

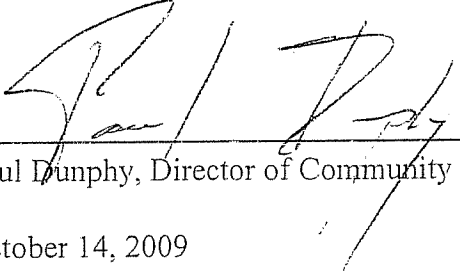


PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

North West Planning Advisory Committee
November 4, 2009

TO: Chair and Members of North West Planning Advisory Committee

SUBMITTED BY:


Paul Dunphy, Director of Community Development

DATE: October 14, 2009

SUBJECT: Case 01340 - Rezoning of 70 Torrington Drive, Bedford

ORIGIN

Motion of North West Community Council - September 24, 2009:

MOVED BY Councillor Outhit, seconded by Councillor Johns, that North West Community Council direct staff to initiate the amendment process for the Land Use Bylaw for Bedford, for the purpose of rezoning 70 Torrington Drive from the Residential Single Dwelling Unit (RSU) Zone to the Parkland Open Space (POS) Zone. MOTION PUT AND PASSED.

RECOMMENDATION

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

1. Give First Reading to the proposed rezoning of 70 Torrington Drive from RSU (Residential Single Dwelling Unit) Zone to POS (Park Open Space) Zone as shown in Attachment A and schedule a public hearing; and
2. Approve the proposed rezoning of 70 Torrington Drive in Bedford from RSU (Residential Single Dwelling Unit) Zone to the POS (Park Open Space) Zone as shown in Attachment A.

BACKGROUND

The property at 70 Torrington Drive was acquired by the Town of Bedford on December 3, 1990. The property is currently under the Adult Lifestyle Development Agreement (Case 90-06) which was approved on March 7, 1990. Under the development agreement, the subject property is to be used as parkland.

Proposal

The Torrington Residents Association approached their local councillor to have the subject property rezoned from the RSU Zone to the POS Zone as the parkland is an important part of their neighbourhood. The purpose of the rezoning request is to ensure the property at 70 Torrington will remain parkland if the existing Development Agreement is discharged. The Association's request was raised with North West Community Council by the local councillor which resulted in this rezoning application.

Location, Designation, Zoning and Surrounding Land Uses

- 70 Torrington Drive is a 58,000 square feet parcel of land located off of Moirs Mill Drive.
- The subject property is designated Residential under the Municipal Planning Strategy (MPS) for Bedford and is zoned RSU (Residential Single Dwelling Unit) under the Land Use By-law (LUB) for Bedford (see Maps 1 and 2).
- The subject property is mainly utilized for passive recreation activities for the residents of the Torrington Estates neighbourhood and consists of densely wooded areas as well as open space areas. There are benches throughout the site.

Existing Development Agreement

The subject property is part of the Adult Lifestyles Development Agreement (Case 90-06), that permits the development of 80 single family detached houses on narrow lots, clustered on 7 cul-de-sac streets, covering an area of 14.5 acres. The development agreement requires the subject property to be utilized as parkland.

Enabling Policy

North West Community Council can consider rezoning of the subject lands to "Park" or "POS" under the Bedford MPS through Policies P-15, P-17 and Z-3.

DISCUSSION

Staff have reviewed the application in accordance with the applicable MPS policies and the Existing Development Agreement. Staff are of the opinion that the proposed rezoning is consistent with the intent of the MPS for Bedford and the Existing Development Agreement. The following issue has been identified for more detailed discussion.

Impact of the Rezoning

Under the current zoning (RSU) on the property, the lands could be developed for new single unit dwellings, assuming the development agreement is discharged and HRM has considered the land surplus and sold it. At this time, HRM has no plans on selling the subject property.

If HRM was to sell the property, the proposed rezoning will provide the residents of Torrington with a higher level of comfort on the intended use of the property and result in a public process (ie. rezoning or development agreement) being initiated before any non-park uses are developed on the property. Therefore, staff recommend that the North West Community Council approve the proposed rezoning of 70 Torrington Drive from RSU to POS.

Public Information Meeting / Notification Area

Given the nature of the application, a public information meeting was not held at the request of the local councillor. Should Council decide to proceed with a public hearing on this application, in addition to published newspaper advertisements, property owners in the immediate area will be individually notified, as shown on Map 1.

BUDGET IMPLICATIONS

The costs to process this planning application can be accommodated within the approved operating budget for C310. Budget availability has been confirmed by Financial Services.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

ALTERNATIVES

1. Council may choose to approve the proposed rezoning of 70 Torrington Drive, as shown on Attachment A, to POS Zone. This is the staff recommendation.
2. Council may choose to refuse the proposed rezoning of 70 Torrington Drive and in doing so, must provide reasons based upon a conflict with MPS policies.

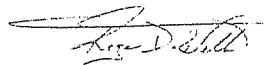
ATTACHMENTS

Map 1:	Generalized Future Land Use Map
Map 2:	Location and Zoning
Attachment A	Proposed Land Use By-law Amendment

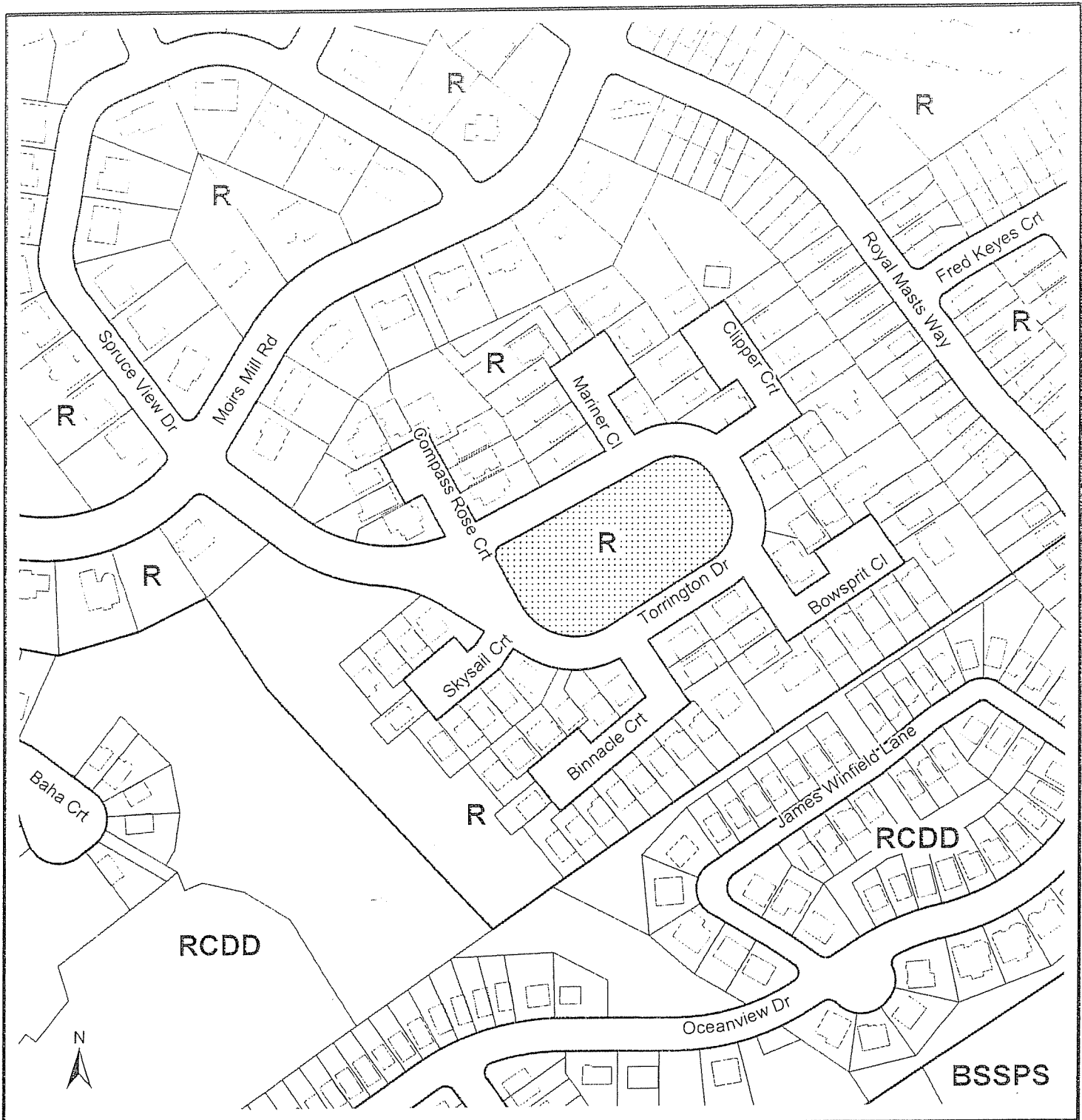
Attachment B: Applicable Sections of the MPS
Attachment C: RSU Zone from the LUB for Bedford
Attachment D: POS Zone from the LUB for Bedford

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 : Jillian MacLellan, Planner 1, (902)-490-3999




Report Approved by: Roger Wells, Acting Manager, Planning Services, 490-4373



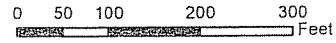
Map 1 - Generalized Future Land Use



 Subject Property

Designation

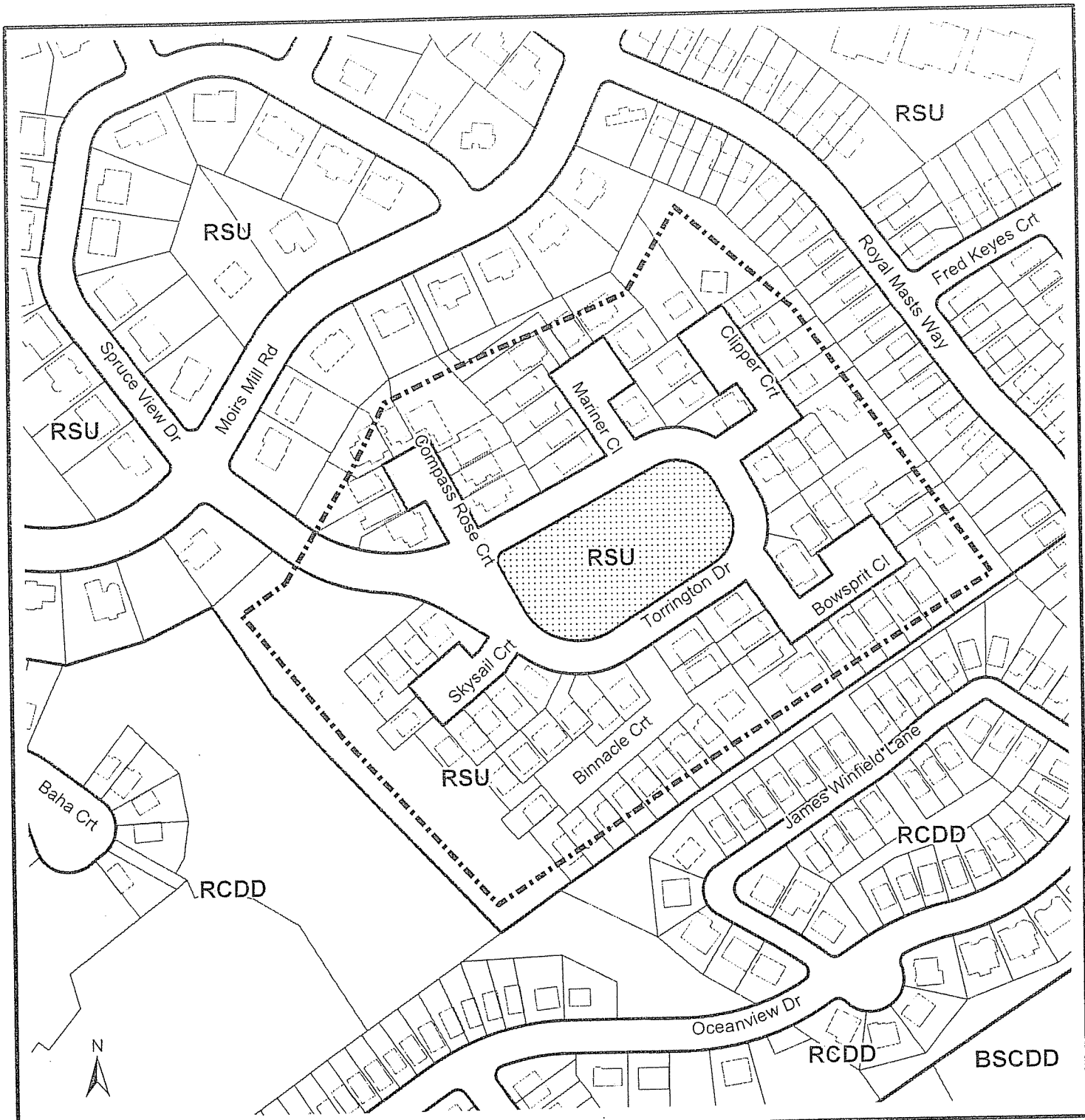
- R Residential
- RCDD Residential Comprehensive Development District
- BSSPS Bedford South Secondary Planning Strategy



This map is an unofficial reproduction of a portion of the Zoning Map for the Bedford Plan Area



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

Bedford Plan Area

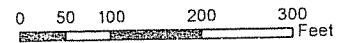


Map 2 - Location and Zoning

HALIFAX
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 COMMUNITY DEVELOPMENT
 PLANNING SERVICES

-  Area to be Rezoned from RSU to POS
-  Notification Area
- Bedford Plan Area

Zone	
RSU	Single Dwelling Unit
RCDD	Residential Comprehensive Development District
BSCDD	Bedford South Comprehensive Development District
POS	Park Open Space



This map is an unofficial reproduction of a portion of the Zoning Map for the Bedford Plan Area.

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

Attachment "A"
Proposed Land Use By-law Amendment

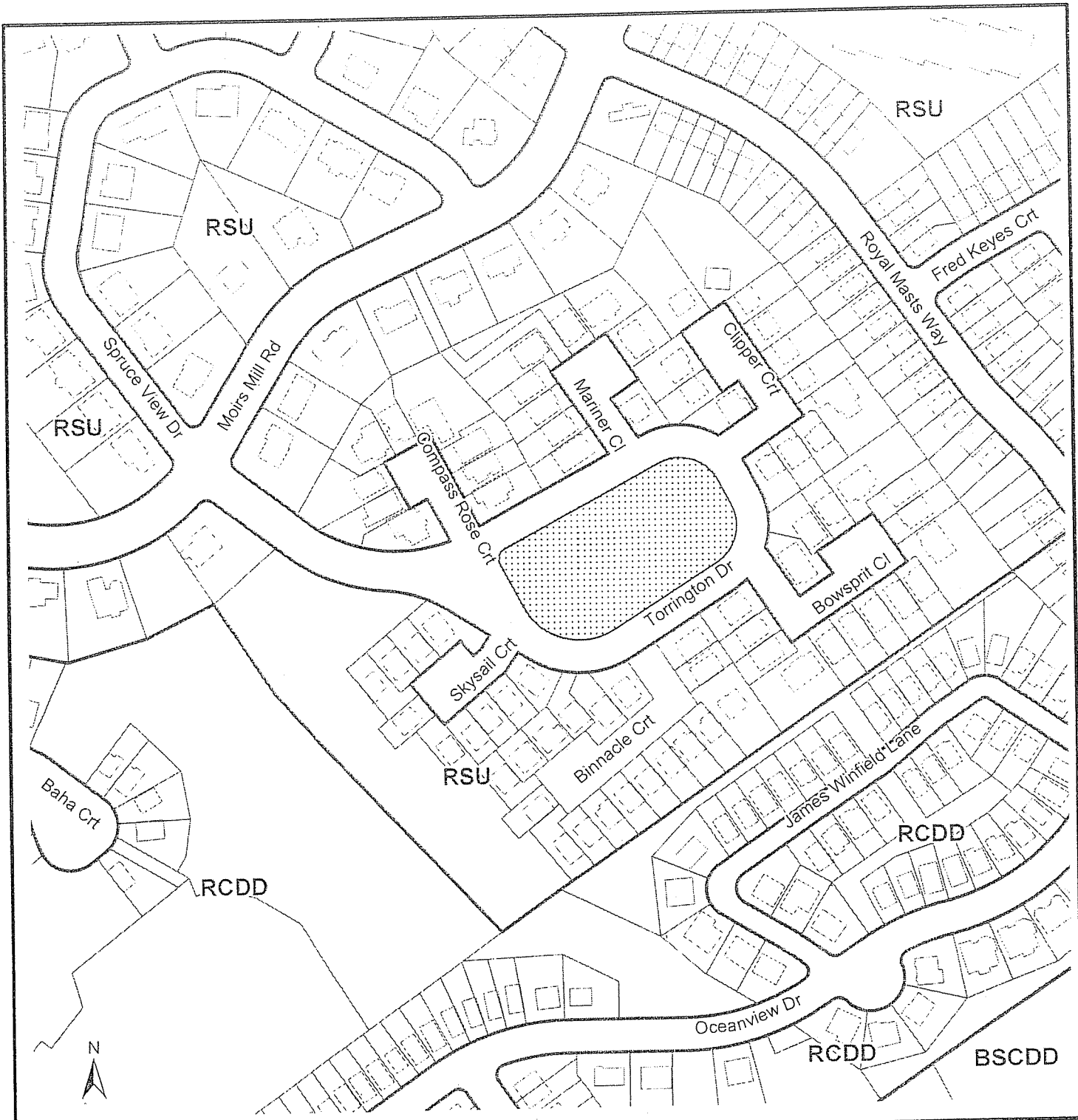
BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Bedford Land Use By-law as enacted by Bedford Town Council on the 26th day of March, 1996 and approved by the Minister of Municipal Affairs on the 17th day of May, 1996 as amended, is hereby further amended as follows:

1. Schedule A (Bedford Zoning Map) is further amended by rezoning 70 Torrington Drive (PID# 40566127) from RSU (Residential Single Dwelling Unit) Zone to POS (Park Open Space) Zone as shown on Schedule A attached to this report.


I HEREBY CERTIFY that the amendment to the Land Use By-law for Bedford as set out above, was passed by a majority vote of the North West Community Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2009

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2009

Municipal Clerk



Schedule A

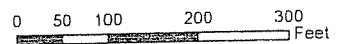
 Area to be Rezoned from RSU to POS

Zone

- RSU Single Dwelling Unit
- RCDD Residential Comprehensive Development District
- BSCDD Bedford South Comprehensive Development District
- POS Park Open Space

Bedford Plan Area

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES



This map is an unofficial reproduction of a portion of the Zoning Map for the Bedford Plan Area.

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Attachment B
Applicable Sections of the MPS

The need for a variety of types of parkland to provide for a range of recreational and open space opportunities for all segments of the population is a concern of Town Council. Policy P-14 indicates Town Council's intention to acquire land so that a variety of types of parkland can be provided within the Town. The need for a balance between active and passive recreational opportunities is also indicated.

In the past, parkland acquired by the Town generally retained its former zoning. To ensure that parkland will be retained for park and recreational purposes, Town Council shall require that the rezoning of lands recently acquired for parkland is undertaken on an annual basis as specified in Policies P-15 to P-17. A Park designation shall be applied to existing and future parkland on the Town's Generalized Future Land Use Map and two zones shall be applied to parkland on the Town's Zoning Map:

1. A general Park (P) zone will be applied to lands which are to be developed for active park and recreational uses and facilities such as community recreation centres, playgrounds and playing fields.
2. A Parkland Open Space (POS) zone will be applied to lands which are to remain in a natural state for aesthetic, historic, or environmental reasons.

The purpose of the POS zone is to ensure that parkland open space, particularly those areas which are environmentally sensitive or unique in an aesthetic sense remain in a natural state. A separate POS zone means that a formal rezoning process, including a public hearing, must be undertaken before the Town can change the zoning from POS to P to allow for the development of active recreational uses on parkland open space.

Policy P-14:

It shall be the intention of Town Council to acquire land for the purpose of providing a variety of types of parkland as well as to achieve a balance between active and passive recreational areas in order to meet the recreational needs of all Town residents.

Policy P-15:

It shall be the intention of Town Council to annually rezone all public parklands acquired in the previous calendar year to "Park" or "POS".

Policy P-17:

It shall be the intention of Town Council to apply a Parkland Open Space Zone to lands identified as open space which are to remain in a naturally maintained state because of their aesthetic, environmental, historic, or unique value. Permitted uses within the POS Zone shall include public parks for passive recreational activities, nature and educational trails, picnic parks, and uses of a similar nature.

Policy Z-2:

It shall be the intention of Town Council to indicate on Table III the land uses which may be permitted in each Generalized Future Land Use category as-of-right, or by rezoning or development agreement consistent with all other policies. Council shall consider these uses through the zoning amendment or development agreement process, subject to the criteria in Policy Z-3 and all other applicable policies in this Strategy. The procedure to be followed for all rezoning applications or requests for development agreements is in accordance with the Planning Act. Except within residential areas, within any zone, a development that would not normally be permitted by the zone, but falls within the potentially permitted uses of the Generalized Future Land Use category as shown on Table III may be considered by Town Council through the application of development agreements as provided for under Section 55 of the Planning Act.

Policy Z-3:

It shall be the policy of Town Council when considering zoning amendments and development agreements [excluding the WFCDD area] with the advice of the Planning Department, to have regard for all other relevant criteria as set out in various policies of this plan as well as the following matters:

1. That the proposal is in conformance with the intent of this Plan and with the requirements of all other Town By-laws and regulations, and where applicable, Policy R-16 is specifically met;
2. That the proposal is compatible with adjacent uses and the existing development form in the neighbourhood in terms of the use, bulk, and scale of the proposal;
3. That provisions are made for buffers and/or separations to reduce the impact of the proposed development where incompatibilities with adjacent uses are anticipated;
4. That provisions are made for safe access to the project with minimal impact on the adjacent street network;
5. That a written analysis of the proposal is provided by staff which addresses whether the proposal is premature or inappropriate by reason of:
 - i) the financial capability of the Town to absorb any capital or operating costs relating to the development;
 - ii) the adequacy of sewer services within the proposed development and the surrounding area, or if services are not provided, the adequacy of physical site conditions for private on-site sewer and water systems;
 - iii) the adequacy of water services for domestic services and fire flows at Insurers Advisory Organization (I.A.O.) levels; the impact on water services of development on

- adjacent lands is to be considered;
- iv) precipitating or contributing to a pollution problem in the area relating to emissions to the air or discharge to the ground or water bodies of chemical pollutants;
 - v) the adequacy of the storm water system with regard to erosion and sedimentation on adjacent and downstream areas (including parklands) and on watercourses;
 - vi) the adequacy of school facilities within the Town of Bedford including, but not limited to, classrooms, gymnasiums, libraries, music rooms, etc.;
 - vii) the adequacy of recreational land and/ or facilities;
 - viii) the adequacy of street networks in, adjacent to, or leading toward the development regarding congestion and traffic hazards and the adequacy of existing and proposed access routes;
 - ix) impact on public access to rivers, lakes, and Bedford Bay shorelines;
 - x) the presence of significant natural features or historical buildings and sites;
 - xi) creating a scattered development pattern which requires extensions to trunk facilities and public services beyond the Primary Development Boundary;
 - xii) impact on environmentally sensitive areas identified on the Environmentally Sensitive Areas Map; and,
 - xiii) suitability of the proposed development's siting plan with regard to the physical characteristics of the site.
6. Where this plan provides for development agreements to ensure compatibility or reduce potential conflicts with adjacent land uses, such agreements may relate to, but are not limited to, the following:
- i) type of use, density, and phasing;
 - ii) traffic generation, access to and egress from the site, and parking;
 - iii) open storage and landscaping;
 - iv) provisions for pedestrian movement and safety;
 - v) provision and development of open space, parks, and walkways;
 - vi) drainage, both natural and subsurface;
 - vii) the compatibility of the structure(s) in terms of external design and external appearance with adjacent uses; and,
 - viii) the implementation of measures during construction to minimize and mitigate adverse impacts on watercourses.
7. Any other matter enabled by Sections 73 and 74 of the Planning Act.
8. In addition to the foregoing, all zoning amendments and development agreements shall be prepared in sufficient details to:
- i) provide Council with a clear indication of the nature of the proposed development; and
 - ii) permit staff to assess and determine the impact such development would have on the proposed site and the surrounding community.
9. To assist in the evaluation of applications to enter into development agreements, Council shall encourage proponents to provide the following information:
- a) a plan to a scale of 1":100' or 1":40' showing such items as:

- i) an overall concept plan showing the location of all proposed land uses;
 - ii) each residential area indicating the number of dwelling units of each type and an indication of the number of bedrooms;
 - iii) description, area, and location of all proposed commercial, cultural, mixed-use projects proposed;
 - iv) location, area, shape, landscaping and surface treatment of all public and private open spaces and/or park areas;
 - v) plan(s) showing all proposed streets, walkways, sidewalks, bus bays and bike routes;
 - vi) a description of any protected view planes; and,
 - vii) an indication of how the phasing and scheduling is to proceed.
- b) For individual phases of a development more detailed concept plans are to be provided indicating such items as maximum building heights, location and configuration of parking lots, landscaping plans, and any additional information required to be able to assess the proposal in terms of the provisions of the Municipal Planning Strategy.
- c) Plans to the scale of 1":100' showing schematics of the proposed sanitary and storm sewer systems and, water distribution system.
10. Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS. (RC-July 2/02; Effective-Aug 17/02)

Attachment C
RSU Zone from the LUB for Bedford

PART 6 RESIDENTIAL SINGLE DWELLING UNIT (RSU) ZONE

No development permit shall be issued in a Residential Single Dwelling Unit (RSU) Zone except for one or more of the following uses:

- a) single detached dwelling units;
- b) neighbourhood parks;
- c) special care facilities for up to 10 residents;
- d) uses accessory to the foregoing uses.
- e) existing two unit dwellings as follows:

Address

- 11 Olive Avenue (LRIS # 419440)
- 37 Olive Avenue (LRIS # 419465)
- 65 Olive Avenue (LRIS # 487868)
- 24 Olive Avenue (LRIS # 40566630)
- 380 & 382 Hammonds Plains Road (LRIS #s 473405, 40080616)
- 384 & 386 Hammonds Plains Road (LRIS #s 473413, 40070765)
- 388 & 390 Hammonds Plains Road (LRIS #s 473421, 417345)
- 20 Emmerson Street (LRIS #433631) (RC-July 8/04;E-July 10/04)**

ZONE REQUIREMENTS RSU

In any Residential Single Dwelling Unit (RSU) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	6,000 Sq. Ft. serviced;
Minimum Lot Frontage	60 Ft.
Minimum Front Yard	Local and Collector Streets 15 Ft.; 30 Ft. Arterial Streets
Minimum Rear Yard	20 Ft.
Minimum Side Yard	8 Ft.
Minimum Flankage Yard	15 Ft. Local and Collector Streets; 30 Ft. Arterial Streets
Maximum Height of Building	35 Ft.
Maximum Number of Dwelling Units on Lot	1
Maximum Lot Coverage	35%

Attachment D
POS Zone from the LUB for Bedford

PART 23 PARK OPEN SPACE (POS) ZONE

No Development Permit shall be issued in a Park Open Space (POS) Zone except for one or more of the following uses:

- a) public parks for passive recreational activities;
- b) nature trails and educational trails;
- c) picnic parks;
- d) uses of a similar nature to the foregoing; and,
- e) uses accessory to the foregoing uses, including washrooms, refreshment booth, or pavilion/interpretative centre.

ZONE REQUIREMENTS POS:

In any Park Open Space (POS) Zone, no development permit shall be issued for a building except in conformity with the following requirements:

Minimum Lot Area	20,000 sq. ft.
Minimum Lot Frontage	60 ft.
Minimum Front & Flankage Yards	Local Street 20 ft.; Collector or Arterial 30 ft.
Minimum Rear Yard	20 ft.
Minimum Side Yard	8 ft.
Maximum Height of Building	20 ft.
Maximum Lot Coverage	10%