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Harbour East Community Council
June 14, 2007

TO: Harbour East Community Council

SUBMITTED BY: Sharon Bond
Sharon Bond, Acting Director of Community Development

DATE: May 30, 2007

SUBJECT: Case #01016 - Broom Road Rezoning (Titans Gym)

ORIGIN

Application by Connor Architects and Planners to rezone two parcels of land on Broom Road, opposite Giberson Drive, in Forest Hills, from R-1/ PUD (Single Unit Dwelling/ Planned Unit Development) to P-2 (Community Facility) to allow for a gymnastics club.

RECOMMENDATION

It is recommended that **Harbour East Community Council:**

1. Give First Reading to the proposed rezoning as shown on Map 1 and schedule a public hearing;
2. Approve the rezoning of the subject parcels of land as shown on Map #1 from R-1 (Single Unit Residential)/ PUD (Planned Unit Development) to P-2 (Community Facility) to permit a gymnastics facility.

BACKGROUND

Policy and Zoning:

The subject parcels of land are within the Urban Residential Designation of the Cole Harbour/Westphal Municipal Planning Strategy (MPS) and consist of one vacant parcel zoned R-1 (Single Unit Dwelling) and a portion of another vacant parcel which is owned by the Province and zoned "PUD" (Map #1). The "PUD" or "*planned unit development*" refers to an agreement with the Province which created a master plan controlling development of much of Forest Hills. When the PUD was first approved in 1976, the affected parcel was originally designated as open space, however the parcel was redesignated to allow single unit and semi-detached dwellings when the PUD was amended in 1983.

Area Overview

As shown on Map #1, most of the properties fronting Main Street (Highway #7) in this area are zoned C-4 (Highway Commercial) and contain a number of highway commercial uses. However the rear section of the commercial property at the south west corner of Broom Road and Main Street (formerly known as Hemming's Building Supply Centre) is zoned residential, but is subject to a development agreement to allow for commercial uses. Behind these commercial uses, and to the west, south, and east of the subject area, the uses consist primarily of single unit residential development. Titans Gymnastics Club currently leases approximately 8,000 square feet (+/-750 m²) of space immediately adjacent to their proposed new location, in the aforementioned commercial building located at the south west corner of Broom Road at Main Street.

The Proposal

Titans proposes to construct a new, purpose-built, 16,500 square foot (+/-1500m²) gymnastics club. The facility will contain some associated office space, change rooms, kitchen/ canteen, meeting rooms, community purpose rooms, a raised viewing area (for events), recessed trampoline pits, and a parking area. Titans Gymnastics Club has agreements in place to purchase the two parcels of land, and would consolidate them prior to building their facility, should this application be approved.

DISCUSSION

Policy UR-14 of the MPS establishes the P-2 (Community Facility) Zone which allows recreational uses such as those proposed by Titans (Attachment A). While no land has been pre-zoned "P-2" in the plan area, the MPS provides that the P-2 zone may be considered by rezoning, in accordance with policy IM-11 (Attachment B).

Compatibility and Consistency with Adjacent Uses

A community facility such as the proposed athletic centre can be considered to be a good 'buffer' use between the highway commercial strip along Main Street and the residential community to the south. The property does not abut any existing residential uses, but the remaining lands of the surrounding PUD are designated for residential development.

The P-2 zone (Attachment A) contains requirements for development within the zone (i.e. building height, setbacks, lot coverage, parking, etc) in order to minimize land use conflicts with adjacent uses. The proposal put forward by Titans is capable of meeting the requirements of the P-2 zone and other applicable Land Use By-law requirements.

Adequacy of Services

When considering any zoning changes in this area of HRM, Council must be concerned with not placing additional burden on the Eastern Passage Sewage Treatment Plant, due to capacity issues. The applicant was required to provide confirmation from a professional engineering firm that the proposed zoning change would not result in additional flow to the plant as compared with the as-of-right zoning. This was done, and deemed acceptable by HRM staff. The Halifax Regional Water Commission also confirmed that water services in the area are adequate to support the proposed rezoning.

Adequacy of Road Networks, Traffic Impact

As part of the application for planning approval, the applicant retained the services of a professional traffic engineer to evaluate the impacts of their proposal on nearby intersections. Given that Titans' existing facility is located on Broom Road just north of their proposed new site, traffic patterns are not anticipated to change significantly. The traffic study did account for the re-release of their existing location and a signal warrant analysis for the Main Street/ Broom Road intersection was carried out. The intersection scored only 44 points out of one hundred points required to warrant signals.

With regards to pedestrian infrastructure, there are no sidewalks on Broom Road now. While Titans has a large membership, they also come from a large catchment area, and many are dropped off at the gym by car. However, sidewalks may be desirable to connect to transit facilities on Main Street and should the community desire their installation, they can petition for sidewalks to be considered. HRM would then recoup the costs through application of an area rate or a local improvement charge.

The site is within 500 metres walking distance of transit service with two routes on the No. 7 Highway. Metro Transit has confirmed that there are no plans to increase the level of service at this time, however the proposed development should have little impact on passenger capacity.

Discharge of the Planned Unit Development (PUD)

The PUD zone references an agreement between the former Halifax County and the Province which is not registered to the deed of the parcel of land currently owned by the Province. The Province has given consent to Titans to make application on their behalf to remove the lands from the PUD in order for HRM to consider applying the P-2 Zone.

Public Participation/Notification

A public information meeting was held on May 9, 2007 and minutes of that meeting may be found in Attachment C. Residents in attendance were generally supportive of the proposal, however some expressed their wishes for traffic signals at the intersection of Main Street with Broom Road. As

discussed previously, a Traffic Impact Analysis carried out in support of this proposal demonstrated that signals are not warranted at this time.

Should Council decide to hold a public hearing, property owners affected by the rezoning, as shown on Map 1 will be notified by direct mail and advertisements will be placed in the newspaper in accordance with requirements of the *Municipal Government Act*.

BUDGET IMPLICATIONS

None

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 choose to approve the rezoning. This is the recommended course of action.
2. Council may choose to refuse the rezoning. This is not recommended, because the proposal reasonably carries out the intent of the Municipal Planning Strategy.

ATTACHMENTS

Map 1:	Location, Zoning and Notification Area
Attachment A:	Excerpt from Cole Harbour/Westphal Land Use By-Law
Attachment B:	Relevant Policies of the Cole Harbour/Westphal MPS
Attachment C:	Public Information Meeting Minutes

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 : Hanita Koblents, Planner 490-4181



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

Attachment A: Excerpt from Cole Harbour/Westphal Land Use By-Law

PART 21: P-2 (COMMUNITY FACILITY) ZONE

21.1 P-2 USES PERMITTED

No development permit shall be issued in any P-2 (Community Facility) Zone except for the following:

Institutional Uses

- Educational institutions and uses;
- Denominational institutions and uses;
- Day care facilities;
- A single dwelling unit in conjunction with a denominational institution or day care facility;
- Fire and police stations;
- Government offices and public works;
- Hospitals and medical clinics;
- Public libraries, museums and galleries;
- Community centres and halls;
- Recreation uses;

Funeral establishments in conjunction with a cemetery (CHWEPCBCC - Aug19/96, E - Sept15/96)

Open Space Uses

- Public and private parks and playgrounds;
- Cemeteries;
- Historic sites and monuments.

21.2 P-2 ZONE REQUIREMENTS: INSTITUTIONAL USES

In any P-2 Zone, where uses are permitted as Institutional Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	central services	10,000 ft ² (929.0 m ²)
	on-site services	20,000 ft ² (1858.1 m ²)
Minimum Frontage:		100 feet (30.5 m)
Minimum Front or Flankage Yard		30 feet (9.1 m)
Minimum Rear or Side Yard		1/2 the height of the main building
Maximum Lot Coverage		50 percent



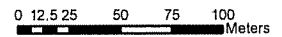
Map1
Zoning & Location Map

Case 01016
 Broom Road



Legend

- | | |
|-----------------------------|--------------------------------|
| C-4 (Highway Commercial) | PUD (Planned Unit Development) |
| R-1A (Single Unit Dwelling) | Notification Area |
| R-1 (Single Unit Dwelling) | Subject Property |
| R-2 (Two Unit Dwelling) | |
| R-7 (Rural Estate) | |



This map is an unofficial reproduction of a portion of the Zoning Map for the Cole Harbour / Westphal LUB area

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

Attachment B: Relevant Policy of the Cole Harbour/Westphal Municipal Planning Strategy

UR-14 Notwithstanding Policies UR-2 and RR-2, within the Urban Residential and Rural Residential Designations, it shall be the intention of Council to establish a community facility zone which permits a variety of community related uses such as schools, churches, hospitals, government offices, community centres and recreation uses. Council may consider permitting new community facility uses by amendment to the land use by-law and with regard to the provisions of Policy IM-11

IM-11 In considering amendments to the land use by-law or development agreements, in addition to all other criteria as set out in various policies of this planning strategy, Cole Harbour/Westphal Community Council shall have appropriate regard to the following matters:

- (a) that the proposal is in conformity with the intent of this planning strategy 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 sewer and water services;
 - (iii) the adequacy or proximity of school, recreation and other community facilities;
 - (iv) the adequacy of road networks leading or adjacent to or within the development;
 - (v) the potential for damage to or 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 steepness of grades, soil and geological conditions, locations of watercourses, potable water supplies, marshes or bogs and susceptibility to flooding; and
- (e) any other relevant matter of planning concern.
- (f) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", 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.

**Attachment C: Public Information Meeting Minutes
PUBLIC INFORMATION MEETING
Case 01016 -Titans Gymnastics Club**

DATE: May 9, 2007, 7:00 p.m.

LOCATION: Auburn High School

ATTENDANCE: Hanita Koblents, Planner, Community Development
Kenda Mackenzie, Engineer, Community Development
Raylene MacLellan, Administrative Support, Community Development
Councillor Hendsbee
Councillor McInroy

ALSO PRESENT: Peter Connor, Connor Architects & Planners

**PUBLIC IN
ATTENDANCE:** Approximately 46

The meeting commenced at approximately 7:00 p.m.

Hanita Koblents welcomed everyone to the meeting and thanked them for attending. She introduced herself as the planner assigned to the file and Raylene Maclellan who was recording minutes of the meeting. She introduced Councillor's Hendsbee and MacInroy, Kenda Mackenzie (HRM Development Engineer) and Titans Gymnastics Club Consultants, Peter Connor, Connor Architects.

Ms. Koblents explained that the purpose of the meeting was to discuss the application made by Titans Gym for a rezoning from R-1/PUD to P-2 to allow a gymnastics club on Broom Road, opposite Giberson Drive. She explained the reason behind a public information meeting (PIM) is to listen to what the public has to say about the application. She asked anyone who has any questions to wait until after she and the applicant gave a brief presentation and to please state their name and address before they asked their questions for the record.

Ms. Koblents explained that she would discuss the planning process and the steps that will follow the meeting. Then she would turn it over to the applicant to describe their proposal.

Ms. Koblents presented a slide of Main Street, Hwy 7, the existing Titans location, and where the Developer proposes to build the new facility in the PUD/R-1 zone. The R-1 zone permits single unit dwellings, home businesses, daycare facilities, and open space uses. The PUD permits single family and semi detached homes. Titans has requested a change to the P-2 (Community Facility) zone, which would permit the proposed use plus a number of other uses as indicated by a slide.

Ms. Koblents explained that the P-2 zone has standards that the applicant will have to meet. For instance minimum lot size, minimum frontage, side, rear and front yards and the amount of lot

coverage for the amount of space the building can take up on the site. There are also general requirements for parking, signage, and setbacks to watercourses.

Ms. Koblents provided an overview of the planning process. The process always begins with an application. A Planner is assigned to the file and co-ordinates a technical review of the proposal to ensure the site is suitable for the proposed zone. A public information meeting is held in the community to get feedback from local residents. The minutes of this meeting will be attached to a staff report prepared by the Planner with a recommendation that will be presented to Council to either approve or refuse the rezoning. This report goes to Harbour East Community Council (rezonings are considered community level issues so they would not be presented to Regional Council). After the report is presented to Harbour East Community Council for the first time, notices will be mailed out to the residents in the abutting area advising that there will be a public hearing, and two advertisements will be placed in the Chronicle Herald for two consecutive Saturdays before the public hearing. At the public hearing residents will have the ability to speak directly before Council makes a decision. After Council's decision, there is a 14 day appeal period during which the decision of Council can be appealed to the Nova Scotia Utility and Review Board (NSUARB). If not appealed, then the applicant can go ahead and apply for the development and construction permit to carry out their project.

Ms. Koblents also explained evaluation criteria from the Municipal Planning Strategy (MPS) that Council uses to evaluate the proposal e.g. financial impact on the municipality, road impact, traffic impact, impact on historic buildings etc. Ms. Koblents then invited the applicant to provide an overview of their proposal.

Peter Connor of Connor Architects and Planner explained that he was a consultant who had been retained by Titans to help them through the planning process. He stated they have already completed a pre-application to look at the proposal at high level before applying for a formal rezoning. He explained that the P-2 zone would allow Titans to construct a new facility which could act as a "buffer use" between the established residential community and commercial uses along Main Street, Highway # 7. They examined servicing issues such as water, sewer and traffic, and concluded the property can be adequately serviced. They have decided to position the proposed facility on the site of the old gravel pit. The building site is quite low and will be buffered from the street and properties behind with vegetation. The parking lot and driveway will be in the same location where there is a gravelled area today. Water and storm sewer is going to be taken out to Broom Road, and the sanitary servicing will be from behind. The site itself is 2.75 acres, 3/4 of an acre will be purchased from the Hemming side and 2 acres from the Provincial Government. The building is metal clad in the back, with site coverage of 15% (the zone allows for 50%) 75 parking spaces are proposed (the zone requires a minimum of 45). The building will include multi-purpose rooms, offices, change rooms, equipment storage rooms, lobby, washrooms, exercise room, lunch room, and there are two community rooms.

Byron Topp, 14 Jan Marie Drive, Lawrencetown, introduced himself as the President of Titans and has served for four years on the board, as an unpaid volunteer. Titans is a non profit, parent- run community organization, with about 1200 members, and has been around since 1968. Titans has

occupied a number of different locations throughout Dartmouth. Over the last 5 to 6 years it has been the vision of the organization to find a home base. Through the process they have had an exhaustive search for years to find something that would work. This proposal shows the result of the search and a considerable amount of effort by a dedicated team of parent volunteers. This project can benefit the whole community.

Doug Eisnor, of 36 Hannebury Drive, Dartmouth stated that he is a parent, and volunteer Building Chair with Titans. He grew up in Dartmouth, and wants the community to thrive and the children to have the opportunity that they did not. There are not a lot of community facilities in Dartmouth. He described factors contributing to their selection of this site. Affordability (they have a purchase agreement with Hemmings and the Province). Central location for clientele? Yes, this is a thriving location, and Titans' membership has tripled since moving next door at Hemmings. Fit with the HRM plan for the area? Yes, after meeting with HRM Planning Staff several times, they were encouraged by the number of ways the facility may fit in with their Strategy Plan. Is there a problem with traffic conditions? No, Titans engaged the services of a traffic consultant to carry out an in-depth traffic study and it concludes that the proposed facility is not expected to have any noticeable impact on the traffic volume or levels of service on Broom Road and MacLaughlin Road. The main reason for this, is that they have been in the this area already for over three years so nothing is going to change in traffic flow. Can the site be serviced for water and sewer? Yes, water is already piped along Broom Road and the building must be serviced through HRM for sanitary (cannot have a stand alone septic system). Are there any environmental concerns? No, Titans' hired Jacques Whitford who took samples on the be site to make sure that the water is not contaminated, and there are no wetlands issues. This will be a community-based facility for children in a park-like setting. Our intention is to have a treed area that extends around the building. The building is sunk in the ground slightly, trees behind it will grow over and shadow the building because the elevation is so high. If anyone has any concerns, Mr. Eisenor stated he could be reached by phone or by email.

Olivia Ferguson-Losier, 3 Applewood Lane Dartmouth introduced herself as a national level gymnast at Titans, where she has had an amazing experience. At Titans children learn about control, social skills, and focus and it will be pretty amazing to have a home for Titans.

Sandy Norman, 110 Auburn Drive, Dartmouth expressed that over the last 20 years she has had three of her children go through Titans, and even though her children are not in Titans at the moment, she is very interested in Titans finding a new home for their facility. They need a permanent place that the children can count on being clean and well maintained.

Heather Decker, 22 Odell Drive, Dartmouth expressed that Titans has a very good proposal. It will be close to her backyard. As long as there is a buffer zone in place. Her only concern is the traffic problem on Broom Road heading onto Highway # 7 and she feels traffic lights should be installed.

Kenda MacKenzie, Development Engineer with HRM stated that she is aware that there are a lot of traffic concerns at the intersection of Broom Road and Main Street. Ms. MacKenzie explained when HRM is analysing an intersection, they are looking at the traffic volumes going through all

four lanes of the intersection. They look at the pedestrian count, accident history in the area and there is an actual scale that is used and to get a set of traffic lights you must have 100 points. The traffic analysis that was completed for Titans indicated that today there are 40 points and if you put a set of lights where it is not warranted, traffic gets slowed down too much on Main Street. The Traffic Analysis also considered that because Titans is there today, the traffic that is going to be generated from the same site is simply going to shift down the road a bit, still using the main intersection. When they did the analysis, they also allowed for a release of the 8,000 square feet that Titans is currently using so they added in more potential traffic that could be going into that intersection as well. Adding that in bumped the warrants up to 44 points, so its still not enough to warrant a set of lights. However with the Main Street widening project that is currently going on, one of the next phases of the project is that there are going to be left turn holding lanes put at this intersection and they are going to revisit the signal warrants to see whether or not they are getting closer to the 100 points and whether they should be incorporated into that capital project. Hopefully this explanation addresses some of the traffic concerns for the area.

Ralph Bescheroff, 10 Sharon's Place, Westphal stated that he has lived in that neighbourhood for 26 years watched the traffic build up. He questioned how HRM did the traffic studies and that it looked like they did not count all cars and they only counted in the summer when there are less cars.

Ms. MacKenzie explained how traffic counts are conducted: the tubes across the road during the summer months are counting the vehicles that go across (to give a volume count) and if you see two tubes close together it is usually a speed study that is going on. The tires have to hit the tubes at a right angle or it will give an inaccurate reading. This is why they are not placed at the intersection, but a little farther back. In addition to the tubes, manual counts were done in November and December of 2005 (school year), and again in June and July 2006 (off peak) of the turning movements from 7-9 a.m. in the morning and again from 4-6 p.m. These are the peak periods and people are physically counting every car that goes straight through on Main Street, Broom Road through MacLaughlan and all of the left and right turns. Those cars were counted and numbers included in the analysis.

Peter Connor stated that traffic is one of the biggest issues, and their plan is not to create more traffic congestion.

Paula Dube, 26 Giberson Drive, Dartmouth, inquired about the parking sign. Will there be parking on the road?

A Titans representative responded that they did have signs to keep parking off the road, but with their new facility they will have a large parking lot.

Ralph Bescheroff expressed his concern about tires squeeling out of the existing facility after 10 pm.

Byron Topp suggested the time of day indicates who is responsible for the squeeling tires and he will have a word with them.

Ms. Koblents asked Ms. MacKenzie if there are issues with on-street parking, is there some one that people can call?

Ms. MacKenzie replied that Karen McQuarrie is the person responsible for the Dartmouth area. If there are concerns with parking on the street, and the signs are not there Karen will evaluate the situation. They have criteria and they will investigate whether or not the request is valid and have the signs installed. After the signs are installed, it becomes an enforcement issue with the police. Someone will have to take the initiative to call the police and ask them to enforce the situation, if people are ignoring the signs.

Ms. Koblents thanked Kenda for her reply, and asked if there for any other comments or concerns?

Councillor Hendsbee reminded everyone to sign in, and return the clipboard to the Planner.

Paula Dube inquired, when will the next traffic study be done for the Main Street project?

Ms. MacKenzie explained that she will take the resident's contact information and get back to her as Traffic Services has a number of intersections that they monitor on a regular basis annually.

Councillor Harry McInroy, 151 Bissett Road, Cole Harbour stated that he and Councillor Hendsbee are going to be pushing for the next phase of the improvement to Main Street which would be widening the Main street, traffic signals, or turning lanes. There are intersections in a lot of locations that could use lights, but there are certain criteria that need to be met. The plans are to keep going with this as development and or traffic increases. Mr. McInroy commented that this is a great project for the children.

Trina Robinson, 1 Trina Court, Dartmouth, stated that she is concerned about septic fields.

Mr. Connor explained the project would be serviced by the municipality and there will be no septic system.

Meeting adjourned at approximately 6:55 p.m.