

MEMORANDUM

TO: Chairman and members of the Halifax Waters Advisory Board

FROM: Andrew Bone, Senior Planner - Planning and Development Services

DATE: March 11, 2008

SUBJECT: Case 01117- Application by Annapolis Group Inc to rezone PID# 40806861, from MU-1 Zone to C-4 Zone to develop two or three 10,000 square foot commercial buildings at the corner of Hammonds Plains Road and Glen Arbour Way.

Proposal

An application has been submitted by Annapolis Group Inc, the owner of the subject property to rezone the property from MU-1 Zone (see attached policies) to C-4 Zone (see attached policies), to permit the construction of two or three multi-tenant commercial building (10,000 square feet each).

Location:

The subject property is located at the corner of Hammonds Plains Road and Glen Arbour Way in Hammonds Plains.

Proposal and Site Features:

This property is located adjacent to a water body, Masons Mill Pond.

The site is approximately 7.5 acres in size. The property generally slopes from east to west. The property currently is undeveloped. The site would be serviced with a septic field and well water or municipal water .

PLANNING AND DEVELOPMENT SERVICES

The property owner would like to build several multi-unit commercial building with a footprint of approximately 10,000 square feet. Under the Baever Bank, Hammonds Plains and Upper Sackville MPS, there is policy which allows Council to consider rezoning the property to permit commercial land uses..

Watershed Advisory Board:

Pursuant to the Board's terms of reference, your input with respect to the potential impact on the areas watercourses is requested. Please find attached relevant MPS Policies that the application will be reviewed under.

As the proposal is for a rezoning, staff have no means of implementing specific recommendations from the Board. As a result staff offer the following question:

Are there any issues relating to the mandate of the Board which should preclude the rezoning of the property from MU-1 to C-4.?

Due to timing requirements under the Municipal Government Act with respect to the processing of application, staff will be looking for a verbal comment on the proposal at the March HWAB meeting.

If you have any questions on the above matter, please contact me at 869-4226.

MPS Policies

- P-8 Within the Mixed Use A and B Designations, it shall be the intention of Council to establish a Mixed Use 1 Zone which permits single and two unit dwellings, open space uses, existing mobile dwellings, boarding and rooming houses and bed and breakfast establishments, the limited use of residential properties for business purposes, small scale commercial and resource related activities and most institutional uses. Controls on open storage and parking will be established to address compatibility concerns with surrounding development. Forestry uses and larger scale agricultural operations, with the exception of intensive agriculture operations, shall be permitted subject to separation distance requirements designed to promote compatibility with surrounding land uses.
- P-24 Notwithstanding the provisions of Policy P-8, it shall be the intention of Council to establish a C-4(Highway Commercial) Zone in the land use by-law which will permit commercial uses to a maximum of ten thousand (10,000) square feet and shall include those more intensive uses which involve outdoor storage and display. Controls on outdoor storage and display as well

as parking and loading areas will address compatibility concerns with adjacent development. In addition, special access requirements shall be established for service stations. This zone shall be applied to existing uses permitted within the highway commercial zone. When considering amendments to the schedules of the land use by-law to permit new highway commercial uses within the Mixed Use A and B Designations, Council shall have regard to the following:

- (a) preference for a location adjacent to or in close proximity to other commercial uses;
- (b) the potential for adversely affecting adjacent residential and community facility uses;
- (c) an evaluation of the impact which the site design and operational characteristics of the proposed use shall have on the surrounding community;
- (d) that the use has direct access to a collector highway as shown on Map 2 - Transportation;
- (e) the impact of the commercial use on traffic circulation and in particular sighting distances and entrance to and exit from the site;
- (f) that no rezoning from a R-1(Single Unit Dwelling) Zone (Policy P-34) or

R-6(Rural Residential) Zone (Policy P-13) to a highway commercial zone shall be considered; and

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

P-96 It shall be the intention of Council, through the land use by-law, to establish requirements for setbacks from watercourses within the Plan Area.

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.**

LUB Policies

4.18 SETBACKS FROM WATERCOURSES

- (a) Except as provided by Section 4.12(a)(iii)2., no building or structure shall be located within fifty (50) feet of the high water mark of any watercourse or water body. Notwithstanding this, any existing main building within this setback distance shall be a permitted use.
- (b) Notwithstanding Sub-section 4.18(a), setback requirements for Construction and Demolition operations are set out in the applicable CD Zone and such operations must comply with the more stringent provisions.

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.

PART 17: C-4 (HIGHWAY COMMERCIAL) ZONE

17.1 C-4 USES PERMITTED

No development permit shall be issued in any C-4 (Highway Commercial) Zone except for the following:

All uses permitted in the C-2 zone

Display courts

Motels

Service stations

Taxi and bus depots

Greenhouses and nurseries
Veterinary clinics and indoor kennels
Recycling Depots
Building supply outlets
Drive in and take out restaurants
Fraternal centres and private clubs

17.2 C-4 ZONE REQUIREMENTS

In any C-4 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	30,000 square feet (2787 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 Height of Main Building	35 feet (10.7 m)
Maximum Lot Coverage for Structures and Outdoor Storage	75 per cent

17.3 OTHER REQUIREMENTS: COMMERCIAL FLOOR AREA

The gross floor area of all commercial buildings on a lot in any C-4 Zone shall not exceed ten thousand (10,000) square feet of gross floor area, including any floor area devoted to permitted dwelling units.

17.4 OTHER REQUIREMENTS: OPEN STORAGE AND DISPLAY

Where any portion of any lot in any C-4 Zone is to be used for open storage or outdoor display, the following shall apply:

- (a) Any area devoted to open storage may not exceed fifty (50) per cent of the lot area.
- (b) No open storage shall be permitted within any front yard.
- (c) No outdoor display shall be located within ten (10) feet of any front lot line.
- (d) No open storage or outdoor display shall be permitted in any required yard within any C-4 Zone where the required yard abuts any residential or community facility use except where a visual and physical barrier is provided, in which case there will be no open storage or outdoor display within five feet of the abutting side or rear lot line.

17.5 OTHER REQUIREMENTS: PARKING AND LOADING AREAS

No parking or loading area shall be permitted in any required side or rear yard where the yard abuts any residential or community facility use, except where a visual barrier is provided in which case there will be no parking or loading within five (5) feet of the abutting side or rear lot line.

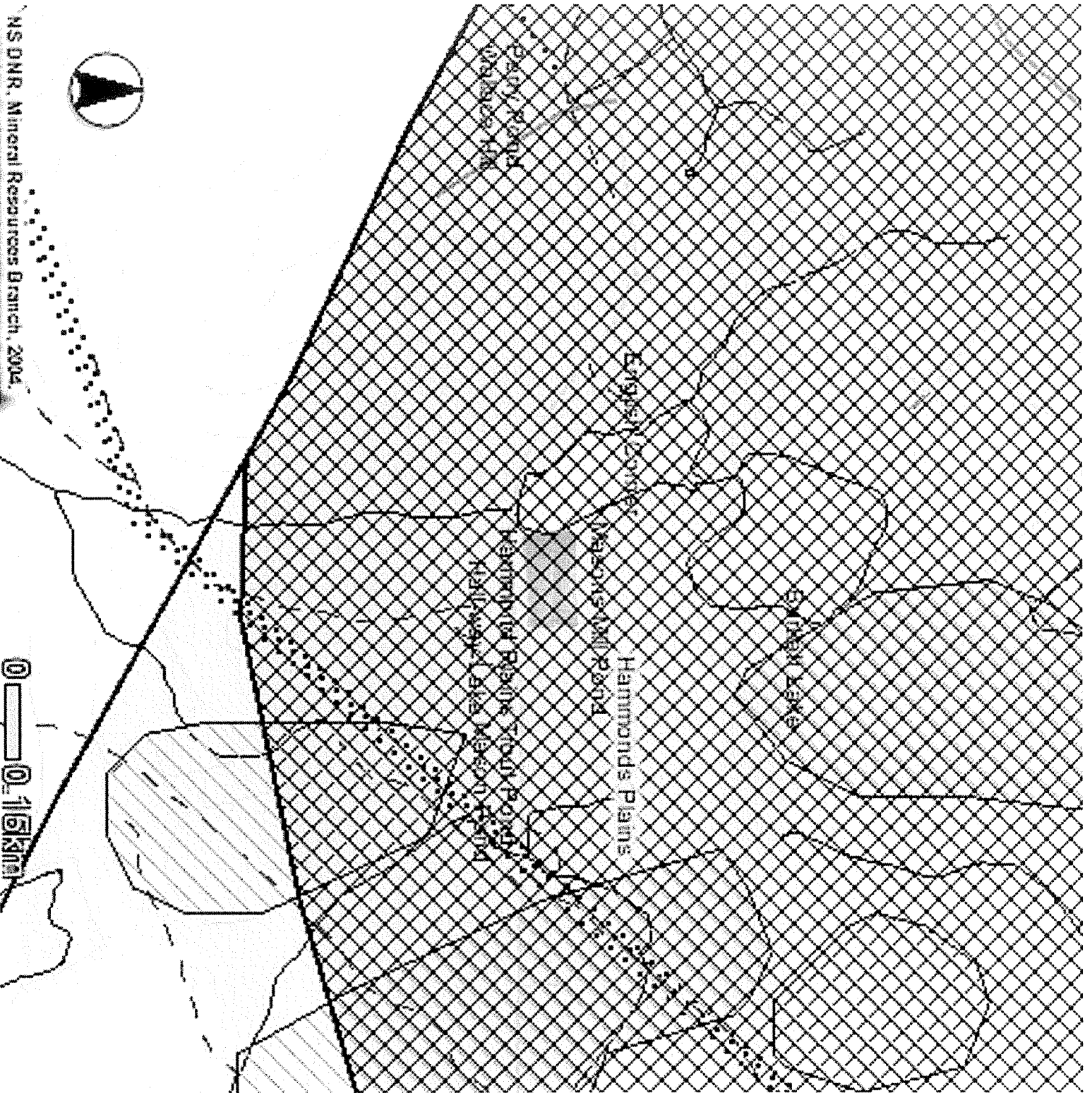
17.6 OTHER REQUIREMENTS: SERVICE STATIONS

Where service stations are permitted in the C-4 Zone, the following shall apply:

- (a) Minimum lot area 30,000 square feet (2787 m²)
- (b) Minimum Frontage 150 feet (45.7 m)
- (c) No portion of any pump island shall be located closer than twenty (20) feet (6.1 m) from any street line.
- (d) The minimum distance between ramps or driveways shall not be less than thirty (30) feet (9.1 m).
- (e) The minimum distance from a ramp or driveway to a road intersection shall be fifty (50) feet (15 m).
- (f) The minimum angle of intersection of a ramp to a road line shall be forty-five (45) degrees.
- (g) The width of a ramp shall be a minimum of twenty (20) feet (6.1 m) and a maximum of twenty six (26) feet (7.9 m)

17.7 OTHER REQUIREMENTS: ABUTTING USES

Notwithstanding the provisions of Section 17.2, within a C-4 Zone, where any commercial use abuts another commercial or an industrial use, the abutting side or rear yard requirement may be reduced to eight (8) feet.



Risk
of
Acid
Slate
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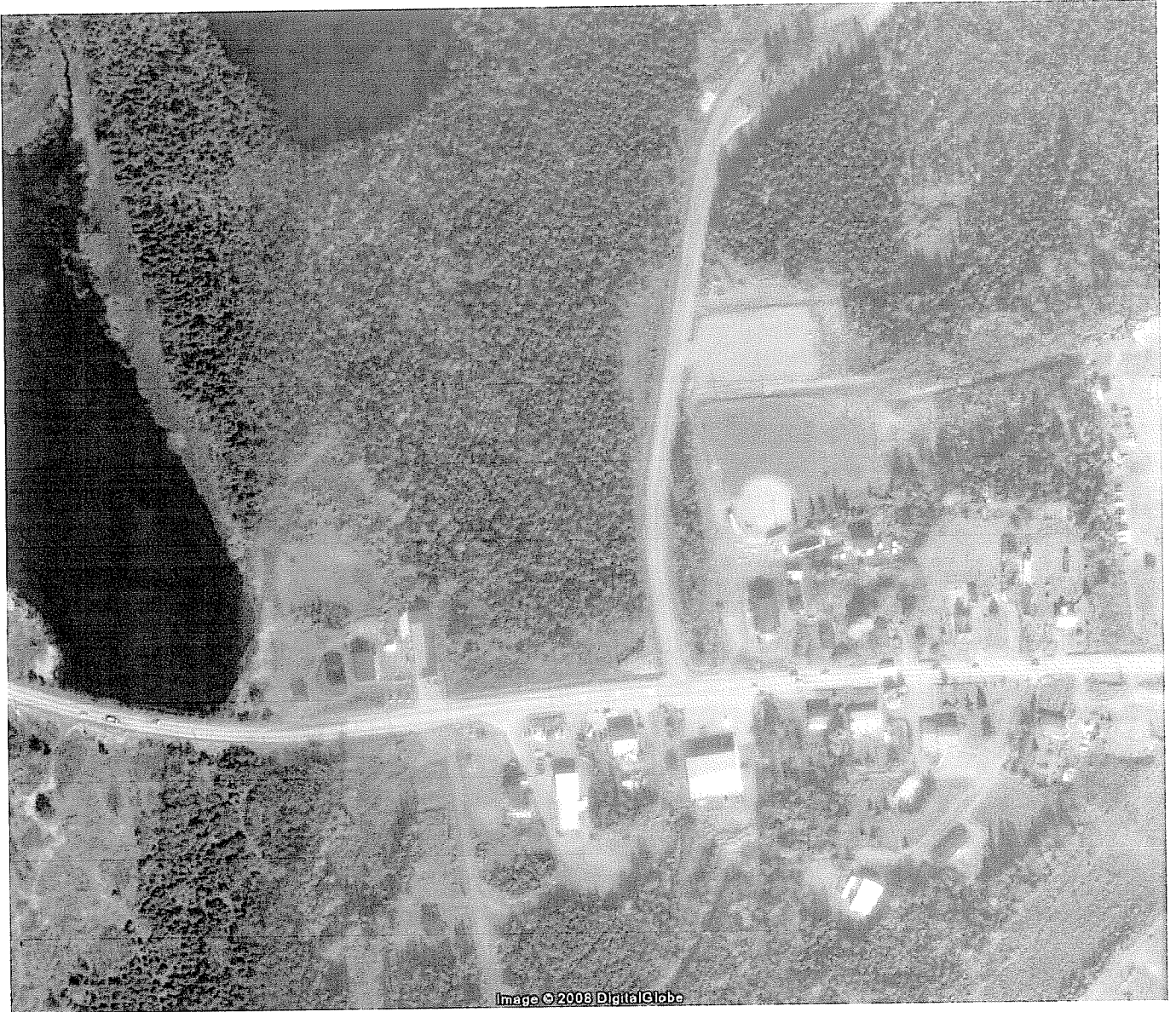
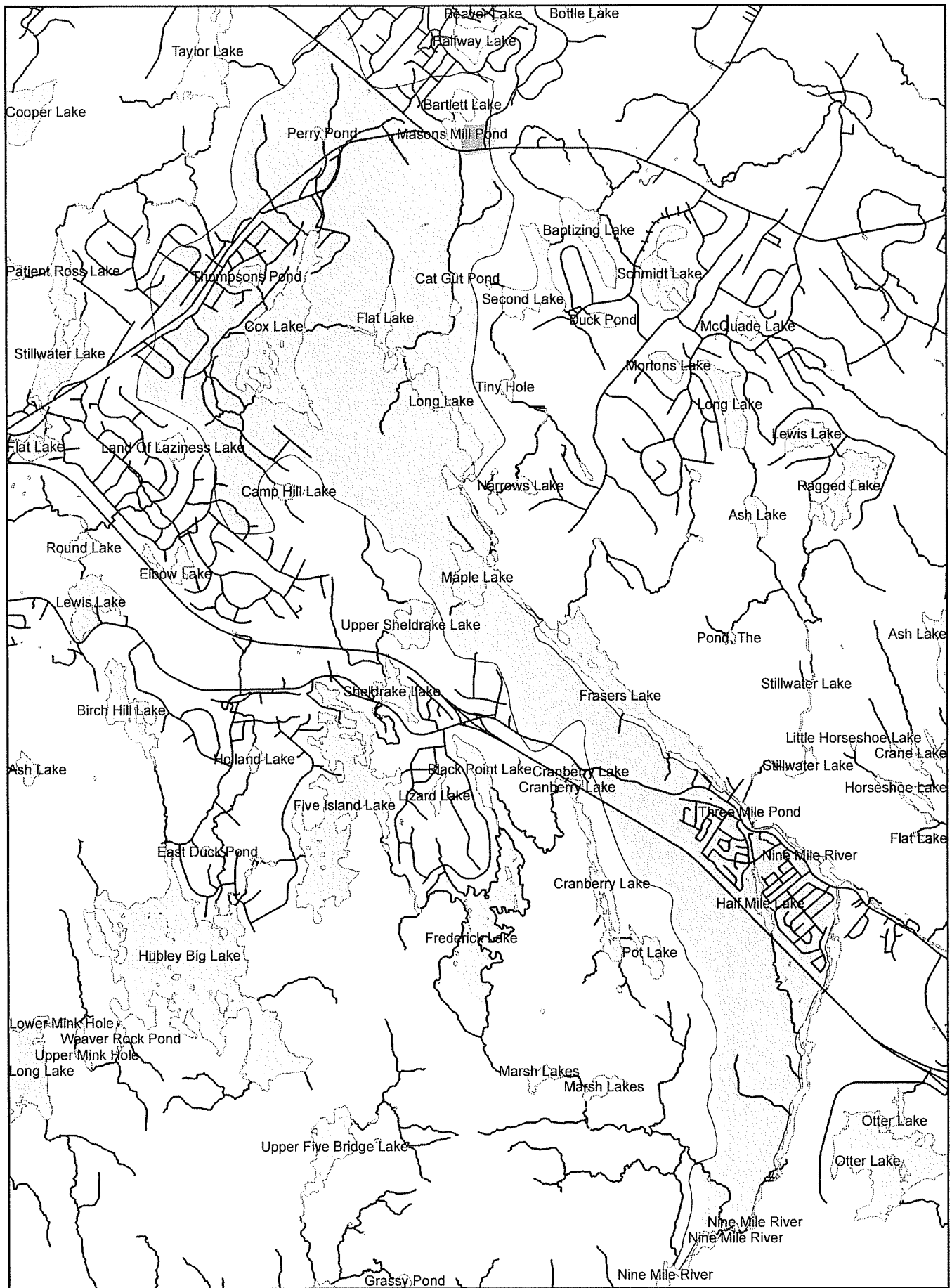
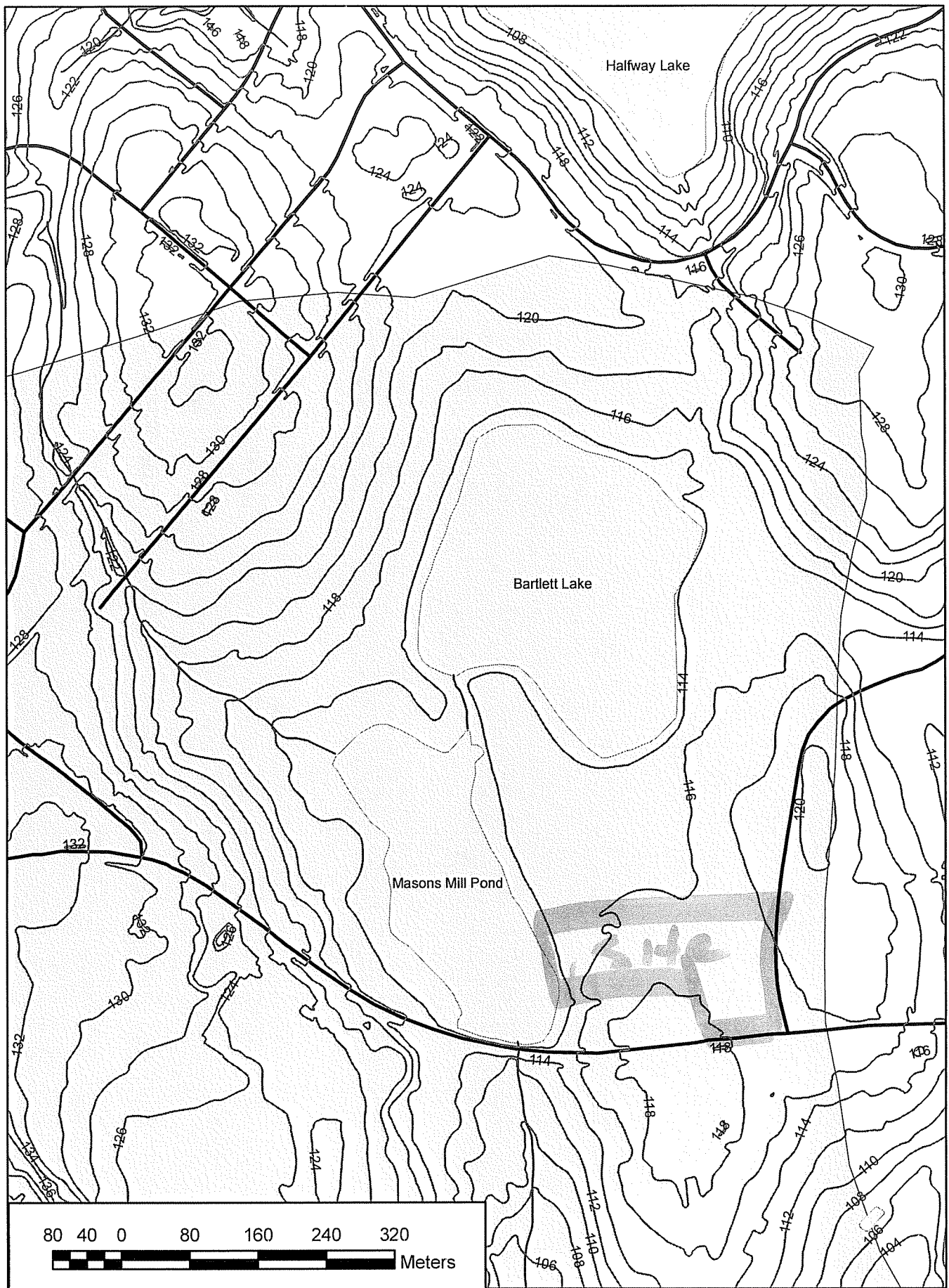
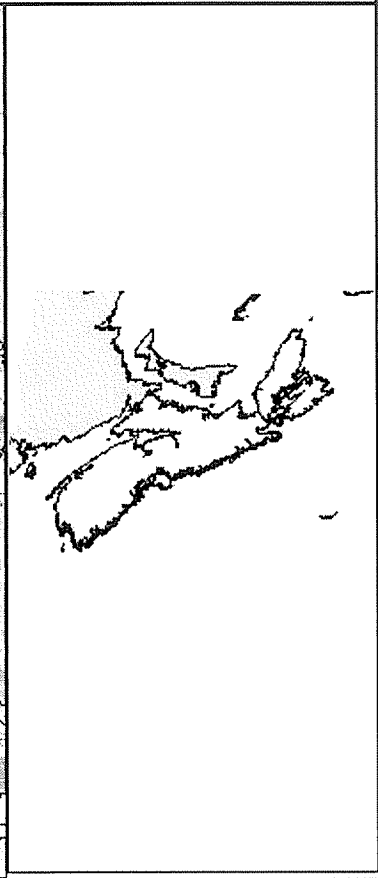
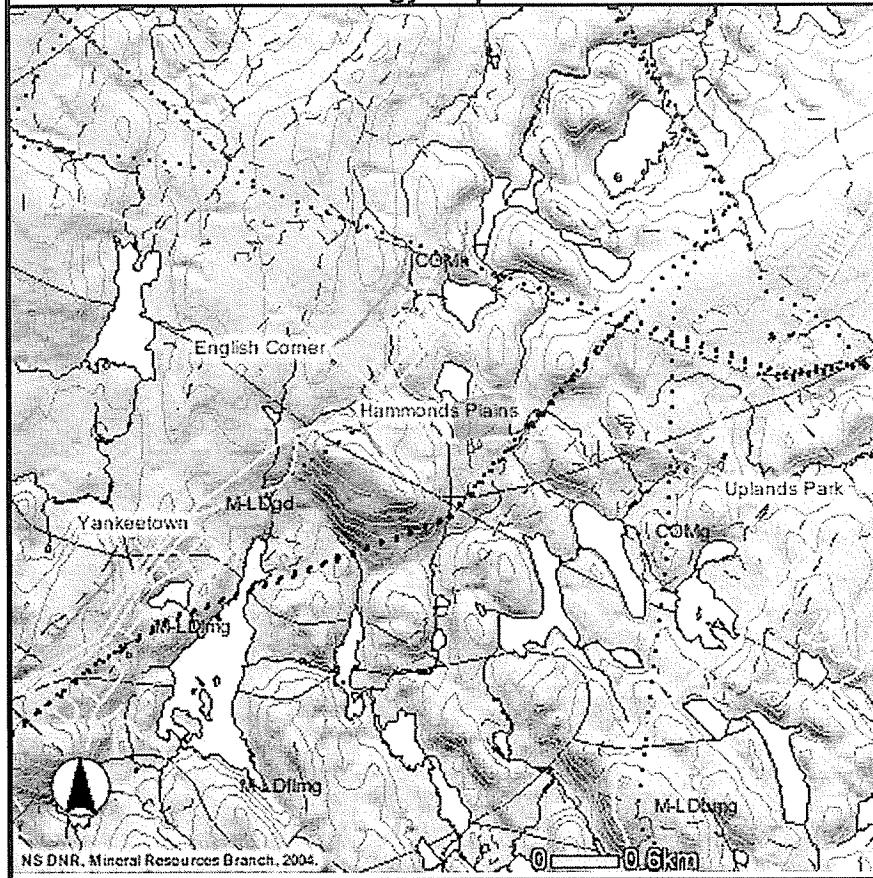


Image © 2008 DigitalGlobe

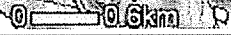


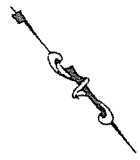


Geology Maps and Databases of Nova Scotia

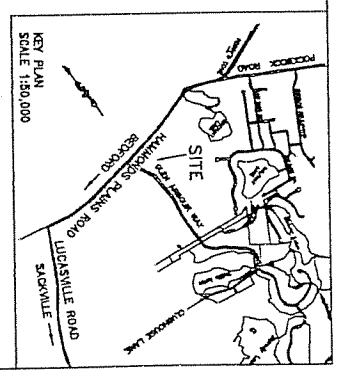
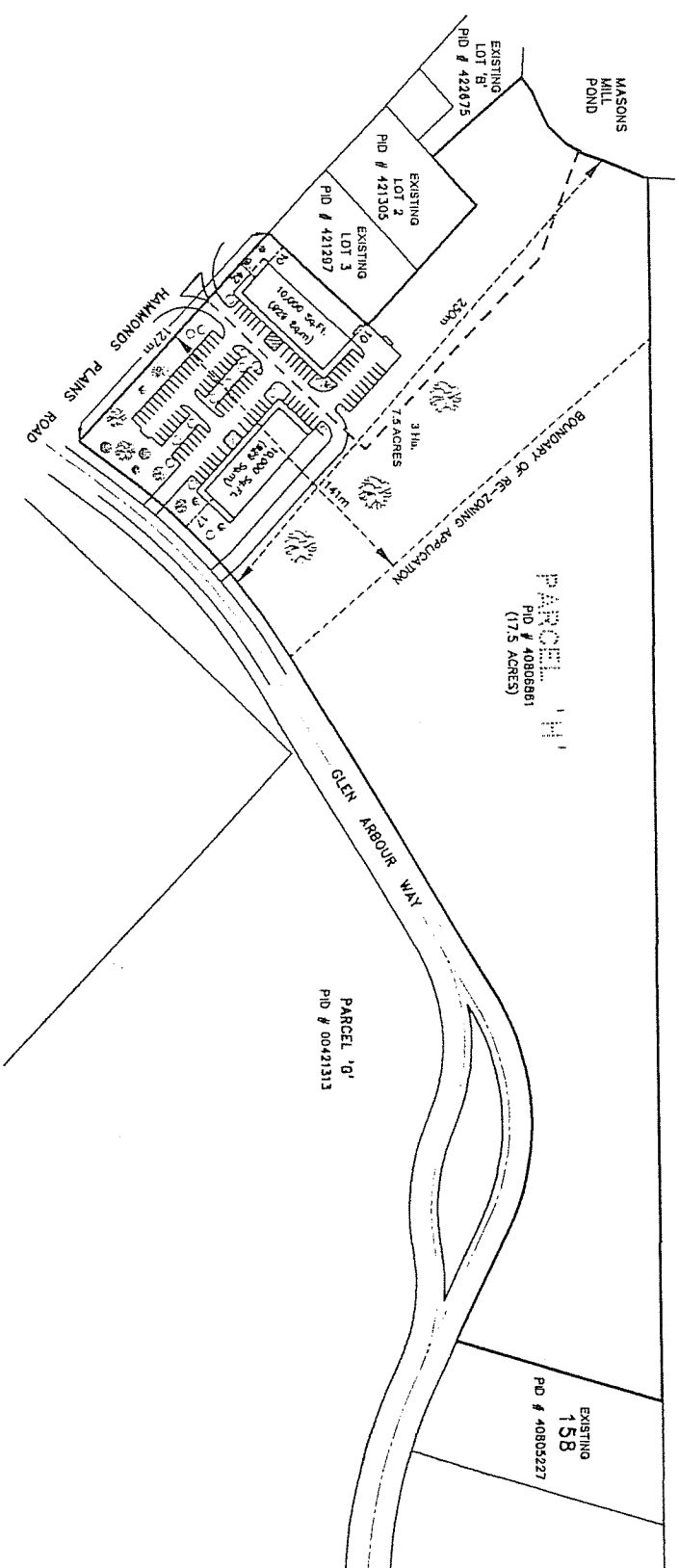


NS DNR, Mineral Resources Branch, 2004.





LANDS OF
DOROTHY E. EVANS
BOOK 3594, PAGE 828
PID # 422352



ANNAPOLIS
GROUP

Bedford, New South

TENTATIVE LOT BOUNDARIES
GLEN ARBOUR WAY, HAMMONDS PLAINS, N.S.

LEGEND:
--- LOT BOUNDARY

112-08-03
JANUARY 30, 2008
1:2000

Glen Arbour Court

Meeting Local Needs

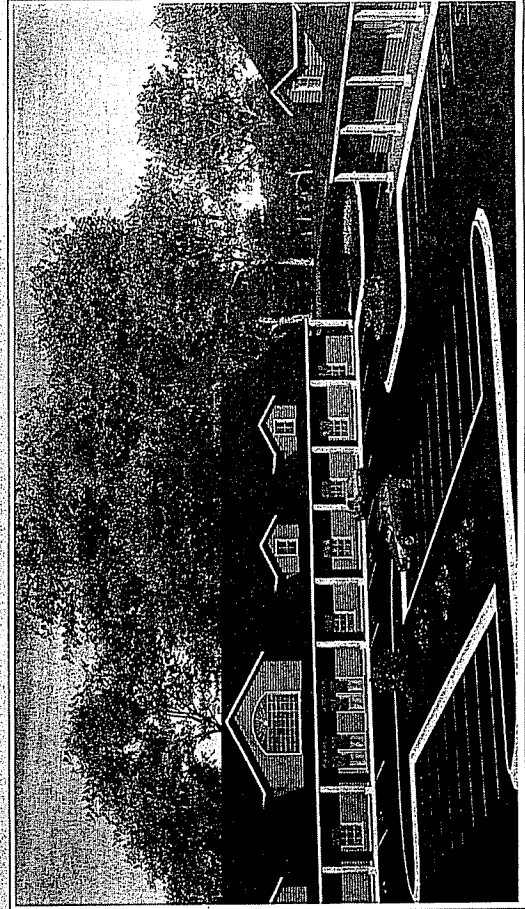


The Need & Opportunity

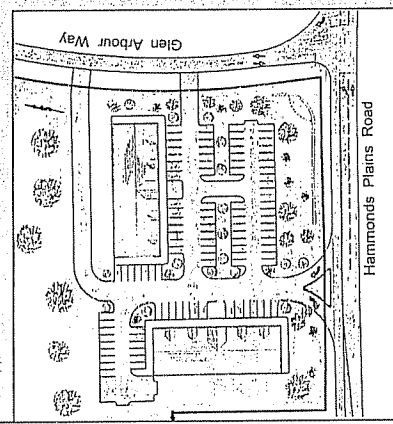
Glen Arbour Court will be located at the entrance to Glen Arbour at Hammonds Plains Road to meet the needs of the local market. At the present time, there is a lack of retail and commercial space around Glen Arbour. Basic day-to-day household needs from grocery purchases to banking require trips to the Head of St. Margaret's Bay, Bedford or other locations in HRM. In 2008, there will be household expenditures of over \$16 million (including \$2 million in food purchases) that cannot be met locally. As local residents travel outside of the community to obtain their goods and services, they contribute to increased traffic congestion on Hammonds Plains Road and the negative environmental impacts resulting from this traffic.

Glen Arbour Court will meet local needs by containing a mix of retail and service businesses in a high quality setting. As the developer of Glen Arbour, it is the intention of Annapolis Group to design and site the buildings, and include other site amenities (landscaping, signage, lighting, etc.), in accordance with a high standard that reflects the image, quality and integrity of other uses in Glen Arbour.

Driveway access to Glen Arbour Court meets HRM's requirements. Also, access to Hammonds Plains Road will be limited to a right in / right out driveway. As illustrated, Glen Arbour Court will contain two buildings of 10,000 square feet that meet the requirements of the Highway Commercial Zone (C-4) under the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-Law. A rezoning from the current Mixed Use Zone (MU-1) to C-4 is required to allow the project to proceed.



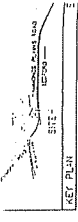
View from Glen Arbour Way



Site Plan of Glen Arbour Court

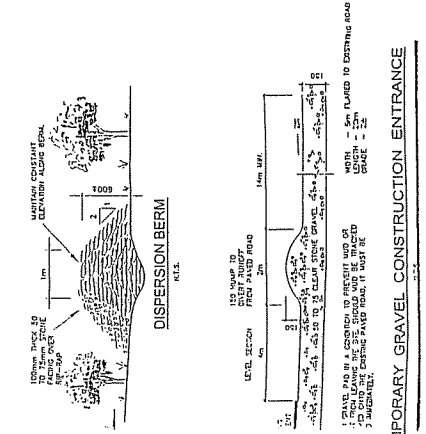
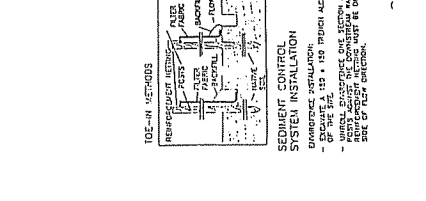
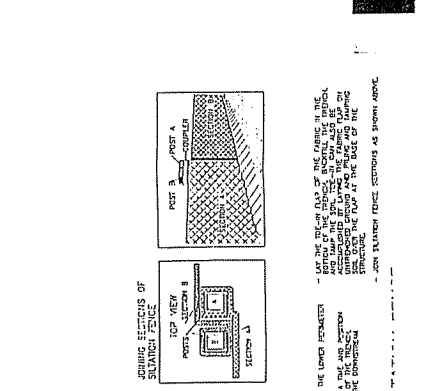
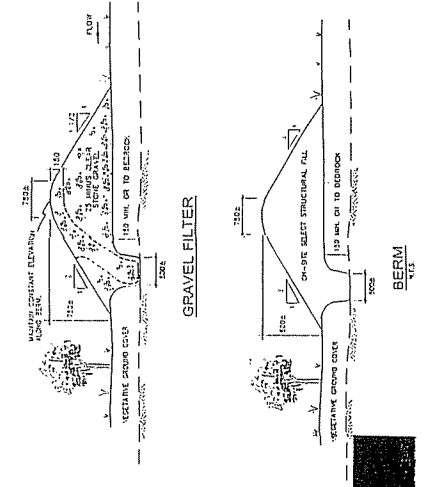
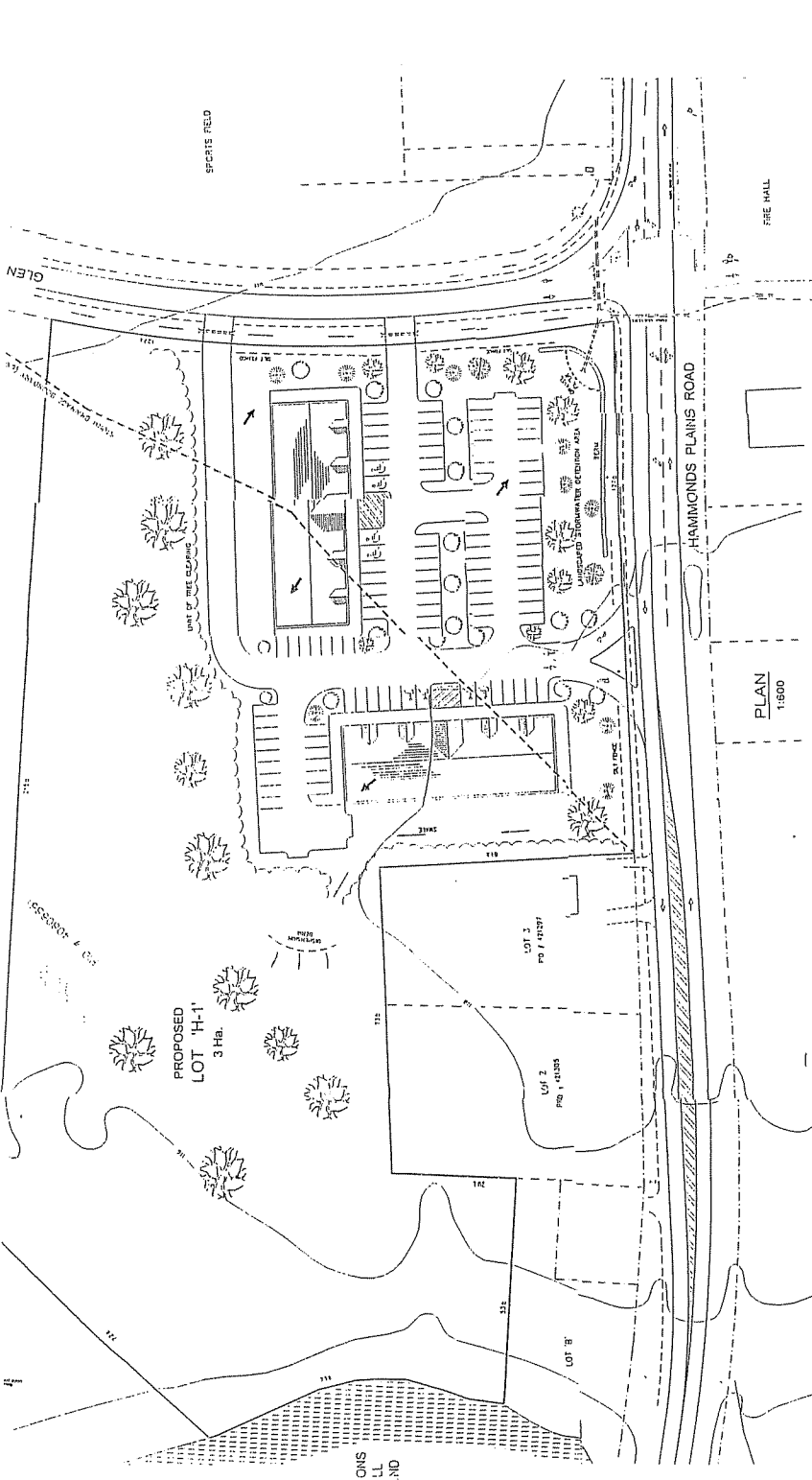
ANNAPOLIS GROUP

Bedford, Nova Scotia



- GENERAL NOTES:**
- A PORTION OF THE PROPERTY (SEE LOT 3 PLAN) IS BEING MAINTAINED AS A SPORTS FIELD AND THE MAINTENANCE SHALL BE THE RESPONSIBILITY OF THE OWNER.
 - DIRECT FLOW TO THE EXISTING SEWERAGE MAIN SHALL BE MAINTAINED TO PREVENT FLOODING AND TO PREVENT EROSION.
 - DIRECT FLOW FROM THE EXISTING DRAINAGE TO THE EXISTING SEWERAGE MAIN SHALL BE MAINTAINED TO PREVENT FLOODING AND TO PREVENT EROSION.
 - ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED TO PREVENT FLOODING AND TO PREVENT EROSION.
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- LEGEND:**
- SOLID FILL
 - PAVE / DICK
 - EXPOSED FLOOR SLAB
 - 2.5 BIT
 - EXISTING GROUND CONT
 - SYMBOL MAPING (
 - FINANCE BOUNDARY
 - EXT. FENCE
 - 2 PERSON BEM



NO. 1	DATE	ISSUED FOR APPROVAL	REVISED / DESCRIPTION
1	JAN-2008	ISSUED FOR APPROVAL	REVISED / DESCRIPTION



CONCEPTUAL STORMWATER MANA
EROSION AND SEDIMENT CONT

"GLEN ARBOUR COURT"
HAMMONDS PLAINS ROAD AT GLEN ARBOUR WAY
DRAWN: M.D.A. DATE: JANUARY 21, 2008
SCALE: 1/8"=1'-0"

SEE PLAN 1:800 FOR DETAILS

SEE PLAN 1:800 FOR DETAILS

SEE PLAN 1:800 FOR DETAILS