



Subject: *Maple Tree Holdings - MPS and LUB Mapping Amendments*
To: CAO for Planning Advisory Committee, June 18, 2024
Date Prepared: June 3, 2024
Related Motions: PAC24(9) February, C24(56), PAC24(30) May and C24(162)
Prepared by: Rachel Gilbert, Manager of Planning
Approved by: John Woodford, Director of Planning and Development

Summary

The Municipality has received an application from Maple Tree Holdings to redesignate and rezone a portion of their property in Mount Uniacke. The rezoning will enable buildings with a floor area greater than permitted in the Regional Commercial Zone. This report recommends that approval be given to enable the applicant to develop the property in accordance with the regulations of the Business Park (BP) Zone.

Financial Impact Statement

As the rezoning enables a development with a bigger footprint than permitted in the Regional Commercial the development of the land in the Business Park (BP) Zone has the potential to increase the value of the property and therefore has the potential to increase the tax income from the property.

Recommendation

That second reading and approval be given to the MPS and LUB amendments.

Recommended Motion

Planning Advisory Committee recommends that Council:

- *Give second reading and approve the proposal from Maple Tree Holdings to change the designation and zone of a portion of property identified PID 45426301 from Regional Commercial (RC) to Business Park (BP).*

Background

In January 2024, the Municipality received an application from Maple Tree Holdings Ltd. requesting to redesignate and rezone a portion of their property in Mount Uniacke from Regional Commercial (RC) Designation and Zone to Business Park (BP) Designation and Zone.

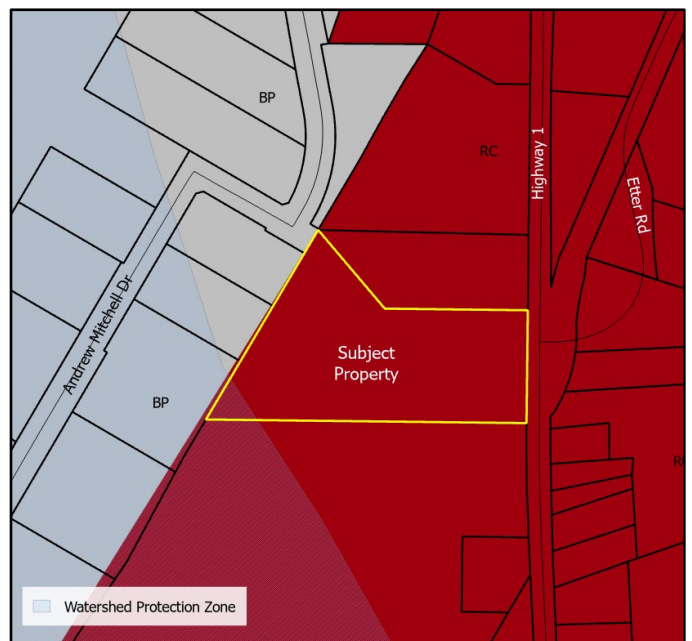
Site Plan Approval is required for many of the permitted uses in the Regional Commercial Zone. The property owner has already applied for site plan approval for the commercial building fronting onto Highway 1 (as shown on the submitted site plan). Approval has not yet been given for the application as the Development Officer is awaiting information from the property owner.

A public Information Meeting was held in Mount Uniacke on April 2, 2024. First reading to the amendments was given in May 2024.

Subject Property

An excerpt of the zoning map and aerial photography map below show the location of the subject property identified as PID 45426301 and is located along Highway 1 in Mount Uniacke. The property totals approximately 2.41 Ha in size and has approximately 91 metres of frontage along Highway 1.

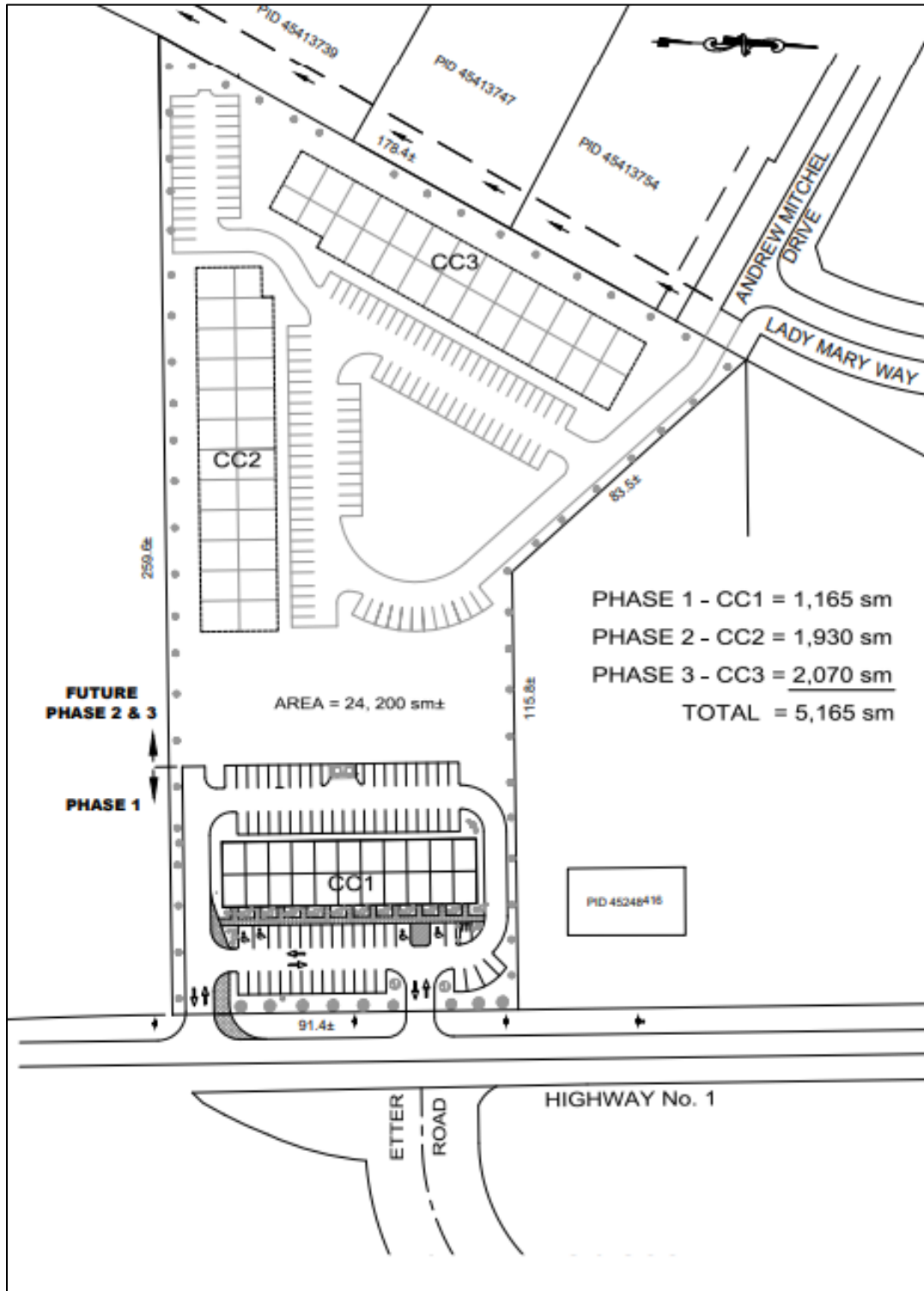
The property is designated and zoned Regional Commercial (RC). A small area of the Pockwock Watershed Protection Overlay (WP) Zone is located along the south western edge of the property. The Mount Uniacke Business Park is located immediately to the rear of the property and this area is zoned Business Park (BP). Andrew Mitchell Drive extends to the edge of the property. The land opposite the property on Highway 1 and also on both sides are zoned Regional Commercial (RC).



Development Proposal

The purpose of this proposal is to amend the Generalized Future Land Use Map (GFLUM) and the Land Use Bylaw Map to change the designation and zone of the rear of the property from Regional Commercial (RC) to Business Park (BP).

The site plan includes a driveway from Andrew Mitchell Drive for the rear two buildings and separate driveways off Highway 1 for the building fronting this road.



Site Plan Approval

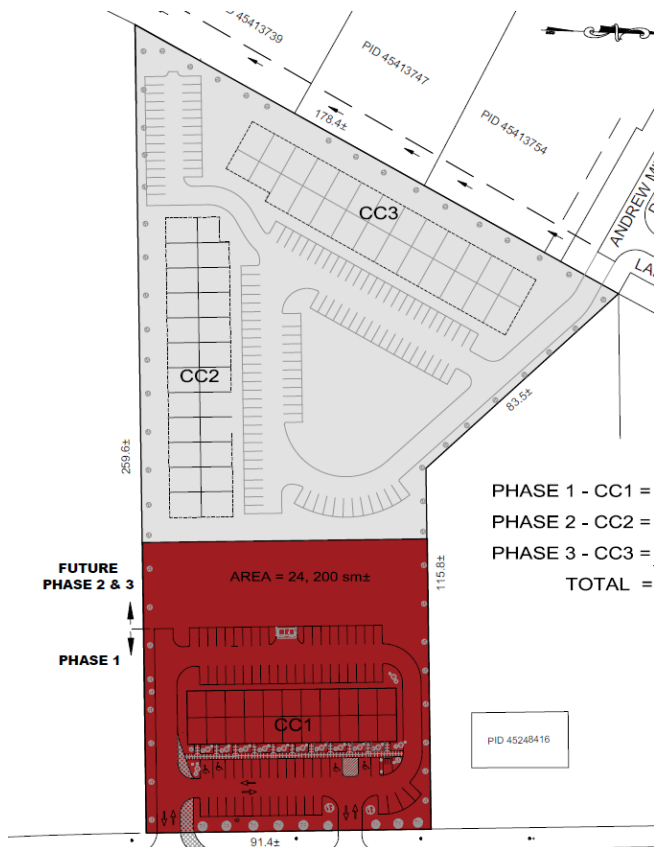
The front portion of the lot which is being maintained with the Regional Commercial (RC) Zoning has recently been given Site Plan Approval for the area identified as Phase 1. A concept for Future Phase 2 & 3 was included on that site plan but the approved site plan for Phase 1 does not give any approval for the Phase 2 & 3 area. The site plan approval application was submitted prior to the rezoning application and shows an old concept for Phase 2 & 3.

Nova Scotia Public Works has given approval for the two driveways onto Highway 1 from the Phase 1 area. The applicant would need to seek further approval from NS Public Works should they decide to link Phase 2 & 3 with Phase 1 - creating a driveway from Andrew Mitchell Drive.

In addition to the above the applicant has recently provided the following statement - “it is now physically impossible for any vehicle to cross over the lot because of the terrain and presence of the 3 wetlands. Maple Tree also reiterates it has no plans or intentions to link these roadways by a connecting driveway.”

Rezoning Application

The current application is for the rear portion of the lot which will be accessed with a driveway off Andrew Mitchell Drive. This will create a split zoned property. The front portion of the lot will be maintained as Regional Commercial (RC) designation and zone. This will mean that the area of the lot fronting onto Highway 1 is maintained with a zoning which is consistent with the surrounding lots and therefore the scale of development and the types of uses permitted will be in keeping with the surrounding properties. The back portion of the lot will be in keeping with land uses in the Business Park. The zoning map below identifies the location of the proposed Business Park (BP) designation and zoning.



Comments were made at the February meeting of Planning Advisory Committee regarding access off Andrew Mitchell Drive being via a driveway and not as an extension of a municipal street, particularly with the concept plan showing smaller individual commercial units. The land can currently be developed now in the RC Zone with this access arrangement and layout of buildings but staff acknowledge that the size of permitted buildings in the Business Park (BP) Zone could be larger than would be for the Regional Commercial (RC) Zone and therefore the amount of traffic using the driveway would potentially be greater than would be permitted in the Regional Commercial (RC) Zone.

The following is a summary table of the requirements for both the Regional Commercial (RC) and Business Park (BP) Zones. The information below has been summarized for properties with on-site services. The zone requirements for properties which are serviced with municipal central sewer and water services have different requirements.

	Regional Commercial (RC)	Business Park (BP)
Minimum Lot Area	8,100 m ²	4,000 m ²
Minimum Lot Frontage	60 m	52 m
Minimum Front Yard	20 m	9 m
Minimum Rear Yard	12 m	12 m
Minimum Exterior Side Yard	6 m	6 m
Minimum Flankage Yard	6 m	6 m
Maximum Building Height	16 m	n/a
Maximum Commercial Floor Area	4,650 m ²	n/a

The redesignation and rezoning will enable the property owner to construct buildings with a larger footprint than permitted in the Regional Commercial Zone as the Business Park does not limit the footprint of buildings. Site Plan Approval is not required in the Business Park (BP) Zone.

The site plan submitted with this application suggests 3 buildings with a footprint of 5,165 sqm. They are proposing multi-tenant small scale units. The plan for the two rear buildings should be viewed as a concept only as the developer is not required to construct in accordance with the site plan submitted. If approval is given to the redesignation and rezoning the developer can construct any layout for the site and any size of building which is permitted by the Land Use Bylaw.

A copy of the table in the Land Use Bylaw which lists land uses that are permitted in each zone has been added as Appendix C to this staff report.

Discussion

LEGISLATIVE AUTHORITY

The Municipal Government Act, Part VIII gives legislative authority for this application. No right of appeal to the NS Utility and Review Board is set out in the MGA.

FINANCIAL CONSIDERATIONS

There are a lot of unknowns with this application as the rezoning just enables development which would be permitted in the Business Park (BP) Zone. The specific use and size of buildings will be determined by the developer. As the rezoning enables a development with a bigger footprint than permitted in the Regional

Commercial the development of the land in the Business Park (BP) Zone has the potential to increase the value of the property and therefore has the potential to increase the tax income from the property.

MUNICIPAL PLANNING STRATEGY POLICY ANALYSIS

Staff have reviewed the proposed amendments based on the applicable policies contained in the Municipal Planning Strategy (MPS).

A policy analysis of the application is available in Appendix B of this staff report.

At the Public Information Meeting comments were made regarding the impact on the road networks in Mount Uniacke. The roads in the Business Park are owned and maintained by the municipality and these roads feed onto Highway 1 (provincial road) via James Boyle Drive and Richard John Drive. The NS Department of Public Works were requested to comment regarding the application and have responded with no concerns raised.

The RCMP provided some general comments regarding increased development which were not specific to the proposed rezoning.

Municipal Roads and Engineering staff provided the following comments - "We have no objection to the proposed rezoning of the property to Business Park (BP). However, the applicant will need to submit an application for a road access permit for the driveway connecting to the Municipal road network. As part of this application, the applicant will have to explain how they will manage the storm water drainage at the proposed 'intersection'. We also require that the driveway is designed so that it is clearly not an extension of Andrew Mitchell Drive."

The Uniacke and District Volunteer Fire Department confirmed they have no fire safety issues. The Chief indicated that if a new access onto Highway 1 is proposed that there may be an increase in motor vehicle collisions. As mentioned in this report the NS department of Public Works has issued a driveway permit for the development at the front of the site and is not the subject of this application.

Council's decision on this application is not appealable to the NSUARB as it involves an amendment to the MPS.

Citizen Engagement

The Citizen Engagement Policies of the Municipal Planning Strategy provide direction on how to seek comments from the public regarding planning applications. An advertisement outlining the proposal and indicating that it is under review by staff was placed in the *Chronicle Herald*.

As part of the review process for MPS amendments, a Public Information Meeting (PIM) is required to hear input from the community. A letter was mailed to all property owners within 300 metres of the subject property with details of the date, time and location of the PIM. The PIM was held on April 2, 2024 at the Mount Uniacke & District Fire Hall. The meeting was to discuss two applications and residents had an opportunity to ask questions regarding the application. The PIM was very well attended. A copy of the notes taken at the PIM are appended to this staff report.

Following the PIM, a letter and questionnaire has been mailed to all residents and property owners within 300m of the subject property. A total of 65 questionnaires were mailed out in mid-April. Five questionnaires have been returned. Copies of those questionnaires have been scanned and made available for PAC.

Three of the responses have no concerns or support the proposal. The remaining two questionnaires provided comments with concerns:

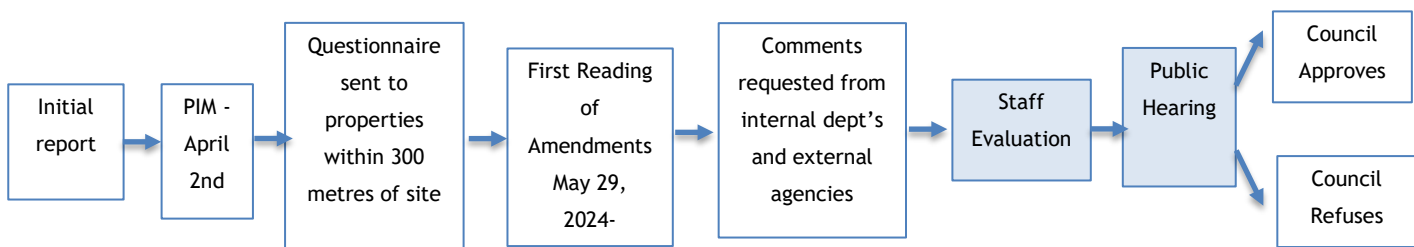
- Support proposal as it will help to attract customers and more businesses to open within Business Park.
- Concern about impact to nearby stream from sedimentation resulting from development;
- A request for more crosswalks for pedestrians;
- Speed limit on Etter Road should be reduced;
- Suggestion that a four-way stop is needed along highway 1.

A letter will be mailed to property owners within 300 metres of the application site with details of the public hearing. A notice will also be placed in the Chronicle Herald and on the municipal website/social media.

Conclusion

Staff have completed the review of the proposal to change the designation and zone of a portion the property from Regional Commercial (RC) to Business Park (BP). The proposed amendments have been evaluated using all applicable policies in the Municipal Planning Strategy.

Staff recommend approval of the application.



Attachments

Appendix A - notes taken at the Public Information Meeting

Appendix B - Policy Analysis

Appendix C - Copy of land use bylaw pages showing list of land uses permitted in the Regional Commercial (RC) Zone and the Business Park (BP) Zone

Appendix D - Amendment Sheets

Appendix A - Public Information Meeting Notes

Appended as a separate document

Appendix B- Policy Analysis

Policy	Comments
<p>Policy ED1.</p> <p>In considering expansions to existing Business Parks or the establishment of new Business Parks, Council shall have regard to the following:</p>	
<p>a) Consider the remaining supply of land zoned Business Park (BP) and the anticipated rate of consumption.</p>	<p>There is no remaining land in the Mount Uniacke Business Park and many of the lots have been or are being developed.</p>
<p>b) Consider the fiscal impact on the Municipality of as a result of the delivery of water and wastewater services and other infrastructure;</p>	<p>There are no municipal piped services in Mount Uniacke and the municipal roads have already been constructed. The development of the lot will not require any additional municipal infrastructure.</p>
<p>c) Determine the ability to provide “soft” services such police, and fire protection;</p>	<p>The change from Regional Commercial (RC) zone to Business Park (BP) zone is not anticipated to have an impact on the provision of “soft” services.</p>
<p>d) Identify the environmental impacts which may occur as a result of increased development activity;</p>	<p>There are no known environmental impacts from the proposed change of designation and zone. There is small section of Watershed Protection Overlay Zone located in the south west corner of the property. Any land uses in this area would need to meet the requirements of that overlay zone which regulates the type of land uses.</p> <p>The land can be developed now for commercial uses this application enables a larger footprint of building and some different commercial uses.</p>
<p>e) Determine the adequacy of transportation routes;</p>	<p>No new roads are required to enable this development. The existing Business Park roads were built to accommodate commercial activity. NS Public Works have raised no concerns.</p>
<p>f) Identify the agricultural impacts, through an Agricultural Impact Study, where the proposed expansion or establishment of a new BP designation could involve or directly abut (excluding roads) AR Zoned lands;</p>	<p>There are no agricultural impacts resulting from the development of this land.</p>
<p>g) Other planning related concerns as applicable.</p>	
<p>MPS Amendment Criteria</p>	
<p>IM11 Council shall only consider private applications to amend this Strategy</p>	<p>This application has the potential to increase tax revenue and attract more commercial uses to the Mount Uniacke area.</p>

	where said amendments in the best interest of the Municipality.	
IM13	Council shall consider map amendments to this Strategy when:	
	a) A request is received for a zoning amendment that is not consistent with this Strategy's maps, but is consistent with the intent of this Strategy.	This change is consistent with the Community Priorities identified in the MPS, specifically #3 - foster economic development, creative entrepreneurship, and home-based commerce. A vibrant and diverse economy is essential for residents to prosper and for East Hants to grown in a sustainable manner; and #5 - develop in a manner which is compact, environmentally and fiscally sustainable.
	b) Where the boundaries of the comprehensively planning area are altered.	Not applicable to the proposal.
	c) Where a request for a comprehensive development is made and it is not already designated as such; and studies show that intent of the Strategy could be met through said proposal.	Not applicable to the proposal.
	d) The boundaries of the planning area are not altered.	Not applicable to the proposal.
	e) Housekeeping amendments are not warranted.	Not applicable to the proposal.
Land Use Bylaw Amendment Criteria		
IM14	It shall be the policy of Council to consider amendments to the Land Use Bylaw provided the amendment is consistent with the intent of the Municipal Planning Strategy.	Concurrent amendments to the MPS are proposed which will make the proposed amendments to the LUB consistent with the intent of the MPS. See Policy discussion on IM13(a) above.
IM15	It shall be the policy of Council to consider an application for amendment to the Land Use Bylaw only if the application has identified a proposed use for the property. Council shall give consideration to both the proposed use and to the impact of other uses permitted in the requested zone.	A concept plan for the development of the lot has been submitted with this application. The specific uses have not been identified as that will be dependant on who leases the individual units. All uses will need to comply with the regulations of the Business Park (BP) Zone.
IM16	It shall be the policy of Council to consider an application for amendment to the Land Use Bylaw only if the site meets all of the lot size and zone standards for the zone sought.	The lot cannot be subdivided as there is not sufficient frontage to enable this - if approved the property will remain a split zoned property. The lot meets the requirements of the Business Park (BP) and Regional Commercial (RC) Zones.
IM17	Council shall consider the Land Use Bylaw Amendments within the applicable Generalized Future Land	This LUB amendment is only possible with a concurrent amendment to the MPS to redesignate the property to Business Park (BP).

<p>Use designation as subject to the policies of this Strategy,</p>	
<p>IM18 Council shall, in considering amendments to the Land Use Bylaw, in addition to all other criteria as set out in the policies of this Strategy, have regard for the following matters:</p>	
<p>a) Whether the proposed development is in conformance with the intent of this Strategy and with the requirements of all other Municipal Bylaws and regulations as applicable matters.</p>	<p>The requested zoning amendment is not consistent with the Generalized Future Land Use Map and requires a concurrent amendment to the MPS.</p> <p>This change is consistent with the Community Priorities identified in the MPS, specifically #3 - foster economic development, creative entrepreneurship, and home-based commerce; and #5 - develop in a manner which is compact, environmentally and fiscally sustainable.</p>
<p>b) Whether Planning Staff have initiated a review of this Strategy, or any of the Official Community Plan documents.</p>	<p>A review of the MPS is not currently being undertaken.</p>
<p>IM19 Council shall consider if the proposal is premature or inappropriate by reason of:</p>	
<p>a) The financial capability of the Municipality to absorb any costs relating to the development.</p>	<p>There are no municipal piped services in Mount Uniacke and the municipal roads have already been constructed. The development of the lot will not require any additional municipal infrastructure.</p>
<p>b) The adequacy of municipally approved water and wastewater services or if services are not provided, the adequacy of physical site conditions for private on-site septic and water system. Council shall consider comments from the Municipal Infrastructure and Operations Department or Nova Scotia Environment as applicable.</p>	<p>The property will be serviced by onsite septic and water systems. Planning staff are not aware of any groundwater quantity concerns in this area.</p>
<p>c) The adequacy and proximity of school, recreation, and any other community facilities. Council shall consider comments from Municipal departments and the appropriate School Board as applicable.</p>	<p>The proposed commercial zoning of business park will not impact school, recreation or community facilities.</p>
<p>d) The potential for significantly reducing the continuation of agricultural land uses.</p>	<p>Not applicable to the proposed application.</p>
	<p>NS Public Works have reviewed the proposed redesignation and rezoning and have not raised any concerns.</p>

<p>e) The adequacy of existing or proposed road networks in, adjacent to, or leading to the development and ability of the proposed development to satisfy applicable stopping sight distances. Council shall consider comments from the appropriate Municipal Engineer and/or Nova Scotia Transportation and Infrastructure Renewal.</p>	<p>Staff in Municipal Roads and Engineering have raised no objection to the proposed rezoning. The applicant will need to submit an application for a road access permit for the driveway connecting to the Municipal road network. As part of this application, the applicant will have to explain how they will manage the storm water drainage at the proposed 'intersection'. They also require that the driveway is designed so that it is clearly not an extension of Andrew Mitchell Drive.</p>
<p>f) The potential for the contamination of watercourses or the creation of erosion or sedimentation. Council shall consider comments from relevant Provincial Departments as applicable.</p>	<p>Impacts on watercourses from sedimentation is a provincial responsibility. Comments were raised on one of the questionnaires regarding potential sedimentation leaving the property and potentially impacting a nearby watercourse. Those concerns have been passed on to NS Environment and Climate Change and they will be investigating. Any development on the site will have to comply with provincial requirements.</p> <p>The developer has added siltation traps, hay bales and geotech in place to mitigate it sedimentation.</p>
<p>g) Creating a leap frog, scattered, or ribbon development pattern as opposed to compact and orderly development.</p>	<p>The proposed BP zone is consistent with properties to the rear of the application site. The front of the property is proposed to be maintained with Regional Commercial (RC) Zoning which is consistent with the properties adjacent and opposite the property.</p>
<p>IM20 Council shall consider if the proposed development is shown on a professionally drawn site plan as being in compliance with the applicable sections of the Subdivision Bylaw, with the following matters of the Land Use Bylaw:</p>	<p>The property cannot be subdivided as there isn't sufficient frontage for two lots. The lot will have to be developed in accordance with the applicable sections of the land use bylaw.</p>
<p>a) Type of use.</p>	<p>The rezoning will enable commercial uses as per the Business Park (BP) Zone.</p>
<p>b) Number of buildings.</p>	<p>The applicant is proposing two additional buildings in the proposed BP Zone section of the property. The applicant already has site plan approval for a single building on the area of the property which is proposed to be retained as Regional Commercial (RC).</p>
<p>c) Yard setbacks.</p>	<p>Yard setbacks will be as per the land use bylaw.</p>
<p>d) Height, bulk, stepback requirements, and lot coverage of any proposed structures.</p>	<p>There is no maximum building height for the Business Park (BP) Zone.</p>
<p>e) External appearance of any structures where design standards are in effect.</p>	<p>The BP Zone does not have any design standards for buildings. There are landscaping requirements in the Land Use Bylaw for the BP Zone.</p>

f) Street layout and design.	No new streets are proposed.
g) Access to and egress from the site, parking.	Access to and egress from the property is subject to the approval of the Municipality and the developer will need to apply for a Road Access Permit.
h) Open storage and outdoor display.	All LUB regulations will have to be met.
i) Signage.	All LUB regulations will have to be met.
j) Similar matters of planning concern.	All LUB regulations will have to be met.
IM21 Council shall consider the suitability of the proposed site in terms of the environmental features of the site, particularly susceptibility to flooding and other nuisance factors, and where applicable, comments from relevant Provincial Departments concerning the suitability of the site for development.	A small portion at the rear of the property is within the Watershed Protection Overlay (WP) Zone which is in place to protect the Pockwock Lake drinking water supply. The developer will have to comply with any requirements regarding the WP Zone if any development is to occur within this area.
IM22 Council shall consider the provision of buffering, screening, and access control to minimize potential incompatibility with adjacent and nearby land uses, rail lines and traffic arteries.	Under the current land use bylaw regulations buffering is not required.
IM23 Council shall consider the extent to which the proposed development, where applicable, provides for efficient pedestrian circulation and integrates pedestrian walkways and sidewalks within adjacent developments.	There are no sidewalks within the Mount Uniacke Business Park.
IM24 Council shall consider the proposed development is shown to manage stormwater on-site in a manner which does not negatively impact on other properties.	The Lot Grading & Drainage Bylaw does not apply to properties with on-site services. Comments received from Roads and Engineering have confirmed that the applicant will need to submit an application for a road access permit for the driveway connecting to the Municipal road network. As part of this application, the applicant will have to explain how they will manage the storm water drainage at the proposed 'intersection'.
IM25 Council shall consider massing, and compatibility of the proposed development's external appearance with adjacent buildings by means of design features, roof type, exterior cladding materials, and overall architectural style that is reasonably consistent with the style and	There are no design or massing requirements for BP zone properties in the land use bylaw.

<p>character of the community or compliments the character of the community.</p>	
<p>IM26 Council shall consider the following matters in Growth Management Areas and other areas where applicable to determine if the proposed development contributes to a favourable community form, and the proposed development's ability to:</p>	
<p>a) Provide for efficient pedestrian movement into, out of, and within the development, especially between commercial and residential neighbourhoods, as well as the ability for pedestrian routes to link with existing sidewalks, active transportation routes and walking trails on abutting lands to provide for a cohesive network of same.</p>	<p>There are no sidewalks within the Mount Uniacke Business Park and pedestrians and cyclists would use the road to travel along.</p>
<p>b) 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>This not relevant to commercial properties within the Mount Uniacke Business Park.</p>