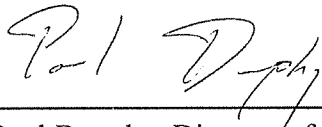


Harbour East Community Council
January 14, 2010

TO: Chair and Members of Harbour East Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: December 18, 2009

SUBJECT: **Case 01291: Cole Harbour Road Planning and Street Improvement Processes**

ORIGIN

Motion of HECC - June 11, 2009:

"MOVED by Councillor Nicoll, seconded by Councillor Karsten, that Harbour East Community Council request that Regional Council initiate the amendment process for the MPS for Cole Harbour/Westphal, to implement standards for urban design, and review policy for commercial and residential development, in the Community Commercial Designation on Cole Harbour Road. MOTION PUT AND PASSED."

Motion of Regional Council - June 30, 2009:

"MOVED BY Councillor Nicoll, seconded by Councillor McCluskey that this item be deferred pending a staff report. MOTION PUT AND PASSED."

RECOMMENDATION

It is recommended that Harbour East Community Council recommend to Regional Council that :

- i) Staff initiate a review of the Planned Unit Development policies and regulations within the Cole Harbour/Westphal Municipal Planning Strategy and Land Use By-law upon receiving a request from the Province; and**
- ii) Not initiate a community visioning or streetscape design process at this time for Cole Harbour Road, Cole Harbour.**

BACKGROUND

Cole Harbour Road is a major arterial road within HRM and the street functions well in terms of sustaining a broad variety of community-oriented commercial retail and service uses, and in providing for high volumes of traffic. However, there are issues on the street with aesthetics and the accommodations of pedestrians. Redevelopment possibilities, both commercial and residential, are constrained due to a number of factors such as sewer capacity, design standards, etc. Harbour East Community Council has requested that Regional Council initiate a planning process to address these issues. Before considering such a request, Regional Council has requested staff to provide more detailed information on the issues facing Cole Harbour Road. This report has been prepared for discussion at HECC prior to going back to Regional Council.

Location, Designation, Zoning

Cole Harbour Road is a major arterial road within HRM and it runs through two municipal electoral districts, District 4 (Portland-East Woodlawn) and District 7 (Cole Harbour). The street is designated Community Commercial under the MPS for Cole Harbour/Westphal, for a distance of about 2 kms from Dartmouth to Smith Avenue.

Community Commercial (C-2) zoning is applied to most of the lands, and small to medium scale commercial uses are the predominant land use, with two large shopping malls located at major intersections. The Colby Village Mall is zoned CDD, Comprehensive Development District.

Past Planning Processes

The current planning documents were approved in 1993, reflecting an update of the original 1982 documents. A number of amendments to land use policies and regulations were approved by HRM in 1999. These amendments slightly expanded the range of permitted commercial uses in the C-2 zone to include automotive repair and service uses, and to introduce basic landscaping requirements for commercial development.

Regional Plan Context

The Regional MPS identifies Cole Harbour Road as a Suburban Local Centre. The RMPS states:

"Through secondary planning processes, to commence upon the adoption of this Plan, the various centres will be included in a design process which will more specifically determine such items as centre boundaries, population targets, specific land uses, densities and methods of implementation."

DISCUSSION

The Issues

In considering the issues which face Cole Harbour Road, they can be broken down into three specific categories:

1. Urban Design

The Cole Harbour Road commercial strip has the appearance of a typical highway commercial strip. This is characterized by buildings that are well set back from the road with all parking in front, little landscaping, competing and confusing signage, and few buildings of architectural interest. Existing zoning standards which date to the 1970's generally serve to reinforce this undesirable form. Amendments to the land use bylaw can in large part be undertaken without MPS amendments to update these standards to reflect current urban design principles. Current design practices could be introduced into the Cole Harbour plan, such as those being used with success in the Sackville Drive area. These could:

- Require buildings to be located closer to the street to provide better pedestrian orientation and accessibility;
- Make parking areas less obtrusive by placing emphasis on built form;
- Provide a landscaped "soft edge" to commercial developments;
- Address building materials and appearance.

While implementation of such amendments is a worthwhile exercise, extensive consultation and public workshop sessions are needed to undertake it. Such a process is ideally not done in isolation from other issues, and is best done as part of a community visioning process. Therefore, it is premature to review development standards at this time.

2. Streetscape Improvements (HRM Right of Way)

Cole Harbour Road was widened by the Province in the early 1990's. The primary consideration at the time was to improve peak hour traffic flows. The full width of the street right of way was used to add a shared centre turning lane, to maintain 2 full lanes of traffic in both east and westbound directions. A narrow sidewalk was provided, and there were few considerations for landscaping or pedestrian comfort.

Undertaking a street design review process is a lengthy exercise, and the budget challenges for successful implementation are considerable. Currently, there are 4 (Herring Cove Rd, Main St, Quinpool, Spring Garden) streetscape improvement plans that have been approved by Council and are in very early stages of planning and budgeting for implementation. Until an overall strategy is developed for doing further streetscape improvement plans, Cole Harbour Road should not undergo the process.

3. Intensification

There are two land use forms which can be considered for increased intensity of use:

Residential Opportunities- The local planning documents allow up to 12 residential units in conjunction with commercial uses. For more than 12 units, or for a solely residential project, the development agreement process must be followed. A reasonable goal should be for HRM to foster increased residential uses in the commercial corridor; this is a goal of the regional plan. An integral part of a community visioning process would be looking

at statistical date, and do demographic projections for housing need and type, and consider the impacts and benefits for traffic and transit.

Commercial Opportunities- The C-2 zone allows as of right development up to 10,000 square feet of gross commercial floor area. Any larger projects must currently go through the development agreement process, to allow public comment and Council review of such projects. Some areas of the commercial strip, in particular the area east of the Forest Hills Parkway/Cumberland Drive intersection, are in transition from residential or small scale commercial to larger developments. In addition, there may be future demand for larger office buildings in the community which may need to be planned for.

Constraints on Such Intensification - At this time, the Eastern Passage sewage treatment facility is at capacity. Due to this, capacity constraints exist for projects that must go through a discretionary process, and only as of right potential development can be approved. Although plans to upgrade the treatment plant are underway, it is not clear how much capacity will be in place to allow increased residential and commercial use. While it is desirable to increase residential and commercial activity on Cole Harbour Road, a planning process would be premature until the issue of sewage treatment capacity is addressed.

Community Visioning:

Cole Harbour Road forms the central core of one of 26 such "Centres" which are identified in the Regional MPS. These are each defined under classifications which range from Urban District, Suburban District, Urban Local to Suburban Local. Cole Harbour Road forms a Suburban Local Centre. The centres do not include only the main streets, but also the immediate community.

The RMPS sets out that visioning processes will be undertaken for such areas, including the Centres. Accordingly in March, 2008, Halifax Regional Council approved a staff report (dated February 11/08) titled "Future Community Visioning Program". This document involved extensive analysis by the Regional Plan Advisory Committee (RPAC) to develop evaluation criteria on which to establish a priority ranking for community visioning. The document can be found on the HRM website¹. Based on this program, community visioning for the Cole Harbour Suburban Local centre is several years away (five-year horizon, approximately).

Staff anticipates that with the upcoming review of the Regional Plan in 2011, the community visioning program is likely to be re-evaluated and Council direction sought. However, in the interim, staff and budgetary resources should be allocated according to the visioning program approved by Council last year

Formation of a Merchants' Association:

As has happened in other areas of HRM, the formation of an informal Merchants Association would typically be the first step in what must be a business-driven initiative. As a means to

¹ <http://www.halifax.ca/council/agendasc/documents/080226ca1116.pdf>

encourage business participation and input into community visioning processes, the presence of a supportive business group is critical. Until such time as the formation of such a group, a full scale visioning and planning process should not be undertaken.

Appropriate Process:

For the reasons stated previously, the request to undertake community visioning and streetscape design processes pursuant to the RMPS is premature. However, in the short term staff can take action to address two specific concerns on Cole Harbour Road. These pertain to the two large mall/commercial complexes which exist, and which essentially act as anchors at each end of the main commercial portion of the road.

Removal of the Planned Unit Development (PUD) Provisions

Forest Hills Shopping Centre, Forest Hills Parkway/Cole Harbour Road - This complex was approved by the former NS Department of Housing under the Planned Unit Development (PUD) put in place in the 1970's. The municipality has had no ability to control what happens on this site in terms of land use, layout, traffic flows, or design. The province has indicated it wishes to repeal the PUD, this would allow the municipality to apply land use controls through a combination of zoning and development agreement provisions or site plan approval controls. The MPS indicates the site should be rezoned to CDD (Comprehensive Development District), however there is no adequate policy in place to establish criteria to be used in evaluating a development agreement under this zone. Therefore existing MPS and LUB provisions pertaining to the PUD need to be repealed. Once a formal request from the Province is received, staff will start the amendment process.

Review of Commercial Comprehensive Development District:

Colby Village Plaza, Caldwell Rd/Cole Harbour Road - This mall was approved in 1985 and includes about 160,000 square feet of floor area. The site is zoned CDD (Comprehensive Development District, however policy pertaining to the site was removed from the MPS in 1992. There is therefore no clear guidance as to how this centre should evolve. The development agreement under which the complex was built has been amended several times. The agreement has served its purpose and should be discharged, and appropriate new zoning applied to the site. At this time, HRM has not received a formal request by the land owners to remove the development agreement.

The municipality could allow as-of-right renovations and small additions while more clearly setting out requirements for the site, or introduce a revised development agreement or site plan approval process which could focus more on layout and traffic issues. Since the Forest Hills Shopping Centre faces similar site challenges, policy for the Colby Village site could be addressed through the same MPS amendment process or afterwards.

Conclusion:

Until such time as an overall approach and priority list is developed to plan for all similar centres under the Regional MPS, the Cole Harbour Road area should not undergo a full streetscape

design or visioning process. However, in the short term, there are two MPS amendment processes that can be undertaken. These relate to the removal of the PUD and review of commercial policy regarding larger shopping centres. The trigger to commence these MPS amendment processes will be receipt by HRM of a formal request from the Province to remove the PUD. At that time, staff will submit an MPS amendment initiation report to Regional Council, requesting authorization to proceed.

BUDGET IMPLICATIONS

The HRM costs associated with processing a planning application can be accommodated within the operating budget for C310.

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

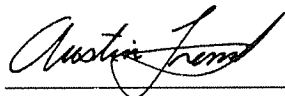
1. Community Council could choose to adopt the report's recommendation. This is the recommended course of action.
2. Community Council could request that Regional Council direct staff to initiate the community visioning and streetscape design processes. This is not recommended for the reasons noted in the staff report.

ATTACHMENTS

Attachment A MPS Policies Pertaining to Cole Harbour Road

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 : Mitch Dickey, Planner, 490-5719



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

Attachment A
MPS Policies Pertaining to Cole Harbour Road

- CC-1 It shall be the intention of Council to encourage the growth of commercial and community developments which serve the local area and create a community focus, by establishing the Community Commercial Designation as shown on Map 1 - Generalized Future Land Use Map.
- CC-2 Within the Community Commercial Designation, it shall be the intention of Council to create a general business zone which permits general commercial uses not exceeding ten thousand (10,000) square feet of gross floor area, and also permits existing dwellings, higher density residential uses containing no more than twelve (12) dwelling units, and community uses, including medical and day care centres. **The zone shall provide for screening of open storage for building supply outlets, refuse storage areas and parking spaces for multiple unit dwellings, shall generally prohibit open storage and outdoor display, and shall provide for the regulation of vehicular access, parking and loading areas, buffering, screening and separation from abutting residential areas, and landscaping of commercial properties. (Reg.Council-May11/99, Effective-June26/99)**
- CC-3 Notwithstanding Policy CC-2, and with reference to Policy HC-5, within the Community Commercial Designation, Council may consider commercial retail service and office uses in excess of ten thousand (10,000) square feet of gross floor area to a maximum of twenty thousand (20,000) square feet, according to the development agreement provisions of the Planning Act. When considering such an agreement, Council shall have regard to the following:
- (a) access;
 - (b) the provision and maintenance of buffered separation from abutting residential areas;
 - (c) site design including landscaping and parking and loading areas;
 - (d) the exterior finish of buildings; and
 - (e) the provisions of Policy IM-11.
- CC-4 Notwithstanding Policy CC-2, Council may consider permitting multiple unit residential uses containing more than twelve dwelling units within the Community Commercial Designation in accordance with the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard for the following:
- (a) the effects of the proposed development upon the road network;
 - (b) separation distances from low density residential uses;

- (c) the availability of useable open space;
- (d) the location of on site amenity areas;
- (e) the overall design of the site and structure, including landscaping, parking areas and access;
- (f) the design of buildings, including roof pitch and finish materials; and
- (g) the provisions of Policy IM-11.

CC-5 Notwithstanding that they may not generally be permitted within the Community Commercial Designation, the land use by-law shall provide for the continuation of certain existing commercial and residential uses within the general business zone.

Drive-in, take-out and other fast food restaurants, can have a negative effect on abutting resident neighbourhoods, particularly due to the generation of significant volumes of traffic beyond normal business hours. Specific development agreements may accommodate the needs and effects of such uses.

CC-6 Notwithstanding CC-2, within the Community Commercial Designation, it shall be the intention of Council to only consider permitting drive-in and take-out restaurants according to the development agreement provisions of the Planning Act. When considering such an agreement, Council shall have regard to the following:

- (a) access;
- (b) the provision and maintenance of buffered separation from abutting residential properties;
- (c) site design, including drive-through service lanes, parking and loading areas, landscaping, and refuse storage areas;
- (d) the exterior finish of buildings; and
- (e) the provisions of Policy IM-11.

CC-7 In order to recognize and protect the primarily suburban residential character of the area, adult entertainment uses in the Community Commercial and Highway Commercial Designations shall only be considered in accordance with the development agreement provisions of the Planning Act. In considering such agreements, Council shall have regard to the provisions of Policies HC-5 and IM-11.

While new service stations (~~Deletion - Reg.Council-May11/99, Effective-June26/99~~) are not permitted in the Community Commercial Designation, provision will be made for establishing retail gasoline outlets which do not include as one of their functions, the general repair of automobiles. Still, gasoline outlets could have a negative effect on abutting residential uses. Therefore, specific development agreements would address issues such as buffering, setbacks, commercial floor area and signage.

CC-8 Notwithstanding Policy CC-2, within the Community Commercial Designation, it shall be the intention of Council to consider permitting retail gasoline outlets, including accessory business uses, in accordance with the development agreement provisions of the Planning Act. In considering any such agreement, Council shall have regard to the following:

- (a) that the requirements for a license from the Utilities Review Board can be met;
- (b) that no outdoor display or open storage be permitted on the site;
- (c) that no general repair of automobiles is permitted on the site;
- (d) the impact on traffic circulation and, in particular, the adequacy of sighting distances and entrances to and exits from the site;
- (e) that municipal services are available and capable of supporting the development;
- (f) that site design features, such as landscaping, amenity areas, parking areas and driveways are of an adequate size and design to address potential impacts on adjacent developments and to provide for the needs of the user of the development;
- (g) that the external appearance and scale of any building, including signage, is compatible with adjacent commercial land uses;
- (h) the maintenance of the development;
- (i) hours of operation; and
- (j) the provisions of Policy IM-11.

The Cole Harbour Shopping Centre complex, located near the intersection of the Cole Harbour Road and Forest Hills Parkway, was developed pursuant to the provisions of the Forest Hills Planned Unit Development (PUD) agreement. Given the Municipality's intention to discharge the PUD and apply appropriate zoning (Policy UR-13), lands occupied by the complex are to be removed from the PUD and zoned as a comprehensive development district. However, until such time as a development agreement can be negotiated with the property owners, these lands will remain within the PUD for the time being. It is the intention of the parties concerned to complete an agreement within six (6) months of the effective date of this planning strategy.

CC-9 It shall be the intention of Council to remove the lands presently occupied by the Cole Harbour Shopping Centre complex (LRIS Nos. 633172, 40293730, 633180 and 407205) from the Forest Hills Planned Unit Development and to zone this site comprehensive development district at such time as a development agreement has been approved according to the provisions of the Planning Act. In considering such an agreement, Council shall have regard for criteria (a) through (e) of Policy CC-3 and the provisions of Policy IM