

Re: Item No. 8.4

HALIFAX

Public Hearing for Case 22367

Municipal Planning Strategy and Land
Use By-law amendment for Cole
Harbour/Westphal

Halifax Regional Council
September 22, 2020

Applicant Proposal

Applicant: Lloyd Robbins Law Inc., on behalf of the property owner.

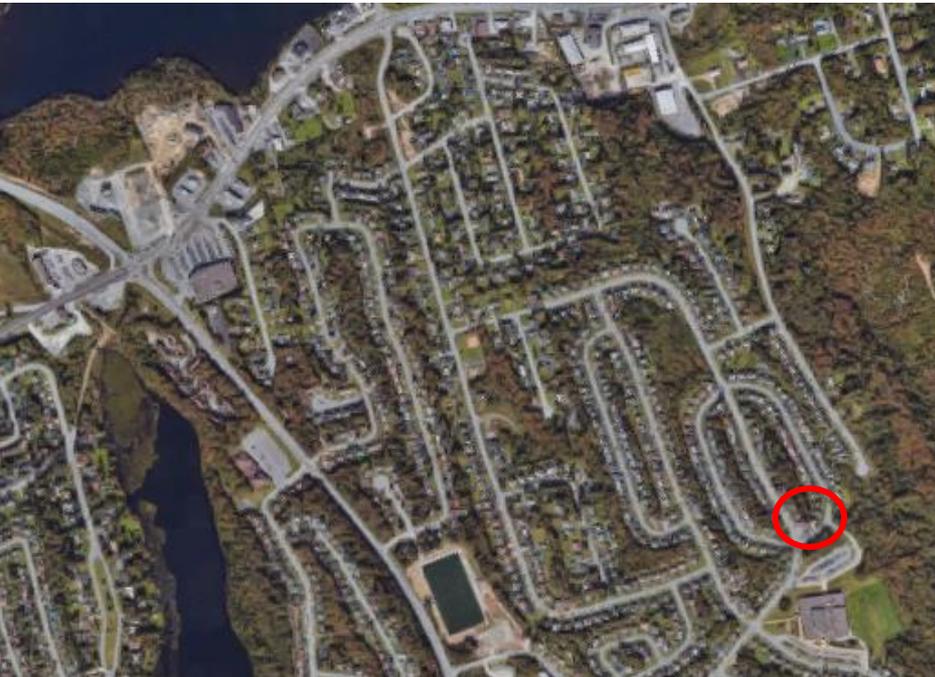
Location: 272 Auburn Drive, Westphal

Proposal: Remove commercial uses and rezone the property to the R-4 Zone to allow an apartment dwelling of up to 6-units.

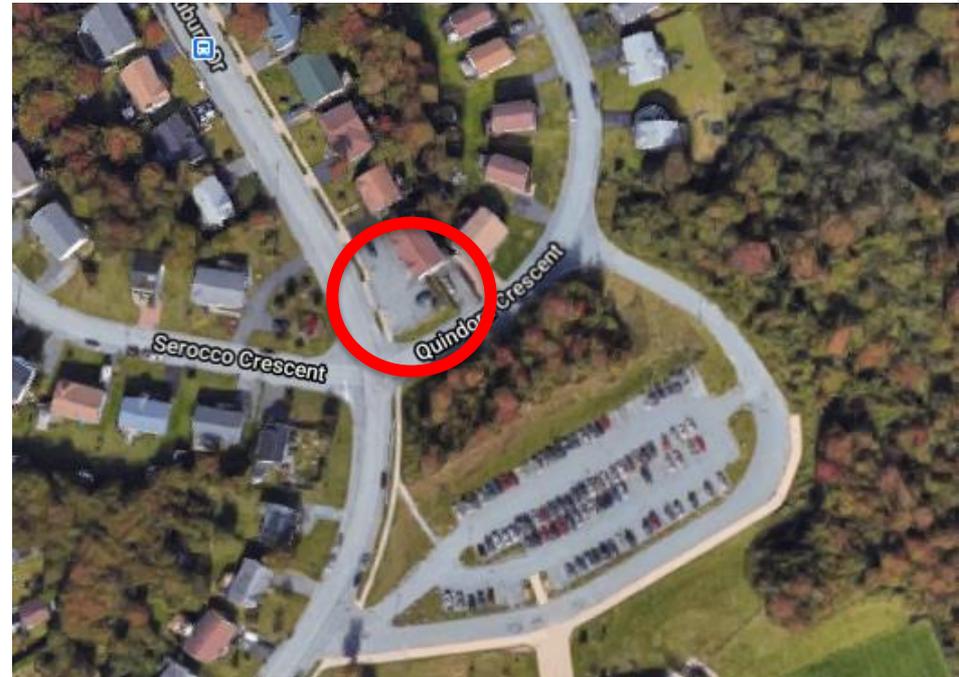


Site Context

272 Auburn Drive, Westphal



General Site location



Site Boundaries in Red

Site Context



Site Context



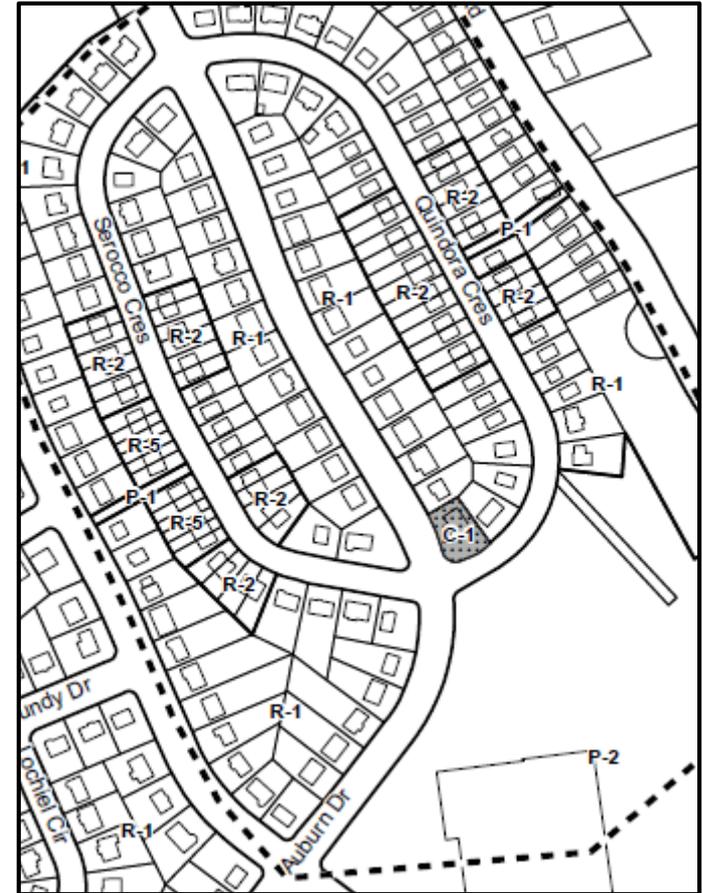
Background

- This area was developed as part of the Forest Hills master planned community by the Nova Scotia Department of Housing. This Planned Unit Development (PUD) by the Province intended to provide a range of housing options and included provisions for a community park and trail system, institutional uses, and commercial uses.
- The Province's intent was to rezone the area under the LUB as phases were complete.
- The zoning in certain areas reflect the existing land use at the time of being brought under the MPS/LUB

Land Use By-law

Cole Harbour/Westphal LUB

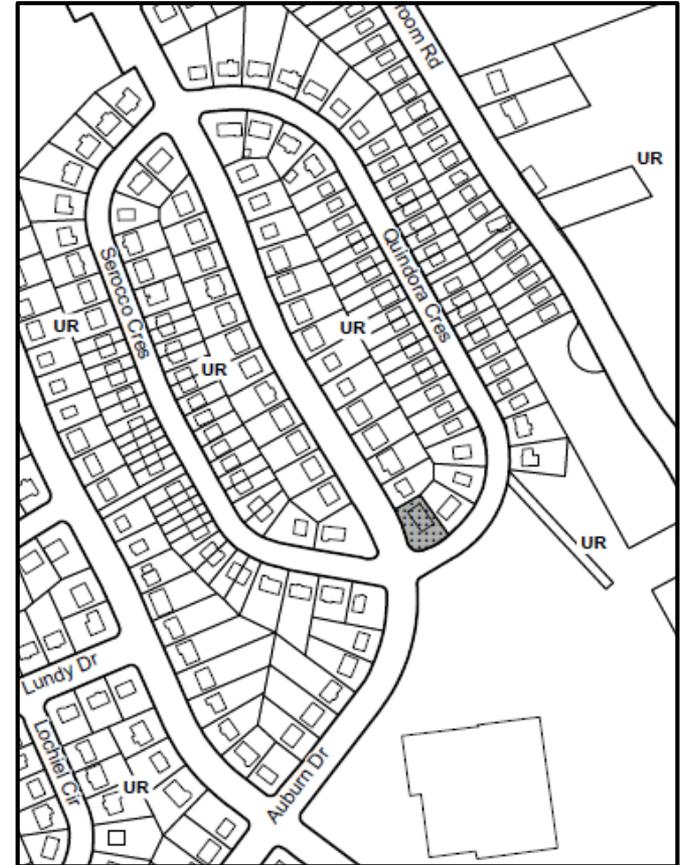
- C-1 (Neighbourhood Business) Zone
- This zone was created to allow for the continuation of existing neighbourhood commercial uses which were created under the PUD development mechanism.
- Permitted commercial uses were limited to what existed at the time of being brought under LUB.
- Policy within the MPS that allows for consideration of additional uses by development agreement (Policy UR-18).



Planning Policy

Cole Harbour/Westphal Municipal Planning Strategy

- Urban Residential designation.
- Recognizes the Plan Area's established community and identifies it as a priority area for continuing residential development.
- The intent is to recognize the existing built residential environment while providing for a variety of housing types and densities as the community continues to grow and evolve.
- Through MPS policy UR-9, the R-4 (Multiple Unit) Zone may be considered for the lands by rezoning.



MPS Amendment Considerations

- Amendments to the MPS should only be considered when circumstances have changed since the document was originally adopted
- Circumstances would need to change to the extent that the original land use policy is no longer appropriate
- September 24, 2019, Regional Council initiated the MPS amendment process for this request.

Proposal



Public Engagement Feedback

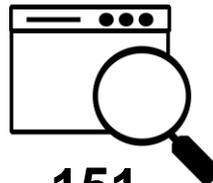
- Two public engagements were held, the first a town hall meeting held on January 23, 2019 where ~33 people attended.
- Second level of engagement completed was **consultation** achieved through **a mail out notification** and **fact sheet**.
- Feedback from the community generally included the following:
 - Impact on property value;
 - Parking; and
 - Upkeep of building and property.

Notifications
Mailed



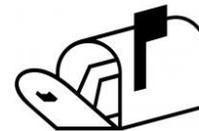
196

Webpage
Views



151

Letters/Emails
Received



5

Proposed Policy

Cole Harbour/Westphal Municipal Planning Strategy & LUB

Amend the site-specific portion of Policy UR-18 of the Cole Harbour/Westphal MPS by removing the following text shown in strikeout:

“UR-18 Notwithstanding Policies UR-2 and UR-17, within the Urban Residential Designation, it shall be the intention of Council to consider new neighbourhood business uses, and to provide for the expansion of, and/or consideration of additional uses, ~~at an existing neighbourhood convenience store at 272 Auburn Drive~~, according to the development agreement provisions of the Planning Act. In considering such agreements, Council shall have regard to the following.....”

LUB Amendment

Cole Harbour/Westphal Municipal Planning Strategy & LUB

Rezone site to R-4 (Multiple Unit Dwelling) Zone and include site specific LUB changes:

Regulation	272 Auburn	R-4 Zone
Lot Area (min)	7,000 sq.ft.	6,000 sq.ft.
Lot Frontage (min)	60 ft.	60 ft.
Front Setback (min)	23 ft.	30 ft.
Flank setback (min)	13 ft.	30 ft.
Rear & Side Setback (min)	7.8 ft. & 9 ft.	½ height of bldg.
Lot Coverage (max)	35%	50%
Height (max)	35 ft.	35 ft.
Parking	1/unit	1.5/unit
Amenity Space	No requirement	100 sq.ft./unit
Parking allowed in front yard	Yes	No

Rationale for Proposed Policy

- The amendment will remove the ongoing possibility for the site to be home to business options which were unsupported by the community;
- The rezoning will remove a use which has become incompatible with the neighbourhood and no longer provides the perceived conveniences which had been offered in previous decades;
- Will enable the transition of the area to a fully residential community;
- The property is suitable to host a small-scale multi-unit building as it has direct access to established outdoor amenities, access to the downtown core via transit, and is complementary to the many other types of residential dwellings within the neighbourhood.

Staff Recommendation

Staff recommend that Regional Council:

1. Adopt the proposed amendments to the MPS and LUB for Cole Harbour/Westphal, as set out in Attachments A and B of the staff report dated July 6, 2020.

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Thank You