

---

**TO:** Council Advisory Committee  
**FROM:** Kirsten Duncan, Acting Development Officer and Planning Technician



**DATE:** April 2023

**SUBJECT:** Supplemental information for the Application for Land Use Bylaw Zoning Map Amendment (Rezoning) of PID 55247761

---

## **BACKGROUND**

Staff brought a report forward to March CAC outlining an application received from Brighter Community Planning & Consulting on behalf of the property owner Mitch Brison of Brison Developments Limited to rezone a vacant parcel of land identified as PID 55247761.

After review of the report and presentation by CAO Dan Troke, Council had a number of outstanding questions and concerns surrounding the proposed development. The intention of this report is to provide further information to Council around those questions and concerns.

As an addition to the staff reports that have been brought to Council to date, the Town has engaged C + D Community Design to review the compiled information and provide a professional opinion on the proposed development from the standpoint of a Licensed Professional Planner. The analysis can be found in Appendix B of this report.

## **DISCUSSION**

Questions have been posed about whether the Town's Municipal Planning Strategy has policies enabling the consideration of rezonings. Staff would like to take this opportunity to outline specific sections and policies within the planning documents that were not addressed in the March CAC report:

### **15.6 Municipal Planning Strategy Amendment Not Required**

The Generalized Future Land Use Map designates the overall general land uses that are permitted in various areas throughout Town. Residential rezoning's, for example, will only be considered by Council if the property in question is within the area designated residential on the GFLUM. In order for Council to approve a rezoning that does not fall within the appropriate designation, the property owner would have to propose a concurrent amendment to both the MPS and LUB.

However, where a property borders on two or more land use designations, Council may consider a rezoning of the property as if it were wholly contained within one or the other designations. This will not require an amendment to the MPS.

**Policy IM-4** *It shall be the intention of Council* to consider applications to amend the Land Use By-law Zoning Map and rezone lands abutting a given designation on the Future Land Use Map to a zone supported by that designation, without requiring a Municipal Planning Strategy amendment, provided such an application is consistent with other polices in this Strategy.

### **15.9.2** **Rezoning's**

A rezoning or map amendment involves the rezoning of a particular property to another zone; usually in order to allow the property to develop to a more intensive use. This type of amendment may substantially alter the type of development and uses which may be permitted on that site. Because this type of amendment may involve a specific property and include a detailed development proposal, there is an opportunity for Council to assess the land use impacts of the proposed development as part of the rezoning application. Council will, therefore, undertake a detailed evaluation of the proposed development prior to making a decision concerning a rezoning application. This detailed assessment will require that the applicant submit a conceptual development plan and details with respect to servicing, stormwater drainage, traffic management, landscaping, and other design elements. To ensure that all potential land use impacts are considered, Council will adopt evaluative criteria that is specifically designed to assess rezoning applications.

#### **15.9.2.1** *Rezoning Application Requirements*

Council requires that a request to rezone a property must be submitted in writing to the Town's Planning & Development Services Department. The application must include a written description of any related development proposal along with detailed plans with respect to servicing, stormwater drainage, traffic management, landscaping, and other design elements. All amendment applications must also include payment of an advertising deposit to cover the costs of any required public participation notification including newspaper ads and mail outs. By requiring a detailed development proposal, Council, Staff, the Planning Advisory Committee and the public will be able to examine the application more precisely. Where such a proposal involves dimensional or aesthetic issues, it shall also include a professionally prepared graphic representation. Council is aware that there is no legal agreement binding the developer to a proposal submitted as part of rezoning application, but this exercise will help Council evaluate potential land use impacts related to the rezoning request.

**Policy IM-7** *It shall be the intention of Council* to require the submission of a detailed proposal as part of any rezoning application or amendment application that affects a specific property or properties. Where such a proposal involves dimensional or aesthetic issues, it shall include both a written and a professionally prepared site plan and graphic representations that are drawn to scale. Such graphic proposal must clearly indicate the following;

- a) the location, area, and dimensions of the subject property;
- b) the proposed location, dimensions, height, and proposed use of all buildings;
- c) the means by which the site is to be serviced by sanitary and storm sewers, water, electrical service and other utilities;
- d) the location of any parking stalls, driveways, walkways, lighting, fencing, refuse containers, and snow storage;

- e) landscaping elements including existing and proposed shrubs and trees; and
- f) architectural features where such features are regulated by the planning document.

Further questions have been asked about commitments from the Developer when the original lots were sold. The Town is not at liberty to uphold any commitments made by the developer to individual property owners. Additionally, any covenants put in place by the Developer are not enforced by the Town. Covenants are a binding agreement that runs with the property, regardless of ownership, and if not followed can result in complaints and legal action against the owner of the property. Covenants are to be enforced by the Developer.

Staff understand the concerns of residents as it pertains to the addition of multi-unit buildings within the subdivision, however as the demand for housing changes, it is important that the Town remains responsive to the needs of our community. With the Provincial Government's goal to grow the population of our province to 2 million by 2060, the most cost-effective way that we can help our community with this goal is by enabling high density development.

### **Development Process**

The process of development from conceptual plan to a developed subdivision has many moving parts, can take multiple years, involves various departments and can be complex. Staff have created the following general timeline of events to provide some clarity on the overall process and when specific technical elements are required to be submitted for review.

#### **Tentative subdivision plan submitted:**

- *review of the proposal in a more detailed form,*
- *5% parkland requirement is negotiated,*
- *approved road layout,*
- *exact pipe dimension and elevations agreed upon,*
- *detailed stormwater management plans approved,*
- *lot areas, dimensions are reviewed for compliance with the LUB zone requirements, etc.*

Which, when successful, ends with an **approved tentative subdivision plan** which is valid for a length of two years. Then, the placement of infrastructure and **construction of the road** begins:

- *developer works with a site inspector to ensure the project is adhering to the plan approved by the Town, and*
- *ensure at this time that any as-built record information is captured to convey to the Town for asset management purposes*

Once construction of the road is complete, the Town and Developer enter into a **Subdivision Agreement process**. As a result of this process, the Town will receive:

- *any as-built record drawings for the new roads,*
- *the deeds for the roads and parkland, and*

- *a final plan of subdivision for the roads, parkland and individual lots to be created*

The Developer will then request for individual lots to be subdivided with a **Final Plan of Subdivision**. Once lots are approved and registered with the Land Registry Office **Development Permits** can be applied for to begin the construction of individual dwellings.

### **Site Development**

To provide a clearer understanding of the site as it relates to the existing subdivision, staff have compiled an additional map to help clarify which can be found at the end of this report.

There will be entrances to this development from the following existing roads:

- from MacDonald Park Road, through Carleton Drive;
- from Mount Vincent Drive;
- from Acadia Drive;
- from Acadia Drive, through a new unnamed street identified as Street A on the conceptual plan; and,
- eventually from the proposed Donald E Hiltz Connector Road, once it is constructed.

Staff have worked with the applicant to encourage the use of Single Unit Dwelling (R1) Zone properties adjacent to existing Single Unit Dwelling (R1) Zone properties to ensure compatibility with the existing neighbourhood. The applicant and developer have been receptive to these requests and have worked with the Planning Department to get to a point where we believe there are ample R1 zoned lots in this proposal. Staff would also like to acknowledge that Single Unit Dwellings are a permitted use within the One and Two Unit Dwelling (R2) Zone.

### **Steep Slopes**

There was concern expressed around the proposed development and the Steep Slopes (25%+) identified on the Environmental Constraints Overlay Map (Map #3) of the Municipal Planning Strategy. To provide a clearer understanding of how these identified slopes relate to the proposed development, staff have compiled an additional map with the conceptual plan georeferenced to PID 55247761 with the 25% slope overlay zones layer. It can be found at the end of this report.

### **Sidewalks & Connectivity**

As a result of an amendment supported by Town Council in 2008, the Kentville Subdivision Bylaw only requires the construction of sidewalks on new arterial roads. However, the Traffic Impact Study (TIS) provided by GAALCO Traffic Engineering does recommend the construction of a sidewalk from this phase of the Acadia Drive road to the proposed Donald E Hiltz Connector Road at the cost of the Developer.

Furthermore, it is worthwhile for Council to note that the Active Transportation Plan, prepared by Upland Planning in 2019 recommend an amendment to our Subdivision Bylaw to add a

requirement for sidewalks on new collector roads, which Acadia Drive has been designated as since it's inception.

Staff would also like to note that the Town's priority for parkland dedication throughout the past several years has been to ensure connectivity between roads in subdivisions in the absence of sidewalks on local roads.

### **Stormwater Management**

Questions relating to stormwater management were also brought up during the March CAC meeting. For further clarity, NS Environment (NSE) requires all new developments to limit the impact on the downstream infrastructure with a net zero increase in the amount of stormwater run-off. This can be accomplished using several methods such as above/below ground parking lot stormwater storage, site specific storage ponds, flow control roof drains, etc.

During construction, it is the responsibility of the developer to predict the direction of water flow and associated volumes, and to ensure that minimum grading standards are employed in lot drainage design. Responsibility to construct the required grades on each lot rests with the lot builder. Furthermore, lot builders need to ensure that water is directed toward the street or the rear lot line and that no building line grade shall be lower than the street grades designed.

As always, if residents are unclear who to contact regarding stormwater issues, they are encouraged to reach out to the Town to get clarification. Essentially:

- if there is an issue between two private properties, it becomes a civil matter between those two parties;
- if there is an issue between the public right of way or town properties and a private property, then the property owner is encouraged to reach out to the Town to let us know of the issue so Staff can work towards a resolution.

### **Development Agreements**

Policy GD-5 of the Municipal Planning Strategy outlines the specific circumstances where Staff can consider Development Agreements:

**Policy GD-5** *It shall be the intention of Council* that the following uses be permitted only by Development Agreement in accordance with the Municipal Government Act and Policies IM-10 and IM-11:

- a) Mini Home Parks/Land Leased Communities in the Large Lot Residential (R5) Zone;
- b) The change in use of a non-conforming use of land or a non-conforming use in a structure, to another non-conforming use; and
- c) The expansion, enlargement or alteration of a non-conforming structure.

At this moment in time there is no supporting language to consider Multi-Unit Dwellings by Development Agreement.

## **AVRCE**

Staff have engaged the Director of Operations for AVRCE and have received a comment regarding the proposed development. The Director of Operations has stated that “Projected student enrollment data through 2027 indicates near capacity enrollment for KCA, with available capacity at NKEC. However, AVRCE is confident that they can respond to potential enrollment increases associated with the subject application for rezoning and potential future development. This includes school capacity as well as student transportation. At this time AVRCE has no other concerns or comments related to this rezoning application.”

Should Council wish to be proactive with the future planning for schools within the area, Staff recommend considering zoning an area of land as “institutional” for additional educational facilities when the Town eventually enters into a Secondary Planning Strategy process.

## **ATTACHMENTS**

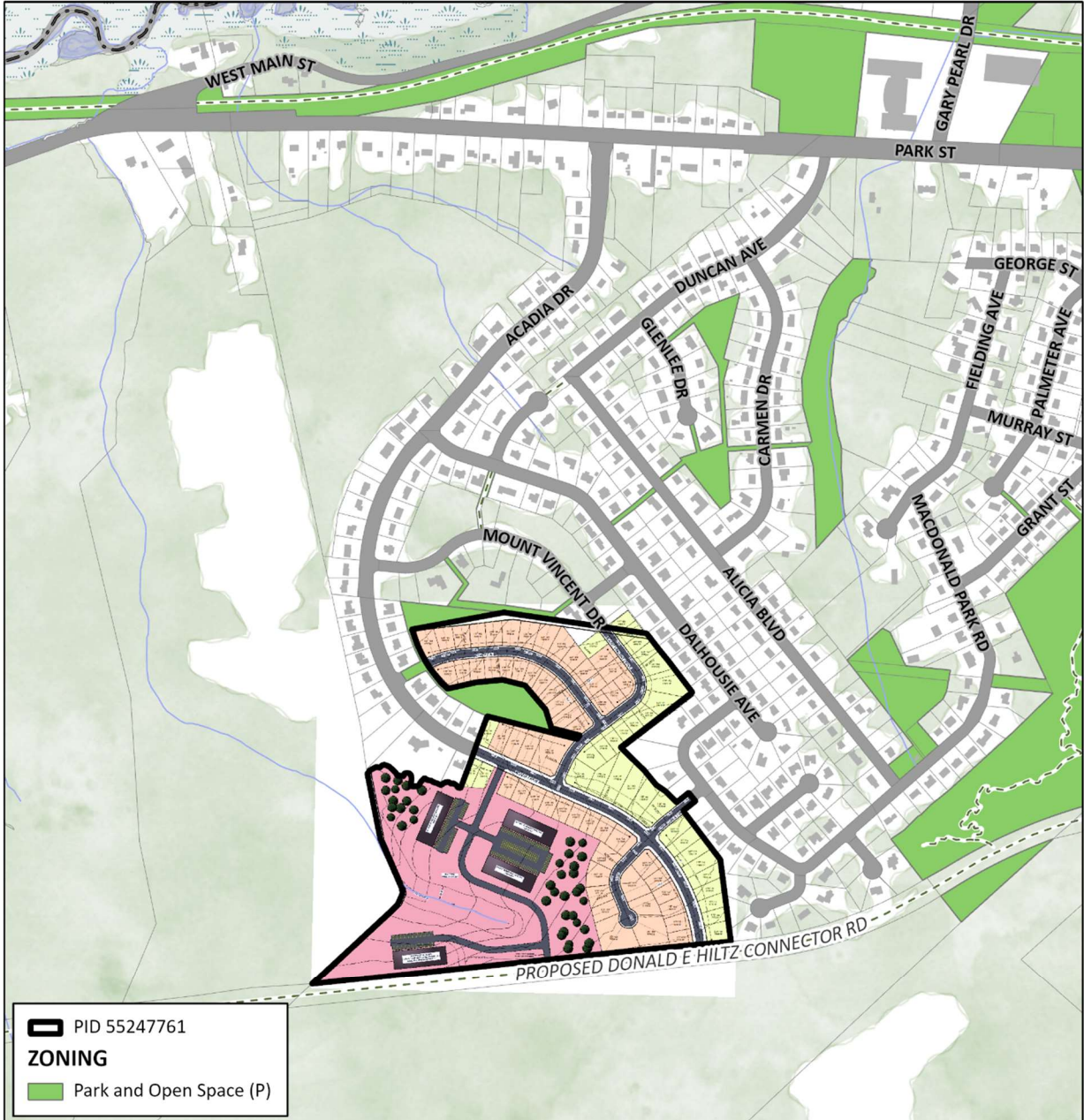
Map 1	Location Map
Map 2	Slope Map
Appendix A	Letter from AVRCE
Appendix B	C + D Community Design Review of Rezoning Application for PID 55247761

MAP 1

PID 55247761 McDougall Heights  
Location Map



Scale: 1:8,000

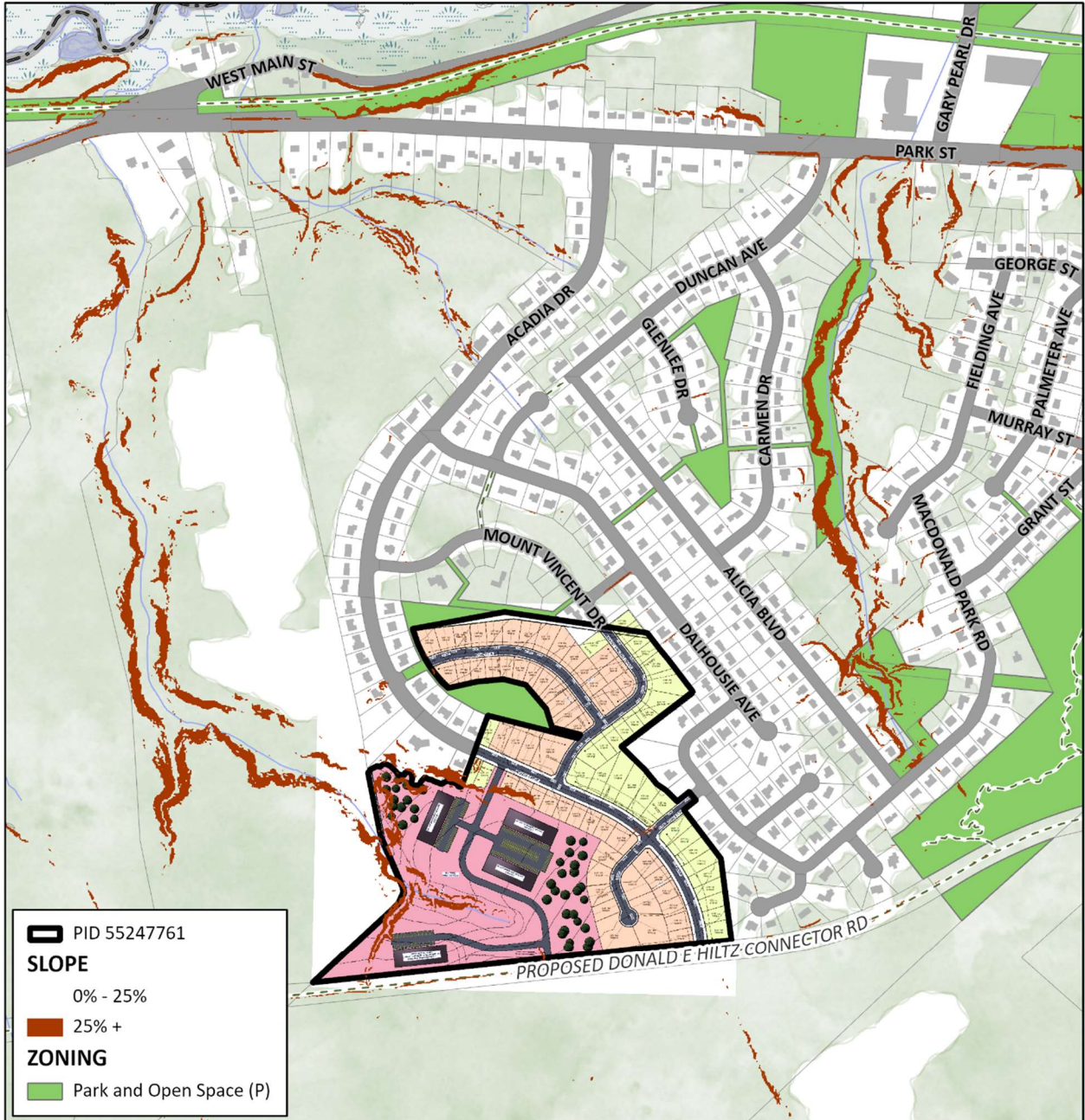
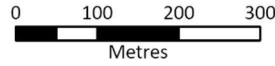


This map is a graphical representation of property boundaries which approximate the size, configuration and location of parcels. Any interpretation of this map must be confirmed with the Municipality in which the property is situated. To receive further clarification about the use of this Planning Document inquires may be made to the Town of Kentville's Planning and Development Department.

Property Source: Nova Scotia Property Records Database (NSPRD), Compliments of the Nova Scotia Geomatics Centre (NSGC), Service Nova Scotia and Municipal Relations, 160 Willow Street, Amherst, Nova Scotia, Canada

# MAP 2

## PID 55247761 McDougall Heights Slope Map



This map is a graphical representation of property boundaries which approximate the size, configuration and location of parcels. Any interpretation of this map must be confirmed with the Municipality in which the property is situated. To receive further clarification about the use of this Planning Document inquiries may be made to the Town of Kentville's Planning and Development Department.

Property Source: Nova Scotia Property Records Database (NSPRD), Compliments of the Nova Scotia Geomatics Centre (NSGC), Service Nova Scotia and Municipal Relations, 160 Willow Street, Amherst, Nova Scotia, Canada





6 April 2023

BY E-MAIL

Kirsten Duncan  
Planning Technician  
Town of Kentville  
354 Main Street, Kentville, NS  
B4N 1K6

Dear Kirsten:

Request for Comment on Rezoning Application for Acadia Drive Development (Brisson Developments).

In reference to your e-mail of 3 April 2023, the Annapolis Valley Regional Centre for Education (AVRCE) has reviewed the rezoning application for the proposed development south of Acadia Drive and MacDonald Park Road in Kentville NS, ref Project No. 22-151, Drawing C-01, dated 22 February 2023 for Brisson Developments.

The proposed development of single family, semi-detached and multi-unit residential dwellings at this location may impact the enrollment at schools within the respective catchment(s). They include Kings County Academy (KCA) and Northeast Kings Education Centre (NKEC). Projected student enrollment data through 2027 indicates near capacity enrollment for KCA, with available capacity at NKEC. However, AVRCE is confident that we can respond to potential enrollment increases associated with the subject application for rezoning and potential future development. This includes school capacity as well as student transportation.

At this time AVRCE has no other concerns or comments related to this rezoning application. Thank you for bringing this matter to the attention of AVRCE.

Regards,

Paul Lincoln, P.Eng.  
Director of Operations

cc: Dave Jones - Regional Executive Director, AVRCE



## APPENDIX B

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

April 7, 2023

Re: Subdivision Application for PID 55247761 Kentville

[REDACTED]

As you know, [REDACTED] asked me to review the documents related to a concurrent subdivision and rezoning application in the Town of Kentville and provide my opinion on how these relate to their Planning Documents. I checked all the records provided, put together some questions and thoughts and then met with you to discuss further. Based on our conversation, the following approach is best for the Town of Kentville.

### Immediate Response:

Consider requesting the following from the Developer grounded in the Town's existing policies for subdivision and rezoning applications:

- Request further information be included within the Stormwater Management Plan to address concerns raised by residents.
- Request that traffic calming and the efficient, safe movement of pedestrians and cyclists be incorporated into the traffic study.
- Request that parks and other community assets be safe and central.

### Intermediate Response:

My recommendation would be that Council approve the rezoning and subdivision applications. The Municipal Planning Strategy supports diverse residential developments, and the R5 zoning indicates the intent to permit residential development in this area.

### Long-Term Response:

Council should consider improving their plans, approach, and requirements for future residential applications. Many options and planning tools should be considered and could be adapted to satisfy the concerns raised by residents and Council.

Caroline  
Robertson, MPS BCD  
HONOURS

MCIP, LPP

Phone:

(902)742-5300

Email:

Caroline@CDCom  
munityDesign.CA



Caroline  
Robertson, MPS BCD  
HONOURS

MCIP, LPP

Phone:

(902)742-5300

Email:

Caroline@CDCom  
munityDesign.CA

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

April 7, 2023

Re: Subdivision Application for PID 55247761 Kentville

I've outlined each of these responses further in the attached report.

I will set up a Teams meeting for early next week to discuss this; you may invite the staff from the Town of Kentville for our discussion.

Thank you for clarifying C + D Community Designs' role in this application. We will be happy to enter contract discussions with the Town of Kentville to lead this project while continuing to work with you and your company.

All my best,

Caroline

# TABLE OF CONTENTS

- Subdivision Application pid 55247761 .....4
- Immediate Response .....4**
  - Storm Water Management .....5
  - Mitchell Brook Watercourse ..... 5
  - Safe Movement of Pedestrians and Cyclists .....6
  - Safe and Central Parks & Community Assets .....6
- Intermediate Response .....7**
  - Proposed Site Plan Amendment (April 2023) .....7
- Long-Term Response.....7**
  - A Secondary Community Plan .....8
  - R5 Rezoning .....8
  - Site Plan Requirements .....9
  - Evaluation CRITERIA .....12**
    - Policy RS-22 Affordable housing units ..... 12
    - Policy RS-23 Residential Area Design ..... 12
    - Traffic Impact Studies..... 12
    - Policy T-8 & T-9..... 12
    - Statements of Provincial Interest..... 13

## SUBDIVISION APPLICATION PID 55247761

The Town of Kentville has received an application to Re-Zone PID 55247761 from Brighter Community Planning & Consulting on behalf of Brison Developments. The application seeks zoning changes for a mixed-density development near Acadia Drive.

## IMMEDIATE RESPONSE

I have reviewed the request sent by the Town to the Developer for more information. How it has been worded makes it challenging to interpret the policies slightly differently and request additional elements. This may limit other options for requests. I also reviewed the developer's response and their persistence that the site plan is only for example purposes. However, this project's subdivision application portion requires that they provide tangible strategies for specific elements, such as the stormwater infrastructure, parkland and safe pedestrian and cyclist flow. The application should incorporate these elements as the Town may need to accept ownership and right-a-ways.

Although the Town of Kentville Subdivision By-Law appears to be copied directly from the Municipal Government Act, it does give staff much control when considering applications. The by-law allows the Development Officer to request concept plans, lot access, shapes of lots, and requirements for the design and construction of streets, private roads, wastewater facilities, stormwater systems, water systems and other services. Trees, highways, bus bays, sidewalks, pathways, layout, and construction plant, should be outlined. Also included are requirements for transferring useable land or equal value for parks, playgrounds and similar public purposes, identification of transportation reserves and requirements for lots to be designed not to impede a transportation reserve. Lastly, the final subdivision application should include installing water systems, wastewater facilities, stormwater systems and other services in the land area being subdivided to the standards prescribed by the Municipality.

This development should benefit Council from a tax perspective vs. infrastructure maintenance. When considering proposed community elements, Council may be interested in having staff analyze the potential tax revenue compared to initial costs and ongoing future maintenance considerations. The subdivision by-law through section (8) gives Council the option to recover any cost to the municipality if the applicant implements services exceeding the anticipated requirements of the applicant subdivision and the municipality chooses to reimburse the application for the excess capacity through the same manner as an infrastructure charge.

The Municipal Planning Strategy stresses the importance of efficient and economic extension of utilities, safe movement of pedestrians and cyclists, and safe and central community parks and amenities, all of which should be addressed in the Subdivision Application Phase. The Subdivision By-Law allows staff to request the above items and only approve the application once they meet the standards prescribed by the Town. The By-Law also enables the Town Engineer to approve the Storm Water Management Plan based on criteria specified by the Municipality. This means that staff must be satisfied with the plan, and the feedback from the public during the rezoning phase of the application may be used as reasoning to require alternative management elements.

One of the concerns expressed by residents was how long construction would take place, the impact of construction vehicles on the road, and safety concerns for children in the area. If the Town has access to a By-Law relating to when and how construction may occur, this will provide an option for Council to regulate and reduce the impact on existing properties' quality of life.

The most critical piece to convey is that the Town's Municipal Planning Strategy supports diverse residential developments, and the R5 zoning indicates the intent to permit residential development in this area. For this reason, Council should approve the current application using all available tools to address residents' concerns. Afterwards, it should be considered how to improve their plans, approach, and requirements for future applications.

#### 5.9 Residential Area Design

##### Policy RS-23

*Council shall intend* to encourage and promote the provision of affordable housing units, following the Land Use By-law, within residential areas of the Town by:

- a) Provide for the efficient use of land;
- b) Provide for the efficient and economic extension of existing water, storm sewer and sanitary sewer systems and other utilities;
- c) Provides for the efficient and safe movement of pedestrians and cyclists; and
- d) Provides for parks and other community uses in safe and central locations.

## STORM WATER MANAGEMENT

The Town may request a stormwater management plan for a rezoning or subdivision application. The developer has offered a net zero stormwater management system.

Policy RSS-23 Provides for the efficient and economic extension of existing water, sewer, and sanitary services (plus other utilities)

Has Council and staff considered what could be included as "other utilities"? I feel strongly that utilities such as grey and green stormwater infrastructure and transportation infrastructure are necessary when ensuring the efficiency and economic extension of existing services. For this reason, there is an argument that this has yet to be satisfied, but it must be defensible to the NSUARB.

There is an opportunity to request more of the stormwater management plan. It's up to the staff if they accept what is provided. With the Brook on-site and the feedback from the community, I would request additional green infrastructure elements.

### **Mitchell Brook Watercourse**

The subject property will require re-grading; how will this impact the Brook? The stormwater management plan should prevent contaminated water from flowing directly into the brook.

Residents have expressed concern about how wet this area can become during different parts of the year. Green solutions to stormwater management would help beautify the site and manage wet ground concerns. Stormwater management plans should consider more than just the engineering and piping solutions.

#### 4.1.4 Alteration of Land

Alteration to the level of land resulting from any excavation or filling activity for the preparation of the land for development or in conjunction with any permitted development which involves the removal or addition of more than 20 yd<sup>2</sup> (15.3 m<sup>2</sup>) of material from the site shall require a Development Permit before commencement and shall comply with the following:

A) All excavation and filling activities for which a Development Permit is required be wholly contained within the property affected;

**B) No alteration in the level of land resulting from any excavation or filling for preparation of land for development for which a Development Permit is required shall cause water to shed to an adjacent property.**

I. Notwithstanding 4.1.4(b), water may be shed to any existing ditch, culvert, watercourse, or stormwater drainage system upon approval from the Town Engineer. and An approved site drainage plan may be required by the Development Officer and approved by the Town Engineer before the granting of a Development Permit.

### SAFE MOVEMENT OF PEDESTRIANS AND CYCLISTS

The Town of Kentville, through Policy RS-23, requires the safe movement of pedestrians and cyclists to be considered; this also applies within the subdivision application. Walking paths, trails, or the park buffer between the two road extensions are worth considering. The Town should be given a right-of-way for this area and even consider owning and maintaining this piece if the Developer considers incorporating it.

Does the Town of Kentville have a cost-sharing policy for community infrastructure like sidewalks? If so, it might be an excellent policy to share with the developer while they are considering the safe movement of pedestrians and cyclists within their subdivision application.

A traffic study recommended a sidewalk linking Acadia Drive with the Donald Hiltz Connector Road. It mentioned that pedestrians are using the grass on the side of the arterial road to access services. TIS states that the proposed density will require no further infrastructure improvements.

At this point, I would not consider the requirement of the LUB/MPS for a traffic study satisfied. They need to show sufficient infrastructure within the subdivision application to ensure the safe movement of pedestrians and cyclists.

### SAFE AND CENTRAL PARKS & COMMUNITY ASSETS

The developer has used their 5% parkland dedication as their required buffering between the low-density and higher-density residential proposals. I recommend that the applicant individually consider the buffering, parkland, and amenity requirements. The parkland dedication piece is immediately crucial because it is part of the subdivision application. The Town policies require that parks and community assets be in safe and central locations; the applicant still needs to meet this requirement.

The proposed parks need to be in safe and central areas. The subdivision application needs to show consideration of this requirement. Instead, they are offered on the side of the development, separating the new from the existing single-family with a green belt.

In response to policy IM-8, the developer has stated that there are considerable recreational amenities in Kentville and chose not to include anything new in their proposal. If this concerns Council, I recommend that staff analyze the existing recreation facilities and the distance between the proposed buildings. Recreation facilities should be within walking distance (2.5 km) of the high-density portion.

## **INTERMEDIATE RESPONSE**

The community is questioning the developer's integrity and ability to build the proposal reasonably. Council and staff must know if the developer plans to build new homes on all the lots or sell them to others for development; also, what portion he will be developing himself. There is time to have more control over how the development will play out after approval, as I anticipate that each lot will submit for a development permit as the owner is prepared to build.

Development permit applications must follow the planning regulations adopted and in place when the application is submitted. Some of the properties will be required to adhere to the existing rules. At the same time, others may wait long enough to submit their applications that they will fall under any new long-term planning regulations that Council may consider and adopt.

Also worth noting is policy GD-5, where if the developer intends to lease the land within the development, then Council may use this option to require the Development to proceed through Development Agreement. Another reason why it is essential to understand the Developer's future intent for the newly subdivided and re-zoned lots.

## **PROPOSED SITE PLAN AMENDMENT (APRIL 2023)**

The proposed site plan criteria should be reviewed and considered critically before passing. My recommendation would be to take your time with this amendment. It appears to be in response to the subdivision and rezoning application. Instead, I would take a long-term response with a Municipal Planning Strategy amendment, analyzing the area as a whole and reassessing Council's priorities for residential development.

## **LONG-TERM RESPONSE**

In agreement with the piece written by Maurice Lloyd, residential development and demand have changed drastically within Nova Scotia. There is a great need for this type of development in the areas surrounding Halifax. This alone is a constructive reason for Council to take the time to re-look at the Town's planning documents and policies related to residential growth.

I'd recommend that the Town consider updating their planning documents. The accountability and concerns of the community could be solved through planning controls that are within the ability of the Town to adopt. There are a few approaches to how this may be done; staff should talk with Council about the vision and move forward with the option they are most in favour of.



I anticipate the developer will be closely following all planning amendments under consideration. I would not recommend moving forward with a Land Use By-Law amendment in response to this development. Instead, Council must consider that area as a whole and their hopes for future residential development. This approach is beneficial because any amendments Council makes to their overall Municipal Planning Strategy are not appealable to the Nova Scotia Utility and Review Board. In contrast, modifications made to the Land Use By-law are appealable.

Although the Developer's application has raised concerns from the public, Council and staff concerning the planning controls for large-scale residential developments, I feel Council must understand that once an application is submitted, the applicant is responsible for complying with the existing regulations. It is impossible to re-write your Planning Documents and have them apply to an already submitted application.

Based on the application, the Developer intends to move forward slowly, potentially selling the smaller building lots and applying for a development permit for the higher-density apartments once the connector road has been completed. As the applications submitted are only for the subdivision and rezoning, the development permit applications will be submitted slowly as development plans are made for each lot. These applications must follow whatever planning rules are adopted and in place at the time of submission. Therefore, there is time for Council to perform a long-term planning exercise.

## **A SECONDARY COMMUNITY PLAN**

It's my understanding that the Town is already in the process of preparing a secondary plan for the other side of the Donald E Hiltz Connector Road. I would expand this plan to include the McDougall Heights community. The secondary plan should be incorporated into the Municipal Planning Strategy with associated regulations adopted into the Land Use By-Law.

## **R5 REZONING**

The R5 Zoning within the Planning Documents should not be permitted as of right. Instead, I expect any developments in this zoning to go through either site plan approval or development agreement at the developer's discretion. The existing policy feels "half-baked." It anticipates that residential development will happen and considers this land for future residential development; however, it doesn't provide a procedure for property owners to advance with development without rezoning.

### **Large Lot Residential (R5) Zone**

There are, at present, several large tracts of land in Kentville, many of which need to be serviced and for which there are no immediate plans for development. Council wishes to encourage the orderly development of these lands to accommodate future growth while avoiding costly extensions to municipal infrastructure and services. At the same time, Council understands that housing needs and preferences are constantly evolving. Because much of this land won't be developed for quite some time, this zone will accommodate a limited range of residential uses. Lands further away from existing

development and services will be discouraged from developing, although limited development will be permitted until such services are available.

## SITE PLAN REQUIREMENTS

The Town requires new structures in the R3 & R4 residential zones that abut an R1 or R2 zone to proceed through Site Plan approval. This requirement means that the Developer must go through Site Plan approval for the high-density elements of their development proposal.

The existing Site Plan Criteria for Development in Residential Zones does provide staff control. Still, it only looks at one property instead of considering the development as a whole. The policy is vague enough in the requirements that the Development Officer should be able to control elements of the apartment building portion of the development in a way that will satisfy neighbours and Council.

Policy 4.13 requires that on-site amenity space be provided for high-density developments. I recommend that Council and staff collaborate in advance and consider what amenities would be needed before a development application is submitted for the proposal. Staff have control to suggest amenities as part of the site-planning process.

Something missing from the site-plan requirements for large-scale residential developments which Council may want to consider are "sustainable transportation" options; I would incorporate this into any site-plan requirements. With the arrival of many new residents, items like transit routes and electric vehicle charging stations will be needed.

Site Plan Approval shall consider the following developments following Sections 231-233 of the Municipal Government Act and Section 5.1.12 of this Bylaw.

**a) New structures or additions in an (R3), (R4), (C1), (C2), (C3), (M1), and (CR) Zone when such developments abut a Single Unit Dwelling (R1) Zone or a One and Two Unit Dwelling (R2) Zone;**

- b) Day Care Centers to a maximum of 14 persons in the (R1), (R2) and (R3) zones; and
- c) Multi-Unit Residential Development over 50 units per acre in the (C1) zone.

### 4.1.3 Amenity Space

a) All new Multi-Unit Developments containing four or more dwelling units shall provide On-Site Amenity Space by the following requirements:

Bachelor and One Bedroom Two bedroom

Three or more bedrooms

200 ft<sup>2</sup> per unit 225 ft<sup>2</sup> per unit 255 ft<sup>2</sup> per unit

18.58 m<sup>2</sup> per unit 20.90 m<sup>2</sup> per unit 23.69 m<sup>2</sup> per unit

**b) Amenity space may include decks, balconies, gardens, landscaped open space, gyms, pools and other**

c) Useable outdoor recreation amenity space shall be in the side or rear yards. The recreation space must be usable, meaning it shall be cleared, levelled, and grassed or otherwise landscaped to create an attractive outdoor recreation space for the amenity of the residents on the lot.

d) Amenity space shall be waived for all residential conversions.

5.1.12 Site Plan Criteria for Development in Residential Zones

The following site plan criteria shall apply to all new development permitted through the site plan approval process. No development permit shall be issued for development that is inconsistent with these criteria, in addition to all applicable zone standards and other requirements of this Bylaw:

- a) the location of new structures (or an addition to an existing structure) is located on the lot to minimize any adverse impacts on the surrounding neighbourhood, including, but not limited to, noise, dust, or lighting;
- b) the location of off-street parking and loading facilities are located and designed to minimize any adverse impact on the surrounding neighbourhood;
- c) the location, number and width of ingress and egress points are designed to prevent traffic congestion, nuisance and inconvenience in the area and minimize any adverse impact on the surrounding neighbourhood;
- d) the type, location and height of walls, hedges, fences, trees, shrubs, groundcover or other landscaping elements are designed and built to protect and minimize any adverse impact on neighbouring properties;
- e) the existing vegetation, where possible and deemed practical, be retained to lessen or reduce any adverse impact on abutting properties or the surrounding neighbourhood;
- f) the location of pedestrian walkways and related infrastructure shall be provided to link public walkways and parking areas to the entrance of the primary building;
- g) the type and location of outdoor lighting is designed to light the structure, driveways and any pedestrian walkways but shall not be directed onto neighbouring properties;
- h) the location of facilities for the storage of solid waste provides for a maximum separation for residential development, public areas, and adjacent properties;
- i) the location of existing easements shall be identified;
- j) the management of storm and surface water is addressed, and the Town Engineer approves associated plans;

- k) the type, location, number and size of signs or sign structures do not negatively alter the appearance of the neighbourhood; and
- l) the above-listed items are maintained in a manner suitable and complementary to the surrounding neighbourhood.

## EVALUATION CRITERIA

### Policy RS-22 Affordable housing units

- Appropriate for the area and in keeping with surrounding development.
- Makes efficient use of existing infrastructure and road networks.
- Is anticipated to impact the housing supply within Kentville positively.

### Policy RS-23 Residential Area Design

- Provide for the efficient use of land.
- Provide for the efficient and economic extension of existing water, sewer, and sanitary services (plus other utilities)

There is a potential argument that this requirement's "other utilities" element must still be met.

- Provides for the efficient and safe movement of pedestrians and cyclists.

Based on the subdivision application, this requirement still needs to be met.

- Provide for parks and other community uses in safe and central locations.

Based on the subdivision application, this requirement still needs to be met.

### Traffic Impact Studies

A significant part of evaluating a development proposal is understanding its potential impact on the existing transportation network. Council feels it is essential to assess this impact early, particularly if development could create or contribute to a need for costly infrastructure improvements such as traffic lights, turning lanes, intersection realignment or other significant changes. To ensure Council has accurate information upon which to base its decision, a traffic impact study will be required as part of the rezoning application; or before tentative subdivision approval where the nature or location of the development warrants such a study.

Generally, the development proponent is financially responsible for transportation system changes required to accommodate the proposal or to mitigate adverse impacts of the proposal. Typically, such changes will be included as conditions of development approval. In cases where improvements are necessary due to several developments, a cost-sharing arrangement may be possible.

### Policy T-8 & T-9

- A Traffic Impact Study may be required to be prepared by a qualified engineer.

Traffic impact studies should consider all types of transport requirements in the area. There is mention of a high volume of pedestrians using the grass on the side of the road to access their destinations. What about cyclists? Is there enough density and traffic to warrant a transit service? Why is a sidewalk recommended over a wide active transportation trail that cyclists and pedestrians could use? Is there enough room for this adjacent to the road?

### Statements of Provincial Interest

Statements of Provincial Interest outline the province's vision for protecting Nova Scotia's land and water resources; and address issues related to the growth of our communities. They are intended to help provincial government departments and municipalities make land use decisions with province-wide implications and support the principles of sustainable development.

Drinking Water: To protect drinking water quality within municipal water supply watersheds.

Council has adopted policies to protect the wellfields and recharge areas that provide the town's water supply. There is a backup water supply within a protected watershed around McGee Lake in the Municipality of the County of Kings. It is unknown whether this water supply will be used in the future. However, Council will encourage the County to limit new development within the watershed.

The water commission has an adequate supply for the proposed development.

Flood Risk Areas: To protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains.

Kentville is not designated as a flood risk area under the Canada-Nova Scotia Flood Damage Reduction Program. However, the Town has identified areas at risk of flooding. These are established as overlay zones within the Zoning Map and have related policies with standards and permitted uses. The Town has adopted policies outlining environmental constraints and how development can be accommodated in flood-risk areas. Kentville has also been proactive with constructing a 10.5 m high dyke along a portion of the Cornwallis River to mitigate anticipated flooding in the future, as identified through the Town's Municipal Climate Change Action Plan (MCCAP).

I don't believe the community concerns have been fully addressed in this requirement. However, the Town's policies are minimal. There may be an argument about protecting neighbouring properties from stormwater runoff from the paving required for the new development. Also, the book on the property would act as a natural flood deterrent. An additional development unaware of the Brook's importance could violate this statement.

Agriculture Land: Protect agricultural land from developing a viable and sustainable agriculture and food industry.

According to Agriculture and Agri-Food Canada, Land Capability for Agriculture has some class 2 and 3 soils; however, most, if not all, have been cleared and urbanized. As an urban settlement, Kentville has limited agricultural potential. Council will support small-scale food production through the Land Use By-law; however, Council believes that concentrating and intensifying development in established settlement areas such as Kentville, Berwick, Wolfville and New Minas, where a wide range of existing urban infrastructure and services exists, is the most sustainable approach to protecting agricultural land in Kings County.

Is the land of the proposed development classes within the 2 & 3 soils? Has this been mapped?

Housing: To provide housing to meet the needs of all Nova Scotians

This Municipal Planning Strategy recognizes the changing demographics, the need for a full range of housing types, and the growing demand for affordable housing. Town Council will support infill housing on undersized lots, reduced parking requirements in the downtown, and increased density where affordable housing is contained.

This development provides diverse housing options. However, I don't believe it has necessarily considered the residents' quality of life. There should be more infrastructure, services, and improved design. However, the Town's planning documents do not do an excellent job of requiring the developer to provide quality.

Has the developer indicated if a percentage of the rental portion of the residential development will be affordable?

Infrastructure: To make efficient use of municipal water supply and municipal wastewater disposal systems

An infrastructure asset management plan has been started to map our assets and record our different system components. A five-year capital plan (with annual adjustments as necessary) has been compiled, which looks to infrastructure renewal and future expansion within the Town of Kentville. The Town's water system extends outside the Town boundaries per the Stead Agreement between the Town and the Municipality of the County of Kings. However, Council believes that concentrating development where a wide range of existing urban infrastructure and services already exists is the most effective way to maximize the life and efficiency of this infrastructure and does not support a further extension of this infrastructure outside its boundaries.

Based on all the reports, the development will not place any additional strain on existing infrastructure, and there are minimal needs for the new buildings and residents. However, active transportation should be more of a consideration.