



P.O. Box 1749  
Halifax, Nova Scotia  
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**North West Community Council  
April 28, 2014**

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

Original Signed

**SUBMITTED BY:** Brad Anguish, Director of Community and Recreation Services

**DATE:** April 23, 2014

**SUBJECT:** **Case 18704: Rezoning of McCabe Lake North from MR-1 to R-1, Middle Sackville**

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**ORIGIN**

Application by WSP Canada Inc.

**LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter, Part VIII, Planning & Development*

**RECOMMENDATION**

It is recommended that North West Community Council:

1. Give First Reading to consider the proposed rezoning of the McCabe Lake North lands from MR-1 (Mixed Resource) Zone to R-1 (Single Unit Dwelling) Zone as contained in Attachment A of this report and schedule a Public Hearing; and
2. Approve the proposed rezoning of the McCabe Lake North lands from MR-1 (Mixed Resource) Zone to R-1 (Single Unit Dwelling) Zone as contained in Attachment A of this report.

## **BACKGROUND**

The subject area (known as the McCabe Lake North lands) is approximately 1,495 acres (605 hectares) in area, consists of eight contiguous parcels, and is regulated through the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-law (Maps 1 and 2, Attachments A and B). The subject area is located in Middle Sackville and is bounded by Highway 101 to the north and McCabe Lake to the south (Maps 1 and 2). The subject lands are zoned MR-1 (Mixed Resource) Zone.

An application has been received requesting a rezoning of the McCabe Lake North lands from the MR-1 (Mixed Resource) Zone to the R-1 (Single Unit Dwelling) Zone, or to the R-6 (Rural Residential) zone. The purpose in rezoning these lands is to reduce the minimum 80,000 square foot lot area requirement to the 29,064 square feet which is the requirement in both the R-1 and R-6 zones (Attachment C).

The McCabe Lake North lands have been in development since 1998. At that time different parcels of the lands were owned by different development interests and therefore were being developed independently. As a result, different sections of McCabe North received subdivision approvals at different times. Concept Subdivision Approval was granted first in 1998 for 125 lots and then later in March 2005 for another 325 lots.

To date sections of the McCabe Lake North lands have been given a Final Subdivision Design Approval. The applicant can re-apply to amend their subdivision approvals to change the lotting pattern through future subdivision applications. If the rezoning is successful it is the developer's intention to re-apply to amend their subdivision approvals to increase the number of lots on the McCabe Lake North lands by reducing their lot sizes. However, it should be noted that the lot sizes are unlikely to be reduced to the minimum zoning requirement of 29,064 square feet enabled by rezoning. In part, this is due to Nova Scotia Department of the Environment's (NSE) minimum lot size requirement which is anticipated to be approximately 48,000 square feet in this area.

If the rezoning application is approved, the number of lots anticipated on the McCabe Lake North lands is 491. This number has been arrived at through a number of factors including minimum NSE's minimum lot size. These factors are identified in the Discussion section of this report.

Staff recommends the R-1 zone as the most appropriate application for reasons outlined in this report.

**Location, Designation, Zoning and Surrounding Land Use:**

<b>Subject Property</b>	Approximately 1,495 acres (605 hectares) known as the McCabe Lake North lands
<b>Location</b>	On the south side of Highway 101, west of the 101 interchange at Margeson Drive, north of McCabe Lake, east of the former Sackville Landfill abutting privately held MR-1 lands (Maps 1 and 2 )
<b>Designation</b>	Rural Resource under the Beaver Bank, Hammonds Plains and Upper Sackville MPS (Map 1)
<b>Zoning</b>	MR-1 (Mixed Resource) under the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law
<b>Surrounding Uses</b>	Highway 101 to the north, vacant Mixed Use (MU-2) zoned lands to the east (around the new Highway 101 interchange), McCabe Lake to the south and MR-1 lands to the west that have been previously used for gravel operations (Maps 1 and 2)
<b>Current Use(s)</b>	Vacant Land

**DISCUSSION**

The staff recommendation is that the lands at McCabe Lake North should be rezoned from MR-1 to R-1. In making this recommendation the following aspects were considered.

*MPS Policies*

The Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy designates these lands as Rural Resource (Map 1). In the Rural Resource Designation, residential uses can be considered provided the area to be considered respects its effect on resource development (Map 1, Attachment B). Accordingly, MPS Policy P-57 enables Council to consider rezoning of lands designated Rural Resource either to the R-1 or R-6 Zone (Attachment B). The MPS requires that the potential for residential development be evaluated through Policy P-57 with regards to community form, resource activity, transportation network, and environmental considerations (Attachment B).

*Resource Activity and Community Form*

The MPS contemplates the increasing presence of rural subdivision activity on lands in excess of ten acres in the Rural Resource Designation. MPS policy contemplates the circumstance whereby lands could be rezoned to enable smaller lotting patterns than is typical in a rural setting. Policy P-57 indicates that this could be achieved through a rezoning from MR-1 (80,000 square feet of lot area) to the R-1 or R-6 zone (29,064 square feet of lot area).

In the Rural Resource designation, MPS policy seeks to recognize rural residential development while supporting resource development. In this case, residential development is already enabled on the MR-1 zoned lands under the subdivision process. Therefore, the rezoning application request to R-1 or R-6 would not further impede resource activities on lands in other parts of the

designation to any greater extent than would the existing subdivision approval under the current zone.

*Transportation Network*

A Traffic Impact Study (TIS) has been submitted indicating that the applicants are planning to develop 491 lots at McCabe Lake North. The TIS for the proposed rezoning from MR-1 to R-1 or R-6 concludes that traffic from the proposed development can be accommodated within the existing street network, and Nova Scotia Transportation and Infrastructure Renewal concurs with the conclusion of the study. The study considered the relationship to the new Highway 101 interchange and access to and from the subject area. In both cases the study and its findings were deemed satisfactory.

*Environmental Considerations*

Environmental evaluation criteria Policy P-157 (d) and (e) require assessments from Nova Scotia Environment (NSE) establishing the suitability of the lands for on-site sewage disposal systems. Further Policy P-157 (e) requires comment from NSE on the quality and quantity of groundwater and the evaluation of the adequacy of storm drainage plans (Attachment B).

Evaluation of these criteria is immaterial through the rezoning process because evaluations will be required for each individual well and septic system through the Subdivision approval process. In addition, a storm drainage plan is also a requirement of the Subdivision process.

*Comparison of Permitted Uses in the Residential Zones*

Both the R-1 and R-6 zones contain the same lot area requirements however the list of permitted uses is more restrictive in the R-1 zone (Attachment C). Specifically, the R-1 Zone does not permit new two unit dwellings. However, the R-6 zone does permit two-unit dwellings.

Additionally, in the R-6 zone 50% of the floor space can be dedicated to a home business while 25% is permissible in the R-1 zone. Day cares of up to 14 children are permitted, while only 7 children are permissible in the R-1. Single unit development, and not two unit development, is the more predominant form in rural Middle Sackville. Accordingly, it is the opinion of staff that single unit development (rezoning to R-1 Single Unit Dwelling) is a more appropriate use of the subject lands.

*North West Planning Advisory Committee*

At the January 8, 2014 meeting of the North West Planning Advisory Committee (NWPAC) discussion was held principally about the nature of rezoning to either R-1 or R-6. Originally the applicant was seeking to retain a strip of MR-1 zoned lands against Highway 101. The recommendation from the committee was that the R-6 zone should be applied on the basis that the list of permitted uses would be more compatible with the MR-1 strip of land that was to be retained against the Highway. However since the request to retain the MR-1 portion of land was rescinded, the concern for land use compatibility in that location was no longer relevant.

A second concern was also raised regarding the possibility that central water service would eventually be extended to the McCabe Lake subdivision. This issue has been raised because a

concurrent HRM initiated application for a central water service boundary extension is underway that could impact the McCabe Lake lands in the future. The council resolution indicates that Regional Council should consider extending the central water service boundary in order to service McCabe Lake North. Regional Council has not made any determination regarding the extension of the central water service boundary at the time of writing this report.

If municipal central water is extended, the lot area requirement in the R-1 zone would be reduced from 29,064 to 12,000 square feet (Attachment C). Information from the applicant responding to this concern suggests that soil conditions and condition of the lands relative to topography are unlikely to yield an increase in lots, irrespective of the 12,000 square foot lot area requirement. In particular, Nova Scotia Environment (NSE) requirements for septic fields are a primary factor in determining lot size, and are anticipated to be approximately 48,000 square feet in this area. This will likely result in lots greater than both the 12,000 square foot as well as the 29,064 square foot lot area requirement.

There are other factors that will also determine how many lots can be accommodated on the McCabe Lands. Some of these factors include:

- substantial hazard or other non-developable lands such a slopes or wetlands,
- allocation of land uses such as parks and open spaces, and
- allocation of lands for infrastructure (road right of ways, drainage corridors, etc.)

Accordingly, should central water ever become available at the McCabe Lake North lands the above referenced factors will also influence the overall future lotting pattern and constrain the size and number of lots.

#### *Compatibility to Adjacent Lands*

The intent of the Mixed Resource Designation is to provide opportunities for businesses within residential communities such as agriculture and forestry which are permitted uses in both of the R-1 and R-6 zones. For example, the site immediately to the west (currently zoned MR-1, Map 2) separating the subject lands from the former Sackville Landfill has been used in the past for gravel pit operations. The MPS recognizes that business operations may bring a level of impact to all properties within the designation.

Lands immediately to east of the subject property contain the MU-2 (Mixed Use) zone which envisions a wide range of commercially related activities. These lands are an appropriate transition from the subject property to the new 101 interchange to the east along Margeson Drive (Map 2). The permitted uses in the MU-2 Zone are of a lower intensity and thus more compatible with the proposed R-1 zone than the current MR-1 zone that currently applies to the McCabe Lake North lands.

#### **Conclusion**

The proposed rezoning is consistent with the MPS for Beaver Bank, Hammonds Plains and Upper Sackville, therefore it is recommended that the North West Community Council rezone

the McCabe Lake North lands from MR-1 (Mixed Resource) Zone to R-1 (Single Unit Dwelling) Zone as identified in the recommendation section of this report.

### **FINANCIAL IMPLICATIONS**

The HRM costs associated with processing this planning application can be accommodated within the approved 2014/15 operating budget for C310 Planning & Applications.

### **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a Public Information Meeting held on November 4, 2013 (see Attachment D for minutes). Notices of the Public Information Meeting were posted on the HRM Website, in the newspaper, and mailed to property owners in within the notification area as shown on Map 2.

A Public Hearing must be held by Community Council before they can consider approval of the rezoning. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

The proposed rezoning will potentially impact local residents and property owners.

### **ENVIRONMENTAL IMPLICATIONS**

No additional concerns have been identified beyond those raised in this report.

### **ALTERNATIVES**

North West Community Council may choose to refuse the rezoning of the McCabe Lake North lands and, in doing so must provide reasons why the rezoning does not reasonably carry out the intent of the MPS. This is not recommended. A decision of Community Council to reject this land use by-law amendment, with or without a public hearing, is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

### **ATTACHMENTS**

Map 1           MPS Generalized Future Land Use Map  
Map 2           Zoning and Notification

Attachment A       Proposed Amendment to Beaver Bank, Hammonds Plains, and Upper  
                          Sackville Land Use By-law

- Schedule A   Area to be rezoned

- Attachment B      Review of Relevant Policies from the Municipal Planning Strategy for  
Beaver Bank, Hammonds Plains and Upper Sackville
- Attachment C      Comparison of the R-1 and R-6 Zones
- Attachment D      Public Information Meeting Notes

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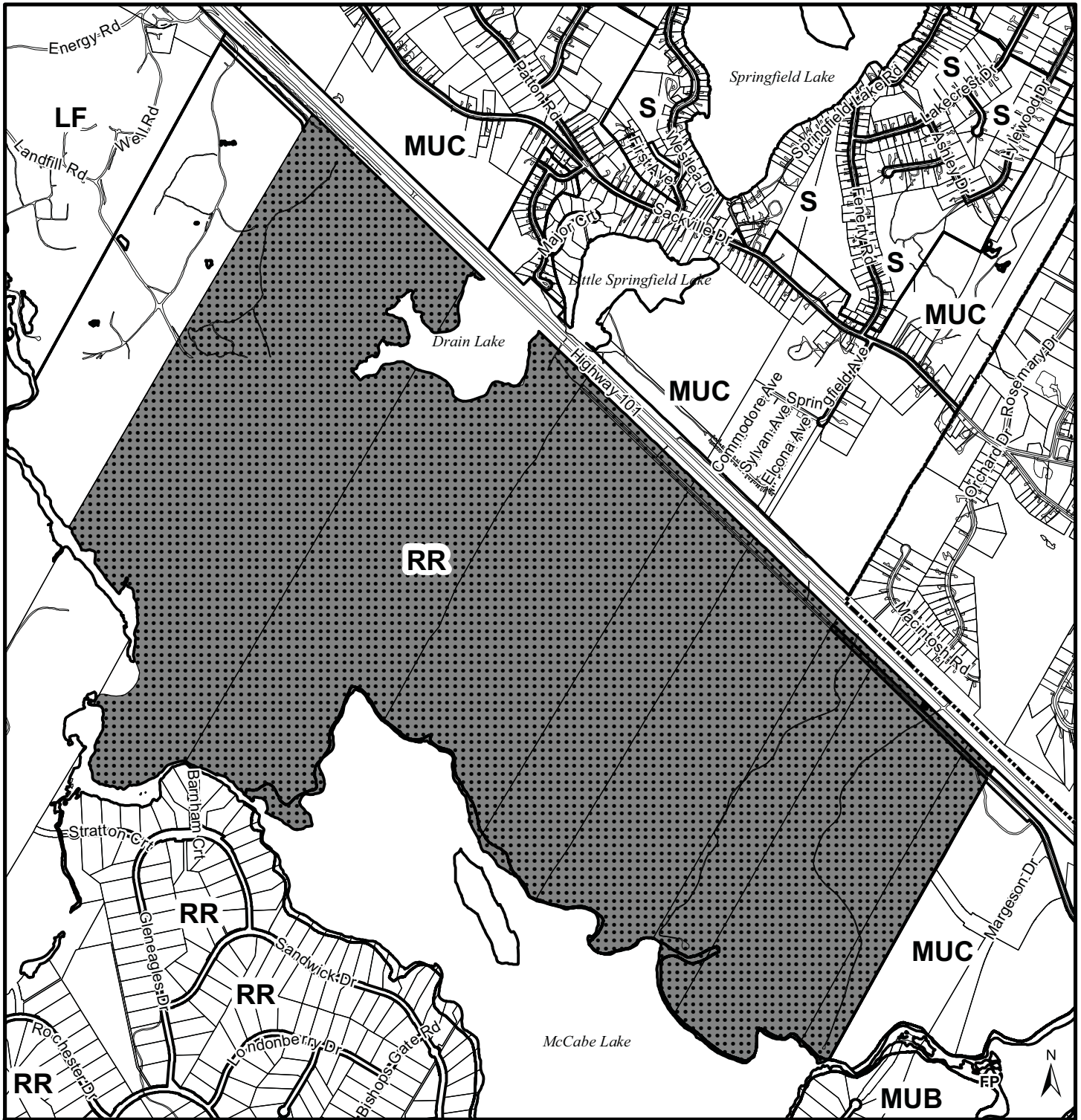
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by:      Shayne Vipond, Senior Planner, Development Approvals, 490-4335

Original Signed 

Report Approved by:      \_\_\_\_\_  
**For:** Kelly Denty, Manager, Development Approvals, 490-4800

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### Map 1 - Generalized Future Land Use

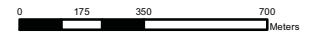
PIDs 40161093, 00479873, 40152829, 40152811, 40152647, 00475715, 00458281 and 41250077.  
Middle Sackville



 Subject Area

#### Designation

- MUB Mixed Use B
- MUC Mixed Use C
- RR Rural Resource
- S Springfield
- LF Former Sanitary Landfill Site



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

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


Beaver Bank, Hammonds Plains and Upper Sackville Plan Area






### Map 2 - Zoning and Notification

PIDs 40161093, 00479873, 40152829, 40152811, 40152647, 00475715, 00458281 and 41250077.  
Middle Sackville

 Subject Area to be Rezoned from MR-1 (Mixed Resource) to R-1 (Single Unit Dwelling)

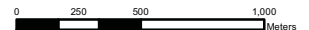
 Area of Notification

Beaver Bank, Hammonds Plains and Upper Sackville Plan Area

#### Zone

- R-1 Single Unit Dwelling
- R-2 Two Unit Dwelling
- R-6 Rural Residential
- MU-2 Mixed Use 2
- C-2 General Business
- I-4 Former Sanitary Landfill Site
- MR-1 Mixed Resource
- PWS Protected Water Supply
- FP Floodplain

**HALIFAX**  
REGIONAL MUNICIPALITY  
DEVELOPMENT APPROVALS



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

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**ATTACHMENT A**  
**Proposed Amendments to the Beaver Bank, Hammonds Plains, and  
Upper Sackville Land Use By-law**

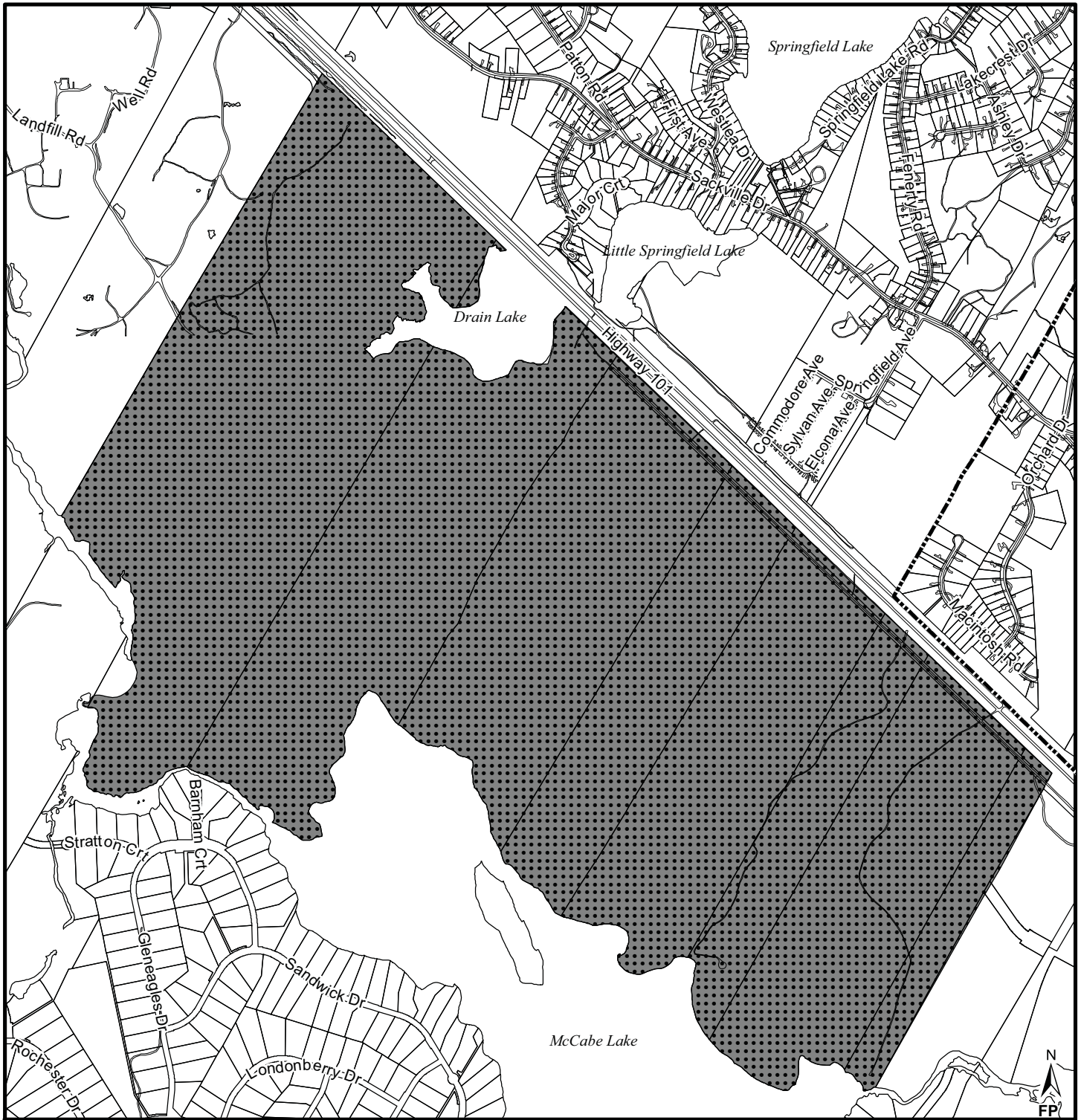
BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law as enacted by Halifax Regional Council on the 9th day of November, 1999 and approved by the Minister of Municipal Affairs on the 4th day of May, 2000 as amended, is hereby further amended as follows:

1. Maps 1B and 1C (Beaver Bank, Hammonds Plains and Upper Sackville Zoning Maps) are further amended by rezoning portions of the McCabe Lake North lands from the MR-1 (Mixed Resource) Zone to the R-1 (Single Unit Dwelling) Zone as shown on Schedule A.

I HEREBY CERTIFY that the amendments to the Land Use By-law for Beaver Bank, Hammonds Plains, and Upper Sackville, as set out above, were passed by a majority vote of the North West Community Council of the Halifax Regional Municipality at a meeting held on the \_\_\_\_ day of \_\_\_\_\_.


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

Municipal Clerk

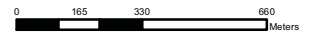


**Schedule A**

PIDs 40161093, 00479873, 40152829, 40152811, 40152647, 00475715, 00458281 and 41250077.  
Middle Sackville

 Area to be Rezoned from MR-1 (Mixed Resource) to R-1 (Single Unit Dwelling)

Beaver Bank, Hammonds Plains and Upper Sackville Plan Area



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 B: Review of Relevant Policies from the Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville**

**MPS Policy Review**

<b>Policy</b>	<b>Comments</b>
P- 57 Notwithstanding Policy P 49, it shall be the intention of Council, to consider permitting residential development within the Rural Resource Designation on lots which have an area of less than eighty thousand (80,000) square feet, through application of a residential zone (Policies P 34 and P 13). In considering an amendment to the land use by law to an R 1 or R 6 Zone, Council shall have regard to the following:	
(a) the potential effects of the development proposal on community services such as fire, police, recreation and education;	HRSB has reviewed and determined that local schools have capacity in the system. Fire, police and recreation are managed through subdivision approval process.
(b) the effect of the proposed development on existing and potential resource development;	Residential development is permitted to occur on the MR-1 zoned lands through the subdivision approval process. Therefore, the rezoning application request to R1 or R-6 would not further impede resource activities to any greater extent that would the existing subdivision approval under the current zone.
(c) the proposed road network in terms of coordination with the existing road network and impact on the capacity of existing collector highways;	A Traffic Impact Study submitted for the proposed rezoning from MR-1 to R-1 or R-6 concludes that traffic from the proposed development can be accommodated within the existing road network, and Nova Scotia Transportation and Infrastructure Renewal concurs with the conclusion of the study. The study considered the relationship to the new Highway 101 interchange and access to and from the subject area. In both cases the study and its findings were deemed satisfactory.
(d) environmental considerations including an overall report from the Department of Health assessing the suitability of the entire parcel for on-site sewage disposal systems;	Will be assessed at the individual lot level once the subdivision approval process has been approved.
(e) comments from the Department of the Environment on the quality and quantity of groundwater; and an evaluation of the adequacy of storm drainage plans;	Will be assessed during the subdivision approval process.
(f) the area to be rezoned shall either contain a minimum of ten (10) acres or, if less than ten (10) acres, shall be a lot in existence on the effective date of this Strategy; and	Site is in excess of ten acres.

(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;	Yes
(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;	No additional costs are anticipated as a result of this rezoning.
(ii) the adequacy of central or on-site sewerage and water services;	See P-57 (d)
(iii) the adequacy or proximity of school, recreation or other community facilities;	School board indicates that the subdivision will be serviced by Elementary and High Schools servicing the Middle Sackville area. Should capacity become a concern students may be bussed.
(iv) the adequacy of road networks leading or adjacent to or within the development; and	See P 57(c)
(v) the potential for damage to or for destruction of designated historic buildings and sites.	N/A
(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;	The MPS recognizes that resource and business operations may provide a level of impact from adjacent properties to residential lands within the designation. Residential development can only be developed at a maximum of 20 lots per year minimizing the potential for future impact to the MR-1 zoned lands to the west. Lands within the Mixed Use designation to the east are intended for business operations. These lands are considered appropriate transition from the McCabe Lake North Residential subdivision to the new Highway 101 interchange. Therefore impacts from future commercial land uses to the

	residential lands that lie adjacent have been considered.
(ii) height, bulk and lot coverage of any proposed building;	Determined through subdivision approval in accordance with the By-law standard.
(iii) traffic generation, access to and egress from the site, and parking;	Traffic study has been supplied to accommodate 491 lots. Accesses into and from the site are within appropriate perimeters.
(iv) open storage;	N/A
(v) signs; and	N/A
(vi) any other relevant matter of planning concern.	None
(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.	To be established through the subdivision approval process.
(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.	N/A

**Attachment C**  
**Comparison - R1 and R-6 Zones**

Permitted Uses		R-1	R-6
<b>Minimum Lot Area:</b>	<b>on site services</b>	29,064 sq. ft. (2700 m2)	29,064 sq. ft. (2700 m2)
	<b>central water</b>	12,000 sq. ft. (1118 m2)	N/A
<b>Minimum Frontage:</b>	<b>on site services</b>	100 feet (30.5 m)	100 ft. (30.5 m)
<b>Minimum Front or Flankage Yard</b>		20 feet (6.1 m)	20 feet (6.1 m)
<b>Maximum Lot Coverage</b>		35 per cent	35 per cent
<b>Maximum Height of Main Building</b>		35 feet (10.7 m)	35 feet (10.7 m)
<b>Residential</b>			
Single unit dwellings		✓	✓
New Two unit dwellings		X	✓
Existing two unit dwellings		✓	NA
Bed and breakfast		✓	X
Existing mobile dwellings		✓	✓
Day care facilities for not more than seven (7) children and in conjunction with permitted dwellings		✓	NA
Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings		X	✓
Offices in conjunction with permitted dwellings		✓	NA

Business uses in conjunction with permitted dwellings	X	✓
<b>Other</b>		
Open space uses	✓	✓
Agricultural uses	X	✓
Forestry uses	X	✓
Number of commercial vehicles that can be kept in residential zone	1	No limit



## Attachment D

**HALIFAX REGIONAL MUNICIPALITY  
PUBLIC INFORMATION MEETING  
CASE NO. 18704 – REZONE PROPERTY AT MCCABE LAKE NORTH**

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**7:00 p.m.  
Monday, November 4th, 2013  
Wallace Lucas Community Centre  
596 Lucasville Road, Lucasville, NS**

### **STAFF IN**

**ATTENDANCE:** Shayne Vipond, Senior Planner, HRM Planning Applications  
Holly Kent, Planning Technician, HRM Planning Applications  
Rowena Dill, Development Controller

### **ALSO IN**

**ATTENDANCE:** Councillor Brad Johns  
Kouroush Rad, Genivar - Applicant  
Glenn Woodford, Genivar - Applicant

### **PUBLIC IN**

**ATTENDANCE:** Approximately 41

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The meeting commenced at approximately 7:04 p.m.

#### **1. Call to order – Shayne Vipond**

Mr. Shayne Vipond introduced himself as a Planner with the Halifax Regional Municipality. He introduced HRM staff and Councillor Brad Johns and advised that Councillor Whitman may attend as well.

#### **2. Purpose of meeting – Shayne Vipond**

Mr. Vipond explained this meeting was to discuss an application for the rezoning of the McCabe North lands, 1600 acres. He noted that this meeting should stand apart from the proposal that was discussed at a meeting at this location two weeks ago, as this is a distinct application. The outcome of this rezoning application is not dependent upon the extension of the water service boundary or subject to that application. This application is a rezoning for an MR-1 zone (mixed resource zone) to either R-1 (single unit dwelling) or R-6 (rural residential) zone. We have yet to determine which zone may or may not be applicable or appropriate here.

### **3. Overview of planning process/Presentation of proposal – Shayne Vipond**

Mr. Vipond explained that this meeting is the public meeting where we go out and hear if there are any issues. He then explained that he will do an application circulation with the information he obtains. A staff review of the application is done and then a recommendation and a report. That will then go to the North West Planning Advisory Committee and then to this community council. Mr. Vipond advised that there will be a chance for the public to speak at public hearing which will come at the end of the process. There will be notification sent out about the public hearing.

Mr. Vipond reiterated that this meeting was to focus on the McCabe Lakes North lands and not to focus on the master plan for the Margeson Drive extension, the old Sackville landfill, or the Municipal Water. We are focused solely on the number of units on a given piece of land. Mr. Vipond advised that there is already a concept approval for a certain number of lots. The question is, “is there a sufficient conditions to consider increasing the yield under the Municipal Planning Strategy policy”. The Municipal Planning Strategy policy in the Beaver Bank, Hammonds Plains and Upper Sackville speaks to the authority for council to consider the reduction of size of less than 80,000 square feet per lot. Council can consider it, but this does not mean it is approved. No decisions will be made at this meeting this meeting is for feedback.

This is in a Rural Resource designation. It is approximately 1600 acres. It currently carries an MR-1 or Mixed Resource zone and essentially the proposal is to rezone from MR-1 to either R-1 or R-6.

Mr. Vipond introduced Mr. Kourash Rad and Mr. Glenn Woodford as the consultants for the development and they are representing the owners. Mr. Vipond turned the floor over to Mr. Rad to give a presentation of the proposal.

### **4. Presentation of Proposal – Kouroush Rad, Genivar**

Mr. Rad thanked everyone for coming. He introduced himself as an Urban Planner with Genivar and Mr. Glenn Woodford who is a senior civil engineer with Genivar. He explained they are representing their clients, Twin Brooks Developments for the application of McCabe Lake North. He noted that it may have been seen as another name, Glen Eagle Shores, this is the same application.

Mr. Rad displayed a map of the area. He noted the amenities for the area. There is a park and ride planned, brand new 101 highway interchange, public transportation coming to the community and there is also future growth expected for the community.

He gave a brief introduction of the planning regulations in the area. There is the Halifax Regional Plan that allows for medium density residential in the area. He explained there was a Middle Sackville, Upper Sackville and Lucasville vision that was put together by the community. This document calls for low to medium residential development for the area. Hammonds Plains, Upper Sackville, Beaver Bank Municipal Planning Strategy

contains rural resource which allows for residential uses as well as some commercial and agricultural uses. Then there is Hammonds Plains, Upper Sackville and Beaver Bank Land Use By-Law which currently zones the area MR-2 or Mixed Resource.

Mr. Rad explained what “as of right development” development was. He noted that this meeting is for a rezoning application and explained what rezoning was. The policy that enables this rezoning is the Beaver Bank, Hammonds Plains, Upper Sackville, policy P-57 which allows lots to be constructed at a smaller lot size of 80,000 sq.ft. Following these components or events, there is a fix on community services, and a fix on commercial and resource development. He explains they also need to look at the impacts on the capacity of existing growth on highways, environmental conservation, as well as quality and quantity of ground water, minimum of ten acres as well as the provisions of policy P-137 of the Municipal Planning Strategy.

Mr. Rad displayed a plan of the as of right approved subdivision and explained that this subdivision will go ahead in the spring whether or not this application goes forward. He noted the yellow area displayed and the green area is not part of the application. These two areas are currently zoned MU-1 (Mixed Use) and MU-2 (Mixed Use). He displayed the area that the rezoning application is strictly for. The rezoning application would allow for smaller lots and an example is shown of what it would look like. The roads in the current plan will stay the same. The wetlands will be protected in both plans. The wetlands have been delineated. The only areas that will lose some of the lands are where the roads are crossing. For those areas, Nova Scotia Environment has been involved and a permit has been obtained to compensate for the lost wetland in other areas. The 100 year flood plain has been mapped and will be protected from the roads.

Mr. Rad explained that currently they have 1500 acres of property. Area A, has 21 lots in total and that will not change with the rezoning. Area B, is 32 lots and will stay the same. Area C, is the rezoning area which goes from 357 to 436 lots, in total there will be an increase of 83 lots, from 406 to 489 lots. The parkland will stay the same at approximately 53 acres.

He noted the zone that will be changed is MR-1 to either R-1 or R-6 and he explained the difference in zones. The minimum lot area will decrease from 80,000 to 29,000 for R-1 and R-6. Due to the on site septic systems, they will not be able to go smaller than 48,000 sq.ft. The minimum frontage will go from 200’ to 100’ and everything else will stay similar.

A traffic study was done approximately one year ago. The traffic impact study suggests that the trip generated by the proposal would not affect the traffic performance on Margeson Drive or the regional growth. For the services, there will be onsite septic systems and it will have either well water or services depending on how the other application goes.

Mr. Rad introduces Mr. Woodford to speak further on the proposal.

Mr. Woodford introduced himself as the engineer working on this project. He explained that he is not working on the rezoning but on the design work. He stated that HRM and NS Department of Environment have acquired a lot of information and drawings over the last number of years to get to this point today. The project from an engineering point of view is a transportation one where they design the roads and the roads are very similar to what you would see in Waterstone, Kingswood or Glen Arbour, with paved roads and roadside ditches with culverts. The storm water would drain away off the lots and into the ditches through the culverts to the lake. They did numerous calculations, showed storm water management plans and a sedimentation erosion control plan which was given to the city and to the NS Dept. of Environment. There are two things about storm water. The first is the point when it's all done, the houses are there and everyone's yard has grass. The second is the time when we are constructing the roads which is a little more risky so there is a lot of open soil, so there is quite a bit of phasing, so this wouldn't happen all in one phase but over many years. Quite a few controls go in place while the construction happens to prevent sediment run off from getting into the streams or lakes.

He noted that another side of the servicing is the water. Mr. Woodford explained that right now it is approved for onsite wells. There was a hydro-geologist that had a look at this site to determine how much water was available. One of the things you run into when you want to rely on ground water is how much is there and the hydro-geologist looks at things such as how much recharge do you get, that there is a certain amount of natural recharge back into the ground water. There is a certain percent of rainwater that falls out of the sky that runs off the land which is our storm water and then there is a percent that soaks into the ground and that recharge is groundwater. That was looked at to determine the safe yield for ground water and there is certainly enough for this increase of 83 lots and for the total number of lots here. If HRM who initiated the service extension required that water in place, then we would extend the water system from Lucasville Road which then means we could obviously supply these lots. The water system on Lucasville Road has more than enough capacity to supply all of these lots with both, domestic water for drinking and fire protection. If we put the water system in here then there would also be fire hydrants.

The third servicing that was looked at was the onsite waste water system and the way that gets done is it is dependant on the soil just like any septic system. What we do is we send in a qualified person with a machine to take test holes on every single lot, and that has been done in a very large part of this. That person is qualified and certified by the Dept. of Environment. The qualified person went through and dug a test whole on every single lot to determine the pipe, nature of soil and depth. The qualified person then draws up a plan for each lot showing where the house, septic system and well would go. This plan would give all the safe setbacks. That plan has been prepared for all the lots that there are currently design drawings for today which is not all of this, it is a part of it so there are a few phases at the detailed design stage now.

He noted that as Mr. Rad had explained, they also did a traffic study at the interchange of Highway 101, Margeson Drive and the two streets that this system would be using. In

order for this subdivision to go through it does not need the Margeson Drive extension and it does not need the water services extension.

**Mr. Ben Jessome, MLA** asked, if it does not need the Margeson Drive extension, then where do you come in and out?

**Mr. Woodford** stated that there is one connection to Margeson Drive, they would then have to extend Margeson but not over to Waterstone. This would all be at the cost to the developer, HRM would not pay anything. There is one other connection.

Mr. Vipond opened the floor questions.

**5. Questions/Comments:**

**Mr. Ben Jessome, MLA for Hammonds Plains** asked what the development plan was for White Hills and Glen Arbour?

**Mr. Woodford** answered that as of now there is no plan; there is no land and no road reserve to connect.

**Mr. Ben Jessome** stated that we are talking about another major subdivision that is being developed in his riding and his community. Where are the plans to accommodate the people coming to and from White Hills and Glen Arbour? We have Margeson Drive, but there is not a lot of people that it is going to be accommodating in the short term. What is the plan in the longer term that accommodates the greater Hammonds Plains and Lucasville community?

**Mr. Woodford** explained that Margeson Drive is planned to extend across Stonewood Drive back in behind the lots on Waterstone Drive and then they will be intersected further back and the road would go back towards Glen Arbour.

**Mr. Ben Jessome** asked if this would be around McCabe Lake.

**Mr. Woodford** stated that yes it would, on the north side of McCabe Lake. This would be so that both Glen Arbour and White Hills can get out to Margeson. That is not going to be a longer drive when it is there for most people.

**Mr. Vipond** reiterates that this meeting is about McCabe Lake North. He states that he understands that people are interested in the traffic pattern, and the master plan for transportation for the entire area. He recommends that if there are interests in this, at the end of the meeting he will give contact information for the Regional Transportation person who can talk about the full eventuality of the transportation network. In terms of this particular application it is about the 1600 acres and the provisions of increasing density on a given land. In terms of the discussion of the water services extension and Margeson Drive, it is not a scope of this process and meaningful commentary can not be provided.

**Mr. Greg Burke** stated that he can appreciate what is being said about this not being connected to whatever is happening in Waterstone and Glen Arbour but if this is approved the next meeting will be about how to get the water to these people and so we have to put the water through Waterstone because their wells are running dry and we have problems getting water. He stated that he feels it is connected.

**Mr. Vipond** explained that he doesn't have the authority to consider that criteria he can only go by his process. He stated that he has a fairly limited scope and limited criteria under which the process can be considered and evaluated. This is a rezoning application and not a Development Agreement application and it does already have subdivision approval.

**Mr. Greg Burke** stated that he is speaking to credibility and trust when HRM proposes rezoning and he feels that is what the issue is.

**Mr. Vipond** explained that he is guided by provincial legislation. The rezoning process is fairly limited in what can be considered. He states that his decisions are based on a short number of criteria.

**Mr. Ben Jessome** stated that they cannot have another subdivision the size of the subdivisions that they have in their community without having infrastructure to support the development.

**Mr. Vipond** advised there is a concept approval in place now for as of right agreement so this is simply a rezoning to see if they can increase the lots.

**Mr. Ben Jessome** said that he did not realize that. He asked how this can be pushed through without a strong infrastructure plan. There are major subdivisions that are built where it takes 25 minutes to get to the back of the subdivision. We don't want more subdivisions that are increasingly challenging to get out of. We have had speeding issues of people trying to get out to the thoroughfares. It is frustrating to see more and more development without the infrastructure and more thorough planning.

**Mr. Vipond** states that they did pass the 2006 Regional Plan which did contemplate growth in an ordered manner. The issue is that there were a lot of subdivisions that predated the passing of that plan.

**Mr. Greg Burke** stated that he agreed with Mr. Jessome and feels there shouldn't be this meeting about new development and instead there should be a meeting on the existing development that is already in place and how we are going to build an infrastructure around it. There should be a fire hall, and bus service in this community.

**Mr. Woodford** stated that when the design of the subdivision was started 20 or 25 years ago there wasn't a lot of master planning looking at the overall infrastructure that was required. One small 30 lot subdivision came and then another one and it built on. The

way the regulations are today consists of quite a lot of master planning about infrastructure, the overall number of lots, schools among other things. This subdivision is a good example in that way as it does not connect to any existing subdivision roads, it connects to a 100 series highway with a brand new interchange and Margeson Drive, so it won't add any traffic to an existing subdivision. When Margeson Drive is extended it will provide capacity.

**Mr. Woodford** explained that as far as services like water, where people come in and demand that they need water for the wells in the future, HRM has asked that they look at extending water. If that goes ahead then that will be putting the infrastructure there before the development. The developer is willing to do that, whether HRM puts the plan in place in time he couldn't say. Mr. Woodford stated that they are now looking at more infrastructure and master planning then what would have happened in the past.

**Mr. Dave Elder** asked what the benefit was of adding another 106 lots.

**Mr. Vipond** stated that they have asked and there is policy for council to consider. Whether or not it is recommended for approval still remains to be seen.

**Mr. Dave Elder** asked that with the new lots, what about storm runoff.

**Mr. Woodford** stated that the runoff is generated by the total number of acres in a development. This is not increasing the total number of acres by adding another number of lots we would add some in pervious areas.

**Mr. Dave Elder** asked where does it runoff too.

**Mr. Woodford** explained that it would run off into the roadside ditches and into the lake as it does from the existing houses around McCabe Lake and Waterstone. It would not be like First Lake because First Lake is a much denser urban type development where the lots are close together. There is much more pervious surface. In this development there are hundreds of acres of wetland left alone and untouched. Most of the storm water would run into the roadside ditches, into the wetlands, which according to the Dept. of Environment regulations cannot be touched. The storm water would go into those wetlands and make its way into the lake. There is a very high percent of land here that the trees will not be touched.

**Mr. Greg Obrien, McCabe Lake**, stated that he has a storm ditch that runs through his property. He pulls full bags of garbage out of the lake. He states that he has tried to contact HRM to put in grates or culverts to try and prevent the larger items from coming through. That lake is full of salmon, turtles, birds and bass. The sediment is what you think of in engineering, but garbage that comes from over 400 houses from these storm ditches is unbelievable.

**Mr. Jim Pentecost, Sandrick Drive** stated that he has noticed an increase in the amount of sediment in the lake since more development has gone on. He has serious concerns about adding more lots and the impact it will have on the lake.

**Ms. Iris Drummond, Chair of the Lucasville Association,** stated that they have water hydrants but what happens with this new development, and in Waterstone, Westpoint and the others. What if there is an extra dry summer, you don't have the water up there to put out a massive fire if it ever got out of control.

**Mr. Woodford** stated that there are no fire hydrants in Waterstone. The fire department has tanker trunks that can take water from the hydrants and they have pumper trucks that can pump it directly out of lakes.

**Ms. Iris Drummond** feels it would be better to take the developments that are already developed and finish them up to the level that they should be at now with sidewalks, water, sewer and fire hydrants and then continue on into a new development. This roads been here since 1827 and we got water in 1996 only because Millwood needed it, not because we were going to get it. Millwood has been developed with sidewalks, street water and sewer since and we are still at the same spot and the children still standing out on gravel waiting for a school bus. She feels something needs to be done for that area before a new development is started.

**Ms. Velma Parsons,** asked what the Lucasville vision was that had been mentioned.

**Mr. Vipond** explained that there was a visioning area for Middle and Upper Sackville that looked at lands around the interchange and the entirety of Upper Sackville including McCabe North. It set out a loosely based plan in order to determine what would be an appropriate land use going forward for each of these areas. It was always meant to be the beginning of a secondary planning process. This would be the creation of new policies and new land use regulations. The vision suggested that lands around the interchange and from McCabe North were appropriate for denser residential development but it didn't go far in terms of creating land use bylaws because that was not the purpose. As far as the vision statement goes, yes, it was identified as an appropriate use for residential land.

**Mr. Rad** stated that the appropriate residential land that is suggested was medium density and what this meeting is about is considered low to medium density residential.

**Mr. Steve Oliver** asked if this was in a plan for up to 25 years, what plan is for below McCabe Lake and the Lucasville area.

**Mr. Vipond** stated that in his understanding the subdivision plan has been in place for some time. The visioning process looked at entering in the secondary planning process for the purpose of creating a new policy in the land use regulation. Whether or not that encompasses Lucasville, is yet to be determined. They were supposed to be undergoing that process now and then the regional plan began so they put all the secondary planning process at a stop until the completion of the regional plan review. He anticipates that the



101 interchange and areas around the boundary, of which will be determined by a future committee, will start up and begin that process very soon after the completion of the regional plan. That process will determine what the future land use in this community will look like.

**Mr. Steve Oliver** asked if there was a long range plan already in place that they are not aware of.

**Mr. Vipond** stated the land use is guided by the Beaver Bank, Hammonds Plains, Upper Sackville Municipal Planning Strategy that is in place and has been in place for approximately 20 years. That is the policy document that puts the intention for land use regulation in this area. Any additional changes in that would come through the secondary planning process if this area is included in that boundary and that is yet to be determined.

**Ms. Iris Drummonds** advised they have not been made aware of the development that has been going on in the last 20 years. She stated that it was said that this land was bought with this zoned agreement 15-20 years ago. She asked who has the power to change this, is it the people, HRM or the developers.

**Mr. Woodford** noted that no one said they could do whatever they want with it. They know they can't and there are very strict guidelines and rules with HRM and the Nova Scotia Department of Environment. They have gone through a very lengthy approval process. In terms of changing the zone, the law is if you change the land use by-law or the zoning and there was already an application in the system then the application has the right to be finished under the zoning or bylaw it was submitted under. There is a good reasoning for that in that you cannot have people starting something that is lawful; and then outlaw it after they have already spent their money starting it.

**Mr. Dave Elder** stated that it has been established that this is going to happen and that they have been brought here to tell them this is going to happen.

**Mr. Vipond** explained that they have brought forward this application and he has not made a decision on whether this is something that he can recommend and it has not been circulated and he has not gathered technical comment. He does not know if this can be supported.

**Mr. Dave Elder** asked what the next step was because what he hears is they are being told that this is going to happen and he doesn't hear what he can do to stop this from happening.

**Mr. Vipond** noted that there is an opportunity at the end of the process to make an appeal to council which is the opportunity to present your impressions, opinions and technical information. Mr. Vipond explained the planning process.

**Mr. Dave Elder** asked how he can get included in the notifications.

**Mr. Vipond** explained that the contact information given on the sign up sheets at this meeting will be included on the mailing lists.

**Mr. Greg Burke** asked if the councillor could make a commitment at this meeting to have a meeting with the community to discuss these issues.

**Councillor Brad Johns** stated that the focus is about the currently approved subdivision and this application is to increase the number of lots. In doing a rezoning a number of years ago there was a similar rezoning in the adjacent community of Waterstone which was previously MU-2 and it was rezoned at a request of the residents to R-6. This was done because in that rezoning process residents in that community felt that the MU-2 zone allowed for certain things that they may not necessarily want in their community. Councillor Johns asked if staff could go more in-depth on what is currently allowed to happen in an MU-2 and why there may be some benefit to the overall community to change this zoning.

**Mr. Rad** explained that the current zone for the area is MR-1 which is mixed resource. He showed all of the uses that this would allow. Mr. Rad displayed the R-1 and R-6 and discussed what these two uses permit

**Mr. Vipond** stated that from HRM perspective we are looking at the land use compatibility to reduce the mitigating impact on the adjacent uses. The question is whether or not there are conditions here to support the application. In terms of the difference between the R1 and R-6 zones, there are some intrusive uses with agricultural and forestry uses. The other distinction is you can have a daycare with a large amount of children as apposed to a moderately sized daycare. Moving away from the mixed use resource zone, in a residential application it gets away from kennels and forestry uses.

**Mr. Greg O'Brien** asked that in going from multi use zone to an R-6 zone, does that have to cascade into additional lots or can you not designate the existing number that has already been approved without having to create more lots.

**Mr. Vipond** stated that from our perspective there is no minimum lot size per say, the question theoretically is that they could do that, but that is not the application.

**Mr. Greg O'Brien** stated that we are making the argument that we are going to have a benefit because it is going to change from multi-use to residential but we are still adding more lots.

**Mr. Woodford** stated that as the regulations over the past 10 years have changed, the roads have become more expensive. The roads in this project are going to cost approximately two or three times per foot than what they cost in Waterstone. The developers need to make a business case for doing a development like this, so getting 80 more lots is a very good thing at a development point of view. It makes the development more viable. From HRM's point of view, for maintaining the same amount of street, they get 80 more tax bills that go out which makes a difference. In terms of trying to make a

community more viable so that services can come there and they can have bus service, the more residents you get the more viable it becomes. The reason the developer wants more lots is to make the development more viable.

**Ms. Jennifer Lachance** stated that she moved there a year ago and feels the lake is never going to be the same. She states that it seems if this hadn't been approved prior to 2006 this may have not been approved at all. She is not sure why we would be interested in approving this.

**Mr. Rad** noted that they have run numbers and there is a brand new interchange. There is going to be a park and ride facility. There is going to be more tax revenue generated because there is going to be more lots. In the next ten years there is going to be an increase in density of the Sackville Community and Lucasville area. There needs to be more housing to provide for the housing to go there. There needs to be options for people to buy the property to live here.

**Ms. Jennifer Lachance** stated that she doesn't see the benefit to increase the number of lots.

**Mr. Bob Dupree, McCabe Lake** asked how many units in the original plan were on the lake itself and how many are on it with this plan.

**Mr. Rad** stated it increases by 5 or 6 on the lake itself. He doesn't have the exact number but it is available online.

**Mr. Bob Dupree** stated that it is going to dramatically affect the quality of life on the lake. Instead of being nice it is going to be like central Florida. In the last five years we have seen a dramatic decrease in the number of water fowl and in the number of other animals that we see.

**Mr. Cedric Parsons** asked what his councillor thinks of this.

**Councillor Brad Johns** stated that he has to remain neutral until it becomes before us to present it. He stated that he is here tonight to hear what the residents in the community and around the lake have to say and hopefully he will be able to represent that when it comes to public hearing. He explains that if he biases himself in an opinion currently, he is then excluded from being able to do anything when it comes to public hearing. He explained he is here to hear what the residents have to say. He does not want to be able to not vote when it comes to community council.

**Councillor Brad Johns** answered a question from the crowd about holding a community meeting. He stated that a number of the questions that were asked on how to stop the development is. He explained that the original development was approved and has legal right to go forward. The way you stop that is to go to the province and to your provincial representative and the province has the ability, but there are legal issues there too because

these are already grandfathered and allowed. He stated he did not have a problem with holding a community meeting.

**Ms. Iris Drummond** asked why the Margeson Bridge meeting was held at Connolly Rd. and not this building.

**Councillor Brad Johns** advised that it is his understanding that when the Margeson Drive meeting was held, he had actually directed staff to try and hold it at this location. There was some conflict issue so an alternate location had to be found. Every other meeting that we have had including past meetings on Margeson Drive have been held at this location.

**Mr. Mike Jodrey, McCabe Lake** asks where the additional lots will be located.

**Mr. Rad** points out on a map where the lots will be added.

**Mr. Mike Jodrey** asked if the lots will be divided into half.

**Mr. Rad** stated that no, they can not be made smaller. The minimum lot is 48,000 because of onsite septic.

**Ms. Angela Oliver** mentioned that Mr. Rad is pointing at lots that are not in the rezoning?

**Mr. Rad** showed what was already approved and what area is requested to be rezoned. Mr. Rad states the increase requested goes from 406 to 489 lots.

**Mr. Ross Macdonald, Waterstone Subdivision**, stated that Councillor Johns mentioned that the Waterstone Association changed our zoning, but one of the reasons it didn't have an effect on us is because a majority of the homes were already built in our subdivision so the lot size was not reduced. Right now there are subdivisions that all have a minimum lot size of about 1.83 acres and up, and that is what you have been approved for. By going to this zoning you are going to reduce your lot size to .667 of an acre so in comparison to an overall plan and look of other subdivisions in the area, you will be packed in homes like they are on old Sackville Road. Mr. MacDonald stated that he does not agree with it and feels it is going to increase on the runoff into McCabe Lake. He thinks they should keep with what they got and move forward.

**Mr. Rad** stated that there is a policy in the MPS that was completed in 2006 that enables the rezoning and the developer did not come up with this policy, this is a policy through HRM that enables the rezoning and this is the basis of the application.

**Mr. Brad Hebb, White Birch Hills**, stated that he is not on the lake but does enjoy it on a regular basis. He states that he is very concerned about the extra activity, the extra lots, extra run off, trash, sediment, degrading of the wetlands and community and lake itself.

Those of us here would like to maintain the quality of the life that we have and by putting more lots we don't need the extra for the extra issues that may come with it.

**Mr. Dave Tizzard, McCabe Lake** stated that he hasn't heard a single compelling reason as to why he should be interested in seeing an additional 80 to 100 houses on the other side of McCabe Lake.

**6. Closing Comments**

Mr. Vipond thanked everyone for coming.

**7. Adjournment**

The meeting adjourned at approximately 8:30 p.m.