



**Item No. 10.1.4**  
**Halifax Regional Council**  
**April 30, 2013**

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:**

Original signed by 

Richard Butts, Chief Administrative Officer

Original Signed by 

Mike Labrecque, Deputy Chief Administrative Officer

**DATE:** March 21, 2013

**SUBJECT:** **Case 18288 – Amendments to the Cole Harbour/Westphal MPS and LUB to enable residential development adjacent to Lake Loon, Westphal**

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**ORIGIN**

Application by Ekistics Design Limited on behalf of Lake Loon Developments Ltd.

**LEGISLATIVE AUTHORITY**

*HRM Charter*, Part VIII, Planning & Development

**RECOMMENDATION**

It is recommended that Halifax Regional Council:

1. Authorize staff to initiate the process to consider amending the Cole Harbour/Westphal Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to enable residential development at 661 Main Street and the rear portion of 667 Main Street in Westphal, as well as consider other amendments, as appropriate, to the MPS and LUB for lands to the rear of 613 Main Street, Westphal, to allow similar proposals in the future; and
2. Request that staff follow the public participation program as approved by Council in February 1997.

**BACKGROUND**

An application has been submitted by Ekistics Design Limited to create site-specific policy to enable residential development adjacent to Lake Loon in Westphal. The subject area is designated and zoned Highway Commercial under the Cole Harbour/Westphal MPS and LUB (Maps 1 and 2) which allows extensive commercial uses, but does not permit residential development. Therefore, in order to consider residential development on the subject lands adjacent to Lake Loon, an amendment to the Cole Harbour/Westphal MPS and LUB is required.

**Location, Designation, Zoning and Surrounding Land Use**

The subject area is:

- between Lake Loon to the north and Sobey's gas bar (639 Main Street) and Atlantic Tire Services (651 Main Street) to the south (Map 1);
- adjacent to Madison Realty Lands (Beazley's Bowling Lanes) at 613 Main Street to the west and Gateway Meat Market lands to the east (Map 1);
- vacant and approximately 5.4 acres (2.18 hectares) in area;
- designated Urban Settlement and identified as the Westphal Suburban Local Centre in the Regional Plan (Attachment A);
- designated Highway Commercial under the Cole Harbour/Westphal MPS (Map 1); and
- zoned C4 (Highway Commercial) under the Cole Harbour/Westphal LUB (Map 2).

**The Proposal**

Ekistics Design Limited, on behalf of Lake Loon Developments Ltd., wishes to amend the Cole Harbour/Westphal MPS to create a site-specific policy to enable Council to enter into a development agreement for a residential development. The proposal consists of two 7 storey apartment buildings and a number of townhouse units fronting a common driveway adjacent to Lake Loon in Westphal (Map 3). In addition, the owners of the adjacent land holdings at the rear of 613 Main Street (Map 1) have also expressed interest in developing their lands for residential purposes, however, they have yet to submit a formal application.

**Existing Policy**

Under the Regional Plan, the property is designated Urban Settlement and is identified as a Suburban Local Centre. The land use characteristics of a Suburban Local Centre are low to medium residential density with convenience commercial use. However, under the Community Plan, the Cole Harbour/Westphal MPS (Attachment B), the property is designated and zoned Highway Commercial with the land use characteristics of extensive commercial development. The Community Plan does not enable the consideration of residential development in the area.

**DISCUSSION**

When assessing a request to amend an MPS, Council should consider if there has been a change in the circumstances from the time when the existing planning policies were adopted.

The Regional Plan contemplates future redevelopment of this area as the Westphal Suburban Growth Centre. The land use characteristics of a Suburban Growth Centre are not currently supported by existing plan policies as the Cole Harbour/Westphal MPS was adopted 21 years

ago and does not respond to the current growth trends in the same fashion as does the Regional Plan.

Additionally, the applicant has included the following rationale for their proposal to which staff concur:

- *The RMPS supports future walkable residential development in the Westphal Suburban Local Centre.* The proposal is to support the integration of people into a walkable commercial mixed use center. Pedestrian connections to local neighbourhood services are available as existing sidewalks lie on both sides of Main Street and traffic lights are within walking distance. Local commercial services are available in the immediate vicinity. The site is well suited for Residential Infill.
- *The site is more suited to residential development than Highway Commercial land use.* Given its physical separation and lack of visibility from the corridor, highway commercial uses would have difficulty being located on these lands. In addition, the lack of available access to the back lands is a substantial limiting factor in the viability of highway commercial activity there. This is evidenced by the lack of commercial development on these lands since the Plan's inception.

#### **Additional Lands**

Staff suggest that it is reasonable to consider additional sites in the immediate area that also have minimal frontage along Main Street to support commercial development. Specifically, one such property lies contiguous to the subject property at the rear of the Beazley's Bowling Lanes building at 613 Main Street (Map 1). The owners of this property have expressed interest in being part of a larger planning process to allow for a similar proposal but have yet to submit a formal application. Staff anticipate an application in the near future and therefore, suggests it would be best to consider all lands identified on Maps 1 and 2 in a more comprehensive planning process.

Should Council agree to initiate the MPS amendment process, in addition to consultation with surrounding residents and property owners, it is recognized that care will need to be taken to consider compatibility issues related to the existing highway commercial uses. Therefore, new policies can address such issues as a mix of unit types, building heights, massing and form, density, design at ground level, parking locations, open space and the relationship to and mitigation of impacts to adjacent properties. A review of these matters, among others, would occur as part of the plan amendment and application review process.

### **Conclusion**

Staff is of the opinion that the proposal to amend the MPS and LUB to support a residential development in this area is appropriate given that the site may be better suited to residential development than highway commercial activity. Should Regional Council authorize staff to initiate a plan amendment process, an opportunity will be provided to investigate and discuss potential development options related to growth and future residential land uses with the public. Therefore, staff recommend that Regional Council initiate the request to consider amending the Cole Harbour/Westphal MPS and LUB to enable residential development on these lands.

### **FINANCIAL IMPLICATIONS**

The HRM costs associated with processing this planning application can be accommodated within the approved 2012/2013 operating budget for C310 Planning & Applications.

### **COMMUNITY ENGAGEMENT**

Amendments to the Cole Harbour/Westphal MPS and LUB 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.

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

Amendments to the MPS and LUB will potentially impact the following stakeholders: local residents, property owners, community or neighbourhood organizations, other HRM business units, and other levels of government.

### **ENVIRONMENTAL IMPLICATIONS**

No implications identified.

### **ALTERNATIVES**

1. Council may choose to initiate a process to amend the Cole Harbour/Westphal MPS and LUB to enable residential development on the lands shown on Map 1 and 2 as the subject area and the abutting property. This is the staff recommendation.
2. Council may choose to initiate a process to amend the Cole Harbour/Westphal MPS and LUB to enable a site-specific development agreement for the lands shown on Map 1 and Map 2 as the subject area. This alternative is not recommended, as staff believe there is merit in considering the MPS amendment for a broader area.
3. Council may choose to initiate policy amendments that would differ from those outlined in this report. This may require a supplementary staff report.

4. Council may choose not to initiate the MPS amendment process. A decision not to amend the MPS may not be appealed.

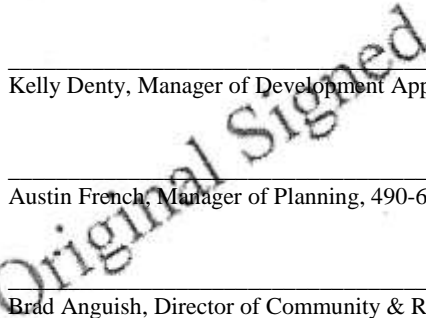
**ATTACHMENTS**

Map 1	Generalized Future Land Use
Map 2	Zoning
Map 3	Concept Site Plan – Lake Loon Developments Ltd. lands
Attachment A	Excerpts from the Regional Plan and Cole Harbour/Westphal MPS
Attachment B	Excerpts from the Cole Harbour/Westphal LUB

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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.

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## Map 1 - Generalized Future Land Use

661 Main Street  
Dartmouth

-  Subject area
-  Abutting Property

Cole Harbour/Westphal  
Plan Area

### Designation

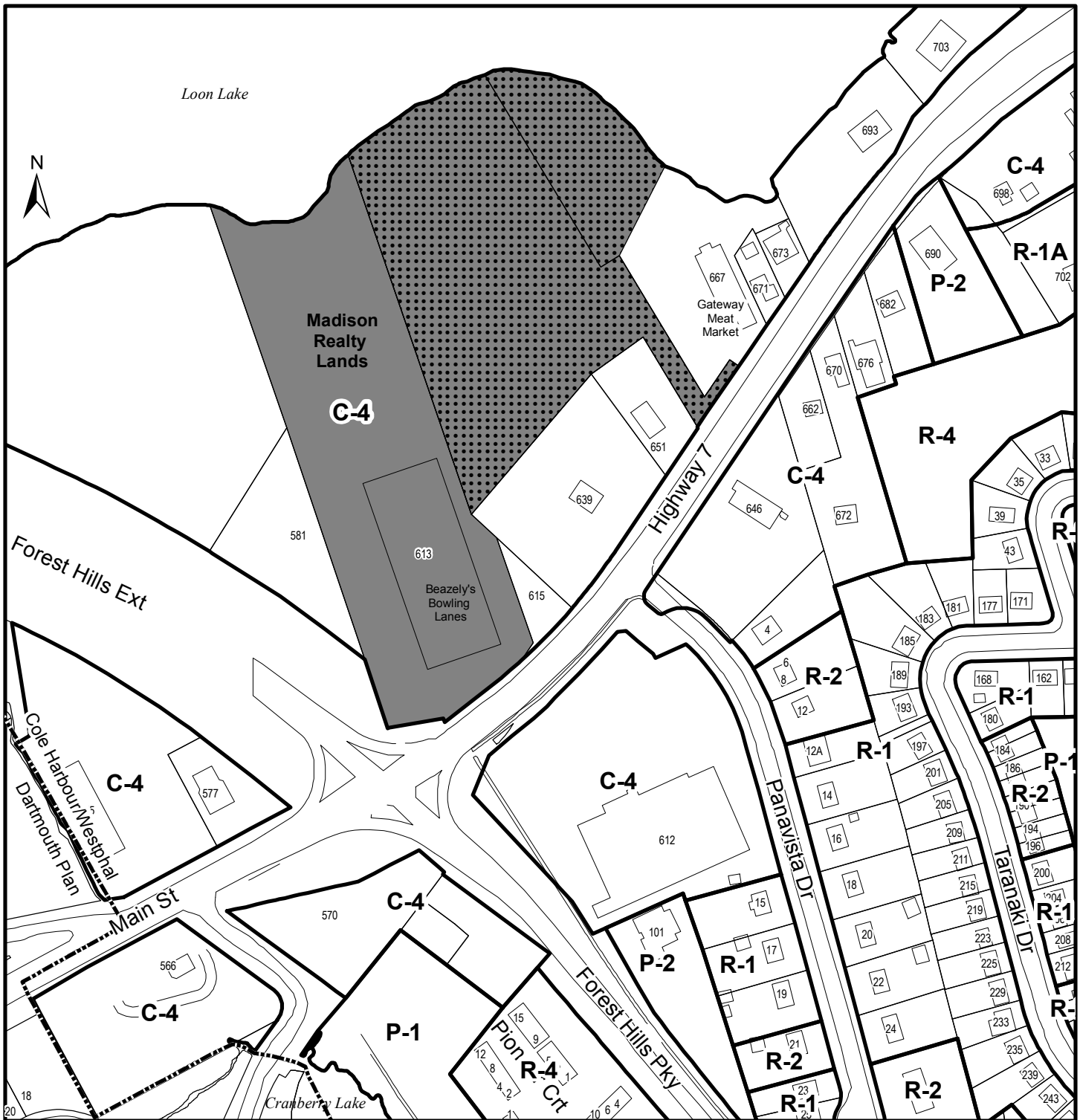
- UR Urban Residential
- HC Highway Commercial

**HALIFAX**  
REGIONAL MUNICIPALITY  
DEVELOPMENT APPROVALS

0 20 40 60 80 100 m




This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

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



## Map 2 - Zoning

661 Main Street  
Dartmouth

-  Subject area
-  Abutting Property
-  Plan Area Boundary

Cole Harbour/Westphal  
Plan Area

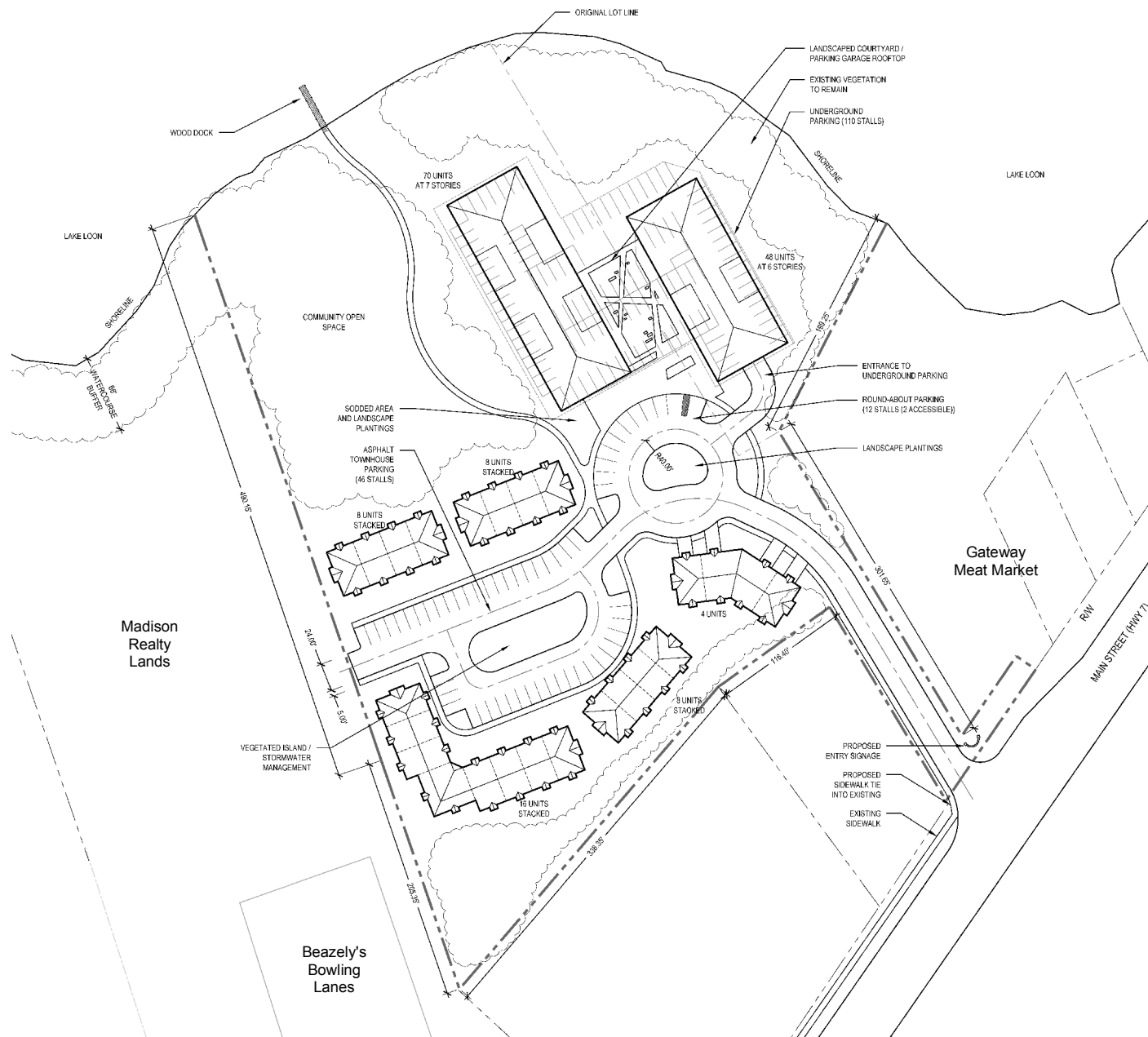
### Zone

- R-1A Single Unit Dwelling
- R-1 Single Unit Dwelling
- R-2 Two Unit Dwelling
- R-4 Multiple Unit Dwelling
- C-4 Highway Commercial
- P-1 Open Space
- P-2 Community Facility

0 20 40 60 80 100 m

This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

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## Map 3 Concept Site Plan

HRM does not guarantee the accuracy of any base information.



## **Attachment A: Excerpts from the Regional Plan and Cole Harbour/Westphal MPS**

### **REGIONAL MUNICIPAL PLANNING STRATEGY**

## **CHAPTER 3: SETTLEMENT AND HOUSING**

### **3.1 URBAN SETTLEMENT DESIGNATION**

This Plan supports the growth of a series of mixed-use transit-oriented centres in strategic locations throughout the designation. The centre types are: the Regional Centre, Urban District Centres, Suburban District Centres, Urban Local Centres and Suburban Local Centres as shown on the Settlement and Transportation Map (Map 1). These centres include lands suitable for significant residential growth, and are already, or will become, focal points for varying levels of service, amenity and employment for the surrounding communities. The vision for these centres is that they will be well designed, safe and comfortable communities which build on their historical foundations. A high quality public realm featuring public squares and parks, community gardens, public art, and a comfortable and safe environment for pedestrians and cyclists will be components for achieving the design concept for these centres.

S-1 HRM shall establish the Urban Settlement Designation, shown on the Generalized Future Land Use Map (Map 2), as the area where central wastewater and water distribution services are intended to be provided to facilitate an urban form of development over the next 25 years. Any development boundary established under the existing secondary planning strategies shall be replaced by the Urban Settlement Designation. The designation is intended to provide for a diverse, vibrant and liveable urban environment which provides for the development of a series of mixed-use transit-oriented Centres within the general locations as shown on the Settlement and Transportation Map (Map 1). The five types of centres within the designation are the Regional, Urban District, Suburban District, Urban Local and Suburban Local centres.

The Urban Settlement Designation includes both the urban and suburban centres. These centres will be designed through Community Visioning and secondary plan review processes as mixed-used transit-oriented communities, to accommodate a mix of housing types, office, retail and institutional uses in addition to parks, trails, community gardens and safe public open spaces. Growth can occur in many of the existing areas in the HRM by developing vacant land or redeveloping under-used sites where appropriate. Policies in this Plan provide protection to established neighbourhoods from rapid unplanned change, directing most future growth to areas where it can occur without affecting residents.

This Plan envisions that low-density residential uses consisting of single unit dwellings, accessory apartments, two-unit dwellings, and townhouses may be considered in appropriate locations within the established neighbourhoods which are within walking distance of the commercial and transit focus of each centre. It is anticipated that a mix of medium to high density residential and commercial uses will be situated around key focal points within the centre such as transit stations. This density is expected to gradually decrease and the proportion of residential land uses is expected to increase toward the periphery of the centre in the transition

area between the centres and the surrounding neighbourhoods. The density of each centre will vary and be considered within its regional context.

The community centre and surrounding neighbourhoods will be serviced with an interconnected system of streets, pathways, sidewalks, and bicycle lanes where appropriate. Buildings within the centre will have varied architectural facades which will frame the street and have direct connection to the public sidewalk and street. The ground floor of buildings within the core of a centre that front on corridors and public facilities will be developed with commercial uses such as shops, restaurants and cafes with large windows that add visual interest for pedestrians and provide shelter in the form of awnings, structured colonnades or street trees. Adequate short-term parking will be provided to service these retail areas, without compromising pedestrian access from the sidewalk.

Maintaining the integrity of rural communities and lands is integral to this Plan, and policies regarding rural areas provide recognition of their ecological, economic and social values. Centres in rural areas will be focussed around areas where a service centre has already begun to develop to serve the outlying area. Sustainable growth is envisioned in a way that will protect the rural resource base and ensure the retention of rural community character.

S-11 HRM shall, through secondary planning processes, define the centres within each designation. The general characteristics of the centres are provided in Table 3-1. These planning strategies shall also define the specific boundaries of the centres, population targets and will develop detailed design policies related to the layout of the centres, range of permitted uses, development densities and mechanisms for implementation. The centres shall be designed in consideration of the criteria described in Chapter 9 and all other applicable policies of this Plan.

S-13 Further to Policy S-12, until the secondary planning processes are completed, HRM shall continue to regulate land use in those areas identified as centres and for those areas between centres, according to the policies of the applicable existing secondary planning strategies and land use by-laws, except where otherwise provided by this Plan.

**Table 3-1: Characteristics of Centres**

Urban Settlement Centres			
Centre Type	Centre Name	Land Uses	Transit
Suburban Local	Westphal	<ul style="list-style-type: none"> <li>• mix of low to medium density residential &amp; convenience commercial uses</li> <li>• in established neighbourhoods, low to medium density residential uses</li> </ul>	<ul style="list-style-type: none"> <li>• all day transit to connect to other centres &amp; Regional Centre</li> <li>• surface park &amp; ride or parking structures</li> <li>• street or side yard parking for pedestrian-oriented retail</li> </ul>

## **COLE HARBOUR/ WESTPHAL MUNICIPAL PLANNING STRATGEY**

### **HIGHWAY COMMERCIAL DESIGNATION**

As previously discussed, lands along Highway No. 7 support uses which are dependant upon a more regional market than those on the Cole Harbour Road. Most of these uses make extensive use of land and consequently would be difficult to accommodate in the community and commercial focus on the Cole Harbour Road. In support of the development of more extensive commercial uses, the Highway Commercial Designation has been applied along Highway No.7.

- HC-1 In the interests of providing for commercial uses which make extensive use of land and serve the travelling public, it shall be the intention of Council to establish the Highway Commercial Designation as shown on the Map 1 - Generalized Future Land Use Map.
- HC-2 Within the Highway Commercial Designation, it shall be the intention of Council to create a highway commercial zone which permits general commercial uses not exceeding ten thousand (10,000) square feet of gross floor area, and also permits existing dwellings and community uses, including medical and day care centres. In addition, the zone shall provide for the screening of open storage and outdoor display areas.

While lands abutting the rear lot lines of properties along Highway No. 7 are not as intensely developed as the residential neighbourhoods along the Cole Harbour Road, there remains a concern that the scale of commercial uses in the Highway Commercial Designation may interfere with existing and future residential areas.

- HC-3 Notwithstanding Policy HC-2, in order to accommodate adjacent commercial and residential uses, it shall be the intention of Council to only consider commercial uses in excess of ten thousand (10,000) square feet and to a maximum of fifty thousand (50,000) square feet of gross floor area, according to the development agreement provisions of the Planning Act. When considering such an agreement, Council shall regard to the following:
- (a) vehicular access to the site;
  - (b) separation from residential uses;
  - (c) storm drainage;
  - (d) site design including open storage and outdoor display area parking and loading spaces and landscaping; and
  - (e) the provisions of Policy IM-11.

Entertainment uses such as beverage rooms and amusement arcades, can benefit from locations in larger shopping centres where access and parking are readily controlled, and effects upon residential areas caused by these uses' extended hours of operation are minimized.

HC-5 Notwithstanding Policies CC-2 and HC-2, within the Community Commercial and Highway Designations, it shall be the intention of Council to permit beverage room and other entertainment uses only in commercial structures having greater than ten thousand (10,000) square feet, according to the development agreement provisions of the Planning Act. In considering such developments, Council shall have regard to the following:

- (a) separations from residential uses;
- (b) vehicular access and egress;
- (c) the location and extent of open storage and/or display;
- (d) the location of parking and loading areas;
- (e) drainage both on and off the site;
- (f) any landscaping of such uses; and
- (g) the provisions of Policy IM-11.

## **Attachment B - Excerpts from the Cole Harbour/Westphal LUB**

### **PART 18: C-4 (HIGHWAY COMMERCIAL) ZONE**

#### **18.1 C-4 USES PERMITTED**

No development permit shall be issued in any C-4 (Highway Commercial) Zone except for the following:

##### Commercial Uses

Retail stores;  
Food stores;  
Service and personal service shops;  
Banks and financial institutions;  
Restaurants;  
Outdoor display courts;  
Hotels, motels and motor inns;  
Indoor commercial recreation uses;  
Funeral establishments;  
Service stations;  
Taxi and bus depots;  
Parking lots;  
Greenhouses and nurseries;  
Veterinary hospitals and kennels;  
Re-cycling depots.

##### Community Uses

Open space uses;  
Institutional uses;  
Fraternal centres and halls.

##### Residential Uses

Existing dwellings

#### **18.2 C-4 ZONE REQUIREMENTS: COMMERCIAL USES**

In any C-4 Zone, where uses are permitted as Commercial Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	central services - 10,000 square feet (929.0 m <sup>2</sup> ) on-site services - 20,000 square feet (1858.1 m <sup>2</sup> )
Minimum Frontage:	150 feet (45.7 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	15 feet (4.6 m)
Maximum Height of Main Building	35 feet (10.7 m)
Maximum Lot Coverage	50 percent

### 18.3 OTHER REQUIREMENTS: COMMERCIAL FLOOR AREA

Notwithstanding the provisions of Section 18.1, no commercial building in any C-4 Zone shall exceed ten thousand (10,000) square feet (929 m<sup>2</sup>) of gross floor area.

### 18.4 OTHER REQUIREMENTS: OPEN STORAGE AND DISPLAY

Where any portion of any lot in any C-4 Zone is to be used for open storage or outdoor display, the following shall apply:

- (a) Any area devoted to open storage may not exceed fifty (50) per cent of the lot area.
- (b) No open storage shall be permitted within any required front yard.
- (c) No open storage or outdoor display shall be permitted in any required yard within any C-4 Zone where the required yard abuts any residential zone or community uses zone, except where a fence or other visual barrier is provided.

### 18.5 OTHER REQUIREMENTS: SERVICE STATIONS

Notwithstanding the provisions of Sections 18.2 and 18.7, where a service station is erected in any C-4 Zone, the following shall apply:

Minimum Lot Area:	30,000 square feet (2787.0 m <sup>2</sup> )
Minimum Frontage:	150 feet (45.7 m)
No portion of a pump island shall be located closer than:	20 feet (6.1 m) from any street line
Minimum distance between ramps or driveways	30 feet (9.1 m)
Minimum distance from a ramp or driveway to a road intersection	50 feet (15.2 m)
Minimum angle of intersection of a ramp to a road line	45 degrees
Width of a ramp:	minimum 20 feet (6.1 m) Maximum 26 feet (7.9 m)

### 18.6 C-4 ZONE REQUIREMENTS: COMMUNITY USES

In any C-4 Zone, where uses are permitted as community uses, no development permit shall be issued except in conformity with the provisions of Part 21 as are applicable.

### 18.7 OTHER REQUIREMENTS: COMMERCIAL ACCESS

Unless otherwise required by the Provincial Department of Transportation and Communications, all uses which are permitted uses in any C-4 Zone with the exception of service stations, shall be permitted not more than one (1) access onto Provincial Highway No. 7 for each lot.

## 18.8 EXISTING MULTIPLE UNIT DWELLINGS

Notwithstanding Section 18.1, existing multiple unit dwellings shall be a permitted use within the C-4 Zone. Subject to the requirements of Section 18.2 and the maximum number of units permitted within the identified existing multiple unit dwellings shall be as follows:

<u>Civic Address</u>	<u>LRIS No.</u>	<u>Maximum Number of Dwelling Units</u>
662 Preston Road	619171	3

## 18.9 OTHER REQUIREMENTS: BUFFERING AND SCREENING (C-Oct 30/97;E-Nov 29/97)

- (a) In any C-4 Zone where commercial uses, including buildings, parking, outdoor display, or open storage are to be expanded, constructed or located on a lot which is adjacent to property that is zoned or used for residential or community uses, a buffer shall be provided. The buffer shall consist of a grassed landscaped area that is:
  - (i) a minimum of twenty (20) feet in depth running the entire length of the adjacent property line and shall contain a vegetation screen consisting of at least two staggered rows of coniferous trees which are at least six (6) feet in height and at a maximum spacing of eight (8) feet on centre;
  - (ii) notwithstanding Subsection 18.9(a) (i), the grassed landscaped area may be reduced to ten (10) feet where an opaque fence of at least six (6) feet in height is provided along the common property boundary and the grassed landscaped area shall contain of a mix of nursery-stock trees at a maximum spacing of ten (10) feet on centre, or a mix of shrubs at a spacing of six (6) feet on centre, or a combination of nursery-stock trees and shrubs at the required spacing;
  - (iii) the landscaped area shall be properly maintained and kept free of litter; and
  - (iv) no structures, parking, storage or open display shall be permitted within the grassed landscaped area.
- (b) Notwithstanding Subsection 18.9(a), for any expansion or construction of a C-4 Zone use which is located adjacent to Loon Lake, the buffer shall consist of a grassed landscaped area that is:
  - (i) a minimum of ten (10) feet in depth beginning at the normal high water mark, and running the entire length of the water's edge and shall contain either a mix of balled and burlapped shrubs that are a minimum of 40 cm in height and planted at a maximum spacing of four (4) feet on centre, or a single row of coniferous trees which are at least four (4) feet in height and at a maximum spacing of eight (8) feet on centre, or a combination of coniferous trees and shrubs at the required spacing;
  - (ii) the landscaped area shall be properly maintained and kept free of litter; and
  - (iii) no structures, parking, storage or open display shall be permitted within the grassed landscaped area.
- (c) Notwithstanding Subsection 18.9(a) and (b), for any expansion or construction of a C-4 Zone use which is located on lands identified as PID 00638460, PID 00619775, PID

00619627, and PID 00619502 which are adjacent to Loon Lake, the buffer shall consist of the retention of existing vegetation that is:

- (i) a minimum of fifty (50) feet in depth beginning at the normal high water mark, and running the entire length of the water's edge;
  - (ii) no structures, parking, storage or open display shall be permitted within the buffer area.
- (d) Notwithstanding Subsection 18.9(a) or (b), a buffer shall not be required under the following conditions:
- (i) where a change in occupancy does not increase the amount of parking, or open storage, or outdoor display within the commercial lot; or
  - (ii) where an addition to a commercial building does not increase its square footage more than five (5) percent of the total gross floor area, and provided there is no increase in the amount of parking, or open storage, or outdoor display within the commercial lot as a result of this addition.