

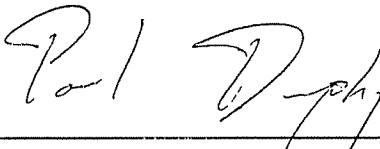
4.1



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Western Region Community Council
November 13, 2007

TO: Chair and Members of Western Region Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: October 30, 2007

SUBJECT: Case 01069: Rezoning - Phase 9, Westwood Hills, Hammonds Plains

ORIGIN

HRM initiated application to rezone properties within Phase 9 of the Westwood Hills Subdivision, Hammonds Plains, from the MR-1 (Mixed Resource) Zone to the R-1 (Single Unit Dwelling) Zone.

RECOMMENDATION

It is recommended that Western Region Community Council:

1. Give First Reading of the proposed rezoning and schedule a public hearing; and
2. Approve the rezoning, as shown on Map 1, from the MR-1 (Mixed Resource) Zone to the R-1 (Single Unit Dwelling) Zone.

BACKGROUND

The Westwood Hills subdivision is a community developed "as of right" by A.S.C. Residential Properties / ECL General Partner IV Limited (ECL) in phases since 1993. It is a large scale, rural subdivision grandfathered under the 2004 Interim Growth Management controls. The development comprises 9 phases and 700 lots on approximately 1,500 acres of land in the community of Upper Tantallon. The lands are accessed from the Hammonds Plains Road near Exit 5 on Highway 103. The majority of the properties in the Westwood Hills subdivision are regulated by the St. Margarets Bay Municipal Planning Strategy (MPS) (Planning Districts 1& 3).

The subject lands, are found in the northeastern portion of the Westwood Hills subdivision and are bounded by Wrights Lake and Anderson Lake. These lands, comprising approximately 100 lots, represent one of the final phases of the development and are located entirely within the Beaver Bank, Hammonds Plains and Upper Sackville Plan Area (Refer to Map 1).

During the subdivision approval process, an error was made in the review and approval of lots within the portion of the subdivision that borders the municipal plan areas of Beaver Bank, Hammonds Plains and Upper Sackville Plan Area and the St. Margarets Bay Plan Area (Planning Districts 1& 3). The error was identified during the review of a final subdivision application for Phases 8A,8B, 9A, 9B. The application was mistakenly reviewed on the basis of the MR-1 zone lot standards for the St. Margarets Bay Land Use By-law (LUB), which allows for a minimum of 100 feet of road frontage and 20,000 square feet of lot area. The zoning of the subject lands is actually MR-1 under the Beaver Bank, Hammonds Plains and Upper Sackville LUB which requires 200 foot frontages and 80,000 square foot lot areas. In the interim the developer is taking steps to correct this issue by consolidating proposed lots to gain the required frontage and lot area, in order to enable permits to proceed on these properties.

DISCUSSION

The purpose of the recommended action is to correct an error by applying the R-1 zone so that lot sizes in the subdivision conform with those originally presented in the subdivision plan. This change in zoning is consistent with current MPS policy. As outlined in Attachment D, the potential effect of the proposed development meets policy criteria respecting community services, infrastructure and environmental issues.

The Beaver Bank, Hammonds Plains and Upper Sackville MPS designates the subject lands as Rural Resource. Under the Rural Resource designation, Policy P-57 (Attachment "A") of the MPS provides that Council may consider rezoning lands for residential uses on lots smaller than 80,000 square feet. The proposed rezoning to the R-1 Zone would permit lots to be developed with a minimum area of 29,064 square feet and a minimum frontage of 100 feet. The proposed rezoning would also reduce the number and variety of land uses permitted on the lands, with the primary use being single unit dwellings. (Attachment "C") The proposed rezoning generally conforms to policy

direction of the Regional Plan which designates the area as Rural Commuter. The subdivision is outside of the Beaver Bank Hammonds Plains Growth Control area.

The non-residential land uses currently permitted in the MR-1 zone do not support the future growth of the area as a low density, residential centre. The bulk of the Westwood Hills subdivision that falls within the St. Margarets Bay Plan Area is also currently under an application to rezone (Case # 01060) to the RA-1 (General Residential) Zone. Both rezoning requests would establish zone requirements consistent between the two plan areas that apply to the subdivision.

The subject lands have no public road access from the Beaver Bank, Hammonds Plains and Upper Sackville Plan Area and, because of their primary access location and road network, physically relate more to the St. Margarets Bay Plan Area. The application adequately meets all the policy requirements Beaver Bank, Hammonds Plains and Upper Sackville MPS. Attachment "D" provides a table of policy evaluation for Council's consideration.

The rezoning is necessary to enable the proposed lots to be approved with the lot configurations as shown on the final plan of subdivision. Staff feel that the proposal satisfies the applicable policies of the Regional MPS and further enhances the area as a Rural Commuter Centre.

Public Information Meeting / Area of Notification

The public information meeting was waived in consultation with the area Councillor. Should Community Council decide to proceed with a public hearing, residents will be notified of the hearing through published newspaper advertisements.

It is recommended that Western Region Community Council approve the rezoning application as shown on Map 1.

BUDGET IMPLICATIONS

None. The costs to process this application are covered under the C310 operating budget.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

ALTERNATIVES

1. Council may approve the rezoning application. This is the recommended course of action.
2. Alternatively, Council may choose to reject the proposed rezoning. The applicant would then be required to reconfigure the proposed lots to meet the MR-1 Zone requirements. This alternative is not recommended as staff is satisfied that the proposed rezoning is consistent with the policies and intent of the MPS.

ATTACHMENTS

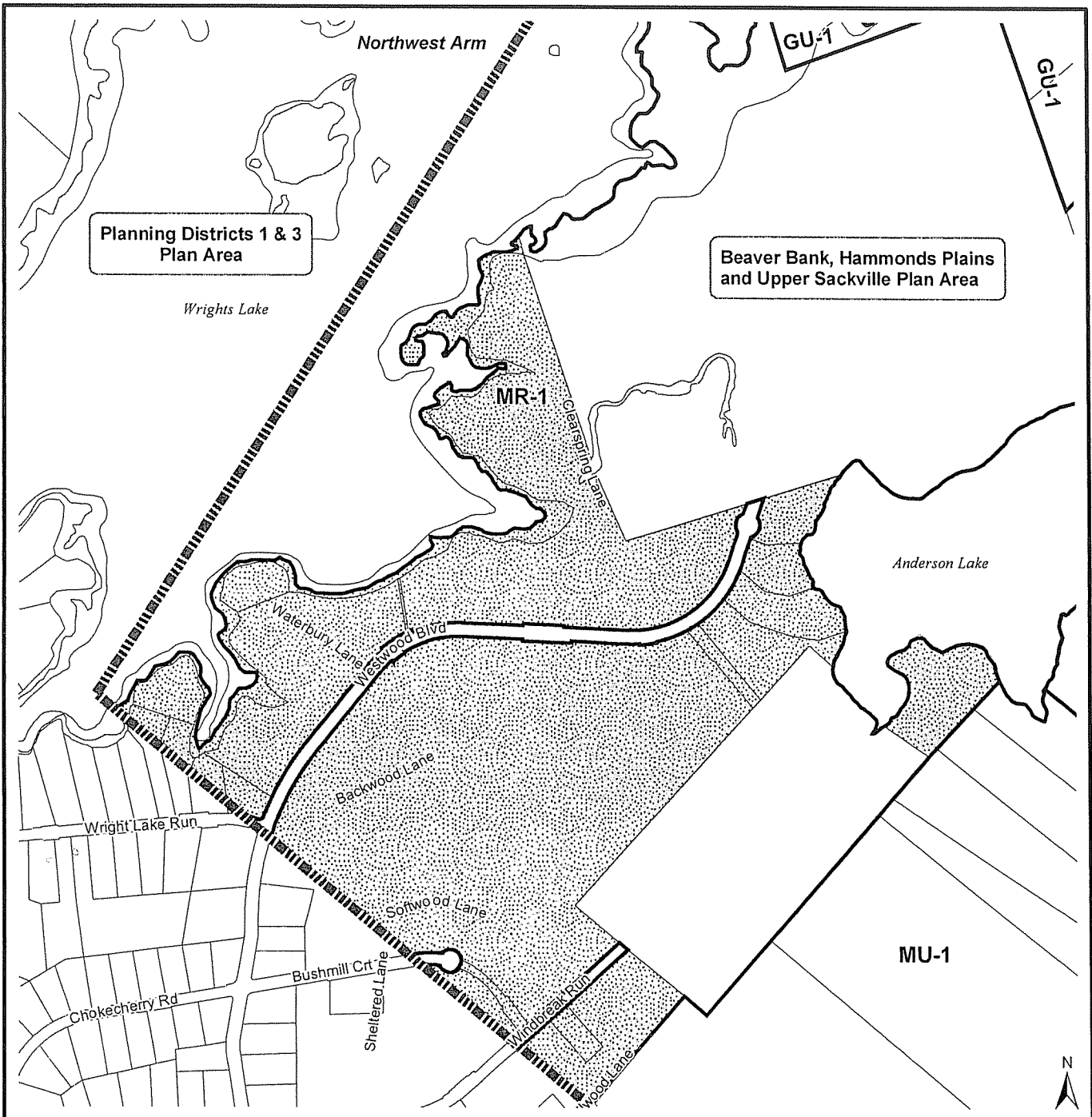
Map 1	Location and Zoning
Map 2	Generalized Future Land Use
Attachment "A"	Excerpts from the Beaver Bank, Hammonds Plains and Upper Sackville MPS
Attachment "B"	Excerpts from the Beaver Bank, Hammonds Plains and Upper Sackville LUB
Attachment "C"	Comparison Table of Permitted Land Uses within MR-1 and R-1 Zone
Attachment "D"	Table of Policy P-57 Evaluation

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.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: Brian White, Planner I, 490-4793




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



Map 1 - Location and Zoning

Westwood Hills
Tantallon

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

 Area to be rezoned from
MU-1 (Mixed Use 1) to
R-1 (Single Unit Dwelling)



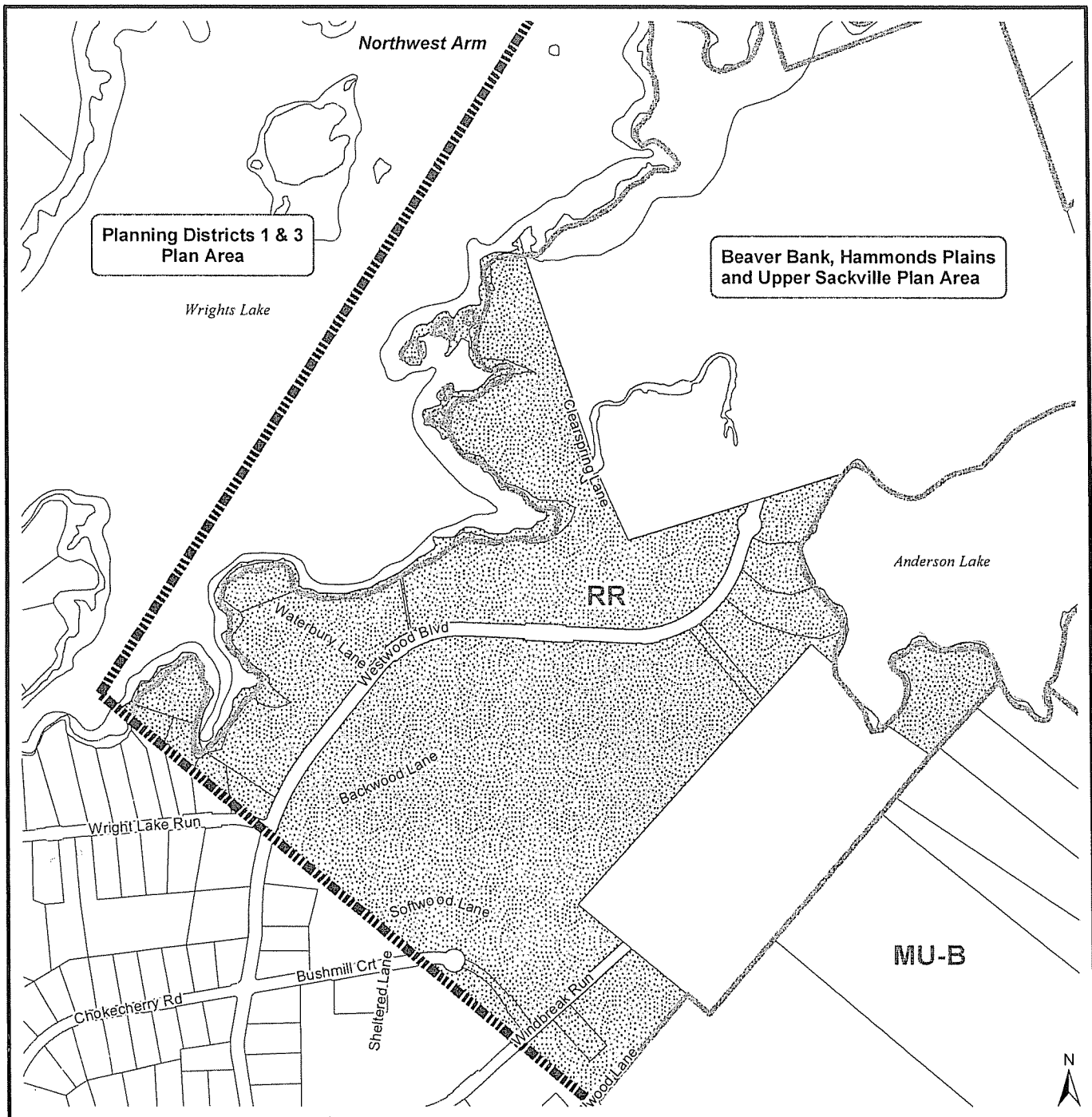
Zone

- GU-1 General Use
- MU-1 Mixed Use 1
- MR-1 Mixed Resource 1

Beaver Bank, Hammonds Plains
and Upper Sackville Plan Area

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


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

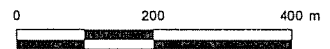


Map 2 - Generalized Future Land Use

Westwood Hills
Tantallon

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

 Area to be rezoned from
MU-1 (Mixed Use 1) to
R-1 (Single Unit Dwelling)



Designation

RR Mixed Resource
MU-B Mixed Use "B"

This is an unofficial reproduction of portions
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

Attachment "A"
Excerpts from the Beaver Bank, Hammonds Plains and Upper Sackville MPS

It is recognized that there may be future pressures for continued residential development within the Rural Resource Designation, as subdivisions in the Residential and Mixed Use Designations extend toward the abutting Rural Resource Designation. In recognition of this potential pressure, provisions will be made for residential development on smaller lots evaluated through the rezoning process subject to the requirements of the Subdivision By-law, in particular, a maximum rate of 20 lots per 4 year period. This evaluation will be made within the overall context of the designation to encourage and support resource development and maintain its valued rural character. Therefore, there is a need to assess the potential effects of significant residential development, especially with regard to effects on community form, resource activity, the transportation network and environmental concerns.

A requirement that any parcel to be rezoned contain a minimum of ten acres will help to prevent small scattered residential pockets in the resource area. It is hoped that by concentrating areas where residential development can occur on smaller lots, impediments to resource activities and overall effects on this undeveloped area will be reduced. No parcels will be precluded from consideration, since all existing parcels are in excess of ten acres.

Transportation concerns centre on how well any proposed road network co-ordinates with the existing road system as well as the impact of the proposed development on existing collector highways, their capacities and constraints. (See Transportation and Utilities). Environmental concerns in these undeveloped areas relate to the suitability of the entire development parcel for on-site sewage disposal, as well as the quality and quantity of groundwater, and the adequacy of storm drainage plans to reduce negative impacts on the natural drainage system.

- 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;
 - (b) the effect of the proposed development on existing and potential resource development;
 - (c) the proposed road network in terms of co-ordination with the existing road network and impact on the capacity of existing collector highways;
 - (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;
 - (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;

- (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
- (g) the provisions of Policy P-137.

P-134 The following uses shall only be considered by amendment to the land use by-law:

- (f) within the Rural Resource Designation:
 - (i) non-resource related light industrial uses according to Policy P-54;
 - (ii) residential uses on lots smaller than 80,000 square feet according to Policy P-57.

P-137 In considering development agreements and amendments to the land use by-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:

- (a) that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations;
- (b) that the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of the Municipality to absorb any costs relating to the development;
 - (ii) the adequacy of central or on-site sewerage and water services;
 - (iii) the adequacy or proximity of school, recreation or other community facilities;
 - (iv) the adequacy of road networks leading or adjacent to or within the development; and
 - (v) the potential for damage to or for destruction of designated historic buildings and sites.
- (c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
 - (i) type of use;
 - (ii) height, bulk and lot coverage of any proposed building;
 - (iii) traffic generation, access to and egress from the site, and parking;
 - (iv) open storage;
 - (v) signs; and
 - (vi) any other relevant matter of planning concern.
- (d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.
- (e) **Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy P-81”, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS. (RC-July 2/02; E-Aug 17/02)**

Attachment "B"
Excerpts from the Beaver Bank, Hammonds Plains and Upper Sackville LUB

PART 21: MR-1 (MIXED RESOURCE) ZONE

21.1 MR-1 USES PERMITTED

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

- Agriculture uses
- Intensive agriculture uses
- Kennels
- Forestry uses
- Fishing uses
- Communications transmission stations
- Single unit dwellings
- Mobile dwellings
- Business uses in conjunction with permitted dwellings
- Open space uses
- Hunting and fishing lodges
- Recreation uses
- Composting operations (see section 4.29)

21.2 MR-1 ZONE REQUIREMENTS

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

Minimum Lot Area	80,000 square feet (7432 m2)
Minimum Frontage	200 feet (61 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	25 feet (7.6 m)
Maximum Height of Main Building	35 feet (10.7 m)

Attachment "B" Continued
Excerpts from the Beaver Bank, Hammonds Plains and Upper Sackville LUB

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

6.1 R-1 USES PERMITTED

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

- Single unit dwellings
- Existing two unit dwellings
- Existing mobile dwellings
- Day care facilities for not more than seven (7) children and in conjunction with permitted dwellings
- Offices in conjunction with permitted dwellings
- Bed & Breakfasts
- Open space uses

6.2 R-1 ZONE REQUIREMENTS

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

Minimum Lot Area:	on-site services	29,064 square feet	(2700 m ²)
	central water	12,000 square feet	(1118 m ²)
	central sewer	10,000 square feet	(929 m ²)
	Sewer and water services	6,000 square feet	
Minimum Frontage:	on-site services	100 feet (30.5 m)	
	central sewer	75 feet (23 m)	
	Sewer and water services	60 feet	
Minimum Front or Flankage Yard		20 feet (6.1 m)	
Minimum Side or Rear Yard		8 feet (2.4 m)	
Maximum Lot Coverage		35 per cent	
Maximum Height of Main Building		35 feet (10.7 m)	

Attachment "C"
Comparison Table of Permitted Land Uses within MR-1 and R-1 Zone.

MR-1 (MIXED RESOURCE) ZONE	R-1 (SINGLE UNIT DWELLING) ZONE
Single unit dwellings	Single unit dwellings
Mobile dwellings	Existing two unit dwellings
Business uses in conjunction with permitted dwellings	Existing mobile dwellings
Kennels	Day care facilities for not more than seven (7) children and in conjunction with permitted dwellings
Hunting and fishing lodges	Offices in conjunction with permitted dwellings
Open space uses	Bed & Breakfasts
Recreation uses	Open space uses
Communications transmission stations	
Fishing uses	
Forestry uses	
Agriculture uses	
Intensive agriculture uses	
Composting operations	

Attachment "D"
Policy P-57 Evaluation

Policy P-57 Criteria	Evaluation
<p>1. the potential effects of the development proposal on community services such as fire, police, recreation and education</p>	<p><i>Fire Service:</i> Westwood Hills falls within the overlapping jurisdictions of HRM fire stations located in St. Margarets Bay (Stations 56 & 57), Upper Hammonds Plains (Stations 50 & 51), and Lakeside (Station 58).</p> <p><i>Police Service:</i> The 40 member RCMP detachment in Tantallon, a division of the Halifax RCMP District Detachment, serves the areas of Tantallon, Timberlea, Lakeside, Beechville, Prospect Road and area, Peggy's Cove, Hammonds Plains, Head of St. Margarets Bay, and Sambro. The detachment office is located directly across the Hammonds Plains Road entrance to Westwood Hills.</p> <p><i>Recreational Services:</i> St. Margarets Centre recreational complex, built in 1988, is located at 12 Westwood Boulevard at the entrance to the subdivision. The complex includes; two ice rink surfaces with seating for 1000 spectators, a four lane 25 metre outdoor heated pool, a full size gymnasium, a fitness centre/weight room, a canteen and eating area and a multi-purpose room for various HRM recreation and leisure programs.</p> <p><i>Education:</i> Sir John A MacDonald High School, located 1 kilometre from Westwood Hills, was constructed in 2006 and serves the western HRM communities of Beechville, Lakeside, Timberlea and Tantallon. The Tantallon Public Library, located in the parking lot of the Hubley Centre Mall, is a full-service branch which opened in fall 2001.</p>
<p>2. the effect of the proposed development on existing and potential resource development;</p>	<p>The Westwood Hills subdivision abuts several large land holdings which are currently or have been used for forestry and or resource extraction. The forestry and extractive uses are generally temporary in nature and the proposed rezoning poses limited long term conflict with future resource development on adjacent properties. Staff have spoken with one of the largest property owners to the south east and whereas the rezoning does not pertain to their property, and they retain the right for future forestry or extractive resource development, they have no concern with the rezoning</p>

<p>3. the proposed road network in terms of co-ordination with the existing road network and impact on the capacity of existing collector highways;</p>	<p>The road network includes HRM public streets with two connecting access points to the Hammonds Plains Road. The Hammonds Plains Road has direct access to Exit 5 Upper Tantallon on Highway 103, a provincial twinned highway completed in 2006/07. No impact is anticipated on the existing road network and or the capacity of the existing collector highways.</p>
<p>4. environmental considerations including an overall report from the Department of Health assessing the suitability of the entire parcel for on-site sewage disposal systems;</p>	<p>The proposed residential lots in Westwood Hills have been evaluated and approved by Nova Scotia Department of the Environment and Labour (NSDEL). A master plan of the proposed lot sizes and configurations including; the on-site septic system, driveway and well locations (in accordance with the provincial regulations) was prepared by the developer and reviewed by NSDEL. Each lot has been sized to accommodate an on-site septic system.</p>
<p>5. comments from the Department of the Environment on the quality and quantity of groundwater; and an evaluation of the adequacy of storm drainage plans;</p>	<p>In accordance with NSDEL regulations the water supply will be provided to each lot by individual wells installed by lot owner. The lot sizing technique and provincial approval process including the evaluation of the adequacy of storm drainage plans follows the same procedures used with the existing phases of the subdivision.</p>
<p>6. 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</p>	<p>The area to be rezoned is approximately 200 acres.</p>
<p>7. the provisions of Policy P-137. (See Attachment "A")</p>	<p>The staff have reviewed the application and are satisfied that the conditions of Policy P-137 have been met.</p>