



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

Item No. 9.1
Halifax Regional Council
March 22, 2011
April 12, 2011

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: Original Signed
~~Lorelei Nicoll, Acting Chair, Harbour East Community Council~~

DATE: March 8, 2011

SUBJECT: Case 15790, Armco Lands, Hines Road, Eastern Passage

ORIGIN

Harbour East Community Council meeting of March 3, 2011.

RECOMMENDATION

Harbour East Community Council recommends that Halifax Regional Council:

1. Give First Reading to the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Eastern Passage/Cow Bay to establish site specific policy for lands off Hines Road as contained in Attachments A and B to the staff report dated February 15, 2011, and schedule a joint public hearing;
2. Give First Reading to the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Eastern Passage/Cow Bay to allow for large multi unit buildings by development agreement as contained in Attachments C and D to the staff report dated February 15, 2011, and schedule a joint public hearing.

BACKGROUND / DISCUSSION

The report dated February 15, 2011 originated at the March 3, 2011 Harbour East Community Council meeting and is now being forwarded to Regional Council as required.

BUDGET IMPLICATIONS

See attached February 15, 2011 staff report.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

1. Regional Council may refuse the amendments in Attachments A – D of the report dated February 15, 2011.
2. Regional Council may choose to either adopt certain amendments but not others or alternatively request additional amendments in which case an additional staff report(s) may be required.

ATTACHMENTS

- Attachment A: Draft extract of the March 3, 2011 Harbour East Community Council minutes
- Attachment B: Staff report dated February 15, 2011

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Jennifer Weagle, Legislative Assistant, 490-6517

ATTACHMENT "A"

DRAFT EXTRACT OF THE MARCH 3, 2011 HARBOUR EAST COMMUNITY COUNCIL MEETING

10.1.4 Case 15790 – Armco Lands, Hines Road, Eastern Passage

A staff report dated February 15, 2011 was before the Committee.

Mr. Mitch Dickey, Planner, presented the report to Community Council.

Responding to a question from Councillor Nicoll, Mr. Dickey advised that water capacity for the current zoning equates to about 195 units.

At the request of Councillor Barkhouse, Mr. Dickey reviewed the planning process associated with this application.

Deputy Mayor Smith commented that without the other two Community Council members present, he would not want to make a recommendation on this matter.

MOVED by Deputy Mayor Smith that this matter be referred to Regional Council without a recommendation from Harbour East Community Council.

Members discussed the motion before them. Mr. Dickey suggested that members could defer this matter to the next meeting, or request a supplementary report for more information.

There being no seconder, the **MOTION WAS DEFEATED.**

MOVED by Councillor Barkhouse that this matter be deferred to the next meeting of Harbour East Community Council.

There being no seconder, the **MOTION WAS DEFEATED.**

Councillor Barkhouse commented that she feels the concerns voiced by members of the community through the two public information meetings held on this matter haven't been addressed. She has heard significant concerns regarding this proposed development and feels there is a very clear desire from the community to not allow this application.

MOVED by Councillor Barkhouse, seconded by Councillor Nicoll, that Harbour East Community Council recommend that Regional Council:

- 1. NOT Give First Reading to the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Eastern Passage/Cow Bay to establish site specific policy for lands off Hines Road as contained in Attachments A and B to the staff report dated February 15, 2011, and schedule a joint public hearing;**
- 2. NOT Give First Reading to the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Eastern Passage/Cow Bay to allow for large multi**

ATTACHMENT "A"

DRAFT EXTRACT OF THE MARCH 3, 2011 HARBOUR EAST COMMUNITY COUNCIL MEETING

unit buildings by development agreement as contained in Attachments C and D to the staff report dated February 15, 2011, and schedule a joint public hearing;

- 3. NOT approve the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Eastern Passage/Cow Bay to establish site specific policy for lands off Hines Road as contained in Attachments A and B of the February 15, 2011 staff report; and**
- 4. NOT approve the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Eastern Passage/Cow Bay to allow large multi unit buildings as contained in Attachment C and D of the February 15, 2011 staff report.**

Councillor Karsten commented that it is confusing sometimes to separate policy changes from proposed developments. He noted that Councillors have the difficult role of weighing what is in the public good versus the vocal public opinion. He went on to review comments made at the public information meetings which relate more to existing concerns rather than this development.

Deputy Mayor Smith noted that if the recommendation were made to Regional Council to hold a public hearing, the public will have an opportunity at that time to voice their opinion so that Council can gauge what the community wants.

Councillor Nicoll clarified for the record that she seconded the motion so that this debate could take place.

Deputy Mayor Smith requested that the minutes from this portion of the meeting accompany the report to Regional Council.

MOTION DEFEATED.

MOVED by Councillor Karsten, seconded by Deputy Mayor Smith, that Harbour East Community Council recommend that Regional Council:

- 1. Give First Reading to the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Eastern Passage/Cow Bay to establish site specific policy for lands off Hines Road as contained in Attachments A and B to the staff report dated February 15, 2011, and schedule a joint public hearing;**
- 2. Give First Reading to the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Eastern Passage/Cow Bay to allow for large multi unit buildings by development agreement as contained in Attachments C and D to the staff report dated February 15, 2011, and schedule a joint public hearing.**

MOTION PUT AND PASSED.

Harbour East Community Council
March 3, 2011

TO: Chair and Members of Harbour East Community Council

SUBMITTED BY: Original Signed
Paul Dunphy, Director of Community Development

DATE: February 15, 2011

SUBJECT: Case 15790, Armco Lands, Hines Road, Eastern Passage

ORIGIN

- Application by Genivar Ltd on behalf of Armco Capital Inc. (ARMCO)
- November 20, 2009 - Plan amendment initiation staff report.
- December 8, 2009 - Plan amendment initiation motion of Regional Council.

RECOMMENDATION

It is recommended that Harbour East Community Council recommend that Regional Council:

1. Give First Reading to the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Eastern Passage/Cow Bay to establish site specific policy for lands off Hines Road as contained in Attachments A and B to this report, and schedule a public hearing; and
2. Give First Reading to the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Eastern Passage/Cow Bay to allow for large multi unit buildings by development agreement as contained in Attachments C and D to this report, and schedule a public hearing;
3. Approve the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Eastern Passage/Cow Bay to establish site specific policy for lands off Hines Road as contained in Attachments A and B of this report.
4. Approve the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Eastern Passage/Cow Bay to allow large multi unit buildings as contained in Attachments C and D of this report.

BACKGROUND

ARMCO is seeking to create a residential development on 62.25 acre site located off Hines Road in Eastern Passage, adjacent to Shearwater and Autoport (Map 1). The site is currently designated Industrial, as shown on Map 1. However, the designation does not permit residential uses. Therefore, ARMCO is requesting their lands be re-designated to residential.

Subject Lands:

Site Description: The site is in a natural state, with low forest cover and vegetation suited to wet soils. About half of the site is an actual wetland as defined under provincial guidelines.

Land Use Policy/Provisions: The Eastern Passage/Cow Bay MPS currently places an Industrial future land use designation on the lands, as shown on Map 1. This designation is intended to foster continued and expanded industrial activity. The designation does not provide any rezoning or development agreement options for residential uses. Further, neither the MPS nor the LUB allows for multi-unit buildings containing more than 12 units.

Regional Plan Context: The lands are designated as Urban Settlement under the Regional MPS.

Zoning: Three zones have been applied to the site, as shown on Map 2. The R-1 (Single Unit Dwelling) Zone is applied to the western portion of the site, and the I-1 (Light Industry) zone to the eastern section. An EC (Environmental Conservation) zone applies to about 50% of the site.

Servicing: The lands are located entirely within the municipal service boundary.

Road Access: The lands appear to have street frontage of over 1500 feet on Hines Road. However, the street as it runs along the northern boundary of Armco's lands is in fact owned by DND as part of Shearwater. As it is not technically a public road, subdivision cannot take place. HRM is in discussions with DND about the possibility of taking the road over. Otherwise, there is only frontage of about 70 feet on the HRM-owned section of Hines Road, with another 60 feet on the dead end of Howard Avenue.

The Proposal:

The current concept plan for the development envisions a total of 195 units consisting of two 6-storey multiple unit dwelling buildings, with 60 units in each building; and 74 townhouse units. Access to the development would only be from Hines Road, utilizing an internal lane/driveway system. Figure 1 shows the concept plan. At this stage, ARMCO is only seeking changes in MPS policy and LUB provisions to allow Council to consider townhouses and multi unit buildings on the subject site by development agreement in the future and allow for larger multi-unit buildings.

DISCUSSION

This report deals with two issues. First, the need for site specific policy for the subject lands and secondly, the ability for larger multi unit buildings by development agreement within Eastern Passage/Cow Bay MPS.

Site Specific Policy:

The Industrial designation was first applied to the subject lands in 1982, in recognition of industrial expansion plans of the 1960's and 70's. The designation was also applied to several hundred nearby residential properties, to provide for the possibility of their inclusion with adjacent industrial lands. Although many homes were demolished to accommodate expansion of CN's Autoport, about 150 residential properties remain in the area. The original assumption that the area would be redeveloped for industrial uses is no longer valid. New large scale industrial projects are not likely except on the waterfront, and there is already a substantial base of underutilized industrial land in the community to meet future demand. A stable residential environment still exists adjacent to Armco's lands, and development of the applicant's site for residential, rather than industrial uses, would respect this established character. It is therefore appropriate to redesignate Armco's lands to Residential from Industrial.

Proposed Housing Type:

The MPS recognizes that multiple unit dwellings and townhouses are an acceptable housing form in the community. Existing policy therefore provides for the development of multiple unit dwellings through the development agreement process. However, a limit of 12 units is established per multiple unit building. Townhouses can be developed through a rezoning process where each unit has frontage on a public street, or through the development agreement process where an internal private road/driveway system is used. Although these policies could be used to evaluate the proposed concept, they are generic in nature and do not sufficiently address the site's unique circumstances. Staff recommends that site specific policy be established for the proposed concept plan.

Proposed Policy:

It is clear, from input received through the community engagement process, that the community has concerns with any form of development which might take place on the lands. However, staff are of the opinion that development can take place in a manner compatible with community goals if the appropriate regulatory structure is put in place. Continuing to allow as of right development on the lands, for any use, may have consequences that are unacceptable to the community. Staff recommends that Council apply the CDD zone to the site and utilize the development agreement process with a guiding policy that reflects the site's unique context and characteristics. This will ensure further public input and give council the ability to create and enforce contractual obligations on the developer and subsequent builders.

The following points present discussion of the main issues, and outlines how the proposed policy addresses each one:

Access – the proposed policy ensures that vehicle access to the site could only be from Hines Road, which is a designated collector road. No access to Howard Avenue could be considered. As the policy dictates a development agreement process, there would be no as of right potential for a connection to Howard Avenue, as currently exists.

Traffic and pedestrian safety – A detailed traffic impact study would be required at the development agreement stage. This would be reviewed by Transportation and Traffic Services, and it would have to demonstrate that Hines Road could adequately and safely handle vehicular traffic. It would also include a pedestrian analysis. This is in response to concerns specifically

regarding children accessing, and waiting for, school buses on Hines Road where there are no sidewalks and only narrow shoulders.

Wetland alterations – As already dictated by existing policy, the existing wetland on the site must be preserved. The policy does clarify that, as originally intended when wetland protection measures were first adopted in 1998, a limited degree of alteration is acceptable in order to provide reasonable access to the site. If some alteration was not permitted, access would have to be from Howard Avenue. The proposed zoning map amendments include a correction to the EC zone on the site, to properly reflect the location of the wetland which was inaccurately mapped in 1998.

Wastewater treatment – There are capacity constraints in the existing wastewater treatment system in general and at the treatment plant. The practice of Halifax Water, regarding discretionary development proposals that must be approved by Council, is not to grant approval to any project that would generate more wastewater than would as of right development under existing zoning. The subject lands are within the service boundary and do have considerable as of right development potential under current residential and industrial zoning. Based on the developable acreage (excluding the wetland), wastewater flows equivalent to the proposed 195 unit are therefore possible. Halifax Water can therefore support a maximum of 195 residential units.

Impact of Shearwater aircraft operations – Staff have consulted with staff from both the Department of National Defence and the Coast Guard regarding both their existing and proposed helicopter operations from the base. The subject lands are outside of the Noise Exposure Forecast (NEF) contour of 30 – and the HRM Charter does not enable council to regulate development where the noise forecast is below that level. In addition, the proposed buildings as shown on the concept plan are outside of the designated flight paths and do not interfere with operations. However, the proposed policy requires confirmation at the development agreement stage that the final concept is acceptable to both DND and the Coast Guard.

Multi Unit Buildings – Staff are proposing that the number of units within a multi unit building on the subject site be increased for the reasons stated in the next section entitled “**Multiple Unit Dwellings**” which looks at this issue in a broader context.

Multiple Unit Dwellings:

Since the adoption of the 12 units per building limitation in 1982, there has never been a formal proposal to build an apartment/condo building under Policy UR-8 (attached). Although there have been various inquiries by developers for larger buildings, the feedback received indicates that it is not economical to have only 12 units in one building.

Economically, the construction of new, small apartment buildings is seldom viable. They offer little return given the high per unit land, construction and operating costs. From a design perspective, the unit count limitation imposes an undesirable building form: either a walk up with external hallways, or a single storey motel-type structure. The marketability, and quality, of such projects would be questionable. From an urban design perspective such buildings would not serve to enhance the community.

At the time the plan was adopted, the demographics of Eastern Passage reflected a very young population and the emphasis was on the lowest forms of density, single and two unit dwellings. However, significant changes in the age structure are well underway. While there is still a strong market for homes for younger families, data indicates that strong demand for different housing forms will develop. This will be driven in large part by those 55 years of age and over. At this time, there are no condominium or apartment projects available in the local market. The sole exception is a condominium townhouse development near Quigley's Corner.

Table 1 - Population and Ageing, Eastern Passage

Year	Total Population	Population 50 and Older
1991	8,863	15.2%
1996	9,572	15.7%
2001	10,338	18.7%
2006	11,017	22.1%
2011 Estimate	11,700	25%

One goal of the MPS is to provide a range of housing forms to accommodate various groups. Based on current demographic trends, the current policy regarding multiple unit dwellings has the potential of excluding a large and growing proportion of the population from the community. The 12 unit limitation should therefore be removed. Similarly, the C-2 zone in the Community Commercial Designation around Quigley's Corner allows up to 12 units as of right. Clarification to policy is also recommended, that buildings of more than 12 units may be considered in that area. Existing policy requirements regarding compatibility, design, site design, density, access to a collector road, would remain in place. This amendment will enable proposals that respond to demographically driven market demands, while still ensuring that council will be able to evaluate each one through the development agreement process on a case by case basis to ensure.

Potential Redesignation of the Surrounding Neighbourhood:

As previously noted, the neighbourhood abutting the applicant's lands is designated Industrial. Although residential zoning is applied to existing housing, the MPS enables the establishment of new industries on existing residential streets. In addition, further expansion of the adjacent asphalt plant could take place. Based upon feedback received through public consultation, neither of these options is desirable to the community. It may therefore be appropriate to re-designate the broader area to Urban Residential. This would reinforce the residential character of the area. If Council wishes to consider such an option, a motion is required that directs Staff to open an application to re-designate the area to residential from industrial.

BUDGET IMPLICATIONS

The costs to process this planning application can be accommodated within the approved 2010/11 operating budget for C310 Planning & Applications.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

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 two public information meetings held on March 31, 2010 and November 22, 2010. For the public information meetings, notices were posted on the HRM website and in the newspaper. Notices were mailed to property owners within a large notification area for the first meeting, and delivered door to door for the second meeting. Attachments C and D contain a copy of the minutes from the two meetings.

Council must also hold a public hearing prior to making a decision on the proposed amendments. Should Council decide to proceed with a public hearing on this application, in addition to published newspaper advertisements, property owners within the same area will be notified.

The proposed amendments will potentially impact the following stakeholders: local residents, property owners, businesses.

ALTERNATIVES

1. Council may choose to approve the proposed amendments to the MPS and LUB. This is the recommended course of action.
2. Council may choose to approve one or both of the proposed amendments to the MPS and LUB with minor changes. This may necessitate further report(s). In the event revisions are requested an additional public hearing may be required.
3. Council may choose to refuse one or both of the proposed amendments to the MPS and LUB.

ATTACHMENTS

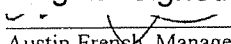
Map 1: Future Land Use
Map 2: Zoning
Figure 1: Conceptual Site Plan

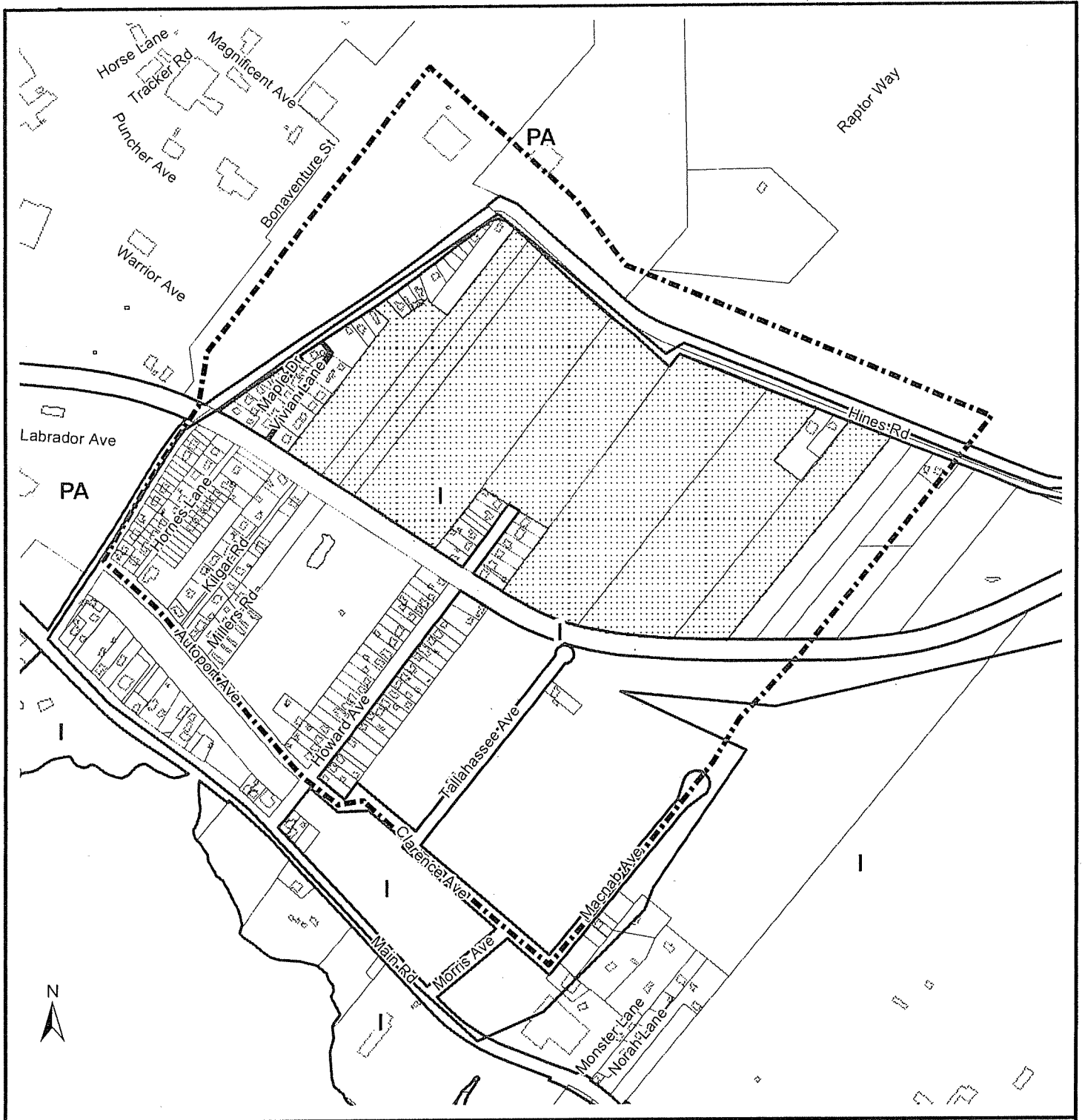
Attachment A Amendments to the MPS for Site Specific Policy (EP/CB)
Attachment B Amendments to the LUB for Site Specific Policy (EP/CB)
Attachment C Amendments to the MPS for Larger Multi Unit Buildings (EP/CB)
Attachment D Amendments to the LUB for Larger Multi Unit Buildings (EP/CB)
Attachment E Minutes of Public Information Meeting, March 31, 2010
Attachment F Minutes of Public Information Meeting, November 22, 2010

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.


Report Prepared by : Mitch Dickey, Planner, 490-5719


Original Signed

Report Approved by: 
Austin French, Manager of Planning Services, 490-6717



Map 1 - Generalized Future Land Use

 Subject Lands to be redesignated from I to Urban Residential

 Notification Area

Designation

I Industrial
PA Plan Amendment

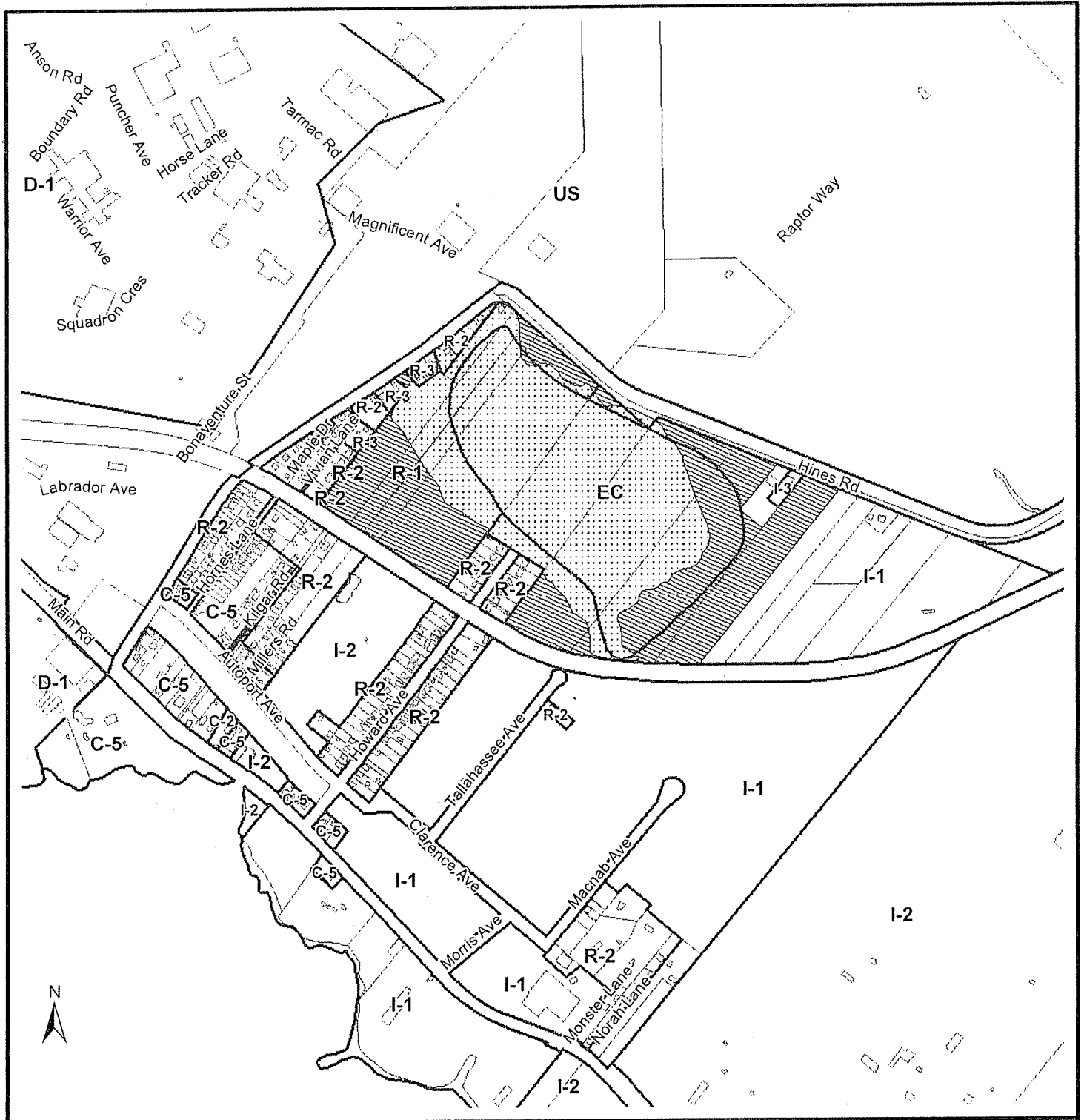
HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

0 175 350 700 1,050 Feet




This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Eastern Passage/Cow Bay Plan Area

HRM does not guarantee the accuracy of any representation on this plan

Eastern Passage/Cow Bay Plan Area



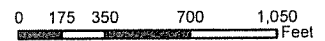
Map 2 - Zoning

-  Area to be zoned CDD
-  Area to be zoned EC
-  Current Zoning Boundaries

Eastern Passage/Cow Bay Plan Area

Zone

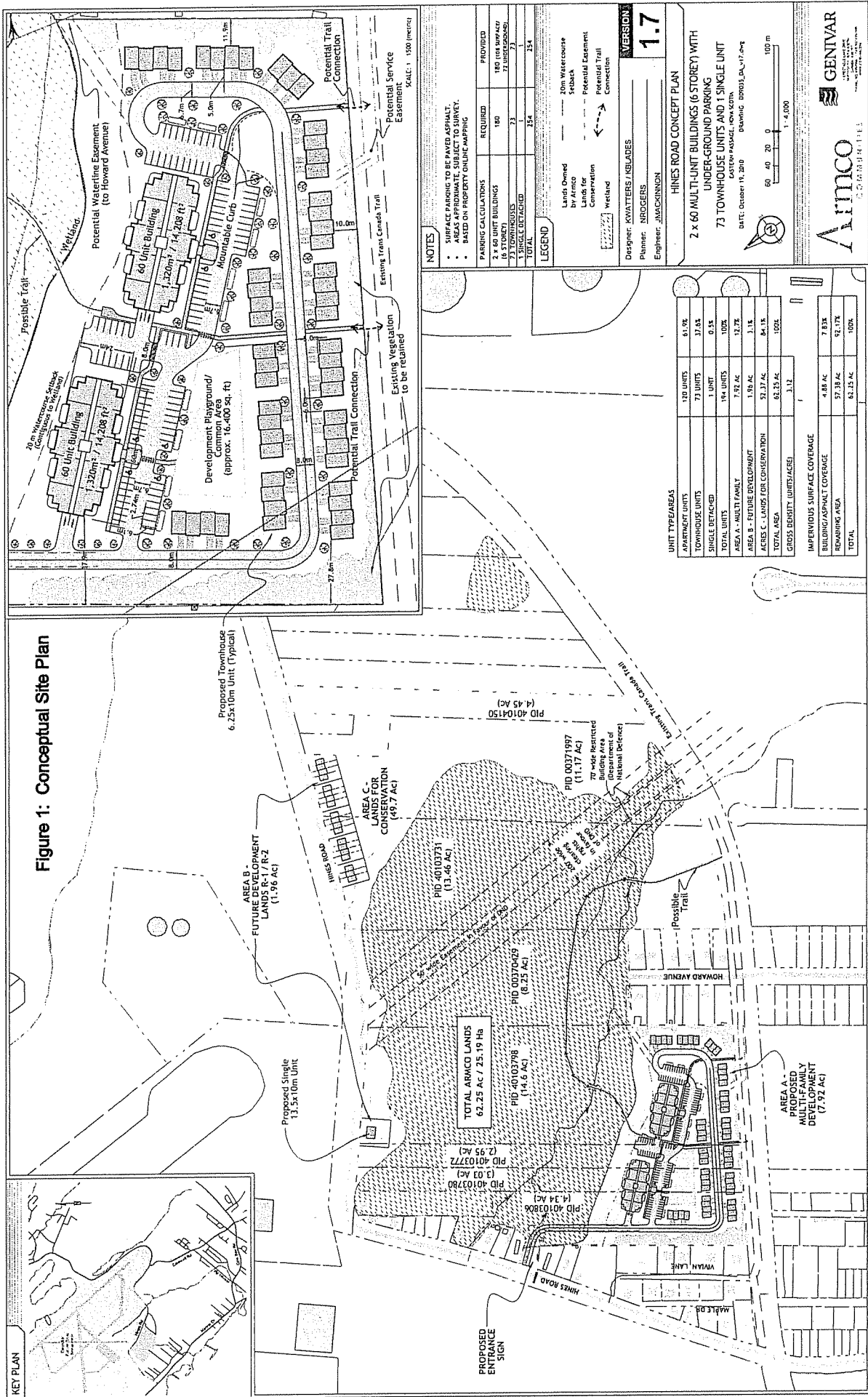
- R-1 Single Unit Dwelling
- R-2 Two Unit Dwelling
- R-3 Mobile Dwelling
- C-2 General Business
- C-5 Mixed Use
- I-1 Light Industry
- I-2 General Industry
- I-3 Local Service
- D-1 DND
- EC Environmental Conservation
- US Urban Settlement



This map is an unofficial reproduction of a portion of the Zoning Map for the Eastern Passage/Cow Bay Plan Area

HRM does not guarantee the accuracy of any representation on this plan

Figure 1: Conceptual Site Plan



NOTES

- SURFACE PARKING TO BE PAVED ASPHALT.
- AREAS APPROXIMATE, SUBJECT TO SURVEY.
- BASED ON PROPERTY ONLINE MAPPING.

PARKING CALCULATIONS	REQUIRED	PROVIDED
2 x 60 UNIT BUILDINGS (6 STOREY)	180	180 (148 RESERVED)
71 TOWNHOUSES	73	71 (RESERVED)
TOTAL DETACHED	254	254

LEGEND

- Land Owned by Arcco
- Lands for Conservation
- Wetland
- 20m Watercourse Setback
- Potential Easement
- Potential Trail Connection

Designer: KWATERS / BLADES
Planner: NROGERS
Engineer: JACKSON

VERSION
1.7

HINES ROAD CONCEPT PLAN

2 x 60 MULTI-UNIT BUILDINGS (6 STOREY) WITH UNDER-GROUND PARKING

73 TOWNHOUSE UNITS AND 1 SINGLE UNIT

DATE: October 18, 2010
DRAWING SYMBOL: PL-017-049

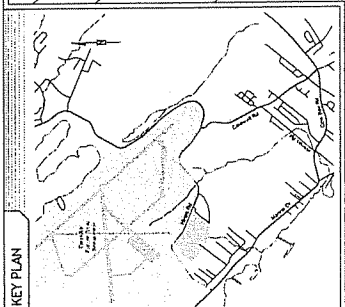
Scale: 1:1000
1" = 100'

Arcco
2006-2014

GENIVAR
2006-2014

UNIT TYPE/AREAS	100 UNITS	61.9%
APARTMENT UNITS	100 UNITS	37.6%
TOWNHOUSE UNITS	1 UNIT	0.5%
SINGLE DETACHED	194 UNITS	100%
TOTAL UNITS	7.92 AC	12.7%
AREA A - ANNUAL FAMILY DEVELOPMENT	1.96 AC	3.1%
AREA B - FUTURE DEVELOPMENT	51.37 AC	84.1%
AREA C - LANDS FOR CONSERVATION	62.25 AC	100%
TOTAL AREA	3.11	
GROSS DENSITY (UNITS/ACRE)		

IMPERVIOUS SURFACE COVERAGE	1	2	3
BUILDING/ASPHALT COVERAGE	4.88 AC	7.83%	
ROADWAY AREA	57.38 AC	92.17%	
TOTAL	62.25 AC	100%	



PROPOSED ENTRANCE SIGN

Attachment A

Amendments to the MPS for Eastern Passage/Cow Bay to Allow Site Specific Policy

BE IT ENACTED by Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Eastern Passage/Cow Bay as adopted by the Council of the former Halifax County Municipality on the 22nd day of June, 1992, and approved by the Minister of Municipal Affairs on the 5th day of October, 1992, which includes all amendments thereto which have been adopted by Regional Council, is hereby further amended as follows:

1. Map 1, Generalized Future Land Use, is hereby amended as shown on Map 1 attached hereto.
2. By inserting the following immediately following Policy UR-13;

“There is a 62.25 acre area of land off Hines Road and Howard Avenue that has previously been designated for industrial use. Given the adjacent residential neighbourhoods, however, the land is more appropriate for residential uses. The site offers an opportunity to provide alternate housing, in townhousing and multiple unit forms, to appeal to an aging population and to those who do not require a single unit dwelling. The allowable number of units should be based on equivalent wastewater generation that previously existed under the industrial designation. Key considerations are that vehicle access should only be to Hines Road, which is an identified collector road, to protect wetlands to the greatest possible extent, and to provide treed buffers adjacent to existing housing.

UR-13A It shall be the intention of Council to consider a mixed use residential development for a 62.25 acre area of land located off Hines Road and Howard Avenue, which shall be zoned CDD. Within this area, both multiple unit dwellings and townhouses may be considered through the development agreement process. In considering such an agreement, Council shall have regard to the following:

- (a) That the total number of units does not exceed 195;**
- (b) That the local road network can safely accommodate both vehicular and pedestrian traffic generated by the development, and that a clear and well defined internal road/driveway system is provided;**
- (c) That vehicle access to the development shall only be from Hines Road, and notwithstanding Policy EP-4 alterations to wetlands/watercourse are permitted to allow such access provided that it is designed in such a way as to minimize, to the greatest extent possible, the level of alteration needed;**
- (d) That all wetlands shall be permanently protected and remain in a natural state excepting where alterations are needed to provide vehicle access from Hines Road or to provide pedestrian trails/boardwalks;**
- (e) That only townhouses may be located abutting properties on Vivian Lane, Howard Avenue, and the Trans Canada Trail with adequate setbacks to be provided;**
- (f) That any townhouses fronting directly onto Hines Road have a common driveway access;**
- (g) That multiple unit dwellings not exceed 6 storeys in height, and that at least 50% of required parking be located within the structures;**

- (h) That natural treed areas are retained to provide a substantial buffer to adjacent residential properties and the Trans Canada Trail;
- (i) That there is no potential conflict with aircraft operations at Shearwater in terms of intruding into designate flight paths, and that Noise Exposure Forecast levels for the site are below 30 NEF;
- (j) The provision of adequate amenity and recreation space & facilities for residents of varied ages and lifestyles;
- (k) That a high quality of site design and landscaping is to be provided, including but not limited to appropriate dedicated pedestrian sidewalks/walkways, curbs and underground secondary utilities;
- (l) Potential issues with, and management of, surface water both on and from the site;
- (m) The maintenance of the development; and
- (n) The provisions of Policy IM-11.”

3. Policy IM-9 is hereby amended by:

- (a) Inserting “, UR-13A” immediately following “UR-13” in (a) (iii);

I HEREBY CERTIFY that the amendments to the Municipal Planning Strategy for Eastern Passage/Cow Bay as set out above, was passed by a majority vote of the Halifax Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2011

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2011

Cathy Mellett
Municipal Clerk

Attachment B

Amendments to the LUB for Eastern Passage/Cow Bay to implement Site Specific Policy

BE IT ENACTED by Regional Council of the Halifax Regional Municipality that the Land Use Bylaw for Eastern Passage/Cow Bay as adopted by the Council of the former Halifax County Municipality on the 22nd day of June, 1992, and approved by the Minister of Municipal Affairs on the 5th day of October, 1992, which includes all amendments thereto which have been adopted by Regional Council, is hereby further amended as follows:

1. Schedule A, Zoning Map, is hereby amended as shown on Map 2 attached hereto;
2. Section 3.6 is hereby amended by:
 - (a) inserting “UR-13A,” immediately following “UR-11,”;

I HEREBY CERTIFY that the amendments to the Land Use Bylaw for Eastern Passage/Cow Bay as set out above, was passed by a majority vote of the Halifax Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2011

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2011

Cathy Mellett
Municipal Clerk

Attachment C

Amendments to the MPS for Eastern Passage/Cow Bay for Larger Multi Unit Buildings

BE IT ENACTED by Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Eastern Passage/Cow Bay as adopted by the Council of the former Halifax County Municipality on the 22nd day of June, 1992, and approved by the Minister of Municipal Affairs on the 5th day of October, 1992, which includes all amendments thereto which have been adopted by Regional Council, is hereby further amended as follows:

1. Policy UR-8 is amended by deleting clause (a);
2. By adding the following to Policy COM-2:

“Larger scale multiple unit dwellings may be considered through the development agreement process, pursuant to Policy UR-8.”

3. Policy IM-9 is hereby amended by inserting the word **“Community”** immediately before **“Commercial”** in (c);
4. Inserting the following new subsection following IM-9(c)(i):

“(ii) Multiple unit dwellings with more than 12 units per building.”

I HEREBY CERTIFY that the amendments to the Municipal Planning Strategy for Eastern Passage/Cow Bay as set out above, was passed by a majority vote of the Halifax Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2011

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2011

Cathy Mellett
Municipal Clerk

Attachment D

Amendments to the LUB for Eastern Passage/Cow Bay for Larger Multi Unit Buildings

BE IT ENACTED by Regional Council of the Halifax Regional Municipality that the Land Use Bylaw for Eastern Passage/Cow Bay as adopted by the Council of the former Halifax County Municipality on the 22nd day of June, 1992, and approved by the Minister of Municipal Affairs on the 5th day of October, 1992, which includes all amendments thereto which have been adopted by Regional Council, is hereby further amended as follows:

1. Schedule A, Zoning Map, is hereby amended as shown on Map 2 attached hereto;
2. Deleting the words **“up to a maximum of 12 units”** from Sub-clause 3.6(a)(i);
3. Inserting a new clause immediately following 3.6(j):

“(k) multiple unit dwellings with more than 12 units in the Community Commercial Designation.”

I HEREBY CERTIFY that the amendments to the Land Use Bylaw for Eastern Passage/Cow Bay as set out above, was passed by a majority vote of the Halifax Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2011

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2011

Cathy Mellett
Municipal Clerk

Attachment E
Minutes of Public Information Meeting
Wednesday, March 31, 2010

Eastern Passage Legion, Eastern Passage

STAFF IN

ATTENDANCE: Mitch Dickey, Planner, HRM Planning Services
Holly Kent, Planning Technician, HRM Planning Services
Jennifer Little, Planning Controller, HRM Planning Services

ALSO IN

ATTENDANCE: Councillor Jackie Barkhouse, District 8
Councillor Bill Karsten, District 7
Nick Pryce, Terrain Group, on behalf of developer
Rob McPherson, Armco Capital Inc., Developer

PUBLIC IN

ATTENDANCE: 66

The meeting commenced at approximately 7:00 p.m.

Application by Terrain Group for lands of Armco Capital Inc. to amend the Eastern Passage MPS by re-designating 66.8 acres of lands on Hines Road to Residential from Industrial, and removing the limitation of 12 units per building from the multiple unit dwelling policy.

Opening remarks/Introductions

Councillor Karsten welcomed everyone to the meeting and explained that he and staff are here to listen to the residents comments. The input from the meeting will be included in the staff report that will be submitted to Council prior to the public hearing. His role is to listen to the input and not express an opinion for or against the proposal at this point.

Mr. Mitch Dickey introduced himself as the planner guiding this application through the process; he introduced Holly Kent, Planning Technician, HRM Planning Applications and Jennifer Little, Planning Controller, HRM Planning Applications.

Mr. Dickey, then introduced the applicant and their consultants.

Overview of planning process

Mr. Dickey explained that HRM has received an application that, if approved, will amend the Eastern Passage MPS by re-designating land from Industrial to Residential to allow range of residential uses and amend Policy UR-8 of the MPS to allow more than 12 units per apartment/condo building.

The purpose of the meeting is to identify that HRM has received an application, and to identify exactly what the applicant is requesting and to provide residents with information about the proposal and to listen to points of view and concerns. Tonight=s meeting is only an information exchange, no decision will be made tonight. Following tonight=s meeting, HRM staff will conduct a thorough review of the proposal. In addition to the HRM staff review, the proposal and staff report will be reviewed to Harbour East Community Council and then Regional Council for further publication and consideration. A public hearing would be held by Regional Council to consider the requested amendments.

3. Overview of Proposal

Reviewing a slide of the subject property, Mr. Dickey explained that the lands are designated Urban Settlement under the Regional Plan and Industrial under the local plan.. He explained that there are three different zones within these 66 acres. These include EC zone on central portion, applied to major wetlands; R-1 zone of the western side and I-1 on the Eastern side.

Mr. Dickey pointed out the following considerations to be given thought when reviewing the development rights, one option would be to consider what options could be built under the current zoning and gave two examples which could include a business/industrial park on the east, or an R-1 subdivision for the western side. He added that existing land use policy would allow the existing residential housing in the area to be rezoned and redeveloped for industrial uses.

He asked to hear the public=s thoughts regarding the following issues:

- Are the applicant=s lands better suited to residential uses than industrial and if so, what type of residential uses?
- Is the limit of 12 units per multiple unit building overly restrictive?
- Should the community plan provide for apartments and condos?
- Should existing neighborhoods be designated and zoned residential instead of industrial?

At this time, Mr. Dickey invited Nick Pryce, Terrain Group on behalf of the developer to give a brief presentation.

4. Presentation of Proposal: Terrain Group, Armco Capital

Nick Pryce, Terrain Group, explained that this site as well as surrounding sites that have residential properties on them, under the Municipal Planning Strategy, have designations. Mr. Pryce reviewed a slide of wetlands, explaining that they have delineated the area themselves. Referring to a slide he pointed out the zoning in the surrounding area and explained that the zoning should be consistent with the designation. He explained that their goal is to provide a range of housing opportunity that meets the needs to all of Nova Scotia. Planning documents much provide inclusive residential development providing affordability, special needs, provides flexible residential land development standards such as high density and smaller lot sizes.

Mr. Pryce reviewed the vision of this development. Reviewing a slide of the property, he pointed to where the condominiums would be located and noted that in the future there would be no chance of any industrial lands as the condominiums would tie up the property. Part of the vision is the connection with the Trans Canada Trail and explained that they are looking into having a boardwalk that would go through the wetland and connect with the Trans Canada Trail. He reviewed the population data provided by Stats Canada, stating that this is an aging population. 74 % of the housing in the area are single family homes, 18% mobile homes, 6.1% Apartments and 1.6% Townhouses. Mr. Pryce reviewed the environmental opportunities stating that it would be obtained and protect the wetland and affect possible enhancement to it. Being located near the Trans Canada Trail gives people the opportunity and easy access which encourages people to use it. Because the development is not spreading out and is concentrating in one area, it is reducing road area versus developing a single residential development which takes more energy to develop. There are opportunities to incorporate solar panels and to reduce water run off into the receiving environment. He added that there are a number of transit stops close to the site and bike trails being established along Hines Road. He reviewed the following benefits:

Environmental benefits: Reducing Storm water run off and Incorporating energy efficiency
Economic benefits: contributes local businesses, reduces the expansion of the infrastructure cost and maintenance and is a contribution to public assets
Social benefits: catering to various lifestyle choices and provides active transportation options (connection to Trans Canada Trail System and utilizing that resource)

5. Questions/Comment

Mr. Larry Boutilier, Eastern Passage, has concern with the multiple unit buildings blocking his views from his residence. He explained that when he applied for a double garage, he was denied due to the Shearwater height restriction. He expressed concern with the height of this proposal and explained that 6 stories is too high for the community. He also expressed concern with sewer backup problems and smells, the treatment plant doesn't handle the current drainage and he doesn't understand how it could handle any additional drainage.

Councillor Karsten explained that the Eastern Passage Waste Treatment Plant has no capacity except for what is currently zoned for development, however, there are plans for the expansion of this facility. The lands could be developed under their current zoning and create the same amount of sewage.

Ms. Iretia Cox, Lower Sackville, expressed concern with the smell of the sewage treatment plant and explained about the similar problem they have in Lower Sackville. She also expressed concern with the costs of the condos and asked if these will be for affordable housing. She added that she had been currently looking and has been finding it hard to find something affordable. She is mostly concerned about the wetlands and asked how they will be draining these lands that are now protected. She would like this to remain a natural environment.

Mr. Bill Wilson, Eastern Passage, doesn't think that the local community will be able to buy into condo units and that it is not affordable housing. He explained that there has not been any correction to the Smelt Brook wetland issues by Heritage Hills. In a report from 2002, it states that the developers are responsible for wetlands. Smelt Brook is now a dead brook and expressed

concern that he is still waiting since 2004 for answers from staff and from the developer on this. He explained that the By-Laws are from 1982 and there have been some amendments but the important items have not changed. One of the objectives of the Planning Strategy is to establish an appropriate housing mix to meet the needs of the residents in the community. He asked how this development is going to assist the community. He explained that this development is going to bring in approximately 700-800 people and expressed concern with the over capacity of the sewage system. He asked if there has been any consideration regarding emergency & fire services and the policing that will be needed for these additional people.

Mr. Dickey explained that there has not been a staff evaluation completed at this time however, as this process advances these types of issues will be reviewed at that time.

Mr. Wilson noted that the Fire & Emergency Services in this area do not meet capacity on this building. He explained that he has called around and there are no fire apparatus in the Community that will reach six stories high. He also addressed concern with not having enough police officers and asked if the schools and post offices can handle the extra capacity. He suggested that before approving any further development, HRM should revisit the community with the social infrastructure requirements and not approve this application until that time.

Mr. Rick Osmond, Eastern Passage, asked if the proposal is only for condos or a mix of apartments as well.

Mr. Pryce explained that they will all be condos with the exception of one.

Mr. Osmond questioned if these will be affordable.

Mr. Pryce explained that at this stage, they have not yet reviewed the type of housing. He is hoping to get some feedback from the residents at this meeting.

Mr. Osmond addressed concern with the poor structure of Hines Road and explained that there are no sidewalks or even proper shoulders and it is dangerous for children. He explained that he is not interested in having this high of a building in his backyard and is opposed to any development in this area on this wetland.

Ms. Annette Mines, Eastern Passage, explained that she has been a resident in the area for 35 years and remembers what things were like before the industrial changes. She feels that this change will be unfair to the current residents in this area and expressed concern with amenities being up a hill and noted that seniors can't walk up it. There is no access to a bus route at this location, there are no corner stores or post offices. She also addressed concern with additional traffic and added that there should be a proposal for houses for seniors and the aging community. She addressed concern that changing the zoning right now could mean for a different change in the future and that it could lead to just residential.

Mr. Glen Merrick, Eastern Passage, explained that he had moved to this community because of the school zone. Since 2004 additional structures were developed. He addressed concern with only residential and very little commercial in the area to sustain the community. He explained that the community needs more large commercial uses. He explained that within the next 5-7

years DND is purchasing 30-40 helicopters and noted concern with the height of these building being in the middle of an air traffic lane. He added that it will be a huge liability for the condominium cooperation to deal with the wetlands. If the sewage treatment plant can't handle the current capacity, new development should not be approved until that time.

Councillor Karsten explained that the waste water treatment plant upgrade is a go and that there is money for it within the capital budget.

Ms. Alicia Stacey, Eastern Passage, explained that the townhouses look nice but has concern with a new development that may end up looking like Russell Lake. She does not want six stories in her backyard and addressed concern with nature and wildlife. She suggested that the appearance of the development should have a better appearance so that it blends in better with the neighborhood.

Ms. Christine Broyden, Eastern Passage, expressed concern with previous meetings addressing potential change, at which time the residents requested not to make the change which resulted in the residents receiving a written notification about the change. She would like to see it go back to residential but dislikes having the sewage treatment plant behind her house and is concerned with only multiplex housing being developed. She doesn't believe that these will be condos and thinks that they will be apartments. She asked clarification to the two access routes on the notification sheet however, within the presentation it only states one access route. She asked how this development will affect the taxes and how much will the condos cost. Will these be consistent with the value of the abutting houses and will it bring the value of these houses up or down. She asked how approval of this application will affect the Base. This Base needs to operate, a lot of people work there. She explained that if this application gets approved, she would like to see in writing that a green zone will exist between Howard Avenue and the Townhouses.

Councillor Karsten at this time reviewed the application description and explained that greater review would take place only after the Municipal Planning Strategy was approved, within a development agreement application.

A lady asked if the minutes of the meeting will be available to the public and how they will be accessible to the public.

Mr. Dickey explained that a copy of the minutes are placed within the report to Council and can be found on the website. He reminded the public that for any further questions after the meeting to contact him.

Ms. Cox explained that most residents of townhouses or condominiums are of a younger age group. She has been looking for places closer to the City and to transportation that is affordable for seniors. She added that there are not many places like this. HRM is supposed to become a greener environment however, how can it be with a community with no commercial aspects. Seniors have to move within the City now to be close to stores, doctors, hospitals and its too expensive for someone on a fixed income.

Ms. Diane Morgan, Eastern Passage, addressed concern with the sewer capacity and the smell it puts off. She asked if the development would be completed before the sewage treatment plant concerns are addressed?

Councillor Karsten explained that the site can be developed now prior to the treatment plant expansion but, assured that the additional flows will be considered for this project.

Ms. Morgan asked if there was a time line for this project.

Mr. Dickey explained that the treatment plan upgrade is slated to be done for 2012.

Ms. Morgan asked when the development of this application would take place.

Mr. Pryce explained that the developer would like to start as soon as possible.

Ms. Morgan explained that a post office or a super box should be considered in this area. She explained that the trucking road is very dangerous and addressed concern for the safety of the children.

Mr. Basil Kilgar, Eastern Passage, asked where is the traffic outlet.

Mr. Pryce referred to the slide and pointed out where the outlet will be, to Hines Road.

Mr. Neil Naugle, Eastern Passage, presented a petition from some residents of Howard Avenue requesting that Howard Avenue not open as a thorough fare. Mr. Dickey advised that Howard Avenue could be extended now to serve development under the current zoning. The developer's current concept under this application does not envision an vehicle access to or from Howard Ave.

Councillor Karsten explained that the petition will be brought to Council as public record.

Ms. Elaine Dick, Eastern Passage, explained that there isn't much access to the proposed building and asked clarification to where the accesses will be and how it will affect the wetlands.

Mr. Pryce explained that there are no proposed exists on Howard Avenue, referring to the slide, he explained that the dotted line indicates a proposed service easement. The proposed connection is on Hines Road, this will avoid impact on the existing wetland. He also pointed out where the possible trail/boardwalk will be.

Ms. Dick expressed concern regarding the wildlife and requested that Council consider this when developing the trail system as these may be used for 4-wheeling. She stated a concern for lack of policing.

Mr. Pryce explained that within the design review, crime prevention from Environmental Design has been considered. Part of the design is to keep visibility open to decrease the chances of crime.

Ms. Dick expressed concern with not receiving notification of this meeting at an earlier date.

A gentleman asked if the plan was to clear out of green area to prevent crime.

Mr. Pryce explained that part of the design concept, is to have visibility on public spaces. He at this time reviewed the slide as to where these areas will be.

The gentleman explained that he thinks the area is fine the way it is and that it should remain the same and expressed concern with tax increases.

Councillor Karsten added that Council is also very aware of the >Crime Prevention Through Environmental Design= and has directed planning staff to start taking this into consideration for all plans.

Mr. Charbonneau, Shearwater, resident since 1959 and explained that there has always been helicopter noise and with the new ones coming in, there will be an increase. Expressed concern with the water run off and the risks that may result in the increase of drainage.

Ms. Susan Deveaux, Eastern Passage, lives next to the proposed development, she enjoys the nature and the sunrise. She addressed concern with these being taking away with this new construction. She also addressed concern with drainage and the water back up that affects her property. She is not in favour of this proposal.

Ms. Stacey asked if permission has already been granted to approve this application.

Councillor Karsten assured that no approval has been made at this time and this meeting is to receive the feedback and comments from the community.

A lady from the public asked if they will be clearing 200 feet for the easement? She expressed concern that this easement is only an excuse to drain land to put in a few drains and cover it up with a trail.

Mr. Pryce referred to the slide, explaining that these are only part of the analysis. He pointed to an area on the side, explaining that they are related to the airbase and controls relating to the land. He explained that they have requested more information from the base but, have not received any response to date.

Ms. Pat Phelps, Eastern Passage explained as a single home owner, she expressed that she is not in favour of a six storey multi unit or multi family dwellings. They are not consistent with the existing homes in the area. She expressed concern with the sewer and traffic issues along with crowded schools, noise and higher taxes. She recommends that this application not be approved.

A gentleman from the area asked if the staff report and recommendation could be made available to Councillor Barkhouse prior to Harbour East Community Council.

Councillor Karsten explained that the Councillors are not given the report until one week prior to Harbour East Community Council Meetings which are held the first Thursday of every month at

the former City of Dartmouth City Hall (School Board Building). The package is then posted on the Community Council website for the public.

Ms. Claudille Smith, Eastern Passage, asked if there will only be one entrance to the site.

Mr. Pryce agreed, there will only be one access.

Ms. Smith expressed concern with traffic issues entering and existing this site and possible emergency situations.

Mr. Pryce explained that this stage is just a vision and as it goes further into the process it will go through Fire Services and there has been a circular road design for five vehicles and emergency services. There will also be a full traffic impact study.

Referring to the mailout notification, Ms. Phelps asked for more clarification regarding the operation budget for C310 and why the tax payers should have to pay for something that the developer should pay for.

Councillor Karsten explained that the developer has to pay an application fee to cover processing and ad costs which goes in general revenue. Each report that goes to Council has to have a budget. He explained that each home owner has the right to submit an application. Mr. Dickey reviewed the application process.

Mr. Boutiler explained that with the new aircraft at CFB Shearwater, it could be a great spinoff for these lands to be industrial and businesses associated with helicopters. He explained that there is affordable housing in the upper part of Dartmouth but, with that brings crime and problems.

Ms. Gloria Findlay, Eastern Passage, asked how vegetated land will be left between the new development and the existing housing.

Mr. Pryce referred to the slide of the property and explained that it is approximately 28 meters away. However, will vary in different sections.

Mr. Marcus Conrod explained that he is representing John Daley of Eastern Passage while he is away. He asked what the time frame is to complete and return the comment sheet.

Mr. Dickey explained that within the next couple of weeks, by the end of April.

Mr. Conrod noted that it appears that the developer trying to offload the wetland on to this condo development because of the liability. He asked if they do not build the apartment building, is the project viable.

Mr. Pryce explained that there is a long process within the planning process going forward. He explained that there is a market for this type of development in the area and does not foresee a problem in that area. He doesn't feel like this development is a liability but an asset for the community.

Mr. Ryan Tilley, Eastern Passage, asked if the entrance is over wetlands.

Mr. Pryce explained that a small portion of the entrance does go over the wetlands and will need approval from the Provincial Department of Environment.

Mr. Tilley asked if there is a further process that they can complete that would allow them to build more on the wetlands.

Mr. Pryce explained that it is not their intention and it is also very expensive to do so.

Mr. Dickey explained that HRM zoning wetlands in the area started in 1997. There is no legal ability to alter or fill in a wetland which is zoned EC. They cannot be rezoned for development. However, the one area that it can be done are on properties that couldn't be accessed unless you crossed a wetland or stream to get to it, it was intended to allow the minimum disturbance to allow access - just enough for a driveway.

Ms. Pat Phelps asked if the developer plans on draining of the wetlands.

Mr. Pryce explained that they do not plan on draining the wetlands.

Ms. Phelps asked what they plan on doing about the noise from the helicopters.

Mr. Dickey explained that HRM can control development within areas where airport noise may exceed a certain level. He explained that he has just received the noise exposure forecast from DND for the new helicopter operations at Shearwater. Staff have not analyzed this report at this time, it will be addressed in detail as the application progresses.

Councillor Barkhouse thanked everyone for attending and expressing their comments and concerns.

A lady addressed concern with some of the residents not having access to a computer to get a copy of the minutes and requested them to be mailed out to those who request it.

6. Closing comments

Mr. Dickey thanked the residents for attending the meeting and for voicing their comments and concerns.

7. Adjournment

The meeting adjourned at approximately 8:52 p.m.

Attachment F
Minutes of Public Information Meeting
November 22, 2010

HALIFAX REGIONAL MUNICIPALITY
2nd PUBLIC INFORMATION MEETING
CASE NO.15790 – Armco Lands, Hines Road, MPS/LUB Amendment for Eastern
Passage/Cow Bay

7:00 p.m.
Monday, November 22, 2010
Eastern Passage / Cow Bay Fire Station
1807 Caldwell Road, Eastern Passage

STAFF IN

ATTENDANCE: Mitch Dickey, Planner, HRM Planning Services
Holly Kent, Planning Technician, HRM Planning Services
Jennifer Little, Planning Controller, HRM Planning Services

ALSO IN

ATTENDANCE: Councillor Bill Karsten, District 7
Councillor Jackie Barkhouse, District 8
Nick Pryce, Terrain Group

PUBLIC IN

ATTENDANCE: 43

The meeting commenced at approximately 7:16 p.m.

This is the 2nd Public Information Meeting for Application by Terrain Group for lands of Armco Capital Inc. to amend the Eastern Passage MPS by re-designating 62.25 acres of lands on Hines Road to Residential from Industrial, and removing the limitation of 12 units per building from the multiple unit dwelling policy.

1. Opening remarks/Introductions

Councillor Karsten welcomed everyone to the meeting, introduced Councillor Jackie Barkhouse and reviewed the duties of the Councillors, adding that they are there to listen to the comments and concerns of the public and will not be expressing any opinions during the public information meeting. He also at this time introduced Mitch Dickey as the Planning guiding this application through the process, Holly Kent, Planning Technician, HRM Planning Applications and Jennifer Little, Planning Controller, HRM Planning Applications.

Mr. Mitch Dickey explained that this is the second public information meeting being held for this application

2. Overview of planning process

Reviewing a slide of the subject property, Mr. Dickey reviewed the zoning of the area and

explained that staff and the applicant have held a second meeting to further address previous comments and questions from a public information meeting held in March 2010. He added that the lands are mostly undeveloped and designated Industrial. The Regional Plan designates them for development and they are within the existing sewer service boundary. Reviewing the slide, he pointed to the map explaining that there are three different types of zoning on the land, Industrial and R1 and Environment Conservation Zone, the Environmental Conservation Zone applies to the wetland.

Following this meeting, staff will analyze the application to determine if the subject lands are appropriate for the conceptual development. Evaluation will take into account:

- Public input, questions & concerns,
- Traffic & servicing issues,
- Wetland analysis,
- Park and recreation issues,
- Applicant's conceptual site plan
- Formal DND/Coast Guard review

A report will then be prepared and presented to Harbour East Community Council and then Regional Council for further consideration. If any Municipal Planning Strategy amendments are approved, then a 2nd public process will be required for a more detailed development agreement application.

3. Presentation of Proposal: Genivar

Nick Pryce, Genivar, explained that there had been a few changes made since the last presentation based on some comments received at the last public meeting. Mr. Pryce reviewed the sites and surrounding analysis, the sustainable development opportunities and the vision of the project. The Provincial statement regarding housing has goals to provide a range of housing opportunities that meets the needs of Nova Scotians. The Planning documents must provide inclusive residential development by providing affordability, special needs, flexible residential land development standards and to allow for changing households such as grouphomes.

He explained that they reviewed the Community area to have a better understanding of the protocol by reviewing the Census from 2006. Reviewing the results of the Census, he explained the age demographic noting the percentile, the housing distribution and the sustainability explaining what is required to maintain roads, pipes and other maintenance involved in maintaining a single family unit residential dwelling, noting the service costs estimated prior to the 2006 Regional Plan review. Explaining the environmental opportunities, he explained that there is a significant wetland on this property and as part of the design component, they are looking to protect it and the option of possible enhancement. They see opportunities for efficient energy design, how the buildings are laid out to maximize solar gain. They are also reviewing the option of utilizing existing infrastructure. Explaining where the pipes run, he reviewed the sites service boundary area for the waste and end water and explained that they are trying to reduce storm water run off.

Mr. Pryce reviewed the contexts of the sites, pointing out that they had added some

characteristics such as Transit, Trans Canada Trail and explained that the development is also close to the Ferry Terminal. He explained that this is also a major employment area for example near by are the Canadian Forces, Imperial Oil Refinery, Nova Scotia Community Collage, the Hospital as well as Fisherman's Cove. He explained that this type of housing will allow people who work in this area have the opportunity to work close to their homes.

At this time he reviewed slides pointing out the changes made to the application since the last public information meeting.

He reviewed some a shaded diagram taken during the summer and explained that if anyone wishes to review shady diagrams for different types of year, to contact him and he can produce them.

3. Questions/Comment

Ms. Jackie Corkum, Eastern Passage, explained that she had recently read an article stating the Eastern Passage/Cow Bay has more people than the town of Truro. She explained that growth in the Community is not always a bad thing but, amenities and infrastructure have to grow with it. For example for following is needed: a Library, Grocery Stores, a Sports Centre for the youth, and schools to allow for the growth. These should be reviewed and developed before anymore expansion takes place. Ms. Corkum expressed concern with the sewer capacity and the smell it produces. She also expressed concern with traffic and bus stops and noted a particular area on Hines Road that is very dangerous as there is no side walk there and the kids either have to stand on the road or in the ditch. Traffic concerns should be addressed prior to any additional development in the area.

Dale Wilson, Eastern Passage, referred to a document dated August 15th regarding a petition that was sent to Council. He explained that within this document it stated that for further discussion, many concerns expressed by the public were related to traffic, loss of tress, buffer, sewage treatment, wetland impacts etc., he expressed concern that it failed to recognize one very important component that was raised regarding the interaction between development and infrastructure support. He explained it is not about building structures, it is about building communities. There is nothing in this proposal that brings infrastructure with it, nor is HRM presenting anything that addresses these concerns. He referred to the Municipal Planning Strategy being drafted in 1984, and explained that the community was consulted to what they would like to see as a long range community and what is stainable in a balanced community. Part of the balance was industrial lands. He explained that part of the concerns that were not raised within the report that went to Council were Policing, he explained that this proposal will bring in approximately 750 people, there will be a need for additional policing. There also is no fire apparatus that will address this six-storey unit. A review of the schools, this development will bring in an additional 200 students and also Parks & Recreation, there has not been any HRM initiative capital infrastructure put in recreation within this Community for the last 15 years. He suggested that HRM grow the infrastructure needs with the Community. He explained that 84 % of the land was going to be conserved as non-developed lands and asked what total percentage of the area is wetlands?

Mr. Pryce explained that approximately 70% of the land is wetland.

Mr. Wilson explained that with this percentage plus the buffer area is approximately 84% so the lands which are being designated as non-disturbed lands are in fact wetlands that can not be disturbed. Therefore, there is not a great amount of recreation lands available.

Mr. Wilson explained that he is not opposed to development however, it needs to be recognized by the City that the Community needs to “catch up” and also a review of the vision to what is wanted in the area for the next 10-20 years.

Mr. Dickey explained that a number of Mr. Wilson’s concerns have not been brought into the evaluation as of yet but, will be part of the next stage. Staff will also review the proposal for protection, how meaningful it is and what the mechanism is to protect it. He explained that the last review of the Municipal Planning Strategy was completed in 1994 and added that some areas such as Cow Bay and the areas around Quigley’s Corner have been changed since then. Mr. Dickey explained that Staff is also looking for comments regarding the current zoning and ability of industrial redevelopment in the area. He suggested that if there are any concerns regarding this to also bring them forward.

Mr. Wilson asked if brought forward in 3-4 months to Council, how will they make an informed decision on all of the studies that will have to be done to support this proposal? He asked if once, this proposal goes forward, will any residential development go on as an as-of-right?

Mr. Dickey explained that what the applicant has asked for is that if Council approves any policy changes for these lands, the developer will then go through an additional public process. This will also go through Community Council and then to Regional Council again.

Mr. Wilson asked about when Council will review the cost to bring the sewage treatment facility up to speed, the costs of Emergency Services, Fire and Police and Sport and Recreation? All of these will cost the Community money and expressed concern with it not being discussed.

Mr. Dickey explained that regarding the recreation facility such as Sportsplex, Cole Harbour Place are outside the Planning process, the development application is related to the actual on the ground infrastructure, such as roads, pipes, sidewalks, fire department etc. the current zoning in place allows a lot of happen as-of-right. There had been an application to put a number of homes on this land, which can go ahead as-of-right. This is an on-going concern.

Councillor Karsten explained that the Councillor Barkhouse has requested for a service evaluation regarding RCMP and added that the RCMP would be made aware of this development well in advance. The operational side of it, will be left up to them. He encouraged discussion at the provincial level regarding their concerns regarding schools.

Ms. Pat Phelps, Eastern Passage asked where the connector road is going to connect to.

Councillor Karsten explained that the connector road is currently being worked on and still be discussed at Council.

Ms. Phelps expressed concern with the application not changing since the last public information meeting and that it is still incompatible with the neighborhood. The same problems still exist, the Municipal Services can not support the development and can not support what development is

there now. She expressed concern regarding the sewage treatment plant and added that a traffic impact study be conducted prior to going any further with this application, the high volume of traffic on Hines Road is causing a problem. She also added concern regarding firefighting equipment and who would pay for it; storm run off and basement flooding; potential increase in taxes; crosswalk and how there are no illuminated crosswalks; lack of safe school stops and this is a safety concern for the children; and concern with the opportunity for the developer to trade the Government another parcel of wetland in exchange for the one on this site. She suggested that engineering Analysis and Traffic Impact Studies should be conducted by HRM staff and paid for by the Developer.

She addressed concern with the notification sent out in March 2010 requesting to amend the Eastern Passage Municipal Planning Strategy by redesignating 66 acres of Armco Lands on Hines Road from Residential to Industrial and removing the 12 unit per building limit from the multiple unit dwelling policy. She explained that the only reason this was suggested to be able to build massive condo complexes and townhouses and asks why the application has changed on the more recent notification to include Cow Bay? She suggested that acronyms such as 'MPS' should not have been used on the Factsheet and that it was misleading. That this application affected all of Eastern Passage not just the Armco site and this notification should have went out to a larger group rather than those closest to the Armco site. She requested another Public Information Meeting be held and that all of Eastern Passage/Cow Bay be properly notified by mail and not by a small ad in the Chronicle Herald.

Ms. Phelps also addressed concern with the responses to the previous meeting concerns noting that they clarified very little. She explained that a petition was signed and submitted to Council on April 2010 by almost all residents in this area explained that they do not want a rezoning or to have the Municipal Planning Strategy amended. She at this time submitted another petition to Councillor Barkhouse.

Ms. Christine Broyden, Eastern Passage, expressed concern that she had requested a copy of the minutes at the last meeting and had not received them. She explained that at a meeting in the 1970's they changed the zoning from Residential to Industrial which is now McAshphalt. She expressed concern about the smell that this causes and expressed concern with health issues. She explained that she had gone to a School Board meeting where they discussed about not spending money on Eastern Passage. She addressed concern with the lack of schools in this area and that there still is no High School, the lack of Community Recreation Facilities and added that anything that is there now has been done only by the Community itself. The bus service only comes once per hour. She expressed concern with lower income housing being developed and there is no mixture of housing.

Councillor Karsten explained that any development this is presented to Community Council is to ensure that there is an adequate amount of vegetation in place and it also can be included as a prerequisite before a development agreement is approved.

Ms. Carrie Chaisson, Eastern Passage, expressed concern with the safety of her children. The children who take the school bus on Hines Road have to stand in the ditch. She explained that she has counted the cars which travel along that road while she waits with her children. There are approximately 63 vehicles per 7 minutes that pass through that area. She also addressed concern with the there not being a crosswalk or any lighting and it is on a blind crest. He expressed

concern with Howard Avenue, in the area on Tim Hortons being very congested and noted that there is no crosswalk in that area either.

Ms. Elaine Dick, explained that she had requested a copy of the minutes from the previous public information meeting and had not received them. She addressed concern with the public notice being taped to her door. She expressed concern that City Planners do not consider wetlands to be protected and feels like the residents are given an ultimatum that if they don't accept a residential development that they will be polluted more. She recommend that staff listen to the voice of the residents who live in the area.

Councillor Karsten requested that staff forward minutes to the residents who have requested them during tonight's meeting.

Mr. Frank Poirier, Cow Bay, resident of 20 years, asked why the developer when doing any development always changes the rules?

Councillor Karsten explained that it is anyone's right to ask for a change in the Municipal Planning Strategy. He gave an example of a resident in his district that is wishing to rezone their property. Anyone can request bring forward their request to Staff, once staff gives the go ahead, that individual has the ability to proceed with an application.

Mr. Dickey explained that Armco has development a lot of land within Eastern Passage over the years. However, there are a lot of proposals that do come forward to staff, that do not go forward to the public process. There is no special treatment given to any developer.

Mr. Dickey explained that Eastern Passage/Cow Bay communities actually has the best wetland protection in HRM. When there was a plan review in 1997/98 staff tried to identify all the major wetlands and the Municipal Planning Strategy now prohibits development on those wetlands.

He at this time apologized for not getting the minutes out and assured that they will be forwarded as soon as they are completed.

Councillor Barkhouse explained that she has received a lot of comments regarding this application and about development in this area. She explained that there has not been any developments approved since she's has been Councillor, which is three years.

Mr. Gary Tulk, Eastern Passage, explained that he was at the last meeting and noted that the consensus of the residents were not to allow Armco to development in this area. He asked how many times is the applicant allowed to change their application and hold public meetings? He also asked if all residents were notified about this meeting by mail?

Mr. Dickey explained that anyone is entitled to follow through the application process. There is no limit however, Council is the final decision maker. Regarding the notices, notification of the 1st public information meeting were mailed out however, there were a lot of complaints received about residents not receiving the notices on time or at all. Therefore, this time, staff hand delivered the notices to every house a couple weeks prior to tonight's meeting. Those who own a property but, do not live in the area, received their notice by mail. He added that there were a total of 250 notices distributed.

Ms. Louise Henmen-Poirier, Cow Bay, asked if an amendment to the Municipal Planning Strategy will change the entire area?

Mr. Dickey explained that there are two requests, one is site specific for the 60 acres to put a residential designation on it and the other one is to change the policy for multi units. The Planning Strategy allows multi units only within the Serviced Area of Eastern Passage, not Cow Bay.

Ms. Henmen-Poirier, explained that if this application was approved, staff would need to service this area. Especially if they plan on having this area appeal to Seniors. This area also needs to be reviewed industrially and what the needs are there. She suggested that infrastructure be reviewed.

Mr. Dickey agreed with the lack of affordable senior housing. Another question is, should Council be proving for appropriate developments that appeal to an aging local population.

Mr. Wilson explained that regarding the aging population, he referred to the HRM briefing document 11.1.3 December 2009 referenced a aging population has grown to 25% in this Community. He explained that he also reviewed the population of the schools. School enrollment is a good indicator of the Community population. If you use this population growth at the same time as what is being referenced, there is a 24.3% growth. Therefore, the aging population and the population growth almost balance off and it's not an aging Community. He referenced Heritage Hills explaining that it is a huge population area and that there is very few people in there over the age of 50.

He at this time briefly discussed the infrastructure requirements for the Connector Road through the Shearwater Bypass and noted that there will be advance discussions held by Council. He explained that during a Council session, it was noted that there is potentially 300 plus acres ready for development in this area. He estimated that it would cause an increase of 2500 people moving to this area with the next few years. He suggested that the infrastructure and support needs to be put in place. He also added concern that the census indicated that there were less than 10% duplex's in the area and explained that these are incorrect, that there are many more.

Councillor Karsten explained that some of the information Mr. Wilson was referring to was in the context of a total different discussion and that there has not been any application brought forward and was just hypothetical.

Ms. Sherry Baker, Eastern Passage, expressed concern with all traffic going in the one direction. If there were fire concerns, would staff possibly look at using the wetlands for a possible second route?

Ms. Susan Deveaux, explained that there has been a lot of clear cutting around their air strip. She explained that she has been noticing the water levels and asked how often an assessment done of the wetlands to determine what needs to be protected?

Mr. Pryce thanked the residents for their comments and noted that the input has been helpful. The Department of Environment will formally do an elevation of the wetlands, last one was completed last year. This is not something that they do all the time, and is usually only completed

when going through an application process. He explained the options that are available when altering or impacting a wetland. He added that this is very expensive and developers definitely try to avoid this.

He explained that the developer has been working with the School Board to try to put in a school and may be offering land to allow for a school. Regarding bus stops, through this application, they might be able to improve this situation. He at this time reviewed what a Development Agreements is and explained that they have gotten a lot more stronger in terms of the conditions that are within them, particularly about building and design and the material they use.

He explained that there are approximately another two years of a process that would need to be followed through, this will provide some diversification and some choice in the housing market.

Ms. Katy Taylor, Eastern Passage, expressed confusion regarding the process and how these applications proceed. She asked if it is customary that a developer would apply to have such a broad area to have the by-laws changed as to the height of the development? This gives a lot of power to one developer to change an entire community. She expressed concern with receiving notification of the meeting explained that there should be more of an effort to notify residents in a timely fashion.

Mr. Dickey explained that a Planning Strategy puts a set of both rules and guidelines in place on how a Community can develop and what land uses can develop. They are meant to be flexible for over time and are continually amended on a case by case basis by Council as circumstances dictate. The current MPS is 17 years old and is in all other areas of HRM changing demographics and housing demand do necessitate amendments.

Councillor Karsten asked why the site specific change would have to apply to the entire Community?

Mr. Dickey explained that sometimes when a developer comes forward for a change to a specific property, it raises a question about the whole area. In the initial report that when to Council, staff recommend that it be looked at across the whole Community and get feedback from the public.

Ms. Broyden, explained that out West, the developers provide money for the cost of infrastructure and the tax payer doesn't have to pay for the entire costs.

Councillor Karsten explained that Council has reviewed these and has increased in certain areas, these are referred to as Capital Cost Contributions (CCC's). Through legislation, they were able to increase the park land dedication that the developer has to give back in land or in kind to the Municipality from 5% to 10%. There are areas such as Transit that are also being reviewed.

Mr. Dickey explained that the Capital Cost Contributions are approved by Council and has to have a master plan in place for a wide area, which doesn't apply to this application. Under Provincial Legislation HRM is not allowed to require off site improvements like out West.

Ms. Chaisson, expressed concern with only 250 residents being notified of the meeting and asked why everybody wasn't notified.

Mr. Dickey explained that with a broad proposal like this application, HRM does not notify every property owner of the process. If it is site specific, there is a standard notification area for 250 feet from the boundaries of the development. In this case, staff had extended that boundary to 1000 / 1500 feet. Under Provincial Legislation and the Public Participation Resolution that Regional Council has, ads in the newspaper are sufficient for cases like this.

Councillor Karsten, explained that if this application does move forward, anyone is welcome at the public hearings for further comment.

Mr. Jim MacDonald, Cow Bay explained that he is not against the development and that this development will allow for more residents, which will result in a larger voice within HRM. He suggested that with all the additional residents and the additional taxes that will generate from these residents, why can't that money be pooled and put towards the infrastructure requirements and the concerns regarding the sewage capacity.

Mr. Dickey explained that in terms of this specific development proposal that is an exercise yet to be done. Halifax Water will have to do an analysis of both the domestic water supply and the sanitary sewage system and its potential to accommodate this development. This will be completed within the next stage.

6. Closing comments

Mr. Dickey thanked the residents for attending the meeting and for voicing their comments and concerns.

7. Adjournment

The meeting adjourned at approximately 9:09 p.m..