



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 12.1.1
HRM Appeals Committee
March 9, 2017

TO: Chair and Members of HRM Appeals Committee

ORIGINAL SIGNED

SUBMITTED BY:

Bruce Zvaniga, P.Eng., Director, Transportation and Public Works

DATE: March 1, 2017

SUBJECT: Appeal of the Engineer's decision to refuse a Streets and Services Permit to install a new driveway on Hammonds Plains Road, Hammonds Plains

ORIGIN

The property owner at 23 Caper Court, Hammonds Plains is appealing the decision of the Engineer to refuse a Streets and Services Permit to install a new driveway access on Hammonds Plains Road.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Section 44, as follows:

44 (1) Where approval or permission by the Engineer is required pursuant to this Act, the Engineer's decision to refuse the approval or permission may be appealed to

- (a) the Council; or
- (b) where there is a committee designated by the Council, by policy, to hear appeals, that committee.

(2) On an appeal pursuant to subsection (1), the Council or the designated committee, as the case may be, shall

- (a) direct the Engineer to grant the approval or permission; or
- (b) uphold the decision of the Engineer.

(3) The right of appeal pursuant to this Section expires fourteen days after the Engineer serves a written decision regarding the approval or permission on the owner

Appeal Committee By-law, section 4, as follows:

(1) The Appeals Committee will hear appeals that are directed to the Appeals Committee by the Charter, a by-law or Council policy.

(2) The Appeals Committee will exercise the authority and discretion conferred or delegated to the Appeals Committee by the Charter, a by-law or Council policy. *Halifax Regional Municipality Charter,*

Part XII, Sections 327 (3); "No person shall construct or widen a driveway, or other access to a street, without the permission of the Engineer."

Halifax Regional Municipality Charter, Part XII, Sections 327 (3); No person shall construct or widen a driveway, or other access to a street, without the permission of the Engineer.

HRM Controlled Access Streets By-Law, S-900, Section 4; "The streets, or portions thereof, within the core area under the control of the municipality as listed in Schedule A are hereby designated as controlled access streets where no new access will be permitted except in exceptional circumstances and only in accordance with good street access management principles."

HRM Streets By-Law, S-300, Subsection 35 (2); "Notwithstanding subsection (1), the Engineer may refuse more than one access where the additional access would affect the safe movement of traffic on the street due to high traffic volumes or other reason."

HRM Streets By-Law, S-300, Subsection 36 (2); "No driveway shall be located on any street where the property to be served abuts and has reasonable access to another street that carries a lesser amount of daily traffic."

By-laws of the Association of Professional Engineers, 24 (1); Members, persons licensed to practise and engineers-in-training shall conduct themselves in accordance with the Code of Ethics appended hereto, and without restricting the meaning of unprofessional conduct, any breach of the Code of Ethics shall be deemed to be a form of unprofessional conduct.

By-laws of the Association of Professional Engineers Appendix – Code of Ethics for Engineers, 2; "A Professional Engineer...shall regard his duty to public welfare as paramount.

RECOMMENDATION

It is recommended that the HRM Appeals Committee **uphold the Engineer's decision to refuse** to issue a permit.

BACKGROUND

On January 5th, 2017 the Applicant submitted an application to Staff (Appendix A) to construct a driveway on Hammonds Plains Road to access 23 Caper Court. The proposed driveway would be the 2nd driveway access, as the property is currently accessible from Caper Court. Caper Court is a private local road with low volumes, serving one commercial building.

Staff advised the Applicant by email on January 18th, 2017 (Appendix B) that the request for a permit had been denied under the Controlled Access By-Law, S-900 Section 4, and the Streets By-Law, S-300 sections 35(2) and 36(2). The Engineer denied the requested to grant an exception to either by-law. The Applicant filed a request to appeal the decision of the Engineer on January 19th, 2017 (Appendix C).

DISCUSSION

Minimization of Conflict Areas through Controlled Access Streets By-Law S-900

Authority over Hammonds Plains Road was transferred to the Municipality from the Province in 2006. Hammonds Plains Road, between Pockwock Road and Highway 103, was previously a restricted access street under provincial legislation. A section of the Nova Scotia *Municipal Government Act* was amended in 2006 to allow municipal governments to regulate or prohibit access to a controlled access street. The Controlled Access Streets By-Law S-900 was adopted by Council on July 3, 2007 to continue the practice of restricting access on streets formally owned and restricted by the Province. The Council Report for the proposed By-Law S-900 (Appendix D) specifically names Hammonds Plains Road as a catalyst to

approve the By-Law. By-Law S-900, Section 2 states, "The purpose of this by-law is to promote the safe and efficient ingress and egress to specific Halifax Regional Municipality streets in the interest of public safety, convenience and general welfare;...to reduce accidents caused by frequent and poorly designed points of access..."

Driveway and intersection access is restricted to minimize the conflict area on a given street. Each access presents a new conflict area, where an accident is more likely to occur (Institute of Transportation Engineers: *Urban Streets Geometric Design Guidelines*. 2008 pg. 131). The types of possible accidents related to the movement in and out of the proposed driveway would be head on, right angle, and rear end vehicle collisions.

This section of Hammonds Plains Road is classified as an arterial street and has a speed limit of 80 km/h. Arterial streets have higher traffic volumes and their primary purpose is movement of traffic, as opposed to access for adjacent properties. The minimization of conflict areas is especially important on arterial streets with speed limits greater than 50 km/h due to the high risk and impact of vehicle collisions. There is one reported accident since 2014 on this section of Hammonds Plains Road, between south end of Yankeetown Road and Pockwock Road.

The property in question is commercially zoned, and to meet requirements of the S-300 By-Law, a new driveway would need to be between 7-10 m wide. The width of this driveway would be comparable to a local street, which is typically 9m wide.

Recently Upgraded Access at 2283 Hammonds Plains Road

The applicant is appealing the decision of the Engineer based on the following grounds:

There was a culvert installed 0.5 of a km from where I want to install this culvert and is used for a commercial property which was installed roughly 1 year ago.

A culvert at 2283 Hammonds Plains Road is visible in a Google Streetview image taken in April 2009 (Appendix E). The driveway was upgraded (regraded and paved) between 2012 and 2014, but access to Hammonds Plains Road at this location was an existing condition. By-Law S-900 restricts new accesses to controlled access streets, but does not regulate upgrades.

Recently Upgraded Left Turn to Yankeetown Road

Hammonds Plains Road has a dedicated left turn lane to the north entrance of Yankeetown Road, which was added in 2011. It is located approximately 200 m from the proposed driveway. A traffic study from November 2015 showed the 85th percentile speed on this section of Hammonds Plains Road to be 75 km/h, and the approximate daily two-way vehicle count to be 13,700, supporting the need for a dedicated left turn lane. The proposed driveway access would likely cause queues on Hammonds Plains Road by southbound vehicles making left turns. Allowing new driveway access within 200 m of the Hammonds Plains Road and Yankeetown Road intersection is contradictory to the safety improvements at this intersection. Existing access to the property at 23 Caper Court is via this improved left turn lane onto Yankeetown Road and Caper Court.

Denial of Subdivision Access on Hammonds Plains Road

In February 2016, a preliminary subdivision application was denied by Staff. A memorandum was provided to that applicant (Appendix F) outlining some of the reasoning for denial, including the following statement:

Traffic Services have reviewed the Traffic Impact Statement submitted in support of a request for a variance to the controlled access by-law, S-900, and do not support allowing multiple accesses along this section of Hammonds Plains Road. In light of high prevailing speeds and existing operational issues, additional access points present safety and operational hazards and, therefore, cannot be permitted along this section of road.

The proposed subdivision access was less than 1 km west of the proposed driveway for 23 Caper Court. According to the Traffic Impact Statement that was submitted in support of the proposed subdivision access, the proposed subdivision access would have elements of safety such as a greater stopping sight distance, and would have been a greater distance from the curve in Hammonds Plains Road and Yankeetown Road intersection, as compared to the proposed driveway access to 23 Caper Court. The proposed subdivision access to Hammonds Plains Road was denied even with these elements of safety.

FINANCIAL IMPLICATIONS

If the decision of the Engineer is upheld, the performance security of \$1000.00 will be returned and the Streets and Services application fee of \$200.00 will not be returned.

Alternatively, if the decision of the Engineer is overturned, there are no financial implications.

RISK CONSIDERATION

Recommendation: Deny the Appeal and uphold the decision of the Engineer

There are no significant risks associated with the recommendation to deny the Appeal and uphold the decision of the Engineer. The risks considered for the recommended option rate Low. To reach this conclusion, consideration was given to hazard and operational risks.

Alternative (Not Recommended): Allow the Appeal and overturn the decision of the Engineer

Significant risks related to the alternative presented in this Report are detailed in the below table. Due to the high risk level, the alternative is not recommended.

Alternative: The Appeals Committee may overturn the decision of the Engineer				
Risk	Likelihood (1-5)	Impact (1-5)	Risk Level (L/M/H/VH)	Mitigation
Vehicle collision at proposed driveway location (new conflict area)	3	3/4 (People)	High	Options for mitigation of this risk include upholding the decision of the Engineer to deny the proposed driveway access (recommended).
Set a precedent for future driveway applications along Hammonds Plains Road	4	2 (Reputation)	High	The risk could be mitigated by outreach to media and/or local citizen groups to communicate the reasoning for allowing this driveway access.

There are significant risks associated with the alternative that Appeals Committee may overturn the decision of the Engineer and permit the proposed driveway.

- The proposed driveway would create a new conflict area. Serious and potentially fatal accidents could occur between vehicles at 80km/h, especially with the types of collisions associated with movements involved with entering and exiting a driveway (i.e. head-on, right angle, and rear end collisions). This has been deemed high risk. The risk could be mitigated by upholding the decision of the Engineer and denying the proposed driveway access (recommended).
- Allowing this new access could set a precedent for future driveway and access applications. Other applications for access have been denied in the past for safety reasons. This would have a negative impact on the reputation of Halifax Regional Municipality. This has been deemed high risk. The risk

could be mitigated by outreach to media and/or local citizen groups to communicate the reasoning for allowing this driveway access.

The approval of this Appeal to overturn the decision of the Engineer has been deemed high risk. The proposed access creates unreasonable safety risks to all road users on Hammonds Plains Road. Fatal accidents could be caused because of the movements from the proposed access. There is existing, safe access to the property from Caper Court.

COMMUNITY ENGAGEMENT

None.

ENVIRONMENTAL IMPLICATIONS

There were no environmental implications identified in this report.

ALTERNATIVES

- The Appeals Committee may uphold the decision of the Engineer and deny the appeal.
- Or
- The Appeals Committee may overturn the decision of the Engineer. This is not recommended as the Engineer considers the proposed driveway to be a significant safety risk to the users of the Hammonds Plains Road. Firstly, Staff have concerns around the Municipality's liability if the access is granted because of the risk assessed by the Engineer. Secondly, the Engineer has an obligation to make decisions in the interest of public safety. In accordance with the By-laws of the Association of Professional Engineers, Members "*...shall regard his duty to public welfare as paramount...*".

ATTACHMENTS

- A Permit Application
- B Refusal Letter
- C Applicant's Appeal
- D Proposed By-Law S-900, Respecting the Establishment of Controlled Access Streets for Streets within the Halifax Regional Municipality
- E Google Photos of Conditions on Hammonds Plains Road
- F Memorandum for Denying Preliminary Subdivision Application of PID 00645002

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Appeals Committee and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Harrison McGrath, EIT, Engineering Assistant, Traffic Management 902.490.6853

ORIGINAL SIGNED

Report Approved by: _____
Taso Koutroulakis, PEng., PTOE, Manager, Traffic Management 902.490.4816

Appendix A - Permit Application

HALIFAX

PO Box 1749, Halifax, Nova Scotia B3J 3A5

Contact Tel: (902)490-8240; Fax: (902)490-6727

RECEIVED

JAN - 9 2016

TRAFFIC MANAGEMENT

**PERMIT APPLICATION
CULVERT**

HRM FILE NUMBER: 158048

# of Plans:	1	Receiving Staff:	KIM BLENKHORN
Water Service:	N	Receiving Office:	BAYERS ROAD CENTRE
Sanitary Service:	N	Existing Residential Units:	0
Declared value:	0.00	Proposed Residential Units:	0

Location affected: 23 CAPER CRT. HAMMONDS PLAINS

Description of Work: to install a new culvert off of Hammonds Plains Rd

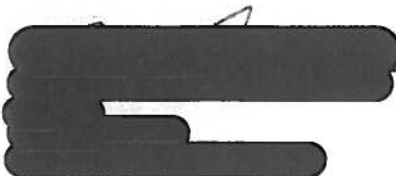



Contractor(s)		Area of responsibility
		STREETS & SERVICES CONTRACTOR

APPLICATION ONLY - This is NOT a Permit

I certify that I am submitting this application with the consent of the property owner(s). The owner(s) have seen the proposed plans and have authorized me to act as their agent respecting this application.

Applicant Signature:

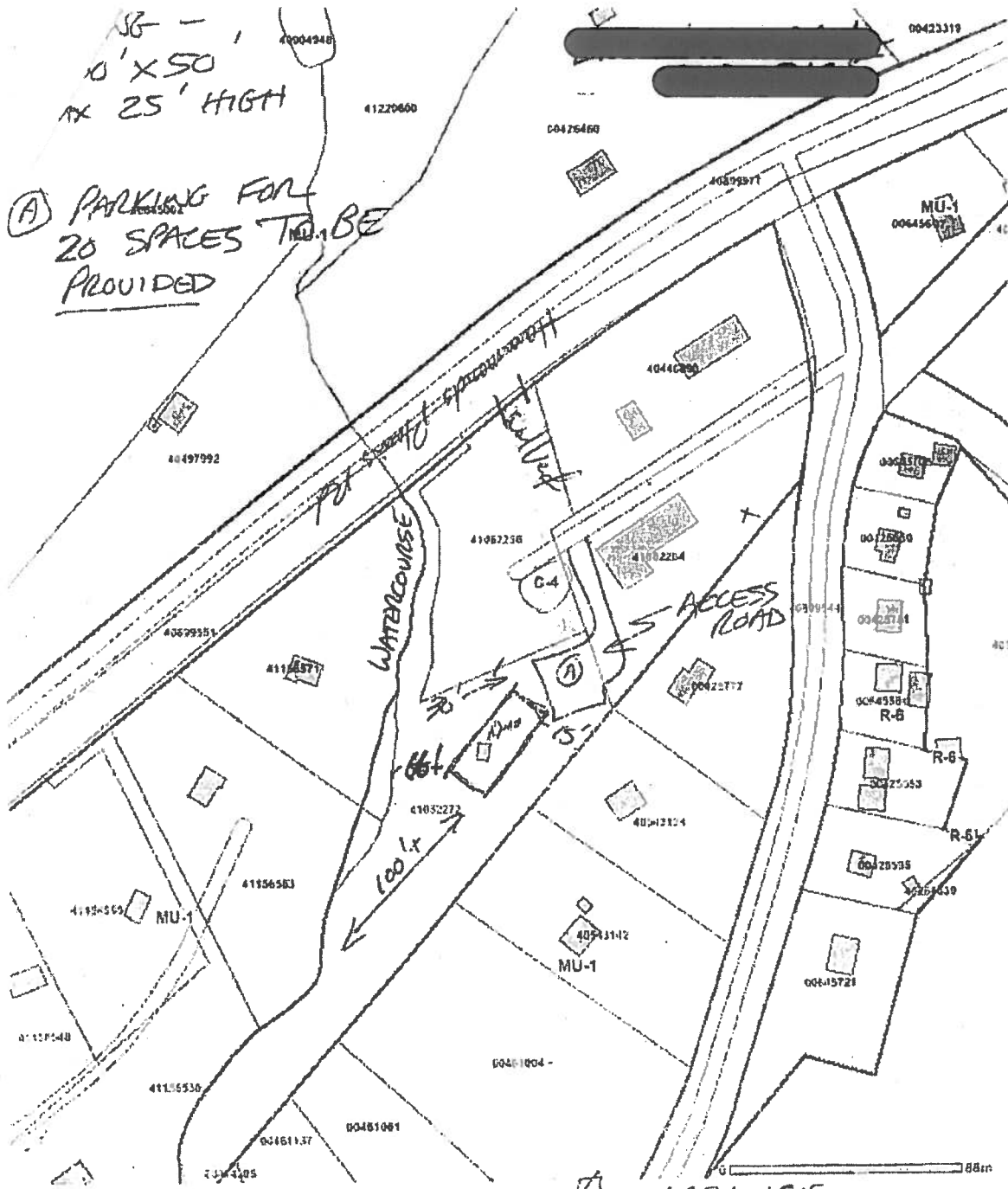
Application Date:

 Phone: 
Cell: 
Fax: 

Thu, Jan 5, 2017

SG -
10' X 50'
PK 25' HIGH

(A) PARKING FOR
20 SPACES TO BE
PROVIDED



PROPOSED BLDG. 10,000 B WAREHOUSE
STORAGE ONLY
NO PERMITS

ACCESS BY DRIVEWAY THROUGH 18
CAROL COURT.

210 # [REDACTED]

Appendix B – Refusal Letter

January 18, 2017

[REDACTED]
23 Caper Court
Hammonds Plains, Nova Scotia
B3Z 3Y3

RE: Application 158048 – New Driveway Culvert at 23 Caper Court, Hammonds Plains

Dear [REDACTED]

I have reviewed your permit application for a new driveway at 23 Caper Court, Hammonds Plains (PID 41082256) onto Hammonds Plains Road. I have **denied** this request and **refused** to issue a permit because this section of Hammonds Plains Road is on the controlled access streets list and no new access is permitted under the HRM S-900 By-Law section 4. The Engineer may also refuse more than once access where the additional access would affect the safe movement of traffic on the street due to high traffic volumes or other reasons under the HRM S-300 By-Law, section 35(2). Any appeal to this decision must be filed in accordance with Section 42 of the HRM Streets By-Law within 15 days of the refusal.

Sincerely,

[REDACTED]
Christopher Davis, P.Eng.
Supervisor, Right of Way
Halifax Regional Municipality

Tel 902.490.7462
Email davisc@halifax.ca

- c. Harrison McGrath, Engineering Assistant, Traffic Management
Megan Soroka, Right of Way Engineer, Traffic Management
Taso Koutroulakis, Manager, Traffic Management
Karen Brown, Senior Solicitor, Legal Services
Kevin Arjoon, Municipal Clerk

HALIFAX

Halifax Regional Municipality
PO Box 1749, Halifax, Nova Scotia
Canada B3J 3A5

halifax.ca

Appendix C – Applicant's Appeal

Stewart, April

From: [REDACTED]
Sent: January-19-17 3:04 PM
To: Office, Clerks
Subject: FW: HRM Permit Refusal - 23 Caper Court, Hammonds Plains

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

VALID



I wish to appeal this refusal .

There was a culvert installed .5 of a km from where I want to install this culvert and is used for a commercial property which was installed roughly 1 year ago

[REDACTED]

[REDACTED]

Email [REDACTED]

Website [REDACTED]

**Appendix D - Proposed By-Law S-900, Respecting the Establishment of Controlled Access
Streets for Streets within the Halifax Regional Municipality**

11.1.16




PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Halifax Regional Council
May 29, 2007
Committee of the Whole
Regional Council - June 12, 2007

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


Geri Kaiser, Acting Chief Administrative Officer


Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: May 9, 2007

SUBJECT: Proposed By-Law S-900, Respecting the Establishment of Controlled Access Streets for Streets within the Halifax Regional Municipality

ORIGIN

The Nova Scotia Municipal Government Act was amended in 2006 and the amendments proclaimed on January 9, 2007. One amendment increased the power of municipalities to regulate or prohibit access to a controlled access street. The provincial government wants to rescind some provincial control of access regulations now that HRM can put in place its own legislation. HRM should replace the provincial regulations with its own legislation.

RECOMMENDATION

It is recommended that Council adopt the proposed Controlled Access Streets By-Law S-900 as shown in Attachment One of this report.

BACKGROUND

The Nova Scotia Municipal Government Act was amended in 2006 and the amendments proclaimed on January 9, 2007. One amendment increased the power of municipalities to regulate or prohibit access to a controlled access street. The Nova Scotia Department of Transportation and Public Works has turned over certain roadways to Halifax Regional Municipality that were designated as controlled access under the Nova Scotia Public Highways Act, in particular Hammonds Plains Road between Pockwock Road and Highway 103 and Burnside Drive from 200 metres south of Commodore Drive to Akerley Boulevard. The provincial government wants to rescind the provincial control of access now that HRM can put in place its own legislation. HRM should replace the provincial regulations with its own legislation.

DISCUSSION

Arterial and major collector roadways that carry large volumes of traffic are attractive locations for strip development. Residential and commercial developments locate along the street over time until strip development becomes the predominant land use pattern. The ability of the street to move traffic then becomes seriously compromised, resulting in increased traffic congestion and reduced safety for motorists, pedestrians, and cyclists. Often small and medium-scale businesses cumulatively create the worst problems (because large developments' driveways function more like side streets in their scale and spacing).

Access management is defined as "the process that provides access to land development while simultaneously preserving the flow of traffic on the surrounding system in terms of safety, capacity and speed." In practical terms it means managing the number, design, and spacing of driveways that a driver may encounter without hampering reasonable access to property and removing slower, turning vehicles from the street as efficiently as possible. Access management deals with traffic problems caused by unmanaged development before they occur. Access management addresses how land is accessed along arterials and major collectors and focuses on mitigating traffic problems arising from development and increased traffic volume attempting to use these developments.

Subdivision regulations already require that developers provide interior road connections to adjacent, undeveloped land, where feasible, and that adjacent subdivisions interconnect. A similar requirement does not now exist in HRM with respect to commercial developments. Access control will allow HRM to require commercial developments to be designed to connect with adjacent commercial development or, if the adjacent land is vacant, to allow for future internal connections.

The by-law proposed as contained in Attachment One lists a number of arterial and major collector streets in HRM. There are basically two sorts or types of streets proposed to be regulated under the by-law.

The first type of street is the relatively wide-open, high capacity arterial roadway. This includes in particular Hammonds Plains Road (between Pockwock Road and Highway 103) and Burnside Drive

(between Highway 111 and Akerley Boulevard). At this time these streets are controlled access under the control of the Nova Scotia Department of Transportation and Public Works. In the past, no new driveways have been allowed, and new roadway connections to subdivisions have only been permitted at a limited number of locations. It is the intention of HRM staff, if the proposed by-law is adopted, to generally continue the strict prohibition of private driveways and to limit new road connections to locations acceptable to HRM. Additional streets that come into a similar situation are Victoria Road in Dartmouth in the vicinity of the Highway 111 interchange, Woodland Avenue, Portland Street, and similar streets near Highway 111, Dunbrack Street, and the Robie Street Extension, and similar streets. These streets are listed in Schedule A of the draft by-law.

The second type of street is an existing street that serves as an arterial or major collector, that already has considerable development on it, and that has redevelopment occurring. Such streets as Barrington Street north of Cogswell, or Herring Cove Road from the Rotary to the old City Limit already have driveway demands that would be made worse if HRM cannot restrict or control the design of driveways and site plans. For these type of streets, the law already provides that land parcels must have access to roadways and this by-law cannot take that away from land-owners. What the proposed by-law can do is allow HRM to work with the developer to get the best design possible for the road users, the customers, and HRM. Safe access is good for business. These streets are listed in Schedule B of the draft by-law.

Listing a street on Schedule B as serving as an arterial or major collector does not change the designation of the street under the various Municipal Planning Strategies. Indeed, listing a street in Schedule B may actually reduce the potential for traffic growth in these streets by reducing the potential for development out of the control of HRM.

The proposed by-law requires a permit from the Engineer. HRM staff will review any driveway permit application and use the following considerations in evaluation of the proposed driveway:

- The requirements of HRM By-Law S-300, the Streets By-Law (Attachment Two)
- Adequate sight distance shall be provided for a passenger motor vehicle making a left or right turn exiting from a driveway.
- As determined by the Engineer, engineering judgement shall override the recommended dimensions for driveway accesses if warranted by specific traffic conditions.
- In making a determination as to the location and design of a driveway access, the Engineer shall consider:
 - the characteristics of the proposed land use;
 - the existing traffic flow conditions and future traffic demand anticipated on the development and the adjacent street system;
 - the location of the property;
 - the size of the property;
 - the orientation of structures on the site;
 - the number of driveways needed to accommodate anticipated traffic;
 - the number and location of driveways on existing and proposed adjacent and opposite properties;

- the location and carrying capacity of nearby intersections;
- the proper geometric design of driveways,
- the spacing between opposite and adjacent driveways;
- the internal circulation between driveways; and
- the speed of traffic on the adjacent roadway.
- Driveway access to arterials shall not be allowed for parking or loading areas that require backing manoeuvres in a public street right of way. Driveway access to collector streets for commercial or multifamily development shall not be permitted for parking or loading areas that require backing manoeuvres in a public street right of way.
- No cuts through a left turn storage lane or taper shall be permitted in order to provide for left turn movements to driveways.
- Driveways in right turn lane transition areas shall not be permitted.
- When a commercial or multifamily development abuts more than one public street, access to each abutting street may be allowed only if the following criteria are met:
 - It is demonstrated that such access is needed to adequately serve driveway volumes and will not be detrimental or unsafe to traffic operations on public streets. The Engineer may require a traffic study be done which demonstrated that such access is needed.
 - The minimum requirements for corner clearance for commercial or multifamily driveways are met.

Details of the proposed design criteria and guidance are shown in Attachment Three to this report.

It is not the intention of HRM staff that all access to the listed streets be prohibited when there is a legal right of access, but instead that accesses be controlled and properly designed for the benefit of users of the roads and residents, customers, and employees of the proposed developments. Existing driveway accesses to existing land-uses will not need to be changed under this proposed by-law unless a change in the land use requiring HRM agreement is proposed. If the design of an existing driveway is proposed to be changed, whatever requirements under the design criteria can reasonably be applied should be applied without removing an existing driveway. (In other words, owners should be able to make existing driveways better.)

For a few streets, it is intended that no new private accesses be permitted. These are listed in Schedule A of the proposed by-law. Other streets, listed on Schedule B, are intended to be controlled but which HRM generally must grant reasonable access under the law.

As an example of where the use of such a by-law as is proposed could have been useful Council may consider Windmill Road between Victoria Road and Wrights Brook in Burnside. Commercial strip development has naturally sprung up alongside this busy roadway. Business owners want their customers, employees and suppliers to have full access to the businesses. But with the large volume of traffic on Windmill Road in this area, HRM staff are now trying to design a circulation system using a median on Windmill road to reduce the number of left-turn-related collisions in the area and to preserve and enhance the traffic-carrying capacity of the road. If the proposed by-law had been in place when the area was first planned or development was beginning, restrictions put in place at

that time would have permitted orderly and safe development, and owners would not now face either a perceived loss of business and nor would HRM face opposition to roadway changes from adjacent business and land owners.

The draft by-law contains an appeal process under which any person denied the permit he or she sought can appeal the decision of the Engineer to the HRM Council Appeal Committee.

It is the intention of HRM staff, if this by-law is passed and once the provincial control of access is removed from Hammonds Plains Road, to permit the completion of construction and opening of the intersection of Hammonds Plains Road and Winslow Drive, near Westwood Boulevard in Tantalton.

BUDGET IMPLICATIONS

There are no direct financial implications from passage of the proposed by-law. If adopted HRM staff will need to administer the by-law requirements from day to day but it is not anticipated any additional staff will be needed because many applications for development already have review of access provisions made.

If adopted, the by-law may show the desire of Council to prohibit driveway or roadway access to certain streets (such as in Schedule A of the draft by-law). If a property owner has a legal access to the street, for Council to absolutely prohibit such a driveway, first the appeal process would likely be used and elected representatives would have to consider the matter, and second, if taking away the legal access would be a form of expropriation, then Council would have to approve the money to compensate the land owner as appropriate or else allow the access. These matters would be decided at that time.

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

HRM Council could turn down the proposed by-law, but to do so would allow development on the Schedule A roadways without the controls that have been in place under the jurisdiction of the Nova Scotia government and would possibly lead to increased collisions, reduced traffic carrying capacity, and potentially the need for road widening or parallelling in the future. The roads proposed to be listed in Schedule B would have a higher potential for undesirable development and driveway arrangements adding to congestion and reducing safety on those roads.

ATTACHMENTS

- Attachment One - draft Controlled Access Streets By-Law S-900
- Attachment Two - By-Law S-300 the Streets By-Law
- Attachment Three - Access Management Guidelines for Development in HRM

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.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: Alan Taylor, P.Eng., Transportation Planner

Report Approved by: 

Ken Reashor, P.Eng., Manager, Traffic and Right of Way, 490-6637

Report Approved by: 

Catherine Sanderson, Senior Manager, Financial Services, 490-1562

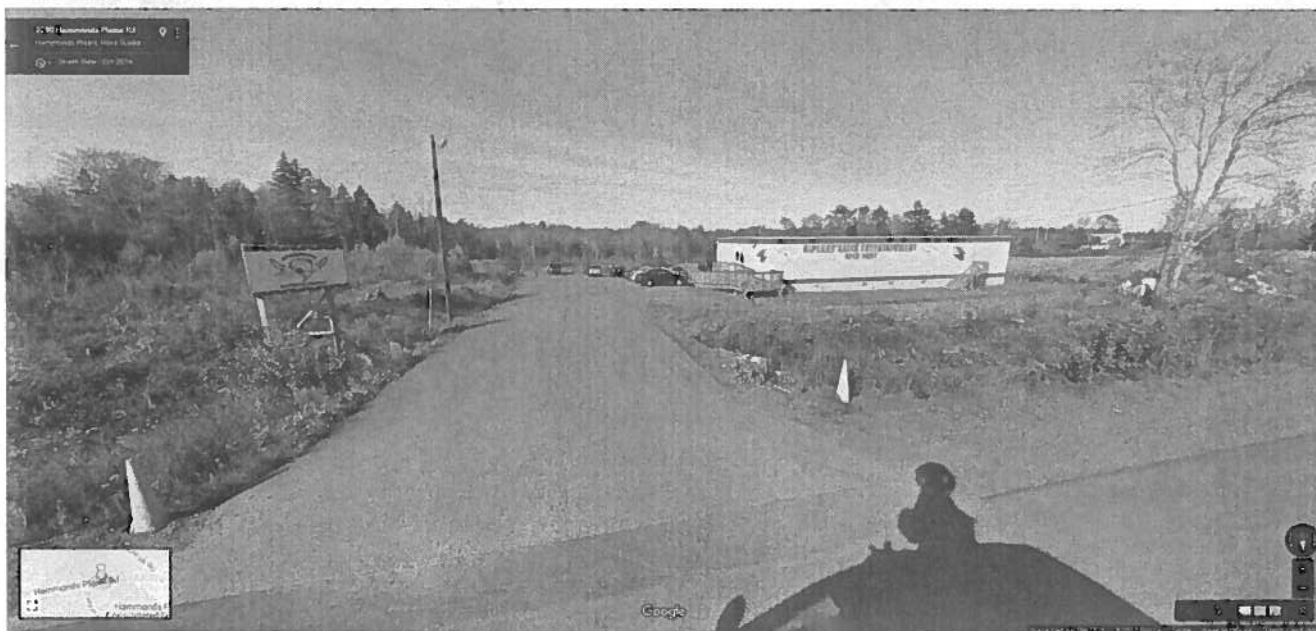
Report Approved by: 

Mike Labrecque, P.Eng., Transportation and Public Works, 490-4855

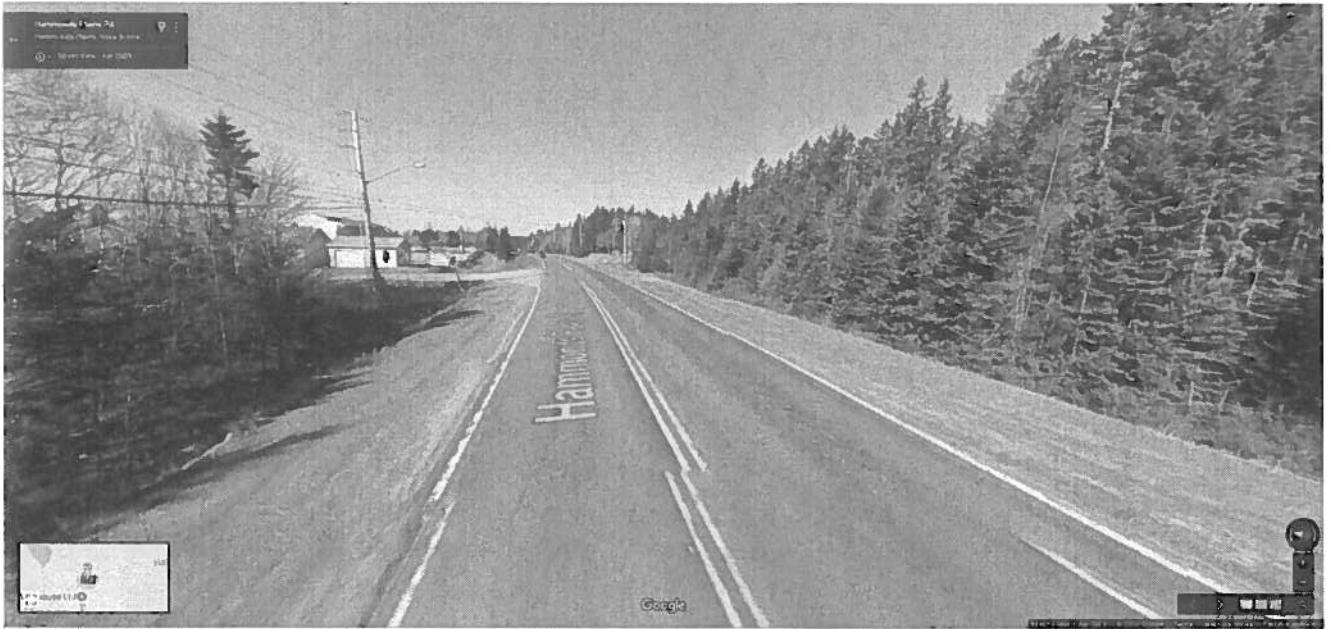
Appendix E – Google Photos of Conditions on Hammons Plains Road



Access to 2283 Hammons Plains Road, April 2009



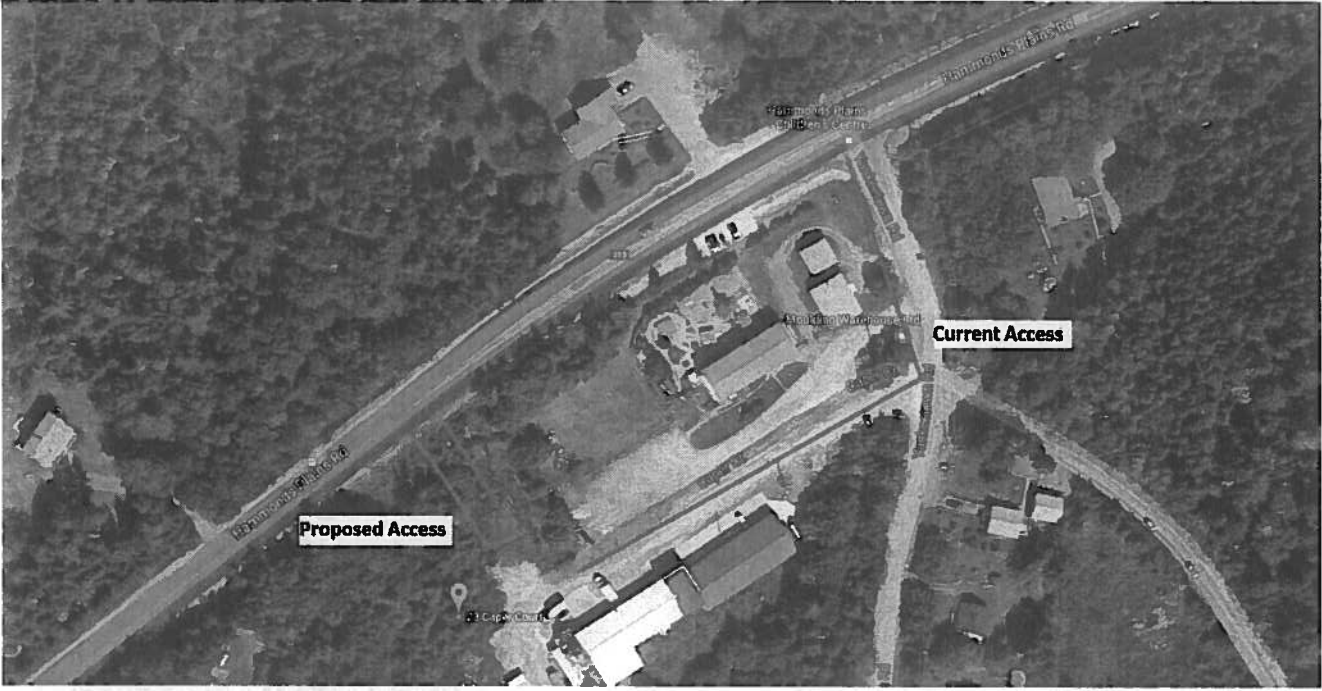
Access to 2283 Hammons Plains Road, October 2016



Intersection of Hammonds Plains Road and Yankeetown Road, April 2009



Intersection of Hammonds Plains Road and Yankeetown Road, October 2016



Current and proposed access to 23 Caper Court

Appendix F – Memorandum for Denying Preliminary Subdivision Application of PID 00645002

February 17, 2016

[Redacted]

COPY

Dear Applicant:

RE: HRM Preliminary Subdivision [Redacted] Lands of [Redacted] Hammonds Plains, Halifax County, NS

This preliminary subdivision application has been on file since January 8, 2016. This application has been reviewed in accordance with the Regional Subdivision By-law and Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville.

The plan has also been reviewed by the HRM Engineering Department and Traffic Services. Please see attached comments, specifically comment no.4, which reads:

4) Traffic Services have reviewed the Traffic Impact Statement submitted in support of a request for a variance to the controlled access by-law, S-900, and do not support allowing multiple accesses along this section of Hammonds Plains Road. In light of high prevailing speeds and existing operational issues, additional access points present safety and operational hazards and, therefore, cannot be permitted along this section of road.

As the HRM Engineering Section cannot recommend access to Hammonds Plains Road, we cannot recommend preliminary approval.

Enclosed are the remaining copies of your Preliminary Plan of Survey. If you have any questions concerning this application, please contact me at 490-4793.

Sincerely,
[Redacted Signature]

Brittney Macleab
Development Technician
Planning and Development
Halifax Regional Municipality
Tel 902.490.4793
Email macleab@halifax.ca
c: Trevor Creaser, Development Officer

HALIFAX

Halifax Regional Municipality
PO Box 1749, Halifax, Nova Scotia
Canada B3J 3A5

halifax.ca

We are unable to recommend preliminary approval of this application. Please make the applicant aware of our comments.



Evan Teasdale, P. Eng.
Development Engineer
HM/bb

H:\Development Engineering\Control Subdivision Files\Minor\20136 - Hammond's Point Road\Correspondence\Letters + Memos\28336P - lots 101 to 109 Perry's Pond.doc