



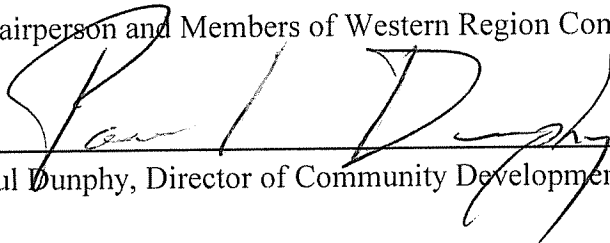
PO Box 1749
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Item 4.1.1

**Western Region Community Council
July 28, 2008**

TO: Chairperson and Members of Western Region Community Council

SUBMITTED BY:


Paul Dunphy, Director of Community Development

DATE: July 3, 2008

SUBJECT: **Case 01117: Rezoning - Corner of Glen Arbour Way and Hammonds
Plains Road**

ORIGIN

Application by Annapolis Group Inc.

RECOMMENDATION

It is recommended that Western Region Community Council:

1. Give First Reading to consider a rezoning of PID# 40806861 from MU-1 (Mixed Use 1) Zone to C-4 (Highway Commercial) Zone and schedule a public hearing; and
2. Approve the rezoning of PID# 40806861 from MU-1 (Mixed Use 1) Zone to C-4 (Highway Commercial) Zone as identified in Attachment A.

EXECUTIVE SUMMARY

The proposal is to rezone a parcel of land (a portion of PID# 40806861) located at the corner of Glen Arbour Way and Hammonds Plains Road from MU-1 (Mixed Use 1) Zone to C-4 (Highway Commercial) Zone. The purpose of rezoning is to enable the construction of several multi-unit commercial buildings.

The Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS) policy (P-24) enables Council to consider rezoning lands to the C-4 Zone subject to an evaluation of criteria such as proximity to other commercial uses, compatibility with adjacent uses, environmental issues and traffic related issues. A review was undertaken of relevant issues and no significant issues were identified which would preclude the rezoning.

The application was reviewed by the Halifax Watershed Advisory Board on April 16, 2008 as the site is immediately adjacent a watercourse. Their review indicated there were no issues which would preclude the zoning. A Public Information Meetings was held on March 26, 2008.

After consideration of the proposed development, relevant issues and public comment staff have concluded that the proposed rezoning is consistent with MPS policy and recommend approval of the proposed rezoning.

BACKGROUND:

Location: The subject area is 3.03ha (7.5 acres) portion of a 7.2 ha (18 acre) parcel (PID#40806861) located on the Hammonds Plains Road in Hammonds Plains (Map 1). The property is currently undeveloped and forested. The property slopes gradually from east to west toward Mason's Mill Pond, an artificially created pond, which is part of the Nine Mile River system.

Designation and Zoning: The property is designated Mixed Use B within the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (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.

The property is zoned MU-1 Zone (Map 2). 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:

- *North* : Undeveloped residential land within the Glen Arbour community;
- *East*: Hammonds Plains Community Centre and several properties which are zoned MU-1 Zone;
- *West*: Mason's Mill Pond and several residential homes zoned MU-1 Zone; and

- *South:* property currently zoned C-2 (Community Commercial) Zone and developed as an appliance sales outlet and several properties which are zoned MU-1 Zone. Located on the opposite side of Hammonds Plains Road, are zoned a mix of zones including I-1 (Light Industrial) Zone, MU-1 Zone and C-4 Zone. These lands are a mix of undeveloped land and commercial and automotive related uses.

Proposed Development: The applicant wishes to rezone the subject parcel to C-4 (Highway Commercial) Zone to permit the construction of several 10,000 square foot multi-tenant commercial buildings. The applicant has not decided the exact number of buildings but is suggesting that two or three buildings are being considered. A proposed site plan is attached as Map 3.

Enabling Policy: Policy P-24 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. This parcel is designated Mixed Use B.

Public Information Meeting: A public information meeting was held on March 26, 2008 for this application. Approximately 24 members of the public were in attendance. Minutes of the meeting are provided as Attachment F. The notification area is shown on Map 2. 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 2.

Halifax Watershed Advisory Board: As the site is immediately adjacent Mason's Mill Pond, a watercourse, the application was presented to the Halifax Watershed Advisory Board on March 19, 2008 and the board completed their review on April 16, 2008. Their recommendation is attached as Attachment G.

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 "B"):

Policy Intent: Policy P-24 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 490 feet (150 m) from an existing C-4 zoned property (a multi-tenant commercial building) and immediately adjacent a commercial use (Beacon Electric) and opposite several commercial automotive uses on Hammonds Plains Road. The subject property is located between the intersection of two minor collectors, Pockwock Road and Glen Arbour Way, therefore it is the opinion of staff the proposed site is a reasonable location for commercial uses. Further,

staff anticipate that further commercial growth in the immediate vicinity will produce a commercial node in this area. (Policy P-24(a) and (c)).

- **Setbacks from Watercourses:** The proposed rezoning is subject to a 20m (66 feet) environmental setback from Mason's Mill Pond which the developer is obligated to meet. The developer is proposing to construct the buildings and septic field on a portion of the site which outside the required setback and is not immediately adjacent the watercourse.
- **Traffic Impact:** The applicant is proposing two driveways for the site, a full access driveway from Glen Arbour Way and a restricted access driveway (right in/ right out) from Hammonds Plains Road. The proposed driveways were reviewed by a qualified traffic engineer and meet 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 (Policy P-24 (d) and (e)).

The development is expected to remove some traffic from the regional traffic network as more people make local commercial trips within the Hammonds Plains area. However, when combined with existing and projected traffic from the adjacent Glen Arbour development, traffic lights will be warranted if two 10,000 square foot commercial buildings are constructed. Under the existing development agreement for the Glen Arbour Residential Community, Annapolis Group Inc. is obligated to install traffic signals if traffic generation from that development creates the need for traffic signals. To date, traffic signals are not warranted. Through the rezoning process there is not a further mechanism to require the construction of traffic signals.

- **Existing Commercial Development Rights:** The existing zone permits the establishment of a variety of commercial uses with a maximum building size of 185.8 m² (2,000 sq.ft.). Under the existing zoning, the site is capable of housing approximately seven lots, each containing a 185.8 m² (2,000 sq. ft.) of commercial building. The main difference between the existing and proposed zone is the building size. The C-4 Zone permits 929 m² (10,000 sq. ft.) buildings. The impact of applying the C-4 zone to the subject property is the ability to create larger buildings. Staff are of the opinion two to three larger buildings are acceptable and further the intent of the policy more than seven smaller buildings. (Policy P-24 (b) and (c)).
- **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. (Policy P-24 (c) and Policy P-137).

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 "B"). 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 buildings on the subject property (PID#40806861).

Adjacent C-2 and MU-1 Properties: There are three properties immediately adjacent the proposed rezoning (PID#'s 00422675, 00421305 and 00421297). These properties contain two homes and an appliance sales store and are owned by a single owner. During the review process, it was suggested by the applicant, owner of these properties and the public that staff look at rationalizing the zoning of properties to create homogenous zoning on this corner. These properties do not meet the minimum lot size (30,000 square feet) required for a C-4 zone. Thus it is staff's position they can not be rezoned until such a time that they meet the minimum lot size standards. This would require the reconfiguration of lot boundaries and other measures.

BUDGET IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved operating budget for C310.

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

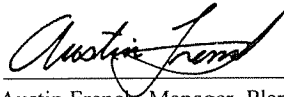
1. Approve the rezoning of the subject property as proposed. This is the recommended option as it is the opinion of staff that the proposed rezoning meets the requirements specified in the Beaver Bank, Hammonds Plains and Upper Sackville MPS.
2. Refuse the proposed rezoning of the subject property. Pursuant 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

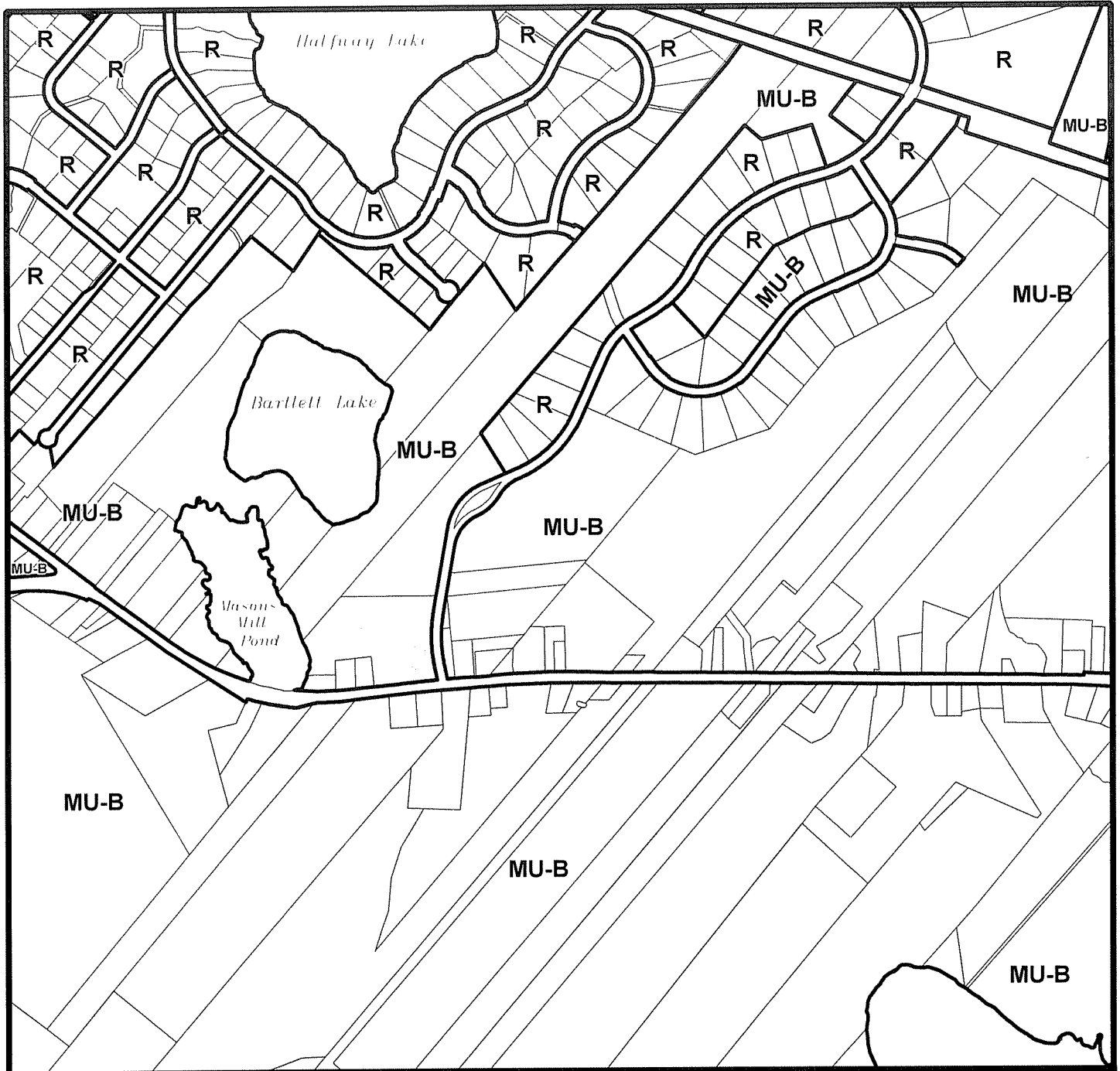
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|--------------|---|
| Map 1 | Generalized Future Land Use Map |
| Map 2 | Zoning Map |
| Map 3 | Proposed Site Plan |
| Attachment A | Proposed Amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law |
| Attachment B | MPS Policies |
| Attachment C | LUB Requirements for MU-1 Zone |
| Attachment D | LUB Requirements for the C-2 Zone |
| Attachment E | LUB Requirements for C-4 Zone |
| Attachment F | Public Information Meeting Minutes - March 26, 2008 |
| Attachment G | Halifax Waters Advisory Board Report |

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 : Andrew Bone, Senior Planner, Community Development, 869-4226



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



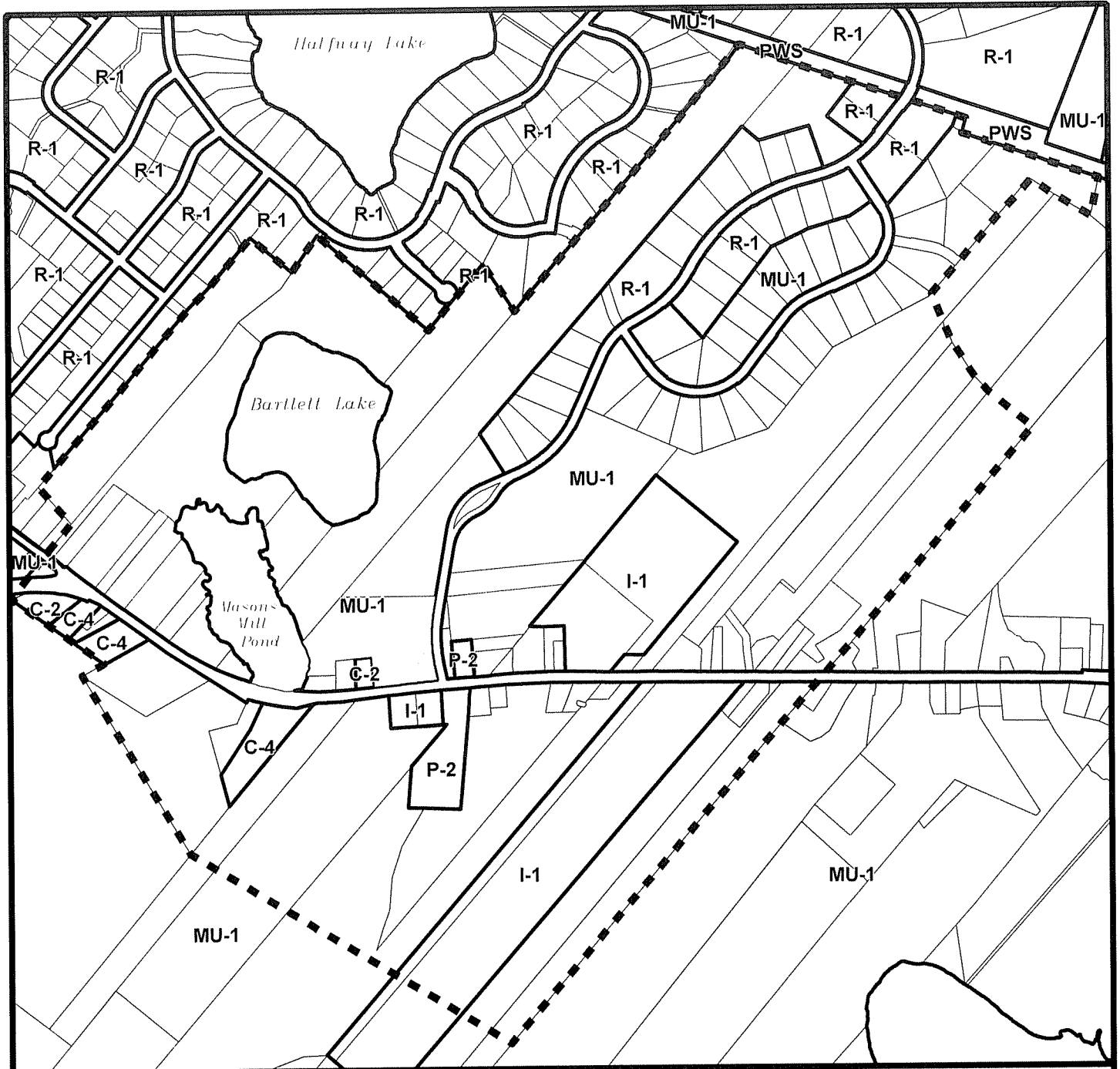
Map 1
Generalized Future Land Use

 Site

R Residential Designation
MU-B Mixed Use B Designation

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**Map 2
Zoning**



Site

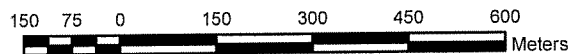


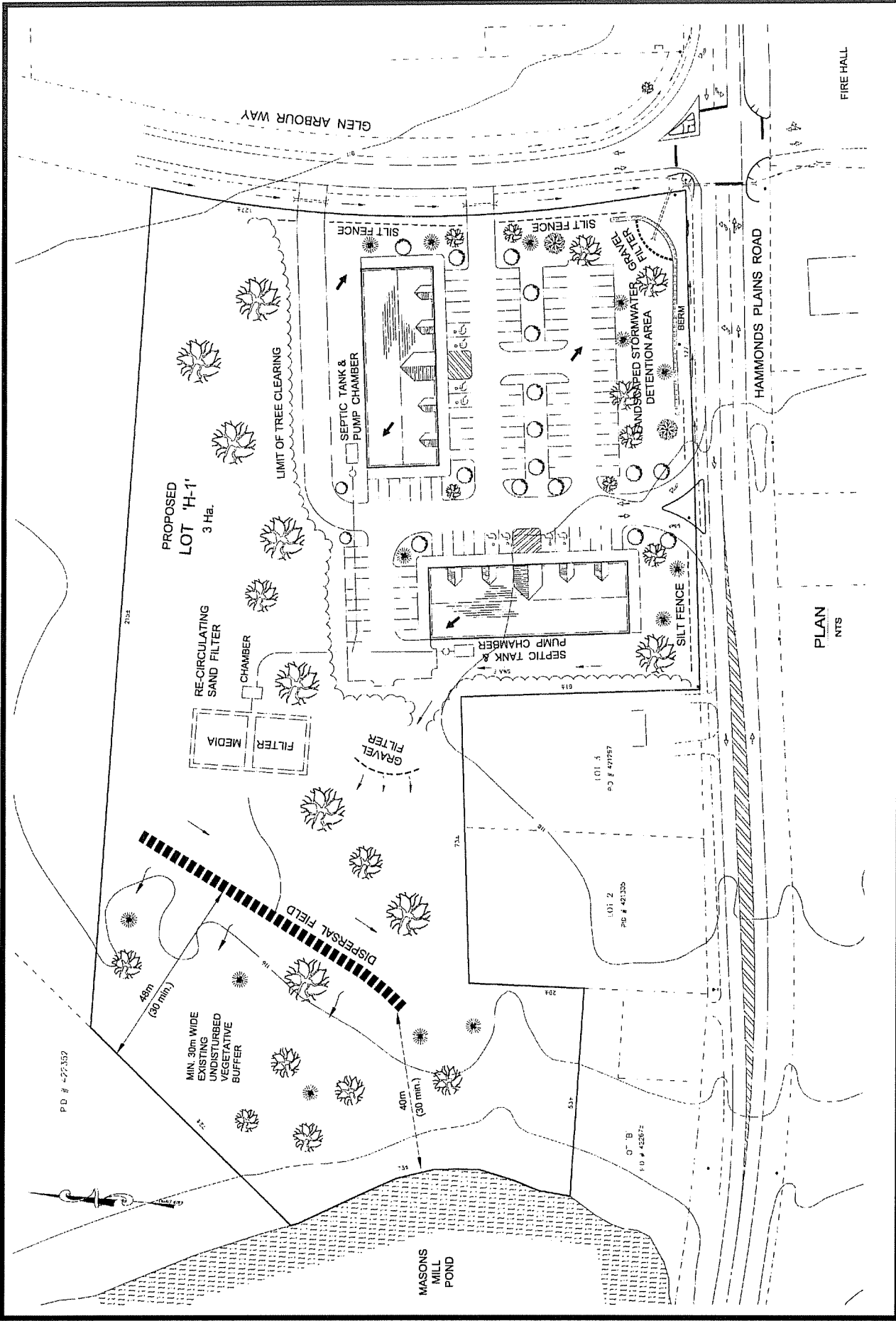
Notification Area

- R-1 Single Unit Dwelling Zone
- MU-1 Mixed Use 1 Zone
- C-2 General Business Zone
- C-4 Highway Commercial Zone

- P-2 Community Facility Zone
- PWS Protected Water Supply Zone
- I-1 Mixed Industrial Zone

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Map 3
Site Plan



Attachment A
Case 01117: Proposed Amendments to the
Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law

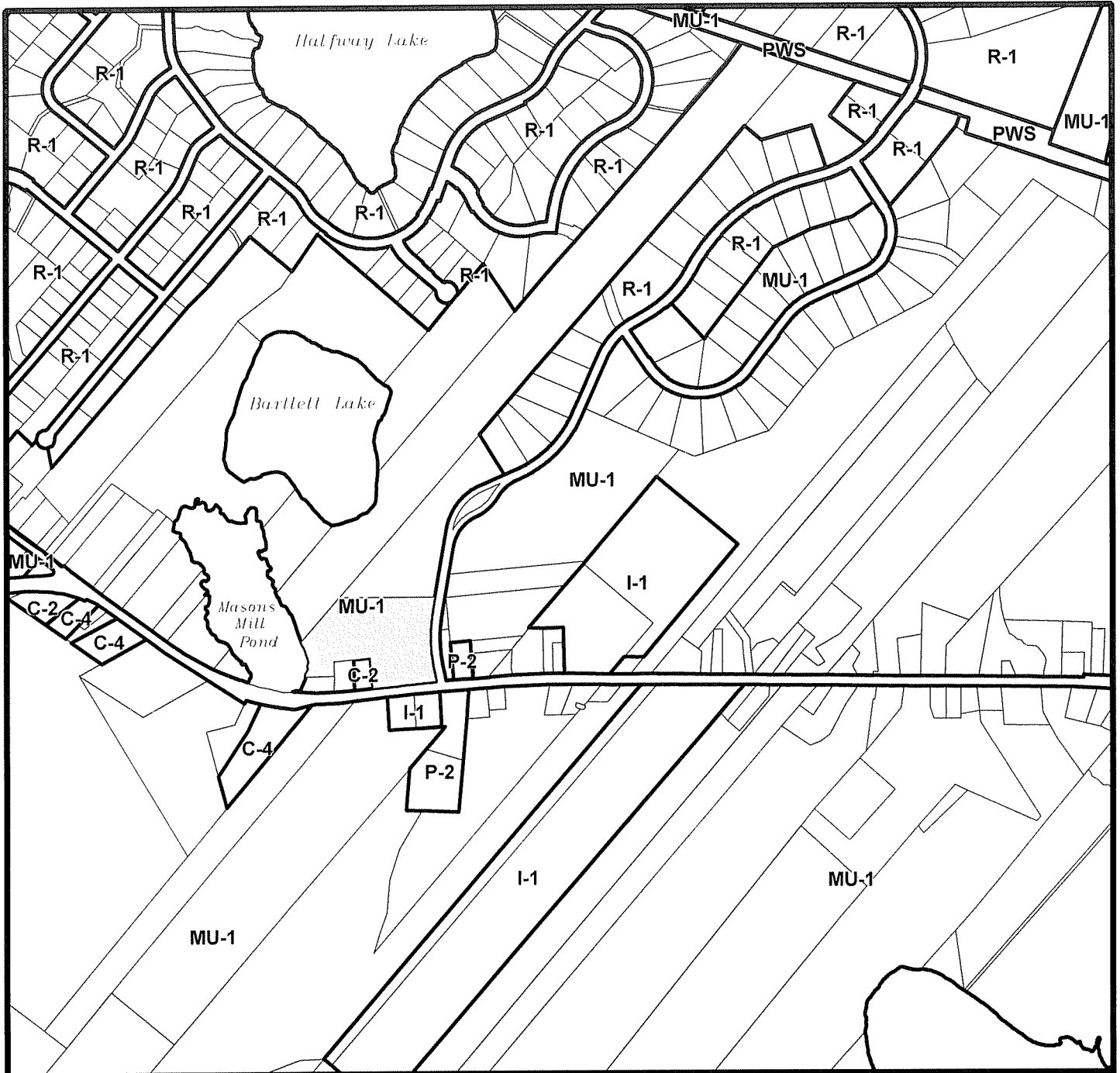
BE IT ENACTED by the Council of the Halifax Regional Municipality that the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law as enacted by as enacted by the Council of Halifax Regional Municipality on the 9th day of November, 1999 and approved by the Minister of Municipal Affairs as amended,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

1. The Beaver Bank, Hammonds Plains and Upper Sackville Zoning Map is further amended by rezoning, a portion of PID# 40806861, Hammonds Plains Road 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 _____, 2008

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ___ day of _____, 2008

Julia Horncastle
Acting Municipal Clerk



Schedule A

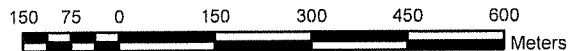


**Area to Be Rezoned
from MU-1 to C-4**



- R-1 Single Unit Dwelling Zone
- MU-1 Mixed Use 1 Zone
- C-2 General Business Zone
- C-4 Highway Commercial Zone

- P-2 Community Facility Zone
- PWS Protected Water Supply Zone
- I-1 Mixed Industrial Zone



Attachment B
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 C
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 D
LUB Requirements for C-2 Zone

PART 16: C-2 (GENERAL BUSINESS) ZONE

16.1 C-2 USES PERMITTED

No development permit shall be issued in any C-2 (General Business) Zone except for the following:

Retail stores
Food stores
Service and personal service shops
Offices
Commercial schools
Banks and financial institutions
Full Service and Take-out Restaurant
Funeral establishments
Theatres and cinemas, except drive-in theatres
Parking lots
Welding, plumbing and heating, electrical and other special trade contracting services and shops
Bakeries
Single and two unit dwellings
Institutional Uses

16.2 C-2 ZONE REQUIREMENTS

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 Height of Main Building | 35 feet (10.7 m) |

16.3 OTHER REQUIREMENTS: PARKING AND OUTDOOR DISPLAY

In any C-2 Zone, the following shall apply:

- (a) No open storage or outdoor display shall be permitted.
- (b) No parking shall be permitted within any required side or rear yard where the required yard abuts any residential or community use, except where a visual barrier is erected, in which case there will be no parking within (five) 5 feet of the side or rear lot line.

- (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.

16.4 OTHER REQUIREMENTS: ABUTTING USES

Notwithstanding the provisions of Section 16.2, 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.

16.5 OTHER REQUIREMENTS: COMMERCIAL FLOOR AREA

The gross floor area of all commercial buildings on a lot in any C-2 Zone shall not exceed five thousand (5000) square feet of gross floor area, including any floor area devoted to permitted dwelling units.

16.6 OTHER REQUIREMENTS: INSTITUTIONAL USES

Where institutional uses are permitted in any C-2 Zone, the provisions of Part 22 shall apply.

Attachment E
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 F
Public Information Meeting Minutes -March 26, 2008

HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO. 01117 - Annapolis Group Inc.

7:00 p.m.
Wednesday, March 26, 2008
Hammonds Plains Community Centre

STAFF IN

ATTENDANCE: Andrew Bone, Senior Planner, HRM Regional Planning
Tim Burns, Planning Technician, HRM Regional Planning
Cara McFarlane, Planning Controller, HRM Planning Services

ALSO IN

ATTENDANCE: Chris Lowe, Annapolis Group Inc.
Soori, Annapolis Group Inc.
Councillor Gary Meade, District 23

PUBLIC IN

ATTENDANCE: Approximately 24

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

1. Opening remarks/Introductions/Purpose of meeting - Andrew Bone

Mr. Bone introduced himself as the planner guiding this application through the planning process; Soori and Chris Lowe, Annapolis Group Inc.; Councillor Gary Meade, District 23; and Tim Burns and Cara McFarlane, HRM.

The purpose of this meeting is to identify that HRM has received an application; the scope of the proposal and to receive feedback from the public on the proposal. No decisions will be made tonight. Community Council will make the final decision.

The agenda was reviewed.

2. Overview of planning process - Andrew Bone

The rezoning process was explained.

3. Presentation of Proposal - Andrew Bone

The proposal is a request by Annapolis Group Inc. to rezone a piece of land at the corner of Hammonds Plains Road and Glen Harbour Way.

Mr. Bone defined a zone and a rezoning to the audience. The Municipal Planning Strategy (MPS) lays out when a rezoning can be requested which, in this case, would allow for Council to consider a change from MU-1 Zone to C-4 Zone.

The subject property is approximately 7.5 acres in size and is located at the corner of, and has frontage on, Hammonds Plains Road and Glen Arbour Way. It is adjacent to Masons Mill Pond.

Mr. Bone explained the difference between, and reviewed the permitted uses for, MU-1 and C-4 Zones. A 2,000 square foot building is permitted in a MU-1 Zone whereas in a C-4 Zone a 10,000 square foot building is permitted.

A site plan was shown. The proposal is for two or three 10,000 square foot buildings. The submitted site plan shows two buildings. There are two driveway accesses off of Glen Arbour Way and a proposed right in/right out access off of Hammonds Plains Road. The proposal is to have a shared septic field located in the rear portion of the site between the two buildings and Masons Mill Pond which would be handled through a commercial condominium.

An artistic rendering was shown. Any pictures and site plans provided are for information only and could change over time. HRM cannot guarantee what the building will look like. If the rezoning does go forward, the permit applications would have to comply with the requirements of the zone. Annapolis Group has indicated that they intend to use this site plan.

Presentation - Chris Lowe

Annapolis would like to develop a project at the front of Glen Arbour that would reflect the quality and integrity that will meet the residents' local needs. The current zone allowing 2,000 square foot buildings would not work for this project. They feel it best that the land behind Beacon Electric be included in this lot suggesting that this could be the area for the water and sewer system. It would meet or exceed all the requirements for Nova Scotia Department of Environment and Labour (NSDOEL).

Traffic studies have been done and if lights are required, Annapolis Group is willing to support it. The main access to the site will be off of Glen Arbour Way making it easier for people to get in and out.

One of the buildings will probably be retail and the other one focus more on professional services. This hasn't been decided at this point.

4. Questions/Comments

Gina Byrne, Stillwater Lake, said that with the vehicle movement on Hammonds Plains Road traffic lights are a must at the intersection because the fire station is located directly across the street. The lights will have to be set up with the flashers so when fire trucks are dispatched they are able to enter onto Hammonds Plains Road immediately.

Ms. Byrne is also concerned that Hammonds Plains Road is at capacity now with vehicle movement; therefore, the road should be widened.

Ms. Byrne feels that HRM should have some control on what the buildings within the district will look like.

Neil Stuart, Glen Arbour, wondered why the applicant chose a C-4 Zone over a C-2 Zone. The C-2 Zone would allow 5000 square foot buildings. Are three buildings allowed? Mr. Bone mentioned that the proposal is for two or three buildings but in the end either would meet the requirements of the zone. The reasoning for the C-4 Zone would be economic issues.

Mr. Stuart wondered if the traffic lights would be a guarantee. Mr. Bone said this issue will be discussed within the staff report. The existing Glen Arbour development agreement does have certain requirements for the implementation of lights and will be reviewed as part of this process.

Walter Regan, Sackville Rivers Association, asked if the buildings will have green roofs. Mr. Bone said there is no guarantee.

Mr. Regan asked if the buildings will be hooked up to city water or well. Mr. Bone said the proposal at this point is well water. It is within the area that can be water serviced through the central water system. If the developer wishes to extend the water at their cost, they can do so. Mr. Regan hopes this is done.

Mr. Regan wondered how the watertable and other houses nearby will be affected if a well is drilled. Mr. Bone explained that the well would have to strictly meet the requirements of NSDOEL. Mr. Regan asked if a capacity study would be done. Mr. Bone said at this point, there is no requirement for a hydrogeological study.

Joyce Evans, Pockwock Road, is delighted with the proposal. The proposal is within walking distance for her and her neighbours.

Rick Williams, Glen Arbour, asked if the buildings will be owned by Annapolis or sold. Will there be any control over tenancy. Mr. Lowe said this still has to be determined. The buildings are usually sold with terms and conditions to people who are experts in this field. Mr. Williams asked that the blown down trees on the lot be cleaned up. Mr. Lowe said he would bring it up to the individuals at Annapolis who take care of those issues.

One resident asked if there is any information on perspective tenants or interested parties in the buildings. Mr. Lowe said not at this stage.

Ross Evans, Pockwock Road, asked if there are plans for a condominium on-site. Mr. Lowe said the concept Annapolis is looking at is called a bare land condominium meaning there would be buildings on the site and the services within would be run by the Condominium Corporation. Reserved funds have to be put aside to maintain the infrastructure. This still has to be determined. Mr. Evans cannot see any significant increase in traffic. He would also like to see city water due to the salt issue. He believes there would be a lot of support for that.

Bruce Gallagher, Haliburton Heights, asked if there were four units proposed. Mr. Bone said the proposal is for two or three buildings. Mr. Gallagher asked where the third building would go. Mr. Bone showed on the concept plan where it might go. The layout would have to be reconfigured. The buildings could also be constructed as two-storey buildings with each floor containing 5000 square feet.

Reg Stallard supports this proposal. More services are needed in the area. He hopes the Beacon Electric property can also be rezoned to C-4. Mr. Bone said he may be providing comment in the staff report to Council on rezoning the remaining properties on the corner.

Keith Ayling, Tantallon and Masthead News, likes the plans that were presented. He suggests that if approval is granted, the specifications include meeting all of the current requirements of NSDOEL. Mr. Bone explained that as part of this rezoning proposal, the change in zoning would literally change a map relating to this property and would change the parameters by which development could happen on this property. NSDOEL rules and regulations are Provincial responsibility and HRM does not have any control over that. There is no agreement involved with a rezoning. In some cases (traffic), HRM has some power as they control the roads. Mr. Ayling asked if HRM has control of runoff into the pond from the site to which Mr. Bone said that is a NSDOEL issue.

Councillor Meade asked if it is possible to have a road reserve on the property for possible future widening of the Hammonds Plains Road. Mr. Bone mentioned that the setback requirement now is 30 feet. There are no means through a rezoning to increase the setback.

Councillor Meade wondered if a public process would be held if the Beacon Electric property were to be rezoned. Mr. Bone said that would be Council's decision. There is currently some public discussion with the immediate surrounding property owners. If this was to be considered at the time of this hearing, it would be included in the hearing notification to clearly specify whether or not it would be considered.

Bruce Smith, Hammonds Plains Road, is concerned about the setback from the Hammonds Plains Road because the road will need to be upgraded at some point. He asked Annapolis Group, as corporate citizens, to make sure there is adequate setback to allow for future extension of the road up to four lanes. He is overall in favour of this development, but the property should be maximized to its potential and include the third building. He doesn't see any space for signage on the concept plan and very little windows for display. He feels solar energy should be taken advantage of and feels the buildings are not functional for the overall intended use. Try to integrate some of the design features from the buildings across the street to create a coherent community feel.

Mr. Regan asked if there will be any sidewalks built. Mr. Bone explained that this proposal is to rezone the property; therefore, there are no commitments for sidewalks.

Mr. Regan asked if the existing three houses will be able to hook up to the sewer bed. Mr. Bone said there hasn't been any discussion on the adjacent private property. At this point, the proposal is only to handle the two or three commercial buildings.

Mr. Regan asked if the buildings will be built to LEED standard. Mr. Bone said there is no proposal on the building standard for these. From Municipal stand point, they have to meet building code and the requirements for the zone.

Mr. Regan asked if NSDOEL will be contacted regarding the study of sewage going into the Nine Mile River. Mr. Bone needs comment on this proposal from NSDOEL. The septic field would have to meet today's standard for construction.

Mr. Smith strongly recommends that HRM brings water to this complex for the whole community. Wells will not suffice.

Allister MacDonald, Hammonds Plains Road, feels that another set of lights at the intersection will make traffic worse. Councillor Meade mentioned that this issue is to go before Council on April 1.

Mr. Regan asked if the septic pump will be pumped out every three years. Mr. Bone said the maintenance requirements for the system will have to meet NSDOEL standards. If the option of commercial condominium goes forward, there is regular maintenance of the system.

Mr. Regan asked if the proposed number of parking spaces is required. Mr. Bone said the conceptual plan meets the minimum requirements. Mr. Lowe said the requirements under the land use by-law varies by the use.

Mr. Williams wondered the time line if approved by Council. Mr. Lowe expects something would happen quite quickly. Mr. Bone mentioned that this would probably be a phased project. There is no time restrictions on HRM's end with a rezoning.

5. Closing comments

Mr. Bone thanked everyone for coming to the meeting and expressing their comments and concerns.

6. Adjournment

The meeting adjourned at approximately 8:00 p.m.

Attachment G
Halifax Waters Advisory Board - April 16, 2008

Western Community Council
July 28, 2008

TO: Chair and Members, Western Region Community Council

SUBMITTED BY: _____
Dr. Wayne Stobo, Chair, Halifax Watershed Advisory Board

DATE: June 16, 2008

SUBJECT: Case 01117 – Application by Annapolis Group to Rezone PID40806861.

ORIGIN

Annapolis Group Inc., has applied for approval for rezoning of their property at the corner of Hammonds Plains Road and Glen Arbour Way from MU-1 Zone to C-4 Zone and permission to construct two or three multi-tenant commercial buildings of 10,000 square feet each. This application for rezoning and construction of the two or three buildings was brought before the Halifax Watershed Advisory Board on 19, March 2008.

RECOMMENDATION

The Board recommends that Community Council adopts the Recommendations as set out in Attachment 'A' of this report.

BACKGROUND

Annapolis Group has been developing the Glen Arbour subdivision since 1997. The proposed property is an addition to this development and is considered essential to the needs of the community that has developed in that area. The proposed Glen Arbour Court will be a multi-unit commercial development designed to meet the needs of the local market. The development will be designed and constructed to meet the high standards and image of the Glen Arbour community. The property for the proposed development is located at the corner of Hammonds Plains Road and Glen Arbour Way at the entrance of the Glen Arbour subdivision and abuts Mason's Mill Pond to the rear of the property.

Under the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS) Regional Council has the authority to approve of the rezoning of this property from MU-1 to C-4.

DISCUSSION

The Board was pleased to note that the proponents indicated their intention to leave the western portion of the property undeveloped; except for the installation of the septic system and dispersal bed, and that the dispersal bed would be at least 30m from the watercourse. The Board also endorses the proponent's stated intention to re-vegetate any disturbances to the western portion of the property with native species. The Halifax Watershed Advisory Board does not oppose the rezoning of this property for the purposes outlined in the staff report dated March 11, 2008.

BUDGET IMPLICATIONS

Budget Implications associated with the recommendations have not been identified. Any associated budget implications would need to be determined by HRM staff and disclosed to Western Community Council in a subsequent report.

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

None

ATTACHMENTS

None

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|---|
| <p>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: Barbara Coleman, Legislative Assistant</p> |
|---|

Attachment 'A'

(7) If a third building is constructed, it should be located in the vicinity of the previously proposed buildings in the north-eastern corner of the property adjacent to Glen Arbour Way.

(8) An oil/grit separator should be installed to capture run off from the parking lot, to be placed at a minimum of 30 metres from the nearest body of water.

(9) The proposed property's septic tanks should be pumped out every three years, or more frequently if required.

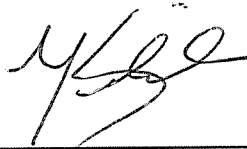
Council Report Sign-Off Sheet

Subject: Case 01117: Rezoning - Corner of Glen Arbour Way and Hammonds Plains Road

Meeting Date: July 28, 2008 Regular Council In Camera Information Report
 * Community Council Board/Committee

Prepared by: Andrew Bone - Community Development
 Name and Business Unit

Date: July 3, 2008 _____

| √ | Stakeholder - Internal | Reviewed By | Date/Time | Time Spent on Report | Initial/Signature |
|---|--|---|------------|----------------------|-------------------|
| | Not Required (unique to originating BU) | | | | |
| | BPIM | | | | |
| √ | CD | Thea Langille | July 3/08 | | |
| | Finance - FinTrack - Accounts - Financial Consultants - Procurement - Manager |  | July 17/08 | | |
| | Fire | | | | |
| | HR | | | | |
| | IAM | | | | |
| | Legal - By-Laws - Admin Orders - Other | | | | |
| | Police | | | | |
| | TPW | | | | |
| | Library | | | | |
| | Halifax Water | | | | |
| | Councillor(s) | | | | |
| | Regional Youth Advisory Committee (RYAC) | | | | |
| | Stakeholder - External | | | | |

Revised: March 2008



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Western Community Council
July 28, 2008

TO: Chair and Members, Western Region Community Council

SUBMITTED BY:

A handwritten signature in cursive script, appearing to read "Barbara Cole", written over a horizontal line.

Dr. Wayne Stobo, Chair, Halifax Watershed Advisory Board

DATE:

for

June 16, 2008

SUBJECT:

Case 01117 – Application by Annapolis Group to Rezone
PID40806861.

ORIGIN

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RECOMMENDATION

The Board recommends that Community Council adopts the Recommendations as set out in Attachment 'A' of this report.

BACKGROUND

Annapolis Group has been developing the Glen Arbour subdivision since 1997. The proposed property is an addition to this development and is considered essential to the needs of the community that has developed in that area. The proposed Glen Arbour Court will be a multi-unit commercial development designed to meet the needs of the local market. The development will be designed and constructed to meet the high standards and image of the Glen Arbour community. The property for the proposed development is located at the corner of Hammonds Plains Road and Glen Arbour Way at the entrance of the Glen Arbour subdivision and abuts Mason's Mill Pond to the rear of the property.

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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

None

ATTACHMENTS

None

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|---|
| <p>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: Barbara Coleman, Legislative Assistant</p> |
|---|

Attachment ‘A’

1. If a third building is constructed, it should be located in the vicinity of the previously proposed buildings in the north-eastern corner of the property adjacent to Glen Arbour Way.
2. An oil/grit separator should be installed to capture run off from the parking lot, to be placed at a minimum of 30 metres from the nearest body of water.
3. The proposed property’s septic tanks should be pumped out every three years, or more frequently if required.