

Case 22547: Municipal Planning Strategy and Land Use By-law Amendments

HALIFAX

Winslow Drive, Upper Tantallon

North West Planning Advisory Committee

March 3, 2021

Applicant Proposal

Applicant: Zzap Consulting Inc. on behalf of Ramar Construction Ltd.

Location: Winslow Dr and Hammonds Plains Rd, Upper Tantallon

- Lot 4A – 445 Winslow Drive (41277765)
- Lot 4B (PID 41277773)
- Lot 3 (PID 41249681)

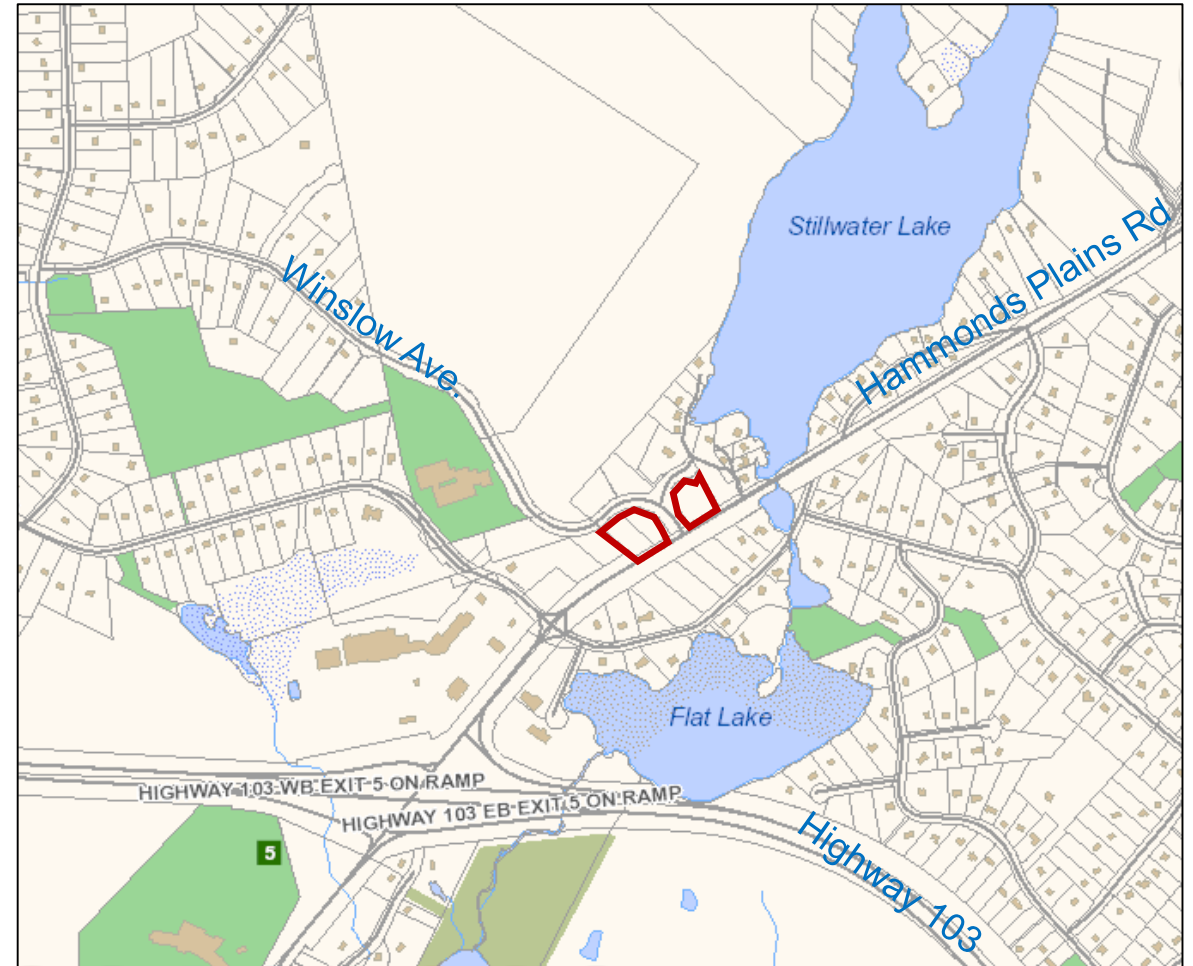
Proposal: To construct 3 commercial buildings (on 3 separate lots) in accordance with the MU-1 Zone of the Land Use By-law for Planning Districts 1 & 3 (St Margarets Bay)

Site Context

Winslow Drive, Upper Tantallon



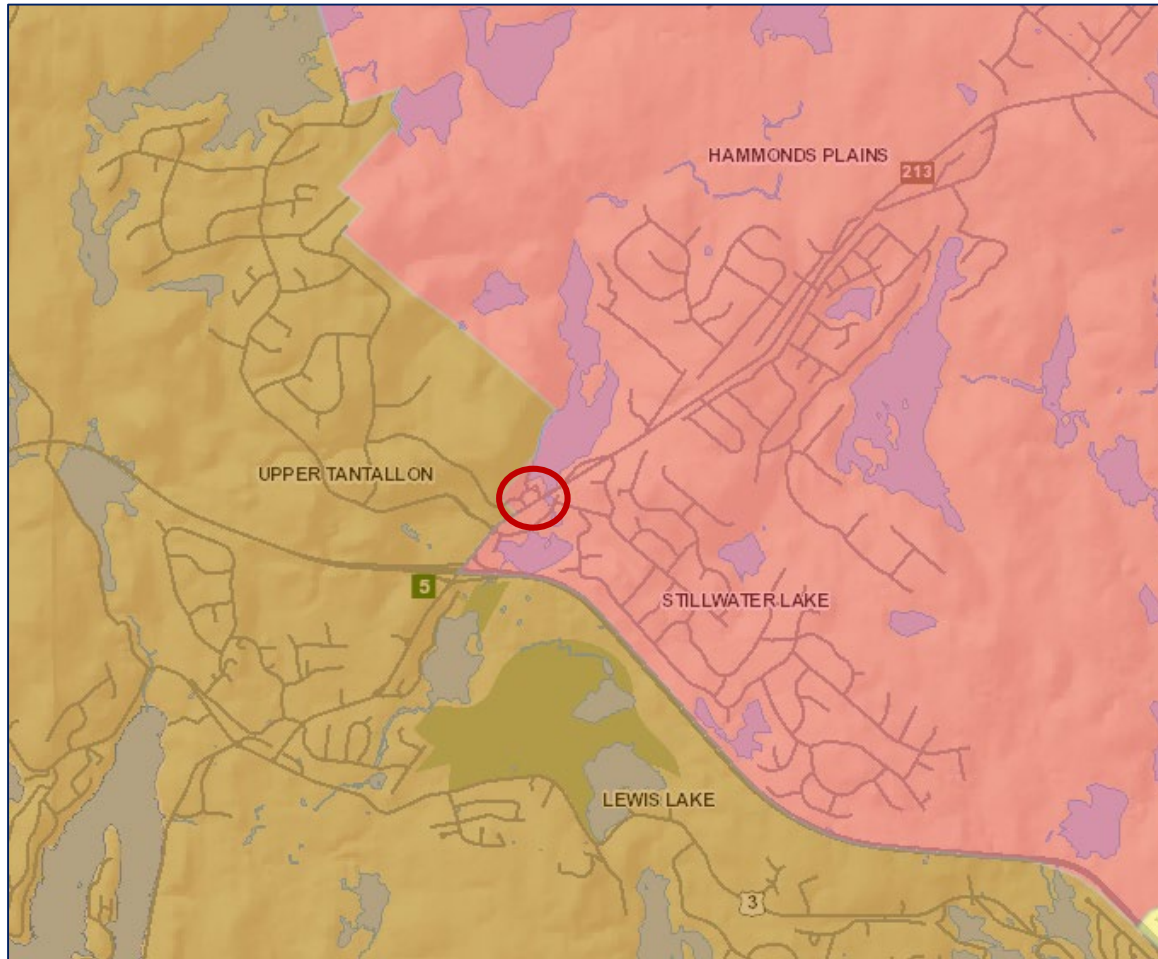
General Site location in Red



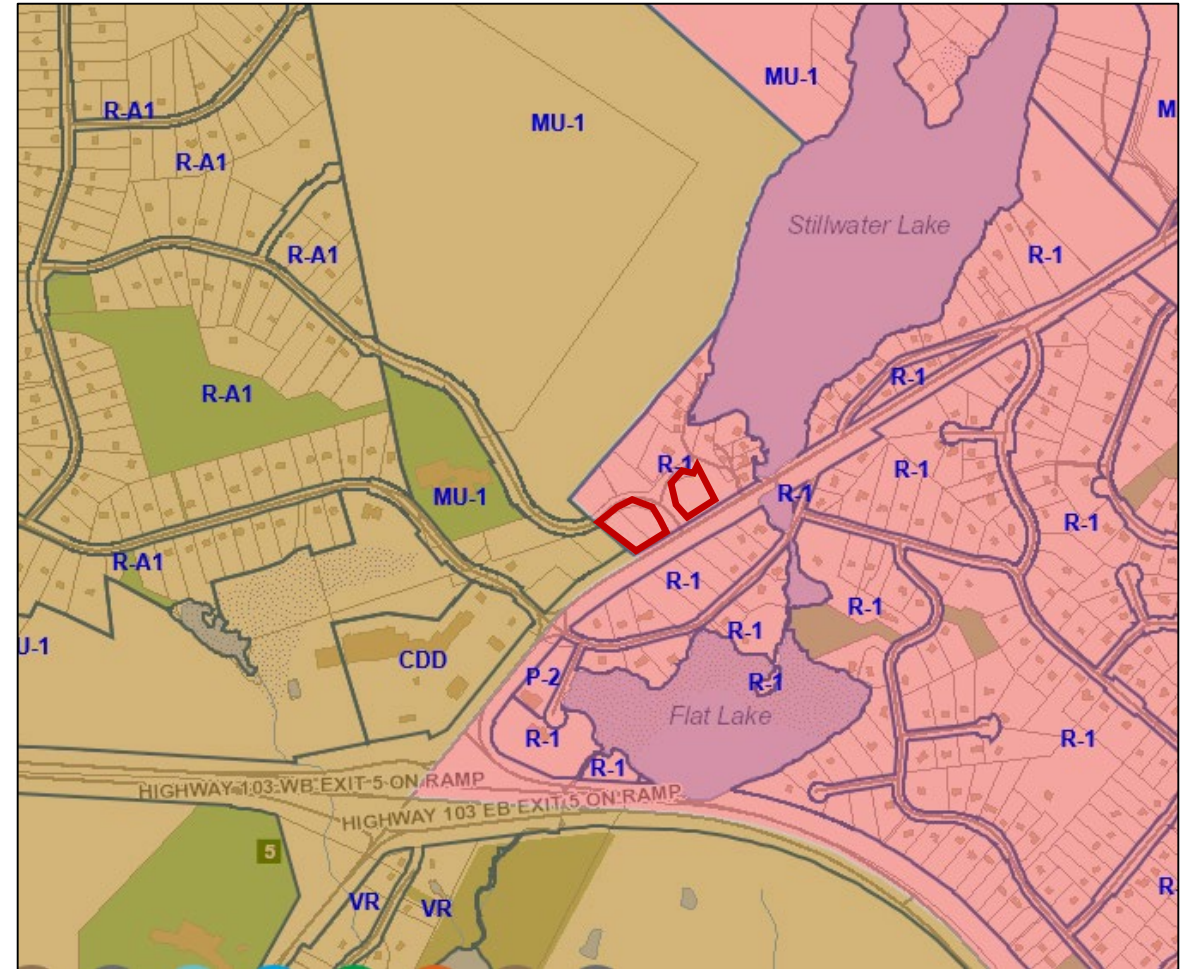
Site Boundaries in Red

Site Context – with Plan Area shading

Winslow Drive, Upper Tantallon



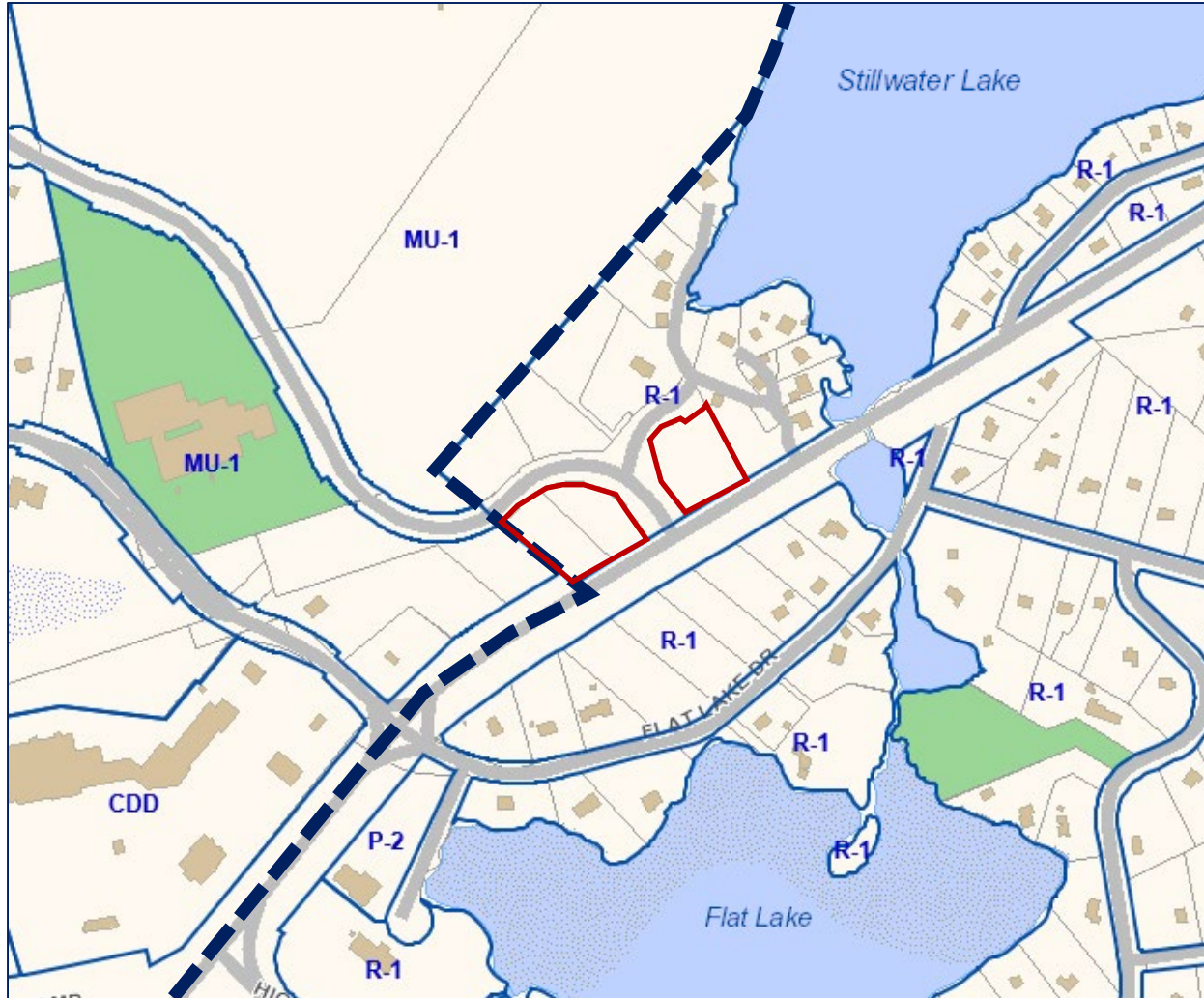
General Site location in Red



Site Boundaries in Red

Site Context

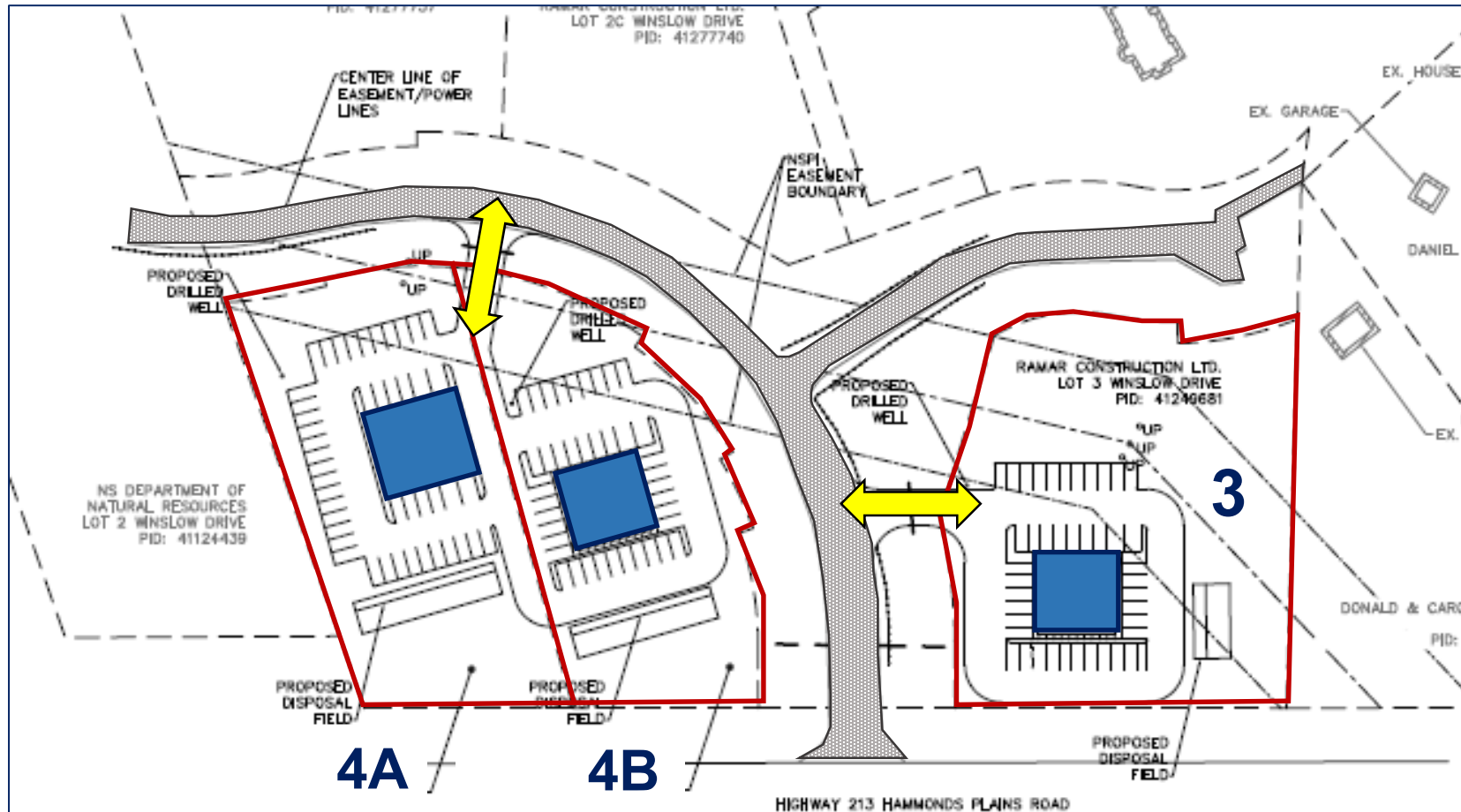
Winslow Drive, Upper Tantallon



Site Boundaries in Red



Proposal

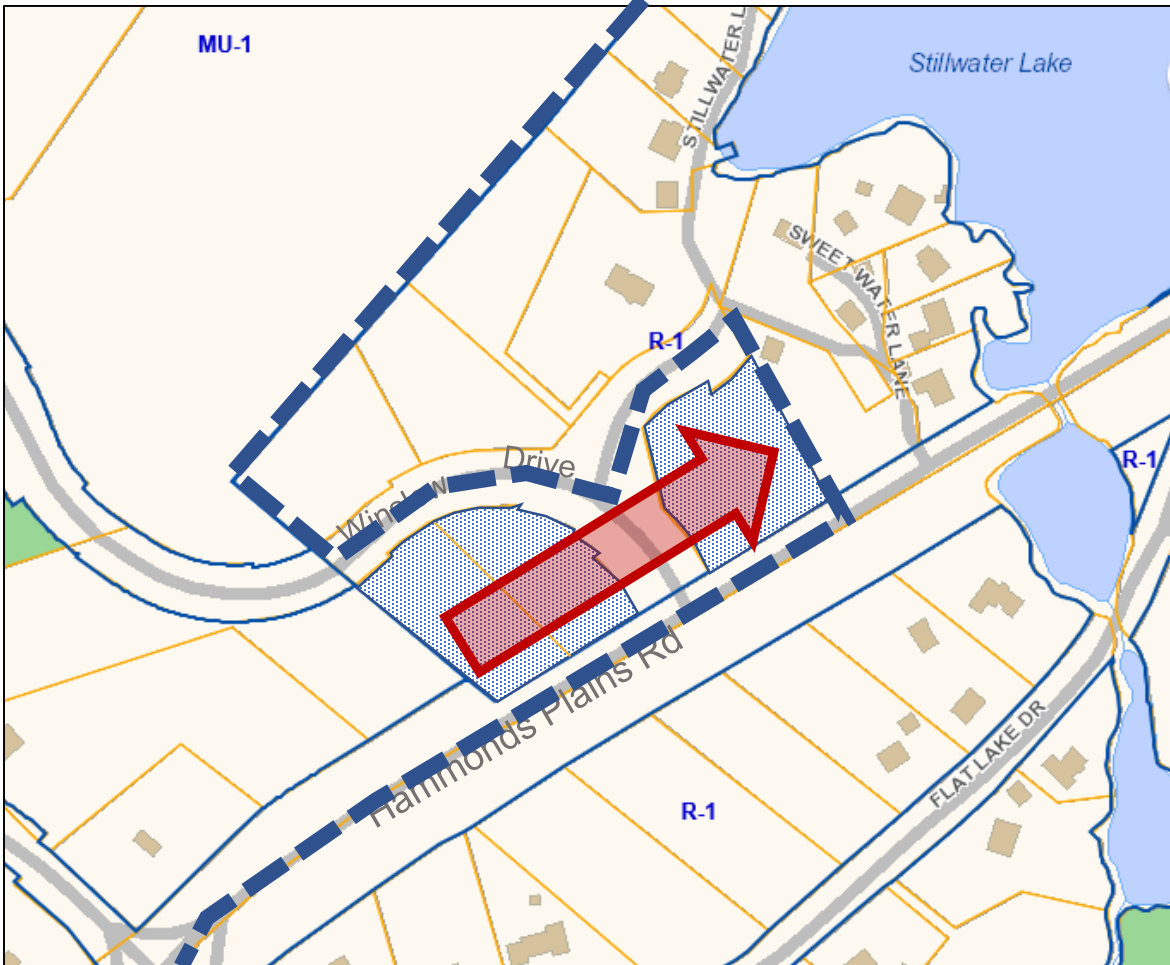
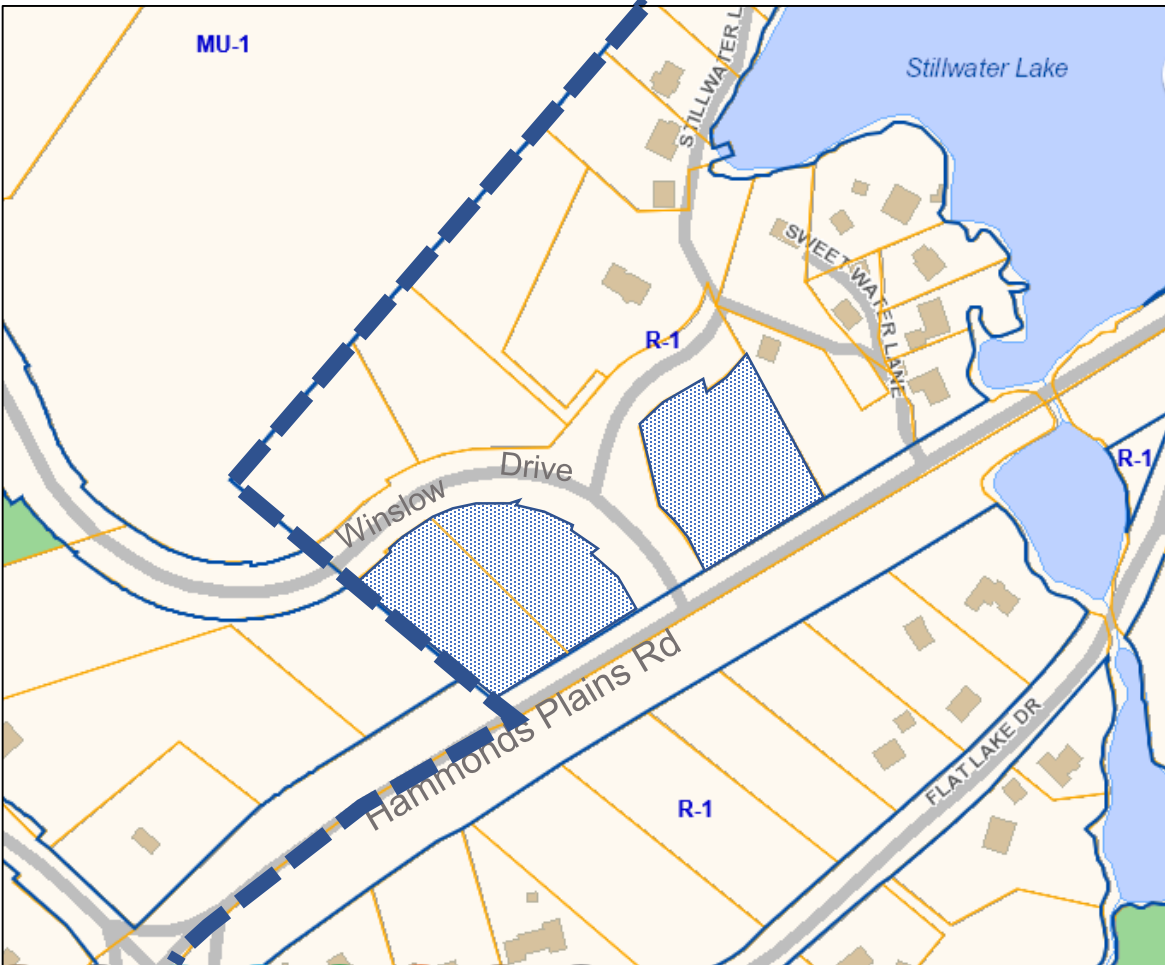


Site Plan

Proposed Details

- 3 Existing Lots (red lines)
- 3 Commercial Buildings (blue squares)
 - 2 storeys
 - 696 m² gross floor area (7,500 sq.ft.)
- 2 Driveways (yellow arrows)

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Maps showing the current planning boundary (left), and proposed planning boundary (right)

Policy & By-law Overview

Municipal Planning Strategy & Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville

- **Existing Zone**
 - R-1 (Single Unit Dwelling) Zone
- **Existing Designation**
 - Residential
- **Existing Use**
 - Vacant
- **Enabling Policy**
 - There is no policy to consider the proposal

Municipal Planning Strategy & Land Use By-law for Planning District 1&3 (St Margarets Bay)

- **Proposed Zone**
 - MU-1 (Mixed Use 1) Zone
- **Proposed Designation**
 - Mixed Use
- **Proposed Use**
 - 3 Commercial Buildings

R-1 (Residential Single Unit) Zone (BB/HP/UP Land Use By-law)

6.1 R-1 USES PERMITTED

No development permit shall be issued in any R-1 (Single Unit Dwelling) Zone except for the following:

Single unit dwellings

Existing two unit dwellings

Existing mobile dwellings

Day care facilities for not more than seven (7) children and in conjunction with permitted dwellings

Offices in conjunction with permitted dwellings

Bed & Breakfasts

Open space uses

R-1 (Residential Single Unit) Zone - continued

6.2 R-1 ZONE REQUIREMENTS

In any R-1 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	29, 064 square feet (2700 m ²)
Minimum Frontage:	100 feet (30.5 m)
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Side or Rear Yard	8 feet (2.4 m)
Maximum Lot Coverage	35 per cent
Maximum Height of Main Building	35 feet (10.7 m)

MU-1 (Mixed Use 1) Zone (1&3 Land Use By-law)

12.1 MU-1 USES PERMITTED

A development permit may be issued for all uses in any MU-1 (Mixed Use) Zone, except for the following:

Residential Uses Not Permitted

Mobile home parks

Multi-unit dwellings

Senior citizen housing over 20 units

Commercial Uses Not Permitted

Commercial entertainment uses

Campgrounds

Marinas

All commercial development or expansions with a combined gross floor area greater than 697 square metres (7500 square feet). (RC -Feb 24/09;E-Apr 25/09)

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MU-1 (Mixed Use 1) Zone - continued

Resource Uses Not Permitted

Agricultural uses, Intensive

Extractive facilities

Sawmills and industrial mills related to forestry over 3,000 square feet

Industrial Uses Not Permitted

Industrial uses but excepting traditional uses and service industries **and** cannabis production facilities (**RC-Sep18/18; E-Nov 3/18**)

Salvage yards

All industrial development or expansions with a combined gross floor area greater than 697 square metres (7500 square feet). (RC-Feb 24/09;E-Apr 25/09)

Construction and Demolition Materials Operations Not Permitted

C&D Materials Transfer Stations

C&D Materials Processing Facilities

C&D Materials Disposal Sites (RC-Sep 10/02;E-Nov 9/02)

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MU-1 (Mixed Use 1) Zone - continued

12.2 MU-1 ZONE REQUIREMENTS

EXCEPT AS OTHERWISE PROVIDED FOR IN THIS PART, no development permit shall be issued in any MU-1 Zone except in conformity with the following:

Minimum Lot Area	20,000 square feet (1858 m ²)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)
Maximum Lot Coverage	35 per cent
Maximum Height of Main Building	35 feet (10.7 m)

- Complete application received (September 12, 2019)
- Preliminary review of proposal (Fall 2019)
- Initiation report (includes recommendation on whether to consider amendments) (Nov. 19, 2019)
- **Decision by Regional Council to initiate MPS / LUB amendment process** (January 28, 2020)
- Public information meeting (December 9, 2020)
- Recommendation from Planning Advisory Committee ← We are here (March 3, 2021)
- Detailed review of proposal
- Staff report (includes recommendation on MPS and LUB amendments)
- Recommendation from Community Council
- First reading at Regional Council
- Public hearing at Regional Council for both MPS and LUB amendments
- **Decision by Regional Council on MPS / LUB amendments** – no appeal process
- Ministerial approval – Service Nova Scotia and Municipal Affairs
- Notice of approval of MPS and LUB amendments published
- Subdivision or building permit applications when changes are in effect

Initiation Report - 2019

Applicant Rational:

- A boundary realignment would enable a development that is consistent with surrounding context:
 - The site currently abuts properties that are zoned MU-1 within the Planning District 1&3 plan area
 - Commercial uses have been developed.

- The presence of a Nova Scotia Power easement assures separation and buffering between residential development and the proposed commercial development.

Initiation Report - 2019

Staff Review:

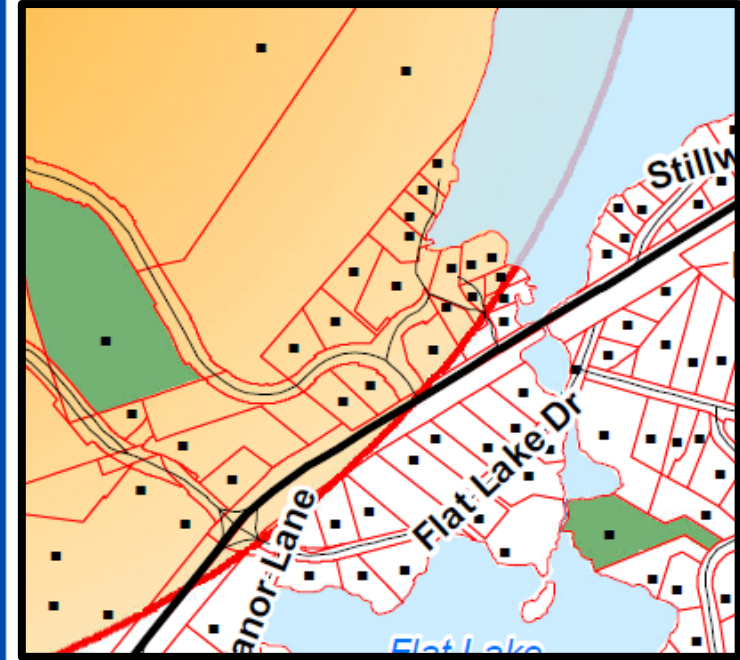
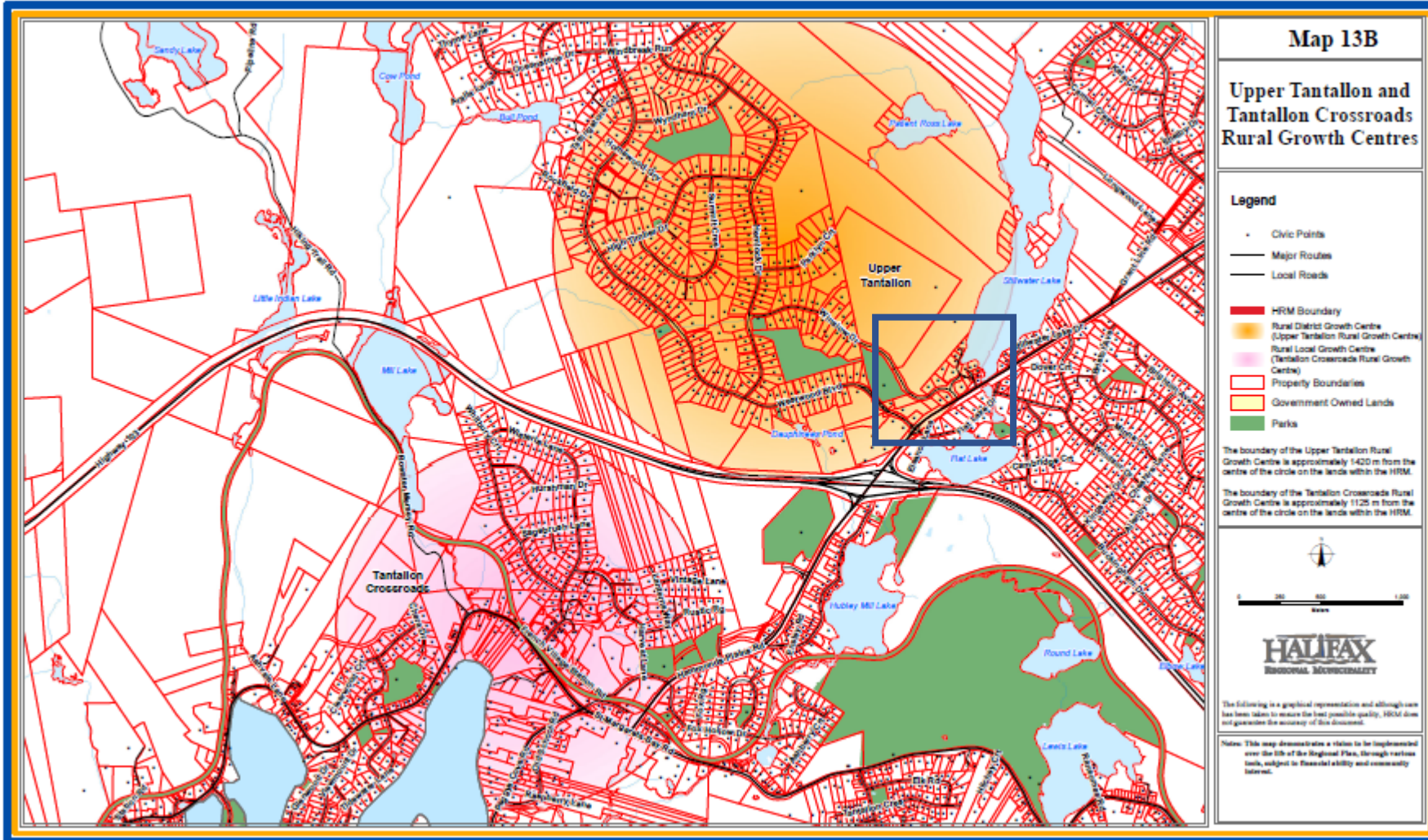
The site configuration and location poses challenges in relation to residential development:

- the presence of Nova Scotia Power infrastructure; and
- the existing street right-of-ways (impact of traffic: noise, headlights, privacy).

A full review would consider the following:

- the scope and appropriateness of different planning tools, such as:
 - re-zoning or zone amendments;
 - development agreements; or
 - site plan approvals.
- The specific types of commercial uses that would be appropriate for the site circumstances;
- the feedback received through community engagement initiatives; and
- the feedback received from other HRM departments and teams.

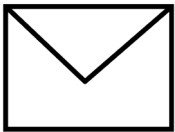
Regional Plan – Map 13B



Public Consultation

- Level of engagement completed (to date) has been consultation achieved through:
 - A webpage on Halifax.ca;
 - A mail out notification; and
 - A virtual public information meeting held on December 9, 2020

Notifications
Mailed



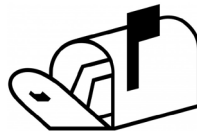
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Meeting
Attendees

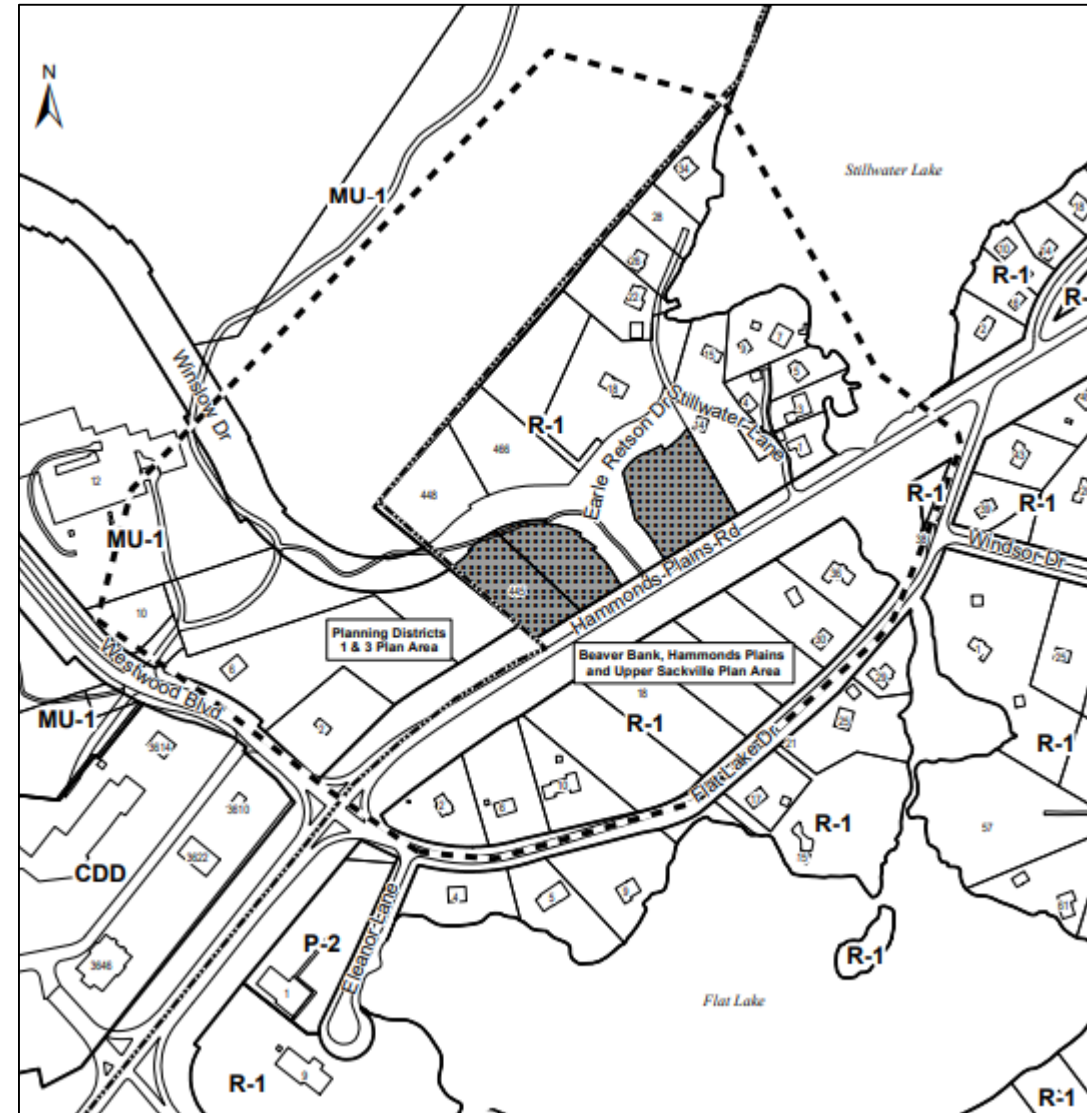


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Letters/ Emails
Received



13



Public Consultation – cont.

Feedback, Questions and Concerns from the community generally included the following:

➤ **Traffic**

- Increase in traffic on adjacent private lanes (Stillwater and Sweetwater);
- Timing of the TIS (accounting for tourism season and pandemic volumes);
- Location of proposed driveway for Lot 3 on Winslow Drive too close to Hammonds Plains Rd.;
- Preferred access to Lot 4A and 4B would be from Westwood Blvd.;
- TIS account for other modes of transportation (pedestrian, bicycle, ATV, scooter, motorized scooter, dirt bike);
- Increase in traffic accidents – speed on Hammonds Plains Road makes turning on and off risky, adding additional traffic will worsen the situation.

Public Consultation – cont.

Feedback, Questions and Concerns from the community generally included the following:

➤ **Environmental Impact**

- Runoff impacting Stillwater Lake (local water supply, recreation);
- Effects on local wildlife; and
- Loss of wetland on Lot 3 which acts as a filter for runoff.

➤ **Physical impact of the development on adjacent properties**

- Light pollution;
- Noise pollution (during and post construction);
- Solid waste issues (litter, rodents, smell);
- Construction disruption;
- Increase in dust;
- Physical design (height, fencing).

Public Consultation – cont.

Feedback, Questions and Concerns from the community generally included the following:

➤ **Social impact of the development on adjacent properties**

- Increase in crime (theft and property damage);
- Loss of privacy; and
- Trespassing.

➤ **Financial impact of the Development**

- Property values; and
- Private road maintenance cost increases due to increase in traffic short-cutting

Public Consultation – cont.

Feedback, Questions and Concerns from the community generally included the following:

➤ **Administrative**

- Incorrect spelling of Earle Retson Drive;
- Inadequate enforcement of regulations; and
- Timing of application should allow for adequate opportunity to engage.

➤ **Altering the Existing Community Character**

- Questions about the type of business that will occupy the proposed buildings; and
- Process and governance context that enables land use development rights to change. R-1 zoning was expected to remain intact.

Planning Process – MPS and LUB Amendment

Slide 23

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Scope of Review

- The appropriateness of different planning tools, such as:
 - re-zoning or zone amendments;
 - development agreements; or
 - site plan approvals.

- The specific types of commercial uses that would be appropriate for the site circumstances;

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**Questions/
Comments**

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Thank You