



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

Item No. 13.1.2
Halifax and West Community Council
April 9, 2019

TO: Chair and Members of Halifax and West Community Council

-Original Signed-

SUBMITTED BY:

Kelly Denty, Director of Planning and Development

-Original Signed-

Jacques Dubé, Chief Administrative Officer

DATE: January 8, 2019

SUBJECT: **Case 20160: Amendments to the Planning District 5 (Chebucto Peninsula) Municipal Planning Strategy and Land Use By-law for 90 Club Road and a portion of PID 40072530, Harrietsfield**

ORIGIN

- Application by Civtech Engineering, on behalf of James, Leo and Ann Hallal and Mike Faddoul
- August 15, 2017, Regional Council initiation of the MPS amendment process

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Halifax and West Community Council recommend that Regional Council:

1. Give First Reading to consider the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Planning District 5 (Chebucto Peninsula), as set out in Attachments A and B of this report, to enable the conversion of a former satellite receiving station to a commercial use at 90 Club Road, Harrietsfield and to permit residential uses on the remainder of the property and a portion of PID 40072530, Harrietsfield and schedule a public hearing; and
2. Adopt the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Planning District 5 (Chebucto Peninsula), as set out in Attachments A and B of this report.

BACKGROUND

Civtech Engineering, on behalf of James, Leo and Ann Hallal and Mike Faddoul, is applying to rezone 90 Club Road, Harrietsfield to allow the development of commercial and residential uses. The proposal cannot be considered under existing policies and, therefore, the applicant is seeking amendments to the Municipal Planning Strategy (MPS) for Planning District 5 (Chebucto Peninsula) to enable the proposal.

Subject Site	90 Club Road (PID 40072894) and a portion of PID 40072530, Harrietsfield
Location	Western end of Club Road and on the northern edge of Run Lake
Regional Plan Designation	Rural Commuter
Community Plan Designation (Map 1)	Residential under the MPS for Planning District 5 (Chebucto Peninsula)
Zoning (Map 2)	P-5 (Special Facility) under the Land Use By-law (LUB) for Planning District 5 (Chebucto Peninsula)
Size of Site	Cumulative area of approximately 5.51 hectares (13.6 acres)
Street Frontage	Cumulative frontage of approximately 442 meters (1,450 feet)
Current Land Use(s)	Former satellite receiving station
Surrounding Use(s)	North and West: undeveloped Provincial land zoned PA (Protected Area) and designated Conservation South: watercourse: Run Lake East: undeveloped privately-owned land

Proposal Details

The applicant proposes to rezone a portion of the subject site to allow A-Plus Garbage Removal Limited and James Hallal Signs and Displays Limited to locate within the existing building and develop the remaining lands as single unit dwellings.

The proposal requires two steps:

- (a) amend the MPS and Land Use By-law (LUB) to rezone a portion of the property where the existing building is located to the C-2 (General Business) Zone and allow the reuse of the existing 4,057 square foot building for commercial purposes; and,
- (b) rezone the remaining portion of the property to the R-2 (Two Unit Dwelling) Zone to enable the creation of four (4) residential lots.

Map 3 contains a preliminary subdivision plan showing the existing building and proposed four (4) residential lots at 90 Club Road.

MPS and LUB Context

The subject properties are situated within the Residential Designation which encourages low density residential development and the protection of existing low density residential neighbourhoods. There is policy support (RES-2) for the residential component of the proposal involving the rezoning of a portion of the subject properties to R-2. However, this designation does not generally support new commercial uses.

Policy CON-3 of the MPS establishes the Special Facility (P-5) Zone within the Conservation Designation. The P-5 Zone was intended for existing telecommunication and research facilities and to avoid conflict between these facilities and other forms of development. Although the subject property is designated Residential, it is zoned P-5. The P-5 Zone permits a limited range of uses, which does not allow for the reuse of the existing building at 90 Club Road. There is no enabling policy to consider additional commercial uses within the P-5 Zone. Therefore, an MPS amendment is necessary to enable the reuse of the former satellite receiving facility for commercial purposes.

Policy RES-2 allows consideration of rezoning lands within the Residential Designation to R-2. However, staff recommend including this part of the MPS amendment request to ensure the appropriate reuse of the former satellite station property is reviewed comprehensively. While there is no development proposal associated with PID 40072530, most of the property is zoned R-2 and a relatively small portion abutting 90 Club Road is zoned P-5. Staff advise that rezoning the P-5 zoned portion of PID 40072530 to the R-2 Zone under this process would ensure consistent land use regulation across the parcel.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy, the HRM Charter, and the Public Participation Program approved by Council on February 25, 1997. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area and a public information meeting held on January 18, 2018. Attachment C contains a copy of the minutes from the meeting. Two members of the public attended the meeting and the comments received include the following topics:

- concern regarding garbage being kept onsite;
- public access to the Crown Land to the west and Run Lake; and
- the maintenance of Club Road.

The matter of public access to the adjacent Crown Land and Run Lake is an item that would be evaluated through the as-of-right subdivision process should the request be approved by Council.

A public hearing must be held by Regional Council before they can consider approval of the proposed MPS and LUB amendments. Should Regional 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 proposal will potentially impact local residents, property owners, community or neighbourhood organizations, business owners, other HRM business units, and other levels of government.

DISCUSSION

The MPS is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in the Municipality. Amendments to an MPS are significant undertakings and Council is under no obligation to consider such requests. In this case, staff advise that rezoning the subject properties to permit commercial uses where the existing building is location and residential use on the remaining portion of the site would allow the appropriate reuse of the former satellite receiving station. The following paragraphs review the rationale and content of the proposed MPS and LUB amendments.

Existing Commercial Building and Zoning

The current owners of 90 Club Road purchased the subject property, including a vacant commercial building, from Telesat Canada in 2014. Based on property assessment and permit records, the original building was constructed in 1990, prior to the adoption of the MPS and LUB for Planning District 5 (February 9, 1995) and was occupied by the Teleglobe satellite service provider. Assigning the P-5 Zone to the property was appropriate at the time the LUB was adopted because the telecommunication facility was existing. However, the use-specific requirements in the P-5 Zone limit options for reuse of the property.

While the Residential Designation does not generally support new commercial uses, it does recognise businesses that existed prior to 1995. The Teleglobe business was not specifically recognised in the existing business clauses in Appendix "B" or "C" in the LUB and was not recognised as an existing commercial business within the Residential Designation because it was permitted in the P-5 Zone.

However, given there is an existing commercially designed building on the property and the MPS and LUB generally recognise existing commercial uses, staff advise there is merit to consider other commercial uses at this property to allow the appropriate reuse of the existing building.

Land Use Compatibility

The former Teleglobe station is located at the end of Club Road. There is no other existing development along Club Road. The subject property is surrounded by undeveloped forested Crown lands and a privately owned 80-acre estate (PID 40072530) that screen the existing building from adjacent uses. The former Telesat building and surrounding cleared area at 90 Club Road are wholly enclosed within a fence. Staff advise that the proposed commercial conversion of 90 Club Road would have very limited impact on adjacent uses.

Existing development, comprising low density residential uses, a mobile home park, industrial, institutional and recreational uses is concentrated to the north east of the subject properties. There is a school located within existing neighbourhoods along the Old Sambro Road. The nearest residential building is approximately 1 kilometre from the former satellite station. Staff note conversion to another type of Special Facility or Conservation use permitted under the P-5 Zone is unlikely.

Rezoning the remaining portion of 90 Club Road to enable a 4-lot residential subdivision is supported within the Residential Designation. Given there are large tracts of land immediately east of this property zoned R-2, staff advise that residential zoning is more compatible with the surrounding areas. Furthermore, given the majority of PID 40072530 is already zoned R-2 and the entire lot is designated for residential uses, staff advise that rezoning the portion of the property from P-5 to R-2 would have minimal impact to the area.

Compliance with Proposed Zone Requirements

Gross floor area of any commercial use under the C-2 Zone is limited to 465 square metres (5,000 square feet). The C-2 Zone also includes building height and setback requirements, which ensure the scale of the commercial use is appropriate in the rural context and in relation to surrounding uses. Parking is required on-site and shall be paved or of a stable surface to mitigate impacts caused by dust and loose particles. The existing building and proposed Concept Plan (Map 3) meet the requirements of the proposed C-2 Zone.

Proposed Lots 1-3 and Remainder Lot R-B shown on the Concept Plan (Map 3) meet the requirements of the R-2 Zone for lot frontage and area. If Council chooses to approve the proposed MPS and LUB amendments, and a formal application is submitted to create these lots, the plan of subdivision would be circulated to NS Department of Environment to ensure the lots are capable of being serviced by on-site wells and septic systems.

The subject properties overlap an area of elevated archaeological potential. A development permit may be issued within an area of elevated archaeological potential. However, if excavation is required for a development within this area, the permit application may be referred to the Province to ensure preservation of any archaeological resources.

Proposed Amendments

Staff considered the existing MPS policy context and a number of policy approaches when drafting the proposed MPS and LUB amendments. Attachments A and B contain the proposed MPS and LUB amendments. A summary of the proposed amendments is as follows:

- adding site-specific policy under the Residential Designation to enable commercial uses at a portion of 90 Club Road and low density residential uses on the remaining portion of the property, including a portion of PID 40072530;
- rezoning a portion of 90 Club Road (PID 40072894) to the C-2 Zone to permit general commercial uses at the site;
- rezoning the remaining portion of 90 Club Road (PID 40072894) to the R-2 Zone to permit a residential subdivision of four (4) lots; and

- rezoning a portion of PID 40072530 from P-5 to R-2 to apply consistent zoning across the property.

Conclusion

Staff have reviewed the application and the existing policy context and advise that the MPS should be amended to allow the appropriate reuse of the former Teleglobe satellite receiving station at 90 Club Road, Harrietsfield. The existing building on the property is currently vacant and the existing Special Facility zoning limits the reuse of the building. Furthermore, rezoning the remaining portion of the property for residential use is more consistent with the intent of the Residential Designation and allows for coherent zoning in the area.

Staff recommend that the Halifax and West Community Council recommend that Regional Council approve the proposed MPS and LUB amendments for the Municipal Planning Strategy for Planning District 5 (Chebucto Peninsula).

FINANCIAL IMPLICATIONS

The HRM costs associated with the processing of this planning application can be accommodated within the approved 2018-2019 operating C310 Urban and Rural Planning Applications.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application involves proposed MPS amendments. Such amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No additional concerns were identified beyond those that may have been raised in this report.

ALTERNATIVES

The Halifax and West Community Council may choose to recommend that Regional Council:

1. Modify the proposed amendments to the MPS and LUB for Planning District 5 (Chebucto Peninsula), as set out in Attachments A and B of this report. If this alternative is chosen, specific direction regarding the requested modifications is required. Substantive amendments may require another public hearing to be held before approval is granted. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Refuse the proposed amendments to the MPS and LUB for Planning District 5 (Chebucto Peninsula). A decision of Council to approve or refuse the proposed amendments is not 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
Map 3:	Concept Plan
Attachment A:	Proposed Amendments to the MPS for Planning District 5
Attachment B:	Proposed Amendments to the LUB for Planning District 5
Attachment C:	Summary of Public Information Meeting Minutes

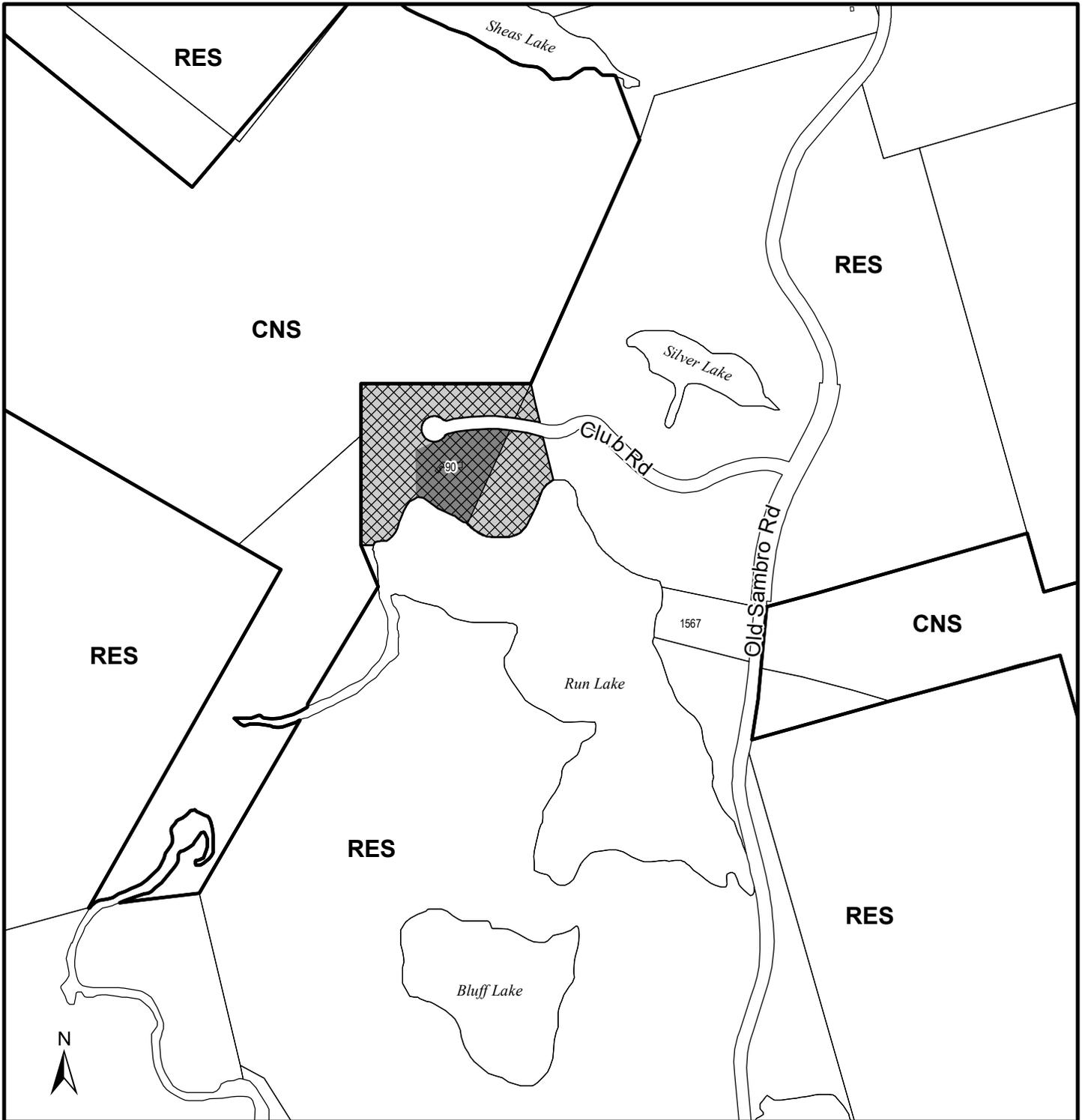
A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Stephanie Salloum, Planner III, Current Planning, 902.490.4223

-Original Signed-

Report Approved by:

Steve Higgins, Manager of Current Planning, 902.490.4382



Map 1 - Generalized Future Land Use

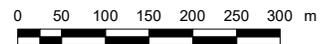
90 Club Road, Harrietsfield

HALIFAX

-  Subject Area
-  Portion to be Rezoned from P-5 to C-2 (General Business)
-  Portion to be Rezoned from P-5 to R-2 (Two Unit Dwelling)

Designation

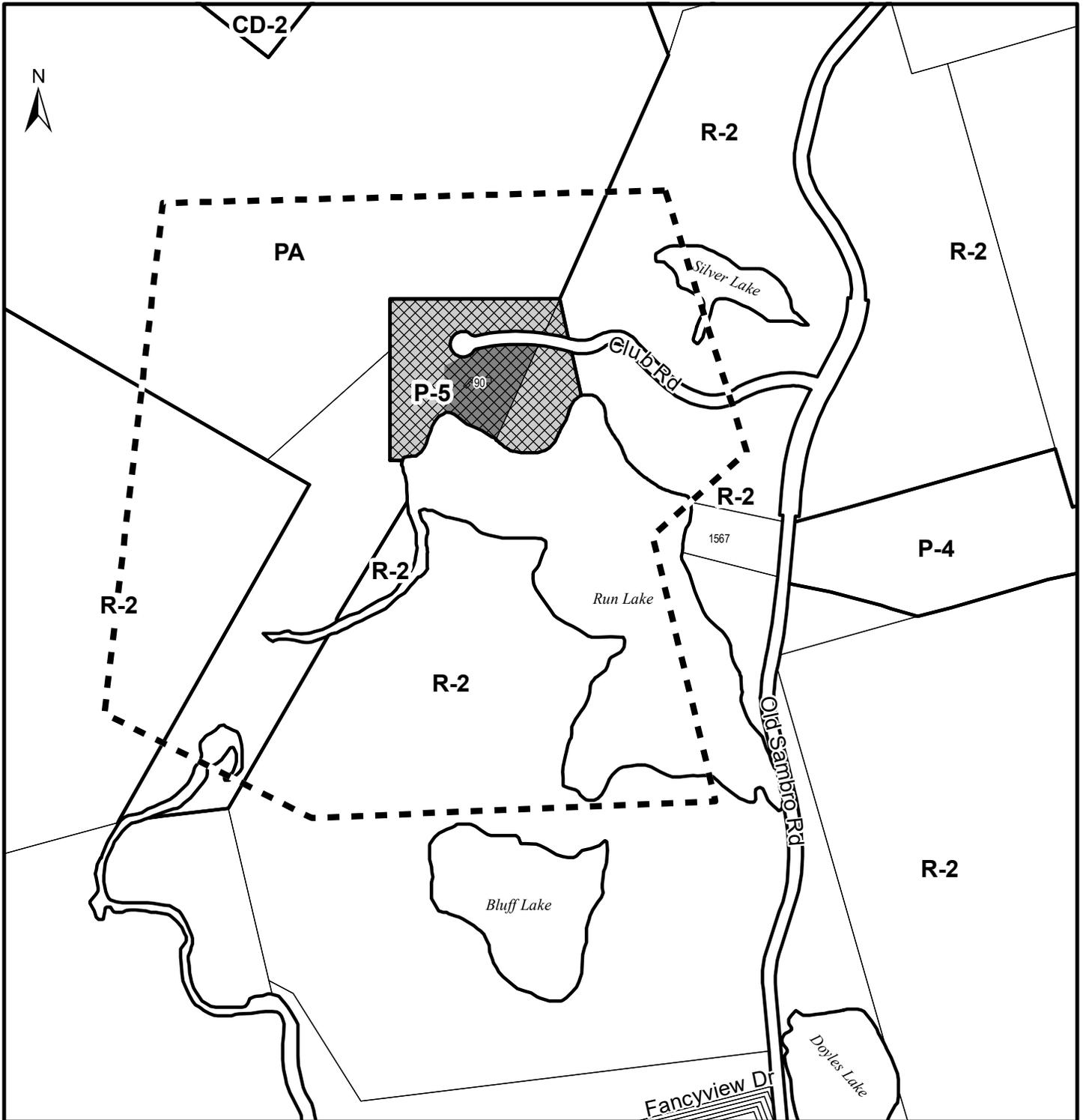
RES Residential
 CNS Conservation



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
 (Chebucto Peninsula) Plan Area



Map 2 - Zoning and Notification

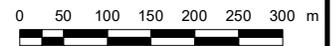
90 Club Road, Harrietsfield

HALIFAX

-  Subject Area
-  Portion to be Rezoned from P-5 to C-2 (General Business)
-  Portion to be Rezoned from P-5 to R-2 (Two Unit Dwelling)
-  Area of Notification

Zones

- R-2 Two Unit Dwelling
- P-4 Conservation
- P-5 Special Facility
- PA Protected Area
- CD-2 C&D Materials Processing Facilities



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.

PLAN REFERENCE:
 1. PLAN SHOWING RIGHT-OF-WAY EASEMENT PARCEL A, PARCELS B&C (LANDS CONVEYED TO N.S. DEPT. OF TRANSPORTATION) LANDS OF TELESAT CANADA, DATED JUNE 23rd 1992. PREPARED BY CIVTECH ENGINEERING & SURVEYING LIMITED

DEED REFERENCE:
 1. LOT B (PORTION OF) LANDS CONVEYED TO 3282159 NOVA SCOTIA LIMITED RECORDED IN A 2014 DEED AS DOCUMENT # 105530613 AT THE HALIFAX COUNTY REGISTRY OF DEEDS PID 40072894

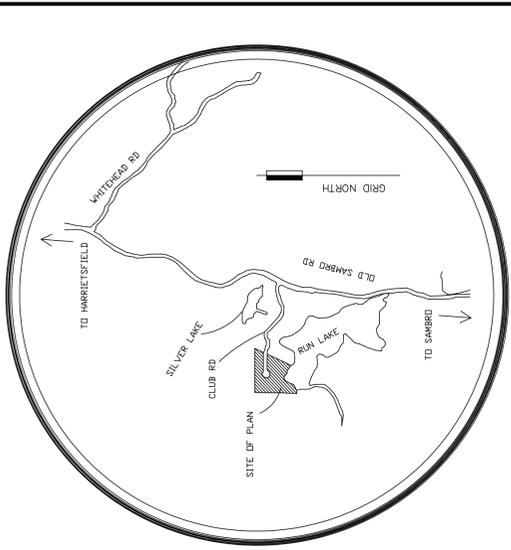
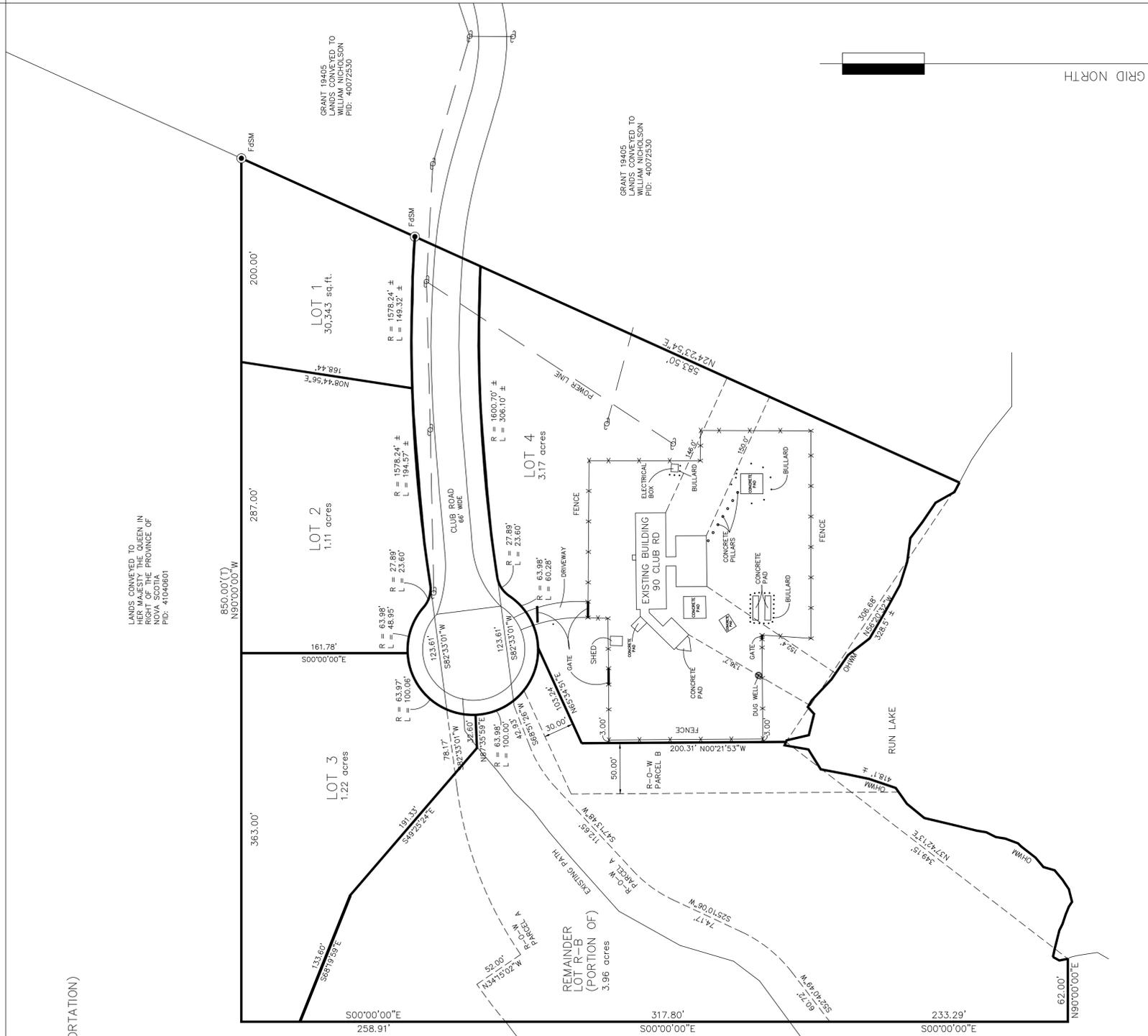
LANDS CONVEYED TO HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF NOVA SCOTIA BY THE DEPARTMENT OF NATURAL RESOURCES PID: 41040601

LANDS CONVEYED TO HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF NOVA SCOTIA BY THE DEPARTMENT OF NATURAL RESOURCES PID: 41022992

LANDS CONVEYED TO HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF NOVA SCOTIA PID: 41040601

GRANT 16406 LANDS CONVEYED TO WILLIAM NICHOLSON PID: 40072530

GRANT 16406 LANDS CONVEYED TO WILLIAM NICHOLSON PID: 40072530



KEY PLAN
 SCALE: NTS

LEGEND:

- LANDS DEALT WITH BY THIS SURVEY
- NOVA SCOTIA CO-ORDINATE MONUMENT
- SURVEY MARKER
- UNMONUMENTED POINT
- ROCK POST
- IRON BAR
- IRON PIPE
- WOOD POST, WOOD STAKE
- FOUND, WITNESS, NOT TO SCALE
- PLAN, DEED
- CALCULATED FROM FIELD MEASUREMENTS
- THE LINE, TOTAL
- BEGINNING OF CURVE, END OF CURVE
- POINT OF COMMON CURVATURE, POINT OF REVERSE CURVATURE
- RADIUS, ARC, CHORD
- ORDINARY HIGH WATER MARK
- POWER POLE

NOTES:
 1. LOTS 1-3 AND REMAINDER LOT R-B (PORTION OF) TO APPLY FOR RE-ZONING TO RESIDENTIAL R1/R2 UPON APPROVAL OF THE SUBDIVISION APPLICATION, LOT 4 TO OPEN A DEVELOPMENT AGREEMENT.

PRELIMINARY PLAN SHOWING PROPOSED LOTS 1-4 INCLUSIVE AND REMAINDER LOT R-B (PORTION OF)

LANDS CONVEYED TO 3282159 NOVA SCOTIA LIMITED CLUB ROAD, HARRIETSFIELD HALIFAX COUNTY, NOVA SCOTIA



DATE: AUGUST 4, 2015
CIVTECH ENGINEERING & SURVEYING LIMITED
 P.O. Box 3237, D.E.P.S., DARTMOUTH
 NOVA SCOTIA, B2W 5G2, 434-4600

No.	REVISION/REMARKS	DATE	SCALE:
1			1" = 60'

DRAWN BY: [REDACTED] 14159

ATTACHMENT A:
Proposed Amendment to the Municipal Planning Strategy for Planning District 5

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Planning District 5 (Chebucto Peninsula) is hereby further amended as follows:

1. The following text shall be added immediately after Policy RES-9 and before the pre-amble for Policy RES-10 as shown in bold below:

90 Club Road (PID 40072894) and a portion of PID 40072530 in Harrietsfield, described as the former Teleglobe Canada satellite receiving station, no longer makes use of electromagnetic signals. Within the Residential Designation, it is not the intention to permit new general commercial uses in the future. However, in recognition of the former use and that there is an existing commercial building on the site, it is appropriate to consider the adaptive reuse of the site.

RES-9A Notwithstanding Policy RES-1, it shall be the intention of Council to consider amendments to the Land Use By-law to allow the adaptive reuse of the former Teleglobe Canada satellite receiving station in Harrietsfield by applying the General Commercial Zone on approximately 3.2 acres of 90 Club Road (PID 40072894), where the former station was located, and applying the Two Unit Dwelling Zone to the remaining portion of 90 Club Road (PID 40072894) and PID 40072530, in accordance with Policy RES-2.

2. The following text shall be added to Policy IM-8 within Section IV entitled Implementation, immediately after Subsection (a)(iv) and immediately before Subsection (b) as shown in bold below:

(a) Within the Residential Designation:

(v) general commercial uses at 90 Club Road, Harrietsfield, according to Policy RES-9A.

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held on [DATE], 2019.

Kevin Arjoon

Municipal Clerk

ATTACHMENT B:
Proposed Amendment to the Land Use By-law for Planning District 5

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Planning District 5 (Chebucto Peninsula) is hereby amended as follows:

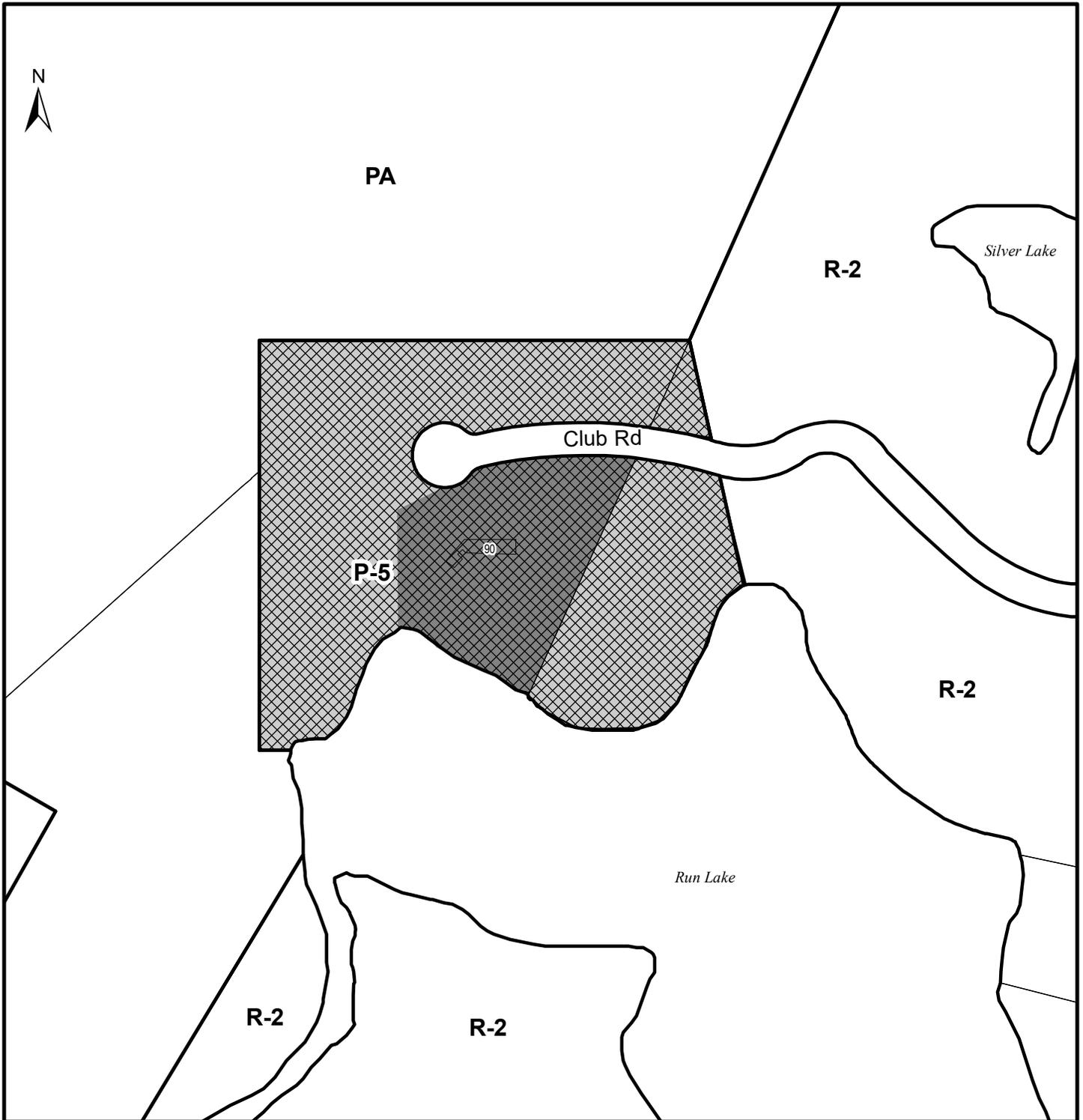
1. Schedule A – Zoning shall be amended by rezoning a portion of 90 Club Road, Harrietsfield (PID# 40072894) currently zoned P-5 (Special Facility) to the C-2 (General Business) Zone, as shown on Schedule A attached hereto.

2. Schedule A – Zoning shall be further amended by rezoning a portion of 90 Club Road (PID# 40072894) and a portion of PID# 40072530, Harrietsfield currently zoned P-5 (Special Facility) to the R-2 (Two Unit Dwelling) Zone, as shown on Schedule A attached hereto.

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held on [DATE], 2019.

Kevin Arjoon

Municipal Clerk



Schedule A

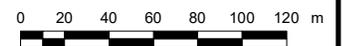
90 Club Road, Harrietsfield

HALIFAX

-  Subject Area
-  Portion to be Rezoned from P-5 to C-2 (General Business)
-  Portion to be Rezoned from P-5 to R-2 (Two Unit Dwelling)

Zones

- R-2 Two Unit Dwelling
- P-5 Special Facility
- PA Protected Area



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.

ATTACHMENT C:
Summary of Public Information Meeting

HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case 20160

The following does not represent a verbatim record of the proceedings of this meeting.

Thursday, January 18, 2018
7:00 p.m.
Harrietsfield Elementary School (Gym)

STAFF IN

ATTENDANCE: Jacqueline Belisle, Planner II, HRM Planning and Development
Alden Thurston, Planning Technician, HRM Planning and Development
Cara McFarlane, Planning Controller, HRM Planning and Development

ALSO IN

ATTENDANCE: Councillor Steve Adams, District 11
Alan Stevens, Civtech Engineering
James Hallal, Applicant
Leo Hallal, Applicant
Ann Hallal, Applicant
Mike Faddoul, Applicant

PUBLIC IN

ATTENDANCE: 2

The meeting commenced at approximately 7:00 p.m.

1. Call to order, purpose of meeting – Jacqueline Belisle

Ms. Belisle is the Planner and Facilitator for the application and introduced the area Councillor, the applicant and staff members.

Case 20160 - Application by Civtech Engineering to amend the Municipal Planning Strategy and Land Use By-law for Planning District 5 (Chebucto Peninsula) to allow commercial and residential development at the former satellite station site at 90 Club Road in Harrietsfield.

The purpose of the Public Information Meeting (PIM) is to: identify the proposal site and highlight the proposal; give the applicant an opportunity to present the proposal; and receive public feedback and input regarding the proposal that will be used to prepare the staff report and go forward with this application. No decisions are made at the PIM or have been made up to this point.

2. Presentation of Proposal – Jacqueline Belisle

Ms. Belisle presented the proposal for 90 Club Road, Harrietsfield:

- to create policy within the Municipal Planning Strategy (MPS) for Planning District 5 (Chebucto Peninsula) (enable the reuse of an existing building on the site)
- develop four residential lots on the remainder of the property
- the site context (aerial photo)
- zoned P-5 (Special Facility) Zone (outlined permitted uses and requirements), designated Residential, former building (Satellite Receiving Station) and enabling policy (none exists for commercial component, RES-2 for residential request)

3. Questions and Comments

Al Hartlen, Purcells Cove Road referred to the meeting information sheet when asked if the two businesses, garbage removal and a sign business, exist on the property now. Is the garbage kept on-site? **Michael Faddoul, Owner/Operator of Facility**, is looking to house an office and trucks on the property and assured there would be no dumping on-site. **Mr. Hartlen** wondered if the business will grow. **Mr. Faddoul** couldn't say one way or the other.

Dusan Soudek, Halifax questioned if Department of Natural Resources (DNR) would allow public access, even a foot path, to Run Lake as there is a bit of crown land to the west of the property. **Ms. Belisle** – DNR is responsible for that piece of crown land. They were notified of tonight's meeting and are part of the circulation for review agencies for this application. Input from HRM Parkland Planning will also be gathered regarding that piece of land. Ms. Belisle will follow up.

Mr. Hartlen mentioned that DNR were approached 10 or 15 years ago regarding that piece of land but they were not interested at that time. Many people have use the road for garbage disposal. The existing gate has been destroyed and has yet to be fixed. **Ms. Belisle** has been made aware of the history of Club Road throughout the planning process. A review by Department of Transportation and Infrastructure Renewal will be done. The gate will not be able to remain if residential lots are developed. With respect to public access, because there is crown land beyond this site, staff will explore that option through the internal review process but this application would not be contingent on that issue. **Mr. Faddoul**, in terms of the road, agreed with Mr. Hartlen that it has been neglected (snow removal, garbage disposal, lights burned out). If approved, this application will help eliminate those issues.

Councillor Adams asked when the application would go to Community Council. **Ms. Belisle** – Approximately eight to twelve months depending on internal review.

4. Closing Comments – Jacqueline Belisle

Ms. Belisle thanked everyone for coming and expressing their comments.

5. Adjournment

The meeting adjourned at approximately 7:20 p.m.