
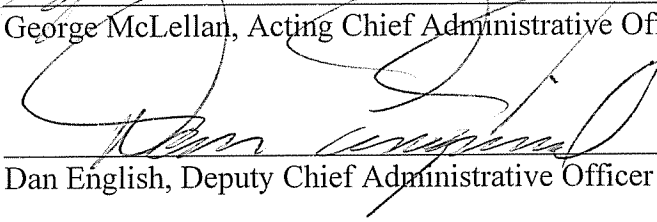

Halifax Regional Council
January 29, 2002

TO: Mayor Kelly and Members of Regional Council

SUBMITTED BY:


George McLellan, Acting Chief Administrative Officer


Dan English, Deputy Chief Administrative Officer

DATE: January 22, 2002

SUBJECT: **Case 00243 - Woodland Avenue East Planning Process and Traffic Study
(Including the former YMCA, Lands of Canada Lands Company, Lands
of Can-Euro and MTT)**

SUPPLEMENTARY REPORT

ORIGIN

Harbour East Community Council - December 6, 2001, and Halifax Regional Council - December 18, 2001.

RECOMMENDATION

IT IS RECOMMENDED THAT Halifax Regional Council approve the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Dartmouth as presented in Attachments #1 and #2 of staff report dated November 29, 2001 but;

- exclude Part 3 of Attachment #1, entitled "Future Expansion of the Mic Mac Mall"; and
- replace Part 1 of Attachment #1 (proposed Policy H-3F) with Attachment #1 of this report so that a small scale neighbourhood commercial use can be considered by development agreement on Lancaster Drive.

BACKGROUND

On December 6, 2001, Harbour East Community Council discussed proposed amendments to the Municipal Planning Strategy and Land Use By-law for Dartmouth pursuant to the Woodland Avenue East Planning Process. Prior to passing a motion to forward the draft amendments on to Regional Council, Councillor Hetherington asked that Regional Council also be provided with a draft policy which would allow future consideration of a small scale neighbourhood commercial use, such as a corner store, by development agreement, on the lands of the Canada Lands Company situated at Lancaster Drive. It was the councillor's contention, that while existing residents may not want a small scale commercial use at this location, future residents may. (See Attachment #2: excerpt from Harbour East Community Council minutes, December 6, 2001)

On December 18, 2001, Regional Council moved Notice of Motion to consider the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Dartmouth and scheduled a public hearing for January 29, 2002. During discussion on the motion, Councillor Smith asked that consideration be given to providing a buffer area between existing single unit residential dwellings on Sea King Drive and future R-1 (single family residential) zone development on lands owned by ASC Residential Limited. The councillor, on behalf of the Sea King Drive residents, suggested the 5% land dedication for parkland purposes (required at subdivision) be used as buffer (see Attachment #3: excerpt from Regional Council (draft) minutes, December 18, 2001).

DISCUSSION

Buffering Existing Homes on Sea King Drive from Future R-1 Development

Staff are not in favour of requiring any buffering utilizing public land along the rear of the existing single unit dwellings along Sea King Drive. Further, staff does not recommend that Regional Council support this request.

Buffering differing forms of land use is not uncommon and is often desirable to separate or accentuate one land use from another. However, in most recent instances, the buffering occurs on privately owned parcels, by the creation of larger lot sizes, or requirements for the maintenance or establishment of vegetation, berms and fencing by site specific development agreement.

Publically owned parkland, may in some developments, be situated between differing forms of housing types or separate one land use from another, however, it is not situated in this location for this reason alone. Decisions surrounding the identification and acceptance of suitable municipal park and play areas involves a comprehensive evaluation based on selection criteria. Parks and Recreation Services need flexibility in defining parkland according to the needs of the community.

Buffering R-1 uses from other R-1 uses is not necessarily something staff would support nor recommend in most instances, except perhaps buffering a church or recreation use, for example, from single unit dwellings. It is entirely likely that the new development which will back onto the

rear lot areas of the existing Sea King Drive residences, will be essentially the same type and form as the Sea King residences themselves. This typically is not a situation where buffering using public lands would be desirable.

Since the initiation of the Woodland Avenue East Planning Process, Parcel 'A' (at Lancaster, Woodland and Sea King) has been sold. According to the terms and conditions of the sale between the Canada Lands Company and ASC Residential, the 12.4 acre parcel is to be developed in accordance with the provisions of the R-1 (single family residential) zone. At this time, Planning and Development Services has not received an application for subdivision from ASC Residential. As such, staff is not in a position to make specific comments regarding proposed development (i.e. proposed R-1 uses, number of lots, lot layout, etc.).

In addition to single unit dwellings, the R-1 zone permits certain institutional type uses, recreation uses, public parks and playgrounds. A minimum lot area of 5,000 square feet is required, and lot coverage restricted to 35% of the lot area. In addition, a minimum eight foot side yard and rear yard setback is required.

The existing homes on Sea King Drive were constructed in accordance with the R-1 Zone provisions; however, prior to November 2001, side and rear setback areas were determined by the Building By-law of the former City of Dartmouth and not the land use by-law. This recent amendment to the land use by-law will now ensure the maintenance of pre-established minimum setbacks.

Typically, R-1 lots created today in the serviced areas are approximately 100 feet in depth. This minimum lot depth allows for adequate separation between homes backing onto one another in the urban/suburban setting. Developers may choose to create lots which are deeper than 100 feet. In addition, developers/subsequent lot owners may choose to leave vegetation along rear areas of a property, or fence and landscape for added privacy, security and amenity. A developer may also choose to utilize restrictive covenants to protect existing vegetation.

Small-scale Neighbourhood Commercial at Lancaster Drive

Planning Services staff have always felt that the inclusion of a small scale neighbourhood commercial use would be advantageous to the Lancaster Ridge neighbourhood, by reducing vehicular trips, providing easy access to convenience items, and establishing an area of neighbourhood focus. However, as stated in the November 29, 2001 staff report, area residents have repeatedly registered their opposition to any form of commercial development. The Woodland Avenue East Steering Committee did not reach a consensus on this issue upon publishing its Final Recommendations Report.

With the development of the remaining 25 acres of the Canada Lands Company (Parcels 'B' and 'C'), there may be an opportunity to include a small retail store generally for the use of the immediate residents. A small commercial location in proximity to the entrance to the Lancaster

Ridge development would provide access to convenience goods and reduce the need for vehicular trips to Crystal Drive (Saveway), Woodland Avenue (Ultramar) or Mic Mac Mall for bread, milk and other convenience type items.

While existing residents may not desire a neighbourhood convenience store, future residents may. It is for this reason that a compromise be considered. Originally, the Canada Lands Company, in its preliminary conceptual plan for the lands, identified an area of approximately 1.5 to 2 acres capable of supporting a collection of local shops and services. On reflection, staff feels it appropriate to consider something smaller. The new neighbourhood to be developed on the Canada Lands parcels will accommodate upwards of 150 residences, consisting of a mix of housing types. In addition, the Pine Grove Estates development (immediately adjacent to Canada Lands) will contain a 48 unit seniors residence.

Staff at the request of the community council, have drafted policy criteria for Regional Council's consideration. Staff support the initiative of the community council and recommend Regional Council include appropriate policy provisions to allow future consideration of a small scale neighbourhood commercial use. It is therefore recommended that the proposed amendment (*Policy H-3F*), contained in Attachment #1 of staff report dated November 29, 2001, be replaced with the amendment presented in Attachment #1 of this report to allow future consideration of a small scale neighbourhood convenience use by development agreement and subject to specific siting and design criteria.

BUDGET IMPLICATIONS

None at this time. As previously stated in the November 29, 2001 staff report, future infrastructure improvements to improve traffic flow, particularly at the Micmac Boulevard and Highway 111 intersection, where some cost-sharing may occur, will impact on capital funds.

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

None recommended.

ATTACHMENTS

- Attachment #1 Proposed Amendments to the Municipal Planning Strategy for Dartmouth
(proposed Policy H-3F)
- Attachment #2 Excerpt from Harbour East Community Council Minutes - December 6, 2001
- Attachment #3 Excerpt from Regional Council (Draft) Minutes - December 18, 2001

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report prepared by: Susan Corser, Planner II (490-4468)

Report approved by: 
Paul Dunphy, Director, Planning & Development Services

Attachment #1

HALIFAX REGIONAL MUNICIPALITY

A By-law to Amend the Municipality Planning Strategy for Dartmouth

The Municipality Planning Strategy for Dartmouth is hereby amended by:

1. Adding to the chapter entitled, 'Residential', immediately after Policy H-3E, the following:

"Policy H-3F: Canada Lands Parcels "B" and "C" - Woodland Avenue East

Notwithstanding the provisions of Policies H-3, H-3(AA), H-3A, H-3B, H-3C, H-3D, and H-3E, the following provisions shall apply to the property zoned as Comprehensive Development District (CDD) and known as the Canada Lands Parcels "B" and "C" - Woodland Avenue East site (Schedule V). For clarity of interpretation, unless noted below, all other provisions of these policies shall apply to the Canada Lands - Woodland Avenue East site.

- (a) **the overall density of development shall not exceed 6 units per acre;**
- (b) **the general mix of housing units shall, on the completion of development, contain a minimum of 50 percent lots which are sized as standard R-1 (Single Family Residential), R-1M (Single Family Modified Residential), and R-2 (Two Family Residential) lots according to the provisions of the land use bylaw. R-1M lots shall not comprise more than 15 percent of the total housing mix and up to 50 percent of lots or dwelling units (if not freehold lots) may contain town house units, according to the provisions of the land use bylaw;**
- (c) **the minimum lot size for a R-1M lot, as referred to in clause (b) above, shall be 40 feet of frontage and 4000 square feet of lot area;**
- (d) **the townhouse units, as referred to in clause (b) above, shall generally be located on the portion of the development parcel adjacent to Woodland Avenue; and**

- (e) **there shall be no land use permitted in this comprehensive development district other than the residential uses noted above and uses accessory thereto, open space and recreational uses, and a small-scale neighbourhood convenience store; and**
- (f) **where a small-scale neighbourhood convenience store is to be considered, the following additional site specific criteria shall be satisfied:**
- (i) **location (including any/all access and egress) shall be Lancaster Drive;**
 - (ii) **maximum floor area shall be 2,000 ft² (exclusive of any residential component);**
 - (iii) **exterior appearance (bulk, scale, and exterior finish) including window, roof and facade treatments, shall resemble that of surrounding development;**
 - (iv) **no portable/moveable signs shall be permitted;**
 - (v) **no food preparation for take-out purposes shall be permitted;**
 - (vi) **hours of operation, parking, lighting, buffering/screening, signage, landscaping, and the provisions of Policy IP-1(c) shall be satisfactorily addressed."**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Regional Council of Halifax Regional Municipality held on the ___ day of _____, A.D. 2002.

GIVEN under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D., 2002.

Vi Carmichael
Municipal Clerk

Attachment #2

(Excerpt from Harbour East Community Council Minutes of December 6, 2001)

10.5 Case 00243 - Woodland Avenue East Planning Process and Traffic Study (including the former YMCA, Lands of Canada Lands Company, Lands of Can-Euro and MTT)

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated November 29, 2001, on the above noted, was before Community Council.

Ms. Susan Corser, with the aid of overheads, presented the report, advising in October Community Council had requested staff come back with amendments necessary to implement the proposed changes for consideration. The proposed amendment before Council would implement the recommendations of the Woodland Avenue East Steering Committee. She noted all parcels have traffic issues, concerns for the protection of the environment, the enhancement of public open space and park areas as well as issues of compatibility with existing uses. She noted that development would proceed on the basis of a development agreement which would provide opportunities for property owners and areas residents to become involved in the consideration of new development for each parcel.

MOVED by Councillor Hetherington, seconded by Councillor Warshick, that the Harbour East Community Council recommend:

- Halifax Regional Council move Notice of Motion to consider the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Dartmouth and schedule a public hearing; and,**
- Halifax Regional Council approve the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Dartmouth as presented as Attachments #1 and #2 of the staff report dated November 29, 2001.**

Without a vote being taken on the motion, the following motion was placed.

MOVED by Councillor Hetherington, seconded by Councillor Warshick that Harbour East Community Council is request that the portion of the report pertaining to the MicMac Mall property not be included in any recommendation and a supplementary report be requested to be brought back to the Community Council in February, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

Motion as amended:

MOVED by Councillor Hetherington, seconded by Councillor Warshick, that the Harbour East Community Council recommend:

- (a) **Halifax Regional Council move Notice of Motion to consider the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Dartmouth and schedule a public hearing; and,**
- (b) **Halifax Regional Council approve the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Dartmouth as presented as Attachments #1 and #2 of the staff report dated November 29, 2001.**
- (c) **That the portion of the report pertaining to the MicMac Mall property not be included in any recommendation and a supplementary report be requested to be brought back to the Community Council in February, 2002.**

Councillor Warshick questioned whether it would be possible to have a more detailed map showing where the beach would be located on the YMCA property. The Councillor questioned whether the Province was providing additional overhead signage on Woodland Avenue in the area of the Mic Mac Mall property. In response, Ms. Corser advised a letter had been sent to the Minister of Transportation by representatives of the MicMac Mall and the next step would be to bring all parties back to the table and do an overall plan which would implement signage. She advised it is not just a matter of installing signs but rather the movement of traffic needs to be examined as well as how best to place the sign, how big it should and what it should say to clearly direct traffic.

In response to Councillor Warshick as to whether an environmental study will be needed for the MTT lands, Ms. Corser advised that if MTT developed a multiple unit residential dwelling the policy currently in the plan (IP-5) would kick in and staff would look at any environmental constraints and environmental issues. She noted that at the present time staff does not know if there is contamination and, if there is, to what extent it exists.

In response to Councillor Hetherington, Ms. Corser advised the CDD zoning being proposed is a new zone within the residential designation and it is her understanding that an application can be made to rezone from CDD to C-1.

Councillor Hetherington stated wording should be included to indicate that any rezonings for single commercial use such as a corner store be by development agreement. The Councillor stated that when this comes back there be a some form of provision that allows someone in the future to take one lot and develop a small commercial community use but only under a development agreement.

Ms. Corser advised she would prepare wording to bring forward when this is before Regional Council.

MOTION PUT AND PASSED UNANIMOUSLY.

Attachment #3

(Excerpt from Halifax Regional Council (Draft) Minutes of December 18, 2001)

10. REPORTS

10.1 HARBOUR EAST COMMUNITY COUNCIL

10.1.1 Case 00243 - Woodland Avenue East Planning Process and Traffic Study (including the former YMCA, Lands of Canada Lands Company, Lands of Can-Euro and MTT) (To set Public Hearing Date - Jan. 29/02)

- A report from the Harbour East Community Council, regarding the above, was before Council for its consideration.

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that Halifax Regional Council:

- 1. Move Notice of Motion to consider the proposed amendments to the Municipal Planning Strategy and Land Use By-Law for Dartmouth and schedule a public hearing for Tuesday, January 29, 2002.**
- 2. Approve the proposed amendments to the Municipal Planning Strategy and Land Use By-Law for Dartmouth as presented as Attachments #1 and #2 of the staff report dated November 29, 2001.**
- 3. Notwithstanding recommendation #2, that the portion of the report pertaining to MicMac Mall property not be included in any recommendation as a supplementary report has been requested to be brought back to the Community Council in February 2002.**

Councillor Smith requested that staff respond to a concern he has with respect to the buffer zone on Sea King Avenue before the public hearing. The Councillor agreed to contact staff regarding his concern.

MOTION PUT AND PASSED UNANIMOUSLY.