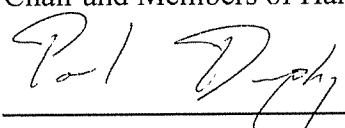


Item 10.1.1

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REGIONAL MUNICIPALITY B3J 3A5 Canada

Harbour East Community Council
December 3, 2009

TO: Chair and Members of Harbour East Community Council
SUBMITTED BY: 
Paul Dunphy, Director of Community Development
DATE: November 18, 2009
SUBJECT: **Case 01350 - Comprehensive Development Districts in Eastern Passage**

ORIGIN

At the October 1, 2009 meeting of Harbour East Community Council (HECC), the following motion was passed:

MOVED BY Councillor Barkhouse, seconded by Councillor Karsten, that Harbour East Community Council request staff prepare a report regarding an amendment to the MPS process relating to the review of policies pertaining to comprehensive development districts in Eastern Passage. MOTION PUT AND PASSED

RECOMMENDATION:

It is recommended that Harbour East Community Council not request Regional Council to initiate the MPS amendment process for Eastern Passage/Cow Bay for the purpose of reviewing policies pertaining to Comprehensive Development Districts (CDD), until the Regional Wastewater Functional Plan is completed.

BACKGROUND

The Heritage Hills development in Eastern Passage was originally approved by the former Halifax County Municipality, under a Comprehensive Development District (CDD) Zone. The original approval was for a development agreement for a mix of single and two unit dwellings on a variety of lot sizes. On October 1, 2009, HECC approved a rezoning application for the Heritage Hills development to replace the Comprehensive Development District (CDD) zoning with residential zones except for the Eastern Passage Learning Centre, a junior high school. The rezoning process was the first step in discharging the Heritage Hills development agreement.

Request

With the completion of Heritage Hills and the request to retain CDD zoning on the school lands for potential future redevelopment, Council indicated that it wishes to review the CDD policies in Eastern Passage.

CDD Policy

The current CDD policy has been in effect since 1992. Only one development application has been received under this policy, and this was for Heritage Hills which was approved in 1994. Under Policy UR-13, any serviceable property over 5 acres in size may be rezoned to CDD. Policy UR-15 then sets out that a development agreement would have to be negotiated. This policy mentions, as items for Council to consider, mixed housing types, parks and open space, and impact on the surrounding community. The scope of the policy is much more limited than other CDD policies and does not contain a statement of what HRM's goals are relative to CDD development in Eastern Passage.

CDD Zoning

Despite Heritage Hills being the only development approved under the existing CDD policies, there are two properties in the plan area which have a CDD zone at this time. The first is the junior high school in Heritage Hills, with the remainder of the development having been rezoned. The other is Silver Sands Mobile Home Park in Cow Bay, which has its own MPS policy.

DISCUSSION

Existing Policy Issues:

In looking at how Heritage Hills has developed over the past 15 years to final build-out, it is clear that Policy UR-15 has several shortcomings which ought to be addressed such as:

Housing Type: While allowing a mix of housing types, there are no parameters to set out an acceptable target ratio. One interpretation of the policy is that all lot sizes and homes may be the same. This gave staff and council no guideline as to maintaining a mix of lot sizes and home styles in Heritage Hills.

Public Lands: The policy does not specify what form public lands should take. In Heritage Hills the bulk of public lands were acquired as conservation lands on the periphery of the site. There was very little useable public space

acquired centrally. An intended soccer field was displaced by a post-DA approval requirement by NS Department of Environment for a stormwater pond, which the Province has indicated must remain.

Tree Retention: There are no provisions to establish tree retention areas. As a result in Heritage Hills the 100 acre site was generally clearcut and grades altered so that most original vegetation in the developable area was removed.

Design Issues: The lack of references in the policy to design, building form and landscaping considerations gave no guidance as to how streetscapes and homes should look. This has resulted in monotonous and repetitive architecture with only grassed areas for landscaping in front yards.

Street Standards: Concerns have been expressed about the lack of street trees within the development. This is due to the old street standards of the former Halifax County not requiring street trees. Current HRM street design standards do require trees on all new streets.

Policy Remedies:

Since the Eastern Passage CDD policy was adopted in 1993 as one of the earliest CDD policies in HRM, more sophisticated ones have been adopted in other plan areas. Typically, these set out requirements for:

- Site assessment for soils, grades, vegetation and environmental sensitivity;
- Preparation of non-site disturbance plans including mandatory tree retention areas;
- A mix of land uses to satisfy a variety of housing demands, with maximum percentages stated for each type to ensure diversity, and a maximum density;
- Provision of adequate parks and open spaces with improvements provided by the developer;
- Creating a pedestrian friendly environment with adequate connections, walkways and sidewalks;
- Architectural guidelines or requirements for buildings;
- Provision for small scale local commercial uses to encourage pedestrian activity; and
- Incorporate and recognize the new provisions under the Regional Municipal Planning Strategy (MPS) within the policy requirements.

These provisions serve to provide a clear set of evaluation criteria and goals in evaluating specific development proposals. As MPS policies regarding CDD's in other communities have been amended, there has been a general trend toward consistency in that each area adopts a similar framework. Therefore, staff recommend that Eastern Passage CDD policies be updated to be consistent with approaches in other areas of HRM. However, there is one issue that suggests a review should perhaps be delayed. This issue is sewage treatment capacity.

Sewage Treatment Capacity Issue:

The Eastern Passage/Cole Harbour wastewater treatment plant is currently at capacity. A project to expand and upgrade the plant to be able to adequately service as of right development is underway with the first phase to be completed by 2012. Concurrently, Halifax Water is undertaking a Regional Wastewater Functional Plan as established under the Regional Plan. This plan will identify system constraints under existing conditions, identify required upgrades to maintain compliance in the collection and treatment systems, and determine what additional growth may occur within the sewershed.

In the interim, low density as of right development for lands within the service boundary can still proceed. However, discretionary development approvals, such as a CDD, obligate Council to take sewage treatment capacity into account. Currently, a CDD can be considered only where the unit count of the development does not exceed any as of right capability that exists on a site. This would provide only for a very low density of housing.

The regional plan envisions higher densities than currently supported by the community plan. It identifies a substantial area of Eastern Passage as a Suburban Local Centre. This designation envisions mixed use centres that encourage pedestrian activity and transit use. The CDD option is one of the best tools for enabling this more efficient land use scenario. Until such time as the wastewater treatment plant upgrades are finished, however, there is no direction as to target density; either for what is acceptable in the community or what could be possible following treatment plant upgrades. Therefore, a review of the CDD policy should not be undertaken until such time as there is information to guide council in making a decision on this issue.

Conclusion

It is clear that the current CDD policies are in need of review and updating. However, uncertainty as to the availability of sewage treatment capacity, and therefore possible housing density, means that a review process would be premature at this time.

BUDGET IMPLICATIONS

None.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES


1. Community Council could choose to not ask that Regional Council initiate an MPS amendment process relative to CDD policies. This is the recommended course of action.
2. Community Council could choose to request that Regional Council initiate an MPS amendment process relative to CDD policies. This is not recommended.

ATTACHMENTS

Attachment A Existing Policies Pertaining to CDD Development

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Mitch Dickey, Planner, 490-5719

Report Approved by: 
Austin French, Manager of Planning Services, 490-6717

Attachment A
Existing Policies Pertaining to CDD Development in Eastern Passage

- UR-13 It shall be the intention of Council to establish a comprehensive development district within the land use by-law which permits any residential use and the development of local commercial and community facility uses when in association with residential uses. Industrial and general commercial uses shall be prohibited. When considering an amendment to the schedules of the land use by-law to establish a comprehensive development district, Council shall regard to the following:
- (a) that the proposal is within the Urban Residential Designation;
 - (b) that the development is capable of utilizing existing municipal sewer and water services;
 - (c) that the development includes a minimum land area of five acres;
 - (d) that, where the development provides for a mix of housing types, it does not detract from the general residential character of the community;
 - (e) that adequate and useable lands for community facilities are provided; and
 - (f) that the development is consistent with the general policies of this planning strategy and furthers its intent.
- UR-15 Pursuant to Policy UR-13 and as provided for by the development agreement provisions of the Planning Act, the development of any district shall only be considered by Council through an agreement which shall specify;
- (a) the types of land uses to be included in the development;
 - (b) the general phasing of the development relative to the distribution of specific housing types or other uses;
 - (c) the distribution and function of proposed public lands;
 - (d) any specific land use elements which characterize the development; and
 - (e) any other matter relating to the development's impact upon surrounding uses or upon the general community, as contained in Policy IM-11.