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**Chebucto Community Council**  
**June 9, 2008**

**TO:** Chair and Members of Chebucto Community Council

**SUBMITTED BY:**

A handwritten signature in black ink, appearing to read "Paul Dunphy". The signature is written over a horizontal line that extends across the page.

Paul Dunphy, Director of Community Development

**DATE:** May 21, 2008

**SUBJECT:** 209 Herring Cove Road, Halifax

**ORIGIN**

January 7, 2008 motion of Chebucto Community Council to start the process to rezone Civic 209 Herring Cove Road from commercial to residential zoning.

**RECOMMENDATION**

It is recommended that Chebucto Community Council not initiate a rezoning process on 209 Herring Cove Road, Halifax.

## **BACKGROUND**

On January 7, 2008, Chebucto Community Council passed the following motion:

“Moved by Councillor Mosher, seconded by Councillor Walker that staff immediately start the process to rezone 201 Herring Cove Road from Commercial to Residential (R-2) and to notify the property owner”.

Although this motion indicates Civic # 201, it is staff’s understanding that the property being referred to was the site of the former “DPK Chicken” and “Harvey’s” restaurants, which is Civic # 209 Herring Cove Road, at Punch Bowl Drive (see Map 1).

Concerns were expressed by Councillor Mosher at the meeting with the boarded up and deteriorating condition of the property and the property owner’s inaction in rectifying the situation.

## **DISCUSSION**

The subject property is located within the Mainland South Secondary Planning Strategy (MSSPS) and is currently zoned C-2A (Minor Commercial) zone. The property is designated for Minor Commercial development on the Generalized Future Land Use Map. The C-2A zone permits a variety of commercial uses as well as residential uses as-of-right, including apartment buildings up to four storeys and 50 feet in height.

As the property is designated Minor Commercial under the Halifax MPS, it is not possible to rezone the property to R-2 (Two Family Dwelling) without an amendment to the MPS, which requires the approval of Regional Council. Staff feel that such an amendment and rezoning would be inappropriate, since the property lies in the middle of a relatively long section of commercially designated properties which front Herring Cove Road. Additionally, the MSSPS calls for a variety of minor commercial uses to serve several neighbourhoods within Mainland South.

HRM will be undertaking a Community Visioning exercise in the near future for the Spryfield area. It is anticipated that this exercise will include recommendations for possible land use planning changes, which may result in amendments to the MSSPS and Halifax MPS. Therefore, consideration of MPS amendments in advance of the Community Visioning exercise may be premature.

With regard to the visual appearance and physical condition of the property, Planning Applications staff have discussed this issue with HRM’s By-law Enforcement (Community Projects) staff. Within the last year, the property owner has made an effort to clean up debris on

the property and the visual appearance of the building. Community Projects' staff are anticipating no further action in relation to the property at this time.

In the event that Council wishes to have the MPS land use designation of the subject property changed from commercial to residential and a subsequent rezoning of the property, Council may recommend that Regional Council initiate this process, as indicated in the Alternatives section of this report.

### **BUDGET IMPLICATIONS**

None.

### **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

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

### **ALTERNATIVES**

1. Chebucto Community Council may choose not to initiate a rezoning process on 209 Herring Cove Road, Halifax. This is the recommended alternative.
2. Chebucto Community Council may choose to recommend that Regional Council initiate a process to amend the MPS to change the land use designation from commercial to residential to permit the requested rezoning. This is not recommended for the reasons outlined in this report.

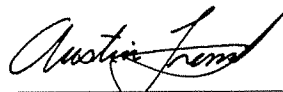
### **ATTACHMENTS**

Map 1            Location and Zoning

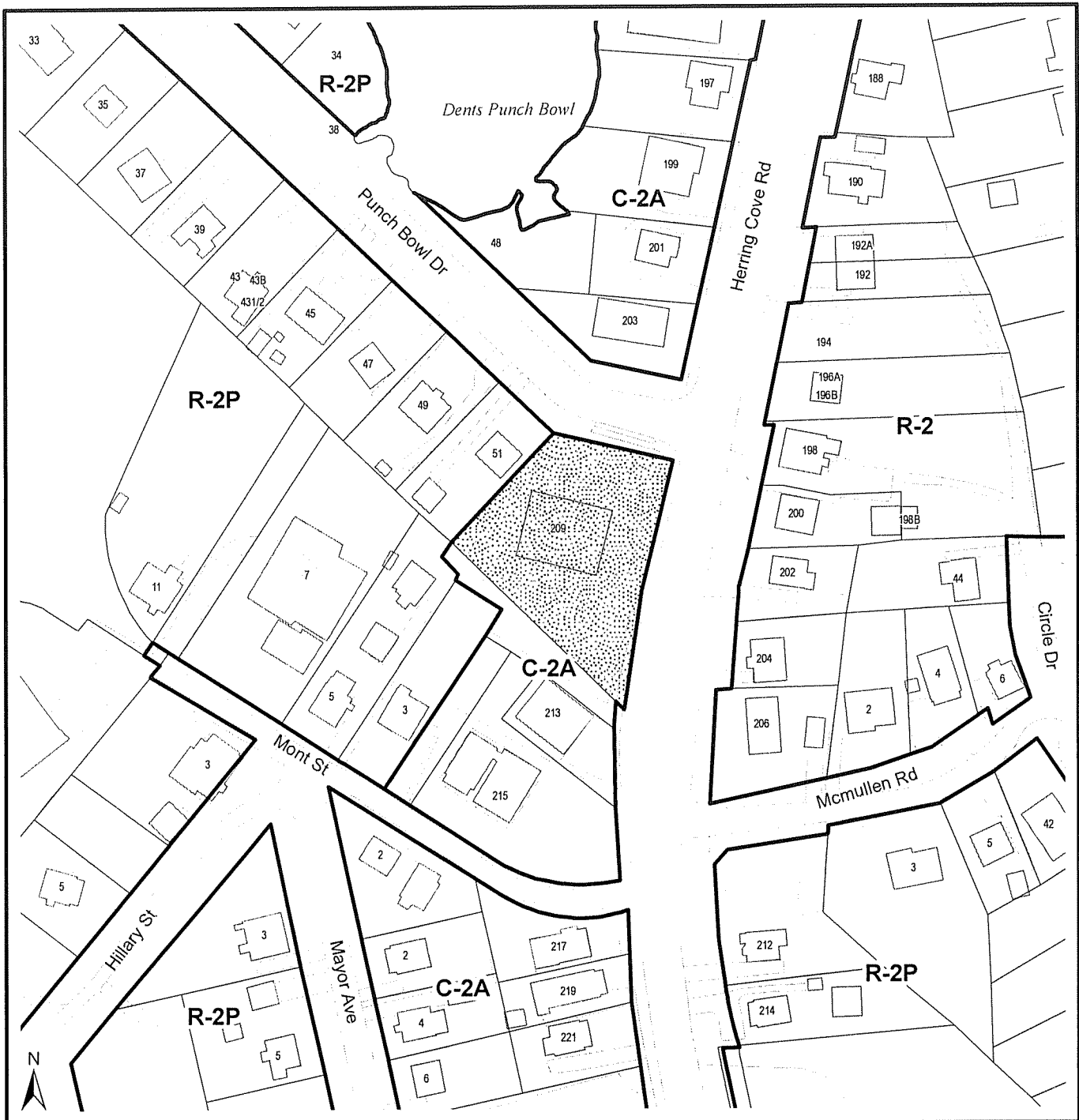
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by :            Paul Sampson, Planner I, 490-6259

Report Approved by:

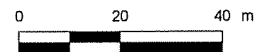



Austin French, Manager of Planning Services, 490-6717



**Map 1 - Location and Zoning**

209 Herring Cove Road  
Halifax



 Subject property

**Zone**

Halifax Mainland  
Land Use By-Law Area

- R-2 Two Family Dwelling
- R-2P General Residential
- C-2A Minor Commercial

This map is an unofficial reproduction of a portion of the Zoning Map for the Halifax Mainland Land Use By-Law Area

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