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Chebucto Community Council  
June 9, 2008

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

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

**DATE:** May 1, 2008

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

**INFORMATION REPORT**

**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.

**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 and 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.

## **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.

## **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

**Original Signed**

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