

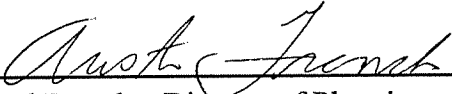


PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

10.1.1

Western Region Community Council
March 27, 2006

TO: Chairperson and Members of Western Region Community Council

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

DATE: March 8, 2006

SUBJECT: Case 00826: Rezoning - 2120 Hammonds Plains Road

ORIGIN

Application by 3098573 Nova Scotia Limited to rezone 2120 Hammonds Plains Road, PID# 41090572, from MU-1 (Mixed Use 1) Zone to C-4 (Highway Commercial) Zone to enable the construction of a multi-unit commercial building.

RECOMMENDATION

It is recommended that Western Region Community Council:

- Give First Reading to consider an application to rezone 2120 Hammonds Plains Road, (PID# 41090572), from MU-1 (Mixed Use 1) Zone to C-4 (Highway Commercial) Zone and schedule a public hearing; and
- Approve the rezoning of 2120 Hammonds Plains Road, (PID# 41090572), from MU-1 (Mixed Use 1) Zone to C-4 (Highway Commercial) Zone as identified in Attachment F.

EXECUTIVE SUMMARY

The proposal is to rezone 2120 Hammonds Plains Road from MU-1 (Mixed Use 1) Zone to C-4 (Highway Commercial) Zone to permit a 10,000 square foot multi-tenant commercial building.

Municipal Planning Strategy policy enables Council to consider such a request.

The application was reviewed by the Halifax Watershed Advisory Board on November 16, 2005 as the site is immediately adjacent a watercourse. Their review indicated there were no issues which would preclude the zoning.

After a full review, staff recommend approval of the proposed rezoning.

BACKGROUND:

Location, Designation and Zoning:

- **Location:** The subject property located at 2120 Hammonds Plains Road in Hammonds Plains (Map 1) is 3.4 acres in size. The property is currently undeveloped and treed and slopes from west to east with a gradual slope toward a brook, which is a tributary of the Nine Mile River system .
- **Designation:** The property is within the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS) and designated Mixed Use B by the MPS (Map 1). This designation supports the continuation of the existing semi-rural mixed use environment, characterized by low density residential development, community facilities and a mixture of light industrial, resource and small scale commercial uses.
- **Zoning:** The property is zoned MU-1 (Mixed Use 1) Zone (Map 2) under the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law (LUB). This zone 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.

Surrounding Land Uses:

- To the west is the Hammonds Plains Consolidated School and several undeveloped parcels of land, all of which are zoned MU-1 (Mixed Use1) Zone.
- To the east are several undeveloped parcels which are zoned MU-1 (Mixed Use1) Zone and several parcels zoned I-1 (Mixed Industrial) Zone and developed as an auto body shop and automotive garage.

- To the north is a mixture of residential homes, commercial land uses and undeveloped properties zoned MU-1 (Mixed Use1) Zone and Masons Mill Pond.
- To the south are several undeveloped parcels zoned MU-1 (Mixed Use1) Zone.

Synopsis of Proposed Development: The applicant wishes to rezone the subject parcel to C-4 (Highway Commercial) Zone to permit the construction of a 10,000 square foot multi-tenant commercial building intended to house multiple tenants. A proposed site plan is attached as Map 4.

Enabling Policy: Policy P-8 of the Beaver Bank, Hammonds Plains and Upper Sackville MPS allows Council to consider permitting new highway commercial (C-4) uses within the Mixed Use A and B Designations through a rezoning process.

Public Information Meeting: A public information meeting was held on October 13, 2005 for this application. Approximately 6 members of the public were in attendance. Minutes of the meeting are provided as Attachment D. The notification area is shown on Map 3. 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.

Halifax Watershed Advisory Board: The application was reviewed by the Halifax Watershed Advisory Board on November 16, 2005 as the site is immediately adjacent a watercourse. Their recommendation is attached as Attachment E.

DISCUSSION

The following is an evaluation of the proposed rezoning in relation to applicable policies of the Beaver Bank, Hammonds Plains and Upper Sackville MPS (refer to Attachment "A"):

Policy Intent: Policy P-8 allows Council to consider rezoning lands to C-4 (Highway Commercial) Zone provided property has access to Hammonds Plains Road and the impact of the rezoning does not unreasonably affect the surrounding community.

The following issues have been identified for discussion:

Adjacent Commercial Uses: Policy encourages the establishment of highway commercial uses in close proximity to established commercial areas. The site is approximately 300 metres from existing C-4 zoned properties, such as a gas station and convenience store, located on the south side of Hammonds Plains Road, and is in close proximity to other commercial land uses on the north side of Hammonds Plains Road. The adjacent commercial uses are part of a mixed use area that houses residential, school and commercial land uses. Given the location of the subject property between the intersection of two minor collectors, Pockwock Road and Glen Arbour Way, staff are of the opinion that the proposed site is a reasonable location for commercial uses.

Setbacks from Watercourses: The proposed rezoning is subject to a 50 foot building setback. The Regional Plan proposes a 20 metre non disturbance zone around all watercourses. Should the Developer be subject to the increased setback, a change to the configuration of the site will be required.

Traffic Impact: The proposed driveway meets the requirements for commercial stopping sight distance. A traffic impact study was prepared for the applicant by a qualified Professional Engineer and accepted by the Municipality. The proposed rezoning and proposed development are not anticipated to have a significant impact on the adjacent road network.

Existing Commercial Development Rights: The existing zone permits the establishment of a variety of commercial uses with a maximum building size of 2000 square feet. The proposed zone permits the same uses plus additional land uses as identified in Attachment C. The main difference between the zones is the building size. The C-4 Zone permits 10,000 square foot buildings. Typically the amount of disturbed area on the site could be similar with either zone. The net impact of applying the C-4 zone to the subject property is a larger building. Staff are of the opinion that the property is capable of housing a larger building.

Site Development Issues: During the review process, several issues were raised relating to development of the site. These issues include site grading, erosion and sedimentation control, storm water management and the possible presence of pyretic slate in the area. These issues were identified to the developers for consideration in their plans, but in the opinion of staff do not preclude the proposed rezoning.

Conclusion

Staff have reviewed the relevant planning and community issues, MPS policy and the proposed development and are satisfied that the proposed rezoning to C-4 (Highway Commercial) Zone reasonably satisfies the applicable policies of the Beaver Bank, Hammonds Plains and Upper Sackville MPS (Attachment "A"). Staff could not identify any issues which would suggest the proposed development of Highway Commercial (C-4) uses on this site is inappropriate. As such, it is recommended that Western Region Community Council approve the proposed rezoning application to permit the establishment of a multi-tenant commercial building on the subject property.

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

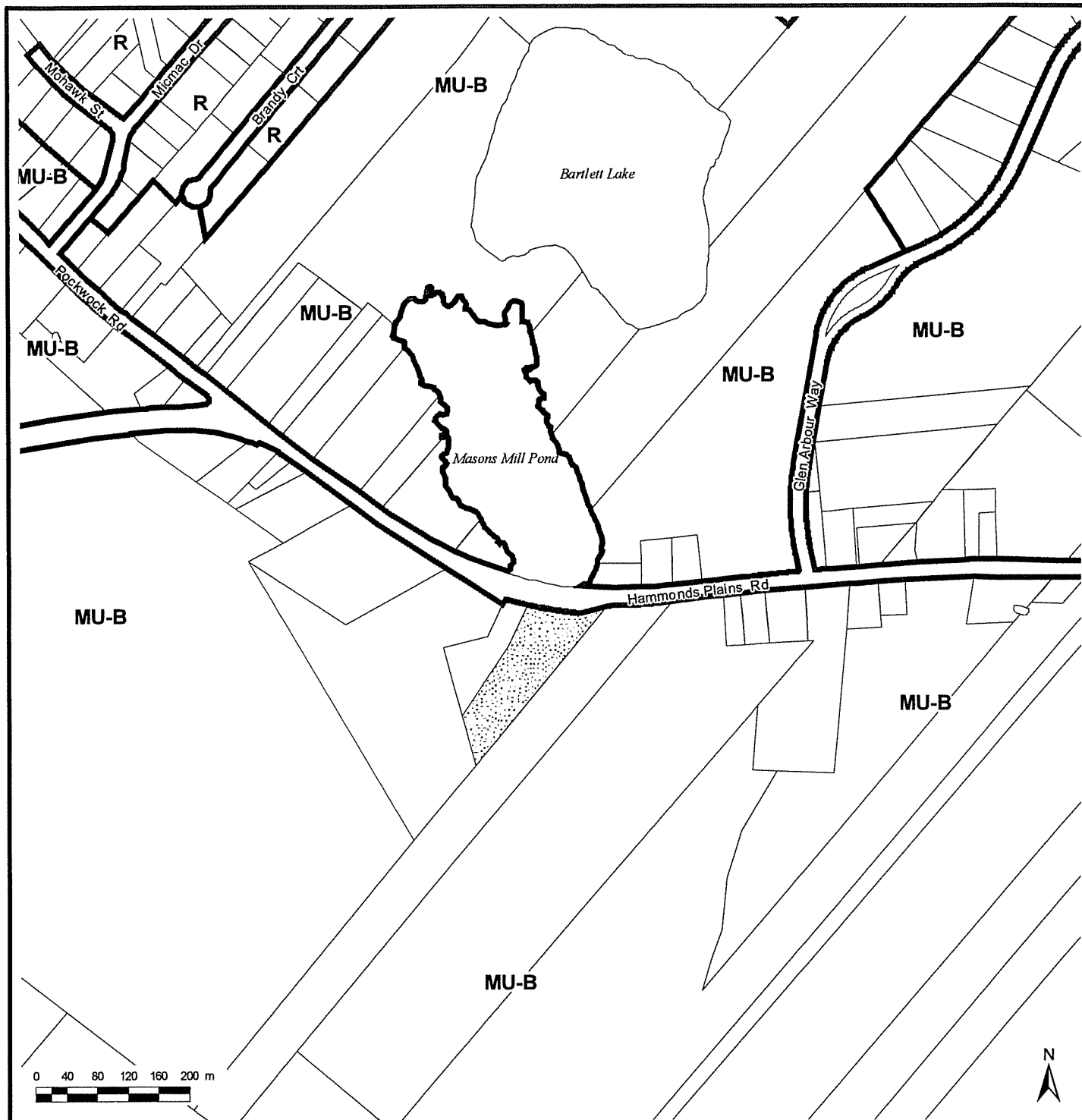
1. Approve the rezoning of the subject property as proposed. This is the recommended option as it is the opinion of staff that the proposed rezoning meets the requirements specified in the Beaver Bank, Hammonds Plains and Upper Sackville MPS.
2. Refuse the proposed rezoning of the subject property. Pursuant to Section 230(6) of the Municipal Government Act, Council is required to provide reasons justifying this refusal, based on policies of the Beaver Bank, Hammonds Plains and Upper Sackville MPS. This alternative is not recommended, as it is the opinion of staff that the proposed rezoning meets the requirements specified in the Beaver Bank, Hammonds Plains and Upper Sackville MPS.

ATTACHMENTS

Map 1	Generalized Future Land Use Map
Map 2	Zoning Map
Map 3	Notification Area
Map 4	Proposed Site Plan
Attachment A	MPS Policies
Attachment B	LUB Requirements for MU-1 Zone
Attachment C	LUB Requirements for C-4 Zone
Attachment D	Public Information Meeting Minutes - October 13, 2005
Attachment E	Halifax Waters Advisory Board Report - November 21, 2005
Attachment F	Proposed Amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law

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: Andrew Bone, Planner 1, Planning and Development Services, 869-4226



Map 1
Generalized Future Land Use

2120 Hammonds Plains Road
Hammonds Plains

Beaver Bank, Hammonds Plains
and Upper Sackville Plan Area

 Subject area

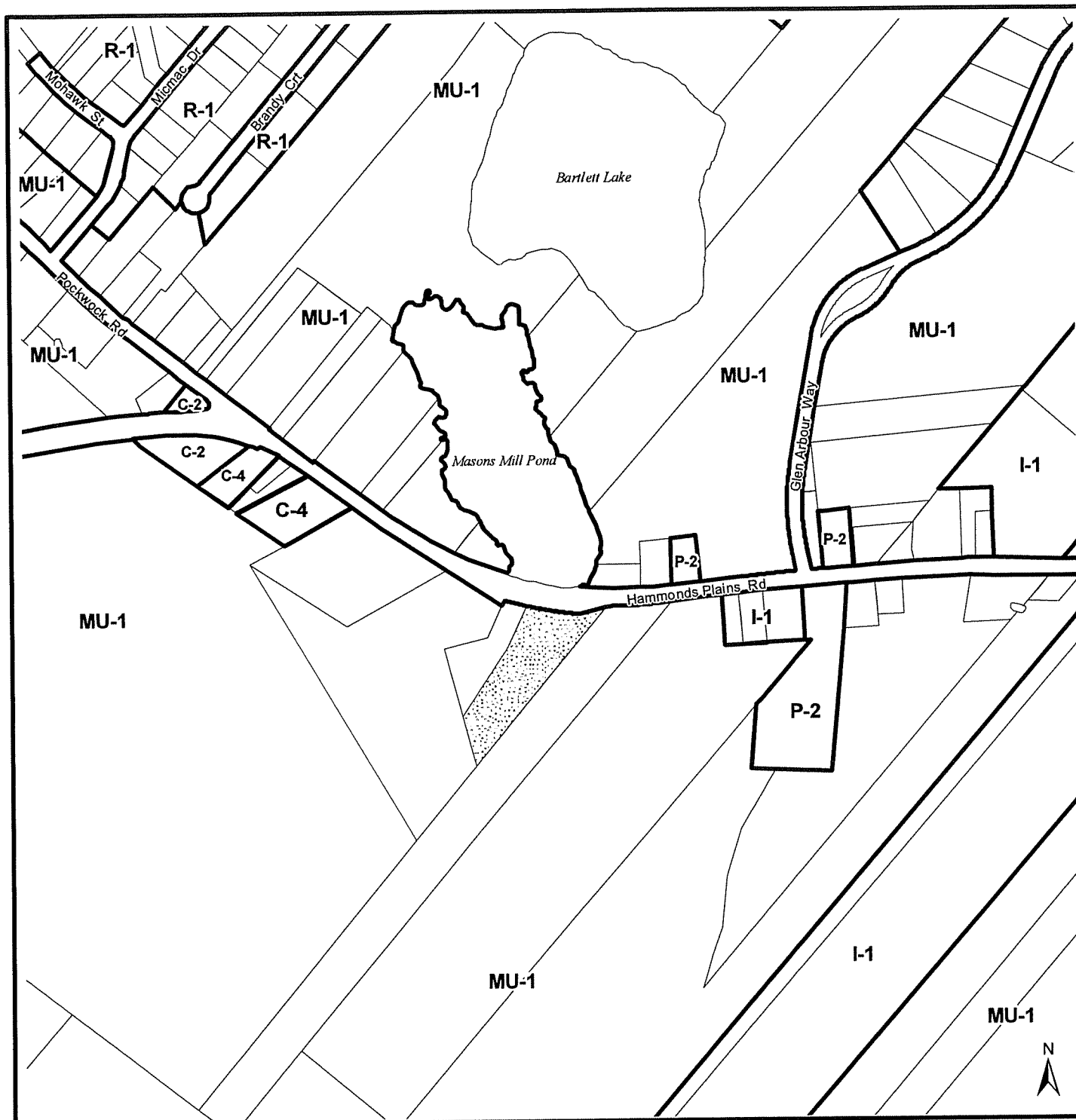
Designation

R Residential
MU-B Mixed Use B

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This map is an unofficial reproduction of a portion
of the Generalized Future Land Use Map for the
Beaver Bank, Hammonds Plains and Upper
Sackville Plan Area.

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



Map 2 Zoning

2120 Hammonds Plains Road
Hammonds Plains

Beaver Bank, Hammonds Plains
and Upper Sackville Plan Area

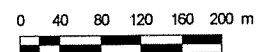


Area to be rezoned from MU-1 to C-4

Zone

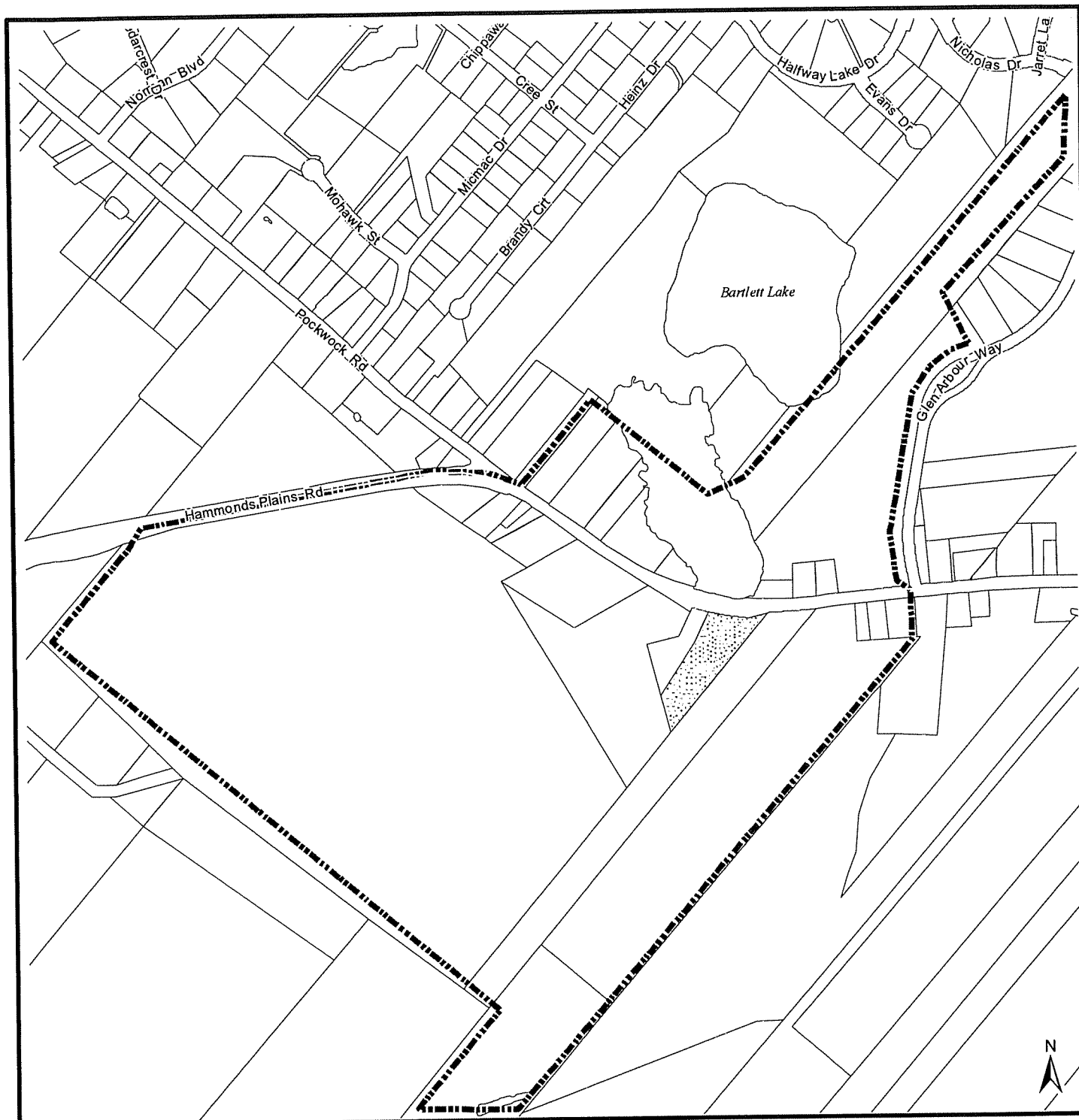
R-1	Single Unit Dwelling
MU-1	Mixed Use 1
P-2	Community Facility
C-2	General Business
C-4	Highway Commercial
I-1	Mixed Industrial

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This map is an unofficial reproduction of a portion of the Zoning Map for the Beaver Bank, Hammonds Plains and Upper Sackville Plan Area.

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**Map 3
Notification**

**2120 Hammonds Plains Road
Hammonds Plains**

Beaver Bank, Hammonds Plains
and Upper Sackville Plan Area

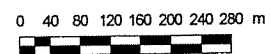


Area to be rezoned from MU-1 to C-4



Area of notification

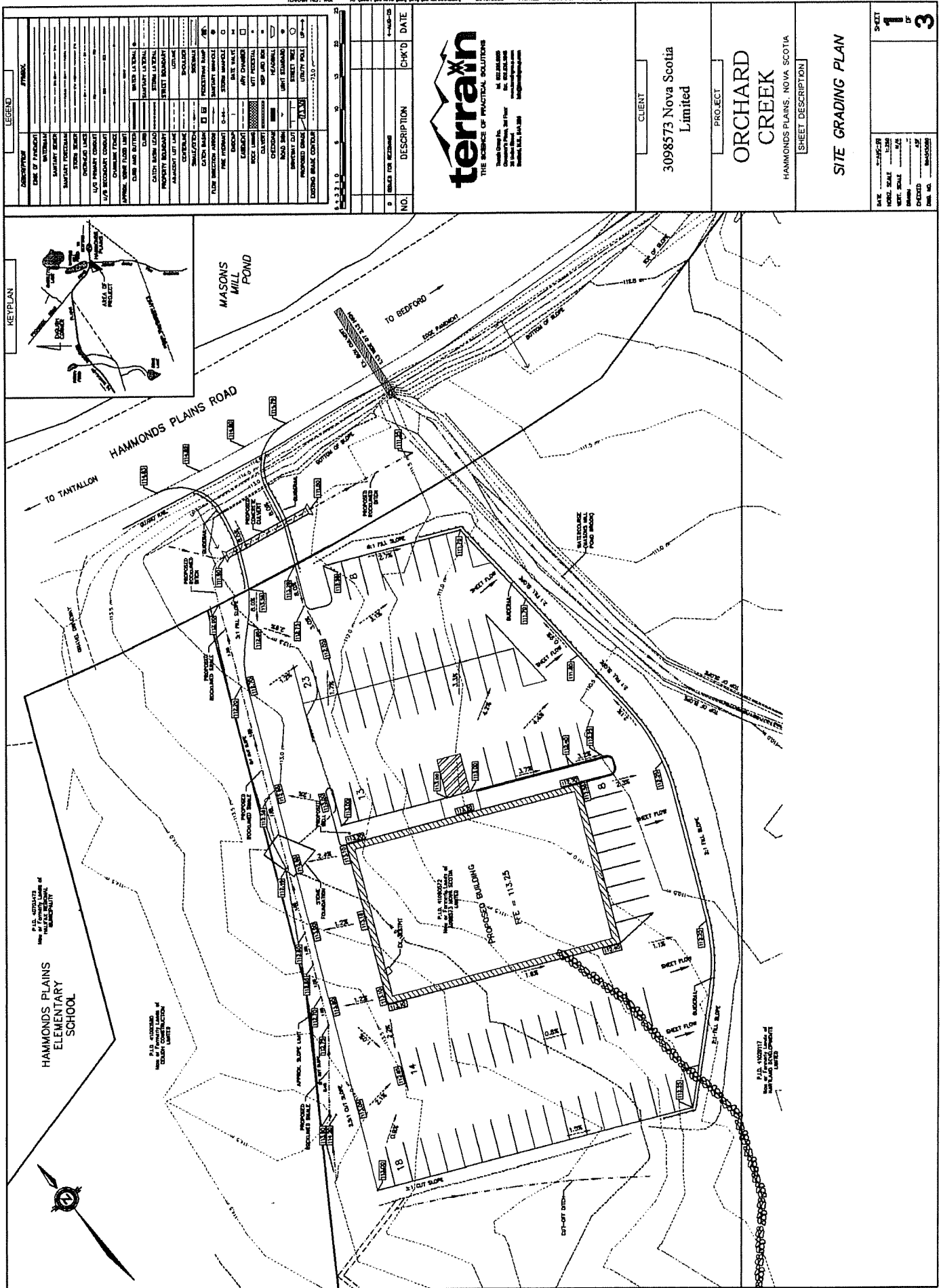
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Attachment A
Relevant MPS Policies

- 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.**

Attachment B
LUB Requirements for MU-1 Zone

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

13.1 MU-1 USES PERMITTED

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

Residential Uses

Single unit dwellings
Two unit dwellings
Boarding and rooming houses
Bed and Breakfast
Senior citizens housing
Existing mobile dwellings
Existing multiple unit dwellings
Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings
Business uses in conjunction with permitted dwellings

Other Uses

Institutional uses, except fire and police stations
Open space uses
Commercial uses permitted in the C-2 (General Business) Zone
Trucking, landscaping, excavating and paving services
Agriculture uses
Forestry uses and wooden furniture manufacturing
Composting operations (see section 4.29)

13.2 MU-1 ZONE REQUIREMENTS: RESIDENTIAL USES

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

13.3 MU-1 ZONE REQUIREMENTS: OTHER USES

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

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

13.4 OTHER REQUIREMENTS: BUSINESS AND DAY CARE USES

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

13.5 OTHER REQUIREMENTS: COMMERCIAL USES

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

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

13.6 OTHER REQUIREMENTS: AGRICULTURE USES

- (a) Notwithstanding the provisions of Section 13.3, where any barn, stable or other building intended for the keeping of more than fifty (50) domestic fowl or ten (10) other animals is erected in any MU-1 Zone, no structure shall:
 - (i) be less than fifty (50) feet from any side lot line;
 - (ii) be less than one hundred (100) feet from any dwelling or potable water supply except a dwelling or supply on the same lot or directly related to the agricultural use;
 - (iii) be less than three hundred (300) feet from any watercourse or water body;

- (iv) be less than five hundred (500) feet from any residential (R-1, RR-1) zone.
- (b) No more than two thousand (2,000) square feet of floor area of all structures on any lot shall be used for a retail use accessory to agriculture uses.

13.7 OTHER REQUIREMENTS: FORESTRY AND WOODEN
FURNITURE MANUFACTURING

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

- (a) No more than two thousand (2,000) square feet of gross floor area of all structures on any lot shall be used for a sawmill, other industrial mill related to forestry, wooden furniture manufacturing, or retail use accessory to the above uses;
- (b) No sawmill or other industrial mill related to forestry shall be located less than fifty (50) feet from any lot line nor less than three hundred (300) feet from any dwelling except a dwelling located on the same lot or directly related to the above use;
- (c) Any area devoted to open storage shall not be permitted within any required front or side yard and shall not exceed twenty-five (25) per cent of the lot area.

13.8 OTHER REQUIREMENTS: INSTITUTIONAL USES

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

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

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

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

- (f) One off street parking space, other than that required for the dwelling shall be provided for every three hundred (300) square feet of floor area used by the above use.
- (g) No product stockpile or processing activity associated with the above uses shall be located within one hundred (100) feet of a watercourse.

13.10 EXEMPTION: EXISTING MOBILE HOME PARKS

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

13.11 EXEMPTION: EXISTING COMMERCIAL RECREATION USES

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

Attachment C
LUB Requirements for C-4 Zone

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.

Attachment D
Public Information Meeting Minutes -October 13, 2005

HALIFAX REGIONAL MUNICIPALITY
PLANNING SERVICES - CENTRAL REGION
PUBLIC INFORMATION MEETING - GENERAL NOTES
CASE NO. 00826

7:00 p.m.
Thursday, October 13, 2005
Hammonds Plains Consolidated School

STAFF: Andrew Bone, Planner
Cara McFarlane, Administrative Support

APPLICANT: Randy Jones, RJP Landscaping Limited

Ron Albert, RJP Landscaping Limited

OTHER: Councillor Gary Meade, District 23

MEMBERS OF THE PUBLIC: 6

The meeting commenced at approximately 7:04 p.m.

Introductions - Andrew Bone

Mr. Bone introduced himself as the planner assigned to the application; Gary Meade, Councillor District 23; Randy Jones; representative for RJP Landscaping Limited; Ron Albert, representative for RJP Landscaping Limited; and myself as the recording secretary.

Mr. Bone explained that the application is for a request to rezone the subject property to allow for a change to the permitted land uses. The applicant would like to rezone the property from MU-1 (Mixed Use) Zone to C-4 (Highway Commercial) Zone. The Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville allows the ability to change the zone on the property. This will allow the applicant to construct a building up to 10,000 square feet and allow for a broader range of commercial uses.

Mr. Bone explained the rezoning process.

The subject property was shown on overhead.

The site plan that was submitted as part of the application was shown on overhead. Halifax Regional Municipality does not require the applicant to build exactly the same building as shown tonight. The building can change as long as it meets the requirements of the zone.

Randy Jones, RJP Landscaping Limited

The reason for the rezoning is that the C-4 Zone allows for a building up to 10000 sq ft. The building is 82.5 feet deep and 120 feet across the front. It will be situated on the site to take advantage of some viewplanes from the property. There is a small brook that flows from Mason Mills Pond. The building is situated so it will not interfere with the flow of the brook. The applicant would like to keep the area on the other side of the brook as natural as possible. The area definitely won't be clear cut.

The building design will be of precast, tilt-up concrete. Architectural precast, tilt-up concrete is when a concrete sculpture is built right into the building. Mr. Jones showed a rendering of what the building may look like.

The use of the building could be for video stores, banks, weight loss centres, etc. There has been a strong interest shown in this location. The location is situated between Bedford and Tantallon where there is a demand for commercial/retail space.

The applicant has been in talks with a retail pharmacy business. The retail pharmacy may occupy the whole building along with a medical clinic as they go hand in hand. The medical clinic will be staffed 24 hours a day (walk-in clinic).

The applicants are ready to move forward with the application and construction at any time. They are hoping to start construction as early in spring as possible.

Questions and Comments

Joyce Evans, Hammonds Plains, asked if the building will contain a coffee shop to which the applicant answered no.

Mr. Bone compared the land uses of the current zone to the land uses of the new zone. The tenants in the building may change over time but any new tenants must meet the land use requirements for the C-4 Zone.

A review of traffic and environmental issues will be done to make sure there won't be any problems.

Ms. Evans is worried about the brook, but she knows the application is going before HWAB. She asked if 50 feet is the minimum setback from the brook. Mr. Bone explained that potentially there may be an increase through the regional plan. The setback may be increased to 66 feet. Timing of this application and the regional plan will more than likely coincide. The regional plan may, or may not, be in place by December. It has to be approved by Regional Council first. If the regional plan is approved, the applicant will have to meet the requirements set out in that plan.

Mr. Jones said they will take the care to meet all the requirements. Heath Anderson assured Ms. Evans that everything possible will be done to maintain the brook. Mr. Bone mentioned that HWAB may ask for an oil separator to be placed on site.

The application will be before HWAB next month. They will provide a list of their concerns and provide a yes or no recommendation. They will also provide a list of comments to the applicant for their consideration.

Western Region Community Council (WRCC) does not meet in December; therefore, it will not be before WRCC until the fourth Monday in January for the public hearing.

Mike Laycock, Annapolis Group, is concerned about the frontage of the parking lot that runs along the brook. He is quite certain there is a dam upstream that maintains the level of the brook. He wanted to make the applicant aware of that in case the dam ever gave away it would wash out the edge of the parking lot. Mr. Jones said there is a substantial drop from the parking lot to the brook. Mr. Laycock said if the land gives way there could be implications down stream. He thought they may want to investigate. Ron Albert said they have walked the site and didn't see anything.

Mr. Laycock suggested the applicant may want to utilize the flat area off the shoulder so people can get out and in to the parking lot quickly and safely. The closer grade is from the distance of the culvert to the shoulder of the road will make it easier for people to get in and out of the parking lot.

Mr. Laycock asked if a traffic study is needed for this rezoning. Mr. Bone will leave it up to Transportation and Public Works as it is a Department of Transportation road. Their initial comments on the pre-application was that there were no concerns. Mr. Laycock likes the look of the proposal.

Adjournment

Meeting adjourned at approximately 7:50 p.m.

Attachment E
Halifax Waters Advisory Board Report - November 21, 2005

TO: Chair and Members of Western Regional Community Council

SUBMITTED BY: _____
Wayne Stobo, Chair, HWAB

DATE: November 21, 2005

SUBJECT: Case 00826 - Rezoning of 2120 Hammonds Plains Road

INFORMATION REPORT

ORIGIN:

On 16th November, 2005, the application by 3098573 Nova Scotia Limited to rezone 2120 Hammonds Plains Road, PID#41090572, from MU-1 zone to C-4 zone was presented to the Board by HRM planner, Andrew Bone.

The Board was asked specifically to comment on the re-zoning request in the context of the associated environmental/water quality issues.

RECOMMENDATIONS:

The Watershed Advisory Board appreciates this opportunity to review and comment on this proposal.

While the Board is concerned with a number of potential environmental and water quality impacts with this proposal, it does not oppose the rezoning of this site. Our concerns, as well as our reason for not opposing the proposal are given below.

The Board's guidelines specify an undisturbed buffer zone of 30 metres around all watercourses feels that the current setback provisions in the MPS for this area to be inadequate. The MPS for this area provides for a 50 foot setback for buildings from watercourses, but not for an undisturbed buffer surrounding watercourses. The existing MU-1 zoning provides no greater protection for the stream on the east side of the property than the proposed C-4 zoning. Thus the Board cannot find an environmental or water quality reason to recommend against rezoning in order to accommodate the current proposal. The Board would be very concerned however, in view of the

proximity of the stream, if any of a number of other uses permitted in the C-4 zone (such as service station, bus depot, recycling depot, building supplies outlet) was proposed for this site.

The Board does however recommend that the Community Council suggest the following considerations to the proponent.

- i) The proponent should develop an undisturbed buffer zone adjacent to the stream bed. The Board's guidelines indicate a preferred buffer width of 30 metres. The proponent could relocate the building and parking area to allow a buffer zone of that size.
- ii) The area between the building and/or parking lot and the stream that the proponent currently indicates will be covered with armour rock should instead be developed into a buffer zone with natural, native, vegetation.
- iii) There will be additional surface runoff from the site towards the stream due to the large area of the building and parking area. The proponent should try to direct the runoff flow southward so that this water will enter natural landscape before it enters the stream, thus allowing natural vegetation surrounding the site to filter some of the contaminants out of the runoff prior to it entering the stream. The Board feels this is particularly important since the stream eventually flows into the Nine Mile River, the water quality of which is already under stress. The Board would recommend that the proponent develop a water retention capability associated with the development so that post-construction runoff into the stream does not exceed pre-construction flows.
- iv) Acid slate will be encountered during foundation excavation. The NSDEL regulations for the handling and disposal of acid slate should be adhered to rigorously.
- v) The proponent has indicated that the domestic water source may be from an on-site well in the northwestern portion of the property. The Hammonds Plains Elementary School septic disposal bed is northwest and uphill from the proposed well location. The Board suggests that the proponent have the water quality on the site checked before final decisions are made on domestic water source and location.
- vi) The soil underlying the site is largely clay and thus not a good substrate for a septic disposal bed, again a concern due to the stream's association with the Nine Mile River. The proponent should ensure the disposal system meets, or exceeds, all NSDEL requirements.

BACKGROUND:

The proponent would like to construct a larger facility on the site than allowed under the MU-1 zoning and thus would like to rezone to C-4. Both the MU-1 and the C-4 zoning allows development, at least in terms of landscaping, parking etc to the edge of watercourses; the only constraint is that buildings must be set back at least 50 feet from a watercourse. Hence neither zone provides environmental protection for watercourses. There is a stream running along the eastern boundary of the property and the parking lot of the proposed facility would border closely to the

stream. The stream is known to have resident fish populations. The proposal also indicates that the border of the parking lot adjacent to the stream will be stabilized by armour rock rather than by vegetation. The soil in the area is largely clay which will provide for limited water infiltration even if the parking lot is covered with a pervious surface (eg. gravel); as well the soil is not optimal for septic disposal. The proponent may utilize an on-site well or the municipal system, for domestic water, but the latter would require some infrastructure development. The septic disposal bed of a school west of the site is uphill and thus effluent could compromise an on-site well.

A copy of this report can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by :

Wayne Stobo, Chair, Halifax Watershed Advisory Board

Attachment F
Case 00826: Proposed Amendments to the
Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law

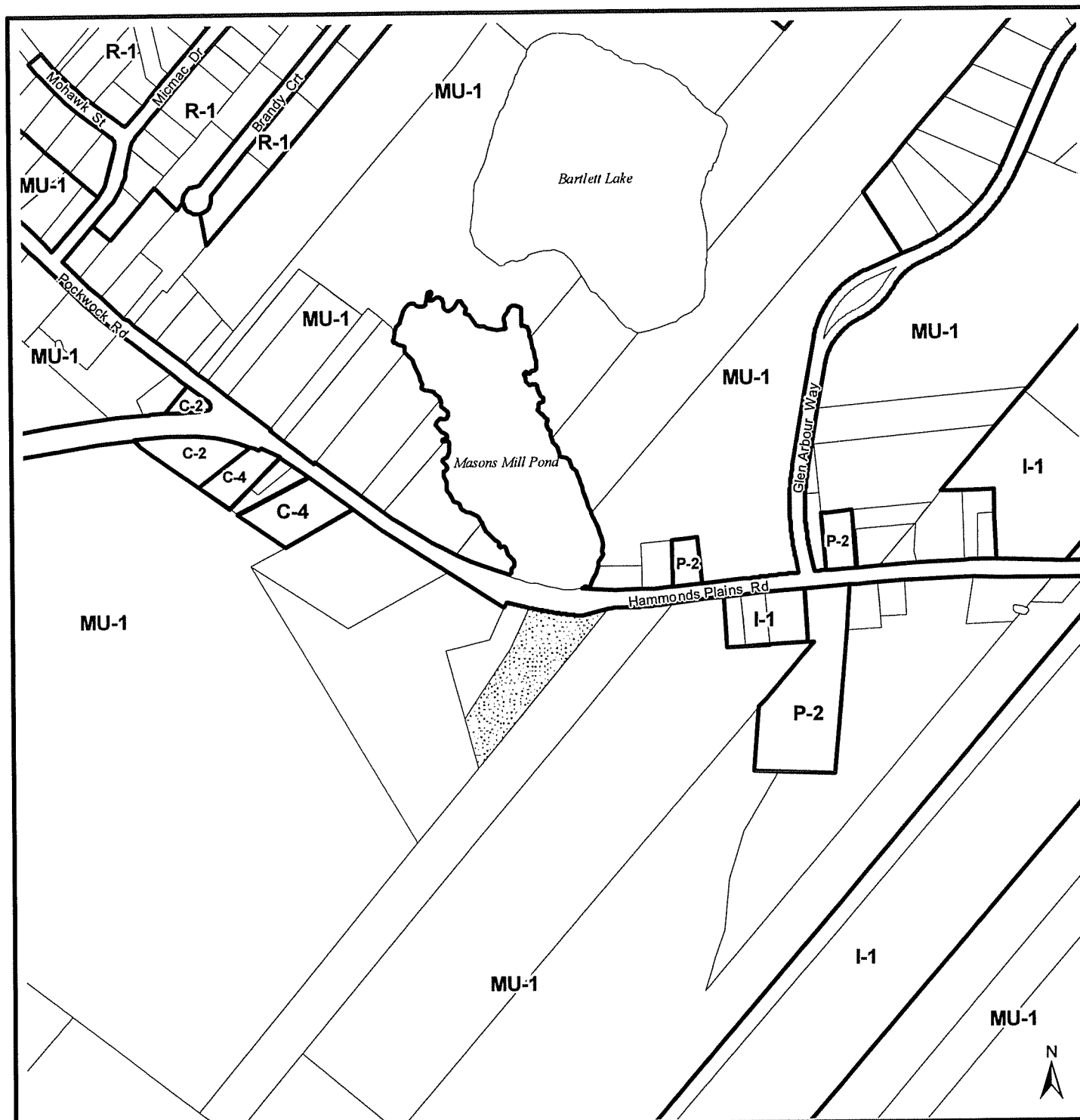
BE IT ENACTED by the Council of the Halifax Regional Municipality that the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law as enacted by as enacted by the Council of Halifax Regional Municipality on the 9th day of November, 1999 and approved by the Minister of Municipal Affairs on the 22nd day of April, 2004 as amended, is hereby further amended as follows:

1. The Beaver Bank, Hammonds Plains and Upper Sackville Zoning Map (Schedule A) is further amended by rezoning, 2120 Hammonds Plains Road, PID# 41090572 from from MU-1 (Mixed Use 1) Zone to C-4 (Highway Commercial) Zone as shown on the attached Schedule A.

I HEREBY CERTIFY that the amendment to the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law as set out above, was passed by a majority vote of the whole Western Region Community Council at a meeting held on the ____ day of _____, 2006

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2006

Jan Gibson
Municipal Clerk



Schedule A Zoning

2120 Hammonds Plains Road
Hammonds Plains

Beaver Bank, Hammonds Plains
and Upper Sackville Plan Area

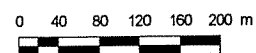


Area to be rezoned from MU-1 to C-4

Zone

R-1	Single Unit Dwelling
MU-1	Mixed Use 1
P-2	Community Facility
C-2	General Business
C-4	Highway Commercial
I-1	Mixed Industrial

HALIFAX
REGIONAL MUNICIPALITY
PLANNING AND
DEVELOPMENT SERVICES



This map is an unofficial reproduction of a portion
of the Zoning Map for the Beaver Bank, Hammonds
Plains and Upper Sackville Plan Area.

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