

TO: Town of Port Hawkesbury Planning Advisory Committee and Town Council

FROM: Planning Staff (EDPC)

DATE: Monday November 21, 2011

RE: **Application to rezone land from Recreation Open Space (O-1) to Residential Two Unit (R-2), Bourinot Drive, Port Hawkesbury, Inverness County (PIDs #50127174, 50127901 and 50127885)**

Recommendation:

That Town Council **approve** the proposed re-zoning application for lands described as PIDs #50127174, 50127901 and 50127885 on Bourinot Drive, from the Recreation Open Space (O-1) Zone to Residential Two Unit (R-2) Zone. This re-zoning would permit the use of these parcels for residential purposes; a duplex dwelling similar to those constructed on adjacent parcels is proposed to be constructed on one of the subject properties.

Description of Site:

Designation: Open Space

Area: 2 444 m²; 26,308 ft²

Zoning: Recreation Open Space (O-1)

Proposed Zone: Residential Two Unit (R-2) Zone

Site Visit: Wednesday November 9, 2011

Information:

The Town owns three parcels that sum to a total of 2 444 square metres (0.6 ac, or 0.24 ha) on Bourinot Drive, backing onto Reeves Street and sitting between a public



Figure A: Subject Site - November 9, 2011

walkway and a commercial parcel. The Town is interested in selling these properties to Nova Scotia Housing in order to allow new homes to be constructed, similar to what exists on the street at this time. Nova Scotia Housing is looking to build a duplex on one of the sites early in 2012.

The subject properties are designated Open Space in the Town of Port Hawkesbury Municipal Planning Strategy, and are zoned Recreation Open Space (O-1) in the Town of Port Hawkesbury Land Use By-law. The properties are vacant, with a swing set sitting on the northern-most lot.

Analysis:

The Municipal Planning Strategy (MPS) notes in Policy I-1.3 that, "...areas immediately adjacent to a given land use designation on the Generalized Future Land Use Map may be considered for a zoning amendment to a use permitted in that given designation without requiring an amendment to this Strategy provided that the intents of all other policies of the Strategy are satisfied". While the properties subject to this application are designated Open Space, they are immediately adjacent to properties that are designated Residential. Therefore, a zoning amendment would be permitted without requiring an amendment to the Municipal Planning Strategy. The proposed duplex development is considered to be a permitted use within the Residential Two Unit (R-2) Zone and the Residential designation.

The proposed re-zoning must also be consistent with Policy I.1.5 of the Municipal Planning Strategy, which outlines criteria for an amendment to the Land Use By-law. The following is a synopsis of the criteria, its evaluation and any conditions, as outlined in Appendix "C". Letters were sent to the CAO, Department of Parks & Recreation and the Department of Public Works requesting comment on whether there is any concern with the proposed rezoning.

Given the residential nature of Bourinot Drive, staff consider the proposed development to be in keeping with the existing streetscape and patterns of development. The location of these sites, being directly adjacent to a major arterial road and a busy commercial site, make them a less than ideal location for a community park. Parkland should be located within neighbourhoods in order to provide residents with recreational spaces that can be easily accessed. However, the quality of such parkland must be examined. The safety of users must be given consideration, and in this situation the parkland use sits unprotected from roadways and parking lots that see heavy vehicular uses. Development of these three lots for residential purposes will help to complete the residential streetscape, and will reduce the exposure of Bourinot Drive, where young children play, to the traffic of Reeve Street.

Parks and Recreation staff have noted that there are adequate recreation and community facilities within a 15 minute walk from the subject properties. These facilities include the Port Hawkesbury Civic Centre, Strait Area Pool and the Dan Willie MacDonald Memorial Ball Park. Comments received from other circulated agencies note that no development costs, other than costs associated with the deed transfer, are anticipated. Town waterlines run through the subject properties, and as such, allowance will need to be made in order to ensure appropriate protection in future land transfers and as the sites are developed.

The subject sites are immediately adjacent to a commercial development that includes a busy drive-thru that queues along the property line shared with the northern-most subject property. While there is no regulation or policy in the Port Hawkesbury planning documents requiring a visual barrier to be established between the commercial and proposed residential uses, staff are recommending that the developer of any future residential development consider constructing a 1.8 metre-high solid visual barrier (i.e. a wood-board fence) where the drive-thru queue abuts the subject property, in order to provide some privacy to the future property owners. Such a barrier may also help to prevent trespass through the subject properties resulting from individuals "short-cutting" from the residential neighbourhood to the commercial developments along Reeve Street, as is currently happening now.



Figure B: Informal Pathway over Subject Properties Connecting Bourinot Drive to Businesses on Reeve Street

Conclusion:

Staff are of the opinion that the re-zoning application for lands described as PIDs #50127174, 50127901 and 50127885 on Bourinot Drive, from the Recreation Open Space (O-1) Zone to Residential Two Unit (R-2) Zone, is in keeping with the general intent of MPS policy and that it meets the criteria established in Policy I-1.5. This re-zoning would permit the use of these parcels for residential purposes; a duplex dwelling similar to those constructed on adjacent parcels is proposed to be constructed on one of the subject properties. Staff recommends that the application to rezone the noted properties from Open Space (O-1) zone to Residential Two Unit (R-2) zone be approved.

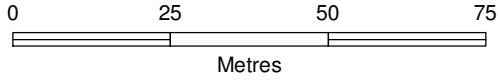
**Appendix “A” Summary of Evaluation Criteria
Policy I-1.5**

a) The proposal is in conformance with the intents of this Strategy and with the requirements of all other Town by-laws and regulations;	Meets Criteria
b) The proposal is not premature or inappropriate by reason of:	
i) financial capability of the Town to absorb any costs relating to the development;	Meets criteria
ii) adequacy of sewer and water services to support the development;	Meets criteria
iii) adequacy, proximity of school, recreation & community facilities;	Meets criteria
iv) adequacy of road network;	Meets criteria
v) potential for the contamination of watercourses or the creation of erosion or sedimentation; or	n/a
vi) potential for damage or destruction of historical buildings/sites.	n/a
c) The proposal conforms to the requirements contained in the Land Use By-law relating to the following:	
i) type of use;	Meets criteria
ii) height, bulk, and lot coverage of the proposed building;	Will meet criteria
iii) traffic generation, access & egress, & parking;	Meets criteria
iv) open storage;	n/a
v) signs;	n/a
vi) provision for buffering, landscaping, screening & access control to reduce potential incompatibility with adjacent uses and traffic;	Recommendations made in staff report
vii) development is located so as not to obstruct any natural drainage channels or watercourses;	Meets criteria
viii) building separations are provided sufficient to permit access to firefighting equipment and to prevent the spread of fire;	Meets criteria
ix) no building is approved whose height exceeds the limit imposed by the effective capacity of Town firefighting equipment; and	Meets criteria
x) similar matters of planning concern.	None Identified
d) Suitability and development costs of the proposed site in terms of steepness of grades, soil and geological conditions, marshes, swamps, or bogs and proximity of highway ramps, railway rights-of-way and other nuisance factors.	Meets criteria

EASTERN DISTRICT PLANNING COMMISSION

Location Map

PORT HAWKESBURY PLAN AREA
Inverness County, Nova Scotia



R-3

RYANS RD

R-2

R-2

R-2

50127885

50127901

50127174

BOURINOT DR

R-2

Properties of:
TOWN OF PORT HAWKESBURY
Bourinot Dr., Port Hawkesbury
PIDs 50127174, 50127901, 50127885

O-1

REEVES ST

CHISHOLM CRT

MACLEOD AVE

R-4

O-1

HIGHWAY 4



EASTERN DISTRICT PLANNING COMMISSION
This map is a graphical representation of property boundaries which approximate the size, configuration and location of properties. This map is not a land survey and is not intended to be used for legal descriptions. THIS IS NOT AN OFFICIAL RECORD.