

***Andrew Kim– Unsubstantial Development
Agreement Amendment***

Planning Advisory Committee
November 12, 2024

Planning & Development Department



EAST HANTS

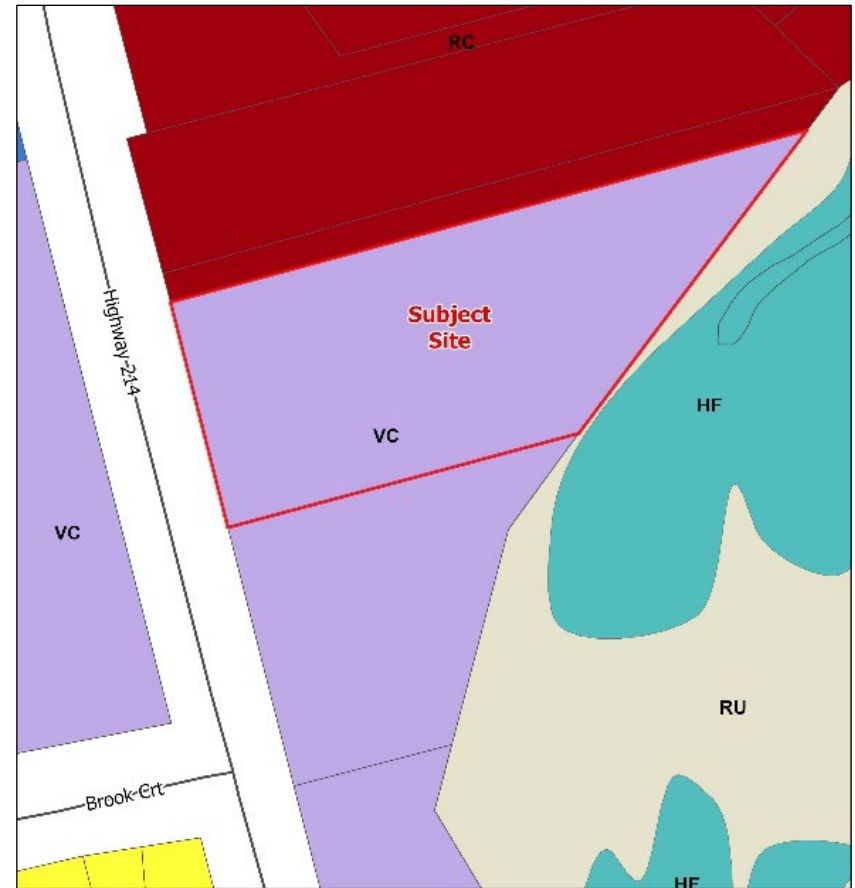
Subject Property

- The property is located at 251 Highway 214, Elmsdale.
- The existing building on the property has been removed.



Subject Property

- Property is zoned Village Core (VC).
- To the north of the property is a McDonalds restaurant and drive-thru and this is located in the Regional Commercial (RC) Zone.
- Opposite the site on Highway 214 is an Irving Oil property which has a gas station and an A&W restaurant and drive-thru. The Irving Oil property is zoned Village Core (VC).
- To the south of the application site is a residential property which has a dwelling and detached garage located on it.



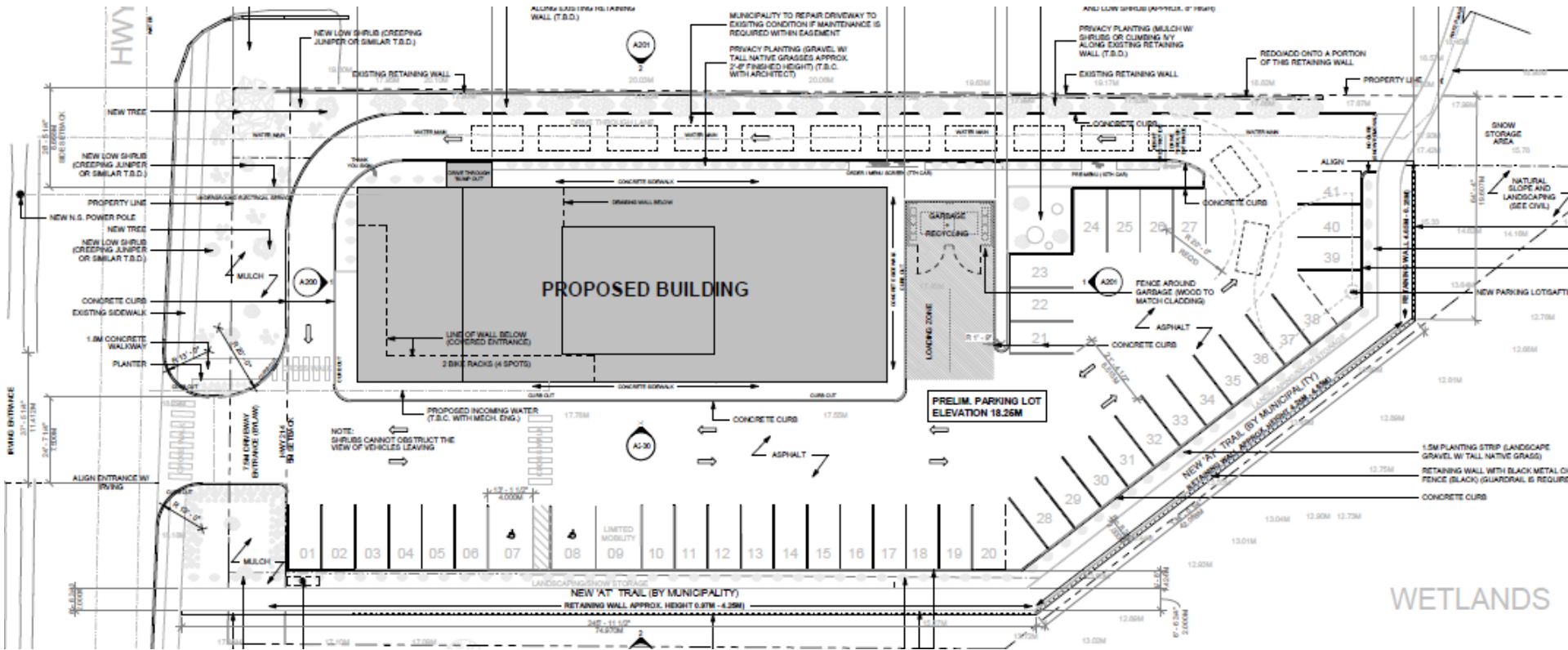
Below - Images of the approved design of the building

Approved Design

- In October 2023 Council approved a development agreement application for a dental clinic and coffee shop with drive-thru. Dr. Kim owns and operates the existing Elmsdale Dental Clinic in the Sobeys mall. The clinic will relocate to the new building once completed.



Approved Site Plan



Development Proposal

- An application has been received for unsubstantial amendments to the approved development agreement.
- Unsubstantial amendments to a development agreement are those amendments which Council has determined do not need a public hearing to be held.
- A public notification process is also not required for unsubstantial development agreements although there is a right of appeal for decisions on these types of applications.

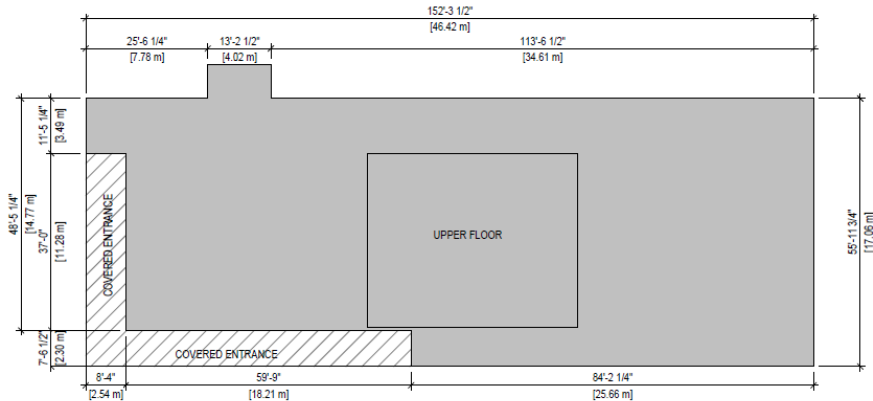
Development Proposal

- The unsubstantial amendments requested are:
 - Changes to the parking lot layout (identified as 9.c.vi in the DA); and
 - Changes to the external elevation design of the multi-premises commercial building which are not considered ‘generally in accordance’ with Schedule “C”, unless otherwise permitted by this Development Agreement. (identified as 9.c.vii in the DA)
- The general layout of the building remains as approved with the coffee shop proposed for the front section of the building with a drive-thru along the rear and north side of the building and the rear portion is for the dental clinic.

Development Proposal

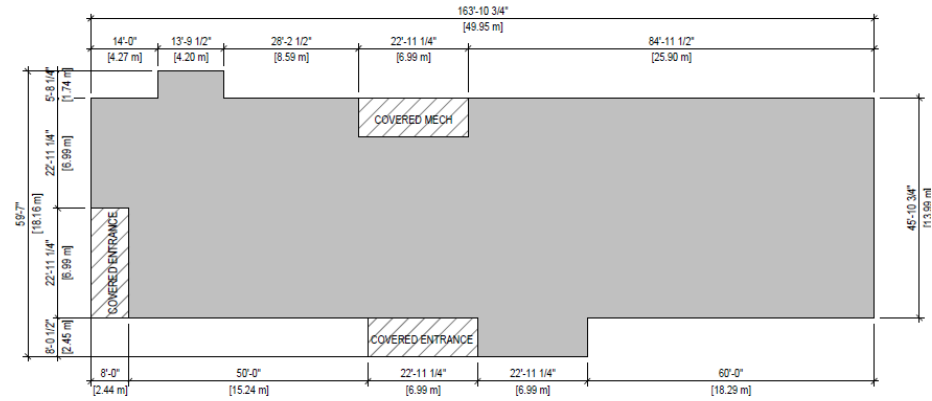
- The footprint of the proposed amended building is 67 square metres (721 sq.ft) smaller than the permitted building. The amended design has also removed the upper floor from the building. The floor area of the proposed design is 680 sqm. (7315 sq.ft) and the floor area of the original approved building is 840 sqm. (9038 sq.ft).

ORIGINAL DESIGN



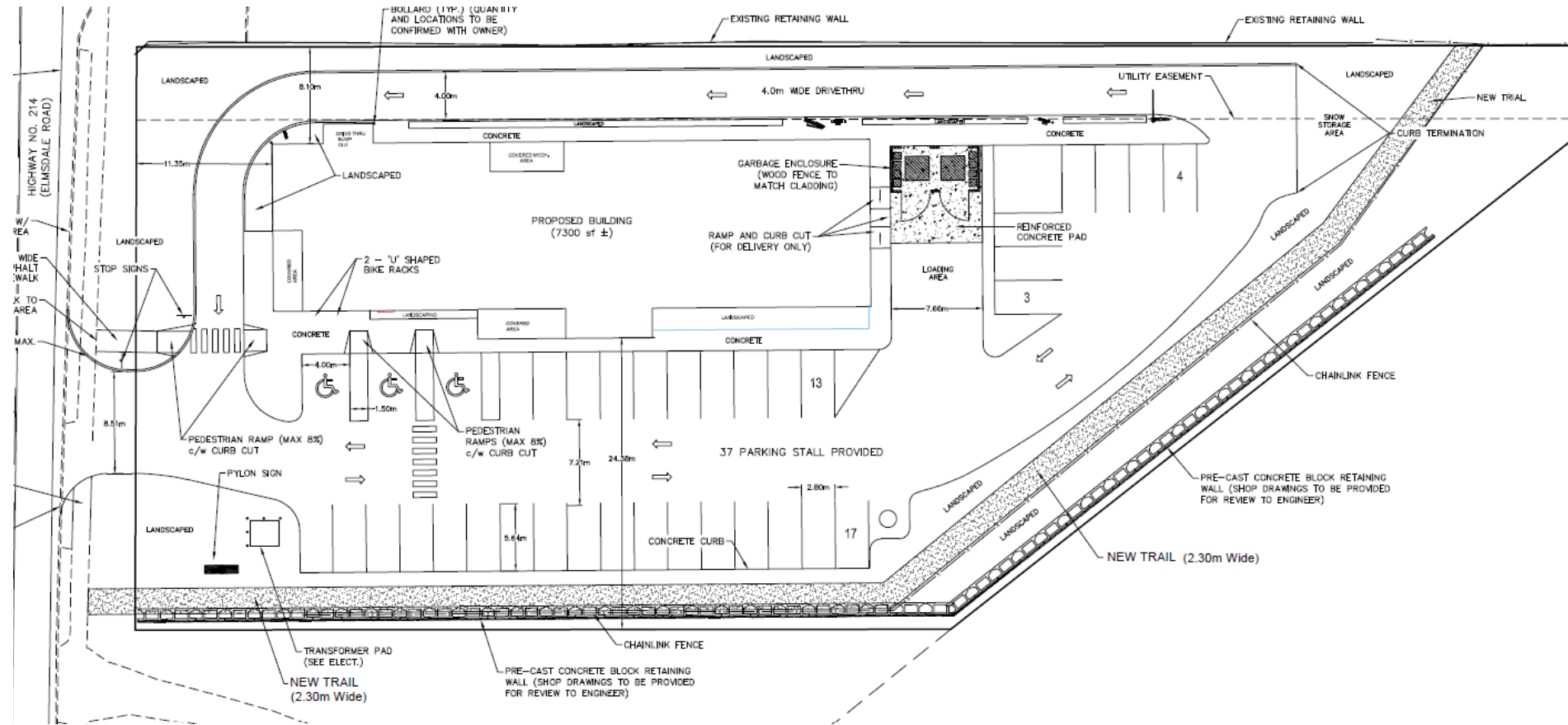
GROSS FLOOR AREA		FOOTPRINT		LOT COVERAGE	
GROUND FLOOR G.F.A	7620.01 SF (707.92 SM)	GROUND FLOOR AREA	7620.01 SF (707.92 SM)	LOT SIZE	51948 SF (4826 SM)
UPPER FLOOR G.F.A	1418.05 SF (131.74 SM)	COVERED AREAS	975.30 SF (90.61 SM)	FOOTPRINT	8595.31 (788.5 SM)
TOTAL	9038.06 SF (839.66 SM)	TOTAL	8595.31 SF (798.5 SM)	LOT COVERAGE	16.5%

PROPOSED DESIGN



GROSS FLOOR AREA		FOOTPRINT		LOT COVERAGE	
GROUND FLOOR G.F.A	7314.53 SF (679.54 SM)	GROUND FLOOR AREA	7314.53 SF (679.54 SM)	LOT SIZE	51948 SF (4826 SM)
TOTAL	7314.53 SF (679.54 SM)	COVERED AREAS	559.25 SF (51.95 SM)	FOOTPRINT	7873.78 (731.50 SM)
		TOTAL	7873.78 SF (731.50 SM)	LOT COVERAGE	15.1%

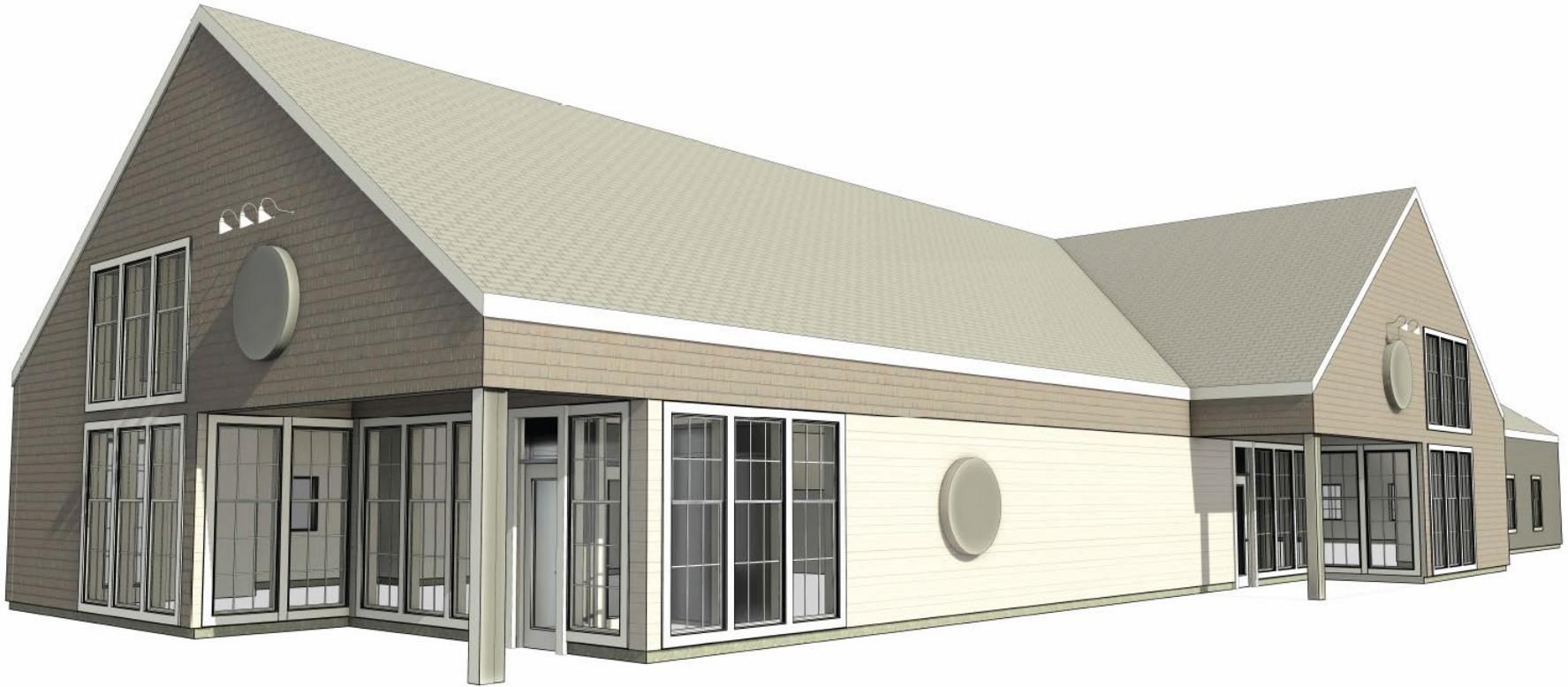
Changes to the parking lot layout



Changes to the parking lot layout

- Due to the decrease in size of building, the applicant has been able to move parking from the rear of the property to be alongside the south side of the building.
- Changes to the design has resulted in a need for less parking. A total of 37 spaces are now proposed which is a reduction of 4 spaces. They have reduced the size of the building and have removed two of the practitioner rooms from 12 to 10. The proposed parking meets the requirements of the land use bylaw.
- Nova Scotia Public Works have been requested to provide comments but no comments have been received - the location of the driveway remains the same as the original approval.

Changes to the external elevation



Changes to the external elevation

- Planning staff have reviewed the design of the building regarding the Form Based Zone design requirements for the Village Core (VC) Zone.
 - This application is submitted as an unsubstantial amendment to an existing approved building. The amended design increases the glazing on the frontage by 10% and proposes a more tradition design with a roof pitch of just over 8:12.
 - Staff recommend approval for the changes to the external design of the building.
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- Staff have also drafted into the agreement that the timeline for applying for a development permit is linked to the amending agreement.

Policy Analysis

- The Planning and Development Department has reviewed this application based on the applicable sections of the Municipal Government Act, the current development agreement, and the policies contained in the Municipal Planning Strategy and have concluded this application be identified as an unsubstantial amendment.
- As per the existing development agreement with the Municipality, any amendment, whether substantive or not, to the agreement must be approved by both parties in writing. Although, as already noted in this report, no public hearing is required, the process requires a public notice and is open to appeal to the Nova Scotia Utility and Review Board.
- Staff are recommending approval of the application.

Recommendation

That Council approve the unsubstantial development agreement amendments.

Recommended Motion

Planning Advisory Committee recommends to Council that Council:

- Approve the application by Andrew Kim for an unsubstantial development agreement amendment to amend the external design of the building and amend the parking lot layout at 251 Highway 214, Elmsdale; and
- Enter into the amendment within one year of Council's approval.