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Item No. 13.1.2
Halifax and West Community Council
July 10, 2018

TO: Chair and Members of Halifax and West Community Council

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SUBMITTED BY:

Kelly Denty, Director, Planning and Development

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Dave Reage, Acting Chief Administrative Officer

DATE: June 18, 2018

SUBJECT: **Case 21385: Rezoning request for lands located off Herring Cove Road and Mansion Avenue, Herring Cove**

ORIGIN

Application by Armco Capital Inc. requesting to rezone PIDs 40414831 and 40019028 and a portion of PIDs 00325985, 00330803, 00330811 off the Herring Cove Road, known as the Green Acres Subdivision, from R-1 (Single Family Dwelling) zone to R-2 (Two Family Dwelling) zone.

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 Land Use By-law for Halifax Mainland, as set out in Attachment A, to rezone PIDs 40414831 and 40019028 and a portion of PIDs 00325985, 00330803, 00330811 from the R-1 (Single Family Dwelling) Zone to the R-2 (Two Family Dwelling) Zone, and schedule a public hearing;
2. Adopt the amendment to the Land Use By-law for Halifax Mainland, as set out in Attachment A of this report.

BACKGROUND

Armco Capital Inc. is applying to rezone PIDs 40414831 and 40019028 and a portion of PIDs 00325985, 00330803, 00330811, also known as the Green Acres Subdivision, from the R-1 (Single Family Dwelling) Zone to the R-2 (Two Family Dwelling) Zone. The rezoning would enable a two-unit residential subdivision of the properties. The subject site is currently undeveloped.

Subject Site	PIDs 40019028 and 40414831, and a portion of PIDs 00325985, 00330803, and 00330811 off Herring Cove Road adjacent to Green Acres Road and Mansion Avenue
Location	South side of Herring Cove Road, east of Greystone Drive, on the Halifax Mainland
Regional Plan Designation	Urban Settlement (US)
Community Plan Designation (Map 1)	Lower Density Residential (LDR) Minor Commercial (MNC) Halifax Municipal Planning Strategy (MPS) Section X – Mainland South Secondary Planning Strategy (MSSPS)
Zoning (Map 2)	R-1 (Single Family Dwelling) Zone R-2 (Two-Family Dwelling) Zone C-2A (Minor Commercial) Zone H (Holding) Zone Halifax Mainland Land Use Bylaw (LUB)
Size of Site	Total size of 122 acres within service boundary (39.3 acres proposed for rezoning)
Street Frontage	~308.45 metres (~1,012 feet) on Herring Cove Road and ~141.42 metres (~464 feet on Mansion Avenue)
Current Land Use(s)	Vacant
Surrounding Use(s)	Single unit dwellings, two-unit dwellings, multiple-unit dwellings

Proposal Details

The subject site currently has an active final subdivision application for a multi-lot subdivision for approximately 879 units under the current zoning (R-1 and R-2). This subdivision application is being evaluated under the as-of-right process. The property owner has separately requested to rezone a portion of the proposed subdivision from the R-1 (Single Family Dwelling) Zone to the R-2 (Two-Family Dwelling) Zone, making the entire subdivision zoned R-2. Should the rezoning be successful, it would enable an increase in units of roughly 27%, from approximately 879 units to 1120 units.

Enabling Policy and LUB Context

The Halifax MPS and Mainland South SPS (MSSPS) contain policies that enable consideration of a residential development through the rezoning process. Council may consider rezoning the R-1 portion of the Green Acres Subdivision to the R-2 Zone, in accordance with Policies 1.2 and 1.2.1, as detailed in Attachment B. The MSSPS refers to City-Wide Objectives and the Residential Environments Designation Policies of the Halifax MPS. These policies encourage maintaining the character of residential areas by preserving the scale of existing neighbourhoods and promoting and encouraging development that can be supported by existing and budgeted services.

It is important to acknowledge that the land can currently be developed in accordance with the provisions of the R-1 Zone and R-2 Zone of the LUB and the Regional Subdivision By-law. Under the active subdivision application, items like parkland, storm water management, and servicing capacity are all addressed and are required to satisfy municipal regulations before final approval is given. If Community Council were to approve the proposed rezoning, the subdivision application would need to be amended to reflect the new additional units achieved through the rezoning. Any revision to the active subdivision application would be required to satisfy municipal regulations (i.e. servicing capacity) before final approval is given.

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 letters mailed to property owners within the notification area as shown on Map 2. The public comments received include the following topics:

- Increased traffic on Green Acres Road; and
- The state of existing infrastructure (roads, curbs, sidewalks)

A public hearing must be held by Halifax and West 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.

The proposal will potentially impact local residents and property owners.

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 PIDs 40414831 and 40019028 and a portion of PIDs 00325985, 00330803, 00330811 to be rezoned from the R-1 Zone to the R-2 Zone.

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:

Policy Context

Both the City-Wide policies of the Halifax MPS and those policies found in the MSSPS promote and encourage residential development as a mechanism to accommodate for future growth in the Municipality, provided that consideration is given to land use compatibility, and servicing and traffic capacities. The Regional Plan 'Urban Settlement' Designation also encourages development, as it in part encompasses undeveloped lands to be considered for serviced development. Growth is somewhat limited along Herring Cove Road by the extents of the servicing boundary and the corresponding H (Holding) Zone, which only allows single unit dwellings on existing lots with on-site services. In this instance, the City-Wide policies in the Halifax MPS give better guidance relative to the rezoning request as the lands in question fall within the servicing boundary.

Land Use Compatibility

The surrounding neighbourhood is a predominantly residential community of different housing types. Approximately 25% of the existing units in the neighbourhood are single detached dwellings, 15% are in two-unit dwellings, and 60% are in multi-unit dwellings. The proposal does not differ in use or intensity of use from the present development pattern as this proposal is continuing the mixed housing type development pattern.

Servicing and Traffic Capacity

Development Engineering has accepted the recommendations of the Traffic Impact Study (and subsequent addendum) that was submitted as part of the subdivision and rezoning applications. Upgrades to the road infrastructure, as outlined in the Traffic Impact Study (TIS), are required and are being dealt with under the active final subdivision application. These upgrades include intersection upgrades at Denith Road and Herring Cove Road and a signalized traffic intersection at Herring Cove Road and the proposed new access

road (Pondfield Drive). The existing intersection at Green Acres Road and Herring Cove Road can accommodate the increased traffic and will remain a two-way stop-controlled intersection. Halifax Water indicates that there is capacity in the system, however, the capacity in the system is not reserved for any particular project and a detailed analysis will happen at the subdivision/permitting stage.

Storm Water Management

Storm water drainage is a concern in this area and the situation was exacerbated when the property owner began clearing and grubbing the land after concept subdivision approval in 2015. The applicant has acknowledged the adverse affect this has caused and has proposed improvements that will enhance storm water conditions at the site. The proposed development will not only protect the existing properties from any adverse effects of the development but will substantially reduce the risk of flooding that those properties experience today. These improvements are currently, and will continue to be required under the active final subdivision application and therefore will happen regardless of this rezoning application.

Adjacent Development

As previously mentioned, this rezoning request is running concurrently with an active final subdivision application under the current zoning, as well as several other planning and subdivision applications for adjacent developments in the area. The TIS took into consideration the future adjacent developments and has made recommendations in accordance with the future site-generated traffic volumes from this development as well as other proposed developments. As previously mentioned, Halifax Water does not reserve capacity for any particular project and a detailed analysis will be conducted at the subdivision/permitting stage to determine if capacity still exists.

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. The property is currently able to be developed under the Halifax Mainland Land Use By-law and the Regional Subdivision By-law with new streets, park dedication, and single and two-unit homes. Policy enables consideration of rezoning to R-2, as long as regard is given to servicing and traffic capacity. The proposal does not differ in use or intensity of use from the present development pattern as this proposal is continuing the mixed housing type development pattern and no concern relative to servicing have been identified. Therefore, staff recommend that the Halifax and West Community Council approve the proposed LUB amendment.

FINANCIAL IMPLICATIONS

There are no budget implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this proposed development agreement. The administration of the proposed development agreement can be carried out within the approved 2018-2019 budget and with existing resources.

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 amendment are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

1. Halifax and West Community Council may choose to approve the proposed LUB amendment subject to modifications. Such modifications may require further discussion with the applicant and may require a supplementary 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*.
2. Halifax and West 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*.

ATTACHMENTS

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

Attachment A: Proposed LUB Amendment
Attachment B: Review of Relevant MPS Policies

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.

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