

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

# Item No. 14.1.1 Halifax and West Community Council November 21, 2023

SUBJECT:	PLANAPP 2023-00465: Rezoning of 4 Cherry Lane, Halifax
DATE:	October 30, 2023
SUBMITTED BY:	- Original Signed - Jacqueline Hamilton, Executive Director of Planning and Development
то:	Chair and Members of Halifax and West Community Council

### **ORIGIN**

Application by KWR Approvals Inc., on behalf of Cherry Lane Developments Limited

### LEGISLATIVE AUTHORITY

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

### **RECOMMENDATION**

It is recommended that Halifax and West Community Council:

- 1. Give First Reading to consider approval of the proposed amendment to the Land Use By-law for Halifax Mainland, as set out in Attachment A, to rezone 4 Cherry Lane, Halifax from R-2P (General Residential) Zone to R-3 (General Residential and Low-Rise Apartment) Zone and schedule a public hearing; and
- 2. Adopt the amendment to the Land Use By-law for Halifax Mainland, as set out in Attachment A.

### **BACKGROUND**

KWR Approvals has applied, on behalf of the property owner, to rezone 4 Cherry Lane, Halifax from R-2P (General Residential) Zone to R-3 (General Residential and Low-Rise Apartment) Zone to allow for the construction of a 19-unit multiple unit building.

Subject Site	4 Cherry Lane, Halifax (PID No. 00314781)
Location	North side of Cherry Lane, between Circle Drive and Herring
	Cove Road
Regional Plan Designation	Urban Settlement (US), Urban District Growth Centre
Community Plan Designation (Map 1)	Medium Density Residential, Mainland South SPS
Zoning (Map 2)	R-2P (General Residential) – Map ZM-1 of LUB
Size of Site	2,170 square metres (23,370 square feet)
Street Frontage	Approx. 27.4 metres (90 feet)
Current Land Use(s)	Automotive repair shop, single-unit dwelling
Surrounding Use(s)	Residential apartment buildings to the northwest, east & on
	the south side of Cherry Lane. Low-density residential
	houses abutting portions of the east & west side lines.

### **Proposal Details**

The applicant proposes to construct a 3-level, 19-unit multiple unit building with surrounding landscaped space, surface parking and some parking below a portion of the building. The applicant's conceptual site plan and floor plan proposal is provided for information purposes (Attachment B).

It is important to note that if the proposed rezoning is approved, the proposed development (Attachment B) could change at the permitting stage, provided that the requirements of the LUB are met.

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

The subject property is designated MDR (Medium Density Residential) pursuant to the Mainland South Secondary Planning Strategy, as set out in Section 10 of the Halifax Municipal Planning Strategy (MPS). The property is currently zoned R-2P (General Residential) Zone under the Halifax Mainland Land Use Bylaw (Maps 1 and 2).

The subject proposal is being considered pursuant to the applicable policies of the Halifax MPS (Mainland South SPS) and the Regional MPS. A review of the relevant policies is contained in Attachment C.

### **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 and 154 letters mailed to property owners within the notification area shown on Map 2. Staff received 2 emails from the public. The following comments and concerns were raised regarding the rezoning proposal:

- Concern that the area is already too congested with a number of new buildings already under construction; and
- Concern with traffic on Cherry Lane and adding another apartment building will only add to this problem.

A public hearing must be held by Halifax and West Community Council before consideration can be given to the proposed rezoning. Should Community Council decide to proceed with a public hearing on this application, in addition to the advertisement on the HRM webpage, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

### **DISCUSSION**

Staff have reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the Halifax MPS and the Regional MPS. Attachment C provides an evaluation of the proposed rezoning in relation to the relevant MPS policies. Of the matters reviewed to satisfy the MPS criteria, the following have been identified for more detailed discussion:

### Land Use Compatibility and Appropriateness of Rezoning

The subject site, which is approximately 2,170 square metres (23,370 square feet), is of adequate size to support a multiple unit building which meets or exceeds the R-3 zone requirements related to building setbacks and form, in addition to all other Land Use By-law requirements. The site is in proximity to Herring Cove Road (within 55m/ 180 ft), which is one of the principal streets and transit routes in the Mainland South area.

The site abuts three other multiple unit building sites, which are zoned R-3, along the northwest and east property lines. There are other R-3 zoned properties in the immediate area, on the opposite (south) side of Cherry Lane. The (low-density) houses abutting the site to the east and west will have adequate buffering due to the requirements of the R-3 zone. In this case due to lot configuration, the proposed building will be set back from the street and located within the wider, interior portion of the site to meet setback requirements. Based on the above factors, it is appropriate to rezone the subject site, as it is compatible with the surrounding residential neighbourhood.

### **Traffic and Municipal Infrastructure**

A Traffic Impact Study dated May 2023 was reviewed by staff and deemed acceptable. No traffic concerns were raised regarding the proposed development.

Municipal infrastructure exists within the Cherry Lane right-of-way and is capable of supporting the proposed development. The development will comply with all design guidelines and by-laws of HRM and Halifax Water. Like many local streets in the Spryfield area, Cherry Lane was constructed decades ago and, as a result, is currently of substandard width and does not include standard street elements of today such as sidewalks, curbs, and street trees. However, this does not prevent the site from being re-developed or residents from accessing services on Herring Cove Road, including transit and sidewalks. Cherry Lane has low traffic volumes, a gravel shoulder along most of its length, and the site is in close proximity to Herring Cove Road.

### **Regional Plan and Priorities Plans**

This planning application was assessed against the objectives, policies and actions of the Halifax Regional Plan and priorities plans (Policy G-14A). The subject site is within the Urban Transit Service Boundary and bus stops are located along Herring Cove Road. The proposed rezoning to allow for a multi-unit residential building furthers the intent of the IMP by adding significant residential density along or close to this transit corridor.

#### Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is consistent with the intent of the MPS. Therefore, staff recommend that the Halifax and West Community Council approve the proposed rezoning (Attachment A).

### **FINANCIAL IMPLICATIONS**

The HRM cost associated with processing this planning application can be accommodated with the approved 2023/24 operating budget for Planning and Development.

November 21, 2023

### **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 rezoning are contained within the Discussion section of this report.

### **ENVIRONMENTAL IMPLICATIONS**

No environmental implications are identified.

### **ALTERNATIVES**

 Halifax and West Community Council may choose to refuse the proposed rezoning and, in doing so, must provide reasons why the proposed rezoning does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed rezoning 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

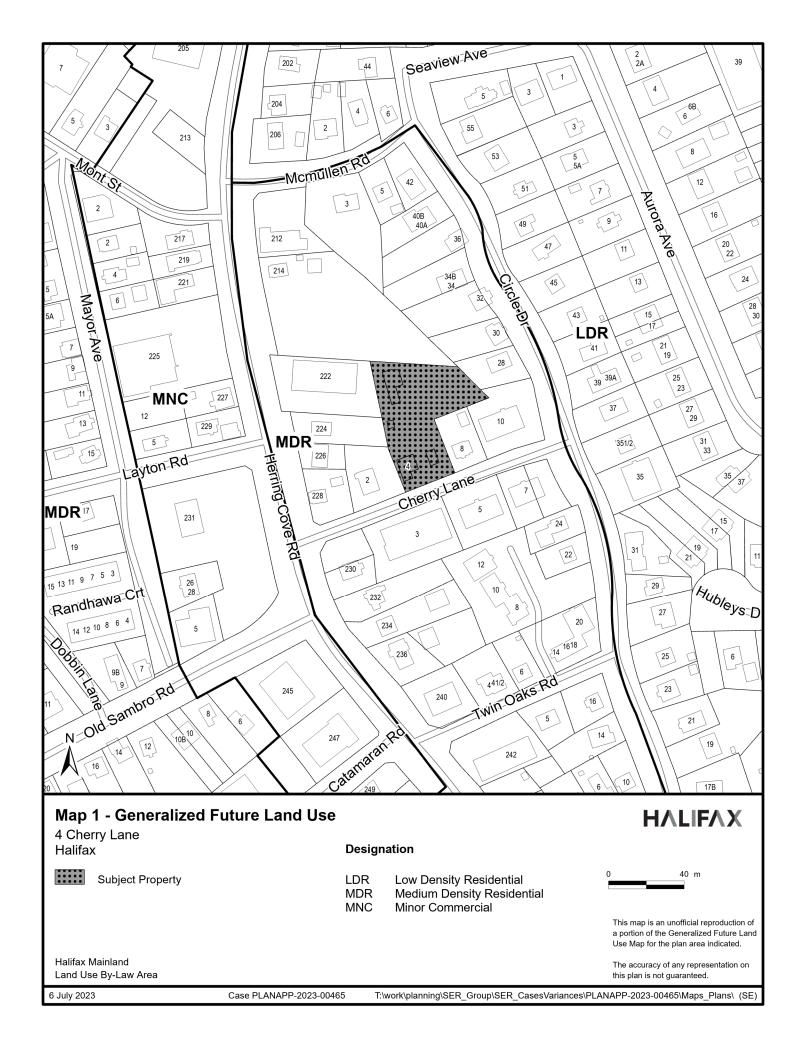
Attachment A: Proposed Amendment to the Halifax Mainland LUB

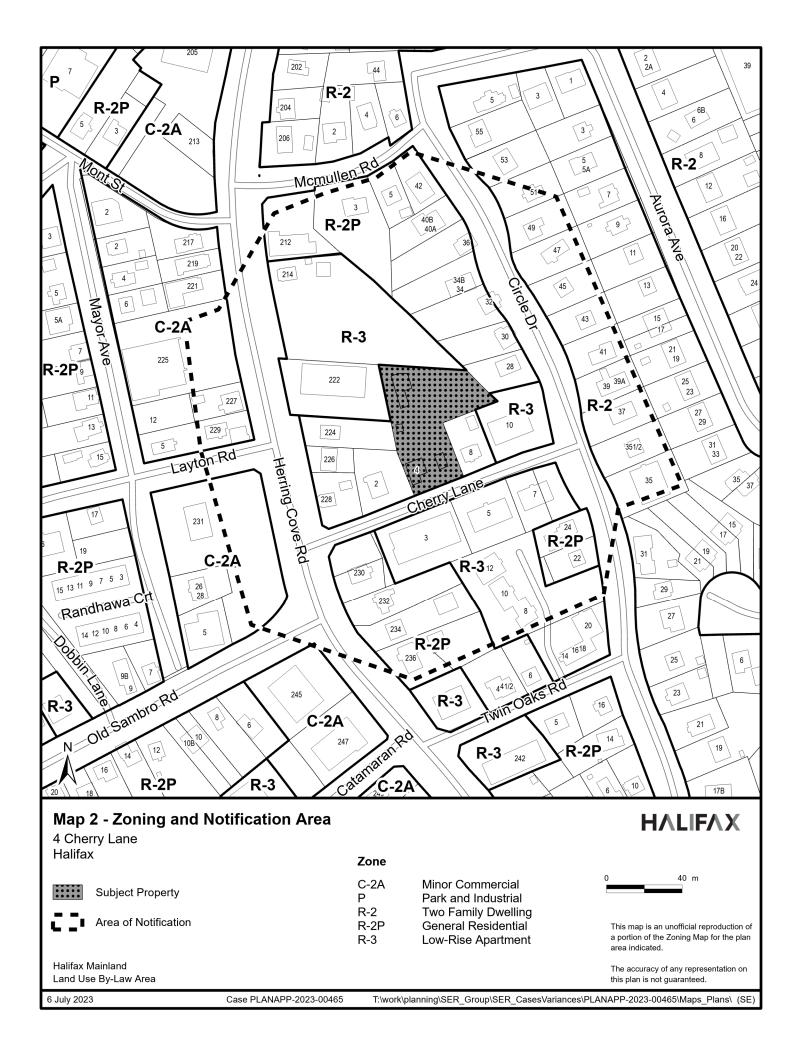
Attachment B: Applicant's Proposal

Attachment C: Review of Relevant Halifax MPS Policies

A copy of this report can be obtained online at <a href="halifax.ca">halifax.ca</a> or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Paul Sampson, Planner II, Urban Enabled Applications, 902-717-8125





### **ATTACHMENT A**

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

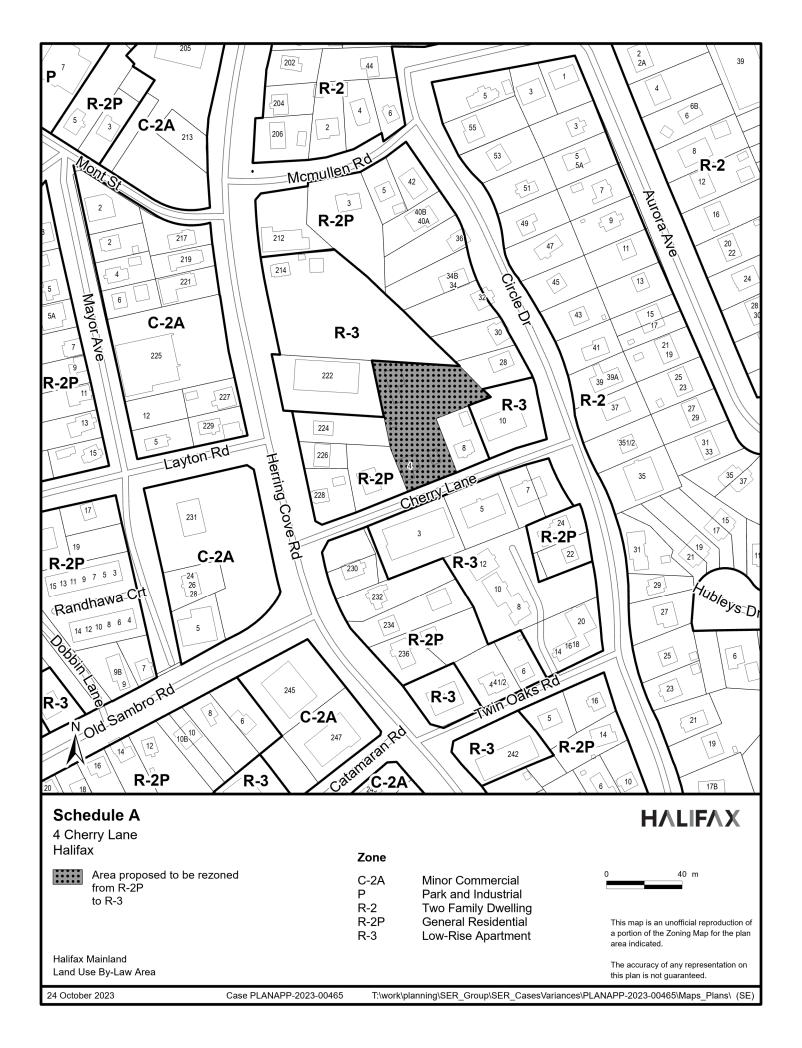
BE IT ENACTED by the Halifax and West Community Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Mainland is hereby further amended as follows:

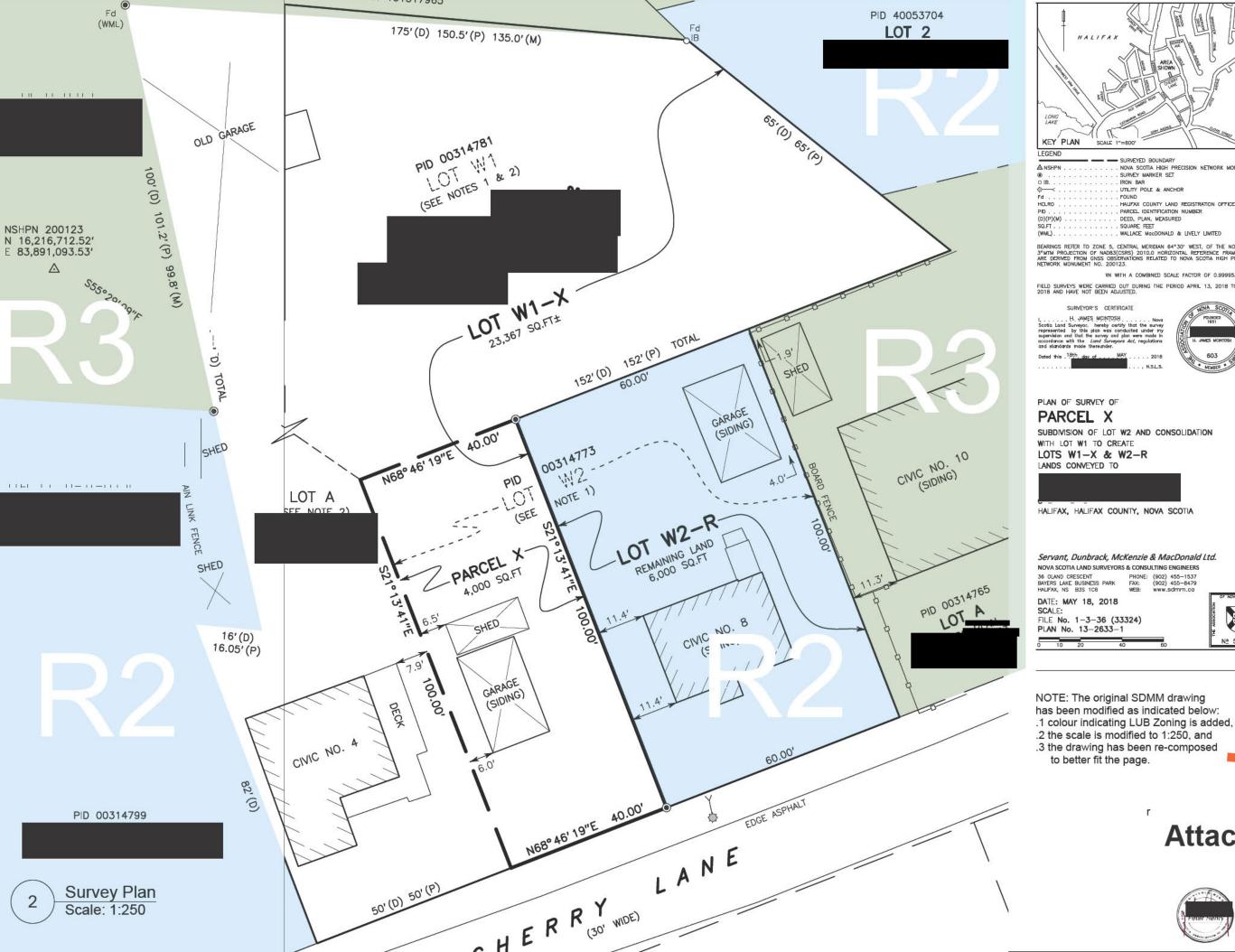
1. Amend Map ZM-1 (Zoning Map) by rezoning 4 Cherry Lane, Halifax (PID 00314781) from R-2P (General Residential) Zone to R-3 (General Residential and Low-Rise Apartment) Zone, as shown on Schedule A attached hereto.

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 Halifax and West Community Council held on [DATE], 202[#].

\_\_\_\_\_\_

Iain MacLean Municipal Clerk







SURVEYED BOUNDARY NOVA SCOTIA HIGH PRECISION NETWORK MONUMENT SURVEY MARKER SET

. IRON BAR , UTILITY POLE & ANCHOR FOUND

. FOUND
. HALIFAX COUNTY LAND REGISTRATION OFFICE
. PARCEL IDENTIFICATION NUMBER
DEED, PLAN, MEASURED . SQUARE FEET . WALLACE MgcDONALD & LIVELY LIMITED

BEARINGS REFER TO ZONE 5, CENTRAL MERIDIAN 64°30' WEST, OF THE NOVA SCOTI 3°4MM PROJECTION OF NADE3/CSRS) 2010.0 HORIZONTAL REFERENCE FRAME AND ARE DERIVED FROM GNSS OBSERVATIONS RELATED TO NOVA SCOTIA HIGH PRECISION NETWORK MONUMENT NO. 200123.

FIELD SURVEYS WERE CARRIED OUT DURING THE PERIOD APRIL 13, 2018 TO MAY 3, 2018 AND HAVE NOT BEEN ADJUSTED.

#### SURVEYOR'S CERTIFICATE

H. JAMES MCINTOSH Now Scotia Land Surveyor, hereby certify that the survergersearted by this plan was conducted under mapervision and that the survey and plan were made in accordance with the Land Surveyor Act, regulation

PLAN OF SURVEY OF

## PARCEL X

SUBDIVISION OF LOT W2 AND CONSOLIDATION WITH LOT W1 TO CREATE

LOTS W1-X & W2-R LANDS CONVEYED TO



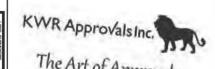
HALIFAX, HALIFAX COUNTY, NOVA SCOTIA

#### Servant, Dunbrack, McKenzie & MacDonald Ltd. NOVA SCOTIA LAND SURVEYORS & CONSULTING ENGINEERS

36 OLAND CRESCENT BAYERS LAKE BUSINESS PARK HALIFAX, NS B3S 1C6

DATE: MAY 18, 2018

SCALE: FILE No. 1-3-36 (33324) PLAN No. 13-2633-1



The Art of Approvals

Cherry Lane Developments Limited

4 Cherry Lane HALIFAX NS B3P 1Y8

2022-06-30 for client review

2022-06-30 for KWRA review

2022-08-08 HRM Conversation

2022-08-12 HRM Conversation

2022-08-17 HRM SUBMISSION

**ISSUED** 

# -Peter HenryARCHITECT

3252 Veith Street HALIFAX NS B3K 3H2 902 455.9884 phARCHITECT@eastlink.ca

Survey Plan

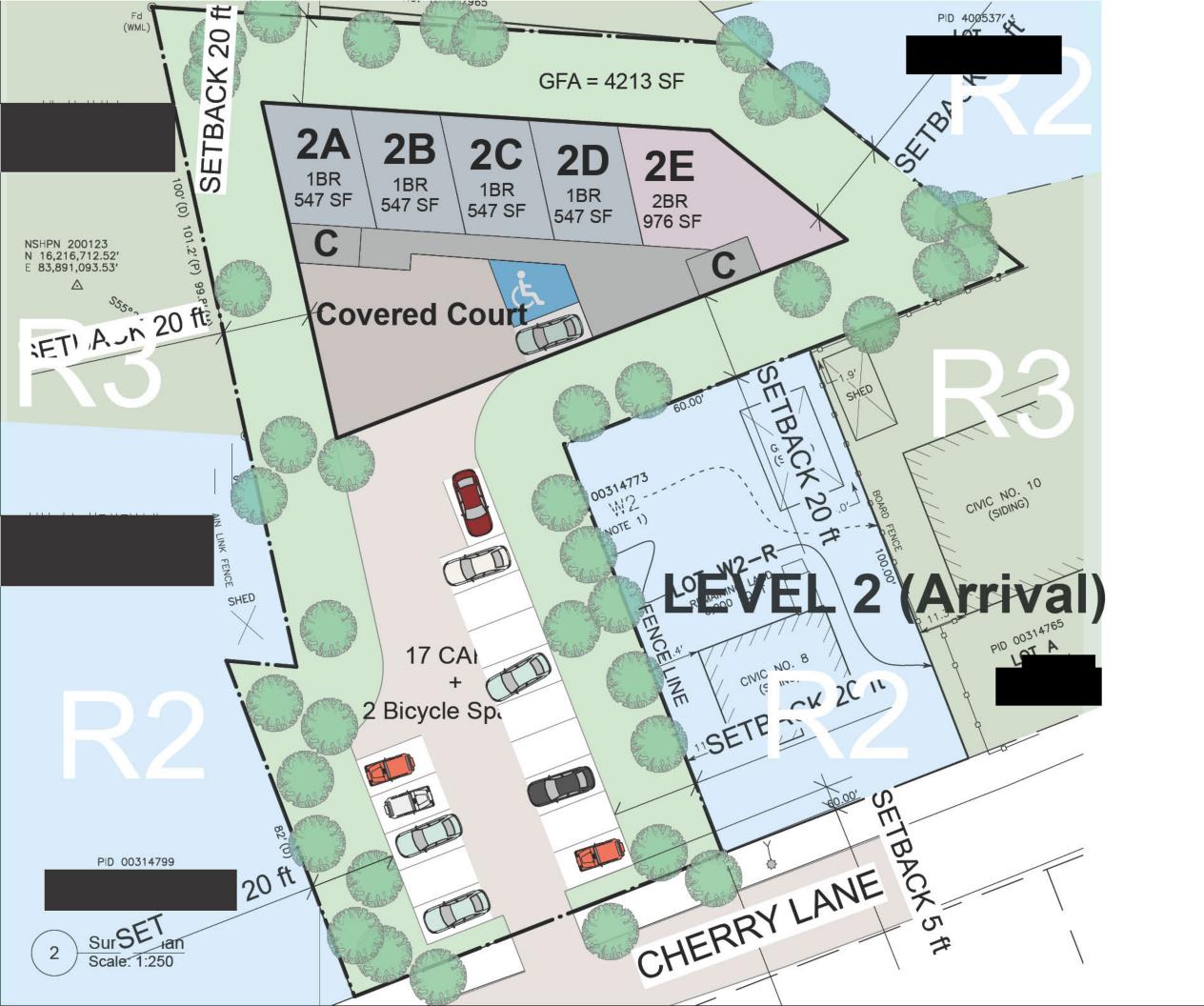
# **Attachment B**

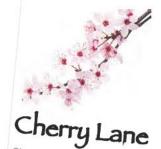
A



drawn; ph/jb/ig design; ph date; 2021-03-11 drawing number:

A.01.SU

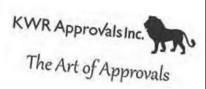




Cherry Lane Developments Limited 4 Cherry Lane HALIFAX NS B3P 1Y8

#### ISSUED

2022-06-30 for client review 2022-06-30 for KWRA review 2022-08-08 HRM Conversation 2022-08-12 HRM Conversation 2022-08-17 HRM SUBMISSION



# Peter Henry ARCHITECT

3252 Veith Street HALIFAX NS B3K 3H2 902 455.9884 phARCHITECT@eastlink.ca

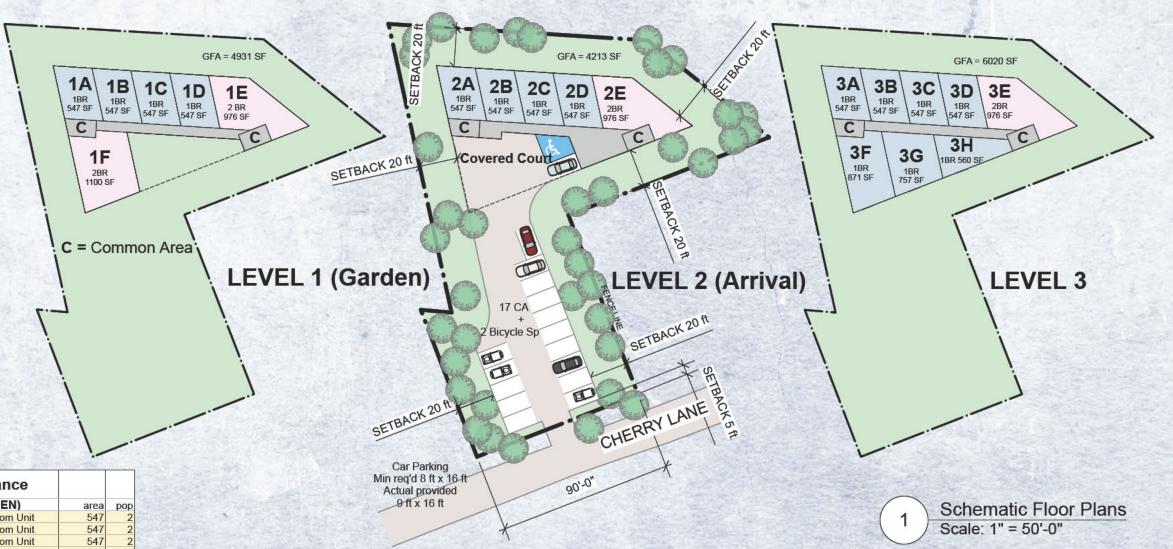
SITE Plan

# **Attachment B**



drawn; ph/jb/ig design; ph date: 2021-03-11 drawing

A.02

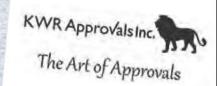




Cherry Lane Developments Limited 4 Cherry Lane HALIFAX NS B3P 1Y8

### **ISSUED**

2022-06-30 for client review 2022-06-30 for KWRA review 2022-08-08 HRM Conversation 2022-08-12 HRM Conversation 2022-08-17 HRM SUBMISSION



# Peter Henry ARCHITECT

3252 Veith Street HALIFAX NS B3K 3H2 902 455.9884 phARCHITECT@eastlink.ca

Schematic Floor Plans

# Attachment B

drawn; ph/jb/ig design; ph date; 2021-03-11

drawing number:



Note: The Cherry Lane Site is partially

mostly in the Mainland Centre Zone.

UNIT MIX - MAINLAND SOUTH

located in the Mainland South Zone and

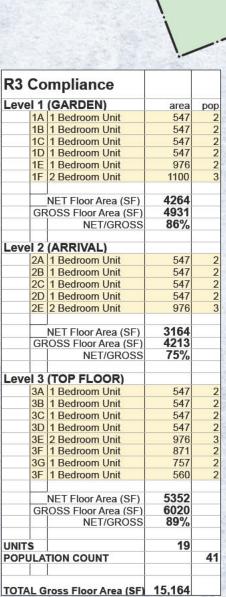
Applying only to the Mainland South Area:

28Cl An apartment house which is located

in the "Mainland South Area", shall be required to provide one two-bedroom unit

for every three bachelor and/or one

bedroom units.



### Attachment C - Review of Relevant MPS Policies

### **Halifax Municipal Planning Strategy**

### MAINLAND SOUTH SECONDARY PLANNING STRATEGY

Medium Density Residential designation

**Policy** 

Staff Comments

### RESIDENTIAL ENVIRONMENTS

**Objective:** The development and maintenance of Mainland South as a predominantly residential area with a diverse mixture of family and non-family housing.

**Policy 1.3** In areas designated as "Medium-Density Residential" on the Generalized Future Land Use Map, detached dwellings, semi-detached dwellings, duplex dwellings, townhouses and apartments containing a maximum of four units two of which must be family-type, shall be permitted and neighbourhood commercial uses may be permitted pursuant to Policies 2.1.1 and 2.1.2 of this Plan.

### **Policy 1.3.1**

In areas designated as "Medium-Density Residential" on the Generalized Future Land Use Map Council may zone to permit apartments provided that their height is limited to a maximum of four storeys and in assessing such rezonings Council shall consider compatibility with the existing neighbourhoods and the adequacy of municipal infrastructure.

The subject site is designated as medium density residential on the GFLUM (Map 9 of MPS). The proposed R-3 zone limits the height of apartment buildings (multiple unit dwellings) to four storeys. The subject site abuts three other apartment building sites (which are zoned R-3) and is located directly across Cherry Lane from three other apartment buildings which are zoned R-3. The site also abuts low and medium-density residential houses that are zoned R-2P.

The existing lot configuration is such that any proposed building will likely be set back from the street line in order to meet the R-3 zone setbacks (20 feet) from low and medium-density residential uses and will be located within the wider, interior portion of the site. In addition, landscaped screening is required within these setback areas. As such, the proposed rezoning is compatible with the existing neighbourhood.

There have been no concerns raised regarding the adequacy of municipal sewer and water services. As per standard practice, the applicant will be required to confirm that servicing capacity is available, and that infrastructure is adequate prior to obtaining a Construction Permit.

of Regarding other types municipal infrastructure, many local streets in the Spryfield area such as Cherry Lane were constructed decades ago and do not meet current road design standards, resulting in a narrower width of the travelled way and rightof-way, as well as lacking sidewalks, curbs and street trees. The proposed rezoning process does not provide the ability for the municipality to require that the developer pay off-site costs to upgrade the existing street infrastructure to a higher standard.

### **CITY-WIDE OBJECTIVES AND POLICIES**

Residential designation

### 2. RESIDENTIAL ENVIRONMENTS

**Objective**: The provision and maintenance of diverse and high quality housing in adequate amounts, in safe residential environments, at prices which residents can afford.

2.4 Because the differences between residential areas contribute to the richness of Halifax as a city, and because different neighbourhoods exhibit different characteristics through such things as their location, scale, and housing age and type, and in order to promote neighbourhood stability and to ensure different types of residential areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods;

The proposal is compatible with the surrounding neighbourhood. Refer to Mainland South policy 1.3.1 above.

### **IMPLEMENTATION**

### AMENDMENTS TO THE ZONING BY-LAW

- 4. When considering amendments to the Zoning By-laws and in addition to considering all relevant policies as set out in this Plan, the City shall have regard to the matters defined below.
- 4.1 The City shall ensure that the proposal would conform to this Plan and to all other City by-laws and regulations;

The proposal conforms with the intent of the MPS and other by-laws and regulations.

- 4.2 The City shall review the proposal to determine that it is not premature or inappropriate by reason of: i) the fiscal capacity of the City to absorb the costs relating to the development; and ii) the adequacy of all
- (i) No costs to the Municipality are expected.
- (ii) No concerns with the adequacy of sewer and water services have been identified by

services provided by the City to serve the development.

- 4.3 More specifically, for those applications for amendments to the zoning bylaw in Mainland South as defined on Map 1, the City shall require an assessment of the proposal by staff with regard to this Plan and the adopted Land Development Distribution Strategy, and that such assessment include the potential impacts of the proposal on:
- (a) the sewer system (including the budgetary implications);
- (b) the water system;
- (c) the transportation system (including transit);
- (d) existing public schools;
- (e) existing recreation and community facilities:
- (f) the provision of police and fire protection services; and any other matter deemed advisable by Council prior to any final approval by City Council..

- Halifax Water. Refer to Mainland South policy 1.3.1 above.
- (a) No concerns with the adequacy of sewer and water services have been identified.
- (b) No concerns with the adequacy of sewer and water services have been identified. See 4.2 (ii) above.
- (c) A Traffic Impact Study dated May 2023 was reviewed by staff and deemed acceptable. Cherry Lane has low traffic volumes and the site is in close proximity to Herring Cove Road. As noted in Policy 1.3.1 above, many local streets in the Spryfield area such as Cherry Lane do not meet current road design standards, resulting in a narrower width of the travelled way and right-of-way, as well as lacking sidewalks, curbs and street trees. However, this does not prevent the site from being developed or residents from accessing services on Herring Cove Road, including transit and sidewalks.
- (d) The application has been brought to the attention of the Halifax Regional Centre for Education (HRCE) and no concerns were raised. This development is expected to have a negligible effect on school capacity. Further, The Education Act mandates that every person over the age of 5 years and under the age 21 years has the right to attend a public school serving the school region in which that person lives.
- (e) There are adequate recreation and community facilities in the Spryfield area.
- (f) There have been no issues raised with regard to police and fire protection services.

### Halifax Regional Municipal Planning Strategy (Regional Plan)

## **CHAPTER 3: SETTLEMENT AND HOUSING**

3.2 Land Use Designations

# 3.3 PLANNING AND DESIGN FOR GROWTH CENTRES

Tables 3-1 and 3-2 outline the types of centres intended for the Urban Settlement and Rural Commuter Designations respectively and the associated design characteristics which are to be supported when preparing secondary planning strategies. Table 3-3 lists other Rural Centres which are no longer targeted for growth, but will continue to be recognized for their role in the rural settlement pattern. Directives for preparing a secondary planning strategy for the Regional Centre are found under Chapter 6.

Table 3-1: Future Characteristics of Urban Settlement Growth Centres

Map 1: Settlement and Transportation
This property falls within the Spryfield Urban
District Growth Centre identified on Map 1.

Table 3-1 of the Regional Plan lists intended future characteristics of Urban Settlement Growth Centres. Characteristics intended for the Spryfield centre which are applicable to this request include:

- Mix of low, medium and high density residential, commercial, institutional and recreation uses
- In established residential neighbourhoods, low to medium density residential uses

This request is reasonably consistent with the Regional Centre Growth Centre intentions. Medium to high density residential uses (approximately 19 units) are supported, as the site is located in the middle of the Spryfield community and is supported by nearby transit.

### **CHAPTER 4: TRANSPORTATION AND MOBILITY**

### Policy T-9

HRM shall require mixed use residential and commercial areas designed to maximize access to public transit (Transit Oriented Development) within the Urban Transit Service Boundary through secondary planning strategies and shall strive to achieve the intent of this policy through land use by-law amendments, development agreements and capital investments.

The subject site is within the Urban Transit Service Boundary and bus stops are located on nearby Herring Cove Road. The proposed development is for a multi-unit residential building, which meets the intent of this policy by adding significant residential density along the transit corridor.

### 9.6 PRIORITIES PLANS

**G-14A** In considering development agreements or amendments to development agreements, or any proposed amendments to the Regional

Plan, secondary planning strategies, or land use by-laws, in addition to the policies of this Plan, HRM shall consider the objectives, policies and actions of the priorities plans approved by Regional Council since 2014, including:

See comments below on the Integrated Mobility Plan.

- (a) The Integrated Mobility Plan;
- (b) Halifax Green Network Plan;
- (c) HalifACT;
- (d) Halifax's Inclusive Economic Strategy 2022-2027; and
- (e) any other priority plan approved by Regional Council while this policy is in effect

## **Integrated Mobility Plan**

### 3. MODE-SPECIFIC POLICIES

### 3.2 Transit

### Objective 3.2.1

Enhance transit service by increasing the priority of transit and improving the integration of transit service with land use and settlement patterns.

This proposal is an infill development which increases density in proximity to existing transit service on Herring Cove Road, with the potential to improve ridership of the existing route.