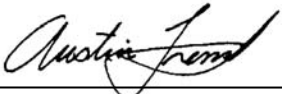


**North West Community Council
May 5, 2011**

TO: Chairperson and Members of North West Community Council

SUBMITTED BY:  *for* _____
Paul Dunphy, Director of Community Development

DATE: April 14, 2011

SUBJECT: Case 01311 – Plan Amendment for Paper Mill Lake CCDD

SUPPLEMENTARY REPORT

ORIGIN

- Application by Sunrose Land Use Consulting;
- October 20, 2009 Plan Amendment initiated by Regional Council;
- October 14, 2010 Staff Report;
- November 3, 2010 North West Planning Advisory Committee;
- December 6, 2010 Supplementary Report;
- January 19, 2011 North West Planning Advisory Committee;
- January 27, 2011 motion of North West Community Council;
- March 22, 2011 Supplementary Report; and
- April 6, 2011 North West Planning Advisory Committee.

RECOMMENDATION

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

1. Give First Reading to the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as set out in Attachments A and B of this report and schedule a public hearing; and
2. Approve the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as set out in Attachments A and B of this report.

BACKGROUND

On April 6, 2011 North West Planning advisory Committee made the following motion:

MOVED by Ms. Alexander, seconded by Mr. Parsons, that North West Planning Advisory Committee recommend that North West Community Council recommend that Regional Council:

- 1. Give First Reading to the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as set out in Attachments A and B of the March 22, 2011 report and schedule a public hearing; and*
 - 2. Approve the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as set out in Attachments A and B of the March 22, 2011 report.*
 - 3. And that staff review the definition of "habitable floors".*
- MOTION PUT AND PASSED.*

DISCUSSION

North West Planning Advisory requested clarification with regards to the number of building storeys enabled under the proposed policy for the Paper Mill Lake Comprehensive Development District (CDD) for the Bedford Municipal Planning Strategy (MPS). Their concern was commercial and office space would not count as a habitable storey and buildings would be higher than anticipated.

Staff wishes to clarify that the intent of the policy is to enable a maximum of six storeys exclusive of underground parking. To further clarify this staff is proposing to add clarification to policy to ensure there is no misinterpretation of the proposed policy. Staff is suggesting the Form and Function section of the proposed Policy C-15 be amended by adding additional words to clause v) as follows in bold (Attachment A):

- v) medium rise form is encouraged and structures shall not exceed 6 habitable storeys **(including commercial and office space) and exclusive of underground parking.**

Staff is of the opinion this amendment responds the question raised by North West Planning Advisory Committee and reflects the discussion held by the Committee.

BUDGET IMPLICATIONS

The HRM cost associated with processing this planning application can be accommodated within the proposed operating budget for C310-Planning & Applications.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

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

COMMUNITY ENGAGEMENT

No community engagement is required as this report is providing Council with additional information and responding to a question raised by the North West Planning Advisory Committee. Community engagement was discussed in the October 14, 2010 staff report.

ALTERNATIVES

1. Council could approve the amendments to the Bedford Municipal Planning Strategy and Land Use By-law presented as Attachment A and B to this report. This is the staff recommendation.
2. Council may choose to direct staff to prepare alternative amendment(s). Significant amendments may require another public hearing be held before approval is granted.
3. Council could reject the proposed amendments and direct that no further consideration be given to amending the current CCDD policy for the subject lands at Paper Mill Lake. In this event, any development agreement would have to be negotiated to conform with the current policy.

ATTACHMENTS

Attachment A	Proposed Amendments to the Bedford MPS
Attachment B	Proposed Amendments to the Bedford LUB

Additional Reports Available Upon Request:

Case 01311: Paper Mill Lake CCDD MPS Amendment, Bedford, October 14, 2010

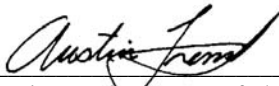
Case 01311: Paper Mill Lake CCDD, December 6, 2010 (Supplementary Report)

Case 01311: Paper Mill Lake CCDD MPS Amendment, Bedford, January 20, 2011
(NWCC Recommendation)

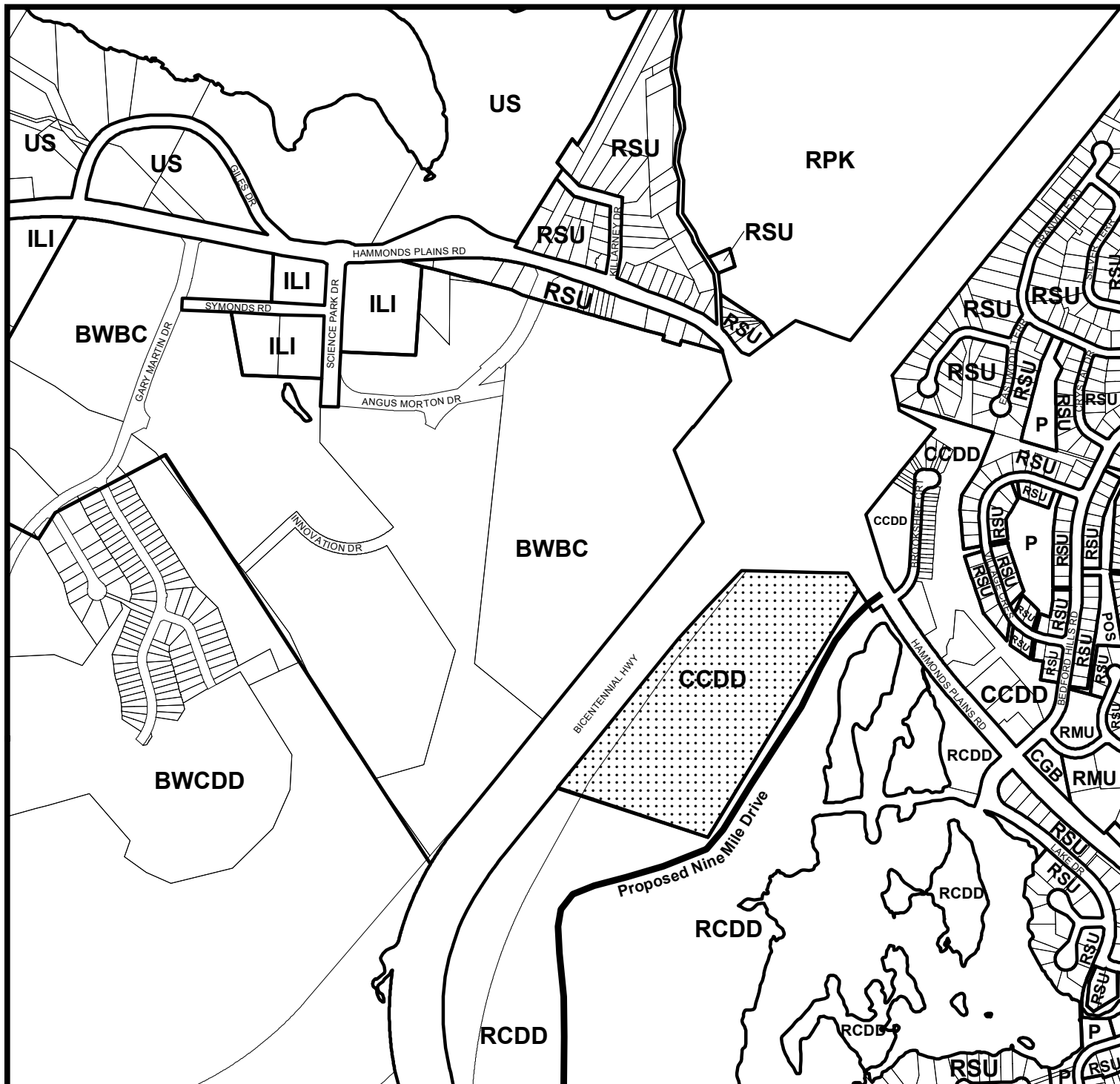
Case 01311 – Plan Amendment for Paper Mill Lake CCDD, March 22, 2011 (Supplementary Report)

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.

Report Prepared by: Andrew Bone, Senior Planner, 869-4226

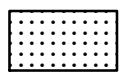
Report Approved by: 
Austin French, Manager of Planning Services, 490-6717

Attachment A



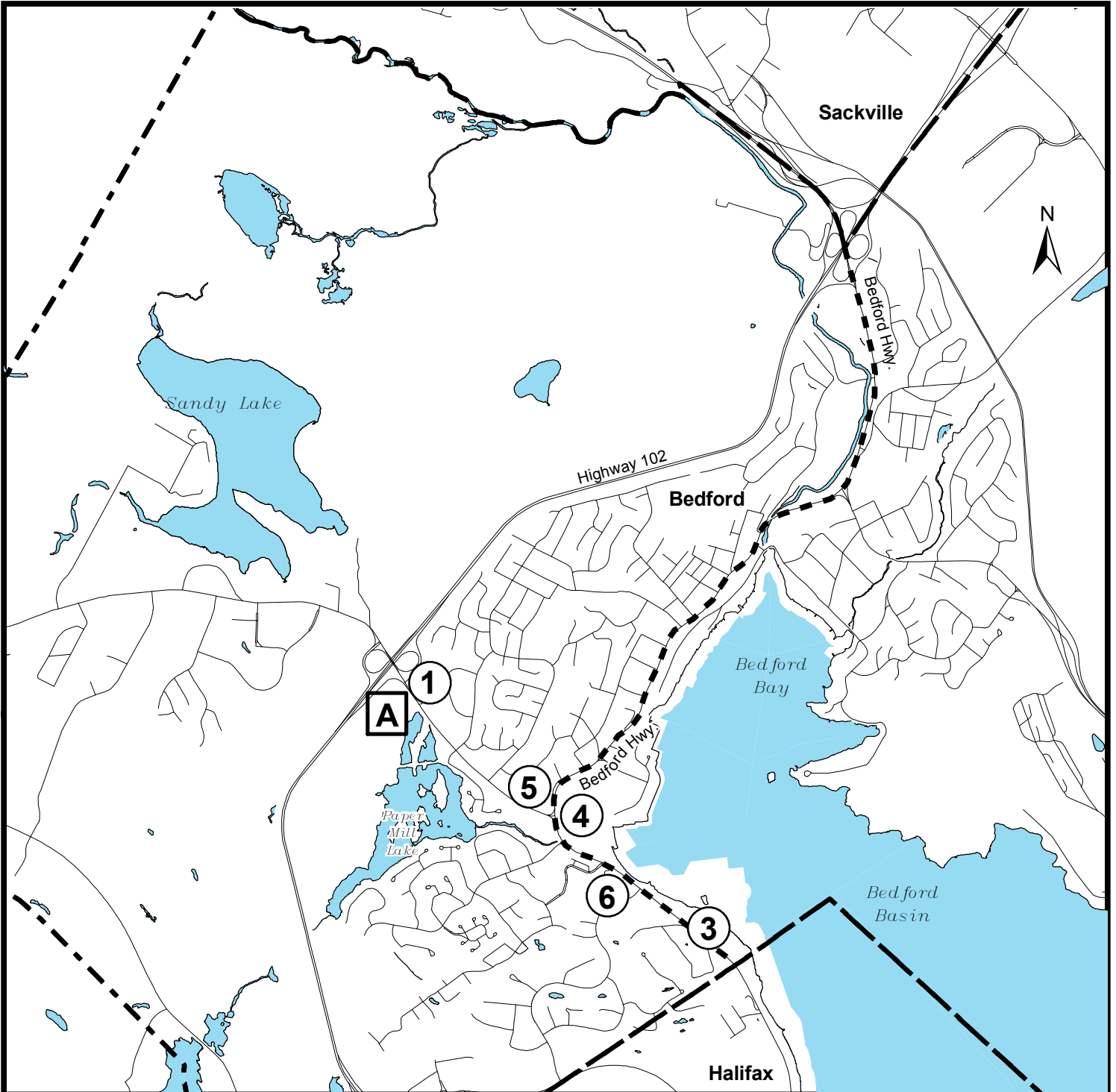
Schedule B Amendments to the Bedford Zoning Map

RSU	Single Dwelling Unit Zone	BWBC	Bedford West Business Campus Zone
RMU	Multiple Dwelling Unit Zone	BWCDD	Bedford West Comprehensive Development District
US	Urban Settlement Zone	CCDD	Commercial Comprehensive Development District
P	Park Zone	RCDD	Residential Comprehensive Development District
POS	Park Open Space Zone	ILI	Light Industrial Zone
CGB	General Business District Zone	PPCD	Papermill Comprehensive Development District

 Area to be rezoned PCDD (Papermill Comprehensive Development District)

HALIFAX
REGIONAL MUNICIPALITY
Community Development
Planning Services





Map 3
Mainstreet Improvement District/CCDD and PCDD Locations

- Mainstreet Improvement District Boundary
- ① Commercial Comprehensive Development District
- Ⓐ Papermill Comprehensive Development District



Attachment A
Proposed Amendments to the Bedford MPS

BE IT ENACTED by Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Bedford as adopted by the Bedford Town Council on the 26th day of March, 1996, and approved by the Minister of Municipal Affairs on the 17th day of May, 1996, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the [INSERT DATE OF HEARING], is hereby amended as follows:

1. The preamble for CCDD uses, within “Impacts of Commercial Growth:, subsection “e”; shall be amended by adding the following after the words “second CCDD area (Policy C-12).”:

“After a review in the year 2010, Policy C-12 was removed and new policies for the Paper Mill Lake commercial lands were created (Policies 15A and 15B).”;

2. The preamble for CCDD uses, within “Impacts of Commercial Growth:, subsection “e” and before subsection “f”; shall be amended by adding the following:

“The former Paper Mill Lake CCDD lands form a prominent site at the corner of Hammonds Plains Road and Highway 102. New policy was created in 2010 which would enable the Paper Mill Comprehensive Development District (PCDD) Designation and Zone where residential and commercial uses could be established within the same buildings through a development agreement process. The new policies encourage a high quality transit friendly development with numerous amenities, public and private open spaces and, a design which is walkable and architecture which is pedestrian friendly. The goal of the policy is to encourage the development of a community where residents can live, work and play.”;

3. Policy C-1 shall be amended by adding the following words after the words “Mainstreet Commercial”:

“Paper Mill Comprehensive Development District.”;

4. Policy C-3 shall be amended by adding the following words after the words “lounges, and recycling depots”:

“• Paper Mill Comprehensive Development District Zone (PCDD) which permits mixed use projects including mixed use buildings, but may also contain, townhouses, multiple-unit buildings, office buildings, neighbourhood commercial uses, CGB Zone uses and convention facilities.”;

5. The following text shall be removed from the explanatory text following Policy C-3 and after the words “Hammonds Plains Road, areas east”:

“and south“;

6. The following text shall be added to the explanatory text following Policy C-3 and after the words “C-29B.”:

“The PCDD Zone shall be applied to lands near Paper Mill Lake, south of Hammonds Plains Road and east of Highway 102.”;

7. Policy C-12 shall be deleted.
8. Policy C-15A through C-15C shall be created by adding the following:

“Paper Mill Comprehensive Development District

C-15A It shall be the intention of Council to designate the lands shown on Map 3 as Paper Mill Comprehensive Development District, and in the Land Use By-Law the lands shall be zoned Paper Mill Comprehensive Development District (PCDD). The PCDD Zone shall permit mixed use residential/ commercial projects, including townhouses, multiple-unit buildings, senior residential complexes, neighbourhood commercial, office buildings, CGB Zone uses, convention facilities, park uses, and institutional uses.

C-15B It shall be the intention of Council that all new development within the Paper Mill Lake Comprehensive Development District shall be subject to the negotiation of a development agreement with the owners of the lands to carry out a mixed use commercial/residential development provided that all applicable policies of this document are met. All development agreements shall be entered in to pursuant to the Halifax Regional Municipality Charter. In considering any such agreement, Council shall have regard to the following:

a) Transportation

- i.) the development integrates, yet minimizes conflict between a variety of transportation modes through provisions of convenient access, appropriate facilities and sufficient parking;
- ii.) that a variety of parking options be integrated into the design of the development so that the impact of parking areas is reduced; and
- iii.) that vehicular access along Nine Mile Drive shall be minimized and managed through the creation of a main entrance(s);

b) Environment

- i) that measures are taken to manage the quantity and quality of storm water from the site during and post construction;
- ii) no development agreement shall be entered into unless a preliminary storm water management plan has been prepared for the entire Paper Mill Lake CDD and accepted by the Municipality. The preliminary stormwater management plan shall:

- a) identify significant constraints and sensitivities with regard to flood potential, environmental features, and provide appropriate protection measures;
 - b) provide estimates of pre-development and post development flow rates (where post development flow rates means the expected flow rates upon full build out or an area as permitted by the development agreement) at critical locations within watercourses such as at culverts and other road crossings and at downstream developments;
 - c) specify water quality and quantity objectives which are consistent with all municipal and provincial guidelines and identify the means of preventing adverse changes to the quantity and quality of watercourses (including Paper Mill Lake) and groundwater;
 - d) specify the type and location of storm water management facilities, the approach, and the design requirements to protect receiving waters from contamination, excessive flow rates and loss of aquatic habitat and to protect the quantity and quality of groundwater flows;
 - e) prepare a program for implementation and monitoring before, during and after construction, including securities and any remedial action to be taken in the event that water quantity or quality objectives are not achieved;
 - f) include of best management practices to be followed to manage storm water flows on the site; and
 - g) As part of any development a preliminary stormwater management plan shall be submitted prior to the approval of the proposal for the review of the Bedford Waters Advisory Committee.
- iii) a water quality monitoring program shall be undertaken for Paper Mill Lake to track the eutrophication process. The program is to be designed in accordance with national guidelines established by the Canadian Council for Ministers of the Environment (the CCME guidelines) and-financed in whole by the developer. Specifics of the program are to be negotiated under the terms of a development agreement.

c) Function and Design

- i) the development is a mixed use project which contains a mix of compatible land uses including a mix of commercial and residential land uses which are integrated with surrounding uses in a compatible manner;
- ii) the maximum density shall not exceed the equivalent of 70 persons/acre;
- iii) the design provides a safe, comfortable and attractive environment for pedestrians, patron and residents with appropriate transitions to surrounding land uses in a manner that minimizes the impact of the proposal on existing and approved but unbuilt development;
- iv) the design provides for plentiful, useable and attractively designed public and semi public amenity space. All such spaces shall be well equipped for their users and provide physical separators and buffers from adjacent development where needed;

- v) medium rise form is encouraged and structures shall not exceed 6 habitable storeys **(including commercial and office space) and exclusive of underground parking.** Notwithstanding the previous statement, further consideration of higher structures may be considered where there is adequate separation from existing or approved but unbuilt uses, and may be subject to the consideration of shadow impacts, wind analysis, views, skyline impacts, relationship to surrounding building where relevant;
 - vi) design guidelines are included which identify the requirements for the design of structures within the site. Such guidelines shall take in to consideration the surrounding community, complementary aesthetics and means to ensure the proposed development creates a quality aesthetics; and
 - vii) that extensive landscaping, including a tree planting program, is provided.
- d) Implementation
- i) that the provisions of Policy Z-3 be met.”

Policy C-15C:

It shall be the intention of Council to consider discharging the agreements made pursuant to Policy C-15B upon the completion of the development. Council may thereafter zone the PCDD in such a manner as to be consistent with the development, by creating a specific zone for the site which incorporates the uses provided for in the development agreement as well as provisions consistent with the Halifax Regional Municipality Charter.

9. Policy C-31, subsection (a), shall be amended by deleting the text “or CCDD” and replaced with the following text:
“,PCDD or CCDD”

10. Policy S-3 shall be amended by deleting the text “CCDD” and replaced with the following text:

“CCDD, PCDD”

11. The Implementation Section shall be amended by deleting the Comprehensive Development Districts preamble paragraph and replace it with the following words:

“Comprehensive Development Districts

Town Council has recognized the advantages of having large tracts of land planned and developed as a unit with a comprehensive plan as a guideline. To this end, Council shall develop Residential, Commercial, Paper Mill and Waterfront Comprehensive Development District Zones to allow this process to occur. These four zones will provide an alternative method of development designed to stimulate innovations in residential, commercial, and institutional developments, provide a mechanism to develop in harmony with the environment, and increase flexibility within the residential, commercial, and

institutional sectors to better respond to current and future needs as provided for in Policies R-9 to R-17, C-7 to C-15C, and WF-19 to WF-23.”

12. Map 1, Bedford Generalized Future Land Use shall be amended as shown in the attached Schedule A;
13. The Commercial Section shall be amended by deleting Map 3, Mainstreet Improvement District/CCDD Locations and replacing it with a new Map 3 attached as Schedule B.
14. Appendix B, Table III, Generalized Land Use Designations shall be deleted and replaced with a new Appendix B as shown in the attached Schedule C;

THIS IS TO CERTIFY that the Municipal Planning Strategy of Bedford which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council on the _____ day of _____, 2011.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this _____ day of _____, 2011.

Cathy Mellett
Municipal Clerk

**Schedule C
APPENDIX B
TABLE III
GENERALIZED FUTURE LAND USE DESIGNATIONS**

POTENTIALLY PERMITTED USES ● USES PERMITTED AS-OF-RIGHT ■ USES PERMITTED BY REZONING * USES PERMITTED BY DEVELOPMENT AGREEMENT	RESIDENTIAL	RR	COMMERCIAL	MNSTR.COMM.	INDUSTRIAL	INSTITUTIONAL	PARKS	FLOODWAY	CCDD	RCDD	WFCDD	ITR	PCDD
	SINGLE UNIT	●	●							*	*		
TWO UNIT	●								*	*			
TOWNHOUSE	●								*	*	*		*
MULTIPLE UNIT	●			● ¹					*	*	*		*
MOBILE HOME										*			
HOME OCCUPATION	●	●											*
NEIGHBOURHOOD CONVENIENCE STORE			●							*	*		*
NEIGHBOURHOOD COMMERCIAL									*	*			*
GENERAL BUSINESS			●		● ²				*				*
SHOPPING CENTRE			*		●								*
MAINSTREET COMMERCIAL			●										
HERITAGE COMMERCIAL				●									
CONVENTION FACILITIES			*						*		*		*
LIGHT INDUSTRIAL					●								
HEAVY INDUSTRIAL					●								
HARBOUR ORIENTED INDUSTRIAL					●								
PITS AND QUARRIES					* ³								
SALVAGE YARDS					* ⁴								
PARKS	●	●				●	●	●	*	*	*		*
RECREATION USES	●					●	●	*		*			*
INSTITUTIONS	■	■	■	■	■	■	■		*	*	*		*
UTILITIES	■	■	■	■	■	■	■	■			*		*
SPECIAL CARE (4 - 10 RESIDENTS)	●	●											
SPECIAL CARE (>10 RESIDENTS)	*	*	*	*	*	●	*		●	*	*		*
DAYCARE FACILITIES	● ⁵		●	●	●	●							*
HOSPITAL													
MULTI-SERVICE CENTRE	*	*	*	*	*	*	*		*	*	*		*
CORRECTIONAL FACILITIES					*								
DRINKING ESTABLISHMENTS			*	* ⁶					*		*		*
ADULT ENTERTAINMENT USES			*										
RETAIL COMMERCIAL USES											*		*
COMMERCIAL ENTERTAINMENT USES											*		
COMMERCIAL SERVICE											*		
FOOD AND BEVERAGE											*		*
HOTEL FACILITIES			●	●							*		*
CULTURAL USES											*		*

MARINE RELATED USES											*		
INFORMATION TECHNOLOGY AND RESEARCH USES												•	
SENIOR RESIDENTIAL COMPLEXES			*					*	*	*			*

1. DWELLING UNITS IN CONJUNCTION WITH COMMERCIAL USES SUBJECT TO THE MAINSTREET COMMERCIAL ZONE REQUIREMENTS.
2. OFFICE USES PERMITTED IN THE GENERAL BUSINESS DISTRICT ZONE SHALL BE PERMITTED BY DEVELOPMENT AGREEMENT.
3. IN AREAS ZONED HEAVY INDUSTRIAL.
4. IN AREAS ZONED HEAVY INDUSTRIAL.
5. DAYCARE FACILITIES TO A MAXIMUM OF 14 CHILDREN.
6. PUBS AND LOUNGES ONLY; CABARETS ARE EXCLUDED.

Attachment “B”
Proposed Amendments to the Bedford LUB

BE IT ENACTED by Regional Council of the Halifax Regional Municipality that the Land Use By-Law for Bedford as adopted by the Bedford Town Council on the 26th day of March, 1996, and approved by the Minister of Municipal Affairs on the 17th day of May, 1996, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the [INSERT DATE OF HEARING], is hereby amended as follows:

1. Part 3, Section 1 shall be amended by adding the following after the words after the words “Commercial Comprehensive Development District”:

“PCDD Paper Mill Comprehensive Development District”
2. Part 4, Section 3 shall be amended by replace the text “C-15” with the following text:

“C-15B”
3. Part 4, Section 3 shall be amended by adding the following text after subsection d):

“d1) Within the Paper Mill Comprehensive Development District designation on the Generalized Future Land Use Map, a development agreement may be considered for mixed use developments as provided for in Policies C-15A and C-15B.”
4. Part 5, Section 8 shall be amended by adding the following text after the text “RTH”:

“, PCDD”
5. Part 5, Section 8, clause h) shall be amended by adding the following text after the text “one off-street parking space,”:

“except within the PCDD zone,”
6. Part 5, Section 10 shall be amended by adding the following text after the text “RCDD”:

“, PCDD”
7. Part 16A, as shown in Schedule A, shall be added after Part 16.
8. Appendix B shall be amended by Adding the text “Paper Mill Comprehensive Development District” between “CGB- General Business District Zone” and “CCDD - Commercial Comprehensive Development District”.

THIS IS TO CERTIFY that the Land Use By-law of Bedford which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council on the _____ day of _____, 2011.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this _____ day of _____, 2011.

Cathy Mellett
Municipal Clerk

Schedule A of Attachment B

PART 16A PAPER MILL COMPREHENSIVE DEVELOPMENT DISTRICT (PCDD) ZONE

- 1) No development permit shall be issued for a development in a PCDD Zone unless the proposed development is in conformance with a development agreement which has been approved by a resolution of Council.

- 2) The following uses may be permitted in a PCDD Zone:
 - a) townhouse dwellings;
 - b) multiple unit dwellings;
 - c) neighbourhood commercial uses;
 - d) neighbourhood convenience stores;
 - e) personal service uses including health and wellness facilities
 - f) office buildings;
 - g) private clubs (social)
 - h) restaurants
 - i) day care facilities
 - j) general retail exclusive of mobile home dealerships
 - k) personal and household Services, exclusive of massage parlours
 - l) shopping centre
 - m) commercial photography
 - n) lounges & taverns
 - o) hotels
 - p) drycleaning depots
 - q) commercial parking lots
 - r) institutional (SI) uses, excluding cemeteries
 - s) ice cream stands
 - t) veterinary clinics
 - u) convention facilities;
 - v) parks and recreational uses;
 - w) billiard/snooker club
 - x) utility uses such as solar, geothermal, district heating and car charging stat which are accessory to the development.
 - y) any uses accessory to the foregoing uses.

- 3) A PCDD Zone shall be applied only to sites identified PCDD on the Generalized Future Land Use Map.

- 4) In the event Council approves the proposal, approval shall only be granted subject to the condition that the registered owner of the land upon which the development is to occur shall enter into an agreement with Council containing such terms and conditions as Council may direct. This agreement shall be registered with the land and be binding on any subsequent owners of the land. Council may discharge the agreement upon the completion of particular phases of the development pursuant to Policy C-15C of the Municipal Planning Strategy.

- 5) Notwithstanding anything in this By-law, the lot size, road frontage, front yard, side yard, rear yard and height restrictions shall be described in the Development Agreement made between Council and the developer pursuant to the Halifax Regional Municipality Charter and policies C-7 to C-15C of the Municipal Planning Strategy.