



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

## Item No. 8.4

Halifax Regional Council  
July 21, 2020  
September 22, 2020

**TO:** Mayor Savage Members of Halifax Regional Council

**SUBMITTED BY:** Original Signed  
\_\_\_\_\_  
Councillor Lorelei Nicoll, Chair, Harbour East – Marine Drive Community Council

**DATE:** July 6, 2020

**SUBJECT:** **Case 22367 Amendments to the Cole Harbour Westphal Municipal Planning Strategy and Land Use By-law for 272 Auburn Drive, Westphal**

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### **ORIGIN**

- June 30, 2020 special meeting of Harbour East – Marine Drive Community Council, Item 13.1.1.

### **LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter, Part 1, Clause 25(c):*

The powers and duties of a Community Council include recommending to the Council appropriate by-laws, regulations, controls and development standards for the community.

### **RECOMMENDATION**

Harbour East – Marine Drive Community Council recommend that Halifax Regional Council:

1. Give First Reading to consider the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Cole Harbour/Westphal, as set out in Attachments A and B of the staff report dated March 26, 2020, to remove commercial uses and enable residential uses at 272 Auburn Drive and schedule a public hearing; and
2. Adopt the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Cole Harbour/Westphal, as set out in Attachments A and B.

### **BACKGROUND**

Harbour East – Marine Drive Community Council received a staff recommendation report dated March 26, 2020 to consider proposed amendments to the Cole Harbour Westphal Municipal Planning Strategy and Land Use By-law for 272 Auburn Drive, Westphal.

For further information refer to the attached staff report dated March 26, 2020.

**DISCUSSION**

Harbour East – Marine Drive Community Council considered the March 26, 2020 staff report dated and approved a motion recommending Halifax Regional Council give first reading and schedule a public hearing.

**FINANCIAL IMPLICATIONS**

Financial implications are outlined in the attached staff report dated March 26, 2020.

**RISK CONSIDERATION**

Risk consideration is outlined in the attached staff report dated March 26, 2020.

**COMMUNITY ENGAGEMENT**

Community Council meetings are open to public attendance and members of the public are invited to address the Community Council for up to five minutes at the end of each meeting during Public Participation. Community Councils' agendas, reports, and minutes are posted on Halifax.ca.

**ENVIRONMENTAL IMPLICATIONS**

Environmental implications are outlined in the staff report dated March 26, 2020.

**ALTERNATIVES**

Harbour East – Marine Drive Community Council did not discuss alternatives.

Alternatives are outlined in the attached staff report dated March 26, 2020.

**ATTACHMENTS**

Staff recommendation report dated March 26, 2020.

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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: Simon Ross-Siegel, Legislative Assistant, Municipal Clerk's Office 902.490.6519

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

**Item No. 13.1.1**  
**Harbour East – Marine Drive Community Council**  
**Special Meeting**  
**June 30, 2020**

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

**-Original Signed-**

**SUBMITTED BY:**

\_\_\_\_\_  
Kelly Denty, Director of Planning and Development

**-Original Signed-**

\_\_\_\_\_  
Jerry Blackwood, Acting Chief Administrative Officer

**DATE:** March 26, 2020

**SUBJECT:** **Case 22367: Amendments to the Cole Harbour/Westphal Municipal Planning Strategy and Land Use By-law for 272 Auburn Drive, Westphal**

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**ORIGIN**

- Application by Lloyd Robbins on behalf of Yori Ayoub
- September 24, 2019, Regional Council initiation of the MPS amendment process

**LEGISLATIVE AUTHORITY**

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

**RECOMMENDATION**

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

1. Give First Reading to consider the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Cole Harbour/Westphal, as set out in Attachments A and B, to remove commercial uses and enable residential uses at 272 Auburn Drive and schedule a public hearing; and
2. Adopt the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Cole Harbour/Westphal, as set out in Attachments A and B.

## **BACKGROUND**

Lloyd Robbins, on behalf of Yori Ayoub, is applying to amend the Cole Harbour/Westphal Municipal Planning Strategy (MPS) to remove site-specific policy enabling commercial uses at 272 Auburn Drive, Westphal and enable rezoning of those lands to the R-4 Zone to allow a 6-unit apartment building through renovation and potential additions to an existing structure.

<b>Subject Site</b>	272 Auburn Drive, Westphal
<b>Location</b>	Corner lot across from Auburn Drive High School
<b>Regional Plan Designation</b>	US (Urban Settlement)
<b>Community Plan Designation (Map 1)</b>	UR (Urban Reserve)
<b>Zoning (Map 2)</b>	C-1 Neighbourhood Business Zone
<b>Size of Site</b>	656.1 square metres (7062 square feet)
<b>Street Frontage</b>	Approximately 24.1 metres (79.1 feet) on Quindora Crescent Approximately 27.5 metres (90.2 feet) on Auburn Drive
<b>Current Land Use(s)</b>	Corner store with 2 residential apartments on upper level
<b>Surrounding Use(s)</b>	Residential, R-1, R-2, and townhouses

### **Proposal Details**

The applicant has requested that 272 Auburn Drive be converted from a commercial use to residential use. Under the current MPS provisions, this proposal cannot be considered. An amendment to the site-specific portion of Policy UR-18 in the Cole Harbour/Westphal MPS would be required to remove the ability to expand commercial uses by development agreement and allow rezoning from the C-1 Neighbourhood Business Zone to the R-4 Multiple Dwelling Unit Zone.

The major aspects of the proposal are as follows:

- The applicant wishes to cease commercial use of the property and develop the property through an as-of-right process as a multiple unit residential dwelling;
- The proposed residential use aligns with the MPS Urban Residential designation;
- The variety store and C-1 zoning is an anomaly within the neighbourhood as a commercial exception to the designation and surrounding zones;
- Only 6 areas within the Cole Harbour/Westphal Plan Area were zoned C-1 Neighbourhood Business, with use dependant on the viability of the corner store business model; and
- The site does not meet all requirements of the R-4 Zone, specifically the building setbacks and parking. A site-specific Land Use By-law amendment will be required to enable as-of-right R-4 development as proposed.

### **MPS and LUB Context**

Site-specific policy UR-18 was added to the Cole Harbour/Westphal MPS in 2011:

UR-18 “..., and to provide for the expansion of, and/or consideration of additional uses, at an existing neighbourhood convenience store at 272 Auburn Drive, ....”

This policy must be removed to allow for residential use of the site as proposed by the applicant

Through MPS policy UR-9, the R-4 Zone may be considered for the lands;

UR-9 *Notwithstanding Policy UR-2, within the Urban Residential Designation, it shall be the intention of Council to establish a multiple unit dwelling zone which permits new multiple unit dwellings to a maximum of six units, all existing multiple unit dwellings and community facility uses. Controls on parking and amenity areas shall be established in the zone. Council shall only consider new multiple unit dwellings by amendment to the land use by-law...*

The property owner has determined it is no longer sustainable to operate the site as a commercial business. Therefore, the applicant is requesting the property be rezoned from the C-1 Zone to the R-4 Zone to allow an apartment building with up to 6-units as a by-right project subject to the standard requirements of the R-4 Zone. Analysis of the site has determined that the existing building will not meet the minimum yard requirements in the R-4 Zone and satisfying the parking requirements for a 6-unit building will be challenging. Therefore, to avoid creating a non-conforming structure and reduce the amount of required asphalt parking, the applicant has requested a further site-specific amendment to the Cole Harbour/Westphal LUB relaxing these requirements for the site.

### **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the engagement strategy and public participation program approved by Regional Council on the September 17, 2019 meeting. The level of community engagement was consultation, achieved by providing information and seeking comments through the HRM website, letters mailed to property owners within the notification area and one-on-one conversations with stake holders during the engagement window from October 25 to November 18, 2019. A total of 196 letters were mailed to property owners and five (5) responses were received during the period. Attachment C contains a summary of the feedback received. The public comments received include the following topics:

- Impact on property value;
- Number of units;
- Upkeep of building; and
- Additional traffic in the area.

A public hearing must be held by Regional Council before they can consider approval of the proposed Municipal Planning Strategy (MPS) and Land Use By-law (LUB) amendments. Should Regional 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 proposal will potentially impact local residents and property owners.

### **DISCUSSION**

The MPS is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in the Municipality. Amendments to an MPS are significant undertakings and Council is under no obligation to consider such requests.

In this case, staff advise that the proposed amendments have sufficient merit to warrant consideration by Council. The amendments to the MPS and the proposed rezoning will remove the commercial opportunity on the property which is a desirable outcome as noted by community members. Furthermore, the rezoning will bring the property into greater conformity with the established residential neighbourhood and UR designation.

#### **Proposed Amendments**

Staff considered the existing MPS context and various policy approaches when drafting the proposed MPS and LUB amendments. Attachments A and B contain the proposed MPS and LUB amendments respectively.

The recommended approach is to remove the site-specific language in the MPS relating to the commercial use and rezone the lands to allow a multiple unit residential use on the subject property as-of-right. The new zone will more closely align with the surrounding neighbourhood uses and allow the existing building to be repurposed as a 6-unit dwelling through the standard permitting process. A summary of the proposed amendments is as follows:

- Removing site specific language from the MPS (Policy UR-18);
- Rezone the property to R-4 (Multiple Unit Dwelling) from C-1 (Neighbourhood Business); and
- Add site specific requirements to the land use by-law for lot area, front yard, rear yard, setbacks, flankage, lot coverage, building height, and parking requirements.

### **Applicant Rationale**

The applicant has provided the following rationale in support of the proposed amendments:

- The variety or corner store business model is no longer viable in the current location if constrained to pantry goods sales alone;
- Expanding commercial use to include a take-out food service counter was explored, but not supported by the community;
- The viability of alternative commercial uses including office or clinic space was also investigated, but the site's isolation from a commercial area made viability problematic;
- Community feedback to a ready-to-eat food outlet, across from a high school, was unfavourable due to potential for increased nuisance activity;
- It is challenging for a suburban standalone food retail vendor or low intensity office or clinic space to succeed when competition is located along major commercial corridors within reasonable commuting distance (e.g. Portland Street);
- The 2 existing upper level apartments would have continued to be occupied under all proposed scenarios;
- An all-residential, small apartment solution, including rezoning to R-4, is a preferable option that maintains site revenues while improving neighbourhood compatibility; and
- The landowner is willing to forego future commercial retail use and requests a site-specific Land Use By-law amendment to allow for a 6-unit building on the existing site.

Attachment C contains the applicant's application letter.

### **History**

This area was developed as part of the Forest Hills master planned community by the Nova Scotia Department of Housing. The Province intended to provide a range of housing options and included provisions for a community park and trail system, institutional uses, and commercial uses. The implementation of the Provincial vision was through the Planned Unit Development (PUD) mechanism. The Province had authority over approvals and administration of land use rules. The Provincial intent was to rezone the area under the LUB as phases were complete.

There were several convenience stores developed under the provincial scheme with the Auburn Drive location being the final commercial property converted from the provincial PUD to the municipal C-1 Zone. In 1999, MPS policy UR-18 was amended to allow the consideration of new neighbourhood commercial uses through the development agreement process, provided the uses are limited to those which service the local neighbourhood. However, the new policy did not speak to the expansion or consideration of new uses in locations where neighbourhood businesses already existed. In 2011, the MPS was amended to include 272 Auburn Drive as a location within Policy UR-18 where expansion or consideration of additional uses may be considered by development agreement.

In July of 2017, an application was made by the property owner to exercise the development agreement options available under Policy UR-18. In January 2019, a public information meeting was held and input from the community indicated a residential use was preferred over expanded or continuing commercial uses. Concurrently, the property owner concluded the commercial viability of the convenience store was limited and converting the entire subject site to an all-residential use was a more economically viable option that also reflected community desire.

### **Regional Plan Designation**

The Regional Municipal Planning Strategy (Regional Plan) designates the land along Auburn Drive, including the subject property, as Urban Settlement. The designation encompasses those areas where development serviced with municipal water and wastewater systems (serviced development) exists or is proposed under the Plan.

Policy S-30 of the Regional Plan identifies that when preparing any amendments to existing secondary planning strategies, Council shall consider opportunities for a mix of housing types in designated growth centres and growth in locations where transit is available. Although the subject site is located outside of a designated growth centre (300 metres away from the Westphal Growth Centre), it is located on a minor collector road with direct transit links to downtown. Enabling more units at the subject site satisfies this intent while also increasing neighbourhood compatibility.

### **MPS Designation**

The MPS for Cole Harbour/Westphal was adopted in 1993. Under that plan, the UR designation was created to recognize established communities and identify priority areas for continued residential development. The UR designation also seeks to provide a variety of housing types and densities as the community grows and evolves. The MPS identifies that the growth and evolution of the residential area is intended to accommodate a mixture of housing in response to varied population and economic needs in the future. The UR designation does provide for limited commercial development opportunities by way of Neighbourhood Business uses. These uses were first allowed in 1999 with their policies subsequently amended in 2011.

The MPS anticipates that future demand for multiple unit dwellings is expected to continue in response to the changing housing needs in the general population. Two mechanisms are provided to consider multiple unit dwellings. Smaller scale developments will be considered through rezoning while large scale developments will be considered by development agreement. In the case of 272 Auburn Drive, rezoning has been the requested method to permit the proposed use. Policy UR-9 enables Council to establish a multiple unit dwelling zone and to permit new multiple unit dwellings to a maximum of six units with consideration to the following:

- adequacy of separation between uses;
- scale and form of the building;
- compatibility with adjacent land uses;
- capacity of municipal services;
- direct access to a minor or major collector road; and
- the impact a new development may have on the overall housing mixture.

The MPS establishes a target housing mix of 70:30 between single unit dwellings and other types of residential dwellings. A GIS analysis of buildings within the plan area shows an approximate total of 9,539 residential dwelling units. Of these dwelling units, approximately 6,894 units are single unit dwellings while 2,645 are classified as 'other' (duplex, semi, mobile, or apartment.) These totals result in an approximate ratio of 70:30, including the two existing units at 272 Auburn Drive. The inclusion of four additional units, will not materially change the housing mix and capacity in the plan area for other forms of housing beyond traditional single unit dwellings will remain unchanged.

The MPS is a strategic policy document. At a high level, it sets out the goals, objectives and direction for long term growth and development in the Municipality. While Regional Council may consider MPS amendment requests to enable proposed developments, amendments to an MPS are significant undertakings. Council is not obliged to consider or approve these requests. Amendments should only be considered within the broader planning context and should support broader policy direction. Amendments should only be pursued when there is reason to believe there has been a change in circumstances since the MPS policies were adopted or last reviewed.

The site-specific policy, UR-18, was last amended in 2011 to include provisions for 272 Auburn Drive. Prior to this site-specific amendment, the policy allowed the consideration of new neighbourhood business uses without consideration of expansion. The removal of the site-specific language, when combined with the proposed rezoning, will address concerns of the neighbourhood relating to the proximity of a convenience store to the high school, undesirable future commercial uses, potential nuisance uses, hours of operation and allow the site to transition to a residential use which is more complementary to the surrounding neighbourhood.

### **Changing Circumstance**

When the property was developed, variety stores were a part of master planned neighbourhoods. These stores provided commercial services along corridors not fully developed when large scale food retailers were restricted in hours of operation by Sunday shopping laws until late 2006. The variety store business model was based on convenience and the planning policy of the time determined that they were compatible in form and design with the surrounding community. Since the MPS was adopted and planning for the area was completed the food retail sector has changed and traditional stand-alone neighbourhood convenience stores have been closing over time.

Within the plan area there are 6 properties zoned C-1 Neighbourhood Commercial. Three of these properties are situated in residential neighbourhoods. The three properties include the subject lot, a property on Circassion Drive, and a property on Atholea Drive and none of these three are presently in operation as businesses under the C-1 Zone. The remaining C-1 zoned properties are along Caldwell Road and include a Needs convenience store, a Tim Hortons café and a building containing two independent businesses. Caldwell Road is a major suburban collector and similar commercial enterprises are not present in the other residential areas.

### **Neighbourhood and Site**

The UR Designation permits several different housing styles and zones including single unit, two-unit, townhouse, and multiple unit dwellings. Within the subject neighbourhood is a diverse mix of residential uses including single detached dwellings, duplexes, and townhomes. The site has good proximity to parks including the Cole Harbour Commons and adjoining trail network (10 minutes walk). Institutional uses are also present in the immediate area such as Auburn Drive High School (across the street), and several elementary schools.

The existing building was designed as a two-storey structure with architectural styling reflecting a residential dwelling. The siting of the existing building reflects the minimum standards of the surrounding R-1 Zone. The R-1 Zone would have allowed similar placement of a dwelling of similar size or larger had the lot been developed as a single detached dwelling during the initial planning of the community. The site reasonably satisfies the policies set out in UR-9, which are noted earlier in this report. The current separation provides adequate distance between the existing use and the two abutting residential properties. As a fully residential use containing between 3 and 6 units, the structure or any additions to it will not be permitted closer to abutting residential properties than the existing building.

### **Site-Specific LUB Changes**

The placement of the existing building is similar to what could have been permitted had the property been developed as a single unit dwelling. Recognizing the former commercial history of the site and the potential for residential infill development, proposed modifications to the R-4 Zone for the property include:

- a minimum lot area of 7,000 square feet;
- a reduction in the minimum front yard recognizing the existing building is located at this distance;
- a set minimum rear and side yard reflecting the existing location of the building;
- reduction of the flankage yard to provide the option to expand the building to provide larger and more attractive units;
- a reduced maximum lot coverage which matches the lot coverage of R-1 properties at 35% rather than the 50% provided in the R-4 Zone;



- the amenity space requirement has been removed recognizing the limitations of providing space on a developed site and that the property is within walking distance to the Cole Harbour Commons and the local neighbourhood park; and
- the required amount of parking for the site has been reduced to one (1) space per unit due to the accessibility of transit along Auburn Drive and to allow a more residential appearance for the property including a reduced amount overall area dedicated to impermeable surfaces.

### **Conclusion**

Staff have reviewed the application and the existing policy context and recommend the MPS should be amended as proposed to remove the site-specific language allowing expanded commercial uses by development agreement. The amendment to the MPS will remove the ongoing possibility for commercial options which were unsupported by the community and will enable the transition of the area to a fully residential community. Rezoning the property from commercial to residential will bring the site into conformity with the MPS designation. The rezoning will remove a use which has become incompatible with the neighbourhood over time.

The property is suitable to host a small-scale multiunit building as it has direct access to established outdoor amenities, access to transit service and is generally compatible to the other types of residential dwellings within the neighbourhood. Therefore, staff recommend that the Harbour East Marine Drive Community Council recommend that Regional Council approve the proposed MPS and LUB amendments.

### **FINANCIAL IMPLICATIONS**

The HRM costs associated with the processing of this planning application can be accommodated within the approved 2020/21 operating budget for C310 Urban and Rural Planning Applications.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendations contained within this report. This application involves proposed MPS amendments. Such amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments are contained within the Discussion section of this report.

### **ENVIRONMENTAL IMPLICATIONS**

No environmental implications are identified.

### **ALTERNATIVES**

The Harbour East-Marine Drive Community Council may choose to recommend that Regional Council:

1. Modify the proposed amendments to the MPS and LUB for Cole Harbour/Westphal, as set out in Attachments A and B of this report. If this alternative is chosen, specific direction regarding the requested modifications is required. Substantive amendments may require another public hearing to be held before approval is granted. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

2. Refuse the proposed amendments to the MPS and LUB for Cole Harbour/Westphal. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

## **ATTACHMENTS**

Map 1: Generalized Future Land Use  
Map 2: Zoning and Notification Area

Attachment A: Amendments to the Cole Harbour/Westphal Municipal Planning Strategy  
Attachment B: Amendments to the Cole Harbour/Westphal Land Use By-law  
Attachment C: Applicant's Proposal  
Attachment D: Public Feedback Summary

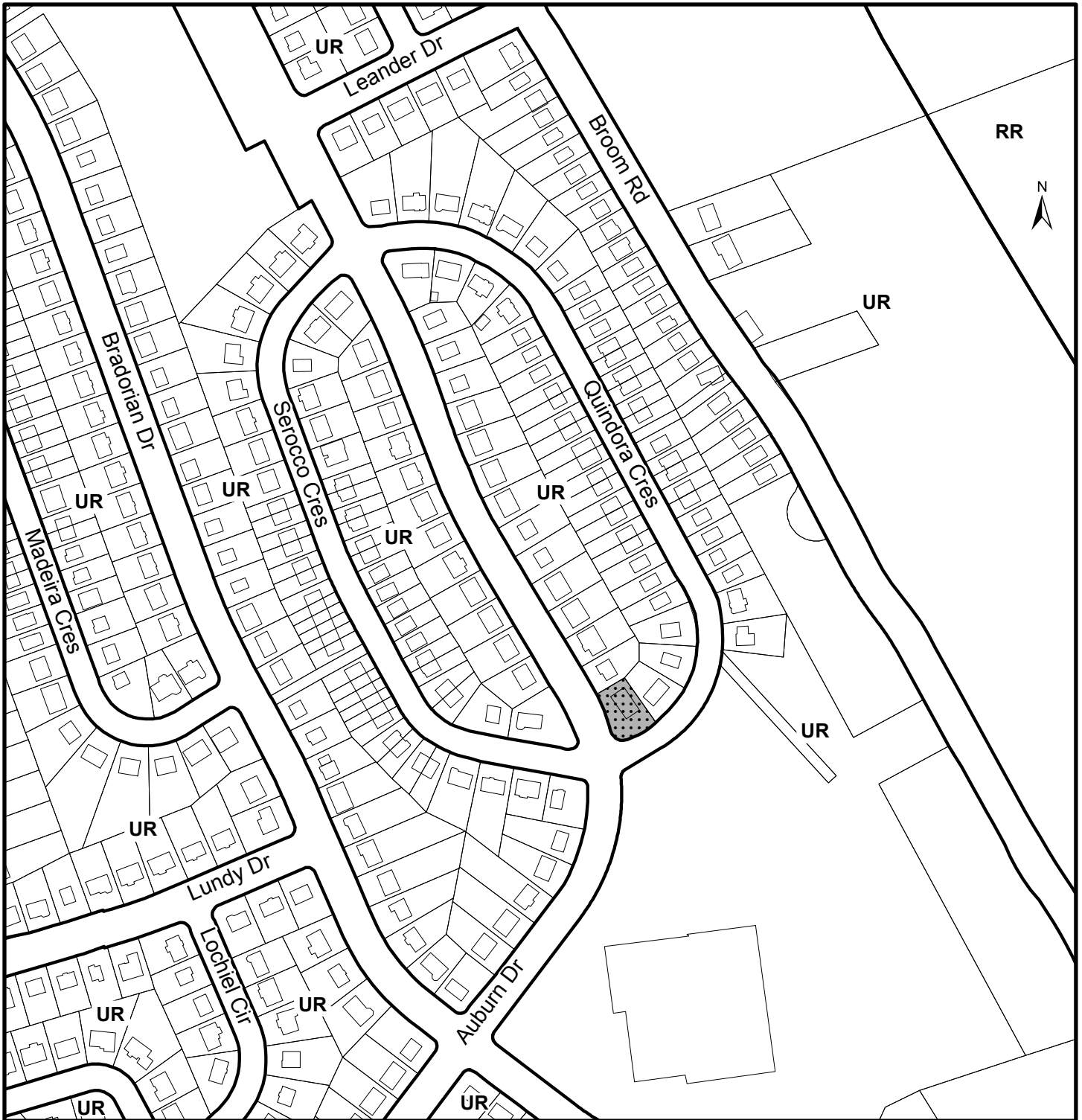
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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Dean MacDougall, Planner III, Current Planning, 902.490.4193  
Cameron Robertson, Principal Planner, Research and Data, 902.497.6139

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


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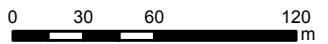
**Map 1 - Generalized Future Land Use**

272 Auburn Drive  
Westphal

**HALIFAX**

 Subject Property

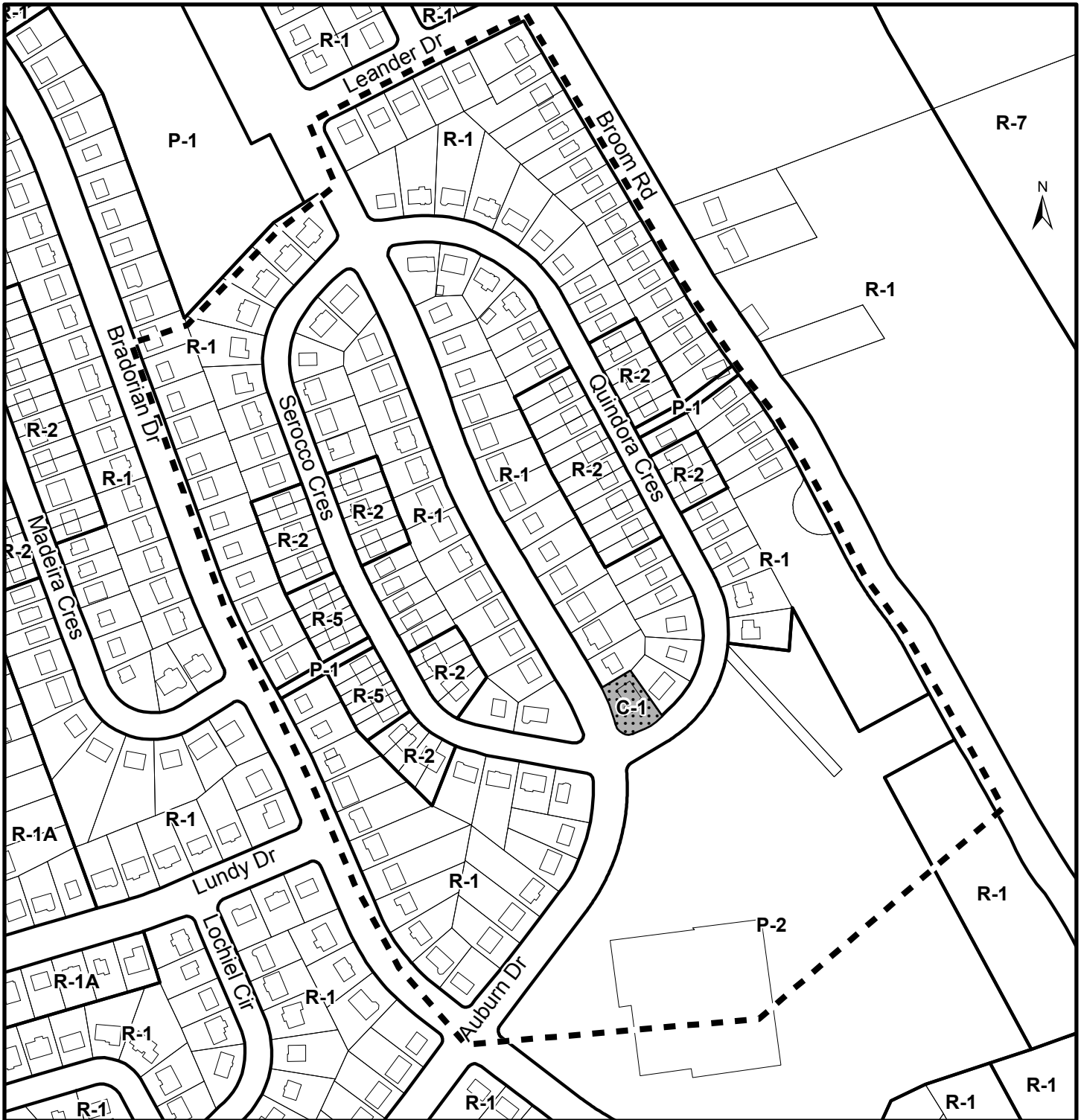
**Designation**  
UR Urban Residential  
RR Rural Residential



Cole Harbour/Westphal  
Plan Area

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.



**Map 2 - Zoning and Notification**

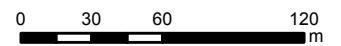
272 Auburn Drive  
Westphal


**HALIFAX**

 Subject Property

**Zone**

- R-1 Single Unit Dwelling
- R-1A Single Unit Dwelling
- R-2 Two Unit Dwelling
- R-5 Rowhouse Dwelling
- R-7 Rural Estate
- P-1 Open Space
- P-2 Community Facility



 Area of Notification

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

Cole Harbour/Westphal  
Land Use By-Law Area

The accuracy of any representation on this plan is not guaranteed.

## ATTACHMENT A

### Amendments to the Cole Harbour/Westphal Municipal Planning Strategy

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Cole Harbour / Westphal Municipal Planning Strategy is hereby amended as follows:

1. Policy UR-18 shall be amended by deleting the text as shown in ~~strikeout~~ as follows:

UR-18 Notwithstanding Policies UR-2 and UR-17, within the Urban Residential Designation, it shall be the intention of Council to consider new neighbourhood business uses, and to provide for the expansion of, and/or consideration of additional uses, ~~at an existing neighbourhood convenience store at 272 Auburn Drive,~~ according to the development agreement provisions of the Planning Act. In considering such agreements, Council shall have regard to the following: (Amended: RC-Jul 5/11; E-Oct 8/11)

- (a) neighbourhood business uses shall be limited to uses that are primarily intended to serve the local neighbourhood;
- (b) the proposed development does not exceed a maximum gross floor area of two thousand (2,000) square feet, exclusive of any area devoted to an accessory dwelling unit;
- (c) the architectural design is compatible with the predominant roof styles, window styles and exterior materials used in the surrounding residential neighbourhood;
- (d) the height, bulk and lot coverage of any building is compatible with adjacent land uses and with the character of the surrounding residential neighbourhood;
- (e) open storage or outdoor display shall not be permitted;
- (f) site design features, including signage, landscaping, parking areas and driveways are of an adequate size and design to address potential impacts on adjacent developments;
- (g) there is direct access to a minor or major collector as identified on Map 3 - Transportation, with preference given to commercial sites which are located at the intersection of major and minor collectors;
- (h) the impact on traffic circulation and, in particular, the suitability of access to and from the site;
- (i) maintenance of the development;
- (j) hours of operation; and
- (k) the provisions of Policy IM-11.

I, Sherryll Murphy, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted amendment was passed at a meeting of the Harbour East-Maine Drive Community Council held on [DATE], 201[#].

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Sherryll Murphy  
Municipal Clerk

## ATTACHMENT B

### Amendments to the Land Use-Baw for Cole Harbour / Westphal

#### R-4 (Multiple Unit Dwelling) Zone

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Cole Harbour/ Westphal is hereby further amended as follows:

1. Schedule A – Cole Harbour/ Westphal Zoning Map shall be amended to rezone PID 40568933 from C-1 (Neighbourhood Business) to R-4 (Multiple Unit Dwelling) as shown on Schedule B attached hereto.
2. Section 10.2A shall be added immediately after section 10.2 and before section 10.3 as shown in bold below:

#### **10.2A R-4 ZONE REQUIREMENTS – PID 40568933**

**Notwithstanding Section 10.2, where R-4 uses are permitted on the lands at PID 40568933, no development permit shall be issued except in conformity with the following:**

<b>Minimum Lot Area:</b>	<b>7,000 square feet (650.3 m<sup>2</sup>)</b>
<b>Minimum Frontage:</b>	<b>60 feet (18.3m)</b>
<b>Minimum Front Yard:</b>	<b>23 feet (7m) on Auburn Drive</b>
<b>Minimum Rear Yard:</b>	<b>7.8 feet (2.4m)</b>
<b>Minimum Side Yard:</b>	<b>9 feet (2.7m)</b>
<b>Minimum Flankage Yard:</b>	<b>13 feet (4m) on Quindora Crescent</b>
<b>Maximum Lot Coverage:</b>	<b>35% percent</b>
<b>Max. Height of Main Building:</b>	<b>35 feet (10.7m)</b>

3. Section 10.3A shall be added immediately after section 10.3 and before section 10.4 as shown in bold below:

#### **10.3A Other Requirements - PID 40568933**

**Notwithstanding Section 10.3, at PID 40568933, where a multiple unit dwelling is erected in the R-4 Zone, the following shall apply:**

- (a) Parking may be located in the front yard along Auburn Drive and in the flankage yard along Quindora Crescent.**
- (b) Notwithstanding Section 4.25, minimum number of required parking spaces: 1 space per unit.**
- (c) Where the R-4 Zone abuts any other residential zone, no portion of any parking space shall be located within any required rear yard except where a fence or other visual and physical barrier is provided in which case no portion of any parking space shall be located within five (5) feet (1.5 m) of the rear lot line.**
- (d) No amenity area shall be required.**

I, Sherryl Murphy, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the [INSERT COUNCIL NAME] held on [DATE], 201[#].

---

Sherryl Murphy

Municipal Clerk

Attachment C

**LLOYD R. ROBBINS**  
LLOYD ROBBINS LAW INCORPORATED  
5 ROCKHAVEN DRIVE  
HALIFAX NOVA SCOTIA  
B3M 1Z8

O: 902 443 1445  


May 20 2019

Re: 272 Auburn Drive, Application for 6 unit apartment Building

Dear Mr Lowe

The following is provide to you as the Applicants rationale for the above noted Amendment Application:

- *The variety or corner store business model is no longer viable in the current location if constrained to pantry goods sales alone.*
- *Expanding commercial use to include a take-out food service counter was explored most thoroughly as this is what many corner stores chasing new revenues have attempted.*
- *Expanded commercial use for office or clinic space was explored as well, but the site's isolation from an agglomerated commercial area made viability problematic.*
- *Community resistance to a ready-to-eat food outlet, across from a high school, was unfavourable due to potential for increased nuisance activity.*
- *It is challenging for a suburban standalone retail store serving take-out food or pantry goods to succeed when competition is located along major commercial corridors within reasonable commuting distance, such as Portland Street.*
- *The business case for this site remaining commercial is risky.*
- *The 2-unit upper level apartments would have continued under all proposed scenarios.*
- *An all-residential, small apartment solution, including rezoning to R-4, is a preferable option that maintains business revenues while increasing neighbourhood compatibility.*
- *The landowner is willing to forego future commercial retail use and requests a site-specific Land Use By-law amendment to allow for a 6-unit building on the existing site.*
- *We request an amendment to remove references to 272 Auburn Drive in Policy UR-18 in the Cole Harbour/Westphal Plan MPS.*
- *We request an amendment to the Cole Harbour/Westphal LUB to allow for a 6-unit apartment dwelling on the subject site.*

Sincerely Yours

ORIGINAL SIGNED BY

  
Lloyd Robbins



## **ATTACHMENT D – Public Feedback Summary**

### **Case 22367 – 272 Auburn Drive, Cole Harbour**

Public consultation was conducted through a mailout to neighbouring properties and tenants. An HRM fact sheet and letter requesting feedback was mailed out during the week October 25<sup>th</sup>, 2019 to approximately 198 addresses within the notification radius. The mailout gave an overview of the proposal by Mr. Robbins and Mr. Ayoub and directed interested parties to the HRM website where copies of the plans and letter of rational were posted. The postcards directed comments and requests for further information to the HRM Planning staff contact at the bottom of the letter.

Five (5) responses were received to the mail out and one (1) was received prior to the mailout. All comments had issues related to the proposal or questioning the impact of the R-4 residential use in the area. However, one (1) individual did express they are not against the use and would like to see a solution for the property owner and neighbourhood.

A change in property value was an issue brought forward through the comments. Some residents are concerned about a potential decrease in property values in the neighbourhood following the inclusion of a multi-unit building. One resident stated they are only in favour of an apartment if it increases the property value of their home, another stated they believe it will cause the market value of their homes to drop, and one resident stated that the congestion generated from the apartment will contribute to decreasing property values. Some residents questioned why the building cannot be split into a duplex, semi-detached, or single unit dwelling.

The anticipated upkeep of the proposed R-4 use was an issue raised by several of the residents. Some residents find the current use as a convince store unattractive and having no value to the community which they don't want continued into the apartment use, that they don't want the building becoming a "hang about" or "slum property", and that they don't want it to look like a run-down motel which draws the attention of problems. One resident noted they are concerned that that if the units are too small they would not attract good tenants.

Traffic and the number of cars at the property was brought up as a potential issue with some residents stating that the traffic generated by the apartment would increase the existing congestion at that corner. One resident brought up that there are currently a number of taxicabs parked at the property and they have concerns that with an apartment the number of vehicles on the site will increase.

The feedback has been included below.

## **Engagement Feedback**

### **Email: Pre-Engagement - September 24, 2019**

Thanks for the update and information. Do you know how they intend to make this a 6 unit apartment building? If the upstairs is currently 2 units, how can they turn the main level into 4 additional units? The other concern that I would have is the appearance and the number of vehicles at this location. I wouldn't want this building look like a run down motel that draws the attention of problems. These are just a few thoughts for now, but it appears that it's going through anyway. Is there anyway that the number of units can be reduced to 4?

### **Phone: October 30, 2019**

Call regarding the mailout which had been received, she stated some neighbours not in support of multi-unit residential building as they believe it will cause the market value of their homes and neighbourhood to go down.

### **Email: October 31, 2019**

Resident not in favour of an apartment building unless it somehow increases the property value of our homes. I do find the current auburn drive convenience store to be an unattractive eyesore that does nothing for the community however having a low rent apartment store isn't great either.

### **Email: November 4, 2019**

Resident writing to get more comprehensive information regarding the proposed 6 unit apartment building to be located at 272 Auburn Drive. Many people in our neighbourhood are not pleased with this proposal as it seems to be a done deal with little input from our neighborhood and the residents in the close proximity to this proposed new unit.

Having lived here for nearly 23 years, we are concerned that the unit will lower our house assessments, which is certainly a legitimate concern for resale value. More importantly we are very concerned that this apartment complex might end up being a slum property, a "hang about" which the store became over the past few years. We know that this will increase drug use, crime and especially with it being across from the high school. I realize that this comment sounds rather bigoted, but many have very real concerns that this is what will happen. I think it is very unfair that zones can simply be changed so as to make someone money with little regard to those who have to live with the consequences.

### **Email: Nov 11, 2019**

Resident lives in the area of 272 Auburn Drive. It makes absolutely no sense why consideration is being made to put a 6 unit apartment building on that site. That particular corner would be so congested not to mention it would bring down property values! Would it not make more sense to turn the building into a semi or a large single dwelling? An apartment building on that site, is a completely bad idea! Something to think about.

### **Phone Call: Nov 27, 2019**

Area resident expressed they are not against the use, however, believes that 6 units may be too many for the site in its current configuration. Concerned that if the units are too small they would not be rented by

families and would prefer to see a maximum of four units on the site. Brought up that there is a concern that the units will be small and not attractive to families and will not attract good tenants. Mentioned that the site currently has a number of taxis parked in the lot and is concerned that there will be a large amount of parking at the site. Would like to see a solution to the corner as the convenience store is now no longer operational, would like to see something which works for the owner and the neighbourhood. Questioned why a duplex or semi detached dwellings are not being considered by the property owner.