

# MEMORANDUM

**To:** Chair and Members of North West Planning Advisory Committee

**From:** Andrew Bone, Senior, Planner

**Date:** November 13, 2013

**Subject:** **Case 17272 – Application by North West Community Council to review the Cushing Hill Commercial Comprehensive Development District policies to consider changes to the policies to enable new policy which will enable commercial and/or residential development of the site.**

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**Overview:**

The Bedford Municipal Planning Strategy (MPS) identifies a site at the northern edge of the former town of Bedford as a Commercial Comprehensive Development District (CCDD). The site:

- Encompasses nine properties including 1763, 1781 and 1789 Bedford Highway, and 122,128, 134, 136 and 144 Oakmount Drive.
- Is approximately 5.6 acres in size – located on south east side of the interchange between Highway 101, Bedford Highway and Highway 102 in Bedford.

Existing zoning allows the negotiation of development agreements for commercial and/or multiple unit and townhouse residential land uses subject to CCDD policies in the Bedford MPS. No development agreements are approved for the lands.

Over the years, it has become apparent that existing planning policies may not be appropriate for the site and, as a result, North West Community Council requested that Regional Council initiate a planning process to review the planning policies and determine if new policies should be created. Staff produced an initiation report which is attached to this document. Regional Council initiated the request on November 8, 2011. Attached please find the plans and supporting information related to this application.

**Existing Use:** Several properties on this site have existing single unit dwellings on them, while several of the properties are currently vacant with no existing structures or buildings.

**Designation:** ‘Commercial Comprehensive Development District’ under the Bedford MPS (Map 1 of Attachment A).

**Zoning:** Commercial Comprehensive Development District Zone under the Bedford Land Use By-law (LUB) (Map 2 of Attachment A).

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**HRM Development Approvals – Planning Services**

**Proposals:** There are no specific development proposals at this time; however staff are reviewing the site and its issues to identify if new planning policy needs to be created. Staff will be focussing on drafting policies related to commercial and or residential land uses and issues such as appropriate land uses, building sizes, relationships and traffic / access issues. Further details can be found in the Initiation Report (Attachment A).

**MPS Policy:** MPS policy for Bedford creates a Commercial Comprehensive Development District which is applied to a number of sites in the Bedford area. Cushing Hill is one of the sites that is clearly identified in policy as one have development potential for commercial uses. Thus, the MPS applied the CCDD Zone. MPS policies can be found in the attached Initiation Report (Attachment A).

**Public Meeting:**

The Community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement is consultation, achieved through an Open House (May 28, 2012). Notices of the Public Meeting were posted on the HRM website, in the newspaper and mailed to property owners and tenants within a broad area. The meeting was well attended. Comments were gathered through comment sheets. Comments focussed on access to the site, adjacent traffic issues, proposed land use mix, compatible building form, appropriate density and soil erosion from the site.

**Input Sought from the Committee:**

Pursuant to the Committee's Terms of Reference, feedback is sought from the Committee relative to the proposed policy change and the proposed development agreement. PAC's recommendation will be included in the staff report to North West Community Council and subsequently to Regional Council.

**Attachments:**

Attachment A: MPS Amendment Initiation Report to Regional Council

Attachment B: MPS Amendment Presentation to Regional Council



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

**Item No. 11.1.3**  
**Halifax Regional Council**  
**November 8, 2011**

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:** Original signed by   
\_\_\_\_\_  
Richard Butts, Chief Administrative Officer

Original Signed by   
\_\_\_\_\_  
Mike Labrecque, Deputy Chief Administrative Officer

**DATE:** October 3, 2011

**SUBJECT:** **Case 17272: MPS Amendment Cushing Hill Commercial  
Comprehensive Development District (CCDD)**

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**ORIGIN**

- January 27, 2011, motion of North West Community Council to provide an information report regarding existing MPS policy for the Cushing Hill CCDD; and
- May 26, 2011, motion of North West Community Council to request initiation of an MPS amendment process to consider new MPS policy for the Cushing Hill CCDD.

**RECOMMENDATION**

It is recommended that Halifax Regional Council:

1. Initiate the process to consider amending the Bedford Municipal Planning Strategy and Land Use By-Law by amending the policies and regulations related to the Cushing Hill Commercial Comprehensive Development District (CCDD); and,
2. Request staff to follow the public participation program as approved by Council in February 1997.

## **BACKGROUND**

On January 27, 2011, the North West Community Council directed staff to provide an Information Report outlining the issues related to the Cushing Hill CCDD area and possible planning options to address the ongoing issues. The Cushing Hill CCDD (Commercial Comprehensive Development District) is a designation and zone that has been applied to nine parcels of land located on the Bedford Highway near the Highway 101 and 102 interchange (Maps 1 and 2). These nine parcels of land are located within the Bedford Municipal Planning Strategy (MPS) and Land Use By-Law (LUB).

An Information Report dated April 27, 2011, was tabled with the North West Community Council on May 26, 2011, and the Community Council directed staff to prepare an initiation report to Regional Council in the fall of 2011. This report is the initiation report as directed by North West Community Council and much of the content from the Information Report dated April 27, 2011, is provided below.

### **Policy Intent, Designation and Zoning:**

The Bedford Municipal Planning Strategy (MPS) has identified several large parcels of land which are appropriate for commercial development, when developed in a comprehensive manner, which ensures the best utilization of the site as well as ensuring compatibility with adjacent land uses. The purpose of this is to allow for developments which emphasize the unique characteristics of a site in terms of its location, its unique physical characteristics, its overall size, and its relationship to adjoining and existing or proposed uses. These areas are designated as CCDD and require a development agreement process. CCDD Policy specifically requires development of commercial uses on 50% of each CCDD site and further, that multiple unit buildings not be permitted to occupy more than 25% of a CCDD site. Architectural, landscaping, and streetscape considerations for multiple unit buildings are to be considered.

The Paper Mill Lake CCDD, the Hammond Centre at the corner of the Bedford Highway and Hammonds Plains Road, the Traveller's and Esquire Motel, and the commercial building corner of the Hammonds Plains Road and Brookshire Court near the Highway 102 interchange, are examples of other CCDD lands.

The subject lands, known as the Cushing Hill CCDD, consist of nine properties with six different property owners. These properties are designated CCDD under the Bedford Municipal Planning Strategy (MPS) as shown on Map 1, and CCDD Zoned under the Bedford Land Use By-Law (LUB) as shown on Map 2. The Cushing Hill CCDD designation was placed on the site over fifteen years ago, when there was an opportunity for the development of a hotel on the site. The proposal did not materialize and to date, there has not been an application for a development agreement.

**Existing Land Uses/Development Rights:**

The subject lands are a mix of vacant lots and existing single unit dwellings. Recent air photos indicated that there are eight existing single family homes on the site. Some of these homes directly access the Bedford Highway, while others directly access Oakmount Drive. These homes were in existence prior to the placement of the CCDD Zone, however, the CCDD Zone does not permit “existing” single unit dwellings. Existing single unit dwellings are considered non-conforming and are not permitted to be re-established if discontinued for a period of greater than six months.

New development on this site is enabled by a development agreement and is subject to development agreement process and approval by the North West Community Council. All development agreements are subject to the CCDD policies (Attachment A) and the uses permitted in the CCDD Zone (Attachment B). Specifically, an application for a single unit dwelling or accessory building, would require an application for a development agreement. Because the intent of the policy is to develop the site in a comprehensive manner, an agreement requires the participation of all land owners.

**DISCUSSION**

Cushing Hill CCDD is a predominant site at the entrance of Bedford near the Highway 101 and 102 interchange. To date, minimal land development has taken place surrounding the site and the site itself has remained undeveloped for uses proposed by the MPS. Based on planning experience over the past fifteen years in dealing with this area, and a review of the existing policies in the plan, staff offer the following comments:

- **Multiple Property Owners** - There are multiple property owners within the Cushing Hill CCDD. The intent of the policy is to develop the site in a comprehensive manner, therefore, all property owners within the CCDD must participate in the development agreement process for the site. Staff speculates that one of the significant challenges to developing the site is getting the agreement of all owners to participate in a planning process and to agree to a long term concept for the site.
- **Grade Differences within the Site** - There is a significant grade difference between the north and south ends of the Cushing Hill CCDD site and with surrounding properties. This is partially due to the natural grades of the site and past excavation at the south end of the site. These grade differences make developing the site as a whole, challenging from an engineering perspective.
- **Limited Useable Frontage/Access - Bedford Highway**– Properties within the Cushing Hill CCDD have lot frontage on the Bedford Highway, however, the frontage is not useable for either one of two reasons:

- Firstly, some frontage is not useable due to extreme grade differences between the Bedford Highway and the useable land on the site; or
- Secondly, Nova Scotia Transportation and Infrastructure Renewal (NSTIR) limits access to the Bedford Highway within 250 m (820 ft.) of the interchange ramps at Highway 102. This limits or precludes access to the site.

Through discussions with property owners, staff have identified that the only safe commercial access point may be located on lands to the south of the Cushing Hill CCDD and due to this factor, development of this site may require the inclusion of adjacent lands.

- **No Access to Oakmount Drive** – Further to the limited access to the Bedford Highway, there is no access to the adjacent Oakmount Drive. Specifically, zoning lines have been placed on the properties in such a way to preclude commercial access and to ensure commercial traffic would not travel through adjacent residential neighbourhoods.
- **Developable Commercial Land** – Staff are of the opinion that only the four southernmost properties on the Cushing Hill CCDD site, may be appropriate for commercial development. These lands include 1763, 1775, 1781 and 1789 Bedford Highway. Staff has identified these lands as potentially appropriate for commercial development because they are proximate to a possible commercial driveway access to the Bedford Highway and they may have the visibility desired for commercial land use. Lands located on the north end of the Cushing Hill CCDD, may be more appropriate for residential land uses due to poor commercial access and visibility.

### **Summary:**

As policies currently exist for the Cushing Hill CCDD, the goal is to develop the sites from a commercial perspective. Given the issues with ownership, access and questions related to land use, it is the opinion of staff that the current policy may not be appropriate for the site and may be limiting the ability of the site to be developed. Based on this, it is staff's opinion it is reasonable to consider a review of these MPS policies. Staff is recommending that Regional Council initiate a review of the CCDD policies as they apply to the Cushing Hill CCDD, as identified in the recommendation section of this report.

### **BUDGET IMPLICATIONS**

The cost to process this planning application can be accommodated within the approved 2011/12 operating budget for C310 Planning & Applications.

### **FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved 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

Amendments to the Bedford Municipal Planning Strategy involve community engagement. The engagement process will be consistent with the intent of the HRM Community Engagement Strategy, the *Halifax Regional Municipality Charter*, and the Public Participation Program approved by Council on February 25, 1997.

The proposed level of community engagement is 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.

The proposed Municipal Plan and Land Use By-Law Amendments will potentially impact the following stakeholders: local residents and property owners.

## ALTERNATIVES

1. Council may choose to initiate the MPS amendment process for reasons set out in this report. This approach is recommended for the reasons outlined above.
2. Council may choose not to initiate the MPS amendment process. A decision not to amend the MPS may not be appealed. This alternative is not recommended as staff believes that there is merit in considering this requested MPS amendment.

## ATTACHMENTS

Map 1	Generalized Future Land Use Map
Map 2	Zoning Map
Attachment A	Relevant CCDD Policies from the Bedford MPS

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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.

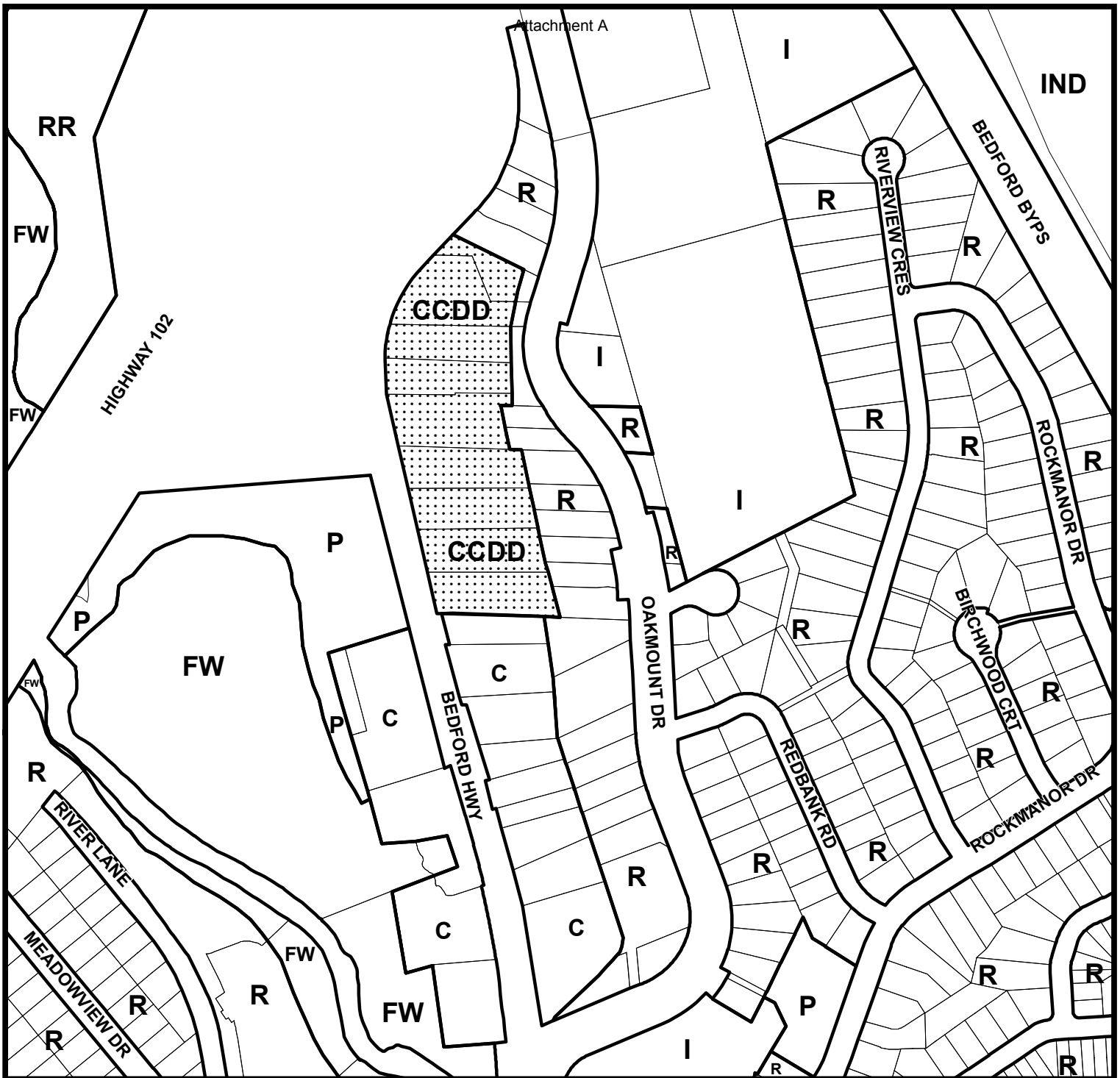
Report Prepared by: Andrew Bone, Senior Planner, 869-4226

Report Approved by: \_\_\_\_\_  
Austin French, Manager of Planning Service, 490-6717

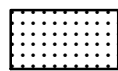
Financial Approval by: \_\_\_\_\_  
James Cooke, CGA, Director of Finance/CFO, 490-6308

Report Approved by: \_\_\_\_\_  
Phil Townsend, Director, Planning & Infrastructure, 490-7166

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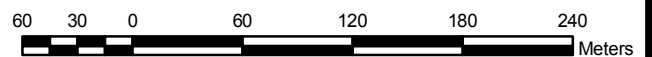


**Map 1**  
Generalized Future Land Use

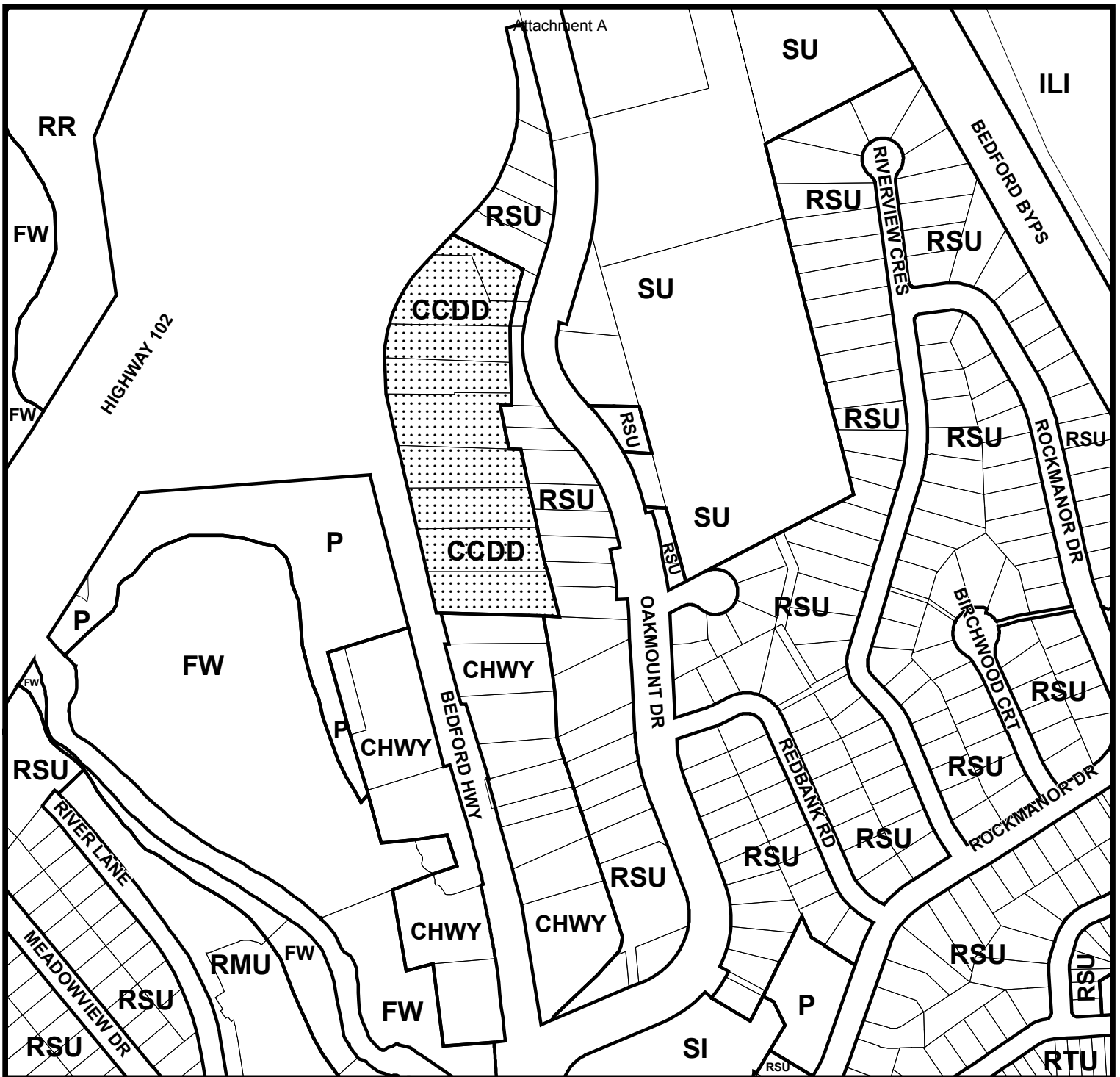


CCDD Zoned Properties

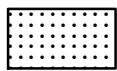
- R Residential Designation
- RR Residential Reserve Designation
- FW Floodway Designation
- P Park and Recreation Designation
- C Commercial Designation
- CCDD Commercial Comprehensive Development District
- I Institutional Designation
- IND Industrial Designation







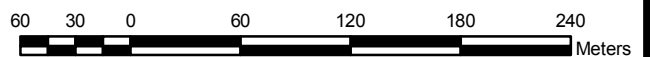
Map 2  
Zoning



CCDD Zoned Properties

- RSU Single Dwelling Zone
- RTU Two Dwelling Unit Zone
- RMU Multiple Dwelling Unit Zone
- RR Residential Reserve Zone
- FW Floodway Zone
- P Park Zone
- CHWY Highway Oriented Commercial Zone
- CCDD Commercial Comprehensive Development District
- SI Institutional Zone
- SU Utilities Zone
- ILI Light Industrial Zone

**HALIFAX**  
REGIONAL MUNICIPALITY  
Community Development  
Planning Services



## **Attachment A**

### **Relevant CCDD Policies from the Bedford MPS**

#### Commercial Objective:

- (c) There are several large parcels of land which have been identified as appropriate locations for additional commercial activity. Through the provisions of Policy C-7 Council shall create a Commercial Comprehensive Development District (CCDD) land use designation as well as a CCDD Zone. Policy C-8 itemizes evaluation criteria for Council to consider with CCDD development agreement applications while Policy C-9 allows for the eventual discharge of these agreements.

The first CCDD area referred to is the area generally known as Cushing Hill, situated at the northern entrance to the Town. The second area is located on the Hammonds Plains Road, between Village Crescent and the Highway 102 Interchange, and was designated commercial under the Town's previous Municipal Development Plan (Policy C-11). The third area is located beside Paper Mill Lake opposite the second CCDD area (Policy C-12). The fourth CCDD area includes the sites of the Travellers' Motel and Esquire Motel located at the southern end of the Town (see Map 3 & Policy C-13). If these properties are developed in conjunction with phase two of the waterfront project, an MPS/LUB amendment can be considered to re-designate and re-zone these properties from CCDD to WFCDD which would allow these properties to be developed comprehensively within the waterfront in accordance with the WFCDD Zone, The fifth CCDD is located at the northern corner of Hammonds Plains Road and the Bedford Highway (Map 3 and Policy C-14). (RC-Mar6/07;E-Apr7/07)

CCDD development will require commercial uses on 50% of each CCDD site and further, that multiple unit buildings not be permitted to occupy more than 25% of a CCDD site. Multiple unit buildings shall be constructed in accordance with the RMU zone requirements. Maximum building height may be increased to four stories in the case of sloped lots where the building is designed to fit the natural topography of the site. Lot area requirements shall be calculated on the basis of 2000 square feet per unit, regardless the unit size. Lot area associated with each building may be reduced in size to increase the common open space. The architectural, landscaping, and streetscape considerations for multiple unit buildings within the RCDD zone, as articulated in draft Policies R-12A, R-12B and R-12C, shall apply to multiple unit developments within the CCDD zone.

The location of these areas is such that they should be approached in a comprehensive manner to ensure the best utilization of the sites, as well as compatibility with adjacent land uses. In an effort to achieve the most appropriate development, and to allow for innovation and flexibility in design, these areas will be designated as commercial comprehensive development districts (CCDD). The purpose of a CCDD is to allow for developments which emphasize the unique characteristics of a site in terms of its location within the Town, its unique physical characteristics, its overall size and its relationship to adjoining, existing or proposed uses.

## **Location of Commercial Uses**

### Policy C-1:

It shall be the intention of Town Council to consider proposals for commercial development in areas designated Commercial, Mainstreet Commercial, and Commercial Comprehensive Development District on the Generalized Future Land Use Map provided that all applicable policies of this strategy are met.

## **Types of Commercial Uses**

### Policy C-3:

It shall be the intention of Town Council to encourage a range of commercial uses sufficient to serve community needs within the Town and surrounding areas through provisions in the Land Use By-law to create the following zones:

...

- Commercial Comprehensive Development District Zone (CCDD) which permits mixed use projects including, but not limited to, single and two unit dwellings, townhouses, multiple-unit buildings, office buildings, neighbourhood commercial uses, CGB Zone uses, convention facilities, and recycling depots.

...

The CHWY Zone shall be applied in the general vicinity of the Bedford Highway in the area between the Highway 101/102 interchange and the Sackville River at Union Street as well as on a number of properties along Rocky Lake Drive. The CCDD Zone shall be applied to the Cushing Hill area, Sobeys Shopping Centre at Hammonds Plains Road, areas east and south of the Highway 102/Hammonds Plains Road interchange, and east of the Bedford Highway at the municipal boundary with Halifax. The extent and purpose of the CMC Zone is explained in Policies C-19 to C-29B.

## **Commercial Comprehensive Development Districts**

### Policy C-7:

It shall be the intention of Town Council to designate the lands shown on Map 3 as Commercial Comprehensive Development Districts, and in the Land Use By-Law the lands shall be zoned Commercial Comprehensive Development District (CCDD). The CCDD Zone will permit mixed use, residential/commercial projects, including single unit dwellings, two unit dwellings, multiple-unit buildings, senior residential complexes, neighbourhood commercial, office buildings, CGB Zone uses, convention facilities, recycling depots, park uses, and institutional uses. Existing uses within the CCDD Zones shall be considered as permitted uses and be allowed to continue operation.

It shall be the intention of Town Council to require development of commercial uses on 50% of each CCDD site and further, that multiple unit buildings not be permitted to occupy more than 25% of a CCDD site. Multiple unit buildings shall be constructed in accordance with the RMU zone requirements. Maximum building height may be increased to four stories in the case of sloped lots where the building is designed to fit the natural topography of the site. Lot area requirements shall be calculated on the basis of 2000 square feet per unit, regardless the unit size. Lot area associated with each building may be reduced in size to increase the common open space. The architectural, landscaping, and streetscape

considerations for multiple unit buildings within the RCDD zone, as articulated in Policies R-12A, R-12B and R-12C, shall apply to multiple unit developments within the CCDD zone.

Policy C-8:

It shall be the intention of Town Council to enter into Development Agreements pursuant to the Planning Act with the owners of the lands zoned Commercial Comprehensive Development District to carry out the proposed commercial and mixed use commercial/residential development(s) provided that all applicable policies of this document are met. In considering applications Council shall have regard to whether the proposed land use emphasizes the unique features of the site in terms of its location within the Town, its unique physical characteristics, its overall size and the relationship developed with adjoining existing or proposed uses. A special emphasis on the conservation of the natural environment including features such as watercourses, lakes, trees, and the natural topography shall be highlighted in the development proposal.

Policy C-9:

It shall be the intention of Town Council to consider discharging the agreements made pursuant to Policy C-8 upon the completion of the development. Council may thereafter zone the CCDD 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 Sections 53 and 54 of the Planning Act.

**Case 17272  
Cushing Hill  
Bedford**

***Presentation for  
Regional Council***

Andrew Bone, November 8, 2011

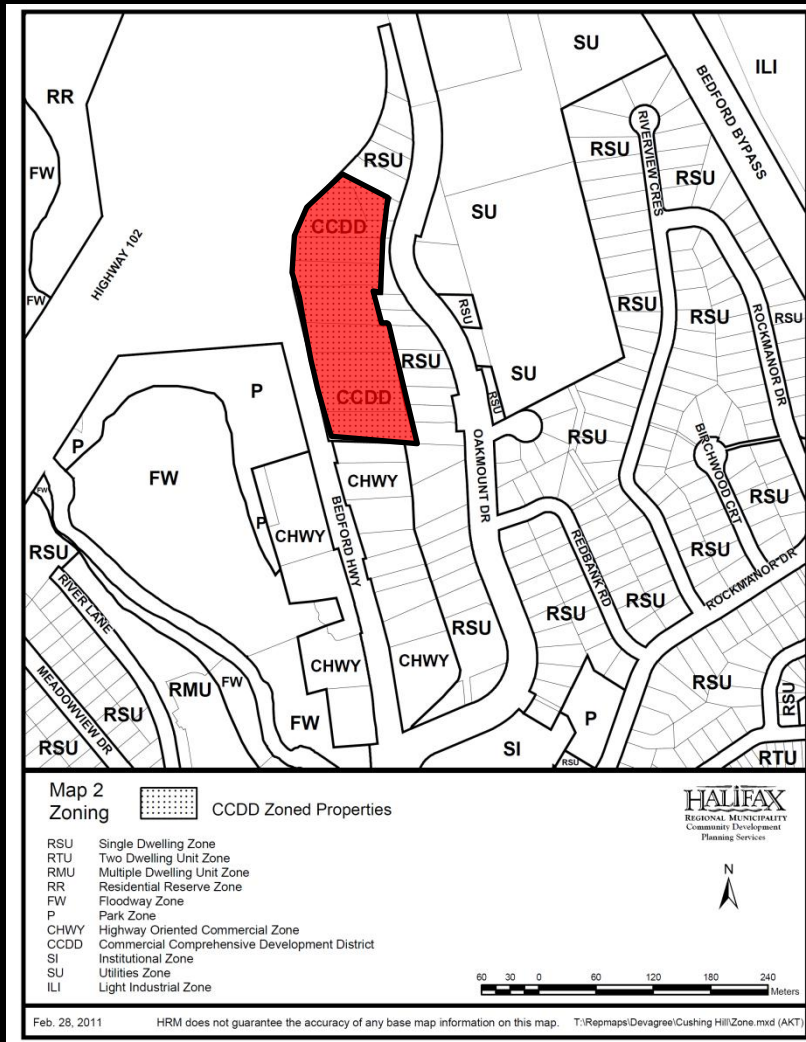
# Background

*Planning Services*

- NWCC motion
- Staff identified issues relating to the Cushing Hill Commercial Comprehensive Development District (CCDD)
- NWCC Motion to request initiation by Regional Council.

# Subject Property

Planning Services



- Cushing Hill  
CCDD
- 5.6 acres
- Bedford  
MPS/LUB
- Designated  
CCDD
- Zoned CCDD
- Vacant /Single  
Dwellings

# Issues

*Planning Services*

- Multiple property owners
- Grade Differences
- Limited Access – Bedford Highway
- No appropriately zoned access to Oakmount Drive
- Limited developable commercial land
- Adjacent lands



# Issues

Planning Services



# Summary

*Planning Services*

- Existing policies may preclude appropriate development of the site.
- Staff recommends the review of existing policies to identify new policy opportunities.

# Subject Property

*Planning Services*

