




PO Box 1749
Halifax, Nova Scotia
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Item No. 10.1.3
Halifax Regional Council
April 6, 2010

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: 
Wayne Anstey, Acting Chief Administrative Officer

DATE: March 16, 2010

SUBJECT: Case 15787 - Amendments to Dartmouth MPS and Russell Lake West
Development Agreement, Dartmouth

ORIGIN

An application by Clayton Developments Ltd. to amend the Municipal Planning Strategy (MPS) for Dartmouth and the Existing Development Agreement for Russell Lake West (Case 00731) to enable changes in the dwelling types and street layout in Blocks H, J, F and G.

RECOMMENDATION

It is recommended that Halifax Regional Council

1. Initiate the process to consider amending the Dartmouth Municipal Planning Strategy (MPS) to allow changes to the existing development agreement for Russell Lake West in regard to the dwelling types and street layout within Blocks H, J, F and G, and;
2. Direct staff to follow the public participation program approved by Council in February 1997.

BACKGROUND

On March 22, 2005 Regional Council adopted a Master Plan for the lands adjacent to Morris and Russell Lakes for the development of a mixed used development consisting of residential and commercial uses. The subject area was divided into a number of parcels and specific land use policies were developed for each parcel. Development of the lands would occur through the Comprehensive Development Agreement (CDD) process.

On April 5, 2005 Harbour East Community Council approved a development agreement for the Russell Lake West subdivision which permits a mixed use development, consisting of residential and commercial uses (see Map 3). The majority of the residential component has been either developed or approved for subdivision. Clayton Developments wishes to amend the existing development policies and regulations for the remaining undeveloped areas of Russell Lake West which will require amendments to both the Dartmouth MPS and their existing agreement.

Location, Designation, and Zoning

- Russell Lake West is a mixed use master planned area generally bounded by Russell Lake and Highway 111.
- The lands are situated within the Morris-Russell Lake Secondary Planning Strategy under the Dartmouth MPS and are zoned Comprehensive Development District (CDD) under the Dartmouth Land Use By-law (LUB) (see Maps 1 and 2). The parcels affected in this proposed amendment include Parcels 5, 7 and 8 (see Map 3).

Existing Development Agreement

Due to the detail required by plan policy, the existing development agreement for Russell Lake West divided the area into Blocks A through J. The proposed amendments impact Blocks H, J, F and G which total 23.5 acres (see Map 4). Under the existing development agreement:

- Block H is to be developed as 36 townhouse units;
- Block J is to be developed as 22 townhouse units; and,
- Block F is to be developed as 2 multiple unit apartment buildings totaling 128 units.
- Block G was not included within the existing development agreement as the site was reserved as a school site.

Proposal

Clayton Developments has applied to amend the Dartmouth MPS and the existing development agreement for Russell Lake West to allow changes in the dwelling types and street layout within Blocks H, J, F and G of Russell Lake West (see Map 5).

The amendments to the existing development agreement include:

- The development of Block H as two multiple unit apartment buildings totalling 132 units;
- The combination of Blocks J and F to accommodate 30 single unit dwellings;
- The inclusion of Block G to the existing development agreement to be developed for two

- multiple unit apartment buildings totalling 160 units at a density of approximately 16 units per acre; and,
- An increase in the overall residential density on Schedule VIII of the Agreement from 6.8 units per acre to 7.3 units per acre (Attachments B and C).

To proceed with the proposed amendments to the existing development agreement Clayton Developments Ltd has requested the following amendments to the Dartmouth MPS.

- To allow multiple unit apartment buildings on Block H, which fronts on Basswood Drive; and
- To allow a density exceeding 15 units per acre on Block G.

Plan Policy

Block G

Block G is approximately 10 acres in size and makes up Parcel 8 of the Morris / Russell Lake Secondary Plan. Block G is located at the south-eastern tip of Russell Lake as shown on Map 4. Policy ML-18(j) of the Dartmouth MPS states that Block G (Parcel 8) shall be reserved as a school site until the greater of 500 residential units have been constructed along the west side of Russell Lake or once five years has passed since the date of the approval of the Secondary Planning Strategy by Regional Council. In either case, the Parcel can be developed with medium to high density residential dwellings not exceeding 15 units per acre and 5 habitable floors above underground parking.

Blocks J and F

Blocks J and F make up a portion Parcel 7 and are located south-west of Block G. Policy ML-18(i) of the Dartmouth MPS permits a mixture of housing styles throughout Parcel 7.

Block H

Block H makes up approximately 7.9 acres of Parcel 5 and is located west of Block G. Policy ML-18(f) of the Dartmouth MPS states a variety of housing styles may be developed on Parcel 5, however, multiple unit buildings shall be limited to lands abutting Baker Drive.

Density and Housing Style

Other than the MPS policies that deal with each specific Parcel there are policies that deal with the overall master plan area. Policy ML-19 limits density for development within Parcels 2, 3, 4, 4a, 5, 7 and 8 to 8 units per acre.

Regional Plan

The subject property is within the Urban Settlement Designation of the Regional Plan. The Urban Settlement Designation intends to provide a diverse, vibrant and liveable environment. The Morris-Russell Lake area is indicated as one of six areas where significant growth is to be directed and encouraged.

The area is identified as a Suburban District Center in the Settlement and Transportation Map of the Regional Plan. The Suburban District Center is one of five types of centers listed in the Regional Plan. The intent of these centers is to identify lands for significant residential growth. It is intended

that these centers will be well designed, safe and comfortable, with high quality of public realm including parks and a comfortable and safe environment for pedestrians and cyclists.

DISCUSSION

Generally, MPS amendments should only be considered where factors related to MPS policies have changed. In the case of the two requested amendments by Clayton Development Ltd., factors have changed since the policies were established as outlined below:

Block G (Parcel 8)

Block G is to be reserved as a school site for the first five years after adoption of the MPS policies. After the five year period, the lands can be developed (without any policy amendment) for medium to high density residential dwellings not exceeding 15 units per acre and 5 habitable floors above underground parking. It will be 5 years since the Secondary Plan was approved by Regional Council on March 22, 2010. The Halifax Regional School Board has expressed that at this time the site is not considered as a potential future school site. Clayton Developments is proposing to develop this site with two 5 storey multiple unit buildings totaling in 160 units, which creates a density of approximately 16 units per acre.

An amendment to the MPS Policy ML-18(j) is required to allow a density over 15 units per acre. Clayton Developments feels as though this would be a more efficient use of public infrastructure. Clayton Developments is prepared to offer additional parkland to compensate for the increase in density for this Block which is consistent with Policy 18(j) of the Dartmouth MPS.

Blocks J and F (within Parcel 7)

The existing development agreement anticipated that Canadian Forces Base (CFB) Shearwater would be closed. However, as the closure of CFB Shearwater has not occurred, the 2 multiple unit buildings to be developed on Parcel F can no longer be constructed as it would be in the flight path of the Shearwater air base. As a result, Clayton Developments is proposing to amend the existing development agreement to combine Blocks J and F to accommodate 30 single unit dwellings which would replace the 128 apartment units of Block F and the 22 townhouse units on Block J. As policy ML-18(i) of the Dartmouth MPS permits a mixture of housing styles throughout Parcel 7 an amendment to the MPS is not required for this proposal. To make up for the decrease in density, Clayton is requesting changes to Block H which require an amendment to MPS policy.

Block H (within Parcel 5)

Clayton Developments Ltd, would like to amend the Development Agreement to allow 2 multi-unit buildings with a total of 132 units to make up for the multiple unit dwellings that can no longer be developed on Parcel F (within Parcel 7). Policy ML-18(f) only permits multiple unit dwellings within Parcel 5 on lands that front Baker Drive. Block H abuts Basswood Run. However, as circumstances for the development have changed staff agree that the requirements in the MPS should be reviewed to address the current situation.

Density and Housing Style

If approved, the proposed amendments would increase the overall density for parcels 2, 3, 4, 4a, 5, 7 and 8 from 6.8 units per acres to 7.3 units per acre. As Policy ML-19 limits the overall density to 8 units per acre an amendment to the MPS will not be required for this aspect of the proposal.

CDD Zone

The policies included in H-3 provide guidance over development agreements for CDD zoned properties. These policies deal with issues such as land use, density, landscaping, compatibility, etc. (See Attachment A). These policies will be considered when reviewing the proposed amendment to the MPS and existing development agreement.

Conclusion

The proposed amendments to Blocks H, J, F and G of the existing development agreement will allow the existing development agreement to better reflect the current housing demand and the surrounding land uses and be consistent with the intent of the Regional Plan.

Therefore, staff recommend that the Council authorize initiation of the Plan amendment process for the proposed development changes as outlined in this report.

BUDGET IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the proposed 2010/11 operating budget for C310 Planning & Applications.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the proposed 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 process to consider amending the Dartmouth MPS for the reasons set out in this report. This is the recommended course of action.
2. Council may choose not to initiate the requested MPS amendment process. A decision not to amend the MPS cannot be appealed. This alternative is not recommended, as staff contends that there is merit in considering the potential amendments.

ATTACHMENTS

Map 1	Generalized Future Land Use Map
Map 2	Location and Zoning
Map 3	Russell Lake / Morris Lake GFLUM of the Dartmouth MPS
Map 4	Excerpt of Russell Lake West Land Use Plan, from the Existing Development Agreement (Schedule VII)
Map 5	Proposed Amendments to Parcels H, G, F and J (Conceptual Land Use Plan)
Attachment A	Excerpts from the Dartmouth MPS
Attachment B	Schedule VIII - Russell Lake West Sub Area 1 Land Use Chart, from the Existing Development Agreement
Attachment C	Proposed Amendments to Sub Area 1 Land Use Chart

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

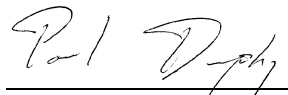
Report Prepared by: Jillian MacLellan, Planner 1, 490-3999

Report Approved by:

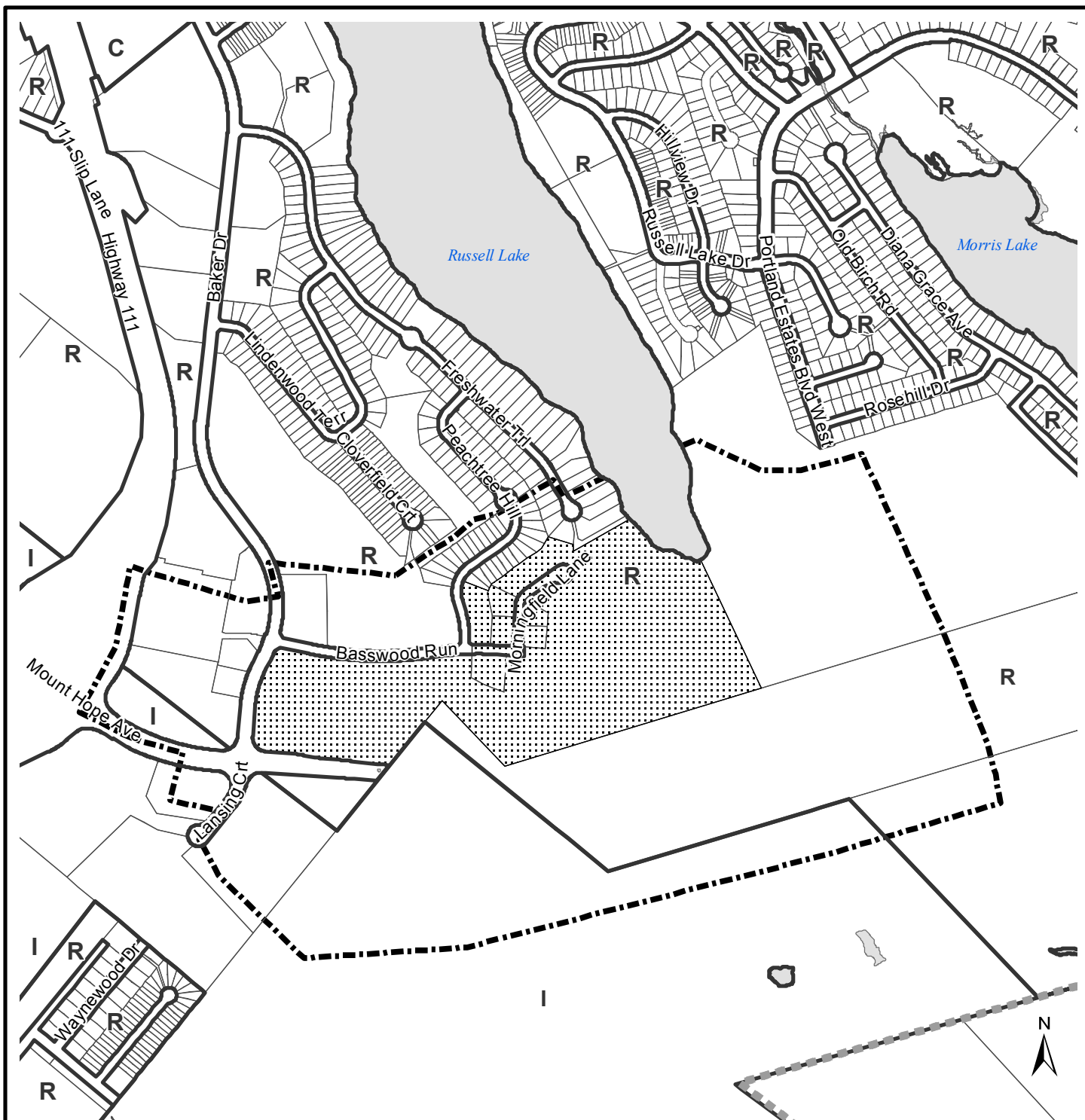


Austin French, Manager, Planning Services, 490-6717




Report Approved by:



Paul Dunphy, Director of Community Development



Map 1 - Generalized Future Land Use

-  Subject Property
-  Notification Area
-  Plan Area Boundary

Dartmouth Plan Area

Designation

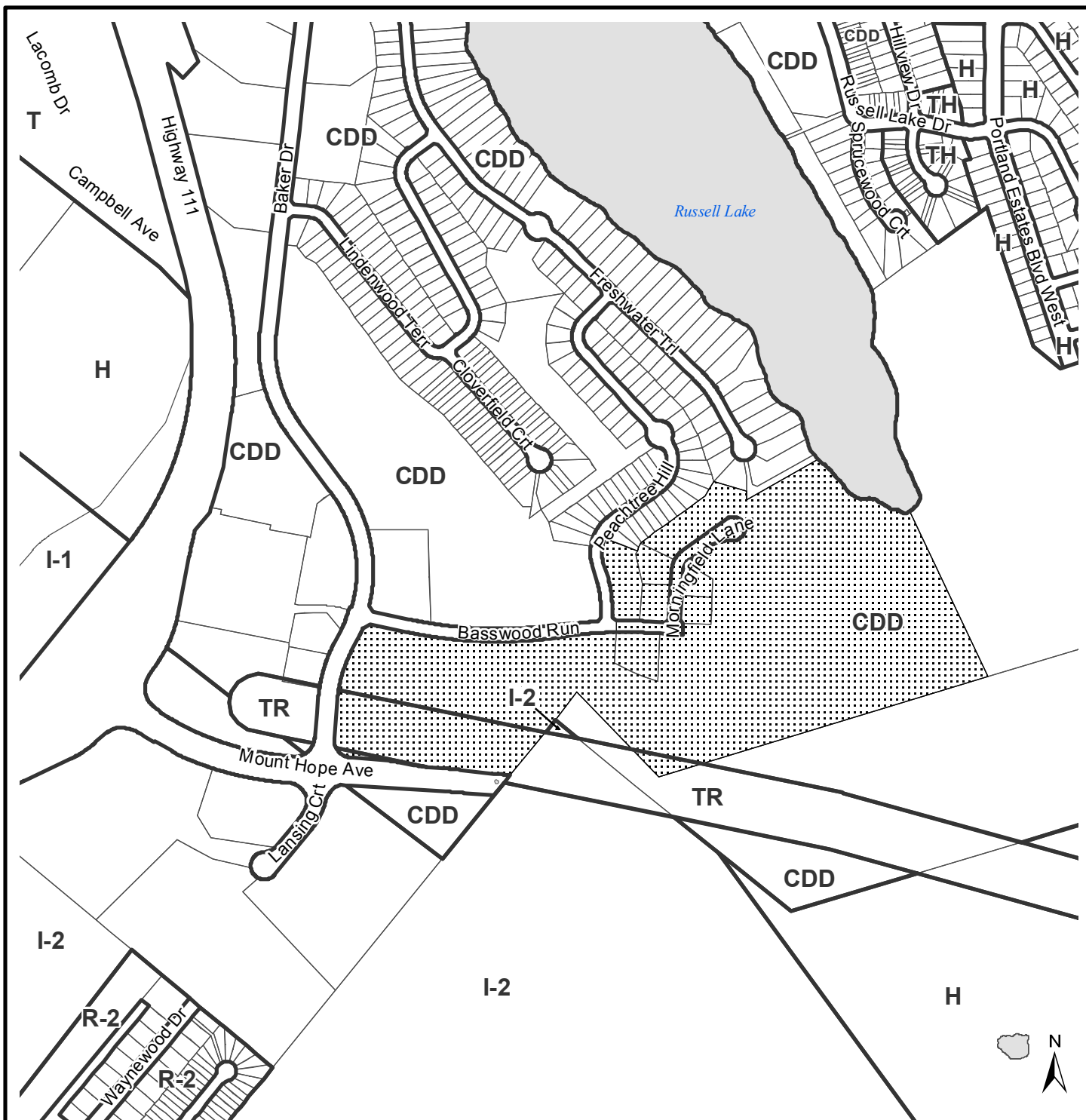
- R Residential
- I Industrial
- C Commercial

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES


0 212.5 425 850 1,275
Feet

This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Dartmouth Plan Area.

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



Map 2 - Location and Zoning

 Subject Property

Dartmouth Plan Area

Zone

R-2	Two Family Residential
TH	Town Housing
T	Mobile Home Park
I-1	Light Industrial
I-2	General Industrial
H	Holding
CDD	Comprehensive Development District
TR	Transportation Reserve

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

0 170 340 680 1,020
Feet

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

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

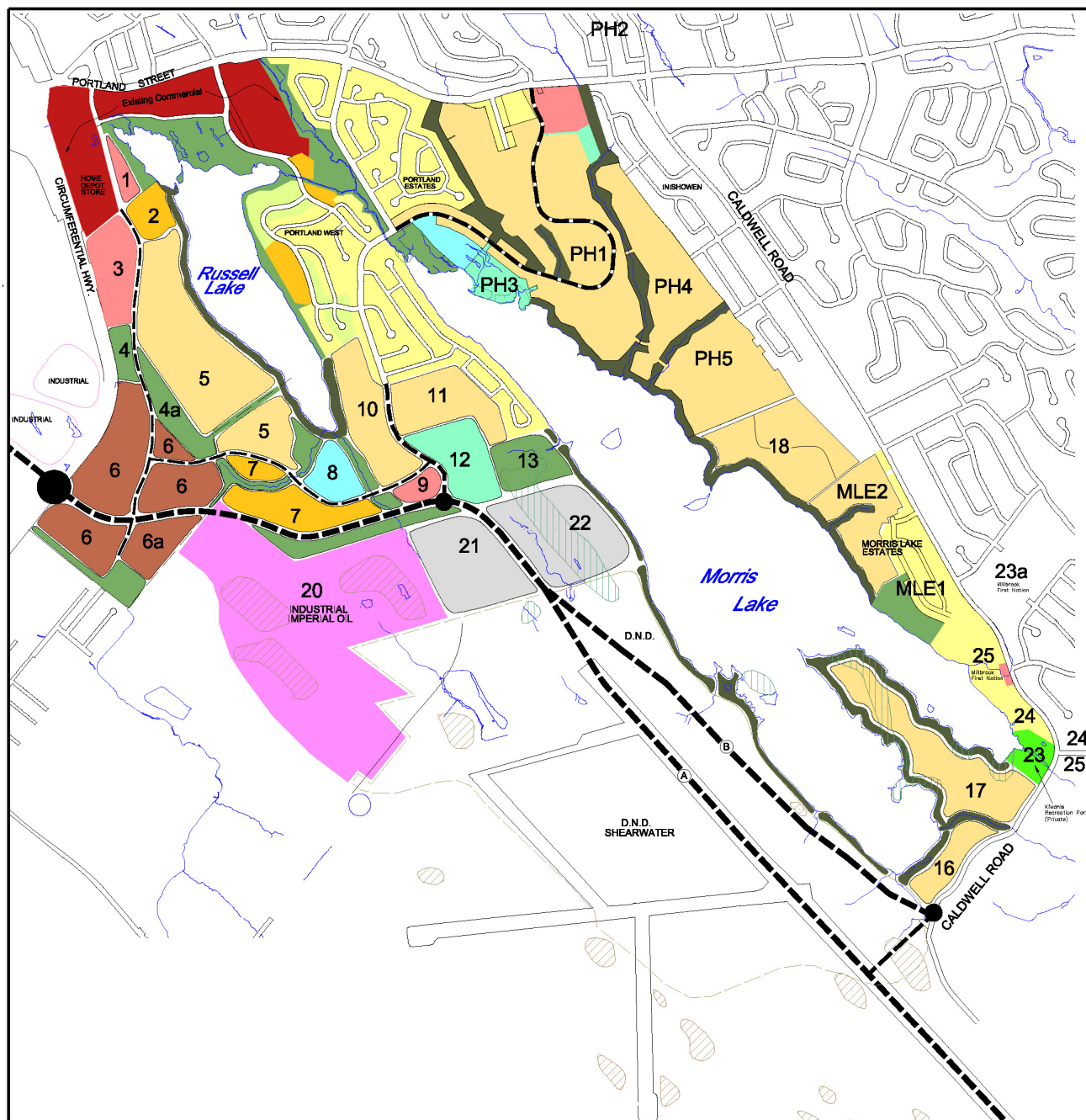
Map 3

RUSSELL LAKE / MORRIS LAKE

GENERALIZED FUTURE LAND USE

SCALE: NTS

March, 2005



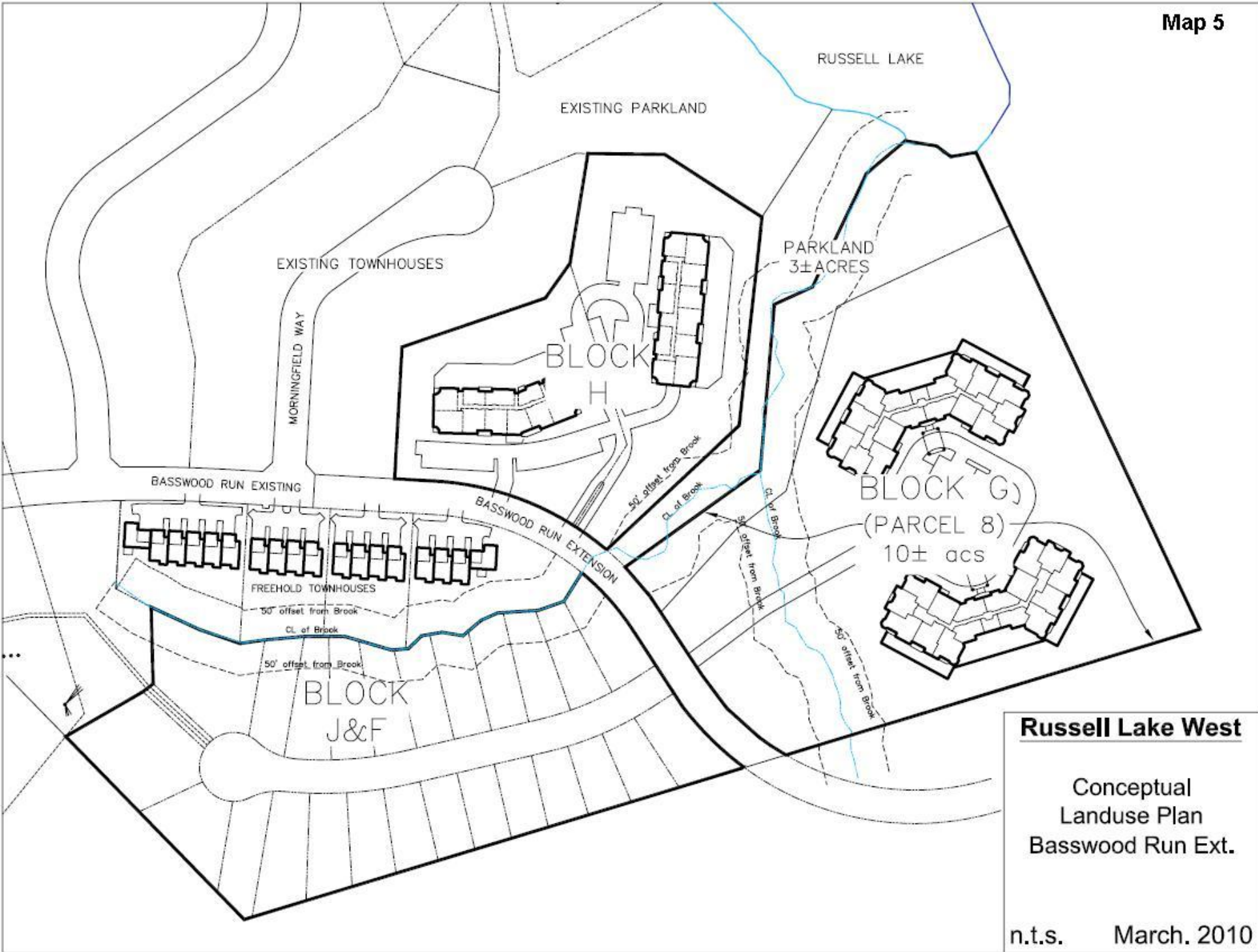
- SINGLE FAMILY
- SEMI / TOWNHOUSE
- MULTIPLE / TOWNHOUSE
- CDD RESIDENTIAL MIX
- CDD (Holding)
- HRM PARKLAND / PRIVATE OPEN SPACE
- ACTIVE HRM PARKLAND
- COMMUNITY COMMERCIAL
- GENERAL COMMERCIAL / HIGH DENSITY RESIDENTIAL
- EXISTING COMMERCIAL
- INSTITUTIONAL
- LAKEFRONT PROTECTION ZONE
- INDUSTRIAL LANDS
- WETLANDS
- ENVIRONMENTALLY SENSITIVE
- CALDWELL ROAD CONNECTOR
- NEW INTERCHANGE



Map 4

Excerpt from Russell Lake West
Land Use Plan of the Existing
Development Agreement
(Schedule VII)

Blocks H, J, F and G



Russell Lake West

Conceptual
Landuse Plan
Basswood Run Ext.

Attachment A
Applicable Sections of the MPS

To overcome these deficiencies, City Council would be required to pursue amendments to its Charter. However, a preferred alternative exists under the Planning Act. Therefore, the policies of this Plan respecting comprehensive development districts will be implemented according to that legislation.

(3) Comprehensive Development District (CDD)

The CDD mechanism permits a land owner and the City to negotiate the development standards for a designated property, allowing for more flexibility than offered by zoning and subdivision regulation. In keeping with the City's concerns regarding the residential development of large vacant parcels inside the development boundary, several properties will be designated as CDDs and others may be considered by Council or owners in the future.

An important objective in providing for CDDs is to create mixed residential developments, with variety in dwelling type, building design and lot characteristics. In most cases, this mix will be achieved within each CDD. However, some districts may be located in the immediate vicinity of alternate housing forms and in these cases, the surrounding neighbourhood will be taken into account in determining an acceptable mix of housing for the property.

(Deleted: RC-Jan 12/99;E-Jun 26/99)

CDDs will be developed according to master plans and implemented by development agreement(s). Policies H-3 through H-3E expand on City Council's intentions in providing for CDDs. (As amended by By-law C-697, June 18, 1993).

Policy H-3 It shall be the intention of Council to establish a comprehensive development district (CDD) within the land use by-law. A CDD may be applied to vacant lands which have a minimum area of ten acres and which are located within the development boundary. It is the intention that a CDD shall be primarily a residential development and shall provide a mix of residential uses. Within the CDD, Council may consider permitting any residential use and institutional, commercial and recreational facilities to serve the area.

Policy H-3A Pursuant to section 56 of the Planning Act, development within a CDD shall be subject to an agreement. Prior to considering any agreement within a CDD, Council shall require a concept plan for the entire land holding. The concept plan shall include the following information, some or all of which may be made part of any agreement as Council deems necessary to fully describe and control the development:

- (a) a map(s) and assessment of the physical nature of the land, including its topography, mature vegetation, natural features restricting development and any significant environmental characteristics;
- (b) a transportation plan, including vehicular, pedestrian and public transit systems, and traffic impact analysis sufficient to evaluate the internal and off-site implications of the systems;

- (c) the method of providing municipal sewerage, water and storm services to the development;
- (d) the general phasing of development;
- (e) the distribution and nature of all land uses; and
- (f) the total number of dwelling units, the proportion of all units which are proposed to be in apartment buildings and the gross residential density of the whole development and each of its phases.

Policy H-3B In addition to the provisions of Policy H-3A, Council shall consider the following prior to approving any agreement within a CDD:

- (a) the adequacy of the mix of residential uses to provide a range of housing options in terms of lot characteristics, building and dwelling type and design;
- (b) the general guide that the maximum number of apartment units shall not exceed 40% of the total actual number of units within the CDD. Such figure may be increased to a maximum of 50% provided clear advantages are gained within the CDD by means of increased parkland or open space, increased areas of undisturbed terrain and vegetation, decreased amount of impermeable surfaces and/or improved environmental protection or an improved transportation system. (RC- Mar 22/05;E-Apr 23/05)
- (c) the location and concentration or dispersal of multi-unit residential buildings with respect to impacts on street networks, abutting uses and the physical environment;
- (d) the general guide of a maximum residential density of 8 units per gross acre, excluding acreage devoted to commercial use;
- (e) the compatibility of various land uses, within and adjacent to the development, and measures proposed to integrate and buffer uses. Compatibility refers to the type of land use, dwelling (housing) type and size and height of the development. Buffering refers to measures that mitigate impacts on adjacent uses, such as adequate separation distances, retention of existing vegetation and the installation of suitable screening features such as new vegetation, berms and or fencing;
- (f) the adequacy of measures to minimize disruption of existing terrain, vegetation, watercourses and other physical features and to mitigate against the potential effects of disruption;
- (g) the hours of operation of non-residential uses, including business uses located in dwellings;
- (h) the safety and efficiency of all transportation systems, including the effects of driveways to and traffic from abutting uses to streets and walkways including the adequacy of pedestrian facilities (sidewalks/walkways);
- (i) the general guide that street frontage for single detached development not be less than forty (40) feet and that the total number of single detached lots having street frontage less than the minimum requirement as prescribed by the land use by-law and/or the subdivision by-law (RC-Jan 29/02;E-Mar 2/02) not exceed twenty-five percent of the total number of single detached units within the CDD;
- (j) that the size and type of commercial uses be designed to serve the shopping needs of residents within the local area, rather than the community or the region. Commercial uses to be considered are to be compatible with and sympathetic to the character of the surrounding residential community in terms of location, use, scale, design and traffic impacts. Uses to be considered may include, but not limited to, offices, financial institutions, convenience shops,

drug stores, personal service outlets (dry cleaning depot, laundry mats, hair salons, tailors and so on), small food stores, gas bars, and restaurants (excluding drive-throughs). Uses not to be considered include, but are not limited to department stores, home improvement centres, drinking establishments, adult entertainment uses and large grocery stores;

(k) Notwithstanding criteria “j”, larger commercial development containing a wider range of uses may be considered for lands adjacent Highway 111 at the proposed Woodside interchange;

(l) within the Morris-Russell Lake area, all new development shall adhere to the Morris Lake Watershed Management policies as contained in Policies ML-1 to ML-23 as applicable;

(m) the impact the proposed development may have on the quality of life of existing neighbourhoods, and notwithstanding criteria (b),(d),(i),and (j), Council may reduce the maximum allowable under each criteria in order to protect the quality of life of residents within existing neighbourhoods;

(n) any and all other matters applicable to the subdivision and servicing of the lands, the provision of parkland and the effects of the development on community services as set out in policy IP- 1(c) and, for specific uses which are otherwise subject to development agreements, the specific considerations required by the text and policies of this Plan; and

Future Land Uses

ML-18 The Future Land Use and Transportation Plan, presented as Map 9N, shall provide overall guidance for land use allocation within this secondary plan area and the following guidelines shall be adhered to in any development agreement application:

(f) Parcel 5: A mix of single-unit, semi-detached, townhouses, and multiple-unit dwellings will be permitted. Multiple-unit buildings shall be restricted to lands abutting Baker Drive and any such buildings shall not exceed four floors of habitable space above underground parking. Due to areas of steep topography, careful design of the local streets network and land uses is required to minimize terrain disturbance and protect Russell Lake;

(i) Parcel 7: A mixture of residential developments shall be supported provided that higher density development is located adjacent to the Caldwell Road Connector but no driveway access is permitted to this road;

(j) Parcel 8: This parcel is reserved for a school site until the greater of 500 residential units have been constructed along the west side of Russell Lake or once five years have past from the date of approval of this Secondary Planning Strategy by Regional Council. As an alternative to a school site, the parcel may be developed for either medium or high-density residential developments to a density not exceeding 15 units per acre and five habitable floors above underground parking;

Density

ML-19 The allowable density on parcel 1 shall conform with the requirements of clause (a) of policy ML-18 and the allowable density on parcel 8 shall conform with the requirements of clause (i) of policy ML-18. The density limitation established under clause (d) of policy H-3B shall be applied to the following aggregated parcels:

(a) parcels 2, 3, 4, 4a, 5, 7 and 8;

(b) parcels 9, 10, 11, 12 and 13;

(c) parcels 20, 21 and 22;

(d) parcels MLE1, MLE2 and 18;

(e) parcels PH4 and PH5.

Attachment B

SCHEDULE VIII

Russell Lake West

March, 2005

Sub Area 1 Land Use Chart

Total Acreage	165 acs.
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Low Density Residential	Single Lake 50 - 60' LOTS	Single Lake Cul-De-Sac	Single > 50 FT.	Single < 50 FT.	Townhouse 22 ft.	Bungalow Townhouse
Street A	37	6	47	*		
Street B				*	34	
Street C			70	*		
Street D			45	*		
Street F			*	*		47
Street G			*	*	36	*
Total	37	6	163	*	70	47

(* - Alternative Landuse, ** - Not to exceed 50% of Total Low Density Residential Units)

Condo Townhouses	Acrea	upa
Block H	36	9.2
Block I	30	7.1
Block J	22	8.1
Total	88	10.8

	Units	ppu	People
Total Number of Single Units	206	3.35	690
Total Number of Townhouses	117	3.35	392
Total Number of Condo Townhouses	88	3.35	295
Total Low Density Residential Units	411		1377
% of total Units	37%		

Shannex Seniors Complex	Units*	Acrea	upa
Block B	150	8.9	15.4
* calculated based on 2 BR unit equivalents			
Total	150	8.9	

Total Number of Seniors Units	150	2.25	338
% of total Units	14%		

High Density Residential	Units	Acrea	upa
Block A	180	7.3	24.7
Block C	110	8.4	13.1
Block D	64	4.1	15.6
Block E	64	3.5	18.3
Block F	128	7.9	16.2
Total	546	31.2	

Total High Density Residential Units	546	2.25	1,229
% of total Units	49%		

Total Residential Units	1107	2943
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Total Gross Acres (Non Commercial)	161.8
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6.8 upa	18.2 ppa
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Community Commercial	Acrea
COM 1	2.1
COM 2	1.1
Total	3.2

Total Community Commercial Acreage	3.2	40	128
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Total Gross Acres	165
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Russell Lake West

Sep-09

Attachment C Proposed Sub Area 1 Land Use Chart

Sub Area 1 Land Use Chart

Total Acreage 174 acs.

equals actual built or designed units

Low Density Residential	Single Lake 50 - 60' LOTS	Single Lake Cul-De-Sac	Single > 50 FT.	Single < 50 FT.	Townhouse 22 ft.	Townhouse 28 ft.	Bungalow Townhouse
Street A (Freshwater Trail)	35	6	44				
Street B (Coldstream Run)					34		
Street C (Lindenwood Cres)			88				
Street D (Peachtree Hill)			23	44			
Street F (Cloverfield Way)							46
Street G (Momingfield Way)					48		
Street J (Block J&F)			30				
Total	35	6	165	44	82	0	46

(* - Alternative Landuse, ** - Not to exceed 50% of Total Low Density Residential Units)

Townhouses	Acre	upa
Block I (South of Basswood)	18	4.2
Total	18	4.2

	Units	ppu	People
Total Number of Single Units	250	3.35	838
Total Number of Townhouses	128	3.35	429
Total Number of Condo Townhouses	18	3.35	60
Total Low Density Residential Units	396		1327
% of total Units	36.5%		

Shannex Seniors Complex	Units*	Acre	upa
Block B (BD-2, BD-3)	150	8.9	16.9
* calculated based on 2 BR unit equivalents			
Total	150	8.9	

Total Number of Seniors Units	150	2.25	338
% of total Units	14%		

High Density Residential	Units	Acre	upa
Block A (BD-1)	180	7.3	24.7
Block C (BD-5A&B)	110	8.4	13.1
Block D (BD-7)	54	4.1	13.2
Block E (BD-4)	82	3.5	17.7
Block H (North of Basswood)	132	7.9	16.7
Total	538	31.2	

Total High Density Residential Units	538	2.25	1,211
% of total Units	49.6%		

Block G (School Site)	180	10	16.0
Total Residential Units	1084		
Total Residential Units Incl. Block G	1244		3235
Total Gross Acres (Non Commercial)	170.9		
	7.3	upa	18.9 ppa

Community Commercial	Acre
COM 1 (BD-6)	3.1
Total	3.1

Total Community Commercial Acreage	3.1	40	124
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Total Gross Acres	174
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