



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 9.3

Halifax Regional Council

June 2, 2015

June 23, 2015

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed

SUBMITTED BY:

Councillor Steve Craig, Chair, North West Community Council

DATE: May 28, 2015

SUBJECT: Tantallon Crossroads: Follow-up Amendments to Planning Districts 1 and 3 Land Use By-law and Municipal Planning Strategy

ORIGIN

May 25, 2015 meeting of North West Community Council, Item No. 10.1.7

LEGISLATIVE AUTHORITY

Section 25(c) of the *Halifax Regional Municipality Charter* sets out the powers and duties of Community Council to include "recommending to the Council appropriate by-laws, regulations, controls and development standards for the community."

RECOMMENDATION

It is recommended by North West Community Council that Halifax Regional Council:

1. Give First Reading to the amendments to the Secondary Planning Strategy and Land Use By-Law for Planning District 1 & 3 as set forth in Attachment A of the staff report dated May 7, 2015
2. Set the date for a Public Hearing to consider the amendments to the Secondary Planning Strategy and Land Use By-Law for Planning District 1 & 3 as set forth in Attachment A of the staff report dated May 7, 2015.

BACKGROUND

A staff report dated May 7, 2015 pertaining to Follow-up Amendments to Planning Districts 1 and 3 Land Use By-law and Municipal Planning Strategy – Tantallon Crossroads was before North West Community Council at its meeting held on May 25, 2015.

For further information please refer to the attached staff report dated May 7, 2015

DISCUSSION

North West Community Council reviewed this matter at its meeting held on May 25, 2015 and forwarded the recommendation to Regional Council as outlined in this report.

FINANCIAL IMPLICATIONS

As outlined in the attached staff report dated May 7, 2015.

COMMUNITY ENGAGEMENT

All meetings of North West Community Council are open to the public. The agenda and reports are provided online in advance of the meeting.

ENVIRONMENTAL IMPLICATIONS

As outlined in the attached staff report dated May 7, 2015.

ALTERNATIVES

North West Community Council did not discuss alternatives.

ATTACHMENTS

1. Staff report dated May 7, 2015
2. Memorandum from the St. Margaret's Bay Coastal Planning Advisory Committee dated April 23, 2015.

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Liam MacSween, Legislative Assistant, 902.490.6521



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Attachment 1
North West Community Council
May 25, 2015

TO: Chair and Members of North West Community Council

Original Signed

SUBMITTED BY:

Bob Bjerke, Chief Planner, Director of Planning and Development

DATE: May 7, 2015

SUBJECT: **Tantallon Crossroads: Follow-up Amendments to Planning Districts 1 and 3
Land Use By-law and Municipal Planning Strategy**

ORIGIN

On January 21, 2015, North West Community Council passed the following motion:

"North West Community Council recommends that Halifax Regional Council direct staff:

1. *To initiate a process to consider amendments to the District 1 & 3 Municipal Planning Strategy and the District 1 & 3 Land Use By-law to address three land use requests as follows:*
 - a) *In the Village Residential Zone, to allow places of worship, and possibly other community buildings, exceeding the maximum building footprint and with distinctive architectural features;*
 - b) *In the Village Gateway Zone, to add the Atlantic Superstore property to Schedule N to be consistent with policies governing adjacent properties; and*
 - c) *In the Village Gateway Zone, to expand the list of permitted uses within Schedule P to include other uses comparable to uses existing on the date of its adoption.*
2. *To follow the Public Participation Program for the MPS amendment process as approved by Council in February 1997."*

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Part VIII – Planning and Development

RECOMMENDATION

It is recommended that North West Community Council recommend that Halifax Regional Council:

1. Give First Reading to the amendments to the Secondary Planning Strategy and Land Use By-Law for Planning District 1 & 3 as set forth in Attachment A; and
2. Set the date for a Public Hearing to consider the amendments to the Secondary Planning Strategy and Land Use By-Law for Planning District 1 & 3 as set forth in Attachment A.

BACKGROUND

At its meeting on July 22, 2014, Halifax Regional Council adopted Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) Amendments for Planning Districts 1 and 3 for Tantallon at the Crossroads (Case 16424). The resulting plan designations and zoning are shown on Maps 1 and 2 respectively. The intent was to retain and enhance the character of a coastal village, and included measures to encourage compatible buildings and land uses, foster appropriate architectural design, respect cultural heritage, encourage active transportation, and protect water resources.

Since that time, North West Community Council has identified elements of the new MPS and LUB provisions which might benefit from further refinement. These elements arose from two sources:

1. **St. Marguerite Bourgeoys Church Proposal:** In December 2014, staff refused a permit renewal for a church proposal on the north side of Hammonds Plains Road, at 18 Scholars Road. The original permit, issued under the former zoning and prior to the application of new policy, had lapsed due to delays in selling another property to raise funds for the new building on Scholars Road. The proposal exceeded the requirements of the Village Residential Zone which limits buildings to a maximum footprint of 297.3 sq. m (3,200 square feet), limits height to 10.7 m (35 feet), and applies architectural requirements.

Because the church had already invested in engineering and architectural design work in compliance with the former zoning regulations, and bearing in mind that other comparable lots might also merit special consideration for community uses, staff and North West Community Council concluded that some limited exceptions to the recently adopted Land Use By-Law regulations may be warranted.

2. **Issues from the Public Hearing:** Immediately following adoption of the new MPS and LUB provisions for Tantallon at the Crossroads, Regional Council had requested a supplementary report on concerns raised at the Public Hearing regarding specific properties, including:
 - a) Choice Properties REIT/Loblaws Companies Ltd. requested inclusion of the property located at 5178 St. Margarets Bay Road (Superstore) in the new Schedule N, which provides strict policies to enable potential future expansion by development agreement. Schedule N already applies to the neighbouring properties.
 - b) Vic and Beruta Heniss requested restoration of the former MU-2 zoning for 5434-5444 St. Margarets Bay Road to enable expansion and diversification of light industrial and commercial operations.

Accordingly, on October 7, 2014 staff provided an Information Report (Attachment B) commenting on the Council requests and providing additional background.

Housekeeping Amendment:

In addition to the components of existing policy referenced above which Council has specifically requested staff to review, staff has subsequently identified a clerical error in the 2014 adoption of MPS and LUB amendments for this area. That error retained a 20 metre buffer between land development or land development related activities and the ordinary high water mark of the East River (Map 4), instead of the 30 metre buffer requirement envisaged in Policy CV-17 of the Municipal Planning Strategy for Planning Districts 1 and 3 (Attachment G).

While Council did not specifically request that staff address this issue, it would be appropriate to amend the existing Land Use By-Law to ensure that it accurately reflects the intent of Council at the time of their 2014 decision.

DISCUSSION

Public Meeting:

The St. Margaret's Bay Coastal Planning Advisory Committee hosted a Public Meeting on March 26, 2015. Minutes of that meeting are provided in Attachment C. Prior to that meeting, the owners of 5434-5444 St. Margarets Bay Road requested that their property be omitted from the proposed amendments at this time, to which the local Councillor and staff agreed. Any future amendments for this property will be considered through a separate process.

Planning Advisory Committee (PAC) Meeting:

Following the Public Meeting, staff provided the St. Margaret's Bay Coastal Planning Advisory Committee (PAC) with a memorandum and presentation on the Tantallon Crossroads Follow-Up Amendments at the Committee's April 22, 2015 meeting.

The Committee felt that any amendments should be limited to the specific properties that had given rise to the requests, and not be extended to other locations. The Committee noted that the Church proposal respected the spirit of the new planning guidelines, of fitting into a traditional coastal village but in a modern expression. The Committee also supported the Superstore property request for inclusion in Schedule N, on the basis of consistency in terms of new policies guiding any future development agreements. Staff emphasized that the Schedule N policies are different from those which had given rise to the neighbouring Cobalt development which is already under construction.

The decision of the PAC generally reflected the feedback received at the public meeting, by limiting the amendments to the church property itself and the Superstore property. The following recommendation to the North West Community Council was agreed upon by the Committee:

The following motion passed as amended:

That the St. Margaret's Bay Coastal Planning Advisory Committee has reviewed the application for the Tantallon Crossroads Follow-Up Amendments and recommends approval of the application as outlined in the memorandum and package dated April 15, 2015, with consideration to the following matters:

- 1. The proposed amendments be restricted to 18 Scholars Road – St. Marguerite Bourgeoys Church Property.*
- 2. The Superstore property is permitted to be added to Schedule N for consistency.*

Policy Analysis – St. Marguerite Bourgeoys Church:

Policy CV-14 of the Planning District 1 & 3 MPS section guiding Tantallon Crossroads envisages that the Village Residential Zone should, among other buildings and activities, allow limited community and institutional uses. The proposed church is such a use, but its size and design would not be permissible under the recently adopted Land Use By-Law regulations for that zone.

In terms of development context, the site is close to a school which is already much larger than the proposed 1213 sq. m (13,060 sq. ft.) church footprint. Direct access to the church would be possible without adding traffic to low-density residential streets. Other large community buildings and several public properties already exist along the north side of Hammonds Plains Road.

The MPS preamble for Tantallon Crossroads states that "community form should be characterized by small building footprints, pitched roofs, and facades with windows and doors oriented to the public street." In the spirit of the community's vision of fitting into a traditional coastal village but in a modern expression,

an argument can be made to enable a larger building footprint for a place of worship. Churches typically require a large sanctuary on a single level, usually with a high ceiling. As a result, multiple storeys are not a viable solution to compensate for small building footprint. Based on input at the Public Meeting, both staff and the Planning Advisory Committee believe that exemptions to existing policy should be limited to the site owned by the church. This recognizes that the parish found itself caught between the former and recently adopted zoning after investing heavily in architectural and engineering work. Moreover, a site-specific exception would limit the impact on the community form as a whole.

The MPS also envisages that siding should reflect traditional styles, whether or not modern materials are used. The proposed church employs architecturally finished concrete, including some elements with horizontal lines reminiscent of more traditional siding, others with smooth panels, and tall, narrow panels embossed with a tree motif for the sanctuary. The tree motif is intended to celebrate the pioneering legacy of St. Marguerite Bougeoys, after whom the parish is named. From a planning perspective, some exceptions to design requirements may be appropriate for places of worship, to accommodate distinctive religious heritage and the specialized function of such buildings.

The parish has sought to accommodate the planning intent to orient new development to pedestrians by reconfiguring its site plan to place all parking to the side and rear of the proposed church. In addition, a canopy proposed over the main door has been enlarged and redesigned. These elements will help ensure a human scaled, pedestrian supportive layout and building entrance.

Policy Analysis - Choice Properties REIT/Loblaw Companies Ltd. (Superstore)

As noted in the October 7, 2014 Information Report (Attachment B), the Choice Properties REIT/Loblaw Companies Ltd. (Superstore) property was not included in Schedule N (Map 3), yet is located between two properties (Cobalt and Canadian Tire) that do fall within that Schedule. Schedule N enables expansion of existing large nonconforming structures by development agreement, provided that any addition is reasonably consistent with the new architectural requirements. Policy CV-7 (Attachment D) requires that any such expansion must reduce the average front yard setback or increase the building height, in an effort to create a greater sense of enclosure by the buildings along the roadway. Also, any new façade must include display windows, awnings and entry doors oriented to the public street.

As explained in the October 7, 2014 report, Schedule N was originally intended to supersede former policies which had already enabled development agreements on specific parcels, but it was also applied to Canadian Tire which does not have a development agreement in place. Given that the Superstore parcel is in a similar situation, there is an argument for adding it to Schedule N to provide comparable opportunities.

During the Public Meeting, however, concern was expressed that any future development agreement under Schedule N, could lead to unintended consequences by resulting in a big-box-style façade. The community had worked with Superstore several years ago in persuading them to provide the gabled frontage which currently exists. Schedule N would not, however, enable a box-style façade, as Policy CV-7 (Attachment D) invokes Policy CV-6 (Attachment E), which in turn requires reasonable adherence to the recently adopted Land Use By-Law Architectural Requirements (Attachment F).

5434-5444 St. Margarets Bay Road and Schedule P:

The owners of these properties have requested that they be removed from consideration in this project. After a meeting between the owners, staff and the local Councillor, it was agreed that any amendments for these properties should be considered in a subsequent process.

Housekeeping Amendment:

MPS Policy CV-17 calls for a minimum 30 metre (98.5 ft) wide riparian buffer along the East River (see Map 4). In connection with the complex amendments undertaken with the adoption of the 2014 Regional Plan around the same time that the new provisions for Tantallon Crossroads were adopted, the necessary Land Use By-Law text was omitted in error, though the map showing the East River was included. Staff suggests that Council use the opportunity afforded by the current package of proposed amendments, to include a housekeeping amendment to rectify this omission. The recommended resolutions are included in Attachment A.

Conclusions:

Based on the input received at the Public Meeting and the foregoing analysis, staff concurs with the recommendation of the St. Margaret's Bay Coastal Planning Advisory Committee, including the stipulation that the proposed amendments should be limited to the two specific properties which gave rise to this initiative: 18 Scholars Road (proposed church), and 5178 St. Margarets Bay Road (Superstore).

In addition, staff recommends that Council use the opportunity afforded by the current package of proposed amendments, to include a housekeeping amendment to rectify the unintended omission from the Land Use By-Law text, of the 30 metre buffer requirement along the East River.

The recommended amendments are provided in Attachment A.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2015/16 operating budget for C310 Planning & Applications.

COMMUNITY ENGAGEMENT

The St. Margaret's Bay Coastal Planning Advisory Committee hosted a Public Meeting on March 26, 2015. Minutes of that meeting are provided in Attachment . On April 22, 2015 the Committee considered the input provided at the public meeting, and received further comments from representatives of the church and the St. Margarets Bay Stewardship Association. The Chair issued a memo outlining the Committee's recommendations on April 23, 2015, with which staff concurs.

The level of community engagement completed in this application was consultation, achieved through a public meeting 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

Proposed amendments to policy would not impact the required environmental standards that would need to be achieved through the permitting process, and as such, no implications have been identified.

ALTERNATIVES

1. Council could recommend that only the church request be accommodated. This would leave the Superstore without any recourse to a development agreement to expand their existing building, raising questions of equity in relation to its neighbours. The landowner could, however, add new small commercial buildings, with or without one residential building, close to the roadway based on the as-of-right provisions of the recently adopted Village Centre Zone.
2. Council could recommend that only the Superstore request be accommodated. This would leave the church unable to implement its longstanding building plans, for which it had earlier received approval but had been delayed due to difficulties in selling another property, during which time their permit lapsed.
3. Council could recommend that neither of the above requests be accommodated. This is not recommended for the reasons contained within this report.

ATTACHMENTS

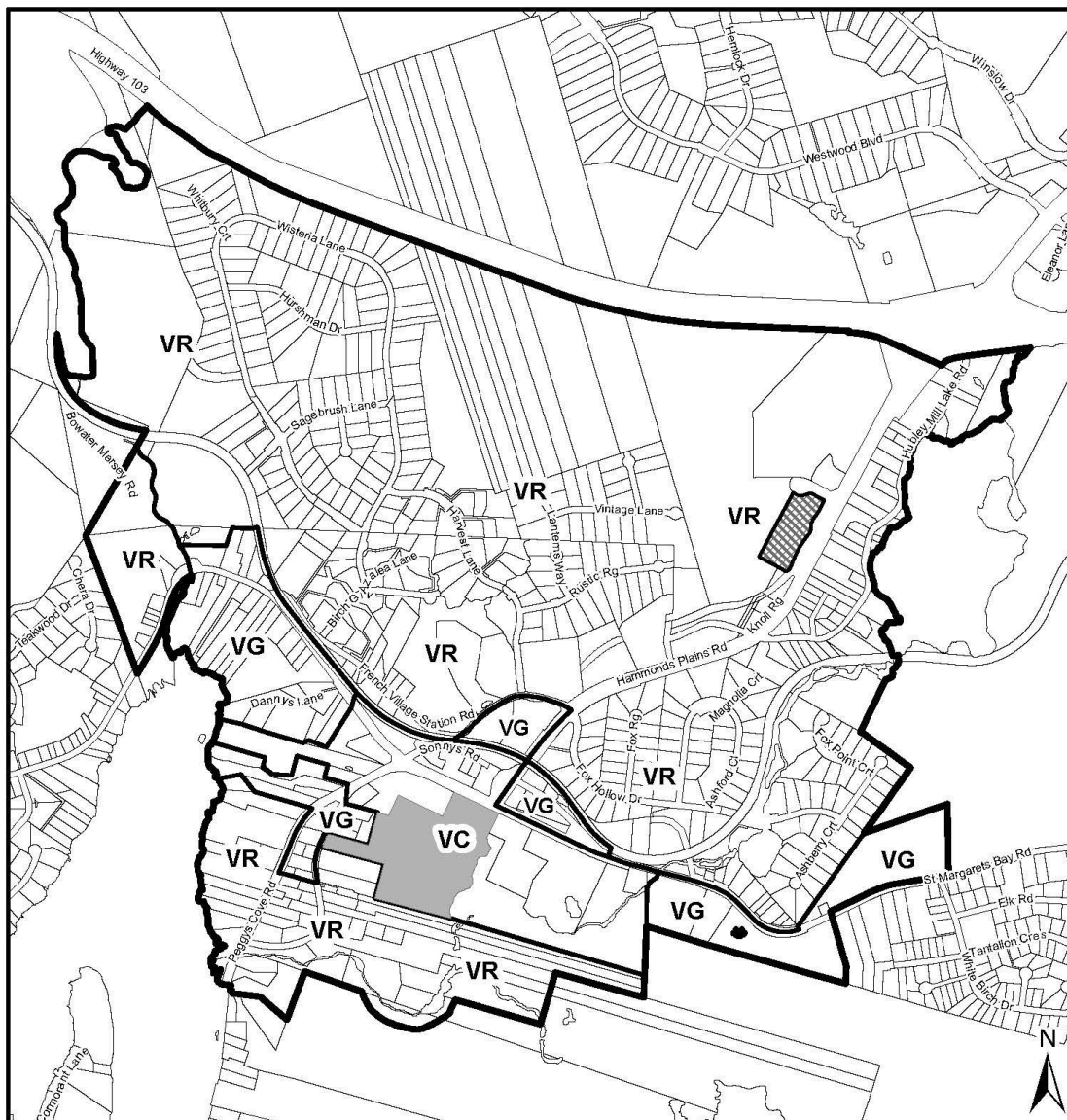
- Map 1: Generalized Future Land Use Map (GFLUM)
- Map 2: Land Use By-law Map
- Map 3: Schedules M, N, O and P
- Map 4: Tantallon Crossroads Coastal Village - East River
- Attachment A: Recommended amendments to the Secondary Planning Strategy and Land Use By-Law for Planning District 1 & 3
- Attachment B: October 7, 2014 Information Report: Follow-Up to Case 16424 – Tantallon Crossroads Plan Review
- Attachment C: March 26, 2015 St. Margaret's Bay Coastal Planning Advisory Committee Public Meeting Minutes
- Attachment D: Tantallon Crossroads Coastal Village Designation Policy CV-7 of the Municipal Planning Strategy for Planning Districts 1 and 3
- Attachment E: Tantallon Crossroads Coastal Village Designation Policy CV-6 of the Municipal Planning Strategy for Planning Districts 1 and 3
- Attachment F: Tantallon Crossroads Coastal Village Designation – Architectural Requirements in Land Use By-Law for Planning Districts 1 and 3
- Attachment G: Tantallon Crossroads Coastal Village Designation Policy CV-17 of the Municipal Planning Strategy for Planning Districts 1 and 3

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Marcus Garnet, Senior Planner 902.490.4481

Original Signed

Report Approved by: Carl Purvis, Acting Supervisor, Regional & Community Planning 902.490.4797




Map 1 - Tantallon Crossroads Coastal Village Designation (MPS)

HALIFAX

Tantallon Crossroads Coastal Village

 Designation Boundary

Subject Properties:

 Church

 Superstore

Planning District 1 & 3
(St Margarets Bay) Plan Area

Sub-Designation

VR Village Residential

VG Village Gateway

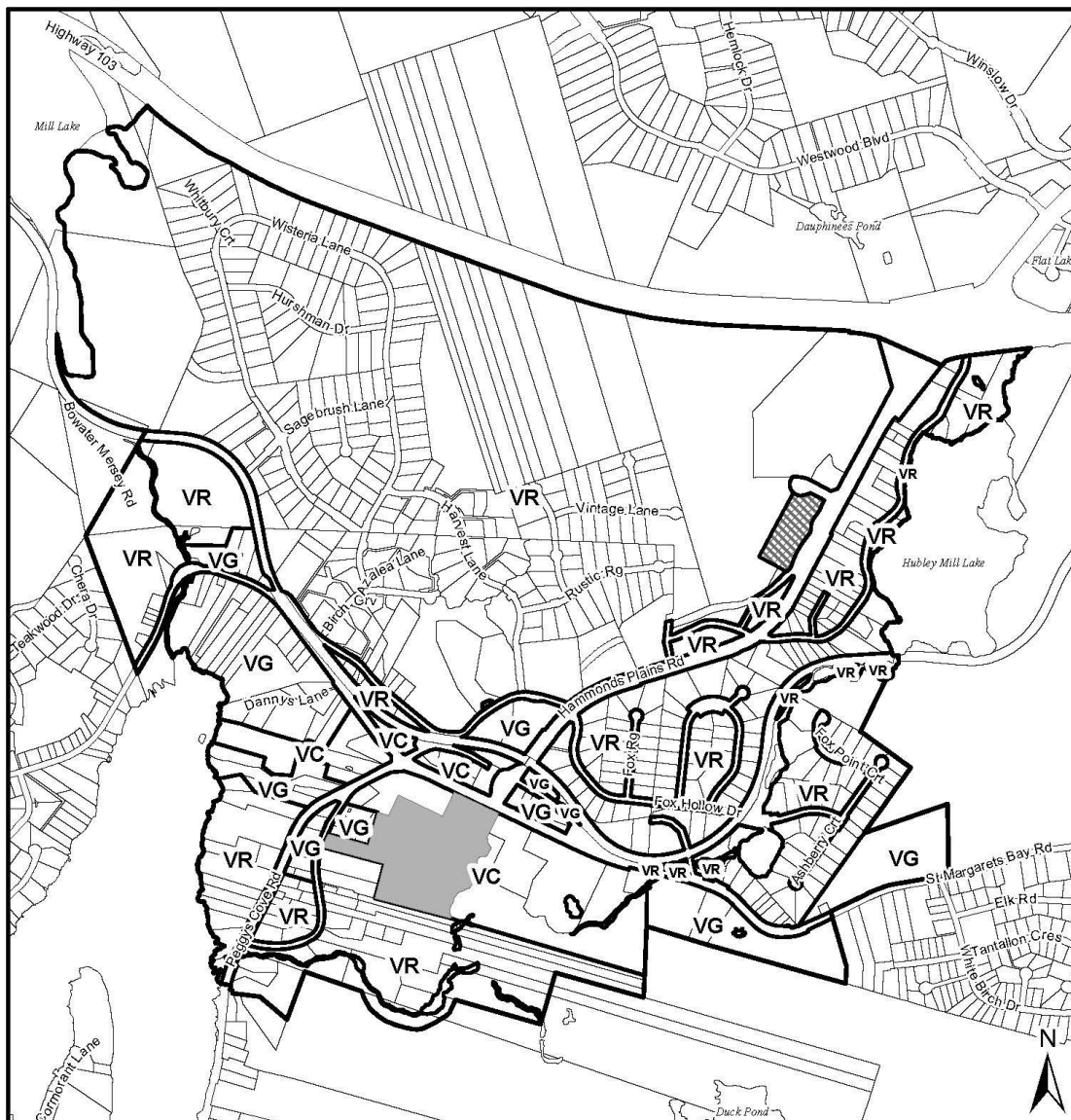
VC Village Centre

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of any representation on this plan.

Effective:

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Map 2 - Tantallon Crossroads Zoning (LUB)

Tantallon Crossroads Coastal Village

Subject Properties:

-  Church
-  Superstore

Planning District 1 & 3
(St Margarets Bay) Plan Area

Zone

- VR Village Residential
- VG Village Gateway
- VC Village Centre

HALIFAX



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



Map 3 - Schedules M, N, O, and P (MPS & LUB)

Tantalion Crossroads Coastal Village

HALIFAX

Subject Properties:

-  Church
-  Superstore

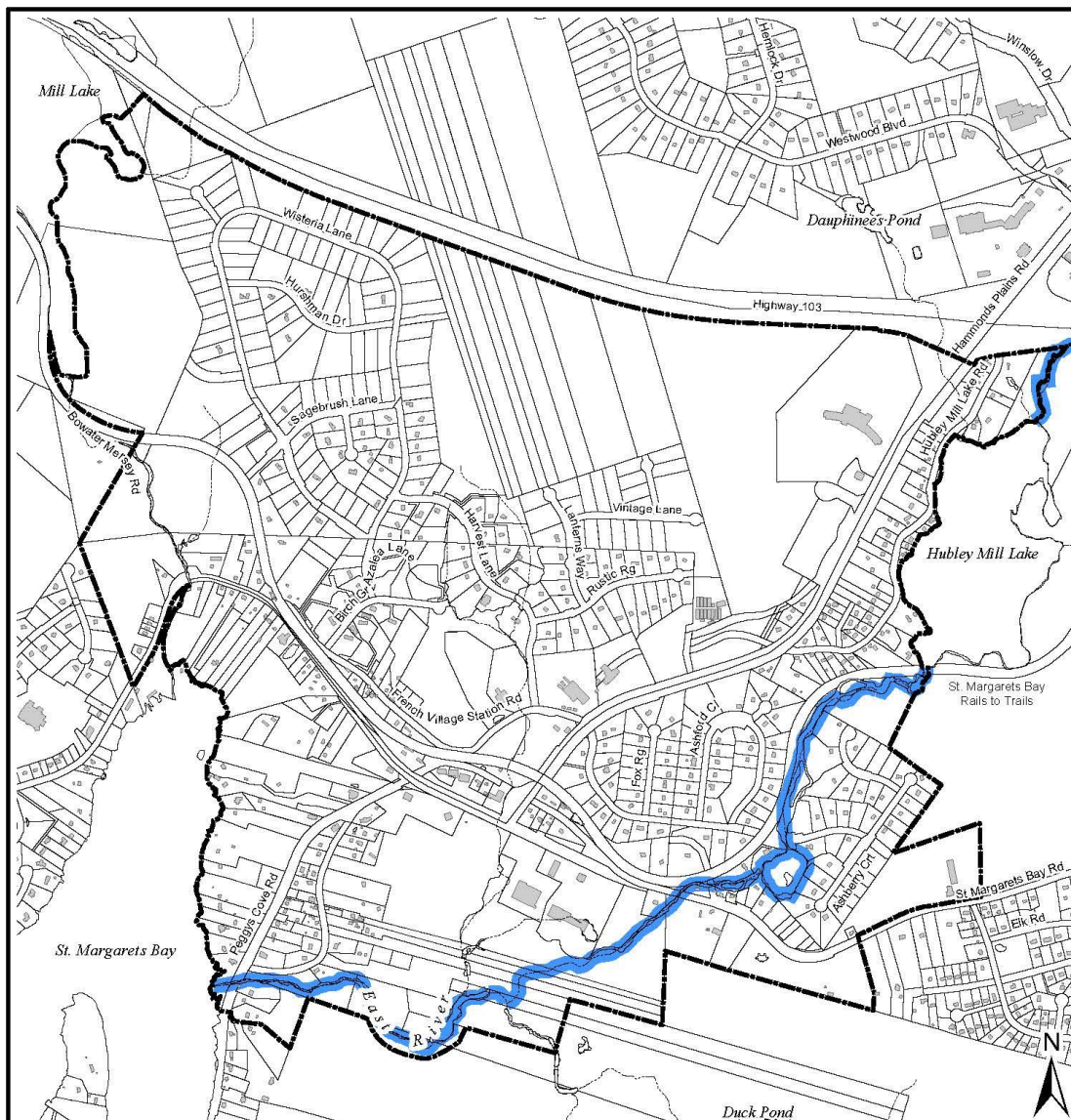
Planning District 1 & 3
(St Margarets Bay) Plan Area

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of any representation on this plan.

Effective:

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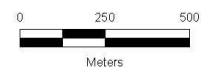


Map 4
Tantallon Crossroads Coastal Village - East River

- East River
- Waterway
- Buildings
- Tantallon Crossroads Coastal Village Designation

Planning Districts 1 & 3
Plan Area

HALIFAX
REGIONAL MUNICIPALITY



HRM does not guarantee the accuracy of any representation on this plan. Date of map is not indicative of the date of data creation.

4 May 2015

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Attachment A

Proposed amendments to the Municipal Planning Strategy and Land Use By-Law for Planning District 1 & 3

MUNICIPAL PLANNING STRATEGY

BE IT ENACTED by the Halifax Regional Council that the Municipal Planning Strategy for Planning Districts 1 and 3, which was adopted by the former Halifax County Municipality on the 3rd day of April, 1995, as amended, is hereby further amended as follows:

TEXT AMENDMENTS - CHURCH

1. Insert the following text below Policy CV-15 and above the paragraph which starts with the words "Multiple-unit buildings can provide...", as set out below:

"Prior to the adoption of the Tantallon Crossroads Coastal Village Designation and Village Residential Zone regulations, the property at 18 Scholars Road had received a permit for developing a church. That permit, issued under the former zoning and prior to the application of new policy, lapsed due to delays in selling another property to raise funds for the new building on Scholars Road. The proposal exceeds the requirements of the new Village Residential Zone which limits buildings to a maximum footprint of 297.3 sq. m (3,200 square feet), limits height to 10.7 m (35 feet), and applies architectural requirements. Because the church had already invested in engineering and architectural design work in compliance with the former zoning regulations, and has been willing to re-orient the proposed parking from the front to the rear and sides of the building, the community is agreeable to a site-specific exception to enable the proposed church to be constructed.

CV-15A It shall be the intention of Council, through the Land Use By-Law, to allow development of the lot identified as Civic Number 18 Scholars Road and shown as Schedule Q on Map 2, as a place of worship exceeding the maximum building footprint, with a building height not to exceed 12.6 metres, and with architectural features which may differ from the Architectural Requirements set forth in the Land Use By-Law."

MAP AMENDMENTS – CHURCH AND SUPERSTORE

2. Delete Map 2 – Schedules M, N, O and P - Tantallon Crossroads Coastal Village, and replace with Map 2 – Schedules M, N, O, P and Q - Tantallon Crossroads Coastal Village, as attached.



Map 2 - Schedules M, N, O, P and Q

Tantallon Crossroads Coastal Village

HALIFAX



Planning District 1 & 3
(St Margarets Bay) Plan Area

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

Date: 8 May 2015

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LAND USE BY-LAW

BE IT ENACTED by the Halifax Regional Council that the Land Use By-Law for Planning Districts 1 and 3, which was adopted by the former Halifax County Municipality on the 3rd day of April, 1995, as amended, is hereby further amended as follows:

TEXT AMENDMENT - HOUSEKEEPING

1. Insert the following clauses in Part 4, after Clause (g) of Subsection (I) and before Subsection (2) of Section 4.19:
 - “(h) Notwithstanding clause (a), within the Tantallon Crossroads Coastal Village Designation, the required buffer shall be 30 m (98.5 ft) from the ordinary high water mark of the East River shown on Schedule Q.
 - (i) Within the required buffer pursuant to clause (h), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
 - (j) Within the required buffer pursuant to clause (h), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 square metres or a combination of an accessory structure and attached deck not exceeding 20 square metres, fences, boardwalks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure, and water control structures.
 - (k) Notwithstanding clause (h), where the configuration of any lot created prior to the effective date of the Tantallon Crossroads Coastal Village Designation, is such that no main building could be located on the Lot:
 - (i) the minimum riparian buffer requirements set forth in the Regional Municipal Planning Strategy shall apply; and
 - (ii) for greater certainty, Subsection 4.19(3) shall apply.”

TEXT AMENDMENT - CHURCH

2. Insert the following text after Section 11A.10 and before the page and heading, “PART 11B: VG (VILLAGE GATEWAY) ZONE (RC-Jul 22/14;E-Oct 4/14)”, as set out below:

“11A.11 Notwithstanding Sections 5A.4 and 11A.2, on the lot identified as Civic Number 18 Scholars Road shown as Schedule Q, the Maximum Height of the Main Building, the Maximum Building Footprint, and the Architectural Requirements shall not apply to a place of worship, provided that:

 - (a) the building footprint shall not exceed 1255 square metres (13,500 square feet);
 - (b) the building height shall not exceed 12.6 metres (41.3 feet);
 - (c) no parking shall be located between Scholars Road and the nearest façade of the building, and no parking shall be located between Hammonds Plains Road and the nearest façade of the building;
 - (d) a landscape strip at least 4.5 m (15 ft.) wide shall be provided along all property lines, exclusive of driveways and walkways. The required landscape strip shall incorporate a minimum of one (1) tree (minimum of 60 mm calibre (2.4 in.)) and three (3) shrubs per linear 7.6 m (25 ft.). The incorporation of trees and shrubs into the required landscape strip may be provided in the form of groupings, provided a minimum ratio of one (1) tree and three (3) shrubs are provided per 7.6 m (25 ft.) of street frontage, and existing trees may be substituted where trees and shrubs are required; and

- (e) a stormwater management plan has been prepared to the satisfaction of the Municipal Engineer, with particular attention given to safeguarding the water quality of Hubley Mill Lake."

MAP AMENDMENTS – CHURCH AND SUPERSTORE

3. Delete the map bearing the label “Schedules M, N, O and P - Tantallon Crossroads Coastal Village”, and replace with the map bearing the label “Schedules M, N, O, P and Q - Tantallon Crossroads”, as attached.



Schedules M, N, O, P and Q
Tantallon Crossroads Coastal Village

HALIFAX

Planning District 1 & 3
(St Margarets Bay) Plan Area

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

Date: 8 May 2015

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Attachment B
October 7, 2014 Information Report:
Follow-Up to Case 16424 – Tantallon Crossroads Plan Review



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 8
Halifax Regional Council
October 7, 2014

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed by Director

SUBMITTED BY:

Jane Fraser, Director, Planning & Infrastructure

DATE: September 17, 2014

SUBJECT: Follow-Up to Case 16424 – Tantallon Crossroads Plan Review

INFORMATION REPORT

ORIGIN

July 22, 2014 Regional Council Motion approved requesting a supplementary report on concerns raised during the Tantallon Crossroads Plan Review public hearing with regard to three properties owned by Loblaw's, Canadian Tire, and Mr. Vic Heniss.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Part VIII – Planning and Development

BACKGROUND

At its meeting on July 22, 2014, Halifax Regional Council conducted a public hearing for Case 16424 – Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) Amendments for Planning Districts 1 and 3 – Tantallon at the Crossroads. The staff recommendation was approved.

In the course of the hearing, concerns were raised on behalf of three commercial property owners as to the impact of the proposed amendments on their development rights. Following adoption of the amendments after the public hearing, Regional Council approved a motion requesting a supplementary report on the concerns raised with regard to three properties, specifically those owned or operated by Vic and Beruta Heniss, Choice Properties REIT/Loblaw Companies Ltd., and Canadian Tire. Each is discussed in turn below.

DISCUSSION

- 1. Request to delete the Heniss properties (5434-5444 St. Margarets Bay Road) from the Tantallon Crossroads Coastal Village Designation, and revert to the former MU-2 Zoning**

The MU-2 (Mixed Use) Zone dates from 1995, and was intended to allow a very wide scope of activities, including residential, commercial and service industrial uses typical of rural areas. Property owners Vic and Beruta Heniss are concerned that future opportunities for business diversification or expansion on

these lots will be negatively affected by the new Village Centre zoning and Schedule P. They wish to retain their longstanding MU-2 zoning by having the boundary of the Tantallon Crossroads Coastal Village Designation (Schedule L) moved eastward to exclude their properties (Attachment A). Staff were made aware of this request during the planning process, and raised the idea with a representative of the St. Margarets Bay Stewardship Association which served as the steering committee for the project.

It can be argued that the Indian River, the dam and the curve in Highway 3 form a natural edge for the Tantallon Crossroads Coastal Village Designation to the south of the highway, visually affirming the boundary recently adopted in the July 22, 2014 Regional Council motion. On the north side of the highway the boundary is located several properties to the west of the river, reflecting the study area identified in the plan review initiation report submitted to Regional Council for September 21, 2010. Mr. and Mrs. Heniss contend that the river need not form the boundary on the south side of the highway, given that it does not do so on the north side.

Instead of moving the boundary, staff sought to provide for future uses consistent with the new Coastal Village Designation, by adding Schedule P which allows the fabrication, maintenance, repair, sales and service of boats, trailers, docks, decks, rafts, slipways and ramps; storage of materials used for on-site fabrication, maintenance and repair; and storage of boats or trailers. Mr. and Mrs. Heniss feel that the list of uses in Schedule P is still too restrictive, especially as they envisage selling their property as a commercial or industrial site in the foreseeable future.

A comparison between the new VG zoning coupled with Schedule P, and the former MU-2 zoning, is provided in Attachment C. The new zoning regulations afford considerable development opportunities on the Heniss property and, in some respects, greater opportunities than the previous. For example, the VG zone permits up to 12 apartment or townhouse units on a property. Except for public housing for seniors, this was not permitted by the MU-2 zone. The VG zone also permits commercial buildings with footprints of up to 6,000 sq. ft. and a height of up to 35 feet, which would allow for substantially more gross floor area than the maximum 7,500 square feet permitted by the MU-2 zone.

On the basis of the issues raised at the public hearing, staff has met with the property owners to clarify their concerns and the opportunities and constraints posed by the new zoning. Mr. and Mrs. Heniss would like to explore any opportunity to expand the list of permitted commercial and industrial uses provided in Schedule P.

2. Suggestion to include the Choice Properties REIT/Loblaws property (5178 St. Margarets Bay Road) in Schedule N

This is the property occupied by the Superstore. Abutting properties to the east and west fall within the new Schedule N, which enables additional expansion of existing large nonconforming structures, provided that any expansion is consistent with the new design requirements.

In selecting properties to include in Schedule N, staff sought to identify parcels that were already subject to a development agreement. Due to minor inconsistencies in data records, the neighbouring Canadian Tire property was included even though it was not subject to such an agreement. The wording around Schedule N does not actually require the presence of a development agreement, so staff decided to retain Canadian Tire in the Schedule to avoid making a substantive change after First Reading. Like the Canadian Tire parcel, the Superstore parcel is not currently subject to a development agreement, but unlike the Canadian Tire land, the Superstore land is not included in Schedule N.

Staff has discussed this with the consultant planner who represented Choice Properties REIT/Loblaws at the Public Hearing. If, at some time in the future, Superstore were interested in undertaking a major expansion, it could request a plan amendment to add its parcel to Schedule N with a view to enabling a development agreement. In the meantime, under the new zoning regulations Superstore can still add

new buildings in front of its parking, and can do a minor expansion of its existing building under the new provisions for nonconforming structures.

3. Concern that Canadian Tire (5130 St. Margarets Bay Road) was not adequately consulted throughout the planning process

The representative of Canadian Tire suggested that direct consultation and open dialogue with that company could have resulted in a more thorough and well thought-out plan that balanced both community and commercial objectives. Municipal staff notes that all landowners had opportunities to attend four community forums and meetings in addition to the Public Hearing. Sessions were advertised through local groups including the Chamber of Commerce and, in the case of the Public Information Meeting, by mail to landowners. Several commercial stakeholders contacted municipal staff and expressed their concerns well before the public hearing was advertised. Staff worked with them in an effort to accommodate their needs. Canadian Tire had the same opportunities to raise any concerns early in the project, as had the other landowners.

As acknowledged verbally by the representative for the property during the Public Hearing, contrary to his written submission, Canadian Tire has, in fact, been included in Schedule N. This Schedule offers considerable scope for expansion by development agreement, as already described in Item 2 above.

FINANCIAL IMPLICATIONS

There are no immediate financial implications arising from this report.

COMMUNITY ENGAGEMENT

This report concerns issues raised in community engagement which has already taken place in connection with Case 16424. Details of that engagement are provided in the June 5, 2014 staff report for that case.

Should Council decide to consider any amendments to the MPS or LUB which it adopted on July 22 as a result of the concerns voiced at the Public Hearing and discussed in this report, a new Public Information Meeting and Public Hearing would be required.

ATTACHMENTS

Schedule L: Tantallon Crossroads Coastal Village Designation
Schedules M, N, O and P: Tantallon Crossroads Coastal Village
Attachment A: E-mail from Mr. Vic Heniss received on February 25, 2013
Attachment B: Land Use By-Law Excerpt – Schedule P
Attachment C: Heniss Property Uses – Comparison Between MU-2 Zone & VG Zone With Schedule P
Attachment D: MPS Excerpts – Schedule N

Attachments A-D available online:

[http://www.halifax.ca/council/agendasc/
documents/14007cai08.pdf](http://www.halifax.ca/council/agendasc/documents/14007cai08.pdf)

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902-490-4210, or Fax 902-490-4208.

Report Prepared by: Marcus Garnet, Senior Planner 902-490-4481

Report Reviewed by: Brad Anguish, Director, Community & Recreation Services, 490-4933

Report Approved by: Bob Bjerke, Chief Planner, Planning & Infrastructure 902-490-1627



Schedule L

Tantallon Crossroads Coastal Village Designation



Tantallon Crossroads Coastal Village Designation Boundary

Planning District 1 & 3
(St Margarets Bay) Plan Area

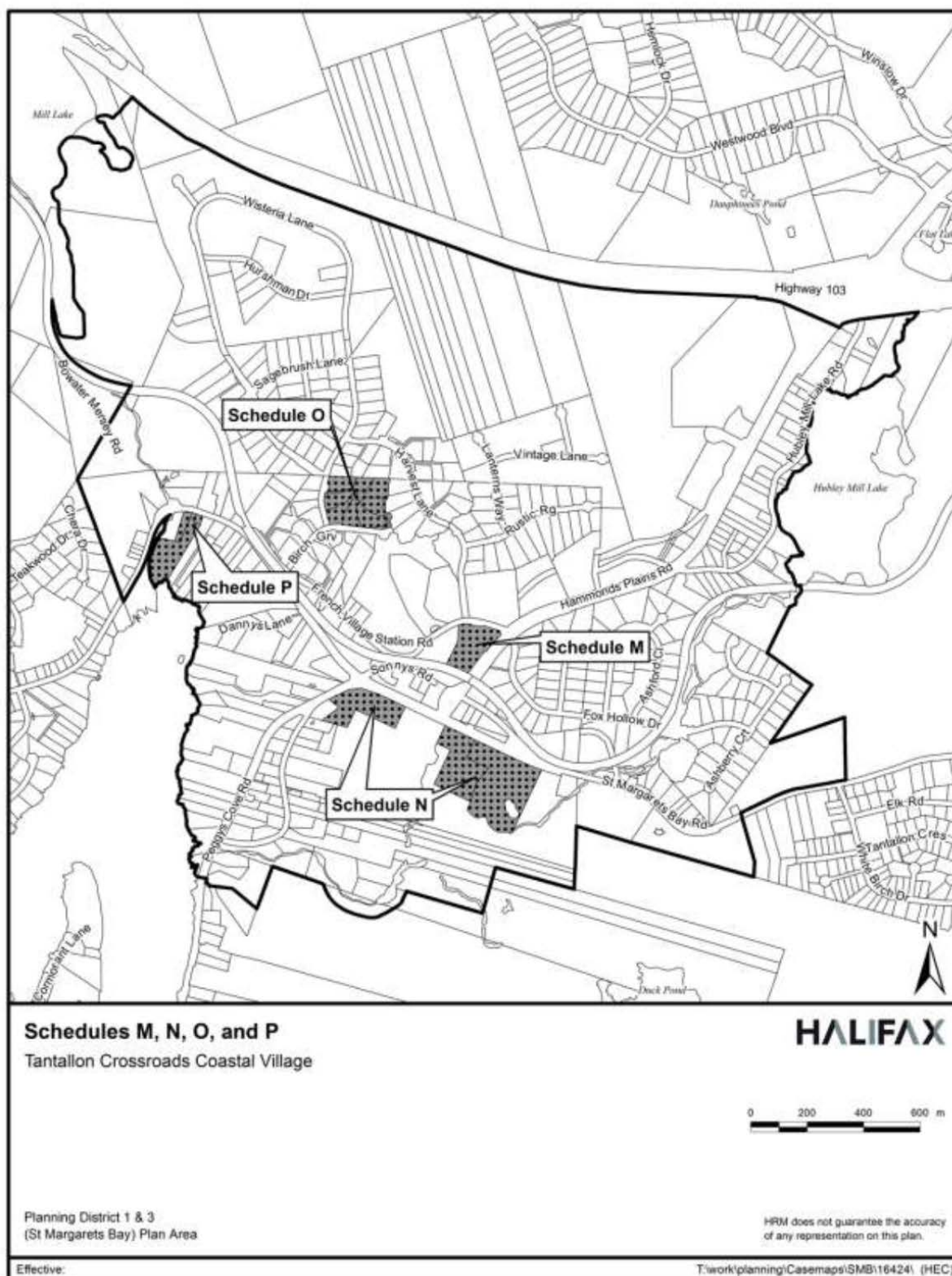
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HRM does not guarantee the accuracy
of any representation on this plan.

Effective:

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Attachment C
March 26, 2015 St. Margaret's Bay Coastal Planning Advisory Committee
Public Meeting Minutes



ST. MARGARET'S BAY COASTAL
PUBLIC MEETING MINUTES
March 26, 2015

PRESENT: Councillor Matt Whitman
Mr. Michael Murphy, Chair
Mr. Vic Heniss
Ms. Jean Mustain
Ms. Pamela Lovelace

REGRETS: Mr. John Leon
Ms. Kathryn Gamache

STAFF: Mr. Marcus Garnet, Senior Planner
Mr. Andrew Reid, Legislative Assistant

The following does not represent a verbatim record of the proceedings of this meeting.

*The agenda, supporting documents, and information items circulated to the St. Margaret's Bay Coastal Planning Advisory Committee are available
online: <http://www.halifax.ca/boardscom/smbcpac/150326smbcpac-pim-agenda.php>*

The meeting was called to order at 7:33 p.m. and was adjourned at 9:01 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 7:33 p.m. and introduced the members of the Planning Advisory Committee. He outlined the format of the meeting and the ground rules.

2. PUBLIC PARTICIPATION

2.1 Tantallon Crossroads Follow-Up: To consider amendments to the Planning District 1 & 3 Municipal Planning Strategy and the Planning District 1 & 3 Land Use By-law within the Tantallon Crossroads area

Mr. Marcus Garnet presented the proposed amendments to the Tantallon Crossroads Municipal Planning Strategy (MPS) and land use bylaw (LUB). He outlined the aim of the Tantallon Crossroads MPS and LUB to create a mixture of uses and housing types, education and healthcare facilities, with limited sized buildings and traditional design including pitched roofs, facades orientated to the street and measures to protect ground and surface water. Mr. Garnet introduced two properties in relation to the amendments and noted that the third property, 5434-5444 St. Margaret's Bay Road, Schedule P, would not be considered any further as part of this initiative, following a request by the owners. He stated that the first property was Church property and the second was the Superstore property. Mr. Garnet introduced the site of the Church and indicated it was zoned village residential. Mr. Garnet stated that the Church had been granted a development permit but it had expired while the new zoning rules had been implemented. He highlighted a number of barriers in the land use bylaw, including but not limited to building footprint, height, roof pitch, doors, display windows, covering, and facade. He stated that the Church was working on accommodating the MPS and LUB in terms of parking location at the rear instead of in the front.

Mr. Garnet posed the following questions for feedback related to the amendments:

- How prominent sites and special buildings could provide a counterpoint to more typical buildings?
- How might a large church fit a "coastal" village theme "traditional in a modern way"?
- What is a reasonable maximum footprint and height?
- Should similar exceptions be allowed for schools?

Mr. Garnet introduced the second property, the Superstore property. He indicated that the Superstore was not currently proposing any new development. He outlined a number of requirements in Schedule N to guide the consideration of any future development agreements for new or expanded buildings. The aim of Schedule N is to guide any future expansions to improve the proportions between buildings and the street.

Ms. Stacey Hughes, Architecture 49, and representative of the applicant for the St. Marguerite Bourgeoys Parish, presented an overview of the Church's architecture and described the background of its development. She presented the colour palette of the Church's stained glass and the materials. She outlined the site concept. She stated that inspiration was taken from historic Maritime churches and the legacy of St. Marguerite Bourgeoys as a pioneer missionary. Mr. Joseph MacKinnon, Reverend, St. Marguerite Bourgeoys Parish, also spoke regarding the background of the Church.

Mr. David Wimberly, described the process to develop the Tantallon Crossroads plans. He voiced approval for the Church's architecture but also indicated he would like to see it conform to the existing guidelines. He stated that he would rather see the proposal go back through a larger planning process to gain wider involvement and consensus by the public. He voiced opposition to flat roof structures and the idea of permitting schools or other sites to be exempt from the pitched roof rule in the Tantallon LUB. He also indicated he would not support the exception to the Superstore property.

Mr. Murphy invited speakers from the floor.

One member of the audience questioned what the next steps in the process would be. Mr. Garnet responded that next the Planning Advisory Committee would deliberate on the proposal and make a recommendation to Community Council, and then subsequently Community Council would make a recommendation to Regional Council.

Mr. Gary Gallant, of Kingswood, questioned if there would be an effect on the church if no exception was granted for the schools and if the two could be considered separately. Mr. Garnet responded that the two were not interdependent.

A member of the audience questioned where the parking would be and how much.

Ms. Hughes responded that parking was initially in front of the church; however, as part of the planning strategy they have been asked to reconsider this with parking in behind the church. She stated that the Church was in the process of redesigning parking and there would be 130 parking spaces.

Ms. Shari Johnson, outlined that she had been part of the process for creating the Tantallon Crossroads plan. Ms. Johnson indicated 44 non-profit organizations were involved in the process and highlighted the length of the process. She stated that the difference in height for the Church property was nominal and she voiced the community's desire to avoid concrete. She also stated that schools were an inappropriate comparison for the Church and that it would set a precedent outside the current bylaws in place.

Mr. Jerry Boulis questioned if the Church had previously received a development permit. After receiving confirmation, he stated this fact for the record.

Mr. Paul Dunlop indicated his property abutted the Church development. He questioned where the parking would be in relation to his properties and he voiced concern for parking up against his property. Ms. Hughes answered that the parking would be in the direction of the cul-de-sac and that there would be a considerable buffer of trees.

Mr. George McDaniel questioned the length of the review process, stating that he hoped to break ground in the spring. Mr. Garnet indicated that the aim was to get the proposal to Council for June.

Mr. Jerry Boulis commented that the community would need to accommodate places of worship for a growing community and that the size and scale of the building was indicative of the community. He suggested that this should have been anticipated by the planning committee when the guidelines such as pitched roofs were set.

Ms. Shelly Webb, Hackett's Cove, indicated the effort undertaken by the parish community should be given special consideration. She stated it was unfortunate the bylaws had changed during the design of the building. She voiced approval for the building's aesthetic. Ms. Webb voiced concern for Schedule N and the consideration being given to the second property. She also indicated the Church property should be taken as a single issue and not taken together with schools or other issues.

Mr. David Wimberly commented that a long process had been undertaken to achieve a specific purpose. He questioned the special treatment for this church instead of going through a process for the whole community.

Mr. Ben Young, indicated that the Church had been caught in bad timing. He highlighted the work of volunteers and voiced concern for engaging in a 12-18 month process. He asked for the public's support in approving the proposal.

Mr. Rick Hattin, of Seabright, questioned if the Church had any intention for creating a public space. Second, he highlighted wastewater runoff concerns, indicating that the Hubley Mill Lake was a serious issue and should be looked at closely. Third, he asked Mr. Garnet to distinguish between a sensitive

development agreement and ordinary development agreement. He also commented on the lack of detail for the Church's proposal.

Mr. Joseph MacKinnon stated that he wished the Church to become more a part of the community and the church hall be made available. Ms. Hughes responded that all runoff was managed on-site and that they had a cistern to collect water. She indicated LEED principles were used in the design. She also indicated that they possessed the environment permit but could circulate additional information if requested. Regarding wastewater, Ms. Hughes stated that this has been managed by engineers, and that she was comfortable it was being managed on site. Regarding runoff across Hubley Mill Lake, she stated that engineers were aware of the issue and designed the site to take it into consideration. She indicated more information on runoff management could be provided later on.

Mr. Garnet distinguished between sensitive development agreements and ordinary development agreements by listing criteria to do with footprint, massing, orientation, form, height, and groundwater supply. He further stated that language in a sensitive development agreement would emphasize site context in adjacent properties, continuity of walkways, entrances, and human scale.

Mr. Wimberley questioned the end result of a sensitive development agreement. Mr. Garnet responded that it would create greater intimacy of street and façade.

Mr. Jim Campbell commented that the Church should be grandfathered in.

Ms. Shari Johnson stated that the location of the building was a benefit. She stated that treatment of this amendment should be considered as a common amendment and not an exception to the bylaw.

Mr. Doug Poulan stated that no public consultation had been held for the Sir John A MacDonald High School or fire hall properties. He emphasized that the exception to the bylaws should be made for the Church.

Ms. Beth McGee, of Seabright, indicating disapproval for the way the amendments were brought forward and indicated more consultation was required.

The Chair called three times for any further questions. Mr. Wimberley questioned if more detailed plans would be posted publicly. Mr. Garnet indicated that information would be made available on the website.

3. ADJOURNMENT

The public meeting adjourned at 9:01 p.m.

Andrew Reid
Legislative Assistant

Attachment D

Tantallon Crossroads Coastal Village Designation

Policy CV-7 of the Municipal Planning Strategy for Planning Districts 1 and 3

Much of the Village Centre Sub-Designation is currently characterized by large shopping plazas and large-format retail oriented to front yard parking. This format is not consistent with the vision for a coastal village. Most of these properties are subject to development agreements which were enabled by policies which are now superseded by the Village Centre Sub-Designation. To enable these properties to respond to future market opportunities in a manner which is more consistent with the vision for a coastal village, provisions should be included to enable these development agreements to be modified subject to conditions.

CV-7 Within Schedule N as shown on Map 2, Council shall only consider development agreements, or amendments to existing development agreements, provided that:

- (a) For new buildings:
 - (i) front yard setbacks, building footprints and building heights do not exceed the maximum for the Village Centre Zone;
 - (ii) facades are located parallel to the public street and include display windows, awnings and entry doors facing the public street;
 - (iii) walkways connect the façade entry doors to existing or approved walkways on the same property without the need for pedestrians to cross parking areas, vehicle lanes or drive-through lanes;
 - (iv) no surface parking, drive-through, circulation lane, fuel pump, recharging station or loading bay is located between the public roadway and the building façade; and
 - (v) the provisions of Policy CV-6;
- (b) For expansions to existing buildings:
 - (i) the expansion includes elements that reduce the average front yard setback or that increase the height of the building;
 - (ii) the building includes a façade with display windows, awnings and entry doors oriented to the public street;
 - (iii) the expansion does not add new surface parking, drive-through lanes, circulation lanes, fuel pumps, recharging stations or loading bays between the public street and the building façade; and
 - (iv) the provisions of Policy CV-6

Attachment E

Tantallon Crossroads Coastal Village Designation

Policy CV-6 of the Municipal Planning Strategy for Planning Districts 1 and 3

CV-6 When considering a development agreement within the Tantallon Crossroads Coastal Village Designation, Council shall consider the following:

- (a) the footprints, siting, massing, orientation and form of the building respecting:
 - (i) the retention of continuous natural open space;
 - (ii) the protection of environmentally sensitive landscapes and water features;
 - (iii) the preservation, rehabilitation or incorporation of registered heritage features;
 - (iv) compatibility with the natural topography;
 - (v) building facades, landscaping and vistas as seen from the public roadway;
 - (vi) the achievement of a walkable, human scale community form, considering such aspects as safety, weather, shade and outdoor social space;
 - (vii) minimizing the impacts on adjacent land uses; and
 - (viii) the concealment of parking lots, loading and storage areas from the public roadway and adjacent residential properties
- (b) the height of the building, the architectural elements of the building and the landscaping on the site and their promotion of visual integration:
 - (i) between buildings on the site,
 - (ii) between buildings and open spaces on the site, and
 - (iii) between the site as a whole and adjacent sites;
- (c) whether the development is reasonably consistent with the Parking, Outdoor Storage and Display requirements, signage controls, and Architectural Requirements for the Tantallon Crossroads Coastal Village Designation as set forth in the Land Use By-Law;
- (d) the safe and continuous connectivity of walkways between each main building entrance, and with nearby public parks and trails where applicable;
- (e) minimizing the number of driveways accessing the property;
- (f) the effects of the proposed development on groundwater supply for adjacent properties as determined through a hydrogeological assessment prepared by a qualified professional;
- (g) the adequacy of erosion and sediment control plans and stormwater management plans prepared by a qualified professional; and
- (h) the provisions of Policy IM-9.

Attachment F
Tantallon Crossroads Coastal Village Designation –
Architectural Requirements in Land Use By-Law for Planning Districts 1 and 3
(not including illustrations)

5A.4 ARCHITECTURAL REQUIREMENTS – TANTALLON CROSSROADS

Within the Tantallon Crossroads Coastal Village Designation as shown in Schedule L, the following architectural requirements shall apply to all buildings except single-unit dwellings, two-unit dwellings, auxiliary dwelling units, accessory buildings, greenhouses, temporary garden centres, temporary structures erected for festivals or special events, temporary construction uses, changes in use or occupancy within an existing building, or internal renovations within an existing building:

- (a) A combination of arcades, display windows, entry doorways, permanent awnings or other such features shall be incorporated into the street façade of every building containing a commercial or community use. Such features shall be at least 60 percent of the horizontal length of the building facing a public street;
- (b) Every street façade shall incorporate a minimum of one clearly defined entrance doorway;
- (c) A hard surface walkway shall be provided between the entrance doorway required in Subsection (b), and a point where the driveway joins the street;
- (d) All roofs shall be pitched roofs, with a minimum slope of 6:12, except for dormers, porches, or where occupied by vegetative roofing systems;
- (e) All roofs visible from the street shall be articulated at intervals of at least 15.3 m (50 ft.) measured horizontally, with features such as cross-gables, dormers, parapets, or masonry-style chimneys;
- (f) At least one wall of each building shall be oriented to face the street;
- (g) No uninterrupted length of any street facade shall exceed 15.3 m (50 ft.) measured horizontally. Wall plane projections, recesses, or other architectural features shall be incorporated into all facades greater than 15.3 m (50 ft.) in length, measured horizontally;
- (h) Siding shall have the appearance of horizontal or vertical wood siding, shingles, stone or brick;
- (i) Windows, doors and corners shall be accentuated by trim or other design details (i.e. arches, hoods, mouldings, decorative lintels, pediments, sills, corner boards);
- (j) Window openings, except for retail display windows and basement windows, shall be vertical or square; and
- (k) Rooftop equipment, including satellite and other telecommunication equipment for private use, air handling units, elevator equipment, cooling towers and exhaust fans shall be visually screened from the public street.

Attachment G
Tantallon Crossroads Coastal Village Designation
Policy CV-17 of the Municipal Planning Strategy for Planning Districts 1 and 3

Watershed Conservation

The Tantallon Watershed Servicing Study Final Report (CBCL Limited, 2013) offers general guidance on minimum lot size, suitable locations for development, servicing options and factors affecting the use and quality of surface and ground water. The Study calls for:

- implementing stormwater management measures;
- minimizing disturbance of existing vegetation;
- considering hydrogeological constraints when determining the intensity of development; and
- establishing a riparian protection buffer of 30 metres (98.5 ft.) on each side of the East River shown on Map 3.

The intent of the Tantallon Crossroads Coastal Village Designation, with regard to watershed conservation, is to protect the chemical, physical and biological functions of water resources.

CV-17 It shall be the intention of Council to require, through the Land Use By-Law, a minimum 30 metre (98.5 ft) wide riparian buffer from the ordinary high water mark for the East River, shown on Map 3, to protect the chemical, physical and biological functions of marine and freshwater resources. No alteration of land levels, removal of vegetation, or other development shall be permitted by the Land Use By-Law within the riparian buffer, except as provided for in the Regional Plan.



PO Box 1749
Halifax, Nova Scotia
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MEMORANDUM

TO: Chair and Members of the North West Community Council
CC: Mr. Marcus Garnet, Planner

FROM: Mr. Michael Murphy, Chair, St. Margaret's Bay Coastal Planning Advisory Committee
DATE: April 23, 2015

SUBJECT: Tantallon Crossroads Follow-Up Amendments

The St. Margaret's Bay Coastal Planning Advisory Committee received a staff memorandum dated April 15, 2015 and heard a Staff presentation on the Tantallon Crossroads Follow-Up Amendments at their April 22, 2015 meeting. The following recommendation to the North West Community Council was agreed upon by the Committee.

The following motion passed as amended:

That the St. Margaret's Bay Coastal Planning Advisory Committee has reviewed the application for the Tantallon Crossroads Follow-Up Amendments and recommends approval of the application as outlined in the memorandum and package dated April 15, 2015, with consideration to the following matters:

1. *The proposed amendments be restricted to 18 Scholars Road – St. Marguerite Bourgeoys Church Property.*
2. *The Superstore property is permitted to be added to Schedule N for consistency.*

This recommendation has been provided to HRM planning staff for review and consideration, and will be addressed in their staff report to the Halifax and West Community Council.

Office of the Municipal Clerk

Tel: 902.490.4210 Fax: 902.490.4208
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