



## WEST HANTS REGIONAL MUNICIPALITY

Public Hearing Minutes – 543 O'Brien Street (opening)

November 24, 2020 6:00 pm

In-Person at Sanford Council Chambers, 76 Morison Drive, Windsor, NS

Also held via Zoom and Facebook Livestreamed

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### 1. Call to Order

The Public Hearing was called to order at 7:36 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

Diana Gibson, Manager, Accounting and  
Financial Reporting

Saira Shah, Planner

Jamie Juteau, Chief Windsor Fire Dept.

Paul McCulley, Brooklyn Fire Dept.

Shelleena Thornton, Administrative  
Supervisor

Rhonda Brown, Municipal Clerk

Madelyn LeMay, Dir. Planning &  
Development

Sara Poirier, Planner

Jason Cochrane, Chief Brooklyn Fire Dept.

Daniel Oulton, Presenter at Council

There were three (3) members of the public present in the Council Chambers, other members of the public watched the meeting using Facebook Live.

### 2. Introduction

Mayor Zebian advised that Public Hearings for amendments to planning documents and development agreements are required by Part 8 of the *Municipal Government Act*. This virtual public hearing is hosted by Council and following the presentation the meeting will adjourn until 6:00 pm on January 26, 2021. Members of the public may submit comments or questions to Planner Poirier by December 18, 2020.

Councillors were reminded that to vote on the amendment they must have been present at both parts of the Public Hearing tonight and on January 26<sup>th</sup> when Council will consider the amendment and may ask questions.

### 3. Presentation by Planner

Planner Poirier reviewed the presentation (attached) of the proposed amendments to the Zoning Map and sections of the Windsor Land Use By-law, to rezone the property at 543 O'Brien St. from General Commercial (GC) to Highway Commercial (HC) to permit as gas station and drive-through restaurant establishment.

**Mayor Zebian declared the Public Hearing adjourned until January 26, 2020.**

*The meeting ended at 7:44 pm.*

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Abraham Zebian, Mayor

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Rhonda Brown, Municipal Clerk

The logo consists of the letters 'WWH' in a bold, sans-serif font. The first 'W' is dark blue, the second 'W' is a lighter blue, and the 'H' is dark blue. A vertical green bar is positioned between the two 'W's.

**WWH**

**WINDSOR / WEST HANTS**

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**TOGETHER**



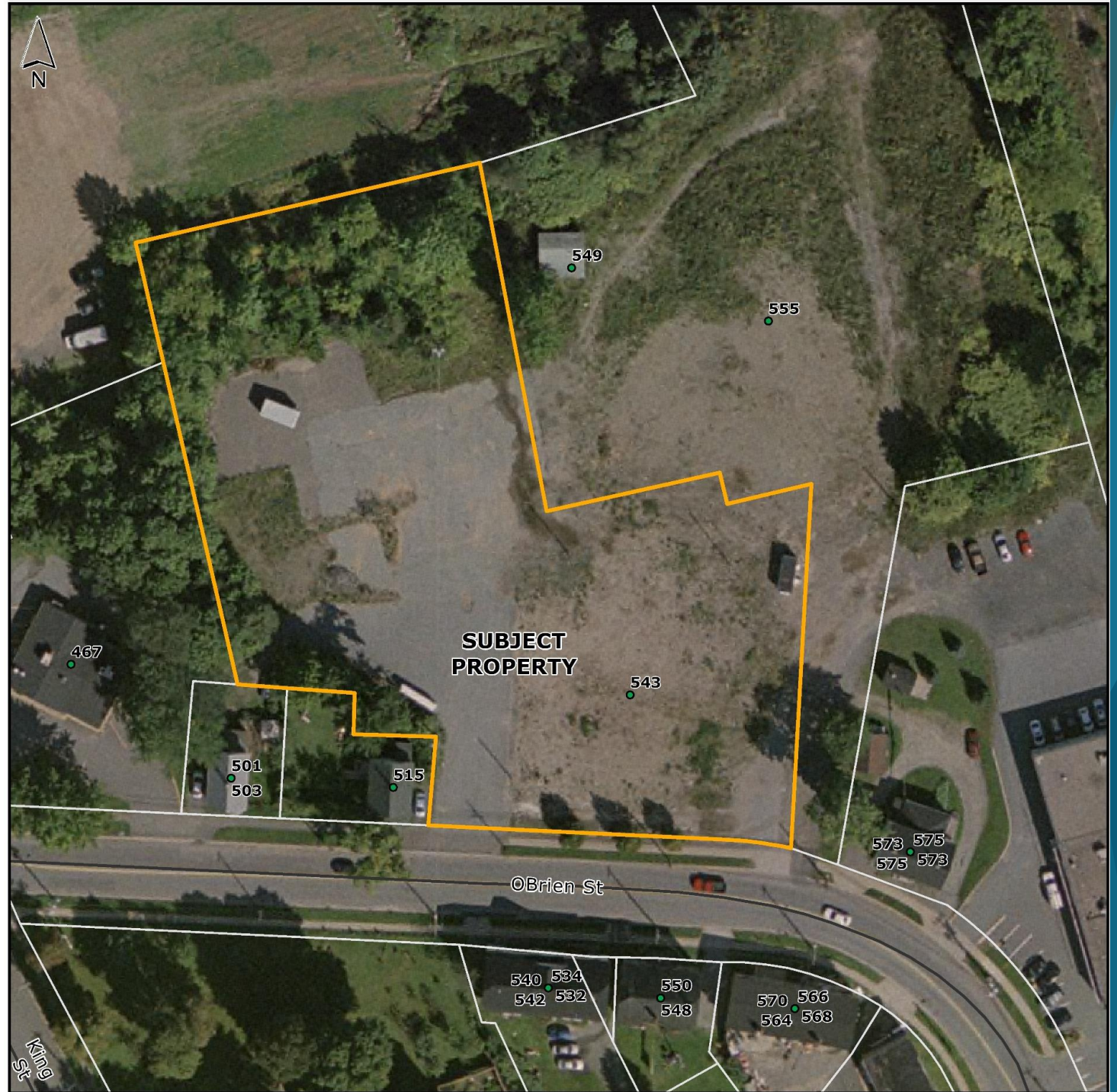
**543 O'Brien Street, Windsor  
Land Use By-law Amendment**

Public Hearing  
November 24, 2020

# Application

- ▶ On June 3, Clark Wilkins applied for an amendment to rezone his property from General Commercial (GC) to Highway Commercial (HC) to permit an automobile service station and a drive-through restaurant
- ▶ The subject lot is currently vacant but was once the site of the Co-op Atlantic store and gas bar

# 543 O'Brien Street *Orthophoto*



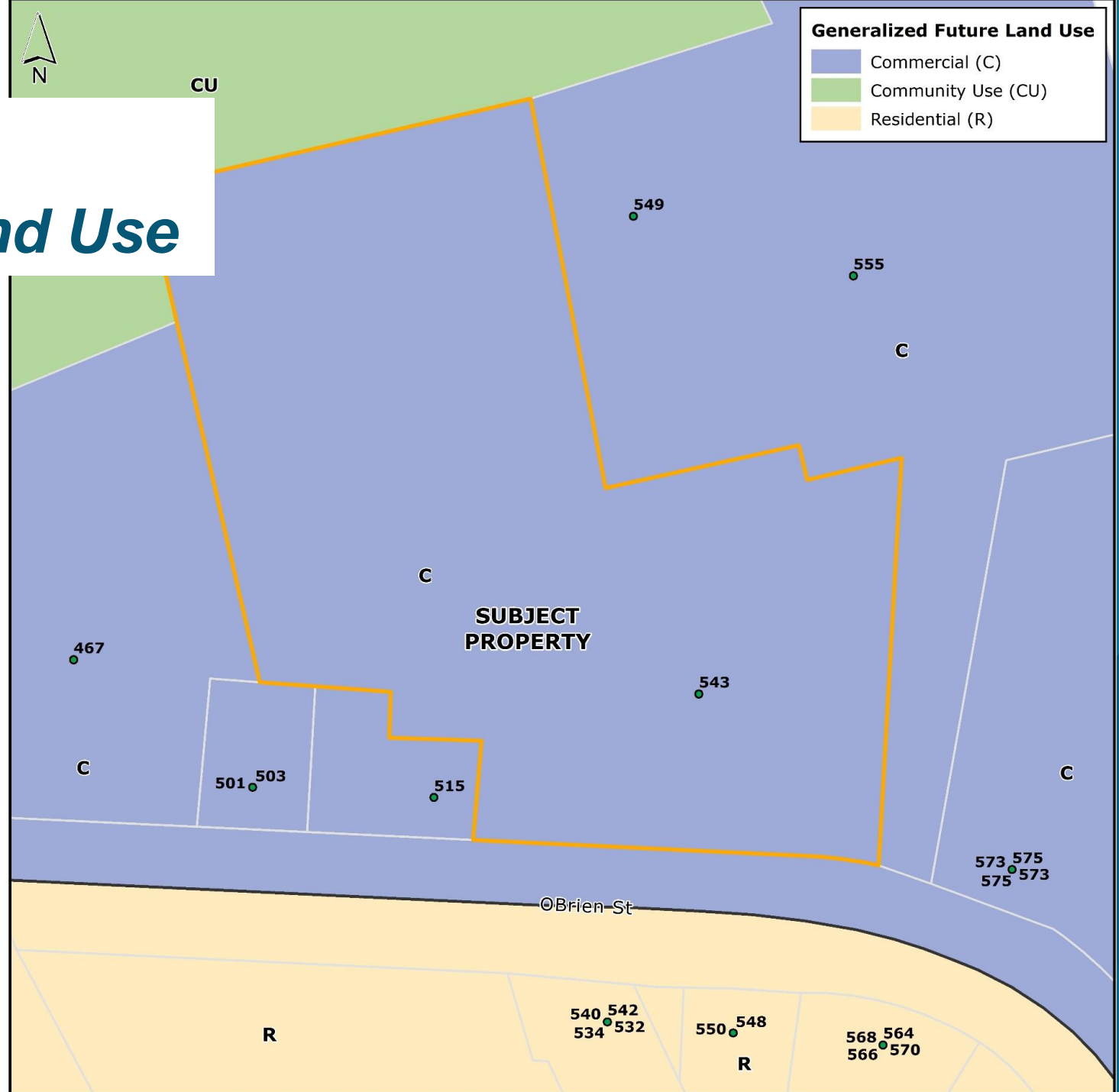
# 543 O'Brien Street *Picture*



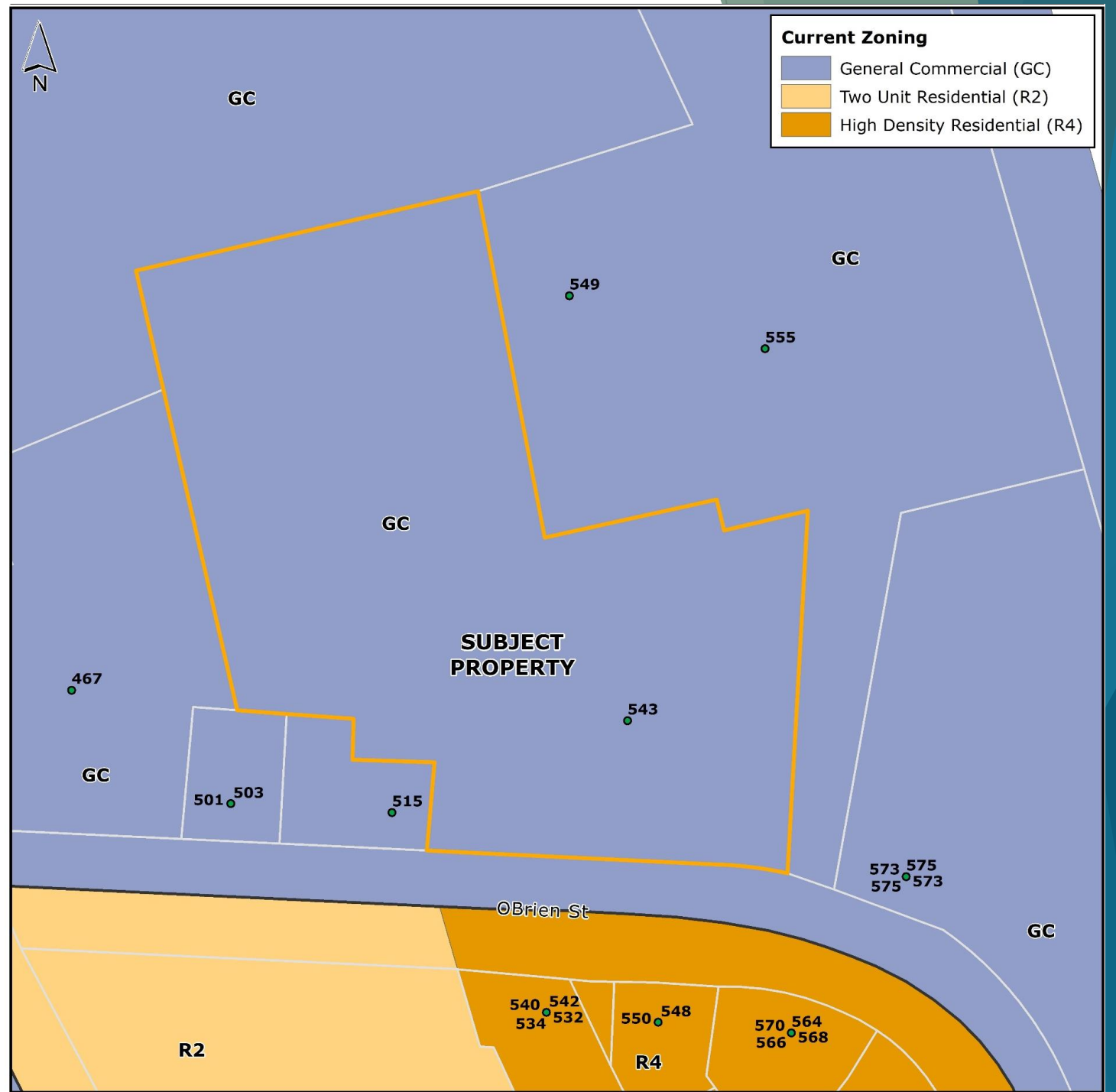
Looking south east towards Lawtons / Medical Clinic and  
O'Brien Street

# 543 O'Brien Street

## *Generalized Future Land Use*



# 543 O'Brien Street Current Zoning



# Document Review

- ▶ Section 8.0 of the WMPS contains the commercial policies for Windsor
- ▶ **Policy 8.2.2** enables Council to *“consider the creation of new Highway Commercial zones in the Commercial and Industrial designations, excluding the Wentworth Road Gateway District and the designated Industrial Parks, by amendment to the Land Use By-law”*

# Highway Commercial (HC) Zone

## Permitted Uses

- ▶ Arts and crafts studios including photography
- ▶ **Automobile service stations**, car washes and repair centres
- ▶ Automobile, truck and motorcycle sales, service, or rental establishments
- ▶ Building supply establishments
- ▶ Day care centres, licensed and non-licensed
- ▶ Dry cleaning and laundry establishments
- ▶ Entertainment, recreation and assembly uses within a wholly enclosed building
- ▶ Farm equipment sales and service
- ▶ Farm markets
- ▶ Funeral homes
- ▶ Garden and nursery sales and supplies
- ▶ Hotels and motels
- ▶ Kennels
- ▶ Licensed liquor establishments

# Highway Commercial (HC) Zone

## Permitted Uses Cont.

- ▶ Manufactured home sales
- ▶ Microbrewery, Microdistillery, Winery *(Amended WLUB 18-01 Effective January 29, 2019)*
- ▶ Offices (not on the ground floor)
- ▶ Recreational vehicle sales, service and rental establishments
- ▶ Recycling depots
- ▶ Repair and rental establishments
- ▶ Residential uses (not on the ground floor)
- ▶ **Restaurants, including drive-through** and take-out establishments
- ▶ Retail stores
- ▶ Self storage operations *(Amendment WLUB 10-02 Effective February 25, 2011)*
- ▶ Service shops
- ▶ Taxi, train and bus stations
- ▶ Veterinary clinics and animal hospitals
- ▶ Wholesaling and wholesale sales
- ▶ Existing residential uses

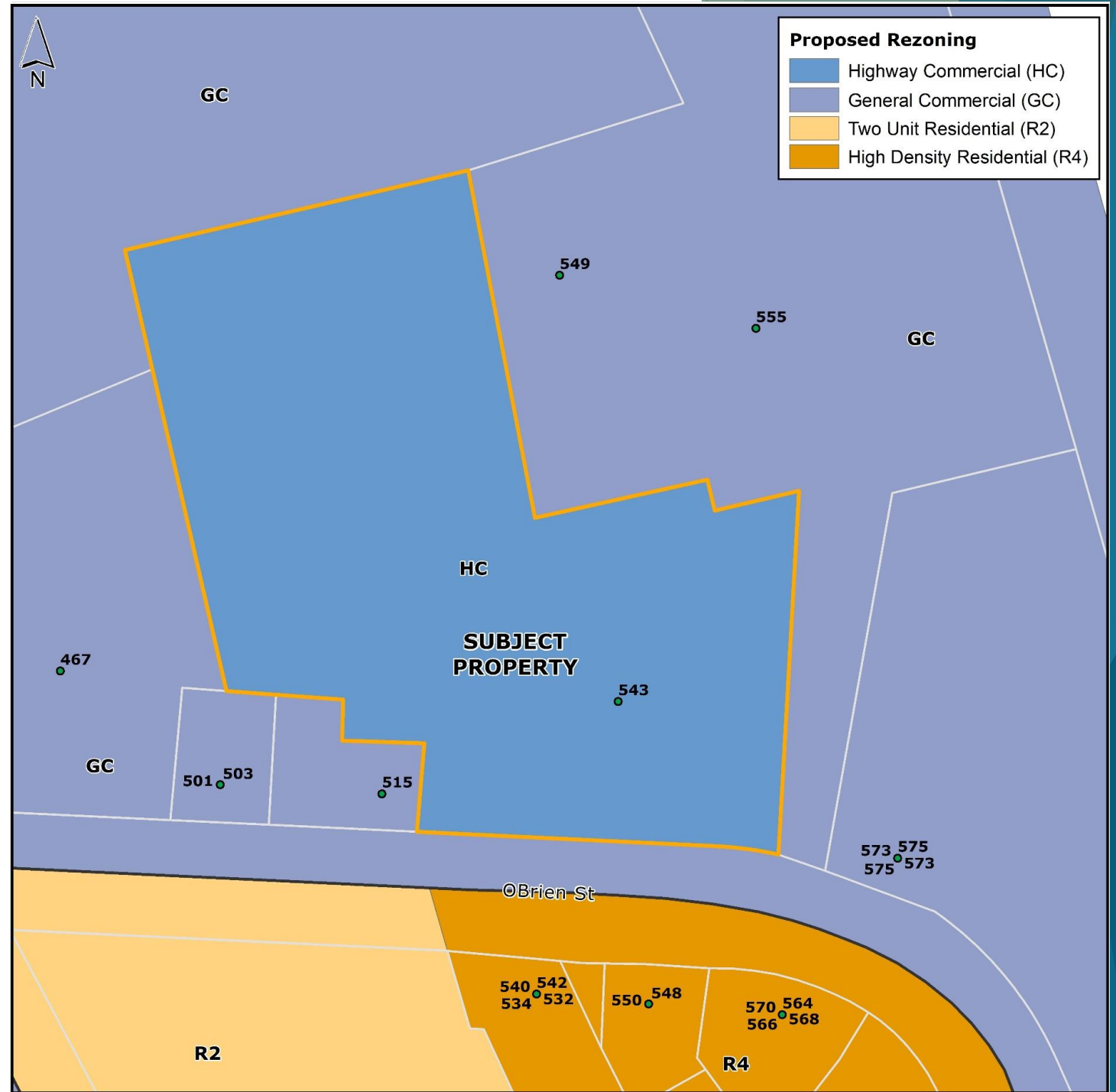
# WLUB Definitions

- ▶ **Automobile Service Station** means a building or a clearly defined space on a lot used for the sale of lubricating oils and gasoline and may include the sale of automobile accessories, space for the repair of automobiles, a car wash facility and a convenience store
- ▶ **Drive-through Restaurant** means an establishment where food is served to the public through a service window and may include an eat-in area;

# Map Amendment

- ▶ For the requested uses to be developed on the lot, an amendment to the Zoning Map is required

# 543 O'Brien Street *Proposed Amendment*



# Additional Amendments

- ▶ **Policy 8.2.2 (b)** states *“the proposed use will not conflict with adjacent uses”*
- ▶ Section 13 of the WLUB, *General Provisions for Commercial Zones*, includes abutting zone and planting strip requirements to ensure there is adequate separation between commercial uses and properties with residential zoning
- ▶ Currently, this does not apply to the residential uses abutting this property that are zoned General Commercial (GC)

# Additional Amendments

## 13.0 GENERAL PROVISIONS FOR COMMERCIAL ZONES

### **Lots Abutting Residential and Institutional Uses**

13.1 Except in the Local Commercial (LC) zone, where the yard of a lot located in a commercial zone abuts a lot **with residential uses or uses permitted in the Institutional (I) zone**, the following standards apply:

- (a) the minimum side yard requirement for the commercial use from the abutting lot line shall be 20 ft (6.10 m); and
- (b) no open storage or outdoor display shall be permitted in the abutting yard of the commercial use.

# Additional Amendments

## Planting Strip

13.2 Where a commercial use in a commercial zone abuts a residential **use**, the part of the lot directly adjoining the residential **use** shall be used for no purpose other than a planting strip having a minimum width of 5 ft (1.52 m) measured perpendicular to said lot line.

# WMPS Specific Criteria

- ▶ **Policy 8.2.2** establishes criteria to be considered by Council
- ▶ In summary, the criteria are met since:
  - ✓ the subject lot has direct access to an arterial road;
  - ✓ the proposed uses will not conflict with adjacent existing uses; and
  - ✓ the proposal meets the WMPS general criteria.

# General Criteria for Amendment

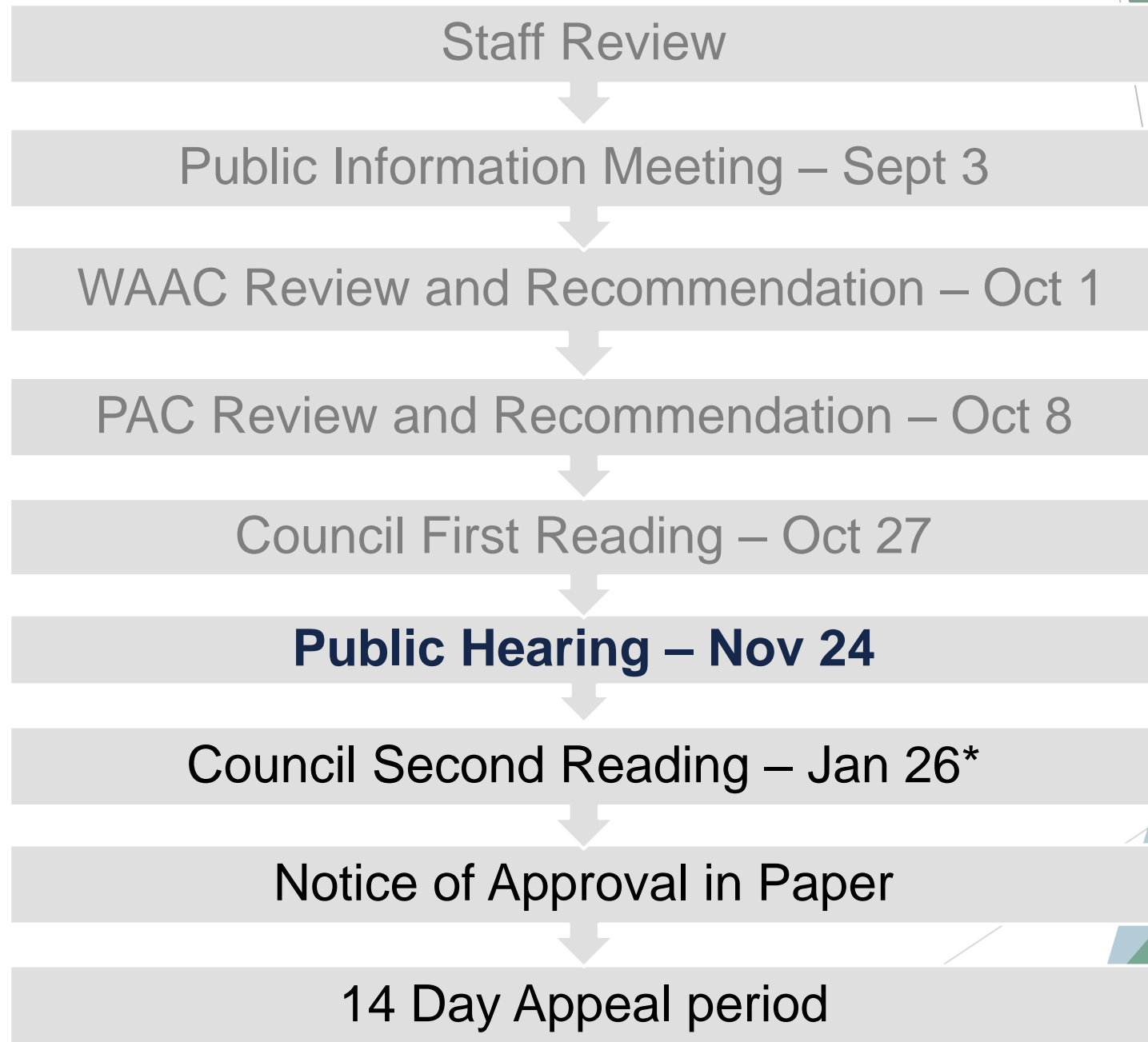
- ▶ **Policy 16.3.1** states general criteria for any amendments considered in Windsor
- ▶ In summary:
  - ✓ the proposal is not premature or inappropriate for the area;
  - ✓ no municipal costs related to the proposal are anticipated;
  - ✓ the Fire Chief, Development Officer, Senior Building and Fire Official, Director of Public Works and Traffic Authority have no concerns.

# Comments / Questions to date

- ▶ 1 call inquiring about the process for the amendment
- ▶ 6 comments on the Municipal Facebook page
  - ▶ All comments emphasized the need for affordable rental units in Windsor

# Process

\*anticipated dates;  
final dates will be  
set by Council



# Comment Submission

- ▶ Comments and questions can be submitted until **December 18**
- ▶ All correspondence should be sent to:  
Sara Poirier, Planner

Phone	902-798-8391 ext. 117
Email	<a href="mailto:spoirier@westhants.ca">spoirier@westhants.ca</a>
Mail	76 Morison Drive, PO Box 3000 Windsor NS B0N 2T0
Drop box	Regional office at 76 Morison Drive



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