



P.O. Box 1749  
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**Item No. 10.1.2**  
**Harbour East-Marine Drive Community Council**  
**August 4, 2016**  
**November 10, 2016**

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

**SUBMITTED BY:** Original Signed  
Bob Bjerke, Chief Planner & Director, Planning and Development

**DATE:** July 6, 2016

**SUBJECT:** **Case 19927: Rezoning - Lands on Shore Road, Eastern Passage**

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**ORIGIN**

Application by KWR Approvals Inc.

**LEGISLATIVE AUTHORITY**

*Halifax Regional Municipal Charter (HRM Charter), Part VIII, Planning and Development*

**RECOMMENDATION**

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

1. Give notice of motion to consider the proposed amendment to the Eastern Passage/Cow Bay Land Use By-law as set out in Attachment A, to rezone a portion of lands located on Shore Road, Eastern Passage, from R-1 (Single Unit Dwelling) to R-2 (Two Unit Dwelling), and schedule a public hearing;
2. Adopt the amendment to Schedule A of the Land Use By-law Eastern Passage/Cow Bay as set out in Attachment A.

**BACKGROUND**

KWR Approvals Inc. has applied to rezone lands on Shore Road in Eastern Passage from R-1 (Single Unit Dwelling) to R-2 (Two Unit Dwelling). The change in zoning is requested to allow the development of 7 R-2 lots in a new 24 lot subdivision currently zoned for single unit dwellings. The rezoning may be considered by Council under Policy UR-5, Policy UR-7 and Policy IM-11 of the Eastern Passage/Cow Bay Municipal Planning Strategy (Attachment C).

<b>Subject Lands</b>	1818 Shore Road
<b>Location</b>	Shore Road, Eastern Passage (Map 1 and 2)
<b>Regional Plan Designation</b>	US (Urban Settlement)
<b>Community Plan Designation</b>	UR (Urban Residential) designation under the Eastern Passage/Cow Bay Municipal Planning Strategy (MPS) (Map 1)
<b>Zoning</b>	R-1 (Single Unit Dwelling) under the Eastern Passage/Cow Bay Land Use By-law (LUB) (Map 2)
<b>Size of Lands</b>	20,234.28 square metres (5.0 acres)
<b>Street Frontage</b>	54 m (177 feet)
<b>Site Conditions</b>	Generally flat with coniferous trees and grass cover
<b>Current Land Use</b>	Existing older home to be demolished
<b>Surrounding Land Uses</b>	<ul style="list-style-type: none"> <li>• R-2 zoned residentially developed lands to the east;</li> <li>• R-2 zoned residentially developed lands to the west;</li> <li>• lands of Eastern Passage Commons to the north, host to parkland, sports fields and institutional buildings such as Tallahassee Community School, Oceanview Elementary and Seaside Elementary; and</li> <li>• Ocean view to the south.</li> </ul>

**Proposal Details**

The applicant's request is to rezone a portion of the subject lands to enable 7 lots, within a new subdivision consisting of 24 lots on a new public street, to be afforded the development rights of the R-2 Zone. By rezoning the specific subject lands to the R-2 Zone, the rezoned lands could potentially be developed with two unit or single unit dwellings both of which are permitted in the R-2 Zone.

**Enabling Policy and Zoning Context**

During the initial comprehensive planning for the area in the 1980's, the R-2 Zone was applied as the base zone to all lands within the MPS's Urban Residential Designation and was intended to safeguard the low density residential environment while allowing for the development of basement apartments. However, this approach led to significant growth of two unit dwellings throughout the Plan Area.

The MPS states that new two unit dwellings are not considered appropriate either for infill situations or for new subdivisions immediately adjacent to primarily single unit dwelling neighbourhoods on adjacent properties. Therefore, to provide protection for single unit properties, any vacant parcel or existing structure which abuts or is immediately adjacent to an R-1 zoned property, will not be considered for rezoning to an R-2 (Two Unit Dwelling) Zone. Policies UR-7 and IM-11 of the MPS provide specific elements which must be given consideration in the rezoning of properties to the R-2 Zone.

**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 a public information

meeting on November 3, 2015. Notices were posted on the HRM website and mailed to property owners within the notification area as shown on Map 2.

Residents in attendance at the public information meeting expressed concern relative to the impact of two unit dwellings on neighbourhoods which consist primarily of single unit dwellings. These concerns are related both to the increases in density resulting from two unit development, and to the visual impact of these generally larger structures on existing single unit neighbourhoods.

A public hearing must be held by Harbour East-Marine Drive Community Council before they can consider approval of the rezoning. Should Harbour East-Marine Drive 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 by direct mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposed rezoning will potentially impact the following stakeholders: local resident and property owners.

## **DISCUSSION**

Staff have reviewed the proposal relative to all relevant policies and advise that is reasonably consistent with the intent of the MPS. Attachment A contains the proposed amendments to the land use by-law that would enable consideration of 7 lots on the subject lands in accordance with the R-2 Zone standards.

Attachment C provides an evaluation of the proposed rezoning in relation to relevant MPS policies. Of the matters reviewed in consideration of the MPS criteria, the following have been identified for more detailed discussion:

### **Compatibility**

MPS policy for this area states that new two unit development may be considered for undeveloped lands, provided that adequate separation and buffering from single unit dwelling neighbourhoods is provided within the proposed development. Provisions exist within the land use by-law to require increased minimum lot area and yard requirements for two unit dwellings. This is intended to reduce the bulkier appearance of such dwelling types and to provide more space for parking and other amenities.

### **Potential for Additional Development in Two Unit Dwelling Zone**

When evaluating a rezoning request, it is important to examine all of the potential uses permitted within the proposed zone (R-2). The key difference between the R-1 and R-2 zones is that the R-2 Zone allows for a 325.1 square metre (3,500 square feet) minimum lot area per dwelling unit (where each dwelling unit of the two unit dwelling is located on a separate lot), requires 10.6 m (35 feet) frontage per unit (where each dwelling unit of the two unit dwelling is located on a separate lot), and allows for two unit dwellings and home office uses. As the rezoning to R-2 would allow for development of two unit dwellings, local residents have expressed concern that this potential residential form, with increased density, would not be in keeping with the scale of the community. However, based on the R-2 Zone requirements, a two unit dwelling would have a scale and overall form similar to single unit dwellings in this zone because the lot setbacks, minimum lot coverage, maximum height are very similar, to the R-1 requirements. Perceptions of higher density housing (i.e., two front doors, two driveways, and symmetrical design) may often be visually mitigated by good design.

Home office uses permitted by the R-2 Zone do not allow retail uses, exterior alterations to the dwelling (except fire and safety related), more than one sign affixed to a dwelling, outdoor storage, mechanical equipment, or more than one off street parking space. Additionally, office uses are limited to 25% gross floor area of the building and must be operated wholly within the dwelling that is the principle residence of the home office operator. These regulations are seen to mitigate the impact of potential home office uses within a primarily residential neighbourhood.

### **Process**

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-2 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-2 Zone, an additional planning process would not be required.

### **Conclusion**

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the MPS. The proposed rezoning would result in only 7 additional dwelling units from what is permitted under the existing R-1 zoning and therefore should have a minimal impact on the surrounding area. Therefore, staff recommends that Harbour East-Marine Drive Community Council approve the proposed rezoning.

### **FINANCIAL IMPLICATIONS**

The HRM cost associated with processing this planning application can be accommodated with the approved 16/17 operating budget for 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 amendments to a Land Use By-law. Such amendments are at the discretion of Community Council and are subject to appeal to the Nova Scotia Utility and Review Board. Other information about the risks and other implications of adopting the amendments are contained within the Discussion section of this report. The development may be the subject of an appeal to the Nova Scotia Utility and Review Board.

### **ENVIRONMENTAL IMPLICATIONS**

No additional concerns were identified beyond those reviewed in this report.

### **ALTERNATIVES**

1. Harbour East-Marine Drive Community Council may choose to refuse the proposed amendment to the Eastern Passage/Cow Bay LUB, and in doing so, must provide reasons why either or both do not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed LUB amendment or development agreement 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

Attachment A   Proposed Amendment to the Eastern Passage/Cow Bay Land Use By-law  
Attachment B   PIM Minutes from November 3, 2015  
Attachment C   Review of Relevant Municipal Planning Strategy Policies

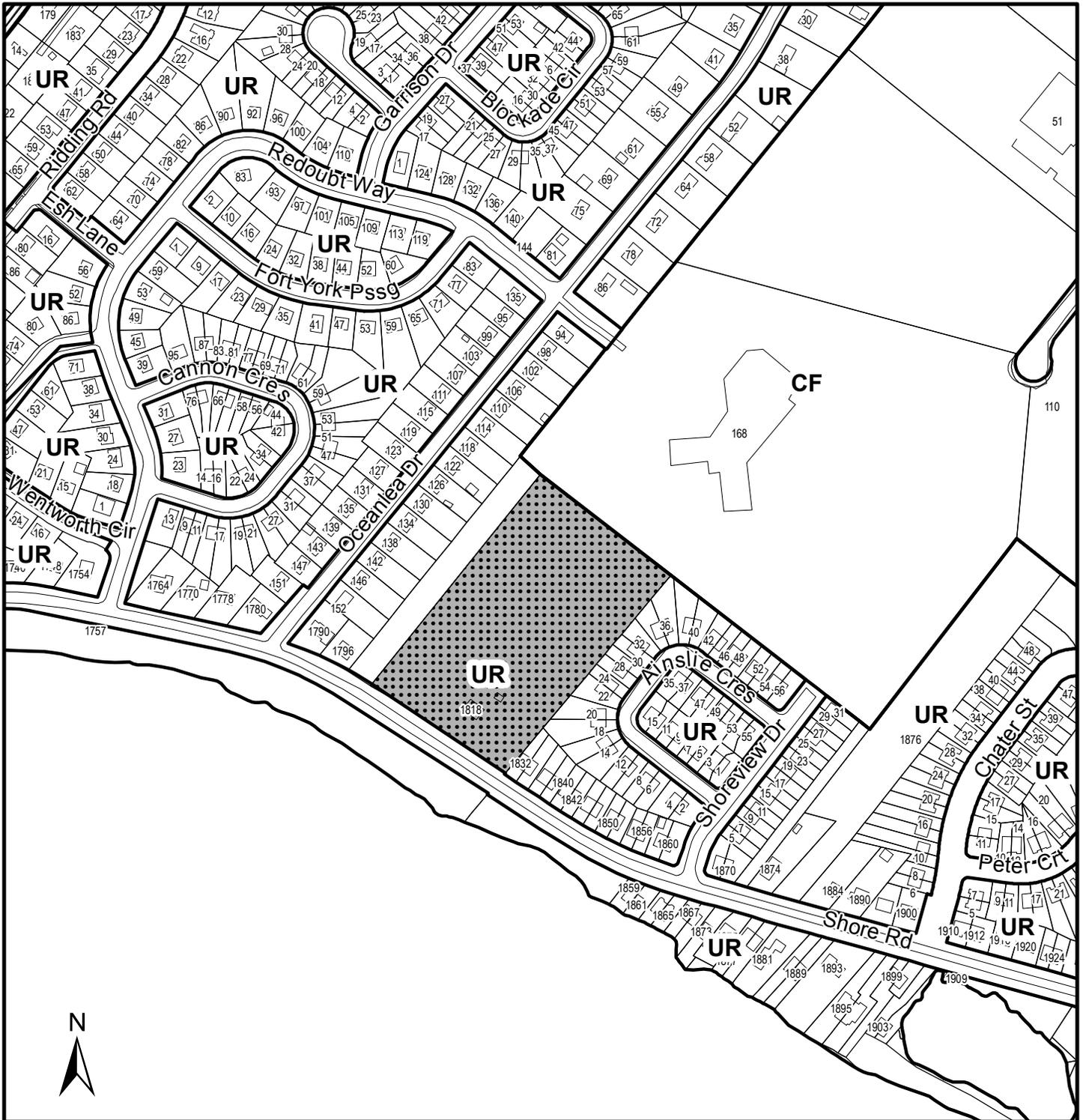
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Darrell Joudrey, Planner II, 902.490.4181

Original Signed

Report Approved by: Kelly Denty, Manager, Current Planning, 902.490.4800

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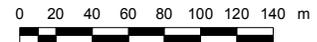
**Map 1 - Generalized Future Land Use**

**HALIFAX**

1818 Shore Road,  
Eastern Passage

 Area proposed to be rezoned from R-1 (Single Unit Dwelling) to R-2 (Two Unit Dwelling)

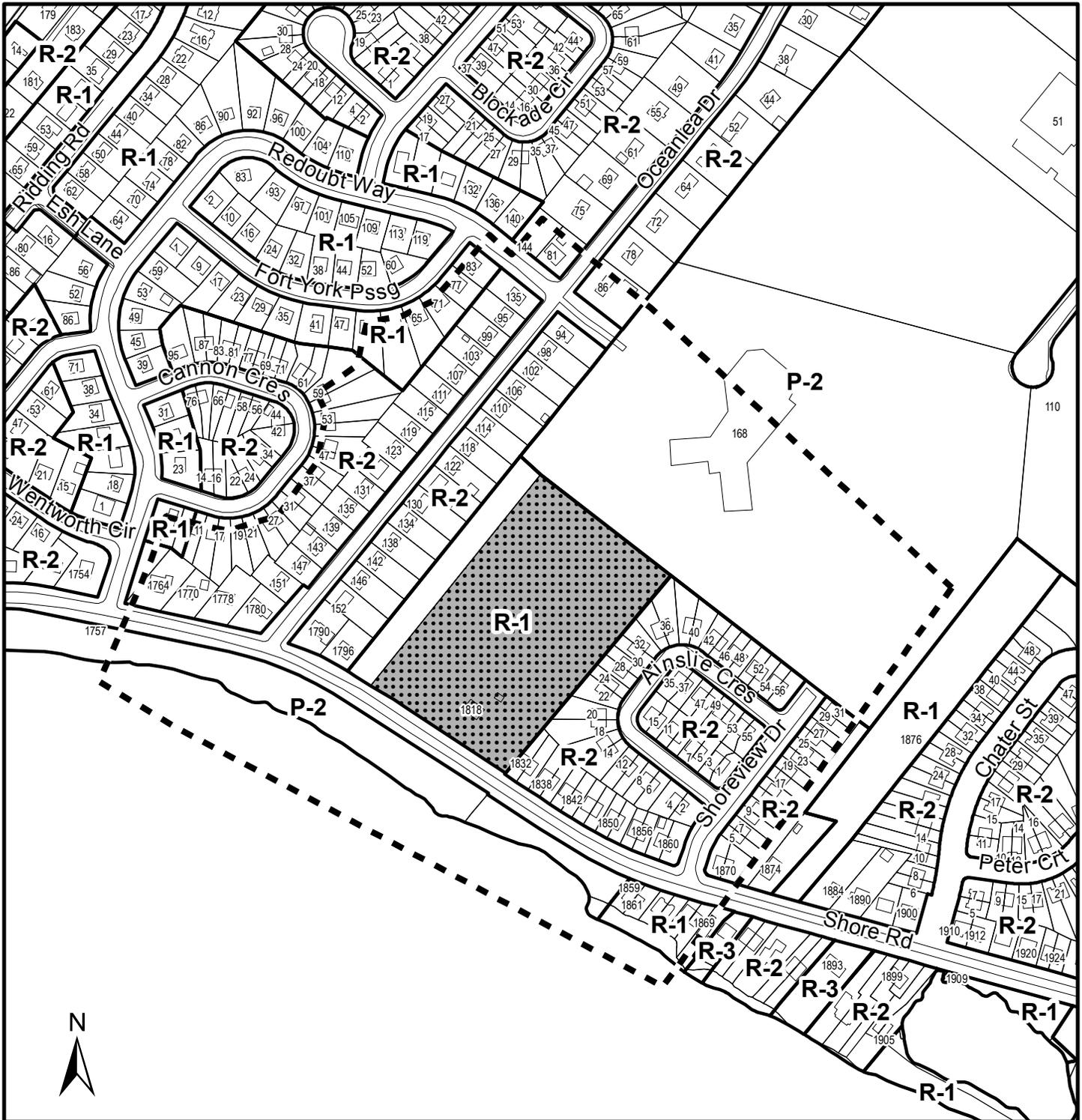
**Designation**  
UR Urban Residential



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.

Eastern Passage/Cow Bay  
Plan Area



### Map 2 - Zoning and Notification

1818 Shore Road,  
Eastern Passage

**HALIFAX**

 Area proposed to be rezoned from R-1 (Single Unit Dwelling) to R-2 (Two Unit Dwelling)

 Area of Notification

Eastern Passage/Cow Bay  
Plan Area

**Zone**

- R-1 Single Unit Dwelling
- R-2 Two Unit Dwelling
- R-3 Mobile Dwelling
- 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 Eastern Passage/Cow Bay Land Use By-law**

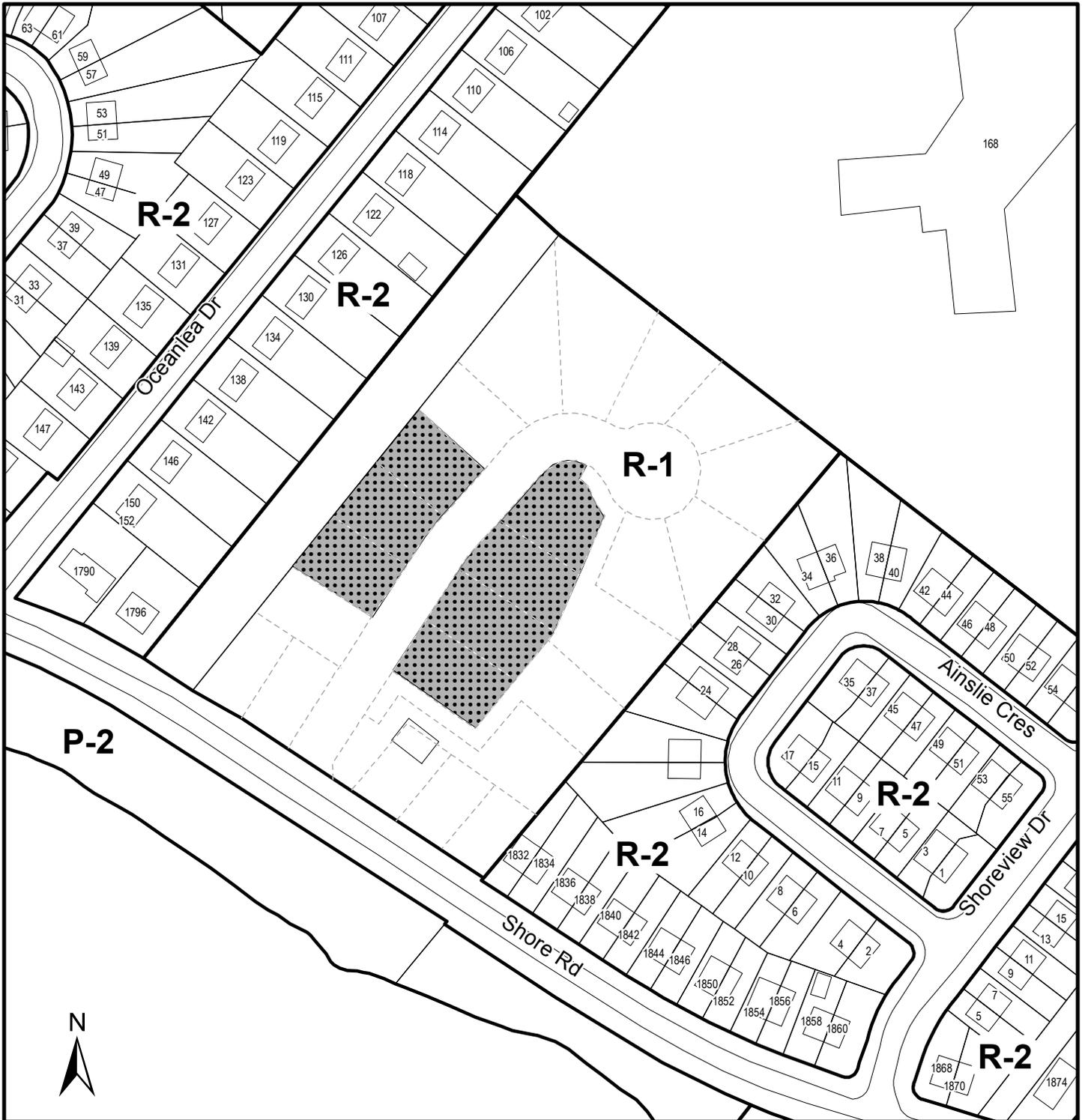
**BE IT ENACTED** by the Harbour East-Marine Drive Community Council of the Halifax Regional Municipality that the Eastern Passage/Cow Bay Land Use By-law, as amended, is hereby further amended as follows:

1. Amend Schedule A (Eastern Passage/Cow Bay Zoning Map) by rezoning portions of lands located at 1818 Shore Road, Eastern Passage, from the R-1 (Single Unit Dwelling) Zone to the R-2 (Two Unit Dwelling) Zone as shown on Schedule A of this Attachment.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Harbour East-Marine Drive Community Council of Halifax Regional Municipality held on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

GIVEN under the hand of the municipal clerk and under the Corporate Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Municipal Clerk



**Schedule A**

1818 Shore Road,  
Eastern Passage

 Area to be rezoned from  
R-1 (Single Unit Dwelling)  
to R-2 (Two Unit Dwelling)

 Approved Lots Pending

Eastern Passage/Cow Bay  
Plan Area

**Zone**

- R-1 Single Unit Dwelling
- R-2 Two Unit Dwelling
- R-3 Mobile Dwelling
- P-2 Community Facility

**HALIFAX**



This map is an unofficial reproduction of  
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**Attachment B: PIM Minutes November 3, 2015**

**HALIFAX REGIONAL MUNICIPALITY  
Public Information Meeting  
Case 19927**

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**Tuesday, November 3, 2015**

**7:00 p.m.**

**Tallahassee Recreation Centre, Multi-Purpose Room**

**STAFF IN**

**ATTENDANCE:**

Darrell Joudrey, Planner, HRM Development Approvals  
Holly Kent, Planning Technician, HRM Development Approvals  
Cara McFarlane, Planning Controller, HRM Development Approvals

**ALSO IN**

**ATTENDANCE:**

Councillor Bill Karsten, District 3  
Kevin Riles, President, KWR Approvals Inc.  
Will Robinson-Mushkat, Senior Planner, KWR Approvals Inc.

**PUBLIC IN**

**ATTENDANCE:**

Approximately 13

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The meeting commenced at 7:01 p.m.

**1. Call to order, purpose of meeting – Darrell Joudrey**

Mr. Joudrey introduced himself as the Planner facilitating this application through the planning process; Councillor Bill Karsten, District 3; Holly Kent (Planning Technician) and Cara McFarlane (Planning Controller), HRM Development Approvals; and Will Robinson-Mushkat (Senior Planner) and Kevin Riles (President), KWR Approvals Inc., Applicant.

The Public Information Meeting (PIM) Agenda was reviewed.

The purpose of the PIM is to identify to the community that HRM has received an application, give some background on the proposal and receive feedback from the public before the staff report is prepared. This is purely for information exchange and no decisions are made at the PIM.

**2. Presentation of Proposal – Darrell Joudrey**

KWR Approvals Inc. has submitted an application to rezone eight of 24 lots (shown on the site plan), of an approved subdivision, at 1818 Shore Road in Eastern Passage from R-1 (Single Unit Dwelling) Zone to R-2 (Two Unit Dwelling) Zone.

The subject property is in the Eastern Passage/Cow Bay plan area, is designated Urban Residential under the Eastern Passage/Cow Bay MPS, designated Rural Commuter under the Regional Municipal Planning Strategy (MPS) and zoned R-1 under the Land Use By-law (LUB). Existing on the property is a single unit home which will be demolished.

The Eastern Passage / Cow Bay MPS allows for a variety of housing types and one of its objectives is to provide for a more appropriate ratio of low density to higher density housing.

Policy UR-5 establishes a ratio of low density, or single unit housing, to higher density housing of 70:30 to achieve an overall housing mix within the plan area and it is intended to provide direction in the consideration of proposals for specific developments.

Staff will also evaluate Policy UR-7. It is the intention of Council to establish an R-2 Zone to permit new two unit dwellings in addition to all units permitted in the R-1 Zone. The Zone is to be applied to all existing two unit dwellings and those lands which are affected by approved plans of subdivision as is the case in this situation. When the staff report is prepared, a number of criteria under Policy UR-7 will be analyzed, along with tonight's feedback, to form the basis of staff's recommendation.

### **Presentation of Proposal – Will Robinson-Mushkat**

The application is to rezone a portion of 1818 Shore Road in Eastern Passage, a subdivision to be known as Blue Ocean Estates. The former residential property has a single detached house (to be demolished) on it and is approximately 5.8 acres in size.

The development and the subdivision are being led by Vanguard Developments (based in Halifax). KWR Approvals Inc. acts as the project management and developer's representative. SDMM, Civil Engineering, was hired to create a site plan and a plan of subdivision for Blue Ocean Estates. JRL Consulting completed a Traffic Impact Statement (TIS) for the subdivision. Davis MacIntyre & Associates Ltd. completed an archeological impact assessment for the site.

The plan of subdivision consists of 24 R-1 Zoned lots. The concept plan of subdivision has already been approved by HRM. As-of-right is a term that is used to describe planning processes which are considered the right of the property owner to complete. In this case, because this is an R-1 Zoned property, the 5.8 acres can be subdivided into smaller lots as-of-right. These lots have to meet the requirements of the LUB. R-1 lots in this particular area have to be a minimum of 6,000 square feet. The houses which are situated on the R-1 lots can be up to 35% of that size and to a maximum of 35 feet in height. The subdivision of this property would occur in two phases. Phase 1 would consist of five lots which would front onto Shore Road and the remaining 19 lots would be done under Phase 2. These lots would front onto Reid Layton Court, a new street.

The maximum stop sitting distance study was done. The posted speed limit on Shore Road is 50 km/hr and the stop sitting distance on that section of Shore Road is 65 metres. The TIS concluded that this distance is met (and exceeded) in both directions and that there would be no negative effects on the existing road network as a result of the creation of Blue Ocean Estates. The traffic that would be generated would fall in line with the existing traffic patterns throughout the neighbourhood during the a.m. and p.m. peak periods.

One resident asked if the public could have a copy of the TIS. **Mr. Robinson-Mushkat** – The study is posted on the Halifax website. **Mr. Joudrey** – A PDF of the study can be emailed if requested. **Nancy Aylward, Shore Road** would like to know when the TIS was done. **Mr. Joudrey** – That information is in the study.

The archeological impact resource assessment completed by Davis MacIntyre & Associates found that there were no archeological resources or areas of elevated interest on this site.

The application is to rezone eight of the 24 lots (about 1/3) in the subdivision from R-1 Zone to R-2 Zone. The lots to be rezoned in Blue Ocean Estates have been strategically situated (shown) within the subdivision. 67% (2/3) of the lots, 16 of the 24, would remain as R-1 Zoning. The R-2 Zoned lots would not be visible from along Shore Road or Tallahassee Community

School. This is in keeping with the overall guidelines provided in the MPS and LUB for the area. The main goal is for Vanguard Developments to provide a range of housing types within Blue Ocean Estates. Obviously with 2/3 of the properties remaining R-1, they would be in keeping with the predominant single family detached housing within the Eastern Passage community but it would also provide some further housing options and choices within Blue Ocean Estates.

### 3. Questions and Comments

**Tony MacDonald, Oceanlea Drive** – Why not put the semis along the property line to the right that backs existing semis? **Mr. Robinson-Mushkat** – This strip of land to the left of the subdivision is Institutional, part of the same parcel that Tallahassee Community School is situated on. The aim was to have the eight lots fronting directly onto the new street, Reid Layton Court (five on one side and three on the other). The goal was to maintain the predominant single family dwelling characteristic. The properties to the right of the subdivision along the existing semis are proposed flag lots. **Mr. MacDonald** – How will people access those? **Mr. Robinson-Mushkat** explained the access on the site plan.

**Marnie Reynolds, Cannon Crescent** is concerned about the impact and the residents' safety on Shore Road as it is already very busy. During peak hours, it is backed up to Cow Bay. **Mr. Robinson-Mushkat** – The TIS concluded that there would be no negative or significant impact from the creation of Blue Ocean Estates Subdivision onto Shore Road. There was no discussion regarding traffic lights or extra traffic measures but that can be taken into consideration. The estimated number of trips may in fact be lower due to public transit that is available in Eastern Passage. The stop siting distance has been met for both sides for this particular intersection where Reid Layton Court and Shore Road meet. **Mr. Joudrey** - HRM Traffic Services will review the TIS and decide if lights or crosswalks are warranted, the future impact on the road and the cost and maintenance of operation. As this is a concern, he will make sure the engineer is aware of the issues. **Ms. Reynolds** – What about the shape and safety of Shore Road? She is concerned about people crossing the road to go to Fishermans Cove. **Mr. Robinson-Mushkat** pointed out that Fishermans Cove is further down Shore Road.

**Ms. Reynolds** - Infrastructure to support all the new housing is a concern. Has it been done and financially planned for? What is it going to do to property taxes in Eastern Passage? **Mr. Robinson-Mushkat** - As a result of the creation of this subdivision, a rise in property taxes would not occur. He understands that infrastructure has been evaluated and there is capacity to handle the creation of 24 lots. **Kevin Riles** – New Infrastructure is paid 100% by the developer.

**Ms. Reynolds** - Is there a height restriction for the R-2 Zoned properties? Could they end up being apartment buildings? **Mr. Robinson-Mushkat** – R-2 Zoning only permits one or two unit dwellings on that piece of property. The maximum height limit for R-1 and R-2 Zoned lots is 35 feet.

**Ms. Reynolds** – What would the average cost of the households be? **Mr. Robinson-Mushkat's** best estimate on the average cost of the semis would probably be low \$200,000 while the singles probably high \$200,000 to low \$300,000 particularly the five lots located along Shore Road and the lots that would be located at the back of the bulb of that cul-de-sac. **Mr. Riles** – Vanguard Developments is a high-end developer. Mr. Riles feels it is important to maintain the single family feel when looking at Shore Road and it is nice to have large lots (estate lots) facing the school and the ocean; hence the placement of the semis.

**Mr. MacDonald** – The former property owners never wanted R-2 Zoning on their property. There was a clause to indicate that included when the property was sold. **Mr. Riles** was involved in the purchase of the property and the owner did not require that the site not be

rezoned.

**Brenda MacDonald, Oceanlea Drive** – The proposed semis should back onto the existing semis so the R-1 properties on Oceanlea Drive aren't affected by the increased vehicles. She feels the values of existing properties will go down. **Mr. Robinson-Mushkat** – Those are proposed flag lots which are generally zoned R-1 and have longer driveways. The eight lots that are proposed for rezoning have easy access to and face Reid Layton Court. **Mr. MacDonald** is concerned that residents on Oceanlea Drive will lose their view of the ocean due to homes being 35 feet in height. **Mr. Joudrey** – Whether the property is R-1 Zone or R-2 Zone, the height could be a maximum of 35 feet. **Mr. Riles** – It is important to note that if this application is turned down by Harbour East – Marine Drive Community Council (HEMDCC), the subdivision will be built as single unit dwellings. He will look at the suggestion of backing the semis onto the ones that already exist on Ainslie Crescent.

**Tammy Stevenson, Ainslie Crescent** hopes that if this application is approved by HEMDCC that the developer pays respect to how beautiful that piece of land is and how it is one of the last stunning patches of land in the region. She asked for examples of the Developer's work. **Mr. Robinson-Mushkat** – Vanguard Developments have primarily done previous developments in the Bedford area (Alpine Court and Union Street). The Union Street project especially has gone through extensive public consultation. Vanguard Developments has always strived to listen and be respectful of the community and their concerns. Regardless of whether the housing is R-1 or R-2, it would certainly meet high development standards. Mr. Robinson-Mushkat will provide some photos and renderings of previous developments that can be posted to the website.

**Ms. Stevenson** – There is a strip of forest to the right-hand side and other areas of the property. Will the developer retain some of that as a natural privacy screen and buffer as opposed to completely stripping the land? **Mr. Robinson-Mushkat** agrees that there is a benefit to maintaining some of the existing vegetation that appears on the right property line. The value of these particular lots would be enhanced by maintaining that natural vegetation. **Mr. Joudrey** – This is an as of right scenario. Does the Subdivision By-law require the retention of vegetation on the site? **Mr. Robinson-Mushkat** understands that it does not but the developer is willing to maintain that. **Mr. Riles** – When a road is constructed, there is a certain width around that road where it is difficult to keep vegetation. The homes on the estate lots are to the front of the lot; therefore, the natural vegetation at the back can be maintained. It is easier to retain the trees if they exist on the exterior of the lot. Also, keeping the trees in groups provides better stability during storms. The more vegetation, the easier lots sell. They would like to maintain the vegetation on approximately 2/3 of the property. There is a portion, much like a meadow, where not a lot can be saved but the developer will do their best. In terms of the semis, they will work with Mr. Joudrey to see if moving the semis will work. If no technical issues surface, he will commit to that tonight. He also guaranteed that they will not be coming back with anything else if this is refused. **Mr. Joudrey** reminded the public that these lots are being developed through the subdivision process and if in the end trees can't be saved for any reason, the developer cannot be required to do so. The subdivision process has no protection measures for vegetative buffers unless it is in a commercial area next to residential properties. **Mr. Riles** offered to the residents an opportunity to go onsite with the applicants to mark areas of vegetation they would like to see maintained.

**Ms. Aylward** is concerned about sewage issues. The treatment plant on the corner of Shore Road and Cow Bay Road is absolutely atrocious. There are 300 homes going in up on Cow Bay Road and now this subdivision. Is there sewage capacity? Traffic is also a concern. During summer, it is very busy with Fishermans Cove and the golf course. Each lot will have multiple cars and visitors with limited parking space. How wide are these lots? **Mr. Robinson-Mushkat** – The lots would meet the minimum code, 30 x 50 for the R-1 Zoning. **Mr. Joudrey** – R-2 lots are 70 feet (frontage) which provides 35 feet of frontage for each dwelling unit and an R-1 lot is

60 feet. **Ms. Aylward** sees the subdivision as being a mass of parked cars with a bit of lawn which won't be very nice looking. The residents do not want semis, period. She believes that Eastern Passage has reached its ratio of 70:30 housing mix. There is approved construction that has yet to be built. The proposed semis back onto the service road for Tallahassee School which backs onto one level, single family homes. The semis will block the view of the ocean completely from the decks of these homes. **Mr. Joudrey** – The 35 foot height is the maximum. **Ms. Aylward** – The semis will be built upwards as the lots are only 70 feet wide. **Mr. Riles** – Whether it is a single family home or a semi, the height can still be a maximum of 35 feet.

**Ms. Aylward** – Drainage is a concern as well. There is new drainage along Cow Bay Road. Does this development hook into that drainage? **Mr. Joudrey** – The drainage will be piped into the existing storm drainage. Halifax Water will review that plan and look at the sewage capacity. The plant, before the expansion, was designed for the maximum number of R-1 properties on the land so they have to look at the possibility of adding eight additional dwelling units. A hydrogeological engineer has to present a stormwater and a surface water management plan (part of the Subdivision application) to HRM for approval. **Mr. Riles** – Nowadays, stormwater management is extremely strict. Whether the homes are single family or semis, it has to be designed to ensure that water running off the property during a rainfall or storm goes into the ditch or pipes to avoid runoff onto neighbouring properties.

**Ms. Aylward** is concerned that the fire department will have difficulty getting to some of the lots. **Mr. Joudrey** – This plan already has subdivision approval; therefore, those details have been reviewed and commented on by emergency responders. **Ms. Aylward** – The residents do not want the land rezoned.

**Mr. MacDonald** is curious about the difference in the two public notices that went out to residents and concerned that not everyone received the second notice in time for the PIM.

**Bev Gorsline, Shore Road** – After approval has been given, what is the time frame for construction? Will blasting be required? **Mr. Robinson-Mushkat** – Provided that these eight lots are approved by HEMDCC for rezoning from R-1 Zone to R-2 Zone, and proper permits are rewarded, construction can begin. He understands that Vanguard wishes to move on with the subdivision and construction of the lots regardless of whether the eight lots are rezoned. That being said, there is no time limit when construction can begin. Phase 1 will be the five lots fronting on Shore Road. Phase 2 will be the remaining lots. It could take between 18 months to two years to complete. He believes there will be no blasting required as part of this subdivision and construction process. **Mr. Joudrey** – The decision of HEMDCC is appealable to the Nova Scotia Utility And Review Board for a two week period after Council's decision. The HRM Charter requires an advertisement of the appeal, known as the Notice of Approval, be placed in the paper. **Mr. Riles** – Road construction takes about 20 weeks. There are rules regarding the pouring of concrete and asphalt after October; therefore, it is economical that developers put the road in place at one time. Potentially, blasting won't have to occur. The soil in Dartmouth, generally speaking, is very good. **Ms. Aylward** is concerned about damage to homes from blasting. **Mr. Riles** – Halifax has one of the toughest blasting by-laws in Canada. The Developer has insurance to cover damage that does occur. Videos of homes within a certain radius of the blasting zone can be done prior to any blasting.

**Ms. Aylward** is concerned that this project will go ahead regardless of the public's comments and concerns. **Mr. Riles** – At the end of the day, if Council refuses the application, the applicant respects that in the community. The single family subdivision development will continue with no hard feelings. He thinks there is a good market for the housing mix and the semis would be very high end. Where there isn't a development agreement involved, it makes sense for the public to work with the applicant and developer to make sure everyone's concerns are met. Again, a group can be formed to go onsite and work together to devise a plan. **Ms. Aylward** believes

single family homes would be a bigger and faster sell. Data shows that basically semis and single family homes are selling the same. The ones on the Shore Road will sell first which will provide the money to help build the rest. **Mr. Riles** – Internally, there have been disagreements on what lots actually sell first. Sometimes, if the homes on the larger lots are built at the end, people will pay more because the subdivision is complete, settled and groomed. **Ms. Aylward** – The community needs more “next level” housing as opposed to more semis so people will stay in the area.

**Ms. MacDonald** – Please take into consideration that ten families (five semis) will be backing onto Oceanlea Drive and the fact that there is a greenbelt that runs up to the school. It becomes a safety issue when you have more people cutting through the yards.

**Ms. Stevenson** agrees with Ms. Aylward. “Next level” housing is needed in the area. She asked Mr. Riles what he is hearing from the community. **Mr. Riles** – A reluctance for semis but he would like the community to work with them to come up with something the residents would be comfortable with. **Ms. Stevenson** – Move the semis back to that right property line and leave the trees.

**Ms. Aylward** – The residents want to see diagrams and renderings to show the quality of the work that will be done. Nothing can be done about the R-1 homes but the community can have it’s say on the R-2 lots. **Mr. Riles** asked her to contact Mr. Robinson-Mushkat and keep in touch.

**Jim Woodley, Shore Road** – The community has indicated that semis are not wanted. Is that enough for HEMDCC to oppose this application? **Councillor Karsten** is responsible for listening to all the information and feedback. When the application comes before HEMDCC in the form of a public hearing, HEMDCC deliberate and make a decision.

**Councillor Karsten** – Staff will do their due diligence, write a staff report for or against the application and then it comes to HEMDCC where the public hearing will be held. **Mr. Joudrey** – Notification is sent out for a public hearing along with an advertisement in the paper at least 14 days prior to the date of the public hearing.

#### **4. Closing Comments**

**Mr. Joudrey** thanked everyone for coming and expressing their comments.

#### **5. Adjournment**

The meeting adjourned at approximately 8:37 p.m.

## Attachment C: Eastern Passage/Cow Bay Municipal Planning Strategy Policy Evaluation

UR-5 It shall be the intention of Council to establish a general objective of 70:30 as a housing mixture ratio between single unit dwellings and other types of residential dwellings units within the Plan Area.

The preamble which provides context to the above policy statement notes the objective of this MPS is to provide for a more “appropriate” ratio of single unit dwellings to higher density housing. In response to concern expressed by the residents of the plan area when there was a decline in the ratio of single unit dwellings to all other types of residential dwellings from 74 percent to 52 percent during the period from 1981 to 1990 lands were pre-zoned R-1 (Single Unit Dwelling) and standards established in the Land Use By-law for other types of housing. A recent review (September 2013) shows the ratio of single unit dwellings to all other dwelling types has further declined to 33 percent.

The establishment of a general objective of 70:30 as a housing mixture ratio has been interpreted by staff to mean that this relationship be used as a guideline within the plan area as well as to individual development proposals. This meaning was given validity by the findings of the Nova Scotia Utility and Review Board (NSUARB) in the matter of an appeal by Anahid Investments (2003) of a Harbour East Community Council decision. The NSUARB found that “Policy UR-5 applies to the planning area as a whole and as well provides guidance for individual developments”.

The request by the developer of the lands is for 7 semi-detached dwelling units comprised of 7 two unit dwellings. Given that the total development proposed is composed of 24 lots, the proportion of single unit dwellings (17) to potential two unit dwellings (7) is consistent with the 70:30 ratio noted above.

UR-7 Notwithstanding Policy UR-2, within the Urban Residential Designation, it shall be the intention of Council to establish a two unit dwelling zone which permits new two unit dwellings in addition to all uses permitted in the single unit dwelling zone (Policy UR-2), under revised zone standards. This zone shall be applied to all existing two unit dwellings and to those lands which are affected by approved plans of subdivision. Provisions will also be established within the land use by-law to permit these existing developments to proceed based on the previous two unit dwelling zone standards. Council shall only consider permitting new two unit dwellings, under revised standards by amendment to the land use by-law and with regard to the following:	
(a) that where a vacant lot or parcel of land to be rezoned abuts or is immediately adjacent to properties with single unit dwelling zoning, a buffer of R-1 zoned lots shall be maintained between existing and proposed development;	The subject lands do not abut or are not immediately adjacent any existing single unit dwellings, therefore there is no need to establish a buffer between existing and proposed development.
(b) that streets are not considered to constitute part of the buffer and, except for individual	As per above, a buffer is not required.

lot infill, parkland with an area of less than one acre and a depth of less than one hundred (100) feet shall not constitute part of the buffer;	
(c) that municipal central services are available and capable of supporting the development;	Municipal central services are available and Halifax Regional Water Commission advise they are capable of servicing the proposed development.
(d) where new roads are being proposed as part of the development, an evaluation of the proposed road layout and the impacts on traffic circulation in the surrounding area; and	The Traffic Impact Study prepared for the site and accepted by traffic services was generated for full potential build out of 30 dwelling units. The conclusion was that due the low number of trips estimated to be generated by the proposed development there will not be a significant impact to levels of service on adjacent streets or street intersections in the study area or on the regional network of streets.
(e) the provisions of Policy IM-11.	See below.

IM-11 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 planning strategy, Council shall have appropriate regard to the following matters:	
(a) that the proposal is in conformity with the intent of this planning strategy and with the requirements of all other municipal by-laws and regulations;	The proposal is generally in conformity with the intent of the EP/CB MPS. Current sewage treatment capacity at the Eastern Passage plant is based on the permitted amount of development under the LUB but recent upgrades to EPWWTP capacity allows for the request to add additional dwelling units.
(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;	There is no additional cost to the municipality at this time as all costs will be borne by the developer.
(ii) the adequacy of sewerage and water services;	Halifax Water confirms there is adequate sewage treatment capacity and water for this proposal.
(iii) the adequacy or proximity of school, recreation or other community facilities;	The HRSB is required to provide schools for the residents of HRM. There are a number of nearby recreation and community facilities. Connectivity of

	these resources may be an issue.
(iv) the adequacy of road networks leading or adjacent to or within the development; and	The traffic impact study accepted by traffic services indicates site development at full build out of 30 dwelling units are not expected to have a significant impact on the local street network or study area street intersections.
(v) the potential for damage to or for destruction of designated historic buildings and sites.	The site was subject to a investigation by an archaeological consultant who found no record of human exploitation.
(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) type of use;	The proposed land use is low density residential development in the form of small lot single unit dwellings and two unit dwellings.
(ii) height, bulk and lot coverage of any proposed building;	The dwelling units will comply with all regulations, requirements and provisions of the Eastern Passage/Cow Bay LUB.
(iii) traffic generation, access to and egress from the site, and parking;	See IM-11(iv) above.
(iv) open storage;	Open storage is not permitted under the LUB.
(v) signs; and	Signage is permitted as per the Eastern Passage/Cow Bay LUB.
(vi) any other relevant matter of planning concern.	None.
(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 subdivision application process requires the developer to prepare a stormwater management plan addressing site surface drainage.
(e) <b>Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy IC-6”, 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)</b>	n/a