



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

Item No. 10.1.1
Harbour East Marine Drive Community Council
Special Meeting
March 4, 2021
May 20, 2021

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

-Original Signed-

SUBMITTED BY: _____
Kelly Denty, Executive Director of Planning and Development

DATE: February 10, 2021

SUBJECT: **Case 22651: Land Use By-Law amendment for lands fronting on Hines Road, Eastern Passage**

ORIGIN

Application by Zzap Consulting Inc. on behalf of the property owner, Armco Capital Inc.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Harbour East Marine Drive Community Council:

1. Give First Reading to consider approval of the proposed amendment to the Land Use By-law for Eastern Passage/Cow Bay, as set out in Attachment A of this report, to rezone portions of the properties identified as PIDs 40103806, 40103780, 40103772, and 40103798 from R-1 (Single Unit Dwelling) Zone to the I-1 (Light Industry) Zone and schedule a public hearing;
2. Adopt the amendment to the Land Use By-law for Eastern Passage/Cow Bay, as set out in Attachment A of this report.

BACKGROUND

Zzap Consulting Inc. on behalf of the property owner, Armco Capital Inc. is requesting to rezone portions of PIDs 40103806, 40103780, 40103772, and 40103798 from R-1 (Single Unit Dwelling) Zone to the I-1 (Light Industry) Zone of the Eastern Passage/Cow Bay Land Use By-law (LUB).

Subject Site	PID's 40103806, 40103780, 40103772, and 40103798
Location	Four parcels which are accessed fronting the east side of Hines Road, bounded by Hines Road and the Shearwater Flyer Trail.
Regional Plan Designation	Urban Settlement
Community Plan Designation (Map 1)	Industrial under the Eastern Passage/Cow Bay Municipal Planning Strategy (MPS)
Zoning (Map 2)	R-1 (Single Unit Dwelling) and EC (Environmental Conservation Zone)
Size of Site	The entire site is Approximately 10.08 hectares (24.92 acres), however only approximately 5.6 hectares (13.9 acres) are proposed to be re-zoned.
Street Frontage	Approximately 21.5 metres (70.5 feet) along the east side of Hines Road where access is proposed, and an additional 190.5 metres (625 feet) along the northeast of Hines Road, which is inaccessible due to Environmental Conservation Zoning.
Current Land Use(s)	Undeveloped
Surrounding Use(s)	To the north and northeast of the property is Hines Road. To the west and east of the site are existing single family, mobile, and two-unit style residential homes, and to the South of the property is the Shearwater Flyer trail. Across Hines Road is the Royal Canadian Air Force Base Shearwater.

Proposal Details

The applicant proposes to rezone portions of PIDs 40103806, 40103780, 40103772, and 40103798 from the R-1 (Single Unit Dwelling) Zone to the I-1 (Light Industry) Zone of the Eastern Passage/Cow Bay Land Use By-law. The major aspects of the proposal are as follows:

- Proposed uses for the property as set out in the I-1 Zone are not yet known;
- Site access is proposed off the east of Hines Road;
- The site includes a watercourse buffer, where development activity is prohibited and/or limited by the provisions in the Land Use By-law; and
- The existing Environmental Conservation Zone across the north of the site will remain.

History

There were two previous planning cases on this site for residential development.

In 2009, an MPS amendment application (Case 15790) for a proposed residential development including multi-unit buildings with a total of 254 units, and 74 townhomes was ultimately refused by Regional Council.

In 2014, an MPS amendment application was submitted for residential development including 3 multi-unit buildings, 32 townhome units, 10 semi-detached units, and 8 single family homes (Case 19158).

In November of 2019 the current application under Case 22651 was submitted, proposing an industrial rezoning. In February 2020, the applicant decided to withdraw the previously submitted MPS amendment application (Case 19158) to pursue this rezoning application instead.

Enabling Policy and LUB Context

The subject site is designated Industrial under the Eastern Passage/Cow Bay MPS and zoned R-1 (Single Unit Dwelling) Zone under the Eastern Passage/Cow Bay LUB. The R-1 Zone permits single unit dwellings, home occupations, home daycares, and open space uses. A portion of the site is also zoned EC (Environmental Conservation) Zone under the Eastern Passage/Cow Bay LUB. This EC Zone only permits conservation uses, passive recreation uses, and historic sites and monuments, and specifically restricts infilling, excavation, alteration of grade or removal of vegetation.

The Industrial designation allows for the transition between residential uses and industrial uses within the industrial designation through the consideration and establishment of a light industry zone. Attachment B contains a copy of the relevant policy (IND-3, IMD-1, and IM-11) from the Eastern Passage/Cow Bay MPS as well as a staff assessment as to how this proposal adheres to this policy.

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, 165 postcards mailed to property owners within the notification area, and a virtual public information meeting held on Wednesday, December 9, 2020.

Attachment C contains a copy of a summary from the meeting. Nine (9) members of the public attended the virtual public information meeting. HRM received seven (7) phone calls and seven (7) emails from the public over the course of the application, and there were 144 unique pageviews on the webpage, at an average of four (4) minutes spent on the page.

The public comments received include the following topics:

- Concerns regarding potential traffic in terms of volume, but also the size of industrial vehicles. Concern with larger vehicles and turning radius onto Hines Road;
- Concerns about speeding on Hines Road which is currently an issue and will be worse, or more dangerous with larger industrial vehicles;
- Concerns that Hines Road is inadequate in terms of infrastructure. Concerns that it does not have sidewalks for children and that increased volume and industrial traffic could be dangerous for residential families in the area. Concerns it is narrow, has no shoulder and that it has sharp bends;
- Concerns that the industrial use will result in larger trucks that make it more dangerous for members of community to access the Shearwater Flyer Trail off Hines Road;
- Concerns that the applicant has not provided a proposed use within the industrial zone, so the public does not know what to expect within the zone permitted uses. Concerns some of the listed uses seem more intense than others;
- Concerns regarding environmental impact of industrial use on wetland areas and watershed, as well as private drainage and flooding concerns;
- Concerns regarding the potential infill of wetlands;
- Concerns that residents are already surrounded by industrial uses and that more industrial uses will further take away from their sense of community within their neighbourhood;
- Concerns that required screening would not be maintained, and community would prefer to have existing tree buffer to not be removed;
- Concerns about further tree buffering being removed from the Shearwater Flyer Trail; and
- Community feels as though the existing R-1 Zoning is most appropriate and would be beneficial for the current housing crisis in HRM.

A public hearing must be held by Harbour East Marine Drive Community Council before they can consider approval of the proposed LUB amendment. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within

the notification area shown on Map 2 will be notified of the hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

DISCUSSION

Staff has reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the MPS. Attachment A contains the proposed rezoning that would allow portions of four properties which gain access from Hines Road, to be zoned (I-1) Light Industry, under the Eastern Passage/Cow Bay Land Use By-law.

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:

Industrial Designation

The Eastern Passage/Cow Bay MPS highlights the importance of industrial lands within the industrial designation, emphasizing that lands within the designation constitute the priority area for the development of general industrial facilities and supporting commercial and transportation uses. The industrial designation is applied to lands which defined the major industries in existence at the time of the adoption of the MPS as well as to those areas which are reasonable areas of expansion. Although the designation is intended to support industrial development, it is also meant to establish an appropriate transition to mitigate the conflict between general industrial development and the existing residential community. For this reason, the extension of general industrial zoning is not permitted outside of the designation. However, the MPS acknowledges that existing residential zoning is located within the industrial designation and references the potential transition of residential use to light industrial. The MPS establishes a light industry zone which allows light industrial uses through rezoning but limits future expansion beyond the boundaries of the Industrial designation.

Comparison of R-1 Zone and I-1 Zone

Under the existing R-1 Zone, the site could be developed with single family dwellings or open space uses.

Under the I-1 Zone, the site could be developed with a variety of light industrial, commercial, and open space uses, including:

- manufacturing, processing, service industries;
- marine, road, rail and pipe transportation uses;
- railway related uses;
- composting operations;
- cannabis production facilities;
- any activity related to the automotive trade except a salvage yard;
- commercial recreation uses;
- outdoor display courts;
- retail and wholesale stores;
- shopping plazas and malls;
- taxi and bus depots;
- parking lots;
- open space uses;
- institutional uses; and,
- assembly or warehousing operations which are not obnoxious which are conducted and wholly contained within a building.

It should be noted that the actual proposed uses for subject property are not yet known. Rezoning the property as proposed will allow any of the permitted uses in the I-1 Zone to be established on the property without any additional Council approval or further community engagement.

The following table provides a comparison of development requirements in the existing R-1 Zone and proposed I-1 Zone:

	R-1 (Single Family) Zone	I-1 (Light Industry) Zone
Lot Coverage Maximum	35%	70%
Maximum Building Height	35 feet	N/A
Front Yard Setback Minimum	20 feet	30 feet
Side Yard Setback Minimum	8 feet	30 feet (50 feet if abutting a residential property)
Rear Yard Setback Minimum	8 feet	30 feet (50 feet if abutting a residential property)
Landscaping Requirement	N/A	Landscaped buffer/fence required along rear/side lot lines abutting residential use. Minimum of twenty-five (25) feet and shall consist of either existing or replanted vegetation.

The I-1 (Light Industry) Zone is more permissive in terms of use, however provisions for building siting are stricter to reduce conflict with adjacent residential development. Main building height is not regulated under the I-1 Zone, maximum lot coverage is higher and outdoor storage is not regulated. However, regulations for additional setbacks and screening from abutting residential use and/or zoned lands are required for main buildings for industrial and/or commercial uses in the zone. For boundary lines of an I-1 zoned site abutting a residential property, the building setback minimum is 50 feet. Additionally, a landscaped buffer is required along rear and side yards abutting a residential use that is to be a minimum of 25 feet wide of existing or new vegetation or visual screening in the form of opaque fencing as a measure to reduce conflict with adjacent residential development. The setback from the boundary line adjacent to Shearwater Flyer Trail would be a minimum of 30 feet.

Wetlands and Site Drainage

The portion of the lands proposed to be re-zoned include an existing wetland and the Eastern Passage/Cow Bay LUB contains wetland buffer provisions which would be applicable to any proposed development on the subject site. This includes a watercourse setback of 30 metres or greater depending on slope, which are applied as a condition of permit approval. Should the developer propose watercourse alteration, permits are required from Nova Scotia Dept. of Environment.

The EC (Environmental Conservation) zoned portion of the lands are to remain zoned as such, and no alteration of wetlands in that zone are permitted under the Land Use By-law provisions.

Stormwater and drainage within and from the development would be subject to the HRM Municipal Design Guidelines and Halifax Water’s Design and Construction Specifications. Pre-development and post-development storm water discharge values are required to balance. This would be reviewed at the building permit stage.

Traffic

A traffic study was reviewed by HRM Engineering. Some of the details reviewed included access to the site, existing traffic conditions, trip generation, visibility, driver stopping sight distance, and traffic impacts on surrounding streets. The findings in the traffic study concluded that new trips generated by the proposed re-zoning are expected to have a minimal impact on the existing traffic operations in the Hines Road corridor. HRM Engineering did not identify any issues with the information submitted in the traffic study.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposed rezoning is reasonably consistent with the intent of the MPS. The industrial designation allows the establishment of the Light Industry zone on the subject property as a transition zone between industrial and residential uses.

Furthermore, the LUB includes zoning requirements specifically intended to reduce potential land-use conflicts for any new industrial lands created pursuant to these MPS policies. These provisions include increased setbacks and screening from residential use. Additionally, consideration is given to the protection of watercourses and wetlands within the MPS and LUB. The Environmental Conservation Zone was applied to appropriate areas, and watercourse setbacks are established in the LUB for all other watercourses/wetlands.

Under these circumstances, staff advise the proposed rezoning is reasonably consistent with the intent of the industrial designation. Any use permitted in the zone would be required to meet the LUB provisions as a condition of permit issuance. Therefore, staff recommend that the Harbour East Marine Drive Community Council approve the proposed LUB amendment.

FINANCIAL IMPLICATIONS

There are no financial implications. The HRM cost associated with processing this planning application can be accommodated with the approved 2020-2021 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 amendments are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

1. Harbour East Marine Drive Community Council may choose to refuse the proposed 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 N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Harbour East Marine Drive Community Council may choose to approve the proposed LUB amendment 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 N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

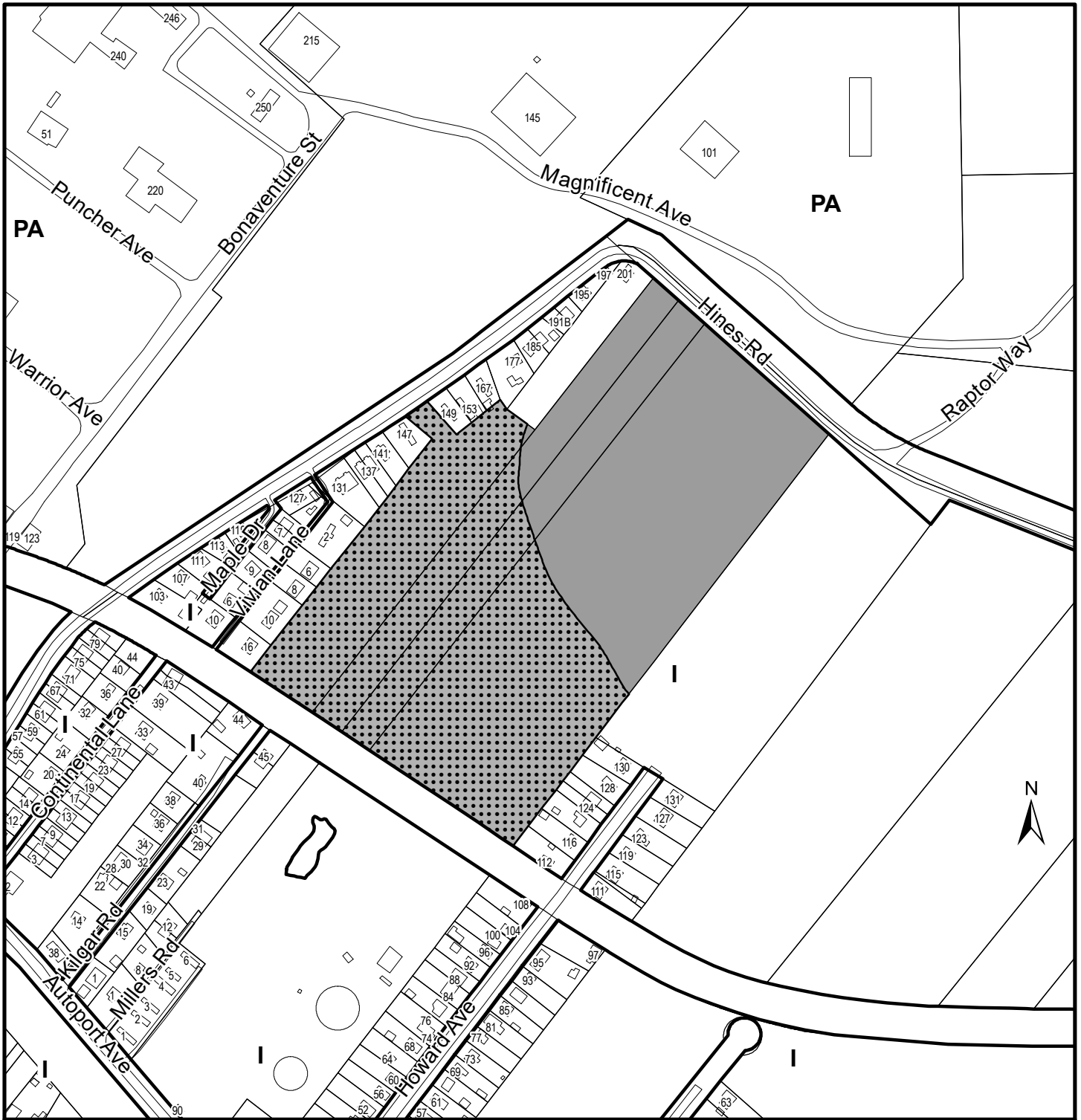
ATTACHMENTS

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

Attachment A: Proposed Amendment to the Land Use By-law for Eastern Passage/Cow Bay
Attachment B: Review of Relevant MPS Policies
Attachment C: Public Information Meeting Summary



A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Brittney MacLean, Planner II, 902.223.6154



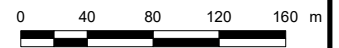
Map 1 - Generalized Future Land Use

Hines Road,
Eastern Passage

-  Subject Properties
-  Area Proposed to be Rezoned

Designation

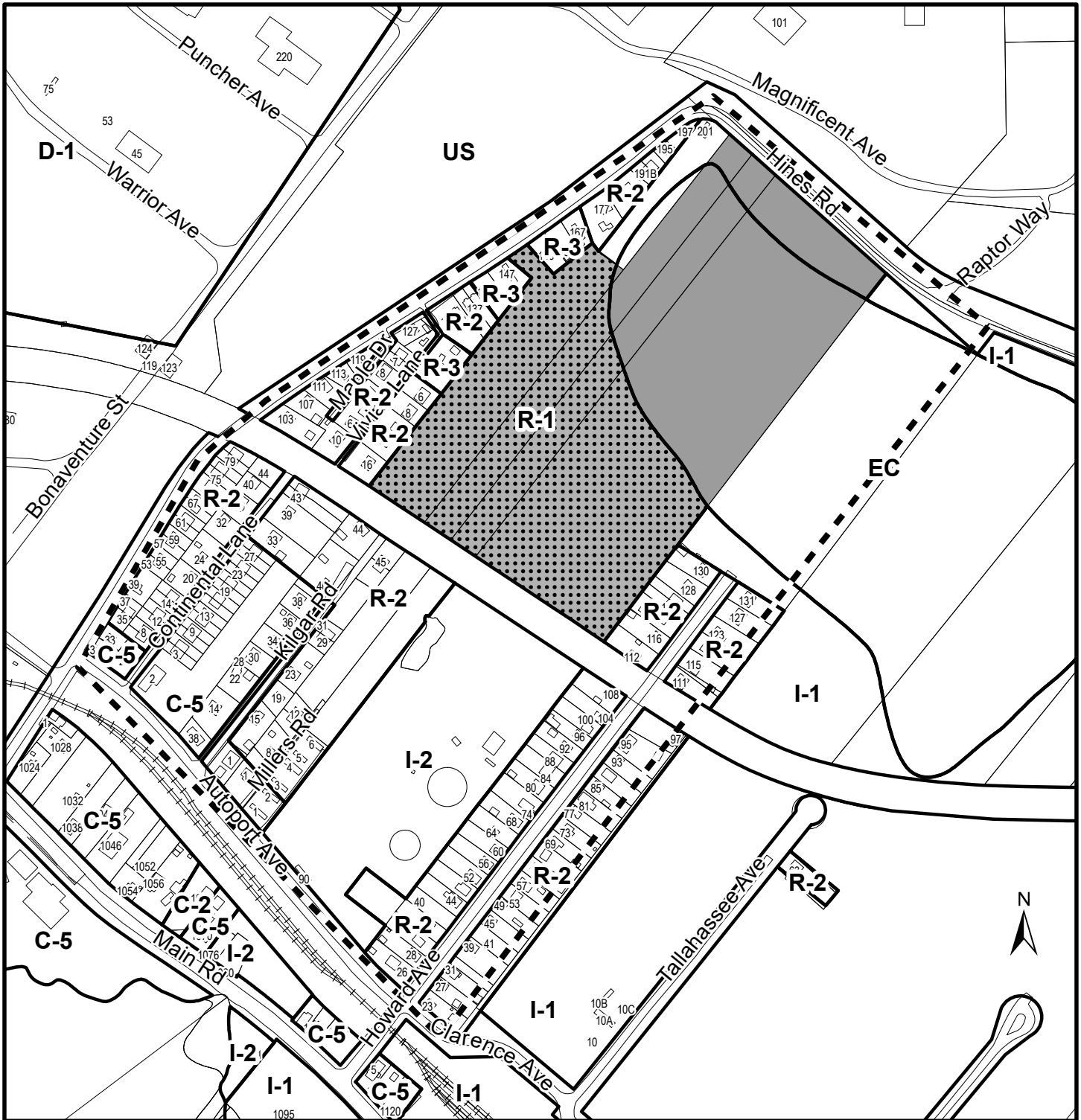
- I Industrial
- PA Plan Amendment



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.




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

Eastern Passage/Cow Bay
Plan Area



Map 2 - Zoning and Notification

Hines Road,
Eastern Passage

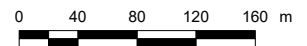
-  Subject Properties
-  Area Proposed to be Rezoned from R-1 to I-1 (Light Industry)
-  Area of Notification

Eastern Passage/Cow Bay
Land Use By-Law Area

Zone

- C-2 General Business
- C-5 Mixed Use
- D-1 DND
- EC Environmental Conservation
- I-1 Light Industry
- I-2 General Industry
- R-1 Single Unit Dwelling
- R-2 Two Unit Dwelling
- R-3 Mobile Dwelling
- US Urban Settlement

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.

ATTACHMENT A

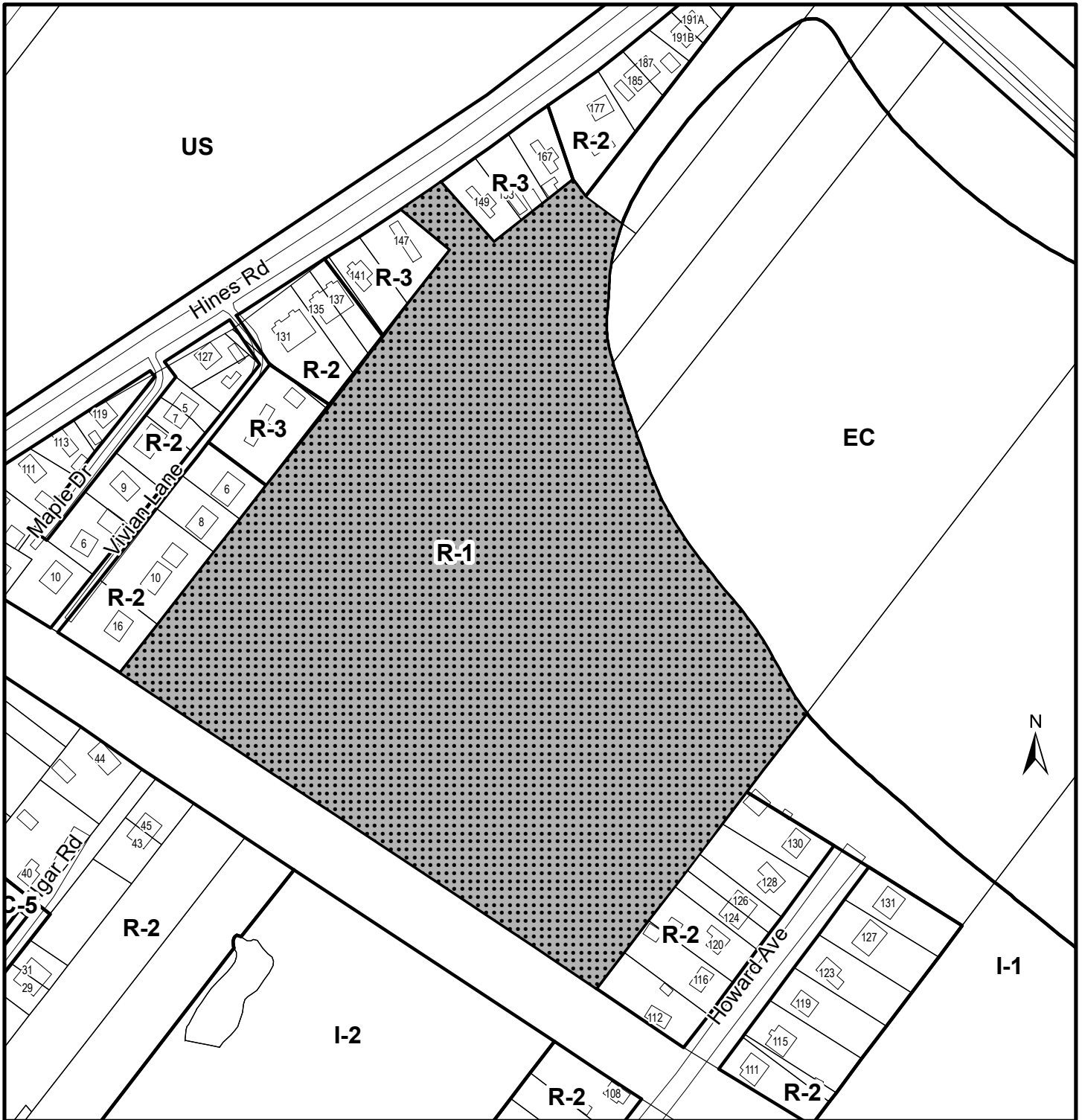
Proposed Amendment to the Land Use By-law for Eastern Passage/Cow Bay

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

1. Amend Schedule A, the Zoning Map, by rezoning portions of the properties identified as PIDs 40103806, 40103780, 40103772, and 40103798, from the R-1 (Single Unit Dwelling) Zone to the I-1 (Light Industry) Zone, as shown on the attached Schedule A.


I, Iain MacLean, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Harbour East Marine Drive Community Council held on [DATE], 201[#].

Iain MacLean
Municipal Clerk



Schedule A

Hines Road,
Eastern Passage

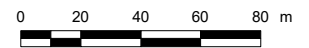
 Area to be rezoned from R-1
to I-1 (Light Industrial)

Eastern Passage/Cow Bay
Land Use By-Law Area

Zone

- C-5 Mixed Use
- EC Environmental Conservation
- I-1 Light Industry
- I-2 General Industry
- R-1 Single Unit Dwelling
- R-2 Two Unit Dwelling
- R-3 Mobile Dwelling
- US Urban Settlement

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.

Planning Policy Review	
Eastern Passage/ Cow Bay Municipal Planning Strategy	
Policy	Staff Comment
<p>IND-3 <i>In recognition of existing industrial use and the potential transition of residential use within the Industrial Designation, Council shall also establish a light industrial zone which permits the development of light and service industrial, commercial and community facility 2 zone uses, as provided for within Policy IMD-1.</i></p>	<p>The properties are designated industrial and abut both industrial and residential zones. This proposal illustrates a transition of residential use within the industrial designation to which the light industrial uses would be established.</p>
<p>IMD-1 <i>It shall be the intention of Council to establish an Industrial Mix Designation, as shown on Map 1 - Generalized Future Land Use. Within this Designation, Council shall establish a light industrial zone which reflects the intent of the Designation in providing for developments which may require extensive outdoor space, including commercial and for industrial developments which are not obnoxious and relate primarily to warehousing, storage and light manufacturing and service uses. This zone shall also permit community facility 2 zone uses and will contain requirements for increased separation and buffering from any adjacent residential land uses. As well, the zone will also provide for the exemption of rear or side yard requirements when such yards impede the accessibility of transportation related uses.</i></p>	<p>The light industrial zone is permitted within both the Industrial Designation and the Industrial Mixed Designation. A light industrial zone would reflect the intent of both designations. The light industrial zone contains requirements for increased separation and buffering from adjacent residential uses.</p>
<p>IM-11 <i>In considering development agreements and amendments to the land use by-law, in addition to all other</i></p>	<p>(a) See Policies IND-3 and IMD-1 above. Any use permitted in the light industrial zone would be subject to the requirements of the Land Use By-law, which</p>

<p><i>criteria as set out in various policies of this planning strategy, Council shall have appropriate regard to the following matters:</i></p> <p><i>(a) that the proposal is in conformity with the intent of this planning strategy and with the requirements of all other municipal by-laws and regulations;</i></p>	<p>have been written to be consistent with the intent of the MPS policy.</p>
<p><i>(b) that the proposal is not premature or inappropriate by reason of:</i></p> <p><i>(i) the financial capability of the Municipality to absorb any costs relating to the development;</i></p> <p><i>(ii) the adequacy of sewerage and water services;</i></p> <p><i>(iii) the adequacy or proximity of school, recreation or other community facilities;</i></p> <p><i>(iv) the adequacy of road networks leading or adjacent to or within the development; and</i></p> <p><i>(v) the potential for damage to or for destruction of designated historic buildings and sites</i></p>	<p>(i) There is no cost to the Municipality related to this proposed development as all costs will be borne by the developer.</p> <p>(ii) The site is within the HRM servicing boundary. Developments may be required to prove capacity exists in the local wastewater/combined system at the building/development permit stage. The requirement for wastewater capacity analysis is flagged at the pre-application stage to make the applicant aware their development may require upgrades to the local wastewater or combined system.</p> <p>(iii) Schools in the area include Tallahassee Community Elementary School, Seaside Elementary School, Eastern Passage Education Centre, and Island View High School. HRM Recreation Centre is located at the Tallahassee School, as well as recreation fields. However, the proposal is for industrial use, so although there are adequate schools and facilities, the proposal will not generate the need for use of them.</p> <p>(iv) HRM Engineering has not identified any concerns with the adequacy of road networks.</p> <p>(v) N/A</p>
<p><i>(c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</i></p> <p><i>(i) type of use;</i></p> <p><i>(ii) height, bulk and lot coverage of any proposed building;</i></p> <p><i>(iii) traffic generation, access to and egress from the site, and parking;</i></p> <p><i>(iv) open storage;</i></p>	<p>(i) The Light Industry zone regulates the uses permitted consistent with the intended uses per the industrial designation. The type of use has not been confirmed by the applicant. The I-1 zone lists an array of uses including industrial, commercial, and community use types.</p> <p>(ii) The Light Industry Zone regulates the lot coverage at a maximum of 70% and regulated front, rear, and side yard setbacks. Main building height is not regulated under the Zone, however a number of regulations for additional setbacks and screening from abutting residential use and/or zoned lands are required for main buildings in the LUB for industrial and commercial uses in the zone (ie. building setbacks of</p>

<p><i>(v) signs; and</i></p> <p><i>(vi) any other relevant matter of planning concern</i></p>	<p>50 ft from side/rear abutting residential use, and visual screening along side/rear lot lines).</p> <p>(iii) Site parking would be subject to the parking requirements of the LUB, with appropriate requirements depending on the use proposed. A traffic study was reviewed by HRM Engineering, who has not identified any issues with traffic generation, access to the site, or parking.</p> <p>(iv) The LUB does not regulate open storage on the site, however screening is required along all property lines abutting residentially used lots.</p> <p>(v) Signage would be subject to the sign requirements of the LUB, which regulates the number of signs, height, type, and setbacks from property lines to reduce conflict with adjacent properties.</p> <p>(vi) N/A</p>
<p><i>(d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.</i></p>	<p>The site has watercourses and wetlands. These areas would be subject to the watercourse setbacks and buffers requirements under the LUB through as-of-right applications. Stormwater and drainage within and from the development will be subject to the HRM Municipal Design Guidelines and Halifax Water's Design and Construction Specifications.</p> <p>Pre-development and post-development storm water discharge values are required to balance. This would be reviewed at the building permit stage.</p> <p>The property owner must apply and be granted permits from Nova Scotia Dept of Environment for any alteration to wetlands.</p>



Attachment C: Public Information Meeting Summary

Virtual Public Information Meeting Case 22651

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

Wednesday, December 9, 2020
6 p.m.
Virtual

STAFF IN

ATTENDANCE: Brittney MacLean, Planner, Planner II, HRM Planning
Maggie Holm, Principal Planner
Tara Couvrette, Planning Controller, HRM Planning
Councillor Becky Kent

ALSO IN

ATTENDANCE: Chris Markides – Presenter for Applicant, Zap
Jamie Copeland – Traffic Engineer
Laura Masching – Armco
Marc Ouellet - Armco

PUBLIC IN

ATTENDANCE: Approximately: 9

1. Call to order and Introductions – Brittney MacLean, Planner

Case 22651: Application by Zzap Consulting Inc, on behalf of the property owner, to rezone portions of lands fronting on Hines Road (PIDs 40103806, 40103780, 40103772, and 40103798), Eastern Passage, from R-1 (Sing Unit Dwelling) Zone to I-1 (Light Industry) Zone of the Eastern Passage/ Cow Bay Land Use By-law.

Ms. MacLean introduced herself as the Planner and Facilitator guiding ZZap Consulting's' application through the planning process. They also introduced other staff members, and the presenter from ZZap. The area Councillor for District 3, Becky Kent, was also in attendance online.

2. Presentations

2a) Presentation by HRM Staff – Brittney MacLean

Ms. MacLean's presentation included information on the following:

- (a) the purpose of the meeting including to share information and collect public feedback about the proposal - no decisions were made at this meeting;
- (b) the role of HRM staff through the planning process;
- (c) a brief description of the application including site context, proposed site plan, policy overview, zone comparison and, policy consideration;
- (d) and status of the application.

2b) Presentation by Chris Markides – Applicant


Mr. Markides presented details about ZZap's proposal including the proposed area for rezoning, the opportunities for business and growth for the area, and what is being considered for the site.

3. Questions and Comments

Ms. MacLean welcomed attendees to ask questions to staff and the presenters and provide their feedback, including what they liked and disliked about the proposal. There were two ways in which the public could provide comments: (1) some attendees signed up in advance of the meeting to speak and were connected to the meeting via phone; and (2) other attendees that were connected via Teams webcast were then called upon to provide their comments and questions.

(1) Speakers Connected via Phone

Mr. Holms invited the speakers from the public, one at a time, to unmute themselves and provide their comments:

- (i) There was only one person connected via phone and choose not to speak. 

(2) Questions from people connected via MS Teams

Ms. Holm invited the speakers from the public, one at a time, to unmute themselves and provide their comments:

- (i) Dave Phelps, Eastern Passage, Howard Ave: Stated after speaking with local residents the consensus is, they are against this rezoning. Rezoning this area from R1 to light industrial the four properties in question have no access onto the eastern side, I call it a Pines Rd, nor on the western side. The western side is the Trans Canada Trail and Hines Rd. Because you can't come across the RC conservation zone the only access would be through a purchased property facing onto Hines Rd. The four properties in question represent about 9 hectares on total with only 2.8 hectares that could actually be developed. Right now, on the North and South sides there are 30 meters of natural forest that was left by the previous owner. They also placed berms (from grubbed off material) to the North and South sides that are 5 meters high, 10 meters wide and 100 meters long. Now the properties at the far South end have been cleared of the berm and the lots have been graded and are presently being used as overflow for the Auto Port. The biggest concern is that the owner is not making any recommendation as to which of the many uses, they are intending for this property. There is nothing to tell us that this would be done in the best interest of the residents. The available amount of property that is there right now is about 2.2 hectares or 21% of the total area. As for the traffic report the only issue they have is with the main road and the first vertical crest curve having a 50% slope and then you go up to another grade on a 3% slope. When you are at the top of that people are going 70-75 km/h which doesn't leave a lot of space from the proposed access point. There are 2-3 construction companies along Caldwell Rd. which use Hines Rd. to bypass part of Eastern Passage so there is a lot of truck traffic going at high speeds down Hines Rd. and Hines Rd. is anything but a collector Rd. The pavement markings are poor, there are no shoulders, the gutters are deep. If you are going to make it into a collector Rd there is major updating that needs to be done. If there is going to be a processing building put in this location there would have to be suitable water and sewer, as well as access for transit and fire trucks. Because of the 2 – 2.3 hectares of wetland that was drained and filled at the far east end of the property we believe that we should get the allowance of leaving the current 2.2 hectares intact as they are or even extending the EC Zone to cover that land. A full write-up was provided to Brittney of my concerns to be included in the report to council.
- (ii) Rebecca Jamieson, Eastern Passage:
My property abuts the Shearwater Flyer Trail and I would like to voice my opposition this the rezoning. I am mostly concerned about environmental impacts. I have a drainage ditch that comes from the property through mine. Would there be any protection for that sort of thing, and will there be any environmental assessment impact studies done?

Ms. MacLean advised that as far as drainage protection and environmental studies go, they are done at the permitting stage.

Chris Markides stated that as far as storm water management is concerned – the pre and post slows have to be equal. There can't be any increase in storm water runoff.

(iii) Erin Dobson, Eastern Passage, Hines Rd.:

I have lived there for 2.5 years and, have noticed that in those 2.5 years, the increase in traffic and will be greatly affected by the increase in traffic. 25% of the traffic are larger vehicles, it isn't just residential vehicles. This is the biggest concern with light industrial work. The traffic study was done at 11am on a Friday and showed 100 vehicles per hour and they said that was much. As a person who lives on the street, I think 100 vehicles an hour is an extraordinary amount when you are trying to get out of your driveway. When you take into consideration there are no sidewalks on Hines Rd. and our children are walking down to the school bus, this isn't very safe. Mr. Phelps is correct about the condition of the road and the ability of this road to handle that amount of traffic is limited. My biggest concern is not knowing what is going to be there. It makes it hard to consider being positive towards this request.

(iv) Dave Phelps, Eastern Passage:

Regarding large vehicles, this is a concern I heard a lot when speaking with people about this proposal. Also, the point about not knowing what was going to be put there, because the owner has not made any specific recommendations, it is just open ended. Rezoning is not appropriate, and we should reject it out of hand. The watershed has defiantly changed since the owner clear cut the land and took off the berm. Will the screening on the fencing be maintained, if that is what they choose to use as a buffer? The natural vegetation would be preferable, and 5 meters isn't very much, we have 30 meters now of trees and that is really nice. It would be nice if somebody said I want to leave all the trees and the fill and just work with the area that is there now. Also has concerns around traffic and this being used as a collector road, which it is not. How did permits get approved for destroying 2.2 hectares of wetlands and make it into a parking lot?

Ms. MacLean stated that any concerns with screening being maintained, can be dealt with through 311. You would be calling the development department and they are the ones who issue the permits and they would follow up with any of your concerns. As far a clearing of the land unless there is a building permit in there are no permits required for clearing of land until they start construction, Maggie is this correct? Also, has there be changes recently to the lot grading bylaws? As far as the wetlands – you have the EC Zone, Environmental Conservation Zone, and these wetlands cannot be infilled or remediated. The wetlands and other places outside of this zone, an applicant or property owner, goes through an application process with the Department of Environment and they are the ones who would review that permit for infill and we require the applicant to provide this permit from the Department of Environment at the permitting stage.

Ms. Holm – You are pretty close, that would have been the case for anything that happened historically. Recently council has adopted a new bylaw and unfortunately it is so new that I don't have all the specifics yet. It is Bylaw G-200 and you can view the information pertaining to this Bylaw on HRM's website.

(v) Danielle Dill, Eastern Passage, Hines Rd.:

I am in the EC Zone and my neighbour has been here for 50 years and he stated that his backyard is very flooded because of the development in the area. It caused flooding into the wetlands, so the extra water is not being absorbed by the tree roots. There is no draining anywhere and therefore it's causing flooding within the backyards here. Is there anything that can be done to prevent this from happening?

Ms. MacLean stated that when they came in to get there permits, they would be required to provide a stormwater management plan which would be reviewed by the Engineering

Department. If there are issues, then you could call 311 and they would direct any concerns to the Engineering Department, and they would be able to follow up on any kind of flooding concerns.

(vi) Councillor Becky Kent:

Thanked everyone for participating tonight. Wanted to know the December 23rd cut-off, is that for you to be able to draw a line to write up your report?

Ms. MacLean – Yes, Although the cut-off to have your comments/concerns added into the staff report would be December 23, 2020, I am always available to answer any questions/concerns people have ever after that date.

Councillor Becky Kent: asked the applicant what the condition of said lands are now.

Mr. Markides – advised the yellow area in the slide (slide 11) is the cleared lands with berms.

Councillor Becky Kent: Also wanted to know how they build a road with an EC Zone so close on the land.

Ms. MacLean explained where the road would go and that if infilling would be done outside of the EC Zone, they would require a permit from Department of Environment.

Councillor Becky Kent: Watershed concerns in this area or very real. Look carefully at these concerns as they have been here for a very long time. The volume of truck and traffic in this area is significant. Not knowing what the intended use is for this area and the thought of increased traffic, I hope you would take another look at that. Lastly, the residents in this area are heavily surrounded by industrial use and it is not surprising that we are hearing feedback about concerns with this type of development. Traffic going down Hines Rd. and traffic going down Auto Port Rd. is already struggling. We are in a housing crisis in NS and in our community. Can this not be something that is considered as a good use for this area?

Dave Phelps – explained slide 11 – what it shows and where everything is located. As far the residential area, absolutely not. When Armco tried to put in the development in behind us, who would want to live here, it is on the extreme edge of Eastern Passage. If you want to develop it as all R-1 properties go ahead. But not what they were proposing that would have brought in over 1000 people, that is totally unacceptable. Especially over the last few years of development down in Eastern Passage where they didn't put any apartment buildings or condo type of buildings for people to rent.

(vii) Rebecca Jamieson, Eastern Passage:

I would just like to say to the councillors suggestions, I would support a residential development there. As Mr. Phelps said, it would have to be R-1 just because I don't think it is practical to have any sort of dense residential development there where there is no access to shops or services close by. Lots of people would be living in an area that if they didn't have their own transportation, they would have a hard time getting around.

(viii) Erin Dobson, Eastern Passage:

The high density would be very difficult up here and would continue to contribute to the high volumes of traffic that we are already seeing on this road. The first thing we would have to do is put sidewalks out there so that people could get down to Pleasant St. to catch the bus. The road is especially unsafe in the winter with no sidewalks. If it is an R-1 that would be great but there would still be a lot of issues with traffic. The residents of this road cannot handle a high-density development and the number of extra vehicles it would bring. There is very little policing of the speeding that is going in here now so if we added 1000 cars it would be extraordinary. While I would support a certain level of residential homes there would have to be improvements made to the infrastructure.

- (ix) Jamie Copeland, Traffic Engineer:
Spoke to the traffic study that was done.

Councillor Becky Kent: had questions about the former driver from the Auto Port. Was that former driver a shuttle driver and how long ago was this person a driver? If they are a shuttle driver, did you also speak with anyone in the hauler industry who are the large auto transporters. Were they also included in your traffic analysis?

Mr. Copeland: provided insight into this and advised the info was relevant and current that was provided. Also spoke to the large transport trucks.

- (x) Dave Phelps, Eastern Passage:
Stated they believe the stopping sight distance is the proper parameters to use for making judgements about the driveway. However, they suspect that they may have done it using just a standard motor vehicle. They may want to give consideration to stop and sight distance for a fully loaded rig coming from wither side down Hines Rd. All the auto haulers get together at the bottom of Howard Ave. and all go to Tim's at the same time. The auto haulers are mostly an outbound device not and inbound device. Any operation that is in there would have to make allowances for a full-size fire engine.

Jamie Copeland spoke to sight distance

4. Closing Comments

Ms. MacLean thanked everyone for their participation in the meeting.

5. Adjournment

The meeting adjourned at approximately 7:54 p.m.