

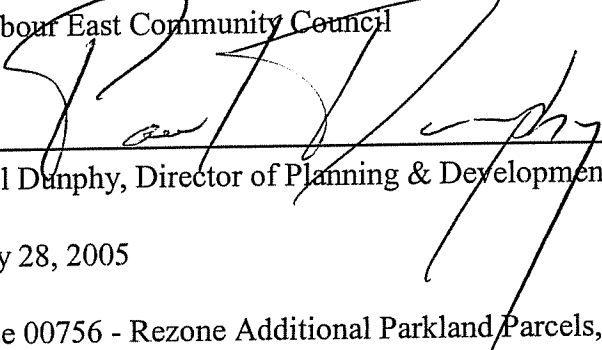
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P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Harbour East Community Council
July 7, 2005

TO: Harbour East Community Council

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

DATE: May 28, 2005

SUBJECT: Case 00756 - Rezone Additional Parkland Parcels, Dartmouth

SUPPLEMENTARY REPORT

ORIGIN

- Request by Councillor McCluskey to rezone two HRM-owned parcels of land in Dartmouth currently zoned R-1 (Single Family Residential Zone), to P (Park).
- Motion of Harbour East Community Council at its meeting of May 5, 2005 that the application to rezone two parcels in Dartmouth as described in a report dated April 14, 2005 be deferred to provide for the inclusion of the parcel of land around Big Albro Lake.

RECOMMENDATION

It is recommended that Harbour East Community Council:

- **Move first reading of the proposed rezonings identified in this supplementary report and the original staff report dated April 14, 2005, and set a public hearing date, and;**
- **Approve the proposed rezonings as shown on Map 1(a) of this supplementary report from H (Holding Zone) to P (Park Zone); and on Map 1 of the April 14th report from R-1 (Single Family Residential Zone) to P (Park Zone).**

BACKGROUND

The subject lands are generally bound by Leaman Drive, Highway 111, John MacNeil School, and Big Albro Lake as shown in Map 1(a) attached to this report. These lands consist of two HRM-owned parcels: PID 00611202 (approximately 8 acres) and PID 00611863 (approximately 8 acres). These lands were likely conveyed to the City of Dartmouth around 1967 by the Department of National Defence for a 'proposed park site' at the same time the adjacent subdivision was proposed.

In consultation with the local Councillor, the Public Information Meeting was waived, however the additional area of property owner notification for the Public Hearing related to these two parcels is illustrated on Map 1(a).

DISCUSSION

Both parcels are currently used as parkland for primarily passive recreational purposes even though they are zoned H. Rezoning to Park (P) would have no effect on current nor anticipated future use.

Both parcels are designated Residential in the Dartmouth Municipal Planning Strategy (MPS), under which parks are permitted. There are no plans to change the use or ownership of these lands, and as such these rezonings can be regarded as housekeeping amendments to ensure zoning accurately reflects current use.

BUDGET IMPLICATIONS:

There are no known budget implications to HRM as a result of the proposed rezoning.

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

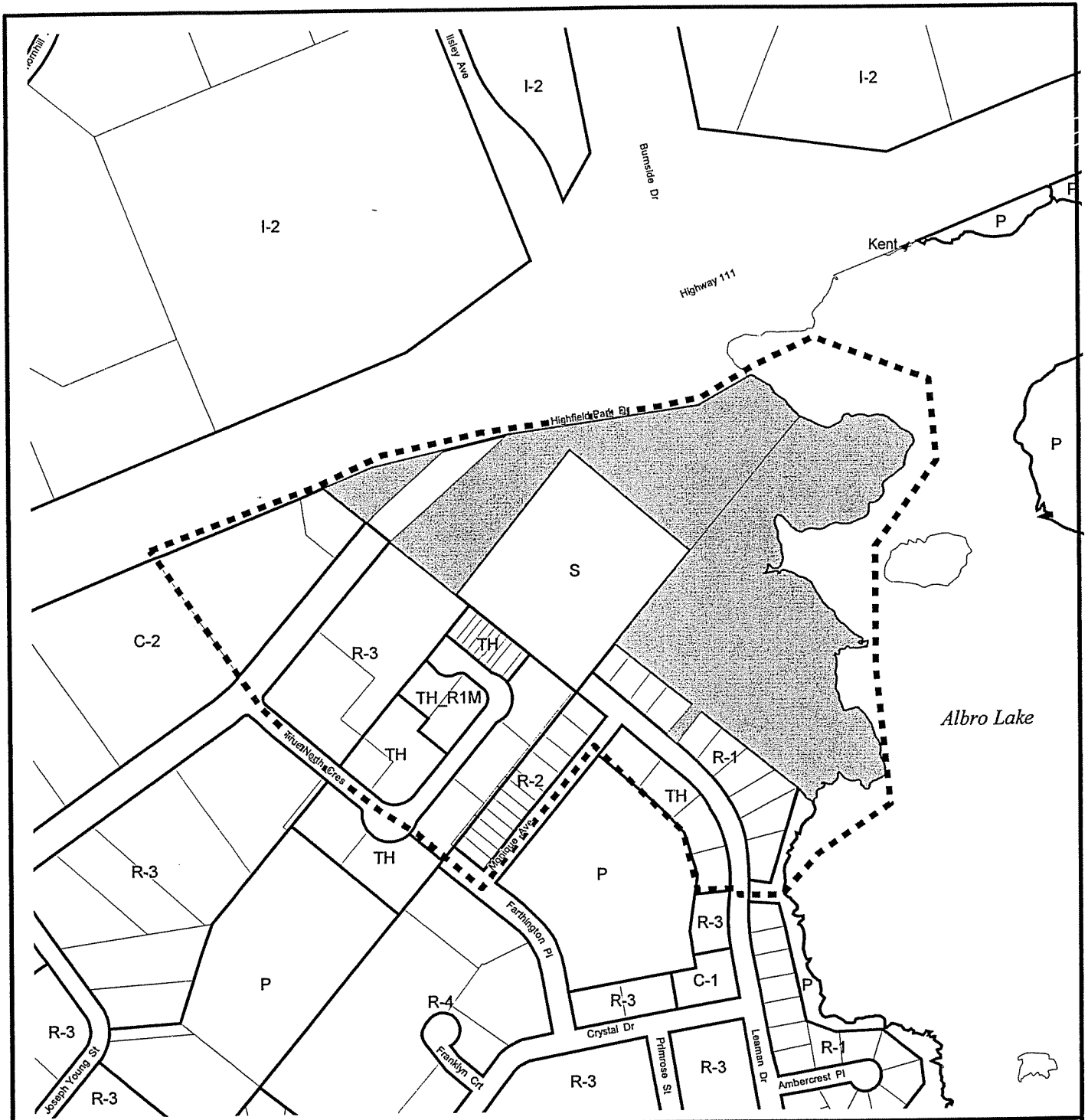
1. Council may move first reading of the proposed rezonings and set a public hearing for August 4, 2005. This is the recommended course of action.
2. Council may choose *not* to initiate the rezoning.

ATTACHMENTS

Map 1(a): Location and Notification Area
Attachment A - Staff report for Case #00756 dated April 14, 2005

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 Hanita Koblents, Planner 490-4181




Map 1a - Location & Zoning


Albro Lake Park Land

Zoning

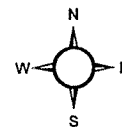
- R-1 Single Family Residential Zone
- R-2 Two Family Residential Zone
- R-3 Multiple Family Residential Zone
- TH Townhouse Zone
- C-1 Local Business Zone

Dartmouth By-Law Area

 Subject site

 Area of notification

- C-2 General Business Zone
- P Park Zone
- S Institutional Zone
- H Holding Zone
- I-2 General Industrial Zone
- R-1m Single Family (Modified) Residential Zone



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This map is an unofficial reproduction of a portion of the View Plane Map for the Halifax Peninsula By-Law Area.

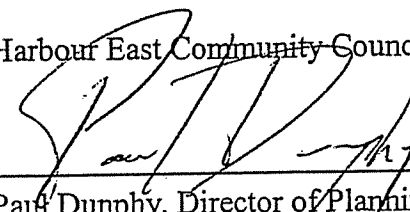
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P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Harbour East Community Council
May 5, 2005

TO: Harbour East Community Council

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

DATE: April 14, 2005

SUBJECT: Case 00756: Rezone Two Parcels in Dartmouth

ORIGIN

Request by Councillor McCluskey to rezone two HRM-owned parcels of land in Dartmouth currently zoned R-1 (Single Family Residential Zone), to P (Park).

RECOMMENDATIONS

It is recommended that Harbour East Community Council:

1. Move first reading of the proposed rezoning and set a public hearing for June 2, 2005, and;
2. Approve the proposed rezoning as shown on Map 1, from R-1 (Single Family Residential Zone) to P (Park).

BACKGROUND

Councilor McCluskey has requested rezoning of two parkland parcels located on Sinclair Street and surrounding Oathill Lake, respectively. The Sinclair Street parcel (PID # 00073924) occupies about 2 acres of land between 29 and 57 Sinclair Street, immediately above another HRM-owned parcel off Prince Albert Road that is already zoned Park. These two parcels are known collectively as Silver's Hill. 1954 plans of subdivision for Wyndholme Investments Ltd. show all these lands as approved for development, however by 1967 records show the Silver's Hill parcels, undeveloped, as property of the City of Dartmouth. The parcels occupy a steep slope overlooking Lake Banook that rises over 20 metres between Prince Albert Road and Sinclair Street. They contain a playground, a path, a wooded area, and a set of hillside bleachers for viewing boat races and fireworks on Lake Banook.

The lands surrounding Oathill Lake (PID # 00376921), about 10 acres in total, came into public ownership as a result of an old policy of the 1978 City of Dartmouth Municipal Development Plan regarding Lake and Stream Protection (pg 44). The former City of Dartmouth had an active acquisition program for lake shore properties directed by policy to acquire "key property adjacent lakes and streams". When the Manor Park subdivision was developed, the City of Dartmouth acquired the lands surrounding Oathill Lake for the purposes of lake protection.

A Public Information Meeting regarding the proposed rezoning was not held, however the area of residents to be notified of the Public Hearing, as well as the parcels to be considered for the rezoning are illustrated on Map #1.

Originally, Councillor McCluskey had requested the rezoning of a third parcel, namely the lands of Graham's Grove Park. It has been confirmed that these lands are already zoned P (Park).

DISCUSSION

Both the Sinclair Street and Oathill Lake parcels are currently used as parkland for recreational purposes even though they are zoned R-1. Rezoning to Park (P) would have no effect on current nor anticipated future use of the parcels as the uses permitted in a P Zone include:

- (a) public parks;
- (b) recreational fields and facilities;
- (c) golf courses;
- (d) cemeteries;
- (e) circuses, sports meets or uses of a similar nature on motion of the City Council for limited periods of time;
- (f) uses accessory to any of the foregoing uses.

Both parcels are designated residential in the Dartmouth Municipal Planning Strategy (MPS), under which parks are permitted. There is no imminent threat to change the use or ownership of these lands. Neither parcel is particularly well suited to any other type of use: the Sinclair parcel is very steep, while the Oathill Lake parcel has virtually no road frontage.

These rezonings can therefore be regarded as housekeeping amendments to ensure zoning accurately reflects current use. Although zoning can theoretically confer an added level of protection to land, in practical terms the land is already protected by virtue of its being held in public ownership.

Although a municipality may “sell property at market value when ... no longer required for the purposes of the municipality” (MGA, section 50 5b), a rigorous assessment precedes any recommendation to dispose of public property in HRM. Requests for disposition are circulated to all HRM business units to ensure there is no municipal need for the property. All dispositions must strictly comply with HRM’s Council approved *Transaction Policy for Real Property Acquisitions and Disposal*. If selling land for less than market value, the municipality must hold a public hearing.

Housekeeping improvements to the Land Use Bylaw need to be done, but are more efficiently carried out during periodic community-wide reviews of the Plan, rather than in a piecemeal fashion as individual shortcomings are brought to light. The latter way uses greater resources in terms of staff, community, and Council time, as well as funds for notification of the public hearing. This is inefficient, and is carried out at the expense of other planning applications. The reason such anomalies exist is because HRM frequently accepts parkland through the subdivision process and it would be inefficient to carry out a rezoning process after the dedication of each parcel. Community plan reviews are expected to be undertaken following the adoption of a Regional Plan.

BUDGET IMPLICATIONS:

If Council chooses to proceed with the rezoning, approximately \$1500 in advertising fees should be anticipated to be borne by the Municipality.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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ALTERNATIVES

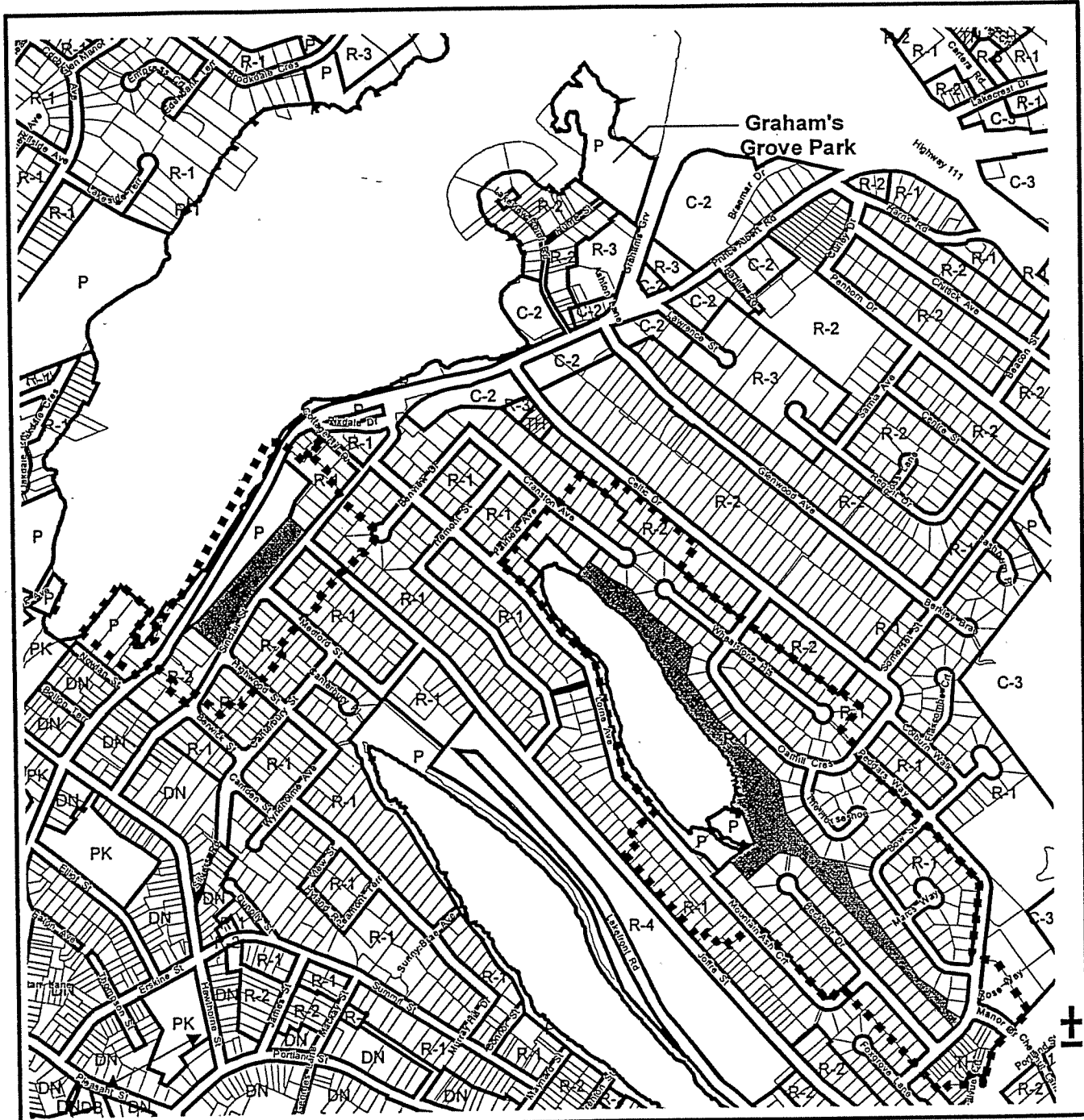
1. Council may move first reading of the proposed rezoning and set a public hearing date for June 2, 2005. This is the recommended course of action.
2. Council may choose *not* to initiate the rezoning. Council may defer this rezoning until a Community wide planning process is initiated that will result in a comprehensive review of all lands in the plan area.

ATTACHMENTS

Map 1: Silver’s Hill and Oathill Lake Park

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: Hanita Koblents, Planner, 490-4181




Map 1 - Location & Zoning

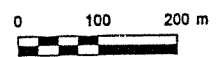
Oat Hill Lake & Sinclair St. Parkland

Dartmouth By-Law Area

 Subject site

 Area of notification

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