

To: **Inverness County Planning Advisory Committee  
Inverness County Council**

From: **Planning Staff (EDPC)**

Date: **April 6, 2023**

Reference: **Request from the Municipality of the County of Inverness to rezone a portion of PID 50180603 (off of MacLean Street, Inverness) from R-1 to O-1.**

### Recommendation:

Staff recommend that Municipal Council approve the amendment to the Inverness Land Use By-law to rezone the portion of PID 50180603 identified in Appendix A of this staff report from R-1 to O-1. Staff also recommend that the Municipality engage with adjacent landowners and work with its consultant to ensure there is adequate access to the site.

### Background:

The Municipality of the County of Inverness has requested to amend the zoning on a portion of PID 50180603 from Residential Urban (R-1) to Public Park (O-1). The portion of the site subject to rezoning is identified in Appendix A. The rezoning would enable the construction of a multi-court recreational development. The first phase of the proposal includes three pickleball courts, a basketball court, and accessible pathways. Future phases could include a comfort building, an additional basketball court, tennis courts, or other courts and facilities such as a ball hockey arena. The site plan is provided in Appendix C.

The property is bordered by the Inverness Education Center to the southeast, which includes soccer and ball fields and a playground. There are also several residential homes in the area along

Description	
<b>Designation:</b>	Urban Residential
<b>Zoning:</b>	Residential Urban (R-1) and Public Park (O-1)
<b>Zoning Request:</b>	Public Park (O-1)
<b>Identification:</b>	50180603
<b>Total Lot Area:</b>	45 acres
<b>Rezoning Area:</b>	3.8 acres (15,512.5 sq. m)
<b>Site Visit:</b>	April 3, 2023



*Figure 1 Proposed location of the various sports courts.*

MacLean Street and MacLeod Street. The only commercial use in the immediate area is Caper Gym Fitness. The area to the northwest is undeveloped.

**Analysis:**

Section 4 of the Municipal Planning Strategy addresses open spaces, and begins by stating that *“Public open spaces play an important role in the health and well-being of a community.”* The Public Park (O-1) zone is permitted within all land use designations. Policy 4.6 enables Council to consider rezoning to the O-1 zone and reads as follows:

*“It shall be the intention of Council to permit an amendment to the Land Use By-law to re-zone a parcel to the Public Park (O-1) zone in accordance with the following criteria:*

- a) The parcel is located in an area requiring demonstrated parkland need, or directly adjacent to an existing Public Park (O-1) zoned parcel, so as to permit consolidated lot development; and,*
- b) The proposal is consistent with the criteria to amend the Land Use By-law (Policy 15.0).”*

A portion of the property, where the Ned MacDonald Memorial ballfield is located, is currently zoned O-1. The ballfield is directly abutting the subject site where the additional recreational development will be located; the development can be considered as an expansion of the existing ballfield development. Additionally, there are few park spaces currently located within the community, and no outdoor courts are available for the specific sports identified. Therefore, the first criterion is satisfied.

The second criterion references Policy 15.0, which is summarized in Appendix B. Comments regarding the criteria are provided below.

The proposed access to the site is from the existing gravel driveway, known as MacLean Street Extension. As shown on the site plan, it appears that the gravel driveway currently encroaches on two private properties (4 MacLeod Street and 78 MacLean Street) where it connects to the public road. If the Municipality does not have easements in place, the private property owners could partially block off access to the site (see Appendix C: Site Plan). The Municipality intends to engage with adjacent landowners to identify



Figure 2 Entrance to the driveway known as MacLean Street Extension.

existing concerns relating to the shared driveway. The Municipality will then work with its consultant to explore design options available for upgrading and re-alignment if necessary.

Staff have had preliminary discussion with Nova Scotia Public Works (Former Department of Transportation) about the proposed development and they have forwarded the file to their "Access Management" group in Halifax. While a preliminary review suggests the road network is adequate, prior to the province issuing a "Work Within Highway Right-of-Way Permit", if there are any conditions for the access approval, they would have to be met prior to permits being issued.

Municipal water and sewer mains currently end along the property frontage on MacLean Street. The sport courts identified for Phase 1 of the development would not require water and sewer services. However, a comfort building may be provided in a later phase of the project, which would include washroom facilities. Water and sanitary sewer service extensions are being designed by engineering consultants in order to provide adequate servicing to the site. Municipal Engineering staff noted that "Based on the proposed building's use, the additional demands and flows would have a minimal impact to the existing system."

In regards to financial implications for the Municipality, funding has been obtained to cover the capital cost of the first phase. A second funding application is under review which would provide additional funding to support this project and other municipal Active Transportation initiatives within the community. No concerns were identified by the Municipality in regards to the financial capability to absorb associated costs.

The parking area is proposed to the north side of the site with space to accommodate 47 vehicles, including 6 accessible stalls. Part 11, Section 3 of the Inverness Land Use By-law identifies special requirements when Public Park (O-1) zones abuts residential or institutional uses, as would be the case with the subject site. One of these special requirements is that parking spaces must be setback a minimum of 3.05 meters (10 feet) from the abutting side or rear lot line. As the submission for the amendment currently stands, the site plan and the rezoning would meet this restriction. In addition, where more than four parking spaces are provided, the parking area must be hard surfaced with delineated spaces.

The preamble of Section 4 of the Strategy raises some concern about the location of the existing outdoor fields and playground at the Education Center, stating that *"...They are not easily accessible by means of walking, are not available for general public use during the school day, and are not located so as to offer natural surveillance for safety outside of school hours. A baseball diamond sits behind the school, but access and surveillance issues are the same as those for the playground."* The introduction of additional activity in the area would improve natural surveillance for safety outside of school hours. Walkability to the site and school would be improved with the introduction of pedestrian connection from MacLean Street and MacLeod

Street area to the school.

This proposal is also in keeping with Policy 4.4 of the Strategy, which urges Council to seek opportunities to provide public park spaces to all residents within 500 meters (an approximate 5 minute walk). This site is within 500m of approximately 232 unique residential lots and would result in an improvement in recreational service to these residents, residents in the wider area, as well as visitors to the community.

**Conclusion:**

The community of Inverness has a demonstrated need for additional park space, and in particular for outdoor sport courts. Rezoning the identified site to enable the proposed development would result in an improvement in recreational service to residents within walking distance and the wider community.

The proposal is in keeping with the applicable policy criteria as outlined in the Municipal Planning Strategy. In regards to the surrounding road network, the Municipality is responsible to implement any possible requirements identified by the Nova Scotia Department of Public Works.

Therefore, staff recommend that Municipal Council approve the amendment to the Inverness Land Use By-law to rezone the portion of PID 50180603 identified in Appendix A of this staff report from R-1 to O-1. Staff also recommend that the Municipality engage with adjacent landowners and work with its consultant to ensure there is adequate access to the site.

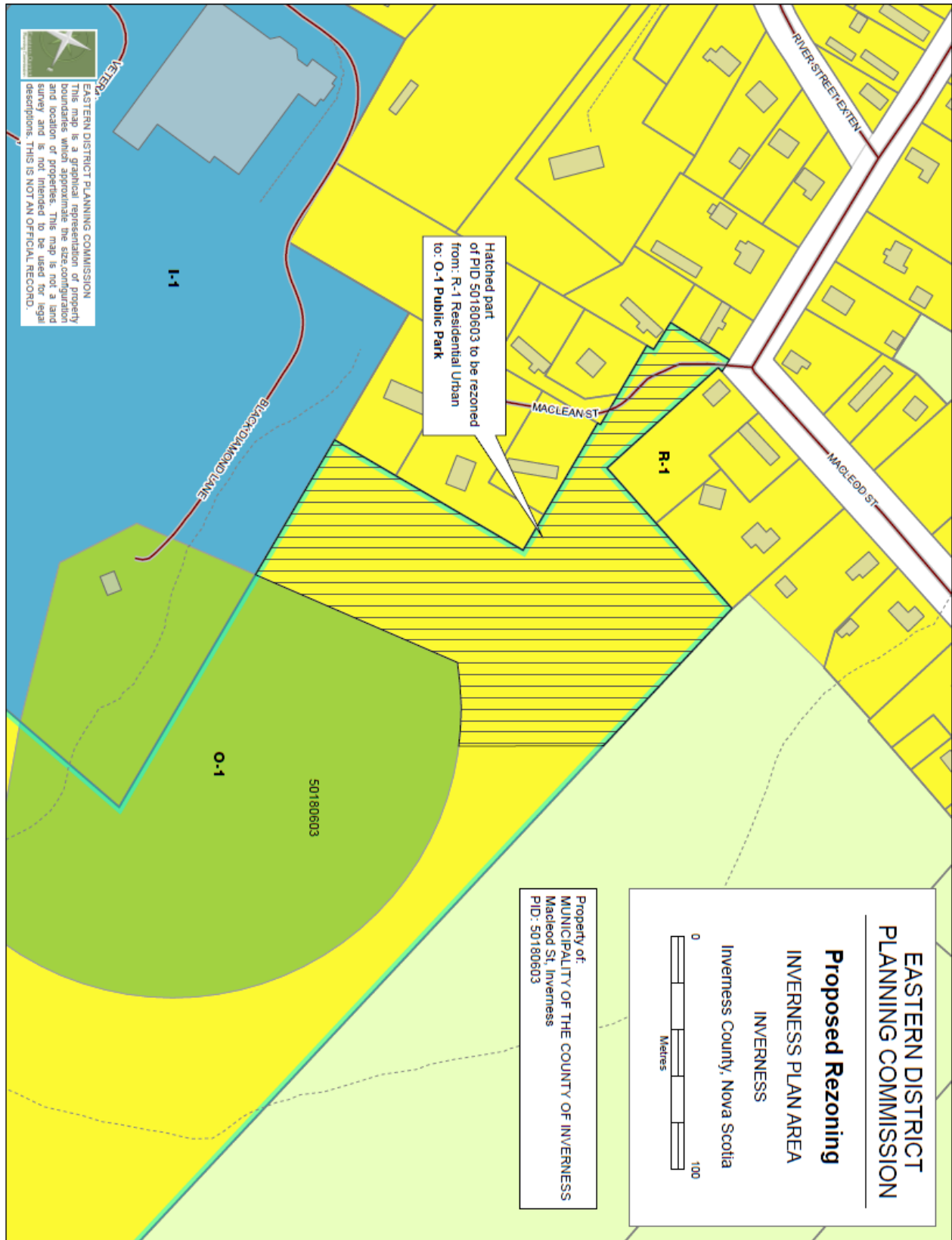
**Summary of Appendices**

Appendix A: Site location and zoning map

Appendix B: Summary of applicable policies

Appendix C: Site plan

## Appendix A: Site Location and Zoning Map



## Appendix B: Summary of Applicable Policies

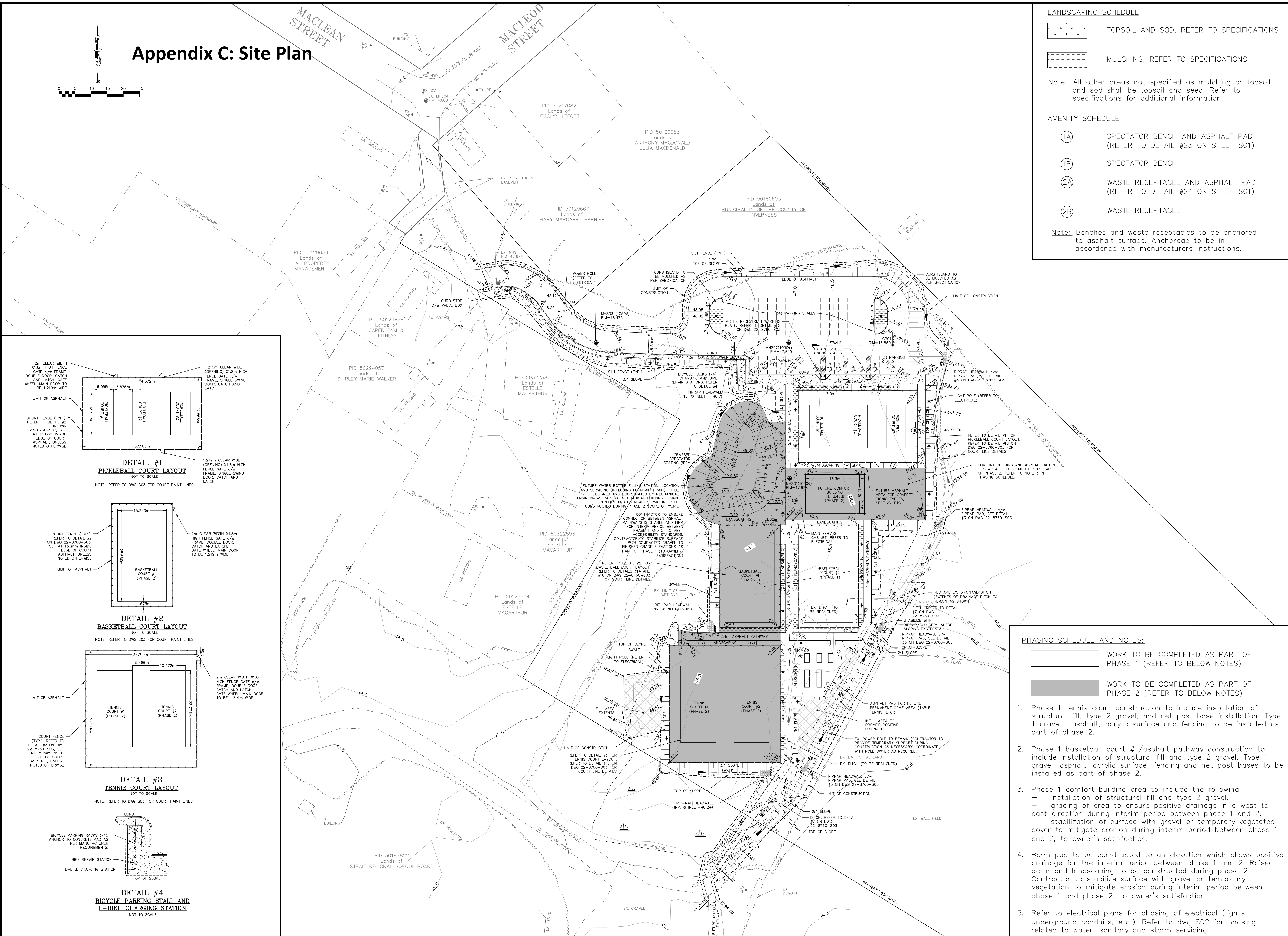
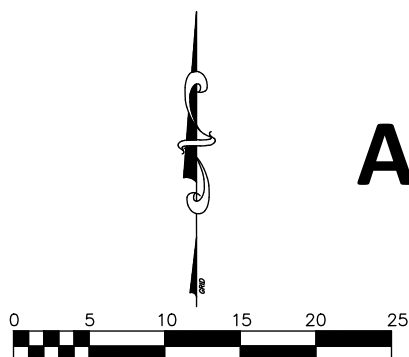
<b>Policy 4.6</b> It shall be the intention of Council to permit an amendment to the Land Use By-law to re-zone a parcel to the Public Park (O-1) zone in accordance with the following criteria:	
(a) The parcel is located in an area requiring demonstrated parkland need, or directly adjacent to an existing Public Park (O-1) zoned parcel, so as to permit consolidate lot development; and	Complies: See Staff Report
(b) The proposal is consistent with the criteria to amend the <i>Land Use By-law</i> (Policy 15.0)	Pending comments from NSDPW

<b>Policy 15.0 (As referenced in Policy 4.6)</b> In considering 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 regard to the following matters:	
(a) Conformity with the intent of this <i>Secondary Plan</i> ;	Complies
(b) That the proposal is not premature or inappropriate by reason of: <ul style="list-style-type: none"> <li>i. The financial capability of the community to absorb any costs relating to the development;</li> <li>ii. The adequacy of sewer services and utilities or if services are not provided, the adequacy of physical site conditions for private on-site sewer and water services;</li> <li>iii. The adequacy and proximity of school, recreation, and any other community facilities;</li> <li>iv. The adequacy of road networks in, adjacent to, or leading to the development; and,</li> <li>v. The potential for the contamination of water courses or the creation of erosion or sedimentation.</li> </ul>	Pending comments from NSDPW
(c) That adequate requirements are contained in the Land Use By-law to reduce conflict between the development and any other adjacent or nearby land use by reason of: <ul style="list-style-type: none"> <li>i. Type of use;</li> <li>ii. Emissions including air and water pollutants and noises;</li> <li>iii. Heights, setback and lot coverage of the proposed building;</li> <li>iv. Access to and egress from the site and parking;</li> <li>v. Open storage;</li> <li>vi. Signs;</li> <li>vii. Similar matters of planning concern.</li> </ul>	Complies
(d) Suitability in terms of steepness of grades, and/or location of watercourses is based on appropriate technical advice.	Not Applicable



## Appendix C: Site Plan



### LANDSCAPING SCHEDULE

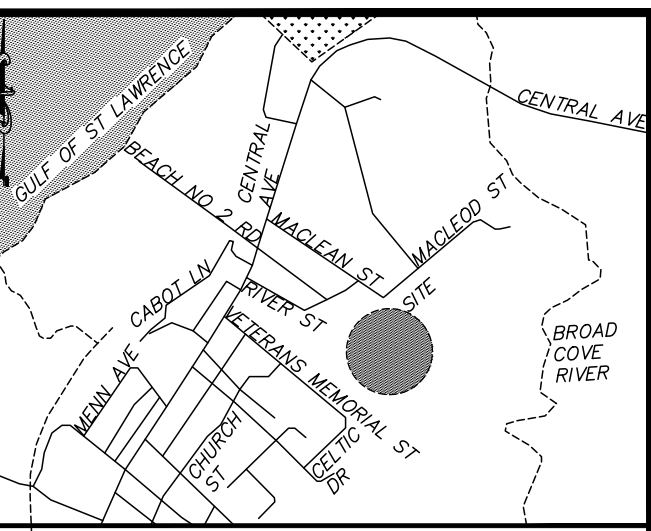
- TOPSOIL AND SOD, REFER TO SPECIFICATIONS
- MULCHING, REFER TO SPECIFICATIONS

Note: All other areas not specified as mulching or topsoil and sod shall be topsoil and seed. Refer to specifications for additional information.

### AMENITY SCHEDULE

- 1A SPECTATOR BENCH AND ASPHALT PAD (REFER TO DETAIL #23 ON SHEET S01)
- 1B SPECTATOR BENCH
- 2A WASTE RECEPTACLE AND ASPHALT PAD (REFER TO DETAIL #24 ON SHEET S01)
- 2B WASTE RECEPTACLE

Note: Benches and waste receptacles to be anchored to asphalt surface. Anchorage to be in accordance with manufacturers instructions.



Key Plan NOT TO SCALE

### LEGEND

- SANITARY M.H. & SEWER
- STORM M.H. & SEWER
- HYDRANT
- GATE VALVE & WATERMAIN
- CATCHBASIN (CURB & FLAT)
- U/G ELECTRICAL LINES
- GAS LINE
- PAINT LINE
- SILT FENCE
- LIMIT OF DISTURBANCE
- DESIGN GRADE TICK
- PROPERTY LINE
- EXISTING PROPERTY LINE
- TREE PLANTING
- POWER POLE
- POWER POLE WITH LIGHT FIXTURE
- ANCHOR ON LIGHT POLE
- CONCRETE CURB
- SIDEWALK STRUCTURE
- PEDESTRIAN RAMP

### NOTES:

- For additional notes and details refer to drawing #22-8760-S03.
- Contour interval is 0.5 metres and represents existing ground, based on topographic field data, collected by Strum Consulting on July 12, 2022.
- Elevations are geodetic, and refer to Nova Scotia Co-ordinate Referencing System, NSCRS #214147 Elev=29.432 m.
- Maximum slope shall be 2:1 unless constructed on in-situ rock.
- All work shall be in accordance with the latest edition of the Nova Scotia Standard Specification for Municipal Services.
- Information shown as to existing works is approximate only. Exact location, if required, shall be determined by the contractor.
- Electrical permits to be the responsibility of the electrical contractor. All other necessary permits shall be the responsibility of others, and be in place prior to construction.
- Do not encroach on adjacent property. Make good any damage to adjacent properties at contractor's expense.
- Do not disturb existing survey markers or services in the area. Reinstatate and make good any damage or disturbance at contractor's cost.
- Refer to electrical plans for location of underground ducts, electrical conduits and all other electrical components.
- Grubbed material, which is not designated for use on site, shall be disposed of offsite in accordance with governing local requirements or guidelines. The thickness of grubbing material to be removed shall be at the discretion of the consultant.
- Court surface and accessory installation to be in accordance with the American Sports Builders Association Standards and Guidelines.
- Contractor to provide fencing and gate shop drawings for review and approval by the Municipality.

### PHASING SCHEDULE AND NOTES:

- WORK TO BE COMPLETED AS PART OF PHASE 1 (REFER TO BELOW NOTES)
- WORK TO BE COMPLETED AS PART OF PHASE 2 (REFER TO BELOW NOTES)

- Phase 1 tennis court construction to include installation of structural fill, type 2 gravel, and net post base installation. Type 1 gravel, asphalt, acrylic surface and fencing to be installed as part of phase 2.
- Phase 1 basketball court #1/asphalt pathway construction to include installation of structural fill and type 2 gravel. Type 1 gravel, asphalt, acrylic surface, fencing and net post bases to be installed as part of phase 2.
- Phase 1 comfort building area to include the following:
  - installation of structural fill and type 2 gravel.
  - grading of area to ensure positive drainage in a west to east direction during interim period between phase 1 and 2.
  - stabilization of surface with gravel or temporary vegetated cover to mitigate erosion during interim period between phase 1 and 2, to owner's satisfaction.
- Berm pad to be constructed to an elevation which allows positive drainage for the interim period between phase 1 and 2. Raised berm and landscaping to be constructed during phase 2. Contractor to stabilize surface with gravel or temporary vegetation to mitigate erosion during interim period between phase 1 and phase 2, to owner's satisfaction.
- Refer to electrical plans for phasing of electrical (lights, underground conduits, etc.). Refer to dwg S02 for phasing related to water, sanitary and storm servicing.

2.	Issued for XXXXXXXX	XXXX-XX-XX	HM
1.	Issued for Review	2022-09-21	HM
0.	Issued for Review	2022-08-18	HM
No	Description	Date	By

Revision or Issue

**Strum**  
CONSULTING

Project

MULTI-COURT RECREATION  
FACILITY DEVELOPMENT  
INVERNESS, N.S.

Drawing

SITE AND GRADING PLAN

Scale 1:500

Date	2022-09-21	Drawn	BP
Design Check	HM	HM	HM
Project No.	22-8760	Sheet	1 of 3
Drawing No.	S01	Rev.	2