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Harbour East Community Council
November 6, 2008

TO: Chair and Members of Harbour East Community Council

SUBMITTED BY:


Paul Dunphy, Director of Community Development

DATE: October 23, 2008

SUBJECT: Case 01163: Rezoning, Lakecrest Drive, Dartmouth

ORIGIN

Application by Anne and Armand St. Jean to rezone their property from the R-1 (Single Family Residential) Zone to the R-2 (Two Family Residential) Zone located at the intersection of Lakecrest Drive and Helene Avenue, Dartmouth.

RECOMMENDATION

It is recommended that Harbour East Community Council:

1. Move First Reading to consider the proposed zoning map amendment to the Dartmouth Land Use By-law as shown in Attachment "A", and schedule a public hearing;
2. Approve the proposed zoning map amendment to the Dartmouth Land Use By-law by rezoning PID No.40526352 from the R-1 (Single Family Residential) Zone to the R-2 (Two Family Residential) Zone, as shown in Attachment "A".

BACKGROUND

The Applicant is requesting their vacant property on Lakecrest Drive be rezoned from the R-1 (Single Family Residential) Zone to the R-2 (Two Family Residential) Zone to enable the development of a two-unit dwelling.

Location, Designation, and Zoning:

- The subject property is situated on the northwest corner of Lakecrest Drive and Helene Avenue and is approximately 8,662 square feet in area.
- The property is located within the Residential designation and zoned R-1 (Single Family Residential). The properties along Helene Avenue are zoned R-1 while the dwellings on Lakecrest Drive are mainly zoned R-2.
- Surrounding land uses include a mix of residential and commercial uses (Map1). Development along Helene Avenue consists of single unit dwellings while development on the north side of Lakecrest Drive contains a mix of single and two-unit dwellings in the immediate area. The abutting property on Lakecrest Drive is a two-unit dwelling owned by the applicants. The south side of Lakecrest Drive features the back lots of a mix of commercial developments that front on Main Street.

Lot Configuration:

In 1990, HRM conducted road improvements at the corner of Helene Drive, Lakecrest Drive, and Main Street. As a result of the improvements, a portion of the old right-of way was sold in December 2005 to the applicant. Further re-subdivision of the lots in February 2007 resulted in the current larger size and shape of the subject property.

Plan Policy:

In the Dartmouth Plan area, rezonings may be considered for any permitted use within each generalized land use category as per Table 4 of the Municipal Planning Strategy (MPS) provided that they do not conflict with the policies of the plan (Attachment B). Under the Residential designation, the MPS allows Council to consider rezonings from R-1 to R-2. Such rezonings are evaluated in accordance with the general policy criteria as set out in Policy IP-1(c) (Attachment B).

R-2 Zone:

The R-2 Zone permits all R-1 Zone uses plus two unit dwellings (semi-detached, duplex, or basement apartment), or a dwelling for not more than ten persons, owned or operated by a voluntary non-profit organization (Attachment B). If the property is rezoned, the owner is permitted to develop any of the listed permitted uses within the R-2 Zone without any further public consultation. Development of the property would then proceed by-right in accordance with the development requirements of the R-2 Zone (Attachment B).

DISCUSSION

Staff have reviewed the proposed rezoning based on all applicable policies of the Dartmouth MPS. Attachment D provides an analysis of the request against the criteria contained in Policy IP-1(c). The following issues have been identified for more detailed discussion.

Residential Designation: The subject property is designated Residential (Map 2). The intent of the designation is to ensure that the primary land use within the designation is residential and the rezoning is consistent with that intent and applicable plan policies.

Municipal Infrastructure: The subject property is located within the Urban Service Area Boundary and can be serviced with the existing central water and sewer services which are already present on Lakecrest Drive and Helene Avenue. The proposed two unit dwelling is an infill project that maximizes the use of HRM's existing sanitary and water infrastructure.

Compatibility: The subject property abuts a two-storey, two-unit dwelling on Lakecrest Drive zoned R-2 Zone and a single storey-single unit dwelling on Helene Avenue (R-1 Zone). The R-2 Zone would permit a semi-detached dwelling, duplex, or a single unit dwelling with a basement apartment on the property. Of the three options, a single unit dwelling with a basement apartment would have the least impact on the character of Helene Avenue. A semi-detached dwelling could be less compatible, but this is more a result of building style than use.

Attachment C provides a comparison between the R-1 and R-2 zone requirements and demonstrates that there is very little variation between the zone requirements. The maximum footprint of any building, regardless of zoning, would be similar. Further, neither zone contains any regulations on the height of the proposed main structure or the architectural design of the structure which impacts the bulk and scale of development. Therefore, the resultant housing form, regardless of its zoning (R-1 or R-2) may not conform with the existing neighbourhood and similarly zoned structures. However, the impact of the building should not be significant on the character of development on either street.

The applicant has submitted a development site plan that demonstrates that the subject property could be developed to meet the R-2 Zone standards and staff have confirmed that the property could be developed to satisfy these requirements.

Community Facilities: The proposed development is situated within close proximity to a number of community facilities such as schools (P-12 and post secondary), library, recreation fields, the East Dartmouth Community Centre, etc. The additional dwelling unit and associated population will be well served by the existing community facilities.

In addition to public facilities, the property is also located in close proximity to a major commercial node within Dartmouth. The Main Street-Tacoma Drive area consists of a variety of commercial uses (ie: restaurants, a large grocery store, various small businesses, etc.) and is serviced with four MetroTransit routes. As well, the location of the property provides for access to community services within a reasonable walking distance.

Access and Pedestrian Movement: Due to the location of the property at the corner of Lakecrest Drive and Helene Avenue, area residents expressed concerns relative to driveway access. Access and egress to the property will be obtained via two driveways: a new driveway off Helene Avenue adjacent civic No. 6 Helene Avenue (Map 3) and a sharing of the existing driveway for civic No. 109 Lakecrest Drive.

Locating the Helene Avenue driveway access adjacent the northerly property boundary positions the two driveways as far apart as possible to minimize vehicle conflicts and maximize sight distances for the corner lot. Staff have determined the existing driveway access on Lakecrest Drive and a proposed driveway on Helene Avenue, as described above and shown on Map 3, are acceptable.

Due to the layout of the roadway, the amount of vegetation on the property, and the location of sidewalks and crosswalks on Lakecrest Drive, residents also expressed concern regarding pedestrian safety such as vehicular/pedestrian traffic warning signage, enforcement of vehicular speed and pedestrian street crossing activities, and pedestrian access points and connectivity. Most of the issues raised are not within the applicant's ability to address as they are offsite issues and are existing. The HRM departments responsible for these matters have been contacted to investigate possible options to address residents concerns. Further, the applicant has indicated that they would be willing to remove the vegetation along the road to improve pedestrian safe in the area.

Public Information Meeting

A public information meeting (PIM) was held on June 23, 2008. Attachment E contains a copy of the minutes from the meeting focussed on pedestrian and traffic safety and the compatibility of the R-2 Zone permitted land uses with the neighbourhood.

Should Community Council decide to schedule a public hearing for this application, public notices advertising the hearing will be placed in the newspaper, as well as written notification of property owners within the notification area identified on Map 1.

Conclusion: Staff are of the opinion the requested rezoning from the R-1 (Single Family Residential) Zone to the R-2 (Two Family Residential) Zone is consistent with the Dartmouth Municipal Planning Strategy policies. Further, enabling the development of a vacant corner lot in a manner that is compatible with the existing neighbourhood provides for the efficient use of municipal infrastructure, complements the intent of both the Dartmouth MPS and RMPS and is supportive of sustainable community development.

BUDGET IMPLICATIONS

The HRM costs associated with processing this application can be accommodated within the approved operating budget for C310.

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

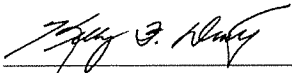
1. Council may choose to approve the proposed amendment to the Land Use By-law. This is the recommended course of action.
2. Council may choose to refuse the proposed amendment to the Land Use By-law, and in doing so, must provide reasons based on a conflict with MPS policies.

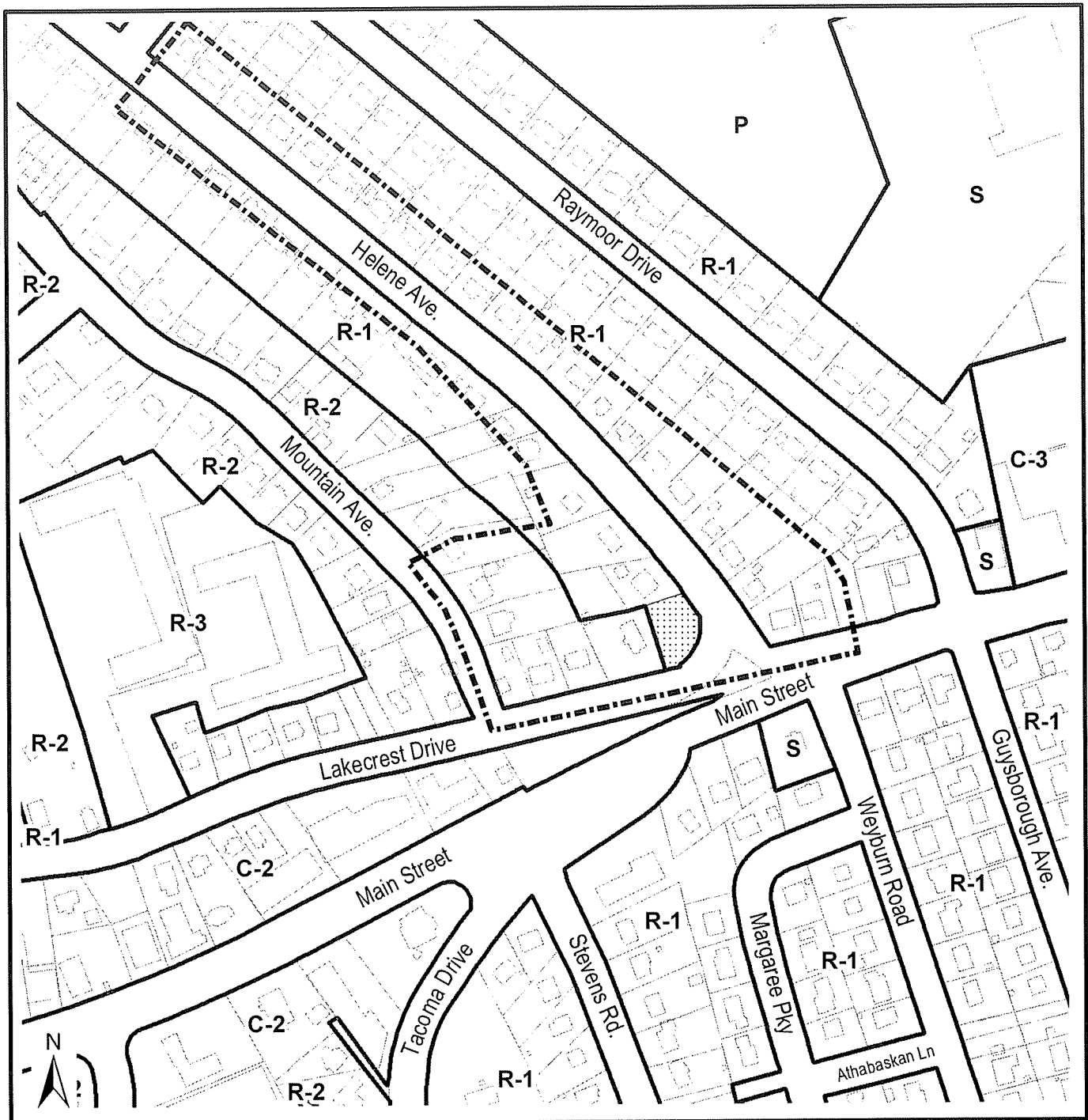
ATTACHMENTS

Map 1	Location and Zoning
Map 2	Future Land Use
Map 3	Existing and Proposed Driveway Accesses
Attachment A	Amendment to the Land Use By-law for Dartmouth
Attachment B	Dartmouth Municipal Planning Strategy & Land Use By-law Excerpts
Attachment C	R-1 & R-2 Zone Development Standards
Attachment D	Dartmouth MPS Policy IP-1(c) Criteria Evaluation for LUB Amendments
Attachment E	Public Information Meeting Minutes June 23, 2008
Attachment F	Neighbourhood Resident's Petition

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 : David Lane, Senior Planner, 490-5719

Report Approved by: 
Kelly Denty, Acting Manager, Planning Services, 490-6011



Map 1 Location and Zoning

PID 40526352

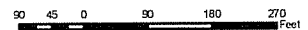
-  Subject Property
-  Proposed Notification Boundary

Dartmouth Plan Area

Zone

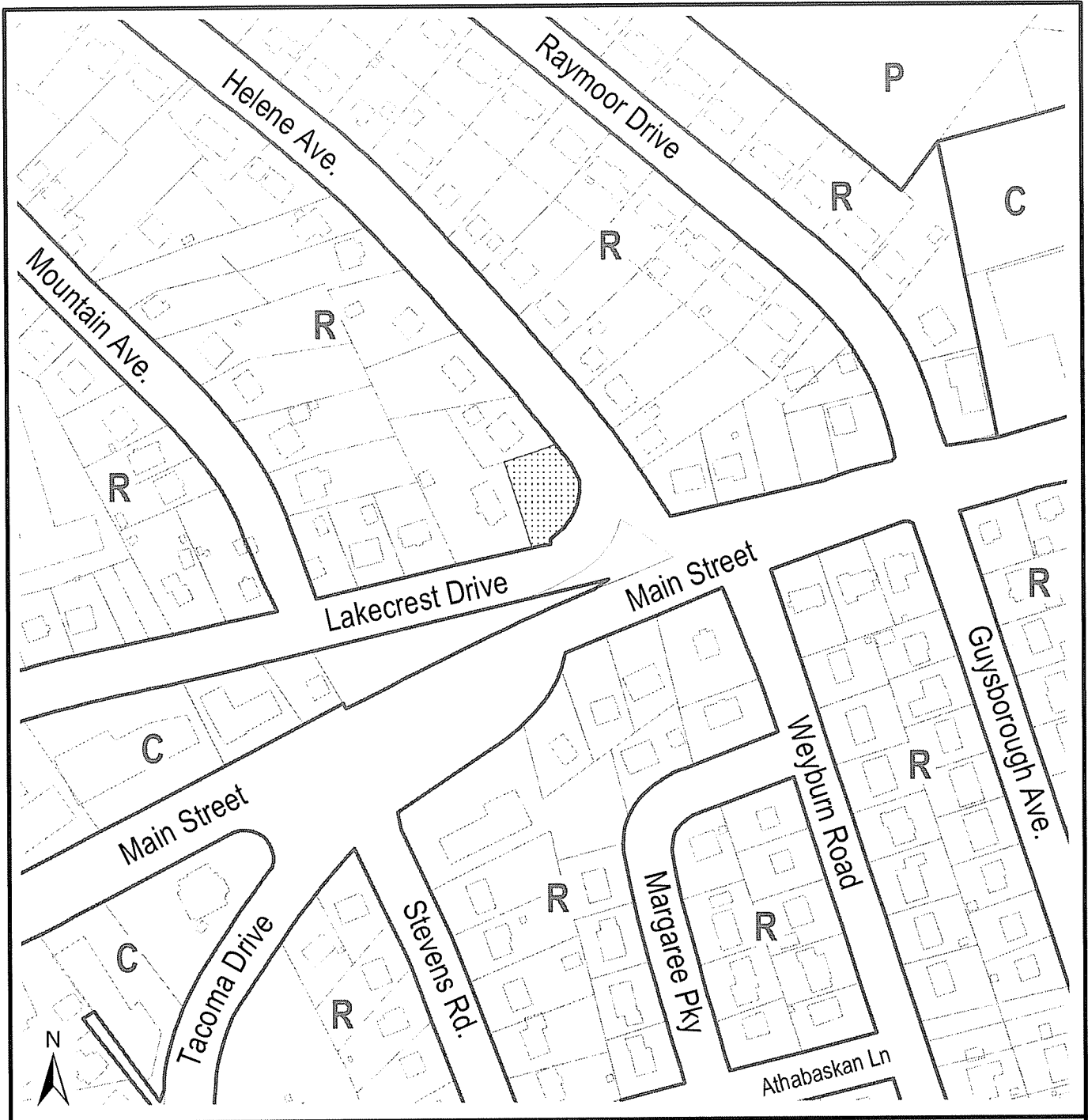
- R-1 Single Family Residential
- R-2 Two Family Residential
- R-3 Multiple Family Residential
- C-2 General Business
- C-3 General Business
- P Park
- S Institutional

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This map is an unofficial reproduction of a portion of the Zoning Map for the Dartmouth Land Use By-law area.

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



Map 2 Generalized Future Land Use

PID 40526352

 Subject Property

Designation

- R Residential
- C Commercial
- P Park

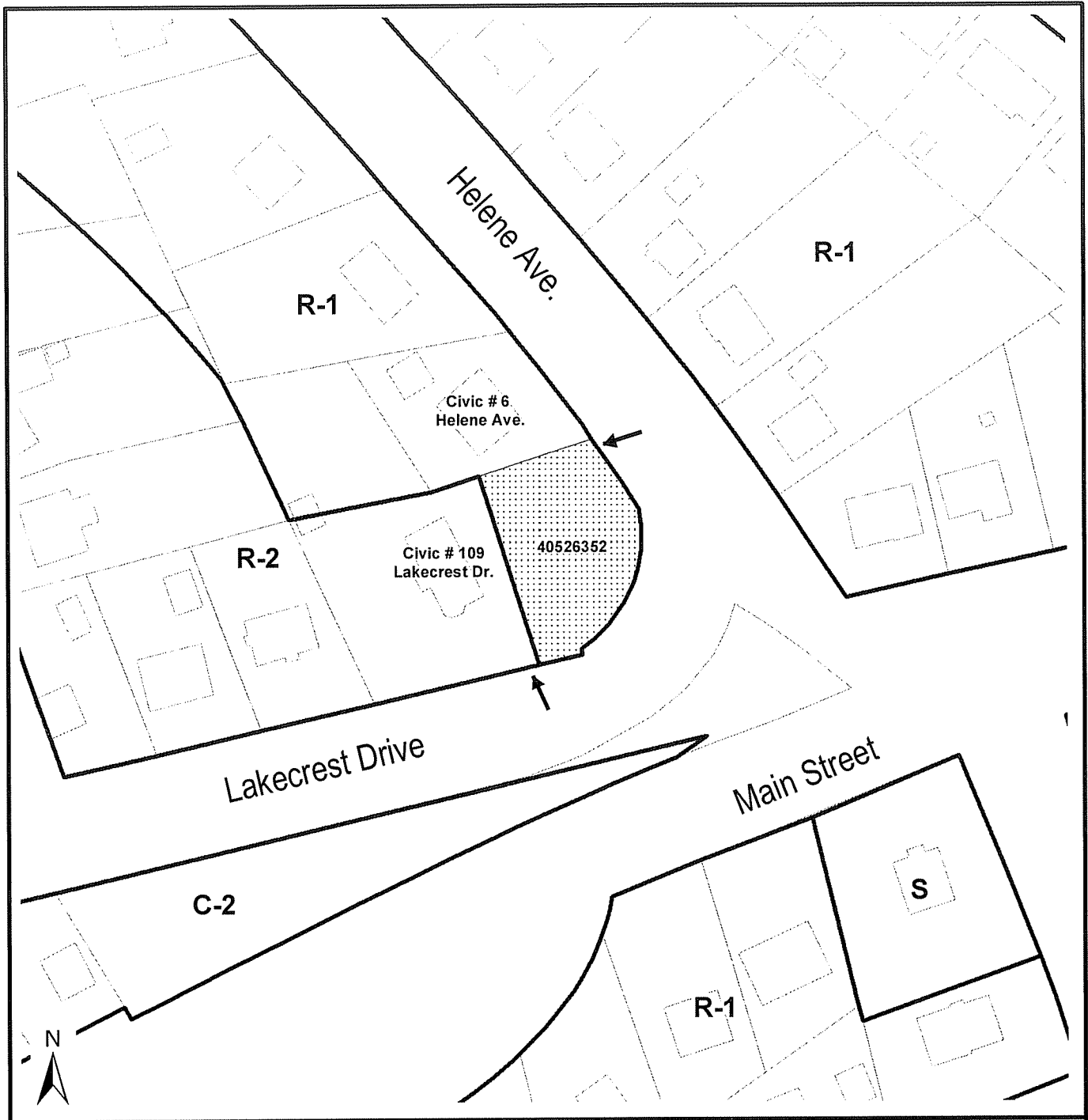
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This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Dartmouth Land Use By-law area.


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Dartmouth Plan Area



Map 3 Existing and Proposed Driveway Accesses

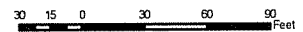
PID 40526352

 Area to be rezoned from R-1 (Single Family Residential) Zone to R-2 (Two-Family Residential) Zone

 Location Of Driveway Accesses

Dartmouth Plan Area

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Attachment A

Amendment to the Land Use By-law for Dartmouth

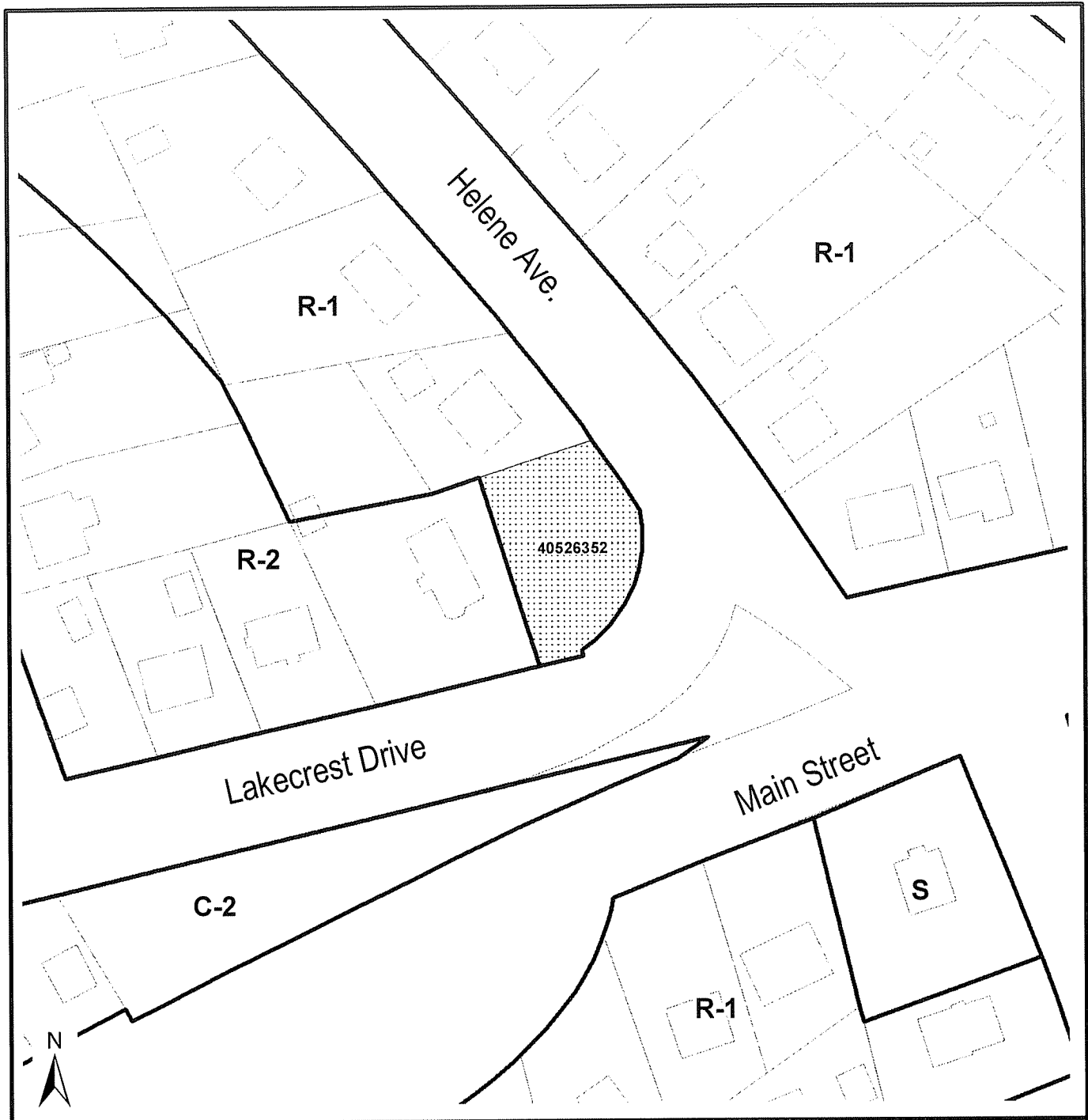
BE IT ENACTED by the Harbour East Community Council of the Halifax Regional Municipality that the Dartmouth Land Use By-law, is further amended as follows:

1. The Zoning Map of the Land Use By-law shall be amended as shown in the attached Schedule "A"

I HEREBY CERTIFY that the amendment to the Land Use By-law for Dartmouth as set out above, was passed by a majority vote of the Harbour East Community Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2008


GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2008

Julia Horncastle
Acting Municipal Clerk

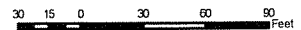


Schedule "A" Amendment to the Dartmouth Land Use By-law

PID 40526352

 Area to be rezoned from R-1 (Single Family Residential) Zone to R-2 (Two-Family Residential) Zone

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This map is an unofficial reproduction of a portion of the Zoning Map for the Dartmouth Land Use By-law area.

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

Dartmouth Plan Area

**Attachment B
Dartmouth Municipal Planning Strategy and Land Use By-law Excerpts**

Table 4								
Reserve	Urban Core	Institutional	Park & Open Space	Industrial	Commercial	Residential	← General Land Use Classification Land Use ↓	
●	<i>Deleted-Reg. Council-July 11/2000, Effective-Sept 2/2000</i>				●	●	Single	
						●	Duplex	
●						●	●	Low Density Multiple
						●	●	Medium Density Multiple
						●	●	High Density Multiple
						●	●	Mobile Homes
					●	●	●	Neighbourhood Con. Stores
					●	●	●	Home Occupations
					●	●	●	Retail Trade
					●	●	●	Service Commercial
					●	●	●	Regional Commercial
				●	●	●	●	Local Office
					●	●	●	General Office
					●	●	●	Tourist Commercial
					●	●	●	Warehousing/Distribution
					●	●	●	Light Industrial
					●	●	●	Harbour Oriented Industrial
					●	●	●	General Industrial
●			●	●	●	●	●	Local Parks/Rec. Facilities
●			●	●	●	●	●	District Parks/Rec. Facilities
●			●	●	●	●	●	City Parks/Rec. Facilities
●			●	●	●	●	●	Regional Parks & Facilities
●			●	●	●	●	●	Watershed
●			●	●	●	●	●	Environmental Protection Area
●			●	●	●	●	●	Local Institutional
●			●	●	●	●	●	City/Regional Institutional
●		●	●	●	●	●	Utilities	

Policy 1P-1

(b) Generalized Land Use

The generalized land use categories for the City shall include: (1) Residential, (2) Commercial, (3) Industrial, (4) Park and Open Space, (5) Institutional. *Deleted-Reg.Council-July11/2000, Effective-Sept2/2000. In addition, areas outside the development boundary not designated on the Generalized Land Use Map shall be designated Reserve in accordance with Map 9c attached as Schedule "C". (As amended by By-law C-475, Sept. 20, 1983).*

Table 4 identified, in matrix form, the permitted uses under each category. The uses permitted in the Zoning By-law shall be consistent with uses permitted under each category as shown on matrix form on Table 4. The generalized land uses are also shown on: Map 9;

Map 9b, 9c, 9d, 9e, 9g, 9h,9i (By-law 633), 9i (By-law 724), 9j, 9q, 9m, 9o, 9p (Portland St), 9p (Craigwood) and 9r (As amended by By-law C-475, Sept. 20, 1983, By-law C- 493, Dec. 9, 1983, By-law C-494, Dec. 9, 1983 and By-law C-511, Jul.,1984).

These maps shall be the Generalized Land Use Map for the City of Dartmouth based on the policies contained in this plan.

Zoning amendments may be considered for any permitted use within each generalized land use category without a plan amendment provided that they do not conflict with the policies of this plan.

(c)

In considering zoning amendments and contract zoning, Council shall have regard to the following:

- (1) that the proposal is in conformance with the policies and intents of the Municipal Development Plan
- (2) that the proposal is compatible and consistent with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale of the proposal
- (3) provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries
- (4) that the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of the City is to absorb any costs relating to the development
 - (ii) the adequacy of sewer and water services and public utilities
 - (iii) the adequacy and proximity of schools, recreation and other public facilities

- (iv) the adequacy of transportation networks in adjacent to or leading to the development
 - (v) existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas
 - (vi) preventing public access to the shorelines or the waterfront
 - (vii) the presence of natural, historical features, buildings or sites
 - (viii) create a scattered development pattern requiring extensions to truck facilities and public services while other such facilities remain under utilized
 - (ix) the detrimental economic or social effect that it may have on other areas of the City.
- (5) that the proposal is not an obnoxious use
- (6) that controls by way of agreements or other legal devices are placed on proposed developments to ensure compliance with approved plans and coordination between adjacent or near by land uses and public facilities. Such controls may relate to, but are not limited to, the following:
- (i) type of use, density, and phasing
 - (ii) emissions including air, water, noise
 - (iii) traffic generation, access to and egress from the site, and parking
 - (iv) open storage and landscaping
 - (v) provisions for pedestrian movement and safety
 - (vi) management of open space, parks, walkways
 - (vii) drainage both natural and sub-surface and soil-stability
 - (viii) performance bonds.
- (7) suitability of the proposed site in terms of steepness of slope, soil conditions, rock outcroppings, location of watercourses, marshes, swamps, bogs, areas subject to flooding, proximity to major highways, ramps, railroads, or other nuisance factors
- (8) that in addition to the public hearing requirements as set out in the Planning Act and City by-laws, all applications for amendments may be aired to the public via the "voluntary" public hearing process established by City Council for the purposes of information exchange between the applicant and residents. This voluntary meeting allows the residents to clearly understand the proposal previous to the formal public hearing before City Council
- (9) that in addition to the foregoing, all zoning amendments are prepared in sufficient detail to provide:
- (i) Council with a clear indication of the nature of proposed development,
and

- (ii) permit staff to assess and determine the impact such development would have on the land and the surrounding community

- (10) Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy IC-6”, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS. (RC-Jul 2/02;E-Aug 17/02)

Land Use By-law

R-1 (SINGLE FAMILY RESIDENTIAL) ZONE

- 32(1) The following uses only shall be permitted in an R-1 Zone:
- (a) Single family dwellings;
 - (b) churches or church halls;
 - (c) schools, colleges, universities, libraries, art galleries, and museums;
 - (d) public parks and playgrounds;
 - (e) tennis clubs, quoit clubs, lawn bowling clubs, archery clubs, golf clubs;
 - (f) yacht and boating clubs located within 200 feet of the shore of a lake or Halifax Harbour;
 - (g) uses accessory to any of the foregoing uses;
- 32(2) Buildings used for R-1 uses in an R-1 Zone shall comply with the following requirements:
- (a) Lot area minimum - 5,000 square feet
 - (b) Lot coverage maximum - 35 %
 - (c) Side and rear yards shall be provided on each side and at the rear of buildings as provided by the Building By-laws of the City.
 - (d) Height Maximum -35 feet on all parcels of land situated within the “Lake Banook Canoe Course Area” as identified on Schedule “W”. (RC-Feb 8/05;E-Apr 23/05)
- 32(3) Notwithstanding anything else in this by-law, the following zone requirements shall apply to lots TH-7, TH-8, TH-9, TH-10 and TH-11 on Chinook Court and lots TH-1, TH-2, TH-13, TH-14 and TH-15 on Tutor Court in the Lancaster Ridge Subdivision only:
- (a) Zone Requirements:

Minimum lot area	3000 square feet
Minimum lot frontage	36 feet
Minimum front yard	15 feet
Minimum side yards	5 feet (one side)

- | | |
|----------------------|----------------------|
| For dwelling | 10 feet (other side) |
| Minimum rear yard | 10 feet |
| Maximum lot coverage | 35 per cent |
- (b) For detached garages and accessory buildings, the minimum setback from any side or rear property line is two (2) feet.
- (c) For decks and verandahs, the minimum setback from any side or rear property line is five (5) feet.
- (d) Notwithstanding Section 3(a), minimum sideyards, where a dwelling includes an attached garage the minimum sideyard for both sides of the dwelling shall be five (5) feet.
- (e) On all lots where there is no attached garage, the driveway shall extend into the sideyard of the lot a minimum of fifteen (15) feet beyond the front wall of the structure.
- (f) Where a lot fronts on the outside of a street curve having a radius of one hundred (100) feet or less, the required lot frontage may be reduced to a minimum of 25 feet. (As amended by By-law C-730, Oct 25/95)
- 32(4) Notwithstanding anything else in this by-law, the following zone requirements shall apply to all new lots that were approved after October 13, 2001:
- (1) Zone Requirements:
- | | |
|-------------------|--------|
| Minimum Side Yard | 8 feet |
| Minimum Rear Yard | 8 feet |
- (2) The maximum building eave projection into the minimum required side yard shall be 2 feet (HECC-Nov 1/01;E-Nov 25/01)

R-2 (TWO FAMILY RESIDENTIAL) ZONE

- 33(1) The following uses only shall be permitted in an R-2 Zone:
- (a) R-1 uses as hereinbefore set out,
- (b) a semi-detached dwelling,
- (c) a duplex dwelling,
- (d) basement apartments added to single family dwellings so that each building contains only two families,
- (e) a dwelling for not more than ten persons, owned or operated by a voluntary non-profit organization,
- (f) any uses accessory to any of the foregoing uses.
- 33(2) Buildings used for R-1 uses in an R-2 Zone shall comply with the requirements of an R-1 Zone.

- 33(3) Buildings used for R-2 uses in an R-2 Zone shall comply with the following requirements:
- (a) Lot area minimum - 5,000 sq. ft.
 - (b) Lot coverage maximum - 35%
 - (c) Side and rear yards shall be provided on each side and at the rear of a building as specified in the Building By-laws of the City.
 - (d) notwithstanding anything contained in this section, a lot in an R-2 Zone created by the subdivision of a lot containing two semi-detached dwellings shall be permitted, provided that each lot resulting from the subdivision and each individual dwelling unit complies with the following requirements:
 - (i) Lot area minimum - 2,500 square feet
 - (ii) Lot frontage minimum - 25 feet
 - (iii) Lot coverage maximum - 35%
 - (iv) compliance with the building by-laws of the City.
 - (e) Height Maximum -35 feet on all parcels of land situated within the "Lake Banook Canoe Course Area" as identified on Schedule "W". (RC-Feb 8/05;E-Apr 23/05)
- 33(4) Notwithstanding anything else in this by-law, the following zone requirements shall apply to all new lots that were approved after October 13, 2001:
- (1) Zone Requirements:

Minimum Side Yard	8 feet, and the side yard shall be reduced to zero (0) on the side being common with another dwelling unit
Minimum Rear Yard	10 feet
 - (2) The maximum building eave projection into the minimum required side yard shall be 2 feet

Attachment C
R-1 & R-2 Zone Development Standards

Development Standards	R-1 Zone	R-2 Zone
Minimum Lot Area	5,000 sq. ft.	5,000 sq. ft.
Maximum Lot Coverage	35%	35%
Side Yard New lots Created After Oct. 13, 2001	By-law 8 ft.	By-law 8 ft.
Rear Yard New lots Created After Oct. 13, 2001	By-law 8 ft.	By-law 10 ft.
Height Restriction	None	None

Attachment D
Dartmouth MPS Policy IP-1(c) Criteria Evaluation for LUB Amendments

In considering zoning amendments and contract zoning, Council shall have regard to the following:

Policy Criteria	Requested Rezoning R-1 to R-2
(1) that the proposal is in conformance with the policies and intents of the Municipal Development Plan	Satisfies criteria as per reasons provided in staff report.
(2) that the proposal is compatible and consistent with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale of the proposal	Satisfies criteria as per reasons provided in staff report.
(3) provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries	Satisfies criteria as per reasons provided in staff report.
(4) that the proposal is not premature or inappropriate by reason of: (i) the financial capability of the City is to absorb any costs relating to the development	Any development related costs are to be borne by the Developer. The required infrastructure services to enable development of the lands are existing.
(ii) the adequacy of sewer and water services and public utilities	The existing piped services and public utility capacities can accommodate the requested rezoning and resultant development.
(iii) the adequacy and proximity of schools, recreation and other public facilities	The site is located within reasonable proximity of adequate public utilities and amenities to accommodate the requested rezoning and resultant development.
(iv) the adequacy of transportation networks in adjacent to or leading to the development	Satisfies criteria as per reasons provided in staff report.
(v) existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas	Not Applicable
(vi) preventing public access to the shorelines or the waterfront	Not Applicable
(vii) the presence of natural, historical features, buildings or sites	Not Applicable

<p>(viii) create a scattered development pattern requiring extensions to trunk facilities and public services while other such facilities remain under utilized</p>	<p>Satisfies criteria as per reasons provided in staff report</p>
<p>(ix) the detrimental economic or social effect that it may have on other areas of the City.</p>	<p>Proposed development represents an infill project utilizing existing infrastructure.</p>
<p>(5) that the proposal is not an obnoxious use</p>	<p>Not applicable</p>
<p>(6) that controls by way of agreements or other legal devices are placed on proposed developments to ensure compliance with approved plans and coordination between adjacent or near by land uses and public facilities. Such controls may relate to, but are not limited to, the following:</p> <ul style="list-style-type: none"> (i) type of use, density, and phasing (ii) emissions including air, water, noise (iii) traffic generation, access to and egress from the site, and parking (iv) open storage and landscaping (v) provisions for pedestrian movement and safety (vi) management of open space, parks, walkways (vii) drainage both natural and sub-surface and soil-stability (viii) performance bonds. 	<p>Satisfies criteria as per reasons provided in staff report.</p>
<p>(7) suitability of the proposed site in terms of steepness of slope, soil conditions, rock outcroppings, location of watercourses, marshes, swamps, bogs, areas subject to flooding, proximity to major highways, ramps, railroads, or other nuisance factors</p>	<p>The property is located within 500 metres of a commercial node located on Highway 7 (Main St.).</p>
<p>(8) that in addition to the public hearing requirements as set out in the Planning Act and City by-laws, all applications for amendments may be aired to the public via the "voluntary" public hearing process established by City Council for the purposes of information exchange between the applicant and residents. This voluntary meeting allows the residents to clearly understand the proposal previous to the formal public hearing before City Council</p>	<p>Public information meeting held June 23, 2008</p>
<p>(9) that in addition to the foregoing, all zoning amendments are prepared in sufficient detail to provide:</p> <ul style="list-style-type: none"> (i) Council with a clear indication of the nature of proposed development, and (ii) permit staff to assess and determine the impact such development would have on the land and the surrounding community 	<p>Staff received the required information from the Applicant to evaluate the rezoning..</p>

Attachment E
Public Information Meeting Minutes

HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO. 01163 - Rezoning: Lakecrest Drive at Helene Avenue

7:00 p.m.
Wednesday, June 23, 2008
Akerley Campus (Lecture Theater Room)

STAFF IN

ATTENDANCE: David Lane, Planner, HRM Planning Applications
Holly Kent, Planning Technician, HRM Planning Applications
Jennifer Little, Planning Controller, HRM Planning Applications

ALSO IN

ATTENDANCE: Councillor Andrew Younger, District 7
Anne St. Jean, Applicant

PUBLIC IN

ATTENDANCE: 13

The meeting commenced at 7:08 p.m.

1. Opening remarks/Introductions/Purpose of meeting

Mr. David Lane, Planner, Planning Applications, called the meeting to order and welcomed everyone. Mr. Lane advised that the application is to rezone an existing undeveloped lot located at the northwest corner of the intersection of Lakecrest Drive and Helene Avenue from the R-1 single family residential zone to the R-2 two family residential zone. He at this time introduced Councillor Andrew Younger, District 7; Holly Kent, Planning Technician and Jennifer Little, Planning Controller.

2. Overview of planning process

Mr. Lane reviewed slides showing pictures of the subject property. He reviewed the zoning, showing the general context of the property and all of the surrounding zones that are around it and the designation map, which indicates generalized future land uses. He briefly reviewed with the residents what the purpose of the Generalized Future Land Use is and explained that when an applicant is interested in amending the designation, this is the process that has to be followed.

Current uses permitted in an R-2 zone are R-1 uses (SUD, Church, School, Parks); Semi-detached & duplex units; basement apartments and non-profit voluntary housing (max. 10 persons). Mr. Lane reviewed the existing and proposed zone standards under the Dartmouth Land Use-By-Law comparing it to the requirements for an R-2 zone.

Mr. Lane reviewed the application process, noting that the public information meeting is an initial step, whereby HRM reviews and identifies the scope of the application and seeks input from the neighborhood. After this meeting staff will prepare a report which will be brought forward to Community Council which will hold a public hearing at a later date, prior to making a decision on the proposed agreement. If Community Council decides to proceed, they will set a Public Hearing date. Notification of this hearing will be advertised in the Chronicle Herald two consecutive Saturday's prior to the meeting. The public hearing is a formal opportunity for any member of the public to speak for or against the proposal before Council makes a decision to accept or reject the proposal. After the decision is made, there is a 14 day appeal period. Normal time frame is approximately 6-8 months.

3. Questions/Comments

Mr. Fred Johnson, of Helene Avenue, explained that a home had been torn down before because there was not enough room. He questioned why there is enough room now. Was the fence moved?

Mr. Lane explained that the lot has had several consolidations, which pieces have been added to. At this time the lot is at the minimum area requirements.

Ms. Donna Perkins, of Helene Avenue, questioned if this land is rezoned to an R-2 will that mean that the other homes around be rezoned as well?

Mr. Lane explained that the zoning application is site specific for the subject property only.

Ms. Murtha asked how one spot can be a different zone than the rest?

Mr. Lane explained that there is a process to go through that can allow a rezoning, should Council wish to do so.

Councillor Younger pointed out, using the slides, which areas are zoned as R1.

Ms. Shirley Murtha, of Helene Avenue confirmed that the daycare is zoned as an R2.

Mr. Don Murtha, of Helene Avenue asked if anyone could rezone to an R2?

Mr. Lane explained that anyone can make an application through HRM, the same process would be followed and there would be a public information meeting and a report submitted to Council.

At that time a decision would be made.

Mr. Murtha showed concern that this process is a “done deal”.

Mr. Lane explained that this is just the beginning stage of the application process, no decisions have been made. Staff is seeking public input before preparing a report for Council’s consideration and it is the Council who make the decision on the requested rezoning.

Mr. Murtha asked if there will be any difference in the tax rate if this rezoning is approved.

Mr. Lane explained that residences will continue to be taxed at the same residential municipal tax rate.

Ms. Jackie MacDonald, of Helene Avenue questioned which road would be their driveway access route, Lakecrest Dr. or Helene Ave.?

Mr. Lane noted that staff had some concern regarding the access route. The Development Engineer has reviewed and have determined options as to where the driveway could be located. He confirmed that for a two-unit dwelling there could be one access in the northerly corner of the lot on Helene Ave. and a second driveway on Lakecrest Dr. The goal is to get these two driveways located as far from the intersection of the two streets as possible; and therefore providing the best possible sight line visibility for vehicles.

Ms. MacDonald noted concern with visibility to the proposed driveway.

Mr. Lane explained that the Development Engineer has reviewed and accepted the placement of the driveway.

Ms. Perkins questioned how it will effect the new proposal for Main Street and Helene Avenue in the future. She added that it is a dangerous corner and will be worse if another building is put there.

Councillor Younger explained that Council had approved the Main Street plan and will need to consider the practicality of the application. If it is left as it is, it would still be entitled to one driveway. Traffic issues will be considered.

Ms. Cathy Johnson, of Helene Avenue questioned if the land needs to be improved before a building is developed on it?

Councillor Younger explained that it is a private parcel and that there possibly could be a legal obligation to provide public street access. Councilor Younger reviewed the location map of the slideshow with the residents.

Residents stressed their concerns with traffic and the possible dangers of the existing and potential driveways on then lot, kids crossing the street and vehicular traffic specifically oil trucks, school buses and other large vehicles traveling the street especially in slippery conditions. The residents expressed their experiences with the existing dangers of the road configuration.

Councillor Younger explained that the Main Street Improvement program is anticipated to have a traffic study completed with a possible re-design of the intersection. Possibly in a couple of years there could be a new intersection built.

Ms. Johnson stated that HRM left an unsightly corner with no crosswalk.

Mr. Lane explained that he will communicate the attendees concerns regarding the existing street and traffic conditions to the appropriate municipal departments.

Mr. Bob Cameron, of Helene Avenue noted that he feels that it is the Municipalities duty to ensure safety and to make sure that existing shrubbery on the lot is cut down for proper visibility.

Councillor Younger explained that the residents should address any concerns or comments regarding the rezoning during this meeting to make sure they are taken into consideration.

Ms. Perkins asked what steps can be taken to stop the application?

Mr. Lane explained that attending this meeting and expressing any concerns related to the application is one method to have their opinions recorded in the public record. If the application moves forward to a public hearing, that hearing will also provide an opportunity for input to Council. In addition to advertisements in the Chronicle Herald newspaper, notification of the hearing will be mailed to the list of attendees who received notification of this PIM, as well as anyone who wishes to be added to the list for future notifications on this proposal.

Ms. Perkins asked if the residents should circulate a petition.

Councillor Younger explained that Council will take into consideration the staff report with the comments and concerns from the Public Information Meeting over a petition.

Mr. Lane thanked the residents for their comments to this point in the meeting. He explained that he would like to hear from the residents regarding the proposed rezoning and specifically the permitted land uses of the R-2 Zone. He inquired if the application were to be approved, is there any concern regarding the permitted uses of the R-2 Zone?

Mr. Johnson addressed his concern with this rezoning becoming a potentially huge development.

Mr. Lane explained that if the developer wanted a different zone, the same application process would be followed and a new public information meeting would be held. The same discretionary approval of Council would be required.

Ms. Johnson questioned if there could be a clause put in place not allowing a development until the future traffic amendments are made, when Helene Avenue attaches to Main Street.

Mr. Lane answered 'no'.

Councillor Younger explained that the only option would be for Mr. Lane to recommend in his report that the application be put on hold but, this is the applicants decision.

Mr. Ken Bayers, of Helene Avenue questioned regarding the streetscape and noted that the property doesn't meet with the streetscape currently as the houses on Helene have a different front yard setback alignment compared to those on Lakecrest.

Mr. Lane explained that a Development Officer would look at the proposal at the time of permitting for construction.

Mr. Bayers questioned one of the maps from the slide show.

Mr. Lane explained that the map is an excerpt from the Dartmouth Municipal Planning Strategy and the mapping linework may not be reflective of recent property boundary or street alignment changes.

Ms. Evans questioned if the civic addresses of existing residences would be changed?

Mr. Lane explained that this would be determined by Civic Addressing.

Mr. Johnson questioned if the civic address of a dwelling dictates where the driveway would be located?

Mr. Lane answered not no, civic addresses are for mailing purposes and in cases of emergencies. Driveway locations are determined based on safe access.

At this time the attendees each stated their names and address and confirmed their opposition to the requested rezoning.

Ms. Anne St. Jean, the Applicant, explained that she and her husband have no intention to resell their private residence (109 Lakecrest Dr., immediately adjacent the lot subject the requested rezoning) lot to a developer. They intend on remaining at the neighbouring property and propose development of a two-unit dwelling only on the subject lands.

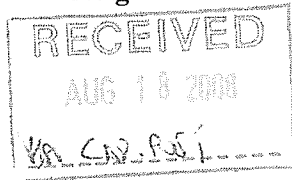
4. Closing comments

Mr. Lane thanked everyone for coming to the meeting and expressing their comments and concerns and encouraged anyone to contact him at their convenience.

5. Adjournment

The meeting adjourned at 8:13 p.m.

Neighbourhood Resident's Petition



S. Murtha
 39 Helene Ave
 Dartmouth NS
 B2X 1G3
 Aug. 13/08

David Lane, Senior Planner
 H.R.M. Community Development
 Planning Applications
 P.O. Box 1749, Halifax, NS. B3J 3A5

DEAR David:

Ref: Rezoning Proposal (R1 to R2): PID 40526352
111 Lakecrest Drive (Vacant Lot)

Enclosed please find a Petition signed by the homeowners of Helene Avenue objecting to the above-mentioned proposal.

Please note that 100 percent of the Helene Ave. homeowners (with the exception of ~~two~~ ^{three} that we were unable to contact) have signed the Petition, and all strongly object to this lot being rezoned to R2.

The Helene Avenue homeowners wish to be advised ^{individually} of upcoming meetings wherein this matter will be discussed in order that we may attend to support our Petition of objection to the R2 Zoning

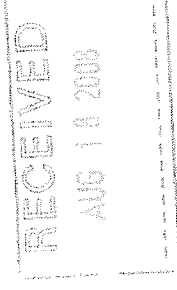
Please confirm your receipt of the enclosed petition. Thank you.

Yours truly

S. Murtha
 Shirley Murtha

Donna Perkins
 Donna Perkins

R-2 Zone Permitted Uses



Community Development

Planning Services

R-2 (Two-Family Residential Zone)

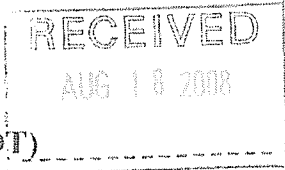
- R-1 uses (SUD, Church, school, parks)
- Semi-detached & duplex units
- Basement apartments
- Non-profit voluntary housing (Max. 10 person)

TO: HARBOUR EAST COMMUNITY COUNCIL

FROM: HOME OWNERS OF HELENE AVENUE
DARTMOUTH, NS

REF: PID NO. 40526352

CIVIC NO. 111 LAKECREST DRIVE (VACANT LOT)
REZONING FROM R1 TO R2



INFORMATION

Further to the Public Information Meeting held on June 23, 2008, wherein the Helene Avenue homeowners expressed their objection to the above-mentioned proposal, we the undersigned wish to re-emphasize our objection to this zoning proposal.

In addition to the safety issues that any building erected on this corner would present, we are extremely concerned about the R2 Zone "Permitted" Uses. Many of these uses could very well result in detracting from and lowering property value on Helene Avenue. Our properties were purchased in an R1 Zone for the express purpose of living in a lower density, well maintained, owner-occupied area of homes. The R2 Zoning does not fit with the current R1 properties. Very often R2 Zone properties become rental units which are neither owner-occupied nor well-maintained.

We urged you to support the Helene Avenue home owners by maintaining the existing R1 Zoning on this property.

NO	NAME (PRINTED)	ADDRESS	SIGNATURE
1	DAVID E DOORS Helene Ave	6 HELENE AVE	<i>David Doors</i>
2	Jason Boudreau	7 Helene Ave.	<i>J Boudreau</i>
3	Chelsea MacPherson	7 Helene Ave	<i>Chelsea MacPherson</i>
4	JEFF CUNNINGHAM	7 HELENE AVE	<i>Jeff Cunningham</i>
5	CYRIL F EVANS	5 HELENE AVE	<i>C. F. Evans</i>
6	JANET EVANS	5 " "	<i>Janet Evans</i>
7	Jackie Mac Donald	3 Helene Ave	<i>Jackie Mac Donald</i>
8	Ken Bayers	3 Helene Ave	<i>K Bayers</i>

HARBOUR EAST COMMUNITY COUNCIL

FROM: HOME OWNERS OF HELENE AVENUE
DARTMOUTH, NS

RECEIVED
AUG 8 2008

REF: PID NO. 40526352

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	NAME (PRINTED)	ADDRESS	SIGNATURE
9	CHRIS MASON	21 Helene Ave	C Mason
10	Robert Cameron	19 " "	Robert Cameron
11	Kirk Newhook	17 Helene Ave	Kirk Newhook
12	Deidre Inman	9 HELENE AVE	Deidre Inman
13	Christine Myatt	15 Helene Avenue	C. Myatt
14	Patry Johnson	13 Helene Ave	Patry Johnson
15	Dona Taylor	11 Helene Ave	Dona Taylor
16	DONNA PARKINS	12 Helene Ave	Donna Parkins

(8)

HARBOUR EAST COMMUNITY COUNCIL

FROM: HOME OWNERS OF HELENE AVENUE
DARTMOUTH, NS

RECEIVED

AUG 18 2008

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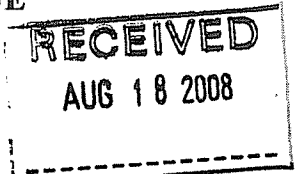
We urged you to support the Helene Avenue home owners by maintaining the existing R1 Zoning on this property.

	NAME (PRINTED)	ADDRESS	SIGNATURE
1	Cecile & Johan Klein	16 Helene Ave	C. Klein
2	Daryl Cull	10 Helene Ave	D. Cull
3	Bobbie Elliott	18 HELENE AVE	B. Elliott
4	Cheryl & Robin Wells	20 Helene Ave	C. Wells
5	Brenda Wilson	22 Helene Ave	B. Wilson
6	S. Montgomery	26 Helene Ave	S. Montgomery
7	T. MANNING	25 HELENE AVE	T. Manning
8	—	23 " "	

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DARTMOUTH, NS

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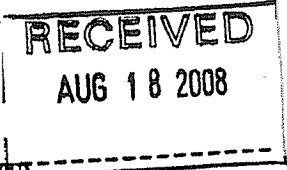
	NAME (PRINTED)	ADDRESS	SIGNATURE
1	Don Murtha	39 Helene Ave	Don Murtha
2	Stephanie Edge	40 Helene Ave	Stephanie Edge
3	John Kent	35 Helene ave	John Kent
4	Alex Malfroid	33 Helene Ave	Alex Malfroid
5	DEBORAH ZONDREAN	31 Helene Ave	Deborah Zondrean
6	John Kinross	30 Helene Ave	John Kinross
7	DAVID ROACH	32 Helene Ave	David K. Roach
8	Don Crowell	34 Helene Ave	Don Crowell

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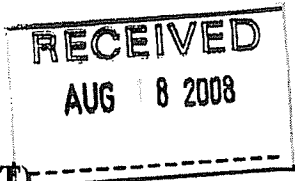
We urged you to support the Helene Avenue home owners by maintaining the existing R1 Zoning on this property.

	NAME (PRINTED)	ADDRESS	SIGNATURE
1	Judy MacNeil	37 Helene Ave.	J MacNeil
2	Stanley Mitchell	44 Helene Ave	Stanley Mitchell
3	Wayne Hawke	42 Helene Ave	Wayne Hawke
4	Dan Cashen	38 Helene Ave	D Cashen
5	Cardine MacPherson	28 Helene Ave	C MacPherson
6	T. Boulet	27 Helene Ave	T Boulet
7	Shirley Kelsie	29 Helene Ave	Shirley Kelsie
8	RON BRIAND	36 HELENE AVE.	R. Briand

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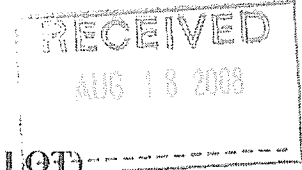
We urged you to support the Helene Avenue home owners by maintaining the existing R1 Zoning on this property.

	NAME (PRINTED)	ADDRESS	SIGNATURE
1	Lucie Richard	46 Helene Ave	<i>[Signature]</i>
2	Steven Coll	48 Helene Ave	<i>[Signature]</i>
3	D. McCARTY	50 Helene Ave	<i>[Signature]</i>
		54 " "	
4	FRED VAN HORN	56 " "	<i>[Signature]</i>
5	Kim Maclean	58 " "	<i>[Signature]</i>
6	Judy Garrison	60 Helene Ave	<i>[Signature]</i>
7	OBEE BENJAMIN	64 " "	<i>[Signature]</i>

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NO.	NAME (PRINTED)	ADDRESS	SIGNATURE
1	Judith Fulton	49 HELENE AVE	Judith Fulton
2	Libby McLaughlin	47 " "	Libby McLaughlin
3	Bernie Gunning	47 Helene Ave	Bernie Gunning
4	WTSIMMS	45 " "	WTS
5	MARLENE SULLIVAN	41 HELENE AVE	Marlene Sullivan

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	NAME (PRINTED)	ADDRESS	SIGNATURE
1	Judy Sellars	66 Helene Ave.	Judy Sellars
-	Homeowner Away	61 " "	
2	David Mamalygo	67 " "	David Mamalygo
3	VINCENT SMITH	59 " "	Vincent Smith
4	Jane Cushing	57 " "	Jane Cushing
5	IVONNE BRUCE	55 " "	Ivonne Bruce
6	Valerie Paul	53 " "	Valerie Paul
7	Karen Kinney	51 " "	Karen Kinney