



WEST HANTS REGIONAL MUNICIPALITY

Public Hearing Minutes – PID #45372224, 741 McKay Road, McKay Section –
Amendment to Development Agreement
May 26, 2020 6:00 pm
Virtual Meeting – via Zoom

1. Call to Order

The Public Hearing was called to order at 6:29 pm.

Council Present:

Abraham Zebian, Mayor
Rupert Jannasch, Councillor, District 1
Scott McLean, Councillor, District 2
Mark McLean, Councillor, District 3
Jeff Hartt, Councillor, District 4
Debbie Francis, District 5

Paul Morton, Deputy Mayor, District 8
Bob Morton, Councillor, District 6
Ed Sherman, Councillor, District 7
Richard Murphy, Councillor, District 9
Laurie Murley, Councillor, District 10
Jim Ivey, Councillor, District 11

Staff and Guests Present:

Mark Phillips, Chief Administrative Officer
Todd Richard, Dir. Public Works
Kathy Kehoe, Dir. Community
Development
Shelleena Thornton, Administrative
Supervisor
Sara Poirier, Planner

Carlee Rochon, Dir. Financial Services
Rhonda Brown, Municipal Clerk
Madelyn LeMay, Dir. Planning &
Development
Diana Gibson, Manager, Accounting and
Financial Reporting

Members of the public watched the meeting using Facebook Live.

2. Introduction

Mayor Zebian advised that the Public Hearing for Planning documents and development agreements is required under Part 8 of the Municipal Government Act. The virtual public hearing is hosted by Council and following the presentation, will be adjourned until 6:00 pm on June 23, 2020. During the adjournment members of the public may submit comments or questions to Planner Poirier and the information would be presented at the next part of the Public Hearing.

Mayor Zebian reminded that Councillors would need to be present at both sessions of the Public Hearing to consider the application at Council on June 23rd when they would have opportunity for questions and comments.

3. Presentation by Planner

Planner Sara Poirier reviewed the presentation (attached) highlighting proposed amendments to the 2016 development agreement to include vehicles and vehicle accessory sales to the permitted uses. The Planner confirmed there were no proposed changes to the development site or hours of operations.

Planner Poirier informed of an additional request on April 29, 2020 to increase the number of vehicles on display in the front yard from 3 to up to 10. As this would be a substantive change to the development agreement, it could not be accommodated at this time without repeating some of the process. Planner Poirier stated that the main reasons for this was because stakeholders had not been consulted for comment and the public had been notified of only 3 vehicles on display in the front yard since the beginning of this application. The applicant had decided not to proceed with the additional request.

There had not been any inquires on the application as of this part of the Public Hearing.

Ms. Poirier provided her contact information so the public could provide comments to her by 6:00 pm on June 23, 2020.

Mayor Zebian declared the Public Hearing adjourned until June 23, 2020 at 6:00 pm.

The meeting ended at 6:40 pm.

Abraham Zebian, Mayor

Rhonda Brown, Municipal Clerk



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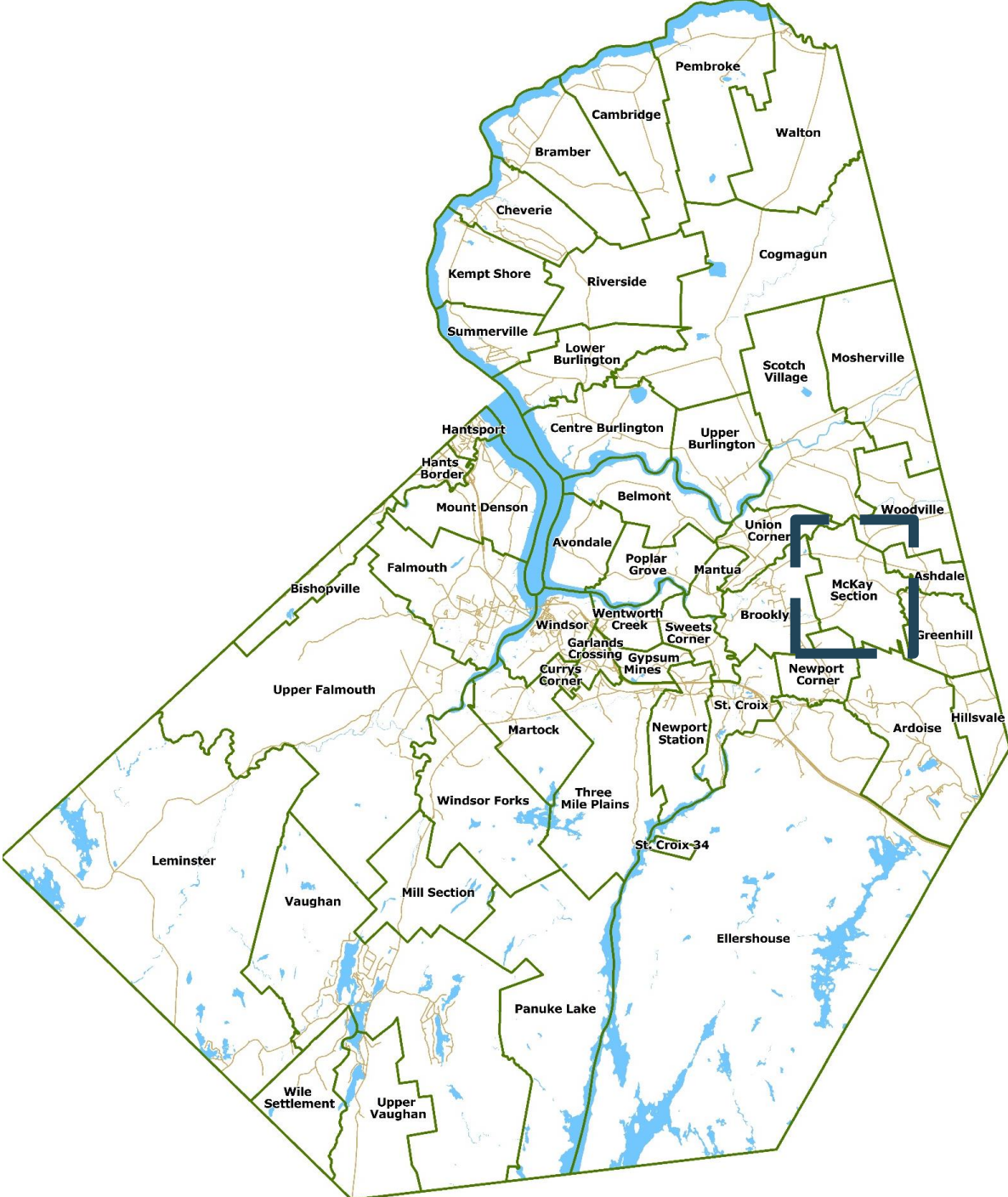


**Development Agreement Amendment:
741 McKay Road, McKay Section; PID 45372224
Public Hearing
May 26, 2020**

Background

- ▶ Received an application from James and Michelle Maynard to amend their development agreement which allows a home-based auto repair shop (June 8, 2016)
- ▶ Request to expand the uses permitted by the development agreement to include vehicle sales and vehicle accessory sales

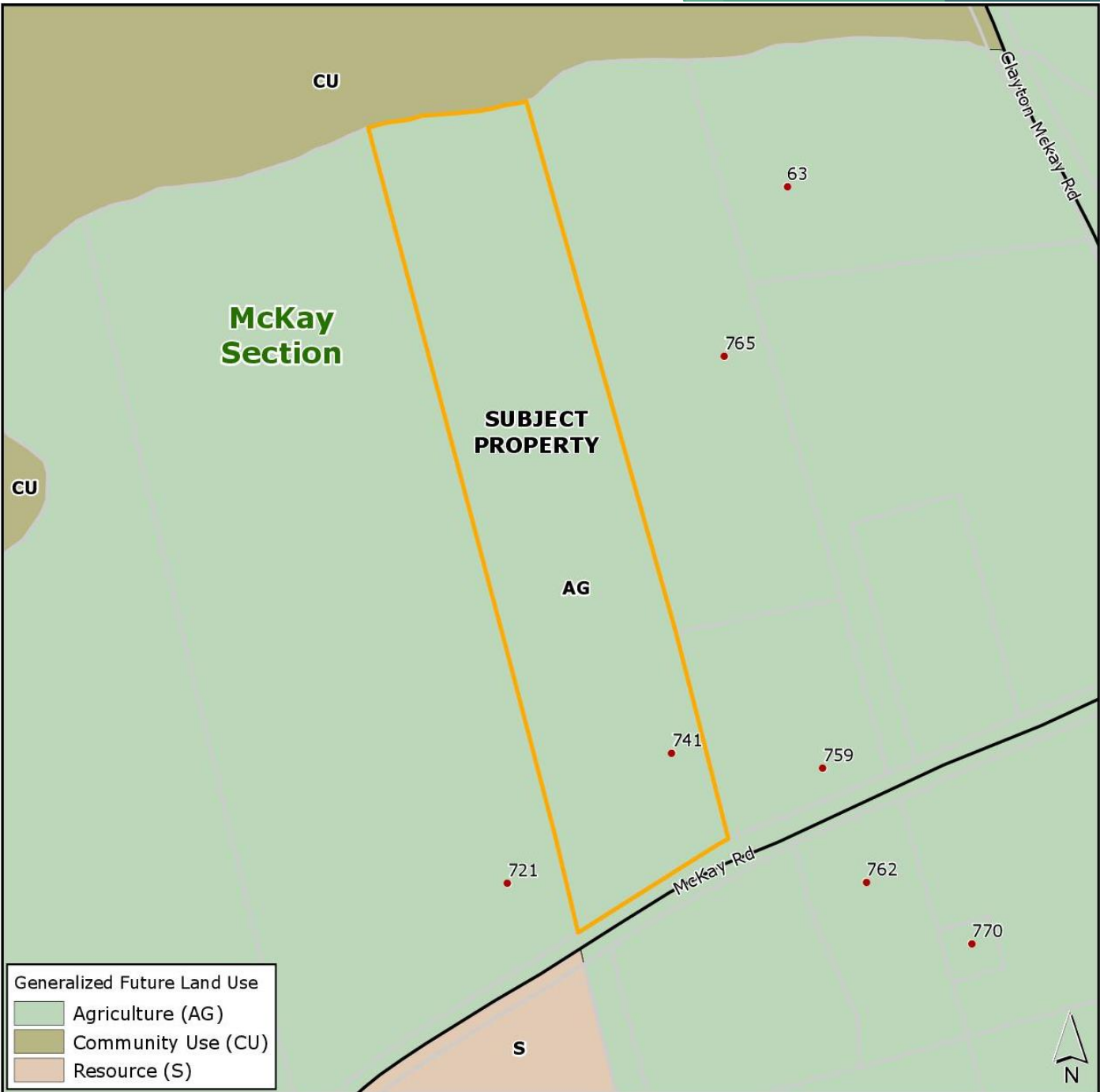
Context Map



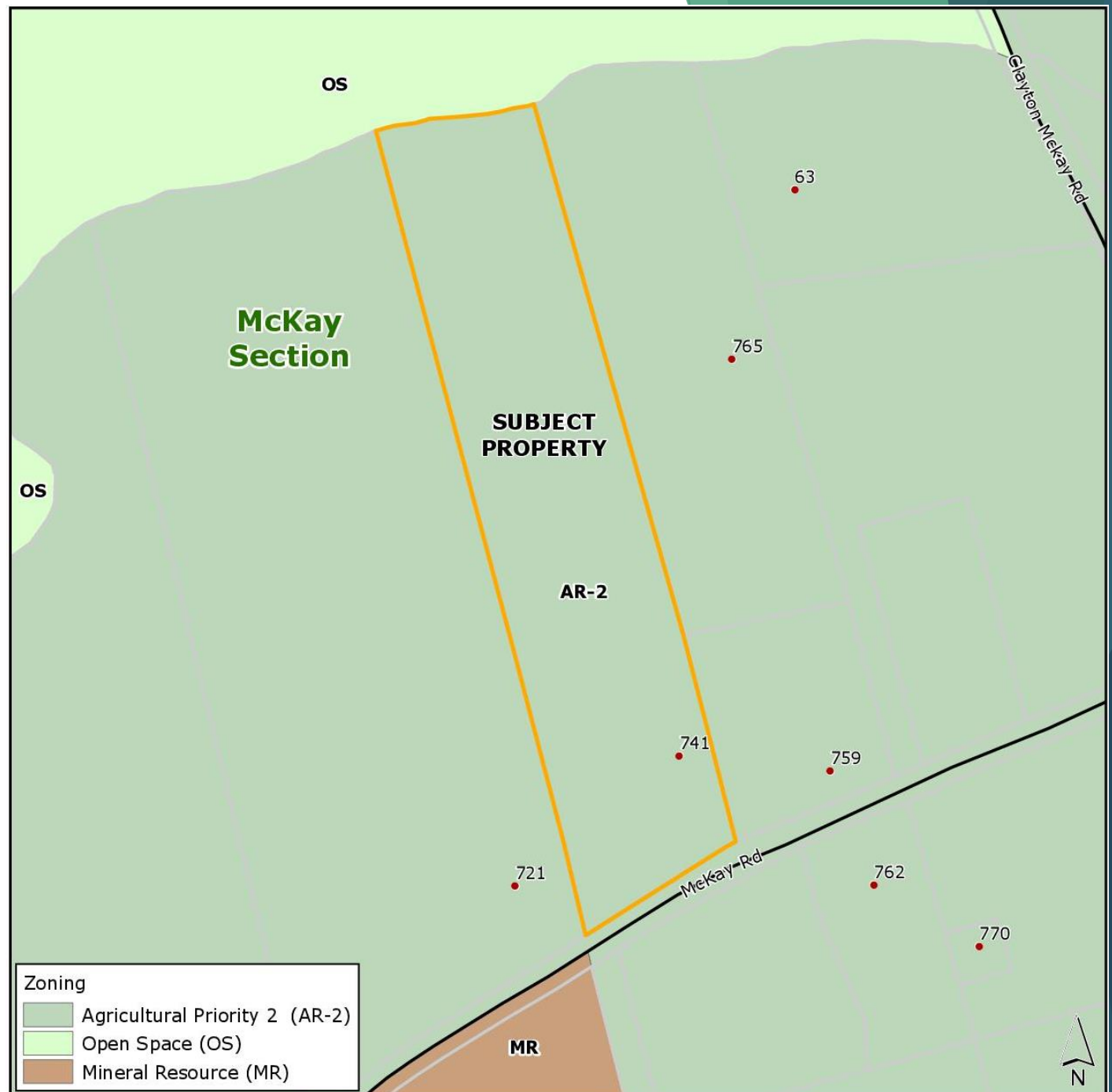
Orthographic Photo



Generalized Future Land Use



Zoning



Document Review

- ▶ Part 8 of the WHMPS contains the overall intention for the Agriculture areas in West Hants; Section 8.9 describes the policies for the Agricultural Priority Two (AR-2) Zone
- ▶ **Policy 8.9.4** states that *“it shall be the intention of Council to **consider new non-resource** Rural Commercial (RC), Recreation Commercial (RecC), **Resource Industrial (M-1)** or Open Space (OS) uses in the AR-2 zone by development agreement.”*

Document Review Cont.

- ▶ Section 6.1 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: ...*
 - ▶ *(s) Rural Commercial (RC), Recreation Commercial (RecC), Resource Industrial (M-1) or Open Space (OS) uses in the Agricultural Priority Two (AR-2) zone and the Agricultural Priority Three (AR-3) zone outside the Growth Centre, Village and Hamlet designations in accordance with Policies 8.9.4 and 8.10.5 respectively of the Municipal Planning Strategy;*

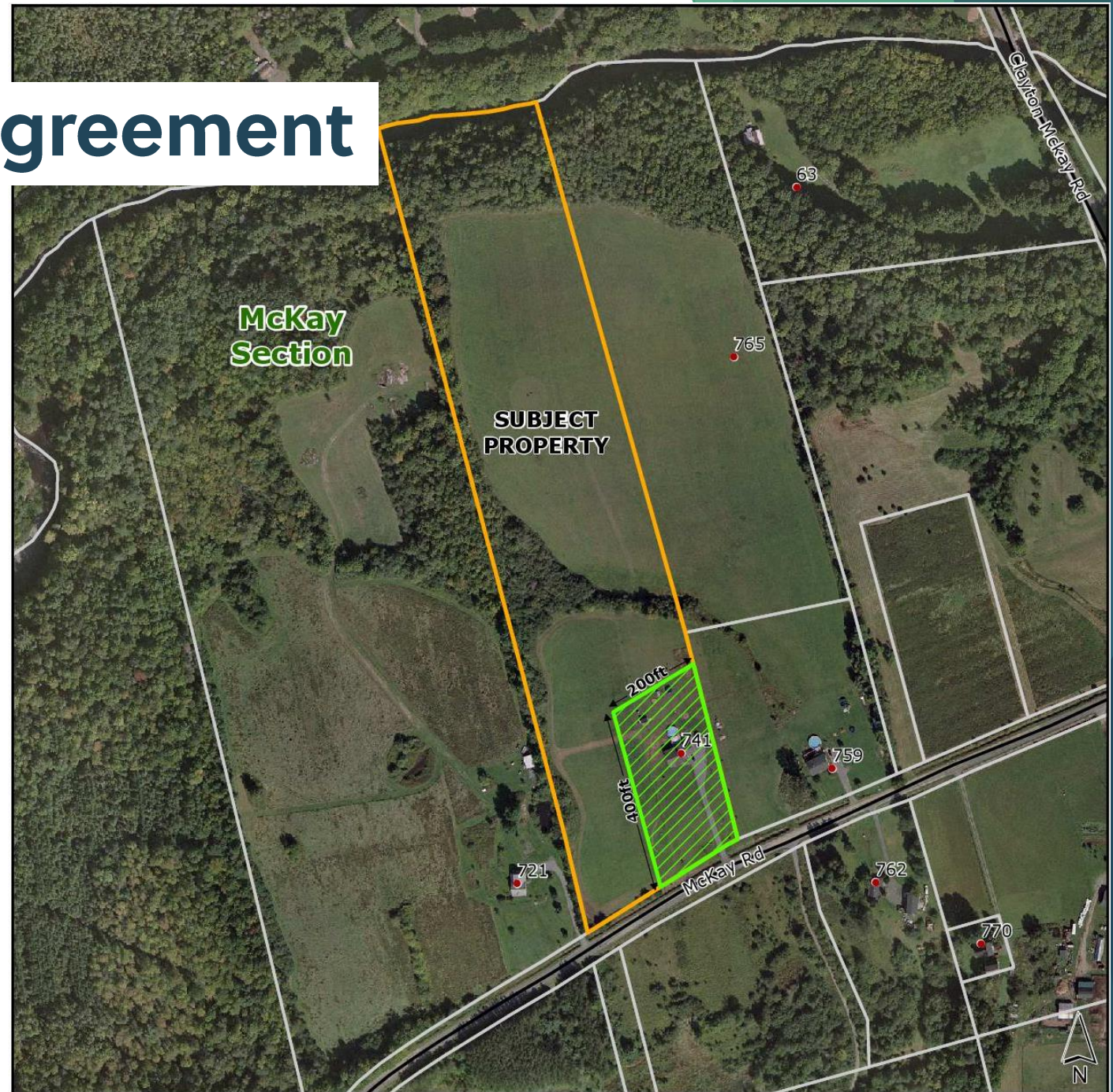
Document Review Cont.

Resource Industrial (M-1) Zone

- ▶ Lists one dwelling unit in conjunction with a permitted Industrial use and lists *"any activity connected with the automobile trade other than an automobile scrap yard or automobile related commercial recreation establishment"* as a permitted use

2016 Development Agreement

- ▶ Allows a home-based auto repair shop
 - ▶ *“a commercial shop for the general repair, rebuilding, and reconditioning of automobiles and light trucks (up to one ton), done in conjunction with a single unit dwelling”*
- ▶ Limited to a 400 ft x 200 ft development site
- ▶ Hours of operation 7 a.m. to 9 p.m., Monday to Sunday



Development Agreement *Proposal*

- ▶ Request to display one to three used vehicles and vehicle accessories as an extra service for customers and to draw new customers into the business

Development Agreement

Proposed Amendments

- ▶ Amend definition of the permitted use to an automobile sales establishment
 - ▶ *“a building or part of a building or space on a lot used for retail or wholesales or rental of vehicles (up to one ton) and vehicle accessories, and includes an automobile repair shop, done in conjunction with a single unit dwelling.”*
- ▶ Allow outdoor display of up to three (3) vehicles
 - ▶ Required to be a minimum of 25 ft from the front lot line

Specific Criteria

- ▶ **Policy 8.9.4** of the WHMPS establish Councils intention to consider new Resource Industrial (M-1) uses by development agreement
- ▶ In summary, the criteria are met since:
 - ✓ the agrologist report (2016) determined that the development site would have little or no agricultural capability;
 - ✓ the DTIR has advised that existing access is acceptable for the proposed additional commercial uses;
 - ✓ the development will not adversely affect adjacent land uses; and
 - ✓ adequate separation distances will be provided.

General Criteria

- ▶ **Policy 16.3.1** states general criteria for any development agreements considered in West Hants
- ▶ In summary:
 - ✓ 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, Senior Building and Fire Official, Director of Public Works and DTIR have no concerns.

Conclusion

- ▶ Proposed development agreement amendment is considered within the context of both specific and general WHMPS policies
- ▶ Consistent with the intent, objectives and policies of WHMPS
- ▶ The automotive uses are permitted in the Resource Industrial (M-1) Zone
- ▶ Reasonable to enter into an amended development agreement for this use

Additional Request

- ▶ April 29th - change the provision 3.2 (f) in the amending development agreement from
 - ▶ *“outdoor display of **up to three (3) motor vehicles** shall be permitted in the front yard of the Development Site provided that the outdoor display area is a minimum of 25 ft from the front lot line”*
- ▶ to
 - ▶ *“outdoor display of **five (5) to ten (10) motor vehicles** shall be permitted in the front yard of the Development Site provided that the outdoor display area is a minimum of 25 ft from the front lot line”*

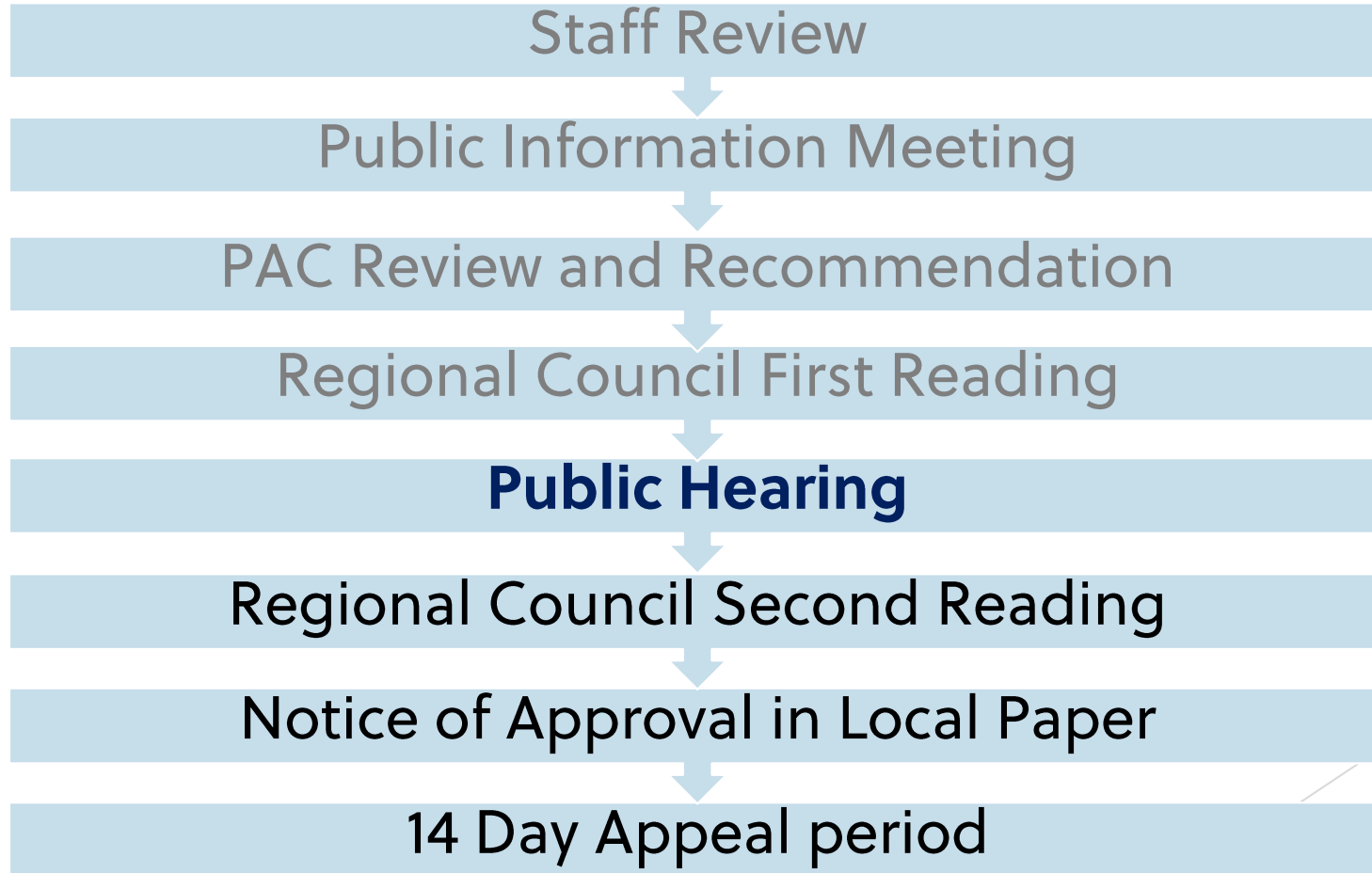
Additional Request Cont.

- ▶ *Section 10.0 Amendments* of the development agreement outlines items that are considered non-substantive matters
- ▶ The only non-substantive amendment is
 - ▶ *“(a) any addition or removal of lands to the lot that does not alter the Development Site.”*
- ▶ This April 29th request would be considered a substantive amendment

Process

Notices were placed in the newspaper & properties within 500' were notified of the Public Hearing

All statutory requirements have been met





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