

North West Community Council
April 11, 2006

TO: North West Community Council

SUBMITTED BY: Gail Harnish / 104
Ann Merritt, Acting Chair
North West Planning Advisory Committee

RE: Case 00838: Rezoning - Portion of PID #40014870 (Sackville Golf Course),
Sackville

DATE: April 6, 2006

ORIGIN

North West Planning Advisory Committee meeting - April 5, 2006

RECOMMENDATION

The North West Planning Advisory Committee recommend that North West Community Council:

- Give First Reading to consider an application by Twin Brooks Developments Limited to rezone a portion of PID #40014870 from P-1 (Open Space) Zone to R-1 (Single Unit Residential) Zone, and schedule a public hearing;
- Approve the rezoning of a portion of PID #40014870 (Sackville Golf Course) from P-1 (Open Space) Zone to R-1 (Single Unit Residential) Zone as illustrated in Attachment F of the staff report dated March 9, 2006.

ATTACHMENTS

Staff report dated March 9, 2006

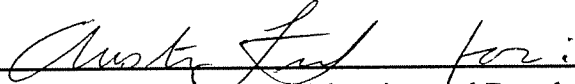
Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.
Report prepared by: Gail Harnish, Admin/PAC Coordinator, 490-4937
Report reviewed by: Ann Merritt, Acting Chair, North West PAC



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

North West Planning Advisory Committee
April 5, 2006

TO: Chairperson and Members of North West Planning Advisory Committee

SUBMITTED BY: 
Paul Dunphy, Director of Planning and Development Services

DATE: March 9, 2006

SUBJECT: **Case 00838: Rezoning - Portion of PID 40014870 (Sackville Golf Course), Sackville**

ORIGIN

Application by Twin Brooks Developments Limited to rezone a portion of PID# 40014870 from P-1 (Open Space) Zone to R-1 (Single Unit Residential) Zone.

RECOMMENDATION

It is recommended that North West Community Council:

- Give First Reading to consider an application by Twin Brooks Developments Limited to rezone a portion of PID# 40014870 from P-1 (Open Space) Zone to R-1 (Single Unit Residential) Zone and schedule a public hearing; and
- Approve the rezoning of a portion of PID# 40014870 (Sackville Golf Course) from P-1 (Open Space) Zone to R-1 (Single Unit Residential) Zone as illustrated in Attachment F.

EXECUTIVE SUMMARY

The proposal is to rezone a small five acre portion of PID# 40014870, the former Sackville Golf Course, from P-1 (Open Space) Zone to R-1 (Single Unit Residential) Zone to permit approximately 15 single family homes.

Municipal Planning Strategy policy enables Council to consider such a request.

The application was reviewed by the Halifax Watershed Advisory Board on November 16, 2005 as the site is immediately adjacent a watercourse. The Board recommended against a change in the P-1 zone at this time.

After a full review, staff recommend approval of the proposed rezoning.

BACKGROUND:

Location, Designation and Zoning:

- This five acre parcel is a portion of the former Sackville Golf Course situated to the northwest of Millwood Subdivision in Sackville (Map 1). The site slopes toward a brook which is a tributary of the Little Sackville River.
- The property is part of the Sackville Municipal Planning Strategy (MPS) and designated Urban Residential (Map 1). This designation is a priority area for continuing residential development and for those uses which are supportive of residential environments.
- The property is zoned P-1 (Open Space) Zone (Map 2) under the Sackville Land Use By-law (LUB). This zone permits a variety of recreation uses but does not permit residential land uses.

Surrounding Land Uses: The property is surrounded by many developed and undeveloped residential properties zoned under the Sackville (LUB).

- To the west are the former lands of the Sackville Golf Course which are currently zoned P-1 (Open Space) Zone and currently not developed (Map 4).
- To the east are the former lands of the Sackville Golf Course which are currently zoned R-6 (Rural Residential) Zone and currently not developed, but subject to an application for a residential subdivision known as Twin Brooks (Map 4).
- To the north are properties zoned R-6 (Rural Residential) Zone and undeveloped (Map 4).
- To the south are lands zoned R-1 (Single Dwelling Unit) Zone and developed as urban residential lots as part of the Millwood Subdivision (Map 4).

Synopsis of Proposed Development: The applicant wishes to rezone five acres of the subject parcel to R-1 (Single Unit Dwelling). The rezoning to R-1 would permit the construction of approximately 15 single family homes as part of the Twin Brooks Subdivision (Map 4) which is currently being reviewed under the subdivision approval process.

Enabling Policy: The request for the R-1 Zone is reasonably consistent with the Urban Residential Designation, specifically Policy UR-2 (Attachment A) which establishes the R-1 Zone as the base zone for the designation. Although there is no specific policy in the Sackville MPS to rezone to the R-1 Zone in the Urban Residential Designation, legal precedent¹ has identified that a rezoning can be proposed provided it is reasonably consistent with the intent of the MPS.

Public Information Meeting: A public information meeting was held on November 17, 2005. Approximately 22 members of the public were in attendance. A number of issues were raised by the public; these will be addressed under the Discussion section of this report. Minutes of the meeting are provided as Attachment D. The notification area is shown on Map 3. Should Community 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 3.

Halifax Watershed Advisory Board: Due to the proximity of a watercourse, the application was reviewed by the Halifax Watershed Advisory Board on November 16, 2005. A report from the Board is attached as Attachment E.

DISCUSSION

The following is an evaluation of the proposed rezoning in relation to applicable policies of the Sackville MPS (refer to Attachment "A"):

Policy Intent: The proposed development is within the "Urban Residential" land use designation. This designation constitutes a priority area for continuing residential development and for those uses which are supportive of residential environments. The zoning for the site however, is P-1 (Open Space) Zone which was likely applied to permit the previous land use, a golf course. As indicated earlier, staff are of the opinion that the developer may request a rezoning to the proposed R-1 zone as the requested zone is reasonably consistent with the Urban Residential Designation and the MPS.

Existing Subdivision Activity: The proposed development is adjacent to the Millwood Subdivision and is part of the proposed Twin Brooks subdivision. The Millwood subdivision is fully developed and the adjacent portion of Twin Brooks is in the process of being subdivided. The rezoning on the subject five acre parcel forms a logical extension of adjacent subdivision activity (Map 4).

¹Lewis v. North West Community Council of Halifax Regional Municipality

School Capacity: The Halifax Regional School Board has indicated that the proposed rezoning will have a limited impact on the existing school system, generating approximately 9 school aged children. The School Board has also indicated that the local schools have some space available.

Intersection Design: Members of the public identified that the intersection of Sackville Drive and Millwood Drive may not have an appropriate design to handle the turning radius of large vehicles such as school buses. This existing issue has been forwarded to Traffic Services, who have asked Design Services to review the intersection dimensions and provide estimates for improvements.

Setbacks from Watercourses: The proposed rezoning will be subject to the setback requirements of the Sackville LUB, currently 25 feet. The Regional Plan proposes a 20 metre non disturbance zone around all watercourses which could apply to the property if approved. The Halifax Waters Advisory Board has indicated concern regarding required setbacks required from watercourses. Ultimately the setback required under the LUB remains the same regardless of the zone. In addition, the amount of adjacent disturbance to a site could be similar.

Water Pressure: Water pressure in some areas of the existing Millwood subdivision is an issue due to the elevation of the land and low water pressures. Halifax Regional Water Commission has identified that due to the elevation of land, some houses, in the adjacent Twin Brooks Subdivision, may have to have individual pressure boosting pumps until such a time as higher pressure water can be brought in to the subdivision.

Traffic Impact: A traffic impact study, prepared by a qualified Professional Engineer, indicated the proposed rezoning is not anticipated to generate a significant traffic volumes and will have a minimal impact on the adjacent road network.

Sewer Capacity:: Sewer capacity in the Sackville area has been an issue for a number of years. Environmental Management Services (EMS) has identified that during peak storm events the Sackville sanitary trunk sewer may surcharge (overflow).

The proposed rezoning will change the zoning from P-1 (Open Space) Zone to R-1 (Single Unit Residential) Zone. Although many open space uses could generate low sewer effluent flows, some of the permitted uses could generate large flows. Based on an analysis of permitted uses, open space uses could generate significantly larger sewer flows than the residential land uses of the proposed residential zone. In addition, the proposed residential development would generate minimal additional wet weather flows.

Conclusion

The proposed rezoning to R-1 (Single Unit Residential) Zone reasonably satisfies the applicable policies of the Sackville MPS (Attachment "A"). The proposed development would enable a logical extension of adjacent subdivision activity. Staff could not identify any issues which would suggest a residential subdivision on this site is inappropriate. The proposed use is appropriate and therefore

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

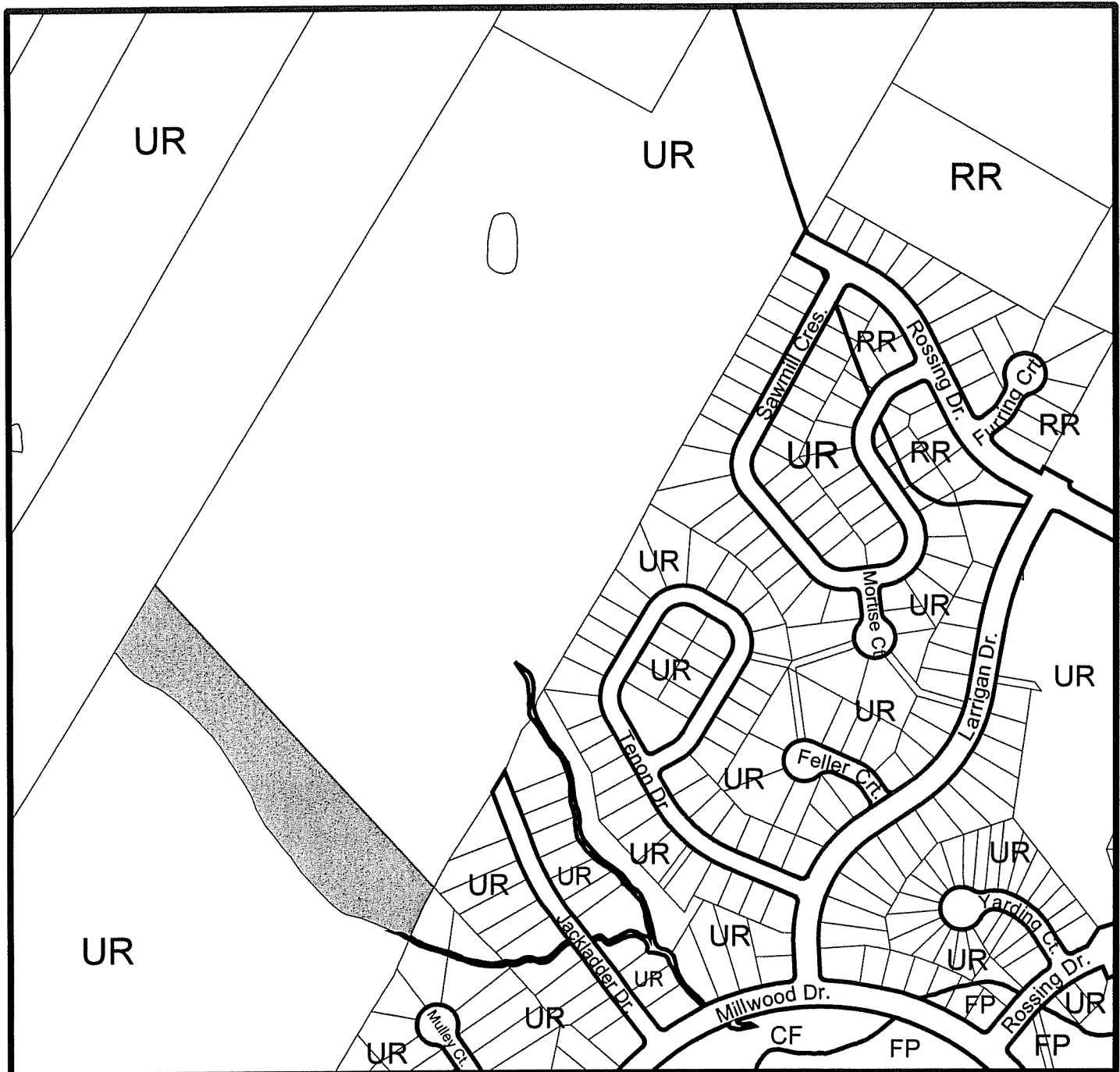
1. Approve the rezoning of the subject property as proposed. This is the recommended option as it is the opinion of staff that the proposed rezoning meets the requirements specified in the Sackville MPS.
2. Refuse the proposed rezoning of the subject property. Pursuant to Section 230(6) of the Municipal Government Act, Council is required to provide reasons justifying this refusal, based on policies of the Sackville MPS. This alternative is not recommended, as it is the opinion of staff that the proposed rezoning meets the requirements specified in the Sackville MPS.

ATTACHMENTS

Map 1	Generalized Future Land Use Map
Map 2	Zoning Map/Site Map
Map 3	Notification Area
Map 4	Proposed Subdivision
Attachment A	MPS Policies
Attachment B	LUB Requirements for P-1 Zone
Attachment C	LUB Requirements for R-1 Zone
Attachment D	Public Information Meeting Minutes - November 17, 2005
Attachment E	Halifax Waters Advisory Board Report -November 21,2005
Attachment F	Proposed Amendments to the Sackville LUB

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Andrew Bone, Planner I, Planning and Development Services, 869-4226



**Map 1
Generalized Future Land Use**



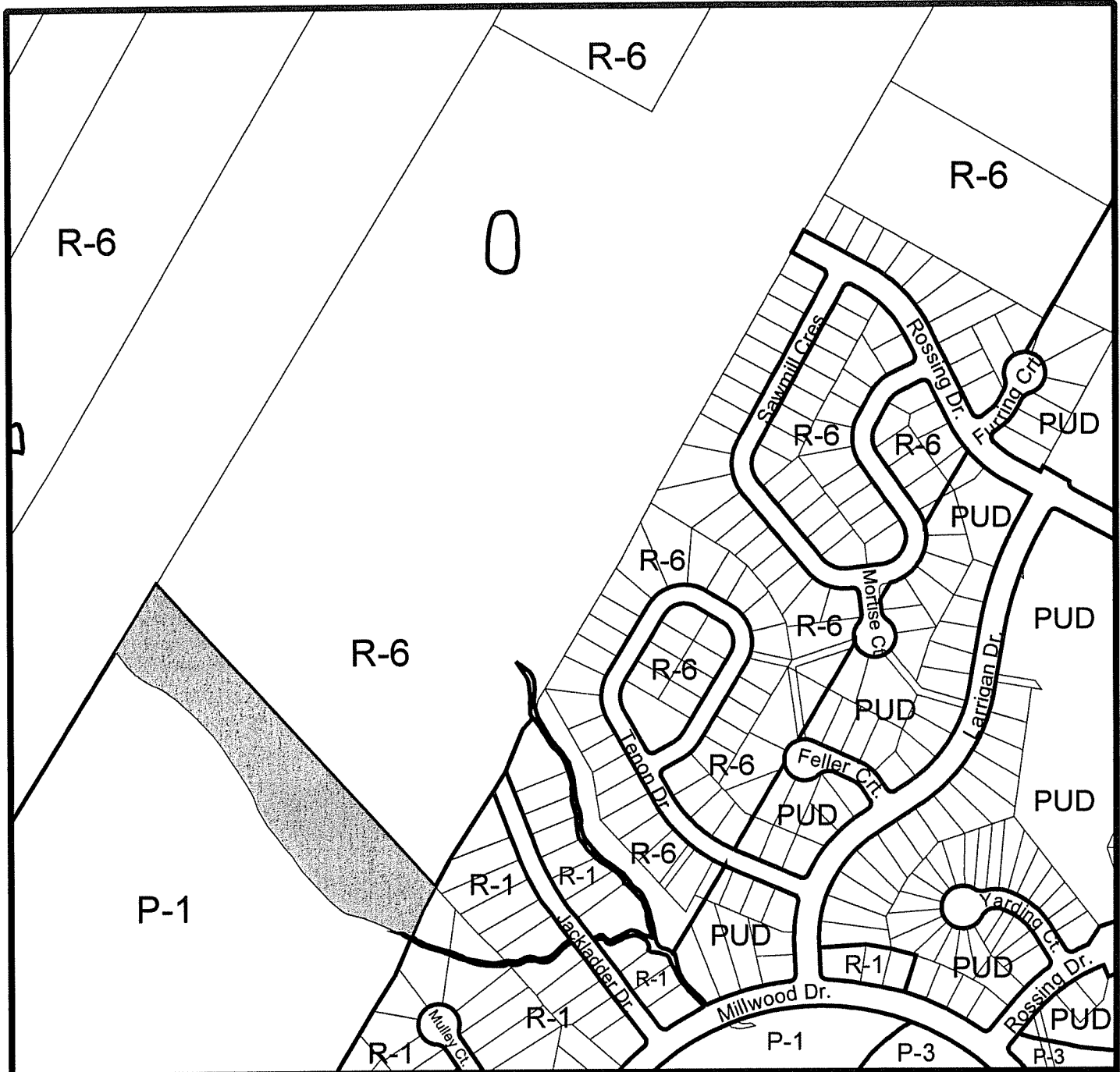
Area to be Rezoned from P-1 to R-1



Sackville Plan Area

- | | | | |
|----|-------------------------------|----|--------------------------------|
| UR | Urban Residential Designation | CF | Community Facility Designation |
| RR | Rural Residential Designation | FP | Floodplain Designation |





**Map 2
Zoning**



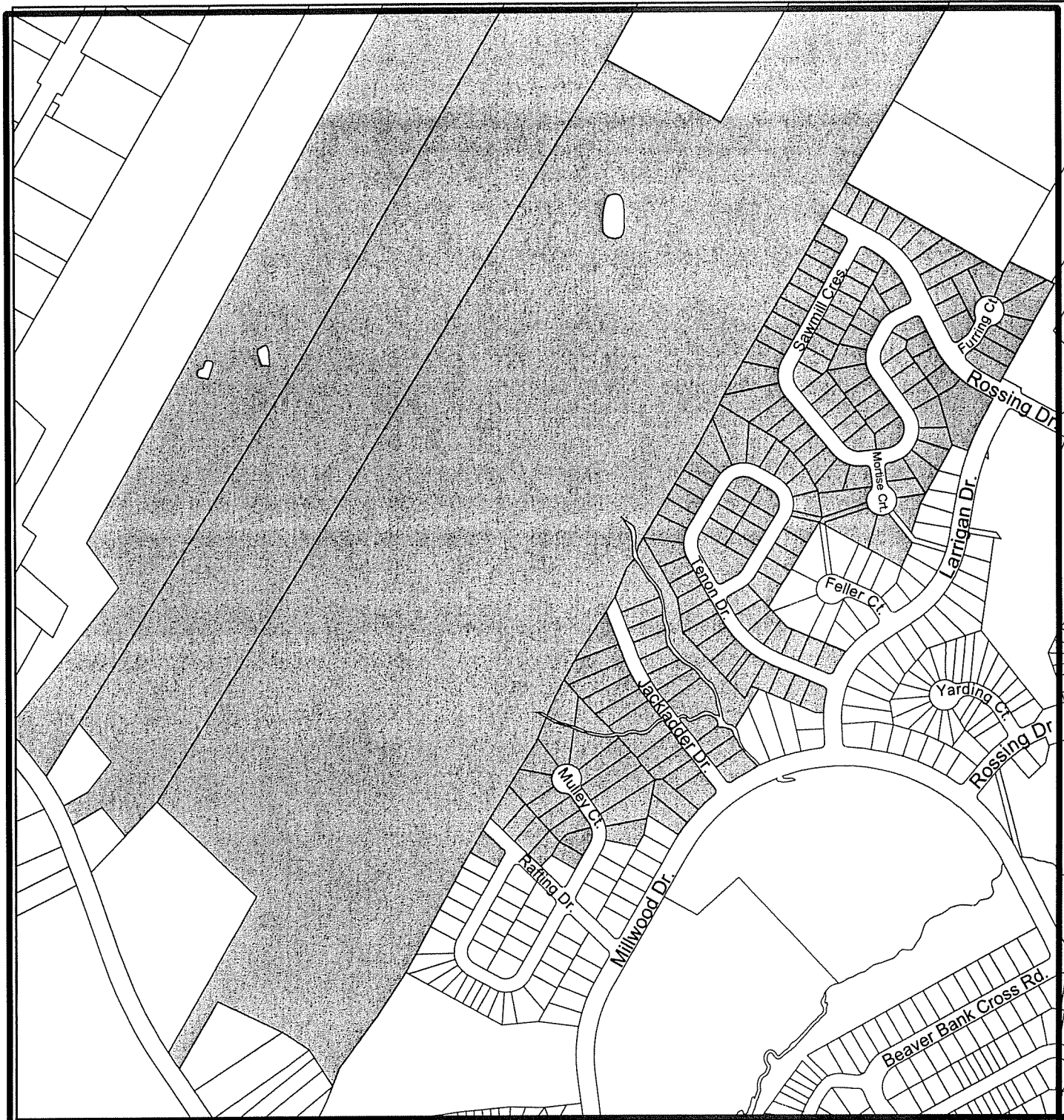
Area to be Rezoned from P-1 to R-1



Sackville Plan Area

R-1	Single Dwelling Unit Zone	P-3	Floodplain Zone
P-1	Open Space Zone	R-6	Rural Residential Zone
P-2	Community Facility Zone	PUD	Planned Unit Development





Map 3
Notification Area



Notification Area

HALIFAX
REGIONAL MUNICIPALITY
Planning Services



Attachment A
Relevant MPS Policies

- E-1 It shall be the intention of Council to reaffirm existing municipal policy regarding the provision of municipal central sewer and water services, by establishing a Service Boundary as shown on Map 2 - Servicing Boundaries. In establishing the Boundary, it shall be Council's intent that a priority be placed on future serviced development in the Sackville north area and Millwood Subdivision.
- E-2 It shall be the intention of Council that within the serviceable area, development shall only proceed on municipal water and sewer services except for those areas identified on Map 2 - Service Boundaries where development may proceed with on-site sewage disposal and water systems.
- E-3 It shall be the intention of Council to closely monitor all development proposals on the basis of the amount of effluent that will be generated in order to ensure that design flow levels are not exceeded.
- E-4 Notwithstanding Policy E-1, it shall be the intention of Council to establish a municipal Development Boundary, as shown on the Map 2 - Servicing Boundaries. In establishing the Development Boundary, it shall be Council's intent to provide for serviced development within the Plan Area over the long term. The Development Boundary shall be considered as defining the area to which municipal central services may be extended in the future. Where such services are extended for the purposes of residential development, no amendment of the Service Boundary of this planning strategy shall be required.
- E-6 It shall be the intention of Council that the density and pace of development in Sackville be related to the capacities of future sewer and water services and pollution control facilities as determined by the standard practices of the Municipality and other government agencies.
- E-12A It shall be the intention of Council to establish Water Service Districts for those areas to which central municipal water services only have or may be extended in the future, as shown on the Sackville Service Boundaries Map (Map 2). It shall be the policy of Council that the extension of central municipal water services shall not be permitted outside of designated Water Service Districts. It shall further be the policy of Council that within the Water Service Districts, central municipal water services shall be provided to all subdivisions adjacent to existing municipal water services and which propose to provide a new or extended public street or highway.

The intention of the Urban Residential Designation is to protect the residential environment of the community while allowing for a variety of housing types and other uses which are compatible with continuing residential development. Within this designation, single unit dwellings, as well as those associated activities which are typical and appropriate to the existing residential environment shall

be permitted. Recognizing that certain forms of higher density residential development may be accommodated without general conflict, it is the intention of the planning strategy to provide for such uses in the Urban Residential Designation by amendment to the land use by-law or by development agreement. Further, recognizing that there are additional uses that may be accommodated in a residential area given special development criteria, it is the intention of the planning strategy to consider medical centres, residential care facilities, larger day care facilities, bed and breakfast establishments, local commercial uses and mobile home parks by development agreement.

The Urban Residential Designation is designed to recognize the importance of the single unit dwelling environment with its associated activities such as home business uses, and yet acknowledge the need for higher density residential, larger day care facilities, medical clinics and local commercial development. The Urban Residential Designation will be the priority area for future residential development.

UR-1 In recognition of the established residential community and the need to provide for a variety of residential opportunities as the community continues to grow and evolve, it shall be the intention of Council to establish the Urban Residential Designation, as shown on the Map 1 - Generalized Future Land Use. The designation shall constitute the priority area for continuing residential development and for those uses which are supportive of residential environments.

UR-2 Within the Urban Residential Designation, it shall be the intention of Council to establish a single unit dwelling residential zone which permits single unit dwellings and open space uses, and provides for the use of dwellings for limited business and day care uses within a dwelling. In addition, controls relative to vehicular parking, the number and size of signs, and open storage and outdoor display shall be established within the land use by-law.

IM-13 In considering amendments to the land use by-law or development agreements, in addition to all other criteria as set out in various policies of this planning strategy, the Sackville Community Council shall have appropriate regard to the following matters:

- (a) that the proposal is in conformity with the intent of this planning strategy 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 sewer and water services;
 - (iii) the adequacy or proximity of school, recreation and 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 steepness of grades, soil and geological conditions, locations of watercourses, potable water supplies, marshes or bogs and susceptibility to flooding;
- (e) any other relevant matter of planning concern; and
- (f) **Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", 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.**

IM-14 In considering amendments to the land use by-law or development agreements, the Sackville Community Council shall hold a Public Hearing according to the provisions of the Planning Act.

Attachment B
LUB Requirements for R-1 Zone

PART 6: R-1 (SINGLE UNIT DWELLING) ZONE

NOTE: The Municipal Development Plan and Zoning By-law for Sackville approved on May 14, 1982, as amended, remains in effect for land owned by the Nova Scotia Department of Housing and Consumer Affairs shown on Map 1, Generalized Future Land Use Map in accordance with Ministerial amendments made on June 16, 1994. Any development of these lands is subject to the 1982 Plan and By-law.

6.1 R-1 USES PERMITTED

No development permit shall be issued in any R-1 (Single Unit Dwelling) Zone except for the following:

Residential Uses

Single unit dwellings
Existing mobile home parks
Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings
Business uses in conjunction with permitted dwellings
Bed and breakfasts

Community Uses

Open space uses

6.2 R-1 ZONE REQUIREMENTS: RESIDENTIAL USES

In any R-1 Zone, where uses are permitted as residential uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	central services	6,000 square feet (558 m ²)
	on-site services	20,000 square feet (1858.1 m ²)
Minimum Frontage:	central services	60 feet (18.3 m)
	on-site services	100 feet (30.5 m)
Minimum Front or Flankage Yard		20 feet (6.1 m)
Minimum Rear or Side Yard		8 feet (2.4 m)

Maximum Lot Coverage	35 per cent
Maximum Height of Main Building	35 feet (10.7 m)
Minimum Width of Main Building	20 feet (6.1 m)

6.3 OTHER REQUIREMENTS: BUSINESS USES

Where business uses are permitted in any R-1 Zone, the following shall apply:

- (a) Any business shall be wholly contained within the dwelling which is the principal residence of the operator of the business.
- (b) No more than twenty-five (25) per cent of the gross floor area shall be devoted to any business use, and in no case shall any business use occupy more than three hundred (300) square feet (27.9 m²).
- (c) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which does not create a nuisance by virtue of noise, vibration, glare, odour or dust which is obnoxious.
- (d) No open storage or outdoor display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted.
- (e) No more than one (1) sign shall be permitted for any business use and no such sign shall exceed two (2) square feet (0.2 m²) in area.
- (f) One off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (14 m²) of floor area devoted to any business.
- (g) No exterior alterations to the dwelling related to the business use shall be permitted except to meet fire safety, structural safety, or health regulations.
- (h) No retail operation shall be permitted except where retail is accessory to a business use which involves the production of goods or crafts or the provision of a service.

6.4 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities are permitted in any R-1 Zone, the following shall apply:

- (a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling, which is the principal residence of the operator of the facility.
- (b) No open storage or outdoor display shall be permitted.
- (c) No more than one (1) sign shall be permitted for any day care facility and no such sign shall exceed two (2) square feet (0.2 m²) in area.
- (d) One (1) off-street parking space, other than that required for the dwelling, shall be provided.

6.5 OTHER REQUIREMENTS: BED AND BREAKFASTS

Where any bed and breakfasts are permitted in any R-1 Zone, the following shall apply:

- (a) Not more than three (3) rooms may be let.
- (b) No window display and not more than one (1) business sign shall be permitted and no such sign shall exceed two (2) square feet (0.2 m²) in area.
- (c) One off-street parking space in addition to that required for the dwelling shall be provided for each room to be let.

6.6 OTHER REQUIREMENTS - MULTIPLE UNIT DWELLINGS

Notwithstanding Section 6.1, existing multiple unit dwellings shall be a permitted use within the R-1 Zone subject to the requirements of Section 6.2 and the maximum number of units permitted within the identified existing multiple unit dwellings shall be as follows:

<u>Civic Address</u>	<u>LRIS Index Number</u>	<u>Maximum Number of Dwellings</u>
156 Old Beaver Bank Road	40093775	3
27 Beaver Bank Road	40099954	3
60 Hillcrest Avenue	00363895	4
56 Hillcrest Avenue	00363887	4
28 Hillcrest Avenue	00361675	4
6 Hillside Avenue	40009839	4
38-40 Hillcrest Avenue	00361626	6
40 Hillside Avenue	00358697	3

6.7 R-1 ZONE REQUIREMENTS: COMMUNITY USES

In any R-1 Zone, where uses are permitted as community uses, no development permit shall be issued except in conformity with the provisions of Part 19.

Attachment C
LUB Requirements for P-1 Zone

PART 19: P-1 (OPEN SPACE) ZONE

19.1 P-1 USES PERMITTED

No development permit shall be issued in any P-1 (Open Space) Zone except for the following:

Open Space Uses

Public and private parks and playgrounds

Recreation uses

Cemeteries

Historic sites

A single unit dwelling in conjunction with a cemetery, excluding a mobile dwelling

19.2 P-1 ZONE REQUIREMENTS

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

Minimum Front or Flankage Yard 30 feet (9.1 m)

Minimum Rear or Side Yard 30 feet (9.1 m)

**Attachment D
Public Information Meeting Minutes - November 17, 2005**

**HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO. 00838 - TWIN BROOKS DEVELOPMENTS**

**7:00 P.M.
Thursday, November 17, 2005
Sackville High School, Cafeteria**

IN ATTENDANCE: Andrew Bone, Planner, HRM Planning Services
Cara McFarlane, Administrative Support, HRM Planning Services

ALSO PRESENT: Councillor Brad Johns, District 19, Chair
Rob MacPherson, Twin Brooks Development
Ed Young, Twin Brooks Development

**PUBLIC IN
ATTENDANCE:** Approximately 22

The meeting commenced at approximately 7:05 p.m.

Introductions

Brad Johns introduced himself as the Councillor for the district, District 19; Andrew Bone, HRM Planner assigned to this application; and Cara McFarlane, Recording Secretary.

Overview/Presentation of Proposal - Andrew Bone

Case No. 00838 is a proposal to rezone a portion of the former Sackville Golf Course lands.

A rezoning is a change to the permitted land uses on the property. The property is now zoned P-1 (Park) Zone; however, it does permit some private recreational uses such as a golf course. The developer would like to do some residential development on the property; thus, the request to rezone the property.

Mr. Bone explained the rezoning process to the public and showed the flow chart regarding the process on overhead.

A general map of the Millwood area as well as the former Sackville Golf Course lands were shown on overhead. The Sackville Golf Course lands stretch from Sackville Drive all the way back to Little Lake and back by the CN Rail line in the Beaver Bank area.

The property has two zones applied to it. One is R-6 (Rural Residential) Zone which permits serviced or unserviced development. There is a brook on the R-6 Zone. Just east of the brook is where the R-6 Zone starts and covers the back portion of the property. The R-6 Zone currently permits residential development and as a result of that the property owner has come in and made a subdivision application on this portion of the property. A subdivision like this is done as of right and there is no involvement from the public. Rob MacPherson, Twin Brooks Development, said they have submitted a subdivision application but have yet to receive approval. They have received concept approval.

A resident asked if the subdivision backs onto Jackladder Drive to which Mr. Bone responded yes.

The requested rezoning is for five acres of land. The area was shown in black on the overhead. It goes basically from the edge of the R-6 Zone to the brook. This would potentially allow for fifteen additional lots from what they are currently permitted to do.

The proposal is to go from P-1 Zone (permitting park type uses including private recreation facilities) to R-1 Zone (very similar to R-6 Zone as far as permitted land uses, size of lots, etc.). If council approves the application, the applicant would be allowed to develop the area shown on overhead.

Questions and Comments

Arnold Brownell, Sackville, asked who owns the other side of the buffer zone. Will Jackladder and Rossing Drives be used for exits? If so, there are no sidewalks on Jackladder Drive and that street will be nothing but a raceway. Why can't they put the entrance/exit that already exists off of Sackville Drive? Mr. Bone said the same property owner owns the other side. In the end they probably could use Jackladder and Rossing Drives. The municipality has little control over how a developer phases developments through the subdivision process. He assumes the main reason would be that there are municipal services available at Jackladder and Rossing Drives; therefore, the developer would only have to extend the water services into the subdivision. There are no municipal services on Sackville Drive in that area.

Mr. Brownell pointed out that Rossing Drive has a sidewalk. Mr. Bone explained that this is a newer road and was probably built under the new HRM standards where Jackladder Drive has been around for some time and doesn't meet today's standards. He will get comments on this issue.

Mr. Brownell mentioned that the water running down Malik Court off of the golf course is extreme. When the construction starts the water runoff will be much worse. What will be done to control the runoff? Mr. Bone said there are Provincial guidelines for stormwater and sedimentation and erosion control. At this point, the applicant is just requesting a change to the zone. The impacts of

stormwater would be done through the permitting stage. If the area is developed, the streets would intercept a good portion of that water

Wendell Myatt, Sackville, agrees with Mr. Brownell. He is concerned about the water rushing down from the golf course over his front lawn. The previous owner of the golf course said he was going to dig a ditch which would take care of the water going onto his property. Shortly after that the lands were sold. Also, he is hoping that Rafting Drive will not be opened up to the development. He believes they should bring all the trucks and equipment they need for construction off of Sackville Drive. Traffic also has to be taken care of. Traffic is already horrible on Sackville Drive and Millwood Drive. Upgrades to the intersection at Sackville Drive and Millwood Drive need to be done. Mr. Bone will pass his concerns to the appropriate departments.

Karen Waite, Sackville, wanted to clarify that the development won't open up onto Sackville Drive because there are no services. Mr. Bone explained that from an engineering perspective, everything drains by gravity and there are already services in Millwood. This particular route would be relatively inexpensive to service compared to another area where the services may be further away. Typically in a development, developers tend to avoid brooks as it is very expensive and a long permitting process with DOE is required to cross a watercourse.

Ms. Waite asked if traffic flows were looked at. This is a heavily residential area with children. Mr. Bone explained that the first step of an application is a concept plan. At that time, the applicant has to submit a traffic study done by a qualified traffic consultant which would be reviewed by HRM to determine whether or not that study is acceptable.

A resident asked if copies of the traffic study were available. Mr. Bone said typically the studies are not released as the developer pays for them and they are the developer's property. If the study is given to council or the application is appealed, it would become public knowledge.

Jason Jennings, Sackville, asked what the difference between R-1 and R-6 Zones are. Mr. Bone showed on overhead where the subject property is located and that the applicant wants to rezone from P-1 to R-1 Zone. R-1 Zone is pure residential (single unit dwellings and some neighbourhood parks). The lot size is 6 000 square feet minimum, could be larger. In an unserviced area the lots would be about one acre (40 000 square feet). The R-6 Zone is rural residential and allows for a few more uses. According to Mr. MacPherson, the developer is proposing all single family dwellings.

Mr. Jennings asked if the stormwater drainage would go to the nearest body of water. Mr. Bone said it would go to the storm system and probably eventually to the Little Sackville River.

Mr. Jennings asked if HRM has set aside any areas within the zone for higher densities. Mr. Bone said this development is purely residential.

Mr. Jennings asked if a study has been done by HRM in conjunction with the school board as to whether or not the schools can handle the extra children. Mr. Bone explained that the subdivision

review process requires the school board's recommendations. The school board's comments are very important and do hold a lot of weight with the planning approval process. The school board's report won't necessarily be attached to the staff report but the staff report would include issues brought up during the public process.

Mr. Jennings asked if HRM has looked at the impact an R-1 and R-6 Zoning would have on the transit system and would current services be modified to accommodate the increase in population. Mr. Bone said Metro Transit does comment on subdivision applications and the road layout. Typically the more density within 1 km of a bus route is a good thing.

Councillor Johns clarified that the meeting being held tonight is based on the portion of the property that is actually being rezoned.

A resident from Sawmill Crescent is concerned the municipality is adding more problems to the other developments that have already happened in the area. There are several homes on Sawmill Crescent that have very poor water pressure. What impact will more homes in the area have on the properties that are on the lower end of Sawmill Crescent? It will only be a matter of time before it starts affecting residents on Rossing Drive and the other lower areas. HRM has to address this problem before expanding further. Mr. Bone said the water commission is one of the review agencies for subdivision and planning applications. They would provide comments on their calculations for water pressure. The resident asked if the meeting being held with the water commission will be open to the public. Mr. Bone explained that a meeting wouldn't take place. He would send a package to them and ask them to comment. A specific question about adequate water pressure to support the proposed development will be asked of them.

A resident asked if any infrastructure will be put in place to handle the increase in traffic flow. Mr. Bone is not sure if the study recommends any upgrades. Mr. MacPherson said for the as of right portion (5 acre piece of land) there are no upgrades recommended. Mr. Bone explained that the results of tonight will be based on the concern about that intersection and engineering will be asked to comment on the traffic study.

The resident said he was able to view the numbers for the traffic count in those areas. The study included Rafting, Jackladder, and Larrigan Drives, but there was no count for Rossing Drive. The figures looked very low for the number of houses that will be going in the development. Mr. Bone said traffic is usually calculated by using ten trips per new household.

A resident asked what time of the day and year do they conduct the traffic study. There are always cars parked on either side of the road and it makes it impossible for buses trying to get through. The traffic flow is incredible and very dangerous. It is the residents who have to deal with the traffic problems on a daily basis. Mr. Bone explained the traffic study is required to be done on a weekday during the a.m. and p.m. peak hours. If the study is done in the summer time, there are factors to work into the calculations.

Why are the residents not surveyed on what their opinions are of different issues within the community? The developer should be building a new school if there is not enough room in the ones that exist. The resident is concerned that traffic is a major problem and it needs an honest evaluation. Mr. Bone will circulate those comments to the school board, but he relies on what comes back from them.

Ms. Waite would like a list of people who can be contacted about all the residents' concerns. Mr. Bone asked that if there is a concern to please call him.

One resident was under the impression HRM was putting development on hold until the regional plan was in place. Will comments heard tonight and in other areas of the municipality be included in that strategy? Mr. Bone explained there is a regional planning process in progress and is very close to the end. Until the end of the process, we have to work under what the community plans are now. The community plan currently says the developer can apply for this. Once first reading has been given for the regional plan, all applications will have to meet the regional planning requirements and the local plans as they stand now.

The regional plan is seriously looking at the area north of Millwood and considering what to do with it. The main issues in Sackville is sewer capacity. The trunk sewer during regular daily flows has plenty of capacity, but as soon as major rain occurs it overflows and in a lot of cases goes into the Little Sackville River. Over the past two years Environmental Management Services staff have been indicating to planning staff that they would support any planning application that would increase the density on a property or what is permitted as of right.

The resident wondered why the application couldn't wait until the staff report for the regional plan goes to Council. Mr. Bone said there is a draft document available now. From the point of giving first reading on there is protection provided and all proposals have to meet the regional plan requirements.

Walter Regan, member of Sackville Rivers Association and North West Planning Advisory Committee, is against the rezoning. He believes there should be no more development in this section until the sanitary sewer overflows have been fixed. The residents need to go to the public meetings to find out what is going on in the area.

By right development can happen as long as the rules are followed. Development agreements should be put in place so the public can have input. This section is a section that HRM is looking at that could take up to 500 acres which will bring a lot of people to Sackville and will add to all the problems that exist now.

He believes in lot charges to pay for infrastructure.

The school board needs to get in line with HRM.

Is it correct to say there will be a 5% park dedication to this development? Mr. Bone said at present, the requirement for park dedication through the subdivision process is 5%. He understands that the regional plan is proposing a 10% dedication. Therefore, it depends on when the permitting stage occurs for this development. Mr. Regan said Little Lake has to be captured as a park because that is the head waters of the Little River. There should be mandatory buffering to all watercourses. The setback is nice, but eventually the lots will be developed and trees cut which would negatively impact the brook.

A major problem for the Little Sackville River is flash flooding due to fast water runoff. He encourages requirement from the developer to meet no net runoff, install retention ponds, and oil grid separators. Mr. Bone explained that no net runoff is currently a Provincial policy; however, the developer can apply to the Province to waive the requirement for discharging into a watercourse.

Mr. Regan continued by saying due to the soil pipes, once the developer starts breaking ground, they will be very difficult to maintain. He is hoping a mandatory bonding per lot will be required so if any silt escapes into the watercourses, HRM can collect from the developer. Mr. Bone explained they would have to meet the regulations set in place at the time.

Mr. Regan mentioned that both brooks are extensively stocked with Atlantic salmon. He urges the municipality to talk to Department of Fisheries and Oceans. Also, if there are any river crossings, three sided culverts should be established. Mr. Bone said Fisheries and Oceans will be a review agency for this application proposal.

A resident asked if the storm and sewer drains are separate to which Mr. Bone replied yes.

The resident asked why do the developers only want to develop the five acres. Mr. Bone assumes from a general perspective that a brook is a natural barrier and it would probably be just to clean up that section. Mr. MacPherson said the remaining portion of the P-1 land will have to be studied and planned. It is a more detailed process. The adjacent portion can be developed as of right. Mr. Bone also mentioned there are other servicing issues attached to the P-1 portion.

A resident heard that some areas are going to be separated. Mr. Bone said typically the only way for services to move up is through development. There is a sewer servicing boundary indicated in the planning documents that includes a large portion of the area towards Middle and Upper Sackville that can be serviced; however, the purpose of the regional plan is to determine where development should take place. There is also the issue of the trunk sewer and what it can handle.

A resident understood that the trunk sewer cannot handle much more than what it holds now. Mr. Bone explained that the trunk sewer problem relates very closely to effluent infiltration problems in most likely older sections of Sackville where there may not be appropriate gaskets or they have broken down in pipes; therefore, during a lot of rain, it is leaking into the storm system.

The resident said knowing that already, the municipality is allowing another development that will tax that system even further. Mr. Bone explained that the Department of Environment staff are in

charge of the sewer. They have been, up to now, allowing development to continue. The problem isn't necessarily coming from residential developments. It is the infiltration into the system. They are looking at ways to improve that, possibly installing holding tanks. The process is very expensive. The resident feels it should be fixed before this development is allowed to go forward.

Councillor Johns explained that HRM cannot turn down an as of right development regardless of the problems. HRM is responsible for resolving the problem.

A resident would like to know why a representative from the different departments/agencies is not present at the public meetings to hear the residents' concerns. Mr. Bone explained that a lot of the committees are volunteer.

A resident asked if Mr. Bone would come back to the public to explain the comments received from the different agencies. Mr. Bone encouraged the public to call at any point to ask for an update on the process. A second public information meeting would only be held if there were dramatic changes to the proposal. The staff report would be available approximately three weeks before the public hearing and most comments from the various review agencies would be mentioned in the report.

A resident asked if there was an expense with the proposed bridge across Jackladder Brook. Mr. Bone understands that there isn't a bridge proposed there. Mr. MacPherson said there is none proposed. The resident said according to the concept plan, there is a bridge proposed to cross over the Little Sackville River. Mr. Bone mentioned it is a walking bridge as part of the park system.

The resident asked if the developer would have to construct infrastructure to cross over the brook at Rossing Drive. Mr. Bone explained they would have to get permits from DOE. The developer would be responsible for constructing the bridge and then it would be turned over to HRM through the take over process of the roads. The resident wondered why the same can't be done from Sackville Drive. Why put all the pressure on Jackladder and Rossing Drives. The cost would be pretty much the same.

A resident wondered why HRM could not hold off on this rezoning application. Mr. Bone explained that from a general perspective the policies in the municipal plan allow, at the present time, property owners to apply for rezonings. HRM is obligated to process an application in a timely manner of being received. A timely manner is defined in the Municipal Government Act. If the time line is not met, the applicant could challenge HRM at the Nova Scotia Utility and Review Board.

The resident said the application should be rejected due to infrastructure problems. Mr. Bone said that outcome is possible. An engineering decision is not something he gets involved in except to accept their advice and make a recommendation based on that advice.

A resident said if all these problems have been issues for so long, what is the rush to let a developer come in and build. HRM represents the people that live in this area and they have to protect the

rights of those residents. The problems that are present should be fixed before more development is added.

Mr. Bone thanked everyone for attending the meeting and expressing their comments and concerns.

Adjournment

The meeting adjourned at approximately 8:41 p.m.

Attachment E
Halifax Waters Advisory Board Report - November 21, 2005

TO: Chair and Members of North West Community Council

SUBMITTED BY: _____
Wayne Stobo, Chair, Halifax Watershed Advisory Board

DATE: November 21, 2005

SUBJECT: Case 00838 – Application by Twin Brooks Development

INFORMATION REPORT

ORIGIN:

On 16th November, 2005, the application by Twin Brooks Developments to rezone a 5-acre portion of PID#40014870 (formerly Sackville Golf Course), from P-1 zone to R-1 zone and develop the site as a residential subdivision was presented to the Board by HRM planner, Andrew Bone.

The Board was asked specifically to comment on the re-zoning request in the context of the associated environmental/water quality issues.

RECOMMENDATIONS:

The Watershed Advisory Board appreciates this opportunity to review and comment on this proposal.

The Board recommends against a change in the P-1 zone at this time, for the following reasons.

1. The Board feels that the current setback provisions of 25 feet for building in the MPS for this area to be inadequate. As well the MPS does not provide for an undisturbed buffer surrounding watercourses. The Board's guidelines include a 30 metre undisturbed buffer around all watercourses. Since the R-1 zoning designation will not provide protection to the watercourse as intended by our guidelines, the Board cannot recommend approval.
2. The existing trunk sewer system is currently utilized to the extent that during storm events, overflow occurs with raw sewage entering the Sackville River system. The board does not feel that further development should occur in this area until a sewer system capable of handling the added input is installed.
3. The stream under discussion and the Sackville River, are stocked annually with Atlantic salmon to augment the wild population. Any development, which could adversely affect

the water quality or fish habitat in this stream, could negate the value of the stocking program. As well, due to the fish stocking program, there may be a fish habitat alteration issue which would require comment from Fisheries and Oceans Canada prior to development approval.

4. There has been sustained effort over many years to remediate the water quality in the Sackville River. The Board feels extreme care should be taken in allowing any further development which could negatively affect the water quality in the Sackville River. The proposed rezoning will provide no guarantee against water quality degradation.

Should circumstances develop in the future such that the HRM requires a riparian zone or other buffer zone around watercourses, of similar magnitude to the Board's guidelines, then this proposal could be reconsidered. Alternatively, if the stream and a 30 metre buffer on the northeast side could retain the P-1 designation, again, the proposal could be reconsidered.

BACKGROUND:

The parcel of land under consideration is part of the Sackville River watershed and the water from the stream at the southwestern boundary of the specified parcel contributes to the Sackville River. It is critical to the protection of the Sackville River watershed that all watercourses be protected from erosion and contamination associated with runoff. While the area surrounding the stream currently is landscaped, the fact that it is part of a golf course means it is protected from more intensive development. The proposed R-1 rezoning would allow additional landscaping to the shoreline of the stream and buildings to be placed 25 feet from the shoreline.

A copy of this report can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by :

Wayne Stobo, Chair, Halifax Watershed Advisory Board

Attachment F
Case 00838: Proposed Amendments to the Sackville Land Use By-law

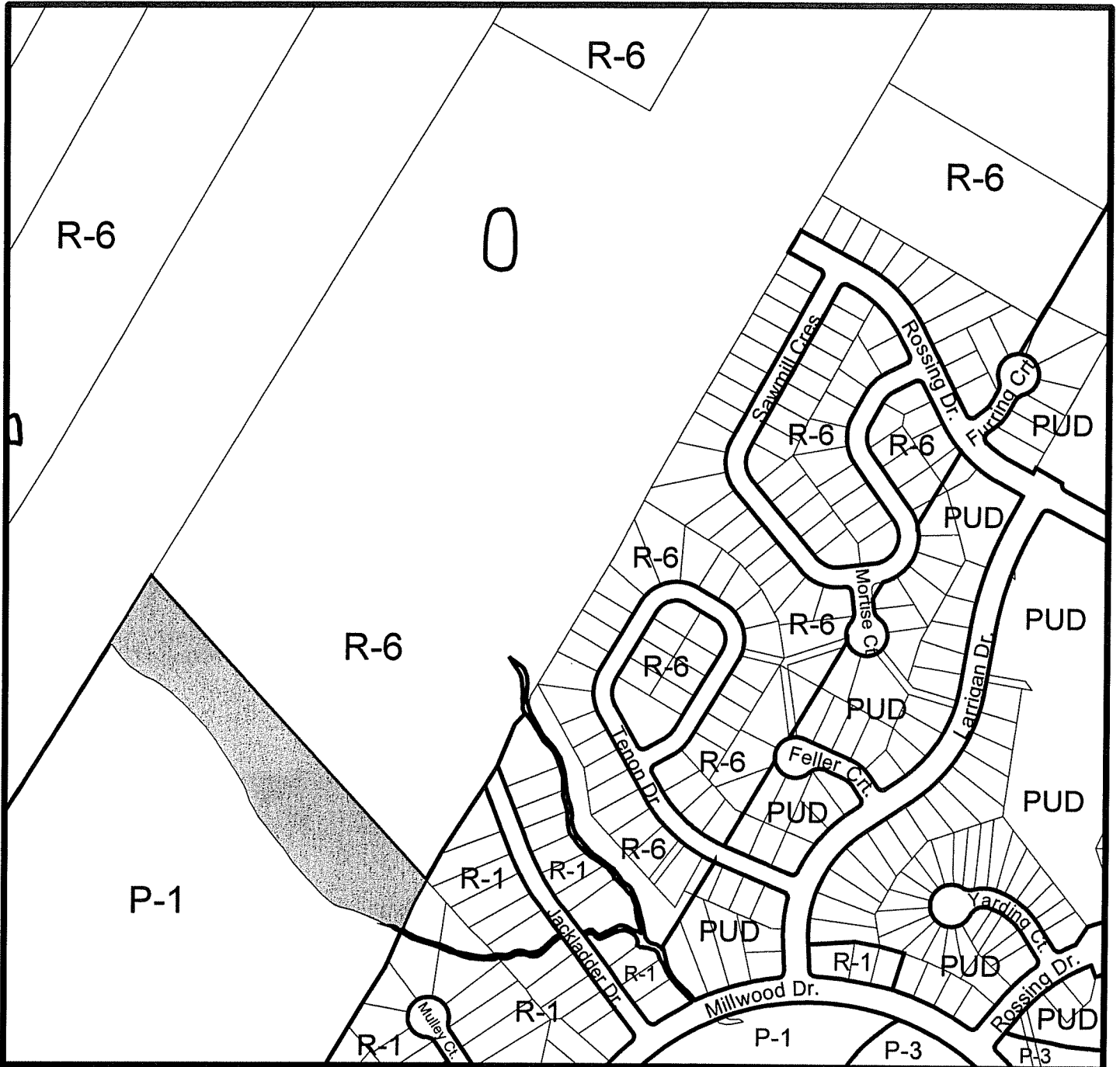
BE IT ENACTED by the Council of the Halifax Regional Municipality that the Sackville Land Use By-law as enacted by as enacted by the Council of Halifax Regional Municipality on the 5th day of April, 1994 and approved by the Minister of Municipal Affairs on the 16th day of June, 1994 as amended, is hereby further amended as follows:

1. The Sackville Zoning Map (Schedule A) is further amended by rezoning a portion of PID# 40014870 from from P-1 (Open Space) Zone to R-1 (Single Unit Residential) Zone as shown on the attached Schedule A.

I HEREBY CERTIFY that the amendment to the Sackville Drive Land Use By-law as set out above, was passed by a majority vote of the whole Northwest Community Council at a meeting held on the ____ day of _____, 2006

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ___ day of _____, 2006

Jan Gibson
Municipal Clerk



**Schedule A
Zoning**

 Area to be Rezoned from P-1 to R-1



Sackville Plan Area

- | | | | |
|-----|---------------------------|-----|--------------------------|
| R-1 | Single Dwelling Unit Zone | P-3 | Floodplain Zone |
| P-1 | Open Space Zone | R-6 | Rural Residential Zone |
| P-2 | Community Facility Zone | PUD | Planned Unit Development |

