



Planning Advisory Committee Meeting

September 8, 2022

4:00 p.m.

Hybrid – In-person and virtual via Teams

Council Chambers

359 Main Street

Agenda

Call to Order

1. Approval of Agenda

2. Approval of Minutes

- a. Planning Advisory Committee Meeting, June 9, 2022 (will be sent separately)

3. Public Input / Question Period

PLEASE NOTE:

- Public Participation is limited to 30 minutes
- Each Person is limited to 3 minutes and may return to speak once, for 1 minute, if time permits within the total 30-minute period
- Questions or comments are to be directed to the Chair
- Comments and questions that relate to personnel, current or potential litigation issues, or planning issues for which a public hearing has already occurred, but no decision has been made by Council, will not be answered.



4. New Business:

- a. DA Amendment Application – Travis Mills additional units**
 - i. Staff Presentation
 - ii. Discussion and questions for Staff and Applicant (if present)
 - iii. Committee comments and Motion
- b. DA Application – Devour Studios Signage**
 - i. Staff Presentation
 - ii. Discussion and questions for Staff and Applicant (if present)
 - iii. Committee comments and Motion
- c. Rezoning/LUB Amendment – 120 Highland (Ummah Society)**
 - i. Staff Presentation
 - ii. Discussion and questions for Staff and Applicant (if present)
 - iii. Committee comments and Motion
- d. Land Use By-law Amendments – Daycares and Architectural Drawing requirement**

5. Old Business:

- a. East End Secondary Planning Update**
 - i. November meeting – joint PAC and Council
- b. Other updates/questions for Staff**

6. Round Table

7. Meeting time discussion and membership update

8. Next Meeting

- a. October 13, 2022 – 4:00 p.m.

9. Adjournment

REPORT TO PLANNING ADVISORY COMMITTEE
Development Agreement Amendment Proposal

PID 55274591

Date: September 2022

Department: Planning & Development



APPLICANT	Travis Mills
PROPOSAL	<p>To amend an existing Development Agreement to allow for additional dwelling units, under our new Land Use By-law, at PID 55274591. The proposal is for three additional buildings: two 2 storey buildings with ten dwelling units each (townhomes) and one three storey building fronting Gaspereau Avenue with commercial space on the main level and four apartments on both the second and third levels (8 residential units).</p> <p>The proposal would be building at 16 dwelling units per acre as per the new R3 zoning. 76 total dwelling units would be on the property at final build-out.</p>
LOCATION	PID 55274591
LOT SIZE	4.4 acres + ~.25 acre remnant Gaspereau Avenue area
DESIGNATION	Neighbourhood Residential
ZONE	Medium Density Residential (R-3)
SURROUNDING USES	Medium and high density residential, Highway 101
ARCHITECTURAL GUIDELINES	Not applicable
NEIGHBOUR NOTIFICATION	Newspaper ads and notices mailed to surrounding property owners within 100 metres for Public Information Meeting (PIM). Notification will come again in advance of the Public Hearing.

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PROPERTY LOCATION

Figure 1: PID 55274591 is located between 209 and 225 Gaspereau as shown in Figure 1.

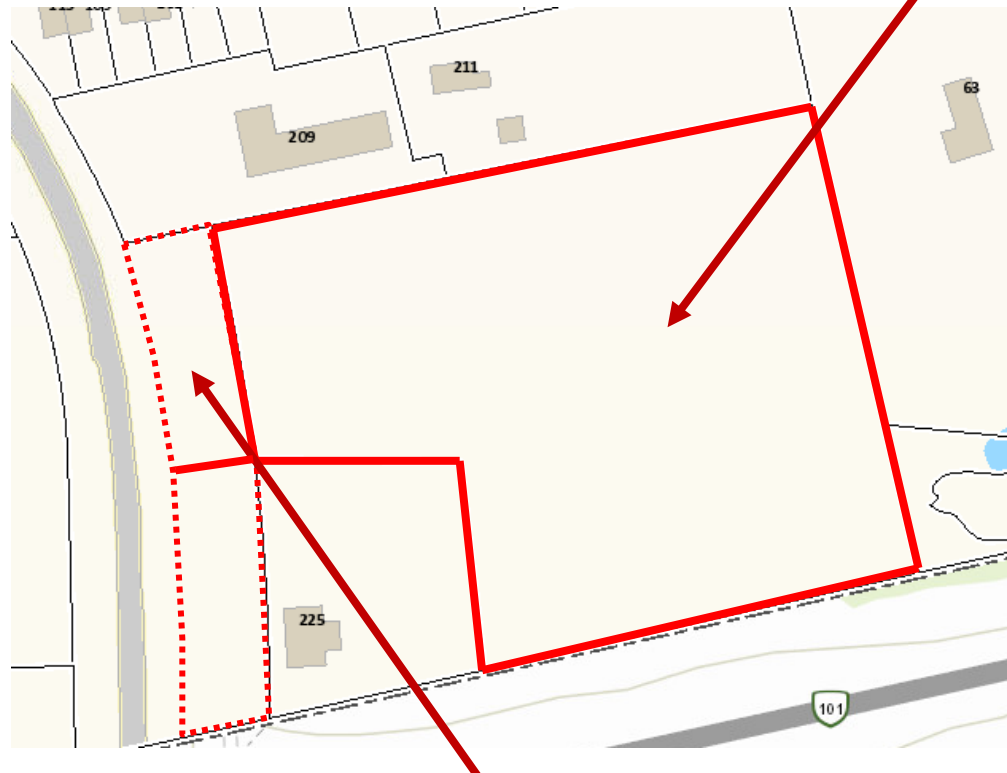


Figure 1: Unused former Right-of-Way (dashed line) containing Town services. To be disposed of to adjacent owners easement for services.

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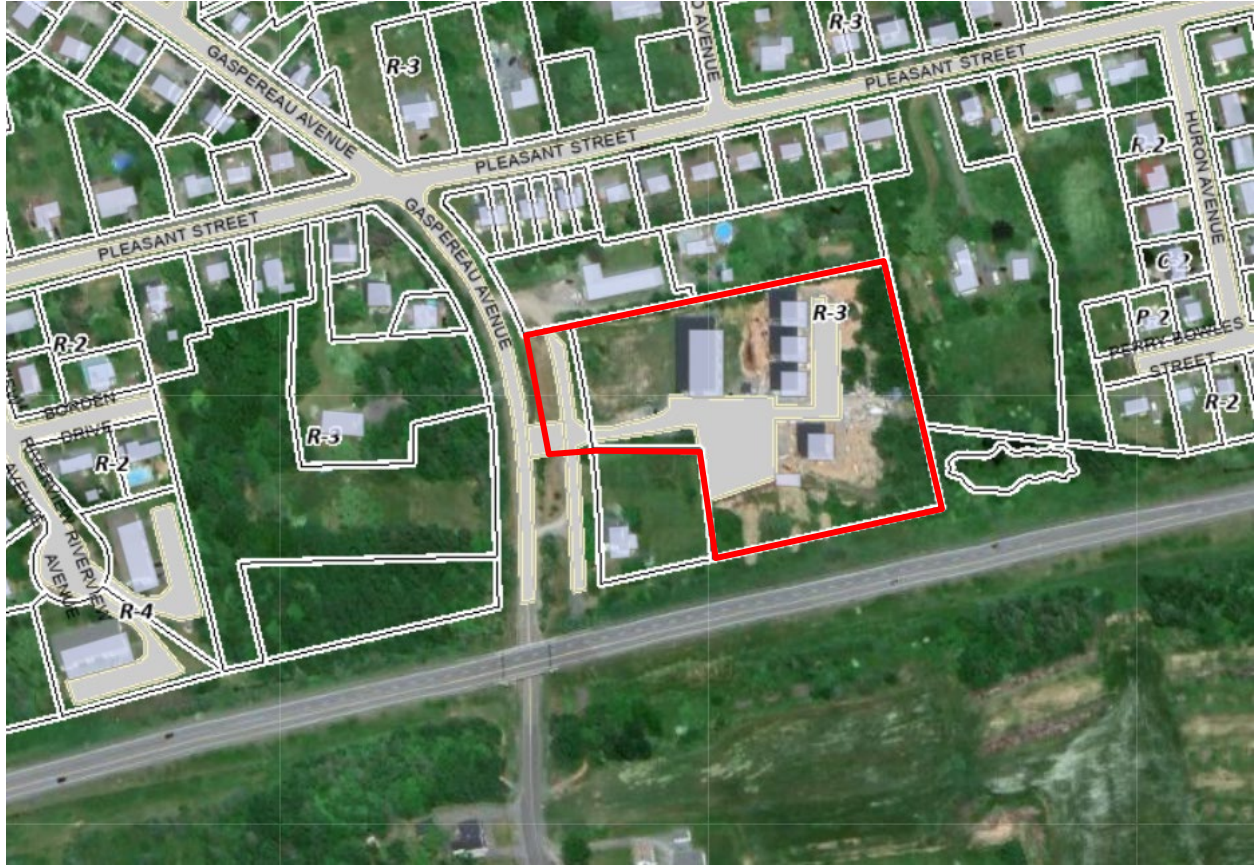


Figure 1 – Context Maps

PROPOSAL

DA 2018-008 was approved in 2018 and enabled the building of 48 units on PID 55274591, Gaspereau Avenue. The initial application proposed the development of five multi-unit residential buildings containing no more than 48 dwelling units total, local commercial uses within ground-floor spaces, and other associated uses. Since this application was first submitted, the zoning of PID 55274591 has changed from RCDD to R-3. The R-3 zone permits up to 16 units per acre, whereas the former RCDD Zone permitted up to 12. The applicant is now seeking to add additional units, up to 16 units per acre, as per the R-3 zoning adopted in September 2020 (new Planning Documents). The applicant is seeking to build two 2-storey buildings with ten dwelling units each (townhomes) and one 3-storey building fronting Gaspereau Avenue with commercial space on the main level and four apartments on both the second and third levels (8 total). The final build-out would see 76 dwelling units (28 additional with the amending proposal being considered). The original proposal is largely complete. The amending proposal is shown below in Figures 2 and 3.

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The Developer has stated to Staff:

- “People are desperate for housing. My and many other's waiting lists for apartment units are growing by the day. I receive daily about 3 requests for housing and many are extremely emotional.”
- “I have already placed the expensive infrastructure components such as sewer, water and driveway and this will reduce cost which will be passed onto the consumer.”

Proposed Site/Landscaping Plan (Figure 2 and 3)

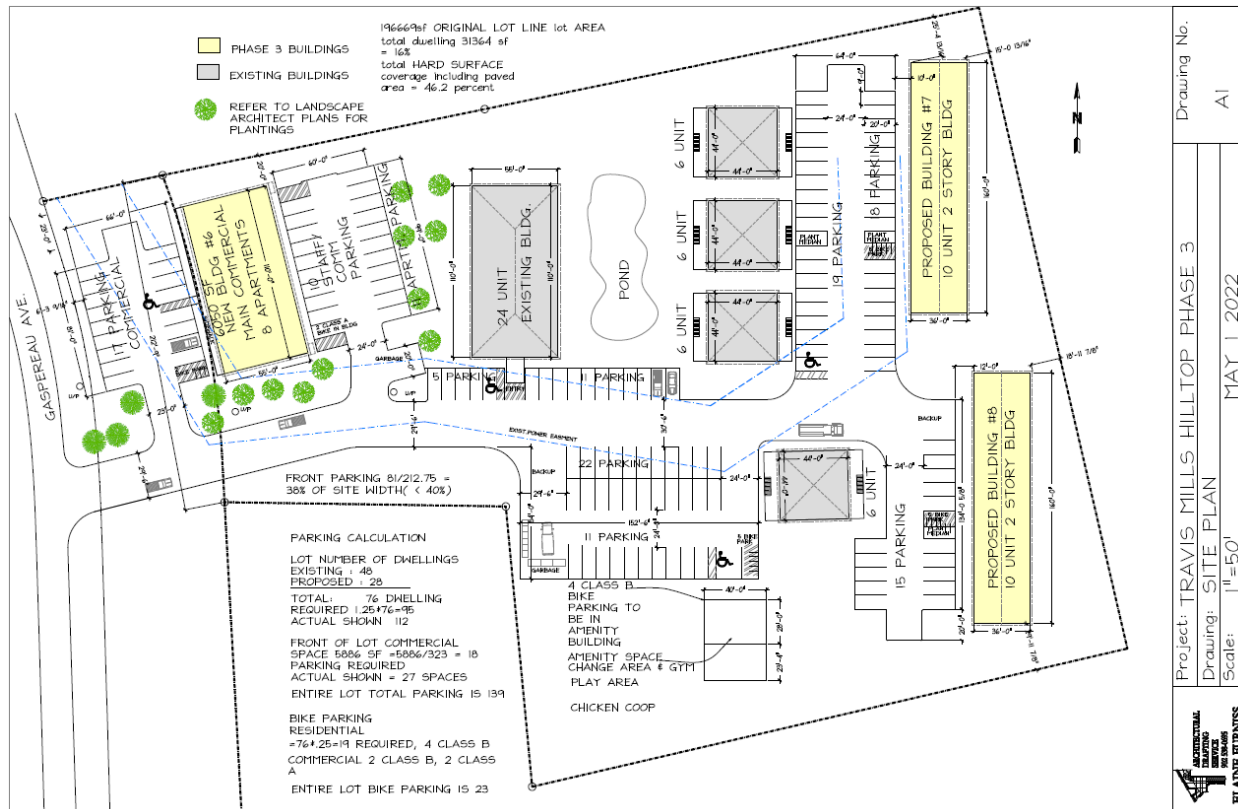


Figure 2 – Phase three site plan illustrating the three proposed buildings.



Figure 3 – Landscaping Plan.

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Proposed Elevations of commercial/residential building #6 (Figure 4 & 5)

This building contains 6,000 square feet of ground level commercial space with exterior access and eight apartments total with a loft area on the second and third stories. The apartments will be one and two bedroom units. The ground floor would be given a commercial treatment (e.g. large windows, awnings) and would be required through the Development Agreement.



Figure 4 – Front, western elevation of building #6, ground floor commercial with 2nd and 3rd storey apartments.



Figure 5 – Rear, eastern elevation of building #6, ground floor commercial with 2nd and 3rd storey apartments.

Proposed elevation of buildings #7 and #8 (Figure 6 & 7).

Buildings 7 and 8 have a footprint of approximately 5,000 square feet. They each contain 10 apartments, all two bedroom.

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Figure 6 – Front western elevation and north side elevation of buildings #7 & #8, two-storey townhomes.

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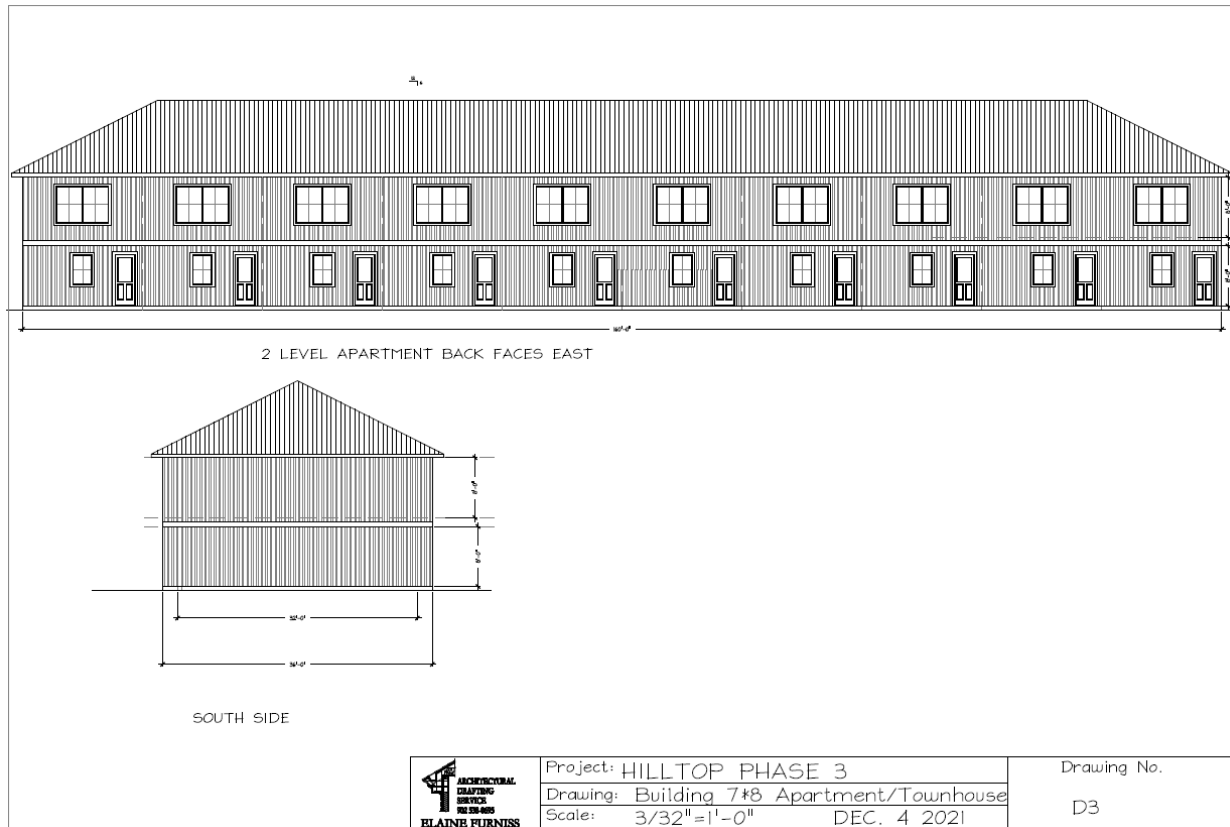


Figure 7 – Rear eastern elevation and south side elevation of buildings #7 & #8, two-storey townhomes.

POLICY REVIEW & DISCUSSION

The property is designated Neighbourhood in the [Municipal Planning Strategy](#) (MPS) and zoned Medium Density Residential (R-3) in the [Land Use Bylaw](#) (LUB). The property is ~4.4 acres in size, fronting on Gaspereau Avenue’s old road, just east of the existing road, and is located between 209 and 225 Gaspereau Avenue. It has no notable development constraints or limitations based on slope.

The Municipal Planning Strategy (MPS) includes several policies for Council to consider when reviewing such an application. This section provides relevant policies for this development proposal and discussion on criteria set out within these policies.

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Municipal Planning Strategy (MPS)

MPS Part 5 – Objectives

Within the list of objectives outlined in Part 2.3 ‘Our Shared Future and Community Priorities’ of the MPS, the objectives most relevant to the proposed development are from the objectives listed in sections 2.3.1 Land use and Design, and 2.3.4 Social Equity, as shown below:

<p>OBJECTIVE LU</p> <p>To create complete neighbourhoods to maximize our infrastructure and promote community health.</p> <p>ANTICIPATED RESULTS</p> <ul style="list-style-type: none"> • Create and incentivize neighbourhood commercial to create convenient access to services for all residents. • Focus on walkability improvements. • Strive to integrate Asset Management and Planning. 	<p>OBJECTIVE LU</p> <p>To ensure a full range of housing options for Wolfville residents of all ages and incomes.</p> <p>ANTICIPATED RESULTS</p> <ul style="list-style-type: none"> • Increase housing options based on community needs. • Encourage affordable housing options (including non-market). • Set housing targets and monitor over time. 	<p>OBJECTIVE SE</p> <p>To provide age friendly, accessible, and affordable housing options for a mix of demographics to encourage social inclusion.</p> <p>ANTICIPATED RESULTS</p> <ul style="list-style-type: none"> • Ensure variety and adaptability in our housing options.
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MPS Part 8.3 – Medium Density Residential

The MPS establishes when a development requires a development agreement. In the Neighbourhood Designation, within the Medium Density Residential (R-3) zone, a development agreement may be used for the consideration of unique and site-specific considerations, as per Policy 8.3.3:

<p>IT SHALL BE A POLICY OF COUNCIL:</p> <ol style="list-style-type: none"> 1. To establish Medium Density Residential (R-3) zoning in the Land Use Bylaw that permits (as-of-right) a range of medium density residential uses as outlined in the Land Use Bylaw. 2. To use Site Plan Approval in the Medium Density Residential (R-3) zone of the Neighbourhood Designation as outlined in the Land Use Bylaw for the consideration of certain uses that require additional regulatory considerations. 	<p style="text-align: right;">FW LU CA SE</p> <ol style="list-style-type: none"> 3. To use Development Agreements in the Medium Density Residential (R-3) zone of the Neighbourhood Designation, as outlined in the Land Use Bylaw, for the consideration of certain uses that require unique and site-specific considerations. 4. To enable the rezoning of properties within the Neighbourhood Designation, to Medium Density Residential (R-3), where the criteria of Section 11 – Implementation and the provisions of the Land Use Bylaw can be met.
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MPS Part 5.0 – Providing for Mobility Options

5.0.6: To require bicycle parking at new multi-unit buildings and at Harvest Moon Trail access points.

(Note: Bicycle parking will be included in the final Development Agreement requirements for this project)

Staff do have concern with the ability to connect this development with the Pleasant Street sidewalk and future AT corridor. Gaspereau Avenue from the development to Pleasant Street currently has no sidewalk. There is also a bus stop located at the corner of Gaspereau/Pleasant. Discussions are ongoing with the Developer and our Director of Engineering on a solution that should be resolved with the conclusion of this amendment application.

MPS – Part 5.2 Parking and Loading

5.2.3. To ensure that all developments permitted by site plan approval and development agreement include provisions for adequate automobile and bicycle parking to serve the development, as outlined in the Land Use Bylaw. (Note: Parking will be addressed in the final DA – see site plans submitted).

MPS – Part 8.6.1 - Housing Choice and Affordability

Policy 8.6.1 encourages the development of mixed dwelling types including duplexes, townhouses and low-rise apartment buildings in the Neighbourhood Designation, as shown below:

1. To encourage an overall dwelling type mix in the Neighbourhood and Core Neighbourhood designations of at least 30% but not more than 35% detached dwellings, at least 15% attached dwellings, and at least 45 % but not more than 50% apartment dwellings.

- a. To consider semi-detached, duplex, townhouse and multi-unit dwellings in consideration of these targets.*
- b. To consider multi-unit dwellings above four units as apartment dwellings in consideration of these targets.*

3. To support projects that increase the variety of housing options available for Wolfville residents of all ages and incomes by:

- a. Positively promoting the value of high density housing forms such as accessory dwelling units, two-unit dwellings, townhouses, triplexes and fourplexes, and low-rise apartments;*

MPS – Part 11 – Implementation

Parts 11.4.2 and 11.4.3 contain general policies that are to be considered for all development agreement applications. A summary of the entire policy, with Staff comment to each criterion, is provided as *Attachment 1*.

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MPS - Part 11.4.2 Land Use Bylaw and Development Agreement policy

IT SHALL BE THE POLICY OF COUNCIL:

1. To indicate uses considered by development agreement in the Land Use Bylaw.
2. To enter into a development agreement pursuant to the Municipal Government Act on the terms and conditions set forth in this Municipal Planning Strategy and a development agreement shall:
 - a. specify the development, expansion, alteration, or change permitted; and
 - b. specify the conditions under which the development may occur; and
 - c. set forth the terms by which Town Council may terminate the agreement.
3. To have the provisions of the Land Use Bylaw prevail after discharge of any development agreement.
4. To enable the ability to bring certain as-of-right and site plan applications forward to Council for consideration by Development Agreement where the application meets the intent of this planning strategy but is unable to meet specific, prescriptive requirement(s) of the Land Use Bylaw.

Land Use By-Law (LUB)

Part 11. Medium Density Residential (R-3) Zone:

11.1 INTENT

The R-3 zone is intended to permit a range of low and medium density residential development to a maximum of 8 dwelling units by Site Plan Approval. Home based businesses and other uses such as short-term rentals are permitted subject to conditions. Council may consider unique and site-specific developments by development agreement.

Part 8. General Requirements for Neighbourhood Zones

Section 8 of the LUB outlines the residential and neighbourhood commercial uses permitted through various approval processes in Table 8.1 and 8.2, shown below.

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Residential Uses	R-1	R-2	R-3	R-4	CDD	C-2
Additions	P	PC	PC	PC	P	PC
Accessory Dwelling Unit – Detached		SP	PC	PC		PC
Dwelling, Single	P	P	P			P
Dwelling, Two Unit		P	P	P		P
Dwelling, Townhouse (max 3 units)			P	P		P
Dwelling, Multi-unit- Small (3- 8 units)			SP	SP		SP
Dwelling, Multi-unit - Large (max of 16 units per acre)			DA	SP		DA
Dwelling, Multi-unit (max of 18 units per acre)				SP		
Dwelling, Multi-unit (19 to 24 units per acre)				DA		
Cluster Housing		DA	SP	SP		SP
Existing Uses	P	P	P	P	P	P
Home Based Business (Arts and Crafts Workshop, Catering Establishments, Daycares up to four children/persons, Online/Digital Sales, Offices, Studios, Short Term Rentals max of 3 rental rooms) < 80 sqm		PC	PC	PC		PC
Home Occupation – Restricted (<50 sqm)	P	P	P	P		P
Innovative Housing		DA	DA	DA		DA
Parks and Playgrounds, Public Washrooms, Community Gardens, & Historic Sites	P	P	P	P	P	P

Table 8.1 Neighbourhood Land Use Table

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Neighbourhood Commercial Uses	R-1	R-2	R-3	R-4	CDD	C-2
Art Galleries & Studios						P
Bakeries						SP
Catering Establishment > 80sqm						PC
Commercial Schools (new or expansion of existing)						SP
Craft Workshops > 80sqm						SP
Daycare Facilities (more than 4 children/persons)						SP
Farm Markets						SP
Hostels						SP
Hotels						DA
Inns (12 or less rental rooms)		SP	SP	SP		SP
Institutional Uses						SP
Laundromats						SP
Medical Clinics						SP
Nano-Brewery (See special provision in the C-2 zone)						SP
Neighbourhood Cafe < 100 sqm						SP
Neighbourhood Commercial Use > 200 sqm						DA
Neighbourhood Commercial up to 40% of Groundfloor of a multi unit building				SP		
Neighbourhood Commercial up to 100% of Groundfloor of a multi unit building				DA		
Neighbourhood Retail < 100 sqm						SP
Nursing Homes						SP
Offices & Professional Services > 80 sqm						SP
Parking Lots and Structures (Stand Alone)						DA
Residential Care Facility		PC	PC	PC		PC
Short Term Rentals		PC	PC	PC	PC	PC
Single Room Occupancy (4 or more rental rooms)		PC	PC	PC		PC
Tasting Rooms (See Special Provisions in the C-2 zone)						SP

Table 8.2 Neighbourhood Land Use Table.

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Note that commercial uses are not explicitly permitted in the R-3 zone (see above table) through in the newly adopted LUB; however, commercial uses were already permitted under the previous development agreement, as shown below:

5.1.2 Land Use

5.1.2.1 The following uses are permitted:

- (a) Five multi-unit residential buildings containing no more than 48 dwelling units total;
- (b) Local commercial uses within ground-floor spaces that have direct exterior access;
- (c) Rearing and keeping of twenty laying hens, contained on the property, no less than 24 meters from property edges.
- (d) Any accessory buildings or uses permitted by the Land Use Bylaw.

“Local Commercial Use” means a convenience store, laundromat, farm market or small scale commercial use aimed at a local neighbourhood clientele.

Given the location along Gaspereau Avenue (arterial road), and the existing and future population in this area, local commercial uses will be a good fit on this site. Staff do not feel all R3 properties would have this ability but this is a good use of a development agreement for a unique and site specific use.

GASPEREAU AVENUE ROAD RIGHT-OF-WAY

Staff are working with the Developer and adjacent land owner on disposal on the remnant road right-of-way, as per *the Municipal Government Act*. The area has municipal services (water and sewer pipes) running through those areas – therefore are undevelopable other than parking or other non-buildable uses. Staff have been working with the owners on a process to dispose of this land with associated servicing easements for our infrastructure. The water and sewer infrastructure can be seen below in Figure 8.

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Figure 8 – Gaspereau Avenue right-of-way remnant area and service locations from Town GIS.

PROCESS & NEXT STEPS

Section 230 of The Municipal Government Act (MGA) establishes the process for the approval of a Development Agreement. This process requires review by the Planning Advisory Committee and the holding of a Public Hearing by Council prior to a decision by Council to approve or reject the proposal. The decision by Council may be appealed to the Nova Scotia Utility and Review Board by an aggrieved person or by the Applicant.

The first stage of the development agreement amendment application review process began at the Public Information Meeting (PIM) held on June 23rd, 2022. Property owners within 100 metres of the development were notified by mail and a notice of the PIM was posted in the Saltwire newspaper indicating that the site was subject to a development agreement amendment. The purpose of the PIM was to provide the public with an opportunity to offer preliminary feedback on the request and allow the applicant to answer any questions that would arise. Notes from this session have been included as 'Attachment 2' and assisted the review process in identifying issues, support or concerns raised by residents.

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The next step in the Development Agreement Amendment process (as shown below), will be to have the Planning Advisory Committee (PAC) review this report and provide a recommendation to Council. Council will then provide Initial Consideration, and if passed, a Public Hearing will be scheduled prior to a decision on the proposal from Council.



Figure 9 – Development Agreement Process

REVIEW FROM OTHER DEPARTMENTS

Additional review to be provided by Public Works and other relevant department as the application progresses toward a Public Hearing and decision by Council.

PUBLIC INFORMATION MEETING

The Town held a Public Information Meeting on June 23rd, 2022. Notes from this meeting are included as Attachment 2. Concerns raised focused on traffic, view planes and noise.

SUMMARY OF DRAFT DEVELOPMENT AGREEMENT PROVISIONS

- To permit the development of 28 additional dwelling units and commercial space with associated landscaping, amenity space, parking, etc.

COMMENTS & CONCLUSIONS

The proposed amendments to DA 2018-008 are consistent with the existing DA and planning documents. The amendment requests the addition of units to reach the 16 units per acre permitted under development agreement in the R-3 zone.

Staff believe the development proposal meets the overall intent of the Municipal Planning Strategy and is consistent with relevant policies.

STAFF RECOMMENDATION

Staff recommends that the Planning Advisory Committee provide a positive recommendation to Council regarding the Draft Development Agreement Amendment for PID 55274591 and that the attached Draft

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Development Agreement be forwarded to Council for Initial Consideration before a Public Hearing is held.

ATTACHMENTS

1. Policy Summary Tables
2. Public Information Meeting Notes
3. Draft Development Agreement

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ATTACHMENT 1 – Policy Summary Tables

Policy 11.4.3 of the MPS states the general considerations for all development agreements. As part of the review for this section, Staff may have contacted other departments or outside agencies to seek specific information. The following table outlines the policy and provides Staff comment:

11.4.3 CRITERIA FOR LUB AMENDMENTS AND CONSIDERATION OF DEVELOPMENT AGREEMENTS

GENERAL CONSIDERATIONS	Staff Comment
<p>GENERAL CONSIDERATIONS</p> <p>a. The financial ability of the Town to absorb any costs relating to the proposal; and</p>	<ul style="list-style-type: none"> Additional units (assessment) on the property, without creating additional roads or infrastructure is generally positive.
<p>b. The proposal’s conformance with the intent of the Municipal Planning Strategy and to all other applicable Town Bylaws and regulations.</p>	<ul style="list-style-type: none"> The development agreement amendment conforms with the intent of the MPS and all other applicable Town Bylaws and regulations.
<p>c. The proposal’s conformance with relevant portions of the Town’s ‘Sustainability Checklist’, where applicable.</p>	<ul style="list-style-type: none"> N/A
<p>COMPATIBILITY OF THE DEVELOPMENT</p> <p>d. Compatibility of the proposed land use with adjacent land uses; and</p>	<ul style="list-style-type: none"> The proposed use is medium density residential and commercial. Neighbouring uses include medium density residential and low density residential. A combination of single unit dwellings, family homes, and multi-unit buildings are immediately adjacent. Within a five-minute walk exist more-frequent multi-unit and single unit dwellings. Within a 15-minute walk there are commercial uses on Skyway Drive, and within a 20-minute walk there are further commercial uses in the core commercial area. Highway 101 is to the immediate south of the development.
<p>e. Compatibility of the development with adjacent properties in terms of height,</p>	<ul style="list-style-type: none"> The height of the largest building is within 39 feet. This height is consistent with the

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scale, lot coverage, density, bulk, and architectural style; and	<p>maximum height of the existing buildings on the site.</p> <ul style="list-style-type: none"> The property is not within the design guidelines area.
f. Compatibility of the development with adjacent properties in terms of lighting, signage, outdoor display, outdoor storage, traffic impacts, and noise; and	<ul style="list-style-type: none"> Outdoor lighting will be required to not cause negative impacts on adjacent properties. Any signage will comply with Land Use Bylaw Part 7. General Requirements for Signs. Storage/outdoor display will be regulated as per the land use bylaw. This development shall increase pedestrian, active and vehicular traffic in the area. A pedestrian connection should be built to Pleasant Street. The dwelling units and commercial spaces may result in increased noise, regulated through the Noise By-law.
g. Integration of the development into the surrounding area by means of appropriate landscaping, with screening provided by existing and new vegetation and fencing as required; and	<ul style="list-style-type: none"> The applicant has provided a landscape plan detailing sufficient vegetation and privacy plantings between the development and adjacent properties.
h. The proposal protects and preserves matters of public interest such as, but not limited to:	<ul style="list-style-type: none"> N/A
i. historically significant buildings;	<ul style="list-style-type: none"> There are no historically significant buildings on the site.
j. public access to shorelines, parks, and public and community facilities; and	<ul style="list-style-type: none"> The plan does not interfere with any shorelines, parks, or public and community facilities.
k. important and significant cultural features, natural land features and vegetation.	<ul style="list-style-type: none"> N/A
SERVICING CONSIDERATIONS	<ul style="list-style-type: none"> Reviewed by Public Works and Engineering

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<p>I. The adequacy of sanitary services, water services, and storm water management services; and</p>	
<p>M. Contribution of the proposal towards an orderly and compact development pattern that makes efficient use of existing and new municipal infrastructure and services.</p>	<ul style="list-style-type: none"> • The proposal requests the maximum density permitted in the R-3 zone through development agreement, resulting in a compact development pattern and efficient use of existing municipal infrastructure and services.
<p>MOBILITY CONSIDERATIONS</p> <p>n. The adequacy of the road network in, and adjacent to, or leading to the development, regarding connectivity, congestion and traffic hazards; and</p>	<ul style="list-style-type: none"> • Public works and engineering has limited the entry to the development to a single entry and has reviewed the site plan for traffic hazards.
<p>o. The adequacy of site access as determined by the Traffic Authority; and</p>	<ul style="list-style-type: none"> • Has been reviewed – no issues.
<p>p. The ability of emergency services to respond to an emergency at the location of the proposed development; and</p>	<ul style="list-style-type: none"> • Review ongoing – no issues anticipated.
<p>q. The adequacy of active transportation infrastructure to support walking and cycling to and from the proposed development; and</p>	<ul style="list-style-type: none"> • The existing site includes bicycle infrastructure including 20 bicycle parking spaces. The landscape drawing shows parking for 23 bicycles. • The site does not connect well to Pleasant Street for pedestrians and Staff are working on a solution to this issue with the Developer.
<p>r. The provision of off -street vehicle and bicycle parking to prevent significant congestion, nuisance and inconvenience in the area.</p>	<ul style="list-style-type: none"> • The site plan shows parking for 23 bicycles. • The site plan shows parking for 139 motor vehicles (exceeding LUB requirements): <ul style="list-style-type: none"> ○ 112 of which are for residential use ○ 27 are for commercial use

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ENVIRONMENTAL CONSIDERATIONS	
<p>s. Consideration of any previous uses of the site which may have caused soil or groundwater contamination; and</p>	<ul style="list-style-type: none"> • No issues identified
<p>t. Suitability of the site in terms of slope and flood and erosion risk in accordance with Schedule E of the Land Use Bylaw; and</p>	<ul style="list-style-type: none"> • No issues identified
<p>u. Consideration of any anticipated environmental impacts resulting from the development, such as air and water pollution, soil contamination, and potential for the contamination or sedimentation of watercourses. Where Council determines, on the advice of a qualified person, that there is a significant risk of environmental damage from any proposed development, an environmental impact assessment shall be carried out by the developer for the purpose of determining the nature and extent of any impact and no agreement shall be approved until Council is satisfied that the proposed development will not create or result in undue environmental damage; and</p>	<ul style="list-style-type: none"> • No issues identified
<p>v. The application of sustainable design principles and energy efficient technology, including but not limited to renewable energy infrastructure; and</p>	<ul style="list-style-type: none"> • Efficient building envelopes
<p>w. Environmentally friendly paving alternatives, provision of alternative transportation parking, integration of landscaping into the design of parking lots, green roofs, etc.</p>	<ul style="list-style-type: none"> • See landscape plan

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ATTACHMENT 2 - Public Information Meeting Notes

**Public Information Meeting
6.00 PM – Council Chambers
Development Agreement Proposal
Gaspereau Avenue DA Amendment (Travis Mills)**

Attending:

Director of Planning, Devin Lake, Community Planner, Lindsay Slade Planner, Applicant Travis Mills, and six interested members of the public.

Director Lake began the PIM at 6:00 PM with a presentation on the development proposal, beginning with a look at the existing property as well as an overview of the layout of the development proposal. Director Lake then reviewed the policy relating to this application and the requirements of the DA amendment process. Director Lake then looked to the attendees for questions.

Mr. Cross, neighbor of the property in question, asked about the height of the commercial building.

Mr. Mills confirmed the commercial building would be 3 storeys.

Mr. Cross expressed concern that the sightline from his property to the Basin be maintained and inquired as to whether a traffic impact from additional dwelling units has been conducted and if there will there be more than one entrance to the development.

Mr. Mills stated that there are currently 110 people living at the property, and approximately 70-100 cars. The Town and traffic engineer requested Mr. Mills have only one driveway, however, Mr. Mills has requested that the driveway be widened to improve traffic flow in and out of the property.

Mr. Cross expressed concerns regarding safety when walking along Gaspereau Avenue and inquired about whether sidewalks could be provided by the Town.

Director Lake indicated Staff are looking at constructing a number of sidewalks in Town, and that Council will prioritize sidewalk requests during budget discussions.

Mr. Bayer: 63 Pleasant Street, shares a border with Mr. Mills Property. He expressed concern regarding construction noise which interferes with his work.

Mr. Mills stated he will notify Mr. Bayer when large machinery is required on site to give notice of noise and clarified that construction does not occur on evenings and weekends.

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Mr. Bayer requested that the drainage ditch be maintained on Mr. Mills property to avoid flooding onto his property.

Mr. Mills clarified that water will be directly piped off the property and that the drainage ditch will be maintained.

Mr. Bayer expressed concern regarding garbage blowing onto his property from Mr. Mills property. Mr. Mills stated he will take care to reduce waste on-site and perform adequate clean up.

Mr. Cross inquired about the landscaping plan for Mr. Mills property

Mr. Mills stated that the road will be paved, there will be more trees planted as well.

Mr. Bayer inquired whether Mr. Mills would consider building a fence along the perimeter of the property to better contain blowing waste.

Mr. Mills stated that the buffer of trees on the property will be largely maintained but cannot promise a fence.

Director Lake adjourned the meeting at 7:03 PM.

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ATTACHMENT 3: Draft AMENDING Development Agreement (pending legal review)

This **Development Agreement** is made this _____ day of **XXX, 2022.**

BETWEEN:

TRAVIS MILLS

(Hereinafter called the “Developer”)

OF THE FIRST PART

- and -

TOWN OF WOLFVILLE

A municipal body corporate,
(Hereinafter called the “Town”)

OF THE SECOND PART

WHEREAS the Developer has requested that the Town enter into a Development Agreement relating to the use and development of the Lands (PID 55274591) pursuant to the provisions of the Municipal Government Act and the Municipal Planning Strategy for the Town of Wolfville;

AND WHEREAS a condition of granting approval for the development of the Lands is that the parties enter into this Development Agreement;

AND WHEREAS the Town Council of the Town, at its meeting on **DD/MM/YYY** approved entering into this Development Agreement Amendment to permit the development of the two 10-unit multiple unit residential buildings and one mixed use commercial and 8 unit multiple unit residential building on the Lands, **subject to the registered owner of the Lands entering into this Development Agreement;**

NOW THEREFORE THIS AGREEMENT WITNESSES THAT in consideration of the covenants made in this Development Agreement Amendment and other valuable consideration the Developer and the Town agree to the following terms.

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1. Schedules

The following schedules form part of this Development Agreement:

Schedule "A" – Legal Parcel Description of Lands

Schedule "B" – Site / Landscape Plan

Schedule "C" – Architectural Design

2. Definitions

2.1 In this Development Agreement:

"Building By-Law" means Chapter 65 of the By-Laws of the Town of Wolfville.

"Developer" means the owner(s) of the lands, their heirs, successors, assigns, and all subsequent owners of the lands.

"Development" means two multiple unit residential buildings with 10 dwelling units each and one mixed use commercial and residential building with 8 dwelling units and ground floor commercial space.

"Development Officer" means the Development Officer appointed by the Town of Wolfville under the provisions of the *Municipal Government Act*.

"Engineer" means the Engineer appointed by the Town of Wolfville under the provisions of the *Municipal Government Act*.

"Effective date" means the date on which this Development Agreement Amendment is deemed to be entered into under the terms of this Development Agreement Amendment.

"Lands" means the real property in the Town of Wolfville owned by the Developer, PID 55274591, and as described in Schedule "A".

"Land Use By-Law" means the Land Use By-Law of the Town of Wolfville in force from time to time, adopted and amended by the Wolfville Town Council under the provisions of the *Municipal Government Act*. At the date of this Development Agreement Amendment, it is the Land Use By-Law adopted by Council on June 30th, 2020, and recorded at the Kentville Land Registry Office on November 6, 2008, as Document Number 92078600.

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“MGA” means the *Municipal Government Act*, S.N.S. 1998, c. 18, as amended.

“Municipal Planning Strategy” means the municipal planning strategy of the Town of Wolfville in force from time to time, adopted and amended by the Wolfville Town Council under the provisions of the *Municipal Government Act*. At the date of this Development Agreement, it is the Municipal Planning Strategy adopted by Council on June 30th, 2020, and recorded at **the Kentville Registry of Deeds Office on November 6, 2008, as Document Number 92078543.**

“Planning Documents” means Land Use Bylaw, Municipal Planning Strategy, and Subdivision Bylaw.

- 2.2** Where terms (words or phrases) are not defined in this Development Agreement Amendment, definitions in the Town’s planning documents shall apply. Where terms are not defined in the planning documents, definitions in the MGA shall apply. Where terms are not defined in the aforementioned sources, their ordinary meaning shall apply.

3. Relevance of Planning Documents and Other Regulations

- 3.1** This Development Agreement Amendment contains definitions and regulations for the Development. It complements the Town’s Planning Documents. Unless specified in this Development Agreement Amendment, requirements in the Town’s Planning Documents shall apply. Where there is a conflict between this Development Agreement Amendment and the Planning Documents, this Development Agreement Amendment shall prevail.
- 3.2** Regulations outside of this Development Agreement Amendment or the Town’s Planning Documents may be applicable to the Development. However, **the terms of this Development Agreement Amendment shall not be materially changed in order to comply with such regulations without an amendment to this Development Agreement Amendment.**

4. Background

The developer wishes to amend the existing Development Agreement DA 2018-008 to include an additional .25 acres of land and build up to 16 units per acre as per the R-3 zoning adopted in September 2020 under the new Planning Documents. To reach the maximum permitted units per acre permitted through development agreement, the applicant is seeking to build two 2 storey buildings with ten dwelling units each and one three storey building fronting Gaspereau Avenue with commercial space on the main level and four apartments on both the second and third levels.

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5. Terms

5.1 Development Conditions

5.1.1 Permits and Approvals

- 5.1.1.1** This Development Agreement Amendment allows the Developer to obtain development permits, other permits, and permissions to allow uses permitted by this Agreement.
- 5.1.1.2** The Developer shall be responsible for obtaining all necessary permits and approvals required by law for the Development, including but not limited to development permits, building permits, and any approvals required from the Province of Nova Scotia.
- 5.1.1.3** Obligations or other requirements in this Development Agreement Amendment are those of the Developer, unless otherwise specified.
- 5.1.1.4** No occupancy permit shall be granted for this phase of the Development until all provisions of this agreement are met, except for landscaping requirements that cannot be met due to seasonal restrictions.

5.1.2 Land Use

- 5.1.2.1** The following uses are permitted:
 - (a)** Two two-storey multiple unit residential building with 10 dwelling units each and any other as-of-right uses permitted in the corresponding zone of the Land Use By-law, as amended from time to time.
 - (b)** One two-storey mixed use commercial and residential building with ground floor commercial space and 8 dwelling units and any

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accessory buildings, structures or uses permitted by the Land Use Bylaw for the corresponding zone.

5.1.3 Landscaping & Site Requirements

5.1.3.1 The Development shall conform to the zone standards of the Land Use By-law for areas zoned Medium Density Residential (R-3), except as otherwise established by this Agreement.

5.1.3.2 All Development shall occur on the Lands.

5.1.3.3 Development on the Lands shall be built generally in accordance with the Site Plan and Specifications of **Schedule "B"**. Landscaping or accessory building requirements as shown in Schedule "B" may be varied to accommodate locations, varieties of plants, and other minor details.

5.1.3.4 The Developer shall establish and maintain all non-hard surface areas on the Lands as landscaped areas.

5.1.3.5 Storm water runoff from the Lands shall not be directed onto adjacent properties unless permission is obtained from the adjacent property owner for the direction of such storm water runoff. **A storm water drainage plan addressing storm water runoff as well as sediment controls during construction shall be submitted to and approved by the Town Engineer prior to the commencement of construction.**

5.1.3.6 No parking shall be permitted on non-hard surfaced areas of the site.

5.1.3.7 The Developer shall provide adequate off-street parking as required in the Land Use Bylaw.

5.1.4 Municipal Services

5.1.4.1 The parties agree that municipal sanitary sewer and water services are available.

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5.1.4.2 The Town makes no warranties, guarantees or claims as to the adequacy of the Town's water supply to provide the recommended Fire Flow amounts for protection of the building from fire. The Developer shall satisfy itself that the available fire flows are satisfactory to meet its needs.

5.1.5 Refuse Storage and Utility Equipment

5.1.5.1 Refuse, compost, recyclables, and other similar matters shall be stored within the building(s), or within accessory structures or containers pursuant to the requirements of the Land Use Bylaw, Valley Region Solid Waste-Resource Management By-Law, and other applicable regulations.

5.1.5.2 Utility equipment such as mechanical and electrical equipment shall be visually screened by fencing or landscaping.

5.1.6 General Maintenance and Operation

5.1.6.1 Buildings, landscaping, and other related features shall be maintained in good condition, pursuant to the Town's Property Minimum Standards By-law.

5.1.7 Architecture

5.1.7.1 The developer shall build the three (3) new residential building with roof lines, windows and front entries, generally as illustrated in **Schedule "C", Architectural Design.**

5.1.8 Timing

5.1.8.1 This Development Agreement Amendment shall be deemed to be in effect on the day the Agreement is registered in the registry as per section 228(3) of the MGA. Unless otherwise specified, all time requirements imposed in this Development Agreement Amendment shall be calculated from that date, the effective date.

5.1.8.2 All development enabled by this agreement shall be completed within three (3) years. Upon failure to meet this timing requirement, the Town

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may discharge this Development Agreement Amendment without the consent of the Developer or Tenant.

5.1.9 Amendment

5.1.9.1 With the exception of matters which the Town and the Developer do not consider to be substantive, the amendment of any other matter in this Development Agreement can only be made under the provisions of Section 230 of the MGA, including the holding of a Public Hearing.

5.1.9.2 Following are matters in this Development Agreement Amendment which the Town and the Developer do not consider to be substantive:

(a) The requirements for completion imposed by section 5.1.8.2.

5.1.10 Expenses

5.1.10.1 The Developer shall pay all costs and expenses incurred by the Town related to this Development Agreement Amendment.

5.1.11 Liability

5.1.11.1 The Developer shall be liable for any damage caused to persons or public or private property by the Developer or any contractor or other individual doing work related to the Development. The Developer shall indemnify the Town and save it harmless from any claim, cause of action, or liability in any way relating to the Development. The Developer shall obtain and maintain in force throughout the course of construction on the Development, liability insurance coverage to insure the responsibilities which the Developer is assuming in this section.

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5.1.12 Default

5.1.12.1 If the Developer fails to comply with or breaches any of the terms of this Development Agreement Amendment or any legislation applicable to this Development Agreement Amendment, the Town, at its sole option, may:

- (a) after 30 days notice in writing to the Developer, enter the lands and perform any obligation with which the Developer has failed to comply; or
- (b) Terminate this Development Agreement Amendment; or
- (c) Take no action.

5.1.12.2 Any election by the Town to take no action on a breach of this Development Agreement Amendment by the Developer shall not bar the Town from exercising its rights under this Development Agreement Amendment on any other breach.

5.1.12.3 Any expenses incurred by the Town in exercising its rights under section 5.1.12.1, shall be paid by the Developer to the Town. Any expenses arising out of the entry of the Lands and performance of the obligations may be recovered by the Town from the Developer by direct suit and shall form a charge upon the Lands. The Developer shall pay interest on any sum so expended by the Town at the same monthly rate charged by the Town for tax arrears on the outstanding balance from time to time. Such interest costs shall be treated as an expense.

5.1.12.4 For any work conducted by the Town in accordance with 5.1.12.1 the Town shall be considered a contractor and the Developer shall continue to be liable in accordance with 5.1.11.1.

6. Administration

The Development Officer administers this Agreement. His/Her decision is final and binding on all parties.

7. Warranties by the Developer

7.1 Title and Authority

7.1.1 The Developer warrants as follows:

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- (a) The Developer has good title in fee simple to the Lands or good beneficial title subject to a normal financing encumbrance or is the sole holder of a Registered Interest in the Lands. No other entity has an interest in the Lands which would require their signature on this Development Agreement to validly bind the Lands or the Developer has obtained the approval of every other entity which has an interest in the Lands whose authorization is required for the Developer to sign this Development Agreement Amendment to validly bind the Lands.
- (b) The Developer has taken all steps necessary to, and it has full authority to, enter this Development Agreement Amendment.

8. Full Agreement

8.1 Other Agreements

- 8.1.1** This Development Agreement Amendment constitutes the entire agreement and contract entered into by the Town and the Developer. No other agreement or representation, whether oral or written, shall be binding.
- 8.1.2** This Development Agreement Amendment shall not be a precedent for any other agreement either between the Town and the Developer or between the Town and any other party.

9. Notice

Any notice to be given under this Development Agreement Amendment shall be made in writing and either served personally or forwarded by courier or by registered mail, postage prepaid, if to the Town to:

Town of Wolfville
359 Main Street
Wolfville, Nova Scotia
B4P 1A1
Attention: Development Officer

and if to the Developer:

Travis Mills

**REPORT TO PLANNING ADVISORY COMMITTEE
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Mailing address

10. Headings

The headings used in this Development Agreement Amendment are for convenience only. If any of the headings are inconsistent with the provisions of the Development Agreement Amendment which it introduces, the provisions of the Development Agreement Amendment shall apply.

11. Binding Effect

This Development Agreement Amendment shall ensure to the benefit of and be binding upon the parties to this Development Agreement Amendment, their respective successors, administrators, and assigns.

12. Execution

In witness of this Development Agreement Amendment the parties have signed and delivered it to each other on the date set out at the top of the first page.

SIGNED AND DELIVERED

In the presence of:

) TOWN OF WOLFVILLE

)

)

) By _____

) MAYOR

)

Witness

)

)

) By _____

SIGNED AND DELIVERED

In the presence of:

) TOWN CLERK

)

)

) By _____

Witness

)

)

)

Travis Mills

**REPORT TO PLANNING ADVISORY COMMITTEE
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) By _____
) Travis Mills

CANADA
PROVINCE OF NOVA SCOTIA
COUNTY OF KINGS

I certify that on _____, 2022, _____ a witness to this agreement came before me, made oath, and swore that the **TOWN OF WOLFVILLE**, caused the same to be executed by its proper officers who affixed its Corporate Seal and subscribed their hands in its name and in its behalf in his/her presence.

A Commissioner of the Supreme Court of Nova Scotia

CANADA
PROVINCE OF NOVA SCOTIA
COUNTY OF KINGS

I certify that on _____, 2019, _____ a witness to this agreement came before me, made oath, and swore that **Travis Mills** the same to be executed by its proper officers who affixed its Corporate Seal and subscribed their hands in its name and in its behalf in his/her presence.

A Commissioner of the Supreme Court of Nova Scotia

**REPORT TO PLANNING ADVISORY COMMITTEE
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Schedule "A" – Property Description

ALL that certain lot of land and premises situate at Wolfville, in the County of Kings, Province of Nova Scotia, and bounded and described as follows:

ALL that certain lot or parcel of land and premises situated in Wolfville aforesaid, and bounded and described as follows:

BOUNDED on the west by the highway leading from Wolfville to Gaspereaux, on the north by lands formerly of J.B. Davison, now of Mrs. Christine Lyman, on the east by lands formerly of Arthur Wallace and Samuel Moore, and on the south by lands formerly of E. Percy Brown, now of the estate of the late Ernest Eagles, containing ten acres more or less, the same being all the lands conveyed to Allen Trueman McConnell by Hendrick Vanzooost and Feikje Reitsma Vavzooost by Deed dated the 17th day of November A.D. 1913 and recorded in the Registry of Deeds Office for Kings County in Book No. 109, Page 452.

SAVING and excepting all that certain lands, situate, lying and being at or near the District of Wolfville, in the County of Kings, Province of Nova Scotia, a portion of which is more particularly bounded and described as follows:

BEGINNING at the point of intersection of the boundary between the lands of the Releasors and those now or formerly of Doris Reid with the Southeastern boundary of the existing old Gaspereau Avenue so-called and 33 feet perpendicularly distance from the centre line thereof;

THENCE in a Northeasterly direction following the several courses of the last mentioned old road boundary a distance of 98 feet, more or less, or until it meets the Northeastern boundary of Trunk Highway #101 so-called a controlled access highway section leading from Norton Bridge to Highland Avenue and 100 feet perpendicularly distant from the centre line of construction thereof;

THENCE in a Southeasterly direction parallel to the said centre line a distance of 625 feet, more or less, or until it meets the boundary between the lands of the Releasors and those now or formerly of Allison Rockwell;

THENCE in a Southwesterly direction following the alignment of the last mentioned boundary a distance of 160 feet, more or less, or until it meets the aforesaid boundary between the lands of the Releasors and those now or formerly of Doris Reid;

THENCE in a Northwesterly direction following the alignment of the last mentioned boundary a distance of 645 feet, more or less, to the point of beginning;

THE above described parcel of land is shown outlined in red on the annexed plan and contains 1.58 acres, more or less;

THE same being the lands expropriated by Her Majesty the Queen, in the right of Her Province of Nova Scotia, as confirmed by a Deed of Release executed by Elmer Kinnie and Blanche Kinnie on the 14th day of April, 1970.

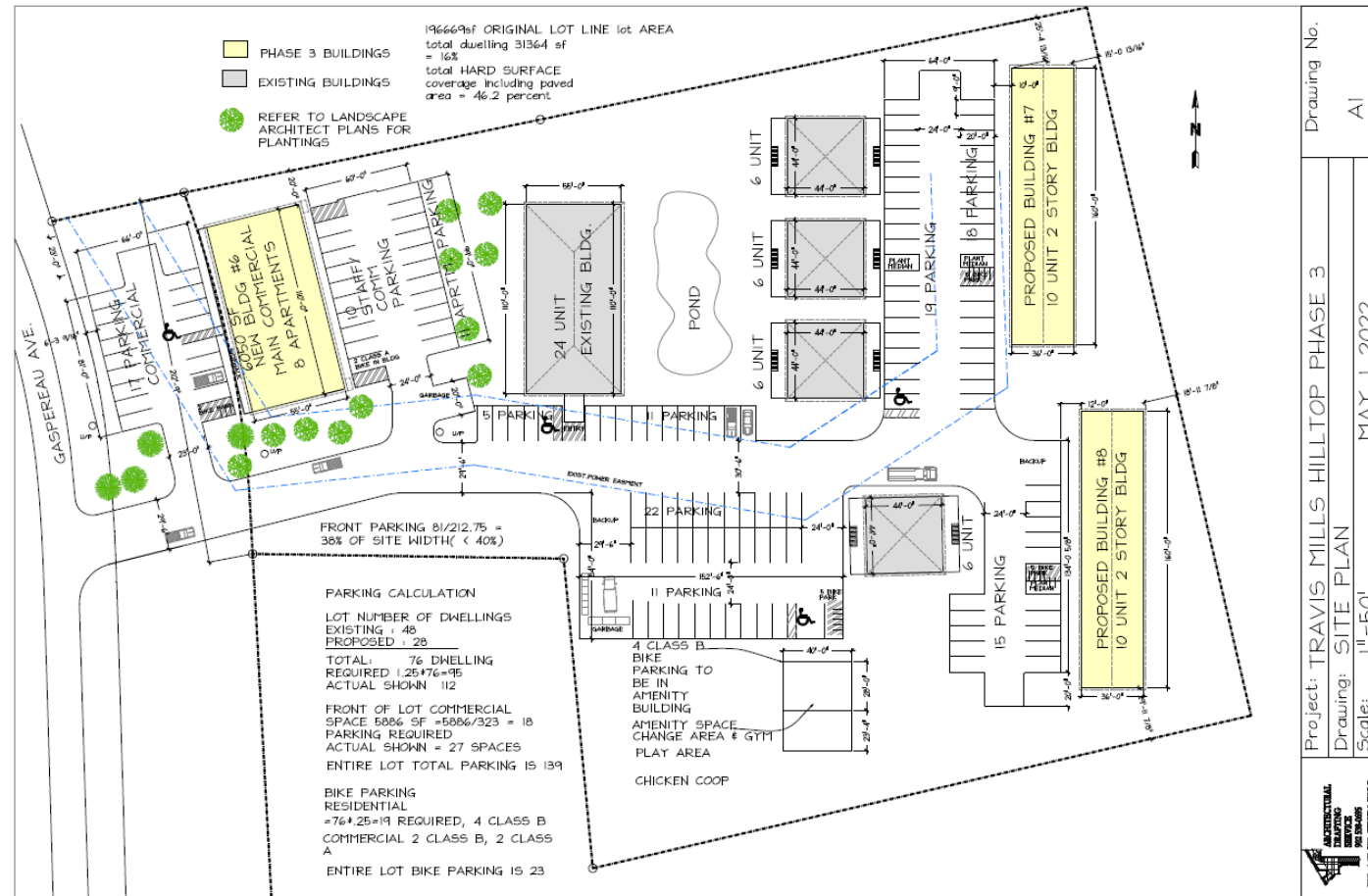
BEING AND INTENDED TO BE the same lands conveyed by Elmer B. Kinnie, Grantor and Blanche Lillian Kinnie to Elmer B. Kinnie and Blanche Lillian Kinnie, as Joint Tenants, by Deed dated the 22nd day of March, 1988 and recorded in the Kings County Registry Office in Book 731 at Page 334.

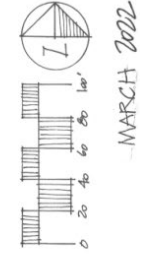
EXCEPTING THEREOUT AND THEREFROM Lot K.W.-1 as depicted on Plan of Subdivision of lands of the heirs of Blanche Lillian Kinnie prepared by Cyr Surveys, Plan No. S-2-95074, dated July 31st, 1995, and filed in the Registry of Deeds at Kentville, as P-10023, Lot K.W.-1 having been sold to Donald Mark Grover Webster and Janet Ruth Webster by deed dated 10 August, 1995.

CERTIFICATE OF REGISTRAR



Schedule "B" Site and Landscaping Plan



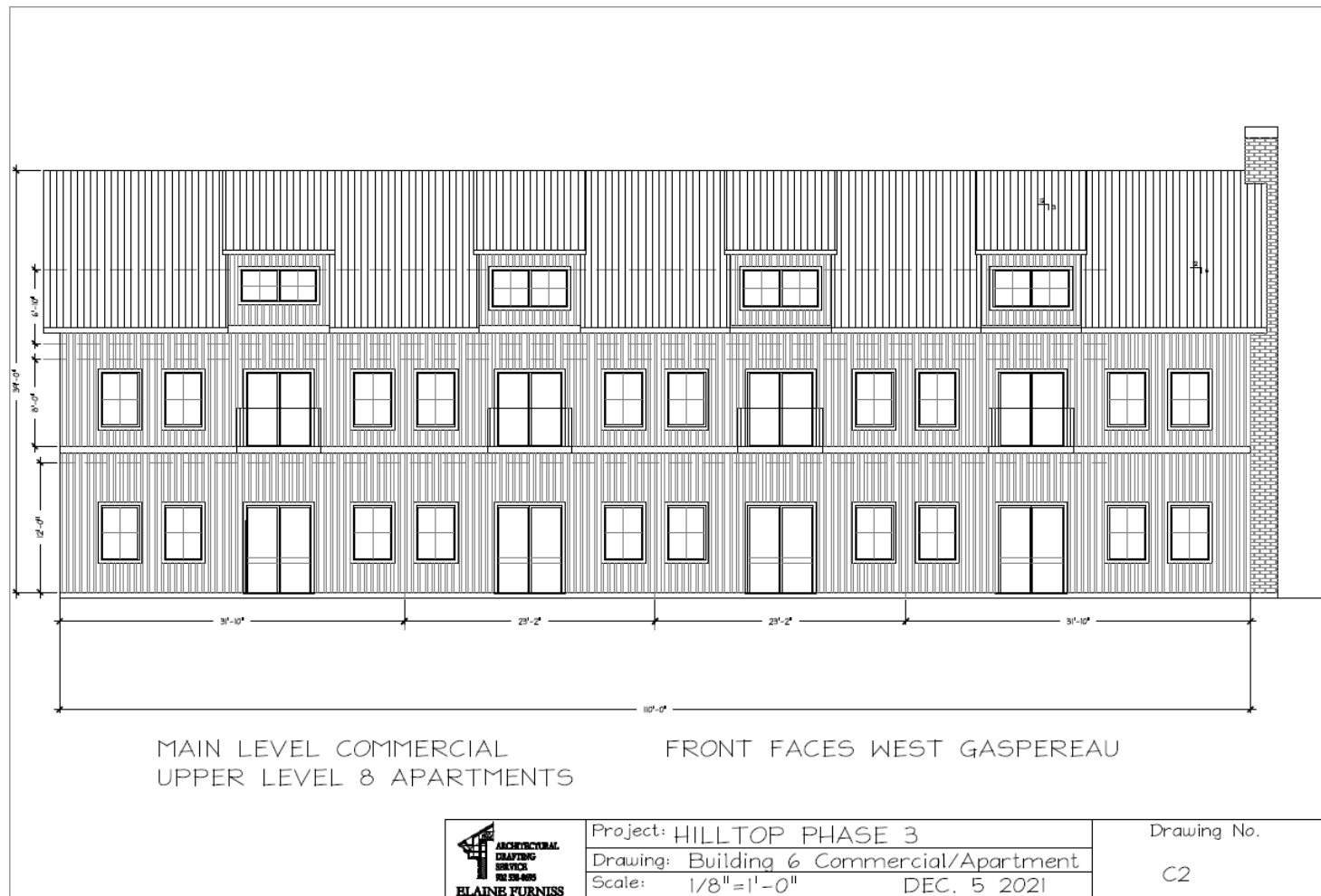


MARCH 2022

HILLTOP PHASE 3
 LANDSCAPE CONCEPT PLAN
 JOY ELLIOTT DESIGN

Schedule "C" – Elevations

Western elevation of Building #6, mixed use ground floor commercial with 8 residential dwelling units.



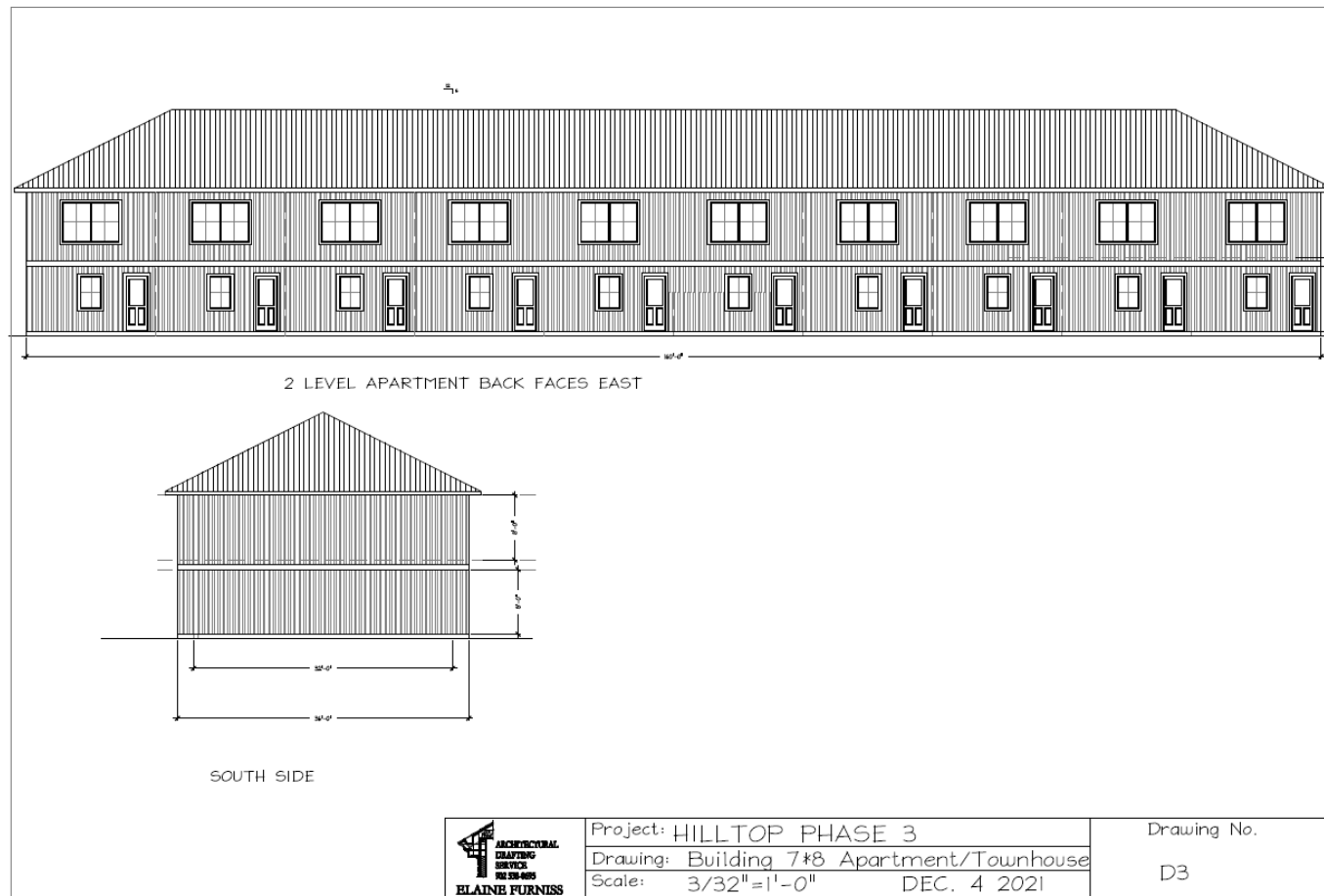
Eastern elevation of building #6.



Western and northern elevation of buildings 7 & 8.



Eastern and southern elevation of buildings 7 & 8.



REPORT TO PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
360 Main Street – DEVOUR

Date: September 2022

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APPLICANT	Devour Studios (Slow Motion Food Film Fest Society)
PROPOSAL	To erect and operate a theatre marquee-like digital sign to promote events, activities and organizations and groups that use the Devour Studios building.
LOCATION	360 Main Street (PID 55278758)
LOT SIZE	3,760 sq. m. (.93 acres)
DESIGNATION	Core Commercial
ZONE	Core Commercial Zone (C-1).
SURROUNDING USES	Commercial, Park Area (Waterfront Park and Harvest Moon Trail). Nearby mixed-use residential.
ARCHITECTURAL GUIDELINES	The property is within the Core Commercial Design Guidelines area.
NEIGHBOUR NOTIFICATION	Newspaper ads and notices mailed to surrounding property owners within 100 metres; Sign placed on property

PROPERTY LOCATION

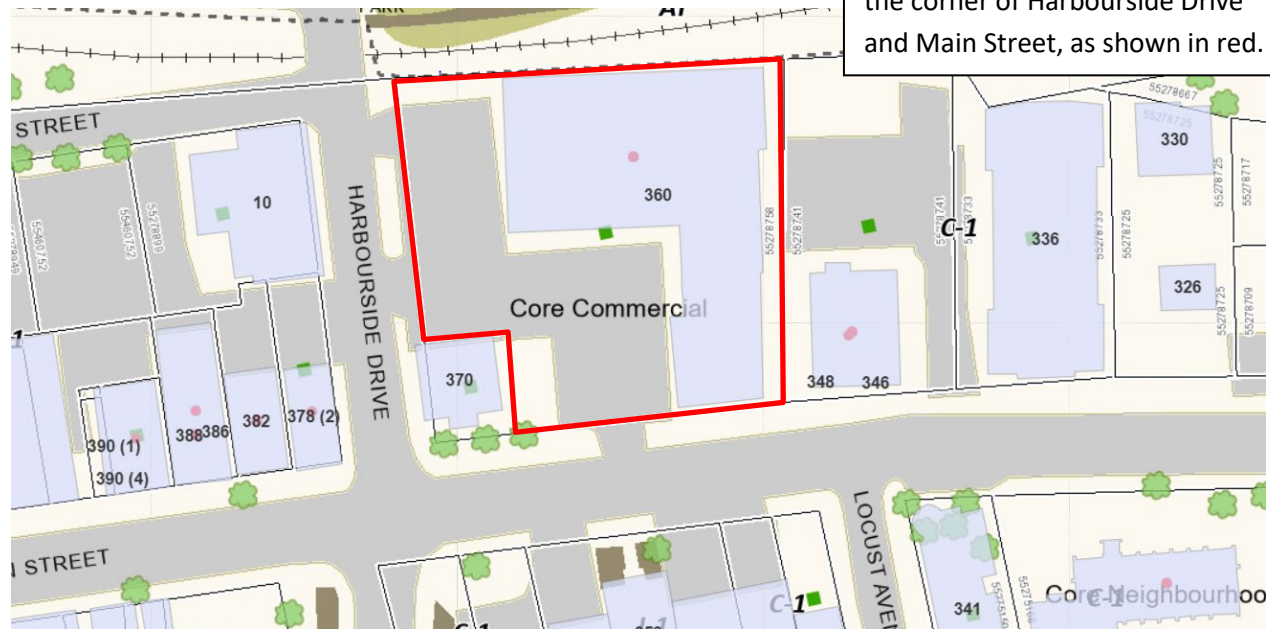


Figure 1: 360 Main Street sits near the corner of Harbourside Drive and Main Street, as shown in red.

Figure 1 – Context map

PROPOSAL

The applicant is seeking a Development Agreement (DA) to erect and operate a theatre marquee-like digital sign to promote events, activities, organizations and groups that use the Devour Studios building at 360 Main Street. A conceptual rendering of the proposal is shown below.



Figure 2 – Conceptual rendering of proposed signage

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For elevations of the proposed signage, see Attachment 3, Draft Development Agreement. The lot currently contains a mixed-use building with commercial space, office space and residential use. The building is set back 50 metres from Main Street with a parking lot fronting Main Street.

BACKGROUND AND CONTEXT

Devour Studios is an important hub for social and cultural events in Wolfville, drawing in thousands of visitors every year to showcase the local agriculture, agri-food, cultural and tourism sector of the Annapolis Valley and Nova Scotia through film screenings, local cuisine and drink, live music, and educational workshops.

The sign as proposed will be erected over the entrance to 360 Main Street, facing south and set back from Main Street by 50 meters with minimal/no direct visual impact affecting drivers or residents. The applicants stated during the public information meeting that all residential tenants of the Devour Studios building will be made aware of the digital signage prior to signing a lease. The marquee is envisioned as a series of separate digital panels that can be programmed to showcase events and tenants at the studios, in Waterfront Park and throughout town such as the annual Horton High School prom event which takes place on Main Street, Wolfville.

The first digital reader board signs in Wolfville were permitted through a Land Use Bylaw amendment in 2014 at Acadia University's Athletic Complex and Festival Theatre building. These signs have been used to promote sport activities, arts and cultural events as well as public health messaging throughout the COVID-19 pandemic. Both of the Acadia sites are zoned Institutional University (I-2), while the Devour Studios building is zoned Core Commercial (C-1). The digital reader board signage at Acadia University has demonstrated that digital signage can be successful at promoting events and sharing information, and with adequate restrictions, do so without causing traffic hazards, light pollution, or other disturbances.

There is a distinction between digital reader boards and the signage proposed. Digital reader boards contain illuminated text on a black background, while the proposed signage would consist of five LED panels, each with a width of 500 mm, a height of 500 mm, and depth of 87 mm (figure 4) and the entire LED screen would be illuminated with text and or images (figure 5).

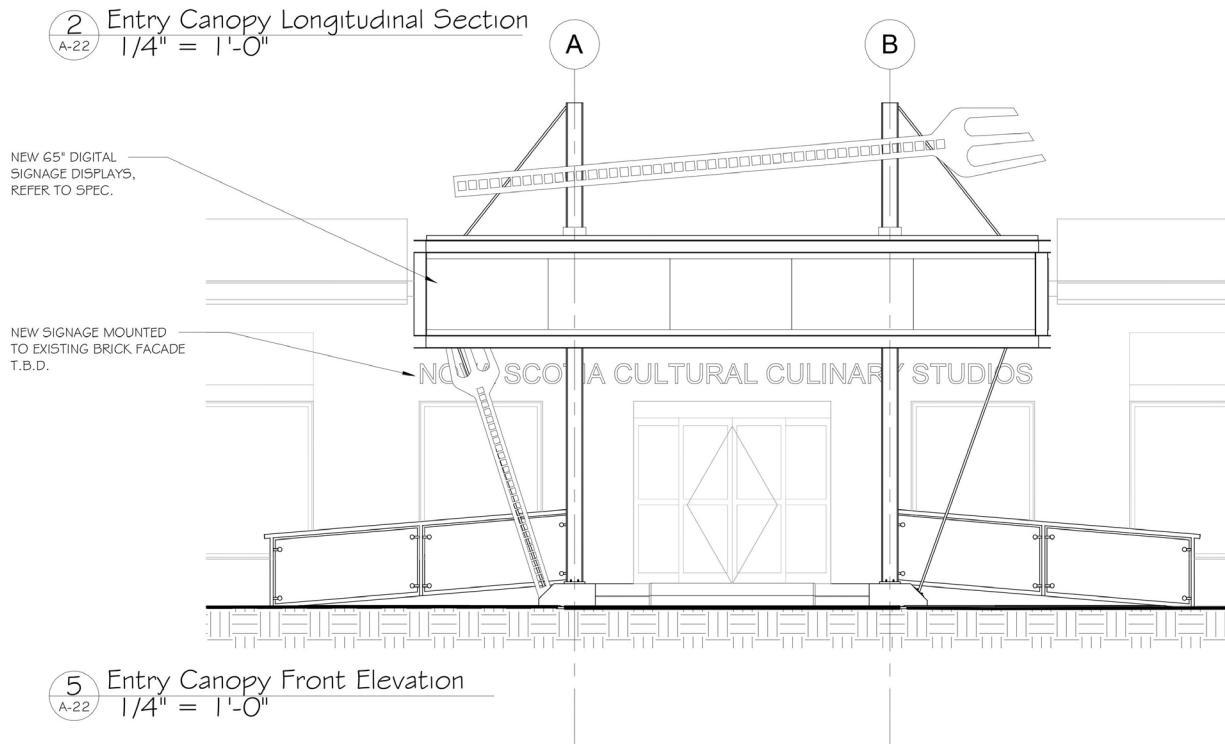


Figure 4 – Elevation of proposed signage showing five 500mm x 500mm LED panels.

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Figure 5 – Conceptual rendering of the proposed digital signage.

The envisioned digital system will be dimmable at night and the applicant envisions turning the sign off each night at a predetermined time or at the conclusion of events. Figure 6 illustrates the projected sight lines diagram for light spill indicating minimal impact to on-street traffic.

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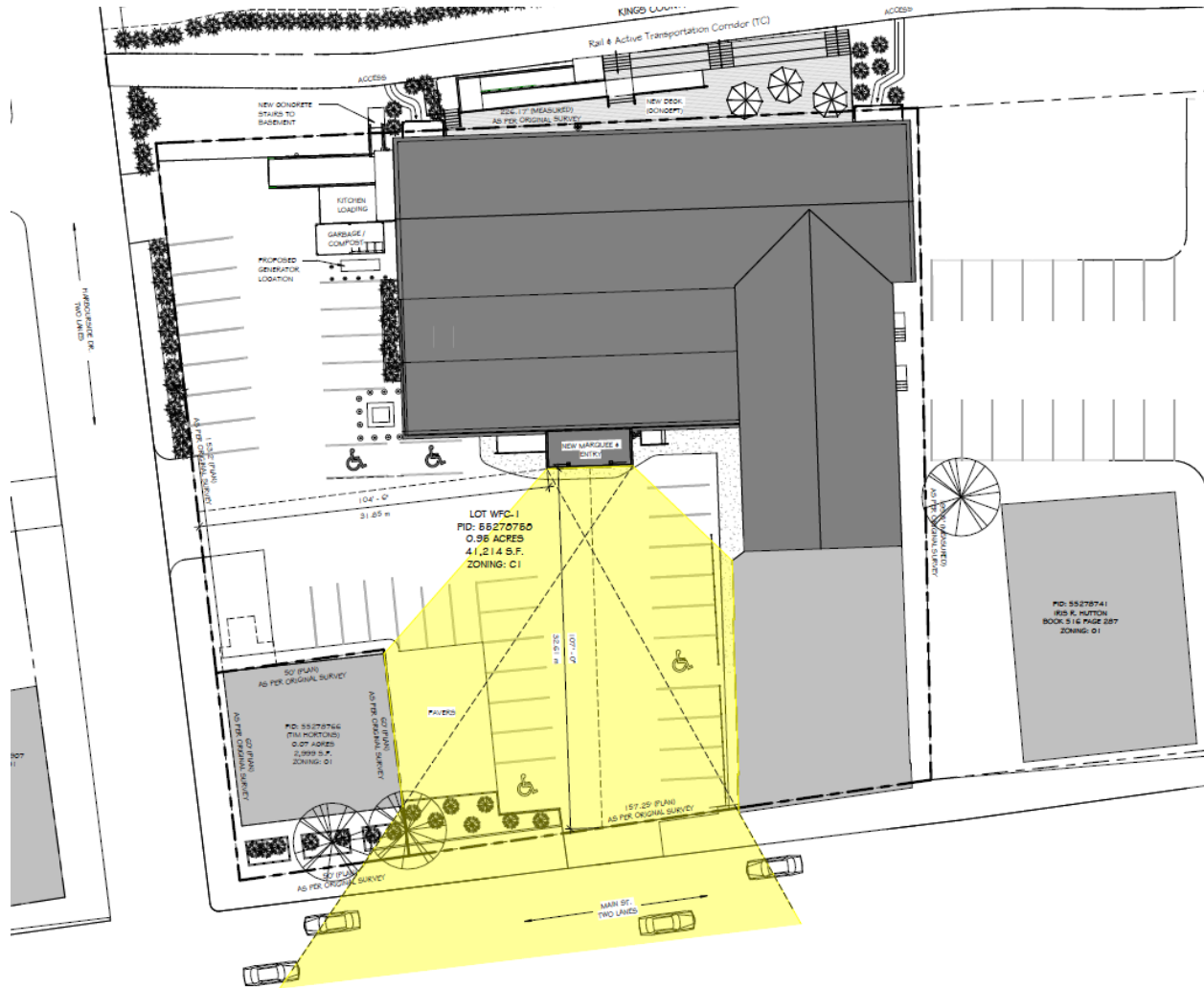


Figure 6 – Projected light spill

The digital reader board signs at Acadia University were permitted with the following restrictions:

- No scrolling text, flashing animation, video or graphics are permitted.
- Text may only change every 2 hours.
- Nighttime brightness of the sign must not exceed 100 NITS and may not operate between 11PM and 7AM.
- The sign must be equipped with a sensor which automatically lowers light output in accordance with atmospheric conditions and so not to exceed the maximum number of NITS permitted.
- The sign is only for information related to the use on the property.
- Sign text shall be white.

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- Digital signs require a default mechanism that will cause them to revert to a black screen during a malfunction.
 - The digital sign shall encompass a maximum of 50% of the sign face and may be combined with a ground sign to a maximum of 5 square metres.
 - The applicant shall submit the operational specification at the time of permit application demonstrating compliance with the requirements of the land use bylaw.

The proposed signage for Devour Studios would have a brightness of 500 NITS but is adjustable/dimmable to meet requirements. Moving images/text would not be permitted and would revert to blackness during malfunction.

Concerns that arose when the digital reader board signage at Acadia University was proposed included traffic safety, brightness and visual impact. It was anticipated that the digital signage could distract drivers, create light pollution and that the visual impact of a digital sign would contrast with Wolfville's historical streetscape. To permit the signage at Acadia, several conditions had to be met.

Traffic Concerns

Digital signage is commonplace in contemporary streetscapes and there is no local data showing a relationship with increase traffic incidents and digital signage. Existing literature exploring the potential relationship between digital signage and traffic safety is largely inconclusive.

Brightness

The brightness of digital signage was discussed thoroughly during the decision-making process for the Acadia signage. While the two signage types are not identical, with the Devour Studios signage requesting digital light coverage of the entire sign, there remain some important takeaways from the brightness analysis that was conducted for the Acadia signage.

The range of nits (luminance) for digital signage ranges from 40-1400 at night, and 350-11000 during the day. The sun on a bright day is around 7000 nits. The proposed signage has a brightness of 5-600 nits. Considering the permitted nits (luminance or brightness) is important for the following reasons:

- Bright lights at night may temporarily impair drivers
- Signs that are too bright to see reduce their effectiveness
- Impact on adjacent uses of the light from the sign
- Brighter signs use more energy and therefore produce more greenhouse gases.

The Development Agreement should place a limit on the allowable brightness.

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360 Main Street – DEVOUR

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Integration into streetscape

Understanding the local context surrounding a use helps when deciding how contextually appropriate a use is. While there are no digital signs in Wolfville to the scale proposed, there are a number of illuminated signs along Main Street including the digital reader board signs at Acadia University, the marquee signage at the Al Whittle Theatre, and the LED signage at Joe’s Emporium.

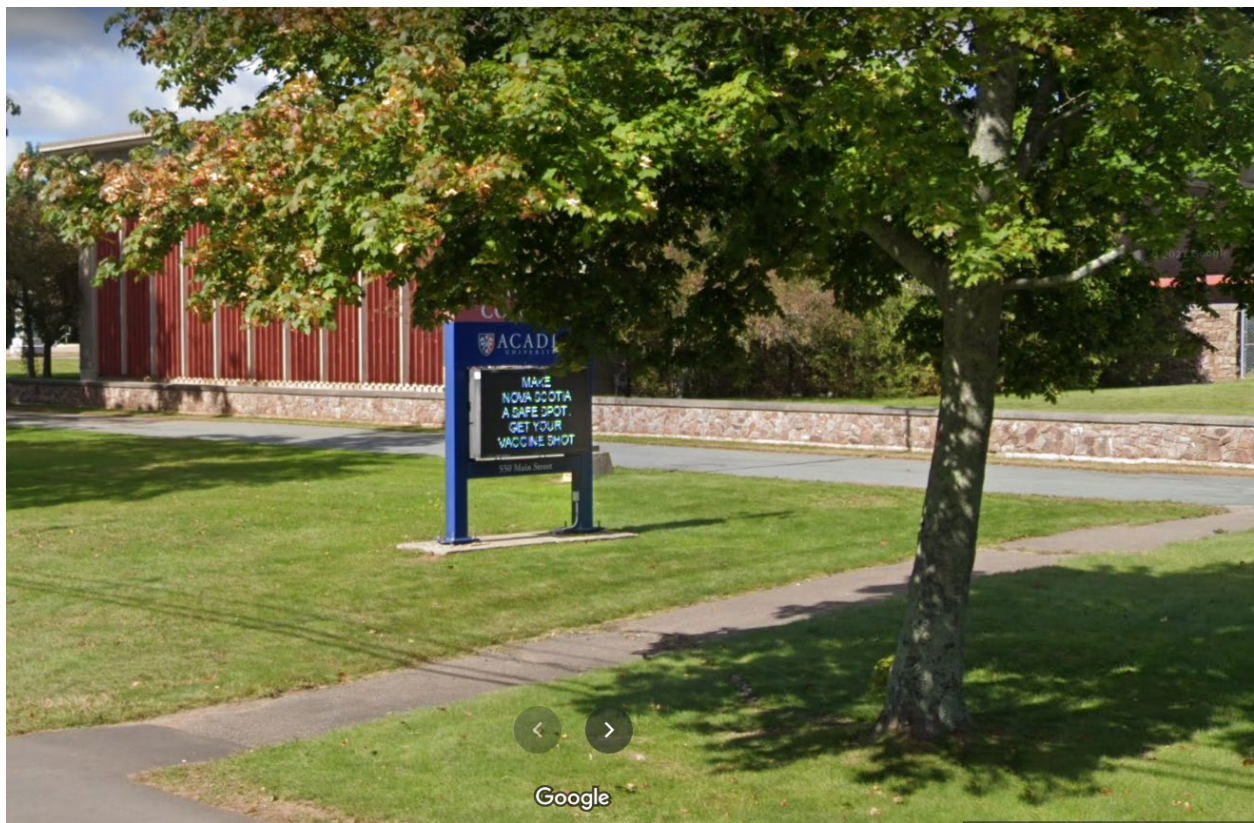


Figure 7 – Digital reader board signage at Acadia’s Athletic Complex.



Figure 8 – Marquee signage at Al Whittle Theatre.

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Figure 9 – Illuminated signage at Joe's Emporium.

POLICY REVIEW & DISCUSSION

The property is designated Core Commercial in the [Municipal Planning Strategy](#) (MPS) and zoned Core Commercial (C-1) in the [Land Use Bylaw](#) (LUB). This property also falls within the Core Commercial Design Guidelines Area.

The Municipal Planning Strategy does not specifically restrict digital signage, but the Land Use Bylaw prohibits them. This section reviews the policies of the MPS and the regulations of the LUB.

Municipal Planning Strategy (MPS)

The MPS contains 19 objectives related to land use, economic prosperity, climate action and social equity, 3 objectives related to land use, and 3 related to economic prosperity are particularly relevant to the proposed signage:

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OBJECTIVE LU	OBJECTIVE LU	OBJECTIVE LU
<p>To respect and strengthen existing neighbourhood character, while encouraging quality, inclusive urban design.</p>	<p>To preserve and enhance our architectural and cultural heritage assets.</p>	<p>To support public art and cultural programming.</p>
<p>ANTICIPATED RESULTS</p> <ul style="list-style-type: none"> • Improve processes and requirements for infill development. • Create tools for improved social inclusion of all residents. • Policies to support innovation. 	<p>ANTICIPATED RESULTS</p> <ul style="list-style-type: none"> • Identify and register heritage properties. • Better establish roles for the Town’s Heritage Advisory Committee and Historical Society. 	<p>ANTICIPATED RESULTS</p> <ul style="list-style-type: none"> • Institutionalize public art appreciation. • Work with and support action by community groups, non-profits and other partners.

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OBJECTIVE EP	OBJECTIVE EP	OBJECTIVE EP
To ensure a vibrant local economy by supporting economic development, creative entrepreneurship, and home based business endeavours that further the Town’s position as a regional cultural, tourism, and educational centre.	To enhance and strengthen the Core Area as the focal point of commercial and community activity.	To encourage a range of local and regional partnerships that enhance economic development within the Town.
ANTICIPATED RESULTS <ul style="list-style-type: none"> • Strive for top quality facilities and services, including an enhanced public library. • Further our brand as a hub of tourism, food and libations through additional opportunities along Main Street and in the Core Area. 	ANTICIPATED RESULTS <ul style="list-style-type: none"> • Design Guidelines and visioning specific to the Core Area. • Focus on infill and walkability. 	ANTICIPATED RESULTS <ul style="list-style-type: none"> • Strengthen partnerships with Acadia, the County of Kings, other Towns/ Municipalities, the Wolfville Business Development Corporation, Devour, Deep Roots and other partners and events.

The Municipal Planning Strategy provides guidance for the land use regulation of signage through specific policies

11.6.6 Signage

Policy 11.6.6.1 *To prohibit signs that create hazards to traffic or pedestrians, constitute a public nuisance, or are incompatible with the character of Wolfville, in accordance with the Land Use Bylaw and Design Guidelines.*

Policy 11.6.6.2 *To regulate the height, maximum area, illumination, and location of signs throughout the town in order to minimize hazards and nuisances, in accordance with the Land Use Bylaw and Design Guidelines.*

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Policy 11.6.6.3 *To control the impact of signs on the landscape, streetscape, and skyline; and ensure that the nature, size and location of signs permitted in the various zones are appropriate and compatible with the character of the areas within those zones, in accordance with the Land Use Bylaw.*

The MPS also states policies for the Core Area and Core Commercial Designation

9.0 The Core Area

Policy 9.0.1 *To maintain Core Area Design Guidelines for the Core Area – Commercial and Core Area – Neighbourhood designations as outlined in the Land Use Bylaw.*

9.1 Core Commercial Designation

Policy 9.1.1.6 *To use Development Agreements in the Core Area – Commercial Designation for the consideration of certain uses that require unique and site-specific considerations.*

Policy 9.1.1.15 *To establish Design Guidelines for the Core Area as outlined in the Land Use Bylaw, that recognize the importance of historical forms of architecture and inform future developments in the Core Area.*

Sections 11.4.2 and 11.4.3 of the MPS outlines the policies of Council when considering a Development Agreement. Attachment 1 outlines all the policies and analysis; however, the following lists the most pertinent considerations for this application

11.4.2 and 11.4.3 Development Agreements

Policy 11.4.3 d. *Compatibility of the proposed land use with adjacent land uses; and*

f. *Compatibility of the development with adjacent properties in terms of lighting, signage, outdoor display, outdoor storage, traffic impacts, and noise.*

The Design Guidelines have been created to control or influence certain aspects of the Town's built form and the impacts on the public realm. Council also recognizes that the Town is never finished and ever evolving, and that design and architectural innovation must be accommodated and encouraged. The following policies are those most relevant to this application. An analysis of the policies in section 11.4.4 can be found in Attachment 1.

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11.4.4 Design Guidelines

Policy 11.4.4.3 *To use the Design Review Committee to complement the Design Guidelines when considering Development Applications, as outlined in the Land Use Bylaw.*

Policy 11.4.4.4 *To recognize that the Design Guidelines are used to inform development processes and that they are not prescriptive in nature. Mandatory requirements shall be defined in the Land Use Bylaw and Development Agreements.*

Policy 11.4.4.7 *To require that all developments located within a designated Design Guidelines Area respond to the design principles and guidelines of the Design Guidelines and that the Design Review Committee and a Design Guidelines Checklist be used in certain circumstances, as defined in the Land Use Bylaw and Design Guidelines (Schedules of the Land Use Bylaw).*

11. Implementation

Parts 11.4.2 and 11.4.3 contain general policies that are to be considered for all development agreement applications. A summary of the entire policy, with Staff comment to each criterion, is provided as *Attachment 1*.

Land Use By-Law (LUB)

The Land Use Bylaw (LUB) establishes the following regulations:

Part 15. Core Commercial (C-1) Zone

The intent of the Core Commercial (C-1) Zone is to permit a wide range of commercial and service uses of a certain size as well as residential mixed-use development. Council may consider unique and site-specific developments by development agreement.

Part 7. General Requirements for Signs

7.1 (3) *Signage for business premises shall be for the purpose of identifying the name of the business and the general product or service provided. Signage shall not be used for the purpose of advertising and/or promotions*

7.1 (6) *Signage for business premises located in a Design Guidelines Area are required to meet the requirements as laid out in Schedule F: Town of Wolfville Design Guidelines.*

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7.3 Signs Prohibited in all Zones

7.3 (1) *Signs which incorporate, in any manner, any flashing or moving illumination, illumination which varies in intensity or any illumination which varies in colour.*

7.3 (2) *Signs which have any visible moving part, visible revolving parts, visible mechanical movement of any description or other apparent visible movement achieved by electrical pulsations or by actions of normal wind currents.*

7.3 (5) *Signs which by reason of size, location, content, colouring, or manner of illumination obstruct the vision of drivers either when leaving a roadway or driveway; or obstruct or detract from the visibility or effectiveness of any traffic sign; or control device on public streets and roads.*

7.3 (12) *Illuminated signs.*

7.5 Signs in Commercial Zones

7.5 (g) *On a building with more than one (1) side visible to public view, two (2) identical facial wall signs places on different sides of the building count as one (1) sign.*

PROCESS & NEXT STEPS

Section 230 of The Municipal Government Act (MGA) establishes the process for the approval of a Development Agreement. This process requires review by the Planning Advisory Committee and the holding of a Public Hearing by Council prior to a decision by Council to approve or reject the proposal. The decision by Council may be appealed to the Nova Scotia Utility and Review Board by an aggrieved person or by the Applicant.

The first stage of the application review process began at the Public Information Meeting (PIM) held on June 23rd, 2022. Property owners within 100 metres of the development were notified by mail and a notice of the PIM was posted in the Saltwire newspaper indicating that the site was subject to a development agreement application. The purpose of the PIM was to provide the public with an opportunity to offer preliminary feedback on the request and allow the applicant to answer any questions that would arise. The subject property is located within the Core Commercial Design Guideline area requiring review by the Town's Design Review Committee (DRC). The Application was submitted to the DRC for review by email on July 8th, 2022. The Wolfville Business Development Corporation (WBDC) were also asked to comment).

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Notes from both the PIM, DRC and WBDC have been included below and assist the review process in identifying issues, support or concerns raised by residents, business owners and committee members.

The next step in the Development Agreement process (as shown below), will be to have the Planning Advisory Committee (PAC) review this report and provide a recommendation to Council. Council will then provide Initial Consideration, and if passed, a Public Hearing will be scheduled prior to a decision on the proposal from Council.

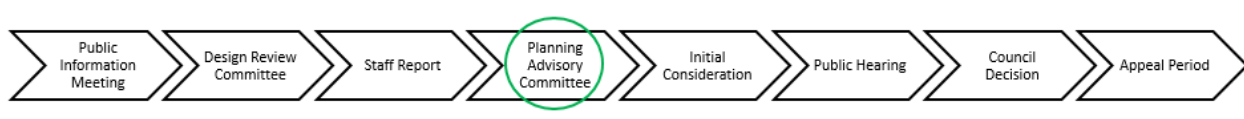


Figure 3 – Development Agreement Process

REVIEW FROM OTHER DEPARTMENTS

The following summarizes the comments from departments:

1. Traffic Authority
 - a. Alex de Sousa is the Traffic Authority for the Town of Wolfville and has indicated no concerns for traffic safety as a result of the digital signage provided the brightness of the sign can be adjusted based on the amount of sunlight present at all times.
2. Engineering and Public Works
 - a. Alex de Sousa, Director of Public Works and Engineering is also the Traffic Authority and therefore agrees with the statement above.
 - b. Jeremy Sharpe, Manager of Public Works: Indicated no concerns provided there is no strobing or flashing of the sign or disturbances of any nearby residents after hours.

PUBLIC INFORMATION MEETING

The Town held a Public Information Meeting on June 23rd, 2022. Notes from this meeting are included as Attachment 2. No members of the public posed questions or comments during the PIM on this application.

DESIGN REVIEW COMMITTEE

Staff submitted proposed designs to the Design Review Committee via email for feedback. No meeting was held. Via email one member of the Committee was against this type of signage in the downtown altogether while two others were supportive of the proposal, subject to details of how it would be

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constructed and presented as a finished product (e.g. how the free standing sign integrates with the rest of the building).

WOLFVILLE BUSINESS DEVELOPMENT CORP (WBDC)

The WBDC membership were asked for comment. 19 members of the WBDC expressed support of the proposed signage, 4 were against the proposed signage, and 4 provided feedback only. Comments from WBDC members are generally positive, with some members expressing concern regarding the brightness of such a sign and how that keeps with the 'brand' of the Town and the precedent it will set for the future.

SUMMARY OF DRAFT DEVELOPMENT AGREEMENT PROVISIONS

- To permit the proposed signage subject to certain restrictions to mitigate any potential impacts (brightness, etc)

STAFF RECOMMENDATION

Staff recommends that the Planning Advisory Committee provide a positive recommendation to Council regarding the Draft Development Agreement for 360 Main Street (PID 55278758) and that the attached Draft Development Agreement be forwarded to Council for Initial Consideration before a Public Hearing is held.

Staff believe the development proposal meets the overall intent of the Municipal Planning Strategy but is a unique and site specific case given the setback from Main Street and nature of the business/Devour Studios. The design work has been done to make this a tasteful addition. Appropriate regulation can be applied through the DA. Staff do not believe that this type of signage is appropriate on all sites and believe a Development Agreement serves as an appropriate tool to regulate this type of site specific proposal on a case-by-case basis.

ATTACHMENTS

1. Policy Summary Tables
2. Public Information Meeting Notes and summary of other comments
3. Draft Development Agreement

ATTACHMENT 1 – Policy Summary Tables

Policy 11.4.3 of the MPS states the general considerations for all development agreements. As part of the review for this section, staff may have contacted other departments or outside agencies to seek specific information. The following table outlines the policy and provides Staff comment:

11.4.3 CRITERIA FOR LUB AMENDMENTS AND CONSIDERATION OF DEVELOPMENT AGREEMENTS

GENERAL CONSIDERATIONS	Staff Comment
<p>GENERAL CONSIDERATIONS</p> <p>a. The financial ability of the Town to absorb any costs relating to the proposal; and</p>	<ul style="list-style-type: none"> • Not applicable
<p>b. The proposal’s conformance with the intent of the Municipal Planning Strategy and to all other applicable Town Bylaws and regulations.</p>	<ul style="list-style-type: none"> • The development agreement amendment conforms with the intent of the MPS and would be regulated at the site level through a development agreement to cover specifics.
<p>c. The proposal’s conformance with relevant portions of the Town’s ‘Sustainability Checklist’, where applicable.</p>	<ul style="list-style-type: none"> • Not applicable
<p>COMPATIBILITY OF THE DEVELOPMENT</p> <p>d. Compatibility of the proposed land use with adjacent land uses; and</p>	<ul style="list-style-type: none"> • The proposed use is a digital marquee sign. The surrounding uses include commercial retail, park, food service, entertainment, office spaces and residential uses. The use of a digital marquee sign is compatible with the commercial spaces and is compatible with the Core Commercial Designation. The proposed use is less compatible with residential use and the applicant will be required to adhere to operating hours and brightness levels to reduce impact on nearby residential units. The applicant states that any prospective tenants of the residential units at 360 Main Street will be notified of the signage prior to signing a lease agreement.
<p>e. Compatibility of the development with adjacent properties in terms of height,</p>	<ul style="list-style-type: none"> • The signage is compatible with other signage nearby in terms of scale, however

scale, lot coverage, density, bulk, and architectural style; and	it will be the first full digital marquee sign in the Town.
f. Compatibility of the development with adjacent properties in terms of lighting, signage, outdoor display, outdoor storage, traffic impacts, and noise; and	<ul style="list-style-type: none"> The signage will be required to minimize any impact on neighbouring properties by adhering to set hours of operation and brightness levels. The signage will not produce noise.
g. Integration of the development into the surrounding area by means of appropriate landscaping, with screening provided by existing and new vegetation and fencing as required; and	<ul style="list-style-type: none"> Not applicable
h. The proposal protects and preserves matters of public interest such as, but not limited to:	
i. historically significant buildings;	<ul style="list-style-type: none"> The signage does not require alteration of the existing building.
j. public access to shorelines, parks, and public and community facilities; and	<ul style="list-style-type: none"> The plan does not interfere with any shorelines, parks, or public and community facilities.
k. important and significant cultural features, natural land features and vegetation.	<ul style="list-style-type: none"> The signage will promote cultural activities occurring within the Devour Studios space and elsewhere in Town.
SERVICING CONSIDERATIONS	<ul style="list-style-type: none"> Not applicable
l. The adequacy of sanitary services, water services, and storm water management services; and	
M. Contribution of the proposal towards an orderly and compact development pattern that makes efficient use of existing and new municipal infrastructure and services.	<ul style="list-style-type: none"> Not applicable
MOBILITY CONSIDERATIONS	<ul style="list-style-type: none"> Not applicable
n. The adequacy of the road network in, and adjacent to, or leading to the development,	

regarding connectivity, congestion and traffic hazards; and	
o. The adequacy of site access as determined by the Traffic Authority; and	<ul style="list-style-type: none"> • Not applicable
p. The ability of emergency services to respond to an emergency at the location of the proposed development; and	<ul style="list-style-type: none"> • Not applicable
q. The adequacy of active transportation infrastructure to support walking and cycling to and from the proposed development; and	<ul style="list-style-type: none"> • Not applicable
r. The provision of off -street vehicle and bicycle parking to prevent significant congestion, nuisance and inconvenience in the area.	<ul style="list-style-type: none"> • Not applicable
<p>ENVIRONMENTAL CONSIDERATIONS</p> <p>s. Consideration of any previous uses of the site which may have caused soil or groundwater contamination; and</p>	<ul style="list-style-type: none"> • Not applicable
t. Suitability of the site in terms of slope and flood and erosion risk in accordance with Schedule E of the Land Use Bylaw; and	<ul style="list-style-type: none"> • Not applicable
u. Consideration of any anticipated environmental impacts resulting from the development, such as air and water pollution, soil contamination, and potential for the contamination or sedimentation of watercourses. Where Council determines, on the advice of a qualified person, that there is a significant risk of environmental damage from any proposed development, an environmental impact assessment shall be carried out by the developer for the purpose of determining the nature and extent of any impact and no agreement	<ul style="list-style-type: none"> • Not applicable

<p>shall be approved until Council is satisfied that the proposed development will not create or result in undue environmental damage; and</p>	
<p>v. The application of sustainable design principles and energy efficient technology, including but not limited to renewable energy infrastructure; and</p>	<ul style="list-style-type: none"> • Operating time and brightness can impact energy use.
<p>w. Environmentally friendly paving alternatives, provision of alternative transportation parking, integration of landscaping into the design of parking lots, green roofs, etc</p>	<ul style="list-style-type: none"> • Not applicable

ATTACHMENT 2 - Public Information Meeting and Other Public Input

**Public Information Meeting
6.00 PM – Council Chambers
Development Agreement Proposal
249 Main Street**

Attending

Director of Planning Devin Lake, Community Planner Lindsay Slade, Applicants Michael Howell and Lia Rinaldo, and four interested members of the public.

Director Lake began the PIM at 6:00 PM with a presentation on the development proposal, beginning with a look at the existing property as well as an overview of the signage proposed. Director Lake then reviewed the policy relating to this application and the requirements of the DA process. Director Lake then looked to the attendees for questions, however members of the public did not have any questions or comments for the applicants.

Director Lake adjourned the meeting at 6.27 PM.

General Public Input

Public input that has been received outside of DRC and the PIM are indicated below:

- A resident emailed expressing concern related to the proposal and whether it would impact the charm and character of our Main Street.
- A resident of Railtown phoned the Town to inquire as to whether the signage would emit sound, requesting that it does not emit sound as this would create a disturbance to those living in the area.

ATTACHMENT 3 – Draft Development Agreement (subject to legal review)

This **Development Agreement** is made this _____ day of _____, 2022.

BETWEEN:

Devour! Studios (Slow Motion Food Film Fest Society)
(Hereinafter called the “Developer”)

OF THE FIRST PART

- and -

TOWN OF WOLFVILLE
A municipal body corporate,
(Hereinafter called the “Town”)

OF THE SECOND PART

WHEREAS the Developer has requested that the Town enter into a Development Agreement relating to the use and development of the Lands (PID 55278758) pursuant to the provisions of the Municipal Government Act and the Municipal Planning Strategy for the Town of Wolfville;

AND WHEREAS a condition of granting approval for the development of the Lands is that the parties enter into this Development Agreement;

AND WHEREAS the Town Council of the Town, at its meeting on _____, 2022 approved entering into this Development Agreement to permit a lounge as licensed by the Province of Nova Scotia, subject to the registered owner of the Lands entering into this Development Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSES THAT in consideration of the covenants made in this Development Agreement and other valuable consideration the Developer and the Tenant and the Town agree to the following terms.

1. Schedules

The following schedules form part of this Development Agreement:

- Schedule “A” – Property Description
- Schedule “B” – Request and Proposed Elevation
- Schedule “C” – Design Guidelines Areas Map

2. Definitions

2.1 In this Development Agreement:

“Building By-Law” means Chapter 65 of the By-Laws of the Town of Wolfville.

“Developer” means the owner(s) of the lands, their heirs, successors, assigns, and all subsequent owners of the lands.

“Development” means digital signage ???

“Development Officer” means the Development Officer appointed by the Town of Wolfville under the provisions of the *Municipal Government Act*.

“Engineer” means the Engineer appointed by the Town of Wolfville under the provisions of the *Municipal Government Act*.

“Effective date” means the date on which this Development Agreement is deemed to be entered into under the terms of this Development Agreement.

“Innovative Development” means a development type that does not meet the zone requirements for as-of-right or site plan approval permissions but is still consistent with the overall intent of the municipal planning strategy and may be considered by development agreement.

“Lands” means the real property in the Town of Wolfville owned by the Developer, PID 55278758, and as described in Schedule “A”.

“Land Use By-Law” means the Land Use By-Law of the Town of Wolfville in force from time to time, adopted and amended by the Wolfville Town Council under the provisions of the *Municipal Government Act*. At the date of this Development Agreement, it is the Land Use By-Law as adopted by Council on June 30, 2020, effective September 3, 2020.

“Municipal Planning Strategy” means the municipal planning strategy of the Town of Wolfville in force from time to time, adopted and amended by the Wolfville Town Council under the provisions of the *Municipal Government Act*. At the date of this Development Agreement, it is the Municipal Planning Strategy adopted by Council as adopted by Council on June 30, 2020, effective September 3, 2020.

“MGA” means the *Municipal Government Act*, S.N.S. 1998, c. 18, as amended.

“Planning Documents” means Land Use Bylaw, Municipal Planning Strategy, and Subdivision Bylaw.

“Sign, Digital Marquee” means any sign made as part of a marquee and designed to have changeable copy.

- 2.2** Where terms (words or phrases) are not defined in this Development Agreement, definitions in the Town’s planning documents shall apply. Where terms are not defined in the planning documents, definitions in the MGA shall apply. Where terms are not defined in the aforementioned sources, their ordinary meaning shall apply.

3. Relevance of Planning Documents and Other Regulations

- 3.1** This Development Agreement contains definitions and regulations for the Development. It complements the Town’s Planning Documents. Unless specified in this Development Agreement, requirements in the Town’s Planning Documents shall apply. Where there is a conflict between this Development Agreement and the Planning Documents, this Development Agreement shall prevail.
- 3.2** Regulations outside of this Development Agreement or the Town’s Planning Documents may be applicable to the Development. However, the terms of this Development Agreement shall not be materially changed in order to comply with such regulations without an amendment to this Development Agreement.

4. Background

The Developer wishes to enter into a development agreement to erect and operate a digital marquee sign to promote events, activities and organizations and groups that use the Devour Studios building at 360 Main Street. Illuminated signs or reader board signs are not permitted under the land use bylaw in the Core Commercial zone, however Council may consider unique and site-specific uses in the Core Commercial (C-1) zone through Development Agreement.

5. Terms

5.1 Development Conditions

5.1.1 Permits and Approvals

- 5.1.1.1** This Development Agreement allows the Developer to obtain development permits, other permits, and permissions to allow uses permitted by this Agreement.
- 5.1.1.2** The Developer shall be responsible for obtaining all necessary permits and approvals required by law for the Development, including but not limited to development permits, building permits, and any approvals required from the Province of Nova Scotia.
- 5.1.1.3** Obligations or other requirements in this Development Agreement are those of the Developer, unless otherwise specified.

5.1.2 Land Use

- 5.1.2.1** The following uses are permitted:

(a) A digital marquee sign subject to the requirements as laid out in this development agreement.

(b) Other uses in accordance with the zone standards of the Land Use By-law.

5.1.3 General Requirements

- 5.1.3.1** The Development shall conform to the zone standards of the Land Use By-law, except as otherwise established by this Agreement.
- 5.1.3.2** The Developer agrees that no flashing or moving lights, text , images or videos may be illuminated on the signage.
- 5.1.3.3** The Developer agrees that no noise shall be produced by the signage.
- 5.1.3.4** The Developer agrees that the sign must revert to an unlit, black screen during any malfunction.

5.1.4 Utility Equipment

- 5.1.4.1** Utility equipment such as mechanical and electrical equipment related to the digital sign shall be visually screened by fencing or landscaping.

5.1.5 Timing

- 5.1.5.1** This Development Agreement shall be deemed entered into on the day following the day on which the time for appeal of Town Council's approval has elapsed, or the day on which any appeals have been disposed of and the policy of the Wolfville Town Council approving this Development Agreement has been affirmed by the Nova Scotia Utilities and Review Board, under the provisions of the MGA, or other judiciary body as applicable.
- 5.1.5.2** This Development Agreement does not come into effect until the requirement of Section 228(3) of the Municipal Government Act are fulfilled and this development agreement is filed in the Registry of Deeds. All other time requirements imposed in this Development Agreement shall be calculated from that date, the effective date.
- 5.1.5.3** All Development enabled by this Agreement shall be completed within three (3) years. Upon failure to meet this timing requirement, the Town may discharge this Development Agreement without the consent of the Developer or Tenant.

5.1.6 Amendment

- 5.1.6.1** With the exception of matters which the Town and the Developer do not consider to be substantive, the amendment of any other matter in this Development Agreement can only be made under the provisions of Section 230 of the MGA, including the holding of a Public Hearing.
- 5.1.6.2** Following are matters in this Development Agreement which the Town and the Developer do not consider to be substantive:
- (a) The requirements for completion imposed by section 5.1.6.3.

5.1.7 Expenses

- 5.1.7.1** The Developer shall pay all costs and expenses incurred by the Town related to this Development Agreement.

5.1.8 Liability

5.1.8.1 The Developer shall be liable for any damage caused to persons or public or private property by the Developer or any contractor or other individual doing work related to the Development. The Developer shall indemnify the Town and save it harmless from any claim, cause of action, or liability in any way relating to the Development. The Developer shall obtain and maintain in force throughout the course of construction on the Development, liability insurance coverage to insure the responsibilities which the Developer is assuming in this section.

5.1.9 Default

5.1.9.1 If the Developer fails to comply strictly with any term of this Development Agreement or any legislation applicable to this Development Agreement, the Town may, after 30 days notice in writing to the Developer, enter the lands and perform any obligation with which the Developer has failed to comply strictly. All expenses arising out of the entry of the Lands and performance of the obligations may be recovered by the Town from the Developer by direct suit and shall form a charge upon the Lands. The Developer shall pay interest on any sum so expended by the Town at the same monthly rate charged by the Town for tax arrears on the outstanding balance from time to time. Such interest costs shall be treated as an expense.

5.1.9.2 If the Developer breaches any of the terms of this Development Agreement, the Town, at its sole option, may:

- (a)** Terminate this Development Agreement;
- (b)** Exercise its rights under paragraph 5.1.10.1 above; or,
- (c)** Take no action.

5.1.9.3 Any election by the Town to take no action on a breach of this Development Agreement by the Developer shall not bar the Town from exercising its rights under this Development Agreement on any other breach.

5.1.9.4 Any expenses incurred by the Town in exercising its rights under sections 5.1.10.1 and 5.1.10.2, or either of them, shall be paid by the Developer to the Town.

5.1.10 Administration

The Development Officer administers this Agreement. His/Her decision is final and binding on all parties.

6. Warranties by the Developer

6.1 Title and Authority

6.1.1 The Developer warrants as follows:

- (a)** The Developer has good title in fee simple to the Lands or good beneficial title subject to a normal financing encumbrance or is the sole holder of a Registered Interest in the Lands. No other entity has an interest in the Lands which would require their signature on this Development Agreement to validly bind the Lands or the Developer has obtained the approval of every other entity which has an interest in the Lands whose authorization is required for the Developer to sign this Development Agreement to validly bind the Lands.
- (b)** The Developer has taken all steps necessary to, and it has full authority to, enter this Development Agreement.

7. Full Agreement

7.1 Other Agreements

- 7.1.1** This Development Agreement constitutes the entire agreement and contract entered into by the Town and the Developer. No other agreement or representation, whether oral or written, shall be binding.
- 7.1.2** This Development Agreement shall not be a precedent for any other agreement either between the Town and the Developer or between the Town and any other party.

8. Notice

Any notice to be given under this Development Agreement shall be made in writing and either served personally or forwarded by courier or by registered mail, postage prepaid, if to the Town to:

Town of Wolfville
359 Main Street
Wolfville, Nova Scotia
B4P 1A1
Attention: Development Officer

and if to the Developer:

Devour! Studios (Slow Motion Food Film Fest Society)

360 Main Street

Wolfville, NS

B4P 1E2

9. Headings

The headings used in this Development Agreement are for convenience only. If any of the headings are inconsistent with the provisions of the Development Agreement which it introduces, the provisions of the Development Agreement shall apply.

10. Binding Effect

This Development Agreement shall ensure to the benefit of and be binding upon the parties to this Development Agreement, their respective successors, administrators, and assigns.

11. Execution

In witness of this Development Agreement the parties have signed and delivered it to each other on the date set out at the top of the first page.

SIGNED AND DELIVERED)	
In the presence of:)	
)	TOWN OF WOLFVILLE
)	
)	By _____
)	MAYOR
_____)	
Witness)	
)	
)	By _____
)	TOWN CLERK
)	

SIGNED AND DELIVERED)
)
In the presence of:) By _____
DEVOUR! STUDIOS (SLOW MOTION FILM
FEST SOCIETY)

Witness

CANADA
PROVINCE OF NOVA SCOTIA
COUNTY OF KINGS

I certify that on _____, 2022, _____
a witness to this agreement came before me, made oath, and swore that the **TOWN OF
WOLFVILLE**, caused the same to be executed by its proper officers who affixed its Corporate
Seal and subscribed their hands in its name and in its behalf in his/her presence.

A Commissioner of the Supreme Court of Nova Scotia

CANADA
PROVINCE OF NOVA SCOTIA
COUNTY OF KINGS

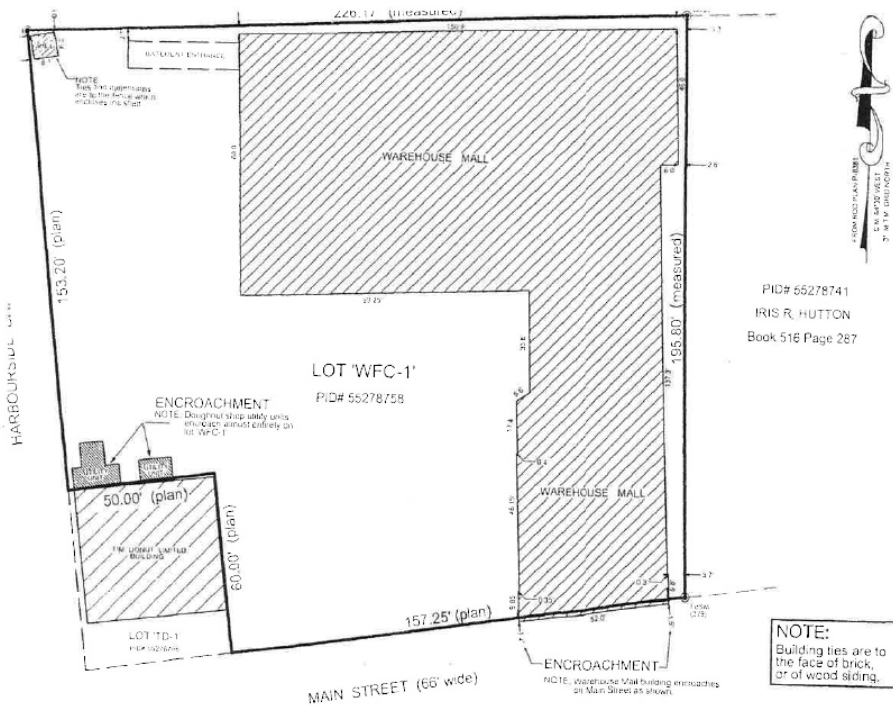
I certify that on _____, 2022, _____
a witness to this agreement came before me, made oath, and swore **that DEVOUR! STUDIOS
(SLOW MOTION FILM FEST SOCIETY)**. caused the same to be executed by its proper officers
who affixed its Corporate Seal and subscribed their hands in its name and in its behalf in his/her
presence.

A Commissioner of the Supreme Court of Nova Scotia

Schedule "A" – Property Description

Parcel is as described as of Plan 8381, registered 1990-10-22.

Municipality/County: Town of Wolfville
 Designation of Parcel on Plan: Lot WFC-1
 Registration County: Kings County
 Registration Number of Plan: P-8381
 Registration Date of Plan: 1990-10-22



PID# 55278741
 IRIS R. HUTTON
 Book 516 Page 287

I, NOVA SCOTIA'S REGIONS, NOVA SCOTIA LAND SURVEYORS, certify that the Surveyor's Location Certificate is under my supervision and in accordance with the Nova Scotia Land Surveyors Regulations made under Section 8 of the Nova Scotia Land Surveyors Act.

Dated 28 JULY, 2005

Donald D. Higgins

THE ASSOCIATION OF NOVA SCOTIA LAND SURVEYORS
 FORMED 1951
 DONALD D. HIGGINS
 MEMBER 475

This Surveyor's Location Certificate shall not be a boundary definition or as a reference document in preparation of legal descriptions.

Certified to:
 ALTIMAX BUILDER LIMITED
 190 Victoria Road
 Dartmouth, Nova Scotia

Regarding:
 PID# 55278758 (LOT 'WFC-1')
 Warehouse Mall
 Main Street and Harbourside Drive
 Wolfville, Nova Scotia

I certify that the buildings shown hereon are located entirely within the boundaries of the subject lands, except that the southern extremity of the Warehouse Mall building encroaches on Main Street as shown boundaries are as defined by the boundary return together with plan and deed information.

Deed reference: book 615, page 600.
 Registry of Deeds: County of Kings.

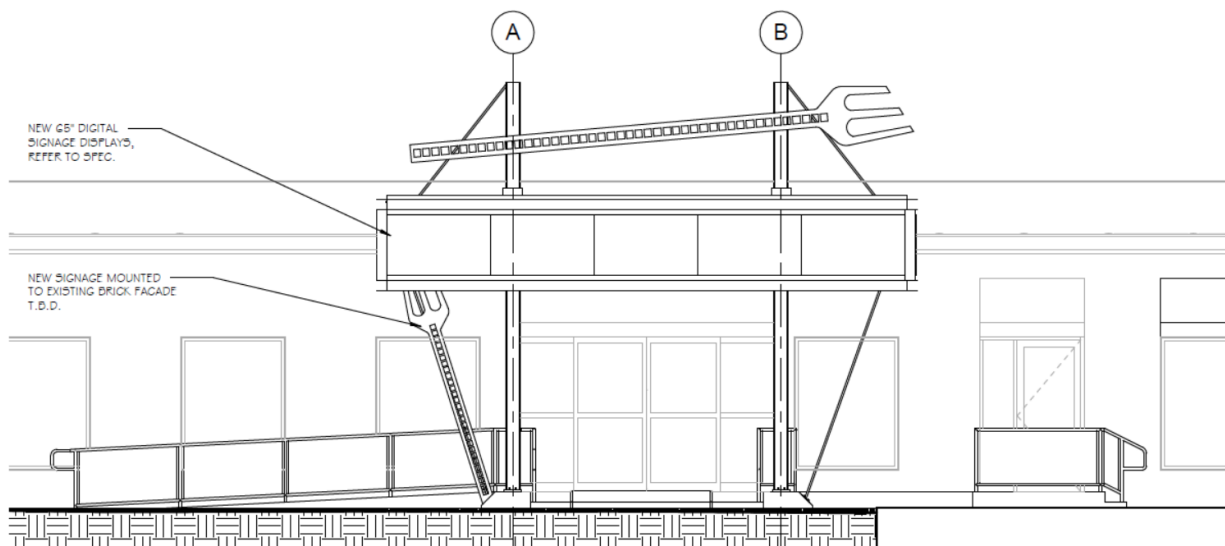
This survey was carried out 22 July, 2005.

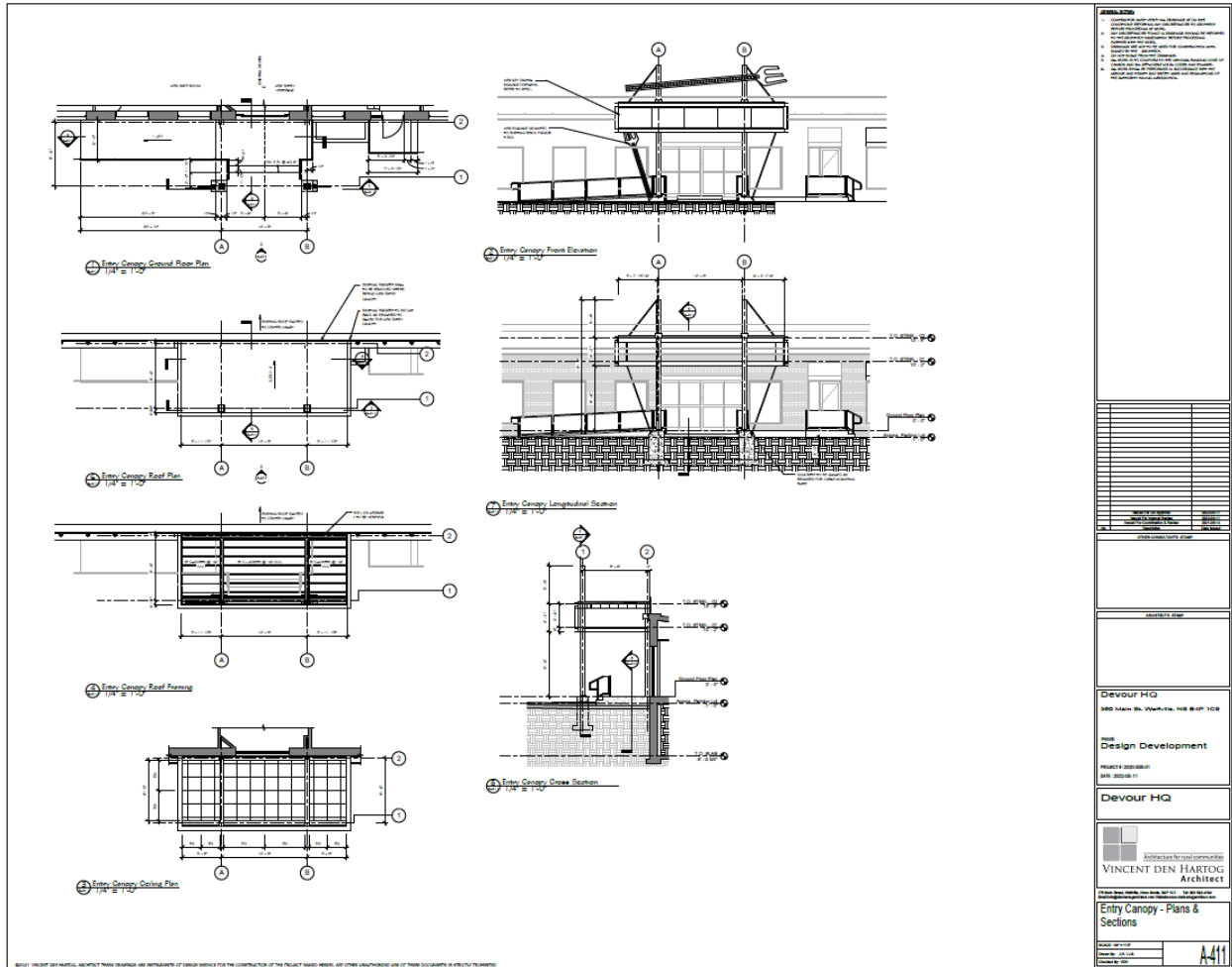
SCHEDULE "A"

Schedule B: Request and Proposed Elevation:

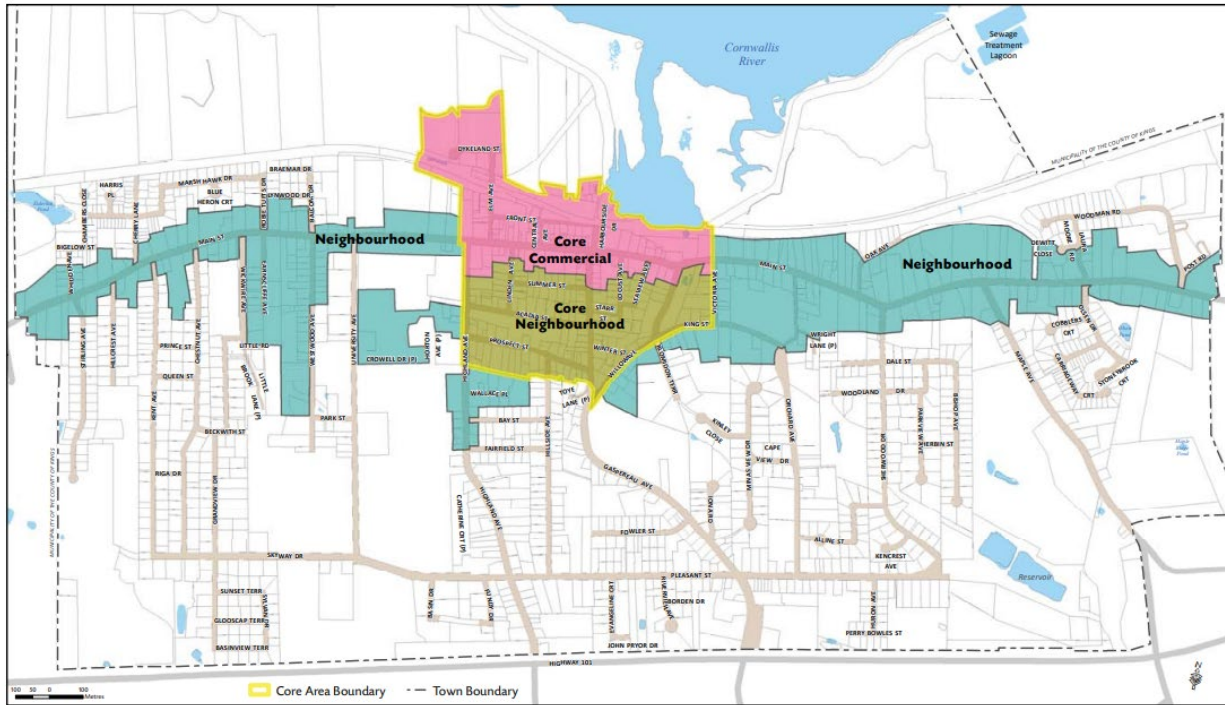
The Devour Studios (Slow Motion Food Film Fest Society) project is requesting a development agreement with The Town to erect and operate a Theatre marquee- like digital sign to promote events, activities and organizations and groups that will utilize the Devour Studios. It can be used as a community bulletin board for all events and activities in town.

The sign will be erected over the entrance to 1-360 Main street, facing south and set back from Main Street by 50 meters with no direct visual impact affecting drivers on Main Street. The marquee is envisioned as three separate digital panels that can be programmed to showcase events and tenants at the studios, in Waterfront Park and throughout town. In keeping with cultural buildings like the Confederation Centre in Charlottetown and the National Arts Centre in Ottawa (both of which have digital marquees) signage elevates these buildings to international stature with the use of new technology.





Schedule C: Design Guidelines Area Map



REPORT TO PLANNING ADVISORY COMMITTEE
Land Use Bylaw Amendment Proposal - Rezoning

PID 55271563 – 120 Highland Avenue

Date: September 2022

Department: Planning & Development



APPLICANT	Ahmed Nassrat (Ummah Society)
PROPOSAL	To rezone 120 Highland Avenue from Medium Density Residential (R-3) to Institutional General (I-1) to permit the use of a Mosque, community gathering space, a daycare and residential rental unit.
LOCATION	120 Highland Avenue (PID 55271563)
LOT SIZE	0.6 acres/27,340 square feet
DESIGNATION	Neighbourhood Residential Designation
ZONE	Medium Density Residential (R-3)
SURROUNDING USES	Institutional University (I-2) unoccupied property, Medium Density (R-3) and High Density (R-4) properties.
ARCHITECTURAL GUIDELINES	N/A
NEIGHBOUR NOTIFICATION	Newspaper ads and notices mailed to surrounding property owners within 100 metres; Sign placed on property



PROPERTY LOCATION



Figure 1 – Context map

REPORT TO PLANNING ADVISORY COMMITTEE
Land Use Bylaw Amendment Proposal - Rezoning

PID 55271563 – 120 Highland Avenue
Date: September 2022
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Figure 2 – 120 Highland Avenue (existing) looking west from Highland Avenue (Google Streetview)

PROPOSAL

The applicant is seeking a Land Use Bylaw (LUB) Amendment to rezone the property from Medium Density Residential (R-3) to Institutional General (I-1) to permit the use of a Mosque, community gathering space, a residential rental property and a daycare.

There currently are only preliminary site plans of the property and the proposed alterations (shown below); however, the applicant intends to make the following changes to the existing structure:

- Raise the dwelling and construct a new 2000 square foot basement to use as a daycare space.
- Increase the main floor from 1000 square feet to 2200 square feet and use the main floor for a Mosque and community gathering centre.
- The 900 square foot second storey and 600 square foot attic will not be increased in size and will be used as a single residential rental unit.

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Land Use Bylaw Amendment Proposal - Rezoning

PID 55271563 – 120 Highland Avenue
Date: September 2022
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Figure 3 – Draft/Concept site plan

BACKGROUND AND CONTEXT

The Ummah Society has been serving the Muslim community for 44 years in Nova Scotia and is now seeking to better support Muslims in the Annapolis Valley by providing a community gathering space, a place of worship, and a daycare in Wolfville for their more than 50 local members. An attached letter from the Ummah Society (Attachment 3) further describes the society and vision for this space.

The property is currently zoned Medium Density Residential (R-3). The use of the property at the time of purchase by the applicant was a residential rental dwelling unit. The existing dwelling unit is currently unoccupied by tenants and is being used for prayers. The existing area of the main floor is 1000 square feet, the second storey is 900 square feet and the attic is approximately 600 square feet.

The applicant is currently fundraising to rebuild the basement on the south boundary of the property and add additional square footage to bring the basement area to 2000 square feet and use the basement as a daycare. The applicant is also seeking to add 1200 square feet to the first storey, to bring the area to 2200 square feet. The applicant is seeking to use the first storey as a community gathering and prayer space, with a residential rental property throughout the second storey and attic. No plans

REPORT TO PLANNING ADVISORY COMMITTEE

Land Use Bylaw Amendment Proposal - Rezoning

PID 55271563 – 120 Highland Avenue
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are prepared at this time, however there is a draft site plan shown above illustrating future plans for an additional structure.

The applicant is seeking to rezone this property to Institutional General I-1 zone to permit the use of a Mosque (place of worship) as well as community gathering space, daycare and residential use. The surrounding properties include one University Institutional I-2 zoned property, and several Medium Density R-3 and High-Density Residential R-4 zone properties, as shown in figure 4 below.



Figure 4 – Zoning context map

POLICY REVIEW & DISCUSSION

The property is designated Neighbourhood Residential in the [Municipal Planning Strategy \(MPS\)](#) and zoned Medium Density Residential (R-3) in the [Land Use Bylaw \(LUB\)](#).

Municipal Planning Strategy (MPS)

REPORT TO PLANNING ADVISORY COMMITTEE

Land Use Bylaw Amendment Proposal - Rezoning

PID 55271563 – 120 Highland Avenue

Date: September 2022

Department: Planning & Development



The MPS contains 19 objectives related to land use, economic prosperity, climate action and social equity, 3 objectives related to land use, and 2 related to economic prosperity are particularly relevant to the proposed rezoning:

<p>OBJECTIVE LU</p> <p>To respect and strengthen existing neighbourhood character, while encouraging quality, inclusive urban design.</p>	<p>OBJECTIVE LU</p> <p>To support public art and cultural programming.</p>	<p>OBJECTIVE LU</p> <p>To create complete neighbourhoods to maximize our infrastructure and promote community health.</p>
<p>ANTICIPATED RESULTS</p> <ul style="list-style-type: none">• Improve processes and requirements for infill development.• Create tools for improved social inclusion of all residents.• Policies to support innovation.	<p>ANTICIPATED RESULTS</p> <ul style="list-style-type: none">• Institutionalize public art appreciation.• Work with and support action by community groups, non-profits and other partners.	<p>ANTICIPATED RESULTS</p> <ul style="list-style-type: none">• Create and incentivize neighbourhood commercial to create convenient access to services for all residents.

REPORT TO PLANNING ADVISORY COMMITTEE

Land Use Bylaw Amendment Proposal - Rezoning

PID 55271563 – 120 Highland Avenue

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OBJECTIVE EP	OBJECTIVE EP
To encourage growth and manage land use with a goal of balanced economic and environmental sustainability.	To ensure a vibrant local economy by supporting economic development, creative entrepreneurship, and home based business endeavours that further the Town's position as a regional cultural, tourism, and educational centre.

ANTICIPATED RESULTS

- Expand neighbourhood commercial opportunities.
- Focus on infill development and gentle density.

ANTICIPATED RESULTS

- Strive for top quality facilities and services, including an enhanced public library.
- Further our brand as a hub of tourism, food and libations through additional opportunities along Main Street and in the Core Area.

MPS - Part 8. Neighborhoods

Part 8.1 of the Municipal Planning Strategy outlines considerations for rezoning of lands zoned Medium Density Residential (R-3).

Policy 8.1.2 *To enable the following zones within the Neighbourhood Area Designation and that they be reflected on the Zoning Map of the Land Use Bylaw:*

e. Institutional General (I-1)

Policy 8.1.4 *To enable the rezoning of properties, save and except to or from the “Low Density Residential – Restricted” (R-1) zone, within the Neighbourhood Designation to another zone enabled in the designation where the general criteria of Section 11 – Implementation and specific criteria of the particular zoning category can be met.*

Policy 8.1.5 *To consider new General Institutional uses in the Neighbourhood Designation through a rezoning to the Institutional General (I-1) zone of the Land Use Bylaw.*

REPORT TO PLANNING ADVISORY COMMITTEE

Land Use Bylaw Amendment Proposal - Rezoning

PID 55271563 – 120 Highland Avenue

Date: September 2022

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Policy 8.6.4 *To enable economic development opportunities in both the ‘Neighbourhood’ and ‘Core Neighbourhood’ Designations in an effort to diversify our local economy, encourage entrepreneurship, reduce people’s reliance on the automobile, and contribute to housing affordability.*

Policy 8.6.13 *To enable the rezoning if properties within the Neighbourhood Designation, to the Institutional General (I-1) zone where the property can meet the requirements of the Land Use Bylaw and the criteria of MPS Section 11 – Implementation.*

MPS - Part 11. Implementation

Sections 11.4.1 and 11.4.3 of the MPS outlines the policies of Council when considering a Land Use Bylaw Agreement. ‘Attachment 1’ outlines all the policies and analysis; however the following lists the most pertinent considerations for this application

11.4.1 Land Use Bylaw (LUB) Amendments

11.4.1.1 *To consider amendments to the Land Use Bylaw provided the amendment is consistent with the intent of the Municipal Planning Strategy.*

11.4.1. *To use the general criteria, outlined in Section 11.4.3, as a guide in the evaluation of Land Use Bylaw amendments.*

11.4.1.4 *To consider an application for amendment to the Land Use Bylaw (rezoning) 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.*

11.4.1.5 *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.*

Land Use By-Law

The Land Use Bylaw (LUB) establishes the following regulations:

Part 19. General Requirements for Institutional, Agricultural, and Parks and Open Space Zones

REPORT TO PLANNING ADVISORY COMMITTEE

Land Use Bylaw Amendment Proposal - Rezoning

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Table 19.2 Indicates the approval process for various uses in the Institutional General (I-1) zone. Uses permitted as-of-right in the I-1 zone include the following uses relevant to this application:

- Community centres
- Cultural facilities
- Places of Assembly
- Places of Worship
- Residential Uses Accessory to Places of Worship

Table 19.2 does not, however, permit daycares that are not accessory to places of worship. Staff are bringing forward amendments to better allow daycare facilities in the Town. Otherwise, this would have to be a very small facility that is accessory.

Part 20. Institutional General (I-1) Zone

20.1 Intent

The I-1 zone is intended to permit a range of institutional uses such as churches and public government facilities. Council may consider unique and site-specific developments by development agreement.

20.3 Rezoning

Rezoning to any other zone shall be considered subject to Policy 11.4.3 of the MPS.

PROCESS & NEXT STEPS

Section 219 of The Municipal Government Act (MGA) establishes the process for the approval of a Land Use Bylaw Amendment. This process requires review by the Planning Advisory Committee and the holding of a Public Hearing by Council prior to a decision by Council to approve or reject the proposal. The decision by Council may be appealed to the Nova Scotia Utility and Review Board by an aggrieved person or by the Applicant.

The first stage of the application review process began at the Public Information Meeting (PIM) held on August 4th, 2022. Property owners within 100 metres of the development were notified by mail and a notice of the PIM was posted in the Saltwire newspaper and on www.wolfville.ca indicating that the site was subject to a rezoning application. The purpose of the PIM was to provide the public with an opportunity to offer preliminary feedback on the request and allow the applicant to answer any questions that would arise. Notes from the PIM have been included as 'Attachment 2' and assisted the review process in identifying issues, support or concerns raised by residents and committee members.

REPORT TO PLANNING ADVISORY COMMITTEE

Land Use Bylaw Amendment Proposal - Rezoning

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The next step in the Land Use Bylaw Amendment process (as shown below), will be to have the Planning Advisory Committee (PAC) review this report and provide a recommendation to Council. Council will then provide Initial Consideration, and if passed, a Public Hearing will be scheduled prior to a decision on the proposal from Council.



Figure 5 – LUB Amendment Process.

REVIEW FROM OTHER DEPARTMENTS

The following summarizes the comments from the relevant agencies or departments:

1. Traffic Authority and Director of Public Works and Engineering:
 - a. Alex de Sousa is the Traffic Authority for the Town of Wolfville and also the Director of Public Works and Engineering – input is ongoing. No issues are anticipated.

PUBLIC INFORMATION MEETING

The Town held a Public Information Meeting on August 4th, 2022. Notes from this meeting are included as Attachment 2. No members of the public expressed concern regarding this proposal during the PIM, and three members of the public spoke in favour of the proposal.

COMMENTS & CONCLUSIONS

The subject property and existing dwelling is currently unoccupied. The Land Use Bylaw Amendment application proposes the reconstruction and enlargement of an existing basement, additional square footage added to the main and second storeys, and a change in use from medium density residential to a mosque, daycare, community centre and rental apartment.

While daycares uses not accessory to a place of worship are not currently permitted in the I-1 zone, Staff believe these uses are compatible with the intent of the I-1 zone and are being proposed through a separate amendment to be added to LUB table 19.2. Staff believe the development proposal meets the overall intent of the Municipal Planning Strategy and is consistent with relevant policies.

REPORT TO PLANNING ADVISORY COMMITTEE
Land Use Bylaw Amendment Proposal - Rezoning

PID 55271563 – 120 Highland Avenue
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STAFF RECOMMENDATION

Staff recommends that the Planning Advisory Committee provide a positive recommendation to Council regarding the Land Use Bylaw Amendment to rezone 120 Highland Avenue from R-3 to I-1.

ATTACHMENTS

1. Policy Summary Tables
2. Public Information Meeting Notes
3. Letter from the Ummah Society

ATTACHMENT 1 – Policy Summary Tables

Policy 11.4.3 of the MPS states the general considerations for all Land Use Bylaw Amendments. As part of the review for this section, staff may have contacted other departments or outside agencies to seek specific information. The following table outlines the policy and provides Staff comment:

11.4.3 CRITERIA FOR LUB AMENDMENTS AND CONSIDERATION OF DEVELOPMENT AGREEMENTS

GENERAL CONSIDERATIONS	Staff Comment
GENERAL CONSIDERATIONS a. The financial ability of the Town to absorb any costs relating to the proposal; and	<ul style="list-style-type: none">• Not applicable
b. The proposal’s conformance with the intent of the Municipal Planning Strategy and to	<ul style="list-style-type: none">• The rezoning will enable development that will conform with the intent of the MPS and

REPORT TO PLANNING ADVISORY COMMITTEE
Land Use Bylaw Amendment Proposal - Rezoning

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all other applicable Town Bylaws and regulations.	all other applicable Town Bylaws and regulations.
c. The proposal's conformance with relevant portions of the Town's 'Sustainability Checklist', where applicable.	<ul style="list-style-type: none"> • Not applicable
<p>COMPATIBILITY OF THE DEVELOPMENT</p> <p>d. Compatibility of the proposed land use with adjacent land uses; and</p>	<ul style="list-style-type: none"> • The proposed land use is compatible with the adjacent land uses.
e. Compatibility of the development with adjacent properties in terms of height, scale, lot coverage, density, bulk, and architectural style; and	<ul style="list-style-type: none"> • The development is compatible with the adjacent properties in terms of height, scale, lot coverage, density, bulk and architectural style.
f. Compatibility of the development with adjacent properties in terms of lighting, signage, outdoor display, outdoor storage, traffic impacts, and noise; and	<ul style="list-style-type: none"> • The proposed development will be required to minimize any impact on neighbouring properties by adhering to set hours of operation.
g. Integration of the development into the surrounding area by means of appropriate landscaping, with screening provided by existing and new vegetation and fencing as required; and	<ul style="list-style-type: none"> • Requirements will be applied during the permitting process.
h. The proposal protects and preserves matters of public interest such as, but not limited to:	
i. historically significant buildings;	<ul style="list-style-type: none"> • The proposal does not require alteration of historically significant buildings.
j. public access to shorelines, parks, and public and community facilities; and	<ul style="list-style-type: none"> • The plan does not interfere with any shorelines, parks, or public and community facilities.

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Land Use Bylaw Amendment Proposal - Rezoning

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<p>k. important and significant cultural features, natural land features and vegetation.</p>	<ul style="list-style-type: none"> The proposed development will provide cultural opportunities not previously offered in Wolfville.
<p>SERVICING CONSIDERATIONS</p> <p>l. The adequacy of sanitary services, water services, and storm water management services; and</p>	<ul style="list-style-type: none"> The proposed development is serviced by municipal water and sewer.
<p>m. Contribution of the proposal towards an orderly and compact development pattern that makes efficient use of existing and new municipal infrastructure and services.</p>	<ul style="list-style-type: none"> The proposed development will change the use of an existing, municipally serviced building.
<p>MOBILITY CONSIDERATIONS</p> <p>n. The adequacy of the road network in, and adjacent to, or leading to the development, regarding connectivity, congestion and traffic hazards; and</p>	<ul style="list-style-type: none"> Public Works to review
<p>o. The adequacy of site access as determined by the Traffic Authority; and</p>	<ul style="list-style-type: none"> Traffic Authority to review
<p>p. The ability of emergency services to respond to an emergency at the location of the proposed development; and</p>	<ul style="list-style-type: none"> To review, no issues anticipated
<p>q. The adequacy of active transportation infrastructure to support walking and cycling to and from the proposed development; and</p>	<ul style="list-style-type: none"> The property is located along phase 1 of the active transportation network and there will be sidewalk and bicycle lane access.
<p>r. The provision of off -street vehicle and bicycle parking to prevent significant congestion, nuisance and inconvenience in the area.</p>	<ul style="list-style-type: none"> The proposed development will be required to meet Part 6 Parking and Loading Requirements of the Land Use Bylaw.

REPORT TO PLANNING ADVISORY COMMITTEE
Land Use Bylaw Amendment Proposal - Rezoning

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<p>ENVIRONMENTAL CONSIDERATIONS</p> <p>s. Consideration of any previous uses of the site which may have caused soil or groundwater contamination; and</p>	<ul style="list-style-type: none"> • Not applicable
<p>t. Suitability of the site in terms of slope and flood and erosion risk in accordance with Schedule E of the Land Use Bylaw; and</p>	<ul style="list-style-type: none"> • Not applicable
<p>u. Consideration of any anticipated environmental impacts resulting from the development, such as air and water pollution, soil contamination, and potential for the contamination or sedimentation of watercourses. Where Council determines, on the advice of a qualified person, that there is a significant risk of environmental damage from any proposed development, an environmental impact assessment shall be carried out by the developer for the purpose of determining the nature and extent of any impact and no agreement shall be approved until Council is satisfied that the proposed development will not create or result in undue environmental damage; and</p>	<ul style="list-style-type: none"> • Not applicable
<p>v. The application of sustainable design principles and energy efficient technology, including but not limited to renewable energy infrastructure; and</p>	<ul style="list-style-type: none"> • N/A at this time
<p>w. Environmentally friendly paving alternatives, provision of alternative transportation parking, integration of</p>	<ul style="list-style-type: none"> • N/A at this time

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landscaping into the design of parking lots, green roofs, etc	

REPORT TO PLANNING ADVISORY COMMITTEE
Land Use Bylaw Amendment Proposal - Rezoning

PID 55271563 – 120 Highland Avenue

Date: September 2022

Department: Planning & Development



ATTACHMENT 2 - Public Information Meeting and Design Review Committee
Notes

Public Information Meeting
6.00 PM – Council Chambers
Development Agreement Proposal
249 Main Street

Attending

Director of Planning Devin Lake, Community Planner Lindsay Slade, Applicant Ahmed Nassrat and five interested members of the public.

Lindsay Slade began the meeting at 6 PM with a presentation on the development proposal, beginning with an overview of the uses proposed and a review of the policy relating to this application and the requirements of the LUB amendment process. Lindsay Slade then looked to the attendees for questions, or comments. No questions were posed, however two members of the public did provide feedback, summarized below:

Mr. Rafih: Expressed that the proposal is a great addition to the Town and Valley, and is very important to the Muslim community, and that this proposal will be good for refugees and helps to show them that Wolfville is a good place for them to live.

Mr. Kadray: Expressed that the close proximity of the proposed use to Acadia University is important because there are many Muslim students at Acadia University. There are also many Muslims moving to the Town who will appreciate having the Mosque and community centre nearby.

Director Lake adjourned the meeting at 6.27 PM.

Additional feedback, submitted through email following the PIM, includes the following:

Beverly Boyd: Expressed support for the proposed development, indicated it will bring needed services to the Town, will support diversity and inclusion, and provide an adaptive re-use of the property. Ms. Boyd questioned how the development will be financed and sustained moving forward, and if the development may impact traffic on Highland Avenue.

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Land Use Bylaw Amendment Proposal - Rezoning

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ATTACHMENT 3 – Letter from the Ummah Society Regarding the Proposed Uses

Dear Town of Wolfville,

The Ummah Society is a non-profit organization based in Nova Scotia that has an Islamic Community Center and School on Chebucto Road in Halifax. The Ummah Society has been a leader in providing guidance to newcomers. It has also provided community support in areas like mental health, social and family support.

Our local Muslim community has done a lot of work in welcoming newcomers to Wolfville as well as befriending the different students that come to Wolfville and Acadia for the past 44 years. We have rented many different venues at no cost to the students, providing them with a meal, friendship and guidance when needed.

We are not an organization and we have been asked by the different families that live here to help provide a place for them and their families to gather for their different religious and cultural events that will enrich our greater community!

As a result, we have partnered with the Ummah Society to provide a well-needed place that hopefully will be a torch of hope for Wolfville. We have chosen Wolfville for our endeavour because the town is full of cultural and multicultural coexistence! We hope to add much more to our great town.

The Ummah Society recently purchased the property at 120 Highland Ave to help meet the growing demands of our local Muslim Community. Over the past 5 years we have seen a big influx of Muslims specifically through the Syrian Refugees that have moved to the area together with families moving from other provinces for work. There are many Muslim students attending Acadia University that will use this place for worship, community events and holidays.

With this growth in the Muslim Community comes a need for space for community members to meet, congregate and pray. The intended future use of the property at 120 Highland Ave is to have a community center with a hall for events, prayers as well as development of a daycare for children. The upper levels would be used to house students attending Acadia or a family. This is in addition to using the outdoor spaces for gatherings and a playground.

If there are any further questions please do not hesitate to ask.

Ahmed Nassrat
Ummah Society

REPORT TO PLANNING ADVISORY COMMITTEE

Land Use Bylaw Amendments

Date: September 2022

Department: Planning & Development



PROPOSAL	To amend the Land Use Bylaw to allow Daycares in the I-1, I-2, and C-2 as-of-right and in the R-3 and R-4 by Site Plan Approval and to amend the requirements for Architectural plans for Site Plan Approval Applications.
LOCATION	Various (I-1, I-2, C-2, R-3 and R-4)

PURPOSE

Periodically Staff will identify amendments to the Land Use By-law, for various reasons. Two are outlined here and others will be warranted as we continue to work with our new (2020) planning documents. See [here](#) to view the Town’s Municipal Planning Strategy and [here](#) for the Town’s Land Use By-law.

LEGISLATIVE

The *Municipal Government Act (MGA)* states:

Amendment of land-use by-law

210 (1) An amendment to a land-use by-law that

(a) is undertaken in accordance with the municipal planning strategy; and

(b) is not required to carry out a concurrent amendment to a municipal planning strategy,

is not subject to the review of the Director or the approval of the Minister.

(2) The procedure for the adoption of an amendment to a land-use by-law referred to in subsection (1) is the same as the procedure for the adoption of planning documents, but a public participation program is at the discretion of the council and the amendment may be adopted by a majority of votes of the council members present at the public hearing.

BACKGROUND AND CONTEXT

1. Permitting Daycare Use

There is a need for childcare spaces in our region. Limited opportunity exists to create a daycare business in our Town. Staff are proposing to amend the following tables in the Land Use By-law (8.1, 14.1, 19.2) to allow Daycares to a maximum of 30 persons, as shown below. This type of facility is also subject to other Provincial licensing and approvals.

REPORT TO PLANNING ADVISORY COMMITTEE

Land Use Bylaw Amendments

Date: September 2022

Department: Planning & Development



Table 8.1 Residential zones:

Neighbourhood Commercial Uses	R-1	R-2	R-3	R-4	CDD	C-2
Daycare Facilities (4 or more persons to a maximum of 30)			SP	SP		P

Table 14.1 Commercial zones:

Commercial zones	C-1	C-2	C-3
Daycare Facilities (4 or more persons to a maximum of 30)	P	P	SP

Table 19.2 Institutional zones:

Institutional	I-1	I-2	P-1	P-2	A	AT
Daycare Facilities (4 or more persons to a maximum of 30)	P	P				

The definition of a Daycare Facility is as follows:

Daycare Facility means a place where four or more persons are cared for on a temporary daily basis without overnight accommodation but does not include a school.

2. Requirement for Architectural Plans

Staff are proposing to only require Architectural Plans (stamped by a Licensed Architect) in the Design Guidelines areas for proposals by Site Plan or Development Agreement.

Staff have received concern from Engineers Nova Scotia on this requirement and from Developers looking to move projects forward and are facing issues with this requirement (time, cost, availability, etc).

This requirement was created when we moved from almost all proposals going to Council through a Development Agreement to more permissive development controls where site plan and as-of-right approvals would be more common.

The Design Guidelines areas are shown below:

REPORT TO PLANNING ADVISORY COMMITTEE

Land Use Bylaw Amendments

Date: September 2022

Department: Planning & Development

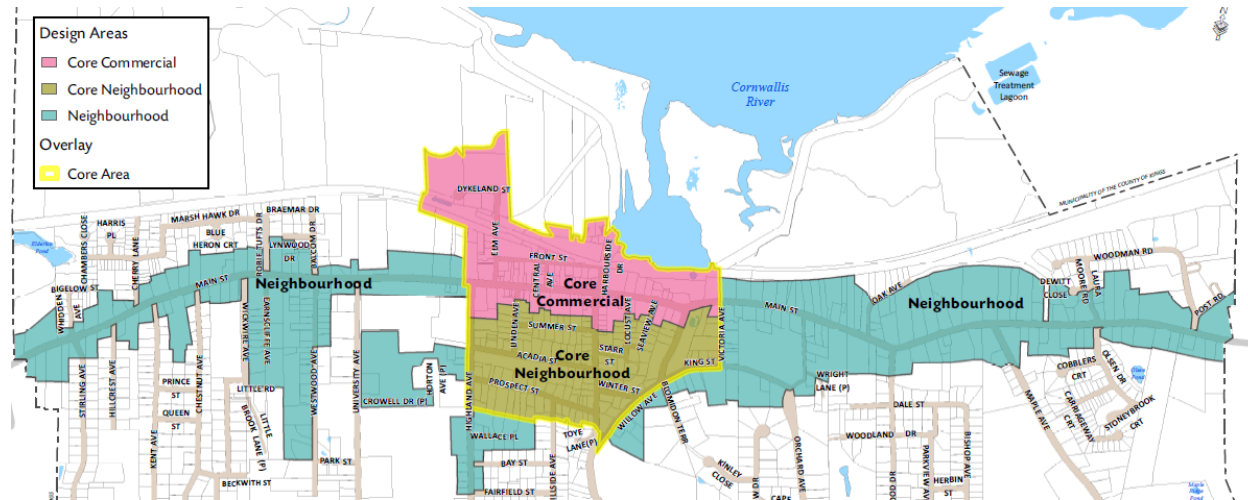


Figure 1 – Design Guidelines areas from LUB

The proposed text change in the Land Use By-law would be as follows:

Change LUB 2.10(5) to read:

(5) Architectural plans prepared by a licensed Architect for applications in a Design Guidelines Area or a licensed professional in other areas indicating compliance with the specific design requirements of the zones in this Bylaw including:

- (a) Height, streetwall height and setbacks pursuant to each zone;
- (b) Building elevations and articulation on all sides including signage and lighting;
- (c) Notes on building material intentions;
- (d) Floor plans for every level;
- (e) A perspective rendering of the building showing context and/or 3D Sketchup model may be required.

PROCESS & NEXT STEPS

Section 210 of The Municipal Government Act (MGA) establishes the process for amendments to the Land Use Bylaw. This process requires review by the Planning Advisory Committee and the holding of a Public Hearing by Council prior to a decision by Council to approve or reject the proposal. The decision by Council may be appealed to the Nova Scotia Utility and Review Board by an aggrieved person.

REPORT TO PLANNING ADVISORY COMMITTEE

Land Use Bylaw Amendments

Date: September 2022

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The next step in the Land Use Bylaw Amendment process (as shown below), will be to have the Planning Advisory Committee (PAC) review this report and provide a recommendation to Council. Council will then provide Initial Consideration, and if passed, a Public Hearing will be scheduled prior to a decision on the proposal from Council.

A mailing and required advertising on these amendments will be sent prior to the Public Hearing.

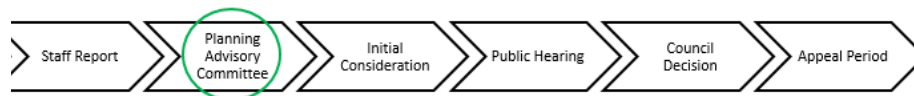


Figure 2 – LUB Amendment Process

STAFF RECOMMENDATION

That the Planning Advisory Committee recommend to Council the amendments to the Land Use By-law related to daycares and architectural drawings, as outlined in Attachment 1.

ATTACHMENTS

1. MPS Policy 11.4.3
2. Resolution

ATTACHMENT 1 – Policy Summary Table

Policy 11.4.3 of the MPS states the general considerations for all LUB amendments. As part of the review for this section, staff may have contacted other departments or outside agencies to seek specific information. The following table outlines the policy and provides Staff comment:

11.4.3 CRITERIA FOR LUB AMENDMENTS AND CONSIDERATION OF DEVELOPMENT AGREEMENTS

GENERAL CONSIDERATIONS	Staff Comment
<p>GENERAL CONSIDERATIONS</p> <p>a. The financial ability of the Town to absorb any costs relating to the proposal; and</p>	<ul style="list-style-type: none"> • Not applicable
<p>b. The proposal’s conformance with the intent of the Municipal Planning Strategy and to all other applicable Town Bylaws and regulations.</p>	<ul style="list-style-type: none"> • conforms with the intent of the MPS and would be regulated at the site level through applicable process (as-of-right, site plan, DA).
<p>c. The proposal’s conformance with relevant portions of the Town’s ‘Sustainability Checklist’, where applicable.</p>	<ul style="list-style-type: none"> • Not applicable
<p>COMPATIBILITY OF THE DEVELOPMENT</p> <p>d. Compatibility of the proposed land use with adjacent land uses; and</p>	<ul style="list-style-type: none"> • Daycares are proposed to be permitted in the R-3 and R-4, C-2 and I-1 and I-2 zones. The land use impacts of a childcare facility are not substantial (some noise, vehicle traffic for drop-offs, pick-ups). These impacts need to be weighed against the need for such spaces. Currently 2 daycares exist in neighbourhoods within the Town. • N/A for architectural drawing requirement.
<p>e. Compatibility of the development with adjacent properties in terms of height, scale, lot coverage, density, bulk, and architectural style; and</p>	<ul style="list-style-type: none"> • See above comment re: compatibility.
<p>f. Compatibility of the development with adjacent properties in terms of lighting, signage, outdoor display, outdoor storage, traffic impacts, and noise; and</p>	<ul style="list-style-type: none"> • See above comment re: compatibility.

<p>g. Integration of the development into the surrounding area by means of appropriate landscaping, with screening provided by existing and new vegetation and fencing as required; and</p>	<ul style="list-style-type: none"> • Subject to Land Use By-law requirements
<p>h. The proposal protects and preserves matters of public interest such as, but not limited to:</p>	
<p>i. historically significant buildings;</p>	<ul style="list-style-type: none"> • N/A
<p>j. public access to shorelines, parks, and public and community facilities; and</p>	<ul style="list-style-type: none"> • N/A
<p>k. important and significant cultural features, natural land features and vegetation.</p>	<ul style="list-style-type: none"> • N/A
<p>SERVICING CONSIDERATIONS</p> <p>l. The adequacy of sanitary services, water services, and storm water management services; and</p>	<ul style="list-style-type: none"> • To be reviewed at time of application
<p>M. Contribution of the proposal towards an orderly and compact development pattern that makes efficient use of existing and new municipal infrastructure and services.</p>	<ul style="list-style-type: none"> • Child care within the town provides a higher quality of life for parents of young children and a healthy land use mix in existing neighbourhoods.
<p>MOBILITY CONSIDERATIONS</p> <p>n. The adequacy of the road network in, and adjacent to, or leading to the development, regarding connectivity, congestion and traffic hazards; and</p>	<ul style="list-style-type: none"> • To be reviewed with applications
<p>o. The adequacy of site access as determined by the Traffic Authority; and</p>	<ul style="list-style-type: none"> • To be reviewed with applications
<p>p. The ability of emergency services to respond to an emergency at the location of the proposed development; and</p>	<ul style="list-style-type: none"> • To be reviewed with applications

<p>q. The adequacy of active transportation infrastructure to support walking and cycling to and from the proposed development; and</p>	<ul style="list-style-type: none"> • To be reviewed with applications
<p>r. The provision of off -street vehicle and bicycle parking to prevent significant congestion, nuisance and inconvenience in the area.</p>	<ul style="list-style-type: none"> • To be reviewed with applications. Could be an issue at some locations.
<p>ENVIRONMENTAL CONSIDERATIONS</p> <p>s. Consideration of any previous uses of the site which may have caused soil or groundwater contamination; and</p>	<ul style="list-style-type: none"> • To be reviewed with applications
<p>t. Suitability of the site in terms of slope and flood and erosion risk in accordance with Schedule E of the Land Use Bylaw; and</p>	<ul style="list-style-type: none"> • To be reviewed with applications
<p>u. Consideration of any anticipated environmental impacts resulting from the development, such as air and water pollution, soil contamination, and potential for the contamination or sedimentation of watercourses. Where Council determines, on the advice of a qualified person, that there is a significant risk of environmental damage from any proposed development, an environmental impact assessment shall be carried out by the developer for the purpose of determining the nature and extent of any impact and no agreement shall be approved until Council is satisfied that the proposed development will not create or result in undue environmental damage; and</p>	<ul style="list-style-type: none"> • To be reviewed with applications
<p>v. The application of sustainable design principles and energy efficient technology, including but not limited to renewable energy infrastructure; and</p>	<ul style="list-style-type: none"> • To be reviewed with applications

w. Environmentally friendly paving alternatives, provision of alternative transportation parking, integration of landscaping into the design of parking lots, green roofs, etc	<ul style="list-style-type: none">• To be reviewed with applications

CERTIFIED COPY OF LAND USE BY-LAW AMENDMENT

I, Laura Morrison, Town Clerk of the Town of Wolfville in the County of Kings, Province of Nova Scotia, do hereby certify this is a true copy of the amendments to the Land Use By-law adopted by Council of the Town of Wolfville at a meeting duly called and held on the XX day of XXXXXXX, 2022.

Laura Morrison, Town Clerk

This signature is sealed with the Town of Wolfville Corporate Seal.

AMENDMENTS TO THE TOWN OF WOLFVILLE LAND USE BY-LAW

- Amend tables 8.1, 14.1 and 19.2 in the Land Use Bylaw to include Daycare Facilities as shown below:

Table 8.1 Residential zones:

Neighbourhood Commercial Uses	R-1	R-2	R-3	R-4	CDD	C-2
Daycare Facilities (4 or more persons to a maximum of 30)			SP	SP		P

Table 14.1 Commercial zones:

Commercial zones	C-1	C-2	C-3
Daycare Facilities (4 or more persons to a maximum of 30)	P	P	SP

Table 19.2 Institutional zones:

Institutional	I-1	I-2	P-1	P-2	A	AT
Daycare Facilities (4 or more persons to a maximum of 30)	P	P				

- Delete 2.10(5) in the Land Use Bylaw and replace with:

2.10(5) Architectural plans prepared by a licensed Architect for applications in a Design Guidelines Area or a licensed professional in other areas indicating compliance with the specific design requirements of the zones in this Bylaw including:

- (a) Height, streetwall height and setbacks pursuant to each zone;**

- (b) Building elevations and articulation on all sides including signage and lighting;**
- (c) Notes on building material intentions;**
- (d) Floor plans for every level;**
- (e) A perspective rendering of the building showing context and/or 3D Sketchup model may be required.**