



**Subject:** *Gurmehar Singh Walia - Development Agreement for an Automobile Dealer & Automobile Vehicle Repair and Maintenance*  
**To:** CAO for Planning Advisory Committee, December 10, 2024  
**Date Prepared:** December 11, 2024  
**Related Motions:** PAC24(61) and C24(321)  
**Prepared by:** Debbie Uloth, Community Planner II  
**Approved by:** John Woodford, Director of Planning and Development

### Summary

The Municipality has received an application from Gurmehar Singh Walia requesting a development agreement to permit an automobile dealer and automobile vehicle repair and maintenance use for property identified as PID 45431129, Highway 214, Belnan. The application includes a garage and a sales office.

Initial consideration of the development agreement was given at the October 16, 2024 meeting of Council.

### Financial Impact Statement

There will be a financial benefit to the Municipality as the property changes from an undeveloped residential lot to a developed residential/commercial lot.

### Recommendation

That Council approve the application.

### Recommended Motion

*Planning Advisory Committee recommends to Council that Council:*

- *give final consideration and approve entering into a development agreement for an automobile dealer and automobile vehicle repair and maintenance use located on property identified as PID 45431129, Highway 214, Belnan;*
- *within one year of Council's approval.*

## Background

Planning staff received an application from Gurmehar Singh Walia in September 2024. The applicant is requesting to enter into a development agreement with the Municipality to permit an automobile dealer and an automobile vehicle repair and maintenance use on lands that are zoned Rural Use (RU). The RU zone permits Highway Commercial (HC) Zone uses by development agreement.

## Subject Property

The property is located on land identified as PID 45431129, Highway 214, Belnan, behind the existing Withrow's Farm Market. The size of the subject property is 1.12 hectares.

Zoning for the subject property is Rural Use (RU). Surrounding lands are also designated and zoned Rural Use (RU). Uses of the adjoining lands include Withrow's Farm Market, a daycare, rural residential uses, agricultural buildings, and forested lands.

Although the subject property has frontage on Highway 214, Nova Scotia Public Works has required the property owner and the owner of the adjacent lands to construct a shared driveway to Highway 214.

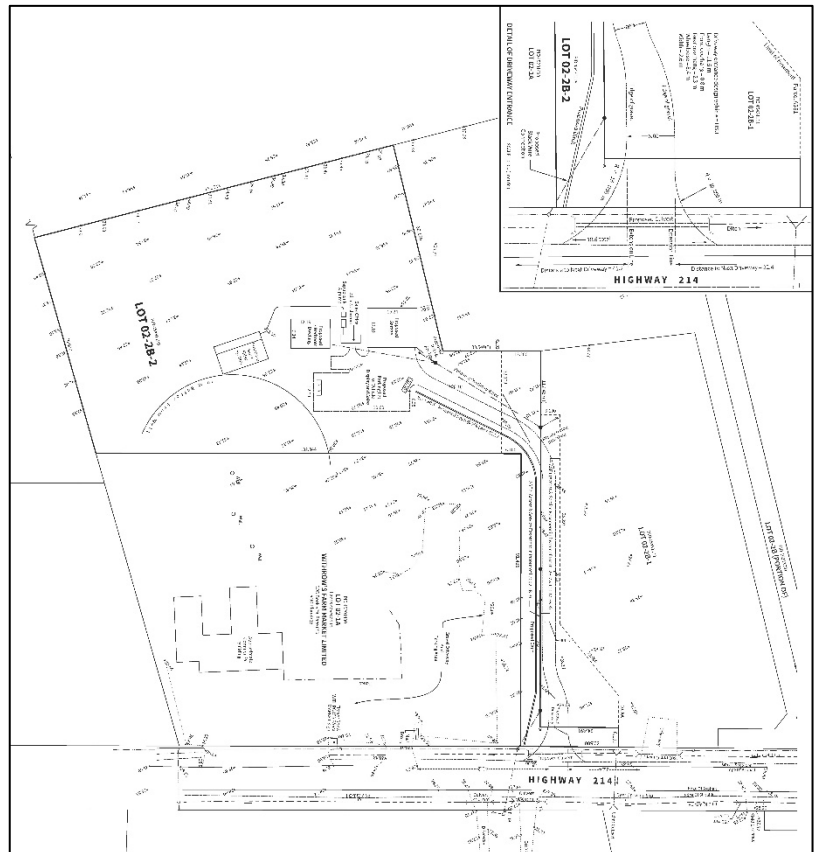


## Development Proposal

The municipality has received an application from Gurmehar Singh Walia for an automobile dealer and automobile vehicle repair and maintenance use. A single unit dwelling is also planned to be constructed on the subject property at a future date. Single unit dwellings are permitted as-of-right in the Rural Use (RU) Zone.

The site plan for the application shows a shared driveway, an area for the automobile dealer, a sales office, a garage, and a single unit dwelling.

The draft development agreement stipulates that the applicant can only have a maximum of 20 automobiles on the lot at any given time. It should also be noted that there are two types of automobile vehicle repairs and maintenance uses defined under the LUB. One is for a home based business automobile vehicle repairs and



maintenance use that allows property owners in the Rural Use (RU) Zone to apply for the use as-of-right, as long as they are living in a dwelling on the property. The second automobile vehicle and repair use allows for a standalone garage and enables the applicant to repair a wider variety of vehicle types. The standalone garage can be constructed without the need for a single unit dwelling on the lot and is only permitted by development agreement in the Rural Use (RU) Zone. Neither of the uses permits the applicant to have vehicles for salvage purposes.

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## Policy Analysis

The Planning and Development Department have reviewed the proposed application based on the applicable policies contained in the Municipal Planning Strategy. A detailed table of the evaluative criteria from the enabling policies has been attached as Appendix C.

To address potential compatibility issues with neighbouring residences, and to comply with criteria applied to consideration of this application, staff have received comments from internal departments and external agencies.

The Nova Scotia Department of Public Works has approved the applicant's installation of a commercial driveway. A shared commercial driveway with the neighbouring land owner is required.

Economic and Business Development staff has commented that the proposed development aligns with Council's Economic Development Plan Strategic Goal One, Objective One to Attract Business by Increase Market-ready commercial land, and Objective Two to Support Business by Continuing to support business start-ups.

Elmsdale Fire and Emergency Services has no concerns with the proposed development. Nova Scotia Power does not foresee any issues with the application proceeding.

RCMP has indicated that they anticipate an increase to traffic and an increase to the number of service calls, which is normal when a new business moves to an area.

## STRATEGIC ALIGNMENT

One of the Key Strategies from the Strategic Plan is Economic Prosperity. This development will change an empty lot into a commercial use. This supports the Economic Prosperity key strategy.

## LEGISLATIVE AUTHORITY

The legislative authority and process for entering into a development agreement is set out in the Municipal Government Act, Part VIII.

## FINANCIAL CONSIDERATIONS

There will be a financial benefit to the Municipality as the property changes from an undeveloped residential lot to a developed residential/commercial lot.

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## Citizen Engagement

Planning staff have complied with the Citizen Engagement Policies of the Municipal Planning Strategy when processing this application. An advertisement outlining the proposal and indicating that it is under review by staff was placed in the Chronicle Herald.

A letter and questionnaire were mailed to all property owners within 300 m of the subject property asking for comments on the proposed application. There were 18 questionnaires mailed and five (5) responses received.

Responses have been provided to Planning Advisory Committee members for their consideration. Below is a list of three of the most common concerns from residents:

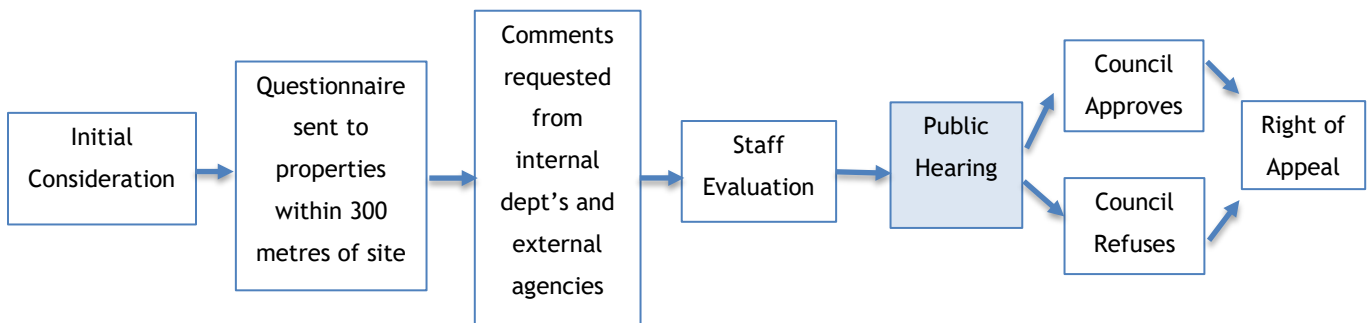
- Light pollution.
- Noise issues.
- Air quality issues.

In order to address light pollution concerns from residents, staff has included in the draft development agreement provisions that require lighting to be installed so as to reflect light away from adjacent properties. The Developer shall use sensitive lighting which is orientated downward, is low wattage, energy efficient and minimizes glare and light spill.

Hours of operations have been identified which correspond to the 'Daytime' provisions in Bylaw P-100, Community Standards Bylaw. Bylaw P-100 regulates the use of "Public Address Systems" and regulates the improper use of a motor vehicle.

Questionnaire responses identified air quality as a concern. The LUB does not regulate air quality, unless the proposed land use is considered obnoxious. Previous LUB interpretation has never identified an automobile dealer or an automobile vehicle repair and maintenance use as an obnoxious land use. Therefore, the same interpretation will be made for the current proposal. In addition, the applicant does not require an industrial approval from NSECC to operate the proposed use.

A notice advertising the public hearing will be placed in the Chronicle Herald and posted on the municipal website. A letter will be hand delivered (due to postal strike) to property owners within 300 metres of the application site.



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## Alternatives

Planning Advisory Committee may recommend that the application be refused.

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## Attachments

- Appendix A - Site Plan
- Appendix B - Site Photos
- Appendix C - Policy Analysis
- Appendix D - Questionnaire Responses
- Appendix E - Draft Development Agreement

[Separate Document]

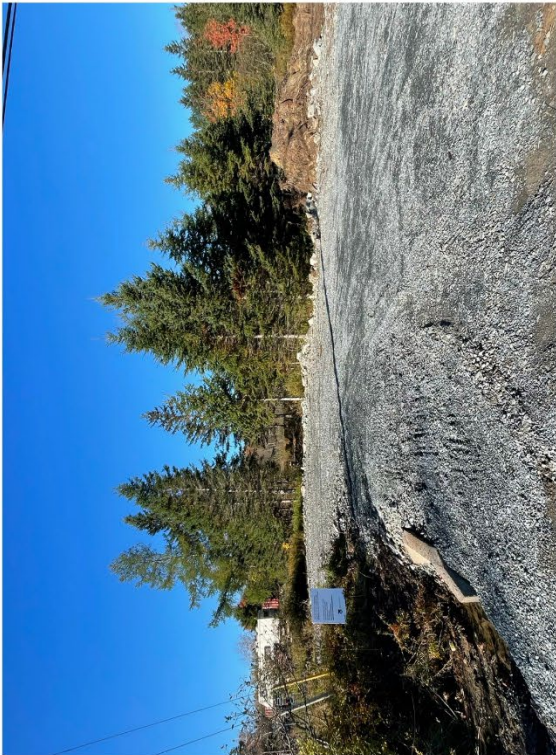
Appendix B - Subject Property Photos



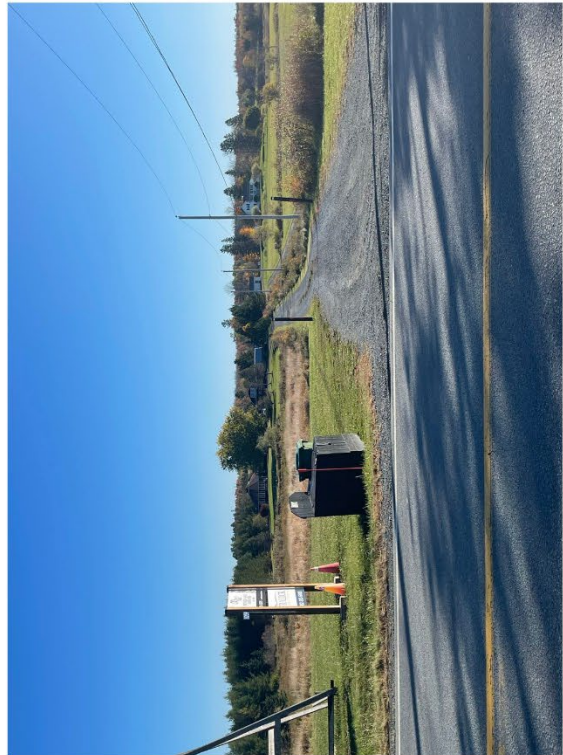
Looking north along Highway 214 from subject property.



Looking south along Highway 214 from the subject property.



Entrance to subject property.



Property across the road from subject property.



Appendix C - Policy Analysis

<p>AR 7.1 Council shall, within the Rural Use (RU) Designation on lands zoned Rural Use (RU), consider the following uses by development agreement:</p> <p>a) Any Highway Commercial (HC), General Commercial (GC), and Industrial Commercial (IC) uses;</p>	<p>Automobile dealer and an automobile vehicle repair and maintenance uses are permitted in the Highway Commercial (HC) Zone and therefore permitted in the Rural Use (RU) Zone by development agreement.</p>
<p>IM28. Council shall consider the following evaluation criteria for any development agreement application:</p>	
<p>a) The impact of the proposed development on existing uses in the area with particular regard to the use and size and of proposed structure(s), buffering and landscaping, hours of operation for the proposed use, and other similar features of the proposed use and structures.</p>	<p>There are a variety of existing uses in the vicinity of the proposed automobile dealer and an automobile vehicle repair and maintenance use. There is Withrow’s Farm Market to the east, a daycare to the south-east, an equestrian facility to the east, and a building permit has just been issued for a new commercial building along the road frontage adjacent to Withrow’s to the north. The size of the subject property complies with the minimum lot requirements for the RU Zone. A single unit dwelling is proposed as part of the development, single unit dwellings are permitted as-of-right in the RU Zone. The draft DA limits the hours of operation to ‘daytime hours’, as referenced by Bylaw P-100, Community Standards.</p>
<p>b) The impact of the proposed development on existing infrastructure with particular regard to Municipal piped water and wastewater systems, fire protection, refuse collection, school capacities, and recreation amenities. Council shall consider comments from the Municipal Engineer and other agencies as applicable.</p>	<p>This property does not access municipal water and wastewater services. One residential unit is proposed with this development, therefore, the impact on school capacities or recreation would be very limited.</p>
<p>c) The impact of the proposed development on pedestrian and motor traffic circulation with particular regard to ingress and egress from the site, traffic flows and parking, adequacy of existing and proposed road networks to service the proposed development, adequacy of pedestrian infrastructure including walkways and sidewalks where required. Council shall consider comments from Municipal Engineer(s) and/or the Provincial Transportation Departments as applicable.</p>	<p>Nova Scotia Public Works has granted approval for a shared commercial driveway that would service the proposed development and the commercial development on the adjacent lands. There are no sidewalks in the area and sidewalks are not required to support the proposed development.</p>
<p>d) Council shall consider, where appropriate, the impact of the development on the comfort and design of proposed streets and existing street users. This shall include whether the proposed development is human-scaled, is easily accessible to active transportation users, and if it promotes visual variety and interest for active transportation users.</p>	<p>No new streets are proposed. This development is fully contained on the noted property.</p>



e)	<i>The suitability and availability of other appropriately zoned sites for the proposed use.</i>	The site is zoned appropriately for the proposed land use of the property. Highway Commercial (HC) Zone uses are permitted in the RU zone by entering into a development agreement.
f)	<i>The submission of a professionally drawn site plan showing the location of all new and existing structures on the lot, parking areas, proposed and existing walkways, areas of tree retention, watercourses or environmentally sensitive areas, buffering, and landscaping and building plans, including signage plans, if applicable, showing the nature and design of the proposed structure.</i>	A site plan has been submitted showing the location of the proposed buildings and car sales area.
g)	<i>Adequacy of the size of the lot to ensure required buffering and screening can be carried out.</i>	The development agreement requires the applicant to maintain a vegetative buffer along the southern property line between the subject property and the adjoining equestrian facility. Buffering and screening from adjacent properties is not required in the Rural Use (RU) Zone.
h)	<i>Potential for significantly reducing the continuation of agricultural land uses.</i>	Not applicable.
i)	<i>The proposed density and urban form, including height, massing, bulk, setbacks and setbacks, are compatible with (not necessarily the same as) existing development forms.</i>	The proposed development agreement is not for a residential development; therefore, density and urban form are not applicable. The height, bulk, massing, size are all compatible with rural commercial uses.
j)	<i>If the proposal is inappropriate by reason of the financial capability of the Municipality to absorb any costs relating to the development.</i>	There is no immediate fiscal impact of the proposed development to the Municipality. No new roads or services are required to be installed. Due to the change in use of the property, an increase in property value may result in a higher tax rate or may result in a different tax assessment.
j)	<i>The adequacy of municipally approved water and wastewater services or if services are not provided, the adequacy of the lot to provide an adequate and safe water supply as determined by a hydrogeological assessment prepared by a hydrogeologist. The requirement for a hydrogeological assessment shall be determined by the Municipality.</i>	Due to application requiring limited potable water and not being water intensive, staff did not request a hydrogeological study be completed.
<i>IM29. Terms and conditions of the agreement to ensure consistency with Strategy policies and the employment of sustainable development practices shall include, but are not limited to the following where applicable:</i>		
a)	<i>The use and size of any new structures or any expansions of existing structures.</i>	There are three structures proposed as part of the development: 1) a sales office 2) an automobile repair and maintenance garage 3) a single unit dwelling.
b)	<i>The compatibility of the structure in terms of design elements including, but not limited to roof type, exterior cladding material, and overall architectural form and elements that</i>	There are no design requirements in the RU zone.

	<i>are reasonably consistent with the style and character of the community.</i>	
c)	<i>Provisions for adequate buffering and screening to minimize the impacts of the development on adjacent uses, such buffering and screening to be designed with consideration given to the types of impacts that may be felt by adjacent properties (ie. noise, headlights, dust, etc.).</i>	The development agreement requires the applicant to maintain a vegetative buffer along the southern property line between the subject property and the adjoining equestrian facility. Buffering and screening from adjacent properties is not required in the Rural Use (RU) Zone.
d)	<i>Any matter that may be addressed in the Land Use Bylaw, such as yard requirements, outdoor storage, height, bulk and lot coverage, etc.</i>	All items not identified in the development agreement shall be applicable to the LUB.
e)	<i>Time limits for the application for a development permit and the initiation and completion of construction.</i>	One year to enter into the agreement, two years to apply for a development permit and one year after the development permit is issued to make the property consistent with the terms of the development agreement.
f)	<i>The establishment of hours of operation and maintenance of the proposed use.</i>	There are no limits in the Land Use Bylaw regarding hours of operation. However, the development agreement does limit the hours of operation to 'Daytime' hours as defined by Bylaw P-100, Community Standards Bylaw.
g)	<i>The provision of adequate parking and parking lot design to include maximum ease and safety of traffic flow and dust control.</i>	Parking shall comply with the parking requirements identified in Part 3 General Provisions of the LUB.
h)	<i>Provisions regarding signage that may be sensitive to the overall visual amenity of the immediate area and safety issues.</i>	Signage will be as per the requirements of the LUB.
i)	<i>Methods of protection of the land and watercourses and mitigation practices during and after construction of the proposed development.</i>	As per NSE regulations.
j)	<i>Methods of stormwater management on-site during and after construction and methods used to control erosion and sedimentation.</i>	A stormwater drainage plan is not required for an unserviced lot.
k)	<i>Provisions regarding tree removal, devegetation, and tree planting on the site and overall adequacy of landscaping.</i>	Any disturbed area on the property will be covered with grass, tress, or shrubs.

[Separate Document Confidential]

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