

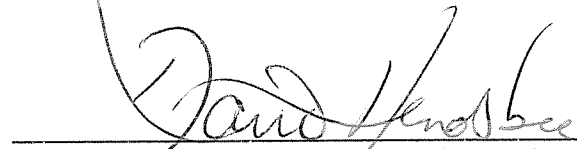



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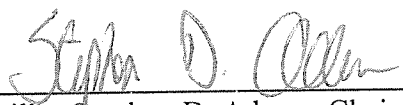
**Item No. 9.1 (i)**  
**Halifax Regional Council**  
**December 15, 2009**  
**January 12, 2010**

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

**SUBMITTED BY:**

  
Councillor David Hendsbee, Chair, Marine Drive, Valley and Canal Community Council

for   
Councillor Bob Harvey, Chair, North West Community Council

  
Councillor Stephen D. Adams, Chair, Western Region Community Council

**DATE:** December 10, 2009

**SUBJECT:** **Case 01186: Amendments to the Beaver Bank, Hammonds Plains and Upper Sackville MPS and LUB**

**ORIGIN**

Western Region Community Council meeting of November 23, 2009. North West Community Council meeting of November 25, 2009. Marine Drive, Valley and Canal Community Council meeting of December 10, 2009.

**RECOMMENDATION**

It is recommended that Halifax Regional Council:

1. Give First Reading to the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS) and Land Use By-law (LUB) as provided in Attachment A and B of the staff report dated October 14, 2009 and schedule a public hearing; and
2. Approve the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville MPS and LUB as provided in Attachment A and B of the staff report dated October 14, 2009.

**BACKGROUND**

Western Regional Council discussed the matter at their November 23, 2009 meeting, North West Community Council discussed the matter at their November 25, 2009 meeting and Marine Drive, Valley and Canal Community Council discussed the matter at their December 10, 2009 meeting as outlined in the October 14, 2009 staff report.

**DISCUSSION**

As outlined in the October 14, 2009 staff report.

**BUDGET IMPLICATIONS**

As outlined in the October 14, 2009 staff 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**

As outlined in the October 14, 2009 staff report.

**ATTACHMENTS**

1. Staff report dated October 14, 2009.

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

Report Prepared by: Krista Tidgwell, Legislative Assistant



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North West Planning Advisory Committee - November 4, 2009  
Western Region Community Council - November 23, 2009  
Marine Drive, Valley and Canal Community Council - November 25, 2009

**TO:** Chair and Members of North West Planning Advisory Committee  
Chair and Members of Western Region Community Council  
Chair and Members of Marine Drive, Valley and Canal Community Council

**SUBMITTED BY:** \_\_\_\_\_  
Paul Dunphy, Director of Community Development

**DATE:** October 14, 2009

**SUBJECT:** Case 01186: Amendments to the Beaver Bank, Hammonds Plains and Upper Sackville MPS and LUB

**ORIGIN**

- August 28, 2008 - An application by 3227459 Nova Scotia Limited was submitted for the re-designation and rezoning of their lands near the intersection of Hammonds Plains and Kingswood Drive.
- November 18, 2008 - Regional Council directed staff to consider amending the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to consider commercial development near the intersection of Hammonds Plains Road and Kingswood Drive/Gatehouse Run.

**RECOMMENDATION**

It is recommended that Western Region Community Council, Marine Drive, Valley and Canal Community Council and North West Community Council:

1. Recommend that Regional Council give First Reading to the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS) and Land Use By-law (LUB) as provided in Attachments A and B, and schedule a public hearing; and
2. Recommend that Regional Council approve the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville MPS and LUB as provided in Attachments A and B.

## EXECUTIVE SUMMARY

The four-way intersection at Hammonds Plains Road and Kingswood Drive/Gatehouse Run has become an important intersection in Hammonds Plains, providing principal access to large residential subdivisions. While there is some commercial and institutional development around the intersection, other lands have remained undeveloped. The applicant owns undeveloped land at the southwest corner of the intersection and has requested amendments to the MPS and LUB to enable commercial development.

The MPS and LUB regulates land very differently on the northern side of the intersection, compared to the southern half (Maps 1 and 2). In recent years, Halifax Regional Municipality has fielded questions and applications regarding the expansion of commercial land use rights in Hammonds Plains, including land near intersections. Given extensive residential development, the demand for commercial land uses, and the absence of a commercial node in Hammonds Plains, staff recommend Regional Council approve a new land use designation and zone as set out in Attachments A and B. These amendments aim to encourage commercially focussed development that is comprehensive and complimentary to the community.

## BACKGROUND

### **The Application:**

The application by 3227459 Nova Scotia Limited requested the redesignation and rezoning of two properties (subject properties) at the intersection of Hammonds Plains Road and Kingswood Drive (Maps 1 and 2), including changing the designation and rezoning these lands from MU-1 (Mixed Use 1) and R-1 (Residential Single Dwelling) to C-4 (Highway Commercial).

### **General Study Area:**

Staff prepared a report to Regional Council which recommended initiating the process required to consider amending the MPS and LUB for the subject properties owned by 3227459 NS Limited. This report also recommended that the scope of the amendments be expanded to include those lands near the intersection of Hammonds Plains Road and Kingswood Drive/Gatehouse Run (general study area).

### **Existing Designation:**

The general study area is divided into two land use designations (Map 1). Each designation provides different planning options and does not contemplate the four-way intersection (Hammonds Plains Road and Kingswood Drive/Gatehouse Run). For example:

- Land south of the intersection, including the two parcels owned by 3227459 Nova Scotia Limited, is designated Residential (R) by the MPS. No policy options exist to consider stand alone commercial development within the R designation.
- Land north of the intersection is designated Mixed Use-B (MU-B). Aside from enabling the Mixed Use-1 (MU-1) Zone, the MU-B designation includes policies enabling Council to consider establishing a C-2 (General Business) and C-4 (Highway Commercial) Zone.

### Land Use:

The general study area (near the intersection of Hammonds Plains Road and Kingswood Drive/Gatehouse Run) is divided into several zones (Map 2). The mix of zoning within the general study area enables a range of uses, including residential, commercial, institutional, agricultural, forestry and public uses. At present, land uses immediately around the intersection provide commercial, retail, office, institutional and public services.

## DISCUSSION

### **Rational for Plan Policy Change:**

In order for staff to consider a change to the MPS, there must be a change in circumstance or a significantly different situation from what the plan policies anticipated. In the previous report to Regional Council, Staff identified the following circumstances:

- *New Streets:* Prior to the early 1990s, the intersection of Hammonds Plains Road and Kingswood Drive did not exist. Through subdivision development, new streets have been constructed, resulting in a four-way intersection at Hammonds Plains Road and Kingswood Drive/Gatehouse Run (Map 1 and 2).
- *Residential Growth:* Subdivisions neighbouring the four-way intersection have created close to 1,500 residential lots, with certain subdivisions having the potential to expand further.
- *Limited Commercial Growth:* Despite significant residential growth, limited commercial services exist in Hammonds Plains.

Beyond identifying certain circumstances upfront, the following circumstances have been identified through the planning process:

- *Upgrades to the Intersection:* HRM is investigating options for upgrades to the intersection of Hammonds Plains Road and Kingswood Drive/Gatehouse Run. HRM Design and Construction Services has indicated design upgrades will include provision for the extension of the right turn lane from Hammonds Plains Road onto Kearney Lake Road (back to Kingswood Drive), and minor traffic signal upgrades and intersection adjustments at Hammonds Plains Road and Kingswood Drive/Gatehouse Run.
- *A Second Four-Way Intersection:* Along with the first phase of Kingswood North, Majesty Court was created and aligned with the existing three-way intersection at Hammonds Plains Road and Crestfield Drive (Map 1 and 2). This second four-way intersection further emphasizes the general study area as a central location within the community.
- *Absence of a Commercial Node:* Hammonds Plains is currently without a clearly defined commercial node, with commercial development sporadically distributed along Hammonds Plains Road.

### **Public Consultation:**

In accordance with Regional Council's Public Participation Program for MPS amendments, and to obtain feedback from residents and business owners, staff hosted a public workshop on March 12, 2009. Both the applicant's proposal and lands within the general study area were discussed. At the workshop, the public worked towards identifying a defined study area.

A detailed questionnaire was also distributed at the public workshop. Through the questionnaire, the public expressed their opinion on issues related to acceptable land uses, appropriate mass and height of buildings, landscaping, parking and driveway access (Attachments D and E). Further, public discussion identified a desire to deal with MPS and LUB amendments in a comprehensive fashion, ensuring that future development is well designed and complimentary to the community.

Should Regional Council decide to hold a public hearing, in addition to published newspaper advertisement, property owners in the area shown on Map 3 will be sent written notification.

### **A Defined Study Area:**

Staff and public consultation has resulted in a defined study area where MPS and LUB amendments are considered reasonable (Map 3). When establishing the defined study, the following items were considered:

- proximity to Hammonds Plains Road;
- relationship with established four-way intersections;
- location within the Water Service District;
- concerns with permitted uses in the C-4 Zone (i.e. - display courts/automotive sales);
- potential for lands to be rezoned C-4; and
- feedback from the public workshop.

There are nine lots within the defined study area, ranging in size from 73,000 square feet to 242,000 square feet. All lots are within the Water Service District, although a few properties are not completely within the District (Map 3). Typically, a building must have 50 percent of its footprint within the Water Service District in order to be serviced with Municipal water. Development will require private sanitary systems, which are regulated by Nova Scotia Environment.

Of the nine lots, five are vacant and four are developed with the following land uses: a church and daycare, a commercial strip mall, a retail and office building that includes a fuel pumping station and a seasonal greenhouse/nursery, and a public utility/works use (Uplands Treatment Facility).

### **Proposed Amendments:**

In order to establish a comprehensive and complimentary commercial node in Hammonds Plains, changes to current regulations are necessary. The goal is: "to encourage a comprehensive, cohesive, and complimentary form of development within the defined study area, and in turn, create a commercial/mixed used node designed to service the community of Hammonds Plains." To achieve this goal, amendments to the MPS and LUB are required.

MPS Amendments: MPS amendments provided in Attachment A create a new land use designation, [Hammonds Plains Commercial (HPC)], and apply this designation to land within the defined study area (Map 3). To identify the goal of the HPC designation, five new policies are required. In general terms, the new policies enable:

- *New Zone*: As existing zones are inadequate in addressing community needs and concerns, a specialized zone will be created.
- *Site Plan Approval*: To enable public involvement in the development process, and ensure development projects are well designed and integrated with surrounding properties, site plan approval will be required. Further, the minimum notification area for site plan approval will be expanded.

LUB Amendments: To implement HPC designation and associated policies, a number of LUB amendments are required, which are provided in Attachment B. The following are highlights related to the LUB amendments:

- *Land Uses*: The new zone permits commercial, institutional, residential, and public land uses considered appropriate for the defined study area.
- *Commercial/Multi-Unit Residential Buildings*: The new zone permits up to four (4) dwelling units within a commercial building, provided dwelling units are located above the first floor, and provided no more than eight (8) dwelling units are located on a lot.
- *Larger Buildings*: The new zone permits buildings with a footprint and floor area larger than current zones in the defined study area. Enabling larger buildings reinforces the defined study area as a node, while detailed zone and site plan provisions ensure both the node and each lot are carefully developed.
- *Architecture and Landscaping*: The new zone regulates architectural design, and includes minimum landscaping requirements.
- *Driveway Access*: The new zone regulates the number of driveways permitted on Hammonds Plains Road.
- *Site Plan Approval Criteria*: The new zone establishes site plan approval evaluation criteria designed to ensure development projects are well designed and integrated with surrounding properties.
- *Public Corridors*: The new zone recognizes the need for a public corridor between the Uplands Park subdivision and Kingswood Drive (near the intersection with Hammonds Plains Road), and addresses this need through additional site plan approval criteria.

- *Anticipating Uses:* A node will encourage a focussed form of development, which may facilitate processes required to consider additional services within or near the node. Although the creation of a node may not lead to additional community services, Staff feel amendments should anticipate the potential need for certain public services. As a result, the new zone permits public utility/works uses and public transit terminals.

**Halifax Watershed Advisory Board (HWAB):**

A small watercourse is located within the defined study area (near the Uplands Treatment Facility). HWAB reviewed this application on September 16, 2009. Although minutes from the September 16<sup>th</sup> meeting are not yet finalized and approved by the Board, a brief summary of HWAB's comments are included below:

- Servicing should be directed to the trunk sewer proposed for Kearney Lake Road.
- Uplands Treatment Facility should be brought into full compliance and upgraded.
- The existing wetland for Uplands Treatment Facility should be developed as a fully engineered wetland.
- Require a Master Storm Water Management Plan.
- Review of municipal servicing options.

A complete summary of HWAB's comments are provided in Attachment F.

To address HWAB, their comments were reviewed by staff. Of the items brought forward by HWAB, staff are able to address the following items through this process:

- *Uplands Treatment Facility Upgrades:* The new zone permits public utilities/works, thereby enabling the expansion of the Uplands Treatment Facility (Attachment B).
- *Stormwater Management:* The new zone includes provision for a stormwater management plan, which is to be provided as each lot is developed (Attachment B). This stormwater management plan will require consideration of properties both upstream and downstream of a particular development site. Currently, a stormwater management plan is not required by any zone within the defined study area.

Items brought forward by HWAB have also been forwarded to Halifax Water for comment. A response from Halifax Water is provided in Attachment G.

**Conclusion:**

It is the opinion of Staff that the proposed MPS and LUB amendments set out in Attachments A and B represent an appropriate response to changes within the Hammonds Plains community. Further, these amendments will encourage a comprehensive, functional, and complimentary form of development within a prescribed area, and in turn, provide a focussed commercial/mixed use district for Hammonds Plains. Staff recommend that Regional Council approved the proposed amendments included as Attachments A and B of this report.



## 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.

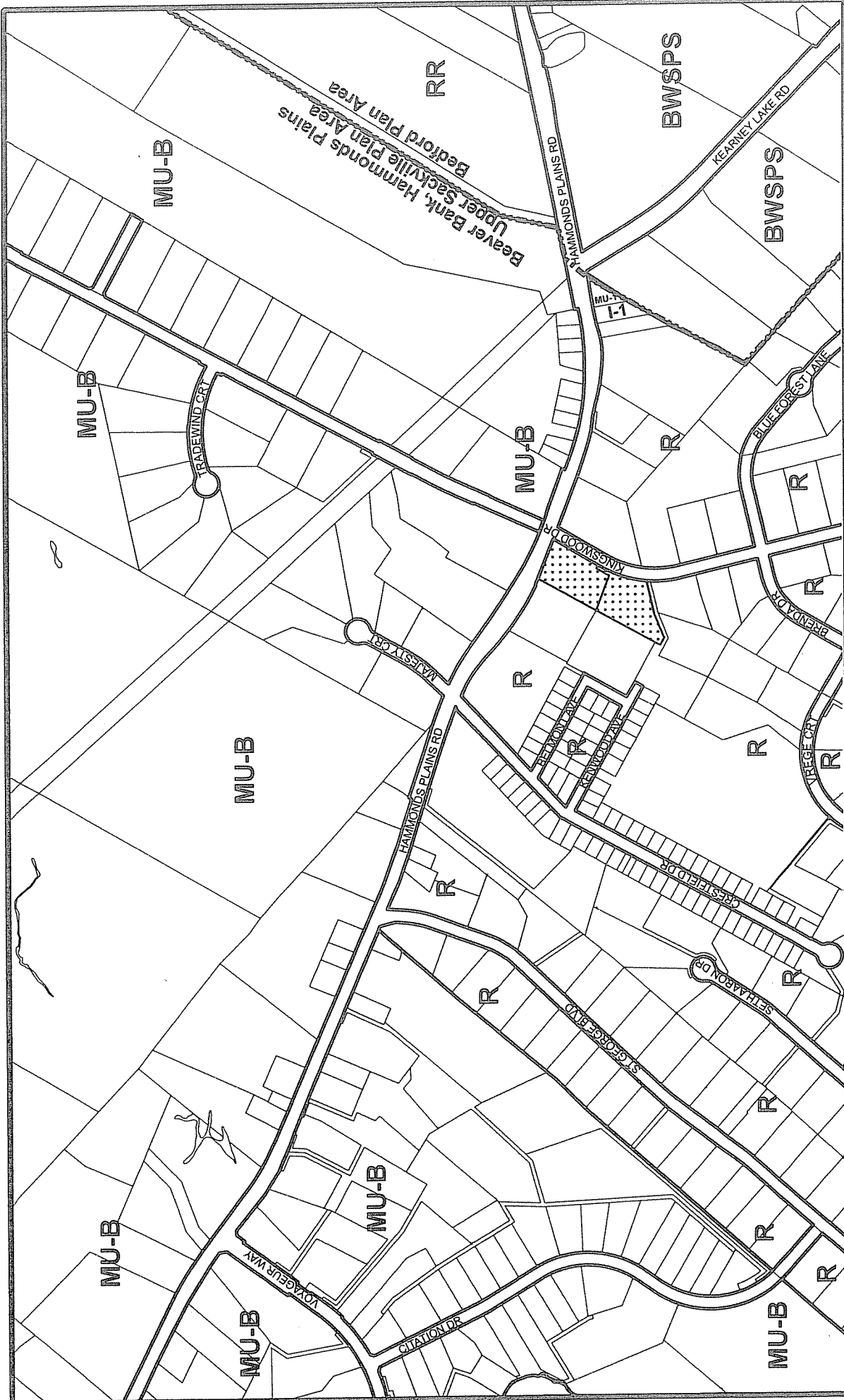
## ALTERNATIVES

1. Council may choose to approve the amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-law as outlined in this report and presented in Attachments A and B. This is the recommended alternative.
2. Council may choose to modify the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-law as presented in Attachments A and B. If this alternative is chosen, specific direction regarding the requested modifications and amendments is required. Substantive amendments may require another public hearing be held before approval is granted.
3. Council may choose to refuse the amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-law as presented in Attachments A and B. This is not the recommended course of action.

## ATTACHMENTS

Map 1	Generalized Future Land Use Map
Map 2	Zoning Map
Map 3	Study Area, Water Service District and Notification Area
Attachment A	Proposed Amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy
Attachment B	Proposed Amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law
Attachment C	Public Workshop Minutes
Attachment D	Summary: Land Use Questionnaire
Attachment E	Summary: Form and Function Questionnaire
Attachment F	Comments from HWAB
Attachment G	Halifax Water Response to HWAB





**Map 1**  
**Generalized Future Land Use**

**Beaver Bank, Hammonds Plains Upper Sackville Plan Area**

**Bedford Plan Area**

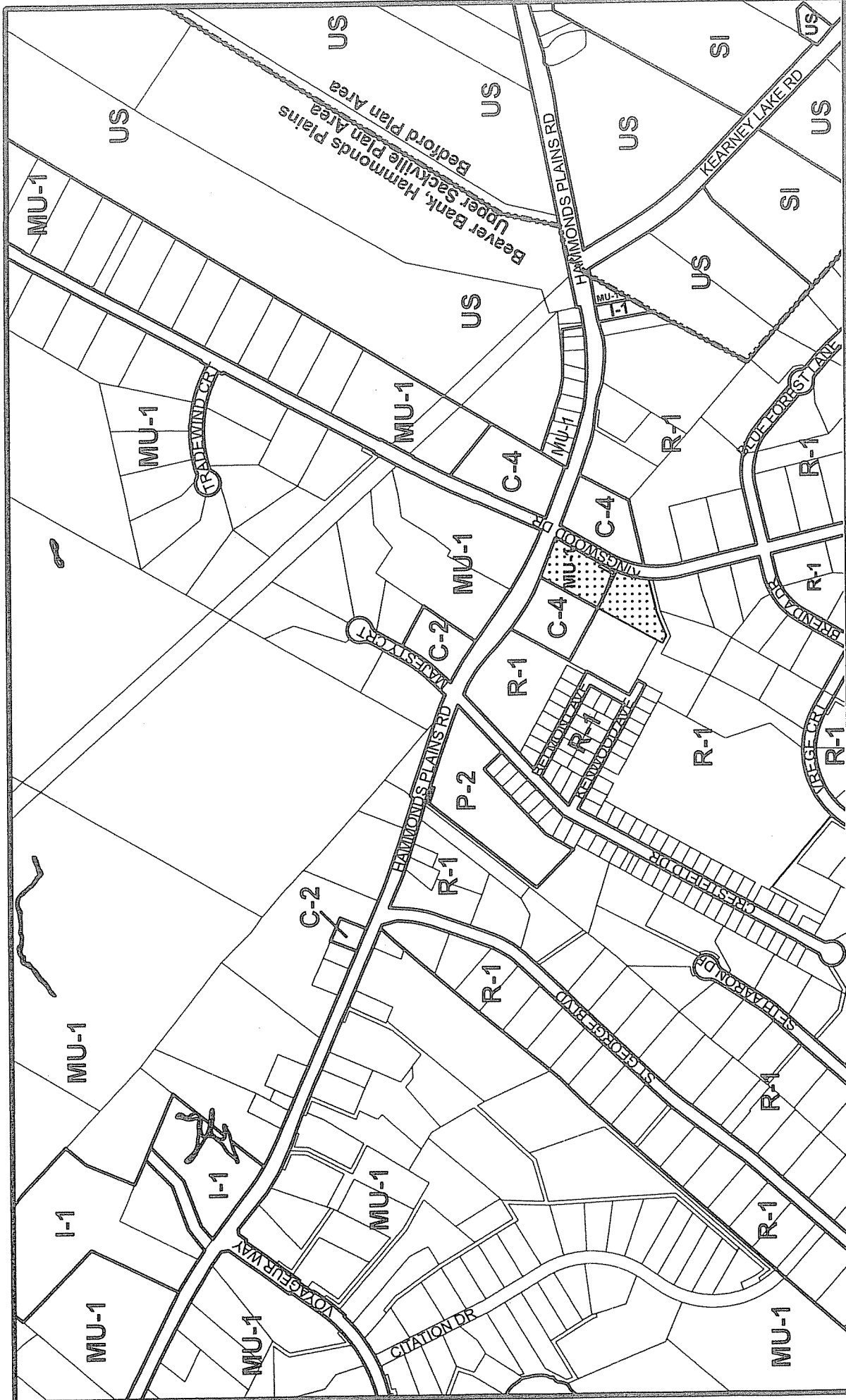
**HALIFAX REGIONAL MUNICIPALITY**  
 Planning Services

**Subject Properties**

R Residential Designation  
 MU-B Mixed Use B Designation  
 RR Rural Residential Designation  
 BWSPS Bedford West Secondary Planning Strategy

0 80 160 320 480 640 Meters

Beaver Bank, Hammonds Plains Upper Sackville Plan Area  
 Bedford Plan Area



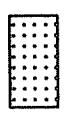
**Bedford Plan Area**

- SI Institutional Zone
- US Urban Settlement Zone

**Beaver Bank, Hammonds Plains  
Upper Sackville Plan Area**

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

**Map 2 - Zoning**





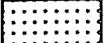
**Subject Properties**





**Map 3**  
**Study Area, Water Service District & Notification Area**

**HALIFAX**  
 REGIONAL MUNICIPALITY  
 Planning Services

-  Study Area
-  Notification Area
-  Water Service Area



Attachment A:  
Proposed Amendments to the Beaver Bank, Hammonds Plains and Upper Sackville  
Municipal Planning Strategy

BE IT ENACTED by Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville, which was passed by majority vote of the former Halifax County Municipality at a duly called meeting held on the 9<sup>th</sup> day of November, 1999, and approved by the Minister of Municipal Affairs on the 4<sup>th</sup> day of May, 2000, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 5<sup>th</sup> day of September, 2009, is hereby amended as follows:

1. In the Table of Contents, insert one new item in Section II after 'Upper Hammonds Plains Community Designation':

**"Hammonds Plains Commercial Designation"**

2. In the subsection of Section II related to Land Use Intent, replace the word 'eleven', which follows the words "The Generalized Future Land Use Maps (Maps 1A, 1B, 1C, 1D, 1E) illustrates", with the following:

**"twelve"**

3. In the subsection of Section II which lists each designation, insert one new item after 'Upper Hammonds Plains':

**"Hammonds Plains Commercial Designation"**

4. In the subsection of Section II which provides a general description of each designation, insert the following new paragraph after the paragraph related to the 'Upper Hammonds Plains Designation':

**"The Hammonds Plains Commercial Designation has been applied to several parcels of land near the intersection of Hammonds Plains Road and Kingswood Drive/Gatehouse Run. The designation encourages commercially focused development that is comprehensive, cohesive, and designed to provide a range of services within a centralized location. The designation supports a variety activities, including the potential for residential uses above the main floor of commercial use buildings, while establishing a number of requirements aimed at reducing land use incompatibility."**

5. Add a new subsection after the subsection of Section II related to the 'Upper Hammonds Plains Designation', and after the words '20 lots per 4 year period shown on an approved tentative plan of subdivision':

### HAMMONDS PLAINS COMMERCIAL DESIGNATION

In 1991, the first phase of the Kingswood subdivision was approved, which included a new public street. The connection of this street (Kingswood Drive) to Hammonds Plains Road created a "T" intersection.

Throughout the 1990s the Kingswood subdivision expanded, and a commercial strip mall was constructed at the southeastern corner of the "T" intersection.

In 2005, the first phase of the Kingswood North subdivision was approved, which included three new public streets (Gatehouse Run, Majesty Court, and Tradewind Court). The connection of Gatehouse Run to Hammonds Plains Road converted the "T" intersection to a four-way intersection, while the connection of Majesty Court to Hammonds Plains Road created another four-way intersection.

By 2009, nearly 1,500 lots had been created within Kingswood and the neighbouring subdivisions of Voyager Lakes, Blue Mountain, and Kingwood North, with certain subdivisions having the potential to expand further.

The amount of residential growth near the intersection of Hammonds Plains Road and Kingwood Drive/Gatehouse Run has created demand for commercial services, while the scattering of existing commercial services along Hammonds Plains Road has left the growing community without a commercial node.

To address the need for a commercial node in Hammonds Plains, the Hammonds Plains Commercial (HPC) Designation will be created. The HPC designation will create a new zone designed to encourage commercially focused development, and regulate site development through the Site Plan Approval process.

P-47(a) It shall be the intention of Council to establish the Hammonds Plains Commercial Designation as shown on the Generalized Future Land Use Maps (Map 1E). Within the designation, it shall be the intention of Council to encourage a commercially focused node that is comprehensive, cohesive, and designed to compliment the community. Commercial, institutional, residential, and public uses shall be considered through land use by-law requirements and the site plan approval process.

P-47(b) Within the Hammonds Plains Commercial Designation, it shall be the intention of Council to establish a Hammonds Plains Commercial (C-5) Zone. The zone shall permit commercial, institutional, residential and public uses, subject to appropriate land use by-law requirements, and site plan approval. To ensure development compliments the community and is built to reflect an integrated approach to design, building form,

and site development, controls related to architecture, landscaping, driveway access, parking, bicycle parking, outdoor storage and display, signage, and accessory buildings shall be established in the land use by-law. In addition, controls shall be established to ensure service stations are secondary land uses within the C-5 zone and compatible with development in the area. Multi-unit residential of a limited density shall be permitted within a commercial use building, provided commercial uses are the primary focus.

P-47(c) For lands zoned C-5, the Site Plan Approval notification distance required by the Halifax Regional Municipality Charter shall be expanded through the land use by-law.

P-47(d) It shall be the intention of Council to support the creation of a public corridor between the Uplands Park subdivision (in the area of Woodlyn Drive and Belmont Avenue) and Kingswood Drive by establishing specific site plan approval criteria.”

6. In the subsection of Section IV related to Implementation, insert the following new policy after policy ‘P-131’:

“P-131(a) Notwithstanding Policy P-131, no C-5 (Hammonds Plains Commercial) Zone shall be considered by amendment to the land use by-law for lands outside the Hammonds Plains Commercial Designation.”

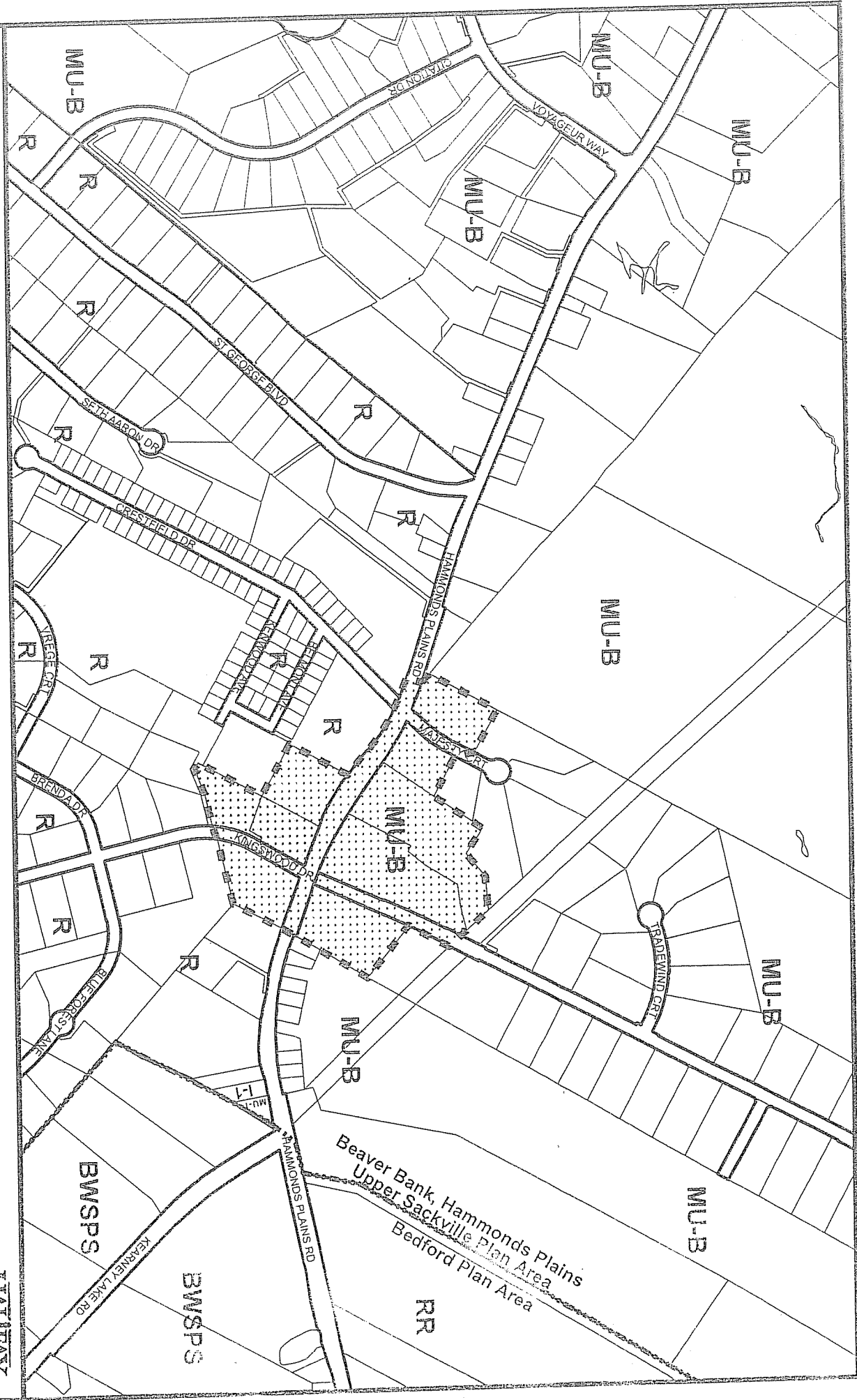
7. Amend Map 1E as shown on Schedule A

THIS IS TO CERTIFY that the amendments to the Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville, as set out above, were passed by majority vote of the Halifax Regional Council on the \_\_\_\_ day of \_\_\_\_\_, 2010.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Municipal Clerk





Schedule A  
Generalized Future Land Use

Beaver Bank, Hammonds Plains  
Upper Sackville Plan Area

Bedford Plan Area

- Study Area
- Subject Properties

- R Residential Designation
- MU-B Mixed Use B Designation

- RR Rural Residential Designation
- BWSPS Bedford West Secondary Planning Strategy

Area to be redesignated to HPC (Hammonds Plains Commercial Designation)



**HALIFAX**  
REGIONAL ARCHITECTS  
PLANNING SERVICES

Sept. 30, 2009

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

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**Attachment B:**  
**Proposed Amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law**

BE IT ENACTED by Regional Council of the Halifax Regional Municipality that the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville, which was passed by a majority vote of the former Halifax County Municipality at a duly called meeting held on the 9<sup>th</sup> day of November, 1999, and approved by the Minister of Municipal Affairs on the 4<sup>th</sup> day of May, 2000, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 5<sup>th</sup> day of September, 2009, is hereby further amended as follows:

Table of Contents

1. Insert one new item after 'PART 17: C-4 (Highway Commercial) Zone':  
**"PART 17A: C-5 (Hammonds Plains Commercial) Zone"**
2. Insert one new item after 'APPENDIX "C": Beaver Bank Description':  
**"APPENDIX "D": C-5 ZONE Site Plan Approval Submission Requirements"**

Part 3: Zones and Zoning Maps

3. In Section 3.1, insert one new item after 'C-4 Highway Commercial Zone':  
**"C-5 Hammonds Plains Commercial Zone"**

Part 4: General Provisions for all Zones

4. In Section 4.4, insert one new sentence after the existing sentence:  
**"Notwithstanding, in any C-5 (Hammonds Plains Commercial) Zone, a lot may contain more than one (1) dwelling."**
5. In Section 4.12, insert one new item after Section 4.12(a)(iii)2.:  
**"3. accessory uses or buildings in any C-5 (Hammonds Plains Commercial) Zone shall not be located in the front yard or flankage yard."**
6. In Section 4.12, add the following words to the end of subsection 4.12(iv):  
**"or C-5 (Hammonds Plains Commercial) Zone"**

Part 5: Signs

7. After Section 5.9, add the following new section:

**“5.10 ADDITIONAL SIGN CONTROL - C-5 (Hammonds Plains Commercial) Zone:**

In any C-5 (Hammonds Plains Commercial) Zone, the following sign requirements shall apply. Where the following requirements conflict with Part 5, the more stringent shall apply:

**Ground Signs**

- (a) no more than one ground sign shall be permitted on a lot;
- (b) ground signs shall not exceed 4.6 m (15 ft) above established grade in vertical height and 4.6 m (15 ft) in width;
- (c) ground signs shall be permitted within the required landscape strip, provided other land use by-law requirements are satisfied;
- (d) ground signs located outside the required landscape strip shall be sited in a landscaped area a minimum of 27.9 m<sup>2</sup> (300 ft<sup>2</sup>) in size;
- (e) ground signs shall have a maximum of two (2) faces, which shall be affixed back to back, not exceeding 20.9 m<sup>2</sup> (225 ft<sup>2</sup>) per sign face;

**Wall Mounted Signs**

- (f) wall mounted (fascia) signs shall not exceed one (1) ft<sup>2</sup> of surface area for each lineal foot of building facade facing a public street, however, no fascia sign shall exceed 9.3 m<sup>2</sup> (100 ft<sup>2</sup>) in area;

**Wall Mounted Signs - Multiple Commercial Occupancy Building**

- (g) businesses located in multiple commercial occupancy building may be permitted a maximum of two (2) wall mounted (fascia) signs, the total of which shall not exceed an area equal to ten (10) percent of the business facade upon which it is located, however, no business fascia sign shall exceed 5.6 m<sup>2</sup> (60 ft<sup>2</sup>) in area; and

**All Signs**

- (h) No signs shall be located on the roof of any building.”

Parts Related to Zones

8. Insert PART 17A, the C-5 zone, immediately following 'PART 17: (HIGHWAY COMMERCIAL) ZONE':

"PART 17A: C-5 (HAMMONDS PLAINS COMMERCIAL) ZONE"

17A.1 C-5 USES PERMITTED

No development permit shall be issued in any C-5 (Hammonds Plains Commercial) Zone except for the following, pursuant to the Site Plan Approval process:

Commercial Uses

Food Stores

Service and Personal Service Shops

Full Service Restaurants

Take-Out Restaurants

Retail Stores

Banks and Financial Institutions

Offices

Bakeries

Veterinary Clinics and the associated boarding of animals

Greenhouses and Nurseries

Service Stations and associated vehicles washing facilities

Theatres and Cinemas, except drive in theatres

Commercial Schools

Private Clubs not exceeding 418.1 m<sup>2</sup> (4,500 ft<sup>2</sup>) of gross floor area

Commercial Entertainment Uses in conjunction with Full Service Restaurants, not exceeding 232.3 m<sup>2</sup> (2,500 ft<sup>2</sup>) devoted to public use

Other Uses

Institutional Uses, excluding cemeteries

A maximum of four (4) dwelling units within a commercial use building

Public Utilities/Works Uses

Public Transit Terminals

Uses Accessory to Permitted Uses

- 17A.2 Site Plan Approval shall not be required for a change in use or occupancy within a building, internal renovations with no external renovation or modifications to a building, accessory buildings (not including vehicle washing facilities), or any signage.

17A.3 C-5 ZONE REQUIREMENTS

In any C-5 (Hammonds Plains Commercial) Zone no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	2,787 m <sup>2</sup> (30,000 ft <sup>2</sup> )
Minimum Lot Frontage on Hammonds Plains Road	61.0 m (200 ft)
Minimum Lot Frontage	30.5 m (100 ft)
Minimum Front/Flankage Yard Setback	9.1 m (30 ft)
Minimum Rear and Side Yard Setback	4.6 m (15 ft)
Minimum Setback from an abutting residential zone or use	9.1 m (30 ft)
Maximum Height of Building	10.7 m (35 ft)
Maximum Lot Coverage	50 %
Maximum Impervious Surface Coverage	75%
Minimum Landscaped Area	25%

17A.4 OTHER REQUIREMENTS: FLOOR AREA

- (a) The gross floor area of all buildings (including accessory buildings) on a lot in any C-5 (Hammonds Plains Commercial) Zone, including indoor parking at or above established grade, shall not exceed 2,787 m<sup>2</sup> (30,000 ft<sup>2</sup>). In addition, no building footprint shall exceed 1,393.5 m<sup>2</sup> (15,000 ft<sup>2</sup>).

17A.5 OTHER REQUIREMENTS: PUBLIC UTILITIES/WORKS USES AND PUBLIC TRANSIT TERMINALS

Where public utility/works uses and public transit terminals are permitted in any C-5 (Hammonds Plains Commercial) Zone, the following shall apply:

- (a) No development permit shall be issued for a public utility/works use or a public transit terminal except in conformity with the provisions of Part 22; and
- (b) Notwithstanding Section 17A.5(a), a public utility/works use or public transit terminal shall also conform, where applicable, with the Site Plan Approval provisions of the C-5 Zone, as required by Section 17A.14.

17A.6 OTHER REQUIREMENTS: SERVICE STATIONS

Where service stations are permitted in any C-5 (Hammonds Plains Commercial) Zone, the following shall apply:

- (a) The lot shall have a minimum area of 3,716 m<sup>2</sup> (40,000 ft<sup>2</sup>);
- (b) The lot shall have a minimum of 60 m (200 ft) of contiguous frontage on Hammonds Plains Road;
- (c) No building associated with a service station shall exceed 185.8 m<sup>2</sup> (2,000 ft<sup>2</sup>) of gross floor area;
- (d) No portion of pump island canopy shall be illuminated. Notwithstanding, a pump island canopy may be used as an anchor to direct light immediately beneath the canopy;
- (e) No signage shall be permitted on any portion of a pump island canopy;
- (f) A pump island canopy associated with a service station shall include no less than two of the following architectural elements:
  - (i) recesses/projections;
  - (ii) cornices and parapets;
  - (iii) peaked roof forms;
  - (iv) architectural details such as tile or stone work, and decorative mouldings; and
  - (v) or any other similar architectural treatment deemed to be an acceptable equivalent;
- (g) No portion of any pump island, including a pump island canopy, shall be located closer than 6.1 m (20 ft) from any street line;
- (h) No more than three (3) fuel pumps shall be permitted on a lot;
- (i) No servicing or general repair of motorized vehicles shall be permitted;
- (j) Vehicle washing facilities (car wash) must be accessory to a service station and shall not exceed 185.8 m<sup>2</sup> (2,000 ft<sup>2</sup>) of gross floor area;
- (k) All architectural requirements applicable to the C-5 (Hammonds Plains Commercial) Zone shall apply to vehicle washing facilities; and
- (l) No residential uses shall be permitted on the same lot.

**17A.7 OTHER REQUIREMENTS: DWELLING UNIT USES**

Where dwelling units are permitted in any C-5 (Hammonds Plains Commercial) Zone, the following shall apply:

- (a) Where a commercial use building contains residential units, the dwelling units shall not exceed 50 percent of the gross floor area of the commercial use building, nor be located at or below the ground floor;
- (b) No more than four (4) dwelling units shall be permitted within a commercial use building, and no more than eight (8) dwelling units shall be permitted on a lot; and
- (c) Amenity space shall be set aside for recreational purposes such as, but not limited to, common recreational areas, play areas, recreational rooms, roof decks, balconies, swimming pools, courtyards, gardens, patios and tennis courts and clearly identified on plans submitted for a Development Permit. The minimum amenity space shall be provided

based on the type of residential unit as follows:

(i)	One Bedroom/Bachelor:	18.6. m <sup>2</sup> (200 ft <sup>2</sup> )
(ii)	Two Bedroom:	32.5 m <sup>2</sup> (350 ft <sup>2</sup> )
(iii)	Three Bedroom:	46.5 m <sup>2</sup> (500 ft <sup>2</sup> )
(iv)	Four or more Bedroom:	55.7 m <sup>2</sup> (600 ft <sup>2</sup> )

For the purposes of determining amenity space requirements, one bedroom plus den/office units shall be considered to be a two-bedroom unit, two bedroom plus den/office units shall be considered to be a three-bedroom unit and so on.

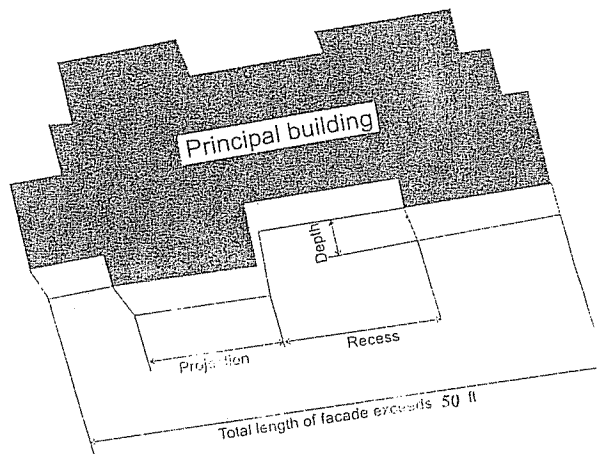
17A.8 OTHER REQUIREMENTS: ARCHITECTURAL DETAIL

In any C-5 (Hammonds Plains Commercial) Zone, the following architectural requirements shall apply:

- (a) A combination of arcades, display windows, entry areas, permanent awnings or other such features shall be incorporated into all building facades along not less than 60 percent of their horizontal length facing a public street;
- (b) The predominant roof slope shall be pitched with a minimum slope of ten (10) degrees. The upper floor of any structure shall be articulated with a roof design that incorporates features such as dormers, parapets, peak roof forms, or other architectural treatment considered to be acceptable;
- (c) With the exception of corner lots, building lines shall be generally parallel or perpendicular to the public street;
- (d) No uninterrupted length of any facade facing a public street shall exceed 15.2 horizontal metres (50 feet). Wall plane projections or recesses shall be incorporated into all facades greater than 15.2 horizontal metres (50 feet) in length, measured horizontally, having a depth of at least three (3) percent of the length of the facade and

extending at least 20 percent  
the facade;

of the length of



- (e) Building materials shall not include vinyl siding;
- (f) A minimum of one clearly defined, visible entrance way shall be provided on each facade oriented to the public street. All entrance ways required to be clearly defined shall include no less than three of the following elements:
  - (i) canopies or porticos;
  - (ii) overhangs;
  - (iii) recesses/projections;
  - (iv) arcades;
  - (v) raised corniced parapets over the door;
  - (vi) peaked roof forms;
  - (vii) display windows;
  - (viii) architectural details such as tile or stone work, and decorative mouldings which are integrated into the building;
  - (ix) integral planters or wing walls that incorporate landscaped areas and sitting places; and
  - (x) or any other similar architectural treatment considered to be an acceptable equivalent;
- (g) The total window area per building facade shall not exceed 50 percent. Windows shall be accentuated by design details (i.e. arches, hoods, mouldings, decorative lintels, pediments, sills);
- (h) Rooftop equipment, including, but not limited to, satellite and other telecommunication equipment, air handling units, elevator equipment, cooling towers and exhaust fans shall be screened (visually) from the public street and adjacent properties. The screening shall include but not limited to parapets and enclosures. Building screens shall be part of the architectural design with similar detailing and materials and not appear as add-ons.

#### 17A.9

#### OTHER REQUIREMENTS: LANDSCAPING

- (a) A 4.6 m (15 ft) wide landscape strip shall be provided along all street property lines, exclusive of driveways and walkways. The required landscape strip shall incorporate a minimum of one (1) tree (minimum of 60 mm caliber) and three (3) shrubs per 7.6 m (25 feet) of street frontage. The incorporation of trees and shrubs into the required landscape strip may be provided in the form of groupings, provided a minimum ratio of one (1) tree and three (3) shrubs are provided per 7.6 m (25 feet) of street frontage;
- (b) Notwithstanding Section 17A.9(a), existing trees may be substituted where trees and shrubs are required; and
- (c) All other landscaped areas shall be grassed, or alternatively, natural ground covers such as water features, stone (washed or flat), mulch, perennials, and annuals may be utilized.



17A.10 OTHER REQUIREMENTS: DRIVEWAY ACCESS

- (a) No lot with less than 200 feet of contiguous frontage on Hammonds Plains Road shall be permitted driveway access onto Hammonds Plains Road;
- (b) Where a lot has a minimum of 200 feet of contiguous frontage on Hammonds Plains Road, a maximum of one (1) driveway access onto Hammonds Plains Road shall be permitted; and
- (c) A lot with more than 300 feet of contiguous frontage on Hammonds Plains Road may be permitted a maximum of two (2) driveway accesses onto Hammonds Plains Road.

17A.11 OTHER REQUIREMENTS: PARKING

- (a) Minimum parking requirements established in Section 4.26(a) shall be reduced by 20 percent in the C-5 (Hammonds Plains Commercial) Zone; and
- (b) All lots with more than twenty (20) required parking spaces shall have ten (10) percent of their parking area landscaped with vegetation such that the parking lots do not have groups of parking stalls greater than twenty (20) in an uninterrupted area. Landscape areas designed to separate a bank of parking stalls shall be a minimum of six (6) feet in width and may be calculated as pervious surface where applicable. Required landscaped areas associated with required parking shall have a minimum of one (1) tree (minimum of 60 mm caliber) and three (3) shrubs.

17A.12 OTHER REQUIREMENTS: BICYCLE PARKING

- (a) Bicycle parking which permits the locking of a bicycle by the frame and the front wheel and support the bicycle in a stable position with two points of contact (bicycle racks - including wall mounted varieties) shall be provided at a rate of one (1) per 250 m<sup>2</sup> (2,691 ft<sup>2</sup>) of gross floor area, excluding residential units; and
- (b) Bicycle parking that secures an entire bicycle and protects it from inclement weather, which includes any key secured areas such as lockers, bicycle rooms, and bicycle cages shall be provided at a rate of one (1) per dwelling unit.

17A.13 OTHER REQUIREMENTS: OUTDOOR STORAGE AND DISPLAY

- (a) No outdoor storage is permitted in the C-5 (Hammonds Plains Commercial) Zone;

- (b) Outdoor display of goods and wares shall be permitted, provided the outdoor display is associated with a retail use, food store, bakery, greenhouse and nursery use, or institutional use; and
- (c) No outdoor display shall be permitted in any required parking area, required landscaped area, or any area required for pedestrian and vehicular movement.

17A.14 OTHER REQUIREMENTS: SITE PLAN APPROVAL

- (a) No development permit shall be issued for any use permitted in the C-5 (Hammonds Plains Commercial) Zone, prior to the Development Officer granting Site Plan Approval. Applications for Site Plan Approval shall be in the form specified in Appendix D. All applications for Site Plan Approval shall be accompanied by a site plan properly drawn to scale and of sufficient detail to address all of matters identified in this Section.
- (b) Notwithstanding the Site Plan Approval notification distance required by the Halifax Regional Municipality Charter, the Development Officer shall give notice in writing of an approved site plan, or the appealed refusal of a site plan, to every assessed owner whose property is within the greater of 200 m (656.2 ft) of the applicant's property.
- (c) Where Site Plan Approval provisions conflict with Part 4 and Part 5, the Site Plan Approval provisions shall prevail.
- (d) The Development Officer shall approve a Site Plan where the following matters have been addressed:
  - (i) landscaping required by the C-5 Zone includes the retention of existing natural vegetation, where feasible;
  - (ii) designated walkways, sidewalks, and other pedestrian connections incorporate a change in colour, texture, or material;
  - (iii) sidewalks are incorporated along the entire front facade of a commercial use building which contains three or more commercial occupancy spaces;
  - (iv) landscape elements such as but not limited to small shrubs, trees, benches, lighting, and planters are provided along the entire front facade of a commercial use building which contains three or more commercial occupancy spaces;
  - (v) designated walkways extend from building entrances to a public street and to any public park or trail system abutting

- the property, and unless otherwise not possible, do not cross any driveways or parking areas;
- (vi) a storm water management plan is prepared by a Professional Engineer, which includes consideration of both upstream and downstream properties;
  - (vii) driveway access is located and designed to minimize impacts on adjacent properties;
  - (viii) required non-residential bicycle storage facilities are provided near the main entrances to buildings;
  - (ix) within any required side or rear yard, existing vegetation be retained unless it does not provide for adequate screening from abutting properties or where the existing vegetation conflicts with required parking and loading areas;
  - (x) where parking areas are located within any required side or rear yard abutting a residentially used or zoned property, screening is provided;
  - (xi) loading facilities are only located at the rear or side of the building and screened from any abutting residentially used or zoned property;
  - (xii) all refuse is screened from abutting properties and public streets;
  - (xiii) the Site Plan includes a lighting plan prepared by a lighting specialist, which identifies measures to ensure outdoor lighting is positioned and directed away from adjacent properties;
  - (xiv) a qualified professional has identified how all applicable landscaping requirements will be satisfied;
  - (xv) an active transportation corridor connecting the Uplands Park subdivision and Kingswood Drive that is designed to a standard acceptable by the Municipality, including a travel surface within the corridor that is clearly marked with a paved treatment such as concrete, asphalt, or interlocking brick. The corridor only applies to PID 41185539, but may be incorporated into PID 00422493, and may require the use of fencing or vegetation to clearly identify the corridor and assist in directing movement. Where the corridor is required, a public access easement in favour of the Municipality shall be established. The minimum width of the public access easement shall be six (6) m (19.7 ft). In the event the corridor is unable to connect to Municipal land, or to a public access easement in favour of the Municipality, development on PID 41185539 shall be designed to facilitate a potential corridor from PID 41185539, across the northern portion of PID 00420927 to Municipal land;

- (xvi) Residential units are connected, where applicable, to commercial buildings on the same lot, public parkland and open space, pedestrian trails and walkways, parking lots, the public right of way, and the intersection of Hammonds Plains Road and Gatehouse Run/Kingswood Drive. Pedestrian connections may be a combination of on-site crosswalks, walkways and sidewalks, or other forms acceptable by the Municipality; and
- (xvii) all matters required by site plan approval shall be maintained.”

Appendices

- 9. Insert a new table within “Appendix A’ immediately following the section identifying “A.G. Hall Builders and Acadia Masonry”:

Hammonds Plains Commercial (C-5) Zone

USE	LOCATION	LIC
Tim Hortons Drive-In Restaurant	Hammonds Plains Road	421768

- 10. Insert a new appendix immediately following existing Appendix ‘C’:

**“APPENDIX D:  
C-5 ZONE SITE PLAN APPROVAL SUBMISSION REQUIREMENTS**

- 1. An application for Site Plan Approval in the C-5 (Hammonds Plains Commercial) Zone shall include the following:
  - (a) dimensions and area of the site;
  - (b) a site plan properly drawn to scale showing all information required by the C-5 Zone;
  - (c) description, area, and location of all proposed buildings and land uses;
  - (d) each residential area indicating the number, size, and type dwelling units, including an indication of the number of bedrooms in each unit;
  - (e) the location and type of existing and proposed easements on and abutting the site;

- (f) the location of existing and proposed septic systems, including any features associated with such a system;
- (g) identification, location and gradients of all parking areas, including the location and width of driveways, entrances and exits to parking areas, manoeuvring areas for vehicles, service areas, visitor parking and loading areas;
- (h) location, area, shape, landscaping and surface treatment of all public and private open spaces, park areas, or amenity spaces;
- (i) plan(s) showing all proposed streets, walkways, sidewalks, paths, and bike paths; and
- (j) any additional information related to the site, buildings, or abutting properties as may be required by the Development Officer to determine if the proposal conforms to the provisions of this By-law.”

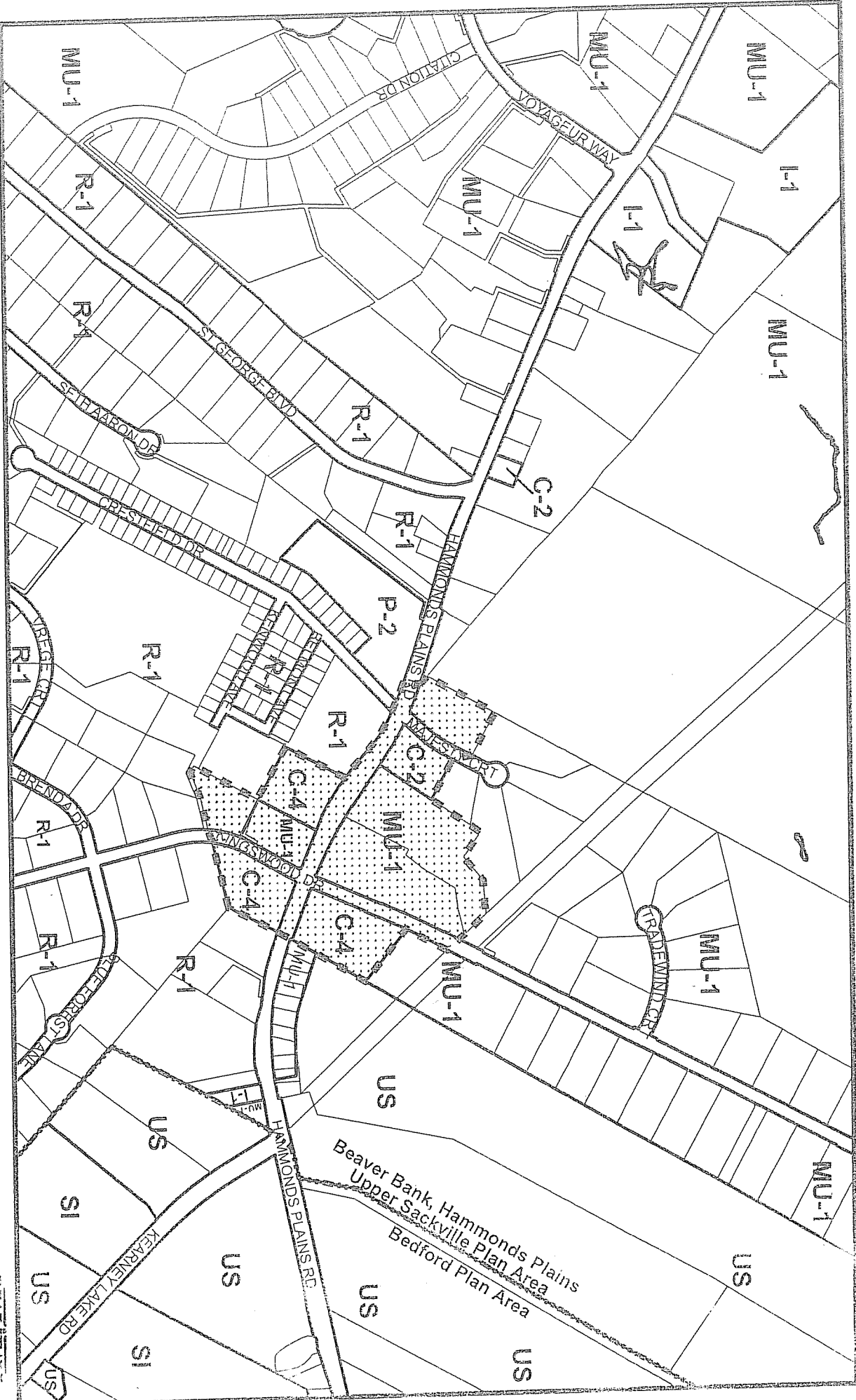
6. Amend Map 1E as shown on Schedule B

I HEREBY CERTIFY that the amendments to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville, as set out above, were passed by majority vote of the Halifax Regional Council on the \_\_\_\_ day of \_\_\_\_\_, 2010.



GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_

Municipal Clerk



**Schedule B - Zoning**

-  Study Area
-  Subject Properties

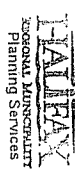
Area to be Rezoned to C-5 (Hammonds Plains Commercial Zone)

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

Beaver Bank, Hammonds Plains  
Upper Sackville Plan Area

- SI Institutional Zone
- US Urban Settlement Zone

Bedford Plan Area



Attachment C:  
Public Information Meeting Minutes

HALIFAX REGIONAL MUNICIPALITY  
PUBLIC INFORMATION MEETING - Workshop  
CASE NO. 01186

7:00 p.m.

Thursday, March 12, 2009

Hammonds Plains Consolidated School (Cafeteria)

STAFF IN

ATTENDANCE:

Miles Agar, Planner, HRM Planning Applications  
Thea Langille, Supervisor, HRM Planning Applications  
Leticia Smille, Planner, HRM Planning Applications  
Mackenzie Stonehocker, Planner, HRM Planning Applications  
Darrell Joudrey, Planner, HRM Planning Applications  
Holly Kent, Planning Technician, HRM Planning Applications  
Jennifer Little, Planning Controller, HRM Planning Applications

ALSO IN

ATTENDANCE:

Councillor Peter Lund, District 23

The meeting commenced at approximately 7:08 p.m.

1. Opening remarks/Introductions/Purpose of meeting

Miles Agar, Planner introduced himself as being the Planner on this application and explained that tonight's meeting is regarding the consideration of Commercial Land Uses at Hammonds Plains Road and Kingswood Drive / Gatehouse Run.

He welcomed the residence to tonight's Public Workshop and introduced Councillor Peter Lund, Bill Campbell, Applicant, Thea Langille, Supervisor, HRM Planning Applications, Leticia Smille, Planner, Mackenzie Stonehocker, Planner, Darrell Joudrey, Planner, Holly Kent, Planning Technician and Jennifer Little, Planning Controller. He explained that the Planners are here to help facilitate each group.

2. Application Process

Mr. Agar reviewed the application process, noting that the public information meeting is an initial step, whereby HRM reviews and identifies the scope of the application and seeks input from the public. Staff will then meet and look at issues such as traffic impacts, Land Use By-Law

requirements, architectural requirements, watershed issues as well as other impacts. Staff will then prepare a report which will be brought forward to Council. If Community Council decides to proceed, they will set a Public Hearing date prior to making a decision.

### 3. The Workshop

Mr. Agar explained that the workshop will consist of 4 exercises to complete:

- 1) Exercise 1 - Study Area
- 2) Exercise 2 - Land Use
- 3) Exercise 3 - Function & Form
- 4) Exercise 4 - Developers Proposal

Reviewing exercise 1, he explained that the purpose of this exercise is to discuss and consider where commercial land uses are suitable in the area around Hammonds Plains Road and Kingswood Drive/Gatehouse Run. He instructed each person to place one dot on the properties they felt were more appropriate for commercial use.

Reviewing the purpose of exercise 2, Mr. Agar explained that the exercise is designed to identify what commercial uses would be suitable in the study area. Considerations included: Focus of Use: local Commercial vs Highway Commercial and Impact of Use. He instructed each person to place a check mark next to the uses they felt were most suitable in this area.

For exercise 3, Mr. Agar instructed the public to review the Function and Form and to consider the best location and design of commercial buildings. Considerations included: Function and Building Form. He instructed each person to answer a list of questions by placing a check mark next to the option that they felt was most suitable.

The purpose of exercise 4 was to discuss the applicant's proposal. Residents were instructed to discuss and comment on the developers proposal for the properties at the South West intersection of Hammonds Plains Road and Kingswood Drive. Considerations included: Suitable Land Uses; Function of Site and Form of Development. He instructed each person to answer the questions by placing a check mark next to the option they felt was most suitable.

### 3. The Application

Mr. Agar explained that HRM has received an Application by Mr. Bill Campbell, on behalf of 3227459 Nova Scotia Limited. Reviewing two slides of the proposed site development, Mr. Agar explained that this particular request involves changing the land use policies and the current zoning to enable three 10,000 sq.ft. commercial buildings. He added that the zoning is similar to the existing C-4 (highway commercial) zone. He explained that land on the northern side of Hammonds Plains Road is designated Mixed Use B, which allows Council to entertain applications for rezonings to highway commercial and general commercial, provided a certain criteria is met. The land use designations to the south are mostly residential, this is to protect the Kingswood subdivision.



Referring to a slide, Mr. Agar reviewed a previous application in the area. He explained that Case Number 01197: Application to rezone the lands shown from MU-1 to C-4 (Highway Commercial) is currently being reviewed.

#### 5. Questions and Comments:

A member from the public asked to hear from Developer.

Mr. Bill Campbell introduced himself as the representative to the property owners. Reviewing the site plan, he indicated that they are looking to provide commercial uses for the neighbourhood. Having commercial uses on this road will allow for residents not to have to travel outside their community for these services. The current C4 zone allows for 10,000sq/ft buildings. He explained that they are trying to represent the quality of the neighbourhood. He added that they acknowledge the traffic concerns on the Hammonds Plains Road and that they are looking at having a right turn into the site as well as a right turn exiting the site. However, have not received approval yet from HRM's Traffic Department.

Mr. Campbell explained that on the open space, at the back, is where the onsite sewage disposal will be. They will also be keeping as many trees as possible. A walk way between the site and the Senior Home is being considered. He explained that this would be a valuable use for them.

A member of the residents noted concern with a drive thru.

Mr. Campbell noted that a drive thru is not necessary. However, there is a large area to hold the vehicles while they wait, so that they are not backing up on the road.

Ms. Wendy Szabo, Kingswood Drive expressed concern with speeding. She noted that the trees in the ditch restrict the view for exiting safely. She is concern with adding to an already poor visibility area.

Mr. Ross Evens, Pockwock Road agreed that the visibility exiting the driveway is poor and noted that a good design is necessary.

Mr. Dan Bell, Chair of Kingswood Ratepayers explained that the workshop exercises were very helpful. He noted that there is nothing that is needed in this area, but more so what the residents would like to have. He noted concern with this area already suffering from high volumes of traffic that 'we' need to look at this as a greater plan, such as what types of commercial development is needed and wanted and how will it impact the traffic. He explained that there is also another community beside Kingswood that this will affect and added that some development is good but, needs to be the right kind of development.

Ms. Gina Byrne, Chairperson for the Haliburton Council Owners Association / Fire Fighter, explained that she has reviewed this application at different angles and noted that she was hoping that it would be more of a pedestrian zone or park area. She would like to see the parking behind the

building and noted concern with people cutting through the subdivision to avoid the traffic lights. She encouraged the developers to have more landscaping and to make it more visually appealing.

Mr. Tim Houck, Kingswood explained that he really liked this workshop. He noted his concern with the entrances to the mall and that the City is not doing anything to approve it. He suggested there be four lanes to the entrance in and out or possibility of moving the entrance to another spot.

Mr. Evens, questioned the other lane Mr. Houck was referring to and that what is currently there does not work.

Mr. Ray Buckland, Kingswood, noted concerns with only identifying issues with the strip mall. He suggested that HRM resolve the current issues that are currently there. He is concerned that someone is going to get hurt. With the most recent developments on the Hammonds Plains Road, it is an accident waiting to happen and suggested that the Planning Department influence the Traffic Department to deal with these issues.

Ms. Szabo explained that there is a general flaw in how the traffic works. She explained that there were people who were studying the walking patterns of children when developing the school and were going to put in a crosswalk, however that has not happened. She noted her concern with traffic.

Mr. Evens explained a past experience with Traffic Engineers and added that action was not taken.

Mr. Frank Robinson, Bedford thinks the workshop and the proposal is great, however some of the concerns need to be addressed. He noted that he didn't feel that this development would bring more traffic to the area but will only support the community which is already driving by. He explained that he does agree with the concerns if traffic issues and suggested that maybe this workshop will help address them. He is in support of this Development.

Mr. Keith Pratt, Kingswood asked if the developer owns the three properties behind the subject property and noted concern with the run off easement and drainage coming from the school and soccer field that ends up in his yard. He suggested that the developer leave a green belt.

Mr. Campbell reviewed the slide showing the lands that he represents.

Mr. Agar explained that the drainage easement is mostly located on the developers lands with a portion of it on Mr. Pratts land. He explained that the drainage easement serves a function. Through this process, HRM will evaluate what the function is and permits will be required for any constructions. He explained that if there is any potential of this being altered, causing adverse impacts, it will be evaluated by Development Engineers.

Mr. Patrick Doyle, Highland Park explained that he is for the development as long as it serves the Community. However, the City needs to consider the traffic implications and don't want to put people at risk.

6. Closing comments

Mr. Agar thanked everyone for coming to the meeting and expressing any comments and concerns they had.

7. Adjournment

The meeting adjourned at approximately 9:25 p.m.

Attachment D  
Summary: Land Use Questionnaire

Use	# of Votes
Food stores	19
Service & Personal Service Shop	19
Full Service & Take-Out Restaurant	18
Banks & Financial Institutions	17
Retail stores	17
Offices	16
Bakeries	15
Veterinary Clinics & Outdoor Kennels	11
Drive-In Restaurant	10
Greenhouses & Nurseries	10
Service Stations	8
Fraternal Centres & Private Clubs	7
Single Unit Dwellings	7
Special Trade & Contracting Services & Shops	7
Commercial Schools	6
Institutional Uses	6
Lounges	5
Multi-Unit Dwellings	5
Theatres & Cinemas	5
Two Unit Dwellings	5
Building Supply Outlets	4
Taxi and Bus Depots	4
Funeral Establishments	3
Motels	3
Parking Lots	2
Recycling Depots	1
Display Courts	0

Attachment E  
Summary: Land Use Questionnaire

### EXERCISE 3: FUNCTION & FORM

**PURPOSE:** To consider the best location and design of commercial buildings.

**CONSIDERATIONS:**

- 1) **FUNCTION:** The location of buildings, parking and entrances can impact traffic, pedestrian flow, site appeal and function of other sites.
  
- 2) **BUILDING FORM:** Commercial buildings are often regulated in terms of size, height and architectural design. Generally, local commercial buildings are smaller than highway commercial buildings.

**ACTION:** Please answer the following questions by placing a check mark next to the option that you feel is most suitable.

**FUNCTION:**

Question 1: **Function** of Site

Do you feel that commercial sites in this area should be:

15      Designed to serve local traffic (including pedestrians);

OR

13      Designed to serve general traffic (mainly vehicles ).

Question 2: **Accessing the Site**

If additional commercial options were allowed in this area, how would **you** typically access the site:

9      Walk or bike from home/work/schools;

OR

19      Drive car.

Question 3: **Location of Buildings**

Do you feel buildings should be:

- 7 Located close to the street (pedestrian orientation);
- OR
- 19 Setback from the street (highway orientation).

**Question 4: Location of Parking**

Do you feel parking should be:

- 9 Located in back/side of building(s) (pedestrian orientation);
- OR
- 15 Located in front of building(s) (highway orientation).

**FORM**

**Question 1: Height**

Do you feel buildings should be:

- 21 Limited to three storeys or less (approx. 35 feet);
- OR
- 3 Permitted to exceed three storeys (approx. 35 feet).

**Question 2: Mass of Buildings (please see cutouts for scale)**

Do you feel a building should be limited to :

- 2 greater than 10,000 sq. ft of commercial;
- 4 Footprint (foundation) OR  2 Total Floor Area (sum of all)
- OR
- 4 10,000 sq. ft of commercial (typical for highway commercial);
- 8 Footprint (foundation) OR  5 Total Floor Area (sum of all)
- OR
- 0 5,000 sq. ft of commercial (larger local commercial)
- 2 Footprint (foundation) OR  2 Total Floor Area (sum of all) \_\_\_\_\_

---

- OR

---

- 1 2,000 sq. ft of commercial (permitted in Mixed Use 1 Zone)
- 3 Footprint (foundation) OR  2 Total Floor Area

(sum of all)

Question 3: **Number of Buildings** on a Lot

Do you feel a lot should be:

4 Limited to one building;

OR

20 Permitted to have more than one building.

Question 4: **Architectural Details:**

Do you think building designers should:

20 be required to use architectural details to break-up the visual impact of buildings;

OR

4 be free to design buildings provided they meet massing requirements.

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## EXERCISE 4: DEVELOPERS PROPOSAL

**PURPOSE:** To discuss and comment on the developers proposal for the properties at the SouthWest intersection of Hammonds Plains Road & Kingswood Drive.

### CONSIDERATIONS:

Suitable Land Uses;

Function of Site;

Form of Development.

**ACTION:** Please answer the following questions by placing a check mark next to the option that you feel is most suitable.

Question 1: **Uses**

Do you feel that uses should be:

16 Limited to Community Commercial (intending to serve local needs);

OR

- 9 Permitted to include Highway Commercial (intending to serve local and travelling public ).

Question 2: **Location of Buildings**

Do you feel buildings should be:

- 23 Located generally where proposed;
- OR
- 0 Located closer to the intersection.

Question 3: **Location of Parking**

Do you feel parking should be:

- 20 Located in front of building(s) (pedestrian orientation);
- OR
- 0 Located behind building(s) (highway orientation).

Question 4: **Number of Buildings** on a Lot

Do you feel that each lot should be:

- 6 Limited to one building;
- OR
- 15 Permitted to have more than one building.

Question 5: **Mass** of Buildings

Do you feel the buildings should be limited to :

- 1 greater than 10,000 sq. ft of commercial;
- OR
- 7 Footprint (foundation) OR  0 Total Floor Area (sum of all)
- OR
- 2 10,000 sq. ft of commercial (typical for highway commercial);
- OR
- 7 Footprint (foundation) OR  3 Total Floor Area (sum of all)
- OR
- 1 5,000 sq. ft of commercial (larger local commercial)
- OR
- 2 Footprint (foundation) OR  0 Total Floor Area (sum of all)\_\_\_\_\_



OR

- 
- 1 2,000 sq. ft of commercial (permitted in Mixed Use 1 Zone)
- 0 Footprint (foundation) OR  0 Total Floor Area (sum of all)

Question 6: **Architectural Details:**

Do you think building designers should:

- 18 be required to use architectural details to break-up the visual impact of buildings;;

OR

- 3 be free to design buildings provided they meet massing requirements.

Attachment F:  
Comments from Halifax Watershed Advisory Board (HWAB)

Hi Miles:

Here are the draft recommendations on the Kingswood Commercial Zone rezoning, as requested. The official response from the Board to council will be prepared in due course. Meanwhile, I think that this is what you need for the time being.

Ellinor

1. Wastewater from development in this area should be directed to the trunk sewer proposed for the Kearney Lake Road as soon as this is brought into operation.
2. Until this time, the current Uplands Treatment Facility should be brought into full compliance and upgraded to the level where hydraulic overloading no longer occurs.
3. The existing wetland below the Uplands Treatment Facility should be developed as a fully engineered wetland by a professional engineer to allow for more complete cleansing of the effluent entering the intermittent stream that flows into Sandy Lake. (Sandy Lake itself is a source of drinking water and is also used for recreational purposes.)
4. A Master Storm Water Management Plan should be prepared for the ten properties in question. A copy of this plan should be provided to the HWAB for review.
5. Other municipal servicing options should be reviewed for this development area.

## Attachment G



Halifax Regional Water Commission

450 Cowie Hill Road P.O. Box 6386 RPO CSC Halifax, Nova Scotia B3K 5M1 phone 902-490-4820 fax 902-490-4900

30 September 2009

Mark McGonnell, P.Eng  
 Halifax Regional Municipality  
 Planning Services, Central Region  
 Acadia School, Sackville  
 P.O. Box 1749  
 Halifax, NS  
 B3J 3A5

Attention: Mark McGonnell

Re: Case 01186 – Kingswood Area Rezoning

Halifax Water has reviewed the questions and comments raised by HWAB and offer the following:

1. Wastewater from development in this area should be directed to the trunk sewer proposed for the Kearney Lake Road as soon as this is brought into operation.

The redirection of the wastewater from Uplands Park Wastewater Treatment Facility (WWTF) is dependent on the rate of development in Bedford West and Halifax Water's capital budget program. As Bedford West develops westward, the sanitary pipes will be installed to allow the flows from Uplands to be conveyed to the Halifax WWTF. The timing of these works is primarily at the control of the land owners and is in the order of 5 to 10 years.

Halifax Water is reviewing requests for proposals for a Regional Wastewater Functional Plan. The successful proponent will be reviewing all of the wastewater treatment facilities and associated trunk sewers, their current operations, and identifying areas where system improvements are required. This plan will serve as an infrastructure planning and budgeting tool, whereby Halifax Water can prioritize system improvements.

Halifax Water will be monitoring the progress of the Bedford West development and planning to undertake the recommendations from the Regional Wastewater Functional Plan relating to the Uplands WWTF as capital budget allows.

2. Until this time, the current Uplands Treatment Facility should be brought into full compliance and upgraded to the level where hydraulic overloading no longer occurs.

The Uplands plant is in compliance by virtue of the wetland addition. The hydraulic overloading is due to Infiltration/Inflow (I/I), it is typically not cost effective to upgrade a plant to counter I/I problems, and upgrades to the collection system are currently underway to reduce this problem.

3. The existing wetland below the Uplands Treatment Facility should be developed as a fully engineered wetland by a professional engineer to allow for more complete cleansing of the effluent entering the Intermittent stream that flows into Sandy Lake. (Sandy Lake itself is a source of drinking water and is also used for recreational purposes.)

Though eventual upgrades to the existing wetland should not be ruled out, they are currently not required as the effluent quality is very good.

4. A Master Storm Water Management Plan should be prepared for the ten properties in question. A copy of this plan should be provided to the HWAB for review.

Ideally every area being considered for redevelopment should have an overall master plan for drainage. In this circumstance, given the amount of existing development, uncertainty surrounding redevelopment timelines and plans and number of various owners, it is neither practical nor feasible to undertake such a master plan. Through the current processes, a redevelopment application should include an engineered drainage plan, incorporating the upstream and downstream conditions, addressing the impacts of the development on adjacent properties, ensuring the appropriate mitigative measures are taken to avoid drainage problems.

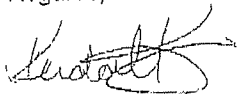
5. Other municipal servicing options should be reviewed for this development area.

In the areas where the water service boundary and infrastructure exist, connections can be made to the system.

There has been no allocation in the plans for the downstream system to consider an extension to the wastewater service boundary outside the limits of the existing Uplands Park WWTF service boundary. Properties outside of the Uplands boundary will have to be serviced with onsite systems as per Nova Scotia Environment regulations.

We reserve the right to comment on further submissions.

Regards,



Kenda MacKenzie, P.Eng.  
Development Engineer