

Item No. 10.1.4
Halifax Regional Council
May 14, 2013

TO: Mayor Savage and Members of Halifax Regional Council

Original signed by



SUBMITTED BY:

Richard Butts, Chief Administrative Officer

Original Signed by

Mike Labrecque, Deputy Chief Administrative Officer

DATE: April 30, 2013

SUBJECT: **Case 18276: Formation of a Public Participation Committee for the RCDD Lands at 74 Union Street, Bedford**

ORIGIN

Application by KWR Approvals Incorporated

LEGISLATIVE AUTHORITY

HRM Charter; Part VIII, Planning & Development

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Approve the formation of a Public Participation Committee to consider an application for residential development, by development agreement, at 74 Union Street, Bedford, for the area shown on Map 1, and
2. Approve the Terms of Reference for the Committee provided in Attachment A of this report.

BACKGROUND

KWR Approvals Incorporated has submitted a planning application to consider residential development, by development agreement, at 74 Union Street in Bedford. Consistent with the approach taken during the approval process for other Union Street RCDDs, it is proposed that a Public Participation Committee (PPC) be established to review the proposed development and prepare a recommendation report for consideration by the North West Planning Advisory Committee (NWPAC).

RCDD (Residential Comprehensive Development District) Lands

The Bedford Municipal Planning Strategy (MPS) identifies the subject property as being designated and zoned RCDD (Residential Comprehensive Development District). Following the Bedford MPS review in 1991, three major undeveloped portions of Bedford were identified for future residential growth. These three areas were designated and zoned as RCDD and included: the Paper Mill Lake, Crestview, and Union Street areas. The RCDD designation requires developers to enter into negotiated development agreements with Council as per Policy R-10 of the Bedford MPS (Attachment B). Subject to the applicable policies of the Bedford MPS, the designation allows for the consideration of various forms of residential, institutional and limited neighbourhood commercial development.

Union Street RCDD Lands

In 1995, the Town of Bedford entered into a development agreement with Redden Brothers Development Limited to allow a mixed use development, for a portion of the Union Street lands, between the Bicentennial Highway and Union Street. This agreement is referred to as the Union Street Development Agreement. In 2003, North West Community Council (NWCC) entered into a separate development agreement with Gateway Investments Incorporated to allow a separate mixed use residential development, adjacent to the Redden Brothers' site, in the Union Street RCDD lands area. This agreement is referred to as the Brison Development Agreement. The subject property, a 4 acre parcel, was not included within the two development agreements as the property was under separate ownership and not considered to be part of the previous developments. Similar to the previous 1995 and 2003 development of the Union Street RCDD area, development of the subject property may only be considered by development agreement in accordance with the relevant RCDD policies of the Bedford MPS. (Map 1)

RCDD Policies

The Bedford MPS, through Policy R-14, requires the planning process for projects in the RCDD Zone to include public consultation as follows:

“Policy R-14:

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

special attention shall be given to the protection of the aboriginal petroglyphs located within this area.”

Subject to Section 216 of the *HRM Charter*, the Municipality may establish an area planning advisory committee to advise the planning advisory committee on planning matters affecting a specific area. An area advisory committee must include members of the public and be appointed by Council.

Under section 3 of Administrative Order 48, the Community Council Administrative Order, Regional Council has granted to each Community Council the power to create 2 Planning Advisory Committees (PACs). Any additional PACs must be appointed by Regional Council, and not a Community Council.

The North West Community Council has 2 two existing PACs; the St. Margaret’s Bay Coastal Planning Advisory Committee, and the North West Planning Advisory Committee. Therefore, the matter of creating the PPC for 74 Union Street is before Regional Council rather than the North West Community Council.

DISCUSSION

The establishment of a PPC to address a specific planning application is not standard practice and is not a practice encouraged by staff. However, this approach is being recommended in this particular instance in response to the expectations of the community and past practice under Policy R-14. The subject site has a long history relative to the proposed development and the community is anticipating a PPC will be established to undertake the “hands on” planning exercise which is contemplated by Policy R-14. Given the unique circumstances in this case, it is staff’s opinion a PPC should be established in this instance. Should Council decide not to approve the formation of a PPC, other forms of public participation, such as workshops or meetings with the community, could be designed to meet the requirements of the policy.

In accordance with Policy R-14 of the Bedford MPS, and based on previous RCDD projects in Bedford (i.e., Paper Mill Lake and Union Street RCDDs), staff is recommending the following membership categories for the PPC:

- Four representatives from the subject community; and
- Two representatives from the NWPAC

It is also recommended that Regional Council adopt the terms of reference for the PPC as per Attachment A of this report. HRM staff, the proponent and their consultants will attend the PPC meetings.

FINANCIAL IMPLICATIONS

This PPC is expected to meet no more than seven times. With an estimated cost of \$1000 for each meeting, the associated cost of this committee will total approximately \$7000. This cost can be managed within the approved 2013/2014 budget for C310 Planning Applications.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy.

ENVIRONMENTAL IMPLICATIONS

None.

ALTERNATIVES

1. Regional Council could appoint the North West Planning Advisory Committee as the Area Advisory Committee.
2. Regional Council could amend the Terms of Reference.
3. Regional Council could rely on the standard public consultation process (i.e., Public Information Meetings) in lieu of establishing a Public Participation Committee.

ATTACHMENTS

Map 1	Area of Application
Attachment A	Proposed Terms of Reference – North West Planning Advisory Committee’s Public Participation Committee on the KWR Approvals Incorporated Application (Residential Development of 74 Union Street, Bedford)
Attachment B	Applicable Policies of the Bedford Municipal Planning Strategy

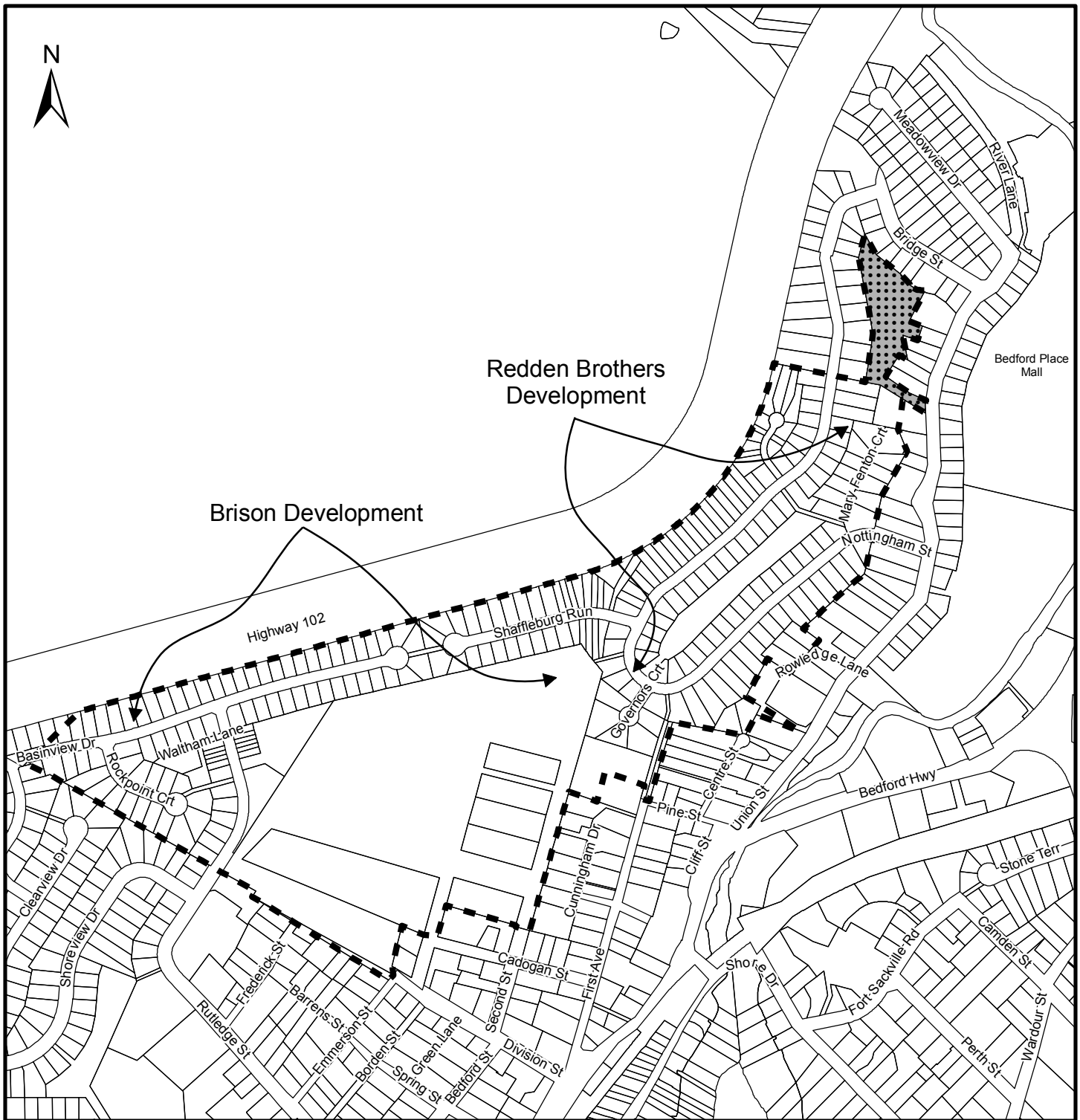
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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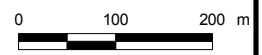


Map 1 - Area of Application

74 Union Street
Bedford

 74 Union Street Lands

 Union Street RCDD Lands



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

Attachment A

Terms of Reference

North West Planning Advisory Committee's Public Participation Committee on the KWR Approval Incorporated Application (Residential Development of 74 Union Street, Bedford)

Membership

1. Four Representatives from the subject community; and
2. Two Representatives from the North West Planning Advisory Committee.

Appointments

1. Term – The Committee shall be dissolved when its report has been tabled with the North West Planning Advisory Committee and a decision on the development has been made by the North West Community Council;
2. Appointments shall be made by the North West Community Council; and
3. The Committee shall elect a Chair and Vice Chair.

Responsibilities

1. The Committee shall prepare a report to the North West Planning Advisory Committee on the development proposal to consider residential development of 74 Union Street, under the Residential Comprehensive Development District policies in the Bedford Municipal Planning Strategy and Land Use By-law; and
2. The Committee shall provide a forum in which the land owner/developer, HRM staff, and appointed citizens collaborate to comment and review the proposal.

Meetings

1. The meetings shall be called as required by the Chair;
2. The quorum for regular meetings shall be four members;
3. Members shall advise the Chair by 12 noon on the day of a regular meeting if they are unable to attend any scheduled meeting; and
4. All meetings shall be open to the public, or as allowed under Section 218 of the *HRM Charter*.

Remuneration

None.

Attachment B
Applicable Policies of the Bedford Municipal Planning Strategy

Policy R-10:

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

Policy R-11:

It shall be the intention of Town Council to limit the density of residential development within an RCDD to a maximum of 6 units per gross acre. In order to develop an RCDD at a density between 1 and 4 units per gross acre, it will be necessary for Town Council to enter into a development agreement. Only single-unit dwellings will be permitted in this density range and in order for Town Council to consider this increased density, the proponent must indicate methods whereby common open space (parcels which are available for use by project residents or the general public) is to be provided for such purposes as protection of existing vegetation, retention of natural features, and/or incorporation into the parks system. Development up to a maximum of 6 units per gross acre must proceed on the basis of a mix of uses. However, at least 60% of all housing shall be single unit dwellings. *Such proposals* may be considered by development agreement provided additional common open space is provided and the cluster/open space site design approach is utilized. When entering development agreements, Town Council may consider reductions of up to 50% for frontage, side yard and lot area requirements as specified in the Land Use By-law for the type of housing being considered. A design manual is to be prepared to provide further elaboration on the cluster housing concept. Representation of the range of residential uses shall be provided in each neighbourhood area. Each street may have the same type of uses; however, on a neighbourhood scale, a range of uses shall be required to provide a variety of housing in each neighbourhood area.

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

Policy R-14:

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