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Item No. 2
Halifax and West Community Council
August 6, 2014

TO: Chair and Members of Halifax and West Community Council
Original Signed

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

DATE: July 22, 2014

SUBJECT: Pathway at Herring Cove Village Subdivision

INFORMATION REPORT

ORIGIN

February 18, 2014 motion of Halifax and West Community Council:

"MOVED by Councillor Adams, seconded by Councillor Walker that Halifax and West Community Council request a staff report examining the option to reinstate fencing along the proposed public pathway between the Herring Cove Village subdivision and properties abutting PID # 41361528 and # 41361536. MOTION PUT AND PASSED."

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Part VIII, Planning & Development and Part II, Administration

BACKGROUND

In May 2009, HRM received an application for a development agreement (Case 01280) to allow for a residential subdivision referred to as "Herring Cove Village" in the community of Herring Cove. The proposal was for 49 single unit dwelling lots situated on 2 new public streets. In October 2010, the former Western Region Community Council held a public hearing on the proposal and rejected the application on the basis that it did not conform to the Municipal Planning Strategy for Chebucto Peninsula (MPS) with respect to lot frontages. Following this, in January 2011 the same developer filed a new application (Case 16713) on the same site proposing larger lot frontages and a total of 46 single unit dwelling lots. The former Western Region Community Council approved the application in August 2011.

DISCUSSION

The area described in Council's motion as "the proposed public pathway" is approved as an access and service easement in favour of Halifax Water and not an HRM walkway or pathway. The initial development proposal (Case 01280) included a public walkway to provide pedestrian connectivity between the end of a temporary cul-de-sac (Reginald Court) and Herring Cove Road. The walkway was to have been constructed over the access and service easement (Map 1) as its provision was in keeping with HRM's Municipal Design Guidelines which requires a walkway connection to another street for a permanent cul-de-sac exceeding 230 metres in length. However, as noted in the Background section of this report, the proposed development agreement for Case 01280 was rejected.

During the course of reviewing the second development proposal (Case 16713), the applicant submitted a request to vary the Design Guidelines to remove the walkway from the easement on the basis that a future street and pedestrian connection to Herring Cove Road would be achieved on the adjacent property to the north when Reginald Court is extended. The variance rationale also identified safety concerns with a walkway connecting to Herring Cove Road where there are no sidewalks. The requested variance was determined to be acceptable by the HRM Development Engineer and, as a result, the development agreement for Case 16713 did not require the provision of the public walkway by the developer. During the public hearing for the proposed development agreement, staff also clarified for those in attendance that the public walkway was no longer part of the proposal.

Since the approval of the development agreement, the lands have received subdivision approval and the easement over the privately-owned lots has been conveyed to Halifax Water. The area is not reserved for a future public walkway, and the Municipality has no title interest in the easement.

If Council wants to establish a public pathway, in the same location as the current access and service easement, a substantive amendment to the development agreement for Herring Cove Village would be required. The proposed amendment would also require the consent of the developer/land owner.

The current easement forms part of the lots on which it crosses. Public walkways are typically an HRM deeded walkway. The creation of such a walkway would reduce the amount of frontage on the effected lots to less than 60 feet of frontage which is inconsistent with plan policy. Therefore, a plan amendment may also be required to establish the proposed public pathway.

FINANCIAL IMPLICATIONS

There are no financial implications.

COMMUNITY ENGAGEMENT

The community engagement process undertaken for Cases 01280 and 16713 was consistent with the intent of the HRM Community Engagement Strategy.

The level of community engagement was consultation, achieved through public information meetings held on September 30, 2009, February 24, 2010 for Case 01280 and March 9, 2011 for Case 16713. Further, public hearings were held on October 18, 2010 for Case 01280 and August 22, 2011 for Case 16367.

Notices of the public information meetings and public hearings were posted on the HRM website, in the newspaper and mailed to property owners within the notification areas shown in the June 7, 2010 staff report (Case 01280) and in the July 19, 2011 staff report (Case 16367).

ATTACHMENTS

Map 1 Location of Service Easement

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> 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.

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Original Signed


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




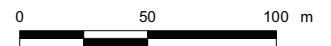
Map 1 - Location of Service Easement

HALIFAX

Herring Cove Village
Herring Cove

 Extent of Herring Cove Village subdivision

 Service Easement for Case 16713 approval



Planning District 5
(Chebucto Peninsula) Plan Area

Note: western end of Reginald Court to be extended to connect with Herring Cove Road

The accuracy of any representation on this plan is not guaranteed.