

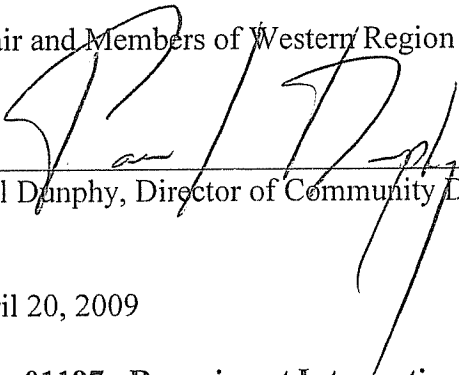


PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Western Region Community Council
May 25, 2009

TO: Chair and Members of Western Region Community Council

SUBMITTED BY:



Paul Dunphy, Director of Community Development

DATE: April 20, 2009

SUBJECT: **Case 01197 - Rezoning at Intersection of Hammonds Plains Road and Gatehouse Run, Hammonds Plains**

ORIGIN

An application by Armco Capital Incorporated to rezone a parcel of land located at the northeast intersection of Hammonds Plains Road and Gatehouse Run from MU-1 (Mixed Use 1) Zone to C-4 (Highway Commercial) Zone, Hammonds Plains.

RECOMMENDATION

It is recommended that Western Region Community Council:

- (a) Give First Reading to the proposed rezoning of Lot G-5150 (PID 41185133) from MU-1 (Mixed Use 1) Zone to C-4 (Highway Commercial) Zone and schedule a public hearing, and;
- (b) Approve the rezoning of Lot G-5150 (PID 41185133) from MU-1 (Mixed Use 1) Zone to C-4 (Highway Commercial) Zone as illustrated in Attachment A.

BACKGROUND

The Request

Armco Capital Inc. (applicant) has submitted an application to rezone Lot G5150 - PID # 41185133 (subject property) from MU-1 (Mixed Use 1) Zone to C-4 (Highway Commercial) Zone. The applicant has provided a general development concept with this application (Map 3).

The Property

The subject property is described as follows:

- located at the northeast intersection of Hammonds Plains Road and Gatehouse Run in Hammonds Plains;
- approximately 3.53 acres (1.43 ha) in size;
- approximately 285 feet (86.9 m) of frontage on Hammonds Plains Road and 544 feet (165.8 m) of frontage on Gatehouse Run (Map 1);
- designated Mixed Use B (MU-B) under the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS) - (Map 1);
- zoned MU-1 (Mixed Use 1) Zone under the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law (LUB) (Map 2);
- encumbered by a large Nova Scotia Power Incorporated easement on the eastern portion (Map 3);
- a large portion of the property is serviced with Municipal water (Map 4);

Enabling Policy

The rezoning request may be considered by Council, subject to the consideration of policies P-24 and P-137 of the MPS (Attachment B).

DISCUSSION

Policy Intent:

The subject property is designated Mixed Use B (MU-B), which generally applies to Hammonds Plains, Upper Hammonds Plains and Lucasville Road areas/communities, except for many of the established residential subdivisions on local streets. The MPS states that commercial development within the Mixed Use B designation is expected to serve regional and local markets due to its location on an important commuter highway (i.e. - Hammonds Plains Road).

The MPS creates policy which establishes the Mixed Use 1 Zone, the base zone within the designation. The MPS also provides opportunities to establish zones which permit larger buildings and more intensive land uses. Policy P-24 enables Council to consider, through rezoning, new Highway Commercial (C-4 Zone) uses within the MU-B designation.

Policy P-24 states that Council must have regard for specific considerations before making a decision to rezone land to C-4, which includes general implementation policy (P-137) - (Attachment B). It is the opinion of staff that the proposal meets the intent of relevant MPS policies. While the proposal is consistent with the intent of the MPS, staff have identified the following issues for discussion:

Location [Policy P-24(d)]: The MPS highlights the importance of Highway Commercial uses having direct access to a collector highway, such as Hammonds Plains Road. At the time of application, the subject property was made up of two parcels (Lot G-50 and G-51), and only Lot G-51 had direct access to Hammonds Plains Road. The parcels have been consolidated into one lot (Lot G5150) to ensure direct access to Hammonds Plains Road.

Traffic and Access [Policy P-24(b)(e) & P-137(b)(c)]: A Traffic Impact Study (TIS) has been conducted by a professional engineer to address this rezoning application. HRM Development Engineering is satisfied with the findings of the TIS. Further, HRM Engineering has indicated that driveway access from Hammonds Plains Road will be restricted to a right-in/right-out design in order to reduce traffic conflict with the signalized intersection.

Intersection Upgrades [Policy P-24(e) & P-137(c)]: HRM's Infrastructure and Asset Management (IAM) is currently exploring options related to upgrading the intersection of Hammonds Plains Road and Kingswood Drive/Gatehouse Run. HRM Development Engineering has reviewed IAM's preliminary design and does not anticipate any conflicts related to this proposal.

Utility Easement [Policy P-24(d)(e) & P-137(c)]: The subject property is encumbered by a large Nova Scotia Power Incorporated (NSPI) easement (Map 3). The proposed rezoning and site development has been reviewed by NSPI, who are generally satisfied with the location of the driveway access off Hammonds Plains Road. Further, NSPI has expressed concern related to locating a septic system within the easement and this matter can adequately be addressed through the HRM permitting process.

Compatibility with Adjacent Land Uses [Policy P-24(a)(b)(c) & P-137(b)(c)]: The MPS discusses the importance of locating new highway commercial uses adjacent to or in close proximity to other commercial uses. A commercial strip mall development is located immediately south of the subject property (across Hammonds Plains Road), with a service station and convenience store located in close proximity to the south west. The subject property is also directly east of an institutional land use (Wesleyan Church and Daycare) and south of a newly constructed single family dwelling, which is approximately 123 feet (37.5m) from the subject property.

Given the mix of commercial and institutional land uses surrounding the subject property, the distance from the one abutting residential building, and the location of the utility easement, compatibility is not a concern. Further, MPS policy gives preference for a location adjacent to or in close proximity to other commercial uses, therefore making this particular site suitable for highway commercial development.

Stormwater and Drainage [Policy P-137 (d)]: Potential stormwater and drainage impacts on adjacent lands will be addressed through the HRM permitting process.

Ability to Service via an On-Site Sanitary System [Policy P-137(b)(c)(d)]: Recommendation from a professional engineer has been provided regarding the suitability of a commercial on-site sewage disposal system on the subject property (Attachment D). The recommendation considers soil conditions, site encumbrances (i.e. - NSPI easement), and uses permitted in the C-4 zone.

Adequacy of Municipal Services [Policy P-137(b)]: The subject property is partially within the water service district for the Beaver Bank, Hammonds Plains and Upper Sackville MPS (Map 4). Sanitary service will be provided through a private sewage treatment system (i.e. - septic system). Halifax Water has indicated that only one service lateral is permitted per lot, and that at least 50 % of buildings with Municipal water service must be within the water service boundary. Therefore, it is anticipated that future development will be serviced with Municipal water.

Potential for Subdivision [Policy P-24(d)]: Given development challenges (i.e. - the large NSPI easement and water service limitations), it is unlikely that the subject property is large enough to subdivide to create an additional commercial lot.

Potential Change to MPS Policy: In November of 2008, Regional Council initiated a process to consider amending the Beaver Bank, Hammonds Plains, Upper Sackville MPS and LUB to consider commercial development at and near Hammonds Plains Road and Kingswood Drive in Hammonds Plains. At this time staff are considering options for commercial land use in this area and this process may result in changes to the MPS and LUB. Existing policy enables Council to consider this proposal, and the potential changes are not necessary to approve this application.

Public Information Meeting: A Public Information Meeting (PIM) was held on December 11, 2008. In general, there was no opposition to the rezoning. Minutes from the PIM are provided as Attachment E. Should Council decide to proceed with a public hearing on this application, in addition to published newspaper advertisements, property owners in the immediate area will be individually notified, as shown on Map 2. This is the notification area which was also used for the PIM.

Conclusion: The proposed rezoning to C-4 reasonably satisfies the applicable policies of the Beaver Bank, Hammonds Plains and Upper Sackville MPS (Attachment B). Staff do not identify any issues that would suggest this proposal is inappropriate. Provincial and Municipal standards, when coupled with C-4 Zone requirements and site constraints, will assist in limiting the impact of future development. It is recommended that Western Region Community Council approve the rezoning application for Lot G-5150 (PID 41185133).

BUDGET IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the proposed operating budget for C310.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

ALTERNATIVES

1. Council may choose to proceed with the rezoning from MU-1 (Mixed Use 1) Zone to C-4 (Highway Commercial) Zone. This is the staff recommendation for reasons described above.
2. Council may choose to refuse the proposed rezoning, and in doing so, must provide reasons based on a conflict with MPS policies.


ATTACHMENTS

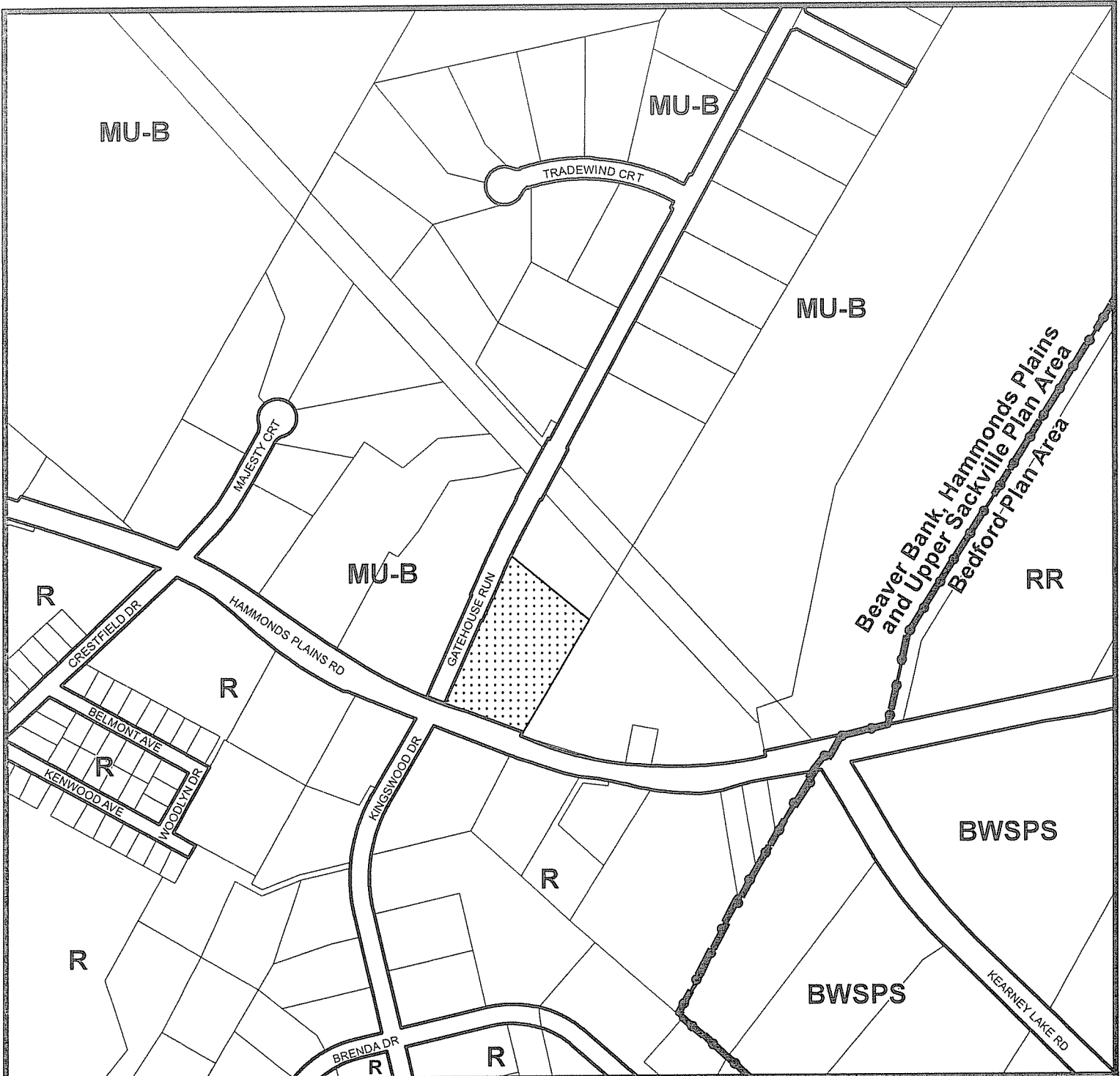
Map 1:	Generalized Future Land Use Map
Map 2:	Zoning Map
Map 3:	General Development Concept
Map 4:	Location of Water Service District
Attachment A:	Amendments to the Land Use By-law
Attachment B:	Applicable MPS Policies
Attachment C:	LUB Requirements for MU-1(Mixed Use 1) Zone
Attachment D:	LUB Requirements for C-4 (Highway Commercial) Zone
Attachment E:	Opinion of Professional Engineer - Suitability of Site
Attachment F:	Minutes from the Public Information Meeting

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

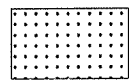
Report Prepared by: Miles Agar, Planner 1- Planning Applications: Community Development 869-4262

Report Approved by:


Austin French, Manager of Planning Services 490-6717



Map 1
Generalized Future Land Use



Area to be rezoned
from MU-1 to C-4



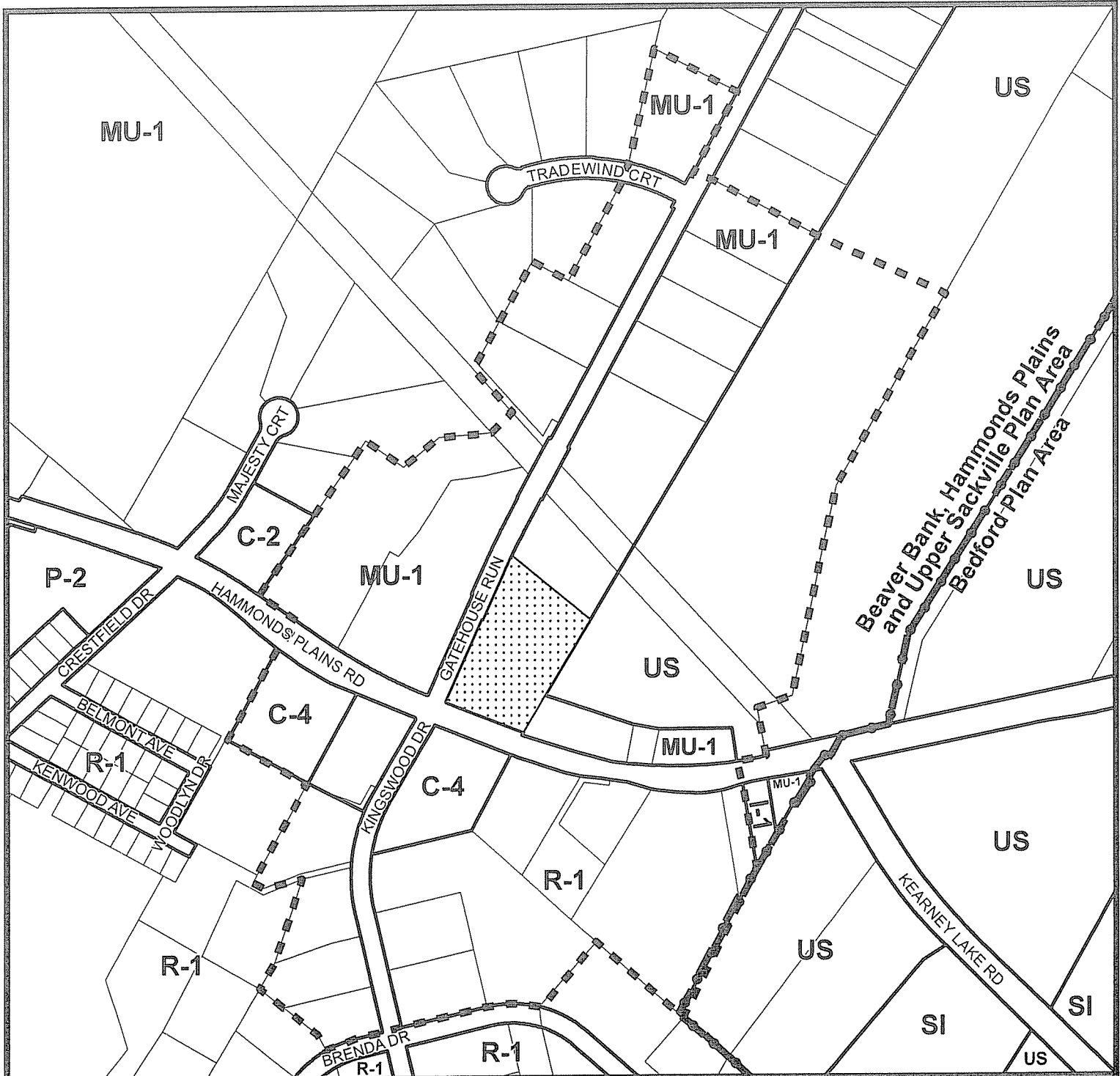
**Beaver Bank, Hammonds Plains
and Upper Sackville Plan Area Designations**

R Residential Designation
MU-B Mixed Use B Designation

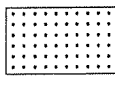
Bedford Plan Area Designations

RR Residential Reserve Designation
BWSPS Bedford West Secondary Planning Strategy





**Map 2
Zoning**



Area to be rezoned
from MU-1 to C-4



Notification Area

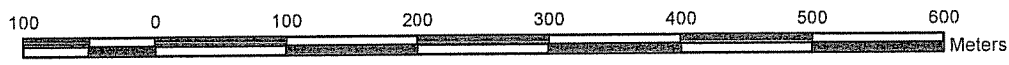


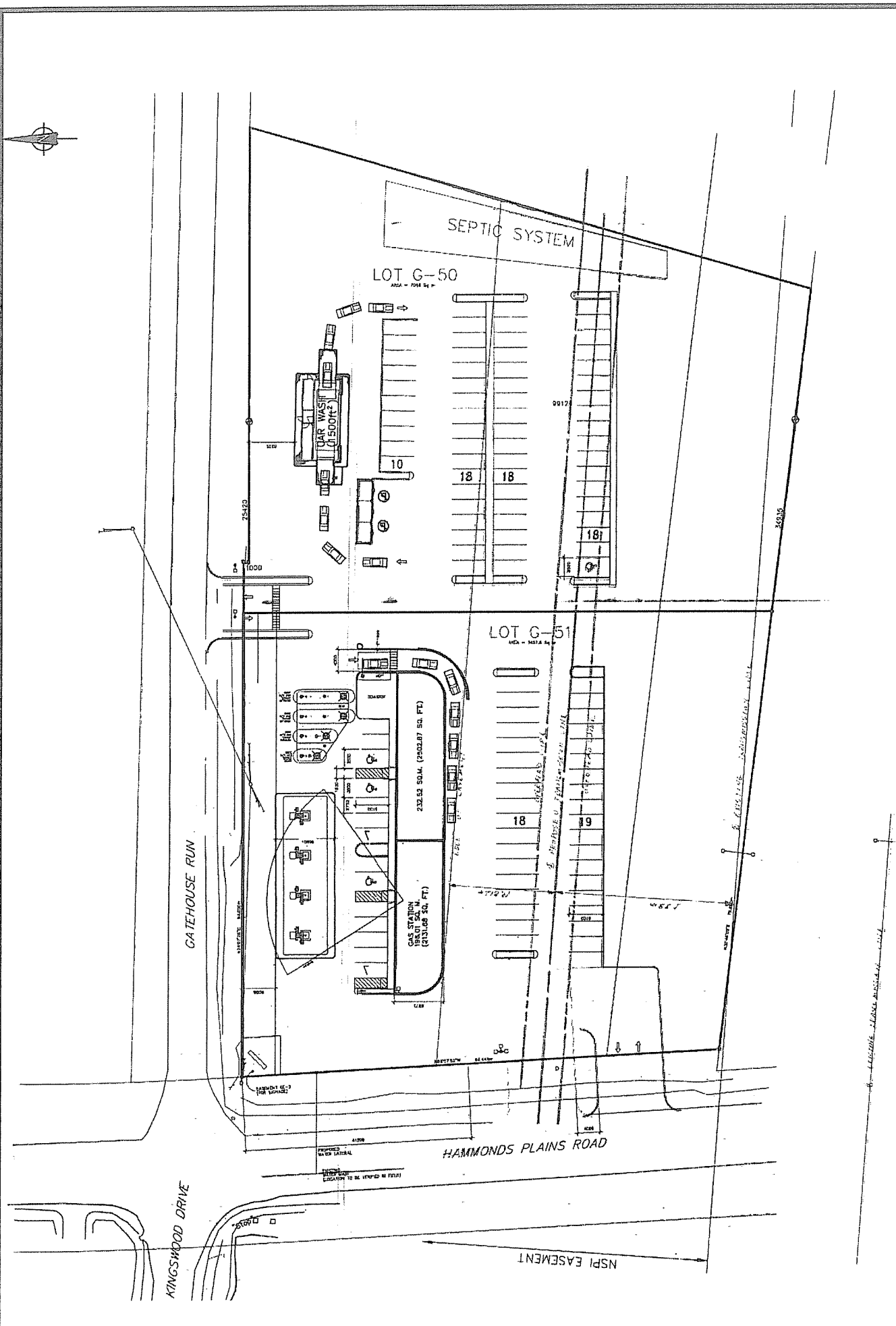
**Beaver Bank, Hammonds Plains
and Upper Sackville Plan Area Zones**

- | | |
|-------------------------------|---------------------------|
| R-1 Single Unit Dwelling Zone | MU-1 Mixed Use 1 Zone |
| C-2 General Business Zone | I-1 Mixed Industrial Zone |
| C-4 Highway Commercial Zone | US Urban Settlement Zone |
| P-2 Community Facility Zone | |

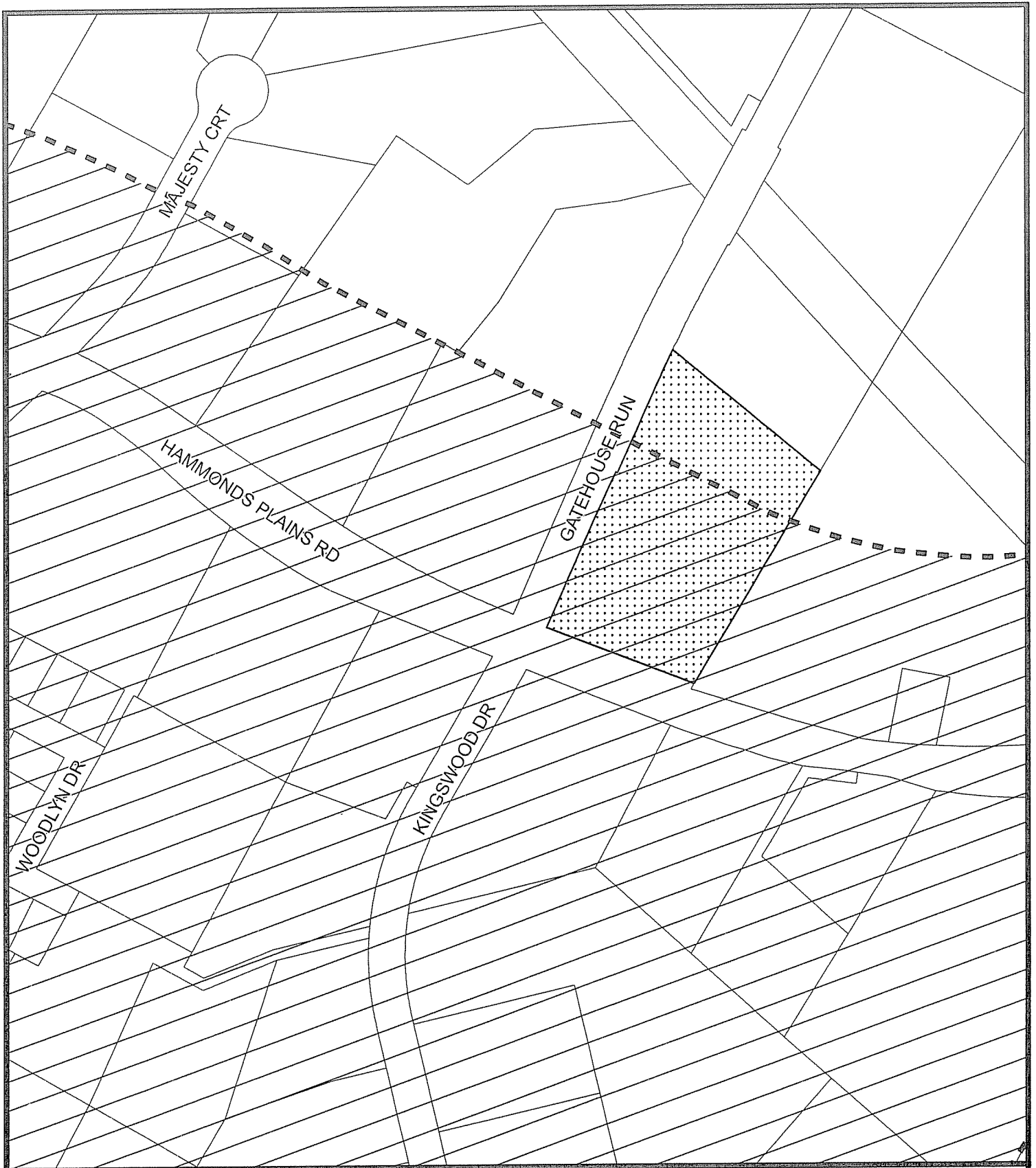
Bedford Plan Area Zones

- | |
|--------------------------|
| SI Institutional Zone |
| US Urban Settlement Zone |

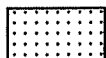




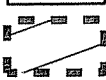
Map 3
Site Plan



Map 4



Subject Property



Water Service Area



HALIFAX
REGIONAL MUNICIPALITY
Planning Services

Attachment A

Amendment to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville

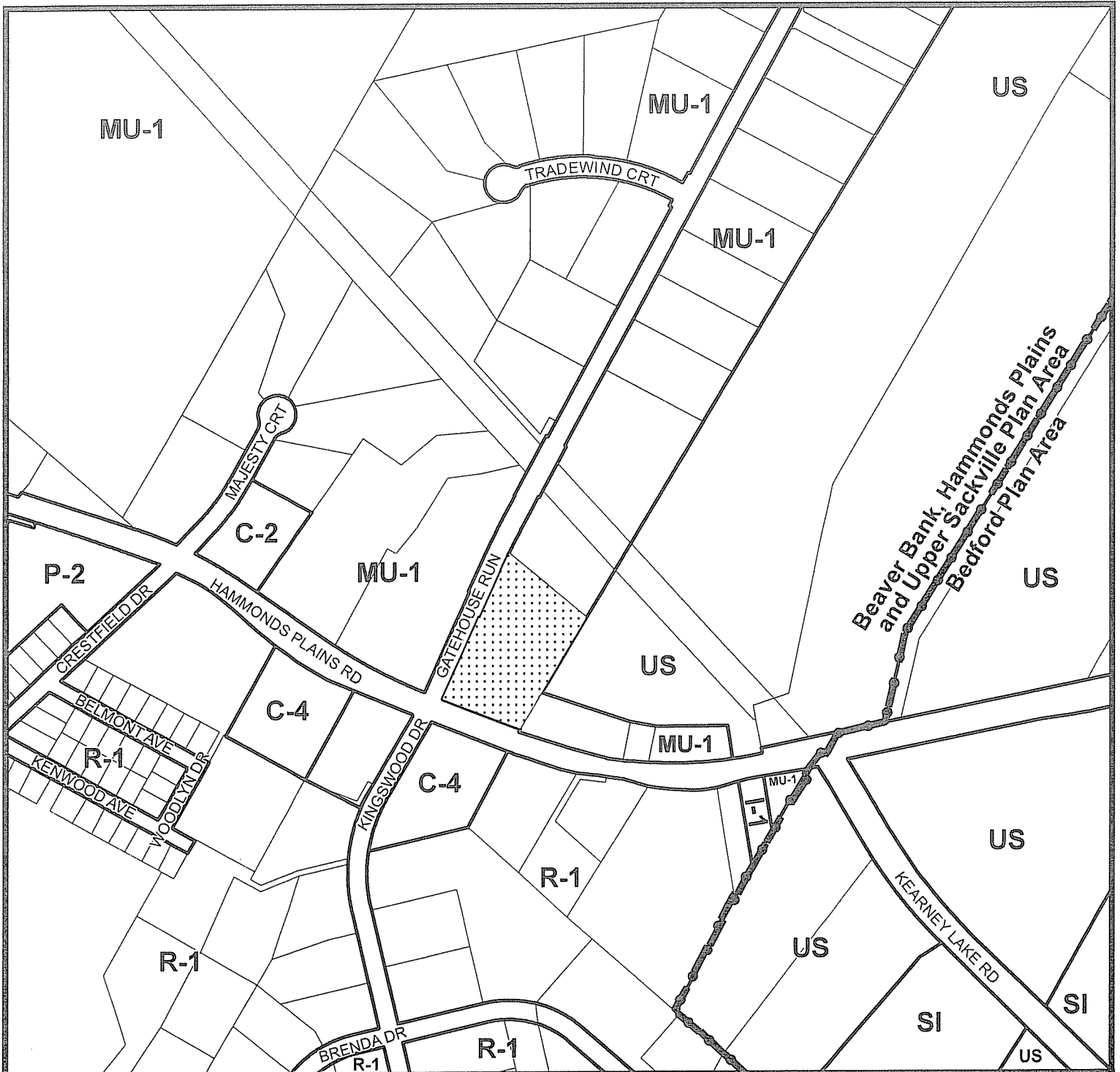
BE IT ENACTED by the Western Region Community Council of the Halifax Regional Municipality that the Land Use Bylaw for Beaver Bank, Hammonds Plains and Upper Sackville as enacted by the Halifax Regional Municipality on the 9th day of November, 1999, which includes all amendments thereto which have been approved by the Municipality and are in effect as of the 28th day of March, 2009, is hereby further amended as follows:

1. Map 1E of the Land Use By-law shall be amended as shown in the attached Schedule "A".

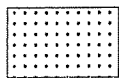
I HEREBY CERTIFY that the amendment to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville as set out above, was passed by a majority vote of the Western Region Community Council of the Halifax Regional Municipality at a meeting held on the ____ day of ____, 2009.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2009.

Julia Horncastle
Acting Municipal Clerk



**Schedule "A"
Zoning**



**Area to be Rezoned
from MU-1 to C-4**



**Beaver Bank, Hammonds Plains
and Upper Sackville Plan Area Zones**

- | | |
|-------------------------------|---------------------------|
| R-1 Single Unit Dwelling Zone | MU-1 Mixed Use 1 Zone |
| C-2 General Business Zone | I-1 Mixed Industrial Zone |
| C-4 Highway Commercial Zone | US Urban Settlement Zone |
| P-2 Community Facility Zone | |

Bedford Plan Area Zones

- | |
|--------------------------|
| SI Institutional Zone |
| US Urban Settlement Zone |



Attachment B
Relevant MPS Policies

- P-24 Notwithstanding the provisions of Policy P-8, it shall be the intention of Council to establish a C-4(Highway Commercial) Zone in the land use by-law which will permit commercial uses to a maximum of ten thousand (10,000) square feet and shall include those more intensive uses which involve outdoor storage and display. Controls on outdoor storage and display as well as parking and loading areas will address compatibility concerns with adjacent development. In addition, special access requirements shall be established for service stations. This zone shall be applied to existing uses permitted within the highway commercial zone. When considering amendments to the schedules of the land use by-law to permit new highway commercial uses within the Mixed Use A and B Designations, Council shall have regard to the following:
- (a) preference for a location adjacent to or in close proximity to other commercial uses;
 - (b) the potential for adversely affecting adjacent residential and community facility uses;
 - (c) an evaluation of the impact which the site design and operational characteristics of the proposed use shall have on the surrounding community;
 - (d) that the use has direct access to a collector highway as shown on Map 2 - Transportation;
 - (e) the impact of the commercial use on traffic circulation and in particular sighting distances and entrance to and exit from the site;
 - (f) that no rezoning from a R-1(Single Unit Dwelling) Zone (Policy P-34) or R-6(Rural Residential) Zone (Policy P-13) to a highway commercial zone shall be considered; and
 - (g) the provisions of Policy P-137.
- P-137 In considering development agreements and amendments to the land use by-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:
- (a) that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations;
 - (b) that the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of the Municipality to absorb any costs relating to the development;
 - (ii) the adequacy of central or on-site sewerage and water services;
 - (iii) the adequacy or proximity of school, recreation or other community facilities;
 - (iv) the adequacy of road networks leading or adjacent to or within the development; and
 - (v) the potential for damage to or for destruction of designated historic buildings and sites.
 - (c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
 - (i) type of use;
 - (ii) height, bulk and lot coverage of any proposed building;

- (iii) traffic generation, access to and egress from the site, and parking;
 - (iv) open storage;
 - (v) signs; and
 - (vi) any other relevant matter of planning concern.
- (d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.
- (e) Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy P-81”, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS.
(RC-July 2/02; E-Aug 17/02)

Attachment C
LUB Requirements for MU-1(Mixed Use 1) Zone

PART 13: MU-1 (MIXED USE) 1 ZONE

13.1 MU-1 USES PERMITTED

No development permit shall be issued in any MU-1 (Mixed Use) Zone except for the following:

Residential Uses

- Single unit dwellings
- Two unit dwellings
- Boarding and rooming houses
- Bed and Breakfast
- Senior citizens housing
- Existing mobile dwellings
- Existing multiple unit dwellings
- Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings
- Business uses in conjunction with permitted dwellings

Other Uses

- Institutional uses, except fire and police stations
- Open space uses
- Commercial uses permitted in the C-2 (General Business) Zone
- Trucking, landscaping, excavating and paving services
- Agriculture uses
- Forestry uses and wooden furniture manufacturing
- Composting operations (see section 4.29)

13.2 MU-1 ZONE REQUIREMENTS: RESIDENTIAL USES

In any MU-1 Zone, no development permit shall be issued for residential uses except in conformity with the provisions of Section 11.2.

13.3 MU-1 ZONE REQUIREMENTS: OTHER USES

In any MU-1 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	29,064 square feet (2700 m ²)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	15 feet (4.6 m)

Maximum Lot Coverage for Structures and Storage	50 per cent
Maximum Height of Main Building	35 feet (10.7 m)

13.4 OTHER REQUIREMENTS: BUSINESS AND DAY CARE USES

- (a) With the exception of outdoor display provisions, where business uses and day care facilities in conjunction with a dwelling are permitted in any MU-1 Zone, the provisions of Section 11.3 and Section 11.4 shall apply.
- (b) Outdoor display shall not be permitted:
 - (i) within 10 feet of the front lot line or within the required side yard;
 - (ii) within any yard which abuts an adjacent residential use, except where a visual barrier is provided;
 - (iii) shall not exceed 200 square feet.

13.5 OTHER REQUIREMENTS: COMMERCIAL USES

Where commercial uses are permitted in any MU-1 Zone, the following shall apply:

- (a) The gross floor area devoted to all commercial uses on any lot shall not exceed two thousand (2,000) square feet.
- (b) No open storage or outdoor display shall be permitted.
- (c) The parking lot shall be demarcated and paved or otherwise maintained with a stable surface which is treated in a manner to prevent the raising of dust and loose particles.
- (d) Except where any commercial use abuts another commercial use in an MU-1 Zone, no portion of any parking space shall be located within any required side yard.
- (e) Where any commercial use abuts another commercial use in the MU-1 Zone, the abutting side yard requirement shall be eight (8) feet.

13.6 OTHER REQUIREMENTS: AGRICULTURE USES

- (a) Notwithstanding the provisions of Section 13.3, where any barn, stable or other building intended for the keeping of more than fifty (50) domestic fowl or ten (10) other animals is erected in any MU-1 Zone, no structure shall:
 - (i) be less than fifty (50) feet from any side lot line;
 - (ii) be less than one hundred (100) feet from any dwelling or potable water supply except a dwelling or supply on the same lot or directly related to the agricultural use;
 - (iii) be less than three hundred (300) feet from any watercourse or water body;
 - (iv) be less than five hundred (500) feet from any residential (R-1, RR-1) zone.
- (b) No more than two thousand (2,000) square feet of floor area of all structures on any lot shall be used for a retail use accessory to agriculture uses.

13.7 OTHER REQUIREMENTS: FORESTRY AND WOODEN
FURNITURE MANUFACTURING

Where forestry uses and wooden furniture manufacturing are permitted in any MU-1 Zone, the following shall apply:

- (a) No more than two thousand (2,000) square feet of gross floor area of all structures on any lot shall be used for a sawmill, other industrial mill related to forestry, wooden furniture manufacturing, or retail use accessory to the above uses;
- (b) No sawmill or other industrial mill related to forestry shall be located less than fifty (50) feet from any lot line nor less than three hundred (300) feet from any dwelling except a dwelling located on the same lot or directly related to the above use;
- (c) Any area devoted to open storage shall not be permitted within any required front or side yard and shall not exceed twenty-five (25) per cent of the lot area.

13.8 OTHER REQUIREMENTS: INSTITUTIONAL USES

Where institutional uses are permitted in any MU-1 Zone, the provisions of Part 22 shall apply.

13.9 OTHER REQUIREMENTS: TRUCKING, LANDSCAPING, EXCAVATING AND
PAVING SERVICES

Where trucking, landscaping, excavating and paving services are permitted in a MU-1 Zone, the following shall apply:

- (a) No development permit shall be issued for any use unless a dwelling is located on the lot.
- (b) The total gross floor area of all structures on any lot devoted to the above uses shall not exceed two thousand (2000) square feet.
- (c) No materials or mechanical equipment which is obnoxious or which creates a nuisance by virtue of noise, vibration, smell or glare shall be used on the lot.
- (d) With the exception of aggregate resources, any materials associated with the above uses shall be contained within a building or otherwise enclosed by a fence, vegetation, or other means which provide a visual and physical barrier.
- (e) Any area devoted to open storage shall not be permitted within any required front or side yard line and shall not exceed twenty-five (25) per cent of the lot area.
- (f) One off street parking space, other than that required for the dwelling shall be provided for every three hundred (300) square feet of floor area used by the above use.
- (g) No product stockpile or processing activity associated with the above uses shall be located within one hundred (100) feet of a watercourse.

13.10 EXEMPTION: EXISTING MOBILE HOME PARKS

Notwithstanding Section 13.1, Timber Trails Mobile Home Park, LIC Number 40203622, shall be a permitted use to the extent to which it is in existence on the effective date of this by-law.

13.11 EXEMPTION: EXISTING COMMERCIAL RECREATION USES

Notwithstanding Section 13.1, Woodhaven Campground, LIC Number 425389, and Pin-Hi Golf Course, LIC Number 425512, and Atlantic Playland, LIC Number 40203648 and 40203630, shall be permitted uses to the extent to which they are in existence on the effective date of this By-law.

Attachment D
LUB Requirements for C-4 (Highway Commercial) Zone

PART 17: C-4 (HIGHWAY COMMERCIAL) ZONE

17.1 C-4 USES PERMITTED

No development permit shall be issued in any C-4 (Highway Commercial) Zone except for the following:

All uses permitted in the C-2 zone
Display courts
Motels
Service stations
Taxi and bus depots
Greenhouses and nurseries
Veterinary clinics and indoor kennels
Recycling Depots
Building supply outlets
Drive in and take out restaurants
Fraternal centres and private clubs

17.2 C-4 ZONE REQUIREMENTS

In any C-4 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	30,000 square feet (2787 m ²)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	15 feet (4.6 m)
Maximum Height of Main Building	35 feet (10.7 m)
Maximum Lot Coverage for Structures and Outdoor Storage	75 per cent

17.3 OTHER REQUIREMENTS: COMMERCIAL FLOOR AREA

The gross floor area of all commercial buildings on a lot in any C-4 Zone shall not exceed ten thousand (10,000) square feet of gross floor area, including any floor area devoted to permitted dwelling units.

17.4 OTHER REQUIREMENTS: OPEN STORAGE AND DISPLAY

Where any portion of any lot in any C-4 Zone is to be used for open storage or outdoor display, the following shall apply:

- (a) Any area devoted to open storage may not exceed fifty (50) per cent of the lot area.
- (b) No open storage shall be permitted within any front yard.
- (c) No outdoor display shall be located within ten (10) feet of any front lot line.
- (d) No open storage or outdoor display shall be permitted in any required yard within any C-4 Zone where the required yard abuts any residential or community facility use except where a visual and physical barrier is provided, in which case there will be no open storage or outdoor display within five feet of the abutting side or rear lot line.

17.5 OTHER REQUIREMENTS: PARKING AND LOADING AREAS

No parking or loading area shall be permitted in any required side or rear yard where the yard abuts any residential or community facility use, except where a visual barrier is provided in which case there will be no parking or loading within five (5) feet of the abutting side or rear lot line.

17.6 OTHER REQUIREMENTS: SERVICE STATIONS

Where service stations are permitted in the C-4 Zone, the following shall apply:

- (a) Minimum lot area 30,000 square feet (2787 m²)
- (b) Minimum Frontage 150 feet (45.7 m)
- (c) No portion of any pump island shall be located closer than twenty (20) feet (6.1 m) from any street line.
- (d) The minimum distance between ramps or driveways shall not be less than thirty (30) feet (9.1 m).
- (e) The minimum distance from a ramp or driveway to a road intersection shall be fifty (50) feet (15 m).
- (f) The minimum angle of intersection of a ramp to a road line shall be forty-five (45) degrees.
- (g) The width of a ramp shall be a minimum of twenty (20) feet (6.1 m) and a maximum of twenty six (26) feet (7.9 m)

17.7 OTHER REQUIREMENTS: ABUTTING USES

Notwithstanding the provisions of Section 17.2, within a C-4 Zone, where any commercial use abuts another commercial or an industrial use, the abutting side or rear yard requirement may be reduced to eight (8) feet.

Attachment E Opinion of Professional Engineer - Suitability of Site



Servant, Dunbrack, McKenzie & MacDonald Ltd.
NOVA SCOTIA LAND SURVEYORS & CONSULTING ENGINEERS

36 Oland Crescent
Bayers Lake Business Park
Halifax, Nova Scotia B3S 1C6

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B Sc (Eng), P Eng, N S L S . C L S
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N S L S (Ret), O L S (Ret), C L S .
(Consultant)

April 7, 2009

Mr. Brian Harvey, CET
Armco Capital Inc.
6017 Quinpool Road
Halifax, NS, B3K 5J6

RE: Commercial On-Site Sewage Disposal Suitability of Lot G-5150, Kingswood North

Mr. Harvey,

I have reviewed the test pit information of the above lots and the correspondence from HRM regarding Case No. 01197.

An on-site lot assessment was conducted in December 2003 (prior to development) and we observed that the primary soil type was silt, and the soil strata varied from sandy-silt to Clayey-silt. These are permeable soil types and are suitable for on-site sewage disposal. The topology was observed to be between 0% and 8% sloping away from Hammonds Plains road.

We have reviewed the correspondence from HRM Planning. They require confirmation from a QP that this lot is serviceable by an on-site sewage disposal system or other type of small waste water treatment facility. We have reviewed the C-4 zoning permitted uses in conjunction with the lot size and lot development restrictions. We feel that this proposal is not premature or inappropriate at this time, as the property and soil conditions appear adequate. However, as always, it is also up to the potential buyer to perform their own due diligence by investigating their proposed use with a QP to ensure that their proposal can be serviced by an on-site system or small scale waste water treatment facility.

Should you require more information or clarification, please contact the undersigned.

Regards,
Servant, Dunbrack, McKenzie & MacDonald Ltd.

A handwritten signature in black ink, appearing to read 'D S Gerard', written in a cursive style.

Daniel S. Gerard, PEng, NSLS

Attachment F
Minutes from the Public Information Meeting

HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO.01197 - Rezoning Northeast intersection of Hammonds Plains Road and Gate
House Run

7:00 p.m.

December 11, 2008

Hammonds Plains Consolidated Elementary School

STAFF IN

ATTENDANCE:

Miles Agar, Planner, HRM Planning Applications
Thea Langille, Supervisor HRM Planning Applications
Shanan Pictou, Planning Technician, HRM Planning Applications
Jennifer Little, Planning Controller, HRM Planning Applications

ALSO IN

ATTENDANCE:

Councillor Peter Lund
Mr. Brian Harvey, Applicant
Mr. Andrew Giles, Applicant

PUBLIC IN

ATTENDANCE:

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The meeting commenced at approximately 7:06 p.m.

1. Opening remarks/Introductions/Purpose of meeting

Mr. Miles Agar, Planner, Planning Applications, called the meeting to order at approximately 7:06 p.m. in the Hammonds Plains Consolidated Elementary School.

Mr. Agar advised that the application is to rezone PID #s 41165283 and 41185133 (northeast intersection of Hammonds Plains Road and Gatehouse Run) from MU-1 (Mixed Use 1) Zone to C-4 (Highway Commercial) Zone. He at this time introduced Councillor Peter Lund; Thea Langille, Supervisor; Shanan Pictou, Planning Technician and Jennifer Little, Planning Controller.

2. Overview of planning process

Mr. Agar reviewed slides showing pictures of the subject property. He reviewed the conceptual site plans, which showed a drive-thru restaurant, service station, and a car wash. He also reviewed surrounding commercial businesses showing the general land use context of the area, as well as the surrounding zones in the area, explaining that there are established commercial uses in the surrounding area.

Mr. Agar reviewed the application process, noting that the public information meeting is an initial step, whereby HRM reviews and identifies the scope of the application and seeks input from the neighborhood. After this meeting staff will prepare a report which will be brought forward to Community Council. Community Council will hold a public hearing at a later date, prior to making a decision on the proposed rezoning application. Notification of this hearing will be advertised in the Chronicle Herald two consecutive Saturday's prior to the meeting and properties in the vicinity of the subject lands will also be notified by mail. The public hearing is a formal opportunity for any member of the public to speak for or against the proposal before Council makes a decision to accept or reject the proposal. After the decision is made, there is a 14 day appeal period.

3. Questions/Comments

Mr. Andrew Giles introduced himself as being the Vice President of Armco.

Mr. Paul Madore, Halfway Lake Drive, explained that he is building a home on Gatehouse Run. He explained that he had thought about buying the second lot on the street, (lot G50) and was told that he would not be able to put in a septic field. He asked what the applicants plan for the lot will be.

Mr. Giles explained that there were constraints on the property. He added that he thought it was a combination of a water course and Nova Scotia Power. The vision of the septic field is placed on another lot.

Mr. Madore asked if the plan has been finalized or if it will change.

Mr. Giles explained that for now it is just a concept and is subject to change. He added that this property is at the beginning of their subdivision and therefore, they will be very careful in what they decide to place there.

Mr. Agar reviewed the slide pointing out where the Nova Scotia Power easement is and noted possible constraints in regards to the septic.

Councillor Lund commented on the number of parking spaces that is currently there, explaining that there is quite a few. He asked if there would be a set number?

Mr. Agar explained that it will be as is required in the Land Use By-law.

Mr. Agar explained that the proposed zoning does allow for drive-thru restaurants. He also explained that because there is a Nova Scotia easement on the property, a review of the application will also include Nova Scotia Power Incorporated. A review will be included into the staff report and submitted to Council.

Mr. Campbell questioned about the access provisions.

Mr. Agar explained that the policy allows Council to consider a rezoning at this property. The lot that is being considered for rezoning has to have direct access on to a highway; which in this case is Hammonds Plains Road. Therefore, the two parcels will need to be consolidated prior to staff's recommendations to Council.

Councillor Lund asked if the policy does permit another building to be placed on these lots.

Mr. Agar explained that the current C-4 zoning provisions allow for more than one commercial building, however, all commercial buildings on a lot can not exceed a total floor area of 10,000 square feet.

4. Closing comments

Mr. Agar thanked everyone for coming to the meeting and expressing their comments and concerns.

5. Adjournment

The meeting adjourned at approximately 7:25 p.m.