



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

Halifax and West Community Council
April 22, 2013

TO: Chair and Members of Halifax and West Community Council

Original Signed

SUBMITTED BY: Brad Anguish, Director, Community and Recreation Services

DATE: April 10, 2013

SUBJECT: Case 17757 - Application to rezone 2728 Joseph Howe Drive, Halifax

ORIGIN

Application by W.M. Fares Group

LEGISLATIVE AUTHORITY

HRM Charter; Part VIII, Planning & Development

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Give First Reading to the proposed rezoning of 2728 Joseph Howe Drive, Halifax, from the R-1(Single Family) Zone to the R-2T (Townhouse) Zone, as contained in Attachment A of this report, and schedule a public hearing; and
2. Approve the proposed rezoning of 2728 Joseph Howe Drive, Halifax, from the R-1 (Single Family) Zone to the R-2T (Townhouse) Zone as provided in Attachment A of this report.

BACKGROUND

The subject property, 2728 Joseph Howe Drive, is located at the corner of Joseph Howe Drive and Craigmere Drive (see Map 1). A single unit dwelling is currently located on the property. The property owner wishes to develop the property with 5 townhouse units. To enable this proposal, the applicant has requested, on behalf of the property owner, that the subject property be rezoned from the R-1 (Single Family) Zone to the R-2T (Townhouse) Zone under the Land Use By-law for Halifax Mainland.

Location

The subject property is 17,280 square feet in area and is located at the southeast corner of Joseph Howe Drive and Craigmere Drive in Halifax. The property is surrounded by a variety of uses. The area is predominantly occupied by low density residential development; however, office uses are located to the north and west of the subject property and a multiple unit dwelling is currently under construction to the south west of the property. The property is located near major transportation infrastructure, such as Joseph Howe Drive, the Armdale Roundabout and Highway 102 and is near major commercial centres such as the West End Mall and Halifax Shopping Centre.

Designation and Zoning

The property is designated Residential Environment under the Municipal Planning Strategy (MPS) for Halifax (see Map 1). The property is zoned R-1 (Single Family) Zone in the Land Use By-law (LUB) for Halifax Mainland (see Map 2). The R-1 Zone (Attachment B) permits single unit dwellings, home occupations and a variety of institutional and recreational uses. In addition to the uses permitted in the R-1 Zone, the R-2T Zone (Attachment C) permits townhouse dwelling units and two-unit dwellings.

It is important to note that the subject property abuts the boundary line distinguishing the LUB for Halifax Mainland from the LUB for Halifax Peninsula. Although there are two LUBs regulating land use in the area, both LUBs attain their authority from the Halifax Municipal Planning Strategy (MPS).

Enabling Policy

Section 2 of the City Wide policies in the MPS allows for the consideration of a variety of residential unit types, including single unit dwellings, two unit dwellings, townhouse units or multiple unit buildings within the Residential Environments designation (see Attachment D).

Former Planning Application – Case 17131

It should be noted that an application to rezone the subject property was previously submitted for this property. The application, Case 17131, requested rezoning the property to the C-1 Zone to allow for the development of a commercial office building. A public information meeting (PIM) was held for this application on October 24, 2011. However, the application was withdrawn in January 2012.

DISCUSSION

The policies within the Residential Environments designation of the MPS enable Council to consider the rezoning of the subject property to permit a variety of residential uses (Attachment D) including the R-2T Zone. These policies contain criteria to be considered when evaluating the proposed rezoning. In staff's opinion, the proposed rezoning is consistent with applicable policies of the Halifax MPS. Attachment D provides an evaluation of the proposed rezoning to the R-2T Zone in relation to these applicable policies. The following issues are being highlighted for more detailed discussion.

Compatibility with Surrounding Neighbourhood

One of the key considerations when reviewing an application to rezone a property from one residential zone to another, is whether or not the proposed land use would be compatible with neighbouring properties. Through the public consultation component of this application, it became apparent that those who live in the area feel very strongly that the area should be considered mainly for single unit dwellings. However, as discussed earlier in this report, there are already a variety of uses located in this area. The majority of the adjacent uses to the subject property could be considered more intensive than townhouse units and the subject property is located adjacent to a major road way. The application of the R-2T Zone would provide a form of transition between the more intensive uses and the lower density single unit dwelling uses.

R-1 Zone vs. R-2T Zone

When discussing the compatibility of the proposed zone it is important to compare the type of development permitted as-of-right in the R-1 Zone versus what would be permitted under the proposed R-2T Zone. Due to the size of the subject property, under the R-1 Zone requirements, the property could be subdivided into 3 parcels and each parcel can be developed with a single unit dwelling. Although the applicant has proposed to develop 5 townhouse units, under the R-2T Zone requirements, the property could be developed for 6 townhouse units.

The following provides a comparison of the building placement and massing requirements for each zone.

	<u>R-1 Zone</u>	<u>R-2T Zone</u>
Maximum Lot Coverage	35%	40%
Maximum Height	35 ft	35 ft
Minimum Front Yard	20 ft	15 ft
Minimum Rear Yard	8 ft	20 ft
Minimum Side Yard	8 ft	10 ft

Building placement and massing requirements for both zones are relatively similar. The R-2T Zone allows for a slightly larger lot coverage, mainly to address the coverage needs for interior townhouse units. Setback requirements for the R-2T Zone from adjacent lots are larger than those required by the R-1 Zone, to reduce potential land use conflict amongst neighbouring uses.

Although the R-2T Zone would permit double the density than permitted through keeping the R-1 Zone, staff believe that the potential additional 3 units would not have a negative impact on the stability of the existing neighbourhood. Further, staff believe that due to the location of the property and its proximity to the Armdale Roundabout, access to Highway 102, and Commercial Centres on Mumford Road, rezoning this property to the R-2T Zone provides the opportunity to consider higher residential densities without creating a significant impact to the existing neighbourhood.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2013/14 operating budget for C310 Planning & Applications.

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 a public information meeting held on June 20, 2012. For the Public Information Meeting, notices were posted on the HRM website, in the local newspaper, and mailed to property owners with the notification area shown on Map 3. Attachment E contains a copy of the minutes from the meeting.

A public hearing must be held by Halifax and West Community Council before they can consider approval of the rezoning. Should Halifax and West Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, individual property owners within the notification area will be advised of the public hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposed rezoning will potentially impact the following stakeholders: local residents and property owners, community or neighbourhood organizations, and business and professional associations.

ENVIRONMENTAL IMPLICATIONS

The proposal meets all applicable environmental policies contained in the Halifax MPS. No additional items have been identified.

ALTERNATIVES

1. Council may choose to approve the rezoning of 2728 Joseph Howe Drive, Halifax, from R-1 (Single Family) Zone to R-2T (Townhouse) Zone, as contained in Attachment A of this report. This is the recommended course of action, for reasons outlined in this report.

2. Council may choose to refuse the rezoning of the 2728 Joseph Howe Drive, Halifax, and in doing so must provide reasons based on a conflict with policy of the MPS for Halifax. This alternative is not recommended, for the reasons outlined in this staff report.

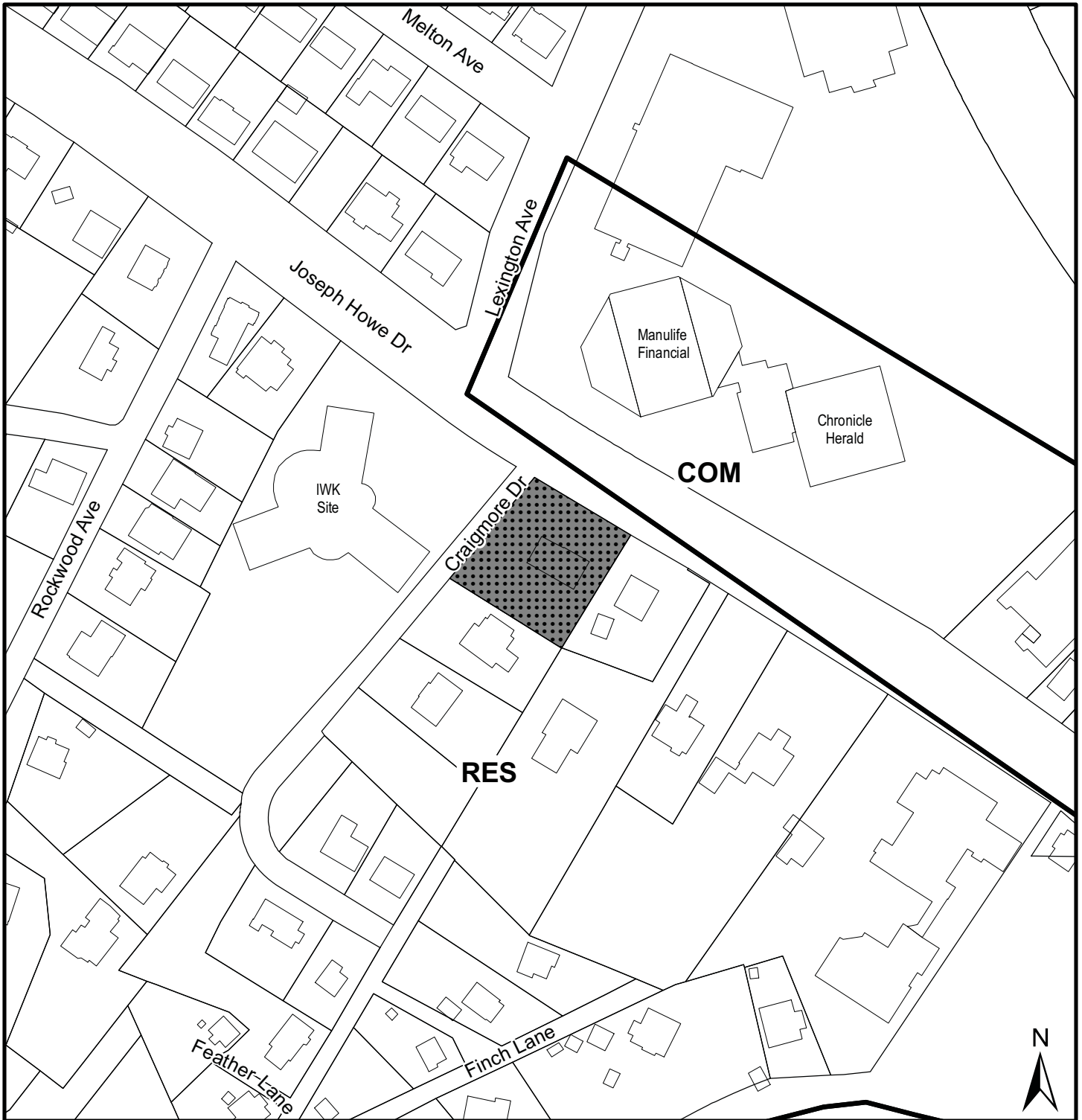
ATTACHMENTS

Map 1	Generalized Future Land Use
Map 2	Location and Zoning
Map 3	Area of Notification
Attachment A	Proposed Amendments to the Halifax Mainland Land Use By-law
Attachment B	R-1 Zone from the LUB for Halifax Mainland
Attachment C	R-2T Zone from the LUB for Halifax Mainland
Attachment D	Review of Relevant Policies from Municipal Planning Strategy for Halifax
Attachment E	Minutes from the Public Information Meeting

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: Jillian MacLellan, Planner 1, Planning Services, 490-4423
Original Signed

Report Approved by: 
Kelly Denty, Manager of Development Approvals, 490-4800



Map 1 - Generalized Future Land Use

2728 Joseph Howe Drive
Halifax

 Area proposed to be rezoned from R-1 (Single Family) to R-2T (Townhouse)

Halifax Plan Area

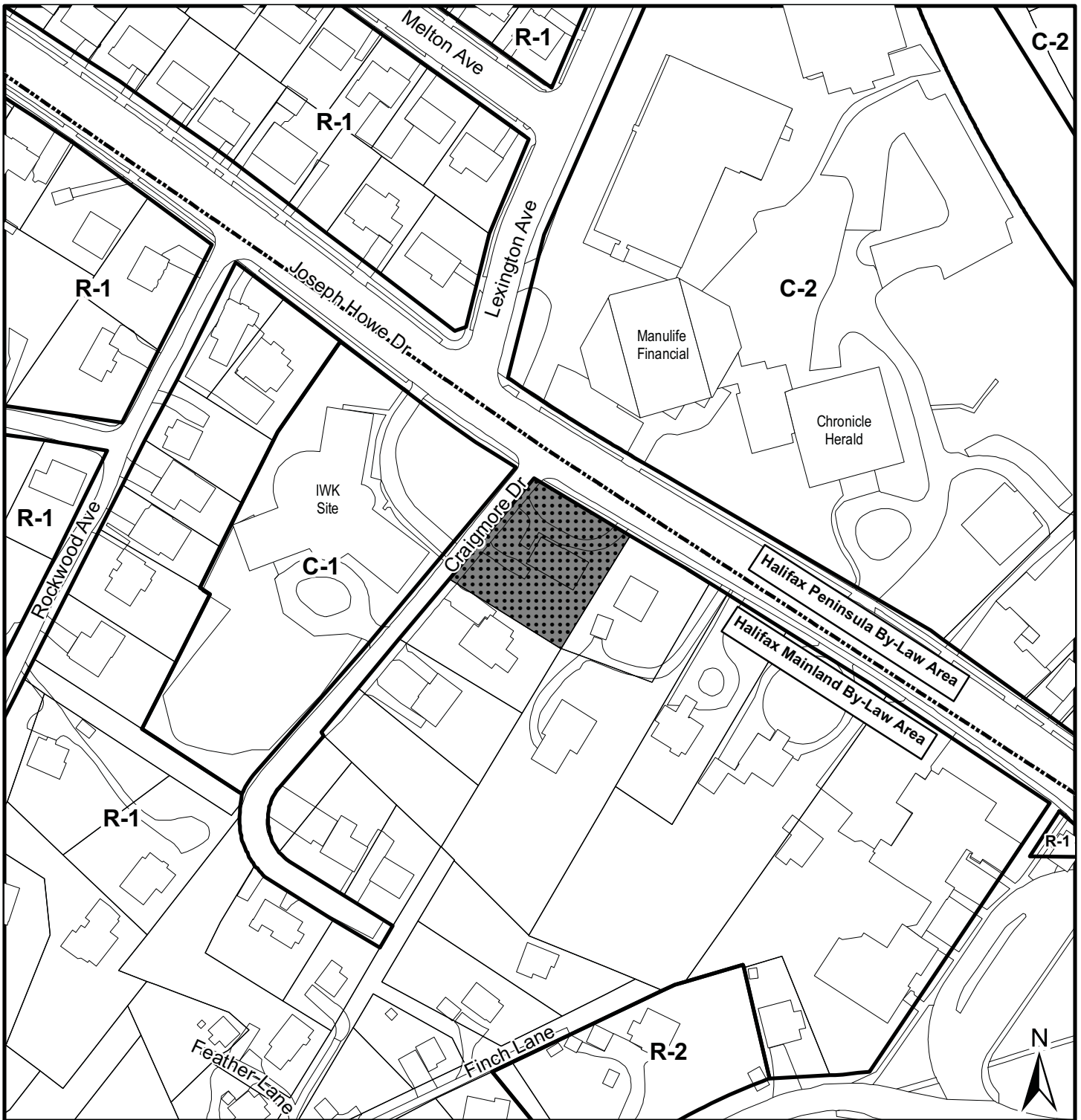
Designation

RES Residential Environments
COM Commercial




This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.


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



Map 2 - Zoning

2728 Joseph Howe Drive
Halifax

 Area proposed to be rezoned from R-1 (Single Family) to R-2T (Townhouse)

 Land use by-law area boundary

Halifax Mainland Land Use By-Law Area
Halifax Peninsula Land Use By-Law Area

Zone - Halifax Mainland

- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- C-1 Local Business

Zone - Halifax Peninsula

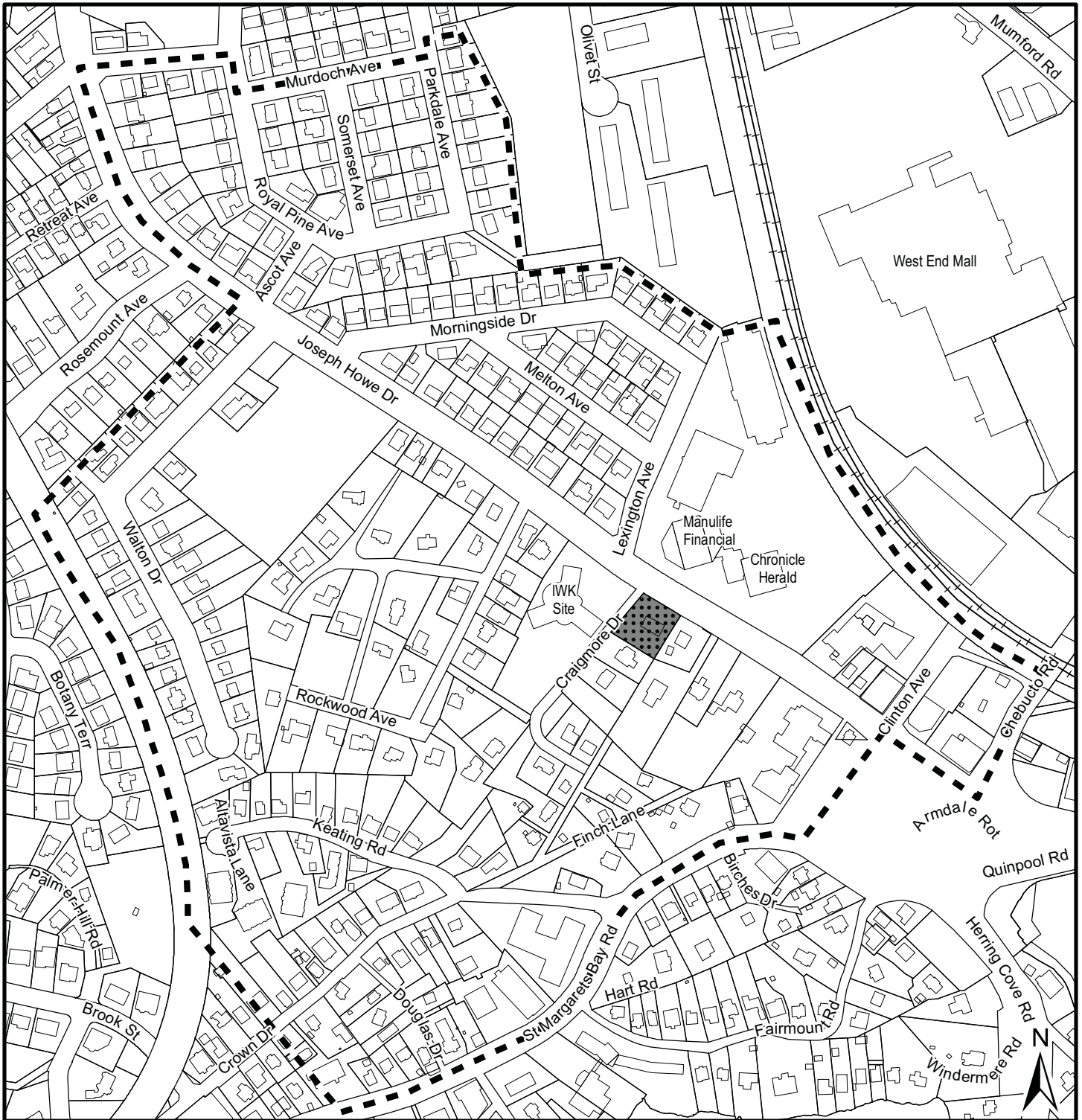
- R-1 Single Family Dwelling
- C-2 General Business

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS




This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.


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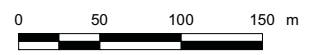
Map 3 - Area of Notification

2728 Joseph Howe Drive
Halifax

 Area proposed to be rezoned from R-1 (Single Family) to R-2T (Townhouse)

 Area of notification

Halifax Plan Area



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

Attachment A:
Proposed Amendments to the Halifax Mainland Land Use By-law

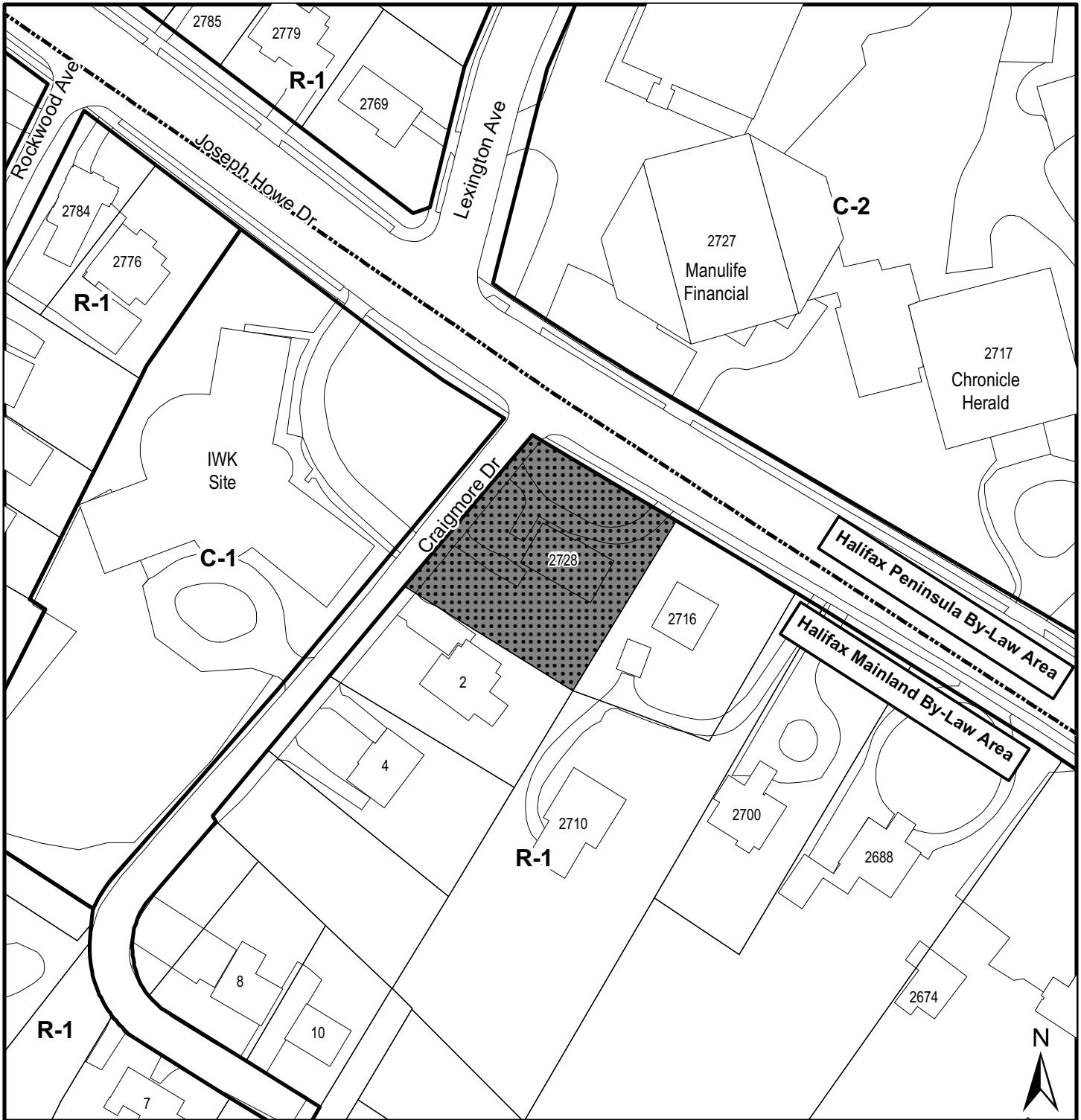
BE IT ENACTED by the Halifax and West Community Council of the Halifax Regional Municipality that the Land Use By-law for Mainland Halifax, as amended, is hereby further amended as follows:

1. Map ZM-1 (Halifax Zoning Map) is further amended by rezoning 2728 Joseph Howe Drive, Halifax from the R-1 (Single Family) Zone to the R-2T (Townhouse) Zone, as shown on Schedule A.

I HEREBY CERTIFY that the amendments to the Land Use By-law for the Halifax Mainland as set out above, were passed by a majority vote of the Halifax and West Community Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2013.


GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2013.


Municipal Clerk



Schedule A

2728 Joseph Howe Drive
Halifax

 Area to be rezoned from R-1 (Single Family) to R-2T (Townhouse)

 Land use by-law area boundary

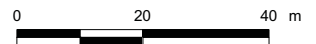
Halifax Mainland Land Use By-Law Area
Halifax Peninsula Land Use By-Law Area

Zone - Halifax Mainland

R-1 Single Family Dwelling
C-1 Local Business

Zone - Halifax Peninsula

R-1 Single Family Dwelling
C-2 General Business



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

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

Attachment B
R-1 Zone from the LUB for Halifax Mainland

R-1 ZONE
SINGLE FAMILY DWELLING ZONE

- 20(1) The following uses shall be permitted in any R-1 Zone:
- (a) a detached one-family dwelling;
 - (b) the office of a professional person located in the dwelling house used by such professional person as his private residence;
 - (ba) a home occupation;
 - (c) a public park or playground;
 - (d) a church and church hall;
 - (e) a golf course;
 - (f) a tennis court;
 - (g) a yacht or boat club;
 - (h) a public recreational centre;
 - (i) **a day care facility for not more than 8 children in conjunction with a dwelling (CCC-Apr 6/09;E-Oct 8/09)**
 - (j) a special care home containing not more than ten persons including resident staff members;
 - (k) uses accessory to any of the foregoing uses.
- 20(2) No person shall in any R-1 Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).
- 20(3) No person shall in any R-1 Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

REQUIREMENTS

- 21 Buildings erected, altered or used for R-1 uses in an R-1 Zone shall comply with the following requirements:
- (a) lot frontage minimum 50 feet except when a lot faces on the outer side of a curve in the street, in which case the min. frontage may be reduced to 30 feet
 - (b) lot area minimum 5,000 square feet
 - (ba) Notwithstanding clause (b), the minimum lot area, for lots abutting an inland watercourse in the "**Mainland South Area**", shall be 6,000 square feet;
 - (c) lot coverage maximum 35 percent
 - (ca) height maximum 35 feet
 - (d) floor coverage of living 950 square feet space, minimum
 - (e) every building shall be at least 12 feet from any other building and at least 8 feet from the rear and both side lines of the lot on which it is situated and at least 20 feet from any street line in front of such building

ACCESSORY BUILDINGS

- (f) notwithstanding the provisions of clause (e), a carport or a detached or attached non-commercial garage may be located not less than 4 feet from the rear and both side lines of the lot on which it is situated and shall be located 8 feet from any other building
- (g) notwithstanding the provisions of clause (f), any accessory building shall not require any side or rear yard nor any setback from any other building if such building is located entirely within the rear yard of the lot on which such building is located; provided, however, that such accessory building shall not be closer than 15 feet to any street line.

BUILDINGS ON CORNER LOTS

- (h) where a building is situated on a corner lot, it shall be at least 10 feet from the flanking street line abutting such lot.

BOSCOBEL ROAD LOT SIZES

- (i) Notwithstanding the minimum lot area requirements specified in Section 21(b) and 21(ba), the minimum lot area requirement for lots abutting or including the wetland area between Boscobel Road and Purcell's Cove Road as specified on Schedule A, shall be one acre, excepting those lots existing on the date of adoption of this Section, and excepting civic number 290 Purcell's Cove Road.

BOARDERS AND LODGERS - BED AND BREAKFAST

- 22 (a) The keeping of not more than three boarders or lodgers in a one family dwelling house shall be permitted, but no window display or sign of any kind in respect to the use permitted by this section shall be allowed.
- 22 (b) The provision of the bed and breakfast accommodation shall not be permitted simultaneously with the keeping of boarders and lodgers.

SIGNS

- 23 The exterior of any building in an R-1 Zone shall not be used for the purpose of advertising or erecting or maintaining any billboard or sign except the following:
 - (a) one sign board not exceeding 6 square feet in size pertaining to the sale or rent of the building or lot;
 - (b) one non-illuminated no-trespassing, safety, or caution sign not exceeding 1 square foot in size;
 - (c) one non-illuminated sign not exceeding 1 square foot in area, indicating the name and the occupation, profession or trade of the occupant of the building;
 - (d) one bulletin board for a church;

- (e) a sign not exceeding 2 square feet in size for a **day care facility (RC-Mar 3/09;E-Mar 21/09)**;
- (f) a non-illuminated sign not to exceed 6 square feet in size for a non-residential building.
- (g) One sign not exceeding two square feet in size which can be illuminated only by reflected light, for any bed and breakfast establishment.

DAY CARE FACILITIES

23A Buildings erected, altered or used for a **day care facility** shall comply with the following requirements:

- (a) Except for outdoor play space, any **day care facility** shall be wholly contained within a dwelling which is the principle residence of the operator of the facility;
- (b) One off street parking space, other than that required for the dwelling, shall be provided. The required parking space shall be eight feet wide by sixteen feet long, and be exclusive of the front yard.
- (c) The **day care facility** shall be limited to a maximum of one full storey of the dwelling; this storey may be the basement.
- (d) Only one **day care facility** shall be permitted to be located on any lot.
(RC-Mar 3/09;E-Mar 21/09)

23B Notwithstanding the provisions of Sections 20(1)(i) and 23A (a-c) a **day care facility** may be operated as an accessory use to a church, church hall, or public recreation centre. The parking provisions contained in Sections 11(1) and 11 (2) would apply.**(RC-Mar 3/09;E-Mar 21/09)**

23C (Deleted)

SPECIAL CARE HOME

23D Where any building is altered or used as a special care home in an R-1 Zone, such building, in addition to the requirements hereinbefore set out, shall comply with the following requirements:

- (i) 100 square feet of landscaped open space shall be provided for each person occupying such home;
- (ii) recreational indoor space may account for 25% of the landscaped open space;
- (iii) the building is a minimum of 1,000 feet distant from any other building used for or as a special care home;
- (iv) parking requirements as contained in subsections (1)and (2) of Section 11.

Schedule "A"

Area to which Section 21(i) applies.

Attachment C
R-2T Zone from the LUB for Halifax Mainland

R-2T ZONE
TOWNHOUSE ZONE

- 28AJ(1) The following uses shall be permitted in any R-2T zone:
- (a) R-1 and R-2 uses;
 - (b) townhouse building;
 - (c) uses accessory to any of the foregoing uses.
- 28AJ(2) No person shall in any R-2T zone, carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).
- 28AJ(3) No person shall in any R-2T zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection(1).

SIGNS

- 28AK No person shall in any R-2T zone erect, place or display any billboard or sign except those permitted in R-1 zones.

REQUIREMENTS

- 28AL(1) Buildings erected, altered or used for R-1 or R-2 uses in an R-2T zone shall comply with the requirements of the R-1 and R-2 zones respectively.
- 28AL(2) Buildings erected, altered, or used as a townhouse building shall comply with the following requirements:
- (a) Minimum lot frontage 18 feet per townhouse, plus 20 feet
 - (b) Minimum lot area 1,800 sq.ft. per townhouse plus 2,000 sq.ft.
 - (c) Maximum height 35 feet
 - (d) Maximum lot coverage 40 percent, provided that this regulation shall be applied as if the lot was subdivided into as many lots as townhouses
 - (e) Minimum front yard 15 feet
 - (f) Mean rear yard 20 feet
 - (g) Minimum side yard 10 feet

28AM SUBDIVISION OF TOWNHOUSE BUILDING

- (a) A townhouse building may be subdivided so that each townhouse is on its own lot, provided that the minimum requirements of Section 28AL(2) are

met. Furthermore, no side yard shall be required along the common lot boundary dividing the townhouse building.

- (b) Notwithstanding Section 28AL(2)(a) for townhouse buildings existing on the date of adoption of this provision, the townhouse building may be subdivided so that each townhouse is on its own lot, provided that each lot has at least 10 feet of frontage on a street. Furthermore, no side yard shall be required along the common boundary dividing the townhouse building.

ACCESSORY BUILDINGS

- 28AN (a) Any accessory building shall not require any side yard or rear yard if such building is located entirely within the rear yard of the lot on which such building is located.
- (b) Where an accessory building is situated on a corner lot, it shall be at least 10 feet from the flanking street line abutting such lot.

Attachment D
Review of Relevant Policies from the Municipal Planning Strategy for Halifax

Policy Criteria	Staff Comment
<p>2. RESIDENTIAL ENVIRONMENTS Objective: The provision and maintenance of diverse and high quality housing in adequate amounts, in safe residential environments, at prices which residents can afford.</p>	
<p>2.1 Residential development to accommodate future growth in the City should occur both on the Peninsula and on the Mainland, and should be related to the adequacy of existing or presently budgeted services.</p>	<p>There are existing services to the subject property which have adequate capacity to service the proposed development and potential uses permitted under the R-2T Zone.</p>
<p>2.1.2 On the Mainland, residential development should be encouraged to create sound neighbourhoods through the application of a planned unit development process and this shall be accomplished by Implementation Policy 3.3. It is the intention of the City to prepare and adopt a planned unit development zone subsequent to the adoption of this Plan.</p>	<p>N/A – The planned unit development zone “Schedule K” was applied to the areas located in Mainland North.</p>
<p>2.2 The integrity of existing residential neighbourhoods shall be maintained by requiring that any new development which would differ in use or intensity of use from the present neighbourhood development pattern be related to the needs or characteristics of the neighbourhood and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</p>	<p>The neighbouring uses consist of single unit dwellings, a multiple unit dwelling and office buildings. The proposed development of townhouses would not result in a significant change to intensity of the existing uses.</p> <p>Policy 3.1 was repealed in June 1990; however, Policy 3.1.1 (see below) requires proposed rezonings to conform with the policies of the plan with particular regard to Policy 2.4 of Section II (see below).</p> <p>Policy 3.2 discusses the creation of secondary plans in certain areas of the Halifax Planning Area. The subject property is not included within a secondary plan.</p>
<p>2.3 The City shall investigate alternative means for encouraging well-planned, integrated development.</p>	<p>N/A</p>
<p>2.3.1 The City should restrict ribbon development which does not conform to the</p>	<p>N/A</p>

Policy Criteria	Staff Comment
<p>policies of this document and should seek ways to remove any such development which may become obsolete.</p>	
<p>2.3.2 Ribbon development along principal streets should be prohibited in order to minimize access points required by local traffic.</p>	<p>The proposed access for each of the townhouse units shall be from Craigmore Drive. Access from Joseph Howe Drive would require further review from the HRM Development Engineer and be subject to the requirements of the Streets By-law</p>
<p>2.4 Because the differences between residential areas contribute to the richness of Halifax as a city, and because different neighbourhoods exhibit different characteristics through such things as their location, scale, and housing age and type, and in order to promote neighbourhood stability and to ensure different types of residential areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods.</p>	<p>The subject property is located on the corner of Joseph Howe Drive and Craigmore Drive. During the public information meeting it became apparent that the property is part of a single unit dwelling neighbourhood.</p> <p>However, when looking at the surrounding uses there are a variety of land uses. There are office buildings located to the east and north of the subject property. There is a multiple unit residential building located to the north-west of the subject property. The Armdale Rotary is located to the south of the subject property, and Joseph Howe Drive is an arterial road.</p> <p>As-of-right the subject property could be subdivided into 3 single unit dwelling properties. By rezoning to the R-2T Zone, the property could be developed for a maximum of 6 townhouse units.</p> <p>The R-2T Zone includes similar provisions concerning height, lot coverage and setbacks as required for single unit dwellings.</p>
<p>2.4.1 Stability will be maintained by preserving the scale of the neighbourhood, routing future principal streets around rather than through them, and allowing commercial expansion within definite confines which will not conflict with the character or stability of the neighbourhood, and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</p>	<p>The R-2T Zone requirements would ensure that scale of development would be appropriate relative to the existing neighbourhood.</p> <p>No new streets or commercial uses are included as part of this planning application.</p>

Policy Criteria	Staff Comment
<p>2.4.2 In residential neighbourhoods alternative specialized housing such as special care homes; commercial uses such as daycare centres and home occupations; municipal recreation facilities such as parks; and community facilities such as churches shall be permitted. Regulations may be established in the land use by-law to control the intensity of such uses to ensure compatibility to surrounding residential neighbourhoods.</p>	<p>Both the existing zoning and the proposed zoning would permit the uses listed.</p>
<p>2.4.2.1 Pursuant to 2.4.2 the land use by-law may regulate the number, size, height, illumination and location of signs.</p>	<p>N/A</p>
<p>2.7 The City should permit the redevelopment of portions of existing neighbourhoods only at a scale compatible with those neighbourhoods. The City should attempt to preclude massive redevelopment of neighbourhood housing stock and dislocations of residents by encouraging infill housing and rehabilitation. The City should prevent large and socially unjustifiable neighbourhood dislocations and should ensure change processes that are manageable and acceptable to the residents. The intent of this policy, including the manageability and acceptability of change processes, shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</p>	<p>The proposed application only considers the rezoning of one lot and would not be considered as a redevelopment of a portion of the existing neighbourhood. However, the R-2T Zone includes similar provisions concerning building placement and massing provisions as required in the R-1 Zone.</p> <p>When comparing the building placement and massing provisions between each zone the R-2T Zone:</p> <ul style="list-style-type: none"> - allows for a slightly larger lot coverage; - requires a larger building setback from adjacent; - allows for a smaller front yard building setback from the street. - requires the same maximum height <p>It is considered that the scale of building that can be built under the R-2T Zone is compatible with the existing neighbourhood.</p>
<p>2.8 The City shall foster the provision of housing for people with different income levels in all neighbourhoods, in ways which are compatible with these neighbourhoods. In so doing, the City will pay particular attention to those groups which have special needs (for example, those groups which require subsidized housing, senior citizens, and the handicapped).</p>	<p>The ability to develop townhouses will provide further variety to the type of housing in the area, while still providing consistency with the scale of housing in the area.</p>

Policy Criteria	Staff Comment
2.9 The City shall actively seek to influence the policies and programs of other levels of government in order to implement the City's housing policies and priorities, and shall also actively seek taxation preference as one method of encouraging rehabilitation of existing housing stock.	N/A
2.10 For low and medium density residential uses, controls for landscaping, parking and driveways shall ensure that the front yard is primarily landscaped. The space devoted to a driveway and parking space shall be regulated to ensure that vehicles do not encroach on sidewalks.	Provisions have already been established in the LUB to control these aspects.
2.11 For all residential uses the parking and storage of vehicles such as trailers, boats and mobile campers, shall be restricted to locations on the lot which create minimal visual impact from the street.	Provisions have already been established in the LUB to regulate these matters.
IMPLEMENTATION POLICIES	
AMENDMENTS TO THE ZONING BY-LAW	
3.1.1 The City shall review all applications to amend the zoning by-laws or the zoning map in such areas for conformity with the policies of this Plan with particular regard in residential areas to Section II, Policy 2.4.	Staff are of the opinion that the proposed rezoning is consistent with the applicable policies of the MPS for Halifax. See review of Policy 2.4 in Section II above.
3.2 For those areas identified in Section II, Policy 2.5.2 of this Plan, the City shall, pursuant to the authority of Section 33(2)(b) of the Planning Act, establish such development control regulations as are necessary to implement the policies of this Plan.	N/A
4. When considering amendments to the Zoning By-laws and in addition to considering all relevant policies as set out in this Plan, the City shall have regard to the matters defined below.	
4.1 The City shall ensure that the proposal would conform to this Plan and to all other City by-laws and regulations.	The proposed rezoning complies with the policies of the MPS for Halifax as outlined above.

Policy Criteria	Staff Comment
<p>4.2 The City shall review the proposal to determine that it is not premature or inappropriate by reason of:</p> <ul style="list-style-type: none"> i) the fiscal capacity of the City to absorb the costs relating to the development; and ii) the adequacy of all services provided by the City to serve the development. 	<ul style="list-style-type: none"> (i) The developer will be responsible for the costs associated with the proposed development; (ii) The application was reviewed by various municipal agencies including, HRM Traffic and Right of Way and Halifax Water. There were no concerns regarding the adequacy of services.

Attachment E
Minutes from the Public Information Meeting

HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case No. 17757

Wednesday, June 20, 2012
7:00 p.m.
Bayers Road Boardroom, Halifax

STAFF IN

ATTENDANCE: Jillian MacLellan, Planner, HRM Planning Applications
Alden Thurston, Planning Technician, HRM Planning Applications
Cara McFarlane, Planning Controller, HRM Planning Applications

ALSO IN

ATTENDANCE: Councillor Linda Mosher, District 17
Councillor Russell Walker, District 15
Cesar Saleh, W.M. Fares Group

PUBLIC IN

ATTENDANCE: Approximately 17

1. Call to order, purpose of meeting – Jill MacLellan

The proposal is to rezone 2728 Joseph Howe Drive from the R-1 (Single Family Dwelling) Zone to the R-2T (Townhouse) Zone. Ms. MacLellan introduced herself as the planner taking this application forward through the planning process; Councillor Linda Mosher, District 17; Councillor Russell Walker, District 15; Cesar Saleh, W.M. Fares Group; Alden Thurston and Cara McFarlane, HRM Planning Applications.

The purpose of the Public Information Meeting (PIM) is to identify the scope of the application, describe the proposal and planning process, and receive public feedback. No decisions are made at the PIM.

2. Overview of planning process – Jillian MacLellan

The PIM is the first stage of a planning application, followed by a detailed review of the application with various departments throughout HRM. Staff will prepare a report providing recommendation as to whether or not the property should be rezoned and present it to Chebucto Community Council (CCC) who will give it first reading and hold a public hearing. The public hearing is another chance for anyone in the area to formally provide any sort of comments concerning the application. Once CCC makes their decision, there is a two week appeal period where one could appeal their decision to the Nova Scotia Utility and Review Board (NSUARB).

3. Presentation of Proposal – Jillian MacLellan

W.M. Fares Group is making this application on behalf of the property owner. The proposal is to rezone the subject property from the R-1 Zone to the R-2T Zone. The purpose of this is to develop the property for five townhouse dwellings.

The property is located on the corner of Joseph Howe Drive and Craigmore Drive near the Armdale Roundabout and the West End Mall. The surrounding uses are mainly residential but there are a couple of office uses just on the opposite side of Joseph Howe Drive.

The property falls under the Halifax Mainland planning area, is designated Residential Environments in the Municipal Planning Strategy (MPS) for Halifax and zoned R-1 Zone in the Land Use By-law (LUB) for Halifax Mainland.

The R-1 Zone permits single unit dwellings. This particular property, based on the land area and frontage, could be subdivided to permit three single unit dwellings. The R-1 Zone also permits home occupations (home offices), institutional uses (church or a special care home), and recreational uses (park, playground, tennis court, golf course etc.). The R-2T Zone permits all the same uses as the R-1 Zone as well as R-2 uses (semi-detached dwellings, duplexes and townhouses). The townhouses are dependent on the area lot frontage of a property.

Permitted in the R-1 Zone is a lot coverage of 35% and a maximum height of 35 feet. The minimum setbacks from the property lines would be 20 feet from the front yard (from the right of way), 8 feet from the side and rear yard, and 12 feet from any other surrounding buildings. In the R-2T Zone, the lot coverage can be 40% and the maximum height stays the same at 35 feet. The minimum setbacks change, front yard would be 15 feet from the front yard, side yards would be 10 feet and the rear yard is required a 20 foot setback.

The proposal fronts Craigmore Drive. The front, rear, left and right elevations were shown. Copies of the renderings are also available on the website.

Staff has to consider the applicable policy when reviewing the application. Part II-Section 2 of the Halifax MPS, under the Residential Environments designation, list a set of requirements that have to be met (adequate services, compatibility, etc.).

Presentation of Proposal – Cesar Saleh, W.M. Fares Group

On October, 2011, a PIM was held for another application on the subject property. During that meeting, an office building was proposed that was thought to be consistent with the neighborhood and across the street. The public had some concerns with the compatibility of use, parking, light and sound pollution, and traffic. A revised proposal will be presented during this second PIM.

The previous proposed commercial site plan was shown. The three storey commercial office building had a gross floor area of 13,000 square feet with parking in the rear and underneath.

The revised proposal consists of five townhouses. The site plan and color rendering were shown. The townhouses are of an architectural contemporary design, three levels with a parking garage at the first level. Architecturally, they are broken horizontally and vertically by bays and

balconies to break up the mass. The balconies are glass with aluminum rail. The townhouses will be cement fibre panels and siding.

Six townhouses would have fit on the property but the market in that area is for larger townhouses. These townhouses range between 23 feet and 24 feet wide, 40 feet deep and are a little over 900 square feet per floor (just shy of 3,000 square feet in total). The setbacks are generous: 30 and 40 feet in the front, 31 and 33 feet in the rear, and almost 10 feet on both sides. The roof is sloped; therefore, the height of the back of the townhouses is 29 feet 8 inches and 34 feet 4 inches in the front. The combined building area of all of the townhouses is 5,077 square feet (coverage of 30%) and 8,800 square feet is landscaped (53% of the site). Each townhouse will have its own entrance and two parking spots per townhouse (one inside and one out).

Some visual representations were shown.

Mr. Saleh believes that all issues raised at the first PIM have been considered and addressed.

4. Questions and Comments

Brian Adams, Rockwood Avenue – Joseph Howe is a historical place and has a long history. The view coming down Joseph Howe Drive could be classified as the Peggy's Cove of Halifax with the view of the Northwest Arm. He understands that the city is dealing with monetary issues and needs more density to pay for the things it has. There are five accesses to the Peninsula of Halifax and this particular property will only add to the aspect of people having to transfer from one side to the other. As far as existing tall buildings in the neighbourhood, we are Halifax Mainland, but if one was to step out into Joseph Howe Drive it becomes Halifax Peninsula. They are totally different plans and land use by-laws. The residents shouldn't have to look across the street at tall buildings. The Craigmere project is 40% bigger than would be allowed under the LUB and, therefore, shouldn't be used as an example. This is just a proposal and the applicant does not have to do what they are suggesting tonight. Once the property is rezoned, the applicant can build whatever is permitted under that zone. Under Policy 2.2, the current proposal doesn't relate to the needs and characteristics of the neighbourhood in any way; there are no townhouses on Joseph Howe Drive; it will not retain existing residential character of the neighbourhood; it is not compatible with the neighbourhood; and it won't maintain the stability of the neighbourhood. He wondered why the site plan shows the sideyard setback as being 8.4 feet when according to the LUB, the minimum sideyard setback is 10 feet. **Ms. MacLellan** said HRM cannot bind the applicant to tonight's proposal. It is in good faith that what they are agreeing to is what they will go forward with; however, they are required to follow the requirements of the LUB. The R-2T Zone permits R-1 and R-2 uses, and townhouse dwellings; therefore, a multiple unit dwelling, except for townhouse units, would not be permitted on the property. Staff will have to discuss the sideyard setback issue with applicant.

Kent Flinn, Murdoch Avenue – The block from Craigmere Drive to the rotary is zoned R-1 which does allow the church at the far end. One could easily describe some of the homes in this block as stately. He is concerned that rezoning any of the properties within this block will influence the future development of the rest of it. He envisions that if the rezoning occurs, the public will be back here in the near future with applications for rezoning of other properties within this block. He believes this property could be the start of an irreversible trend. At present this streetscape is as balanced as any in HRM. There is a great mix of places of public worship, large quality commercial buildings and fine examples of stately homes. Nearby there is a multi-

storey residential. These properties have comfortable setbacks from the street to allow for an uncrowded view of the Northwest Arm as it is approached from the north. Let's not start the demise of the R-1 zoning along this street. This property, along with the rest of the block, has been zoned R-1 for a considerable time and would have been in place at the time the present owner purchased this property. He questioned where is the greater good to the community in allowing this rezoning to take place. He suggested that the decision makers on this issue take the time to walk this portion of Joseph Howe Drive, reflect on the overall surroundings and the view of the Arm, and reflect on whether it would be in the best interest of west end Halifax to rezone this property, which will inevitably lead to major development on the west side of the street with considerable heavier density.

Jim Haliburton, Walton Drive – There is an MPS in place. The property has a designation and is zoned R-1 and there should stay that way. It should not be allowed to change. Once the property is rezoned, any permitted use can be applied for as long as it meets the requirements of the LUB. This is a common way to deceive the public by showing a rendering and then build whatever the zoning allows. He is upset that staff continues to bring these applications before the public. This will set precedence and everyone will want to rezone their property. It is not the intent of the MPS. The community will change from a single family R-1 Zone environment into townhouses with two people working and traveling, no one walking the streets. That is not a community. He is dead set against the proposal. For economic reasons, if the developer is permitted six townhouses, he assured the public the development will change from five to six.

Michael Ryan, Joseph Howe Drive – His family's 39,000 square foot, 100 year old, estate lot connects to this property on the southwest corner. He bought it originally for the quiet neighbourhood and for the fact that it is zoned R-1. Mr. Saleh's statement about addressing all the issues from the first PIM is very misleading to the audience and residents of the area. The residents asked for no rezoning and this proposal is for a rezoning. If HRM plans to deal with this in piece meal zoning, they should get rid of the MPS and rezone all the properties in the area. If this property is rezoned, he will do the same and go for the density. He wants to keep his lot zoned R-1.

Ann Giffin, Joseph Howe Drive – Her property is south of 2728 Joseph Howe Drive. The house was bought based on an R-1 neighbourhood in April 2011. She and her family of four oppose the proposal for very personal reasons. She heard about the proposed rezoning when they moved in, September 2011. She is a police officer and works shift work. At times she has to sleep during the day and it upsets her that she will have to listen to five townhouses being constructed. Her family will have to be rerouted to another R-1 neighbourhood for quiet enjoyment. No one should have to give up their way of living and disrupt their lives for someone who buys an R-1 home and decides to change the zoning. There will be five balconies and potentially 25 to 30 people creating noise in her backyard. She is strongly opposed to this proposal. The applicant did not address any noise concerns from the first PIM. **Mr. Saleh** clarified that the as of right use for this piece of land is R-1. Under the R-1 zoning, the land could be subdivided into three parcels with three single family dwellings on them. The footprint of all three single family dwellings combined would be greater than the five townhouse development. Also, under the R-1 regulations, the rear yard setback is eight feet whereas for a townhouse the setback is 20 feet. The applicant is proposing 30 feet to 33 feet. **One resident** asked about building under and next to the Nova Scotia Power easement.

Mr. Ryan – If the applicant was confident that by subdividing the property and building three single family dwellings as-of-right would bring in money, it would have already been done. As already mentioned, once the zoning is changed, the applicant can build whatever is permitted.

David Farwell, Joseph Howe Drive – The first PIM held in October 2011 was for an application to rezone 2728 Joseph Howe Drive to C-1 Zone. The application failed due to the resident's opposition to rezone the property. The present application is to rezone to R-2T Zone. He bought his property for the lovely, unique area and the view of the Northwest Arm. There are many mature, hardwood trees on his and the surrounding properties. All the properties in the surrounding area are zoned R-1. He believes that the subject property was purchased with the sole interest of changing the zoning to make a profit at the expense of the other property owners in the R-1 Zone. In his opinion it would be nothing short of outrageous to allow a rezoning of this property. He referred to the MPS:

Section 2.2 – “The integrity of existing residential neighbourhoods shall be maintained by requiring that any new development which would differ in use or intensity of use from the present neighbourhood development pattern be related to the needs or characteristics of the neighbourhood and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.”

In his opinion, the residential neighbourhood which now exists does not need or require the property to be rezoned to allow townhouses adjacent to the present R-1 Zoned properties. Section 2.2 of the MPS says the development must be related to the needs or characteristics of the neighbourhood. This proposal falls short of this requirement. Section 2.4 of the MPS states:

Section 2.4 – “Because the differences between residential areas contribute to the richness of Halifax as a city, and because different neighbourhoods exhibit different characteristics through such things as their location, scale, and housing age and type, and in order to promote neighbourhood stability and to ensure different types of residential areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of predominately stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods.”

This proposed rezoning will erode the residential character of the neighbourhood. The houses in our neighbourhood have character, and it would be a sad day in the neighbourhood if this rezoning application and this ugly looking structure ever gets approved. It has no character and no class.

Denise Piercey, Melton Avenue – Lives across the street from Joseph Howe Drive and agrees with everyone's comments. The drive down Joseph Howe Drive towards the rotary is by far the best view ever. The residents want R-1 Zoning. There are no townhouses in the area. She is upset that the condo building being constructed is now going to be a rental property. That will change the characteristic of the neighbourhood as well. She doesn't believe the issues from the first PIM were addressed. It was made clear that the residents did not want a rezoning. She agrees that the applicant bought the property for profit. It is an old neighbourhood and this proposal does not fit.

Ms. Giffin – If approved, what is the timeframe? **Ms. MacLellan** said that the process generally takes about six months. **Ms. Giffin** explained in detail the repairs that need to be done to the current structure. **Councillor Mosher** said there is an open file on that property with HRM By-law Enforcement. **Ms. Giffin** asked if anyone actually goes through the building to see what

needs to be done to bring it up to current standards. **Ms. MacLellan** believes it would require a building official but she will look into that.

Ms. Worcester, Joseph Howe Drive – Bought their property about three years ago with the intent of raising a family there. Before they bought, the intentions were to subdivide the property which concerned the surrounding residents. Because they intended to keep the property as is, neighbours decided to stay. She is very concerned about the noise. Construction traffic back and forth in front of their house is quite disruptive for their daughter trying to sleep and she can only imagine that this would be more of the same.

A resident –Is there anything in the zoning by-laws that states the civic address has to maintain a street facing on the existing property? **Ms. MacLellan** said that the Civic Addressing department would take care of that. She is not aware of anything in the LUB that talks about how a property is addressed. **Mr. Ryan** asked if the address would be Craigmore Drive instead of Joseph Howe Drive. **Ms. MacLellan** assumes it would be Craigmore Drive but again it would be up to the Civic Addressing department.

Mr. Ryan – The rendering does not show a stop sign coming off of Craigmore Drive. He assumes that with the increase of traffic from this proposal and the apartment building, a set of traffic lights may be warranted. HRM has to take a stand and not entertain rezoning applications in this neighbourhood. People are living in fear that if they don't sell their homes now and another property in the area is rezoned, they may never be able to sell their properties. Residents in the neighbourhood are not interested in rezoning from R-1.

Lena Bliziotis, Craigmore Drive – Her family has lived here for years. She is very angry and upset, and totally opposed to this development or any rezoning especially as of late. There are reasons that she would not state at the meeting but will in writing. During the first PIM, the three storey building was characterized as hideous and the proposed building is just as hideous for that particular spot and neighbourhood. The neighbourhood is residential, a quiet neighbourhood with a dead-end. If this is going to be rezoned, then do so to the whole block. Why should we have to suffer because someone wants to come in and just make money off the property? In her view, the proposed building doesn't look anything like a townhouse. It looks like a three storey apartment building. She is concerned about the view. Why are residents not respected at all? Once ground is broken, anything permitted can be done.

Councillor Walker – Explained that anyone in HRM has the right to request to have their property rezoned whether it's granted or not. Each application requires a public process. In his district, there have been quite a few new townhouses built and bought by young families. He hasn't received any complaints about the townhouses not fitting into the neighbourhood. Personally, he is not for rezoning it.

Craig Chisholm, Craigmore Drive – Does HRM ever say no to an application before it reaches this stage? If yes, then why hasn't that happened here? **Ms. MacLellan** explained that staff considered it because it is located on Joseph Howe Drive which is a fairly busy street. There are different uses on the opposite side of Craigmore Drive and the other side of the road. **Mr. Chisholm** asked if a record is kept of how many applications are rejected before it gets to this stage. **Ms. MacLellan** said no but inquiries are recorded. The policy for this area allows for the ability to apply for a rezoning. If policy didn't exist, that would be a reason not to entertain a rezoning application. **Mr. Saleh** mentioned that staff sometimes does not recommend in favour

of the application, but the applicant has the right to go through to the end and then it becomes council's decision.

Mr. Adams – At one point on Joseph Howe Drive, an R-1 building with a commercial component was permitted to allow government office use. Eventually the city sold that house and put a covenant in the sale to ensure the property owner would not do anything commercial. He explained the history of the Craigmere Tower property and the Maritime Life building. Staff shouldn't look at the existing environment as being conducive to that application for a rezoning, but look at the history of that whole area. Old Dutch Village Road has lots of opportunity as far as vacant land and there is already activity going on. The city should be planning and looking at the overall environment. He feels that this proposal has nothing to do with Halifax. We were here 10 months ago, and again now. How long does this go on?

Mr. Ryan – The residents have stood up and said they oppose this application. Councillor Walker made the comment about townhouses and separate from the fact of townhouses in general, he said that he did not support rezoning this property. **Mr. MacLellan** mentioned that council can't make a decision until it is brought before council. **Councillor Walker** said that the application would be appealed to the NSUARB if that happened.

Deanna MacDonald, Rockwood Avenue – What does staff base their recommendation to council on? **Ms. MacLellan** explained that the recommendation to rezone, or not to rezone, a property is based on policy (Section 2.2 of the Halifax MPS).

Ms. Peircey – She is concerned about where visitors will park along the street. Traffic congestion there is already a problem.

5. Closing Comments

Ms. MacLellan thanked everyone for coming and expressing their comments.

6. Adjournment

The meeting adjourned at approximately 8:17 p.m.