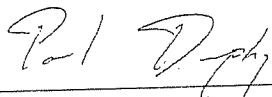




P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

North West Planning Advisory Committee
February 2, 2011

TO: Chair and Members of North West Planning Advisory Committee

SUBMITTED BY: 
Paul Dunphy, Director, Community Development

DATE: January 14, 2011

SUBJECT: Case 16722 - Non-Substantive Amendment for Sunset Ridge, Middle Sackville

ORIGIN

Application by Armco Capital Inc. to amend the existing development agreement for Sunset Ridge to permit a side yard setback of 8ft. (2.4 m) for semi-detached dwellings.

RECOMMENDATION

It is recommended that North West Planning Advisory Committee recommend that North West Community Council:

1. Approve the proposed Amending Agreement, set out in Attachment A of this report, for the development known as Sunset Ridge as being consistent with the intent of the existing development agreement and applicable policy.
2. Require the Amending Agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

The Subject Property:

The subject lands are known as Sunset Ridge. This area is designated Rural Residential and Urban Residential under the Sackville Municipal Planning Strategy (Map 1) and zoned CDD and R-6 under the Sackville Land Use By-law (Map 2).

On July 10, 2008 North West Community Council approved a development agreement to permit a mixed residential development with local commercial uses commonly known as Sunset Ridge in accordance with policy SU-10 of the Regional Municipal Planning Strategy. To date Phase 1 which includes two streets (Beaconsfield Way and Avebury Court) and 66 residential lots have been approved and permits are being issued.

Current Requirements:

Section 3.5 of the agreement provides the detailed provisions for land use which includes side yard setback requirements for each dwelling type. Specifically:

- Single unit dwellings have a minimum required side yard setback of 4ft. (1.2 m) provided a distance of 12ft. (3.7 m) is maintained between buildings.
- Townhouse dwellings have a minimum required side yard setback of 8ft. (2.4 m).
- For semi-detached dwellings, the requirements revert back to the R-2 zone standards in the Sackville Land Use By-law which prescribe a minimum rear or side yard setback as 10ft. (3 m) or 0ft. (0m) from the side being common with another dwelling unit.

Purpose of the Application:

The applicant is requesting the side yard setback for semi-detached dwellings be reduced by 2 ft (0.69m), from 10ft. (3 m) to 8ft. (2.4 m). The applicant has indicated the side yard setback reduction is necessary to enable the construction of buildings that maintain a suitable and functional building width. The applicant has also identified internal functionality and visual proportion along streetscapes as other reasons to permit the reduction in setback.

Non-Substantive Amendment Option in the DA:

Section 6.2 (b) agreement allows Community Council to consider amendments to the development standards through a “non substantive” amendment provided Community Council is satisfied that such amendments are minor and conform with the intent and all applicable policies of the Community Planning Strategy and the Regional Planning Strategy. Further, a “non-substantive” amendment may be approved through a resolution of Council without a Public Hearing.

The application to consider a reduction in the side yard setback for semi-detached dwellings is a non-substantive amendment in accordance with Section 6.2 of the agreement.

DISCUSSION

In the early 1990's provisions were established within the Sackville Land Use Bylaw to increase the minimum lot area and yard requirements for semi-detached dwellings. The main reason for the increased setback was to ensure an adequate separation and buffer was provided, relative to infill development, between existing single unit dwelling neighbourhoods and any proposed semi-detached development. Therefore, Sackville Land Use Bylaw requires a 10 ft (3m) side yard setback for semi-detached dwellings. Other Land Use Bylaws within the Central Region all permit 8 ft (2.4 m) setbacks.

It is staff's opinion this 2ft (0.6m) reduction in the side yard setback is reasonable and in keeping with the agreement and conforms with the intent and all applicable policies of the Community Planning Strategy and the Regional Planning Strategy for the following reasons:

- a) The Sunset Ridge development is a new development and the semi-detached dwellings permitted under the agreement are not located near existing single unit dwellings. Therefore, a 10 foot sideyard setback is not necessary to ensure an adequate separation and buffer is provided;
- b) New semi-detached dwellings within Sunset Ridge are not located near new single unit dwellings which supports the applicant's request for a reduced setback; and
- c) A 10ft (3m) side yard for semi-detached buildings would be out of character for the Sunset Ridge neighbourhood given a single unit dwelling has a minimum required side yard setback of 4ft. (1.2 m) provided a distance of 12ft. (3.7 m) is maintained between buildings. Further, a townhouse dwelling has a minimum required side yard setback of 8ft. (2.4 m).

Conclusion:

The requested reduction in the side yard setback will allow the semi detached dwellings to be more consistent with the other housing forms in the Sunset Ridge development and provide an adequate separate distance from abutting development. It should be noted that by approving the amendment no additional dwelling units will be permitted.

BUDGET IMPLICATIONS

There are no budget implications. The Developer will be responsible for all costs, expenses, liabilities and obligations imposed in order to satisfy the terms of this Agreement. The administration of the Agreement can be carried out within the approved budget with existing resources.

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

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was information sharing, achieved through the HRM Website and responses to inquiries. A public information meeting is not required for a non-substantive amendment to a development agreement, nor is a public hearing. The decision of a non-substantive amendment is made by resolution of Council.

The proposed amending agreement will potentially impact the following stakeholders but not limited to local residents, property owners, and Armco Capital Incorporated.

ALTERNATIVES

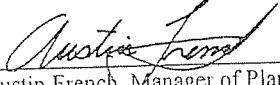
1. Council could choose to enter into the amending agreement and allow eight (8) foot (2.4 m) side yard setbacks for semi-detached dwellings. This is the recommended alternative.
2. Council could choose not to enter into the amending agreement. Therefore, development on the property would remain subject to the conditions of the existing Development Agreement.

ATTACHMENTS

Attachment A: Proposed Amending Agreement
Map 1: GFLUM Map
Map 2: Zoning Map

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

Report Prepared by : Jacqueline Belisle, Planner I, Community Development. 869-4262

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

ATTACHMENT A
PROPOSED AMENDING AGREEMENT

THIS AMENDING AGREEMENT made this day of **[Insert Month]**, 2011,

BETWEEN:

[INSERT PROPERTY OWNER]

a body corporate, in the Province of Nova Scotia
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY

a municipal body corporate, in the Province of Nova Scotia
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located between Highway 101 and Sackville Drive in Middle Sackville, the subdivision commonly known as Sunset Ridge, and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the North West Community Council approved an application to enter into a development agreement to allow for subdivision and development of the Lands and said development agreement is registered at the Land Registry in Halifax as Document Number 91735762 (hereinafter called the "Existing Agreement");

AND WHEREAS the Developer has requested an amendment to the provisions of the Existing Agreement to permit an a side yard setback of 8 feet for semi-detached dwellings on the Lands (hereinafter called the " Amending Agreement");

AND WHEREAS the North West Community Council for the Municipality approved this request at a meeting held on **[insert date]**, referenced as Municipal Case Number 16722;

THEREFORE in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree to the following amendments to the Existing Agreement:

1. Amend Section 3.5.2 by adding "the minimum side yard may be reduced to eight (8) feet (2.4 m) and" after the text "Zone of the Land Use By-law except that" and before the text "that a minimum of two (2) parking spaces shall be provided".

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, 2011.

SIGNED, SEALED AND DELIVERED
in the presence of:

=====

=
**SEALED, DELIVERED AND
ATTESTED** to by the proper signing
officers of Halifax Regional Municipality,
duly authorized in that behalf, in the
presence of:

(Insert Registered Owner Name)

Per: _____

Per: _____

=====

=

**HALIFAX REGIONAL
MUNICIPALITY**

Per: _____

Mayor

Per: _____

Municipal Clerk



**Map 1
Generalized Future Land Use**



Existing Development Agreement

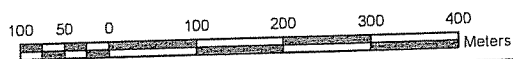
Sackville Plan Area

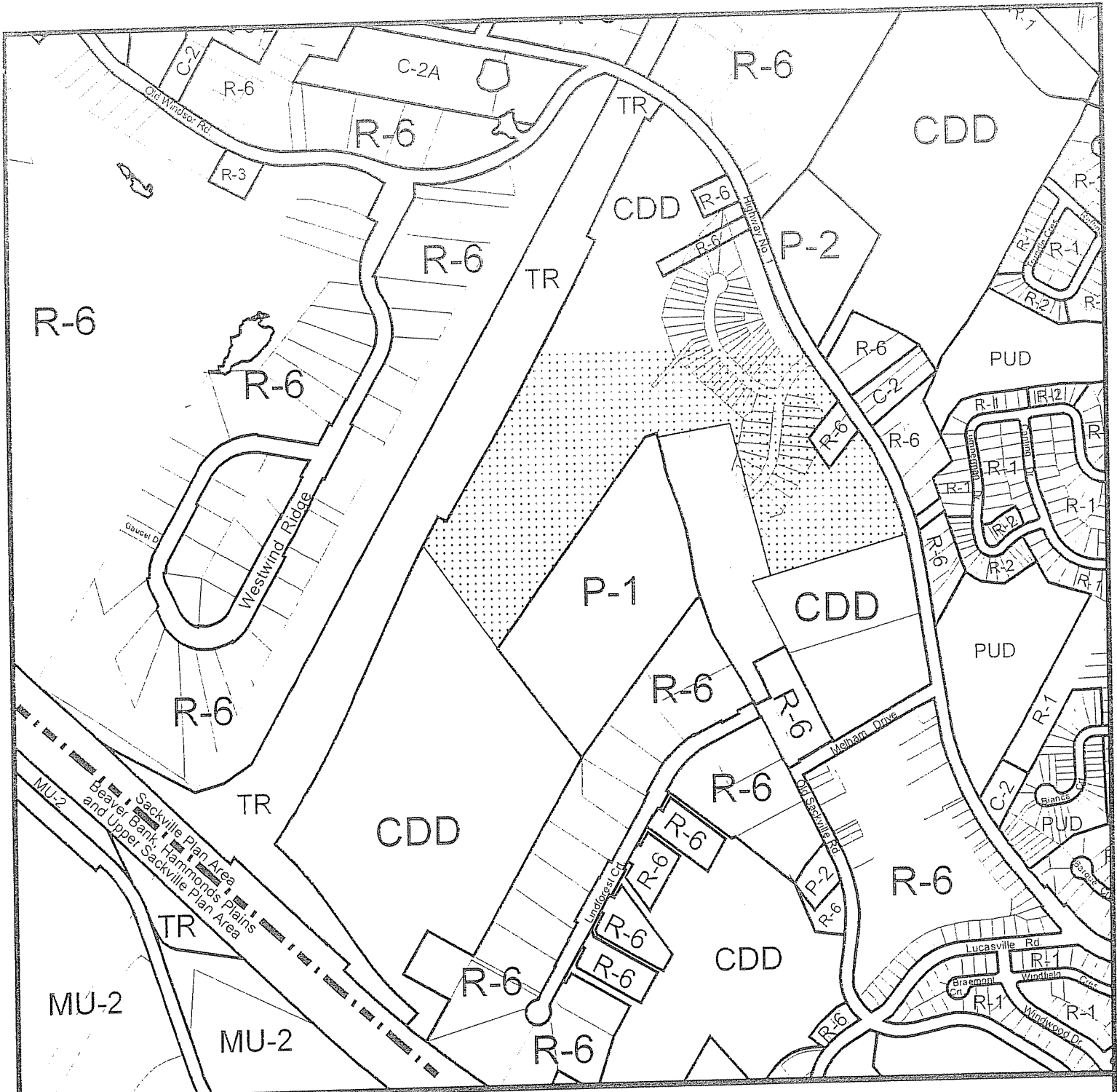
- UR Urban Residential Designation
- RR Rural Residential Designation

Beaver Bank, Hammonds Plains
and Upper Sackville Plan Area

MU-C Mixed Use C Designation

HALIFAX
REGIONAL MUNICIPALITY
Community Development
Planning Services





**Map 2
Zoning**



Existing Development Agreement

Sackville Plan Area

- R-1 Single Unit Dwelling Zone
- R-2 Two Unit Dwelling Zone
- R-3 Mobile Dwelling Zone
- R-6 Rural Residential Zone
- C-2 Community Commercial Zone
- C-2A Minor Commercial Zone
- P-2 Community Facility Zone
- PUD Planned Unit Development
- TR Transportation Reserve Zone

Beaver Bank, Hammonds Plains
and Upper Sackville Plan Area

- MU-2 Mixed Use 2 Zone
- TR Transportation Reserve Zone

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