



WEST HANTS REGIONAL MUNICIPALITY

Public Hearing Minutes – 583 Highway 236 (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

1. Call to Order

The Public Hearing was called to order at 7:45 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 Shah by December 18, 2020.

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

3. Presentation by Planner

Planner Shah reviewed the presentation (attached) of the proposed Development Agreement for a licenced daycare at 583 Highway 236.

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

The meeting ended at 7:51 pm.

Abraham Zebian, Mayor

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. The letter 'V' is integrated into the second 'W'.

WINDSOR / WEST HANTS

TOGETHER



**583 Highway #236
Development Agreement**

November 24, 2020

Application

- ▶ On April 7th Sarah Hein applied for a development agreement to permit a licensed day care at 583 Hwy #236, Scotch Village.
- ▶ The property is approximately 2.8 acres and the day care will be confined to the existing building and 1,500 square feet of outdoor play space. There will also be a maximum of five (5) parking spaces for the day care.
- ▶ A development agreement is a legal contract between the Municipality and a property owner to permit a use that is not permitted in the underlying zone

Upper
Burlington

Scotch
Village

SUBJECT
PROPERTY

605

Elpine Dr

600

Highway 236

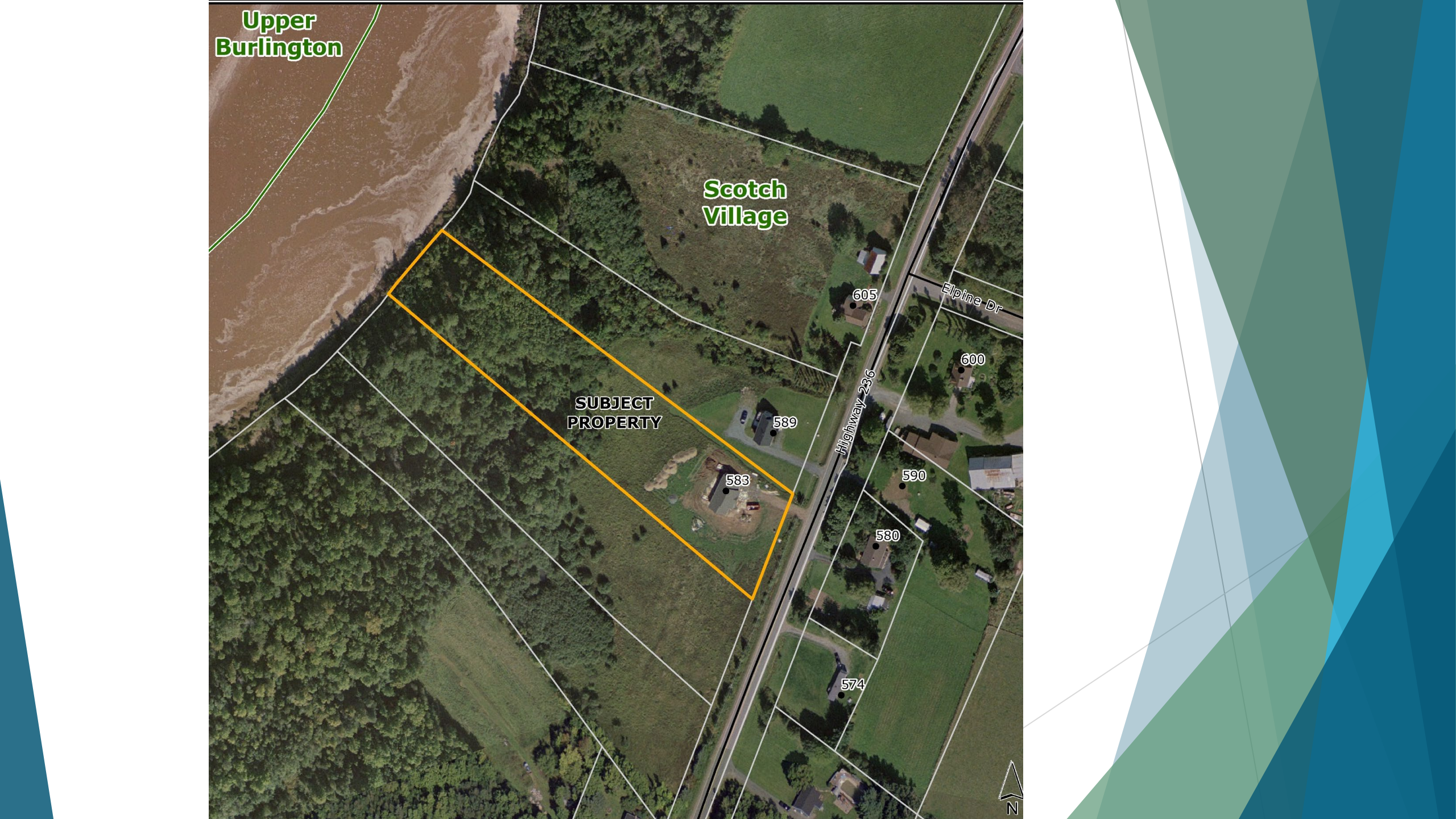
589

583

590

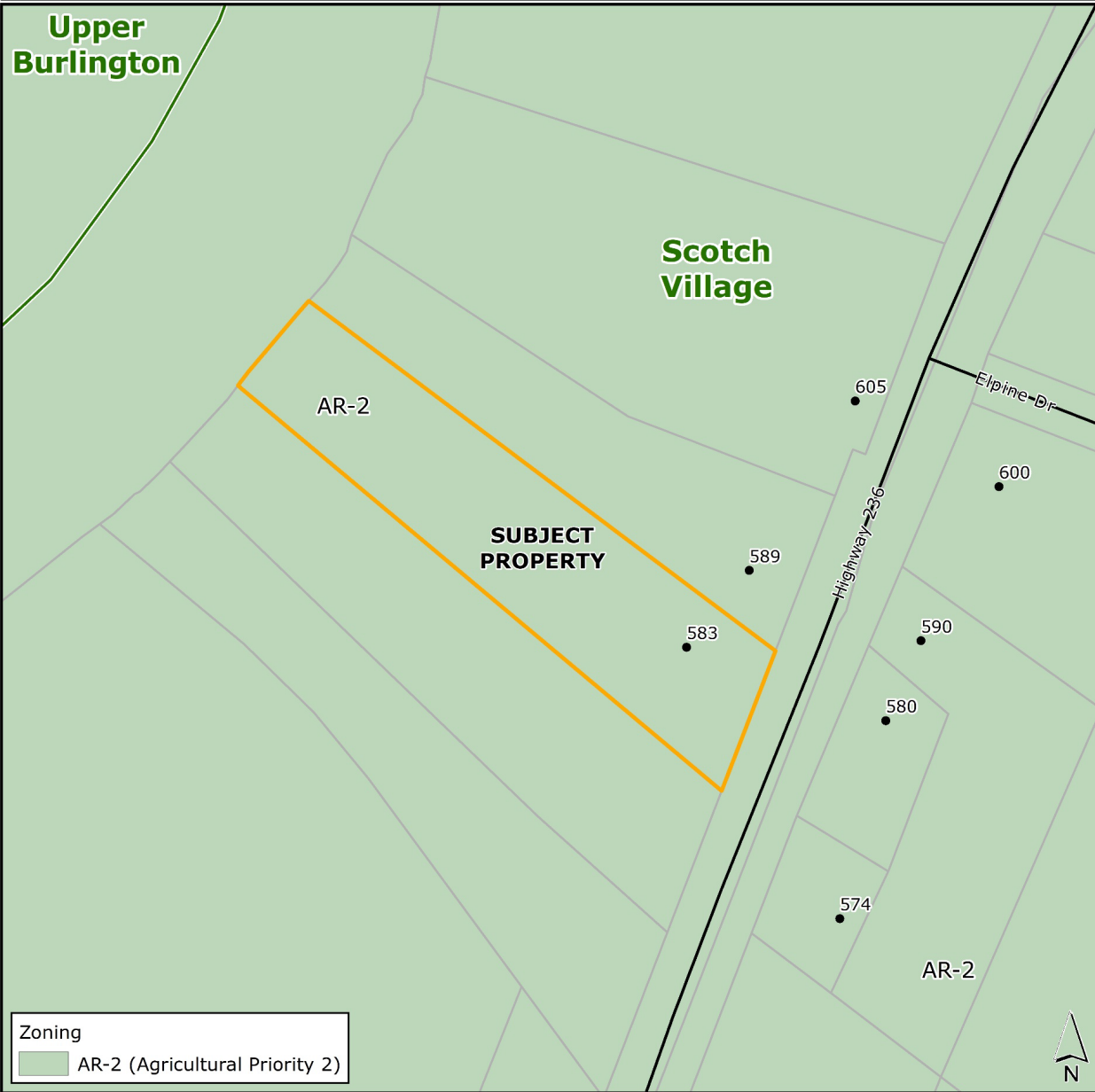
580

574









Policy

- ▶ A non-licensed day care is permitted as a home-based business. However, a non-licensed day care is limited to six or fewer children and the applicant wishes to operate a licensed day care with approximately 20 children.
- ▶ **Policy 8.9.4** enables Council to consider new non-resource **Rural Commercial (RC)**, Recreation Commercial (RecC), Resource Industrial (M-1) or Open Space (OS) uses by development agreement.
- ▶ **Policy 16.3.1** states general criteria in West Hants for amendments and development agreements.

Rural Commercial (RC) Zone

- ▶ Automobile service stations
- ▶ Banks and financial institutions, clubs
- ▶ Day care centres, licensed or non-licensed
- ▶ Farm supplies and equipment sales and service, farm markets
- ▶ Funeral homes
- ▶ Garden and nursery production, sales and supplies
- ▶ Hotels, motels and other tourist accommodations, but does not include campgrounds
- ▶ Kennels
- ▶ Licensed Cannabis Nurseries (**Amendment 18-08 effective November 26, 2019**)
- ▶ Offices
- ▶ One dwelling unit in conjunction with a permitted commercial use, located either in the same building or as a single unit dwelling on the same lot
- ▶ Personal service shops, post offices and postal outlets
- ▶ Restaurants and retail stores
- ▶ Existing dwellings

Applicant Requests

- ▶ The applicant requested the ability to have an outdoor play space for the day care up to 1,500 sq. feet.
- ▶ Outdoor play space is defined in the development agreement and must be located in the rear yard and not within 20 feet of a property line. An opaque fence is required to surround the outdoor play space to reduce noise for neighbours.

Applicant Requests

- ▶ A planting strip is typically required along the property line for a commercial business and can be a combination of trees, bushes, and fences used as a buffer between commercial and residential uses.
- ▶ However, as the property is much larger than the outdoor play space and a fence is already required in the Nova Scotia Day Care Regulations.
- ▶ Several commercial zones in West Hants including Rural Commercial (RC) and Local Commercial (LC) have similar requirements for commercial businesses.

Applicant Requests

- ▶ The applicant will not require a large amount of parking as they intend to have only two (2) staff and will stagger pick-up and drop-off times. A maximum of five (5) parking spaces would be permitted.
- ▶ The day care will operate as an after-school facility during the school year and offer full-day service during summer, winter, and march break holidays.
- ▶ The hours of operation shall be limited to 6:30 a.m. to 5:30 p.m. Monday to Friday daily.

WHMPS Specific Criteria

- ▶ Policy 8.9.4 of the WHMPS establishes Council's intention to consider new non-resource **Rural Commercial (RC)**, Recreation Commercial (RecC), Resource Industrial (M-1) or Open Space (OS) uses.

WHMPS Specific Criteria

- ▶ Policy 8.9.4 (a) requires an agrologist report to determine that the development site has little or no agricultural capability in accordance with Policy 8.6.1.
- ▶ However, the day care will only take place in an existing building not resulting in any new buildings.
- ▶ The parking and the outdoor place space cannot be constructed of paved material to reduce potential impact on soil.

WHMPS Specific Criteria

- ▶ Staff considered the challenges in obtaining an agrologist and determined that an agrologist report is not necessary for this application.
- ▶ Although this criterion has not been met staff made a positive recommendation due to the application meeting the overall intent of Council.

WHMPS Specific Criteria

- ▶ In summary, the remaining criteria are met since:
 - ▶ the day care will be in an existing building and the parking and outdoor play space will not be on a paved surface and will therefore have no new impact on agricultural capability;
 - ▶ the day care and accessory parking and outdoor play space are not a use which, because of its size or nature would be more appropriately located in a Growth Centre, Village or Hamlet; and
 - ▶ Department of Transportation and Infrastructure Renewal confirmed the existing access is acceptable for the day care.

WHMPS General Criteria

- ▶ Policy 16.3.1 of the WHMPS states general criteria for any development agreement 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, Senior Building Official, Director of Public Works and DTIR have no major concerns.

PAC

- ▶ A Public Information Meeting was held on September 23rd
- ▶ PAC recommended in favour of the proposed amendments on October 8th

Process

Notice was placed in the Chronical Herald and website/Facebook

A sign was placed on the applicant's property and letters sent to neighbours within 500 ft. of the property.



Process

- ▶ Comments and questions can be submitted by the public until December 18th
- ▶ Only comments directly related to the Municipal Planning Strategy Criteria will be shared
- ▶ All correspondences should be sent to:
Planner Shah

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| Phone | 902-798-8391 ext. 118 |
| Email | sshah@westhants.ca |
| Mail | 76 Morison Drive, PO Box 3000 Windsor NS B0N 2T0 |
| Drop box | Regional office at 76 Morison Drive |



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