

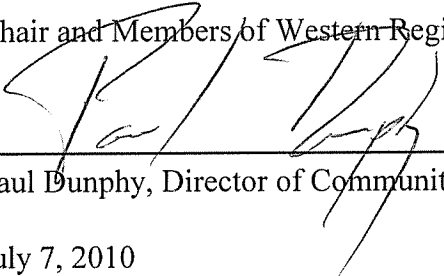


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Halifax, Nova Scotia  
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Western Region Community Council  
July 26, 2010

**TO:** Chair and Members of Western Region Community Council

**SUBMITTED BY:**   
Paul Dunphy, Director of Community Development

**DATE:** July 7, 2010

**SUBJECT:** Case 16241: Rezoning - Lovett Lake, Beechville

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**ORIGIN**

HRM staff-initiated application.

**RECOMMENDATION**

It is recommended that Western Region Community Council:

1. Give First Reading to the rezoning of five properties between Lovett Lake and St. Margarets Bay Road, Beechville (PIDs 40049033, 40049504, 40049751, 40841744 and 40160871) from the CDD (Comprehensive Development District) Zone to the R-1 (Single Unit Dwelling) Zone, as identified in Attachment A of this report, and schedule a public hearing; and
2. Approve the rezoning of five properties between Lovett Lake and St. Margarets Bay Road, Beechville (PIDs 40049033, 40049504, 40049751, 40841744 and 40160871) from the CDD (Comprehensive Development District) Zone to the R-1 (Single Unit Dwelling) Zone, as identified in Attachment A of this report.

## **BACKGROUND / DISCUSSION**

On January 20, 2009, Regional Council approved Case 01121, which included a variety of amendments to the Regional Municipal Planning Strategy, the Regional Subdivision By-Law and both the Halifax and Timberlea / Lakeside / Beechville (TLB) Municipal Planning Strategy and Land Use By-Law. The aim of Case 01121 was to rationalize the various planning boundaries between Halifax and TLB to reflect growth in the Bayers Lake Industrial Park and the Beechville community.

In the Urban Residential designation, Policy UR-11 of the TLB Municipal Planning Strategy (MPS) allows Council to consider rezoning to establish a comprehensive development district. As part of Case 01121, a 41 acre parcel of land in Beechville (PID 40049694) was rezoned from R-1 (Single Unit Dwelling) to CDD (Comprehensive Development District) to ensure a well-coordinated pattern of future development including adequate separation and buffering of residential development from the industrial lands to the north (Attachment B).

However, due to a mapping error, Case 01121 also rezoned five small properties between Lovett Lake and St. Margarets Bay Road from R-1 to CDD. While it was intended that only the 41 acre parcel be rezoned, the five small properties were also included, likely because the rezoning map followed the line of the Urban Residential designation rather than the property boundary of the 41 acre parcel.

Policy UR-11 states that a CDD must include lands of at least 5 acres in area. The five small properties between Lovett Lake and St. Margarets Bay Road are not proposed to be developed in conjunction with the 41 acre parcel, and the largest is only 53,000 square feet (1.2 acres). Therefore, these properties do not meet the requirements for the CDD Zone (Attachment A).

## **Conclusion**

The five properties between Lovett Lake and St. Margarets Bay Road do not meet the policy criteria to establish a comprehensive development district. Their inclusion in the rezoning approved as Case 01121 was incorrect. The proposed rezoning will reinstate the appropriate R-1 (Single Unit Dwelling) Zone that previously applied to these five properties and allow them to be developed in accordance with the R-1 Zone standards.

## **BUDGET IMPLICATIONS**

The costs to process this planning application can be accommodated within the approved operating budget for C310 Planning & Applications.

**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**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was information sharing, achieved through the HRM website and responses to inquiries. The district councillor waived the need for a public information meeting. Should Council decide to proceed with a public hearing, in addition to the published newspaper advertisements, property owners within the notification area will be notified as shown on Map 1.

The proposed rezoning will potentially impact the following stakeholders: property owners.

**ALTERNATIVES**

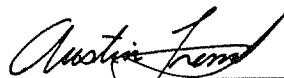
1. Council may choose to approve the proposed rezoning. This is the recommended course of action.
2. Council may choose to refuse the proposed rezoning, and in doing so, must provide reasons based on a conflict with the MPS policies.

**ATTACHMENTS**

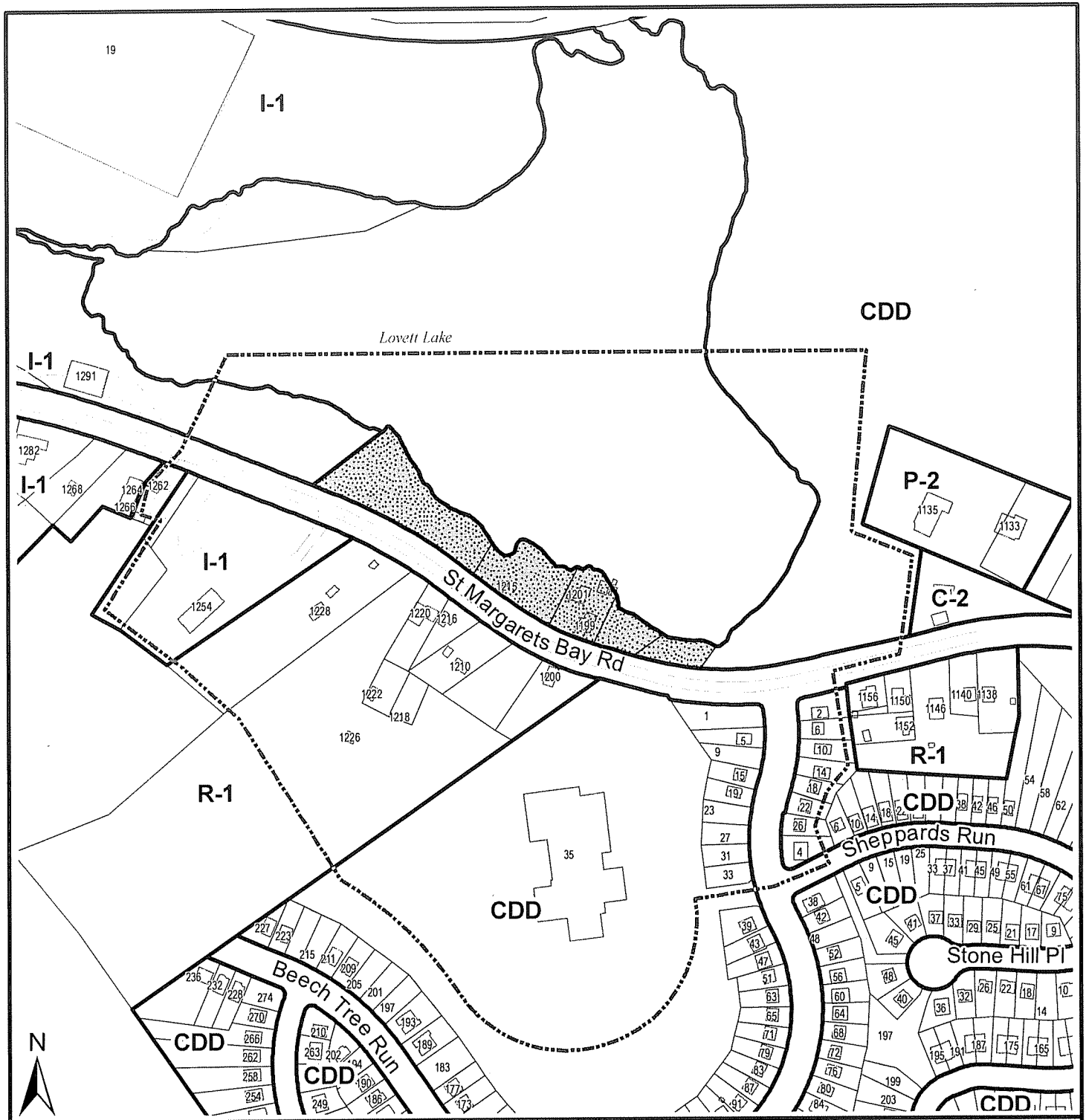
Map 1	Zoning and Notification Area
Map 2	Generalized Future Land Use
Attachment A	Amendments to the TLB Land Use By-law (including Schedule A)
Attachment B	Rezoning approved as Case 01121
Attachment C	Relevant Policies from the MPS

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 : Mackenzie Stonehocker, Planner I, 490-4793





Report Approved by: Austin French, Manager of Planning Services, 490-6717



### Map 1 - Location and Zoning

St. Margarets Bay Road  
Beechville

 Area to be rezoned from CDD (Comprehensive Dev. District) to R-1 (Single Family Dwelling)

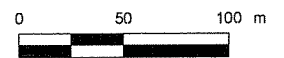
 Area of notification

Timberlea/Lakeside/Beechville  
Plan Area

#### Zone

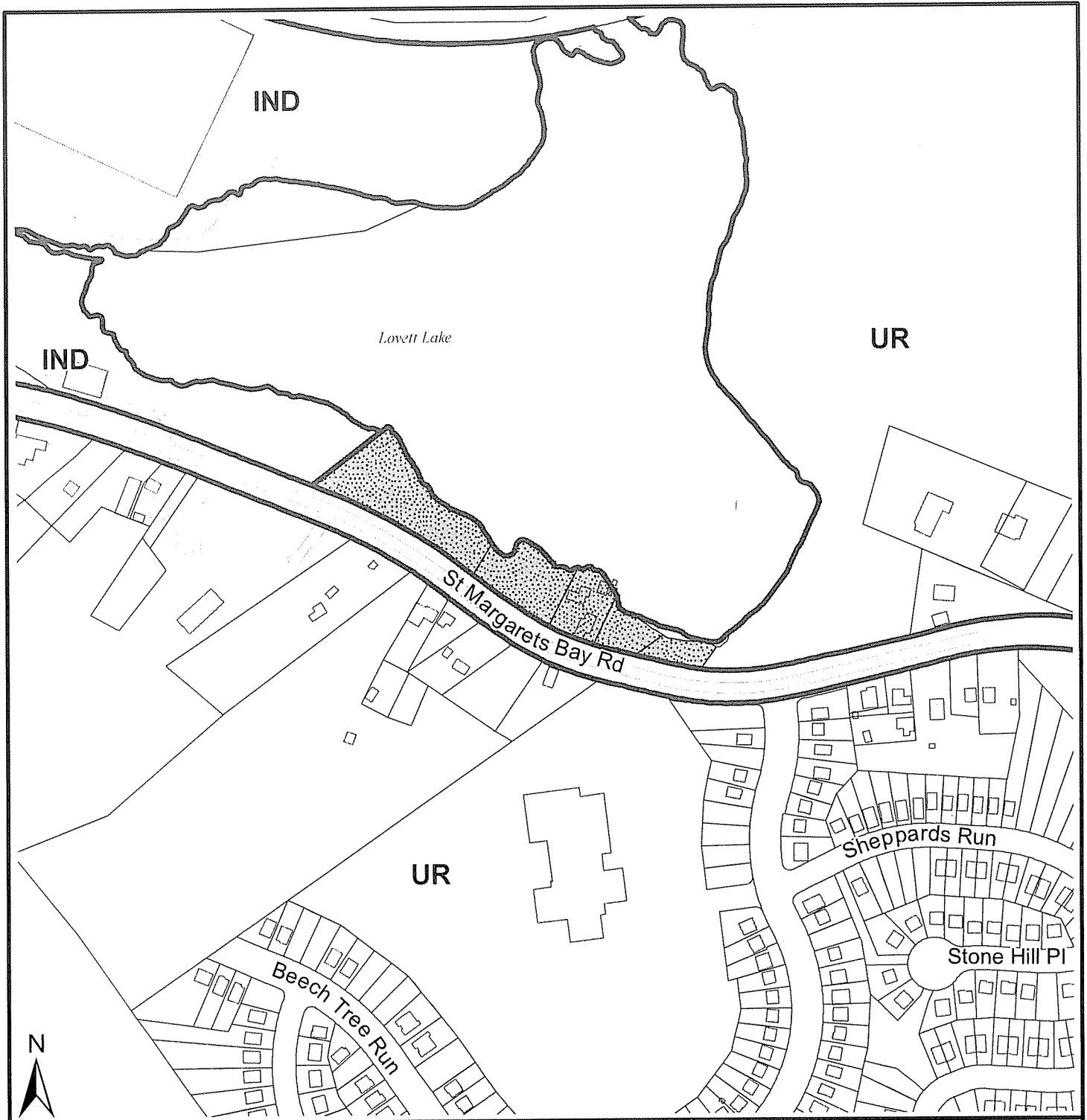
- R-1 Single Unit Dwelling
- C-2 General Business
- I-1 Light Industry
- P-2 Community Facility
- CDD Comprehensive Dev. District

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COMMUNITY DEVELOPMENT  
PLANNING SERVICES




This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated

HRM does not guarantee the accuracy of any representation on this plan.



## Map 2 - Generalized Future Land Use

St. Margarets Bay Road  
Beechville

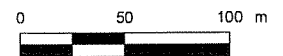
 Area to be rezoned from  
CDD (Comprehensive Dev. District)  
to R-1 (Single Family Dwelling)

Timberlea/Lakeside/Beechville  
Plan Area

### Designation

UR Urban Residential  
IND Industrial

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COMMUNITY DEVELOPMENT  
PLANNING SERVICES



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

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**Attachment A:**  
**Amendments to the Timberlea / Lakeside / Beechville Land Use By-law**

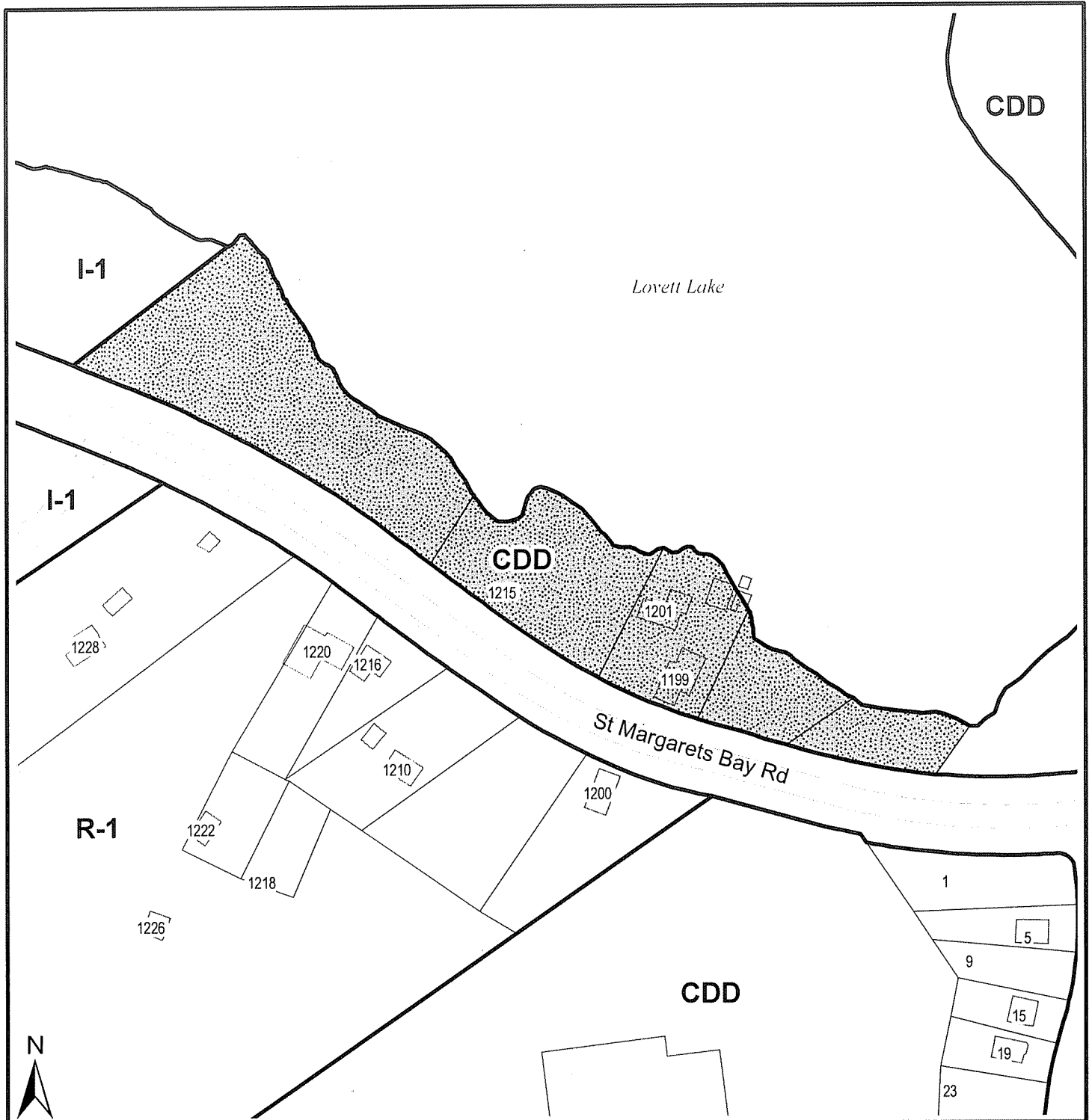
BE IT ENACTED by the Western Region Community Council of the Halifax Regional Municipality that the Timberlea / Lakeside / Beechville Land Use By-law, as amended, is hereby further amended as follows:

1. By amending the Timberlea / Lakeside / Beechville Zoning Map of the Land Use By-law as shown on the attached Schedule A.

I HEREBY CERTIFY that the amendment to the Timberlea / Lakeside / Beechville Land Use By-law, 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 \_\_\_\_\_, 2010.


GIVEN under the hands of the Municipal Clerk and Under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Cathy Mellett  
Municipal Clerk



**Schedule A**

St. Margarets Bay Road  
Beechville

 Area to be rezoned from  
CDD (Comprehensive Dev. District)  
to R-1 (Single Family Dwelling)

Timberlea/Lakeside/Beechville  
Plan Area

**Zone**

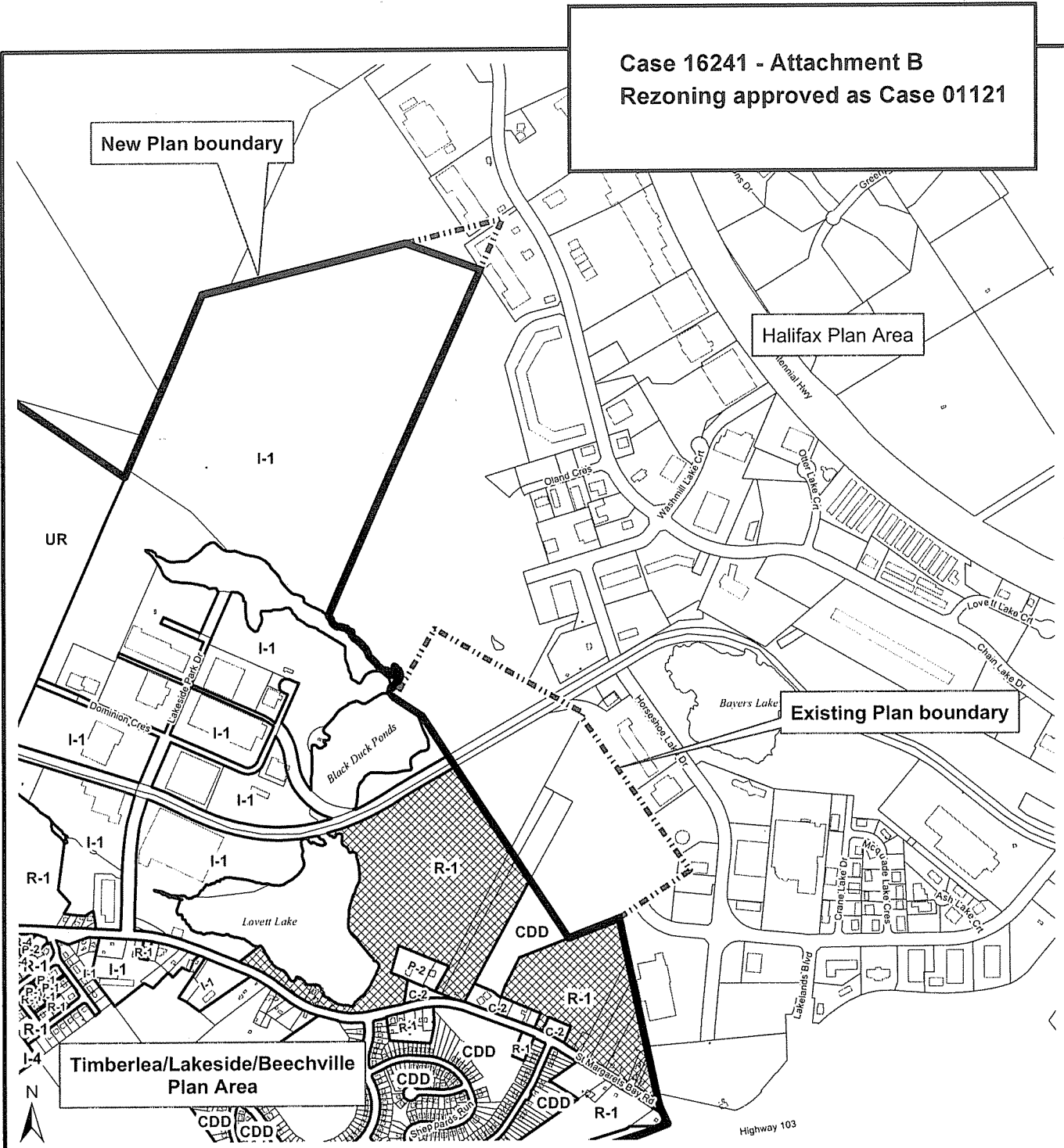
- R-1 Single Unit Dwelling
- I-1 Light Industry
- CDD Comprehensive Dev. District



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated

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Case 16241 - Attachment B  
Rezoning approved as Case 01121



**ATTACHMENT D**

**Timberlea/Lakeside/Beechville  
Municipal Planning Strategy and Land Use By-Law  
Proposed Amendments**

Bayers Lake Business Park  
Halifax

Timberlea/Lakeside/Beechville  
Plan Area



Area proposed to be rezoned to CDD  
(Comprehensive Development District)



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated

HRM does not guarantee the accuracy of any representation on this plan



**Attachment C:**  
**Relevant Policies from the MPS**

**Policy UR-11 – Comprehensive Development Districts**

It shall be the intention of Council to establish a comprehensive development district within the land use by-law which permits any residential use and the development of local commercial and community facility uses when in association with residential uses. Industrial uses shall specifically be prohibited.

When considering an amendment to the schedules of the land use by-law to establish a comprehensive development district, Council shall have regard for the following:

- (a) that the proposal is within the Urban Residential Designation;
- (b) that the development is capable of utilizing existing municipal sewer and water services;
- (c) that the development includes a minimum land area of five (5) acres to be so zoned;
- (d) that the development provides for a mix of housing types in keeping with the general target for housing mixture and does not detract from the general residential character of the community;
- (e) that adequate and useable lands for community facilities are provided;
- (f) that the development has a minimum of two (2) separate accesses to the public road network;
- (g) consideration of the impact on traffic circulation and in particular traffic on the St. Margarets Bay Road;
- (h) that the development is consistent with the general policies of this planning strategy and furthers its intent; and
- (i) the provisions of Policy IM-12.