

STAFF REPORT

To: Port Hawkesbury Planning Advisory Committee
Port Hawkesbury Town Council

From: Staff - Eastern District Planning Commission

Date: October 9, 2007

Reference: Proposed Development Agreement between the Town of Port Hawkesbury and Smith & Fraser with respect to the proposed Westgate Development - Mobile Home Park (PID# 50155779)

Recommendation:

That Council **approves** a Development Agreement between Smith & Fraser and the Town of Port Hawkesbury with respect to the development of Westgate, a new 85 unit mobile home park, which will be located at PID# 50155779, along Reeves Street, in Port Hawkesbury. (See Appendix B)

Information:

The Town of Port Hawkesbury owns a 22.10 acre parcel of land, located to the rear of the new Wastewater Treatment Plant, which fronts Reeves Street. The Town is interested in selling this property to Smith & Fraser for the development of a new mobile home park. The property, also to be known as PID# 50155779, is designated Residential, and zoned both Residential Two Unit (R-2) and Residential Rural (R-5).

The Municipal Planning Strategy for the Town of Port Hawkesbury outlines that for Council to consider approval of a new mobile home park it must be established in a Residential designation by way of development agreement (Policy L-1.5.4 and Policy I-1.6). Therefore, the proposed development agreement shall be established between the Town of Port Hawkesbury and the future owners of property in question, Smith & Fraser.

A development agreement is a legally binding agreement which provides an approach to development control that is more flexible than traditional methods of zoning. Development agreements allow planning committees to safeguard a neighbourhood's general aesthetics, types of uses and the protection of the natural environment. Development agreements created within the Town of Port Hawkesbury may administer such options as outlined in Policy I-1.8 of the Municipal Planning Strategy and Part 11 of the Land Use By-law.

Analysis:

Mobile homes are one method of development the Town of Port Hawkesbury can use to help fulfill its current need for housing, while ensuring higher density development. Based on Policy L-1.5.4 the proposed development is compatible with the Residential designation, and shall be established through a development agreement, as stated in Policy I-1.6. Those requirements of Policy L-1.5.4 are outlined in Appendix "A".

Description

Designation:	Residential
Zoning:	Residential Two Unit (R-2) and Residential Rural (R-5)
Identification:	PID# 50155779 Reeves Street, Port Hawkesbury
Area:	22.10 acres
Context Map:	Appendix B
Site Visit:	January 10, 2007 August 29, 2007

Letters were sent to those agencies, as outlined by the Municipal Planning Strategy, requesting their comment on whether the proposed development was “not premature” or “inappropriate”. The following is a synopsis of Policy I-1.7 outlining the criteria, evaluation, and conditions set out in the various agencies’ letters (Appendix A).



The Town of Port Hawkesbury advises that the proposal is not premature or inappropriate by reason of the financial capability of the Town to absorb any costs relating to the development and that the proposal will not create any foreseeable major problems. The Town feels that the only financial impacts from the development will be positive, as it will help the local residential tax base to grow, and will require no infrastructure expenditures in order to accommodate the proposed development.

The Town of Port Hawkesbury Public Works Department states that there are both sewer and water services in the location of the proposal, and that such a development will not create any foreseeable problems regarding servicing. The department also points out that there is no storm sewer in this area. The lack of storm sewer will be addressed through the drainage mitigation plan, which is a requirement before the Department of Transportation gives final approval for the new entrance.

The Strait Regional School Board feels that there are adequate school facilities and services, within close proximity to the proposed development, and that they would be able to effectively deal with a possible increase in students resulting from the new development.

The Town of Port Hawkesbury Parks, Recreation and Tourism Department concluded that there are adequate recreation and community facilities in this area, and that the proposal for the development, is not premature or inappropriate for this location.

Nova Scotia Department of Transportation and Public Works advises that the adequacy of road networks adjacent to and leading to the development are of concern. The Department requested that a Traffic Impact Analysis (TIA) be submitted due to the

increased volume of traffic this development would create, both entering onto and exiting from Trunk 4 (Reeves Street). Following a review of the completed TIA, Department of Transportation accepted the TIA report, and have based their final approval for highway access on four conditions which are: submission (and approval) of a detailed entrance design; submission (and approval) of a subdivision plan that provides road reserves to adjacent properties; agreement by the Town to access the sewage treatment plant via the proposed entrance to the development and closure of the existing entrance at the time of construction; agreement by the Town to get approval prior to any further development that accesses Trunk 4 from the new entrance. In a follow up letter, Department of Transportation also added an additional requirement, stating that a drainage mitigation plan must be submitted by a Professional Engineer before access approval will be granted for the Westgate development. The concerns of the Department of Transportation have been addressed through Section 3.2.1(a) of the development agreement.

Nova Scotia Department of Environment and Labour provided comments on the proposed development, regarding potential contamination of watercourses or the creation of erosion or sedimentation or any other major problems. The Department indicated that there is a watercourse on the property, and any alteration to this watercourse, which could adversely impact it, must be approved by Nova Scotia Environment and Labour under the Activities Designation Regulations. Similar requirements will be necessary if any wetlands are found on the property. Due to the relative size of the development, the Department also noted that the developer should be required to develop a sediment and erosion control plan, and also suggests another plan should be developed to deal with any emergency spills which may occur on the site. The concerns of the Department of Environment and Labour have been addressed through Section 3.2.1(b) of the development agreement.



The Port Hawkesbury Volunteer Fire Department was also asked to provide written comment on the adequacy of fire fighting equipment within the Town, in order to provide protective services for the proposed development. The Volunteer Fire Department stated that they were concerned with the width of roads within the park, and if there would be sufficient space for firefighting equipment. A second concern pertained to the position of the mobile homes within the park and that they would be spaced no less than 20 feet apart as a precautionary fire prevention measure. Thirdly, they were concerned that water pressure in the fire hydrants was no less than 40psi in order for efficiency in case of emergency.

When comments were requested from the Port Hawkesbury Volunteer Fire Department, they did not have the benefit of reviewing the site plan (Schedule A of the Development Agreement), which shows that the roads within the mobile home park are of an acceptable width. With regards to the spacing of the mobile homes within the park, this has been addressed through the National Building Code within the Development Agreement. As for acceptable water pressure levels (psi) for fire hydrants within the proposed development, this has also been addressed within the development agreement.

With respect to the development agreement, those criteria as outlined, but not limited to Policy I-1.8 were used to guide the regulations within the agreement. The specific use of the land, structures to be allowed on the property, general location of structures, setbacks, and the external appearance of all structures on the property are addressed in the development agreement and shall be controlled through the Land Use By-law. Further expansion to the mobile home park or surrounding land shall be controlled by the Department of Transportation and their approval to use the new entrance.

As outlined in the Land Use By-law, landscaping is a requirement for the development. After reviewing the landscaping requirements of the Land Use By-law, Planning staff felt that it would be more beneficial for all parties involved, to have the developer plant trees along the street and plant internal buffers (hedge/shrubs) between the mobile homes as illustrated on Schedule "B". As there are no neighbouring developments to the mobile home park at this time, buffers are somewhat redundant around the outside boundaries of the mobile home park. Signs and lighting requirements have also been addressed in the development agreement. General maintenance (mowing, garbage collection, etc.) of the mobile home park shall also be the responsibility of the developer.

Additional information, as outlined in Policy I-1.9, was used in the assessment of this proposal (Appendix A). Overall the proposal is in conformance with the intents of the Town of Port Hawkesbury's Planning Strategy and with the requirements of all other Town By-laws and regulations.

Conclusion:

The opinion of Planning Staff is that the proposed mobile home park meets the criteria and requirements of the Port Hawkesbury Municipal Planning Strategy and Land Use By-law, however it shall be a requirement that Smith & Fraser conform to all land use requirements, including those set out in the development agreement. Therefore staff recommends that the Town of Port Hawkesbury **approve** the Westgate proposal and enter into a development agreement with Smith & Fraser.

Appendix A: Summary of Evaluation Criteria

L-1.5.4 It shall be the intention of Council to consider approval of a new mobile home park or an expansion to an existing mobile home park within the Residential designation by development agreement if the development conforms to the following criteria:	
a) the proposed use meets the R4 zone standards for mobile home parks;	Complies (See Development Agreement)
b) the development is served by municipal sewer and water services and that it will not strain the capacities of those services;	Complies (Town Public Works Comments Received February 1, 2007)
c) the capacities of schools, recreation facilities and parks will not be strained by the development;	Complies (Strait Regional School Board Comments Received January 19, 2007/ Parks, Recreation & Tourism Comments Received February 8, 2007)
d) the layout and design of the internal road network and separation distances from maintenance buildings is suitable;	Complies (See Development Agreement)
e) there is adequate on-site recreational open space suitable in extent and design to the nature of the development;	Complies (See Development Agreement Section 3.2.5)
f) street access for the mobile home park be restricted to arterial or collector streets as shown on the Transportation Map);	Complies (See Schedule "A")
g) consideration be given to park design and the provision of barriers, berms, fences, and/or landscaping as part of the development to minimize the impacts on/from adjacent uses; and	Complies (See Development Agreement Section 3.2.4)
h) the proposal is consistent with the evaluation criteria for development agreements, Policy I-1.7.	Complies (See Following Criteria)

I-1.7 In considering development agreements, in addition to all other criteria set out in various policies of this planning strategy, Council shall have regard for the following matters:	
a) the proposal is in conformance with the intents of this Strategy and with the requirements of all other Town by-laws and regulations;	Complies
b) the proposal is not premature or inappropriate by reason of:	
i) the financial capability of the Town to absorb any costs relating to the development;	Complies (Town of Port Hawkesbury Comments Received January 25, 2007)
ii) the adequacy of sewer and water services to support the proposed development;	Complies (Town Public Works

	Comments Received February 1, 2007)
iii) the adequacy and proximity of school, recreation and other community facilities;	Complies (Strait Regional School Board Comments Received January 19, 2007/ Parks, Recreation & Tourism Comments Received February 8, 2007)
iv) the adequacy of road networks adjacent to, or leading to the development;	Complies (Department of Transportation Comments Received February 2, 2007)
v) the potential for the contamination of watercourses or the creation of erosion or sedimentation; and	Complies (Department of Environment Comments Received February 14, 2007)
c) the potential for damage to or destruction of historical buildings and sites.	N/A

I-1.8 It shall be the policy of Council, when considering an application for a development agreement or an amendment to a development agreement, that the agreement may include but not be limited to the following:	
a) the specified use and size of the structure, either new or an expansion of an existing structure, and the maximum floor area of additional or accessory uses;	See Development Agreement Section 3.1 and Schedule "A"
b) the location of any structures within the development;	See Schedule "A"
c) the percentage of land area that may be built upon and the size of yards, courts or other open spaces;	See Development Agreement Section 3.1
d) the external appearance of, in particular the compatibility with adjacent structures;	See Development Agreement Section 3.2.2
e) access to streets and parking;	See Schedule "A"
f) the landscaping or buffering of development which may include fencing, trees, shrubs, walkways and outdoor lighting;	See Development Agreement Section 3.2.4
g) signs;	See Development Agreement Section 3.2.8
h) open storage and screening;	See Development Agreement Section 3.3.2

i) hours of operation;	N/A
j) maintenance;	See Development Agreement Section 3.3
k) minimum lot sizes;	See Development Agreement Section 3.1
l) minimum area of land to be required for any class of use or size of structure;	See Development Agreement Section 3.1
m) regulating or prohibiting the use of land or the erection or use of structures except for such purposes as may be set out;	See Land Use By-law Part 11
n) the maximum density of the population within the development; and	N/A
o) any other similar matter that may be addressed in a Land Use By-law which Council feels is necessary to ensure the general compatibility of the use and structures with adjacent areas.	N/A

I-1.9 To aid in the assessment of an application for a development agreement, it shall be the intent of Council to require any or all of the following information, in addition to information relevant to Policy I-1.7, to be submitted by the applicant:	
a) information as to the physical and environmental characteristics of the proposed site including information regarding topography, contours, elevations, dimensions, natural drainage, soils, existing watercourses, vegetative cover, size and location of lands;	See Development Agreement Section 3.2.1(a) and (b)
b) information as to the proposed location, height, dimensions and use of all buildings or structures proposed to be built or erected on the lands;	Schedule "A"
c) for lands on which municipal servicing is not provided, information regarding the provision of water and sewage disposal;	N/A
d) information as to the proposed access and egress to and from the lands and estimated traffic flows to be generated and parking provisions;	See Development Agreement Section 3.2.1(a)
e) information as to the intended hours of operation, open storage, signs; and	See Development Agreement Section 3.2.8 and 3.3.2
f) information as to the provision for an appropriate buffer.	See Development Agreement Section 3.2.4

