

To: **Antigonish County Planning Advisory Committee
Antigonish County Council**

From: **Planning Staff (EDPC)**

Date: **September 3, 2024**

Reference: **Application to rezone a portion of property (PID 10132611) located between Highway 337 and Mount Cameron Circle (extensions to Harbour View Drive and Duykers Drive) as well as four properties (PIDs 10137099, 10137107, 10137115 and 10137131) located on Mount Cameron Circle, Antigonish Landing, Antigonish County from the Residential (R-1) Zone to the Residential Multi-unit (R-2) Zone to allow for the development of a quadplex residential development.**

Recommendation:

That Municipal Council approve the proposed rezoning of a portion of property (PID 10132611) located between Highway 337 and Mount Cameron Circle as well as four properties (PIDs 10137099, 10137107, 10137115 and 10137131) located on Mount Cameron Circle Antigonish Landing, Antigonish County from the Residential (R-1) Zone to the Residential Multi-unit (R-2) Zone to allow for the development of a quadplex residential development.

Information:

On May 9th 2024, Commission staff received an application from the Vice President of SF Smith (The Maples) Retirement Living asking to amend the by-law "...to allow for the construction of fourplex residential buildings without having to go through the development agreement process." Effectively the request was to rezone four properties located on Mount Cameron circle which they would then consolidate into two lots to allow for the construction of two "multiple unit dwellings to a maximum of four units" as permitted in the R-2 Zone. Staff then reached out to the applicant to confirm they had only wanted to rezone the four lots on Mount Cameron Circle and received a revised plan with thirteen more proposed lots off extensions to Harbour View Drive and Duykers Drive. The complete rezoning would allow for the construction of fifteen quadplexes for a total of sixty (60) units as opposed to twenty-five duplexes for a total of fifty (50) units.

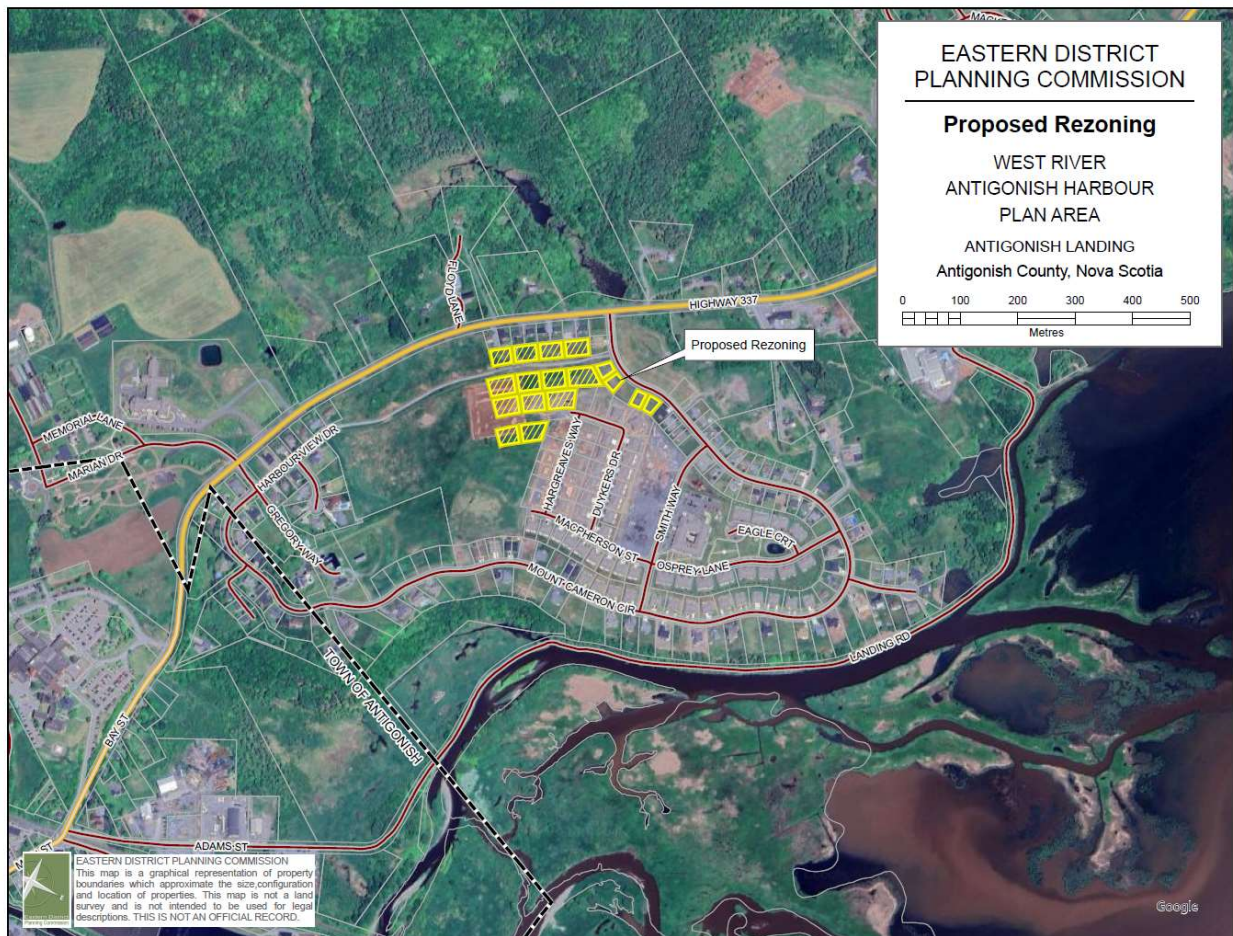
Description	
Plan Area:	West River Antigonish Harbour
Designation:	Residential
Zoning:	Residential (R-1) Zone
Context Map:	Figure 1, Page 2
Parcel Areas:	Portion of PID 10132611 Approximately 26,000 square metres (13 lots)
	Lots 6 and 8 1,739.0 square metres
	Lots 12 and 14 1,649.4 square metres
Proposed Lot size (Average):	1,625 square metres
Site Visit:	August 16, 2024

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A site visit was completed August 16, 2024, when staff walked the extent of the properties. The first phase of the development would be the four lots on Mount Cameron Circle which is a public Municipal Road built to the County's public road standards. The properties are vacant, sodded lots which back onto a berm behind the duplexes on Duykers Drive. The larger parcel, which would be located on an extension to both Harbour View Drive and Duykers Drive is partially excavated and/or covered with wild grasses.

The properties are designated Residential on the Generalized Future Land Use Map in the *Municipal Planning Strategy*. Council's intent for development within the residential designation is to recognize two unique and distinct types of development: moderately dense and serviced development located close to the Town, and un-serviced, low-density development dispersed throughout the rest of the Planning Area. The Residential designation allows for higher densities in serviced areas through three different land use provisions. Residential dwellings including duplexes and triplexes are permitted as of right within the R-1 Zone. Converted dwellings; Garden Suites, Grouped Dwellings and Multiple Unit dwellings to a maximum of four units; and townhouses are permitted by rezoning to the R-2 Zone. Finally multiple unit dwellings with more than four units can be considered by development agreement within the designation.

Figure 1: Context Map



Analysis:

Rezoning provides an approach to development control which allows for a Council to consider a number of criteria prior to allowing a development to move forward. When considering such a rezoning, staff will refer to the evaluation criteria written in the Municipal Planning Strategy (MPS) and review the relevant items as part of their recommendations to Council. There are typically two sections of an MPS that apply to rezonings: the specific policy enabling the rezoning with its associated criteria and the implementation section.

The specific enabling policy for this rezoning is found Policy L-2.9 which states that Council shall consider the rezoning of properties to the Residential Multi-Unit (R-2) Zone within the serviced portion of the Residential Designation subject to a number of criteria and also references the general implementation Policy I-1.10. (See Figure 2, Page 4.)

A general enabling policy for this rezoning is also found in Implementation policy I-1.8 which lists every instance of where a rezoning is identified as an option for a development. This policy states: *“It shall be the intent of Council that the following uses, within the designations specified, shall be considered only by amendment to the land-use by-law... e) multiple unit residential uses with four (4) or fewer units according to Policy L-2.9...”*

The final applicable section of the MPS is the implementation section which includes two separate policies (I-1.9 and I-1.10) which apply to all applications for rezoning. Policy I-1.9 deals with procedure and notification requirements external to the staff report. Policy I-1.10 includes general criteria which can be considered as part of any rezoning in addition to the specific criteria found in Policy L-2.9

Design of Proposed Development

Policy L-2.9 permits multi-unit dwellings up to four (4) units by rezoning to the Multi-unit (R-2) Zone subject to the provisions of within the policy. Policy L-2.9 (a) prescribes that the proposed development be compatible with adjacent residential uses with respect to **“scale, mass and use.”** It should be noted that this proposal is part of a larger planned development which includes seniors’ apartments, an apartment building through a recently approved development agreement, as well as single, two unit and three-unit dwellings. The proposal to move from two-unit dwellings to four-unit dwellings is an incremental increase of ten units in density and consistent with the proponent’s overall plan for the community. Also the property could be developed as of right with three-unit dwelling meaning the incremental increase in density is arguably less than ten units. This incremental increase in density plays a key role in the evaluation of the rezoning criteria.

Municipal Services:

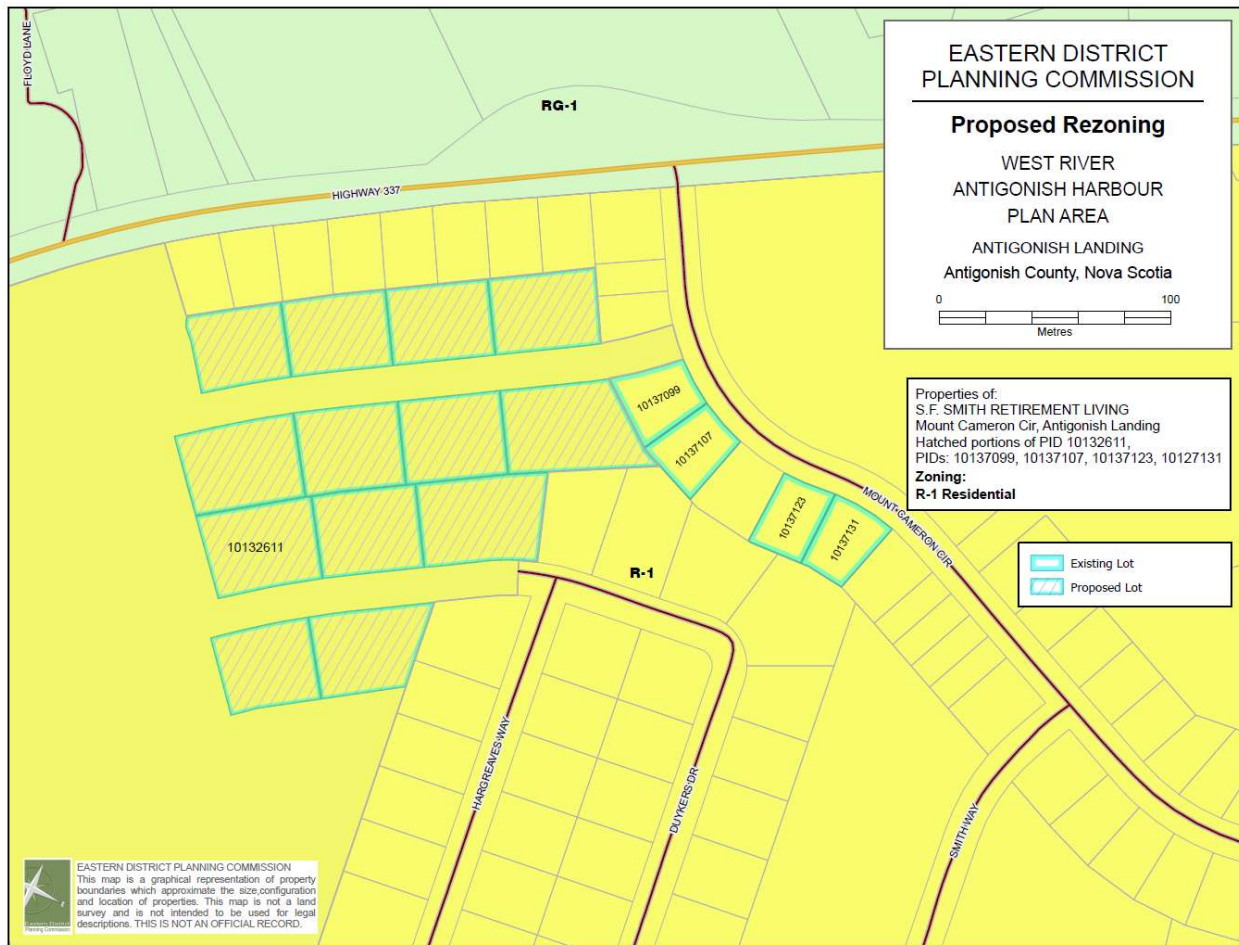
Policy L-2.9 (b) and (c) require Council to consider the impact of the development on traffic generation and municipal water and sewer services. The comments from the municipal Department of Public Works stated that the proposed development is capable of being serviced by municipal water and sewer and the proposed development will not strain the capacities of

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these services. Planning staff observed the road network to be adequate and that the incremental increase in density will not create any major traffic problems. As noted earlier, the proposed development has a minimal impact on density. Phase one, for example, will take four lots which would permit four two-unit dwellings and then combine them so that they can build two four-unit buildings with no impact on overall density.

Policy L-2.9 (d) requires Council to consider if capacities of local schools and parks will be strained. Enrollment in the Strait Regional School Board has been consistent over the last decade around 6,240 students. Last school year enrollment in the school district was 6,269 students which is approximately 100 students less than peak enrollment in 2018/19. No schools in the region exceed the Provincial “Class Cap Guidelines” regardless that classes may exceed defined caps due to school capacity or as a result of exceptional circumstances. This development should have minimal impact on the capacity of local schools. The development also has sidewalk access (less than a kilometer) to the trails in the Antigonish Wildlife Management area on the Rights River.

Figure 2: Rezoning Map



Finally, policy L-2.9 (e) relates to site specific requirements relative to parking; whether the parking area proposed on the site is of sufficient size to satisfy the needs of the development; is well designed and properly related to the building and landscaped areas. Parking will be subject

to the zone standards in the R-2 Zone. Also, each unit has been designed with an attached one-vehicle garage and room for a second vehicle in the driveway. The zoning requires 1.5 spaces for every dwelling unit.

Implementation Provisions

The proposed rezoning must also be consistent with the Implementation Section of the Municipal Planning Strategy which stipulates the Evaluation Criteria and Terms for any rezoning. The following is a synopsis of the criteria, evaluation, agreements and conditions (See Appendix A).

The development proposal is not deemed to be premature based on a number of criteria. With respect to the financial capabilities of the Municipality to absorb any cost related to the development none have been identified which would be the responsibility of the County apart from those which would be typical in taking over a public road. Nevertheless, the Municipality has the financial capabilities to absorb any municipal costs associated with the development. Municipal public works staff have had the chance to inspect and confirm that the lots in the development proposal are capable of being serviced with municipal water and sewer services. Both properties are presently vacant so there are no historic buildings nor sites impacted by the development.

Statements of Provincial Interest:

The purpose of the Statements of Provincial Interest (SPI) is to protect the common public interest and encourage sustainable development in municipalities. The SPI are policy statements adopted by the provincial government under the powers of the Municipal Government Act (MGA s.193). Legislation requires that municipal planning documents are “reasonably consistent” with the SPI. Upon review of the SPI, Staff conclude that the proposed development is reasonably consistent with all the relevant statements. The location is not in an identified floodplain and will be using existing municipal infrastructure and extending it. Furthermore, it will positively impact the housing supply in the area, but not necessarily the affordable housing supply. Therefore, Staff find that the proposed development is reasonably consistent with the Statements of Provincial Interest.

Conclusion:

Analysis of the site and proposal, completed through a review of relevant policies the Municipal Planning Strategy indicate that this proposed development is reasonably consistent with the relevant policies of the West River Antigonish Harbour Municipal Planning Strategy. Staff recommend that Municipal Council approve the proposed rezoning of a portion of property (PID 10132611) located between Highway 337 and Mount Cameron Circle as well as four properties (PIDs 10137099, 10137107, 10137115 and 10137131) located on Mount Cameron Circle Antigonish Landing, Antigonish County from the Residential (R-1) Zone to the Residential Multi-unit(R-2) Zone to allow for the development of a quadplex residential development.

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Proposed Motions for the Planning Advisory Committee:

Based upon the staff recommendation, the proposed motions for PAC are:

- 1. That the Planning Advisory Committee accept the recommendation of staff and recommend Municipal Council rezone a portion of property (PID 10132611) located between Highway 337 and Mount Cameron Circle as well as four properties (PIDs 10137099, 10137107, 10137115 and 10137131) located on Mount Cameron Circle Antigonish Landing, Antigonish County from the Residential (R-1) Zone to the Residential Multi-unit(R-2) Zone; and*
- 2. That Municipal Council give First Reading and schedule a Public Hearing.*

Proposed Motions for Council:

Based upon a positive recommendation from the PAC, the proposed motions for Council are:

FIRST READING AND SETTING A PUBLIC HEARING DATE:

- 1. That Municipal Council give First Reading and schedule a Public Hearing regarding the rezoning of a portion of property (PID 10132611) located between Highway 337 and Mount Cameron Circle as well as four properties (PIDs 10137099, 10137107, 10137115 and 10137131) located on Mount Cameron Circle Antigonish Landing, Antigonish County.*

Appendices:

Appendix A: Summary of Policies

Appendix B: Site Plans

Appendix C: Amending Page

Appendix A: Summary of Evaluation Criteria

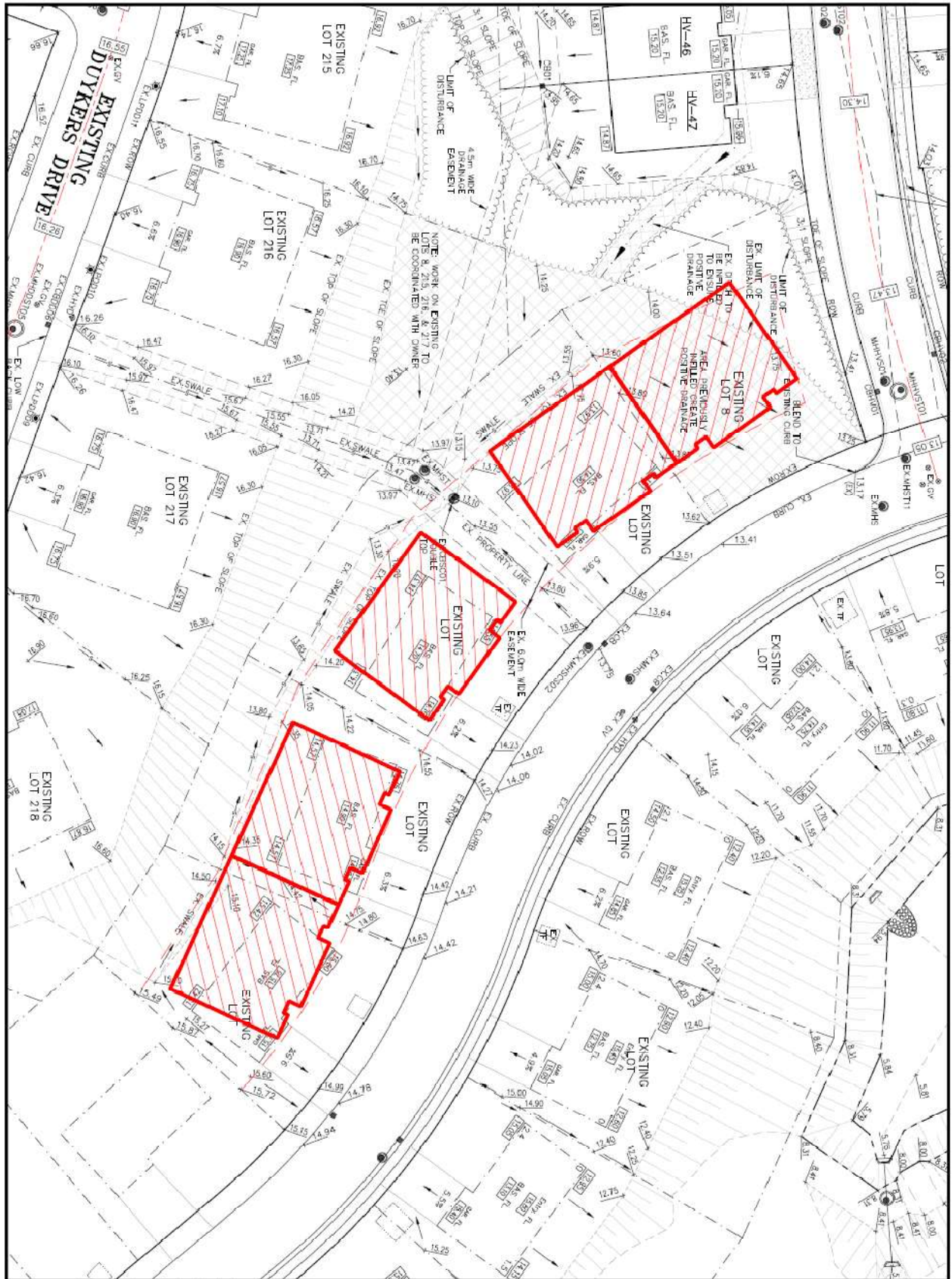
Policy L-2.9	It shall be the policy of Council to consider the rezoning of properties to the Residential Multi-Unit (R-2) Zone within the serviced portion of the Residential Designation. In evaluating such proposals, Council shall have regard to the following:	
a)	the proposed development is compatible with adjacent residential uses with respect to scale, mass and use;	Complies (See Staff Report)
b)	that the location of the proposed development does not create any major traffic problems;	Complies (See Staff Report)
c)	that the proposed development is to be served by municipal sewer or sewer and water and that it will not strain the capacities of those services;	Complies (See Staff Report)
d)	the capacities of local schools and parks will not be strained;	Complies
e)	whether the parking area proposed on the site is of sufficient size to satisfy the needs of the particular development; is well designed and properly related to the building and landscaped areas;	Complies (See site plan)
f)	the proposal is consistent with the criteria to amend the Land Use By-law, found in Policy I-1.10	Complies
Policy L-2.10	It shall be the policy of Council to set out in the LUB requirements for landscaping in the Residential Multi-Unit (R-2) Zone where a multiple unit residential development abuts a residential, recreational or institutional use.	Complies

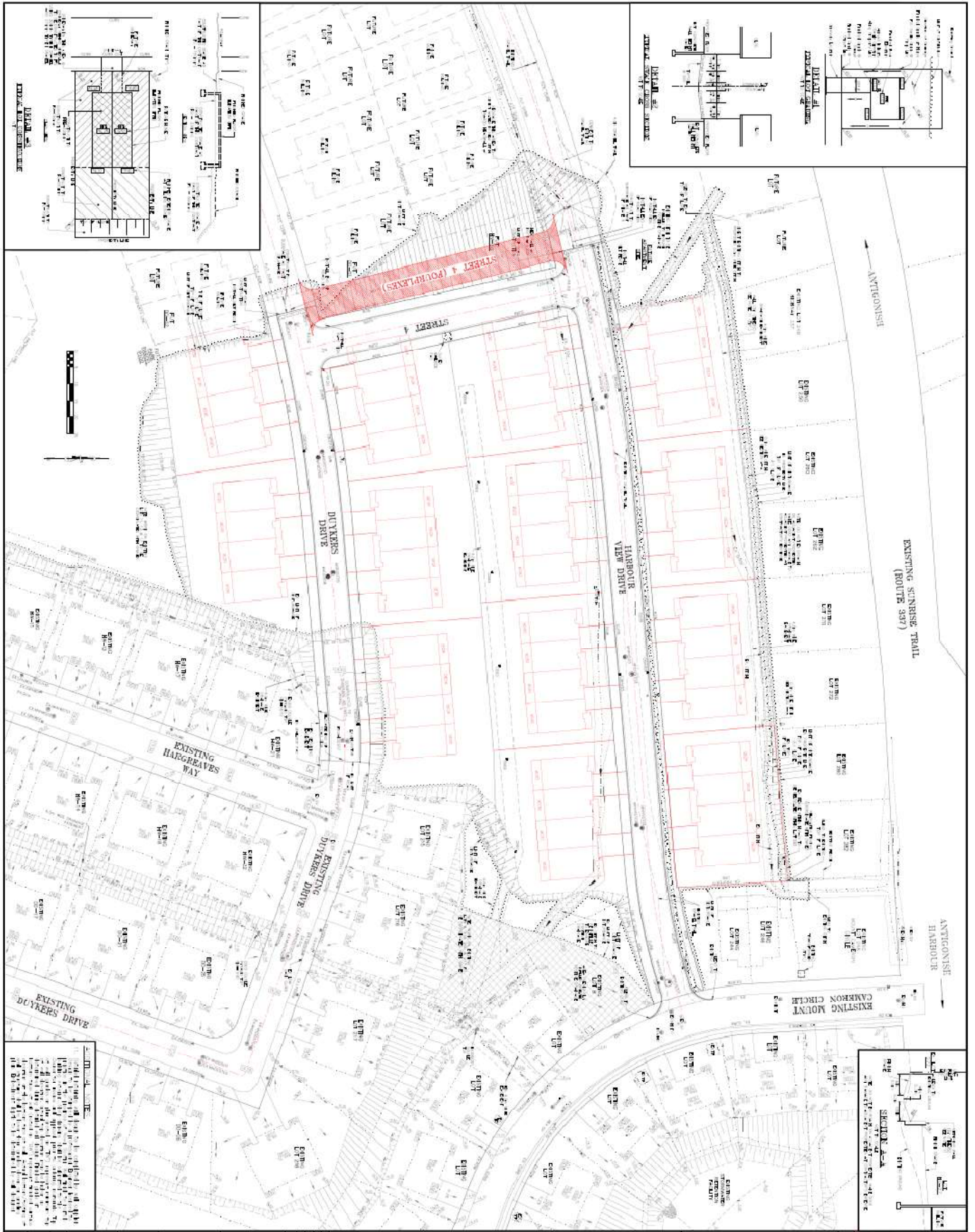
Policy I-1.9 In considering amendments to the Land Use By-law it shall be the policy of Council to:		
a.	request a report from the Eastern District Planning Commission;	Yes
b)	request the Planning Advisory Committee and the Area Advisory Committee to consider the report prepared by the Planning Commission with respect to Policy I-1.10 (Criteria for Amendment to the Land Use By-law), and any other policies of this Strategy that affect the proposed amendment;	September 3, 2024
c)	refer the matter to the appropriate individual municipal and provincial government departments (as identified in this Strategy) where special expert advice is required;	See Staff Report
d)	comply with all legal requirements concerning amendments to the Land Use Bylaw as set out in the <i>Municipal Government Act</i> ; and	To be advertised in accordance with provisions.
e)	require the applicant to pay the cost for advertising with respect to the public notice, as provided for in the <i>Municipal Government Act</i> .	Deposit received.

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Policy I-1.10 In considering amendments to the LUB, in addition to all other criteria set out in various policies of this planning strategy, Council shall have regard for the following matters:	
a. The proposal is in conformance with the intents of this Strategy and with the requirements of all other Municipal by-laws and regulations;	Yes, complies with the intents of the MPS
b. The proposal is not premature or inappropriate by reason of:	
i) the financial capability of the Municipality to absorb any costs relating to the development;	Complies
ii) the adequacy of sewer and water services to support the proposed development;	Complies
iii) the adequacy and proximity of school, recreation and other community facilities;	Complies
iv) the adequacy of road networks adjacent to, or leading to the development;	Complies
v) the potential for the contamination of watercourses or the creation of erosion or sedimentation; and	To be addressed during building permit process.
vi) the potential for damage to or destruction of historical buildings and sites.	N.A.
c. Whether the proposal conforms to the requirements contained in the Land Use By-law relating to the following:	
i) the type of use;	Complies – Zone requirement
ii) setbacks, height, bulk, and lot coverage of a proposed building or expansion to an existing structure;	Complies – Zone Requirement
iii) traffic generation, access to and egress from the site, and parking;	Complies
iv) open storage;	N.A.
v) signs;	N.A.
vi) provisions for buffering, landscaping, screening and access control to reduce potential incompatibility with adjacent land uses and traffic;	No incompatibilities with adjacent land uses identified
vii) the location of the development so as not to obstruct any natural drainage channels or watercourses;	To be addressed during building permit process.
viii) sufficient building separations to permit access to firefighting equipment and to prevent the spread of fire.	All unit front on a proposed or existing public street
d. Suitability and costs of the proposed development in terms of steepness of grades, soil and geological conditions, marshes, swamps or bogs and proximity of highway ramps, railway rights-of-way and other nuisance factors.	No issues identified

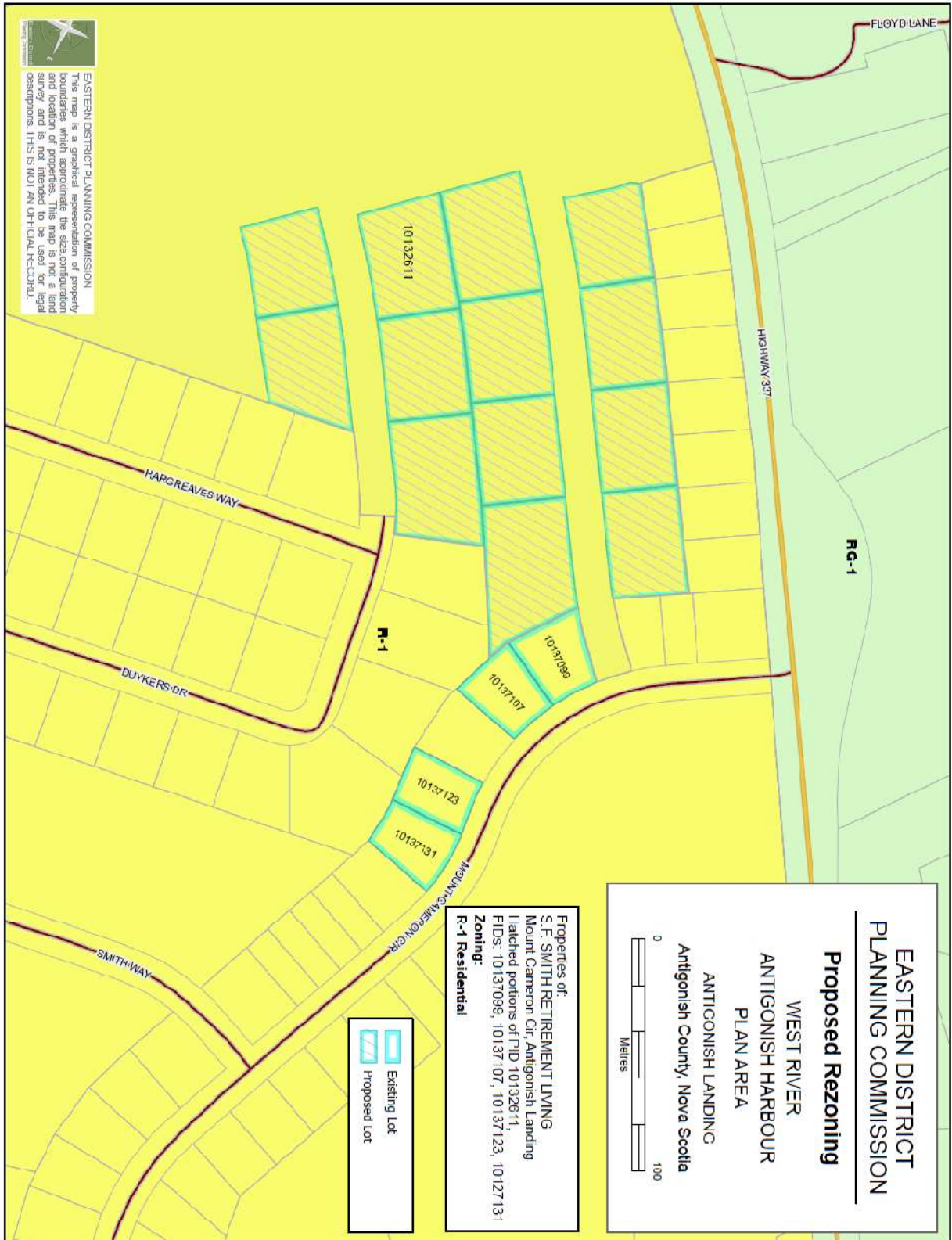
Appendix B: Site Plans





Appendix C: Amending Page

The *West River Antigonish Harbour Land Use By-law* shall be amended as shown on the Rezoning Map below.



Staff Report

This is to certify that the By-law, of which this is a true copy, was passed at a duly called meeting of the Council for the Municipality of the County of Antigonish on _____, 2024. Given under the hand of the Chief Administrative Officer and under the corporate seal of the said Municipality this ____ day of _____, 2024.

Shirlyn Donovan
Interim CAO