
TO: Council

FROM: David Bell, P.Eng, Director of Engineering & Public Works

DATE: May 2023

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



BACKGROUND

An application was received from Brighter Community Planning & Consulting on behalf of property owner, Mitch Brison of Brison Developments Limited to rezone a vacant parcel of land identified as PID 55247761. The submitted application is to consider amending the Zoning Map of the Kentville Land Use Bylaw to rezone a vacant parcel of land identified as PID 55247761 (“the subject property”) to Single Unit Dwelling (R1), One and Two Unit Dwelling (R2), and High Density Residential (R4). The subject property is currently zoned Large Lot Residential (R5). The application was deemed to be complete on February 22, 2023.

DISCUSSION

Staff reports were compiled for March, April, and May CAC, providing information for Council’s consideration as it relates to the rezoning application for PID 55247761 in the McDougall Heights subdivision. Staff are confident that the necessary information has been provided to satisfy Policy IM-8 of the Municipal Planning Strategy. The above noted staff reports can be found at the end of this report.

FINANCIAL IMPLICATIONS

The traffic impact study completed by GAALCO Traffic Engineering has recommended:

- the addition of a left turning lane from Park Street onto Acadia Drive; and
- the construction of a sidewalk on one side of Acadia Drive linking to the proposed Donald E Hiltz Connector Road for this next phase of development. (Sidewalk to be installed at the cost of the developer.)

Council should consider the financial implications of continuing the construction of sidewalks along Acadia Drive from this proposed phase to Park Street to ensure pedestrians have access to safe active transportation routes and to help with connectivity throughout the community along the minor collector road.

ATTACHMENTS

Appendix A	March 2023 Staff Report to CAC for McDougall Heights Rezoning
Appendix B	April 2023 Staff Report to CAC for McDougall Heights Rezoning
Appendix C	May 2023 Staff Report to CAC for McDougall Heights Rezoning

RECOMMENDATION

Staff recommend that Council give First Reading to the proposed map amendment of the Land Use Bylaw as contained in Schedule A and schedule a Public Hearing on June 21, 2023 at 6pm.

Decisions of Council to either approve or refuse the proposed amendment are appealable to the Nova Scotia Utility & Review Board within 14 days.

TO: Council Advisory Committee
FROM: Dan Troke, Chief Administrative Officer
DATE: March 2023
SUBJECT: Application for Land Use Bylaw Zoning Map Amendment (Rezoning) of PID 55247761



BACKGROUND

The Town of Kentville has received an application from Brighter Community Planning & Consulting (“the applicant”) on behalf of the property owner Mitch Brison of Brison Developments Limited. The submitted application is to consider amending the Zoning Map of the Kentville Land Use Bylaw to rezone a vacant parcel of land identified as PID 55247761 (“the subject property”) to Single Unit Dwelling (R1), One and Two Unit Dwelling (R2), and High Density Residential (R4). The subject property is currently zoned Large Lot Residential (R5).

SITE CONTEXT

The subject property, as identified on the context map to the right, is a 43.2 acre (174,824.2 sq m) parcel of land that is located southeast of Acadia Drive and north of the proposed Donald E Hiltz Connector Road. The property is currently vacant and includes a portion of the Mitchell Brook watercourse on the west side. The surrounding land uses include existing single unit dwellings, parkland, and bulk vacant lands designated for residential development.

An arterial road is proposed along the south boundary of the subject property, known as the Donald E Hiltz Connector Road. This arterial road will be a high volume street which will connect the Kentville Business Park to Prospect Avenue and eventually, Chester Avenue.



Figure 1 Context Map

DEVELOPMENT PROPOSAL

The applicant is requesting to rezone the subject property from Large Lot Residential (R5) to a mix of Single Unit Dwelling (R1), One and Two Unit Dwelling (R2), and High Density Residential (R4). The requested zones will allow for residential development with a mixture of low, medium, and high-density buildings. The applicant has stated that the developer is committed to placing new single unit lots next to the existing single unit development to address any compatibility concerns that residents of the area may have.

The concept plan for the proposal shows a combination of R1 and R2 zoned lots along the extensions of Acadia Drive and Mount Vincent Drive. An unnamed street, lined with R2 zoned properties buffered by existing dedicated parkland is proposed to connect the two road extensions. A short, 400m cul-de-sac is proposed to intersect with Carleton Drive, providing access to more R2 zoned properties. South of the extension of Acadia Drive, the applicant is requesting R4 zoning for the remaining 18.8 acres (76,080.9 sq m) of vacant land that borders the proposed arterial road, the Donald E Hiltz Connector. Three multi-unit buildings are shown on the concept plan, with area left for possible future development. The applicant is proposing 32 - R1 lots (32 units total), 56 - R2 lots (112 units total), and R4 zoning to accommodate multi-unit apartment buildings.

Under the Subdivision Bylaw, the subdivider will be required to reserve and convey either an area of usable land or a sum of money, equal to 5% of the proposed development, exclusive of streets and any proposed walkways. In addition to the Subdivision Bylaw's parkland dedication requirements, the developer will be required to provide on-site amenity space for any buildings containing four or more dwelling units on the R4 zoned property.

DISCUSSION

A Public Information Meeting was held on September 27th, 2022. Public comments have been received with concerns of traffic, water pressure, stormwater management, and lack of sidewalks and greenspaces.

On November 9th, 2022, staff from different departments came together to review and discuss the application and the potential impact on the community. On December 15th, 2022, staff delivered formal comments to the applicant requesting further information relating to the proposed development and rezoning application.

Between February 22nd and February 27th, 2023, the applicant submitted a revised concept plan for the rezoning as well as supplementary information regarding sanitary capacity and stormwater management.

Municipal Planning Strategy Document Review

The subject property is designated Residential on the Future Land Use Map as shown on that attachment, Map 1, which indicates Council's long term intention for the lands is to be residential in nature.

Chapter 5 - Residential, of the Municipal Planning Strategy outlines the objectives and goals for Kentville ensuring that development is occurring in a manner that meets the needs of all residents. One of the objectives outlined in the Strategy is to provide a variety of housing types to accommodate the various needs and desires of Town residents. The province is currently experiencing a housing shortage, which is currently impacting the existing housing market, increasing the price of an average single unit home beyond what the average household income can afford.

As housing prices for new development are heavily influenced by construction costs, including water and sewer infrastructure, streets, and environmental design considerations, it is imperative that the Town considers and encourages alternative residential development forms apart from the standard Single Unit Dwelling. As of the 2021 Canadian Census, Kentville has a housing stock that consists roughly of 58% single unit dwellings, 27% apartment buildings, 7% semi-detached, 6% duplex and 2% row houses.¹

A presentation by Chrystal Fuller and Gary Morse to Council Advisory Committee (CAC) in December of 2022 outlined the importance of different residential building forms that fall between single unit dwellings and large apartment complexes, calling it "the missing middle", explaining how having adequate variety of housing stock can help balance the demands in the housing market. The R2 and R4 zoning that is being requested in this application will provide an opportunity for a greater variety of housing types to help meet the needs of our current and future residents.

Policy IM-8 and IM-9 provide the criteria that must be evaluated for all rezoning requests. A detailed analysis of these policies is included with this report in Schedule B, Evaluative Criteria for Rezonings.

In Summary:

- The proposal is appropriate for the area and is in keeping with the surrounding development;
- makes efficient use of existing infrastructure and road networks; and
- is anticipated to have a positive impact on the housing supply within Kentville.

In addition to Policy IM-8 and IM-9, other policies of particular importance to this application are:

¹ Source: Statistics Canada. (2021) *Table 98-10-0240-01 Structural type of dwelling by tenure: Canada, provinces and territories, census divisions and census subdivisions.*

Policy RS-22 *It shall be the intention of Council* to encourage and promote the provision of affordable housing units, in accordance with the Land Use By-law, within residential areas of the Town by:

- a) Encouraging a mix of housing types and densities;
- b) Permitting ancillary dwelling units in single family dwellings;
- c) Permitting a secondary residential structure (Garden Suite) on a lot; and
- d) Reduce parking requirements.

COMMENT

This application will allow for the creation of a greater variety of housing types to help meet the needs of our residents.

Policy RS-23 *It shall be the intention of Council* to ensure that new residential areas:

- 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.

COMMENT

By considering alternative build forms such as two unit dwellings and multi-unit buildings, the proposed development will be considered an efficient use of land and existing infrastructure. Parkland dedication will be negotiated at the subdivision stage and staff are committed to ensuring there is adequate greenspace in a safe and central location.

Policy T-8 *It shall be the intention of Council* that a Traffic Impact Study (TIS) may be required as part of a rezoning application or prior to tentative subdivision approval where the nature, or location of the development warrants such a study. A TIS will generally be required if the development is expected to generate 100 or more two-way trips at the site entrance(s) during peak hours. A TIS may be required for other factors or fewer than 100 two way-trips at the site entrance(s) during peak hours if warranted.

Policy T-9 *It shall be the intention of Council* that the traffic impact study shall be prepared by a qualified engineer registered with the Association of Professional Engineers of Nova Scotia.

COMMENT

A Traffic Impact Study (TIS) was requested as part of the rezoning application and the applicant engaged GAALCO Traffic Engineering to complete the study. The study found that the proposed development of the R1 and R2 zoned properties and the construction of two apartment buildings will not require any further infrastructure improvements, other than a 15-metre left turning lane on Park Street at the Acadia Drive intersection. It should be noted that the current traffic counts at this intersection warrant installing the turning lane regardless of the proposed development moving forward.

It is recommended that the construction of any additional apartment buildings is delayed until after the construction of the proposed Donald E Hiltz Connector Road.

It is also recommended that the 'new' section of Acadia Drive include the construction of a sidewalk to provide a connection for the entire area to the proposed Connector Road.

A full Executive Summary of the Traffic Impact Study findings can be found within Schedule D of this report.

Other Studies

In addition to the Traffic Impact Study (TIS), staff requested that the applicant demonstrate that there is capacity within the existing sanitary sewer system on Acadia Drive to handle the increased load from the proposed units. The applicant engaged DesignPoint Engineering & Surveying Ltd. to complete a Sewer Capacity Study to support the rezoning application. The study found that the existing sanitary sewer system has capacity to accommodate 210 multi-unit dwellings and 144 detached homes before upgrades, at the cost of the developer, are required.

A summary of the Downstream Sanitary Analysis can be found within Schedule F of this report.

Statements of Provincial Interest

The Province of Nova Scotia has six Statements of Provincial Interest which outline the province's vision for protecting Nova Scotia's land and water resources, as well as addressing issues related to the growth of our communities. The Statements are intended to help provincial government departments and municipalities make land use decisions that have province-wide implications and support the principles of sustainable development. Municipalities must take the statements into account when creating or reviewing land use planning policies and regulations.

Housing

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

This Statement declares that "Adequate shelter is a fundamental requirement for all Nova Scotians" and furthermore that "A wide range of housing types is necessary to meet the needs of Nova Scotians". The Statement also notes that "Depending upon the community and the housing supply and need, the measures that should be considered in planning documents include: enabling higher densities, smaller lot sizes and reduced yard requirements that encourage a range of housing types." By Council considering this rezoning application for R1, R2 and R4 development, higher densities of residential development will be able to be permitted which will enable a greater range of housing types.

Infrastructure

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

This Statement outlines that "Unplanned and uncoordinated development increases the demand for costly conventional infrastructure". It states that planning documents must consider

“encouraging maximum use of existing infrastructure by enabling infill development on vacant land and higher density development” and advises “directing community growth that will require the extension of infrastructure to areas where servicing costs will be minimized”. This development proposal intends to make use of existing infrastructure that has been invested in and extended over the past 35 years, making efficient use of our existing services and allowing expansion where deemed reasonable.

NEXT STEPS



FINANCIAL IMPLICATIONS

The traffic impact study completed by GAALCO Traffic Engineering has recommended:

- the addition of a left turning lane from Park Street onto Acadia Drive; and
- the construction of a sidewalk on one side of Acadia Drive linking to the proposed Donald E Hiltz Connector Road for this next phase of development. (Sidewalk to be installed at the cost of the developer.)

Council should consider the financial implications of continuing the construction of sidewalks along Acadia Drive from this proposed phase to Park Street to ensure pedestrians have access to safe active transportation routes and to help with connectivity throughout the community along the minor collector road.

ATTACHMENTS

Map 1	Generalized Future Land Use Map
Map 2	Zoning Map
Schedule A	Conceptual Design and Proposed Zoning Map
Schedule B	Evaluative Criteria for Rezoning's
Schedule C	Public Information Meeting Notes
Schedule D	Executive Summary of Traffic Impact Study
Schedule E	Stormwater Management Acknowledgement Letter
Schedule F	Downstream Sanitary Capacity Analysis

RECOMMENDATION OPTIONS

Staff recommend that Council:

- give First Reading to the proposed map amendment of the Land Use Bylaw as contained in Schedule A and schedule a Public Hearing; or

- provide alternative direction such as requesting further information on a specific topic;
or
- refuse the proposed map amendment to the Land Use Bylaw.

Decisions of Council to either approve or refuse the proposed amendment are appealable to the Nova Scotia Utility & Review Board within 14 days.

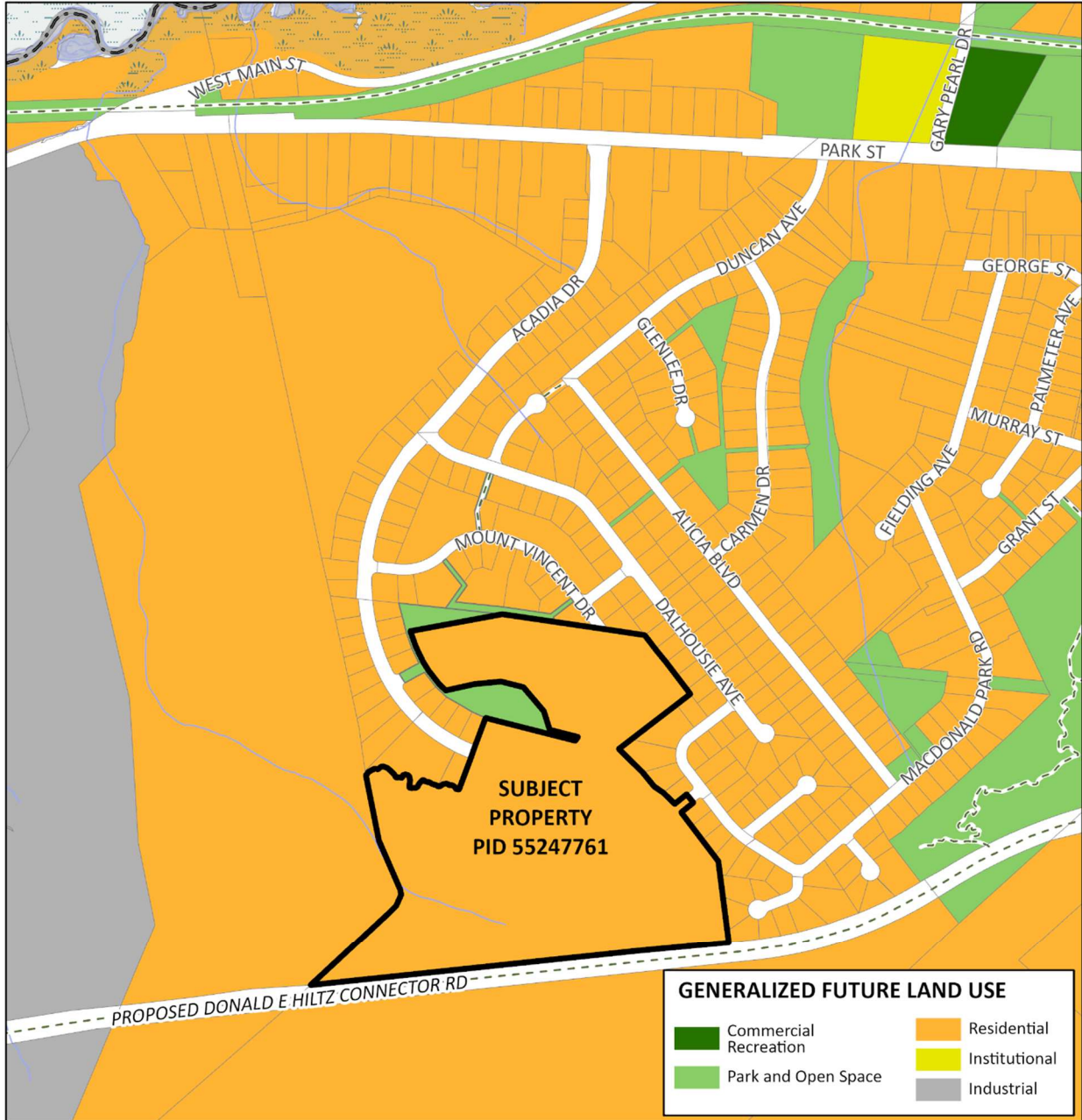
MAP 1

Generalized Future Land Use Map

PID 55247761 McDougall Heights Generalized Future Land Use Map



Scale: 1:8,000



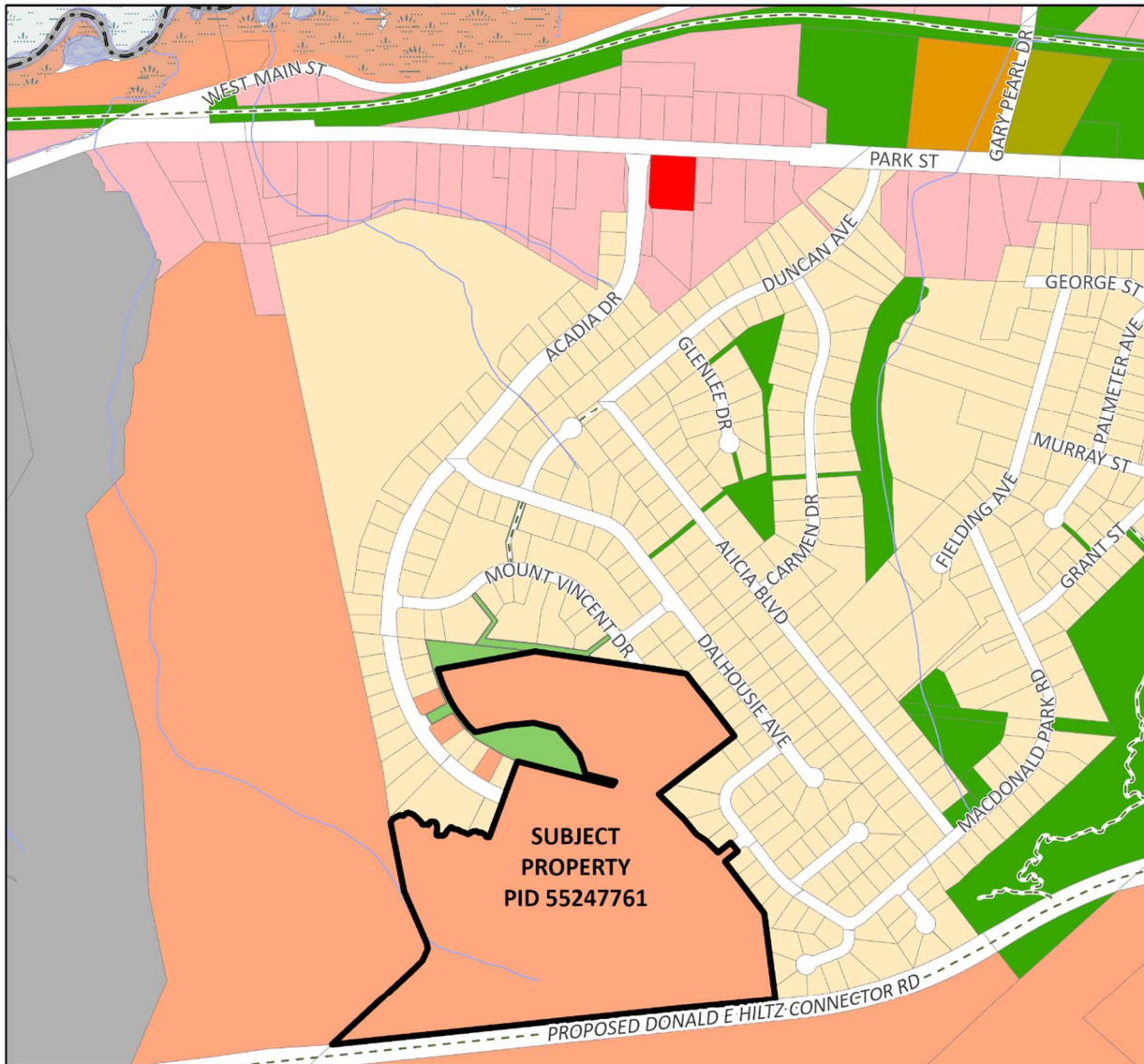
This map is a graphical representation of property boundaries which approximate the size, configuration and location of parcels. Any interpretation of this map must be confirmed with the Municipality in which the property is situated. To receive further clarification about the use of this Planning Document 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

Zoning Map

PID 55247761 McDougall Heights Current Zoning Map



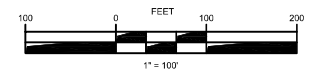
ZONING		
Industrial (M1)	Park and Open Space (P)	One and Two Unit Dwelling Residential (R2)
Commercial Recreation (CR)	Single Unit Dwelling Residential (R1)	Medium Density Residential (R3)
Institutional (I)	Large Lot Residential (R5)	

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



PRELIMINARY
Feb. 22, 2023



NOTES:

LOT SUMMARY				
ZONE	UNIT TYPE	AREA	LOTS	UNITS
R1	SINGLE FAMILY	7.73 ACRES	32	32
R2	SEMI-DETACHED	12.91 ACRES	56	112
R4	MULTI-UNIT	18.78 ACRES	1	256
PARK	PARK LAND	2.58 ACRES	n/a	n/a
TOTAL		42 ACRES	89	400

PREPARED FOR

PREPARED BY

902.832.5597 designpoint.ca

PROJECT

**ACADIA DRIVE
CONCEPT PLAN**

KENTVILLE, NOVA SCOTIA

Engineer G.WOODFORD	Drawn J.KEEPING
Scale 1"=100'	Date FEB. 22, 2023
Project No. 22-151	Drawing No. C-01
Filename 22-151_C.dwg	01 OF 01

SCHEDULE B

Evaluative Criteria for Rezoning's

Policy IM-8 *It shall be the intention of Council* when considering a rezoning application or other Land Use By-law amendment application that includes a specific development proposal to have regard for the following matters:

POLICY	COMMENT
<i>(a) compatibility of the proposed land use with adjacent land uses;</i>	R1 lots are proposed to be located abutting existing residential development with a gradual transition to R2 along this new phase. R4 development will buffer the lower density and the proposed arterial road (Donald E Hiltz Connector Road).
<i>(b) compatibility of the development with adjacent properties in terms of height, scale, lot coverage, density, and bulk;</i>	The bulk and size of the proposed buildings are regulated by the Land Use Bylaw. The R4 buildings will require Site Plan Approval as they abut R1 and R2 properties.
<i>(c) that the proposed development resolves any potential compatibility issues with nearby land uses resulting from lighting, signage, outdoor display, outdoor storage, traffic, vehicle headlights, and noise through appropriate site design, landscaping, buffering and fencing;</i>	The apartment buildings will be regulated during site plan approval, where parking, landscaping, lighting, buffering and fencing will be addressed. The connection to the proposed Donald E Hiltz Connector Road will help mitigate traffic issues.
<i>(d) the adequacy of sewer services, water services, waste management services and storm water management services;</i>	Kentville Water Commission has adequate supply for the proposed development. Applicant has committed to designing a net zero stormwater management system. A downstream sanitary capacity analysis was completed and determined that the existing infrastructure on Acadia Drive has capacity to accommodate 210 multi-unit dwellings and 144 detached homes before upgrades to the system are required.
<i>(e) that the proposal contributes to an orderly and compact development pattern that makes efficient use of existing and new municipal infrastructure;</i>	The proposed development will create a significant number of new dwelling units with minimal new roads and infrastructure. The proposed density will create efficient land use patterns.
<i>(f) the adequacy and proximity of schools;</i>	No impact on school facilities is anticipated.
<i>(g) the adequacy and proximity of recreation and community facilities;</i>	Kentville has considerable recreational amenities. In addition, 5% parkland dedication will be required for all lots subdivided and multi-unit buildings with four or more units in the R4 zone require on-site amenity space.

<p><i>(h) the adequacy of the road network in, adjacent to, or leading to the development;</i></p>	<p>Acadia Drive, the main road leading to this development, is classified as a Minor Collector road (Map #2 of the MPS) and has been planned to be the main connector from Park St to the proposed Donald E Hiltz Connector Road.</p> <p>The TIS by GAALCO Traffic Engineering found that the proposed development of the R1 and R2 zoned properties and the construction of two apartment buildings will not require any further infrastructure improvements, other than a 15-metre left turning lane on Park Street at the Acadia Drive intersection, which is warranted by the existing traffic in 2022.</p> <p>It is recommended that the construction of any additional apartment buildings is delayed until after the construction of the Donald E Hiltz Connector Road.</p> <p>It is also recommended that the 'new' section of Acadia Drive include the construction of a sidewalk to provide a connection for the entire area to the proposed Connector Road.</p>
<p><i>(i) the potential for erosion or for the contamination or sedimentation of watercourses;</i></p>	<p>Stormwater will be managed on site through stormwater management.</p> <p>All construction will need to comply with the NS Erosion and Sedimentation Guidelines.</p>
<p><i>(j) environmental impacts such as air and water pollution and soil contamination;</i></p>	<p>None.</p>
<p><i>(k) previous uses of the site which may have caused soil or groundwater contamination;</i></p>	<p>Not aware of any such use.</p>
<p><i>(l) suitability of the site in terms of grades, soil and bedrock conditions, location of watercourses, marshes, swamps or bogs;</i></p>	<p>Site has some areas of steep grade along with flatter areas. Detailed site design will occur as part of site plan approval and address grade issues. There is a portion of the Mitchell Brook watercourse along the west side of the property.</p>
<p><i>(m) the ability of emergency services to respond to an emergency at the location of the proposed development;</i></p>	<p>The Town's Subdivision Bylaw sets out standards for maximum lengths of cul-de-sacs without emergency exits. Appropriate civic addressing of the subject property will ensure no delay of response of emergency services.</p>
<p><i>(n) that the proposal is in conformance with the intent of this strategy and with the requirements of all other Town By-laws and regulations;</i></p>	<p>Proposal complies with the intent of this strategy and complies with the relevant statements of provincial interest.</p>

<i>(o) development can be regulated in such a way as to meet or exceed the guidelines established in the Kentville Water Commission Source Water Protection Plan (SWPP)and</i>	The subject property is located within Wellfield Zone D and is a permitted use within the zone.
<i>(p) the financial ability of the Town to absorb any costs relating to the amendment.</i>	New roads will be transferred to the Town through the Subdivision Bylaw upon completion and acceptance by our Town Engineer.

Policy IM-9 *It shall be the intention of Council*, therefore, to take into account the other potential development scenarios that may be permitted as a result of a proposed zone change when evaluating a rezoning application.

COMMENT

Although the conceptual plan submitted by the applicant outlines the developer’s current intention for the property, Council should consider what other potential development scenarios could take place. Building forms could change from Multi-Unit Apartment buildings to Townhouses, Multi-Unit Apartment buildings could be increased in the number of units, and Single Unit Dwellings could each contain an Ancillary Dwelling Unit within their properties.

On the R4 lot, the Kentville Land Use Bylaw currently permits multi-unit dwellings and regulates the maximum number of units based on the area of the property parcel. The Bylaw reads:

Minimum Lot Area

Multi- Unit Dwelling (five or more units), 7000 ft² first five units + 1000 ft²/unit

Based on this math, and the size of the requested R4 property being 18.78 acres in total, the maximum number of units permitted on this lot would be 816 units.

$$18.78 \text{ acres} = 818\,056 \text{ ft}^2$$

$$818\,056 \text{ ft}^2 - 7\,000 \text{ ft}^2 = 811\,056 \text{ ft}^2 \text{ (first five units)}$$

$$811\,056 \text{ ft}^2 / 1\,000 \text{ ft}^2 = 811.06$$

$$811 + 5 = 816 \text{ units total}$$

With that total number of units in mind, the developer would also be required to provide on-site amenity space which could take form of a combination of balconies, gardens, landscaped open space, gyms, pools, etc. The on-site amenity space requirements outlined in the Bylaw is as followed:

Amenity Space Requirements

Bachelor and one bedroom 200 ft² per unit

Two bedroom 225 ft² per unit

Three or more bedrooms 255 ft² per unit

The provision of requiring this space on site with the added obligations of parking and building setbacks, could influence the overall feasible density of this site. Regardless of whatever build form this site is developed to be, it will be required to go through the Site Plan Approval process.



TOWN OF KENTVILLE

Public Information Meeting

Meeting Notes: September 27, 2022

Town Hall, 354 Main Street, Kentville Nova Scotia

Town Hall was open to the public in limited capacity.

PRESENT

Staff in attendance included Director Bev Gentleman and Recording Secretary Jennifer West.

Also in attendance is consultant Crystal Fuller with brighter Communities Planning Consulting.

Director Gentleman provided an overview of the proposed application

OVERVIEW OF PROPOSAL

Crystal Fuller gives a presentation about this proposed rezoning.

PRESENTATION

PUBLIC COMMENTS

Mike Peckford, 351 Prospect Ave. Concerns about a transportation study and flow of traffic.

Staff/Consultant - Yes, there is a traffic plan completed 8-9 years ago.

Will Eason, 58 Acadia Drive. Concerns about existing speed limits and increased traffic at the end of Acadia with no throughfare. The development is a separate process from the development of the Donald E. Hiltz Connector. There are some assurances that increasing numbers of houses must have increasing road networks. Brison had ensured existing homeowners that future development would be single family homes and would be many years in the future.

Jeff Pope, 32 Acadia Drive. How will the construction traffic be accommodated over the next 10 years while this rolls out? The housing market has likely sped up the development of this area. Heavier vehicles will be present during home construction and road building.

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Megan Sabeau, 78 Acadia Drive. Concerns about the near-term future of the community. Concerns about low water pressure now and even lower water pressure in the future. Has the Town considered a buffer of building sizes so the area ramps up reasonably (gradation of density). Additional concerns about the need for public transit, they do not want buses. Concerns about Brison's already doing work on private land without consent.

Staff/ Consultant - The Town zones for buildings and not for tenureship. The subdivision bylaw outlines the expectations on a developer for upgrading infrastructure. The purpose is to have a mixture of singles and semis.

Corine Hoebbers, 85 MacDonald Park Road. What is the timeline for development of cleared land two years ago. Will cleared land result in flooding, if construction takes more time? There is a responsibility of the developer to manage their own stormwater with a stormwater management plan.

Leslie Ribeiro, 39 Acadia Drive. Does the traffic assessment take into consideration pedestrian activity to school? Who is responsible for flooding at the bottom of Acadia?

Staff Consultant / - The route is intended to have traffic calming, active transportation and sidewalks. Part of this process is to amend the subdivision bylaw to include sidewalks. The town is planning a second lift on Mount Vincent Drive soon.

Danny Smith, 68 Acadia Drive. Concerns about the developer breaking promises, and the inability of the Town to hold the developer to task.

Jennifer Curry, 4 Acadia Drive. Concerns about small children and large trucks along Acadia Drive. Road maintenance is a concern because some winter days kids are walking on ice on the road. What is the plan for adding more students to KCA which is already at capacity? This is beyond the developer, but it is an opportunity for conversation between the town and education centres.

Staff Consultant / - To require sidewalks, changes would need to be made to the subdivision bylaw to require sidewalks on ne applicable roads

Jonathan Harlund, Acadia. Brison's vision is great, but his vision did not occur. He already hasn't delivered, and residents have little faith that he will deliver.

Nancy Acker, 44 Mount Vincent Drive. Been a resident for over 20 years. Concerns about holding the developer accountable, especially around greenspace. Support for growth and greenspaces, but not for this developer. The upper part of this area is very wet all summer long, and very icy all winter. Water concerns are very significant. Unclear about who is responsible for stormwater management. Water infrastructure is not being installed or maintained. Governments do not build for future populations; they build for small increases in 5 year increments. Kentville has had an increasing population for several years. The community will inevitably include families.

Public Information Meeting Minutes, September 27, 2022

Pending Approval

Page 2

DRAFT

Xin Xin, 47 Acadia Drive. Concerns about density, is the town ready for this kind of growth? Is the school ready for this kind of growth? This development should include a community centre, a park, facilities. Brison has not completed many of its commitments, there is little assurance about new commitments.

Erin Carter, 48 Acadia Drive. Concerns about the connector road. There are kids everywhere on Acadia Drive. Precedent in that community is that it is a family community- now the town is saying that the law is more important than precedent. Now that kids play on road, precedent has been set and therefore the road should be considered a local road and not a collector road. There is a huge demand for single family homes in that community Density is the major concern. Long term planning needs to be a high priority for the Town.

Concerns that mixed housing communities are not as family friendly as single-family home communities.

Staff/Consultant- It is important to have a variety of housing stock. Minor increases in density is good for walkability, transit and other aspects. Offering a variety of price points is important. Variety of housing is important- people want to be able to stay in their community and have options for larger or smaller homes through their lifetime. Mixed housing is important socially and environmentally. It is possible to have high quality duplexes with single family homes. R1 zones are being removed across the County- they are sometimes considered exclusionary.

Sandra Snow, 330 Cornwallis Ave. Has the developer considered rain gardens? Many water issues come from forcing stormwater into drains and pipes. Can we consider sustainability and alternatives? Don't put stormwater into the sewer system. Developers develop to municipal specifications. Rain gardens may not be allowed in the town.

Danny Smith, Acadia Drive. Was there thought given to another access road? This amount of density is too much for Acadia Drive. There is land for sale near by and the developer could buy this and make it a better access road. Access through the industrial park is not a solution, this area already has too much traffic.

Staff/Consultant - Mitch Brison doesn't own that stretch of land. This whole area is ready to be developed. If the adjacent property is developed it would require additional infrastructure.

Andrew Balsor, 31 Acadia Drive. Will taxes increase or be lowered?

Staff/Consultant - The more development in town could allow Council to consider lower taxes during budget deliberations. With a larger tax base there is opportunity for more infrastructure investment.

Erin Maskens, 46 Acadia Drive. We are new resident to Kentville. Concerns about growth, vision and perception of the character of the neighbourhood. Concerns about

Public Information Meeting Minutes, September 27, 2022

Pending Approval

Page 3

DRAFT

the safety of the kids playing in the street. If sidewalks go in will that take away from private property? Did the town go to the developer in 2018 to rezone? .

Staff/Consultant – The road is a collector road as identified in the planning documents. Sidewalks would be place in the street ROW- which is approximately 10 feet past the street curb. (Many residents think that is their land, but is in fact part of the Street Right-of-Way)

The Town did approach vacant property owners in the area as part of the Municipal Plan Strategy review, and included rezoning lands to R-2 in some areas. This time, Brison has come to the Town to ask for rezoning

Cate Savage, 11 Oakdene Terrace . Looking at the Hiltz Connector, could there be more connectors? This is an arterial road, there won't be driveways off the DHC. If the adjacent road was developed, it would need a connector to the DHC. Would this feel like separate regions or communities? It would feel different where there are apartment buildings. Is it going to look and feel different? Concerns about the one way in and out. This development is only viable with the development of the Collector Road.

Darryl McMiller. Resident of an area of a proposed road. Concerns about narrow roads, steepness and fast traffic. Is the traffic study open and transparent? What is the status of funding for the DHC? Part of the traffic is going to take that road into consideration. If the traffic study shows that service levels will decrease, the developer will need to put forth infrastructure to make improvements, or the development will be reduced. Is it a conflict of interest for Brison to be conducting the traffic study? If the R2 R4 goes through, and the DHC doesn't happen, is that possible? What is the scope of the traffic study? This meeting is about listening to residents' concerns.

Staff/Consultant- Brison is responsible for the traffic study. This is expected to be done the end of October. It is a technical exercise, that will be given to the town for their review and may be part of the final report. It is not an engagement process; it is a technical process. The Traffic Study is conducted by a professional traffic engineer and is reviewed by the town engineer. A Traffic impact assessment is smaller, where a traffic study which is larger. There is a manual that is followed and used for this determination. This may be available to the public.

Will new sidewalks take away from private property? Acadia is very wide, wider than normal roads. The power boxes are also in the way.

Do the traffic impact study on a narrow road to reflect future sidewalks.

Is the cost to the Town factored into the town decision? If Council wants to include sidewalks as part of the capital budget, it would be included.

Brison is a developer and builder, he will have models to choose from.

DRAFT

What about the turn lane at the bottom of Acadia? Who will put in stop signs at every street along Acadia? The traffic study will offer recommendations like this. The existing turning area from Park to Acadia has room to expand.

The presentation will be available on the website.

David Acker, 44 Mount Vincent. Concerns about the traffic study. Lack of green spaces. Every time there is a development or road change, there are major water issues and the Town is not helping or finding solutions. Every time there is a chance to resolve water issues, the changes are not sufficient. What is the process for addressing water issues? Where is the accountability? Before the development and during the construction. These are legitimate concerns. There is no accountability for the water issues that are there now. The town needs to hold developers to account.

Gary Cleveland, 25 Drive. Concerns about high speed traffic. Don't want this neighbourhood to be high density. It wasn't proposed this way.

Blair Fraser, 10 Queen's Court. The town ensured that this would not be developed for 15-20 years. Concerns about trust and accountability. If the connector goes to the number 12 highway, this area will become a town bypass. The access to Valley Waste will make the connector an industrial bypass. We want to keep this community as a single-family dwelling community. What are the environmental impacts on the streams, what is the impact on natural drainage? Families were out this year together working to clear the drains. This is an area that has less watercourse, wetland or gorge compared to other properties.

Michelle Byers, Queen's Court. Thanks to municipal staff and the consultant.

Staff/Consultant - Hope to have the traffic study by the end of October.

ADJOURNMENT

8:23 pm

SCHEDULE D

Acadia Drive : Executive Summary

Acadia Drive is *Brisson Developments Ltd's* planned residential development in Kentville and will be accessed by Acadia Drive, a collector street which intersects Park Street (Trunk 1) and will ultimately intersect the Donald E Hiltz connector, which will provide a second east / west access to the area. The proposed development is ultimately planned to include:

- 43 single family dwellings, planned for completion in five years;
- 84 R-2 dwellings, planned for completion in five years; and
- five apartment buildings with 320 apartments, planned for completion in ten years.

The proposed development will be part of a large existing residential development which is accessed by Acadia Drive and two other streets, Duncan Avenue and Palmeto Avenue, both of which intersect Park Street but which are not planned to intersect the Donald E Hiltz connector when it is constructed. Although only Acadia Drive is classified as a 'collector' street and has additional right of way width, it is the only one of the three that does not have a left turn lane on Park Street - although a 15 meter lane is warranted by the existing traffic in 2022. None of the three intersections warrant traffic control signals or right turn lanes.

Five development scenarios were considered, of which two are viable until the Donald E Hiltz connector is constructed:

- construction of only the R-1 and R-2 units; and
- construction of the R-1 and R-2 units and two apartment buildings of 64 units each.

Construction of more apartments is, of course, possible, but would require significant infrastructure improvements. A left turn lane at the Acadia Drive with Park Street intersection is warranted by present traffic conditions, and a lane remains warranted in any of the development scenarios.

Construction of the Donald E Hiltz connector will preclude further major infrastructure improvements for the proposed development.

There were a significant number of pedestrians, both adult and children, walking on the south leg of both the Duncan Avenue and Palmeto Avenue intersections; fewer on Acadia Drive. As there are no sidewalks, most pedestrians walked on the grassed shoulder of the street, although a few did walk on the pavement, as they doubtless have to do in winter.

Based on this study it is evident that *Brisson Developments Ltd.'s* planned development of the R-1 and R-2 units and two apartment buildings will not require any further infrastructure improvements other than the eventual construction of a left turn lane as the project develops.

Construction of the remaining three apartment buildings should be delayed until after the Donald E Hiltz Connector is constructed.

The 'new' section of Acadia Drive being built to facilitate this development, and ultimately to provide a connection for the entire area to the Donald E. Hiltz Connector should be provided with sidewalks.

February 22, 2023

Town of Kentville

354 Main Street

Kentville, NS B4N 1K6

Attention: Kirsten Duncan, Planner

RE: MacDougall Heights – Stormwater Management

DP Project #: 22-151

MacDougall Heights, located off Acadia Drive in Kentville, NS, is a proposed residential development that is within the Town limits and will be fully serviced with sewer, water, and a piped storm drainage system. The total site is approximately 42 acres and there is a natural watercourse on the southwest corner and a storm drainage pipe on Acadia Drive. The proposed development includes single family homes, R2 homes, and multi-unit apartment buildings (see attached concept plan).

The Nova Scotia Provincial regulations require that when developing land with storm sewers, the post development storm drainage flows for both the 1 in 5 year storm and the 1 in 100 year storm must be balanced with the pre-development flows. This is because when land is changed from forest to urban surfaces such as roofs, lawns, roads, and driveways the stormwater flows increase dramatically due to the reduced infiltration and depression storage. To balance the pre and post development flows on site, storage is typically used in the form of stormwater detention ponds or underground storage such as oversized pipes.

For this project, we confirm that when the detail design is done, we will incorporate on site storage to balance the pre-and post development flows.

Our team of engineers and technicians at DesignPoint are very familiar with the Nova Scotia Department of Environment and Climate Change (NSECC) regulations for stormwater and we can confirm that this site can have the storm drainage system design with balancing of pre and post development flows using on site storage.

During the detail design we will prepare the storm drainage analysis to calculate pre and post development flows along with design of the stormwater storage facilities required.

If you have any questions or require additional information, please feel free to contact us.

Thank you,

DesignPoint Engineering & Surveying Ltd.



Glenn Woodford, P.Eng.

Senior Civil Engineer & Principal

GSW/alc

Enclosures: Concept Plan

Date: February 22, 2023

Town of Kentville

354 Main Street,
Kentville, NS B4N 1K6

Attention: David Bell, P.Eng. – Director of Engineering & Public Works (dbell@kentville.ca)

Cc: Chrystal Fuller (chrystal@brighterplanning.ca)

Mitch Brison (mbrison@eastlink.ca)

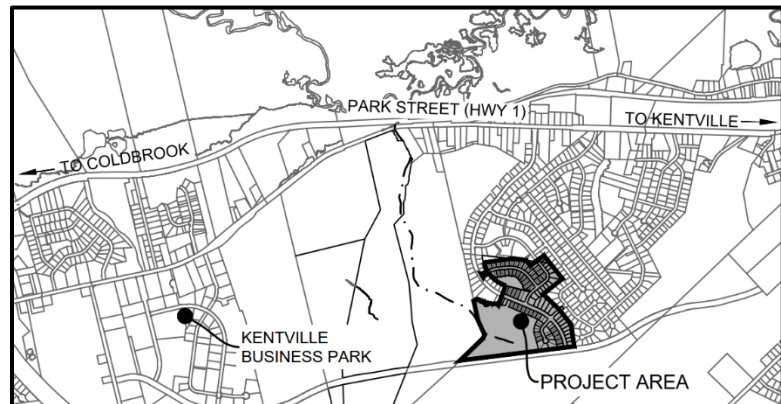
RE: MacDougall Heights

DesignPoint Project #: 22-151

Introduction

To support the rezoning of PID: 55247761 located at the end of Acadia Drive in Kentville, Nova Scotia; DesignPoint Engineering & Surveying Limited has prepared the following report for the existing sanitary sewer's capacity downstream of the proposed development.

The proposed development involves the construction of 4 multi-unit buildings with a total of 256 units and 144 detached homes. The development is approximately 43 acres. The site is anticipated to drain by gravity to the existing sanitary sewer on Acadia Drive before connecting to the sanitary main on Park Street (Highway 1). The existing pipes within Acadia Drive are 200 mm in diameter before reaching Highway 1, as shown in the attached Downstream Wastewater Capacity Analysis.



Wastewater Servicing

Using record drawings provided by the Town of Kentville and field measurements the downstream study area was identified and is shown on the attached drawing. The existing sanitary sewer has not been inspected by CCTV and this analysis assumes that the existing sewer pipes are in working condition. The attached table use the following criteria to evaluate the projected sewage flows from the proposed development:

The Town of Kentville Subdivision Bylaw (2002) have been referenced, unless otherwise specified:

- Sewage generation rate 340 L/day/cap;
- Infiltration and inflow allowance of 12 m³/day/ha (0.14 L/s/ha);
- Peaking based on Harmon Peaking Factor; and
- Total area for sewage calculation of 46.04 ha (113.8 acres);

Based on the calculations completed for this development using unit counts from the latest plan, the estimated percent full for the existing pipe system reviewed including the proposed development range from 13% to 102% as shown in the attached table. Upgrades to the existing wastewater system analyzed will be needed to convey the full flow from the proposed development. The upgrades to the existing system required are between manholes MH4- MH1 (Acadia Drive). These pipes however do not need to be upgraded at the beginning of the project. The existing pipe system has the capacity for an additional 16.6 L/s before reaching maximum capacity. The existing sanitary sewer system has capacity to accommodate 210 multi-unit dwellings and 144 detached homes before upgrades are required.

Closing

We trust this information is satisfactory. Please feel free to contact us should you have any questions.

Thank you,

DesignPoint Engineering & Surveying Ltd.



Glenn Woodford, P.Eng.
Senior Engineer

Enclosures (2): Wastewater System Review Table; Downstream Sanitary System Analysis (SA-01)

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.”

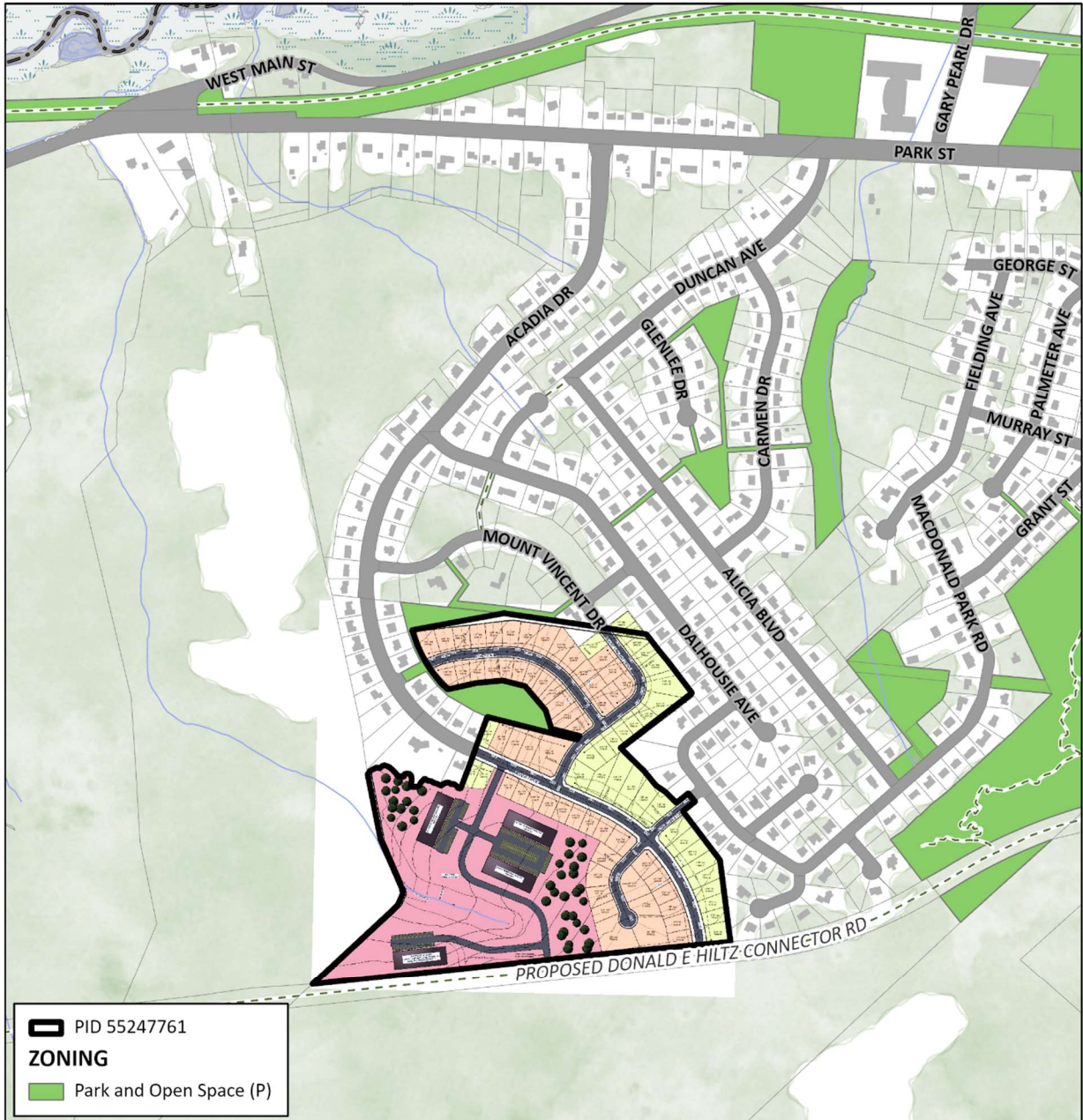
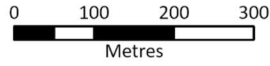
Should Council wish to be proactive with the future planning for schools within the area, Staff recommend considering zoning an area of land as “institutional” for additional educational facilities when the Town eventually enters into a Secondary Planning Strategy process.

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

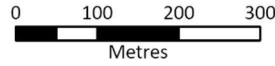


This map is a graphical representation of property boundaries which approximate the size, configuration and location of parcels. Any interpretation of this map must be confirmed with the Municipality in which the property is situated. To receive further clarification about the use of this Planning Document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

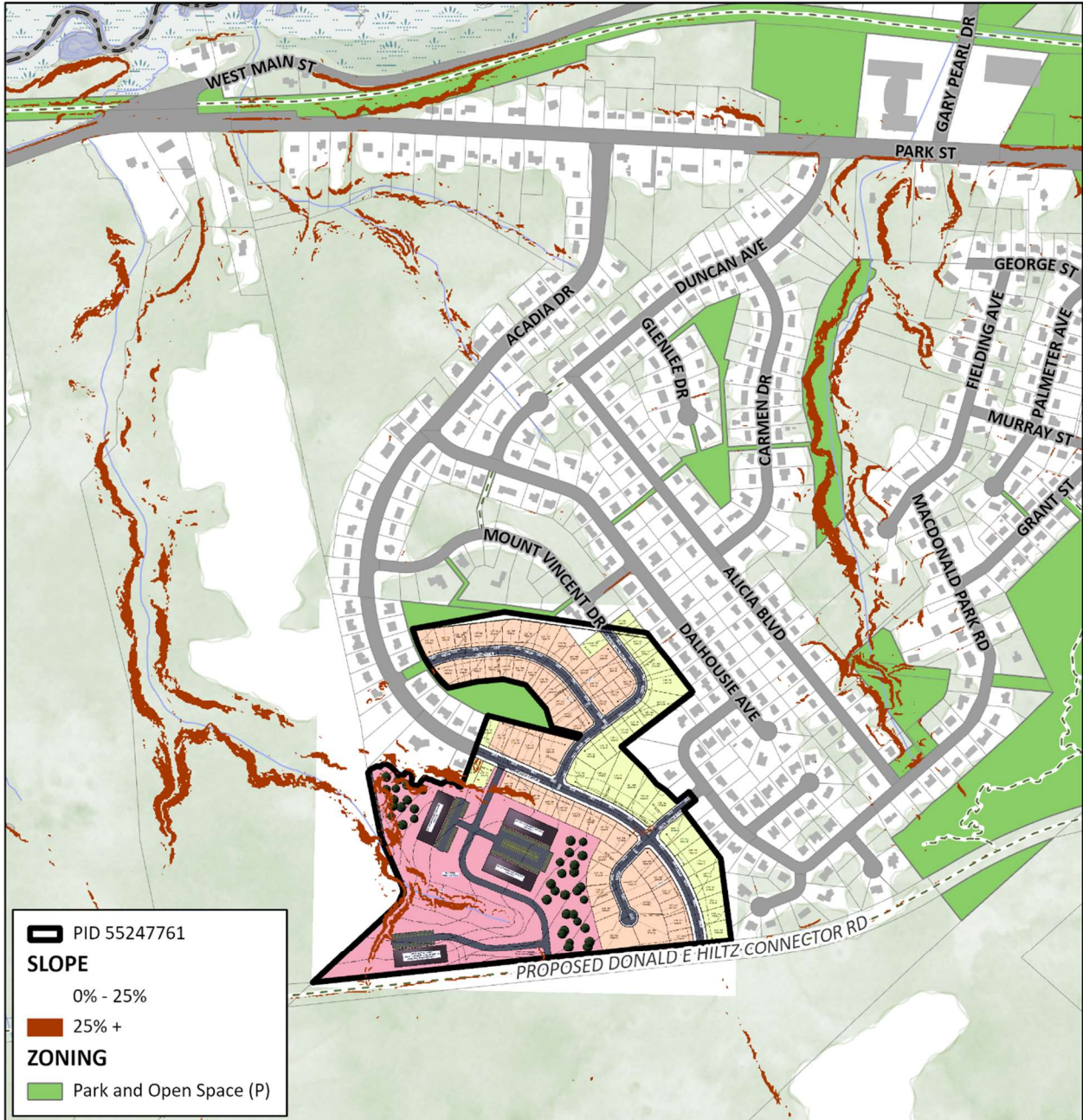
Property Source: Nova Scotia Property Records Database (NSPRD), Compliments of the Nova Scotia Geomatics Centre (NSGC), Service Nova Scotia and Municipal Relations, 160 Willow Street, Amherst, Nova Scotia, Canada

MAP 2

PID 55247761 McDougall Heights Slope Map



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 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]

Caroline
Robertson, MPS BCD
HONOURS

MCIP, LPP

Phone:

(902)742-5300

Email:

Caroline@CDCom
munityDesign.CA

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

[Redacted text]

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 552477614
- Immediate Response4**
 - Storm Water Management5
 - Mitchell Brook Watercourse 5
 - Safe Movement of Pedestrians and Cyclists6
 - Safe and Central Parks & Community Assets6
- Intermediate Response7**
 - Proposed Site Plan Amendment (April 2023)7
- Long-Term Response.....7**
 - A Secondary Community Plan8
 - R5 Rezoning8
 - Site Plan Requirements9
- Evaluation CRITERIA12**
 - 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 yd² (15.3 m²) 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 ft² per unit 225 ft² per unit 255 ft² per unit

18.58 m² per unit 20.90 m² per unit 23.69 m² 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.

TO: Council Advisory Committee

FROM: Kirsten Duncan, Acting Development Officer and Planning Technician

DATE: May 2023

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



BACKGROUND

An application was 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. The submitted application is to consider amending the Zoning Map of the Kentville Land Use Bylaw to rezone a vacant parcel of land identified as PID 55247761 (“the subject property”) to Single Unit Dwelling (R1), One and Two Unit Dwelling (R2), and High Density Residential (R4). The subject property is currently zoned Large Lot Residential (R5). Staff reports were compiled for March and April CAC providing information regarding this file. The intention of this report is to provide further information to Council around the rezoning application so that it can be considered for first reading at the end of the month.

DISCUSSION

Staff have been working diligently over the past few months compiling information for Council’s consideration as it relates to the rezoning application for PID 55247761 in the McDougall Heights subdivision. The Town engaged C + D Community Design to provide an opinion on the content of the rezoning application from the standpoint of a Licensed Professional Planner, the analysis can be found at the end of this report in Appendix B. Staff appreciate the effort put into the review from C + D Community Design. There were some pieces of information that were recommended to be submitted during the planners review, however staff are confident that we are able to work with the applicant and developer throughout the Subdivision process to satisfy these items.

ATTACHMENTS

Appendix A	Memo from Director of Public Works and Engineering
Appendix B	Letter from C + D Community Design, Review of Rezoning Application for PID 55247761
Appendix C	Letter from Brighter Community Planning & Consulting, on behalf of Brison Developments Limited

APPENDIX A



Telephone (902) 679-2521
Fax (902) 679-2375
354 Main Street
Kentville, Nova Scotia
B4N 1K6

INTER OFFICE MEMO

To: Kirsten Duncan, Development Officer
From: Dave Bell, Director of Engineering & Public Works
Date: May 4, 2023
Subject: Rezoning of PID 55247761, Brison Developments Limited, Kentville
.....

Hi Kirsten,

The Engineering & Public Works Department has received sufficient information from Brison Development's engineering consultant with respect to the balancing of pre-development and post-development storm water flows for the rezoning stage. Detailed engineering plans for all aspects of water, sewer, storm and street & sidewalk design will be required at the Tentative Subdivision application stage should the rezoning application be successful.

Yours truly,

A handwritten signature in blue ink that reads "Dave Bell".

Dave Bell, P. Eng.
Director of Engineering & Public Works



Dan Troke, CAO

APPENDIX B

Town of Kentville
354 Main Street, Kentville, B4N
1K6

April 20, 2023

Caroline
Robertson, MPS
BCD HONOURS

MCIP, LPP

Phone:

(902)742-5300

Email:

Caroline@CDCo
mmunityDesign
.CA

Re: Rezoning Application for PID 55247761 Kentville

Dear Mr. Troke,

As you know, Maurice Lloyd and Peter Connor engaged C+D Community Design to review the documents related to a rezoning application in the Town of Kentville and provide my opinion on how these relate to your Planning Documents. I checked all the records provided and discussed them with the above-noted Planners. Based on our conversation and a phone chat with you on April 12th, 2023. I'd recommend the following approach for processing the rezoning application.

Based on Policy RS-23 of the Town's Municipal Planning Strategy, I believe the application received is incomplete. The application was received in Sept 2022, and the Developer has yet to provide all the relevant information. The Municipal Government Act through Policy 210 states that where Council has not, within 120 days of receipt of a complete application, commenced the procedure required for amending the land use by-law through the publishing of the required public hearing, the application is then deemed to have been refused.

For the application to be complete, the applicant must consider the Town's vision for residential development outlined within the Municipal Planning Strategy. For this reason, it is reasonable for Council to request further information:

- The Stormwater Management Plan includes grey and green infrastructure elements to address concerns raised by residents at the recent public discussion held at the Council Advisory Committee.
 - In addition, extra consideration should be given to the Mitchell Brook Watercourse System. How the construction process and overall development are approached will impact the flow and quality of the watercourse, affecting the neighbouring properties.



Dan Troke, CAO

Town of Kentville
354 Main Street, Kentville, B4N
1K6

April 20, 2023

Caroline
Robertson, MPS
BCD HONOURS

MCIP, LPP

Phone:

(902)742-5300

Email:

Caroline@CDCommunityDesign
.CA

Re: Rezoning Application for PID 55247761 Kentville

- The transportation infrastructure plan considers traffic calming and the efficient, safe movement of pedestrians and cyclists. To prevent the “sidewalk to nowhere” or infrastructure choices that are not the most appropriate for this community, Council may wish to consider working with the developer to extend infrastructure outside the demands of the new development.
- The parks and other community assets required under Policy P-10 for this development should be included in the rezoning and indicated as allocated for Parks and Open Space. These allocated spaces must be in safe and central lots approved by the Town’s Recreation Department.

Should the applicant provide the above information to the satisfaction of the Council, I recommend Council approve the rezoning application. The Municipal Planning Strategy supports diverse residential developments, and the R5 zoning indicates the intent to permit residential development in this area.

I should note that generally, large lots are only split-zoned into multiple zones with a concurrent subdivision application. The approach of processing the rezoning first has made the application difficult for the community and staff to process. However, due to time constraints, I would continue to process this application with the subdivision after the rezoning to avoid extending the administration unnecessarily.

All my best,

Caroline

TABLE OF CONTENTS

- Subdivision Application pid 55247761.....4**
- Timeline* 4**
- Municipal Government Act.....4**
- Public Participation Program Policy5**
- Response* 6**
- Storm Water Management7**
 - Mitchell Brook Watercourse 8
- Safe Movement of Pedestrians and Cyclists9**
- Safe and Central Parks & Community Assets9**
- Evaluation CRITERIA10**
 - Policy RS-22 Affordable housing units10
 - Policy RS-23 Residential Area Design.....10
 - 10.2.6 Open Space for New Subdivisions10
 - Traffic Impact Studies10
 - Policy T-8 & T-9.....11
 - Statements of Provincial Interest.....11

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.

TIMELINE

The Town has been considering this application for some time, as it was initially received in September 2022.

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 diverse residential types surrounding Halifax. The regions selected for residential growth within the Town of Kentville have been chosen to concentrate and intensify development in established settlement areas such as Kentville, Berwick, Wolfville and New Minas, where a wide range of existing urban infrastructure and services already exist. This approach is intended to protect the existing agricultural land in Kings County. The Town of Kentville's policy is to direct residential development to Residential Designation areas on the future designated land use map.

The subject property is currently zoned Large Lot Residential R5. This land is projected as residential by Policy RS-14 & RS-15, per the Developer's application. Council and Staff should do their best to consider the application and decide quickly while ensuring the best possible development for new and existing residents.

MUNICIPAL GOVERNMENT ACT

The Municipal Government Act provides Council with 120 days after receiving a completed land use by-law amendment application to respond; if no response is given, the application shall be considered refused.

The Municipal Government Act also outlines how Council may consider a land use by-law amendment. Council is provided with the discretion to adopt a public participation program. The Town of Kentville has adopted a Public Participation Program policy that outlines how public engagement will be handled for amendments to their planning documents.

210 Amendment of Land Use By-Law

(2) the procedure for adopting an amendment to a land use by-law is the same as for adopting planning documents. Still, a public participation program is at the council's discretion, and the amendment may be adopted. The amendment may be approved or refused by a majority of vote of the Council members at the public hearing.

(6) where the Council has not, within one hundred and twenty days after receipt of a completed application to amend a land-use bylaw referred to in subsection (1), commenced the procedure required for amending the land-use by-law by

publishing the required notice of public hearing, the application is deemed to have been refused.

Appeals to the Boards (247) of the Municipal Government Act

An appeal shall be served on the board within fourteen days after the date of either the publication notices of the adoption or of written notice of the Council's decision refusing.

PUBLIC PARTICIPATION PROGRAM POLICY

The Town of Kentville Policy Statement G62 Public Participation Policy (Planning) outlines that Council does not intend to implement a Public Participation Program for land use by-law amendments that do not correspond with a Municipal Planning Strategy or Subdivision By-Law amendment.

For this reason, the application is required to adhere to the following process:

1. First Reading at Council
2. Public Hearing (Council)
3. Second Reading at Council
 - A. Approval
 - B. Refusal

**** As Council does not have a Planning Advisory Committee, they are permitted to consider an application at a meeting of the Council Advisory Committee that is open to the public.

The Town Clerk has seven (7) days to notify the applicant of the Council's decision.

Upon adopting an amendment to the land-use by-law, the Town Clerk will place a notice in the newspaper circulating within the Municipality stating that the amendment has been adopted and setting out the right to appeal.

RESPONSE

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 rezoning and subdivision application phases. The rezoning application should incorporate these elements to the best of the Developers ability, as the Town may need to plan to accept ownership of land and right-a-ways. Clearly outlining these pieces may also support the public with their concerns expressed during the Council Advisory Committee session.

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. The Municipal Government Act allows Council to adopt a By-Law related to when and how construction may occur; this could 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. Council should approve the current application using all available tools to address residents' concerns.

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 RS-23 Provides for the efficient and economic extension of existing water, sewer, and sanitary services (plus 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.

The green infrastructure approach to stormwater management relies on source control runoff. To employ source controls, the developer must use existing means to hold and infiltrate stormwater or create them. The most successful source control measures are infiltrations such as garden beds and grass-lined swales combined with current opportunities such as permeable soils with grading, soil treatments and planting schemes as part of site planning and design. There is an opportunity to ask more about the stormwater management plan. With the Brook on-site and the recent feedback from the community, I recommend Council request additional green infrastructure elements. It's up to the Town Engineer and other development staff if they accept what is provided.

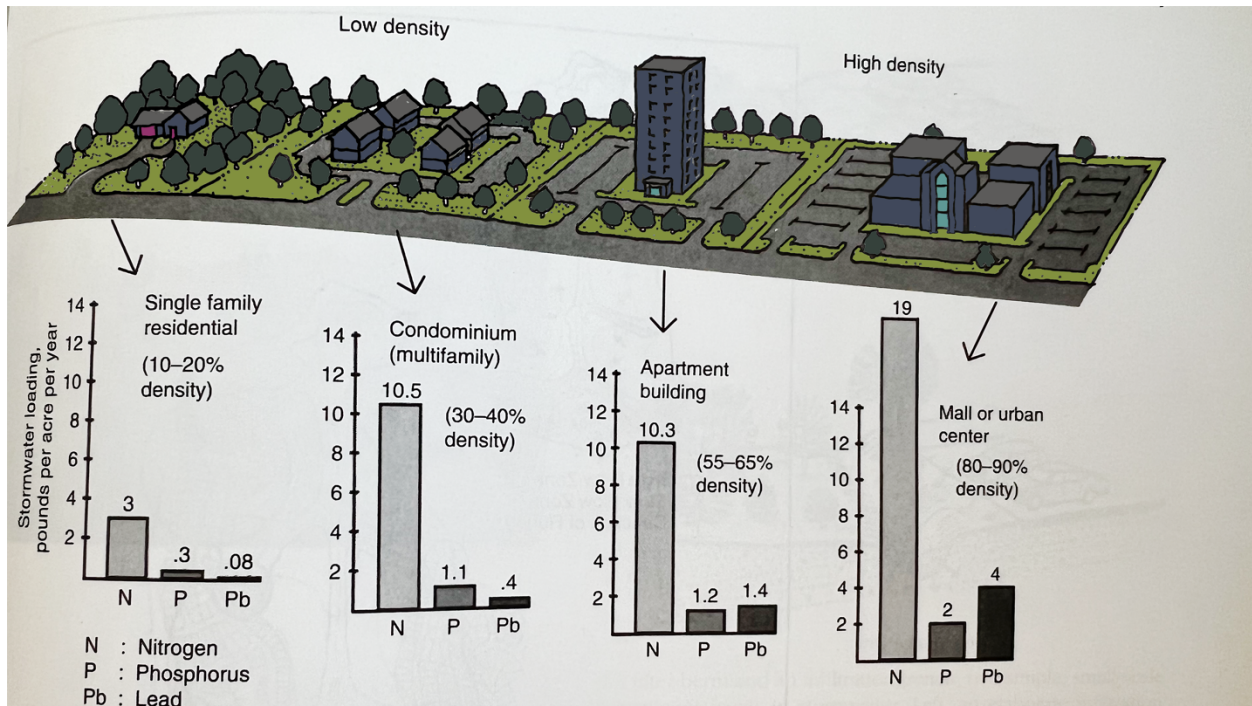


Figure 1 Contamination by Density Level

Mitchell Brook Watercourse

The subject property will require re-grading; the developer must provide detailed reports on how this will impact the Brook. Understanding the hydraulic behaviour of the brook will involve measuring the velocity of the water flow, taking slope, depth of water and roughness of the channel into consideration. If sediment from the proposed development is transported into the brook, it could cause bed shear stress, requiring the areas to be scoured, or another method must be taken to dissolve the load. Removing existing vegetation, re-grading the property and paving all create storm water run-off that could impact the brook's natural path and result in flooding. 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. The first step is to survey the watershed and record its hydrological systems and essential biophysical features. Land use planning and design should honour these watershed attributes and integrate them functionally, seeking balance with predevelopment performance levels. It should work with the watershed and not rely solely on engineering features. Most small watersheds function as partial area systems receiving much less stormwater than rainfall produces, therefore directing large flows into these systems from development can disrupt the overall system leading to consequences for adjacent properties.

Policy 4.1.4 Alteration of Land shall apply to this development at the process's Development Permit and Site Planning portion. However, it would be good for the developer to consider this requirement early and include as many measures as possible in the stormwater management plan.

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 yd² (15.3 m²) 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 with a residential rezoning application; this also applies within the subdivision application. Walking paths, trails, and 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.

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. The Development application must show sufficient infrastructure within the subdivision application to ensure the safe movement of pedestrians and cyclists.

SAFE AND CENTRAL PARKS & COMMUNITY ASSETS

The parkland dedication piece is not immediately crucial because it is a requirement of the subdivision application. However, The Town's policies require that parks and community assets be in safe and central locations when considering a rezoning; the applicant still needs to meet this requirement.

The proposed parks must be in safe and central areas. Council can ask that the proposed parkland and open space be indicated as part of the rezoning process to ensure it meets the central and safe requirement.

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.

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.

10.2.6 Open Space for New Subdivisions

To ensure that Kentville's open spaces and trail networks are extended into newly developed areas, Council shall require the developer subdividing land to dedicate a portion of that land to the Town as open space. The Development Officer shall ensure that the dedicated land meets the Town's minimum requirements for usable open space as defined in the Subdivision By-law. Suppose the available land doesn't satisfy those minimum requirements. In that case, the Town shall require cash-in-lieu of parkland of equivalent value or an acceptable combination of cash-in-lieu and open space.

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. Council may request more information regarding the needs of cyclists, traffic calming, transit needs, separation of pedestrians from traffic, etc.

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. A stormwater management plan aims to protect 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.

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.

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.

2023-05-02

Kirsten Duncan
Acting Development Officer
Town of Kentville

Re: Response to request for additional information for rezoning application - McDougall Heights

Dear Kirsten,

The Town of Kentville has identified three issues where additional information or commentary is required regarding the rezoning application submitted by Brison Developments ("Applicant") for McDougall Heights. As we understand it, once the Town receives this additional information then the application will be complete and Council will consider the rezoning request for First Reading.

The three issues identified are:

1. Stormwater management;
2. Transportation infrastructure; and
3. Park land.

We understand that these requests for additional information arose based on a reconsideration of MPS Policy RS-23, which states:

Policy RS-23 It shall be the intention of Council to ensure that new residential areas:

- 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.*

In my opinion, Policy RS-23 establishes broad general policies with which the more specific policies criteria should align. The more specific policies contained in policy IM-8 are the evaluative criteria that are the most relevant for Council's consideration.

The Town has asked for plans to support the rezoning application, which have been previously provided. The Town, in its MPS, states that it understands that any plans that are reviewed as part of the rezoning application are conceptual and subject to change. The MPS does indicate a preference for detailed plans as part of the rezoning process, and Policy IM-7 states what is required.:

- 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.*

IM-7 does not required detailed stormwater calculations, identification of parkland or road construction details (including sidewalks and bike lanes).

To assist Council, we have responded to each item identified by the Town in its letter dated May 1, 2023. For ease of reference, I have quoted the Town's request (*shown in italics*) and included a response below:

Stormwater Management:

The Town's Request:

Greater detail of your anticipated Stormwater Management Plan is requested utilizing both engineered and "green infrastructure" elements, where possible. Additionally, whereas the Mitchell Brook watercourse is present on the property, it would be beneficial for your application to address and acknowledge the responsibility to protect this watercourse and detail your anticipated plans to adhere to the Subdivision Bylaw, Appendix B – Municipal Services Standards and Specifications, Part 12 – Erosion Control Measures.

Applicant's Response:

We note that the MPS does not have any specific stormwater management policies. Section 11.2.4 provides a general discussion of stormwater but no policies to guide Council's consideration of stormwater. Policy IM-8 establishes the evaluation criteria for rezoning and does require Council to "have regard for" the adequacy of stormwater management. Section 15.9.2 again provides text about requiring conceptual plans but no policies that require detailed

submissions and defers to the policy in IM-8. In my opinion, Council has no requirement to consider detailed stormwater plans at this time. Recognizing that a development plan/site plan submitted for subdivision approval will change in response to more detailed engineering studies and market condition, the provision of detailed stormwater plans at this stage is unnecessary.

It is my opinion that the letter from DesignPoint on February 22, 2023 confirming that the applicant, "will incorporate on site storage to balance the pre-and post development flows" is sufficient to evaluate the rezoning request under IM-8. However, to further understand your stormwater comments, I have undertaken a review of the Municipal Planning Strategy and Subdivision By-law to seek guidance regarding "green infrastructure" and what exactly that will entail. I was unable to find any specific reference. If the Municipal Specifications has requirements or suggestions that can be considered during detailed design, please provide these to the applicant for their engineering team to consider.

For larger developments such as this, especially where market conditions may alter the detailed site designs, requiring a developer to spend many thousands of dollars for detailed stormwater calculations adds to the cost of the development, which is passed on to purchasers if the rezoning is approved. We acknowledge the importance of managing stormwater and have repeatedly stated the applicant's intention to comply with all provincial and municipal regulations. Requiring developers to prepare plans which are likely to be changed during subdivision only adds to the costs of housing. This is not in the public interest.

The Town is also requesting erosion and sedimentation information at this stage. Erosion and sedimentation plans will be provided to the Town at the time of tentative subdivision when the specific lot configuration and road alignment will be reviewed by the Town for approval. It is only at this point that specific information about how stormwater will be managed in relation to Mitchell Brook will be reviewed by the Town's Engineer. The applicant fully intends to comply with the regulations Nova Scotia Environment and Climate Control and the Town have at the time the application is made for tentative approval.

Transportation Infrastructure

Town Request:

After a preliminary review with the Town's Engineer, it has been agreed that the optimal location for the addition of a sidewalk to the existing Acadia Drive would be on the westside of the road. A 1.5-metre wide bike lane on both the north bound and south-bound lanes of the existing road will be painted to provide efficient and safe movement of cyclists. The developer should submit a plan showing the intention to continue these pieces of transportation infrastructure in your application.

Applicant Response:

The applicant is open to the approach suggested above and understand that they are responsible for the costs of sidewalks and bike lanes within the new development area. Since the site plans submitted as part of a rezoning request have no regulatory enforceability, the bike lane and sidewalk location will be included as part of any tentative subdivision application if the above request continues to be the Town's position. We understand that the Donald Hiltz Collector is still in the planning stages and acknowledge that the Town's position on sidewalks and bike lanes may change as the future collector road is constructed and opened for public usage. Depending on the timing of this development, we further understand that the Municipal Specifications in place at the time of subdivision will be the final determinant of the Town's requirement for sidewalks and bike lanes.

Parkland

Town Request:

The Director of Parks and Recreation has expressed interest in an area of land between the existing Acadia Drive and this new proposed phase, on both sides of the road and abutting existing parkland (PID 55540959) to satisfy the "safe and central lots" aspect of Policy RS-23 in the MPS. Using the concept plan to obtain tentative figures for parkland purposes, I've calculated the developable area, exclusive of streets, to be 39.138 acres. A further 5% calculation of that would bring us to 1.957 acres or 85,246.92 sq ft of parkland. We recognize this is a significant area of land and would like to discuss the opportunity to consider a combination of land and a sum of money to satisfy the 5% parkland dedication requirement.

Applicant Response:

The applicant is open to this approach and has invested heavily in parkland development in many other developments outside of Kentville. The applicant understands that park space, trails, and AT links are part of what makes development attractive and is important to supporting a vibrant community where people want to live.

Detailed discussions regarding parkland are not typically part of rezoning applications and at this point, there are no locations for parks specified on the site plan. I draw your attention to the specific evaluative criteria for rezonings. The policy referred to in Policy RS-23 is a general enabling policy that guides development. Since this is a rezoning request not a development agreement, there is no requirement at this stage to determine the exact parkland contribution approach.

Policy P-10 clearly establishes the Subdivision By-law as the method through which parkland is conveyed, either through cash in lieu, land, or a combination of both.

Transportation Policies T-4, T-5, T-6, and T-7 establish the general policy approach for active transportation, including pedestrian pathways and non-motorized trails. Since there is no ability

to regulate trails, parks, and pathways through a rezoning process, these policies will help inform staff during the subdivision process.

I further caution that any calculations prepared by the Town regarding parkland is premature, as the site plan submitted as part of the rezoning request is conceptual in nature. Detailed engineering and market conditions will likely require adjustment to the development plan and the parkland calculations.

In my opinion, it may be best to consider open space, pedestrian pathways and other similar park land requirements within the context of a broader planning process for the large undeveloped area around the new collector road. As I understand it, Council is considering a Secondary Planning process to guide development for this area and open space planning is normally done during this time. The applicant is very interested in supporting recreational and open space planning that protects Mitchell Brook and the ecosystems that surround it.

Summary

The Town provided a positive staff report to CAC in March 2023 indicating the rezoning is generally consistent with the MPS; however, the Town has now interpreted Policy RS-23 as specific criteria for the evaluation of the rezoning and has requested additional information. In my opinion, Policy RS-23 is about the general intent of the MPS which informs how development is to occur in the Town. The specific criteria of IM-8 guide Council's decisions on rezoning applications which should be informed by Policy RS-23's intent. Other by-laws and plans, such as the LUB and Subdivision by-laws are also guided by the general policy intent of the MPS. In fact, these by-laws have specific regulations that are intended to carry out the policy directions of the MPS.

The Town of Kentville has indicated that a secondary planning process may commence in the near term for the lands surrounding the Donald Hiltz Collector road. The Town's positions on stormwater, parks and transportation will be informed by the SPS policies and plans once adopted by Council, the input and consultation with the public who will contribute to the final SPS, and the technical studies that are required for the creation of the SPS. Creating specific stormwater, park and street plans at this time when the detailed planning and engineering for the larger area has yet to really begin is unnecessary.

With this additional information and policy analysis we believe the application is complete. The applicant requests that this application be forwarded to first reading at the next Council meeting, and if supported by Council, to a public hearing.

The applicant is available to attend the next CAC and answer any questions that Council or staff may have. We hope this satisfies the Town's request for further information.

Respectfully,



Chrystal Fuller, LPP, MCIP

Brighter Community Planning & Consulting

cc: Dan Troke, CAO - Town of Kentville
David Bell (P. Eng) - Engineer - Town of Kentville
Mitchell Brison - Brison Developments
Glenn Woodford (P. Eng) - DesignPoint Engineering