



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

**Item No.13.1.1**  
**Halifax and West Community Council**  
**January 8, 2019**

**TO:** Chair and Members of Halifax and West Community Council

**-Original Signed-**

**SUBMITTED BY:** \_\_\_\_\_  
Kelly Denty, Director of Planning and Development

**-Original Signed-**

\_\_\_\_\_  
Jacques Dubé, Chief Administrative Officer

**DATE:** November 7, 2018

**SUBJECT:** **Case 21081: Rezoning for 59 Kearney Lake Road, Halifax**

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**ORIGIN**

Application by WSP Canada Inc.

**LEGISLATIVE AUTHORITY**

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

**RECOMMENDATION**

It is recommended that Halifax and West Community Council:

1. Give First Reading to consider approval of the proposed amendment to Map ZM-1 of the Halifax Mainland Land Use By-law, as set out in Attachment A, to rezone lands at 59 Kearney Lake Road from R-1 (Single Family Dwelling) Zone to R-3 (General Residential and Low Rise Apartment) Zone and schedule a public hearing;
2. Adopt the amendment to Map ZM-1 of the Halifax Mainland Land Use By-law, as set out in Attachment A.

## **BACKGROUND**

WSP Canada Inc. has applied to rezone the lands at 59 Kearney Lake Road, Halifax from R-1 (Single Family Dwelling) to R-3 (General Residential and Low-Rise Apartment) to enable a multiple unit residential building.

<b>Subject Site</b>	A parcel of land fronting on Kearney Lake Road, near the intersection of Grosvenor Road (PID 00325795)
<b>Location</b>	59 Kearney Lake Road, Halifax
<b>Regional Plan Designation</b>	Urban Settlement (US), Birch Cove Urban Local Growth Centre
<b>Community Plan Designation (Map 1)</b>	Residential (R) under Halifax Municipal Planning Strategy
<b>Zoning (Map 2)</b>	R-1 (Single Unit Dwelling) under Halifax Mainland Land Use Bylaw
<b>Size of Site</b>	4,167.17 square metres (44,855 square feet)
<b>Street Frontage</b>	67.36 metres (221 feet)
<b>Current Land Use(s)</b>	Residentially developed with Single Unit Dwelling and accessory building
<b>Surrounding Use(s)</b>	North/northwest - developed with multiple unit dwellings and located behind the low scale edge of six single unit dwellings having frontage on Kearney Lake Road.  Southeast - single unit dwellings whose rear yards abut the subject lands and have frontage on Grosvenor Road.  North/Northeast – single unit dwellings whose rear yards abut the subject lands and have frontage on Castle Hill Drive.

### **Proposal Details**

The applicant has applied to rezone the subject property to the R-3 Zone to allow a 4-storey apartment building where there is currently a single unit dwelling. If Council approves the proposed rezoning, all development on the site would be considered within an 'as-of-right' process and evaluated against the rules of the R-3 Zone. This flexibility notwithstanding, the applicant has provided details around their intended development proposal which would meet the standards of the R-3 Zone. The major aspects of the proposal are as follows:

- 4 storey apartment building;
- 32 dwelling units;
- Below grade and surface parking; and
- Outdoor amenity space.

### **Enabling Policy and LUB Context**

The subject property is designated Residential Environments under the Halifax Municipal Planning Strategy (MPS), and zoned R-1 (Single Family Dwelling) Zone under the Halifax Mainland Land Use By-law (LUB). The R-1 Zone permits single unit dwellings, home occupations and various institutional and recreational uses.

The Residential Environments designation is an all encompassing residential designation that allows Council to consider any rezoning application to another residential zone. The goal of this designation is to generate a variety of residential unit types provided that applicable policy criteria is met to carry out the intent of the MPS. Attachment B contains a copy of the relevant policy from the Halifax MPS, as well as a staff assessment as to how this proposal adheres to this policy.

Under the current R-1 provisions of the LUB, the subject lands could be subdivided into a total of four R-1 single unit dwelling lots. This could possibly result in up to three new driveways on Kearney Lake Road in

addition to the existing driveway. The four potential new single unit dwellings would have a maximum 35% lot coverage, maximum 35 feet height limit, 8 foot setbacks from rear and both side yards of the lot, and must be at least 20 feet from the street line in front of the building. Additionally, every building must maintain at least 12 feet of separation from any other building.

## **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 public information meetings held on December 4, 2017 and February 1, 2018. Attachment C contains a copy of the summary of the meeting notes from both meetings. Public comments received included the following topics:

- Kearney Lake Road cannot accommodate extra traffic volume creating dangerous existing conditions;
- Accessing Halifax Transit stops is hazardous;
- Residential intensification will significantly alter community character and reduce quality of life for existing residents;
- Lack of school capacity in the area;
- Construction hazards to abutting and nearby properties;
- Height, shadows and lack of solar access;
- Acoustic and visual privacy were of concern;
- Ongoing management of site and building maintenance; and
- Lowered property values.

A public hearing must be held by Halifax and West Community Council before they may 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 regular 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 to the R-3 Zone which would permit the development of a four storey 32 unit apartment building.

### **LUB Amendment Review**

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

#### *Compatibility*

When larger scale infill residential developments are located adjacent to lower density residential zones with existing single unit dwellings, compatibility issues can occur due to differences in building mass, height, setback and transition requirements. Compatibility issues can be mitigated by such things as surface articulation, setbacks and buffering, use of human scale elements, transitional forms and massing, and sympathetic building materials.

Should the proposed rezoning be approved, any development that conforms with regulations in the zone would be permitted in an as-of-right process without additional Council approval or community engagement.

The test for evaluating a rezoning application is based on a full build-out under the proposed zone and a determination of whether that build-out meets the intent of the MPS policies. To that end, staff have examined the potential for redevelopment of the subject property based on the maximum envelope allowed under the requested R-3 Zone (Attachment D).

Infill redevelopment in lower density areas is encouraged in the applicable MPS policies, but no detailed criteria on how development should transition into surrounding single unit dwelling zoned neighbourhoods is provided. Similarly, with the exception of the Halifax Downtown plan area, there are no zoning regulations requiring lower building heights within a certain distance from single unit or lower density properties. However, there are some transitioning tools within the bylaw that may be applied to locations with higher urban scale redevelopment proposals including required setbacks and angle controls in the R-3 Zone of the Halifax Mainland LUB. The setbacks apply to the proposed building up to the maximum permitted height and the angle controls regulate height and massing while also mitigating concerns relative to solar access and privacy.

The MPS policies evaluated in Attachment B that speak to the redevelopment of lands within existing neighbourhoods emphasize that intensity, scale and use should be compatible with existing residential neighbourhoods in order to ensure integrity and stability are maintained. This proposal is not a redevelopment of a portion of existing neighbourhoods or a material redevelopment of existing housing stock contributing to dislocation of residents. Instead, the proposal can be described as a low-rise multiple unit building on the perimeter of existing homogenous single unit dwelling neighbourhoods. The subject site abuts a multiple unit development including a 40 unit building and two 100 unit buildings and is distinguished from adjoining neighbourhoods by its larger lot area, treed frontage and property boundaries.

#### *Community Character*

Applicable policies in the MPS acknowledge change is not precluded within different established neighbourhoods that display varied characteristics. This notwithstanding, any new development should be compatible with and preserve the character of these neighbourhoods to maintain stability while contributing to a range of residential uses. This redevelopment proposal provides diversity in housing form and tenure without altering the local street pattern or locating the multiple unit building within the single unit fabric of the existing neighbourhoods. Height, scale and bulk of the proposed building may be visually mitigated at the discretion of the developer by various design responses and reference to architectural elements and prevalent forms of the existing single unit dwelling neighbourhoods.

#### *Traffic*

A Traffic Impact Statement (TIS) submitted in support of this proposal shows 40 dwelling units (the proposal is for 32 dwellings units but the maximum permitted under the LUB density requirements would be 40 dwelling units) would generate 20, 2-way vehicle trips (4 entering and 16 exiting) during the AM peak hour and 25, 2-way vehicle trips (16 entering and 9 exiting) during the PM peak hour. The existing driveway is proposed to be retained and meets the stopping sight distance on both the eastbound and westbound approaches. Any unplanned changes to access would need to be approved separately by staff, based on HRM engineering standards.

The TIS concludes that considering the limited number of proposed apartment units and the good connectivity to higher order streets and transit, the number of site generated trips from this proposed development are not expected to have any significant impact on levels of performance of adjacent streets and intersections. HRM Traffic Services has accepted the TIS for this application.

#### **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 subject site is proposed to be redeveloped with a 4 storey multiple unit building and will utilize the existing driveway on Kearney Lake Road. The proposed building must meet all the requirements and provisions of the requested R-3 Zone (Attachment D) including angle controls and density requirements. The required TIS has been accepted by HRM Traffic

Management. Therefore, staff recommend that Halifax and West Community Council approve the proposed LUB amendment.

### **FINANCIAL IMPLICATIONS**

The HRM cost associated with processing this planning application can be accommodated with the approved 2018-2019 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 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 LUB amendment are contained within the Discussion section of this report.

### **ENVIRONMENTAL IMPLICATIONS**

No environmental implications are identified.

### **ALTERNATIVES**

1. Halifax and West Community Council may choose to refuse the proposed LUB amendment, and in doing so, must provide reasons why the proposed amendment does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed LUB amendment is appealable to the Nova Scotia Utility and Review Board as per Section 262 of the *HRM Charter*.
2. Halifax and West Community Council may choose to approve the proposed LUB amendments subject to modifications, and such modifications may require a supplementary staff report. A decision of Council to approve this proposed LUB amendment is appealable to the Nova Scotia Utility and 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
Attachment B:	Review of Relevant MPS Policies
Attachment C:	Public Information Meetings Summary and Public Comments Received
Attachment D:	R-3 Zone of the Halifax Mainland Land Use By-law

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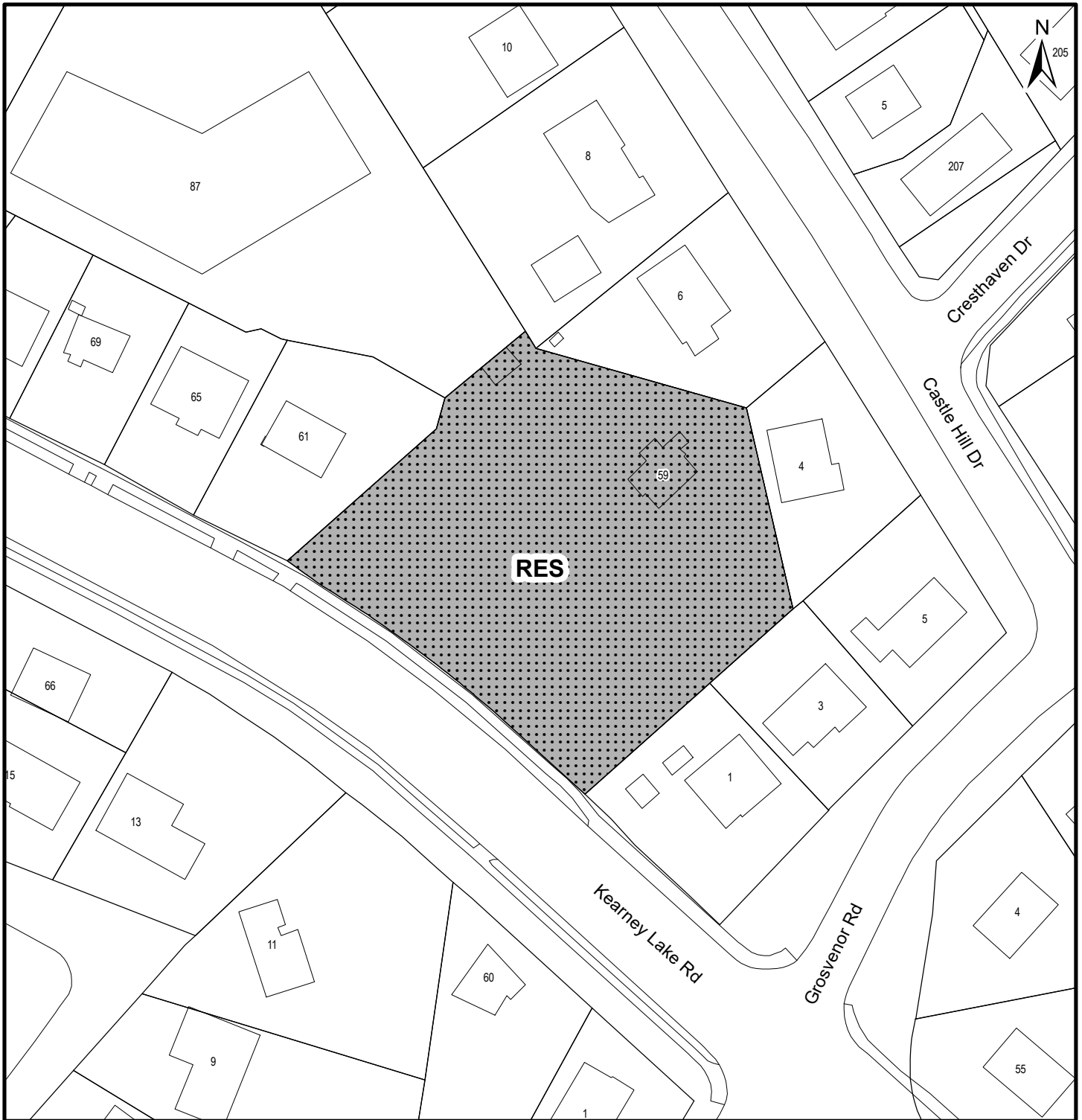
A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Darrell Joudrey, Planner II, 902.490.4181

***-Original Signed-***

Report Approved by: Steven Higgins, Manager, Current Planning, 902.490.4382

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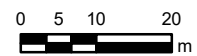
**Map 1 - Generalized Future Land Use**

59 Kearney Lake Road, Halifax  
(PID 00325795)

**HALIFAX**

 Subject Property

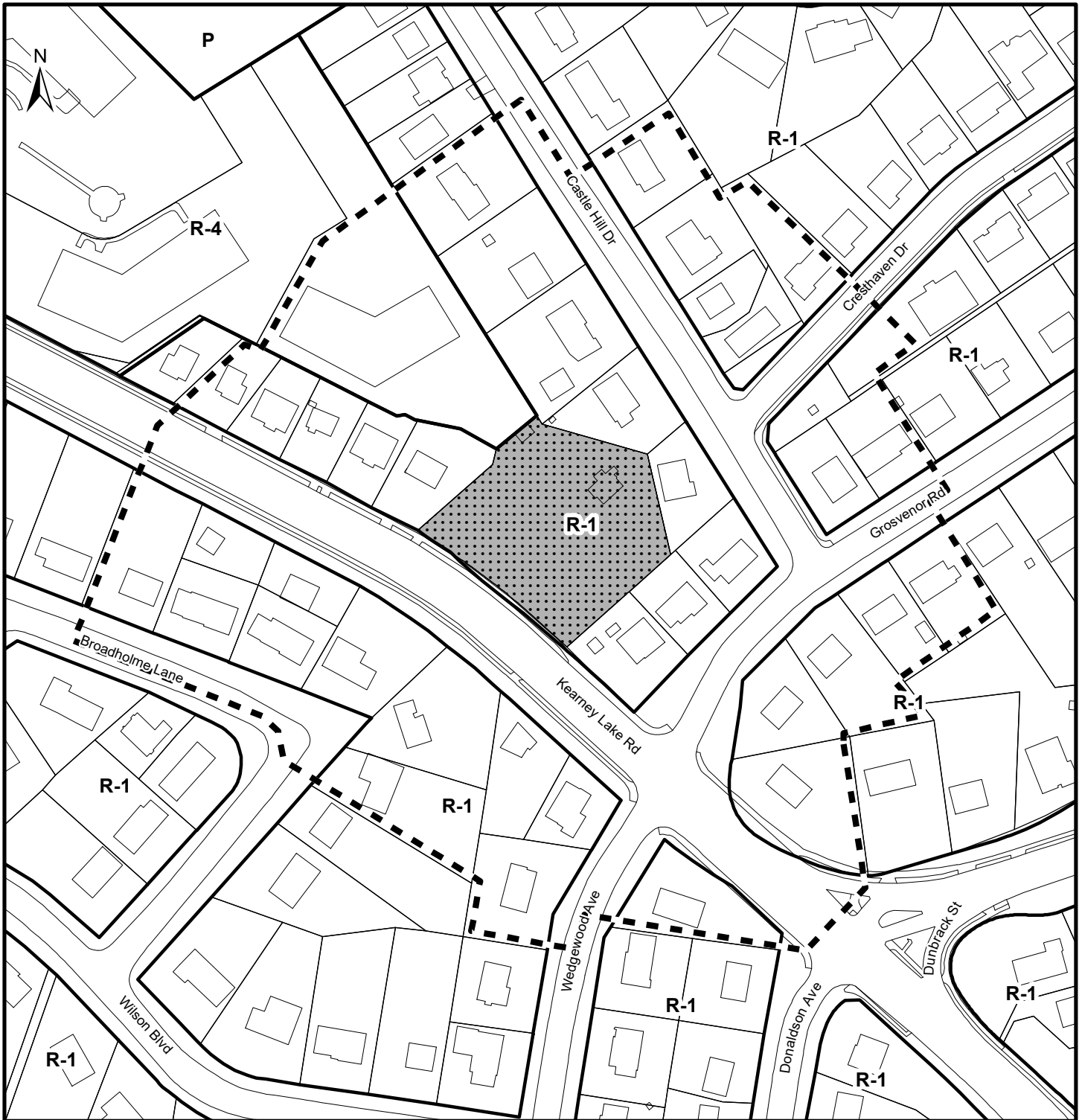
**Designations**  
RES Residential Environments



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.

Halifax Plan Area



## Map 2 - Zoning and Notification

59 Kearney Lake Road, Halifax  
(PID 00325795)

-  Subject Property
-  Area of Notification

### Zones

- R-1 Single Family Dwelling
- R-4 Multiple Dwelling
- P Park and Institutional

**HALIFAX**



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.

Halifax Mainland  
Land Use By-Law Area

**ATTACHMENT A**

**Proposed Amendment to the Land Use By-law for Halifax Mainland**

BE IT ENACTED by the Halifax and West Community Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Mainland is hereby further amended as follows:

1. Amend Map ZM-1, the Zoning Map, by rezoning 59 Kearney Lake Road (PID 00325795) from the R-1 (Single Family Dwelling) Zone to the R-3 (General Residential and Low Rise Apartment) Zone as shown on the attached Schedule A.

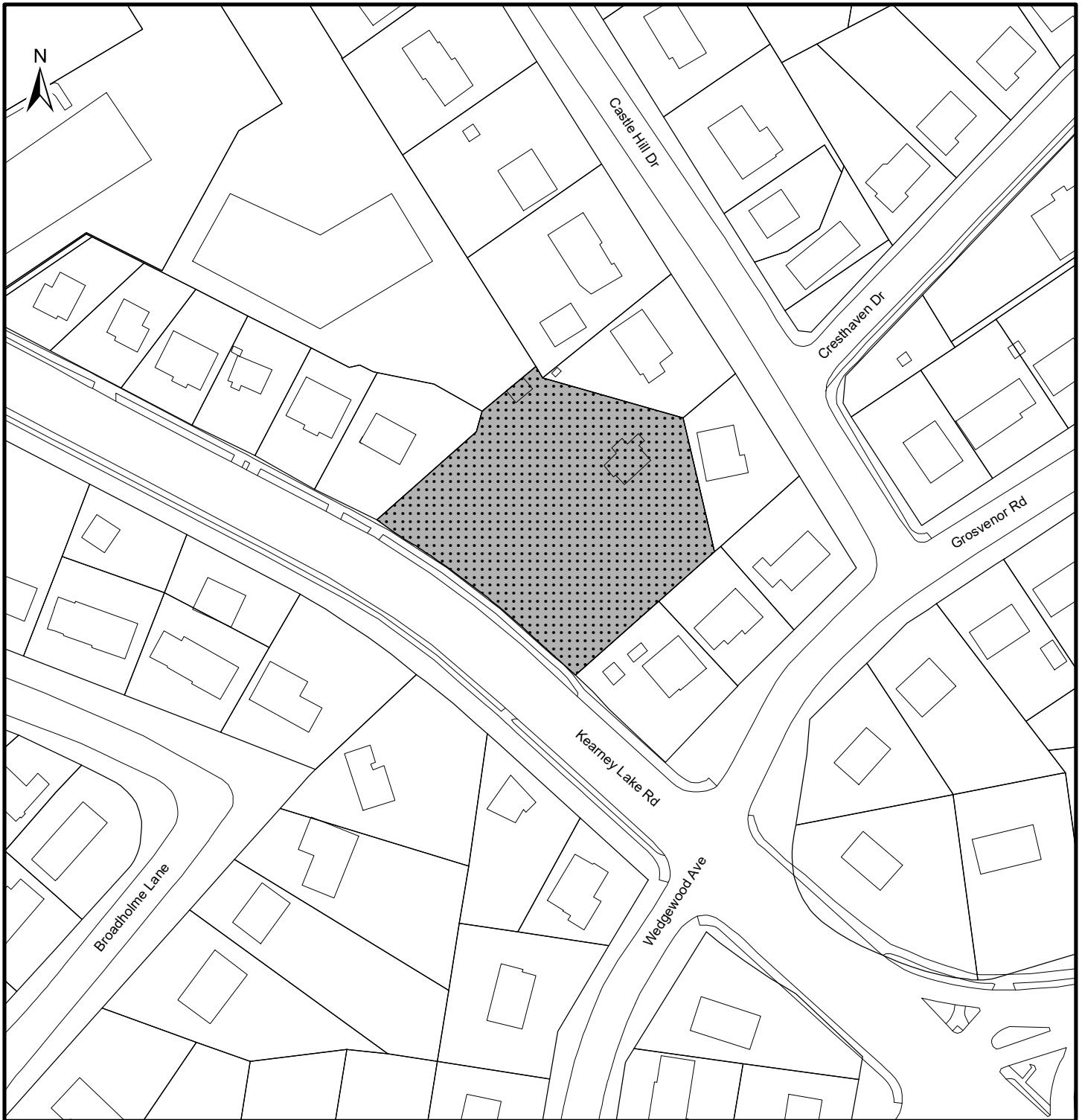
I HEREBY CERTIFY that the amendment to the Land Use By-law for Halifax Mainland as set out above, was passed by a majority vote of the maximum number of members that may be elected to Halifax and West Community Council, at a meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2018.

GIVEN under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2018

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Kevin Arjoon  
Municipal Clerk





**Schedule A**

59 Kearney Lake Road, Halifax  
(PID 00325795)

 Lands to be rezoned from R-1 (Single Family Dwelling) Zone to R-3 (General Residential and Low-Rise Apartment) Zone

**Zones**

- R-1 Single Family Dwelling
- R-4 Multiple Dwelling
- P Park and Institutional

**HALIFAX**

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.

Halifax Mainland  
Land Use By-Law Area

## Attachment B: Review of Relevant MPS Policy

<b>HALIFAX MUNICIPAL PLANNING STRATEGY: SECTION II CITY-WIDE OBJECTIVES AND POLICIES</b>	
Policy Statement	Staff Review Comment
<b>2. <u>RESIDENTIAL ENVIRONMENTS</u></b>	
<b>Objective:</b> The provision and maintenance of diverse and high quality housing in adequate amounts, in safe residential environments, at prices which residents can afford.	
2.1 Residential development to accommodate future growth in the City should occur both on the Peninsula and on the Mainland, and should be related to the adequacy of existing or presently budgeted services.	This residential development proposal may be accommodated within capacity of existing services.
2.2 The integrity of existing residential neighbourhoods shall be maintained by requiring that any new development which would differ in use or intensity of use from the present neighbourhood development pattern be related to the needs or characteristics of the neighbourhood and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.	<p>The proposed development is residential in nature, and while similar in intensity of use to the multiple unit buildings to the west, it is more intense than the adjoining existing single unit detached dwellings at Kearney Lake Road, Grosvenor Road and Castle Hill Drive. The proposal shares the characteristics of the nearby multiple unit buildings in that it is the same building form, it will not be built to the street edge of Kearney Lake Road (like the existing six single unit detached homes).</p> <p>The subject site is on the edge of the homogenous single unit detached neighbourhood that begins at Grosvenor Road and separates it from the six homes along Kearney Lake Road. The integrity of the small single unit dwelling neighbourhood along Kearney Lake Road and the larger single unit dwelling neighbourhood at Grosvenor Road and locality are maintained.</p>

	<p>The Halifax Mainland LUB R-3 zone sets out 75 persons per acre as the permitted density. In accordance with the prescribed unit mix ratio of the R-3 zone this density could be represented by approximately thirty-five (35) bachelors/1-bedrooms and eleven (11) 2-bedroom. This scenario is a higher number of units than the applicant's proposed 40 units that would need be composed of 30 bachelors/1-bedrooms and 10 2-bedrooms in order to meet the unit mix ratio. Depending on the occupancy count per unit this ratio may be managed to meet the 75 persons per acre density.</p> <p>Because the proposal is within the density range suggested in the Regional Plan for residential infill in this Centre and can meet the Land Use Bylaw requirements for density and unit mix ratio staff believe the proposal is consistent with this aspect of the policy.</p> <p><i>Implementation Policies 3.1 and 3.2, that are referred through this Policy review are presented immediately below.</i></p>
<p>3.1 <i>Repealed 6 June 1990</i></p>	
<p>3.2 <i>For those areas identified in Section II, Policy 2.5.2 of this Plan, the City shall, pursuant to the authority of Section 33(2)(b) of the Planning Act, establish such development control regulations as are necessary to implement the policies of this Plan.</i></p>	
<p>2.3 The City shall investigate alternative means for encouraging well-planned, integrated development.</p>	<p>N/A: Such an exercise would be a separate planning and development matter to be dealt with, and not in conjunction with an application such as this proposal for one site.</p>
<p>2.3.1 The City should restrict ribbon development which does not conform to the policies of this document and should seek ways to remove any such development</p>	<p>This proposal is a residential infill development, whereas often lands were developed following a shallow pattern that consisted of homes built along the street edge and following services: often resembling a narrow band or ribbon.</p>

<p>which may become obsolete.</p>	
<p>2.3.2 Ribbon development along principal streets should be prohibited in order to minimize access points required by local traffic.</p>	<p>This proposal is residential infill type development. The subject site's existing access point at 59 Kearney Lake Road will be maintained, and does not present any concerns for HRM's Development Engineering and Traffic Services.</p>
<p>2.4 Because the differences between residential areas contribute to the richness of Halifax as a city, and because different neighbourhoods exhibit different characteristics through such things as their location, scale, and housing age and type, and in order to promote neighbourhood stability and to ensure different types of residential areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods.</p>	<p>The proposal does not seek to alter the existing residential character of the established single unit detached neighbourhoods but to contribute an alternative form and tenure type within the vicinity of the neighbourhoods. Development of small sites such as this play an important role in housing delivery and often may provide sensitive renewal and intensification of existing residential areas while maintaining stability in established neighbourhoods.</p>
<p>2.4.1 Stability will be maintained by preserving the scale of the neighbourhood, routing future principal streets around rather than through them, and allowing commercial expansion within definite confines which will not conflict with the character or stability of the neighbourhood, and this shall</p>	<p>Stability of the existing single unit dwelling neighbourhoods will be maintained as the scale of these adjoining residential environs will be preserved: no new public streets or commercial development are included as part of the proposal. Residential infill proposals such as this must respond with appropriate density ranges while taking into account local character and transportation capacity.</p>

<p>be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</p>	
<p>2.5.1 The City views the neighbourhood as the foundation for detailed area planning. In the process of detailed area planning, residents shall be encouraged to determine what they consider to be their neighbourhoods, and to work with City Council and staff in arriving at an acceptable definition of their neighbourhood and a neighbourhood plan.</p>	<p>There is no current neighbourhood plan or applicable secondary plan in this area. However, the Regional Plan identifies this area as within the Birch Cove Urban Local Growth Centre and due for secondary planning in the near future. Land uses and design are characterized as a mix of low, medium and high density residential infill; low to medium density residential uses in established residential neighbourhoods; infill or redevelopment of large parking lots into traditional blocks and pedestrian oriented facades. At the time secondary planning is initiated Council and residents will, following the Growth Centre characteristics, determine neighbourhood boundaries and vision.</p>
<p>2.6 The development of vacant land, or of land no longer used for industrial or institutional purposes within existing residential neighbourhoods shall be at a scale and for uses compatible with these neighbourhoods, in accordance with this Plan and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</p>	<p>The multiple unit building proposed for this underdeveloped land adjoining the existing residential neighbourhoods is at a scale compatible with the existing multiple unit buildings to the northwest although the proposed multiple unit building is greater in height and bulk than nearby single unit detached dwellings. Compatibility may be achieved by visually reducing the height and bulk through use of surface articulation, human scale elements (doors, windows) and visible floor lines combined with sensitive transitional design (materials, forms and colouration) referencing the existing residential neighbourhoods. Visual mitigation of the height and mass and use of human scale elements also makes the building more relatable to pedestrians or observers. Addressing difficult issues such as compatibility between different scaled buildings types can be successful if the project pays close attention to neighbourhood character and looks like its context: this suggests a attention to detail and a priority on fitting in.</p>

<p>2.7 The City should permit the redevelopment of portions of existing neighbourhoods only at a scale compatible with those neighbourhoods. The City should attempt to preclude massive redevelopment of neighbourhood housing stock and dislocations of residents by encouraging infill housing and rehabilitation. The City should prevent large and socially unjustifiable neighbourhood dislocations and should ensure change processes that are manageable and acceptable to the residents. The intent of this policy, including the manageability and acceptability of change processes, shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</p>	<p>This proposed infill project does not dislocate residents from, or redevelop, existing neighbourhoods in the locality. Appropriate design of the proposal can ensure that this residential infill is at a perceived scale and mass compatible with the existing single unit dwelling neighbourhoods. Staff does not find this redevelopment proposal to be massive, i.e. large and socially unjustifiable, in nature as only one single unit dwelling will be demolished in order to locate the proposed multiple unit dwelling and change processes need not be engaged.</p>
<p>2.8 The City shall foster the provision of housing for people with different income levels in all neighbourhoods, in ways which are compatible with these neighbourhoods. In so doing, the City will pay particular attention to those groups which have special needs (for example, those groups which require subsidized housing, senior citizens, and the handicapped).</p>	<p>This multiple unit building proposal will provide an alternative housing type and tenure to nearby existing neighbourhoods while still addressing the nature of residential compatibility within the neighbourhood. The existing multiple unit dwellings northwest of the subject site are condominium type tenancy.</p> <p>The proposal is for a lease type apartment building which could be marketed to seniors or fitted out as accessible building while remaining an apartment building use (if the developer wished to proceed on either path) as permitted under the requested zone. Subsidized or affordable housing would require the developer to work with the</p>

	provincial housing department to provide a percentage of rent controlled units.
2.10 For low and medium density residential uses, controls for landscaping, parking and driveways shall ensure that the front yard is primarily landscaped. The space devoted to a driveway and parking space shall be regulated to ensure that vehicles do not encroach on sidewalks.	The proposed site plan displays a significant amount of retained landscape and vegetation along the Kearney Lake Road frontage and along the common boundary with the back yards of the houses on Grosvenor Road houses. A rezoning process does not enable site design requirements or the ability to retain or add to existing vegetation. Parking for automobiles and bicycles will be in accordance with the Land Use By-law. The existing access point to the driveway will meet all municipal specifications.
2.11 For all residential uses the parking and storage of vehicles such as trailers, boats and mobile campers, shall be restricted to locations on the lot which create minimal visual impact from the street.	All parking requirements under the Land Use By-law will be followed.

## **8. ENVIRONMENT**

**Objective:** The preservation and enhancement, where possible, of the natural and man-made environment, and especially of those social and cultural qualities of particular concern to the citizens of Halifax.

8.2 In reviewing public and private land use proposals, including its own capital program, the City will take into account the social, physical, economic and aesthetic effects on the natural and man-made environment, and will establish and maintain appropriate procedures to take such effects into consideration in the approval process for such land uses.	Staff provide comments relative to physical and aesthetic effects on both the natural and man-made environment and use them in this evaluative criteria.
8.3 The City shall develop the means to	Because this application is for a rezoning to

<p>assure the greatest possible degree of compatibility between new developments and desirable aspects or characteristics of the surrounding man-made and natural environment through regulatory procedures or special permit procedures, such as contract zoning, conditional zoning, etc. Preference should be given to development which is aesthetically pleasing, human in scale, and in harmony with the natural and man-made environment. A requirement for an environmental impact statement should be implemented subsequent to completion and adoption of the Environment Strategy Statement as called for in Part III of this document.</p>	<p>enable all the rights of the requested zone the proposed development will follow all requirements of the Land Use By-law. There is no ability to negotiate any requirements beyond those of the requested zone. The proposal must respond to the development standards and quantitative requirements of the LUB while seeking to establish a compatible housing form adjoining the single unit dwelling neighbourhoods.</p> <p>Staff encourage maximum retention of existing indigenous vegetation and suggest new plantings be indigenous species. This would foster a visual and physical link with the existing neighbourhood and make a meaningful contribution to the naturalness of the site, and beyond, while being complimentary to the scale and siting of the proposal. However, through the rezoning process this cannot be required.</p>
<p>8.6 The City should make every effort to ensure that developments do not create adverse wind and shadow effects. The means by which this policy shall be implemented shall be considered as part of the study called for in Part III.</p>	<p>The proposed 4 storey structure will present minimal wind-induced effect on nearby residential uses because high wind speeds are found at higher heights, the horizontal separation distances and the non-rectangular form will substantially reduce the wind force effect. The developer should be mindful of pedestrian comfort near the building entrance and near any private amenity areas, balconies and terraces. There are no public parks or open spaces in the vicinity that would be affected by shade cast by the building. A tall building built north of a residence will not</p>



	<p>shade that house. Similarly new buildings built to the east and west of a residential lot will still allow sunlight to the lot most of the day</p>
<p>8.7 The City shall attempt to ensure that air, water, soils, and noise pollution are minimized and do not damage the quality of life in the City.</p>	<p>The proposal will be subject to erosion and sedimentation controls during and after construction. Quality of air emissions and noise will be regulated under the requirements of the Building Code.</p>
<p>8.9 The City shall maintain the planting and protection of shade trees within its control, and should develop a tree planting program which will improve the quality of the urban environment.</p>	<p>The HRM Urban Forest Master Plan tree planting program will provide appropriate trees in the vicinity of the subject site and environs when implemented in that area.</p>

<b>12. <u>CITIZEN PARTICIPATION</u></b>	
<b>Objective:</b> Citizen participation as a necessary part of all planning processes within the City, in forms to be developed in consultation with the community.	
12.4 The City shall develop procedures for consulting with the public on decisions which will affect the planning or development of the City. These procedures shall pay particular attention to the timing of public access to information, the methods for providing it, and the need of individuals and groups to have an adequate time period for review prior to final City Council decisions.	The appropriate course of public engagement was followed during this planning application.
12.5 The City shall encourage citizens to make written submissions on planning issues or items of neighbourhood concern (for example, development proposals, rezoning issues). These briefs will, if possible, accompany staff reports to City Council, but in any case shall be submitted to Council for their information.	The legislated requirement for a public hearing also seeks written comments from the public on planning matters being heard before Council. Any comments received from the public as part of public engagement will be included in the staff report to Council.

<b>IMPLEMENTATION POLICIES</b>	
<b><u>GENERAL</u></b>	
1. The City of Halifax Municipal Development Plan provides the major framework to guide decision-making with respect to development in the City. This Plan shall be implemented through the powers of City Council under the Planning Act, the Halifax City Charter, and such other statutes as may apply.	
2. The City shall follow and maintain a system of ongoing planning generally as detailed in Part III of this document.	
<b><u>ZONING</u></b>	
3.1.1 The City shall review all applications to amend the zoning by-laws or the zoning map in such areas for conformity with the policies of this Plan with particular regard in residential	This application has been reviewed for conformity to Section II, Policy 2.4.

areas to Section II, Policy 2.4.	
<b><u>AMENDMENTS TO THE ZONING BY-LAW</u></b>	
4. When considering amendments to the Zoning By-laws and in addition to considering all relevant policies as set out in this Plan, the City shall have regard to the matters defined below.	
4.1 The City shall ensure that the proposal would conform to this Plan and to all other City by-laws and regulations.	The proposal will conform to this Plan and shall comply with all applicable By-laws and regulations.
4.2 The City shall review the proposal to determine that it is not premature or inappropriate by reason of:	
i) the fiscal capacity of the City to absorb the costs relating to the development; and	There is no cost to HRM.
ii) the adequacy of all services provided by the City to serve the development.	Adequate services exist to service this proposal based on comments received from staff review.

**HALIFAX REGIONAL MUNICIPALITY Public Information Meeting  
Case 21081**

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

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**Monday, December 4, 2017  
7:00 p.m.  
St. Peter's Anglican Church Hall**

**STAFF IN**

**ATTENDANCE:** Darrell Joudrey, Planner, HRM Planning and Development  
Alden Thurston, Planning Technician, HRM Planning and  
Development  
Cara McFarlane, Planning Controller, HRM Planning and  
Development

**ALSO IN**

**ATTENDANCE:** Councillor Russell Walker, District 10  
Christina Lovitt, WSP Canada Inc.  
Dimitri and Tina Panopolis, Property Owners

**PUBLIC IN**

**ATTENDANCE:** Approximately 89

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The meeting commenced at approximately 7:15 p.m.

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

**Mr. Joudrey** is the Planner and Facilitator for the application and introduced the area Councillor, the applicant and staff members.

Case 21081 - Application by WSP Canada Inc. to rezone lands at 59 Kearney Lake Road, Halifax from R-1 (Single Family Dwelling) Zone to R-3 (General Residential and Low Rise Apartment) Zone.

The purpose of the Public Information Meeting (PIM) is to:

- identify the proposal site and highlight the proposal;
- give the applicant an opportunity to present the proposal; and
- receive public feedback and input regarding the proposal that will be used to prepare the staff report and go forward with this application.

No decisions are made at the PIM or have been made up to this point.

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

**Mr. Joudrey** presented the proposal for 59 Kearney Lake Road, Halifax outlining:

- the site context with photos from various directions;
- the site plan (four storey, 32 unit building with 18 surface and 24 underground parking spaces);

- the current policy and by-law overview: R-1 (Single Unit Dwelling) Zone, Designation - Residential, Regional Plan Designation – Birch Cove Urban Local Growth Centre (BCULGC) and Urban Settlement, Existing Use – Residentially developed with single unit dwelling and accessory buildings, and Enabling Policies – City Wide Objectives (Policies 2, 2.1, 2.2) and Implementation (Policies 4, 4.1, 4.2) under the Halifax Municipal Planning Strategy (MPS) and Halifax Mainland Land Use By-law (LUB);
- the proposed R-3 (General Residential and Low-Rise Apartment) Zone; and
- the planning process.

### **Presentation of Proposal – Christina Lovitt, WSP Canada Inc.**

**Ms. Lovitt** presented outlining the proposal:

- a regional level - Regional Municipal Planning Strategy (RMPS):
  - i) within the Urban Service Boundary (piped water and sewer) and Transportation Boundary;
  - ii) within the BCULGC area (low and medium level development); and
  - iii) in proximity to two Regional Parks
- community level - Halifax Municipal Planning Strategy (MPS) (designated Residential):
  - i) on a major arterial (Kearney Lake Road);
  - ii) near a highway;
  - iii) some collector roads;
  - iv) candidate bike routes;
  - v) greenway vision (Mainland North Linear Park); and
  - vi) bus routes
- parcel level - Halifax Mainland Land Use By-law (LUB) [currently R-1 Zone, proposed R-3 Zone (capped at four storeys, minimum lot frontage of 60 feet and lot area of 6,000 square feet)]. Different forms of land uses within the neighbourhood were shown;
- school capacity based on Halifax Regional School Board calculations (a 40-unit apartment building could generate a potential total of 5 school aged children/youth);
- site perspective: 1.03 acres, 221 feet of frontage;
- original proposal was for 40 units and has been revised to 32 units;
- angle controls massing model for original proposal and revised one were shown;
- grading plan (pre and post development);
- traffic impact statement results presented; and
- photos were shown from different angles with the building as three storeys and four storeys.

Many questions/comments were voiced from the audience throughout Ms. Lovitt's presentation:

- Buses are empty when seen driving down the street.
- Were other developments in the area taken into account when the school capacity calculations were done?
- When were the streetview photos taken? The street is always bumper to bumper.
- There will be no privacy when the development is done.
- Would like to see the property remain as R-1. Build a house instead of an apartment building.
- Many owners live in the development for a short time and then sell for a profit.
- Would like someone to explain the angle control model.
- Will there be a sound study done on a four storey building?
- The development could increase to 40 units again once the proposal is approved by Council.
- How many trees are being removed?

Ms. Lovitt asked for the audience to write down suggestions in terms of design.

### 3. Questions and Comments

**Jillian Achenbach, Grosvenor Road** has lived in the area most of their life and likes the community. The city has a responsibility to develop in ways that reserve character yet serve the needs of the current and future populations. This development will not benefit the community and is too large for the neighbourhood. Potential impacts on traffic, pressures on the school, loss of trees, noise during construction and devaluation of neighbouring properties are some concerns. A petition of approximately 200 signatures have been collected in the immediate community against the rezoning. Personally, Ms. Achenbach is concerned about their family's safety during construction as their property is at the bottom of the 37° (64%) slope about 12.5 metres from the proposed development. Issues, on separate occasions, have occurred previously on the subject property which causes concern for damage to their property and safety to the family. The LUB does not address slope safety. The development will have a visual impact on their property and an environmental impact from the trees being removed on/near that slope. Water runoff also has to be taken into account. A geotechnical study needs to be done to determine how close the developer can build to the crest of the slope. Issues like rock drilling and blasting are not taken into account during a rezoning process and are only addressed when the developer applies for a permit. Constant noise will have a negative impact on the quality of life for the surrounding neighbours. **Mr. Joudrey** – This portion of the process looks to see if the request can be considered under this policy. The technical studies are reviewed by Development Services when an application is submitted. Part of the requirements, is a lot grading plan. The lot grading plan includes a site stabilization and slope stabilization prepared by an engineer that have to be accepted by HRM staff.

**One resident** asked if those plans are submitted before the rezoning application goes before community council for approval. **Mr. Joudrey** – The plans are submitted at the permitting stage. The property needs to be rezoned to the R-3 Zone before the developer can submit a permit application to develop a multi-unit building on the land. Residents will have another opportunity to voice their opinion when Halifax and West Community Council (HWCC) sets a public hearing date.

**Glenn Taylor, Wedgewood Avenue** has lives in the community since 1958. The request to rezone 59 Kearney Lake Road from R-1 to R-3 must be denied. It is understood that staff will make a recommendation to HWCC who will decide to rezone the property to R-3 or keep it as R-1 Zone. If a decision is made to rezone the property, the applicant can apply for any permitted use within the LUB and the residents will not know until it's too late (referred to an application 40 years ago where after public consultation, a rezoning took place to build townhouses but after the rezoning was approved, the developer built an apartment building – the Cambria Apartments). In 2007, the Chebucto Community Council (CCC) denied a request to rezone property which would have allowed construction of multiple unit buildings between 65 and 75 Kearney Lake Road. CCC did so based on direction provided by Sections 2.1 and 2.4 of the MPS. This decision was later supported by the Nova Scotia Utility and Review Board (NSUARB). The direction provided by both CCC and NSUARB confirmed that a multiple unit development is not in sync with this R-1 neighbourhood. The petition opposing the proposal contains over 180 signatures clearly showing where residents on all the nearby neighbourhood streets stand. The neighbourhood does not want this building. The apartment complex, as described, will cast shadows on the homes on Grosvenor Road half of the day. WSP suggests up to 90 residents could live there resulting in high density, in Mr. Taylor's opinion. There is a big concern regarding capacity in the schools within the area which Mr. Taylor explained, including that between 2013 and 2017 there has been an increase of 24.7% of students at Rockingham School alone. There are caps on class sizes, the government has initiated a pre-primary program and factor in the new homes, condos and apartments being built in the surrounding neighbourhoods. Traffic figures used by WSP Engineers were two years old and determined that 16250 vehicles would pass this property per day when according to the Average Annual Weekday Traffic figures from June 2017, the number increases

to 20000 vehicles (a 31% increase) and will only get worse. According to the WSP engineering report, the stopping sight distance for the site exceeds the requirement by one metre, but people travel faster than the posted speed limit. There are only three arterial roads in the area and when an accident does occur, traffic is at a standstill. This proposal does not support any of the guidelines of any HRM's plans and/or studies/reports. **Ms. Lovitt** – Based on guidelines used for this study, there will be 20 additional vehicles in the morning and 25 in the evening peak times. **One resident** asked what the capacity of the road was when it was constructed. **Ms. Lovitt** said it is a major arterial and it was built to handle a large capacity and can obtain the numbers.

**Vicente Bonilla Lopez, Donaldson Avenue** reiterated that the traffic is very dangerous on the Kearney Lake Road and accidents occur daily. Mr. Bonilla Lopez's driveway is used as a turnaround which is dangerous when the kids are playing in the yard.

**J. C. Achenbach, Grosvenor Road** agrees with the comments from Mr. Taylor and suggests that staff not recommend the rezoning of this property. In terms of the traffic, not only will the traffic increase, but the amount of cars turning onto Kearney Lake Road will increase. Plans showing the scale of the proposal within the neighbourhood and views from different angles is appreciated but with the trees bare of leaves, the current residential home on the site can be easily seen now; therefore, the proposed building will really show. Mr. Achenbach does not feel that this proposal fits in the neighbourhood and does not benefit the city or neighbourhood as a whole because of the scale and the construction (rock breaking) that will take place. The daycares in the area will feel the rock breaking when it occurs. Also, the major water and sewer lines have to be taken into consideration to avoid damage. The school board projection was made on baseline property growth measurements and did not include low/medium growth, the pre-school now integrated into the schools or all the development occurring or approved in the area.

Mr. Achenbach read a statement from Donald Brown (a resident who couldn't attend). Mr. Brown has lived in the neighbourhood for 61 years and feels the surrounding neighbourhood will be degraded, property values will decrease, views will be obstructed, privacy/peace and quite will be lost, noise during and after construction will be unbearable, rock removal/blasting will be a major problem resulting in damage to existing homes and retaining walls. Excavation of part of Castle Hill Drive will be necessary for water and sewer connection resulting in traffic disruption leading to the school and dust caused by excavation could be a serious problem for those with breathing problems. Mr. Brown also referenced the denial by CCC for a proposal a short distance away a number of years ago.

**Rita J. P. Dempsey McLean, Kearney Lake Road** lives directly across from 59 Kearney Lake Road and is concerned about the traffic and not so much the building itself. Traffic has increased on Kearney Lake Road since the parkland has opened up to the public and accidents have led to gridlock. The majority of drivers exceed the speed limit. When the proposed site was originally excavated, a large bolder came from the property and would have ended up in the middle of Kearney Lake Road if a tree had not stopped it. In terms of environment, for the last 25/30 years there was an osprey nest in one of their trees which has been removed. Concerned about damage to their home as a result of the blasting due to sharing the same bedrock.

**Laura McCallum, Broadholme Lane** lives directly across from the proposed site and is concerned about noise levels for surrounding neighbours. If the property is rezoned, it will be beyond dangerous for pedestrians to try to cross (eg. to use transit) the strip of road that goes from Wedgewood to the top of the hill as it has short sight lines. The idea that anyone in this neighbourhood would buy an R-1 lot and rezone to allow for an apartment building is purely being done for greed and money and has nothing to do with the owners living in the building. The R-1 Zone should remain, especially on this hill.

**Susan Godwin, Cresthaven Drive** – The numbers from the traffic study that was conducted in June 2017 would actually be higher due the decreased traffic in the summer time. If this property is rezoned to R-3, it will open it up. What will HRM gain from this one property containing 40 units with all of the other projects currently proposed and/or approved? It does not make fiscal sense. Ms. Godwin is concerned for school aged children crossing the road to attend school. What is the Birch Cove Urban Local Growth Centre(BCULGC)? **Mr. Joudrey** – There are a number of growth centres identified in the Regional MPS that are designated for low to medium rise residential developments to ensure the idea of transit and walkability within the centre. The BCULGC does include this area but not Rockingham. The Centre Plan has not been approved by Regional Council. **One resident** asked if this has anything to do with the development on the China Town property. It was said at a meeting that traffic would not increase on the Kearney Lake Road. **Another resident** asked if BCULGC also includes Grosvenor and Cresthaven? **Ms. Lovitt** agreed.

**James Gumpert, Cresthaven Drive** – There is a lot of opposition here. This proposal will benefit a couple of people but a lot are going to suffer. This will be the start of a slippery slope and will change the character of the community and increase density in the area, noise and traffic dangers.

#### **4. Closing Comments – Darrell Joudrey**

The audience was asked if they would be interested in having another public information meeting starting at 6:30 p.m. due to the high volume of people wanting to speak and time constraints. **Mr. Joudrey** thanked everyone for coming and expressing their comments.

#### **5. Adjournment**

The meeting adjourned at approximately 9:20 p.m.



**HALIFAX REGIONAL MUNICIPALITY**  
**2<sup>nd</sup> Public Information Meeting**  
**Case 21081**

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

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**Thursday, February 1, 2018**  
**7:00 p.m.**  
**St. Peter's Anglican Church Hall**

**STAFF IN**

**ATTENDANCE:** Darrell Joudrey, Planner, HRM Planning and Development  
Melissa Eavis, Planner, HRM Planning and Development  
Iain Grant, Planning Technician, HRM Planning and Development  
Cara McFarlane, Planning Controller, HRM Planning and Development

**ALSO IN**

**ATTENDANCE:** Councillor Russell Walker, District 10  
Councillor Richard Zurawski, District 12  
Christina Lovitt, WSP Canada Inc.

**PUBLIC IN**

**ATTENDANCE:** Approximately 66

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

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

**Mr. Joudrey** is the Planner and Facilitator for the application and introduced the area Councillors, the applicant and staff members. This second PIM is a continuation of the previous one held on December 4, 2017 in an effort to complete the speaker's request list.

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- the site context with photos from various directions; and
- the current policy and by-law overview: R-1 (Single Unit Dwelling) Zone, Designation - Residential, Regional Plan Designation – Birch Cove Urban Local Growth Centre (BCULGC) and Urban Settlement, Existing Use – Residentially developed with single unit

dwelling and accessory buildings, and Enabling Policies – City Wide Objectives (Policies 2, 2.1, 2.2) and Implementation (Policies 4, 4.1, 4.2) under the Halifax Municipal Planning Strategy (MPS) and Halifax Mainland Land Use By-law (LUB);

### **Presentation of Proposal – Christina Lovitt, WSP Canada Inc.**

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- a regional level - Regional Municipal Planning Strategy (RMPS):
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- site perspective: 1.03 acres, 221 feet of frontage;
- angle controls massing model for original proposal and revised one were shown;
- grading plan (pre and post development); and
- traffic impact statement results presented.

A couple of questions were voiced from the audience throughout Mr. Joudrey's presentation:

- What is ribbon development?
- Why encourage infilling and intensification in a residential area?

### **3. Questions and Comments**

**Erika Dube, parent/resident of Grosvenor Road** – Many changes in the community over the years have been taken in stride. Local schools (Grosvenor/Wentworth currently has two portable classrooms onsite) have absorbed development from Parkland Drive as well as a portion of Larry Uteck Boulevard. School children from the neighbourhood are being bussed to Rockingham Elementary (already dealing with an influx of students). In terms of safety, increase in traffic is a big concern. Currently, turning left out of Grosvenor is almost impossible causing commuters to travel through Castle Hill Drive and through the school zone. Concerns have gone completely unanswered. Traffic lights have been requested for many years to no avail because there are two nearby. There are many solutions (crosswalks, traffic lights, crossing guard, police presence on Kearney Lake Road), adding a 40-unit building is not one of them. At the previous meeting, the applicants expressed that they wanted to be members of this community and share their property but the fact that part two of the meeting is being held tonight, contradicts their claim. It was very clear that the community does not want this development. Safety of our community and children walking through a construction zone to school and constantly listening to construction noise should be a concern for the applicants.

**Irene Phinney, Wedgewood Avenue** has been a community resident for 45 years. In the past, the community has fought off large developments in order to keep the integrity of the single family neighbourhood. The building will be on nothing but rock and at the highest peak of Kearney Lake

Road which will make the building appear to be six as opposed to four storeys. Families with young children will be traumatized by the blasting and be in danger from falling debris. This development is not wanted.

**Harold Doucette, St. Laurent Place** was surprised to hear that the increase in traffic would be “a drop in the bucket”. Disappointed that at the previous meeting, staff was not aware of the BCULGC area. Traffic on Kearney Lake Road is noticeably increasing. It was suggested to past councilors that cars “slingshot” along the road causing making it difficult to exit Wentworth Avenue or Grosvenor Road. It was suggested that sensors on traffic lights at intersections are possible and will stop traffic allowing cars from side streets to enter. Mr. Doucette agrees with the other speakers and is not in favour of this encroachment/new development in this residential area and it should remain as such.

**Stacy Wentzell, Grosvenor Road** – Resident and children go to area schools. The MPS states that the city will encourage the retention of existing residential character of predominately stable neighbourhoods and will seek to ensure that any change it can control will be compatible with these neighbourhoods. Council must consider compatibility, integrity and scale of the proposal. The lots bordering the proposed site are zoned R-1 (Single Family Dwelling) with the exception of one R-4 (Multiple Dwelling) property. Previous rezoning proposals for R-2 (Two-Family Dwelling), R-2T (Townhouse) and R-4 have been refused by Council and upheld by the Nova Scotia Utility and Review Board (NSUARB). This neighbourhood was designed to be R-1. Differences in residential areas contribute to the richness of the city and Halifax should ensure different types of residential areas in variety of choices for its citizens. This is contrary to taking existing R-1 neighbourhoods and changing its zoning to allow higher density buildings. It is not in keeping with the policies of the MPS. The adjoining lots average 10,000 square feet with 1800 square foot homes. The square footage of the proposal is over 44,000 square feet, on a 10,000 square foot lot (four times the surrounding lots) which would accommodate four single family homes.

**George Samara, Kearney Lake Road** – Things are changing in Halifax, good and bad. This development is not a good fit for the R-1 neighbourhood. The infrastructure will not support the proposal.

**Loretta Bennett, Grosvenor Road** has lived behind the subject site for 45 years. In 1985, they discovered a piece of HRM-owned land that would have cost \$18,000 at the time. The same parcel of land is included in this proposal. The rezoning would result in a monstrosity of a building behind their property, would have a negative impact on property values and the neighbourhood in general. Who will pay/compensate for the damages to properties, homes and property sales. Construction hasn't started and there is already debris coming from the property. Increased traffic on an already high traffic route (Grosvenor Wentworth School accessed by Castle Hill Drive) will make it more difficult for school busses to navigate twice a day. Another aspect is the overcrowding and influx of students in the area schools. The proposed building will require a large paved area that will create water runoff onto neighbouring properties. Ms. Bennett remains optimistic that Council will not allow this ill-advised project to go forward.

**Lori Ann Bennett, Grosvenor Road** questioned the notification area for the PIM to which Mr. Joudrey explained. Traffic has always been a concern and residents have asked for lights for many years. They were told that the lights would be too close together. Ms. Bennett gave Sackville Drive as an example. The proposal will cause more strain on an already busy intersection/street and will change the whole dynamic of the community. It goes against what HRM is trying to move towards. Grosvenor Wentworth School is already overcrowded with two portable classrooms and other developments have not been taken into account. The property owner voiced that they love the privacy but plan to share their building with many strangers. The condos (not apartments) up the street are partially built on former school property. A five unit townhouse proposal in the area was refused by Council a few years ago and single family dwellings were built instead. Ms.

Bennett doesn't understand why the property owners were able to buy this piece of land for \$6,000 in 2017 when in 1985 it was being sold for \$18,000. Across the street a similar piece of land was sold in 2010 for \$35,000. How is this possible? **Mr. Joudrey** explained that the Province declared the land as surplus and offered to sell it to the Panopalises. The Province assured Mr. Joudrey that it was in their name in order to proceed with the application.

**Jillian Achenbach** was able to provide some clarification on the land transaction between the Province and the current property owners of 59 Kearney Lake Road. On the latest notification, the map showing the subject property was missing a piece of land that enables the square footage and road frontage needed to allow this application to continue. The piece of land was owned by the Province to enable road widening if needed. At some point, it was transferred to HRM (still registered as being HRM property) which they have denied ownership. Someone approached the Province to purchase the land and it was then declared surplus and signed off by the Minister of Transportation and the deed was transferred to the Panopalises. The deed has not been registered and there is no record of the sale price. Ms. Achenbach was informed today it was assessed at \$6,000 after the property owners did a survey but previous to that it was assessed at \$11,000 and the Bennetts were told \$18,000 in the past. There is no record of the deed being registered or the land being sold.

**Glenn Taylor, Wedgewood Avenue** - Every year the Minister of Transportation has to submit a report of all surplus lands sold by the Province to the Legislature. This piece of land was not on the Disposition of Surplus Lands report. The Minister's office responded that this was an oversight and stated that the office was attempting to get the Panopalises' lawyers to complete the transaction. What does this mean?

**Mr. Wentzell** – There was some question about ownership (HRM owned according to the Registry) of this piece of land from the first meeting and residents started to make inquiries. It is now owned by the Province but that wasn't the case until the inquiries started. Residents were told that, because it was deemed surplus, the sale didn't have to follow protocol and there was no public announcement or input. Property Evaluation Services was upset that this parcel was sold and not recorded as it is kept for tax and evaluation purposes. Today, it was found that the sale price was \$6,350. It was appraised as surplus land (an old road). It was conveyed to the Panopalises but it is not registered. Staff and Councillors need to take this into consideration.

Some residents voiced their interest in purchasing that piece of land if available.

**Harvey Neave, Wedgewood** referred to the data that is no longer relevant in the traffic study that was done in 2015. The study deemed the road (which has a school and a couple of daycares on it) safe but accidents occur every two to four weeks. By-law T-400 (permits trucking industry to enter into the neighbourhood between the hours of 7 am to 9 pm) and the jakebreaking by-law need to be reviewed. Trucks use the route 24/7. Council amended By-law T-400 without consulting residents. Council needs to reverse the amendment to divert truck traffic as much as possible. HRM should not be in the business of selling small parcels of land in order to give someone an opportunity like this. Mr. Neave suggests expropriating the property back thus denying this proposed development.

**Daniel Deal, Wedgewood** has always lived in the area. Kearney Lake Road is a highway. It is very difficult to turn left into the driveway of the subject property during rush hour. The property of the former Grosvenor school was rezoned without residents' knowledge. The proposal will increase the number of children at an already overcrowded school. The Panopalises have placed debris/snow on other properties and have yet to remove it. The blasting is a concern. The traffic is a problem now and will worsen with the development. The driveway at 59 Kearney Lake Road is access for the residents at 61 Kearney Lake Road and the use will continue. The neighbourhood is R-1 Zone and every resident in the room wants it to remain that way.

**Britany Eisnor, Kearney Lake Road** – Their privacy and sense of security will be completely lost if this proposal is approved as there will be numerous strangers in their backyard. Noise and probably light pollution will be experienced. The retaining wall on their property will be destroyed during construction. What will be the buffer? This proposal is destroying their heritage. There are concerns about access through the driveway to their residence and increase of traffic on Kearney Lake Road. Where will the dumpsters be placed on the site? Will the building be pet friendly? There will be an increase of rats in the area during construction.

**Craig Simon, Kearney Lake Road** lives across the street from the proposed site. This development will be of no benefit to the community. The ones approving the application do not live in the area. Presently, aged apartments are no longer cared for and become rundown as people move to newer ones which decreases property values. This development will take away the resident's privacy and increase traffic/accidents. Kearney Lake Road is currently a race track. The development will take away outdoor playing opportunities from the children.

**Kyle Turner, Kearney Lake Road** was concerned about backroom deals and loopholes even before the discrepancy of the before-mentioned parcel of land was brought to light. All parties involved need to make an informed and fair decision on this proposal.

**Patricia Pearce, Grosvenor Road** – The crosswalk at Grosvenor Road and where Kearney Lake Road and Dunbrack join is a free for all and very dangerous. Traffic will be much worse when the 40 unit building is constructed almost at the crest. Overcrowding at the schools will become worse.

**Mary Burnight, Kearney Lake Road** echoed the fact that the building will be four, maybe six, storeys and reminded people that the roof is equivalent to a storey. The proposed development will destroy the view that was promised to Ms. Burnight and bring property values down. Why allow developers to make a profit at Ms. Burnight's expense and equity?

**Irene Phinney, Wedgewood Avenue** – The existing vegetative/treed buffer will have to be cut during development. People on Grosvenor Road will be the recipients of the water runoff that will damage homes and properties.

**Jason Hopkins, Wedgewood** is concerned that rezoning this R-1 property to R-3 will set a precedence for other R-1 properties. Development is not necessarily a bad thing but it has to be sensible. This proposal in the middle of a R-1 zoned neighbourhood does not fit.

**Andrew MacDonald, Dakin Drive** agrees with the last speaker in regards to setting a precedence in the area. Approval of this application will substantially change the character of this neighbourhood with no benefit to the residents of the community. It shouldn't be about infill and maximizing tax dollars. Mr. MacDonald submitted a letter to Mr. Joudrey regarding the increase of traffic and its negative impacts on the area. The Traffic Impact Study online doesn't take into account the number of bedrooms per unit in the proposal when calculating the number of trips per day. The 42 parking spaces shown is insufficient for a 40 unit building. Mr. MacDonald believes the required width of a driveway to accommodate emergency vehicles is eight metres but only six metres are shown on the plan.

**William Gooding, Kearney Lake Road** agrees that this development will change the character of the neighbourhood. On a regular basis, strangers will be coming and going which is concerning. Traffic on the Kearney Lake Road will increase and make access more difficult. Increase in noise, not only from the construction but also on an ongoing basis.

**Mike Deal, Kearney Lake Road** – The building is large and will impede on everyone's property and will cast shade throughout the day. The driveway will be a street with the number of cars travelling it. How big will the retaining wall be?

**Lori Bennett, Grosvenor Road** expressed how large and overshadowing the development will be. It is out of character for our community. Who will control the increase of rodents once blasting begins? Ms. Bennett suggested fixing some of the existing vacant buildings to make them more desirable to live in before building more.

**Jillian Achenbach** reiterated the previous applications (65 Kearney Lake Road and 73 and 75 Kearney Lake Road) that were refused by Council and the NSUARB upheld Council's decision when one of them was appealed by the applicant. The motion from the minutes for the public hearing from the Council meeting held on April 2, 2007 were read.

**J.C. Achenbach** searched online for BCULGC area and was only able to find it referenced from the public meeting in December 2017. What is the BCULGC area and how long has it been in existence? **Mr. Joudrey** – It is a Secondary Planning Strategy that includes this area. The Urban Design Committee was commissioned to look at all the lands within the study area. A motion was later passed at Regional Council that no MPS amendments proceed on the Bedford Highway (which includes the BCULGC area) until a number of studies are done. **Ms. Lovitt** – The BCULGC area is in the Regional MPS which was reviewed in 2014 and it speaks to encouraging a mix of low, medium and high density residential uses. **Mr. Achenbach** – According to a document online (Bedford Highway proposed future land use), Dakin Drive up to Cresthaven is actually designated as staying R-1. If that is the case, it means this area is outside of the BCULGC area. **Ms. Lovitt** – The Regional MPS supersedes that document.

**Glen Taylor** – It is misleading to say because that this development fits the criteria of the BCULGC area because there is no official criteria yet. The BCULGC is simply an idea. There were many points in the pamphlet distributed to the residents by the Panopolises and WSP that were very misleading including the comment that the proposal had received favorable comments from HRM Planning & Development. Staff members were responding to the initial request by WSP on whether or not criteria were met so that the application could be made. The owners claim to love their lot with mature trees and vegetation but that will be destroyed with 50% of the property developed by a building and driveway/parking lot. Referencing a 2013 study by Stats Canada, "There is enough space already in the urban area of Halifax (includes Birch Cove) to supply developers for 33 to 42 years for their projects without any consideration given to redevelopment or infilling." Referencing 2015 Canada Mortgage Housing Report, "Rising vacancy rates in Bedford South signals slowdown in demand for new rental units." The bottom line is Halifax doesn't need to rezone 59 Kearney Lake Road to meet a housing crisis. The traffic increase from a 32 to 40 unit building in that area is suicidal.

**Lori Bennett** – How did the Panopolises apply to change the zoning on the property if that piece of land was not in their name? **Ms. Lovitt** – It was in the land transfer agreement which was adequate to open the application. **Mr. Joudrey** – HRM was assured by WSP that the Panopolises were going to be the purchasers of this land. If that does not happen, there will not be adequate frontage and this application cannot proceed. Mr. Joudrey will follow up on this matter.

#### **4. Closing Comments – Darrell Joudrey**

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

#### **5. Adjournment**

The meeting adjourned at approximately 9:16 p.m.

## **Case 21081: Email Correspondence received from residents prior to and following the Public Information Meetings**

Thank-you very much. I appreciate you looking taking the time to read my email prior to the meeting and it's no problem if you can't respond before the 4<sup>th</sup>.

I really just want to make sure some points are noted as not all public meetings give everyone the chance (or desire) to speak.

Area of concern:

- Kearney Lake traffic has exploded. Notable problems are the Transport trucks from the container pier at all hours of the night. Dump trucks tear up and down to the Gateway Quarry at excessive speeds as the traffic travels also speeds beyond the posted speed limit. It has become practically impossible to cross in either cross walk even with lights. I watch the school bus now stopping on Kearney Lake every weekday morning at 0743 hrs to pick up a student, forced to sound their horn as traffic fails to stop even with their stop sign out and their lights on. It's hard to summarize the hardship this unchecked traffic has caused in recent years. We spent a year trying to have the City of Halifax and the Water Commission accept responsibility for the 2 sunken manholes on Kearney Lake. When a truck hit one hole, they hit the other. I am not a person who complains or who cannot accept the city has grown and traffic is a widespread problem, but the trucks hitting these manholes hit so hard, the pictures on my wall shake, I cannot use the backyard anymore and I fear the value of my property has diminished to such an extent, I will have difficulty selling.

With this problem, adding additional population in an already crowded area will exasperate the problem and end a community that once existed.

I am not asking the city apply more rules to the traffic, simply enforce the rules a.k.a. speed limit already in-place.

Thank-you for taking the time to read my concerns.

██████████

Dear Councillor Walker and Mr. Joudrey

Thank you for the opportunity to comment on the proposed rezoning of 59 Kearney Lake Road. I realize that the rezoning application in its early stages. But I wanted you to be aware that there is a strong community opposition that I detect to this rezoning application. I am aware that others in the community will be also voicing their objections.

██████████ resided on ██████████ for the past seven years and we are very concerned about the adverse effects the addition of a 40 unit apartment building will have on the character of this R1 zoned residential neighbourhood. We are also concerned about the traffic dangers created by more vehicles associated with the apartment building, having to enter and exit the building's driveway.

**Character of the Neighbourhood**

Cresthaven Estates is a small, subdivision with lots of children growing up in a quiet residential neighbourhood.

We were attracted to move here because of its single family dwelling, quiet residential character. We have found in the last seven years that there is a lot of community spirit in this neighbourhood.

The properties here appear to retain their value. There is a lot of pride of ownership in this neighbourhood shown by how well the houses are maintained. This has resulted in what I consider are high property tax assessments with corresponding high property taxes. But this one of the things I can accept if the neighbourhood retains its current stable single family residential character.

Adding a forty unit apartment building to this neighbourhood will alter its current stable character.

### **Traffic Problems**

Kearney Lake Road is a busy street with traffic moving quickly. There are lots of trucks driving up Kearney Lake Road that want to get through the area as fast as they can to meet their delivery deadlines. These trucks cannot stop on a dime.

Cars coming out of the parking lot of 59 Kearney Lake Road will have to wait and wait to be able to safely merge into traffic. Impatient drivers will take chances and accidents will no doubt happen if this apartment building is built.

Cars making a left out the driveway will quickly come to a pedestrian crosswalk used by children. This is bad intersection already. Please do not add to its danger by making more cars have to cross the intersection. It is like adding vehicles from forty more houses to our subdivision traffic problems.

[REDACTED]

29 November 2017

Councillor Russell Walker  
District 10, Halifax Regional Municipality

Dear Councillor Walker,

I am writing to express the opposition [REDACTED] to a proposal to build an apartment building on Kearney Lake Road near Grosvenor Road, one of three entrances to the Cresthaven neighbourhood. Our opposition is based on:

1. Increased danger to drivers on Kearney Lake Road traveling to and from Bedford Highway (presuming the entrance to the apartment is on Kearney Lake Road). There has been and there is ongoing considerable development along Kearney Lake Road and Larry Uteck Boulevard to the west side of Highway 102 out to and including Hammonds Plains. That development has led to much denser traffic along Kearney Lake Road. If access to the proposed apartment building is built on Kearney Lake



Road near Grosvenor Road, drivers on Kearney Lake Road (drivers who frequently include residents of the Cresthaven neighbourhood) will experience greater traffic flow disruption and danger from vehicles attempting to enter and leave the apartment building's access road. It is understood that a traffic analysis was conducted in June 2015 to look at approaches to the busy Kearney Lake Road and Dunbrack Street intersection. Any traffic analysis that is older than about a year ago does not truly reflect traffic density because of how much development there has been in even the last couple years. And it is understood that the analysis was based on vehicles traveling at 55 kph (even though the posted speed limit is 50 kph) – a speed value that just barely allows the stopping sight distance (SSD) but which is questionable for whether it truly reflects conditions. A speed of 55 kph is just not the observation of many of us who drive that stretch. Any traffic analysis that old and using that value should not be used.

2. Increased danger to drivers entering and leaving the Cresthaven neighbourhood (presuming the entrance to the apartment is on Kearney Lake Road). The addition of the apartment's access road so close to Grosvenor will result in increased congestion in the area of the Kearney Lake Road-Dunbrack Street intersection. It is already challenging enough for anyone trying to drive onto Kearney Lake Road from Grosvenor Street, having to look at five different directions. Having a vehicle pop out a few tens of metres to the right will only add to the challenge and danger. It is understood that additional traffic lights are not an option, as at a previous community meeting (Birch Cove Development) some years ago, HRM staff advised that new lights could not be placed so close to the existing lights.

3. Increased danger to and decreased quality of life due to more traffic in the neighbourhood. There has already been an increase in traffic inside Cresthaven as people are using Cresthaven Drive to cut from Bedford Highway to Kearney Lake Road what with the density of traffic on the Bedford Highway. An apartment at one end of the neighbourhood, especially if the apartment road access is off Castle Hill Road (as has recently been rumoured) will result in more, and potentially more high speed, vehicle traffic through Cresthaven. This is concerning what with the school and daycares bordering the neighbourhood.

4. Decreased quality of life due to change in the character of the neighbourhood. Cresthaven is a quiet, single family home area. An apartment at the proposed location would reduce the extent of trees and bushes, and adversely affect view planes. It appears from diagrams that many trees and bushes will be cut back, particularly to the east and north of the apartment, in order to provide area for the building and parking. The vegetation buffer to the south and west is thin as it is, and will be too little and too low to mask and break up the blocky appearance of the building. Loss of vegetation will impact stability of the slope and increase water run-off. Significantly, privacy will be lost. The building, at four stories on a high point overlooking Grosvenor Street, will actually appear to be higher and will dominate the vicinity, to the detriment of the nature of the neighbourhood.

5. Adverse effect on property value. Property values will decrease, certainly for the homes in the immediate vicinity and potentially much further into the neighbourhood.

There are questions outstanding for which answers need to be given to neighbourhood residents. The service site plan shows an easement from the apartment site to Castle Hill Road to allow utilities from the building to main lines at the road. Does the existing utility infrastructure there have the capacity to handle the addition of a 40 unit apartment? Can guarantees be given that utilities to current homes will not be adversely affected? Castle Hill Drive is a major egress from the neighbourhood, the safest during winter when ice and high snow banks make departing by Grosvenor Road onto Kearney Lake Road or by Cresthaven Drive onto Bedford Highway extremely dangerous. What arrangements would be made to ensure safe egress for residents during construction of utility connections and during any subsequent maintenance, to allow cars to egress by the lights at Castle Hill Drive and Kearney Lake Road? What arrangements would be made to ensure the safety of children who walk along Castle Hill Road

daily? What blasting would need be done to construct the apartment building's underground parking? What recompense would be made for any damage resulting from the blasting? Why the selected trip generation rates for a 40-unit apartment building whose location would make it appealing to the working population? Surely a much higher trip generation would be a more accurate assessment.

It is notable that a similar developer's proposal to construct multi-unit buildings on Dartmouth Road near the Ridgevale subdivision was opposed by local residents, and as a result the developer built a street of bungalows which fit the area and much met the needs of Halifax for homes for older or young couples. This is just one example of successful opposition to proposals to construct multi-unit buildings in single family areas.

In conclusion, there were reasons, though they do not appear to be public, as to why Cresthaven was originally zoned the way it is. Those reasons should be made public, and explanations given, particularly by the developer, as to why anything has changed such that there should be consideration of changing zoning to allow building of an apartment. This would set a dangerous precedent. [REDACTED] are of the belief that there is no cause nor need to change current zoning, and therefore there is no reason to allow the building of an apartment where proposed.

[REDACTED] will attend the town hall meeting scheduled for 4 December.

Yours truly,

[REDACTED]

> Dear Councillor Walker and Mr Joudrey;

>

> Re: Proposed 40 unit apartment building on the Corner of Grosvenor Rd and Kearney Lake Rd, Halifax

>

> I am writing to protest the rezoning to allow the proposed building of a 40 unit apartment building on my street of Grosvenor Rd and in my small community of Cresthaven Estates.

>

> The concerns I have are:

>

> 1) The building would have a significant negative impact on Cresthaven Estates and the surrounding streets, with single family dwellings and will change the character of this small community.

>

> 2) Currently, the traffic on Kearney Lake Rd and the Bedford highway is VERY BUSY. I drive to downtown Halifax on weekday mornings and leave between 8 and 830am. It is extremely difficult and dangerous to exit Grosvenor Rd and turn Left into 4 lanes of rapidly moving traffic on Kearney Lake Rd, particularly the 2 lanes speeding down the hill to join Dunbrack St or to turn at the intersection to reach the Bedford highway.

>

> 3) There is a pedestrian crosswalk at the point where Grosvenor Rd joins Kearney Lake Rd. Pedestrians, many of them are students, are crossing Kearney Lake Rd to get the bus to school. More traffic entering on to Kearney Lake Rd directly from a driveway for 40 apartment units or through Grosvenor Rd, will make this current situation worse and even more dangerous.

>

> 4) It usually takes me 3 to 5 minutes to cross the 4 lanes of traffic from Grosvenor Rd to enter Kearney Lake Rd in the morning. As a consequence, I am delaying the opening of my medical office on the peninsula for 1/2 hour to avoid traffic.

>

> I have experienced many “near misses” as traffic from Kearney Lake Rd travels at high speed down the hill, and traffic (including transport trucks from the Port of Halifax driving to get on to the 102 highway) pick up speed to climb the hill.

>

> 5) There is a Day Care Centre which offers before and after school programs, at the corner of Kearney Lake Rd and Grosvenor Rd. In the morning, Day Care workers take children to school at the top of Castlehill Rd crossing Grosvenor Rd, and return at lunch time and after school dismissal. Parents park to drop off and pick up children, making this a very high traffic and congested area.

>

> 6) Grosvenor-Wentworth school, the elementary school serving this area, is at near capacity and there are several prefab units to handle the overflow of students now. Several years ago, the boundary for this school was changed because the school was over capacity. Adding 40 apartments could easily cause there to be an overcrowding situation again. More traffic and more students are expected to have a very negative impact on the school, the quality of education and the traffic situation, and will increase the risk of traffic accidents.

>

> 7) Cresthaven Estates has many young families and small children, and extra traffic will increase the danger for accidents in this small community. In fact, the reason most of the families moved here in the first place, is that it is a quiet, residential area with a low volume of traffic.

>

> 8) Traffic from Cresthaven Estates is “trapped” and must exist on to Kearney Lake Road, or on to the Bedford Highway, which is even faster moving and more dangerous than Kearney Lake Road.

>

> I would be pleased to provide further information, and I hope to attend the community meeting on Dec 4, 2017

Sincerely, [REDACTED]

Dear Mr. Joudrey

Last week I forwarded you a six page report which I prepared for the public meeting at St. Peter's Church. The report focused on the proposed rezoning at 59 Kearney Lake Road ( 21081 ). When we spoke you told me I could send it in to you electronically. Would you please confirm that you received the report and that it will be included with your final report to the Halifax and West Community Council.

I would also appreciate direction from you on how to locate information on the 'Birch Cove Urban Local Growth Centre'. I am particularly interested in finding the map used by Ms. Lovett and definitions of population densities and land use for the Birch Cove area. I am assuming there must be detailed planning documentation describing Birch Cove. I have been unable to locate it.

In the paper circulated to those who attended the meeting on December 4th, references were made, [REDACTED], that they had received favourable comments from your

department, therefore we assume you, as you are the staff member attached to this file and from various 'departments'. Would you please clarify for us what civic departments were approached for opinions on the proposal and what you considered favourable to the application. As this process is new to us, we need to learn and understand what the parameters are for Case 21081. We need to know what City Councillors and your department are looking for and value in rezoning applications.

Thanking you for the attention you will afford this request, I remain

Sincerely

## **Comments on a Proposal to Rezone 59 Kearney Lake Road from R1 to R3**

### **History**

In 2007, The Chebucto Community Council, denied a request to rezone property, which would have allowed the construction of multiple unit buildings between 65-75 Kearney Lake Road. The Council did so based on direction provided in Sections 2.1 and 2.4 of the Municipal Planning Strategy. This decision was later supported by the Utility and Review Board. The direction provided by both Community Council and Review Board essentially confirmed that a multiple unit development is not in sync with the R1 neighborhood that surrounds this portion of the Kearney Lake Road. The author of the Utility and Review Report also noted that "Courts in recent years have endorsed an erosion of individual property rights in favour of land use planning which is primarily designed to benefit the community as a whole".

The property at 59 Kearney Lake Road is but meters away from 65-75 Kearney Lake Road and even closer than 65 Kearney Lake Road to the single family dwellings on Castle Hill Rd., Grosvenor Road, Cresthaven Drive, Wedgewood Avenue, Wilson Blvd., Broadholme Lane and Donaldson Ave., essentially the neighbourhood that prompted the decisions by both the Chebucto Council and Utility and Review Board.

### **The Present**

The proposed 32 unit apartment building for 59 Kearney Lake Road is hypothetical in that if an R3 zoning request is granted, [REDACTED] can build anything they want within the guidelines and by-laws set by the City of Halifax for an R3 zone. There is no guarantee that the applicants and their development company will construct the building depicted in their revised application. Approximately 40 years ago an application was made for rezoning the lands now occupied by the Cambria Condominiums just west of 59 Kearney Lake Road. Residents at the time were opposed to the erection of multiple unit buildings but accepted a proposal to build townhouses on the property. Once the property was rezoned, the developer built multi-unit buildings instead.

The over 180 signatures on petitions opposing the [REDACTED] proposal clearly show where residents on all nearby neighbourhood streets stand in regards to the proposed zoning change for 59 Kearney Lake.

The proposed apartment complex is described as a four story building. However, it comes with a fifth floor, an underground parking garage. It sits on top of a cliff towering approximately 30 feet above the homes on Grosvenor Road. When one adds the roof, the apartment building in

relation to the homes on Grosvenor Road a mere 8 metres away, will represent a building approximately eight stories high.

The area on which [REDACTED] propose to build their apartment is approximately 1.03 acres in size. WSP projects that approximately 90 residents will live in the apartment. This high density population far exceeds anything in the surrounding neighbourhood. It is approximately three times the population density of the Rockingham South project now being constructed across from Rockingham Ridge.

This high density property would see its residents surrounded by a fence on three sides, a 30 foot cliff on another and one of the busiest roads in Mainland North on the 5th side. There would only be one exit. When winter snows arrive, unless it is trucked away, it would severely restrict access to the limited amount of green space that the development offers. With 32 apartments and only 42 parking spaces, 24 of which will be underground, it is obvious many vehicles belonging to residents and guests will have to be left on nearby streets while their drivers walk along Kearney Lake Road and into the complex. The complex will be taxed to provide space for other vehicles such as delivery trucks, taxis, moving vans, cable repair vehicles etc. Fire trucks and other emergency vehicles would have one entrance to this very restricted complex and one would hope they wouldn't be required at rush hour.

### **Effect on Schools**

Development proposals, already approved by the city as well as the general migration of new Canadians and rural residents moving to the city are placing increased demands on our public schools. There are only three schools between Rockingham and the Hammonds Plains Road. Between 2013 and 2017 the student enrollment at Rockingham School has increased by 24.7%. Bedford South School now houses 460 elementary aged children and only because its Junior High students are now bussed to Rocky Lake Junior High west of Sunnyside! Grosvenor Wentworth is just shy of full capacity. This was only achieved after the School Board moved students to other buildings. In 2014 Grosvenor-Wentworth housed a staggering 510 children. The Halifax School Board recognizes the need for an additional school in the Ravines ( Larry Uteck ) area but it will be years before a new school can be built. It could be an elementary school ,a Middle or Junior High School. A recent Nova Scotia Teachers Union and Government of Nova Scotia agreement has seen caps put on class size. The Government of Nova Scotia has also initiated a pre-Primary programme. Both decisions will add to the number of classrooms required by area schools. Factor in the new homes, condos and apartments being built in the Larry Uteck area, the Bedford Highway, the former Kearney Lake Road to Hammonds Plains and the Rockingham South project and it is painfully obvious our schools will continue to see formidable increases in student enrollment in the next number of years.

When the Rockingham South development is complete it will be home to approximately 2250 people. That is the size of the population of the town of Lunenburg! A popup, unexpected, unnecessary 32 unit apartment at 59 Kearney Lake will only add to the pressures our area schools are experiencing. Already Donaldson Ave. students , who used to attend Grosvenor Wentworth, are being bussed to Rockingham. Whose children will be moved next? Park West School, the next closest P-9 school to the east has an enrollment of 859. Basinview School, the next nearest school to the west is 100 students over capacity and its parents are being told they might expect a 4 to 7 year wait for a new school.

### **Effect on Transportation**

While WSP Limited used figures two years old regards vehicular traffic on the Kearney Lake Road; 2017 figures provided by the city's Traffic and Engineering Department have confirmed that the AAWT (Average Annual Weekday Traffic) count for the Kearney Lake Road in front of

the one exit from 59 Kearney Lake Road is now 20,000 vehicles per day. That represents an increase in two years from the figures supplied by WSP of 31%! This increase in traffic clearly shows how already approved developments are affecting this neighbourhood. There is no justification for adding to the pressure on this neighbourhood by permitting a 32 unit apartment building at 59 Kearney Lake Road.

Kearney Lake Road is considered an arterial road. The City's Municipal Design Guidelines ( 2013 ) state that an arterial road should be zoned 'no parking', be deemed limited access and promote uninterrupted flow except at signals. There are no shoulders along the Kearney Lake Road between the signal lights at Dunbrack and the signal lights at Broadholme. A driveway connecting an apartment building to the Kearney Lake Road where this one does , is not supportive of municipal guidelines. Kearney Lake Road is a major route for transport trucks hauling containers to and from the Fairview Container Pier. The Kearney Lake Road is a major thoroughfare for traffic heading to the A Murray MacKay Bridge. The WSP Engineers report suggests that at peak AM and PM rush hours there will be vehicles entering or exiting 59 Kearney Lake Road every two to three minutes. Many will be making left hand turns across two lanes of oncoming fast moving traffic

The Kearney Lake Road connects one of our province's busiest 100 series highways with the number two highway ( The Bedford Highway ). It connects to Dunbrack Street and has become one of only three Mainland North arteries for traffic to connect to central Halifax and the surrounding county. The exit from 59 Kearney Lake onto this very busy arterial road is only 100 metres away from Grosvenor Road where there is no traffic signal but a crosswalk and two daycares.

Between the Bi Hi in Fairview and the Bi Hi near Kearney Lake there are approximately 24 apartment building/condos which abut Dunbrack Street/Kearney Lake Road. Only two of those buildings have direct access to the arterial road. All other apartment dwellers must access Dunbrack Street by side roads with traffic signals. There is a reason for this. The Municipal Design Guidelines recommend it should be so. Direct access to Kearney Lake Road on a hill , blocked in one direction by a bus stop where there are no road shoulders is an accident waiting to happen. The WSP engineering report states that the SSD ( stopping sight distances ) for 59 Kearney Lake Road exceed the 75 metres required for vehicles travelling at a speed of 55 km/hr.....by one metre. That three foot grace space would be laughable if it wasn't being used to legitimize a dangerous safety hazard on a very busy street. Local residents will quickly confirm that much of the traffic directly adjacent to 59 Kearney Lake travels much faster than 55 km/hr. and unlike Dunbrack Street there is no median and no Jersey barriers along the stretch of the Kearney Lake Road in front of 59 Kearney Lake. An exit onto Kearney Lake Road from a new apartment building 'flies in the face' of the recent initiatives by the city to address pedestrian safety and reduce vehicular accidents.

### **Effect on Surrounding Properties**

It is grossly unfair that families living in properties adjacent to the proposed apartment complex will be subject to permanent shadowing. A complete and thorough wind study, slope stability study and mitigation report has yet to be shared . The foundation for an underground parking garage , lighting and the constant noise from 32 apartments with their balconies and open windows, possibly as close as eight metres from homes on Grosvenor Road and Castle Hill will present an unending invasion of privacy to the families living nearby.

### **Directions, Guidance and Recommendations from City Documents**

The proposal put forward by Mr. and Mrs. Panapolis does not support the objectives of the city's Economic Growth Plan especially goal # 3 - to make Halifax a better place to live or work. By

making the Kearney Lake Road a more dangerous drive and by adding to the overcrowding of our schools the proposal does just the opposite.

Many references in several documents refer to neighbourhood and community.

Community/Neighbourhood can be described in several ways. When considering the effect on sunlight, privacy, wind and storm water runoff, adjacent families might constitute neighborhood. When considering the integrity of existing residential neighborhoods certainly the streets radiating from and around Grosvenor Road, Kearney Lake Road, Wedgewood and Castle Hill Road must be considered. When considering schools and transportation routes the entire western section of Mainland North must be considered.

Unlike other parts of Halifax there appears to be no specific development plan for the Dunbrack Street/Kearney Lake Road corridor. We therefore must take guidance and direction from other City Plans such as the City Centre Plan ( 2017 ), The City's Economic Growth Plan ( 2016-2021 ), the City's Municipal Design Guidelines ( 2013 ), the City's Municipal Planning Strategy, the City's Regional Plan. It would be unfair to suggest that the citizens of this area be treated to any less consideration than Haligonians in the rest of the city.

The evolving City's Centre Plan ( 2017 ) may not yet be official ; however, even in its present form, it contains approaches to planning that are most laudable and will surely become goals to which city staff , Council and Haligonians in general will aspire. Just as Halifax has become a leader in areas such as recycling, garbage and waste disposal, restrictive use of pesticides, etc. decision makers can use the approaches espoused in the new Centre Plan to our collective benefit. The Centre Plan recognizes that the most pressing sustainability issue facing Halifax in the immediate is climate change. With regards to the [REDACTED] development, the Centre Plan calls for a low impact plan to minimize the negative impact of storm water runoff (especially in winter), by increasing green surfaces and most importantly reducing hard landscape. The [REDACTED] proposition does just the opposite. The Centre Plan acknowledges the value of a healthy urban forest and yet many trees will have to be destroyed to construct their apartment complex and parking lot. The WSP designs are what many would consider 'old school' and a 'cookie cutter' approach to development. It's not what this city needs for the future.

The Centre Plan ( page 34 ) clearly stipulates that for those buildings higher than seven stories ( 59 Kearney Lake would be a 4 story apartment building with roof with underground garage on top of 3 story cliff ) must not cast a shadow on the Public Gardens, the Dartmouth Commons, Victoria Park, the Hydrostone etc. for the six months between March 31st and Dec. 21st between the hours of 10 AM and 4 PM. Why should the residents of Castle Hill and Grosvenor Road be subjected to shadows over their properties every day of the year! Surely all Haligonians must be offered the same protection by their city council.

The Halifax Centre Plan ( page 31 ) states (h) that new development in terms of height and massing and or design should not determine or change the overall context of an area (j) that the scale and development shall be sympathetic to the architectural character of the surrounding area, (m) that the new development provide adequate room for parking and servicing needs and (o) that development encourage vegetated storm water management systems. [REDACTED] project address none of the these laudable goals.

The City's Municipal Planning Strategy stipulates in section 2.2 that " the integrity of existing residential neighborhoods shall be maintained by requiring that any new development which would differ in use or intensity of use from the present neighborhood development pattern be related to the needs or characteristics of the neighborhood:. Section 2.4 of the MPS directs the city to seek to ensure that any changes be compatible with existing neighbourhoods.

The high density development offered us by [REDACTED] does not improve traffic flow, does not reduce student enrollment, does not improve a derelict property, does not increase the value of the dwellings that surround it, does not improve the local environment and does not promote neighborhood stability. The MPS clearly directs city staff and councillors to consider

the benefits to community over individual property owner rights. Just because a property owner has the right to apply for a rezoning of his property is not in itself reason enough to have it granted.

### **Effect on Infrastructure**

It would be unfair to ask local residents or city taxpayers to fund changes to local infrastructure such as a set of traffic lights at Grosvenor Road and the Kearney Lake Road because of this proposal. Nor would it be fair to have taxpayers cover the cost of a bus lay-by should the bus stop east of 59 Kearney Lake Road be considered dangerous in terms of blocking the view of that dangerous intersection

### **Conclusions**

There is a place for infill developments: to provide badly needed rental accommodation- there are hundreds available less than two minutes drive away; to bring shoppers closer to medical facilities and shops- there are none in the immediate vicinity; to bring children into an area where there is an underused school- the local schools are filled now ; to invigorate a dying community- Birch Cove is alive and well. The proposed development at 59 Kearney Lake improves nothing. Many would also argue that the most offensive form of infill development is one that not only negatively affects a neighborhood, offers nothing in return and is built solely for the financial benefit of the property's owner.

Department of Planning and Development employees may be tasked with ensuring that a development proposal fits within the guidelines. Those same staff however must surely ensure that the development fits in with the neighborhood. City Planning and Development staff and our Community Council are encouraged to adopt a pragmatic approach to this issue . The property in question interfaces a very large area of single family properties in an established community with a small zone of multiple unit rental properties.

All development is not bad but this one is. When a development proposal basically benefits one or two people at the expense of nearby families, an entire neighborhood, and the public at large, it is unfair, unreasonable and inappropriate. This proposal, not by any measure, helps our neighborhood or city work towards our future goals nor helps us meet our current needs. It is questionable if it will even meet the needs of prospective residents. Decisions by a former city council, recognition of the need to reduce the dangers such development poses to traffic and an awareness of our responsibility to minimize the pressures on neighborhood schools provide more than sufficient rationale for denying the request to change zoning at 59 Kearney Lake Road. The conflict the proposed development has with existing legislation and future development plans and it being a high density development in a stable single family neighborhood speak as well to its unsuitability. The request to rezone 59 Kearney Lake Road from an R1 to an R3 zone must be denied.

**We shape our buildings; thereafter they shape us - Winston Churchill**

**Halifax.**

██████████

██████████



Thanks very much for the response. Sorry about that misunderstanding regarding the email. I'm not sure the cause of that as I sent it to the same email address that you are responding to me from and I just forwarded it again to you.

I appreciate your response, however, I would like to convey to you that I find the process flawed since the public cannot see staff comments on the report before it goes before community council's vote.

I will review the information and let you know if you if I have any further questions.

One item I would like to bring to your attention is a bit of ambiguity surrounding the ownership of parcel 397 on Kearney Lake Road, which perhaps you can clarify. Prior to the first information session, I checked the registry of deeds and that parcel was still registered to HRM. However the rezoning application has included it as an amalgamated lot with the parcel belonging to the Panopalises, CMTCD, and the information card provided shows the whole site (including this parcel) outlined in red. Since we started making inquiries about the parcel and the process, it has been conveyed to Her Majesty the Queen in right of the province of Nova Scotia and Nova Scotia department of transportation and infrastructure renewal and your new information card for the upcoming meeting no longer includes the parcel. Further adding to our confusion is the fact in the property detail at the land registry, the parcel seems to have been conveyed to the developer although we cannot see where proper protocol was followed for that, if it were sold or transferred as provincial surplus property. Could you please provide information on the ownership of this parcel and its role in the redevelopment application prior to the February 1<sup>st</sup> meeting please?

Sincerely,

██████████

29 January 2018

Councillor Russell Walker  
District 10, Halifax Regional Municipality

Dear Councillor Walker,

I am writing to express the continued opposition of ██████████ to a proposal to build an apartment building on Kearney Lake Road near Grosvenor Road, one of three entrances to the Cresthaven neighbourhood. We attended the public information meeting 4 December 2017. The following are our points further to my email of 29 November 2017 to you:

1. Zoning. The developers' original proposal was for a 40-unit apartment which at the 4 December meeting was presented as a 32-unit apartment. However, if a zoning change was made, there would be nothing to prevent the developers from building to the maximum allowable by the new zoning. As presented at the 4 December meeting, the neighbourhood has had experience with developers not following through on agreements to build townhouses instead of apartments/condos further along Kearney Lake Road. Therefore, we have no reason to put faith in the 32-unit proposal, and consider it and any 'compromise' meaningless. The area should remain as currently zoned.

2. Loom. An apartment at the proposed location would be in a dominant position in the sight lines for people approaching along Dunbrack Street, Cresthaven Drive and possibly other directions. The loom of the building would detract from the appearance of the area, taking away from the single-family home nature of the neighbourhood and the good feeling that engenders.

3. Shadowing. An apartment at the proposed location would be on a high point to the west of homes on Castle Hill Road and along Cresthaven Drive. The effect it would have on shadowing that part of the neighbourhood, particularly during parts of the summer, has not been addressed. Certainly any shadowing would take away from quality of enjoyment of those affected.

4. Winter. The various diagrams and other presentations made in support of the apartment were all set in the summer, the most favourable season to depict the proposal. Appearance, traffic analyses, etc., should consider winter condition, when leaves are down and snow banks are up. The exit from the apartment lot would be considerably more dangerous with high snow banks on either side of it, snow banks likely to result from all the snow that would be needed to be cleared from the parking area and long drive.

5. Accident analysis. Comments at the 4 December meeting and my earlier email have expressed concern about safety at the several corners in the area of the proposed apartment. HRM should have sufficient history of accidents there such that the concerns can be addressed with facts. An accident analysis based on historical data should be made public by HRM so that people are more knowledgeable of that factor.

6. Precedent. There are other large lots in the neighbourhood. There can be valid concern amongst residents of the area that changing the zoning of this lot will lead to proposals to change zoning elsewhere using this case as a precedent. Any proposal now has to be considered in the light of a longer view. The longer view to date has been, and should so remain, to leave the neighbourhood as it is. That was the effect of the decision not to rezone properties up Kearney Lake Road adjacent to this case – if there is to be any precedent, that is it.

██████████ remain of the belief that there is no cause nor need to change current zoning, and therefore there is no reason to allow the building of an apartment where proposed.

██████████ will attend the town hall meeting scheduled for 1 February.

Yours truly,  
//signed//

██████████

Dear Councillor Walker:

I am not able to attend the meeting on Thursday, February 1 regarding the rezoning of 59 Kearney Lake Road, but I wanted to make sure you are aware that there are many of us who are in favour of the development.

██████████ lived in an apartment not far from 59 Kearney Lake Road. We sought this neighbourhood because of the schools and the quick access to shopping and

highways. We were very lucky to rent this apartment, but we were on a waiting list for several months before we got in. There is definitely demand for more housing in this area.

I have heard that some people have concerns about increased traffic. In my opinion, another housing development will not have a major affect.

I no longer live in an apartment, but find myself regularly on Kearney Lake Road - shopping, filling my gas tank, going to the dentist, etc. I consider it part of my neighbourhood and I do not have a problem with the rezoning and new development.

Sincerely,

[REDACTED]

Dear Councillor Walker:

I attended subject meeting, and was struck by the overwhelming opposition of the residents to the proposed rezoning proposal of the lands at 59 Kearney Lake Road.

I too oppose this.

I have lived in the area since 1966 and ask myself one simple question about any change: "will this improve the quality of life in the neighbourhood?" It will not.

I am also aware of how it will drastically change the lives of residents abutted to the property. Their property values will surely decrease; and the quality of life will also be horribly changed.

Please oppose this proposal and convince your colleagues when council approval is sought.

Thank you.

Yours very truly

[REDACTED]

Mr Joudrey, I am writing for the second time, having attended the 2 community meetings in Dec 2017 and Feb 2018, to gather opinions from the community.

There is no doubt in my mind that there is a resounding negative reaction to this proposed apartment development. And for very good and considered reasons.

The impact on this small residential community will be very negative and the traffic situation will become more hazardous.

As I understand the following are major factors to be considered:

TRAFFIC- the construction activity will be disruptive and unsafe from the Grosvenor- Wentworth school, as equipment and construction workers travel on the only access road to the school. This will also be disruptive and hazardous to the nearby homes and local traffic.

The 2 daycares in the very close proximity, one on the corner of Grosvenor Rd and Kearney Lake Road, and the other on Kearney Lake Road, will be negatively affected by the noise and traffic and difficulty in transporting children to and from the sites.

A 40 unit apartment building will significantly impact on the heavy, fast and dangerous traffic on Kearney Lake Road. The proposed building is near the crest of the hill and probably the worst location from which to enter or leave Kearney Lake Road. The traffic on this road has dramatically increased in the last 4 or 5 years as major developments in the areas of Larry Utek, Bedford and Lower Sackville have added large volumes of vehicles, all converging on to a four lane, fast moving hill through the heart of a residential area.

If traffic from the residents of Cresthaven Estates attempts to go to the downtown, the choice is the rapidly moving and congested Bedford Highway, Castlehill which involves traffic driving to the local elementary school and children walking to school, or access to Kearney Lake road across four lanes of speeding traffic going downhill and fast moving traffic including trucks from the Port of Halifax, racing to build speed to drive up the hill. Formidable and dangerous options. An new apartment building on this busy 4 lane road will make a bad situation, worse.

Currently, there is a cross walk across Kearney Lake road and students must cross this busy and fast moving traffic to reach the bus stop. AND the crossing guard has been taken away. Maybe it was too dangerous for the crossing guard, as I witnessed that cars did not stop even with a guard and a flashing light!

IMPACT ON HOMES IN THE AREA-the construction and blasting will be very detrimental to nearby homes with noise, air pollution, run off as trees and vegetation are removed, and the character of the area with a large building out of scale with the entire area, will all be negative and impact on the enjoyment of the residents in this area. The entire community will be affected by the change of character, the additional traffic, the noise, and the local elementary school will definitely be stressed with the extra children (there will be 1, 2 and 3 bedroom apartments) and this will result in more portable units or bussing children to other areas. Definitely, this would be a negative change in the character of the community.

The value of homes in the area will be decreased and the area will become less desirable.

SALE OF THE SURPLUS CITY OF HALIFAX PROPERTY- the sale of the surplus City of Halifax property to the Province of Nova Scotia, which declared it surplus, has still not been officially decided to the property developers

Why were property owners of adjacent homes not consulted? Clearly there has been a great deal of interest by neighbours who will be adversely impacted if this development proceeds.

Also, as members of the audience at the recent meeting described with documentation, why was this surplus property sold for such a low price compared to nearby similar surplus properties?

If this property was deemed surplus, was consideration given to the congestion and traffic hazard that is created by city busses parking on the side of Kearney Lake Road and causing cars to change lanes to pull out to avoid the busses and thus creates a traffic hazard? I suggest that this surplus property could be used to develop a "pull off" for idling busses.

If this development proceeds, I urge that a new traffic light be installed at the Grosvenor Rd and Kearney Lake Road intersection to quiet traffic, slow the traffic and allow vehicles from the Cresthaven and Wedgewood subdivisions to safely enter Kearney Lake Road and pedestrians to cross Kearney Lake Road.

In fact, even if the apartment is not built, a new set of lights at this site is an important safety consideration.

The building of multi unit buildings is a reality as HRM expands and develops BUT this can be done in areas that will not be adversely impacted by development, as is the case with the community surrounding this proposed apartment building.

I would appreciate acknowledgement that you have received and considered this email.

Sincerely, [REDACTED]

Good day Mr. Joudrey,

Please find my presentation as opposition to the above noted case which I have copied the community council.

This application represents irresponsible development and should be rejected. The integrity of this neighbourhood depends upon your diligence on this matter. If you have any questions about the information I have included, please do not hesitate to contact me. I appreciate your attention in this matter.

Sincerely [REDACTED]

February 5, 2018  
[REDACTED]

Good afternoon Mr. Joudrey and members of the Halifax and West Community Council,  
On Thursday, February 1<sup>st</sup> was the second of two public meetings held to discuss the application to rezone 59 Kearney Lake Road (Case 21081). As you know, Mr. Joudrey, Mr. Walker and Mr. Zurawski from being in attendance, the community is strongly opposed to this application. The application does not meet the criteria of the Municipal Planning Strategy, which was discussed last Thursday. I am including detailed information on some of the serious flaws with the application that show it to be contrary to HRM policies, in an effort to assist you as you review this application. As you were made aware at the meeting, the sale in which the applicant obtained one of the properties (PID 40047524) from the Province of Nova Scotia is being questioned by the community as it was quietly sold to the applicant at a price that is less than market value with no public record of the transaction. The ownership of this property has not yet been registered to the applicant, yet it is required for the application.

As you review this application, it is imperative that you consider the following:

**The application is not compatible with the existing neighbourhood:**

- • This subject property is surrounded by single family home neighbourhoods. These include Wedgewood, Birch Cove, Sherwood Heights and Cresthaven, to name a few.
- • The subject properties are both zoned R-1 single family. Seven of their eight adjoining properties are R-1 single family. The eighth adjoining parcel is R-4 multiple dwelling for a condominium development, not an apartment building.
- • Large, treed lots are one of the reasons residents fall in love with this neighbourhood. This is not because they present an opportunity to rezone and erect an apartment building in the middle of an R1- single family block, but because they contribute to the character of a well-established, well-loved, stable neighbourhood.
- • The Municipal Planning Strategy clearly states that the City will encourage the retention of the existing residential character of predominantly stable neighbourhoods and will seek to ensure that any change it can control will be compatible with these neighbourhoods.
- A history has been established of HRM deeming multifamily apartment buildings incompatible with this neighbourhood:
  - In 2006, the Fares Group proposed a 3-story, 18-unit apartment building at 73/75 Kearney Lake Road. HRM determined that it was not in keeping with the Municipal Planning Strategy and it was revised.
  - In 2007, the Fares Group proposed to rezone the property at 65 Kearney Lake Road from R-1 to R-2, and the properties at 73 and 75 Kearney Lake Road to R2T. The Community Council voted against it. Councillor Debbie Hum advised that her interpretation of the Municipal Planning Strategy found the proposal not in keeping with those policies and not in keeping with the immediate neighbourhood which is mainly single-family homes.
  - The Fares Group appealed Community Council's decision to the Utility and Review Board, however, the UARB found there no evidence that Council's decision was inappropriate and dismissed the appeal.
  - Single family homes were ultimately developed on those Kearney Lake Road lots.

**The application is against policy as it doesn't maintain the integrity of the existing residential neighbourhood:**

- • If you examine the neighbourhood zoning map (on last page), you will see orange. Orange is R-1 single family zoning. It's not R-4, R-3 or even R-2. This is unlike other local neighbourhoods that offer different characteristics and weave townhouses and apartments throughout their development, such as Clayton Park West, Farnham Gate, West Bedford and Larry Uteck, that were not R-1 but Schedule K and Urban Settlement.
- • The Municipal Planning Strategy states that the differences between residential areas contribute to the richness of the city and Halifax should ensure different types of residential areas and a variety of choices for its citizens. This is contrary to taking a stable, existing R-1 neighbourhood and changing its zoning to allow for higher density dwellings. This neighbourhood has thrived as R-1 and should be maintained that way.

**The scale of the proposed development does not fit the existing neighbourhood:**

- • The average lot size of the seven adjoining R-1 properties is 10,402 sq. ft. The average square footage of these homes is less than 1,800 sq. ft. The building drawings don't do justice to what a four-story apartment building will feel like looming over the adjacent single-family homes. There is no way to make a sound argument that a four-story apartment building fits with the scale of the existing neighbourhood.
- • The total square footage of the property in the application is just over 44,000 sq. ft. If you consider that the average lot size of the adjoining properties is about 10,000 sq. ft., what seems

fitting with the surrounding properties would be four single family homes – this application is ten times that many units.

**The application includes PID 40047524, of which the ownership is not currently registered to the applicant and was not offered for sale on the open market:**

- For months, members of the community have been trying to get information from the Province about PID 40047524, which is part of the application for rezoning.
- When we first started making inquiries, it was because this parcel was showing as owned by HRM, which was questioned because it was part of the application for rezoning.
- Once we started making inquiries, ownership was transferred to Her Majesty the Queen in Right of the Province of Nova Scotia and Nova Scotia Department of Transportation and Infrastructure renewal. It has been deemed surplus old road land.
- On February 1<sup>st</sup>, 2018, after repeated requests, we were able to access the sale information for this surplus land. The 6,300 sq. ft. R-1 lot was sold for \$6,350 to the applicant. Previously, we had been told by the Acquisition and Disposal Officer for Nova Scotia that this was not public information.
- A similar lot on the other side of the street, 70 Kearney Lake Road, sold for \$35,500 in 2010.
- In approximately 1985, the other adjoining property owner to the subject lot inquired about purchasing it and was given a price of approximately \$18,000. They did not purchase the land.
- The application will not meet the requirements of the land use bylaw without this parcel of land. That means this parcel is absolutely essential to his application.
- If the application were to be approved, the value of the surplus lot in combination with the larger parcel would be exceedingly higher.
- The minister of transportation signed off on the parcel on Oct 26, 2016 and couriered the deed to the applicant on Nov 10, 2016, however, the parcel is still registered to the Province.

**The traffic study completed by WSP is flawed:**

- The traffic study was completed in 2015. This data is no longer relevant considering the constantly growing population of two other major developments that have been approved in the area (Rockingham South and the Parks of West Bedford), which both direct additional traffic to Kearney Lake Road.
- Less than one and a half kilometres away, the Rockingham South development is under construction with over 2,200 units. The traffic contribution of this development to the Kearney Lake Road over the course of its buildout has not been included in this study.
- Eastbound approach for safe stopping distance “passed” by 1.3%. This means that one metre is the margin of error for cars travelling at the speed limit, which they rarely do on that hill, with an elementary school, daycare and crosswalk within the immediate vicinity. This is four lanes of traffic and one of the busiest sections of Kearney Lake Road. We would ask if the City is prepared to assume the safety risk for one metre grace of stopping distance. Westbound approach also “passed” by an identical 1.3%. We are unsure as to whether the minimum stopping sight distance measurement would also apply to heavy construction machinery that will be in and out of the site, using the Kearney Lake Road for the period of construction, or if that minimum requirement would be higher due to the weight and size of the vehicles.
- Traffic data collected in June would appear to be a method of collecting favourable traffic data for the developer. That is the same month in which WSP collected data for another rezoning

application currently under review in the neighbourhood (Case 20188-20 Tremont Drive). While it falls within the school year, the weather is nice, more people are walking and most extra curricular activities are over, ensuring that traffic is at its lightest.

**This application represents irresponsible development and should be rejected.** The integrity of this neighbourhood depends upon your diligence on this matter. If you have any questions about the information I have included, please do not hesitate to contact me. I appreciate your attention in this matter.

Kindest regards,

[REDACTED]

I would like to express my opposition to the proposed rezoning of the property at 59 Kearney Lake Road to allow the construction of a four storey apartment building.

I live on the ground floor at the back of [REDACTED]

[REDACTED] This development will adversely impact the peace and quiet that I have enjoyed since moving here 27 years ago. It would create a noise level caused by residents and vehicles that would be totally unacceptable to me. I also have concerns about the additional traffic that would be added to Kearney Lake Road.

I agree entirely with the points that Mr. Taylor made in his presentation at the December meeting.

[REDACTED]

Councillor Walker:

I would like to register that I am against the change in zoning and multi-unit development proposed for 59 Kearney Lake Road. I have lived in the Cresthaven neighbourhood for 24 years and have enjoyed the quiet lifestyle afforded by an R-1 neighbourhood. I would like to see that continue for future generations in this neighbourhood. I think existing residents should be able to rely on approved city zoning. We chose this area for the R-1 development. There is no reason to change this zoning as there is an abundance of already approved multi unit lots and land in Halifax. Perhaps the developers could look at some of those already approved lots.

[REDACTED]

11 March 2018

Councillor Russell Walker  
District 10, Halifax Regional Municipality

Dear Councillor Walker,

I am writing as a follow up to the 1 February 2018 public information meeting about a proposal to build an apartment building on Kearney Lake Road near Grosvenor Road. [REDACTED] attended that meeting and the public information meeting 4 December 2017. The following is further to my emails of 29 November 2017 and 29 January 2018 to you. As point #4 in my 29 January email



I

wrote:

Winter. The various diagrams and other presentations made in support of the apartment were all set in the summer, the most favourable season to depict the proposal. Appearance, traffic analyses, etc., should consider winter condition, when leaves are down and snow banks are up.

On the point of appearance, please find attached to this email some pictures I took 7 February 2018. Whilst the pictures do not show any snow (so unlike normal Halifax winters), they clearly show that existing vegetation in the leafless season will not provide privacy, certainly not as implied in the developer's presentation photos. I have attached screen captures of some of the developer's photos as comparison. There is simply not the thickness of vegetation as depicted in the site presentation drawing (screen capture also attached). Some of the vegetation has already been cleared and probably more will have to be cleared during any construction. The resulting lack of privacy applies not just for those living next to the lot in question, but the loom of the building applies for anyone living, walking or driving in the neighbourhood. That will be the case for about half a year annually, and that will take away considerably from the feel of the neighbourhood.

We were concerned to hear at the 1 February meeting about the case of the triangle of property between the property owners on Grosvenor Road and the developer's property. On the surface it appeared that the property owners have been treated unjustly and that the developer has received some sort of preferred treatment. There needs to be more information made available to concerned people, especially those of the neighbourhood, about what is going on with the purchase of the triangle, as that property is vital to the developer's application. I request that you as our councillor ensure that this information is communicated in good time to your constituents.

Since the 1 February 2018 meeting we have talked to neighbours in the homes around us. None of them are in favour of the proposal, and they have signed a petition against the proposal as initiated by [REDACTED] who lives [REDACTED]. We have not come across anyone who is in favour of the rezoning proposal.

[REDACTED] remain of the belief that there is no cause nor need to change current zoning, and therefore there is no reason to allow the building of an apartment where proposed.

Yours

//signed//

[REDACTED]

truly,

HRM Planning and Development  
Current Planning  
PO Box 1749  
Halifax, Nova Scotia, B3J 3A5  
Email: joudred@halifax.ca

Attention: Darrell Joudrey, Planner II

Dear Sir,

My name is [REDACTED] and I live at [REDACTED]

I am signing this letter in **support** of the rezoning of 59 Kearney Lake Road from R-1 (Single Family Dwelling Zone) to R-3 (General Residential & Low-Rise Apartment) – PID

The reason(s) I support this application include:

I'M EXCITED TO SEE THE AREA GROW AND EXPAND. I KNOW IT WILL  
ADD VALUE TO MY HOME / NEIGHBOURHOOD... AND HELP DRAW  
MORE PEOPLE TO THE AREA.  
I ALSO THINK IT WILL BEAUTIFY THE AREA.

Sincerely,

[REDACTED]

CC: Councillor Russell Walker; District 10, russell.walker@halifax.ca  
Councillor Richard Zurawski, District 12, richard.zurawski@halifax.ca

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** FW: Rezoning of 59 Kearney Lake Road  
**Date:** Tuesday, January 08, 2019 12:33:13 PM

---

**From:** Joudrey, Darrell [<mailto:joudred@halifax.ca>]  
**Sent:** Wednesday, January 31, 2018 1:36 PM  
**To:** [REDACTED]  
**Subject:** RE: Rezoning of 59 Kearney Lake Road

CAUTION: EXTERNAL SOURCE / ATTENTION: SOURCE EXTERNE

---

[REDACTED],

Thank you for your comments regarding Case 21081. This will be included as part of the public record in the staff report to Council.

Darrell

**DARRELL JOUDREY**  
PLANNER II – URBAN ENABLED APPLICATIONS  
CURRENT PLANNING | PLANNING AND DEVELOPMENT

**HALIFAX**

PO BOX 1749  
HALIFAX NS B3J 3A5  
T. 902.490.4181  
[halifax.ca](http://halifax.ca)

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**From:** [REDACTED]  
**Sent:** January-30-18 1:33 PM  
**To:** Joudrey, Darrell <[joudred@halifax.ca](mailto:joudred@halifax.ca)>  
**Subject:** Rezoning of 59 Kearney Lake Road

Good afternoon Darrell,

With the poor weather today I have found myself some time to send a note along to HRM Planner to express my support for the rezoning of 59 Kearney Lake Road. I had attended the first session and was listed 8<sup>th</sup> to speak but the meeting was poorly organized and was monopolized by only a few families so I felt it would be best to send this email addressing my full support. I have spent years abroad and living in other cities like Toronto and felt that city was sprawling and impersonal, and longed to come back to Halifax and enjoy living home again.

[REDACTED] have lived on [REDACTED] for 5 years now and we find no major issues with traffic on Kearney Lake Road and feel this development would not be a major impact. We have good family friends that enjoy owning and living in a condo in the development just up the road, they have no kids and this type of property suits them perfectly. We believe there should be more options like

this and find their design is in line with other developments in the area. We again reinforce the full support of the development and rezoning of 59 Kearney Lake Road.

Should you wish to speak in person or via telephone my contact details are listed below,

[Redacted contact information]

Cell [Redacted]  
Fax [Redacted]  
Toll Free [Redacted]  
[Redacted]

The contents of this communication, including any attachment(s), are confidential and may be privileged. If you are not the intended recipient (or are not receiving this communication on behalf of the intended recipient), please notify the sender immediately and delete or destroy this communication without reading it, and without making, forwarding, or retaining any copy or record of it or its contents. Thank you. Note: We have taken precautions against viruses, but take no responsibility for loss or damage caused by any virus present.

**From:** [Lovitt, Christina](mailto:Christina.Lovitt@halifax.ca)  
**To:** [REDACTED]  
**Subject:** FW: Rezoning of 59 Kearney Lake Road  
**Date:** Tuesday, January 08, 2019 12:33:37 PM

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Begin forwarded message:

**From:** "Joudrey, Darrell" <[joudred@halifax.ca](mailto:joudred@halifax.ca)>  
**Date:** January 31, 2018 at 1:33:21 PM AST  
**To:** [REDACTED]  
**Subject:** RE: Rezoning of 59 Kearney Lake Road

Thank you for your comments in regards to case 21081. They will be included as part of the public record in the staff report to Council.

Darrell

**DARRELL JOUDREY**  
PLANNER II – URBAN ENABLED APPLICATIONS  
CURRENT PLANNING | PLANNING AND DEVELOPMENT

**HALIFAX**

PO BOX 1749  
HALIFAX NS B3J 3A5  
T. 902.490.4181  
[halifax.ca](http://halifax.ca)

**From:** [REDACTED]  
**Sent:** January-30-18 9:42 AM  
**To:** Walker, Russell <[walkerr@halifax.ca](mailto:walkerr@halifax.ca)>; Joudrey, Darrell <[joudred@halifax.ca](mailto:joudred@halifax.ca)>  
**Subject:** Rezoning of 59 Kearney Lake Road

Dear Mr. Walker and Mr. Joudrey:

I would like to express my support for the application to rezone 59 Kearney Lake Road in order to develop the site into an apartment building.

This community is home to many other apartment or condo buildings and a new option for apartment living would be an excellent option to have.

Some people have mentioned concerns about traffic, but I really don't see how a 40 unit building would make a dramatic impact on traffic in the area. I drive down Kearney Lake everyday and have no complaints with traffic.

I hope the development is approved. Thank you for your consideration.

[REDACTED]

---

[REDACTED]





## Attachment D: R-3 Zone of the Halifax Mainland Land Use By-law

### R-3 ZONE

#### GENERAL RESIDENTIAL AND LOW-RISE APARTMENT

- 28CA(1) The following uses shall be permitted in any R-3 Zone:
- (a) R-1, R-2, R-2T and R-2AM uses;
  - (b) stacked-attached housing;
  - (c) apartment house of four storeys or less;
  - (ca) **day care facility (RC-Mar 3/09;E-Mar 21/09)**;
  - (d) uses accessory to any of the foregoing uses.
- 28CA(2) No person shall in any R-3 Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).
- 28CA(3) No person shall in any R-3 Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).
- 28CB No person shall in any R-3 Zone, erect, place or display any billboard or sign except those permitted in R-1 Zones.

#### R-1, R-2, R-2T AND R-2AM USES IN R-3 ZONE

- 28CC(1) Buildings erected, altered or used for R-1, R-2, R-2T or R-2AM uses in an R-3 Zone shall comply with the requirements of their respective zones, **with the exception of stacked attached housing**.

#### STACKED ATTACHED HOUSING

- 28CD Buildings erected, altered or used for stacked attached housing in an R-3 Zone, shall comply with the following requirements:
- 28CD(1) The minimum distance between the rear lot line and every building shall be at least 20 feet.
- 28CD(2) The maximum lot coverage shall be 50 percent.
- 28CD(3) The maximum height shall be 50 feet.
- 28CD(4) Each dwelling unit shall have a minimum of 175 square feet of exterior open space accessible directly from the unit.
- 28CD(5) One separately accessible parking space at least 9 feet by 20 feet shall be provided for each stacked-attached unit, exclusive of the area of the front yard and entrance or driveway leading to such building.
- 28CD(6) The lot frontage shall be 60 feet.



28CD(7) The minimum lot area shall be 6,000 square feet.

28CD(8) The minimum side yard shall be 15'.

#### **FOUR STOREY APARTMENTS**

28CE Apartment buildings of four (4) storeys or less and not exceeding 50 feet in height shall be permitted in an R-3 Zone provided the following requirements are complied with:

#### **MINIMUM LOT AREA**

28CE(1) The minimum lot area upon which such building is located shall be 6,000 square feet with a minimum continuous street frontage of at least 60 feet on one street;

#### **DISTANCE FROM LOT LINES - 80° ANGLE**

- 28CE(2) (a) The distance from any part of such building and any official street line or lines abutting upon such lot shall be no less than 20 feet measured at right angles to any such official street line or lines; provided, however, that such distance may be reduced to not less than 10 feet measured at right angles to any such official street line or lines if that part of the building which is less than 20 feet from any such official street line or lines is entirely contained within the arms of an 80 degree horizontal angle as determined in subsection (3) of this section;
- (b) The distance from any part of such building and any lot line of such lot other than an official street line shall be not less than 10 feet measured at right angles to such a lot line;
- (c) All windows and doors serving habitable rooms in such building shall be located not less than 10 feet from any lot line of such lot measured at right angles to such lot line;

#### **SIZE OF BUILDING - 60° ANGLE**

- 28CE(3) (a) Subject to the provisions of subsection (2), such building or any part thereof shall not project beyond the angular planes determined by constructing such angular planes over such lot:
- (i) From each lot line at natural or finished ground level, whichever is the lower, at a vertical angle of 60 degrees above the horizontal and measured perpendicular to such lot line or, in the case of a curved lot line, perpendicular to the tangents of all points of such lot lines; provided, however, that where the natural ground at the lot line is more than 5 feet above the finished ground level established at any point on the wall opposite the lot line and where the horizontal distance to the face of any part of such wall or its vertical projection is less than 50 feet, the angular planes shall be constructed over the lot from all points on the intersections of the vertical projection of the lot line and the horizontal projection of the finished ground level; or
- (ii) In the case where a lot line of such lot coincides with an official street line, from the center line of such street or from any intervening line parallel to such center line provided, however, that:

- (A) the distance from the line on which the plane is constructed and the lot line does not exceed 30 feet; and
  - (B) the vertical angle of 60 degrees is constructed perpendicular to the line on which the plane is constructed or, in the case of a curved line, perpendicular to the tangents of all points of the curved line.
- (b) Notwithstanding the provisions of clause (a) of subsection (3) and subject to the provisions of subsection (2), any part of such building may project beyond any prescribed 60 degree angular plane if:
- (i) The projection through the plane subtends a horizontal angle not exceeding 80 degrees formed by lines drawn from a point on the line on which the 60 degree angular plane constructed opposite to the center of the projection; and
  - (ii) The extremities of the projection are enclosed by the arms of such 80 degree horizontal angle.

#### **DISTANCE BETWEEN EXTERNAL WALLS - 85° ANGLE**

- 28CE(4) (a) For the purposes of this subsection:
- (i) "Base line" means, in the case of a wall rising from the ground, the natural or finished level of the ground adjoining the base of the wall, whichever is lower, and in all other cases means the lowest line of the wall above the natural or finished level of the ground, whichever is lower;
  - (ii) A wall supported by construction above posts, pillars, or other open construction shall be deemed to rise from the ground, and the base line of the wall shall be deemed to be the line on which the projection downward of the face of the wall meets the natural or finished level of the ground, whichever is lower;
  - (iii) Where external walls are not parallel to each other but the angle of divergence does not exceed 85 degrees, such walls shall be deemed to face each other.

#### **DISTANCE BETWEEN EXTERNAL WALLS - 65° ANGLE**

- (b) The provisions of this subsection (4) shall only apply if any part of such building is erected with the arms of horizontal angles of 65 degrees constructed outwards at the natural level of the ground, from the nearest extremities of external walls that face each other; provided, however, that where the two extremities of one such wall are, respectively equidistant from the opposite extremities of the other wall or where the two extremities of one wall are equidistant from the nearest extremity of the other wall, the 65 degree horizontal angle may be constructed from either pair of equidistant extremities;

#### **MINIMUM 50 FOOT SEPARATION BETWEEN WALLS - 40° ANGLE**

- (c) The distance between any external walls of such building that face each other shall be not less than 50 feet, and any part of such building shall not project beyond any of the angular planes outwards from the base line of each such external facing wall of each part of such building at a vertical angle of 40 degrees above the horizontal and measured perpendicular to such base line or, in the case

of a curbed base line, perpendicular to the tangents of all points of such curved base line;

### **EXTERIOR FACING WALLS - NO WINDOWS - NO HABITABLE ROOMS**

- (d) Where two external walls of such building face each other and neither wall contains any door or window serving a habitable room, the provisions of clause (c) of this subsection shall not apply but the distance between such walls shall not be less than six feet.

### **BALCONIES, CORNICES, EAVES, AND CANOPIES**

- 28CE(5) (a) Notwithstanding the provisions of Subsections (3) and (4) of this section, separate individual balconies, which are open on three sides, cornices, eaves and canopies, may project through the angular planes as determined in such subsections; provided, however, that any part of such balcony, cornices or eaves, shall be not less than 10 feet from any lot line of such lot;
- (b) Notwithstanding clause (a); of subsection (5), canopies may project to within 5 ft. of the street line.

28CF A lot on which there is a building used as a boarding house, lodging or rooming house, or apartment house shall comply with the following requirements:

### **DENSITY**

- 28CF(1) The population density of such building on the lot shall not exceed 75 persons per acre.

### **OPEN SPACE**

- 28CF(2) Open space on such lot shall be provided as follows:
- (a) 150 sq.ft. for each bachelor unit  
275 sq.ft. for each one-bedroom unit  
575 sq.ft. for each two-bedroom unit  
950 sq.ft. for each three-bedroom unit  
1,325 sq.ft. for each unit containing four or more bedrooms
- (b) At least 80 percent of the open space required in clause (a) shall be landscaped open space, and the roof or any portion therefor of any part of such building that has no residential accommodation included below such roof or portion thereof may be calculated as landscaped open space, provided that:
- (i) no part of such roof is more than 5 feet above the ground level of at least one lot line of such lot; and
- (ii) such roof or portion thereof is capable of being used as landscaped open space.
- (c) Section 28CF shall be applied to the combined occupancy of all the buildings on the lot.

28CG (Deleted)

**DRIVEWAY ACCESS**

28CH(1) In the "**Bedford Highway Area**" one vehicle access point shall be permitted to the Highway from each lot with 100 feet of frontage or less and two vehicle access points shall be permitted for each lot with frontage greater than 100 feet.

28CH(2) For the purpose of Subsection (1) the vehicle access point shall not exceed 35 feet in width and shall be defined by curbing, planting, or a similar device that will not obstruct the view of traffic.

**UNIT MIX - MAINLAND SOUTH**

28CI An apartment house which is located in the "**Mainland South Area**", shall be required to provide one two-bedroom unit for every three bachelor and/or one bedroom units.