



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

10.1.6

Halifax Regional Council  
October 21, 2003

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:** Julia Hoencastle  
for Councillor John Cunningham, Vice-Chair  
Harbour East Community Council

**DATE:** October 16, 2003

**SUBJECT:** Case 00479: Amendments to the Municipal Planning Strategy and Land Use By-Law for Eastern Passage/Cow Bay

ORIGIN

Harbour East Community Council - October 9, 2003

RECOMMENDATION

The Harbour East Community Council recommends that:

1. **Regional Council give First Reading to amendments to the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-Law, presented as Attachment V of the staff report dated August 25, 2003, and to schedule a public hearing for November 18, 2003;**
2. **Regional Council adopt the amendments to the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-Law provided in Attachment V of the staff report dated August 25, 2003.**

**PLEASE RETAIN REPORT FOR PUBLIC HEARING**

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## ATTACHMENTS

PAC report dated September 11, 2003  
Staff report dated August 25, 2003

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by:            Julia Horncastle, Legislative Assistant

Harbour East Community Council  
October 9, 2003

TO: Harbour East Community Council

SUBMITTED BY:

*Gail Harnish / for*  
\_\_\_\_\_  
Harold Northrup  
Chair, Harbour East Planning Advisory Committee

RE: Case 00479: Amendments to the MPS and LUB for Eastern Passage/Cow Bay

DATE: September 11, 2003

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**ORIGIN**

Harbour East Planning Advisory Committee meeting - September 10, 2003

**RECOMMENDATION**

Harbour East Planning Advisory Committee recommend Harbour East Community Council:

- (1) Recommend that Regional Council give First Reading to amendments to the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-law, presented as Attachment V of the staff report dated August 25, 2003, and to schedule a public hearing;
- (2) Recommend that Regional Council adopt the amendments to the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-law provided in Attachment V of the staff report dated August 25, 2003.

**ATTACHMENT**

Staff report dated August 25, 2003

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

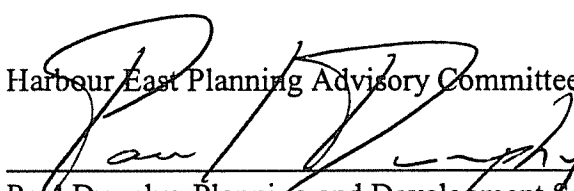
Report prepared by: Gail Harnish, Admin/PAC Coordinator, 490-4937

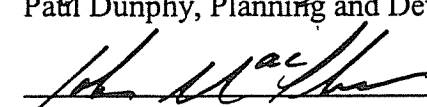


PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Harbour East Planning Advisory Committee  
September 10, 2003

**TO:** Harbour East Planning Advisory Committee

**SUBMITTED BY:**   
Paul Dunphy, Planning and Development Services

  
John MacPherson, Planner - Planning and Development Services

**DATE:** August 25, 2003

**SUBJECT:** Case 00479: Amendment to the MPS and LUB for Eastern Passage/Cow Bay

#### ORIGIN

Application by Terrain Group Incorporated, on behalf of Cheltenham Developments Limited, amend the Municipal Planning Strategy and Land Use By-law for Eastern Passage/Cow Bay to permit a variety of commercial uses at 86 Cow Bay Road (former site of Tallahassee School).

#### RECOMMENDATION:

It is recommended that Harbour East Community Council:

- (1) Recommend that Regional Council give First Reading to amendments to the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-law, presented as Attachment V, and to schedule a public hearing;
- (2) Recommend that Regional Council adopt the amendments to the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-law provided in Attachments V.

## BACKGROUND

### *Overview*

In November 1999, Halifax Regional School Board declared Tallahassee School located at 86 Cow Bay Road, Eastern Passage, surplus (Map 1). As owners of the property, HRM sold the property “as is”, “as zoned” to Tallahassee Holdings Limited. Tallahassee Holdings leased a portion of the building to Periwinkle’s Child Care Centre. The remainder of the building is vacant.

Cheltenham Developments Limited later acquired the property. They subsequently applied to re-develop the site for a commercial complex.

The current zoning of the this site does not permit the proposed commercial use nor do the policies of the Eastern Passage/Cow Bay Municipal Planning Strategy (MPS) support rezoning to permit the proposed use.

At its December 10, 2002 meeting, Halifax Regional Council adopted a resolution to proceed with the MPS amendment process, based on the following reasons:

- The subject property is no longer used as a school or owned by HRM.
- The closure of the school and disposal of the lands to private interests was not anticipated by the MPS.
- The Community Facility designation applied to the property no longer reflects its present or future use.
- The property’s location adjacent to the community’s commercial centre, direct access from Cow Bay Road and the existence of a large underutilized building, represents a logical extension to the character and function of the existing commercial area.

### *Land Use By-law Requirements and Municipal Planning Strategy Policies*

Cheltenham Developments Limited is requesting that the Eastern Passage/Cow Bay Municipal Planning Strategy be amended to allow for a rezoning to C-2 (General Business), the zone which permits a variety of general commercial uses. To accommodate this, the Generalized Future Land Use Map can be amended by redesignating the subject property from Community Facility to Community Commercial and the Zoning Map of the Land Use By-law can be amended to rezone the property from P-2 (Community Facility) to C-2 (General Commercial).

### *Parcel Description*

86 Cow Bay Road is approximately 3 acres in size and contains a single storey building with approximately 10,800 square feet of floor area. The applicants have acquired an approximately 4,300

square foot additional area from Irving Oil Limited in order to improve access to the property from Cow Bay Road.

### ***Proposal***

- The proposed redevelopment includes removal of the existing building.
- Three multiple tenancy, single storey, detached buildings are to be constructed in the northwest and northeast part of the lot.
- The proposed redevelopment will comply with the C-2 Zone requirements.

### ***Public Participation***

In accordance with HRM Council's public participation program, a public meeting hosted by Harbour East Planning Advisory Committee was held on May 12, 2003. The primary focus of discussion pertained to traffic conditions and the adequacy of existing infrastructure to accommodate this proposal in a safe and efficient manner. The summary of comments and issues from this meeting is provided as Attachment VI of this report.

In addition to an advertisement placed in the local newspaper, an extensive list of properties for personal mail notification of the application was prepared in consultation with the area Councillor. Should Regional Council decide to proceed with holding a public hearing on this application the same method of notification will be utilized.

### **DISCUSSION:**

The Eastern Passage area has experienced substantial development over the past 15 years with a concentration of commercial development, radiating from the intersection of Cow Bay Road known locally as Quigley's Corner. Properties in the immediate area include a gas station/gas bar, restaurants, retail outlets, drugstores, senior citizens housing, interspersed with single family homes. Fishermans's Cove, a replica working fishing village and local tourist attraction situated along the Halifax Harbour waterfront is within walking distance of this property. Beyond the property to the east is an area of R-2 zoning occupied by single and two unit dwellings.

### ***Analysis of the Requested Change***

In Eastern Passage, there is a desire to maintain the traditional character that exists in the Quigley's Corner commercial area. The desired character is reminiscent of the scale and scope of many small coastal villages. This character can be described as small, compact and pedestrian-oriented with building scales, landscaping and architectural features that complement the traditional character of the community.

This application represents an opportunity to replace a large, aged and underutilized building and grow the abutting commercial area in a logical manner. The proposed commercial development is

of a scale and design that maintains the traditional character of the community's commercial centre is in accordance with the requirements of the proposed C-2 Zone (See Attachments 1 - 3).

The proposed development is appropriate for the subject area on the basis of:

- its location adjacent to the existing community commercial core and other commercial uses;
- direct access to Cow Bay Road which responds to community desire for pedestrian-oriented commercial development;
- opportunity to expand range of current commercial offerings in a community that has experienced relatively recent population growth;
- availability and proximity of existing centralized services.

Additionally, the proposed development has the potential to integrate well with the community by:

- providing a scale of development desired by the community;
- incorporating streetscape elements such as scale of buildings, landscaping and architectural features required to complement the traditional character of the community's commercial centre;
- improving the existing condition of an underutilized property.

In terms of the impact of the proposed commercial complex, there will be minimal impact on the adjacent services. No new roads are proposed and the redevelopment of the site will use existing municipal services including streets, water and sewer. The existing street infrastructure is can accommodate anticipated traffic generations. Initial concern with the existing driveway location/alignment have been resolved with the developer's acquisition of approximately 4, 300 square feet of land from Irving Oil Limited.

In accordance with the requirements of the C-2 Zone, an effective visual screen between the proposed development and any adjacent property used or zoned for residential or commercial uses must be provided as a condition of any municipal permits. It is staff's view that the screening requirements of the C-2 Zone are sufficient to ensure that the subject property's redevelopment for general commercial use is integrated into the area with minimum impact.

In Eastern Passage, lands zoned for C-2 use are commonplace . It is noted, that the C-2 Zone permits a range of as of right development opportunity including both commercial and residential uses. The C-2 Zone requirements have been refined to guide development that is appropriate and effectively integrated into the community. The merits of planning devices such as the development agreement process were evaluated by staff in this instance. However, given the calibre of requirements of the C-2 Zone, combined with traditional treatment of all previous C-2 Zone uses in Eastern Passage, as of right development in staff's view is appropriate to the character of growth envisioned by the community of Eastern Passage.

## **SUMMARY AND CONCLUSIONS:**

Municipal Planning Strategy amendments are usually only recommended where circumstances have changed. In this case, the present zoning of the subject property does not reflect the existing conditions. This application represents an opportunity to replace a large, aged and underutilized building and provide a logical extension to the existing abutting commercial area. commercial development that maintains the traditional character that exists in the community's commercial centre.

In staff's view, 86 Cow Bay Road is a suitable site for a new commercial complex. The requirements of the C-2 Zone are adequate in ensuring that permitted uses and the character of development reflect the desired traditional character of the area and encourage that lands within the designation be developed in a manner appropriate to the growth of a local business and service focus for the Plan Area.

## **ALTERNATIVES:**

1. Regional Council could approve the requested amendment. This is the recommended course of action.
2. Regional Council could refuse the requested amendment. Council is under no obligation to consider a request to amend its Municipal Planning Strategy. A decision not to amend the MPS cannot be appealed. This course of action is not recommended for the following reasons outlined in this report.
3. Regional Council could choose to modify the requested amendment (i.e consider by Development Agreement). Changes, additions or deletions may be made in order to clarify what is desired for this parcel of land and may necessitate additional staff review.

## **BUDGET IMPLICATIONS:**

None.

## **ATTACHMENTS:**

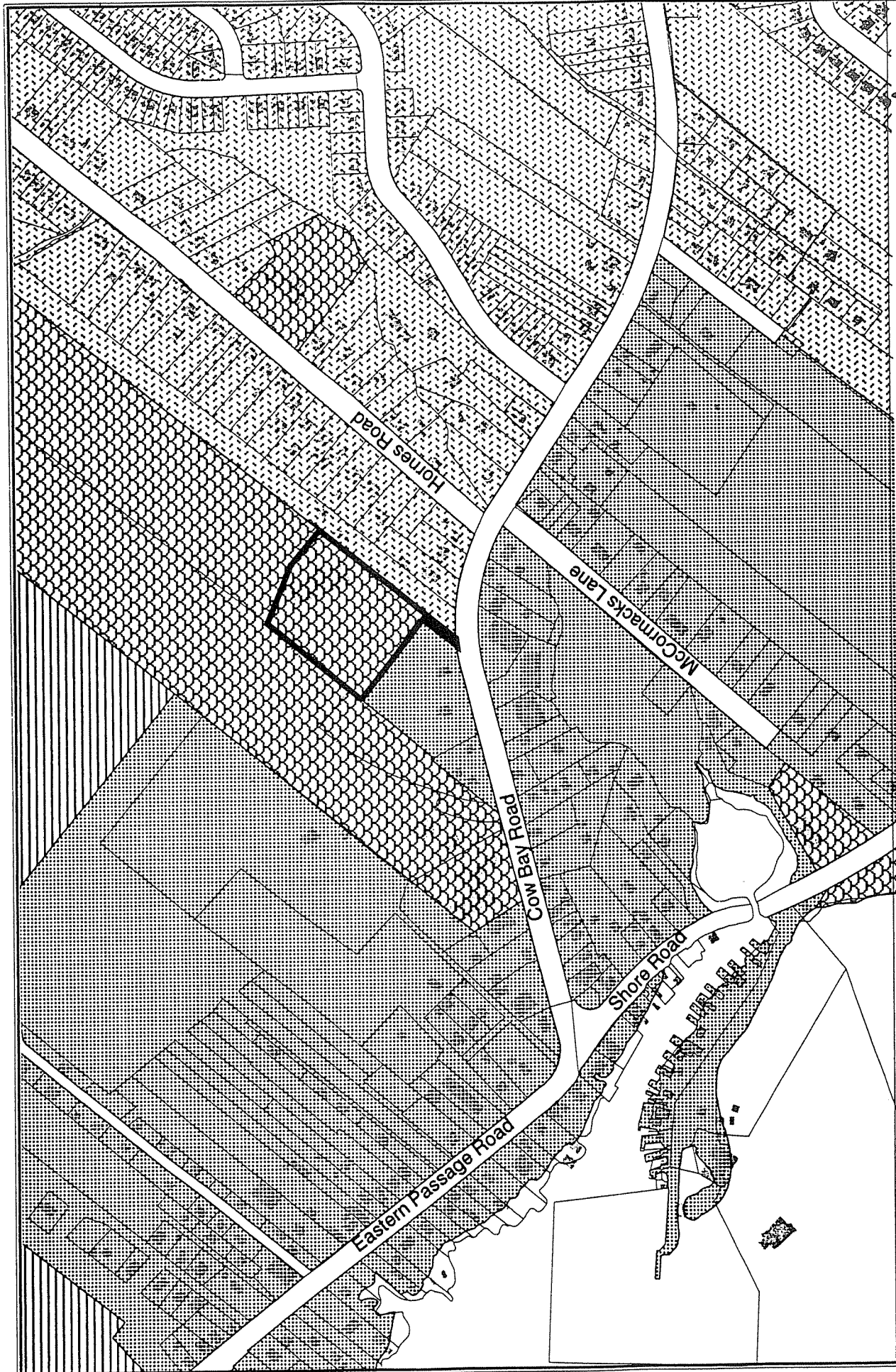
Map 1	Generalized Future Land Use Map
Map 2	Zoning Map
Attachment I	Site Plan
Attachment II	Aerial View
Attachment III	Typical Elevation
Attachment IV	Proposed Zoning - C-2 (General Business)



Attachment V            Proposed Changes to Eastern Passage/Cow Bay MPS and LUB  
Attachment VI           HEPAC Public Meeting Minutes - May

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208

Report Prepared by: John MacPherson, Planner, 490-5719

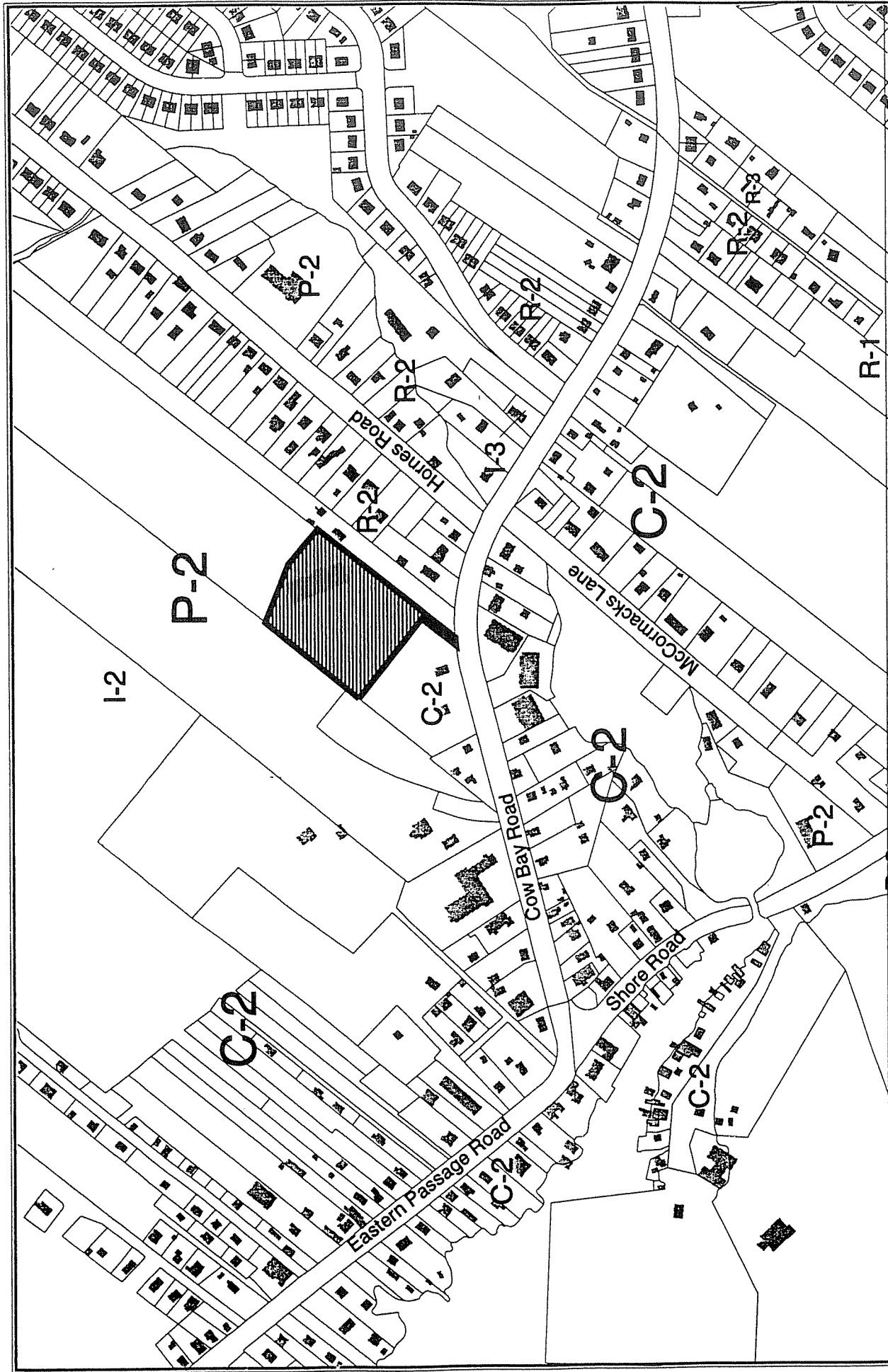


Subject Property



- Community Commercial Designation
- Industrial Designation
- Urban Residential Designation
- Community Facility Designation

Map 1  
86 Cow Bay Road  
**Generalized Future  
Land Use Map**

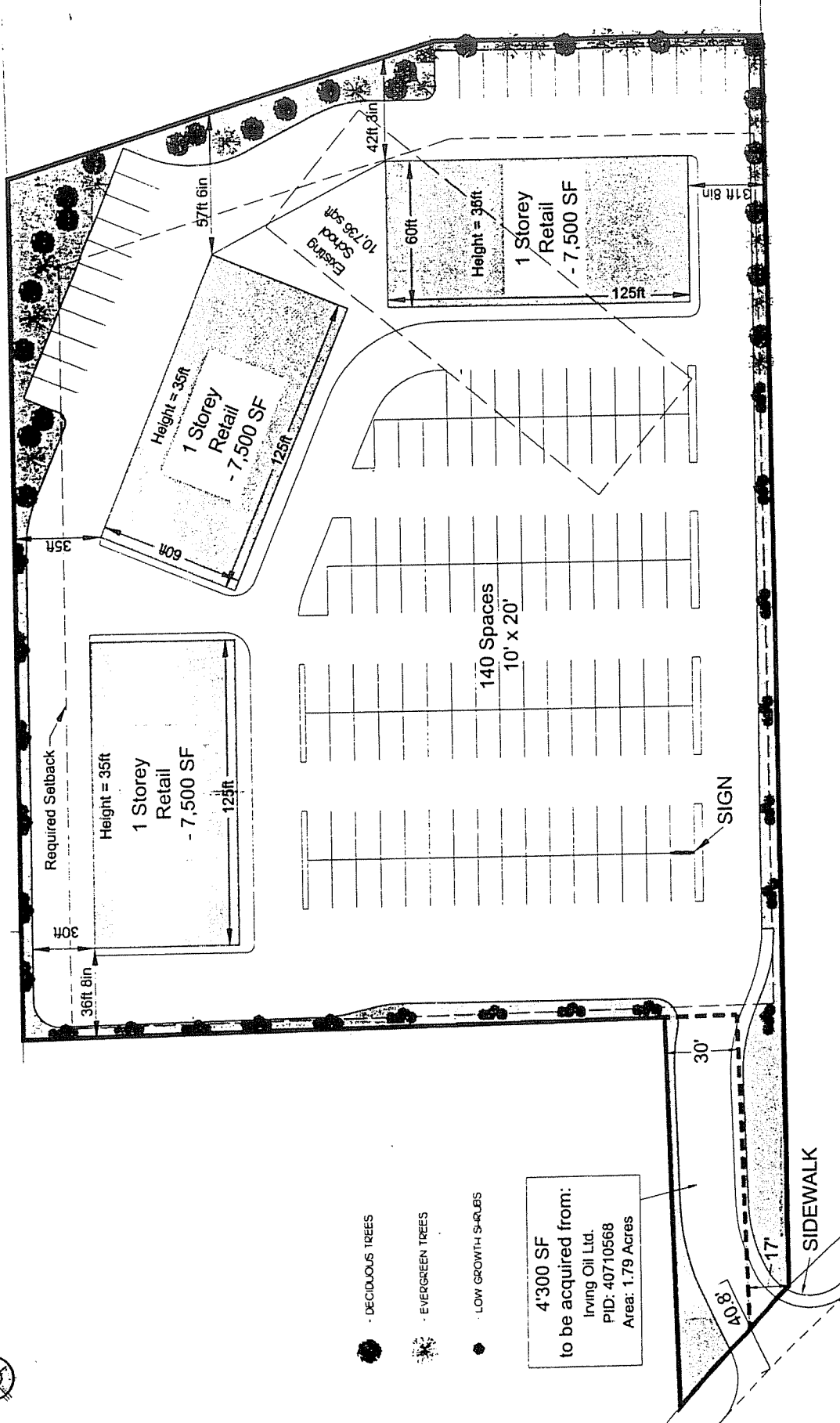


**Map 2**  
 86 Cow Bay Road  
**Zoning Map**

Subject Property

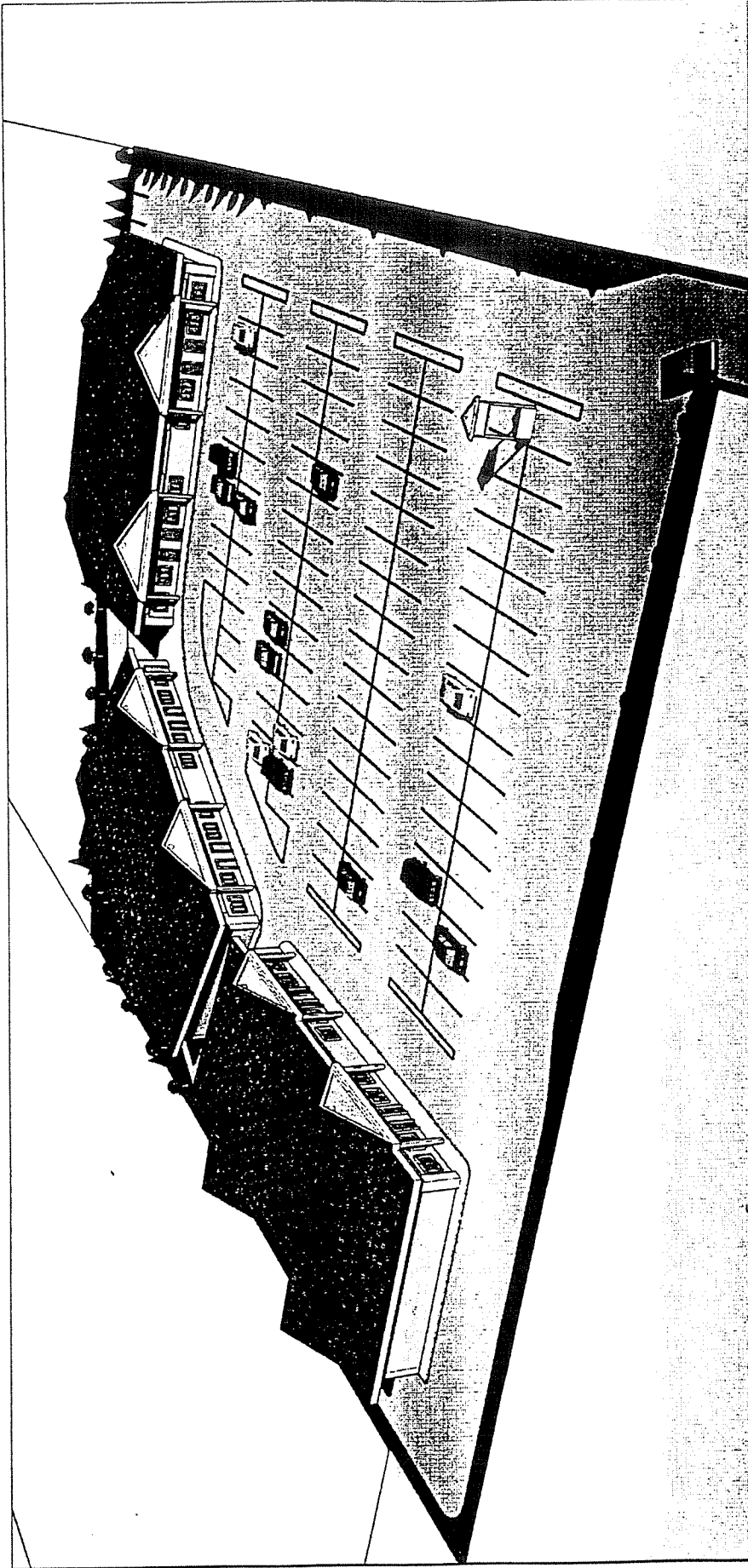
20 0 20 40 60 80 Meters

- C-2 General Commercial
- P-2 Community Facility
- R-2 Two Unit Dwelling
- R-3 Mobile Dwelling
- I-3 Local Service
- I-2 General Industry

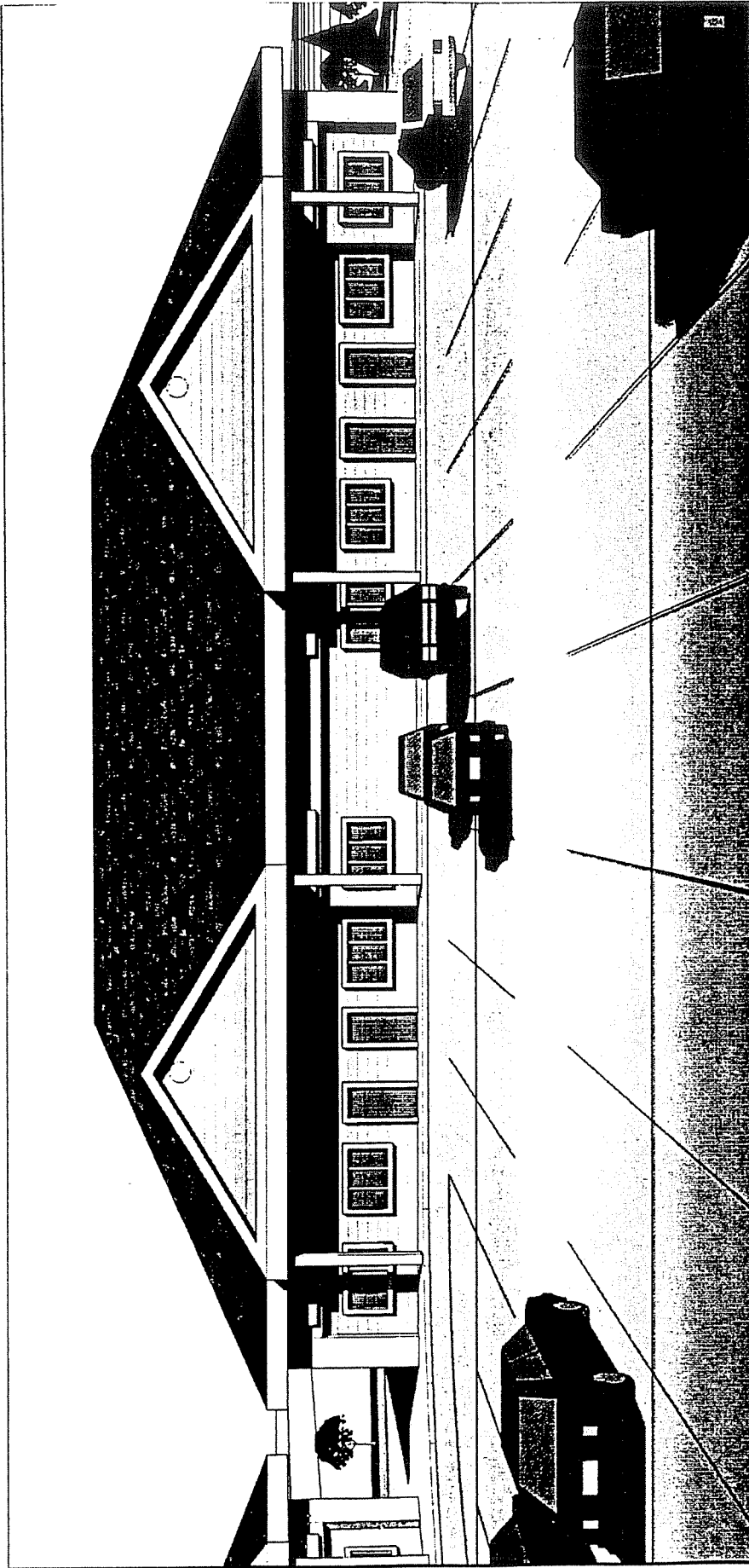


- DECIDUOUS TREES
- EVERGREEN TREES
- LOW GROWTH SHRUBS

4'300 SF  
 to be acquired from:  
 Irving Oil Ltd.  
 PID: 40710568  
 Area: 1.79 Acres



Attachment 2  
Aerial View



Attachment 3  
Building Elevation

**HALIFAX**  
REGIONAL MUNICIPALITY  
PLANNING SERVICES

## Attachment IV - Proposed Zoning - C-2 (General Business)

### PART 14: C-2 (GENERAL BUSINESS) ZONE

#### 14.1 C-2 USES PERMITTED

No development permit shall be issued in any C-2 (General Business) Zone except for the following:

##### Commercial Uses

Retail Stores  
Art galleries, studios and workshops  
Food, grocery and variety stores  
Service and personal service shops  
Offices  
Commercial schools  
Banks and other financial institutions  
Restaurants, drive-ins, take-out restaurants, outdoor café and tea rooms  
Entertainment uses to a maximum of 1600 square feet of floor area devoted to public use  
Theatres and cinemas  
Funeral parlours  
Veterinary hospitals and kennels  
Taxi and bus depots  
Parking lots  
Service stations  
Re-cycling depots  
Motels, inns, bed & breakfast establishments, and tourist cottage developments  
Day care facilities  
Display courts  
Shopping Plazas and Malls  
Bicycle rental outlets  
Fish markets  
Tourist information centres  
Mini-storage warehouse  
Dwelling units located in the same building as commercial shall not to exceed 50% of the gross floor area and not to be located fronting on a street on the first floor  
Boat charter service  
Boat or yacht club  
Marina  
Small Scale Fishing Operations

Residential Uses

Single unit dwellings  
 Two unit dwellings  
 Townhouse dwellings  
 Multiple unit dwellings up to a maximum of twelve (12) units including apartments  
 Boarding and rooming houses  
 Home business uses in conjunction with permitted dwellings

Community Uses

Institutional uses  
 Open space uses

#### 14.2 LOT AND YARD REQUIREMENTS: COMMERCIAL AND INSTITUTIONAL USES, MULTIPLE UNIT DWELLINGS, AND BOARDING AND ROOMING HOUSES

Minimum Lot Area:	4000 square feet
Minimum Lot Frontage:	50 feet
Front/Flankage Yard:	4 feet except for 25 foot daylighting triangle on corner lots.
Minimum Rear Yard:	40 feet
Minimum Side Yard:	4 feet on one side, 20 feet on the other
Maximum Lot Coverage:	50 percent
Maximum Building Height:	35 feet

#### 14.3 BUILDING SIZE REQUIREMENTS

For any new, renovated or expanded commercial or institutional buildings in the C-2 Zone, the following shall apply:

Maximum Building Footprint:	7500 square feet
Maximum Gross Floor Area:	15,000 square feet

#### 14.4 OTHER REQUIREMENTS: COMMERCIAL USES

For any commercial uses permitted in the C-2 Zone, the following shall apply:

- (a) Any area devoted to open storage or outdoor display shall not exceed fifty (50) percent of the lot area.



- (b) No open storage or outdoor display shall be permitted within ten (10) feet (3 m) of any lot line.

#### 14.4B OTHER REQUIREMENTS: RECYCLING DEPOTS

In any C-2 Zone, where recycling depots are permitted, no open storage related to the operation of a recycling depot shall be permitted.

#### 14.5 LOT AND YARD REQUIREMENTS: SINGLE UNIT DWELLINGS

Minimum Lot Area:	4000 square feet
Minimum Lot Frontage:	40 feet
Front/Flankage Yard:	4 feet except for 25 foot daylighting triangle on corner lots for lots fronting onto Main Road, Cow Bay Road or Shore Road; 15 feet except for 25 foot daylighting triangle on corner lots for all other street.
Minimum Rear Yard:	15 feet
Minimum Side Yard:	4 feet on one side, 10 feet on the other
Maximum Lot Coverage:	35 percent
Maximum Building Height:	30 feet

#### 14.6 OTHER REQUIREMENTS: SINGLE UNIT DWELLINGS

For any single unit dwellings permitted in the C-2 Zone, the following shall apply:

- (a) Pursuant to the minimum side yard requirements of Section 14.5, where a dwelling includes an attached garage, both minimum side yards may be four (4) feet.
- (b) On all lots where there is no attached garage, the driveway shall extend into the side yard of the lot a minimum of 36 feet from the front lot line.
- (c) There shall be only one driveway per lot, the maximum width of which shall not exceed 10 feet, and no other portion of the front yard shall be used for vehicular parking.
- (d) Home business uses are subject to the provisions of Section 6.3.

#### 14.7 LOT AND YARD REQUIREMENTS: TWO UNIT DWELLINGS

Minimum Lot Area:	6000 square feet
Minimum Lot Frontage:	60 feet
Front/Flankage Yard:	4 feet except for 25 foot daylighting triangle on corner lots for lots fronting onto Main Road, Cow Bay Road or Shore Road, 15 feet except for 25 foot daylighting triangle on corner lots for all other streets..
Minimum Rear Yard:	15 feet
Minimum Side Yard:	10 feet
Maximum Lot Coverage:	35 percent
Maximum Building Height:	30 feet

#### 14.8 OTHER REQUIREMENTS: TWO UNIT DWELLINGS

For any two unit dwellings permitted in the C-2 Zone, the following shall apply:

- (a) Pursuant to the minimum side yard requirements of Section 14.7, where a dwelling unit includes an attached garage, the minimum side yards adjacent to the attached garage may be four (4) feet.
- (b) On all lots where there is no attached garage, the driveway shall extend into the side yard of the lot a minimum of 36 feet from the front lot line.
- (c) There shall be only one driveway per dwelling unit, the maximum width of which shall not exceed 10 feet, and no other portion of the front yard shall be used for vehicular parking.
- (d) No portion of any two unit dwelling, where each unit is held under separate title, shall be used for any commercial uses, excepting for home business uses.
- (e) Home business uses are subject to the provisions of Section 8.4.

#### 14.9 OTHER REQUIREMENTS: TOWNHOUSE DWELLINGS

Notwithstanding the provisions of Sections 10.2 and 10.3, where any new, renovated or expanded townhouse dwellings in the C-2 Zone, the following apply:

- (a) No portion of any townhouse dwelling shall be used for any commercial use.

#### 14.10 OTHER REQUIREMENTS: BED AND BREAKFAST ESTABLISHMENTS

Where any bed and breakfast establishments are permitted in any C-2 Zone, the following shall apply:

- (a) Not more than four (4) rooms may be let;
- (b) No window displays and not more than one (1) business sign shall be permitted and no such sign shall exceed four (4) square feet (0.4 m<sup>2</sup>) in area; and
- (c) One (1) off-street parking space in addition to that required for the dwelling shall be provided for each room to be let.

#### 14.11 OTHER REQUIREMENTS: COMMUNITY USES

Where any Community Uses are permitted in any C-2 Zone, no development permit shall be issued except in conformity with the provisions of Part 23.

#### 14.12 PARKING LOTS AND DRIVEWAY ACCESS REQUIREMENTS FOR COMMERCIAL USES AND MULTIPLE RESIDENTIAL UNIT DWELLINGS

Where parking for more than four (4) vehicles is required, the following shall apply:

- (a) Parking shall not be permitted in any required front yard.
- (b) No more than one driveway access per lot shall be permitted for every fifty feet of lot frontage, except that corner lots may have one access per street, and service stations may have only two accesses.
- (c) Parking spaces and driving aisles may be located no closer than 4 feet from any wall of a building. Raised sidewalks or landscaping shall be provided in this area.
- (d) Access shall be directly from Main Road, Shore Road or Cow Bay Road.

#### 14.13 BUILDING DESIGN/CONSTRUCTION REQUIREMENTS

For any new or expanded commercial or institutional use, and multiple unit dwellings and boarding and rooming houses in the C-2 Zone, the following shall apply:

Exterior Wall/  
Cladding materials:

Brick, architectural block, wood shingles/shakes, wood and vinyl siding. Where wood shingles/shakes, wood or vinyl siding is used, a 6" wide corner board shall be provided.

Windows:

Total window area on a building face adjacent to a street shall not exceed 60% of the area of the building face. The height of individual windows shall exceed the width by a ratio of 2:1. Windows shall be accentuated by design details (i.e. arches, hoods, minimum 4" wide mouldings, decorative lintels, pediments, sills). Sunrooms and solariums shall be exempt from these requirements.

Roof Slope:

Minimum pitch of 4:12

#### 14.14 LANDSCAPING REQUIREMENTS

For any new or expanded commercial or institutional building, and for multiple unit dwellings, boarding and rooming houses in the C-2 Zone, the following shall apply:

Front Yard:

Any front yard is to be fully landscaped, as are corner vision triangles, except where driveway or pedestrian access points are required.

Side/Rear Yards:

A strip of landscaping at least four (4) feet in width shall be provided along the entire length of all side and rear yards, except where a driveway or pedestrian access points are required.

Landscaping Content:

Landscaping shall consist of grass and a minimum of one shrub for each fifty (50) square feet of required landscaped area, and one tree for every fifty (50) feet of lot width and depth. All landscaping shall be maintained and deceased plants shall be replaced to maintain these standards.

#### 14.15 SCREENING

For any new or expanded commercial or institutional building, and for multiple unit dwellings, boarding and rooming houses in the C-2 Zone which is adjacent to property that is zoned or used for residential or community uses, a visual screen shall be provided in accordance with the following:

- i) Materials - shall contain either a vegetation screen, an opaque fence, or a combination of both natural and man-made materials which will form an effective year-round screen.
- ii) Height - screening shall be at least five (5) feet in height. Plant materials, when planted, may be not less than three and one-half (3 ½) feet in height if of a species or variety which shall attain the required height and width within three (3) years of planting. Height shall be measured from the finished grade.
- iii) Width - screening shall be in a strip of landscaped open space a minimum of four (4) feet in depth running the entire length of the adjacent property line.
- iv) Maintenance - all required plant materials shall be properly maintained and kept free of litter. All required fences shall be permanently maintained in good repair and presentable appearance and whenever necessary they shall be repaired or replaced.

#### 14.16 OTHER REQUIREMENTS: SERVICE STATION CANOPIES

Where new or renovated canopies are to be provided over pump islands, the following shall apply:

- (a) Canopies shall have a gable roof with a minimum 4:12 pitch.
- (b) No signage or lettering shall be permitted on or under the canopy other than that required for vehicle clearance or traffic directional flows.

#### 14.17 GENERAL SIGNAGE PROVISIONS FOR ALL USES:

In addition to the provisions of sections 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, and 5.9, signs in the C-2 Zone shall be subject to the following general provisions:

- (a) Permitted signs include:

### Signboards

Signboards shall form an integral part of the building facade by being located between the top of the ground floor windows and the bottom of the second storey windows. Signboards shall not exceed a height of 2 feet and shall not extend more than two-thirds of the entire length of the facade.

### Facial Wall Signs

Facial wall signs shall not exceed twenty (20) square feet in area and shall not extend beyond the top and extremities of the wall on which it is affixed.

### Projecting Wall Signs

Projecting wall signs shall not: a) project more than four feet over a public sidewalk; b) project more than six feet from the building to which it is attached; c) provide less than nine feet of clearance above a sidewalk or public right of way; d) exceed an area of 16 sq. ft.

### Ground Signs

(1) Grounds signs shall not; a) exceed a height of fifteen (15) feet; b) be within 2 feet of the street right-of-way; c) be within 10 feet of a side property line or driveway; d) exceed a sign area of 25 sq. ft. per side. (2) If the ground sign is constructed of wood with exterior shielded illumination only, then the sign area may be increased to 30 sq. ft. per side. (3) The ground sign may be composed of two elements - a section for fixed lettering and the section for changeable lettering. The combined sign area shall not exceed 30 sq. ft. per side. The fixed lettering section shall not exceed 15 sq. ft. per side, and the section for changeable lettering shall not exceed 20 sq. ft. per side.

### Sandwich Boards

Sandwich boards shall not exceed a single face area of eight (8) square feet and shall not be located within the street right of way.

### Canopies/Awnings

Canopies and awnings attached to walls shall not project more than 4 feet over a public sidewalk. Canopies and awnings shall be self supporting and shall at no point be located less than 9 feet above a sidewalk. Signage may be included as an integral part of an awning or canopy.

### Mobile Signs

Mobile signs shall be permitted once only per business for a maximum period of 60 continuous days for new business openings. These signs shall have no moving parts nor display flashing or unshielded lights. These signs shall have a maximum area of 32 sq. ft.

- (b) Signs shall not obstruct the daylighting triangle at street intersections.
- (c) Each building lot shall be permitted one (1) ground sign.
- (d) Excluding ground signs, each commercial leasehold unit shall be permitted two (2) signs per front facade and one (1) sign per rear facade.
- (e) In the case of corner lots, each commercial leasehold unit shall be permitted one (1) sign per flankage yard.

(RC-Apr28/98, M-July15/98)

**Attachment V - Proposed Changes to the Eastern Passage/Cow Bay MPS and LUB**

**Case 00479: Amendments for Eastern Passage/Cow Bay Municipal Planning Strategy**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy of Eastern Passage/Cow Bay as enacted by former Halifax County Municipality on the 22<sup>nd</sup> day of June 1992 and approved by the Minister of Municipal Affairs on the 5<sup>th</sup> day of October, 1992 as amended, is hereby further amended as follows:

1. The Eastern Passage/Cow Bay Future Land Use Map is further amended by redesignating 86 Cow Bay Road (PID#40082521) from Community Facility to Community Commercial designation.

I HEREBY CERTIFY that the amendment to the Municipal Planning Strategy for Eastern Passage/Cow Bay as set out above, was passed by a majority vote of the whole Council of the Halifax Regional Municipality at a meeting held on the \_\_\_\_ day of \_\_\_\_, 2003

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_, 2003

\_\_\_\_\_  
Vi Carmichael  
Municipal Clerk



**Case 00479: Amendments for Eastern Passage/Cow Bay Land Use By-law**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law of Eastern Passage/Cow Bay as enacted by former Halifax County Municipality on the 22<sup>nd</sup> day of June 1992 and approved by the Minister of Municipal Affairs on the 5<sup>th</sup> day of October, 1992 as amended, is hereby further amended as follows:

1. The Eastern Passage/Cow Bay Zoning Map is further amended by rezoning 86 Cow Bay Road (PID#40082521) from P-2 (Community Facility) Zone to C-2 (Community Commercial designation) Zone.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Eastern Passage/Cow Bay as set out above, was passed by a majority vote of the whole Council of the Halifax Regional Municipality at a meeting held on the \_\_\_\_ day of \_\_\_\_, 2003

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_, 2003

\_\_\_\_\_  
Vi Carmichael  
Municipal Clerk

**Attachment VI - HEPAC Public Meeting Minutes - May 12, 2003**

**HALIFAX REGIONAL MUNICIPALITY**

---

**HARBOUR EAST PLANNING ADVISORY COMMITTEE  
MINUTES  
May 12, 2003**

**PRESENT:** Mr. Harold Northrup, Chair  
Mr. Ray DeRoche  
Mr. Thomas Harmes  
Councillor Harry McInroy

**ABSENT:** Mr. Bob Horne

**STAFF:** Mr. John MacPherson, Planner  
Ms. Connie Moore, Administrative Support

**1. CALL TO ORDER**

The meeting was called to order at 7:00 p.m.

**2. PUBLIC PARTICIPATION - CASE NO. 00479: AMENDMENTS TO THE MUNICIPAL PLANNING STRATEGY FOR EASTERN PASSAGE/COW BAY**

Mr. John MacPherson, Planner provided some background information on the application. He noted an initiation report was sent to Halifax Regional Council on December 10, 2002, at which time, Council decided to pursue this application. The names on the December report were Terry Morash and John MacPherson, however, the ownership has since changed handed. It is now owned by Cheltonham Developments who have come forth with a similar proposal as the previous owners. The property in question is located at 86 Cow Bay Road, Eastern Passage and is formerly known as the Tallahassee School. It was used as a school until the 1990s when it was declared surplus in 1999. The property was then sold to Terry Morash and John MacPherson. The site is three acres in area with a 10,800 square foot building. A portion of the property is currently being leased to Periwinkle Daycare. The owner looked at the feasibility of commercial on the site. It is currently zoned P-2 and designated Community Facility Designation. The policy does not support commercial uses which is reason for the plan amendment.

An overhead of the C-2 Zone requirements was displayed. Mr. MacPherson explained this is the zoning the owners are seeking. The range of permitted uses were read. The application must be supported by the Municipal Planning Strategy in order to warrant the change. The initiation report outlined a few items (5 issues) in considering the recommendation in terms of feasibility: (1) The School Board declared the property surplus; (2) HRM sold to private interest; (3) school closure not anticipated by the MPS; (4) property abuts the commercial corridor known as Quigleys Corner; and (5) direct access to the Cow Bay Road. Mr. MacPherson explained the MPS process. He introduced Greg Zwicker, consultant for Cheltonham Developments Limited.

Mr. Greg Zwicker explained the Terrain Group was formerly known as Wallace Macdonald & Lively but has changed their name after 30 years in business. A picture of the existing site was displayed. Periwinkle Daycare currently occupies one portion of the building. The new proposal is for 3 buildings of one storey and 7500 square feet each. There will be 140 parking spaces. The C-2 Zone requires 120-125 parking spaces. Setback requirements are identified by the dashed line. Front and side yards are minimal. Periwinkle Daycare wishes to move into one of the buildings. The C-2 Zone is very strict in terms of roof pitches and heights. The proposed commercial site plan is similar to the liquor store mall across the street. The intention in the back and side of this site is to retain existing trees, therefore, disturbance will be minimal. The conceptual image of the front of the building shows a possible four units per building. Cheltonham will lease the entire building to one vendor if required. Although no businesses have been confirmed at this point, a call was

received from an individual inquiring about setting up a gym similar to the women's gym "Curves". There have also been inquiries about a possible Post Office. Cheltonham has not looked for potential buyers because the MPS amendment and zoning change has not yet been approved.

Mr. Ray DeRoche indicated he did not have any questions because the application is speculation.

Mr. Harold Northrup asked those in attendance if they had any questions or comments.

Mr. Parker Staples, 87 Cow Bay Road asked if traffic concerns are discussed when the application is approved?

In response, Mr. MacPherson stated the elevations are conceptual. Once the amendments to the Municipal Planning Strategy are approved, the requirements of the zone must be met. The request has been circulated to Traffic Services, Engineering and Development Services for comment. Traffic Services will look at the proposal and calculate if the increased traffic can be accommodated. All comments gathered will become part of the staff report.

Mr. Staples pointed out the street is busy. Since the development will have 140 parking, will it be necessary for traffic lights at the intersection? He indicated he lives next door to the Tallahassee School site and is aware of the volume of traffic on the Cow Bay Road.

Ms. Verna Ritcey, 92 Cow Bay Road noted she has the same concerns and also lives next door to the proposed development.

Mr. MacPherson explained Traffic Services will provide comments. Although he was unable to answer if lights were necessary, he indicated traffic will definitely be a consideration.

Mr. DeRoche asked when looking towards the future, is traffic the only concern?

In response, Mr. Staples indicated traffic was his only concern. This is a commercial area and it is his hope that traffic flow consideration takes place.

Mr. DeRoche asked the others in attendance if they were in agreement?

In response, Ms. Verna Ritcey and Ms. Marilyn McDow stated they were in agreement.

Mr. MacPherson referred to the zoning standards and explained the requirements are specific in terms of design and roof pitches. Screening and buffering from residential uses are also requirements. There will be landscaping integrated in the design. In terms of the

C-2 Zone, it is fairly restrictive. Staff is of the opinion the current requirements are suitable in terms of the scale of development.

Ms. Ritcey asked if beverage rooms are included in the list of C-2 uses?

In response, John MacPherson indicated they were not, however, there are restaurant uses permitted.

Councillor Harry McInroy stated he understands the traffic issues. Sidewalks were put in because of traffic. Staff should try and coordinate accesses across from one another as much as possible.

Mr. Northrup noted the comments will be taken into advisement.

Zwicker asked what is the next step in this process?

In response, Mr. MacPherson explained the information gathered tonight and the comments from other departments will become part of the staff report. The staff report will be forwarded to the next meeting of the Harbour East Planning Advisory Committee in October if time allows.

Councillor McInroy asked if it would be possible to hold the PAC meeting in Eastern Passage at the fire hall?

Mr. DeRoche indicated he has no objection, however, there may be other items on the agenda that evening.

### **ADJOURNMENT**

Northrup thanked everyone for their attendance. The meeting was adjourned at 7:30 p.m.

Connie Moore  
Administrative Support