

September 11<sup>th</sup>, 2020

Planning Applications  
Planning & Development  
Alderney Gate Office  
PO Box 1749  
Halifax, NS B3J 3A5

Attn: Shayne Vipond

RE: Proposal for Rezoning PID 40599243

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Brighter Community Planning & Consulting, on behalf of Slate Holdings Ltd, is applying for a rezoning of 1155 Lucasville Road (PID 40599243) from Mixed Use 1 (MU1) zone to I-1 (Mixed Industrial) zone. This rezoning request is required to permit the current bus yard operation.



Figure 1 - Site location map.

Note: Boundary of property is approximate.

## 1 Designation and Zone

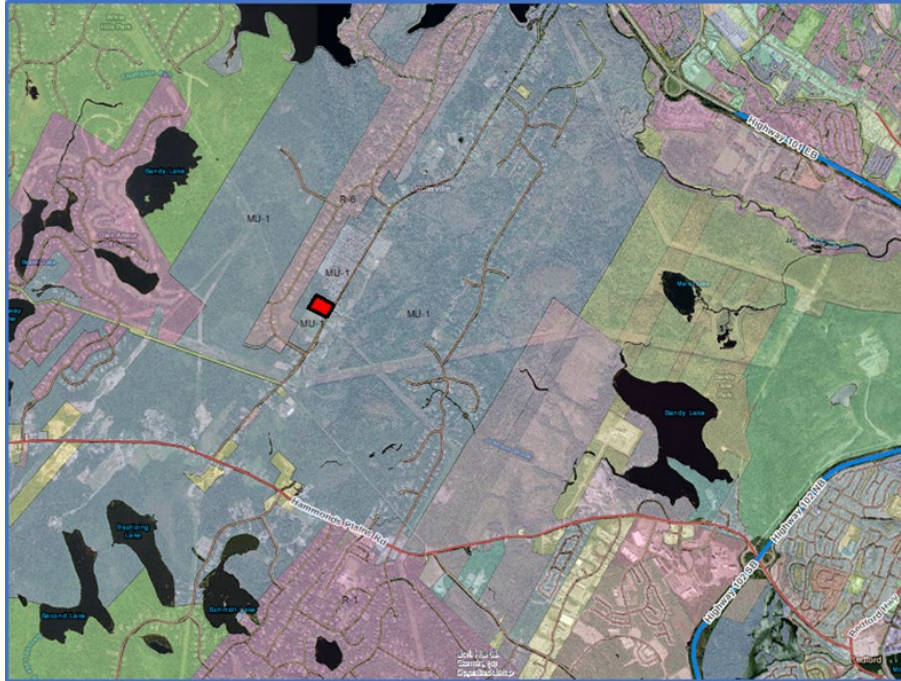
	Current	Proposed
<b>Regional Plan Designation</b>	Rural Commuter	Rural Commuter
<b>MPS Designation</b>	Mixed Use B	Mixed Use B
<b>Zone</b>	MU-1	I-1
<b>Transit Service Boundary</b>	Outside urban transit service boundary.	Outside urban transit service boundary.
<b>Lot size</b>	8.32 acres	8.32 acres
<b>Frontage - PID 41461799</b>	828 ft	828 feet
<b>Adjacent Uses</b>	Low density residential, mini-home community and a landscaping business	Low density residential, mini-home community and landscaping business

## 2 Background and Current Condition

The 8.32 acre property owned by Slate Holdings Limited is located along Lucasville Road. Slate Holdings Limited is owned by Blaine and Tracey Hefler, who also are part of the ownership structure of Timber Trail Homes Ltd, adjacent to 1155 Lucasville. Slate Holdings Limited purchased the property in 1999.

The property is partially treed, flat and appears (based on provincial mapping) to have no watercourses, wetlands or other known environmental features of note. The property has four storage buildings/outbuildings, along with a flat graveled area where buses are parked.

Since sometime in or before 2005, Stock Transportation has been using this property as a storage location for school buses. Typically, there are approximately 50-60 busses parked at this location, but the numbers vary. The buildings on site are used for storage. Slate Holdings stores maintenance equipment used to maintain the nearby mini-home community. The buildings are also used by the owners in a limited fashion for personal storage.



*Figure 2 - Context and surrounding zoning map*

Hefler is a well known name in the local area. The Hefler family, through various companies, is a large landowner in this area and wishes to continue their commitment to bringing investment and opportunity to the Lucasville area, and attracting new residents. Slate Holdings has indicated that some of the school bus drivers live in the Timber Trails mini-home community, and that is how the use began, as a casual bus parking area for the convenience of some community members. The Hefler family will continue to be active in the evolution of this community and act as a good neighbour as Lucasville moves forward.

Slate Holdings wishes to continue using the Subject Property as a bus yard. According to HRM, a bus yard is not a permitted use within the MU-1 zone and rezoning is required to allow for this use.

### 3 Policy Review

With any rezoning, the Municipal Planning Strategy is the primary document used to guide evaluation of any proposal. In this section, the relevant policies are examined, and information provided to assist HRM in its decision making.

### 3.1 The Regional Plan Policies

The Regional Plan designated the Subject Property as Rural Commuter, which encourages the protection of the character of rural communities by conserving open space and natural resources. The Regional Plan policies are not a significant factor in the evaluation of this rezoning request.

### 3.2 Beaverbank, Hammonds Plains and Upper Sackville MPS

The Subject Property is designated Mixed Use B (MU-B) in the Beaverbank, Hammonds Plains and Upper Sackville MPS and zoned Mixed Use 1 (MU-1) in the enabling bylaw. Our client is seeking a rezoning to Mixed Industrial (I-1) to accommodate the current use.

The MPS establishes three Mixed Use designations for different parts of the Plan Area, with Mixed Use B primarily covering Hammonds Plains, including the Lucasville Road area. The intention of these designations is to recognize a “traditional mix of low density, residential, home business and resource uses” and to permit a greater diversity of land uses. Of the three Mixed Use designations, the MU-B is a bit different as it acknowledges a wider range of use, as there are more manufacturing, commercial and resource related uses. This may be due to the proximity to highway and transportation links and the historical resource nature of the area. The Plan also states that the uses of this area often serve a regional market.

The Plan is explicit about the intention to allow for industrial uses in this area and states:

*“...given large areas of undeveloped land, the main rail line and limited access highways, and proximity to the metropolitan area, there are probably locations within these designations which can be developed for industrial uses in a manner which is compatible with residential and community facility uses. The types of industrial uses generally considered appropriate are non- obnoxious service and light industrial manufacturing operations as well as certain resource related industries.”<sup>1</sup>*

The main policies to guide any consideration of a rezoning from MU1 to I-1 are Policy P-28 and P-137. Policy P-28 establishes the specific criteria for any amendments to the land use bylaw and P-137 are the general criteria. The chart below reviews each policy:

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<sup>1</sup> Page 39 of the Beaverbank, Hammonds Plains and Upper Sackville MPS

<p><b>Policy P-28:</b> Notwithstanding the provisions of Policy P-8, it shall be the intention of Council to establish a I-1 (Mixed Industrial) Zone in the land use by-law which permits light industrial and service industries, resource uses, limited scale general commercial uses, and residential uses in association with industrial and resource related uses. The zone shall establish controls on site design details such as outdoor storage and display, parking and loading areas. Any obnoxious operation which produces wastes which cannot be treated by an on-site sewage disposal system, or involves hazardous materials, shall not be permitted within the zone. This zone shall be applied to existing industrial uses. In considering amendments to the schedules of the land use by-law to permit new industrial uses in the Mixed Use A and B Designations, Council shall have regard to the following:</p>	
(a) The potential for adversely affecting adjacent residential and community facility development by virtue of either the nature or scale of the proposed industrial operation	The Timber Trail mini-home park is located to the northwest. To the rear of the property is vacant land and Waterstone subdivision. To the south is vacant land. There is a large treed buffer between the Subject Property and Timber Trail. There also is a large treed area between the Subject Property and the closest homes in Waterstone. Land use impacts will be limited
(b) That the use is not obnoxious and does not create a nuisance for adjacent residential or community facility development by virtue of noise, dust or smell;	The bus yard has existed for over 15 years and the impact on adjacent parcels has been minimal in terms of noise, dust or smell. The use consists of buses being parked and left.
(c) The impact of the industrial use on traffic circulation and in particular sighting distances and entrance and exit to the site;	SSD exceeds TAC manual. See TIS by Griffin.
(d) That the use can be serviced with on-site sewage disposal system and does not involve the use of dangerous chemicals;	Any proposed use will not involve the use of regulated hazardous substances. No septic system is required at this time.
(e) That the industrial operation shall not require access through a R-1 (Single unit Dwelling) or R-2 (Two Unit Dwelling) Zone;	Access is from Lucasville Road and does not require access through any other zone.
(f) That no rezoning from an R-1 (Single Unit Dwelling) Zone or a R-6 (Rural Residential) Zone to a I-1 (Mixed Industrial) Zone shall be considered; and	The property is zoned MU-1 and no property zoned R-1 or R-6 will have its zoning impacted.
g) the provisions of Policy P-137	
<b>P-137</b> 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:	
(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;	The rezoning request is consistent with the intention of the MPS and other municipal regulations.
(b) that the proposal is not premature or inappropriate by reason of:	
(i) the financial capability of the Municipality to absorb any costs relating to the development;	No known impact
(ii) the adequacy of central or on-site sewerage and water services;	If on-site water and sewer is required, then the applicant will seek the necessary permits from NSE. The property is over 8 acres in size and it is



	anticipated that there will be no issues with siting and permitting on-site water and sewer.
(iii) the adequacy or proximity of schools, recreation or other community facilities;	N/A
(iv) the adequacy of road networks leading or adjacent to or within the development; and	TIS indicates that Lucasville Road as enough capacity for this use.
(v) the potential for damage to or for destruction of designated historic buildings and sites.	No heritage buildings impacted
(c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reasons of:	
(i) type of use	Bus parking area and other potential uses as permitted by the I-1 zone
(ii) height, bulk and lot coverage of any proposed building.	Regulated by the land use bylaw
(iii) traffic generation, access to and egress from the site, and parking;	As per TIS, no expected negative traffic operational impacts expected during peak times of a typical day.
(iv) open storage;	Regulated by the land use bylaw
(v) signs; and	Regulated by the land use bylaw
(vi) any other relevant matter of planning concern.	
(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.	The lot is flat, and according to provincial wetland and watercourse layers, has no water features on site. The property has a large graded parking pad, along with 4 outbuildings. No known significant environmental features exist.

### 3.3 Other Issues:

This section reviews policy issues that require additional discussion.

#### 3.3.1 Bus Depot Definition

Planning staff have indicated that the current use of the Subject Property as a parking area for school buses will be considered a bus depot. The Land Use Bylaw does not have a definition of a “bus depot”. We submit that the current use is more akin to a “bus yard” which could be defined as:

*“Bus yard” is a location where buses are stored; and where no more than 50% of the lot is covered by parking areas”.*

It also may be helpful to have a definition of a bus depot, to ensure the use does not become more intensive than appropriate for the mixed industrial zone. Bus depot may be defined as, *“a location where buses are housed, maintained, and dispatched for service. It also may include administrative spaces, lunchroom and bathroom facilities for staff, and accessory garage facilities.”*

By clarifying the scale and scope of the use, it will ensure consistency with the MPS intent to have smaller, less intensive uses within the zone. The “bus yard” definition will also limit any potential noise or odors.

### 3.3.2 Traffic

Attached is a Traffic Impact Statement prepared by Griffin transportation group inc. regarding the proposed rezoning. The main conclusions of the study are:

- Sight Stopping Distance (SSD) exceeds TAC’s minimum drive ssd requirements, assuming an 80 km/h operating speed.
- There is excess capacity on Lucasville Road
- No expected negative traffic operational impacts during peak times as a result of the rezoning.

The Municipal Planning Strategy identifies Lucasville Road, on Map 2, as a traffic hazard area, based on resident feedback when the Plan was developed in the late 1990s. Much development has occurred since then, such as the development of new streets and increases in public transit, so more the attached TIS is provided to determine the impact of the bus yard on the road network.

The bus yard has been operating since at least 2005 and we are unaware of any significant impacts on traffic. Given the age of Plan policy and the evolution of the traffic patterns in the area since the late 1990’s, the TIS provides the most up to date information on which we have based our zoning request.

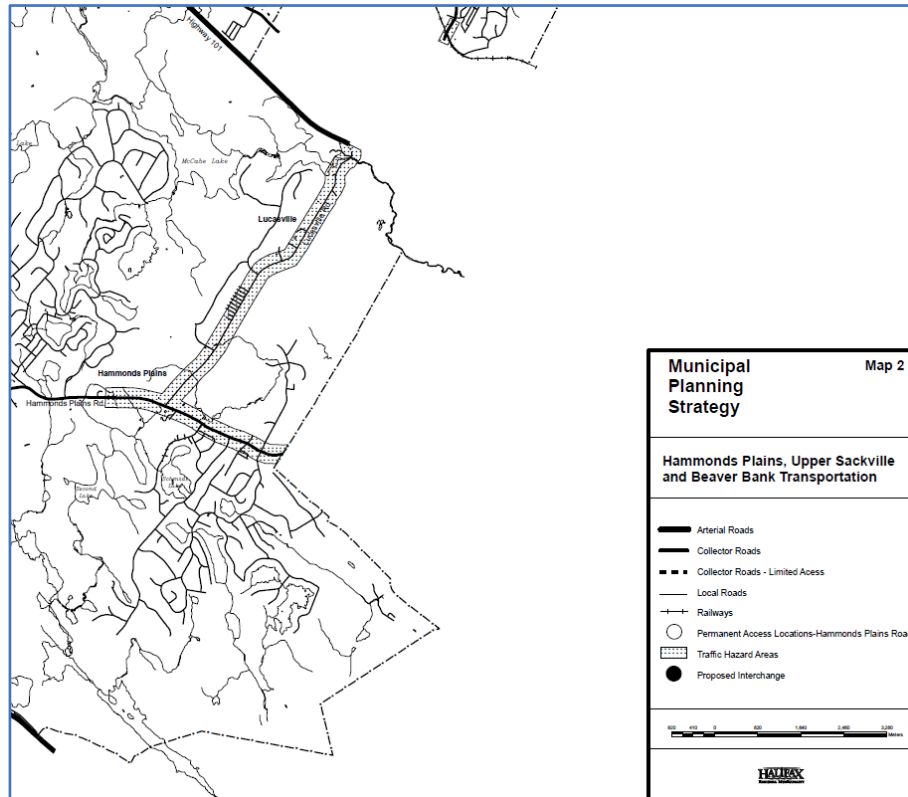


Figure 3- Portion of Map 2 from the MPS

### 3.3.3 Impact on Existing Residential Development

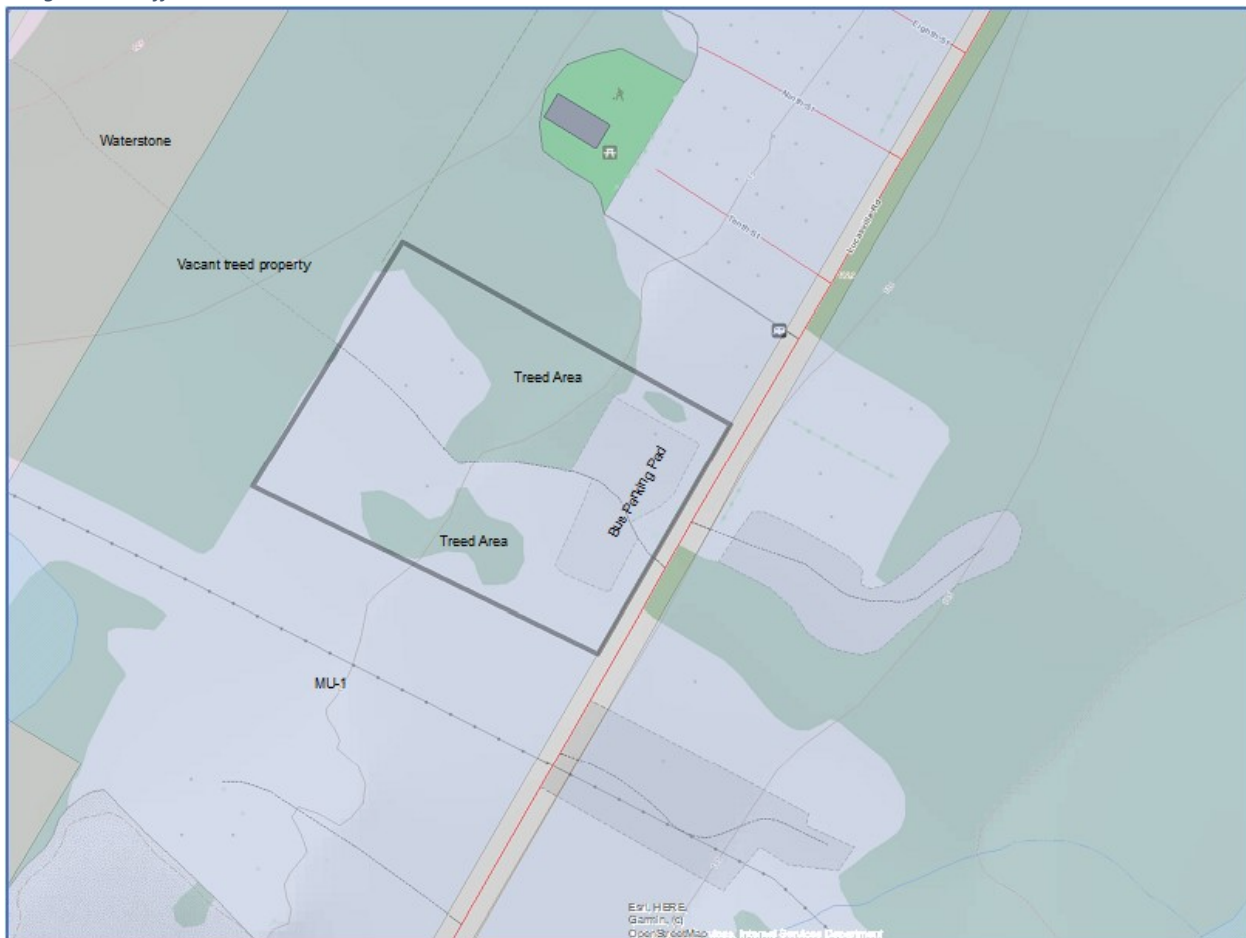
The Plan is clear in the intent to accommodate light industrial activities but not at the expense of the residential character of the area, and land use conflicts between the two must be mitigated. Finding the right site for light industrial uses within the built fabric is possible and anticipated.

The Subject Property is adjacent to a mini-home park and there are other low-density residential dwellings in the vicinity, many of which are buffered by the existing trees on the site. Waterstone Subdivision homes are not directly adjacent to the site, as there is a tree covered intervening property.



As shown on figure 4, the bus parking pad is located near the front of the property and is separated from adjacent development by a treed buffer. At this time, the applicant is not proposing any changes to the existing site, as shown on Figure 4.

Figure 4 – Buffers



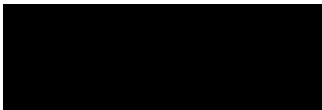
## 4 Summary

The proposed rezoning is enabled by the MPS and is consistent with Plan policies. In summary, the rezoning is warranted because:

- The Bus Yard has existed for over 15 years and appears to have limited impact on residential uses.
- Light industrial uses zones are contemplated in the Mixed Use B designation in recognition of the more diverse land use of the area.
- Concurrent with the rezoning, a definition of bus yard will further assure that the scale and size of the bus parking activity will be limited.
- No negative traffic operational impacts from the bus yard use.
- Bus yard activity will occur at non-peak traffic times and the driveway access/egress exceeds SSD requirements.
- The bus yard use will not create new odour, noise or light impacts.

If you have any questions, please contact me at [chrystal@brighterplanning.ca](mailto:chrystal@brighterplanning.ca) or by phone at 902-790-0664.

Sincerely,



Chrystal Fuller, LPP, MCIP  
Brighter Community Planning & Consulting