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Halifax Regional Council
November 9, 2004

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



Dan English, Acting Chief Administrative Officer

DATE: October 14, 2004

SUBJECT: **Case 00690 - Amendments to the Bedford MPS and LUB - Phase II of the Crestview CCDD**

ORIGIN

Request by O.L.L. Leasing and Holdings Limited to amend the Bedford Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB).

RECOMMENDATION

It is recommended that Regional Council:

- Approve the request to initiate the process to amend the Bedford Municipal Planning Strategy and Land Use Bylaw to consider a mixed use residential/commercial development in Phase II of the Crestview CCDD.
- Request staff to follow the public participation program as approved by Council in February 1997.

BACKGROUND

Overview:

The Bedford Municipal Planning Strategy identifies 6 large undeveloped parcels of land as being appropriate locations for new commercial development. The locations are such that they should be approached in a comprehensive manner to ensure the best utilization and compatibility with adjacent land uses. In an effort to achieve this, and to allow for innovation and flexibility in design, these areas were designated and zoned Commercial Comprehensive Development District (CCDD).

Only 2 of the 6 CCDD sites have been fully developed in accordance with Bedford's CCDD policies (see Policies C-7 to C-15 attached). Among the sites not fully developed is the Crestview CCDD, located along the Bedford Highway immediately south of Nelson's Landing Boulevard. The Crestview CCDD parcel is the subject of this application (Map 1 and 2).

Subject Properties and Existing Development Agreement:

The Crestview CCDD site is approximately seven (7) acres in size and under a development agreement approved by the Town of Bedford in 1995. The development agreement (#95-04) permits:

- 2 multiple unit buildings with a total of 72 dwelling units;
- natural open space;
- private recreation space; and
- a commercial component which may include residential or institutional uses.

The development agreement applies to the entire Crestview CCDD with development in two phases:

- Phase I, comprising 4 acres on the upper portion of the site - is developed with the two multiple unit buildings.
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- Phase II, comprising 3 acres of the lower portion of the site, is undeveloped and identified as; "a commercial component which may include residential or institutional uses." The development agreement requires the details of the Phase II commercial component be determined through an amendment to the existing development agreement.

When the development agreement was negotiated in 1995 residential/commercial projects were permitted with no restriction on the percentage of commercial or residential development on a CCDD site. However, in 1996 amendments were made to the CCDD policies which require development of commercial uses on 50% of each CCDD site and limit coverage by multiple unit buildings to no more than 25% of a CCDD site. Based on current MPS Policy, commercial development is required on the undeveloped (Phase II) portion of the Crestview CCDD site as the Phase I component had already been developed with residential uses up to the maximum permitted under the current development agreement.

Previous Proposals:

In March 2003, as part of a plan amendment application, O.L.L. Leasing and Holding Limited indicated that commercial development was not viable in the undeveloped Phase II of the Crestview CCDD. The developer felt the site was constrained by poor access, poor visibility, Wyatt Road (private road), Wyatt Brook and the required environmental setbacks, significant tree stands and proximity to existing single and multiple unit dwellings.

At that time, the O.L.L Leasing submitted a concept for residential development with the following elements:

- two (2) four-storey multiple unit dwelling (one with 24 units, one with 16 units);
- four (4) townhouses;
- natural open space and private recreation space; and
- no commercial space.

Regional Council reviewed the proposal and referred it to the North West Planning Advisory Committee through North West Community Council for comment. Subsequently, the North West Planning Advisory Committee made the following recommendation:

“recommend to North West Community Council that Regional Council initiate an amendment process if there is a mixed use commercial/residential proposal brought forward.”

In April 2003, the North West Community Council made a motion to “not initiate the amendment process at this time”. Community Council expressed concern with the number of amendments coming forward for high density residential on commercially designated lands. Council reluctance to support proposed amendments was based on the fact the CCDD policies were reviewed just prior to amalgamation and it was the will of the community to retain the commercial component of these lands.

Regional Council concurred with North West Community Council on May 20, 2003, and the MPS amendment process was not initiated at that time.

Proposal Resubmitted:

In June 2004 O.L.L Leasing and Holding Limited resubmitted a development proposal. The new submission (Map 3) is for mixed use commercial/residential development with the following elements:

- two (2) four-storey multiple unit dwelling (one with 24 units, one with 16 units);
- one (1) two-storey commercial building (8800 square feet); and
- natural open space and private recreation space.

DISCUSSION

Policy Evaluation:

Section 4 (3) of the existing development agreement states; “*the commercial component of approximately three (3) acres shall be subject to a substantial amendment to this development agreement*” (italics added). This means no development can occur on this portion of the site without

first amending the agreement through a public hearing and approval by Community Council. Further, when considering a substantial amendment to a development agreement all CCDD policies within the Bedford MPS must to considered.

As stated previously, based on current MPS Policy, commercial development is required on the undeveloped (Phase II) portion of the site as the maximum permitted residential development has already proceeded in Phase I.

At the public hearing for the 1996 plan review, a representative for the Crestview CCDD properties expressed concern with how the new CCDD policy amendments would affect future development on the undeveloped portion. The staff position was outlined in a supplementary report dated March 25, 1996 as follows:

It is staff's opinion that the new CCDD policies will affect amendments to the Development Agreement, and the 25% permitted multiple residential units would be calculated on the entire site. The existing development agreement exceeds this percentage. Staff have stated that due to site constraints, commercial uses are not appropriate uses for the site. If the proposed policies do not fit with the developer's plans for phase two, consideration can be given to re-designating and re-zoning the property. Staff will respond to development applications for the site when they are submitted.

Summary:

The proposed development does not comply with Bedford's CCDD policies. MPS policy requires the site to be developed as commercial rather than the proposed residential/commercial mix. However, the site is bounded by two single unit dwellings to the northeast, several single unit dwellings to the south and southeast and the two existing multiple unit buildings to the west.

It is the opinion of staff that it is reasonable to consider a mixed residential/commercial development in Phase II of the Crestview CCDD based on the following:

- the close proximity to residential development;
- site constraints (described previously);
- residential was identified as a possible land use for Phase II in the agreement;
- the staff position in the March 25, 1996 staff report; and
- the recommendation of North West Planning Advisory Committee on April 24, 2003.

Recommendation:

Therefore, staff recommends that the MPS amendment process to consider a mixed use residential/commercial development in Phase II of the Crestview CCDD be initiated.

BUDGET IMPLICATIONS

There are no budget implications to HRM to initiate the MPS amendment process.

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 initiate the MPS amendment process. This is the staff recommendation.
2. Council may choose not to initiate the MPS amendment process. This is not recommended for reasons discussed above.

ATTACHMENTS

Map 1: Generalized Future Land Use Map

Map 2: Zoning Map

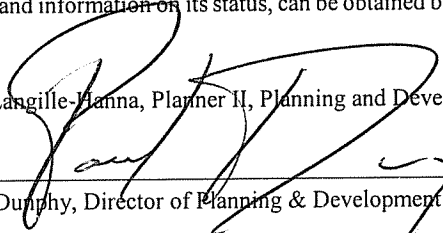
Map 3: Site Plan

Attachment A: Excerpts of the Bedford Municipal Planning Strategy and Bedford Land Use Bylaw

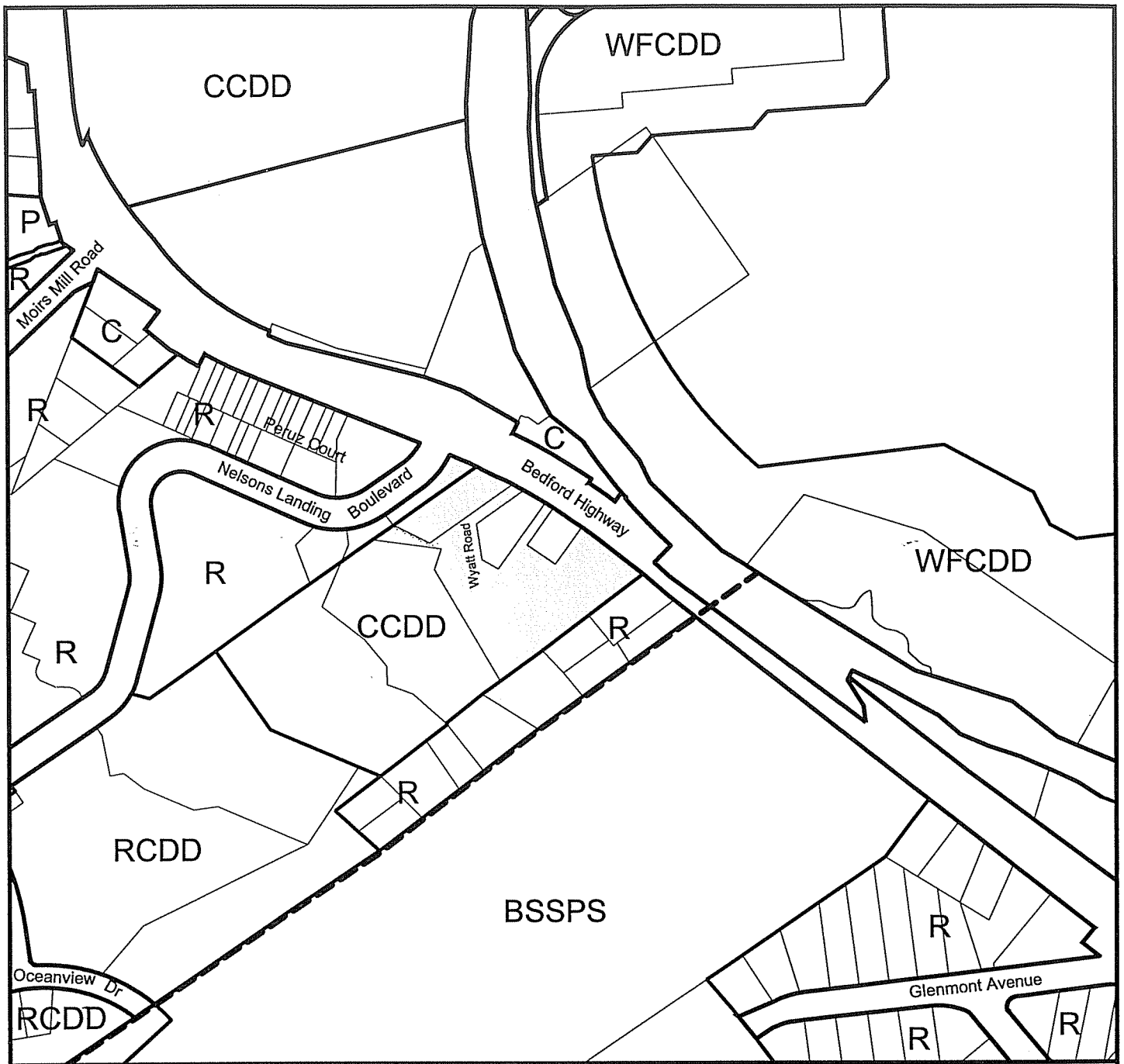
ADDITIONAL REPORTS (available upon request)

Case 00543 - Amendments to the Bedford MPS and LUB, March 13, 2003

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by:  Thea Langille-Janna, Planner II, Planning and Development Services 869-4262


Report Approved by:  Paul Dunphy, Director of Planning & Development Services

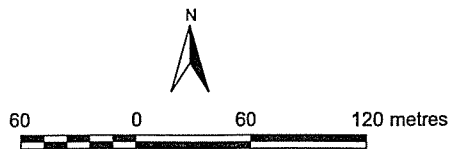


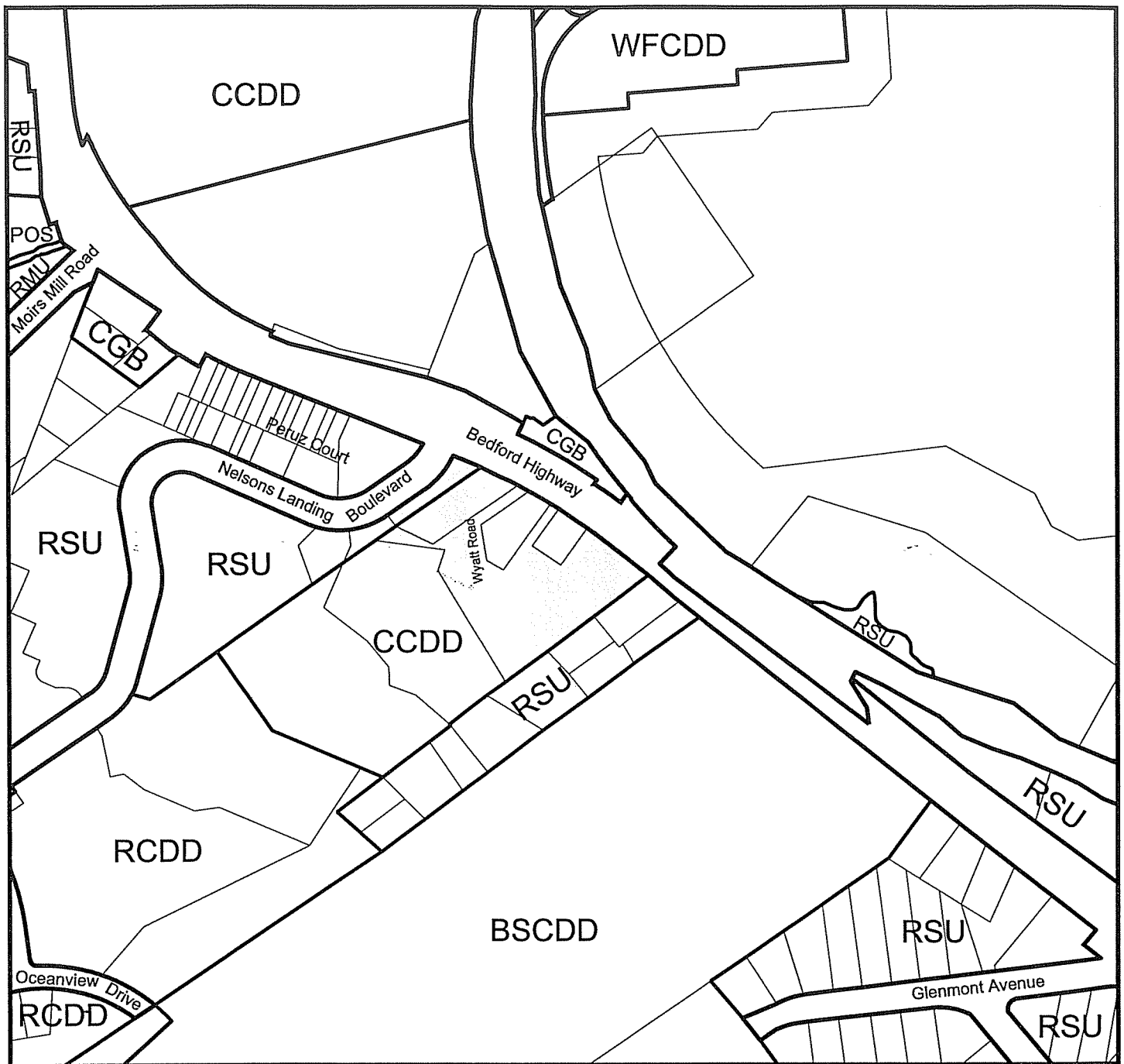
Map 1
Generalized Future Land Use

 Subject Properties



- | | | | |
|---|----------------------------------|-------|--|
| R | Residential Designation | CCDD | Commercial Comprehensive Development District |
| C | Commercial Designation | RCDD | Residential Comprehensive Development District |
| P | Park and Recreation Designation | BSSPS | Bedford South Secondary Planning Strategy |
|  | Residential Development Boundary | WFCDD | Waterfront Comprehensive Development District |





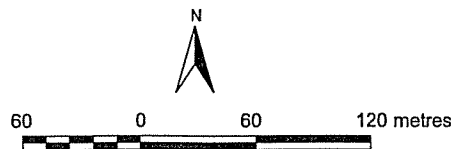
**Map 2
Zoning**

 Subject Properties



RSU Single Dwelling Unit Zone
 RMU Multiple Unit Dwelling Zone
 POS Park Open Space Zone
 CGB General Business District Zone

CCDD Commercial Comprehensive Development District
 RCDD Residential Comprehensive Development District
 BSCDD Bedford South Comprehensive Development District
 WFCDD Waterfront Comprehensive Development District

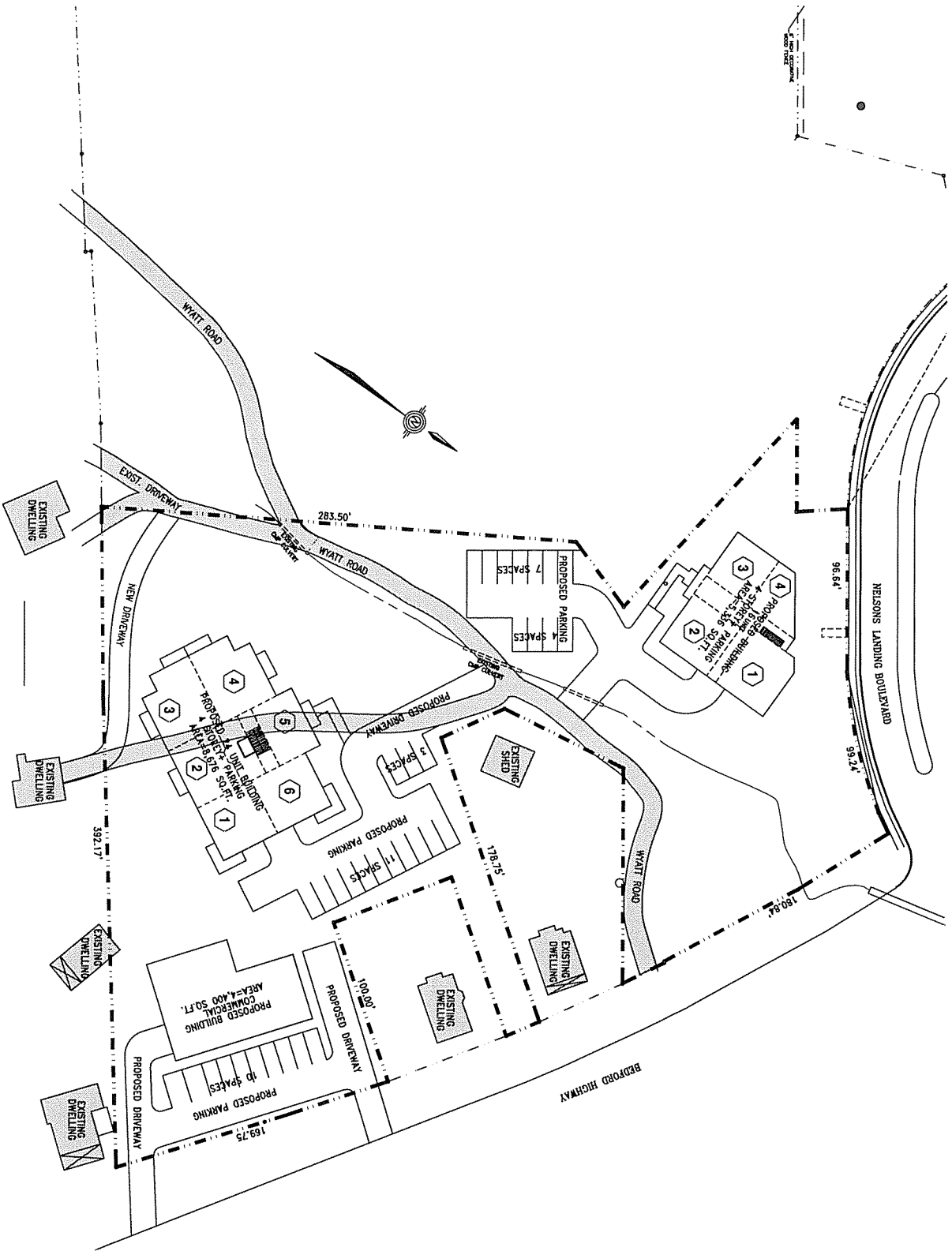
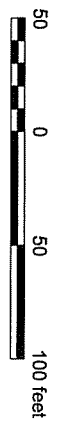


Map 3 Site Plan

Oct. 25, 2004

HRM does not guarantee the accuracy of any base map information on this map.

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ATTACHMENT A

Excerpts of the Bedford Municipal Planning Strategy

COMMERCIAL OBJECTIVE

To encourage the development of business and commercial uses to serve the Town and surrounding areas; to ensure that commercial uses are located and designed to minimize intrusion upon existing residential neighbourhoods; to promote attractive commercial areas within the Town through the regulation of commercial signage, parking, and building design; to foster the development of a pedestrian oriented commercial core to provide the Town with a commercial focus which relates to its heritage and will foster the development of a Town identity.

The three designations, Commercial, Mainstreet Commercial, and Commercial Comprehensive Development Districts, are established in Policy C-1. Policy C-2 confirms Town Council's intent to limit commercial development to the lower portion of Dartmouth Road to preserve the residential character of the remainder of this road which serves as one entrance to the community.

In assessing the commercial component of the Town, commercial uses have been grouped into categories based on the following factors:

- Scale of the business
- Level of noise generated
- Traffic generation
- Outside storage
- Parking Requirements
- Land area requirements
- Hours of operation
- Height and bulk of building
- Visual appearance
- Compatibility with adjacent uses

Analysis of commercial uses based on these categories forms the basis for the commercial zones established in the Land Use By-Law as enabled by Policy C-3. The categories can be summarized as follows:

e) Commercial Comprehensive Development District

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). The sixth CCDD is located along the Bedford Highway immediately south of Nelson's Landing Boulevard (Policy C-15).

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.

OBJECTIVES AND POLICIES

COMMERCIAL OBJECTIVE:

To encourage the development of business and commercial uses to serve the Town and surrounding areas; to ensure that commercial uses are located and designed to minimize intrusion upon existing residential neighbourhoods; to promote attractive commercial areas within the Town through the regulation of commercial signage, parking, and building design; to foster the development of a pedestrian oriented commercial core to provide the Town with a commercial focus which relates to its heritage and will foster the development of a Town identity.

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.

Policy C-10:

Deleted

Policy C-11:

It shall be the intention of Council to enter into a Development Agreement for the CCDD property between Village Crescent and the Bicentennial Highway and Hammonds Plains Road (Parcel M) with a stipulation that a permanent buffer and separation distance be provided adjacent to the existing homes.

Policy C-12:

It shall be the intention of Town Council to enter into a development agreement for the CCDD area identified on Map 2 which is bounded by Paper Mill Lake, Highway 102 and the Hammonds Plains Road. Any development agreement approved must include specific measures for protection of the lake's water quality during construction.

Policy C-13:

It shall be the intention of Town Council to enter into a Development Agreement with the owners of the Travellers' Motel, Esquire Motel and Clearwater Lobster Limited properties to permit CCDD development when municipal services become available. In recognition of the site's unique position at the entrance to the Town overlooking the Bedford Basin, an agreement if entered into shall specify that two thirty foot wide separations are to be provided between the buildings on either side of the entrance road to the waterfront project to provide views from the highway and from the existing homes above the site. Buildings are to be set back 60 feet on either side of the entrance road to the waterfront project to provide a view. As well, the maximum building height is to be 75 feet.

Policy C-14:

It shall be the intention of Town Council to enter into a development agreement for the CCDD area located at the northern corner of the Hammonds Plains Road and the Bedford Highway. Any development agreement approved shall insure, through regulating the uses on the land and buffering provisions, that the

project is compatible with the adjacent low density residential neighbourhood. Provisions shall also be made in the development agreement for retention of the existing vegetation within the street rights-of ways between the Hammonds Plains Road and the Old Hammonds Plains Road. The existing developed park, Millview Park, shall either be incorporated into a development proposal, or an alternate park space shall be provided by the developer to replace the existing park.

Policy C-15:

It shall be the intention of Town Council to enter into a development agreement to permit development of the Crestview Properties Limited lands, abutting Nelson's Landing, which are designated as CCDD on the Generalized Future Land Use Map. Development shall proceed in accordance with the provisions of the Commercial Comprehensive Development District Zone within the Land Use By-law.

Commercial Development Adjacent to Residential Areas

Policy C-35:

It shall be the intention of Town Council to minimize the impact of commercial uses, commercial traffic and parking areas, and commercial refuse containers on abutting existing residential uses or on lands which are designated and/or zoned for residential uses through regulations in the Land Use Bylaw, and through the development and subsequent enforcement of a property maintenance by-law.

Setbacks from Watercourses

Policy E-8:

In areas where Industrial ILI or IHI Zones, or Commercial Zones abut a watercourse or water retention area identified on the map showing environmentally sensitive areas in the Town, Town Council shall prohibit the erection of any structure, or the excavation or filling in of land within 100 feet of the watercourse or water retention area. This 100 ft. area shall be maintained with existing vegetation or landscaped. A reduction in the buffer from 100' to 50' may be considered by Town Council by a development agreement, where it is demonstrated that a property can not be reasonably developed by complying with the 100 foot setback and site disturbance provisions. A development agreement shall be subject to the provisions of Policy Z-3, and the undertaking of an environmental study which addresses the issues of runoff, erosion, siltation and any other impacts on the watercourse during and after construction. The development agreement shall outline the specific measures to be used to ensure a no net loss in the effectiveness of the natural 100' buffer in terms of protecting the watercourse. The setback and site disturbance provisions of this policy are applicable also to commercial uses in an RCDD zone and multiple unit dwellings in all zones. Single unit dwellings, two unit dwellings and townhouses in all zones are subject to the setback provisions of Policy E-4. Policy E-8 shall not apply to properties abutting the Bedford Basin.