



**Item No. 11.1.3**  
**Halifax Regional Council**  
**September 17, 2013**

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

Original signed by 

**SUBMITTED BY:**

\_\_\_\_\_  
Richard Butts, Chief Administrative Officer

Original Signed by 

\_\_\_\_\_  
Mike Labrecque, Deputy Chief Administrative Officer

**DATE:** September 6, 2013

**SUBJECT:** **Acquisition of Real Estate - 1162 & 1224 Main Street – Highway 7  
Westphal**

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**ORIGIN**

This report originates with a Motion by Councillors Hendsbee and Nicoll at Halifax Regional Council on June 25, 2013, requesting HRM to investigate the potential for acquiring, "...significant real estate that ought to fulfill and resolve a multitude of municipal projects and issues at #1224 Main Street - Highway 7 in Westphal." The complete motion appears on page 2.

**LEGISLATIVE AUTHORITY**

Halifax Regional Municipality Charter, Chapter 39, Section 61 (5)(a); The Municipality may acquire property, including property outside the Municipality, that the Municipality requires for its purposes or for the use of the public.

**RECOMMENDATION**

It is recommended that Halifax Regional Council:

- 1) Not acquire the subject property; and
- 2) Direct staff to develop a functional road realignment plan for the required roadway corridor.

**ORIGIN** (continued from page 1)

The motion that gave rise to this report was approved on June 25, 2013:

**Added Item 14.5 Acquisition of Real Estate at 1224\* Main Street - Highway 7 in Westphal**

**“Motion for Council to Consider:** That Council Request HRM to investigate the acquisition of significant real estate that ought to fulfill and resolve a multitude of municipal projects and issues - the Turner property at #1224 Main Street - Highway 7 in Westphal. (PID # 40166308 & # 40166282 )" for the following reasons:

**Transportation:** Realignment of Ross Road to Lake Major Road to create a direct 4-way perpendicular intersection at a controlled traffic light. This would eliminate a long enduring problem of safe and timely egress for the traffic accessing to and from Ross Road.

**Transit:** Create a community Transit Hub with a Park & Ride Terminal. Bus Routes 61, 68, 401 and the Highway 107 Metro X Express can converge and serve crossover transfers. This would also fulfill a desired outcome in the current RP for a transit hub in this area.

**Recreation:** Utilize the Barn, race track, and paddock area for an equestrian learn-to-ride park. Also, it would supplement the Cole Harbour Basin Open Space plan with a third or fourth barn in the rural heritage aspects of the area (Bissett Road Red barn, Heritage Farm barn, Bishop's Vista Barn on the hill and this - Turner's Stables). Expands and connects to the Cole Harbour Basin Open Space Plan. More green space and trails along the Old Miller Road corridor.

**Commercial:** Subdivide parcels along Highway 7 - Main Street for potential businesses adjacent to major arterial roadway.

**Industrial:** Create a waste transfer site for our contracted garbage haulers in eastern HRM to coalesce truck loads into a compactor trailer container.

**RP+5:** Secures properties within the Urban Reserve Zone to mitigate residential development demand in the area.

The new site would also be large enough to be used as a driver training center for Firefighters, Police and Metro Transit.

**Motion Put and Passed.”**

**BACKGROUND**

The properties that the motion compels staff to investigate for potential acquisition are composed of two parcels located on Main Street, Dartmouth, totaling approximately 59 acres:

<b>Civic Address</b>	1162 Main St. (Highway 7)	1224 Main St. (Highway 7)
<b>PID</b>	40166282	40166308
<b>Parcel Area</b>	~46 acres	~13 acres
<b>Land Use Designation</b>	<u>Regional MPS</u> – Urban Reserve and Rural Commuter <u>Local MPS</u> – Urban Residential and Rural Residential	<u>Regional MPS</u> – Urban Reserve and Rural Commuter <u>Local MPS</u> – Urban Residential
<b>Useable Areas / Zoning*</b>	~45 acres Urban Reserve (UR) ~1 acre Residential (R-1)	~12.5 acres Residential (R-1) ~0.5 acres Commercial (C-4)
<b>Vendor</b>	George S. Turner	George S. Turner
<b>Appraised Value</b>	n/a	n/a
<b>Assessed Value (2013)</b>	\$268,800	\$315,700
<b>Vendor List Price</b>	\$1,200,000 (for both parcels)	
<b>Other Considerations</b>	Previous farm use would require environmental review	Previous farm use would require environmental review

\*See Attachment 3 for zoning locations.

The parcels are accessible from the south side of Main Street (Highway 7) with frontage along Ross Road near the intersection with Main Street (see Attachments 2 and 3.) Existing uses include two residential homes, a barn (currently used as a hobby farm), several utility buildings, an oval dirt/gravel track (for horse riding), and perimeter dirt roads. A former gas station occupied the corner lot at the intersection of Main Street and Ross Rd (see C-4 zone in Attachment 3). The larger parcel borders an electrical transmission corridor along its southern edge. The parcels are extensively wooded with partial clearings along Main Street and in-land. Other properties adjacent to the parcels in question include vacant land (300 acres) to the west, vacant land to the south (40 acres) and southeast (23 acres), and single family residential dwellings along Ross Road and on the opposite side of Main Street.

Staff is currently in negotiations with the Province (Department of Transportation & Infrastructure Renewal) to obtain title to the Old Miller Road, 66-foot right-of-way. This right-of-way, situated parallel to the subject lands along its western boundary (see Attachment 3), should have been conveyed to HRM under the Streets and Services Exchange in the mid-1990s. It is required to accommodate a proposed public trail connection between Highway 7 and Highway 207, as well as an existing HRM trail system along Old Lawrencetown Road right-of-way.

## **DISCUSSION**

An interdepartmental staff review team met to review the short and long-term potential of this property to serve municipal purposes. No single, or combined, municipal purpose warrant a recommendation to acquire these parcels. Although some municipal needs exist, they are either not a priority or alternative solutions are available. The following are highlights of the review, with additional detail available in Attachment 1 - Review of Proposed Municipal Projects & Issues.

### ***Transportation Network:***

There is a municipal interest in realigning Ross Road into the existing Highway 7/Lake Major Road intersection. However, this realignment could be accommodated solely on the smaller 13 acre parcel, and no change to either the land use designation or zoning would be needed. However, the existing R-1 and C-4 zoning allows as-of-right development of the site. Such development could potentially prejudice the ability to realign the road in the future. If a developer were willing, a mutually beneficial arrangement could be reached in order to secure the road right-of-way while also allowing for increased development rights. The only means of *ensuring* protection of the future right-of-way is for HRM to either acquire the needed land, or to apply a Transportation Reserve (TR) Zone.

The recommended approach is to develop a functional road alignment, which allows staff to evaluate needed property requirements. Staff believes that adding a fourth leg to the signalized intersection at Lake Major Road will improve access to the subject parcels and that at the cost of eventually constructing a new roadway within the corridor may be borne fully or partially by a future developer.

Alternatively, HRM could apply a TR zone, which would prevent any development for a period of five years, thus providing HRM with a clear time period in which it must acquire the land. Although applying a TR zone has no cost to HRM, there is risk in applying it prematurely. Necessary funding will need to be in-place to allow for acquisition within the five year window. Otherwise, the power of this mechanism will be lost. If HRM did not acquire the land for the road realignment within the five year period, alternate zoning, which allows development, would then have to be applied.

### ***Planning Context:***

The Urban Reserve (UR) Designation is applied under the Regional Plan to areas designated for long term suburban expansion. A significant portion of the two parcels is within this designation, and the UR Zone has been applied through the Cole Harbour/Westphal Land Use By-Law to align with the designation (Attachment 3). Development within this zone, including most municipal uses, is not permitted. About 1 acre of the 46-acre parcel along Highway 7 can be developed under an R-1 (Single Unit Dwelling) Zone. On the 13-acre parcel, most of the site can be developed as-of-right under a mix of R-1 and C-4 (Highway Commercial) zoning. Where the UR designation and zoning apply, staff would not support changes intended to accommodate an increase in development rights, as maintenance of this long-term land reserve is an important principle of the Regional Plan.

Although this report does not recommend acquisition of the parcels at this time, if Halifax Regional Council were to direct HRM staff to pursue acquisition of the property, then HRM would be required to rezone all or part of the 45-acre Urban Reserve (UR) zone that is currently assigned to the larger parcel (1162 Main Street) for whatever municipal purpose<sup>1</sup> would be deemed appropriate by Regional Council. However, the proposed municipal uses identified in Council's resolution of June 25, 2013 (see p.2) are not permitted under existing zoning on those lands designated as UR.

***Metro Transit:***

Establishment of a terminal or Park-and-Ride in this community is not a budgetary or strategic planning priority for Metro Transit. Although originally designated as a future potential transit hub in the 2006 Regional Plan, the current RP+5 draft amendments propose to remove this location as a transit hub from the Regional Plan.

***Training Area - Police/Fire/Transit:***

Halifax Regional Police also hold an interest in the development of a driver training facility, but a collaborative approach to developing such a facility would be preferable. Although this is not a priority for Metro Transit, Halifax Fire & Emergency Services are currently conducting an analysis for a 'training area', not only for driver training, but for fire suppression. These parcels, though large enough, have several key restrictions (e.g. proximity to existing residents, noise, smoke, hours of operation, spring-time weight restrictions on adjacent roads) that prevent it from being considered (see Attachment 1 for further explanation.)

***Recreation Uses:***

Staff is currently in the process of acquiring title to the Old Miller Road, 66-foot right-of-way, which will accommodate a proposed public trail connection between Highway 7 and Highway 207, as well as an existing HRM trail system along Old Lawrencetown Road right-of-way.

On account of their size, the parcels may accommodate large-scale active recreation uses. However, neither the Community Facility Master Plan nor the subsequent Cole Harbour Recreation Needs Assessment outlined any recreation needs that would require acquisition of these parcels. As well, equestrian-related recreation programming services are currently provided using existing facilities and there are no identified gaps in the delivery of that service. Therefore, there does not appear to be any obvious benefit or evidence to support the acquisition of 1162 Main Street for recreation purposes.

***Buy & Hold:***

Without a clear municipal purpose, acquiring these parcels is speculative for the next 25 years (as per Urban Reserve zoning restrictions) and would result in an opportunity cost that would supersede acquisition of alternate parcels in HRM that may be deemed more strategic and timely.

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<sup>1</sup> A zoning change would not, however, be required for road realignment as the Rural Commuter designation applies to the area.

### **FINANCIAL IMPLICATIONS**

There are no immediate funding implications associated with this recommendation.

### **COMMUNITY ENGAGEMENT**

Other than engaging the land owner or developer at the time of subdivision or permit application, no community engagement is required at this time.

### **ENVIRONMENTAL IMPLICATIONS**

Given the parcels' previous uses as a gas station and current use as a hobby farm, HRM staff would be required to undertake an environmental review as a component of HRM's due diligence during the negotiation phase of any future acquisition process.

### **ALTERNATIVES**

- 1) Halifax Regional Council could instruct staff to initiate the process to apply TR Zoning to the parcel/s (thus preventing development for five years), during which time staff would be required to seek acquisition of the necessary land required for road realignment. This is not recommended; or
- 2) Halifax Regional Council could direct staff to pursue acquisition of the entire land offered for sale. This is not recommended as no municipal purpose supports the acquisition of all ~59 acres of land.

### **ATTACHMENTS**

Attachment 1 – Review of Proposed Municipal Projects & Issues  
Attachment 2 – Location  
Attachment 3 – Parcels & Zoning  
Attachment 4 – Regional Plan Designations

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.

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Departmental Representatives (see list of staff in footnote at end of Attachment 1)

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Peter Stickings, Manager, Real Estate & Land Management, P&I, 490-7129

Report Approved by: \_\_\_\_\_  
Austin French, Manager, Planning, P&I, 490-7129

Financial Approval by: \_\_\_\_\_  
Louis deMontbrun for Greg Keefe, Director of Finance & ICT/CFO, 490-6308

Report Approved by: \_\_\_\_\_  
Jane Fraser, Director, Planning & Infrastructure, 490-7166

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## Attachment 1 – Review of Proposed Municipal Projects & Issues

The following table lists the municipal projects and issues that appear in the June 25, 2013 Council Motion, along with corresponding staff response.

<b>Municipal Projects &amp; Issues As Proposed In Council Motion</b>	<b>Reviews &amp; Comments By Respective HRM Sections In Response To Proposed Municipal Projects &amp; Issues</b>	<b>Reviews by Section / Division / Department Staff*</b>	<b>Acquisition Recommended  OR  Not Recommended</b>
<p><b>“Transportation:</b> Realignment of Ross Road to Lake Major Road to create a direct 4-way perpendicular intersection at a controlled traffic light. This would eliminate a long enduring problem of safe and timely egress for the traffic accessing to and from Ross Road.”</p>	<p>Realigning Ross Road into an existing intersection on Main Street is a long-standing need and will result in an overall improvement in safety and function. However, recent modifications <i>have</i> been made to improve intersection operation and safety.</p> <p>The existing R-1 and C-4 zones on the 13 acre parcel allow as-of-right commercial or residential development in the road corridor; if this occurs, then the future opportunity to realign the road would be diminished or lost.</p> <p>A Transportation Reserve (TR) Zone could be applied in order to reserve the lands for road purposes for five years (See ‘RP+5’ issue below, specifically item 3.)</p> <p>A more straight-forward approach would be to acquire just the portion of the property needed for a roadway corridor.</p>	<p>Regional Transportation / Planning / Planning &amp; Infrastructure</p>	<p>Not Recommended</p>
<p><b>“Transit:</b> Create a community Transit Hub with a Park &amp; Ride Terminal. Bus Routes 61, 68, 401 and the</p>	<p>Establishing a terminal or Park &amp; Ride in this community is not a budgetary or strategic planning priority for Metro Transit. Although originally</p>	<p>Planning &amp; Scheduling / Metro Transit</p>	<p>Not Recommended</p>



<p>Highway 107 Metro X Express can converge and serve crossover transfers. This would also fulfill a desired outcome in the current RP for a transit hub in this area.”</p>	<p>designated as a future potential transit hub in the 2006 Regional Plan, the current RP+5 draft amendments propose to remove this location as a transit hub from the Regional Plan.</p>		
<p><b>“Recreation:</b> Utilize the Barn, race track and paddock area for an equestrian learn-to-ride park. Also, it would supplement the Cole Harbour Basin Open Space plan with a third or fourth barn in the Rural heritage aspects of the area. (Bissett Road Red barn, Heritage Farm barn, Bishop's Vista Barn on the hill and this - Turner's Stables) 2. Expands and connects to the Cole Harbour Basin Open Space Plan. More green space and trails along the Old Miller Road corridor.”</p>	<p>1. The Community Facility Master Plan and Cole Harbour Recreation Needs Assessment reviewed recreation and facility requirements in the area. Neither analysis determined any outstanding recreation needs that would require the acquisition of these parcels. In addition, equestrian-related recreation programming is currently offered across HRM at existing facilities.</p> <p>2. The identified parcels do not have any unique natural characteristics which would make this land particularly suitable for public open space or recreation uses.</p> <p>HRM staff currently seek to acquire title to Old Miller Road, 66’ right-of-way (ROW) from the Province. It should have been conveyed to HRM under the Streets and Services Exchange regime in the mid-1990s. It is required to accommodate a proposed public trail connection between Highway 7 and Highway 207, as well as an existing HRM trail system along Old Lawrencetown Road right-of-way.</p>	<p>1. Regional Recreation &amp; Culture / Community &amp; Recreation Services</p> <p>2. Real Estate &amp; Land Management / Planning &amp; Infrastructure</p>	<p>Not Recommended</p> <p>Not Recommended</p>
<p><b>“Commercial:</b> Subdivide parcels along Highway 7 - Main Street for potential businesses adjacent to major arterial roadway.”</p>	<p>Approximately 30,000 square feet of the smaller parcel (1224 Main St.) along the roadway is already zoned C-4 (Highway Commercial) and may accommodate as-of-right commercial uses.</p>	<p>Development Approvals / Community &amp; Recreation Services</p>	<p>Not Recommended</p>
<p><b>“Industrial:</b> Create a waste transfer site for our contracted garbage haulers in eastern HRM to coalesce truck loads into a compactor trailer</p>	<p>1. Solid Waste Use: During the strategic review project, HRM staff undertook a transportation logistics assessment for a transfer station. The location in question does not meet the</p>	<p>1. Solid Waste Resources / Transportation &amp; Public Works</p>	<p>Not Recommended</p>

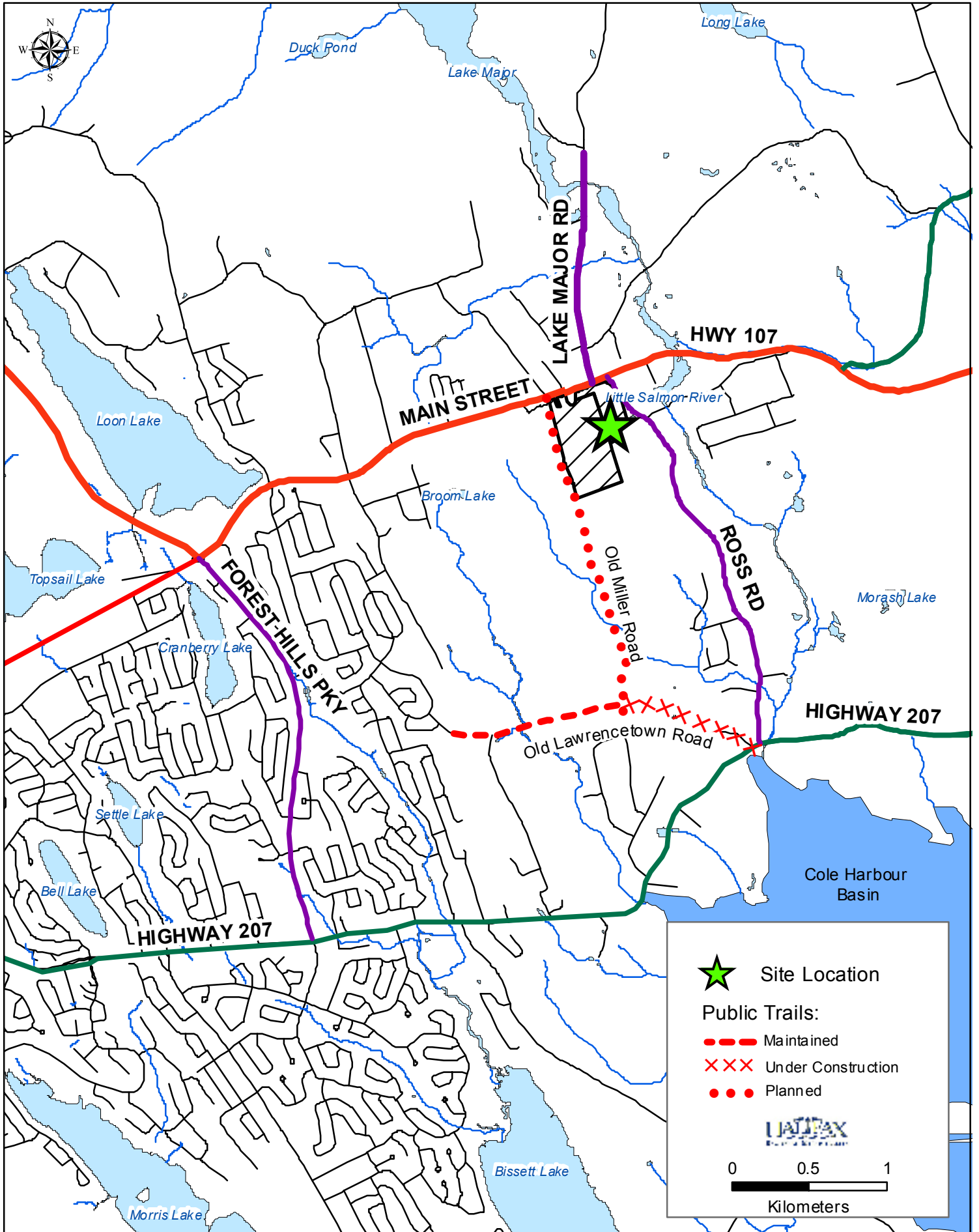
<p>container.”</p>	<p>strategic objectives for materials consolidation and contract cost mitigation desired for a transfer station on the east side of HRM.</p> <p>2. Light Industrial Use: Given the Urban Reserve (UR) zoning designation on the parcels, servicing and parcel location in this area has little to no utility for HRM’s mandate of providing light industrial lands.</p>	<p>2.Business Parks / Real Estate &amp; Land Management / Planning &amp; Infrastructure</p>	<p>Not Recommended</p>
<p><b>“RP+5:</b> Secures properties within the Urban Reserve Zone to mitigate residential development demand in the area.”</p>	<p>There is no need for HRM to acquire lands in order to mitigate residential development pressure. This is achieved through the existing Urban Reserve (UR) designation and zoning.</p> <p>Regional Planning would not support the removal of any portion of the Turner lands (1162/1224 Main St.) from the Urban Reserve Designation of the Regional Plan. These lands are to be protected as a strategic long-term reserve for future suburban development.</p> <p>Policy IM-18 of the Regional MPS, however, could be used to allow some development of a limited portion of the UR designated lands near a realigned road intersection for commercial, recreation or residential uses. This would use the development agreement process.</p>	<p>Planning / Planning &amp; Infrastructure</p>	<p>Not Recommended</p>
<p><b>“Fire / Police / Transit:</b> The new site would also be large enough to be used as a driver training center for Firefighters, Police and Metro Transit.”</p>	<p>1. Although the land size is suitable, nothing else about the location fits departmental needs. Training uses: driving large fire apparatus, live "Class A" fires (black smoke), loud noises (days, evenings, nights, weekends), increased large vehicle traffic on access roads (some of the access roads also fall under the Spring Weight Restrictions, which adversely impact year-round access for HRFE use). The current land-use (zoning) also does not</p>	<p>1. Halifax Fire &amp; Emergency Services</p>	<p>Not Recommended</p>

	<p>accommodate intended uses. HRFE are in the midst of conducting an analysis of "Training Area" needs. This location does not fit HRFE requirements.</p> <p>2. There is no compelling reason to acquire the land as a training center. A police driver training range would result in loud noises in close-proximity to residential areas. Furthermore, without partnering with other users to develop a driver training facility, this site would not be viable for such purposes.</p> <p>3. This is not a priority for Metro Transit.</p>	<p>2. Halifax Regional Police</p> <p>3. Metro Transit</p>	<p>Not Recommended</p> <p>Not Recommended</p>
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**\*Interdepartmental Staff Review Team:**

- David McCusker, Regional Transportation Manager, Planning, P&I 490-6696
- Austin French, Manager, Planning, Planning & Infrastructure, 490-6717
- Kelly Denty, Manager, Development Approvals, CRS, 490-4800
- Denise Schofield, Manager, Regional Recreation & Culture, CRS, 490-6252
- Gord Helm, Manager, Solid Waste Resources, TPW, 490-660
- Roy Hollett, Deputy Fire Chief, Halifax Fire & Emergency Services, 490-5036
- John W. Parkin, Staff Sergeant, Audit & Policy, Halifax Regional Police, 490-7170
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# Attachment 2 - Location



Attachment 3 - Parcels & Zoning

