

August 23, 2022

Active Planning Application Case 23741 Update

Darrell Joudrey
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Development Services
Halifax Regional Municipality
Halifax, NS B3J 3A5

Dear Mr. Joudrey,

On behalf of our client Rosebank Holdings Ltd., I am submitting a comprehensive update to the planning application file mentioned above. As enabled by Policies RES-2C through RES-2E of the applicable Municipal Planning Strategy, the attached application update is a result of the past 12 months of discussions with staff of the Halifax Regional Municipality. Based on our understanding of the meetings held during that time, the attached should comply with all requirements.

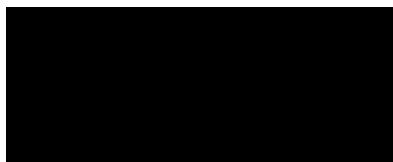
The following information and documents are attached in support of this application:

- + Basic property facts and development goal
- + Statements of compliance with policy
- + An appendix including:
 - Subdivision lot plan
 - Servicing schematic
 - Traffic impact statement

We are looking forward to seeing this file being considered by Council.

Please do not hesitate to contact me if you require further information.

Sincerely,



Paul Dec, MCIP, LPP

1 BACKGROUND

1.1 LOCATION AND SITE CHARACTERISTICS

The subject of this application for Development Agreement is property PID#40074437, owned by Rosebank Holdings Limited. The property containing approximately 2.85 hectares¹ of land is situated in Herring Cove, just northwest of the historic community core. It is zoned 'Herring Cove Residential (HCR)' in the Planning District 5 (Chebucto Peninsula) Land Use By-law.

The western end of the public street named Reginald Court is capped at the southern corner of the subject property, forming part of the property's boundaries with its 16-metre right-of-way. The parcel also features about 6.6 meters of road frontage on Herring Cove Road, which is connected to the property's main body through a strip of land of the same width. Service easements adjacent to this area widen the usable width of this connection to approximately 12 meters, but exclude construction of any structures due to mutual easements between all four properties abutting the 'pole section' of the lot.

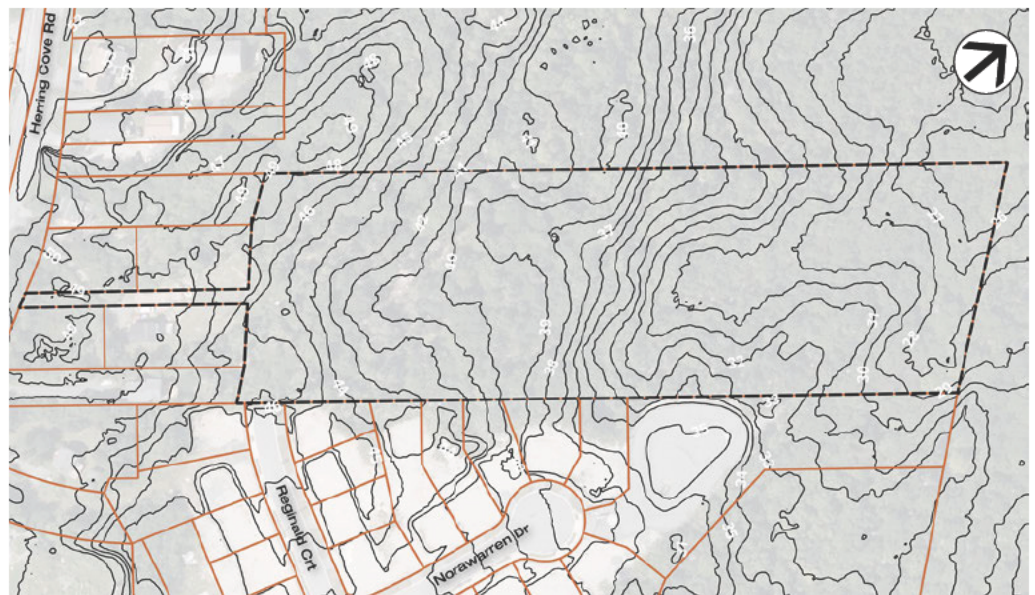


Figure 1: Basemap

Based on provincial LiDAR data, UPLAND generated a GIS model of the property and derived 1-metre contour lines therefrom. The resulting picture indicates that the main body of the property is situated at elevations between 49 and 26 metres above sea level. The narrow lot frontage on Herring Cove Road is among the highest points of this Lot at an elevation of close to 50 metres. In general, the terrain gradually slopes down from Herring Cove Road, with one steeper dip about half-way down the property. The rear lot line located the farthest away from Herring Cove Road is the lowest section of the property with elevations between 26 and 29 metres.

¹ Size based on survey of Gregory Skelhorn, NSLS dated August 19, 2020.

1.2 SURROUNDING USES

The surroundings of the property are primarily of residential and resource character. The following categories of land uses can be observed in the vicinity of this site:

- + Ribbon development of individual homes along Herring Cove Road, with some homes set back further from the road;
- + Recent residential subdivisions along Angler Drive, Glen Baker Drive and Norawarren Drive;
- + Protected natural areas, mostly made up of Crown Lands; and,
- + Small pockets of recreational land uses such as a community beach at Long Pond and various formal and informal trails leading through the Crown Lands.

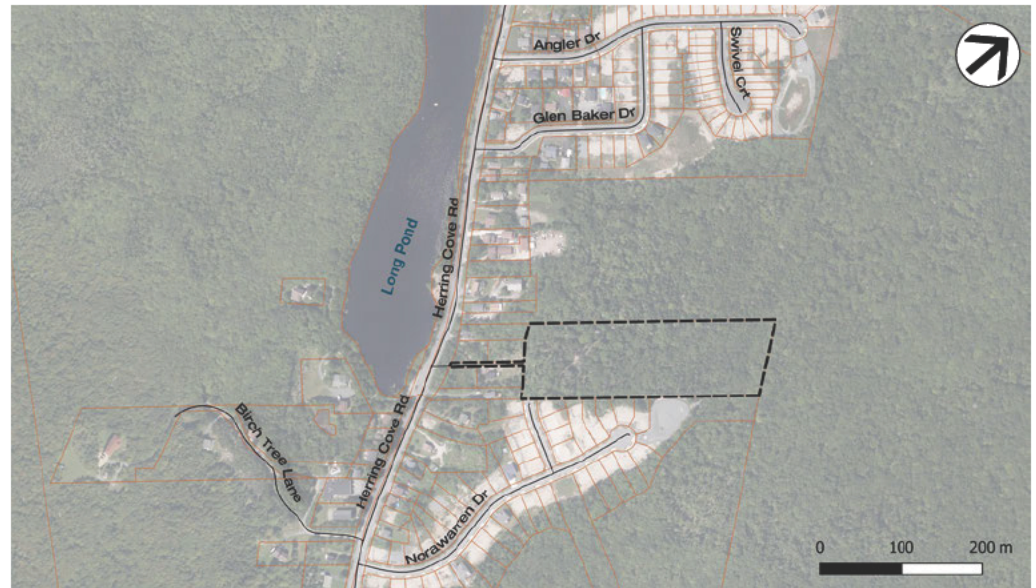


Figure 2: Location map

The Halifax Regional Municipality and Halifax Regional Water Commission own lands in both neighbouring residential subdivisions, which have been acquired for parkland, sanitary pumping stations and storm water management ponds during the subdivision processes.

2 DEVELOPMENT PROPOSAL

2.1 DEVELOPMENT SUMMARY

Rosebank Holdings intends to develop this property as a subdivision with 19 single detached homes on individual lots. The goal is to continue the public right-of-way of Reginald Court across the client's property and to subdivide lots on the new road frontage thus created. Since Section 46 of the Regional Subdivision By-law prohibits as-of-right subdivision in the Herring Cove Residential Zone, the application needs to follow the Development Agreement process subject to applicable Policies of the Municipal Planning Strategy.



Figure 3: Lot plan (see Appendix C for large drawing)

The proposed lot plan is based on the requirements of applicable policies. As enabled by the Municipal Planning Strategy, the lot requirements of the HCR Zone were reduced to 6,000 ft² of lot area and 60 feet of frontage, with the balance land being dedicated to undisturbed open space. This approach reduces the overall environmental footprint of the development.

Servicing and access to the subdivision is intended to be provided through the logical extension of Reginald Court, a serviced public street on the southern corner of the property. The six-metre-wide 'pole section' of the lot will mainly serve the purpose of providing direct pedestrian passage between the subdivision and Herring Cove Road.

2.2 DEVELOPMENT CONCEPT

Rosebank Homes strives to develop a modern subdivision close to nature. Located between the shores of Long Pond and the vast Crown Lands that surround both Pine Island Ponds, this development will provide homes for outdoor enthusiasts that value the proximity to the city. Working with the ecology and elevation of the site, the goal is to create a green subdivision that blends into the landscape and allows for the enjoyment of natural assets in the area.

The community of Herring Cove is a recreational biking hub that connects many popular biking routes and destinations on this part of the Chebucto Peninsula. For off-road mountain bikers and hikers, the extensive trail system of the MacIntosh Run Watershed Area can be accessed through the nearby trail head at Norawarren Drive, and Rosebank Homes plans to work with the trail community to establish a direct link to the trail network at the end of the cul-de-sac.

2.3 BACKGROUND ON THE DEVELOPER

The following is the company profile of Rosebank Homes:

Background

Rosebank Homes is a new company, with old roots. Our family has been in Halifax since before Confederation, and we have been in the building business in Ontario for over 30 years.

Rosebank builds homes that honour the East Coast way of life and the wildness of Nova Scotia's natural beauty. We believe a new home can truly belong where it's built, working intentionally with the land and culture around it.

We build more than homes, we help people build roots.

Experience

For over 30 years we have been building custom homes and boutique multi-unit projects in beautiful Ottawa, Ontario.

We come from a long line of craftsmen and bring an old-world mentality of family values, unparalleled quality and attention to detail to all of our projects.

Our projects, in Ottawa, have ranged in size from 800 square foot mini-units through to 4000-5000 square foot custom homes built to clients' exact specifications. We specialize in in-fill projects, with the goal of always ensuring our homes respect the style and heritage of the neighbourhoods where they are built.

Market

We are targeting individuals and families who have already had their first homes and are looking to settle into a community for the foreseeable future. We believe in identifying people who value quality, connections & Nova Scotia's natural beauty, and who will connect with the vibrant Herring Cove community.

Design Rationale

Our style is best described as Modern Traditional. We believe a home should respect its neighbourhood, honour the landscape, and show personality. We will be working with RHAD Architects to develop a neighbourhood that encourages connection - to Nova Scotia, to the landscape, and to our neighbours.

3 POLICY FRAMEWORK

This application for Development Agreement is based on policies RES-2C through RES-2E of the Planning District 5 (Chebucto Peninsula) Municipal Planning Strategy (MPS). The latter Policy also references the generic Policy IM-10 from the implementation section of the MPS. The following analysis will demonstrate how the Development Proposal (further referred to as 'the Proposal') complies with the applicable Policies of the MPS.

Policy RES-2C

Subdivisions which include new or extended public streets may only be considered by development agreement, where:

- a) *municipal sewer and water services are to be provided;*

Compliance: The Proposal is situated in a serviced area of Herring Cove, and is intended to be fully serviced with water lines, storm and septic sewer, as shown on the Servicing Schematic in Appendix D. The Development Agreement of the neighbouring subdivision around Norawarren Drive indicates that all of these services have been installed on those neighbouring public roads. Consequently, a continuation of services into the proposed development should be unproblematic.

- b) *sewage treatment facilities are available, and;*

Compliance: The Proposal is adjacent to existing sewer lines and therefore part of the Herring Cove Wastewater Treatment Facility sewershed.

- c) *a public street is to be constructed;*

Compliance: The street right-of-way shown on the lot plan is 16 metres wide and therefore capable of accommodating an urban public street in accordance with municipal engineering standards. Connectivity to neighbouring lots is ensured through a right-of-way reserve placed between Lot 5 and the proposed parkland.

Policy RES-2D

It shall be the intention of Council to encourage all new development under Policy RES-2C to meet certain basic design objectives as follows:

- a) *to reproduce the pre-development hydrological conditions;*

Compliance: As shown on the Servicing Schematic in Appendix D, storm water run-off is planned to be directed to the neighbouring retention pond, which will allow for stormwater run-off from hardscaped terrain to be controllably released, reducing the impact on downstream hydrological features. Should the capacity of the neighbouring pond not allow for additional stormwater absorption, a dedicated pond can be installed within approximately 1,100 m² of the area dedicated to 'Natural Open Space'.

- b) *confine development and construction activities to the least critical areas of the site and consider cluster development to minimize land disturbance; and that the subdivision design minimizes change to the existing landscape by matching new streets, services and lot grading to the existing topography as closely as possible;*

- c) *allocate permitted density to those areas most suitable for development;*

Compliance: The long and narrow shape of the lot does not allow for much variation in the

subdivision design; the centre of the property is the only logical location for the only street that will fit into this subdivision. However, the subdivision design still makes the best-possible contribution to conservation efforts by concentrating development in an area that is contiguous to existing urban development, thereby adding natural area that is contiguous to the Crown Lands.

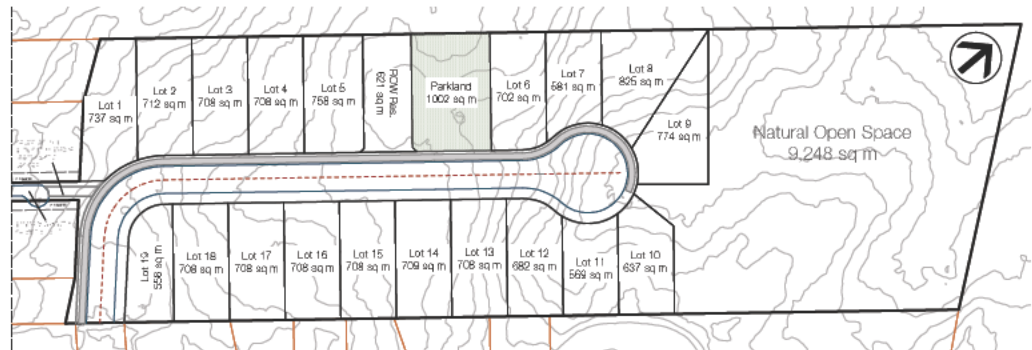


Figure 4: Lot plan with contour lines (see Appendix B for large drawing)

d) *minimize changes to the existing topography;*

Compliance: The Proposal concentrates development in the gently sloped, top part of the property. The road ends approximately at the steepest drop of the property, which is situated about half-way through the site. While this will necessitate some grading work at the location of the turning bulb, the street will generally be aligned with the existing gradients on the site. The right-of-way reserve to neighbouring lands is placed in a location which allows for the construction of an intersection on largely level ground.

e) *preserve and utilize the natural drainage system to the greatest possible extent;*

Compliance: The proposed public street runs parallel to the terrain's downward slope from Herring Cove Road, which means that the stormwater line under the proposed public street will approximately follow the natural drainage of the terrain.

f) *attempt to retain a minimum of 30% of the natural vegetation on the site in an undisturbed state; and*

Compliance: The fulfillment of this requirement is achieved through the dedication of natural open space lands. See the following table for details:

	m2
Overall lot area	28,513
Surface area of lands left in natural state	9,248
Percentage of site left undisturbed (exclusive of natural vegetation on individual lots)	32.4%

g) *all shorelines shall be protected by a 100 foot wide buffer zone within which no vegetation or soil should be removed or altered except as required for utilities, trails or water access.*

Comment: Not applicable as the proposal is not in the immediate vicinity of any shoreline.

Policy RES-2E

In considering a development agreement proposal pursuant to Policies RES-2C and RES-2D, the following development criteria shall be addressed:

- a) *That the maximum permissible density is 4 units per net developable acre based on HCR and F-1 zone requirements. The net developable area shall be calculated based on the gross land area less any designated wetland areas;*

Compliance: As demonstrated by the following table, the calculation of permitted density allows for higher number of dwelling units than what is contained in this Proposal:

Gross lot area	28,513 m ²
- designated wetlands	0 m ²
Net developable area	7.045 acres
Maximum permitted dwelling units	28

- b) *That only single unit dwellings, two unit dwellings and auxiliary dwellings may be considered. Individual lot frontages per dwelling may be reduced to 60 feet, and lot areas to 6,000 square feet provided that an area equivalent to the amount of lot area reduction for each lot is provided as contiguous common open space which shall be maintained permanently in a substantially natural state, in addition to the minimum 10 percent public parkland dedication as required by Policy REC-10;*

Compliance: Apart from the area reserved for municipal parkland, the land uses only comprise single unit dwellings and accessory structures. In the HCR Zone the regular lot size requirement is 10,000 ft² or 929 m². This Proposal contains 9,248 m² of area left in a natural state, which needs to be larger than the sum of all lot area deductions in order to comply with this Policy. The following table demonstrates that this is the case:

Lot identifier	Proposed Lot Size (m ²)	Reduction on Lot (m ²)
Lot 1	737	192
Lot 2	712	217
Lot 3	708	221
Lot 4	708	221
Lot 5	758	171
Lot 6	702	227
Lot 7	581	348
Lot 8	825	104
Lot 9	774	155
Lot 10	637	292
Lot 11	569	360
Lot 12	682	247
Lot 13	708	221
Lot 14	709	220
Lot 15	708	221
Lot 16	708	221
Lot 17	708	221
Lot 18	708	221
Lot 19	558	371
Overall lot area reduction		4,451

- c) *That adequate erosion and sediment control plans and stormwater management plans are prepared;*

Compliance: These plans are typically prepared in a later stage of a development project.

- d) *That full consideration is given to use of a public road standard in keeping with that identified in Policy TR-18;*

Compliance: Compliance with this Policy is demonstrated on the Lot Plan And Servicing schematic in the Appendices This version of the drawings is the result of a series of meetings with HRM staff, which ensured that all municipal engineering standards are followed.

- e) *That there is adequate provision of public access to traditional trails and recreation areas and that adequate open space areas are provided, including substantial parkland areas and frontages on any lake to serve appropriate parkland functions; and*

Compliance: The proposed parkland within the subdivision presents an opportunity to install a trail head parking lot in this location and to connect the subdivision to the nearby MacIntosh Run Community Trail system. This will depend on conversations with the Province and local trail association. Otherwise, an access to the trail system is already situated in the nearby Norawarren Drive subdivision, which is in close walking distance from this Proposal.

- f) *The provisions of Policy IM-10. (RC-Feb 13/01;E-May 5/01).*

This clause links the application to a general policy which applies to any type of development agreement under the Chebucto Peninsula Municipal Planning Strategy and will be analyzed in the following.

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:

- 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;*

Compliance: While the generality of this clause does not allow for a detailed analysis of every municipal by-law, this Proposal is a fairly standard development.

- 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;*
- (iv) the adequacy of road networks leading or adjacent to or within the development;*
- (v) pedestrian safety; and*
- (vi) the potential for damage to or for destruction of designated historic buildings and sites.*

Compliance: The cost for development of on-site infrastructure is borne by the developer and should not lead to any expenses for the Municipality in the short- to mid-term. The William King Elementary School and Herring Cove Junior High school are both located in the community of Herring Cove, within a walking distance of 17 minutes and 19 minutes respectively.

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) *type of use;*
- (ii) *height, bulk and lot coverage of any proposed building;*
- (iii) *traffic generation, access to and egress from the site, and parking;*
- (iv) *open storage;*
- (v) *signs; and*
- (vi) *any other relevant matter of planning concern.*

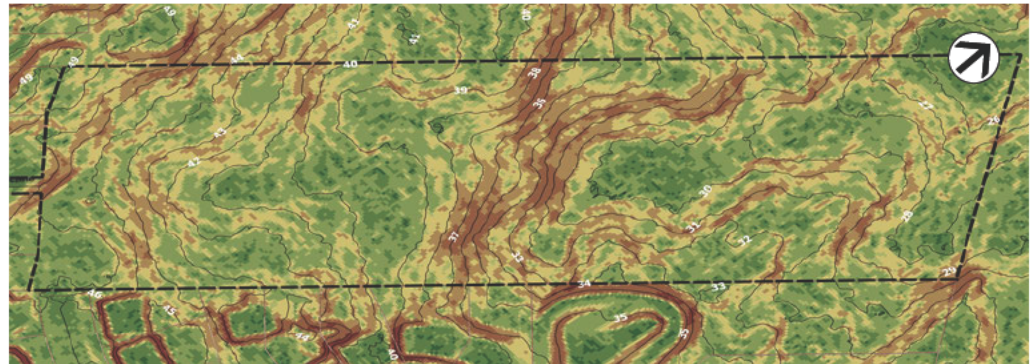
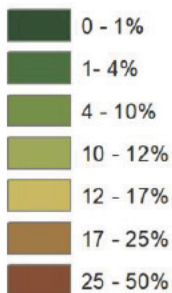
Compliance: The Proposal consist of the same type of residential development found in two neighbouring subdivisions and along Herring Cove Road. Consequently, land use conflicts induced by inadequate massing of buildings, storage, signage or other matters of planning concern cannot be expected.

On the matters of traffic generation, access and egress, Professional Engineer Michael MacDonald has prepared a Traffic Impact Statement for the development proposal (see Appendix E). The document indicates an estimated development-induced trip generation of up to 19 vehicle movements per hour during peak times. The document concludes that the development can be accommodated *“with a negligible impact on traffic operations”* on Herring Cove Road and Norawarren Drive.

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.*

Compliance: Large tracts of the site—including the lands proposed for development—are situated on gently sloped lands with gradients between 0% to 4%. Several sections of the property show steeper slopes. However, these sections are usually short and can be prepared for development through appropriate grading.

Gradient Map Legend



UPLAND performed site visits on February 22nd and July 08th of 2021. The site visits did not indicate the presence of any problematic soil conditions. The area proposed for development appears to be free of wetlands and permanent water courses.

- e) *Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy p-79F", 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. (RC-Jul 2/02;E-Aug 17/02)*

Comment: Not applicable.

4 APPENDIX

The following appendices form a part of this Application for Development Agreement, and have been attached in its support:

- + Appendix A: Lot plan
- + Appendix B: Lots with existing contour lines
- + Appendix C: Lots over aerial imagery
- + Appendix D: Servicing schematic
- + Appendix E: Traffic impact statement