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MEMORANDUM

TO: Chair and Members of St. Margaret's Bay Coastal Planning Advisory Committee
FROM: Marcus Garnet, Senior Planner, Planning and Development
DATE: April 15, 2015
SUBJECT: **Tantallon Crossroads Follow-Up Amendments**

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 amendments affected the area south of Highway 103 from Hubley Mill Lake to the dam and as far south as the mouth of the East River. 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 and orient new development to pedestrians.

On October 7, 2014 staff followed up with an Information Report dated September 17, 2014 which provided background, analysis and updates on some outstanding issues which had been raised during the public hearing.

Since that time, North West Community Council and staff have identified elements of the new MPS and LUB provisions which might benefit from refinement. Accordingly, Attachment A provides the Initiation Report for considering three possible amendments. They can be summarized as follows:

- 1. 18 Scholars Road – St. Marguerite Bourgeoys Church property:** In the Village Residential Zone, churches, and possibly other community buildings in the VR Zone would be allowed limited exceptions to the maximum footprint, height and architectural requirements. These exceptions could potentially be applied also to other comparable properties.
- 2. 5178 St. Margarets Bay Road: Superstore property :** This property would be added to Schedule N to enable opportunities to consider development agreements consistent with policies which already enable development agreements to be considered for the adjacent Canadian Tire property.
- 3.* *5434-5444 St. Margarets Bay Road: *Since this project was initiated, the owners of these properties have requested that these properties be removed from consideration in this project. After discussions with the local Councillor and the owners, staff will consider issues related to this property as a separate initiative.**

Existing Uses: 1. Church property is vacant; comparable properties have schools, daycare, community open space or are vacant.

2. Superstore property: Large format grocery store; parking in front; vacant behind.

Designation: 1. **Church property:** Tantallon Crossroads Coastal Village Designation; Village Residential Sub-designation

2. **Superstore property:** Tantallon Crossroads Coastal Village Designation; Village Centre Sub-Designation

Zoning: 1. **Church property:** Village Residential (VR) Zone

2. **Superstore property:** Village Centre (VC) Zone

Proposal: 1. Within the Residential Environment Zone, on lots with a frontage of at least 53 m (175 ft) on the north side of Hammonds Plains Road or French Village Station Road, and with an area of at least 1.0 ha (2.5 ac), to allow places of worship, and schools, with a maximum building footprint of 13,500 sf, a maximum height of 41.3 ft, flat or shallow roofs, architectural coated concrete siding, and angled street facades with doors.

2. Within the Village Centre Zone, to add the Superstore property to Schedule N, which enables consideration of development agreements for new buildings close to the street; or extensions above, or in front of existing buildings.

Discussion: 1. **Church property and comparable lots:** Places of worship and schools are rarely viable with small building footprints because they require a large sanctuary, auditorium or gym on a single level, typically with a high ceiling. As a result, multiple storeys are not a viable solution to compensate for limited building footprint. One possible solution would be to allow such buildings on large lots with large frontages on the north side of Hammonds Plains Road or the north side of French Village Station Road. Some specific design and height provisions may also be appropriate to accommodate the distinctive form and function of such large community buildings. Comments at the Public Meeting held on March 26 are provided in Attachment B.

2. **Superstore Property:** As noted in the September 17, 2014 Information Report, this property was not included in Schedule N, yet is located between two properties (Cobalt and Canadian Tire) that do fall within that Schedule. Schedule N enables consideration of development agreements on lots already occupied by large nonconforming structures, for additional small buildings, or for expanding existing buildings provided that any such expansion is consistent with the new design requirements and increases the height of the building or its proximity to the street. Comments at the Public Meeting held on March 26 are provided in Attachment B.

Input Sought Feedback is sought from the from St. Margarets Bay Coastal Planning Advisory Committee relative to these proposed amendments, bearing in mind the comments received from the Public Meeting (see Attachment B). PAC's recommendation will be included in the staff report to Community Council.



Attachments Attachment A: Initiation Report - Tantallon Crossroads Follow-Up Amendments
Attachment B: Comments at the Public Meeting held on March 26



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Item No. 11.2.1 (i)
Halifax Regional Council
February 24, 2015

TO: Mayor Savage 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: February 2, 2015

SUBJECT: Tantallon Crossroads MPS and LUB Amendments

ORIGIN

On January 21, 2015, North West Community Council approved 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 Regional Council direct staff to initiate the process to consider amendments to the District 1 & 3 Municipal Planning Strategy and the District 1 & 3 Land Use By-law as set forth in the January 21, 2015 motion of North West Community Council.

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 amendments affected the area south of Highway 103 from Hubley Mill Lake to the dam and as far south as the mouth of the East River. 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 and orient new development to pedestrians.

Since that time, North West Community Council and staff have identified elements of the new MPS and LUB provisions which would benefit from further refinement. These fall under two headings:

1. **Community Buildings in the Village Residential Zone:** In mid-December 2014, staff refused a permit for a church proposal on the north side of Hammonds Plains Road at Scholars Drive. The proposal exceeded the requirements of the Village Residential Zone which limits buildings to a maximum footprint of 3,200 square feet, limits height to 35 feet, and applies architectural requirements. The site is close to a school which is already much larger than the proposed 13,050 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, together with a former school building on the north side of French Village Station Road. Exempting community buildings in this area from some of the restrictions applied to size and design warrants consideration.
2. **Other 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) Vic and Beruta Heniss requested retention of their former MU-2 zoning to enable expansion and diversification of their existing light industrial and commercial uses, to help compensate for what they believe are limited residential development opportunities due to a power line easement.
 - b) Choice Properties REIT/Loblaw Companies Ltd. requested opportunities for future expansion by development agreement for the Superstore property, as were accorded to neighbouring properties.

Accordingly, on October 7, 2014 staff provided an Information Report (Attachment A), which recommended that no adjustments be made to the new MPS and LUB provisions at the time.

DISCUSSION

Community Buildings in the Village Residential Zone

An argument can be made for allowing exceptions to building footprint, design and height for places of worship and schools. These uses are rarely able to be designed with small building footprints because they require a large sanctuary, auditorium or gym on a single level, typically with a high ceiling. As a result, multiple storeys are not a viable solution to compensate for limited building footprint. One possible solution would be to allow such buildings on large lots with large frontages on the north side of Hammonds Plains Road or the north side of French Village Station Road. Some specific design and height provisions may also be appropriate to accommodate the distinctive form and function of large community buildings.

Other Issues from the Public Hearing

Choice Properties REIT/Loblaw Companies Ltd. (Superstore) Property: As noted in the October 7, 2014 Information Report (Attachment A), this was not included in Schedule N, 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, provided that any expansion is consistent with the new design requirements. The reasons set forth in the October 7th report would support adding the Superstore property to Schedule N.

Heniss property: As noted in the October 7, 2014 Information Report, the owner of this property wishes to revert to their former MU-2 zoning to enable expansion and diversification of their existing light industrial and commercial uses, to help compensate for what they believe are limited residential development opportunities due to a power line easement. Whilst staff do not feel MU-2 zoning to be appropriate for the reasons provided in that report, staff would be willing to consider expanding the list of permitted uses within Schedule P to include other uses comparable to those already existing on the property. The aim would be to avoid any additional impact on neighbouring properties and water features.

FINANCIAL IMPLICATIONS

There are no financial implications. This report aims to address three outstanding concerns in the same community, using a single public meeting and public hearing, for effective use of community and staff time. The suggested amendments can be addressed within the current Planning and Development operational budget.

COMMUNITY ENGAGEMENT

Staff concurs with North West Community Council's recommendation that a single Public Information Meeting and Public Hearing could consider amendments addressing all of the above items, following the standard public consultation process.

Accordingly, should Regional Council direct staff to proceed, a Public Information Meeting would be held, as mandated by the Public Participation Program for the MPS amendment process as approved by Council in February 1997. A Public Hearing would also be required. All three requests would be considered at the same public meeting and public hearing.

ENVIRONMENTAL IMPLICATIONS

Staff will consider the findings of The Tantallon Watershed Servicing Study and any other relevant environmental factors. These will be noted in the staff report back to Regional Council.

ALTERNATIVES

1. Regional Council may choose to refuse to consider one or more of the amendments recommended in this report. A decision of Council to refuse to consider any plan amendment is not appealable.
2. Regional Council may choose to consider the amendments recommended in this report. This would necessitate a public hearing. The decision of Regional Council after the public hearing would not be appealable.

ATTACHMENTS

Attachment A: September 17, 2014 Information Report: Follow-Up to Case 16424 – Tantallon Crossroads Plan Review

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 Approved by:

Carl Purvis, Supervisor, Community Planning 902.490.4797

Report Approved by:

Bob Bjerke, Chief Planner 902.490.1627



**ST. MARGARET'S BAY COASTAL
DRAFT 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 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