



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

Item No. 11.2.1
Halifax Regional Council
September 8, 2015

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed

SUBMITTED BY:

Councillor Gloria McCluskey, Chair of Harbour East-Marine Drive Community Council

DATE: July 31, 2015

SUBJECT: Request to Amend the Dartmouth Municipal Planning Strategy and Land-Use By-law Addressing the Kuhn Road Area

ORIGIN

Motion approved at July 30, 2015 Harbour East-Marine Drive Community Council meeting.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Section: 25 (c) The powers and duties of a community council include recommending to the Council appropriate by-laws, regulations, controls and development standards for the community.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Give First Reading to consider the proposed amendments to the Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) for Dartmouth as set forth in Attachment A of the report dated July 21, 2015; and
2. Set the date for a Public Hearing to consider the amendments to the Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) for Dartmouth as set forth in Attachment A of the report dated July 21, 2015.

BACKGROUND / DISCUSSION

On July 30, 2015, Harbour East-Marine Drive Community Council approved the staff recommendation that Halifax Regional Council give First Reading to consider the proposed amendments to the MPS and LUB for Dartmouth, and schedule a public hearing.

FINANCIAL IMPLICATIONS

None identified.

COMMUNITY ENGAGEMENT

Harbour East-Marine Drive Community Council is comprised of five duly elected members of Council. Meetings are held monthly and are open to the public, unless otherwise stated. Agendas and minutes are available on the web.

Further details can be found in the Community Engagement section of the attached staff report dated July 21, 2015.

ENVIRONMENTAL IMPLICATIONS

None identified.

ALTERNATIVES

None identified. Alternatives are provided by staff in the attached report dated July 21, 2015.

ATTACHMENTS

Attachment 1 Staff recommendation report dated July 21, 2015.

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Jennifer Weagle, Legislative Assistant, 902.490.6517



P.O. Box 1749
Halifax, Nova Scotia
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Attachment 1

Item No. 10.1.1

Harbour East – Marine Drive Community Council July 30, 2015

TO: Chair and Members of Harbour East – Marine Drive Community Council

Original signed

SUBMITTED BY:

Bob Bjerke, Chief Planner, Director of Planning and Development

DATE: July 21, 2015

SUBJECT: Request to Amend the Dartmouth Municipal Planning Strategy and Land Use By-law Addressing the Kuhn Road Area

ORIGIN

- May 13, 2008: Regional Council motion to authorize staff to initiate the preparation of a Secondary Planning Strategy for Main Street Dartmouth and vicinity
- September 10, 2013: Regional Council approval of amendments to the Dartmouth MPS and LUB to implement the recommendations of the Dartmouth Main Street Plan Review

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Part VIII, sections: 225 – Amendment of land use by-law; 227 – Municipal planning strategy; 228 – Purpose of municipal planning strategy.

RECOMMENDATION

It is recommended that Harbour East – Marine Drive Community Council recommend that Halifax Regional Council:

1. Give First Reading to consider the proposed amendments to the Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) for Dartmouth as set forth in Attachment A; and
2. Set the date for a Public Hearing to consider the amendments to the Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) for Dartmouth as set forth in Attachment A.

BACKGROUND

On September 10, 2013 Regional Council approved amendments to the Dartmouth MPS and LUB to implement the recommendations of the Dartmouth Main Street Plan Review (Project PN1286). Early in the public participation for that project, staff had been asked to consider the need for policy and zoning amendments for blocks of land on the north and south sides of Kuhn Road. Accordingly, staff included these blocks in the public consultation for the Main Street Plan Review.

These lands are outside the Main Street Business Improvement District (BID). Some of the properties lack sanitary sewer servicing. Others currently belong to the Municipality. Given these circumstances, the Kuhn Road lands were not included in the new Main Street Designation. Instead, the report to Regional Council from the Harbour East-Marine Drive Community Council for Project PN1286 noted that the Kuhn Road area would proceed to Regional Council under a separate report.

Accordingly, the present report is recommending Municipal Planning Strategy and Land Use By-law changes specific to three special situations in the vicinity of Kuhn Road:

- 1. Municipal lands anticipated to be surplus north of Kuhn Road** ("North Block" on Maps 1 and 2, between St. Thomas More Catholic Church and the Kuhn Swamp): to apply development agreement criteria which would guide any future medium-density residential development;
- 2. Municipal lands anticipated to be retained** ("Wetlands" on Maps 1 and 2): to apply Conservation zoning to protect existing wetlands (the Kuhn Swamp); and
- 3. Private lands between Kuhn Road and Main Street** ("South Block" on Maps 1 and 2): to apply a Schedule to the existing R-3 zoning restricting density in the absence of piped sewers, and expanding the scope for low-impact enterprises.

DISCUSSION

The Kuhn Road area comprises three distinct portions, as described below. Two of these areas would receive a new Kuhn Road Designation to support more specific policies and regulations reflecting the distinctive characteristics of each. The other area would be re-designated from Residential to Park & Open Space to support Conservation zoning for a wetland (the Kuhn Swamp). The three areas are discussed in more detail below.

1. Municipal lands anticipated to be surplus north of Kuhn Road ("North Block"):

During the public consultation for the recently completed Main Street Plan Review, staff had proposed that all municipally owned properties be re-designated from Residential to Open Space and re-zoned from R-3 (Multiple Family Residential) to C (Conservation) to protect wetlands known as the Kuhn Swamp. More recently, on August 6, 2013 Halifax Regional Council approved as "surplus" six municipal lots immediately east of the Catholic church property. In addition, Corporate Real Estate has advised that the two lots between these and Kuhn Road, together with an abandoned road right-of-way adjacent to the Kuhn Swamp, will also be recommended as surplus and will be brought to Regional Council for consideration in the near future.

On this basis, and because sanitary sewers are potentially available on Caledonia Road or Roleika Drive, staff recommends that all the lots shown in the "North Block" on Maps 1 and 2 be included in a new Kuhn Road Designation and retain their R-3 zoning, with amended requirements to guide development agreements for multiple unit dwellings (see Attachment A). As already noted, Council has already declared six of these lots to be surplus. Should Council ultimately choose to retain the remaining two lots and/or the abandoned road right-of-way, the impact of applying zoning or development agreement policy

to these sites is minimal, since HRM would ultimately retain ownership. Policies more indicative of Council direction on the use of these properties could then be developed, and matched with appropriate designations within the Municipal Planning Strategy.

Staff did consider as-of-right zoning, rather than relying upon development agreements, for multiple-unit dwellings on the municipal lands anticipated to be surplus, but decided to retain the requirement for development agreements because the site is landlocked and given the need for easements across abutting lands. Additional criteria for development agreements are recommended, including consideration of vehicular access and sewer connections. As in the case of the Main Street Designation, on-site parking requirements should be reduced because the site is conveniently located close to bus routes, shops, community services and the Nova Scotia Community College.

2. Municipal Lands Anticipated to be Retained ("Wetlands"):

The remaining municipal lots to the northeast of Kuhn Road are anticipated to be retained, as these include or abut the wetlands. These were identified in 1980 as a retention area for controlling runoff to the Morris-Russell Lake natural drainage system (see Attachment B).

To reflect this ecological role, it is recommended that the municipal lots closest to, and including the wetlands be re-designated from Residential to Park & Open Space, and the lots should be re-zoned from R-3 (Multiple Family Residential) and R-1 (Single Family Residential) to C (Conservation).

3. Private lands between Kuhn Road and Main Street ("South Block"):

The portion of land between Kuhn Road and Main Street, east of the recently adopted Main Street Designation and opposite the Akerley Campus of the Nova Scotia Community College, is an enclave with limited short-term development potential due to a lack of sanitary sewers. In recent years, this neighbourhood has been characterized by low-density residential uses, small lodging houses, cultural gatherings, businesses related to storage, and a commercial vehicle operation which has since vacated the premises. Halifax Water staff has indicated that there are no plans to extend sanitary sewers to this block, unless or until the property owners were willing to pay a Local Improvement Charge.

Faced with limited near-term residential development opportunities due to these sanitary constraints, landowners would like to have some scope to earn revenue from small businesses, while retaining the long-term potential for multi-unit redevelopment if and when piped sewers were eventually extended to the neighbourhood. At the same time, it is important to minimize impacts on existing dwellings, the nearby wetlands, and traffic entering or exiting Main Street. Small-scale businesses could be permitted as long as they are entirely enclosed within buildings, and subject to provincial approval for on-site wastewater disposal and driveway access.

Accordingly, this report recommends that the "South Block" bounded by Kuhn Road and Main Street be re-designated from Residential to the proposed new Kuhn Road Designation, and that a Schedule be added to the existing R-3 (Multiple Family Residential) zoning for these properties (see Attachment A).

The Schedule would limit residential density in the absence of piped sewer servicing, to single family houses, existing auxiliary dwelling units, existing lodging houses and small bed-and-breakfast establishments. In addition, the Schedule would allow day spas, studios, craftshops, workshops, greenhouses, indoor storage and accessory retail subject to restrictions on building size and height. Limited commercial signage would also be permitted. To enable business uses to be entirely enclosed, accessory buildings would be permitted to be larger and taller than elsewhere in Dartmouth, provided that roofs have a traditional appearance and the total height does not exceed 10.7 m (35 ft). Outdoor storage would not be permitted.

Most lots have vehicular access from both Kuhn Road and Main Street. Kuhn Road is a lightly-used laneway which could accommodate occasional parallel parking. The area is also served by two nearby bus routes, and is close to the Nova Scotia Community College campus. For these reasons, and to minimize impermeable surfaces near septic fields and wetlands, on-site parking requirements should be reduced. To retain landscaped street frontage opposite the Community College campus, and recognizing the difficulties in access from Main Street, front yard parking lots (facing Main Street itself) should be prohibited.

At such a time as piped sewers may become available in the future, any development agreement for multiple unit residential development would be guided by the same criteria as are recommended for the lands identified as the “North Block” (see Item 1 above). The additional uses listed in the Schedule would also continue to be permitted.

Conclusion

The recommended amendments aim to protect the Kuhn Road wetlands while enabling abutting parcels to redevelop in relation to existing and potential sanitary servicing and principles of community design.

FINANCIAL IMPLICATIONS

The municipal costs associated with processing this planning project can be accommodated within the approved 2015/16 operating budget for C310 Planning & Applications.

COMMUNITY ENGAGEMENT

Public consultation was undertaken as an integral part of Project No. PN1286 – Dartmouth Main Street Plan Review. In addition, staff hosted a Public Information Meeting specifically for the Kuhn Road area on April 30, 2015, attended by approximately twenty people. Minutes of that meeting are provided in Attachment C. A written submission was also received, as shown in Attachment D.

The level of community engagement completed in this project was consultation, achieved through public meetings. In addition, a public hearing must be held before Regional Council can consider approval of any amendments.

The proposed municipal plan and land use by-law amendments will potentially impact the following stakeholders: local residents, property owners, business owners, the Main Street Business Improvement District, community or neighbourhood organizations, other municipal business units and other levels of government.

ENVIRONMENTAL IMPLICATIONS

Reducing the permitted density of the block bounded by Kuhn Road and Main Street would reflect the lack of sanitary sewerage. Provincial wastewater regulations would apply to any redevelopment in this block.

Additional development agreement criteria proposed for the Kuhn Road Designation for any future apartment building development, include considerations to minimize impacts on the wetland.

Redesignating and rezoning the municipal properties associated with the wetland, would recognize its role as a retention area for controlling runoff to the Morris-Russell Lake natural drainage system.

ALTERNATIVES

1. Community Council may direct staff to modify the proposed amendments. Any substantive modifications may require additional consultation or analysis which could delay adoption.
2. Community Council may decide to recommend only some of the proposed amendments to Regional Council. Each of the three recommended amendments has been tailored to address the specific context and constraints of each of the three blocks of land within this distinctive neighbourhood. In the opinion of staff, all three of the amendments should be referred to Regional Council for consideration.
3. Community Council may reject all the proposed amendments. In view of the environmental and servicing constraints of this area, rejection of the proposed amendments is not recommended.

ATTACHMENTS

Map 1: Existing Generalized Future Land Use

Map 2: Existing Zoning

Attachment A: Proposed Kuhn Road area amendments to the Municipal (Secondary) Planning Strategy and Land Use By-Law for Dartmouth (includes proposed Generalized Future Land Use map and proposed zoning maps)

Attachment B: City of Dartmouth Planning & Development Dept., *Kuhn Road Study* (January 1980)

Attachment C: April 30, 2015 Public Information Meeting Minutes

Attachment D: Written Comments

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 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Marcus Garnet, Senior Planner, Regional & Community Planning 902.490.4481

Original signed

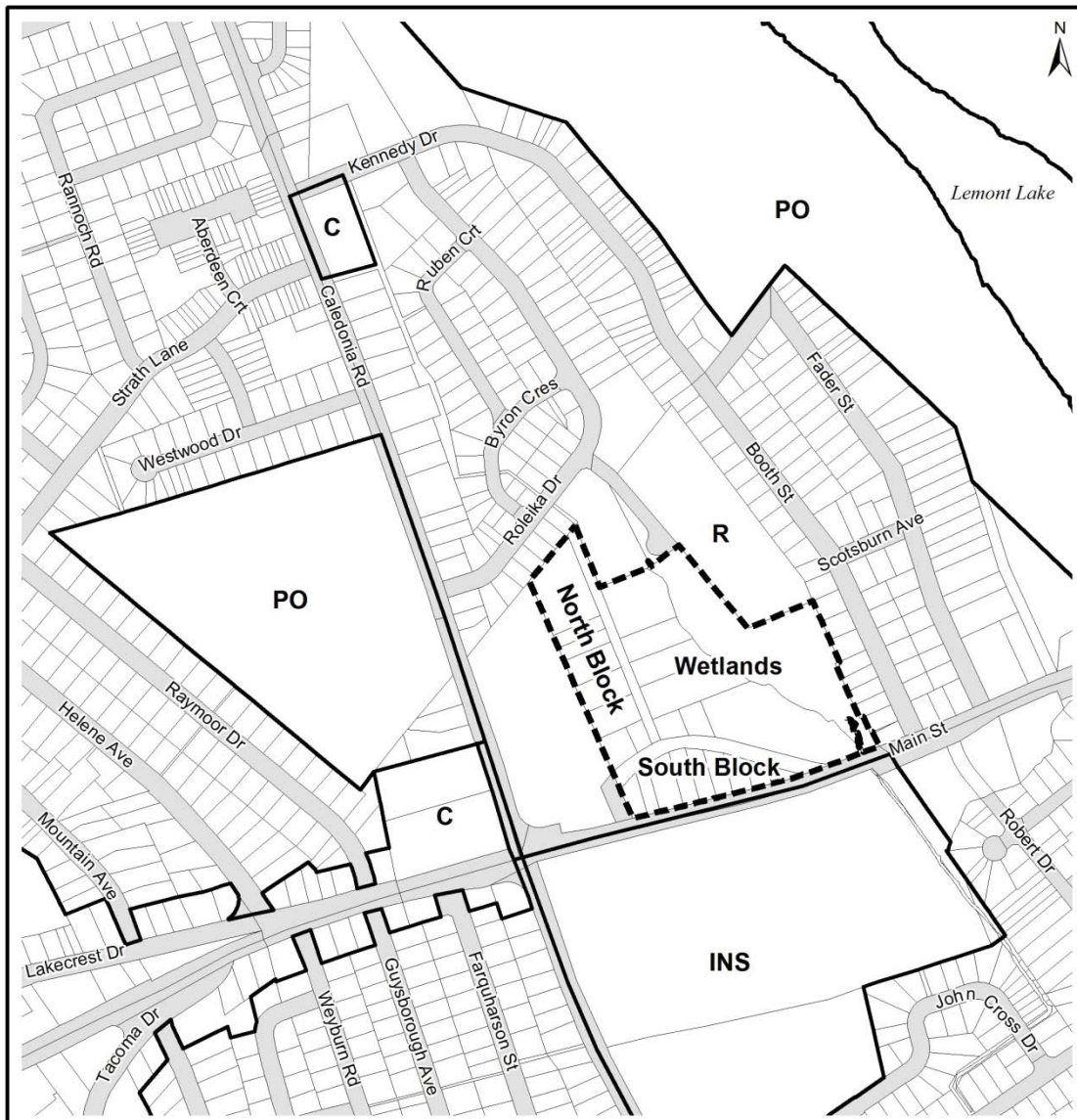
Report Approved by:

Carl Purvis, Supervisor of Regional & Community Planning 902.490.4797

Original signed

Financial Approval by:

Bruce Fisher, Acting Director of Finance & ICT/CFO, 902.490.6308



Map 1 - Existing Generalized Future Land Use

-  Generalized Future Land Use
 Kuhn Road Area

Designation

- R Residential
 C Commercial
 PO Park & Open Space
 INS Institutional

Dartmouth
Plan Area

HALIFAX
REGIONAL MUNICIPALITY

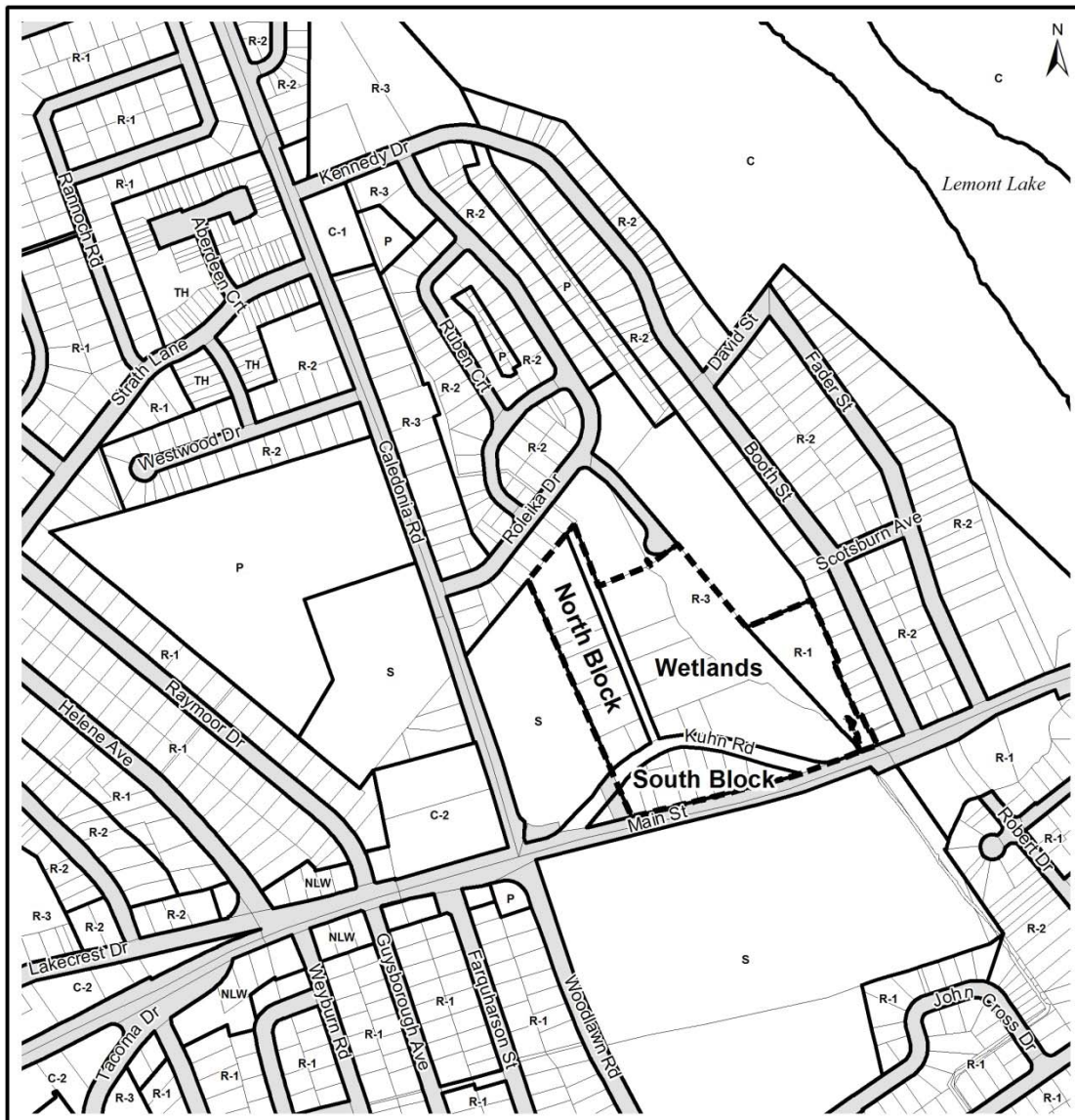


This map is an unofficial reproduction of
a portion of the Generalized Future Land
Use Map for the plan area indicated.

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

23 May 2014

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Map 2 - Existing Zoning



Dartmouth
Plan Area

Zone

R-1	Single Family Residential
R-2	Two Family Residential
R-3	Multiple Family Residential - Medium Density
TH	Town Housing
T	Mobile Home Park
C-1	Local Business
C-2	General Business
C-3	General Business
P	Park
S	Institutional
C	Conservation

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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.

23 May 2014

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Attachment A

Proposed Kuhn Road area amendments to the Municipal (Secondary) Planning Strategy and Land Use By-Law for Dartmouth (includes proposed Generalized Future Land Use Map and proposed zoning maps)

AMENDMENTS TO THE MUNICIPAL (SECONDARY) PLANNING STRATEGY

BE IT ENACTED by the Halifax Regional Council that the Municipal Planning Strategy for Dartmouth, which was adopted by the former City of Dartmouth on the 25th day of July 1978, as amended, is hereby further amended as follows:

1. In the Table of Contents, insert a new line, ending with the appropriate page number, below the line "Main Street Designation (RC-Sep 10/13;E-Nov 23/13)....." and above the line "CHAPTER 6 - INDUSTRIAL.....", as set out below:

"Kuhn Road Designation "

2. In the List of Maps in the Table of Contents, insert the following new line, ending with the appropriate page number, below the lines "Map 9z Gordon & Tacoma Development Agreement Option Area (RC-Sep 10/13;E-Nov 23/13) " and above the line "Map 9aa Green Village Lane Dartmouth (RC-March 10/15; E-May 9/15).....", as set out below:

"Map 9za Kuhn Road Designation and Kuhn Road Conservation Lands "

3. In Chapter 5 - Commercial, add the following new section and policy after Policy C-62 and before the title page labeled "Industrial", as set out below:

"(11) KUHN ROAD DESIGNATION:

Located on the north side of Main Street opposite the Nova Scotia Community College Akerley Campus, and extending parallel to Caledonia Road along the eastern edge of the St. Thomas More Church property, two blocks of land require special policies and regulations.

The privately-owned South Block, bounded by Kuhn Road and Main Street, currently lacks piped sanitary sewers but has potential for small businesses in addition to low-density housing. Halifax Water does not plan to extend sewerage to this area. For this reason, residential densities must be restricted until such a time as piped sewer services may be installed. Visibility from Main Street and shared rear access via Kuhn Road support potential for small businesses, provided that they do not generate large volumes of wastewater, nor negatively affect abutting residents, traffic safety or the nearby wetland.

A landlocked portion of the North Block may have potential for multiple-unit housing if both sewer and driveway access easements could be negotiated. Development agreements are already required for any new multi-unit dwellings in this area, and such agreements need to ensure adequate servicing, vehicular access and sensitive siting, design and landscaping for any new housing on this site.

The Kuhn Road Designation addresses the following objectives:

- Enable properties with no sanitary sewer access, to support low-impact businesses on the block between Kuhn Road and Main Street
- Guide development agreements for multiple-unit dwellings to ensure adequate servicing, vehicular access and sensitive siting, design and landscaping

Policy C-63 Council shall establish the Kuhn Road Designation, as shown on Map 9za. The intent for the Kuhn Road Designation is to:

- (a) enable properties with no sanitary sewer access, to support low-impact businesses on the block between Kuhn Road and Main Street; and

- (b) guide development agreements for multiple-unit dwellings to ensure adequate servicing, vehicular access and sensitive siting, design and landscaping.

- Policy C-64 Council may regulate the appearance of structures within the Kuhn Road Designation as shown on Map 9za, through Land Use By-Law provisions that include regulating the siting, orientation, height, configuration and external appearance of structures, including facades, roofs and architectural features, and setting out conditions to be met by development.
- Policy C-65 Notwithstanding any other policy in the Dartmouth Municipal Planning Strategy, within the Kuhn Road Designation, Council may, within the South Block (properties located between Kuhn Road and Main Street) as shown on Map 9za, allow low-impact cultural uses or indoor enterprises within the Multiple Family Residential (R-3) Zone, subject to limits on building size, the appearance of structures and the size or purpose of any retail component.
- Policy C-66 When considering development agreements for multiple-unit residential dwellings within the Kuhn Road Designation as shown on Map 9za, Council shall have regard for the following:
- (a) that building footprints, siting, massing, orientation and form strive to:
 - (i) Retain continuous natural open space;
 - (ii) Minimize removal of mature trees;
 - (iii) Protect the Kuhn Road wetlands;
 - (iv) Respect the prominence of the St. Thomas More Church spire as seen from Caledonia Road;
 - (v) Incorporate architectural interest, by such means as:
 - i. Pitched roofs;
 - ii. Gables or dormers;
 - iii. Façade offsets, recesses or protrusions;
 - iv. Vertical or square window openings;
 - v. Decorative moldings for doorways, windows and outside corners; and
 - vi. Exterior cladding with the appearance of horizontal wood siding, brick or stone
 - (vi) Include evergreens and flowering shrubs as landscaping features;
 - (vii) Achieve a walkable, human scale considering such aspects as safety, weather, shade and outdoor social space;
 - (viii) Minimize shadows, illumination, noise and privacy impacts on adjacent dwellings; and
 - (ix) Conceal parking lots, loading and storage areas from the public roadway and adjacent dwellings;
 - (b) building heights, architectural elements and landscaping promote visual integration:
 - (i) between buildings on the site,
 - (ii) between buildings and open spaces on the site, and
 - (iii) between the site as a whole and adjacent sites, with particular attention to the relationship between new buildings and the existing gables and spire at St. Thomas More Church;
 - (c) walkways provide safe and continuous pedestrian connections between each main building entrance and a paved walkway, sidewalk or multi-use trail;
 - (d) the proposed development can be safely accessed by motor vehicles and emergency equipment, including details of any easements or rights-of-way required for that purpose;

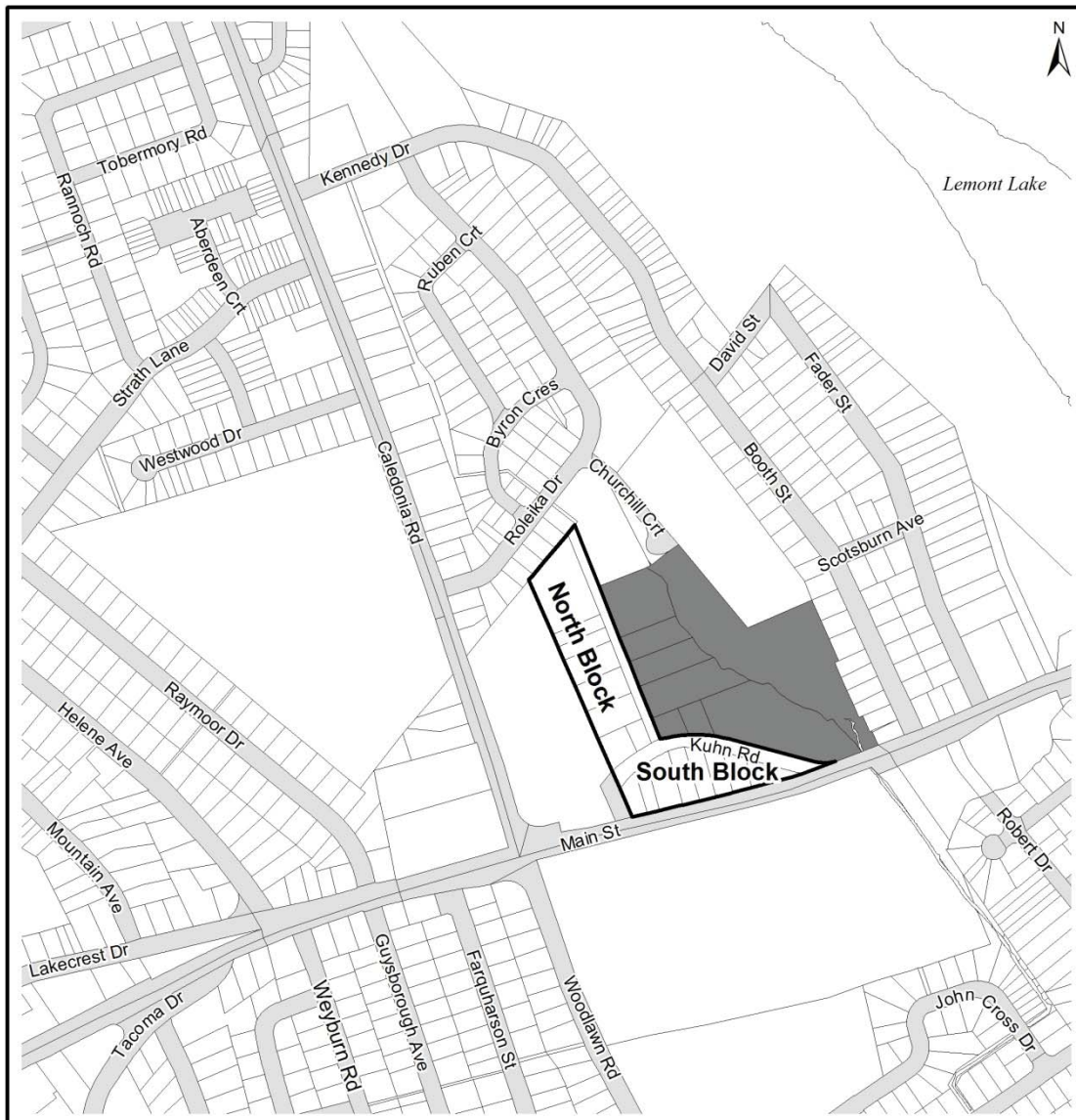
- (e) the proposed development can be adequately serviced with piped sewer and water connections, including details of any easements required for that purpose;
- (f) erosion and sediment control plans and stormwater management plans have been prepared by a qualified professional; and
- (g) the contract zoning provisions of Policy IP-1(c).

4. Insert the following text after Policy E-8 and before the page entitled "Downtown", as set out below:

"Immediately north of Kuhn Road, municipally owned properties include wetlands which function as a retention area for controlling runoff to the Morris-Russell Lake natural drainage system. To reflect this role while recognizing the limited sanitary sewer servicing in this area, the municipal lots closest to the wetlands should be retained for conservation purposes.

Policy E-9 Council shall retain and designate as Parks & Open Space, municipally owned lots as shown on Map 9za - "Kuhn Road Designation and Kuhn Road Conservation Lands", and shall apply the C (Conservation) Zone to these lots, to protect the Kuhn Road wetlands."

5. Add the following Map 9za on a separate page, after Map 9z and before Map 9aa, as set out on the following page.



Map 9za
Kuhn Road Designation and
Kuhn Road Conservation Lands

- Kuhn Road Designation
- Parks and Open Space Designation



Dartmouth
 Plan Area

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

23 May 2014

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AMENDMENTS TO THE LAND USE BY-LAW

BE IT ENACTED by the Halifax Regional Council that the Land Use By-Law for Dartmouth, which was adopted by the former City of Dartmouth on the 25th day of July 1978, as amended, is hereby further amended as follows:

IN THE TABLE OF CONTENTS

1. In the Table of Contents, insert the following new line, ending with the appropriate page number, below the lines "Schedule "AH" Gordon & Tacoma Development Agreement Option Area (RC-Sep 10/13;E-Nov 23/13) " and above the line "Schedule "AJ" RP+5 Conformation of Regional Zones (RC-Jun 25/14;E-Oct 18/14)....", as set out below:

"Schedule "AI" Kuhn Road Area Zoning "

IN SECTION 1: DEFINITIONS

2. Renumber Clause (saa) in Subsection 1 of Section 1 as Clause (sab), and insert the following definition after subsection (sa) and before renumbered Clause (sab), as set out below:

"(saa) GREENHOUSE means a building whose roof and sides are made of glass or other transparent or translucent material, and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants as a community enterprise or for subsequent sale."

3. In Subclause (iii) of Clause (b) of Subsection 14 of Section 2, insert the following text after the words "(except for townhouses and Senior Citizens Housing)" and before the words "shall provide", as set out below:

", and apartment buildings within the Kuhn Road Designation as shown on Schedule "AI" (except for townhouses and Senior Citizens Housing),"

4. In Subclause (iv) of Clause (b) of Subsection 14 of Section 2, insert the following text after the words "within the Main Street Designation" and before the words "owned by a registered charity" as set out below:

", or within the Kuhn Road Designation as shown on Schedule "AI","

5. In Clause (m) of Subsection 14 of Section 2, insert the following text after subclause (iii) and before Clause (n) as set out below:

"(iv) Notwithstanding Subclauses (i), (ii) and (iii), for self-storage buildings within Schedule AI-1 of the Kuhn Road Designation as shown on Schedule AI, a minimum of one off-street parking space shall be provided for each employee if a full service office is located on the lot, and a minimum of one space shall be provided for every 100 storage units."

6. Insert the following clause after clause (fa) and before clause (g) of subsection 15 of section 2, as set out below:

“(fb) within the Kuhn Road Designation as shown on Schedule AI, no apartment building parking or commercial parking or institutional parking shall be located in the front yard;”

7. In subsection 15A of section 2, insert the following text after the words “Within the Main Street Designation” and before the words “a waste disposal or recycling facility”, as set out below:

“, and within the Kuhn Road Designation as shown on Schedule “AI”,

8. In clause (ha) of subsection 23 of section 2, insert the following text after the words “Within the Main Street Designation” and “no parking space is required” as set out below:

“, and within the Kuhn Road Designation as shown on Schedule “AI”,

9. Insert the following subsection after subsection 32E(21A) of section 2 and before subsection 32E(22) of section 2, as set out below:

“32E(21B) Within the Kuhn Road Designation as shown on Schedule “AI”, ground signs shall be permitted on the lands located within Schedule “AI-1” subject to the conditions set forth in subsection 32E(21A).”

IN PART 4: R-3 (MULTIPLE FAMILY RESIDENTIAL) ZONE - MEDIUM DENSITY

10. Insert the following text after Subsection 34(6) of Part 4 of Section 3, and before the endnote for Part 4, as set out below:

“34(7) KUHN ROAD DESIGNATION – OTHER REQUIREMENTS

- (a) Notwithstanding subsections 34(3) and 34(4), within the Kuhn Road Designation as shown on Schedule AI, no development permit shall be issued for an apartment building or townhouse dwelling in the R-3 (Multiple Family Residential) Zone except by development agreement in accordance with Policy C-66 of the Dartmouth Municipal Planning Strategy.
- (b) Notwithstanding subsections 34(3), 34(4) and 34(7)(a), within Schedule AI-1 of the Kuhn Road Designation as shown on Schedule AI, no development permit shall be issued for an apartment building, townhouse dwelling, new duplex dwelling unit, new semi-detached dwelling unit, new auxiliary apartment, new lodging house or new group home in the R-3 (Multiple Family Residential) Zone except where a piped sanitary sewer connection has been established to the satisfaction of the Municipal Engineer.
- (c) Notwithstanding subsections 34(1) and 34(7)(b), the following additional uses shall be permitted within Schedule AI-1 of the Kuhn Road Designation as shown on Schedule AI:
 - (i) Bed and Breakfast uses having no more than three bedrooms;
 - (ii) Craftshops;
 - (iii) Day spas;
 - (iv) Studios;
 - (v) Offices;
 - (vi) Workshops;
 - (vii) Greenhouses;
 - (viii) Warehouses, including indoor vehicle storage;

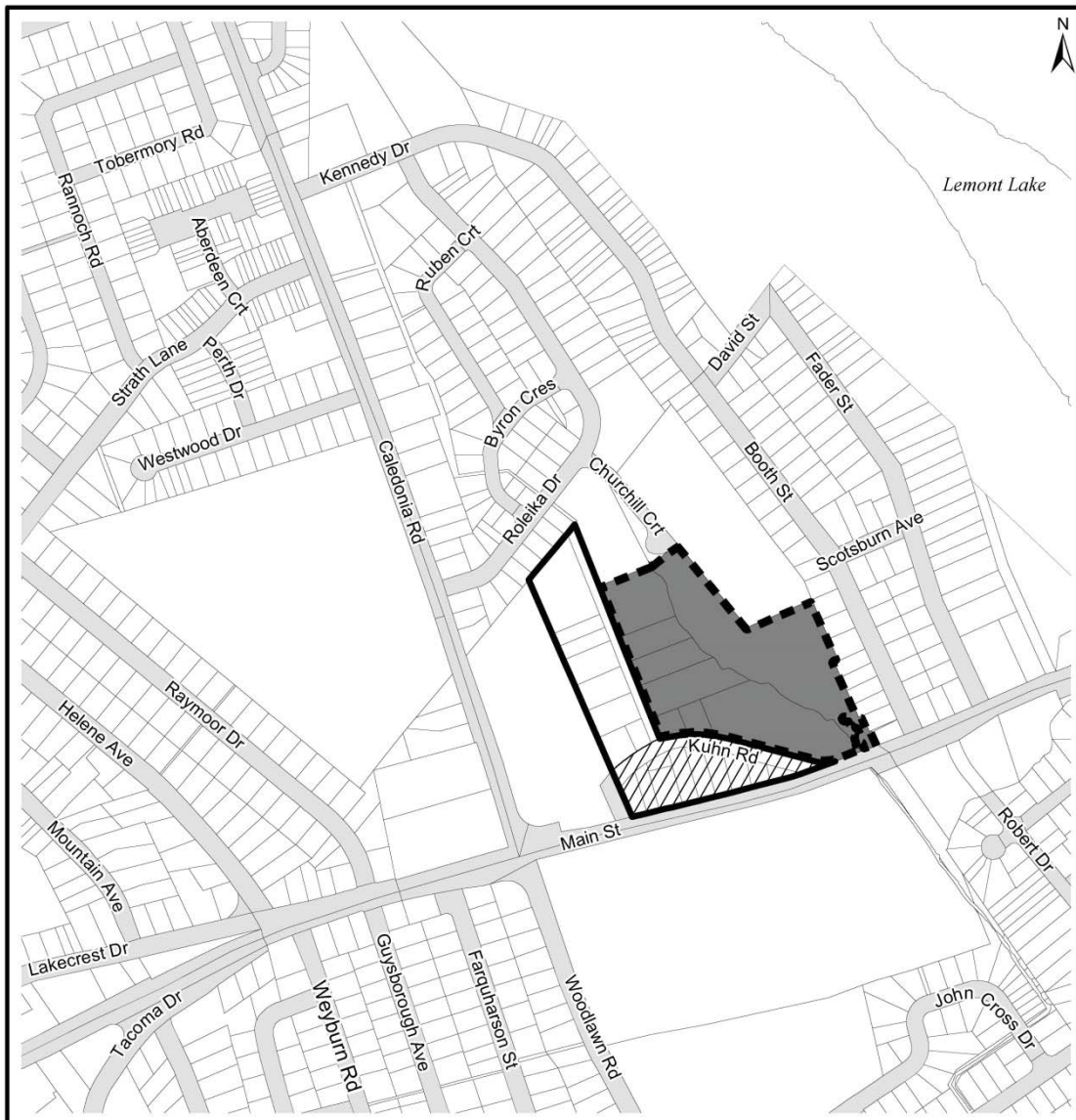
- (ix) Self storage uses;
 - (x) Places of worship and associated halls;
 - (xi) Public parks except sportsfields or ball diamonds;
 - (xii) Conservation related projects; and
 - (xiii) Accessory retail on the same lot as any use set forth in this subsection.
- (d) Notwithstanding Subsections 34(2), 34(3) and 34(4), in the block bounded by Kuhn Road and Main Street ("South Block"), being within Schedule AI-1 as shown on Schedule "AI" – Kuhn Road Area Zoning:
- (i) total lot coverage for all buildings shall not exceed 50%;
 - (ii) building height shall not exceed 10.7 m (35 ft) except for apartment buildings or townhouses permitted by development agreement;
 - (iii) all non-residential uses shall be entirely enclosed within buildings;
 - (iv) greenhouses shall not be located less than 45.8 m (150 feet) from any watercourse;
 - (v) greenhouses shall not have a flat roof, and shall be glazed with rigid, non-corrugated material; and
 - (vi) at least 50% of the front yard shall be landscaped;
- (e) Notwithstanding Subsection 27A, in the block bounded by Kuhn Road and Main Street ("South Block"), being within Schedule AI-1 as shown on Schedule "AI" – Kuhn Road Area Zoning, accessory buildings may be greater than 4.5 metres (15 feet) in height or greater than 60.3 square metres (650 square feet) in area, provided that:
- (i) the height of the accessory building does not exceed 10.7 m (35 ft);
 - (ii) the footprint of the accessory building does not exceed 93 square metres (1000 square feet);
 - (iii) the accessory building is located in the rear yard;
 - (iv) the roof of the accessory building is pitched at a slope of at least 8:12; and
 - (v) the accessory building is not a quonset hut."

IN SECTION 4: SCHEDULING

13. Insert a new Schedule "AI" after Schedule "AH" and before Schedule "AJ", beginning on a new page, as set out on the following page.

ZONING MAP

14. Amend the City of Dartmouth zoning map (Appendix "A" of the Dartmouth Land Use By-Law) to reflect the zoning set forth in Schedule "AI" on the following page, and to delineate Schedule AI-1 and the Kuhn Road Designation as shown on Schedule "AI":



Schedule "AI"
Kuhn Road Area Zoning

HALIFAX

Kuhn Road Designation:

Park and Open Space Designation:

R-3 (Multi Family Res)
 Zone: Med Density

C (Conservation) Zone

Schedule AI-1

0 50 100 150 m

Dartmouth
 Plan Area

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

12 May 2015

T:\work\planning\Scott\2009\RCP-CD\WGarnet\Main Street MPS\Maps\Final Version\revised\Kuhn Road\KuhnRdScheduleAI_12May2015.mxd

Attachment B

City of Dartmouth Planning & Development Dept., Kuhn Road Study, (January 1980).

KUHN ROAD STUDY



Prepared by:



Planning & Development Dept.
City of Dartmouth
January 1980

CITY OF DARTMOUTH

P.O. Box 817
Dartmouth, Nova Scotia
January 25, 1980

TO: Mr. C. A. Moir, City Administrator
FROM: Donald A. Bayer, Director, Planning & Development
RE: Kuhn Road Study

In response to Council's recent request for information and recommendations as to the present and future use of the Kuhn Road area, a detailed study was undertaken of the area. The accompanying report prepared by the Planning & Development Department provides information on the existing situation and the problems and issues revealed by that study.

The results of the study indicate that the City must become involved in the development of the area and it is, therefore, respectfully recommended that Council take the following action with respect to the Kuhn Road area:

1. authorize a survey of the actual limits of the swamp and rezone the area Conservation Zone to insure its protection as a storm water holding area - estimated cost \$2,000;
2. begin an immediate program of public land assembly of those properties identified on the attached map - estimated value \$300,000 to \$400,000;
3. city staff be authorized to prepare a land use plan for the Kuhn Road for presentation and approval by Council. At the appropriate time, the land would be re-offered for development by private industry in accordance with the approved land-use plan;
4. City Council include in its 1980 Capital Estimates an amount of \$200,000 to begin this program.

Respectfully submitted,

Original Signed

Donald A. Bayer,
Director,
Planning & Development

DAB/sno
Enc.

OFFICE OF THE DIRECTOR
PLANNING & DEVELOPMENT DEPARTMENT

DATE: January 25, 1980
TO: Mr. Donald A. Bayer, Director, Planning & Development Department
FROM: Cathy Hayes, Planner, Planning & Development Department
RE: Kuhn Road Study

At a regular meeting of City Council, May 16, 1978, Council, on the recommendation of Committee of the Whole, denied an application to construct a 70-unit apartment building on Kuhn Drive. Reports from Planning and Development staff, City Engineering Department, Dartmouth Lakes Advisory Board, and Nova Scotia Department of the Environment, and the minutes of the December 19, 1977 Council meeting aired the same concern -- the potential loss of a natural retention area for surface runoff in the Morris-Russell Lakes water system through infill; hence, compounded drainage and/or flooding problems in the City of Dartmouth.

With the denial of this permit, a precedent was set. The immediate concern of Council and staff was protection of the swamp. As an implementation tool to further protect environmentally sensitive areas - ie: swamps, watershed areas, the Conservation Zone was created in the Zoning Bylaw which became effective September 15, 1978. This zone, to date, has not been applied to the Kuhn Road Swamp.

Council's decision raised another concern: "What will be done with the land if a decision is made not to permit development on it". With concerns of Council voiced and pressure from residents of the Kuhn Road/Kuhn Drive area for the extension of City services to their homes, the need to look beyond the swamp at the existing residential community became apparent. As a result, a site for a detailed study was identified. (Map 1)

The Kuhn Road Study area is bounded on the south by Main Street, on the west by Caledonia Road, on the north by apartment buildings on Churchill Drive and on the east by single family and two-family residences on Booth Street.

The Kuhn Study Site is approximately 22.5 acres (9 HA) in area, including a 5 acre (2 HA) swamp on the eastern portion of the study area. The site comprises 25 properties, one of which is occupied by the St. Thomas More Church; 12 properties are vacant; while, the remaining 12 properties accommodate 14 residential buildings-- 11 single family homes, and 3 duplex (17 residential dwelling units). Eleven properties (44%) are owner occupied; 14 properties (55%) are vacant or tenant occupied. (Map 2)

About 66% or 15 acres of the study site are zoned R-3 which permits medium density residential development. (Map 3) Excluding that portion of the site which is swamp, approximately 12 acres of land are available for such a residential development. At an allowable density of 40 units per acre, the site can accommodate approximately 500 units. However, a detailed study of the area identified numerous problems to be resolved before the Kuhn Road site can reach this development potential:

(1) Existing Street Patterns - Present access to the site is dangerous. Vehicles travelling in an easterly direction along Main Street must make a left turn across two lanes of oncoming traffic. Similarly, vehicles turning left from Kuhn Drive onto Main Street must cross two lanes of traffic. Existing streets providing access to properties within the site are Kuhn Road and Kuhn Drive, two narrow, unmet, gravelled roads. Both roads are privately owned rights of way registered to the ownership of the Estate of Harry S. Kuhn.

(2) Existing City Services - The 14 residential dwellings on the Kuhn Study site are presently on septic sewer systems. Six homes, fronting on Main Street are connected to the City Water System; the remaining homes secure water from private wells.

*3 homes have been demolished
of remaining 11 homes*

Existing City Services surround the site, with sanitary sewer lines on Caledonia Road, Churchill Drive and Booth Street (Map 4A); water lines along Main Street and Caledonia Road (Map 4B); storm sewer on Caledonia Road and Booth Street. Extension of these services to the Kuhn Road Site is possible, but costly.

Sanitary sewer may be directed to one of two systems:

1. Main Street - Lakecrest Drive System
2. Robert Drive - Ellenville System

A report dated January 17, 1980, prepared by A.E. Purdy, Assistant City Engineer recommends connection to the Main-Lakecrest system with two probable points of connection: Churchill Drive at a cost of \$80,000. or the Main Street-Caledonia Road intersection at an estimated cost of \$95,000.

The Main-Lakecrest Route was chosen over the Robert Drive Route because it is the shortest distance to Raymond Street where the two systems merge for eventual outfall in Dartmouth Cove. Also it is preferable not to direct an additional volume of effluent through the Ellenville System where numerous trouble spots already exist.

In summary, Mr. Purdy's report estimates 110 dwelling units could be accommodated on the Kuhn Road site on the existing Main-Lakecrest sanitary sewer system. The limiting factor is a 145 foot length of 10" pipe on Lakecrest Drive, which has less than 2% grade. In a follow-up memo dated January 23, 1980, Mr. Purdy indicates approximately 390 units could be accommodated on the Kuhn site if the 145 foot section of pipe on Lakecrest Drive was twinned at an estimated cost of \$8,000. In any case, the minimum basement elevation which can be serviced on the Kuhn Road site is 212 feet above sea level.

Proposed water service connection is to Main Street at an estimated cost of \$55,000. A storm sewer, with discharge to the swamp area, would cost approximately \$25,000.

Total expense to service properties on Kuhn Road is estimated at \$160,000. to \$175,000. (1979). Under the City's present policy of assessing betterment charges to abutting landowners, approximately \$15,275 would be returned to City revenue with extension of services to the existing properties and residences on Kuhn Road/Kuhn Drive and Main Street.

- (3) Building Permits - Landowners on Kuhn Road/Kuhn Drive are unable to acquire building permits for new construction as the properties do not front on City streets, nor are they capable of being serviced by sewer and water at the present time.

- (4) Drainage - The Kuhn Study site slopes from a plateau (elevation 230') on the west to a bowl-shaped depression, the swamp, on the east. (Map 5 and Figure 1) The Soil Survey of Halifax County Report 13 indicates the western portion (upper plateau) of Kuhn Road/Kuhn Drive is characterized by Bridgewater soil. This is a brown shaly loam which is arable and well drained. The eastern portion, the swamp, however, is composed of peat -- 12" or more of non-arable fibrous material which is very poorly drained.
- (5) Swamp Protection - The Kuhn Road Swamp is located at the upper end of the Norris-Russell Lake watershed. It is fed by a drainage tributary, approximately 97 acres in area extending to the Baker Property on Caledonia Road.

The swamp has been identified as a valuable natural retention area for surface runoff and in effect controls volume, speed, and filtration of the runoff to Norris and Russell Lakes. The limits of the swamp currently stretch over seven properties, six of which are privately owned. (Map 6) Any infill of the swamp will compound already existing flooding problems in the area. With numerous landowners, there is a potential lack of control over the use of the swamp; hence a potential lack of protection of same.

- (6) Existing Land Use - The present use of the lands in the Kuhn Road Study area is a scattered residential development, among which are several vacant properties. (Map 7) Present economic values of the properties are low due to the lack of paved streets and City services. Sixty-five percent of the existing buildings are in fair to poor condition. (Map 8)

The existing situation reflects an underutilization of lands which are potentially prime for a moderately dense residential development.

(7) **Public Concerns** - The Kuhn Road area demands attention. Residents and/or current landowners demand to be alleviated from their hardships. They are concerned about potential health problems from septic sewer and private wells; about non-saleability of lands as a result of the previously mentioned problems; with the non-ability to develop vacant parcels of land (Problem No. 3 above).

Aside from concerns of the immediate landowners, there is a responsibility to the wider public which must be considered. As per No. 5 above, it is imperative that the swamp be maintained as a retention area. Otherwise, we will see a much higher incidence of inundation of basements adjacent to the swamp; as well as flooding of properties in problem areas of the Morris-Russell Lakes System.

The major issue is to protect the Kuhn Road Swamp. However, the hardships of residents and/or owners of lands adjacent to the swamp must not be forgotten. There are two approaches to resolving the latter concern - private vs. public action.

In the first case, the City may extend services to the existing homes in the Kuhn Road area, in effect relieving the immediate problem. This, however, opens the door to private enterprise moving in and developing the site to its maximum capacity on a first come, first serve basis. The City would have little or no control on the development; hence one may see a potential development of 350-400 units in 10-15 apartment buildings along Kuhn Road/Kuhn Drive. This approach provides no solution to the existing problem of street alignment which will be further aggravated by increased traffic generation.

On the other hand, to insure the protection of the swamp and to achieve the orderly and economic development of the area public action is required. Identify the limits of the swamp by legal survey and insure protection of swamp by applying the Conservation Zone to that area.

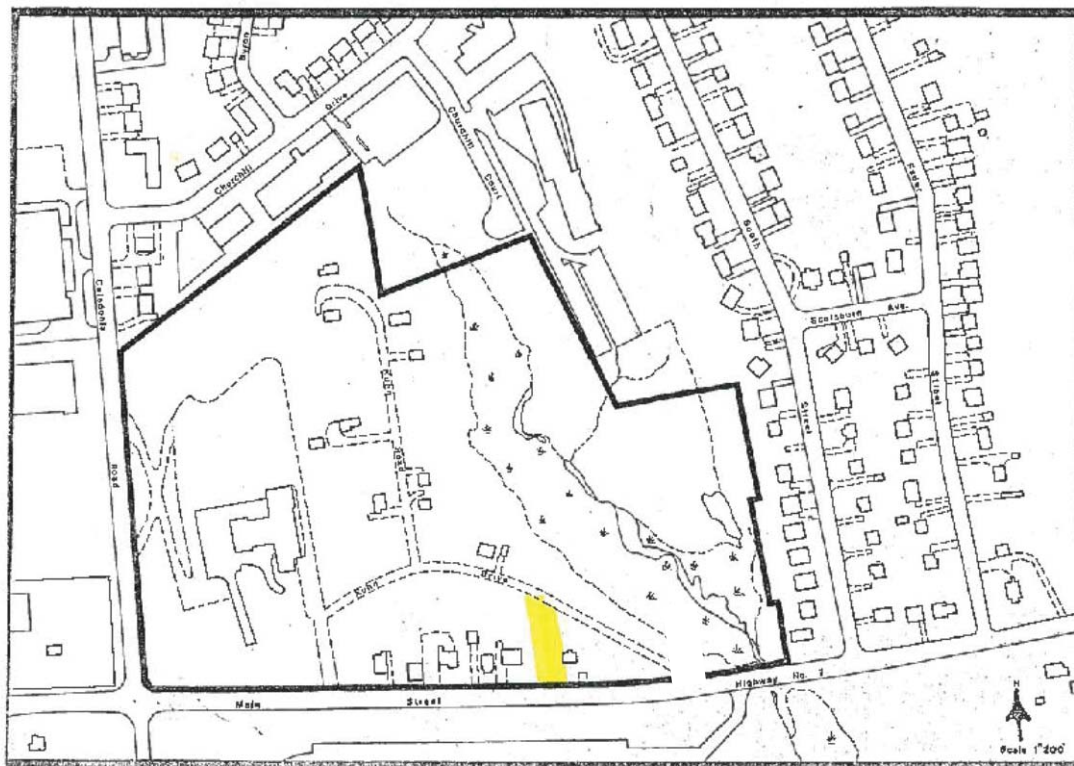
In the public interest, the City may begin a program of land assembly on the site, as provided for in the Housing Section of the Municipal Development Plan. This approach will secure maximum control over development through ownership. Finally, redevelop the site with a housing form acceptable to City Council.

It is strongly recommended that the City take the latter approach to the situation and embark upon a program which will include zoning and public land acquisition with appropriate redevelopment by private enterprise to achieve these goals.


Gathy Hayes

Original signed

CH/1j



KUHN ROAD STUDY

LEGEND

Study Boundary

Total area of study site
22.5 acres (9 hectares)

MAP No.

1 STUDY
AREA



KUHN ROAD STUDY

LEGEND

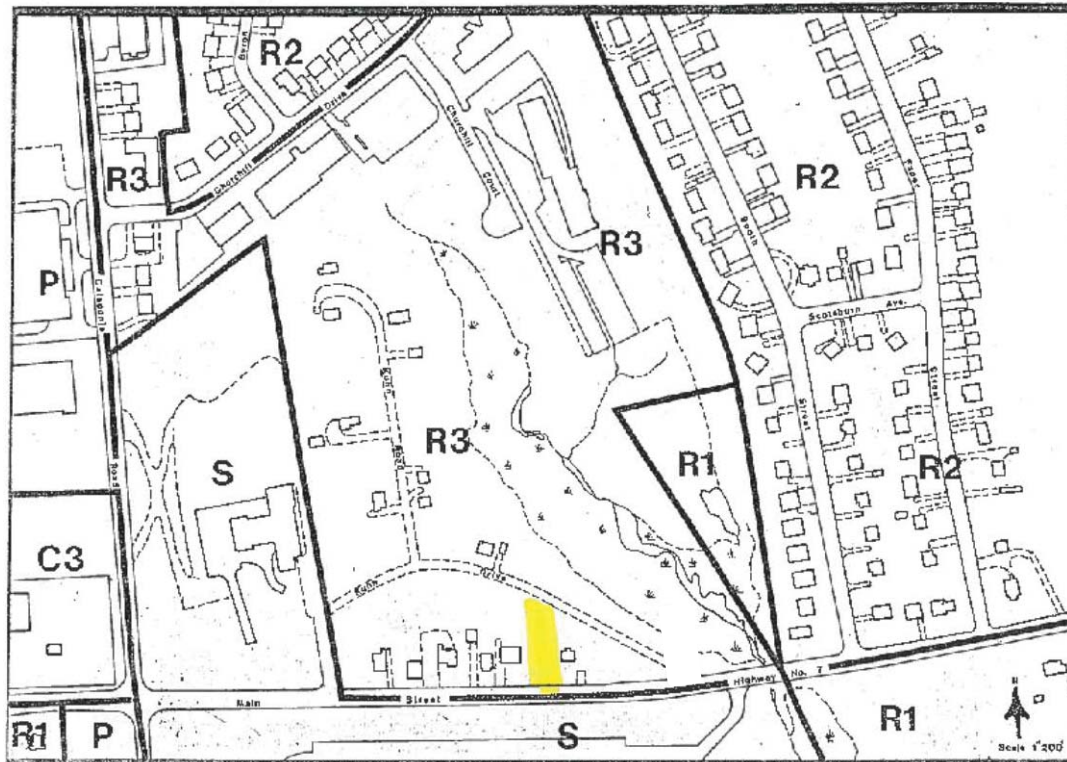
- 1 Roman Catholic Episcopal Corp.
- 2 Estate of Edward Fisher
- 3 R.C. Episcopal Corp.
- 4 Jeffrey & Marina Webber
- 5 Edward Dunn
- 6 Mrs. Heather Lalland
- 7 Donald & Victoria Giles
- 8 Elizabeth D. Womack in trust
- 9 Mrs. Irene Gisham
- 10 Joseph & Dawn Chisling
- 11 Joseph & Dawn Chisling
- 12 Gabriel & Jean DesRoches
- 13 Kenneth L. MacDougall
- 14 Mrs. Margaret Terry
- 15 Peter Macgregor Construction
- 16 City of Dartmouth
- 17 Arnold & Wade Vinter
- 18 Arthur & Margaret Speed
- 19 Donald & Dorothy White
- 20 Charles & Betty Burgess
- 21 Everett G. Clarke
- 22 B & J Enterprise Ltd.
- 23 George & George Christensen
- 24 Bruce & Emily Mather
- 25 Robert S. Mather

Nonresident ownership
 Study boundary

MAP NO.

2 PROPERTY OWNERSHIP

Scale 1"=100'



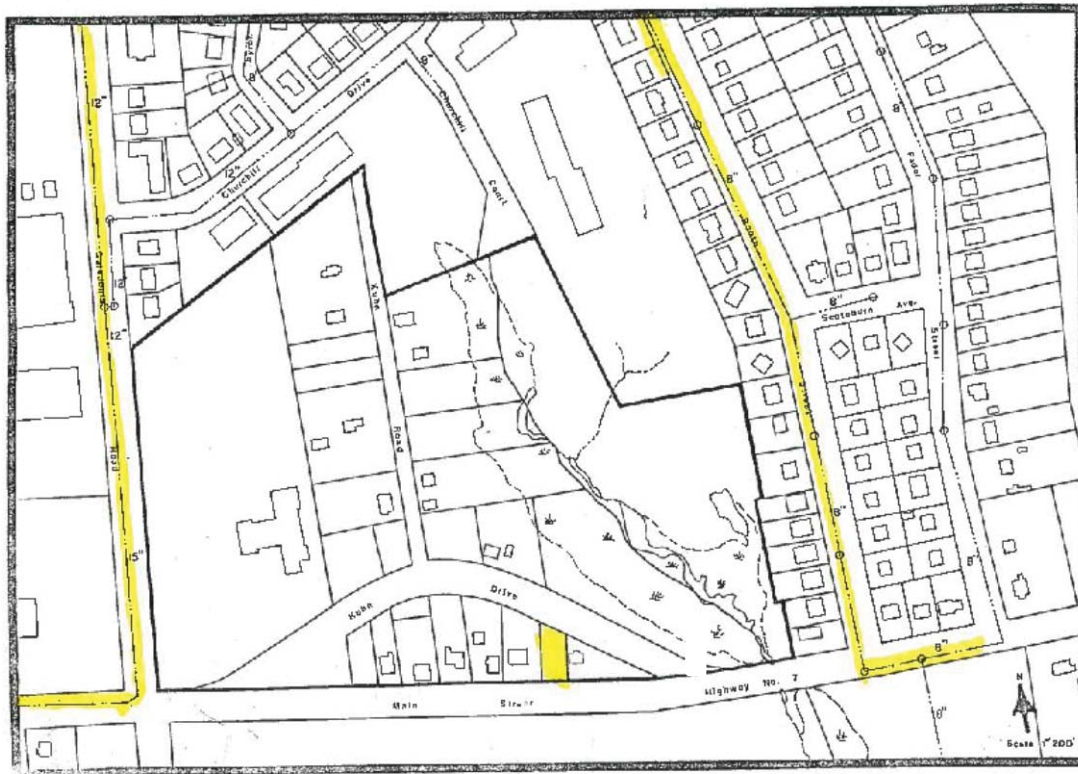
KUHN ROAD STUDY

LEGEND

- R1 Single Family Residential
- R2 Two Family Residential
- R3 Multiple Family Residential
- S Agricultural
- P Park
- C3 General Business

MAP No.

3 EXISTING ZONING



KUHN ROAD STUDY

LEGEND

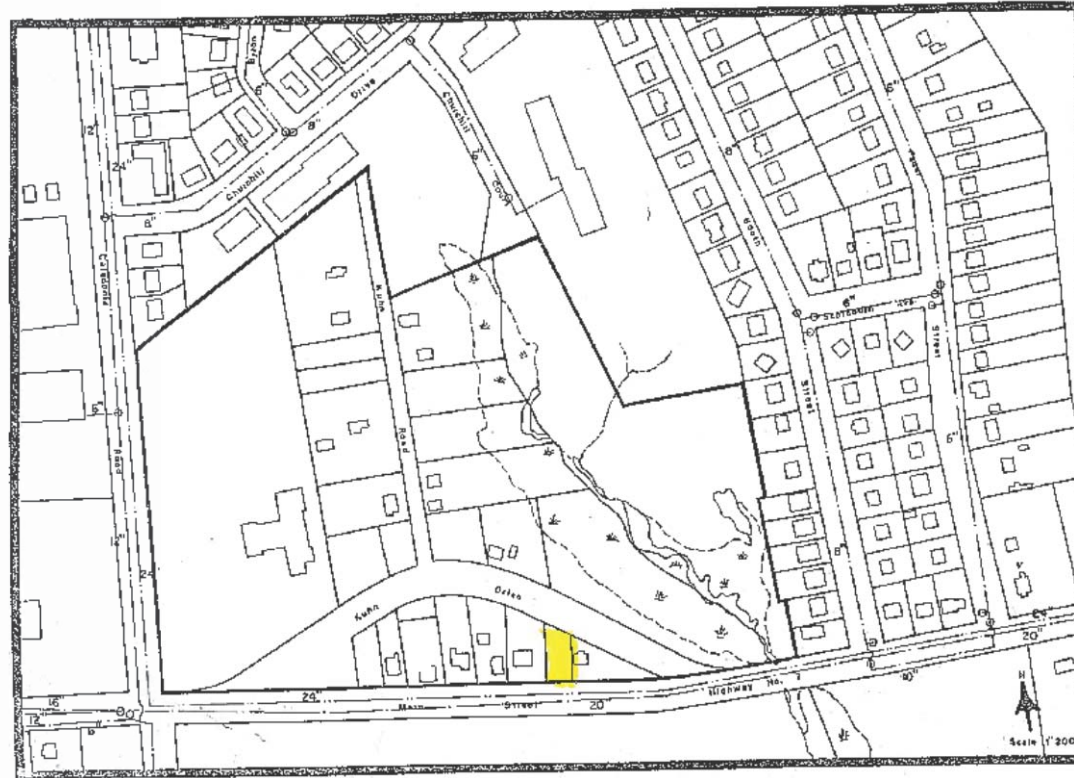
— Sewer Line

Study Boundary

MAP NO.

4A

EXISTING
SERVICES:
SEWER



KUHN ROAD STUDY

LEGEND

- Low Pressure Line
- High Pressure Line

Study Boundary

MAP No.

4B EXISTING SERVICES:
WATER

Attachment C
April 30, 2015 Public Information Meeting Minutes

HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE : Kuhn Road

7:00 p.m.
Thursday, April 30, 2015

Prince Andrew High, Cafeteria, 31 Woodlawn Road, Dartmouth, NS

IN ATTENDANCE: Marcus Garnet, Senior Planner, HRM Planning Services
Alden Thurston, Planning Technician
Tara Couvrette, Planning Controller, HRM Planning Services

**PUBLIC IN
ATTENDANCE:** 21

The meeting commenced at approximately 7:00 p.m.

1. Commencing of meeting

Marcus Garnet started the meeting at 7:00 p.m. He conveyed regrets from Councillor Fisher, who had to attend another public meeting.

2. Presentation

Kuhn Road Amendments: To consider amendments to the Dartmouth Municipal Planning Strategy and the Dartmouth Land Use By-law with the following intent:

1. For private lands between Kuhn Road and Main Street: to reduce permitted residential density in recognition of servicing and environmental constraints, and to expand the scope for low-impact enterprises;
2. For surplus municipal lands between St. Thomas More Catholic Church and the Kuhn Swamp: to apply development agreement criteria which would guide any future medium-density residential development; and
3. For municipal lands to be retained by HRM, including the Kuhn Swamp: to apply Conservation zoning to protect existing wetlands.

Marcus Garnet, Senior Planner, introduced himself. He provided a brief introduction to the case. He emphasized that the meeting is not about the need for piped sewer servicing, though he appreciates that this is an important issue in the neighbourhood. He noted that Halifax Water have jurisdiction over piped sewers.

Mr. Garnet made a presentation to the public outlining the purpose of the meeting and status of the project. He noted that it follows on from a commitment made by staff upon completion of the nearby Main Street Plan Review (PN 1286), and that the Kuhn Road area had been included in the earlier public workshops associated with the Main Street project. Mr. Garnet outlined the context of the subject lands, and explained the proposed planning policies and zoning, and what the changes would mean.

Mr. Garnet explained to the members of the public the next steps in the process, and opened the floor up to comments.

3. Questions/Comments

Donald Blakely – Booth Street asked for clarification on the homes on Main Street, between St. Thomas Moore and Booth Street, if they were on a septic system.

In response Mr. Garnet stated yes currently they are.

Kathy Kent – Main Street stated it was disconcerting receiving the notice in the mail last month finding out HRM is going to build up all around her and basically leave their houses out of the mix.

In response Mr. Garnet appreciated this, but stated that he has to work within the limits of what Halifax Water has determined, which is that they will not be servicing there unless there is an interest in the neighborhood to pool resources and help finance it. That would be very expensive.

Kathy Kent stated that [the proposed rezoning would prevent constructing apartment buildings] even if the home owners were prepared to pay thousands of dollars to hook into the system.

In response Mr. Garnet stated that one way to recover the cost, if the residents were all agreeable, and given that they are in the R-3 zone right now, could be to put an apartment building up once they got a sewer. They would have to develop something quite ambitious to pay for it because it would be such a big investment.

Will Murphy - Main Street stated it just occurred to him that, if you state that the surplus land that HRM owns might be developed into medium density residential, how can that be designated as R-3, and then have the R-3 designation disappear from the residents on Main Street?

In response Mr. Garnet stated that this is why we are here tonight. If there is a strong feeling that we should keep the R-3 zoning, then we can.

Will Murphy stated that the lands are going to grow up all around the people on Main Street and yet to exclude them, which seems dramatically unfair. He does not understand how there can be sewer pipes all around the people on Main Street but there can't be sewer pipes for them. He is just thinking that at some point in time the lands are going to be developed and there have to be pipes coming from somewhere.

In response Mr. Garnet stated that, yes, there are pipes down Caledonia and pipes on Booth Street, and that is why HRM would need a development agreement for the lands HRM owns because there is no legal way to get the pipes in there yet. One would need to have an easement, so HRM would require a development agreement to make sure that all the legal paperwork would be done.

Will Murphy stated his recommendation would be that, if he was told that he could have sewers, we could allow an easement to go through the HRM lands and then people would only have to get to that, to allow for sewage pipes to their homes.

In response Mr. Garnet said that it would seem to make sense, that if you had everything opened up, one could just put a bigger pipe in, though he cautioned that he is not an engineer.

Will Murphy stated that putting bigger pipes in wasn't really the issue. Having access is a concern. He stated that if you are going to change the zoning, make sure you allow it to revert back to R-3 when the sewage capabilities are there.

In response Mr. Garnet stated that was a good idea, and he would have to give it some thought. If there is an appetite in the room for leaving the zoning as it is, then we can just leave it as is. What staff thought was that, if the pipes were not going in there for the foreseeable future, then the intent was to broaden the opportunities for enterprises on the properties that would be compatible with the people that already live there, so that it can allow people to recover more income from their properties. If that is not sufficient and people would rather just wait and stay with the R-3 zoning and not expand the opportunities for home enterprises, that's up to them. Staff was just trying to have the zoning better reflect the reality of the situation even though none of us particularly like the situation.

Carl Ton – Kuhn Road asked if it could be kept as R-3 with the amendment added, which would give folks that want to develop a larger piece of property, the opportunity to do so. His understanding is that there are other constraints on that lot right now; his lot is an R-3 lot right now and he can't put an R-3 development on it even if he had sewers, because the building area for the lot wouldn't comply. Would there be any downside to keeping the R-3 zoning?

In response Mr. Garnet stated that it would be worth looking into. To see if we could come up with some sort of a hybrid zone that would keep the R-3 zoning but make the higher densities conditional on the provision of piped services. Maybe we can invent a zone; he indicated that he would give that some thought.

Simon Gills – St. Thomas More Church asked if the section, the piece that is adjacent to the church property, could it not be serviced from Roleika Drive. We looked at this land a number of years ago and that was actually suggested by Halifax Water. They didn't want any access off Main Street or anything like that, but they were willing to consider a sewage connection from that direction rather than coming across the church property because the trench that would come across the church property would have to be quite deep.

In response Mr. Garnet stated that at the moment we would leave it open so that the sewage pipe could come in from wherever it made the most sense, provided there was an easement with the intervening property owner - that would be the consideration.

Simon Gillis asked if this block would reflect the old subdivision that was there 50 years ago.

In response Mr. Garnet stated that he doubts it would. He thinks HRM are going to sell it as one piece, and that it wouldn't really make sense to keep that lot pattern.

Simon Gillis asked if there was anywhere else in HRM that Mr. Garnet could point to so that they could look at this type of development.

In response Mr. Garnet said one could look at the Canal Court development in central Dartmouth.

Simon Gills asked if HRM would allow seniors to live there.

In response Mr. Garnet said he thinks it would be ideal for seniors because of its proximity to shops and services in the area.

Simon Gillis asked if the developer could determine what would go there?

In response Mr. Garnet stated that, yes, that is the case, and that R-3 would allow that sort of thing. He wondered if the Church might be interested in something like that.

Simon Gillis stated the church isn't in that sort of business.

Hilda Visser – Main Street said she was told when they were part of Westphal and before Dartmouth took over, that they would get a sewage system, and that they wouldn't have to pay for it.

In response Mr. Garnet said he had never heard of such a thing, and asked her if she had anything in writing with regards to that.

Hilda Visser stated she did not. She said she was told this when she bought the property at City Hall. She also stated that when the vocational school was built, the sewage system from Caledonia Road (Roleika Dr.) is what it got hooked up to. That is a lot more water and things like that going into the system. She can't see how an engineer couldn't give just a few more houses a sewage hook up. It doesn't make sense to her.

In response, Mr. Garnet agreed that it does seem strange how one can't get sewage to just those few houses across the street.

William O'Leary - St. Thomas More Church asked if there was any schedule being looked at for the divestiture of HRM's property.

In response Mr. Garnet stated he believes it is already on the market but is not aware of any imminent purchase. So we have some time to get it right; it is not urgent. [UPDATE: it has not yet been put on the market.]

Will Murphy stated that, because of restrictions that are put on properties, there is very little you can do. The setbacks are one of the issues that come up quite often, and a lot of people are constrained by that. For us right now you can't put R-3 on these properties, but it doesn't mean that you can't amalgamate the properties and then have enough size to make it make sense. But until that point, is it possible to modify those setbacks to allow for the size of building that would make sense?

In response Mr. Garnet said yes it is, everything is on the table when we go looking at a new zone, so we can invent a zone that is tailor-made.

Will Murphy stated that Mr. Garnet mentioned something about going a little higher with the buildings. Would a pitched roof be in addition to the 35 feet?

Mr. Garnet said no, the peak of the roof would be the 35 feet.

Will Murphy said once the nature/greenspace/animals start to disappear you start to miss it. If a development was to come in right behind the houses, that would take away from the views and nature/greenspace that is currently there.

In response Mr. Garnet stated that at the time when we were doing this for Main Street, we assumed that HRM was keeping all of this land (The strip adjacent to the Church and the swamp), and then it came up quite suddenly that council was divesting this, so we had to figure out what to do.

Will Murphy asked if there could be something in terms of setbacks in this development of HRM lands, because that would be pretty invasive if a tall building was right in behind those homes.

In response Mr. Garnet stated that yes, that would be a very good idea.

Kerry Merson – Main Street wants to keep his R-3 zoning. He feels that if those HRM lands do get developed as may happen, then that means that there would be city sewage in there and there may be the potential to hook up to it.

In response Mr. Garnet stated that he is getting the indication that people would like to keep the R-3 zoning because of the long term possibilities.

Carl Ton asked for clarification on who owns Kuhn Road, and stated that he would also like to maintain access from Main Street as he does not want Kuhn Road to be his main access point. Kuhn Road is a secondary, nice-to-have road but not a main road for access. If you are going to advocate a small business, we should be able to have one access opening onto Main Street. Existing properties have it now and he doesn't, and it would be a great advantage to be able to have that, just a typical residential opening. The city said it wasn't an issue when he checked with them a few years ago when he was thinking about putting a driveway in. Under the current arrangement, with regards to sewage disposal systems, each individual property owner will have to continue with separate septic systems until something big and better comes along. So his request is that he would like to solicit the support of the city in terms of getting that application from the Department of Environment. So, he asked, are you assuming that whoever wants to develop under this could get a septic system in keeping with their proposed building?

In response Mr. Garnet stated that staff is not sure who owns that road. If anything goes forward we would have to find that out. Whatever he recommends has to go by the subdivision engineer, so we will see what happens there in terms of driveways. He can't promise but he can take that under advisement. Yes, that is correct with regards to the septic systems; that is why staff try to be careful as to which commercial uses they would include in the zone. Nevertheless, the Department of Environment at the provincial level has the ultimate say.

Donald Blakely stated that he does respect that the swamp will be designated wetlands and hopes that the wetlands will be respected, no matter what development is done.

In response Mr. Garnet stated that the Regional Plan requires minimum setbacks from all watercourses, including wetlands.

Will Murphy asked about alternate disposal methods, for example Spagnum/Marsh. There are just not that many houses, and this might be an interesting idea.

Mr. Garnet replied no, but that is something that comes up in the rural areas too. Here one could see the applicability of this kind of thing, given that the lots are so small. He will have a chat with one of the HRM engineers about it.

Will Murphy asked if there would be any thought regarding a boardwalk for recreational walking?

In response Mr. Garnet stated that, that was a good idea but isn't part of this project.

Carl Ton asked Mr. Garnet to explain the timing of the next steps.

In response Mr. Garnet advised what the next steps in the process were going to be.

4. Closing comments

Mr. Garnet thanked everyone for attending the meeting.

5. Adjournment

The meeting adjourned at approximately 8 p.m.

Attachment D
Written Comments

[Received April 29, 2015 by e-mail]

Dear Mr. Garnet:

Please accept this e mail as a formal written submission to HRM on the subject of the proposed amendments to the Kuhn Road area lands on Main Street, Dartmouth, Nova Scotia.

My name is Joanne Tonn and I own the property located at PID 00186387 (civic address 257 Main Street).

I have followed the development of this area for a number of years now commencing when this area was a part of the Main Street re-development Project and a proposed rezone of the Kuhn road area lots facing Main Street were under consideration for expansion from only residential zoning to the new classification titled Neighbourhood, Storage, Workshop. This would have allowed for a mixed use for this area, with small businesses and indoor storage to be added to the area.

My property is currently vacant land, and I was very much in support of this change as I saw this an opportunity for this area of Main Street to flourish, while still allowing the current residents to continue with their current residential status. I am of the view that the expansion of the types of new infrastructure that would be allowed such as small business/workshop/storage would promote the usefulness of this area and would not in any way interfere with residents who choose to continue with residential only use of their property. Needless to say I was disappointed when the Kuhn Road area was dropped from the approval process of the Main Street improvement project. However, I can also say that I was pleased that the complete concept was not shelved and HRM council directed further review of this area which is now in process.

I note that the current proposal as provided in the "Notice of Public Meeting Kuhn Road Area" received in April 2015 presents a proposal which albeit covers a slightly different area than the Main street Improvement Project with the inclusion of the North Block and wetlands area together with the Kuhn Road lots facing Main Street. I offer the following comments on each part of the proposal as outlined in the document:

1. For Private Lands between Kuhn Road and Main Street ("South Block"): single family houses, existing auxiliary dwelling units, existing lodging houses, small bed and breakfasts, studios, craftshops, workshops, greenhouses and indoor storage.

Comments:

- I think this is an excellent proposal. This allows expansion, more mixed use, and potential small business support to the nearby NSCC.
- This should not interfere with the enjoyment of existing residents who wish to continue without change
- I agree with the proposal on signage for commercial use. Signage to be limited, should be tasteful, and of a size in keeping with the type of business it promotes.
- I also have no issue with the proposal on accessory buildings, as I think that the area and landscape can easily accommodate larger accessory buildings without impact to the skyline or neighbouring businesses/residences.
- HRM must continue to support the application of sewage disposal permits with the NS Department of Environment as it seems that in the near future there is no intention for HRM to service this area with sewer. [I also note that I have received a sewage disposal permit, but have not proceeded with any development after the original Main Street proposal excluded Kuhn Road. This permit has now expired.]

2. *For surplus municipal lands between St. Thomas More Catholic Church and the Kuhn swamp ("North Block"), future multiple unit buildings subject to....."*

Comments:

- I support this proposal
- This land is now underutilized and again, tasteful multi-unit residences could be built here which could be a great support for NSCC.
- I visualize this as "low/mid rise" (3- 5 story units), and if zoned appropriately, developers could see the potential to promote "mixed use" housing (eg students, seniors, young families, etc in the same complex).
- I note that HRM should be trying to make this area attractive to developers. The location is excellent and new infrastructure would also improve the overall area and could support the recent upgrades to NSCC which should be viewed as an anchor/cornerstone to the area.

3. *For municipal lands to be retained by HRM ("Wetlands"): retention and protection of existing wetlands*

Comments:

- I support this concept
- Wetlands should be preserved and if the North and South blocks are promoted and developed, this wetland area would fit very nicely into the area. Future plans could promote the area for board walks etc as other areas have done with wetlands.

In summary, while I was disappointed with the lack of approval for change in the Main Street project, I see this proposal as an improvement over the previous one as it;

- Allows a wider mixed use in the South Block (which should attract more development/improvements)
- Now adds the North Block and opens this up to potential developers
- Formalizes the protection of the wetland area.

I look forward to the consideration of my comments in the process. If you have any queries I can be contacted at the email address given below.

Yours truly,

Joanne M Tonn
Property Owner, 257 Main Street
Email: [REDACTED]

Footnote: can you please confirm receipt of this email. (thank you)