

Item No. 11.1.6
Halifax Regional Council
March 18, 2014

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by
Mike Labrecque, Acting Chief Administrative Officer

Original Signed by Director

Brad Anguish, Director, Community and Recreation Services

DATE: February 24, 2014

SUBJECT: **Case 19056: Amendments to the Sackville MPS and LUB to enable townhouse and multiple unit development on Walker Service Road, Lower Sackville**

ORIGIN

Application by W.M. Fares Group Limited, on behalf of Cascade Property Group

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Part VIII, Planning & Development

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Authorize staff to initiate the process to consider amending the Sackville Municipal Planning Strategy and Land Use By-law to permit site-specific policy to consider townhouse and multiple unit development at 26 and 34 Walker Service Road, Lower Sackville, as shown on Map 1; and
2. Request that staff follow the public participation program as approved by Council in February 1997.

BACKGROUND

An application has been received from W.M. Fares Group Limited to amend the Sackville Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to enable consideration of townhouse and multiple unit development on the properties identified as PID #40124398, 40699829, 40706822 and 40695561, on the Walker Service Road, Lower Sackville. The applicant is proposing to construct a new public street off Walker Service Road to provide access to 32 new townhouse units and a 4 storey, 64 unit, multiple unit dwelling. In the Sackville Plan Area, proposals for townhouse development (where each dwelling unit is located on a separate lot and has direct access to a public street), are considered by rezoning, while multiple unit dwellings (containing more than 6 units) are considered by development agreement (Attachment A). This proposal seeks the addition of a site-specific amendment to the Sackville MPS, whereby both townhouse and multiple unit development can be considered on the same site through a single planning mechanism, such as a development agreement. This MPS amendment requires the initiation of a planning process by Regional Council.

Location, Designation, Zoning, Surrounding Land Use and Proposal:

Subject Property	26 and 34 Walker Service Road, Lower Sackville (PID# 40124398, 40699829, 40706822 and 40695561)
Location	On the south side of Walker Service Road, bordering residential uses to the east and west, and a large vacant parcel to the south owned by National Defence (Government of Canada) (Map 1).
Lot Area	Total area of the site is approximately 10.2 acres (4.1 hectares)
Designation	Rural Residential under the Sackville MPS (Map 1)
Zoning	The site consists of two different zones under the LUB (Map 2): <ul style="list-style-type: none"> • Portion of site (PID# 40699829 and 40706822) zoned C-2 (Community Commercial), and • Portion of site (40695561 and 40124398) zoned R-6 (Rural Residential).
Surrounding Uses	Predominantly single unit dwelling uses located to the north, east and west (Map 2).
Current Use(s)	<ul style="list-style-type: none"> • Portion of site (PID# 40695561) is currently developed with a single unit dwelling; and • Remaining portion of the site (PID# 40699829, 40706822 and 40124398) contains a single unit dwelling, a garage and accessory structures.

<p>Previous Use(s)</p>	<ul style="list-style-type: none"> • single unit residential dwelling; • a salvage yard, and • a gravel pit/ quarry operation.
<p>Proposal</p>	<ul style="list-style-type: none"> • Lands are proposed to contain a 63 unit multiple unit dwelling and 32 townhouse units; and • Access to the proposed development is proposed via a new street from Walker Service Road.

DISCUSSION

Amendments to an MPS are generally not considered unless it can be shown that circumstances warrant such a change to policy. Typically, these types of amendments require substantial justification to be considered. In this case the applicant has included the following rationale for their proposal:

- *Policy UR-8 of the Sackville MPS allows Council to consider the creation of new multiple unit dwellings, on serviced lands within the Rural Residential Designation, through consideration of a development agreement. However, the subject policy does not allow for consideration of other forms of residential development, such as townhouses under the same planning mechanism (development agreement). Townhouse development, where each dwelling unit is located on a separate lot and has direct access to a public street, is under separate plan policy (UR-5) through consideration of amendments to the Land Use By-law (rezoning). We believe that the subject site warrants a specific policy that would allow for consideration of both a multiple unit dwelling and townhouse development under one planning mechanism (preferably a development agreement). This would allow Council to consider a comprehensive development design for the site rather than two separate proposals considered under two separate planning mechanisms.*
- *Some of the defining site characteristics are:*
 - *Large size of property (over 10 acres);*
 - *Large portion of site located within the municipal service boundary;*
 - *Property has residential and commercial zoning, which allows increased density through greater service capacity;*
 - *Existing low density residential uses to the North, East and West of the site; and,*
 - *Vacant Government owned land located to the south of the site.*

Considering the above noted site parameters, a more comprehensive site specific plan amendment approach would allow for a site design that is more consistent with plan policy and more compatible with existing adjacent land uses.

The Sackville MPS enables the consideration of multiple unit dwellings and townhouses, albeit through two separate policies. The result is that two separate discretionary planning mechanisms apply (rezoning and development agreement), and each form of development would be considered in isolation. This may result in a site design that is less unified and compatible with adjacent existing development.

To simplify the process and create a more comprehensive approach to site design, a site specific policy can address issues such as a mix of unit type, design at ground level, parking locations, parkland, open space, buffering, retention of significant vegetation stands, and the relationship to and mitigation of impacts to adjacent properties. Should Council agree to initiate this application, in addition to consultation with residents and property owners, efforts can be undertaken to consider community compatibility. A review of these matters, amongst others, would occur as part of the plan amendment and application process.

Proposed Site Design

The subject proposal, as shown on Map 3, seeks generally to locate the higher density use (multiple unit dwelling) on the southern portion of the site, immediately adjacent to the large vacant parcel owned by National Defence. As proposed, the townhouse development is located along a new public street from Walker Service Road and is concentrated along the northwestern portion of the site. This proposed site design enables increased separation between the proposed multiple unit dwelling and existing low density development located along Walker Service Road, Old Sackville Road and Scott Edward Drive. Further, the location of the townhouse development may serve as a transition between the existing low density development and the proposed multiple unit dwelling.

Conclusion

Staff is of the opinion that the proposal to consider a change to the MPS to support a site-specific policy to consider townhouse and multiple unit development on the subject site is appropriate at this time. Should Regional Council authorize staff to initiate a process to consider MPS and LUB amendments, an opportunity will be provided to investigate and discuss compatibility, the potential impact on the surrounding residential area, and site design features with the public. Therefore, staff recommends that Regional Council initiate the request to consider amending the Sackville MPS and LUB to enable a site-specific amendment as discussed above.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2013/14 operating budget for C310 Planning & Applications.

COMMUNITY ENGAGEMENT

Should Council choose to initiate the MPS amendment process for this proposal or to enable an alternate proposal, the *HRM Charter* requires that Regional 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 consider amending the Sackville MPS and LUB to permit site-specific policy to consider townhouse and multiple unit development at 26 and 34 Walker Service Road, Lower Sackville. This is the staff recommendation. A decision of Council to initiate a process to consider potential amendments is not appealable.
2. Council may choose to initiate the consideration of potential policy amendments that would differ from those outlined in this report. This alternative is not recommended, as staff believes there is merit in considering the MPS and LUB amendments as presented in this report.
3. Council may choose not to initiate the MPS amendment process. This alternative is not recommended, as staff believes there is merit in considering the MPS and LUB amendments as presented in this report. A decision of Council not to initiate a process to consider amending the MPS is not appealable.

ATTACHMENTS

Map 1	Generalized Future Land Use
Map 2	Zoning
Map 3	Concept Site Plan
Attachment A	Excerpts from the Sackville MPS

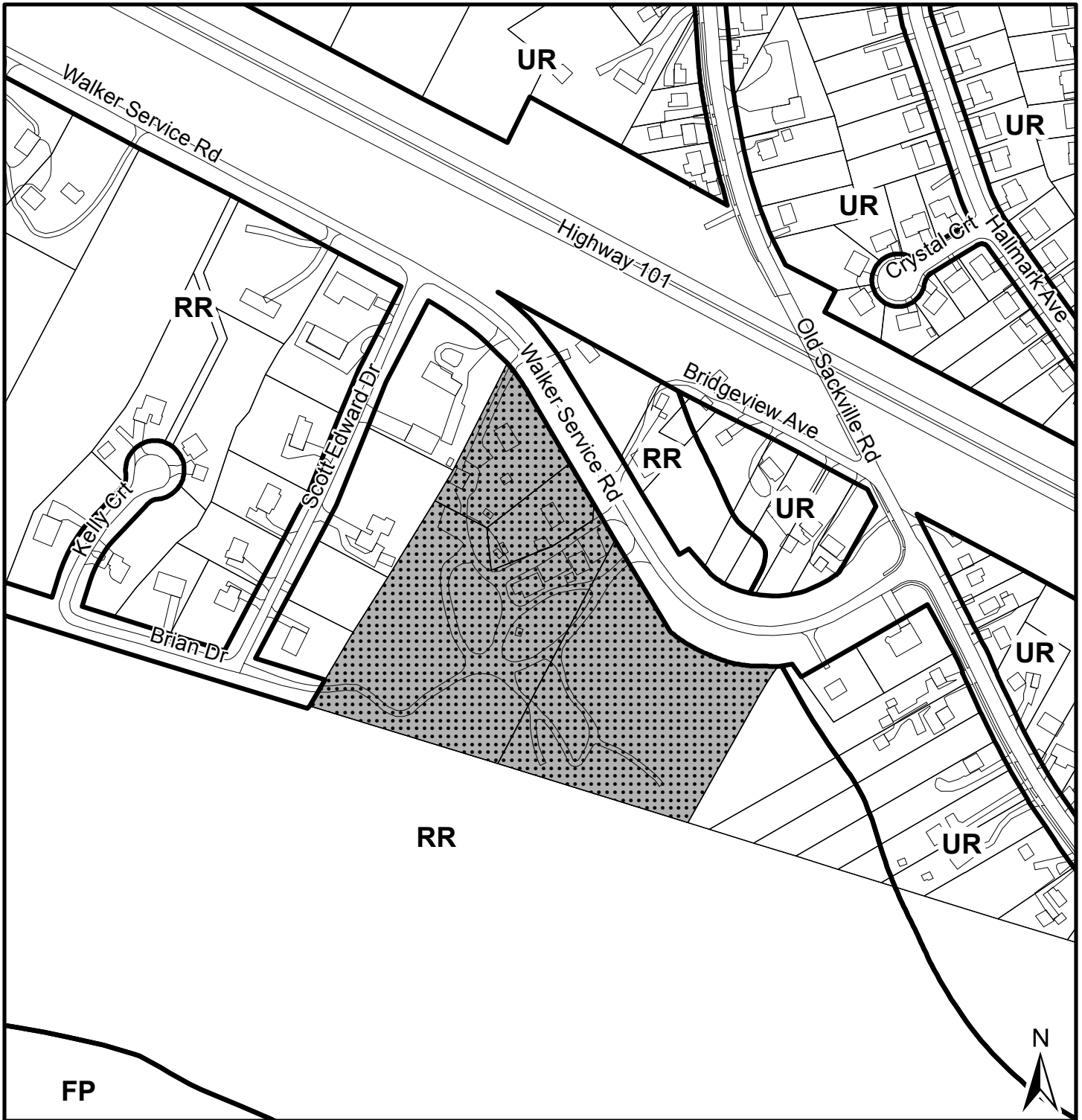
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Tyson Simms, Planner I, 490-4843

Report Approved by: _____
Kelly Denty, Manager of Development Approvals, 490-4800


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

Report Approved by: _____
Brad Anguish, Director of Community & Recreation Services, 490-4933



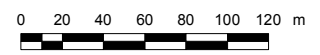
Map 1 - Generalized Future Land Use

PID's 40124398, 40699829,
40706822 and 40695561

 Subject Properties

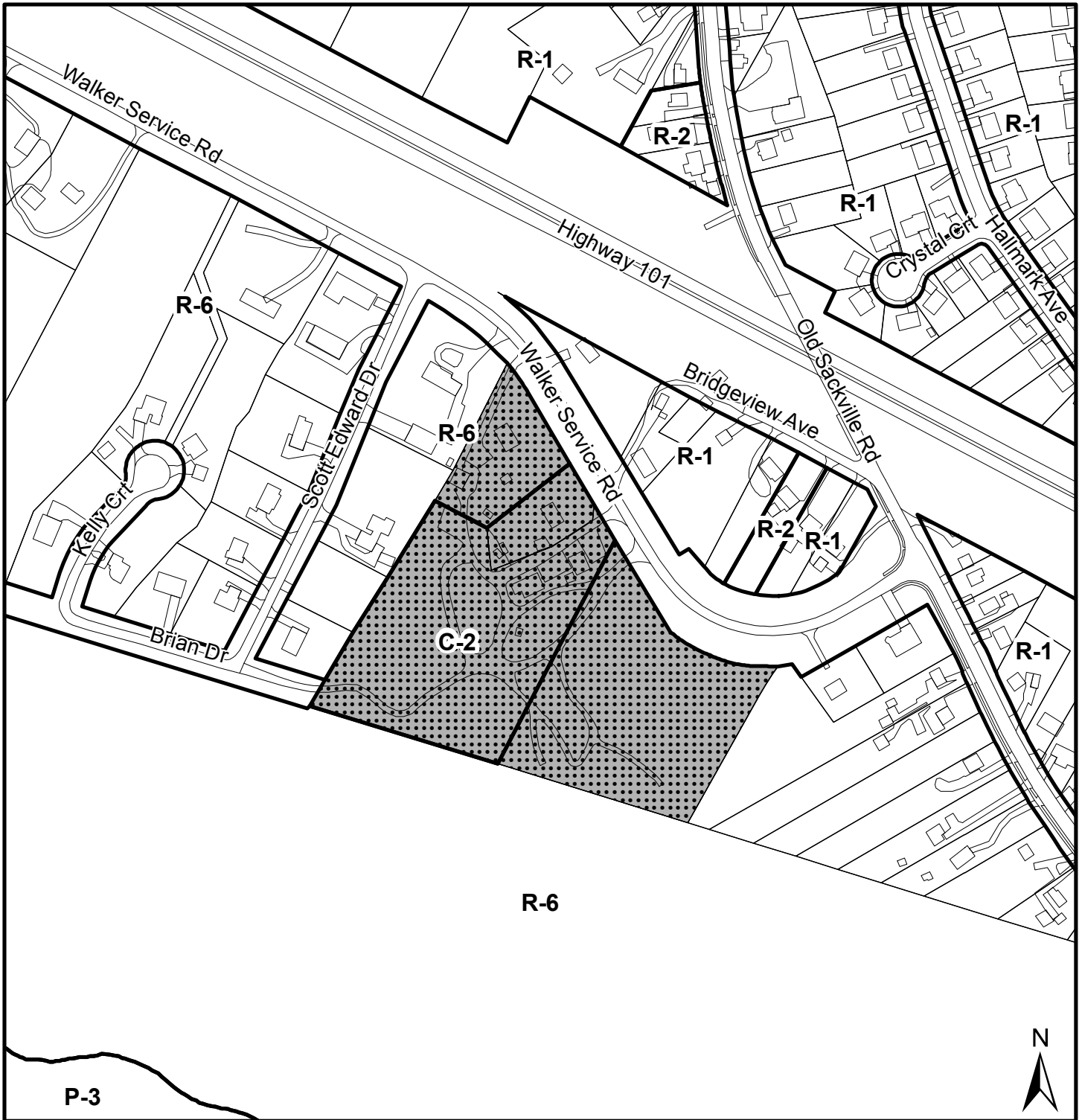
- Designations**
- UR Urban Residential
 - RR Rural Residential
 - FP Floodplain

Sackville
Plan Area



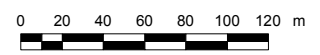
This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

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



Map 2 - Zoning

PID's 40124398, 40699829,
40706822 and 40695561



 Subject Properties

Zones

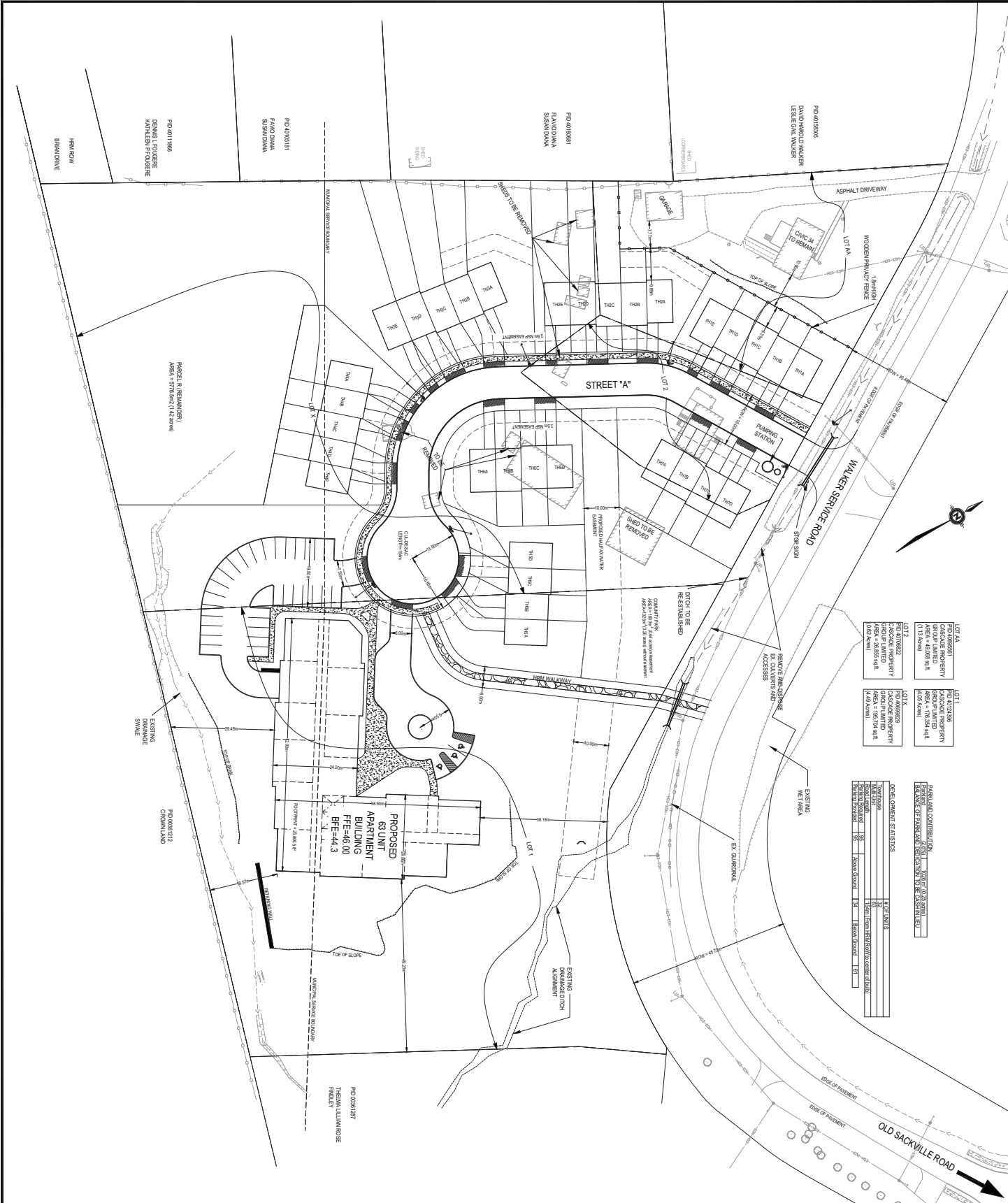
- R-1 Single Unit Dwelling
- R-2 Two Unit Dwelling
- R-6 Rural Residential
- C-2 Community Commercial

This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

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

Sackville
By-Law Area

May 21, 2013



LOT #	AREA (SQ FT)	AREA (ACRES)	ZONING	OWNER
LOT 1A	10,000	0.23	BE-4A.3	PO 0000884
LOT 1B	10,000	0.23	BE-4A.3	PO 0000885
LOT 1C	10,000	0.23	BE-4A.3	PO 0000886
LOT 1D	10,000	0.23	BE-4A.3	PO 0000887
LOT 1E	10,000	0.23	BE-4A.3	PO 0000888

TYPE	LENGTH (FT)	WIDTH (FT)	AREA (SQ FT)	AREA (ACRES)
APARTMENT BUILDING	100	460	46,000	1.05
PARKING	100	100	10,000	0.23
PUMPING STATION	20	20	400	0.009

ITEM	QUANTITY	UNIT PRICE	TOTAL
APARTMENT BUILDING	1	46,000	46,000
PARKING	1	10,000	10,000
PUMPING STATION	1	400	400

PROPOSED 83 UNIT APARTMENT BUILDING
FTE=46,000
BE-4A.3

PROPOSED 100 SPACES

PROPOSED PUMPING STATION

KEY PLAN
SCALE: 1/20,000

WALKER SERVICE ROAD DEVELOPMENT

DETAILED SITE PLAN

DATE: 20130621

SCALE: 1/15,250

SHEET NO: 5

WM FARES GROUP

1001 1st Street, North, Portland, OR 97227

503.463.2205 www.wmfares.com

Attachment A
Excerpts from the Sackville MPS

Rural Residential Designation

Although it is not generally intended that municipal services will extensively serve the Rural Residential Designation, there are some areas where such services are available. It is considered appropriate to permit the consideration of higher density types of residential development within these areas in the same manner as they would be considered within the Urban Residential Designation. Similarly, mobile homes on individual lots and local commercial developments may also be considered throughout the Rural Residential Designation.

Policy RR-3

Notwithstanding Policy RR-2, any portion of the Rural Residential Designation, in which municipal central services are available, it shall be the intention of Council to consider permitting two unit dwellings, multiple unit dwellings and townhouse dwellings according to Policies UR-4, UR-5 or UR-6 and UR-7 or UR-8, respectively. It shall further be the intention of Council to consider mobile homes on individual lots and local commercial developments within the Rural Residential Designation according to Policies UR-26 and UR-18, respectively.

Townhouse Dwelling Units

Townhouse development will be accommodated through both the rezoning and development agreement processes. The rezoning process is most appropriate where each individual townhouse unit has direct frontage and driveway access onto a public street, while the development agreement mechanism provides an opportunity for individual units to have frontage and access on to an internal road access located within the area covered by the development agreement. Normal subdivision regulations which require direct frontage and access can be varied by the development agreement.

In considering a proposal for townhouse development, care must be taken to ensure that such units are properly integrated into the community. Characteristics of townhouse developments such as numerous closely spaced driveways, grouped dwelling units, and front yard parking, require that care be taken in siting townhouse development. Controls established in a townhouse zone or through a development agreement will address building and site design details in order to achieve compatibility with adjacent residential development.

Policy UR-5

Notwithstanding Policy UR-2, within the Urban Residential Designation, it shall be the intention of Council to establish a townhouse zone which permits townhouse dwellings where each dwelling unit is located on a separate lot and has direct access to a public street. Within the zone, there will be controls on parking areas, driveways and access locations, as well as controls on the maximum number of units per building. Council shall only permit new townhouse dwellings by amendment to the land use by-law and with regard to the following:

- (a) that individual dwelling units do not have direct access to an arterial or major collector street, as defined on Map 3, Transportation;
- (b) that municipal central services are available and capable of supporting the development;

- (c) the adequacy of separation distances from low density residential developments;
- (d) the impact on traffic circulation and, in particular, sighting distances and entrances and exits to the site;
- (e) preference for a site in close proximity to community facilities such as schools, recreation areas and bus routes; and
- (f) the provisions of Policy IM-13.

Multiple Unit Dwellings

The demand for multiple unit dwellings is expected to continue in response to the diversified housing needs of the general population. In order to provide high quality multiple unit accommodation while avoiding significant impacts of existing land uses, such uses will be considered by both rezoning and development agreement. Smaller scale multiple unit developments up to six units will be considered by rezoning, while larger scale multiple unit developments over six units will be considered by development agreement. The development agreement approach will provide site-specific control intended to ensure that community concerns with such matters as appropriate density and scale of development, landscaping, site design and separation from low density residential development are adequately addressed.

UR-8

Notwithstanding Policies UR-2 and UR-7, within the Urban Residential Designation, it shall be the intention of Council to consider multiple unit dwellings over six (6) dwelling units, according to the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the following:

- (a) the adequacy of separation distances from low density residential developments;
- (b) that the height, bulk, lot coverage and appearance of any building is compatible with adjacent land uses;
- (c) that site design features, including landscaping, amenity areas, parking areas and driveways, are of an adequate size and design to address potential impacts on adjacent development and to provide for the needs of residential of the development;
- (d) preference for a site in close proximity to community facilities such as schools, recreation areas and transit routes;
- (e) that municipal central services are available and capable of supporting the development;
- (f) that appropriate controls are established to address environmental concerns, including stormwater controls, based on a report from the appropriate Municipal, Provincial, and/or Federal Government authority;
- (g) that the proposed development has direct access to a local street, minor collector or major collector as defined in Map 3 - Transportation;
- (h) that it is not being considered on lands which are presently zoned and developed for either single or two unit dwelling purposes nor where it is intended to replace a single or two unit dwelling which has been demolished, removed or destroyed by fire;
- (i) the impact on traffic circulation and, in particular, sighting distances and entrances and exits to the site;
- (j) general maintenance of the development; and
- (k) the provisions of Policy IM-13.

IM-13

In considering amendments to the land use by-law or development agreements, in addition to all other criteria as set out in various policies of this planning strategy, the Sackville Community Council shall have appropriate regard to the following matters:

- (a) that the proposal is in conformity with the intent of this planning strategy 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 sewer and water services;
 - (iii) the adequacy or proximity of school, recreation and 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 steepness of grades, soil and geological conditions, locations of watercourses, potable water supplies, marshes or bogs and susceptibility to flooding;
- (e) any other relevant matter of planning concern; and
- (f) 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.