

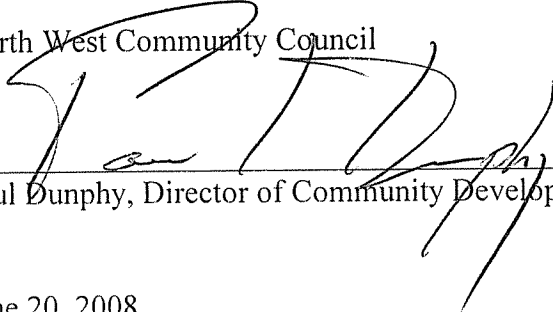


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North West Community Council
July 10, 2008

TO: North West Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: June 20, 2008

SUBJECT: Case 01027 - Development Agreement for Sunset Ridge Subdivision

SUPPLEMENTARY INFORMATION REPORT

ORIGIN

North West Community Council

BACKGROUND

At the May 22, 2008 public hearing for the Sunset Ridge development agreement application, various questions and issues were raised. At the conclusion of the hearing, a decision was deferred and staff was requested to prepare responses. Additional information was requested at the May 26th North West Community Council meeting and in a subsequent e-mail.

DISCUSSION

The questions and issues posed at the May 22nd public hearing and the May 26th meeting of the Community Council are addressed as follows:

What is the density of this development? What is the density of Millwood and Armcrest Subdivisions? How close is the nearest apartment building to this site?

The density permitted under this agreement is 6 units per acre or 17.3 persons per acre based on an assumed occupancy ratio of 3.35 persons for each single unit dwelling and semi-detached housing unit and 2.25 persons for each townhouse and apartment unit. Millwood is estimated to have a density of 3.5 units per acre (see attachment A for boundaries of calculation) or 4.5 units per acre if the large undeveloped parcels around the Sackville River are excluded (Attachment B). The density of Armcrest is estimated at 7.0 units per acres (Attachment C). Staff have estimated that the nearest apartment building to be 1.3 kilometres from the closest boundary of Sunset Ridge (Attachment D).

The development agreement permits single unit dwellings on lot sizes which are not characteristic of Sackville and the staff report states that the density of development is 18 persons per acre which is uncharacteristic of Sackville as the R-1 zone typically yields 13 person per acre.

The R-1 (Single Unit Dwelling) Zone established under the Sackville Land Use By-law requires a minimum lot frontage of 60 feet and a minimum lot area of 6,000 square feet. While this could be considered the characteristic lot size for single unit dwellings in the community, reduced lot size requirements have been provided for through approval of a development agreement. For example, the Armcrest development agreement allowed for single unit dwellings with lot frontages of 32 feet and a lot area of 3,200 square feet.

Where development is exclusively single unit dwellings developed on R-1 zone standards, a density of slightly over 13 units per acre could be expected. However, where other housing forms are included, the density is higher. In Sackville, development densities have typically ranged from 4 to 6 units per acre or approximately 13 to 20 persons per acre.

Does the Sackville MPS contain a housing density policy and, if so, is this development in conflict?

The Sackville MPS contains no direct housing density policies but indirectly does through a section entitled "Housing Mixture" under the chapter for the Urban Residential Designation. Policy UR-3 states "the intention of Council to establish a general objective of a 70:30 housing mixture between single unit dwellings and other types of residential dwelling units within the Plan Area". The preamble to this policy states that this is "a general target for an overall housing mix within the Plan Area and is intended to provide direction in the consideration of development proposals".

The applicability of this policy directive to this development agreement application is tenuous. The Sunset Ridge lands are not within the Urban Residential Designation and therefore would not be eligible for application of the CDD (Comprehensive Development District) zone or approval of a development agreement as the Sackville MPS restricts application of the CDD zone to lands designated Urban Residential (Policy UR-3, clause (a)).

With the adoption of the Regional Plan, policy provision was made to zone the Sunset Ridge lands CDD and to consider this development agreement application. The Regional Plan designated these lands "Urban Settlement" in which the intent is "to provide for a diverse, vibrant and liveable urban environment which provides for a series of mixed-use transit-oriented centres". Middle Sackville is identified as a new "suburban local" centre where a mix of low to medium density residential and convenience commercial uses are supported. The Regional Plan considers low density residential uses to include single unit dwellings, accessory apartments, two-unit dwellings and townhouses.

The Regional Plan contemplates that within designated centres, such as Middle Sackville, matters pertaining to community form and development densities will be addressed through secondary planning processes. However, a site specific provision has been made to allow the Community Council to consider a development agreement application on the Sunset Ridge lands prior to the adoption of a secondary planning strategy.

In the absence of specific direction, the Community Council will have to rely on its own judgement regarding an acceptable development density for these lands. Staff have supported the proposed density of 6 units per acre as: this is the allowable density under the Bedford West and Bedford South Secondary Planning Strategies; this density could be considered within the serviced portion of the Rural Residential Designation through rezoning and development provisions; and the development would further a number of objectives of the Regional Planning Strategy.

In a recent staff report (Case 01136), a statement is made that "The issues surrounding the sewer capacity can be attributed to inflow and infiltration within the watershed as well as increased development in the area. In an attempt to manage this situation, Staff have suggested that no discretionary development proceed if it exceeds the rights that can take place under existing zoning". Why wouldn't this principle apply to this application?

With the exception of the 35 lots permitted along Sackville Drive, the CDD (Comprehensive Development District) Zone applied to this property does not provide for development rights. The rights are negotiated through a development agreement.

In recommending approval of this development proposal, consideration was given to the following: the sewage collection system had been designed to service the density of development proposed; Halifax Water has and continues to undertake work to reduce inflow and infiltration into the downstream sewer system; and this development proposal could further objectives

established under the Regional Plan to support a mixture of housing types which make effective use of infrastructure.

What is the impact on infrastructure of this development relative to that which was permitted from lands swapped from the Berry Hill Subdivision?

With the adoption of the Regional Plan, 52 acres (21 hectares) of the Berry Hill Subdivision was removed from the Urban Service Area boundary established under the Regional Subdivision By-law and 52 acres of the Sunset Ridge subdivision were included in the boundary.

In recommending approval of the boundary transfer between these two properties, staff advised Council as follows:

“The primary reason for supporting the land owners request to swap development rights in the currently proposed Regional plan arises from proposed extension of water and sewer services on Highway 1 to Lively Subdivision. It is anticipated that this will occur before the secondary plan review for the Middle Sackville Growth Centre is undertaken.

The proposed Regional Plan provides more opportunities for development on the west side of Sackville Drive by extending the serviceable boundary and permitting by-right opportunity for residential development over much of the land area. This provides a greater range of opportunity for Council in recovering costs of extending the Trunk Sewer on Highway 1 to Lively subdivision because an additional 21 hectares on the path of the sewer would be in a position of direct benefit. Further, the currently approved subdivision with numerous driveways on Sackville Drive may be reconfigured due the addition of a substantial land area to the rear. This opens opportunity for a new subdivision design with fewer driveways fronting on Sackville Drive.

Additionally the current draft of the Regional Plan would have no net impact on the sanitary sewer. While the Urban Service Area would be expanded, development rights would be restricted on an equivalent amount of land within the boundary.

A CDD zone would also be placed on additional lands in the vicinity of the Middle Sackville Growth Centre around the planned Highway 101 interchange.”

Can the Plan be amended to eliminate or reduce the number of lots which can be approved with driveway access to Sackville Drive?

An amendment to the Regional Planning Strategy and the CDD (Comprehensive Development District) Zone provisions under the Sackville Land Use By-law would have to be approved by Regional Council.

The agreement should have more stringent wording with respect to the developer being willing to relinquish all rights to the buffer strip along Sackville Drive. Can the Municipality assume ownership or reconfigure the dimensions?

The term pertaining to relinquishing development rights is found under section 3.1.3. This term was prepared in consultation with legal staff. Staff are satisfied that the wording is satisfactory in ensuring that the buffer area cannot be developed.

The Community Council could request the applicant to convey these lands to the Municipality or alter the dimensions. However, if the applicant is not prepared to make the requested amendment, Community Council would have to make a decision based on the agreement that the applicant has put forward for approval. Armco has advised staff that it is considering these requests and will be making a proposal in a written submission to the Community Council.

If trees are cut in the non-disturbance area, what action can the Municipality take?

The remedy is specified under clause 7.2(b) of the development agreement. The Municipality may direct that a site rehabilitation plan be prepared. The property owner (Armco Developments Inc.) would be responsible for all costs associated with preparing and undertaking the plan. Measures may include replanting of trees of similar size, age and appearance within the disturbed area. In the event that the owner fails to comply, the Municipality can perform the work and recover the costs by placing a lien on the property.

Can the Municipality require traffic signals at the entrance road to Sackville Drive or require that the applicant contribute money for future installation of traffic signals and does Sackville Drive have sufficient capacity for the additional traffic generated by this development?

The N.S. Department of Transportation & Infrastructure Renewal has recently completed a transportation study in support of the interchange and connector road (Margeson Drive). Municipal staff have reviewed the document with their provincial counterparts and have compared the findings with the study previously submitted for Armco's consultants. The provincial study considered 10 and 20 year projections. Nothing in the provincial study disputes the previous conclusion that traffic signals are not warranted at the entrance road on Sackville Drive and there is no evidence to suggest that Sackville Drive will be over capacity.

The Municipal Government Act allows infrastructure charges to be imposed for new traffic signals to recover all or part of the capital costs incurred or anticipated to be incurred by a municipality by reason of subdivision and future development of lands. As the studies have concluded that traffic signals are not expected to be needed at this location, requiring a financial contribution from Armco cannot be justified.

Did the traffic study for Sunset Ridge consider the impact of traffic from the Twin Brooks Development on the other side of Sackville Drive?

Yes, under a section entitled "Future Background Growth, the consultant, Dillon Consulting, specifically referenced the Twin Brooks development and the anticipated traffic generation. Dillon Consulting had in fact prepared a transportation study for Twin Brooks in 2004 which was updated in 2007.

Will traffic from this development have access to Lindforest Drive?

This development agreement provides no access to Lindforest Drive. A connection may be possible through the remaining Armco lands zoned CDD. Whether a connection is established depends on whether Regional Council approves an amendment to the Regional Plan and Subdivision By-law to allow for extension of central sewer and water services and, if these approvals are given, the development proposal approved by the Community Council under a future development agreement application.

How much parkland is proposed and does the proposal conform with the Subdivision By-law requirements?

Approximately 5.34 acres of parkland dedication is proposed which consists of a 0.42 acre neighbourhood park within the boundaries of the development agreement area and a 4.92 acre dedication on lands immediately to the south which will extend to parkland dedication previously made on Lindforest Crescent. Site preparation work and possibly site development, such as the installation of playground equipment, will be undertaken by Armco on the neighbourhood park which can be credited towards the Regional Subdivision By-law park land dedication requirements. Consideration may also be given towards site preparation work and site development on the larger parcel. The precise boundaries and work to be undertaken on this larger parcel will be negotiated between parkland planning staff and Armco at the subdivision approval stage.

The development agreement provides no exemption to the parkland dedication requirements of the Subdivision By-law which establishes a minimum dedication or equivalent value to 10% of the total area of all newly created lots, including any proposed parkland but excluding proposed streets, walkways or remaining lands. Staff expect the by-law requirements to be satisfied by the parkland dedications and site preparation and site development. However, if it does not, Armco would be required to provide cash-in-lieu.

Does the connector and interchange project have a valid environmental assessment?

The N.S. Department of Transportation & Infrastructure Renewal has advised that no assessment was required under provincial legislation. However, the Federal Government will require an environmental assessment be undertaken if federal funding is involved. The Province and the Municipality have requested federal funding. A response is pending.

What protection will neighbouring property owners have if blasting takes place?

The geology within the Halifax Regional Municipality dictates that blasting is, generally speaking, a regular component of development and construction. As with all development within the Halifax Regional Municipality that actually requires blasting for construction purposes, By-Law B-600, Respecting Blasting, outlines the parameters within which blasting operations can take place. The By-Law indicates what is required prior to a permit being issued, such as a pre-blast survey of all structures within the scaled distance of the proposed blast, as well as what ongoing monitoring is necessary during the blasting activities. HRM has an engineering technician whose duties are focussed and dedicated to dealing with blasting and new development.

More detailed information regarding the Municipality's Blasting By-law can be found at www.halifax.ca/legislation/bylaws/hrm/blb600.pdf.

BUDGET IMPLICATIONS

There are no budget implications. The Developer will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and the work can be carried out within the approved budget with existing resources.

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.

ATTACHMENTS

Attachment A: Millwood Area Used for Density Calculations

Attachment B: Millwood Area Used for Density Calculations Without Little Sackville River lots

Attachment C: Armcrest Area Used for Density Calculations

Attachment D: Location of Closest Apartment Building Property to the Sunset Ridge Lands

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

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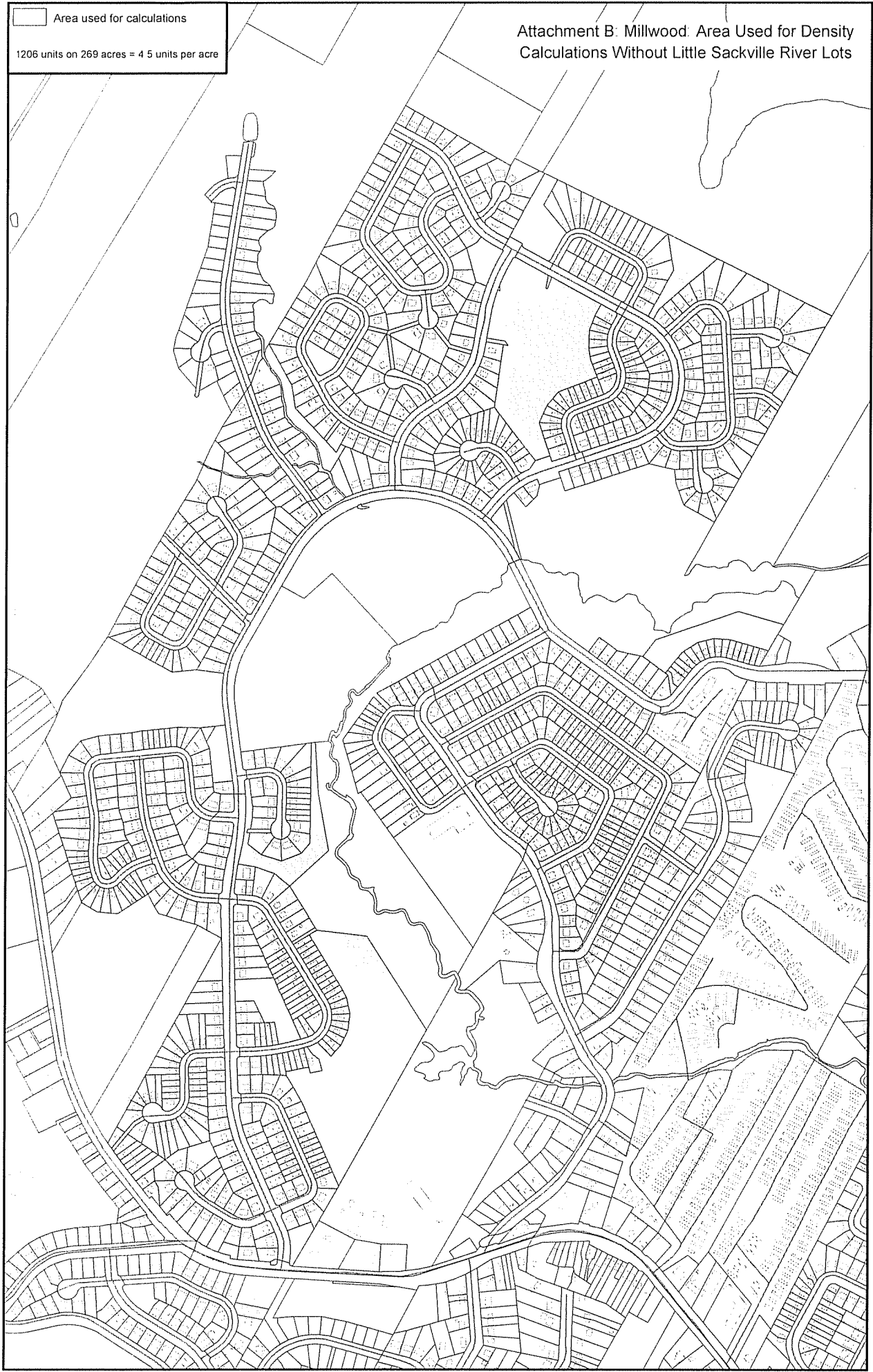
Area used for calculations
1206 units on 341 acres = 3.5 units per acre

Attachment A. Millwood. Area Used for Density Calculations



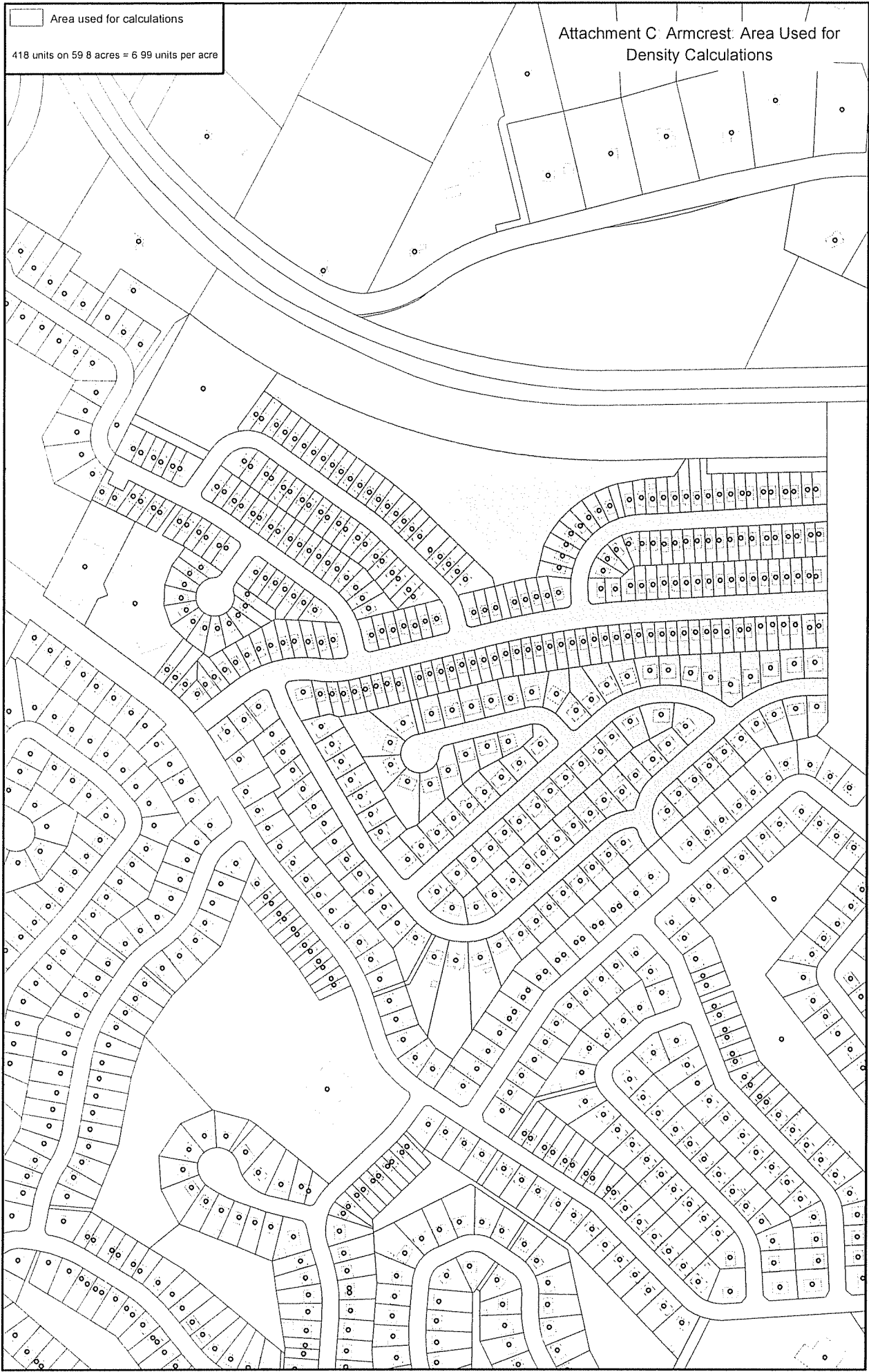
Area used for calculations
1206 units on 269 acres = 4.5 units per acre

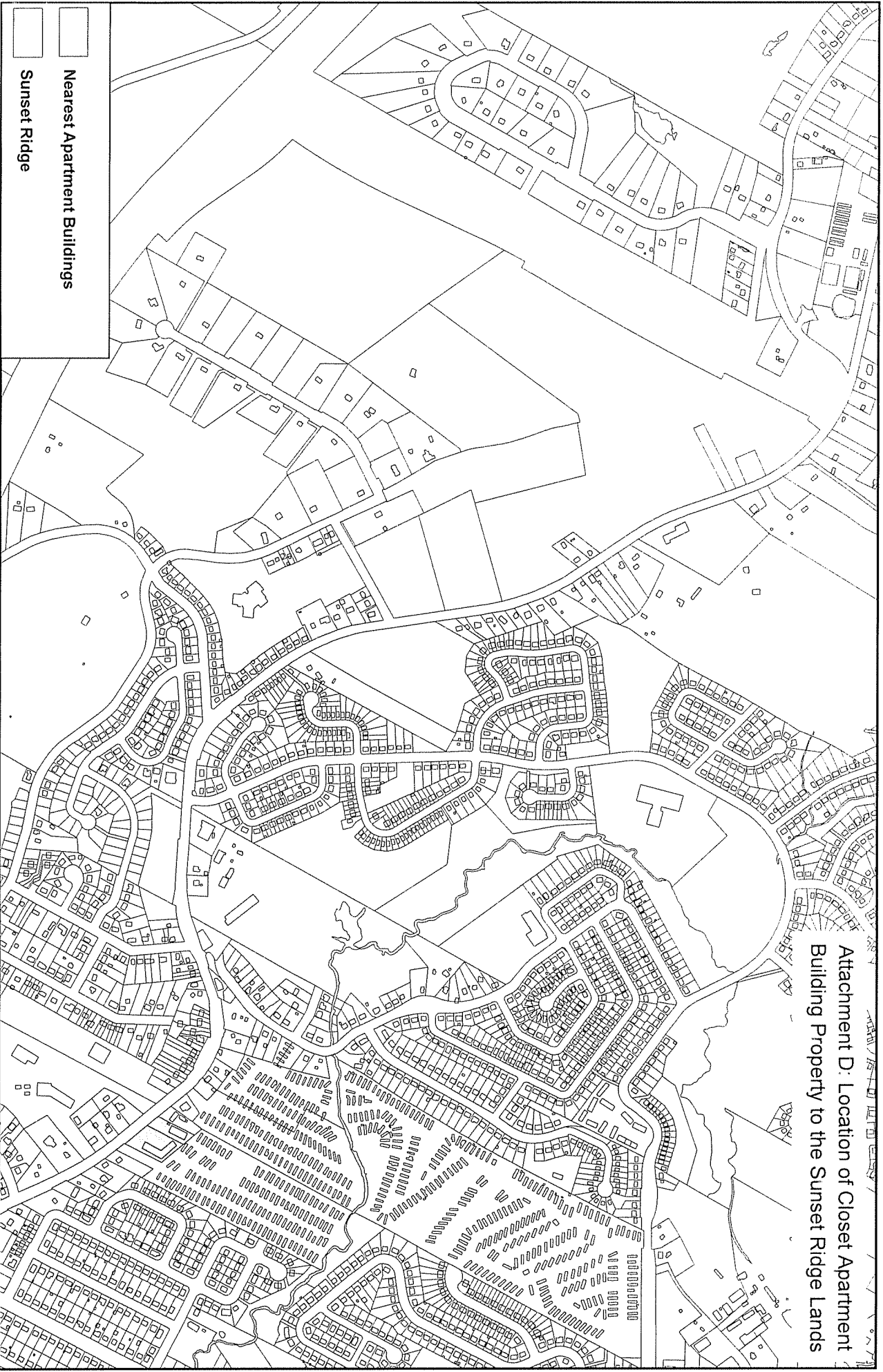
Attachment B: Millwood: Area Used for Density Calculations Without Little Sackville River Lots



Area used for calculations
418 units on 59.8 acres = 6.99 units per acre

Attachment C: Armcrest Area Used for Density Calculations





Sunset Ridge

Nearest Apartment Buildings

Attachment D: Location of Closet Apartment Building Property to the Sunset Ridge Lands