



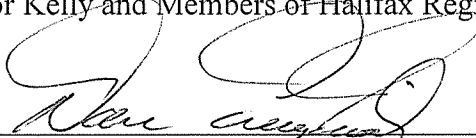
PO Box 1749
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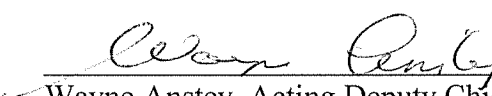
Halifax Regional Council
January 10, 2006

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



Dan English, Chief Administrative Officer



Wayne Anstey, Acting Deputy Chief Administrative Officer

DATE: December 28, 2005

SUBJECT: **Case 00854 - Amendment to the Municipal Planning Strategy for Dartmouth (Brightwood Golf and Country Club Lands – School Street)**

ORIGIN:

Application by Clayton Developments Limited to enter into a development agreement for the Brightwood Golf and Country Club lands in Dartmouth.

RECOMMENDATIONS:

It is recommended that Regional Council:

1. Initiate the process to amend the Dartmouth Municipal Planning Strategy and Land Use By-law to establish a Comprehensive Development District on the Brightwood Golf and Country Club lands at 227 School Street in Dartmouth;
2. Approve Attachment A - Terms of Reference for the creation of the Brightwood Public Participation Committee in accordance with the Dartmouth Municipal Planning Strategy.
3. Adopt a public participation program as presented in Attachment A.

BACKGROUND

The Site:

On October 25, 2005 members of the Brightwood Golf and Country Club voted to sell their lands at 227 School Street in Dartmouth to a consortium of companies headed by Clayton Developments Limited. Clayton proposes to develop the Brightwood lands with a mix of residential uses. The sale of Brightwood is contingent upon receiving planning and development approvals.

Located in north Dartmouth, the Brightwood Golf and Country Club site is comprised of 103 acres containing some of the highest elevations in area. The site is bounded by low rise residential development on all sides with separate accesses to the site from School and Thistle Streets.

Proposed Development:

Clayton Developments proposes to enter into a development agreement to subdivide the Brightwood lands for the purpose of developing a range of housing types including low, medium and high density residential development. Initially, the Brightwood proposal envisions the creation of some 830 to 900 residential units at a density of approximately 9.0 units per gross acre. The majority of the residential units are intended to be centrally located on the lands in the form of high density mixed use apartment buildings with a ground floor commercial presence (Schedule B - Site Plan). The following is a brief description of the proposal:

1. LDR-1, LDR - 2, LDR-3 & LDR-4
Lower density single family residential to be located around the perimeter of the site.
2. MDR-1
Medium density residential and low rise multiple residential to be located in the site center at a higher elevation.
3. VC
Village Centre uses include high rise residential with ground floor community commercial, institutional and assisted care uses to be located at the center of the site at the lower elevation.
4. Park
Park Land dedication

Current Municipal Planning Strategy Designation and Zoning:

The Brightwood lands are designated Parks and Open Space and Park (P) Zone in the Dartmouth MPS and LUB. This designation and zoning restricts development to recreation and open space uses and therefore would not accommodate a mixed residential development. The applicant is requesting an amendment to the Dartmouth MPS and LUB to develop the property by development agreement. Accordingly an amendment to the LUB to create a Comprehensive Development District (CDD) would enable the Brightwood lands to be developed by development agreement.

DISCUSSION:

Amendments to the MPS are not routine applications in the way that rezoning and development agreement applications are. The Municipal Government Act contemplates applications for rezoning and development agreements and sets out procedures for a municipality to follow, including provisions for an appeal of Council decisions. While there is an ability for Council to amend its MPS, it is under no obligation to do so. Therefore the decision to amend or not to amend cannot be appealed. Nonetheless, the decision to amend the MPS can be justified if the proposal is consistent with the overall intent and vision for the area and if changing circumstances warrant a further review of the policy.

The Dartmouth MPS encourages the redevelopment of large vacant tracts of land within the development boundary ~~of~~ that are strategically located and, when developed, will have a significant impact on the “total residential environment of the City”. [Attachment C- Preamble, Housing (1) and (2)] The redevelopment of Brightwood site is supported within this context as the site is:

- 1) vacant and centrally located in an established area,
- 2) over 100 acres in size,
- 3) accessible to major transportation corridors; and,
- 4) within close proximity to the Dartmouth downtown core.

Policy H-3 provides a method for the redevelopment of vacant parcels of ten acres or more through a Comprehensive Development District (Attachment C). In this regard policies H-3A, H-3B and H-3C identifies a “comprehensive” list of criteria to be satisfied (Attachment C). A particular emphasis in the development of the Brightwood lands is the relationship of this site to the larger Dartmouth community. Should Council choose to initiate this process the following list of criteria would be but a few of the prominent aspects of the development to be considered:

- ▶ quality of the development (urban design)
- ▶ density and building heights
- ▶ traffic flows/site access
- ▶ adjacent neighbourhood interests
- ▶ landscaping and amenity features
- ▶ relationship to surrounding areas
- ▶ detailed public consultation

Public Consultation:

In accordance with Policy H-3AA, the development of Brightwood under the CDD policy would necessitate the formation of a Public Participation Committee (PPC). The purpose of the PPC is to assist in the guidance of this development by providing collaboration between the Developer and the Dartmouth community (Attachment B). In this regard a Terms of Reference (ToR) has been drafted and is attached to this report (Attachment A) to assist in the formation of the new PPC.

Should Regional Council initiate the Brightwood application and approve the ToR, advertising and a mail-out would be conducted seeking out interested parties wishing to serve on the new Brightwood Public Participation Committee. Appointments to the new PPC would be subject to the approval of the Harbour East Community Council.

Conclusion

The requested MPS amendment has merit as it represents an opportunity to develop the lands in a comprehensive manner through detailed public consultation. As a result staff recommends that council initiate the proposed MPS amendment.

BUDGET IMPLICATIONS:

There are no budget implications.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN:

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

ALTERNATIVES:

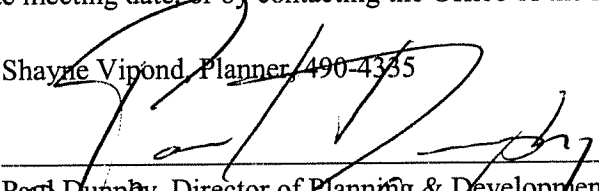
1. Proceed with the requested amendment.
2. Refuse to initiate the requested amendment. This is not recommended as the Brightwood lands could be developed without the benefit of the criteria identified in policies H-3A, H-3B and H-3C.

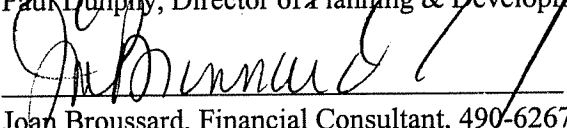
ATTACHMENTS:

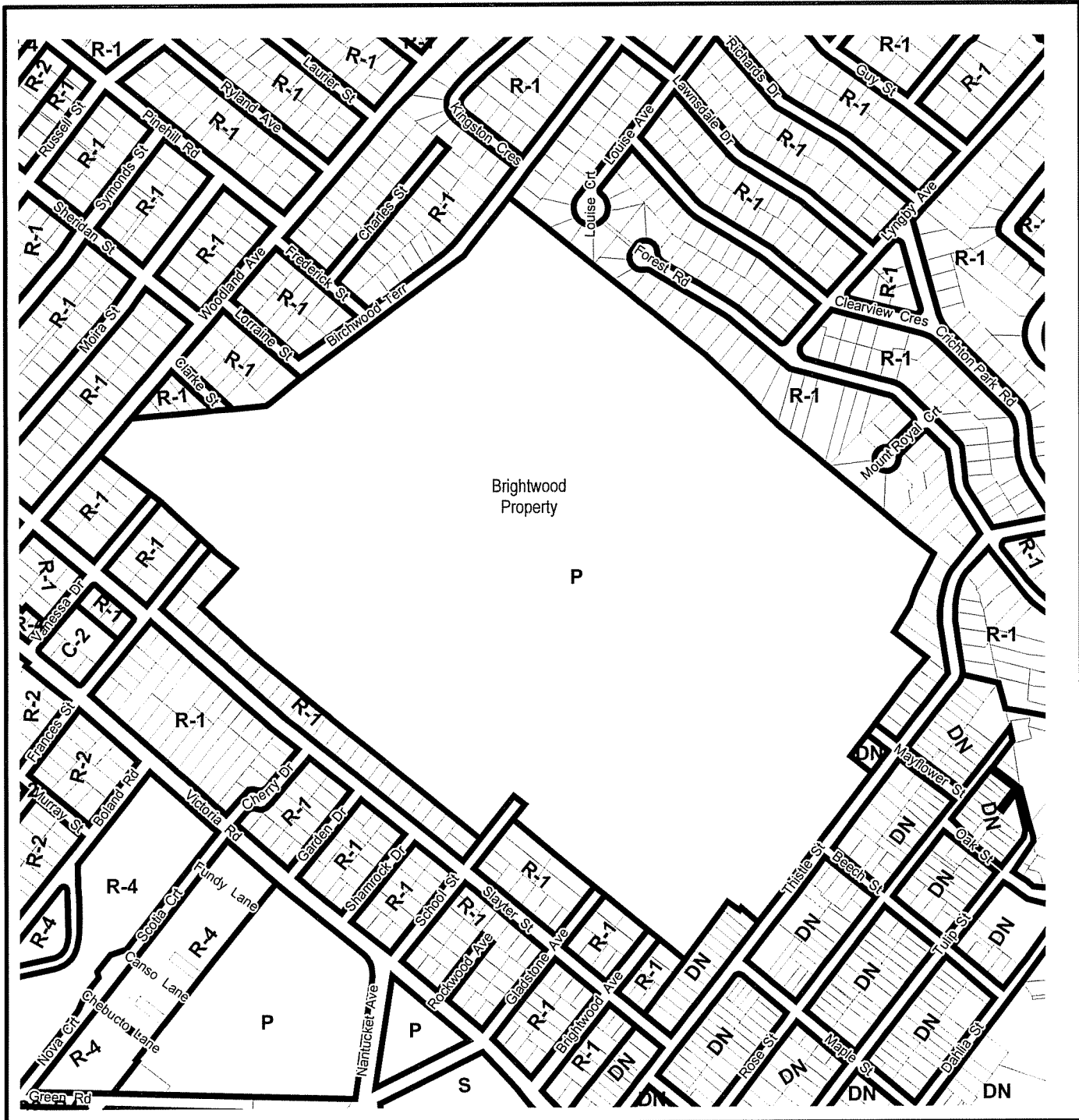
- Map 1: Zoning and Location
Map 2: Generalized Future Land Use
Attachment A: Terms of Reference for Brightwood Public Participation Committee
Attachment B: Site Plan
Attachment C: Relevant Dartmouth Municipal Planning Strategy Policies and Land Use Bylaws

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: Shayne Vipond, Planner, 490-4335

Report Approved by: 
Paul Dunphy, Director of Planning & Development

Financial Review: 
Joan Broussard, Financial Consultant, 490-6267



Map 1

Zoning & Location

Brightwood Golf & Country Club



Subject Property

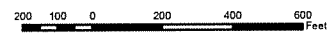
Dartmouth Land Use By-law

Zoning

- C-2 General Business Zone
- P Park Zone
- R-1 Single Family Residential Zone
- R-2 Two Family Residential Zone
- R-4 Multiple Family Residential Zone
- S Institutional Zone
- DN Downtown Neighbourhood Zone

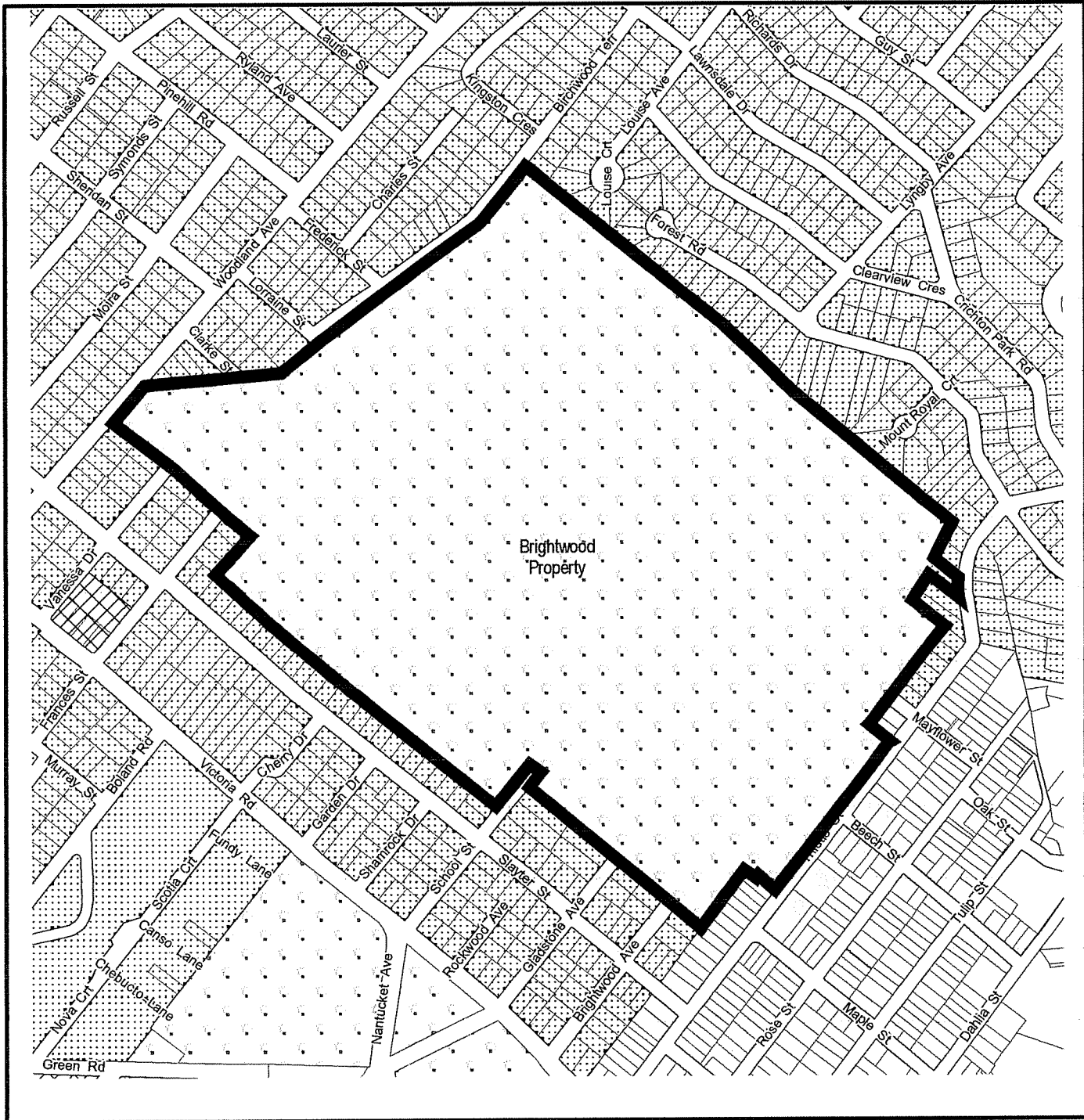


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This map is an unofficial reproduction of a portion of the Zoning Map for the Halifax Mainland Land Use By-Law area





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

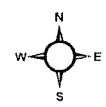


**Map 2
Brightwood Golf
& Country Club**

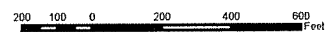
Dartmouth MPS

 **Subject Property**

- Designation**
-  Commercial
 -  Downtown Neighbourhood
 -  Residential
 -  Park & Open Space



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This map is an unofficial reproduction of a portion of the Zoning Map for the Halifax Mainland Land Use By-Law area.

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

ATTACHMENT A

Terms of Reference – Brightwood Public Participation Committee

Objectives: to prepare a plan for the Brightwood Golf and Country Clubs Lands which:

- anticipates future community needs with specific consideration given to how the community proposed could fulfill a role in responding to needs within a regional context;
- integrates design with established neighbouring communities in terms of the natural and man made environment;
- reduces travel time and energy requirements, encourages the use of public transit, pedestrian and cycling facilities and enhances public safety through innovative integration of land use components with the transportation and open space systems;
- preserves sensitive environmental areas and unique cultural features and responds to the opportunities and constraints imposed by the environment;
- maintains adequate service levels for municipal infrastructure (sanitary sewer, storm drainage, potable water and road systems) both within the area of new development and off-site while minimizing costs to all parties;
- allows for design flexibility in recognition of future changes to external circumstances and market conditions
- minimizes future demands on the Municipality's fiscal resources (capital and operating budgets) and provides fair and predictable cost-sharing of community infrastructure costs between the Municipality and individual property owners in terms of division and timing in accordance with the Municipality's Capital Cost Contribution Policy;
- provides policy guidance for more detailed negotiations with property owners/developers with specific consideration given to phasing of development with associated community infrastructure and the responsibilities of each party (property owners/developers and the Municipality).

Terms of Reference -- Brightwood Public Participation Program

A public participation committee shall be established with the following terms of reference to carry out a public participation program for the development of the Brightwood Golf and Country Club Lands.

Membership

- One representative -- Cricton Park Neighbourhood (Schedule A)
- One representative -- Brightwood - Slaytor Street Neighbourhood (Schedule A)
- One representative -- Albro Lake - Woodland Avenue Neighbourhood (Schedule A)
- One representative -- Austenville Residents Association
- One representative -- District 9 Residents Association
- One representative -- Dartmouth Lakes Advisory Board
- One representative -- Member at large
- One representative -- Councillor of District 9 -- ex-officio member
- One representative -- Councillor of District 5 -- ex-officio member
- Two representatives -- Member designates or alternates -- A person acting as a designate has the full power and authority of the named representative

Appointment

- Appointments shall be made by Harbour East Community Council.
- Term will be to the completion of the Brightwood Development Agreement.

Responsibilities





- Chair all public meetings;
- Collaborate in negotiations with the land owners and municipal staff in the preparation of the plan;
- Ensure that members of the public have adequate opportunities to participate in the Brightwood planning process;
- Provide advice on any amendments to planning and regulatory documents put forward for approval as a consequence of the planning study;

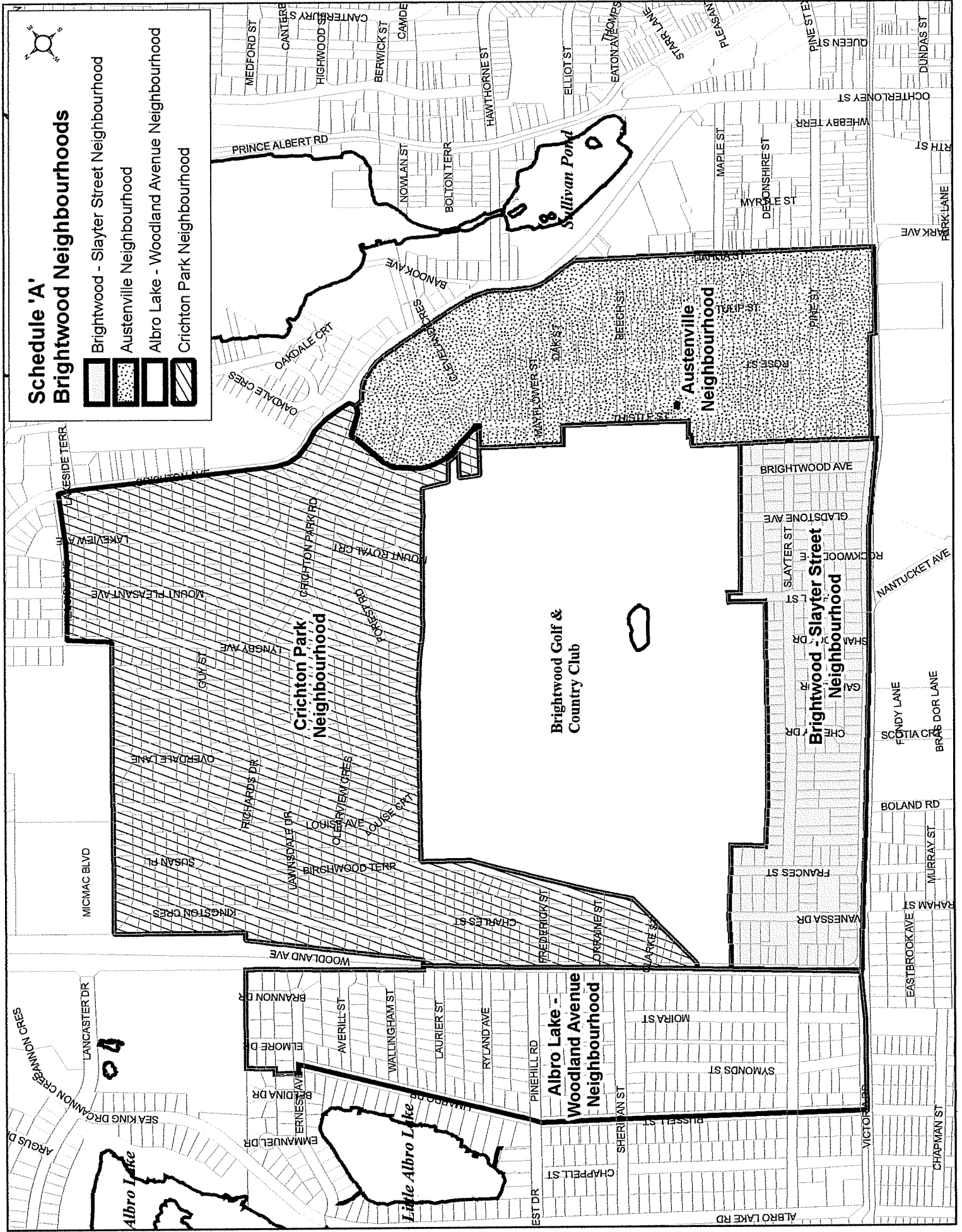
Meetings

1. The Committee shall meet at least once every three weeks; additional meetings may be held as required or called by the Chair.
2. Meetings shall be held on a regular basis to be determined.
3. The quorum for regular meetings shall be five members.
4. Members shall advise the Planning Staff by 12 noon on the day of a regular meeting if they are unable to attend the meeting.
5. Any member of the committee who fails to attend three (3) consecutive meetings, without good reason accepted by the Chair, may be dismissed by Community Council.

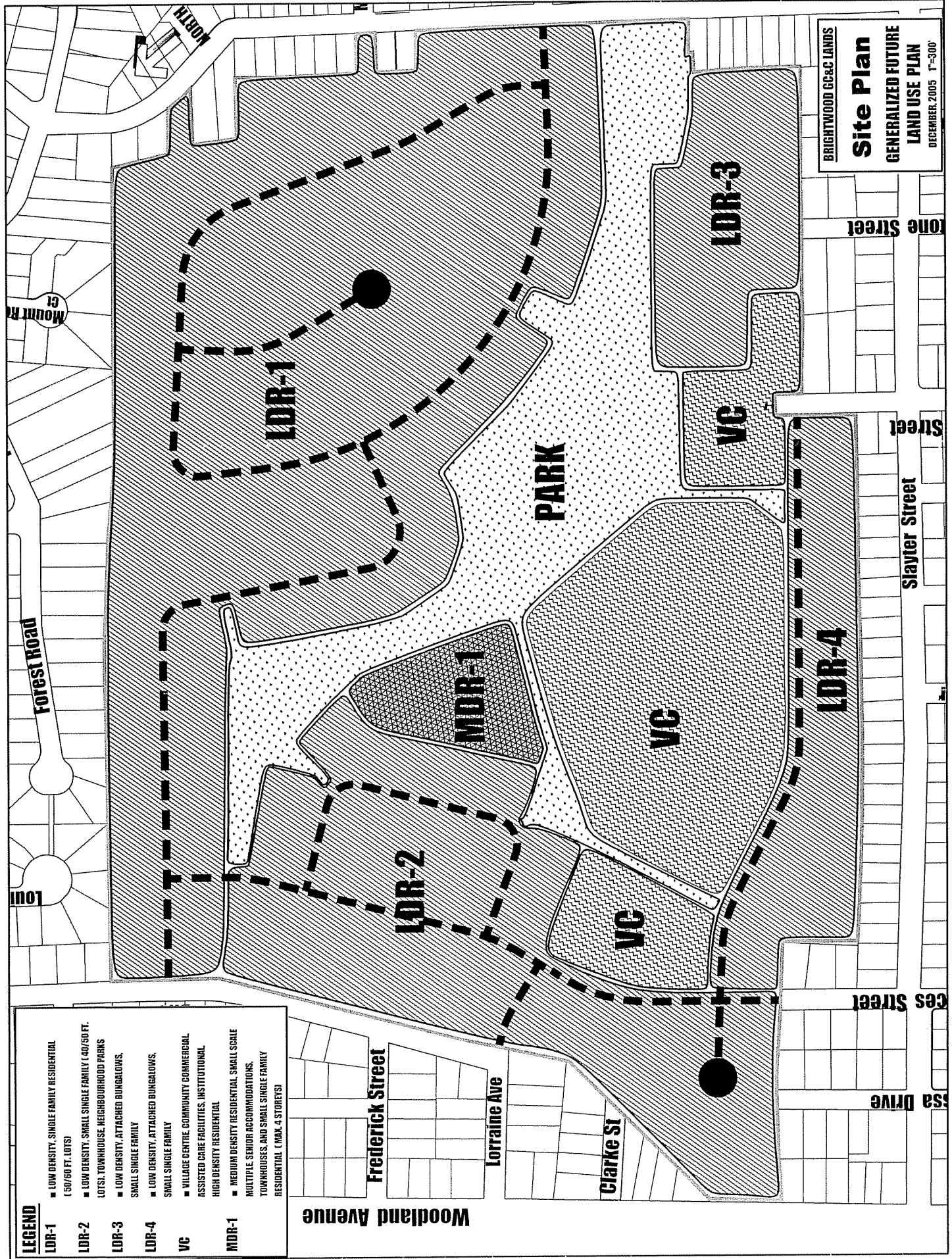


Schedule 'A' Brightwood Neighbourhoods

-  Brightwood - Slayter Street Neighbourhood
-  Austenville Neighbourhood
-  Albro Lake - Woodland Avenue Neighbourhood
-  Crichton Park Neighbourhood



ATTACHMENT B



ATTACHMENT C

Relevant Dartmouth Municipal Planning Strategy Policies and Land Use Bylaws

Policy G-4 It shall be the intention of City Council to investigate the possibilities and options for redevelopment of areas throughout the City to make better utilization of existing services.

HOUSING

(1) Existing developed areas within the development boundary

Policy G-4 again from "Directions for Growth" section states that Council shall investigate the possibilities and options for redevelopment and infilling of areas throughout the City to make better utilization of existing services. Better utilization in this context is meant to refer to maximizing the use of what is already in place. For example, to maximize the use of existing schools before undertaking premature construction of new plants. Another example could be an area which is located such that it can handle additional growth, without tremendous expenditures, as a result of the existing street capacities and/or sewer capacities.

In terms of identifying housing opportunities within presently developed areas and the availability of existing services to handle additional demands, secondary planning on a district level must be undertaken. (Policy H-2)

(2) Undeveloped sites existing within the development boundary

There are several large strategically located land holdings inside the development boundary. Given their size, location, and the manner in which they are developed, they will have a significant impact on the total residential environment of the City. These holdings for the most part presently permit only R-1 uses. Due to their location and land value, it is likely that they will be developed to some form of mixed housing.

In cases where the parcel of land is to be developed beyond the R-1 (Single Family) uses they should be developed as a package and done so in "Comprehensive Development Districts"¹. This concept is very similar to our existing By-law C-188 which allows for planned unit developments to take place on sites 10 acres or greater.

¹ Comprehensive Development Districts as outlined in the Halifax-Dartmouth Regional Development Plan.

Comprehensive Development District (CDD)

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

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

CDDs will be developed according to master plans and implemented by development agreement(s). Policies H-3 through H-3E expand on City Council's intentions in providing for CDDs.

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

H-3(AA) It shall be the intention of Council to establish a Public Participation Committee upon the Municipality receiving an application to develop lands within a CDD. The composition of the Committee should include local residents, other interested citizens, affected land owners, the proponent and municipal staff. The general purpose of the Committee is to collaborate to produce the conceptual plans and detailed plans for the area to be developed, as described by Policies H-3A, H-3B and H-3C. Council shall also establish a Committee to deal with substantial amendments to CDD Agreements.

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

- (a) a map(s) and assessment of the physical nature of the land, including its topography, mature vegetation, natural features restricting development and any significant environmental characteristics;
- (b) a transportation plan, including vehicular, pedestrian and public transit systems, and traffic impact analysis sufficient to evaluate the internal and off-site implications of the systems;
- (c) the method of providing municipal sewerage, water and storm services to the development;
- (d) the general phasing of development;
- (e) the distribution and nature of all land uses; and
- (f) the total number of dwelling units, the proportion of all units which are proposed to be in apartment buildings and the gross residential density of the whole development and each of its phases.

Policy H-3B

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

- (a) the adequacy of the mix of residential uses to provide a range of housing options in terms of lot characteristics, building and dwelling type and design;
- (b) the general guide that the maximum number of apartment units shall not exceed 40% of the total actual number of units within the CDD. Such figure may be increased to a maximum of 50% provided clear advantages are gained within the CDD by means of increased parkland or open space, increased areas of undisturbed terrain and vegetation, decreased amount of impermeable surfaces and/or improved environmental protection or an improved transportation system. (RC - March 22, 2005 E - April 23, 2005)
- (c) the location and concentration or dispersal of multi-unit residential buildings with respect to impacts on street networks, abutting uses and the physical environment;
- (d) the general guide of a maximum residential density of 8 units per gross acre, excluding acreage devoted to commercial use;
- (e) the compatibility of various land uses, within and adjacent to the development, and measures proposed to integrate and buffer uses.

Compatibility refers to the type of land use, dwelling (housing) type and size and height of the development. Buffering refers to measures that mitigate impacts on adjacent uses, such as adequate separation distances, retention of existing vegetation and the installation of suitable screening features such as new vegetation, berms and or fencing;

- (f) the adequacy of measures to minimize disruption of existing terrain, vegetation, watercourses and other physical features and to mitigate against the potential effects of disruption;
- (g) the hours of operation of non-residential uses, including business uses located in dwellings;
- h) the safety and efficiency of all transportation systems, including the effects of driveways to and traffic from abutting uses to streets and walkways including the adequacy of pedestrian facilities (sidewalks/walkways);
- (i) the general guide that street frontage for single detached development not be less than forty (40) feet and that the total number of single detached lots having street frontage less than the minimum requirement as prescribed by the land use by-law and/or the subdivision by-law (Regional Council-January 29, 2002, Effective-March 2, 2002) not exceed twenty-five percent of the total number of single detached units within the CDD;
- (j) that the size and type of commercial uses be designed to serve the shopping needs of residents within the local area, rather than the community or the region. Commercial uses to be considered are to be compatible with and sympathetic to the character of the surrounding residential community in terms of location, use, scale, design and traffic impacts. Uses to be considered may include, but not limited to, offices, financial institutions, convenience shops, drug stores, personal service outlets (dry cleaning depot, laundry mats, hair salons, tailors and so on), small food stores, gas bars, and restaurants (excluding drive-throughs). Uses not to be considered include, but are not limited to department stores, home improvement centres, drinking establishments, adult entertainment uses and large grocery stores;
- (m) any and all other matters applicable to the subdivision and servicing of the lands, the provision of parkland and the effects of the development on community services as set out in policy IP-1(c) and, for specific uses which are otherwise subject to development agreements, the specific considerations required by the text and policies of this Plan; and

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

Policy H-3C

For each phase of development in the CDD, detailed site plans shall be submitted.

In addition to the provisions of any agreement pursuant to Policy H-3B, detailed site plans shall provide the following information:

- (a) the design, exterior appearance, signage, elevations and landscaping of multi-unit buildings, institutional buildings and commercial buildings;
- (b) the dimensions of all yards and the physical nature of measures to integrate or buffer adjacent uses;
- (c) the details of layout, lighting and landscaping of parking areas for multi-unit residential development, institutional and commercial development;
- (d) the provision of useable amenity areas including indoor and outdoor recreational facilities for multi-unit residential developments;
- (e) a tentative subdivision plan showing all municipal services and proposed building locations;
- (f) grading plans or other information regarding the method of developing, protecting or restoring significant physical features of the site during construction;
- (g) a projected time frame for construction;
- (h) the location, size and number of vehicular access points to all developments;
- (i) landscaping and maintenance plans for multi-unit residential, commercial and institutional uses;
- (j) the details of street scape aesthetics (landscaping, street trees, etc.); and

- (k) any additional information required to be able to assess the proposal in terms of the concept plan and any approved development agreements.

Policy H-3D It shall be the intention of Council that all or part of an agreement made pursuant to policies H-3A, H-3B and H-3C may be discharged upon completion of the development or upon completion of particular phases of the development. Upon discharging part or all of any agreement, Council shall zone the lands to reflect the intent of the agreement or by creating a specific zone for the site.

Policy H-3E It shall be the intention of Council to consider the zoning of lands within the Plan area that meet the criteria for a CDD by amendment to the Land Use By-law.

(Reg.Council - Jan12/99, Effective - June26/99)

Dartmouth Land Use By-law

CDD - COMPREHENSIVE DEVELOPMENT DISTRICT

- 53A. (a) The following uses only shall be permitted in a CDD:
- (i) residential uses;
 - (ii) commercial, institutional and recreational uses.
 - (iii) All equipment, structures and buildings associated with extracting water from Morris Lake in association with an existing oil refinery operation. (RC - March 22, 2005 E - April 23, 2005)
- (b) No development permit shall be issued except in conformity with an agreement pursuant to Section 56(3) of the Planning Act.

(As amended by By-law C-698, June18/93)