



P.O. Box 1749
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Item No. 10.1.2
Harbour East-Marine Drive Community Council
December 8, 2016
January 5, 2017

TO: Chair and Members of Harbour East-Marine Drive Community Council

ORIGINAL SIGNED

SUBMITTED BY:

Bob Bjerke, Chief Planner and Director, Planning and Development

DATE: November 25, 2016

SUBJECT: **Case 20136: Rezoning 26 Bissett Road, Cole Harbour**

ORIGIN

Application by Southern Comfort Construction Inc.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Harbour East-Marine Drive Community Council:

1. Give First Reading to consider the proposed amendment to the Cole Harbour/ Westphal Land Use By-law, as set out in Attachment A, to rezone 26 Bissett Road from the R-2 (Two Unit Dwelling) zone to the R-4 (Multiple Unit Dwelling) Zone, and schedule a public hearing;
2. Adopt the amendment to Schedule A of the Cole Harbour/ Westphal Land Use By-law as set out in Attachment A.

BACKGROUND

Southern Comfort Construction Inc. has applied to rezone lands located at 26 Bissett Road, Cole Harbour from the R-2 (Two Unit Dwelling) Zone to the R-4 (Multiple Unit Dwelling) Zone. The change in zoning is requested to allow the development of a multiple unit dwelling containing four units. The rezoning may be considered by Council under Policies UR-9 and IM-11 of the Cole Harbour/Westphal Municipal Planning Strategy (Attachment B).

Subject Site	26 Bissett Road, Cole Harbour (PID 00402990)
Location	North side of Bissett Road and east of Cole Harbour Rd. (not abutting), (Map 1)
Regional Plan Designation	US (Urban Settlement)
Community Plan Designation (Map 1)	UR (Urban Residential) designation under the Cole Harbour/Westphal Municipal Planning Strategy (MPS) (Map 1)
Zoning (Map 2)	R-2 (Two Unit Dwelling) Zone under the Cole Harbour/Westphal Land Use By-law (LUB)(Map 2)
Size of Site	Approximately 1,300 square meters (14,000 square feet)
Street Frontage	Approximately 31 meters (102 feet)
Current Land Use(s)	Vacant
Surrounding Use(s)	Single unit dwelling to the west, two unit dwellings to the north, a single unit dwelling to the east and a church to the south on the opposite side of Bissett Road

Proposal Details

The applicant's request is to rezone the lands at 26 Bissett Road from R-2 to R-4 for the purpose of constructing a multiple unit dwelling consisting of 4 units.

Enabling Policy and LUB Context

The proposed rezoning may be considered by Community Council in accordance with Policies UR-9 and UR-11 of the Cole Harbour/Westphal Municipal Planning Strategy (MPS). Policy UR-9 enables new multiple unit dwellings to a maximum of six units to be considered by rezoning and establishes conditions for consideration and Policy IM-11 establishes the evaluation criteria (Attachment B).

The Developer is proposing to develop a multiple unit dwelling of four townhouse style dwelling units. Within the Cole Harbour/Westphal LUB, Multiple Dwelling Units are defined as dwellings containing three or more units. There is currently no definition for Townhouses. Accordingly in this case, multiple dwelling units have been defined as three or more units that are vertically separated and therefore meet the definition for the proposed development plan.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. 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 November 23, 2015. Attachment C contains a copy of the minutes from the meeting. The public comments received include the following principal topics:

- Size and scale of the proposed building;
- Whether the building be used for seniors housing;
- Number of potential units; and
- Potential increased traffic on Bissett Road.

A public hearing must be held by Harbour East-Marine Drive Community Council before they can consider approval of the proposed LUB amendment. Should Community 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 direct mail. The HRM website will also be updated to indicate notice of the public hearing. The proposal will potentially impact local residents and property owners.

DISCUSSION

Staff has reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the MPS. Attachment A contains the proposed rezoning that would allow the development of a multiple dwelling of up to six units on the subject property. The MPS recognizes the need to provide opportunity for the intensification of residential uses within the Urban Residential Designation while ensuring that the effects of the proposed development do not significantly impact lower density land uses. Accordingly, it sets out conditions for a land use transition through the intensification of lots that contain sufficient area provided there is adequate separation of use.

Attachment B provides an evaluation of the proposed rezoning in relation to MPS Policies UR-9 and IM-11 (Attachment B). Of the matters reviewed to satisfy the MPS criteria, the following have been identified for more detailed discussion:

Potential Six (6) Unit Dwelling

Community Council should note that this proposal is a request for rezoning, not a development agreement. Therefore, should Community Council approve the proposed rezoning the property owner would be permitted to develop the subject lands for any use permitted under the R-4 Zone provided that the zone provisions are satisfied. For clarification, should the applicant decide to change to an alternative use permitted under the proposed R-4 Zone, an additional planning process would not be required.

While the development plan for the subject property is unlikely to change, in order to account for a potential variation in the number of units, staff evaluated the proposal as though it were a six (6) unit building in accordance with the Cole Harbour/Westphal MPS. This evaluation has been undertaken to ensure that the full range of four to six units is considered appropriate for the subject property. This has been done to ensure that this circumstance was not a limiting factor in the evaluation of the relevant plan policies (Attachment B).

Separation – Bulk, Scale and Building Height

In terms of bulk, scale and building height, the principal difference between the R-2 Zone and the R-4 Zone is in lot coverage regulations and setbacks based on building height. The R-2 Zone permits maximum lot coverage (or building footprint) of 35% while the R-4 Zone permits a maximum lot coverage of 50%. However, in the R-4 Zone, supporting regulations are designed to limit the actual amount of lot coverage that can be utilized for smaller lots in established neighbourhoods. These regulations include:

- required amenity area per unit (9.3 sq. m or 100 sq. ft.),
- front yard, side yard and rear yard setbacks; and,
- vehicular circulation and rear yard parking standards.

Given the size and configuration of the subject property, it is unlikely that a building could be constructed that exceeds 35% lot coverage (the current development plan indicates lot coverage of 25%). Therefore, any additional floor area would likely be reflected in increased building height.

Policy UR-9 requires adequate separation of use to mitigate impacts from the proposed building to lower density residential uses. Maximum building height regulations are the same within the R-2 and R-4 zones (10.7 m [35 feet]). However, the side yard setback requirements in the R-4 Zone are more restrictive when the building heights are increased. Accordingly, a two unit building in the R-2 Zone could be built to maximum height of 10.7 m (35 ft.) within 3.0 m (10 ft.) of the property line.

The developer's current development plan includes a maximum building height of 6.0 m (20 ft.) making the side yard setback requirement 3.0 m (10 ft.). This is consistent with the R-2 zoning that currently applies to the property. However, if a six unit building were to be constructed at the maximum building height of 10.7 m (35 ft.) it would also require an increased setback of 5.35 m (17.5 ft.) from the property boundary. As a result, additional building height would enhance the setback requirements providing an increase in separation from the new building to adjacent properties under this scenario. Further, unlike the R-2 Zone, the R-4 Zone requires full screening of the rear parking area.

The following is a comparison of the standards between the R-2 and R-4 Zones:

Zones/ Zone Standards	R2 Zone Two Unit Dwellings	R4 Zone Four to Six Unit Dwellings
Maximum Height of Main Building	10.7 m (35 ft.)	10.7 m (35 ft.)
Minimum Front or Flankage Yard	9.1 m (30 ft.)	9.1 m (30 ft.)
Minimum Rear or Side Yard	3 m (10 feet), and the side yard shall be reduced to zero (0) on the side being common with another dwelling unit	1/2 the height of the main building
Maximum Lot Coverage	35 percent	50 percent
Fencing, or visual and physical barrier requirements	None	required to shield parking

Compatibility with Surrounding Uses and Community

The site is located in an area with single detached, semi-detached and other multiple unit dwellings in excess of four units. The proposed development is consistent with development in an area of transition as envisioned through the MPS. The proposed development is not anticipated to have any negative impact on the surrounding properties or land uses.

Traffic

Policy UR-9 as it relates to traffic requires that consideration be given the coordination of the proposed road system within the existing road system. Traffic related policy criteria of IM-11 are concerned with adequacy of road networks leading to, adjacent to or within the proposed development. A Traffic Impact Statement was submitted in support of the application. It concluded that the number of site generated trips to Bissett Road would be low and are not expected to have any significant impact. Staff concurs with traffic impact statement.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is consistent with the intent of the MPS as it meets the intent to diversify housing types within the area while maintain adequate separation of use. Therefore, staff recommend that the Harbour East-Marine Drive Community Council approve the proposed rezoning from R-2 (Two Unit Dwelling) Zone to R-4 (Multiple Unit Dwelling).

FINANCIAL IMPLICATIONS

The HRM cost associated with processing this planning application can be accommodated with the approved 2016/17 operating budget for C310 Urban & Rural Planning Applications.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendment (rezoning) are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

1. Harbour East-Marine Drive Community Council may choose to refuse the proposed amendment to the Cole Harbour/Westphal LUB, and in doing so, must provide reasons why the proposed rezoning does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed rezoning is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

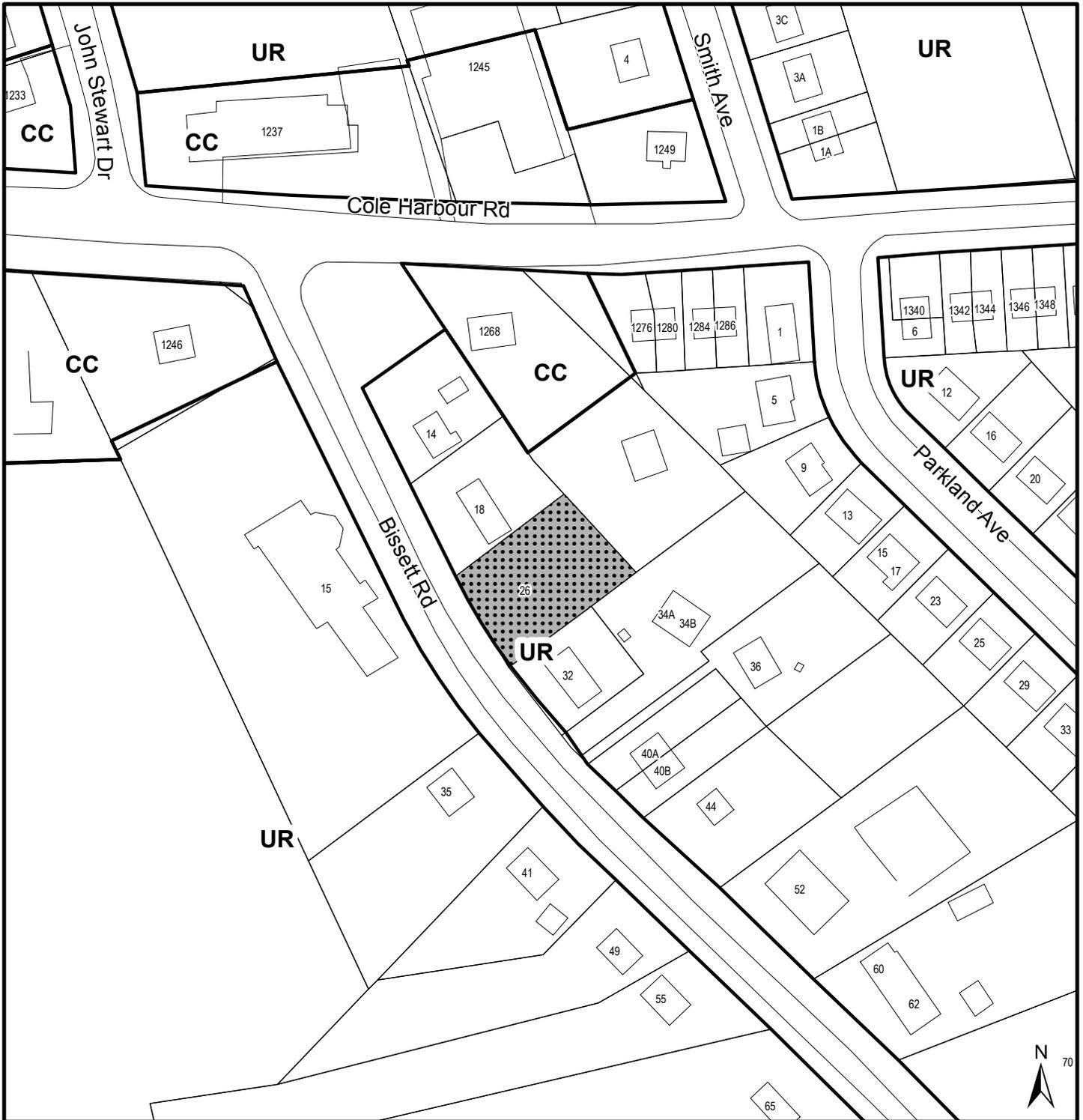
Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Attachment A:	Proposed LUB Amendment
	• Schedule A - Area to be Rezoned from R-2 to R-4
Attachment B:	Review of Relevant MPS Policies
Attachment C:	Minutes of Public Information Meeting

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Shayne Vipond, Planner III - Rural Policy & Applications, 902-490-4335

Report Approved by: ORIGINAL SIGNED

Kelly Denty, Manager, Current Planning, 902.490.4800



Map 1 - Generalized Future Land Use

HALIFAX

26 Bisset Road,
Cole Harbour

 Area proposed to be rezoned from R-2 (Two Unit Dwelling) to R-4 (Multiple Unit Dwelling)

Designation

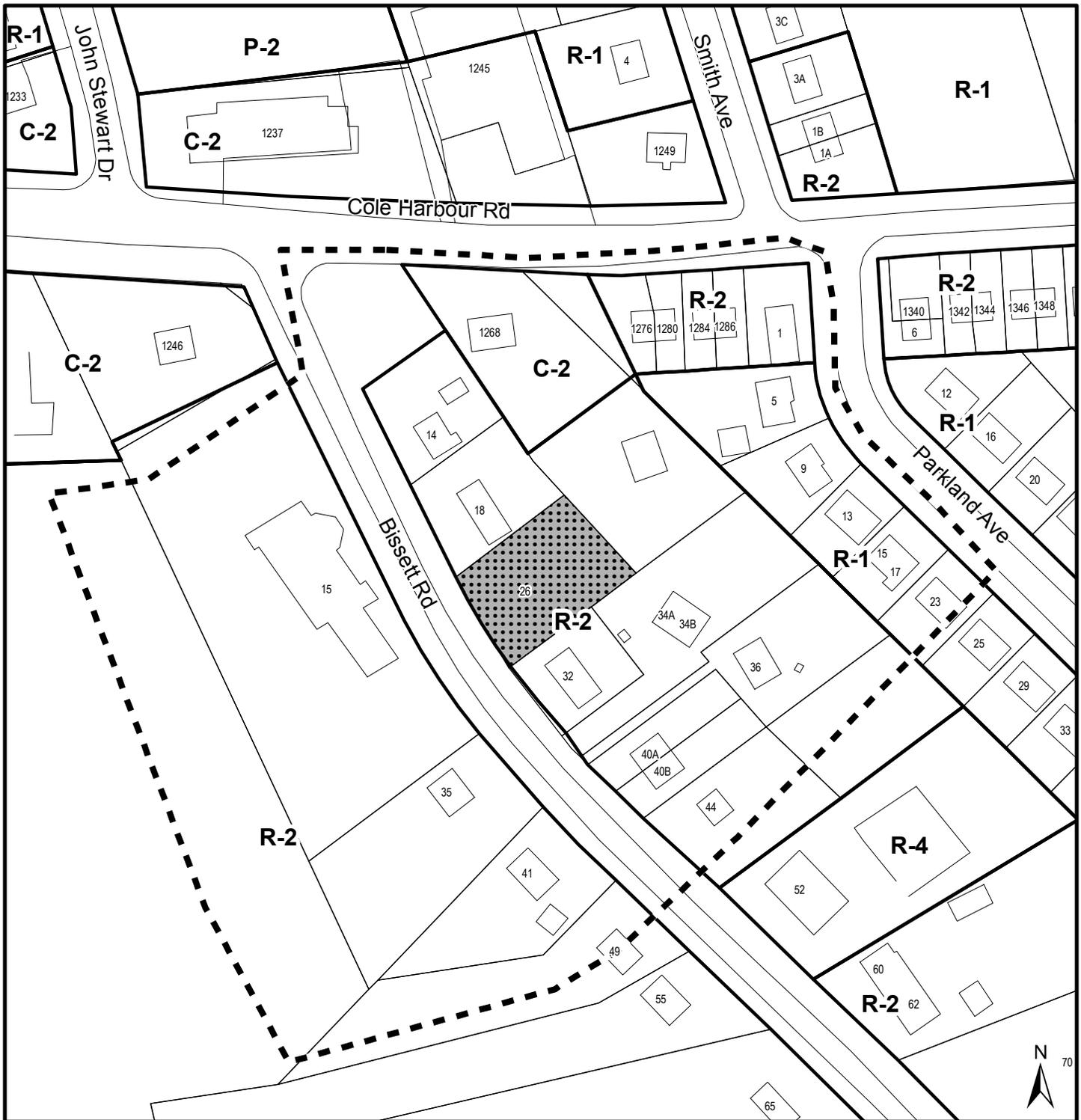
UR Urban Residential
CC Community Commercial



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.

Cole Harbour/Westphal
Plan Area



Map 2 - Zoning and Notification

26 Bisset Road,
Cole Harbour

HALIFAX

 Area proposed to be rezoned from R-2 (Two Unit Dwelling) to R-4 (Multiple Unit Dwelling)

 Area of Notification

Cole Harbour/Westphal
Plan Area

Zone

- R-1 Single Unit Dwelling
- R-2 Two Unit Dwelling
- R-4 Multiple Unit Dwelling
- C-2 General Business
- P-2 Community Facility



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 A
Proposed Amendments to the Cole Harbour/Westphal Land Use By-law

BE IT ENACTED by the Harbour East – Marine Drive Community Council of the Halifax Regional Municipality that the Cole Harbour/Westphal Land Use By-Law, as amended, is hereby further amended as follows:

1. Amend SCHEDULE “A” Cole Harbour/Westphal Zoning Map by rezoning 26 Bissett Road from the R-2 (Two Unit Dwelling) Zone to the R-4 (Multiple Unit Dwelling) Zone as shown on Schedule A of this Attachment.

I HEREBY CERTIFY that the amendments to the Land Use Bylaw for Cole Harbour/Westphal, as set out above, were passed by a majority vote of the Harbour East – Marine Drive Community Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2017.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, _____.

Municipal Clerk

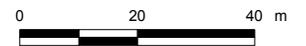


Schedule A

26 Bisset Road,
Cole Harbour

 Area to be rezoned from
R-2 (Two Unit Dwelling)
to R-4 (Multiple Unit Dwelling)

HALIFAX



This map is an unofficial reproduction of
a portion of the plan area indicated.

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this plan is not guaranteed.

Cole Harbour/Westphal
Plan Area

Attachment B

Review of Relevant Policies from the Cole Harbour/ Westphal Municipal Planning Strategy (MPS)

Policy	
<i>UR-9 Notwithstanding Policy UR-2, within the Urban Residential Designation, it shall be the intention of Council to establish a multiple unit dwelling zone which permits new multiple unit dwellings to a maximum of six units, all existing multiple unit dwellings and community facility uses. Controls on parking and amenity areas shall be established in the zone. Council shall only consider new multiple unit dwellings by amendment to the land use by-law and with regard to the following:</i>	
Policy Criteria	Comment
<i>(a) the adequacy of separation distances from low density residential developments;</i>	Setback requirements to property lines are considered adequate to provide separation from adjacent residential uses. The height limits are the same between the neighbouring R-2 zones and the proposed R-4 zone. Side yard setback requirements in the R-4 zone are more restrictive as building height is increased providing additional separation to adjacent lots in the event of increased height.
<i>(b) that the height, bulk, lot coverage and appearance of any building is compatible with adjacent land uses;</i>	Height limits to a maximum of 10.7 m (35 ft) are consistent with buildings in the area. In terms of bulk, lot coverage and site function and topography, required rear yard parking, amenity area, front yard and side yard setbacks establish that additional lot coverage is unlikely to exceed a maximum of 35% (the current development plan indicates a lot coverage of 25%).
<i>(c) that municipal central services are available and capable of supporting the development;</i>	Municipal services are adequate to service a six (6) unit development building.
<i>(d) that the development has direct access to a minor or major collector as defined in Map 3 - Transportation;</i>	The subject lands have direct access to Bissett Road which is a collector road.
<i>(e) the impact on traffic circulation and, in particular, sighting distances and entrances and exits to the site; and</i>	Sighting distances for access have been deemed to be adequate by HRM Engineering Services.
<i>(f) the effect of the development on the overall housing mixture within the community; and</i>	The MPS provides for a mix of housing times subject to appropriate analysis. The proposed rezoning meets the intent of the MPS.
<i>(i) the provisions of Policy IM-11.</i>	See below

Policy	
<i>IM-11 In considering development agreements and amendments to the land use by-law or development agreements, in addition to all other criteria as set out in various policies of this Planning Strategy, Cole Harbour/ Westphal shall have appropriate regard to the following matters:</i>	
Policy Criteria	Comment
<i>(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</i>	If the requested rezoning is approved by Council the proposal will conform to the intent of the MPS and must comply all requirements of the Development Permit approval process.

<i>(b) that the proposal is not premature or inappropriate by reason of:</i>	
<i>(i) the financial capability of the Municipality to absorb any costs relating to the development</i>	No concerns were identified regarding potential financial implications for HRM.
<i>(ii) the adequacy of central or on-site sewerage and water services</i>	The lands are serviced adequately by the municipal water or sewer service.
<i>(iii) the adequacy or proximity of school, recreation or other community facilities</i>	This proposal is not expected to produce an impact on school, recreation or other community facilities.
<i>(iv) the adequacy of road networks leading or adjacent to or within the development; and</i>	A Traffic Impact Statement was provided and identified no significant impacts to the existing transportation network as a result of this proposed development. HRM Development Engineering and Traffic Services reviewed the Traffic Impact Statement and concurred with its findings.
<i>(v) the potential for damage to or for destruction of designated historic buildings and sites.</i>	No historic buildings or sites have been identified on the lands or in the surrounding area.
<i>(c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</i>	
<i>(i) type of use</i>	The type of use proposed through the rezoning to R-4 is consistent with the mix of housing types envisioned in the MPS.
<i>(ii) height, bulk and lot coverage of any proposed building</i>	See UR-9 (b)
<i>(iii) traffic generation, access to and egress from the site, and parking</i>	See UR-9 (e)
<i>(iv) open storage</i>	Any future open storage is required to comply with the Land Use By-law
<i>(v) signs; and</i>	Any future signage is required to comply with the Land Use By-law
<i>(vi) any other relevant matter of planning concern.</i>	No other concerns have been identified at this time.
<i>(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.</i>	None of the natural features listed have been identified on the site.
<i>(e) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy P-81", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS. (RC-Jul 2/02; E-Aug 17/02)</i>	No holding zone has been established and no additional lots are proposed in conjunction with this application.

Attachment C: Minutes of Public Information Meeting

**HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case 20136**

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

**Monday, November 23, 2015
7:00 p.m.**

Cole Harbour Woodside United Church, 15 Bissett Rd, Cole Harbour, NS

STAFF IN

ATTENDANCE: Shayne Vipond, Planner, HRM Development Approvals
Holly Kent, Planning Technician, HRM Development Approvals
Tara Couvrette, Planning Controller, HRM Development Approvals

ALSO IN

ATTENDANCE: Councillor Lorelei Nicoll, District 04
Applicant (Fred Southern) Frederick Southern, Southern Comfort
Construction Inc.
Engineer, Lawrence White

PUBLIC IN

ATTENDANCE: Approximately 10

The meeting commenced at approximately 7:04 p.m.

Call to order, purpose of meeting – Shayne Vipond

Mr. Vipond introduced himself as the Planner and Facilitator for the application; Holly Kent as the Planning Technician; Tara Couvrette as the Planning Controller, and Councillor Lorelei Nicoll, District 04.

Case 20136 - Application by Southern Comfort Construction Inc. to rezone 26 Bissett Road in Cole Harbour from R-2 (Two Unit Dwelling) Zone to R-4 (Multiple Unit Dwelling) Zone to permit a 4 unit multiple dwelling.

The purpose of the Public Information Meeting (PIM) is: a) to identify that HRM has received a proposal for the site; b) to provide information on the project; c) to explain the Planning Policies and the stages of the Planning Process; d) an opportunity for the applicant to present the proposal and answer any questions regarding the application; and e) an opportunity for Staff to receive public feedback regarding the proposal. No decisions are made at this PIM.

1. Presentation of Proposal – Shayne Vipond

Mr. Vipond introduced himself and provided a brief introduction to the case. Mr. Vipond made a presentation to the public outlining the purpose of the meeting, status of the application and the rezoning request. Mr. Vipond outlined the context of the subject lands, and relevant planning policies.

Presentation of Proposal – Lawrence White

Lawrence White explained his proposal for the site and showed a slide of the site with the

proposed building on it.

2. Questions and Comments

Pauline Richard, Bissett Rd. - Would they be rentals or sold. **Shayne Vipond** – We don't dictate tenure. **Fred Southern** – The intent is to offer an option on the building. He stated he can't advertise right now until he goes through the process of rezoning.

Paul Camilleri, Seaforth – Would the municipal taxes change? **Shayne Vipond** - can only speak to the legislation in terms of the planning process not taxes. The planning process isn't designed to be impacted or be affected by the property taxation issue. **Paul Camilleri** - Will it be for seniors? **Fred Southern** - He mostly specializes in one floor living and that is what he had in mind for this property.

Andrew Giles, Atholea Drive - It is split zoning C-2 in the front and R-2 in the rear. R-4 allows up to 6 units and there is nothing tying Mr. Southern to the 4 that were shown. **Mr. Vipond** – No. **Andrew Giles** -. Is the front elevation what he would call the back of the house? **Mr. Southern** – Yes. **Andrew Giles** - R-4 zoning requires parking in the rear. What would be hard surface and what would be considered lawn. **Mr. Southern** - stated the hard surface would be from the street front left and right all the way around the building except for the footprint of the building and in the front which will be lawn. **Andrew Giles** - How are you addressing storm water to get it out to the ditch? **Mr. White** - stated they have tweaked the site plan since submitting this one and have dealt with the storm water.

Joan Eagles, Bisset Rd.-can she get copies of the plot plans and elevations. **Mr. Vipond** - they are available online.

Ann, Bissett Rd - What is the length and width of the property and the length and the width of the development. **Mr. White** – The property is 100 ft wide and the building is 80 ft wide. **Ann** – how long is the property? **Mr. Southern** -150 ft long. **Ann** - how much distance on each side? **Mr. White** – about 10 ft on each side. **Ann** – the height of the building **Mr. White** - about 17 ft high to the peak. **Ann** – could you go 2 storey. **Mr. White** – the R-4 does allow for a 2 storey building. **Ann** –expressed traffic concerns on Bissett Rd.

Andrew Giles, Atholea Drive - Could the updated plan be shared? **Mr. White and Mr. Southern** – Yes. **Andrew Giles** - did the traffic statement or study look at the R-5 with 4 driveways? **Mr. Southern** – The original traffic study was done for an 8 unit building.

Councillor Nicoll - Can actually build for seniors alone. **Mr. Vipond** – Not from a planning regulatory perspective.

Evan Gillis - main concern is the noise level. Reverse the plan of the home and put the bedrooms in the back.

Paul Camalerie, Seaforth -what happens next? What guarantee do we have that the developer will do what he says? **Mr. Vipond** – There are no guarantees.

3. Closing Comments

Mr. Vipond, thanked everyone for coming and expressing their comments.

4. Adjournment

The meeting adjourned at approximately 7:43 p.m.