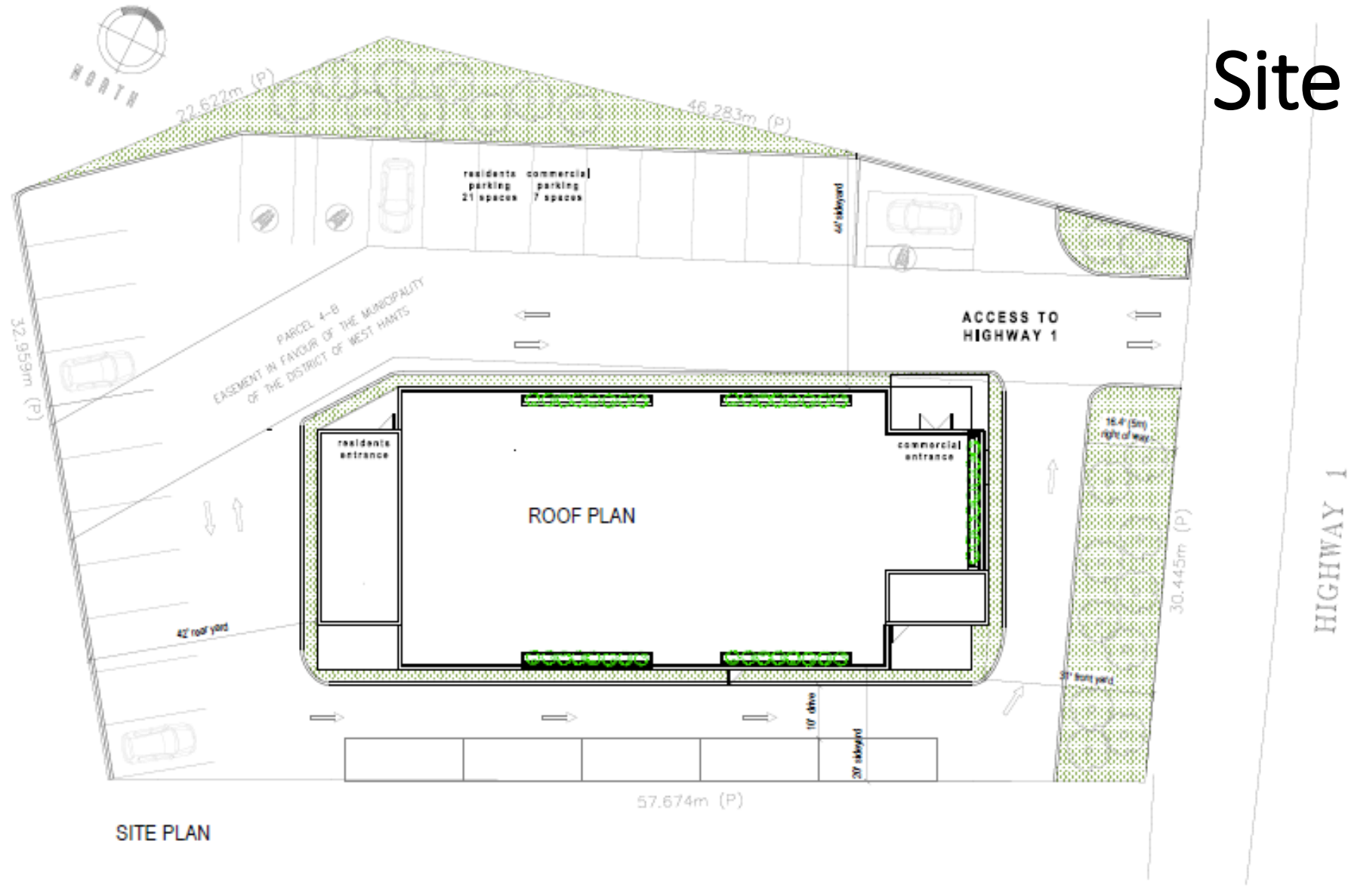


Application

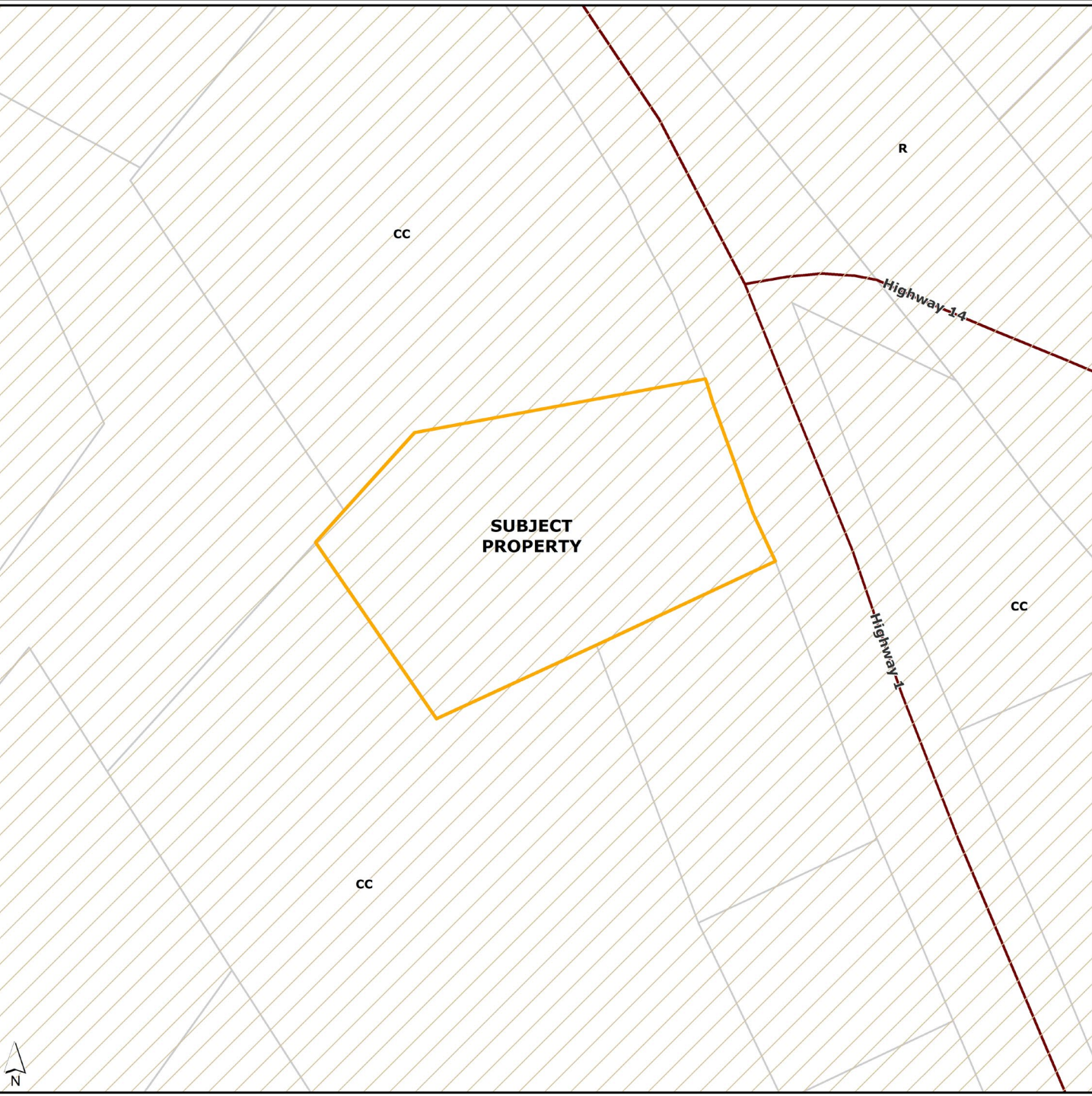
- A completed application was received on November 7, 2022 from Monica Sweetapple of Nuvo Architecture and Interiors on behalf of the property owner Jean Alphonse of Jovana Construction Limited
- Request a four (4) storey mixed-use apartment building containing up to 21 apartment units and up to 3,000 sq. ft. of commercial space
- The existing building would be demolished to accommodate the proposed development



Site Plan



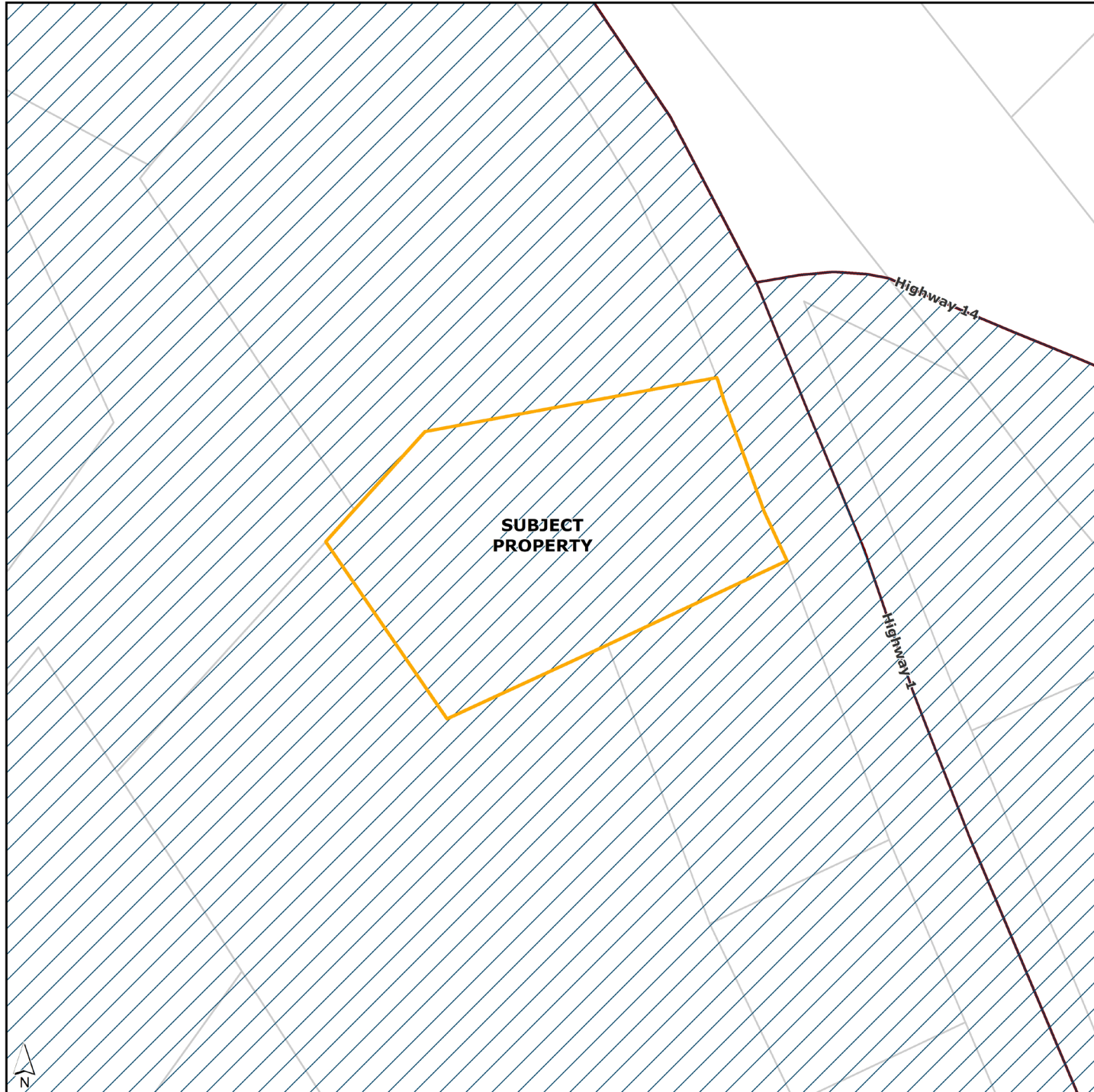
Three Mile Plains Growth Centre



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Commercial Development District



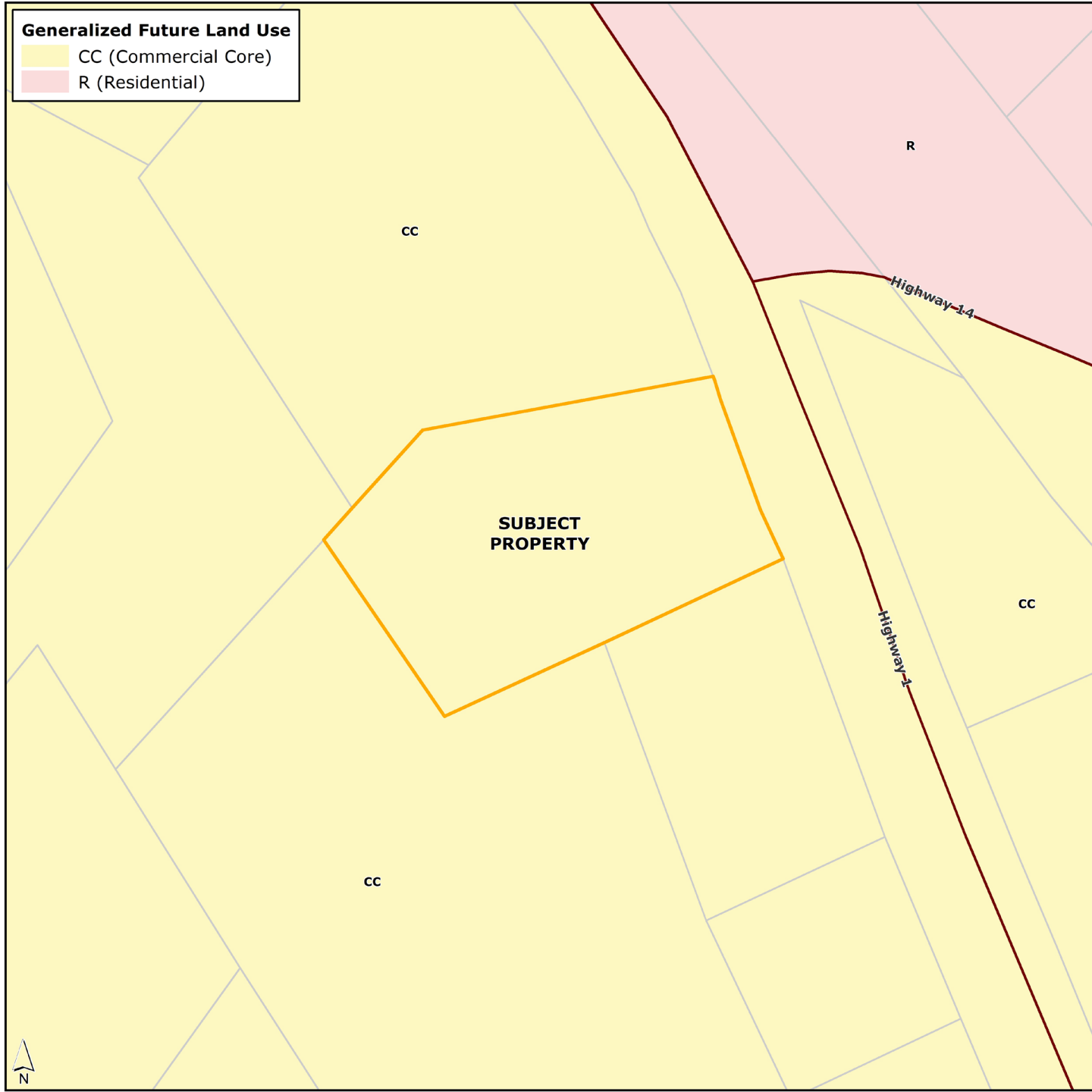
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Generalized Future Land Use

CC (Commercial Core)

R (Residential)

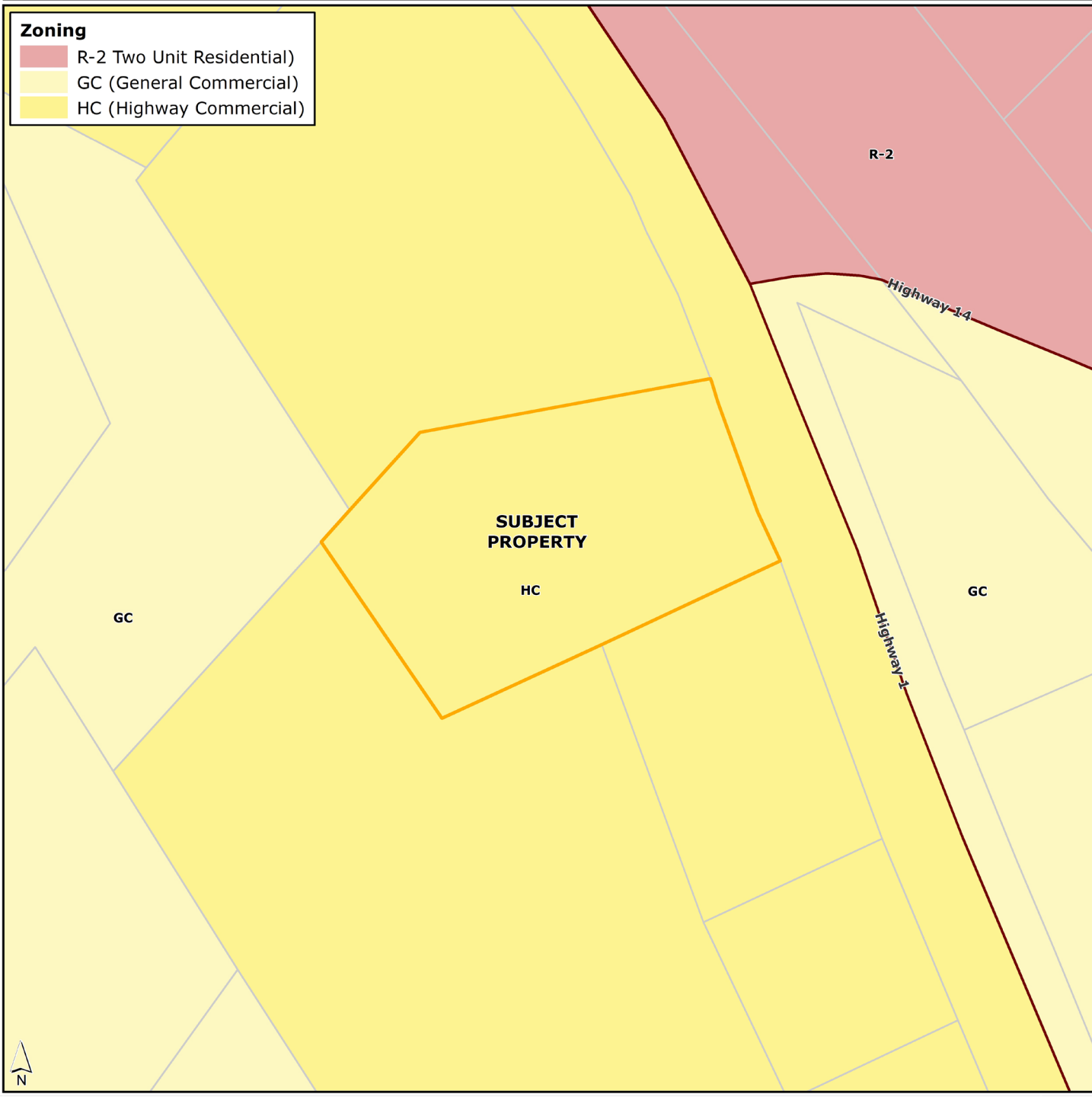


GFLUM

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- Zoning**
- R-2 Two Unit Residential
 - GC (General Commercial)
 - HC (Highway Commercial)



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
- Multiple unit residential development greater than three storeys in height is considered in the Three Mile Plains Growth Centre only 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:
 - (c) multiple unit residential development greater than three storeys in height in the Three Mile Plains Growth Centre in accordance with Policy 5.3.8 of the Municipal Planning Strategy;

West Hants Municipal Planning Strategy

- Section 5.5 of the WHMPS contains the overall intention for properties designated Commercial Core in the Three Mile Plains Growth Centre
- Section 5.3 describes the residential policies for the Three Mile Plains Growth Centre
- *Policy 5.3.8* establishes Council's intention to consider multiple unit residential development greater than three storeys in height in the Three Mile Plains Growth Centre by development agreement



Development Agreement Details

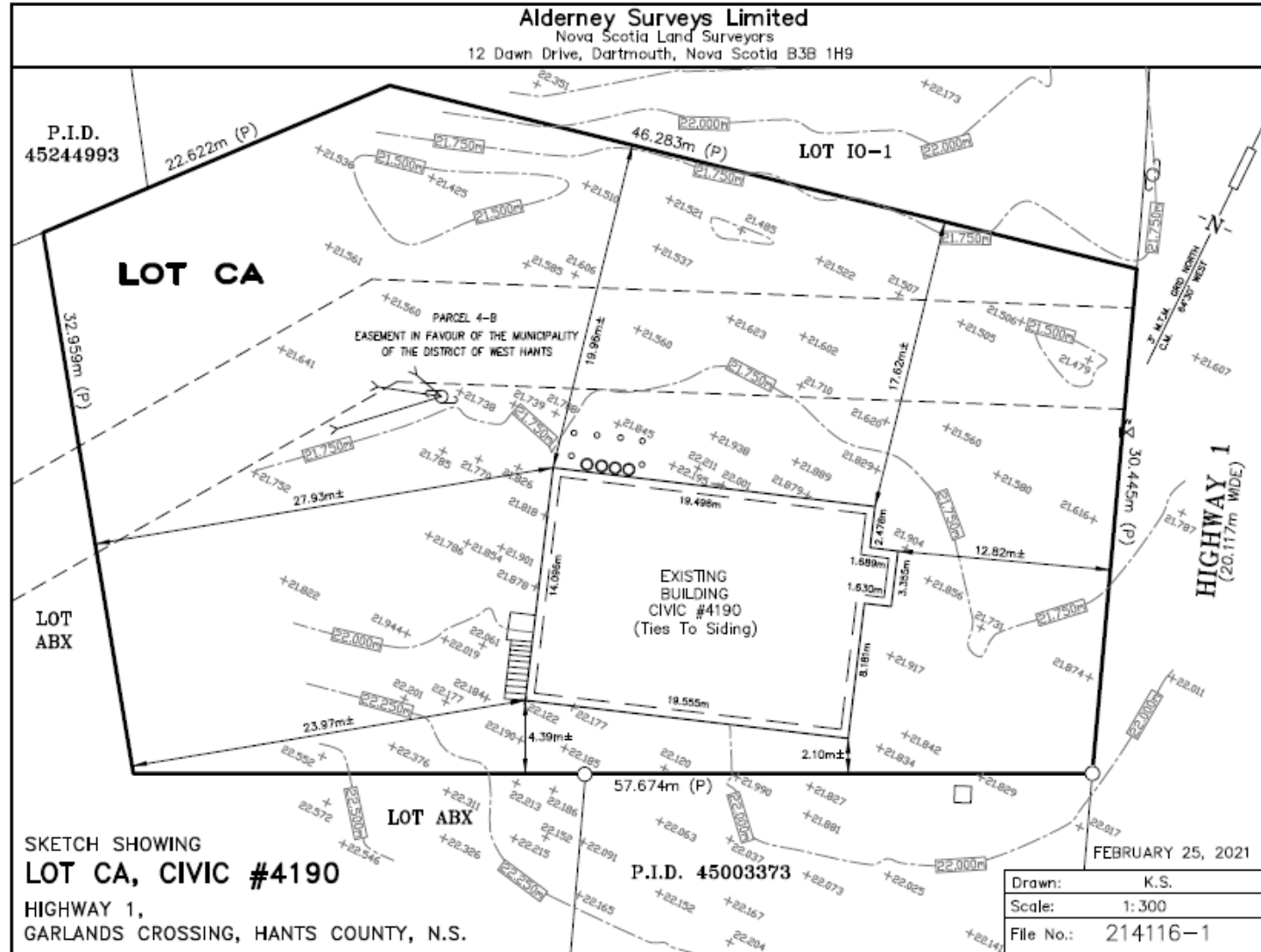
Permitted Uses

- those uses permitted by the underlying zoning in the LUB;
- apartment building containing 21 apartment units, roof top recreation space, and up to 3,000 sq. ft. (278.71 sq. m.) gross floor area on the ground floor for commercial uses, limited to:

Arts and crafts studios including photography	Dry cleaning and laundry establishments	Repair and rental establishments
Banks and financial institutions	Entertainment, recreation and assembly uses within a wholly enclosed building	Restaurants, excluding drive-through restaurants
Clubs and community organizations	Licensed liquor establishments	Retail stores
Commercial schools	Offices	Service and personal service shops
Day care centres, licensed or non-licensed	Post offices and postal outlets	Veterinary clinics and animal hospitals

Development Agreement Details

Municipal Easement



Development Agreement Details

Municipal Easement Cont.

- Municipal Public Works Department - existing 10-inch sewer main runs from Tonge Hill to Highway 1 located within the easement
 - Section 2.2 (c) states that no buildings shall be located on the area of the lot identified within the easement
- Manager of Operations - concerned about balconies overhanging the area within the easement which would limit the swing of an excavator if the sewer main needed repaired or replaced
 - Section 2.2 (c) also states that no balconies or other building features may project into the area of the lot subject to the easement unless written consent is received from the Municipal Department of Public Works.

Development Agreement Details

Requirements

- Side yard 15 ft. (4.57 m.) or one-half the height of the building, whichever is greater
- Min. of 4,500 sq. ft. of usable recreation space
- 1 parking space per dwelling unit
- 1 parking space for every 360 sq. ft. (33.45 sq. m.) gross floor area of commercial uses
- Private snow plowing and garbage collection
- Hours of operation for the commercial uses: 7:00 a.m. and 9:00 p.m. daily, inclusive



Development Agreement Details

Requirements Cont.

- All existing buildings to be demolished, and materials disposed of in accordance with the law and under direction of qualified site professionals
- Geotechnical study prior to a development permit being issued
- Stormwater management plan that satisfies the Municipal Engineer, prior to a development permit being issued
- Design plans of the water and sewer servicing connections and layout including location and connection design of any fire hydrant(s)



Development Agreement Details

Substantive Matters

- the uses permitted on the Property;
- the minimum side yard requirements and maximum building height;
- the geotechnical study requirements;
- the fire safety requirements;
- the stormwater management plan requirements; and
- hours of operation for the commercial uses.



Public Information Meeting Notes

- A Public Information Meeting was held on December 8. The meeting was broadcast live on the Municipal Facebook page.
- 1 member of the public spoke at the Public Information Meeting
 - Asked the size of the units, parking spaces, total height of the building, and who the proposed clientele is
- The deadline for comments was December 22
- No comments were received during the comment period



Specific Criteria for DA

- Policy 5.3.8 establishes specific criteria to be considered by Council
- In summary, the criteria are met since:
 - ✓ the side yards will be at least one-half the height of the building;
 - ✓ the development has frontage on an arterial road;
 - ✓ the lot is serviced with municipal water and sewer; and
 - ✓ adequate recreational space and on-site parking will be 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 report and development agreement.



Process

Public Information Meeting – December 8

Staff Review

PAC/HAC Review and Recommendation – January 12

Council First Reading – January 24*

Public Hearing & Second Reading – February 28*

Notice of Approval in Paper

14 Day Appeal period

*anticipated dates; final dates set by Council



Recommendations (1 of 2)

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow a four (4) storey apartment building containing 21 apartment units, roof top recreation space and up to 3,000 sq. ft. of commercial space on PID 45003357 in Garlands Crossing which is substantively the same as the draft set out in Attachment C of the report File #22-30 to the Planning and Heritage Advisory Committee dated January 12, 2023.



Recommendations (2 of 2)

...that PAC/HAC recommends that Council require that the development agreement with Jean Alphonse of Jovana Construction Limited for PID 45003357 in Garlands Crossing 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.





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