
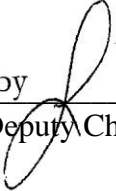


**Item No. 10.1.7**  
**Halifax Regional Council**  
**December 13, 2011**

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

**SUBMITTED BY:** Original signed by   
Richard Butts, Chief Administrative Officer

Original Signed by   
Mike Labrecque, Deputy Chief Administrative Officer

**DATE:** November 8, 2011

**SUBJECT:** Case 17223 MPS/LUB Amendments for Bissett Lake Road

---

**ORIGIN**

An application by Caohmin Consulting to amend the Cole Harbour/Westphal Municipal Planning Strategy and Land Use By-Law to enable a learning centre at Bissett Lake Road, Cole Harbour.

**RECOMMENDATION**

It is recommended that Halifax Regional Council:

1. Initiate the process to consider amending the Cole Harbour/Westphal Municipal Planning Strategy and Land Use By-Law to enable a learning centre at Bissett Lake Road, Cole Harbour; and
2. Request staff to follow the public participation program as approved by Council in February 1997.

## **BACKGROUND**

Caohmin Consulting's client wishes to develop lands located at Bissett Lake Road in Cole Harbour as a learning centre for women, capitalizing on the large lot size and rural setting, to provide a diverse program of personal growth and wellness activities. Caohmin has submitted an application to consider amending the Cole Harbour/Westphal Municipal Planning Strategy (MPS) in order to permit a rural inspired retreat style learning centre. The current MPS designations on the lands do not contain any specific policies that would permit the learning centre and neither does the MPS contain a designation that would allow the various uses under one development proposal on the lands. Accordingly, there is no single zone under the Cole Harbour/Westphal Land Use By-Law that would permit the requested use. This development proposal may be addressed by amending the MPS and LUB to permit the use.

### **Location, Designation, Zoning and Surrounding Land Use**

The lands are:

- located about 145 metres south of the intersection with Bissett Road;
- approximately 43,100 square metres (10.65 acres) in area;
- designated Urban Residential with a small portion of Rural Residential at the rear of the lands under Cole Harbour/Westphal MPS (Map 1);
- zoned R-1 (Single Unit Dwelling) with a portion to the rear of the lands zoned R-7 (Rural Estate) under Cole Harbour/Westphal Land Use By-Law (LUB) (Map 2); and
- surrounded by R-1 (Single Unit Dwelling), R-2 (Two Unit Dwelling), I-1 (Light Industry) that allow R-6 (Rural Residential) and R-7 (Rural Estate) zoned land uses. In addition to residential, there is a poultry operation and self storage warehouse in the immediate area.

### **Proposal**

The applicant's proposal is to amend the MPS in order to permit a learning centre that consists of:

- i) a main building that contains 7,500 square feet of floor area over 3 storeys;
- ii) a smaller 2,000 square feet 2 storey reception office building;
- iii) a small barn;
- iv) greenhouse; and
- v) storage shed.

The type of uses and services to be provided by the centre consist of:

- |                            |                       |                  |
|----------------------------|-----------------------|------------------|
| i) commercial              | iv) personal services | vii) restaurant  |
| ii) office                 | v) educational        | viii) hotel      |
| iii) professional services | vi) open space        | ix) agricultural |

The applicant proposes to develop the reception office use building first, using it for some of the proposed uses, and develop the remainder of the lands with the main building at a later time.

### **Cole Harbour/Westphal MPS Policies**

Under the Cole Harbour/Westphal MPS, the existing Urban Residential and Rural Residential designations on the lands do not contain any policies that specifically allow for a development

with such a broad range of uses: commercial, office, professional services, personal services, educational, open space, restaurant, hotel or agricultural. Within the Rural Residential designation, policy RR-4 allows Council to consider private or commercial recreation facilities that are unsuited or economically and physically unfeasible in serviced areas or uses that require large land areas by development agreement. This policy does not allow consideration of all the uses proposed by this development such as commercial, community facility and non-intensive agricultural.

### **DISCUSSION**

Generally, MPS amendments should only be considered where situations or conditions have changed in such a manner that the MPS had not anticipated. The MPS provides for future land use by designating lands on the Generalized Future Land Use Map. The Land Use By-Law applies zones within the various MPS designations which may not always be congruent with the Plan designation. These variations become relevant when considering discretionary approvals such as this application.

In this case, the Cole Harbour/Westphal MPS did not envision the proposed development within either the Urban Residential or Rural Residential designations on the lands, nor under any other existing designation. However, staff is of the opinion that the proposed use is appropriate for a rural setting such as Bissett Lake Road.

Policy RR-4 allows for a similar type of development but it does not allow for the variety of uses associated with the proposed learning centre. Some of the proposed uses are available in the Cole Harbour and Westphal area now, but this proposal gathers these desirable services in one central retreat. Due to the number and types of uses proposed, location of the project, and the phasing of the development, staff believes that a new policy is warranted to permit a rural retreat style learning centre on the proposed site and to address compatibility and layout issues with such a development. To achieve this goal, Council could consider, in association with MPS policy amendments, permitting such a use via a development agreement process or through an amendment to the land use by-law (i.e., a new zone).

### **BUDGET IMPLICATIONS**

The costs to process 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, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

**ALTERNATIVES**

1. Council may choose to initiate the MPS amendment process for reasons set out in this report. This is the recommended course of action.
2. Council may choose not to initiate the MPS amendment process. A decision not to amend the MPS may not be appealed. This alternative is not recommended as staff believes that there is merit in considering the requested MPS amendment.

**ATTACHMENTS**

Map 1	Generalized Future Land Use
Map 2	Zoning and Location
Attachment A	Excerpts from the Cole Harbour and Westphal MPS

---

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: Darrell Joudrey, Planner 1, 490-4181

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

Financial Approval by: \_\_\_\_\_  
James Cooke, CGA, Director of Finance/CFO, 490-6308

Report Approved by: \_\_\_\_\_  
Phil Townsend, Director, Planning and Infrastructure, 490-7166

---

Original Signed



**Map 1 - Generalized Future Land Use**

Pid 40085136

-  Subject Property
-  Notification Area
-  Plan Area Boundary

**Designation**

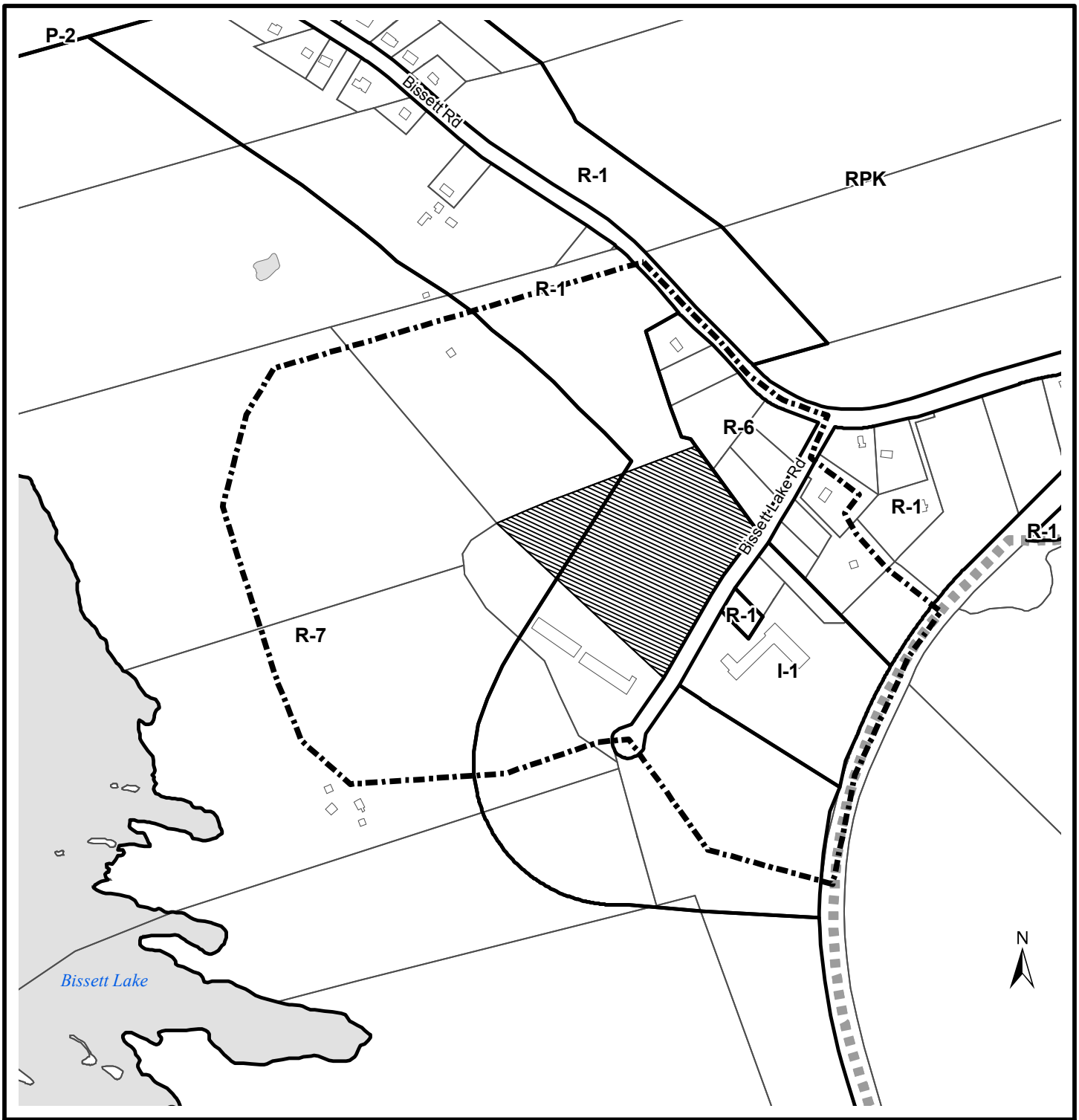
- RR Rural Residential
- UR Urban Residential
- PP Provincial Park



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Cole Harbour/Westphal Plan Area.

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

Cole Harbour/Westphal Plan Area



**Map 2 - Zoning and Location**

Pid 40085136

-  Subject Property
-  Notification Area
-  Plan Area Boundary

Cole Harbour/Westphal Plan Area

**Zoning**

- R-1 Single Unit Dwelling
- R-6 Rural Residential
- R-7 Rural Estate
- I-1 Light Industry
- P-2 Community Facility
- RPK Regional Park



This map is an unofficial reproduction of a portion of the Zoning Map for the Cole Harbour/Westphal Plan Area.

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

## **Attachment A**

RR-4 Within the Rural Residential Designation and the unserviced portions of the Urban Residential Designation, Council may consider permitting certain private and commercial recreation facilities, according to the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the following:

- (a) that the development does not involve tracks for motorized vehicles when adjacent to residential areas;
- (b) that the development is not a drive-in theatre;
- (c) that the site exhibits characteristics which make the location particularly suitable for the proposed use;
- (d) that adequate separation distances are maintained from low density residential developments and that landscaping measures are carried out to reduce the visual effects of the proposed use;
- (e) the means by which solid and liquid waste will be treated;
- (f) that the architectural design and scale of any building(s) is compatible with nearby land uses;
- (g) the potential for adversely affecting nearby residential development;
- (h) the impact of the proposed use on traffic volume and the local road network, as well as traffic circulation in general, sighting distances and entrance to and exit from the site;
- (i) the general maintenance and hours of operation of the development;
- (j) the effects of the development on the natural environment and, in particular, the Little Salmon River and Cole Harbour;
- (k) the effects of the development on heritage resources; and
- (l) the provisions of Policy IM-11.

IM-11 In considering amendments to the land use By-Law or development agreements, in addition to all other criteria as set out in various policies of this planning strategy, Cole Harbour/Westphal Community Council shall have appropriate regard to the following matters:

- (a) that the proposal is in conformity with the intent of this planning strategy and with the requirements of all other municipal By-Laws and regulations;

- (b) that the proposal is not premature or inappropriate by reason of:
  - (i) the financial capability of the Municipality to absorb any costs relating to the development;
  - (ii) the adequacy of sewer and water services;
  - (iii) the adequacy or proximity of school, recreation and other community facilities;
  - (iv) the adequacy of road networks leading or adjacent to or within the development; and
  - (v) the potential for damage to or destruction of designated historic buildings and sites.
  
- (c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
  - (i) type of use;
  - (ii) height, bulk and lot coverage of any proposed building;
  - (iii) traffic generation, access to and egress from the site, and parking;
  - (iv) open storage;
  - (v) signs; and
  - (vi) any other relevant matter of planning concern.
  
- (d) that the proposed site is suitable in terms of steepness of grades, soil and geological conditions, locations of watercourses, potable water supplies, marshes or bogs and susceptibility to flooding; and
  
- (e) any other relevant matter of planning concern.
  
- (f) Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy IC-6”, Subdivision Approval shall be subject to the provisions of the Subdivision By-Law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS.  
(Regional Council - July 2, 2002, Effective - August 17, 2002)**