



Subject: RYC Property Ltd. Application: MPS and LUB Mapping Amendments

To: CAO for Planning Advisory Committee, September 17, 2024

Date Prepared: September 11, 2024

Related Motions: PAC24(15), C24(86), PAC24(37), and C24(218)

Prepared by: Debbie Uloth, Project Planner

Approved by: John Woodford, Director of Planning and Development

Summary

The Municipality has received an application from RYC Property Ltd. to change the land use designation of PID 45097227, located on Havenwood Drive, Shubenacadie, from Rural Use (RU) to Established Residential Neighbourhood (ER) and rezone the same property from Rural Use (RU) to the Two Dwelling Unit Residential (R2) Zone. The purpose of the application is to allow for the extension of Havenwood Drive and for the development of 47 semi-detached dwellings for a total of 94 dwelling units.

A public information meeting for the application was held on May 7, 2024. Notes from the meeting have been attached as Appendix C.

First reading of the proposed mapping amendments was given at the June 2024 meeting of Council.

Financial Impact Statement

A fiscal impact analysis has determined that there will be a financial benefit to the Municipality of \$52,373.

Recommendation

That Planning Advisory Committee recommends that Council give second reading and approve the mapping amendments.

Recommended Motion

Planning Advisory Committee recommends that Council:

• give second reading and approve the application from RYC Property Ltd. to amend the MPS and LUB by changing the land use designation of PID 445097227 to Established Residential Neighbourhood (ER) Designation and rezone the same lands to Two Dwelling Unit Residential (R2) Zone.

Background

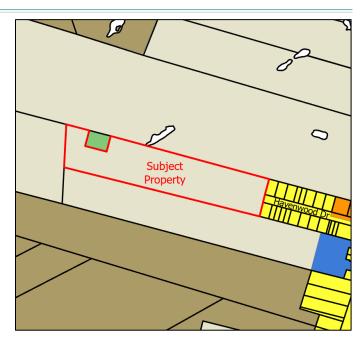
Planning staff received an initial application from RYC Property Ltd. in February 2024. The application proposes to change the Generalized Future Land Use Designation of lands identified as PID 45097227 from Rural Use (RU) to Established Residential Neighbourhood (ER) and to rezone the same from Rural Use (RU) to the Two Dwelling Unit Residential (R2) Zone. Changing the land use designation and zone would allow the applicant to extend Havenwood Drive to permit the construction of 47 semi-detached dwellings, for a total of 94 dwelling units. The subject property is located in the Shubenacadie Growth Management Area. The new wastewater treatment facility for Shubenacadie is now in operation. The application is required because new roads are not permitted in the Rural Use (RU) Zone.

Discussion

SUBJECT PROPERTY

The subject property is shown on the map to the right and is identified as PID 45097227, Havenwood Drive, Shubenacadie. The total area of the subject land is approximately 5.9 ha.

The property is zoned Rural Use (RU) Zone. Property to the east is zoned Two Dwelling Unit Residential (R2) Zone, and property to the north, south, and west is zoned Rural Use (RU) Zone. The Municipality owns a 0.21 hectare parcel of land that is zoned Open Space (OS), which is currently landlocked but it will eventually have frontage on the Havenwood Drive extension. The subject property has frontage on Havenwood Drive and the lands are located in the Shubenacadie Growth Management Area.

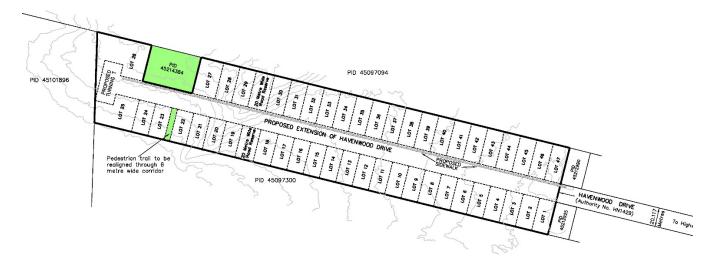


DEVELOPMENT PROPOSAL

The purpose of this application is to amend the Municipal Planning Strategy and Land Use Bylaw to allow for the extension of Havenwood Drive, Shubenacadie, and the development of 47 semi-detached structures, for a total of 94 dwelling units. A concept plan for the proposed development is shown on the following page and is also attached in Appendix A.

Havenwood Drive had previously intended to be extended to allow for the continued development of the road; however, limitations with the Shubenacadie sewage treatment facility prevented the land from being further developed. Now that the new wastewater treatment facility is complete, development in the Shubenacadie GMA is expected to increase.

Since the initial development of Havenwood Drive in the late 1980s, Subdivision Bylaw regulations have changed. The developed portion of Havenwood is a public gravel road owned by the Nova Scotia Department of Public Works (NSPW). Under the Subdivision Bylaw regulations, the proposed road extension will be a Municipally owned paved road with a sidewalk. Therefore, to prevent the creation of another road gap issue, staff recommend that if the application is approved Bylaw F100, Local Improvement Charges Bylaw be used to pave the gravel road portion of Havenwood Drive.



POLICY ANALYSIS

Policy IM13 of the MPS is the policy that permits Council to consider the proposed mapping amendments. East Hants Council has to determine if the proposed application is in the best interest of the Municipality.

Policy IM13 - Permits Council to consider private applications to amend the MPS where the proposed amendments are in the best interest of the Municipality.

As part of the application, staff have consulted with our reviewing agencies, including the Municipal Department of Infrastructure and Operations who have indicated that the lift station that services the current residents on Havenwood Drive will most likely have to be upgraded.

The Chignecto Central Regional Centre for Education indicates that there could be a total student yield of 47 new students from the proposed development. These projections do not exceed the capacity of the local schools.

Nova Scotia Public Works has indicated that they do not have any traffic-related concerns regarding the proposed development.

Shubenacadie Fire and Emergency Services have not commented on the application. The proposed development is within the Shubenacadie Growth Management Area and will require fire hydrants in accordance with Municipal standards. In addition, the results of the fiscal impact analysis summarizes that the fire department may receive \$54,332 from the fire rate - see the fiscal impact study section for further information on this.

Nova Scotia Power has commented on the proposed application and has indicated that they do not foresee any issues servicing the new development.

Under the current Subdivision Bylaw regulations, a maximum of 100 lots may be created on one road access to a collector or arterial road. The current regulations do not limit the number of dwelling units that may be constructed. Therefore, if approved, under the current regulations the applicant may construct all of the proposed dwelling units but may not subdivide all of the individual semi-detached buildings into their individual lots.

CITIZEN ENGAGEMENT

Planning staff have complied with the Citizen Engagement Policies of the Municipal Planning Strategy when processing this application. An advertisement outlining the application and indicating that it had been received and was under review by staff was placed in the *Chronicle Herald* in March 2024. A Public Information Meeting (PIM) for the application was held on May 7, 2024, notes from the meeting have been attached as Appendix C.

The majority of residents who attended the PIM had concerns with flooding on Havenwood Drive. Residents along the street have already experienced flooding and are worried that future development could make the existing issues worse. As mentioned at the meeting, if the application is approved the applicant will have to prepare a stormwater management plan in accordance with the Municipal standards. Although the developer is not required to fix the existing issues, they are not to make the existing drainage issues worse. Instead, pre and post stormwater flows should be balanced.

A questionnaire for the application was mailed to residents within 300 m of the application site. The results of the questionnaire have been provided to PAC members for their consideration. There were 75 questionnaires mailed and 9 responses received, including responses both for and against the application. Respondents identified drainage and flooding as their major concerns. The second issue raised is the condition of the existing road. If Council wishes, they have the option of using Bylaw F-100, Local Improvement Charges Bylaw to upgrade the existing portion of Havenwood Drive to match the proposed Havenwood Drive extension.

A public hearing notice will be placed in the September 11th and 18th editions of the Chronicle Herald, the notice was also posted on the Municipal website, and on social media. A public hearing notification letter was mailed to property owners and residents within 300 m of the subject property indicating the time, date, and location of the public hearing.

STRATEGIC ALIGNMENT

The 2021-2024 East Hants Strategic Plan identifies 'Strong Community' as one of the four areas of strategic focus. The proposed development provides for new housing, which helps to support a strong community.

LEGISLATIVE AUTHORITY

The legislative authority is set out in the Municipal Government Act, Part VIII. This part of the MGA sets out the process for MPS and LUB amendments to be considered and for consideration of a development agreement.

FINANCIAL CONSIDERATIONS

A fiscal impact analysis has been completed for the proposed development. Finance staff have approximated that there may be a financial benefit to the Municipality of \$52,373 annually. This and calculations in the analysis are an estimate only based on potential property assessment values as a result of development and current tax rates. Actual property values will not be known until PVSC undertakes an assessment of the future developed land. A summary of the fiscal impact analysis has been attached as Appendix F.

Alternatives

Planning Advisory Committee could recommend refusal of the application.

Attachments

Appendix A - Concept Plan

Appendix B - Photos of the subject property

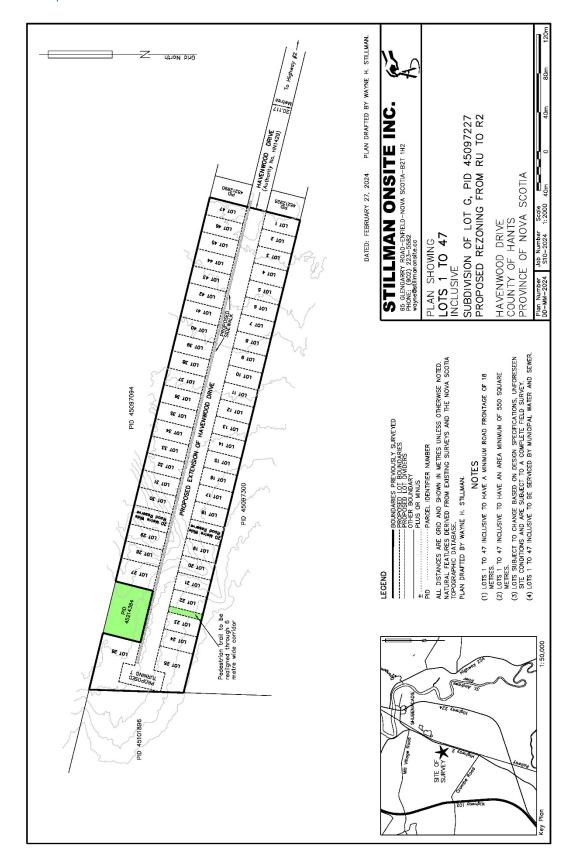
Appendix C - Notes from the public information meeting

Appendix D - Questionnaire Responses (Confidential)

Appendix E - Policy Analysis

Appendix F - Fiscal Impact Analysis

Appendix G - Draft GFLUM and LUB Amendment Maps



Appendix B - Photos of Subject Property







Public Information Meeting

Proposed Municipal Planning Strategy and Land Use Bylaw Mapping Amendments Application from RYC Property Ltd.

Lloyd E. Matheson Centre, Elmsdale

May 7, 2024

Staff in attendance: Rachel Gilbert, Manager of Planning (Chair)

Debbie Uloth, Community Planner II

Lee-Ann Martin, Planner/Development Officer

Applicant: John Paul Cyr, RYC Properties Ltd.

Public in Attendance 12 members of the public

Councillor Mitchell Councillor MacPhee Councillor Isenor Councillor Perry

Questions and Comments:

- Concerns regarding flooding and increase water in the area causing flooding of basements.
 Questions regarding what is going to be put in place to mitigate increase water flow?
- Concerns regarding correspondence with NSPW and their response for flooding and culverts in the area, the need for the road to be graded, and snow clearing.
 - Debbie explained the subdivision process and requirements of a stormwater management plans for the development and what the purpose of the plans are.
- Comment regarding the need to develop Shubie but concerns regarding the paving and that all
 paving should be done at once.
 - Debbie commented on the process for a local improvement for paving the rest of Havenwood.
- Comment saying the existing infrastructure in inadequate
- Comment on the problem with water around the wastewater treatment plant and flooding in the area and the ditch and culverts in the area are too small and water cannot drain because of the CN railway

- Traffic along Highway 2 is bad on the road and is continuing to get worse. Increase in units will only make the traffic worse.
- Further comments on how CN Railway needs to do something with their culvert and the
 applicant will not be able to drain water from the new development unless the culverts are
 upgraded. There is nowhere for the water from this development to go.
 - Applicant indicated the water problems will all be looked at through the stormwater management plans. Debbie indicated she would check with I&O to see about their discussions with CN Rail.
- Further concerns regarding increase in water from the high rainfalls happening within the area
- Question regarding if the housing will be low-income
 - Applicant indicated that low-income is not the plan for the development. Applicant further addressed the water concerns.
- Question regarding the number of dwelling units proposed and the concerns regarding how the increase in cars from this development will impact the access to Highway 2.
 - The number of dwelling units proposed and number of lots was confirmed. The subdivision regulations regarding 100 lots on a single access was outlined. Further clarification was provided on why there are the future road connections proposed in the development.
- Comment on how people will end up parking on the road.
- Comment regarding how the unpaved portion of the road cannot handle the increase in cars in the condition that it is in.
- Question on the minimum lot frontage requirement for an R2 lot.
- Question regarding the continuation of the trail and where the trail currently runs.
- Comment on the desperate need of quality growth in Shubie as there has been a lot of loss of commercial in the area. The infrastructure work in the area needs to be done regardless of this development.
- Concerns regarding rats in the area.
- The next steps in the application process and subdivision process were outlined by staff.
- Question on what the process is for people in the area who have concerns regarding the roads, water, culverts, who do they contact?
- Further concerns on plowing of the road.
- Concern about if residents' taxes would be used to pave the road if the developer does not pay.

[Confidential]

D.B		Commonte
Policy		Comments
MPS Po	Council shall consider map amendments to this Strategy when: A request is received for a zoning	The applicant has requested a mapping amendment that is not consistent with the GFLUM but is consistent with the intent of the Strategy. The applicant is proposing to extend Havenwood Drive to allow for the construction of approximately 47 semi-detached dwelling units.
b)	amendment that is not consistent with this Strategy's maps, but is consistent with the intent of this Strategy.	
	comprehensively planning area are altered.	
c)	development district is made and it is not already designated as such; and studies show that the intent of the Strategy could be met through said proposal.	
d)		
e)	altered. Housekeeping amendments are warranted.	
Land l	Jse 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.	The applicant is seeking an amendment to the Municipal Planning Strategy. A request for rezoning is being sought concurrently.
IM15	It shall be the policy of Council to consider an application for an 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.	The applicant has identified the proposed use of the property. The applicant is proposing to implement the Established Residential Neighbourhood (ES) Designation and the Two Dwelling Unit Residential (R2) Zone, which will permit the applicant to extend Havenwood Drive and construct 47 semi-detached buildings, for a total of 94 dwelling units. A concept plan has been provided to show the potential layout of the development. Although a concept plan has been provided, if the application is approved the applicant does not have to construct what is shown on the plan but does have to meet the requirements of the Subdivision Bylaw and Land Use Bylaw.
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 area of PID 45097227 exceeds the minimum size requirements to allow for the extension of Havenwood Drive and to permit the development of 47 semi-detached dwellings. The proposed lots shall comply with the minimum lot standards as identified in the LUB.
IM17	Council shall consider the Land Use Bylaw Amendments within the applicable Generalized Future Land Use designation as subject to the policies of this Strategy	This LUB amendment is enabled by Policy IM13 as outlined in the Municipal Planning Strategy.
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:	
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.	Yes, the application is enabled by Policy IM13 of the Municipal Planning Strategy.
b)	Whether Planning Staff have initiated a review of this Strategy, or any of the Official Community Plan documents.	The application was put forward by a developer who has a purchase-sale agreement with the property owner. Planning Staff did not initiate the review.
IM19	Council shall consider if the proposal is premature or inappropriate by reason of:	
a)	The financial capability of the Municipality to absorb any costs relating to the development.	A fiscal impact analysis has been completed for the proposed development. Finance staff have approximated that there may be a financial benefit to the Municipality of \$52,373 annually. This and calculations in the analysis is an estimate only based on potential property assessment values as a result of development and current tax rates. Actual property values will not be known until PVSC undertakes an assessment of the future developed land.
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.	There is water and wastewater capacity for the proposed development. A new wastewater treatment facility has recently been commissioned which has enabled the application to be considered.
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.	The Chignecto Central Regional Centre for Education indicates that there could be a total student yield of 47 new students from the proposed development. These projections do not exceed the capacity of the local schools.
		There is an existing open space parcel adjacent to the subject property as well as a walking trail that goes through the property. The Shubenacadie River Park is within an approximate 1.4 km walk from the proposed development.
d)	The potential for significantly reducing the continuation of agricultural land uses.	Not applicable.
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.	Nova Scotia Public Works has indicated that they do not have any traffic-related concerns regarding the proposed development.
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.	There are no major watercourses on the subject lands. A stormwater management plan and lot grading plans will have to be completed for the development of the lands.

g)	Creating a leap frog, scattered, or ribbon development pattern as opposed to compact and orderly development.	The proposed mapping amendment is an extension of the current zoning on Havenwood Drive. The proposed mapping amendments will not create a leap frog or scattered development pattern.
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:	The applicant has provided a concept plan for the proposed development. It should be noted that if the mapping amendments are approved the applicant does not have to construct what is shown on the concept plan and may instead change the layout of the subject site. Although, the developer has limited design options due to the constraints of the property.
a)	Type of use.	47 Semi-detached buildings, for a total of 94 dwelling units.
b)	Number of buildings.	Approximately 47.
c)	Yard setbacks.	Yard setbacks will have to comply with the Land Use Bylaw.
d)	Height, bulk, stepback requirements, and lot coverage of any proposed structures.	The height, bulk, setback, and lot coverage requirements will have to comply with the Land Use Bylaw regulations.
e)	External appearance of any structures where design standards are in effect.	The buildings can either be single unit dwellings or two unit dwellings.
f)	Street layout and design.	The proposed street is an extension of Havenwood Drive.
g)	Access to and egress from the site, parking.	The existing portion of Havenwood Drive is proposed to be extended to support the development of new lots.
h)	Open storage and outdoor display.	No commercial open storage or outdoor display is proposed as part of the application.
i)	Signage.	No signage is proposed as part of the development.
j)	Similar matters of planning concern.	N/A
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.	The subject property is low lying and the current portion of Havenwood Drive is prone to flooding due to the topography of the land. If the application is approved the Developer will have to prepare a stormwater management plan as part of tentative subdivision approval. Although, the Developer does not have to fix the current issues on Havenwood Drive, the stormwater management plan will have to balance pre and post stormwater flows, so that current flooding issues are not made worse by the proposed development.
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.	The R2 Zone does not have any buffering or screening provisions.
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.	Based on the number of units proposed for the development the sidewalks will be required to be constructed for the development. Although the existing portion of Havenwood Drive does not have sidewalks, Highway 2 does have sidewalks that go through the community of Shubenacadie, providing for good pedestrian circulation. In addition, the MacInnis Trial does go through the subject property, which will allow future residents to connect with the trail system.

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.	Detailed stormwater management plans will be required at the time of tentative subdivision approval.
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 character of the community or compliments the character of the community.	The R2 Zone does not have design requirements.
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:	
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.	As proposed, the extension of Havenwood Drive would be required to have a sidewalk. Although, the existing portion of Havenwood is not paved and does not have a sidewalk, this portion of road could be upgraded in the future. Havenwood Drive intersects with Highway 2 and Highway 2 has a sidewalk that connects the village core. In addition, the MacInnis Trail goes through the subject property allowing for additional walking opportunities for future residents.
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 humanscaled, is easily accessible to active transportation users, and if it promotes visual variety and interest for active transportation users.	The proposed street to service the development is an extension of an existing street. The extension is straight and as proposed will be required to have a sidewalk for pedestrians. The proposed zoning change allows for the development of either single or two-unit dwellings, which are considered humanscaled.

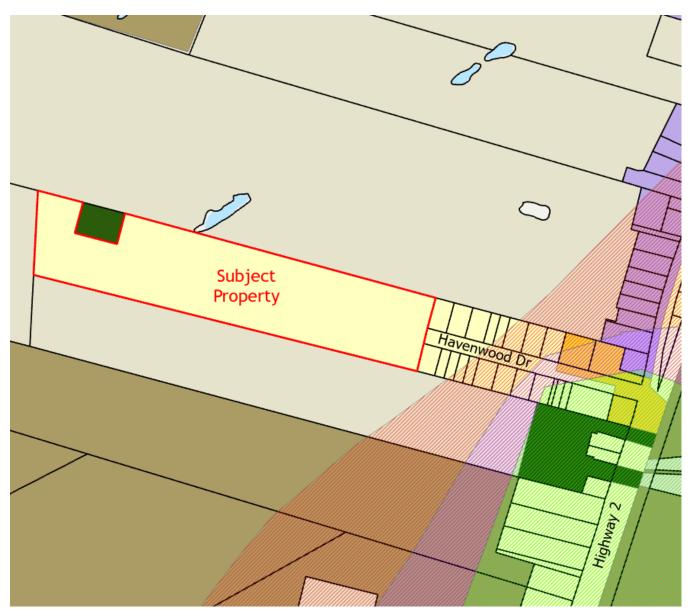
RYC Property Ltd Havenwood Drive, Shubenacadie							
Type of Construction (Residential/Commercial)	Assessment	Per Unit Price	ii .	Unit of Me	Unit of Measurement		Total
Estimated Assessed Value							
Residential	\$ 31,960,000						
Commercial	. \$						
Total	\$ 31,960,000						
Residential Taxes per Assessed Value		\$	0.2880			s	92,044.80
RCMP Services			0.2303			s	73,603.88
Mandatory Provincial Contribution (Library, Social Family, Corrections, School Education)			0.2817			s	90,031.32
Fire Rates		\$ 0.	0.1700			s	54,332.00
Urban Service Rates Residential (includes sidewalks and streetlight rates)			0.0700			s	22,372.00
Wastewater Management Fee (Based on avg annual consumption) - Household			330.00	94	Dwelling Units	s	31,020.00
Total Tax Revenue per Year (Excludes Infrastructure Charges)						❖	363,404.00
General Tax Rate Expenses	Road Type						
Cost of Maintenance Municipal Roads per metre per Year	Asphalt	\$	44.07	200	Metres	s	22,430.10
Cost of providing Stormwater Services per Year (Municipal Roads)			3,138.40			s	3,138.40
Cost of Ditching		5 1	11.62	209	Metres	s	5,915.60
Cost of resurfacing roads per metre per year	Asphalt		45.00	209	Metres	s	22,902.60
Replacement cost of Storm System per year		\$ 3,87	3,876.35			s	3,876.35
Mandatory Provincial Contribution (Library, Social Family, Corrections, School Education)						s	90,031.32
Urban Service Rate Expenses							
Cost of providing Waste Water Services per Year - Household			330.00	94	Dwelling Units	S	31,020.00
Replacement Cost of Downstream External Wastewater Infrastructure		\$ 11	116.21	209	Metres	S	59,150.00
Replacement cost of Internal Wastewater Collection per year			15.42	209	Metres	S	7,847.08
Cost of Snow Removal for Municipal Sidewalks per metre per Year			4.81	209	Metres	s	2,450.33
Cost of Mowing & Maintenance for Municipal Sidewalks per metre per Year			5.44	209	Metres	S	2,771.22
Cost of repaving sidewalks per year			8.16	509	Metres	s	4,153.44
Replacement cost of Streetlights per year			52.50	6	Streetlights	s	472.50
Annual cost of maintaining streetlights (power/insurance)			59.95	6	Streetlights	s	539.57
Fire Expenses							
Fire Rates						s	54,332.00
Total Tax Revenue from Development Total Cost of Providing Services to Proposed Development per Year						ᡐᡐ	363,404.00 311,030.52
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Financial Benefit to the Municipality						σ	52,373.48

Draft Amendment Sheet

The Municipality of East Hants Official Community Plan Municipal Planning Strategy

Generalized Future Land Use Map 3: Shubenacadie Growth Management Area

The GFLUM designation of PID 45097227, Shubenacadie, shown on the Generalized Future Land Use Map 3: Shubenacadie Growth Management Area, is changing from the Rural Use (RU) Designation to Established Residential Neighbourhood (ER) Designation.



Draft Amendment Sheet

The Municipality of East Hants Official Community Plan Municipal Planning Strategy

Land Use Bylaw Map 3: Shubenacadie Commercial Growth Management Area

The land use zone of PID 45097227, Shubenacadie, shown on the Land Use Bylaw Map 3: Shubenacadie Growth Management Area, is being rezoned from Rural Use (RU) Zone to the Two Dwelling Unit Residential (R2) Zone.

