

Item No. 10.1.2
Halifax Regional Council
June 11, 2013

TO: Mayor Savage and Members of Halifax Regional Council

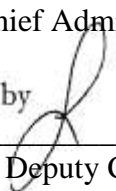
SUBMITTED BY:

Original signed by



Richard Butts, Chief Administrative Officer

Original Signed by



Mike Labrecque, Deputy Chief Administrative Officer

DATE: May 27, 2013

SUBJECT: Case 18255 – Amendments to the Dartmouth MPS & LUB for 530
Portland Street and 104 Green Village Lane, Dartmouth

ORIGIN

Application by Conner Architects and Planners.

LEGISLATIVE AUTHORITY

HRM Charter, Part VIII, Planning & Development

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Authorize staff to initiate the process to consider amending the Dartmouth Municipal Planning Strategy (MPS) and Land Use By-law (LUB), for the lands at 530 Portland Street and 104 Green Village Lane, to enable an increase in residential density by development agreement, as well as to exempt the requirement to establish a Public Participation Committee for the associated development agreement amendment process for this property; and
2. Request staff to follow the public participation program for the MPS amendment process as approved by Council in February 1997.

BACKGROUND

An application has been submitted by Conner Architects and Planners to amend the existing MPS policies applicable to the lands located at 530 Portland Street and 104 Green Village Lane in Dartmouth. The existing policies enable commercial, residential, institutional and recreational uses to be considered by development agreement. However, these policies also limit the amount of residential units and residential density permitted at this location. Evergreen Plaza Incorporated, who acquired the lands in 2007, are seeking amendments to existing policies to enable the development of three multiple unit dwellings.

Location, Designation, Zoning and Surrounding Land Uses

The subject lands are:

- located at 530 Portland Street and 104 Green Village Lane (formerly 506 Portland Street) (Map 1);
- situated on the south side of the intersection of Portland Street and Highway 111, and north of the residential communities of Summit Heights Road and Marilyn Drive;
- adjacent to an existing 4 storey, 51 unit multiple unit building to the south-east, and the residential development along Green Village Lane to the west, south and south-east;
- located in close proximity to existing commercial and future residential uses on the opposite side of Portland Street (formerly Penhorn Mall);
- designated Urban Settlement under the Regional Plan;
- designated Residential under the Dartmouth MPS (Map 1);
- zoned CDD (Comprehensive Development District) under the Dartmouth LUB (Map 2);
- developed with a retail commercial plaza and two self-storage units; and
- form a portion, approximately 8 acres (3.2 ha), of the original 26 acres known as the “Hammerling” lands (Map 1).

Over the past ten years, the “Hammerling” lands have been developed in phases and now consist of single unit, two units, and townhouse units along Green Village Lane, a multiple unit dwelling and the subject area described above containing the two self-storage buildings and a retail commercial plaza.

The History

In the late 1990’s, there was interest in developing the “Hammerling” lands for commercial and residential purposes. However, efforts to rezone the property to enable this to occur were met with opposition due to concerns regarding a large commercial development in very close proximity to an established residential neighbourhood. In 1999, Regional Council embarked upon a “Commercial Policy Review” of the Portland Street corridor. Based upon this Review, Council rezoned the “Hammerling” lands from R-1 (Single Dwelling Unit) Zone to CDD (Comprehensive Development District) Zone and created site specific CDD policies (Policies C-24 to C-27; Attachment A) to ensure development of the property occurred in a sensitive, inclusive and comprehensive manner through a development agreement process.

In 2000, Harbour East Community Council approved a development agreement to permit single unit, semi-detached and townhouse dwellings, one multiple unit building, and a variety of commercial uses (restaurant buildings, commercial plaza, self storage facility) to be developed

on the lands. The development agreement limits the number of residential units to 143 or a residential density of 8.9 dwelling units per acre, whichever is less. This limitation is in accordance with the intent of Policy H-3B which applies to all CDD zoned properties in Dartmouth. Substantive amendments to the development agreement were approved in 2003 relative to the commercial uses and included the commercial plaza being developed into 2 buildings and the footprint increasing by 7000 sq. ft. (650 sq. m.).

Proposal

Connor Architects and Planners are requesting increased residential development on the subject lands in the form of three new multiple unit buildings (Map 3). Due to changes in market demands over the past 13 years, the developer no longer intends to proceed with the development of the remaining approved, but unconstructed, second building of the commercial plaza or the five self-storage buildings. The request is for an increase in the number of dwelling units and residential density beyond the provisions of the existing development agreement and the CDD policy. The proposal also includes a request to amend the MPS so as to not apply Policy H-3(AA), requiring the establishment of a Public Participation Committee, when considering development on the subject lands.

Existing Planning Policy Context

The subject lands are governed by three separate land use policies; the Dartmouth area-wide CDD Zone policies (H-3), the site-specific “Hammerling lands” policies (C-24 to C-27), and the provisions of the Regional Plan relating to growth centres.

CDD Zone Policy

Within the Dartmouth MPS, lands zoned CDD are subject to the H-3 policy set (Attachment A). The intent of this policy set is to enable Council to consider mixed residential development through a comprehensive approach. Among other considerations, this policy set requires the creation of a PPC [Policy H-3(AA)] and that development contain an adequate mix of housing options (Policy H-3B). The policy also places a limit on the maximum number of apartment units to 40% of the total number of residential units and a maximum residential density of 8 dwelling units per acre.

Hammerling Lands Policy

Within the Dartmouth MPS, the “Hammerling lands” contain site-specific policies (Policies C-24 to C-27; Attachment A) the intent of which is to address the concerns of potential large commercial development in very close proximity to an established residential neighbourhood. Policy C-25 lists specific considerations including:

- that no more than 40% of the total area of the parcel is to be developed for commercial use;
- the commercial use is located toward Portland Street; and
- access and egress to/from the commercial use is to/from Portland Street.

The policy preamble suggests that the location and size of the parcel is conducive to mixed infill development of a commercial, residential, institutional and recreational nature. However, the existing policy criteria will not enable the consideration of the proposed three multiple unit dwellings.

Regional Plan Policy and the Corridors and Penhorn Community Visioning Projects

Under the Regional Plan, the property is designated Urban Settlement and is identified as being within an Urban Local Centre. The land use characteristics of an Urban Local Centre are medium to high density residential and commercial. However, under the community plan, the Dartmouth MPS, the existing policies do not enable the consideration of medium to high density residential uses in the area. Accordingly, it is necessary to amend the community plan, as proposed by this application, to enable consideration of the proposal.

In September 2011, Regional Council initiated a land use planning process to enable a mixed use re-development of the former Penhorn Mall site. This planning process is known as the Penhorn/Woodlawn Community Visioning project. Future development within the general area has been discussed throughout the visioning project, but the subject lands are outside of the area that will be considered for new land use policies. As of the date of this report (May 27, 2013), a public information meeting is scheduled for June 5th to present the draft policies to the community.

The proposed development was also considered as part of the Centre Plan: Phase 1(Corridors Project) in 2012 and, as such, was subject to that public engagement process. However, the Corridors Project did not proceed as anticipated as the resulting development regulations were to be reliant on the bonus zoning amendments to the *HRM Charter* which did not receive approval until earlier this month. Rather than wait until the completion of the Corridor Project process, the applicant chose to proceed with their proposal as a standalone planning application.

DISCUSSION

Generally, MPS amendments are not supported by staff unless circumstances warrant such a change in policy. Typically, these types of amendments require significant justification to be considered. In this case, the applicant is seeking amendments to the MPS policy and existing agreement that would see an increased number of apartments and higher density of dwelling units on the lands as well as removed the requirement for the creation of a PPC under this application. The following rationale has been established in support of the development proposal.

Increase Residential Density and Units

Existing policy limits the number of apartment units to 40% of the total number of residential units developed on the lands zoned CDD. The CDD Policy H-3B limits the maximum residential density to 8 dwelling units per gross acre. The existing development agreement contains a limit relative to residential density and the applicant's request is for 263 additional residential dwelling units. Staff concur that the proposal for residential redevelopment is reasonably consistent with the Urban Settlement designation under the Regional MPS' vision to provide for a diverse, vibrant and liveable urban environment. This was further envisioned under the Penhorn Community visioning exercise supporting the Urban Local Centre principles for medium to high density, walkable, mixed development with effective transit connections. The land use characteristics of an Urban Local Centre are not necessarily supported by existing plan policies (Dartmouth MPS) as these policies were developed over 15 years ago and were not responding to the growth trends in the same nature as the Regional Plan does today.

Requirement for Public Participation Committee (PPC)

Policy H-3(AA) of the Dartmouth MPS states,

*“It shall be the intention of Council to establish a Public Participation Committee upon the Municipality receiving an application to develop lands within a CDD. The composition of the Committee should include local residents, other interested citizens, affected land owners, the proponent and municipal staff. **The general purpose of the Committee is to collaborate to produce the conceptual plans and detailed plans for the area to be developed, as described by Policies H-3A, H-3B and H-3C. Council shall also establish a Committee to deal with substantial amendments to CDD Agreements.**”* [emphasis added]

This policy is applicable to all CDD zoned lands in Dartmouth when undergoing the detailed development agreement process. It is the opinion of staff that it is reasonable to request that the MPS be amended to exempt the development agreement amendment process associated with this proposal from the requirement to form a PPC for the following reasons:

- a PPC was created in 2000 to assist in formulating the existing development agreement for the original 26 acre site;
- a PPC was not established in 2003 when consideration was given to substantive amendments relating to the commercial uses within the development;
- the current proposal comprises a small portion (30%) of the overall existing 26 acre CDD site;
- the subject lands are within the general Penhorn Community Visioning area and have been subject to recent community consultation exercises relative to future development (the proposal aligns with the medium and high density mixed use development principles of an Urban Local Centre in the Regional MPS, as envisioned for the Penhorn area); and
- the lands were included within the 2012 Centre Plan: Phase 1(Corridors Project) and were subject that recent public engagement process.

The request before Regional Council is to follow the 1997 public participation resolution for this MPS amendment and to dispense with the need to establish a PPC for the development agreement amendment process for this property. Consistent with the 1997 resolution, and in an effort to facilitate a more streamlined development approval process, staff believe there are alternatives to establishing a PPC to advise Community Council on the development agreement proposal. A public meeting using a design workshop approach is suggested to allow citizens to take a hands-on role in formulating the regulations for the development. Given the foregoing, it is staff's opinion that there is merit to the applicant's request to amend the MPS to not require the PPC for the development agreement amendment process.

Conclusion

Staff are of the opinion that amendments to policies for the “Hammerling” lands to enable an increased residential density on the lands is reasonable for Council to consider without the creation of a PPC. Therefore, staff recommend that Council initiate the process to consider amending the Dartmouth MPS in order to amend the existing policies to allow an increase in residential density, in the form of three multiple unit buildings at 530 Portland Street and 104

Green Village Lane in Dartmouth, and to exempt the development agreement process for these lands from the need to establish a PPC.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2013/2014 operating budget for C310 Planning & Applications.

COMMUNITY ENGAGEMENT

The *HRM Charter* requires that Council approve a public participation program when considering any amendment to an MPS. In February of 1997, Regional Council approved a public participation resolution which outlines the process to be undertaken for proposed MPS amendments which are considered to be local in nature. This requires a public meeting be held, at a minimum, and any other measures deemed necessary to obtain public opinion.

The proposed level of community engagement is consultation, achieved through a public meeting and/or public workshop early in the review process, as well as a public hearing before Regional Council can consider approval of any amendments.

Amendments to the MPS and LUB will potentially impact the following stakeholders: local residents, property owners, community or neighbourhood organizations, other HRM business units, and other levels of government.

ENVIRONMENTAL IMPLICATIONS

The proposal meets all relevant environmental policies contained in the MPS.

ALTERNATIVES

1. Council may choose to initiate a process to amend the Dartmouth MPS to enable additional residential development on the lands shown on Map 1 and 2 of this report as the subject area. This is the recommendation of staff.
2. Council may choose to initiate policy amendments that would differ from those outlined here. This alternative is not recommended, as staff believe there is merit in considering the MPS amendment as presented in this report.
3. Council may choose not to initiate the MPS amendment process. A decision not to amend the MPS may not be appealed. This alternative is not recommended, as staff believe there is merit in considering the MPS amendment as presented in this report.

ATTACHMENTS

Map 1	Generalized Future Land Use
Map 2	Zoning and Location

Map 3

Site Plan

Attachment A

Relevant Policy Excerpts from Dartmouth MPS

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.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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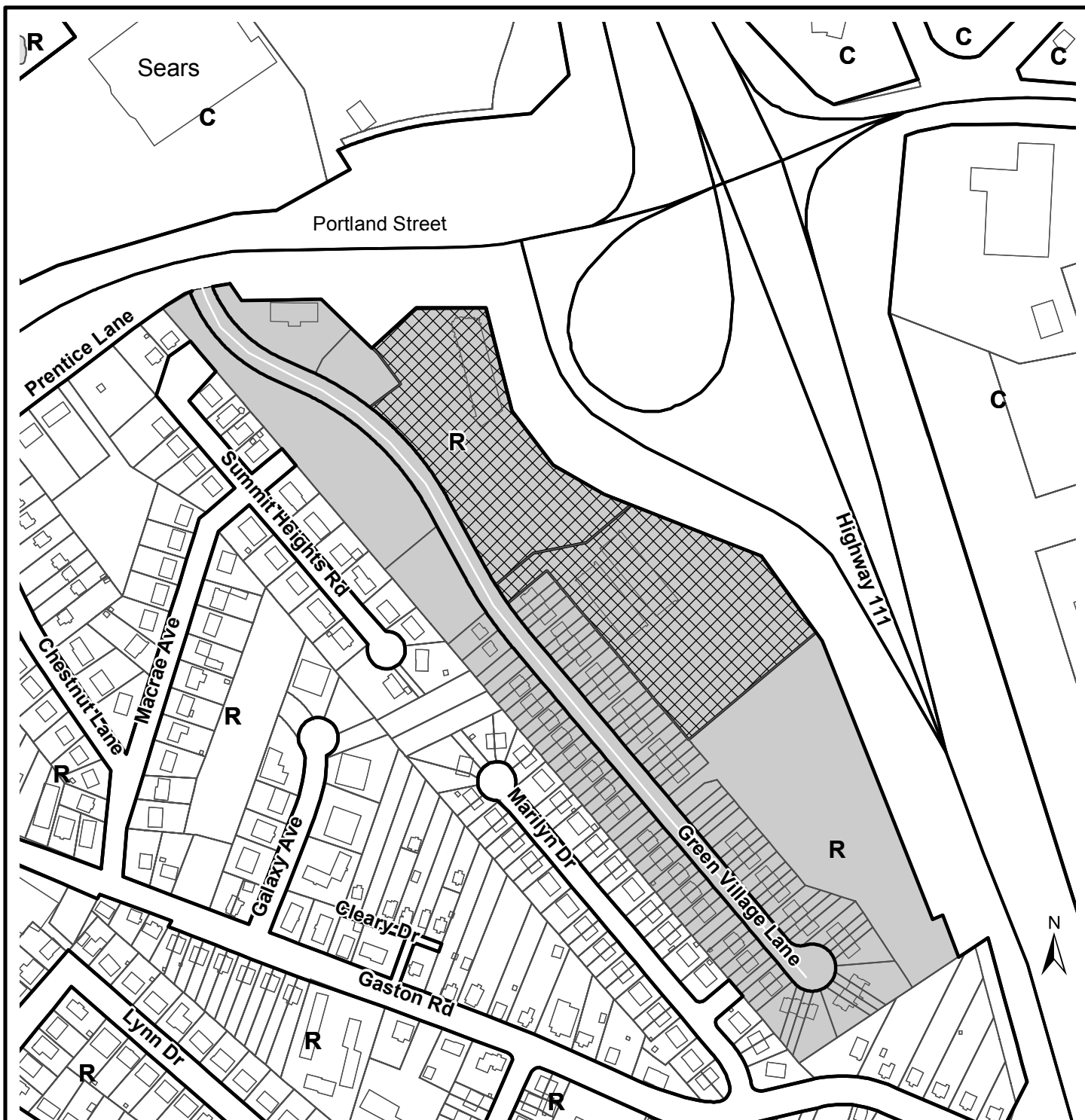
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Report Approved by:

Austin French, Manager of Planning, 490-6717


Report Approved by:


Brad Anguish, Director of Community and Recreation Services, 490- 4933



Map 1- Generalized Future Land Use

Green Village Lane

 Subject Properties

 Hammerling Lands

Dartmouth Plan Area

Designation

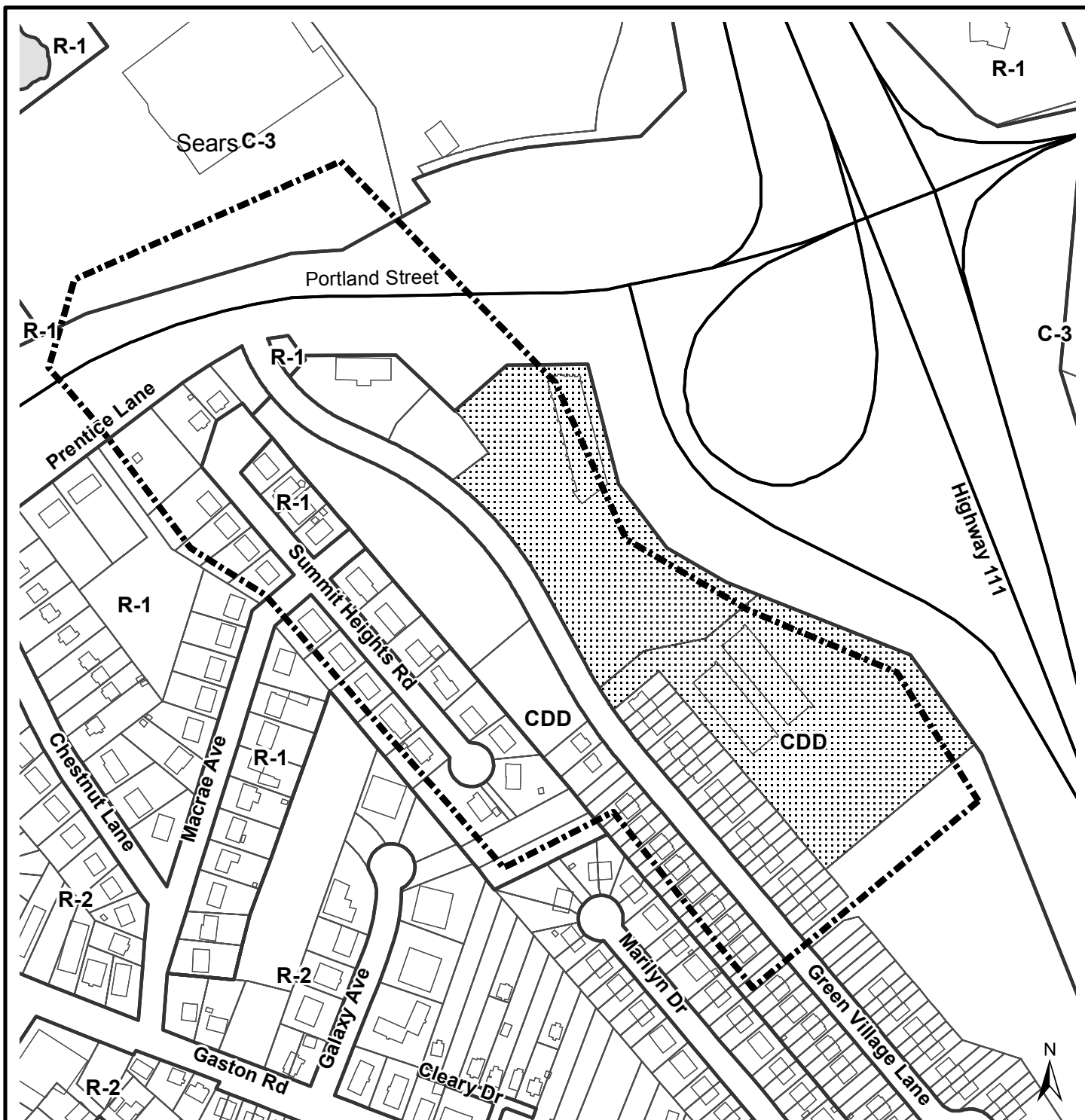
R Residential
C Commerical

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

50 25 0 50 100 Meters



This map is an unofficial reproduction of a portion of the Generalized Future Land Use for the Dartmouth Plan Area.

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



Map 2 - Zoning and Location

Green Village Lane

-  Subject Properties
-  Notification Area

Dartmouth Plan Area

Zoning

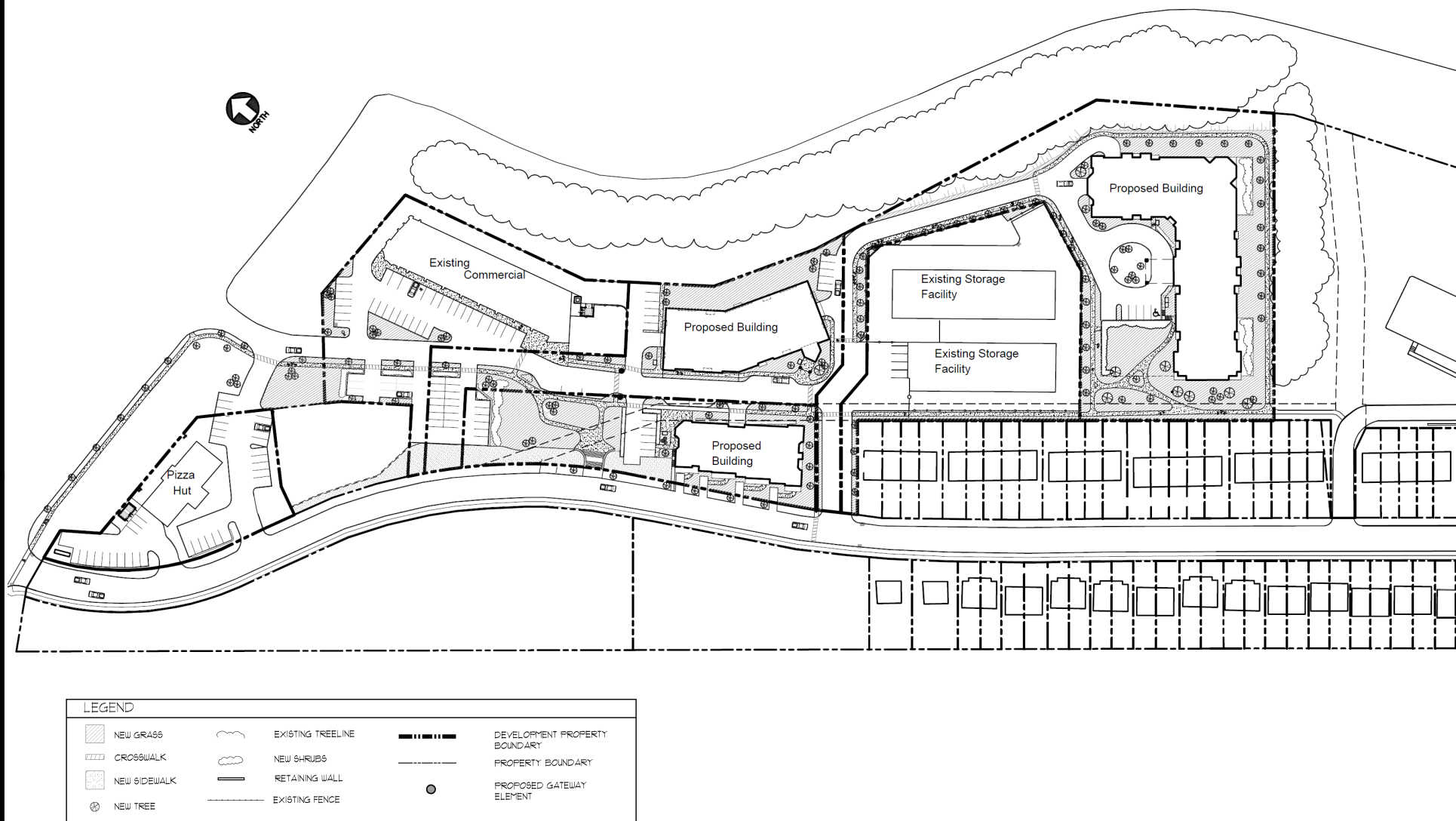
- R-1 Single Family Residential
- R-2 Two Family Residential
- C-3 General Business
- CDD Comprehensive Development District

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

40 20 0 40 80 Meters

This map is an unofficial reproduction of a portion of the zoning Map for the Dartmouth Plan Area.

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



Map 3 Site Plan

HRM does not guarantee the accuracy of any base information.

Attachment A: Relevant Policy Excerpts from Dartmouth Municipal Planning Strategy

Housing

(3) Comprehensive Development District (CDD)

The CDD mechanism permits a land owner and the City to negotiate the development standards for a designated property, allowing for more flexibility than offered by zoning and subdivision regulation. In keeping with the City's concerns regarding the residential development of large vacant parcels inside the development boundary, several properties will be designated as CDDs and others may be considered by Council or owners in the future.

An important objective in providing for CDDs is to create mixed residential developments, with variety in dwelling type, building design and lot characteristics. In most cases, this mix will be achieved within each CDD. However, some districts may be located in the immediate vicinity of alternate housing forms and in these cases, the surrounding neighbourhood will be taken into account in determining an acceptable mix of housing for the property.

(Deleted: RC-Jan 12/99;E-Jun 26/99)

CDDs will be developed according to master plans and implemented by development agreement(s). Policies H-3 through H-3E expand on City Council's intentions in providing for CDDs. (As amended by By-law C-697, June 18, 1993).

Policy H-1 *It shall be the intention of City Council to provide sufficient developable land to accommodate the projected population for 1996.*

Policy H-2 *It shall be the intention of City Council to undertake secondary planning within the City by establishing planning districts. One of the main elements of these district plans will be to identify potential housing opportunities and strategies to better maximize existing services. Community participation may form an integral part of this process.*

Policy H-3 *It shall be the intention of Council to establish a comprehensive development district (CDD) within the land use by-law. A CDD may be applied to vacant lands which have a minimum area of ten acres and which are located within the development boundary. It is the intention that a CDD shall be primarily a residential development and shall provide a mix of residential uses. Within the CDD, Council may consider permitting any residential use and institutional, commercial and recreational facilities to serve the area.*

Policy H-3(AA) *It shall be the intention of Council to establish a Public Participation Committee upon the Municipality receiving an application to develop lands within a CDD. The composition of the Committee should include local residents, other interested citizens, affected land owners, the proponent and municipal staff. The general purpose of the Committee is to collaborate to produce the conceptual plans and detailed plans for the area to be developed, as described by Policies H-3A, H-3B and H-3C. Council shall also establish a Committee to deal with substantial amendments to CDD Agreements.*

Policy H-3A *Pursuant to section 56 of the Planning Act, development within a CDD shall be subject to an agreement. Prior to considering any agreement within a CDD, Council shall require a concept plan for the entire land holding. The concept plan shall include the following information, some or all of which may be made part of any agreement as Council deems necessary to fully describe and control the development:*

- (a) a map(s) and assessment of the physical nature of the land, including its topography, mature vegetation, natural features restricting development and any significant environmental characteristics;*
- (b) a transportation plan, including vehicular, pedestrian and public transit systems, and traffic impact analysis sufficient to evaluate the internal and off-site implications of the systems;*
- (c) the method of providing municipal sewerage, water and storm services to the development;*
- (d) the general phasing of development;*
- (e) the distribution and nature of all land uses; and*
- (f) the total number of dwelling units, the proportion of all units which are proposed to be in apartment buildings and the gross residential density of the whole development and each of its phases.*

Policy H-3B *In addition to the provisions of Policy H-3A, Council shall consider the following prior to approving any agreement within a CDD:*

- (a) the adequacy of the mix of residential uses to provide a range of housing options in terms of lot characteristics, building and dwelling type and design;*
- (b) the general guide that the maximum number of apartment units shall not exceed 40% of the total actual number of units within the CDD. Such figure may be increased to a maximum of 50% provided clear advantages are gained within the CDD by means of increased parkland or open space, increased areas of undisturbed terrain and vegetation, decreased amount of impermeable surfaces and/or improved environmental protection or an improved transportation system. (RC- Mar 22/05;E-Apr 23/05)*
- (c) the location and concentration or dispersal of multi-unit residential buildings with respect to impacts on street networks, abutting uses and the physical environment;*
- (d) the general guide of a maximum residential density of 8 units per gross acre, excluding acreage devoted to commercial use;*
- (e) the compatibility of various land uses, within and adjacent to the development, and measures proposed to integrate and buffer uses. Compatibility refers to the type of land use, dwelling (housing) type and size and height of the development. Buffering refers to measures that mitigate impacts on adjacent uses, such as adequate separation distances, retention of existing vegetation and the installation of suitable screening features such as new vegetation, berms and or fencing;*
- (f) the adequacy of measures to minimize disruption of existing terrain, vegetation, watercourses and other physical features and to mitigate against the potential effects of disruption;*
- (g) the hours of operation of non-residential uses, including business uses*

- located in dwellings;*
- h) the safety and efficiency of all transportation systems, including the effects of driveways to and traffic from abutting uses to streets and walkways including the adequacy of pedestrian facilities (sidewalks/walkways);*
 - (i) the general guide that street frontage for single detached development not be less than forty (40) feet and that the total number of single detached lots having street frontage less than the minimum requirement as prescribed by the land use by-law and/or the subdivision by-law (RC-Jan 29/02;E-Mar 2/02) not exceed twenty-five percent of the total number of single detached units within the CDD;*
 - (j) that the size and type of commercial uses be designed to serve the shopping needs of residents within the local area, rather than the community or the region. Commercial uses to be considered are to be compatible with and sympathetic to the character of the surrounding residential community in terms of location, use, scale, design and traffic impacts. Uses to be considered may include, but not limited to, offices, financial institutions, convenience shops, drug stores, personal service outlets (dry cleaning depot, laundry mats, hair salons, tailors and so on), small food stores, gas bars, and restaurants (excluding drive-throughs). Uses not to be considered include, but are not limited to department stores, home improvement centres, drinking establishments, adult entertainment uses and large grocery stores;*
 - (k) Notwithstanding criteria “j”, larger commercial development containing a wider range of uses may be considered for lands adjacent Highway 111 at the proposed Woodside interchange;*
 - (l) within the Morris-Russell Lake area, all new development shall adhere to the Morris Lake Watershed Management policies as contained in Policies ML-1 to ML-23 as applicable;*
 - (m) the impact the proposed development may have on the quality of life of existing neighbourhoods, and notwithstanding criteria (b),(d),(i),and (j), Council may reduce the maximum allowable under each criteria in order to protect the quality of life of residents within existing neighbourhoods;*
 - (n) any and all other matters applicable to the subdivision and servicing of the lands, the provision of parkland and the effects of the development on community services as set out in policy IP- 1(c) and, for specific uses which are otherwise subject to development agreements, the specific considerations required by the text and policies of this Plan; and*

Policy H-3C *For each phase of development in the CDD, detailed site plans shall be submitted.*

In addition to the provisions of any agreement pursuant to Policy H-3B, detailed site plans shall provide the following information:

- (a) the design, exterior appearance, signage, elevations and landscaping of multi-unit buildings, institutional buildings and commercial buildings;*
- (b) the dimensions of all yards and the physical nature of measures to integrate or buffer adjacent uses;*
- (c) the details of layout, lighting and landscaping of parking areas for multi-unit residential development, institutional and commercial development;*
- (d) the provision of useable amenity areas including indoor and outdoor recreational facilities for multi-unit residential developments;*

- (e) *a tentative subdivision plan showing all municipal services and proposed building locations;*
- (f) *grading plans or other information regarding the method of developing, protecting or restoring significant physical features of the site during construction;*
- (g) *a projected time frame for construction;*
- (h) *the location, size and number of vehicular access points to all developments;*
- (i) *landscaping and maintenance plans for multi-unit residential, commercial and institutional uses;*
- (j) *the details of street scape aesthetics (landscaping, street trees, etc.); and*
- (k) *any additional information required to be able to assess the proposal in terms of the concept plan and any approved development agreements.*

Policy H-3D *It shall be the intention of Council that all or part of an agreement made pursuant to policies H-3A, H-3B and H-3C may be discharged upon completion of the development or upon completion of particular phases of the development. Upon discharging part or all of any agreement, Council shall zone the lands to reflect the intent of the agreement or by creating a specific zone for the site.*

Policy H-3E *It shall be the intention of Council to consider the zoning of lands within the Plan area that meet the criteria for a CDD by amendment to the Land Use By-law. (RC-Jan 12/99;E-Jun 26/99)*

Commercial

In past years there has been interest in developing a 26 acre parcel (known as the 'Hammerling' lands) for commercial (and some residential) development. However, attempts to rezone lands have met with opposition due to concerns about the possibility of having a large commercial development in very close proximity to an established residential neighbourhood (Summit Heights). To date, the planning strategy has identified no specific objectives for the future development of these lands beyond single family residential uses. The size and location of the parcel presents an opportunity for mixed infill development, including commercial, residential, institutional and recreational uses. Commercial uses, if developed, shall be located on the north-western portion of the site, have direct access/egress to and from Portland Street, not exceed 40 percent of the total parcel, and only provide vehicular connections to abutting residential uses where circumstances clearly demonstrate improvements to the overall road network and residential community would be realized. Residential uses shall be integrated with the existing street network and residential neighbourhood and pedestrian linkages shall be provided between new and existing neighbourhoods and any new commercial development.

To ensure development of the Hammerling lands occurs in a sensitive and comprehensively planned manner, and to prevent it from developing in an ad-hoc fashion, a comprehensive development district (CDD) zone shall be applied. Future development shall only be permitted through a development agreement process.

Policy C-23 *It shall be the intention of Council to apply a Comprehensive Development District (CDD) Zone to the parcel described as 506 Portland Street (PID #226514) to ensure future development of these lands proceeds in a comprehensive manner. Uses to be considered include commercial, residential, institutional and recreational uses.*

Policy C-24 *Pursuant to the requirements of the Municipal Act, development within a CDD shall be subject to a development agreement. Prior to considering any agreement within a CDD, Council shall require a concept plan for the entire landholding. The concept plan shall include the following information, some or all of which may be made part of any agreement as Council deems necessary to fully describe and control the development:*

- (a) a map(s) and assessment of the physical nature of the land, including its topography, mature vegetation, natural features restricting development and any significant environmental characteristics;*
- (b) a transportation plan, including vehicular, pedestrian and public transit systems, and traffic impact analysis sufficient to evaluate the internal and off-site implications of the systems;*
- (c) the method of providing municipal sewerage, water and storm services to the development;*
- (d) the general phasing of the development;*
- (e) the distribution and nature of all land uses; and*
- (f) the proposed distribution of differing land uses (residential, commercial, institutional, recreational) of the whole development and each of its phases.*

Policy C-25 *In addition to the provisions of Policy C-24, Council shall consider the following prior to approving any agreement within a CDD:*

- (a) the appropriateness of the proposed mix of land uses;*
- (b) no more than 40% of the total area of the parcel is developed for commercial use, the commercial use is located and oriented toward Portland Street, access and egress to and from the commercial use is to/from Portland Street, and no vehicular connection is provided between commercial and residential uses except where it can be clearly demonstrated improvements to the overall road network and residential community would be realized;*
- (c) the impact of proposed traffic volumes on existing street networks;*
- (d) the compatibility of various land uses, within and adjacent to the development, and measures proposed to integrate and buffer uses. (Compatibility shall refer to the type, bulk, scale and density of land use. Buffering shall refer to measures taken to mitigate impacts on adjacent uses, such as separation distances, retention of existing vegetation and the installation of suitable screening features such as new vegetation, berming and/or fencing);*
- (e) the adequacy of measures to minimize disruption of existing terrain, vegetation, watercourses and other physical features and to mitigate against the potential for disruption;*
- (f) the hours of operation of commercial uses;*
- (g) the adequacy of environmental protection measures and erosion and sedimentation control mechanisms including the implementation of an effective storm water management plan; and*
- (h) any and all other applicable matters as set out in Policy IP-1(c).*

Policy C-26 *For each phase of development in the CDD, detailed site plans shall be submitted providing the following information:*

- (a) *the design, exterior appearance, signage, elevations and landscaping of the proposed building(s);*
- (b) *the dimensions of all yards and the physical nature of all measures to integrate and buffer relative to adjacent uses;*
- (c) *the details of site layout, parking, landscaping and lighting;*
- (d) *a servicing plan showing all municipal services and location of building(s);*
- (e) *an environmental protection plan;*
- (f) *grading plans or other information regarding the method of developing, protecting or restoring significant physical features of the site during construction;*
- (g) *the location, size and number of vehicular access points;*
- (h) *landscaping and maintenance plans;*
- (i) *the details of street scape features (landscaping, street trees, etc.)*
- (j) *a projected time frame for construction; and*
- (k) *any additional information required to assess the proposal.*

(RC-May 11/99;E-Jun 26/99)

Policy C-27 *It shall be the intention of Council that all or part of an agreement made pursuant to Policies C-24, C-25 and C-26 may be discharged upon completion of the development or upon completion of particular phases of the development. Upon discharging part or all of any agreement, Council shall zone the lands to reflect the intent of the agreement or by creating a specific zone for the site. (RC-May 11/99;E-Jun 26/99)*

Policy C-28 *It shall be the intention of Council to consider, by development agreement, commercial development, including regional retail facilities, on those lands known as Civic Number 560 Portland Street (Baker Drive Extension) [PID #40131419] and Civic Number 590 Portland Street (Baker Drive Extension) [PID #40685653] and shown on Map 9q. In considering the approval of such agreements, Council shall have regard to the following:*

- (i) *the impacts of the development on the surrounding road network and the effectiveness of any proposed improvements to the road network to maintain or achieve a satisfactory level of traffic flow and circulation. Such improvements shall be the responsibility of the developer unless otherwise approved by Council.*
- (ii) *the impacts of the development on the natural environment, particularly Russell Lake, and the effectiveness of any proposed stormwater management system and erosion and sediment control program. In this regard, the developer shall be responsible for the design and construction of an adequate detention pond/wetland stormwater management system and a monitoring program for Russell Lake to determine the effectiveness of the system. Notwithstanding the environmental protection measures contained in Policy ML-11 (e) and (f) of this Plan, any developments on the property shall adequately address all applicable criteria as contained in Policies ML-10, ML-11 and ML-12.*
- (iii) *the adequacy of buffering and separation distances from abutting properties that are developed or may be developed for residential purposes.*
- (iv) *the adequacy of site landscaping, including parking areas, to enhance the attractiveness of the development.*
- (iv) *the adequacy of the architectural design of any building, including but not limited to exterior materials, colour, elevation detailing, in order to enhance the*

- visual appearance of the project.*
- (v) *the adequacy of controls concerning any proposed outdoor storage or display, loading/unloading facilities, solid waste facilities, lot and building lighting and signage.*
- (vi) *the maintenance of the buildings and property, including matters related to environmental protection and stormwater management system.*
- (vii) *hours of operation.*
- (viii) *any and all other matters applicable to the development of the lands as set out in Policy IP-1 (c) of this Plan.*

(RC-May 11/99;E-Jun 19/99)

Implementation

Policy IP-1(c)

In considering zoning amendments and contract zoning, Council shall have regard to the following:

- (1) *that the proposal is in conformance with the policies and intent of the Municipal Development Plan*
- (2) *that the proposal is compatible and consistent with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale of the proposal*
- (3) *provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries*
- (4) *that the proposal is not premature or inappropriate by reason of:*
 - (i) *the financial capability of the City is to absorb any costs relating to the development*
 - (ii) *the adequacy of sewer and water services and public utilities*
 - (iii) *the adequacy and proximity of schools, recreation and other public facilities*
 - (iv) *the adequacy of transportation networks in adjacent to or leading to the development*
 - (v) *existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas*
 - (vi) *preventing public access to the shorelines or the waterfront*
 - (vii) *the presence of natural, historical features, buildings or sites*
 - (viii) *create a scattered development pattern requiring extensions to truck facilities and public services while other such facilities remain under utilized*
 - (ix) *the detrimental economic or social effect that it may have on other areas of the City.*
- (5) *that the proposal is not an obnoxious use*
- (6) *that controls by way of agreements or other legal devices are placed on proposed developments to ensure compliance with approved plans and coordination between adjacent or near by land uses and public facilities. Such controls may relate to, but are not limited to, the following:*
 - (i) *type of use, density, and phasing*
 - (ii) *emissions including air, water, noise*
 - (iii) *traffic generation, access to and egress from the site, and parking*
 - (iv) *open storage and landscaping*
 - (v) *provisions for pedestrian movement and safety*
 - (vi) *management of open space, parks, walkways*
 - (vii) *drainage both natural and sub-surface and soil-stability*
 - (viii) *performance bonds.*
- (7) *suitability of the proposed site in terms of steepness of slope, soil conditions, rock outcroppings, location of watercourses, marshes, swamps, bogs, areas subject to flooding, proximity to major*

- highways, ramps, railroads, or other nuisance factors*
- (8) *that in addition to the public hearing requirements as set out in the Planning Act and City by-laws, all applications for amendments may be aired to the public via the “voluntary” public hearing process established by City Council for the purposes of information exchange between the applicant and residents. This voluntary meeting allows the residents to clearly understand the proposal previous to the formal public hearing before City Council*
- (9) *that in addition to the foregoing, all zoning amendments are prepared in sufficient detail to provide:*
- (i) Council with a clear indication of the nature of proposed development, and*
 - (ii) permit staff to assess and determine the impact such development would have on the land and the surrounding community*
- (10) *Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy IC-6”, 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)*