

Item No. 9.2

Halifax Regional Council

June 7, 2011

July 5, 2011

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: Original Signed
for: Gloria McCluskey, Chair, Harbour East Community Council

DATE: May 17, 2011

SUBJECT: Case 15940 – Forest Hills Planned Unit Development

ORIGIN

May 5, 2011 - Harbour East Community Council meeting

RECOMMENDATION

Harbour East Community Council recommends that Regional Council:

1. Give First Reading to the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Cole Harbour/Westphal, to replace provisions pertaining to the Forest Hills Planned Unit Development with new policies and standard zoning, as contained in Attachments A and B of the April 15, 2011 report, and schedule a public hearing.
2. Approve the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Cole Harbour/Westphal, to replace provisions pertaining to the Forest Hills Planned Unit Development with new policies and standard zoning, as contained in Attachments A and B of the April 15, 2011 report.

BACKGROUND

At the May 5, 2011 Harbour East Community Council meeting, the staff recommendation was approved to recommend that Regional Council Give First Reading to the proposed MPS and LUB amendments, and schedule a public hearing.

See the April 15, 2011 staff report for further background information.

DISCUSSION

See the April 15, 2011 staff report for discussion.

BUDGET IMPLICATIONS

The costs to process this planning application can be accommodated within the proposed 2011/12 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

Harbour East Community Council is made up of six members of Council, duly elected to represent their districts. Meetings are held once a month and are open to the public. Meeting agendas, minutes, and reports are posted online. Each Community Council meeting includes a Public Participation portion, for members of the public to address Community Council.

See the April 15, 2011 staff report for further discussion on Community Engagement.

ALTERNATIVES

See the April 15, 2011 staff report for alternatives.

ATTACHMENTS

April 15, 2011 staff report.

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: Jennifer Weagle, Legislative Assistant, 490-6517

Harbour East Community Council
May 5, 2011

TO: Chair and Members of Harbour East Community Council

SUBMITTED BY: Original Signed

Paul Dunphy, Director of Community Development

DATE: April 15, 2011

SUBJECT: Case 15940, Forest Hills Planned Unit Development

ORIGIN

- January 26, 2010 - Motion of Regional Council to initiate MPS amendment process upon receipt of a letter from Province of Nova Scotia
- February 10, 2010 - Letter from Province dated February 10, 2010

RECOMMENDATION

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

1. Give First Reading to the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Cole Harbour/Westphal, to replace provisions pertaining to the Forest Hills Planned Unit Development with new policies and standard zoning, as contained in Attachments A and B of this report, and schedule a public hearing; and
2. Approve the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Cole Harbour/Westphal, to replace provisions pertaining to the Forest Hills Planned Unit Development with new policies and standard zoning, as contained in Attachments A and B of this report.

BACKGROUND

The Forest Hills project is a master planned community, developed by the Nova Scotia Department of Housing in the early 1970's. The overall land assembly included almost 1000 acres, most of which was in Halifax County Municipality although some was in the former City of Dartmouth. The Province intended the project to provide a wide range of affordable housing options that would appeal to a broad spectrum of residents. It also included provision for a community park and trail system, institutional uses, and commercial uses.

The implementation of the Provincial vision was through the Planned Unit Development (PUD) mechanism, the precursor under the 1970's Planning Act, to development agreements. As such, an actual council-approved agreement between the Province and both the former City of Dartmouth and Halifax County was in place to establish the Master Plan and parameters for development, servicing, and open space. The Province had final authority over development approvals and administration of land use rules. The intent was that, as phases were completed, they would be removed from the PUD and zoned under the area's land use bylaw.

The project is now essentially complete, although one 3 acre site slated for multiple unit housing remains on Karen Drive. In addition, there are about 14 acres of land remaining on Broom Road which are slated for single unit dwellings but have no short term development potential due to wastewater system constraints. As well, there is some undeveloped commercial land that forms part of the Cole Harbour Shopping Centre at the corner of Forest Hills Parkway and Cole Harbour Road. Altogether, about 4000 housing units have been developed within the entire PUD. Most phases have been removed from the PUD and zoned to reflect their use. However, approximately 600 homes, numerous institutional buildings, a convenience store and a shopping mall remain within the PUD. The Province has asked to remove these last phases and the remaining vacant lands from the PUD.

DISCUSSION

Existing MPS policy encourages that the PUD be discharged and standard municipal zoning applied, so that all properties may be regulated equally under MPS and LUB provisions. Over the past 20 years, the practice has therefore been for Council to undertake rezonings at the Province's request to implement this goal. Each parcel is zoned to reflect the use that was approved by the Province.

The chief concern with properties being within the PUD is that HRM has no authority to enforce the land use regulations that were set out under the PUD agreement. This means that there is no role for HRM under the PUD in responding to public complaints regarding land use compliance matters, such as the presence of illegal businesses or units. This creates inconsistencies with how bylaw enforcement is conducted within neighbourhoods. Removing all PUD zoning and applying standard zoning as exists elsewhere in the community will allow equitable application of HRM bylaws across all phases of Forest Hills and the Cole Harbour/Westphal Community. This will also provide clarity to residents, real estate agents and developers as to the community land use rules.

MPS Amendments:

This process will remove all land use policy from the MPS which pertains to the PUD. To replace that policy, MPS amendments are required for certain issues as follows:

Cole Harbour Shopping Centre - The creation of a new site specific policy requiring that new or expanded buildings be considered through the development agreement process, as intended by existing Policy CC-9, is needed. This provides an evaluative framework for Council to consider applications for expansions to the Cole Harbour Shopping Centre. A new C-3 Shopping Centre zone is also created to apply to the lands, which will provide for changes of use or renovations to existing buildings.

Provision of Seniors Housing – There are several existing seniors' housing buildings within the PUD, several owned by the Province and one by a private provider. The Province has asked that minor expansion of the publicly-owned facilities be provided for, as under the PUD, to accommodate increased space needs for administration and maintenance. Although Policy UR-15 deals with residential care facilities and establishes the development process for any new or expanded homes, the P-2 zone is to be applied to these facilities and the zone provisions amended to accommodate minor additions where there is no increase in the number of beds. The addition of extra beds would require the development agreement process, in accordance with Policy UR-15.

Karen Drive Site - There is also one vacant site, a 3.1 acre site on Karen Drive, which has long been earmarked for some form of seniors or affordable housing with up to 67 units. To recognize this intent, the amendments provide for two development options on the site. The R-4 Multi Unit Dwelling Zone is to be applied to the site, to recognize the intent of the PUD. However, the R-4 zone allows only up to 6 units per building as-of-right. Therefore, Policy UR-10 which enables consideration of larger multi unit buildings by development agreement would have to be used. In addition, townhouses could be developed on the site through a development agreement process as enabled by Policy UR-8.

Local Convenience Uses – There are several convenience stores that have been developed under the PUD, although only one now retains the PUD designation, on Auburn Drive adjacent to Auburn High School. There is existing MPS policy regarding the establishment of new neighbourhood convenience uses, but it does not clearly establish what may be considered for existing ones by way of expansions or changes of use. Therefore, a new clause is recommended that establishes the ability to use the development agreement process to consider additions or changes of use for the Auburn Drive site only.

Rezoning & Zone Amendments:

In large part, the rezoning process is sufficient to remove the PUD from the final phases. Existing housing will be zoned to reflect the approved use. The R-1 zone will be applied to remaining vacant lands on Broom Road, with provision in the R-1 zone that these lands can be developed as intended under the PUD with 40 foot frontage and 4000 square feet of lot area. Application of any of these zones will have no impact on what owners may use their properties for, other than that HRM will be able to enforce land use regulations. The zones to be applied to

existing development are based on the approved use for each lot as shown on Maps 1 and 2, as follows:

- R-1 (Single Unit Dwelling)
- R-2 (Two Unit Dwelling)
- R-5 (Townhouse Dwelling)
- P-1 (Open Space) - for parkland sites
- P-2 (Community Facility) for churches and seniors' housing sites
- C-1 (Neighbourhood Business) for convenience stores

In addition, an amendment to the general provisions of the LUB is recommended, to fully ensure that all lots, buildings and uses which were approved under the PUD and are legally in existence will continue to be considered legal and conforming.

Summary:

The discharge of the PUD and application of appropriate zoning is supported by existing MPS policy. This will create a uniform approach to land use regulation in all areas of the community. The recommended MPS and LUB amendments implement this goal, while also ensuring that the process will not create uses and buildings which are "non-conforming" under the land use bylaw, and which would thus be restricted in terms of future changes.

BUDGET IMPLICATIONS

The costs to process this planning application can be accommodated within the proposed 2011/12 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, 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

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through two public information meetings held on September 15 and 27, 2010. For the public information meetings, notices were posted on the HRM website and placed in the newspaper. Notices were mailed to property owners within a large notification area for each meeting. Attachments C and D contain a copy of the minutes from the two meetings.

Council must also hold a public hearing prior to making a decision on the proposed amendments. Should Council decide to proceed with a public hearing on this application, in addition to published newspaper advertisements, those who attended the public information meetings will be notified.

The proposed amendments will potentially impact the following stakeholders: local residents, property owners, businesses.

ALTERNATIVES

1. Council may choose to approve the proposed amendments to the MPS and LUB. This is the recommended course of action.
2. Council may choose to approve the proposed amendments to the MPS and LUB with minor changes. This may necessitate further report(s). In the event revisions are requested an additional public hearing may be required.
3. Council may choose to reject the proposed amendments to the MPS and LUB. The decision of Council can not be appealed to the Nova Scotia Utility and Review Board.


ATTACHMENTS

Map 1: Proposed Zoning (Northern Portion of PUD)
Map 2: Proposed Zoning (Southern Portion of PUD)

Attachment A	Amendments to the MPS for Cole Harbour/Westphal
Attachment B	Amendments to the LUB for Cole Harbour/Westphal
Attachment C	Minutes of Public Information Meeting, September 15, 2010
Attachment D	Minutes of Public Information Meeting, September 27, 2010


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

Report Prepared by : Mitch Dickey, Planner, 490-5719

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










**Map 1 - Proposed Zoning
(Northern Portion of PUD)**

 Plan Area Boundary

Cole Harbour/Westphal Plan Area

**Areas Rezoned
from PUD**

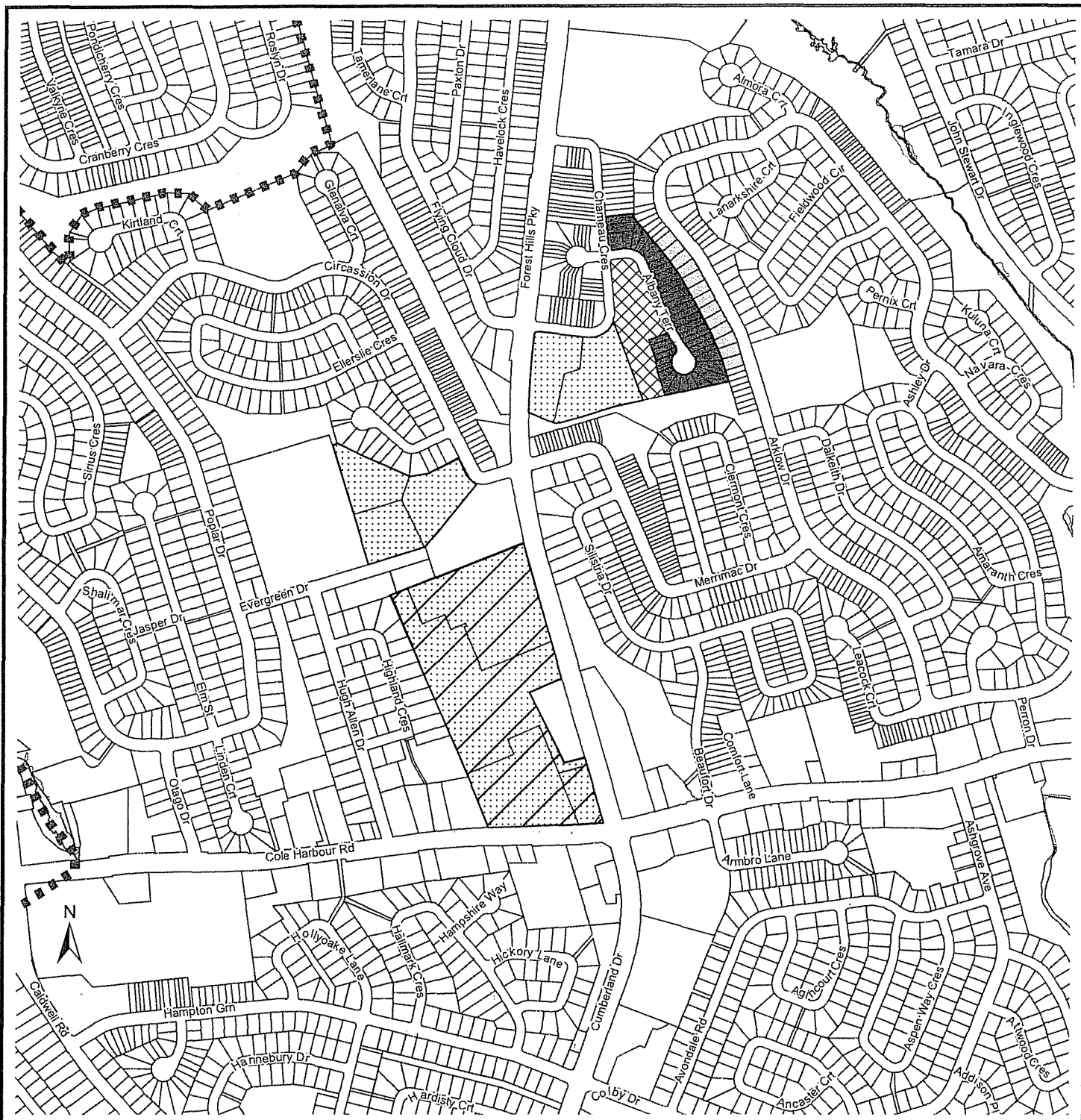
	R-1	Single Unit Dwelling
	R-2	Two Unit Dwelling
	R-4	Multi-Unit Dwelling
	R-5	Rowhouse Dwelling
	C-1	Neighbourhood Business
	P-1	Open Space
	P-2	Community Facility

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

0 200 400 800 1,200
Feet

This map is an unofficial reproduction
of a portion of the zoning map for the
Cole Harbour/Westphal Plan Area.

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



Map 2 - Proposed Zoning (Southern Portion of PUD)

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

<p>Plan Area Boundary</p>	Areas Rezoned from PUD	
		R-1 Single Unit Dwelling
		R-2 Two Unit Dwelling
		C-3 Shopping Centre
		P-1 Open Space
		P-2 Community Facility

0 200 400 800 1,200 Feet

This map is an unofficial reproduction of a portion of the zoning map for the Cole Harbour/ Westphal Plan Area

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

Attachment A
Amendments to the MPS for Cole Harbour/Westphal

BE IT ENACTED by Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Cole Harbour/Westphal as adopted by the Council of the former Halifax County Municipality on the 30th day of November, 1992, and approved by the Minister of Municipal Affairs on the 3rd^h day of March, 1993, which includes all amendments thereto which have been adopted by Regional Council, is hereby further amended as follows:

1. The section titled "Forest Hills Planned Unit Development" and Policy UR-13 is deleted from Section II.
2. The following is hereby added to Section III, immediately following Policy UR-12

"Karen Drive Site

The Province of Nova Scotia owns a 3.1 acre site on Karen Drive (PID 40204133), in the Forest Hills development. The site is intended for either multiple unit housing or townhouses in order to address the need for seniors or affordable housing, to a maximum of 67 units. This plan supports the need to provide for such housing, and zoning will be put in place to recognize this intent. The development agreement process will be used by council to consider detailed plans for the site.

UR-13 The 3.1 acre site on Karen Drive is intended for residential development either in the form of townhouses or low rise multiple unit dwellings, in support of Provincial goals to provide seniors-oriented and/or affordable housing. Development on the site shall be consider through the development agreement process. Townhouse developments shall be considered pursuant to Policy UR-8. Multiple unit housing shall be considered pursuant to UR-10, notwithstanding that policy's normal requirement for frontage on a collector street. Residential care facilities shall be considered under Policy UR-15."

3. The following is hereby inserted in Policy UR-18, immediately following the words "new neighbourhood business uses":

" , and to provide for the expansion of, and/or consideration of additional uses, at an existing neighbourhood convenience store at 272 Auburn Drive,"

4. Policy CC-9 and the paragraph immediately preceding it is deleted and replaced by the following:

"The Cole Harbour Shopping Centre complex at the corner of Cole Harbour Road and Forest Hills Parkway was built as a major commercial centre under the terms of the Forest Hills Planned Unit Development (PUD), which was approved in the mid-1970's. The site has been developed in stages, with several freestanding commercial units built, since that time. Some vacant land still exists on the site, and it is anticipated that both expansion and

redevelopment will occur. This will be supported by this plan to maximize use of the space and provide a substantial commercial core within the community. Minor changes can be permitted as of right through the application of a Shopping Centre zone specific to this development rather than under the C-2 General Commercial Zone which is intended to apply to small scale development. However, given the goal of creating a more attractive and functional community commercial centre, and concerns with traffic access to the site, as well as on-site circulation and parking issues, any substantive redevelopment or additions including the provision of 2nd floor space, shall be considered only through the development agreement process. This process will also allow HRM to address the need for improvements on matters including pedestrian and bicycle access, landscaping, and building design. Policy CC-6 regarding drive in and drive through restaurants will apply in the Shopping Centre Zone.

Policy CC-9 It shall be the policy of Council to establish a C-3 Shopping Centre Zone. This zone will allow a range of larger commercial and service uses, similar to those under the C-2 Zone, and provide for renovations and alterations to existing buildings, where no additional gross floor area is proposed.

Policy CC-9a It shall be the intention of Council to consider expansions of any building in the C-3 Zone, beyond which is allowed under the C-3 Zone, only through the development agreement process. This includes subdivision of lots to create smaller commercial pads/sites. In considering any such proposal for expansion, Council shall have regard to the following:

- (a) That any proposal is considered in the context of the entire mall site, and that the following are addressed:
 - (i) future building locations/extensions;
 - (ii) a comprehensive traffic management plan with appropriate site improvements that optimizes vehicular circulation, provides appropriate throat depth for driveways, clearly separates queuing lanes for drive through restaurants from driving aisles, and provides screened, efficient loading space;
 - (iii) a parking utilization & needs assessment to address the number of parking spaces required;
 - (iv) improved pedestrian connections in the form of dedicated sidewalks from street access points to storefronts; and
 - (v) several areas suitable for enhanced landscaping, both adjacent to streets and within the site, including trees and flower beds, with consideration for surface runoff to be directed through these to minimize overall peak runoff and provide more adequate watering for the vegetation;
- (b) the ability of the sanitary sewage system to accommodate additional wastewater generation that may be caused by expansions in floor area;
- (c) urban design goals including quality architecture, appropriate and attractive signage, active transportation use, and screening of areas such as loading bays, waste storage/collection, and mechanical equipment,
- (d) the requirements of general implementation policy IM-11.

I HEREBY CERTIFY that the amendments to the
Municipal Planning Strategy for Cole
Harbour/Westphal as set out above, were passed by
a majority vote of the Halifax Regional Council of
the Halifax Regional Municipality at a meeting held
on the ____ day of _____, 2011

GIVEN under the hands of the Municipal Clerk and
under the Corporate Seal of the Halifax Regional
Municipality this ____ day of _____, 2011

Cathy Mellett
Municipal Clerk

Attachment B
Amendments to the LUB for Cole Harbour/Westphal

BE IT ENACTED by Regional Council of the Halifax Regional Municipality that the Land Use Bylaw for Cole Harbour/Westphal as adopted by the Council of the former Halifax County Municipality on the 30th day of November, 1992, and approved by the Minister of Municipal Affairs on the 3rd^h day of March, 1993, which includes all amendments thereto which have been adopted by Regional Council, is hereby further amended as follows:

1. By amending Schedule A, Zoning Map, as shown on Maps 1 and 2 attached hereto.
2. By adding the following new clause to Part 3.6:

“(y) expansion on, or subdivision of, a building in the C-3 Zone.”

3. By adding the following new clause to Part 4:

“4.8A Within the Forest Hills development as may be shown on a subdivision plan, all lots, buildings and uses of land for which approval was given under the former Forest Hills Planned Unit Development are considered to be legal and conforming lots, buildings or uses of land.”

4. By adding the following to Section 7:

“7.7 R-1 Zone Requirements, Forest Hills

- (a) For existing properties developed with single unit dwellings on lots of 40 foot frontage in Forest Hills as shown on a subdivision plan, and for any new lots to be created on the west side of Broom Road, no development permit shall be issued except in conformity with the following:**

Minimum Lot Area: 4,000 square feet (372m²)

Minimum Frontage: 40 feet (12.2m)

Minimum Front Yard 20 feet (6.1m)

Minimum Rear Yard 15 feet (4.6m)

Minimum Side Yard 4 feet (1.2m) on one side and 8 feet (2.4m) on the other to maintain a minimum separation of 12 feet (3.7m) between houses

Minimum Flankage Yard 20 feet (4.6m)

Maximum Lot Coverage 35 percent

**Max. Height of Main
Building:**

**30 feet (9.1m), as measured from established grade on
front façade.”**

5. By adding the following new section:

“PART 17A: C-3 (SHOPPING CENTRE) ZONE

17A.1 C-3 USES PERMITTED

No development permit shall be issued in any C-3 Zone except for the following:

Commercial Uses:

**Retail stores;
Food stores;
Service and personal service shops;
Offices;
Commercial schools;
Banks and financial institutions;
Restaurants except drive in or take out restaurants;
Theatres and cinemas;
Veterinary hospitals and accessory indoor kennels.**

17A.2 OTHER REQUIREMENTS: ADDITIONAL FLOOR AREA AND LOTS

No additions to existing buildings, or the subdivision of parcels to accommodate smaller freestanding uses or buildings, shall be considered except through the development agreement process.

17A.3 OTHER REQUIREMENTS: COMMERCIAL USES

Where uses are permitted as Commercial Uses in any C-3 Zone, the following shall apply:

- (a) No outdoor storage shall be permitted and outdoor display shall be restricted to the temporary or seasonal display of plant materials or perishable goods normally associated with retail uses permitted under the provisions of Section 17A.1 provided that no such display area is located within any parking area required pursuant to Part 4 of this by-law.**
- (b) No portion of any lot shall be used for the collection and storage of refuse unless the refuse containers are screened from view from adjacent residential properties or public roads.**
- (c) No portion of any parking or loading space shall be located in any required rear yard.**

(d) Access to a lot shall only be from Cole Harbour Road or Forest Hills Parkway.

(e) Signs on buildings shall comply with the requirements of Part 5 of this bylaw. No new ground signs are permitted, except incidental signs as specified by Section 5.5.

6. Part 21: P-2 (Community Facility) Zone is hereby amended by adding the following to the list of Permitted Uses in Section 21.1:

“Existing residential care facilities”

7. The following is hereby added to Part 21:

“21.4 EXISTING RESIDENTIAL CARE FACILITIES

Additions which create no extra beds shall be permitted for existing residential care facilities located on Circassion Drive and Chameau Crescent, subject to the requirements of the P-2 Zone.”

I HEREBY CERTIFY that the amendments to the Land Use Bylaw for Cole Harbour/Westphal as set out above, were passed by a majority vote of the Halifax Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2011

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2011

Cathy Mellett
Municipal Clerk

Attachment C

**HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO. 15940 – FOREST HILLS PLANNED UNIT DEVELOPMENT (PUD)
AGREEMENT**

**7:00 p.m.
Wednesday, September 15, 2010
Cole Harbour Place
51 Forest Hills Parkway, Westphal Room**

STAFF IN

ATTENDANCE: Mitch Dickey, Planning Applications
Holly Kent, Planning Technician
Jennifer Little, Planning Controller

ALSO IN

ATTENDANCE: Councillor Bill Karsten, District 7
Councillor Lorelei Nicoll, District 4

PUBLIC IN

ATTENDANCE: 3

The meeting commenced at approximately 7:14 p.m.

Opening remarks/Introductions/Purpose of meeting

Mr. Mitch Dickey introduced himself as the planner guiding this application through the process; he introduced Holly Kent, Planning Technician, HRM Planning Applications and Jennifer Little, Planning Controller, HRM Planning Applications. Councillor Bill Karsten, District 7 and Councillor Lorelei Nicoll, District 4.

The purpose of the meeting is that HRM has received an application by the Province to amend the Municipal Planning Strategy and Land Use By-Law for Cole Harbour/Westphal to remove the Forest Hills Planned Unit Development (PUD) Agreement. Mr. Dickey explained that Planned Unit Development contracts pre-date the development agreement process which is now used. The Forest Hills Planned Unit Development was approved in 1973 by Halifax County and the Nova Scotia Department of Housing, with the Province given sole control over the approval of the development. The Province now wishes to discharge the Planned Unit Development which would give HRM control over all aspects of development control. He explained that most developed phases are now removed from the Planned Unit Development. However, Cole Harbour Shopping Centre remains within the PUD, as do about 600 homes 14 acres of province-owned undeveloped land.

Process and Overview of Application

Mr. Dickey explained that Regional Council has directed that the process for removal of the Planned Unit Development begin. In order to proceed within this process amendments to the Cole Harbour/Westphal Municipal Planning Strategy are required. These would include:

- Preparation of new policy in the Municipal Planning Strategy for the mall with a general guide for development, rules and process
- Preparation of new zoning and detailed site standards
- Review & recommendation by Harbour East Community Council
- Public Hearing by Regional Council
- Application to HRM for development and building permits for any expansions, additions or renovations to the Mall.

In order for HRM to consider new regulations governing expansion or redevelopment of the mall, the following key issues need to be addressed: traffic & circulation; signs; building design; landscaping and permitted uses.

Mr Dickey reviewed a slide showing the mall, and discussed site issues. He asked whether a development agreement process should be followed, and how HRM should regulate the Mall pointing out the following matters that should be reviewed:

- Traffic and Circulations
- Adequate Parking
- Signs
- Building Design
- Landscaping
- Permitted Uses

The choices for Council to consider in providing for additions or renovations are: as of right, by Development Agreement or by Site Plan Approval.

Mr. Dickey explained that following tonight's meeting, a second public information meeting will be held regarding the remainder of the Planned Unit Development, on September 27, 2010. Following that meeting, a staff report will be completed and forwarded to Harbour East Community Council for recommendation to Regional Council for a Public Hearing.

Questions and Answers

Mr. Lorne Walford, Cole Harbour asked if there is a plan to build up.

Mr. Dickey explained that it could be an option but, a parking study still needs to be completed.

Mr. Walford explained that other than building up, he doesn't see any other option than tearing down and rebuilding. He asked how this application will affect him and asked if it will affect business owners of Cole Harbour. However, if it makes the process easier for business owners, then he is in support of this application.

Mr. Ed Lake, Department of Community Services, explained that his department is responsible for the Planned Unit Development and over the last few years, they had difficulties managing the Mall. They have been approached numerous of times looking to make changes to the Mall such as expansion. These expansions would affect Cole Harbour Road or the Park Lane. They didn't have the capacity to do that type of planning.

Mr. Walford questioned who gets a say regarding what happens on the Cole Harbour Road.

Mr. Dickey explained that this meeting is regarding the Planned Unit Development (PUD) and on September 27th there will be a public information meeting held regarding the six hundred home within this PUD. He explained that staff is currently looking at the best way to regulate this site however, over time there will likely be a process which will look at the rest of Cole Harbour Road. At that time, every business owner and property owner on Cole Harbour Road will be notified. He at this time asked if there were particular issues, concerns or guidance that anyone would like to express.

Mr. Walkford explained that he currently has no issues with the development just, doesn't understand where there is room for it to expand.

Mr. Ron Cooper, Cole Harbour, explained that it is good that the Planned Unit Development is removed and that it would have been ideal for this to have happened awhile back. He explained that it should be the community that has input on what happens to the remainder of the lands. In regards to the site, he explained that there should be a site specific plan, and that it may allow for a second storey addition. There will have to be height limitations and a final design review. Another recommendation would to have Tim Horton's have a 'coffee only' line, this would solve the traffic issues and expressed concern with tractor trailers and explained that it makes it almost impossible to get into Canadian Tire and it causes congestion when getting into Sobeys. The layout should somehow be changed to help the traffic to enhance and speed up the delivery trucks. He added that there is a green space that is split between two owners, if they agreed, the extra land would be useful or the possibility of underground parking could be reviewed. He explained that this area should be based around the same set of rules and guidelines.

Ms. Bev Doman, Cole Harbour, explained that the TD Bank parking space is very narrow and explained that Sobeys has one strip of the lot and suggested that the other strip close off the entrance to the Liquor Store and have that end developed, leaving just the two entrances, one off Forest Hills Drive and one from Cole Harbour.

Mr. Dickey explained that the Liquor Store is currently zoned C-2 which is separate from the PUD, and asked if it should be treated as a part of the whole mall site. He explained that there will be a notice forwarded to the owners within this area noting Councils decision.

Mr. Walford explained that the most important thing is for business owners have a quicker turnaround time.

Closing Comments

Mr. Dickey thanked everyone for attending. He encouraged anyone with further questions or comments to contact him.

Adjournment

The meeting adjourned at approximately 7:45 p.m.

Attachment D

**HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO. 15940 – FOREST HILLS PLANNED UNIT DEVELOPMENT (PUD)
AGREEMENT**

**7:00 p.m.
Monday, September 27, 2010
Cole Harbour Place
51 Forest Hills Parkway, Westphal Room**

**STAFF IN
ATTENDANCE:** Mitch Dickey, Planning Applications
Holly Kent, Planning Technician
Jennifer Little, Planning Controller

**ALSO IN
ATTENDANCE:** Councillor Lorelei Nicoll, District 4
Ed Lake, Department of Community Services

**PUBLIC IN
ATTENDANCE:** 19

The meeting commenced at approximately 7:07 p.m.

Opening remarks/Introductions/Purpose of meeting

Mr. Mitch Dickey introduced himself as the planner guiding this application through the process; he introduced Holly Kent, Planning Technician, HRM Planning Applications and Jennifer Little, Planning Controller, HRM Planning Applications. Councillor Lorelei Nicoll, District 4.

The purpose of the meeting is that HRM has received an application by the Province to amend the Municipal Planning Strategy and Land Use By-Law for Cole Harbour/Westphal to discharge the Forest Hills Planned Unit Development (PUD) Agreement. Mr. Dickey explained that Planned Unit Development contracts pre-date the development agreement process which is now used. The Forest Hills Planned Unit Development was approved in 1975 by Halifax County and the Nova Scotia Department of Housing, with the Province given sole control over building approvals with development. The Province now wishes to discharge the Planned Unit Development which would give HRM control over all aspects of development control. He explained that most developed phases are now removed from the Planned Unit Development. However, Cole Harbour Shopping Centre remains within the PUD, as do about 600 homes 14 acres of province-owned undeveloped land.

Process and Overview of Application

Mr. Dickey explained that Regional Council has directed that the process for removal of the Planned Unit Development begin. In order to proceed within this process amendments to the Cole Harbour/Westphal Municipal Planning Strategy and rezonings are required. Homes and properties would be zoned to reflect their legal use. The zones to be applied would include:

- R-1 Single Unit
- R-2 Two Unit
- R-5 Townhouse
- C-1 Neighbourhood Commercial
- P-1 Park
- Community Facility

Also with amendments to the Forest Hills Shopping Centre.

Mr. Dickey explained that there are four vacant provincially owned parcels remaining on Karen Drive (3 acres) and on Broom Road (10, 3 and 1 acre sites). The Province can develop its own land regardless of the zoning, for its own use. The sale of these properties would require conformance with zoning by any other developer.

Mr. Dickey explained that there will not be any new development proposed, this will not change or allow additional development. The parkland will not be sold for development, and this amendment will not make abutting residents' property assessments change or increase property tax. Mr. Dickey explained that HRM zonings will protect the character of the neighbourhood as the same as it does in the rest of Forest Hills and Colby Village.

Mr. Dickey explained that following tonight's meeting, a staff report will be completed and forwarded to Harbour East Community Council for recommendation to Regional Council for a Public Hearing.

Questions and Answers

Ms. Cathleen Bates, Cole Harbour, asked what the timeline that this rezoning will take to be in affect.

Mr. Dickey explained that if approved at the Public Hearing, an ad will be placed in the newspaper which at that time, the new zonings will be in affect. Notice of the Public Hearing will be forwarded to abutting residents, those who have received a copy of tonight's meeting in the mail, will also receive notice of the Public Hearing as well as those who left their name and address on the sign in sheet.

Ms. Sylvie Theriault, Cole Harbour, commented that this application is pretty much a done deal and that this meeting is just an information meeting to notify the residents, leaving the residents with no say.

Mr. Dickey explained that this application has not been approved and that this public information meeting is to give the public a chance to ask questions, make comments and to address concerns.

Council will be presented with these comments. There will also be another opportunity for comment during the Public Hearing.

Ms. Theriult asked if there were any other reasons why the Province does not want control over this.

Mr. Dickey explained that it is only administrative reasons and that the Province doesn't want to administer it any longer. Council would like to see everyone who is in the Planned Unit Development be treated as everyone else in the area.

Mr. Bernie Pettipas, Cole Harbour, expressed concern with an abutting property being unsightly and asked what the time line will be before this application gets approved. No one is interested in purchasing property because of the mess on this particular property and would like to see this application be approved sooner than later.

Mr. Dickey explained that these amendments may be reviewed by Council at its January meeting. Actual amendments to the documents will follow that meeting.

Mr. Bill MacGillivray, Cole Harbour, explained that he is in support of this amendment and takes comfort in knowing that Regional Council is supporting this initiative.

Mr. Dickey explained that Staff had taken a report to Council in Spring 2010 notifying Council of what will be happening, at that time, staff recommended in favor and recommends approval of these amendments.

Closing Comments

Mr. Dickey thanked everyone for attending. He encouraged anyone with further questions or comments to contact him.

Adjournment

The meeting adjourned at approximately 7:35 p.m