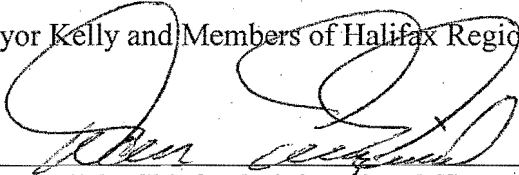




PO Box 1749
Halifax, Nova Scotia
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Item No. 10.1.2
Halifax Regional Council
December 15, 2009

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: 
Dan English, Chief Administrative Officer


Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: November 13, 2009

SUBJECT: Case 01327 - 26 Bridge Street, Bedford

ORIGIN

An application by Terrain Group Inc. for the lands of Birch Grove Developments Limited to enter into a development agreement to consider townhouse condominium development at 74 Union Street, Bedford, with proposed access across 26 Bridge Street, Bedford. To enable access across 26 Bridge Street, the application includes a request to amend the Bedford Municipal Planning Strategy (MPS) and Land Use By-law (LUB).

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Authorize staff to initiate the process to consider amending the Bedford Municipal Planning Strategy and Land Use By-law to include 26 Bridge Street within the Union Street Residential Comprehensive Development District (RCDD); and
2. Direct staff to follow the public participation program as approved by Council in February 1997.

BACKGROUND

Proposal:

The request to amend the Bedford MPS and LUB for 26 Bridge Street is related to a development agreement application for a townhouse project within the Union Street RCDD (Maps 1, 2, and 3). The applicant wishes to seek an alternative access (driveway) across 26 Bridge Street rather than utilize the existing access point at 74 Union Street. To consider 26 Bridge Street as an access point, the property's designation (Residential) and zone (Residential Single Dwelling Unit) must be changed to the RCDD designation and zone. The inclusion of 26 Bridge Street within the Union Street RCDD requires an amendment to the Bedford MPS and LUB (Map 3).

Subject Property: (Plan Amendment)

The subject property (26 Bridge Street) is:

- located south of Nottingham Street and north of Union Street;
- developed with a single unit dwelling;
- approximately 6,100 sq. ft. (567 m²) with 50 feet (15.2 m) of frontage along Bridge Street;
- designated Residential (R) under the MPS (Map 1); and
- zoned Residential Single Dwelling Unit (RSU) under the LUB (Map 2).

Development Agreement Application:

HRM Planning Applications has received a development agreement application for a townhouse project at 74 Union Street. This property is:

- located on the north side of Union Street;
- approximately 4 acres (1.6 ha) in size;
- undeveloped and predominantly treed;
- designated RCDD under the MPS (Map 1); and
- zoned RCDD under the LUB (Map 2).

Surrounding Area:

The surrounding area is best described as an established residential neighbourhood. Although townhouses and multi-unit residential buildings do exist in the neighbourhood, single unit dwellings are the predominant residential form. The Bedford Place Mall and Atlantic Superstore are also located in close proximity to the subject property.

Jurisdiction:

The development agreement application for the townhouse project at 74 Union Street is the jurisdiction of North West Community Council. However, the consideration of an alternative access to these lands across 26 Bridge Street is the jurisdiction of Regional Council. The consideration of this alternative access requires Regional Council to authorize the initiation of a plan amendment process for the Bedford MPS and LUB.

DISCUSSION

Although most of the Union Street RCDD has developed through the development agreement process, past applications did not include the 74 Union Street lands, thereby leaving this 4 acre (1.6 ha) parcel with limited access to the public street network (Map 3). As a result, a RCDD development agreement application for 74 Union Street can only consider access via the existing street frontage on Union Street.

The applicant contends that the development of 74 Union Street via the existing frontage has a number of concerns relative to the impact of the development on the entire parcel and abutting development. Due to the unusual lot configuration of 74 Union Street, development of the parcel via the existing frontage will result in the removal of a number of trees and significant grade alternations to the lands which raises concerns relative to drainage issues. Therefore, the applicant is requesting that access to the subject lands be permitted across 26 Bridge Street which would require the removal of the existing single unit dwelling on the property.

Regardless of which access point is used to develop the lands (74 Union St. or 26 Bridge St.), the existing community will be impacted compared to the existing situation. However, by providing the opportunity to consider including 26 Bridge Street within the Union Street RCDD, a greater range of options will be available when discussing the development agreement application. Ultimately, a process that includes the consideration of an alternative access will enable staff to investigate the most suitable options for minimizing community impact. For example, the opportunity to consider an alternative access will provide more options related to potential site disturbance, building orientation, buffering, and overall site development.

Public Participation Process:

In addition to the public participation resolution for MPS amendments as approved by Regional Council in 1997, the application will also have to comply with the public participation program required by Policy R-14 of the Bedford MPS. Policy R-14 requires the establishment of a Public Participation Committee within the RCDD areas of Bedford and the Committee will include members of the public, the proponents, and staff. The Public Participation Committee will hold a Public Information Meeting and prepare a report on the proposed development for North West Community Council and North West Planning Advisory Committee.

Conclusion:

To provide a greater range of options when evaluating the development agreement application for 74 Union Street, staff recommend Regional Council initiate the process to consider amending the Bedford MPS and LUB to include 26 Bridge Street within the Union Street RCDD.

BUDGET IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 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. Council could request staff to initiate the process to consider amending the Bedford Municipal Planning Strategy and Land Use By-law to include 26 Bridge Street (PID 00432856) within the Union Street Residential Comprehensive Development District (RCDD). This is the recommended action.
2. Council could choose not to initiate the process to consider amendments to the Bedford Municipal Planning Strategy and Land Use By-law. This is not recommended as this would limit the range of options available when evaluating the development agreement application for 74 Union Street.

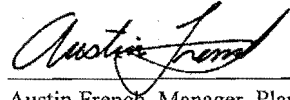
ATTACHMENTS

- | | |
|---------------|---|
| Map 1: | Generalized Future Land Use Map |
| Map 2: | Zoning Map |
| Map 3: | Union Street RCDD Area |
| Attachment A: | Relevant RCDD Policies from the Bedford MPS |

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

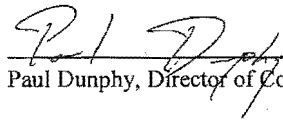
Report Prepared by: Miles Agar, Planner 1, Community Development, 869-4262

Report Approved by:

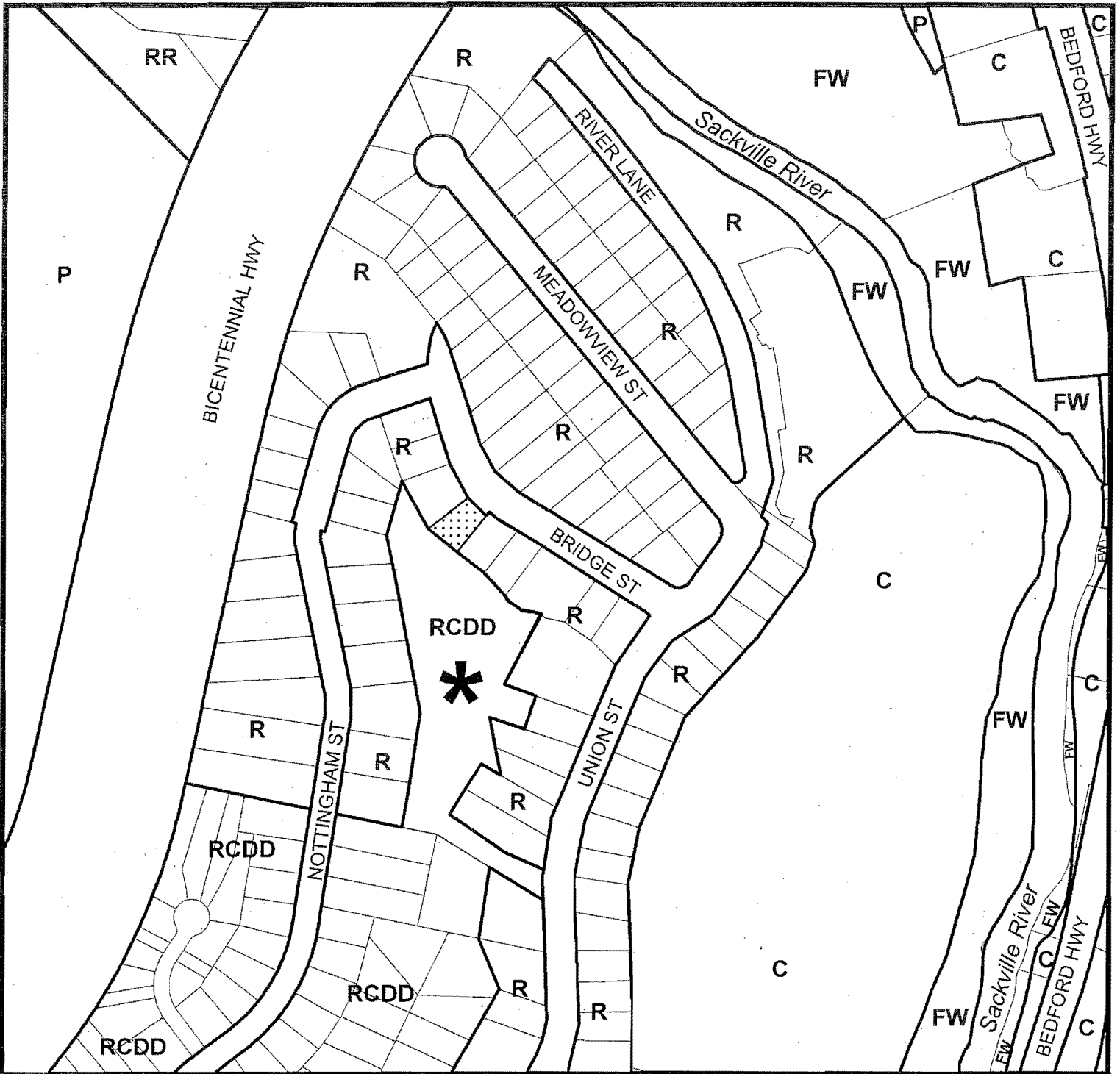


Austin French, Manager, Planning Services, 490-6717

Report Approved by:



Paul Dunphy, Director of Community Development



Map 1
Generalized Future Land Use

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- R Residential Designation
- RR Residential Reserve Designation
- P Park and Recreation Designation

- FW Floodway Designation
- C Commercial Designation
- RCDD Residential Comprehensive Development District

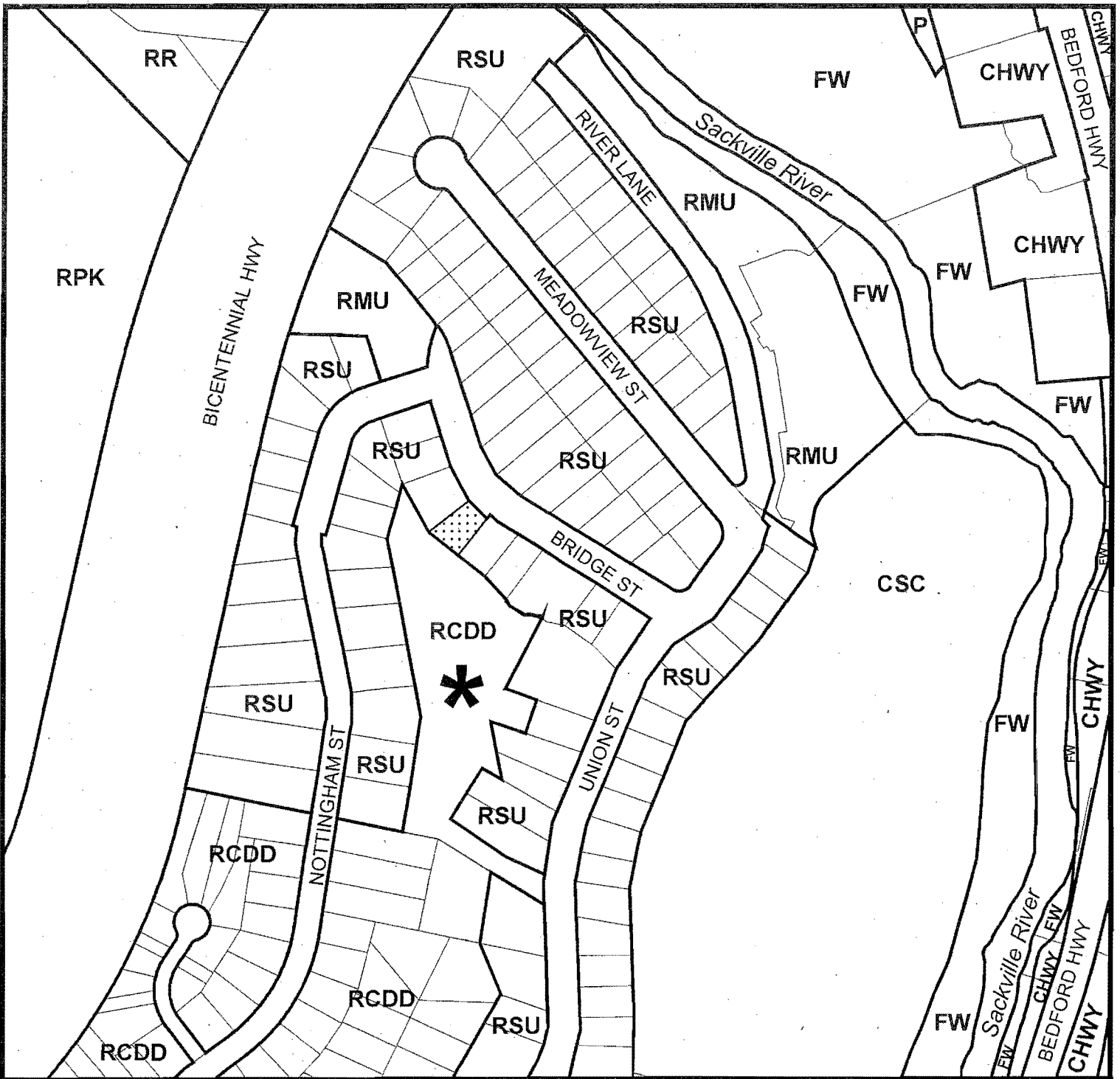


Subject Property



Civic # 74 Union Street

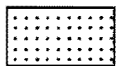




**Map 2
Zoning**

- RSU Single Dwelling Unit Zone
- RMU Multiple Unit Dwelling Zone
- RR Residential Reserve Zone
- RPK Regional Park Zone
- P Park Zone

- FW Floodway Zone
- CSC Shopping Centre Zone
- CHWY Highway Oriented Commercial Zone
- RCDD Residential Comprehensive Development District



Subject Property

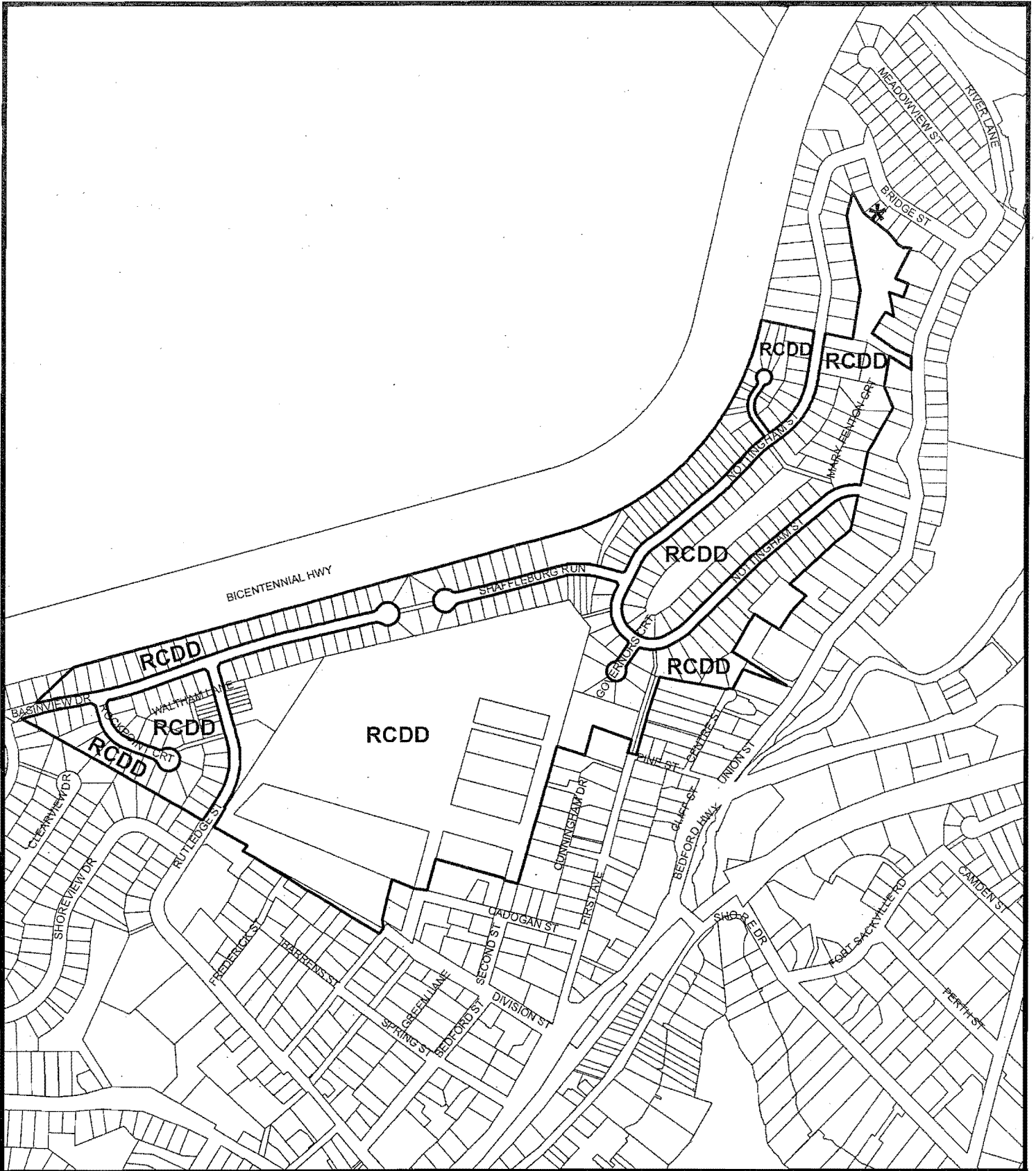


Civic # 74 Union Street



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Map 3

- Union Street RCDD Area
- * 26 Bridge Street



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Attachment A:
Relevant RCDD Policies from the Bedford MPS

Policy R-9:

It shall be the intention of Town Council to establish Residential Comprehensive Development Districts (RCDD) within the Residential Development Boundary where the predominant housing form of each residential district shall be the single-unit detached dwelling unit. These residential districts are shown on the Generalized Future Land Use Map. Council shall enter a development agreement to control the development within the area identified as RCDD. Permitted uses within RCDDs shall include, but not be limited to, single detached dwelling units, two unit attached dwellings, townhouses, multiple unit dwellings, mobile home, senior residential complexes, neighbourhood convenience stores, neighbourhood commercial uses, institutional uses, parks and recreational uses. Three RCDD areas have been identified: a) the remaining lands of Bedford Village Properties near Paper Mill Lake; b) the area between Union Street and the Bicentennial Highway; and, c) 68 acres of land south of Nelson's Landing belonging to Crestview Properties Limited.

Policy R-10:

It shall be the intention of Town Council to establish a Residential Comprehensive Development District (RCDD) Zone within the Land Use Bylaw to permit Council to: a) ensure that a comprehensive plan is prepared; b) encourage environmentally sensitive design through review and negotiations on development agreement applications; c) consider approving innovative housing forms; d) permit flexibility and economies in street and servicing standards; e) consider the need for buffering and/or separation distances; f) consider innovative subdivision designs and house siting arrangements; g) permit negotiation regarding provision of open space; h) negotiate the phasing of development; i) encourage the use of cost effective construction technology; and, j) encourage the provision of a mix of housing types.

Policy R-11:

It shall be the intention of Town Council to limit the density of residential development within an RCDD to a maximum of 6 units per gross acre. In order to develop an RCDD at a density between 1 and 4 units per gross acre it will be necessary for Town Council to enter into a development agreement. Only single-unit dwellings will be permitted in this density range and in order for Town Council to consider this increased density the proponent must indicate methods whereby common open space (parcels which are available for use by project residents or the general public) is to be provided for such purposes as protection of existing vegetation, retention of natural features, and/or incorporation into the parks system. Development up to a maximum of 6 units per gross acre must proceed on the basis of a mix of uses. However, at least 60% of all housing

shall be single unit dwellings. *Such proposals* may be considered by development agreement provided additional common open space is provided and the cluster/open space site design approach is utilized. When entering development agreements Town Council may consider reductions of up to 50% for frontage, side yard and lot area requirements as specified in the Land Use By-law for the type of housing being considered. A design manual is to be prepared to provide further elaboration on the cluster housing concept. Representation of the range of residential uses shall be provided in each neighbourhood area. Each street may have the same type of uses, however on a neighbourhood scale, a range of uses shall be required to provide a variety of housing in each neighbourhood area.

These densities shall be based on gross area calculations which include the land area consumed by residential uses, parkland, local, collector, and arterial streets, institutional and neighbourhood commercial uses, and environmentally sensitive sites. In the case of Papermill Lake RCDD, the gross area calculations shall exclude all that land under water in this lake as it exists on December 2, 1989.

Policy R-12:

Deleted

Policy R-12A:

It shall be the intention of Town Council to require architectural design standards for RCDD projects. These standards are intended to achieve architectural variation in neighbourhoods by limiting design repetition and encouraging varying facial designs. Small multiple unit buildings shall be designed so they appear more like large single unit buildings. Large multiple unit buildings shall have bends and jogs rather than flat facades and shall be limited to a maximum of 36 units per building and three storeys in height unless site conditions justify a taller building by minimizing site disturbance, maximizing tree retention and screening from the street. In the architectural design of all buildings in RCDD projects. Consideration shall be given to the following techniques: roof slopes with 6:12 pitch or greater; door and window trim and detailing; exterior materials of brick, masonry, clapboard or wood; exterior colours of earth and natural tones with complementary coloured trim; use of side doors on semi detached and townhouse units; garage entrances on the side rather than the front of homes; garage entrances be set back from the front facade to minimize its impact on the streetscape; decorative front facade details such as brick, shutters, awnings; utility wires, installation of underground electrical secondary services and electrical meters attached to side or back of homes. Specific architectural guidelines shall be included in development agreements. For multiple unit buildings and commercial buildings consideration shall be given to the site's location and visibility within the Town, in establishing building size and design.

Policy R-12B:

It shall be the intention of Town Council to identify non-site disturbance areas and to require landscaping for RCDD projects. Non-site disturbance areas are intended to preserve natural open space and to provide neighbourhoods with a natural or "green" environment. Landscaping requirements are intended to provide buffers between buildings, buffers between buildings and streets, and provide a visual break in parking lots. Non-site disturbance areas shall be determined by designing buildings that fit the site and utilizing construction practices that minimize site disturbance and maximize tree retention. Horticultural practices shall be utilized to maintain the health of vegetation within non-site disturbance areas and landscaped areas, such as: covering of exposed roots with adequate soil and mulch; protecting specimen trees with barriers to prevent damage from machinery; slope stabilization; planting of trees that comply the CNTA Canadian Standards for Nursery Stock etc. Consideration of storm water drainage patterns shall be considered when identifying non-site disturbance areas and landscaped areas. The "no net loss" approach shall be used for non-site disturbance areas ie: any removal or damage to a non-site disturbance area during or after construction shall be replaced via landscaping somewhere on the site so there is no net loss to the vegetated portion of the site.

Policy R-12C:

It shall be the intention of Town Council to require streetscape design standards for RCDD projects. These standards are intended to achieve an attractive streetscape upon completion of the project. In designing the streetscapes, parking for small lots shall be provided in the side yards except where a garage is provided in the front yard. In addition, for all streetscapes, consideration shall be given to: varied front yard setbacks; street patterns that utilize curves, bends and change in grades; street standards that reflect the function of the street; parking in side yards; landscaping to screen parking lots from the street for large buildings ie: multiple unit, commercial, townhouses; driveway locations for multiple unit projects considered in terms of the view from the street and to buffer these in order to minimize the impact of the parking lot and building on the streetscape; provision of street trees for both public and privately owned streets. Buffering and screening shall be provided in the form of natural vegetation and landscaping. Street patterns utilizing local through streets is encouraged over the use of cul-de-sacs to facilitate improved traffic movement and to assist snow clearing operations. Through streets shall not be accepted in preference to cul-de-sacs in situations where it is incompatible with the physical topography and where site disturbance of environmentally sensitive areas will be increased. Sidewalks shall be required on both sides of arterial and collector streets. To minimize their impact on collector roads, small lots should be located on local streets and be dispersed throughout the development.

Policy R-13:

It shall be the intention of Town Council to permit mobile home parks and/or subdivisions in Residential Comprehensive Development Districts through the development agreement process. In assessing a proposal to include mobile home parks and/or subdivisions within an RCDD Council shall take into consideration:

- a) direct access to the collector or arterial road system;
- b) the proximity to existing or proposed recreational facilities;
- c) the adequacy of servicing capabilities in the area;
- d) the adequacy of existing or proposed school capacities;
- e) that the proposal meets all other policies contained in this plan;
- f) the criteria listed in Policy Z-3.

Policy R-14:

It shall be the intention of Town Council to require the undertaking of a public participation process in which the public, proponents, and Town staff: a) identify development constraints and opportunities pertaining to the three RCDD areas; and b) collaborate to produce the conceptual plans for the development of these areas. When negotiating provisions of the Union Street RCDD development agreement special attention shall be given to the protection of the aboriginal petroglyphs located within this area.

Policy R-15:

It shall be the intention of Town Council to consider the recommendations contained in the Petroglyph Advisory Committee's report as part of the public consultation process for the Union Street RCDD.

Policy R-16:

Pursuant to Policy R-9 and as provided for by Sections 55 and 56 of the Planning Act, the development of any RCDD shall only be considered by Council through a Development Agreement. Council shall evaluate the appropriateness of the proposed development in accordance with the provisions of Policy Z-3 and with regard to the following criteria:

1. Commercial uses shall front on a collector road;
2. The compatibility of the height, bulk and scale of the uses proposed in the project with one another, where specific design criteria have minimized potential incompatibility between different housing forms and/or between different land uses;
3. The adequacy and usability of private and public recreational and park lands and recreational facilities. Proponents will be encouraged to provide one (1) acre of public parkland per 100 dwelling units within RCDDs. Where subdivision occurs 5% of public open space is to be provided as per the Planning Act, and Council shall seek to obtain lands which are compact, having a minimum street frontage of 60 continuous feet or one-tenth of one per cent of the total park area, whichever is greater, and; where usability is defined generally as park or recreational lands having

- no dimension less than 30 feet (except walkway park entrances) and having at least 50 per cent of the area with a slope between 0 and 8 per cent in grade;
4. The adequacy of provisions for storm water management;
 5. The Town will encourage development to maintain standards of water quality which will meet recreational standards;
 6. Council shall discourage the diversion of any storm water from one watershed to the detriment of another watershed;
 7. The implications of measures to mitigate the impact on watercourses;
 8. The adequacy and arrangement of vehicular traffic and public transit access and circulation, including intersections, road widths, channelization, traffic controls and road grades;
 9. The adequacy and arrangement of pedestrian traffic access and circulation including: physical separation of pedestrians from vehicular traffic, provision of walkway structures, and provision of crosswalk lights;
 10. The maintenance of the small town character by discouraging concentrations of multiple-unit dwellings (townhouses and apartment units) in any one project or area; concentrations shall be viewed as individual projects exceeding 36 units or as clustering of more than three such multiple-unit projects on abutting lots and/or lots within 100 feet;
 11. With respect to multiple-unit projects, Council shall consider, among other items, the:
 - i) access to the collector or arterial road system;
 - ii) proximity to existing or proposed recreational facilities;
 - iii) existence of adequate services in the area;
 - iv) conformance with all other relevant policies in this strategy;
 - v) preference to limit the maximum height of any apartment building to three stories except as provided for in Policy R-12A to maintain the small town character;
 - vi) density limitation of 30 units per net acre;
 - vii) requirements of the RMU Zone, where appropriate;
 - viii) the bulk and scale of multiple-unit projects in relation to abutting properties; and,
 - ix) a maximum of 36 units per building
 12. The adequacy of school facilities to accommodate any projected increase in enrolment.
 13. The adequacy of architectural design;
 14. The adequacy of non-site disturbance areas, landscaping areas, and horticultural practices to ensure the survival of these areas;
 15. The adequacy of streetscape design.