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**Appeal Hearing
Site Plan Approval 23563**

Highway 7, Lake Echo, PID 40740276

Harbour East-Marine Drive Community Council

October 30, 2023

Proposed Development

Applicant: Kiann Management Ltd.

Location: Highway 7, Lake Echo, PID 40740276

Proposal: Construction and Demolition Materials Process Facility & Transfer Station.

Type of Application: Site Plan Approval

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Site Context



General Site location in Red



Site Boundaries in Red



Background

The Municipal Planning Strategy and Land Use By-law for Planning District 8 & 9 were amended in 2002 to provide greater detail on where and how Construction and Demolition facilities can operate.

- Policy P-46G, CD-2 (C&D Materials Processing Facility) Zone shall be established in the Land Use By-law and shall permit C&D operations and CD-1 uses, and shall establish controls on setbacks from adjacent uses, provide buffering and screening, landscaping measures, regulate access and outdoor storage to minimize impact on adjacent uses. These criteria are included within the CD-2 Zone and form part of the site plan approval.

Background

- On April 4, 2019, Harbour East-Marine Drive Community Council refused the proposed rezoning on lands located at 40740276 Highway 7 and based on staff recommendation in a report dated December 12, 2018, under Case 19800.
- The applicant appealed this decision to the Nova Scotia Utility and Review Board (the Board) for which the Board allowed the appeal and issued an order to HRM to re-zone the property to CD-2 on March 23, 2020.

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Zoning

Planning Districts 8 and 9 Land Use By-Law

Zone: C&D Materials Processing Facilities Zone (CD-2)

No development permit shall be issued in any CD-2 (C&D Recycling) Zone except for the following, pursuant to the Site Plan Approval process:

- Construction and Demolition Materials Processing Facilities
- All CD-1 Zone uses
- Uses Accessory to permitted uses, excluding construction and demolition disposal
- Accessory dwelling unit which are provided for the purpose of safety, security, or maintenance.

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Zoning

22B.6 General Requirements: Site Plan Approval

C&D Materials Operations are subject to approval of a site plan. The Development Officer shall approve a site plan for each use which deals with those matters outlined in Section 22A.5.

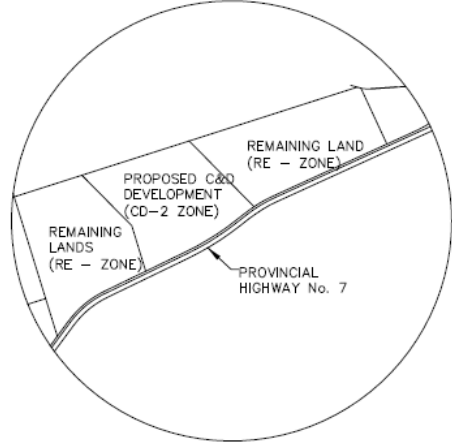
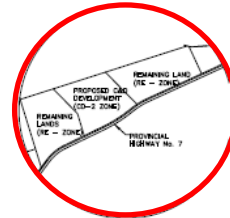
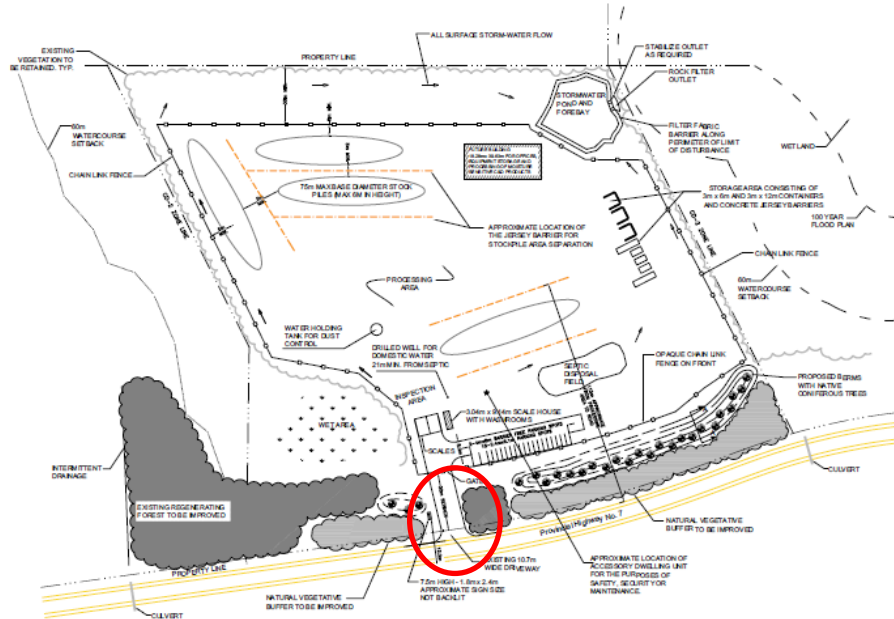
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Site Plan Approval Criteria

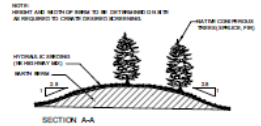
Section 22A.5: General Requirements: Site Plan Approval Criteria

Criteria		Review Comment
(a)	<i>Driveway access to the site shall be located in such a manner to minimize land use impacts on adjacent land uses;</i>	The driveway is located near the center of the larger property, approximately 330 metres away from abutting property to the West and 625 metres away from the abutting property to the East. The driveway is approximately 10.7 metres wide which is designed to accommodate large sized vehicles.
(b)	<i>Separation distances shall be provided from any structure on the site and abutting residential or community facility properties to ensure the development does not negatively impact upon surrounding properties;</i>	The CD-2 zone portion of the property sits in the approximate center of the larger 47.83 acre property as shown on inset of the site plan. One large building for offices and equipment storage is proposed and located near the rear of the property and a smaller scale house building is located well behind the entrance gates.

Approved Site Plan



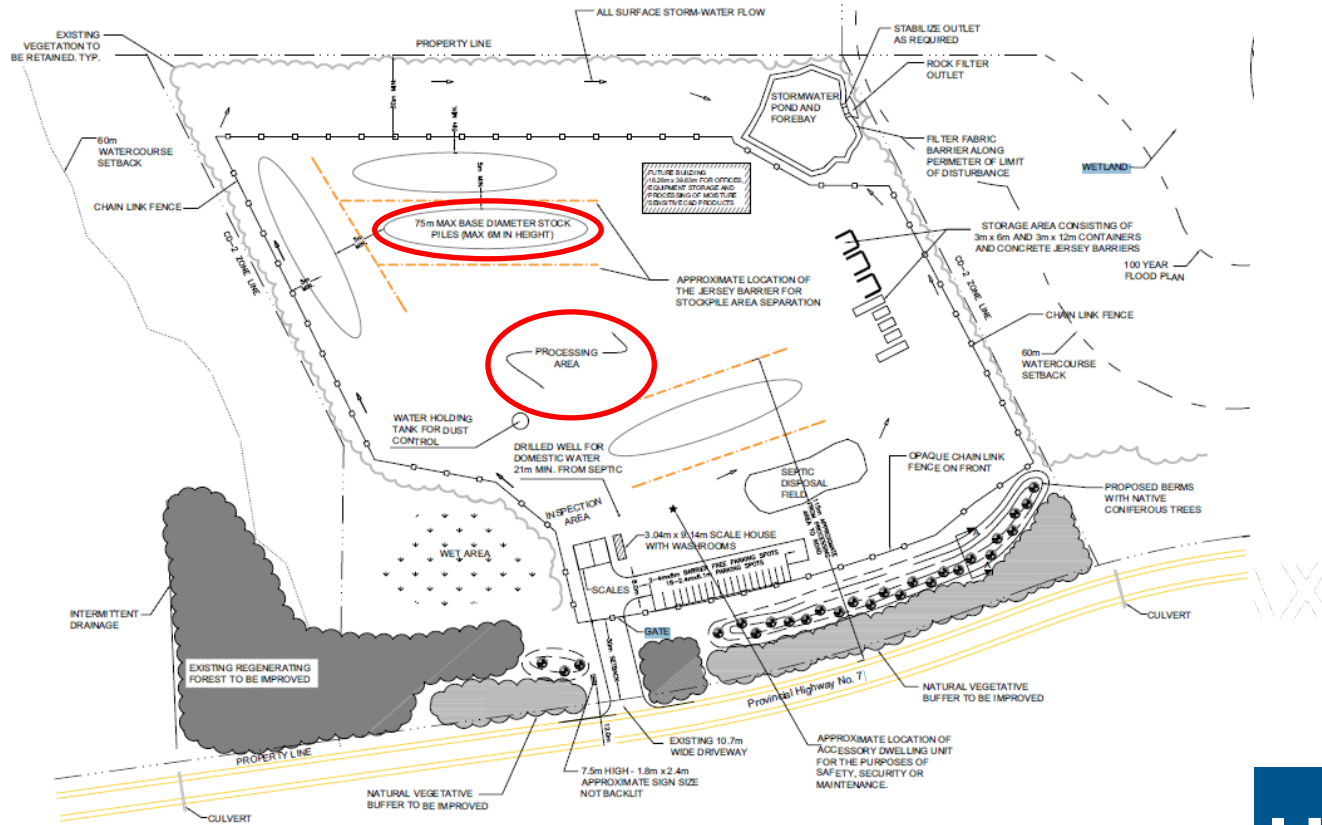
- NOTES:
1. TOTAL SIZE OF PROPERTY IS 10.6 ACRES ACROSS. THE 10-ZONED PORTION OF THE PROPERTY IS 8% OF THE TOTAL AREA (0.85 ACRES).
 2. ALL LOCATIONS SHOWN ARE APPROXIMATE. THE DRAWING IS DESIGNED FOR USE BY AN APPROVAL AUTHORITY ONLY.
 3. MARK DIMENSIONS TO NATURAL VEGETATIVE BUFFER AND VEGETATIVE BUFFER AS SHOWN TO THE LEFT.
 4. 3.1. REMOVE HAZARDOUS AND HEAVY LOADS FROM THE PROPERTY.
 5. 3.2. REMOVE ALL EXISTING TREES FOR THE PROJECT.
 6. 3.3. SELECT THE TURNING AND SHAPING OF EXISTING TREES AND UNDERPINNING BY TURNING AND SHAPING AND REGULATION.
 7. 4. IDENTIFY LOCATIONS AND APPROXIMATE THE 10-ZONED LOCATION MARKER SIZES BY THE NUMBER OF METERS. ALL IDENTIFIERS WILL MEET BY LAWS-200.



Site Plan Approval Criteria

Criteria	Review Comment
<p>(c) <i>All off-street loading and unloading areas, stockpiles, processing areas, and parking facilities shall be located on the site such that no aspect impacts upon adjacent uses or streets and screening can be in the form of fencing, berms, vegetation, or a combination of elements;</i></p>	<p>All off-street loading and unloading areas are located within the fenced enclosure shown on the site plan. The stockpiles are located inside of the loading and unloading internal driveway. The processing area is located inside of the stockpile and container storage areas. The processing area is a minimum of 60 meters from both the front and rear property lines and from the CD-2 side zone lines. The parking facilities are located 30 meters from the street. Screening of all these components is provided in the form of the preservation of 30 meters of existing vegetation on all sides, planting of new vegetation along the front, opaque fencing along the front, and berms in the front as shown on the site plan. There will be a delineation between the stockpiling area and processing area with jersey barriers.</p>

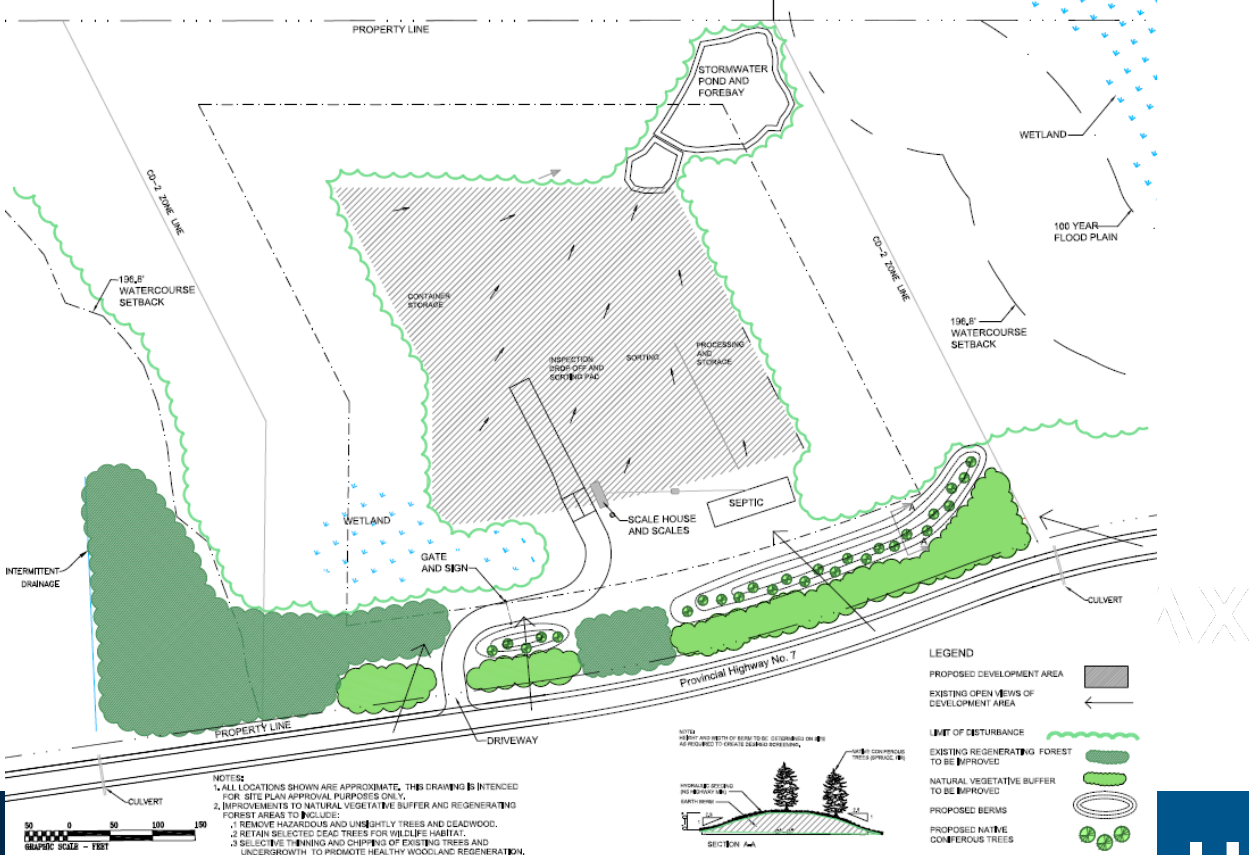
Approved Site Plan



Site Plan Approval Criteria

Criteria		Review Comment
(d)	<i>A landscaping plan shall be prepared that protects and minimize land use impacts on adjoining lands and the plan shall indicate the type, size, and location of all landscaping elements including the landscaping along the front of the property, to achieve the objective of the plan;</i>	The site plan incorporates the landscaping plan that was prepared by Gordon Ratcliffe Landscape Architects. The objective is to maintain and improve the existing vegetation on all sides of the operation and to provide berms with new plantings of coniferous trees along portions of the front of the site to provide screening from the street.
(e)	<i>Within any designated side and rear yards, existing vegetation shall be retained unless it does not provide for adequate screening measures;</i>	The proposal shows a 30 metre rear yard setback within which the natural vegetation provides adequate screening and shall be retained. Although the proposed operation is located within the center of the larger site, the proposal shows 30 metre side yard setbacks from the CD-2 zone line, therefore if the CD-2 zoned portion of the site is subdivided from the larger site in the future the setbacks requirements can be met. The existing vegetation within the 30 metre side yards of the CD-2 zone provides adequate screening and shall be retained.

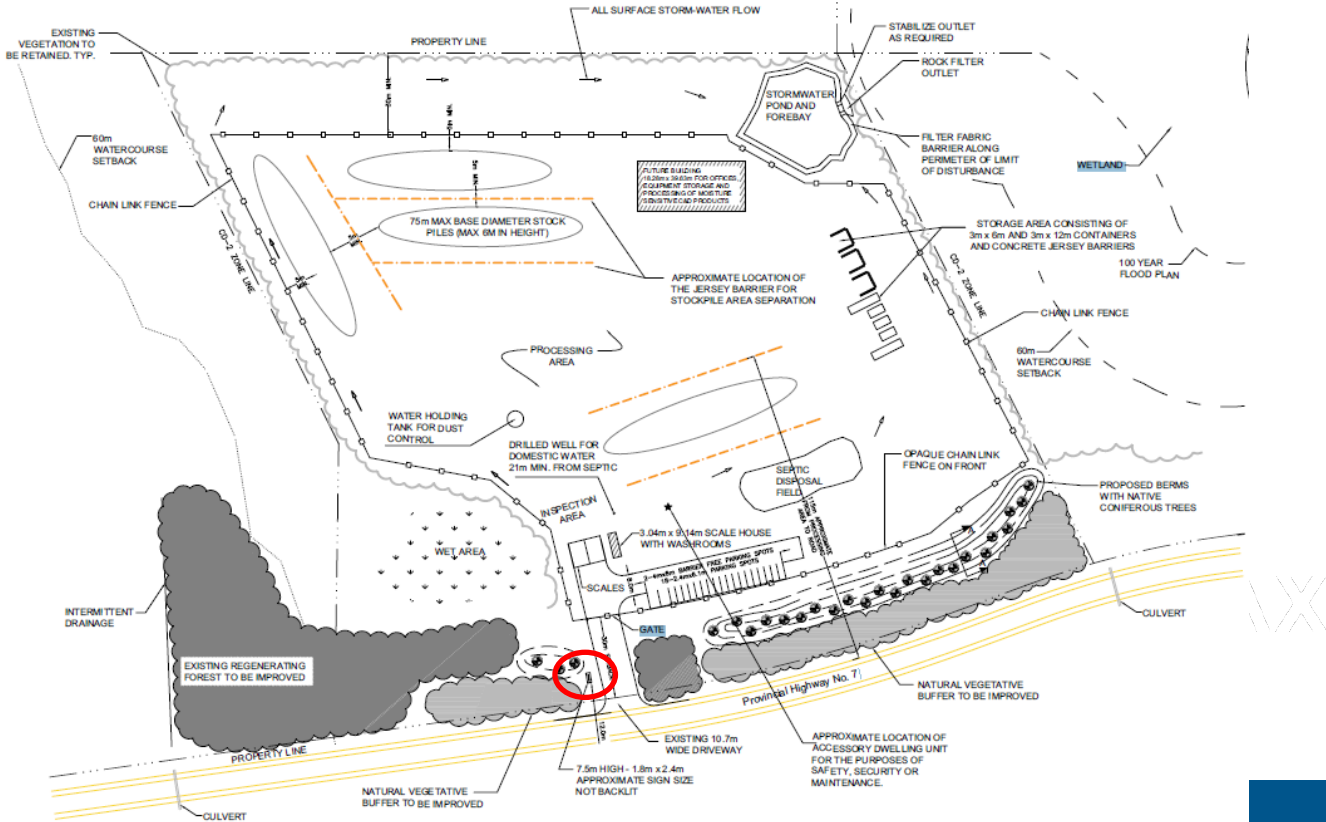
Approved Site Plan



Site Plan Approval Criteria

Criteria		Review Comment
(f)	<i>All outdoor lighting shall be oriented such that it is directed away from adjacent properties;</i>	All outdoor lighting shall be oriented towards the operation area and parking lot. No lighting will be directed toward the adjacent properties.
(g)	<i>All solid waste storage containers shall be screened from view from adjacent properties and streets;</i>	All solid waste containers are within the container storage area which will be fenced and screened by existing vegetation.
(h)	<i>Impact of the location, number and size of signs;</i>	One ground sign is proposed, which is shown on the site plan near the driveway. Currently it is proposed to be set back from the front property line by 12 meters and is proposed to be 7.5 metres in height with a sign face of 1.8 metres by 2.4 metres (4.3 square metres/46 square feet).

Approved Site Plan

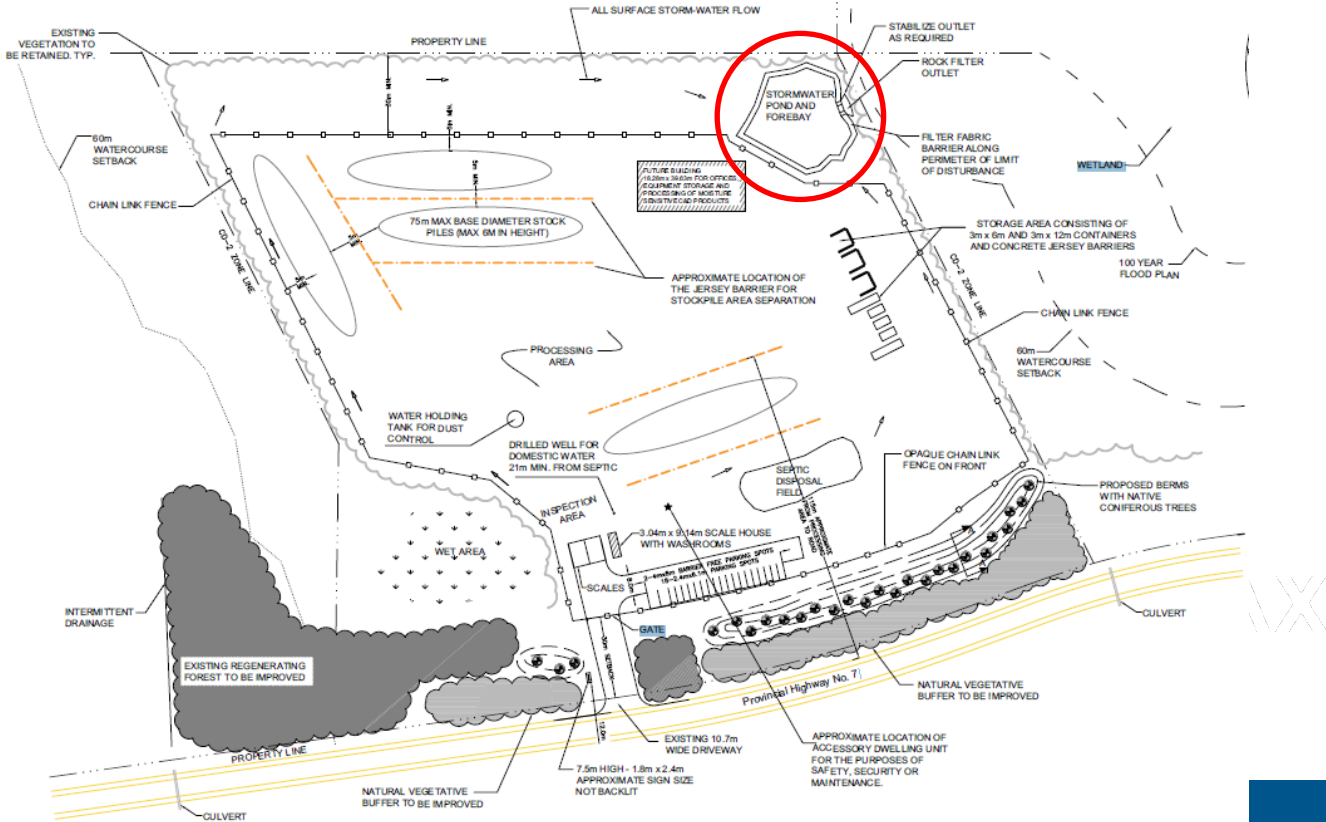


Site Plan Approval Criteria

Criteria		Review Comment
(i)	<i>measures, including but not limited to lot grading, berms, shall be required to adequately address the management of stormwater and surface water; and</i>	The proposed stormwater management is shown on the site plan. Details on the construction of the stormwater pond and surface water channeling will be provided during the review of the required Grade Alteration Permit as per Bylaw G-200.
(j)	<i>Provision are established to ensure the operation and any required site improvements are maintained to a high standard.</i>	The operation will employ staff that will include an operations manager. The operations budget includes provision of dust control, waste disposal, maintenance of machinery, and overall site organization.



Approved Site Plan



Development Officer's Assessment of the Site Plan Approval Request:

The Charter sets out the following criteria by which the Development Officer shall approve an application for site plan approval:

- “247 (1) A development officer shall approve an application for site plan approval unless*
- a) the matters subject to site-plan approval do not meet the criteria set out in the land-use by-law; or*
 - (b) the applicant fails to enter into an undertaking to carry out the terms of the site plan.”*

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To be approved, any proposed site plan approval must not conflict with any of the site plan approval requirements of the CD-2 Zone of the LUB.

Points of Appeal

Appeal Period  14 days

Notifications Mailed  7

Appeal Received  4

The Site Plan Approval was mailed out to property owners within 30 metres from the property boundary of the subject site.

The following points of appeal were received:

- Noise, air and water quality
- Impacts from lighting on adjacent properties
- Increased traffic
- Visual screening
- Property values

Staff Recommendation

In accordance with Administrative Order One, the following motion shall be placed on the floor:

That the appeal be allowed.

Community Council approval of the appeal will result in refusal of the site plan approval.

Community Council denial of the appeal will result in approval of the site plan approval.

Staff recommend that Harbour East- Marine Community Council deny the appeal.

October 30, 2023

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Thank You

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