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PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Halifax Regional Council  
Tuesday, April 13, 2004  
*may 4, 2004*

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**   
Linda Mosher, Chair, Chebucto Community Council

**DATE:** April 5, 2004

**SUBJECT:** Case 00562: MPS and LUB Amendment - Evergreen Place, Halifax

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**ORIGIN**

Chebucto Community Council meeting of April 5, 2004.

**RECOMMENDATION**

It is recommended that Regional Council:

1. Give First Reading to consider amendments to the Municipal Planning Strategy and Land Use By-Law for Halifax and schedule a public hearing;
2. Adopt the amendments to the Municipal Planning Strategy and Land Use By-Law for Halifax as shown in Attachment I of this report.

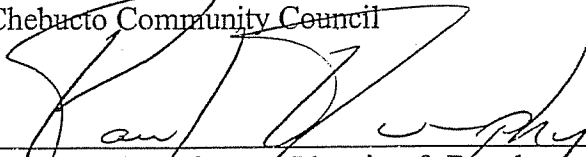
**ATTACHMENT:**

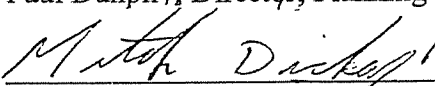
Staff report dated February 26, 2004.

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**Chebucto Community Council**  
**April 5, 2004**

**TO:** Chebucto Community Council

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

  
Mitch Dickey, Planner, Real Property Planning

**DATE:** February 26, 2004

**SUBJECT:** Case 00562: MPS and LUB Amendment - Evergreen Place, Halifax

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**ORIGIN**

This originates from direction given by Regional Council on November 4, 2003 to commence the process to undertake amendments to the planning documents relative to this property.

**RECOMMENDATION**

**It is recommended that Chebucto Community Council recommend that Halifax Regional Council:**

1. Give First Reading to consider amendments to the Municipal Planning Strategy and Land Use By-law for Halifax and schedule a public hearing;
2. Adopt the amendments to the Municipal Planning Strategy and Land Use By-law for Halifax as shown in Attachment 1 of this report.

## **BACKGROUND**

### **Location, Designation and Zoning:**

The subject lands known as Parcel HRM-1, as shown on Maps 1 and 2, are located within the former City of Halifax Mainland planning area. The subject parcel is 7.5 acres in size. A small portion of parcel HRM-1 is now designated Industrial and zoned I-3 General Industrial, however most of the site is designated and zoned Western Common.

North of the site, across Evergreen Place, is the New Era Farms composting facility. This is a major industrial use, which was approved before the Western Common land use and designation was applied to the site. Immediately to the south is a long-established industrial area in the community of Goodwood, within the Prospect Road planning area.

### **Synopsis of Proposed Development:**

The existing lands of M.J. Web are located in the former County of Halifax, in the Goodwood community, and have been used for industrial purposes since the 1970's. M.J. Web Real Estate intends to add Parcel HRM-1 to its existing lands on Mills Drive. They would be used for general industrial use, as an extension from the existing holdings. This would consist primarily of outdoor storage yards in association with Mills Heavy Hauling Limited. A slab-on-grade industrial building may also be constructed in association with the use. There is currently a purchase and sale agreement in place between HRM and M.J. Web for the subject site, which is subject to approval of this planning change.

### **Public Meeting:**

A public meeting was held on February 2, 2004, to discuss the proposed land use change. Most discussion centered on the future of the Western Common and when implementation of the conceptual plan might begin. Concern was expressed that HRM may continue to sell lands such as this site for industrial use, however this concern was addressed at the meeting. The minutes of the public meeting are included as Attachment 2.

## **DISCUSSION**

The current configuration of zoning in this area, as seen on Map 2, results in a somewhat confusing boundary for the Western Common. The bulk of the lands to be sold by HRM are in reality largely cut off from the Common, and due to the proximity of the industrial lands are of little or no value from a recreation or wilderness perspective. This is compounded by the fact that over the past few decades much of the site has been cleared of trees, graded and filled with soil and construction debris. The costs of restoring this property to a natural condition would be high and it is clearly more beneficial to sell it as an industrial site.

The proposed lot requires a subdivision of a parcel from the existing HRM industrial lot. Staff suggest that rather than leaving the Industrial designation and zoning in place, the remainder of this parcel should itself be designated and zoned as Western Common.

At the public meeting there was the concern that HRM might continue to sell off portions of the Common on a piecemeal basis. It is anticipated that there are no other parcels of similar characteristics which would be suitable for sale. The redesignation and rezoning of the subject lot, while bringing the remaining industrial parcel within the Western Common, will reduce the net loss. This will also allow the establishment of a much more clear boundary for the Western Common.

### **Conclusion:**

The redesignation for industrial use, of a small part of the Western Common sandwiched between two industrial areas, is logical from a land use perspective. The net loss to the Western Common, when bringing the remainder parcel of land within the Western Common, is negligible and will result in a more clear demarcation between industrial and open space uses in this area of Evergreen Place. Staff therefore recommend approval of the amendments to the MPS and LUB for Halifax, as shown in Attachment 1.

### **BUDGET IMPLICATIONS**

There are 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**

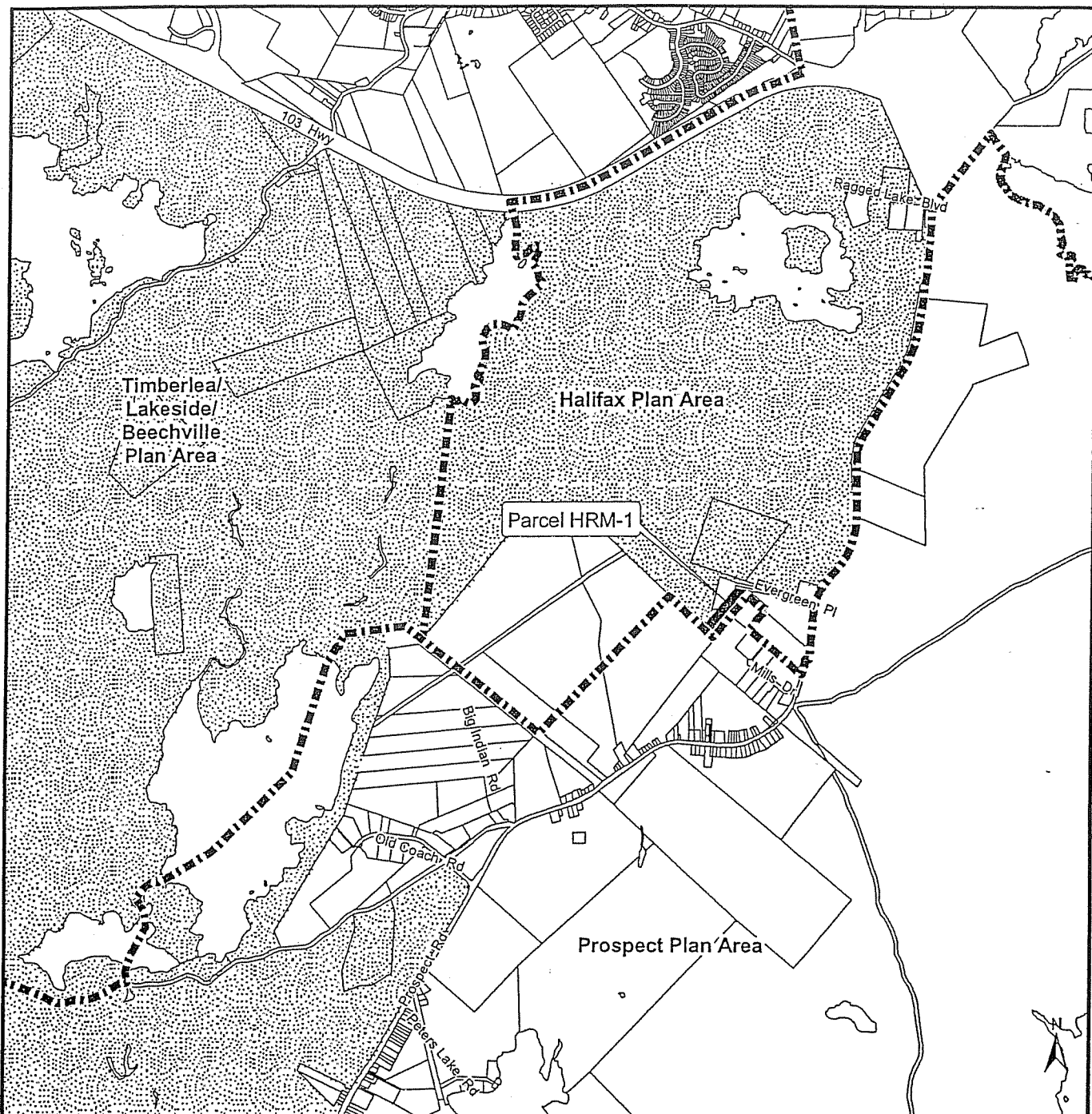
1. Approve the requested amendment. This is recommended for reasons described above.
2. Refuse the requested amendment. This is not recommended for the reasons outlined above.

### **ATTACHMENTS**

- Map 1: Context  
Map 2: Location and Zoning  
Attachment 1: Recommended Amendments to the MPS and LUB for Halifax  
Attachment 2: Minutes of Public Information Meeting, February 2, 2004




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: Mitch Dickey, Planner II, Real Property Planning, 490-4489

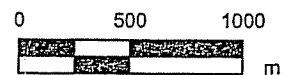


Map 1 - Context

Mills Drive  
Halifax

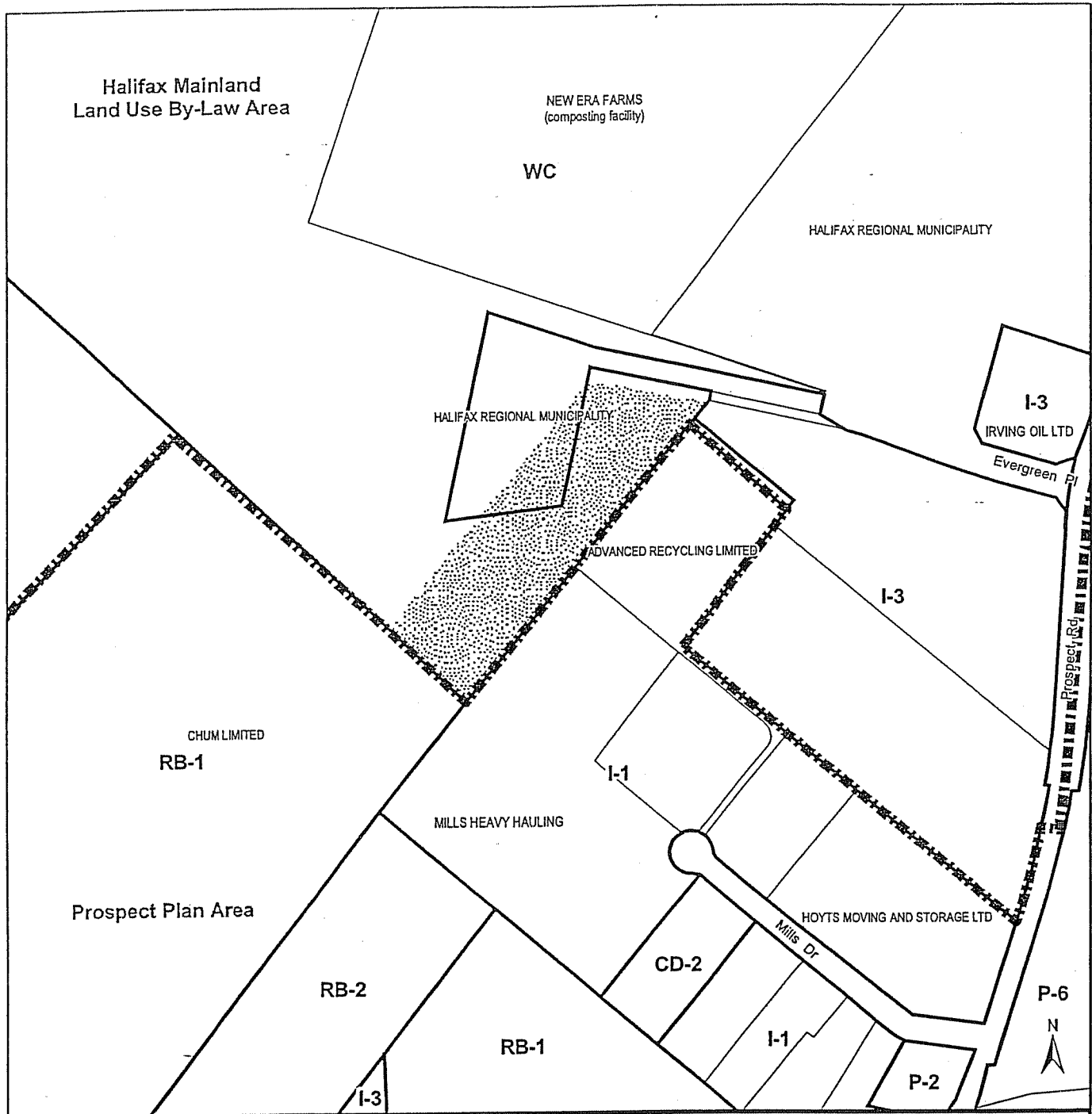
-  Subject area - Parcel HRM-1
-  Plan area boundary
-  Western Common

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This map is an unofficial reproduction of a portion of the Zoning Maps for the areas noted.

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



Map 2 - Location and Zoning

Mills Drive  
Halifax

-  Subject area - Parcel HRM-1
-  Plan area boundary

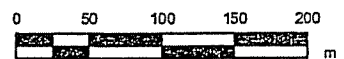
Halifax Land Use By-Law Zones

- I-3 General Industrial
- WC Western Common

Prospect Plan Area Zones

- RB-1 Residential B-1
- RB-2 Residential B-2
- CD-2 General Business
- I-1 General Industrial
- I-3 Local Service
- P-2 Community Facility
- P-6 Park

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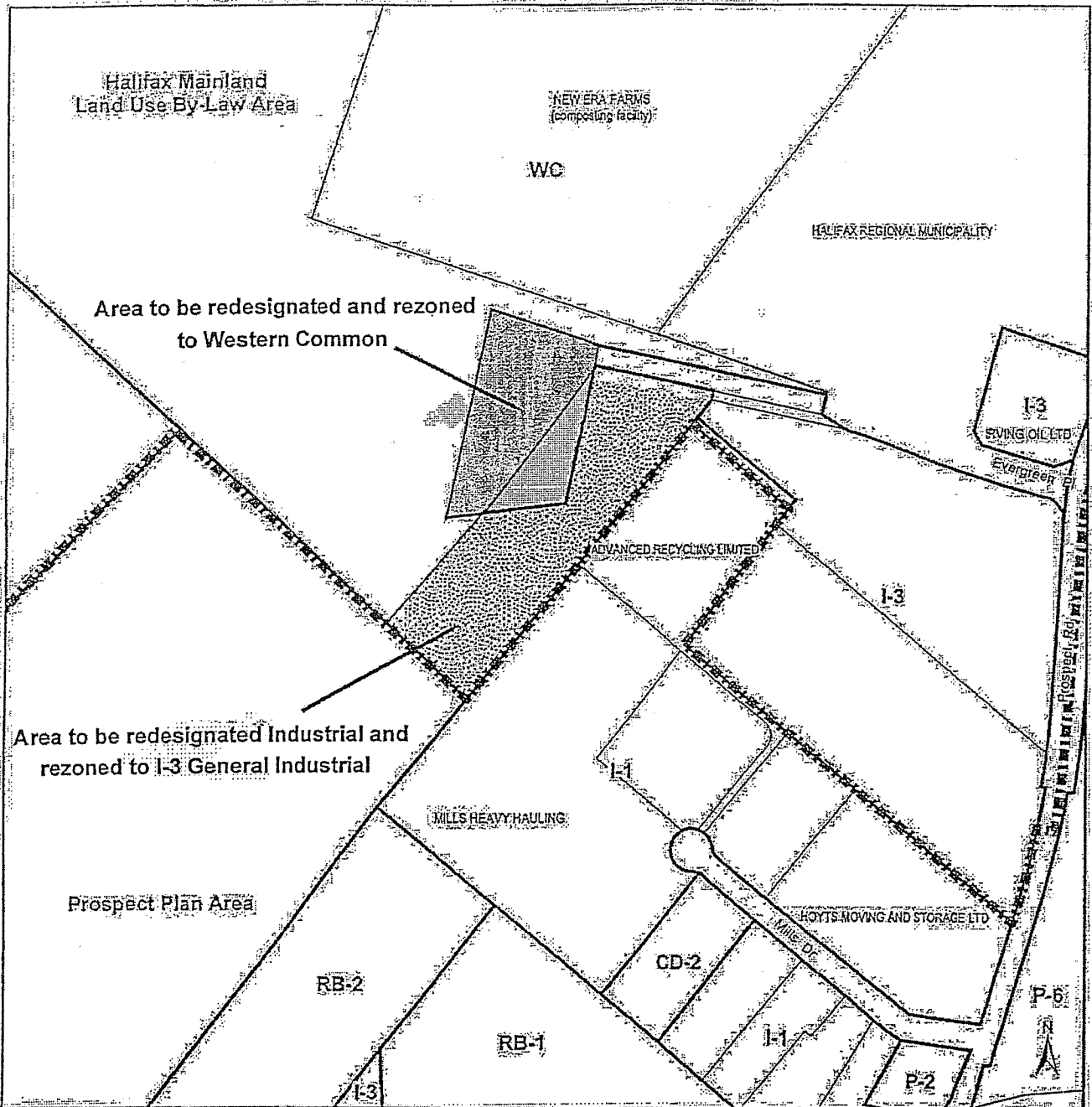


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**Attachment 1  
Recommended Amendments to the MPS and LUB for Halifax**



**Recommended Amendments to the  
MPS and LUB for Halifax**


**Halifax Land Use By-Law Zones**

- I-3 General Industrial
- WC Western Common

**Prospect Plan Area Zones**

- RB-1 Residential B-1
- RB-2 Residential B-2
- CD-2 General Business
- I-1 General Industrial
- I-3 Local Service
- P-2 Community Facility
- P-6 Park



 Plan area boundary

This map is an unofficial reproduction of a portion of the Zoning Maps for the areas noted.

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

**Attachment 2**  
**Minutes of Public Information Meeting**  
**Case 00562**  
**February 2, 2004**

In attendance: Jan Skora, Real Property Planning  
Gail Harnish, Planning & Development Services  
7 members of the public

Mr. Jan Skora called the public information meeting to order at approximately 7:05 p.m. at the Keshen Goodman Library.

Mr. Skora noted we are considering a request for an amendment to the Halifax Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Evergreen Place in Halifax. The request was tabled with Regional Council on October 21, 2003, with a recommendation to initiate the MPS amendment process for this site and also to conduct the public participation process. The intention of tonight's meeting is to get feedback on the proposed changes to the policy and the LUB for this area. Following this meeting, staff will prepare a report to Chebucto Community Council with a recommendation to proceed with a change to the designation/zoning.

Mr. Skora pointed out the location of the parcel of land on the overhead. It is approximately 7.5 acres of land and is entirely located within the Halifax plan area. A large portion of the parcel, known as HRM-1, is located within the Western Common Designation. The remaining portion of the parcel is also located in the Western Common Designation but is zoned I-3 (General Industrial). The adjacent land to the south and southeast is owned by M.J. Web Real Estate which operates on the adjacent property as Mills Heavy Hauling Limited. The intention was to consolidate and to eventually expand the business into this area.

Mr. Skora advised the Western Common Designation was approved by Council in 2000. This gives the general authority about the future of the development and land use in this area. In 2002, Council authorized staff to enter into a purchase and sale agreement with the applicant of this property with the intention of incorporating the adjacent 7.5 acre parcel of land into this industrial operation. The intention is to redesignate a portion of Parcel HRM-1 from Western Common to Industrial Designation and to rezone from (WC) Western Common to (I-3) General Industrial. Parcel 7H will be redesignated/rezoned from Industrial to zoning which will be reflected in the Western Common Designation.

Mr. Skora indicated staff feel this proposal will provide a better configuration of the Mainland Common in this area. It will move the industrial operation closer to the existing operation of Mills Heavy Hauling and further away from the future open space and park uses.

Mr. Skora advised that during this public process, we will be looking for suggestions and input from the community in terms of the options. One option for the remainder of HRM Lot 7 is for it

to retain its industrial zoning and perhaps be disposed of in the future or, alternatively, it could be redesignated and zoned as Western Common.

Mr. Lloyd McLellan, referencing the map, questioned why HRM does not change all the zoning to I-3. Somebody else wanting to purchase industrial land in the area of that road will have to go through this same process.

Mr. Skora responded it was his understanding that the direction to staff from Council was specific to this site. He pointed out Parcel 7H on the map. Staff feel there are certain benefits. There is no real specific use for this site under the present concept for the Western Common. All the recreational uses are located up this way (pointed out on map). We are not trying to propagate the industrial use back towards the area that will be recreational in the future.

It was confirmed that the access to the site is on the other side through the Old Coach Road.

Mr. McLellan suggested they consider changing the zoning to industrial up to the end of Evergreen through this process.

Mr. McLellan questioned where the industrial zoning stopped before. It was responded where the southeast side of the red line is (shown on map). The road was built in order to allow New Era Farms to put in the compost facility.

Mr. McLellan stated he was in favour of the designation/zoning being changed.

Mr. Wayne Hamilton, Brookside, questioned whether the proposal was asking for an industrial trucking and storage site, to allow Mills Heavy Hauling to expand into this area. It was responded yes.

Mr. Hamilton stated what we already have on the site is essentially an interim C&D storage facility and so what we are really seeing is an expansion of a C&D storage facility contrary to the long range plans for HRM which is to move the C&D into the three designated areas, including the site in Harrietsfield.

Mr. Jack MacIsaac stated the Mills are not involved with and do not operate a C&D site. He pointed out on the map the area of land owned by the Mills. He also pointed out on the map the site being referenced. It used to belong to Len Gillespie.

Mr. Hamilton indicated his concern related to setting a precedent. He encouraged that HRM make sure it is worded such that it is not a precedent whereby they see the Western Common land being redesignated for industrial.

Mr. Skora responded staff was aware of that concern, as well as Council. However, staff sees this as being beneficial to the Western Common. This is a reconfiguration of the industrial use to some degree. Keeping this land in the Western Common will be of little use. Staff is looking for

protection. There is a commitment in the near future for staff to establish what has been promised in the past which is to start developing the concept plan with the community for the future development of this parcel.

Mr. Hamilton questioned what protection the residents have if that land is zoned industrial and they decide to sell it.

Mr. Skora responded the uses on the property will be controlled by the zoning on the property. The I-3 zone in the LUB lists the permitted uses. He indicated he would provide Mr. Hamilton with a copy of the I-3 zone.

Ms. Cathy Oakley, Prospect, asked for clarification that the land currently owned by HRM will be Western Common land. In response, Mr. Skora pointed out the area of the Western Common on the map.

Ms. Oakley advised they are trying to get a steering committee formed. She asked if consideration was made for development of that land to be approved by the Western Common study.

Mr. Skora responded that staff used the Western Common study by EDM as the guiding document in the assessment of the proposal. In this document, this particular land had no specific designation for any particular environment, recreational or development use. It was simply left with no particular value. This was probably the only reason that staff and Council decided it was safe to consider this proposal.

Ms. Oakley commented she had no objection to clustering the industrial land together. They are concerned that they not lose the Western Common land in dribs and drabs. She questioned whether the steering committee would be consulted before any other land is tacked on going up to Evergreen Road.

Mr. Skora responded he could not promise that. Staff is working hard to make sure the Western Common as a block of land is not effected to the point that it will suffer as a block intended for recreational open space. There will probably soon be an announcement to substantially add to the value of this asset which would be to add a very sensitive and important location.

Ms. Oakley questioned whether on balance this redesignation cuts down on what is currently called Western Common land. She also questioned whether any money would change hands as a result.

Mr. Skora advised the value will be determined based on proper assessment of the property and market value. In terms of where this money will be placed, he could not answer. It will end up in HRM. There is a cost associated with the planning process and is something that will be included in the next budget to Council.

Mr. Hamilton indicated when they did the Western Common planning, they looked at it as an egress point into that. Moving that piece of land into the Industrial Designation would not create any problems. He recommended that the funds generated from the differential in the cost be directed towards the Western Common funding as opposed to general revenue.

Mr. MacIsaac, lawyer representing the Mills for over thirty years, stated the Mills family has a large interest in the property on Mills Drive in Goodwood. The property starts at the head of the cul de sac and runs away from the Prospect Road and then it runs between the Butler Brothers property and the Reardon property and goes up to Advancement Recycling. All the land controlled by the Mills is used for storage of various pieces of equipment. There is a lot of pipe in there and it is taken to and from that site by the people who own it. The property that is the subject of the discussion tonight does not front on the next street over which is Evergreen. All access to it will be coming down the Mills Road.

Mr. MacIsaac advised that the Mills Company has four acres which is leased to Mills Heavy Hauling. Gerald Mills and his wife own fifteen acres. About thirteen acres is rented out to a company that stores its own assets there. Gerald Mills rents five acres to Mills Heavy Hauling.

Mr. MacIsaac stated that what they are supporting is the idea that this land was being classified for the same particular use. This land will all be used for storage. He requested that it be consolidated so that it can be sold at a price which HRM determines to be market value. They have been trying to get this transaction closed for about two years and they have run into obstacles that are not intended but just happen to be there. He urged that this be put forward as soon as possible.

The meeting adjourned at approximately 7:35 p.m.