



February 28, 2025

SUPPLEMENTAL SUBMISSION

PLANAPP-2024-00735

PREPARED FOR

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PREPARED BY

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February 28th, 2025

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Re: PLANAPP-2024-00735 Application to rezone 1246 Ketch Harbour Road (PID 003491169) from P-5 (Special Facility Zone) to C-2 (General Business Zone) and R-6 (Rural Residential Zone).

Dear Jessica,

On behalf of our client, Tim Garrison, Sightline Planning + Approvals would like to amend the active rezoning application (PLANAPP-2024-00735) from P-5 (Special Facility Zone) to C-2 (General Business Zone) and R-6 (Rural Residential Zone) for the overall land assembly.

Sightline has previously completed a detailed planning report with a policy analysis regarding the subject property with an intent of applying for 60 units. The 22.96-acre property is zoned (P-5) Special Facility Zone under the Planning District 5 (PD5) LUB, designated Rural 'A' under the Planning District 5 MPS and Rural Commuter under the Regional MPS.

The key issues raised regarding the application are ensuring compliance with regulatory standards and addressing potential impacts of the proposed development. They are detailed below:

- Submitting a revised description detailing the rezoning request and the number of residential/commercial lots proposed.
- Revisions to the preliminary subdivision plan required to address feedback from attachment A in the 30-day letter provided and to confirm that the proposed lots meet technical requirements.
- Providing an updated Traffic Impact Statement (TIS) to reflect the proposed development's nature and provide an accurate representation of residential traffic volume, parking needs, and/or road safety impacts.
- Providing confirmation that a septic system can handle the residential conversion of the current 9,000 ft² building.

Sightline has considered all issues raised by HRM in your January 15, 2025 letter. The detailed summaries are described below:

Primary Strategy: Density Maximization Under R-6/R-6a Zoning Approach

Rezoning Alignment:

- Pursue rezoning lots 1, 3, 4, and 5 to R-6 or R-6a, consistent with the Residential 'A' designation policies of the Municipal Planning Strategy (MPS).
- Maintain rezoning lot 2 from the P-5 zone to the C-2 zone pursuant to MPS policies RA-4 and IM-10.
- Highlight compatibility with adjacent R-6-zoned properties and negligible differences between R-6 and R-6a zones.

Permitted Uses and Density:

- Permitted Units:
 - Two-Unit Dwellings (primary + second dwelling).
 - Secondary Suite (within primary dwelling).
 - Backyard Suite (detached).
- Total Potential Units:
 - Base: 2 units (primary + second dwelling).
 - Additional: 1 secondary suite + 1 backyard suite = 4 units per lot.
- Bonus Opportunity:
 - Incorporate a Shared Housing Unit (SUD) alongside the second dwelling unit, subject to design compliance.
 - The rear portion of the lot would be designated as Conservation Design via development agreement for later revision and design.

Alternative Development Approach

The subject property, totaling 9.29 hectares with frontage on Ketch Harbour Road (Route 349, a Schedule 'K' provincial road), is governed by Section 31(2) of the Regional Subdivision By-Law (RSBL), which mandates a minimum frontage of 61 meters (200 feet) per lot for subdivisions along provincial roads.

However, as the parcel was created in 1959 (via Plan M-1742, Department of Transport expropriation), it qualifies for subdivision under RSBL Section 45. This provision permits up to three (3) additional lots (or two lots plus a remainder) *without meeting frontage requirements*, provided access is secured via easements.

In order to achieve the goal of creating two R6/a lots plus one remainder in the rear portion:

- Rezone the rear/middle portion of the property to R6A: This zoning designation would permit semi-detached dwellings with secondary suites, leveraging the Section 45 exemption to create three (3) rear lots accessed via easements. Each R6A lot could accommodate 2 semi-detached units + 1 secondary suite, yielding 9 units depending on secondary suite inclusion.
- Maintain the Rezoning of Lot 2 (existing P5 institutional zone) to C2: This amendment would enable a 4-unit apartment building,

Combined with the four (4) standard frontage lots along Ketch Harbour Road, this strategy could generate 16 residential units.

On Site Septic Confirmation

The concept plan, prepared by ABLE Engineering, is based on test pit data and aligns with Nova Scotia's Regulations Respecting On-site Sewage Disposal. All five proposed lots meet or exceed the required width and area, providing sufficient space for new on-site sewage disposal systems. This includes the lot containing the former communications building, though reuse of its existing system is not recommended due to age, outdated design, and lower historical flow capacity. The property's density is not constrained by sewage management but rather by planning policy, making it unrelated to land quality or environmental engineering considerations.

Revised Traffic Impact Statement

The Traffic Impact Statement (TIS) for 1246 Ketch Harbour Road evaluates the potential traffic effects of a proposed residential redevelopment. The project includes subdividing the property to create four new single-family residential lots and converting an existing 9,000 sq. ft. building into four residential apartment units.

Key findings:

- Existing Traffic Conditions: Ketch Harbour Road (NS Highway 349) is a major collector road with an AADT (Average Annual Daily Traffic) of 1,020 vehicles. No sidewalks or transit services are available in the immediate area.
- Trip Generation: The development is estimated to generate 6 additional vehicle trips during the AM peak hour and 8 trips during the PM peak hour.
- Sight Distance & Safety: Stopping Sight Distance (SSD) at the existing driveway exceeds the 140m minimum requirement.
- Recommendations: Due to the low additional traffic impact, no major roadway modifications are required. However, extending the 50 km/h speed zone further south is suggested to improve road safety.

The TIS concludes that the proposed development will have minimal impact on local traffic flow and that the existing road infrastructure can accommodate the new traffic volume.

Sightline believes that the proposed rezoning and density maximization strategy for 1246 Ketch Harbour Road aligns with municipal planning objectives and represents an efficient use of land. The approach allows for up to four residential units per lot under R-6/R-6a zoning, with an alternative subdivision strategy leveraging Section 45 exemptions to create additional rear lots, potentially yielding 16 residential units. The on-site septic systems meet all regulatory requirements, and the Traffic Impact Statement (TIS) confirms minimal impact on local traffic, with a recommendation to extend the 50 km/h speed zone for safety. Therefore, Sightline respectfully requests that the rezoning application for 1246 Ketch Harbour Road be advanced to Council.

Thank you for your continued collaboration as we advance the project.



Layth Abou Ezzeddine
Planner I
Sightline Planning + Approvals

CC: Kevin W. Riles, President & CEO, Sightline Planning + Approvals
Client, Tim Garrison

Context for Application and Planning Rationale

In reviewing the applicable HRM Planning documents for this rezoning application, focus was given to the following:

- HRM Regional Plan
- Planning District 5 (Chebucto Peninsula) Land Use By-Law
- Planning District 5 (Chebucto Peninsula) Municipal Planning Strategy
- Planning District 5 (Chebucto Peninsula) Land Use By-Law Schedule A Zoning Map. **The subject property is zoned P-5.**
- Planning District 5 (Chebucto Peninsula) Land Use By-Law Map 1: Generalized Future Land Use Map. **The subject property is designated Rural A.**

It was determined that the Planning District 5 (Chebucto Peninsula) Municipal Planning Strategy has enabling policy that will permit HRM Planning and Development Department to consider a discretionary planning application such as a rezoning from P-5 to C-2 zone as well as P-5 to R-6 zone.

Municipal Planning Strategy Policy to Consider Rezoning (P-5 to C-2)

HRM Planning and Development Department Staff indicated in a Staff Report on April 20, 2020, that Policy RA-4 in the local MPS allows for consideration of commercial uses to a maximum of 5,000 square feet through an amendment to the Land Use By-Law and rezoning to the C-2 (General Business) Zone. The full staff report can be found in Appendix G.

Policy RA-4	
When considering amendments to the schedules of the Land Use By-law to permit new commercial uses within the Rural "A" Designation, Council shall have regard to the following:	
Policy Criteria	KWRA Comments
(a) the compatibility of the use with any adjacent residential area;	(a) The subject property is surrounded on all sides by properties that are zoned Rural Residential. The rezoning from P-5 to C-2 would increase the compatibility with the surrounding area as the current zoning is reflective of a use that is no longer applicable for the site and a General Commercial site would be more compatible with the adjacent areas. The proposed rezoning would allow for conversion of the existing structure into a multi-unit residential building which would be much more compatible with the adjacent residential area than the current use.
(b) the effect on local traffic patterns and adequacy of sighting distances and points of ingress and egress;	(b) The Traffic Impact Statement that was completed in 2018 shows that an increase in residential units on the subject property would not have any significant impact on the existing transportation network in Ketch Harbour.
(c) the adequacy and location of the parking area in relation to the separation or buffering of any adjacent residential areas;	(c) The existing site has a parking area that would be adequate for all uses in the C-2 zone.
(d) the adequacy of on-site septic systems in relation to the land use or products being produced; and	(d) There is currently an on-site septic system that can service the current use and conversion of the existing structure to four residential uses. The site also has capacity to increase the level of on-site septic service for up to 60 residents as indicated in a feasibility letter. The full feasibility letter can be seen in Appendix C.
(e) the provisions of Policy IM-10.	(e) The provisions of Policy IM-10 have been met. Please see table 2.

Municipal Planning Strategy Policy to Consider Rezoning (P-5 to R-6)

The Chebucto Peninsula Municipal Planning Strategy enables the rezoning from P-5 to R-6 via policy IM-6. The policy states:

“Providing that the intentions of all other policies are satisfied, Council may, for the purpose of providing for the development of similar uses on properties which abut one another, consider development agreements or amendments to the land use by-law within a designation to provide for the development of uses which are uses permitted by the zone on the abutting property within the abutting designation, as shown on the Generalized Future Land Use Map (Map 1), except where commercial or industrial zones abut residential (R-1, R-2, R-2a) zones.”

Because the subject property is designated Rural “A” in the Generalized Future Land Use Map, and is abutted on all sides by properties designated Rural “A” and zoned R-6 in the Land Use Bylaw, this allows for amending the Land Use Bylaw to match the uses surrounding the property.

General Provisions for Land Use By-Law amendments

All Land Use By-Law amendments must address the criteria laid out in Policy IM-10 of the Municipal Planning Strategy. Table 3 shows how each of the policy criteria are addressed.

Policy IM-10 In considering development agreements and amendments to the Land Use By-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:	
Policy Criteria	KWRA Comments
(a) that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations;	<p>An HRM Planning and Development Staff Report from April 20th, 2020, indicated that “The intent of the Rural A Designation is to enable the reuse of existing commercial buildings while maintaining the low-density village character of the area.”</p> <p>The proposed rezoning to C-2 and R-6 zones would therefore be consistent with the intent of the plan and the municipal by-laws and regulations.</p>
(b) that the proposal is not premature or inappropriate by reason of: (i) the financial capability of the Municipality to absorb any costs relating to the development; (ii) the adequacy of on-site sewerage and water services; (iii) the adequacy or proximity of school, recreation or other Community facilities;	<p>(i) There will be no financial burden to the Municipality by rezoning and allowing for converting the existing structure to residential dwellings.</p> <p>(ii) The feasibility letter in Appendix C indicates that the site can accommodate sewage and water for up to 60 residents. The proposed rezoning will allow for much lower density than 60 residents and therefore will have adequate on-site services.</p> <p>(iii) The site is 1.4km (19-minute walk, 2-minute drive) from First Pond Drive Park. The</p>

<p>(iv) the adequacy of road networks leading or adjacent to or within the development;</p> <p>(v) pedestrian safety; and</p> <p>(vi) the potential for damage to or for destruction of designated historic buildings and sites.</p>	<p>site is 4.6 km (5-minute drive) to Sambro Elementary School. The site is 11.6 km (12-minute drive) from Herring Cove Junior High School. The site is 16.9 (17-minute drive) to J.L. Ilsley High School.</p> <p>(iv) The subject property is located directly on Ketch Harbour Road. A Traffic Impact Statement was completed in 2018 and found that there would be no significant issues created by allowing residential development of up to 60 people on the site. There is no reason to believe that road network conditions have changed in a way that would impact this since the time of the study. The full TIS can be found in Appendix D.</p> <p>(v) Allowing the rezoning from P-5 to C-2 and R-6 would not impact the level of pedestrian safety on Ketch Harbour Road.</p> <p>(vi) Rezoning the subject property from P-5 to C-2 would not create any potential damage or destruction of designated historic buildings.</p>
<p>(c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</p> <p>(i) type of use;</p> <p>(ii) height, bulk and lot coverage of any proposed building;</p>	<p>(i) Rezoning the subject property from P-5 to C-2 and R-6 would allow for commercial uses as well as conversion of the existing structure into up to four dwelling units. These use types would be more consistent with the character of nearby land uses as the P-5 zone was originally assigned for uses that are no longer relevant to the site.</p> <p>(ii) Rezoning the subject property form P-5 to C-2 and R-6 would impose a height restriction of 35 feet and a maximum lot coverage of 50%</p>

<p>(iii) traffic generation, access to and egress from the site, and parking;</p> <p>(iv) open storage;</p> <p>(v) signs; and</p> <p>(vi) any other relevant matter of planning concern.</p>	<p>which would not create any conflict with the nearby land uses.</p> <p>(iii) The Traffic Impact statement that was completed in 2018 shows that the addition of residential units on the site would not create any major issues in terms of traffic generation. The existing driveway and parking area on the site are sufficient to serve the allowed uses within the C-2 and R-6 zones.</p> <p>(iv) Rezoning the subject property from P-5 to C-2 and R-6 would not create any conflict from the use of open storage on the site.</p> <p>(v) Rezoning the subject property from P-5 to C-2 and R-6 would not create any conflict from the use of signs on the site.</p> <p>(vi) There are no other planning issues that would be of concern for a rezoning from P-5 to C-2 and R-6 on the subject site.</p>
<p>(d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility of flooding.</p>	<p>(d) The proposed site is suitable for a rezoning from P-5 to C-2 and R-6. The existing structure as well as the driveway and parking area provide the space for allowed uses within the C-2 zone. The Level 1 Groundwater Assessment completed in 2018 shows that there are no existing waterbodies in the area that would create any issues for the development on the site. There is no reason to believe that conditions in the water table have taken place since the study that would change these findings. The full Groundwater Assessment can be found in Appendix B.</p>
<p>(e) Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy IC-6”,</p>	<p>(e) No holding zone has been established on the subject property.</p>

Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS.	
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