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Item No. 10.1.1
North West Community Council
March 21, 2016
April 11, 2016

TO: Chair and Members of North West Community Council

Original Signed

SUBMITTED BY:

Bob Bjerke, Chief Planner & Director, Planning and Development

DATE: February 26, 2016

SUBJECT: **Case 19768: Rezoning - Lands on Montague Road, Montague Gold Mines**

ORIGIN

Application by Longstaff-Parker Land Surveying and Engineering

LEGISLATIVE AUTHORITY

Halifax Regional Municipal Charter (HRM Charter), Part VIII, Planning and Development

RECOMMENDATION

It is recommended that North West Community Council:

1. Give First Reading of the proposed rezoning, as contained in Attachment A of this report, to rezone lands located on Montague Road, Montague Gold Mines from R-7 (Rural Estate) to R-6 (Rural Residential), and schedule a public hearing; and
2. Approve the proposed rezoning, as contained in Attachment A of this report, to rezone lands located on Montague Road, Montague Gold Mines from R-7 (Rural Estate) to R-6 (Rural Residential).

BACKGROUND

Longstaff-Parker Land Surveying and Engineering is applying to rezone lands on Montague Road in Montague Gold Mines from R-7 (Rural Estate) to R-6 (Rural Residential). The change in zoning is requested to allow the development of a new subdivision for single unit dwellings on smaller lots than the R-7 Zone allows. The R-6 (Rural Residential) Zone has a smaller minimum lot size than the R-7 (Rural Estate) Zone. The rezoning can be considered under Policy RR-3 of the Cole Harbour/Westphal Municipal Planning Strategy (Attachment B).

Subject Lands	Portions of PIDs 41357237 and 41397738
Location	Montague Road, Montague Gold Mines, North of Montague Road and east of Burnhope Drive (not abutting), (Map 1)
Regional Plan Designation	RC (Rural Commuter)
Community Plan Designation (Map 1)	RR (Rural Residential) designation under the Cole Harbour/Westphal Municipal Planning Strategy (MPS) with a small portion designated Watershed (WS)
Zoning (Map 2)	R-7 (Rural Estate) under the Cole Harbour/Westphal Land Use By-law (LUB) with a small portion zoned PWS (Public Water Supply)
Size of Lands	5.06 hectares (12.5 acres)
Street Frontage	29.20 m (95.81 feet)
Site Conditions	Vacant, with tree cover
Current Land Use	Undeveloped
Surrounding Land Uses	<ul style="list-style-type: none"> • R-1 residentially developed lands to the south and across Montague Road • R-1 residentially developed lands to the west and across Burnhope Drive • vacant lands owned by Halifax Water to the north and to the east that form part of the Lake Major Watershed Area.

Proposal

The applicant wishes to rezone the subject lands to enable the creation of a new subdivision consisting of 8 lots (plus a remainder) on a new public street. Given the size and configuration of the subject lands, only 6 lots on a new public street can be developed on the lands under the R-7 Zone and Regional Subdivision By-law. By rezoning the subject lands to the R-6 Zone, the lands could potentially be developed with a new 8 lot subdivision as the minimum lots sizes permitted under this zone are smaller than in the R-7 Zone.

Enabling Policy and Zoning Context

Policy RR-1 of the Cole Harbour/Westphal Municipal Planning Strategy (SPS) establishes the Rural Residential designation which is applied to the subject lands. Policy RR-2 establishes the R-7 (Rural Estate) Zone which permits single unit dwellings on a minimum lot area of 7,432 square metres (80,000 square feet). It was Council's intention under Policy E-12 of the MPS to require the 80,000 square feet in the interests of maintaining public health and reducing long term servicing costs for lands outside of the established community by means of on-site servicing. However, Policy RR-3 enables Harbour East-Marine Drive Community Council to consider permitting development of lots with less than 7,432 square metres in area by amendment (rezoning) to the LUB through the application of the R-6 Zone (Attachment B). The R-6 Zone permits the development of single unit dwellings on lots with a minimum lot area of 1,858 square metres (20,000 square feet).

DISCUSSION

Staff have reviewed the proposal relative to all relevant policies and advise that is consistent with the intent of the MPS. Attachment A contains the proposed rezoning that would enable consideration of an 8 lot subdivision on the subject lands in accordance with the R-6 Zone standards.

Attachment B provides an evaluation of the proposed rezoning in relation to relevant MPS policies. Of the matters reviewed in consideration of the MPS criteria, the following have been identified for more detailed discussion:

Compatibility

The existing lots sizes in this area range from 1,393 square metres (15,000 square feet) to 5,574 square metres (60,000 square feet) and the proposed lot areas range from 2,803 square metres (30,171.3 square feet) to 5,443 square metres (58,587.96 square feet). The proposed lots are approximately twice the area of the smaller existing lots east and west of the Burnhope Drive and Montague Road intersection, and comparable in size to the developed lots along Burnhope Drive. Therefore, the proposed rezoning would permit lot sizes that are in keeping with the character of the surrounding properties. Further, a two lot increase, beyond what the existing R-7 Zone would allow, is not anticipated to have a negative impact on the surrounding community. The minimum 80,000 square feet lot size of the R-7 Zone was, as stated above in this report, due to concerns relating to developing this area with central water and sewer and was applied to the lands when they were released from potential use as a water supply area by Halifax Water. Policy RR-3 contemplates residential development on smaller lots to mitigate the influence of inappropriate larger new lots upon existing community form.

Potential for Two Unit Dwellings

When evaluating a rezoning request, it is important to examine all of the potential uses permitted within the proposed zone (R-6). The key difference between the R-7 and R-6 zones is that it allows for a 1,858 square metre (20,000 square feet) minimum lot area and two unit dwellings. As the rezoning to R-6 would allow for development of two unit dwellings, local residents have expressed concern that this potential residential form, with increased density, would not be in keeping with the scale of the community and would possibly impact the existing surrounding septic systems if the soils could not disperse the sewage effluent effectively. Based on the R-6 Zone requirements, a two unit dwelling would have a scale and overall form similar to single unit dwellings in this zone. However, the lots sizes needed to accommodate the second unit would likely need to be significantly larger in order to meet Nova Scotia Environment requirements for on-site septic systems. Given the lot area requirements for on-site septic systems it is very unlikely the subject lands would be developed with two-unit dwellings unless the number of lots was reduced.

Process

Community Council should note that this proposal is a request for rezoning, not a development agreement. Therefore, should Community Council approve the proposed rezoning the property owner would be permitted to develop the subject lands for any use permitted under the R-6 Zone provided that the zone provisions are satisfied. For clarification, should the applicant decide to change to an alternative use permitted under the proposed R-6 Zone, an additional Planning Process would not be required.

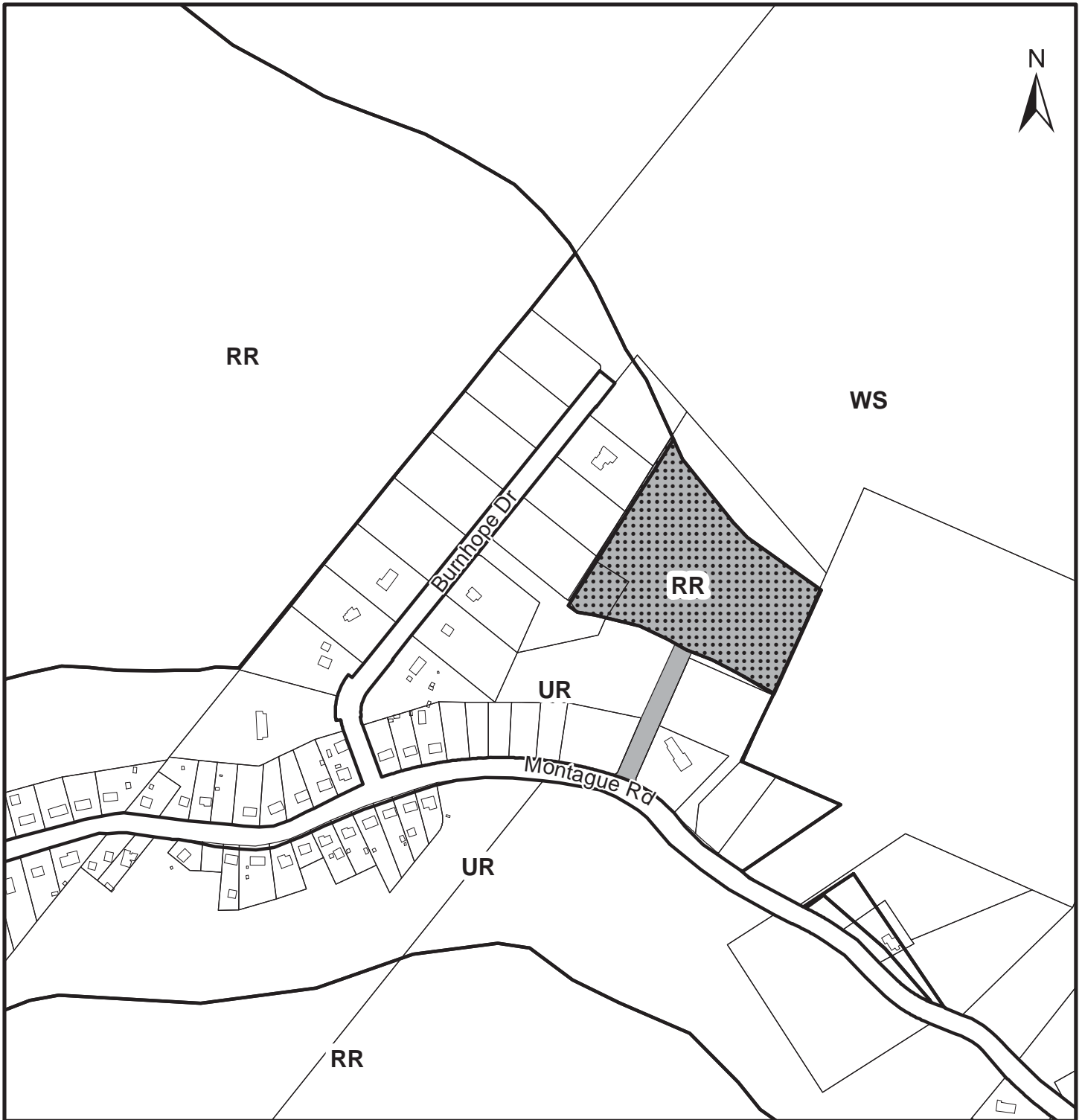
Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is consistent with the intent of the MPS. The proposed rezoning would result in only 2 additional lots from what is permitted under the existing R-7 zoning and therefore should have a minimal impact on the surrounding area. Therefore, staff recommends that North West Community Council approve the proposed rezoning.

FINANCIAL IMPLICATIONS

The costs to process this planning application can be accommodated within the approved 2015/16 operating budget for C310 Planning and Applications.



COMMUNITY ENGAGEMENT



Map 1 - Generalized Future Land Use

Montague Road
Montague Gold Mines

HALIFAX

-  Subject Lands
-  Area to be Rezoned from R-7 Rural Estate to R-6 (Rural Residential)

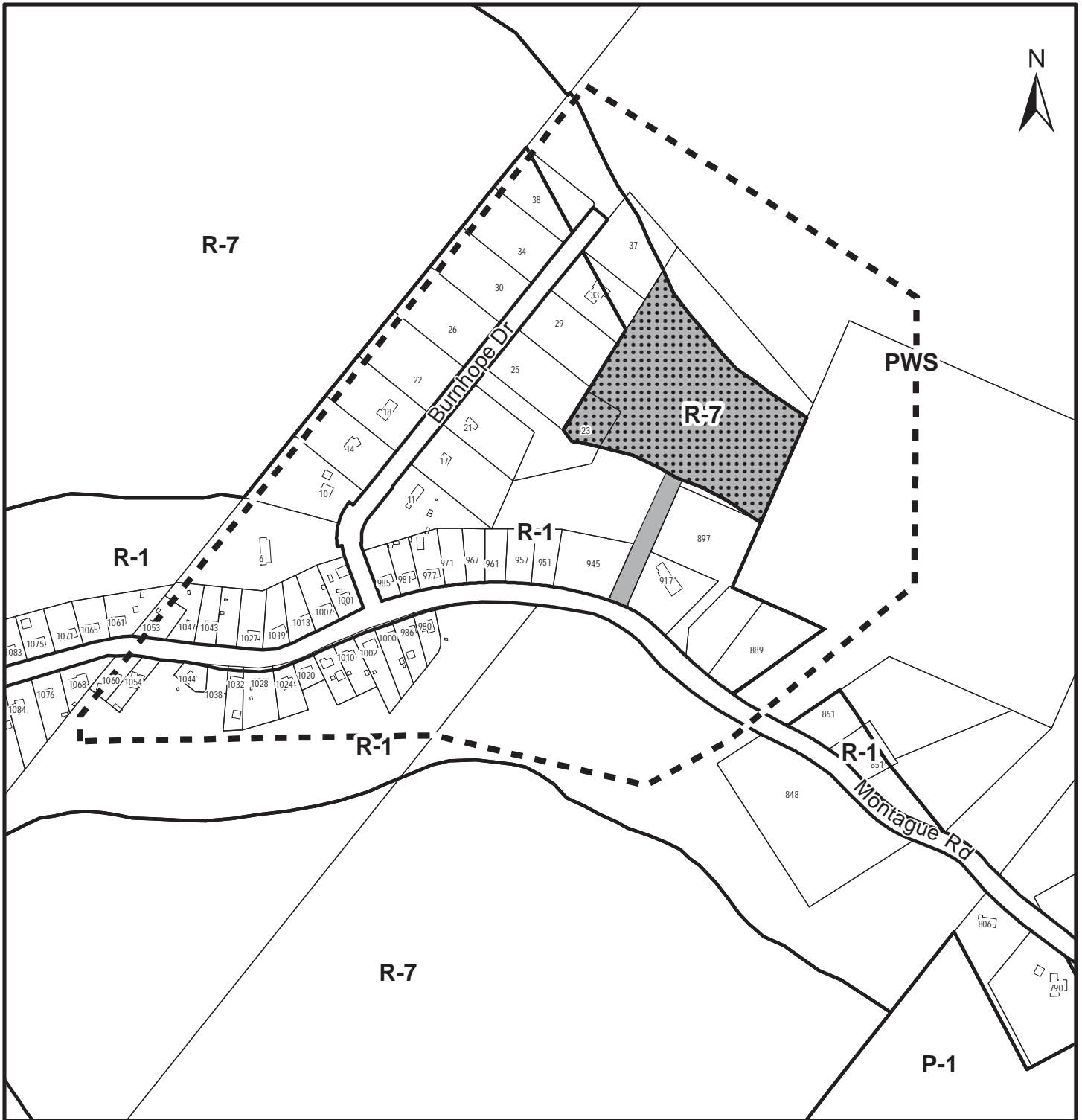
Designation

- UR Urban Residential
- RR Rural Residential
- WS Watershed



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 Road
Montague Gold Mines

HALIFAX

-  Subject Lands
-  Area to be Rezoned from R-7 Rural Estate to R-6 (Rural Residential)
-  Area of notification

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



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

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Cole Harbour/Westphal
By-Law Area

ATTACHMENT A

Proposed Amendments to the Cole Harbour/Westphal Land Use By-law

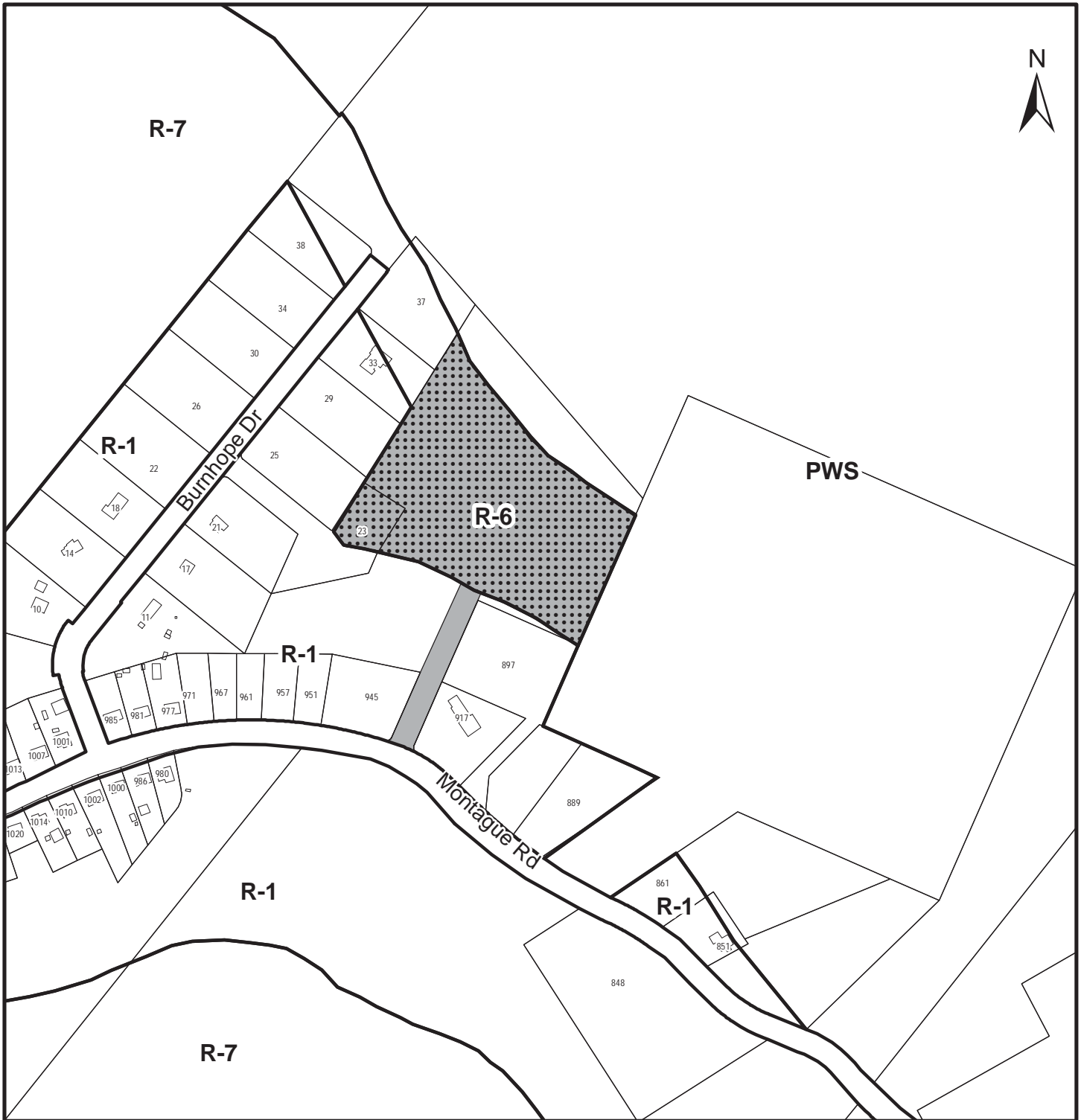
BE IT ENACTED by the Harbour East-Marine Drive Community Council of the Halifax Regional Municipality that the Cole Harbour/Westphal Land Use By-law, as amended, is hereby further amended as follows:

1. Amend Schedule A (Cole Harbour/Westphal Zoning Map) by rezoning portions of PID #s 41357237 and 41397738 located off Montague Road, Montague Gold Mines, from the R-7 (Rural Estate) Zone to the R-6 (Rural Residential) Zone as shown on Schedule A of this Attachment.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Harbour East-Marine Drive Community Council of Halifax Regional Municipality held on the _____ day of _____, 2016.

GIVEN under the hand of the municipal clerk and under the Corporate Seal of the said Municipality this ____ day of _____, 2016.

Municipal Clerk




Schedule A

Montague Road
Montague Gold Mines

HALIFAX

 Subject Lands

 Area Rezoned from
R-7 Rural Estate
to R-6 (Rural Residential)

Zone

R-1 Single Unit Dwelling
R-7 Rural Estate
PWS Public Water Supply



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

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Cole Harbour/Westphal
By-Law Area

Attachment B

Review of Relevant Policies from the Cole Harbour/Westphal Municipal Planning Strategy

Policy	
<p>RR-3 <i>Notwithstanding Policy RR-2, it shall be the intention of Council to consider permitting development on lots which have an area of less than eighty thousand (80,000) square feet, by amendment to the land use by-law. When considering such an amendment, Council shall have regard to the following:</i></p>	
Policy Criteria	Comment
(a) Deleted - Ministerial Amendment - March 3, 1993	
(b) <i>the effects of the development upon the existing on-site sewer and water systems of neighbouring lands;</i>	The subject lands immediately abut residential uses (single unit dwellings) to the west and the south. The individual on-site sewer treatment systems are provincially regulated and will require adequate land area for disposal fields to ensure treatment occurs on the lot before dispersal into subsoil.
(c) <i>the adequacy of the potable water supply for the proposed uses within the development;</i>	See RR-3 (b) above.
(d) <i>the coordination of the proposed road system within the development of the existing and proposed road systems of neighbouring lands;</i>	The subject lands have direct access to Montague Road which is a collector road. The new public road will likely be a cul-de-sac supporting 8 lots.
(e) <i>the adequacy of setbacks for watercourses;</i>	There are no watercourses or wetlands on the lands.
(f) <i>the potential for expansion of the development in terms of available lands and their locations relative to the development and neighbouring lands;</i>	Given this application is for a rezoning it is always possible, if approved, the lands will develop differently than proposed. The other permitted uses for the lands under the R-6 zone provisions that differ from R-7 zone are two unit dwellings. The location of the site is suitable for two unit dwelling use and does not raise concerns with respect to neighbourhood compatibility. Further, the Regional Plan only permits 8 lots to be developed as-of-right on a new public road and this is a reasonable expansion for this area.
(g) <i>the adequacy of parklands or cash-in-lieu in terms of optimum community use;</i>	The parkland and/or cash-in-lieu requirements are determined at the final subdivision stage and will be based on community needs. A cash-in-lieu of land dedication will be required.
(h) <i>any additional information, and information relating to (a) through (f) above, as shown on a tentative plan of subdivision; and</i>	
(i) <i>the provisions of Policy IM-11.</i>	See below

Policy	
<p>IM-11 <i>In considering development agreements and amendments to the land use by-law or development agreements, in addition to all other criteria as set out in various policies of this Planning Strategy, Cole Harbour/Westphal shall have appropriate regard to the following matters:</i></p>	
Policy Criteria	Comment
(a) <i>that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations</i>	Policy RR-3 (above) provides for development on lots that have an area of less than 80,000 square feet by amendment

	to the LUB within the RR designation. If the requested rezoning is approved by Council the proposal will conform to the intent of the MPS and most comply all requirements of the Subdivision Approval process.
<i>(b) that the proposal is not premature or inappropriate by reason of:</i>	...
<i>(i) the financial capability of the Municipality to absorb any costs relating to the development</i>	No concerns were identified regarding potential financial implications for HRM.
<i>(ii) the adequacy of central or on-site sewerage and water services</i>	The lands are not within the municipal water or sewer service boundary. On-site septic is regulated and approved by the NSE. See RR-3 (b).
<i>(iii) the adequacy or proximity of school, recreation or other community facilities</i>	This proposal is not expected to produce an impact on school, recreation or other community facilities.
<i>(iv) the adequacy of road networks leading or adjacent to or within the development; and</i>	A Traffic Impact Statement was provided and identified no significant impacts to the existing transportation network as a result of this proposed development. HRM Development Engineering and Traffic Services reviewed the Traffic Impact Statement and concurred with its findings.
<i>(v) the potential for damage to or for destruction of designated historic buildings and sites.</i>	No historic buildings or sites have been identified on the lands or in the surrounding area.
<i>(c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</i>	...
<i>(i) type of use</i>	The R-6 zone permits a limited number of land uses (see RR-3(f) above), and has provisions related to building height, lot coverage, open storage & display and building floor area. Part 5 of the LUB contains provisions for signage. With respect to access and egress from the lands, the proposed access from Montague Road for the proposed development meets site stopping distance (see IM-11 (b) (iv)).
<i>(ii) height, bulk and lot coverage of any proposed building</i>	
<i>(iii) traffic generation, access to and egress from the site, and parking</i>	
<i>(iv) open storage</i>	
<i>(v) signs; and</i>	
<i>(vi) any other relevant matter of planning concern.</i>	No other concerns have been identified at this time.
<i>(d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.</i>	None of the natural features listed have been identified on the site.
<i>(e) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy P-81", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS. (RC-Jul 2/02; E-Aug 17/02)</i>	No holding zone has been established and no additional lots are proposed in conjunction with this application.