



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

Item No. 13.1.1
Halifax and West Community Council
October 12, 2022

TO: Chair and Members of Halifax and West Community Council

SUBMITTED BY: *- Original Signed -*

Kelly Denty, Executive Director of Planning and Development

DATE: July 27, 2022

SUBJECT: **Case 22483: Planning District 5 (Chebucto Peninsula) Land Use By-Law
Amendment to rezone 801 Old Sambro Road, Harrietsfield**

ORIGIN

Application by Stephen Adams Consulting Services Inc. on behalf of Civtech Engineering and Surveying Ltd.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Give First Reading to consider approval of the proposed amendment to Schedule A - Zoning of the Land Use By-law for Planning District 5 (Chebucto Peninsula), as set out in Attachment A, to rezone a portion of the property identified as 801 Old Sambro Road, Harrietsfield (Lot 1516R) from the V-1 (Harrietsfield Village Centre) Zone to the C-5 (Industrial Commercial Mix) Zone and schedule a public hearing;
2. Adopt the amendment to Schedule A - Zoning of the Land Use By-law for Planning District 5 (Chebucto Peninsula), as set out in Attachment A.

BACKGROUND

Stephen Adams Consulting Services Inc., on behalf of Civtech Engineering and Surveying Ltd. is applying to rezone 801 Old Sambro Road in Harrietsfield from the V-1 (Harrietsfield Village Centre) Zone to the C-5 (Industrial Commercial Mix) Zone of the Planning District 5 (Chebucto Peninsula) Land Use By-Law (LUB). The purpose of the rezoning request is to allow for the construction of an addition to an existing building and to include the existing parking area that supports the existing development (autobody repair shop use) within the boundaries of the C-5 Zone. This rezoning can be considered under Policy IC-2 of the Planning District 5 (Chebucto Peninsula) Municipal Planning Strategy (MPS).

Subject Site	801 Old Sambro Road, Harrietsfield
Location	Approximately 5.5 km south down Old Sambro Road (Trunk 301) from the Herring Cove Road (Trunk 349) intersection
Regional Plan Designation	Rural Commuter
Community Plan Designation (Map 1)	VC (Village Centre) and IC (Industrial-Commercial) under the Municipal Planning Strategy for Planning District 5 (Chebucto Peninsula)
Zoning (Map 2)	V-1 (Harrietsfield Village Centre) and C-5 (Industrial Commercial Mix) under the Land Use By-law for Planning District 5 (Chebucto Peninsula)
Size of Site	The subject property has an area of 37,752.8 square feet (3507.3 square metres)
Street Frontage	The subject property has approximately 96.78 metres (317.52 feet) of public road frontage
Current Land Use(s)	Auto repair shop
Surrounding Use(s)	Auto repair, landscaping and general contracting, single unit dwellings

Proposal Details

801 Old Sambro Road is currently split-zoned V-1 and C-5. The applicant proposes to rezone 801 Old Sambro Road, Harrietsfield so that the entire property is regulated by the rules of the C-5 Zone. The proposed rezoning is to enable a 60 ft. x 60 ft. addition to the existing auto repair building at 801 Old Sambro Road. The addition, as well as a future accessory building, are proposed to contain similar commercial uses such as a detail shop, autobody repair, and warehousing. The required parking for the auto repair use is currently located outside of the C-5 Zone, so this rezoning would resolve this non-compliance with the LUB by including the parking area within the appropriate zone.

801 Old Sambro Road was recently consolidated with the adjacent property to the South (formerly 811 Old Sambro Road) for the purpose of including all aspects of the auto repair use on one lot. The subdivision plan was registered with the Land Registration Office on June 14, 2022.

Enabling Policy and LUB Context

The subject property is designated IC (Industrial-Commercial) under the Planning District 5 MPS and is partially zoned C-5, and partially zoned V-1, under the Planning District 5 LUB. Within the IC designation, Policy IC-2 enables Council to establish an Industrial-Commercial Mix Zone which permits general industrial, commercial, community facility and accessory residential uses. As-of-right, the Industrial-Commercial Mix Zone (C-5 Zone) permits uses such as:

- General contracting storage yards and services;
- Machinery sales and service outlets;
- Automotive repair outlets and auto body shops; and
- Outdoor display courts.

The zone permits one main building on a lot, with no maximum lot coverage requirement. The lot consolidation and proposed rezoning from V-1 to C-5 will enable the existing automotive repair business at

801 Old Sambro Road to expand throughout an addition to the existing building, and the development of a new accessory building. Furthermore, the required parking which is currently located outside of the C-5 Zone will be addressed by application of the appropriate zone.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, and letters containing a Fact Sheet about the proposal mailed to property owners within the notification area shown on Map 2. One comment was received from the public, which pertained to concerns about the existing watercourse (brook) that runs through the subject property and the abutting property to the south (821 Old Sambro Rd).

A public hearing must be held by Halifax and West Community Council before they can consider approval of the proposed LUB amendment. Should Community 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. The HRM website will also be updated to indicate notice of the public hearing.

The proposal will potentially impact local residents and property owners.

DISCUSSION

Staff has reviewed the proposal relative to all relevant policies and advise that it is consistent with the intent of the MPS. Attachment A contains the proposed rezoning from V-1 to C-5. This rezoning will allow the existing automotive repair business at 801 Old Sambro Road to expand into an addition to the existing building, and the development of a new accessory building. The required parking which is currently located outside of the C-5 Zone will be located within the appropriate zone along with the main use.

LUB Amendment Review

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

Industrial-Commercial Designation

This property is designated Industrial-Commercial, as per Policy IC-1 of the Planning District 5 MPS. The residential communities that exist within the Harrietsfield area have experienced conflict in the past with the nature and extent of commercial and industrial uses such as the storage of vehicles along Old Sambro Road. The establishment of the Industrial-Commercial designation is designed to minimize such conflicts. Through Policy IC-2, which establishes the C-5 Zone as the base zone for this designation, development controls such as controls on loading and parking, minimum separation distances, screening, and signage, are in place to address compatibility concerns with the surrounding environment. All properties designated IC under the MPS are eligible to revert to the C-5 base zone through Policy IC-2, provided they meet the implementation criteria of Policy IM-10.

Development Controls

The C-5 Zone has provisions to regulate the use and bulk of new buildings and additions to existing buildings, as well as open storage. The C-5 Zone includes requirements to minimize conflict with adjacent residential uses and environmental features in the plan area, such as required setbacks, fencing, height, and separation distances. Furthermore, the land use by-law contains general provisions relating to signage, parking, accessory structures, and watercourses. The proposed addition and any accessory buildings would have to satisfy the requirements of the C-5 Zone and the General Provisions of the Planning District 5 Land Use By-law, should Council approve the request. Although this request has been made by the

applicant with a specific land use in mind, this rezoning would allow any use that is permitted in the C-5 Zone, provided all other requirements of the LUB are satisfied.

Watercourse Buffers

Policy IC-2 requires that consideration be given to the suitability of the site in terms of the steepness of grades, soil and geological conditions, and the locations of watercourses, marshes or bogs and susceptibility of flooding. The applicant has provided a survey plan which delineates the existing watercourse and the applicable watercourse buffer. The LUB protects vegetation and places restrictions on development within the buffer.

Site Suitability

Policy IM-10 requires that consideration be given to the adequacy of on-site services and adjacent road networks leading to or within the subject site. This property is already serviced with on-site septic and well, and no concerns with the road networks were identified by Development Engineering.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the MPS. The subject site has adequate frontage and area to meet the minimum requirements of the C-5 Zone. The existing autobody shop and proposed auto detailing and warehousing uses are permitted within the C-5 Zone and will continue to be controlled through the land use by-law in terms of open storage, outdoor display, signage, parking, illumination, and separation distances. Therefore, staff recommend that the Halifax and West Community Council approve the proposed LUB amendment.

FINANCIAL IMPLICATIONS

There are no financial implications. The HRM cost associated with processing this planning application can be accommodated with the approved 2022-2023 operating budget for C310 Urban and Rural Planning Applications.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed LUB amendment are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

Proximity to the nearby brook was identified as an environmental concern. The survey plan (Attachment C) delineates the brook as well as the associated watercourse buffer, as required by the Planning District 5 LUB and the Regional Subdivision By-law. Policy E-16 of the Regional Plan requires the watercourse buffer be in place to retain the benefits of the riparian trees, shrubs, groundcover vegetation and soils. The retention of native vegetation and soils enhances runoff storage capacity, infiltration, and nutrient recycling, as well as prevents soil erosion. Development is limited within the watercourse buffer to placement of an accessory structure or building no greater than 20 m², as set out in the Land Use By-law. No additional concerns were identified beyond those raised in this report.

ALTERNATIVES

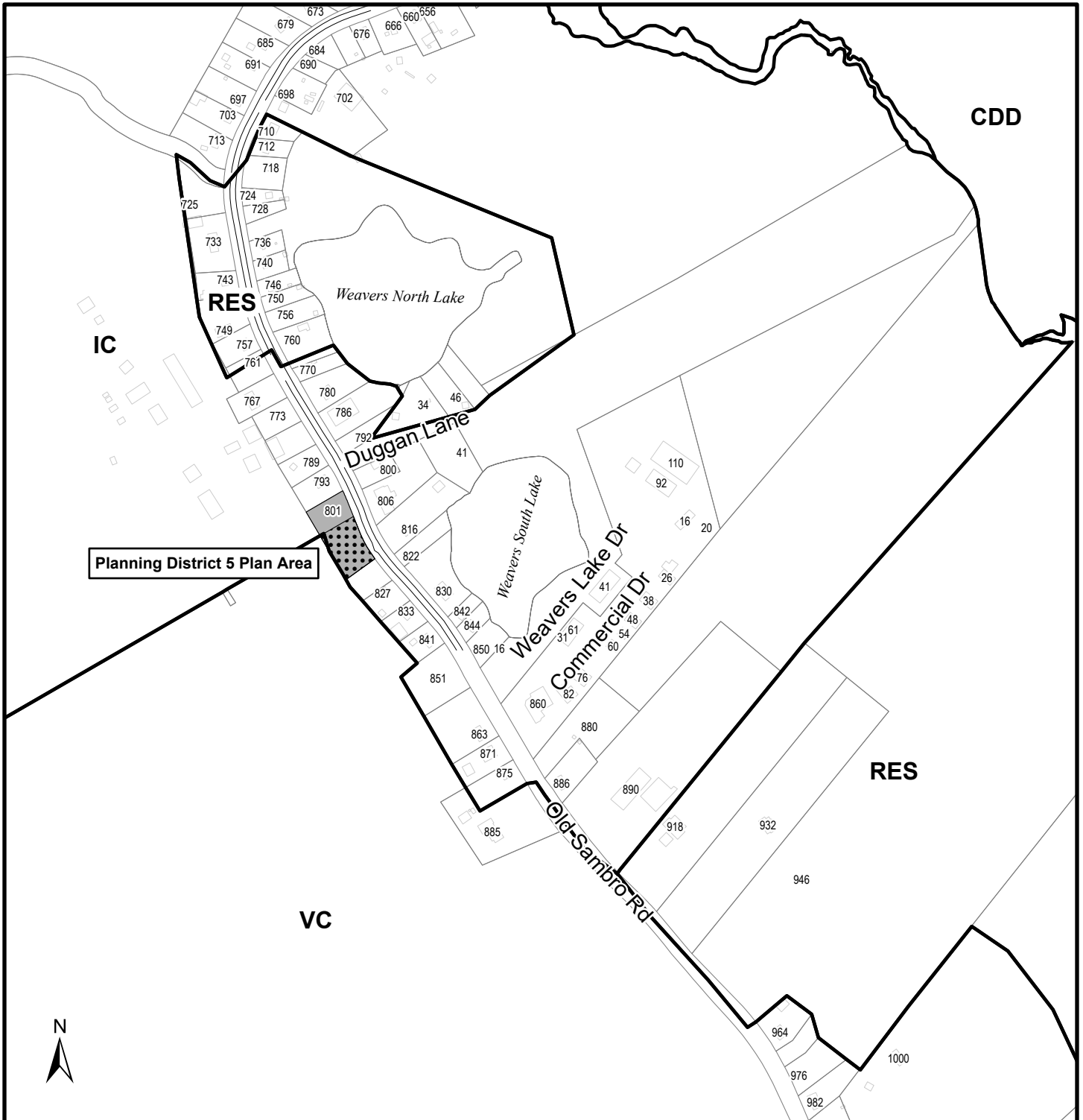
1. Halifax and West Community Council may choose to refuse the proposed LUB amendment, and in doing so, must provide reasons why the proposed amendment does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Halifax and West Community Council may choose to approve the proposed LUB amendment subject to modifications, and such modifications may require a supplementary staff report. A decision of Council to approve this proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Attachment A:	Proposed LUB Amendment
Attachment B:	Review of Relevant MPS Policies
Attachment C:	Survey Plan

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Claire Tusz, Planner II, 902.430.0645





Planning District 5 Plan Area

Map 1 - Generalized Future Land Use

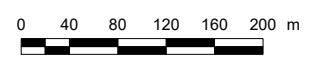
801 Old Sambro Road,
Harrietsfield

HALIFAX

-  Subject Properties
-  Area to be rezoned from V-1 to C-5

Designation

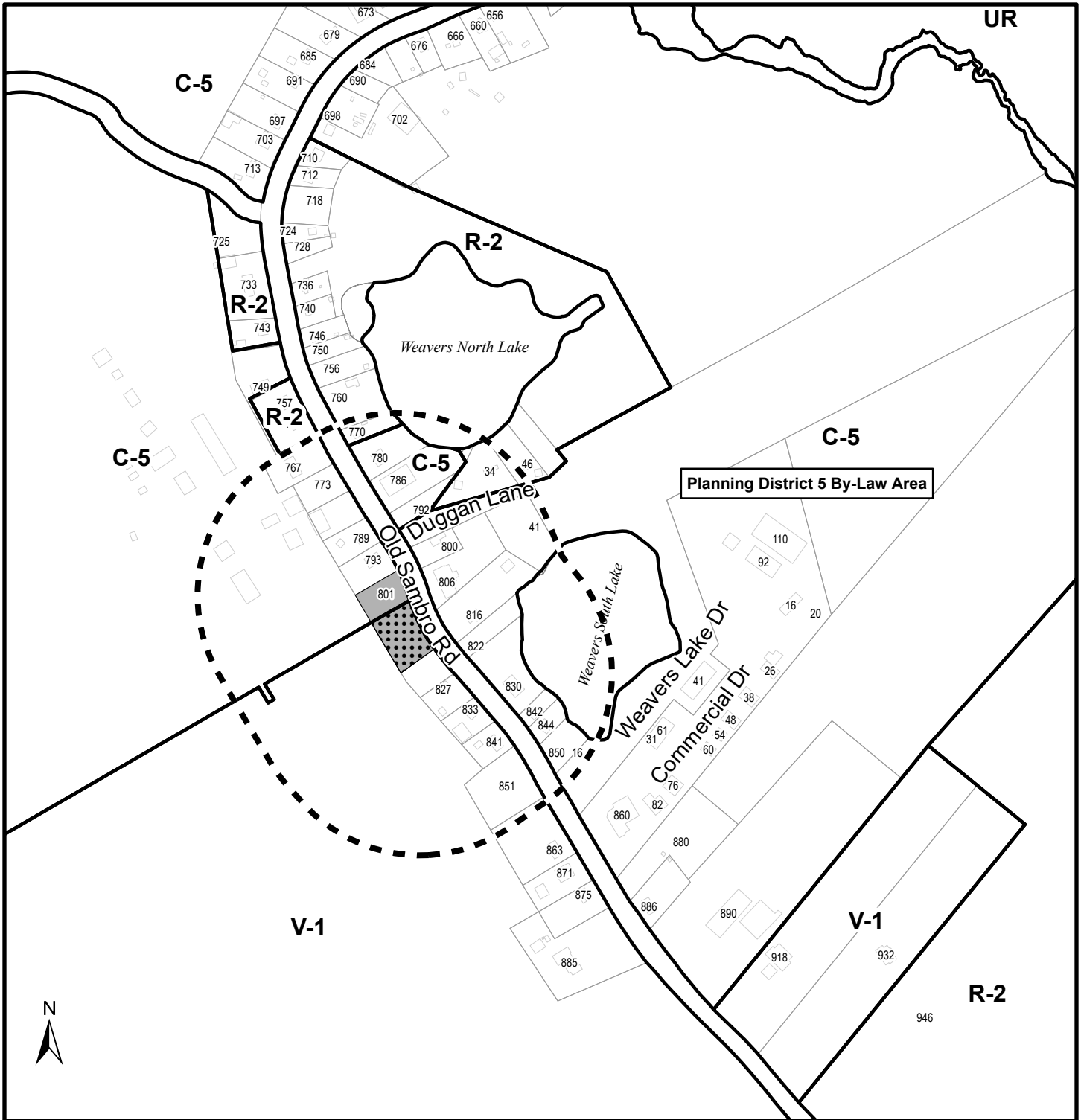
- RES Residential
- VC Village Centre
- IC Industrial Commercial
- CDD Comprehensive Development District



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.

Planning District 5
Plan Area






Planning District 5 By-Law Area

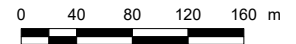
Map 2 - Zoning and Notification Area

801 Old Sambro Road,
Harrietsfield

HALIFAX

-  Subject Properties
-  Area to be rezoned from V-1 to C-5
-  Area of Notification

Zone	
R-2	Two Unit Dwelling
V-1	Harrietsfield Village Centre
C-5	Industrial Commercial Mix
UR	Urban Reserve



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.

Planning District 5
Land Use By-Law Area

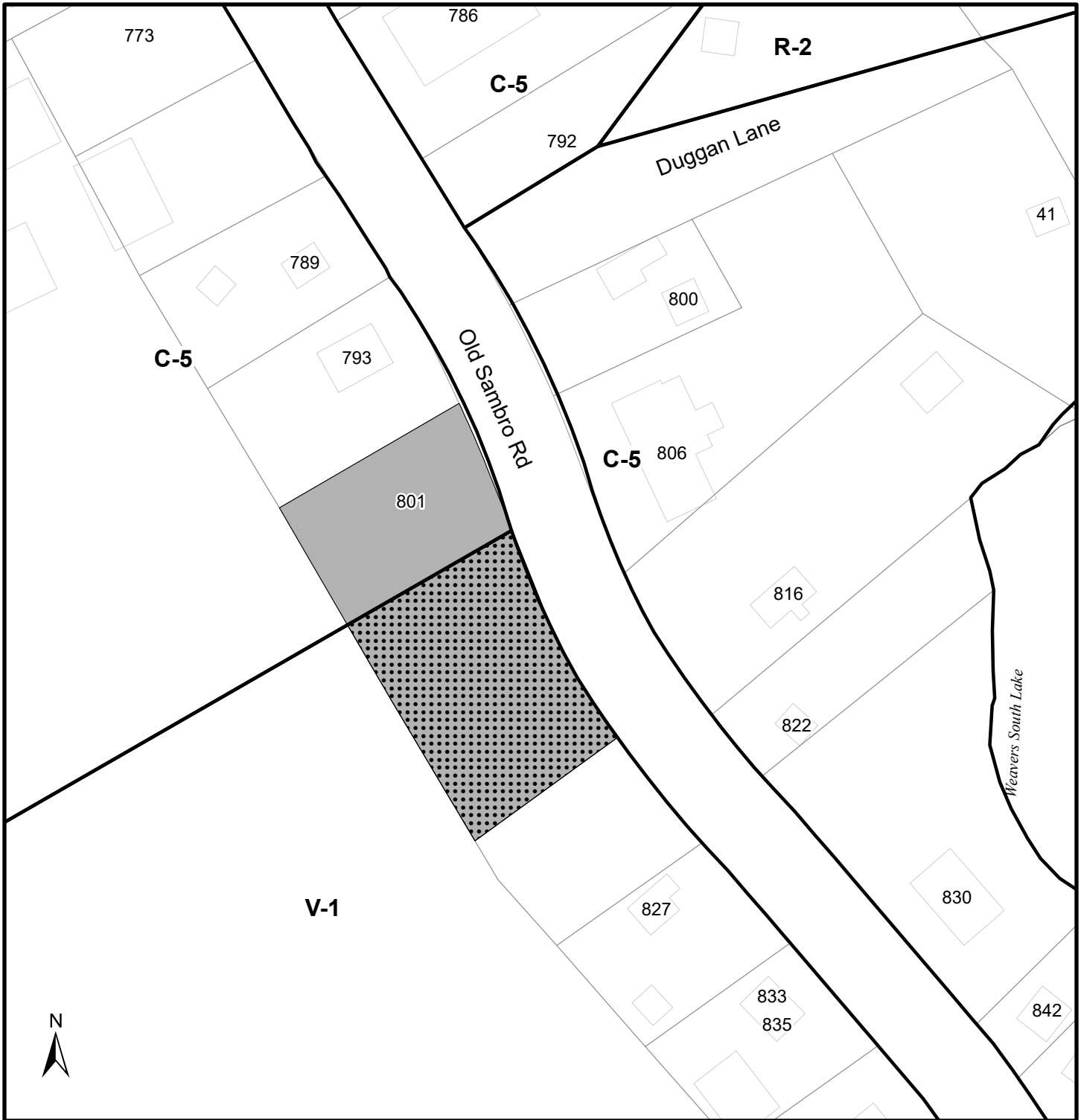
Attachment A:
Proposed Amendment to the Land Use By-law for Planning District 5

BE IT ENACTED by the Halifax and West Community Council of the Halifax Regional Municipality that the Land Use By-law for Planning District 5 is hereby further amended as follows:

1. Amend Schedule A, the Zoning Map, by rezoning a portion of the property identified as 801 Old Sambro Road (Lot 1516R) from the V-1 (Harrietsfield Village Centre) Zone to the C-5 (Industrial Commercial Mix) Zone, as shown on the attached Schedule A.



Iain MacLean Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax and West Community Council held on [DATE], 2022.

Iain MacLean,
Municipal Clerk



Schedule A
 801 Old Sambro Road,
 Harrietsfield

HALIFAX

-  Subject Properties
-  Area rezoned from V-1 to C-5

Zone	
R-2	Two Unit Dwelling
V-1	Harrietsfield Village Centre
C-5	Industrial Commercial Mix



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

Planning District 5
 Land Use By-Law Area

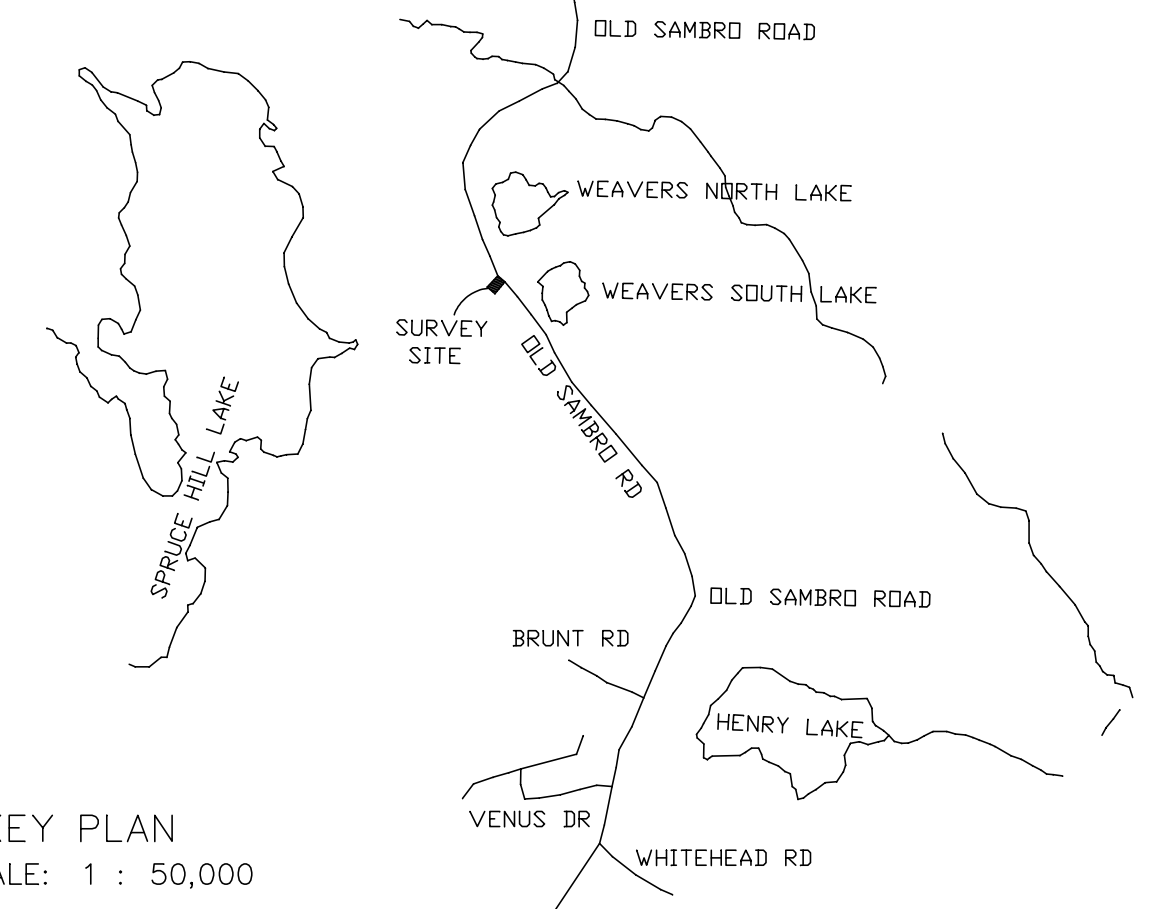
**Attachment B:
Review of Relevant MPS Policies**

Planning District 5 Municipal Planning Strategy

Policy	Comments
<p><i>IC-2 Within the Industrial-Commercial Designation, it shall be the intention of Council to establish a Industrial-Commercial Mix Zone which permits general industrial, commercial, community facility and accessory residential uses, as well as the existing salvage yard. Controls on loading and parking, signage, the screening of open storage and outdoor display will address concerns with improved site development and will address compatibility concerns with surrounding development. Separation requirements from adjacent zones, watercourses, and residential and community facility uses shall be established. In addition, special access requirements shall be established for service stations.</i></p>	<p>The subject property is located within the Industrial-Commercial Designation. Since the consolidation of Lots L-15R and L-16 to create Lot L-1516R (see Attachment C), the minimum lot area and frontage requirements of the Industrial-Commercial Mix (C-5) Zone continue to be satisfied.</p>
<p><i>IM-10 In considering development agreements and amendments to the Land Use By-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:</i></p>	<p><i>See below</i></p>
<p><i>(a) 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></p>	<p>Policy IC-2 enables rezoning to the C-5 Zone within the Industrial-Commercial designation.</p>
<p><i>(b) that the proposal is not premature or inappropriate by reason of:</i></p> <ul style="list-style-type: none"> <i>(i) the financial capability of the Municipality to absorb any costs relating to the development;</i> <i>(ii) the adequacy of on-site sewerage and water services;</i> <i>(iii) the adequacy or proximity of school, recreation or other Community facilities;</i> <i>(iv) the adequacy of road networks leading or adjacent to or within the development;</i> <i>(v) pedestrian safety; and</i> <i>(vi) the potential for damage to or for destruction of designated historic buildings and sites.</i> 	<p>The proposal is to enable an addition to the existing building at 801 Old Sambro Road to house vehicles that support the existing operation that are currently stored outside, as well as an accessory building to be used for warehousing and further auto body repair and detailing. Subsections (i), (iii) and (vi) of this policy are not applicable. The subject site is already serviced with on-site septic. Development Engineering did not identify any concerns with the traffic statement submitted.</p>
<p><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></p>	<p>The autobody shop and related uses at 801 Old Sambro Road are permitted uses under the C-5 Zone. The C-5 Zone has provisions to regulate</p>

<p>(i) type of use; (ii) height, bulk and lot coverage of any proposed building; (iii) traffic generation, access to and egress from the site, and parking; (iv) open storage; (v) signs; and (vi) any other relevant matter of planning concern.</p>	<p>the use and bulk of new buildings and additions to existing buildings and for open storage. Furthermore, the C-5 Zone includes requirements to minimize conflict with adjacent residential uses and environmental features in the plan area. The proposed addition and any new building would have to satisfy the requirements of the C-5 Zone if Council approves the request. The general provisions section of the LUB includes provisions for signage and parking. Although this request has been made by the applicant with a specific land use in mind, this rezoning would allow any use that is permitted in the C-5 zone, provided all other requirements of the LUB are satisfied.</p>
<p>(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 of flooding.</p>	<p>There is a brook that runs through the south western edge of the subject property. The brook is delineated on the final subdivision plan that was registered in June 2022 (Attachment C). The watercourse setbacks and buffers section of the LUB applies. Development activity is restricted within the watercourse buffer.</p>
<p>(f) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy p-79F", 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)</p>	<p>N/A</p>

Attachment C: Survey Plan



KEY PLAN
SCALE: 1 : 50,000

LEGEND:

LANDS DEALT WITH BY THIS SURVEY	△ N.S.C.M.
NOVA SCOTIA CO-ORDINATE MONUMENT	○ S.M.
SURVEY MARKER	○ U.P.
UNMONUMENTED POINT	● R.P.
ROCK POST	○ I.B.
IRON BAR	○ I.P.
IRON PIPE	□ W.P. □ W.S.
WOOD POST, WOOD STAKE	(P), (D)
FOUND, WITNESS, NOT TO SCALE	calc.
PLAN, DEED	(T/L) (T)
CALCULATED FROM FIELD MEASUREMENTS	B.C., E.C.
TIE LINE, TOTAL	P.C.C., P.R.C.
BEGINNING OF CURVE, END OF CURVE	R, L, C
POINT OF COMMON CURVATURE, POINT OF REVERSE CURVATURE	O.W.H.M.
RADIUS, ARC, CHORD	UP
ORDINARY HIGH WATER MARK	
UTILITY POLE	

PLAN REFERENCES:

1. PLAN OF SURVEY OF LOT L-15R PARCEL R(ROAD RESERVE) BEING A SUBDIVISION OF PARCEL RK(PORION OF) LANDS OF LEWIS FANCY TO BE ADDED TO LOT L-15(R&G KIDSTON SUBDIVISION) TO FORM LOT L-15R, LANDS OF 3272746 NOVA SCOTIA LIMITED, PREPARED BY ALLAN C MacCULLOUGH, DATED JANUARY 6, 2015.
2. PLAN SHOWING SUBDIVISION OF LANDS OWNED BY RICHARD G KIDSTON, PREPARED BY F C HUTCHINSON, DATED NOVEMBER 22, 1978.
3. PLAN OF LOTS No'S L-15 TO L-19, R&G KIDSTON SUBDIVISION, PREPARED BY O A CLARK PLS DATED FEBRUARY 6, 1961.

DEED REFERENCES:

1. LOT L-16
2013 DEED DOC # 103224458
3272746 NOVA SCOTIA LIMITED 2013.
PID 40071102
2. LOT L-17
2013 DEED DOC # 103224458
3272746 NOVA SCOTIA LIMITED 2013.
PID 40071110

GRID COORDINATE TABLE (IMPERIAL)					
STATION	NORTHING	EASTING	ELEVATION	DESCRIPTION	COORDINATE DATE
228324	16212203.75	83889573.96	249.17	NSCM	2016-09-26

NSCM 228324

GRID
11430.23'
S20°40'10.13"W
TO RADIUS
N47°45'38"E
455.36'

TO RADIUS
N68°09'44"E
455.36'

LOT L-14
HARRIETSFIELD AUTO
SERVICE LIMITED
PID 00388108

ACORN INVESTMENTS
LIMITED
LOT BF-A
PID 00388215

LEWIS FANCY
PARCEL RK
(PORTION OF)
PID 00388595

Original Signed
NOVA SCOTIA LAND SURVEYOR
T. GIOVANNETTI
598

CONSOLIDATION NOTE:

THE ONLY BOUNDARIES SHOWN ON THIS PLAN WHICH HAVE BEEN SURVEYED ARE THE BOUNDARIES OF LOT L-16 & LOT L-17
THE COMMON BOUNDARY BETWEEN THE EXISTING AREAS OF LAND IDENTIFIED BY LOT L-16 AND LOT L-15R WHICH IS SHOWN BY A HEAVY BROKEN LINE IS HEREBY CERTIFIED AS HAVING BEEN THE COMMON BOUNDARY
THE REMAINING BOUNDARIES OF RESULTING LOT L-1516R AS SHOWN ON THIS PLAN ARE A GRAPHICAL REPRESENTATION ONLY AND DO NOT REPRESENT THE ACCURATE SHAPE OR POSITION OF THE LOT BOUNDARIES OF WHICH ARE SUBJECT TO A FIELD SURVEY.

NOTES :

1. THE SURVEY WAS EXECUTED DURING THE PERIOD OF JULY 15, 2020 TO MAY 19, 2021.
2. THE TRAVERSE WAS NOT ADJUSTED AND NO SCALE FACTOR WAS APPLIED.

PLAN OF SURVEY OF

LOT L-1516R
LOT L-1516R BEING THE CONSOLIDATION OF
LOT L-15R(PID 40071094) & LOT L-16(PID 40071102)
AND RE-SURVEY OF
LOT L-17(PID 40071110)
LOT L-15R, LOT L-16 & LOT L-17
LANDS CONVEYED TO
3272746 NOVA SCOTIA LIMITED
OLD SAMBRO ROAD, HARRIETSFIELD
HALIFAX COUNTY, NOVA SCOTIA

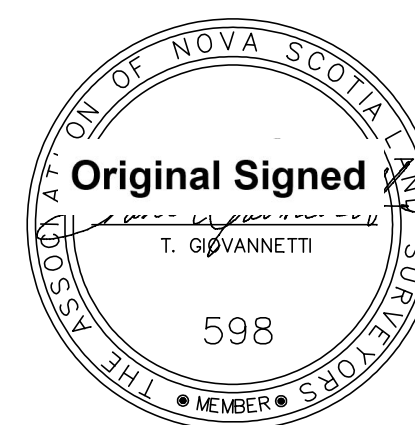
SURVEYORS CERTIFICATE

I, THOMAS F. GIOVANNETTI, NOVA SCOTIA LAND SURVEYOR, HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAN WAS CONDUCTED UNDER MY SUPERVISION AND THAT THE SURVEY AND PLAN WERE MADE IN ACCORDANCE WITH THE LAND SURVEYORS ACT, REGULATIONS AND STANDARDS MADE THEREUNDER.

DATED THIS 9TH DAY OF JUNE, 2021

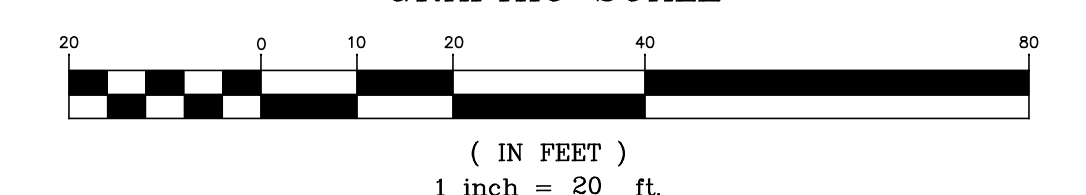
Original Signed

NOVA SCOTIA LAND SURVEYOR 598



CIVTECH ENGINEERING & SURVEYING LIMITED
P.O. Box 3237, D.E.P.S., DARTMOUTH
NOVA SCOTIA, B2W 5G2, 434-4600

GRAPHIC SCALE



No.	REVISION/REMARKS	DATE	SCALE:
1	ADDED BUILDING ADDITION, BUFFER AND NEW LOT L-1516R	FEBRUARY 16, 2022.	1" = 20'

DRAWN BY : A. STEVENS | CHECKED BY : T. GIOVANNETTI | 19151NAD

