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MEMORANDUM

TO: Chair and Members of North West Planning Advisory Committee

FROM: Jacqueline Belisle, Planner 1

DATE: May 15, 2015

SUBJECT: **Case 17602: Application by Genivar for the lands of Ramar Developments Limited for a development agreement to permit an extension to Majestic Avenue for residential lots, Beaver Bank.**

Background:

Existing Use Vacant land with HRM owned access to a water tower.

Designation MU-A (Mixed Use A) under the Beaver Bank Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS). Refer to Map 1 (GFLUM).

Zoning CDD (Comprehensive Development District) zone under the Beaver Bank Hammonds Plains and Upper Sackville Land Use Bylaw (LUB). Refer to Map 2 (Zoning).

Proposal 17 Single unit dwellings on an extension to Majestic Avenue. Please refer to Attachment A.

MPS Policy Policy P-4 of the Beaver Bank Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS). A copy of the relevant policy is attached for the Committee's reference as Attachment B.

This application has been on file with HRM since 2012. A public information meeting (PIM) was held on May 7, 2012. Minutes from that meeting are attached (Attachment C). Please be aware however that the proposal has been revised since the PIM. During the internal review of the application it was determined that a land transfer between HRM and the property owner would have to occur prior to any development agreement being signed. The application was paused until such time that details regarding the land transfer could be established. The file has now resumed, and input on the proposal is being sought from NWPAC. Additionally, further consultation with the public will be conducted given the length of time that has passed since the original PIM.

Proposal

The proposed extension of Majestic Ave would enable to creation of 17 residential lots through the development agreement process as per Policy P-4 and P-137 of the MPS. Originally a mixture of single unit dwellings and semi-detached dwellings were being proposed, however since the PIM the application had revised their concept to only include single unit dwellings.

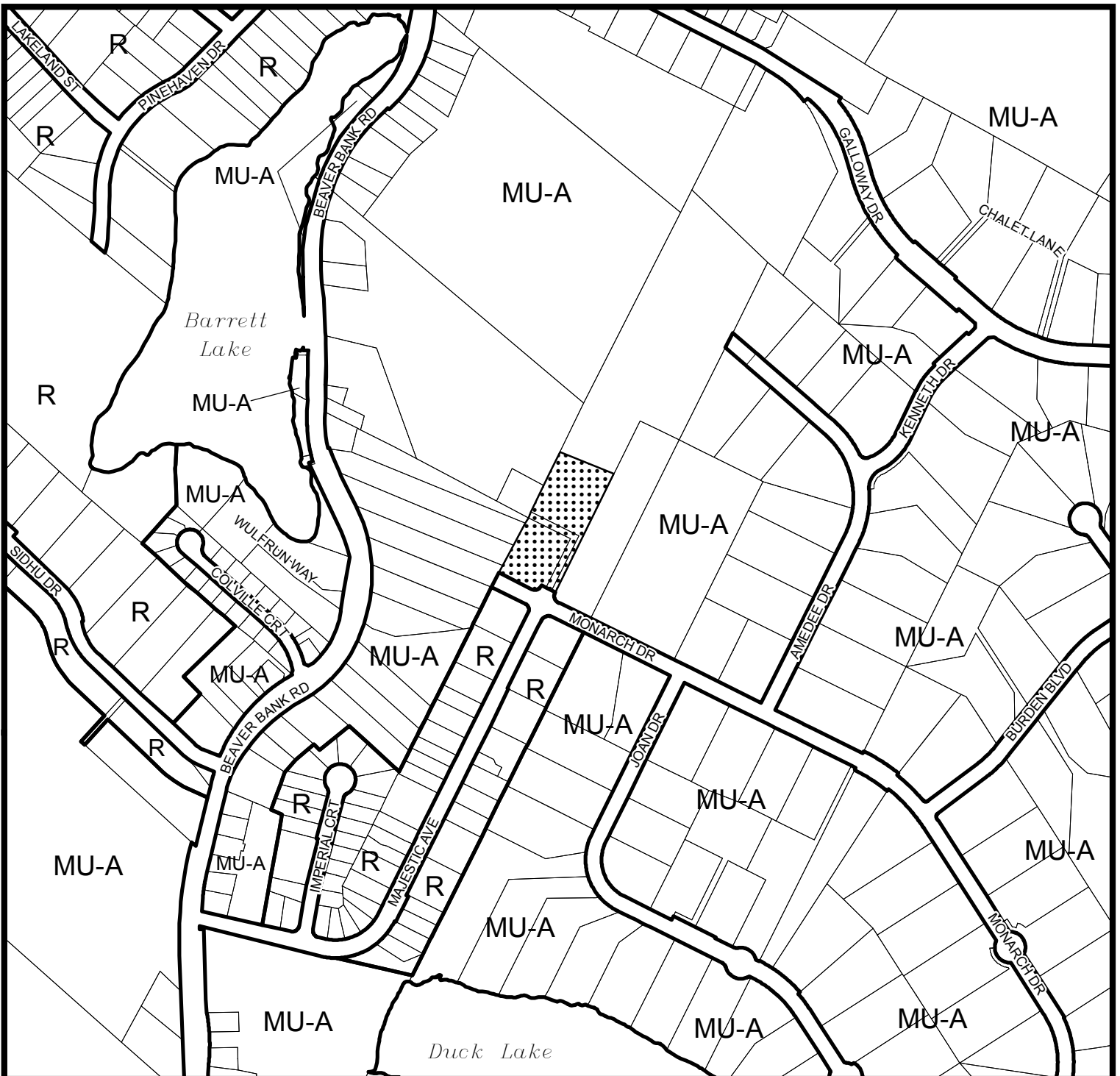
As part of the proposal the existing underground infrastructure associated with the water tower which is currently located within Area "B" of HRM parcel 41224205 (as shown on Attachment A) will be relocated to the proposed new section of Majestic Avenue. Details regarding this relocation of infrastructure will be included in a future staff report to North West Community Council.

Input Sought from North West Planning Advisory Committee

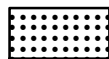
Feedback is sought from NWPAC relative to this proposed application. NWPAC's recommendation will be included in the staff report to Community Council.

Attachments:

Map 1	Generalized Future Land Use Map
Map 2	Zoning Map
Attachment A	Site Plan
Attachment B	Excerpts from the MPS (Policy P-4 and P-137)
Attachment C	Minutes from Public Information Meeting (May 7, 2012)



Map 1 Generalized Future Land Use

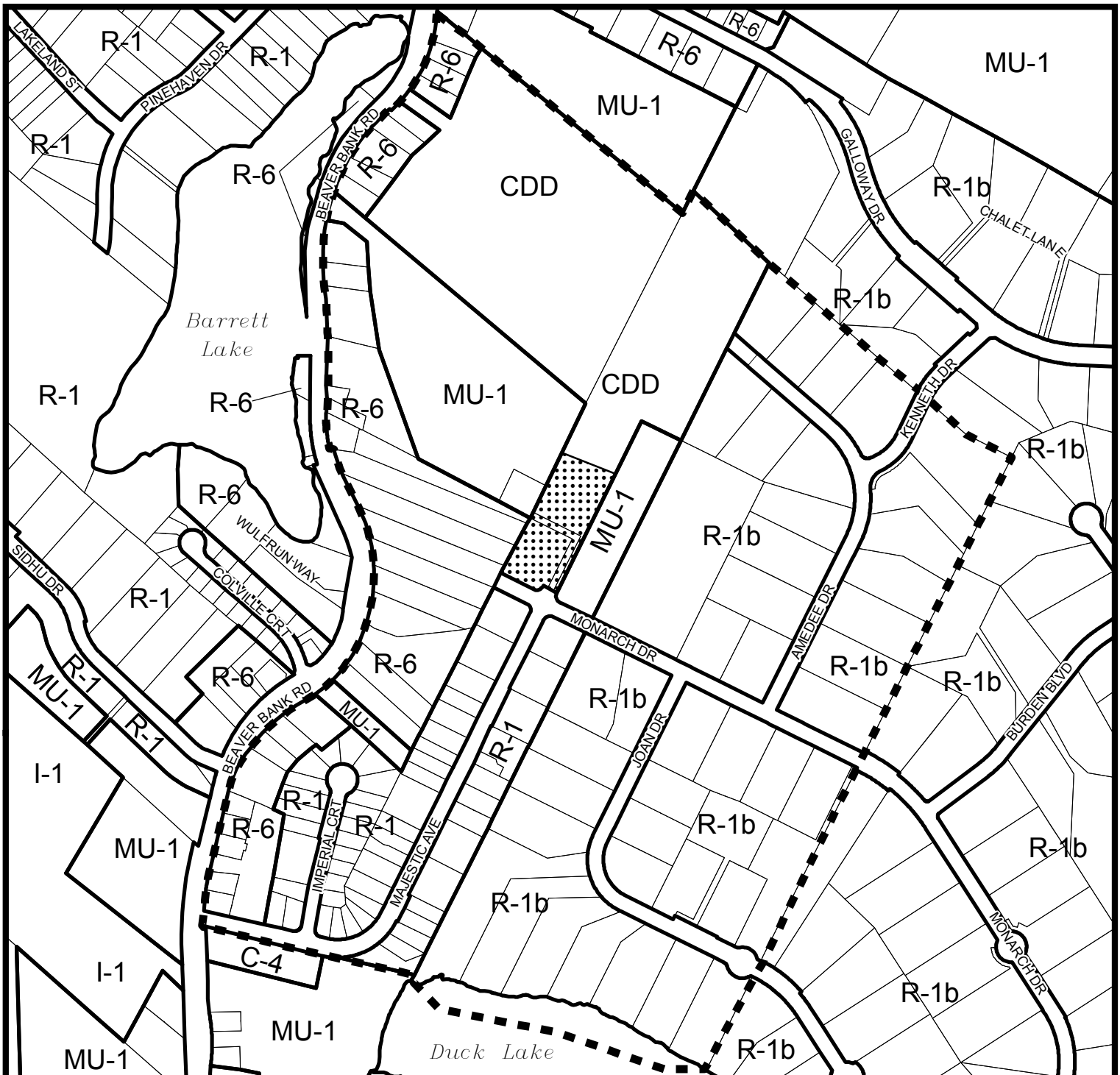


Subject Area

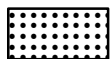
R Residential Designation
MU-A Mixed Use A Designation

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Map 2 Zoning



Subject Area

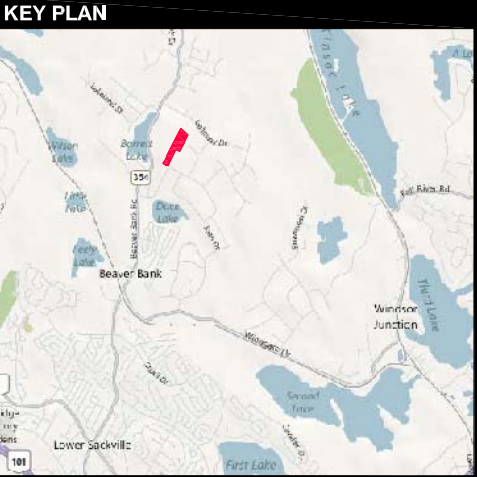
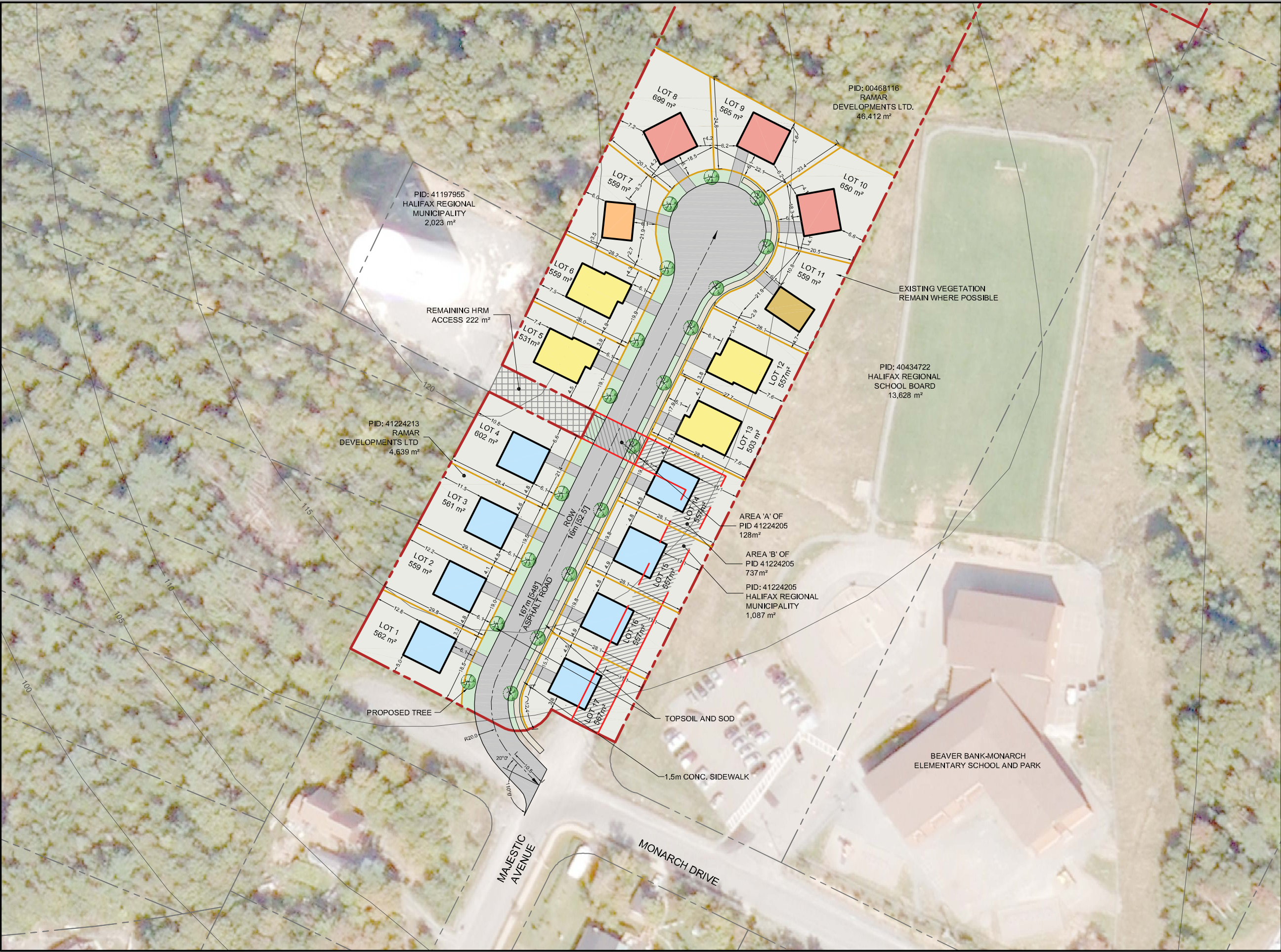


Notification Area

- R-1 Single Unit Dwelling Zone
- R-1b Auxiliary Dwelling with Home Business Zone
- R-6 Rural Residential Zone
- C-4 Highway Commercial Zone
- MU-1 Mixed Use 1 Zone
- CDD Comprehensive Development District Zone
- I-1 Mixed Industrial Zone

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LEGEND	
	Site Boundary
	Proposed Property Boundary
	Adjacent Property Boundaries
	Single Dwelling (33 x 36 ft.)
	Single Dwelling (36.5 x 33 ft.)
	Single Dwelling (35 x 47.3 ft.)
	Single Dwelling (24 x 36 ft.)
	Single Dwelling (32 x 26 ft.)

SITE SUMMARY:

- Land Area of Proposed Subdivision: 12,864 m²
- Total Land Area: 5.21 Hectares
- Existing Zone: Comprehensive Development District (CDD)
- Designation (MPS): MU-A

NOTE:

- Property lines approximate only. Site subject to survey

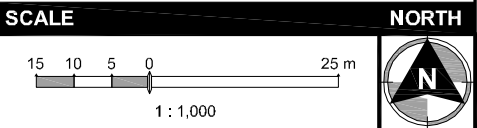
SOURCES:

- Service Nova Scotia and Municipal Relations Property Online Database

Designer: I. Grant	VERSION
Planner: K. Rad	109

**DETAILED CONCEPT PLAN
PROPOSED LOTS
BEAVER BANK, NOVA SCOTIA**

RAMAR DEVELOPMENTS LTD.
February 26, 2013 DA11357-DRL-109



GENIVAR

1 SPECTACLE LAKE DRIVE
DARTMOUTH, NOVA SCOTIA
CANADA, B3B 1X7
PHONE: 902 835-9955 ~ FAX: 902 835-1645
WWW.GENIVAR.COM

Attachment B
Excerpts from the Beaver Bank Hammonds Plains and Upper Sackville Municipal Planning

- P-4 **An application for development within any CDD Zone that was established before the first notice of the intention to adopt the Regional Municipal Planning Strategy for Halifax Regional Municipality or was rezoned pursuant to Policy P-3, shall only be considered by Council through a development agreement, which shall specify: (RC-Jun 25/14;E-Oct 18/14)**
- (a) the types of land uses to be included within the development;
 - (b) the phasing of the development to ensure that there are sufficient road capacity, school, recreation and community facilities and services to support the development in accordance with the financial capability of the Municipality to absorb any related costs;
 - (c) that the proposed development suits the natural terrain and minimizes the negative impacts on the natural environment;
 - (d) that the subdivision plan makes provision to retain existing significant natural features such as wetlands, floodplains, and watercourses through site design that guides development away from these areas;
 - (e) that useable open space lands are adequately distributed throughout the neighbourhood(s) to meet the needs of the residents and to facilitate convenient access;
 - (f) that the layout, design and hierarchy of roads and pedestrian facilities is adequate to service the proposed development and minimizes through traffic along on local streets within the proposed and adjacent subdivisions;
 - (g) measures to minimize the impact on local streets within existing adjacent subdivisions during the construction phase of the proposed development;
 - (h) provisions for the proper handling of stormwater and general drainage within and from the development;
 - (i) the provision of landscaping and the retention of natural vegetation;
 - (j) controls on the use of a temporary rock crusher in the construction of the residential subdivision in terms of hours of operation, minimum setbacks and buffering to provide a dust, wind and noise barrier; and
 - (k) any other matter relating to the impact of the development upon surrounding uses or upon the general community, as contained in Policy P-137.
- P-137 In considering development agreements and amendments to the land use by-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:
- (a) that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations;
 - (b) that the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of the Municipality to absorb any costs relating to the development;
 - (ii) the adequacy of central or on-site sewerage and water services;

- (iii) the adequacy or proximity of school, recreation or other community facilities;
 - (iv) the adequacy of road networks leading or adjacent to or within the development; and
 - (v) the potential for damage to or for destruction of designated historic buildings and sites.
- (c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
 - (i) type of use;
 - (ii) height, bulk and lot coverage of any proposed building;
 - (iii) traffic generation, access to and egress from the site, and parking;
 - (iv) open storage;
 - (v) signs; and
 - (vi) any other relevant matter of planning concern.
- (d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.
- (e) **Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy P-81”, 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)**

HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case No. 17602

Monday, May 7, 2012
7:00 p.m.

Beaver Bank Monarch Elementary School

STAFF IN

ATTENDANCE: Jacqueline Belisle, Planner, HRM Planning Applications
Thea Langille, Supervisor, HRM Planning Applications
Alden Thurston, Planning Technician, HRM Planning Applications
Cara McFarlane, Planning Controller, HRM Planning Applications

ALSO IN

ATTENDANCE: Councillor Barry Dalrymple, District 2
Kristin O'Toole, Genivar Inc.

PUBLIC IN

ATTENDANCE: Approximately 21

1. Call to order, purpose of meeting – Jacqueline Belisle

Ms. Belisle introduced herself as the planner facilitating the application through the planning process; Councillor Barry Dalrymple, District 2; Thea Langille, Supervisor for HRM Planning Applications; Cara McFarlane and Alden Thurston, HRM Planning Applications; and on behalf of Ramar, Kristin O'Toole from Genivar.

The purpose of the public information meeting (PIM) is to inform the community that HRM has received an application, describe the proposal and background, and receive comments and feedback from public. No decisions are made at the PIM.

The PIM agenda was reviewed.

2. Overview of planning process – Jacqueline Belisle

The PIM is first stage of the planning process. Feedback, comments and the proposal are reviewed by staff and internal/external agencies; a development agreement is then negotiated with the applicant which will be included in draft form in a staff report that will go forward to the North West Planning Advisory Committee (NWPAC) and North West Community Council (NWCC); NWCC will hold a public hearing which is then followed by a 14 day appeal period. If this application is approved (in this form or another), citizens can appeal the decision and if it is not approved, the applicant can appeal which could result in a very lengthy process after the public hearing. All appeals are made through the Nova Scotia Utility and Review Board (NSUARB).

3. Presentation of Proposal – Jacqueline Belisle

Tonight's proposal is for a development agreement for a 15 residential lot subdivision on the corner of Monarch Drive and Majestic Avenue in Beaver Bank.

The site (highlighted in red) is comprised of two properties and a portion of the third property. Administratively, the site falls within the Beaver Bank, Hammonds Plains and Upper Sackville plan area. It is designated Mixed Use A under the Municipal Planning Strategy (MPS) and is zoned CDD (Comprehensive Development District) under the Land Use By-law (LUB).

Prior to the meeting, there were a few questions regarding the growth control area. Referring to the slide, the area to the north of the site (shaded in green) is the Beaver Bank growth control area. The HRM Regional Plan established two growth control areas in HRM where any new residential subdivisions on new roads were not permitted. Outlined in black are the Beaver Bank growth control area and the Hammonds Plains growth control area. They were established because the Beaver Bank Road and Hammonds Plains Road are two-lane commuter highways that were operating with high traffic volumes and anymore residential subdivision would put extreme pressure on them which could potentially lead to some safety hazards. Tonight's proposal is just to the south of the Beaver Bank growth control area and is zoned CDD which means that residential subdivision can be entertained through the development agreement process.

The CDD Zone permits the following uses by development agreement only: single unit dwellings, two unit dwellings (considered residential uses), local commercial uses (small business use under 2,000 square feet in area), home daycare facilities (in conjunction with permitted dwellings with 7 or fewer children), bed and breakfasts, home businesses, as well as institutional uses (schools, post offices, fire or police stations, libraries, etc.)

A development agreement is a legal contract between the property owner and HRM that sets out what specific land uses can occur on a piece of property. Policy P-4 in the Beaver Bank, Hammonds Plains and Upper Sackville MPS lists the different criteria to consider for a development agreement on CDD lands. Those types of things are: what type of land uses can occur on the property (proposed is residential use); the phasing of that development; if the development suits the natural terrain; that the development retains significant natural features; impact of the development on the local street network; and matters contained within Policy P-137.

Policy P-137 is a catch-all/general implementation policy that pertains to every planning application. A few criteria are as follows: adequate service either with on-site facilities or municipal services; adequacy of road networks and traffic generation; non-disturbance of any historic buildings or sites in the area, necessary controls are in place to reduce any conflict between the proposed use and any existing uses; whether or not the site is suitable in geographical terms (streams, lakes or natural habitat); etc.

Presentation of Proposal – Kristin O'Toole, GENIVAR Inc.

Ramar would like to develop a 15 residential lot subdivision on the corner of Monarch Drive and Majestic Avenue through a development agreement with HRM. Single family homes are proposed but depending on the market, the applicant would like some flexibility within the

development agreement to potentially build some semi-detached units on single lots. The proposed homes will be two storeys with a basement. Architectural features include vinyl siding, a garage out front, window pediment, and possibly decorative colors where appropriate.

The development will tap off the existing infrastructure in the area for central services and access will be provided through a right of way that stems off of Majestic Avenue. A traffic impact statement has been conducted and it was determined that there will be no significant impact on road networks of Monarch Drive, Majestic Avenue or Beaver Bank Road. It was recommended however, if this application is approved, that a stop sign be added at the approach of Monarch Drive to slow down and control traffic.

Referring to the concept plan, the proposed entrance is at the existing water tower entrance (a 15 metre right-of-way). The treed street will have a driving lane (9 metres) and a sidewalk (1.5 metres). The lots on the site plan have different colored units on them. The blue units would be 33 x 36 feet, the red 36.5 x 33 feet and the yellow 35 x 47.3 feet. The lot is adjacent to the school and there are no wetlands or watercourses on the site. The services will run under the road network. The water tower can still be accessed by a right of way between Lots 5 and 6.

Some renderings of the homes were shown.

4. Questions and Comments

Rachael Sherwood, lives at the bottom of Majestic Avenue and runs a daycare in her home – Her property collects the water runoff from Majestic Avenue and Imperial Court. Since 2004, she has spoken to the Mayor, Councillor Snow and Halifax Regional Water Commission (HRWC). The infrastructure for Beaver Bank has not been updated. In previous years, residents have been filling in their ditches. Over time that has affected the storm drainage in the area. Some people have subdivided their lots and more houses have been added to the street. Her house and backyard are flooded constantly. Her neighbor has the same issues. The addition of 15 to 30 more houses will have a massive impact on her property. The ditches are already 8 x 12 feet and to increase them would be taking away from the property. Ms. Belisle said that this issue would be part of the internal review.

Rob Turnbull, Majestic Avenue – Is concerned as to where the storm drainage is going to go. The ditches in the area used to be cleaned every two or three years. Since the water and sewage has come, the ditches have been messed up. When it rains there is a huge amount of water that rushes down the street. He wonders if the water tower is flushed out on a regular basis. Large six inch slate was put in the ditch but it is all gone now. **Ms. O'Toole** would have to refer any specific drainage questions to Genivar's engineer. Referring to the servicing schematic, it shows stormwater and sanitary services running under the road and water coming off the site. **Ms. Belisle** will bring these questions to the HRM development engineering and HWRC during the internal review of this application.

Mr. Turnbull - Are there going to be sidewalks? **Ms. O'Toole** said there will be one going up the hill on the right-hand side.

Mr. Turnbull – Can't imagine anyone wanting to live that close to the tower. Is it possible to get a building permit to build that close to the water tower? **Ms. Belisle** said development services will be part of the internal review.

Mr. Turnbull - In 1985, there were plans for Monarch Drive to go out to the main highway. Is that still going to happen? It would provide another access to the neighbourhood. **Ms. Belisle** will look into that.

Mr. Turnbull - What are the lot frontages? **Ms. O'Toole** said the properties with the blue units are 50 feet and the red and yellow units are 60 feet. **Ms. Belisle** explained that staff will determine whether or not the frontages are appropriate for the area.

Mr. Turnbull – Is there a future proposal to meet Galloway Drive? **Ms. Belisle** explained that under the current regulations that connection cannot be made due to the growth control area. It will be re-evaluated once the Margeson Drive extension (Beaver Bank By-Pass) is built.

Ms. Sherwood - If the drainage is going to be piped under the road, there will be many angry residents. The yellow and blue units are on the same side of the street that residents were told their ditches could not be covered.

Brian Matthews, Truro, owns property on Galloway Drive – What is the procedure for extending the control zone? **Ms. Belisle** – an application would have to be made to amend the Halifax Regional Subdivision By-law. It is a very lengthy process that would involve Regional Council. The applicant would have to demonstrate that all the issues for why the growth control area was put in place are not relevant anymore. The applicant would also have to submit a traffic impact study to demonstrate that the additional traffic on the Beaver Bank Road would not pose any undue safety issues. **Mr. Matthews** asked if it would be possible for the application of this proposal to get incremental building lots put into an area that looks like it's meant to accommodate those. **Ms. Belisle** said that it would not be an easy process for anyone to come in and change that growth control boundary. It would be a completely different application.

Paul Shebib, Joan Drive – What time of the day did the traffic engineer base his study on? **Ms. O'Toole** said that the traffic impact study was conducted in the am and pm trips. It was found that 15 more units would generate about 11 additional trips through the network in the am and the pm trips would generate 16 more trips. **Mr. Shebib** asked if it was based on single unit dwellings. **Ms. O'Toole** said it was based on residential uses. **Mr. Shebib** is concerned about 2:00 pm when the cars are parked on the side. School buses can barely get through now. It is a safety issue for the school children. The school needs to increase their parking lot space. There are many people that drive their children to school because there is a fee for the bus if you live outside of the subdivision. He thinks the stop sign will make the congestion worse. **Ms. Belisle** said that whenever there is an application for a residential subdivision, the school board is included in the internal review to ensure there is adequate space in the schools to accommodate any population that would be going in. **Mr. Shebib** asked if there will be a cul-de-sac at the end of the subdivision. **Ms. O'Toole** said that it is going to be a turning "T". The stop sign will cause queuing one way but there may be more capacity to drop off in one area and the stop sign will slow traffic down. **Mr. Shebib** stated that he is opposed to any semi-detached houses as it would bring down the value of the area and it is not a good fit for the neighbourhood.

Mr. Shebib - Is there a capital cost charge (CCC) for the new units to hook up to water and sewer? **Ms. Belisle** said that there is not because they are within the sewer boundary and have been since at least 1994 and possibly further back. She is aware that the residents of the Monarch and Rivendale Subdivision recently paid quite a substantial local improvement charge. **Mr. Shebib** said the area was in the service boundary but didn't receive services until possibly 2006.

The boundary stopped two houses passed Ms. Sherwood's property. He does believe there is a CCC charge. The agreement for residents in Monarch who did get water says that any costs to HRWC due to new proposed land within the area would be shared amongst people with flag lots. He is just curious.

Ken Butler, Beaver Bank – Will a fence be built at the back of these properties? **Ms. O'Toole** said the fence can be looked at during negotiations of the development agreement.

Mr. Butler – Why are the first three lots of the subdivision deeper than the others? **Ms. O'Toole** believes it is because of the topography of the land and the way the surveyed lots are divided.

Councillor Dalrymple, District 2 – Reiterated that the residents in Monarch and Rivendale have paid a lot of money recently to have water put in to their lots and the entire subdivision. He would certainly like to see the area continue to be single unit dwellings which is in character with the rest of the subdivision. The reason most people move to the area is because of the larger lots with one house.

Mr. Tunrball - If this application is approved as single family units, another public process should have to take place if in the future the applicant wants to build further. **Ms. O'Toole** said that within this application the most that could be done is side by side. It's either R-1 or R-2.

Marion McClare, Majestic Avenue – Is concerned about the amount of traffic on Majestic Avenue. Daily exposure to it is quite different from a traffic engineer counting at certain times of the day. There are families with young children moving into the new houses on the corner as you come in Majestic Avenue. The children play on the sidewalk and have a tendency to dash out into the street. Cars travel very fast on that road. She has made an inquiry as to no centre line on the road. She has been through a lot of development in the area throughout the years, and is not looking forward to going through another development. She also believes that the proposed houses are too close to the playing field.

Nancy Mailman, Majestic Avenue – Has lived in the area since 1984. She cannot envision a stop sign at the corner because currently the buses are not able to get out around the cars and it is very hectic. Also, if the ditches are going to be enclosed, where is the water going? Into the open ditches that run in front of their homes? **Ms. O'Toole** could not say where the water goes after it leaves the site. An engineer would have to answer that question. **Ms. Mailman** said the amount of water that comes off of and down that hill in front of their homes is going to have detrimental impact on our properties and the road. She understood at one point that Monarch Drive was going to go straight out to Beaver Bank Road. Residents brought up concerns about the breakdown of Majestic Avenue due to the traffic. Construction traffic will once again come through Majestic Avenue and further tear up the road. **Ms. O'Toole** said HRM will review the traffic impact study that Genivar submitted. **Ms. Belisle** explained that for proposals like this it will be helpful to have an HRM engineer present at any future public meetings or the public hearing to address specific questions. The purpose of the PIM is to gather comments from the public.

Ms. Mailman - The school board needs to be involved as the school already has to use a portable for classes. **Ms. Belisle** explained that the school board is involved in all of our applications that involve putting population somewhere.

Ms. Sherwood – She is aware that the Grade 6s will be moved to Harold T. Barrett School with the Grade 7s and 8s because Beaver Bank Monarch School is already at maximum capacity for Grades Primary to 6.

Ms. Sherwood - Brought up the issue about the pumping station on Majestic Avenue. The fill level at the pumping station was set to the anticipated amount and when that doesn't happen the actual pumping of the station and getting rid of the debris takes longer because it takes time for the capacity to fill to the set level. That stinks all summer long.

Ms. Mailman - If these problems didn't exist, that is a beautiful piece of property to have a home on. When these problems are presented and they are not addressed, there are issues.

5. Closing Comments

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

6. Adjournment

The meeting adjourned at approximately 7:53 p.m.