



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

Item No. 13.1.1
North West Community Council
February 12, 2018

TO: Chair and Members of North West Community Council

SUBMITTED BY: Original Signed

Kelly Denty, Acting Director, Planning & Development

DATE: November 21, 2017

SUBJECT: **Case 20800 – Municipal Planning Strategy and Land Use By-law amendment to allow for industrial and highway commercial uses on the Conrad Quarry lands in Waverley**

ORIGIN

- Application by Summit Rock Developments Ltd. on behalf of Conrad Brothers Ltd.
- September 6, 2016, Regional Council initiation of the MPS amendment process when the following motion was put and passed:

“THAT Halifax Regional Council:

1. Include the 53 and 242 acre parcels shown on Attachment A of the Staff Report dated June 7, 2016 within the Port Wallace Secondary Planning study area; and

2. Initiate a Municipal Planning Strategy amendment process to zone the Conrad quarry lands shown on Attachment A of the staff report dated June 7, 2016 for industrial and highway commercial uses and follow the public participation program for municipal planning strategy amendments as approved by Regional Council on February 27, 1997.”

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development.

RECOMMENDATION

It is recommended that North West Community Council:

1. Recommend that Regional Council give First Reading to consider the proposed amendments to the Municipal Planning Strategies (MPS) and Land Use By-laws (LUB) for Cole Harbour/Westphal, Dartmouth and Planning Districts 14 and 17, as set out in Attachments A and B of this report, to allow industrial and highway commercial uses on the Conrad quarry lands and schedule a public hearing

Recommendation continued on next page.

2. Approve the proposed amendments to the Municipal Planning Strategies (MPS) and Land Use By-laws (LUB) for Cole Harbour/Westphal, Dartmouth and Planning Districts 14 and 17, as set out in Attachments A and B of this report, to allow industrial and highway commercial uses on the Conrad quarry lands.

BACKGROUND

Summit Rock Developments Ltd, on behalf of. Conrad Brothers Ltd., is applying to allow industrial and highway commercial uses on the Conrad quarry lands located immediately to the north of the Hwy. 107 – Montague Rd. interchange. The 525 acre subject site is located within three plan areas (Cole Harbour/Westphal, Dartmouth, and Planning Districts 14 and 17) with a mixture of industrial, residential and protected water supply zoning. As a result, MPS and LUB amendments to all three plan areas are needed to permit the proposed developments.

It is also important to note that a 242-acre portion of the subject site is included in the Port Wallace Secondary Planning Strategy study area, a master planning initiative that is considering the extension of municipal water and wastewater services to the area. This report does not consider the extension of central water and sewer services and focuses only on the request to allow industrial and highway commercial uses on the subject site.

Subject Site	PIDs 00276105, 00276188, 00275966, 40174286, 41168279
Location	North of interchange of Hwy.107 By-pass and Montague Road
Regional Plan Designation	Rural Commuter
Community Plan Designation (Map 1)	Planning Districts 14 & 17: Residential, Watershed Cole Harbour/Westphal: Rural Residential, Watershed Dartmouth: Residential
Zoning (Map 2)	Planning Districts 14 & 17: I-3 (light industrial), PWS (protected water supply) Cole Harbour/Westphal: R-1 (single unit dwelling, R-7 (rural estate), and PWS (protected water supply) Dartmouth: R-1 (single family residential)
Size of Site	525 acres
Street Frontage	Over 2 km. along Hwy. 107 By-pass and Montague Rd.
Current Land Use(s)	Active quarry, asphalt plant, concrete plant, soil remediation facility, maintenance facility, storage of travel trailers and shipping containers
Surrounding Use(s)	Single unit dwelling subdivisions, Lake Major Water Supply Watershed

Proposal Details

The applicant proposes to develop industrial and highway commercial uses on the subject site. The major aspects of the proposal are as follows:

- the site contains an active quarry that is expected to continue for several decades;
- the modernization and expansion of existing industrial operations that are currently considered non-conforming uses under existing zoning;
- the construction of a new maintenance garage; and
- the future construction of municipal streets to enable the development of industrial lots.

A detailed submission made by Summit Rock Developments Ltd. in support of the proposal, can be found at:

www.halifax.ca/business/planning-development/applications/case-20800-montague-road-quarry-lands

MPS and LUB Context

The site is within three plan areas (Cole Harbour/Westphal, Dartmouth, and Planning Districts 14 and 17) with a mixture of industrial, residential and protected water supply zoning. Based on aerial photographs, the existing businesses appear to be located within the industrially zoned area of the site. Any industrial buildings that are located in a residential zone would be deemed non-conforming and would therefore not be permitted to expand or be replaced in the event of fire.

In addition, it is important to note that quarry operations are not subject to municipal land use by-laws, but are instead regulated by the Province under an industrial permit through NS Environment.

History

On March 4 2014, Regional Council initiated the secondary planning process for Port Wallace. The staff report included a recommendation to include the Conrad quarry lands as part of the study area. In response, Council directed that a decision be deferred until the land suitability assessment and the baseline infrastructure studies were completed. The Conrad lands were included in these studies.

In March 2015, the Conrad's subsequently requested that their request for highway commercial and industrial zoning proceed independently from the Port Wallace Secondary Planning process. The secondary planning process is expected to take some time to complete and the Conrad's wish to build a maintenance building on a portion of the quarry that is currently zoned residential. They acknowledge, however, that the second request for municipal water and wastewater services is related to and dependent upon servicing of the larger Port Wallace area and, therefore, approvals are being sought as part of the infrastructure planning for the Port Wallace Secondary Plan area.

On September 6, 2016, Regional Council considered the results of the Land Suitability Assessment and baseline infrastructure studies for Port Wallace and decided to continue to include the 242-acre portion of the subject site in the Secondary Planning Study area. At this meeting, Council also initiated this separate MPS amendment process to consider the applicant's request to permit industrial and highway commercial uses on the subject site, independently of the Port Wallace Secondary Planning process.

Related Studies

A watershed study was completed in 2013. The study concluded that the Port Wallace secondary plan area could be developed while maintaining acceptable lake water quality provided that stormwater is effectively managed.

A land suitability assessment study was completed in 2016 and presented at a public workshop. The study used a scoring system to determine the significance of the environmental and cultural assets of the site, and identified areas that should be protected to mitigate the impacts of potential development. The study found no evidence to suggest that the Conrad quarry lands were not suitable for industrial and commercial development.

HRM and Halifax Water have also prepared baseline infrastructure reports that examine the surrounding water distribution, wastewater collection and transportation systems (roads, transit and active transportation). The reports review the opportunities and challenges that will need to be considered in the design of the new community.

The watershed, land suitability and baseline infrastructure studies as well as previous staff reports and other information pertaining to this project can be found at: <http://www.halifax.ca/planhrm/portwallace.php>

In May 2017, the Municipality retained CBCL to prepare a master plan infrastructure study for the Port Wallace secondary plan area, including the 242 acre portion the subject site included in the secondary planning study area. This study will establish long term infrastructure requirements necessary to service this proposed growth areas including assessments of regional, and local infrastructure (water, wastewater, stormwater and transportation systems). The study is expected to be completed in early 2018.

Community Council Jurisdiction

The subject site straddles the jurisdictional boundary of the North West Community Council and the Harbour East Marine Drive Community Council. As a result, recommendations to Regional Council on the proposed MPS and LUB amendments are required from both community councils.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy, the HRM Charter, and the Public Participation Program approved by Council on February 25, 1997. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area and a public information meeting held on January 25, 2017. Attachment C contains a copy of the minutes from the meeting. Submissions and responses are presented in Attachment D. The public comments received include the following topics:

- traffic levels on the Forest Hills Connector and Waverley Road/ Braemar Drive, which people noted is already congested during peak commuting times; and
- concerns that several uses, such as composting and construction and demolition and debris operations, would be incompatible with neighbouring residents.

A public hearing must be held by Regional Council before they can consider approval of the proposed MPS and LUB amendments. Should Regional Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail and those on the e-mail notification list will be notified.

DISCUSSION

The MPS is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in Municipality. Amendments to an MPS are significant undertakings and Council is under no obligation to consider such requests. In this case, staff advise that the application is consistent with the Regional Plan and recommend that Council approve the proposed MPS and LUB amendments. The following sections review the rationale and content of the proposed MPS and LUB amendments.

Regional Plan

One of the economic objectives established by the Regional Plan is to “ensure that there are sufficient lands available around the harbour and in business parks to provide economic opportunities”. The proposal responds to this objective by increasing the lands available for heavy industrial uses that can be difficult to locate in rural areas and existing industrial parks. Policy EC-8 also states that “HRM may consider permitting private business parks in appropriate locations within or adjacent to designated growth centres”. Port Wallace is a designated growth area.

Site Suitability

A large portion of the site is actively being mined for aggregate and is expected to continue for the foreseeable future. These lands are therefore not suitable for residential development but offer an excellent redevelopment opportunity for industrial and highway commercial uses. Except for a small portion of the site abutting the Forest Hills Connector, the lands are not visible from surrounding roads or houses. There is no evidence that existing industrial and commercial uses have caused conflict with neighbouring residential properties. In addition, zoning provisions are included in the proposed amendments that require any development that abuts a residential or community facility zone to be screened by either a berm or vegetated area that is at least 100 feet wide.

In terms of access, the subject site is particularly suited to uses that would benefit from having direct access to the regional highway network and that are not easily integrated into residential communities. These would include processing and manufacturing operations, construction and maintenance operations, distribution businesses, storage and outdoor display courts. The permitted uses contained in the proposed LUB amendments would permit these uses. In addition, the Land Suitability Assessment study did not identify any reasons why this site would be unsuitable for industrial development.

Traffic and Infrastructure

Future infrastructure upgrades are currently being assessed through the master plan infrastructure study for the Port Wallace Secondary Planning process. The Regional Plan does not allow the extension of municipal services until charges needed to pay for transportation upgrades have been approved by Regional Council and charges needed for water, wastewater and stormwater services have been approved by the N.S. Utility and Review Board.

Traffic generation is not expected to increase significantly until municipal water and wastewater services are extended to the site. It should also be noted that Waverley Rd./Braemar Drive are not designated truck routes under the Municipality's Truck Route By-law (T-400) and therefore truck traffic from businesses travelling to and from the site would be required to travel on the Forest Hills Extension (Hwy. 107) unless making a local delivery.

Proposed Amendments

Staff considered the existing MPS policy context and a number of policy approaches when drafting the proposed MPS and LUB amendments. MPS and LUB amendments are found in Attachments A and B. A summary of the proposed amendments is as follows:

- the entire quarry site would be governed by the MPS and LUB for Planning Districts 14 and 17 and portions currently within the Cole Harbour/Westphal and Dartmouth MPS and LUB would be removed from these plan areas;
- the portion of the site that is within the Lake Major Protected Water Supply Watershed would be designated "Watershed" by the Generalized Future Land Use Map (GFLUM) adopted under the Planning District 14 and 17 MPS and zoned Protected Water Supply (PWS) under the Land Use B-law. This is the same designation and zoning currently adopted under the Cole Harbour/Westphal MPS and LUB.
- Outside of the watershed lands, the remainder of the site would be designated "Light Industrial" and zoned Industrial Park (I-4) under the LUB. The Light Industrial designation has been established under the MPS and applied to the Aerotech Park and surrounding privately owned lands, as well as smaller established industrial sites in Windsor Junction, Lakeview and Rocky Lake Drive in Waverley.
- The I-4 Zone, established specifically for the subject site, allows for a range of industrial and highway commercial uses that are suitable for the site. The zone is found as item 8 of Attachment B. Retail and office uses are only permitted as accessory uses.

Request for Additional Amendments

For the most part, staff and the proponents have been able to reach agreement on the policy and regulatory amendments presented in Attachments A and B. However, the Conrad's have requested two changes. The first is to permit offices whereas the current proposal only permits offices as accessory uses. The second is to exempt facial signs from the general restrictions which are currently stipulated in the Planning District 14 and 17 Land Use By-law. Correspondence from the applicant with the rationale for these requests is presented as Attachment E.

Staff support offices within this site only as accessory uses as general purpose offices are better located in closer proximity to residential areas and where good transit services are available. This site is intended to accommodate commercial and industrial uses that are not easily integrated with residential communities.

In addition, office uses are proposed for a commercial centre within the Port Wallace Secondary Plan area. In terms of the request concerning facial signs, staff recommend not creating a new exception in the LUB and instead consider any changes to signage regulations on a more comprehensive basis through the LUB simplification initiative.

Conclusion

Staff have reviewed the application and the existing policy context and advise that the MPS should be amended to permit industrial and highway commercial uses on the subject site. The site contains an active quarry and existing industrial uses and proposed buffering controls mitigate potential land use conflict issues. In addition, the subject site is readily accessed by the regional highway network and any needed infrastructure upgrades are being considered as part of the Port Wallace Secondary Planning process. Therefore, staff recommend that the Harbour East Marine Drive Community Council and North West Community Council recommend that Regional Council approve the proposed MPS and LUB amendments presented in Attachments A and B.

ENVIRONMENTAL IMPLICATIONS

The Land Suitability Assessment Study found no evidence that the site is not suitable for industrial developments.

FINANCIAL IMPLICATIONS

The HRM costs associated with the processing of this planning application can be accommodated within the approved operating budget.

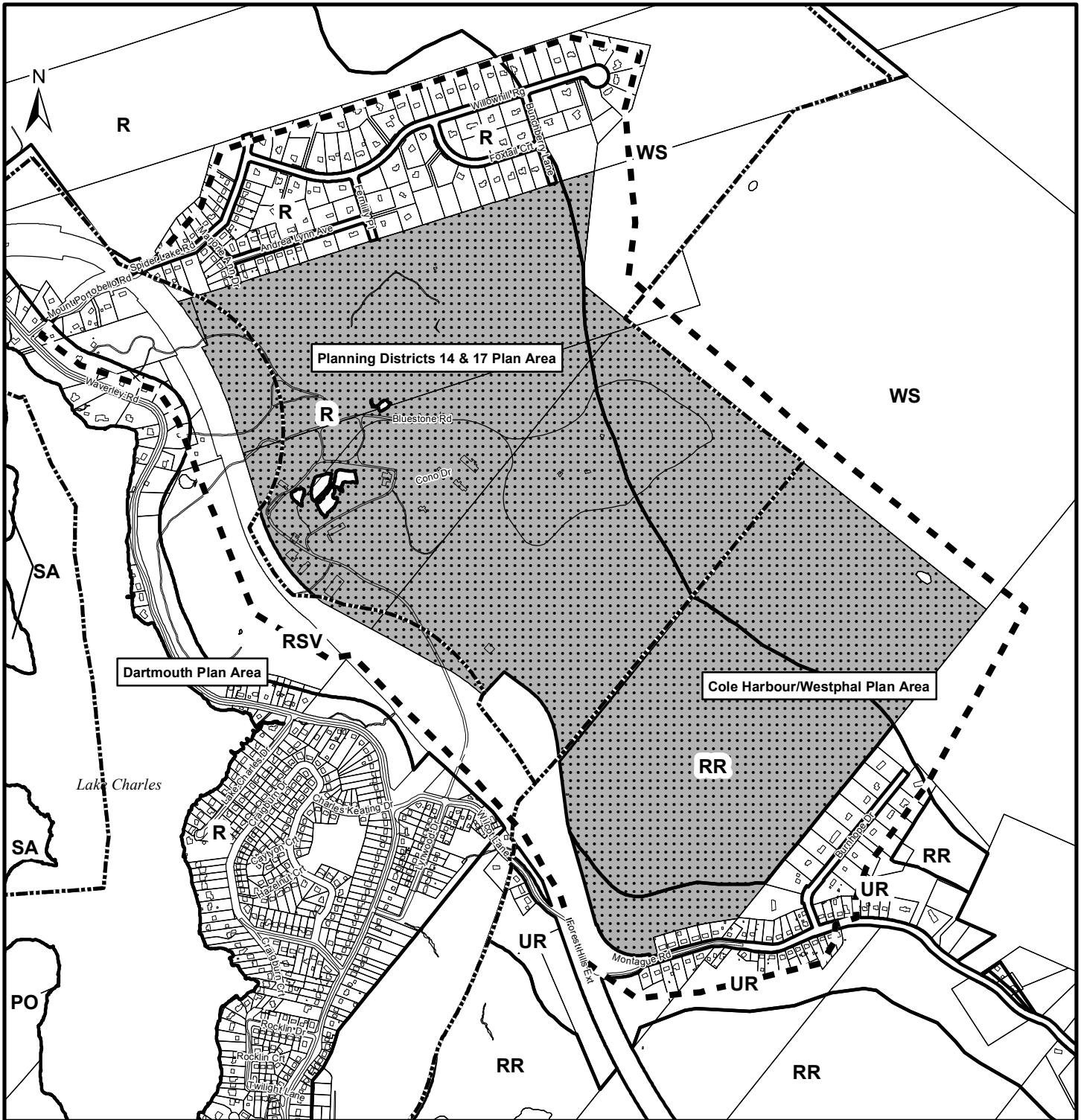
RISK CONSIDERATIONS

There are no significant risks associated with the recommendations contained within this report. This application involves proposed MPS amendments. Such amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments are contained within the Discussion section of this report.

ALTERNATIVES

North West Community Council could recommend that Regional Council:

1. Modify the proposed amendments to the MPS and LUB for Cole Harbour, Dartmouth and Planning Districts 14 and 17 as set out in Attachments A and B of this report. If this alternative is chosen, specific direction regarding the requested modifications is required. Substantive amendments may require another public hearing to be held before approval is granted. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Refuse the proposed amendments to the MPS and LUB for Cole Harbour, Dartmouth and Planning Districts 14 and 17. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
3. Refer further consideration of this request to the Port Wallace Secondary Planning process.



Map 1 - Generalized Future Land Use

HALIFAX

Montague Gold Mines

Subject Properties

Area of Notification

Planning Districts 14 & 17 Designations

- R Residential
- WS Watershed
- SA Special Area

Cole Harbour/Westphal Designations

- UR Urban Residential
- RR Rural Residential
- WS Watershed

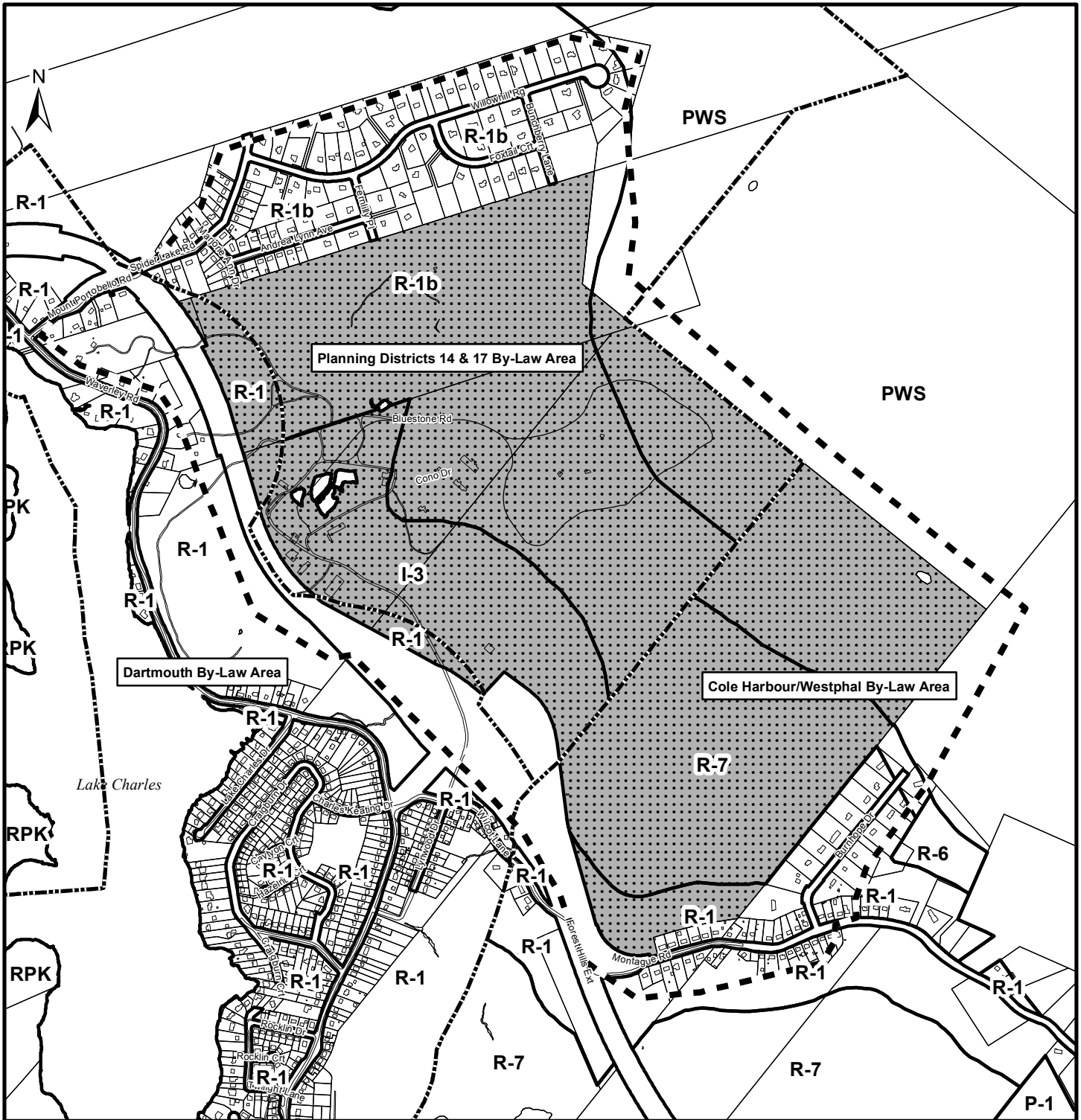
Dartmouth Designations

- R Residential
- RSV Reserve
- PO Park & Open Space



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.


The accuracy of any representation on this plan is not guaranteed.



Map 2 - Zoning and Notification

Montague Gold Mines

 Subject Properties

 Area of Notification

Planning Districts 14 & 17 Zones

R-1b Suburban Residential
 I-3 Light Industry
 PWS Protected Water Supply

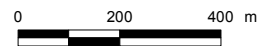
Cole Harbour/Westphal Zones

R-1 Single Unit Dwelling
 R-6 Rural Residential
 R-7 Rural Estate
 P-1 Open Space
 PWS Public Water Supply

Dartmouth Zones

R-1 Single Family Residential
 RPK Regional Park

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This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

Attachment A

Proposed Amendments to the Municipal Planning Strategies for Cole Harbour/Westphal, Dartmouth and Planning Districts 14 and 17

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategies for Cole Harbour/Westphal, Dartmouth and Planning Districts 14 and 17 are hereby amended as follows:

1. Removing the land shown on Schedule 1 from the Cole Harbour/Westphal Plan Area boundary and adding the lands to the Planning Districts 14 and 17 Plan Area boundary.
2. Removing the land shown on Schedule 2 from the Dartmouth Plan Area boundary and adding the lands to the Planning Districts 14 and 17 Plan Area boundary.
3. Amending the Generalized Future Land Use Maps for Cole Harbour/Westphal, Dartmouth and Planning Districts 14 and 17 as per Schedule 3.
4. Following policy P-101 of the Municipal Planning Strategy for Planning Districts 14 and 17, amending the introduction to the section entitled "Industrial Designation" by deleting the words shown stricken and adding the words shown highlighted below.

INDUSTRIAL DESIGNATION

The presence of major transportation systems throughout the Plan Area has improved the locational advantages offered to industrial development and has created demands for industrial sites.

Existing industrial development is scattered throughout the Plan Area, although there are concentrations at Halifax International Airport, in the Windsor Junction and Lakeview areas, ~~and~~ along Rocky Lake Drive in Waverley **and at the quarry lands to the north of the Montague Road/ Highway 107 by-pass interchange.**

5. Within the Municipal Planning Strategy for Planning Districts 14 and 17, insert policy P-119A between policies P-119 and P-120 as presented in the following bold text.

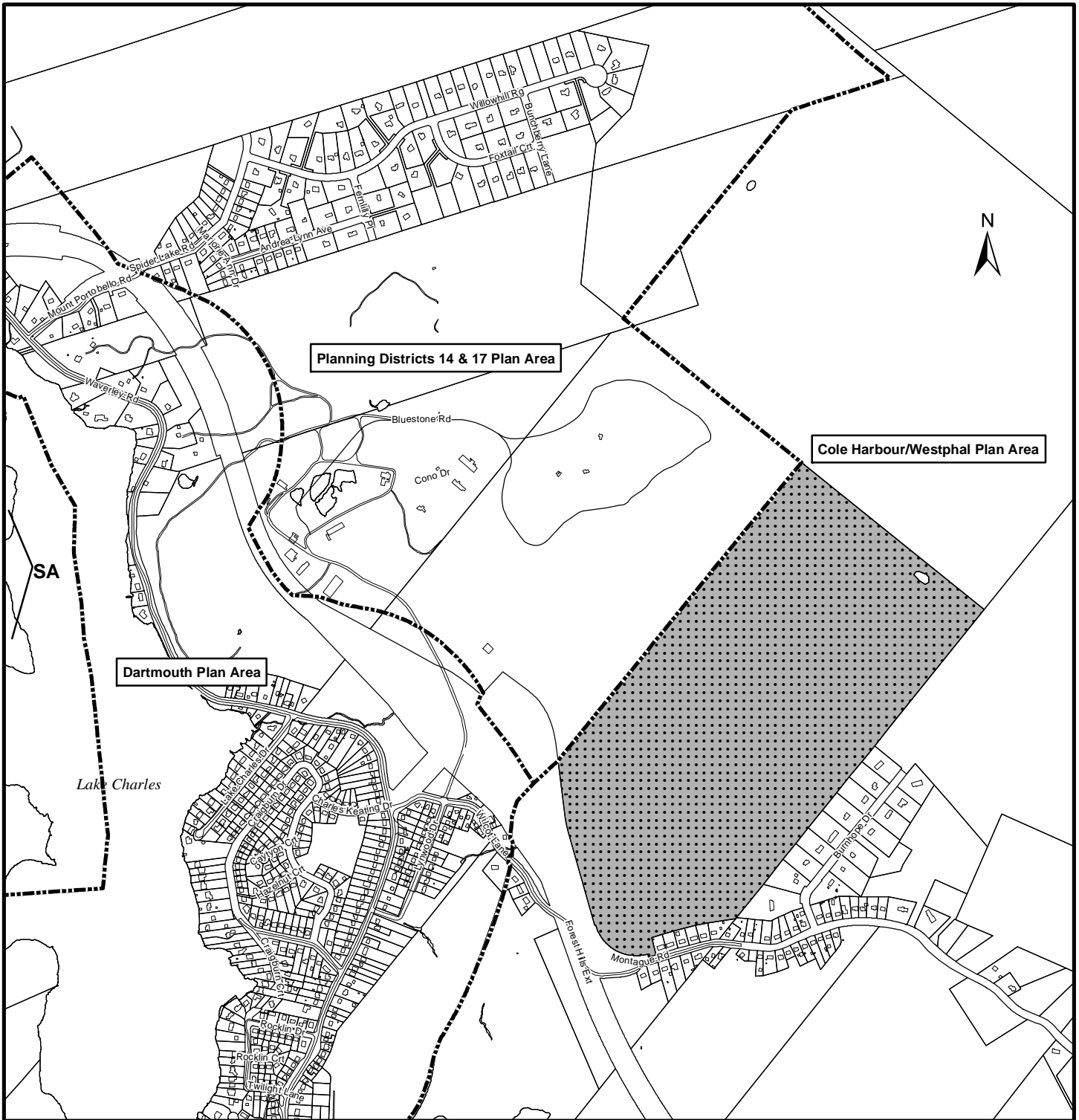
P-119A It shall be the intention of Council to establish an industrial park zone over the quarry lands to the north of the Montague Road/Highway 107 by-pass interchange except for the lands within the Lake Major water supply watershed. The zone will permit industrial and highway commercial uses that can benefit from direct access to the regional road network and that are not easily integrated with residential developments. General office and retail use will not be permitted.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of Regional Council of Halifax Regional Municipality held on the day of , 20__.

GIVEN under the hand of the municipal clerk
and under the Corporate Seal of the said

Municipality this ____ day of
_____, 201__.


Municipal Clerk

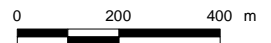


Schedule 1

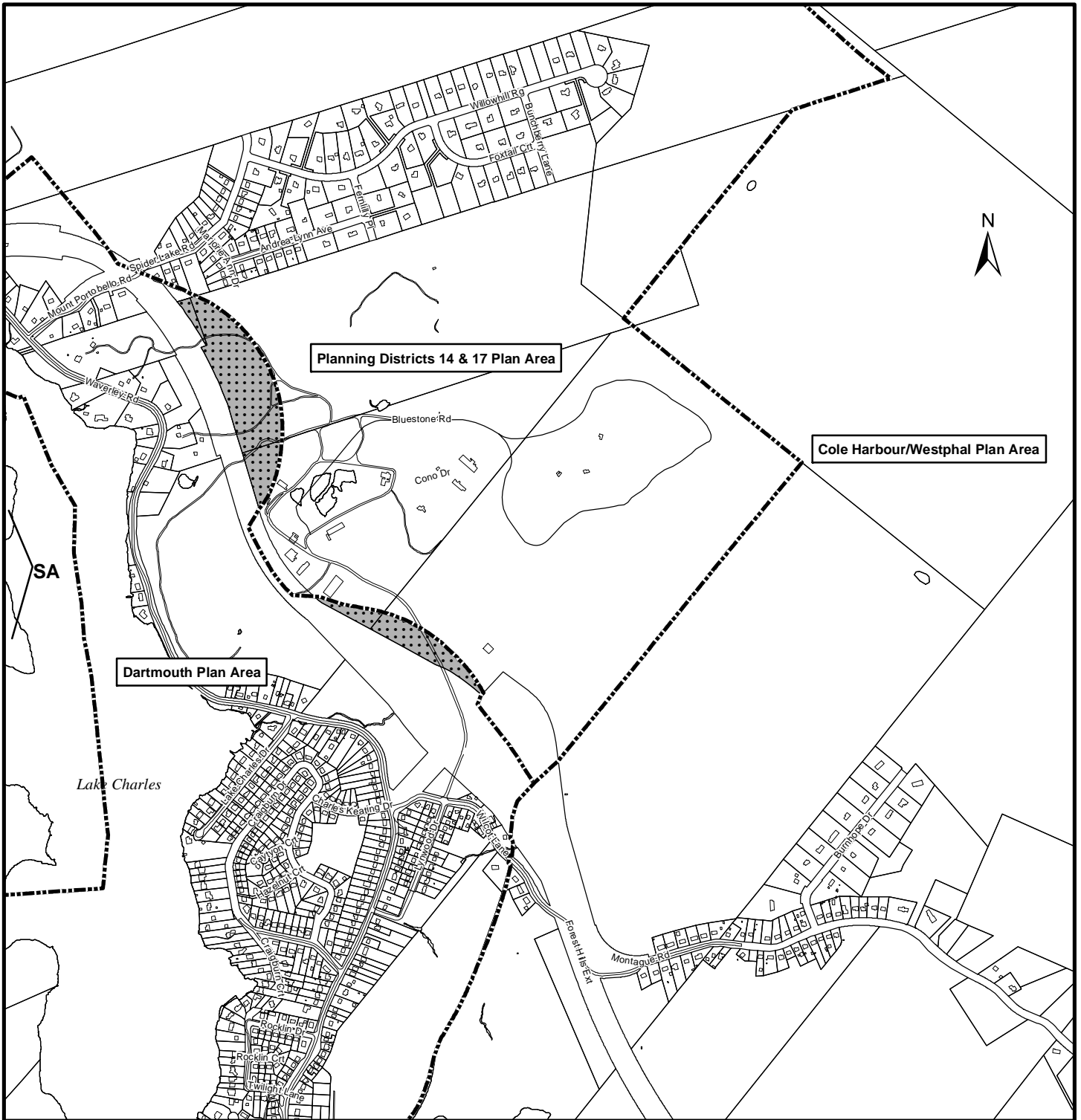
Montague Gold Mines

HALIFAX

 Lands to be Removed from the Cole Harbour/Westphal Plan Area Boundary and added to the Planning Districts 14 & 17 (Shubenacadie Lakes) Plan Area Boundary



The accuracy of any representation on this plan is not guaranteed.



Schedule 2

Montague Gold Mines

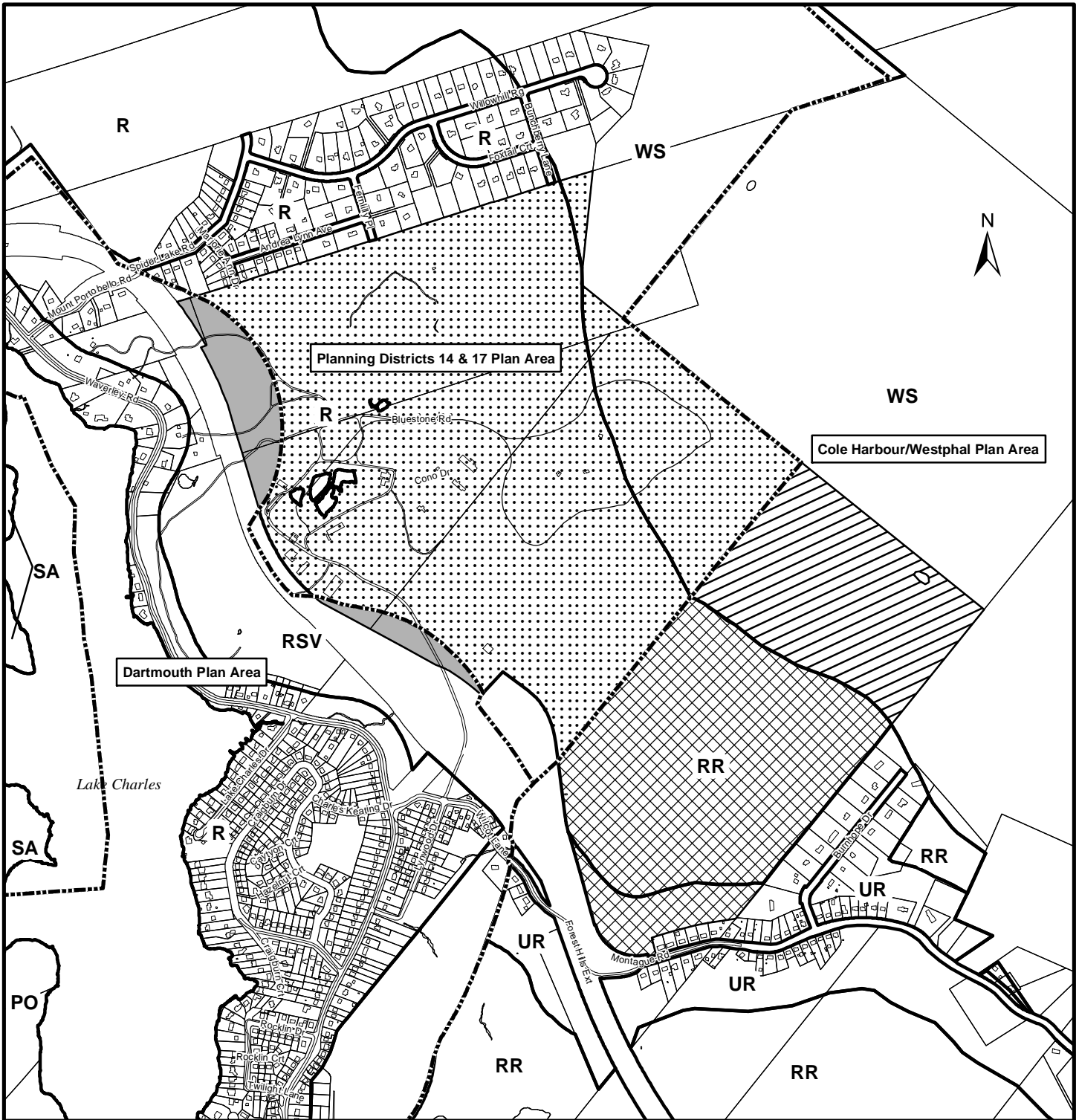
HALIFAX



Lands to be Removed from the Dartmouth Plan Area Boundary and added to the Planning Districts 14 & 17 (Shubenacadie Lakes) Plan Area Boundary







The accuracy of any representation on this plan is not guaranteed.



Schedule 3

Montague Gold Mines

-  Lands to be Removed from Map 9 of the Dartmouth Planning Strategy and added to Map 1 of the Planning Districts 14 & 17 (Shubenacadie Lakes) Planning Strategy and Designated LI (Light Industrial)
-  Lands to be Removed from Map 1 of the Cole Harbour/Westphal Planning Strategy and added to Map 1 of the Planning Districts 14 & 17 (Shubenacadie Lakes) Planning Strategy and Designated LI (Light Industrial)
-  Lands to be Removed from Map 1 of the Cole Harbour/Westphal Planning Strategy and added to Map 1 of the Planning Districts 14 & 17 (Shubenacadie Lakes) Planning Strategy and Designated WS (Watershed)
-  Lands to be Redesignated to LI (Light Industrial)

Planning Districts 14 & 17 Designations

- R Residential
- WS Watershed
- SA Special Area

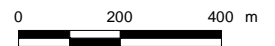
Cole Harbour/Westphal Designations

- UR Urban Residential
- RR Rural Residential
- WS Watershed

Dartmouth Designations

- R Residential
- RSV Reserve
- PO Park & Open Space

HALIFAX



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

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Attachment B

Proposed Amendments to the Land Use By-laws for
Cole Harbour/Westphal, Dartmouth and Planning Districts 14 and 17

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategies for Cole Harbour/Westphal, Dartmouth and Planning Districts 14 and 17 are hereby amended as follows:

- 1. Amending the zoning schedules of the Land Use By-law for Cole Harbour/Westphal , Dartmouth and Planning Districts 14 and 17 as per Schedule 4.
- 2. Amending the Wind Energy Facilities Zoning Schedules of the Land Use By-laws for Cole Harbour/Westphal , Dartmouth and Planning Districts 14 and 17 as per Schedule 5.
- 3. Adding Part 15A Industrial Park Zone to the Table of Contents of the Land Use By-law for Planning Districts 14 and 17 as shown in bold below.

PART 15: I-3 (Light Industry) Zone
PART15A: I-4 (Industrial Park) Zone.....

- 4. Adding the I-4 zone to the list of industrial zones under Section 3.1 of the Land Use By-law for Planning Districts 14 and 17 as shown in bold below.

Industrial Zones

I-3	Light Industrial Zone
I-4	Industrial Park Zone
AE-1	Aerotech Core Zone

- 5. Adding the I-4 Zone to the list of zones exempted from one main building on a lot under Section 4.4(a) of the Land Use By-law for Planning Districts 14 and 17, as shown in bold below.

4.4 ONE MAIN BUILDING ON A LOT

Not more than one (1) main building shall be permitted on a lot within any zone except that, provided the use is permitted by the zone, the following shall be exempt:

- (a) any building within a C-4, I-3, **I-4**, AE-1, AE-2, AE-3, AE-4 or AE-H Zone or on the property shown on Schedule K

- 6. Adding the I-4 zone to the list of zones exempted under the first sentence of Section 5.8 of the Land Use By-law for Planning Districts 14 and 17 as shown in bold below.

5.8 PROJECTING SIGNS

Projecting signs are prohibited except in the **I-4**, CC, VMS, VG or FRB Zone.

- 7. Adding the I-4 zone to the exemptions made clause (2) of Section 5.9 of the Land Use By-law for Planning Districts 14 and 17 as shown in bold below.

- (2) (a) No ground sign shall exceed thirty two (32) square feet (3 m2) of sign area on a single face or sixty four (64) square feet (6 m2) of sign area for both faces combined, except for:

- (i) signs within the C 4 (Highway Commercial), **I-4 (Industrial Park)** and AE 4 (AeroTech Business) Zones where such signs shall not exceed two hundred-fifty (250) square feet (23.2 m²) square feet of sign area on a single face or five hundred (500) square feet (46.4 m²) of sign area of both faces combined;

8. Adding Part 15A: I-4 (Industrial Park) Zone immediately following Part 15 as presented below in bold.

PART 15A: I-4 (Industrial Park) ZONE

15A.1 I-4 USES PERMITTED

No development permit shall be issued in any I-4 (Industrial Park) Zone except for the following:

Warehousing
Transportation terminals
Service industries
Building materials outlets
Used building material outlets
Manufacturing, assembly or processing operations
Greenhouses and nurseries
Wholesale operations
Firewood Mills
Display courts
Outdoor storage
Recycling Depots
Construction and demolition materials processing facilities
Construction and demolition materials transfer stations
Service Stations
Card lock truck fuelling, natural gas fuelling and electric vehicle charging and similar services
Restaurants and take-out restaurants
Office or retail uses accessory to any permitted use
A dwelling unit for security personnel

15A.2 I-4 ZONE REQUIREMENTS

Except as required under Section 15A.4, any development within the I-4 Zone shall conform with the following:

Minimum Lot Area	10,000 square feet (929 m ²)
Minimum Frontage	20 feet (6.1 m)
Minimum Front Yard	20 feet (6.1 m)
Minimum Rear or Side Yard	20feet (6.1 m)
Minimum separation between buildings	20feet (6.1 m)
Maximum building height:	65 feet (19.81 m) for any building within 500 feet (152.4 m) of a residential zone

15A.3 SCREENING AND LANDSCAPING

- a) Any development within the I-4 Zone shall be at least one hundred (100) feet (30.5 m) from any residential or community facility zone and shall be effectively screened by either a vegetated area or a berm.

- b) For any development abutting Highway 107, a landscaped area shall be provided within the minimum required yard setback between the development and the highway.

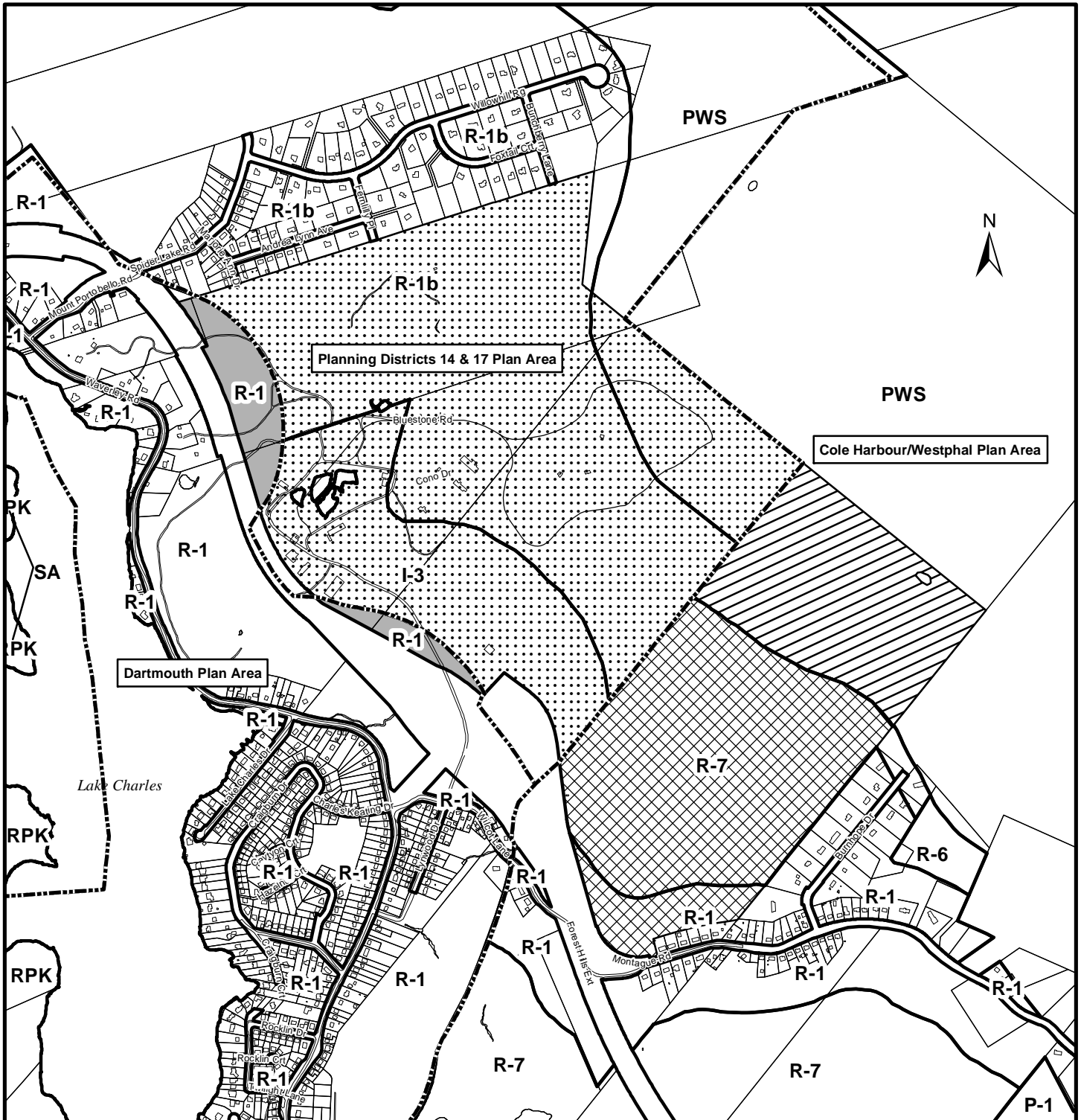
15A.4 CONSTRUCTION AND DEMOLITION MATERIALS PROCESSING FACILITIES AND TRANSFER STATIONS

Any construction and demolition materials processing facility or transfer station shall conform to Part 25B of this by-law.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of Regional Council of Halifax Regional Municipality held on the ____ day of _____, 20__.





GIVEN under the hand of the municipal clerk and under the Corporate Seal of the said Municipality this ____ day of _____, 201__.

Municipal Clerk



Schedule 4

Montague Gold Mines

-  Lands to be Removed from Schedule A of the Dartmouth Land Use By-Law and added to Schedule B of the Planning Districts 14 & 17 (Shubenacadie Lakes) Land Use By-Law and Zoned I-4 (Industrial Park)
-  Lands to be Removed from Schedule A of the ColeHarbour/Westphal Land Use By-Law and added to Schedule B of the Planning Districts 14 & 17 (Shubenacadie Lakes) Land Use By-Law and Zoned I-4 (Industrial Park)
-  Lands to be Removed from Schedule A of the ColeHarbour/Westphal Land Use By-Law and added to Schedule B of the Planning Districts 14 & 17 (Shubenacadie Lakes) Land Use By-Law and Zoned PWS (Protected Water Supply)
-  Lands to be Rezoned to I-4 (Industrial Park)

Planning Districts 14 & 17 Zones

- R-1b Suburban Residential
- I-3 Light Industry
- PWS Protected Water Supply

Cole Harbour/Westphal Zones

- R-1 Single Unit Dwelling
- R-6 Rural Residential
- R-7 Rural Estate
- P-1 Open Space
- PWS Public Water Supply

Dartmouth Zones

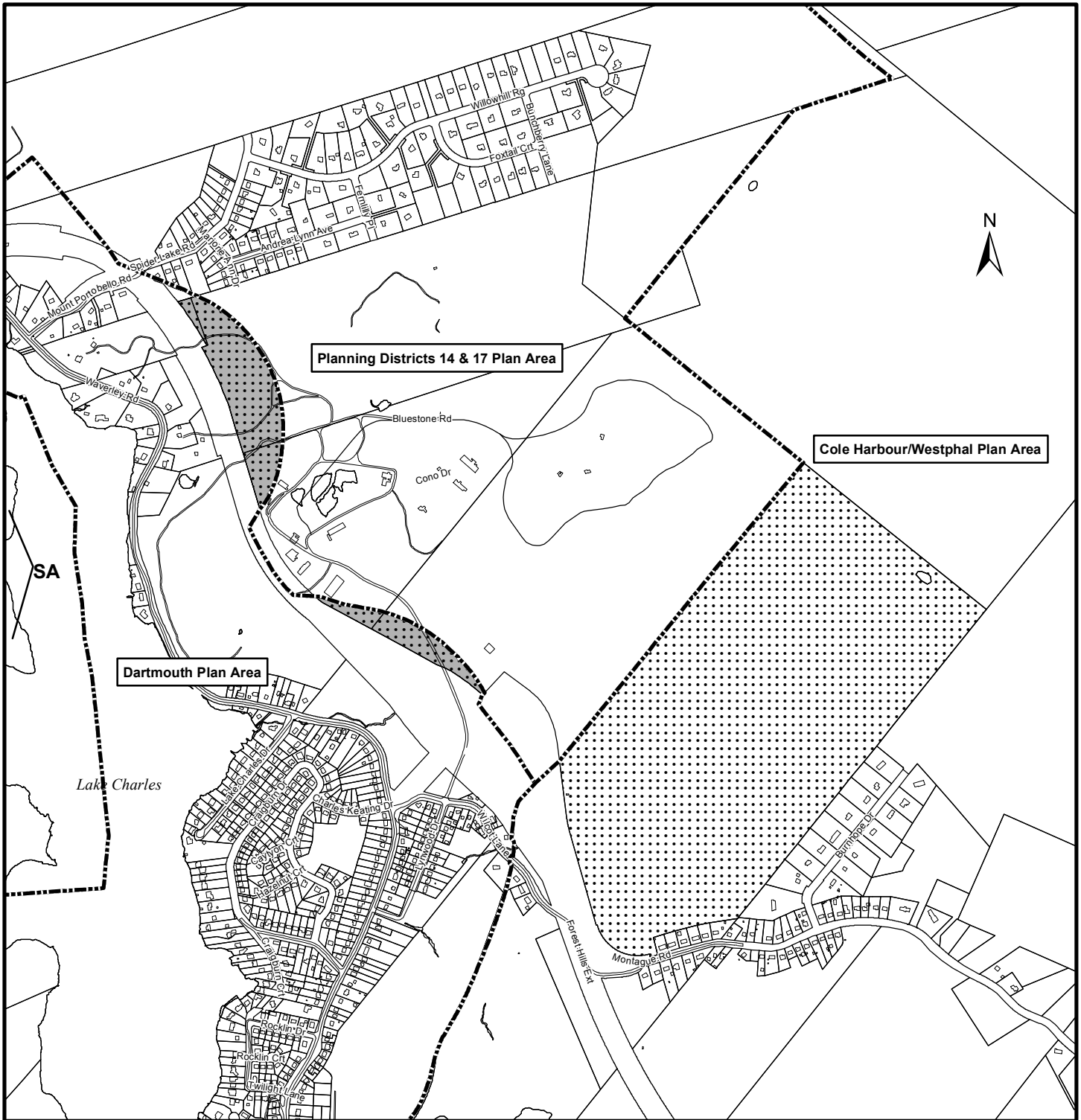
- R-1 Single Family Residential
- RPK Regional Park

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This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.


The accuracy of any representation on this plan is not guaranteed.




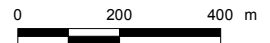
Schedule 5

Montague Gold Mines

HALIFAX

 Lands to be Removed from Schedule A-1 of the Cole Harbour/Westphal Land Use By-Law and added to Schedule F of the Planning Districts 14 & 17 (Shubenacadie Lakes) Land Use By-Law and zoned RW-2 (Rural Wind) Zone

 Lands to be Removed from Schedule A-1 of the Dartmouth Land Use By-Law and added to Schedule F of the Planning Districts 14 & 17 (Shubenacadie Lakes) Land Use By-Law and zoned RW-2 (Rural Wind) Zone



The accuracy of any representation on this plan is not guaranteed.

Attachment C

Wednesday, January 25, 2017

7:00 p.m.

Port Wallis United Church - 263 Waverley Road, Dartmouth, Nova Scotia

STAFF IN

ATTENDANCE:

Paul Morgan, Senior Planner, Planning Services
Paul Boucher, Planner I, Planning Services
Alden Thurston, Planning Technician, Planning and Development
Tara Couvrette, Planning Controller, HRM Current Planning

ALSO IN

ATTENDANCE:

Councillor, Steve Streach, District 1
Councillor, Tony Mancini, District 6
Tom Swanson, Eastpoint Engineering Ltd
Neil Wilton, Eastpoint Engineering Ltd
Kim Conrad, Conrad Brothers Ltd.
Brent Conrad, Conrad Brothers Ltd.

PUBLIC IN

ATTENDANCE:

Approximately 75

The meeting commenced at approximately 7:07 p.m.

Call to order, purpose of meeting – Paul Morgan

Mr. Morgan introduced himself as the Planner and Facilitator for the application as well as Paul Boucher. He also introduced; Councillor Steve Streach and Councillor Tony Mancini.

Case 20800 - Application by Summit Rock Developments Ltd. to amend the MPS and LUB for Planning Districts 14 and 17 (Shubenacadie Lakes), Cole Harbour/Westphal and Dartmouth to allow for industrial and highway commercial uses over the Conrad Brothers Ltd. lands identified by PIDs 41168279, 00276188, 00276105, 0027596 and 40174286, located to the north of the Montague Mines Rd. / Hwy. 107 interchange in Waverley.

The purpose of the Public Information Meeting (PIM) is: a) to identify that HRM has received a proposal for the site; b) to provide information on the project; c) to explain the Planning Policies and the stages of the Planning Process; d) an opportunity for the applicant to present the proposal and answer any questions regarding the application; and e) an opportunity for Staff to receive public feedback regarding the proposal. No decisions are made at this PIM.

1. Presentation of Proposal – Paul Morgan

Mr. Morgan provided a brief introduction to the application and then made a presentation to the public outlining the purpose of the meeting, status of the application and the developer's request. Mr. Morgan outlined the context of the subject lands and the relevant planning policies.

Presentation of Proposal – Tom Swanson, Eastpoint Engineering Ltd

Mr. Swanson explained; what was proposed, the land use background, what the existing zoning is, the planning background as it pertains to the property, the requested zoning changes, the proposed uses and controls, the definition and examples of what commercial recreational uses is, the preliminary concepts and servicing plan for the lands, and the servicing considerations.

2. Questions and Comments

Public concerns regarding traffic and the traffic studies were brought up during Mr. Swanson's presentation.

Judy Clarke – Burnhope Dr. wanted to know if there were plans to put a composting operation on this site. **Paul Boucher** explained that the composting operation was just one of the uses listed under proposed operations. **Ms. Clarke** stated the composting would take their property values down to nothing and that this alone would also decrease property values. **Mr. Boucher** explained composting operations was taken out of the permitted uses.

Mike Spurr – Waverly Rd. – Stated that he has issues with traffic along the Waverly Rd. in the evening – speeders. He also has issues with the different by-laws that people fall under and how they differ from place to place allowing somebody in Spider Lake to have a much taller garage than he can have on Waverly Rd. property. All in all he feels this project is a great idea. **Mr. Morgan** explained that right now HRM is doing a By-law simplification process.

Steve Abbott – Stated that he lives closer to the Parklow end of Waverly Rd. and they see a lot more of the congestion. His concern is having 2-3 thousand new employees as part of this new development, plus the new Greenfield development which will be north of 1500 plus, the Main St. overflow at peak hours, and the people who have lived there the majority of their lives which will make for a lot of traffic. He feels this all has to be taken into consideration and this is going to be a traffic nightmare.

Rene – Lake Charles Dr. – Stated that he echoes' Steve's statement / concerns regarding traffic. It is the new developments that are happening and all the traffic that is coming in during peak hours now that will cause the existing issues with congestion to get worse and accidents to increase. The 100 series highways need to be upgraded – twined. **Mr. Morgan** – Stated the traffic study is being done to consider the comprehensive impacts. Once the study is done we will come back to the community with it.

John Bellefontaine – Montague Rd. – Stated that the 107 bypass is a joke. Wanted to know the timelines for developing the Montague Rd between his places and Kim Conrad's place. **Mr. Conrad** – stated it would be one of the last places to be developed, maybe 15-20 years away. He stated they may put a couple of buildings up but nothing is planned. This is more to keep his own business going. They are looking to move their scale house and repair garage. His plan is to do this development with the least effect on the neighbors. **Mr. Bellefontaine** – If the Quarry gets water and sewer is there any chance that the sewer would be continued along the Montague Rd.? **Mr. Morgan** – There are no plans to do so right now and under the planning documents there have been land identified as potential future serviced lands such as the Port Wallace area which we are looking at now. That has been designated as a potential growth area, but no guarantees. **Mr. Bellefontaine** – stated that when the water supply gets connected it has to come right down practically to his house to connect up. You are also going to have to have sewer there so it would just be a matter of extending it a little bit further to pick up the houses on the Montague Rd. **Mr. Morgan** stated the only problem with that is once you extend it a little bit further than it is just a little bit further and a little bit further and these are engineered systems that have to be sized. Sometimes there is a little bit extra capacity at the end that we can do extensions.

John O'Connor – 335 Waverly Rd. – Is disappointed in the traffic discussion as he feels there would have been new ideas and more consideration or that you were at least working in it intensively because the traffic problem is going to be sever. I would really like to hear something that is going to assure me that we aren't getting into a mess here. **Mr. Morgan** stated the only thing he can do is assure that they are well aware from this public meeting and the last public meeting that the traffic was the number one issue and the protection of the lake was a distant second. Staff is aware and property owners are aware that there is a lot of concern about that and that is why the study is being done. Once the study is done, we know it is important enough in this community; we will have somebody bring those out to you. **Mr. Conrad** stated that we are just looking at the zoning of our own property but that doesn't mean we can go in and start doing industrial development. We hope to be able to service our own with the scale house move and the garage move. It will be a green move for us because it will save each one of our trucks 2000 trips a year because of the shorter distance with these extra roads we are putting in. There will be no major changes until we get

water and sewer except our repair facility and a couple of little buildings. He just wanted to reassure that this wasn't opening the gates for development; it is actually far from it.

Dan Sanford – Spider Lake – He wanted to know about the maximum height requirement.

65 feet is like a 6 storey building and that seems like an awful big building to put in a light residential / industrial site. There is a lot of light coming in from the development in Burnside at night and with that height your site could be a beacon of light in the middle of a residential area. **Mr. Morgan** – 65 feet was originally proposed because they were talking about doing warehousing on the site and all the warehouses are getting taller, they stack them. **Mr. Sanford** – But a 3 storey apartment building has a height limit of 35 feet and now you're telling me you are going to have a 6 storey industrial warehouse. **Mr. Swanson** explained how warehousing is changing to 100 feet wide, 100 feet long and 100 feet high with automated rail systems. He also stated that Ocean Contracting already has some storage towers that are taller than 65 feet and you can't even see them.

Glen Bowie – Waverley Rd – He knows the Conrad gang and they are great Dartmouth citizens who have done some great things. It took his sister-in-law 7 minutes to get out on the Waverly Rd. the other day. He feels that there are a number of things that have to be looked at with regards to traffic and people will die. There have been bicycles that have gone into the side of cars and things are only going to get worse. Lake Charles - the environmental integrity of the lake needs to be maintained.

Wayne Moore – Spider Lake – Stated his concerns are some of the I-4 permitted uses – C&D sites, they have terrible track records. We don't want it in our backyards. He would like to see that deleted as a permissible use. **Mr. Morgan** stated this site is pretty well screened and with the access to a 100 series highway that makes it a good use. Mr. Conrad stated they do some bioremediation now however, he flatly refused when people phone him and would like to lease part of his property to put a composting facility and they are not going to do anything that is offensive smell wise. If you don't want a full blown composting facility in there we don't want one either.

Doug Skinner – Lake Charles Dr. – Wanted to know if land had be retained to allow for twinning of the 107. **Mr. Morgan** – His understanding is that the province has the land. **Mr. Conrad** – Stated he was over at transportation and they do have enough. It was there plan 10 years ago. He stated the screaming people have got there portion twinned and there are no screaming people here. **Mr. Skinner** – If you can do something at the Westphal end of the 107 to clear up congestion there and 4 lane it, it would certainly help the situation. You stated you have gravity flow to the pumping station at 390 Waverly Rd which would increase in size to send a force main to the Right Avenue collector, is that correct? **Mr. Morgan** – stated he thinks they are going to build a new pumping station. **Mr. Swanson** – explained the that the intention was that there would be a new pumping station and drain forced mains from somewhere in the vicinity of the 390 Waverly Rd pumping station which would be abounded when the new one is put in service. **Mr. Skinner** – wanted to know if the intention would be to cross the lake or cross through at Shubie Park. **Mr. Swanson** stated that Halifax Water stated the only acceptable route would be through Shubie Park. **Mr. Skinner** – wanted to know if there was any plan to provide deiseal backup to the pumping station so it is not dumped into the lake (Lake Charles) when there is a power failure. **Mr. Swanson** – stated that was Halifax Water jurisdiction but with the size of the pumping station that is required you would not be able to obtain a permit to construct this from the NS Department of Environment without capacity for 100% standby power. **Mr. Skinner** - wanted to know if that situation existed right now at the one that is located just past Lake Charles Drive. **Mr. Swanson** – stated the only one of that nature in Dartmouth that he is aware of is the one at Red Ridge Pond. Mr. Skinner stated he doesn't think what is being asked here isn't unreasonable but there are a lot of concerns. He wants to know how they are going to reduce the amount of flashing flooding that is coming from the development. **Mr. Swanson** stated about 2 years ago Mr. Conrad came to him about upgrading the retention and drainage ponds in their quarry. He stated he advised him not to do it until he knew if the servicing and rezoning was going to go through with the city. That way he would update it to what he was allowed to do on the lands not just for what he currently had on the lands. Department of Environment after requesting permission to upgrade said we had to find out if there are any fish before we could do that and the Department of Fisheries found minos in the brook and said no you can't touch the watercourse. We are now once again in talks with the Department of Environment but nothing has been decided yet. Any development would have the meet the criteria of the AECOM study for

Lake Charles. **Mr. Skinner** – Stated that in the handout it states this will be an I-4 zone however, in the slides it showed I-3. **Mr. Morgan** – stated this will be I-4 zone as there is already an I-3 zone. This will permit some things that an I-3 zone wouldn't permit. It is a new zone. **Mr. Skinner** – stated a lot of people are opposed to some of the uses that you put into the new zone. From almost any of these things we are looking at the contamination of Lake Charles, we all know that Lake Charles is the head of the Shubie system and we don't want it contaminated. **Mr. Morgan** stated there is a soil remediation and concrete business there now. **Mr. Skinner** – What to know where the grocery store would be located on the property. Mr. Swanson stated it is only meant to be a small neighbourhood sized grocery store meant to service the needs of the 2000 people that are going to work there in the future.

Suzanne Roy – Between Spider Lake and Lake Charles Drive – She loves the fact that they are local developers because she knows they care about the community. She stated the brook that runs through her property has got progressively worse over the years and she would like to know what controls are going to be in place with the silt, sand and oil that come off the roads with the increase in traffic. She stated from the 107 and the Waverly road she can see if coming down the slope and right into the lake, into the cove, into the brook, into all the properties. The silt by air from the IKEA development and the light pollution from that as well is an issue. It is all of these things together that really deaerate the quality of life in our neighbourhood. **Mr. Morgan** – stated that the province is who is responsible for the runoff from the 107 but as far as individual developments there are stormwater management procedures in place and they are working on a stormwater management by-law. **Ms. Roy** – stated that she understands there are a lot of measures in place now that will fix the water runoff off of properties but her concern is the runoff off the roads directly into the lake. It is that side effect pollution that nobody pays attention to that creates a lot of damage. **Mr. Swanson** – Stated he couldn't help much with provincial highways which have drainage going into the lake but can say that if new streets, that are indicated in this plan, that are meant to service industrial lots on the Conrad lands, current regulations require that there be home, settling and skimming ponds to remove any floating petroleum products that are still there. This would have to be done at the expense of the developer. I can only suggest contacting your MLA with regards to the provincial highways.

Dale Traer – Andrea Lynn – Wanted to know if Mr. Conrad would commit to not putting in a race track. He stated the race track across from the airport is louder than the jets taking off. **Mr. Conrad** stated they won't officially be putting a race track there however; sometimes they have had rally cars there for a couple of hours over the weekend. **Mr. Traer** stated they are used to the noise of the pit during the day but don't want racing there at night. They want to keep the quiet. Had a question regarding the 12 inch line coming off Marjorie Ann – The residents from the older part of Spider Lake, when the water came up for the newer part, paid a premium to get the water across the bridge and up into our subdivision and to tie that in to services or any talk about cost sharing or bring that cost down that we paid on our bills to have the water brought across, either from planning or from the developer. **Mr. Morgan** – No, not at this time. With new developments it is on the developer. **Mr. Traer** – stated it was 42 home owners that had to pay to get services brought over the province paid for it to come across the bridge. **Mr. Morgan** – If you want municipal services it is the property owner that has to pay for them. Except in your case you had two levels of government that helped subsidize that. For new property owners, new developments going in there will not be any subsidization from the municipality or the province. Conrad's will have to pay the entire cost of putting in sewer and water. **Mr. Traer** – wanted to know with the new plan do you anticipate a lot more truck traffic in and out, issue for the 107 is where there is the pit off ramps and across to the other side. **Mr. Conrad** believes this is in discussion at the Port Wallace development with the city, planning and TIR because they do have the land to twin the highway. **Mr. Traer** – The bigger question is, you have phases for the development that you are looking at but is there any thought at addressing the traffic issues first in anticipation for this, because that is outside of any documents that I have ever seen with regards to the 100 series highway. **Mr. Morgan** explained that there will not be any central services extended into Port Wallace or into the site until the servicing study is complete.

Public – Twinning the bypass doesn't solve anything unless you do something at Main St. and put a proper interchange there.

Rene – Wanted to know if there were any studies done parallel to confirm whether or not property values do increase / decrease / stay the same. **Mr. Morgan** – No, the municipality doesn't guarantee property

values.

3. Closing Comments

Mr. Morgan thanked everyone for coming and expressing their comments.

4. Adjournment

The meeting adjourned at approximately 9:00 p.m.

Attachment D: Submissions and Responses

From: GH Prefontaine Sent: January-16-17 3:45 PM
To: Boucher, Paul
Cc:
Subject: Case 20800 Information Meeting - Jan. 25th

Hi there!

I just received notification of this meeting today. I am wondering who will be in attendance (i.e. Environment Canada, NS Department of Environment and the City of Halifax Dept. of Environment). Could you please advise?

It looks like it is another one of those "done deals" and, therefore, our neighbourhood does not understand what kind of feedback you will be looking for. Could you please advise asap? The neighbourhood would want to come prepared.

Thank you

From: Boucher, Paul [mailto:bouchep@halifax.ca]
Sent: January 17, 2017 2:36 PM
To: GH Prefontaine >
Subject: RE: Case 20800 Information Meeting - Jan. 25th

Hello,

This is a public information meeting only. The purpose of the meeting is to present the proposal and to gather comments, concerns and questions the public may have. The owners consultant as well as the owner and HRM Staff will be in attendance. As the properties are located in Councillor Streach's District he will also be in attendance.

This is by no means a "Done Deal". Enclosed is the flow chart showing the process for a Municipal Planning Strategy Amendment and Land Use By-law Amendment. As the flow chart indicates, the proposal still has to be recommended by Community Council. As well, a decision by Regional Council has to be rendered.

If you have any questions do not hesitate to contact me.

Regards,

PAUL BOUCHER
PLANNER 1
DEVELOPMENT APPROVALS/REGIONAL PLANNING

HALIFAX
T. 902.490.5742
F. 902.490.4346

From: Charles Knocton
Sent: February-01-17 8:03 PM
To: Morgan, Paul
Subject: buffer zone

hi Paul we would like a photo or map we can look at regarding the twinning of 107 and also do you know if buffer zone that was on map at meeting extends as far as road going under 107 closer to spider lake road area, also would like to know how and why well water would be compromised according to proposal for rezoning of pit thank you very much. IS there a website we can go to for maps on twinning?

To: Charles Knocton
Subject: RE: buffer zone

Hi Charles: There is no photo or map showing the twinning of Hwy. 107 because the provincial engineers haven't done any design work on it. They are not even sure which side of the existing lanes that the new lanes will be on. This decision may not be made for some time.

The buffer will only be on the Conrad property so it will not extend to the underpass that you reference.

By the way, what is your address. It might help in my inquiries with Tom Swanson, consultant for the Conrads, regarding potential impacts on wells.

From: Morgan, Paul
Sent: February-09-17 1:48 PM
To: Charles Knocton
Cc: Boucher, Paul <bouchep@halifax.ca>
Subject: RE: buffer zone

Hi Charles: I requested that the consultant for the Conrads review your concerns regarding well water. The response received is attached. (correspondence copied on the next page)



February 6, 2017

140701

Halifax Regional Municipality
PO Box 1749
Halifax, NS B3J 3A5

Attention: Paul Morgan

RE: Potential Effect on Spider Lake Road Wells Due to Development of Industrial Lots on Conrad's Quarry Lands

This letter, written in response to your inquiry summarizes why I do not believe the development of industrial lots on Conrad's quarry lands will have any effect on well water quality or quantity in the Spider Lake Road area. My reasons are as follows:

- 1 There is significant surface water runoff to the Conrad lands from the Spider Lake subdivision and none of the surface runoff from the quarry lands proposed for industrial development drains towards the Spider Lake subdivision until it gets down to the 107 highway ditch well below civic 146 Spider Lake Road.
- 2 Runoff from streets and lots developed on the Conrad lands will all be directed to settling/flow balancing ponds to maintain predevelopment quality and quantity of discharge. These discharges will all be directed to the same flow channels (highway 107 bypass ditches and culverts) to which surface water flow is now discharged, all of which are significantly downgrade from civic 146, so it should have no effect.
- 3 Although industrial development will create more impervious surfaces within the Conrad lands which will reduce groundwater infiltration in some areas, this will be partially offset by the storm water management technique which will include ponds, infiltration ditches, etc. Further, the ground water flows will be in the direction from the height of land at the back of the Spider Lake subdivision and the quarry towards Lake Charles. The steepest gradients from the proposed industrial development is down towards the Waverley Road so that groundwater recharge from this area does not and will not flow towards the Spider Lake Road in any event.

In summary, because of existing surface grades and runoff patterns, storm water management practices required to meet the AECOM recommendations and normal ground water flow patterns which follow the steepest gradient, I do not believe that developing industrial lots on the front portion of the Conrad's quarry lands will have any effect on well water quality or quantity in the Spider Lake Road area.

Regards,
EASTPOINT ENGINEERING LIMITED

Original Signed

Tom Swanson, P.Eng.

CC: Kim Conrad
Brent Conrad

WWW.EASTPOINT.CA

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September 5, 2017

File 140701

Halifax Regional Municipality
PO Box 1749
Halifax, NS B3J 3A5

Attention: Paul Morgan

RE: Conrad Quarry LUB Amendments – Additional Requests on Behalf of Conrad Brother’s Ltd.

Conrad’s do appreciate the efforts you and other city staff members have made in developing draft amendments to the Districts 14/17 LUB and other related documents in support of zoning their quarry lands, outside of the Lake Major watershed, to I-4. However, they are concerned that two issues which they consider important have not been supported by staff. Accordingly, they have requested that I forward this letter and request that you place it before the Community Councils. Specifically we request two amendments to the LUB changes recommended in the staff report and request that each of them be considered separately. These requested amendments and rationale for requesting them are itemized below:

REQUESTED AMENDMENT 1

We request that “Office” uses be added to the list of permitted uses in “Part 15A.1, I-4 Uses Permitted” of the Staff recommended bylaw changes for the District 14/17 LUB.

Rationale for Request

In support of this request we put forward the following considerations:

- In the past Conrad’s were advised by Municipal staff that office buildings would be permitted on their lands when they were no longer required for quarrying purposes.
- The businesses currently on the Conrad’s lands use significant geotechnical, engineering and accounting support, some of whom would be prepared to locate offices on the site, but only if they could serve all of their clients, not just those located within the I-4 zone.
- With the industrial development on the Conrad’s site and adjacent Port Wallace residential development, there will be a requirement for offices to provide services occasioned by this growth. Allowing limited office development on these lands will contribute to easing traffic congestion.
- The types of office clients who will locate on these I-4 lands are not the type of firms which are likely to locate downtown in any event.

REQUESTED AMENDMENT 2

We request that an additional clause be added after clause 15A.4 of staffs proposed District 14/17 LUB Amendment as follows:

15A.5 SIGNS

The restrictions made to facial wall signs under clauses (a) and (b) of Section 5.7 shall not apply in the I-4 Zone.

Rationale for Request

The restrictions made under clause (a) and (b) of Section 5.7 restrict wall signs to a maximum height of two feet and maximum coverage of 10% of any wall per sign; and 15% for all signs. The reasons we request an exemption from these clauses are as follows:

- Business Buildings within view of the highway 107 bypass will wish to have signs legible to motorists passing at highway speed. This will require large lettering.
- Due to buffering requirements, signs will not be visible from abutting residential zoning.
- Numerous buildings facing highways 102, 111, 118, and internal Burnside streets have signs significantly over two feet in height.
- When in the vicinity of Barrington Street, I believe many Nova Scotian's take pride in the large signs identifying "Canada's East Coast Navy" and the Irving Shipyard's new Buildings. These signs are all several feet high.
- Simply stated there are locations where large wall signs, significantly in excess of two feet in height, are both appropriate and aesthetically pleasing. We request the flexibility to use larger signs where appropriate.

Conrad's and/or the undersigned would appreciate an opportunity to make a verbal presentation to answer questions and enlarge upon points made herein at each Community Council meeting, if Council deemed this appropriate.

Respectfully Submitted,

EASTPOINT

ORIGINAL SIGNED

Ton Swanson, P. Eng.