

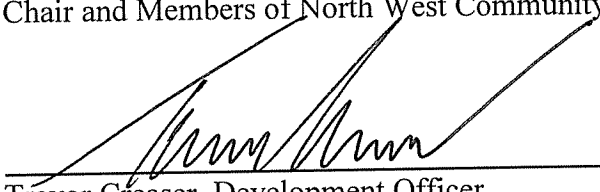


P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

10.1.1

**North West Community Council**  
**September 22, 2011**

**TO:** Chair and Members of North West Community Council

**SUBMITTED BY:**   
Trevor Creaser, Development Officer

**DATE:** September 14, 2011

**SUBJECT:** Appeal of Site Plan Approval #16744, 7 Kingswood Drive, Hammonds  
Plains

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**ORIGIN**

This is an appeal of the Development Officer's decision to grant Site Plan Approval at 7 Kingswood Drive, Hammonds Plains for the construction of two multi tenant commercial buildings.

**RECOMMENDATION**

It is recommended that Council upholds the Development Officer's decision to approve the site plan for two commercial buildings.

## **BACKGROUND**

An application was received to construct two commercial buildings on the property located at 7 Kingswood Drive, Hammonds Plains (corner of Kingswood Drive and Hammonds Plains Road). *Refer to Attachment 1.* The use and development of this property is regulated by the Land Use By-Law for Beaver Bank, Hammonds Plains and Upper Sackville. The property is zoned C-5 (Hammonds Plains Commercial). Commercial Buildings are permitted in the C-5 Zone pursuant to the Site Plan Approval process.

## **DISCUSSION**

The property, 7 Kingswood Drive, has an area of 3.36 Acres. The proposal is to construct two Commercial Buildings with a total gross floor area of 29,911 square feet. *Refer to Attachment 2.* This area complies with the maximum gross floor area of 30,000 square feet which is permitted under the Land Use By-Law. The proposed land uses for the buildings include: bank, pharmacy, learning centre, hair salon and dentist which are permitted in the C-5 zone.

Prior to a development permit being issued, the Development Officer must grant Site plan Approval based of the criteria outlined in Section 17A.14(d). *Refer to Attachment 3.* In summary, the application must address matters pertaining to the following:

- Provision of Landscaping
- Retention of existing vegetation where feasible
- Walkways and pedestrian connections from the buildings to the street
- Stormwater management
- Driveway access
- Parking and loading areas
- Screening and buffering
- The provision of a public easement
- Lighting be directed away from adjacent properties

The Development Officer reviewed the proposed development against the requirements for Site Plan Approval outlined in Section 17A.14(d) and found that all matters had been addressed and Site Plan Approval was granted. Assessed property owners within 200m were notified of the Site Plan Approval on July 18, 2011. *Refer to Attachment 4.* The owner of 1210 Hammonds Plains Road has appealed the decision. *Refer to Attachment 5.*

## **BUDGET IMPLICATIONS**

There are no budget implications related to this variance.

### **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

### **COMMUNITY ENGAGEMENT**

Community Engagement as described by the Community Engagement Strategy is not applicable to this process. The procedure for public notification is mandated by the *HRM Charter*. If the Site Plan Approval request is appealed a public hearing is held which is the opportunity for residents (within 200 meters) to speak to staff's recommendation.

### **ALTERNATIVES**

1. Uphold the decision of the Development Officer to approve the application for Site Plan Approval.
2. Overturn the decision of the Development Officer, thereby not permitting this proposal to move forward.

### **ATTACHMENTS**

1. Location Map
2. Site Plan
3. Section 17A.14(d) of the Land Use By-Law
4. Approval Letter
5. Appeal Letter

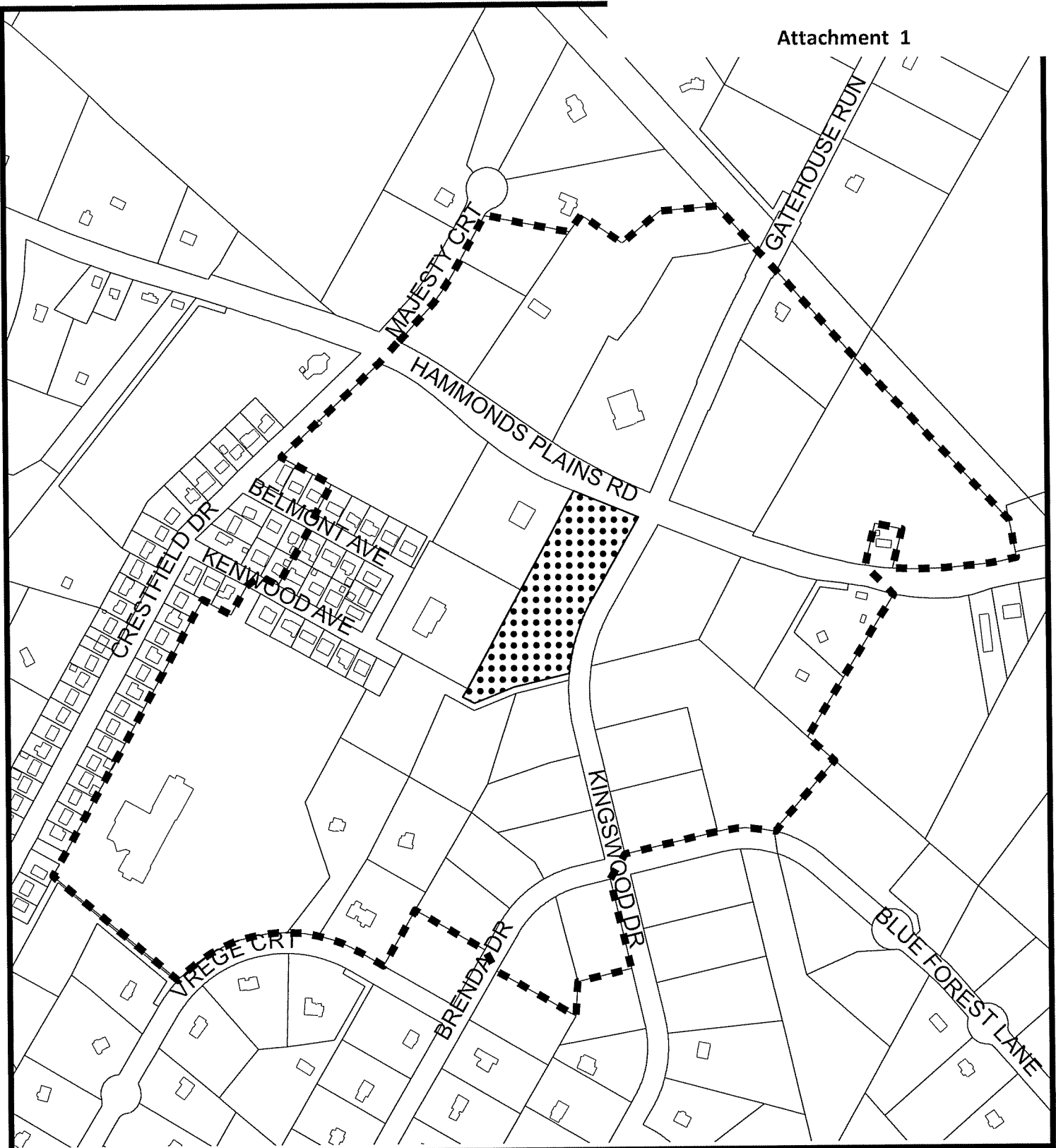
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A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Gail Bowen, Development Technician (869-4253)

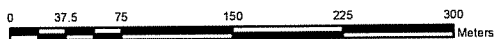
Report Approved by: Trevor Creaser, Development Officer (869-4235)

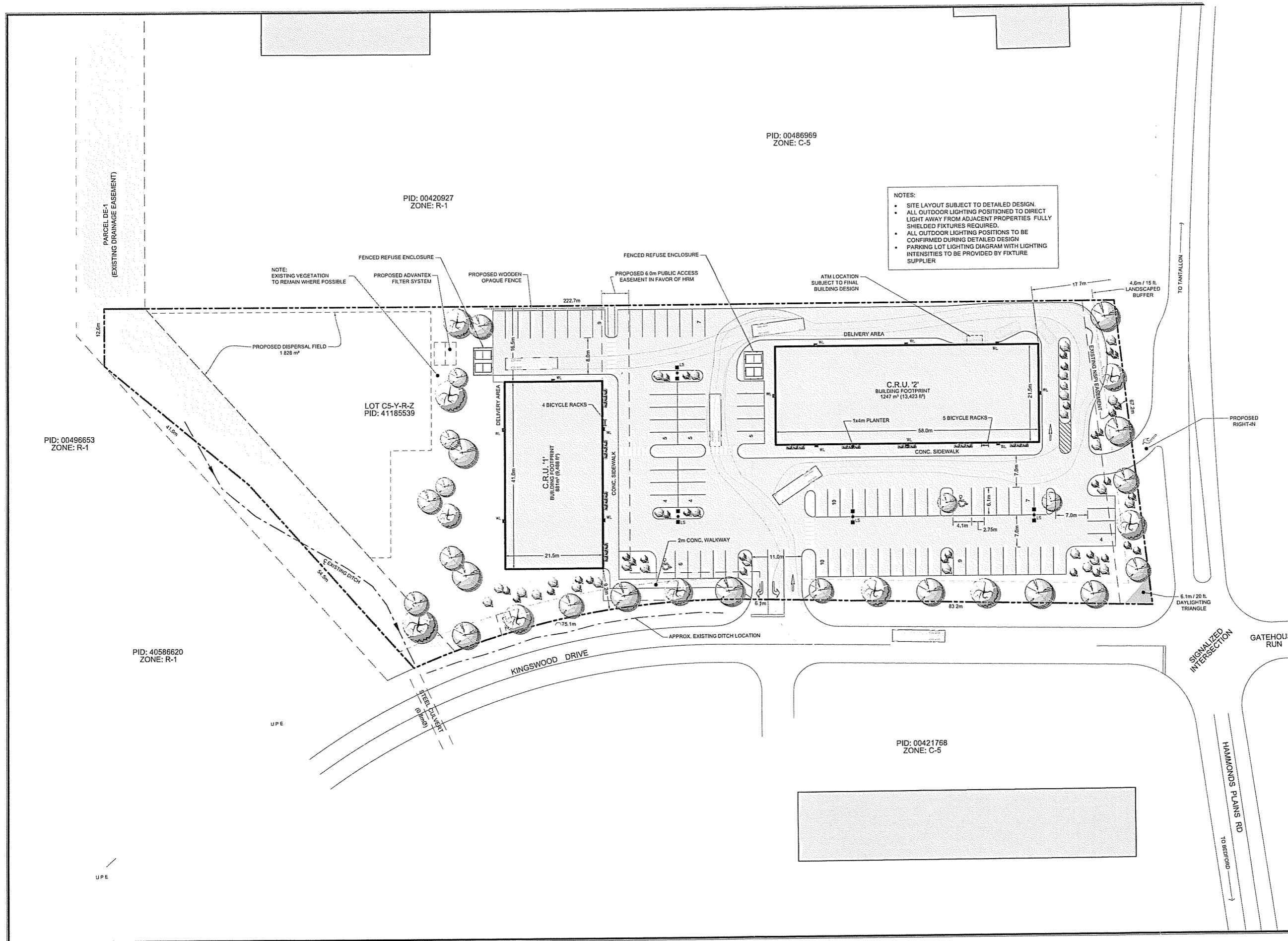
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Map 1  
Notification Area

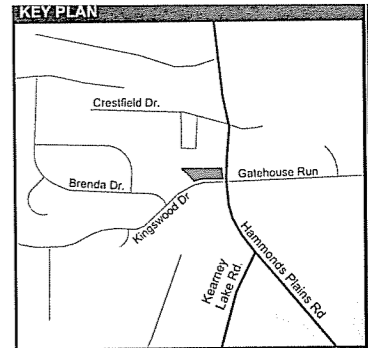
- ■ ■ ■ ■ Notification Area
- ■ ■ ■ ■ Subject Property





NOTES:

- SITE LAYOUT SUBJECT TO DETAILED DESIGN.
- ALL OUTDOOR LIGHTING POSITIONED TO DIRECT LIGHT AWAY FROM ADJACENT PROPERTIES FULLY SHIELDED FIXTURES REQUIRED.
- ALL OUTDOOR LIGHTING POSITIONS TO BE CONFIRMED DURING DETAILED DESIGN
- PARKING LOT LIGHTING DIAGRAM WITH LIGHTING INTENSITIES TO BE PROVIDED BY FIXTURE SUPPLIER



LEGEND

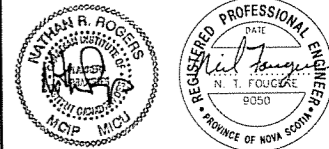
- SITE BOUNDARY
- - - ADJACENT PROPERTY LINE
- TREES
- SHRUBS
- PROPOSED LIGHT STANDARD (FULLY SHIELDED FIXTURES)
- PROPOSED BUILDING MOUNTED LIGHT FIXTURE (FULLY SHIELDED)

SITE ANALYSIS

SITE AREA	13,614m <sup>2</sup> (3.35 Acres)
C.R.U. '1' FLOOR AREA	881m <sup>2</sup> (9,488 ft <sup>2</sup> )
C.R.U. '2' FIRST FLOOR AREA	1,247m <sup>2</sup> (13,423 ft <sup>2</sup> )
C.R.U. '2' SECOND FLOOR AREA	650m <sup>2</sup> (7,000 ft <sup>2</sup> )
<b>TOTAL</b>	<b>2,778m<sup>2</sup> (29,911 ft<sup>2</sup>)</b>
Total Required Parking (20% Reduction)	79
Total Provided Parking	83

PARKING AREA - 4,071 m<sup>2</sup>  
 LANDSCAPED PARKING AREA - 406m<sup>2</sup> (10% of parking area)  
 LOT COVERAGE - 2,128m<sup>2</sup> (15.6%)  
 IMPERVIOUS SURFACE COVERAGE - 4,796m<sup>2</sup> (35.2%)  
 LANDSCAPED AREA - 6,690m<sup>2</sup> (49.2%)  
 231.6m OF FRONTAGE REQUIRES 30 TREES, 90 SHRUBS  
 30 TREES, 90 SHRUBS SHOWN

- PROPOSED USES
- BANK
  - PHARMACY
  - LEARNING CENTRE
  - HAIR SALON
  - DENTIST
- \*ALL PROPOSED USES TO UTILIZE 4,999 SF OR LESS



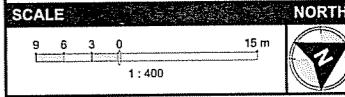
SOURCE:

- Plan based on TerraIn Group Inc. survey. CAD File: DA10210620.dwg, dated May 5, 2010

Designer: KWATTERS	VERSION
Planner: NROGERS	<b>1.6</b>

**SITE PLAN**  
 HAMMONDS PLAINS, NOVA SCOTIA

PFK PROPERTIES  
 JULY 15, 2011 DA10210100\_V16



**GENIVAR**  
 1 SPECTACLE LAKE DRIVE  
 DARTMOUTH, NOVA SCOTIA  
 CANADA, B3B 1X7  
 PHONE: 902 835-9955 - FAX: 902 835-1645  
 WWW.GENIVAR.COM

FILE: KSDARTMOUTH10010001000CONCEPT.DWG 10210100\_V16.DWG

**17A.14 OTHER REQUIREMENTS: SITE PLAN APPROVAL**

(d) The Development Officer shall approve a Site Plan where the following matters have been addressed:

- (i) landscaping required by the C-5 Zone includes the retention of existing natural vegetation, where feasible;
- (ii) designated walkways, sidewalks, and other pedestrian connections incorporate a change in colour, texture, or material;
- (iii) sidewalks are incorporated along the entire front facade of a commercial use building which contains three or more commercial occupancy spaces;
- (iv) landscape elements such as but not limited to small shrubs, trees, benches, lighting, and planters are provided along the entire front facade of a commercial use building which contains three or more commercial occupancy spaces;
- (v) designated walkways extend from building entrances to a public street and to any public park or trail system abutting the property, and unless otherwise not possible, do not cross any driveways or parking areas;
- (vi) a storm water management plan is prepared by a Professional Engineer, which includes consideration of both upstream and downstream properties;
- (vii) driveway access is located and designed to minimize impacts on adjacent properties;
- (viii) required non-residential bicycle storage facilities are provided near the main entrances to buildings;
- (ix) within any required side or rear yard, existing vegetation be retained unless it does not provide for adequate screening from abutting properties or where the existing vegetation conflicts with required parking and loading areas;
- (x) where parking areas are located within any required side or rear yard abutting a residentially used or zoned property, screening is provided;
- (xi) loading facilities are only located at the rear or side of the building and screened from any abutting residentially used or zoned property;
- (xii) all refuse is screened from abutting properties and public streets;
- (xiii) the Site Plan includes a lighting plan prepared by a lighting specialist, which identifies measures to ensure outdoor lighting is positioned and directed away from adjacent properties;
- (xiv) a qualified professional has identified how all applicable landscaping requirements will be satisfied;
- (xv) an active transportation corridor connecting the Uplands Park subdivision and Kingswood Drive that is designed to a standard acceptable by the Municipality, including a travel surface within the corridor that is clearly marked with a paved treatment such as concrete, asphalt, or interlocking brick. The corridor only applies to PID 41185539, but may be incorporated into PID 00422493, and may require the use of fencing or vegetation to clearly identify the corridor and assist

in directing movement. Where the corridor is required, a public access easement in favour of the Municipality shall be established. The minimum width of the public access easement shall be six (6) m (19.7 ft). In the event the corridor is unable to connect to Municipal land, or to a public access easement in favour of the Municipality, development on PID 41185539 shall be designed to facilitate a potential corridor from PID 41185539, across the northern portion of PID 00420927 to Municipal land;

- (xvi) Residential units are connected, where applicable, to commercial buildings on the same lot, public parkland and open space, pedestrian trails and walkways, parking lots, the public right of way, and the intersection of Hammonds Plains Road and Gatehouse Run/Kingswood Drive. Pedestrian connections may be a combination of on-site crosswalks, walkways and sidewalks, or other forms acceptable by the Municipality;
- (xvii) queuing areas for accessory drive-up windows are not located between a building and the public street, and where visible from the public street, screening is provided. Queuing areas are clearly delineated and well integrated into the site, while all features associated with the drive-up window, including exit areas from the queue and the call-box, are located and designed to minimize impacts with driveway accesses; and
- (xviii) all matters required by site plan approval shall be maintained.



FILE COPY

COMMUNITY DEVELOPMENT - CENTRAL REGION  
636 Sackville Drive  
PO Box 1749  
Halifax, NS B3J 3A5  
Ph: (902) 869-4375  
Fax: (902) 869-4254

July 18, 2011

Genivar  
1 Spectacle Lake Drive  
Dartmouth, NS  
B3B 1X7

Att: Nathan Rogers

**Re: Site Plan Approval Application # 16744**

As the Development Officer for the Halifax Regional Municipality, I have approved your request for Site Plan Approval under Part 17A of the Land Use By-Law for Beaver Bank, Hammonds Plains and Upper Sackville as follows:

**Location** 7 Kingswood Drive, Hammonds Plains  
**Project Proposal** Two Commercial Buildings

Pursuant to Section 247 of the Halifax Regional Charter and Section 17A.14(b) of the Land Use By-Law, assessed property owners within 200 meters of the property have been notified of this application. Those property owners have the right to appeal and must file their notice, in writing, to the Development Officer on or before August 4, 2011.

PERMITS WILL NOT BE ISSUED UNTIL ANY APPEAL HAS BEEN DISPOSED OF OR THE APPEAL PERIOD HAS EXPIRED.

In addition, prior to any permits being issued, an easement in favor of HRM shall be granted for the public access.

You will be notified once the appeal period has expired as to whether any appeals have been filed.

If you have any questions or require additional information, please contact this office at 869-4235.

Sincerely,



Trevor Creaser  
Development Officer

CC: Cathy Mellette, Municipal Clerk



3093655 NS Ltd

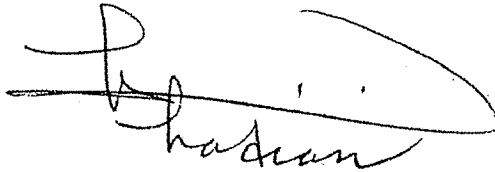
35 kingsley close  
Halifax N.S B3S 1H5  
Phone:497-4647  
FAX: ~~446-6128~~

DATE :27/July/2011

To:Trevor Creaser

As owner of the property on 1210 Hammonds Plains Road like to appeal the Site Plan Approval application #16744 that NOTICE was sent to me on July 18 2011. If you need to call I could be reached at 497-4647 .

Thanks

A handwritten signature in black ink, appearing to read 'Ali Hadian', with a large, sweeping flourish above the name.

Ali Hadian