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Paul Sampson
Planning & Development
40 Alderney Drive
Halifax, NS B3J 3A5

Re: 1268 Cole Harbour Road (PIDs: 00406702 & 41217431) – Rezoning application

Paul:

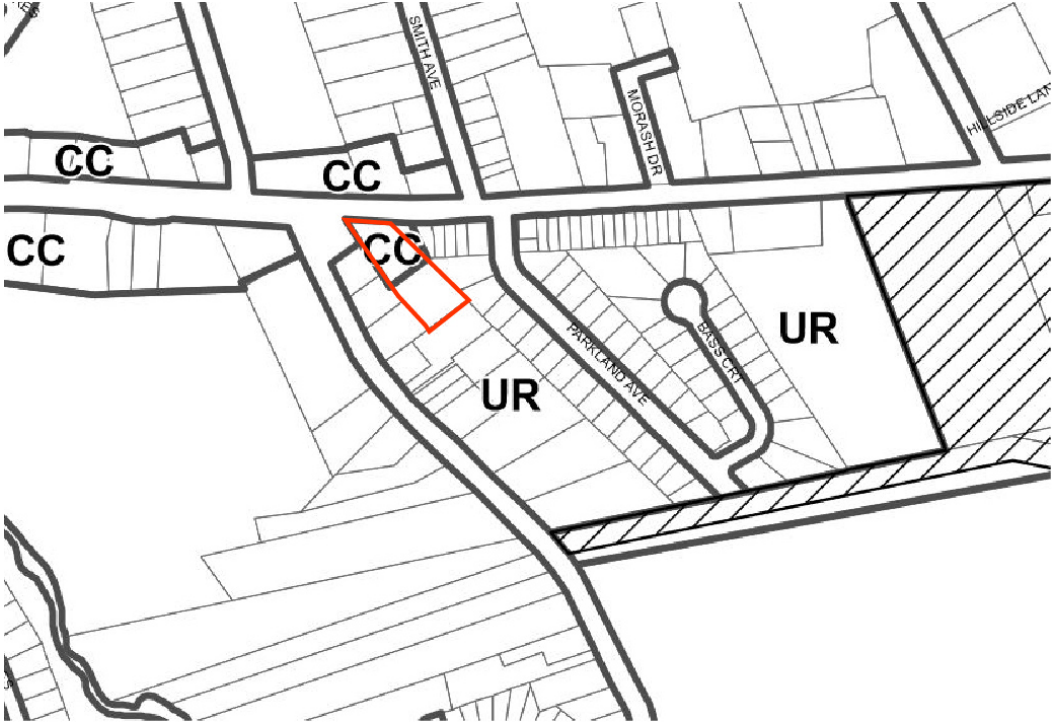
ZZap Consulting, on behalf of our client, A.J. Giles Investments Limited, is pleased to submit a rezoning application for their lands at 1268 Cole Harbour Road, PIDs: 00406702 & 41217431. Our client is requesting to rezone the rear portion of their property from R-2 to C-2 as enabled by Policy IM-6 of the Cole Harbour/Westphal Municipal Planning Strategy (MPS).

Site Information

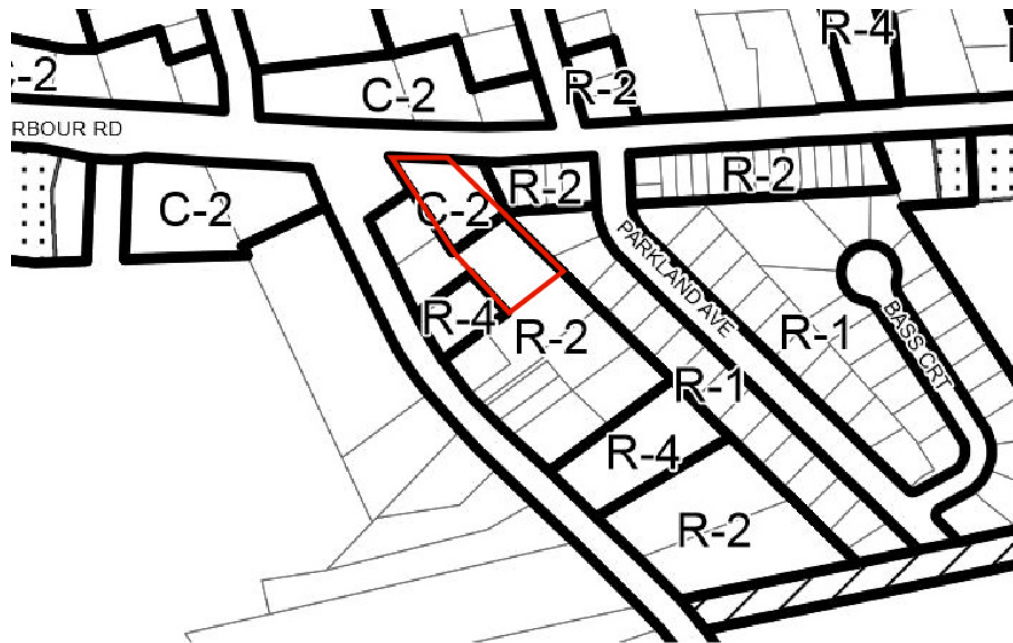
The subject property is located within the Cole Harbour/Westphal plan area. The North half of the property is designated Community Commercial (CC) and zoned General Commercial (C-2). The South half of the property is designated Urban Residential (UR) and zoned Two-Unit Dwelling (R-2), as shown below.



Subject Property



MPS Designation



Site Zoning

Enabling Policy


Policy IM-6 provides guidance and enables Harbour East/Marine Drive Community Council to consider amendments to the Land Use Bylaw to permit abutting uses if they are permitted in the adjacent land use designation. In this instance the abutting designation is Community Commercial and abutting zone is C-2.

Under this policy, our client wishes to initiate consideration by Community Council to amend the Land Use Bylaw; rezoning the rear of their property to C-2 to match zoning on the front portion of the property.

It is our understanding that in considering this rezoning request, staff and council must assess it's compliance with Policy IM-11 of the MPS. Please find attached our rationale for how the proposed rezoning complies within Policy IM-11 of the MPS.

Please advise if you require any further information at this time in order for this application to proceed.

Kind Regards


Connor Wallace, MCIP, LPP
Urban Planner
ZZap Consulting Inc.

Policy Criteria	Applicant Response
<p>IM-11 In considering amendments to the land use by-law or development agreements, in addition to all other criteria as set out in various policies of this planning strategy, Cole Harbour/Westphal Community Council shall have appropriate regard to the following matters:</p>	
<p>(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;</p>	<p>In 2012, policy was adopted to ban Quonset Huts in residential zones. However, a Quonset Hut has existed within the residentially zoned portion of the site prior to the adoption of this policy. Our request to rezone the back portion of the property from R-2 to C-2 would make the existing conditions on the site compliant with current planning policy.</p>
<p>(b) that the proposal is not premature or inappropriate by reason of:</p>	
<p>(i) the financial capability of the Municipality to absorb any costs relating to the development;</p>	<p>There is no increase in cost to the municipality as the existing use will remain.</p> <p>Should new uses be proposed in the future in accordance with the C-2 zone, the landowner would bare all costs associated with the new development.</p>
<p>(ii) the adequacy of sewer and water services;</p>	<p>There is no increase in sewer and water use.</p> <p>Should new uses be proposed in the future in accordance with C-2 zone, adequacy of sewer water services must be assessed and approved by the municipality through the permitting process.</p>

<p>(iii) the adequacy or proximity of school, recreation and other community facilities;</p>	<p>My client is proposing for the existing commercial uses to remain. As such, there is no increase in demand for schools, recreation and community facilities.</p> <p>Should new residential uses be proposed in the future in accordance with C-2 zone, the maximum number of residential units that can be developed on a single lot is 12. This would result in a negligible increase in demand for schools, recreation and community facilities.</p> <p>If more than 12 residential units per lot are proposed on the property in the future, such development scenario would require a Development Agreement. Adequacy of schools, recreation and community facilities capacity would be assessed through that Development Agreement process prior to council consideration of approval.</p>
<p>(iv) the adequacy of road networks leading or adjacent to or within the development; and</p>	<p>Please refer to the Traffic Impact Statement submitted with this application.</p> <p>Should new uses be proposed in the future in accordance with C-2 zone, a traffic analysis would be required to be submitted and approved by HRM at the permitting stage.</p>
<p>(v) the potential for damage to or destruction of designated historic buildings and sites.</p>	<p>N/A – there are no historic buildings located on the site.</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>(i) type of use;</p>	<p>The C-2 zone permits the existing uses.</p> <p>Should and new commercial, residential uses be proposed on the property in the future, the provisions of the C-2 zone include screening and buffering requirements to reduce conflict between such uses and any adjacent or nearby land uses.</p>
<p>(ii) height, bulk and lot coverage of any proposed building;</p>	<p>No new buildings are proposed.</p> <p>Should new buildings be proposed on the property in the future, such buildings must comply with the requirements of the C-2 zone. The requirements of the C-2 zone ensure that height, bulk and lot coverage of new buildings reduce conflict with any adjacent land uses.</p>
<p>(iii) traffic generation, access to and egress from the site, and parking;</p>	<p>No additional traffic generating development is proposed.</p> <p>Please refer to the Traffic Impact Statement submitted with this application.</p> <p>Should new uses be proposed in the future in accordance with C-2 zone, traffic analysis would be required to be submitted and approved by HRM at the permitting stage.</p>

<p>(iv) open storage; (v) signs; and (vi) any other relevant matter of planning concern.</p>	<p>Open storage is not proposed as the Quonset Hut already existing on the property is proposed to be used for storage for the main commercial building.</p> <p>Should new uses be proposed in the future in accordance with C-2 zone, the zone and by-law include specific regulations for open storage and signage to reduce conflict with any adjacent land uses.</p>
<p>(d) that the proposed site is suitable in terms of steepness of grades, soil and geological conditions, locations of watercourses, potable water supplies, marshes or bogs and susceptibility to flooding; and</p>	<p>The site is relatively flat, and no watercourses exist on site. Therefore, the site is suitable for the existing commercial uses.</p> <p>Should new uses be proposed in the future in accordance with C-2 zone, a site servicing and grading analysis must be prepared by the landowner and approved by the municipality through the permitting process.</p>
<p>(e) any other relevant matter of planning concern.</p>	<p>No other matters of planning concern identified.</p>
<p>(f) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", 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)</p>	<p>N/A</p>