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Public Hearing
PLANAPP-2023-00335

Development Agreement Amendment:
95 Montebello Dr, Dartmouth

Harbour East - Marine Community Council

March 7, 2024

Proposed Development

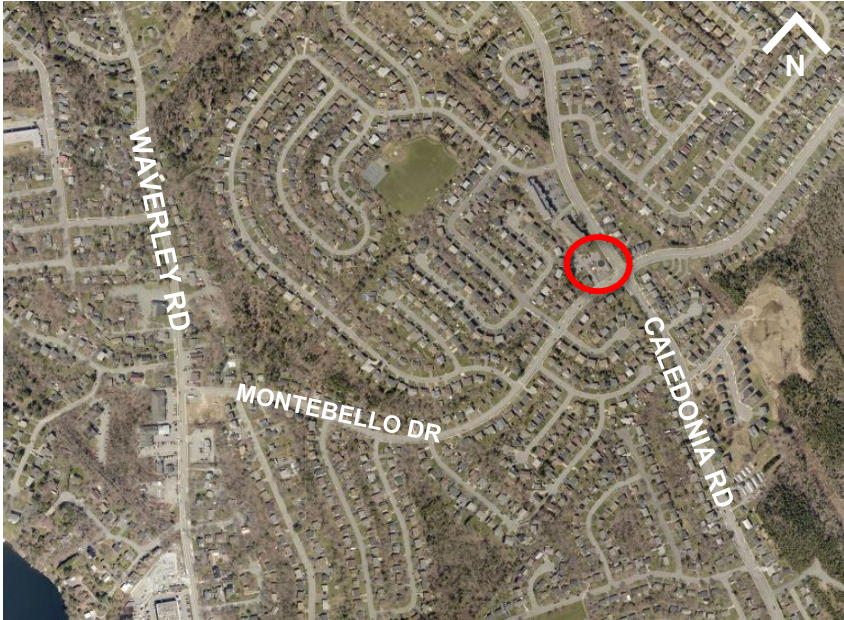
Applicant: Property Owner

Location: 95 Montebello Dr, Dartmouth

Proposal: Expand the uses permitted by an existing Development Agreement (DA)

Type of Application: Substantive Amendment of DA

Site Context



General Site location in Red



Site Boundaries in Red

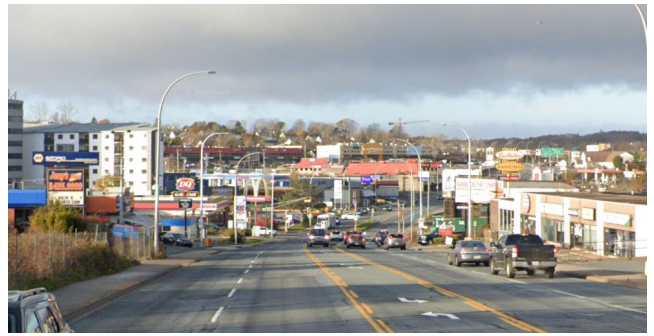
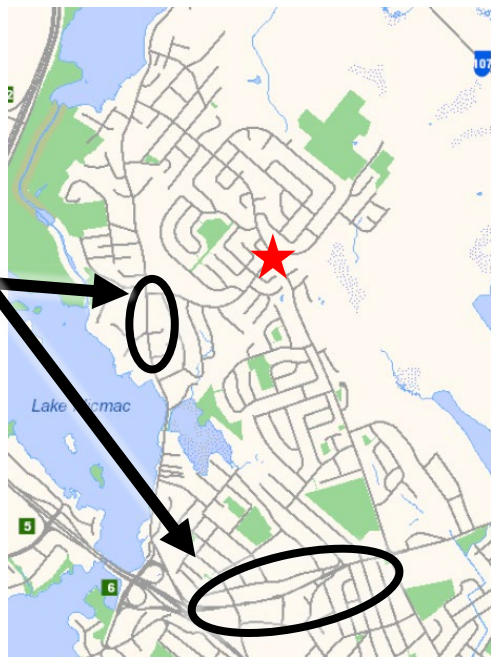
Neighbourhood Context (1/2)

Multiple Unit Dwellings



Neighbourhood Context (2/2)

Commercial Areas



Planning Policy Overview

Regional Plan &
Subdivision By-law

Community Plan

Land Use By-law
(Zoning)

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Planning Policy Overview

Regional Plan &
Subdivision By-law

Community Plan

Land Use By-law
(Zoning)

Guide where population growth and the investment of services like transit, piped water and sewer should occur.

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Planning Policy Overview

Regional Plan &
Subdivision By-law

Community Plan

Land Use By-law
(Zoning)

Outlines where, how, and which types of development may occur. Some uses may only be allowed after community consultation and Council approval.

Planning Policy Overview

Regional Plan &
Subdivision By-law

Community Plan

Land Use By-law
(Zoning)

Specifies what can be approved without going to Council and seeking feedback from the public.

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Planning Overview



Municipal Sewer and/or Water: Yes



Zone: R-3 (Multiple Family Residential), Dartmouth LUB



Designation: Residential, Dartmouth SMPS



Existing Use: Take Out/Convenience with Pet Essentials



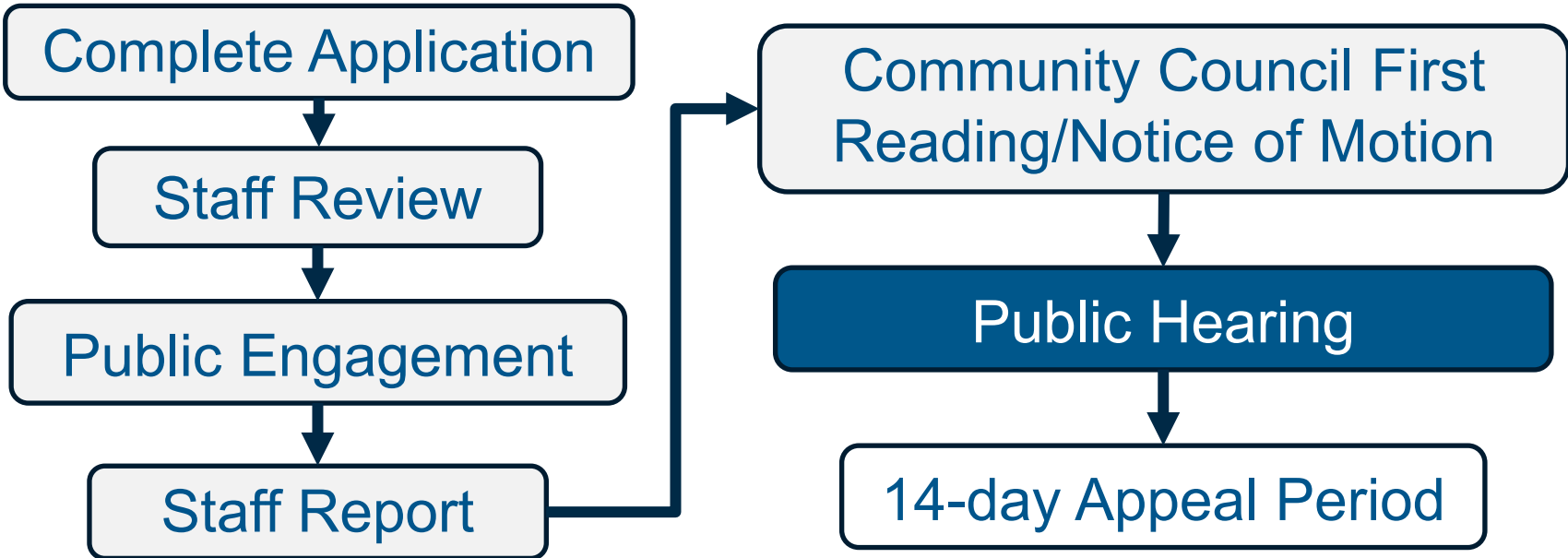
Enabling Policy: Policy C-2

Proposal Details

- The existing agreement permits “a neighbourhood convenience store”.
- The application requests flexibility in how the existing building can be used.

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Development Agreement Amendment



Policy Consideration (1/2)

Enabling Policy C-2:

It shall be the intention of City Council to deal with neighbourhood convenience outlets through the contract zoning provisions of the Planning Act - Section 33 (2) (b).

Council must consider the following in rendering their decision on a Development Agreement:

- Compatibility of use
- Controls to reduce potential incompatibilities
- Adequacy of utilities and services

Policy Consideration (2/2)

“Neighbourhood Convenience Store”: The community plan directs that the term be used to describe a broader range of minor commercial uses that serve a community.

“This form of commercial establishment consists of outlets such as, but not necessarily limited to, grocery stores, drug stores, barber shops, TV repair shops, etc. These uses form a very significant part of any neighbourhood way of life.”

Key Aspects (1/2)

- The proposed amendment would allow:
 - food and grocery stores,
 - local offices including offices of professional people providing personal services,
 - public offices,
 - personal service shops,
 - restaurants, excluding both drive-throughs and drinking establishment uses,
 - veterinary clinics without outdoor runs, and
 - uses accessory to any of the foregoing uses.

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Key Aspects (2/2)

- No proposed changes to the building or site design.
- The proposed amendment also includes minor changes including:
 - references to current Engineering requirements, and
 - providing relevant commencement and completion timeframes.

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Non-Substantive Amendments

A 'Non-Substantive Amendment' is a change to the agreement which can be made without a formal Public Hearing. The Development Officer or Community Council could authorize this change by resolution. These include:

- Extension to commencement or completion of development periods,
- Change to access point,
- Changes to hours of operation, and
- Establishment of a second ground sign.

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Public Engagement Feedback

Notifications Mailed



118

Individual Calls/Emails



1

Webpage Views



442

Level of engagement completed was consultation achieved through signage, a webpage, and a fact sheet mail out.

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Public Engagement Feedback

Feedback included :

- One comment was received opposed personal service shops of office space, indicating that food services were considered more important as there is a need in this area.

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Staff Recommendation

The staff recommendation contained in the staff report was arrived at after a detailed analysis of all relevant policies in the Regional and local Municipal Planning Strategies.

Staff recommend that the Harbour East – Marine Drive Community Council approve the proposed amending development agreement.

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Thank You

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