

North West Community Council
August 9, 2012

TO: Chair and Members of North West Community Council

SUBMITTED BY:



Ann Merritt, Chair, North West Planning Advisory Committee

DATE: August 1, 2012

SUBJECT: **Case 17901: Partial Discharge of Development Agreement – Timber Trails Mobile Home Park, Lucasville**

ORIGIN

North West Planning Advisory Committee Meeting – August 1, 2012.

RECOMMENDATION

It is recommended that North West Community Council:

Approve, by resolution, the discharge of the existing Timber Trails Mobile Home Park development agreement from a small portion of the lands as described in Attachment A of the staff report dated July 25, 2012.

BACKGROUND/DISCUSSION

At its meeting of August 1, 2012 the Committee reviewed and discussed the proposal to approve, by resolution, the discharge of the existing Timber Trails Mobile Home Park development agreement from a small portion of the lands as described in Attachment A of the staff report dated July 25, 2012.

BUDGET IMPLICATIONS

There are no budget implications.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

COMMUNITY ENGAGEMENT

As per staff's report dated February 1, 2012.

ALTERNATIVES

Community Council may choose not to approve, by resolution, discharge of the existing development agreement from the specified portion of the Timber Trails Mobile Home Park as shown on Map 3 and in Attachment A of the staff report dated July 25, 2012. This is not the recommended approach for the reasons stated in the staff report dated July 25, 2012.

ATTACHMENTS

Staff report dated July 25, 2012

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

Report Prepared By: Donna Honeywell, Administration/PAC Coordinator 490-4937

North West Planning Advisory Committee
August 1, 2012

TO: Chair and Members of North West Planning Advisory Committee

SUBMITTED BY:



Brad Anguish, Director of Community & Recreation Services

DATE: July 25, 2012

SUBJECT: **Case 17901: Partial Discharge of Development Agreement - Timber Trails Mobile Home Park, Lucasville**

ORIGIN

Application by Timber Trails Homes Limited.

RECOMMENDATION

It is recommended that North West Planning Advisory Committee recommend that North West Community Council approve, by resolution, the discharge of the existing Timber Trails Mobile Home Park development agreement from a small portion of the lands as described in Attachment A of this report.

BACKGROUND

Timber Trails is a mobile home park located on the Lucasville Road in Lucasville. In 2008, North West Community Council entered into a development agreement to enable an expansion of the mobile home park in support of upgrading its old sewage treatment plant. To date, the expansion has not occurred but detailed engineering of the new sewage treatment plant is underway. One of the owners of the mobile home park wishes to construct a single unit dwelling on the lands covered by the development agreement. The agreement does not enable the development of single unit dwellings on the lands, therefore, a request has been made to discharge the development agreement from the parcel of land proposed for the single unit dwelling.

Timber Trails Mobile Home Park

The Timber Trails Mobile Home Park is located on the Lucasville Road and is described as follows:

- designated Mixed Use C (MU-C) (Map1) and zoned MU-1 (Mixed Use 1) Zone (Map 2) under the Beaver Bank, Hammonds Plains and Upper Sackville MPS and Land Use By-law (LUB);
- comprised of two areas of land. The first area is 61 acres (25 ha) in size and contains the mobile home spaces and private streets. The second area is 35 acres (14 ha) in size and located on the south side of Lucasville Road. This area is the site of the new sewage treatment plant and the proposed single unit dwelling (Map 3);
- serviced with municipal water and an existing private on-site sewage treatment system (a future sewage treatment plant will replace the existing sewage treatment system); and
- on November 27, 2008 North West Community Council approved a development agreement to enable the expansion of the mobile home park by approximately 178 mobile home spaces for a total of 408 spaces as illustrated on Map 3.

Request

Timber Trails Homes Limited has made an application to discharge the existing development agreement from a 1.2 acre (0.48 hectare) portion of land located on the most easterly portion of the parcel on the south side of Lucasville Road (Map 3). The applicant wishes to build a single unit dwelling, which will be serviced by the central water distribution system and its own on-site sewage disposal system, on this portion of the lands.

DISCUSSION

Discharge of Development Agreements

The *Halifax Regional Municipality Charter* provides Community Councils with a mechanism to discharge development agreements. Part VIII, Clause 244, identifies that Council may discharge a development agreement, in whole or in part, in accordance with the terms of the agreement or with the concurrence of the property owner. The Charter does not require a public hearing for the discharge of the agreement, thus Council may discharge the agreement by motion (resolution).

Review of Proposal

The existing development agreement identifies the 35 acre (14 ha) parcel on the south side of Lucasville Road as the site of the new sewage treatment plant that enables the expansion of the mobile home park. Full details of the sewage treatment plant were not available prior to the approval of the development agreement thus the agreement limited the uses permitted on the south side of Lucasville Road, and specifically precludes the development of single unit dwellings.

Since the granting of the development agreement, the applicant has identified that the design of the sewage treatment plant has been approved by Nova Scotia Environment. Further, the precise location for the sewage treatment plant has been determined and, as a result, there is a surplus of land that can be allocated or considered for other land uses separate from the mobile home park.

The applicant wishes to build a single unit dwelling, which will be serviced by the central water distribution system and its own on-site sewage disposal system, on the north east corner of the parcel on the south side of Lucasville Road (Map 3). The applicant has provided documentation from ABL Environmental Consultants, the designers of the sewage treatment plant, that indicates:

- this land is not required for the sewage treatment plant; and
- the location of the proposed single unit dwelling is beyond the recommended 150m (492ft) separation distance between sewage treatment plants and dwellings.

Single unit dwellings are typically permitted in the MU-1 Zone, however, as the site was part of a development agreement and the site and scope of the sewage treatment plant was unknown, the development agreement restricted the ability for a single unit dwelling to be developed on the lands.

Summary

Staff have reviewed the proposal and see no conflict between the surrounding existing and proposed land uses. The proposed discharge is consistent with MPS policies for the surrounding area and the discharge of the agreement would result in the land use rights reverting to those of the existing MU-1 Zone. Any future development of the portion of the Lands discharged from the Agreement must conform with all applicable provisions and requirements of the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law, as amended from time to time, and any future subdivision of the Lands must conform with all applicable provisions and requirements of the Regional Subdivision By-law, as amended from time to time.

Therefore, staff recommend the discharge of the existing Timber Trails Mobile Home Park development agreement from the proposed single unit dwelling lot as identified in the Recommendation section of this report.

BUDGET IMPLICATIONS

There are no budget implications. The developer will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of the existing Agreement. The administration of the Agreement can be carried out within the approved 2012/13 budget in C310 Planning & Applications.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

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

COMMUNITY ENGAGEMENT

The community engagement process is not required for the discharge of development agreements. However, North West Planning Advisory Committee will review this request prior to North West Community Council rendering a decision on the request.

ENVIRONMENTAL IMPLICATIONS

The proposal meets all relevant, environmental policies contained in the Beaver Bank, Hammonds Plains and Upper Sackville MPS and LUB. Please refer to the Discussion section report for further information.

ALTERNATIVES

North West Community Council may chose not to approve, by resolution, the discharge the existing development agreement from the specified portion of the Timber Trails Mobile Home Park as shown on Map 3 and in Attachment A of this report. This is not the recommended approach for the reasons stated in the report.

ATTACHMENTS

Map 1	Generalized Future Land Use Map
Map 2	Zoning Map
Map 3	Timber Trails Mobile Home Park Site Plan
Attachment A	Proposed Development Agreement Discharge Resolution
Attachment B	Existing Zone Requirements (MU-1 Zone)

Available Upon Request
Development Agreement for Case 00908 (Timber Trails Mobile Home Park)

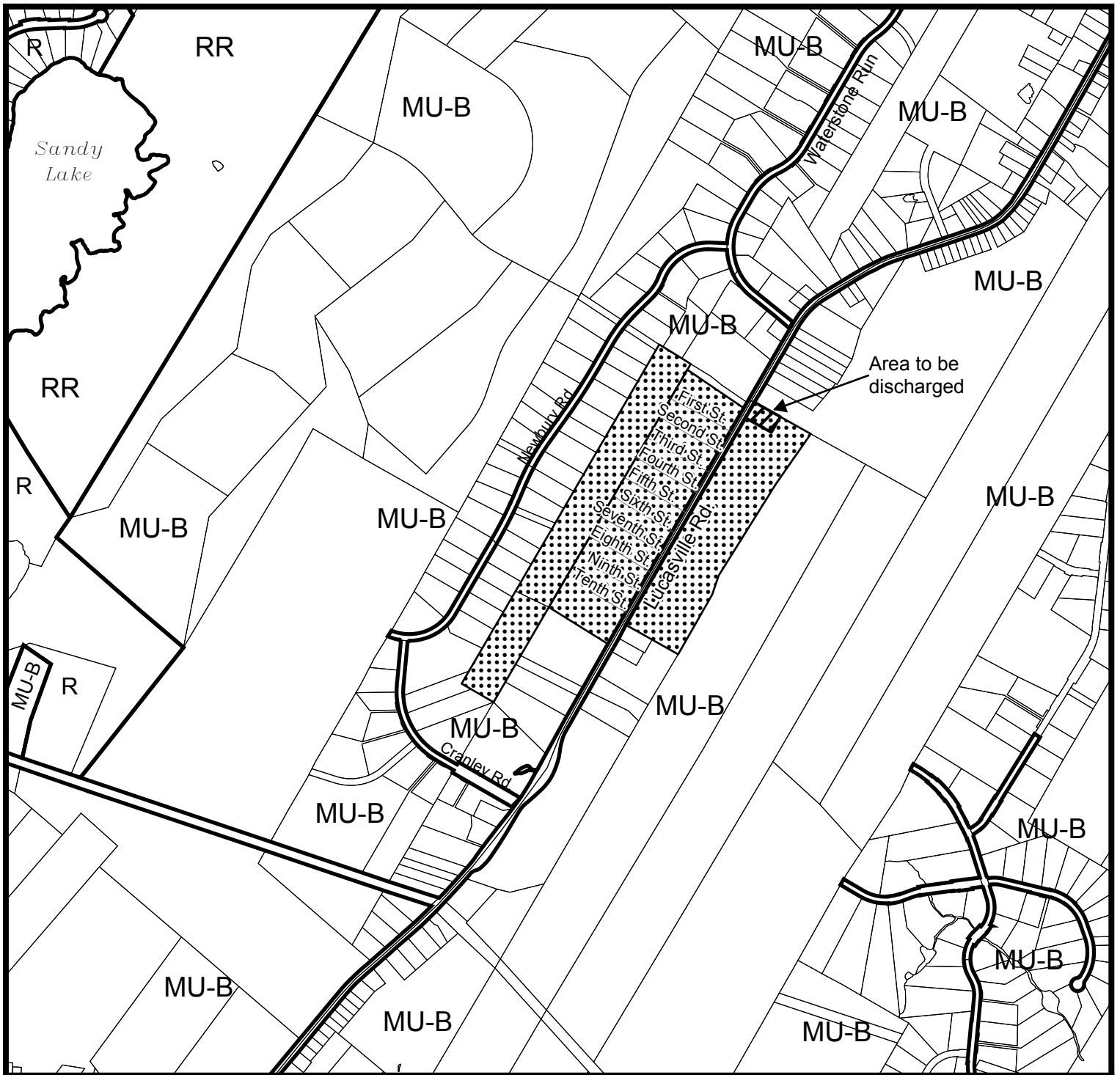
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Andrew Bone, Senior Planner, Development Approvals 869-4226

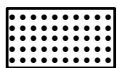
Report Approved by:



Kelly Denty, Manager Development Approvals, 490-4800



**Map 1
Generalized Future Land Use**



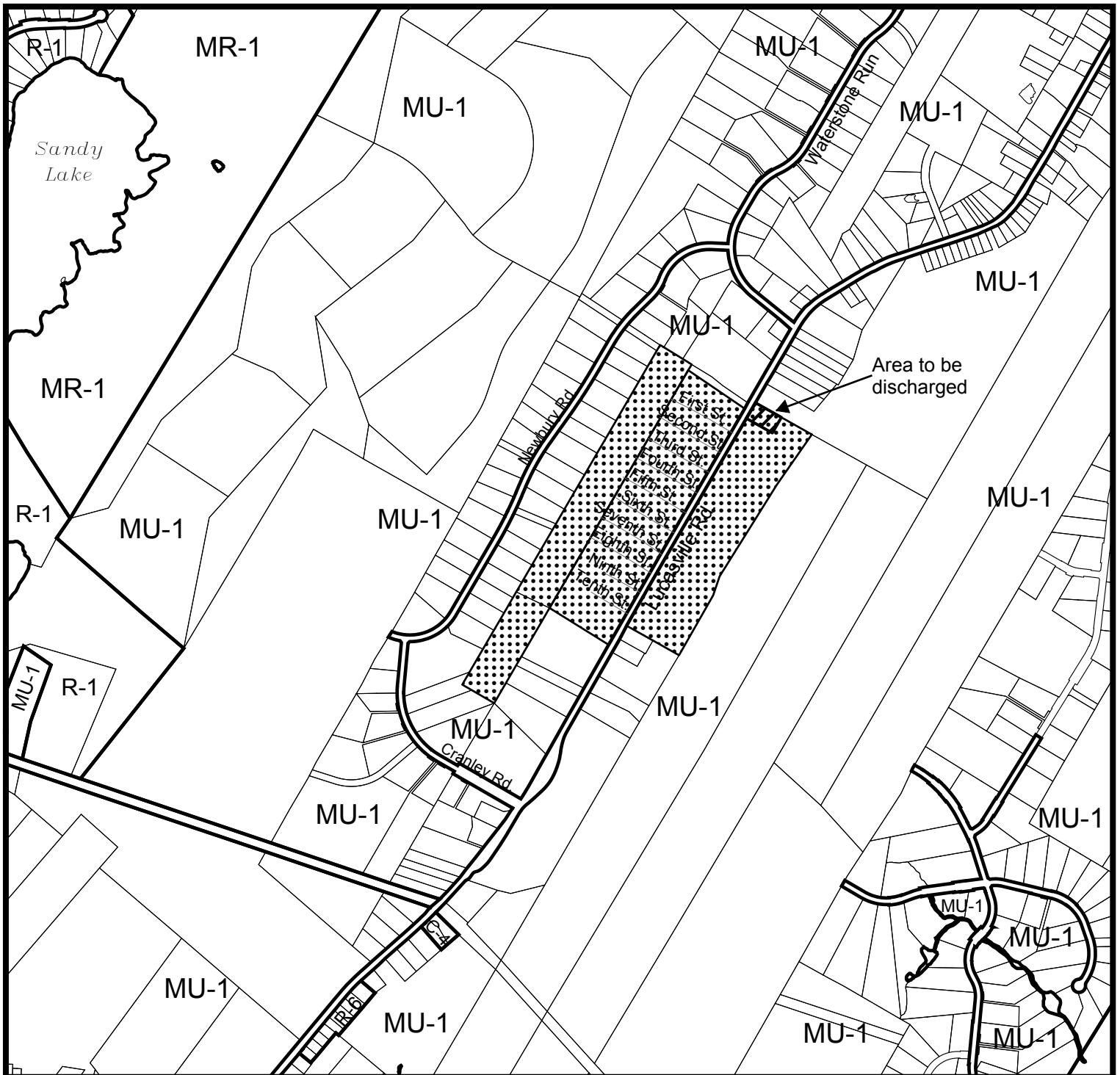
Lands Subject to
Timber Trails (Case 00908)
Development Agreement



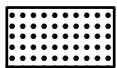
Lands Subject to
proposed discharge
of Development Agreement

R Residential Designation
RR Rural Residential Designation
MU-B Mixed Use B Designation

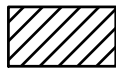




Map 2 Zoning



Lands Subject to
Timber Trails (Case 00908)
Development Agreement

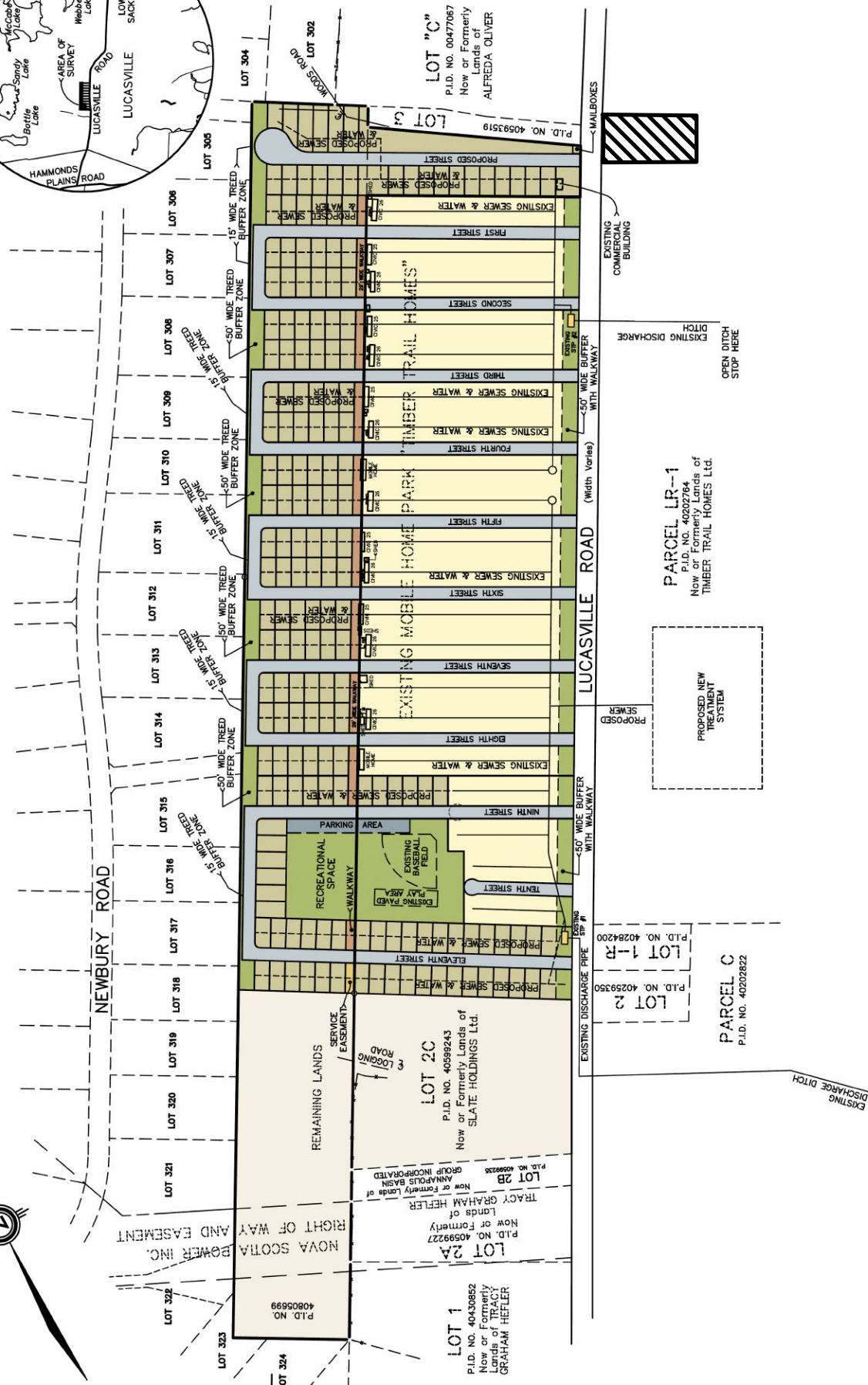
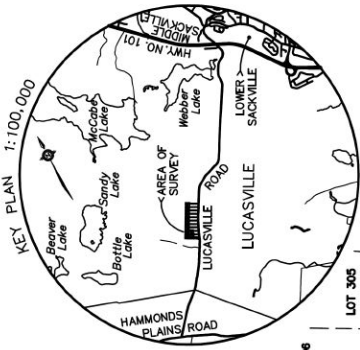


Lands Subject to
proposed discharge
of Development Agreement

R-1 Single Unit Dwelling Zone
R-6 Rural Residential Zone
C-4 Highway Commercial Zone

MR-1 Mixed Resource Zone
MU-1 Mixed Use 1 Zone





Map 3
Concept Plan - Timber Trails Mobile Home Park
Proposed area to discharge from existing development agreement



Attachment A
Proposed Development Agreement Discharge Resolution

IN THE MATTER OF the *Halifax Regional Municipality Charter*
being Chapter 39 of the Acts of 2008

- and -

IN THE MATTER OF the development of certain lands
known as Timber Trails Mobile Home Park;

WHEREAS the North West Community Council of the Halifax Regional Municipality granted approval on November 27, 2008 of a development agreement, which was recorded at the Registry of Deeds in Halifax as Document Number 394961910 (hereinafter called the "Agreement"), for a Mobile Home Park known as Timber Trails Mobile Home Park for the area described on Schedule A;

AND WHEREAS, pursuant to the procedures and requirements contained in the *Halifax Regional Municipality Charter*, the North West Community Council approved, by resolution, the discharge of this Agreement from a portion of the Lands (hereinafter called the "Lands"), as shown on Schedule B, at a meeting held on the ___ day of _____ 2012, referenced as Municipal Case Number 17901, said discharge is to take effect upon the registration of this resolution at the Registry of Deeds;

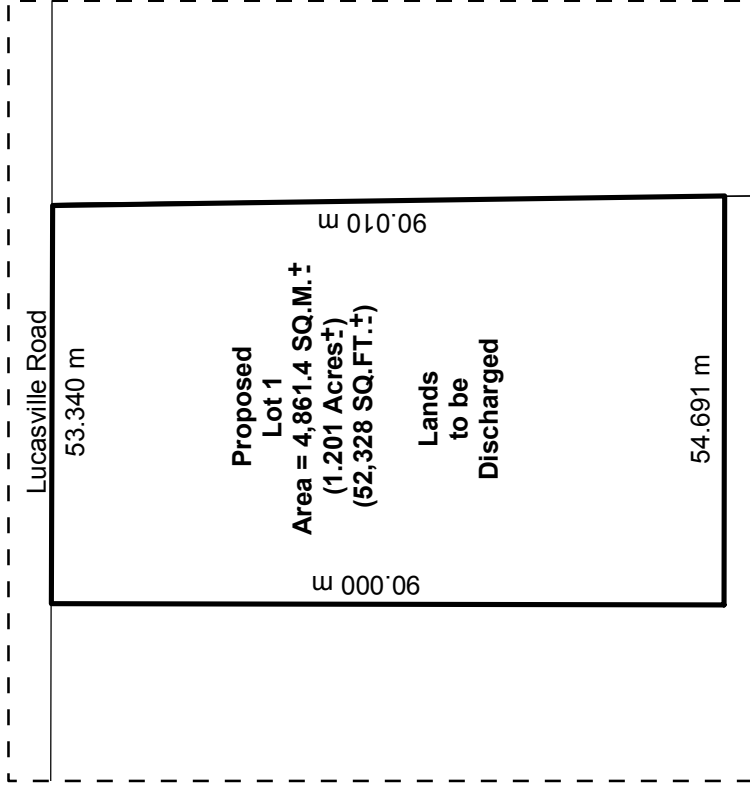
THEREFORE, the Agreement shall no longer have any force or effect on the Lands shown on Schedule B.

I HEREBY CERTIFY that the motion as set out above, was passed by a majority vote of the North West Community Council of the Halifax Regional Municipality at a meeting held on the ___ day of _____, 2012.

GIVEN under the hands of the Municipal Clerk and Under the Corporate Seal of the Halifax Regional Municipality this ___ day of _____, 2012.

Municipal Clerk

Inset



Lucasville Road

Proposed Parcel LR - 1R
Lands of
Timber Trail Homes Ltd.

Lands to be discharged

See Inset

Schedule B

Lands to be discharged from Development Agreement for Case 00908



Attachment B
Existing Zone Requirements (MU-1 Zone)

PART 13: MU-1 (MIXED USE) 1 ZONE

13.1 MU-1 USES PERMITTED

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

Residential Uses

Single unit dwellings

Two unit dwellings

Boarding and rooming houses

Bed and Breakfast

Senior citizens housing

Existing mobile dwellings

Existing multiple unit dwellings

Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings

Business uses in conjunction with permitted dwellings

Other Uses

Institutional uses, except fire and police stations

Open space uses

Commercial uses permitted in the C-2 (General Business) Zone

Trucking, landscaping, excavating and paving services

Agriculture uses

Forestry uses and wooden furniture manufacturing

Composting operations (see section 4.29)

13.2 MU-1 ZONE REQUIREMENTS: RESIDENTIAL USES

In any MU-1 Zone, no development permit shall be issued for residential uses except in conformity with the provisions of Section 11.2.

13.3 MU-1 ZONE REQUIREMENTS: OTHER USES

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

Minimum Lot Area	29,064 square feet (2700 m ²)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	15 feet (4.6 m)
Maximum Lot Coverage for Structures and Storage	50 per cent
Maximum Height of Main Building	35 feet (10.7 m)

13.4 OTHER REQUIREMENTS: BUSINESS AND DAY CARE USES

- (a) With the exception of outdoor display provisions, where business uses and day care facilities in conjunction with a dwelling are permitted in any MU-1 Zone, the provisions of Section 11.3 and Section 11.4 shall apply.
- (b) Outdoor display shall not be permitted:
 - (i) within 10 feet of the front lot line or within the required side yard;
 - (ii) within any yard which abuts an adjacent residential use, except where a visual barrier is provided;
 - (iii) shall not exceed 200 square feet.

13.5 OTHER REQUIREMENTS: COMMERCIAL USES

Where commercial uses are permitted in any MU-1 Zone, the following shall apply:

- (a) The gross floor area devoted to all commercial uses on any lot shall not exceed two thousand (2,000) square feet.
- (b) No open storage or outdoor display shall be permitted.
- (c) The parking lot shall be demarcated and paved or otherwise maintained with a stable surface which is treated in a manner to prevent the raising of dust and loose particles.
- (d) Except where any commercial use abuts another commercial use in an MU-1 Zone, no portion of any parking space shall be located within any required side yard.
- (e) Where any commercial use abuts another commercial use in the MU-1 Zone, the abutting side yard requirement shall be eight (8) feet.

13.6 OTHER REQUIREMENTS: AGRICULTURE USES

- (a) Notwithstanding the provisions of Section 13.3, where any barn, stable or other building intended for the keeping of more than fifty (50) domestic fowl or ten (10) other animals is erected in any MU-1 Zone, no structure shall:
 - (i) be less than fifty (50) feet from any side lot line;
 - (ii) be less than one hundred (100) feet from any dwelling or potable water supply except a dwelling or supply on the same lot or directly related to the agricultural use;
 - (iii) be less than three hundred (300) feet from any watercourse or water body;
 - (iv) be less than five hundred (500) feet from any residential (R-1, RR-1) zone.
- (b) No more than two thousand (2,000) square feet of floor area of all structures on any lot shall be used for a retail use accessory to agriculture uses.

13.7 OTHER REQUIREMENTS: FORESTRY AND WOODEN FURNITURE MANUFACTURING

Where forestry uses and wooden furniture manufacturing are permitted in any MU-1 Zone, the following shall apply:

- (a) No more than two thousand (2,000) square feet of gross floor area of all structures on any lot shall be used for a sawmill, other industrial mill related to forestry, wooden furniture manufacturing, or retail use accessory to the above uses;

- (b) No sawmill or other industrial mill related to forestry shall be located less than fifty (50) feet from any lot line nor less than three hundred (300) feet from any dwelling except a dwelling located on the same lot or directly related to the above use;
- (c) Any area devoted to open storage shall not be permitted within any required front or side yard and shall not exceed twenty-five (25) per cent of the lot area.

13.8 OTHER REQUIREMENTS: INSTITUTIONAL USES

Where institutional uses are permitted in any MU-1 Zone, the provisions of Part 22 shall apply.

13.9 OTHER REQUIREMENTS: TRUCKING, LANDSCAPING, EXCAVATING AND PAVING SERVICES

Where trucking, landscaping, excavating and paving services are permitted in a MU-1 Zone, the following shall apply:

- (a) No development permit shall be issued for any use unless a dwelling is located on the lot.
- (b) The total gross floor area of all structures on any lot devoted to the above uses shall not exceed two thousand (2000) square feet.
- (c) No materials or mechanical equipment which is obnoxious or which creates a nuisance by virtue of noise, vibration, smell or glare shall be used on the lot.
- (d) With the exception of aggregate resources, any materials associated with the above uses shall be contained within a building or otherwise enclosed by a fence, vegetation, or other means which provide a visual and physical barrier.
- (e) Any area devoted to open storage shall not be permitted within any required front or side yard line and shall not exceed twenty-five (25) per cent of the lot area.
- (f) One off street parking space, other than that required for the dwelling shall be provided for every three hundred (300) square feet of floor area used by the above use.
- (g) No product stockpile or processing activity associated with the above uses shall be located within one hundred (100) feet of a watercourse.

13.10 EXEMPTION: EXISTING MOBILE HOME PARKS

Notwithstanding Section 13.1, Timber Trails Mobile Home Park, LIC Number 40203622, shall be a permitted use to the extent to which it is in existence on the effective date of this by-law.

13.11 EXEMPTION: EXISTING COMMERCIAL RECREATION USES

Notwithstanding Section 13.1, Woodhaven Campground, LIC Number 425389, and Pin-Hi Golf Course, LIC Number 425512, and Atlantic Playland, LIC Number 40203648 and 40203630, shall be permitted uses to the extent to which they are in existence on the effective date of this By-law.