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Item No. 13.1.1
Halifax and West Community Council
November 16, 2021

TO: Chair and Members of Halifax and West Community Council

SUBMITTED BY: *Original Signed*

Kelly Denty, Executive Director of Planning and Development

DATE: November 1, 2021

SUBJECT: **Case 22890: Land Use By-Law amendment for 48 and 50 Old Sambro Road, Halifax**

ORIGIN

Application by WM fares Group.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development.

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Give First Reading to consider approval of the proposed amendment to the Land Use By-law for Halifax Mainland, as set out in Attachment A, to rezone the lands at 48 and 50 Old Sambro Road, Halifax from the R-2P (General Residential) Zone to the R-3 (General Residential and Low-Rise Apartment) Zone, and schedule a public hearing; and
2. Adopt the amendment to the Land Use By-law for Halifax Mainland, as set out in Attachment A of this report.

BACKGROUND

WM Fares Group, on behalf of the property owner, is applying to rezone the lands at 48 and 50 Old Sambro Road, Halifax from the R-2P (General Residential) Zone to the R-3 (General Residential and Low-Rise Apartment) Zone to enable the development of a four-storey multi-unit building.

Subject Site	48 and 50 Old Sambro Road, Halifax (PIDs 00285429 and 00285411)
Location	Southeast side of Old Sambro Road near the Southern terminus of Dunbrack Street
Regional Plan Designation	Urban Settlement (US)
Community Plan Designation (Map 1)	Medium Density Residential (MDR) and located in the Mainland South Secondary Plan Area
Zoning (Map 2)	General Residential (R-2P)
Size of Site	1183 sq. m (12 735.43 sq. ft.) for both parcels
Street Frontage	Approx. 47.7 m (156.5 ft.) for both parcels
Current Land Use(s)	Vacant
Surrounding Use(s)	R-2P and R-4 uses

Proposal Details

The applicant proposes to rezone the land from R-2P to R-3 to enable the development of a four-storey building, in compliance with the R-3 Zone. The site backs onto Catamaran Pond where the LUB requires a 20 metre watercourse setback from the Ordinary Highwater Mark for any building.

Enabling Policy and LUB Context

Policy 1.3.1 of the Mainland South Secondary Planning Strategy allows for the consideration of a rezoning to R-3 to enable the development of multi-unit buildings of a maximum of four storeys in accordance with all zone requirements.

The site is currently zoned General Residential (R-2P) which permits 4-unit residential buildings in addition to single unit and two-unit dwellings. Currently, the site consists of two lots which, if reconfigured, could each contain a 4-unit residential building under the existing regulations.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website (1,611 unique page views since April 2020), signage posted on the subject site, 95 letters mailed to property owners within the notification area and an online survey which was completed by 143 people.

Attachment C contains a copy of the survey results. The public comments received include the following topics:

- Concerns around traffic impacts;
- Concerns about the impact on watercourses and wetlands;
- Concerns about wildlife corridors; and
- Concerns that the form doesn't fit with the surrounding area.

A public hearing must be held by Halifax and West Community Council before they can consider approval of the proposed LUB amendment. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

DISCUSSION

Staff has reviewed the proposal relative to all relevant MPS policies and advise that it is reasonably consistent with the intent of the Halifax MPS. Attachment A contains the proposed rezoning to R-3 which would allow single-unit, two-unit, stacked attached housing and apartment buildings of up to four storeys.

LUB Amendment Review

Attachment B provides an evaluation of the proposed rezoning in relation to relevant MPS policies. Of the matters reviewed to satisfy the MPS criteria, the following have been identified for more detailed discussion:

Difference between Current and Proposed Zones

Zone Standard	R-2P Zone	R-3 Zone
Permitted Land-use	R-1, R-2 and 4-unit buildings	R-1, R-2, R-2T, R-2AM, stacked attached housing, four storey apartment, daycares
Lot Frontage	60 feet	60 feet
Lot Area	6000 sq. ft.	6000 sq. ft.
Side Yard	6	20 feet from R-1, R-2, R-2T or R-2P plus applicable Angle Controls
Front Yard	15	20 feet, with a possible reduction to 10 feet subject to Angle Controls
Rear Yard	20	20 feet from R-1, R-2, R-2T or R-2P use, otherwise 10 feet plus applicable Angle Controls*
Landscaping		Side and rear yard identified above is required to be landscaped with a visual screen and may include opaque fencing measuring a min of 6 feet. No parking, loading, driveways or storage and refuse containers may be placed in this area
Lot Coverage	35%	Regulated by Angle Controls*
Height	35 feet	50 feet
Density	N/A	75 ppl / acre
Open Space	0	150 sq. ft. for each bachelor unit 275 sq. ft. for each one-bedroom unit 575 sq. ft. for each two-bedroom unit 950 sq. ft. for each three-bedroom unit 1,325 sq. ft. for each unit containing four or more bedrooms
Unit Mix	N/A	1 2-bedroom unit for every three bachelor and/or one-bedroom units
*The Halifax Mainland Land Use By-law requires that angle control provisions be applied to multiple unit buildings to control such elements as building setbacks, massing and separation distances between external building walls. For this proposal, two angle control requirements are applicable; a 60 degree vertical angular plane and an 80 degree horizontal angular plane. The 60 degree vertical angle control is used in elevation to control building height and setback while the 80 degree horizontal angle is used to control mass and setback.		

The chart provides a comparison of the requirements for a four-unit building in the R-2P Zone and for an apartment building in the R-3 Zone. The current R-2P Zone permits single unit, two unit and four-unit

dwellings, while the proposed R-3 Zone would permit those forms in addition to townhouses, stacked attached townhouses and 4 storey multi-unit apartment buildings.

The R-2P Zone has the same requirements for lot size and frontage as the R-3 Zone but allows less of the lot to be covered with a building (35%) and a lower overall building height of 35 feet. The R-3 Zone regulates the form and lot coverage through angle controls and has a larger side yard setback requirement (20 feet for the R-3 Zone vs 6 feet for the R-2P Zone) where a building abuts lower density residential and requires additional landscaping and fencing along those property lines. The R-3 Zone also has requirements around unit mix and open space that are not required under the R-2P Zone.

Watercourse Setbacks

This site is located near Catamaran Pond and there is a stream located on the abutting property to the north. Any development that occurs on the site would be required to meet all requirements related to the 20 metre watercourse setbacks in the Land Use By-law. The developer has provided information to indicate that the closest corner of the rear lot line is 29 metres to the Ordinary High Watermark of the pond and the stream is approximately 20m from the side property line. There is adequate space on site to accommodate these requirements and enable the development of the site.

Lot Grading and Stormwater Management

A lot grading permit would be required during the permit review process to enable the construction of any residential buildings. This permit review is undertaken by Development Engineering and would apply updates made to the Lot Grading By-law in September of 2020. The lot grading process helps to control storm water on the site to reduce the impact on surrounding properties and watercourses and has further requirements for stormwater management studies to be provided as part of this process. This process helps to reduce the impact that development has on nearby watercourses. The stormwater management plans must indicate how they meet the following requirements:

- Remove 80% TSS (total suspended solids);
- Capture and retain first flush (10 mm) on-site;
- Balance pre/post construction flows after first 10 mm; and
- Focus on Green Infrastructure / Storm water Best Management Practices.

Traffic Concerns

The proposal will add 4 vehicle trips in the am peak and 5 vehicle trips a day at pm peak times and will contribute an average delay of 0.3 seconds per vehicle and 0.6 seconds per vehicle, respectively. To prevent any traffic from queuing on the street, Development Engineering is recommending right-in right-out access and egress to the property, to reduce the impact that the development will have on the intersection, which would be further reviewed during the permitting process. Additionally, the site is approximately 450 metres from the nearest bus stop, which currently has bus service every 15 minutes.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the Halifax MPS. The site is immediately adjacent to an existing R-4 Zone and the Land Use By-law provides controls around built form, density and development near a watercourse. Therefore, staff recommend that the Halifax and West Community Council approve the proposed Land Use By-law amendment.

FINANCIAL IMPLICATIONS

There are no financial implications. The HRM cost associated with processing this planning application can be accommodated with the approved 2021-2022 operating budget for C310 Urban and Rural Planning Applications.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed LUB amendment are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVE

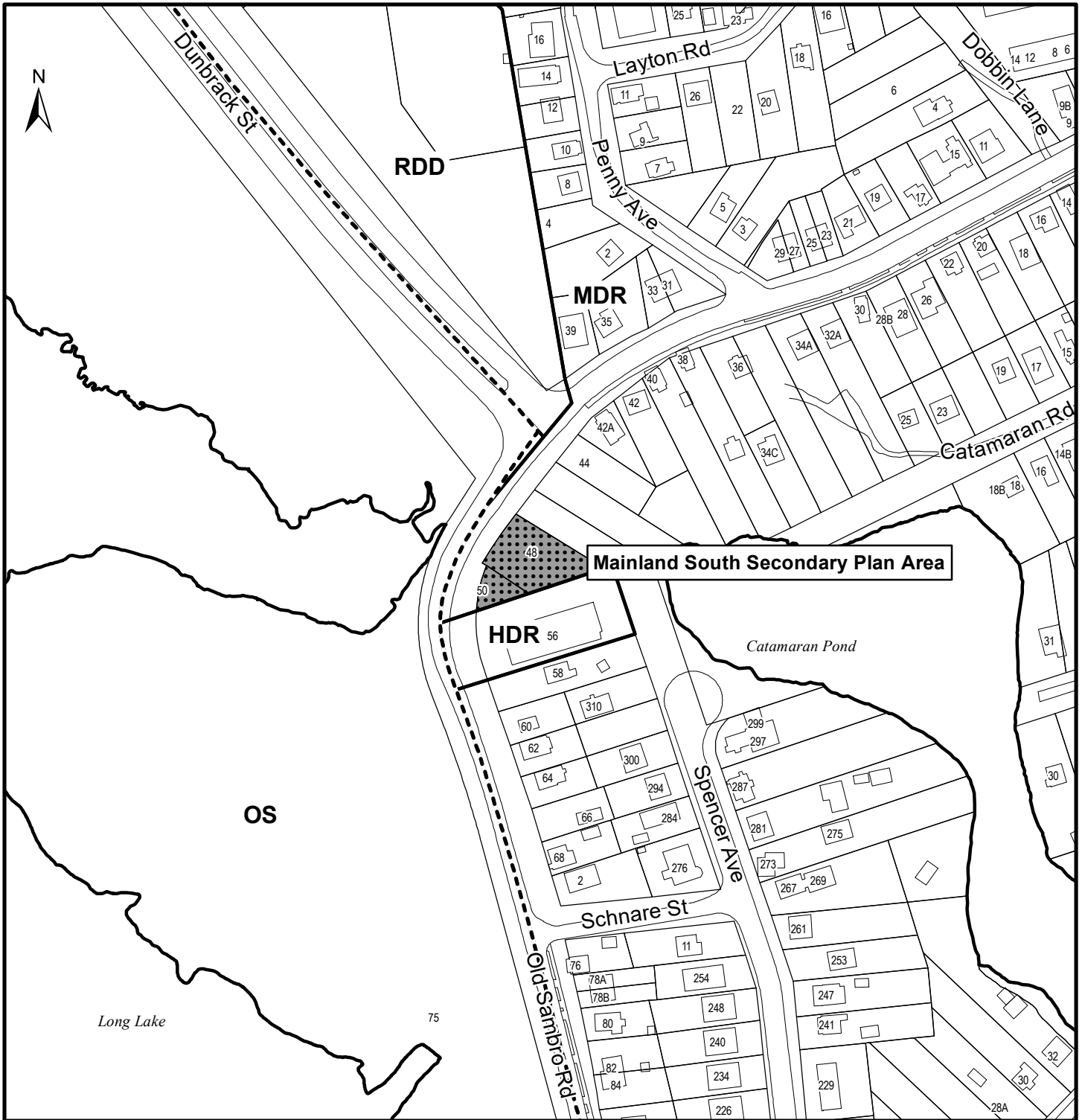
1. Halifax and West Community Council may choose to refuse the proposed LUB amendment, and in doing so, must provide reasons why the proposed amendment does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Halifax and West Community Council may choose to approve the proposed LUB amendment subject to modifications. Such modifications may require a supplementary staff report. A decision of Council to approve this proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Attachment A:	Proposed LUB Amendment
Attachment B:	Review of Relevant Halifax MPS Policies
Attachment C:	Survey Results


A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Jennifer Chapman, Planner III, Urban Enabled Planning Applications, 902.225.6742



Map 1 - Generalized Future Land Use

48 & 50 Old Sambro Road,
Halifax

 Subject Properties

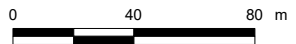
Halifax Mainland South - Designation

- HDR High Density Residential
- MDR Medium Density Residential
- RDD Residential Development District

Halifax - Designation

- OS Major Community Open Spaces

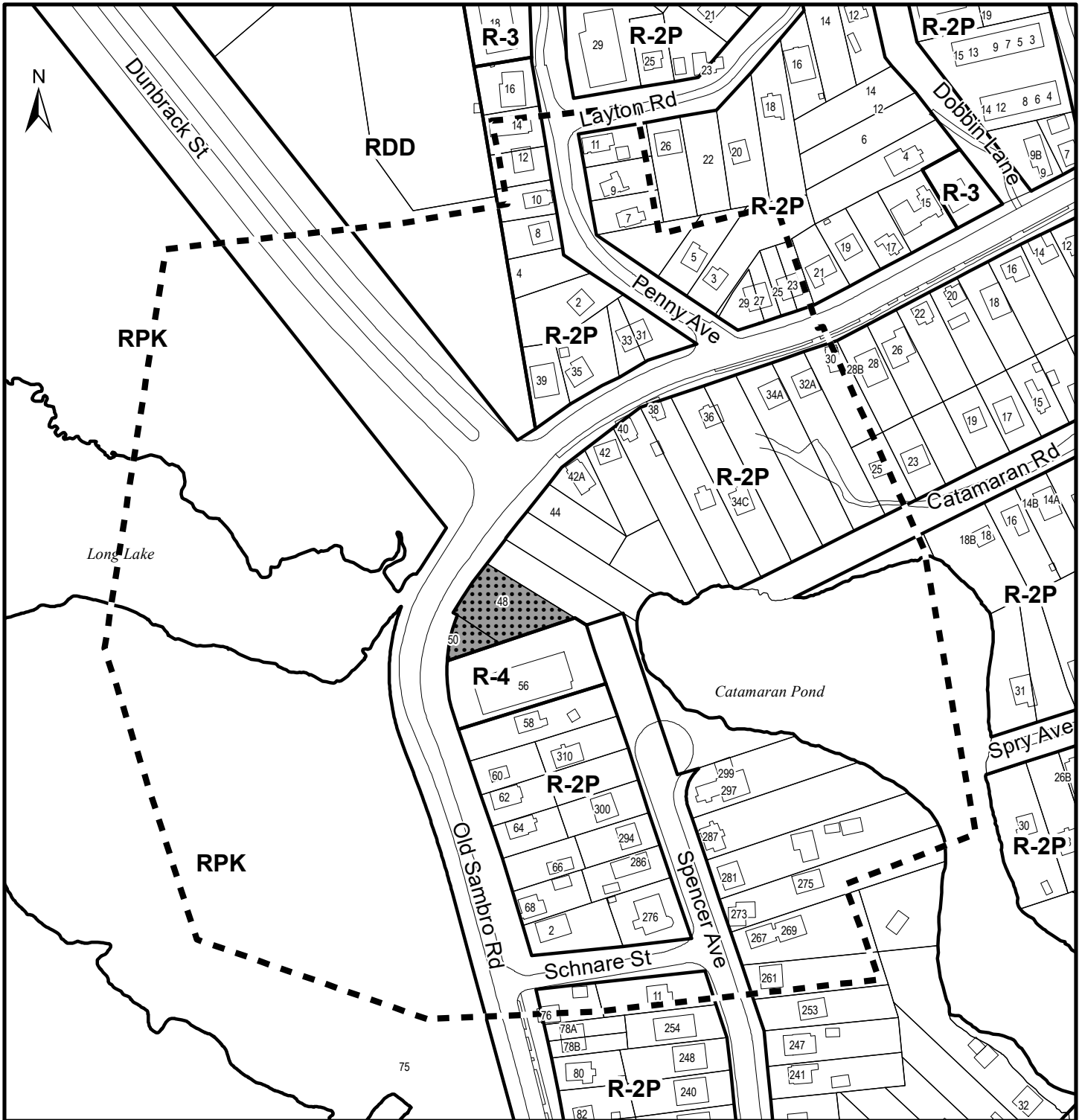
HALIFAX



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

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

Halifax Plan Area
Mainland South Secondary Plan Area




Map 2 - Zoning and Notification

48 & 50 Old Sambro Road,
Halifax

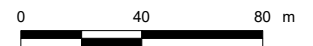
HALIFAX

 Subject Properties

 Area of Notification

Zone

- R-2P General Residential
- R-3 Low-Rise Apartment
- R-4 Multiple Dwelling
- RDD Residential Development District
- RPK Regional Park



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Halifax Mainland
Land Use By-Law Area

ATTACHMENT A

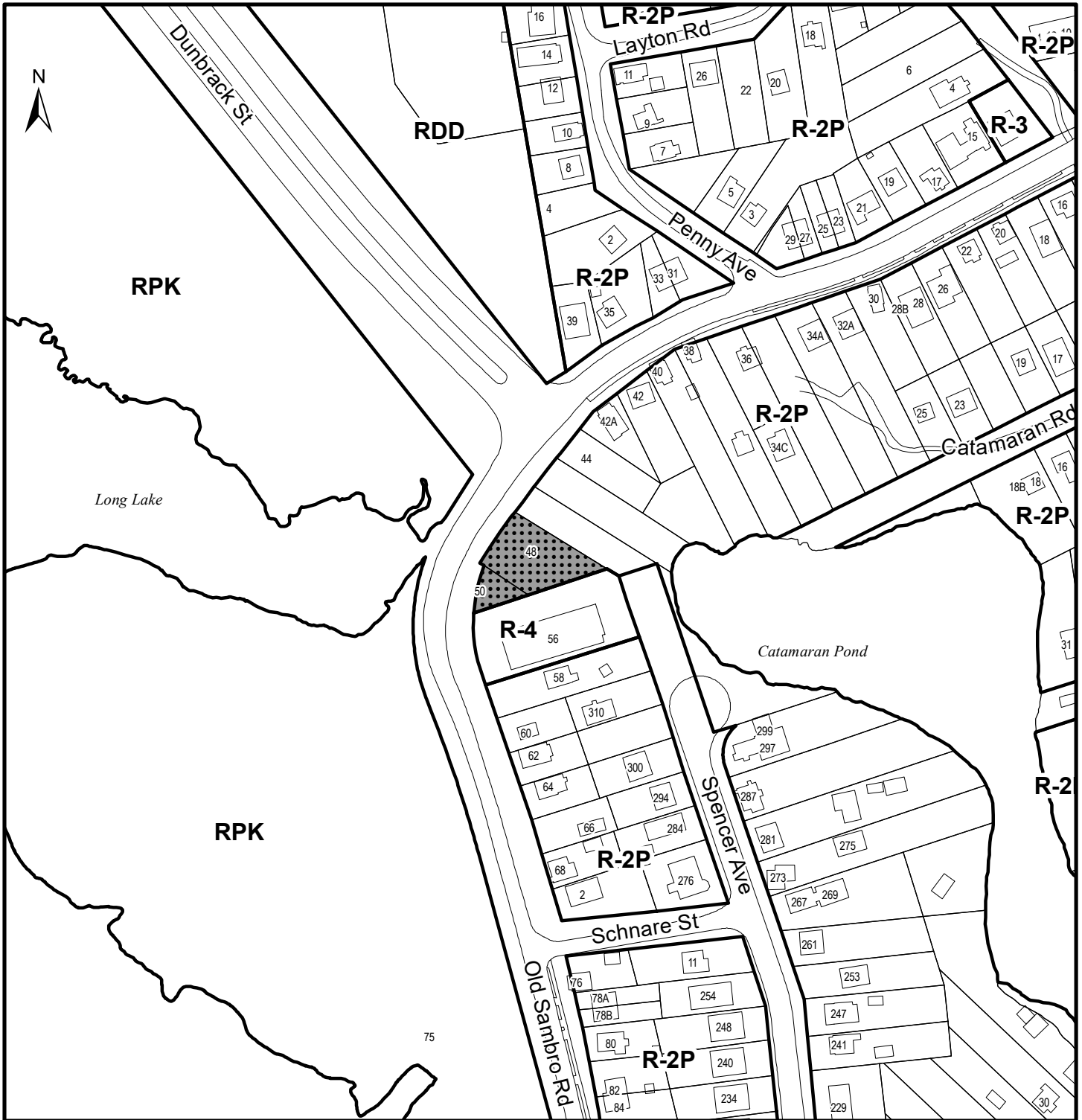
Proposed Amendment to the Land Use By-law for the Halifax Mainland

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

1. Amend Map ZM-1, the Zoning Map, by rezoning the properties identified as PIDs 00285429 and 00285411, from the R-2P (General Residential) Zone to the R-3 (General Residential and Low-Rise Apartment) Zone, as shown on the attached Schedule A.


I, Iain MacLean, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax and West Community Council held on [DATE], 202[#].

Iain MacLean
Municipal Clerk



Schedule A

48 & 50 Old Sambro Road,
Halifax

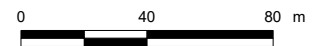
 Area proposed to be rezoned
from R-2P (General Residential)
to R-3 (Low-Rise Apartment)

Halifax Mainland
Land Use By-Law Area

HALIFAX

Zone

- R-2P General Residential
- R-3 Low-Rise Apartment
- R-4 Multiple Dwelling
- RDD Residential Development District
- RPK Regional Park



This map is an unofficial reproduction of
a portion of the Zoning Map for the plan
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Attachment B: Review of Relevant Halifax MPS Policies

Halifax Municipal Planning Strategy	
Policy	Staff Comment
CITY WIDE POLICIES	
<p>Policy 2.1 Residential development to accommodate future growth in the City should occur both on the Peninsula and on the Mainland, and should be related to the adequacy of existing or presently budgeted services.</p>	<p>Residential development is occurring on both Mainland and Peninsula. The site has no servicing issues.</p>
<p>Policy 2.2 The integrity of existing residential neighbourhoods shall be maintained by requiring that any new development which would differ in use or intensity of use from the present neighbourhood development pattern be related to the needs or characteristics of the neighbourhood and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</p>	<p>Implementation Policies 3.1 and 3.2 have been repealed.</p> <p>The MPS allows for the consideration of higher density residential in this area subject to the requirements of the LUB and the R-3 Zone provides controls on height, density and form.</p>
<p>Policy 2.4 Because the differences between residential areas contribute to the richness of Halifax as a city, and because different neighbourhoods exhibit different characteristics through such things as their location, scale, and housing age and type, and in order to promote neighbourhood stability and to ensure different types of residential areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods.</p>	<p>Height and scale of the proposal appears to be consistent with surrounding form. The site abuts an existing 3 storey residential building and this proposal would be similar in size to that building.</p>
<p>2.4.1 Stability will be maintained by preserving the scale of the neighbourhood, routing future principal streets around rather than through them, and allowing commercial expansion within definite confines which will not conflict with the</p>	<p>Proposal is similar to in height and mass to nearby buildings.</p>

<p>character or stability of the neighbourhood, and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</p>	
<p>SECTION X: MAINLAND SOUTH SECONDARY PLANNING STRATEGY</p>	
<p>Policy 1.3.1 In areas designated as "Medium-Density Residential" on the Generalized Future Land Use Map Council may zone to permit apartments provided that their height is limited to a maximum of four storeys and in assessing such rezonings Council shall consider compatibility with the existing neighbourhoods and the adequacy of municipal infrastructure.</p>	<p>Site is designated MDR and can be considered for a rezoning to R-3. The site abuts R-4 and R-2P zoned properties. The R-3 zone is scattered about, on other properties on Old Sambro Road.</p> <p>Halifax Water and Development Engineering have confirmed there are no concerns with the adequacy of existing municipal infrastructure.</p>
<p>IMPLIMENTATION POLCIES</p>	
<p>Policy 4.3 More specifically, for those applications for amendments to the zoning bylaw in Mainland South as defined on Map 1, the City shall require an assessment of the proposal by staff with regard to this Plan and the adopted <u>Land Development Distribution Strategy</u>, and that such assessment include the potential impacts of the proposal on: (a) the sewer system (including the budgetary implications); (b) the water system; (c) the transportation system (including transit); (d) existing public schools; (e) existing recreation and community facilities; (f) the provision of police and fire protection services; and any other matter deemed advisable by Council prior to any final approval by City Council.</p>	<p>A) HW and Development engineering have no concerns about proposal</p> <p>B) HW and Development engineering have no concerns about proposal</p> <p>C) Development engineering has requested right-in right-out access from the site to prevent queuing on the public street.</p> <p>D) Schools</p> <ul style="list-style-type: none"> • Elementary—Central Spryfield Elementary School: 67% usage • 7-9 Rockingstone Heights School: 58% usage • High School (English and French Immersion)—JL Ilesley High School: 50% usage (School to be replaced) • Elementary Immersion: John W Macleod-Fleming Tower Elementary School: 134% Usage • 7-9 Immersion: Elizabeth Sutherland School—usage 79 % <p>E) Existing recreation and community facilities appear to be adequate for this use. Long Lake Provincial Park is located across the street and provides access to trails and outdoor recreation facilities.</p> <p>F) Police and fire services as provided and budgeted by Regional Council</p>

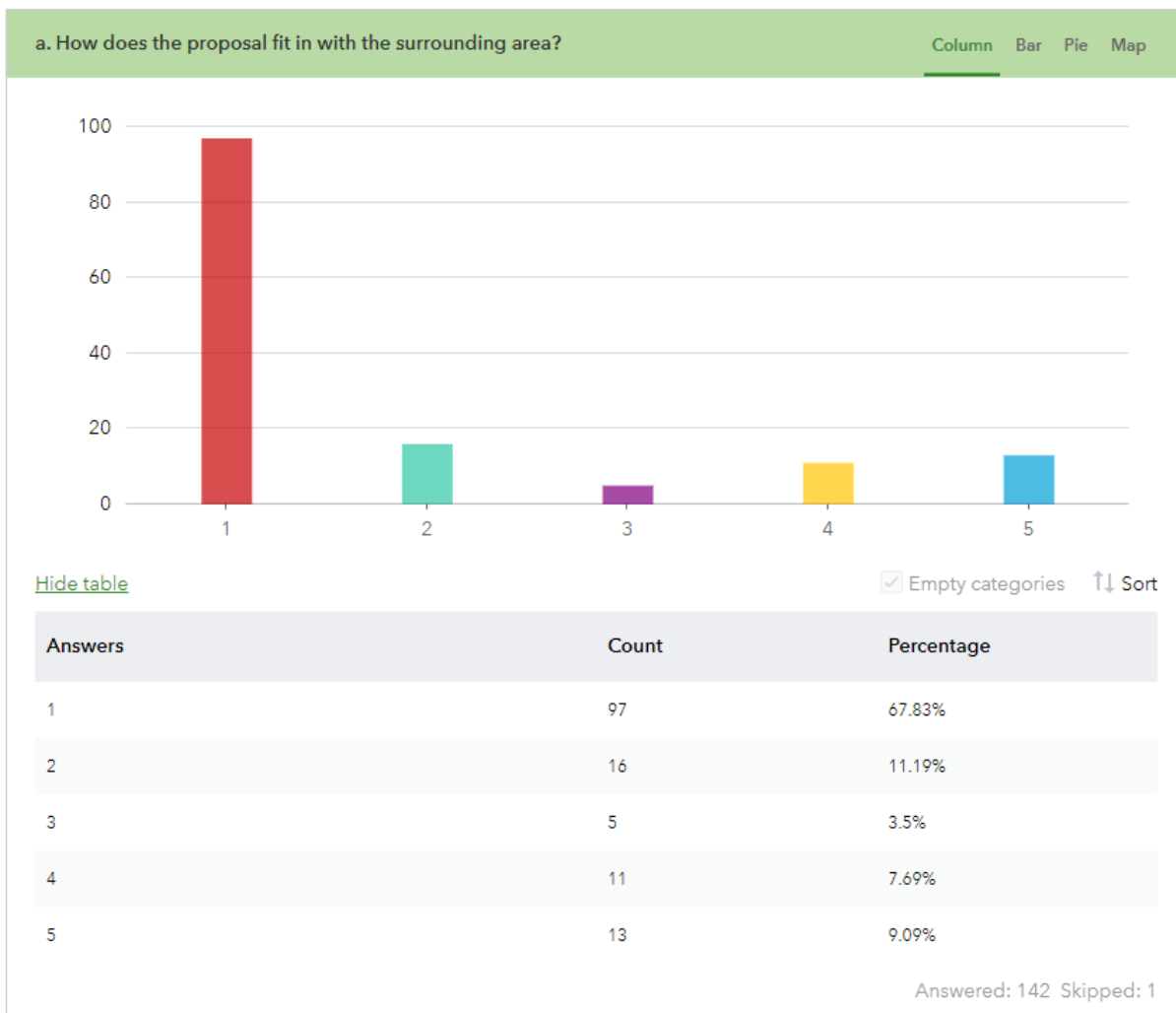
Attachment C: Survey Results

Survey 123 – Case 22890 - LUB/Rezoning Survey

WM Fares has requested to rezone lands at 48- 50 Old Sambro Road from R-2P (General Residential) Zone to R-3 (General Residential and Low-Rise Apartment) Zone to allow for the development of a Four Storey residential multi-unit building.

1. This request is to rezone the site to R-3 to allow for the development of a four storey apartment building. The current zone permits single, two-unit dwellings and building with four residential units. The new zone would permit these uses as well as apartment buildings (maximum height of 4 storeys). When thinking about this change, please rate the following criteria on a scale of 1-5, with 1 being poor and five being excellent, to reflect how you think the community is impacted by the rezoning/ land use by-law amendment.

a. How does the proposal fit in with the surrounding area?



You have indicated poor for (a), please let us know why you believe this will poorly impact the community:



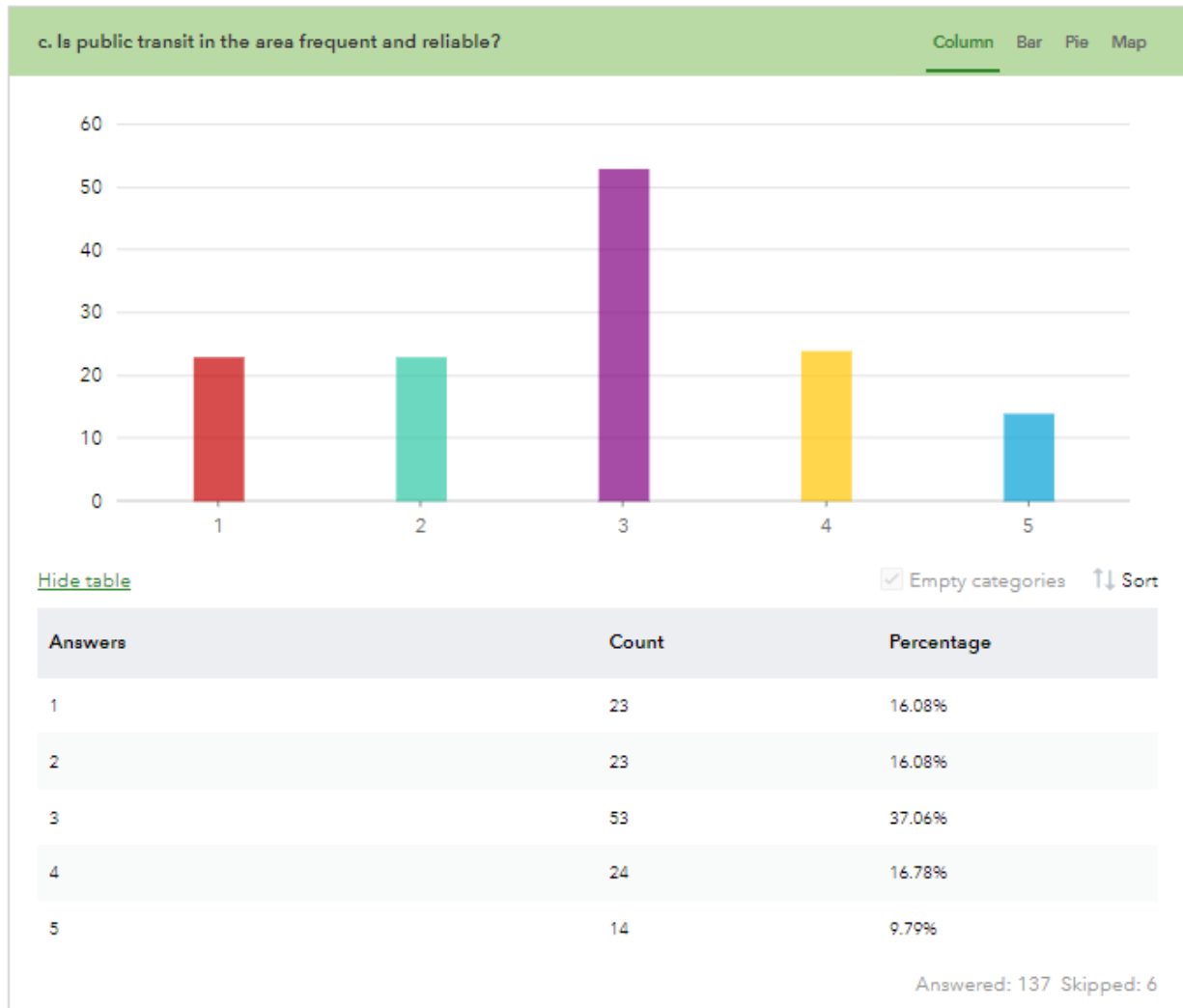
b. Are the parks and recreation facilities able to support more users?



You have indicated poor for (b), please let us know why you believe this will poorly impact the community:



c. Is public transit in the area frequent and reliable?



You have indicated poor for (c), please let us know why you believe this will poorly impact the community:

Word cloud

You have indicated poor for (c), please let us know why you believe this will poorly impact the community: *

[Hide table](#) Show responses

Word	Count
transit	17
public	10
Bus	10
area	6
run	4
frequently	4
traffic	3
stop	3
frequent	3
metro	3
walk	3

Answered: 23 Skipped: 120

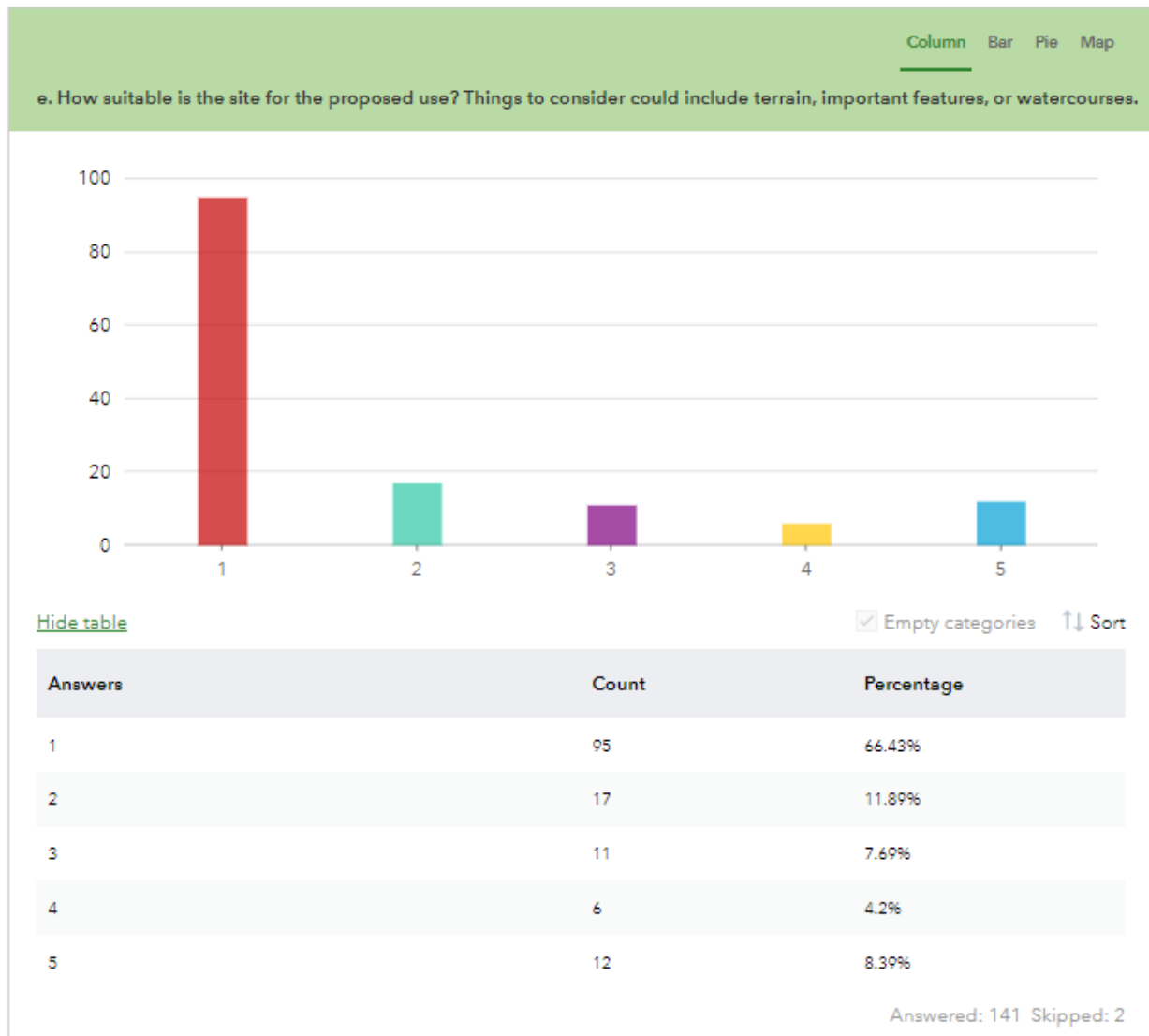
d. What is the quality and condition of active transportation (spaces for walking, rolling and cycling) facilities in the area?



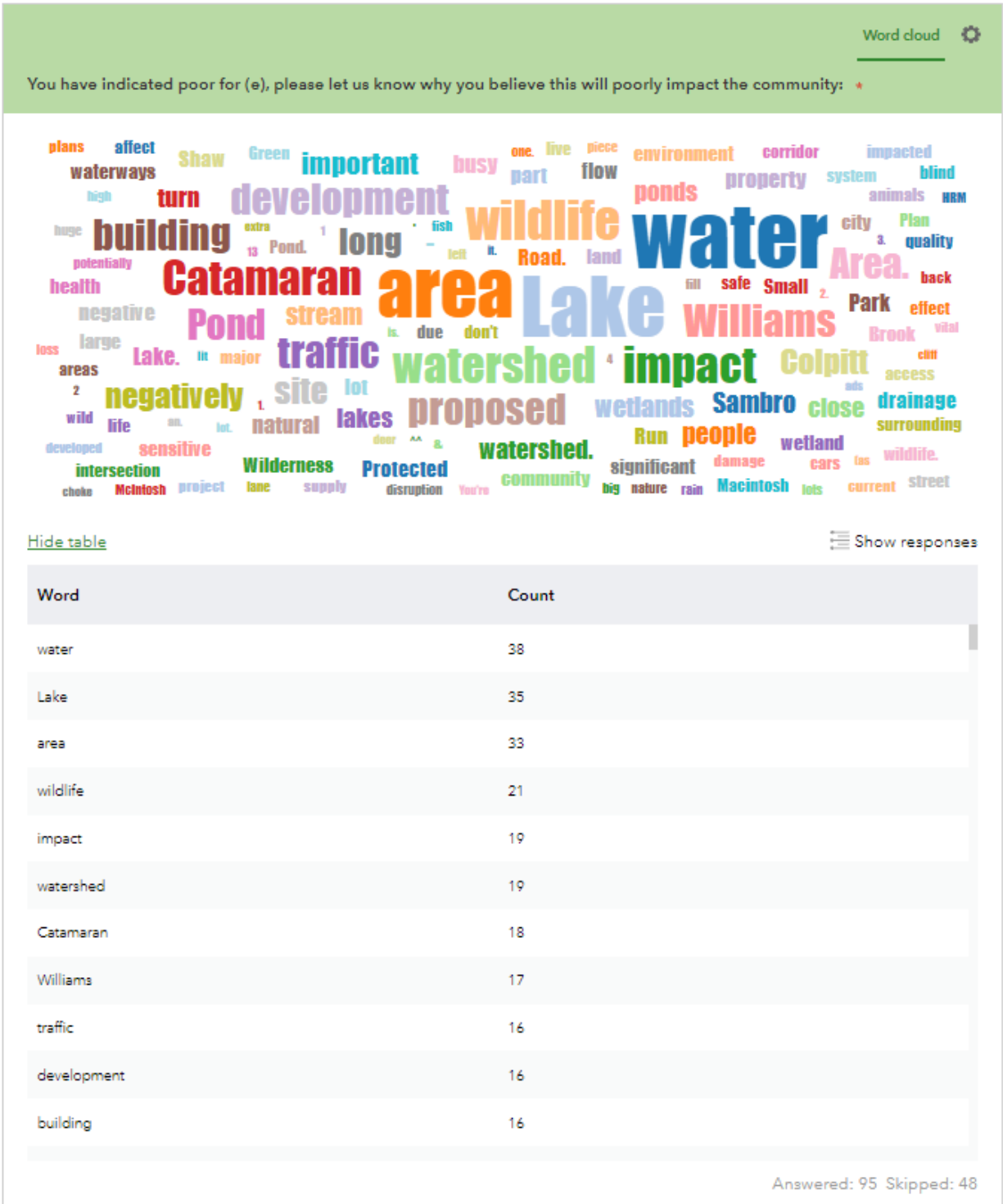
You have indicated poor for (d), please let us know why you believe this will poorly impact the community:



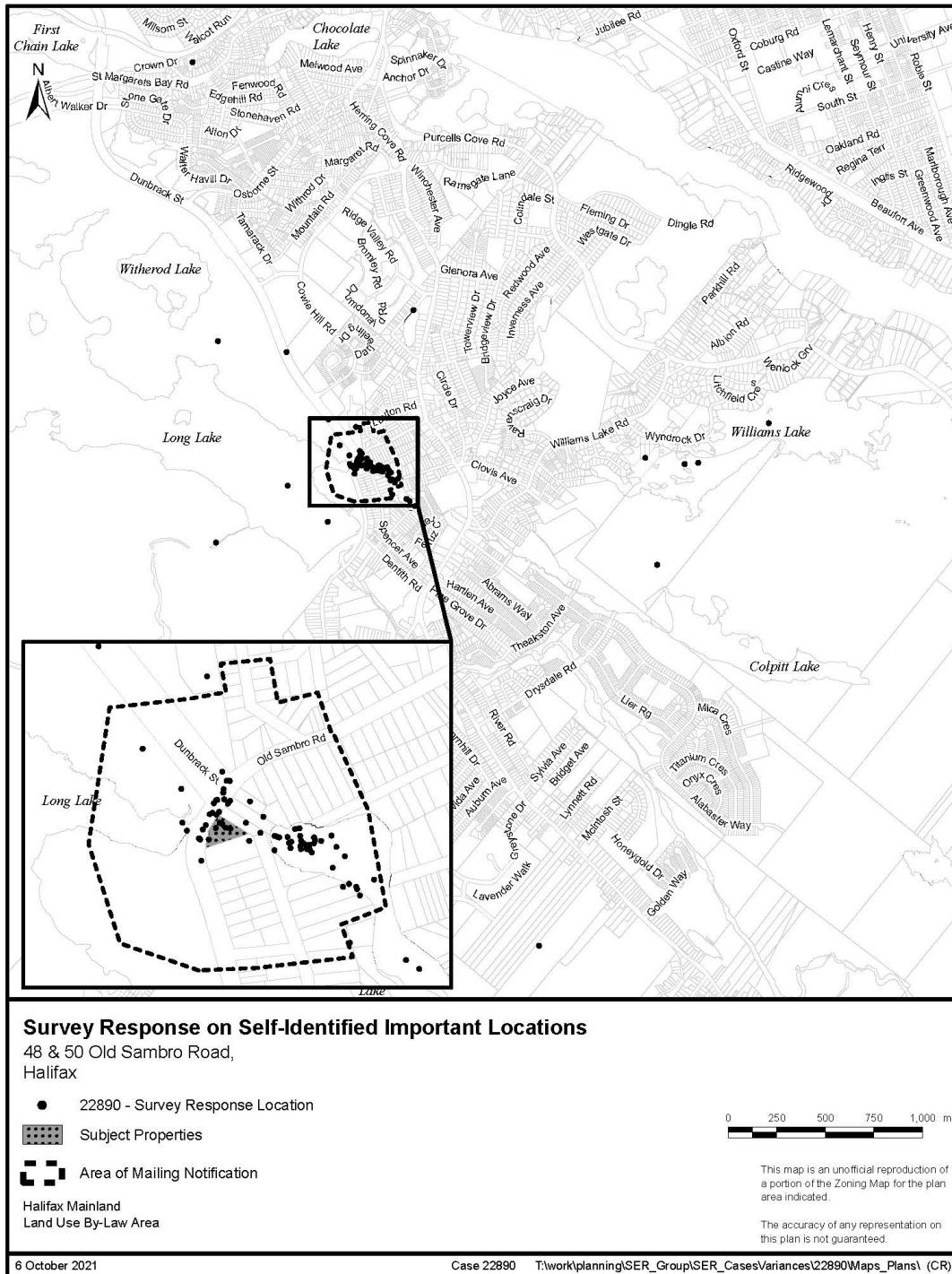
e. How suitable is the site for the proposed use? Things to consider could include terrain, important features, or watercourses.



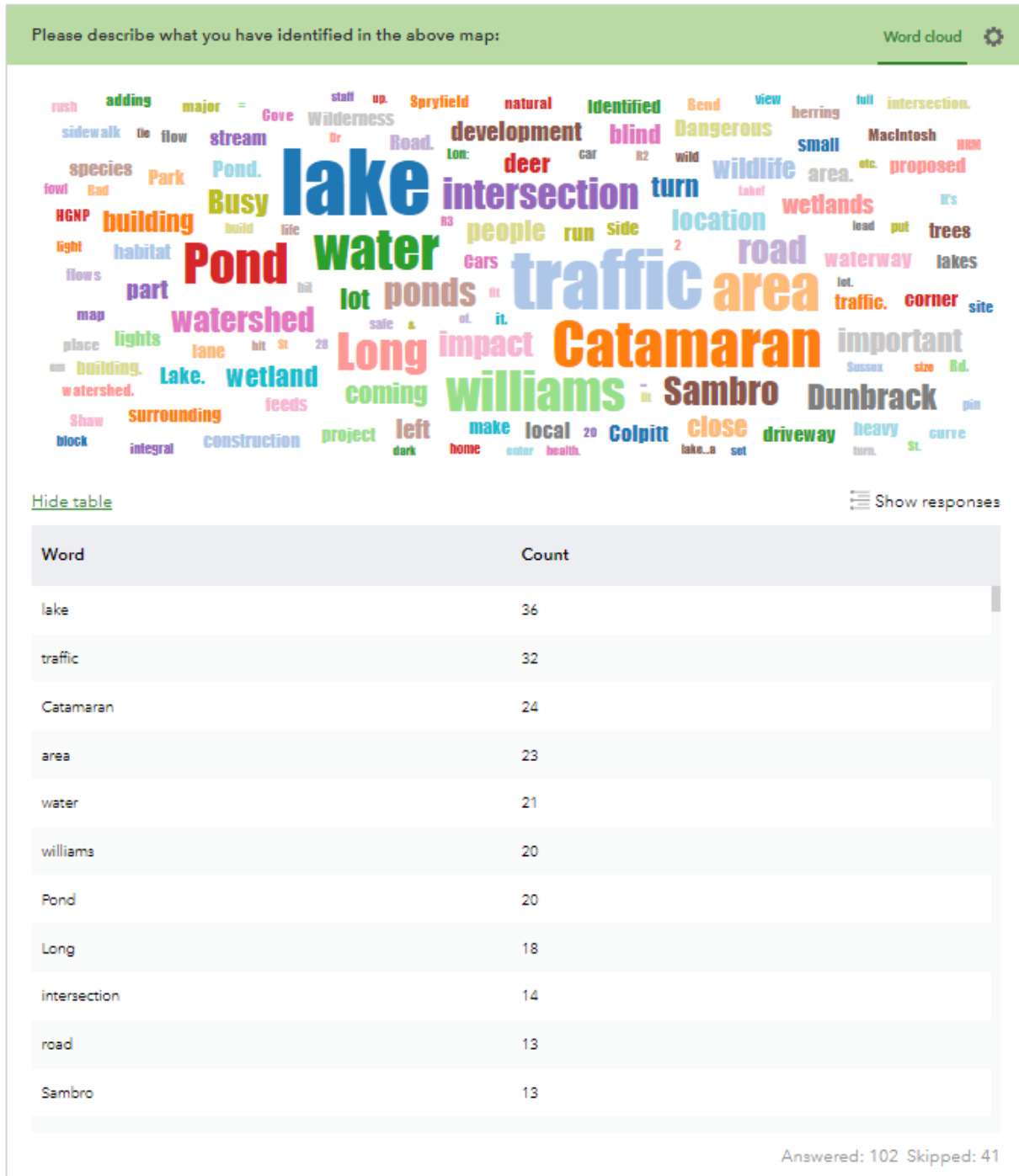
You have indicated poor for (e), please let us know why you believe this will poorly impact the community:



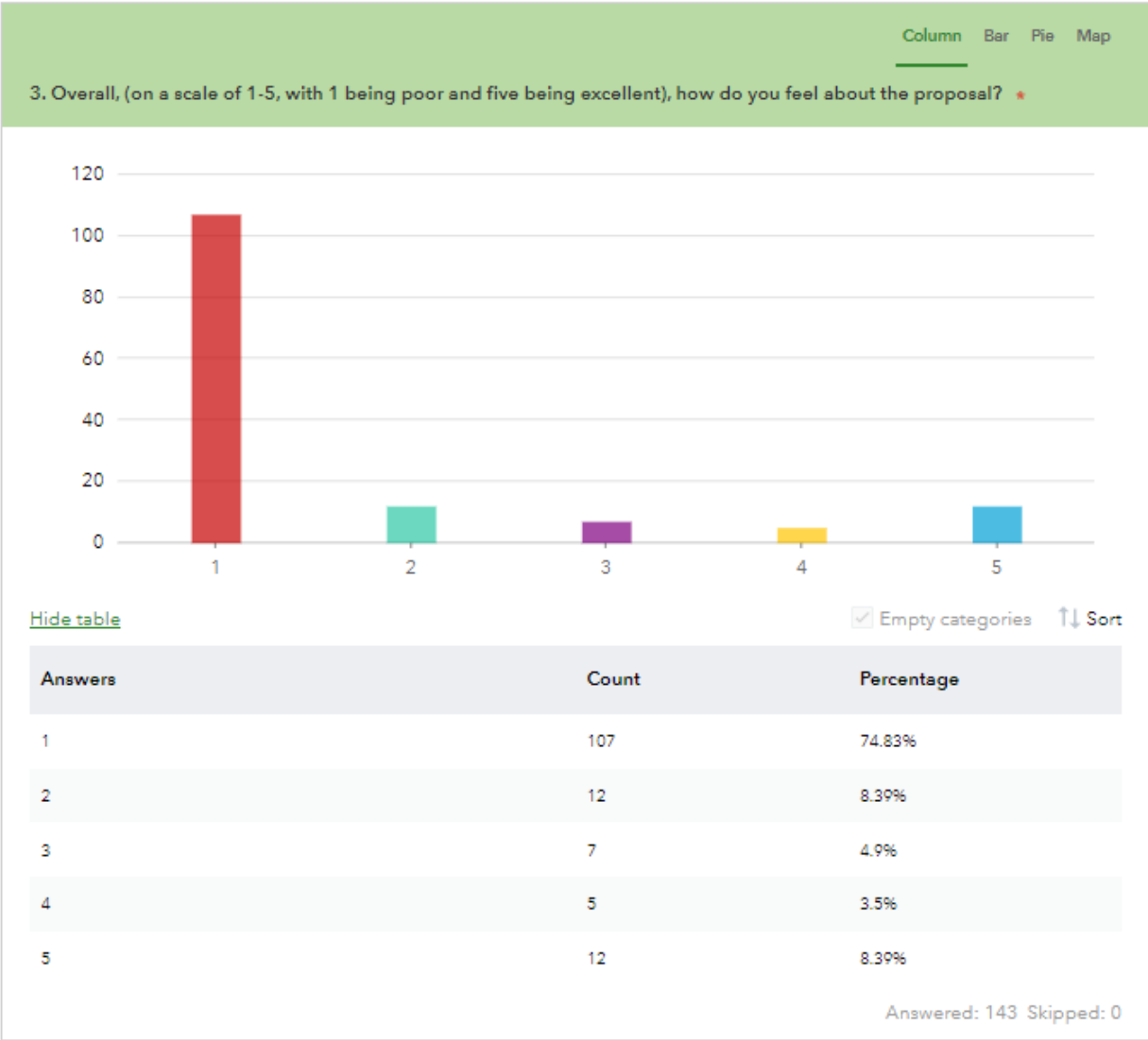
2. On the following map, place a pin where there is something that is important to the community that staff should be aware of when reviewing this proposal. This could include such things as blind crests, inadequate walking and cycling facilities, mature trees, local trails, etc. Describe what is important about that area.



Please describe what you have identified in the above map:



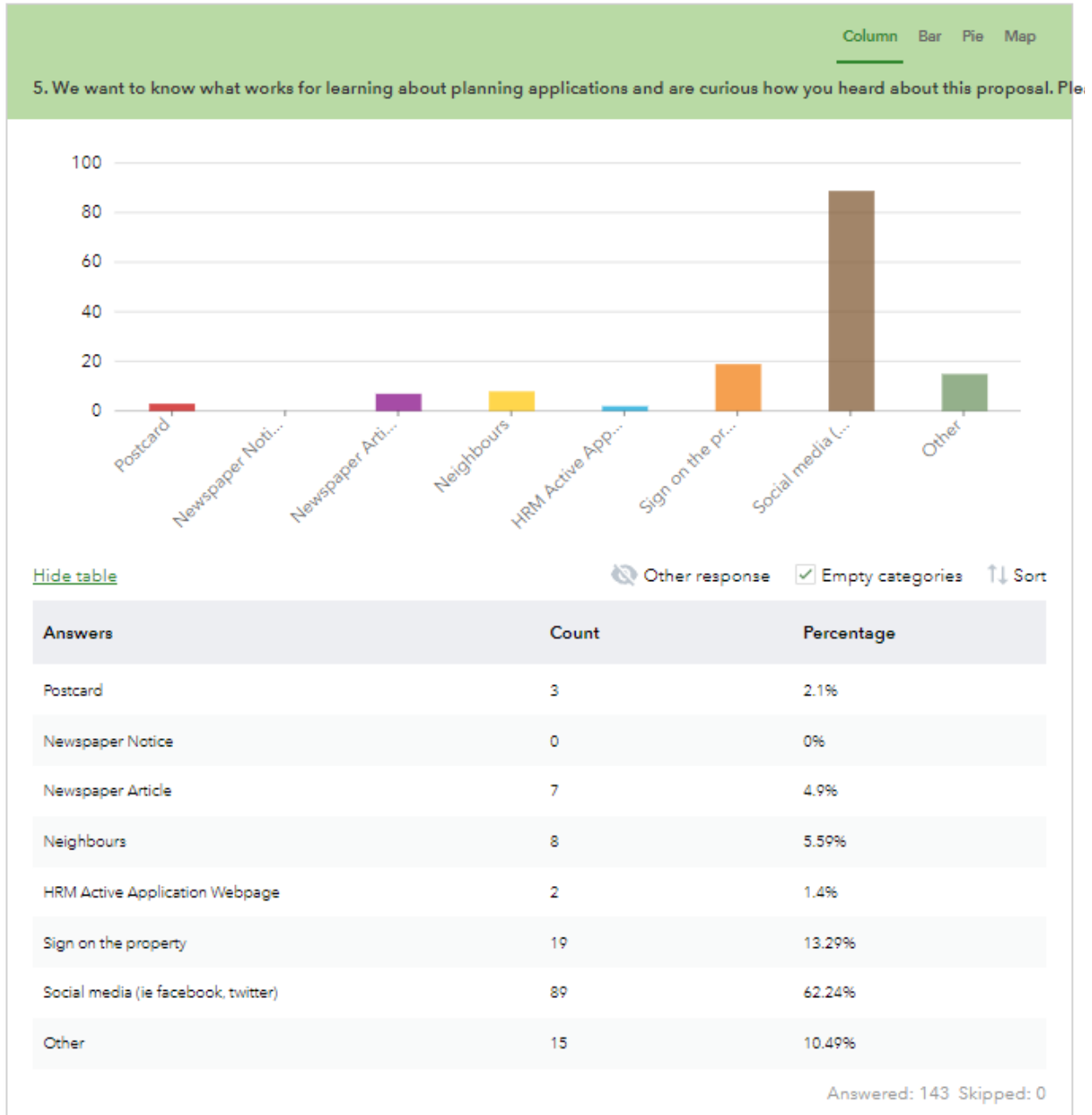
3. Overall, (on a scale of 1-5, with 1 being poor and five being excellent), how do you feel about the proposal?



Please explain your answer:



5. We want to know what works for learning about planning applications and are curious how you heard about this proposal. Please select all the ways you heard about the proposed development:



6. Please provide the first 3 digits of your postal code:

