

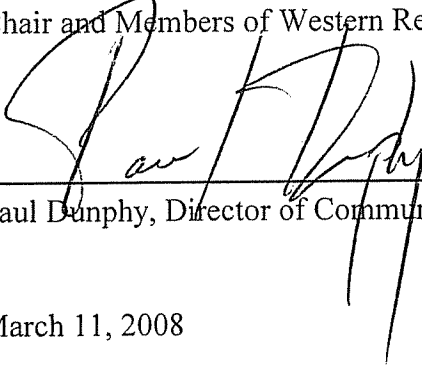


PO Box 1749
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B3J 3A5 Canada

Item 8.1.2

Western Region Community Council
March 31, 2008

TO: Chair and Members of Western Region Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: March 11, 2008

SUBJECT: Case 01129: Rezoning of lands located at 1601 Ketch Harbour Road, Sambro

ORIGIN

February 25, 2008 motion of Western Region Community Council requesting staff commence the process to rezone 1601 Ketch Harbour Road, Sambro (PID 00456541), from the C-1 (Local Business) Zone to the P-2 (Community Facility) Zone.

RECOMMENDATION

It is recommended that Western Region Community Council:

1. Give First Reading of the proposed rezoning and text amendment as set out in Map 1 and Attachment A, respectively, and schedule a public hearing; and
2. Approve the proposed rezoning of 1601 Ketch Harbour Road, Sambro, (PID 00456541), as shown on Map 1, from the C-1 (Local Business) Zone to the P-2 (Community Facility) Zone and delete reference to the Existing Use in Appendix "C" of the Planning District 5 (Chebucto Peninsula) Land Use By-law as set out in Attachment A.

BACKGROUND

The subject property, at 1601 Ketch Harbour Road, is located in Sambro on the north side of the road having a lot area of 26,190 square feet and frontage of just over 146 feet. The property has an existing building which is currently vacant and has no active use. The building was originally constructed for use as a Fire Hall but has subsequently housed a convenience store use, an arts and crafts shop and an oil tank retail outlet which was an unauthorized use. The property is bounded by Residential properties on all sides (refer to Map 1).

The proposal is to rezone the parcel now owned by R.G. Mechanical Limited to the P-2 (Community Facility) Zone to permit a community facility/social club thereby allowing the existing Silver Seas Social Club to relocate to this property from their current location at 1618 Ketch Harbour Road.

DISCUSSION

The property is zoned C-1 (Local Business) Zone and designated Residential under the Planning District 5 (Chebucto Peninsula) Municipal Planning Strategy (MPS). There is existing policy in the MPS (RES-7 - refer to Attachment B) which recognises the need for community facilities and allows them to be supported by way of an amendment to the Land Use By-law. This same policy (RES-7) established criteria to be considered in order to ensure compatibility with adjacent land uses. Policy RES-7 also refers to Implementation Policy IM-10 (see Attachment B) which has many of the same criteria as RES-7. These policies were developed mainly for use with proposed development and focus on the compatibility of the proposed development with adjacent residential areas.

Given that the proposal is a change in use and that the building, access and parking area are all in existence, the parking area, its separation and buffering relative to the protection of adjacent residential properties appear to be adequate. The impact of traffic and the effect on local traffic patterns will be negligible as the existing Ketch Harbour Road is classed by the Province as a highway and capable of accommodating this use. The adequacy of water and sewer services will be addressed through the building permit process, however, as the property is already developed, it will be served by the existing, on-site facilities.

The Silver Seas Social Club has operated in the community for many years and is relocating from 1618 Ketch Harbour Road. This use was previously recognised in the Planning District 5 Land Use By-law, approved by Municipal Council in 1994, as an existing business in a General Business (C-2) Zone. As there is no intention to return to their current location, the Silver Seas Social Club will be deleted from Appendix "C" (Existing Businesses - Expansion) of the Land Use By-law (refer to Attachment A). The long term existence of this facility is an indicator of it's value to the community.

Staff believe that this proposed use is compatible with the surrounding area, should not adversely impact adjacent uses and meets the overall policy intent. As such it is recommended that Western Region Community Council approve the rezoning of 1601 Ketch Harbour Road, Sambro, from the C-1 Zone to the P-2 Zone and delete the Existing Use in Appendix "C" as set out in Attachment A.

Public Information Meeting

The Public Information Meeting was waived in consultation with the area Councillor. Should Western Region Community Council decide to proceed with a public hearing on this application, in addition to published newspaper advertisement, property owners in the immediate area will be individually notified by mail. The area of notification is shown on Map 1.

BUDGET IMPLICATIONS

None. The HRM costs to process this application can be accommodated within the approved 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 proceed with the amendments to the Land Use By-law (Planning District 5) as set out in Map 1 to rezone the property at 1601 Ketch Harbour Road, Sambro (PID 00456541) from the C-1 (Local Business) Zone to the P-2 (Community Facility) Zone and delete reference to the Existing Use in Appendix "C" of the Planning District 5 (Chebucto Peninsula) Land Use By-law as shown on Attachment A. This is the recommended course of action.
2. Alternatively, Council may choose to reject the proposed rezoning. Pursuant to Section 210(5) of the *Municipal Government Act*, Council must provide reasons for this refusal, based on the policies of the MPS. This alternative is not recommended as staff is satisfied that the proposed rezoning is consistent with the policies and intent of the MPS.

ATTACHMENTS

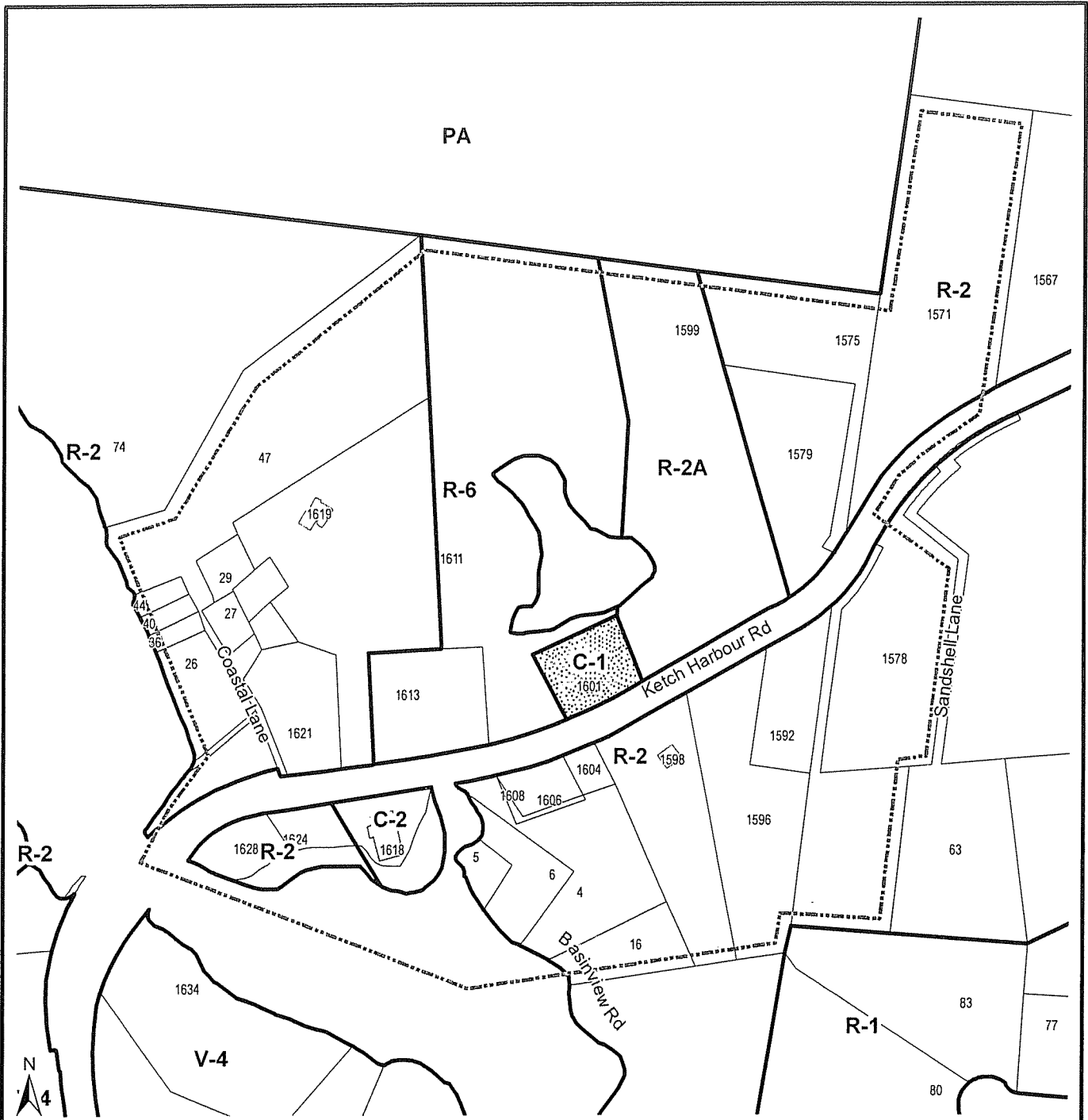
Map 1	Location and Zoning
Map 2	Generalized Future Land Use
Attachment A	Proposed Amendments
Attachment B	Excerpts from the Chebucto Peninsula MPS

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: Randa Wheaton, Senior Planner, 490-4499




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




Map 1 - Location and Zoning

1601 Ketch Harbour Road
Ketch Harbour

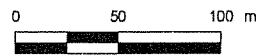
 Area proposed to be rezoned from C-1 (Local Business) to P-2 (Community Facility)

Planning District 5
(Chebucto Peninsula) Plan Area

 Area of notification

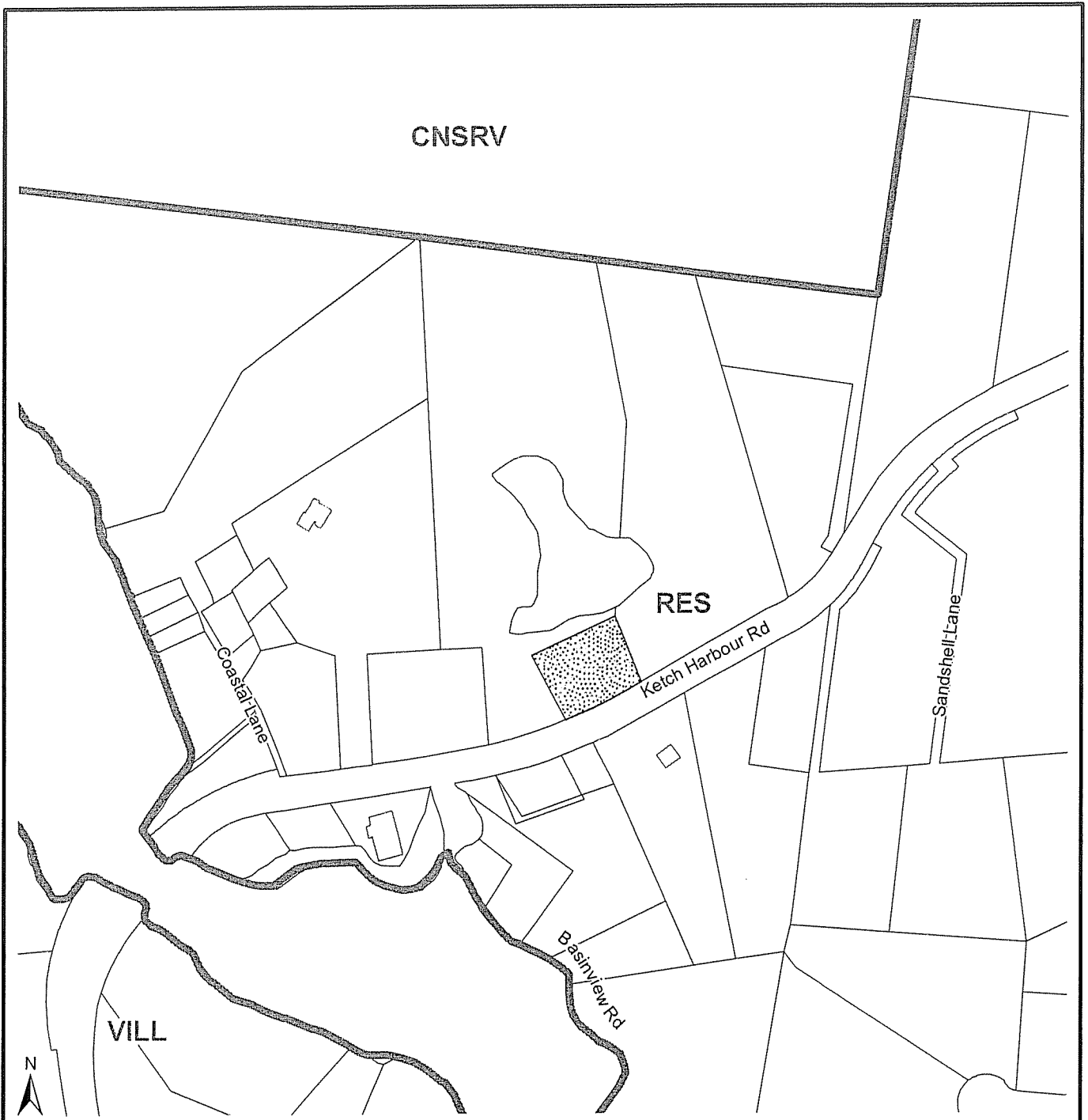
Zone

R-1	Single Unit Dwelling
R-2	Two Unit Dwelling
R-2A	Residential Home Occupation
R-6	Rural Residential
V-4	Sambro General Building
C-1	Local Business
C-2	General Business
PA	Protected Area



This map is an unofficial reproduction of a portion of the Zoning Map for the Planning District 5 (Chebucto Peninsula) Plan Area


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

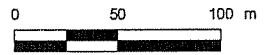


Map 2 - Generalized Future Land Use

1601 Ketch Harbour Road
Ketch Harbour



 Area proposed to be rezoned from C-1 (Local Business) to P-2 (Community Facility)



Planning District 5
(Chebucto Peninsula) Plan Area

Designation

- RES Residential
- VILL Village
- CNSRV Conservation

This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Planning District 5 (Chebucto Peninsula) Plan Area

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

Attachment A

Amendments to the Planning District 5 (Chebucto Peninsula) Land Use By-law

BE IT ENACTED by the Western Region Community Council of the Halifax Regional Municipality that the Planning District 5 (Chebucto Peninsula) Land Use By-law as enacted by Municipal Council of Halifax County Municipality on the 5th day of December, 1994 and approved by the Minister of Municipal Affairs on the 9th day of February, 1995 as amended, is hereby amended as follows:

1. Amend the zoning map Schedule A by rezoning the property at 1601 Ketch Harbour Road, Sambro (PID 00456541) from the C-1 (Local Business Zone) to the P-2 (Community Facility Zone) as shown on Map 1 attached.
2. Amend Appendix "C" of the Planning District 5 (Chebucto Peninsula) Land Use By-law to delete any and all reference under 'C-2 (General Business) Zone' to the Existing Use 'Silver Seas Social Club' addressed at 'Ketch Harbour Road' LIMS Number '395996'.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Planning District 5, as set out above, was passed by a majority vote of the Western Region Community Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2008.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2008.

Municipal Clerk

Attachment B

Excerpts from Planning District 5 (Chebucto Peninsula) Municipal Planning Strategy

Community Facility Development

As residential areas and communities develop over time, the need for community facilities including schools, day care centres, fire halls and senior citizen housing increases. While being supportive of such uses, the plan recognizes that a review mechanism is required for the future location of community uses in order to ensure compatibility with adjacent land uses. Thus, community and institutional land uses are supported within the Residential Designation by amendment to the land use by-law.

RES-7 Notwithstanding Policy RES-1, Council shall establish a community facility zone in the land use by-law which permits a range of community facility uses such as public and private institutional uses, service oriented commercial uses and open space uses, provided that controls are established on parking areas. This zone shall be applied to existing community facility uses. In considering amendments to the schedules of the land use by-law to a community facility zone within the Residential Designation, Council shall have regard to the following:

- (a) the compatibility of the community facility with adjacent and surrounding residential areas;
- (b) the adequacy of the parking area, its separation, landscaping or buffering as related to the protection of adjacent residential properties;
- (c) the effect on local traffic patterns, including ingress and egress, and impact of traffic on a residential area;
- (d) the adequacy of water and sewerage services; and
- (e) the provisions of Policy IM-10.

IM-10 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 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;
 - (v) pedestrian safety; and
 - (vi) 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 of flooding.
- (f) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy p-79F", 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, 2002 / E- August 17, 2002)