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8.1.1

**Marine Drive, Valley and Canal Community Council**  
**February 21, 2007**

**TO:** Marine Drive, Valley and Canal Community Council

**SUBMITTED BY:**

  
Paul Dunphy, Director of Community Development

**DATE:** February 7, 2007

**SUBJECT:** Case 00958 - Rezoning - 550 Beaver Bank Road

**ORIGIN**

An application by Terrain Group Ltd., on behalf of Ally Developments Inc., to rezone 550 Beaver Bank Road from R-6 (Rural Residential) Zone to R-1 (Single Unit Dwelling) Zone to create a twenty single unit dwelling lot subdivision.

**RECOMMENDATION**

It is recommended that Marine Drive, Valley and Canal Community Council:

- (a) Give First Reading to the proposed rezoning of 550 Beaver Bank Road from R-6 (Rural Residential) Zone to R-1 (Single Family Dwelling) Zone and schedule a public hearing.
- (b) Approve the rezoning of 550 Beaver Bank Road from R-6 (Rural Residential) Zone to R-1 (Single Family Dwelling) Zone as illustrated in Attachment E.

## **BACKGROUND**

The subject property is 550 Beaver Bank Road and is described as follows:

- a 4 acre (1.6 hectare) piece of land located off the Beaver Bank Road in the community of Beaver Bank;
- located within the service boundary for water and sewer (*Map 2*);
- designated MU-A (Mixed Use A) under the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS). This designation was applied in areas of the community that were undergoing a shift from a traditional resource based economy to rural and suburban residential development (*Map 1*);
- zoned R-6 (Rural Residential) Zone (*Map 2*) under the Beaver Bank, Hammonds Plains and Upper Sackville Land Use Bylaw (LUB). The R-6 Zone was established to encourage single and two unit dwellings in developed and undeveloped areas where rural residential development is desired (*Map 2*); and
- the applicant received tentative subdivision approval, dated June 26, 2006, to create twelve lots with two unit dwellings (for a total of twenty-four units) under the LUB and the former Halifax County Subdivision Bylaw.

**Proposal:** The applicant is proposing to create twenty single unit dwelling lots which would require a rezoning to the R-1 (Single Unit Dwelling) Zone. The R-1 Zone permits serviced lots with a minimum lot area of 6,000 ft<sup>2</sup> (557 m<sup>2</sup>) and 60 ft (18.3m) of road frontage which would enable the owner to increase the number of lots from 12 to 20.

**Enabling Policy:** The rezoning request can be considered within the Mixed Use A Designation in accordance with Policy P-15. Policy P-15 enables the consideration of a rezoning from R-6 lots to the R-1 subject to the provisions provided in Attachment A.

## **DISCUSSION**

The following is an evaluation of the proposed rezoning in relation to applicable policies of the MPS (*refer to Attachment A*).

### **Policy Intent:**

The Mixed Use A designation was applied to areas of the community that were undergoing a shift from a traditional resource based economy to rural and suburban residential development. The MPS further supports the transition to a more “suburban” form of development with Policy P-15 which enables a rezoning from R-6 to the R-1 (see Attachment A). The proposal meets the provisions of Policy P-15 as follows:

- the proposal is for twenty lots as shown on an approved tentative plan of subdivision.
- the property is adjacent to an existing R-1 (Single Unit Dwelling) Zone,
- surrounding properties are zoned for residential uses, therefore this project will not effect commercial and industrial developments, and
- the provisions of Implementation Policy P-137 are met.

**Other Related Issues:**

**Reduced Density:** The proposal is for less density than was approved under the tentative plan of subdivision. The R-1 Zone reduces the lot area and frontage requirements for single unit dwellings but it does not permit two unit dwellings. This would result in a greater number of lots (twenty vs. twelve) with a lower unit count (twenty vs. twenty-four) than approved through the as-of-right subdivision. (*refer to Map 4 and 5*).

**Adequate Municipal Services:** The subject property is within the municipal service boundary for Beaver Bank. In terms of calculating sewer capacity at the Mill Cove Treatment Plant, this area has received a residential sewer allocation and is serviceable. The proposal is an actual reduction in the number of units from 24 to 20 thereby ensuring no negative impact on the existing municipal system. Further, there is adequate municipal water for this area.

**Traffic and Access:** Concerns were expressed at the Public Information Meeting about problems with access/egress of the site due to embankment near the entrance. HRM Engineering has required that the developer build a retaining wall on Beaver Bank Road to ensure stopping site distances requirements are met. This was a condition placed on final approval of the subdivision. The same condition would apply for subdivision approval of this proposal.

Concerns were expressed at the PIM with the existing traffic volumes along the Beaver Bank Road. The anticipated traffic volume of this development is relatively small and would be less than the volumes anticipated from the approved subdivision.

**Stormwater and Drainage:** The impact of the proposed development on adjacent lands would be addressed through the subdivision process. Prior to final approval an Erosion & Sedimentation Control Plan and a Storm Management Plan would be required. Further, to address a concern raised at the PIM, any discharge of stormwater on adjacent lands would require a letter of permission.

**Use of Parkland Funds:** At time of final subdivision approval, HRM is entitled to a parkland dedication. HRM Real Property Planning indicated at the time of the tentative subdivision that neighbourhood park requirements would be better fulfilled in another location and requested a cash-in-lieu donation. It is unlikely that this rationale would change at the time of subdivision approval for this proposal.

**Public Information Meeting:** A Public Information Meeting was held on November 20, 2006. Approximately 14 members of the public were in attendance. The issues raised by the public will be addressed under this section of this report. Minutes of the meeting are provided as Attachment D. Should Community Council decide to proceed with a public hearing on this application, in

addition to published newspaper advertisements, property owners in the immediate area will be individually notified as shown on Map 3. This is the notification area which was also utilized for the Public Information Meeting.

**Conclusion:** The proposed rezoning to R-1 (Single Unit Dwelling) Zone reasonably satisfies the applicable policies of the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS) (Attachment A). The proposed development is a logical step in the transition to a more suburban environment. In addition the proposal is favourable as it has a reduced impact on the community due to its lower density than approved under the existing zoning. Staff could not identify any issues which would suggest that this proposal is inappropriate on this site. It is recommended that Marine Drive, Valley and Canal Community Council approve the rezoning application for 550 Beaver Bank Road.

### **BUDGET IMPLICATIONS**

No budget implications.

### **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 proceed with the rezoning from R-6 (Rural Residential) Zone to R-1 (Single Family Dwelling) Zone. This is the staff recommendation for reasons described above.
2. Council may choose to refuse the proposed rezoning, and in doing so, must provide reasons based on a conflict with MPS policies. This alternative is not recommended as staff is satisfied that the proposed rezoning is consistent with the policies and intent of the MPS.

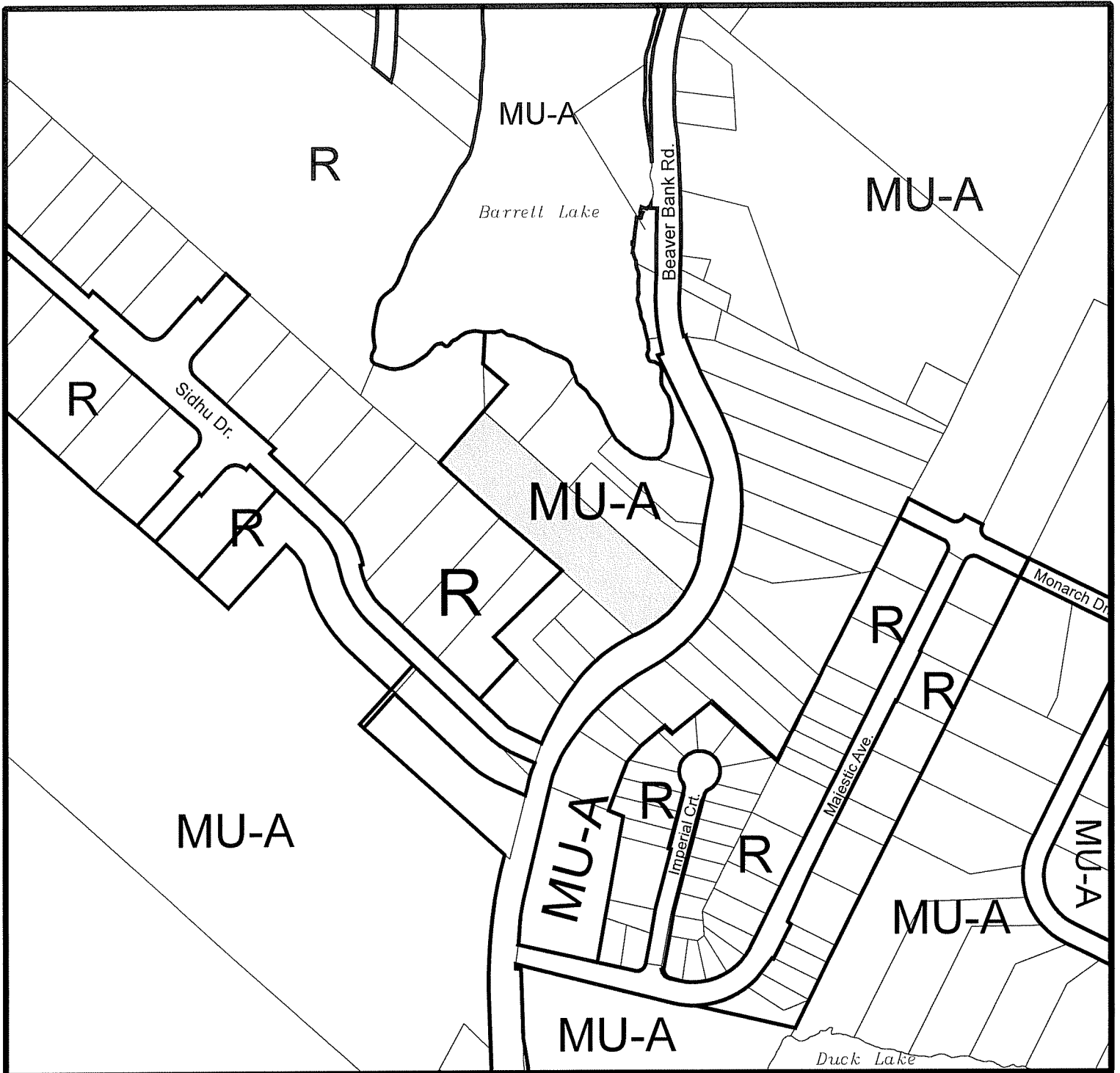
### **ATTACHMENTS**

Map 1:	Generalized Future Land Use Map and Service Boundary
Map 2:	Zoning Map
Map 3:	Notification Area
Map 4:	Proposed Subdivision
Map 5:	Approved Tentative Subdivision
Attachment A:	MPS Policies
Attachment B:	LUB Requirements for R-6 Zone
Attachment C:	LUB Requirements for R-1 Zone
Attachment D:	Public Information Meeting Minutes- November 20, 2006

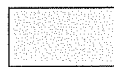
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

**Report Prepared by:** Leticia Smillie, Planner 1- Planning Applications: Community Development 869-4747

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



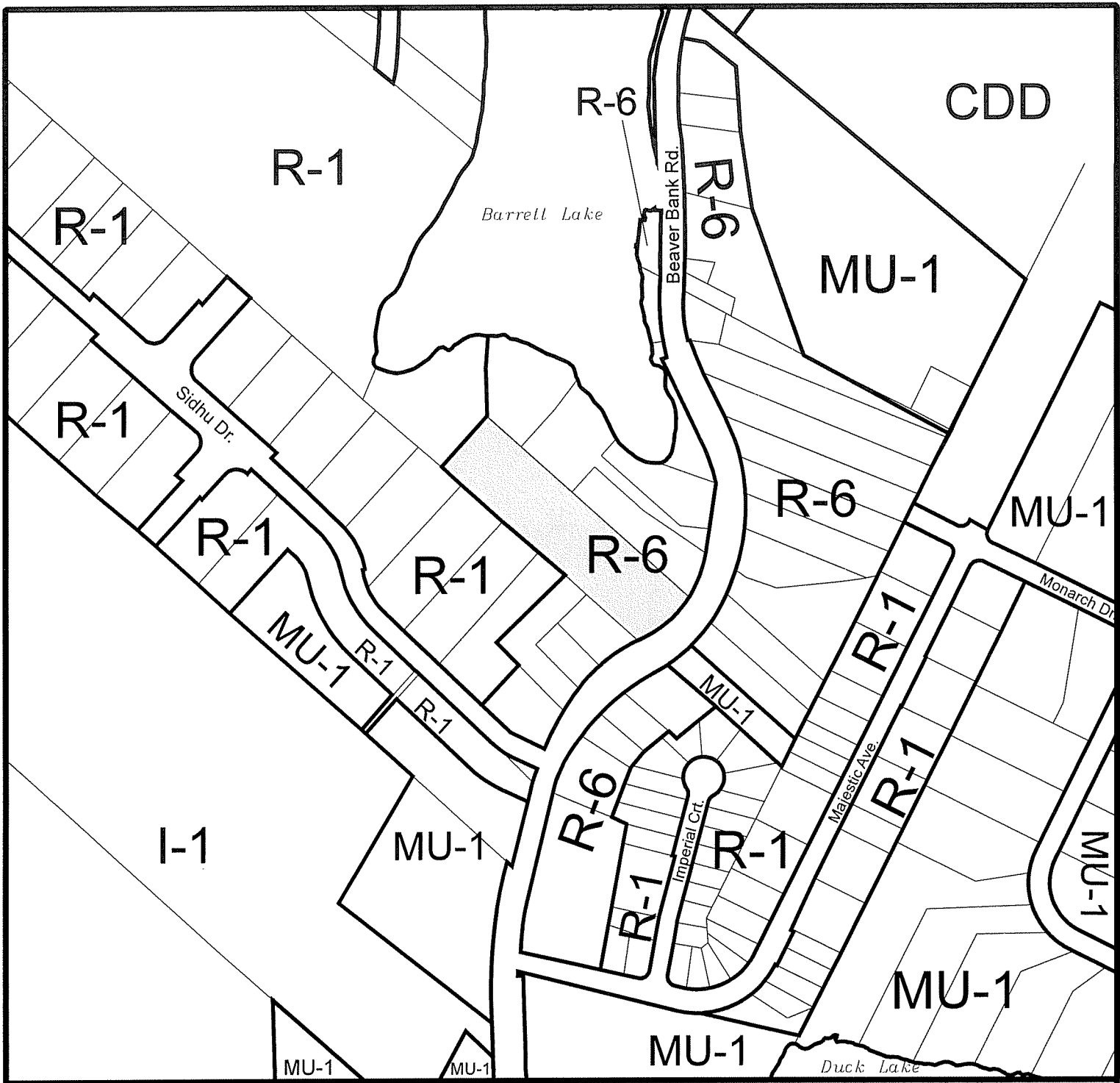
Map 1  
Generalized Future Land Use



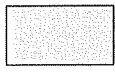
Subject Property

R Residential Designation  
MU-A Mixed Use A Designation





Map 2  
Zoning



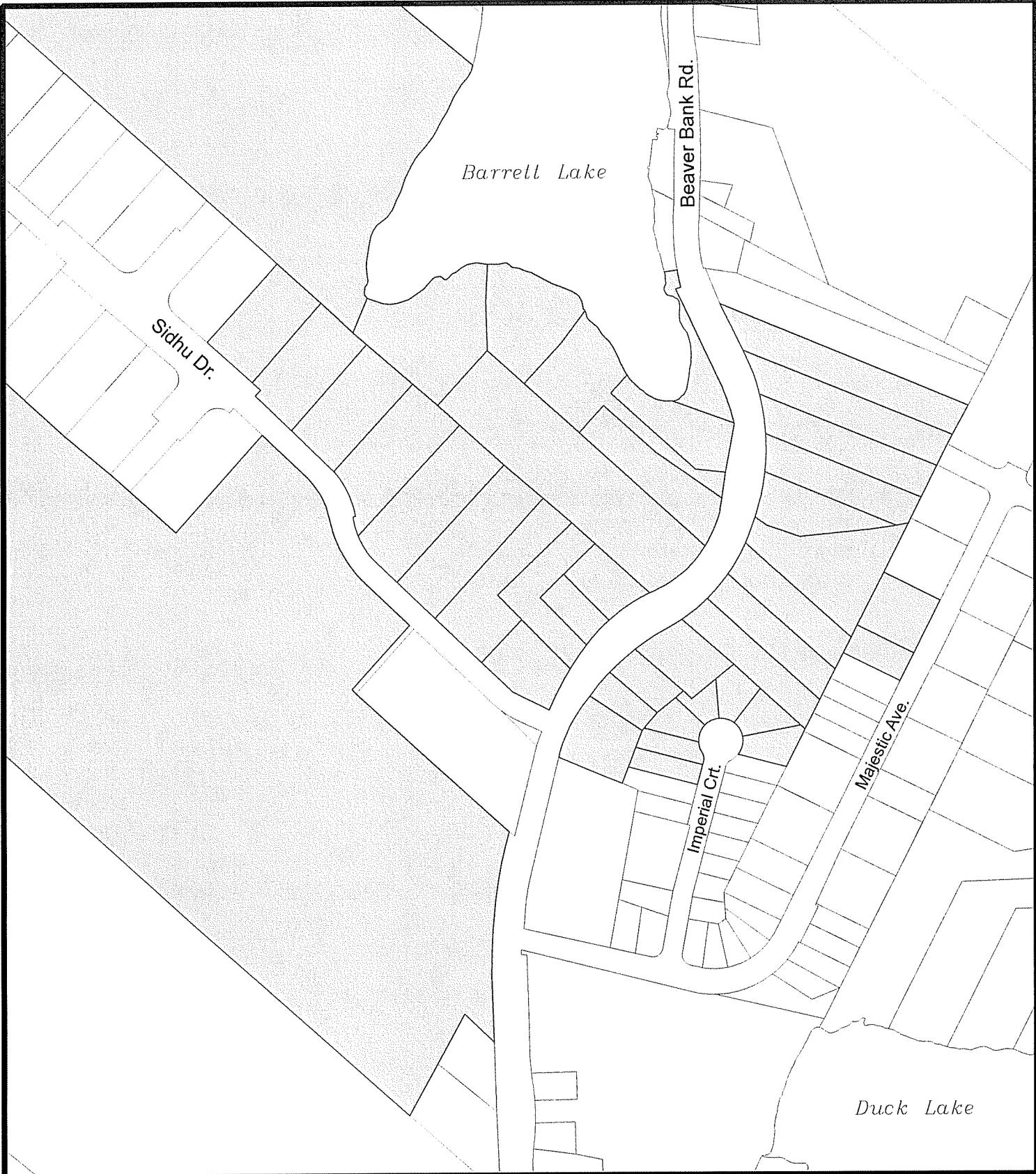
Subject Property



R-1 Single Unit Dwelling Zone  
R-6 Rural Residential Zone  
MU-1 Mixed Use 1 Zone

I-1 Comprehensive Development District Zone  
CDD Mixed Industrial Zone





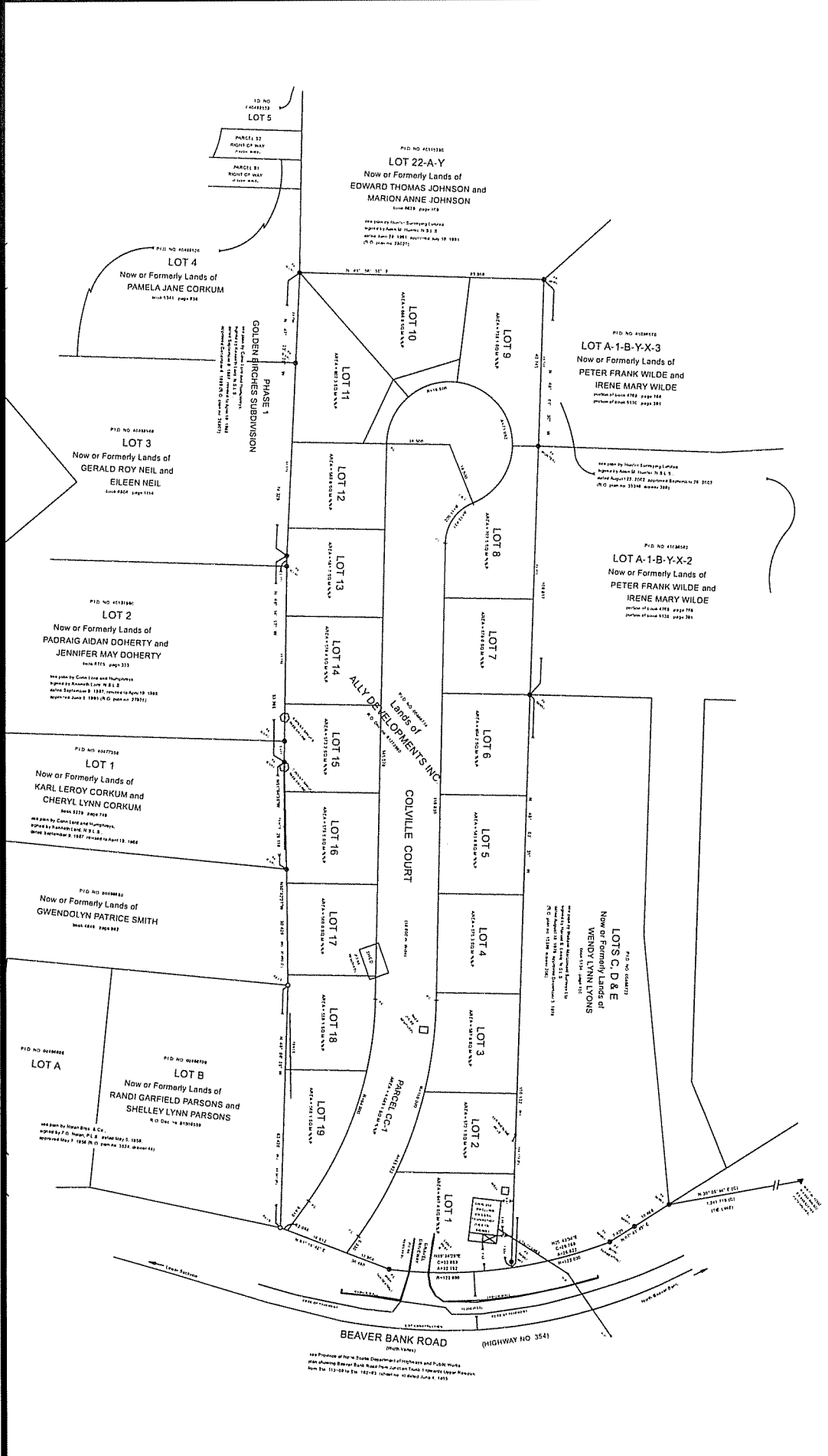
Map 3

 Notification Area





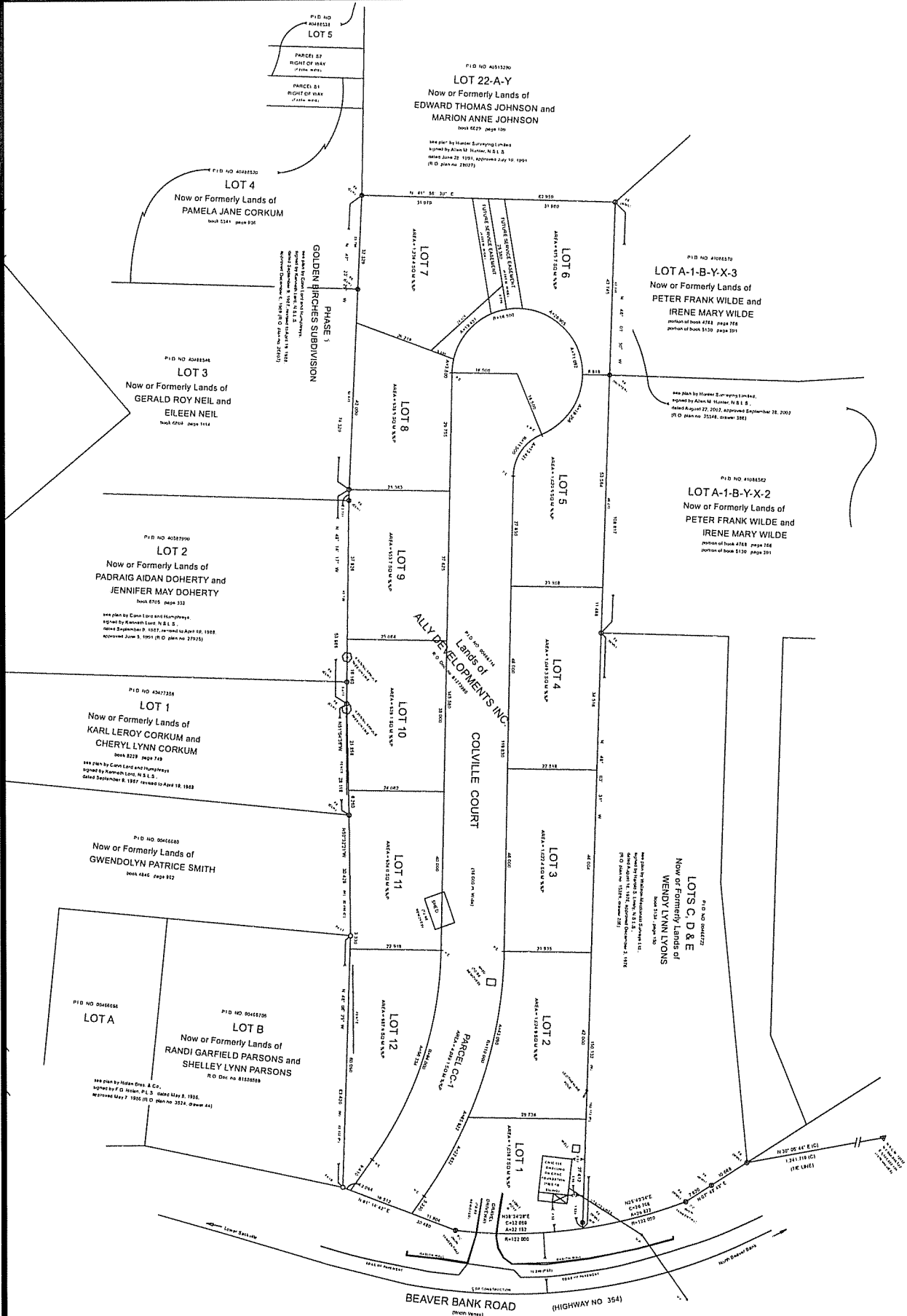
Map 4  
Proposed Subdivision



HRM does not guarantee the accuracy of any base map information on this map.



**Map 5**  
**Approved Tentative Subdivision**



Feb. 07, 2007

HRM does not guarantee the accuracy of any base map information on this map.

F:\Repmaps\Rezoning\00958\Map5.mxd (AKT)



**Attachment A**  
**Relevant MPS Policies**

- P-15 It shall be the intention of Council to recognize and support the continuation of residential subdivision activity and the resulting transition of portions of the Mixed Use Designations from a mixed use to a suburban residential environment, through the application of a R-1(Single Unit Dwelling) Zone to be applied in the Mixed Use A, B and C Designations. (Residential Designation, Policy P-34). Council may consider applying this residential zone subject to the following conditions:
- (j) lands to be rezoned contain a maximum of 20 lots per 4 year period shown on an approved tentative plan of subdivision;
  - (b) lots shown on a tentative plan of subdivision shall be capable of access to local subdivision streets or shall be adjacent to an existing R-1(Single Unit Dwelling) Zone;
  - (c) the effect on commercial or industrial development within the area to be rezoned; and
  - (d) the provisions of Policy P-137.
- 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.

(RC-July 2/02; E-Aug 17/02)

**Attachment B**  
**LUB Requirements for R-6 Zone**

**PART 11: R-6 (RURAL RESIDENTIAL) ZONE**

**11.1 R-6 USES PERMITTED**

No development permit shall be issued in any R-6 (Rural Residential) Zone except for the following:

- Single unit dwellings
- Two 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
- Open space uses
- Agriculture uses
- Forestry uses
- Existing mobile dwellings

**11.2 R-6 ZONE REQUIREMENTS**

In any R-6 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	on-site services	29,064 sq. ft. (2700 m <sup>2</sup> )
	central sewer	10,000 sq. ft. (929 m <sup>2</sup> )
Minimum Frontage:	on-site services	100 ft. (30.5 m)
	central sewer	75 ft. (23 m)
Minimum Front or Flankage Yard		20 feet (6.1 m)
Minimum Rear or Side Yard		8 feet (2.4 m)
Maximum Lot Coverage		35 per cent
Maximum Height of Main Building		35 feet (10.7 m)

**11.3 OTHER REQUIREMENTS: BUSINESS USES**

Where business uses are permitted in any R-6 Zone the following shall apply:

- (a) Any business shall be wholly contained within the dwelling or accessory building. The dwelling shall be the principle residence of the operator of the business.
- (b) No more than fifty per cent of the gross floor area of any dwelling shall be devoted to any business use and in no case shall the gross floor area of all buildings on any lot devoted to a business use exceed one thousand (1,000) square feet.

- (c) No materials or equipment which is obnoxious or creates a nuisance by virtue of noise, vibration, smell or glare shall be used on the lot.
- (d) No open storage or outdoor display shall be permitted.
- (e) No more than one sign shall be permitted for any business and no such sign shall exceed two (2) square feet.
- (f) One (1) off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (14 m) of floor area devoted to any business. No portion of any parking space shall be located within any required side yard.

#### 11.4 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities are permitted in any R-6 Zone, the following shall apply:

- (a) With the exception of outdoor play space, any facility shall be wholly contained within the dwelling or accessory building.
- (b) No open storage or outdoor display shall be permitted.
- (c) No more than one sign shall be permitted for any facility and no such sign shall exceed two (2) square feet.

#### 11.5 OTHER REQUIREMENTS: AGRICULTURE USES

- (a) No more than fifty (50) domestic fowl or ten (10) of any other animals confined to a barn, stable, or other structure shall be permitted.
- (b) No more than one thousand (1000) square feet of floor area of any structure shall be used for retail use accessory to agriculture uses.

#### 11.6 OTHER REQUIREMENTS: FORESTRY USES

- (a) No more than one thousand (1000) square feet of floor area of any structure shall be used for a sawmill, other industrial mill related to forestry, or retail use accessory to forestry uses.
- (b) Any area devoted to open storage shall not be permitted within any required yard and shall not exceed twenty-five (25) per cent of the lot area.
- (c) No sawmills 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 directly related to the above use.

#### 11.7 EXISTING BUSINESS USES

Notwithstanding Section 4.9 and 11.1, existing business uses identified in Appendix "A" shall be permitted to the extent they are in existence at the time the land use by-law is adopted.

11.8 EXEMPTION: EXISTING SEMI-DETACHED DWELLINGS

- (a) Notwithstanding Section 11.2, where a semi-detached dwelling was in existence prior to May 13, 2004, and capable of being serviced with central services, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	5 000 square feet (464.5 square metres)
Minimum Lot Frontage:	35 feet (10.6 metres)
Minimum Rear or Side Yard:	10 feet (3 m) or 0.0 feet (0.0 m) from the side being common with another dwelling unit

- (b) Notwithstanding Section 11.8(a), all other provisions of this by-law shall be applicable. (RC-Sept 30/04;E-Oct 2/04)

**Attachment C**  
**LUB Requirements for R-1 Zone**

**PART 6: R-1 (SINGLE UNIT DWELLING) ZONE**

**6.1 R-1 USES PERMITTED**

No development permit shall be issued in any R-1 (Single Unit Dwelling) Zone except for the following:

- Single unit dwellings
- Existing two unit dwellings
- Existing mobile dwellings
- Day care facilities for not more than seven (7) children and in conjunction with permitted dwellings
- Offices in conjunction with permitted dwellings
- Bed & Breakfasts
- Open space uses

**6.2 R-1 ZONE REQUIREMENTS**

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

Minimum Lot Area:	on-site services	29,064 square feet	(2700 m <sup>2</sup> )
	central water	12,000 square feet	(1118 m <sup>2</sup> )
	central sewer	10,000 square feet	(929 m <sup>2</sup> )
	Sewer and water services	6,000 square feet	
Minimum Frontage:	on-site services	100 feet (30.5 m)	
	central sewer	75 feet (23 m)	
	Sewer and water services	60 feet	
Minimum Front or Flankage Yard		20 feet (6.1 m)	
Minimum Side or Rear Yard		8 feet (2.4 m)	
Maximum Lot Coverage		35 per cent	
Maximum Height of Main Building		35 feet (10.7 m)	

**6.3 R-1 ZONE REQUIREMENTS: OPEN SPACE USES**

In any R-1 Zone, where open space uses are permitted, no development permit shall be issued except in conformity with the provisions of Part 22.



6.4 OTHER REQUIREMENTS: OFFICE USES

Where offices are permitted in any R-1 Zone, the following shall apply:

- (a) Any office shall be wholly contained within the dwelling which is the principle residence of the operator of the office.
- (b) No individuals who are not residents in the dwelling shall be employed in the office.
- (c) No more than twenty-five (25) per cent of the gross floor area shall be devoted to any office, and in no case shall any office occupy more than three hundred (300) square feet (28 m).
- (d) No open storage or outdoor display shall be permitted.
- (e) No signs shall be permitted.
- (f) One off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (14 m<sup>2</sup>) of floor area devoted to any office.

6.5 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities are permitted in any R-1 Zone, the following shall apply:

- (a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling, which is the principle residence of the operator of the facility.
- (b) No open storage or outdoor display shall be permitted.
- (c) No signs shall be permitted.
- (d) One off-street parking space, other than that required for the dwelling, shall be provided.

6.6 OTHER REQUIREMENTS: BED AND BREAKFASTS

Where a bed & breakfast is permitted in any R-1 Zone, the following shall apply:

- (a) The bed & breakfast shall be wholly contained within the dwelling which is the principle residence of the operator of the establishment;
- (b) Not more than three (3) rooms may be let;
- (c) No window display and not more than one (1) business sign shall be permitted and no such sign shall exceed two (2) square feet (0.2 m<sup>2</sup>) in area; and
- (d) One off-street parking space in addition to that required for the dwelling shall be provided for each room to be let.

6.7 OTHER REQUIREMENTS: COMMERCIAL MOTOR VEHICLES

In any R-1 Zone, not more than one commercial vehicle shall be kept on any lot and no such commercial motor vehicle shall exceed a registered vehicle weight of five (5) tons nor be kept less than ten (10) feet from any front lot line.

6.8 EXISTING HOME BUSINESS USES

Notwithstanding Section 4.9 and 6.1, the existing home businesses identified in Appendix B shall be permitted to the extent they are in existence at the time the land use by-law is adopted.

6.9 EXISTING TWO UNIT DWELLINGS

Notwithstanding Section 4.9, any existing two unit dwellings shall not be permitted to convert into a multi-unit dwelling.

6.10 SENIOR CITIZENS HOUSING

Notwithstanding Section 6.1, senior citizens housing shall be permitted within the R-1 zone on the property in Uplands Park identified by LIC Property Number 420927.

6.11 FRONTAGE ON A STREET

No development permit shall be issued in an R-1 Zone unless the lot or parcel intended to be used or upon which the building or structure is to be erected abuts and fronts upon a public street or highway.

6.12 SUBDIVISION OF EXISTING TWO UNIT DWELLINGS - UPLANDS PARK

Notwithstanding Section 6.2, the minimum lot area per dwelling unit for existing two unit dwellings on the following properties shall be 3,000 square feet and the minimum lot frontage shall be 30 feet: Patricia Foran, LIC Number 420265; Lawrence Leslie, LIC Number 420224; Sarah Martin, LIC Number 420398.

**Attachment D**  
**Public Information Meeting Minutes**

**HALIFAX REGIONAL MUNICIPALITY**  
**PUBLIC INFORMATION MEETING**  
**CASE NO. 00958 - 550 Beaver Bank Road**

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7:00 p.m.

**Monday, November 20, 2006**

**Harold T. Barrett Junior High School**

**IN ATTENDANCE:**     Thea Langille-Hanna, Senior Planner, HRM Planning Services  
                          Cara McFarlane, Administrative Support, HRM Planning Services

**ALSO PRESENT:**     Kate Greene, Consultant, Terrain Group Inc.  
                          Alan Parks, Ally Developments, Applicant  
                          Councillor Krista Snow, District 2

**PUBLIC IN**  
**ATTENDANCE:**     Approximately 14

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The meeting commenced at approximately 7:01 p.m.

**Opening remarks/Introductions/Purpose of meeting** - Thea Langille-Hanna

Ms. Langille-Hanna introduced herself as the Planner assigned to the application; Kate Greene, Terrain Group Inc., Consultant; Alan Parks, Ally Developments, Applicant; Krista Snow, Councillor for District 2; and Cara McFarlane, Administrative Assistant.

The application is a request from Terrain Group on behalf of the property owner, Al Parks, to rezone 550 Beaver Bank Road from R-6 (Rural Residential) Zone to R-1 (Single Family Residential) Zone. The property was shown on a map. Across the street there is a Mixed Use Zone and the residential subdivision on the backside has a R-1 Zone.

The property is located within our Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS). The MPS is a document which shows and explains how land will be developed now and in the future. The document has been worked on and drafted by community groups and approved by Council. HRM staff and Council have to work within the confines of that document.

Ms. Langille-Hanna showed the permitted uses and requirements for a property zoned R-6 and R-1. The major difference between the two zones is that two-unit dwellings are allowed in a R-6 Zone and not in a R-1 Zone. With regards to servicing, a property zoned R-1 can be a minimum of 6,000 square feet.

**Overview of planning process** - Thea Langille-Hanna

The application was received and a preliminary review has been done to see if there were any major issues and concerns that needed to be brought to the attention of the developer.

Ms. Langille-Hanna explained the rezoning process.

**Presentation of Proposal** - Kate Greene

The developer submitted a tentative subdivision plan under the existing rules (R-6 Zone) to HRM which has been approved. The R-6 Zone enables the developer to divide his property into twelve lots. The developer proposes to put two unit dwellings on those lots under the R-6 Zone.

The property has central services which would allow single family units on these properties. The policy suggests that if there is an existing approved tentative plan the developer can consider rezoning the property to R-1.

A proposed concept plan was shown to the public. Under the R-6 Zone each lot has to be at least 10,000 square feet whereas under the R-1 Zone the lot size can be a minimum of 6,000 square feet.

Bruce Mott, Beaver Bank Road, also acting on behalf of Mr. Wilde, asked if the main difference to the developer is the lot size. Ms. Greene said the developer has approval for the road access; therefore, nothing more will change than adding more lots. There will be more buildings but less units.

Mr. Mott wondered what would happen to the existing house on that property. The visibility, left or right, coming onto Beaver Bank Road is terrible. Ms. Greene said the house would stay. Mr. Parks said they are proposing to remove some of the bank and build a retaining wall which will improve the visibility. Ms. Greene showed the road and access that was already approved by HRM as part of the tentative application.

From a planning perspective and since the Regional Plan was approved, Ms. Greene feels it is appropriate to apply the R-1 Zone to this property.

There will be a minimum change in overall density. In a R-6 Zone the density would be 50.4 persons whereas a R-1 Zone would be 58 persons.

**Questions and Comments**

Elayne Mott, Beaver Bank Road, asked if the subdivision could go as approved. Ms. Greene explained that the tentative plan has been approved but HRM has to approve the final plan which would not include a public process. Ms. Langille-Hanna explained that the developer has applied to HRM to subdivide the property under the existing zone, R-6, which has been approved. HRM staff would like to know if there are any concerns in rezoning that property from R-6 To R-1. The developer has some abilities to develop the property if the plan meets all the standard requirements within HRM.

Karl Corkum, Sidhu Drive, has concerns for the children's safety when travelling to school.

Mr. Corkum also mentioned that the HRM sign posted on the property cannot be seen unless you slow right down.

Mr. Parks said the bank will be taken out which should improve the sight distance.

Mr. Corkum is also concerned about water. There are floods of water that come onto his property from there now and wants to make sure there won't be more. He mentioned that the developer suggested putting a ten foot buffer space behind the lots. Mr. Parks spoke to the majority of residents on Sidhu Drive whose properties back onto the proposed development. Any runoff from the development will go into the stormwater system. The developer would like to cut the boundary line in and leave a ten foot buffer. During construction silt fencing will be erected; therefore, silt and water will not be a problem during construction. Ms. Greene said Terrain Group is also working on the engineering design for this proposal and will look at incorporating additional steps to address these concerns.

There was a lengthy discussion about the service boundary in Beaver Bank. Councillor Snow talked to the residents after the meeting regarding this issue.

Robin Barrett, Maplewood Court, wondered how Traffic Services could perform a test to indicate the sight distance on the road with the bank still existing on the property. The road does not only go around the corner but it is also below the elevation of the pavement. He was told that access could not be granted to an area inside a curb. Ms. Langille-Hanna said that the rules would be the same. She will check with the development engineers to see when the sight and stop distance was done. This would be part of the review of the rezoning process. Mr. Parks said a 3-D image test was done. There is a slant in the road which worked in the developer's favor as it gives more visibility on the side. Mr. Barrett said going up the Beaver Bank Road is fine, it's going down that poses the problem.

There was some discussion between Donna Dill, Imperial Court, and Ms. Langille-Hanna as to why an inquiry she had put forth with HRM earlier in the summer was not recommended because of the concern for traffic on the Beaver Bank Road. Ms. Dill is confused as to the reason she was given when this application is relatively the same request. Ms. Langille-Hanna will take a look at the specifics of the inquiry to make sure nothing was overlooked, but explained to Ms. Dill that Mr. Parks has some as of right ability under the R-6 Zone. The developer, in this case, is proposing less of an impact for traffic. Also, the policies within the MPS have to be adhered to.

Ms. Dill asked when the Beaver Bank area becoming urban came into effect. Ms. Langille-Hanna said the Regional Plan was adopted and put into effect August 26, 2006. The Regional Plan outlines, shows and explains how the municipality will grow within the next 25 years. Basically, it identifies areas that will concentrate growth and those areas that will not due to infrastructure and a variety of other things.

Tony Benson, Elaine Drive, mentioned that when the plan was first created for the area, there was talk about the shape and sense of the community. There was a group of residents who created a vision of how the community should be developed (having larger lots). HRM is not listening to the

residents when they say that the Beaver Bank Road is not safe. When another subdivision is developed it puts an unbearable load on the road. The subject area sits on a very dangerous corner of the road. He doesn't argue the fact that a rezoning is proposed, but the road needs improvement and lights established. Hopefully that corner can be made safe.

Mr. Corkum agrees with Mr. Benson regarding the safety of the Beaver Bank Road. The winter time is very dangerous and believes things will be worse once the development happens. Ms. Greene mentioned that the application will be reviewed and these issues will be taken into account.

One resident asked for an explanation regarding the future easement between Lots 9 and 10. Ms. Langille-Hanna explained that the easements are good to have in place in case they are needed in the future. Mr. Mott asked if the easement was for services or a road. Ms. Langille-Hanna will look into it, but looks like it is just for service.

Sylvia Sheehy, Trinity Lane, asked when was the original application for the development submitted and the tentative approval signed off. Ms. Greene said the date on the plans was May, 2006.

Ms. Sheehy is very concerned about the traffic and would like to get some information as to how many other grand-fathered properties are in the area. Ms. Langille-Hanna said Lost Creek Village, Teak Tree Enterprises and this application were the only applications received by HRM prior to the Regional Plan's first public hearing.

Ms. Mott is concerned about the children going to school as they have to walk with the traffic along the side of Beaver Bank Road or cross to get to a sidewalk. Ms. Langille-Hanna explained that the school board is contacted to find out the capacity in the school system for all applications. She will raise the concerns with the school board and HRM engineering staff.

Ms. Sheehy asked about parkland dedication. Ms. Greene explained that the parkland is 10% of the development and can be dedicated in either land or money. Ms. Langille-Hanna said that HRM will look at that and determine which is best for the area. Under the tentative application, it was decided to be taken in money. Councillor Snow suggested that it be put in writing that the money be reserved for a park on Sidhu Drive.

Ms. Langille-Hanna thanked everyone for coming to the meeting and expressing their comments and concerns.

### **Adjournment**

The meeting adjourned at approximately 8:15 p.m.