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Item No. 11.1.6
Halifax Regional Council
June 22, 2010

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: 
Dan English, Chief Administrative Officer


Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: June 4, 2010

SUBJECT: **Case 16106 - Bedford West Sub Areas 9 and 10 Boundary Change
and Land Use Plan**

ORIGIN

An application by Cresco Holdings Limited.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Authorize staff to initiate the process to consider amending the Bedford West Secondary Planning Strategy (MPS), the Wentworth Secondary Planning Strategy, and the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy to amend the Sub Area Boundaries for Bedford West Sub Areas 9 and 10 and to establish a new land use plan and policy; and
2. Direct staff to follow the public participation program as approved by Council in February 1997 and required by Policy BW-39 of the Bedford West Secondary Planning Strategy.

BACKGROUND

An application has been submitted by Cresco Holdings Limited to amend the Sub Area Boundaries for Bedford West Sub Area 9 and 10 and to create a land use plan through a public participation process for a newly created Sub Area 9. This application includes a request to amend the Bedford West Secondary Planning Strategy (MPS), Wentworth Secondary Planning Strategy, and the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy.

The Regional Plan:

Bedford West is one of three designated urban growth areas where a detailed area plan or “secondary planning strategy” has been approved by Regional Council. Each growth area is to be serviced with central sewer and water services and developed as a mixed use transit oriented centres with lands allocated for residential growth and supporting services, high quality public spaces, as well as an employment centre. To achieve this objective, a comprehensive planning process was undertaken for each area with Council’s adoption of a “secondary planning strategy” as a condition for proceeding with development approvals.

Bedford West Secondary Planning Strategy:

The Bedford West Secondary Planning Strategy (SPS) was approved by Regional Council in 2006 in accordance with this directive (the boundaries of Bedford West and its 12 sub-areas are illustrated on Map 3). This new community encompasses approximately 2,000 acres of land on the west side of the Bicentennial Highway in vicinity of Kearney Lake and Hammonds Plains Roads. The Strategy provides direction for land use allocation, environmental protection, municipal service provision and phasing. The SPS is incorporated in three Municipal Planning Strategies (MPS’s) including Bedford, Halifax and Beaver Bank, Hammonds Plains and Upper Sackville. The Bedford SPS enables development primarily through the development agreement process.

At the time of the creation of the Bedford West SPS, conceptual land use plans (Schedule BW-7 attached as Map 4) and detailed policy was created for a large portion of the Bedford West area, but several areas including Sub Areas 1, 9, 10, 11 and 12 (Map 3) were not conceptualized. These areas were left for future concept and policy development and future amendments of the SPS.

The lands which are subject to this application are located in the Bedford and Halifax MPS’s and Bedford West SPS. They are designated BWSPS (Bedford West Secondary Planning Strategy) and zoned BWCDD (Bedford West Comprehensive Development District) and US (Urban Settlement) as shown on Map 1 and 2. The lands are located within Sub Areas 9 and 10 as shown on Map 3.

The amendment requests addressed in this report are summarized as follows:

1. Alteration to the Sub Area 9 and 10 boundary lines to increase the size of Sub Area 9 through the inclusion of one parcel, PID 00289140 (Map 5). This parcel is currently owned by Cresco Holdings Ltd. This amendment affects all three MPS’s identified above.
2. Amend the Community Concept Plan for Bedford West (Schedule BW-7 and Map 4) to

include PID 00289140 in to Sub area 9 (Map 5) and create a land use concept for Sub Area 9. Further to these amendments, specific land use policy may have to be created for the revised Sub Area, as the plan currently has limited policy associated with the Sub area. This amendment affects all three MPS's identified above.

3. The above requested change may have impacts on infrastructure charges and subject to a complete review, changes may be required to adjust infrastructure charges in the Regional Subdivision By-law.
4. The adjacent land owner, West Bedford Holdings Limited has also made a similar related request (Case 16104) to amend the boundaries of Sub Area 5 and 9. The request is being proceeded separately due to different policy provisions and planning processes. However, these applications will be reviewed simultaneously, if initiated.

DISCUSSION

Rational for Plan Policy Change

In order for Planning Services to recommend considering a change to the MPS, there must be a change in circumstance or a significantly different situation from what the plan policies anticipated. The applicant has identified the following rationale:

1. The construction of the Larry Uteck interchange and controls placed on driveway access to the interchange required by Nova Scotia Transportation and Infrastructure Renewal have limited the amount of commercial land which is available for development, expansion of commercial lands in to the existing Sub Area 10 is needed to achieve levels of commercial development anticipated in the Bedford West SPS and as anticipated through the collection of infrastructure charges.
2. Development of the southernmost parcel of subject lands (Map 1 and 2) is only practical through access across lands to the north (contained in Sub Area 9 (Map 4)). This is primarily due to the existing trunk water transmission line which is located on the south east side of the subject parcel (Map 1 and 2). This waterline forms a barrier to development of the site from the Sub Area 10 side of Bedford West because it may be difficult to construct a road or driveway over the waterline without damaging or putting the waterline at risk.
3. Current waste water servicing plans include a future public force main and gravity sewer to traverse all of Cresco's properties in the Sub Area 9 and subject parcel in Sub Area 10. As a result, planning for land use and infrastructure needs to be completed under one development agreement.

Conclusion:

More detailed information has been gathered and more detailed design has been completed on the lands since the adoption of the Bedford West SPS which suggest the subject lands are more appropriately developed together. Further, there may be validity in some of the rationale related to the amount commercial development and the collection of infrastructure charges. Additionally, the location of the trunk water line does form a barrier which may be challenging to cross with an access such as a driveway or road. This final point does isolate the proposed lands from an access point of view which ultimately further supports the infrastructure planning argument. If initiated, staff will consult with Infrastructure and Asset Management and Halifax Water to determine the impacts.

Staff recommend that Regional Council initiate the process to consider amending the Bedford West SPS sections of the Bedford MPS, the Halifax MPS and Beaver Bank, and the Hammonds Plains and Upper Sackville MPS as identified in the recommendation section of this report.

BUDGET IMPLICATIONS

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

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

Amendments to the Planning Strategies for Bedford West, Bedford, Halifax, and the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy involve community engagement and the engagement process will be consistent with the intent of the HRM Community Engagement Strategy, the Halifax Regional Municipality Charter, and the Public Participation Program approved by Council on February 25, 1997. Policy BW-39 of the Bedford West SPS currently identifies a public participation program is required to develop the Community Concept Plan for lands currently located in Sub Area 9.

The proposed level of community engagement is consultation, achieved through a public meeting early in the review process, as well as a public hearing before Regional Council can consider approval of any amendments.

The proposed MPS amendments will potentially impact the following stakeholders; advocacy groups, community and neighbourhood organizations, councillors, developers, general public,

individuals, community leaders, media, other HRM Business Units and Divisions, property owners.

ALTERNATIVES

1. Council could request staff to initiate the process to consider amending the Bedford West Secondary Planning Strategy (SPS), Bedford Municipal Planning Strategy, Halifax Municipal Planning Strategy and the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy to amend the Sub Area Boundaries for Bedford West Sub Areas 9 and 10 and to establish a new land use plan and policy for the newly created Sub Area 9. This is the recommended action.
2. Council could choose not to initiate the process to consider amending the Bedford West Secondary Planning Strategy (SPS), Bedford Municipal Planning Strategy, Halifax Municipal Planning Strategy and the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy to amend the Sub Area Boundaries for Bedford West Sub Areas 9 and 10 and to establish a new land use plan and policy. This is not recommended as staff are of the opinion that there are adequate reasons to consider this request.

ATTACHMENTS

| | |
|---------------|-----------------------------------------------------------|
| Map 1: | Generalized Future Land Use |
| Map 2: | Zoning |
| Map 3: | Bedford West Development Sub Area |
| Map 4: | Bedford West Community Concept Plan |
| Map 5: | Bedford West Proposed Boundary Change Sub Area 9 and 10 |
| Attachment A: | Relevant Policies from the Bedford West SPS (Bedford MPS) |
| Attachment B: | Relevant Policies from the Bedford West SPS (Halifax MPS) |

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.

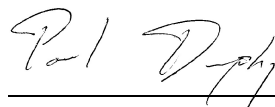
Report Prepared by: Andrew Bone, Senior Planner, 869-4226

Report Approved by:

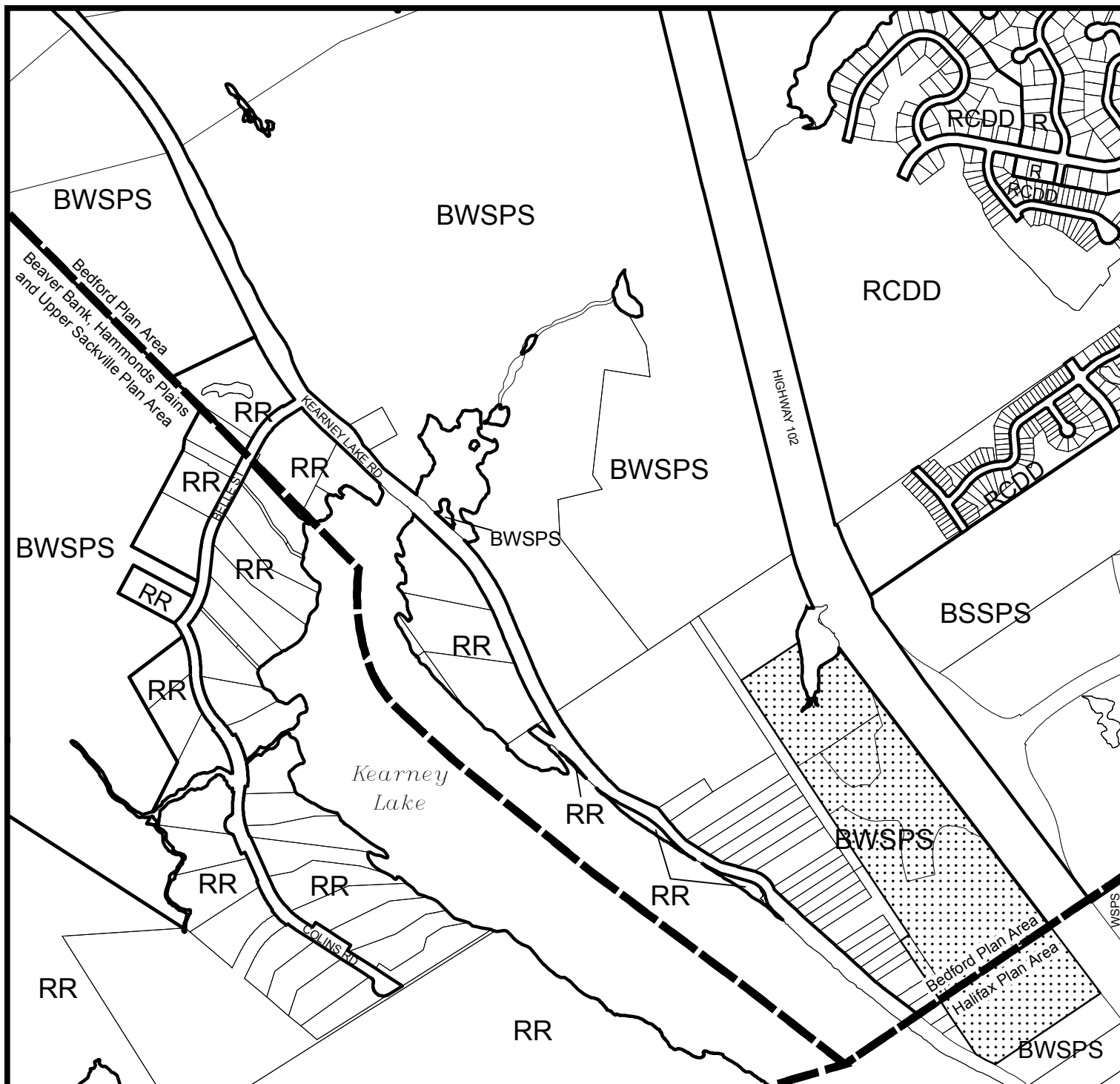


Austin French, Manager, Planning Services, 490-6717

Report Approved by:



Paul Dunphy, Director, Community Development



Map 1 Generalized Future Land Use



Subject Area

HALIFAX
REGIONAL MUNICIPALITY
Community Development
Planning Services

Bedford Designations

R Residential Designation
RR Residential Reserve Designation
RCDD Residential Comprehensive Development District
BWSPS Bedford West Secondary Planning Strategy
BSSPS Bedford South Secondary Planning Strategy

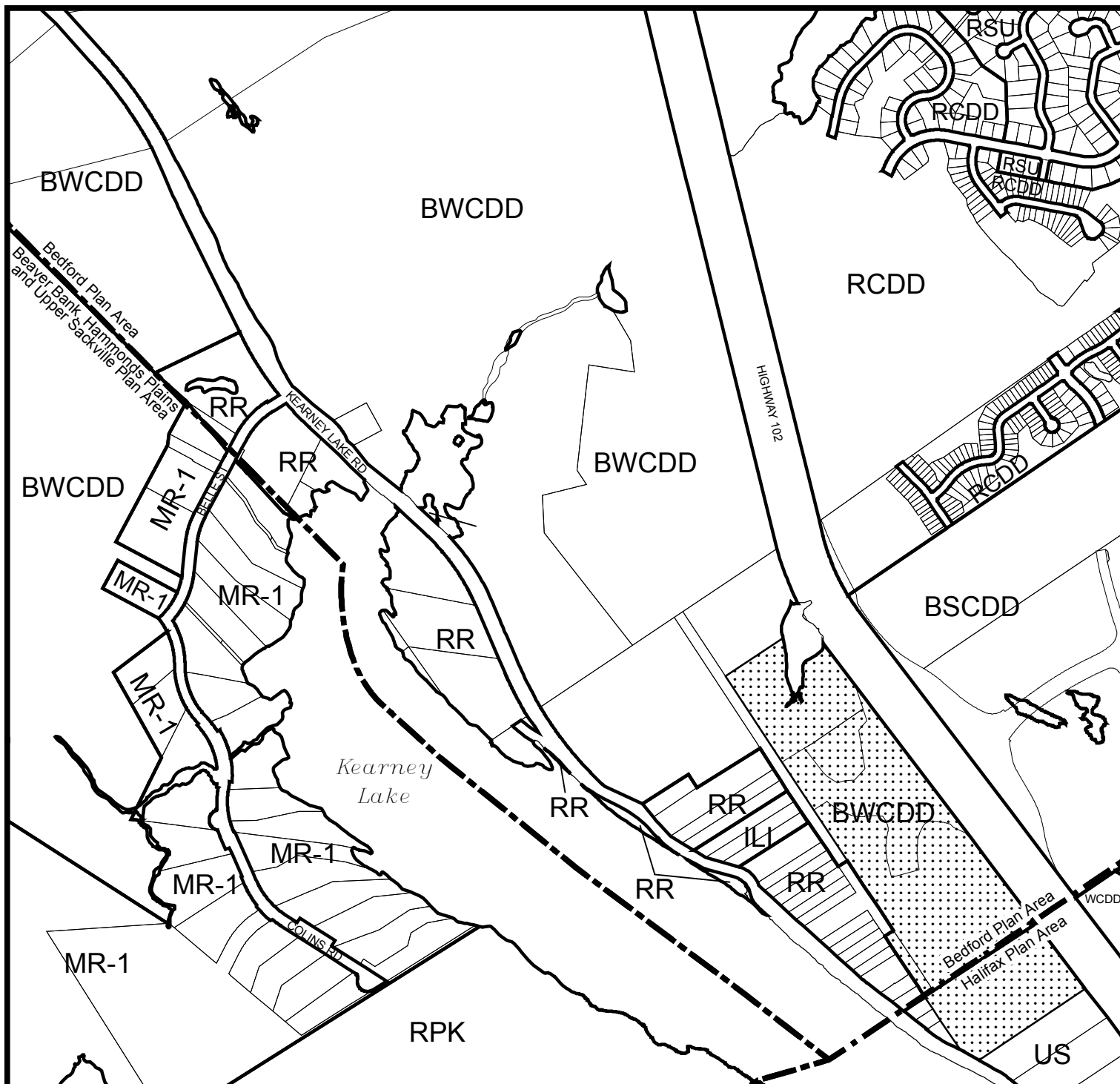
Beaver Bank, Hammonds Plains and Upper Sackville Designations

RR Rural Resource Designation
BWSPS Bedford West Secondary Planning Strategy

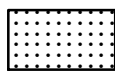
Halifax Designations

WSPS Wentworth Secondary Planning Strategy
BWSPS Bedford West Secondary Planning Strategy





Map 2 Zoning



Subject Area

HALIFAX
REGIONAL MUNICIPALITY
Community Development
Planning Services

Bedford Zones

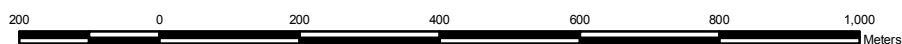
RSU Single Dwelling Unit Zone
RR Residential Reserve Zone
ILI Light Industrial Zone
RCDD Residential Comprehensive Development District
BWCDD Bedford West Comprehensive Development District
BSCDD Bedford South Comprehensive Development District

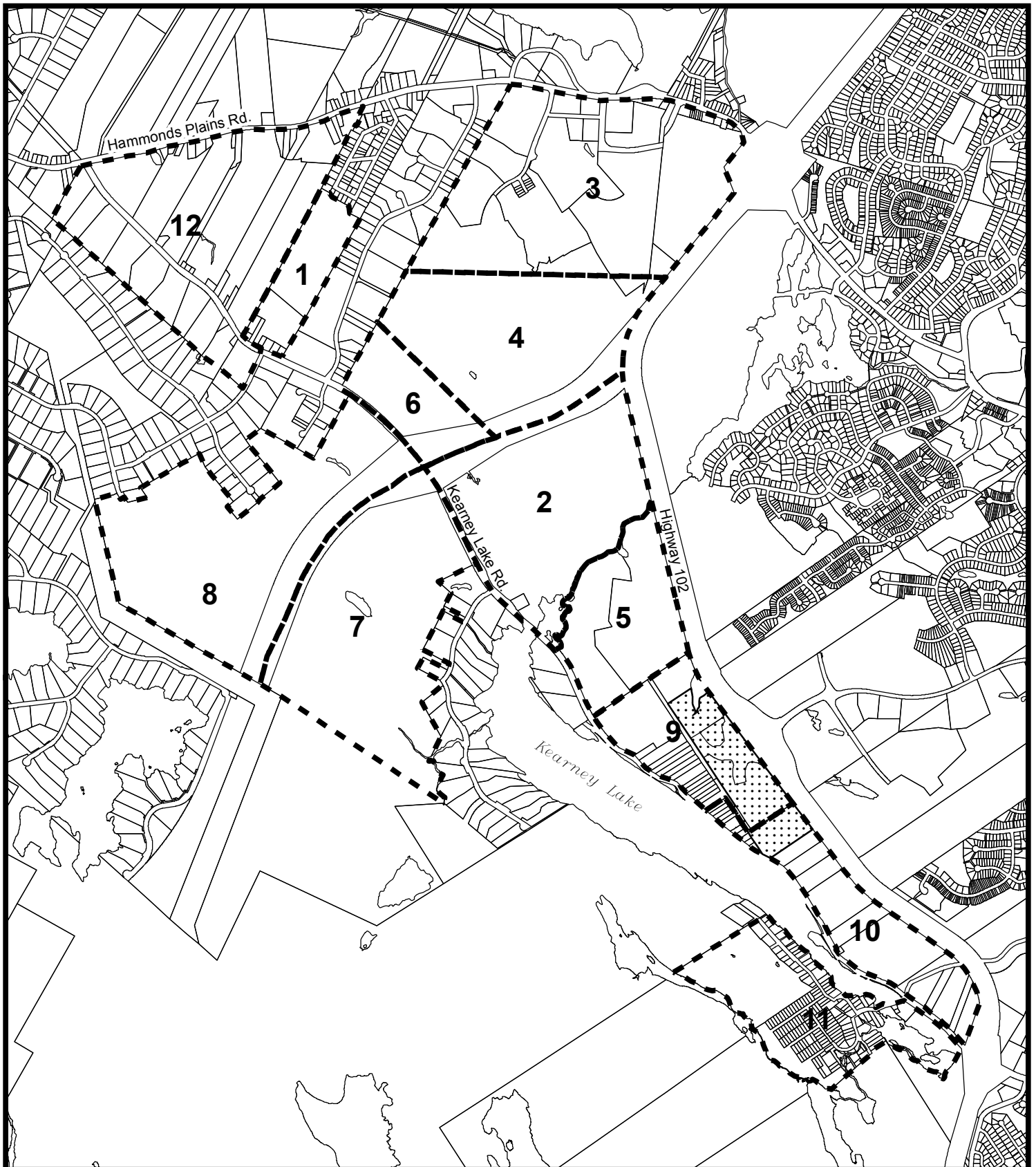
Beaver Bank, Hammonds Plains and Upper Sackville Zones

MR-1 Mixed Resource Zone
BWCDD Bedford West Comprehensive Development District
RPK Regional Park Zone

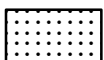
Halifax Zones

US Urban Settlement Zone
WCDD Wentworth Comprehensive Development District





Map 3
Bedford West Development Sub-Areas

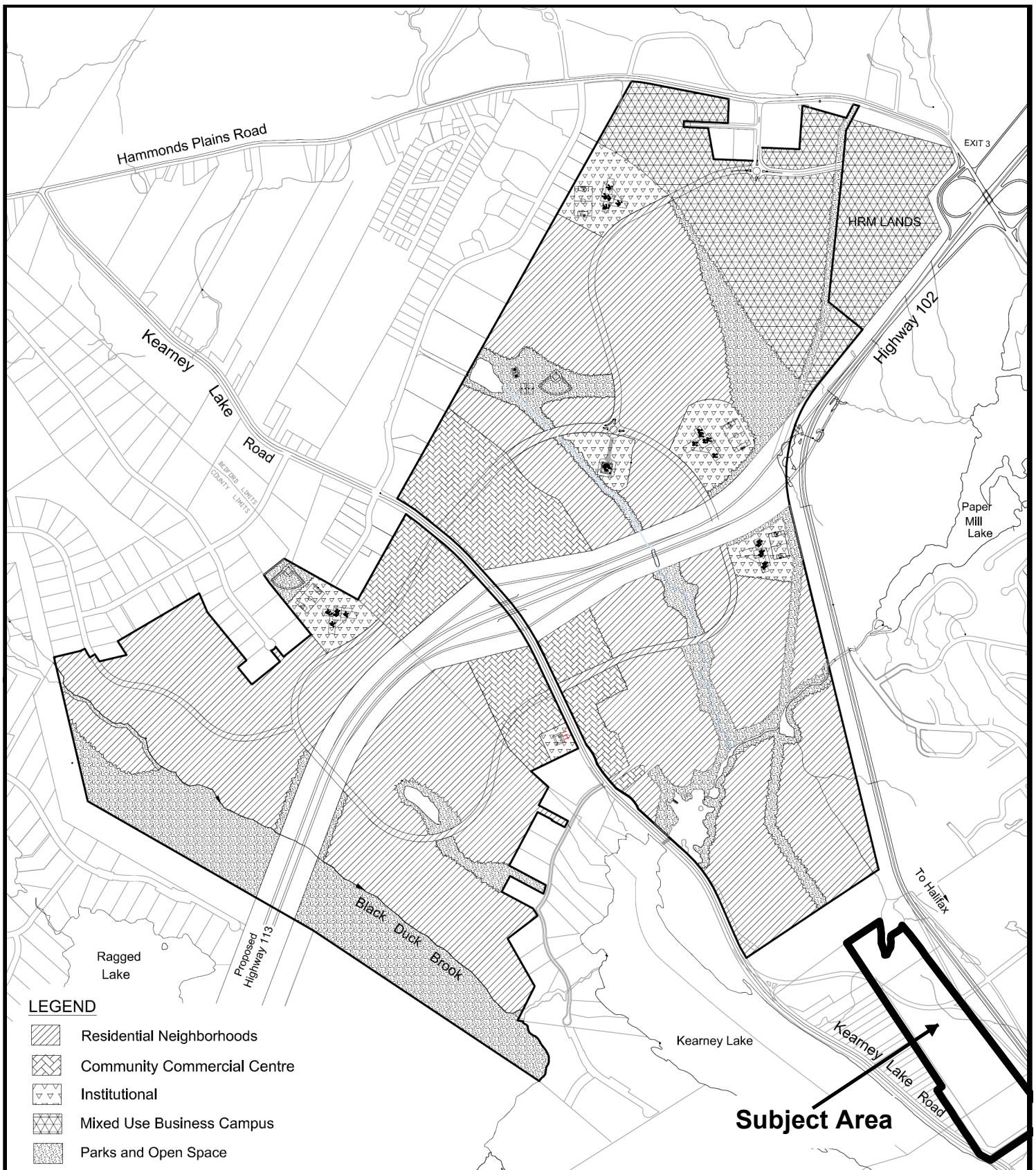


Subject Area



HALIFAX
REGIONAL MUNICIPALITY
Planning Services



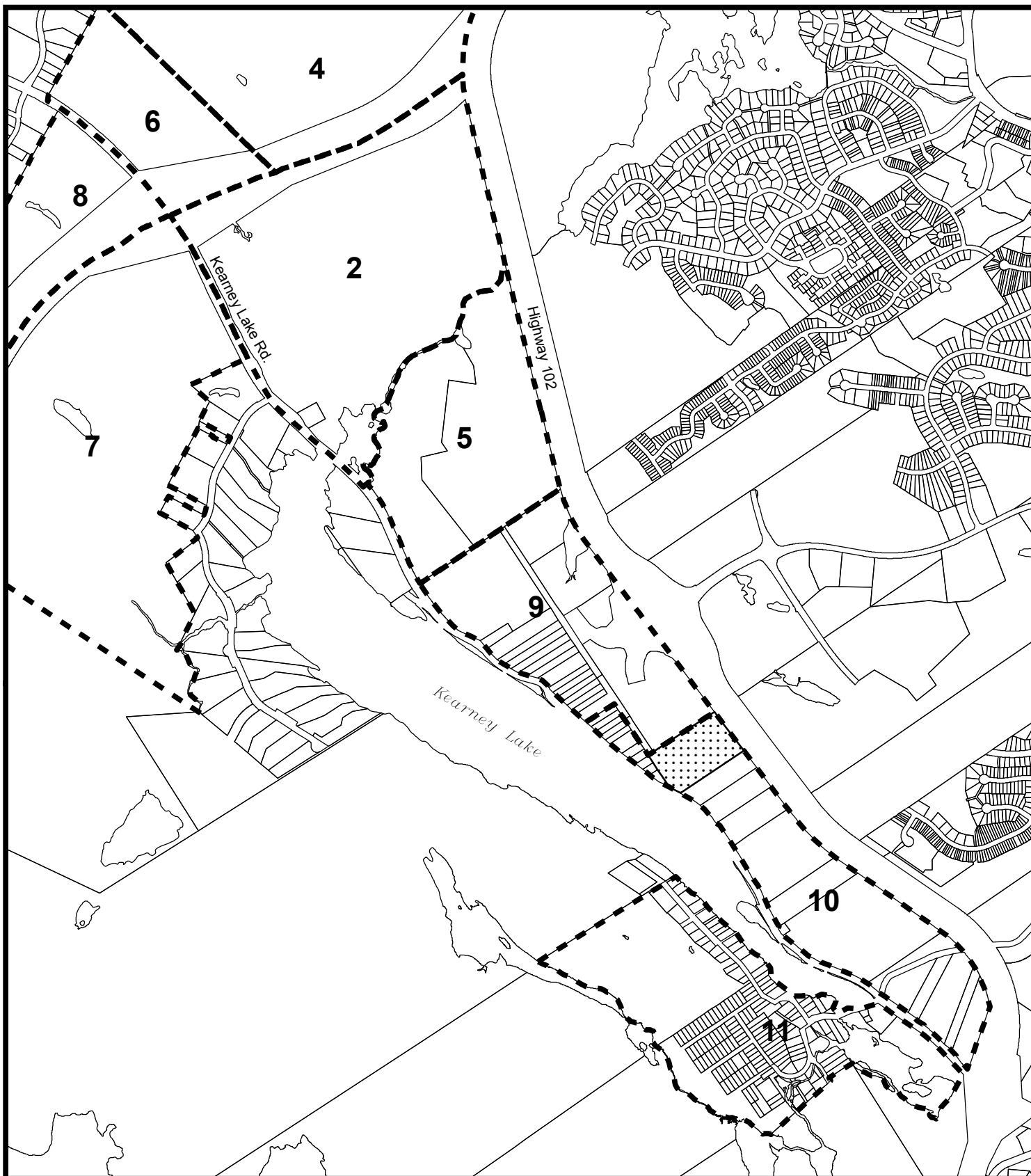


Map 4
Bedford West Community Concept Plan

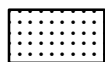


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200 100 0 200 400 600 800
 Meters



Map 5
Bedford West Proposed Boundary Change - Sub Areas 9 & 10



Area to be removed from Sub-Area 10
 and added to Sub-Area 9



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 Planning Services

200 100 0 200 400 600 800
 Meters

Attachment A
Relevant Policies from the Bedford West SPS (Bedford MPS)

THE BEDFORD WEST SECONDARY PLANNING STRATEGY

Transportation:

Policy BW-17:

A community street and trail system shall be developed in substantial conformity with the designations and alignments presented on Schedule BW-5 except that variations to the alignment may be considered to enhance safety, provide a better fit with the natural terrain, mitigate surface runoff or preserve significant environmental features. The following requirements shall be applied:

- a) the connector road from Kearney Lake Road to the Larry Uteck Drive interchange shall be designed with a right-of-way width sufficient to allow for two lanes of through traffic with turning lanes at intersections. Direct driveway access shall be restricted to commercial developments in the vicinity of the interchange and all other access shall be restricted to street intersections. The need for sidewalks will be determined at the time a street plan is submitted in association with a development agreement for Sub-Area 9 as illustrated on Schedule BW-6;

Development Phasing and Cost Recovery

Policy BW-20:

A development Sub-Area plan is established for this secondary plan area as illustrated on Schedule BW-6 in which the following conditions shall apply:

- a) Any approvals within Sub-Areas 1 to 12 will also be contingent upon availability of capacity within municipal service systems;
- b) any development agreement entered into within Sub-Areas 2 to 8 and 12 shall include provisions for all new development intended within the Sub-Area;
- e) no municipal approval for Sub-Area 5 will be given until development agreements have been entered into for Sub-Areas 2, 3 and 4 or Sub-Areas 2, 4 and 6 but nothing will preclude allowing development to commence before completion of Sub-Areas 2, 3, 4 or 6;
- f) no municipal approvals will be granted for Sub-Areas 7, 8 and 9 until the Highway 102/Larry Uteck Drive interchange and Kearney Lake Road connector are constructed or financing has been secured and a time frame for completion agreed upon;
- g) no development agreement shall be entered into for Sub-Areas 5 unless a servicing and phasing plan has been prepared and included in the agreement for the extension of municipal sewer and water services to both Sub-Areas 5 and 9.
- h) The requirement of clause (g) may be waived if a development agreement for Sub-Area 9 has been approved prior to an application for Sub-Area 5 and the agreement provides for the extension of municipal services to Sub-area 9 at no cost to the Municipality.

Policy BW-21:

In accordance with the provisions and requirements of the Municipality's Infrastructure Charges Best Practice Guide and Part II of this Municipal Planning Strategy, an infrastructure charge area shall be established under the Subdivision By-law over the area governed by this Secondary Planning Strategy and no subdivision approvals shall be granted until infrastructure charges are in effect.

Land Use

Policy BW-23:

The Community Concept Plan, presented as Schedule BW-7, shall form the framework for land use allocation within the master plan area and all policies and actions taken by the Municipality shall conform with the intent of this plan. A comprehensive development district zone shall be applied to all lands within the community concept plan area and any development of the land shall be subject to approval of a development agreement. In the event that the lands allocated for the proposed Highway 113 right-of-way are not required by the Province for a highway, then the lands may be used for development permitted within the abutting land use designation.

Policy BW-24:

To facilitate a variety of housing types and achieve both the overall density and open space allocations envisioned by the Regional Plan, consideration may be given to varying development standards established under the Bedford Municipal Planning Strategy and Land Use By-law. More specifically standards pertaining to lot area, lot frontage, lot coverage, setbacks and building height may be varied to reflect the uniqueness of each Sub-Area, the market being targeted and the theme of that Sub-Area.

If required, terms may be incorporated in a development agreement to ensure functional and aesthetic objectives are achieved. (RC-July 8/08;E-Aug 9/08)

Residential Neighbourhoods

Policy BW-32:

The following matters shall be considered for all development agreement applications within a Residential Neighbourhood Designation shown on Schedule BW-7:

- a) the density of housing units shall not exceed six units per acre per Sub-Area except that if the maximum density permitted in one development Sub-Area is not achieved, the Municipality may consider transferring the difference between the maximum permitted and actual number of housing units to another development Sub-Area provided all policy criterion can be satisfied and the housing density does not exceed seven units per acre in any development Sub-Area;
- b) community facilities such as schools, churches and day care centres and businesses that provide goods and services at a neighbourhood level, such as convenience stores, may be permitted within a residential neighbourhood. Convenience stores shall be encouraged to locate at intersections with a Community Collector Street and at transit stops;
- c) sidewalks and pathways facilitate comfortable and convenient pedestrian travel to

- transit stops on the Community Collector Street System, the Community Trail System and to community services;
- d) the design of neighbourhood streets facilitate shared use by cyclists and encourage safe vehicular speeds and discourage short-cutting and excessive speeds by automobiles while enabling direct routes for pedestrians and cyclists;
 - e) a variety of housing types is provided within each Sub-Area and distributed so as to avoid a congested appearance of streetscapes. Consideration shall be given, but not limited, to the design guidelines of policies R-12A, R-12B and R-12C of the Municipal Planning Strategy, although the limitations placed on building height and units per building under policy R-12A shall not be applied;
 - f) the allocation of housing and the massing and placement of buildings contributes to a sense of community vitality, energy conservation, surveillance of public spaces and provides an effective integration with established neighbourhoods;
 - g) building locations, height, scale, site and architectural design, landscaping, and streetscape elements reinforce the themes of neighbourhood identity, pedestrian safety and compatibility with the natural environment;
 - h) single unit dwelling lots have a minimum street frontage of 40 feet, a minimum area of 4,000 square feet, a minimum side yard of 4 feet, and a minimum separation of 12 feet between buildings;
 - i) natural vegetation, landscaping or screening is employed around parking areas for institutional and multiple unit buildings to provide screening from streets and, for buildings containing forty-eight or more housing units, provision of underground parking or a structure allowing for stacked parking shall be a mandatory component of the on-site parking supply;
 - j) Vegetation is maintained or landscaping measures, a fence or other physical barrier provided so as to provide a buffer between new developments and commercial or industrial developments which is effective in ensuring public safety and mitigating visual or noise impacts;
 - k) all open space dedications proposed conform with the objectives and policies adopted for open space under this secondary planning strategy and any administrative guidelines adopted by the Municipality; and
 - l) the proposal conforms with all applicable provisions and requirements adopted under this Secondary Planning Strategy regarding environmental protection, the community transportation system and municipal services.

Sub-Area 9:

These lands drain towards the proposed sewage pumping station at the outlet of Kearney Lake and encompasses the proposed connector road between Kearney Lake Road and the new Larry Uteck Boulevard interchange with the Bicentennial Highway. Lands in the vicinity of the interchange may be suitable for both community commercial and highway commercial uses. The remaining lands may be developed with residential uses. The steep slopes offer challenges to integrating development with the natural environment and opportunities to take advantage of the vistas of Kearney Lake and the forested regions to the west. Comprehensive planning over larger properties is therefore supported with the opportunity for public input in the planning and design process.

There are also a number of narrow, smaller properties with frontage on the Kearney Lake Road - a number of which have been developed with residences serviced by well and septic systems. Municipal sewer and water systems proposed for surrounding lands will be designed to allow for extensions to these properties. The current zoning applied to these lands shall be reviewed before any extensions are considered.

The capacity of the temporary pumping station and force main (directing sewage to the Mill Cove Treatment facility) has been sized to service both sub-areas 5 and 9 before a permanent pumping station and forcemain are required to direct sewage to the Halifax Treatment Facility (policy BW-16, clause (d)). An application may be made to service sub-area 9 from the temporary pumping station provided that all associated servicing costs are assumed by the developers (BW-20, clause (h)).

Policy BW-39:

A comprehensive development district zone shall be applied to larger undeveloped parcels within Sub-Area 9. Commercial uses may be considered on lands in the vicinity of the proposed interchange with consideration given to the criteria of policy BW-33, except that clause (a) shall not apply. Residential uses may be permitted on the remaining lands with consideration given to the criteria of policy BW-32. No development agreement application shall be considered for approval unless a public participation program has been undertaken to identify development opportunities and constraints and to facilitate collaboration in preparing a conceptual community design for the Sub-Area.

Attachment B
Relevant BWCDD Policies from the Bedford West SPS (Halifax MPS)

Transportation:

Policy BW-17:

Phasing of transportation system upgrades shall be undertaken in accordance with the recommendations of the Transportation Plan (MRC Delphi, February 2004) unless otherwise agreed to by the Municipality and the Province.

Development Phasing and Cost Recovery

Policy BW-20:

A development Sub-Area plan is established for this secondary plan area as illustrated on Schedule BW-6 in which the following conditions shall apply:

- a) Any approvals within Sub-Areas 1 to 12 will also be contingent upon availability of capacity within municipal service systems;
- b) any development agreement entered into within Sub-Areas 2 to 8 and 12 shall include provisions for all new development intended within the Sub-Area;

Policy BW-21:

In accordance with the provisions and requirements of the Municipality's Infrastructure Charges Best Practice Guide and Part II of this Municipal Planning Strategy, an infrastructure charge area shall be established under the Subdivision By-law over the area governed by this Secondary Planning Strategy and no subdivision approvals shall be granted until infrastructure charges are in effect.

Land Use: Sub-Areas 10 and 11:

These current zoning provisions shall be maintained on these lands until such time as municipal services can be extended. When service extensions can be made, a comprehensive development district zone shall be applied to all undeveloped lands within the Sub-Area to be serviced. No commercial development shall be permitted within Sub-Area 11 unless the lands have frontage on the Kearney Lake Road.

Policy BW-22:

To facilitate a variety of housing types and achieve both the overall density and open space allocations envisioned by the Regional Plan, consideration may be given to varying development standards established under the Municipal Planning Strategy and Land Use By-law. More specifically standards pertaining to lot area, lot frontage, lot coverage, setbacks and building height may be varied to reflect the uniqueness of each Sub-Area, the market being targeted and the theme of that Sub-Area.

Policy BW-27:

No municipal services shall be extended to existing developments within Sub-Areas 10 or 11 until consultations have been held with affected property owners to determine:

- (a) the need for amendments to existing policies under the Municipal Planning Strategy and zoning regulations under the Land Use By-law;
- (b) the need for municipal services and a means of finance.

Policy BW-28:

When municipal services are available for Sub-Areas 10 or 11, a comprehensive development district zone may be applied to undeveloped properties within the Sub-Area to be serviced. No development agreement application shall be considered for approval unless a public participation program has been undertaken to identify development opportunities and constraints and to facilitate collaboration in the preparation of a conceptual concept design for the entire Sub-Area. Any future residential development shall be guided by the following:

- 1. the density of housing units shall not exceed six units per acre;
- 2. community facilities such as schools, churches and day care centres and businesses that provide goods and services at a neighbourhood level, such as convenience stores, may be permitted within a residential neighbourhood. Convenience stores shall be encouraged to locate at intersections with a Community Collector Street and at transit stops;
- 2. sidewalks and pathways facilitate comfortable and convenient pedestrian travel to transit stops on the Community Collector Street System, the Community Trail System and to community services;
- 3. the design of neighbourhood streets facilitate shared use by cyclists and encourage safe vehicular speeds and discourage short-cutting and excessive speeds by automobiles while enabling direct routes for pedestrians and cyclists;
- 4. a variety of housing types is provided within each Sub-Area and distributed so as to avoid a congested appearance of streetscapes;
- 5. the allocation of housing and the massing and placement of buildings contributes to a sense of community vitality, energy conservation, surveillance of public spaces and provides an effective integration with established neighbourhoods;
- 6. building locations, height, scale, site and architectural design, landscaping, and streetscape elements reinforce the themes of neighbourhood identity, pedestrian safety and compatibility with the natural environment;
- 7. single unit dwelling lots have a minimum street frontage of 40 feet, a minimum area of 4,000 square feet, a minimum side yard of 4 feet, and a minimum separation of 12 feet between buildings;
- 8. natural vegetation, landscaping or screening is employed around parking areas for institutional and multiple unit buildings to provide screening from streets and, for buildings containing forty-eight or more housing units, provision of underground parking or a structure allowing for stacked parking shall be a mandatory component of

- the on-site parking supply;
- 9. Vegetation is maintained or landscaping measures, a fence or other physical barrier provided so as to provide a buffer between new developments and commercial or industrial developments which is effective in ensuring public safety and mitigating visual or noise impacts;
- 10. all open space dedications proposed conform with the objectives and policies adopted for open space under this secondary planning strategy and any administrative guidelines adopted by the Municipality; and
- 11. the proposal conforms with all applicable provisions and requirements adopted under this Secondary Planning Strategy regarding environmental protection, the community transportation system and municipal services.

Policy BW-29:

For any commercial development proposed within Sub-Areas 10 or 11, consideration shall be given to the following matters:

- 1. natural vegetation, landscaping or screening is employed around parking areas and measures are employed to provide safe and convenient pedestrian access to the buildings they are intended to serve;
- 2. sidewalks and plazas are provided so as to encourage a secure and inviting walking environment throughout the commercial centre and to neighbouring residential neighbourhoods;
- 3. provisions are made for the storage of bicycles;
- 4. exterior materials, street furniture; trees, lighting and landscaping measures are incorporated in buildings to foster an interesting and secure environment;
- 5. the windows, exterior features and materials and signs employed in any building create a sense of interest from public streets;
- 6. the massing and height of buildings are consistent with and contribute to an pedestrian oriented environment;
- 7. the proposal conforms with all applicable provisions and requirements adopted under this Secondary Planning Strategy regarding environmental protection, the community transportation system and municipal services.

(RC-June 20/06;E-July 29/06)