

**HALIFAX**

# **Public Hearing for Case 23061**

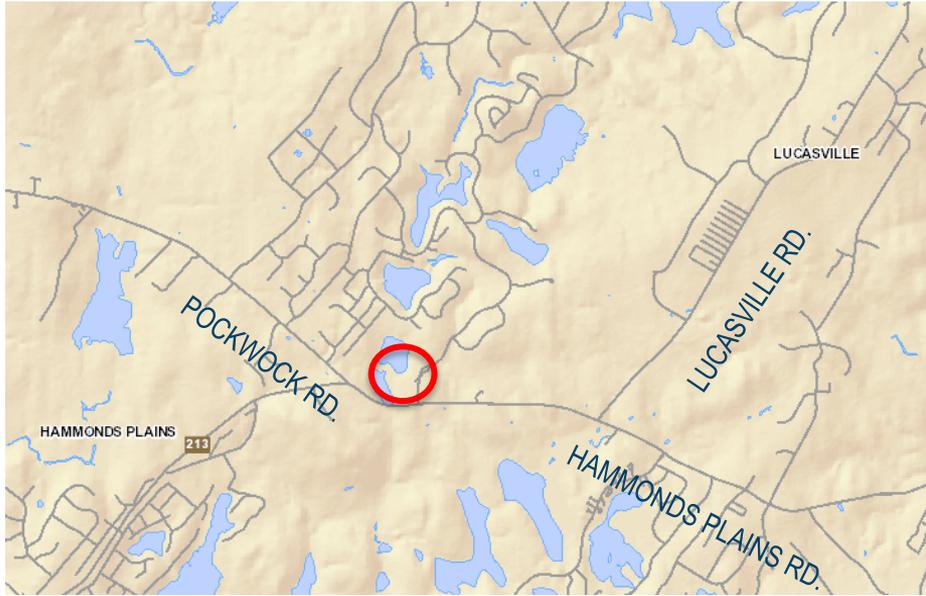
Development Agreement: Glen Arbour  
Way & Hammonds Plains Road

North West Community Council  
June 14, 2021

**Slide 1**



# Site Context



General Site location in Red



Site Boundaries in Red

# Site Context/Photos



# Policy & By-law Overview

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

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- **Zone**
  - C-4 (Highway Commercial)
- **Designation**
  - Mixed Use B
- **Existing Use**
  - Vacant Land
- **Enabling Policy**
  - P-26A – Development of kennels by development agreement

# Proposal



- A Dog Care Facility with an outdoor dog run/fenced area
- Existing C-4 permits an Indoor Kennel (Dog Day Care)
- Development Agreement allows consideration of the outdoor component (dog run - fenced area)

# Policy Consideration

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

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### Intent of Mixed Use B:

- Mixed use development pattern.
- Encouraging rural residential, community facility development and smaller commercial operations serving a growing residential area. Light industrial and resource related development may also be considered.
- Commercial development will serve regional area as well as local markets, due to location on an important commuter highway.

# Policy Consideration

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

### Policy P-26A

#### Criteria for consideration permitting kennels by development agreement:

(a) not in a residential zone	Property is zoned C-4 (Highway Commercial)
(b) compatible with the surrounding area	Relocated to be further from residential; located near commercial/industrial
(c) limits on the number of dogs	A limit of 30 dogs is proposed
(d) sufficient off-street parking	Parking is part of the permitted commercial plaza
(e) fenced and setback a minimum of 20 feet (6 metres) from property line	Tree buffer and setback is proposed

# Policy Consideration

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

### Policy P-26A

#### Criteria for consideration permitting kennels by development agreement:

(f) the hours of operation	Use of outdoor dog run restricted outside of business hours
(g) the collection, storage and disposal of animal waste	DA will regulate the collection, storage, and disposal of animal waste
(h) traffic circulation	No additional traffic anticipated from outdoor dog run
(i) general maintenance of the facility	Artificial turf for easier maintenance
(j) the provisions of Policy P-137	

# Public Engagement Feedback

- Level of engagement completed was consultation achieved through the HRM website, mail out notifications, newspaper ads, and signage on site.
- Feedback from the community generally included the following:
  - Concern about noise from barking dogs; not enough of a buffer
  - Concern that the development will attract rats and vermin
  - Already enough dog day cares in the area; commercial space could be used for other businesses

**Notifications  
Mailed**



53

**Individual Contacts  
(Phone Calls & Email)**



7

**Webpage Views**



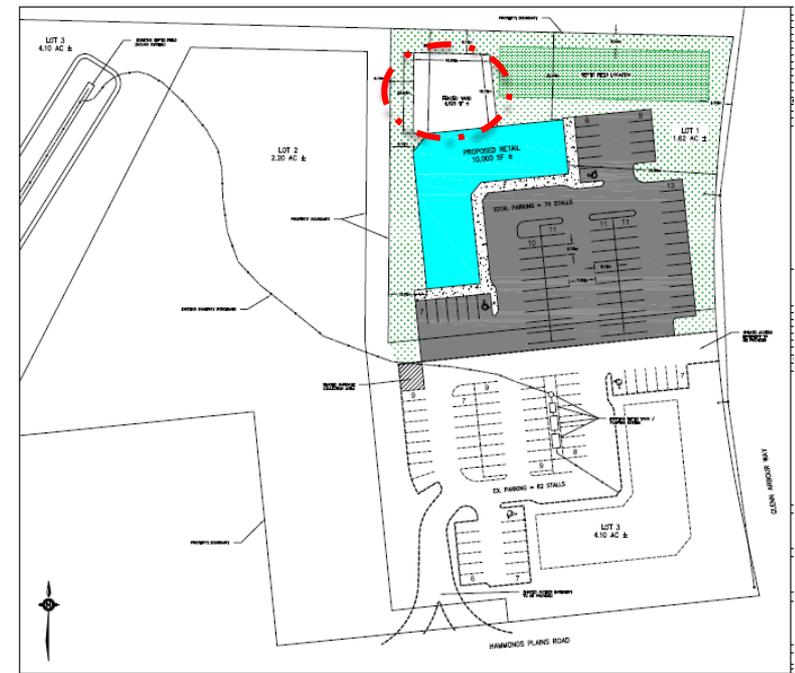
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# NWPAC Recommendation

November 4, 2020

The North West Planning Advisory Committee recommended refusal, citing the following concerns:

- Development is not a good fit for the existing neighborhood
- Development would interfere with the abutting owners' quiet enjoyment of their properties, which cannot be mitigated





# NWPAC Recommendation

February 3, 2021

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The North West Planning Advisory Committee reviewed the revised proposal, and recommended approval, providing the following feedback:

- Consideration should be given to:
  - hours of operation
  - tree buffers
  - limits on the number of dogs
  - berms
  - limiting the number of dogs allowed outside to two between the hours of 9 p.m. and 7 a.m.

# Summary: Key Aspects of the Proposed Development

- **Indoor Kennel:**

- Already permitted in the C-4 zone; only the outdoor dog run requires a development agreement

- **Outdoor Dog Run:**

- 929 m<sup>2</sup> (10,000 ft<sup>2</sup>) fenced area
- Limit on number of dogs based on time of day

- **Nuisance Mitigation:**

- Minimum 1.83 m (6') opaque fence
- Tree retention area to the north and landscaped berm to the south
- Animal by-law prohibits allowing the animal to make noise excessively (bark or howl repeatedly for a period of twenty minutes)

Time of day	Maximum number of dogs
7:00 AM to 7:00 PM	Thirty (30)
7:00 PM to 9:00 PM	Fifteen (15)
9:00 PM to 7:00 AM the following day	Two (2)

# Non-Substantive Amendments

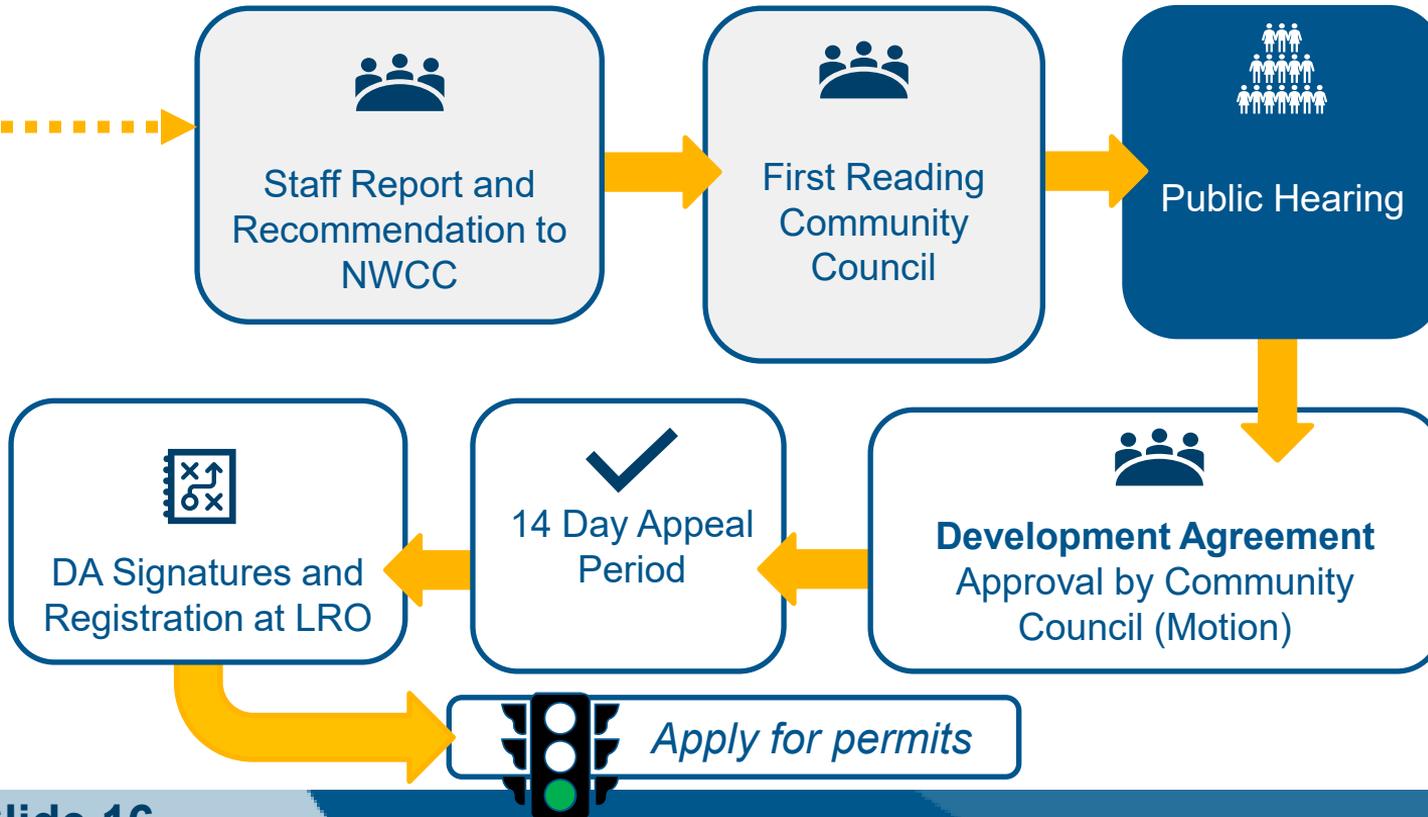
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A 'Non-Substantive Amendment' is a change to the agreement which could be made without a formal Public Hearing. Instead, Community Council could authorize this change by resolution.

As proposed, Non-Substantive Amendments within this agreement include the following:

- The granting of an extension to the date of commencement of development as identified in this Agreement; and
- The length of time for the completion of the development as identified in this Agreement.

# If Council Approves the Application...



# Staff Recommendation

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Staff recommend that North West Community Council:

- Approve the proposed development agreement as set out in Attachment A of the staff report dated March 29, 2021

# HALIFAX

## Thank You

**Peter Nightingale**



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